



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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*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, January 5, 2021 - 6:00 P.M.  
Held Via Teleconference**

Vice-Chairperson Jesse Barron  
Commissioner Michael Lucas

Chairperson Gerald Luhr

Commissioner Joseph Ingraffia  
Commissioner Susan Stewart

ESTABLISH QUORUM AND CALL TO ORDER

PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT

**Public Participation:**

*In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:*

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at [planningcommission@morrobayca.gov](mailto:planningcommission@morrobayca.gov) prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the "**raise hand**" feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

*Please click the link below to join the webinar:*

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHlRTk9xaTlmWVNWRWFUQT09>  
Password: 135692

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press \* 9 to "**Raise Hand**" for Public Comment*

PRESENTATIONS

A. CONSENT CALENDAR

- A-1** Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.

B. PUBLIC HEARINGS

- B-1 Case No.:** TRE20-183  
**Site Location:** 355 Cerrito Place, Morro Bay, CA  
**Project Description:** Appeal of Public Works Director's decision of tree removal in Public right-of-way. Removal of 5 Monterey Cypress in the right-of-way near 355 Cerrito Place. Monterey cypress trees to be removed are located along driveway which have grown under the canopy of a row of mature eucalyptus. A submitted certified arborist report dated 9/29/20 documents that tree removal is necessary. Project includes tree replacement plan.  
**CEQA Determination:** Categorically Exempt, Section 15301, Class 1e  
**Staff Recommendation:** Conditionally Approve the project subject to Finding and Conditions.  
**Staff Contact:** Damaris Hanson, Environmental Programs Manager  
[dhanson@morrobayca.gov](mailto:dhanson@morrobayca.gov)

C. NEW BUSINESS

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting on January 19, 2021 at 6:00 p.m. via teleconference.

**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.

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 present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent 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 within 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.

Agenda No: A-1  
 Meeting Date January 5, 2021

Approved projects are deleted on next version of log.

#	Applicant/ Property Owner	Project Address	Application 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	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. For more information or to get involved, visit <a href="http://www.morrobayca.gov/planmb">www.morrobayca.gov/planmb</a> . Public draft of combined General Plan/ LCP released May 2018 for review. Worked with Coastal staff on CCC input received during 2019. Adoption Draft to be reviewed by Planning Commission at 10/20/20 hearing. Admin Draft of EIR received and to be circulated. Continued to the 11/4/2020 & 11/17/20, & 12/1/20 PC meeting				
2	Martin	355 Cerrito	11/19/20	CDP20-021	<b>Admin CDP for removal of major vegetation. Proposal to remove 14 trees (9 on private property and 5 in public right of way)</b>	Under review. Project complete and site noticed on 12/1/20 for admin action. Permit issued 12/11/2020.				cj
3	Keith	500 Atascadero Rd, #F1	10/26/20	CDP20-018	<b>Admin CDP for tree removal (Italian stone pine) in a mobile home space.</b>	Under review. Comment letter sent 11/9/2020, awaiting resubmittal. Resubmittal received 11/23/2020, under review. Project deemed complete, to be noticed for admin approval on 12/7/2020. Permit approved on 12/18/20.				am
4	State Parks - Mike Walgren	11 State Park Road	12/7/20	MIN20-010	<b>Minor Amendment to existing CUP/CDP to approve a fence around a maintenance/work area near the campground.</b>	Project deemed complete 12/23/20. Permit approval pending.				nh
5	AT&T	800 Quintana	9/23/20	MAJ20-001	<b>Major Modification to CDP/CUP Amendment proposed to modify existing rooftop wireless telecommunications site on commercial building. Request includes 3 foot height increase of corner antennas.</b>	Under review. Incomplete letter sent 10/22/20. Resubmittal received 10/28/20 and under review. Project requests a 2nd height exception for a total height of approximately 36 feet. Applicant advised on 11/30/20 that project should be redesigned to comply with height or provide greater substantiation why project is otherwise infeasible. Also requested a coverage map. Applicant requested a 1/5/21 PC hearing.				cj
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
6	Blue Heron Mobile Home Park	475 South Bay Blvd.	12/17/20	CDP20-023	<b>Tree removal of one Monterey Pine behind space #3 at the Blue Heron Mobile Home Park.</b>	Under review. Noticed for admin action on 12/17/20.				cj

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7	Twin Bay Inc.	2460 Main Street	12/15/20	MUP20-02	<b>Alcohol and drug rehab center (supportive housing)</b>	This is a resubmittal of previously withdrawn application. It is under review.				nh
8	AGS Recycling	2650 Main Street	12/16/20	CUP20-12/CDP20-022	<b>Recycling center in parking lot</b>	Under review				nh
9	Phelps	490 Piney Way	11/18/20	CUP20-10/ CDP20-020	<b>1124 sf addition to existing 736 sf home with 518 sf decks, conversion of garage to ADU</b>	Under Review - PC approval of CUP, Admin approval of CDP for ADU. Project deemed incomplete on 12/7/20. Resubmittal received, under review.				nh
10	Van Beurden Investments	701 Embarcadero Road	11/17/20	MAJ20-004	<b>Dutchman Harborwalk public access and improvements with wharf changes. Major Modification to CUP.</b>	Under review. Incomplete letter sent 12-10-20.				cj
11	Ennis	655 Paula St	11/3/20	CDP20-019	<b>Admin CDP for new 395 sf attached garage with 866 sf ADU. Concurrent with B20-0189.</b>	Under review. Disapproved 11/23/2020. Awaiting resubmittal. Resubmittal received 11/24/2020. Under review. Deemed complete 12/9/2020, preparing noticing. Noticed 12/14/20 for admin action on 12/29/20.				am
12	Vazquez	590 Morro Ave	10/22/20	MAJ20-002	<b>CDP/CUP Major Modification to propose equipment upgrade to an existing rooftop telecom wireless site.</b>	Under review. Incomplete letter sent 11/19/20.				cj
13	Gaffney	960 Napa	10/14/20	CUP20-09/CDP20-017/PKG 20-03	<b>A 984 sf addition to existing single family home with single car garage</b>	Under review. Comment letter sent 11/1/20, need resubmittal. Resubmittal received, under review.				nh
14	HASLO	405 Atascadero	10/8/20	LTM20-01	<b>Lot Merger application</b>	Under Review. Comment letter sent 10/29/20. Need resubmittal.				nh
15	Zinngabe	Seashell Estates Subdivision / 1305 Theresa Dr. (301 Sea Shell Cove)	9/28/20	MIN20-008	<b>Minor Modification to subdivision approvals to reduce lot size of Lots 7 &amp; 8 to reduce impacts to sensitive plant species.</b>	Under review. Applicant requested project to be put on hold.				cj
16	Appel	400 Pico	8/24/20	CDP20-013	<b>Admin CDP for garage conversion to a 408sf ADU</b>	Submittal is under review. Deemed incomplete. Correction letter sent 9/14/2020, waiting for resubmittal				am
17	Hurless	2290 Greenwood Ave	5/7/20	CDP20-007	<b>Legalize ADU from prior construction. Was a previous Code Enforcement issue. Plans difficult to understand.</b>	Correction letter sent 5/18/20. Resubmittal received June 16, 2020 under review. Project deemed incomplete, comment letter sent July 16, 2020, waiting for resubmittal.				nh
18	Bean	197 Main Street (formerly known as 199 Sandpiper Court)	12/19/19	CUP19-20, CDP19-04, VAR20-001	<b>CUP/CDP for new home on triangular small parcel on the bluff. Proposed home is 526 sf 2-stories with access easement to Main Street</b>	Project deemed incomplete, comment letter sent January 7, 2020. Resubmittal received 10/26/20 adding a variance request, under review. Planning deemed incomplete, comments sent 11/29/20. Waiting for resubmittal.				nh

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19	Gambriel	571 Embarcadero	10/14/19	MAJ19-006	<b>Major Modification to CUP Amendment for proposed public access improvements, dock and gangway realignment, conversion of 2nd floor to hotel units and request for 1st floor ADA accessible hotel unit</b>	Correction letter sent 11/13/2019. Awaiting resubmittal. No recent activity		PN-Conditionally Approved 10/16/2019		cj
20	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.				cj
<b>Projects Appealed to Planning Commission or PC Continued projects:</b>										
21	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. Followed up with applicant 2/3/20 - they are waiting for reports prior to resubmittal.		PN- Approved 9/4/2018		nh
<b>Projects Appealed or Forwarded to City Council: None at this time</b>										
<b>Environmental Review:</b>										
22	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:</b>										
23	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. Disapproved 11-5-19. Waiting for revised submittal to remove improvements not requested by CalTrans. Applicant granted an extension of the timeline to finalize the final parcel map to August 8, 2021. Resubmittal received, planning approved 12/6/20		PN- Disapproved 11-6-2019		nh
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:</b>										

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24	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. Change recommended by PC after Council direction which led to Adoption of Ord. 585 by City Council on 5/13/14. 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 in effect 1-1-20 which supersedes previous adopted ordinances. To be incorporated into Plan Morro Bay.</b>	No review performed.			wm
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										
25	Verizon / Knight	484 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		ig
<b>Grants</b>										
26	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. Round 6 funding of \$65,000 received Mar 2020.</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. Additional LCP grant funding received in 2020 under Round 6 for \$65,000 to complete LCP update.	No review performed.	N/A		sg
27	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 administration. 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. City Council approved Cooperation Agreement for 2021-2023 CDBG Program Years at 5/26/20 Council meeting.	No review performed.	N/R		cj

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28	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>											
29	Goldstein	186	Bayshore Dr.	11/4/20	B20-0190	Remodel kitchen, dining & living area.		Bldg. - Approved 11/09/20			sg
30	LaPlante	3093	Beachcomber	4/29/17	B-31487	New SFR: 3,495 sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Permit extended to 9-22-22	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.	cj
31	Lynch	262	Bradley Ave.	12/2/20	B20-0206	Kitchen remodel, adding 3 sliders & window; remove fireplace & chimney.		Bldg. - Disapproved 12/9/20			sg
32	Diaz	365	Driftwood	1/6/20	B19-0280	328 sq ft addition to master bedroom and bath on second flr. Convert covered patio to living space 50 sq ft enclosed covered porch 30 sq ft interior remodel.	Planning disapproved 1/31/20. Waiting for resubmittal	Bldg - Disapproved 1/15/20			nh
33	Brebes	495	Driftwood	12/20/19	B19-0269	New 3778 sf duplex homes including garages on lot with existing SFH	Planning permit issued 9/4/20. Need building permit resubmittal.	Bldg - Disapproved 2/7/20			nh
34	Associated Pacific Constructors Inc.	495	Embarcadero	12/16/20	B20-0210	Repair of 7 existing wooden pilings using fiberglass/epoxy sleeving & epoxy grout/steel sleeve acceptable alternative. Removal of 3 abandoned non-structural piles & removal & replacement of 3 fence piles on 495 Embarcadero Wharf Associated Pacific Constructors.		Bldg. - Approved 12/21/20			cj
35	Wilkie	476-A	Hill	3/26/20	B20-0057	ATTACHED ADU - Convert existitng attached garage to 344 sf Accessory Dwelling Unit.	Correction letter sent 4/30/20.	Bldg. - Approved 4/8/20			nh
36	Friesen	2390	Juniper Ave.	11/5/20	B20-0192	240 sf addition (expansion of master suite), demo existing 144 sf 2nd story front deck and reconstruct new expanded 240 sf 2nd story front deck, also new 84 sf floor height deck off of new addition.	Planning approved 11-13-20. nh	Bldg. - Approved 11/10/20			sg
37	Yaroslava	2670	Laurel Ave.	10/28/20	B20-0186	New multi-level SFR on existing vacant R-1/S2 lot. Residence designed as 3 bedroom, 3 bathroom, approx 2150 sf w/play room & enclosed attached 485 sf 2 car garage. Existing driveway, graded/paved pad & site retaining wall to be modified.	Approved 11/23/2020.	Bldg. - Disapproved 11/24/20	Disapproved 12-10-20.		am

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38	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 4/15/19		sg
39	Sonic	1840	Main St.	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. Planning permit extension requested and granted to allow new permit expiration of April 2021.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB <b>Permit extended to 4/18/21</b>	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	cj
40	Cleath	2790	Main St.	7/2/20	B20-0106	Remove 736 sf existing building and construct new 4996 sf 8 room hotel.	Planning approved 7/27/20.	Bldg - Disapproved 7/27/20			nh
41	LifePoint Church	615	Monterey	1/6/20	B19-0279	Remodel/upgrade current building	Planning disapproved 1/27/20. Awaiting resubmittal.	Bldg - Diapproved 1/30/20			nh
42	Kolb	691	Morro Ave	7/30/20	B20-0121	1,150 S.F. TI in an existing medical office building		Bldg - Approved 12/21/20			sg
43	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 approved. Awaiting building permit resubmittal.	Bldg - Approved 3/27/19			wu
44	Cohen	331	Orcas St	6/25/20	B20-0099	Demolish a 386 sf cottage and installation of a 990 sf manufactured home, a 336 sf (16' x 21') semi attached site built garage with rooftop deck, exterior landing and stairs to garage and exterior stairs to rooftop deck.	Planning approved 7/3/20	Ready to issue			nh
45	Enns	655-A	Paula St.	11/3/20	B20-0189	ATTACHED ADU - Demo existing attached garage & construct new 395 sf attached garage with 866 sf ADU.	Under review. Disapproved 11/23/2020. Awaiting resubmittal of CDP 20-019 before building plans can be approved.	Bldg. - Disapproved 11/05/20			am
46	Renent	325	Pico St.	11/4/20	B20-0191	Install sunroom 12'x20.5'	Disapproved 11/10/2020. Awaiting resubmittal.	Bldg. - Disapproved 11/09/20			am
48	Steel	450	Piney Way	7/27/20	B20-0117	521 sf deck extension and replacement of 2 sliding glass doors and 1 window.		Bldg - Approved 8/10/20			sg
47	Lee	684	Piney Way	9/10/20	B20-0168	Demo existing detached 416 sf work shed with bathroom & reconstruct new 416 sf garage/shop with electrical, keeping existing bathroom on existing slab/foundation.	Planning disapproved 9/15/20. Waiting for resubmittal.	Bldg - Disapproved 9/17/20			nh
48	Scharin Family Trust Johan C. Scharin Trustee	710	Quintana	5/21/20	B20-0082	Remodel of former Dollar Tree into a new O'Reilly Auto Parts for the retail sale of automotive parts and accessories.		Bldg - Disapproved 11/2/20			wu

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49	PG&E	475	Radcliff Ave.	12/21/20	B20-0213	Addendum #1 to B20-0123 - Reduce project scope by grading and demo of foundation pedestal of one tubular steel (TSP) tower and not two. (removing 2nd tower from scope of work).		Bldg. - Plancheck			CJ
50	PG&E	475	Radcliff Ave.	12/21/20	B20-0214	Addendum #1 to B20-0122 - Reduce project scope by installing one tubular steel (TSP) tower and foundation and not two (removed 2nd tower from scope of work).		Bldg. - Plancheck			CJ
51	Giannini	750	Radcliff Ave.	7/22/19	B19-0156	Remove three existing panel antennas, three radio and replace with three radio intergrated antennas and assoicated cabling. Install equipment expansions to the top of existing cabinets (approx 1'2') with associated electrical wiring.	Approved 9/26/19.	Ready to issue			cj
52	Crumpler	3013	Sandalwood Ave.	12/7/20	B20-0207	Kitchen renovation, 130 sq ft; includes removal of an existing bearing wall. The existing bearing wall to be replaced by a new structure beam.		Ready to issue			sg
53	Kennedy	1130	Scott Street	12/20/19	B19-0271	New commercial project with residential security unit above	Conditionally approved 1/3/20	Bldg - Disapproved 1/7/20			nh
54	Parker	580	Shasta Ave	8/31/20	B20-0159	Add new detached garage	Planning under review. Planning disapproved 9/8/20. Need resubmittal	Bldg. - Disapproved 9/14/20			nh
55	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
56	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>											
57	Fowler	1215 Embarcadero		9/28/20	MIN20-009	<b>Minor Modification to UP0-058 to repurpose existing floating bait receiver/ after the fact approval of floating kayak storage.</b>	Under review. Incomplete letter sent 10/26/20. Resubmittal received and project complete. Project to be noticed for admin approval on 11/30/2020. Admin Permit approved on 11/30/20.				cj
<b>Staff Directory:</b> Scot Graham - sg      Chad Ouimet - co      Cindy Jacinth - cj      Pam Newman - pn      Nancy Hubbard - nh      Abby Miramontes - am											



AGENDA NO: B-1

MEETING DATE: January 5, 2021

## Staff Report

**TO:** Planning Commissioners **DATE:** December 18, 2020

**FROM:** Damaris Hanson - Environmental Programs Manager

**SUBJECT:** Appeal of Administrative Decision, removal of five trees in public right-of-way (355 Cerrito Place).

### RECOMMENDATION

Deny the appeal and uphold the Director's approval of tree removal at 355 Cerrito, permit TRE20-183, by adopting Planning Commission Resolution 01-21.

### APPELLANT

Betty Winholtz

### APPLICANT

Charles (Josh) and Christine Martin, property owners at 355 Cerrito Place

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

Monterey Cypress Trees in public right-of-way at 355 Cerrito Place (APN 066-341-021)

### SUMMARY

On November 19, 2020 The City of Morro Bay received a tree removal request letter and replanting plan (Exhibit B) from Josh and Christine Martin the property owners at 355 Cerrito Place. An Certified Arborist's report (Exhibit C) and a Monarch butterfly habitat assessment (Exhibit D) was also submitted. The tree removal request letter requested the removal of 14 Monterey Cypress trees, nine on private property and five within the Public right-of-way. The removal request letter, certified arborist report and site visits to the property were all evaluated and conducted by both Community Development and Public Works staff. After review by both departments, it was determined the removal of these trees was granted based on the certified arborist's findings as detailed in the report, tree replanting plan and Monarch butterfly assessment. The removal of these trees, as mitigated, will not impact any threatened or

Prepared By:    DH   

Department Review: rl

endangered plant or animal and that the Monarch butterfly habitat assessment concluded that removal of these trees would not impact the Monarch overwintering at Eagle Rock. It was also determined that the tree removal will not affect the character of the surrounding neighborhood as replacement trees are proposed, and existing mature Eucalyptus trees are to remain. The trees were publicly noticed for removal on December 1, 2020 and the 10-day appeal period expired on December 10, 2020. An appeal was submitted by Betty Winholtz on December 10, 2020 (Exhibit E). The appeal is for four of the five trees in the public right-of-way. The appellant is not appealing the second tree from the street. The appellant is also not appealing the removal of nine trees on the applicant's private property and approved by administrative coastal development permit (CDP20-021) on December 11, 2020.

### **REGULATORY SETTING**

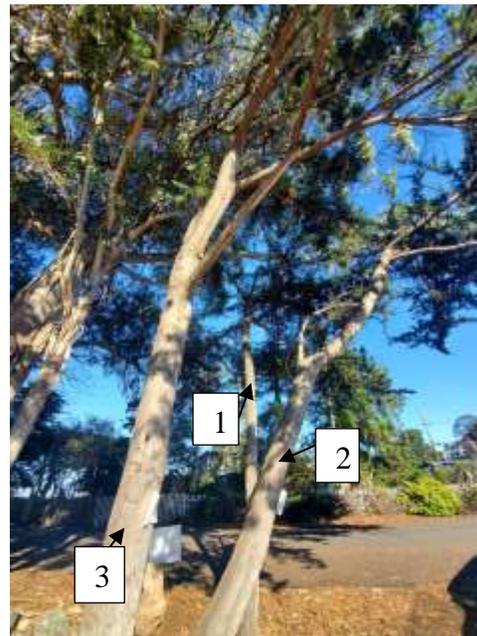
Pursuant to Morro Bay Municipal Code (MBMC) section 12.08.080, the Public Works Director's determination of tree removal may be appealed to the Planning Commission following payment of the applicable fee and a public hearing shall be held following public notice. The function and duties of the Planning 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 reviewed the proposed tree removal request, arborist report, replanting plan and Monarch butterfly assessment submitted by the property owner. These reports provided sufficient evidence for the removal of the five trees within the public right-of-way. The Monarch butterfly report stated removing these trees would not impact overwintering of Monarch butterflies. The Certified Arborist's report states there are inherent issues with these trees. The trees were all planted by a previous owner in an "L" shape in the front of the property. The trees planted in the public right-of-way were not planted to be public trees or planted per any City of Morro Bay tree planting requirement. It appears the trees were planted for screening purposes. Unfortunately, the trees have now grown into the canopy of the much taller existing Blue Gum Eucalyptus trees. It is clear, these trees were planted in the wrong location and are now in decline because they are struggling to compete in the canopy of the Eucalyptus trees. The arborists report states this decline cannot be reversed. *"Canopies are in the top 1/3 of the trunk and mostly one sided (foliage only on sunnier side). Weight, and with some trees a lean, is toward the house. At least one of the trees has an excessive lean. Foliage is very sparse for a*

*Monterey Cypress. On most trees there is considerable deadwood lower. Some of these trees have oozing and may be showing the first signs of Cypress decline disease.”*



Tree #1 leans more towards the road with sparse foliage on the street side and almost no foliage on the opposite side. Tree #2 has excessive lean and is not being appealed and therefore will be removed. Tree #3 has a slight lean towards the house. This tree also has sparse foliage on the house side due to growing into the canopy of the Eucalyptus. All these trees have very sparse to no foliage on the side of the trees facing the Eucalyptus trees. Because of the taller Eucalyptus canopy above the Monterey Cypress, the trees are forced to grow towards the house and making the trees heavier on the house side and susceptible to windthrow.



Tree #4 is a very small Monterey Cypress for its age, due to its struggle to survive in this location. Also, the top of the tree is broken and mostly dead. There are only a few small branches with any foliage. Tree #5 also has only a few branches with sparse foliage and is intertwined in the canopy of the Eucalyptus.

Based on the arborist reports findings and the visual inspections of these trees the City approved the tree removal request. The Arborist report states *“The Blue Gum Eucalyptus dominates the overhead canopy. The smaller weaker Monterey cypress are stretching to reach the sunlight, so all the live branches are headed toward the house putting all the weight of the tree toward the house. This is a very unstable situation where windthrow can cause injury, death or damage.”* The reason for removal meets the removal requirements in MBMC 12.08.070 due to the trees being a hazard to person or property outside the dripline of the tree canopy.

The trees were posted on December 1, 2020 and all residents/owners noticed within 300 feet. The notice had a 10-day appeal period. The appellant, Betty Winholtz filed an appeal on December 10, 2020. An addendum to the appeal was submitted via email on December 21<sup>st</sup> (Exhibit F)

The nine private trees and one tree in the Public right-of-way are not being appealed and will be removed. The appeal period for the CDP ended on 12/21/2020. The replanting plan will replace these trees at a 2:1 ratio. The property owner has plans to replant and install a paver driveway. Currently the property does not have an improved driveway from the street to the

garage, as required by the City's zoning code.

**PUBLIC NOTICE:**

Notice of this item is to be published in the San Luis Obispo Tribune newspaper on December 25, 2020 and all property owners of record and occupants within 300 feet subject trees were notified of this public hearing and invited to voice any concerns on this appeal.

**CONCLUSION:**

Staffs review of the proposed tree removals meet requirements set forth in MBMC 12.08.070 for tree removal. The Arborists reports and supplemental information provided confirm the reasons for removal and replacement. Additionally, the applicant has a prepared a replanting plan to replace all 14 trees anticipated for removal.

Staff recommends the Planning Commission deny the appeal and uphold the Public Works Director approval of tree removal as specified by Planning Commission Resolution 01-21, attached as Exhibit A.

**EXHIBITS:**

- Exhibit A – Planning Commission Resolution 01-21
- Exhibit B – Tree removal request letter and replanting plan
- Exhibit C – Arborist Report
- Exhibit D – Monarch butterfly habitat assessment
- Exhibit E – Appeal
- Exhibit F – Addendum to appeal

# EXHIBIT A

Planning Commission Resolution 01-21  
TRE20-183, 355 Cerrito Place  
Page 1

## RESOLUTION NO. PC 01-21

### A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DENYING THE APPEAL OF ADMINISTRATIVE DECISION BY THE DIRECTOR OF PUBLIC WORKS TREE REMOVAL TRE20-183 ALLOWING THE REMOVAL OF FIVE CITY TREES LOCATED AT 355 CERRITO PLACE

**WHEREAS**, Property owners at 355 Cerrito Place, Charles and Christine Martin, submitted a request for tree removal permit on November 19, 2020 for the removal of five tree located within the public right-of-way; and

**WHEREAS**, The City of Morro Bay administratively approved tree removal request TRE20-183 and posted the tree for removal on December 1, 2020; and

**WEREAS**, Betty Winholtz submitted a timely appeal of the City's approval of tree removal request TRE20-138 on December 10, 2020; and

**WHEREAS**, the Planning Commission of the City of Morro Bay (the "City") conducted a public hearing via video conference on January 5, 2021 for the purpose of considering approval of the removal of 5 Monterey Cypress trees in the public right-of-way at 355 Cerrito Place; and

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

**WHEREAS**, notice of the public 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:

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

#### **Tree Removal Consistent with Chapter 12.08 (City Tree Regulations)**

# EXHIBIT A

Planning Commission Resolution 01-21

TRE20-183, 355 Cerrito Place

Page 2

1. The applicant has provided a Certified Arborist Report clearly outlining the reasons and need for the requested tree removal.
2. The tree removal request is accompanied by a replanting plan

**Section 2: Action.** The Planning Commission does hereby Deny the tree removal appeal, allowing the property owners to remove five trees located in the public right-of way at 355 Cerrito Place.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 5<sup>th</sup> day of January 2021 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairperson

ATTEST

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

The foregoing resolution was passed and adopted on this 5th day of January 2021.

# EXHIBIT B

RECEIVED

NOV 19 2020

City of Morro Bay  
Community Development Dept.

Charles "Josh" and Christine Martin

355 Cerrito Place

Morro Bay, CA 93342

To the City of Morro Bay and the Planning Commission:

My wife and I are RN's at French Hospital and recently purchased the home at 355 Cerrito Place which was in severe disrepair. We have been diligently upgrading the home for the last few months. One of the first items we wanted to address were the trees in front of our property. We have two little girls and the trees appeared unsafe and caused us great concern.

The following is a request for a tree removal permit at 355 Cerrito Place in Morro Bay. There are 14 trees in the driveway that are diseased and/or unhealthy as evidenced by an arborist report which we are including. Five of the 14 are in the right of way. Located in the arborist report is a diagram of the tree location. We are also including a monarch butterfly survey to show that the trees are not inhabited by them.

The tree replacement rate per city rules are 2 - 5gallon or 1- 15 gallon for every tree removed. In preparation of this permit we planted 14 Silver Sheen Pittosporum as I was unaware of the 2-1 ratio. The 14 -5 gallon will cover removal of 7 trees. I have included our landscape design which will be completed by Ian Gaffney Landscape or IGL pavers and future permits will follow. For the remaining 7 trees we will be planting a minimum of 14-5 gallon and a few 15 gallon to cover the remaining replacment. The design and other current photos are labeled 'Design and Photos' and have been submitted.

We look forward to working with you and please contact us at any time with any questions you may have. Thank you.

Sincerely,

Josh and Chris Martin

Handwritten signatures of Josh and Chris Martin. The signatures are in black ink and appear to be cursive. The top signature is likely Josh's and the bottom one is likely Chris's.

# EXHIBIT B

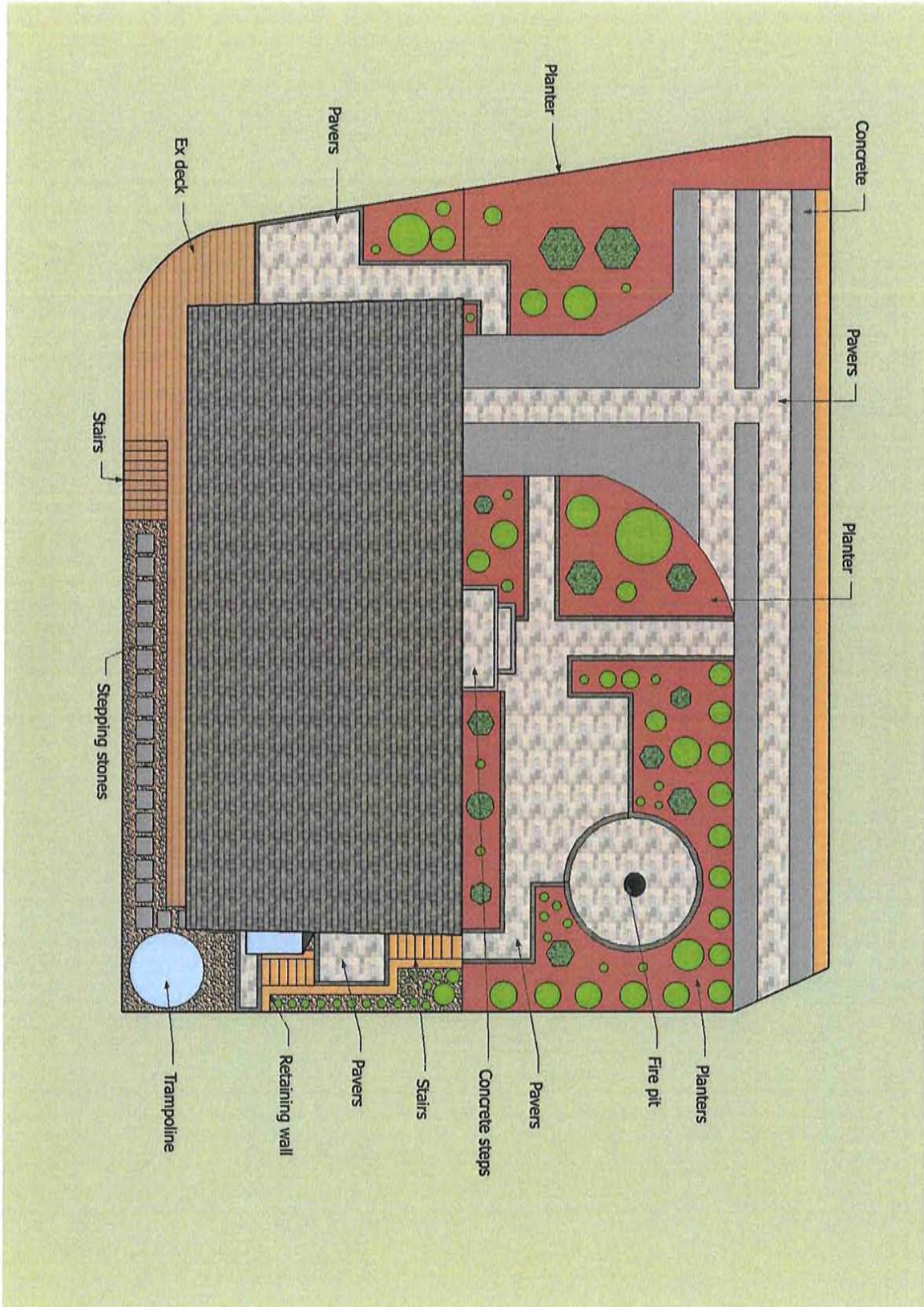
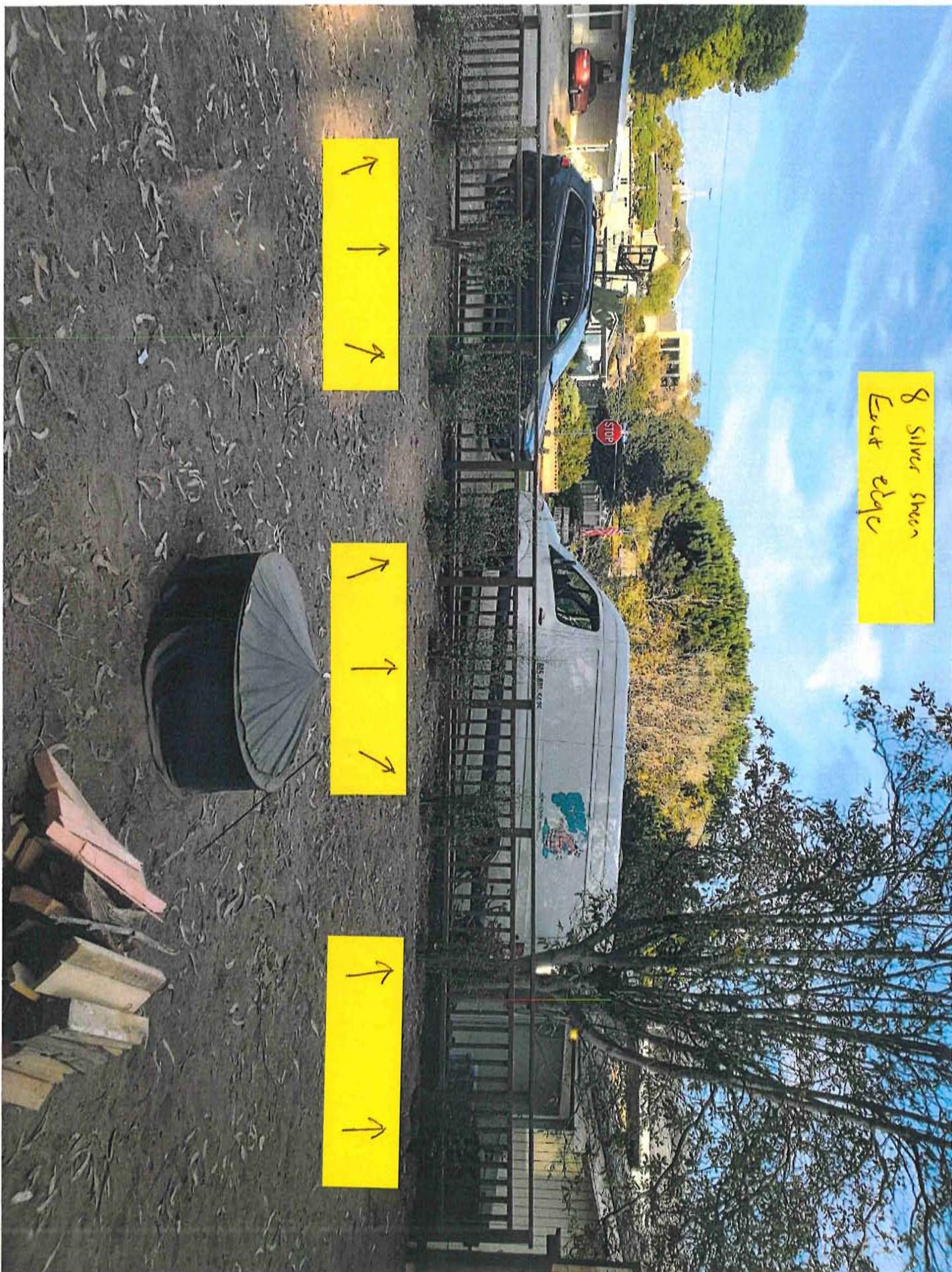


EXHIBIT B



8 silver shown  
East edge

← → ↗

← → ↗

← →

EXHIBIT B



6 Silver Screen  
North edge

→ → →

EXHIBIT B

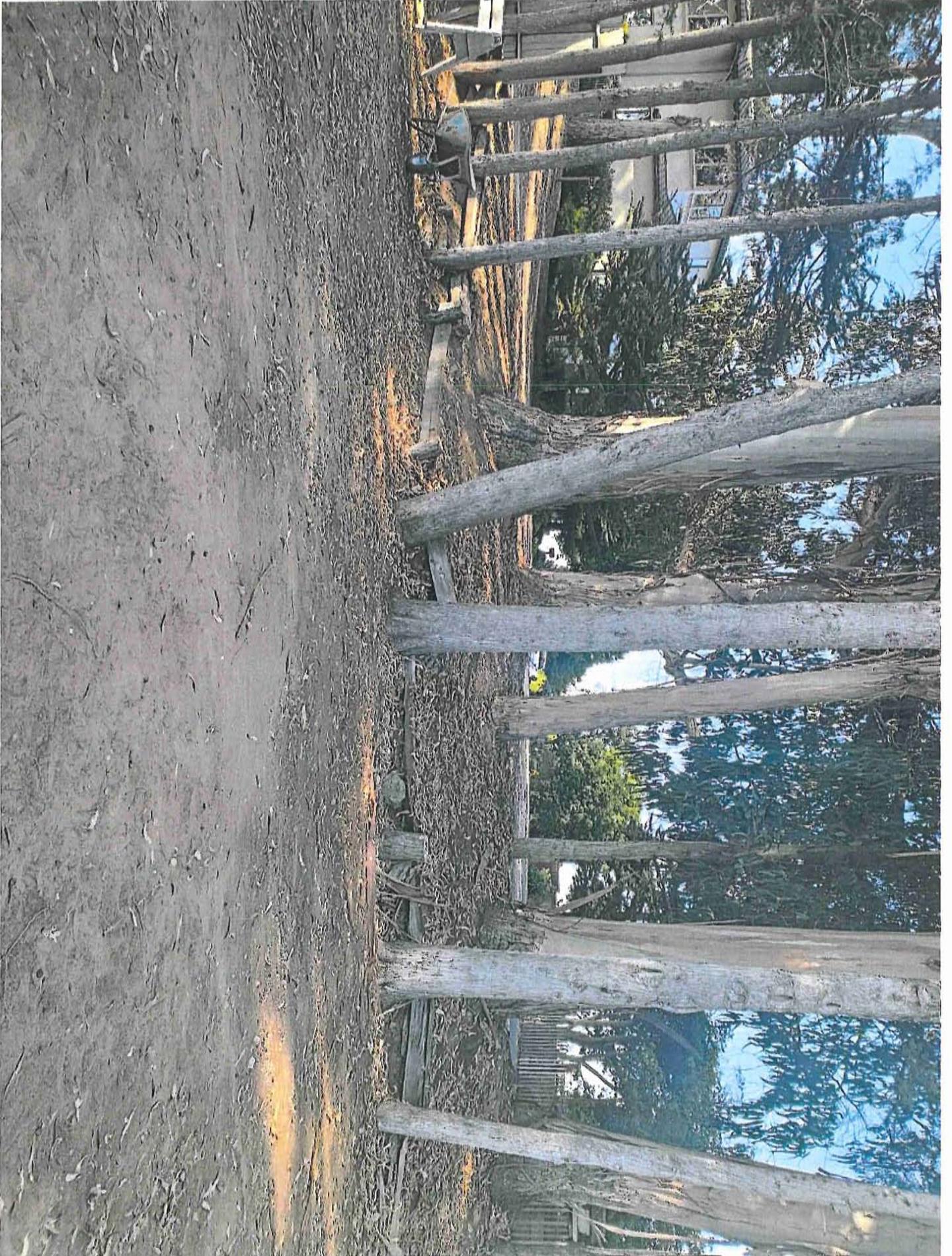


EXHIBIT B



EXHIBIT B

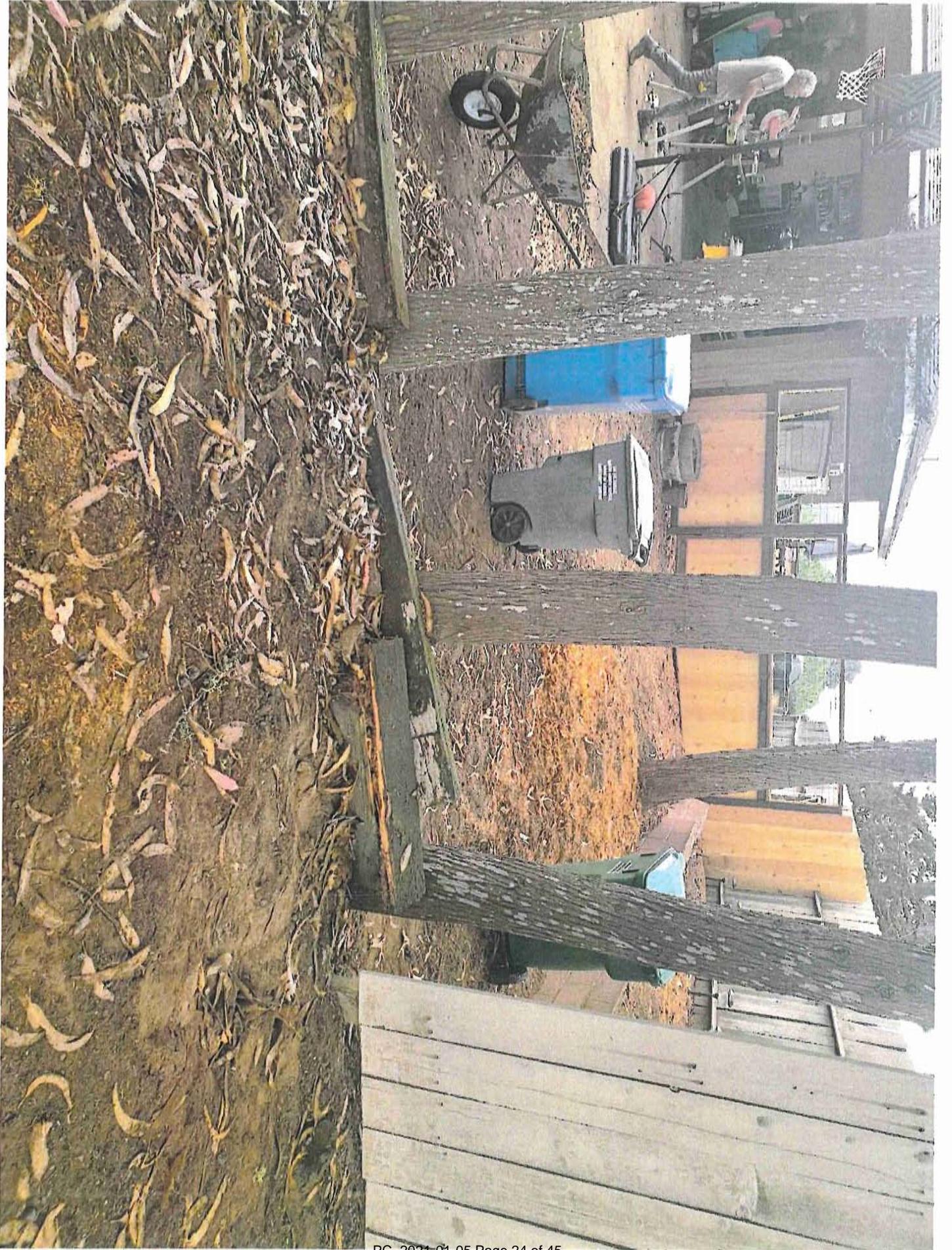


EXHIBIT B

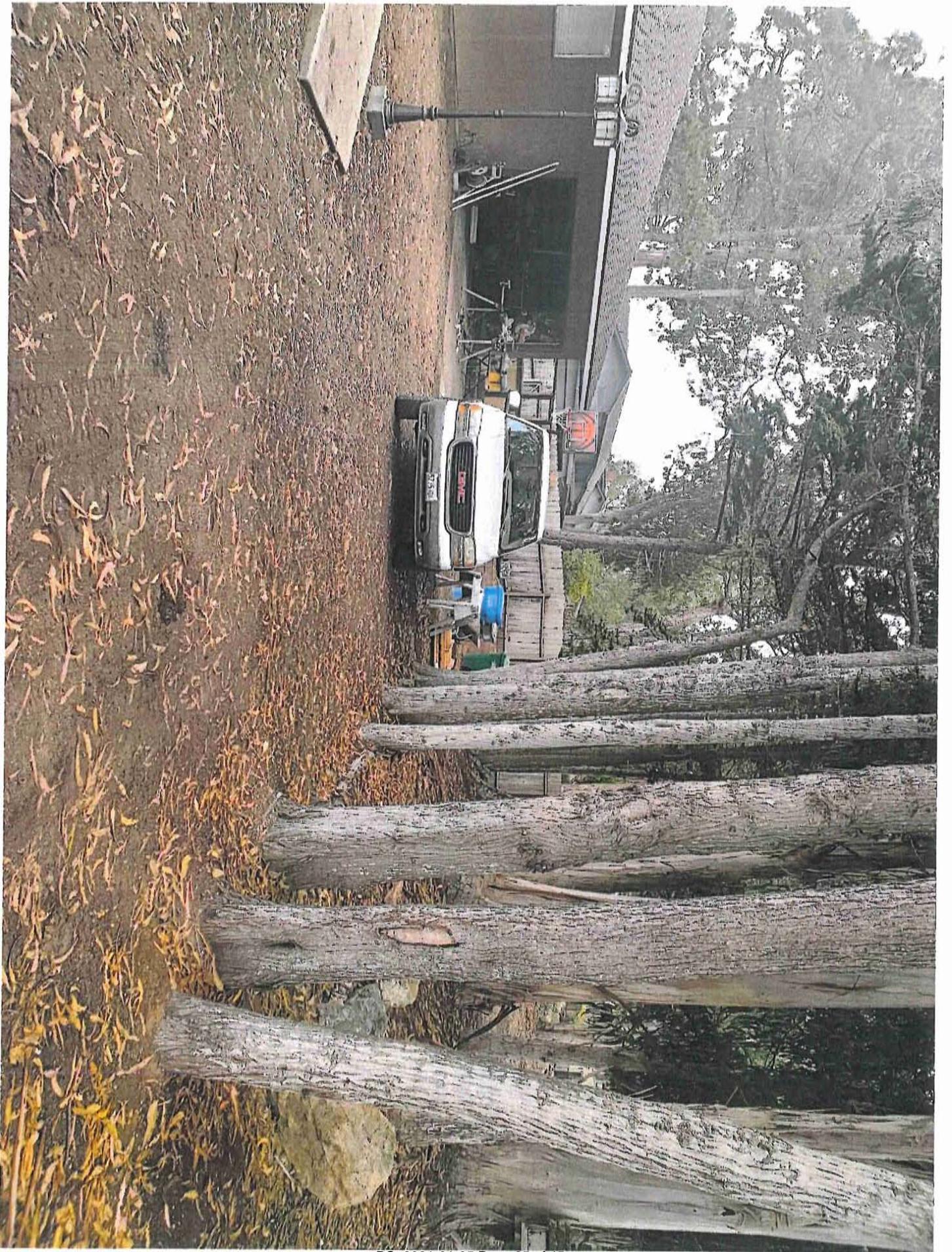


EXHIBIT B

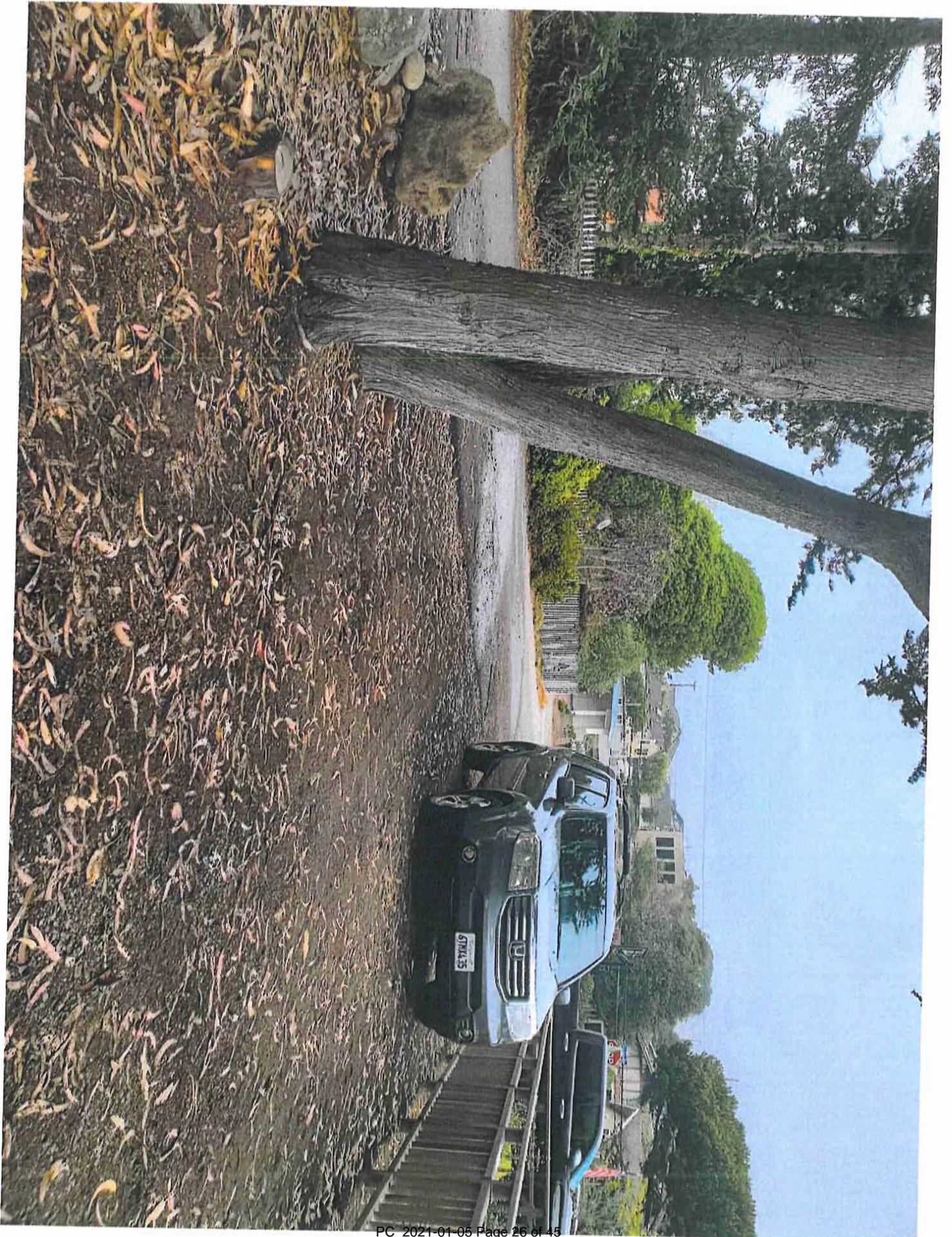
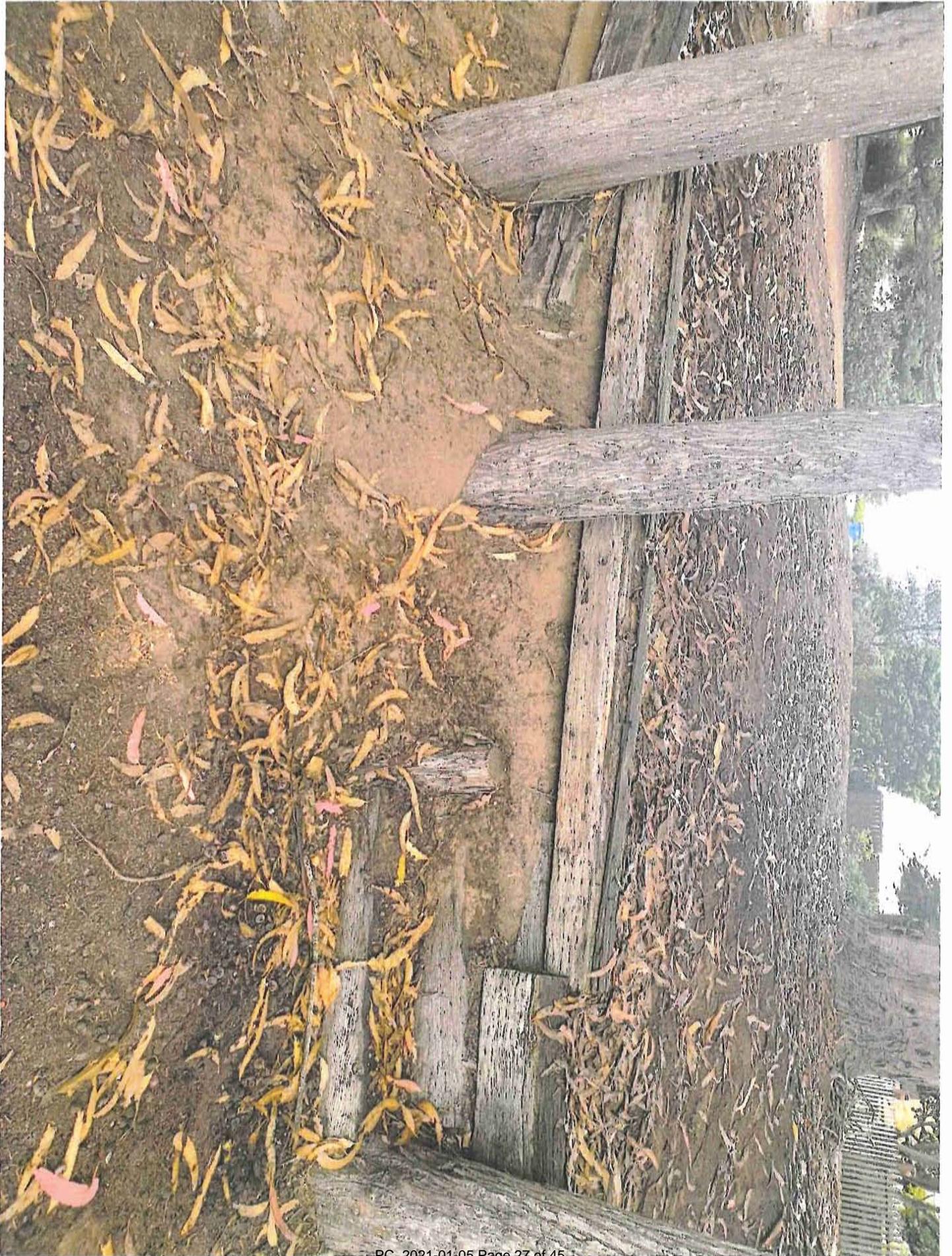


EXHIBIT B



# EXHIBIT C



## GREENVALE TREE COMPANY

September 29, 2020

### Arborist Report

For: Josh Martin  
355 Cerrito Place  
Morro Bay, CA

Plant ID *Hesperocyparis macrocarpa* (Monterey Cypress)

Task Evaluate (14) trees growing along easement and below Blue Gum Eucalyptus

Soil Original native soil. No irrigation.

Observations Trees are planted in an “L” shape along retaining walls that are now crumbling and need to be replaced. Every Monterey Cypress is below the canopies of much taller Blue Gum Eucalyptus. As a result, the Monterey Cypress are heavily shaded all day. Canopies are in the top 1/3 of the trunk and mostly one sided (foliage only on sunnier side). Weight, and with some trees a lean, is toward the house. At least one of the trees has an excessive lean. Foliage is very sparse for a Monterey Cypress. On most trees there is considerable deadwood lower. Some of these trees have oozing and may be showing the first signs of Cypress decline disease. The retaining wall directly below and next to the trunks of the Monterey Cypress needs replacing.

Conclusion These (14) trees are in very poor shape and decline that can not be reversed. The weight and in some cases the lean, toward the house makes them candidates for windthrow. The need to replace the retaining wall will likely mean cutting roots to accommodate construction. This will further weaken the trees and affect both health and stability. These trees are very vulnerable because of low sunlight and the dominance of the Blue Gums. There is no chance that any accommodating actions can be taken to bring them back to health or help them structurally.

### Recommendations

Remove all 14 trees and allow the larger Blue Gums to be the dominant tree. As it is you can barely tell the trees are there just passing by as most of the Monterey Cypress canopies are hidden. Replacing the retaining wall without removing these trees will leave them vulnerable to windthrow, likely to strike the house.

Sincerely  
Chris Stier,  
ISA Certified Arborist, #WE9262-A

## EXHIBIT C



This is a portion of the row of Monterey Cypress. The very large Blue Gum Eucalyptus trees beyond the Cypress dominate in both height and spread causing the sun loving Cypress to be completely shaded.

## EXHIBIT C



The “L” shaped stand of Monterey Cypress. Note the amount of deadwood low on the trees. The canopy is on the upper 1/3 of the trunk due to poor light. Leaning trees and one-sided weight toward the house leave these trees subject to windthrow. If the retaining wall is replaced and any roots are cut to accommodate construction, this leaves the entire tree unstable and subject to fail. **Note** the condition of the retaining wall.

## EXHIBIT C



A tree such as this one (arrow) heavily leans toward the house. Because of shade all the foliage (canopy weight) is also toward the house. This tree could suddenly fail.

## EXHIBIT C



This picture shows how the Blue Gum Eucalyptus dominates the overhead canopy. The smaller weaker Monterey cypress are stretching to reach the sunlight so all the live branches are headed toward the house putting all the weight of the tree toward the house. This is a very unstable situation where windthrow can cause injury, death or damage. **Note** at the arrow the direction the canopy is growing.

# EXHIBIT D



1602 Spring Street, Paso Robles, CA 93446  
(805) 237-9626 • Fax (805) 237-9181 • www.althouseandmeade.com

RECEIVED

NOV 19 2020

City of Morro Bay  
Community Development Dept.

November 19, 2020

Josh Martin  
355 Cerrito Place  
Morro Bay, CA 93442  
Email: 1105josh@gmail.com

Re: Monarch butterfly habitat assessment at 355 Cerrito Place, Morro Bay, California

Dear Mr. Martin:

This letter summarizes the results of a site visit I conducted on November 17, 2020 to assess the potential importance of Monterey cypress (*Hesperocyparis macrocarpa*) trees located at 355 Cerrito Place in Morro Bay, California to a nearby monarch butterfly (*Danaus plexippus*) overwintering site at Eagle Rock. Up to 14 Monterey cypress trees are proposed for removal on the property. After conducting an assessment of the cypress trees, it is my determination that removal of these trees would not impact monarch overwintering habitat at Eagle Rock.

### *Background Information*

Eagle Rock is a known monarch overwintering site (CNDDDB #124; Xerces site #3057). Monarchs have been documented clustering in blue gum eucalyptus (*Eucalyptus globulus*) on the rock since the 1980's and have likely clustered there for decades. The maximum overwintering population was 5,000 documented in 2000. The average wintering population between 1997 and 2017 was approximately 600 butterflies. Eagle Rock was listed by the Xerces Society as one of the 50 most important overwintering sites to protect (Pelton et al. 2016). No monarchs were observed at the site in 2018 and 2019. During a standardized monarch survey I conducted of the Eagle Rock site on November 17, 2020, I located four monarchs.

### *Tree Assessment*

The Monterey cypress trees slated for removal are located on the north and west sides of the front yard at 355 Cerrito Place. The trees were planted many years ago by a previous property owner, and were planted underneath a row of large, mature eucalyptus. The cypress trees have since grown up into the lower eucalyptus canopy, and are almost totally shaded by the eucalyptus. The cypress trees are located approximately 330 feet east of the trees where monarchs are known to cluster on Eagle Rock. Many of the cypress trees are in poor shape with dead lower limbs, and several are leaning.

# EXHIBIT D

*Althouse and Meade, Inc.*

---

## *Impact of Tree Removal on Monarch Overwintering Habitat*

Removal of the cypress trees will not impact the monarch overwintering habitat on Eagle Rock. Because the cypress trees are located directly under the row of large, mature eucalyptus, they are not adding any significant wind protection to the landscape. If the cypress are removed, the eucalyptus trees on the property will continue to function as a windbreak. Additionally, the cypress trees are located to the east of Eagle Rock. Prevailing winds during the winter are primarily from the north or west, while storm winds blow from the south or southeast. Therefore, wind protection to the east of Eagle Rock is not as important to the overwintering site.

Removal of the 14 cypress trees will not affect the viability or suitability of the monarch butterfly aggregation site on Eagle Rock.

Sincerely,



Jessica Griffiths

## *References:*

Pelton, E., S. Jepsen, C. Schultz, and S.H. Black. 2016. State of the Monarch Butterfly Overwintering Sites in California. Portland, Or: The Xerces Society for Invertebrate Conservation.

## *Photos*



Photo 1. Row of cypress trees growing under eucalyptus at 355 Cerrito Place. View facing northwest. Photo taken November 17, 2020.

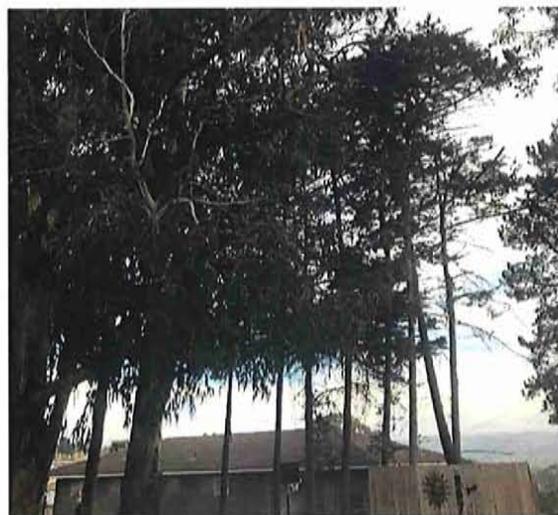


Photo 2. The cypress trees do not provide any additional wind protection. View facing southwest. Photo taken November 17, 2020.

# EXHIBIT E



## CITY OF MORRO BAY

Community Development Department  
Planning Division

955 Shasta Avenue  
Morro Bay, CA 93442  
(805) 772-6261

## APPEAL FORM

*In CCC Appeals Jurisdiction?*

YES – No Fee  
 NO – Fee Paid:  Yes  No

Project Address being appealed: <u>355 Gerrito Place</u>	
Appeal from the decision or action of (governing body or City officer): <input type="checkbox"/> Administrative Decision <input type="checkbox"/> Planning Commission <input type="checkbox"/> City Council	
Appeal of action or specific condition of approval: From the City's Project Tracking Sheet: "Admin CDP for removal of major vegetation. Proposal to remove 14 trees (9 on private property and 5 in public right of way)." <u>I am addressing the 5 public trees.</u>	
Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision): <u>GDP20-021</u>	
Date decision or action rendered: <u>Posted December 1, 2020</u>	
Grounds for the appeal (attach additional sheets as necessary):  MBMC section on public trees. Urban Forest Management Plan. The nature of Monterey Cypress.  An attachment with detail will follow.	
Requested relief or action:  Retain the 4 public Monterey Cypress trees that do not lean.	
Appellant (please print): <u>Betty Winholtz</u>	Phone: <u>(805)772-5912</u>
Address: <u>405 Acacia</u>	
Appellant Signature: <u><i>Betty Winholtz</i></u>	Date: <u>December 10, 2020</u>

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

# EXHIBIT F

**Damaris Hanson**

---

**From:** betty winholtz  
**Sent:** Monday, December 21, 2020 7:43 AM  
**To:** Damaris Hanson  
**Subject:** cerrito appeal addendum  
**Attachments:** cypress canker.png; point-pinos-lighthouse-and-monterey-stock-photo\_csp65339942.jpg; IMG\_3746.jpg; IMG\_3747.jpg; IMG\_3748.jpg; IMG\_3750.jpg; IMG\_3753.jpg

Damaris,  
Here is the addendum with pictures.  
Betty

"There's something about a live thing that you can connect with in a way you can't with an inanimate object." Trees are living things. The lives of 4 public trees are in your hands. It is important to point out that they are public trees. City goals, policies, and laws afford public trees certain protections, so decision makers must overlook their personal preference.

Just to be clear, there are a total of 14 trees petitioned to be cut down. There is a fifth public tree. This tree leans. While I personally would brace this tree to save it, you may feel the lean is too great. The other 9 trees border the applicant's private property. Since there are so many, they fall under the Major Vegetation Guidelines which carry no teeth. For example, if the owner cut two trees a year, s/he would not need a Coastal Development Permit. Also, whether or not the removal "adversely affects the character of the neighborhood" is subjective.

Even though we are a Tree City, USA, and have an Urban Forest Management Plan, neither the Planning Department nor the Environmental Programs Manager are advocates for trees. This is not a statement of judgment; it is a statement of truth. Their jobs are to process applications, to achieve the end goal of the applicant. Herein lies the rub: trees, private and public, don't have an advocate on Staff. It falls to residents to advocate for upholding City standards that preserve our urban forest and neighborhood trees.

I submit the following arguments on behalf of 4 public trees abutting 355 Cerrito Place.

1. *Morro Bay Municipal Code 12.08.070 - Tree removal by city for cause.*  
*No tree shall be removed from a public right-of-way unless it interferes with the necessary improvement of the public right-of-way, the installation of public utilities or is a hazard to person or property outside the drip line of the tree at maturity, or creates such a condition as to constitute a hazard or an impediment to the progress or vision of anyone traveling on or within the public right-of-way.*

None of these trees are being requested for removal due to interference with necessary public improvements, utilities, or visually blocking travel in the right-of-way.

## EXHIBIT F

2. Are the public trees hazards? The *Arborist Report*, paid for by the applicant, implies they are. It's implied because the Report refers to the 14 trees as a group. The Report does not separate the private trees from the public trees. The Report does not evaluate the trees individually.

As a group, it's true the cypress are shorter than the eucalyptus. Richard Holman, the previous owner, planted the cypress to be a barrier to the eucalyptus which were all ready present when he became owner of 355 Cerrito 30 years ago. It's not true that the cypress are "heavily shaded all day." I also live on the south facing side of Cerrito Peak. I have lived there for 22 years. I know that 1/2 of the year, south facing vegetation gets full sun--in this case favoring the cypress--and the other 1/2 of the year the sun is directly overhead--favoring the eucalyptus. Whether you look at the pictures the arborist included or the ones I include, you will see that the 14 cypress trunks are all vertical, unaffected by this light situation except for two: one private tree and one public tree. I am not appealing this particular public tree.

Regarding foliage, if you look at the east end of the row where the public trees are, the foliage is richly green and full. The trees have been trimmed up to be higher than tall vehicles because Mr. Holman had trucks and vans. The private trees to the west are also green with a few lower dead branches. Such dead branches are not necessarily a symptom of disease. Speaking to a licensed arborist in the County, there is no such thing as "Cypress decline disease." There is a cypress canker that affects cypress trees that do not live near the coast. **"Symptoms include dieback beginning from the top of the tree or branches browning and dying throughout the canopy."**\* I include a picture from the UC Master Gardener's of SLO. The trees in this appeal live on the coast and do not exhibit the canker characteristic symptom of dieback from the top down. Following the canker picture, there is a picture of a typical Monterey cypress to remind us that Montereys are not known for their symmetry or lower branches. It should not be a surprise that **"there is considerable deadwood lower."** The "oozing" I could not find on the public trees.

\*<https://ucanr.edu/blogs/blogcore/postdetail.cfm?postnum=22724>

The Arborist Report mentions the "crumbing," 1-foot high, retaining wall made of lumber 3 times during the course of the Report. The trees along the retaining wall are private trees; the public trees are east of it. The 4 pictures in the Arboist Report are all private trees in the middle and on the west end of the row. I introduced myself to Mr. Martin, the applicant, to tell him I was appealing his request. I asked him if he was replacing the retaining wall, he replied he wasn't sure. Regardless, the public trees are not involved with the retaining wall.

3. To add confidence in the characteristics of Monterey Cypress, here is a description from CalPoly's *Urban Forest Ecosystems Institute*, "USDA Hardiness Zones 7 - 10, Exposure Full Sun to Partial Shade, Moist to Dry Soil, Drought tolerant, and Branch Strength Rated as Strong."\*\*

\*\*<https://selectree.calpoly.edu/tree-detail/hesperocyparis-macrocarpa>

## EXHIBIT F

4. From Morro Bay's *Urban Forest Management Plan*, we learn that these particular public trees are 24-30 years old. (page 49) We also learn that these trees address climate change by sequestering: 5481lbs x4=21,924 lbs/yr; runoff interception: 39,870 gal/yr. (pages 53,55)\*\*\* To view the replacement "trees" which have already been planted, please see the attached picture. I suspect it will be years before the replacement trees will come close to sequestering and performing runoff interception.

\*\*\*<http://www.morrobayca.gov/DocumentCenter/View/7702/Urban-Forest-Management-Plan-UFMP?bidId=>

Unless the 4 public trees are individually evaluated and found hazardous, the criteria for their removal has not been met. They should be allowed to remain as public trees that everyone who enters Cerrito Peak from Shasta Street enjoys.



EXHIBIT F



EXHIBIT F



EXHIBIT F



EXHIBIT 5



EXHIBIT F



EX-13 F

