



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

*The City of Morro Bay provides essential public services and infrastructure to maintain a safe, clean and healthy place for residents and visitors to live, work and play.*

**Regular Meeting -Tuesday, September 3, 2019  
Veteran's Memorial Building – 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Vice-Chairperson Michael Lucas  
Commissioner Jesse Barron

Chairperson Gerald Luhr

Commissioner Joseph Ingrassia  
Commissioner Susan Stewart

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

## PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on City business matters not on the agenda may do so at this time. For those desiring to speak on items on the agenda, but unable to stay for the item, may also address the Commission at this time.

Public comment is an opportunity for members of the public to provide input to the governing body. To increase the effectiveness of the Public Comment Period, the Commission respectfully requests the following guidelines and expectations be followed:

- When recognized by the Chair, please come forward to the podium to speak. Though not required, it is helpful if you state your name, city of residence and whether you represent a business or group. Unless otherwise established by the Chair, comments are to be limited to three minutes.
- All remarks should be addressed to Commission, as a whole, and not to any individual member thereof.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Planning Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Planning Commission meetings is welcome and your courtesy will be appreciated.
- The Commission in turn agrees to abide by its best practices of civility and civil discourse according to Resolution No. 07-19.

## PRESENTATIONS

### A. CONSENT CALENDAR

#### **A-1** Current and Advanced Planning Processing List

**Staff Recommendation:** Receive and file.

B. PUBLIC HEARINGS

- B-1**      **Case No.:** CDP19-021/CUP19-06/PKG19-02  
**Site Location:** 1105 Las Tunas Street, Morro Bay, CA  
**Proposal:** Coastal Development Permit, Conditional Use Permit, and Parking Exception to allow construction of an accessory dwelling unit over an existing attached garage with a non-conforming interior width. The existing primary residence is also non-conforming with regards to the front setback. The project is located in within the R-1 zoning district and outside of the Coastal Commission Appeals Jurisdiction.  
**CEQA Determination:** Categorically Exempt, Section 15303, Class 3(a).  
**Staff Recommendation:** Conditionally Approve  
**Staff Contact:** Willow Urquidi, Assistant Planner, (805) 772-6270
- B-2**      **Case No.:** TRE19-068  
**Site Location:** 445 Main, 455 Main, Morro Bay, CA  
**Proposal:** Appeal of proposed tree removal located in public right of way at Morro Cove, adjacent to 445 and 455 Main Street. The Morro Cove Homeowners Association (HOA) applied for tree removal on 5/13/2019. City Public Works Department posted a Notice of Tree Removal on 6/20/19 based on an Arborist report dated 1/7/2019. Appellant filed appeal on 6/29/19 requesting tree to be retained. The project is located in within the R-2 zoning district and outside of the Coastal Commission Appeals Jurisdiction.  
**Staff Recommendation:** Deny Appeal  
**Staff Contact:** Damaris Hanson, Environmental Programs Manager, (805) 772-6265

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on September 17, 2019 at 6:00 p.m.

**PLANNING COMMISSION MEETING PROCEDURES**

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Community Development Department, 955 Shasta Avenue, for any revisions, or call the Department at 805-772-6264 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Community Development Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Community Development Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Community Development Department, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Community Development Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: [www.morrobayca.gov/planningcommission](http://www.morrobayca.gov/planningcommission) or you can subscribe to Notify Me for email notification when the Agenda is posted on the City's website. To subscribe, go to [www.morrobayca.gov/notifyme](http://www.morrobayca.gov/notifyme) and follow the instructions.

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

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

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

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

## **APPEALS**

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Community Development Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located with the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is a \$277 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 for those projects that are in their appeals jurisdiction. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed. The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (805) 772-6264. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



City of Morro Bay  
Community Development Department  
Current & Advanced Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning & Building Divisions

New Planning items or items recently updated are highlighted in yellow.

Approved projects are deleted on next version of log.

Agenda No: A-1

Meeting Date September 3, 2019

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
<b>Hearing or Action Ready Projects:</b>										
1	Castro	1105 Las Tunas	6/14/19	CDP19-021	<b>New 474 sf ADU above existing attached garage, 150 storage room on ground level adjacent to garage</b>	Submittal under review. Correction letter sent 7/11/19. Resubmittal deemed complete. Scheduled for PC hearing September 3, 2019.				wu
2	Setting	2784 Indigo Circle	7/22/19	MIN19-011	<b>Minor modification to UP0-507 &amp; CP0-559. New SFR to be flipped in opposite direction.</b>	Deemed complete. Admin action date on or after 8/27/19				wu
3	Wood	361 Main	4/6/18	ADO-134 / UP0-526	<b>Conditional Use Permit and Parking Exception for Addition to existing residence; 2nd floor addition 386 sq. ft.; 2nd floor deck 329 sq. ft. with variance ADO-134</b>	Under Initial Review. Correction letter sent 5/1. Applicant notified 1-4-19 that Project requires a CUP and CDP, needs new application, fees and resubmittal for processing. Project resubmitted 4-29-19, under review. Deemed incomplete May 23, 2019. Resubmitted July 9, 2019, under review. Deemed complete July 26, 2019, scheduled for PC hearing September 17, 2019		PN- Conditionally Approved 5/7/2019		nh
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
4	Morro Bay Recovery	2460 Main Street	5/28/19	MUP19-04	<b>Change in use from hotel/motel to recovery center</b>	Submittal is under review. Deemed incomplete 6-25-19.		PN-Disapproved 6/21/2019		nh
5	Borges	1078 Monterey Street	8/15/19	CUP19-08/ CDP19-032	<b>New managers dwelling unit over community shower/laundry storage facility</b>	Submittal is under review. Deemed incomplete 8-29-19				nh
6	Rhine LP/Morro 94	3300 Panorama	8/20/19	MAJ 19-005	<b>After the fact permit application for removal of 3 sheds and possible siding treatment for transformer building.</b>	Submittal is under review. Deemed incomplete 8-29-19				nh
7	Le Bris	516 Shasta Ave	8/15/19	CDP19-031	<b>New ADU partially over existing garage, storage space below.</b>	Submittal is under review. Deemed complete 8-29-19				nh
8	Moss Lane Ventures, LLC	839 Morro Bay Blvd	5/6/19	CUP19-04/CDP 19-013	<b>Demo existing carwash, construct new 600 sf single sided drive up coffee shop.</b>	Application received 5-6-19 and is under review. Submittal deemed incomplete, letter sent 5-30-19. Resubmitted 6-13-19. Deemed incomplete 6-27-19		PN-Conditionally Approved 5/16/2019		nh
9	Ryan	1170 Marengo	2/26/2019 (LLA) and 5/13/19 (LTM)	LLA19-001/ LTM19-01	<b>Lot line adjustment to reconfigure 3 5000 sf residential lots into 2 larger residential lots.</b>	Submittal is under review. Project deemed incomplete 3-21-19. Requires resubmittal. April 18 project deemed incomplete. Resubmittal requires an application for a Lot Merger to be process together with the LLA. Lot Merger application received May 13, 2019 - both to be processed together. Resubmitted 6-7-19, under review. Final maps and certificates submitted for City Engineer review and approval 7-2-19. Revisions required, waiting for final documents for signature.				nh

#	Applicant/ Property	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
	02019-08-29									
10	Guesno	210 Atascadero Road	7/30/19	MAJ19-03	<b>Amend existing CUP/CDP to change from vintage auto display to batting cages, adding arcade gaming area near café and merchandise areas</b>	Submittal is under review. Planning disapproved 8/23/19.				nh
11	Eisemann	535 Atascadero Road	3/7/19	PAR19-01	<b>Final Parcel map</b>	Submittal is under review. Planning disapproved 3/14/19. Resubmittal disapproved on May 14, 2019. Resubmittal received , review comments provided 6-5-19				nh
12	Cleary	1282 and 1290 Embarcadero Road	5/23/19	CDP19-016	<b>CDP for removal of major vegetation.</b>	Submittal is under review. Correction letter sent 6/10. Awaiting resubmittal.				wu
13	Najarian	1339 Berwick	11/30/18	CDP 18-014	<b>Admin CDP for new construction of SFR and ADU with attached garage</b>	Application deemed incomplete, comments sent to applicant on 12/27/18.				nh
14	Henry	411 Trinidad	7/5/18	CP0-584	<b>CDP for construction of a new single-family residence on a vacant lot</b>	Under Initial Review. Correction letter sent 7/16/18. Additional review and correspondence with owners on March 7, 2019. Waiting for resubmittal		PN- conditionally Approved 7/19/2018		nh
15	Fields	731 Butte	6/14/18	CP0-582/UP0-534	<b>CDP and CUP for Multi-Family residences. A 1,500 sq. ft. manufactured residence, a 448 sq. ft. studio unit above a 441 sq. ft. garage with an attached 220 sq. ft. carport</b>	Under Initial Review. Correction letter sent 7/11/18. Resubmitted 10/22/18. Correction Letter sent 11/14				nh
16	Held	205-215 Harbor St	5/4/18	CP0-578/ UP0-527	<b>Coastal Development Permit &amp; Conditional Use Permit for New construction of new 30 unit hotel, Merge existing 6 lots</b>	Under initial review. Incomplete letter sent 6/4/18. Resubmittal received 7/3/18. Additional comments sent to Applicant's Agent 8/3/18, and 8/22/18. Proposals received for environmental review. Reimbursement agreement sent to applicant for environmental review on 10/15/18. Resubmittal received 5-10-19 - comments returned 5-28-19		PN- Conditionally Approved 7/17/2018		cj
17	T-Mobile	1478 Quintana	2/26/18	A00-056	<b>Modification to UP0-052/CP0-073 for upgrade to existing wireless site</b>	Under initial review. Correction Letter sent 3/30. Unauthorized work completed by owner. Spoke with the agent 11/5 about process moving forward. Spoke with agent again 2/7. Resubmittal 2/26. Correction letter sent 3/13. Awaiting resubmittal.		JW approved		wu
18	Owen	545 Fresno	6/25/19	CDP19-023	<b>Demo/reconstruct</b>	Deemed incomplete 6/25/19. Resubmittal under review.				wu
19	Sinclair	484 Piney	7/8/19	CDP19-025	<b>New single story SFR - 1656 sf living, 739 sf attached garage and 98 sf covered porch</b>	Deemed incomplete 7/17/19. Awaiting resubmittal.				wu
20	Zive	1309 Berwick	7/3/19	CDP19-024	<b>New SFR - 2871 sf living, 628 sf attached garage, and 189 sf deck.</b>	Deemed incomplete 7/17/19. Awaiting resubmittal.				wu
21	Ferrin	2770 Elm Ave	7/12/19	MIN19-010	<b>Convert existing carport to tandem garage 264 sf, new roof deck 265 sf, new stairs 45 sf.</b>	Deemed complete. Noticing to begin when Staff time allows.				wu
22	Boyko	2670 Laurel Ave	7/26/19	CDP19-027	<b>New SFR - 2135 sf living, 505 sf garage, 160 sf lower balcony and 160 sf upper balcony</b>	Submittal under review. Incomplete letter sent 8/19/19. Awaiting resubmittal.				wu

#	Applicant/ Property	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
	02019-08-29									
23	Friesen	196 Panay St	7/23/19	LTM19-03	<b>Addition to existing SFR requiring abandonment of existing easement.</b>	Requires Conditional Use Permit. CUP submittal received 8/21/19 under review.				wu
24	Friesen	196 Panay St	8/21/19	CDP19-033/ CUP19-09	<b>Addition to existing SFR requiring abandonment of existing easement.</b>	Submittal under review.				wu
24	Nolan	2991 Juniper	8/2/19	CDP19-029	<b>Convert existing downstairs space into an accessory dwelling unit.</b>	Submittal under review.				wu
27	Angelucci	953 Pacific	8/20/19	CUP19-10	<b>459 sf 2nd story addition, new 246 sf detached garage with auto lift, 167 sf 2nd</b>	Submittal under review.				wu
25	Erb	2630 Nutmeg Ave	7/30/19	VAR19-002	<b>Add posts to complete deck repair</b>	Submittal under review.				wu
26	Morgan	101 Fig St.	4/12/17	UP0-476	<b>Conceptual Review of New SFR with accessory unit. Existing historical structure on lower level.</b>	PC Conceptual Review 5/16/17. Applicant evaluating whether to pursue project. Project Inactive as of 10/2018		PN-Conditionally approved 5/11/17		nh
<b>Projects Appealed to Planning Commission or PC Continued projects:</b>										
27	State Parks - Mike Walgren	11 State Park Road	8/20/18	CDP 18-004, CUP18-04	<b>Coastal Development Permit &amp; Conditional Use Permit to install modular building for office space, parking and landscape improvements at Morro Bay State Park</b>	Submitted on 8-20-18. Deemed incomplete 9.10.18. Applicant to resubmit plans. Plans resubmitted with additional information on 10-26-18. Project deemed complete. Scheduled for PC on December 18, 2018. Continued to date uncertain by PC on 12/18/18. Applicant to provide additional information.		PN- Approved 9/4/2018		nh
28	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	<b>Environmental documents for Nutmeg Tanks.</b> Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012. SWCA submitted draft I.S. to City on May 1, 2012. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND received by SWCA on 10/7/12. MND out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process. Neighborhood meeting conducted with Engineering on 9/27/2013. Revising project description and MND.	No review performed.	BCR- Needs new MND for concrete tank, less truck trips. Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16		cj
<b>Projects Appealed or Forwarded to City Council:</b>										
29	City of Morro Bay	LCP Text Amendment	6/4/19	MIN19-006	Clarification of density transfer allowed from CRR zoned land within the Cloisters Subdivision.	Public noticed on June 19, 2019. Planning Commission forwarded their recommendation for approval to City Council on July 16, 2019. City Council hearing August 13, 2019.				nh

#	Applicant/ Property	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
	2019-08-29									
30	City of Morro Bay	Citywide	6/19/13	A00-015	<b>Sign Ordinance Update.</b> Text Amendment Modifying Section 17.68 "Signs"	Text Amendment Modifying Section 17.68 "Signs". Planning Commission reviewed 5/17/2010. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. PC reviewed 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11 .City Council 12/13/11. Continued to 1/10/12 CC meeting. PC reviewed 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13 & 7/3/13. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. Business workshops held fall/winter 13/14. Result of sign workshops discussed at 11-3-15 PC mtg. Revised Public Draft of Sign Ordinance posted to City website on July 6, 2017	No review performed.	N/R		sg
<b>Environmental Review</b>										
31	Patel	233 Atascadero	6/13/18	CP0-581/UP0-533	<b>CDP and CUP for New 83 room hotel on vacant 2 acre lot</b>	Under Initial Review. Incomplete letter sent 7/13/18. Resubmitted 9/11/18. Comment letter sent 10/19/18. Environmental review required. Cj. Met with Applicant's Agents 11-8-18 to review flood plain and height requirements. Project currently overheight and does not meet parking requirements. Story poles erected on 1/3/19 and scheduled for Conceptual Review by PC to evaluate height, parking, and findings of significant public benefit as allowed under the Planned Development (PD) overlay zone. PC comments provided to Applicant after 1-15-19 meeting. Applicant considering project revisions. Environmental review in progress.				cj
32	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj
<b>Final Map Under Review Projects - No pending applications currently.</b>										
<b>Projects requiring coordination with another jurisdiction:</b>										
33	City of Morro Bay	Outfall			<b>Original jurisdiction CDP for the outfall and for the associated wells</b>	Coastal staff is working with staff. Coastal letter received 4/29/2013. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond		

#	Applicant/ Property	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
	2019-08-29									
34	City of Morro Bay Desal Plant	170 Atascadero			<b>Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.</b>	Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and finalized. Phase 2 on hold as of 7/22/14.		
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:</b>										
35	City of Morro Bay	Citywide			<b>Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project</b>	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. General Plan Advisory Committee meetings ongoing. For more information or to get involved, visit <a href="http://www.morrobayca.gov/planmb">www.morrobayca.gov/planmb</a> . Project to be complete with documents ready for adoption and certification by end of 2019. Public draft of combined General Plan/ LCP released May 2018 for review. Working with Coastal staff on CCC input.				
36	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	<b>Zoning Text Amendment - Second Unit</b>	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved Into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. <b>New language for PC and Council review. Second reading going to council on April 12, 2016. PC reviewed change 5-3-16. CC second First Reading 6-28-16.. Application submitted to Coastal Commission August 2016. Coastal objected to ban on use as vacation rentals. New State legislation will force additional changes.</b>	No review performed.			
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										

wm

#	Applicant/ Property	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
	2019-08-29									
37	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	<b>Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.</b>	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG. Applicant looking to move location to pole across the street. resubmittal rcv'd 5/26. Deemed Complete, waiting for Applicant to confirm PC meeting date. PC hearing held on 9/6/16 and continued for further review to 11-1-16 PC hearing. Continuance requested. Continued to a date uncertain		PN- Conditionally approved 6/14/16		jg
<b>Grants</b>										
38	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		<b>\$400,000 Grant for LCP update to address sea-level rise and climate change impacts. Round 3 Grant award of \$200,000 for Lateral Access Plan, and ESHA delineation.</b>	Grant agreements for both the grants are in place and grant administration has been turned over to Michael Baker International, per terms of the GP/LCP update contract. Received signed grant agreement for \$200,000 LCP Planning grant by CCC for Round 3 awards 2-27-17.	No review performed.	N/A		sg
39	City of Morro Bay	City-wide			<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	Staff has ongoing responsibilities for contract management in coordination with County staff administraiton. Final 2016 funding recommendations reviewed by Council on 3-8-16. 2016 Subrecipient Agreement executed and Council approved 2018-2020 Cooperation Agreement with County on 6-13-17.	No review performed.	N/R		cj
40	City of Morro Bay	City-wide			<b>Climate Action Plan - Implementation</b>	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				cj
<b>Projects in Building Plan Check:</b>										
1	AJ Wright and Phil Davis	2996 Alder	9/28/18	B18-0033	New 3 story 3-unit apartment building, 2 story housing over ground level garage	Submitted 9-28-18. Not approved, comments sent on 10-11-18. Resubmitted March 6, 2019, under review. Planning disapproved submittal 3/19/19. Planning approved on 5/23/10. Requires minor mod to planning approval for design change at garage level.	Bldg - Disapproved on 6/4/19	PN-Disapproved 5/16/2019		nh
2	LaPlante	3093 Beachcomber	4/24/17	B-31487	New SFR: 3,495sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Approved 8-9-18. cj. Requested permit extension.	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.	cj
3	Zive	1309 Berwick Dr.	7/3/19	B19-0139	New SFR, 2871 sf living, 628 sf attached garage, & 189 sf deck	Project on hold until planning permit obtained.	Bldg - Disapproved 7/29/19			wu
4	Jones	1362 Berwick Dr.	8/5/19	B19-0169	Interior remodel, remove existing roo over existing garage and replace with 352 sf deck.	Submittal under review.	Bldg - Plancheck			wu
5	Geil	1359 Bolton	8/20/19	B19-0183	Minor interior improvements, 148 sf bathroom addition and 17 sf addition to permeable wood deck.	Submittal under review.	Bldg - Plancheck			wu
6	Reisner	1300 Clarabelle	6/10/19	B19-0122	New SFR	Conditionally approved 7/1/19	Bldg - Approved 8/12/19			wu
7	Kurz	2720 Elm Ave.	7/18/19	B19-0154	New Accessory Dwelling Unit (ADU), 370 sf detached ADU with upper floor loft.	Approved 7/30/19	Bldg - Disapproved 8/12/19			wu

#	Applicant/ Property	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
	02019-08-29										
8	Branch	885	Embarcadero	3/12/19	B19-0043	Addendum #1 to B18-0043 - Minor framing alterations (interior), confirm slopes per ADA requirements, and install siding at west elevation (previously stone).	Plng approved 3-19-19 - cj.	Bldg - Approved 8/12/19			cj
9	Van Beurden	945	Embarcadero	8/1/19	B19-0163	Remodel existing area of restaurant into dining space, add outside public seating (at west side of site), add 71 sf trash enclosure to building footprint, modify wharf area to create accessible Harborwalk, repair pilings and gunny sack batter wall.		Bldg - Plancheck			
10	Krull	2575	Greenwood	4/25/19	B19-0076	Remove existing non-conforming 261 sf shed, convert existing attached two-car garage into an accessory dwelling unit (ADU).	Planning approved 5/2/19.	Bldg - Approved 8/6/19	PN-Disapproved 5/16/2019		wu
11	Paige	2780-A	Greenwood	8/16/19	B19-0181	Garage to living alteration - ADU		Bldg - Disapproved 8/26/19			nh
12	Setting	2784	Indigo Circle	8/14/19	B19-0178	New single story SFR - 2,110 sf living, 663 sf attached garage, and 275 sf patio.		Bldg - Approved 8/26/19			wu
13	Patel	2790	Indigo Circle	7/31/19	B19-0164	New SFR in the Cloisters - 2424 sf living, 420 sf garage, and 82 sf entry.	Submittal under review.	Bldg - Disapproved 8/23/19			wu
14	Psenner	150	Kern Ave.	8/6/19	B19-0170	Residential upgrades & remodel of kitchen & master shower.	Submittal under review.	Bldg - Approved 8/12/19			wu
15	Lindgren	1308	Clarabelle	8/15/19	B19-0177	133 sq ft. 2nd story deck addition to existing deck.		Bldg - Disapproved 8/26/19			
16	Linker	594	Kings Ave.	4/16/19	B19-0068	New two story SFR - 2996 sf living, 491 sf attached garage, 304 sf deck at front and 85 sf deck at rear.	Planning approved	Bldg - Ready to issue			nh
17	Hilton -Limited Partnership	430-A	LaJolla	1/24/19	B19-0013	Enclose interior stairs to create ADU. Add closet on upper level, new french doors, new exterior door and new kitchen on lower level.	Planning approval 2/4/19.	BLDG- Approved 7/10/19			wu
18	Richardson	441	LaJolla	3/8/19	B19-0040	Kitchen, bathroom and laundry room remodel in existing dwelling.	Submittal under review. Approved 3/19/19	Bldg - Disapproved 3/15/19			nh
19	Borello	100	Main St.	6/19/19	B19-0128	SFR addition & remodel, remove single car garage & 363 sf of residence, new 2 car garage w/SFR above. Interior remodel.	Disapproved 7/1/19. Resubmittal under review.	Bldg - Disapproved 7/17/19			wu
20	Ellis	120	Main St.	5/14/19	B19-0097	SF Addition - add 126 sf master bath to the existing master bedroom, add 178 sf of new living room space, add 456 sf of covered patio space to the front and rear of SFR.	Disapproved 6/7/19. Awaiting resubmittal.	Bldg - Disapproved 5/24/19			wu
21	Peter	890	Main St.	2/13/19	B19-0026	ADA and parking lot improvements. ADA stall to be relocated closer to street and make van accessible.	Approved on 3/1/19 - sg	Bldg - Approved 2/27/19 Fire - Approved 2/26/19	Disapproved on 3/14/19		sg

#	Applicant/ Property	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
	2019-08-29										
22	Dillon	1387	Main St.	4/25/19	B19-0079	Interior repairs to the Seabird room, in the Pacific Wildlife Care Clinic Building. Remove & replace plywood subfloor, spray foam insulation under floor, waterproof coating over new floors, replace floor drains, electrical, replace radiant wall heaters.		Bldg - Approved 6/7/19	PN- Approved 5/24/2019		sg
23	Sonic	1840	Main	10/17/17	B-31730	Sonic Drive-in Restaurant, 1395 sf building, 1020 sf covered patio, 2646 sf covered parking	Corrections sent 12-8-17. Resubmitted 3-2-18. Application incomplete and corrections sent 4-5-18. Resubmittal received and unaddressed corrections sent back 7-19-18. Project required to underground utilities. Utility plan and coordination with public utilities in process. cj. Requested permit extension. Awaiting resubmittal. Requested Permit Extension.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	cj
24	Ryan	1170	Marengo Dr	5/14/19	B19-0096	Deck Demolition Approx. 275 sq ft	Planning approved 5/17/19	Ready to issue			nh
25	Leage	918-A	Mesa St	6/14/19	B19-0124	Convert existing 398 sf non-conforming garage to ADU & add 139 sf addition increasing ADU size to 537 sf	Disapproved 7/30/19 pending Fire review.	Bldg - Disapproved 7/1/19			wu
26	Elster	530	Morro Ave	7/9/19	B19-0142	New SFR (three levels), 2613 sf living, 734 sf attached garage, 639 sf basement & bath, 846 sf of open decks, and 318 sf covered decking. The lower level will be recessed into the existing grade to contain garage, parking areas, and basement storage spaces. See B19-0143 for attached ADU with garage.	Disapproved 7/22/19	Bldg - Disapproved 8/5/19			wu
27	Elster	530-A	Morro Ave	7/9/19	B19-0143	New 636 sf attached Accessory Dwelling Unit (ADU) with 258 sf garage. See B19-0142 for SFR permit.	Disapproved 7/22/19	Bldg - Disapproved 8/5/19			wu
28	Krupa	845	Morro Ave	7/23/19	B19-0157	Barrier removal, remodel & 147 sf office addition. New accessible parking, remove steps & improve path of travel. Barrier removal & remodel guest room bath, remodel lobby & office addition.		Bldg - Plancheck			
29	Fletcher	435	Napa Ave	6/27/19	B19-0137	Accessibilty remodel, 740 sq ft addition to existing residence; addition of 460 sq ft	Approved 7/25/19	Bldg - Approved 8/26/19			wu
30	Jerkovich	2584	Nutmeg Ave	4/25/19	B19-0077	Installation of stairs and concrete planters at front of lot. (Partially in ROW, will require an encroachment permit).	Disapproved 5/9/19. Disapproved 7/22/19.	Bldg - Approved 7/2/19	PN- Disapproved 6/14/2019		wu
31	Loe	2605	Nutmeg Ave	7/19/19	B19-0155	Build stairs from 1st floor deck to grade; install pavers @ rear parking area	Disapproved 7/30/19. Resubmittal under review.	Bldg - Approved 8/21/19			wu
32	Erb	2630	Nutmeg Ave	2/14/19	B19-0029	Demo 195 sf third story deck at front of home and rebuild with 80 sf extension to allow for deck beam and column support. Remove 152 sf deck on south side of home, misc. construction to repair water damage.	Dissapproved 3/6/19. Disapproved 4/9. Variance application under review.	Bldg - Approved 3/27/19			wu

#	Applicant/ Property	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
	02019-08-29										
33	Alexander	493-A	Oahu St	8/2/19	B19-0167	Convert existing 561 sf, of living space info into adv.	Submittal under review.	Bldg - Approved 8/12/19			wu
34	Freisen	196	Panay St.	3/15/19	B19-0045	Additional 1000 sf to SFR	Disapproved 4/3/19. Requires CUP and Lot Merger. Awaiting resubmittal.	Bldg - Disapproved 4/10/19			wu
35	Tillberg	330	Piney Way	7/29/19	B19-0159	Replace approx 35' of failing retaining wall (accross front of lot) with new 4' high (at grade) retaining wall.	Approved 7/30/19	Bldg - Approved 7/30/19			wu
36	Daley	365	Quintana Rd.	8/21/19	B19-0184	Addendum to B19-0144 (T.I.) Add accessible van parking space and sidewalk to front door		Bldg - Approved 8/21/19			wu
37	ABS-CA-O, LLC	730	Quintana Rd.	10/22/18	B18-0055	Remove & replace parking lot light poles and light fixtures on existing concrete bases. This permit includes 6 parcels in the Cypress Plaza, (600-780 Quintana Rd).	Approved 10/30/18	Ready to issue			jg
38	Giannini	750	Radcliff Ave	7/22/19	B19-0156	Remove three existing panel antennas, three radios and replace with three radio integrated antennas and associated cabling. Install equipment expansions to the top of existing cabinets (approx 1'-2') with associated electrical wiring.		Bldg - Disapproved 7/22/19			cj
39	Schmidt	300	Shasta Ave	8/13/19	B19-0175	Addendum #3 to B00-031-190 (hdl) - As-built drawings depicting the following: 1) Laundry room changed to mud room, laundry moved to garage. 2) Also added a 2nd story laundry.		Bldg - Approved 8/16/19			nh
40	Erlendson	299-A	Sienna St.	1/22/19	B19-0005	Convert Garage to 435 sq. Ft. ADU	Planning approval 2/4/19	Ready to issue	PN-Approved 5/1/2019		nh
41	Stanton	351	Trinidad	3/26/19	B19-0054	Repairs to existing 200 sf rooftop deck. Replace all dry-rot structural members, install new waterproof membrane,, new copper drip edge flashing, replace plaster, replace guardrail if needed.	Disapproved 4/11/19. Awaiting resubmittal.	Bldg - Approved 3/27/19			wu
42	Mounce	330	Vashon St	8/21/19	B19-0186	Addendum to B18-0018 - Reduce 2nd story deck from 190 sf to 102 sf., move living room slider to new wall and replace with window, remove elevator, shaft to remain.		Bldg - Approved 8/22/19			wu
43	Davis	1149	West Ave	7/8/19	B19-0145	Construct lower level 360 sf enclosed patio (12' x 30') at rear of existing SFR.	Disapproved, proposed enclosed patio extended into the 25 foot bluff setback.	Bldg - Approved 7/10/19			nh
<b>Planning Projects &amp; Permits with Final Action:</b>											

#	Applicant/ Property	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
	02019-08-29									
1	Sayers	994 Balboa	5/28/2019	CDP19-017	Demolition, additions, and construction of an ADU to an existing SFR	Incomplete letter sent 6/10/19. Resubmittal 6/25/19. Deemed complete, noticing began 7/3/19.				wu
2	Ranat	2598 Main	2/19/19	VAR 19-001	<b>Variance request to allow approval of an as-built bathroom partially within the site yard setback.</b>	Submittal is under review. Deemed incomplete 2/4/19. Applicant considering alternative to resolve issues. Resubmittal received April 25, 2019 and is under review. Additional information was requested, waiting for response. Planning deemed incomplete 5-30-19, waiting for resubmittal. Resubmitted and under review. Deemed complete 8/6/19, public notice permit from 8/15 to 8/26/19. Permit issued 8.29.19		PN-Conditionally Approved 5/16/2019		nh
3	Zion	175 Hatteras	6/13/19	CDP19-019	<b>Remodel existing residence, along with an addition to update family residence.</b>	Deemed complete. Noticing began 7/24. Admin action date is 8/6.				wu
4	Applegate	1050 Las Tunas	6/13/19	CDP19-020	<b>Constructing 500 sf detached garage on lot with non-conforming SFR</b>	Deemed complete. Noticing began 7/24. Admin action date is 8/6.				wu



AGENDA NO: B-1

MEETING DATE: September 03, 2019

# Staff Report

**TO:** Planning Commissioners      **DATE:** August 26, 2019

**FROM:** Willow Urquidi, Assistant Planner

**SUBJECT:** Coastal Development Permit (CDP19-021), Conditional Use Permit (CUP19-06), and Parking Exception (PKG19-02) Request for Coastal Development Permit, Conditional Use Permit, and Parking Exception to allow construction of a 476 sq. ft. accessory dwelling unit over an existing attached garage with a non-conforming interior. The existing 952 sq. ft. primary residence is also non-conforming with regards to the front setback. The project is located in within the R-1 zoning district and outside of the Coastal Commission Appeal Jurisdiction.

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by approving Planning Commission **Resolution 21-19** (Exhibit A) which includes the Findings and Conditions of Approval for the project depicted on site development plans dated July 17, 2019

**APPLICANT:**

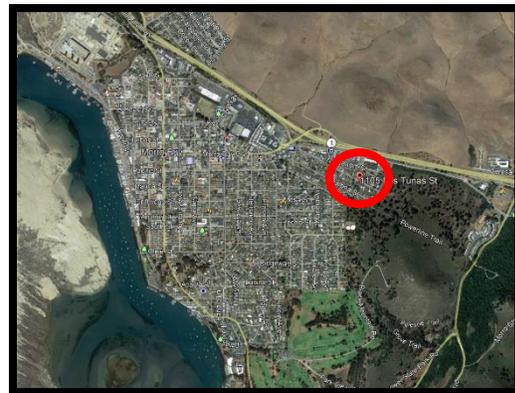
Judy Castro

**AGENT:**

Timothy Becher

**ADDRESS/APN:**

1105 Las Tunas Street; 066-094-027



**PROJECT DESCRIPTION:**

The Applicant is requesting approval to construct a 476 sf accessory dwelling unit (ADU) above a non-conforming garage that is attached to a non-conforming primary residence.

**PROJECT SETTING:**

The project is located within the Central Morro Bay Neighborhood, designated as Planning Area 7 in the Local Coastal Plan, it lies within the R-1 Single-Family Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction. This 4,950 sq. ft. corner lot is located to the north of Balboa Street, south of Marengo Street, east of Kings Avenue, and to the west of La Loma Avenue. The project cannot be seen from scenic Highway 1.



<b>Adjacent Zoning/Land Use</b>			
<b>North:</b>	R-1 Single-Family Residential	<b>South:</b>	R-1 Single-Family Residential
<b>East:</b>	R-1 Single-Family Residential	<b>West:</b>	R-1 Single-Family Residential

<b>Site Characteristics</b>	
<b>Site Area</b>	4,950 square feet
<b>Existing Use</b>	Single-Family Residential
<b>Terrain</b>	Virtually Flat and Undeveloped
<b>Vegetation/Wildlife</b>	Ornamental Landscaping
<b>Archaeological Resources</b>	N/A
<b>Access</b>	Las Tunas Street and Bella Vista Drive

General Plan, Zoning Ordinance, & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Moderate Density
Base Zone District	R-1
Zoning Overlay District	n/a
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Located outside of the Coastal Commission Appeal Jurisdiction

Zoning Ordinance Standards		
	Standards	Proposed
Front Setback	20 feet	<b>18'</b>
Exterior Side-Yard Setback	10 feet 20 feet for Garage Entrance	10' 5" 20' 6"
Interior Side-Yard Setback	5 feet	5'7"
Rear Setback	10 feet	18' 1 ¼"
Height	25 feet	22'
Lot Coverage	Max. 45%	38%
Parking	2 Car Garage 20'x20'	2 Car Garage <b>15' 8 ½" x 23' 5"</b>

**PROJECT DISCUSSION:**

County Assessor records indicate the existing single-family residence was constructed in 1959 with minor repairs to the structure since then. The Applicant proposes to construct an accessory dwelling unit above an existing non-conforming garage that is attached to the existing non-conforming primary residence and add 150 sf of second story decking around the proposed accessory dwelling unit exterior.

## **Setbacks**

The existing 952 sq. ft. primary residence sits 18' from the front property line on Las Tunas Street, 10' 5" from the exterior side yard setback facing Bella Vista Drive, 5' 7" from the interior side property line, and a little over 25' from the rear property line. The existing garage entry sits 20' 5" from the exterior side property line facing Bella Vista Drive. The proposed 476 sq. ft. accessory dwelling unit will project over the garage entry at 18' 4" from the exterior side yard property line facing Bella Vista. The proposed second story deck posts will remain outside of the required 10' setback. Pursuant to Morro Bay Municipal Code (MBMC) section 17.24.050, the only non-conforming setback on the lot is the existing front setback at 18', where 20' is the requirement.

## **Residential Design Guidelines**

### **1. Relationship to Homes in Immediate Neighborhood**

*The visual elements and aesthetic design of the home will remain unchanged. The new development is designed to blend harmoniously with the existing residence. The proposed second story will not negatively impact the view from the street, as it is limited to the back half of the lot, and there are two-story developments directly adjacent to the project.*

### **2. Scale and Mass**

*The proposed second story accessory dwelling unit is above the garage on the back 50% of the lot, and will not negatively impact the street view from either Las Tunas Street or Bella Vista Drive.*

### **3. Surface Articulation**

*The proposed addition uses similar colors, materials, and design elements to those on the existing primary residence.*

### **4. Building Orientation**

*The front entryway is visible from Las Tunas Street and no changes are proposed. The entry to the proposed second story accessory dwelling unit will be visible from Bella Vista Drive.*

### **5. Garage and Driveway Design**

*The living area/front entryway are the most pronounced portion of the front façade facing Las Tunas Drive, and the accessory dwelling unit will add visual interest above the existing garage entry.*

6. Building Materials

*The design of the proposed second story accessory dwelling unit addition is consistent with the colors and materials of the existing primary residence.*

7. Architectural Elements

*The doors, windows, and other architectural features will be consistent with the design of the existing primary residence.*

**Permit Requirements**

Title 17 of the MBMC establishes land use and zoning permit requirements. The project at 1105 Las Tunas proposes a second story accessory dwelling unit addition to an existing non-conforming primary residence above the attached non-conforming garage. This project requires Planning Commission approval of a Coastal Development Permit (MBMC Section 17.58.030) and a Conditional Use Permit (MBMC Section 17.56.160).

**Coastal Development and Conditional Use Permit**

The Zoning Ordinance, subsection 17.56.160A, requires approval of a coastal development permit for the construction of an accessory dwelling unit and conditional use permit approval for any nonconforming structure that proposes an addition over 25% of the existing square footage. The project proposes to add 476 square-feet of habitable floor area by constructing an accessory dwelling unit above the existing garage. The existing non-conforming single-story primary residence will remain unchanged. As noted above, the primary residence is non-conforming with regards to the front side-yard setback and parking situation. The proposed addition is compliant with all pertinent development standards. Permit approval requires the following findings to be made:

1. The enlargement, expansion, or alteration is in conformance with all applicable provisions of the Zoning Ordinance.

*The proposed detached accessory dwelling unit is consistent with Zoning Ordinance requirements as detailed above.*

2. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use.

*The applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.*

3. The project is suitable for conforming uses and will not impair the character of the zone in which it exists.

*The project proposes an accessory dwelling unit associated with a single-family dwelling, which is an allowed use in the R-1 Residential Zoning District.*

4. It is not feasible to make the structure conforming without major reconstruction of the existing structure.

*Major reconstruction would be necessary to meet the required front yard setback and to remedy the parking situation.*

### **Parking Exception**

Because of the changes to California State Law as it relates to Accessory Dwelling Units, a parking space is no longer required for accessory dwelling units that are located within ½ mile of a transit stop. All residences in Morro Bay are located within a half mile of a transit stop, therefore no additional parking is required.

The existing residence does not conform to the current parking requirement of two 10' by 20' covered and enclosed parking spaces for single-family dwellings (MBMC 17.44.020 C.1.c.). The parking exception is to allow the parking requirement to be met with the existing conditions of the existing 15' 8 ½" by 23' 5" garage and one spot in the driveway. The Applicant is not proposing any construction or changes to the existing garage or driveway.

1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the reduced parking or alternative to the parking design standards of this chapter will be adequate to accommodate on site all parking needs to be generated by the use.

*Single-family residences are required to provide two covered and enclosed parking spaces. The garage and driveway design have provided adequate parking for the primary residence since it was built, and no changes are proposed.*

2. The exception will not adversely affect the health, safety, or general welfare of person working or residing in the vicinity and that no traffic safety problems will result from the proposed modification of parking standards.

*The exception will not result in traffic safety problems at this location because there is adequate space to accommodate two parked cars entirely on the project site.*

3. The exception is reasonably necessary for the Applicant's full enjoyment of uses similar to those upon the adjoining real property.

*The Applicant's parking proposal is reasonable given similar parking arrangements in the project vicinity and given configuration of the existing buildings on site.*

**PUBLIC NOTICE:**

Notice of this item was posted at the site and published in the San Luis Obispo Tribune newspaper on August 23, 2019, and all property owners and occupants of record within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**ENVIRONMENTAL DETERMINATION:**

Environmental review was performed for this project and staff determined it meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15303 Class 3(a). The exemption applies to the construction of a second dwelling unit in a residential zone. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

**CONCLUSION:**

The project is consistent with the General Plan and Local Coastal Plan which establish five residential land use categories to provide for a wide range of densities and to ensure residential land is developed to a density suitable to its location and physical characteristics. The project is consistent with the Zoning Ordinance because accessory dwelling units are an allowed use in the Moderate Density land use designation and because the project meets the development standards set forth in the Ordinance.

**RECOMMENDATION:**

Staff recommends the Planning Commission approve the requested Coastal Development Permit (CDP19-021), Conditional Use Permit (CUP19-05), and Parking Exception (PKG19-02) for the proposed project at 1105 Las Tunas Street, as shown on plans dated August 23, 2019 by adopting Planning Commission **Resolution 21-19** which includes the Findings and Conditions of Approval for the project.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 21-19

Exhibit B – Plan Reductions

Exhibit C – Photosimulation

RESOLUTION NO. PC 21-19

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION  
APPROVING COASTAL DEVELOPMENT PERMIT (CDP19-021) AND  
CONDITIONAL USE PERMIT (CUP19-06) AND PARKING EXCEPTION  
(PKG19-02) FOR CONSTRUCTION OF AN ACCESSORY DWELLING UNIT  
ABOVE A NON-CONFORMING GARAGE ATTACHED TO A NON-  
CONFORMING RESIDENCE OUTSIDE THE  
COASTAL COMMISSION APPEAL JURISDICTION

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on September 3, 2019, for the purpose of considering Coastal Development Permit (CDP19-021), Conditional Use Permit (CUP19-06), and Parking Exception (PKG19-02) for construction of a second story accessory dwelling unit above an existing attached garage in the R-1 zone. The project is outside the Coastal Commission appeal jurisdiction; and

**WHEREAS**, notice of the public hearing was provided at the time and in the manner required by law; and

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

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

**Section 1: Findings.** Based upon all the evidence, the Commission makes the following findings:

California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15303, Class 3(a) for construction of a second dwelling unit in a residential area. Additionally, none of the Categorical Exemption Exceptions, noted under Section 15300.2, apply to the project.

Conditional Use Permit and Coastal Development Findings

1. The project is consistent with the General Plan and Local Coastal Plan which establish five residential land use categories to provide for a wide range of densities and to ensure that residential land is developed to a density suitable to its location and physical characteristics.

2. The proposed additions and accessory dwelling unit are in conformance with all applicable provisions of the Morro Bay City Zoning Ordinance (the "Zoning Ordinance"), including building height, setbacks, and lot coverage.
3. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use since the applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.
4. The project is suitable for conforming uses and will not impair the character of the zone in which it exists because it proposes an accessory dwelling unit, which is an allowed use in the R-1 zone.
5. It is not feasible to make the existing primary residence and garage conforming without major reconstruction/demolition to meet the required setbacks or widen the garage.
6. The Planning Commission finds the project, as conditioned, is consistent with the character of the neighborhood in which it is located. It is surrounded by compatible uses of moderate density residential development; has size and scale similar to nearby structures.

#### Parking Exception Findings

1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the reduced parking or alternative to the parking design standards of this chapter will be adequate to accommodate on site all parking needs to be generated by the use.
2. The exception will not adversely affect the health, safety, or general welfare of person working or residing in the vicinity and that no traffic safety problems will result from the proposed modification of parking standards.
3. The exception is reasonably necessary for the Applicant's full enjoyment of uses similar to those upon the adjoining real property.

**Section 2. Action.** The Planning Commission does hereby approve Coastal Development Permit (CUP19-021), Conditional Use Permit (CUP19-06), and Parking Exception (PKG19-02) for the property located at 1105 Las Tunas Street subject to the following conditions:

#### STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated August 26, 2019, for the project at 1105 Las Tunas Street depicted on plans dated August 23, 2019, as part of Coastal Development Permit (CDP19-021), Conditional Use Permit (CUP19-06), and Parking Exception (PKG19-02) on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Site development and all installed structures and improvements shall be located and designed substantially as shown on plans, unless otherwise specified herein.

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Manager (the "Manager"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void.

Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

## **PLANNING CONDITIONS**

1. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
2. Construction Hours: Pursuant to MBMC subsection 9.28.030.I, Construction or Repairing of Buildings, the erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Community Development Department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
3. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
4. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
5. Architecture: Building color and materials shall be as shown on plans approved by the Planning Commission and specifically called out on the plans submitted for a Building Permit to the satisfaction of the Community Development Director.
6. Boundaries and Setbacks: The property owner is responsible for verification of lot boundaries. A licensed land surveyor shall verify lot boundaries and building setbacks to the satisfaction of the Community Development

Director. A copy of the surveyor's *Form Certification* based on a boundary survey shall be submitted with the request for foundation inspection.

7. Building Height Verification: Prior to foundation inspection, a licensed land surveyor shall measure and inspect the forms and submit a letter to the Community Development Director certifying that the tops of the forms are in compliance with the finish floor elevations as shown on approved plans. Prior to either roof nail or framing inspection, a licensed surveyor shall submit a letter to the building inspector certifying that the height of the structures is in accordance with the approved plans and zoning ordinance standard.
8. Driveway Design: Prior to issuance of a Building Permit, the approved plans shall include a paved driveway design to the satisfaction of the Community Development Director.

## **PUBLIC WORKS CONDITIONS**

1. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website [www.morro-bay.ca.us/mainmanual](http://www.morro-bay.ca.us/mainmanual). Projects with more than 2,500sf of new or redeveloped impervious area are subject to these requirements.
2. Detailed Erosion and Sediment Control Plan: Required for sites greater than 1/2 acre, or for building or other site disturbance proposed on slopes over 15%, or for projects located within critical areas. The plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area. It must include a written narrative, detailed site plan, typical drawing and details.
3. Utilities: Show and label all existing and proposed utilities including sewer lateral, water service, and water and sewer mains. Include sizes and materials where appropriate. Show and label all overhead and underground services per the CBC. (See also the attached utility exhibit).
4. Sewer Lateral: Indicate and label new or existing sewer lateral and connection. If an existing lateral is used, perform a video inspection of the lateral to determine if defects are present and repairs are required. "Orangeburg" type pipe material must be replaced. Typical defects which require repairs are "non-factory" wye sewer main connections (aka "break-ins"), broken pipe, and defective joints. All such defects shall be repaired and all repairs shall be noted on approved set of plans. Submit an electronic copy of the video inspection to Public Works. The following are acceptable file formats in order of preference: MP4, AVI, WMV, & FLV.

5. Sewer Backwater Valve: Determine if a sewer backwater valve is required per California Plumbing Code 710.1. This will require the identification of the top of frame elevation of the closest upstream sewer manhole. If required, indicate and label sewer backwater valve on plan. If not required, it is still recommended that one be installed on site to prevent flooding to the proposed project from either a blockage or during the maintenance of the municipal sewer main (MBMC 14.24.070).
6. Water Meter: Indicate and label new or existing water meter on plans. If a new water service is to be installed, it shall be connected to the existing 6" pvc water main in Las Tunas.
7. Encroachment Permits: A standard encroachment permit shall be required for the proposed driveway. If a construction dumpster is used, the dumpster location shall be on private property, unless allowed within the City right-of-way by the standard encroachment permit. Any required underground utility connections within City right-of-way or utility easement will require an underground utility encroachment permit.

**Additional Notes - Add the following notes to the Building Permit plans.**

1. Any damage, as a result of construction operations for this project, to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.
2. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

**BUILDING DEPARTMENT CONDITIONS:**

**A. PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
2. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.

3. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
4. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments in order for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
5. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
6. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided. Alternatively, submit a completed City of Morro Bay soils report waiver request.
7. **BUILDING PERMIT APPLICATION.** To apply for building permits, submit three (3) sets of construction plans to the Building Division.
8. The Title sheet of the plans shall include:
  - a. Street address, lot, block, track and Assessor Parcel Number.
  - b. Description of use.
  - c. Type of construction.
  - d. Maximum Height of the building allowed and proposed.
  - e. Floor area of the building(s).
  - f. Vicinity map.
  - g. Minimum building set back per zoning designation or conditional use approval.

All construction will conform to the 2016 California Building Code (CBC), 2016 California Residential Code (CRC), 2016 California Fire Code (IFC), 2016 California Mechanical Code (CMC), 2016 California Plumbing Code (CPC), 2016 California Electrical Code (CEC), 2016 California Energy Code, 2016

California Green Code (CGBC), and Accessibility Standards where applicable and all City codes as they apply to this project.

(Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to the Building Division for plan review.

**B. CONDITIONS TO BE MET DURING CONSTRUCTION:**

1. SITE MAINTENANCE. During construction, the site shall be maintained so as to not infringe on neighboring property, such as debris and dust.
2. ARCHAEOLOGICAL MATERIALS. In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.
3. A licensed surveyor or engineer shall verify pad elevations, setbacks, prior to foundation inspection, and/or building height prior to framing inspection when determined necessary by the Planning Division.

**C. CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION AND ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

1. Prior to building division final approval all required inspections from the other various divisions must have been completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card.
2. Title 24 form(s) 2F-6R (Certificate of installation) for building, mechanical, electrical and plumbing systems.

**FIRE DEPARTMENT CONDITIONS:**

1. Fire Safety during Construction and Demolition shall be in accordance with 2016 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.
2. Automatic fire sprinklers. An automatic fire sprinkler system, in accordance with NFPA 13-D, California Fire Code (Section 903) and Morro Bay Municipal Code (Section 14.08.090). Applicant shall submit sprinkler plans to Morro Bay Community Development Department for review
3. Carbon monoxide alarms in new dwellings and sleeping units. An approved carbon monoxide alarm shall be installed in dwellings having a fossil fuel-burning heater or appliance, fireplace or an attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. (CRC R315.2)
4. Address identification. All new and existing single-family residence and ADU's shall have their own approved address numbers or building numbers placed in a position to be plainly legible from the street or road fronting the property (CFC 505). Provide approved address numbers 4 inches high with ½ inch stroke in contrasting numbers.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 3<sup>rd</sup> day of September 2019 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairperson Gerald Luhr

ATTEST

\_\_\_\_\_  
Scot Graham, Community Development Director

The foregoing resolution was passed and adopted this 3<sup>rd</sup> day of September 2019.

TIMOTHY BERNER  
BECHER  
AIA  
ARCHITECT

P.O. BOX 96  
SAN LUIS OBISPO,  
CALIFORNIA 93406  
805 549 0218  
FAX 805 549 0154  
timspace@fx.net

- ARCHITECTURE
- PLANNING
- SUSTAINABLE DESIGN
- INTERIORS
- SCULPTURE

These drawings and specifications and ideas, design and arrangements represented herein, are and shall remain the property of the Architect and no part thereof shall be copied, disclosed to others, or used in connection with any work or project other than the specific project for which they have been prepared and developed without the written consent of the Architect. Visual contact with these drawings and specifications shall constitute conclusive evidence of acceptance of these restrictions.

Written dimensions on these drawings shall have precedence over scaled dimension. Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect shall be held of any variations from the dimensions and conditions shown by these drawings. Shop details shall be submitted to the Architect for approval before execution. Samples shall be submitted to the Architect for approval before execution.

**CONTENTS**

- SITE PLAN, SHEET INDEX
- VICINITY MAP, PROJECT AND LEGAL DESCRIPTIONS, NOTES, CODE COMPLIANCE CRITERIA

**A.D.U. ADDITION**

JUDY CASTRO  
1105 LAS TUNAS STREET  
MORRO BAY, CALIFORNIA

RWH DRAWN  
TBB CHECKED  
DATE  
JUNE 13, 2019  
REVISIONS BY  
JULY 15, 2019 RWH  
AUG. 21, 2019 RWH/TBB

SHEET  
OF  
**T-1**  
SHEETS

## PROJECT DATA

### COMPLIANCE NOTE

ALL WORK TO COMPLY WITH FOLLOWING CODES AND ORDINANCES:

- 2016 CALIFORNIA BUILDING CODE
- 2016 CALIFORNIA ELECTRIC CODE (CEC)
- 2016 CALIFORNIA MECHANICAL CODE (CMC)
- 2016 CALIFORNIA PLUMBING CODE (CPC)
- 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBSC)
- 2016 CALIFORNIA ENERGY CODE (CEnc)
- 2016 CALIFORNIA EXISTING BUILDING CODE (CEBC)
- 2016 CALIFORNIA FIRE CODE (CFC)
- CALIFORNIA STATE ENERGY AND ACCESSIBILITY STANDARDS AND ORDINANCES
- 2016 CALIFORNIA CODE OF REGULATIONS TITLE 25, DIVISION 1
- CITY OF MORRO BAY CODES AND ORDINANCES

### NOTE:

PRIOR TO FINAL INSPECTION PROVIDE A FINAL COPY OF BUILDING OPERATION AND MAINTENANCE MANUAL TO BUILDING INSPECTOR. PER 2016 CGBSC 4.410, 4.504.5.1

### GRADING NOTE:

SOIL TO BE REMOVED OUTSIDE OF BUILDING FOOTPRINT: 0 CU. YD.

### ARCHAEOLOGICAL NOTE:

IN THE EVENT OF THE UNFORSEEN ENCOUNTER OF SUBSURFACE MATERIALS SUSPECTED TO BE OF AN ARCHAEOLOGICAL OR PALEONTOLOGICAL NATURE, ALL GRADING OR EXCAVATION SHALL CEASE IN THE IMMEDIATE AREA, AND THE FIND SHOULD REMAIN UNTOUCHED UNTIL A QUALIFIED PROFESSIONAL ARCHAEOLOGIST OR PALEONTOLOGIST, WHICHEVER IS APPROPRIATE, IS CONTACTED AND CALLED IN TO EVALUATE AND MAKE RECOMMENDATIONS AS TO DISPOSITION, MITIGATION AND/OR SALVAGE. THE DEVELOPER SHALL BE LIABLE FOR COSTS ASSOCIATED WITH THE PROFESSIONAL INVESTIGATION.

### SETBACKS

STANDARD SETBACKS:  
FRONT 20'; STREET SIDE 10'; SIDE 5'; REAR 10'  
EXISTING & PROPOSED SETBACKS:  
FRONT 18'; STREET SIDE 10'-5"; SIDE 5'-7" REAR 18'

### GRADING

PROPOSED GRADING OUTSIDE OF BUILDING FOOTPRINT -0-

### SLOPE

AVG. PARCEL SLOPE 5%

### UTILITIES

CLOSEST FIRE HYDRANT: ACROSS LAS TUNAS CORNER LAS TUNAS & BELLA VISTA STS.  
NEW OVERHEAD ELECT. SERVICE  
NEXT DOWNHILL SEWER MANHOLE @ INTERSECT. OF BELLA VISTA & LAS TUNAS STS, NW CORNER RIM ELEV. 184.27'



VICINITY MAP

## LEGAL DESCRIPTION

1105 LAS TUNAS ST., MORRO BAY, CA 93442  
A.P.N. 066-094-027  
BUILDING TYPE: VB OCCUPANCY: R-3  
ZONING: R1

## OWNER

JUDY CASTRO  
1105 LAS TUNAS ST.  
MORRO BAY, CA 93442

## PROJECT DESCRIPTION

1. ADD ACCESSORY DWELLING UNIT TO EXISTING SINGLE FAMILY DWELLING

## STRUCTURE AREAS

DESIGNATION	AREA IN SQ. FT.
EXISTING RESIDENCE	952
EXISTING GARAGE	324
PROPOSED ACCESSORY DWELLING UNIT	476
PROPOSED STORAGE ROOM	150

## LOT COVERAGE

DESIGNATION	(%) AREA IN SQ. FT.
LOT AREA	4950
EXISTING RESIDENCE	952
EXISTING GARAGE	386
EXISTING COVERED PATIO	202
EXISTING COVERED PORCH	18
EXISTING SHED	140
NEW A.D.U. CANTILEVERED COVERAGE	37
PROPOSED GROUND FLOOR ADDITION	155
TOTAL PROPOSED COVERAGE	38% 1890
MAX. ALLOWED COVERAGE (R1)	45% 2228

## IMPERVIOUS AREAS

DESIGNATION	(%) AREA IN SQ. FT.
EXISTING IMPERVIOUS AREA	(57%) 2840
PROPOSED GROSS IMPERVIOUS AREA:	
ROOFTOP	643
DRIVEWAY	0
PATIOS & WALKWAYS	69
OTHER (W.P. DECK)	150
TOTAL PROPOSED IMPERVIOUS AREA	862
TOTAL PERVIOUS SURFACE	(28%) 1385

## LANDSCAPING

TOTAL NET PARCEL LANDSCAPE AREA AS PERCENTAGE OF LOT AREA 20%  
PROPOSED NEW LANDSCAPE AREA 267 S.F.  
NO NEW FENCING PROPOSED

## MATERIALS & COLORS

TROWELLED STUCCO; PAINT FIN.  
CLASS A ARCH. COMPOSITION ROOF SHINGLES  
2x WD. FASCIA, RAFTER TAILS: PAINT FIN.  
DECK & GUARDRAIL: PAINT FIN.  
ALL COLORS TO MATCH EXISTING.

## BUILDING HEIGHT

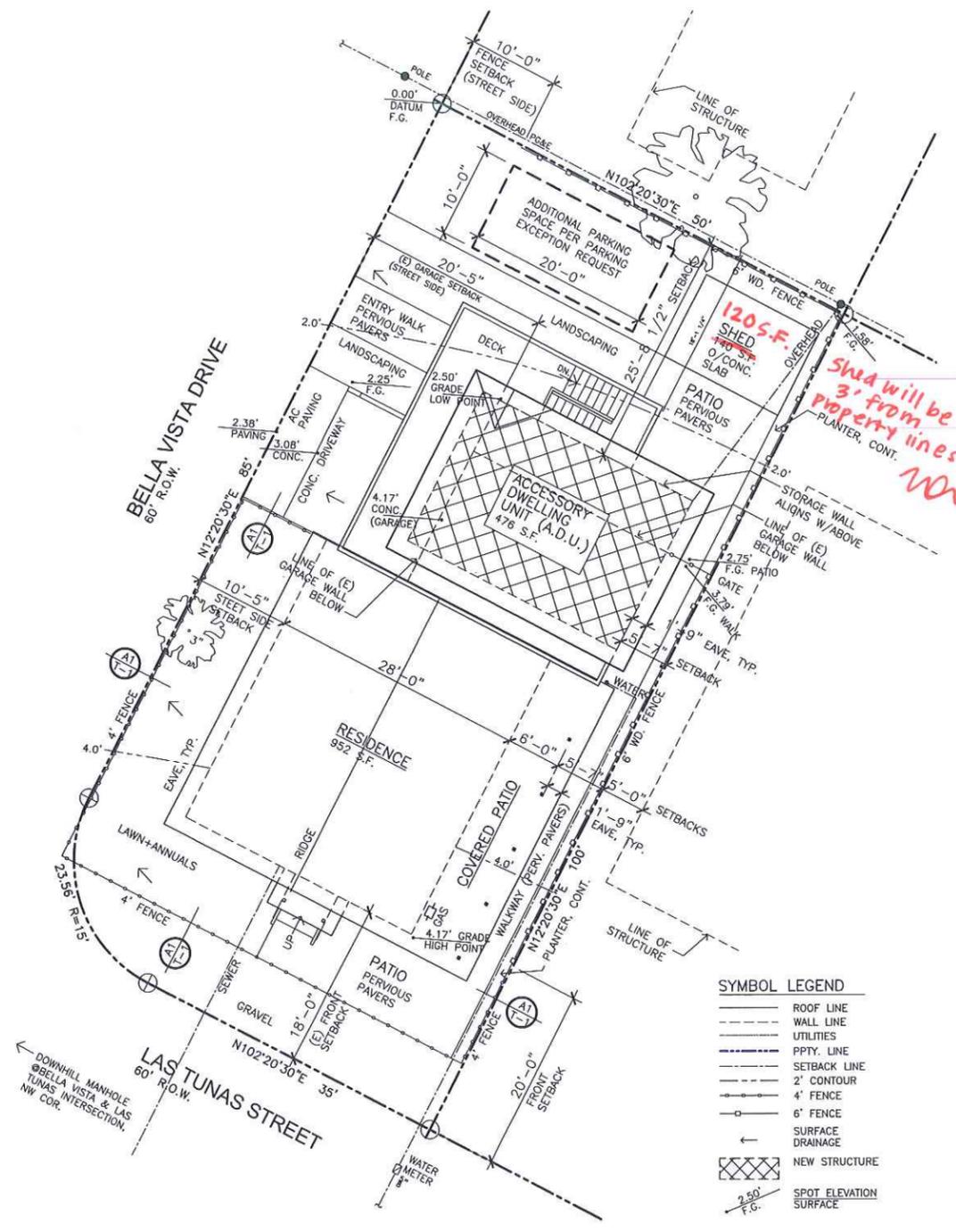
ELEV. HIGH POINT OF FOOTPRINT	+4.17'
ELEV. LOW POINT OF FOOTPRINT	+2.50'
AVERAGE GRADE OF FOOTPRINT	+3.33'
ELEV. OF A.D.U. RIDGE ABV. AVERAGE GRADE OF FOOTPRINT	+25.33'
HEIGHT OF STRUCTURE	22'-0"

## CIVIL

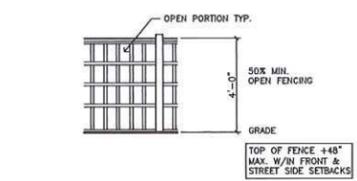
ELEVATION DATUM: N.W. PARCEL CORNER

## SHEET INDEX

- T-1 PROPOSED SITE PLAN, SHEET INDEX, PROJECT DESCRIPTION, PROJECT AREA DATA, LEGAL DESCRIPTION, CODE AND ORDINANCE COMPLIANCE CRITERIA
- A-1 EXISTING FLOOR PLAN AND ELEVATIONS
- A-2 PROPOSED FLOOR PLAN AND ELEVATIONS



PROPOSED SITE PLAN  
1/8" = 1'-0"

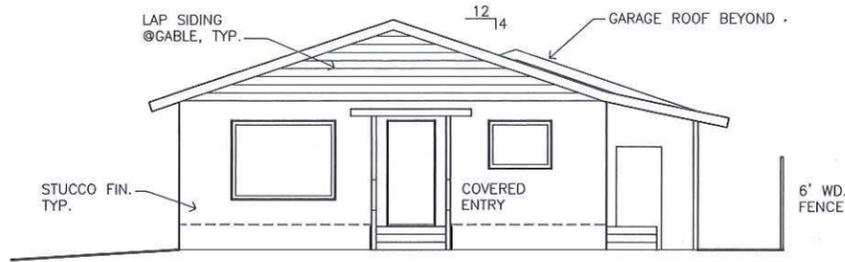


TYP. FENCING IN SETBACK (EXISTING TO BE MODIFIED, AS REQ'D)  
NTS

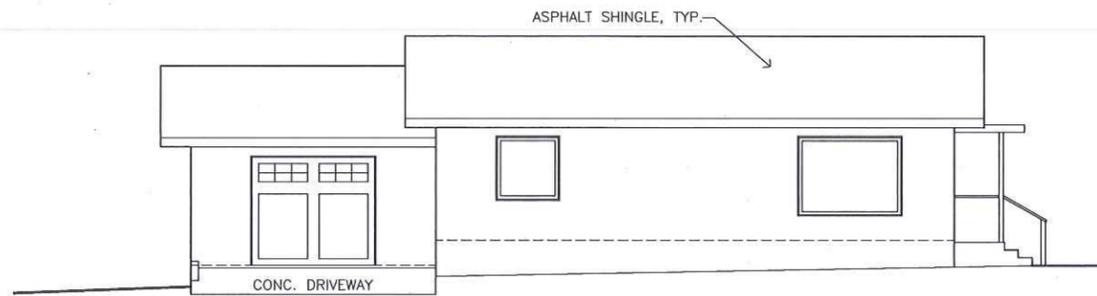
RECEIVED  
AUG 23 2019  
City of Morro Bay  
Community Development Dept.



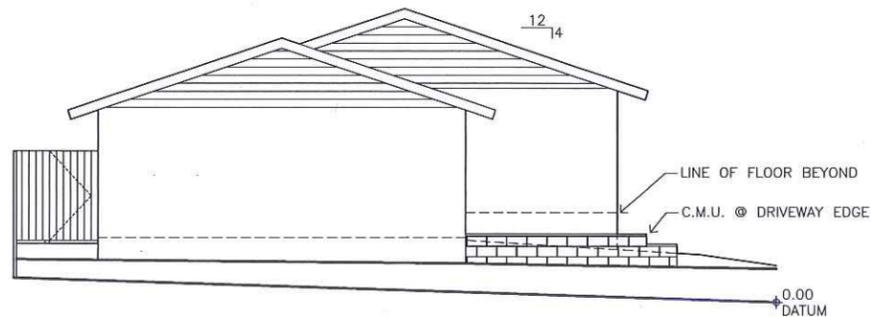
# Exhibit B



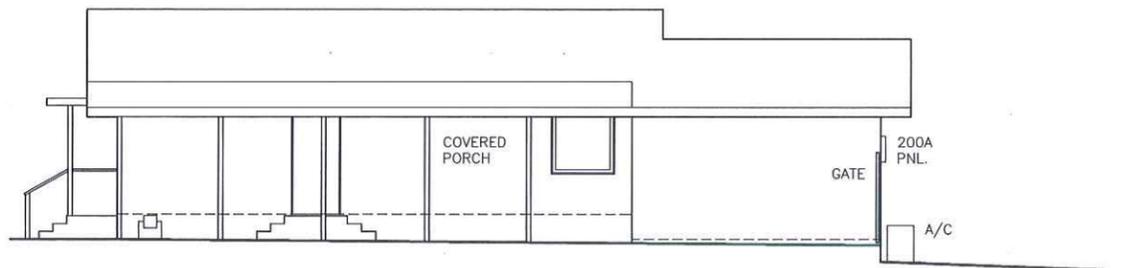
○ SOUTHWEST (FRONT) ELEVATION



○ NORTHWEST (STREET SIDE) ELEVATION



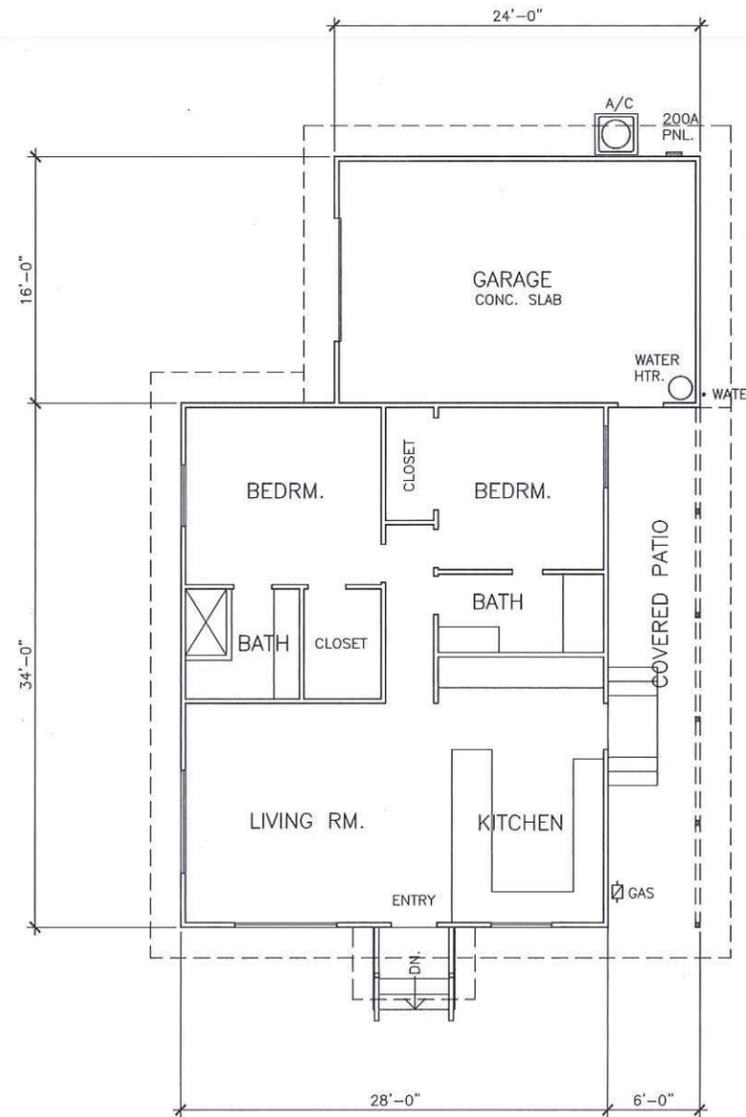
○ NORTHEAST ELEVATION



○ SOUTHEAST ELEVATION

○ EXISTING ELEVATIONS  
3/16"=1'-0"

SYMBOL LEGEND  
----- FLOOR OR TOP PLATE LINE



○ EXISTING FLOOR PLAN  
3/16"=1'-0"

SYMBOL LEGEND  
===== WALL TO REMAIN  
----- LINE OF STRUCTURE ABV.

TIMOTHY BERNER  
BECHER  
AIA  
ARCHITECT

P.O. BOX 96  
SAN LUIS OBISPO,  
CALIFORNIA 93406  
805 549 0218  
FAX 805 549 0154  
timspace@fix.net

- ▣ ARCHITECTURE
- ▣ PLANNING
- ▣ SUSTAINABLE DESIGN
- ▣ INTERIORS
- ▣ SCULPTURE

These drawings and specifications and ideas, design and arrangements represented herein, are and shall remain the property of the Architect, and no part thereof shall be copied, disclosed to others, or used in connection with any work or project other than the specific project for which they have been prepared and developed without the written consent of the Architect. Visual contact with these drawings and specifications shall constitute conclusive evidence of acceptance of these restrictions.

Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect shall be notified of any variations from the dimensions and conditions shown by these drawings. Shop details shall be submitted to the Architect for approval before execution. Samples shall be submitted to the Architect for approval before execution.

CONTENTS  
EXISTING FLOOR PLAN  
& EXTERIOR ELEVATIONS

A.D.U. ADDITION  
JUDY CASTRO  
1105 LAS TUNAS STREET  
MORRO BAY, CALIFORNIA

RWH	DRAWN
TBB	CHECKED
	DATE
	REVISIONS BY
	JUNE 13, 2019
	JULY 15, 2019 RWH

S  
H  
E  
E  
T  
OF  
A-1  
SHEETS

# Exhibit B

TIMOTHY BERNER  
BECHER  
AIA  
ARCHITECT

P.O. BOX 96  
SAN LUIS OBISPO,  
CALIFORNIA 93406  
805 549 0218  
FAX 805 549 0154  
timspace@fx.net

- ARCHITECTURE
- PLANNING
- SUSTAINABLE DESIGN
- INTERIORS
- SCULPTURE

These drawings and specifications and ideas, design and arrangements represented herein, are and shall remain the property of the Architect, and no part thereof shall be copied, disclosed to others, or used in connection with any work or project other than the specific project for which they have been prepared and developed without the written consent of the Architect. Visual contact with these drawings and specifications shall constitute conclusive evidence of acceptance of these restrictions.

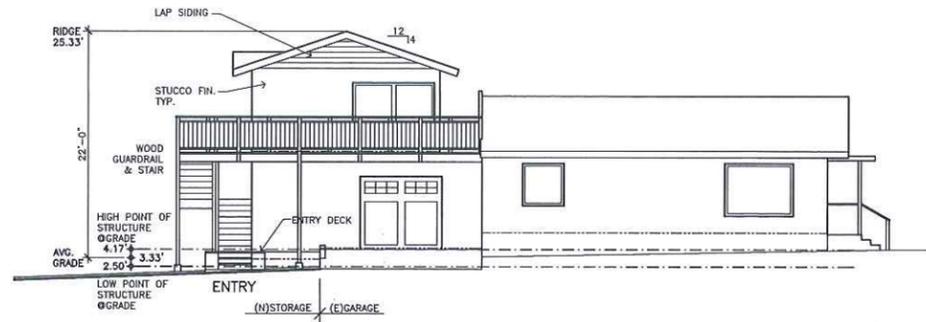
Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect shall be notified of any variations from the dimensions and conditions shown by these drawings. Shop details shall be submitted to the Architect for approval before execution. Samples shall be submitted to the Architect for approval before execution.

CONTENTS  
PROPOSED A.D.U. PLAN  
GROUND FLOOR PLAN  
ROOF PLAN; SCHEDULES  
EXTERIOR ELEVATIONS

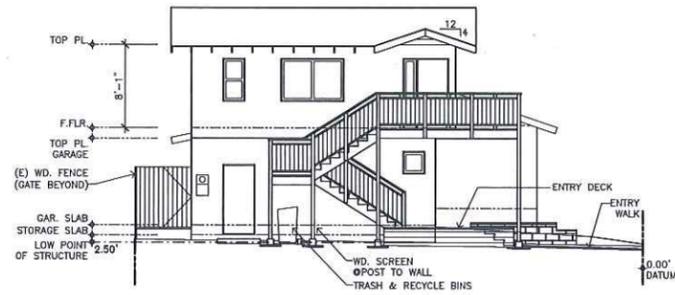
A.D.U. ADDITION  
JUDY CASTRO  
1105 LAS TUNAS STREET  
MORRO BAY, CALIFORNIA

RWH DRAWN  
TBB CHECKED  
DATE  
JUNE 13, 2019  
REVISIONS BY  
JULY 15, 2019 RWH

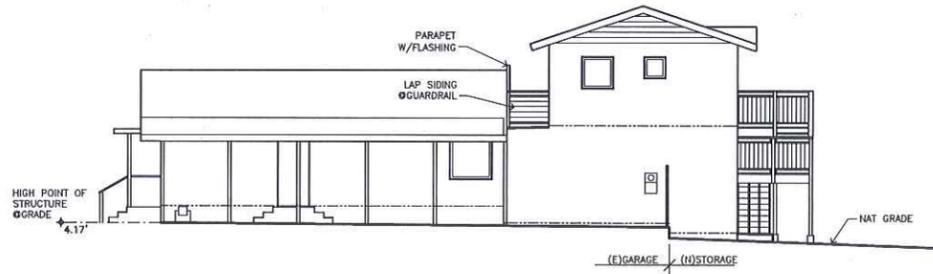
SHEET  
OF  
A-2  
SHEETS



NORTHWEST (STREET-SIDE) ELEVATION



NORTHEAST ELEVATION

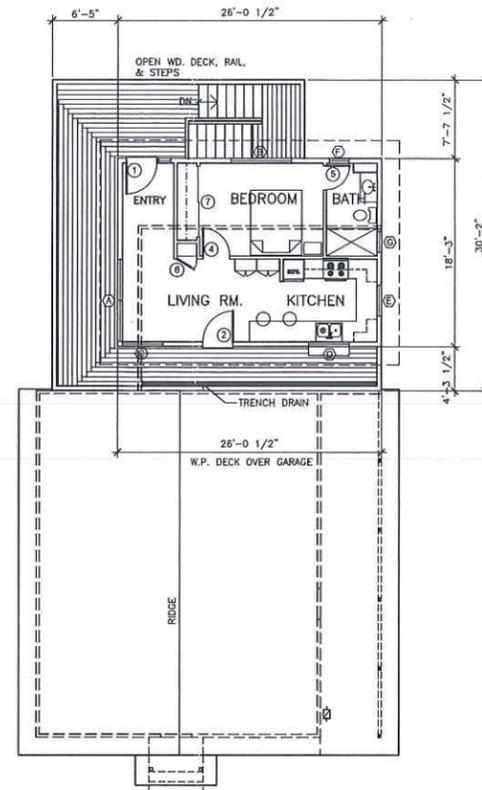


SOUTHEAST ELEVATION

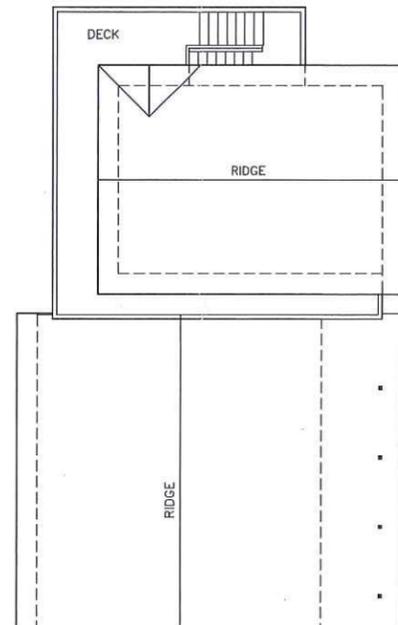


SOUTHWEST (STREET) ELEVATION

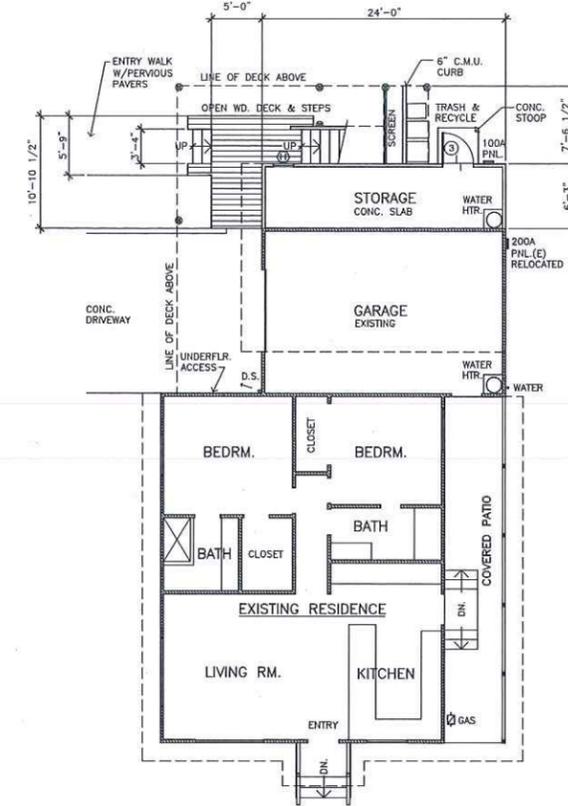
PROPOSED ELEVATIONS  
1/8"=1'-0"



PROPOSED A.D.U. FLOOR PLAN  
SECOND FLOOR  
1/8"=1'-0"



ROOF PLAN  
1/8"=1'-0"



GROUND FLOOR PLAN  
1/8"=1'-0"

### WINDOW SCHEDULE

NO.	SIZE	TYPE	GLAZING	QUANTITY	FRAME	MANUFACTURER	SERIES	HDR.	NOTES
(A)	8040	SL	INSUL	1	VINYL	TBD		80"	
(B)	5040	SL E	INSUL	1	VINYL	TBD		80"	
(C)	4040	FIX	INSUL	1	VINYL	TBD		80"	
(D)	4030	CSMT	INSUL	1	VINYL	TBD		80"	
(E)	3030	CSMT	INSUL	1	VINYL	TBD		80"	
(F)	2040	SH	INSUL-OB	1	VINYL	TBD		80"	OB PANE @ LOWER
(G)	2020	AWN	INSUL-T-OB	1	VINYL	TBD		80"	
(H)	2020	FIX	SINGLE-T	1	VINYL	TBD		80"	

Notes:  
1. EGRESS WINDOW TO PROVIDE A NET CLEAR OPENING PER THE FOLLOWING REQUIREMENTS:  
- MAXIMUM WIDTH OF 20"  
- MINIMUM HEIGHT OF 24"  
- MINIMUM TOTAL AREA OF 5.7 SQ. FT.  
- MAXIMUM SILL HEIGHT OF 4" ABOVE FLOOR LEVEL  
2. ALL WINDOWS TO BE VERIFIED BY DIMMER

Abbreviations:  
AWN AINING  
CSMT CASEMENT  
EW EGRESS WINDOW  
FIX FIXED  
LOW E SOLARBAN 60  
OB OBLIQUE  
SL SLIDER  
SH SINGLE HING  
T TEMPERED GLAZING (BOTH PANE)  
INSUL INSULATED GLASS

### DOOR SCHEDULE

NO.	WIDTH	HEIGHT	STYLE	Q'TY	FIN.	HINGE	COLOR EXT. INT.	MATL.	NOTES
(1)	3'-0"	6'-8"	SLAB	1	P	-		FGLAS	INSUL; 10" T. FIXED OB SIDE LITE
(2)	3'-0"	6'-8"	FR	1	P	-		FGLAS	INSUL
(3)	3'-0"	6'-8"	SLAB	1	P	-		STL	P
(4)	2'-8"	6'-8"	SLAB	1	P	-		HC	
(5)	2'-4"	6'-8"	SLAB	1	P	-		HC	
(6)	2'-0"	6'-8"	SLAB	1	P	-		HC	
(7)	7'-0"	6'-8"	SLAB	1	P	-		HC	BYPASS SLIDER

Notes:  
1. WEATHER STRIP ALL EXTERIOR DOORS  
2. ALL DOOR GLAZING SHALL BE TEMPERED GLASS U OR I  
3. PROVIDE LOCKSETS & DEADBOLTS ON ALL EXTERIOR SWING DOORS

Abbreviations:  
HC HOLLOW CORE  
SC SOLID CORE  
WS STAIN GRADE WOOD  
FR FRENCH-SINGLE LITE  
FR FRAMED  
P FRAMED  
FGLAS FIBREGLASS INSULATED  
STL STEEL INSULATED

SYMBOL LEGEND  
— NEW WALLS  
--- WALL TO REMAIN  
- - - - - LINE OF WALL BELOW  
- - - - - LINE OF STRUCTURE ABV.

# EXHIBIT C

RECEIVED

JUN 14 2019

City of Morro Bay  
Community Development Dept.



CASTRO RESIDENCE ADDITION  
1005 Las Tunas at Bella Vista  
view from Las Tunas

Timothy Becher Design  
Los Osos, CA



AGENDA NO: B-2

MEETING DATE: September 3, 2019

## Staff Report

**TO:** Planning Commissioners **DATE:** August 20, 2019

**FROM:** Rob Livick, PE/PLS - Public Works Director/City Engineer  
Damaris Hanson - Environmental Programs Manager

**SUBJECT:** Appeal of Administrative Decision, tree removal in public right-of-way (#TRE19-068), 445 and 455 Main Street. Applicant: Morro Cove Homeowners Association (HOA).

### RECOMMENDATION

Deny the appeal and uphold the Director's approval of tree removal permit, #TRE19-068 by adopting Planning Commission Resolution 22-19.

### APPELLANTS

Betty Winholtz and Nancy Bast

### APPLICANTS

Morro Cove Homeowners Association (MCHOA), Lori Park and Phil Hornburg

### LOCATION, ADDRESS/ASSESSORS PARCEL NUMBER (APN):

Trees in public right-of-way along Main Street near 445 Main St. (APN 066-174-009) and 455 Main St. (APN 066-174-011).

### SUMMARY

MCHOA entered into an Adopt Morro Bay agreement (Exhibit B) with the City of Morro Bay in September 2018, for volunteer service of a portion of Franklin Riley Park (bluff area at Morro Cove) and the area west of Main Street between South and Olive Streets of Morro Cove. This agreement allows the volunteers to perform landscape maintenance activities on City property or within the public right of way. The volunteer activities do include tree trimming or tree removal with prior approval, although it does not alleviate the City's liability for trees in the public right-of-way. The trees are public trees and therefore follow the removal process of

Morro Bay Municipal Code (MBMC) section 12.08.

A Tree Removal was requested on May 13, 2019 by the HOA for the removal and replacement of two melaleuca paperbark trees (Exhibit C). The trees are proposed to be replaced with a Toyon and a Catalina Cherry tree. Both replacement trees were chosen from the City of Morro Bay street tree list. The removal request was reviewed by Public Works staff and the tree removal was granted based on the arborist reports the HOA submitted and the past maintenance history the City has had with these trees. The tree was posted for removal on June 20, 2019 with a 10-day appeal time period and an appeal of this action was submitted by Betty Winholtz and Nancy Bast on June 29, 2019 (Exhibit D).

### **REGULATORY SETTING**

Pursuant to MBMC 12.08.080, the Director's determination of tree removal may be appealed to the Planning Commission following payment of the applicable fee. A public hearing shall be held following public notice. The function and duties of the Planning Commission as the appellant body are to review the appeal, administrative record and written correspondence received by staff and included in the staff report and either grant or deny the appeal.

Following the public hearing, the planning commission shall grant or deny the appeal. The granting of the appeal by the Planning Commission may be subject to conditions deemed appropriate to mitigate the impacts to the community and neighborhood due to the removal of the tree(s). Any person aggrieved by the decision of the Planning Commission may file an appeal to the City Council. The City Council shall then conduct a public hearing under the same provisions as stated above.”

### **DISCUSSION**

Staff considered the proposed tree removal request and reviewed both arborist reports submitted by MCHOA. These reports state there are inherent issues with these trees. The trees have narrowed angled branches and these angles have included bark creating a wedge within the crotch. The Greenvale arborist report states “*Heavy canopy weight leverages these angles and the combination of weight leverage and wedge of included bark will mean the limbs will break. This is not a matter of if, but when.*” The City has experienced this issue with these trees in the past. In November of 2017 a branch broke off one of the melaleuca paperbark trees and landed on the glass wall on top of the retaining wall of a home located within the MCHOA (see photos below and Exhibit E).



The arborist report goes on to state the roots of these trees are very aggressive and tend to be surface rooted. The City typically installs root barriers around trees in hopes to force the roots down away from sidewalks, but because these trees tend to be surface rooters the roots didn't go down, instead the roots grew in a spiral. The arborist reports states "These spiraling roots eventually act as a rope around the base of the growing/expanding trunk. In turn, the roots begin to restrict and cut off the circulation of the tree. They also tend to have roots heavily clustered (root bound) directly below the trunk which in turn makes the tree unstable when wind pushes against it. Both the girdling and root bound conditions are dooming the trees to decline and windthrow." The City has also experienced this issue with a melaleuca paperbark tree in this area. Two trees have fallen due to windthrow. During a windstorm in January 2017 one of these melaleuca paperbark trees was subject to windthrow. The City blocked off the area after noticing the unstable tree, the tree subsequently fell before the City could come back to remove the hazardous tree. See below and Exhibit F for pictures of tree prior to tree falling across the sidewalk and into the street. Also, in February 2017 another melaleuca paperbark tree fell during a windstorm. This tree also fell across the sidewalk and into the street. The residents informed the City this tree landed where one of the resident's son usually parks, fortunately, he had just left for the evening.



Based on the arborist reports findings and the City's past experience with the melaleuca paperbark trees in this area the City approved the tree removal request and posted the tree on June 20, 2019 and noticed all residents/owners within 300 feet. The notice had a 10-day appeal period. The appellant, Betty Winholtz and Nancy Bast filed an appeal on June 29, 2019.

**APPEAL ISSUES:**

Appellants Betty Winholtz and Nancy Bast based an appeal of the tree removal on the following grounds (See Exhibit C for the full appeal form):

*"I discovered the posting after 5pm on Friday, June 28. With City offices closed for the weekend, there is no way to inquire as to cause for removal. By appearance, the 2 trees look healthy and no different than the other 5 paper bark tea trees or melaleuca quinquenervia trees planted along the 400 block of Main St. These trees were planted as part of the subdivision's conditions of approval. Paper bark tea trees are listed on the City's Master Street Tree List. They are not tall trees, can easily be trimmed, and do not drop pods for tripping on. The sidewalk is not lifted up around them. Is this a precedent for cutting the other tea trees?"*

**Staff Response**

The tree was posted according to the MBMC 12.08.070. Both trees were physically posted with an 8 1/2 x 11 size posting on June 20<sup>th</sup>, 2019. All residents and owners within 300 feet were notified via a postcard. The posting states the location, reason for the removal, date of posting and the appeal process notification. The Appeal was slipped under the door of the Public Services door over the weekend of June 29<sup>th</sup> -30<sup>th</sup>. The appellant also emailed Damaris Hanson letting her know of the appeal. The appeal form was received by Public Works staff on Monday July 1<sup>st</sup>; therefore, the appeal was duly filed within 10 days of the posting.

The appellant, Betty Winholtz, came into the Public Works office on Monday, July 1<sup>st</sup> to pay the appeal fee and was provided the tree removal request letter, along with the two arborists reports, and master landscape plan developed by the HOA to re-landscape the area along Main St. between South and Olive Streets (Exhibit A). Ms. Winholtz reviewed the supporting documentation and expressed she still wanted to file the appeal and paid the appeal fee.

The applicants have provided sufficient evidence, through certified arborist's reports, these trees have structural hazards and the City has experienced these issues lead to hazardous conditions. The applicants are also replacing these trees with appropriate trees. The HOA has discussed with the City their desire to rehabilitate the landscaping along Main St. The HOA hired Wild Bloom Sustainable Landscaping and Design to develop a plan to re-landscape this entire area. The HOA maintains the landscaping in this area and pays for the irrigation water along with any repairs to the irrigation. The proposed landscape plan removes all the landscaping and replaces it with drought tolerant landscaping along with drip irrigation. The current irrigation is overhead sprinklers, which tend overspray the landscape area and wastes water. The proposed landscape plan provides water use calculations which show an anticipated 50% reduction in water usage. The proposed plan shows the removal and replacement of all the trees along this stretch of Main Street between Olive and South Streets. The HOA tree removal request is currently to remove two of these trees, but the HOA does plan to remove all the trees in order to complete the re-landscaping.

Due to the surface roots throughout this area, not removing these trees would make replacing the irrigation very difficult if not impossible according to Wild Bloom Sustainable Landscape and Design. All the proposed tree removals will be replaced with trees on the City of Morro Bay Master Tree List.

**Appeal Requested relief or action:**

*“Do not remove. Demonstrate through a licensed arborist’s report that these trees are a hazard, impediment, dangerous, cannot be trimmed or braced. If it can be so demonstrated, then they must be replaced immediately.*

**Staff Response:**

Two licensed arborist reports have been provided which report the structural hazards these trees present. Also, the City has previously experienced these same issues with two of these Melaleuca Paperbark trees in this area. Additionally, the arborist report states “at this point this condition is not correctable” when referring to the spiraling roots making the trees subject to windthrow. Arborist reports received by the Applicants clearly document the structural hazards.

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on August 23, 2019 and all property owners of record within 300 feet and occupants within 300 feet of the subject site were notified of this evening’s public hearing and invited to voice any concerns on this application.

**CONCLUSION:**

Staffs review of the proposed tree removal meets requirements set forth in MBMC 12.08.070 for tree removal. The Arborists reports provided and the past issues with these trees in this area confirm the reasons for removal and replacement. The HOA has agreed to pay for the removal and replacement of these trees and re-landscape this entire area, including updating the irrigation sprinklers from over spray to drip irrigation thereby using 50% less water usage.

Staff recommends that the Planning Commission deny the appeal and uphold the Public Works Director approval of Tree Removal (#TRE19-068) as specified by Planning Commission Resolution 22-19 attached below as Exhibit A.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 22-19

Exhibit B – Morro Cove HOA “Adopt Morro Bay Agreement”

Exhibit C – Morro Cove HOA tree removal request

Exhibit D – Appeal Form

Exhibit E – Picture of Melaleuca Paperbark tree with broken limb due to included bark in angles branch

Exhibit F – Picture of Melaleuca Paperbark tree leaning due to windthrow

RESOLUTION NO. PC 22-19

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DENYING THE APPEAL OF ADMINISTRATIVE DECISION BY THE DIRECTOR OF PUBLIC WORKS (#TRE19-068) ALLOWING THE REMOVAL OF TWO CITY TREES LOCATED IN THE PUBLIC RIGHT OF WAY ADJACENT TO 445 AND 455 MAIN STREET

**WHEREAS**, Morro Cove Homeowners Association, Lori Park and Phil Hornburg, submitted a request for tree removal permit on May 13, 2019 for the removal of two trees located within the public right-of-way; and

**WHEREAS**, The City of Morro Bay administratively approved tree removal request TRE19-068 and posted the tree for removal on June 20, 2019; and

**WEREAS**, Betty Winholtz and Nancy Bast submitted a timely appeal of the City’s approval of tree removal request TRE19-068 on June 29, 2019; and

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on September 3, 2019, for the purpose of considering the appeal of tree removal request TRE19-068 for the removal of two tree located within the public right-of-way; and

**WHEREAS**, notice of the public hearing was provided at the time and in the manner required by law; and

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

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

1. Deny the tree removal appeal, allowing the Morro Cove HOA to remove two trees located in the public right-of way at 445 and 455 Main Street.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 3rd day of September 2019 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairperson Gerald Luhr

ATTEST

\_\_\_\_\_  
Scot Graham, Planning Secretary

# EXHIBIT B



## CITY OF MORRO BAY

Morro Bay, CA 93442  
(805) 772-6200

### ADOPT MORRO BAY AGREEMENT FOR VOLUNTEER SERVICE

This Agreement shall apply to all persons voluntarily performing non-compensated services for the City in relation to the Adopt Morro Bay program for the public area being adopted.

Adopter Name	Daytime Phone (with area code)
Morro Cove HOA	661-301-1663
Name of Adopter Authorized Agent for this Agreement	Daytime Phone (with area code)
Phillip Hornburg or Lori Park	559-972-7969
Email Address for Authorized Agent	
pthornburg42@gmail.com or lorimpark@yahoo.com	
Number of Participants (Each volunteer will need to sign Agreement for Public Area Being Adopted Individual Volunteer Service) 4	

Adopter hereby volunteers its organization, business, or group's services to the City of Morro Bay for the adoption of the bluff tree area at Morro Cove and area west of Main St. in Morro Cove public area.

The Adopter, and its individual volunteers, agrees to abide by all relevant City policies and procedures and to perform the volunteer services in a safe, responsible manner in accordance with the description of service.

It is further understood this Agreement shall not in any way constitute nor create an employer/employee relationship between the City and the Adopter or its individual volunteers. The City shall not be responsible for, nor liable for, nor shall the applicant be eligible to receive, any compensation or benefits as a result of this Agreement *EXCEPT* for State Labor and Worker's Compensation medical aid coverage.

The Adopter further understands (please initial the following):

AP Agrees not to go beyond the scope of volunteer work agreed to without prior written authorization from the City.

AP An orientation for volunteers will be conducted to train everyone on the scope of work for the adopted area, including any activity that volunteer is unfamiliar with or the corresponding policies the volunteer is responsible to understand completely or ask questions until feeling confident to perform them.

AP Volunteers will abide by all City policies regarding personal conduct while performing volunteer services. Volunteers shall be provided with the following policies during the initial orientation: Safety Procedures, Computer Operation, Dress Code, Anti-Harassment, Confidentiality, Code of Ethics, Workplace Violence Prevention, and Drug-Free Workplace.

AP It will provide safety vests to volunteers and require they and the City issued ID badges be worn when performing activities in the adopted area.

# EXHIBIT B

AP It and its volunteers are not to appear for volunteer service under the influence of any illegal drugs or alcohol and agrees to have all individual volunteers inform the supervisor at the beginning of the shift if taking any over-the-counter or prescription medications that may impair the volunteer's ability to perform his/her duties.

AP It hereby identifies it and its volunteers are capable of performing duties without reasonable accommodation, or with the following reasonable accommodation(s):

AP The City has included volunteer service hours in the State Labor and Industries coverage for volunteer workers. During the initial orientation, Adopter is to notify volunteers he/she is to report any on-the-job injury or illness immediately, no matter how minor, to the supervisor, and Adopter authorizes emergency medical care if it should become necessary.

AP It, on behalf of itself and each of its volunteers, grants full permission to use any photographs, videotapes, motion pictures or recordings for publicity purposes by the City.

**SCOPE OF WORK:** The Adopter will perform the activities outlined Attachment 1.

**REPORTING AND MONITORING:** The City will monitor the adopted public area either monthly or quarterly commensurate with the frequency of when activities are completed to ensure they are being satisfactorily performed by the Adopter. The City will schedule periodic meetings with the Adopter to review performance and identify future needs or activities.

Adopter is responsible for recording and reporting all volunteers and his/her hours to the City. Adopter is to submit to the City on the first of the month, a brief report of activities performed for the previous month and include volunteer hours and sign in sheets for that time.

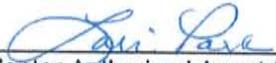
Adopter is responsible for report to the City any injury that occurs to a volunteer while performing activities in the adopted area. Adopter shall notify the City in writing when an injury occurs that includes who is injured, a description of the nature of the injury suffered and what happened to cause the injury. Worker's Compensation forms and information are available at the City Clerk's office.

**TERMINATION:** Adopter understands it, or the City, may terminate this Agreement at any time without cause, and the Adopter is volunteering its services at will and may be asked to discontinue such without prior notice or reason.

**WAIVER & HOLD HARMLESS & LIABILITY COVERAGE:** The Application and Applicant and Additional Volunteers forms signed by the Applicant and volunteers are hereby incorporated into this Agreement, as though set forth in full.

This Agreement will be in effect for the duration of Adopter's volunteer services beginning this date.

Dated this 20<sup>th</sup> day of September, 20 18.

  
Adopter Authorized Agent Signature

  
City Manager Signature 9/20/18

# EXHIBIT B

## Attachment 1 Morro Cove Homeowners Association Adopt Morro Bay Scope of Work

### Activities Morro Cove HOA to Perform

1. Franklin Riley Park
  - Work to be done is in the area identified in the red lined section in Exhibit A. This area excludes the northern portion of the parcel that is intended to provide monarch butterfly habitat for autumnal roosting and overwintering.
  - Pick up litter and maintain the grounds area of the park for visual appeal, excluding any tree trimming except as identified below.
  - Tree trimming work to be performed in September to avoid the potential butterfly occupancy season (October to March), the raptor nesting season (February to June), and coastal rain season that can produce soft ground and difficulty for tree trimming equipment. Tree trimming work to be performed for those trees in the area identified in the red lined section of Exhibit A.
  - Work to be performed will be the removal of suckers, weak wood, deadwood, and unsafe branches for public safety, tree health, and retention of canopy height per the advice of a Certified Arborist and within the budget of the HOA.
  - Work to be performed will be by Greenvale Tree Co., a City approved vendor, and paid for by the Morro Cove Homeowners Association.
  - The tree trimming vendor will need to obtain a no fee Encroachment permit with the Public Works Department. The vendor will need to contact Pam Newman, Assistant Engineer, regarding the Encroachment permit process and issuance.
  - The City of Morro Bay will be notified in writing via email or the USPS of the scheduled day for performance of the tree trimming work.
2. Trees and Landscaped Area on West Side of Main Street Between South Street and Olive Street (area between Morro Cove Glass Wall and sidewalk)
  - Trim trees as outlined above, including needing to obtain a no fee Encroachment permit.
  - Maintain area owned by Morro Cove HOA.
  - Grind stumps on 3 trees that have been removed.
  - Work to be performed will be paid for by the Morro Cove Homeowners Association.
3. Reporting Requirements
  - Prior to the work being performed, the City will be notified in writing via email or the USPS of the scheduled day for performance of the tree trimming work in Franklin Riley Park and the trees on Main Street.
  - Within 30 days of work performed, submit to the City a report outlining the actual work performed, number of hours each volunteer performed, and submit the Applicant and Additional Volunteers form that is to be signed by each volunteer who worked on activities performed under this agreement.
  - For work performed by the Certified Arborist, within 30 days of work completion, submit to the City a report outlining the actual work performed by the arborist.
  - Notification and post work reporting to the City should be sent to Janeen Burlingame via mail to City of Morro Bay Public Works Department, Attn: Janeen Burlingame, 595 Harbor Street, Morro Bay, CA 93442 or via email at [jburlingame@morrobayca.gov](mailto:jburlingame@morrobayca.gov).
4. Term
  - The term for this agreement is 3 years from the date the agreement is fully executed by Morro Cove HOA and the City.

### Activities City of Morro Bay to Perform

No activities are identified for the City to perform. No City funds are approved or budgeted for the activities to be performed by Morro Cove HOA under this agreement.



# Morro Cove

## Homeowners Association

May 13, 2019

City of Morro Bay  
Public Works Department  
Attn: Damaris Hanson, Environmental Program Manager  
595 Harbor St.  
Morro Bay, CA 93442

Dear Ms. Hanson,

The Morro Cove HOA has worked diligently on a master plan to address the problems associated with the planter area along Main St. between South and Olive Streets.

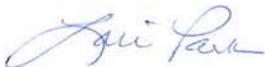
In addition to alleviating the problem of imminent tree failure presenting significant risk to people and property, our goals are to address the problems of frequent irrigation line breaks, potential damage to the retaining wall, and high water use by re-landscaping the area using drip irrigation and lower water use plants. A Landscape Plan created by Wild Bloom Sustainable Landscaping and Design, a Planting Elevation illustrating a typical segment, Water Use Calculations showing an anticipated 50% reduction, and plant photos are attached for your review. The two arborist reports that detail the tree condition concerns that we have previously discussed are also attached.

Morro Cove HOA is requesting the permission of the City of Morro Bay to remove and replace two Melaleuca Paperbark trees, referenced as Tree #1 and Tree #3 on the Landscape Plan. Tree #1 would be replaced with a Toyon tree and Tree #3 would be replaced with a Catalina Cherry tree. Both of the replacement trees were chosen from the City of Morro Bay Street Tree List 2010. Both trees can reach a mature height of 15'-25' and would be trained as a single or multi trunk tree as pictured, (as opposed to a shrub). The master Landscape Plan indicates using these two tree varieties as replacements for other trees along the planter area as may be required in future years.

The desired time for commencement of this project is October 2019 and a professional licensed landscape company will be hired to complete the work in a timely manner. The scope includes removal and replacement of two trees, removal of all ground plants, abandonment of existing spray and bubble irrigation, installation of low tiered decorative retaining walls at the Olive St. end to prevent water runoff, installation of new drip irrigation and smart controller, and replanting per the Landscape Plan including root barriers at the new trees to protect the sidewalk and a 3" layer of gravel to hide drip lines and retain soil moisture.

If you, your colleagues, or members of the community have any questions I would be happy to answer them. I can be contacted at 661-301-1663 or loripark@yahoo.com.

Sincerely,



Lori Park, Secretary

*c/o Lori Park - P.O. Box 20035 - Bakersfield, CA 93390*



## GREENVALE TREE COMPANY

**January 7, 2019**

### Arborist Report

For: Morro Cove HOA

Plant ID *Melaleuca quinquenervia*

Task Evaluate trees as to health, structure and viability as a street tree

Soil Varied fill and cut soil

Irrigation Drip

Observations Trees overall appear healthy. Canopies full with good color and vigor. Some twig dieback. Larger branches have many narrow crotches with included bark. Some limbs/stems support a very heavy canopy. Due to narrow crotch angles and included bark, these limbs/stems should be considered fail hazards. (Included bark is bark that continues to develop between the narrow-angled branches. This creates a wedge within the crotch as the tree continues to grow.) Trunks appear solid with no cankers, galls or lesions. Many surface roots exist on every tree. On every tree, I noted girdling roots. Some of these roots are beginning to cut into the trunk base. The planting area is narrow, and roots are pressing against retaining wall and sidewalk. Cracking and lifting of walks are just beginning. Remnants of root barriers are noted on all trees.

Background Paper Bark Melaleuca (*Melaleuca quinquenervia*) was at one time widely planted as a street tree mostly due to its size as a smaller tree. It began to fall out of favor when the shallow roots began to break sidewalks and roadways. Deeper roots tend to end up in sewers causing expensive repairs. More alarming was their development of narrow crotch angles with included bark leading to sudden branch failure. In this Morro Cove HOA development, one tree has already broken apart in this way.

Conclusion Three things stand out in examining these trees:

- 1) All the trees have narrow angled branches. Some more and some less. These angles have included bark creating a wedge within the crotch. Heavy canopy weight leverages these angles and the combination of weight leverage and the wedge of included bark will mean limbs will break. This is not a matter of “if”, but “when”. Should a pedestrian, vehicle or the home be in the direction of the fall, damage or injury will result.
- 2) Roots are very aggressive (both on surface and deeper). I noted (by the tree nearest the sidewalk) an expansion crack in the walk is “puckered”, meaning it is being pushed up by roots. Cracks in the walk were noted also. So far, no cracks in the wall. Roots are so

- abundant in some areas that other plant material is crowded out. If these roots are left, they are going to fill the narrow area and sidewalk damage will be abundant due to lifting.
- 3) Since Melaleuca's tend to be surface rooted, old school thinking was to put root barrier containment around them to try to force the roots down. Mostly these root barriers didn't force the roots down but turned them to grow in a spiral. These spiraling roots eventually act as a rope around the base of the growing/expanding trunk. In turn, these roots begin to restrict and cut off the circulation of the tree. They also tend to have roots heavily clustered (root bound) directly below the trunk which in turn makes the tree unstable when wind pushes against it. Both the girdling and the "root bound" conditions are dooming the trees to decline or windthrow. At this point this condition is not correctable.

#### Recommendations

These trees are reaching the size and age when all the fail points noted above become critical. Weight and height of trees, girdling, surface rooting and narrow crotches are going to mean both decline and failure in the future. This as well as broken walkways will be the future. Going forward you will need to measure the long-term cost and reality of decline and failure against replanting with a more suitable tree. Liability cost if damage or injury occurs can be extreme. In my opinion it would be best to replant now before trees fail.

Sincerely  
Chris Stier,  
ISA Certified Arborist, #9262

\*Diagnosis was made with observation, history and sound arboricultural and horticultural knowledge. It is always possible that other, or different problems exist that may contribute to the decline and death of plants. Further evaluation may be warranted if the steps above do not work. Pathology tests and other lab analysis are available.



This leaning Melaleuca is a candidate for failure. Root bound, heavy leverage and narrow crotch angles make this a hazard for cars.



This expansion joint is starting to “pucker” as roots are pushing up below it. Note also the cracks starting (arrows). This is only going to get worse. This tree is the closest to the walk and is showing damage first, but all the trees will begin to destroy the concrete.



The narrow angle of this stem with included bark between the stems creates a wedge-like situation ready to fail in wind. This is a dangerous situation as half the canopy could fail.



The curved arrow shows the direction of the girdling roots. Some roots have branched off but the ones that are wrapped around the trees base will eventually cut into the tree's conductive tissues, causing decline of health (straight arrow)



This is a good example of what a girdling root will do. Note the root at right (arrow). The tree has grown around and over the root. Note that part of the tree cantilevers (left arrow) over the ground. This is because the embedded root is “strangling” the tree the same as if a rope or wire was in place of the root. Not only does this interfere with the tree’s health, but it creates a weakness where the tree can snap in a wind.



## Robert Schreiber

Tree & Environmental Specialist  
ISA Certified Arborist #FL-0314A  
ASCA Academy Graduate  
170 Terra St., Morro Bay, CA 93442  
805-441-3715



May 11, 2017

Morro Bay Home Owners Association  
c/o Paul Osborne – President  
c/o Lori Park - Secretary  
415 – 461 Main Street  
Morro Bay, CA 93442

### SUBJECT: EVALUATION OF TREES ALONG MAIN STREET

This report includes an analysis of eight (8) Paper Bark Melaleuca trees (*Melaleuca quinquenervia*) and two (2) Pine trees (*Pinus pinoideae*) located between 415 & 461 Main Street, Morro Bay, CA {see Figure 1 attached}. The report is intended for use by the property owners, homeowners association and agents.

### OBSERVATIONS:

There are 2 Pine trees in the planter area adjacent to the sidewalk and retaining wall {see figures 2 & 3 attached}. These trees are ill suited for the space they have been planted in. The larger Pine has large leaders over interior walkways. Large leaders over the public walkways have been previously removed with the result being a majority of growth being diverted toward the adjacent structure. The smaller Pine is in good to poor health and is not doing well in that location. Root growth is retarded by both the public sidewalk as well as the retaining wall [width of the soil area is less than 4' – substantially less than customarily necessary for stable root structure.

The Paper Bark Melaleuca trees have multiple issues. The largest of them has a noticeable and potentially hazardous lean toward Main Street [see figure 4 attached]. All of the Melaleucas are exhibiting signs of rot at both the trunk base and leader crotches {see figures 5 & 6 attached} Most of the Melaleucas have fissures, weak leader attachments and potential for failure {see figures 7 & 8 attached}.

### ANALYSIS:

Paper Bark Melaleucas - Over 400 herbivorous insects were found in association with this tree and its close allies in Australia. The heartwood lacks resistance to damage by termites, fungi and marine borers. Probing of the trees resulted in indication of heartwood rot and potential failure.

Pine Trees – The largest pine tree has been pruned to remove a large leader over the public walkway. Large leaders are continuing to grow over the interior walkway toward the adjacent structure. Root growth is migrating toward the retaining wall as well as the public sidewalk. Adequate soil space is present for the tree to establish stable root structure as the tree grows taller and branches out over time. The smaller tree is in declining health and showing signs of increasing decay.

#### RECOMMENDATIONS:

Based on the overall health of the trees and potential for harm to people and property in the area, it is recommended that the subject trees be removed and replaced.

#### CONCLUSION:

The health of the Melaleuca trees will not be improved by any measures. The potential for limb failure and/or total tree failure is extremely high. Vehicular and foot traffic in the area put people in near proximity of the trees with resulting possibility of injury. The above indicate that these trees should be removed. The Pine trees are the wrong trees for the space. They should be replaced with more appropriate species to minimize potential damage to hardscape as well as potential for injury to users of the interior walkway.



.Robert Schreiber  
ISA Certified Arborist  
#FL0314A

Figure 1

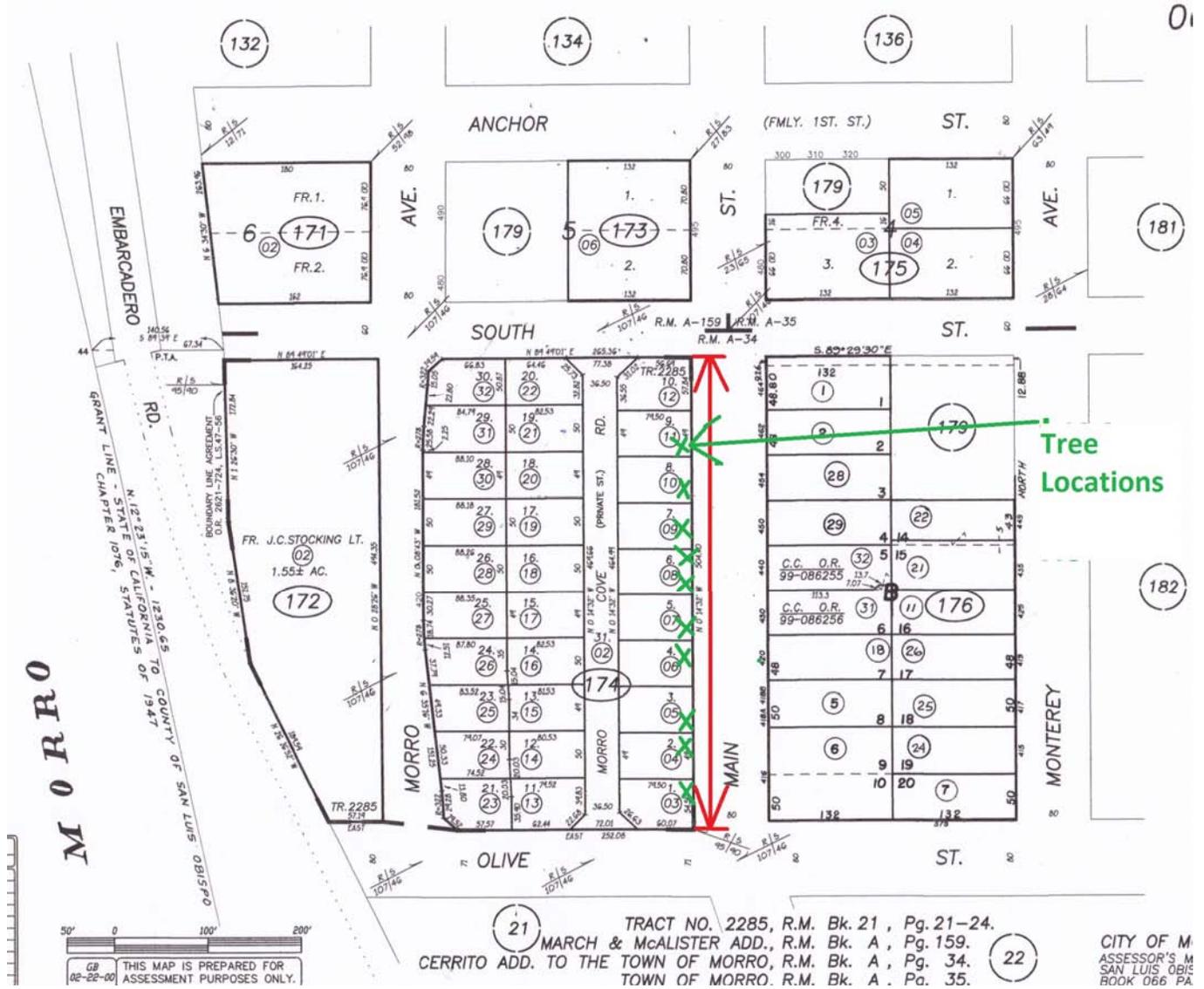


Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



Figure 7



Figure 8



## TERMS OF ASSIGNMENT

The following terms and conditions apply to all oral and written reports and correspondence pertaining to the consultations inspections and activities of Arbor First:

1. All property lines and ownership of property, trees, and landscape plants and fixtures are assumed to be accurate and reliable as presented and described to the consultant, either verbally or in writing. The consultant assumes no responsibility for verification of ownership or locations of property lines, or for results of any actions or recommendations based on inaccurate information.

2. It is assumed that any property referred to in any report or in conjunction with any services performed by Arbor First, is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations, and that any titles and ownership to any property are assumed to be good and marketable. Any existing liens and encumbrances have been disregarded, and any and all property is appraised and/or assessed as though free and clear, under responsible ownership and competent management.

3. All reports and other correspondence are confidential and are the property of Arbor First and its named clients and their assigns or agents. Possession of this report or a copy thereof does not imply any right of publication or use for any purpose, without the express permission of the consultant and the client to whom the report was issued. Loss, removal or alteration of any part of a report invalidates the entire appraisal/evaluation.

4. The scope of any report or other correspondence is limited to the trees and conditions specifically mentioned in those reports and correspondence. Arbor First and the consultant assume no liability for the failure of trees or parts of trees, either inspected or otherwise. The consultant assumes no responsibility to report on the condition of any tree or landscape feature not specifically requested by the named client.

5. All inspections are limited to visual examination of accessible parts, without dissection, excavation, probing, boring or other invasive procedures, unless otherwise noted in the report, and reflect the condition of those items and features at the time of inspection. No warrantee or guarantee is made, expressed or implied, that problems or deficiencies of the plants or the property will not occur in the future, from any cause. The consultant shall not be responsible for damages caused by any tree defects, and assumes no responsibility for the correction of defects or tree related problems.

6. The consultant shall not be required to provide further documentation, give testimony, be deposed, or to attend court by reason of this appraisal/report unless subsequent contractual arrangements are made, including payment of additional fees for such services as described by the consultant or in the fee schedules or contract.

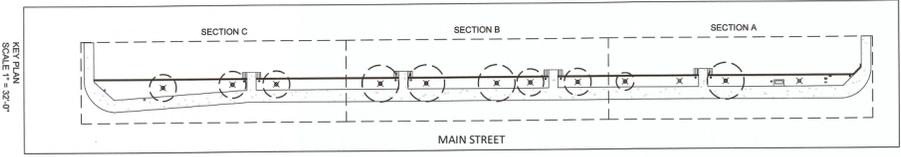
7. Arbor First makes no warrantee, either expressed or implied, as to the suitability of the information contained in any reports or correspondence, either written or verbal, for any particular purpose. It remains the responsibility of the client to determine applicability to his/her particular case.

8. Any report and the values, observations, and recommendations expressed therein represent the professional opinion of the consultant and the fee for services is in no manner contingent upon the reporting of a specified value nor upon any particular finding to be reported.

9. Any photographs, diagrams, graphs, sketches, or other graphic material included in any report, being intended solely as visual aids, are not necessarily to scale and should not be construed as engineering reports or surveys, unless otherwise noted in the report. Any reproductions of graphic material or the work product of any other persons is intended solely for the purpose of clarification and ease of reference. Inclusion of said information does not constitute a representation by Arbor First or the consultant as to the sufficiency or accuracy of that information.

10. Payment terms are net payable upon receipt of invoice. All balances due beyond 30 days of invoice date will be charged a service fee of 1.5 percent per month (18 % APR). All checks returned for insufficient funds or any other reason will be subject to a \$30.00 service fee. Advance payment of fees may be required in some cases.

NOTES:  
 PLANTING PLAN TO PROVIDE VISUAL INTEREST THROUGH A VARIETY OF SHAPES, SIZES, COLORS, AND TEXTURES. GRASSES WILL BE UTILIZED AS SOFT GREENERY TO ACCENTUATE THE FLOWERING PLANTS AND PROVIDE VISUAL CONTINUITY THROUGHOUT THE DESIGN.  
 EXISTING TREES TO BE REMOVED, AND REPLACED, PENDING APPROVAL FROM CITY OF MORRO BAY.



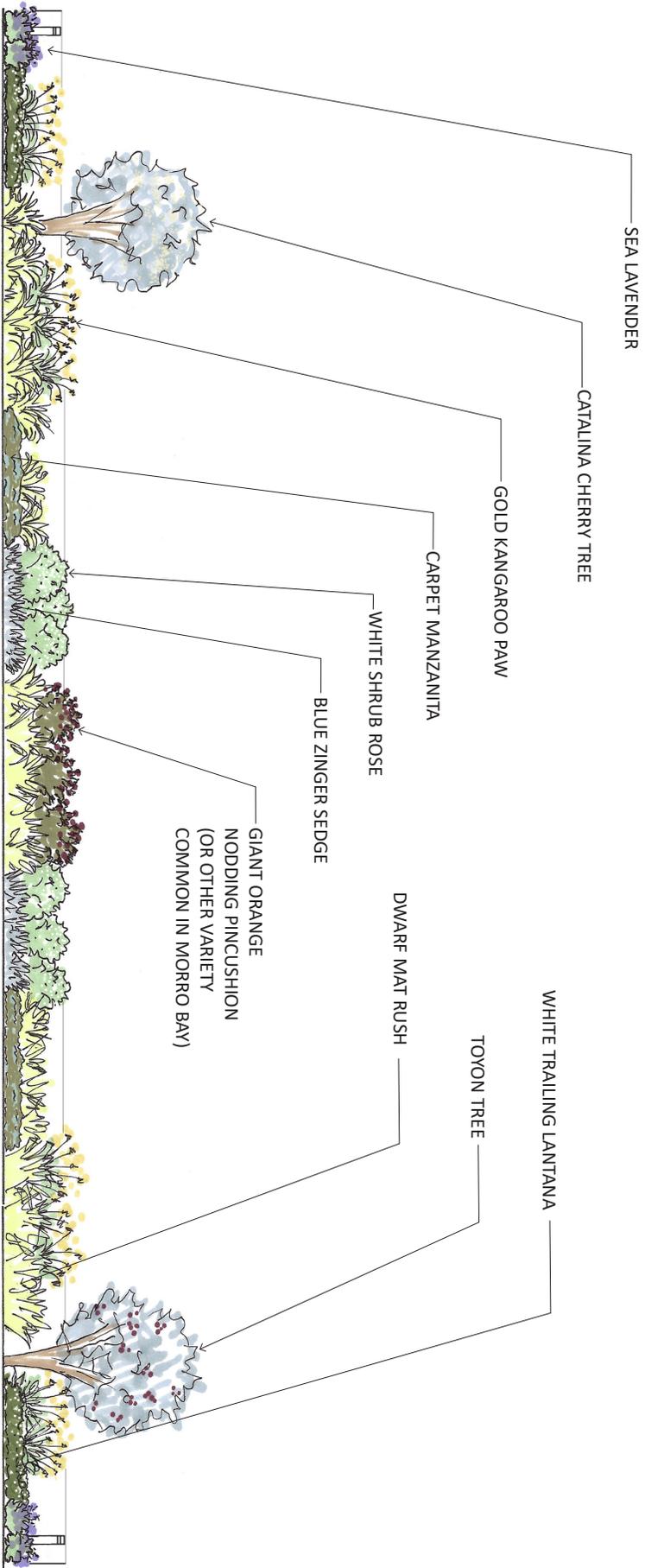
DATE	1-18-20	PROJECT #	
DRAWN BY	KE	SHEET #	L-1
CHECKED BY	GR		
TITLE	02/27/19		
DATE OF PRINT	03/29/19		

Morro Cove HOA  
 Main Street  
 Morro Bay, CA

PRELIMINARY  
 LANDSCAPE PLAN  
 ALL TREES REMOVED

NO.	DATE	DESCRIPTION





**CURRENT WATER USE:**  
Annual: 72,000 GALLONS

**PROPOSED WATER USE:**  
Annual: \* 36,167 GALLONS

**CALCULATIONS:**

$36,167 / 72,000 = 0.5023$

50% Water Use Reduction

$72,000 - 36,167 = 35,833$

35,833 Gallons of Water Saved

\*water use calculated by DWR MWELQ calculator

**MORRO COVE HOA: Planting Elevation and Water Use Calculations**



*Limonium perezii*  
Sea Lavender



*Lomandra longifolia* 'Breeze'  
Dwarf Mat Rush



*Lantana montevidensis* 'Alba'  
White Trailing Lantana



*Leucadendron salignum* 'Blush'  
Willow Cone Bush



*Anigozanthos* 'Gold Velvet'  
Gold Kangaroo Paw



*Leucospermum cordifolium* 'Flame Giant'  
Giant Orange Nodding Pincushion



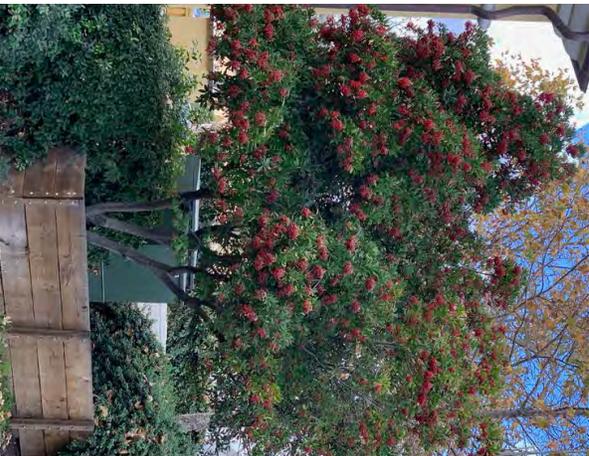
*Rosa* 'Iceberg'  
White Shrub Rose



*Arctostaphylos* 'Emerald Carpet'  
Carpet Manzanita



*Prunus ilicifolia* ssp. *lyonii*  
California Cherry



*Heteromeles arbutifolia*  
Toyon



*Arctostaphylos bakeri* 'Louis Edmunds'  
Louis Edmunds Manzanita



*Agave attenuata* 'Blue Flame'  
Blue Flame Agave



*Carex flacca* 'Blue Zinger'  
Blue Zinger Sedge

# EXHIBIT D

## CITY OF MORRO BAY

## APPEAL FORM

Public Services Department  
 Planning Division

955 Shasta Avenue  
 Morro Bay, CA 93442  
 (805) 772-6577

**In CCC Appeals Jurisdiction?**

YES - No Fee  
 NO - Fee Paid:  Yes  No

Project Address being appealed: 445 Main Street and 455 Main Street	
Appeal from the decision or action of (governing body or City officer): <input checked="" type="checkbox"/> Administrative Decision <input type="checkbox"/> Planning Commission <input type="checkbox"/> City Council	
Appeal of action or specific condition of approval: Removal of one-street tree in front of each mentioned address, 445 and 455 Main.	
Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision): Posted removal of street trees.	
Date decision or action rendered: Posted June 20, 2019 with 10 day window for appeal.	
Grounds for the appeal (attach additional sheets as necessary): I discovered the postings after 5pm on Friday, June 28. With City offices closed for the weekend, there is no way to inquire as to cause for removal. By appearance, the 2 trees look health and no different than the other 5 paper bark tea trees or melaleuca quinquenervia trees planted along the 400 block of Main St. These trees were planted as part of the subdivision's conditions of approval. Paper bark tea trees are listed on the City's Master Street Tree List. They are not tall trees, can easily be trimmed, and do not drop pods for tripping on. The sidewalk is not lifted up around them. Is this a precedent for cutting the other tea trees?	
Requested relief or action: Do not remove. Demonstrate through a licensed arborist's report that these trees are a hazard, impediment, dangerous, cannot be trimmed or braced. If it can be so demonstrated, then they must be replaced immediately.  The Colmer subdivision was within the CCC Appeals Jurisdiction; therefore, I believe this appeal is as well. However, I will bring in money first thing Monday if this is not true.	
Appellant (please print): <b>Betty Winholtz</b>	Phone: 805-772-5912
Address: 405 Acacia	
Appellant Signature: <u>Betty Winholtz</u>	Date: <u>June 29, 2019</u>

FOR OFFICE USE ONLY	
Accepted by:	Date appeal filed:
Appeal body:	Date of appeal hearing:







