



CITY OF MORRO BAY PLANNING COMMISSION AGENDA

*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.
The City shall be committed to this purpose and will provide a level of municipal service and safety
consistent with and responsive to the needs of the public.*

**Regular Meeting - Tuesday, May 6, 2014
Veteran's Memorial Building - 5:00 P.M.
209 Surf Street, Morro Bay, CA**

NOTE SPECIAL EARLY START TIME OF 5:00 PM

Commissioner John Fennacy
Commissioner Gerald Luhr
Commissioner Michael Lucas
Commissioner Richard Sadowski
Commissioner Robert Tefft

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

ELECTION OF CHAIR AND VICE CHAIR

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on matters not on the agenda may do so at this time. In a continual attempt to make the public process open to members of the public, the City also invites public comment before each agenda item. Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present comments must observe the following rules to increase the effectiveness of the Public Comment Period:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes so keep your comments brief and to the point.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, 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 Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Services' Office Assistant 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. There are devices for the hearing impaired available upon request at the staff's table.

PRESENTATIONS

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

Presentation by the Cal Poly City and Regional Planning Graduate Lab. Students will present site analysis findings as a basis for a future concept plan for the area bounded by Atascadero Road, the Morro Bay High School, the ocean and Highway One, including the site of the existing Wastewater treatment Plant. The presentation will be part of a visioning process for the future rezoning of the area described.

A. CONSENT CALENDAR

A-1 Approval of minutes from the Planning Commission meeting of February 19, 2014

Staff Recommendation: Approve minutes as submitted.

A-2 Approval of minutes from the Planning Commission meeting of March 5, 2014

Staff Recommendation: Approve minutes as submitted.

B. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

B-1 **Case No.:** CP0-408

Site Location: 1000 Ridgeway

Proposal: *Continued from March 5, 2014 meeting.* Appeal of Administrative Coastal Development Permit #CP0-408 for demolition of an existing single-family residence and subsequently construct a 4,829 square foot single-family residence with a 1,201 square foot garage. This site is located outside of the appeals jurisdiction of the California Coastal Commission.

CEQA Determination: Categorically Exempt, Class 1 and Class 3

Staff Recommendation: Grant the appeal and approve CP0-408 as revised.

Staff Contact: Cindy Jacinth, Associate Planner (805) 772-6577

B-2 **Case No.:** N/A

Site Location: 310 Kern

Proposal: *Continued from March 5, 2014 meeting.* Appeal of the removal of a tree located in the public right of way.

CEQA Determination: N/A

Staff Recommendation: Hear the appeal, deny the appeal and allow removal of the tree.

Staff Contact: Damaris Hanson, Engineering Technician (805) 772-6265

C. UNFINISHED BUSINESS

C-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

D. NEW BUSINESS - None

E. DECLARATION OF FUTURE AGENDA ITEMS

F. **ADJOURNMENT**

Adjourn to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on May 20, 2014, 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 Public Services Department, 955 Shasta Avenue, for any revisions, or call the department at 772-6261 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 Public Services 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 Public Services Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Public Services Department, at Mill's/ASAP, 495 Morro Bay Boulevard, 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 Public Services Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: www.morro-bay.ca.us/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.morro-bay.ca.us/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 Public Services 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 \$250 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.

AGENDA ITEM: A- 1

DATE: May 6, 2014

ACTION: _____

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – February 19, 2014
VETERANS MEMORIAL HALL – 6:00 PM

Chairperson Grantham called the meeting to order at 6:00 p.m.

PRESENT:	Rick Grantham	Chairperson
	John Fennacy	Commissioner
	Michael Lucas	Commissioner
	Robert Tefft	Commissioner

STAFF:	Rob Livick	Public Services Director
	Cindy Jacinth	Associate Planner
	Damris Hanson	Engineering Technician
	Barry Rands	Associate Civil Engineer

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

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period.

Roger Ewing, Morro Bay resident, stated B-1 is a very important item and should be reviewed by the full 5 member Commission.

Chairperson Grantham closed Public Comment period.

PRESENTATIONS- None

Unless an item is pulled for separate action by the Planning Commission, the following actions are approved without discussion.

A. CONSENT CALENDAR - None

B. PUBLIC HEARINGS

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – FEBRUARY 19, 2014

B-1 **Case No.:** CPO-408

Site Location: 1000 Ridgeway

Proposal: Appeal of Administrative Coastal Development Permit #CPO-408 for demolition of an existing single-family residence and subsequently construct a 4,829 square foot single-family residence with 1,201 square foot garage. This site is located outside of the appeals jurisdiction of the California Coastal Commissions.

CEQA Determination: Categorically Exempt, Class 1 and Class 3

Staff Contact: Cindy Jacinth, Associate Planner (805) 772-6577

Jacinth stated the Applicant has requested a continuance based on illness and staff recommends the Commission consider the request and open the hearing for public comment for those who wish to speak on the matter.

Reed Adamson, Applicant, asked for continuance as his representative who had a presentation and could answer the Commission's questions has the flu. He stated the master suite and living area will be on the second floor and the first floor will be for family.

Katherine Caldwell, Appellant and resident of the Heights, expressed concern about neighbourhood compatibility, water usage and the driveway variance. She would like the Commission's consideration on what neighbourhood compatibility is and refer it to the City Council for clarification if it is not clearly defined. She is not opposed to the continuation and asked for clarification of the driveway variance.

Nancy Bast, Morro Bay resident on Fairview, spoke against the project due to size, bulk and scale as well as parking issues. She would like the Commission to uphold the appeal, order the proposal to conform to the LCP policy to fit in the neighbourhood and require it has a 20 foot driveway.

Roger Ewing, Morro Bay resident, stated he supports the Appellant and spoke against the project due to issues with size, parking and water usage.

Livick stated the 2500 square foot threshold was passed as an urgency ordinance by the City Council for one year and it was never brought back to adopt as a provision in the code. He noted there is no size limit requirement that would require going to the Planning Commission.

Dorothy Cutter, Morro Bay resident, expressed concern about the parking variance and spoke against the project due to issues with neighbourhood compatibility. She requested the project be sent back for redesign.

Marsha Tilley, Morro Bay resident, spoke in support of the project noting it is a great thing when people want to invest money in our real estate and it will be beneficial to the value of the real estate in the neighborhood.

Ted De Mont, Morro Bay resident, spoke against the project due to issues with size and neighbourhood compatibility.

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REGULAR MEETING – FEBRUARY 19, 2014

Alex Beatty, Morro Bay resident, spoke against the project due to issues of compatibility with the area and goals of Morro Bay.

Grant Crowel, Morro Bay resident, spoke against the project due to issues with not in keeping in size and scale of the character of the community, stating the photo simulations tell a story that is not true.

Jim Bianchi, Morro Bay resident, spoke in support of the project noting the visual impact of the house is reduced because you cannot view it from all except in the park where the house is obscured by trees.

Nancy Kerr, Morro Bay resident, spoke against the project due to issues of size and incompatibility with the neighbourhood.

Chairperson Grantham closed Public Comment period.

Chairperson Grantham asked staff to address the variance issue.

Jacinth stated the project is not requesting a variance and this time as the item is an appeal of an Administrative Coastal Development permit which is allowed as a Director level approval under the code. She noted the variance issue referred to is a parking exception granted by the Commission in 2012, noting the plans submitted showed the proposed future home but the item was for a parking exception only. She stated variances run with the land so it stays with the property.

MOTION: Commissioner Fennacy moved to continue the item until March 5, 2014.

Commissioner Tefft seconded the motion and the motion passed unanimously. (4-0).

Commissioner Tefft asked staff if the plans submitted for the variance were substantially similar to the ones they are reviewing now. Jacinth stated yes.

Chairperson Grantham noted that Commission put on a future agenda item to take a closer look on how City is going to look at bigger homes.

B-2 Case No: N/A

Site Location: 310 Kern

Proposal: Appeal of the removal of a tree located in the public right of way.

CEQA Determination: N/A

Staff Contact: Damaris Hanson, Engineering Technician (805) 772-6577

Hanson presented the staff report.

Chairperson Grantham opened Public Comment period.

Gail Coffman, Morro Bay resident on Kern Avenue, stated the tree is in her front yard and understands the roots are a problem. She wants the tree to remain but decision needs to be made

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REGULAR MEETING – FEBRUARY 19, 2014

by the experts who are not emotionally tied to the property, acting in the best interests for all to come to a working solution. She stated there was a tree in the public right of way that had its roots removed so the tree could stay and asked if the same could be done with this tree.

Nancy Bast, Morro Bay resident, spoke in support of not removing the tree due to the tree's health, not all of the damage done is due to the tree and alternatives such as root cutting to retain the tree.

Marlys McPherson, Morro Bay resident, stated she is opposed to removing the tree and hopes Commission looks at alternatives to save the tree and mitigate the damage.

Carol Olson, Morro Bay resident, spoke in support of removal or trimming of the tree.

Glen Seliea, Morro Bay resident, spoke against removing the tree stating this is a signature tree and is healthy.

Ann O'Brien, Appellant, spoke in support of removing the tree due to issues with property damage to the garage, retaining wall and stairway to the house. She stated would like City to put her welfare as a property owner over the welfare of the tree that is not healthy and take liability for damage that has been done.

Chairperson Grantham closed Public Comment period.

Chairperson Grantham disclosed he visited the location, spoke with the property owner and viewed the tree.

Commissioner Tefft asked about root pruning and if there are techniques that control root growth without removing the tree. Hanson replied the arborist did not comment on it and do not know if root trimming could be done on this tree, noting the City could look into it and ask an arborist.

Commissioner Tefft asked if City has any record of maintenance being done prior to this. Hanson replied she did not look up the record, but noted the tree had not been maintained during her time with the City.

Commissioner Tefft expressed concern as this tree is not unique with multiple trunks, noting it is not uncommon with many Monterey pines on this street. He stated the \$1500 to save the tree is much less than the value of the tree. He would like root control to be addressed not only for this tree but all trees located on this street and take a uniform approach to all of them.

Commissioner Lucas asked if the City is sure it is a root problem and not just expansive clay or some reaction to ground water with clay. Livick replied City claims process is looking into that issue and would caution the Commission from making any liability claims about this tree during its deliberation.

Commissioner Lucas asked if the wall was approved for a permit and the City had engineering drawings. Livick replied no permit is required for that type of garden wall.

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REGULAR MEETING – FEBRUARY 19, 2014

Commissioner Fennacy stated the tree is beautiful but noted there were gale winds today and the debris from that tree alone in the street. He stated all Commission has to go on is staff and arborist reports.

Chairperson Grantham commented on the size of the tree, stating a tree that size next to a garage with those kinds of issues is the tree's fault. He stated it is affecting the property owner's structure and value. He commented he does not know how trimming is going to help the root system, and it might stimulate the root system. He stated short of removing the tree, he would like to know what the options are in mitigation of the root system and the property owner's structure.

Commissioner Tefft stated it seems like the Commission does not have all the information needed for this situation. He stated once the appeal is approved to remove the tree, do not have the opportunity to investigate any of these issues. He suggested to approve the appeal with the request that some of these answers be brought back in the near future to consider again. Livick replied approving the appeal would mean the tree would stay noting it is still in the City right of way and staff would continue to inspect the tree and talk with an arborist about root pruning.

Chairperson Grantham asked if there is anything short of removing the tree to protect the property owner's structure. Livick replied have already done a lot of what is in the recommendation as far as trimming the tree and would just need to get cabled. He stated was not sure if all damage is from the root system and waiting on City's claims adjustor and their engineer. Chairperson Grantham stated he would suggest the Commission wait for that.

MOTION: Commissioner Tefft moved to continue this item to a date uncertain when would have answers to the items related to the damage to the property from the tree and what alternatives would be available to prevent future damage.

Chairperson Grantham seconded the motion.

Livick asked Commissioner Tefft to set a date certain on the review of this item.

Commissioner Tefft amended his motion to continue this item to April 15, 2014 with the rest of the motion unchanged.

Commissioner Lucas seconded the amended motion and the amended motion passed unanimously. (4-0).

Commissioner Tefft suggested looking at the ordinance and find a way to allow individual owners to get a permit to do maintenance that needs to be done. Livick responded the code does allow that but the issue is large pines are very expense to maintain. He also noted the Urban Forest Management plan that was reviewed by the Commission had recommendations regarding tree maintenance and it will be going to City Council March 11, 2014. He stated what will come from that are changes to the ordinance that will come back to the Commission for review.

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

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
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Upcoming Projects: 300 Piney Way Condition Modifications

Jacynth reviewed the work program with the Commission.

D. NEW BUSINESS

D-1 Stormwater Management Post Construction and Low Impact Development Requirements

Rands presented the staff report.

Chairperson Grantham asked where the 2500 threshold came from. Rands replied there was discussion among the agencies and the 2500 lower limit was decided.

Chairperson Grantham asked about incentives, if it is building fees or other incentives. Livick responded the incentive is on the reduction in amount of stormwater control needed to be done for re-development, noting there are no economic incentives with building or planning application permits.

Commission Tefft stated stormwater retention would be harder in a community with lots of hills, dealing with slopes. He asked if that was built in to the standards. Rands replied yes that is one of the criteria for technical and feasibility.

Commission Lucas asked since the City has difficulty with terrain here and retention if someone technically couldn't put something in, could they contribute to a bank that someone else could use to put in rain harvesting somewhere? He asked if City could look into a system to encourage people to retrofit their houses for things like rainwater retention and rain barrels. Livick replied he would bring this up at the upcoming special PWAB meeting that will talk about water incentives and retrofit options.

DECLARATION OF FUTURE AGENDA ITEMS

- Schedule regular and joint Planning Commission meeting dates for 2014
- Elections of Chair and Vice Chair
- 1000 Ridgeway

ADJOURNMENT

The meeting adjourned at 7:50 p.m. to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, March 5 2014 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary

B-1 *Continued from February 19, 2014 Meeting*

Case No.: CP0-408

Site Location: 1000 Ridgeway

Proposal: Appeal of Administrative Coastal Development Permit #CP0-408 for demolition of an existing single-family residence and subsequently construct a 4,829 square foot single-family residence with a 1,201 square foot garage. This site is located outside of the appeals jurisdiction of the California Coastal Commission.

CEQA Determination: Categorically Exempt, Class 1 and Class 3

Staff Contact: Cindy Jacinth, Associate Planner, (805) 772-6577

Jacinth presented the staff report.

Commissioner Lucas asked about conditions of the parking exception and if this is considered a minor change from the original plans. Jacinth replied staff did not consider it a minor change as a Coastal Development permit was not applied for; they applied for a parking exception. She noted this was treated as a new application, going through the full Coastal Development permit process.

Commissioner Lucas requested explanation of condition 2 on the right of way parking note to not extend into the paved part of right of way. Livick replied it states traveled right of way and that is typically the paved portion of the right of way. There is a condition of the CDP to require a street widening on the Ridgeway side which will restrict further parking.

Katherine Caldwell, Appellant, stated she was pleased Architect, Ruel Czach reached out to her and thanked both Czach and Adamson in trying to reach a compromise. She brought a petition of 90 signatures, expressing concern with size of the dwelling, asking Commission to abide by General Plan conditions for neighborhood compatibility and make the Adamson's redesign the plans. She noted the photo simulations are misleading since taken at different distances to fit the frame, not shown at same distance from the street. She still has concerns the parking variance was granted before plans were submitted and about water usage. She stated the big house ordinance needs to be revisited.

Ruel Czach, Architect, submitted 2 letters of support for the project and stating he re-evaluated the project with Mr. Adamson after last meeting and is asking Commission to deny the appeal and remand it back to staff for direction on modification. He noted issues to address are parking for the trailhead and visual compatibility with the neighborhood. He proposed to pave more of street right of way to accommodate 3 cars for the trailhead. Czach stated the project submitted meets all the requirements of setbacks, lot coverage and other City codes and standards but after last meeting would like to redesign the project to be more in keeping with neighborhood visually by lowering square footage, cutting back second story master bedroom first story living room and sun porch and with landscaping to break up the mass of the house. He noted water usage would not increase as will only be the Adamson's living there and if family visits they would have the same water usage as that of staying at a hotel. He stated Adamson is willing to place a deed restriction on house stating will not divide it for rental purposes.

Chairperson Grantham expressed appreciation for the cooperation between the parties involved.

Chairperson Grantham opened Public Comment period.

Susan Heinamen, Morro Bay resident, read a letter from her neighbors, Tim and Sheradan Gover, who are against the project due to not being compatible with the neighborhood.

Chris Bath, Cayucos resident who had been a neighbor of the Adamson's, spoke in support of the project noting there are larger homes in the area that block views and this home would not block views.

Carol Rains, Morro Bay Heights homeowner, spoke in support of the project stating Adamson's prior projects have been done with concern for the community and neighbors.

Nancy Bast, Morro Bay resident on Fairview, spoke against the project due to issues with bulk and scale and parking, asking the Commission to uphold the appeal. She also requested the large house ordinance be reinstated.

Grant Crowl, Morro Bay resident, spoke against the project due to not being in character with the neighborhood in size and bulk.

Ted De Mont, Morro Bay resident, spoke against the project noting the visual simulations were inconsistent with photos submitted and paving of the right of way would make the structure look even bigger from the street.

Roger Ewing, Morro Bay resident, spoke against the project due to issues with size not being comparable with the neighborhood and is requesting the Commission uphold the appeal. He stated the parking variance should not have been issued.

Chairperson Grantham closed Public Comment period.

Commissioner Fennacy thanked all parties and those who spoke stating it was encouraging they reached out to each other, noting this isn't the project the Commission will be looking at but will be something else.

Commissioner Lucas asked the Architect for clarification on the Fairview elevation visual simulation and if the stone wall and landscaping is intended to be taken down during construction. Czach replied needed to dig up landscaping to put a retention area there to meet stormwater requirements.

Commissioner Lucas stated the visual simulation showing the house moving closer to Fairview with the landscaping in the foreground is significantly different than what the final effect would be based on the documents submitted. Czach replied the sunroom is moving towards Fairview and the house is moving away from Ridgeway.

Commissioner Lucas commented there are window treatments on one set of plans and none on the PDF documents the Commissioners' have to suggest there are people in the house.

Commissioner Lucas read the note on A-1 regarding the concrete wall on the State Park side for the record. Czach replied it was to give a more permanent fence rather than a wood fence.

Commissioner Lucas stated there is no gray water use, rain barreling, no photovoltaic use, and no natural light features inside and expressed concern at not utilizing features of the house on the south wall to break up the blankness. Czach replied there are natural light features, windows and skylights, and reviewed window locations.

Commissioner Tefft stated while the project may numerically meet code requirements for setbacks and height restrictions, it does not necessarily make it compatible with the neighborhood. He also

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MARCH 5, 2014

noted compatibility does not necessary mean conformity with the other existing houses and needs to allow room for a neighborhood to evolve. He suggested the Architect consider guest bedroom size and eliminating the parking exception when redesigning the project. He requested staff bring this back to the Commission and not deal with it administratively.

Chairperson Grantham stated a lot of this is moot as Commission will be waiting on the Architect and Applicant to resubmit new plans.

Commissioner Lucas asked staff for clarification on whether the parking issue is done. Livick responded yes, the appeal period was exhausted noting the plans presented were not made part of the exception and weren't tied to any development on the property. He stated the exception was granted to the property itself.

Commissioner Lucas asked for clarification on why the clause is in there for minor change versus major change. Livick replied that is a standard permit condition in every permit and is probably not applicable to parking permits.

Commissioner Lucas commented this is a tough thing as there is no ordinance to spell this out and it's not like building code and stated the City needs a better ordinance. He stated the visual simulations are very misleading and suggested to uphold the appeal and bring back a new permit.

Chairperson Grantham clarified difference between denying and upholding the appeal stating to uphold the appeal means the Appellant gets the appeal fee back and if Commission denies it they do not.

Livick further clarified difference between denying and upholding the appeal stating if the Commission denies the appeal outright, the Applicant must wait for 1 year to reapply but if the project is denied with prejudice they can reapply immediately. He noted that just because the Commission acts on the appeal, that does not exhaust the Applicant or the Appellant appeal rights as either party can appeal to City Council.

Commissioner Tefft asked what would be the best way to allow the Applicant to redesign the project with minimum red tape and new fees. Livick replied one way would be to continue the item, having it come back to staff and the Commission, noting that if the resubmittal is acceptable to the Appellant, they can withdraw their appeal.

Commissioner Fennacy asked Livick for clarification on the Commission continuing the item. Livick replied procedurally have not acted on the appeal and the City ran into problems on the Cerritos project where it was continued to a date uncertain and it lasted 7 years. He stated staff does not want that to happen again so if Commission wants to continue, do not continue to a date uncertain.

Commissioner Tefft stated there were a number of issues raised in this appeal, wildlife, obstruction scenic views, scenic and visual quality he did not find to be of concern, but bulk and scale was an issue.

Commissioner Fennacy stated when looking at a project you ask is it reasonable and the flip side is, if a project is unconscionable, and he does not find that here, because they are talking about downsizing the project.

MOTION: Commissioner Fennacy moved to continue this item to no longer than 60 days.

Commissioner Tefft seconded the motion.

Commissioner Lucas stated he would prefer to uphold the appeal and see it come back.

Chairperson Grantham asked if Commission votes to continue the item will the Appellant be reimbursed for costs. Livick stated not at this time as the appeal has not been resolved.

The motion passed 3-1 with Commissioner Lucas dissenting.

UNFINISHED BUSINESS

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

Jacynth reviewed work program with the Commission.

Chairperson Grantham asked about interview dates for Planning Commission. Livick responded they will be on March 11, 2014.

D. NEW BUSINESS – None

DECLARATION OF FUTURE AGENDA ITEMS

- Square footage threshold
- Election of Chair and Vice Chair

Commissioner Lucas requested staff to put the square footage on the permits in the Planning List.

Commissioner Tefft suggested staff provide guidelines as to what neighborhood compatibility means and give guidelines to the community in the interim. Livick responded the current code is very vague on what neighborhood capability means.

ADJOURNMENT

The meeting adjourned at 7:44 p.m. to the special Planning Commission meeting scheduled at the Veteran's Hall, 209 Surf Street, on Wednesday, March 12, 2014 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: B-1

MEETING DATE: May 6, 2014

Staff Report

TO: Planning Commissioners

DATE: April 30, 2014

FROM: Cindy Jacinth, Associate Planner

SUBJECT: Appeal of Administrative Coastal Development Permit #CP0-408 for demolition and reconstruction of an existing single-family residence at 1000 Ridgeway Avenue

RECOMMENDATION:

Approve the appeal and approve the Coastal Development Permit by adopting a motion including the following actions:

- A. Adopt Planning Commission Resolution #08-14 which includes the Findings and Conditions of Approval and the revised site development plans dated April 29, 2014.

APPELLANT: Katherine Caldwell

APPLICANTS: Reed and Carol Adamson

LEGAL DESCRIPTION/APN: 066-246-006

ORIGINAL PROJECT DESCRIPTION: An Administrative Coastal Development Permit was issued on December 20, 2013 for the demolition of an existing 1,649 square foot house and construction of a new two-story single-family residence proposed to be 4,829 square feet with a 1,201 square-foot garage/workshop and a 120 square-foot covered porch at the property located at 1000 Ridgeway. An appeal of this action was submitted on December 30, 2013, and the project is before the Planning Commission as the appellant body pursuant to Morro Bay Municipal Code (MBMC) Section 17.58.040(I).

The Applicant as directed by Planning Commission on March 5, 2014 has made reductions to the bulk, scale and size of the home as further described below and as shown on the plans dated April 29, 2014.

CONTINUANCE BACKGROUND:

At the February 19, 2014 and March 5, 2014 meetings, the Planning Commission heard the

Prepared By: CJ

Department Review: _____

appeal of this item and on March 5th continued this public hearing no later than 60 days with direction to the Applicant to revise and resubmit plans that show greater neighborhood compatibility consistent with General Plan policies. Due to a change of meeting days by City Council, the closest meeting day within the sixty day period was May 6, 2014. Planning Commission formally continued this item to a date certain at its April 15, 2014 meeting.

Summary of February 19, 2014 meeting

On February 19, 2014, the Applicant requested a continuance to the March 5, 2014 Planning Commission meeting. Because the meeting was a publicly noticed appeal hearing, the Commission took public comment on this item. The minutes of those public comments are included within the staff report from that meeting as available at the hyperlink below. Although a few of the speakers spoke in favor of the project, the majority of public comments received at that meeting centered around the objection to the project based on incompatibility with the surrounding neighborhood due to bulk and scale. The link to view the Planning Commission staff report:

<http://morro-bay.ca.us/ArchiveCenter/ViewFile/Item/2052>

Summary of March 5, 2014 meeting

At the March 5, 2014 Planning Commission meeting the appeal hearing was re-opened and considered by the Planning Commission. During public comment, the Applicant offered to scale back the plans in order to be more compatible with the neighborhood. Public comment received during the meeting also included a petition from mostly neighbors within the Morro Heights neighborhood asking the Commission to have the Applicant reduce the scale of the plans and resubmit for review. The Commission motion at the meeting was to continue this item to no longer than 60 days. The theme of the Commission's deliberation revolved around how to determine neighborhood compatibility and whether the project is consistent with the City's General Plan and Local Coastal Plan policies on neighborhood compatibility as noted by the Appellant. The link to view the Planning Commission staff report:

<http://morro-bay.ca.us/ArchiveCenter/ViewFile/Item/2061>

REGULATORY SETTING:

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.

The Planning Commission has the following Options:

- (1) Uphold the appeal and approve the Project with revisions as recommended by staff.
- (2) Uphold the appeal and deny Coastal Development Permit #CP0-408.
- (3) Deny the appeal.
- (4) Further continue the matter for future consideration.

PROJECT DISCUSSION

Staff considered the original proposed project within the context of the City's Zoning

Ordinance, General Plan, and Local Coastal Plan and found the requested development consistent with the applicable City documents listed above and issued a Coastal Development Permit on December 20, 2013. This approval was subsequently appealed requesting the Planning Commission “*rescind current permit allowing development of property as planned or modify existing permit to scale back project to conform with the City’s Land Use Plan, policies and elements.*” The Appellant’s grounds for appeal and staff’s response to this appeal are presented in the original staff report for the February 19, 2014 Planning Commission meeting. <http://morro-bay.ca.us/ArchiveCenter/ViewFile/Item/2052>

REVISED PLANS AND REVISED PROJECT DESCRIPTION:

Revised plans and a letter describing plan changes were received from the Applicant on April 22, 2014. (See attached Exhibit B and C). These revised plans were reviewed for consistency with the Planning Commission direction as well as the City’s Zoning Ordinance, General Plan and Local Coastal Plan policies. The plans show that the project as originally proposed has undergone several changes including reduction in square footage, small changes to setbacks, as well as architectural treatment. The changes are illustrated in the table below.

The architectural changes include the addition of greater articulation and improved street presence. The elevation changes have been simplified to add more windows along the west and north elevation. The roofline has been changed to reflect more of a Prairie style architectural with a stepped in second story versus a Mediterranean style. Specific architectural information is described in the letter received from the Applicant which is attached as Exhibit C.

Revised Project Data

	Original Proposed	Revised April 2014 Plans
Home	4,829 sf	3,725 sf
Garage/workshop	1,201 sf	1,142 sf
Upper deck	192 sf	188 sf
Lower porch	120 sf	129 sf

Zoning Ordinance Standards

	Standards	Existing	Proposed	Revised April 2014 Plans
Front Yard Setback	20 feet		20 feet	21’ 8inches
Interior Side Yard Setback	5 feet		5 feet	5 feet
Exterior Side Yard Setback	10 feet	4 feet 8.5 inches	10 feet	10 feet

(along Ridgeway)				
Driveway Setback	20 feet	4 feet 8.5 inches	11 feet (via 2012 parking exception)	Varied – 11 and 12 feet
Rear Yard Setback	10 feet	3 feet 4 inches	24 feet 4.5 inches	31 feet 8.5 inches
Lot Coverage	Max 45% allowed	39%	44%	35%
Height	25 feet		25 feet	25 feet

ENVIRONMENTAL DETERMINATION

Environmental review was performed for this project and staff determined the project is Categorically Exempt under the Class 3 exemption for construction of a single-family residence. There are no known sensitive resources or other unique circumstances applicable to the site or its surroundings that would suggest this exemption ought not be applied.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Tribune newspaper on February 7, 2014 and all property owners of record within 300 feet and occupants within 100 feet of the subject site were notified of this evening’s public hearing and invited to voice any concerns on this application.

CONCLUSION:

The Appellant’s appeal requests that the Planning Commission “rescind current permit allowing development of property as planned *or modify existing permit to scale back project to conform with the City’s Land Use Plan, policies and elements.*”

Staff review of the project as shown on the revised plans dated April 29, 2014 has determined that the revised proposal for 1000 Ridgeway Avenue both meets all development standards and is compatible with the mix of one and two story homes in this residential area in addition to the direction given by Planning Commission to improve neighborhood compatibility.

Furthermore, because the Applicant has modified the plans to scale back the project as requested in the Appeal, staff is recommending that the Planning Commission uphold the appeal and approve the Coastal Development Permit #CP0-408 subject to the findings and conditions of approval as specified by Planning Commission Resolution #08-14 and approve the revised plans dated April 29, 2014 attached as Exhibit A and Exhibit B.

The plans as revised are sufficient to make the necessary findings for approval including that

the project is consistent with the City's General Plan, Local Coastal Program and the Municipal Code.

EXHIBITS:

Exhibit A – Planning Commission Resolution 08-14

Exhibit B – Revised Plans and 11 x 17 Reductions dated April 29, 2014

Exhibit C – Letter from Applicant dated April 22, 2014

Exhibit D – Staff Report and Attachments for 2-19-14 Planning Commission meeting at the link: <http://morro-bay.ca.us/ArchiveCenter/ViewFile/Item/2052>

Exhibit E – Staff Report and Attachments for 3-5-14 Planning Commission meeting at the link: <http://morro-bay.ca.us/ArchiveCenter/ViewFile/Item/2061>

Exhibit F – Revised Architectural Visual Rendering of Existing to Proposed Home received April 30, 2014

Exhibit G – Petition Received at 3-5-14 Planning Commission Meeting

RESOLUTION NO. PC 08-14

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION UPHOLDING THE APPEAL OF THE APPROVAL OF ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (CP0-408) FOR THE DEMOLITION OF THE EXISTING RESIDENCE AND CONSTRUCTION OF A NEW TWO STORY SINGLE-FAMILY RESIDENCE AT 1000 RIDGEWAY AVENUE.

WHEREAS, on December 20, 2013, the Director issued an Administrative Coastal Development Permit (Coastal Development Permit #CPO-408) for the demolition of an existing 1,649 square foot house and construction of a new two-story single-family residence proposed to be 4,829 square feet with a 1,201 square-foot garage/workshop and a 120 square foot covered porch at 1000 Ridgeway; and

WHEREAS, on December 30, 2013 an appeal was filed to the Planning Commission on Coastal Development Permit #CPO-408 specifically to “rescind current permit allowing development of property as planned or modify existing permit to scale back project to conform with the City’s Land Use Plan, policies, and elements”; and

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on February 19, 2014, for the purpose of considering an appeal filed against Coastal Development Permit #CP0-408; and

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on March 5, 2014, for the purpose of considering an appeal filed against Coastal Development Permit #CP0-408; and

WHEREAS, the Planning Commission at its March 5, 2014 meeting directed the Applicant to submit revised plans to demonstrate neighborhood compatibility and revised plans were submitted to the City on April 29, 2014; and

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on May 6, 2014, for the purpose of considering an appeal filed against Coastal Development Permit #CP0-408; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the Planning Commission has duly considered all evidence, whether written or oral, including without limitation, the testimony of the appellant, the applicant, interested parties, consultants, City staff and all written and oral evaluations and recommendations by staff, presented at the February 19, 2014, March 5, 2014, and the May 6, 2014 hearings.

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)

1. Pursuant to the California Environmental Quality Act, the Planning Commission finds the project as proposed categorically exempt under CEQA Guidelines Section 15303, Class 3(a), "New Construction or Conversion of Small Structures," because the project is a single-family home in a residential zone and does not have a significant effect on the environment. Additionally, upon review of the project and the entire record, the Planning Commission finds none of the exceptions to the exemption apply pursuant to CEQA Guidelines Section 15300.2.

Coastal Development Permit Findings

2. The Planning Commission finds the development of a new single-family residence is consistent with the applicable provisions of the General Plan and certified Local Coastal Program.
3. The Planning Commission finds the project as revised is compatible with the character of the surrounding neighborhood which is developed with one and two story single family dwellings and compatible with existing uses because it is a single family home in a neighborhood zoned for single family homes.
4. The Planning Commission finds that the development of a new single-family residence will not cause any health and safety concerns, and will not impact neighboring uses, environmentally sensitive habitat areas, or otherwise create significant impacts.

Section 2. Action. The Planning Commission does hereby approve Coastal Development Permit #CP0-408 subject to the following conditions:

STANDARD CONDITIONS

1. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
2. Compliance with Conditions: By signing the Acceptance of Conditions of Approval form, the owner or designee accepts and agrees to comply with all Conditions of Approvals. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with 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 Morro Bay Municipal Code and is a misdemeanor.
3. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the Zoning Ordinance, certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

4. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

CODE REQUIREMENTS:

1. 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 approval 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. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request. (MBMC Section 17.58.130)
2. Changes: Any minor change may be approved by the Public Services Director. Any substantial change will require the filing of an application for an amendment to be reviewed by the Planning Commission. (MBMC Section 17.58.120)
3. 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. This condition and agreement shall be binding on all successors and assigns. (MBMC Section 5.30.540)
4. Construction Hours: Pursuant to Morro Bay Municipal Code Section 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. (MBMC Section 9.28.030)

Planning Conditions:

1. Building Height Certification: Note on the site plan prepared for the building permit, "Prior to either roof nail or framing inspection a licensed surveyor is required to measure the height of the structure and submit a letter to the Planning Division, certifying that the

height of the structure is in accordance with the approved set of plans and complies with the height requirements of the Morro Bay, Municipal Code Section 17.12.310.” (MBMC Section 17.12.310)

2. Prior to issuance of a building permit, building permit plans shall identify a benchmark established by a licensed land surveyor as the basis for determining average natural grade in order to ensure compliance with maximum building height.
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. (MBMC Section 17.52.070)
4. 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, knowledgeable in local indigenous culture, 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. (MBMC Section 17.48.310)
5. The northwest corner of the property must be left free and clear of visual obstructions pursuant to Morro Bay Municipal Code 17.48.210.
6. The applicant shall comply with all Planning conditions listed above and obtain inspections from the Planning Division at the necessary time during construction in order to ensure zoning conformance including, but not limited to, setbacks and building height.

Building Conditions:

1. Prior to construction, the applicant shall submit a complete building permit application and obtain the required building permit.

Fire Conditions:

1. Fire Sprinklers. The new residence shall be equipped with an automatic fire sprinkler system, in accordance with Morro Bay Municipal Code, Section 14.08.090(I)(2) and 2010 California Residential Code, Section R313.
2. Carbon Monoxide Alarms. For new construction, an approved carbon monoxide alarm shall be installed in dwelling units and in sleeping units within which fuel-burning appliances are installed and in dwelling units that have attached garages. (CRC 315)
3. Fire Safety During Construction and Demolition shall be in accordance with 2010 California Fire Code, Chapter 14. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and

property from fire during such operations.

Public Works Conditions:

1. Provide a Drainage Report prepared by a Registered Civil Engineer. The Drainage Report shall conform to Stormwater Management for New and Redevelopment Projects within the City of Morro Bay in the July 2011 amendment to the City Standard Drawings and Specifications*. Specifically, with a lot coverage of between 2,500 and 5,000 square feet of impervious surface, this project shall meet the requirements of the following Parts:
 - a. Part 1: Protection of Water Quality - **Exempt**
 - b. Part 2: Runoff Volume Controls (LID) - **Tier 2 requirements**
 - c. Part 3: Peak Runoff Flow Control – **All requirements**
2. Provide a standard erosion and sediment control plan. 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.
3. Perform improvements (e.g. driveway approach) in the City right of way per City Engineering Standards with a Standard Encroachment Permit. Maximum driveway approach width for residential properties is 20 feet. Non-standard improvements in the right of way (e.g. staircase and drainage swale) shall require a Special Encroachment Permit.
4. The paved section of Ridgeway shall be widened on the south side to make a street section half-width of 18 feet.

Add the following Notes to the Plans:

Any damage 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.

1. *For more information go to: <http://ca-morrobay.civicplus.com/index.aspx?NID=688> Scroll to the bottom and click Engineering Standards for LID/Hydromodification

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 6th day of May, 2014 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rick Grantham, Chairperson

ATTEST

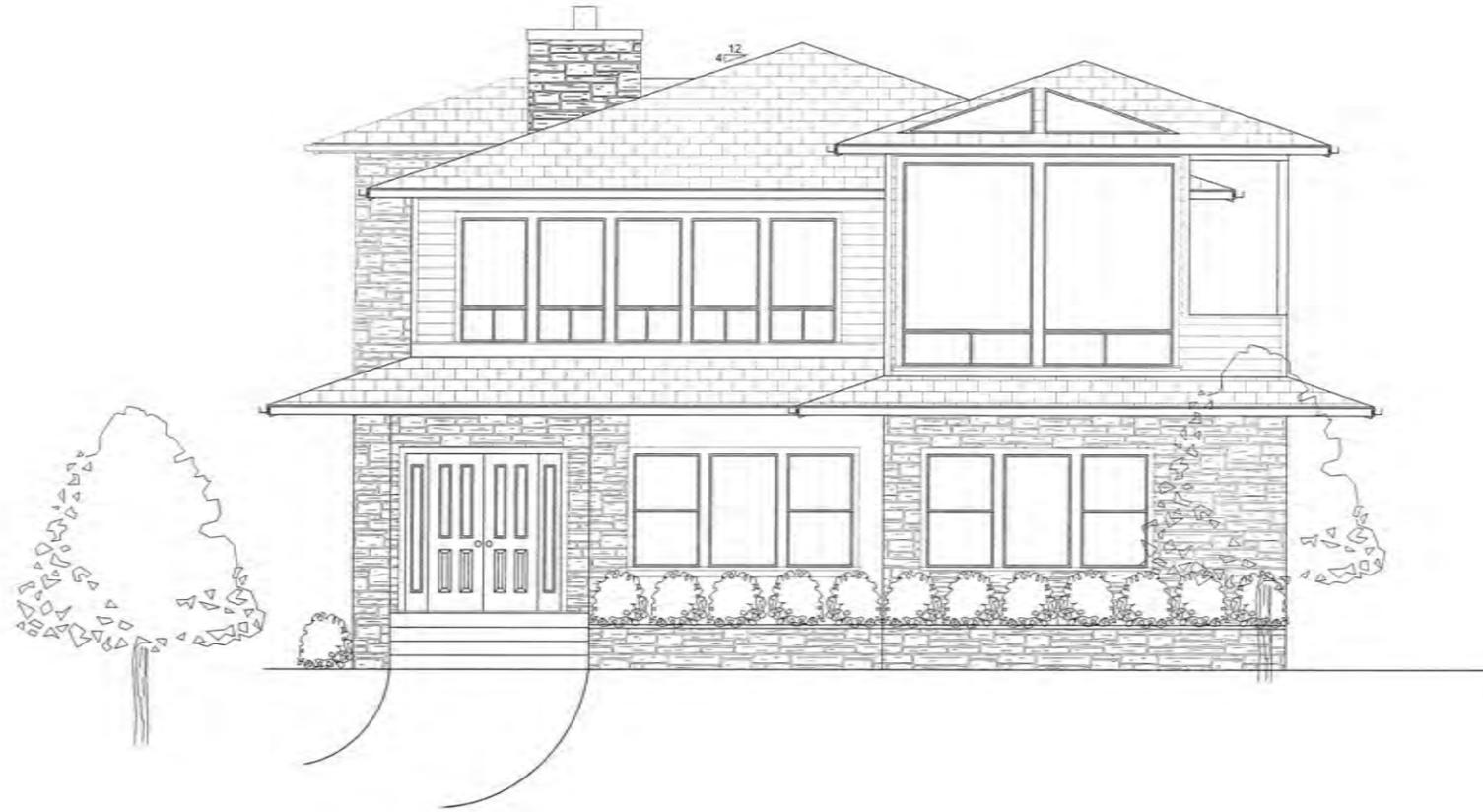
Rob Livick, Planning Secretary

The foregoing resolution was passed and adopted this 19th day of February 2014.

EXHIBIT B

ADAMSON RESIDENCE

SITE ADDRESS: 1000 RIDGEWAY AVE, MORRO BAY, CA 93442



LOT DESCRIPTION
 ADDRESS: 1000 RIDGEWAY AVE., MORRO BAY
 LOT: 10
 BLOCK: 13
 APN: 066-246-006
 LOT AREA: 7336 SQ. FT.
 ZONING: R-1, SINGLE FAMILY RESIDENTIAL

LOT COVERAGE:
 45% MAXIMUM COVERAGE
 EXISTING LOT COVERAGE - 2854 S.F. (39%)
 PROPOSED LOT COVERAGE - 2825 S.F. (35%)

MINIMUM BUILDING SETBACKS:
 FRONT - 20'
 REAR - 10'
 INTERIOR SIDE - 5'
 EXTERIOR SIDE - 10'

PROPOSED BUILDING SETBACKS:
 FRONT - 21'-8"
 REAR - 31'-8 1/2"
 INTERIOR SIDE - 5'
 EXTERIOR SIDE - 10'

PARKING EXCEPTION:
 PARKING EXCEPTION PERMIT GRANTED: #AD0-075, TO ALLOW REDUCED GARAGE SETBACK OF 11'

BUILDING AREAS:
 EXISTING RESIDENCE TO BE DEMOLISHED: 1649 S.F.

PROPOSED RESIDENCE:
 LOWER LIVING AREA: 1520 SQ. FT.
 UPPER LIVING AREA: 2205 SQ. FT.
 TOTAL: 3725 SQ. FT.

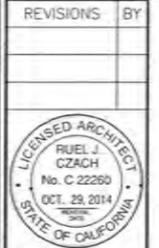
GARAGE/WORKSHOP: 1142 SQ. FT.
UPPER COVERED DECK: 188 SQ. FT.
LOWER COVERED PORCH: 129 SQ. FT.

BUILDING HEIGHT:
 LOWEST GRADE ADJACENT TO BUILDING: 159.80'
 HIGHEST GRADE ADJACENT TO BUILDING: 169.25'
 AVERAGE NATURAL GRADE: 164.53'
 MAX. BUILDING HEIGHT: 189.53'

TYPE OF CONSTRUCTION:
 TYPE V-B TWO-STORY

SHEET INDEX

- T1) TITLE SHEET
- A1) PROPOSED SITE PLAN
- A2) EXISTING SITE/DEMO PLAN
- A3) LOWER FLOOR PLAN
- A4) UPPER FLOOR PLAN
- A5) ROOF PLAN
- A6) ELEVATIONS
- A7) ELEVATIONS



the perennial architect & associates
 Ph 805 995-3502
 ruel@perennialarchitect.com
 Ruel J. Czach, Architect
 P.O. 246, Cayucos Ca 93430

Proposed Residence For:
 REED & CAROL ADAMSON
 1504 THORNLAKE DRIVE,
 BAKERSFIELD, CA 93312
 PHONE: (661) 589-6037

Project: SINGLE FAMILY RESIDENCE
 APN: 066-246-006
 1000 RIDGEWAY AVE.
 MORRO BAY, CA 93442

DATE: 4/24/14
 SCALE: 1/8" = 1'-0"
 DRAWN: JB
 JOB: ADAMSON

T1

OF SHEETS

RECEIVED

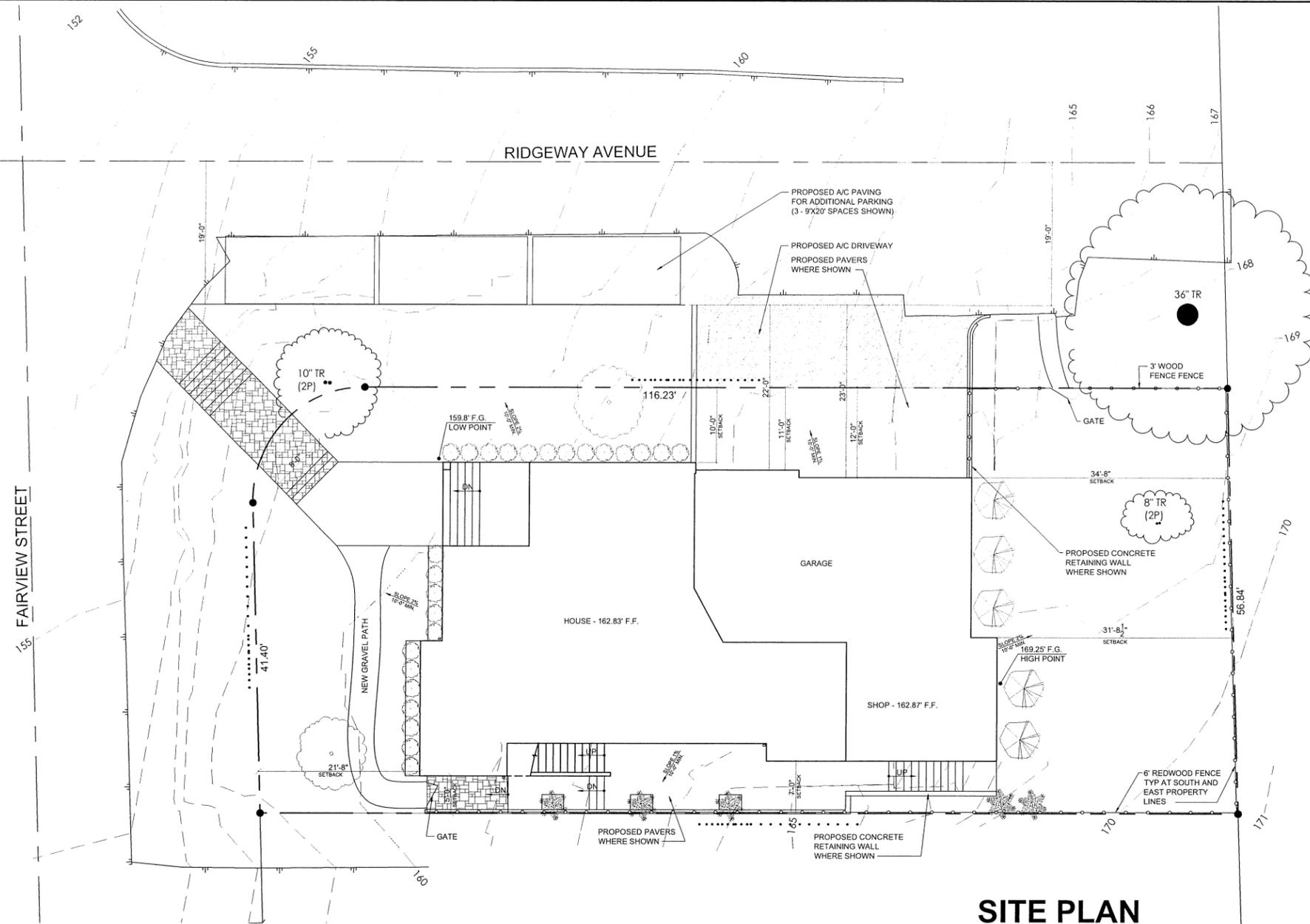
APR 29 2014

City of Morro Bay
 Public Services Department

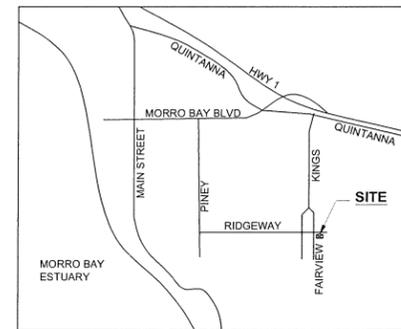


VICINITY MAP

EXHIBIT B



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



VICINITY MAP

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 45% MAXIMUM COVERAGE
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PARKING EXCEPTION:
 PARKING EXCEPTION PERMIT GRANTED, #AD0-075, TO ALLOW REDUCED GARAGE SETBACK OF 11'

BUILDING AREAS:
 EXISTING RESIDENCE TO BE DEMOLISHED: 1649 S.F.
 PROPOSED RESIDENCE:
 LOWER LIVING AREA: 1520 SQ.FT.
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TYPE OF CONSTRUCTION:
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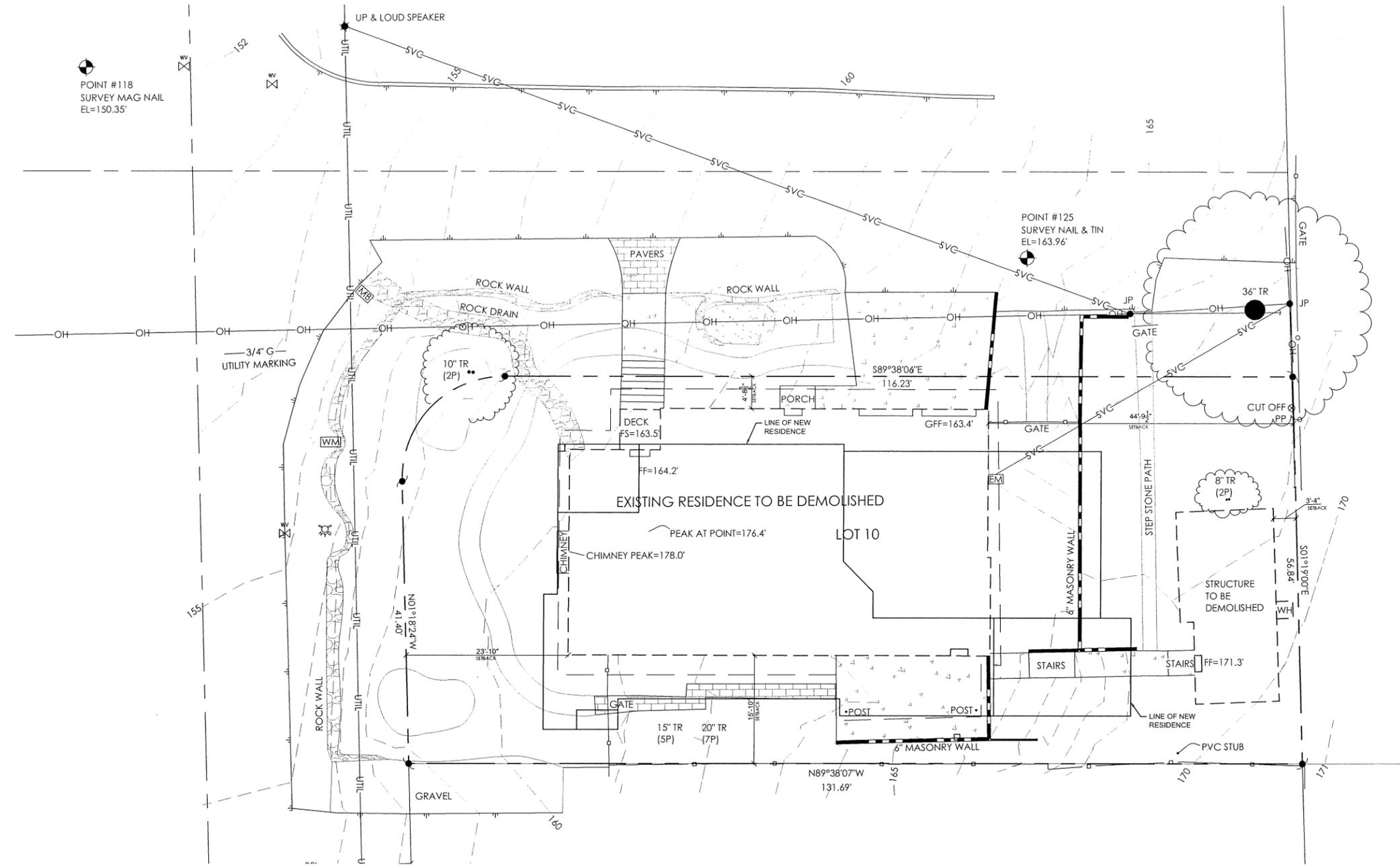
REVISIONS	BY

the perennial architect & associates Ruel J. Czach, Architect P.O. 246, Cayucos Ca 93430 Ph 805 995-3502 ruel@perennialarchitect.com	
Proposed Residence For: REED & CAROL ADAMSON 1504 THORNLAKE DRIVE, BAKERSFIELD, CA 93312 PHONE: (661) 589-6037	
Project: SINGLE FAMILY RESIDENCE APN: 066-246-006 1000 RIDGEWAY AVE. MORRO BAY, CA 93442	
DATE	4/24/14
SCALE	1/8" = 1'-0"
DRAWN	JB
JOB	ADAMSON
SHEET	A1

EXHIBIT B

LEGEND

- ★ LIGHT POLE
- TR ● TREE
- JP ● JOINT POLE
- UP ● UTILITY POLE
- EDGE OF PAVEMENT
- SVC- OVERHEAD POWER SERVICE
- OH- OVERHEAD LINES
- UTIL- OVERHEAD UTILITY LINES
- GUY WIRE
- WIRE FENCE
- STOCKADE FENCE
- ▭ BASE PATH
- ▭ CONCRETE
- ▭ BRICK
- ▭ ROCK PATH / WALL
- WH WATER HEATER ENCLOSURE
- FF FINISH FLOOR
- GFF GARAGE FINISH FLOOR
- EM ELECTRIC METER
- WM WATER METER
- SP SURVEY POINT
- FD FIRE HYDRANT
- WV WATER VALVE
- REBAR & CAP "LS 7835"
- ▬ WALL AS NOTED



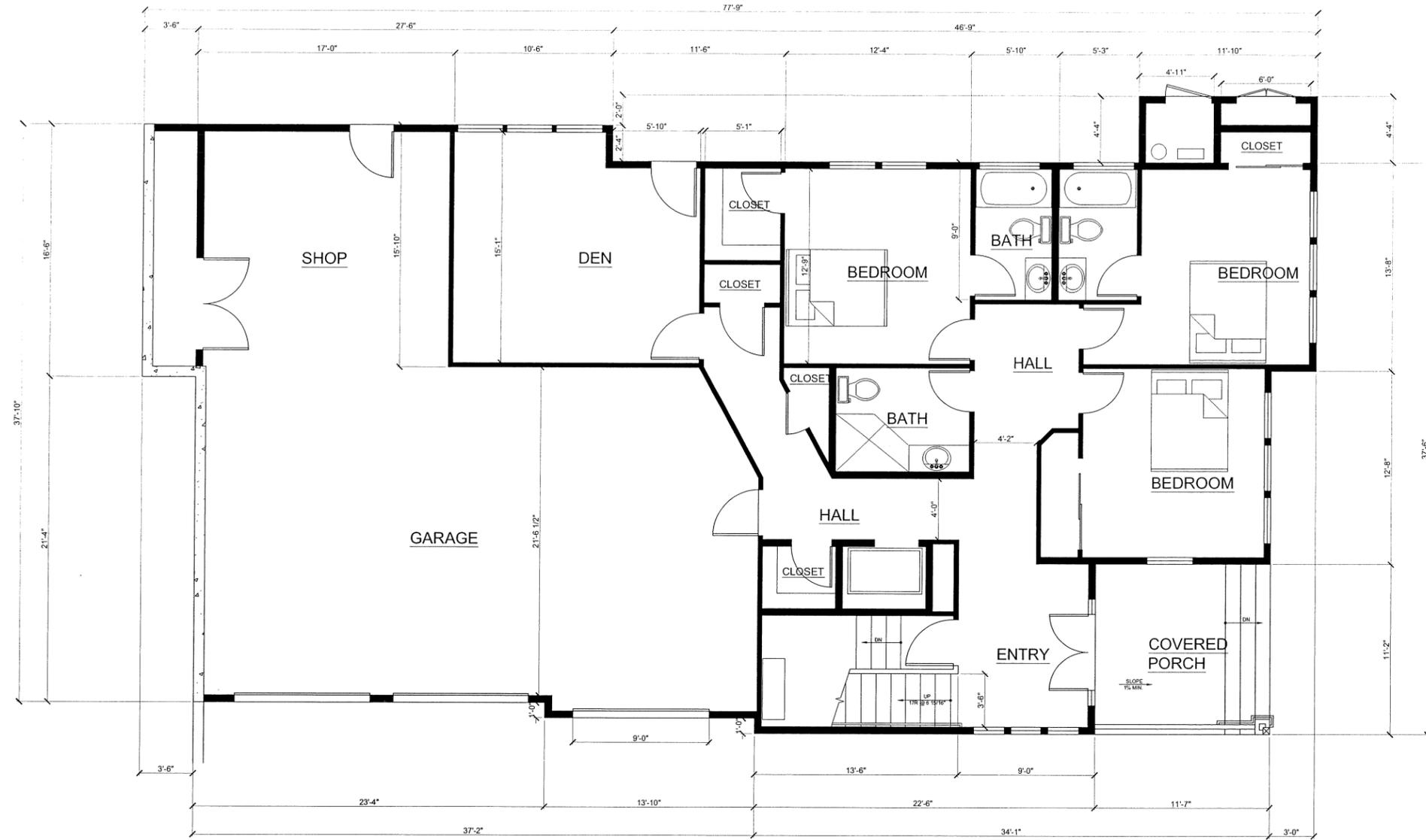
EXISTING/DEMO SITE PLAN

REVISIONS	BY

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Project: SINGLE FAMILY RESIDENCE	Proposed Residence For: REED & CAROL ADAMSON 1504 THORNLAKE DRIVE, BAKERSFIELD, CA 93312 PHONE: (661) 589-6037
DATE: 4/24/14	
SCALE: 1/8" = 1'-0"	
DRAWN: JB	
JOB: ADAMSON	
SHEET: A2	

EXHIBIT B



1ST FLOOR PLAN

1520 s.f. livable
1142 s.f. garage/workshop

WALL LEGEND	
	CONCRETE WALL TO REMAIN
	DECK OR STAIR GUARDRAIL
	NEW WALL
	NEW 1 HR WALL (SEE DETAIL...)

REVISIONS	BY

the perennial architect & associates
 Ruel J. Czach, Architect
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 Ph 805 995-3502
 ruel@perennialarchitect.com

Proposed Residence For:
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 PHONE: (661) 589-6037

Project: SINGLE FAMILY RESIDENCE
 APN: 066-246-006
 1000 RIDGEWAY AVE.
 MORRO BAY, CA 93442

DATE: 4/24/14
 SCALE: 1/4" = 1'-0"
 DRAWN: JB
 JOB: ADAMSON
 SHEET: **A3**

EXHIBIT B



EAST ELEVATION



SOUTH ELEVATION

REVISIONS	BY

the perennial architect & associates	
Ruel J. Czach, Architect P.O. 246, Cayucos Ca 93430 Ph 805 995-3502 ruel@perennialarchitect.com	
Proposed Residence For: REED & CAROL ADAMSON 1504 THORNLAKE DRIVE, BAKERSFIELD, CA 93312 PHONE: (661) 589-6037	
Project: SINGLE FAMILY RESIDENCE APN: 066-246-006 1000 RIDGEWAY AVE. MORRO BAY, CA 93442	
DATE	4/24/14
SCALE	1/4" = 1'-0"
DRAWN	JB
JOB	ADAMSON
SHEET	A7
OF	SHEETS

THE PERENNIAL ARCHITECT AND ASSOCIATES



Phone (805) 995-3502

Ruel J. Czach, Architect ruel@perennialarchitect.com
• P.O. Box 246 • Cayucos, CA 93430 •

April 22, 2014

**City of Morro Bay
Public Services Department Planning Division
955 Shasta Avenue, Morro Bay, CA 93442
805-772-6577**

Re: 1000 Ridgeway Avenue, File #:CP0-408

Response to Appeal of proposed single-family residence:

Planning commissioners,

I have worked with Reed and Carol Adamson to take to heart some of the concerns that neighbors have expressed about the design of their proposed new home at 1000 Ridgeway Avenue in Morro Bay. They previously followed all the city's requirements for building on this lot. They have made a courageous effort to change their home design to fit into the neighborhood based upon the comments of some of the neighbors.

I have provided you with a new design for their home that reduces the size and scale of their new house and which will take a lot of additional effort and expense to complete. This new design changes the style of architecture, the floor plans, site plan and the elevations for the project. This new design will require a whole new set of structural engineering, heat-loss calculations, civil engineering and architectural drawings and details, all done at considerable expense to Reed and Carol Adamson.

With only 60 days to redesign this whole project, these drawings are not complete in every detail, it is still a work in progress for the Adamson's, and the plans will need to be revised after having the structural engineer review the design. Windows will change in size and location and there may be additional changes in order to make this new home design meet all state regulations and building codes.

We have reduced this new home design by over 1100 square feet less than the size of the home they wanted to have. I took 361 square feet out of the lower floor living area and 737 square feet out of the upper floor living area. I dropped the house lower on the site so that most of the new home design is 2 feet below the height limit, only about 9 linear feet of the roof is within 18 inches of the height limit.

I changed the style to be Craftsman or Prairie style, instead of the Mediterranean style we previously submitted, to incorporate more features that blend into the neighborhood. The main feature to reduce the scale was the stepping in of the upper floor on both the street sides so that there are very few full-height, 2-story walls. This moves the upper floor of the house back from the street and creates the appearance of a smaller home.

I moved the home back from Fairview street from between about 2 feet and 5 feet back from the setback line and reduced the length of the house by 9 feet. I moved the upstairs back 2 1/2 feet more from Fairview and the sunroom another foot. I added a planter along the West elevation to add depth and reduced scale to the front wall along Fairview.

I moved the back garage wall another foot back from the Ridgeway setback line, the upstairs above that 4 feet back from the Ridgeway setback, and the upstairs above the entry another 2 1/2 feet back from Ridgeway. All of these shifts in mass bring down the scale of the home and help it to fit in with smaller homes in the neighborhood.

I added some wood-appearing siding to bring in elements of the old style Morro Bay bungalows and to again give the appearance of less mass by using multiple exterior materials and scaling down all the architectural features visible from the streets. I kept more stucco on the South elevation because it is easier to maintain and it is so close to the house to the south that it will not be visible from the street.

I honor Reed and Carol Adamson for making this tremendous effort to scale back their dream of what they wanted in their home and to create a home that fits into the character and scale of the neighborhood.

Let me know if you have any questions or if I can provide additional information,

Ruel J. Czach, Architect
805-471-9342 (cell)

Exhibit D

Staff Report and Attachments for 2-19-14 Planning Commission meeting at the
link: <http://morro-bay.ca.us/ArchiveCenter/ViewFile/Item/2052>

Exhibit E

Staff Report and Attachments for 3-5-14 Planning Commission meeting at the
link: <http://morro-bay.ca.us/ArchiveCenter/ViewFile/Item/2061>

EXHIBIT F



REVISED NORTH ELEVATION



ORIGINAL NORTH ELEVATION

REVISIONS BY



the perennial architect & associates

Ruel J. Czach, Architect
 P.O. 246, Cayucos Ca 93430
 Ph 805 995-3502
 ruel@perennialarchitect.com

Proposed Residence For:
 REED & CAROL ADAMSON
 1504 THORNLAKE DRIVE,
 BAKERSFIELD, CA 93312
 PHONE: (661) 589-6037

Project:
 SINGLE FAMILY RESIDENCE
 APN: 066-246-006
 1000 RIDGEWAY AVE.
 MORRO BAY, CA 93442

DATE 4/30/14
 SCALE -
 DRAWN JB
 JOB ADAMSON
 SHEET
 OF SHEETS

EXHIBIT F



ORIGINAL WEST ELEVATION



REVISED WEST ELEVATION

REVISIONS BY



the perennial architect & associates

Ruel J. Czach, Architect
 P.O. 246, Cayucos Ca 93430
 Ph 805 995-3502
 ruel@perennialarchitect.com

Proposed Residence For:
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 PHONE: (661) 589-6037

Project:
 SINGLE FAMILY RESIDENCE
 APN: 066-246-006
 1000 RIDGEWAY AVE.
 MORRO BAY, CA 93442

DATE: 4/30/14
 SCALE: -
 DRAWN: JB
 JOB: ADAMSON
 SHEET: 1 OF 1

EXHIBIT G

To: Planning Commissioners

Subject: Appeal of Administrative Coastal Permit #CP0-408

We, the undersigned, live in the Morro Bay Heights area. We are concerned with the size of the proposed dwelling in our neighborhood at 1000 Ridgeway. We ask you to go back to the drawing board. Please abide by the General Plan's requirement for neighborhood compatibility. This project must be scaled back and the plans resubmitted for review.

Name

Street Address

John Mc Carthy

901 Morro Bay Blvd. Spc 35, Morro Bay

Roger Ewing

1060 A MONTEREY, MORRO BAY

Pauline

450 Fairview Ave Morro Bay

Nancy Bast

450 FAIRVIEW AVE

Quale Dufman

570 Olive Street

Doreen Cuthbert

290 Cypress Ave MB.

Norma Mitchell

Gerald D Mullen

985 Pacific St. Morro Bay Ca.

Marla Jo Bruton T. Sadowski 490 Java St Morro Bay Ca.

Beverly J. Alley

2246 Emerald Cc, Morro Bay, Ca. 93442

Betty Winters

405 Acacia, M.B.

Lynnda Inoué 3915, M.B.

Melody DeMent

500 DOWNING, MB

EXHIBIT G

Appeal of Administrative Coastal Permit #CP0-408: 1000 Ridgeway, Morro Bay Heights

Name

Street Address

Don Boatman

495 ACACIA MB

Jill & Chris Stavros

461 Fairview Ave MB

Patricia & Jeff Groves

484 Kings Ave; MB

Robert Swanson

440 Fairview ave. MB

Sue Swanson

440 Fairview Ave MB

Don

429 Fairview Ave MB

P. Graeb

409 FAIRVIEW AVE

DEVS HATE

410 FAIRVIEW

Claudia Guohy

410 FAIRVIEW -

Margie B Winters

380 Fairview Ave

Nancy Winters

380 Fairview Ave

B. J. J. J.

385 FAIRVIEW AVE

Jean Hamlen

365 Fairview, AVE

Bill Weatherford

360 Fairview Ave.

MARIANNE BREWER

301 FAIRVIEW AVE

Jim Vogel

430 Fairview Ave

Kathryn Bruckner

430 Fairview Ave

EXHIBIT G

Appeal of Administrative Coastal Permit #CP0-408: 1000 Ridgeway, Morro Bay Heights

Name	Street Address
<u>Narett Schamp</u>	<u>437 Fairview Ave MB</u>
<u>Susan Weisemann</u>	<u>453 Fairview Ave MB</u>
<u>Larry Burke</u>	<u>453 Fairview Ave MB</u>
<u>Jack Carpenter</u>	<u>480 FAIRVIEW AVE MB</u>
<u>Nancy Hartwood</u>	<u>1000 Carmel St. MB</u>
<u>WR Hartwood</u>	<u>1000 Carmel St. MB</u>
<u>Margaret Ryan (Pop)</u>	<u>466 Bernardo Ave MB</u>
<u>Leo Ryan</u>	<u>" " "</u>
<u>Curtis Whitson</u>	<u>541 ESTERO AVE.</u>
<u>Wm William</u>	<u>545 Estero Ave MB</u>
<u>Norma Walter</u>	<u>545 Estero Ave M.B.</u>
<u>Sandra Hansen</u>	<u>500 Estero Ave MB</u>
<u>Jan Egan</u>	<u>764 AVELLAR MB</u>
<u>Red Hansen</u>	<u>520 Bernardo Ave MB</u>
<u>Janet L. Rydall</u>	<u>535 Bernardo Ave MB.</u>
<u>Janet A. Clauger</u>	<u>525 BERNARDO AVE MB</u>
<u>Patricia Clauger</u>	<u>525 BERNARDO AVE MB</u>

EXHIBIT G

To: Planning Commissioners

Subject: Appeal of Administrative Coastal Permit #CP0-408

We, the undersigned, live in the Morro Bay Heights area. We are concerned with the size of the proposed dwelling in our neighborhood at 1000 Ridgeway. We ask you to go back to the drawing board. Please abide by the General Plan's requirement for neighborhood compatibility. This project must be scaled back and the plans resubmitted for review.

Name

Street Address

Genevieve Holloway

537 Estero Ave

Mary Ann Fleming

800 Anchor St

~~[Signature]~~

457 Kern Ave

Kathleen Ogden

934 Pecho St.

Doreen Arthur

937 Pedro St

~~[Signature]~~

540 Estero St.

Anita Franzmann

478 Bernardo Ave

Bonnie Sancedo

473 Bernardo Ave

Jaime Sancedo

473 Bernardo Ave MB

Melanie N. Masigman

475 BERNARDO AVE. MORRO BAY.

[Signature]

470 Bernardo Ave Morro Bay CA

Gabriel Fink

448 Estero Ave Morro Bay, CA

Maggie Rayatz

448 Estero Ave Morro Bay CA

EXHIBIT G

Appeal of Administrative Coastal Permit #CP0-408: 1000 Ridgeway, Morro Bay Heights

Name	Street Address
<u>Alex C. S.</u>	<u>ESTERO AVE. 453</u>
<u>Nina Peres Harton</u>	<u>515 FRESNO</u>
<u>Jamie Potts</u>	<u>530 Fresno</u>
<u>Sandra Owen</u>	<u>545 Fresno Ave.</u>
<u>Timothy Hess</u>	<u>560 Estero Ave</u>
<u>James S.</u>	<u>530 Estero Ave</u>
<u>John Gray</u>	<u>429 Bernardo MB</u>
<u>Kevin Meyer</u>	<u>401 Arbutus Ave</u>
<u>Patricia M. H.</u>	<u>620 Montrey av. E</u>
<u>JAMES HORVATH</u>	<u>931 RIDGEWAY ST.</u>
<u>SARAH DeLong</u>	<u>385 Arcadia Ave.</u>
<u>Karen Rea</u>	<u>375 Arcadia Ave</u>
<u>Nancy Ballinger</u> <u>NANCY BALLINGER</u>	<u>365 Arcadia Ave</u>
<u>Ronald H. Nelson</u>	<u>365 Arcadia Ave</u>
<u>Pat Silver</u>	<u>345 Arcadia Ave.</u>
<u>Kendall Welch</u>	<u>414 Arbutus Ave</u>
<u>Jean White</u>	<u>413 Arbutus ave, MB.</u>



AGENDA NO: B-2

MEETING DATE: May 6, 2014

Staff Report

TO: Planning Commission **DATE:** April 30, 2014

FROM: Rob Livick, Public Services Director
Damaris Hanson, Engineering Technician IV

SUBJECT: Appeal for the removal of a tree partially located in the public right of way at 310 Kern Ave – Continued from February 19, 2014

RECOMMENDATION

Staff recommends that the Planning Commission hear the appeal, and deny the appeal and allow the removal of the tree.

ALTERNATIVE

Grant the appeal, deny the Director's decision to remove the tree and require extensive maintenance, specifically cabling the larger limbs and trimming for weight reduction.

FISCAL IMPACT

Removal of the tree is approximately \$5,000, the trimming and cabling is approximately \$1500 plus an additional \$100/yr in inspection fees for the cabling. However, should the Planning Commission choose to grant the appeal, there may be exposure to additional property damage claims.

BACKGROUND

Public Services staff, along with the City Attorney and the Risk Management Department, made the decision to remove a tree located in the public right-of-way. Municipal code section 12.08.070 requires staff to post the tree for a minimum of 10 days and all property owners and residents within 300 ft. of the tree be notified of the tree removal. Any person aggrieved by the intended removal may file an appeal to the Planning Commission within the 10 day appeal period and with the payment of the applicable fee.

The decision to remove the tree was based on the tree being a hazard to persons or to property outside the drip line. The tree was posted for removal and noticed accordingly and an appeal was

Prepared By: DH

Dept Review: RL

City Manager Review: _____

City Attorney Review: _____

filed (Attachment 1) within the ten (10) day appeal period. The appellant asserted that the tree should not be removed based on the visual and habitat benefits the tree provides, as stated in the appeal, and asks the Planning Commission to reconsider the decision to remove this tree, and explore some of the alternatives.

DISCUSSION

The request for removal was made by the property owner at 310 Kern Ave. The reasons for removal are detailed in the attached arborist report submitted by the property owner completed by Robert Schreiber (Attachment 2). Accompanying the arborist report was also a letter by the property owner stating the request for removal and compensation for damages to the property located at 310 Kern. When an arborist report is submitted by a member of the public the City has a policy to get a second opinion from another qualified arborist. The City then hired Greenvale Tree Company to get an arborist report (Attachment 3). Because the request for removal was accompanied with a claim for property damage, the City Attorney's Risk Management Department had the City's claims adjuster visit the property for an evaluation. The decision was then made to remove the tree based on mitigating the risk to the City and damage to the property located at 310 Kern.

The appeal was originally heard at the February 19, 2014 meeting where Planning Commission continued the item pending completion of the claims investigation that would determine whether the tree contributed to the property damage, and what alternatives would be available to prevent future damage.

The City did request a Geotechnical opinion (attachment 5) regarding the damage related to the tree at 310 Kern Ave. The conclusion of the report states:

“To summarize, it is my opinion that the roots of the tree are likely a contributing causative factor in the crack in the north wall of the garage and in radial cracks seen in the AC apron. There is also some possibility that roots may be a minor factor in the movement seen of the concrete driveway panels closest to the AC apron. However, I see no evidence that the movement of the poured-in-place planter wall, the wood planter, the brick staircase, the ramp, new wood retaining walls, wood deck, or the modular retaining structure is in any way caused by the tree or its roots.”

To answer the questions regarding the potential to trim roots or alternative measures to prevent future damage, the City will have a Certified Arborist attend the meeting to answer these types of questions from the Commission.

The Commission asked questions regarding previous maintenance records; staff looked into this and found that this tree was trimmed January 2007 and January 2014.

The Commission requested information regarding the permit status of the retaining walls of the property. This property does have several retaining walls, some that would not require a permit

and some that would require a permit. City records show that a permit for a retaining wall was issued in September 1986 and completed November 1986. The permit history is inconclusive as to which retaining wall(s) on the property are permitted. Additionally, the City has no record of a special encroachment permit, which is required for any non-standard improvement in the Right-of-Way.

FINDINGS

A tree may only be removed under Morro Bay Municipal Code (MBMC) Section 12.08.070 if one of the following findings can be made:

- (1) The tree interferes with the necessary improvement of the public right-of-way;
- (2) The tree interferes with the installation of public utilities;
- (3) The tree is a hazard to person or property outside the drip line of the tree at maturity; or
- (4) The tree 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.

If the Planning Commission does conclude cause exists for removal of the tree based upon one of the findings listed above, they may impose “conditions deemed appropriate to mitigate impacts to the community and neighborhood due to the removal of the [tree].” (MBMC § 12.08.080.)

The Planning Commission’s decision may be appealed to the City Council by any “aggrieved” person. (MBMC § 12.08.080.)

CONCLUSION

The Director’s decision to remove the tree was based on the Director finding the tree being a hazard to persons or to property outside the drip line. The Commission shall consider the merits of the appeal and if it finds cause exists for removal of the tree pursuant to the findings in Section 12.08.070, deny the appeal and order the removal of the tree with or without conditions as deemed necessary. Alternatively if the Commission determines that the facts do not support making a finding under Section 12.08.070, including without limitation, that the tree is not a hazard to person or property outside the drip line, then grant the appeal.

Attachments

Attachment 1: Tree Appeal

Attachment 2: Arborist report submitted by property owner at 310 Kern

Attachment 3: Arborist report by City request

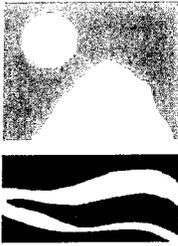
Attachment 4: Memo dated 2/13/2014 from Anne Russell Interim City Attorney

Attachment 5: Geotechnical Opinion

Attachment 6: Survey of tree location

RECEIVED

JAN 23 2014



CITY OF MORRO BAY
City of Morro Bay
Public Services Department

Public Services Department
Planning Division

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

APPEAL FORM

In CCC Appeals Jurisdiction?

YES - No Fee
 NO - Fee Paid: Yes No

Project Address being appealed: <u>310 KERN</u>	
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: <u>Stopping A Removal of A Specimen PINE.</u>	
Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision): <u>N/A</u>	
Date decision or action rendered: <u>1-16-14</u>	
Grounds for the appeal (attach additional sheets as necessary): <u>SEE ATTACHED</u>	
Requested relief or action: <u>SEE ATTACHED</u>	
Appellant (please print): <u>Gail COFFMAN</u>	Phone: <u>(805) 777-5473</u>
Address: <u>320 KERN M.B, CA 93442</u>	
Appellant Signature: <u>Gail Coffman</u>	Date: <u>1-23-14</u>

FOR OFFICE USE ONLY

Accepted by:	Date appeal filed:
Appeal body:	Date of appeal hearing:

Gail Coffman

Public Services Dept.»

Damaris Hanson

I am writing this letter of appeal regarding the large Specimen pine tree located between 310 and 320 Kern Avenue. This beautiful tree should be protected, in every possible way by the City of Morro Bay. No one should have been allowed to build directly on top of this large tree's root system. Most trees are similar to icebergs in that a larger portion of the tree does not show above ground. Most of these large trees exist because of the underground water tables. This particular tree has been at its location **long before anyone else** first built on this hillside, and long before there was a Kern Avenue. **Please reconsider your decision to remove this tree.**

This is to inform you that, I, Gail Coffman, owner of the property at 320 Kern Avenue, Morro Bay, want it understood that **I am 100% opposed to the removal of the specimen pine located between 310 and 320 Kern.** It concerns me that this decision is being done in haste. I received on Saturday, January 18th, the only communication stating that I had any part in this decision making process. The postmark is dated: 1/16/2014. I sincerely hope that I am not wasting my time. According to my calculations, that gives me less than one week to try to defend the beautiful tree.

I will try to state this as clearly as I see it.

1. The damage to the garage is already done.
2. The concern over pitch canker disease is somewhat unfounded. Originally, I had thought that this meant the tree was basically terminal, because of the way the media spoke about the pitch canker disease. However, since reading more online about the disease I have greater insight and more clarity to this subject. I quote the article from:

- a. **MANAGEMENT:** Pitch canker can result in extensive damage and even death of infected trees. However, not all infected trees become severely diseased, and of those that do, some recover. Experiments under controlled conditions show that susceptible Monterey pine trees repeatedly exposed to the pathogen may gain resistance over time, and field studies have confirmed that trees in areas where pitch canker has been present for 10 or more years tend to be more resistant to the disease than trees in areas where the pathogen has only recently become established. **Therefore landowners and land managers should take a conservative approach to removing diseased trees, because there is a possibility they may recover completely.**
 - b. **MANAGING THE DISEASE IN INFECTED TREES:** Where trees have sustained a limited number of infections, removing symptomatic branches can effectively eliminate the disease. Of course, new infections can occur, and studies have shown that pruning doesn't slow the development of pitch canker in stands where the disease is well established. However, pruning can be used strategically to enhance the aesthetic quality of a tree and thereby delay its removal from the landscape.
3. The concern over the Spanish moss is one that I have been battling with some level of success. I ordered the needed ingredients to mix the Bordeaux mixture, as advised, from the article: <http://www.gardenguides.com/129299-sprays-kill-spanish-moss.html>
 - a. **COPPER SULFATE (BORDEAUX MIXTURE):** Copper-based chemicals should be treated as a herbicide rather than as a mineral. Copper sulfate is often marketed as bluestone. You can purchase copper sulfate sprays that are premixed, or mix your own. One good mixture, which is known as Bordeaux mixture, combines copper sulfate, lime and water in ratio of one part copper sulfate and one part lime to 10 parts water. Do not apply copper sulfate to trees in spring when new leaves and buds appear on the branches. During this time the chemical can kill the new growth.
 - b. This article also suggests the usage of Potassium and/or Zinc.
 - c. I sprayed the Bordeaux mixture on plants in my front yard about 4 months ago. Bougainvillea, hedge plants, Hollywood Junipers and a large Star Pine, these were all showing signs of Spanish moss. I plan to repeat this spraying within the next week. I have noticed that where I have sprayed the hedges and Junipers, that the moss is subsiding. I have recently followed up with a high pressure hose and managed to knock down some of the dead moss. So, yes I do believe it can be controlled.
 4. As stated in #1, the damage is already done to the garage. The question is how to try to satisfy all parties concerned.
 5. I recently watched as the City repaired the road in front of the Chase Bank on Morro Bay Blvd. The careful removal of part of the encroaching root system was the solution to repairing the street and saving the flowering eucalyptus tree. **Nice job.** Why can
-

this same intervention not be done with the Specimen pine tree at 310 Kern? This is a beautiful tree and should be protected. The existing, beautiful Specimen pines are a diminishing number in Morro Bay and they greatly enhance the beauty of our coastal community. These pines are what gives the city its enhanced beauty. They serve a purpose. They provide shelter, shade, and living area for the various local squirrels and birds. Without this lovely tree, both properties are also being de-valued.

6. The efforts you put into the little flowering eucalyptus, in front of the Chase Bank, should also be afforded this tree.
7. By going to Google Earth you can visualize what these two properties will look like with this tree. It's not good. Both properties will look much less attractive and less marketable.
8. **Please, please, please reconsider the death sentence to this tree, and explore some of the alternatives.**

Sincerely,



Gail Coffman
1/22/2014



[UC IPM Home](#) > [Homes, Gardens, Landscapes, and Turf](#) > [Pitch Canker](#)

How to Manage Pests

Pests in Gardens and Landscapes

Pitch Canker

[Download PDF](#)

Revised 5/13

In this Guideline:

- [Identification and damage](#)
- [About Pest Notes](#)
- [Vectors of pitch canker](#)
- [Publication](#)
- [Distribution of the disease](#)
- [Glossary](#)
- [Management](#)

Pitch canker, a disease that affects many pine species, is caused by the fungus *Fusarium circinatum*. This fungus can also infect Douglas-fir, but symptoms are usually limited to tip dieback.

Most pines native to California are susceptible to pitch canker, but Monterey pine, *Pinus radiata*, is the most widely affected host. The most recent severe outbreak of this disease in California was in populations of native bishop pine, *P. muricata*, at the Point Reyes National Seashore.

Pitch canker was first observed in California in Santa Cruz County in 1986. Since then the disease has spread rapidly and now occurs in 18 coastal counties. Pitch canker also occurs in the southeastern United States and in Mexico, Chile, Japan, South Korea, Italy, France, Spain, Portugal, and South Africa. Evidence indicates the pathogen may have originated in Mexico, and its introduction into California came by way of the southeastern United States.

IDENTIFICATION AND DAMAGE

The fungus causes infections (lesions) that can encircle (or girdle) branches, exposed roots, and the main stems (trunks) of pine trees. The tips of girdled branches wilt as a result of obstructed water flow, causing needles to turn yellow and then brown. The fascicles (needle clusters) eventually fall off, leaving bare branch ends. Multiple branch infections can cause extensive dieback in the crown of the tree and may lead to tree mortality.

The fungus isn't known to move within the tree; therefore, each canker or lesion is a separate and distinct infection. Resin (pitch) accumulates on a branch at the site of infection, and removal of the bark reveals honey-colored resin-soaked wood. Flattened or slightly sunken cankers on the main stem of the tree usually appear after the tree already has multiple branch infections. The flow of resin from main stem infections can coat the bark up to several feet below the infection site. Infected trees are often attacked by engraver beetles, which may cause death of additional branches, treetops, or the entire tree.

Infections of Douglas-fir often induce no symptoms: consequently, infected seedlings or cuttings may serve as vehicles for dissemination of the pathogen.

Certain insects and other pathogens, often in combination, can cause wilting of branch tips or other damage resembling that caused by pitch canker ([Table 1](#)). Though the disease can usually be diagnosed based on symptoms, diseased tissue must be cultured in a laboratory for a definitive identification.

Fusarium circinatum can also be a cause of seedling mortality. Seedling infections can result from inoculum present on seed, in soil, or the litter layer. Emerging seedlings may die quickly and not develop symptoms that are distinctive enough to identify *F.*



Infected Monterey pine branch tips showing initial wilting.



Monterey pine branch tips showing discolored needles at infection site.



Infected Monterey pine branch tips showing chlorotic and dead needles caused by a girdling lesion.

circinatum as the cause. On older seedlings, resin typically accumulates on the stem near the soil line, with honey-colored lesions beneath the bark.

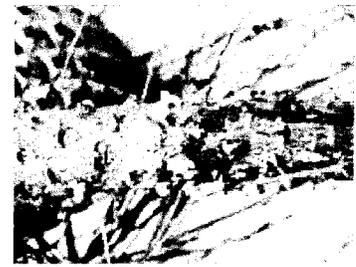
VECTORS OF PITCH CANKER

Insects can transmit the pitch canker fungus during exploratory feeding on trees. The fungus has been isolated from a number of insects, and those capable of vectoring the pitch canker pathogen include engraver beetles (*Ips* species), twig beetles (*Pityophthorus* species), cone beetles (*Conophthorus radiatae*), and deathwatch beetles (*Ernobius punctulatus*). Adult spittlebugs, *Aphrophora canadensis*, haven't been demonstrated to carry the fungus, but their nymphs do create wounds that may become infected if fungal spores are already present on the branch surface.

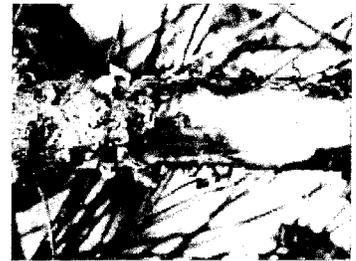
DISTRIBUTION OF THE DISEASE

The distribution of pitch canker in California indicates that the mild climate of the central and southern coasts is conducive to disease development. In a survey of 39 plots on the Monterey Peninsula, strong trends were found with respect to disease severity and geographic location. On average, trees in plots located adjacent to the coast had significantly higher levels of disease than trees in plots located just a few miles inland. Furthermore, disease increased more rapidly in coastal plots than in inland plots. More severe disease near the coast reflects a greater frequency and longer duration of fog, which provides the moisture required for the pathogen to infect shallow wounds insects create.

The survey conducted on the Monterey Peninsula also documented significant differences in disease severity in the urban forest versus the natural forest. On average, trees in landscaped areas and small open spaces had higher levels of disease than trees in larger, less disturbed forests.



Infected Monterey pine branch showing resin accumulation on the surface.



Infected Monterey pine branch showing a honey-colored lesion beneath the surface.

Table 1. Comparison of Pine Tree Maladies with Some Similar Symptoms.¹

Malady	Oozing or streaming pitch	Lumpy, protruding, or tubular masses	Yellow to red wilted tip needles	Yellow to red unwilted tip needles	Dead tips and needle drop	Cones or conelets abort	Swelling on branches	Silk webbing on tips
blight, Aleppo pine	*		**	*	**			
caterpillars					**			**
cone beetles		**				**		
Diplodia canker and blight	*		**	*	**	*		
dwarf mistletoe	2			*	*		**	
injuries or pruning wounds	**	*						
<i>Ips</i> bark beetles		*	*	**	**	*		
pine scales			*	**	**			
pitch canker	**		**	**	**	**		
pitch moths	*	**	*		*		*	
red turpentine beetle		**						
salt, wind, or drought dieback				**	**			
shade-suppressed branches			*	**	*			
tip moths			*	**	*			
twig beetles			*	**	**	*		
weevils				*	**			
western gall rust	*			**	*	*	**	

KEY: *Symptom occasionally occurs **Symptom usually occurs

¹ Other abiotic disorders such as poor growing conditions and inappropriate cultural practices can also cause many of these symptoms.

² Extensive branch swelling and distortion caused by dwarf mistletoe might cause resin flow.

Sources: Adapted from Adams, D. Unpublished. *Pitch Canker: An Introduced Disease*. Davis: Calif. Dept. of Forestry and Fire Protection; and Dallara, P. L., A. J. Storer, T. R. Gordon, and D. L. Wood. 1995. *Tree Notes No. 20*. Sacramento: Calif. Dept. of Forestry and Fire Protection.

MANAGEMENT

Pitch canker can result in extensive damage and even death of infected trees. However, not all infected trees become severely diseased, and of those that do, some recover. Experiments under controlled conditions show that susceptible Monterey pine trees repeatedly exposed to the pathogen may gain resistance over time, and field studies have confirmed that trees in areas where pitch canker has been present for 10 or more years tend to be more resistant to the disease than trees in areas where the pathogen has only recently become established. Therefore, landowners and land managers should take a conservative approach to removing diseased trees, because there is a possibility they may recover completely.

Resistance to Pitch Canker

Although Monterey pine is a susceptible species, some individual trees are resistant to the disease. Resistant Monterey pines can be vegetatively propagated as rooted cuttings, and trees that develop from cuttings of resistant trees retain the resistance of the parent tree. Resistance may be a useful tool for managing the disease in landscape settings, on Christmas tree farms, and in commercial forestry.

However, genetic resistance may cease to be effective due to changes in the pathogen population over time. Trees that now appear resistant could become susceptible if more virulent strains of the fungus arise through mutations or genetic recombination due to sexual reproduction, or if new strains of the fungus are introduced from elsewhere in the world. Thus, Monterey pines will always be at some risk of future damage from pitch canker, and resistant Monterey pine stock should be used only where planting a nonsusceptible species isn't an option.

Preventing Movement of the Pathogen

In order to minimize damage caused by pitch canker, it is important to prevent movement of the pathogen to noninfested areas. With this in mind, the California State Board of Forestry designated a zone of infestation that includes most of coastal California as described on a site maintained by the [Pitch Canker Task Force](#). You can also contact the agricultural commissioner in your county to determine whether you are within this zone.

Local regulations may apply to moving potentially infested materials to areas outside the zone of infestation. Because the pathogen can survive in wood cut from infected trees, use or dispose of infected trees locally; see www.firewood.ca.gov. The pathogen can also survive in soil or seed and can infect seedlings that show no symptoms. Consequently, avoid moving any of these materials into areas where the disease doesn't already occur.

Managing the Disease in Infected Trees

Where trees have sustained a limited number of infections, removing symptomatic branches can effectively eliminate the disease. Of course, new infections can occur, and studies have shown that pruning doesn't slow the development of pitch canker in stands where the disease is well established. However, pruning can be used strategically to enhance the aesthetic quality of a tree and thereby delay its removal from the landscape.

In areas where Monterey pine isn't native—most of California outside of Año Nuevo, Cambria, and Monterey—when replanting, select pines that are resistant to pitch canker (Table 2) or select other nonsusceptible trees.

Although insects often initiate infections, insecticides don't offer a practical way to control pitch canker. Likewise, fungicides with activity against the pitch canker pathogen are available, but no effective techniques for using them to control the disease have yet been demonstrated. For more information about managing pitch canker, consult the Web site of the Pitch Canker Task Force listed in Online Resources.

Table 2. Susceptibility to Pitch Canker of Some Conifers Grown in California.

Species	Common name	Status ¹	Susceptibility	
			Greenhouse ²	Field ³
<i>Pinus attenuata</i>	knobcone pine	native	S	S
<i>Pinus canariensis</i>	Canary Island pine	exotic	R	R
<i>Pinus contorta</i> subspecies <i>contorta</i>	shore pine	native	S	S
<i>Pinus contorta</i> subspecies <i>murrayana</i>	lodgepole pine	native	S	N

<i>Pinus coulteri</i>	Coulter pine	native	S	S-
<i>Pinus eldarica</i>	Eldarica pine	exotic	S	N
<i>Pinus halepensis</i>	Aleppo pine	exotic	S	S
<i>Pinus jeffreyi</i>	Jeffrey pine	native	S	N
<i>Pinus lambertiana</i>	sugar pine	native	S	N
<i>Pinus monophylla</i>	pinyon pine	native	S-	N
<i>Pinus muricata</i>	bishop pine	native	S	S
<i>Pinus pinea</i>	Italian stone pine	exotic	R	R
<i>Pinus ponderosa</i>	ponderosa pine	native	S	S-
<i>Pinus radiata</i>	Monterey pine	native	S	S
<i>Pinus sabiniana</i>	gray pine	native	S	S-
<i>Pinus sylvestris</i>	Scotch pine	exotic	S	N
<i>Pinus thunbergii</i>	Japanese black pine	exotic	R	N
<i>Pinus torreyana</i>	Torrey pine	native	S	S-
<i>Pseudotsuga menziesii</i>	Douglas-fir	native	S-	S-

¹ Native species are found in native forests but may also be grown as timber species (e.g., ponderosa pine) or as landscape trees (e.g., Monterey pine); the exotic species are commonly planted in various parts of the state.

² Greenhouse tests of susceptibility were based on artificial inoculations. Species are rated as susceptible (S) if they sustained definite lesions at the site of inoculation or resistant (R) if there was little or no lesion development. For species rated as S-, most tested individuals were resistant, but a small percentage appeared moderately susceptible. N indicates a species that hasn't been tested.

³ Field susceptibility is based on observations of natural infections. Species are rated as susceptible (S) if numerous trees are known to be infected, if some trees have sustained severe damage from pitch canker, or both. Species that have frequently been observed in otherwise infested areas, for which few or no trees are known to have sustained natural infections and none has been heavily damaged by pitch canker are rated as resistant (R); the level of resistance differs within this group. For species rated as S-, one or more infected trees have been observed, but the number of observations is too limited to provide a meaningful estimate of their relative susceptibility. For species rated as N, no infected trees have been observed, but the occurrence of this species in proximity to natural inoculum is too infrequent to conclude that the lack of disease is indicative of resistance.

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ONLINE RESOURCES

[Pitch Canker Task Force](#)

[California Firewood Task Force](#)

PUBLICATION INFORMATION



Pest Notes: Pitch Canker

UC ANR Publication 74107

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Sprays to Kill Spanish Moss

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Although many people who see Spanish moss in a tree think it is a parasite, it is actually a bromeliad that does not harm the tree directly. What little damage Spanish moss inflicts on a tree occurs when heavy infestations shade the tree. Although most university agricultural centers do not approve the use of sprays to kill Spanish moss, a few sprays are effective in killing Spanish moss while not harming trees.

Copper Sulfate

Copper-based chemicals should be treated as an herbicide rather than as a mineral. Copper sulfate is often marketed as bluestone. You can purchase copper sulfate sprays that are premixed, or mix your own. One good mixture, which is known as the Bordeaux mixture, combines copper sulfate, lime and water in a ratio of one part copper sulfate and one part lime to 10 parts water. Do not apply copper sulfate to trees in spring when new leaves and buds appear on the branches. During this time the chemical can kill the new growth.

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Potassium

Potassium salt of fatty acids is made from naturally occurring, biodegradable fatty acids. The spray is used to kill many types of moss including Spanish moss, as well as for killing moss on decks or rooftops. The chemical may be used around home areas because it is nonstaining and will not harm other plant varieties. It contains no zinc or iron and is noncorrosive to metals. Sprays containing potassium salt of fatty acids are toxic to aquatic invertebrates.

Zinc

Zinc is a metal that will kill any moss that tries to grow near it. For this reason, roof flashing and metal hardware around skylights are often treated with zinc. Zinc-based sprays will kill moss without harming trees. Zinc comes in many forms, including zinc sulfate and zinc chloride as well as a zinc-copper sulfate mix. Zinc sulfate may be applied to Spanish moss in a concentrated powder form. Zinc chloride in a 13 percent concentration powder may be applied directly to moss as well. Zinc chloride in a 62 percent concentration must be mixed with water at a rate of 1 pint zinc chloride to 3 gallons water.

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- University of California Extension: Bordeaux Mixture
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Keywords: Spanish moss, weed control, moss spraying



About this Author

Tracy S. Morris has been a freelance writer since 2000. She has published two novels and numerous online articles. Her work has appeared in national magazines and newspapers, including "Ferrets," "CatFancy," "Lexington Herald Leader" and "The Tulsa World."

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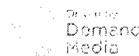
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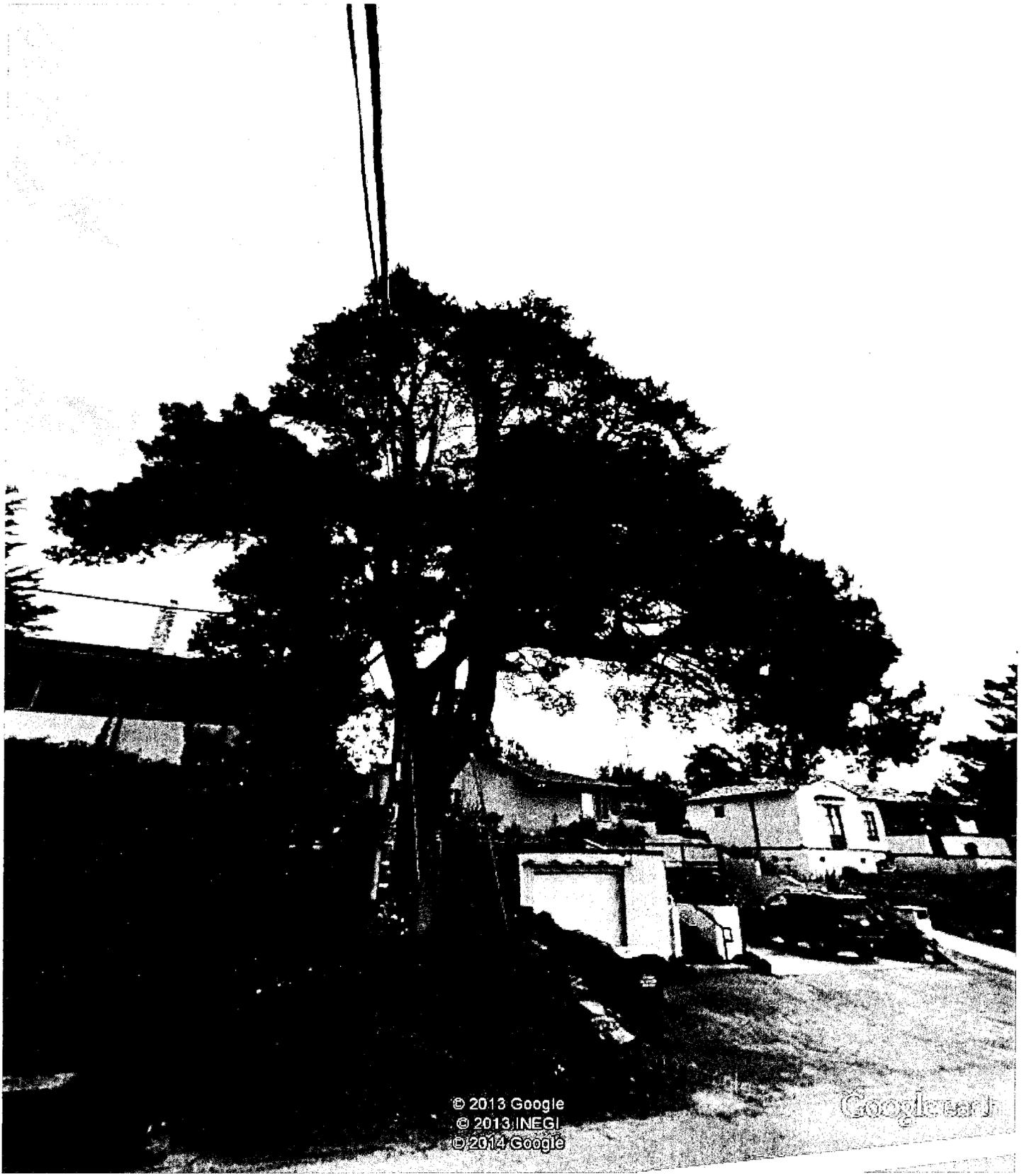
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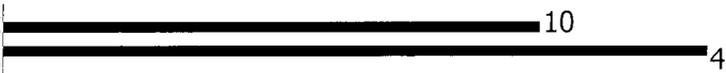


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Not very many Specimen pines are left.

RECEIVED
City of Morro Bay

NOV 05 2013

Administration

DATE:
10/29/13

FROM:
Brien Steven Schwimer
Anne O'Brien
310 Kern Avenue
Morro Bay, CA 93442
APN #066-241-013
805.704.0303 (msg)
805.772.7922
brienschwimer@gmail.com
anne@anneobrien.me

TO:
Jamie L. Irons
Mayor
City of Morro Bay
City Hall 595 Harbor Street
Morro Bay, CA 93442
805.550.6595
805.772.6200
805.772.7329 (fax)

RE:
City of Morro Bay Monterey Pine tree #1824. Located at the junction of Kern Avenue and Luisita, and its damage to the property at 310 Kern Avenue, Morro Bay. Request removal of tree and compensation for damages at my property above.

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

Dear Mayor Irons:

I am the owner of the property at 310 Kern Ave, Morro Bay. My mother, Anne O'Brien, and I have resided here since 1985. The buildings here were built between 1947-1963. That makes my property almost a landmark. Including considering the botanical garden in the back yard.

The City of Morro Bay has a serious hazard and liability with, Monterey Pine tree #1824, which overhangs the only way in and out of my residential property. I respectfully request its removal, as well as an assessment and payment of damages, required repairs, and approval of permits for repairs in regards to tree #1824.

Tree#1824 presents a clear and present danger to anyone entering or leaving my property, utility lines, cars, and pedestrians. For example, on October 12, 2013, my mother, who is disabled, slipped and fell on the pine needles on the walkway underneath tree #1824. In addition, tree 1824 roots completely cross the width of my property (50 ft.) and extend 4 ft. across my neighbors' property at 300 Kern Avenue. For more information about the hazard of this tree, please see the attached report from Robert Schreiber.

In summer 2012, the retaining wall in front of my bedroom collapsed. At that time, I had the retaining wall replaced, and had excess sand moved up into the backyard. I also had French drains built along the north and south edges of my property and retaining walls in the front (west) of the property to perform preventative maintenance against what I thought was erosion.

At that time, my mother took a good hard look at the Monterey Pine. She recognized that the tree had pine pitch canker, Spanish Moss, and was becoming a serious hazard due to dead fall, tip death, and pine cones dropping from squirrels. She called the below for help:

- Damaris, City Hall Admin., 772-6200 x.265
- Mike Wilcox, Trees 772-6285
- Rich, Animal Services 781-4400

The City did examine the tree and declared it sick with the pine pitch canker and Spanish Moss. Plus, they tagged it as tree #1824. However, they said that it was the "nesting season," and that they had no resources to deal with "rogue squirrels." Hence, the tree had to stay. In retrospect, the City of Morro Bay was negligent in its response to a serious private and public menace.

During June 2013, the retaining wall in front of my office collapsed. Theretofore, it consisted of these retaining walls:

- Rock blasted from Morro Rock during WWII.
- Concrete forms.
- Additional brick terracing.

I had an emergency retaining wall built. And, realized that tree #1824 NOT erosion, was the culprit. Consequently, my mother called Mike Wilcox again. He did not return her call. (Again, see the report from Robert Schreiber attached.)

I am giving my mother, Anne O'Brien, authorization to deal with the issues about City of Morro Bay tree #1824, because I am working under contract outside the county.

I am asking the City of Morro Bay to please take swift responsibility for removal of tree #1824 and payment for repairs to my residential property.

Thank you for your attention to this matter.

Respectfully submitted,

Brien Steven Schwimer

Brien S. Schwimer 10/27/13



Robert Schreiber

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



October 15, 2013

Brien Steven Schwimer
Anne O'Brien
310 Kern Avenue
Morro Bay, CA 93442
805.704.0303
brienschwimer@gmail.com
anne@anneobrien.me

SUBJECT: CITY OF MORRO BAY TREE #1824 EVALUATION
SCHWIMER RESIDENCE
310 KERN AVENUE, MORRO BAY, CA
APN 066-241-013

This report includes an analysis of the impact of City of Morro Bay tree #1824, a Monterey Pine tree [*Pinus radiata*] located at 310 Kern Avenue, Morro Bay, CA on that property. Recommendations to remove the tree are also provided.

OBSERVATIONS:

The subject tree, a Monterey Pine tree (*Pinus radiata*) is located adjacent to a stand alone garage located at 310 Kern Ave. (see pictures #1, 2 & 3 attached). This tree was evaluated during the period September 16, 2013 thru October 10, 2013. The specific information regarding this tree is as follows: 47" DSH (Diameter Standard Height [DSH]). The DSH is measured at 4.5 feet above ground. The height is 80 feet and the width is 80 feet. The health of the tree appears to be compromised with signs of pitch canker (see picture #4 attached), Spanish Moss, and large amounts of dead wood intertwined in utility lines (see picture #5 attached). Root growth from the subject tree extends in a southerly direction across the subject property approximately 54 feet and has caused extensive damage to the garage structure, retaining walls, driveway, stairway, walkway and adjoining property cinderblock wall (see pictures #6 – 17 attached). Owner's mother, Anne O'Brien, reports that, in the fall of 2012 she reported health and liability problems with the tree to the City of Morro Bay. At the time, the City confirmed that her diagnosis of pitch canker and Spanish Moss infestation were correct and tagged the tree. However, the City refused to remove the tree.

ANALYSIS:

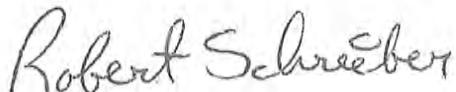
The tree in question (described above) is near a stand-alone garage, driveway and single family residence. The root growth is concentrated down-hill directly in line with the garage, driveway and retaining walls for the single family residence. There is obvious evidence of seizure of the driveway asphalt and cracking and movement of the walls of the garage, walkway, retaining walls and cinder block wall of the neighboring property (300 Kern Avenue). The subject property width is 50' and additional root migration in a southerly direction poses a real threat to the retaining wall of the neighboring property at 300 Kern Avenue. Horizontal limb growth with extreme deadwood concentration and untrimmed end weight inter-mixed with utility lines is also evident (see picture #18).

RECOMMENDATIONS:

Due to the substantial root activity compromising the structures noted above as well as the extensive end-weight of branches directly inter-mixed with utility lines and the general declining health of the subject tree, it is recommended that the tree be removed to prevent additional damage to property as well as minimizing the potential harm to persons either in close proximity to the tree or in near-by structures.

CONCLUSION:

The immediate removal of the subject tree, #1824, will mitigate actual harm to property that already has occurred as well as eliminate potential risk of additional property damage or possible injury to persons.



Robert Schreiber
ISA Certified Arborist
#FL0314A
Arbor First

Picture # 1



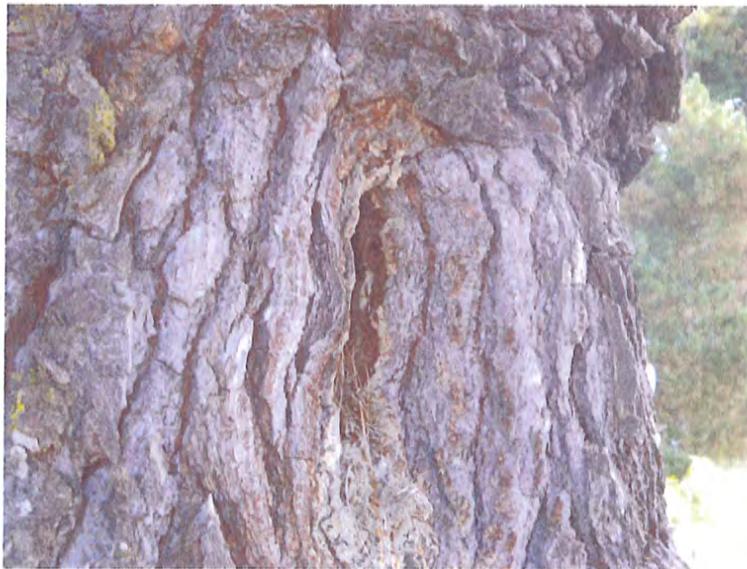
Picture # 2



Picture # 3



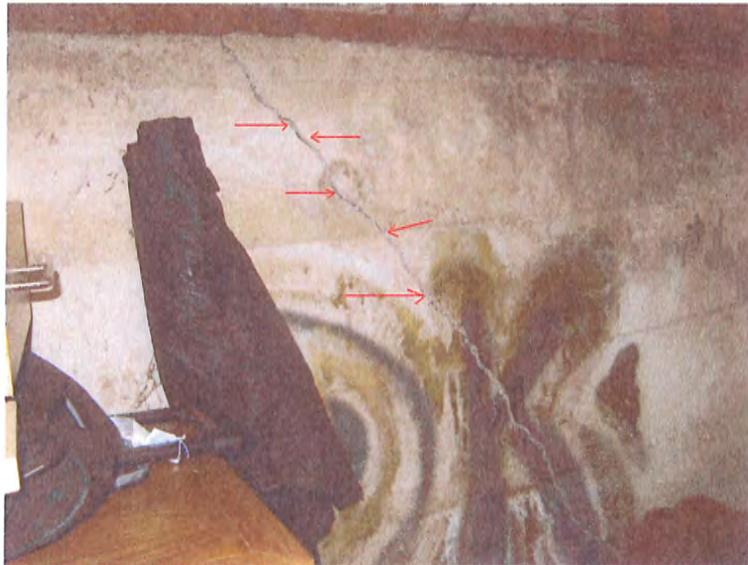
Picture # 4



Picture #5



Picture #6



Picture #7



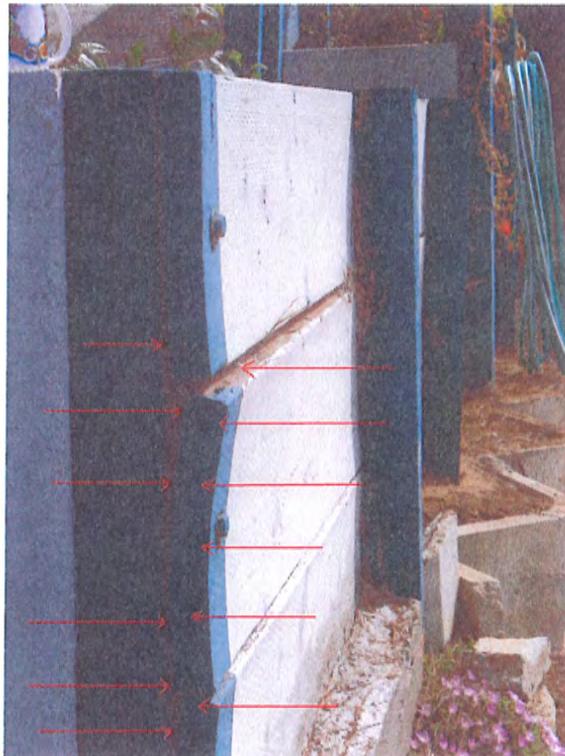
Picture #8



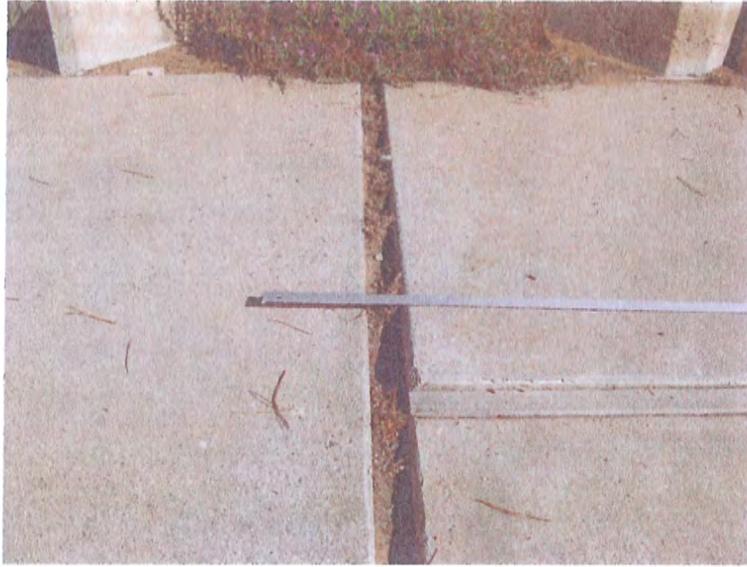
Picture #9



Picture #10



Picture #11



Picture #12



Picture #13



Picture #14



Picture #15



Picture #16



Picture #17



Picture #18



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Steve Franzmann, Certified Arborist WE 0941A
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November 21, 2013

City of Morro Bay
595 Shasta
Morro Bay, CA 93442

This report is in regards to the tree at 310 Kern. It is catalogued as city tree #1824 ~ a Monterey Pine with a DBH of 42 inches. The overall health of this tree, at this time seems good. The color is good and there are no outward signs of beetle infestation. This tree does however have two very large co-dominant stems which can be a cause of concern for failure. The larger of the two co-dominant stems leans over the property at 310 Kern; therefore, it needs weight reduction pruning and cabling to ensure the safety for the residents. This tree can be saved with installing 2 sets of cables and weight reduction pruning, which will need to be inspected periodically. The other option is removal because of the size of the tree, the structures and the inherent weakness of co-dominant stems on Monterey Pines.

Respectfully,

Steve Franzmann

February 13, 2014

MEMORANDUM

TO: PLANNING COMMISSION

FROM: ANNE M. RUSSELL, INTERIM CITY ATTORNEY

RE: TREE #1824 AT 310 KERN AVENUE

RECOMMENDATION

Determine if the tree constitutes a hazard to persons or to property outside the drip line. If yes, authorize issuance of a tree removal permit under the City's Tree Regulation. If no, deny the permit.

Consider agendizing in the future, review and possible recommendation to the Council to amend the tree ordinance to: (1) clarify/state that property owners, not the City, are owners of the trees and landscaping on their property in the right of way; (2) clarify/state property owners are responsible for maintenance, including pruning and trimming, for street trees and landscaping on their property in the public right of way and responsible for damage or injury caused by street trees or landscaping on their property; (3) shift the costs of removal of any tree in the right of way to the property owner to save street funds for repair and improvement of streets not maintenance of private landscaping; (4) clarify that removal of a tree can be for damage inside the drip line of the tree if it affects a structure; (5) other items the Commission feels should be addressed.

DISCUSSION

Public Services staff requested this memorandum regarding the above tree.

The City has received a claim for \$27,000 for damage allegedly caused by the tree tagged as #1824 to the property owner's garage and retaining walls. The property owner also claims it is a hazard to persons, that his mother slipped and fell on the pine needles a while back, and when the tree was pruned, constituted a safety hazard while sap was dripping. There is a difference of opinion as to what caused the damage, the tree roots or soil expansion and contraction together with downward gravitational pull due to ground water travelling through the hill.

The City's Tree Regulations, found in Municipal Code Section 12.08.010 and following, vest the City's Director of Public Works with the responsibility for enforcing the chapter (12.08.030) and with jurisdiction and control of the location and placement of all trees in the public rights of way, together

with supervision, direction and control for the care, trimming, removal, relocation and replacement thereof. (12.08.050). No person other than the Director of Public Works, or his designee, shall prune, plant, remove or replace a tree in the public right of way without a permit.(12.08.060)

No tree can be removed from the public right of way unless it meets one of the criteria of Section 12.08.070, ie., 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. The only applicable bases for removal would be a hazard to person or **property outside the drip line of the tree at maturity**. The City has the responsibility to pay for the removal and replacement of such a tree.

The language of Section 12.08.070 is not entirely clear. Nor is the question of liability for the damage caused by the tree. The property owner owns the underlying property; the City merely has an easement for right of way purposes. The City has control over the trees. The easement is larger than the actual street. Some cities have sidewalks in this area. Morro Bay does not at this location.



April 7, 2014

File No.: SL-17260-SA

Mr. David Cumberland
Adamski Moroski Madden Cumberland & Green LLP
P.O. Box 3835
San Luis Obispo, CA 93403-3835

PROJECT: Schwimer v. City of Morro Bay
LOCATION: 310 Kern Avenue, Morro Bay, California
SUBJECT: Geotechnical Opinion Regarding Foundation Damage by Tree

Dear Mr. Cumberland:

In accordance with your authorization, the undersigned engineer visited 310 Kern Avenue, Morro Bay, California for the purpose of rendering an opinion as to the damage that may have been caused by the roots of a neighboring tree. In addition, I have reviewed the documents shown on the attached reference list.

SITE DESCRIPTION

310 Kern Avenue is a gently sloping residential hillside lot in the City of Morro Bay, California. It lies on the east, upslope side of Kern Avenue. Present on the lot are two residences, one sited behind the other, a detached garage, and various site improvements. A large tree identified in various documents pertinent to the site as a Monterey Pine (Greenvale, Schreiber), is present on the property corner between 310 Kern Avenue, 320 Kern Avenue to the north, and the City of Morro Bay right-of-way to the west. It is the front residence, the garage, various site improvements, and the tree that are the subject of this report. The front residence is simply referred to herein as "the residence;" the Monterey pine tree is referred to as "the tree." Photo 1, taken from Google Earth, shows the two residences and the garage at 310 Kern Avenue, the tree, and the neighboring residence to the north.

During my site visit, Claimant O'Brien was present as was Jim Vosseler of Carl Warren and Company. Claimant O'Brien reported that the residence was constructed in the 1940s. It appears to be of conventional stud construction with a stucco exterior. In front of the residence, situated at the northeast corner of the lot is a detached, single car garage that appears to be of similar vintage. The garage has a concrete slab-on-grade floor. Stucco covers part of the garage with plywood siding, commonly known as "T-111" siding, covering the remainder.



The north wall, back wall (east wall), and part of the south wall of the garage are of poured-in-place concrete construction. These walls retain the earth that surrounds the garage. In front of the north wall of the garage is a concrete masonry unit (CMU) wall. It is about 4.5 feet tall where it abuts the garage and tapers down to about 3.5 feet as it extends toward the street. This wall appears to be of much more recent construction than the garage. The garage and CMU wall (behind garbage cans) can be seen in Photo 2, which is a Google Earth Street View photo; Photo 3 shows the CMU wall. Please note in Photo 2, a distinct zigzag can be seen in the roof line of the residence and the wood deck. These are due to an imperfection in the Google photo and do not actually exist.

Adjacent to the south side of the garage is a brick staircase that leads up to a wood ramp. The ramp in turn leads up to a synthetic wood deck (referred to as the "wood deck") that is separated from the front of the residence by a strip of landscaping. The staircase, ramp and deck can be seen in Photo 2. Along the south side of the staircase is a poured-in-place concrete planter wall. Two feet or so from the concrete wall is a wood retaining wall that forms the opposite side of the planter. A second poured-in-place concrete wall forms the south end of the planter. The wood planter wall is connected to the concrete planter wall by a system of cables and turnbuckles. In between the two walls is sand soil that forms the planter material. The concrete planter walls, wood planter wall, soil, cables, and turnbuckles can be seen in Photo 4.

In front of the wood wall and wrapping around the driveway is a stacked concrete unit retaining structure. It consists of individual V-shaped concrete members that are each about 1 foot high and 3 feet wide. They are each reinforced with a single piece of horizontal rebar that extends from near one end of the V, to near the other end. The concrete units are stacked one atop another with each higher row set slightly behind the lower row in stair-step fashion. This structure is referred to herein as the "modular retaining structure." It can be seen in Photo 2. Please note that Photo 2 is a Google Earth photo, the date of which is unknown, but the vegetation seen in the photo is no longer present. The back of the deck described previously is founded on concrete pier blocks that bear in the backfill of the modular retaining structure, and the front of the deck is founded on 4x4 posts that are embedded in the soil that fills the cells of structure. Photo 5 shows the pier blocks and Photo 6 shows the 4x4 posts supporting the deck.

Along the east side of Kern Avenue is an asphalt concrete (AC) apron. It spans from the traveled way of the street to the front of the garage in the northern part of the lot, and from the traveled way of the street to a concrete driveway in the southern part. The driveway is about 20 feet wide and extends from the AC apron to the toe of the modular retaining structure. It consists of roughly 10-foot by 3-foot and 5-foot by 3-foot individual concrete that are panels separated by wood stringers. The apron and driveway are in the foreground of Photo 2.

Behind the garage and wood deck is a second wood retaining wall. From near the north property line, it trends south, parallel to the back of the garage, to the northern end of the wood deck (where the deck meets the top of the ramp). It was reported by the Claimant O'Brien that previously a wall, which she



described as being of "stucco construction," occupied this area. (Note, the claimant described the wall as being of stucco construction; however, it is unlikely that the wall was constructed of stucco. The actual construction of that wall is unclear. See discussion in Item 9, below) Further, she reported that in 2012, that wall failed and she had her landscaper construct the new wood wall in the place of the failed wall. She also had the wood wall extended easterly for about 3 feet then south again along the eastern edge of the deck.

Behind the part of the wood wall that adjoins the deck, a concrete wall has been cast. Claimant O'Brien reported that a similar concrete wall exists behind the north end of the wood retaining wall; however, it is currently covered with soil and cannot be seen. The wood wall and the visible part of the concrete wall can be seen in Photo 7. When questioned, the Claimant O'Brien reported that the wood wall is simply founded on 4x4 posts that extend 3 to 4 feet into the ground; the posts are not embedded in concrete. It should be noted that the wall seen in Photo 2 is a green-turquoise color while the present wall is brown. While the date of Photo 2 is unknown, the green-turquoise wall is probably the original wall that reportedly failed in 2012.

Claimant O'Brien stated that in 2012, in association with construction of the new wood wall, a French drain was installed. She indicated that it ran west from the area of the northwest corner of the house to the area between the new wood wall and the garage. Here the drain trended south to the area of the top of the ramp. The drain pipe went under the ramp, and into the soil in the concrete and wood planter described previously. The drain pipe can be seen in a grated clean-out behind the garage. The invert of the drain is about 6 inches below the surrounding ground surface. It is unclear where the drain actually discharges; see Photo 8.

Also according to Claimant O'Brien, in 2012, the sewer line from the residence to the street was replaced. That sewer line flows toward the street from the north side of the residence, passing between the tree and the garage.

ALLEGATIONS

In a letter to Jamie Irons, Mayor of Morro Bay (Schwimer & O'Brien), Claimants allege damage due to the tree, but the damages are unspecified. In an email to Damaris Hanson, Engineering Technician IV, City of Morro Bay (O'Brien & Schwimer), Claimants allege:

- Damage as described by Robert Schreiber. The Schreiber report states "There is obvious evidence of seizure of the driveway asphalt and cracking and movement of the walls of the garage, walkway, retaining walls and cinder block wall of the neighboring property (300 Kern Avenue)."
- Damage as described by Bob Crizer. Claimants state that Crizer describes damage to retaining walls, stairways, decks, and the garage and driveway.

During my site visit, Claimant O'Brien alleged the following damage, which she attributed to the tree. It appears that her allegations during my visit include all of those described by Crizer and Schreiber, as well as others.



1. Damage to the garage walls and slab
2. Tilting and damage to the CMU wall
3. Cracking of the AC apron
4. Movement of the brick staircase
5. Movement of and damage to the poured-in-place concrete and wood planter walls
6. Movement of the lower end of the ramp
7. Separation of one piece of T-111 siding from the south garage wall
8. Movement of the modular retaining structure
9. Collapse of the previous "stucco" retaining wall
10. Settlement and movement of the wood deck
11. Settlement and heave of driveway panels

ANALYSIS AND CONCLUSIONS

1. **Damage to the garage walls and slab:** The tree stands about 8 feet from the north wall of the garage. Claimants allege the roots of the tree are growing under the north wall and are heaving the wall causing a crack in the wall that can be seen in Photo 9. They also allege that the roots are causing "bowing" of the back wall. With respect to the crack, this is one of the few allegations that, in my opinion, have merit, though I disagree with the mechanism of damage. The top of the crack is about 6 feet from the back wall and the crack slopes downward at about a 45 degree angle toward the back wall. While the bottom of the crack could not be viewed due to furniture stored in the garage, it appears to terminate about where the north wall and the back wall meet. The crack is of approximately uniform thickness and appears to be relatively recent, i.e. It has occurred or has widened in the last several years.

A crack of this location (near the intersection of two orthogonal walls), angle (about 45 degrees) and uniform thickness typically forms when horizontal pressure exerted on a wall exceeds the wall's strength. The crack may have been present for many years, but the appearance of recent movement probably links it to the ever growing roots of the tree as at least a contributing factor. When the sewer line was replaced, some or all of the soil behind the wall would have been removed and the roots largely severed. Over compaction of the backfill of the sewer trench could be a factor, as could re-growth of the roots.

As for the allegation of the roots growing under and heaving the wall, that mechanism is unlikely. If this were occurring, the offending root would act like a fulcrum as it heaved the wall. Then, the wall would "tear" with a crack that is considerably wider at the top than the bottom. Also, if roots were growing under and heaving the wall, cracks would be seen in the slab-on-grade. Photo 10 is of the only crack that I could find in the slab. It is hairline and insignificant. Due to its location in the slab (roughly centered), it probably was caused by shrinkage as the concrete set several decades ago.



With respect to "bowing" of the back wall, there is no evidence of "bowing." However, the back wall was constructed with a slight bend in it. Photo 11 was taken inside the garage, looking at the back wall and up into the overlying roof structure. A clear bend in the wall can be seen, particularly when compared to the wood framing which is straight. Further, Photo 12 was taken looking down at the back wall of the garage where it extends above the soil that it retains. It can be seen that a distinct curve was constructed in the wall.

2. **Tilting and damage to the CMU wall:** The CMU wall that extends from the north wall of the garage toward the street has rotated about 3 degrees from plumb. Similar to the north wall of the garage, the roots of the tree are probably the cause or a contributing cause of this rotation. The date of construction of the CMU wall is unknown, but other contributing factors to the rotation could be under design of the wall relative to codes in effect at the time of construction, or construction defects. The top course of blocks is also being displaced, but this appears to be due to a lack of grout in that course, not due in any way to the tree.
3. **Cracking of the asphalt concrete (AC) apron:** Typically, when shallow roots grow beneath AC pavement they cause cracks that generally radiate outward from the source tree. Sometimes such cracks bifurcate above a bifurcation in the roots. Photo 13 shows a crack in the AC extending from the area of the green garbage container in the photo, toward the photographer. This crack essentially radiates out from the area of the tree. It can probably be attributed to a root of the tree growing beneath the AC. In contrast, Photo 14 is of a crack in the AC that runs largely perpendicular to the front of the driveway and perpendicular to the trend of radial roots. The orientation of this crack cannot be reasonably attributed to root growth. Subsurface erosion is more likely the cause as discussed in Item 11 below.
4. **Movement of the brick staircase:** The brick staircase shows little, if any, movement. What is perceived by the claimant(s) as movement of the staircase appears to actually be movement of the poured-in-place planter wall next to the staircase. The planter wall is discussed in the following section.
5. **Movement of the poured-in-place concrete and wood planter walls:** Photo 15 shows a gap about 3/8-inch wide between the staircase and the concrete planter wall. It is very unlikely that the brick staircase is a solid mass of mortared bricks. It is far more likely that fill soil was placed in the area of the staircase and the bricks were simply placed upon the fill soil. If that is the case, then the poured-in-place concrete wall would have been necessary to contain the fill soil and keep it from flowing out from under the bricks. It then can be reasonably deduced that the wall was never intended as a planter. If it were intended as a planter, it would have been easier to simply cast the entire planter of concrete than to construct half of concrete and half of wood posts and lagging.



It is likely that the wall served its purpose relatively well until the wood wall was constructed and the space between the walls filled for use as a planter. Claimant O'Brien stated that in 2012 the wood wall was leaning. At that time she had the planter soil removed, the wall straightened and connected via cables and turn buckles to the concrete wall as seen in Photo 4. The planter soil was then replaced. Since that time, the claimant states that the concrete wall has moved and cracked. Photo 16 was taken looking down at the top of the crack exposed in the top of the wall.

In my opinion, the movement of the wall, reported to mainly have occurred since 2012, is likely due to the connection of the wood wall to the concrete wall. The original foundation of the wood wall, which appears to simply be 4x4 posts embedded in the soil within the cells of the modular retaining structure (see Photos 2 and 13), must have been under-designed or the wood wall would not have tilted in the first place. And, at that time, while the two walls were independent of one another, the concrete wall evidently remained generally in place. However, connecting the wood wall to the concrete wall created an eccentric load on the concrete wall which appears to have caused the movement. This would have been exacerbated by movement of the modular retaining structure as Claimant O'Brien contends.

As for the crack seen in the top of the wall, Claimant O'Brien stated that the wall had not been painted in the last 10 years or so. However, paint is visible within the upper fraction of an inch of the crack as can be seen in Photo 17. Therefore, the crack must have been present prior to the last application of paint. It is acknowledged the crack has gotten wider since the paint was applied; possibly since 2012 as Claimant O'Brien contends. If the increase in the size of the crack has occurred since 2012, its increased size can be reasonably attributed to the connection of the wood wall to the concrete wall as previously discussed.

6. **Movement of the lower end of the ramp:** The lower end of the ramp sits atop a concrete footing that in turn is embedded in the sand soil at the top of the brick staircase. Elsewhere, the ramp is founded on posts that are embedded in the backfill of the wood retaining wall; the top of the ramp attaches to the transverse wood deck. The whole foundation system depends upon backfill of a wall that is reported to have moved (i.e. the wood wall) and the modular retaining structure that Claimant O'Brien contends is moving. In my opinion, the movement of the toe of the ramp is related to its improper foundation and/or foundation in the planter soil or backfilled cells of the modular retaining structure, not the tree.
7. **Separation of one piece of T-111 siding from the garage:** There is no obvious reason for the separation of the single piece of T-111 siding from the garage wall. It is the last piece of siding, beyond which the exterior is stucco. And, T-111 siding is a product that was developed during the 1960s or 1970s so it cannot be the original siding on the garage. The separation is probably related to the way in which it was attached at the siding-to-stucco transition. The bottom of the siding panel is estimated to be about 4 feet above the elevation of the garage slab, making it difficult to imagine a means by which the tree roots could be causing the separation.



8. **Movement of the modular retaining structure:** Modular retaining structures came into favor about three decades ago in Europe and 10 to 15 years ago in this country. The accompanying

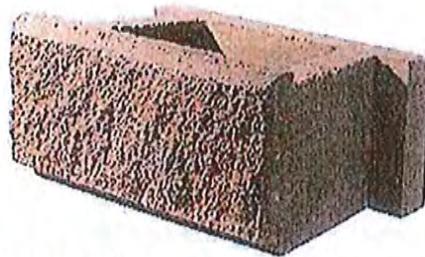


Photo is of a modern module. As can be seen, it has four sides. The top of the front side has a lip that extends up about an inch and there is a mirror image linear indentation along the bottom. The lip of a lower module is intended to fit into the indentation of the next higher course of modules, thereby holding the modules in place relative to one another. The cells in the centers of the modules are filled with gravel or soil and the four sides of the module provide stable bearing for the overlying modular courses. Further, rebar can be driven downward through the gravel or soil in the cells to "pin" the modules together. Some modular systems even have holes cast in the modules specifically for the placement of rebar to attach one module to another. Lastly, anchors that extend several feet back into the backfill of the wall can be attached to the rebar to further restrain the modular retaining system.

The modular retaining system on the subject site may be a very early system as it only consists of two-sided V-shaped modules that have no lips, indentations or other means of maintaining the location of one module to another, and no anchor points that can be discerned. The structure is generally in a state of disrepair. In Photo 6 a horizontal crack can be seen in virtually every block. These cracks are in alignment with the single piece of horizontal rebar that is embedded in each block. Several of the blocks have cracked to the point of breaking as can be seen in the top row, center of Photo 6, and in Photos 18, 19, and 20. Broken blocks can be seen in immediate proximity to the posts that found the wood planter wall in Photo 21.

The cracks are due to corrosion of the internal rebar. As ferrous metals corrode, a scale of corrosion builds up, effectively increasing the volume of the metallic object, in this case the rebar. The force exerted by the corrosion is intense and of a magnitude that easily can crack thin concrete pieces such as these modules. The modular structure has been exposed to the Morro Bay salt air for decades and over time, corrosive salts have penetrated the concrete, allowing the rebar to corrode.



Modules without indentions/depressions or anchors remain in place due to the friction of one module to another and the intergranular friction within the soil backfill in each cell. Friction depends upon the weight of each module, including the sand backfill. In this case, the modular retaining structure is backfilled with silty sand soil, a highly erodible material. Each broken module allows sand backfill to wash out or erode from the cell of the module, and if the erosion is significant enough, backfill from the course of block above may flow down to fill the erosional void in the cell below. This is commonly referred to as a "progressive failure" as the failure of one part of a structure affects another, and another, etc. It should be noted that while erosion is commonly thought to be the result of flowing water, in sandy soils such as these, the wind can also contribute as can burrowing animals.

As the sand erodes away and broken concrete falls away, the weight of each module is reduced as its frictional resistance to movement. Also, there is lateral load applied to the modules that support the wood retaining walls. Due to Claimant O'Brien's observation that the wood wall tilted prior to it being restrained to the concrete wall, it can be deduced that the soil in front of each post was insufficient to resist lateral movement of the post. The lateral force would in turn transmit through the soil to the back of the concrete module. Without lips, indentations, or anchors, the concrete modules, particularly those that are broken can move relative to one another.

In my opinion, the age, design, and state of disrepair of the modular structure are the causes of movement in the structure, not the tree. Further, the movement of the modular structure is adversely affecting the wood planter wall, the poured-in-place concrete wall, the ramp, and the deck.

9. Collapse of the previous "stucco" retaining wall: As the previous "stucco" wall is no longer in place, it could not be observed. Claimant O'Brien did not know how the wall was constructed but hesitantly described it as possibly being of stucco construction; to the best of her recollection, there was no drain behind the wall. It is very unlikely that the wall was actually of stucco construction as that material would not be structurally suitable for such a use. I infer from her comment that it was not of wood construction and probably not of block construction, leaving some sort of concrete as the likely material. Regardless of the construction material, virtually all properly designed retaining walls have drains installed behind them. If the soil is properly drained, the wall must simply resist the force exerted on the wall by the soil. Without a drain, water can collect behind the wall. In such cases, the force due to the hydraulic pressure of the water is usually significantly higher than the force due to the soil, and the wall must resist both forces. I can only speculate that the wall was under designed and may have deteriorated in a fashion to that seen in the modular retaining structure. Claimant O'Brien did not mention seeing roots when the wall failed and it is unlikely that they were the cause. A build up of water behind the wall may have been a contributing factor.



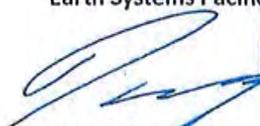
10. **Settlement and movement of the wood deck:** The deck sits on shallow pier blocks and 4x4 posts embedded in the backfill of the modular retaining structure. As described above, the modular structure is moving due to its dilapidated condition. As the modular structure moves, so does the deck. In my opinion, movement of the deck is not related to the tree or its roots.
11. **Settlement and heave of driveway panels:** The driveway was constructed of a framework of wood stringers laid on the ground and concrete panels cast within the stringers. This results in a series of independent concrete panels with no structural connection from one to another. Under the best of conditions, this type of driveway suffers movement, settlement, and heave of the panels due to different vehicle loads, slight anomalies in the soil beneath the driveway, and soil movement beneath the panels. The soil movement occurs when water gains access to the soil through the multiple joints between the panels and the wood stringers.

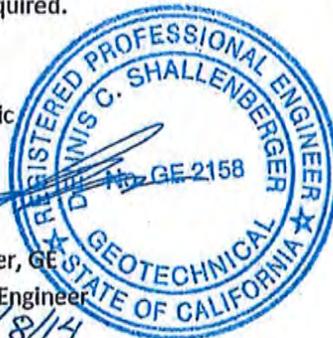
On this site, the soil is silty sand which is highly erodible and subsurface erosion has probably been ongoing for decades. However, to exacerbate the situation, several of the stringers have rotted, some to the point of being virtually nonexistent. This results in gaps between the panels which collect the water and funnel it into the soil, increasing drastically the subsurface soil movement and in turn movement of the panels. It is possible that panels nearest the AC apron could have some influence due to the roots of the tree, but I consider that possible cause to be minor relative to the greater cause of subsurface soil movement due to the driveway design and its deteriorated state.

To summarize, it is my opinion that the roots of the tree are likely a contributing causative factor in the crack in the north wall of the garage and in radial cracks seen in the AC apron. There is also some possibility that roots may be a minor factor in the movement seen in some of the concrete driveway panels closest to the AC apron. However, I see no evidence that the movement of the poured-in-place planter wall, the wood planter wall, the brick staircase, the ramp, new wood retaining walls, wood deck, or the modular retaining structure is in any way caused by the tree or its roots.

Please do not hesitate to contact me if clarification or additional information regarding my observations or conclusions is required.

Sincerely,
Earth Systems Pacific


Dennis Shallenberger, GE
Chief Geotechnical Engineer



Attachment: References
Photos (11 pages)

Doc. No.: 1404-026.LTR/jr



REFERENCES

- Carl Warren & Company. Governmental Entity Preliminary Report. Claimant: Brien Schwimer. January 16, 2014.
- City of Morro Bay, Planning Commission Staff Report, February 13, 2014. Subject: Appeal of the removal of a tree located in the public right of way at 310 Kern Ave.
- Greenvale. Greenvale Tree Co. Letter dated November 21, 2013 to City of Morro Bay, by Steve Franzmann.
- Joanne Head Land Surveying. Tree Location Survey. Joanne B. Head, Licensed Land Surveyor, March 2014
- Schreiber. Letter dated October 15, 2013 to Brien Steven Schwimer and Anne O'Brien; regarding City of Morro Bay Tree #1824 Evaluation, Schwimer Residence, 310 Kern Avenue, Morro Bay, CA, APN 066-241-013. By Robert Schreiber, Tree and Environmental Specialist.
- Schwimer & O'Brien. Letter dated October 29, 2013 to Jamle L. Irons, Mayor, City of Morro Bay, regarding City of Morro Bay Monterey Pine tree #1824. By Brien Steven Schwimer and Anne O'Brien.



PHOTOS



Photo 1: Google Earth photo showing rear residence, front residence, the tree, and the neighboring property at 320 Kern Avenue to the north.

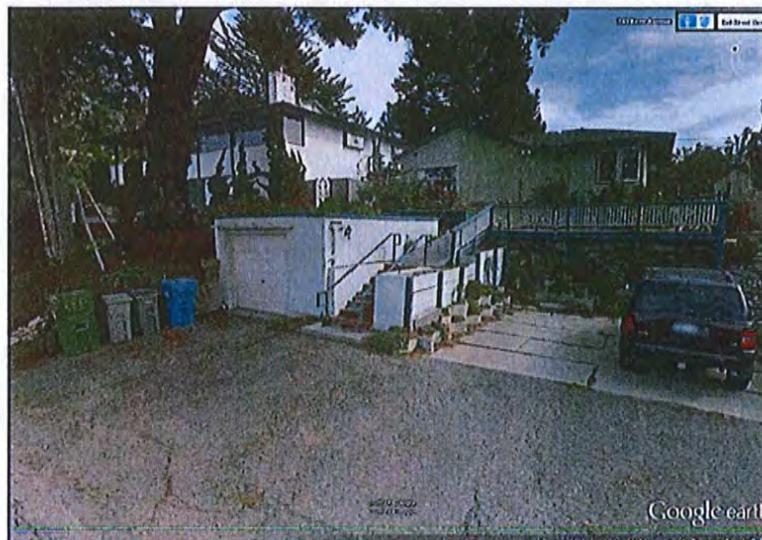


Photo 2: AC apron, driveway, brick stairs, the tree, planter, ramp, modular retaining structure, and deck



Photo 3: CMU wall



Photo 4: Planter with cables and turnbuckles connecting wood wall on right to concrete wall on left



Photo 5: Pier block supporting back of deck; founded in backfill of modular retaining structure

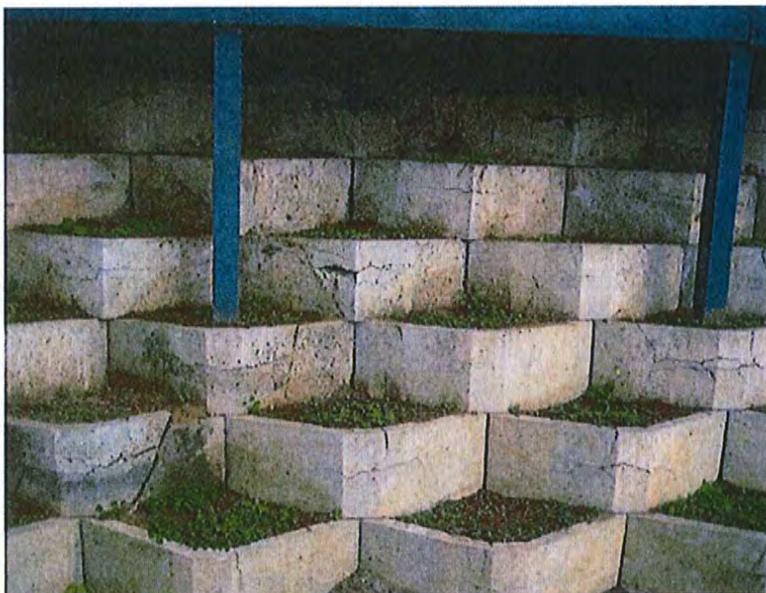


Photo 6: 4x4 posts that support deck; founded in cell fill of modular retaining structure. Cracks can be seen in modular units; upper center unit is broken



Photo 7: New wood retaining wall with concrete wall behind

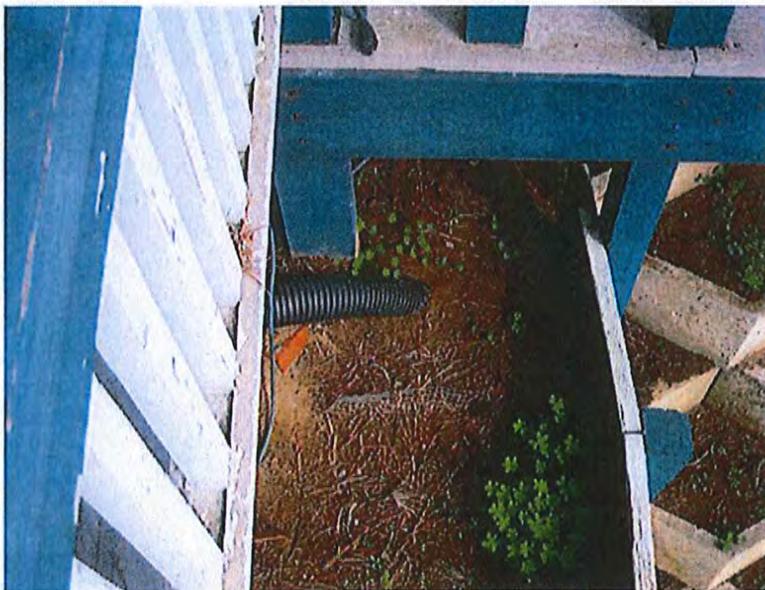


Photo 8: Pipe from French drain extending down into planter backfill soil



Photo 9: Crack in north wall of garage



Photo 10: Insignificant crack in garage slab

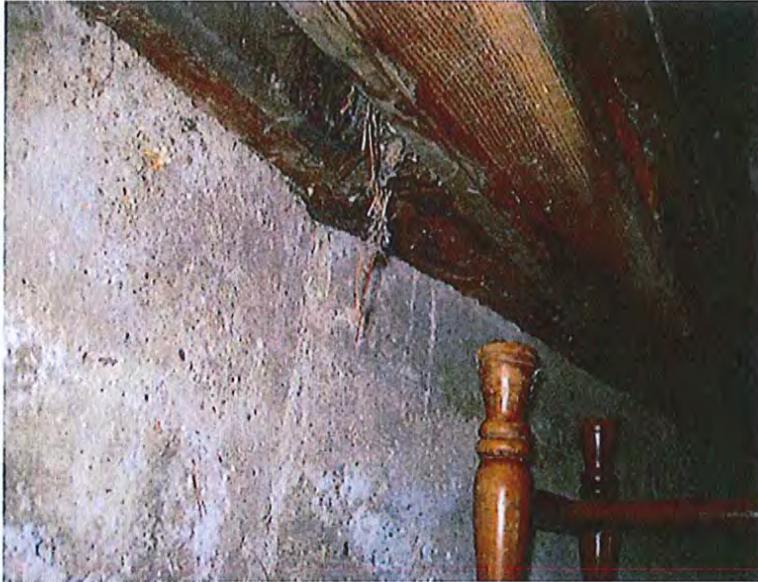


Photo 11: Bend in concrete back wall of garage with straight wood framing above; taken inside the garage



Photo 12: Taken from above and behind the garage; curve constructed into back wall of garage



Photo 13: Radial crack in AC apron, extending from area of green garbage container toward photographer



Photo 14: Crack in AC apron perpendicular to front of driveway, perpendicular to radial root pattern



Photo 15: 3/8-inch gap between brick staircase and poured-in-place concrete planter wall



Photo 16: Crack seen in top of poured-in-place concrete planter wall

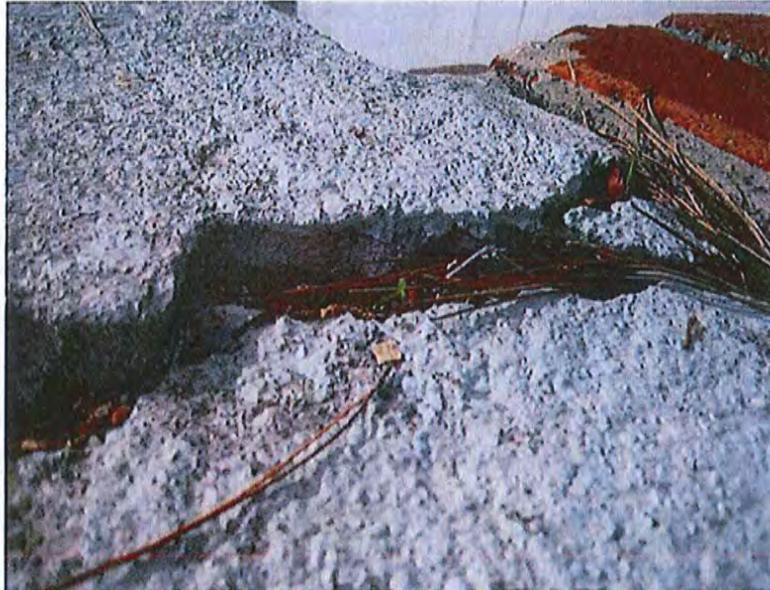


Photo 17: Paint visible in crack in top of poured-in-place concrete planter wall



Photo 18: Broken modular wall unit with corroded rebar



Photo 19: Broken modular unit



Photo 20: Broken modular unit with void extending up under unit above and to the right of broken unit. Unit on lower right is also broken



Photo 21: Broken modular wall units around posts of wood planter wall

MORRO HEIGHTS
3 / MB / 4

BLK.
31

FRESNO
AVENUE

LUISITA
STREET

BLOCK
34

30'

KERN AVENUE

30'

7

ASPHALT
SURFACE

8

TREE - 60"
DIAMETER TRUNK
(AT GROUND LEVEL)

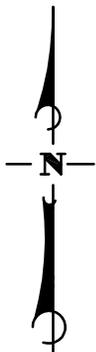
GARAGE

9

APN 066-241-013
(310 KERN AVENUE)

10

B L O C K
3 0



SCALE IN FEET



TREE LOCATON SURVEY

JOANN HEAD LAND SURVEYING

Post Office Box 887
Santa Margarita, CA 93453
(805) 674-1530

March, 2014

020-02 Kern ex01.dwg





City of Morro Bay
 Public Services/Planning Division
 Current & Advanced Project Tracking Sheet
 This tracking sheet shows the status of the work being processed by the Planning Division
 New Planning items or items recently updated are highlighted in yellow. Building permit updates are highlighted in green.
 Approved projects are deleted on next version of log.

Agenda No: C-1

Meeting Date: May 6, 2014

#	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
Hearing or Action Ready									
7	Adamson	1000 Ridgeway	9/12/13	CP0-408	Admin Coastal Development Permit for Demo/Reconstruct of 4,829sf SFR with 1,201sf garage	Parking Exception previously granted by Planning Commission for reduced driveway length Oct. 2012. CJ. KM - Correction letter sent 10/11/13. Corrections received 11/18/13. Permit issued on 12/20/13 and project appealed on 12/30/13. Contacted applicant to request additional info for appeal hearing. Appeal to be heard by PC on or before 2/19/14. Continued to the 3/5/14 PC mtg. Project continued for 60 days to allow for project revisions.	BC- conditionally approved.	BCR: Resubmit plans to address comments noted in memo of 10/14/13 - drainage report and street widening required	
2		310 Kern	1/23/14	SE0-851	Appeal of Public Street Tree Removal	Appeal received on 1/23/14. Continued by PC to the April 16, 2014 meeting.	No review performed.		
3	AT&T	788 Main St.	6/10/13	UP0-362 & CP0-403	Special Use Permit for Recycling Container Enclosure in Parking Lot	CJ- Application under Review. Deemed Incomplete. Letter sent 7-9-13. Resubmittal received 11-5-13. Letter of incompleteness sent 12-4 CJ. Resubmittal received 3-6, reviewed and ready to be agendized for Planning Commission. WM	Bldg -- Review complete, applicant to obtain building permit prior to construction.TP-FD Disapprove Express Check 3/18/13 & FD Disapprove	RS- Rvw complete no frontage improvements required	
4	Gonzalez	481 Java	12/30/13	UP0-374	Conditional Use Permit for Non conforming single family residence	KM - Under initial review. GN - Incomplete letter sent 1/30/14. Met w/ applicant 4/3 WM/GN. Applicant resubmitted 4/3/14. GN - Third incomplete letter sent 4/8/14. Applicant responded 5/1/14 wishes to proceed to PC w/ project as submitted. WM	BC-under review.		
5	Hough	279 Main	10/7/13	CP0-409 & UP0-366	CDP and CUP to construct a 2,617sf single family home on vacant lot	CJ- Project reviewed and additional info requested 11-21-13. Met with Applicant's representative 11-21-13.Resubmittal received and under review. Project deemed complete. Met w/ Applicant Representative 4-30 to discuss agendizing for 5-20-14 PC	Bldg -- Review complete, applicant to obtain building permit prior to construction. TP/FD Disapprove w/corrections 10/17/13.	BCR: Conditionally approved: ECP and sewer video required per memo of 10/28/13	
30 -Day Review, Incomplete or Additional Submittal Review									
6	Dennis	300 Piney	4/18/14	CP0-434	3 new units PUD to existing SFD	Under Review. Applicant desires to process CDP for 3 new homes concurrent with final map processing.			

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7	Torres	525 Morro Bay	4/9/14	CP0-433	Tenant improvement for off-site consumption	Under Review			
8	Wikler	405 Pacific	3/27/14	CP0-430	3 new unit construction to existing SFR	Incomplete letter sent 4/24/14 GN. Resubmitted 4/29/14 GN	BC- conditionally approved.		
9	Strasburg/Oehler	371 Piney	3/20/14	CP0-427	New SFR - Admin CDP	Received 3/25/14. Under Initial review. CJ. Correction letter sent 4/25 NC.	BC- conditionally approved.		
10	Romero	2931 Ironwood	3/6/14	CP0-428	New 2,496 SFR with 64 sf garage- Admin CDP	Correction letter sent 4/25 NC.	BC- conditionally approved.		
11	Carver	431 Kern	2/5/14	CP0-426	Demo 1100sf SFR / Reconstruct 2274sf SFR	correction letter sent 4/10	BC- corrections/ incomplete		
12	PG&E	1290 Embarcadero	1/21/14	CP0-421	Environmental Monitoring Wells	Under review			No Harbor comments - EE
13	AT&T	590 Morro	1/16/14	CP0-126 / UP0-084	Upgrade of unmanned telecommunications facility	Under initial review. Emailed update to Applicant 3-3-14. Correction letter sent 3-19-14. WM	BC- conditionally approved.		
14	Groom	3039 Ironwood	1/15/14	CP0-422	New 2,206sf Single Family Home with 510sf garage - concurrent permitting with Building Division	Under initial review Correction letter sent 3-13-14. GN	BC- conditionally approved.	BCR-under review FD/TP Approve.	
15	Dynegy	1290 Embarcadero	1/13/14	CP0-421	Demolition of outlying buildings at Morro Bay Power Plant	Under initial review. Spoke w/ Applicant representative 2-26-14 re status of project. Emailed update status re process to Applicant representative 3-3-14. CJ. Conducted site visit 3-24-14. Contracting with environmental consultant 5/1/14. WM	BC-please route to building.		No Harbor comments - EE
16	Frye	3420 Toro Lane	1/13/14	CP0-419	New Single Family Home	Under initial review. Met w/ Applicant 1-17-14 re Incomplete Submittal of Plans. Resubmitted 1-23-14. Correction letter sent 2-20-14 CJ Met w/ Applicant 2-28-14 to review process - CJ. Correction letter sent 3-28-14. Met w/ environmental consultant 4/7 WM.	BC-disapproved- need geologic and engineering geology report.FD/TP Approve2/24/14		

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17	Leage	1185-1215 Embarcadero	1/9/14	UP0-058	Floating Docks - Phase 2	Under review. Met with environmental consultant regarding CEQA requirements 4-17-14. CJ.	BC-under review.		
18	Wammack	505 Walnut	12/31/13	CP0-417	Coastal Development Permit for new 3,236sf SFR including 489sf garage on vacant lot - concurrent permitting for Building Permit	GN - Incomplete letter sent 1/31/14. Resubmittal received 4-1-14. GN - 2nd incomplete letter sent 4/15/14.	BC- conditionally approved.	BCR-under review	
19	Turner	356 Yerba Buena	10/30/13	CP0-412	Single Family Addition & Remodel to a total of 2,767sf with 599sf garage	Property located within ESH area. Wetlands delineation study received. Incomplete letter sent 11-26-13. CJ. Resubmittal received	BC- conditionally approved.TP-Cond Approve 11/25/13.		
20	Hough	289 Main	10/16/13	CP0-410 & UP0-369	CDP and CUP to construct a 2,578sf single family home on vacant lot	CJ- under review. Met with Applicant's representative 11-21-13. Project subject to bluff development standards. Met w/ Applicant representative 3-3-14 regarding bluff determination per LCP maps. Letter sent 4-1-14 re completeness and bluff standards. CJ.	BC- conditionally approved. TP-Disapprove 12/6/13.	BCR: Conditionally approved: ECP and sewer video required per memo of 10/28/13	
6	Redican	725 Embarcadero Rd.	6/26/13	UP0-359	Use Permit for seven boat slips and gangway	Under review. Incomplete letter sent 7-23-13. Resubmittal received on October 1, 2013. Additional info requested and resubmittal received 12-2-13. Incomplete letter sent 12-30. Meeting with Applicant on 2-13-14. Emailed Applicant 2-26-14 to clarify eelgrass study requirements for environmental review. CJ. Met with environmental consultant to review CEQA requirements 4-17-14. CJ/MM	Bldg -- Review complete, applicant to obtain building permit prior to construction. Disapproved 4/21/14TP-Disapprove 11/19/13.	N/R	Harbor conditions: 1. one slip to be reserved for public use; 2. southern-most end tie to remain vacant in order to not encroach on neighboring lease site. Note-water lease line will need to be extended out to accommodate slips.
4	Goodwin	2920 Juniper	5/21/13	CP0-399	Coastal Development Permit for new 3,645sf SFR with 1,028sf garage on vacant lot	CJ- Application deemed incomplete. Requested corrections 6/10/13.	BC-please route to building.	RS&DH-Plan revisions rqd per memo 5/29/13	
Continued projects									
1	Cockrill	3031 Beachcomber	1/13/14	CP0-420	Addition to Existing Single Family Home in Coastal Appeals Area - concurrent permitting a total of 1,940 sf	Under initial review. Spoke w/ Applicant 2-27-14 re status of project. Project continued by Planning Commission to the 5-20-14 meeting. Status of Paper Street under review with City Attorney. CJ.	BC- conditionally approved. FD/TP-Cond App 2/24/14		

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5	City of Morro Bay	End of Nutmeg	1/18/12	UPO-344	Environmental documents for Nutmeg Tanks. 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.	No review performed.	BCR- New design concept completed. 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. Design contract currently under review.	
Projects in Process									
6	Sonic	1840 Main St.	8/14/13	UPO-364 & CP0-404	Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant.	Under initial review. Comment letter sent 9/10/13. CJ. Spoke w/ applicant 10/3 re: traffic study. CJ. Public Works & Fire comments received & forwarded 10/8/13 to applicant. Comments from Cal Trans received 10/31 and forwarded to Applicant. Applicant requested meeting w/ City staff & Cal Trans to review project requirements. Had project meeting-discussed traffic study requirements on 11-21-13.	Bldg -- Review complete, applicant to obtain building permit prior to construction. FD-Disapprove UPO 364/CP0 404 9/11/13	RPS: Initial conditions provide by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17 and are awaiting their comment letter. Left messages for project Architect 10/18/13 advising him of Caltrans concerns.	
7	Frye	244 Shasta	3/6/13	CP0-396 and AD0-081	Secondary Unit and Parking Exception.	Proposed creation of secondary unit from garage. Parking exception. First Noticed 5-16-13. Setbacks noted on plan incorrect, therefore project required to be re-noticed on 6/26/13. Applicant now required to comply with or amend existing permit #CP0-013 before proceeding with proposed project. Met with applicant's representative regarding previously approved permit. Waiting for applicant's resubmital. Wayne Adams submitted a letter 1/6/14 requesting that the City determine the remaining permit considered abandoned. Letter sent re permit amendment request on 3-31. CJ	No review performed.	N/R	
Environmental Review									

#	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
8	City of Morro Bay	N/A			MND for Chorro Creek Stream Gauges	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review-tentatively scheduled for 10/14/2013.	No review performed.	N/R	
9	Meissner	1387 Hillcrest	12/12/13	CP0-416	Admin CDP for 2,088sf SFR with a 507sf garage	KM - Under review. Project within threshold for proximity to cultural resources. Project deemed not exempt from CEQA and subject to an initial study. Letter sent to applicant 1/6/14. Resubmitted with Phase 1 Archaeological. Initial study in progress WM.	BC- conditionally approved.		
10	Lucky 7	1860 Main	3/12/13	CP0-394	Construct Fuel Island Canopy	CJ- Requested additional info. 3-29-13 Resubmittal received 7-22. Project deemed not exempt from CEQA. Initial Study in process. Requested photometric plan for new lighting of canopy via phone 1-28-14 for initial study. Photometric plan and revised plans received 2-10-14. Reviewing new material submitted for inclusion in Initial Study. Initial Study complete and ready for signature 5/1/14. WM	Review complete, applicant to obtain building permit prior to construction. FD Approval CPO 394 8/23/13	Approved BCR 3/18/13	
11	Sequoia Court Estates	670 Sequoia	4/3/12	UP0-349 & S00-112	Parcel Map. 3 parcels and an open space parcel. A revised subdivision map was submitted for review on August 6, 2012.	Incomplete letter sent to applicant/agent. Project submitted without necessary materials for processing. Applicant submitted a revised plan reducing the number of lots, and is providing additional information as requested addressing City requested information. Additional information submitted; waiting for biological report. Report should be submitted in September 2012. Needs drainage plans. MR: Second incomplete letter sent 11/13/12. MND in preparation. Susan Craig, Coastal Commission staff confirmed property is entirely outside coastal zone. Met with applicant on 1/30/2013 project moving ahead, staff waiting on resubmittal. Applicant directed to obtain wetland determination. Project waiting on applicant. Resubmittal received 9-10-13. Corrections sent to applicant. Project still does not meet code requirements. Subdivision Review Committee to review project 2/11/14.	Review complete, applicant to obtain building permit prior to construction. TP/FD Disapprove SOO-112 w/corrections 10/18/13. FD Disapprove 1/31/14.	BCR- comments submitted 4/17/12. Drainage issues need to be addressed. 1/17/14 Drainage report incomplete. Developer needs to show how water quality requirements will be addressed. Peak flow mitigation not required at this phase.	

#	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
12	LaPlante	3093 Beachcomber	11/3/11	CP0-365	New SFR. Resubmittal and Phase 1 Arch report 2/6/12.	SD-- Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Environmental in process. Letter sent 4/11/2012 requesting environmental study. Applicant has requested a meeting on August 9, 2012 to review environmental study request. MR-Met with Applicant and discussed potential impacts of project and CEQA information requested to complete MND. Applicant will provide MND fees with submittal of Biological report. 8/9/12 MR met with applicant and owner to discuss environmental issues. Would require a detailed MND. Applicant is still considering preparation of Biological Report. Staff met with applicant and his agent, discussed elements of the project especially the Biological report needs to be prepared. Draft biological report received and under review. Project referred to environmental consultant and Coastal. MND in process. Applicant revising bio report and snail study. Spoke w/ Applicant Representative 3-13-14. Snail study complete and sent to Dept of Fish and Wildlife for concurrence review. Spoke w/ environmental consultant re completion of environmental 4/7 CJ.	Review complete, applicant to obtain building permit prior to construction.	DH comments submitted 1/18/2012. Provide EC, drainage report, SW mgmt.	No Comments to date
Grants									
13	Coastal Conservancy, California Coastal Commission, California Ocean Protection Council	City-wide			\$250,000 Grant Opportunity for funding for LCP update to address sea-level rise and climate change impacts.	Application submitted July 15, 2013. Awaiting results. Agency requested additional information and submitted 10-7-13. Notice received application was successful for amount requested. City funded \$250,000. Staff in contact with Coastal Conservancy staff to commence grant contract. Grant activity start date expected to be February 2014. RFP in process.	No review performed.	N/A	
14	City of Morro Bay	City-wide			CDBG funding to CAPSLO for operation of the Prado Day Center & Homeless Shelter, & Senior Nutrition Program and ADA Pedestrian Accessibility project.	Staff has ongoing responsibilities for contract management. 2012 contracts in progress. 2013 contracts drafted.	No review performed.	N/R	
Project requiring coordination with another jurisdiction									
15	City of Morro Bay	Outfall			Original jurisdiction CDP for the outfall and for the associated wells	Coastal staff is working with staff. Coastal letter received 4/29/2013.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond	

#	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
16	City of Morro Bay Desal Plant	170 Atascadero			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.	Waiting for outcome from the CDP application for the outfall	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 1/22/14.	
Preapplication projects									
17		Little Morro Creek Road			BMX park	Permit process info provided to applicant on 7-23-13. Staff met with applicant on 8/30/13 to provide further application requirement info. Provided additional clarifying information 11-19-13 to applicant who is finalizing use permit application package. Preliminary site plan email received 4-1-14. CJ	Met with applicant.	Met w/ applicant 10/15/13 to determine project scope	
Final Map Under Review									
18	Zinngarde	1305 Teresa	5/9/11	Map	Final Map. Public Works review of the final map, CCR's and conditions of approval. Plans 8/5/11. Applicant resubmitted CCRS. Incomplete submittal as of 1/23/12. Resubmitted 4/4/2012	KW--Comments given to applicant, held meeting on 9/27/2011 regarding comments. Biological being review by applicant to address drainage issues. Biological Report approved by Planning as well as the CCRs. Tentative map improvements.	Construction of Improvements complete.	DH - PIP submitted PIP to be built prior to map recordation. Public Improvements under construction.	
19	Medina	3390 Main	10/7/11	Map	Final Map. Issues with ESH restoration. Applicant placed processing of final map on hold by proposing an amendment to the approved tentative map and coastal development permit. Applicant proposed administrative amendment. Elevated to PC, approved 1/4/12. Appealed, scheduled for 2/14/12 CC Meeting. Appeal upheld by City Council, and project with denied 2/14/12. map check returning for corrections on 3/9/12	SD--Meeting with applicant regarding ESH Area and Biological Study. MR- Received letters from biologist regarding revegetation on 9/2/12. Letter sent to biologist. Recent Submittal reviewed and memo sent to PW regarding deficiencies. Initial review shows resubmitted map does not meet the 50 foot ESH boundary.	No review preformed.	DH - resubmitted map and Biological study on Dec 19th 2012. PW has completed their review. Received a letter from Medina's lawyer and preparing response. PW comments sent to RS to be included with his response letter. RS said to process map for CC. Letter being prepared to send to applicant to submit mylars for CC meeting.	
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive									

#	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
20	Maritime Museum Association (Larry Newland)	Embarcadero	11/21/05	UP0-092 & CP0-139	Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05. Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Resubmitted 5/25/07. Resubmitted additional material on 9/30/09. Applicant working with City Staff regarding lease for subject site. Applicants enter into agreement with City Council on project. Applicant to provide revised site plan. Staff processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal. Meeting held with applicant 2/23/2011. Staff met with applicant 1/27/11 and reviewed new drawings, left meeting with applicant indicating they would be resubmitting new plans based on our discussions.	KW--Incomplete 12/15/05. Incomplete 3/7/07. Incomplete Letter sent 6/27/07. Met to discuss status 10/4/07 Incomplete 2/4/08. Met with applicants on 3/3/09 regarding inc. later. Met with applicants on 2/19/2010. Environmental documents being prepared. Meeting held with city staff and applicants on 2/3/2011.	Please route project to Building upon resubmittal.	An abandonment of Front street necessary. To be scheduled for CC mtg.	
21	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	Parcel Map. CDP & CUP for 3 townhomes. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.	KW-Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Letter sent to applicant/agent indicating the City's intent to terminate the application based on inactivity. City advised there will be a new applicant and to keep the application viable.MR: Received letter from applicant's rep 11/15/12 requesting project remain open. Called B. Elster for further information. Six month extension granted.	Please route project to Building upon resubmittal.	N/A	
Projects going forward to Coastal Commission for review (Pending LCP Amendments) / State Department of Housing									
3	City of Morro Bay	Citywide		A00-021	2014-2019 Housing Element Update	Sent to Department of Housing and Community Development for review and certification			

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22	City of Morro Bay	Citywide	2/1/13	Ordinance 556	AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 17.27 ESTABLISHING REGULATIONS AND PROCEDURES ENTITLED "Antennas and Wireless Telecommunications Facilities" AND MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS, 17.24 to MODIFY primary district matrices to incorporate the text changes , 17.30 to eliminate section 17.30.030.F "antennas", 17.48 modify to eliminate section 17.48.340 "Satellite dish antennas" and Modify THE TITLE PAGE TO REFLECT THE NEW CHAPTER.	Application for Amendment submitted to Coastal Commission 9-11-13. Received comments back from CCC working on addressing issues	No review performed.	N/A	
Projects Appealed or Forwarded to City Council									
23	City of Morro Bay	Citywide	10/16/13	A00-013	Zoning Text Amendment - Second Unit	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.	No review performed.		
24	City of Morro Bay	Citywide	6/19/13	A00-015	Sign Ordinance Update. Text Amendment Modifying Section 17.68 "Signs"	Text Amendment Modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. PC made recommendations and forwarded to Council. Scheduled for 5/10/11 CC meeting, item was continued. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. A report on the status of this project brought to PC on 2/7/2011. The item to be back to City Council first meeting in Nov. Workshops scheduled 9/29/11 & 10/6/11. Workshop results going to City Council 12/13/11. Continued to 1/10/12 CC meeting. Staff Report to PC. Project went to 5/2/2012. Currently an intern is working on the Sign Ordinance. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13. Continued to 7/3/13 PC meeting for further review. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 PC meeting scheduled to review North Main Street District. 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. First workshop held 11/14 with approx. 12 Quintana area businesses. Downtown workshop held March 2014 with remaining two in progress of being scheduled. C.J.	No review performed.	N/R	

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25	Perry	3202 Beachcomber	9/8/11	AD0-067	Variance. Demo/Reconstruct. New home with basement in S2.A overlay. Variance approved for deck only; the issue of stories was resolved due to inconsistencies in Zoning Ordinance.	Variance approved at 8/15/12 PC meeting. Appealed by 3 parties to City Council. Appeal to be heard. City Attorney reviewing. Appeal in abeyance until coastal application complete.	Review complete, applicant to obtain building permit prior to construction.	See above	
Projects in Building Plan Check									
26	Sangren	675 Anchor	11/28/12	B-29813	SFR Addition	Requested corrections 1/9/13. CJ. Resubmittal received and under review (November 14, 2013). Denial letter sent 4/24/14 GN	BC- Returned for corrections 1/9/13.	N/A	
27	Sherrod	938 Anchor	11/8/13	B-30053	SFR Add/ Remodel	KM -Under review. Corrections returned 12-9-13. Nonconforming rear yard setback requires a CUP.	BC- Returned to applicant 3/21/14		
28	McAlexander	480 Arcadia	2/20/14	B-30110	SFR Add/ Remodel	Correction memo 3/14/14 -Needs CUP. GN	BC- On hold during planning process.		
29	Cockrill	3031 Beachcomber	12/16/13	B-30068	SFR Add/ Remodel	Addition exceeds 10% in appeals area. Needs CDP. CJ	BC-On hold during Planning process.		
30	LaPlante	3093 Beachcomber	11/3/11	B-29586	New SFR	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. MR: Met with applicant to go over environmental issues.	BC- Application on hold during planning process	DH- Provide SW mgmt, drainage rpt, EC.	
31	Starkie	2770 Cedar	4/1/14	B-30140	PV System	NC - Requested corrections 4/8	BC-returned for corrections		
32	Jeffers	2740 Elm	3/12/14	B-30126	SFR Demo/ Reconstruct	GN - Needs CDP; Correction memo sent 4/10/14	BC-returned for corrections 4/15/14.		
33	Waves Wine Bar	845 Embarcadero	4/16/14	B-30151	Wine Bar TI		BC-under review.		
34	PG&E	1290 Embarcadero	10/2/13	G-040	Soil Removal	CJ- Needs CDP	BC- on hold pending planning process.	Memo of 11029/13. CDP application should address soil	
35	Buquet	647 Estero	3/14/14	B-30129	New SFR	GN- conditionally approved, need to add conditions as a separate plan sheet. 3/27/14	BC- Resubmitted 4/25/14.		
36	Conrad	2820 Greenwood	12/30/13	B-30079	SFR Add/ Second Unit	Under review. 2nd unit will require CDP.	BC- returned for corrections 2/28/14.		
37	Friends of MB Library	625 Harbor	12/18/13	B-30071	Remodel Library	KM - Needs CDP.	BC- resubmitted 4/24/14.		
38	Skiff	2639 Hemlock	1/6/14	B-30081	SFR Addition- construct shop		BC- met with applicant and returned plans for revision.		
39	Groom	3039 Ironwood	1/15/14	B-30084	New SFR	Needs CDP.	BC-under review.		
40	Gonzalez	481 Java	10/6/13	B-30029	SFR Addition/ Remodel	KM - Disapproved due to nonconforming issues 10/22/13. GN - Sent out incomplete letter 1/30/14 with revisions. Resubmitted 4/3/14. Third incomplete letter sent 4/8/14.	BC- on hold pending planning process.	Plans returned w/o comment until PIng issue resolved	
41	Ramsay/ Chivens	431 Kern	3/11/14	B-30078	SFR Demo/ Reconstruct		BC-Returned for corrections 4/29/14.		
42	Schlesinger	2636 Koa	2/28/14	B-30118	SFR Remodel		BC-out for corrections.		
43	Gong	217 Main	2/27/14	B-30115	New SFR	Correction memo sent 4/24/14 GN.	BC-under review.	BCR- 2nd review complete, several items from first review not addressed	
44	Naran	2176 Main	5/13/13	B-29918	Partial change of occupancy	CJ - Corrections sent 5-29. Resubmittal received 11-20 and corrections sent 12-10-13.	BC-returned for corrections 12/16/13.	N/R	
45	Jacober	456 Oahu	12/11/13	B-30067	SFR Add/ voluntarily remove illegal garage conversion.	KM - Under review. Corrections sent. Project needs CUP, Correction Memo sent 3/14/14	BC-withdrawn		

#	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
46	Volk	800 Quintana	3/27/14	B-30137	Cell Antennas	NC - Corrections sent 4/8	BC-under review.		
47	Rock Harbor	1475 Quintana	3/3/14	B-30119	Commercial Alteration	Approved 3-21 GN	BC-returned for corrections 4/17/14.		
48	Adamson	1000 Ridgeway	9/11/13	B-30008	New SFR	CJ - on hold until CDP approval. CDP under appeal.	BC- returned for corrections 12/30/13.	BCR: Revise plans per memo of 10/14/13	
49	Frye	244 Shasta	5/7/13	B-29910	Garage to Second Unit conversion	KM - Needs to comply with or amend existing CDP. Wayne Adams submitted a letter 1/6/14 requesting that the City determine the remaining permit considered abandoned.	BC- on hold pending planning process.	BCR-approved 5/13/13	
50	Inn at MB	60 State Park	6/27/13	B-29884	Main Building Remodel	CJ- Corrections sent 7-17 including need to modify planning permit. Resubmittal received and response sent 12-18 to amend planning permit. Minor amendment necessary.	BC- Returned for corrections 12/19/13.	RS - Referred to State Parks for comment on frontage imprvmts	
51	Wammack	505 Walnut	12/31/13	B-30076	New SFR	CJ - needs CDP	BC-under review.	BCR sidewalk deferral agreement	
52	Najarian	325 Zanzibar	4/2/14	B-30142	New SFR	WM - Needs signed Acceptance of Conditions Form. 4/8	BC-Returned for corrections 4/24/14.		
53	Haeuser	501 Zanzibar	3/21/14	B-30133	SF Addition	NC - Corrections sent 4/25	BC-Returned for corrections 4/28/14.	RS: Comments provided 3/21/14	
Projects & Permits with Final Action									
2	McAlexander	480 Arcadia	1/13/2014 & 3/25/14	ADO-086	<i>Parking Exception and Conditional Use Permit</i>	<i>Under initial review. Spoke w/ Applicant 1-30-14 regarding Building Permit app. Review determined non-conforming setback which require CUP for additions in excess of 25%. Spoke w/ Architect 3-13-14. WM/CJ. Permit issued 4/15/14. FLAN sent 4/25/14 NC.</i>	<i>BC- conditionally approved.FD-conditionally approved 4/23/14</i>		



City of Morro Bay

Public Services/Planning Division

Advanced Planning Work Program

Work Item	Requested by	Date Requested	Comments	Estimated Staff Hours	Planning Commission	City Council	Coastal Commission
Updating the Strategic plan matrix for managing the greening process	City Council	Annually	Original green matrix went to P.C. on 7/6/09 and then to C.C. on 12/14/09. Now subject to annual updates	20 hours	Annual Updates	Annual Updates	
CEQA Implementation Guidelines	City Council	2006	CEQA guidelines were adopted in March 9, 1981 need to be updated.	120 to 160	TBD	TBD	NA
Climate Action Plan / Greenhouse Gas Stakeholder Meeting			With adoption of Climate Action Plan by Council, staff working with Cities and County in a GHG Stakeholder meeting to discuss implementation, monitoring and report, status of grant applications to implement Climate Action Plan.				
North Main Street Parking Plan	City Council	2011	Text amendment to be review by Planning Commission and PC to make recommendation to City Council 4/18/12 PC mtg. City Council took action on June 3, 2012 and Approved the amendment. Text Amendment submitted to California Coastal Commission.	100	4/18/2012	6/4/2012	TBD
Sign Ordinance Update	City Council	2010	Text Amendment Modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. Planning Commission made recommendations and forwarded to Council. Anticipate a City Council public hearing on the draft ordinance on May 2011. Scheduled for 5/10/11 CC meeting, item was continued. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. A report on the status of this project brought to PC on 2/7/2011. The item shall be brought back to City Council first meeting in November. Workshops scheduled September 29, 2011 and October 6, 2011.-Workshop results going to City Council December 13, 2011. Continued to 1/10/12 CC meeting. Staff Report to PC. Project went to 5/2/2012. Currently an intern is working on the Sign Ordinance. Update due to City Council in June 2013 Revised Sign Ordinance presented in October 2013 with direction to staff to conduct sign workshops in each of the four sign districts. Sign meetings held in the Quintana and Downtown districts as of March 2014. Remaining two workshop to be held.	150 to 250 + consultant hrs	Project went to P.C. on May 16, 2012. At this meeting staff was given several tasks to accomplish prior to the June 20, 2012 meeting including the following: bring back survey results differentiating between the surveys, a new matrix with all definitions including those new definitions provided by the Commission, bring back pictures of signs, clarification of the difference between internally and externally illuminated signs, limitations on materials, encourage increase in window signs, add a column for staff recommendations, define shopping center, enlarge the downtown area.	TBD	
Wireless Ordinance	City Council	2009	Text amendment. Submitted as an LCP amendment to Coastal Commission. Comments received. Staff working to address comments from Coastal staff.				
Updated Zoning Ordinance	CC based on CCC letter	2010	Project on hold pending additional grant funding.	1,800	TBD	TBD	TBD
Updated General Plan/LCP	CC based on CCC letter	2010	Subcommittee formed. Meetings held are: 11/9/11 to develop plan of action, 12/7/11 to review Access & Recreation Element. Changes were made but not yet finalized. 1/9/12 to review Harbor Resources Element Next meeting scheduled for 1/30/12 to discuss Visual Resources. No additional meetings held. Work plan for the update of the General Plan and LCP due back to City Council on June 25, 2013	1,800	TBD	TBD	TBD
2014 Housing Element Update		2013	The City of Morro Bay is required to update their Housing Element (5th Cycle). The update is due June 14, 2014. Staff will be sending out an RFP for a consultation to assist with the preparation of the update. PC Special Workshop to be held 3/12/14. Stakeholders Round Table Meeting to be held 3/18/14.				