



AGENDA NO: B-1

MEETING DATE: February 7, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE PLANNING
COMMISSION FOR PUBLIC REVIEW
PRIOR TO THE MEETING**

To the planning commission of Morro Bay:

Hello, my name is Michael Murphy. I felt it would be quite prudent of me to enlighten you of my proposed home located at 2440 Laurel Ave.

Morro Bay has been part of my life since I was a young boy. My life dream was to live here full-time, and I kept that in mind every step of my life. Eight years ago, I made this happen by relocating over here. 7 1/2 years ago I purchased a cute little what I call surfer shack located at 2440 Laurel Ave. I realized when purchasing this house that it was not going to be a fixer upper. This house had severe foundation issues; however, amazing views minus the telephone lines. I felt it in time, once the lot was paid off, I could build a house that better suited my handicap needs.

In August 2019, I started researching the process of what it would take to replace my old home. When I purchased this house from Dick Cleaves the sale came with approved set of plans for a house that he and his wife were going to build. I felt this house was very ornate and did not fit in with the neighborhood. I chose to scrap it. I spent the following year drawing up plans for my new house and studying Morro Bay's building codes. This included many conversations with the building department. Once happy with what I had designed, the plans were given to my architect Gary Garza. I asked him to make it legal. After a year and a half of architectural and engineering design, my plans were ready to submit. I had to make many concessions, which I was not totally happy with; however, it's what it took to make this structure possible.

In general, this is a proposed demolition of an 800 ft.² 1953 existing home and new construction of a home that is 3037 ft.². The home is three levels on a 4000 square-foot parcel with an uphill slope on the east side of Laurel. All ordinance standards have been met properly and approved by planning. Front setback is 15 feet, side yard setback is 7 feet on the northside and 11 feet on the southside, rear setback is 5 feet, and the height of the structure is 25 feet. The lot coverage is 48% of the 50% available. In a nutshell, the proposed house is legal in regard to Morro Bay's development standards and building codes as well as the state of California.

Once my plans were approved through the planning department, only then did I realize that the neighbors behind me were very concerned. Prior to that the discussions were always wishing me well. In early December, Tina Metzger invited me to a meeting with fellow neighbors at 2403 Nutmeg. The meeting was at Tina's house with three other concerned neighbors. I brought a full set of plans, the meetings seem to go by fast however, it was three hours long. During the meeting I discussed the design efforts made to protect neighbors' privacy as much as possible. This included no elevator shaft on the roof, no chimney on the roof. We also discussed solar panel placement and types of solar panels. When designing the house, I made sure there were no windows in the back (east) as to protect their deck privacy. All windows facing neighbors' windows are to have obscured glass. I also explained that I had shifted the house as far north as possible. By moving the house further north on Laurel, it would give the house southeast of me "Tina's house" a better view. When deciding the colors of the façade and roof, I chose darker

colors that were less reflective. Patio privacy was also a concern on their behalf. I explained that I would address this concern to their satisfaction. In closing of the meeting Tina, myself and one neighbor viewed the approximate height through Tina's bedroom and front room living area. At that time, it was certainly evident that there would be no blocking the view with exception of Laurel Avenue and egress towards the freeway. I was not willing to give any solid statements as to accurate points, because I truly did not know. Everyone left the meeting feeling better informed.

Shortly after that time I researched non-reflective solar panels and installed three height guidance poles with red tips. The installation height of these polls was with the guidance of my architect. The measurements used were taken off the property pins left by the land surveyors. The following week I followed up by confirming proper height via drone GPS coordinates. Furthermore, I followed up with drone footage of height placement.

This will be my home until my passing. I do care about my neighbors, and I do not wish to make them unhappy. I clearly understand that a little bit of views of the city will be lost; however, no ocean views will be blocked. Since meeting with the city back in 2019, the one message that remained constant was that no private views are guaranteed. We were all here for one reason, and that's to enjoy our beautiful ocean, that will not be taken from any of the property owners behind me with exception to their lower floor. Back in 1953 when this house was alone on the hill, it slowly watched the beauty around it disappear. That is what they call progress. This old House has served its purpose. This land has a new dream – my dream!

I have followed all direction from the city of Morro Bay, as to what was required of the project with a smile on my face. All codes and laws of been followed and will continue to be followed. I ask that you help me follow through with my dream. Thank you very much for your time in this matter.

Sincerely,
Michael Murphy.

February 3, 2023

City of Morro Bay
Community Development Department
955 Shasta
Morro Bay, CA 93442

Case No: CDP22-025
Site Location: 2440 Laurel Ave, Morro Bay, CA

We are next door neighbors to Mike Murphy and are in full support of him building a new house. We are not worried about him blocking our view or any of the other concerns that have been appealed. We trust that all rules and regulations have been addressed. His new house will improve the neighborhood more so than the existing house that is there. We look forward to seeing him begin building his new home!

Steve and Laura Lindsay

Steve and Laura Lindsay
2420 Laurel Ave, Morro Bay, CA

From: [REDACTED]
To: [Dana Swanson](#)
Subject: Appeal of CDP22-025
Date: Sunday, February 5, 2023 9:54:55 PM

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

Dear Planning Commissioners:

I support the Appeal of CDP22-025. The proposed house at 2440 Laurel Avenue is a good project as long as it doesn't affect neighbors negatively. I do think it could be a nice addition to the neighborhood as long as it conforms and follows property guidelines and aligns with existing styles of houses and existing house setbacks to avoid obstruction.

Thank you

Nick Jerkovich

Sent from my iPhone

From: [REDACTED]
To: [Dana Swanson](#)
Cc: [REDACTED]
Subject: Appeal of CDP22-025
Date: Sunday, February 5, 2023 3:22:45 PM

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We are the owners of the home on Nutmeg Ave which is directly behind proposed construction at 2440 Laurel Ave.

As you know, when this neighborhood section was planned by the city, all houses on the West side of Nutmeg were built below street level, so that homes on the East side of Nutmeg would have an ocean view. Homes on Laurel below Nutmeg would be limited to two levels, so Nutmeg homes on the west side would have an ocean view. Great City planning over the years has worked out so well for every home site in this neighborhood.

Before we made the purchase, we had a city planning department person come out to show us how high new construction below us could be and would not block the view. This assurance of the beautiful ocean view from our living room and large deck is the primary reason we purchased it years ago as a vacation home for us and our large family and as an investment. Sitting on the deck with family has made the purchase so worthwhile.

If this HUGE, commercial-looking building is allowed, all we will see from our home is the back of a three-story drab wall of stucco reaching almost to our fence line and very close to our deck. Another concern is – upon viewing the project plans – there is a very reasonable suspicion that this facility is intended to be a therapy, rehabilitation, recovery treatment center of some sort, rather than a family home.

I am 90 and my wife is 86. We saw this home as an investment for when we would need to sell it to provide for our care. The value of our otherwise ordinary home is very much determined by the panoramic ocean view. Without this view, our investment and financial security will be greatly affected.

Please don't let this excessive project overwhelm our neighborhood aesthetics and our home's enjoyment and financial value.

Mac and Connie McBride

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Dana Swanson](#)
Subject: Planning Commission – Appeal of CDP 22-025
Date: Monday, February 6, 2023 9:22:35 AM

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Dear Planning Commissioners:

Please be advised I live at [REDACTED] Nutmeg Ave., in Morro Bay. I am concerned about the proposed house with the address of 2440 Laurel Ave. in Morro Bay because the house does not adhere to the Morro Bay residential design guidelines.

I do not believe the home is within the scale of the other homes in our immediate neighborhood towards the east side of Laurel, and between Avalon and Casitas streets. In addition, the house at street level is three stories, which is overpowering and not compatible with our neighborhood.

It is my understanding there is a 25 foot height limit. However, the proposed plan regarding this home clearly documents the fact that the height exceeds the limit. Since our city does have a height limit, I am wondering why someone has made the decision to overlook this important requirement.

I also noted in the plans that this home will only have a backyard consisting of 5 feet. For a home that size, 5 feet certainly cannot be considered a backyard. In addition, it is not consistent with the neighboring yards.

I am requesting again that you reconsider allowing this type of home to be built in our neighborhood. Your assistance in this matter is appreciated.

Sincerely,

Jane Woodcock
Attorney at Law
LAW OFFICES OF JANE WOODCOCK
P.O. Box 27980
Fresno, CA 93729-7980

[REDACTED]

- LAW OFFICES OF JANE WOODCOCK EMAIL NOTICE - This transmission may be: (1) subject to attorney-client privilege, (2) an attorney work product, or (3) strictly confidential. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this message in error, please reply and notify the sender (only) and delete this message. Unauthorized interception of this email is a violation of federal criminal law.

From: [Dana Swanson](#)
To: [Christina Azevedo](#)
Subject: FW: Planning Commission - Appeal CDP22-025
Date: Monday, February 6, 2023 2:39:54 PM

From: Carolyn Phares [REDACTED]
Sent: Monday, February 06, 2023 2:26 PM
To: Dana Swanson <dswanson@morrobayca.gov>
Subject: Planning Commission - Appeal CDP22-025

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To Morro Bay Planning Commissioners,

Regarding the proposed house construction at 2440 Laurel Lane, I am very unhappy to see what appears to be (according to the plans) a house that is over-sized and doesn't fit nicely with the adjacent homes in our neighborhood.

I can think of several aspects of the design that do not adhere to the Morro Bay Residential Design Guidelines:

***One of these is the horrible "mansard" roof which looks so commercial and is very unattractive in this residential application.*

***Another aspect is the lack of architectural variation of the north, south and east walls. Particularly in the case of the EAST wall, all one sees is just an ugly three-story expanse of stucco facing the houses behind it. Again, very unattractive and not compatible with other homes nearby.*

***And third, the three story height is out of keeping with other homes on that street. Basically, it is too large and too ugly. The proposed design needs to be scaled down and refined.*

Thank you for your time,

Carolyn Phares and Bob Betzner

From: [Dana Swanson](#)
To: [Christina Azevedo](#)
Subject: FW: Appeal of Planning Commission CDP22-025
Date: Monday, February 6, 2023 3:36:48 PM

-----Original Message-----

From: Mary Jo [REDACTED]
Sent: Monday, February 06, 2023 3:34 PM
To: Dana Swanson <dswanson@morrobayca.gov>
Cc: Metzger Tina [REDACTED]
Subject: Appeal of Planning Commission CDP22-025

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I support the appeal objecting to the proposed design of the structure at 2440 Laurel Avenue. I am a neighbor on Laurel Avenue and I have a personal and neighborhood interest in preserving the design precedent which ensures that new structures and renovations uphold the beauty and design integrity of a neighborhood. This structure is an ugly behemoth with no redeeming features. Not only is it ugly but it would sit higher than any other home in the vicinity calling more attention to its ugliness. That means the Planning Commission has also waived the 25' height requisite. Why?? It follows, then, that this ugly, behemoth structure will obstruct the coastal views of some of its neighboring homes.

I have travelled the world and I cannot think of one structure I've seen that is so totally devoid of beauty or attractiveness. I hate to think that I might have this travesty so near to my house. How will this affect my property values? I, too, have a small, flat-roofed beach home directly below my home. I cannot bear the thought that someone could build a monstrosity like this directly below me which would destroy my emotional balance, coastal views, property value and pit neighbor against neighbor.

Please revisit your decision to approve this eyesore. Just say, "NO." Uphold our appeal.

Mary Jo DeSio - Property Owner

Sent from my iPhone

February 6, 2023

Planning Commission
City of Morro Bay
995 Shasta Ave.
Morro Bay, CA 93442

RE: Appeal of Administrative Coastal Development Permit: 2440 Laurel Ave.
CDP22-025

Dear Planning Commission Chair and Members:

The purpose of this letter is to respond to the Staff Report for the February 7, 2023 Planning Commission Agenda Item: B-1, Appeal of CDP22-025. This Appeal concerns the Administrative Coastal Development Permit for the proposed demolition of the 1953 existing home and proposed construction of a new home (“the Project”) at 2440 Laurel Avenue, Morro Bay. The proposed house is 4,365 square feet of garage and living space.

The Project is located in the R-1/S.2 District which is the Special Treatment (S) Overlay Zone. In the S.2 Special Treatment (S) Overlay Zone of the current Morro Bay Municipal Code, I find it disheartening that someone in the Community Development Department has taken the liberty to remove language stated in the previous 1993 MB Municipal Code S.2 Special Treatment Overlay Zone which states, “In order that new development will occur, be developed in an orderly manner and *will be in harmony with other structures and improvements in the area*; the maximum utilization of land may be permitted through the combination of compatible uses; and that *areas with unique character and visual resources are preserved and protected*, the following special treatment combining districts are established.” (Source: Chapter 17.40 of the 1993 Morro Bay Municipal Code, page 444; italics mine.)

The stated “unique character and visual resources” of our neighborhood are the hills and views to the coast. The stated “harmony with other structures and improvements in the area” help explain the successful historical typology of the neighborhood and the respect for the coastal views of all of the properties in our neighborhood.

In my response to the Staff Report - instead of pointing out every inaccuracy, or misquote, or the which photo examples are a half mile away from the immediate Project neighborhood of Laurel Avenue, between Avalon and Casitas Streets and don't apply - I would instead like to focus on simple improvements to the overall design that can make a world of difference to the negatively affected neighbors of the Project. These simple improvements will not take away from the Applicant's "dream house."

Please see the attached photos (Attachment B) of the model that is to Scale: $\frac{1}{4}$ " = 1' based on the Project drawings. The model shows the building in the West, North, East and South Elevations. The model helps to understand the building profile and bulk. (Note: the proposed building exterior color and material is light gray stucco, not green.)

SOUTH ELEVATION:

The South Elevation shows what I (and some of my neighbors) will be looking at for the rest of my life. The black solar panels stuck all along on the side of the flat mansard roof are pointed directly at all my west facing picture windows (and neighbors' windows). The floor-to-ceiling sliding glass doors (mirrored glass) at the rear balcony of the third-floor South Elevation wall look directly into my master bedroom, living room, and dining room picture windows. I will have a direct view into the Spa alcove on the Project's second floor from all my picture windows.

WEST ELEVATION:

The West Elevation shows the house is three stories and 32' high on Laurel Avenue. The Project is on the east side of Laurel, where the homes are predominantly two stories. On the west side of Laurel, at street level, all homes are one story, between Avalon and Casitas Streets, and also farther north on Laurel.

NORTH ELEVATION:

The North Elevation shows the overhanging mansard roof line to the front edge of the decks, and the front columns are directly in the iconic Morro Rock viewshed of the adjacent neighbor (Jerkovich) to the north of the Project. The columns and the mansard roof also affect the north coast viewshed of the neighbor adjacent to the Project on the south (Lindsay).

EAST ELEVATION:

The East Elevation shows the back of the building, with a 5' setback and no back yard, and a blank stucco wall two and a half stories high. The neighbors (McBride) directly behind the Project are understandably distressed about the loss of their view to the coast out of their picture windows, and the loss of the value of their property, their life investment.

What are simple solutions to the above issues?

First off, we neighbors are happy the Applicant is building his "dream home." We are not trying to prevent the Applicant from building his home. We would like to offer simple design changes that will make all the difference in the world to the neighbors and help the house be a better Project and more compatible with the Laurel Avenue neighborhood.

- 1.) Pull back the front mansard roof on the West Elevation.
- 2.) Remove the Columns.
- 3.) Dig down two feet.
4. Locate the solar panels on the center flat recessed sections of the roof.
5. Shorten the third story floor-to-ceiling mirrored sliding glass door windows at the rear South Elevation.

That's it!

In summary, with above simple design changes, the improvements will result in a better Project; and a much more compatible Project with the neighborhood.

Sincerely,

Tina Metzger

Attachments:

A. Page 444 from the Morro Bay Municipal Code (1993); Section 17.40 Special Treatment S.2 District, describing Standards.

B. Photos of the Elevations of the model of the Project – **Scale: ¼" = 1'**.

C. Photos showing, **from street level**, the one-story homes on the west side of Laurel Avenue, between Avalon and Casitas Streets.

D. Photos taken from the middle of the block of Laurel and Nutmeg, showing the backyards looking south and looking north.

E. Photos of an excellent example of a three-story home on the east side of Laurel at 2410 Laurel Avenue.

Chapter 17.40

SPECIAL TREATMENT COMBINING DISTRICTS

Sections:

- 17.40.010 Application of regulations.
- 17.40.020 Scope.
- 17.40.030 Standards.
- 17.40.040 Procedure.
- 17.40.050 Appeal to city council.

17.40.010 Application of regulations.

In any primary district which is combined with an "S," "M," or "MW" special treatment combining district, and in mixed-use areas where a primary and secondary district are combined, this chapter shall apply in addition to those uses and regulations specified for such districts; provided, however, in the event of a conflict with the regulations applicable, the provisions of this chapter shall govern. (Ord. 263 § 1 (part), 1984)

17.40.020 Scope.

The regulations in the special treatment combining districts are designed to provide maximum utilization of land by allowing for combinations of compatible uses under certain circumstances. Furthermore, these districts may be used to require special treatment or regulations such as the application of special design criteria including architectural, structural, physical and visual characteristics, for new development in unique areas of the city of Morro Bay. (Ord. 263 § 1 (part), 1984)

17.40.030 Standards.

In order that new development will occur, be developed in an orderly manner and will be in harmony with other structures and improvements in the area; that the maximum utilization of land may be permitted through the combination of compatible uses; and that areas with unique character and visual resources are preserved and protected, the following special treatment combining districts are established:

A. Special Building Site and Yard Width Requirements.

- S.1 District.

Minimum building site required, two thousand four hundred square feet.

Minimum lot width required at property line, forty feet. Minimum front yard required, ten feet. (Including garage entry setback.)

Minimum side yard required, three feet.

Minimum rear yard required, five feet.

Minimum off-street parking required, one garage or carport per unit.

Maximum lot coverage permitted, fifty percent.

- S.2 District.

Minimum building site required, four thousand square feet.

Minimum lot width required at property line, forty feet. Minimum front yard required, fifteen feet. (Including garage entry setback.)

Minimum side yard required, ten percent of the width of the lot, to a maximum of five feet.

Minimum rear yard, five feet.

Maximum lot coverage permitted, fifty percent.

Less than three thousand five hundred square feet lot area, one-car garage permitted.

- S.2.A District.

The purpose of this suffix is to preserve the existing character of physical development in the area within the jurisdiction of the city, west of State Highway One; north of Azure Street. Where this suffix fails to specify the location and type of development permitted, the existing R-1 classification shall be deemed to contain the applicable definitions and specifications.



WEST ELEVATION



SOUTH ELEVATION

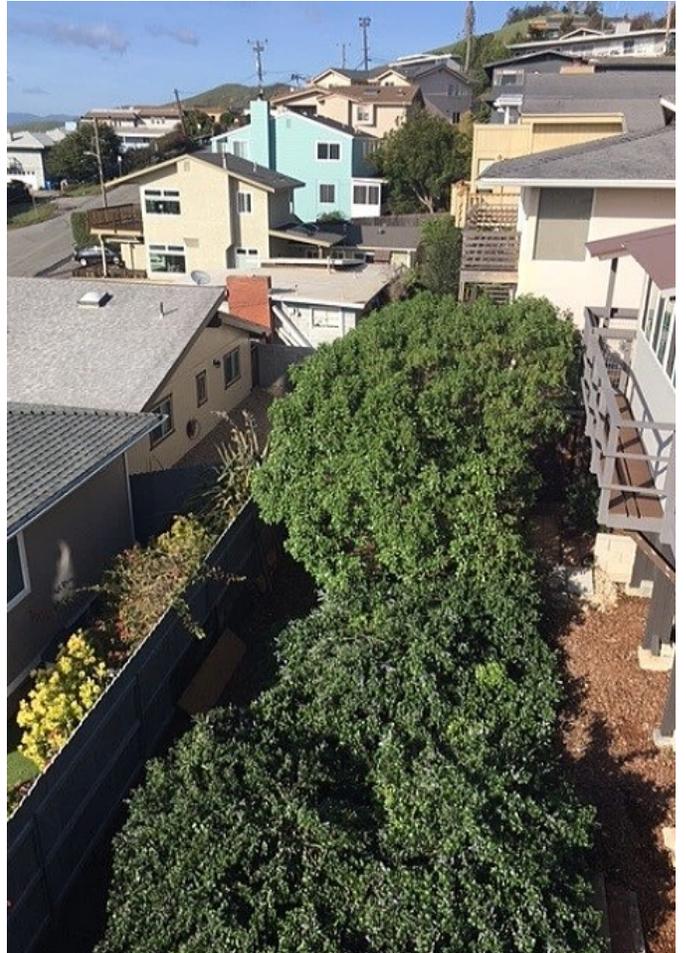
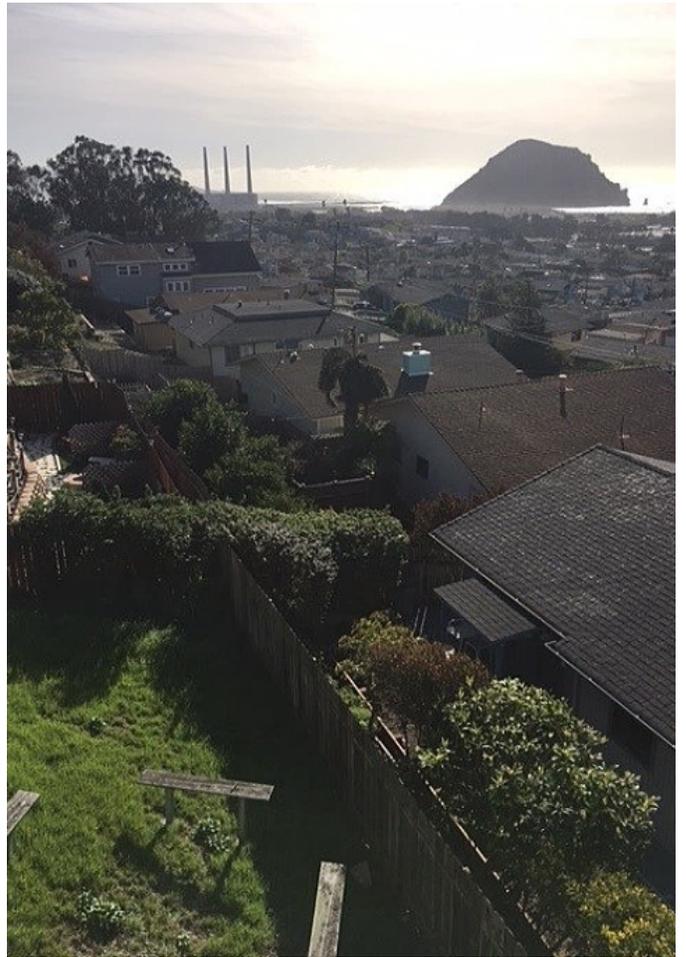


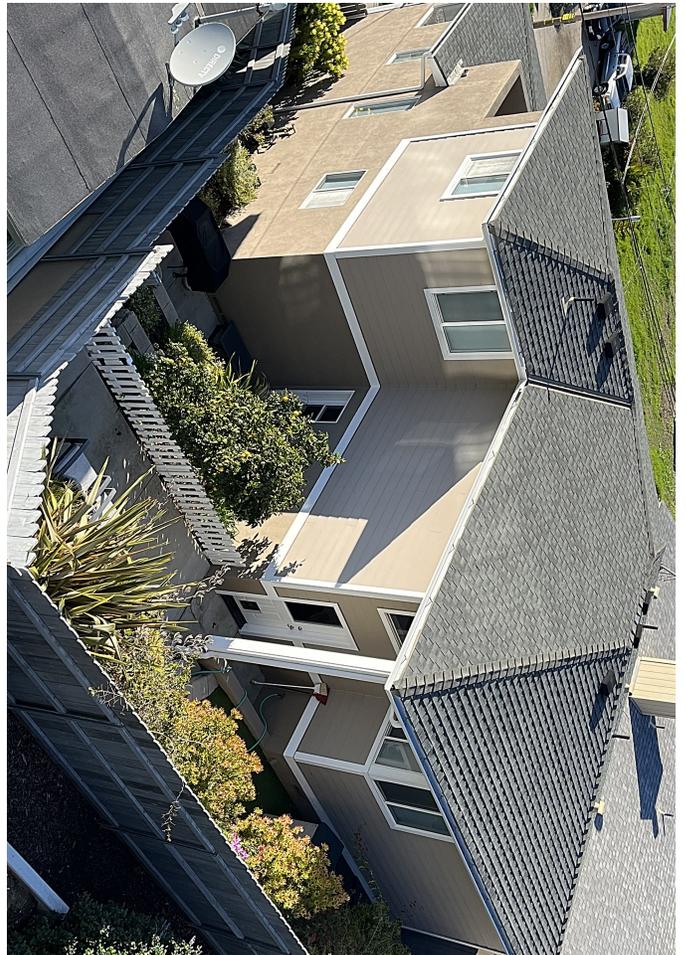
NORTH ELEVATION



EAST ELEVATION















From: [Carole Truesdale](#)
To: [PlanningCommission](#); [Council](#)
Cc: [Scott Collins](#); [Dana Swanson](#)
Subject: Open Public Comment
Date: Tuesday, February 7, 2023 10:58:37 AM

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

Dear Commissioners, Council Members,

I am Carole Truesdale, resident of Morro Bay since 1995 and homeowner.

Former Commissioner Robert Tefft left us too early due to his demise. I attended Planning Commission meetings during his tenure and one of the many comments he made was about the "creeping out and creeping up" which ultimately changes charm, neighborhoods, affordability, and the texture of Morro Bay.

When I see the Laurel project come before the Commission whereby the height limit to 32' vs. 25', this type of edifice is exactly what Robert was speaking about. People above this development will be affected by this build.

I hope the Commissioners would look at this structure and ask the developer to come down to a lower height limit that will not impact those above. Mini mansions such as this project, does change the charm of the neighborhood and surrounding areas.

Thank you,

Carole Truesdale

"Food without wine is a corpse; wine without food a ghost. United and well matched, they are as body and soul;

living partners!" chef...Andre Simon (1877-1970)



AGENDA NO: D-1

MEETING DATE: February 7, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE PLANNING
COMMISSION FOR PUBLIC REVIEW
PRIOR TO THE MEETING**

From: [REDACTED]
To: [PlanningCommission](#)
Subject: Agenda Item D-1/Public Comment
Date: Thursday, February 2, 2023 7:29:00 AM

sstew49815@aol.com appears similar to someone who previously sent you email, but may not be that person. [Learn why this could be a risk](#)

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At the last Planning Commission meeting, the group unanimously voted to identify the need for an Historic Preservation Ordinance as a top goal, and to discuss further an interim ordinance to possibly help circumvent further losses and identify avenues for preservation.

I've thought more about our interest in getting the ball rolling on an Historic Preservation Ordinance, and have a suggestion. Part of the recommendation from the HSMB (Historical Society of Morro Bay) was to create a new advisory board, HPAB or Historic Preservation Advisory Board, to be appointed by the city council. All of this would of course be dependent on Council approving the idea of an HPO in their goal setting, and could be many months down the road. Instead, and immediately, we could consider creating an ad hoc committee, probably with about seven to nine members, to begin the process of taking the major steps identified that would set the stage for the goal to be realized in a timely fashion, should the council choose to adopt it.

An ad hoc committee would not be subject to Brown act rules, could meet frequently and communicate more effectively, be nimble in responses and pull in and identify experts willing to donate their time. It would be easy for the committee to break into smaller groups with specific jobs to focus on.

At this point, I see several tasks:

- review steps towards becoming a Certified Local Government,
- start an inventory of historic homes, properties and districts,
- identify potentially significant architectural structures and historic features,
- consider any potentially significant historic figures, events or industries associated with our community and determine how to wrap those into the story of Morro Bay,
- identify incentives for property owners and the community that make identification and nomination for listing as a Historic Property attractive and viable.

Consider drafting committee members from the Historical Society of Morro Bay, one or two from the new Planning Commission, a council member, and several people with expertise in historic architecture, local history, and related policy areas.

I imagine we could generate a lot of excitement among folks interested in seeing whether their home or commercial property has a story to tell.

For those who may not know, these are the requirements to be a CLG (Certified Local Government):

- Enforce appropriate state and local laws and regulations for the designation and protection of historic properties;
- Establish an historic preservation review commission by local ordinance;
- Maintain a system for the survey and inventory of historic properties;
- Provide for public participation in the local preservation program; and
- Satisfactorily perform responsibilities delegated to it by the state.

And the broad criteria for designation as a California Historic Resource:

- Associated with events that have made a significant contribution to the broad patterns of local or regional

history or the cultural heritage of California or the United States.

- Associated with the lives of persons important to local, California or national history.
- Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

I see the potential here for a community project that could bring people together with a sense of pride. I know there are many other challenges facing us, especially now, but this might be time for positive and forward thinking action on this item.

All the best,

Susan Stewart

From: [Sean Green](#)
To: [PlanningCommission](#)
Cc: [CityClerk](#); [Council](#)
Subject: 2/7/23 Planning Item D-1: Historical Preservation Discussion
Date: Tuesday, February 7, 2023 9:31:59 AM

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

Planning Commision and staff,

Thank you for taking the time to discuss historical preservation in Morro Bay. As an owner of a 1929 home, I appreciate the possibilities that may come with the eventual passage of a city ordinance, if extensively planned for, that incentivizes reasonable preservation in town. Of particular concern to me (and likely others) with respect to such an ordinance would be to what extent program participation is voluntary or mandatory; ideally, planning incentives can be put in place that organically motivate participants to "opt-in" to preserving historical structures rather than a more burdensome application that mandates historical preservation for preservation's sake. That said, in the rare event that a historical building or landmark is considered by the vast majority of stakeholders to have significant historical value to the City, perhaps a mechanism could be put in place that allows a unanimous vote of Planning Commission or Council to mandate preservation. Morro Bay is blessed with historical gems all over town, some hidden, some we all know. I look forward to the architectural possibilities that come with a historical preservation ordinance that reasonably balances old and new.

Thank you for your consideration,

Sean Green
Morro Bay, CA