CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

F8c

Prepared December 22, 2010 (for January 14, 2010 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Jonathan Bishop, Coastal Planner

Subject: **Appeal A-3-SLO-10-055 (San Luis Coastal Unified School District, Los Osos Middle School Solar Arrays)** Appeal by Julie Tacker and Sierra Club's Santa Lucia Chapter of a San Luis Obispo County decision granting a coastal development permit with conditions to San Luis Coastal Unified School District to construct three carport structures totaling 16,620 square feet with solar arrays installed on the roofs of the carport structures, and to remove eleven landscape trees for solar access. The project is located at Los Osos Middle School at 1555 El Morro Avenue in Los Osos, San Luis Obispo County. Appeal Filed: October 27, 2010. 49th Day: Waived.

Recommendation

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which appeal A-3-SLO-10-055 was filed. Staff recommends a **YES** vote on the following motion and resolution:

> **Motion and Resolution.** I move that the Commission determine and resolve that Appeal Number A-3-SLO-10-055 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Coastal Act Section 30603 regarding consistency with the certified Local Coastal Program.

Passage of this motion and resolution will result in a finding of no substantial issue and adoption of the following findings. By such action, the Coastal Commission declines to take jurisdiction over the coastal development permit (CDP) for this project, the County's action becomes final and effective, and any terms and conditions of the County's decision remain unchanged. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Findings

On August 3, 2010, San Luis Obispo County approved a CDP authorizing construction of three carport structures totaling 16,620 square feet with solar arrays installed on the roofs of the carport structures, and the removal of eleven trees for solar access at 1555 El Morro Avenue (at Los Osos Middle School) in Los Osos, San Luis Obispo County (see notice of County's action in Exhibit 1). Pursuant to Coastal Act Section 30603 and Local Coastal Program (LCP) Section 23.01.043(c)(5), this approval is appealable to the Commission because the approved development constitutes a major public works project. The Appellants contend that the County's approval is inconsistent with San Luis Obispo County LCP policies and ordinances related to environmentally sensitive habitat areas (ESHAs), visual and scenic resources, archaeology, and grading (see full appeal documents in Exhibit 2).

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed.[1] Commission staff has analyzed the County's Final Local Action Notice for the development (Exhibit 1), the Appellants' contentions (Exhibit 2), detailed artist's renderings and project visual simulations (Exhibit 3) and the relevant requirements of the LCP (Exhibit 4). The appeal raises no substantial issue with respect to the LCP as follows:

ESHA

The LCP defines coastal streams, wetlands, and terrestrial habitat as environmentally sensitive habitat areas (ESHAs) and includes policies and implementing ordinances to ensure that development within or adjacent to such ESHAs does not significantly disrupt the resource (including LCP ESHA Policies 1, 2, and LCP coastal Zone Land Use Ordinance (CZLUO) Sections 23.07.170 through 23.07.176), including standards addressing allowable uses, minimum permit processing requirements, required findings, and detailed siting and design standards related to location, setbacks, and setback adjustments. The Appellants contend that the County approved project fails to comply with these provisions.

In this case, the three carport structures and the attached solar arrays are to be constructed entirely within an existing paved parking lot area. This area does not qualify as an ESHA under the LCP. A Biological Survey was conducted and no rare or especially valuable plant or animal species were identified at the project site (Holland, 2010). While the LCP's tree removal ordinance was not specifically cited in the contentions of appeal, even if it had been, the LCP allows for trees to be removed under certain conditions if they are inhibiting sunlight needed for solar access (CZLUO Section 23.05.064). Reorienting the structures or solar panels to avoid tree removal does not appear feasible in this case. As such, the project conforms to this ordinance provision. More importantly in terms of the ESHA contention, the trees in question are ornamental, parking lot landscape trees mostly surrounded by pavement, disconnected from any surrounding habitat, and their removal will not significantly disrupt ESHA. In addition, and as a precautionary measure, the County conditioned the project to implement tree protection measures for other trees at the project site during construction, to identify areas with native topsoil for replanting, to prohibit construction during raptor nesting season (March to July), and to require tree replacement at a 2:1 ratio using only native tree species (see County Conditions 6, 7, and 11 in Exhibit 1). Issues raised regarding tree removal and replanting, including with respect to the type and location of the trees to be replanted, are adequately addressed in the County's approval. Thus, the project as approved by the County is consistent with the LCP's ESHA protection policies and ordinances.

Visual and Scenic Resources

[1] The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

The Appellants also contend that the approved project is inconsistent with the LCP's visual and scenic resource protection ordinance (CZLUO Section 23.04.210). Specifically, the Appellants contend that the proposed project is adjacent to a scenic corridor and that visual resource impacts would likely be avoided if the arrays were placed on the existing school rooftop rather than on the proposed carport structures.

Based on a review of detailed artist renderings and visual simulations prepared for the project (see Exhibit 3), the County approved project is consistent with provisions of the LCP concerning the protection of visual and scenic resources. Los Osos Middle School is located adjacent to South Bay Boulevard, and the proposed carport structures with attached solar arrays can be seen at a distance and are only marginally visible to north and southbound vehicles. The proposed carport structures are generally low profile (roughly 12-15 feet at their tallest point) and are consistent with the look and character of the parking lot and the existing school buildings around them. Placement of the carport structure and the solar arrays do not block any views to or along the shoreline, nor do they silhouette into the skyline within the public viewshed. Distant hillside vistas are not negatively impacted by the project. Landforms are not substantially altered (as described the project is located in an existing flat, paved parking lot) and grading for the carport footings is minor. Tree removal is limited to eleven landscape trees located in the existing parking lot that do not provide habitat, and these trees will be replaced at a 2:1 ratio with native trees at the site, where such replacement plantings will serve to further screen the development and help it to additionally integrate it into the viewshed. Thus, the County approved project is consistent with the LCP's visual and scenic resource protection provisions.

Archaeology

Appellant Julie Tacker asserts the project is inconsistent with CZLUO Section 23.07.104 regarding archaeologically sensitive areas. In this case, a Phase I surface survey was performed (Gibson, 1990), and cultural resources were found at the project site (resources that may be impacted by the project are thought to be located under the paved parking lot, and were capped during construction of the school). Due to the presence of cultural materials, per the LCP a monitoring plan is required to ensure that cultural resources are protected (see County Condition 8). In addition, the County has required the Applicant to retain a qualified archaeologist (approved by the County's Environmental Coordinator and by Native American representatives) to monitor all earth disturbing activities per the monitoring plan. An appropriate response plan is in place if any significant archeological resources or human remains are found during monitoring, and post-construction reporting is also adequately handled through the County's approval conditions (see County Conditions 9 and 13). Thus, LCP archaeology issues have been adequately addressed by the County.

Grading

Appellant Julie Tacker contends that the project is inconsistent with the LCP's grading ordinance (CZLUO Section 23.05.034). No specific reasons were cited in the appeal but general grading provisions of the LCP appear to be adequately addressed in the County approval. The project will not involve significant grading, as grading is limited to digging the footings for the carport structures in an existing flat, paved parking area behind the school. As described above, archaeology issues that may

arise during grading activities are adequately handled through the County's approval conditions. In this case, grading, vegetation removal, and other landform alteration is minimized consistent with LCP requirements.

Other Issues

The Appellants raise a number of other issues related to the way the County processed the project under the California Environmental Quality Act (CEQA). These other issues are not valid appeal issues, as they do not relate to LCP conformance so much as CEQA conformance, and thus do not raise a substantial issue. Even if they were validly before the Commission, the underlying substantive resource issues raised by the Appellants (and to which these additional contentions ultimately accrue), do not raise substantial LCP conformance issues, as described above.

Overall, the County has provided adequate factual and legal support for its decision that the approved development would be consistent with the applicable policies in the certified LCP (Exhibit 1). There are no significant coastal resources affected by the decision, and no adverse precedent will be set for future interpretations of the LCP. Finally, the appeal does not raise issues of regional or statewide significance.

For the reasons stated above, the Commission finds that Appeal Number A-3-SLO-10-055 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified LCP.

Exhibits:

Exhibit 1: San Luis Obispo County CDP decision
Exhibit 2: Appeal of San Luis Obispo County's CDP decision
Exhibit 3: Artist Renderings and Visual Simulations
Exhibit 4: Applicable San Luis Obispo County LCP policies

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-SLO-10-209

APPEAL PERIOD 10/14-10/27/10

October 7, 2010

Mr. Brad Parker
San Luis Coastal Unified School District
937 Southwood Avenue
San Luis Obispo, CA 93401

RECEIVED

OCT 13 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CORRECTED NOTICE OF FINAL COUNTY ACTION

HEARING DATE: August 3, 2010

SUBJECT: County File No. – DRC2009-00068
Minor Use Permit/Coastal Development Permit

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Board of Supervisors, based on the approved Findings and Conditions, which are attached for your records. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Land Use Ordinance.

This action is appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission ten (10) working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

CCC Exhibit 1
(page 1 of 15 pages)

If the use authorized by this Permit approval has not been established, or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six (6) months, or conditions have not been complied with, such Permit approval shall become void.

If you have questions regarding your project, please contact me at (805) 781-5713.

Sincerely,

KERRY BROWN
Coastal Planning and Permitting

cc: California Coastal Commission,
725 Front Street, Suite 300, Santa Cruz, California 95060
Julie Tacker, P.O. Box 6070, Los Osos, CA 93412

(Planning Department Use Only – for California Coastal Commission)

Date NOFA copy mailed to Coastal Commission: October 7, 2010

Enclosed:
____ Staff Report – sent with original NOFA
____ Resolution with Findings – sent with original NOFA

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, August 3, 2010

PRESENT: **Supervisors: Bruce S. Gibson, Adam Hill, K.H. 'Katcho' Achadjian, James R. Patterson, and Chairperson Frank Mecham**

ABSENT: **None**

RESOLUTION NO. 2010-233

RESOLUTION AFFIRMING THE DECISION OF THE HEARING OFFICER AND CONDITIONALLY APPROVING THE APPLICATION OF SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT FOR MINOR USE PERMIT /COASTAL DEVELOPMENT PERMIT DRC2009-00068

The following resolution is hereby offered and read:

WHEREAS, on May 21, 2010, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of the San Luis Coastal Unified School District for Minor Use Permit / Coastal Development Permit DRC2009-00068; and

WHEREAS, Julie Tacker has appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on August 3, 2010, and determination and decision was made on August 3, 2010; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Hearing Officer should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That this project is found to be categorically exempt from the provisions of the California Environmental Quality Act under the provisions of California Code of Regulations, title 14, section 15302, 15303, and 15314 (class 2, 3 and 14).

4. That the appeal filed by Julie Tacker is hereby denied and the decision of the Hearing Officer is affirmed and that the application of the San Luis Coastal Unified School District for Minor Use Permit / Coastal Development Permit DRC2009-00068 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Gibson, seconded by Supervisor Patterson, and on the following roll call vote, to wit:

AYES: Supervisors Gibson, Patterson, Hill, Achadjian, Chairperson Mecham

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Frank Mecham
Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

(SEAL)

By: Annette Ramirez
Deputy Clerk

CCC Exhibit 1
(page 4 of 15 pages)

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: /s/ James B. Orton
Deputy County Counsel

Dated: July 15, 2010

STATE OF CALIFORNIA) ss
COUNTY OF SAN LUIS OBISPO)

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.
Witness, my hand and seal of said Board of Supervisors this August 19, 2010.

JULIE L. RODEWALD
County Clerk and Ex-Officio
Clerk of the Board of Supervisors

By: Annette Ramirez
Deputy Clerk

CCC Exhibit 1
(page 5 of 15 pages)

DRC2009-00068
EXHIBIT A - FINDINGS

CEQA Exemption

A. The project qualifies for a Categorical Exemption (Classes 2, 3 and 14) pursuant to CEQA Guidelines Section 15302, 15303, and 15314 because the project involves replacement of utilities (from the network grid to a solar produced system), and involves small structures (carports), and consists of a minor addition to a school (that will not substantially increase student capacity).

Minor Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses. The carport structures are considered accessory structures and they do not change the character of the neighborhood. All trees will be replaced with native trees.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on El Morro Avenue, a local road that is constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

G. The project site is not located between the first public road and the ocean. The project site is within an urban reserve line (Los Osos) and an existing coastal access point exists1 mile from the site; therefore, the proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act.

DRC2009-00068
EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the construction of three carport structures totaling 16,620 square feet (with solar arrays on the roofs of the carport structures) and the removal of eleven trees (for solar access).

Conditions required to be completed prior to any ground disturbance and commencement of construction

Site Development

2. Plans submitted shall show all development consistent with the approved site plan and architectural elevations.

3. The applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Public Works

5. The applicant shall meet of all the requirements of the Department of Public Works.

Tree Removal

6. The applicant shall limit tree removal to no more than 11 trees having an eight inch diameter or larger at four feet from the ground. **Prior to construction**, construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. **Prior to any ground disturbing activities**, adequate protection measures (e.g., sturdy fencing) per the approved construction plans, shall be installed to protect those trees identified to remain unharmed as well as to minimize impacts for those trees identified as being impacted.

7. **Prior to commencement of tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities is found, the biologist will determine if any construction activities can occur during the nesting period and to what extent.

Cultural Resources

8. **Prior to ground disturbance**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

   A. List of personnel involved in the monitoring activities;

   B. Description of how the monitoring shall occur;

   C. Description of frequency of monitoring (e.g. full-time, part time, spot checking);

   D. Description of what resources are expected to be encountered;

E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);

F. Description of procedures for halting work on the site and notification procedures;

G. Description of monitoring reporting procedures.

Conditions required to be completed during construction

Cultural Resources

9. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) [and Native American] to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Conditions to be completed prior to establishment of the use

Fire Safety

10. The applicant shall obtain final inspection and approval from CalFire of all required fire/life safety measures.

Tree Replacement

11. **Prior to final inspection,** the applicant shall replace, at a 2:1 ratio, all trees removed as a result of the development of the project (22 native trees). Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Replacement trees shall be planted on-site or at an off-site location within the community of Los Osos.

Development Review Inspection

12. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Cultural Resources

13. **Upon completion of all monitoring/mitigation activities, and prior to final inspection** the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. [If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis].

On-going conditions of approval (valid for the life of the project)

14. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a

construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

15. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Us

16. The applicant shall as a condition of approval of this minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to approval or implementation of this minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT	(2) MEETING DATE	(3) CONTACT/PHONE
Planning and Building	August 3, 2010	Kerry Brown, Coastal Planner 781-5713

(4) SUBJECT

Hearing to consider an appeal by Julie Tacker of the Planning Department Hearing Officer's approval of Minor Use Permit DRC2009-00068 to allow carport structures with solar arrays on the roofs of the carports and allow tree removal at Los Osos Middle School in Los Osos. Supervisorial District 2.

(5) SUMMARY OF REQUEST

Julie Tacker has appealed the Planning Department Hearing Officer's approval of DRC2009-00068: a request by San Luis Coastal Unified School District for a Minor Use to allow the construction of three carport structures totaling 16,620 square feet (with solar arrays on the roofs of the carport structures) and the removal of eleven trees (for solar access). The project will result in the disturbance of approximately 600 square feet. The proposed project is within the Public Facilities land use category, and is located at Los Osos Middle School at 1555 El Morro Avenue. The project site is located in the community of Los Osos, in the Estero planning area.

(6) RECOMMENDED ACTION

Adopt and instruct the chairman to sign the resolution affirming the decision of the Planning Department Hearing Officer and approving Minor Use Permit DRC2009-00068 based on the findings in Exhibit A and the conditions in Exhibit B.

(7) FUNDING SOURCE(S)	(8) CURRENT YEAR COST	(9) ANNUAL COST	(10) BUDGETED?
Planning Department general fund.	N/A	N/A	☐ No ☐ Yes ☒ N/A

(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):

Los Osos Community Advisory Council, Public Works and County Counsel.

(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? ☒ No ☐ Yes, How Many? _____

☐ Permanent _____ ☐ Limited Term ____ ☐ Contract _____ ☐ Temporary Help _____

(13) SUPERVISOR DISTRICT(S)	(14) LOCATION MAP	(15) Maddy Act Appointments Signed-off by Clerk of the Board
☐ 1st, ☒ 2nd, ☐ 3rd, ☐ 4th, ☐ 5th, ☐ All	☒ Attached ☐ N/A	☒ N/A

(16) AGENDA PLACEMENT	(17) EXECUTED DOCUMENTS
☐ Consent ☒ Hearing (Time Est. _ 60 min____) ☐ Presentation ☐ Board Business (Time Est._____)	☒ Resolutions (Orig) ☐ Contracts (Orig + 3 Copies) ☐ Ordinances (Orig) ☐ N/A ☒ Email Resolution and Ordinance to CR_Board_Clerk (in Word)

(18) NEED EXTRA EXECUTED COPIES?	(19) BUDGET ADJUSTMENT REQUIRED?
☐ Number: _____ ☐ Attached ☒ N/A	☐ Submitted ☐ 4/5th's Vote Required ☒ N/A

(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)	(21) W-9	(22) Agenda Item History
_____	☒ No ☐ Yes	☒ N/A Date _____

(23) ADMINISTRATIVE OFFICE REVIEW Vincent Marin

CCC Exhibit 1
(page 10 of 15 pages)

C-

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

DATE: AUGUST 3, 2010

TO: BOARD OF SUPERVISORS

FROM: KERRY BROWN, PLANNER III

VIA: WARREN HOAG, AICP, DIVISION MANAGER, CURRENT PLANNING WH

SUBJECT: HEARING TO CONSIDER AN APPEAL BY JULIE TACKER OF THE PLANNING DEPARTMENT HEARING OFFICER'S APPROVAL OF MINOR USE PERMIT DRC2009-00068 TO ALLOW CARPORT STRUCTURES WITH SOLAR ARRAYS ON THE ROOFS OF THE CARPORTS AND ALLOW TREE REMOVAL AT LOS OSOS MIDDLE SCHOOL IN LOS OSOS. SUPERVISORIAL DISTRICT 2.

RECOMMENDATION

Adopt and instruct the chairman to sign the resolution affirming the decision of the Planning Department Hearing Officer and approving Minor Use Permit DRC2009-00068 based on the findings in Exhibit A and the conditions in Exhibit B.

DISCUSSION

The proposed project is a request by San Luis Coastal Unified School District (SLCUSD) for a Minor Use Permit (DRC2009-00068) to establish onsite solar energy for Los Osos Middle School. SLCUSD is proposing three solar arrays over carport structures. All of these structures are proposed in the existing parking lot. Because of the need for solar exposure the project includes the removal of eleven trees. The project will result in the disturbance of approximately 600 square feet. The proposed project is within the Public Facilities land use category, and is located at Los Osos Middle School at 1555 El Morro Avenue. The project site is located in the community of Los Osos, in the Estero planning area.

The Minor Use Permit was approved on May 21, 2010 by the Planning Department Hearing Officer, that action was appealed on June 4, 2010 by Julie Tacker. The appeal is based on alleged inconsistency with the certified Local Coastal Plan and inadequate CEQA review.

APPEAL ISSUES

Issue 1 – Inadequate CEQA review.

Staff Response – SLCUSD, as lead agency pursuant to Section 15051 of the Government Code prepared a categorical exemption for the proposed project.

CCC Exhibit 1
(page 11 of 15 pages)

Issue 2 – County should be lead agency per Section 15051(1):

Staff Response – Government Code Section 15051 states:
15051. CRITERIA FOR IDENTIFYING THE LEAD AGENCY
Where two or more public agencies will be involved with a project, the determination of which agency will be the Lead Agency shall be governed by the following criteria:

(a) If the project will be carried out by a public agency, that agency shall be the Lead Agency even if the project would be located within the jurisdiction of another public agency.

(b) If the project is to be carried out by a nongovernmental person or entity, the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.

(1) The Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.

(2) Where a city prezones an area, the city will be the appropriate Lead Agency for any subsequent annexation of the area and should prepare the appropriate environmental document at the time of the prezoning. The Local Agency Formation Commission shall act as a Responsible Agency.

(c) Where more than one public agency equally meet the criteria in subdivision (b), the agency which will act first on the project in question shall be the Lead Agency.

(d) Where the provisions of subdivision (a), (b), and (c) leave two or more public agencies with a substantial claim to be the Lead Agency, the public agencies may by agreement designate an agency as the Lead Agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices.

San Luis Coastal Unified School District is a public agency and therefore criteria (a) is met; SLCUSD is the lead agency under CEQA.

Issue 3 – County should be lead agency per Section 15052(1):

Staff Response – Government Code Section 15052 states:

15052. SHIFT IN LEAD AGENCY DESIGNATION
(a) Where a Responsible Agency is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate Lead Agency, the Responsible Agency shall assume the role of the Lead Agency when any of the following conditions occur:

(1) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(2) The Lead Agency prepared environmental documents for the project, but the following conditions occur:

(A) A subsequent EIR is required pursuant to Section 15162,

(B) The Lead Agency has granted a final approval for the project, and

(C) The statute of limitations for challenging the Lead Agency's action under CEQA has expired.

(3) The Lead Agency prepared inadequate environmental documents without consulting with the Responsible Agency as required by Sections 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(b) When a Responsible Agency assumes the duties of a Lead Agency under this section, the time limits applicable to a Lead Agency shall apply to the actions of the agency assuming the Lead Agency duties.

Pursuant to Government Code Section 15052, the County did not find the specific criteria outlined in the section to be present; and therefore will not assert lead agency status under CEQA.

Issue 4 - The project did not include an alternatives analysis.

Staff Response – The Local Coastal Plan does not require an alternatives analysis for this type of project; therefore the County Planning Department did not require an alternatives analysis.

Issue 5 – The project is inconsistent with Section 23.04.210 Visual Resources.

Staff Response – The project site is not located within a Critical Viewshed, Scenic Corridor, or Sensitive Resource Area, as such these standards do not apply to the project. Visual simulations were prepared and do not indicate any significant visual impacts from the proposed project.

Issue 6 – The project is inconsistent with Section 23.05.034 Grading Standards

Staff Response – The project will not involve significant grading, as grading will be limited to digging the footings for the car port structures and removal of trees. The project is consistent with Section 23.05.034.

Issue 7 - The project is inconsistent with Section 23.07.104 Archaeological Sensitive Areas.

Staff Response – The project is consistent with Section 23.07.104 as a Phase I surface survey was conducted and cultural resources have been found at the site (Gibson, 1997). However, the carport structures are proposed in the existing parking lot (these areas were capped during construction of the school). Due to the presence of cultural materials, a monitoring plan is required to ensure resources are protected.

Issue 8 - The project is inconsistent with Section 23.07.170 Environmentally Sensitive Habitats

Staff Response – The project is consistent with Section 23.07.170 as a Biological Survey (Holland, 2010) was conducted for the site. No sensitive species or Morro shoulderband snails were observed at the project site. Additionally the project is conditioned to show compliance with the Endangered Species Act (with verification from the US Fish and Wildlife Service).

Issue 9 - The project is inconsistent with Section 23.07.174 Streams and Riparian Vegetation

Staff Response – The project is consistent with Section 23.07.174 as a Biological Survey (Holland, 2010) was conducted for the site. No sensitive species or Morro shoulderband snails were observed at the project site.

Issue 10 - The project is inconsistent with Section 23.07.176 Terrestrial Habitat Protection.

Staff Response – The project is consistent with Section 23.07.176; as a Biological Survey (Holland, 2010) was conducted for the site and no sensitive species or Morro shoulderband snails were observed at the project site. Additionally the project is conditioned to show compliance with the Endangered Species Act (verification from the US Fish and Wildlife Service).

Issue 11 – The conditions of approval are inadequate.

Staff Response – The conditions of approval are sufficient for the proposed project.

Additional Appeal Issues Received from the Appellant on July 14, 2010

Issue 12 – *The project is inconsistent with Section 23.04.168f Parking lot landscape.*

Staff Response – Section 23.04.168f Parking lot landscape states: all parking lots of three or more spaces are to provide sufficient trees so that within 10 years, 60 percent of the surface are of the lot is shaded by deciduous or evergreen trees. The trees proposed for removal are in the parking lot, however the car port structures will provide shading of the parking lots.

Issue 13 - The trees at Los Osos Middle School adjacent to the Hord property may not be on the SLCUSD's property

Staff Response – The trees at Los Osos Middle School adjacent to the Hord property are not proposed for removal. The trees proposed for removal are located within the existing parking lot.

OTHER AGENCY INVOLVEMENT

Project referrals were sent to the Los Osos Community Advisory Council and Public Works (see attached staff report). County Counsel reviewed the proposed resolutions and findings.

FINANCIAL CONSIDERATIONS

The cost of reviewing this appeal comes from the Department's general fund.

RESULTS

Denial of the appeal for Minor Use Permit/Coastal Development Permit (DRC2009-00068) would mean the application for application would be conditionally approved. Upholding the appeal would mean the project is denied and cannot be constructed.

ATTACHMENTS

1. Board Resolution affirming the Planning Department Hearing Officer's decision
2. Appeal letter and emails
3. May 21, 2010 Planning Department Hearing staff report
4. Hearing requests
5. May 21, 2010 Notice of Final Action
6. May 21, 2010 Planning Department Hearing minutes
7. Correspondence received

G:\Virtual Project Files\Land Use Permits\Fiscal 2009-2010\Minor Use Permits\DRC2009-00068 SLUCSD\Reconsideration_Appeal\Los Osos Middle BOS appeal report.doc

CCC Exhibit 1
(page 15 of 15 pages)

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Julie Tacker

Mailing Address: PO Box 6070

City: Los Osos Zip Code: 93412 Phone: 805.528.3569

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County Board of Supervisors

2. Brief description of development being appealed:

Carport solar array

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1555 El Moro Avenue, Los Osos, CA

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-10-055

DATE FILED:

DISTRICT:

CCC Exhibit 2
(page 1 of 10 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

☐ Planning Director/Zoning Administrator

☐ City Council/Board of Supervisors

☐ Planning Commission

☒ Other

6. Date of local government's decision: 8/3/2010

7. Local government's file number (if any): 2009-00068

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

San Luis Coastal Unified School District, Brad Parker
937 Southwood Ave.
San Luis Obispo, CA 93401

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Mimi Whitney
1145 El Moro Ave.
Los Osos, CA 93402

(2) Linde Owen
1935 10th Street, Unit B
Los Osos, CA 93402

(3) Andrew Christie, Sierra Club, Santa Lucia Chapter Director
PO Box 15755
San Luis Obispo, CA 93406

(4) Fred Delegatta, LOCAC Vice Chair
343 Lilac Drive
Los Osos, CA 93402

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal.** Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

This project is inconsistant with the San Luis Oibispo County Certified Local Coastal Program. The project has recieved inadequate CEQA Review, no Initial Study or Alternatives Analysis.

Ininsistancies include but are not limited to:

CZLUO Section 23.07.104 Archeologically Sensative Areas. (See midden photo attached).

CZLUO Section 23.07.170 Environmentally Sensitive Habitats. (See coastal scrub landscape photos identified as reciever sites for some tree replacement).

CZLUO Section 23.07.176 Terestrial Habitat Protection. (Critical habitat properties surround the school).

CZLUO Section 23.05.034 Grading Standards.

CZLUO Section 23.04.210 Visual Resources. (Impacts would likely be avoided if arrays were placed on exisiting rooftops)

The project has recieved inadequate CEQA Review, no Initial Study or Alternatives Analysis. Public Resources Code 15051 states: "Where two or more public agencies will be involved with a project, the determination of which agency will be the Lead Agency shall be governed by the following criteria: (1) The Lead Agency will normally be the agency with general governmental power, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which shall provide a public service or public utility to the project."

San Luis Coastal Unified School District is a single purpose quasi-public agency. On the other hand the County of San Luis Obispo is responsible for land use, parks and recreation, libraries, fire protection, etc. Clearly, the City has broader governmental powers and is better qualified to carry out the necessary analysis for projects such as this.
Please see the attached October 20, 2009 San Luis Coastal Unified School District staff report (attached); note the environmental consultant recommeds the District perform a MND, which was never done. A CE was performed using out-of-date environmental analysis going back to the 1990's.

The mitigation plan to replant trees at 2:1 ration in ESHA has no environmental analysis

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

JH EDWARDS

Date: October 24, 2010

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize Jeff Edwards to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: October 24, 2010

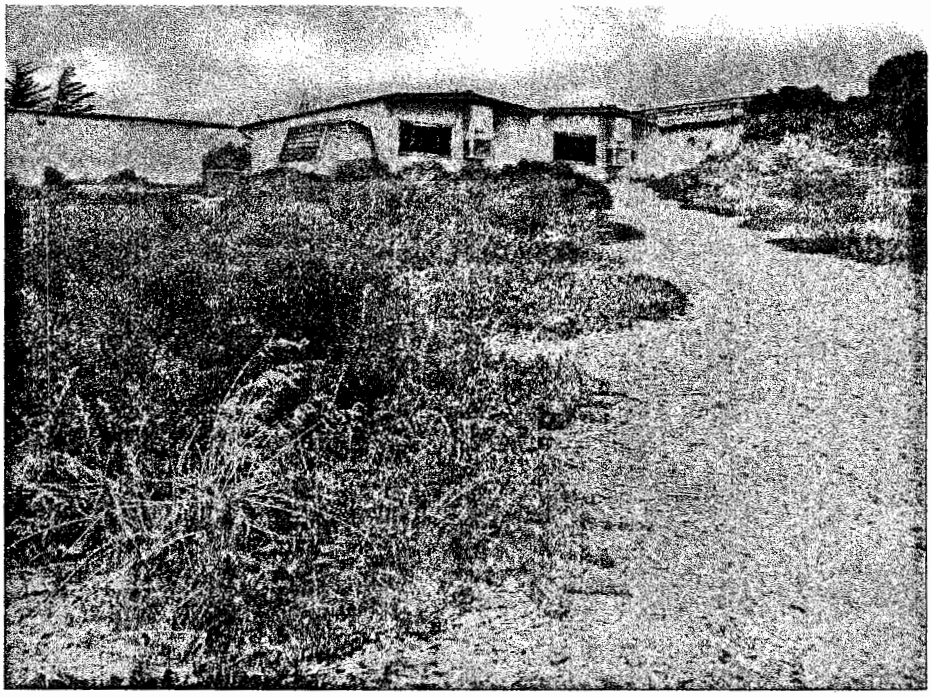
CCC Exhibit 2
(page 4 of 10 pages)

Chumash
midden

LOMS is a
recorded site

CCC Exhibit 2
(page 5 of 12 pages)

Coastal Scrub
= ESHA



CCC Exhibit 2
(page 6 of 10 pages)

CALIFORNIA COASTAL COMMISSIC
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Sierra Club-Santa Lucia Chapter

Mailing Address: P.O. Box 15755

City: San Luis Obispo Zip Code: 93406 Phone: 805-543-8717

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of San Luis Obispo

2. Brief description of development being appealed:

Pemits for removal of mature trees for solar access, installation of solar arrays.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Monarch Grove Elementary School, 348 Los Osos Valley Rd., Los Osos, CA 93402

Baywood Elementary School, 1330 Ninth St., Los Osos, CA 93402

RECEIVED
OCT 27 2010
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

4. Description of decision being appealed (check one.):

☒ Approval; no special conditions

☐ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION

APPEAL NO: A-3-SLO-10-053 OSS

DATE FILED: 10/27/10

DISTRICT: Central Coast

CCC Exhibit 2
(page 1 of 10 pages)

5. Decision being appealed was made by (check one):

☒ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: 10/13/2010

7. Local government's file number (if any): DRC2009-00043, DRC2000-00067, DRC 2009-00068

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Brad Parker, SLOCUSD
937 Southwood Ave.
San Luis Obispo CA 93401

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Vicki Milledge
Los Osos Community Advisory Council
PO Box 7170
Los Osos CA 93412

(2)

(3)

(4)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The project does not appear to conform with San Luis Obispo County's certified LCP at CZLUO 23.07.176 - Terrestrial Habitat Protection, and the provisions of this section intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats, with emphasis for protection is on the entire ecological community rather than only the identified plant or animal. Monarch Grove Elementary School exists adjacent to a scenic corridor, in proxmity to known habitat for Monarch butterfiles, but no survey was done to determine the presence of the insect on site prior to approval of the project. Deforestation of the monarch's overwintering grounds have led to a drastic reduction in the population.

The project does not appear to conform with the County's LCP at Sections 23.07.172 and 23.07.173 (setbacks for sites adjacent to streams or wetlands). The trees slated for removal at Baywood Elementary border a retention basin in which a small willow tree, removed prior to the County hearing and issuance of permit, was observed to be growing. Despite the presence of this wetlands indicator, the County maintained that the area is not a wetlands.

The project's consideration of alternatives appears to have been largely confined to an examination of alternative siting and configurations for polycrystalline pholovoltaic solar panels, without analysis of alternative solar technologies that would avoid impacts such as tree removal. The applicant's project should have fully considered an alternative solar technology in order to avoid impacts to coastal resources.

The project cannot be found to be consistent with the requirements of CEQA, as the project as proposed is likely to result in significant environmental effects for which feasible mitigation measures have not been employed in accordance with CEQA Section 21080.5(d)(2)(A), which prohibits approval of a proposed development if there are feasible alternatives and feasible mitigation measures which would avoid or substantially lessen any significant adverse effects which the project would have on the environment. Not having engaged in an analysis of feasible alternatives that would avoid or mitigate impacts as identified above, the proposed project is not consistent with the requirements of CEQA.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Andrew Christie

Signature of Appellant(s) or Authorized Agent

Date: 10/25/10

Note: If signed by agent, appellant(s) must also sign below.

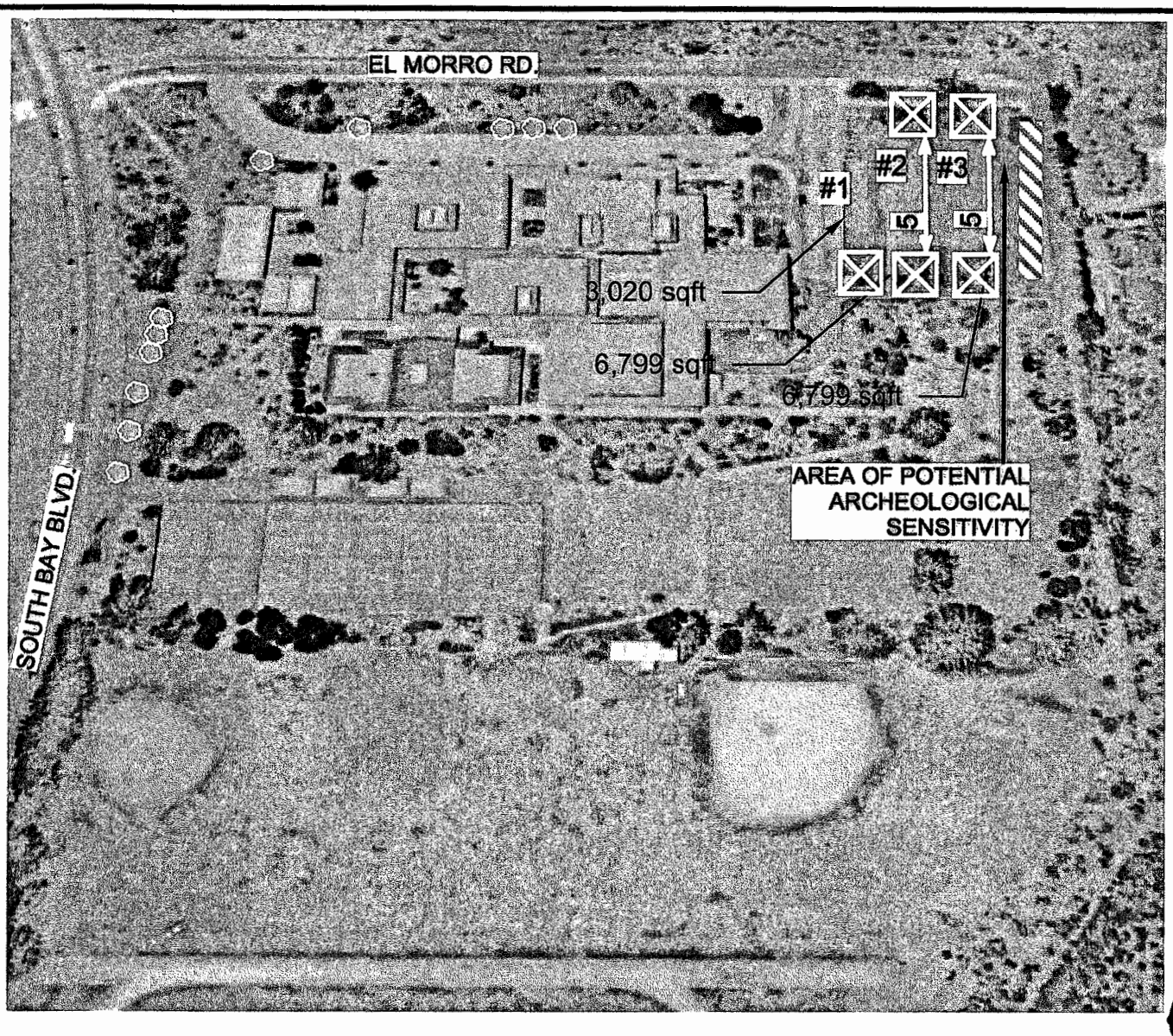
Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date: _____

CCC Exhibit 2
(page 10 of 10 pages)



North

PROJECT:
ARRAYS : 3
TREES REMOVED: 11 (PINE, SCARLET GUM, CYPRESS)

TREES ADDED: 6 METROSIDEROS EXCELSUS
5 MYOPORUM LAETUM

VISUAL: N/A
NESTING: N/A
ARCHEOLOGIACAL SENSITIVITY: Archeological monitoring shall occur for any disturbance of natural grades in sensitive area.

LEGEND

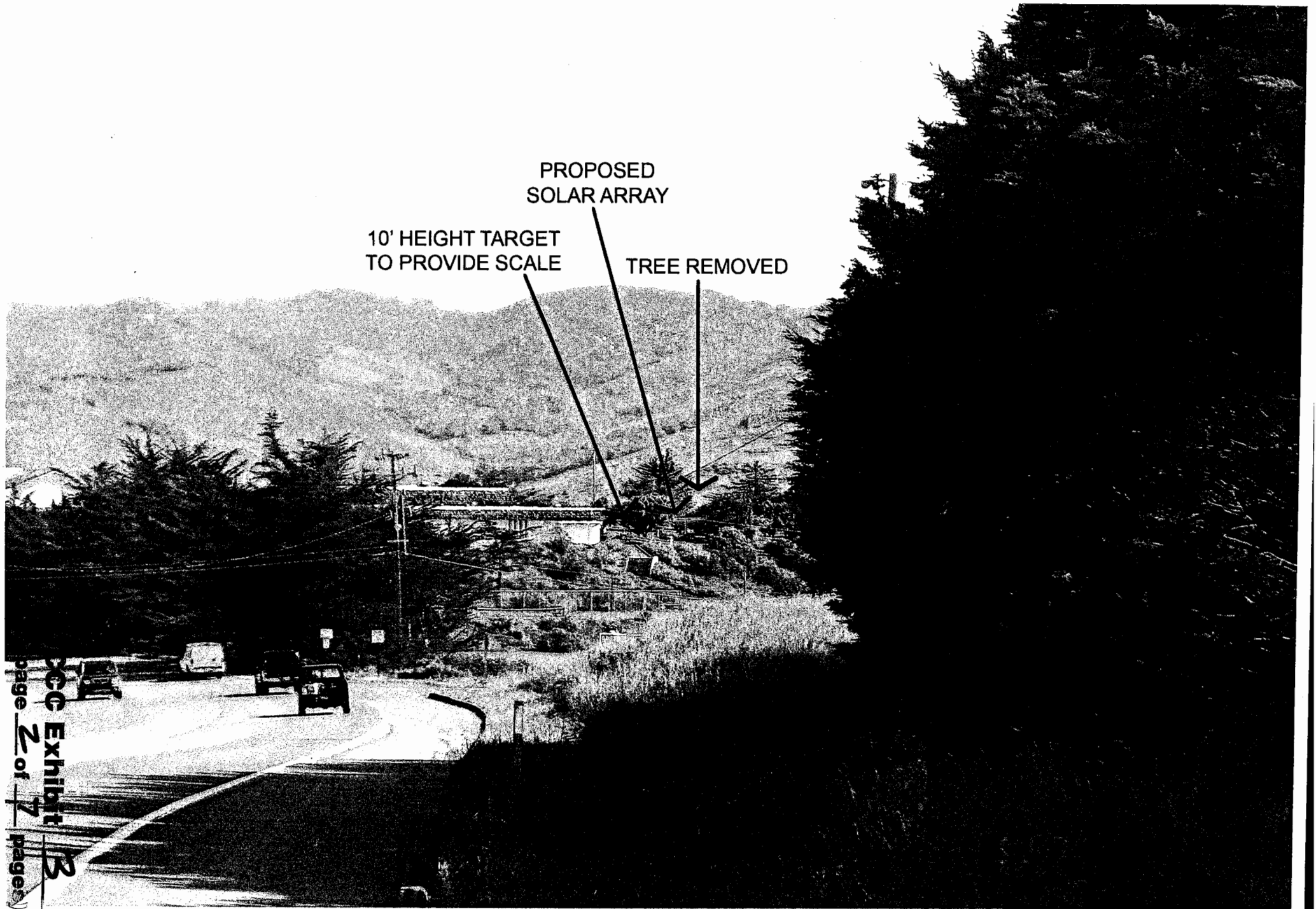
- #3 ARRAY STRUCTURE
- TREE REMOVED
- REPLACEMENT TREES/SHRUBS

firma job no. : 2922

PROJECT : San Luis Coastal United School District Photovoltaic Arrays
SITE : **Los Osos Middle School**
TITLE: Project Site Plan
DATE: March 11, 2010

CCC Exhibit 3
(page 1 of 7 pages)

Exhibit No.
S-6



CCC Exhibit 13
Page 2 of 4 Pages

firma

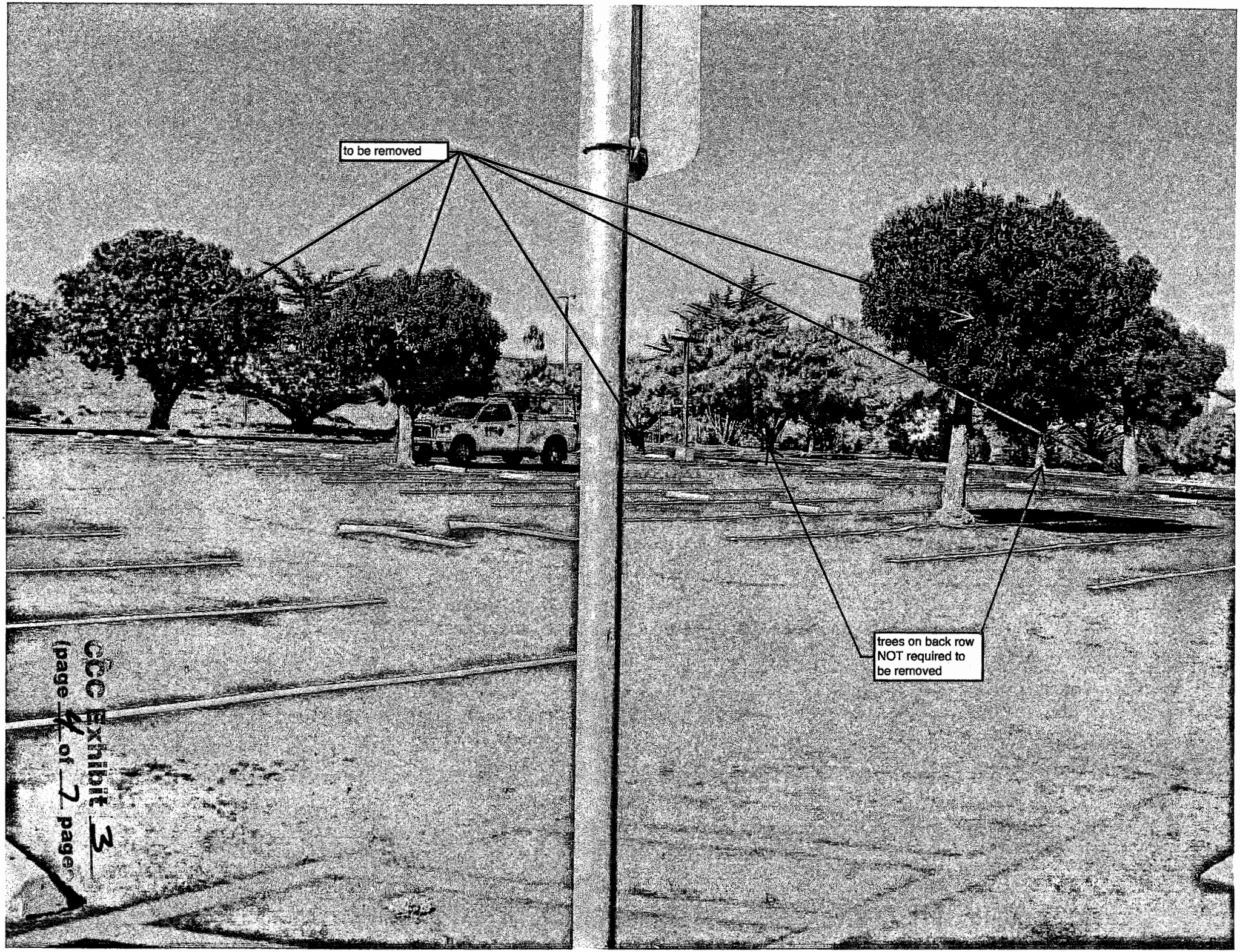
Photovoltaic Project
San Luis Coastal Unified School District

Artist Rendering
Los Osos Middle School
View Looking Northeast From South Bay Boulevard

Figure 7

Last Date Modified: April 21, 20

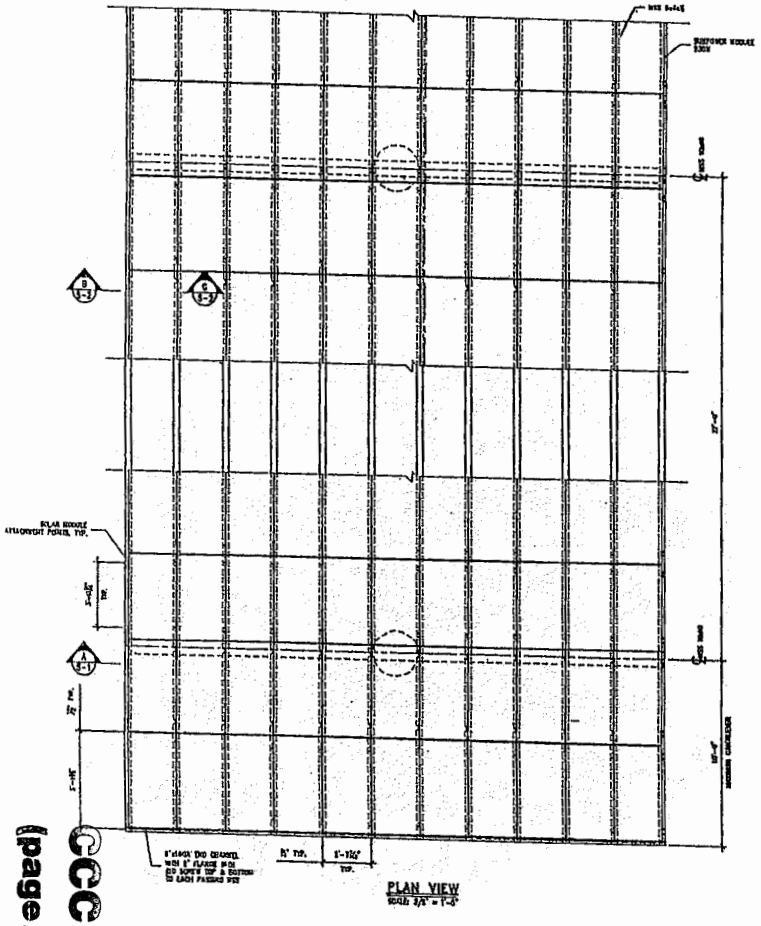
CCC Exhibit 3
(page 3 of 7 pages)

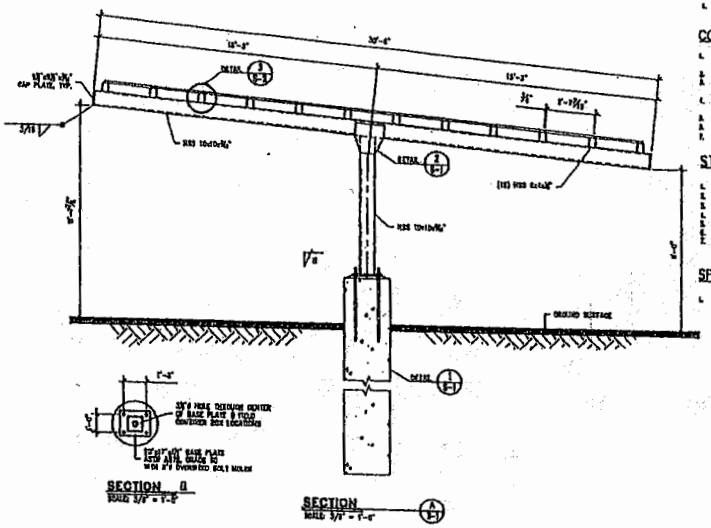


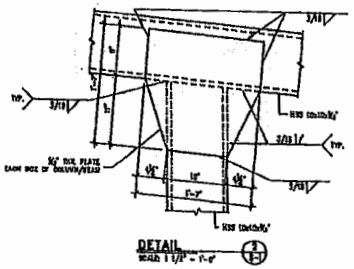
CCC Exhibit 3
(page 4 of 7 pages)

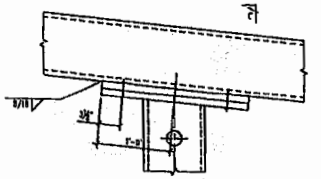
CCC Exhibit 3
(page 5 of 7 pages)

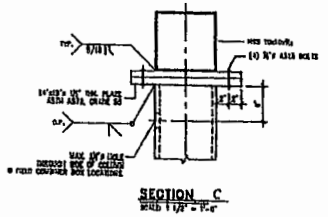
CCC Exhibit 3
(page 6 of 7 pages)

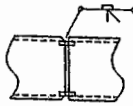












GENERAL NOTES:

1. DEAD LOAD: PHOTOVOLTAIC MODULES = 3.5 LB. EACH = 2.58 psf, RUFTOP STRUCTURE = 0.61 psf. WIND LOAD 85 MPH, WIND EXPOSURE 'C' LIVE LOAD 10 PSF (NON-REDUCIBLE).
2. SOLAR PANELS RUFTOPMER ZONE
3. ALL PERTINENT DIMENSIONS SHALL BE FIELD VERIFIED BY CONTRACTOR PRIOR TO FABRICATION AND INSTALLATION.
4. CHANGES FROM THE CONTRACT DRAWINGS SHALL BE MADE ONLY WITH THE APPROVAL OF THE ENGINEER AND DSA.

CONCRETE NOTES:

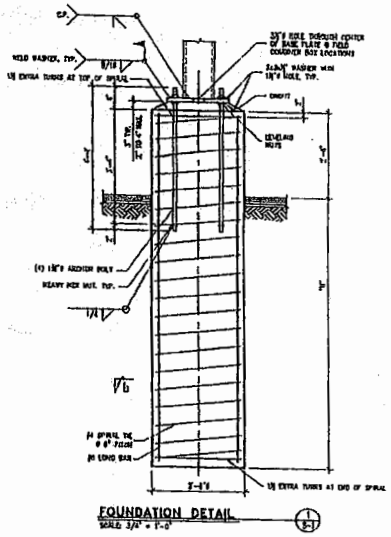
1. CONSTRUCTION SHALL CONFORM TO 2007 CBC AND 2007 C.B.C. AND LOCAL REQUIREMENTS.
2. ALL CONCRETE WORK SHALL COMPLY WITH ACI 301 & 318 LATEST EDITION
3. CONCRETE SHALL BE:
   3,000 psi MIN 28 DAY COMPRESSIVE STRENGTH
4. SLUMP 4" TO 6" PER PARC 15 OF DESIGN MIXTURE.
   WATER TO CEMENT RATIO: FROM .42 TO .52
5. AGGREGATE GRADATION AND QUALITY SHALL BE IN ACCORDANCE WITH ACI 301-10.
6. NEW CONCRETE SHALL BE ASTM A615 GR60.
7. MINIMUM CONCRETE COVER SHALL BE 3" TO EARTH, 1" TO GRADE

STEEL NOTES:

1. PLATES (UNLESS NOTED OTHERWISE) AND ANGLES: ASTM A36
2. PLATE (WHERE NOTED): ASTM A572, GRADE 50
3. STRUCTURAL TUBING (HSS): ASTM A500 GRADE B
4. ANCHOR BOLTS: ASTM F1554, GRADE 36 – USE HEAVY HEX NUTS (ASTM A563 DH)
5. ALL STEEL FABRICATION SHALL COMPLY WITH LATEST AISC SPECIFICATIONS
6. ALL WELDING SHALL COMPLY WITH LATEST AWS D1.1. USE E70XX ELECTRODES
7. FASTENERS SHALL BE GALVANIZED, CADMIUM PLATED, OR HSS. STRUCTURE SHALL BE HSS OR GALVANIZED, POWDER-COATED, OR PAINTED FOR COASTAL AREAS AND PUMPS.

SPECIAL INSPECTIONS:

1. REFER TO T 0.1 SHEET, AND GS-1



SOIL PARAMETERS [10]					2007 CBC SEISMIC PARAMETERS												FOOTING DEPTH 'h'	
ASSUMED SOIL VALUES																	ORIGINAL NONGRADE	
UNIT WEIGHT (PCF)	PHI (DEGREES)	COHESION (PSF)	ALLOWABLE PASSIVE RESISTANCE	ALLOWABLE VERTICAL CAPACITY @ 0.5in	SITE CLASS [1]	S_s [2][3]	S_1 [2][3]	F_a [4]	F_v [4]	S_{MS} [5]	S_{M1} [5]	S_{DS} [6]	S_{D1} [6]	V	C_s	R	FENCE	UNPAVED
1200	0	120	600 psf	3.00 ksi	D	2.55	1.00	1.00	1.50	2.55	1.50	1.70	1.00	0.519	0.112	2	1'	0'

NOTES:

1. REFER TO SECTION 1613.3.2 & TABLE 1613.5.2 FOR SELECTION CRITERIA FOR SITE CLASS AND SOIL PROFILE NAME OF THE 2007 CBC.
2. BASED ON FIGURE 22-2, MAXIMUM CONSIDERED EARTHQUAKE GROUND MOTION FOR SECTION 1.0F 0.2 SEC SPECTRAL RESPONSE ACCELERATION (5% OF CRITICAL DAMPING), SITE CLASS B, PAGES 314 AND 315 OF ASCE 7-05.
3. BASED ON FIGURE 22-6, MAXIMUM CONSIDERED EARTHQUAKE GROUND MOTION FOR SECTION 1.0F 1.0 SEC SPECTRAL RESPONSE ACCELERATION (5% OF CRITICAL DAMPING), SITE CLASS B, PAGES 318 AND 319 OF ASCE 7-05.
4. BASED ON SECTION 1613.3.3, TABLE 1613.5.3(1) OF THE 2007 CBC.
5. BASED ON SECTION 1613.5.3, TABLE 1613.5.3(2) OF THE 2007 CBC.
6. BASED ON SECTION 1613.5.4, EQUATION 16A-27 OF THE 2007 CBC.
7. BASED ON SECTION 1613.5.4, EQUATION 16A-28 OF THE 2007 CBC.
8. BASED ON SECTION 1613.5.4, EQUATION 16A-29 OF THE 2007 CBC.
9. CHECK SAY ALLOWABLE VALUES AND DO NOT CONTAIN A FACTOR OF SAFETY. RECOMMENDED SAFETY FACTORS FOR VERTICAL CAPACITIES ARE 1.5 (LEAST 3 FOOT PLATE LOAD TESTS) AND 1.8 FOR LARGER DIAMETER TESTS OR METHODS. SAFETY FACTOR FOR LATERAL CAPACITIES SHALL BE AT LEAST 1.5 (ALL LOADS INCLUDING WIND OR WIND).
10. ASSUMED EARTHQUAKE GROUND MOTION FOR SECTION 1.0F 0.2 SEC SPECTRAL RESPONSE ACCELERATION (5% OF CRITICAL DAMPING), SITE CLASS B, PAGES 314 AND 315 OF ASCE 7-05.

CCC Exhibit 3 (page 7 of 7 pages)

Applicable LCP Policies and Ordinances Cited

Environmentally Sensitive Habitat Areas (ESHA)

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats. *New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]*

Policy 2: Permit Requirement. *As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]*

Policy 7: Protection of Environmentally Sensitive Habitats. *Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved, and where feasible, restored. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170-178 OF THE CZLUO.]*

Policy 29: Protection of Terrestrial Habitats. *Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.*

Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.176 OF THE CZLUO.]

CZLUO Section 23.07.170 - Environmentally Sensitive Habitats:

The provisions of this section apply to development proposed within or adjacent to (within 100 feet of the boundary of) an Environmentally Sensitive Habitat as defined by Chapter 23.11 of this title.

a. Application content. A land use permit application for a project on a site located within or adjacent to an Environmentally Sensitive Habitat shall also include a report by a biologist approved

by the Environmental Coordinator that:

(1) Evaluates the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. For those environmentally sensitive habitat areas which are only seasonally occupied, or where the presence of the species can best be determined during a certain season (e.g., an anadromous fish species or annual wildflower species), the field investigation(s) must be conducted during the appropriate time to maximize detection of the subject species. The report shall identify possible impacts, their significance, measures to avoid possible impacts, mitigation measures required to reduce impacts to less than significant levels when impacts cannot be avoided, measures for the restoration of damaged habitats and long-term protection of the habitats, and a program for monitoring and evaluating the effectiveness of such measures.

(2) Is complete, current, and meets established standards for report content and assessment methodology. Report standards shall be consistent with CEQA guidelines, and incorporate the recommendations of the California Coastal Commission, California Department of Fish and Game, U.S. Fish and Wildlife Service, Marine Mammals Commission, and National Marine Fisheries Service, as appropriate.

(3) Evaluates development proposed adjacent to environmentally sensitive habitats to identify significant negative impacts from noise, sediment and other potential disturbances that may become evident during project review.

(4) Identifies the biological constraints that need to be addressed in designing development that would fist avoid, then minimize impacts to ESHA. These identified constrains will be used by the County to evaluate, and require implementation of project design alternatives that result in impacts to ESHA being avoided and unavoidable impacts minimized. This shall also include assessment of impacts that may result from the application of fire safety requirements.

(5) Verifies that applicable setbacks from the habitat area required by Sections 23.07.170 to 23.07.178 are adequate to protect the habitat or recommends greater, more appropriate setbacks.

(6) Critically evaluate "after-the-fact" permit applications where un-permitted development has illegally encroached into setback areas before off-site mitigation is considered. Evaluate all options of restoring and enhancing the pre-existing on-site habitat values. Off-site mitigation consisting of replacing the area of disturbance with like habitat at a minimum of 3:1 ratio shall be an additional requirement to offset the temporary impacts of the violation and address the potential for restoration efforts to fail.

b. Required findings: Approval of a land use permit for a project within or adjacent to an Environmentally Sensitive Habitat shall not occur unless the applicable review body first finds that:

(1) There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

(2) The proposed use will not significantly disrupt the habitat.

c. Land divisions: No division of a parcel containing an Environmentally Sensitive Habitat

shall be permitted unless all proposed building sites are located entirely outside of the applicable minimum setback required by Sections 23.07.172 through 23.07.178. Such building sites shall be designated on the recorded subdivision map.

d. Alternatives analysis required. Construction of new, improved, or expanded roads, bridges and other crossings will only be allowed within required setbacks after an alternatives analysis has been completed. The alternatives analysis shall examine at least two other feasible locations with the goal of locating the least environmentally damaging alternative. When the alternatives analysis concludes that a feasible and less environmentally damaging alternative does not exist, the bridge or road may be allowed in the proposed location when accompanied by all feasible mitigation measures to avoid and/or minimize adverse environmental effects. If however, the alternatives analysis concludes that a feasible and less environmentally damaging alternative does exist, that alternative shall be used and any existing bridge or road within the setback shall be removed and the total area of disturbance restored to natural topography and vegetation.

e. Development standards for environmentally sensitive habitats. All development and land divisions within or adjacent to an Environmentally Sensitive Habitat Area shall be designed and located in a manner which avoids any significant disruption or degradation of habitat values. This standard requires that any project which has the potential to cause significant adverse impacts to an ESHA be redesigned or relocated so as to avoid the impact, or reduce the impact to a less than significant level where complete avoidance is not possible.

(1) Development within an ESHA. In those cases where development within the ESHA cannot be avoided, the development shall be modified as necessary so that it is the least environmentally damaging feasible alternative. Development shall be consistent with the biological continuance of the habitat. Circumstances in which a development project would be allowable within an ESHA include:

i. Resource dependent uses. New development within the habitat shall be limited to those uses that are dependent upon the resource.

(2) Development in ESHA to avoid a takings. If development in an ESHA must be allowed to avoid an unconstitutional taking, then all of the following standards shall apply with respect to such development:

i. Avoidance of takings. The amount and type of development allowed shall be the least necessary to avoid a takings.

ii. Impacts avoided/minimized. All development in and impacts to ESHA shall be avoided to the maximum extent feasible. Any unavoidable impacts shall be limited to the maximum extent feasible.

(5) Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034c (Grading Standards).

(6) The use of invasive plant species is prohibited.

CZLUO Section 23.07.172 - Wetlands.

Development proposed within or adjacent to (within 100 feet of the upland extent of) a wetland area

shown on the Environmentally Sensitive Habitat Maps shall satisfy the requirements of this section to enable issuance of a land use or construction permit. These provisions are intended to maintain the natural ecological functioning and productivity of wetlands and estuaries and where feasible, to support restoration of degraded wetlands.

a. Location of development: Development shall be located as far away from the wetland as feasible, provided that other habitat values on the site are not thereby more adversely affected.

b. Principle Permitted Uses in wetlands: Hunting, fishing, wildlife management, education and research projects.

c. Department of Fish and Game review. The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design.

d. Wetland setbacks: New development shall be located a minimum of 100 feet from the upland extent of all wetlands, except as provided by subsection d(2). If the biological report required by Section 23.07.170 (Application Content) determines that such setback will provide an insufficient buffer from the wetland area, and the applicable approval body cannot make the finding required by Section 23.07.170b, then a greater setback may be required.

(1) Permitted uses within wetland setbacks: Within the required setback buffer, permitted uses are limited to passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control of facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that:

(i) Alternative routes are infeasible or more environmentally damaging.

(ii) Adverse environmental effects are mitigated to the maximum extent feasible.

(2) Wetland setback adjustment: The minimum wetland setback may be adjusted through Minor Use Permit approval (but in no case shall be less than 25 feet), provided that the following findings can be made:

(i) The site would be physically unusable for the principal permitted use unless the setback is reduced.

(ii) The reduction is the minimum that would enable a principal permitted use to be established on the site after all practical design modifications have been considered.

(iii) That the adjustment would not allow the proposed development to locate closer to the wetland than allowed by using the stringline setback method pursuant to Section 23.04.118a of this title.

(3) Requirements for wetland setback adjustment: Setbacks established that are less than 100 feet consistent with this section shall include mitigation measures to ensure wetland protection. Where applicable, they shall include landscaping, screening with native vegetation and drainage controls.

The adjustment shall not be approved until the approval body considers the following:

(i) Site soil types and their susceptibility to erosion.

(ii) A review of the topographic features of the site to determine if the project design and site location has taken full advantage of natural terrain features to minimize impacts on the wetland.

(iii) The biologists report required by Section 23.07.170 shall evaluate the setback reduction request and identify the types and amount of vegetation on the site and its value as wildlife habitat in maintaining the functional capacity of the wetland.

(iv) Type and intensity of proposed development.

(v) Lot size and configuration and location of existing development.

e. Site development standards:

(1) Diking, dredging, or filling of wetlands: Diking, dredging, or filling activities in wetland areas under county jurisdiction shall be allowed only to the extent that they are consistent with Environmentally Sensitive Habitats Policy 13 of the San Luis Obispo County Coastal Plan Policies, and shall not be conducted without the property owner first securing approval of all permits required by this title. Mineral extraction is not an allowed use in a wetland.

(2) Vehicle traffic: Vehicle traffic from public roads shall be prevented from entering wetlands by vehicular barriers, except where a coastal accessway is constructed and designated parking and travel lanes are provided consistent with this title. The type of barrier and its proposed location shall be identified in the materials accompanying an application for a land use permit and must be approved by the Planning Director before permit issuance to insure that it will not restrict local and state agencies or the property owner from completing the actions necessary to accomplish a permitted use within the wetland.

(3) Open space easement required: A land use or construction permit for a structure larger than 1000 square feet in floor area shall not be approved on a parcel of one acre or larger that contains a wetland, unless the property owner first grants the county or an approved land trust an open space easement or fee title dedication of all portions of the site not proposed for development, as well as the entire wetland.

CZLUO Section 23.07.174 - Streams and Riparian Vegetation:

Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

a. Development adjacent to a coastal stream. Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.

b. Limitation on streambed alteration: Channelization, dams or other substantial alteration of stream channels are limited to:

(1) Necessary water supply projects, provided that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional capacity of streams, wetlands, estuaries and lakes. (A 'necessary" water project is a project that is essential to protecting and/or maintaining public drinking water supplies, or to accommodate a principally permitted use as shown on Coastal

Table "O" where there are no feasible alternatives.

(2) Flood control projects, including maintenance of existing flood control channels, where such protection is necessary for public safety or to protect existing commercial or residential structures, when no feasible alternative to streambed alteration is available;

(3) Construction of improvements to fish and wildlife habitat;

Streambed alterations shall not be conducted unless all applicable provisions of this title are met and if applicable, permit approval from the California Department of Fish and Game, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and California State Water Resources Control Board. In addition, every streambed alteration conducted pursuant to this title shall employ the best mitigation measures where feasible, including but not limited to:

a. Avoiding the construction of hard bottoms;

b. Using box culverts with natural beds rather than closed culverts to provide for better wildlife movement; and

c. Pursuing directional drilling for pipes, cables, and conduits to avoid surface streambed disturbance.

d. Riparian setbacks: New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this setback shall be a minimum of 50 feet.

In the rural areas (outside the URL) this setback shall be a minimum of 100 feet. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration. These setback requirements do not apply to non-structural agricultural developments that incorporate adopted nest management practices in accordance with LUP Policy 26 for Environmentally Sensitive Habitats.

(1) Permitted uses within the setback: Permitted uses are limited to those specified in Section 23.07.172d(1) (for wetland setbacks), provided that the findings required by that section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses. All permitted development in or adjacent to streams, wetlands, and other aquatic habitats shall be designed and/or conditioned to prevent loss or disruption of the habitat, protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures to be provided include, but are not limited to:

(i) Flood control and other necessary instream work should be implemented in a manner than minimizes disturbance of natural drainage courses and vegetation.

(ii) Drainage control methods should be incorporated into projects in a manner that prevents

erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.

(2) Riparian habitat setback adjustment: The minimum riparian setback may be adjusted through Minor Use Permit approval, but in no case shall structures be allowed closer than 10 feet from a stream bank, and provided the following findings can first be made:

(i) Alternative locations and routes are infeasible or more environmentally damaging; and

(ii) Adverse environmental effects are mitigated to the maximum extent feasible; and

(iii) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and

(iv) The adjustment is the minimum that would allow for the establishment of a principal permitted use.

e. Alteration of riparian vegetation: Cutting or alteration of natural riparian vegetation that functions as a portion of, or protects, a riparian habitat shall not be permitted except:

(1) For streambed alterations allowed by subsections a and b above;

(2) Where an issue of public safety exists;

(3) Where expanding vegetation is encroaching on established agricultural uses;

(4) Minor public works projects, including but not limited to utility lines, pipelines, driveways and roads, where the Planning Director determines no feasible alternative exists;

(5) To increase agricultural acreage provided that such vegetation clearance will:

(i) Not impair the functional capacity of the habitat;

(ii) Not cause significant streambank erosion;

(iii) Not have a detrimental effect on water quality or quantity;

(iv) Be in accordance with applicable permits required by the Department of Fish and Game.

(6) To locate a principally permitted use on an existing lot of record where no feasible alternative exists and the findings of Section 23.07.174d(2) can be made.

CZLUO Section 23.07.176 - Terrestrial Habitat Protection:

The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.

a. Protection of vegetation. Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.

b. Terrestrial habitat development standards:

(1) Revegetation. Native plants shall be used where vegetation is removed.

(2) Area of disturbance. The area to be disturbed by development shall be shown on a site plan.

The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect the surrounding native habitat areas.

(3) Trails. Any pedestrian or equestrian trails through the habitat shall be shown on the site plan and marked on the site. The biologist's evaluation required by Section 23.07.170a shall also include a review of impacts on the habitat that may be associated with trails.

Visual and Scenic Resources

Policy 1: Protection of Visual and Scenic Resources. *Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

Policy 2: Site Selection for New Development. *Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

CZLUO Section 23.04.210 - Visual Resources

The following standards apply within Critical Viewsheds, Scenic Corridors and Sensitive Resource Area (SRA)

Combining Designations that are intended to protect visual resources, as identified in this title, the Official Maps, Part III of the Land Use Element, or the area plans of the Local Coastal Plan.

a. Applicability of standards. The following standards apply to new development required by the Coastal Zone Land Use Ordinance to have a land use permit, except that the following are exempt from some or all of the standards (a)-(d):

(1) Agricultural accessory structures that are 600 square feet or less in area, or other minor agriculturally-related development (e.g., fencing, wells).

(2) Project not visible. An exemption from the standards in the following subsections c(1), (2), (4), and (5) may be granted if documentation is provided demonstrating that the development will not be visible from the shoreline, public beaches, the Morro Bay estuary, any of the roads specified in the applicable area plan planning area standards for Critical Viewsheds, Scenic Corridors or SRA's that are intended to protect visual resources. Such documentation shall be prepared by a

qualified professional acceptable to the Planning Director and at a minimum shall provide scaled topographic and building elevations with preliminary grading, drainage, and building plans. An exemption from the standard in subsection c(6) may be granted if the preceding documentation is provided, and if it is determined by the Planning Director that open space preservation within the Critical Viewshed or SRA is not otherwise needed to protect the scenic and visual resource, sensitive habitat or watershed, as identified in the area plans.

b. Permit requirement. Minor Use Permit approval, unless Development Plan approval is otherwise required by this title or planning area standards of the area plans. The land use permit or land division application shall include the following:

(1) A landscaping plan, grading and drainage plan, lighting plan fencing plan, and visual analysis, including the use of story-poles as required, that is prepared by a licensed architect, a licensed landscape architect or other qualified professional acceptable to the Director of Planning and Building. The plans and visual analysis shall be used to determine compliance with the following standards.

c. Standards for Critical Viewsheds and SRAs for protection of visual resources. The following standards apply within areas identified as Critical Viewsheds or SRAs in the area plans for protection of visual resources.

(1) Location of development. Locate development, including, but not limited to primary and secondary structures, accessory structures, fences, utilities, water tanks, and access roads, in the least visible portion of the site, consistent with protection of other resources. Emphasis shall be given to locations not visible from major public view corridors. Visible or partially visible development locations shall only be considered if no feasible non-visible development locations are identified, or if such locations would be more environmentally damaging. New development shall be designed (e.g., height, bulk, style, materials, color) to be subordinate to, and blend with, the character of the area. Use naturally occurring topographic features and slope-created "pockets" first and native vegetation and berming second, to screen development from public view and minimize visual intrusion.

(2) Structure visibility. Minimize structural height and mass by using low-profile design where feasible, including sinking structures below grade. Minimize the visibility of structures by using design techniques to harmonize with the surrounding environment.

(3) Ridgetop development. Locate structures so that they are not silhouetted against the skyline or ridgeline as viewed from the shoreline, public beaches, the Morro Bay estuary, and applicable roads or highways described in the applicable planning area standards in the area plans, unless compliance with this standard is infeasible or results in more environmental damage than an alternative.

(4) Landscaping for hillside andridgetop development.. Provide screening of development at plant maturity using native vegetation of local stock, non-invasive, or drought-tolerant vegetation without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). The use of vegetation appropriate to the site shall be similar to existing native vegetation. Alternatives to such screening may be approved if visual impacts are avoided through use of natural topographic features and the design of structures. Provisions shall be made to maintain visual screening for the life of the development.

(5) Land divisions and lot-line adjustments - cluster requirement. New land divisions and lotline adjustments where the only building site would be on a highly visible slope or ridgetop shall be prohibited. Land divisions and their building sites that are found consistent with this provision shall be clustered in accordance with Chapter 23.04 or otherwise concentrated in order to protect the visual resources.

(6) Open space preservation. Pursuant to the purpose of the Critical Viewshed or SRA to protect significant visual resources, sensitive habitat or watershed, open space preservation is a compatible measure. Approval of an application for new development in these scenic coastal areas is contingent upon the applicant executing an agreement with the county to maintain in open space use appropriate portions of the site within the Critical Viewshed or SRA (for visual protection). Guarantee of open space preservation may be in the form of public purchase, agreements, easement controls or other appropriate instrument approved by the Planning Director, provided that such guarantee agreements are not to provide for public access unless acceptable to the property owner or unless required to provide public access in accordance with the LCP..

d. Standards for scenic corridors. The following standards apply within areas identified as Scenic Corridors in the area plans for protection of visual resources.

(1) Setback. Where possible, new development shall be set back a minimum of 100 feet from the edge of the right-of-way of the road along which the Scenic Corridor is established in the area plans, or a distance as otherwise specified in the area plan planning area standards. If there is no feasible development area outside of this setback, the project shall be located on the rear half of the property as long as the location is not more environmentally damaging. New development allowed in visible areas shall provide a landscaping screen consistent with the requirements of c(4) above. A landscaping plan in accordance with these requirements and the requirements of Chapter 23.04 shall be provided at the time of building permit application submittal.

(2) Signs. Signs that are required to have a land use permit, especially freestanding signs, shall be located so as to not interfere with unique and attractive features of the landscape, including but not limited to unusual landforms, sensitive habitats, and scenic vistas from the road along which the Scenic Corridor is established.

e. General Visual Standards for Coastal Development. Notwithstanding subsections (a)-(d) above, all development requiring a coastal development permit must be consistent with the requirements of Coastal Plan Visual and Scenic Resource Policies 1-11 as applicable.

Archaeology

***Policy 1: Protection of Archaeological Resources**. The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required. [THIS POLICY*

SHALL BE IMPLEMENTED AS A STANDARD.]

***Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas**. Development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]*

***Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction**. Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:*

a. Project redesign could reduce adverse impacts of the project through relocation of open space, landscaping or parking facilities.

b. Preservation of an archaeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact. This surface can then be used for building that does not require extensive foundations or removal of all topsoil.

c. When a project impact cannot be avoided, it may be necessary to conduct a salvage operation. This is usually a last resort alternative because excavation, even under the best conditions, is limited by time, costs and technology. Where the chosen mitigation measure necessitates removal of archaeological resources, the county shall require the evaluation and proper deposition of the findings based on consultation with a qualified archaeologist knowledgeable in the Chumash culture.

d. A qualified archaeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

***Policy 6: Archaeological Resources Discovered during Construction or through Other Activities**. Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.05.140 AND 23.07.106 OF THE CZLUO.]*

CZLUO Section 23.07.104 - Archaeologically Sensitive Areas:

To protect and preserve archaeological resources, the following procedures and requirements apply to development within areas of the coastal zone identified as archaeologically sensitive.

a. Archaeologically sensitive areas. The following areas are defined as archaeologically sensitive:

(1) Any parcel within a rural area which is identified on the rural parcel number list prepared by the California Archaeological Site Survey Office on file with the county Planning Department.

(2) Any parcel within an urban or village area which is located within an archaeologically sensitive area as delineated by the official maps (Part III) of the Land Use Element.

(3) Any other parcel containing a known archaeological site recorded by the California Archaeological Site Survey Office.

b. Preliminary site survey required. Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator. The County will provide pertinent project information to the Native American tribe(s).

c. When a mitigation plan is required. If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a plan for mitigation shall be prepared by a qualified archaeologist. The County will provide pertinent project information to the Native American tribe(s) as appropriate. The purpose of the plan is to protect the resource. The plan may recommend the need for further study, subsurface testing, monitoring during construction activities, project redesign, or other actions to mitigate the impacts on the resource. Highest priority shall be given to avoiding disturbance of sensitive resources. Lower priority mitigation measures may include use of fill to cap the sensitive resources. As a last resort, the review authority may permit excavation and recovery of those resources. The mitigation plan shall be submitted to and approved by the Environmental Coordinator, and considered in the evaluation of the development request by the Review Authority.

d. Archeological resources discovery. In the event archeological resources are unearthed or discovered during any construction activities, the standards of Section 23.05.140 of this title shall apply. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist reviewed and approved by the Environmental Coordinator, is completed and implemented. The County will provide pertinent project information to the affected Native American tribe(s) and consider comments prior to approval of the mitigation plan. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Environmental Coordinator prior to occupancy or final inspection, whichever occurs first.

Grading

CZLUO Section 23.05.034 - Grading Standards:

All excavations and fills, whether or not subject to the permit requirements of this title, shall be conducted in accordance with the provisions of Sections 7009 through 7013 of the Uniform Building Code, and the following standards:

a. Area of cuts and fills: Cuts and fills shall be limited to the minimum amount necessary to provide stable embankments for required parking areas or street rights-of-way, structural foundations, and adequate residential yard area or outdoor storage or sales area incidental to a non-residential use.

b. Grading for siting of new development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes less than 20% except:

(1) Existing lots in the Residential Single-Family category, if a residence cannot feasibly be sited on a slope less than 20%; and

(2) When grading of an access road or driveway is necessary to provide access to building site with less than 20% slope, and where there is no less environmentally damaging alternative; and

(3) Grading adjustment. Grading on slopes between 20% and 30% may occur by Minor Use Permit or Development Plan approval subject to the following:

(i) The applicable review body has considered the specific characteristics of the site and surrounding area including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation.

(ii) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment.

(iii) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

(iv) It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.

c. Grading adjacent to Environmentally Sensitive Habitats. Grading shall not occur within 100 feet of any Environmentally Sensitive Habitat except:

(1) Where a setback adjustment has been granted as set forth in Sections 23.07.172d(2) (Wetlands) or 23.07.174d(2) (Streams and Riparian Vegetation) of this title; or (2) Within an urban service line when grading is necessary to locate a principally permitted use and where the approval body can find that the application of the 100-foot setback would render the site physically unsuitable for a principally permitted use. In such cases, the 100-foot setback shall only be reduced to a point where the principally-permitted use, as modified as much as practical from a design standpoint, can be located on the site. In no case shall grading occur closer than 50 feet from the Environmentally Sensitive Habitat or as allowed by planning area standard, whichever is greater.

d. Landform alterations within public view corridors. Grading, vegetation removal and other landform alterations shall be minimized on sites located within areas determined by the Planning Director to be a public view corridors from collector or arterial roads. Where feasible,

contours of finished grading are to blend with adjacent natural terrain to achieve a consistent grade and appearance.

e. Final contours: Contours, elevations and shapes of finished surfaces are to be blended with adjacent natural terrain to achieve a consistent grade and natural appearance. Border of cut slopes and fills are to be rounded off to a minimum radius of five feet to blend with the natural terrain.

f. Grading near watercourses: Grading, dredging or diking (consistent with Section 23.07.174) shall not alter any intermittent or perennial stream, or natural body of water shown on any USGS 7-1/2 minute map, except as permitted through approval of a county drainage plan and a streambed alteration permit from the California Department of Fish and Game issued under Sections 1601 or 1602 of the Fish and Game Code. (Additional standards are contained in Sections 23.07.172 through 174 of this title.) Watercourses shall be protected as follows:

(1) Watercourses shall not be obstructed unless an alternate drainage facility is approved.

(2) Fills placed within watercourses shall have suitable protection against erosion during flooding.

(3) Grading equipment shall not cross or disturb channels containing live streams without siltation control measures approved by the County Engineer in place.

(4) Excavated materials shall not be deposited or stored in or alongside a watercourse where the materials can be washed away by high water or storm runoff.

g. Revegetation: Where natural vegetation has been removed through grading in areas not affected by the landscape requirements (Section 23.04.180 et seq. - Landscape, Screening and Fencing), and that are not to be occupied by structures, such areas are to be replanted as set forth in this subsection to prevent erosion after construction activities are completed. [Amended 1993, Ord. 2649]

(1) Preparation for revegetation: Topsoil removed from the surface in preparation for grading and construction is to be stored on or near the site and protected from erosion while grading operations are underway, provided that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

2) Methods of revegetation: Acceptable methods of revegetation include hydro-mulching, or the planting of rye grass, barley or other seed with equivalent germination rates. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four pounds to each 1,000 square feet of land area. Other revegetation methods offering equivalent protection may be approved by the Building Official. Plant materials shall be watered at intervals sufficient to assure survival and growth. Native plant materials are encouraged to reduce irrigation demands. Where riparian vegetation has been removed, riparian plant species shall be used for revegetation.

(3) Timing of revegetation measures: Permanent revegetation or landscaping should begin on the construction site as soon as practical and shall begin no later than six months after achieving final grades and utility emplacements.