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**F16a**

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APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

Appeal Number: A-3-SLO-13-0213

Applicants: Kingston Bay Senior Living, LLC.

Appellants: Friends of the North Coast Area Council and Claudia Harmon Worthen

Local Decision: Approved by the San Luis Obispo County Planning Commission on July 28, 2011 (County application number DRC2009-00095).

Project Location: 1981 Green Street in the unincorporated community of Cambria in San Luis Obispo County (APNs 024-191-038, 024-191-024, 024-191-052, 024-191-056, 024-191,057, 024-191-058, 024-191-059).

Project Description: Grading of land and construction of a new 28,266 square-foot, 31 unit (41-bed maximum) senior care living facility, with a 20-space parking lot, two driveways, landscaping, and other related multi-family residential development.

Staff Recommendation: Substantial Issue Exists; Denial

SUMMARY OF STAFF RECOMMENDATION

The San Luis Obispo County Board of Supervisors approved a coastal development permit (CDP), subject to 74 conditions, for the construction of a 28,266 square-foot senior living care facility consisting of 31 units with up to 41 beds total on a vacant 1.26 acre parcel in the unincorporated community of Cambria in San Luis Obispo County. Friends of the North Coast Area Council and Claudia Harmon Worthen appealed the County's action on the grounds that

the approval is inconsistent with numerous policies and standards in the County's certified Local Coastal Program (LCP), including those related to water supply, sensitive habitat, traffic and parking, water quality and hydrology, cultural resources, hazards, and visual resources.

Staff recommends that the Commission take two actions. First, the Commission should find that the County's approval of the project raises a substantial issue on the grounds that the project does not conform to the LCP's water resource and sensitive habitat policies. Second, the Commission should deny the project because the project is inconsistent with the LCP's requirement that there be an adequate water supply available to serve new development.

On the substantial issue portion of this appeal, a substantial issue is raised in terms of the LCP's water resource and sensitive habitat policies. The County's action raises substantial LCP water resource issues because: (1) Cambria does not have an adequate water supply to support the project; (2) the County found that the project's water allocation would support the project's 41-bed maximum but conditioned the project in a manner that requires the project to obtain additional water credits if the project has more than 31 beds; and (3) the project is a multi-family residential use with a commercial water allotment, which conflicts with the LCP's requirement that 20 percent of Cambria's water supply be reserved for visitor-serving and related commercial uses. The County's action raises substantial LCP sensitive habitat issues because the County's action did not account for the unpermitted removal of ten Monterey pine trees, which are protected under the LCP as a sensitive resource, and because there is evidence that at least a portion of the site is environmentally sensitive habitat area (ESHA) and the project should have been evaluated under the LCP's ESHA policies and standards.

On the de novo portion of the appeal, the project is inconsistent with LCP policies and standards that require that the community's water supply be adequate to support new development. Not only is Cambria's water supply inadequate to meet the existing domestic demand of its urban users, the water supply is inadequate to ensure that pumping does not adversely affect coastal resources, such as the sensitive riparian habitats of Santa Rosa and San Simeon Creeks. Moreover, the water supply is inadequate to support the project's additional non-visitor serving water demand. The LCP prohibits approval of new development that has not demonstrated that there is adequate water supply, and the LCP expressly provides that failure to demonstrate an adequate water supply is grounds for denial.

In situations in which the LCP requires denial of a project, the Commission typically determines whether that denial would result in an unconstitutional taking of private property without just compensation. If denial would likely result in an unconstitutional taking, then the Commission may interpret the LCP in a manner that would avoid that result. In this situation, it is unlikely that a denial would result in a taking because it is Cambria's lack of water that prohibits the proposed use, and the project could become consistent with the LCP once Cambria has an adequate water supply capacity available to serve the project.

In sum, staff recommends that the Commission find that the appeal raises a substantial issue, and then deny the CDP for the project. The motions and resolutions to implement these recommendations are found on page 4.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit A: Regional Location Map & Aerial Photo of Project Site

Exhibit B: County’s Notice of Final Action

Exhibit C: Appeal Documents

Exhibit D: Project Plans

Exhibit E: Applicable San Luis Obispo County LCP Policies and Standards

Exhibit F: Applicant’s Written Response to Appeal Contentions

Exhibit G: Cambria Community Services District Intent-to-Serve Correspondence

Exhibit H: County Correspondence re: Unpermitted Monterey Pine Tree Removal

Exhibit I: Kingston Bio-Report

Exhibit J: Commission Staff Ecologist’s Memorandum

Exhibit K: County’s Emergency Permit

Exhibit L: Table 3 from *San Luis Obispo County Regional Instream Flow Assessment*

Exhibit M: Cambria Community Services District Resolution 04-2014

I. MOTIONS AND RESOLUTIONS

A. Substantial Issue Determination

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the CDP application for the proposed project under the jurisdiction of the Commission for de novo hearing and action. To implement this recommendation, staff recommends a **NO** vote on the following motion. Failure of this motion will result in a de novo hearing on the CDP application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-SLO-13-0213 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a no vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-3-SLO-13-0213 presents 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 Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

B. CDP Determination

Staff recommends that the Commission, after public hearing, **deny** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **NO** vote on the following motion. Failure of this motion will result in denial of the CDP and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number A-3-SLO-13-0213, and I recommend a no vote.*

***Resolution to Deny CDP:** The Commission hereby denies Coastal Development Permit Number A-3-SLO-13-0213 and adopts the findings set forth below on grounds that the developments would not be in conformity with the San Luis Obispo County Local Coastal Program.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION

The project site is located on a 1.26-acre vacant parcel located at 1981 Green Street in the Lodge Hill neighborhood in the community of Cambria in San Luis Obispo County. The project site is approximately 1.4 miles east of the Pacific Ocean, and approximately 50 feet west of Highway One, where it intersects with Ardath Drive. The site is located within Cambria's Urban Services Line. See **Exhibit A** for a map and an aerial photograph of the project site location.

B. PROJECT BACKGROUND

The Applicant, Kingston Bay Senior Living Center, LLC, acquired the 1.26-acre project site in 2012 from Michael Clark. In 1998, Mr. Clark planned to develop a commercial bed and breakfast on the property, and at that time had an intent-to-serve letter from the Cambria Community Services District (CCSD) for water and sewer capacity service in the amount of six Equivalent Dwelling Units (EDUs).¹ Mr. Clark subsequently abandoned the commercial bed and breakfast development plan for the site, and instead pursued a proposal to develop a senior care facility, called Kestrel Point, a 39,391 square-foot senior living facility with 31 units and a maximum of 62 beds. In April 2001, Mr. Clark acquired an additional 5.78 EDUs of water commitments for a total of 11.78 EDUs for that project. In 2006, San Luis Obispo County approved a CDP (#DRC2005-00103) for the Kestrel Point development. Subsequently, Mr. Clark abandoned the Kestrel Point project and the CDP expired. In 2012, Mr. Clark conveyed the subject property, and assigned the intent-to-serve letter (see **Exhibit G**) for 11.78 EDUs, to the Applicant, who subsequently applied to the County for a CDP for the project that is the subject of this appeal.

C. SAN LUIS OBISPO COUNTY APPROVAL

On March 1, 2013, the San Luis Obispo County Planning Department Hearing Officer conditionally approved a CDP (#DRC2012-00024) for the Kingston Bay senior care facility project. On March 6, 2013, the Planning Department's approval of the project was appealed to the County's Board of Supervisors. On May 14, 2013, the Board of Supervisors modified and affirmed the Hearing Officer's decision to approve the project, subject to 74 conditions. See **Exhibit B** for the County's Notice of Final Local Action.

Notice of the County's action on the CDP was received in the Coastal Commission's Central Coast District Office on June 10, 2013. The Coastal Commission's ten-working day appeal period for this action began on June 11, 2013 and concluded at 5 p.m. on June 24, 2013. One valid appeal (made by Friends of North Coast Advisory Counsel and Claudia Harmon Worthen)

¹ One EDU is equal to the average monthly water use by a single-family dwelling during the summer season (identified as May 1 to October 31). All water and sewer connection fees are based on the EDU allocation for the class of project proposed. There are 748 gallons, or 100 cubic feet of water, in one EDU.

of the County's CDP decision was received during the appeal period. See **Exhibit C** for the Appellants' appeal documents.

D. PROJECT DESCRIPTION

As approved by the County, the project is a 28,266 square-foot senior care facility that includes thirty-one living units, consisting of twenty-four assisted living units and seven memory-care units, with a maximum capacity of forty-one beds ("The Project"). The Project would have a 19,482 square-foot building footprint on a 1.26-acre (54,885 square-feet) parcel. The Project's facility building would be two-stories with a maximum height of twenty-five feet. The design of the Project includes a main entrance to the facility that would lead into a 600 square-foot lobby at the ground floor level. The first floor of the building would consist of the facility's main common areas, including a living room, kitchen, dining room, reception desk, offices, and four assisted living units. The first floor also would provide a connection to the facility's seven memory care units in the single-story eastern wing of the building. The second floor of the building would contain the remaining twenty assisted living units. Pedestrian paths for residents would be located around the perimeter of the building. The building would be constructed in a craftsman architectural style and would use naturally appearing colors and materials to blend with the backdrop of Monterey pine forest.

Approximately 24 percent of the site would be paved for parking and two driveways. The County-approved project includes 20 parking spaces on the northern portion of the site and driveways connecting to Ardath Drive and Green Street. Approximately 41 percent of the Project site would be landscaped. A total of 20 Monterey pine trees currently exist on the site.² The County-approved project includes retention of 12 Monterey pine trees and removal of eight Monterey pine trees to accommodate the project. The loss of these eight Monterey pine trees would be mitigated by the planting of an additional 32 Monterey pine trees on the site.³ The approved landscaping plan includes native understory vegetation to mimic the surrounding Monterey pine forest. The approved project also includes the removal of one coast live oak tree, which would be replaced onsite with six coast live oak trees.

See **Exhibit D** for the Project plans.

E. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive

² Ten additional Monterey pine trees were removed from the project site between 2006 and 2012 without the required CDPs.

³ The LCP requires a 4:1 replacement ratio for otherwise allowable Monterey pine tree removal in Cambria (NCAP Combining Designations: Monterey Pine Forest Habitat Policy 1(F)).

coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. The County's approval of the Project is appealable to the Commission because it is not designated as a principal permitted use under the LCP, and it is located in a sensitive coastal resource area.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct the de novo portion of the hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission considers the CDP de novo and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea, and thus the additional public access and recreation finding would not be necessary if this project were approved.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant (or its representatives), persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

F. SUMMARY OF APPEAL CONTENTIONS

The Appellants, the Friends of the North Coast Area Council and Claudia Harmon Worthen, contend that San Luis Obispo County's decision to conditionally-approve the Project warrants an appeal to the Commission on the grounds that the Project is inconsistent with the San Luis Obispo County LCP. The Appellants, in a 36-page document titled "Appeal of Coastal Permit Decision: Kingston Bay," assert that the County-approved Project is inconsistent with numerous LCP policies and standards that the Appellants categorize into the following broad categories: (1) "Water Resources"; (2) "Land Use & Zoning"; (3) "Grading and Geology"; (4) "Hydrology"; (5) "Environmental Impacts"; (6) "Aesthetic Resources"; (7) "Public Services & Utilities"; (8) "Transportation & Circulation"; (9) "Air Quality"; (10) "Hazards and Hazardous Materials"; (11) "Cultural Resources"; and (12) "Alternative Analysis." When distilled, the Appellants' main appeals contentions are the County-approved Project's consistency with LCP policies and standards relating to the water supply resources, the protection of sensitive resource areas (specifically the Monterey pine forest), and protection of visual resources and community character. See **Exhibit C** for the complete text of the Appellants' appeal. See **Exhibit F** for the Applicant's written response to the appeal contentions.

G. SUBSTANTIAL ISSUE DETERMINATION

1. Substantial Issue Background

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations: (1) the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government’s decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. Even where the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure Section 1094.5.

2. Substantial Issue Analysis

The Appellants assert a wide-range of contentions regarding the County’s decision to approve the Project subject to 74 conditions. Of the Appellants’ numerous claims, the Commission finds that the County-approved Project raises a substantial issue regarding the Project’s compliance with the water supply and Sensitive Resource Area (Monterey pine forest) policies and standards of the certified LCP. The Commission also finds that no substantial issue is raised regarding the Project’s consistency with the policies and standards of the LCP with respect to visual and scenic resources, neighborhood compatibility, grading, geological hazards, hydrology and water quality, traffic and parking, cultural resources, and air quality. The Appellants’ remaining contentions (e.g., noise, market demand, medical services, etc.) do not raise a substantial issue of LCP conformance because they relate to matters outside of the scope of the LCP.

Water Supply Resources

The Appellants’ chief contention is that Cambria’s water supply is inadequate to support any new development in the community. The LCP provides that a CDP for new development that requires water shall not be approved unless there is adequate water capacity available to serve the proposed development (Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.430; Public Works Policy 1). The Appellants also assert that the Project is inconsistent with numerous other LCP water resources policies, including North Coast Area Plan Standards 4(A), 4(B) and 2(A); as well as Coastal Plan Public Works Policies 5 and 6. Each LCP policy and standard cited by the Appellants is analyzed below to determine whether the County’s approval of the Project raises a substantial conformance issue with the LCP. See **Exhibit C** for the Appellants’ contentions. See **Exhibit E** for the LCP’s policies and standards regarding water supply resources.

Cambria’s available water supply is inadequate to support the Project

First, the Appellants contend that the County’s approval of the Project raises a substantial issue on the grounds that the Project is inconsistent with CZLUO Section 23.04.430 (which implements Public Works Policy 1 – see **Exhibit E**). CZLUO Section 23.04.430 prohibits

approval of new development unless it has been demonstrated that there is an adequate water supply capacity available to serve the new development. The County found the Project consistent with CZLUO Section 23.04.430, reasoning that Cambria had an adequate water supply available to serve the Project because of the project's status as a "pipeline project." The LCP defines "pipeline projects" as those projects that were in the application process as of November 15, 2001 when the Board of Directors of the Cambria Community Services District (CCSD, the public entity that provides water service to the community) declared a Water Code 350 emergency and enacted a moratorium on new water connections (see page 1 of **Exhibit E**). If a project is not a pipeline project, it cannot obtain a new water connection. If a project is a pipeline project, it is not required to meet NCAP Standard 4(A) requirements to assure no adverse impacts to Santa Rosa and San Simeon Creeks. Here, the County did not accept this particular project's application for processing until 2012, long after the November 15, 2001 pipeline project deadline. Although the Applicant acquired the project site and its water allotment via a transfer from a similar (and previously approved) senior care facility with a water allotment acquired in April 2001, the Project itself was not pending in 2001. On these facts, it does not appear that the project qualifies as a "pipeline project" because it is a different project and a different Applicant than the project that was in the application process in 2001. Thus, it is not clear that the Project meets the LCP's "pipeline" project tests. If the Project does not meet the LCP's "pipeline" tests, the Project would be inconsistent with the LCP because it would not be able to meet North Coast Area Plan Standard 4(A).

Even if the Project qualified as a "pipeline" project, the County provides no analysis as to why such status renders it consistent with CZLUO Section 23.04.430, which requires that an adequate water supply be available to serve new development. The LCP contains no provisions exempting "pipeline projects" from satisfying the requirements of CZLUO Section 23.04.430. And, between 2001 and 2008, the Commission found in appeals of "pipeline projects" that the County's approval of such projects raised a substantial issue in regards to their consistency with CZLUO Section 23.04.430 (and Public Works Policy 1).⁴ Although the Commission and the County have in certain cases allowed "pipeline projects" to proceed as long as they verified their water demand offsets⁵ (which was initially required as a condition of approval and was later codified in the LCP as a development standard), such approach was always interim and focused on projects actually in the pipeline in 2001. These projects were allowed in part because they were considered to be in the pipeline and it was considered a matter of procedural fairness provided they would result in no new net increase in water withdrawals. This type of approach, when allowed, was always considered interim, including until more information regarding the effect water withdrawals were having on coastal stream and related resources was better understood. In other words, it was acknowledged that there was a water supply problem, and a subset of no-net increase projects would be allowed in the short term, until more information about the depth of the water supply problem was known.

It is now some thirteen years later and much more is known about the depth of the water supply problem in Cambria. In fact, Cambria's water supply is currently in such a dire condition that,

⁴ The Commission found the following "pipeline project" developments raised a substantial issue on appeal on the grounds that the projects were inconsistent with CZLUO Section 23.04.430 and Public Works Policy 1: A-3-SLO-01-122 (Cambria Pines Lodge Expansion); A-3-SLO-02-050 (Monaco); and A-3-SLO-02-073 (Hudzinski).

⁵ Water offsets are accomplished through retrofitting existing developments with water saving appliances and fixtures.

according to the CCSD, “the community stands a real chance of literally running out of water, forcing Cambrians to shut businesses and possibly even leave homes.”⁶ In an effort to avoid such drastic consequences, Cambria has been under mandatory enhanced water conservation measures and restrictions since January 2014. Even so, the CCSD has warned that Cambria will likely run out of water sometime between mid-October and mid-December of this year.⁷ This fact was the catalyst for the County’s approval of an emergency CDP for an emergency water supply project. However, this emergency project requires substantial additional environmental and agency review before it can be completed and brought online, and by the terms of the County’s emergency CDP, water from this facility could not be used to serve new development.

Most recently, questions have been raised about CCSD’s water rights, further complicating water supply issues in Cambria. Specifically, for the past several years the CCSD claimed water rights for up to 798 acre-feet per year from the Santa Rosa watershed and up to 1,230 acre-feet per year from the San Simeon watershed, which includes a maximum dry season diversion from San Simeon of no more than 370 acre-feet. Apparently, however, the CCSD allowed its permits to lapse some time ago and the CCSD is now authorized to use a total from both watersheds of less than half that amount.⁸ The implications of these reduced water rights is unclear, but it certainly only exacerbates the current water supply issues. The CCSD will apparently file petitions to request more time to reach the full amount of the requested water rights, but any consideration of authorizing water use above the currently available reduced amounts will be subject to review and determination from several agencies regarding the instream flows needed to protect habitat and species, as well as identification of mitigation measures needed as part of a Habitat Conservation Plan to avoid “take” of listed species. These reviews may well require significant changes in the pumping regime the CCSD uses to produce a water supply from the two watersheds. Available references show that both San Simeon and Santa Rosa Creeks are overdrafted and unable to adequately support some species, including the federally-endangered steelhead.⁹

Moreover, as evidenced in the adopted findings for past appeal actions, the Commission considers more than just the adequacy of the water supply to meet Cambria’s domestic water demand in its interpretation of CZLUO Section 23.04.430. The Commission has interpreted this standard to mean that the protection of significant coastal resources and coastal priority uses must also be considered when determining the adequacy of the water supply to support new development. Here, Santa Rosa and San Simeon Creeks lack adequate water flows to ensure the protection of important coastal resources, such as those creeks’ sensitive riparian habitats. Also, as analyzed further below, the County-approved Project is a residential use, raising questions as to whether adequate water is being reserved and maintained for coastal priority uses, as required by NCAP Planning Area Standard 2a (see **Exhibit E**).

In light of these current facts, it cannot be concluded that any new development requiring water in Cambria, including the “pipeline projects,” can be found consistent with the County’s certified

⁶ See Appendix A #1.

⁷ CCSD Press Release, 2/12/14 (“prospect of Cambria running out of water within the next three to six months...”)

⁸ See the December 2010 letter and June 26, 2014 email correspondence from Division of Water Rights, State Water Resources Control Board to CCSD, both provided to the Commission August 28, 2014.

⁹ See Appendix A #2 and #9.

LCP policies and standards requiring that there is adequate water capacity available to serve the new development. With such critical consequences looming currently and in the near future, all reasonable measures to protect the community's remaining limited water supply and associated creek resources must be taken. Accordingly, the Commission finds that the County's approval of the Project raises a substantial issue in regards to its compliance with CZLUO Section 23.04.430 and NCAP Planning Area Standards 2a and 4, and NCAP Public Works Policy 1 because Cambria's available water supply is inadequate to support the Project.

Approved water allocation for the project may be inadequate.

Even if the project qualified as a "pipeline" project, the approved project's water allocation may not be adequate to support the project. The Appellants also contend that the Project is not consistent with CZLUO Section 23.04.430 and Public Works Policy 1 on the grounds that the Project's water allocation is inadequate to support the Project's water demand (see **Exhibit C** for the Appellants' contentions). The Project has an intent-to-serve letter (see **Exhibit G**) from the CCSD allocating 11.78 Equivalent Dwelling Units (EDUs).¹⁰ The Appellants assert that a water allocation in the amount of 11.78 EDUs is inadequate to serve the Project's water demand, reasoning that 24 of the Project's 31 units should be calculated at a higher-rate of 0.6 EDU, rather than the 0.38 EDU per unit rate for senior care facilities, because those 24 units include kitchens. The Appellants cite the CCSD's "Table of Equivalent Dwelling Units" as the basis for this contention (see **Exhibit C** for this table). However, this table does not provide the basis for the Appellants' assertion that estimated water use at senior facilities should be modified based on whether individual units have kitchens. Instead, the CCSD's standard for calculating senior care facilities is 0.38 EDUs "per unit, bed or occupancy" and does not include an additional EDU requirement for units with kitchens.

However, the County's approval does raise a substantial issue regarding the number of beds that 11.78 EDUs is capable of supporting. The County found that the Project's water allocation of 11.78 EDUs would be capable of supporting the Project's 41-bed maximum. However, the County also conditioned the Project to comply with all the conditions of the CCSD's intent-to-serve letter (see condition 14 on page 18 of **Exhibit B**), which includes conditions contrary to that finding. Specifically, condition #1 of the intent-to-serve letter states "there are 31 beds, which equates to 11.78 EDUs" (see **Exhibit G** for the intent-to-serve letter). Moreover Condition #3 of the intent-to-serve letter expressly states, "Should the occupancy level exceed 31, additional EDUs shall be acquired prior to occupancy and prior to service being provided by CCSD."

In response to the Commission staff's inquiry regarding whether the 11.78 EDUs provides for 31 beds or 41 beds, the CCSD staff responded in a somewhat confusing manner stating that "the proposed project has consistently been considered in calculation by the [CCSD] for 31 units/bed (not persons), which could accommodate up to 41 occupants...the 11.78 EDUs would appropriately serve 31 beds, and that the applicant would have to acquire additional water credits for any occupants beyond the 31 beds." As approved by the County, the Project consists of 31 units with a maximum of 41 beds. Thus, at least according to the CCSD's most recent letter, the Project's water allocation only supports 31 beds, and not the 41 beds approved by the County.

¹⁰ One EDU is equal to the average monthly water use by a single-family dwelling during the summer season (May 1 to Oct. 31). All water and sewer connection fees are based on the EDU allocation for the class of project proposed. There are 748 gallons or 100 cubic feet of water in one unit.

The confusion likely stems from the CCSD ordinance which states that an appropriate allocation for a senior living center is “0.38 EDU per unit, bed or occupancy.” Here, if measured at 0.38 EDU per unit, the total water demand equals precisely 11.78 EDUs. But if measured at 0.38 EDU per bed, and the project is built to its approved maximum of 41 beds, the total water demands rises to 15.58 EDUs. Where there are multiple beds or occupants in a unit, the appropriate method to estimate the necessary water allocation measure is the number of beds or occupants of a unit rather than solely the number of units because there are more individual water users in each unit. Indeed, a water use analysis¹¹ calculated for the Project that was conducted by licensed engineers and plumbers shows that double units would use 50-percent more water than the single units (i.e. 150 gallons per day compared to 100 gallons per day, respectively). That water demand analysis for the Project also indicated that the water demand would exceed the 11.78 EDUs allocation, unless the Project could meet the state reduction goals of 20- to 30-percent water reduction.

The County’s approval raises a substantial issue because it remains unclear whether the approved water allocation of 11.78 EDUs is adequate to supply a 41-bed senior living facility. This matter must be clearly resolved for the Commission to determine whether the Project is consistent with the LCP on this point, if the Project is otherwise approvable.

Approved water allocation may not preserve sufficient water for visitor-serving uses.

Even if the project qualified as a “pipeline” project, the approved project may not be consistent with the LCP’s requirement that adequate water be reserved for visitor-serving uses. Specifically, LCP Recreation & Visitor-Serving Facilities Policy 2 provides priority for recreational development and commercial visitor-serving facilities over non-coastal dependent uses, and also requires that all uses be consistent with protection of significant coastal resources, including creeks and streams. The Appellants contend that the Project is inconsistent with NCAP Standard 2(A), which expressly requires the CCSD to reserve and maintain 20 percent of its available water supply for visitor-serving and commercial uses (see **Exhibit E** for these cited policies). The Commission also required this 20-percent water supply reservation in a previous CDP (CDP 428-10, as amended) that allowed the CCSD to extract water from the Santa Rosa and San Simeon Creeks to provide Cambria’s water supply. This requirement to reserve water for visitor-serving uses is a manifestation of the protection and promotion of priority uses within the Coastal Zone, as provided in the County’s LCP and the Coastal Act.

As discussed above, Cambria’s available water supply is generally inadequate to serve existing residential and commercial visitor-serving uses. The Project would increase water demand for a non-priority coastal use (i.e., a senior residential facility), which is inconsistent with the above-cited LCP policies and standards that require that at least 20 percent of the available water supply must be reserved and maintained for commercial visitor-serving uses. In other words, given that the water supply is already inadequate to meet existing demand, any water that would be allocated to the Project would reduce water available to all existing uses, including priority uses such as commercial lodging, restaurants, and recreational uses that facilitate and encourage Californians to visit and experience Cambria’s beautiful coastal areas.

¹¹ See Appendix A #8.

Moreover, the Project raises serious concerns regarding whether the CCSD is satisfying the requirement of maintaining and reserving 20 percent of its water for priority uses because, even though the CCSD reports that 23 percent of its water is billed as commercial,¹² the Project is a residential use that would be using a commercial water allocation. Thus, the Project would be counted as a commercial visitor-serving use for purposes of meeting the 20-percent requirement of NCAP Standard 2(A), even though the Project does not include any visitor-serving commercial components.

Thus, the County-approved Project raises a substantial issue regarding its compliance with NCAP Standard 2(A) of the County certified LCP regarding the requirement that at least 20 percent of the available water supply be reserved for visitor-serving uses.

Impacts to Santa Rosa and San Simeon Creeks

The Appellants also contend that the Project is inconsistent with NCAP Planning Area Standard 4 (see **Exhibit C** for the Appellants' contentions and **Exhibit E** for Standard 4). NCAP Planning Area Standard 4(A) requires that new development in Cambria have no adverse impacts to the Santa Rosa and San Simeon Creeks, unless the development uses existing CCSD connections or water service commitments existing as of November 15, 2001. As explained above, the Project does not appear to qualify as a pipeline project, and would thus need to be found consistent with the Creek protection policies. The County did not make findings supporting a conclusion that the Project would not adversely impact Santa Rosa and San Simeon Creeks. Thus a substantial issue is raised in regards to NCAP Planning Area Standard 4.

Planning Area Standard 4(B) requires that new development offset its water demand and requires reporting to verify the offsets. Here, if the development were demonstrated to be a pipeline project, the administrative record shows that the Applicant paid a total of \$84,227.00 in in-lieu fees to offset the Project's estimated 11.78 EDUs of water demand through the retrofitting of water-using appliances and fixtures in existing development in Cambria. The CCSD has provided written confirmation that the Project complied with the offset program. The CCSD has also provided written evidence of how the Project's 11.78 EDUs of water demand was specifically offset. Thus, the Project has complied with the water demand offset requirement and the corresponding reporting requirements of Standard 4(B). However, satisfaction of Standard 4(B) does not automatically satisfy Standard 4(A) as well, and a substantial issue is still raised in regards to NCAP Planning Area Standard 4.

Finally regarding the issue of water supply, the Appellants contend that the approved project is inconsistent with LCP Public Works Policies 5 and 6. However, these policies are not applicable to this Project because those policies address capital infrastructure projects, not multi-family residential development such as the approved senior care facility. Thus, this contention does not raise a substantial issue in regards to the Project's conformance with Public Works Policies 5 and 6.

Water Supply Resources Conclusion

In sum, the County-approved Project raises substantial conformance issues regarding its consistency with CZLUO Section 23.04.430, NCAP Planning Area Standards 2 and 4, and

¹² See Appendix A #3.

Public Works Policy 1 for several reasons, including at a very basic level that Cambria lacks a sufficient water supply to support the Project. Even the existing demand appears to be having deleterious effects on the Creeks, and it is not clear how additional water demand can be accommodated beyond that existing situation at this time. In addition, even if those LCP requirements could be met, it remains unclear whether the Project's water allocation of 11.78 EDUs is sufficient to support a 41-bed senior care facility. In addition, it does not appear that the required 20-percent visitor-serving allocation is being met currently, and how a residential project such as this can be found consistent with that LCP requirement. For these reasons, the County-approved project raises substantial LCP conformance issues with respect to water supply resources. Therefore, the Commission finds that a substantial issue exists with respect to the County-approved project's conformance with the certified San Luis Obispo County LCP, and takes jurisdiction over the CDP application for the proposed project.

Sensitive Resource Area: Monterey Pine Tree Forest

The Appellants contend that the proposed development is inconsistent with numerous LCP policies related to the protection and preservation of the Monterey pine forest, which is protected under the LCP as a Sensitive Resource Area for both its environmentally sensitive habitat area (ESHA) value and its scenic resource value. The County-approved Project raises a substantial issue regarding those applicable LCP policies because the County did not take into consideration the unpermitted removal of ten Monterey pine trees from the Project site. Not only is the unpermitted removal of those trees a violation of the LCP, it changes the baseline for delineating the extent of ESHA on the Project site, and therefore the degree to which the LCP ESHA policies are applicable to the Project.

Incorrect ESHA Delineation

The Appellants contend that the Monterey pine is listed as a *Rare, Threatened, or Endangered (list IB)* plant species by the California Native Plant Society, and that the County-approved project will result in direct impacts to this sensitive species and to associated sensitive habitat (see **Exhibit C**).

The LCP identifies Monterey pine forest as Terrestrial Habitat ESHA, which is a type of Sensitive Resource Area (defined in CZLUO Section 23.11.030 – see **Exhibit E**) where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development. Monterey pine forests are rare because they occur in only three areas in California. The southernmost stand in California is the 2,500 acres surrounding Cambria, covering most of the Cambria Urban Area, which includes the Lodge Hill residential neighborhood where the Project site is located. Monterey pine forest is subject to increased threats from development, clearing, fragmentation, feral animals, climate change, and disease. As stated in the LCP, the Monterey pines surrounding Cambria are extremely important due to genetic variations found there that protect some trees from pine pitch canker, a disease that has caused rapid loss of Monterey pine trees.

Because the Monterey pine tree forest is such an important environmental resource, the LCP provides numerous policies and standards that protect it, including ESHA Policies 1, 2, 29, 30, 35 (and their implementing ordinances CZLUO Sections 23.07.170 and 23.07.176), NCAP

(Combining Designations) Planning Area Standard 1, and others (see **Exhibit E**). The Appellants specifically cite these policies in their appeal contentions.

The LCP requires a review of all sites proposed for development within the Terrestrial Habitat designation, to determine if a biological report is necessary. This determination is based on consideration of such factors as, but not limited to: (1) the size and connectivity of the forest area; (2) the potential presence of special status plants or animal species; (3) and the health and condition of the forest area. Although the LCP states that these factors are used for the determination of when a biological report is required, these factors are also used in practice to determine the extent to which the LCP ESHA policies apply to a particular area that contains Monterey pine forest.

In this case, the LCP specifically maps the Project site as terrestrial habitat ESHA because it is within the Monterey pine forest, which essentially covers the entire Cambria urban area. The County determined that the Project was consistent with the applicable LCP ESHA policies, citing the findings of the September 2012 biological report that was conducted for the Project site (“The Kingston Bio-Report” – see **Exhibit I**). To briefly summarize this report, the Project site was determined not to be a sensitive habitat based on the following factors: (1) the site’s small size (1.26 acres); (2) only 35% of the site was covered by Monterey pine forest; (3) the lack of habitat connectivity to other Monterey pine forest habitats (residential development nearby); (4) the presence of large cover of introduced grasses and forbs in the coastal valley grassland and in the forest understory; (5) the declining condition of the majority of the trees; and (6) “that no sensitive or special status species were found on the site or expected to use the site.” In short, the County concluded, based on the Kingston Bio-Report, that the Project’s proposed siting and design would minimize habitat disruption essentially because the existing Monterey pine forest on the site is a small fragment and its biological significance degraded due to nearby development.

However, the Kingston Bio-Report’s sensitive habitat analysis is flawed because its evaluation is based on whether the 1.26 acre Project site, as a whole, constitutes ESHA. However, the LCP does not provide for determining ESHA based on a site or parcel. Instead, the text of the LCP refers to environmentally sensitive habitat *areas*, which can exist on portions of a particular site. Indeed, the LCP site evaluation factors (see above) refer to the size and connectivity *of the forest area*. This is further supported by ESHA Policy 29, which states that “Only uses dependent on the resource shall be permitted within *the identified sensitive habitat portion of the site*.” If the Monterey pine forest is healthy in a portion of the parcel, but degraded or nonexistent in the majority of the parcel, it does not follow that the healthy portion of the forest is not ESHA merely because it is adjacent to degraded forest. Thus, if the Project site contains a portion of healthy Monterey forest, then the siting and design requirements may necessarily have to be changed to ensure that the Project minimizes disruption to the ESHA portion of the site. Furthermore, if ESHA is present on the site the LCP may limit the types of uses allowed on the site and their location to protect such ESHA.

According to the Kingston Bio-Report, the Monterey pine forest on the site is small and fragmented, and the majority of the forest understory is disturbed and consists of introduced grasses (42 of the 63 identified plant species were introduced) and shows few signs of wildlife.

On the other hand, the site contains five large coast live oaks, sixteen smaller coast live oaks, and scattered Monterey pine trees and coastal live oak seedlings, as well as scattered native shrubs (such as toyon and coffee-berry), which may be indicative of forest regeneration. Moreover, to the south of the Project site is a small undeveloped area that is covered mostly by Monterey pine forest. In addition, in some areas of the Project site the trees form a closed canopy. Thus, there is evidence that at least a portion of the site is ESHA (see Commission Staff Ecologist Dr. Jonna Engel's memo on the site in **Exhibit J**). As such, the project should have been evaluated under the LCP's ESHA policies, including those policies that allow only resource-dependent uses in ESHA (e.g., ESHA Policies 1 and 29). The County's approval did not do this, and thus it raises a substantial LCP issue.

Unpermitted Monterey pine tree removal

The Appellants contend that there are varying documented numbers of Monterey pine trees on the site, ranging from 20 trees in the staff report presented to the Planning Commission, to 27 trees in the initial study for the project, and that this inconsistency makes it difficult to determine the project's impacts and appropriate mitigation.

When Monterey pine tree removal is allowed because they are not part of an ESHA, the LCP provides strict regulations for such removal, including requiring the replacement of four Monterey pine trees for each removed pine (NCAP (Combining Designations) Planning Area Standard 1 – see **Exhibit E**). As indicated above, the County's ESHA analysis was insufficient for this case. If the site were shown to be non-ESHA, then tree removal could be allowed unless it conflicted with other LCP policies. The County approved the Project subject to a condition requiring the planting of thirty-two Monterey pine trees to replace the eight pine trees that would be removed to accommodate the Project's development. However, the County did not account for the ten Monterey pine trees that were removed from the Project site between 2006 and 2012 without the required CDPs.¹³ Not only does this raise the ESHA issue described above, including the way in which the unpermitted tree removal affects the ESHA analysis, but it also raises a substantial issue regarding its consistency with Planning Area Standard 1.

Visual and Scenic Resources

In regards to the LCP's visual and scenic resources, except as those policies relate to the impact caused to such resources by the unpermitted pine tree removal, the main contentions are the Project's impact on community character, and the potential impacts on the Highway One critical view corridor (see **Exhibit C** for the appeal contentions). The County found the Project consistent with the applicable LCP policies, including Scenic and Visual Resource Policies 1 and 6 (which require, among other things, preservation of scenic vistas and that new development be visually compatible with surrounding neighborhood development - see **Exhibit E**), reasoning that the Project was designed in a craftsman style consistent with Cambria's historic architecture, and was conditioned to require natural-appearing and fire-resistant materials, such as shingles and siding, and earth/forest color tones to blend into the surrounding pine forest. Furthermore, the approved landscape plan incorporates native plant species, such as Monterey pine trees and coast live oaks to mimic the natural pine forest. Moreover, the County-approved Project would be substantially screened from Highway One. The Applicant conducted a view corridor study

¹³ See **Exhibit H** for the correspondence with the County confirming no CDPs were obtained for the tree removal.

that simulates the development for the purpose of analyzing the Project's visual and scenic impacts from Highway One, which demonstrates that the Project, including the parking, would be partially to completely screened from Highway One, with the exception that the Project would be visible from the intersection of Highway One and Ardath Drive.

In general, the Project would be seen in the context of other surrounding residential development that is present in the surrounding pine forest. Moreover, the Project generally conforms to LCP height restrictions, setbacks, and other specific development restrictions that contribute to ensuring protection of Cambria's unique community character and the scenic Highway One viewshed. The Appellants incorrectly assert that the maximum height is limited to 22 feet, which represents the limitation for development outside of Cambria's Urban Service Line (USL). Inside the USL, where the approved Project would be located, the maximum height allowed for multi-family residential development is 25 feet, limited to two stories. The Project is consistent with the LCP's height restriction standards because it includes a two-story facility with a maximum height of 25 feet. Thus, no substantial issue is raised relating to the Project's maximum height. The Project also generally conforms to the setback requirements of CZLUO Section 23.04.100, with the exception of the interior side setback (see **Exhibit G**). The Project site is considered a "corner lot" for the purpose of determining setback requirements based on the irregular shape of the 1.26-acre parcel. The County-approved project would extend 16 feet into the required 30-foot interior side setback. Due to the irregular shape of the parcel and the fact that the development on this part of the parcel would be mostly below grade, the County approved this reduction in the interior side setback. Pursuant to CZLUO Section 23.05.104(f) (see **Exhibit E**), the LCP allows for such a setback reduction upon approval of the local fire department. The Cambria Fire Department authorized the side setback exception on the basis of the approved project's built-in fire safety systems and other building construction features.

The Appellant also contends that lighting from the approved project will affect the adjacent residential neighborhood and the rural feeling along scenic Highway 1. The Appellant also contends the project includes HID (high intensity discharge) lighting and new street lamps. However, according to the Applicant (see page 19 of **Exhibit F**) the approved project will have lighting that is residential in character, and other than emergency lighting at the entrance of the facility, all other perimeter and landscape lighting will be on a timer that extinguishes the lighting from 10 p.m. to 5 a.m., and there would be no HID lighting or new street lamps.

In sum, other than the questions associated with unpermitted tree removal and how that affects the baseline for understanding LCP visual concerns, the County-approved Project is sited and designed in a manner that sufficiently protects scenic resources and is visually compatible with Cambria's existing character and the surrounding area's natural pine forest setting. Thus, the County-approved Project raises no substantial issue with respect to the LCP's protection of public viewsheds, visual resources, and community character.

Geological Hazards, Grading and Water Quality

With respect to geological hazards and grading, the Appellants contend that the County-approved project is inconsistent with the grading and landform alteration standards of the LCP because the approved project is located on steep slopes, and that the required grading will contribute to erosion and will change the contour of the landscape (see **Exhibit C**). The LCP

identifies the Project site location as within a mapped Geologic Study Area (“GSA”) due to high landslide potential, which consequently requires engineering geology reports to identify, describe and illustrate, where applicable, all potential geologic hazards (see CZLUO Section 23.07.080 in **Exhibit E**). The Project complied with this standard because two geological studies were submitted that reviewed the geological conditions of the Project site.¹⁴ The two studies made specific recommendations for developing the site, consistent with the requirements of the LCP (see **Exhibit E**) and the County conditioned the Project to incorporate these recommendations and to require that the Applicant submit a complete erosion and sedimentation control plan for review and approval (see page 18 of **Exhibit B**).

With respect to water quality, the Appellants contend that stormwater runoff from the approved project site will flow directly into storm drains without further treatment, and that the approved project does not minimize impervious surfaces, and that runoff from the project site will contribute to erosion and sedimentation. In regards to the applicable LCP water quality policies (see **Exhibit E**), the County conditioned the Project to conform to all relevant LCP requirements (see pages 18, 21-23 of **Exhibit B**), including requiring the Project to conduct an erosion and sediment plan consistent with Coastal Watersheds Policy 8, which states that land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems, and that all slope and erosion control measures should be in place before the start of the rainy season. In addition, the Project is required to provide a Storm Water Pollution Prevention Plan because it involves the disturbance of more than one acre. Coastal Watersheds Policy 9 requires appropriate control measures to minimize erosion and sedimentation. Here, the Project is consistent with Policy 9 because the County’s conditions require the use of Best Management Practices in the selection and implementation of site maintenance. Coastal Watershed Policy 10 requires that site design shall ensure that drainage will not increase erosion by using either an on-site drainage retention, or conveyance to storm drains or suitable watercourses. Under the County’s conditions of approval, the Applicant must submit a drainage plan that demonstrates that the Project will not result in increased erosion. The County also conditioned its approval to require that all drainage must be retained or detained onsite or pass through an effective erosion control device or drainage system approved by the County engineer, consistent with Coastal Watersheds Policy 11, which provides that site design and layout shall retain run-off on-site to the extent feasible to maximize groundwater recharge and to maintain instream flows and riparian habitats.

The Appellants also contend that the grading required for the development may expose naturally occurring asbestos, resulting in an indirect short-term impact. The Geo-technical report found no naturally occurring asbestos present on the site. Next, the Appellants also contend that a senior care facility would pose a threat to water quality because of the “immediate and significant concentration of pharmaceutical effluent to the Cambria wastewater system, which will not be fully filtered before entering North Coast waterways.” The Project would include a system that would limit pharmaceutical waste from unused medication, so no direct pharmaceutical waste would be flushed through the waste water system. Thus, for all the reasons stated above, the approved project raises no substantial issue with respect to the relevant LCP policies and standards that address geological hazards, water quality, and grading.

¹⁴ See Appendix A #6 and #7.

Archaeological and Cultural Resources

The Appellants contend that the County-approved project may result in the disturbance and the destruction of unknown subsurface cultural resources on the project site, especially since the County's approval relied on a 1984 archaeology report. The LCP requires that archaeological and cultural resources be protected and also that a preliminary site survey for archaeological resources be done for development within Archaeologically Sensitive Areas. The LCP also requires standard mitigation procedures to be implemented in the event archaeological or cultural resources are unearthed or discovered during construction activities (see **Exhibit E**). County planning staff found that the 1984 report was sufficient to determine that no known archaeological cultural resources exist on the site, especially given that the site is not located within a known Archaeologically Sensitive Area and there is no evidence of cultural resources in the immediate vicinity based on historical maps. In the event that archaeological resources are discovered during construction, the County conditioned its approval to require appropriate mitigation, including the cessation of construction activities and consultation with a qualified archaeologist (see page 23 of **Exhibit B**). Thus, for all the reasons stated above, the approved project raises no substantial issue with respect to archaeological and cultural resources.

Traffic and Parking

Next, the Appellants contend that the approved project will have traffic impacts on coastal access roads and does not provide enough parking spaces onsite (see **Exhibit C**).¹⁵ With respect to traffic, the LCP requires that the County continue to monitor the need for circulation improvements in the Cambria urban area (see **Exhibit E**). The project site is located about 1.4 miles from the beach. The project site is adjacent to Ardath Drive, which provides access to the beach, primarily for residents and locals.

The County addressed this contention on local appeal and found that the proposed project was not expected to generate a significant amount of traffic, specifically citing a traffic study¹⁶ conducted for the proposed project that indicated that the project would generate 112 average daily trips, seven trips occurring during the morning peak hour, and twelve trips during the afternoon peak hour for a total of 19 additional peak-hour trips per day. The study also found that the amount of traffic generated would not warrant lane improvements, would not significantly impact left-turn movement at the signalized intersection, and would not significantly impact the local Cambria street network, which includes streets that lead to the beach. The study recommended that the Green Street driveway be restricted to inbound traffic only to ensure adequate sight distance, and also suggested that view obstructions, such as fences, walls, and screens not be placed within the sight triangle for the Ardath Drive driveway. Caltrans reviewed and concurred with the conclusions of the proposed project's traffic study. The County conditioned the project to meet these requirements. The project is also conditioned to upgrade the existing bus stop located at Ardath Drive and Green Street (see pages 17 of **Exhibit B**).

With respect to parking, the Appellants contend that the project's parking demand will exceed the approved parking supply, which will increase demand for parking on adjacent neighborhood

¹⁵ The Appellants contend that the project is inconsistent with the Coastal Act's traffic and parking policies as they affect coastal access. However, the LCP, not the Coastal Act, is the standard of review.

¹⁶ See Appendix A #5.

streets. However, the LCP requires that a nursing and personal care home have one space per four beds (see **Exhibit E**). The approved project will have a maximum of 41 beds, for which the LCP requires a minimum of 10 to 11 parking spaces. The approved project includes 20 parking spaces on the site. Thus, the approved project exceeds the number of parking spaces required by the LCP.

For these reasons, the approved project does not raise a substantial issue regarding traffic or parking.

Land Use and Zoning

The Appellants contend that the approved project is inconsistent with the LCP's requirements for multi-family high-density residential use, including because it is located more than 1.5 miles from the Cambria business district and more than two miles from the center of town. The Appellants also contend that this type of commercial use is not allowed in the Residential Multi-Family zoning district (see **Exhibit C**).

The County-approved project is defined as a "Nursing and Personal Care" facility in the County's LCP. The LCP allows for these types of facilities to be developed in the Residential Multi-Family zoning district. The LCP's development standards for this type of facility are: location within an urban or village reserve line, a minimum site area of 20,000 square feet, one parking space for every four beds, and the approval of a use permit (see **Exhibit E**). The approved project meets all of these criteria. The LCP does not require that these types of facilities be located within a certain specific distance from the Cambria business district or from the center of town. Thus, the approved project does not raise a substantial issue regarding land use and zoning.

Other Contentions

In addition to the Appellants' contentions analyzed above, the Appellants also make contentions related to lack of market demand, noise, and medical and emergency medical services (see **Exhibit C**). However, these contentions do not raise a substantial issue because they relate to matters outside the scope of the County's certified LCP. Similarly, the Appellants raise contentions regarding the lack of an EIR or an alternatives analysis for the project and potential cumulative effects of the project, which are California Environmental Quality Act contentions that are also outside the scope of the Commission's substantial issue review.

The Appellants also make contentions related to air quality; however, the single policy in the LCP related to air quality (see **Exhibit E**) only requires that the County adequately administrate and enforce air quality programs and regulations to be consistent with the County's Air Pollution Control District and the State Air Resources Control Board. The County conditioned the project to require such consistency (see pages 20-21 of **Exhibit B**).

Similarly, no substantial issue is raised by the Appellants' contentions relating to LCP policies that are not applicable to this Project. For example, the Appellants assert that the Project is inconsistent with the LCP development standards for the regulation of signs, but no signs were approved as part of the Project.

3. Substantial Issue Analysis Conclusion

In conclusion, the County-approved Project raises substantial issues with respect to its conformance with applicable LCP provisions related to water supply and the protection of biological resources. Therefore, the Commission finds that a substantial issue exists with respect to the approved project's conformance with the certified San Luis Obispo County LCP and takes jurisdiction over the CDP application for the proposed project.

H. COASTAL DEVELOPMENT PERMIT DETERMINATION

The standard of review for the Commission's de novo CDP determination is the San Luis Obispo County certified LCP. All findings from the substantial issue determination section of this report are incorporated herein by reference.

1. Water Supply Resources

In this de novo review of the proposed project, the Commission finds the project inconsistent with the San Luis Obispo County certified LCP for the same reason that the Commission determined the project raised a substantial issue: namely, the LCP requires that adequate public services be available to serve new development, that this type of development assure no adverse impacts to Santa Rosa and San Simeon Creeks, and that 20 percent of available capacity be reserved for visitor serving uses. As indicated above, Cambria does not have an adequate water supply available to serve the proposed project, as is required under CZLUO Section 23.04.430 and Public Works Policy 1. In addition, the project does not meet the tests of NCAP Planning Area Standards 2 and 4. See **Exhibit E** for the full text of the LCP policies and standards.

CZLUO Section 23.04.430 (which implements Public Works Policy 1) prohibits approval of new development unless it has been demonstrated that an adequate water supply is available to serve the proposed development. The CCSD has declared a severe water emergency and asserted that it may run out of water to serve existing users within the next several months. In addition, the Commission, in previous appeals, has consistently interpreted Section 23.04.430's water supply adequacy requirement as meaning that the community has a water supply available capable of serving proposed new development in a manner that is consistent with the LCP's protection of coastal resources and coastal priority uses.¹⁷ Thus, Section 23.04.430 must be read in conjunction with other relevant LCP policies pertaining to the protection of such coastal resources as sensitive riparian habitats, groundwater aquifers, wetlands, and lagoons. The Commission has also previously interpreted Section 23.04.430 together with LCP policies relating to priority uses within the Coastal Zone, such as visitor-serving and agricultural uses.

In addition, NCAP Planning Area Standard 4 requires that development assure no adverse impacts to Santa Rosa and San Simeon Creeks. As discussed above and below, it is not possible to make this finding for the proposed project.

The community of Cambria does not have an adequate water supply available to serve its existing users much less the proposed senior care facility project, which would need to provide water for up to 41 new domestic water users. Given the lack of water to serve existing needs, it is

¹⁷ See A-3-SLO-01-122 (Cambria Pines Lodge Expansion); A-3-SLO-02-073 (Hudzinski SFD); A-3-SLO-03-050 (Monaco SFD); A-3-SLO-02-073 (Hudzinski); A-3-SLO-04-048 (Berge CCOC).

apparent that there is also not adequate water to supply water to this project in a manner that is consistent with the protection of sensitive riparian habitats, groundwater aquifers, wetlands, and lagoons; nor in a manner that is consistent with the LCP's requirements for reserving and maintaining water for visitor-serving commercial uses. In the sections below, each of these considerations necessary to demonstrate adequate water supply are analyzed in detail. But before addressing each of those considerations, it is useful to provide a brief background of Cambria's water supply, especially with respect to the Commission's previous actions to protect coastal resources and coastal priority uses in Cambria.

Background of Cambria's water supply

Cambria's water supply depends on the groundwater aquifers of the Santa Rosa and San Simeon Creeks (collectively, "the Creeks"). The Creeks naturally flow from their respective headwaters and both terminate into lagoons, which then connect to the Pacific Ocean. In addition to the domestic and agricultural demands for water from the Creeks, environmental demand, requiring adequate instream flows, is necessary to sustain the Creeks' high quality habitat for a variety of aquatic and terrestrial species. The United States Fish and Wildlife Service (USFWS) designates the Creeks as critical habitat because they provide habitat for the federally threatened South-Central Coast Steelhead and the federally endangered Tidewater goby.

In the lower portion of the Creeks, the Cambria Community Services District (CCSD) operates groundwater wells to extract water from the Creeks' groundwater basins to serve the demand of Cambria's urban water users. The CCSD's groundwater extractions are permitted pursuant to CDP #428-10, as amended, which the Commission initially conditionally-approved in 1977, shortly after the enactment of the Coastal Act. Included in the CCSD's CDP for water extraction are conditions limiting the total annual water production, as well as additional limits on water withdrawals during the dry season. The intent of these conditions was to ensure that adequate water would remain instream to support the Creeks' sensitive riparian habitats, and to prevent overdraft of the groundwater aquifers.¹⁸

Since the time of its initial approval of the CCSD's CDP for water extractions from the Creeks, the Commission has continually expressed concern regarding Cambria's capacity to maintain a reliable and environmentally sustainable water supply.¹⁹ It is well understood that an additional water supply is required for Cambria to provide reliable water supply service to its users. Although several years ago the CCSD applied for a CDP from the Commission for test wells that would allow it to assess the viability of a desalination plant adjacent to Santa Rosa Creek, the Commission denied the application due to its unmitigated and adverse coastal resource effects. In June 2014, San Luis Obispo County granted the CCSD an Emergency CDP (see **Exhibit K**) for a plant meant to provide a temporary emergency water supply. The County issued the emergency

¹⁸ Overdraft is when water is pumped beyond the safe yield of a groundwater aquifer, leading to adverse impacts, such as subsidence, in which an aquifer's geological structures compress, which may result in irreparable damage to an aquifer's capacity to store water. Overdraft can also cause seawater to intrude into an aquifer causing degradation of the quality of the freshwater supply. Both subsidence and seawater intrusion are known threats to the Santa Rosa and San Simeon Creeks' groundwater aquifers.

¹⁹ See the 1998 NCAP Update and the 2001 Periodic Review, in which the Commission analyzed in depth the need for instream studies of the Creeks.

permit based on CCSD's assessment of Cambria's critically low water supply at that time, which continues to the present. However, the project approved under the emergency CDP is now a larger scale and long-term water supply that is meant to operate only during emergency conditions and only to provide water for existing development. The CCSD has submitted a follow-up regular application to the County for this larger-scale project, and that application has not yet been filed as complete. The project will need to meet the requirements of numerous agencies, including U. S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, USFWS, National Marine Fisheries Service, etc. It is also within the Commission's appeal jurisdiction. All of these agencies, including Commission staff, have raised concerns regarding the likely environmental resource impacts from the proposed emergency water supply project and its likely non-conformity with various elements of the LCP.

As described above and in order to address Cambria's critically low water supplies, the CCSD Board of Directors enacted a moratorium on new water connections as part of the Board's Water Code 350 emergency declaration on November 15, 2001. Significant to the proposed project in this case, the Board exempted from this moratorium those certain projects that were in the "pipeline," which, according to the LCP, were those particular projects that: (1) had valid water allocations, generally in the form of an intent-to-serve letter from the CCSD at the time of the Board's emergency declaration; and (2) the County had accepted the project's application for processing. The CCSD projected that it had adequate water to support the then-existing water demand, plus the approximately 202.3 EDUs, or approximately 1.8 million gallons of additional water required annually, to support the collective water demand of the approximately 64 "pipeline projects."²⁰ Included in those "pipeline projects" was a project called Kestrel Point, for which the CCSD had issued an intent-to-serve letter in April 2001 allocating 11.78 EDUs of water to the project. The Kestrel Point project was eventually approved, but the developer abandoned pursuit of the project and the CDP for the project expired. Nonetheless, in 2012, the applicant for the Kestrel Point project assigned its intent-to-serve letter for the 11.78 EDUs water allocation commitment to the Applicant for the proposed project (see **Exhibit G**). As described above, however, that does not make this current proposed project a pipeline project, including because it was not even submitted to the County until 2012, more than a decade after the cutoff point.

Although the CCSD Board's water emergency declaration in 2001 demonstrated that Cambria's water supply was generally inadequate to provide for the community's future planned development, the CCSD had not adequately evaluated the impacts of stream flow diversions on the Creeks' sensitive riparian habitats, so the Commission lacked sufficient evidence to determine whether the new development allowed under the moratorium was consistent with the LCP. Consequently, the Commission appealed the County-approved "pipeline projects," and subsequently determined that such "pipeline projects" raised a substantial issue on the grounds that they were inconsistent with CZLUO Section 23.04.430 and Public Works Policy 1. In finding that those "pipeline projects" raised a substantial issue, the Commission reasoned that

²⁰ One EDU is equal to the average monthly water use by a single-family dwelling during the summer season (May 1 to Oct. 31). All water and sewer connection fees are based on the EDU allocation for the class of project proposed. There are 748 gallons or 100 cubic feet of water in one unit. A total of 64 projects were in the "pipeline" as of November 15, 2001; however, the 202.3 EDUs also accounts for other water commitments at that time.

new development that placed additional demand on Cambria's water supply could not be approved until the coastal resource impacts of the existing water extractions were effectively addressed.

The Commission addressed the uncertainty of Cambria's water supply, and the unknown impacts to the water supply source's important coastal resources, by taking an interim approach of maintaining the status quo for the community's water extractions. The Commission, working together with the CCSD, accomplished this by conditioning the approval of the "pipeline projects" to require documentation that verified how those projects specifically offset their water demand so that, in theory, the projects could be approved for development without any additional water extractions from the Creeks.²¹

In 2008, the Commission certified an LCP amendment updating the North Coast Area Plan (NCAP), which includes development standards that apply specifically to development proposed within Cambria. The adopted findings for the amendment stated "A primary concern for the Commission historically has been assuring that the pumping of these creeks to serve existing and planned development does not adversely impact riparian habitats or otherwise negatively impact groundwater sources."²²

Also in 2008, the San Luis Obispo County Board of Supervisors adopted an "Alert Level III" for Cambria's water supply under the LCP's Resource Management System. The LCP identifies an Alert Level III as the most severe level in which the existing demand of the resource has met or exceeded the available capacity.

In November 2013, the CCSD Board lifted its Water Code 350 emergency and moratorium to allow the issuance of intent-to-serve letters for new development in Cambria. Approximately two months later, on January 30, 2014 the CCSD Board declared a Stage 3 Water Shortage Emergency and acknowledged it does not have adequate water supply to support Cambria's existing water demand (see **Exhibit M**).

Thus, the Commission, informed by the relevant background provided in this section, must determine whether Cambria has an adequate water supply available to serve the proposed project in a manner that is consistent with LCP requirements. As the analysis in the following sections illustrates, the facts do not support the findings necessary to demonstrate that adequate water supply is available in Cambria to serve the proposed project.

Inadequate Water Supply to Meet Current Demand

The fundamental issue in this case is whether there is adequate water capacity available from the Cambria's water supply source, the San Simeon and Santa Rosa Creeks, to serve the proposed senior care facility development with its calculated water demand of 11.78 EDUs (approximately 105,737 gallons annually).

²¹ Water offsets are accomplished through retrofitting existing developments with water saving appliances and fixtures or by paying an in lieu retrofit fee.

²² See Appendix A #4 at pp. 46-47.

It is well understood that at this time Cambria lacks an adequate water supply to meet the demand of its currently existing water users. At present, Cambria is in the midst of a three-year drought and is weathering severe water shortage conditions. In January 2014, the CCSD declared a Stage 3 Water Shortage Condition (see **Exhibit M**) with mandatory enhanced water conservation restrictions. Even with the implementation of these enhanced water usage restrictions, the water supply is so inadequate that, according to the CCSD, Cambria could run out of water sometime between mid-October and mid-December of this year. The CCSD has further stated that “the community stands a real chance of literally running out of water, forcing Cambrians to shut businesses and possibly even leave homes.” In an effort to avoid such dramatic results, the County granted the CCSD an Emergency CDP (see **Exhibit K**) for a water supply facility (which is under construction) that would eventually provide an emergency water supply to Cambria. As conditioned by the Emergency CDP, the project is limited to providing water during emergency situations only for existing development within the community of Cambria. Numerous stakeholders, including the California Department of Fish and Wildlife, Army Corps of Engineers, USFWS, National Marine Fisheries Service, etc., have expressed concern over this proposed project’s expected adverse impacts to coastal resources.

Thus, it cannot be reasonably concluded at this time that Cambria has an adequate water supply to support this proposed project, and the future of Cambria’s water supply continues to be substantially uncertain. And, as the Commission has previously stated in numerous instances, “it is important that the burden of Cambria’s water supply uncertainty must not be placed on coastal resources.”²³

Inadequate Water Supply for Resource Protection

As the Commission has repeatedly expressed, a primary concern for the Commission historically has been assuring that the pumping of the Creeks to serve existing and planned development does not adversely impact riparian habitats or otherwise negatively impact groundwater sources.²⁴ Moreover, the Commission has consistently interpreted CZLUO Section 23.04.430 as requiring consideration of the impacts that water extractions from the Creeks has on coastal resources, which includes the Creeks’ sensitive riparian habitat, groundwater aquifers and lagoon-wetlands.²⁵

Protection of these important coastal resources is further supported in numerous LCP policies, such as NCAP Planning Area Standard 4, Coastal Watersheds Policies 1 and 2, and ESHA Policies 2, 7, and 20. NCAP Planning Area Standard 4(A) requires that development “assure no adverse impacts to Santa Rosa and San Simeon Creeks.” Coastal Watersheds Policy 1 provides that the “long-term integrity of groundwater basins within the coastal zone shall be protected.” In addition, Coastal Watershed Policy 2 states that “[g]roundwater levels and surface flows shall be maintained to ensure the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organism, and for the protection of human health.” ESHA Policy 7 adds: “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.” Plus, ESHA Policy 20 provides: “Coastal streams and

²³ Commission’s findings in A-3-SLO-01-122 (Cambria Pines Lodge Expansion).

²⁴ See Appendix A #4 at pp. 46-47.

²⁵ See A-3-SLO-01-122 (Cambria Pines Lodge Expansion); A-3-SLO-02-050 (Monaco); and A-3-SLO-02-073 (Hudzinski).

adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.” CZLUO Section 23.04.430, in conjunction with these LCP coastal resource policies, demonstrates the strong emphasis that the LCP places on ensuring that instream flows are adequate to protect groundwater aquifers, wetlands, and sensitive riparian habitats. See **Exhibit E** for the full text of these LCP policies and implementing standards.

Because of the LCP’s strong requirement to protect these critical coastal resources, the Commission has repeatedly requested that the CCSD perform instream flow studies to provide the information necessary to make informed decisions regarding the adequacy of the water supply required under the LCP. The LCP expressly identifies the need for instream studies of the Creeks, including studies that describe the impacts of water withdrawals on the Creeks’ sensitive riparian habitats, and studies of the impacts on the Creeks in consecutive drought years. Recently, a number of studies have been published, including instream studies that analyze both the Santa Rosa and San Simeon Creeks, providing decision-makers with the most current and best available science regarding the health of the Creeks’ ecosystems. One such study was released in January 2014: *San Luis Obispo County Regional Instream Flow Assessment (SLO Instream Flow Study)*.²⁶

In the *SLO Instream Flow Study*, scientists found that both of the Creeks’ instream flows in the summer of 2013 were inadequate to meet even the bare minimum necessary to maintain aquatic habitat systems. The study states that Environmental Water Demand (EWD) is only the “minimum values to maintain aquatic systems, and should not be interpreted as ‘enough’ water to support long-term, sustainable steelhead populations or the complex ecosystems in which they live.” The study found that the observed instream water flows were inadequate to meet the Creeks’ estimated required EWDs to support the steelhead, the indicator species. To illustrate, in lower Santa Rosa Creek, the estimated spring EWD was 3.0 cubic feet per second (“cfs”); however, the actual observed EWD was only 1.62 cfs. Lower Santa Rosa Creek’s estimated summer EWD was 0.75 cfs, but the observed EWD was 0.0 cfs (meaning wetted with no water velocity). The San Simeon Creek’s estimated EWD for the spring was 1.5 cfs; however, only 0.99 cfs was observed (see **Exhibit L**). Thus, the instream flows in both creeks were well below the minimum necessary to maintain aquatic systems.

The study expressed particular concern for Santa Rosa Creek, which had no flow in the summer of 2013, rendering the creek incapable of providing steelhead habitat during that time. The study further found that the Santa Rosa Creek lagoon conditions were “worsened by low stream flows resulting from excessive groundwater pumping and diversions...” The *SLO Instream Flow Study* further explained that “[r]educed freshwater inflows result in water temperatures and dissolved oxygen levels in the lagoon, particularly at the bottom, that can frequently exceed lethal limits for steelhead in the summer and the fall,” and that “entire sections of the lower lagoon dried up, reducing the area of suitable steelhead rearing habitat.” When Santa Rosa Creek lagoon inflows ceased entirely in summer 2013, steelhead (adults and presumably juveniles) were observed trapped in a pool that decreased dramatically in extent and water quality.”²⁷

²⁶ See Appendix A #2.

²⁷ See Appendix A #2 at pp. 17-19, 30-31.

Other recent studies of the Creeks have shown similar adverse impacts. For example, the *South-Central California Coast Steelhead Recovery Plan* (December 2013), which included an evaluation of the current watershed conditions of the Creeks, specifically states that groundwater extraction is a significant threat to the Creeks' riparian habitats.²⁸ The LCP does not require "pipeline projects" to demonstrate no adverse impacts on the Creeks, but it also does not exempt "pipeline projects" from the requirement that they only be approved if there is adequate water to serve them. In the past, the Commission had limited evidence of the effects of CCSD withdrawals on the Creeks. Now, the studies with the best currently available science independently demonstrate that the Creeks have inadequate water to sustain the Creeks' sensitive riparian habitats, so the Commission is able to determine that there is inadequate water to serve even the "pipeline projects."

In sum, the Cambria water supply is not adequate to support the proposed project, because the community's sole sources of water, the Santa Rosa and San Simeon Creeks, lack adequate water needed to protect the Creeks' sensitive riparian habitats, groundwater aquifers, and wetland lagoons.

Inadequate Water Supply for Priority Uses

A third consideration in determining whether the water supply is adequate in Cambria to serve new development is ensuring that the proposed development's water use is consistent with the LCP's requirement that adequate water be provided for Coastal Act priority uses, which include agriculture uses and visitor-serving uses. NCAP Standard 2(A) (see **Exhibit E**) requires the CCSD to reserve and maintain 20 percent of its available water supply for visitor-serving and commercial uses. The intent of this standard is to ensure that there is adequate water to supply visitor-serving and related commercial uses. Not only is this use reservation a mandatory development standard under the LCP, it is also required as a condition in the CCSD's CDP permit to extract water from the Creeks (CDP #428-10, as amended).

According to the CCSD, commercial uses comprise 23 percent of the district's total billed consumption, exceeding the LCP's 20 percent requirement.²⁹ However, the proposed project raises doubts as to the accuracy of that reported 23 percent because, even though the project is a multi-family residential use, not a visiting-serving or related commercial use, the CCSD would bill and treat the project as though it were a visitor-serving or related commercial use, which is clearly not the case. In response to an inquiry regarding this inconsistent reporting practice, the CCSD stated that "Multi-family accounts within the CCSD service district [sic] are routinely grouped with commercial lodging uses and assigned commercial EDUs..." (see **Exhibit G**). Thus, the reported 23-percent reservation for visitor-serving and related commercial uses is likely inaccurate because, according to the CCSD, it is a "routine" practice to calculate multi-family residential water use as a visitor-serving or related commercial use.

In light of this practice, it is unclear whether the CCSD is meeting the LCP's mandate of maintaining and reserving at least 20 percent of its available water supply for visitor-serving and related commercial uses. The CCSD was unable to provide the raw data necessary to determine the extent to which non-visitor serving/non-commercial residential uses have been treated as

²⁸ See Appendix A #9 at 12-10:12-13.

²⁹ Appendix A #3 at pg.11.

visitor-serving or related commercial uses. Also related to this issue, the CCSD, in explaining how it exceeds the 20-percent coastal priority-use reservation requirement, states that an additional 6 percent of the district's billed water consumption is for vacation rental homes; but it is unclear to what extent this statement is supported by facts, including the rates at which such properties are used residentially versus for vacation rental. Thus, the CCSD appears to be over-reporting water allocated to visitor-serving uses by including water demand from multi-family residential projects within that category, but it is also under-reporting some water demand from visitor-serving uses because it does not include vacation rentals within that category. Given these concerns with the CCSD's methodology for calculating the water available for visitor-serving and related commercial uses, there is insufficient evidence in the record for the Commission to conclude that 20 percent of the water available in Cambria is reserved for visitor-serving and related commercial uses as required by the LCP. And the proposed project would be adding water demand from a residential use. If water is currently inadequate to meet existing demand, in essence there should be no available water supply to serve any type of new development. Placing additional demand on an already strained water supply is not consistent with CZLUO Section 23.04.430 and NCAP Planning Area Standard 4(A), and because the demand here is a non-priority use, it is inconsistent with Planning Area Standard 2a's purpose of ensuring water is reserved for visitor-serving and related commercial uses. The problem is further compounded in this situation because the proposed project is not a priority-use but would be calculated by the CCSD as a priority-use, thereby furthering the problems associated with the CCSD's visitor serving methodology, and making it more difficult to assure that the LCP's priority use provisions are being met.

For the reasons stated above, the Commission finds the proposed project inconsistent with CZLUO Section 23.04.430, Public Works Policy 1 and NCAP Standard 2(A).

2. ESHA: Monterey Pine Forest

As described in the substantial issue determination above, the LCP identifies Monterey pine forest as Terrestrial Habitat ESHA, which is a type of Sensitive Resource Area as defined in CZLUO Section 23.11.030 where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development. Because the Monterey pine forest is such an important environmental resource, the LCP provides numerous policies and standards that protect it, including ESHA Policies 1, 2, 29, 30, 35 (and their implementing ordinances CZLUO Sections 23.07.170 and 23.07.176), NCAP (Combining Designations) Planning Area Standard 1, and others (see **Exhibit E** for these policies and standards).

NCAP (Combining Designations) Planning Area Standard 1(A) (see **Exhibit E**) requires that development in Monterey pine forest habitat "be established in a manner that avoids Monterey pine forest impacts to the maximum extent feasible, is located on the least sensitive portion of the site, and safeguards the biological continuance of the habitat...Particular attention must be given to locations which are part of larger continuous undisturbed forested areas, show signs of forest regeneration, include a healthy assemblage of understory vegetation, support other sensitive species, provide a solid tree canopy and species nesting areas, and that will minimize loss of Monterey pines, oaks, and forest habitat."

The Commission's Staff Ecologist, Dr. Jonna Engel, reviewed the findings of the September 2012 biological report that was conducted for the Project site ("The Kingston Bio-Report" – see Exhibit I) and prepared a memorandum that addressed whether the project site constitutes ESHA (see Exhibit J). Dr. Engel found that the site contains five large coast live oaks, sixteen smaller coast live oaks, and scattered Monterey pine trees³⁰ and coastal live oak seedlings, as well as scattered native shrubs (such as toyon and coffee-berry), which may be indicative of forest regeneration. Moreover, to the south of the project site is a small undeveloped area that is covered mostly by Monterey pine forest. And, in some areas of the Project site, the trees form a closed canopy. Thus, according to Dr. Engel, there is evidence that at least a portion of the site is ESHA.

The Commission's Staff Ecologist has determined that ESHA is present on the project site. NCAP (Combining Designations) Planning Area Standard 1(H) (see **Exhibit E**) requires that: "New ... multi-family residential development shall ensure that all future development shall be located entirely outside of ESHA and necessary buffers consistent with Coastal Zone Land Use Ordinance Section 23.07.170. All of the ESHA and buffers shall be retained and protected as Open Space." The proposed project is a type of multi-family development, i.e. a senior care living facility. As such, the LCP requires that the development be located outside of ESHA and any necessary buffers. The proposed project would be located on a 1.26 acre (54,885 square feet) parcel. The project would have a 19,482 square-foot building footprint, and an additional 24 percent of the project site (i.e. 13,172 square feet) would be paved for driveways and parking areas. Thus at least 32,654 square feet of the project site (i.e. about 60%) would be developed. Given this amount of site development it is likely that development would take place within ESHA or its required buffer.

Although the Commission's Staff Ecologist has determined that at least a portion of the project site constitutes ESHA, the Commission has insufficient information to determine the precise location of the ESHA and the required ESHA buffers. If the project were consistent with other LCP policies and standards with respect to water supply, the Commission would need the Applicant to submit an ESHA delineation of the site, which would define the precise locations of ESHA and the required development buffers from ESHA to ensure that the project could be approved and conditioned to be consistent with the Monterey pine forest protection policies and standards of the LCP. In this case, however, the Commission is denying the project based on the lack of an adequate water supply, and thus an ESHA delineation is not warranted at this time.

3. Other Issues

Typically, the proposed project would need to be evaluated for consistency with the LCP's policies and standards related to visual resources, hazards, landform alteration, hydrology and water quality, cultural resources, parking and traffic, land use and zoning, etc. However, because the project is being denied based on a lack of adequate water supply, these issues will not be evaluated in this de novo review.

4. LCP Consistency Conclusion

As discussed above, the proposed project is inconsistent with the LCP's policies and standards that require that adequate public services be available to serve new development, that this type of

³⁰ Ten Monterey pine trees were removed from the site between 2002 and 2006 without the necessary CDPs.

development assure no adverse impacts to Santa Rosa and San Simeon Creeks, and that 20 percent of available capacity be reserved for visitor serving uses. Thus the project is denied.

5. Takings Analysis

In enacting the Coastal Act, the Legislature anticipated that the application of development restrictions to deny a CDP could deprive a property owner of the beneficial use of his or her land, thereby potentially resulting in an unconstitutional taking of private property without payment of just compensation. To avoid an unconstitutional taking, the Coastal Act provides a provision that allows a narrow exception to strict compliance with the Act's regulations. Coastal Act Section 30010 provides:

The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

Although the Commission is not a court and may not ultimately adjudicate whether its action constitutes a taking, the Coastal Act imposes on the Commission the duty to assess whether its action might constitute a taking so that the Commission may take steps to avoid it. If the Commission concludes that its action does not constitute a taking, then it may deny the project with the assurance that its actions are consistent with Section 30010. If the Commission determines that its action could constitute a taking, then the Commission could also find that application of Section 30010 would require it to approve some development. In this latter situation, the Commission could propose modifications to the development to minimize its Coastal Act inconsistencies while still allowing some reasonable amount of development.

In the remainder of this section, the Commission considers whether, for purposes of compliance with Section 30010, its denial of the proposed development on the Applicant's property could constitute a taking. As discussed further below, the Commission finds that under these circumstances, denial of the proposed project likely would not constitute an unconstitutional taking at this time.

General Principles of Takings Law

The Takings Clause of the Fifth Amendment of the United States Constitution provides that private property shall not "be taken for public use, without just compensation."³¹ Article 1, section 19 of the California Constitution provides that "[p]rivate property may be taken or damaged for public use only when just compensation...has first been paid to, or into court for, the owner."

³¹ The Fifth Amendment was made applicable to the States by the Fourteenth Amendment (see *Chicago, B. & Q. R. Co. v. Chicago* (1897) 166 U.S. 226).

The United States Supreme Court has held that the taking clause of the Fifth Amendment proscribes more than the direct appropriation of private property. [*Pennsylvania Coal Co. v. Mahon* (1922) 260 U.S. 393.] Since *Pennsylvania Coal*, most of the takings cases in land use law have fallen into two categories. [*Yee v. City of Escondido* (1992) 503 U.S. 519, 522-523]. The first category consists of those cases in which government authorizes a physical occupation of property. [*Loretto v. Teleprompter Manhattan CATV Corp.* (1982) 458 U.S. 419.] The second category consists of those cases whereby government merely regulates the use of property. [*Yee*, 503 U.S. at 522-523]. Moreover, a taking is less likely to be found when the interference with property is an application of a regulatory program rather than a physical appropriation. [*Keystone Bituminous Coal Ass'n. v. DeBenedictis* (1987) 480 U.S. 470, 488-489, fn. 18.] The Commission's actions are evaluated under the standards for a regulatory taking.

The Court has identified two circumstances in which a regulatory taking may occur. The first is the "categorical" formulation identified in *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1014. In *Lucas*, the Court found that regulation that denied all economically viable use of property was a taking without a "case specific" inquiry into the public interest involved. [*Id.* at 1014]. The *Lucas* court emphasized, however, that this category is extremely narrow, applicable only "in the extraordinary circumstance when *no* productive or economically beneficial use of land is permitted" or the "relatively rare situations where the government has deprived a landowner of all economically beneficial uses" or rendered it "valueless." [*Id.* at 1016-1017 (*emphasis* in original); *Riverside Bayview Homes*, 474 U.S. at 126 (regulatory takings occur only under "extreme circumstances."³²)]

The second circumstance in which a regulatory taking might occur is under the three-part, *ad hoc* test identified in *Penn Central Transportation Co. (Penn Central) v. New York* (1978) 438 U.S. 104, 124. This test generally requires an examination into the character of the government action, its economic impact, and its interference with reasonable, investment-backed expectations. [*Id.* at p. 134; *Ruckelshaus v. Monsanto Co.* (1984) 467 U.S. 986, 1005.] In *Palazzolo v. Rhode Island* (2001) 533 U.S. 606, the Court again acknowledged that the *Lucas* categorical test and the three-part *Penn Central* test were the two basic situations in which a regulatory taking might be found to occur. [*See id.* (rejecting *Lucas* categorical test where property retained value following regulation but remanding for further consideration under *Penn Central*).]

However, before a landowner may seek to establish a taking under either the *Lucas* or *Penn Central* formulations, it must demonstrate that the taking claim is "ripe" for review. This means that the takings claimant must show that government has made a "final and authoritative" decision about the use of the property. [*MacDonald, Sommer & Frates v. County of Yolo* (1986) 477 U.S. 340, 348.] Premature adjudication of a takings claim is highly disfavored, and the Court's precedent "uniformly reflect an insistence on knowing the nature and extent of permitted development before adjudicating the constitutionality of the regulations that purport to limit it." [*Id.* at 351.] Except in the rare instance where reapplication would be futile, the courts generally require that an applicant resubmit at least one application for a modified project before it will

³² Even where the challenged regulatory act falls into this category, government may avoid a taking if the restriction inheres in the title of the property itself; that is, background principles of state property and nuisance law would have allowed government to achieve the results sought by the regulation (*Lucas, supra*, 505 U.S. at pp. 1028-1036).

find that the taking claim is ripe for review. [*Id.*] These general takings principles are reviewed for denial of the proposed project.

The Commission’s denial of the proposed project likely would not result in a regulatory taking.

As analyzed above, application of CZLUO Section 23.04.430 requires denial of the proposed development on the grounds that Cambria lacks sufficient water supply. Thus, it could be argued that the regulation results in an unconstitutional taking of the Applicant’s private property. However, based on the law and facts analyzed below, it is unlikely that such a temporary denial of development would constitute an unconstitutional taking in this case.

At this time, application of CZLUO Section 23.04.430 has the effect of a moratorium on new development in Cambria that requires water. The United States Supreme Court has upheld certain development moratoriums when challenged on the basis of a regulatory takings. *Tahoe-Sierra Preservation Council, Inc., et. al. v. Tahoe Regional Planning Agency et. al.*, (2002) 535 U.S. 302 (*Tahoe-Sierra*). In the *Tahoe-Sierra* case, the Court reasoned that, “Logically, a fee simple estate cannot be rendered valueless by a temporary prohibition on economic use, because the property will recover value as soon as the prohibition is lifted.” *Id.* at 332. The Court also explained that land use planners widely use moratoriums to preserve the status quo while formulating a more permanent development strategy. *Id.* at 337. “In fact, the consensus in the planning community appears to be that moratoria, or ‘interim development controls’ as they are often called, are an essential tool of successful development.” *Id.* at 337-38. Here, CZLUO Section 23.04.430 has the effect of a temporary prohibition on economic use, and as soon as the water supply is adequate the prohibition would be lifted. Moreover, Section 23.04.430 is an essential component of a comprehensive LCP planning tool that ensures that growth in Cambria is efficient and sustainable, not exceeding the community’s resource carrying capacity. It also ensures the protection of significant resources, such as sensitive riparian habitat, and is intended to protect groundwater aquifers from adverse impacts such as seawater intrusion and subsidence.

This position is also consistent with the California Court of Appeal for the Fourth District reasoning in *Charles A. Pratt Construction Co., Inc., v. California Coastal Commission*, (2008) 162 Cal. App. 4th 1068 (*Pratt v. CCC*). In *Pratt*, the plaintiff argued that the Coastal Commission’s decision to deny a CDP based on lack of water, due to the requirements of CZLUO Section 23.04.430(a) was an unconstitutional taking. The Court of Appeal upheld the Commission’s denial of the CDP and found that it was not an unconstitutional taking. It stated that the plaintiff-applicant failed to cite any authority that: (1) denial of a development permit because of water supply constitutes a taking; or (2) that the setting of priorities for water use in the face of an insufficient supply constitutes a taking. The court stated, “Even where the lack of water deprives a parcel owner of all economically beneficial use, it is the lack of water, not a regulation, that causes the harm.” [*Id.*] The court also found that an “intent-to-serve letter” from a community water supplier did not change the result because there is no rule that the water company’s determination is definitive. [*Id.*] “It is undisputed,” the court continued, “that there is substantial evidence from which the Commission could conclude the groundwater basin from which the water would come is in overdraft.” [*Id.*] The court further reasoned that the plaintiff-applicant failed to demonstrate with sufficient certainty that his development would have

adequate supply of water. As in *Pratt*, in this case it is the lack of water in Cambria, not the regulation, that has delayed the Applicant's ability to develop the site.

In sum, it is unlikely that the Commission's decision to deny the proposed development, on the grounds that it is inconsistent with CZLUO Section 23.04.430, would result in an unconstitutional taking. Although the regulation's effect is a *de facto* moratorium on new development at this time, this effect of the regulation is temporary in nature and caused by insufficient water resources in Cambria.

6. CDP Determination Conclusion

The Commission hereby denies CDP A-3-SLO-13-0213 for the proposed development of a 31-unit, 41-bed maximum, senior living care facility because the project is not consistent with the San Luis Obispo County certified-LCP policies and standards, specifically CZLUO Section 23.04.430 and Public Works Policy 1 and NCAP Standard 2(A), which require that an adequate water supply be available to serve new development and protect against adverse impacts to Santa Rosa and San Simeon Creeks. The LCP expressly prohibits approval of new development unless there is adequate water supply available. Thus, the Commission denies the proposed project as it is consistent with the LCP.

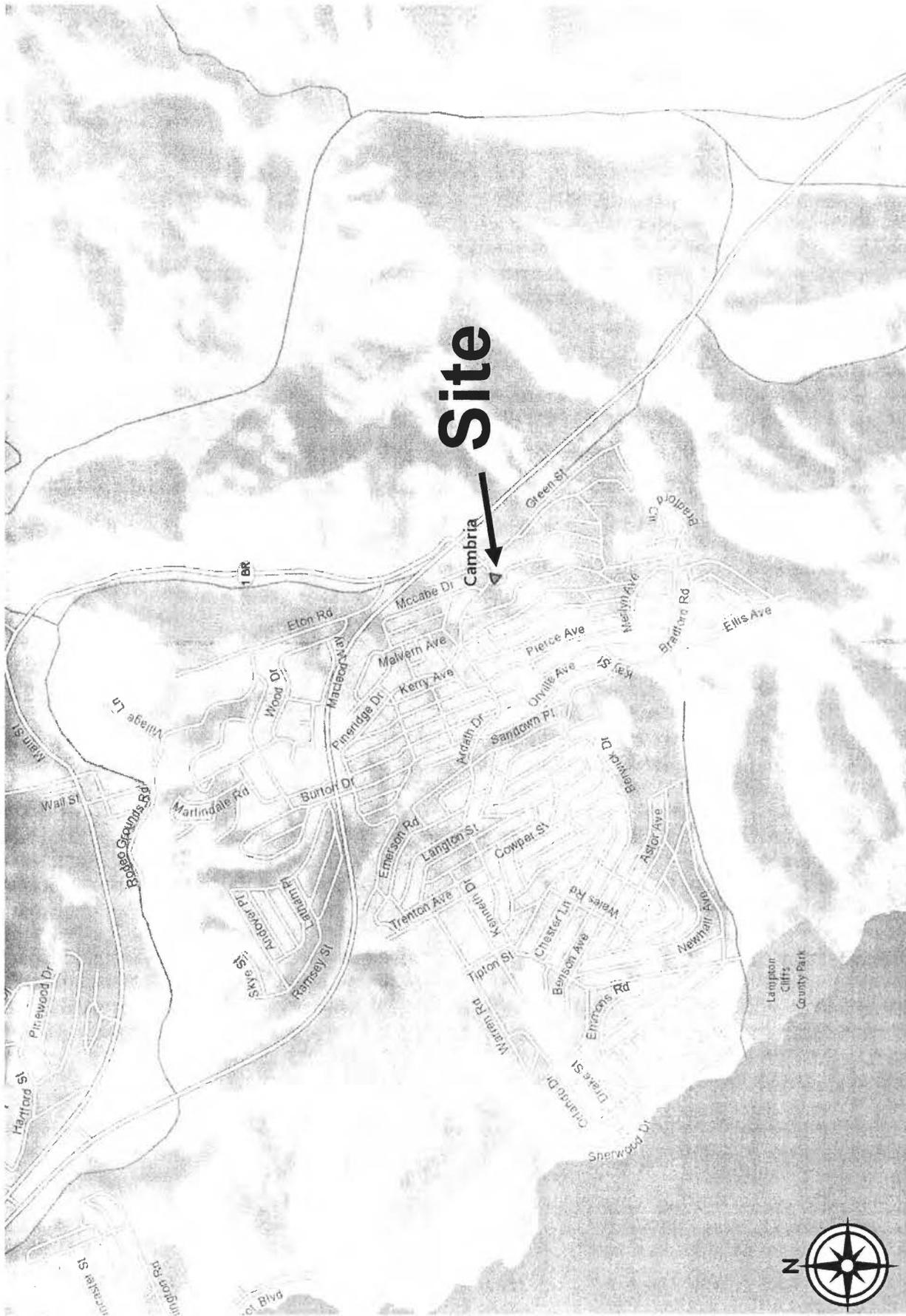
I. UNPERMITTED DEVELOPMENT

As discussed in the "Project Background" and "Substantial Issue Determination" sections above, ten Monterey pine trees were removed from the project site between 2006 and 2012 without a CDP. The LCP identifies the project site as being located within a Sensitive Resource Area due to the presence of Monterey pine forest habitat. The Applicant agreed to replace the ten Monterey pine trees at the LCP's required four-to-one ratio, thereby requiring the planting of forty Monterey pine trees. The Applicant may apply to the County for a CDP to resolve the code violation.

Commission review and action on this permit does not constitute a waiver of any legal action with regard to the violations, nor does it constitute an implied statement of the Commission's position regarding the legality of any development undertaken on the subject site without a coastal development permit, or that all aspects of the violations have been fully resolved.

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

1. *CCSD, Cambria's Emergency Water Supply Project: Questions and Answers* (Updated July 15, 2014)
2. *San Luis Obispo County Regional Instream Flow Assessment* – Prepared for Coastal San Luis Resource Conservation District, Prepared by Stillwater Sciences, January 2014.
3. *Cambria Community Services District Water Use Efficiency Plan*, Maddaus Water Management, February 28, 2013.
4. *San Luis Obispo Local Coastal Program Major Amendment No. 1-06 (Part 1) Cambria and San Simeon Acres Community Plans*, California Coastal Commission Adopted Findings, Item W17a, April 2007.
5. *Traffic and Parking Assessment for the Kingston Bay Senior Living Project-Cambria, California*, Prepared by Associated Transportation Engineers, November 2, 2012.
6. Engineering Geology Review, GeoSolutions, Inc., June 12, 2012.
7. Geotechnical Engineering Report, Mid-Coast Geotechnical, Inc., June 28, 2012.
8. “*Detailed Water Use Analysis for The Kestrel Point II Assisted Living Project.* [sic],” Hochhauser Blatter Architecture and Planning, March 30, 2012.
9. *South-Central California Coast Steelhead Recovery Plan: San Luis Obispo Terrace Biographic Population Group*, December 2013.

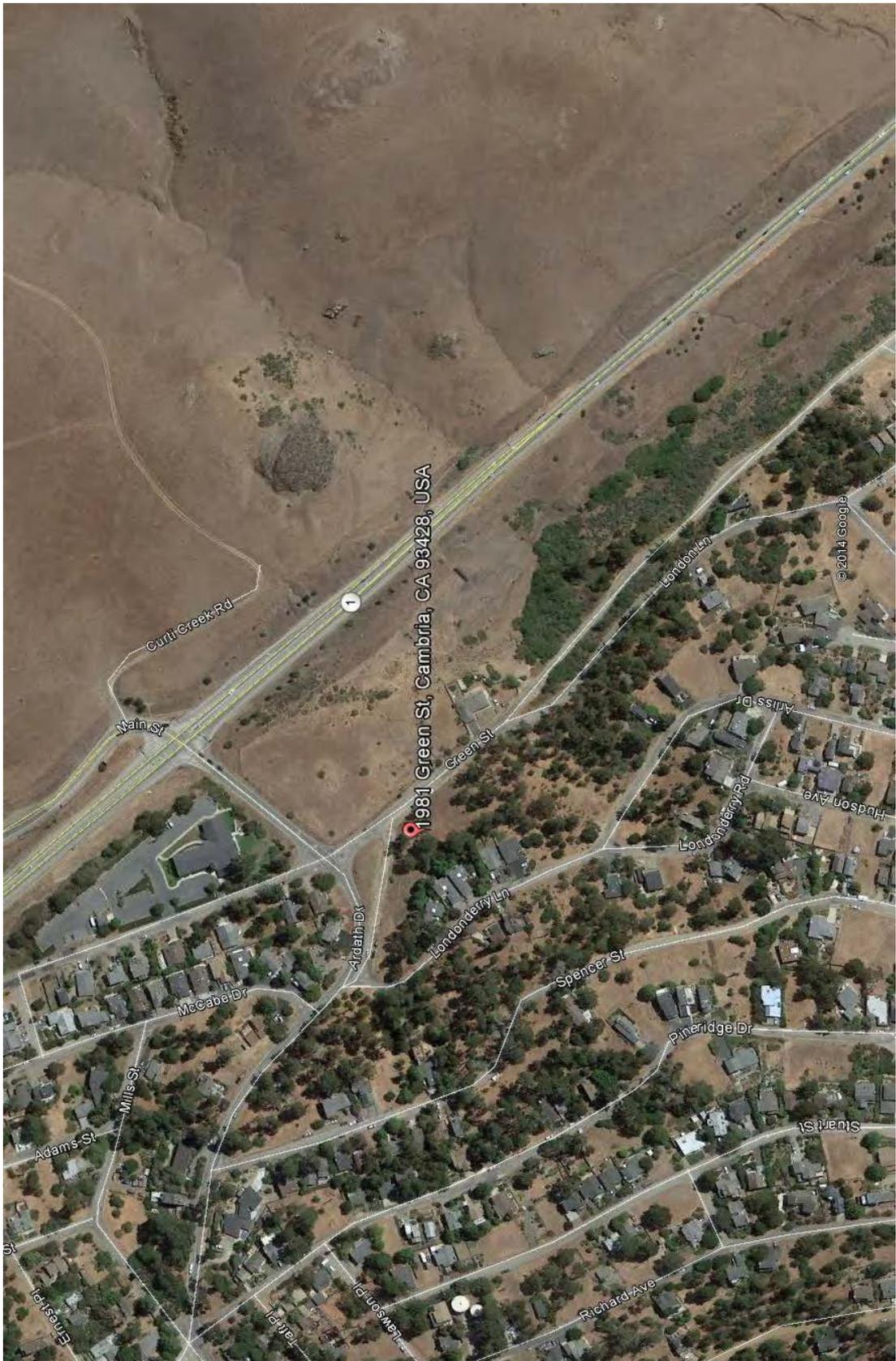


EXHIBIT

Vicinity Map



PROJECT
 Minor Use Permit/Coastal Development Permit
 Kingston Bay / DRC2012-00024





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

FINAL LOCAL
ACTION NOTICE
REFERENCE # 3-SLO-13-0351
APPEAL PERIOD 6/11-6/27/13

RECEIVED

JUN 10 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

June 5, 2013

Julie McGeever
122 E. Arrellaga St.
Santa Barbara, CA 93101

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: May 14, 2013

SUBJECT: County File No. DRC2012-00024
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.

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

Exhibit B
A-3-SLO-13-0213

1 of 183

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) 781-5612.

Sincerely,


RAMONA HEDGES
Custodian of Records

cc: California Coastal Commission,
725 Front Street, Suite 300, Santa Cruz, California 95060

Bruce Fosdike, 1551 Leonard Pl., Cambria, CA 93428

(Planning Department Use Only – for California Coastal Commission)

Date NOFA copy mailed to Coastal Commission: 6/3/13

Enclosed: X Staff Report(s) dated 5/14/13
 X Resolution with Findings and Conditions

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 5/14/2013	(3) CONTACT/PHONE Airin Singewald, Planner III / (805) 801-7596	
(4) SUBJECT Hearing to consider an appeal by Bruce Fosdike of the Planning Department Hearing Officer's approval of a request by Kingston Bay Senior Living, LLC for a Minor Use Permit/Coastal Development Permit to establish a 31 unit senior care facility at 1981 Green Street, Cambria. District: 2.			
(5) RECOMMENDED ACTION That your Board adopt and instruct the Chairperson to sign the resolution modifying and affirming the decision of the Planning Department Hearing Officer and conditionally approving the request by Kingston Bay Senior Living, LLC for a Minor Use Permit to establish a 31 unit senior care facility at 1981 Green Street, Cambria.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation {X} Hearing (Time Est. <u>90 minutes</u>) { } Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS {X} Resolutions { } Contracts { } Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5th's Vote Required {X} N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY {X} N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) District 2 -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Airlin Singewald, Planner III

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 5/14/2013

SUBJECT: Hearing to consider an appeal by Bruce Fosdike of the Planning Department Hearing Officer's approval of a request by Kingston Bay Senior Living, LLC for a Minor Use Permit/Coastal Development Permit to establish a 31 unit senior care facility at 1981 Green Street, Cambria. District: 2.

RECOMMENDATION

That your Board adopt and instruct the Chairperson to sign the resolution modifying and affirming the decision of the Planning Department Hearing Officer and conditionally approving the request by Kingston Bay Senior Living, LLC for a Minor Use Permit to establish a 31 unit senior care facility at 1981 Green Street, Cambria.

DISCUSSION

On March 1, 2013, the Planning Department Hearing Officer approved Minor Use Permit/Coastal Development Permit DRC2012-00024 by Kingston Bay Senior Living LLC to establish a 31 unit senior care facility (28,266 square-foot building) located on a 1.26-acre site on the corner of Ardath Drive and Green Street in the Lodge Hill neighborhood of Cambria.

The proposed project would have a 19,482 square-foot footprint on a 1.26-acre (54,885 square feet) parcel. Approximately 41 percent of the site would be landscaped and 24 percent of the site would be paved for parking and the two driveways.

Table 1: Lot Coverage Statistics

Site Statistics	Total (SF)	% of Site
Site Area	54,885	100%
Building Footprint	19,482	36%
Hardscape and Driveway	12,889	24%
Landscape	22,334	41%

The proposed site plan includes 20 parking spaces in the front (northern) portion of the property and driveways on Ardath Drive and Green Street. Undeveloped areas of the site will be landscaped with native pines, oaks, and understory shrubs mimicking the composition of the surrounding Monterey pine forest. In addition to meeting the required mitigation for tree removal, the proposed landscaping provides a buffer between the facility and neighboring residences and helps to visually integrate the facility into the pine forest setting. Internal pedestrian paths are proposed around the perimeter of the building.

The main entrance of the facility leads into a 600 square-foot lobby at the ground floor level. The first floor of the building consists of the facility's main common areas, including a living room, kitchen, dining room, and reception desk, as well as offices and four assisted living units. The first floor also provides a connection to the facility's seven memory care units in the single-story eastern wing of the building. The second floor of the building contains the majority (20) of the facility's 25 assisted living units.

The proposed building meets the 25-foot height limit for new structures on the west side of Highway 1 and will be constructed using naturally appearing colors and materials to blend with the backdrop Monterey pine forest. The building will reflect a craftsman architectural style consistent with the historic vernacular in Cambria. Based on photo-simulations provided by the applicant (see Attachment 3), the project will have minimal visibility from Highway 1. The most significant view of the facility from Highway 1 would be looking directly towards the site from Highway 1 and Ardath.

One issue not specifically addressed in the appeal but which was raised by community members after the March 1, 2013 Hearing Officer approval is the visual impact of the facility from Highway 1. In response to this concern, the applicant has submitted a revised front elevation (see Attachment 4) showing enhanced building articulation to break up the mass of the building and make it appear more compatible with the character of the surrounding neighborhood. As conditioned, the project will be required to submit revised plans incorporating the revised elevations before issuance of a construction permit.

The proposed project is consistent with all applicable Coastal Zone Land Use Ordinance (CZLUO) standards and Coastal Plan policies. Refer to the March 1, 2013 Planning Department Hearing (PDH) staff report (Attachment 11) for more detailed project analysis.

Appeal issues

On March 6, 2013, Bruce Fosdike filed an appeal of the Hearing Officer's decision. The appeal contends that the Department of Planning and Building did not adequately consider the North Coast Advisory Council's recommended conditions relating to public improvements, traffic impacts, parking, and drainage.

The specific appeal issues and staff's responses are provided below:

Appeal Issue #1:

This appeal issue states that increased traffic generated by facility employees, residents, health care providers, and delivery services (e.g. food vendors) will impact the Ardath Drive/Highway 1 southbound intersection, and concludes that a right turn lane on Ardath Drive would alleviate this impact.

Staff Response:

The proposed project is not expected to generate a significant amount of traffic. The residents of the facility would not drive and would be transported by an on-site shuttle van. Most health care office visits would occur off-site, with one or two providers travelling to the proposed facility each day. According to the applicant, the facility would receive about five or six deliveries a week for linen service, food, janitorial supplies, medical products, and prescription drugs. The largest delivery vehicle would be a two-axle delivery truck.

The project traffic study (prepared by ATE and dated 11/2/2012) indicates an additional 12 peak-hour trips will be generated by the proposed project. Of these, only one is anticipated to turn right at Highway 1 at peak hour. This new additional demand does not warrant the need for the addition of a right turn lane.

Secondly, the North Coast Circulation Study has identified the Ardath – Highway 1 intersection as needing to be signalized to accommodate build out traffic demand for the area. Since the intersection has since been signalized, no additional improvements are anticipated for the intersection. However, the project will pay into the North Coast Road Improvement to address other cumulative traffic impacts elsewhere in the community.

Finally, Caltrans has also reviewed and concurred with the conclusions of the project's traffic study.

Appeal Issue #2:

This appeal issue contends that the project should be required to provide more extensive frontage improvement, including an 8-foot shoulder and curb, gutter, and sidewalks, on Ardath Drive and Green Street. The appeal states that sidewalks are necessary to enable residents of the facility to safely walk the neighborhood and to access the bus stop located directly across the street from the project at Ardath Drive and Green Street. The appeal notes that an 8-foot shoulder would allow for off-site parking without encroaching into the roadway.

Staff Response:

On March 1, 2013 the Planning Department Hearing Officer approved the project with a condition requiring the applicant to construct frontage improvements conforming to the A-2 (urban) standard which includes an 8-foot paved shoulder and 6-foot concrete sidewalk, unless the applicant applies for and is granted a curb, gutter, and sidewalk waiver pursuant to CZLUO Section 23.05.106(d). While this condition requires frontage improvements as requested by the appellant, it leaves uncertainty for both the appellant and applicant because it defers the final decision until after project approval, which is when the waiver would be processed. If the issue is deferred, the question of the waiver may likely return to your Board on appeal. Staff therefore recommends that your Board provide direction now on the level of frontage improvements that should be required for the project.

Anticipating that a waiver might be approved, the original site plan showed a 4-foot gravel shoulder on Ardath Drive with no curb, gutter, or sidewalk improvements. As the basis for the waiver, the applicant contended that no such improvements exist anywhere in the vicinity of the project and would be inconsistent with the character of the semi-rural neighborhood; the steep grade of Ardath Drive would make it difficult (or impossible) to construct ADA compliant sidewalks; and the facility's elderly residents would not walk to their destinations or take the public bus, but would instead use the facility's dedicated shuttle for all of their transportation needs.

After reviewing this appeal issue and related concerns raised by the North Coast Advisory Council, Planning and Public Works staff reviewed the proposed site plan to determine whether or not any exceptions to the A-2 urban street standard would be supportable. In general, it is not desirable to have isolated curb, gutter, and sidewalk improvements on a single parcel in a semi-rural area. However, since Ardath Drive is also identified as Safe Routes to School, staff is recommending a 4-foot paved shoulder/bike path and a 5-foot path on Ardath Drive. This staff recommendation is reflected in the revised Condition #8. The applicant has provided a revised site plan incorporating the recommended frontage improvements (see Attachment 7).

In order to accommodate pedestrian needs along Ardath, the revised condition #8 also includes constructing a bus pull out.

According to the applicant, constructing a full A-2 urban street, with an 8-foot shoulder and 6-foot sidewalk, would require substantial site plan revisions, would result in the loss of on-site parking spaces, and could render the project infeasible. The recommended frontage improvements, described above, will allow the project to move forward while providing for bicycle and pedestrian access along Ardath Drive.

Appeal Issue #3:

The appeal estimates that 16 of the facility's 20 parking spaces will be occupied by facility employees (14 spaces) and on-site shuttle vans (two spaces). When accounting for the two required disabled parking spaces, this leaves only two spaces for use by visitors, health care providers, and delivery vehicles. Based on this analysis, the appeal concludes the facility's parking capacity is insufficient and notes that the facility's parking needs could spill over on the adjacent roads, causing traffic safety problems.

Staff Response:

The applicant used three separate methods of analysis to support the proposed number of on-site parking spaces: ordinance compliance, parking rates published by the Institute of Transportation Engineers (ITE), and experience operating similar facilities. The results of each method are described below.

Ordinance Compliance

The parking requirements in the CZLUO represent the County's estimated parking needs for certain types of land uses. The requirement for a senior care facility is one space for every four beds. Based on a capacity of 41 beds, the project is required to provide 10 parking spaces. The project provides 20 on-site spaces, exactly twice the number required by the CZLUO.

ITE Parking Rates

Another way to calculate the project's parking needs is to use the latest parking rates published by the ITE. These rates are the result of surveys that are sent to actual senior care facilities. Based on the ITE parking rates, the average peak parking demand estimate for the project is 13 spaces, while 17 spaces are required to meet the 85th percentile peak parking demand (ATE; November 2, 2012). Again, the project proposes 20 parking spaces, well above the peak parking demand numbers shown by the ITE.

Experience Operating Similar Facilities

In addition to the ITE parking rates, the applicant also calculated their own parking demand estimates based on their past experience operating similar facilities. These estimates take into account the necessary parking for employees, visitors, health care and rehabilitation specialists, and deliveries.

Staffing for the facility would vary greatly throughout the day (see Attachment 5). The peak parking hours would occur on weekdays between 9 AM and 5 PM, when the facility is staffed with 8 to 13 employees. Staffing during off-peak hours ranges from 2 to 6 employees.

Residents will not drive. They will be transported by an on-site shuttle van. The smaller of these two vans is used for routine appointments and medical visits. Because the bus driver waits for residents during the course of their off-site appointments, it will rarely be parked on site during peak parking hours.

Because this is an assisted living and not a skilled nursing project, the ratio of outside health care and rehabilitative specialists is less than represented by the appellant, and depending on the acuity of the current resident population, represents one or two visits per day, generally for less than one hour. On-site staff is responsible for all custodial care, activities programming, and meal services, requiring no additional outside services. This leaves adequate parking for visiting family members who come throughout the day (and most often during off-peak hours).

The appeal contends that additional parking will be required for community members who use the facility's "geriatric library." In response, the applicant has pointed out that use of the facility as a public venue would be inconsistent with State licensing provisions for a senior care facility.

The facility would receive several weekly deliveries for food supplies, linen service, and prescription medications. However, deliveries are typically made in the early morning (during off-peak parking hours) and are staged for 10-15 minutes as boxes are offloaded and invoices signed.

Table 2, below, provides an estimated range of the facility's parking demands during peak and off-peak hours. As shown in Table 2, below, the facility's 20 parking spaces would adequately meet the project's maximum peak hour parking demand.

Table 2: Estimated Range of Parking Demand

Category	Peak Hours (10 AM - 4 PM)	Off-Peak Hours
Employees	8-13	3-10
Shuttles	0-2	0-2
Health Care Specialists	0-2	1-3
Deliveries	0-1	1-2
Visitors	0-2	2-3
Total	8-20	7-20

The applicant has also volunteered to implement a parking management plan (Attachment 9), which would be distributed to all facility employees and residents. The purpose of the plan is to control and manage parking associated with facility employees, vendors, and guests coming and going from the site. The plan has been incorporated into the project's conditions of approval.

Appeal Issue #4:

This appeal issue reflects comments made at the North Coast Advisory Council and Planning Department Hearing that runoff leaving the project site could cause surface and groundwater contamination problems on a downslope agricultural parcel, potentially resulting in violations of the Regional Water Quality Control Board's agricultural discharge order.

Staff Response:

This issue is addressed by Condition #16, which requires the applicant to submit a drainage plan, prepared by a licensed civil engineer, for review and approval by the Department of Public Works. Pursuant to CZLUO Section 23.05.040 (Drainage), the drainage plan shall incorporate measures to achieve no net increase in runoff volume or velocity leaving the site. It should also be noted that the downslope agricultural parcel (west of the project site, across Green St.) would not be subject to the Regional Board's agricultural order, which only applies to irrigated agricultural land.

Appeal Issue #5:

This appeal issue states that sight distance on Ardath Drive is inadequate.

Staff Response:

The proposed site plan provides driveways on both Ardath Drive and Green Street. All vehicles will exit the site from the Ardath Driveway, since the Green Street driveway will be restricted to ingress only.

Based on a posted speed limit of 30 mph, the required minimum sight distance on Ardath Drive is 200 feet. The proposed site plan meets this requirement with a westbound sight distance of 225 feet and an eastbound sight distance of 490 feet. The applicant's traffic consultant also conducted a radar speed study on Ardath at Londonderry. The average vehicle speed at this section of Ardath was 25 mph, with an 85th percentile speed of 29 mph.

OTHER AGENCY INVOLVEMENT/IMPACT

This appeal was reviewed by the Public Works Department. County Counsel reviewed and approved the Resolution as to form and legal effect.

FINANCIAL CONSIDERATIONS

The required appeal fee was waived because the appeal involves a coastal issue as the issue of appeal. In order to exhaust local appeals the County cannot charge a fee for the processing of an appeal on a coastal development project per the requirements of the Coastal Zone Land Use Ordinance and the Coastal Act. The cost of processing this appeal (total cost is approximately \$4,435) comes from the Department's General Fund support.

RESULTS

Denying the appeal and upholding the Planning Department Hearing Officer's decision would result in the conditional approval of Minor Use Permit DRC2012-00024 that would allow construction of a senior care facility at this location.

ATTACHMENTS

1. Resolution Modifying and Affirming the Hearing Officer's Decision
2. Appeal Form (Fosdike; March 6, 2013)
3. Photo-simulations
4. North Elevation Revision (Hochhauser & Blotter; April 30, 2013)
5. Kingston Bay Staffing Schedule
6. Traffic Study (ATE; November 2, 2012)
7. Revised Site Plan with Recommended Frontage Improvements
8. Sight Distance Study (ATE; April 11, 2013)
9. Parking Management Plan
10. March 1, 2013 Planning Department Hearing Minutes
11. March 1, 2013 Planning Department Hearing Staff Report

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, May 14, 2013

PRESENT: Supervisors Frank Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold
and Chairperson Paul A. Teixeira

ABSENT: None

RESOLUTION NO. 2013-108

RESOLUTION MODIFYING AND AFFIRMING THE DECISION OF THE
HEARING OFFICER AND CONDITIONALLY APPROVING
THE APPLICATION OF KINGSTON BAY SENIOR LIVING, LLC
FOR MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT
DRC2012-00024

The following resolution is now offered and read:

WHEREAS, on March 1, 2013, 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 Kingston Bay Senior Living, LLC for Minor Use Permit/Coastal Development Permit DRC2012-00024; and

WHEREAS, Bruce Fosdike 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 May 14, 2013, and determination and decision was made on May 14, 2013; and

Attachment 1

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 finds that the appeal should be upheld in part and the decision of the Hearing Officer should be modified affirmed and that the application should be approved 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 hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in revised Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That a previously adopted Negative Declaration is adequate for the purposes of compliance with the California Environmental Quality Act, and an Addendum to the Negative Declaration was prepared pursuant California Environmental Quality Act Guidelines Sections 15165(a) and 15162.
4. That the appeal filed by Bruce Fosdike is hereby upheld in part and the decision of the Hearing Officer is modified and affirmed and that the application of Kingston Bay Senior Living, LLC for Minor Use Permit/Coastal Development Permit DRC2012-00024 is hereby approved subject to the conditions of approval set forth in

Attachment 1

Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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

AYES: Supervisors Gibson, Hill, Mecham, Arnold and Chairperson Teixeira

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

/s/ Paul A. Teixeira
Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

By: Annette Ramirez
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

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

Dated:

Attachment 1

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, JULIE L. RODEWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 31st day of May, 2013.

(SEAL)

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

By *Annex Ramirez* Deputy Clerk.

Attachment 1

EXHIBIT A - FINDINGS

Environmental Determination

- A. The previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified. No new mitigation measures have been proposed.

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. A side setback adjustment is granted pursuant to CZLUO Section 23.05.104f allowing the kitchen area wall to extend 16' into the required 30' interior side setback. The Cambria Fire Department has reviewed the proposed site plan and approved the requested setback adjustment based on proposed mitigation, including built-in fire safety systems and building construction features, as outlined in the project fire safety plan (*Dudek; November 2012*).
- E. 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 construction of the senior care facility will 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.
- F. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed senior care facility is similar to, and will not conflict with, the surrounding lands and uses.
- G. 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 Ardath Drive and Green Street, an arterial and a local road constructed to a level able to handle any additional traffic associated with the project. The project's traffic study (ATE; November 2, 2012) estimated that the proposed senior care facility would generate 112 average daily vehicle trips, with 7 trips occurring during the a.m. peak hour and 12 trips during the p.m.

Attachment 1

peak hour. The study concluded that these additional trips would not significantly impact the local Cambria street network, including the Highway One/Ardath Drive intersection.

C Public Access

F The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

T Terrestrial Habitat

I The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized, and if trees are removed or impacted they will be replaced.

J Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.

K Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized, and if pine trees are removed, they will be replaced on a four-to-one basis.

L The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.

M There will be no significant negative impact to the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because the project or use will require replacement of removed oaks and pines on a six-to-one basis and four-to-one basis respectively.

N The project or use will not significantly disrupt the habitat, because it is a senior care facility with minimal site disturbance.

A Archeology

C The project design and development incorporates adequate measures to ensure protection of significant archaeological resources because no indications of prehistoric resources or early historic archaeological resources were found during the preliminary surface survey.

Attachment 1

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a Minor Use Permit/Coastal Development Permit to allow the following:
 - a. Construction of a 28,266 square foot, 31 unit senior care facility.
 - b. One acre of site disturbance on a 1.26 acre parcel.
2. Maximum height is 25 feet (as measured from average natural grade).

Conditions required to be completed at the time of application for construction permits

3. **At the time of application for construction permits**, the applicant shall submit a revised site plan, floor plans, and architectural elevations to the Department of Planning and Building for review and approval. The revised plan shall incorporate the following changes:
 - a. A minimum of 20 percent more of the roofline shall be broken with alternative plate heights to allow breaks in the eave and ridge line.
 - b. A minimum of two dormers which may be either gable ended window dormers, shed dormers, and/or roof dormers to break up the scale of the building façade.
 - c. Provide a minimum of 3 exterior muted colors on the building.
4. **At the time of application for a construction permits**, the applicant shall submit a color and materials board for the proposed facility. Colors shall be muted earth-tones to blend with the Monterey pine forest. Materials shall have patterns or texture, such as wood or wood-appearing siding, for example board and batten siding or fire-resistant shingles, as primary materials for exterior walls.
5. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans.
6. **At the time of application for construction permits**, 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 nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. The lighting fixtures shall be the minimum height necessary to comply with applicable fire and building codes.
7. **At the time of application for construction permits**, the following noise mitigation measures shall be incorporated into the project design:
 - a. Air conditioning or a mechanical ventilation system
 - b. Windows and sliding glass doors mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications)

Attachment 1

- c. Solid core exterior doors with perimeter weather stripping and threshold seals
- d. Exterior walls shall consist of wood or wood-appearing siding with a ½ inch minimum thickness fiberboard ("soundboard") underlayer.
- e. Glass in both windows and doors should not exceed 20% of the floor area in a room.
- f. Roof or attic vents facing the noise source should be baffled

Access

8. **At the time of application for construction permits**, public improvement plans shall be prepared and a performance bond posted in compliance with Section 23.05.106 (4D) (Curbs, Gutters and Sidewalks) of the Coastal Zone Land Use Ordinance; and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
- a. Street plan and profile for widening **Ardath Drive** to complete the project side of an A-1g II (with HMA Dike) street section fronting the property. All proposed driveways shall be located a minimum of 50-feet from any existing street intersection and constructed in accordance with County Standard B-series drawings. A 5' minimum width paved walk shall be constructed along Ardath.
 - b. Street plan and profile for widening **Green Street and Londonderry Lane** to complete the project side of an A-1d street section fronting the property. All proposed driveways shall be located a minimum of 50-feet from any existing street intersection and constructed in accordance with County Standard B-series drawings.
 - c. Pedestrian easements as necessary to contain all slope, shoulder, sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk-Recorder upon review and approval by Public Works.
 - d. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - e. A plan to upgrade the existing bus stop at Ardath and Green Streets to include a bus pullout, or moving the bus stop to another area that best services pedestrian circulation developed in the right-of-way as part of the proposed project. This plan will be developed in consultation with RTA and the County Department of Public Works.
 - f. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - g. A landscaping plan showing all proposed landscaping within the public right-of-way
 - h. The Green Street access driveway shall be marked and signed for project ingress only in accordance with the recommendations project traffic report prepared by ATE and dated November 2, 2012 (copy on file with the Department of Public Works).

Attachment 1

- i. The Ardath Drive access driveway shall be marked and signed for project egress only.

Offers

9. **Prior to issuance of construction permits**, the applicant shall offer for dedication to the public right-of-way easements by separate document for Ardath road widening purposes a sufficient width as necessary to contain all elements of a the roadway prism including slopes, sidewalks, driveway aprons, curb returns and other improvements. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.
10. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public drainage easement(s) as necessary to contain both existing and proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.
11. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with the local fire agency standards and specifications back to the nearest public maintained roadway.
12. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a cash deposit with the County for the cost of checking the improvement plans and the cost of inspection of any such improvements by the County or its designated representative. The applicant shall also provide the County with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Fire Safety

13. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in both the Fire Plan Review (*Cambria Fire Department; January 6, 2013*) and the Fire Safety Plan for Kingston Bay Senior Living (*Dudek Consulting; January 2013*).

Water and Sewer Service

14. **At the time of application for construction permits**, the applicant shall comply with the conditions from the Cambria Community Services District, including but not limited to those on the Intent to Provide Water and Sewer Service letter dated November 1, 1998, and time extension dated August 1, 2011 (see attached).

Grading, Drainage, Sedimentation and Erosion Control

15. **At the time of application for construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval.
16. **At the time of application for construction permits**, the applicant shall submit to the complete drainage calculations prepared by a licensed civil engineer for review and approval in accordance with Section 23.05.040 (Drainage) of the Coastal Zone Land

Attachment 1

Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works. The analysis shall include an evaluation of drainage impacts on the existing culvert under Highway One at post mile 47.64.

17. **At the time of application for construction permits**, the applicant shall submit to the California Department of Transportation for review and approval a hydrogeologic analysis of the project's drainage impacts on the existing culvert under Highway One at post mile 47.64.
18. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plans for review and approval.

Stormwater Pollution Prevention

19. **At the time of application for construction permits**, the applicant shall demonstrate the project has incorporated County approved LID structural practices into the project. Refer to the brochure *Interim Low Impact Development Guidelines* for further information and references for LID design.
20. **At the time of application for construction permits**, the project shall comply with the post-construction requirements of the Construction General Permit (CGP). A "Private Stormwater Conveyance Management and Maintenance System" shall be submitted to the Department of Public Works for review and approval. Upon approval, the applicant shall record with the County Recorder's Office the "*Private Stormwater Conveyance Management and Maintenance System*" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Conditions to be completed prior to issuance of a construction permit

Fees

21. **Prior to issuance of construction permits**, the applicant shall pay all applicable school and public facilities fees.

Water and Sewer Service

22. **Prior to issuance of construction permits**, the applicant shall submit to the Department of Planning and Building for review and approval, evidence that the anticipated water use of this development has been completely offset through the retrofit of existing water fixtures within the Cambria Community Service District's service area or other verifiable action to reduce existing water use in the service area (e.g., replacement of irrigated landscaping with xeriscaping). The documentation shall include written evidence that the Cambria Community Service District (CCSD) has determined that the applicant has complied with CCSD Ordinance 1-98, as approved by the CCSD Board of Directors on January 26, 1998, and further modified by CCSD Board approval on November 14, 2002 (CCSD board item VIII.B), subject to the limitation that no retrofit credits shall have been obtained by any of the following means: a) extinguishing agricultural water use, or b) funding leak detection programs. Evidence of compliance with CCSD Ordinance 1-98 shall be accompanied by written confirmation from the CCSD that any in-lieu fees collected from the applicant have been used to implement

Attachment 1

projects that have reduced existing water use within the service area in an amount equal or greater to the anticipated water use of the project.

23. **Prior to issuance of construction permits**, the applicant shall apply to merge lots 1, 5, 6, 7 and 8 of Parcel Map 51-5 and lots 13, 14 & 15 of Cambria Pines Manor Unit 6, Block 137.

Air Quality

24. **Prior to issuance of construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
25. **Prior to issuance of construction permits**, the applicant shall submit verification from APCD that the following measures have been incorporated into the project to control dust:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD;
 - g. All roadways, driveways, sidewalks, etc to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. Install wheel washers where vehicles enter and exist unpaved roads onto streets, or wash off trucks and equipment leaving the site;
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
 - l. All PM10 mitigation measures required should be shown on grading and building plans; and

Attachment 1

- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
26. In addition to the State required diesel idling requirements, the project applicant shall comply with the these more restrictive requirements to minimize impacts to nearby sensitive receptors:
- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - c. Use of alternative fueled equipment is recommended; and
 - d. Signs that specify the no idling areas must be posted and enforced at the site.
27. **Prior to any site disturbance or issuance of construction permits**, the applicant shall provide evidence of a California statewide portable equipment registration or an APCD permit for any portable equipment, 50 horsepower (hp) or greater, that will be used during construction. Contact APCD at 805-781-5912 for permitting requirements.

Grading, Drainage, Sedimentation and Erosion Control

28. **Prior to issuance of construction permits**, if grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
29. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department, which shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.

Geology and Soils

30. **Prior to any site disturbance or issuance of construction permits**, the following conditions shall be included on all building plans and grading plans:
- a. The project Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
 - b. The project Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
 - c. Should the services of the project Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit

Attachment 1

a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.

31. The applicant shall implement the conclusions and recommendations as described in the Geotechnical Engineering Report (Mid-Coast Geotechnical, Inc.; June 28, 2012) and the engineering geology report. All conclusions and recommendations shall be implemented as requirements not recommendations except in the instance where the recommendation is stated as an alternative building technique. **Prior to issuance of construction permits**, all conclusions and recommendation related to the above referenced geotechnical reports shall be incorporated into the project design and printed on the cover page of the grading and construction plans.
32. **Prior to issuance of construction or grading permits**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP) to the Department of Planning and Building.
33. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan (CZLUO Section 23.05.040) for review and approval by the County Public Works Department. The drainage plan shall
34. **Prior to issuance of construction permits**, the project Engineering Geologist shall review the project foundation plans and acknowledge in a letter to the County Geologist that their recommendations are properly addressed in the plans.

Offers

35. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public right-of-way easements by separate document for road widening purposes a sufficient width as necessary to contain all elements of the roadway prism including slopes, shoulders, sidewalks, driveway aprons, curb ramps and other improvements. Offers are to be recorded by separate document with the County Clerk-Recorder after review and approval by Public Works.
36. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public drainage easement(s) as necessary to contain both existing and proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk-Recorder after review and approval by Public Works.

Easements

37. **Prior to issuance of construction permits**, the applicant shall submit evidence satisfactory to the Department of Planning and Building that the Cambria Community Services District and each public utility (PG&E, Gas Company, Telephone Company, etc) has reviewed and is in agreement with the proposed project constructing buildings and other improvements atop the existing utility easement within the vacated portion of the Ardath Drive right-of-way. Alternatively, the applicant may be required to quitclaim all or a portion of the public utility easement prior to permit issuance.

Conditions to be completed during project construction

Grading, Drainage, Sedimentation and Erosion Control

38. **Prior to or concurrently with on-site grading activities**, permanent erosion control devices shall be installed.
39. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
40. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
41. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
42. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.
43. Appropriate sedimentation measures to be implemented at the end of each day's work.

Archaeology

44. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Attachment 1

Building Height

45. The maximum height of the project is 25 feet (as measured from average natural grade).
- a. Prior to any site disturbance, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish the center line of the fronting street at a point midway between the two side property lines and set a reference point (benchmark).
 - b. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.
 - c. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Geology and Soils

46. **During project construction/ground disturbing activities**, the applicant shall retain a project Engineering Geologist of record and shall provide the engineering geologist's written certification of adequacy of the proposed site development for its intended use to the Department of Planning and Building.

Tree Protection/Replacement

47. The applicant shall limit tree removal to no more than 8 Monterey pine trees with an eight inch diameter or larger at four feet from the ground. 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.
48. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.
49. All trees bordering the proposed project that are to remain shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.
50. All irrigation shall use water from the underground cistern or CCSD's non-potable/agricultural water supply. Potable CCSD community water shall not be used for irrigation.

Attachment 1

Conditions to be completed prior to occupancy or final building inspection

51. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
52. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall implement approved color board, site plan, floor plan, and elevations as shown on the attached exhibits.
53. **Prior to final inspection**, the project Engineering Geologist shall verify that construction is in conformance with the engineering geology report recommendations and that the project Engineering Geologist is satisfied that his recommendations for footing embedment are met. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.
54. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall obtain final inspection and approval from Cambria Fire of all required fire/life safety measures.
55. The applicant shall submit for final plumbing inspection from Cambria Community Services District upon completion of the project.
56. **Prior to final inspection**, the applicant shall record the voluntary lot merger of lots 1, 5, 6, 7 and 8 of Parcel Map 51-5 and lots 13, 14 & 15 of Cambria Pines Manor Unit 6, Block 137.

Tree Protection/Replacement

57. **Prior to final inspection**, the 8 Monterey pine tree removed as a result of construction shall be replaced at a 4:1 ratio. A total of 32 Monterey pine trees shall be planted. Monterey pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*.
58. These newly planted trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. Once the replacement trees have been planted, the applicant shall retain a qualified individual to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
59. To promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant and successors-in-interest agree to complete any necessary

Attachment 1

remedial measures identified in the report and approved by the Environmental Coordinator. At maturity, the landscaping shall screen at least 50 percent of the building as viewed from the public right-of-way on Highway 1, Green Street, and Ardath Drive.

Fire Protection

60. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire and life safety measures.

Public Works Review

61. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

Access

62. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Building Review

63. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

64. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone 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 Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
65. 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 Coastal Zone Land Use Ordinance.
66. The property owner shall be responsible for operation and maintenance of public road frontage landscaping in a viable condition on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Drainage

67. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System

Attachment 1

Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Parking

68. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the Senior Bay Senior Living Parking Management Plan dated March 1, 2013. The parking management plan shall be amended to provide a staging plan for delivery vehicles and limit the size of delivery vehicles consistent with condition #71.

Access

69. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to project lighting, project signage; landscape planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
70. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks and landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.
71. **On-going condition of approval (valid for the life of the project)**, vehicles accessing the site for routine deliveries (e.g. food and linen services) shall be limited in size to two-axle vehicles.

Fees

72. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code the applicant shall be responsible for paying to the Department of Public Works the North Coast Area D Road Improvement Fee for each future building permit in the amount prevailing at the time of payment.

Recycling

73. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).
74. The applicant shall as a condition of approval of this minor use permit/coastal development 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/coastal development or the manner in which the County is interpreting or enforcing the conditions of this minor use permit/coastal development permit, or any other action by a third party relating to approval or implementation of this minor use permit/coastal development 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.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

March 8, 2013

Bruce Fosdike
1551 Leonard Place
Cambria, CA 93428

Julie McGeever
122 E. Arrellaga St.
Santa Barbara, CA 93101

**SUBJECT: APPEAL OF KINGSTON BAY SENIOR LIVING, LLC./ DRC2012-00024
HEARING DATE: MARCH 1, 2013 / PLANNING DEPARTMENT HEARINGS**

We have received an appeal on the above referenced matter. In accordance with County Real Property Division Ordinance Section 21.04.020, County Land Use Ordinance Section 22.70.050, and Section 23.01.042 of the Coastal Zone Land Use Ordinance, the matter will be scheduled for public hearing before the County Board of Supervisors. A copy of the appeal is attached.

The public hearing will be held in the Board of Supervisors' Chambers, County Government Center, San Luis Obispo. As soon as we get a firm hearing date and the public notice goes out, you will receive a copy of the notice.

Please feel free to telephone me at 781-5718 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Nicole Retana".

Nicole Retana, Secretary
County Planning Department


Bill Robeson, Supervisor
Jim Orton, County Counsel & Whitney McDonald, County Counsel



COASTAL APPEALABLE FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

#867

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION

Name: Kingsston Bay

File Number: ORC2012-0024

Type of permit being appealed:

- Plot Plan
- Site Plan
- Minor Use Permit
- Development Plan/Conditional Use Permit
- Variance
- Land Division
- Lot Line Adjustment
- Other: _____

The decision was made by:

- Planning Director (Staff)
- Building Official
- Planning Department Hearing Officer
- Subdivision Review Board
- Planning Commission
- Other: _____

Date the application was acted on: March 1st 2013

The decision is appealed to:

- Board of Construction Appeals
- Board of Handicapped Access
- Planning Commission
- Board of Supervisors

2013 MAR -8 AM 9:48
SLO COUNTY
PLANNING/BUILDING
DEPT

BASIS FOR APPEAL

INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the Certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: SEE ATTACHED

INCOMPATIBLE WITH PUBLIC ACCESS POLICIES. The development does not conform to the public access policies of the California Coastal Act – Section 30210 et seq of the Public Resource Code (attach additional sheets if necessary).

Explain: _____

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number _____ Reason for appeal (attach additional sheets if necessary)

APPELLANT INFORMATION

Print name: Bruce Fosdike

Address: 1551 Leonard Pl. Cambria Phone Number (daytime): 924-1930

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Signature: [Signature]

Date: March 6th 2013

OFFICE USE ONLY

Date Received: 3/8/13

By: NAR

Amount Paid: 0

Receipt No. (if applicable): N/A

COASTAL APPEAL FORM
SAN LUIS OBISPO COUNTY PLANNING & BUILDING
SLOPLANNING.ORG

Exhibit B PAGE 2 OF 3
JULY 1, 2010
A-3-SLO-13-0213
PLANNING@CO.SLO.CA.US
29 of 183

Appeal of Kingston Bay Senior Living LLC
DRC2012-00024
Location – Corner of Ardath and Green St, Cambria

The following is an appeal to the County Board of Supervisors concerning the above project. The appeal is due to the lack of the planning department to seriously consider and implement the conditions that the North Coast Advisory Council required for their approval vote on November 28th 2012.

1. Relocate refuse containers due to sight issues from Ardath Rd.

This was the only condition that was met prior to the hearing.

2. Full right turn lane on Northbound Ardath Rd to Hwy 1.

The thought was that with the increased traffic back-up due to the facility would be alleviated by a dedicated right turn lane. A right turn is the preferred route of travel out of Cambria as all of the out of the area services are to the south. This is also the area of Lodge Hill and Marine Terrace's route of escape for emergencies (see fire and tsunami plans and maps). The increase in traffic is not only with employees of the facility (as the traffic engineers testimony gave at the hearing) but the 2 vans that the facility will be using to shuttle residents both to town and doctor appoints (most of which will be south as there is only 1 doctor in Cambria). Also not taken into account are the multiple physical and mental therapists that would normally frequent this type of establishment. With up to 41 residents that require this kind of medical assistance up to several times a week, traffic will be affected. Another concern for increased traffic is deliveries. This facility has a full time kitchen serving 3 meals and snacks a day. This will mean deliveries several times a week from food vendors using various sizes of trucks, possibly even tractor trailer rigs.

3. An 8 foot shoulder on Green and Ardath Roads and sidewalks.

With a facility of this size that is essentially an apartment complex with a communal kitchen/dining area and offices for staff; the idea was to allow the high percentage of ambulatory residents access to the local area for walking via sidewalks, access the corner bus stop (corner of Green and Ardath), and to insure that there was enough room for parked vehicles without encroaching into the roads. The road improvements need to include curb and gutter that are paved not aggregate as proposed.

4. Adequate parking provided on site.

This facility has 13 people working during daytime hours, with up to 4 personnel working at night or swing shifts. This means that there is a need for 14 parking spaces to include overlapping shifts. 2 spaces are taken by the 2 vans used by the facility for resident transportation and 2 handicapped spots required by the county. This equates to 18 spaces taken during the day. This does not include, as described above in #2 the transient needs for traveling therapists, deliveries, and visitors. This facility and the property that they have chosen to develop on is not conducive to having multiple vehicles parked near or around it due to the blind curve on Ardath and the relative

smallish size of Green Street. It was said by the developer that this facility could be accessed and used by the local population for their geriatric library and such to benefit the community. Where are they supposed to park? It was brought up during the NCAC meeting that additional parking was needed and the number of 24 spaces was discussed as considered adequate. Residents of Cambria, with its narrow winding streets should not be burdened with the parking needs of a large facility. They need to be self contained.

5. Water collection on-site.

This condition may have been met prior to the hearing, but it is of great concern to the agricultural community that what is generated on site – stays on site.

6. Sight distance on Ardath Rd.

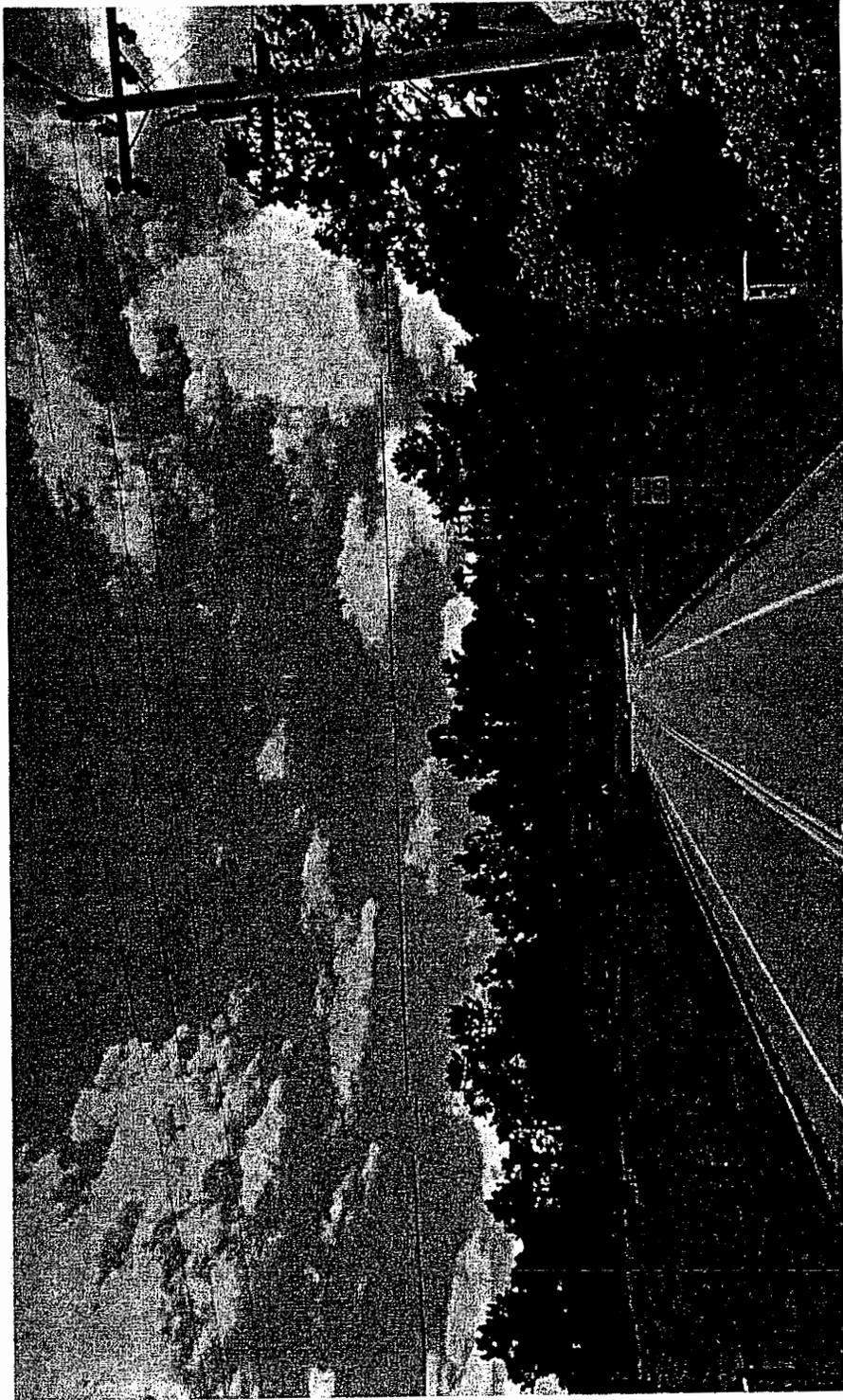
Ardath is a downhill blind corner. As a driver traveling north on Ardath, you approach this left turn with a 30 mph speed as allowed by signage you need to slow to below that speed to allow for reaction time for vehicles coming out from the west side of Green St. There is a church at that corner and it can become quite busy at times. Adding another sizable facility at this junction multiplies this problem as now you will be distracted to the right for Kingston Bay and then immediately left for the church intersection. There is only a 6" space on the south bound side of Ardath between the fog line and the raised curb. With a bicyclist in the road and 2 cars passing in opposite directions there is nowhere for the bicyclists to go but up into the front yards. This concern is handled with the 10' widening of Ardath, the curb, gutter, and sidewalks. It will not mitigate the issue but will allow drivers to have more room to react if presented with the unexpected.

7. The purpose of the North Coast Advisory Committee is by its definition - to develop a unified, cooperative effort among all individuals, organizations and public jurisdictions interested in furthering sound planning development, resulting in a positive quality of life to the North Coast Area. For this reason the Board must seriously consider these conditions and make them mandatory before this project impacts this area.

Bruce Fosdike
1551 Leonard Pl.
Cambria, CA 93428
805-924-1930

Attachment 3

Kingston Bay Senior Living Project



View facing south toward project from Ardath Road at Highway 1.

Attachment 3

Kingston Bay Senior Living Project



View looking northeast from Ardath and Londonderry

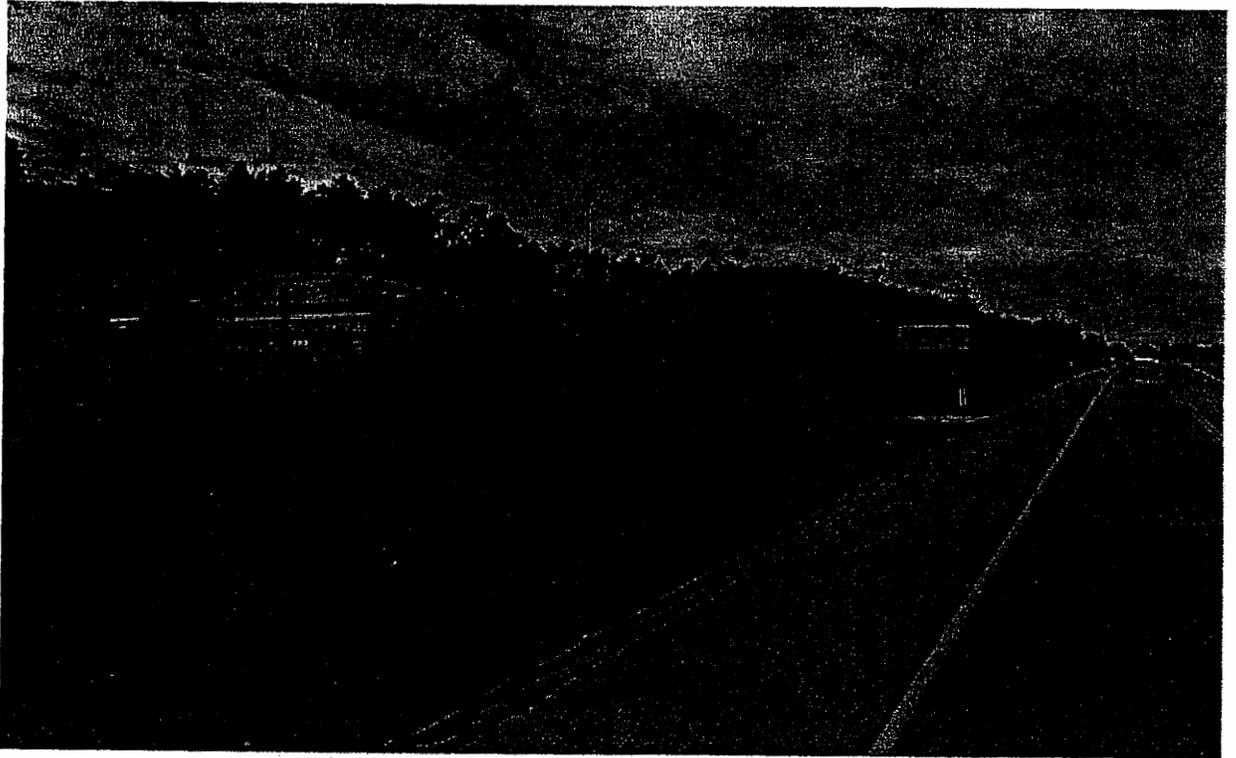
Attachment 3

Kingston Bay Senior Living Project



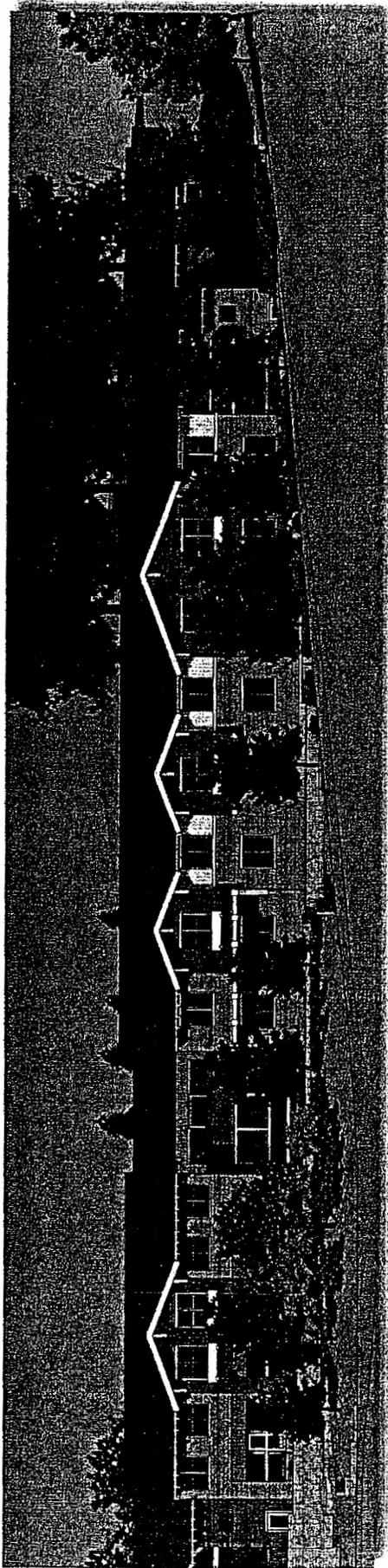
View northwest, toward Londonderry, from project site.

VIEW CORRIDOR STUDY

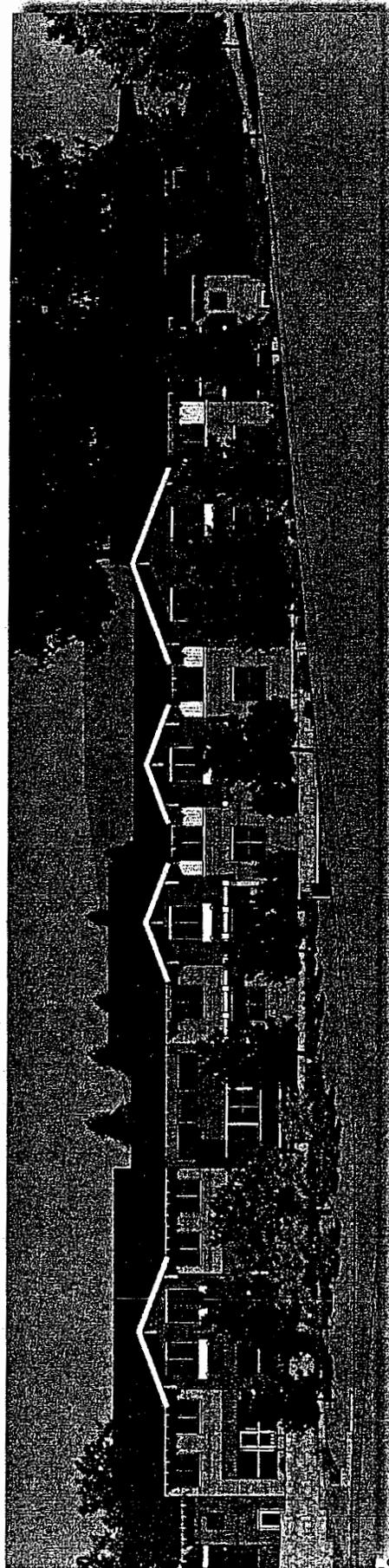


VIEW 3:
VIEW TOWARD SITE FROM HIGHWAY 1 FACING WEST

Attachment 4



North Elevation - Before Revision



North Elevation - After Revision

Exhibit B
SLO-13-0213
36 of 183

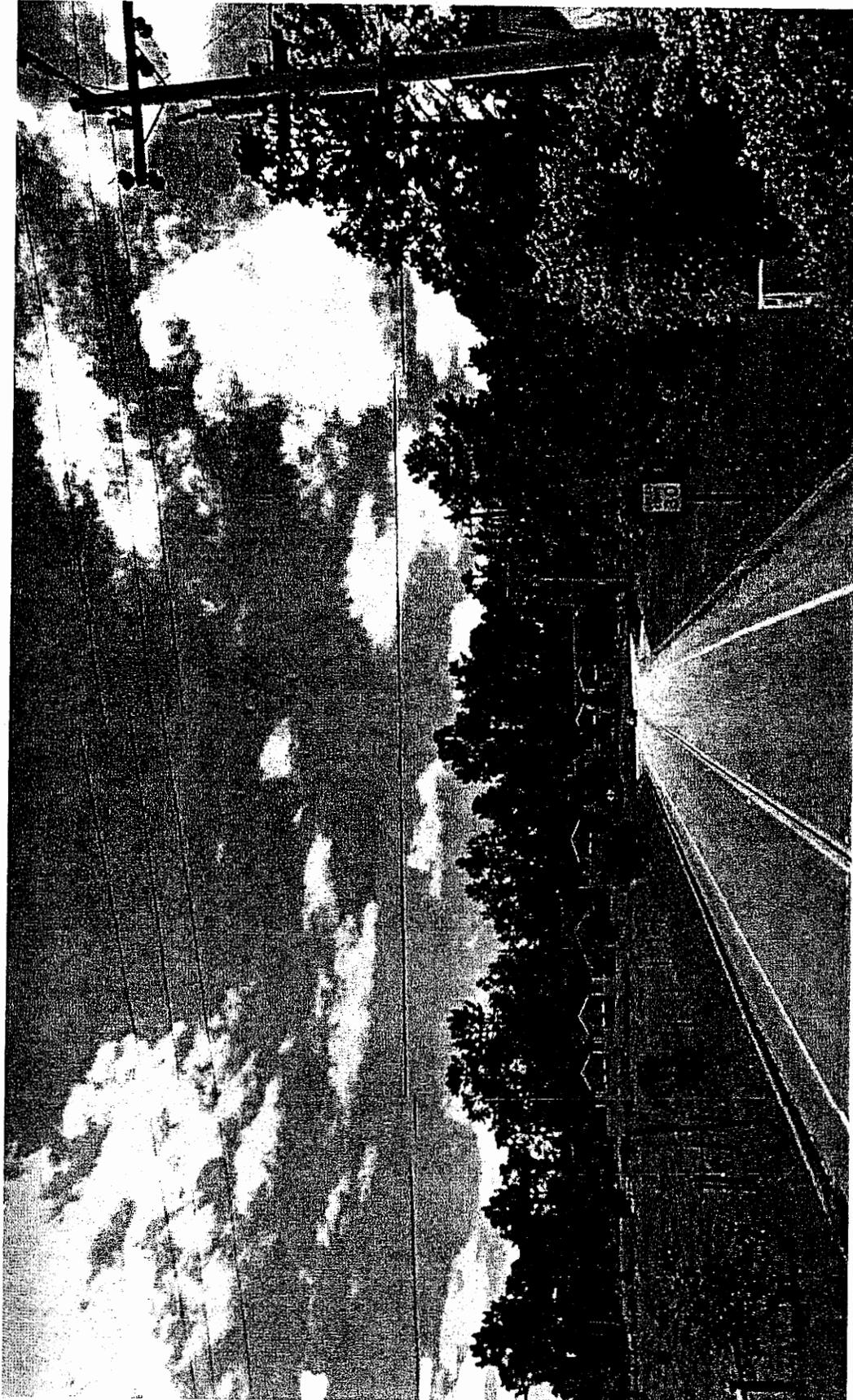
Kingston Bay Senior Living
North Elevation Revisions

April 30, 2013
Page 1 of 2

HBAP
HOCHHAUSER + BLATTER
ARCHITECTURE & PLANNING

127 E. ARRELAGA STREET
SANTA BARBARA, CA 93110
WWW.HBAPCOMPS.COM

Attachment 4



Perspective facing South on Ardath Rd.

Kingston Bay Senior Living
North Elevation Revisions

April 30, 2013
Page 2 of 2

HBAP
HOCHHAUSER + BLATTER
ARCHITECTURE & PLANNING

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SANTA BARBARA, CA 93110
www.hbapllc.com

Attachment 5

Kingston Bay Senior Living - Staffing Schedule - 31 unit / 41 bed Assisted Living Community

WEEKDAY SHIFT	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00-7:00
Direct Caregivers (three shifts) (also servers during meals)	4	4	4	4	4	4	4	4	3	3	3	3	3	3	3	3	3
Administrator / Marketing																	
Receptionist / Marketing																	
Nurse / LVN																	
Activities Director																	
Lead Chef	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2	
Cook / Prep																	
Prep/Dishwasher																	
Bus-driver/Facility Mgmt Housekeeper																	
TOTAL STAFF ON-SITE	5	6	8	12	12	12	13	13	13	12	10	6	6	6	5	3	2

NOTES:
 Night-time care-giving shift (23:00 - 7:00) responsible for personal laundry. Flat sheets and linen supplied by third party vendor (Mission Linen). Delivery once a week.
 Bookkeeping service provides billing, A/P, A/R functions off-site. On-site for approximately one week, once a year for annual audit.
 Landscape service provided by outside vendor.
 Caregivers to act as servers during meal times

WEEKEND SHIFT	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00-7:00
Direct Caregivers (three shifts) (also servers during meals)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Receptionist / Marketing (PT) LVN																	
Activities Coordinator (PT)																	
Lead Chef	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2	
Cook / Prep																	
Prep / Dishwasher																	
Housekeeper PT (Morn/Eve Shift)																	
TOTAL STAFF ON-SITE	7	7	7	9	8	12	12	12	11	10	10	8	9	6	6	6	3

Deliveries not typical during weekend.

Total full time equivalent positions (assumes coverage 24 hours a day / 7 days a week) 30.6 employees



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

November 2, 2012

12092L01.wpd

Ms. Julie Guajardo McGeever
Hochhauser Blatter Architects and Planning
122 East Arrellaga Street
Santa Barbara, CA 93101

TRAFFIC AND PARKING ASSESSMENT FOR THE KINGSTON BAY SENIOR LIVING PROJECT - CAMBRIA, CALIFORNIA

Associated Transportation Engineers (ATE) has prepared the following traffic and parking assessment for the Kingston Bay Senior Living Project, located at 1981 Green Street in the community of Cambria. It is understood that the traffic study will be submitted to San Luis Obispo County for environmental review.

PROJECT DESCRIPTION

The project is proposing to construct a 31-unit assisted living/memory care facility with 41 beds on a 1.26-acre vacant parcel located at 1981 Green Street west of State Route 1 in Cambria. Access to the site is proposed via one driveway on Green Street and one driveway on Ardath Drive. Figure 1 (attached) illustrates the project site plan.

PROJECT TRIP GENERATION

Trip generation forecasts were developed for the project based on rates published in the Institute of Transportation Engineers (ITE), Trip Generation, 8th Edition¹ for Assisted Living uses (Land Use Code #254). Table 1 presents the trip generation forecasts for the project.

¹Trip Generation, Institute of Transportation Engineers, 8th Edition, 2010.

Table 1
Project Trip Generation

Land Use	Size	Average Daily		A.M. Peak Hour		P.M. Peak Hour	
		Rate	Trips	Rate	Trips	Rate	Trips
<i>Proposed Use:</i>							
- Memory Care Facility	27 Beds	2.74	74	0.17	5	0.29	8
- Assisted Living	14 Beds	2.74	38	0.17	2	0.29	4
Total Trips:			112		7		12

The data presented in Table 1 show that the project is forecast to generate 112 average daily trips, 7 A.M. peak hour trips, and 12 P.M. peak hour trips. Project trips were distributed and assigned to the adjacent study-area roadways and intersections as illustrated on Figure 2

POTENTIAL TRAFFIC IMPACTS

According to Caltrans criteria², projects that generate less than 50 peak hour trips generally do not have the potential to generate significant impacts unless the affected state highway facility operates in the LOS E- F range. As shown in Table 1, the project is forecast to generate 112 ADT, with 7 trips occurring during the A.M. peak hour and 12 trips during the P.M. peak hour based on ITE rates.

The addition of project traffic to the study-area roadways and intersections (see Figure 2) would not significantly impact the local Cambria street network. The addition of project traffic to the State Route 1/Ardath Drive, Ardath Drive/Green Street and Ardath/Londonderry Lane intersections would not result in significant impacts. The addition of 1 A.M. trip and 3 P.M. trips would not warrant a left-turn lane on the eastbound approach of Ardath Drive at State Route 1. The addition of 1 A.M. trip and 1 P.M. trip to northbound State Route 1 would not significantly impact the left-turn movement at the signalized intersection.

SITE ACCESS

Vehicular access to the site is proposed via one driveway on Green Street and one driveway on Ardath Drive. Green Street and Ardath Drive are 2-lane local streets that primarily serve residential uses. Figure 1 illustrates the driveway connections. As shown, the driveways are 20 feet wide. The driveway width is sufficient to accommodate the low volume of traffic forecast for the driveways (5 inbound/2 outbound trips during the A.M. peak hour and 6 inbound/6 outbound trips during the P.M. peak hour).

²Guide For The Preparation of Traffic Impact Studies, Caltrans, December 2002.

Attachment 6

Given the proximity of the proposed driveways to the Ardath Drive/Green Street intersection, adequate sight distances must be provided at the two project driveway connections. Field measurements of the sight distance were taken at the two project driveway locations. The sight distance measurements are provided in Table 2 as well as the sight distance requirements from the County's design standards.

**Table 2
Sight Distance Measurements**

Project Driveway	Driveway Distance to Adjacent Intersection	Sight Distance	
		Provided	Required
Ardath Drive - West	190' to Ardath Drive/Londonderry Lane	225'	200' ^(a)
Ardath Drive - East	80' to Ardath Drive/Green Street	300'	200' ^(a)
Green Street - North	70' to Ardath Drive/Green Street	84'	100' ^(b)
Green Street - South	70' to Ardath Drive/Green Street	270'	150' ^(c)

Note: (a) Sight distance requirement based on 30 mph speed.
 (b) Sight distance requirement based on 15 mph for right-turning vehicles.
 (c) Sight distance requirement based on 25 mph speed.

Adequate sight distance eastbound and westbound is provided at the Ardath Drive driveway location as shown in Table 2. However due to topography and roadway geometrics, inadequate sight distance is provided at the Green Street driveway location. In lieu of relocating the Green Street driveway location, it is recommended that the driveway be restricted to inbound only. To ensure that adequate sight distance be provided, fences, walls, screens, etc., should not be placed within the sight triangle for the driveway on Ardath Drive.

PARKING ANALYSIS

The project site plan indicates that 19 on-site parking spaces are provided. ATE completed the following parking analysis to determine if the proposed parking satisfied the County of San Luis Obispo Municipal Code parking requirement. The Municipal Code parking ratio for the senior living facility is summarized below:

Nursing and Personal Care: 1 parking space/4 beds

**Table 3
San Luis Obispo County Municipal Code Parking Requirements**

Land Use	Size	County Parking Ratio	Parking Requirement	Parking Provided
Senior Living Facility	41 Beds	1 Space/4 Beds	10 Spaces	19 Spaces

Attachment 6

Julie Guajardo McGeever

Page 4

November 2, 2012

Based on the Municipal Code presented in Table 3, the parking requirement for the project is 10 parking spaces. The 19 on-site parking spaces would satisfy the Municipal Code parking requirement.

Peak parking demand estimates were developed for the Kingston Bay Senior Living Project based on empirical parking rates presented in the Parking Generation, 4th Edition, Institute of Transportation Engineers (ITE). Table 4 shows that the parking demand estimates for the project based on the Assisted Living (Land Use Code #254) rates.

Table 4
ITE Peak Parking Demand Requirements

Land Use	Size	Parking Demand Rate	Parking Demand	Parking Provided
Senior Living Facility	31 Units	0.41 Space/Dwelling Unit ^(a)	13 Spaces	19 Spaces
Senior Living Facility	31 Units	0.54 Space/Dwelling Unit ^(b)	17 Spaces	

Note: (a) Parking demand rate is the average rate.
(b) Parking demand rate is the 85th percentile rate.

As shown in Table 4, the average peak parking demand estimate for the project is 13 parking spaces, while 17 parking spaces are required to meet the 85th percentile peak parking demand. The 19 on-site parking spaces would satisfy the estimated peak parking demand in either case.

This concludes our traffic and parking assessment for the Kingston Bay Senior Living Project.

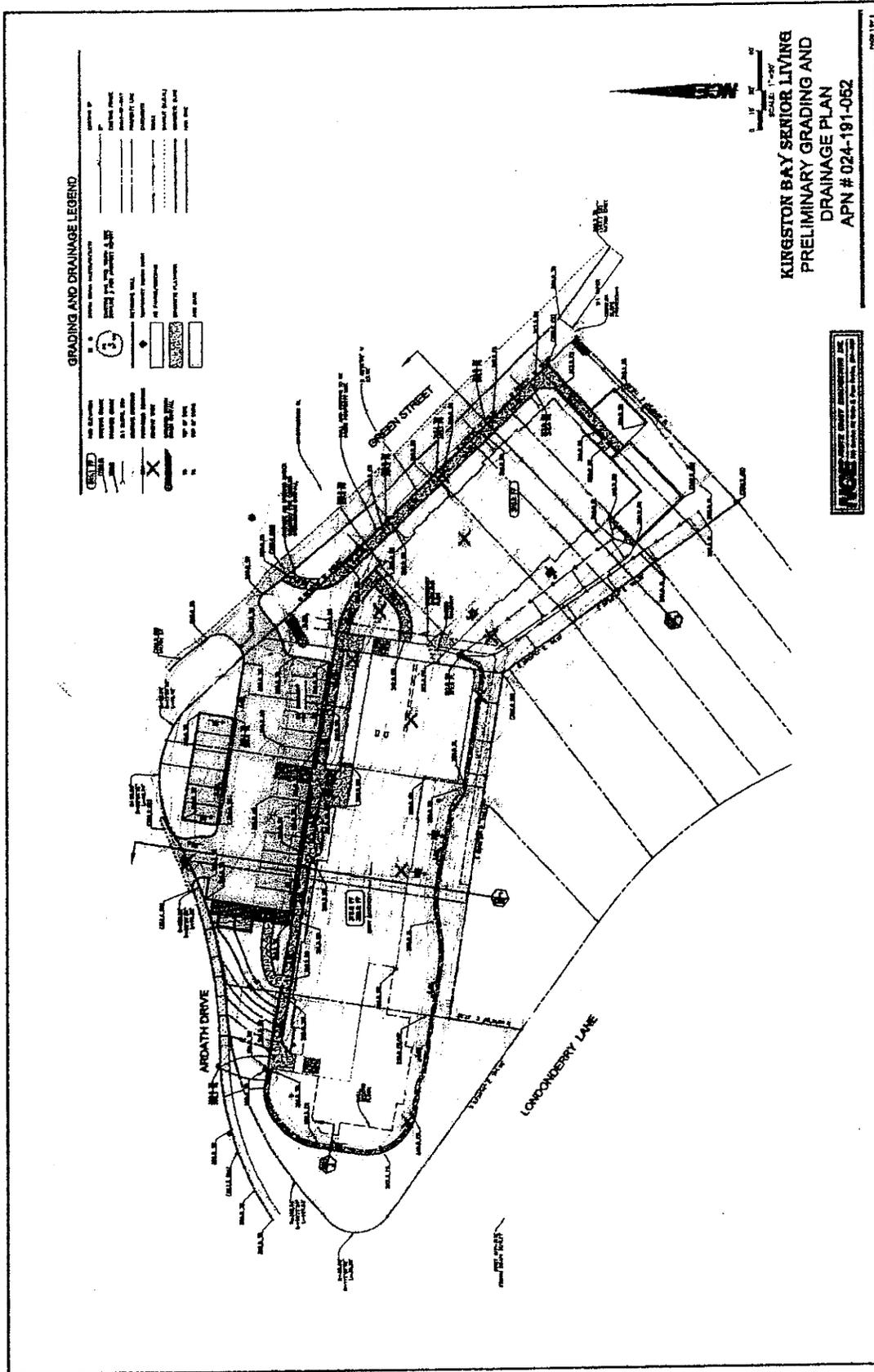
Associated Transportation Engineers



Scott A. Schell, AICP, PTP
Vice President

SAS/DFN/wp

attachments: Figure 1- Project Site Plan
Figure 2 - Project Trip Distribution and Assignment
Drawing A-5a San Luis Obispo County Intersection & Driveway Sight Distance



1

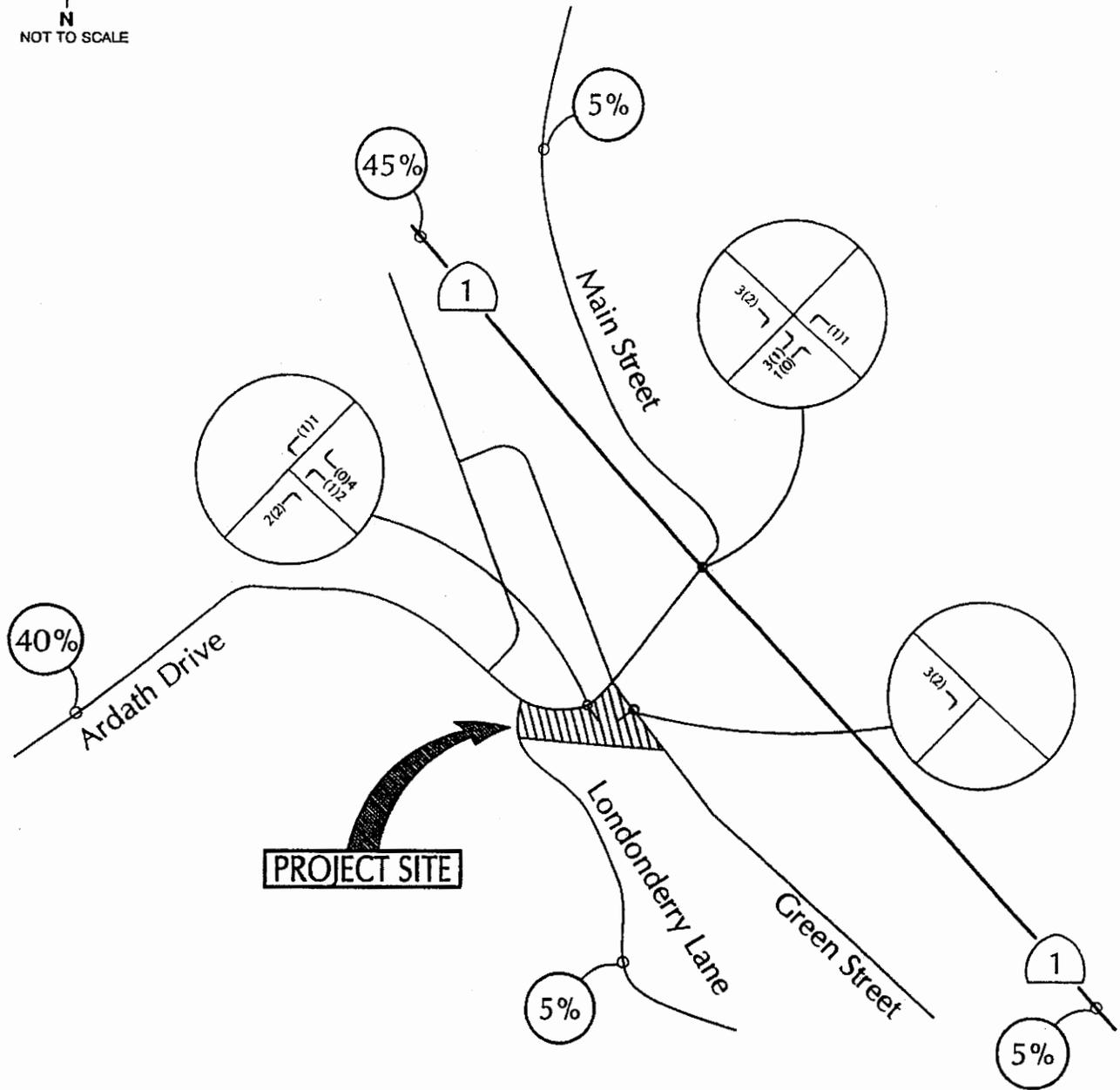
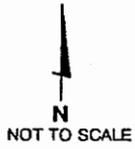
FIGURE

PROJECT SITE PLAN

MIME - #12092

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ENGINEERS





LEGEND



- Distribution Percentage



- (A.M.)P.M. Peak Hour Volume



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PROJECT TRIP DISTRIBUTION AND ASSIGNMENT

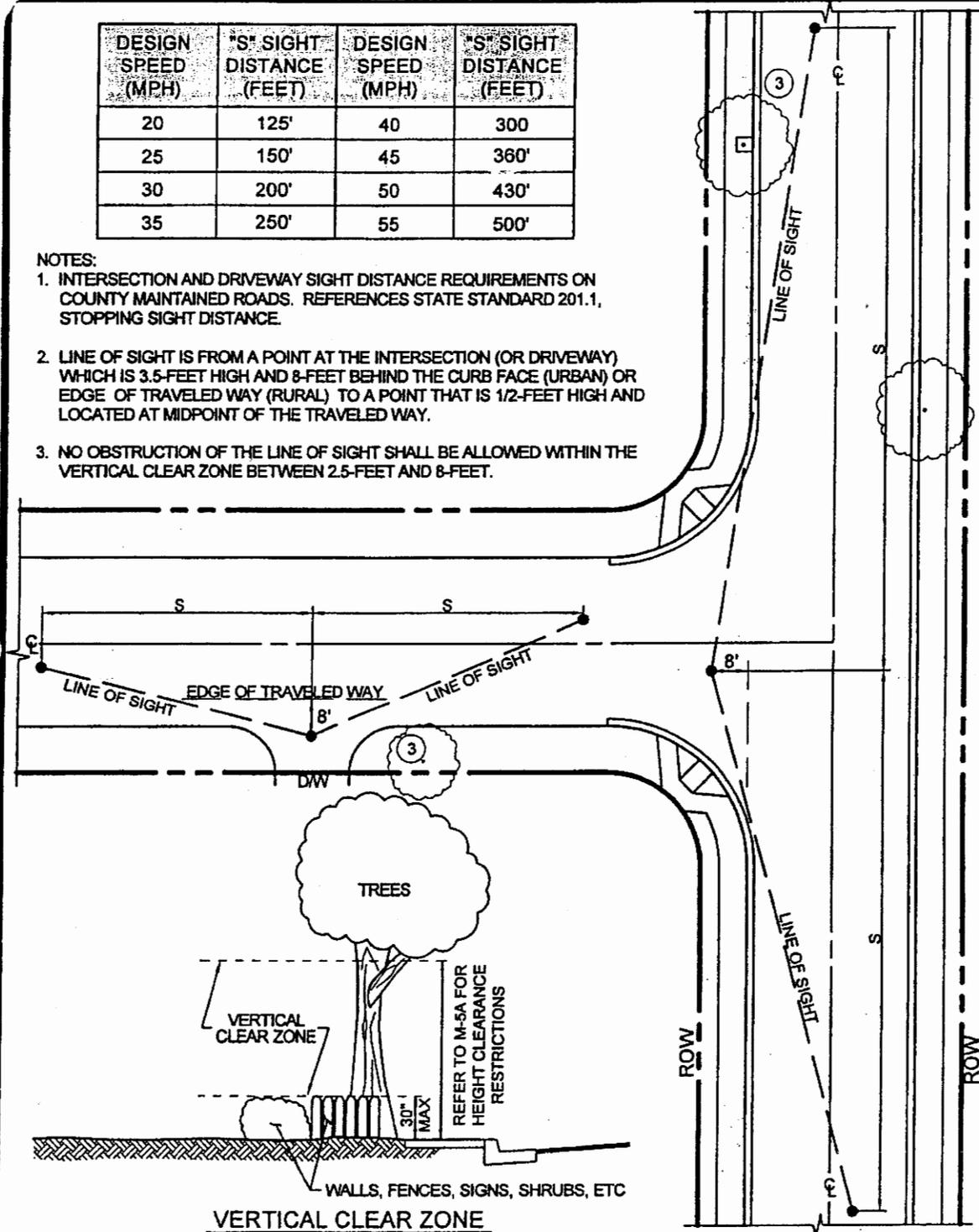
Attachment C
Revisions

Revision	Approved	Date	Description	Approved	Date
1	REM	NOV 07	DW SIGHT DIST. SAME AS INTERSECTION	GDM	JAN 11
2	GDM	NOV 08	SIGHT DISTANCE CHANGED TO CALTRANS STD		

DESIGN SPEED (MPH)	"S" SIGHT DISTANCE (FEET)	DESIGN SPEED (MPH)	"S" SIGHT DISTANCE (FEET)
20	125'	40	300'
25	150'	45	360'
30	200'	50	430'
35	250'	55	500'

NOTES:

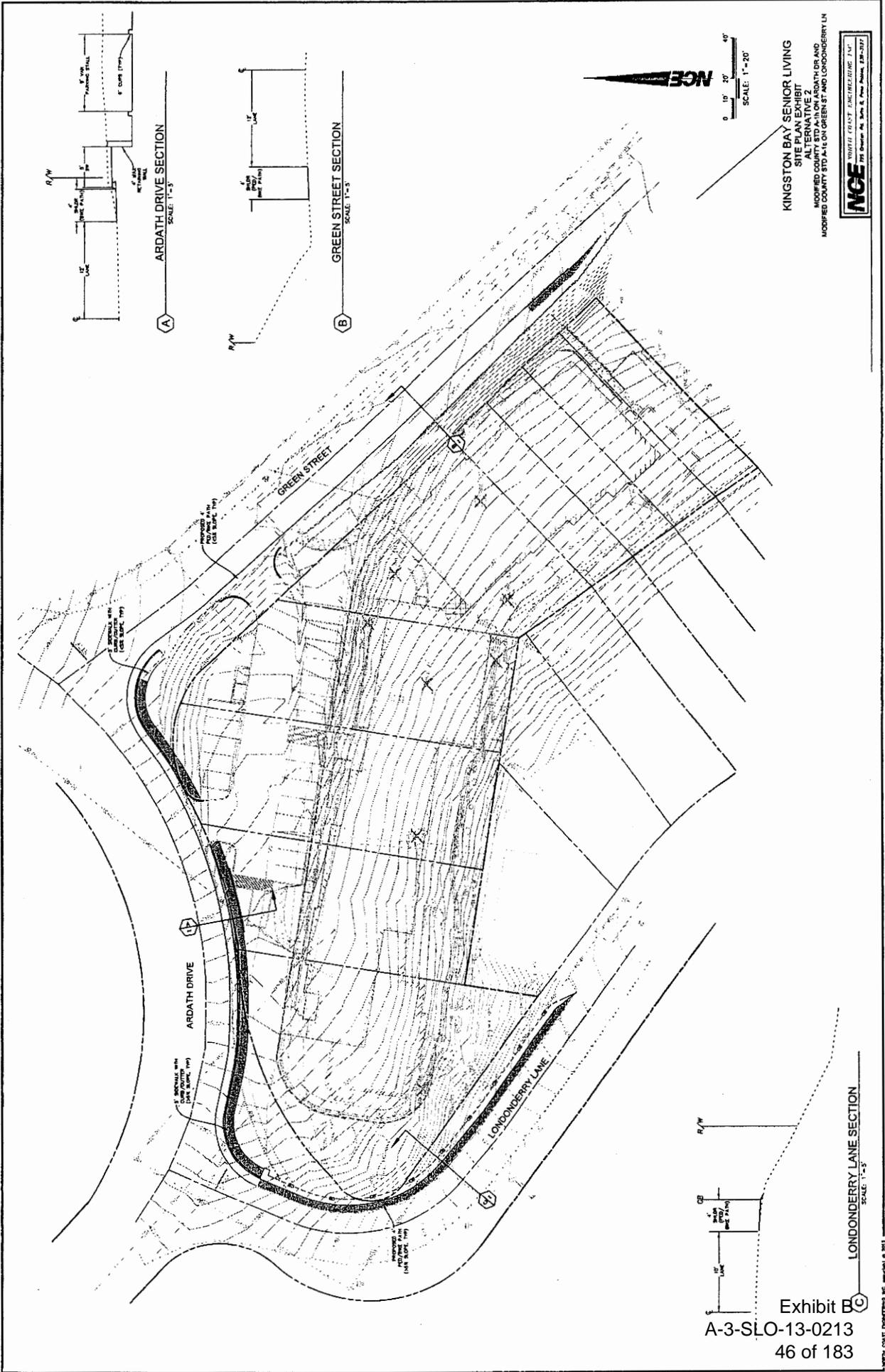
- INTERSECTION AND DRIVEWAY SIGHT DISTANCE REQUIREMENTS ON COUNTY MAINTAINED ROADS. REFERENCES STATE STANDARD 201.1, STOPPING SIGHT DISTANCE.
- LINE OF SIGHT IS FROM A POINT AT THE INTERSECTION (OR DRIVEWAY) WHICH IS 3.5- FEET HIGH AND 8- FEET BEHIND THE CURB FACE (URBAN) OR EDGE OF TRAVELED WAY (RURAL) TO A POINT THAT IS 1/2- FEET HIGH AND LOCATED AT MIDPOINT OF THE TRAVELED WAY.
- NO OBSTRUCTION OF THE LINE OF SIGHT SHALL BE ALLOWED WITHIN THE VERTICAL CLEAR ZONE BETWEEN 2.5- FEET AND 8- FEET.



DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION
INTERSECTION & DRIVEWAY
SIGHT DISTANCE

Scale: 1"=30'	Adopted: 2011
Drawing No: A-5a	
Sheet No: 1 OF 1	

Attachment 7



KINGSTON BAY SENIOR LIVING
 15000 WOODBURY ROAD
 WILMINGTON, DE 19804
 MODIFIED COUNTY STD A-11 ON ARDATH DR AND
 MODIFIED COUNTY STD A-11 ON GREEN ST AND LONDONDERRY LN

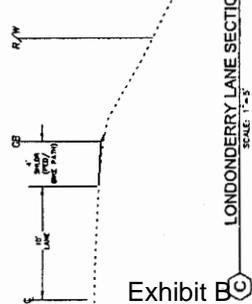


Exhibit B
 A-3-SLO-13-0213
 46 of 183



A

FIGURE

MNF - #12092

DRIVEWAY SIGHT DISTANCE

ASSOCIATED
TRANSPORTATION
ENGINEERS



A-3-SLO-13-0213

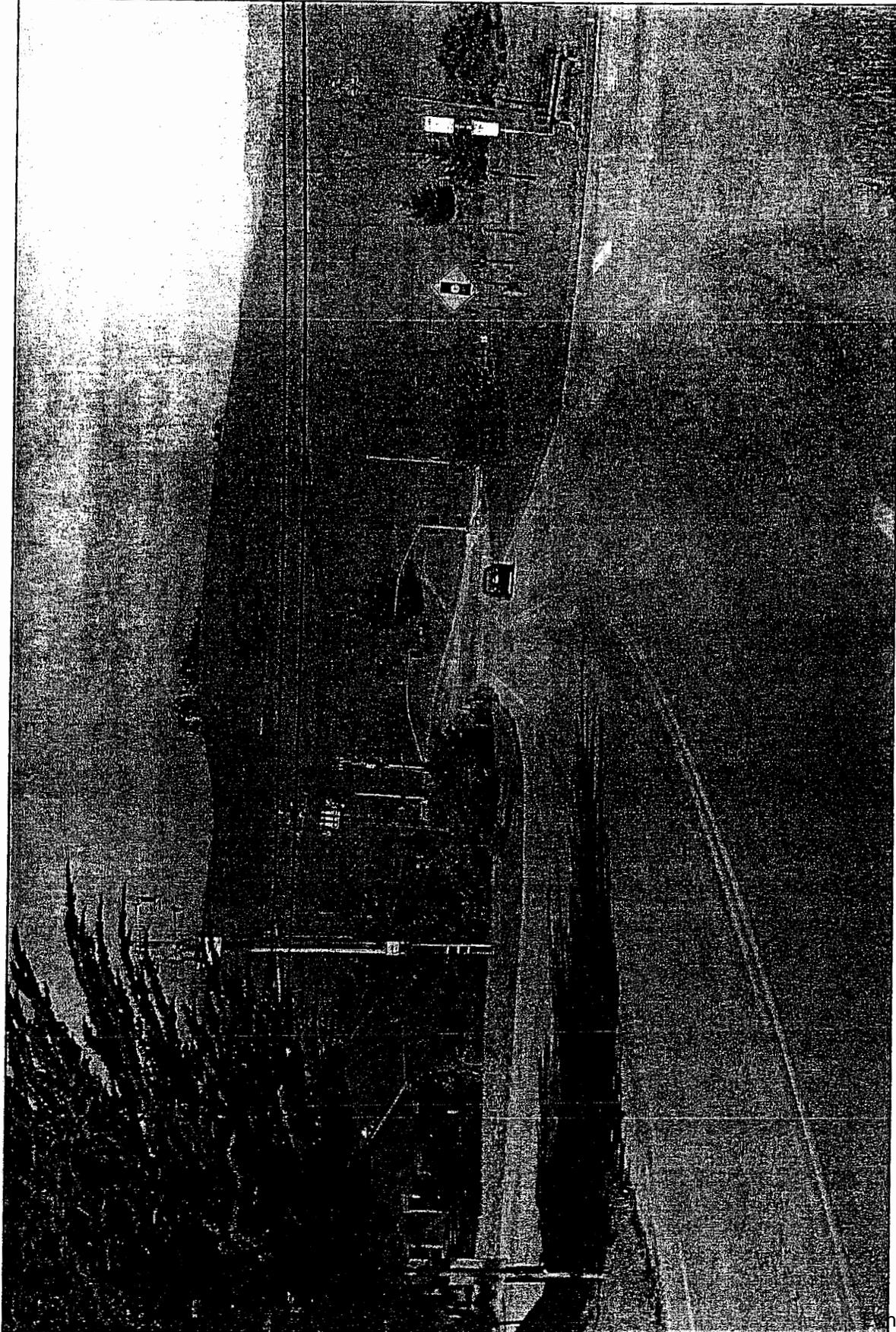


FIGURE B

DRIVEWAY SIGHT DISTANCE TO THE EAST (490' FEET)

ASSOCIATED
TRANSPORTATION
ENGINEERS



Exhibit
A-3-SLO-13-0213

MMF - #12092

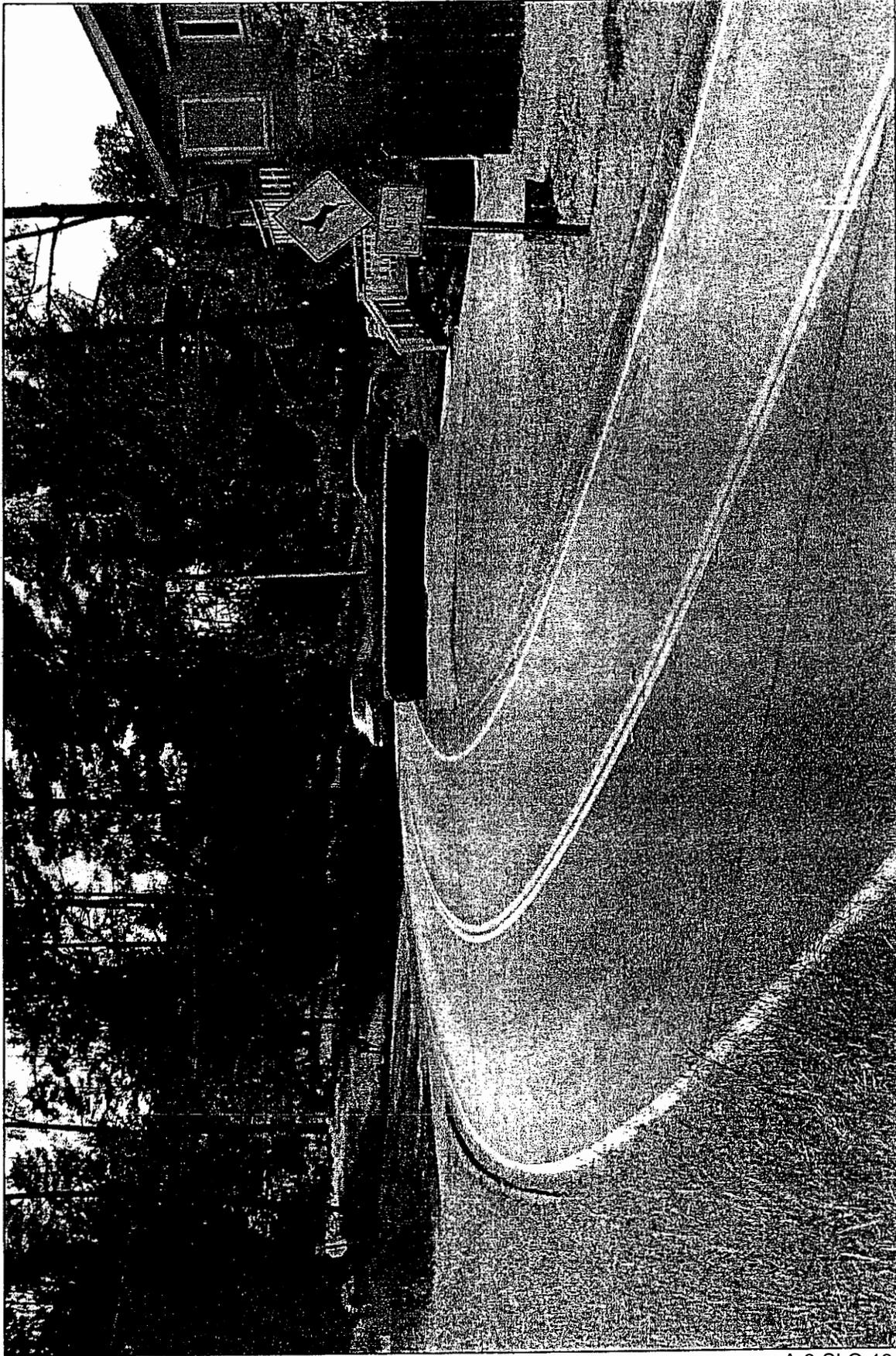
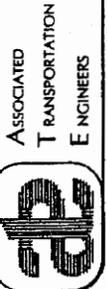


FIGURE C

DRIVEWAY SIGHT DISTANCE TO THE WEST (225' FEET)

MNF - #12092



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ENGINEERS

Exhibit B
A-3-SLO-13-0213

Attachment 8 Spot Speed Study

Prepared by: Associated Transportation Engineers

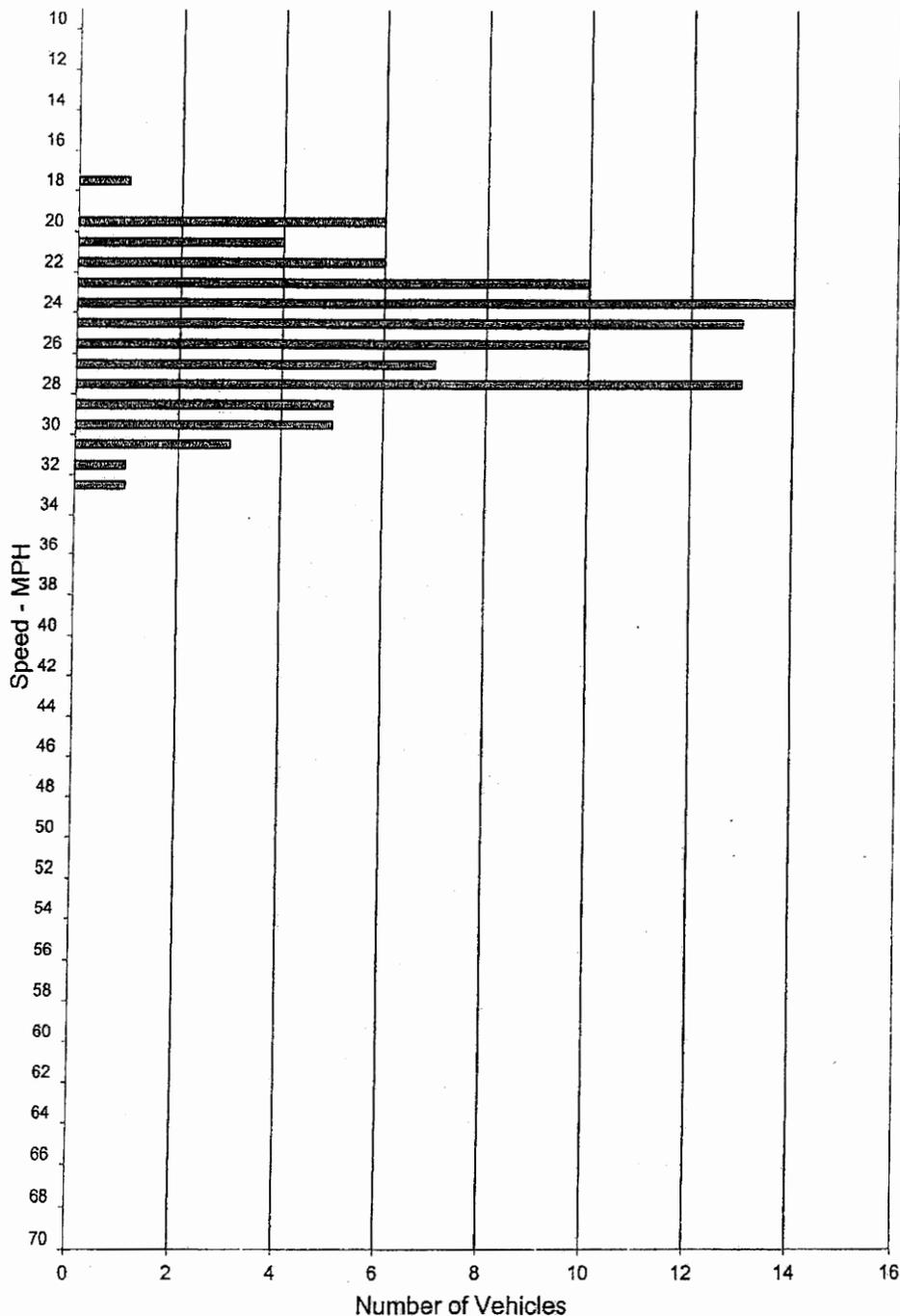
DATE: 4/11/2013
DAY: THURSDAY

Location: ARDATH @ LONDONDERRY (DOWNHILL ONLY)
Posted Speed: 30 MPH

Project #: 12092

Spot Speeds

Speed mph	ALL Vehicles
<=10	
11	
12	
13	
14	
15	
16	
17	
18	1
19	
20	6
21	4
22	6
23	10
24	14
25	13
26	10
27	7
28	13
29	5
30	5
31	3
32	1
33	1
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>=70	



SPEED PARAMETERS									Exhibit B	
Class	Count	Average Speed	Range	50th Percentile	85th Percentile	10 MPH Pace	# In Pace	Percent In Pace	# % Below Pace	# % Above Pace
ALL	99	25.4	18 - 33	25 mph	29 mph	20 - 29	88	89%	1% / 1	50% / 188

KINGSTON BAY

SENIOR LIVING LLC

Kingston Bay-Cambria Parking Management Plan

March 1, 2013

1.0 INTRODUCTION

- 1.1 **Purpose:** The Lodge at Kingston Bay- Cambria has developed a Parking Management Plan (PMP) to control and manage parking associated with those employees, vendors And guests coming and going from site, and to remain consistent with Conditions of Approval for the MUP.
- 1.2 **Applicability:** This plan is applicable to all Kingston Bay-Cambria staff and guests who park on the Kingston Bay-Cambria site and commute to Kingston Bay-Cambria for work, to attend functions, or visit residents on site.
- 1.3 **Time-frame:** Parking restrictions are in effect at all times.
- 1.4 **Regulating authority:** Facility Manager shall be responsible for compliance with the Parking Management Plan. They can be reached at a number to be provided prior to facility opening.
- 1.5 **All resident families will be alerted to those portions of the parking management plan that relate to visitor parking. This will occur as part of the resident intake process. Resident family members will be expected to park on site when visiting resident family members.**
- 1.6 **Some residents of the project suffer from some level of dementia and do not drive. They will be transported to and from individual and group events by a dedicated facility van. Residents will not be allowed to maintain a parked vehicle on site.**

2.0 PARKING PERMITS

- 2.1 **Parking permits to be issued to full-time facility employees**
- 2.2 **Parking permits will be identified with a permit number, and the year in which the permit is deemed valid. Upon termination of employment, employees will be asked to surrender their permit to management.**

Exhibit B

Attachment 9

- 2.3 Parking permits will expire on January 31st of each calendar year. New permits will be issued to employees commencing February 1st. A notice will be posted each February 1st, reiterating the policies included in this parking management plan.
- 2.4 Each employee will be issued one parking permit to be displayed prominently in their vehicle. Any unauthorized use of a parking permit, or identification of an unregistered vehicle could result in towing of said vehicle.
- 2.5 Employees are expected to park on site only when working or conducting business on site (ex: attending classes, volunteering, picking up pay-checks or delivering materials). Unauthorized overnight parking for employees not employed during a late night shift is prohibited.

3.0 No Parking Areas

The following color codes shall be used to identify parking and non-parking zones:

RED: Parking is never permitted in zones painted with a red curb, in front of driveways, or blocking vehicle lanes.

BLUE: Handicapped parking. For use by accessible van or vehicles with a valid accessible license or placard only.

YELLOW: This space is reserved for loading/unloading of passengers, or delivery of freight, not to exceed 30 minutes unless special dispensation has been received from management. Any vehicle parking in this space and not authorized will be subject to citation and towing.

4.0 VISITOR PARKING

- 4.1 Visitors may use spaces marked in yellow for short-term staging, picking up/dropping-off residents, or dropping off freight or personal items for resident use.
- 4.2 Families will be reminded once a year (communicated through newsletter) that visitor parking is provided on site.

Attachment 9

4.3 Special events. For select holidays during the year, Kingston Bay-Cambria resident families will be made aware, well in advance, that off-site parking will be made available. Families will be shuttled to a remote location to accommodate overflow. Impact to peak hour traffic or week day parking at Kingston Bay-Cambria is not expected.

5.0 DISPLAY OF PARKING PERMITS

5.1 Parking permits shall be affixed to the lower left corner of the rear window of the vehicle so that the permit is clearly visible from the outside of the vehicle. Any car parked on site that does not have a permit, or has not been cleared as a visitor, runs the risk of being towed. Owner of the unpermitted vehicle will be responsible for all costs associated with reclaiming their vehicle from the tow yard.

5.2 Rental vehicles or new vehicles replacing existing vehicles are required to have a parking permit or temporary parking permit if they are parked on-site. Management may allow temporary waivers from this requirement if employee submits temporary vehicle registration number at front desk.

5.3 Misuse of, fraudulent obtaining of, or unauthorized reproduction of a Kingston Bay-Cambria parking permit is prohibited and may result in immediate termination.

5.4 Abandoned or stored vehicles, other than the dedicated facilities van, are prohibited on site.

6.0 DELIVERIES

6.1 To the greatest extent feasible, all deliveries shall be staged on site. Exclusions include UPS, FedEx, or other independent delivery services that are not a regularly scheduled vendor delivery.

7.0 ALTERNATIVE TRANSPORTATION

7.1 Carpooling by employees on the same shift is also encouraged. Please refer to your employee manual for an updated incentive plan for all employees who commit to regular carpooling to and from work.

Attachment 9

- 7.2 Please refer to Traffic Solutions website, www.trafficsolutins.info for various tools related to carpooling, vanpooling and ride-share programs in our area. If you use alternative transportation to get to work at least once a week, and you are registered in the Traffic Solutions Emergency Ride Home Program, the cost of an emergency ride home is covered.
- 7.3 **Lunch Facilities On-Site:** To encourage use of alternative transportation, and to facilitate safe and healthy working conditions, Kingston Bay-Cambria will provide areas where employees can have lunch on site and have access to a refrigerator, microwave, sink, food preparation area, tables and chairs.

Correspondence Received2

Thereafter, on motion of the hearing officer, the request by MORRO COAST AUDUBON SOCIETY (MCAS) for a Minor Use Permit/Coastal Development Permit (DRC2011-00013) is continued to the March 15, 2013 Planning Department Hearing.

5. Hearing to consider a request by KINGSTON BAY SENIOR LIVING, LLC for a Minor Use Permit/Coastal Development Permit to establish a 28,266 square foot, 31 unit senior care facility. The proposed building will have a development footprint of 19,482 square feet and will result in the disturbance of approximately 1 acre on a 1.26-acre parcel. The proposed project is within the Residential Multi-Family land use category, and is located between Londonderry and Green Streets, directly south of Ardath Street, approximately 50 feet west of Highway 1, in the community of Cambria. The site is in the North Coast planning area. The Environmental Coordinator found that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified. No new mitigation measures have been proposed. County File Number: DRC2012-00024 APN's:024-191-038,024,052,056 Supervisorial District: 2 Date Accepted: January 14, 2013 Airlin Singewald, Project Manager
Recommendation: Approve

POST MEETING RESULTS: APPROVEDStaff ReportCorrespondence ReceivedParking ManagementRequest For HearingCorrespondence Taken In At MeetingSpeaker Slips

Airlin Singewald, Project Manager: presents project via a power point presentation.

Jeff King, Applicant: speaks at to project, requests approval of project.

Dana Lilley, Hearing Officer: questions Mr. King regarding availability of facility manager to neighbors. Mr. King responds.

Jay Bladder, Architect: responds to some issues raised by the North Coast Area Council using a power point presentation.

Darryl Nelson, Analyst: speaks at to project.

Claudia Worthen, Marty Munoz-Main, Tom Gray, Erwin Ohannesian, John McGarvy, Bruce Fosdike, Vikki Hansen, Laurel Stewart, all speak as to concerns, or support of project.

Jeff King, Darryl Nelson and Jay Bladder, respond to comments made during public testimony.

Airlin Singewald, Project Manager: responds to comments and concerns raised during public testimony.

Tim Tomlinson, Public Works: speaks as to project, recommends approval.

Dana Lilley, Hearing Officer: deliberates.

Erwin Ohannesian, North Coast Advisory Council: requests clarification regarding widening the shoulder on Ardath. Airlin Singewald asks Tim Tomlinson to respond.

Thereafter, on motion of the hearing officer, the request by KINGSTON BAY SENIOR LIVING, LLC for a Minor Use Permit/Coastal Development Permit (DRC2012-00024) is granted based on the Findings A. through O. listed in Exhibit A and subject to the Conditions 1 through 69 listed in Exhibit B, with newly added Condition 65 to read: "On-going condition of approval (valid for the life of the project), the project shall comply with the Senior Bay Senior Living Parking Management Plan dated March 1, 2013." The remaining Conditions to be renumbered accordingly (Document Number: 2013-017_PDH).

6. Hearing to consider a request by BILL LEE for a Minor Use Permit/Coastal Development Permit to allow construction of an irrigation well for an existing orchard. The proposed project is within the Residential Suburban land use category on a 5 acre parcel, and is located at 190 Sea Wind Way. The site is within the community of Los Osos, in the Estero planning area. This project is exempt under CEQA. County File Number: DRC2012-00028 Assessor Parcel Number: 074-02-015 Supervisorial District: 2 Date Accepted: October 31, 2012 Kerry Brown, Project Manager Recommendation: Approve

POST MEETING RESULTS: APPROVED

Staff Report

Revised Conditions

Request For Hearing Letter



Attachment 11

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE March 1, 2013	CONTACT/PHONE Airlin M. Singewald (805) 781-5198	APPLICANT Kingston Bay Senior Living, LLC	FILE NO. DRC2012-00024
LOCAL EFFECTIVE DATE March 15, 2013	ASINGEWALD@CO.SLO.CA.US		
APPROX FINAL EFFECTIVE DATE April 5, 2013			
SUBJECT Hearing to consider a request by Kingston Bay Senior Living, LLC for a Minor Use Permit/Coastal Development Permit to establish a 28,266 square foot, 31 unit senior care facility. The proposed building will have a development footprint of 19,482 square feet and will result in the disturbance of approximately 1 acre on a 1.26-acre parcel. The proposed project is within the Residential Multi Family land use category, and is located between Londonderry and Green Streets, directly south of Ardath Drive, approximately 50 feet west of Highway One, in the community of Cambria. The site is in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2012-00024 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator found that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified. No new mitigation measures have been proposed.			
LAND USE CATEGORY Residential Multi Family	COMBINING DESIGNATION Local Coastal Program Area, Geological Study Area, Terrestrial Habitat Protection	ASSESSOR PARCEL NUMBER 024-191-038,024,052,056-059	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Limitation on Development, Cambria Community Services District Review, Cambria Fire Department Review, Limitation on Use, Erosion Control, Exterior Lighting, Landscaping, Height <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Coastal Appealable Zone, Local Coastal Program, Geologic Study Area, Terrestrial Habitat Protection, Nursing and Personal Care, Landscaping, Fencing and Screening, Solid Waste Collection and Disposal <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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EXISTING USES: Vacant, undeveloped parcel	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi Family/ residences, church <i>East:</i> Agriculture/ undeveloped <i>South:</i> Residential Multi Family/ residences <i>West:</i> Residential Single Family/ residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Building Division, Air Pollution Control District (APCD), Cambria Community Services District (Water/Sewer), Cambria CSD (Fire), Cal Trans, Regional Water Quality Control Board, and the California Coastal Commission.	
TOPOGRAPHY: Level to moderately sloping	VEGETATION: Monterey pines, coast live oaks
PROPOSED SERVICES: Water supply: Cambria Community Services District Sewage Disposal: Cambria Community Services District Fire Protection: Cambria Community Services District	ACCEPTANCE DATE: January 14, 2013
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.	

DISCUSSION

BACKGROUND / PROPOSED PROJECT

In August 2006, the County approved a minor use permit/coastal development permit (DRC2005-00103) authorizing the establishment of a 40,000 square foot, 31 unit senior care facility named Kestral Pointe on the subject property. Due to the economic downturn that followed, the applicant was not able to construct the facility and the minor use permit eventually expired in April 2012, after receiving a third and final time extension.

In 2012, Kingston Bay Senior Living, an experienced and well-established developer and operator of senior care facilities throughout California, acquired the property and submitted this minor use permit application to construct a scaled-down version of the expired project. This revised project remains within the previously approved building envelope, has increased setbacks, and is sited to minimize tree removal.

Table 1, below, describes the development characteristics of the proposed project relative to the previously approved and now expired Kestral Pointe project. The proposed facility will have the same number of units (31) as the previous project, but will have fewer beds (41 compared to 62), due to fewer double occupancy units. Kingston Bay will include 24 assisted living units and 7 memory care units.

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The proposed building will have a floor area of 28,000 square feet, which is about 28 percent smaller than the previous project. The building footprint of 19,000 square feet is 17 percent smaller. The building height remains 25' in conformance with the North Coast Area Plan height limitation for projects visible from Highway One.

Table 1: Comparison between Kestral Pointe and Kingston Bay

Project Characteristic	Kestral Pointe (expired project)	Kingston Bay (proposed project)	Change
Site Area (SF)	54,705	54,705	--
Building Footprint (SF)	23,574	19,482	-17%
Building Floor Area (SF)	39,390	28,266	-28%
Building Height	25'	25'	--
Hardscape (SF)	11,250	12,889	+15%
Landscape and Preserved Habitat (SF)	19,881	22,334	+12%

The most noticeable difference between the two projects is the change in architectural styles. With two large turret features, an ornate stone wall, and prominent massing, Kestral Pointe had the appearance of a landmark or gateway entrance to the Lodge Hill neighborhood. This architectural style was generally compatible with the character of Cambria and it used colors and materials to complement the surrounding pine forest setting, but it seemed to dominate, rather than blend with, the landscape. The proposed project, on the other hand, has a more modest appearance incorporating façade features, such as exposed timber roof beams and gable roof-forms, which are reflective of a craftsman style consistent with the historic vernacular of Cambria. The building façade is articulated to appear like a number of smaller forms. The project will include a combination of fire-resistant shingles and siding that will mimic a natural wood finish. Colors will be earth-tones to blend with the surrounding pine forest. When viewed from Highway One, the project will be mostly screened by existing topography and mature vegetation. It will be visible from the Highway One/Adraeth Drive intersection, but will blend with and appear subordinate to the tall pine trees in the background.

PLANNING AREA STANDARDS

As described below, the project complies with applicable Combining Designations, Cambria Urban Area, and Residential Multi Family development standards of the North Coast Area Plan.

Combining Designations

Local Coastal Program Area (LCP)

In accordance with CZLUO section 23.07.120 the project is within the California Coastal Zone as determined by the California Coastal Act of 1976.

Geologic Study Area (GSA)

The project is within a designated GSA due to high landslide potential. CZLUO Section 23.07.080 requires proposed projects within a GSA to include an engineering geology report. The report shall identify, describe and illustrate, where applicable, potential geologic hazards.

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The project complies with this standard because the applicant submitted an Engineering Geology Review (GeoSolutions, Inc.; June 13, 2012) and Geotechnical Engineering Report (Mid-Coast Geotechnical, Inc.; June 28, 2012) for the proposed project. These reports provide recommendations for grading, foundation design, perimeter slabs and garden walls, soil compaction, and roof gutters and downspouts. The applicant will be required to implement the conclusions and recommendations provided in the above referenced reports.

Terrestrial Habitat (TH) Protection

The following standards apply to new development proposed within the Terrestrial Habitat Protection (TH) combining designation:

1. **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.
2. **Terrestrial habitat development standards:**
 - a) **Revegetation.** Native plants shall be used where vegetation is removed.
 - b) **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 Coastal Zone Land Use Ordinance Section 23.07.170(a) shall also include a review of impacts on the habitat that may be associated with trails.

The project site is in a designated Terrestrial Habitat (TH) Sensitive Resource Area because of the presence of the Monterey pine forest in the Cambria urban area. Native Monterey pines occur in only a few areas along the California coast. While there are 20 Monterey pine trees and 4 coast live oaks on the site, the site lacks understory vegetation and related habitat characteristic of quality forest habitat. The project site was previously used for through traffic at its northern edge as part of the old Highway One. Vehicles intermittently park on the abandoned roadway.

The project proposes to remove eight Monterey pines and one coast live oak for the development of the proposed senior care facility. The North Coast Area Plan requires removed pines to be replaced at a 4:1 ratio and removed oaks to be replaced at a 6:1 ratio. Based on these ratios, the project will be required to plant 32 new pines and six new oaks.

The applicant has submitted a proposed landscape plan showing the planting of replacement pines and oaks along Ardath and Green Streets and behind the building. Trees have been sited to mimic the structure and composition of undisturbed Monterey pine forests around Cambria, as recommended by the biologist. The proposed landscaping has the added benefit of screening the facility from Highway One to the north and neighboring residences to the south.

As conditioned, the project will include protective measures to avoid impacts to pine and oaks during grading and construction activities and accepted arborist's techniques will be used when removing tree limbs, if necessary.

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With implementation of the aforementioned project features and conditions of approval, the proposed facility will comply with the TH development standards.

Cambria Urban Area Standards - Community Wide

Limitation on Development – Water Conservation Requirements

New development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the CCSD's service area, or through other verifiable actions to reduce existing water use in the service area.

The proposed project is conditioned to comply with this standard.

Cambria Community Services District Review

Prior to application acceptance, land use and building permit applications shall include a written verification of water and sewer service from the CCSD. A water and sewer service condition compliance letter from the CCSD shall be provided to the Department of Planning and Building prior to final building inspection.

The proposed project has an intent to serve letter for water and sewer service from the CCSD in the amount of 11.78 EDUs. The proposed project consists of 42 beds, requiring 11.78 EDUs. The proposed project is considered a 'pipeline project' as it was already in process with the CCSD at the time the CCSD Board of Directors declared a Water Code 350 emergency. In addition, the project is conditioned to comply with the requirements of the intent to serve letter and the applicant shall provide a water and sewer service condition compliance letter from the CCSD prior to final inspection.

Cambria Fire Department Review

All new development shall comply with applicable state and local Cambria fire codes. Prior to application acceptance, land use and building permit applications shall include a Fire Plan Review from the Cambria Fire Department.

The proposed project complies with this standard. The applicant provided a fire plan review, dated January 6, 2013, from the Cambria Fire Department and a detailed fire safety plan (Dudek; November 2012) that identifies the fire risk associated with the proposed project and emergency response and evacuation procedures. The fire safety plan recommends a dedicated transport van be housed at the project site to allow for evacuation of residents and staff during an emergency and the establishment of a shelter-in-place area in the project kitchen and dining room when early off-site relocation is not feasible. The plan also includes recommendations on building materials, construction practices, defensible space vegetation management, and access/egress. The recommendations of the fire safety plan have been incorporated into the project description and business operations for the proposed facility. The Cambria Fire Department issued a letter stating that the proposed fire safety plan "meets or exceeds all of our expectations by addressing all of the key areas of concern outlined in our earlier correspondence" (M. Miller; January 9, 2013).

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Erosion Control

In addition to other applicable requirements of the Coastal Zone Land Use Ordinance, all runoff from impervious surfaces such as roofs, driveways, walks, patios, and/or decks shall be collected and retained on-site to the greatest extent possible. Run-off not able to be retained on-site shall be passed through an effective erosion control device or filtration system approved by the Public Works Department.

The proposed project complies with this standard because the applicant will be required to submit a sedimentation and erosion control plan and a drainage plan prior to issuance of a construction permit.

Landscaping

All areas of the site disturbed by project construction shall be re-vegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. Non-native, invasive, fire prone, and water intensive (i.e. turf grass) landscaping shall be prohibited on the entire site.

The proposed landscape plan has been prepared in compliance with this standard.

Exterior Lighting

All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries source. Particular care is to be taken to assure that direct illumination does not fall onto or across any public or private street or road.

The proposed project is conditioned to comply with this standard.

Archaeological Resource Protection

In the event archaeological resources are unearthed or discovered during any construction activities, construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

The proposed project is conditioned to comply with this standard.

Cambria Urban Area Standards – Residential Multi Family (RMF) Land Use Category

Height Limitation

The maximum height for structures is 28 feet from average natural grade. Development visible from Highway One shall not exceed two stories, or 25 feet in height.

The proposed project, which is visible from Highway One, complies with this standard because it has a maximum height of 25 feet.

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Limitation on Use

This standard prohibits single family dwellings on lots designated RMF that meet the 6,000 square foot minimum site area for multiple family dwellings.

The proposed project complies with this standard because it is for a 31-unit senior care facility.

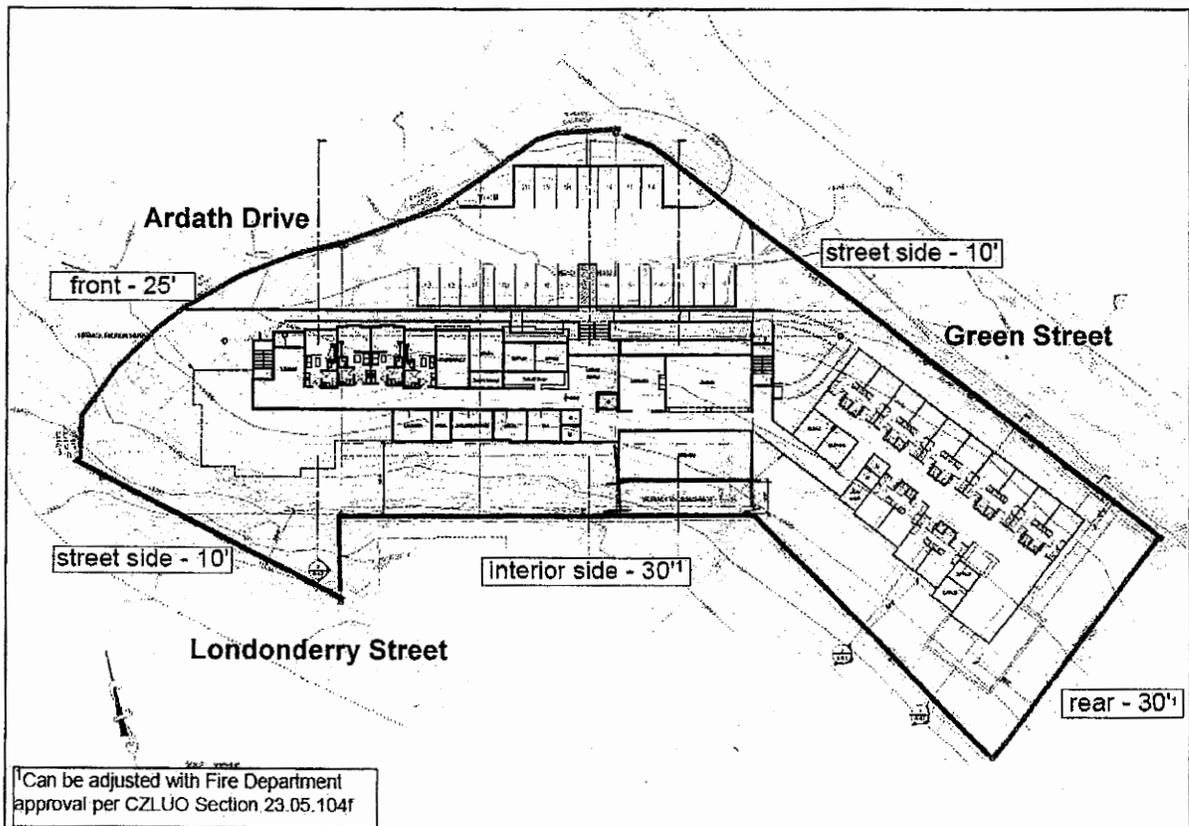
LAND USE ORDINANCE STANDARDS

Section 23.04.100 – Setbacks

The irregularly shaped parcel is considered a "corner lot" for the purpose of determining setback requirements. The front of a corner lot is the narrowest frontage facing the street, regardless of the building's orientation. In this case, the front of the lot is Ardath Drive, which is the narrower of the two frontages at the Ardath Drive / Green Street intersection (see Figure 1, below).

The proposed facility meets the required front, street side, and rear setbacks. The southerly building wall (kitchen area) would encroach 16' into the required 30' interior side setback; however, it would be mostly below grade and the Cambria Fire Department has authorized a side setback exception, based on proposed mitigation including built-in fire safety systems and building construction features, pursuant to CZLUO Section 23.05.10f.

Figure 1: Required Setbacks



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Section 23.01.043c. (3)(i) – Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the subject parcel is located in an Environmentally Sensitive Habitat Area (Monterey Pine Forest - Terrestrial Habitat). The proposed facility is sited and designed to minimize impacts on the pine forest. It includes a landscape plan showing the planting of 32 new pine trees and six new oak trees to mitigate the planned removal of 8 pines and one oak.

Section 23.07.120 – Local Coastal Program (LCP)

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.07.176 – Terrestrial Habitat Protection (TH)

The project site is in a mapped Terrestrial Habitat area and is subject to the provisions of terrestrial habitat development standards in accordance with CZLUO section 23.07.176(b). The intent of that section is to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitat.

The proposed project complies with this standard because: a) it has been sited and designed to minimize impacts to the Monterey pine forest; b) includes a landscape plan showing the planting of 32 new pines and six new oaks in accordance with the required replacement ratios established in the North Coast Area Plan; and c) will include measures to avoid impacts to live pine and oak trees during grading and construction activities.

Section 23.07.080 – Geologic Study Area (GSA)

The proposed project is located within a Geologic Study Area (GSA) combining designation, and is subject to Section 23.07.080 Geologic Study Area. This section requires projects located within a GSA to include a report prepared by a certified engineering geologist. The report must identify, describe, and illustrate, where applicable, potential hazards of surface fault rupture, seismic shaking, and liquefaction or landslide.

The Geotechnical Engineering Report (Mid-Coast Geotechnical, Inc.; June 28, 2012) prepared for the project concluded that no geologic or geotechnical conditions exist that would preclude the proposed development when constructed in accordance with the report recommendations.

Section 23.08.110 – Nursing and Personal Care

The proposed use is defined as Nursing and Personal Care in Framework for Planning. It is a "special use" requiring Minor Use Permit approval. The CZLUO contains development standards for this use including: 1) location within an urban or village reserve line; 2) minimum site area of 20,000 square feet; and 3) one parking space per 4 beds.

The project is consistent with these requirements as it is located within an urban reserve line, has a site area of 1.26 acres, and provides 19 parking spaces.

Section 23.04.180 – Landscaping, Screening, and Fencing

In accordance with this section, the applicant has submitted a preliminary landscape plan. Landscaping is provided in all setback areas and all areas of the site not identified as intended for a specific use or purpose. The landscaping relates to the architectural design elements of the structures on the site and will serve to reduce the apparent massing of the structures. Fencing and screening is required for mechanical equipment. A final landscaping plan is required prior to issuance of a grading or construction permit.

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Section 23.04.280 – Solid Waste Collection and Disposal

This section requires refuse collection areas to be located outside of the front setback, but within 100 feet of the building to be serviced, and to be screened from the view of public streets and adjoining properties.

The current site plan does not meet this standard because the refuse collection area is shown within the front setback. However, the project is conditioned to require a revised site plan, before issuance of a construction permit, showing the refuse area relocated outside of the front setback. The applicant is aware of this requirement and has already submitted an alternative site plan showing the refuse enclosure in a location about 50 feet north of the proposed building, within the side setback, along Green Street. The proposed enclosure will screen the refuse containers from nearby streets and adjoining properties in compliance with section 23.04.280.

COASTAL PLAN POLICIES:

The project is in compliance with the Coastal Plan Policies. The most relevant policies are discussed below:

Environmentally Sensitive Habitats

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 project complies with this policy because it will not disrupt resources on the site and will replace removed Monterey pine trees at a 4:1 ratio.

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 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. The project is consistent with this policy because it will not significantly disrupt the habitat, and tree removal and site disturbance have been minimized. The property currently contains 20 Monterey pines and 4 coast live oaks. The majority of these trees will be retained, with only 8 pines and one oak proposed for removal. Removed trees will be replaced at the required ratios of 4:1 for pines and 6:1 for oaks as specified in the North Coast Area Plan. This results in a tree replacement requirement of 32 pines and six oaks. The applicant has submitted a landscape plan showing the planting of these replacement trees, as well as native understory shrubs in the open areas around the proposed facility. The landscape plan will mimic the structure and composition of understory pine forests around Cambria. The biological assessment prepared for the project (V.L. Holland; September 12; 2012) reviewed the proposed landscape plan and determined that it adequately mitigates the project's impacts on the Monterey pine forest.

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Policy 3: Habitat Restoration. The County or Coastal Commission should require the restoration of damaged habitats as a condition of approval where feasible. *The project is consistent with this policy because the proposed landscape plan will enhance the quality of the Monterey pine forest on the project site.*

Policy 30: Protection of Native Vegetation. Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed. *The project is consistent with this policy because it has been sited and designed to minimize tree removal and includes a landscape plan showing the planting of native pines, oaks, and understory shrubs around the proposed facility. Pinus radiata var. macrocarpa, the native Monterey pine tree, shall be used for replanting of removed pines.*

Policy 35: Protection of Vegetation. Vegetation which is rare or endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat. *The project is consistent with this policy because it has been sited and designed to minimize tree removal and includes a landscape plan showing the planting of native pines, oaks, and understory shrubs around the proposed facility. Pinus radiata var. macrocarpa, the native Monterey pine tree, shall be used for replanting of removed pines.*

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. *The project is consistent with this policy because it will not significantly disrupt the habitat, and tree removal and site disturbance have been minimized. The property currently contains 20 Monterey pines and 4 coast live oaks. The majority of these trees will be retained, with only 8 pines and one oak proposed for removal. Removed trees will be replaced at the required ratios of 4:1 for pines and 6:1 for oaks as specified in the North Coast Area Plan. This results in a tree replacement requirement of 32 pines and six oaks. The applicant has submitted a landscape plan showing the planting of these replacement trees, as well as native understory shrubs in the open areas around the proposed facility. The landscape plan will mimic the structure and composition of understory pine forests around Cambria. The biological assessment prepared for the project (V.L. Holland; September 12; 2012) reviewed the proposed landscape plan and determined that it adequately mitigates the project's impacts on the Monterey pine forest.*

Public Works

Policy 1: Availability of Service Capacity. New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development. *Adequate public service capacities are available to serve the proposed development because the proposed project has an intent to serve letter for water and sewer service from the CCSD in the amount of 11.78 EDU's. The proposed project is considered a 'pipeline project' as it was already in process with the CCSD at the time the CCSD Board of Directors declared a Water Code 350 emergency (November 2001).*

Coastal Watersheds

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent. *The project*

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complies with this policy as the proposed development will take place on an existing lot of record in the Residential Multi Family category on slopes less than 20 percent.

- Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period. *The proposed project is conditioned to comply with this policy as the project shall have an erosion and sedimentation control plan where grading is conducted or left in an unfinished state during the period from October 15 through April 15. The project is also required to have a Storm Water Pollution Prevention Plan (SWPPP) since it involves the disturbance of more than one acre.*
- Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basin, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. *The proposed project is conditioned to comply with this policy as the applicant shall apply Best Management Practices in the selection and implementation of site maintenance.*
- Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. *The proposed project is conditioned to comply with this policy as the applicant shall provide a drainage plan to the San Luis Obispo County Department of Public Works for approval, and shall implement the approved drainage plan, displaying that construction of the proposed facility will not increase erosion or runoff.*
- Policy 11: Preserving Groundwater Recharge. In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats. *The proposed project is consistent with this policy as the project shall retain groundwater on-site.*

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. *The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design. The proposed facility will be constructed in a craftsman style consistent with the historic vernacular in Cambria. It will use fire resistant wood-appearing siding and earth-tone colors that blend with the background forest. The project also includes a landscape plan to assimilate the facility into the pine forest and partially screen it from Highway One.*
- Policy 7: Preservation of Trees and Native Vegetation. The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replaced with similar species which are reflective of the community character. *The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design. It includes a landscape*

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plan showing the planting of 32 new pine trees and six new oak trees to mitigate the planned removal of 8 pines and one oak.

Hazards

Policy 1: New Development: All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property. Geotechnical Engineering Report (Mid-Coast Geotechnical, Inc.; June 28, 2012) prepared for the project concluded that no geologic or geotechnical conditions exist that would preclude the proposed development when constructed in accordance with the report recommendations.

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability. The proposed project is consistent with this policy because the structure is required to be designed to ensure structural stability while not creating or contributing to erosion of geological instability. The Geotechnical Engineering Report (Mid-Coast Geotechnical, Inc.; June 28, 2012) prepared for the project concluded that no geologic or geotechnical conditions exist that would preclude the proposed development when constructed in accordance with the report recommendations.

Policy 3: Development Review in Hazard Areas. The County shall provide a detailed review of development proposals within a geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The proposed project is consistent with this policy because a Geotechnical Engineering Report (Mid-Coast Geotechnical, Inc.; June 28, 2012) was prepared for the project and reviewed by the County Geologist.

Archaeology

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas. The County shall provide for the protection of both known and potential archaeological resources. The proposed project is consistent with this policy because an archaeological survey (Gibson; March 3, 1984) was completed and no resources were found. Although it is unlikely archaeological resources exist on the property, in the event that possible resources are found, the project shall halt, as conditioned in Exhibit B.

COMMUNITY ADVISORY GROUP COMMENTS:

At their October 16, 2012 meeting, the North Coast Advisory Council supported the project, with a number of conditions. These conditions and staff's responses are provided below.

1. Relocate refuse containers and access for garbage trucks.

The proposed trash receptacle area is located in the front setback on Ardath Drive adjacent to the parking lot. The project includes a condition requiring the trash receptacle to be relocated so that it is outside of the front setback, in accordance with CZLUO Section 23.04.280(C)(1). The trash receptacle area will be screened from public view and adjoining properties by a solid wall.

2. Construct full right turn lane from Ardath to Highway One.

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The project's traffic study (ATE; November 2, 2012) estimated that the proposed senior care facility would generate 112 average daily vehicle trips, with 7 trips occurring during the a.m. peak hour and 12 trips during the p.m. peak hour. The study concluded that these additional trips would not significantly impact the local Cambria street network, including the Highway One/Ardath Drive intersection. The project's impacts therefore do not warrant the construction of a full right turn lane from Ardath to Highway One. However, since the project is located in the North Coast Road Fee Area, it will be required to pay road impact fees, which will be used to offset the project's incremental impacts on Cambria's street network.

3. Construct 8 foot shoulder improvement on Green Street.

The County's Public Improvement Standards would require a 4 to 8 foot gravel shoulder on Green Street based on average daily traffic and adjusted for on-street parking requirements. The proposed site plan includes a gravel shoulder in conformance with this standard.

4. Construct sidewalks on Ardath.

Development in the Residential Multi Family land use category is required to provide curbs, gutters, and sidewalks (CZLUO Section 23.05.106). However, the applicant intends to apply for a waiver of this requirement since no such improvements exist anywhere near the project site, making it unlikely that the subject property would ever connect with a larger curb, gutter, and sidewalk system. Although a waiver may be granted the developer will still be required to provide some level of frontage improvements, including aggregate base shoulders, in accordance with the County's Public Improvement Standards.

5. Add more parking spaces within the facility.

The proposed site plan includes 19 on-site parking spaces. The parking requirement in the CZLUO for a senior care facility is one space for every four beds. Based on a capacity of 41 beds, the project is required to provide 10 parking spaces. The project's traffic study (ATE; November 2, 2012) estimated the project's average peak parking demand to be 13 parking spaces. Therefore, the 19 on-site parking spaces exceed both the County's requirement and the facility's estimated parking demand.

6. Keep water collection on site.

The project is conditioned to require submittal of a drainage plan for review and approval by the Department of Public Works. The drainage plan shall incorporate measures to achieve no net increase in runoff volume or velocity leaving the site. The applicant's preliminary drainage plan includes a subsurface cistern which will be used to retain rainwater for irrigation purposes.

7. Improve sight distance coming around Ardath.

The site plan provides driveway intersections at Green Street and Ardath Drive. Based on the project's traffic study, adequate site distance eastbound and westbound is provided at the Ardath Drive driveway location. However, due to topography and roadway geometrics, inadequate northbound sight distance is provided at the Green Street / Ardath driveway location. In lieu of relocating this driveway location, the traffic study recommends that the driveway be restricted to inbound only. To ensure that adequate sight distance be provided,

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fences, walls, screens, etc. shall not be placed within the sight triangle for the driveway on Ardath Drive.

AGENCY REVIEW:

Public Works – In a referral response dated January 17, 2012 the Department of Public Works had the following comments:

1. The project triggers curb, gutter, and sidewalk improvements (per CZLUO Section 23.05.106) on Londonderry Lane, Ardath Drive, and Green Street.
2. The proposed landscaping in the right-of-way will be subject to approval by the Department of Public Works.
3. The proposed project is within the North Coast Road Fee Area and will require the payment of road impact fees.
4. The project will be subject to drainage plan review and approval before issuance of a construction permit.
5. The will be disturbing more than one acre so will be subject to the requirements of the Construction General Permit when they process their SWPPP with the RWQCB.
6. Although the old county road right-of-way running through the property was vacated (per 2667 OR 499), but the underlying utility easement may have not been. Prior to issuance of a construction permit, the applicant will be required to submit evidence from each of the utility providers and CCSD that the proposed buildings and improvements may be constructed in their easements.

The proposed project is conditioned to comply with these requirements. The applicant has indicated that they intend to request a waiver of the requirement for curb, gutter, and sidewalk improvement since the project is located in a semi-rural area where no such improvements currently exist. If the curb, gutter, and sidewalk waiver is approved, the applicant may still be required to construct frontage improvements including a gravel shoulder for parking and pedestrian purposes.

Building Department – In a referral email dated October 24, 2012 the Building Department noted that the project's construction plans will be reviewed for compliance with various local, state, and federal regulations during plan check.

Air Pollution Control Board (APCD) – APCD's initial referral response indicated that the project would likely exceed APCD thresholds for construction-related emissions and therefore would be required to implement BACT (Best Available Control Technology) to reduce those impacts to a less than significant level. However, after reviewing the project's construction and staging plan, APCD concluded that standard mitigation packages for dust control and diesel idling would reduce construction-related emissions to less than significant levels. As indicated in the APCD referral, the project's operational and GHG emissions are anticipated to fall below levels warranting mitigation.

Cambria CSD (Water / Sewer) – The project is conditionally supported, per an Intent to Provide Water and Sewer Service letter dated November 1, 1998, and time extension dated August 1, 2011 (see attached).

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Cambria CSD Fire Department – The project is conditionally supported, per a fire plan review letter, dated January 9, 2013.

California Department of Transportation – In a referral response dated October 30, 2012, Cal Trans requested: a) a traffic analysis evaluating the project's impacts on Highway One and the intersection with Ardath Drive; and b) a storm water flow and hydrology analysis to determine the project's impacts on Highway One.

The traffic study (ATE; November 2, 2012) determined the project would only generate 12 P.M. peak hour trips and only 6 will be assigned to the Highway One/Ardath Drive intersection. This is far below the 50 peak hour trip threshold of significance for determining impacts to State highway intersections that are currently operating at acceptable levels of service.

The proposed project will be required to submit a drainage plan before issuance of a construction permit. The drainage plan shall incorporate measures to achieve no net increase in runoff volume or velocity leaving the site. As conditioned, the drainage plan will be subject to review and approval by both the Department of Public Works and Cal Trans.

California Coastal Commission – The Coastal Commission made several comments in an email referral response dated October 10, 2012. These comments and staff's responses are provided below:

1. What does RCFE mean exactly and is it allowed in the Residential Multi Family land use category according to Table O?

RCFE stands for Residential Care Facility for the Elderly. The equivalent use category in Table O is "Nursing and Personal Care" which is a special use in the RMF land use category.

2. It appears that 9 trees are to be removed. Please ensure that tree removal is minimized and that all trees are permitted to be removed according to the LCP's tree removal policies (including Coastal Zone Policy 5 and 7 and CZLUO Section 23.05.034d, 064e, 064b and 064d, and any applicable policies in the North Coast Area Plan.

The project is sited and designed to minimize tree impacts, will replace removed pines and oaks at the required ratios, and will incorporate measures to minimize impacts to the Monterey pine forest during construction and site disturbing activities. The analysis in this staff report describes how the project complies with applicable LCP policies and standards pertaining to development within the Monterey pine forest.

3. It appears that the project will require approximately 1,731.7 gallons per day and require 2 water connections and that it has a valid will-serve letter. It is unclear where the water connections will come from or how new connections will be allowed. Is it a transfer? Is it through conservation, or retrofitting fixtures in Cambria? Is it grandfathered from the waiting list?

The proposed project has an intent to serve letter for water and sewer service from the CCSD in the amount of 11.78 EDUs. The proposed project consists of 41 beds, requiring 11.78 EDUs. The proposed project is considered a 'pipeline project' as it was already in process with the CCSD at the time the CCSD Board of Directors declared a Water Code 350 emergency. The project is conditioned to submit evidence that the anticipated water use of this development has been completely offset through the retrofit of existing water fixtures within the CCSD's service area or other verifiable action to reduce existing water use in the service area.

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4. It appears there was an earlier application for the same type of project in 2005 and that an archeological investigation was done at this time. This will need to be updated, if not done so. Did this permit expire? Is this new proposal a reflection of public comment or concern about the location or nature of the project in any way?

The previous archaeological investigation (Gibson; March 3, 1984), which surveyed the entire parcel, found no evidence of cultural material on the site. Baseline conditions related to archaeological resources have not changed since the last investigation was completed.

Minor Use Permit DRC2005-00103, which authorized a similar facility on the same site, expired in April 2012, after receiving a third and final time extension. That project was approved without significant public comment or concern.

5. It appears that the proposed project could have significant view impacts from Highway One. Please ensure that visual simulations are submitted showing views from Highway One (going north and south) and how any proposed or required mitigation will screen the proposed project (including parking) as much as possible from sight views from Highway One. Please ensure that visual policies are complied with, related to any public viewsheds and/or the Highway One corridor in this location.

The applicant submitted photo-simulations showing that the project would not significantly impact views from Highway One. When viewed from Highway One, the project blends with the backdrop Monterey pine forest and will be partially screened by proposed landscaping along Ardath Drive and Green Street. The Coastal Plan Policies section of this staff report describes the project's consistency with applicable visual and scenic resources LCP policies.

6. It appears that the project will be located on 7 individual parcels. Please ensure that documents are included which discuss the legality of these parcels and any documents showing how these lots were created in the past (e.g. subdivision approvals, map act compliance, etc.).

The seven (7) underlying lots were legally created by a recorded map (Cambria Pines Manor) at a time when that was a legal method of creating lots.

Heal SLO – Health Communities Work Group – In a response dated November 14, 2012 Heal SLO indicated they have no significant concerns with this proposed project but questioned how walkable the area is. The site plan includes some internal walkways around the property. There is no safe pedestrian access from the project site to downtown; however, the proposed facility will have an on-site shuttle available to take residents to various destinations in and around Cambria, including nearby parks and trails.

Staff report prepared by Airlin M. Singewald and reviewed by Bill Robeson.

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EXHIBIT A - FINDINGS

Environmental Determination

- A. The previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified. No new mitigation measures have been proposed.

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. A side setback adjustment is granted pursuant to CZLUO Section 23.05.104f allowing the kitchen area wall to extend 16' into the required 30' interior side setback. The Cambria Fire Department has reviewed the proposed site plan and approved the requested setback adjustment based on proposed mitigation, including built-in fire safety systems and building construction features, as outlined in the project fire safety plan (*Dudek; November 2012*).
- E. 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 construction of the senior care facility will 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.
- F. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed senior care facility is similar to, and will not conflict with, the surrounding lands and uses.
- G. 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 Ardath Drive and Green Street, an arterial and a local road constructed to a level able to handle any additional traffic associated with the project. The project's traffic study (ATE; November 2, 2012) estimated that the proposed senior care facility would generate 112 average daily vehicle trips, with 7 trips occurring during the a.m. peak hour and 12 trips during the p.m.

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peak hour. The study concluded that these additional trips would not significantly impact the local Cambria street network, including the Highway One/Ardath Drive intersection.

Coastal Access

- H. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Terrestrial Habitat

- I. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized, and if trees are removed or impacted they will be replaced.
- J. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.
- K. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized, and if pine trees are removed, they will be replaced on a four-to-one basis.
- L. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.
- M. There will be no significant negative impact to the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because the project or use will require replacement of removed oaks and pines on a six-to-one basis and four-to-one basis respectively.
- N. The project or use will not significantly disrupt the habitat, because it is a senior care facility with minimal site disturbance.

Archaeology

- O. The project design and development incorporates adequate measures to ensure protection of significant archaeological resources because no indications of prehistoric resources or early historic archaeological resources were found during the preliminary surface survey.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a Minor Use Permit/Coastal Development Permit to allow the following:
 - a. Construction of a 28,266 square foot, 31 unit senior care facility.
 - b. One acre of site disturbance on a 1.26 acre parcel.
2. Maximum height is 25 feet (as measured from average natural grade).

Conditions required to be completed at the time of application for construction permits

3. **At the time of application for construction permits**, the applicant shall submit a revised site plan, floor plans, and architectural elevations to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Relocate the proposed refuse enclosure outside of the front setback.
4. **At the time of application for a construction permits**, the applicant shall submit a color and materials board for the proposed facility. Colors shall be muted earth-tones to blend with the Monterey pine forest. Materials shall have patterns or texture, such as wood or wood-appearing siding, for example board and batten siding or fire-resistant shingles, as primary materials for exterior walls.
5. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans.
6. **At the time of application for construction permits**, 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 nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
7. **At the time of application for construction permits**, the following noise mitigation measures shall be incorporated into the project design:
 - a. Air conditioning or a mechanical ventilation system
 - b. Windows and sliding glass doors mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications)
 - c. Solid core exterior doors with perimeter weather stripping and threshold seals
 - d. Exterior walls shall consist of wood or wood-appearing siding with a ½ inch minimum thickness fiberboard ("soundboard") underlayer.
 - e. Glass in both windows and doors should not exceed 20% of the floor area in a room.
 - f. Roof or attic vents facing the noise source should be baffled

Access

8. **At the time of application for construction permits**, public improvement plans shall be prepared and a performance bond posted in compliance with Section 23.05.106 (Curbs, Gutters and Sidewalks) of the Coastal Zone Land Use Ordinance; and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
 - a. Street plan and profile for widening **Ardath Drive, Green Street and Londonderry Lane** to complete the project side of an A-2 urban street section fronting the property. All proposed driveways shall be located a minimum of 50-feet from any existing street intersection and constructed in accordance with County Standard B-series drawings.
 - i. The applicant may apply to the Department of Planning and Building for an adjustment to this requirement in accordance with 23.05.106(d). If approved, the Curb, gutter and/or sidewalk improvement requirements may be waived, modified or delayed. If a Curb Gutter and Sidewalk waiver is approved the applicant may still be required to construct these frontage improvements in accordance with the A-1 rural road standards which would include a gravel shoulder for parking and/or pedestrian purposes.
 - b. Pedestrian easements as necessary to contain all slope, shoulder, sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk-Recorder upon review and approval by Public Works.
 - c. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - e. A landscaping plan showing all proposed landscaping within the public right-of-way
 - f. The Green Street access driveway shall be marked and signed for project ingress only in accordance with the recommendations project traffic report prepared by ATE and dated November 2, 2012 (copy on file with the Department of Public Works).
9. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with the local fire agency standards and specifications back to the nearest public maintained roadway.
10. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a cash deposit with the County for the cost of checking the improvement plans and the cost of inspection of any such improvements by the County or its designated representative. The applicant shall also provide the County with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish

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construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Fire Safety

11. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in both the Fire Plan Review (*Cambria Fire Department; January 6, 2013*) and the Fire Safety Plan for Kingston Bay Senior Living (*Dudek Consulting; January 2013*).

Water and Sewer Service

12. **At the time of application for construction permits**, the applicant shall comply with the conditions from the Cambria Community Services District, including but not limited to those on the Intent to Provide Water and Sewer Service letter dated November 1, 1998, and time extension dated August 1, 2011 (see attached).

Grading, Drainage, Sedimentation and Erosion Control

13. **At the time of application for construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval.
14. **At the time of application for construction permits**, the applicant shall submit to the complete drainage calculations prepared by a licensed civil engineer for review and approval in accordance with Section 23.05.040 (Drainage) of the Coastal Zone Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works. The analysis shall include an evaluation of drainage impacts on the existing culvert under Highway One at post mile 47.64.
15. **At the time of application for construction permits**, the applicant shall submit to the California Department of Transportation for review and approval a hydrogeologic analysis of the project's drainage impacts on the existing culvert under Highway One at post mile 47.64.
16. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plans for review and approval.

Stormwater Pollution Prevention

17. **At the time of application for construction permits**, the applicant shall demonstrate the project has incorporated County approved LID structural practices into the project. Refer to the brochure *Interim Low Impact Development Guidelines* for further information and references for LID design.
18. **At the time of application for construction permits**, the project shall comply with the post-construction requirements of the Construction General Permit (CGP). A "Private Stormwater Conveyance Management and Maintenance System" shall be submitted to the Department of Public Works for review and approval. Upon approval, the applicant shall record with the County Recorder's Office the "*Private Stormwater Conveyance Management and Maintenance System*" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Conditions to be completed prior to issuance of a construction permit

Fees

19. **Prior to issuance of construction permits**, the applicant shall pay all applicable school and public facilities fees.

Water and Sewer Service

20. **Prior to issuance of construction permits**, the applicant shall submit to the Department of Planning and Building for review and approval, evidence that the anticipated water use of this development has been completely offset through the retrofit of existing water fixtures within the Cambria Community Service District's service area or other verifiable action to reduce existing water use in the service area (e.g., replacement of irrigated landscaping with xeriscaping). The documentation shall include written evidence that the Cambria Community Service District (CCSD) has determined that the applicant has complied with CCSD Ordinance 1-98, as approved by the CCSD Board of Directors on January 26, 1998, and further modified by CCSD Board approval on November 14, 2002 (CCSD board item VIII.B), subject to the limitation that no retrofit credits shall have been obtained by any of the following means: a) extinguishing agricultural water use, or b) funding leak detection programs. Evidence of compliance with CCSD Ordinance 1-98 shall be accompanied by written confirmation from the CCSD that any in-lieu fees collected from the applicant have been used to implement projects that have reduced existing water use within the service area in an amount equal or greater to the anticipated water use of the project.
21. **Prior to issuance of construction permits**, the applicant shall apply to merge lots 1, 5, 6, 7 and 8 of Parcel Map 51-5 and lots 13, 14 & 15 of Cambria Pines Manor Unit 6, Block 137.

Air Quality

22. **Prior to issuance of construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
23. **Prior to issuance of construction permits**, the applicant shall submit verification from APCD that the following measures have been incorporated into the project to control dust:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil disturbing activities;

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- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD;
 - g. All roadways, driveways, sidewalks, etc to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. Install wheel washers where vehicles enter and exist unpaved roads onto streets, or wash off trucks and equipment leaving the site;
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
 - l. All PM10 mitigation measures required should be shown on grading and building plans; and
 - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
24. In addition to the State required diesel idling requirements, the project applicant shall comply with the these more restrictive requirements to minimize impacts to nearby sensitive receptors:
- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - c. Use of alternative fueled equipment is recommended; and
 - d. Signs that specify the no idling areas must be posted and enforced at the site.
25. **Prior to any site disturbance or issuance of construction permits**, the applicant shall provide evidence of a California statewide portable equipment registration or an APCD permit for any portable equipment, 50 horsepower (hp) or greater, that will be used during construction. Contact APCD at 805-781-5912 for permitting requirements.

Grading, Drainage, Sedimentation and Erosion Control

26. **Prior to issuance of construction permits**, if grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
27. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department, which shall conform to

the "National Pollutant Discharge Elimination System" storm water management program regulations.

Geology and Soils

28. **Prior to any site disturbance or issuance of construction permits**, the following conditions shall be included on all building plans and grading plans:
- a. The project Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
 - b. The project Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
 - c. Should the services of the project Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
29. The applicant shall implement the conclusions and recommendations as described in the Geotechnical Engineering Report (Mid-Coast Geotechnical, Inc.; June 28, 2012) and the engineering geology report. All conclusions and recommendations shall be implemented as requirements not recommendations except in the instance where the recommendation is stated as an alternative building technique. **Prior to issuance of construction permits**, all conclusions and recommendation related to the above referenced geotechnical reports shall be incorporated into the project design and printed on the cover page of the grading and construction plans.
30. **Prior to issuance of construction or grading permits**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP) to the Department of Planning and Building.
31. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan (CZLUO Section 23.05.040) for review and approval by the County Public Works Department. The drainage plan shall
32. **Prior to issuance of construction permits**, the project Engineering Geologist shall review the project foundation plans and acknowledge in a letter to the County Geologist that their recommendations are properly addressed in the plans.

Offers

33. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public right-of-way easements by separate document for road widening purposes a sufficient width as necessary to contain all elements of the roadway prism including slopes, shoulders, sidewalks, driveway aprons, curb ramps and other improvements. Offers are to be recorded by separate document with the County Clerk-Recorder after review and approval by Public Works.

Attachment 11

Planning Department Hearing
Minor Use Permit/Coastal Development Permit DRC2012-00024/Kingston Bay Senior Living
Page 25

34. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public drainage easement(s) as necessary to contain both existing and proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk-Recorder after review and approval by Public Works.

Easements

35. **Prior to issuance of construction permits**, the applicant shall submit evidence satisfactory to the Department of Planning and Building that the Cambria Community Services District and each public utility (PG&E, Gas Company, Telephone Company, etc) has reviewed and is in agreement with the proposed project constructing buildings and other improvements atop the existing utility easement within the vacated portion of the Ardath Drive right-of-way. Alternatively, the applicant may be required to quitclaim all or a portion of the public utility easement prior to permit issuance.

Conditions to be completed during project construction

Grading, Drainage, Sedimentation and Erosion Control

36. **Prior to or concurrently with on-site grading activities**, permanent erosion control devices shall be installed.
37. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
38. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
39. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
40. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.
41. Appropriate sedimentation measures to be implemented at the end of each day's work.

Archaeology

42. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Building Height

43. The maximum height of the project is 25 feet (as measured from average natural grade).
- a. Prior to any site disturbance, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish the center line of the fronting street at a point midway between the two side property lines and set a reference point (benchmark).
 - b. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.
 - c. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Geology and Soils

44. **During project construction/ground disturbing activities**, the applicant shall retain a project Engineering Geologist of record and shall provide the engineering geologist's written certification of adequacy of the proposed site development for its intended use to the Department of Planning and Building.

Tree Protection/Replacement

45. The applicant shall limit tree removal to no more than 8 Monterey pine trees with an eight inch diameter or larger at four feet from the ground. 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.
46. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.
47. All trees bordering the proposed project that are to remain shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.

Conditions to be completed prior to occupancy or final building inspection

48. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.

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Planning Department Hearing

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49. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall implement approved color board, site plan, floor plan, and elevations as shown on the attached exhibits.
50. **Prior to final inspection**, the project Engineering Geologist shall verify that construction is in conformance with the engineering geology report recommendations and that the project Engineering Geologist is satisfied that his recommendations for footing embedment are met. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.
51. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall obtain final inspection and approval from Cambria Fire of all required fire/life safety measures.
52. The applicant shall submit for final plumbing inspection from Cambria Community Services District upon completion of the project.
53. **Prior to final inspection**, the applicant shall record the voluntary lot merger of lots 1, 5, 6, 7 and 8 of Parcel Map 51-5 and lots 13, 14 & 15 of Cambria Pines Manor Unit 6, Block 137.

Tree Protection/Replacement

54. **Prior to final inspection**, the 8 Monterey pine tree removed as a result of construction shall be replaced at a 4:1 ratio. A total of 32 Monterey pine trees shall be planted. Monterey pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*.
55. These newly planted trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. Once the replacement trees have been planted, the applicant shall retain a qualified individual to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
56. To promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant and successors-in-interest agree to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator.

Fire Protection

57. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire and life safety measures.

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Public Works Review

58. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

Access

59. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Building Review

60. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

61. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone 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 Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
62. 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 Coastal Zone Land Use Ordinance.
63. The property owner shall be responsible for operation and maintenance of public road frontage landscaping in a viable condition on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Drainage

64. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Access

65. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to project lighting, project signage; landscape planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

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Planning Department Hearing

Minor Use Permit/Coastal Development Permit DRC2012-00024/Kingston Bay Senior Living

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66. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks and landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Fees

67. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code the applicant shall be responsible for paying to the Department of Public Works the North Coast Area D Road Improvement Fee for each future building permit in the amount prevailing at the time of payment.

Recycling

68. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

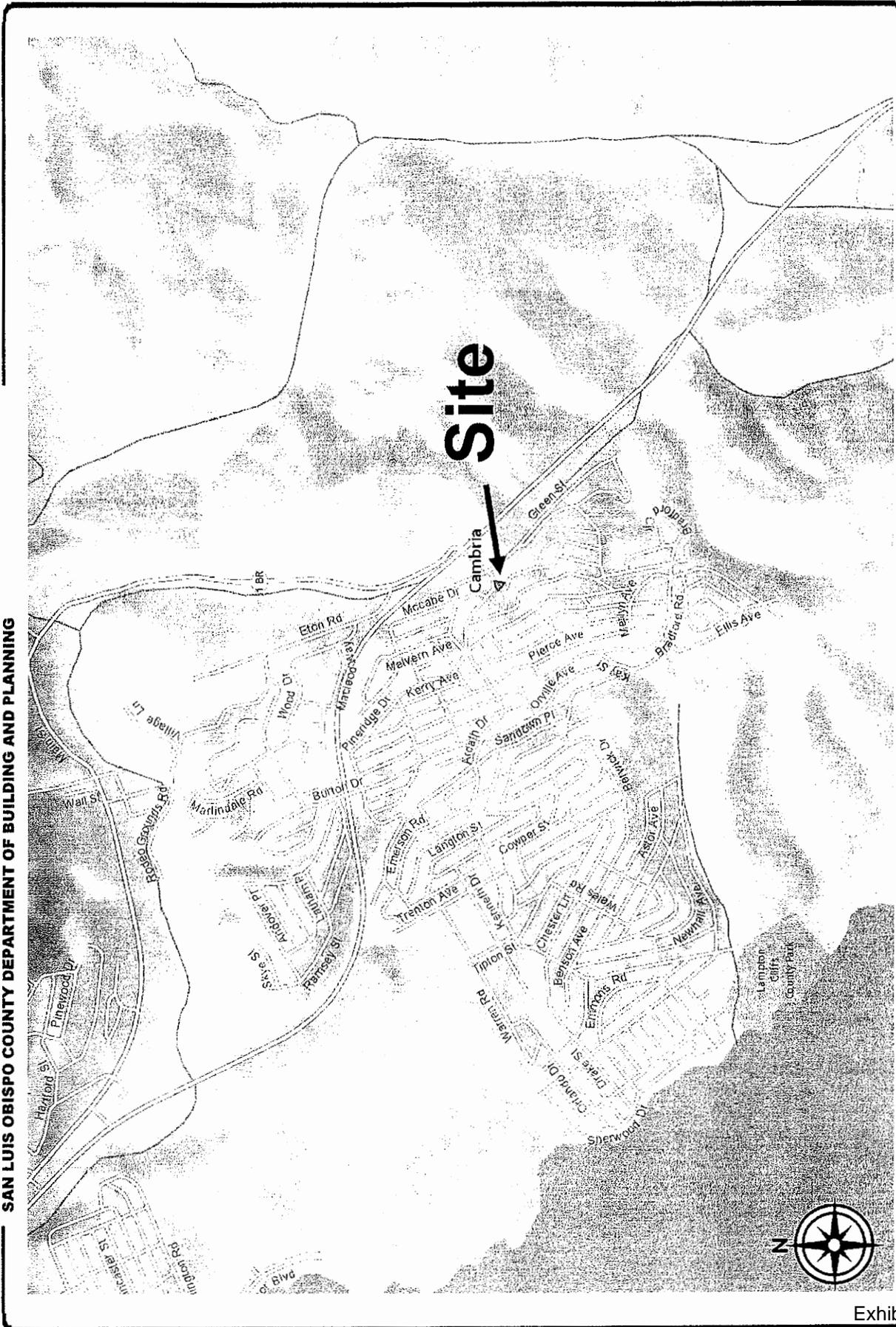


EXHIBIT
Vicinity Map



PROJECT
 Minor Use Permit/Coastal Development Permit
 Kingstons Bay / DRC2012-00024

Exhibit B

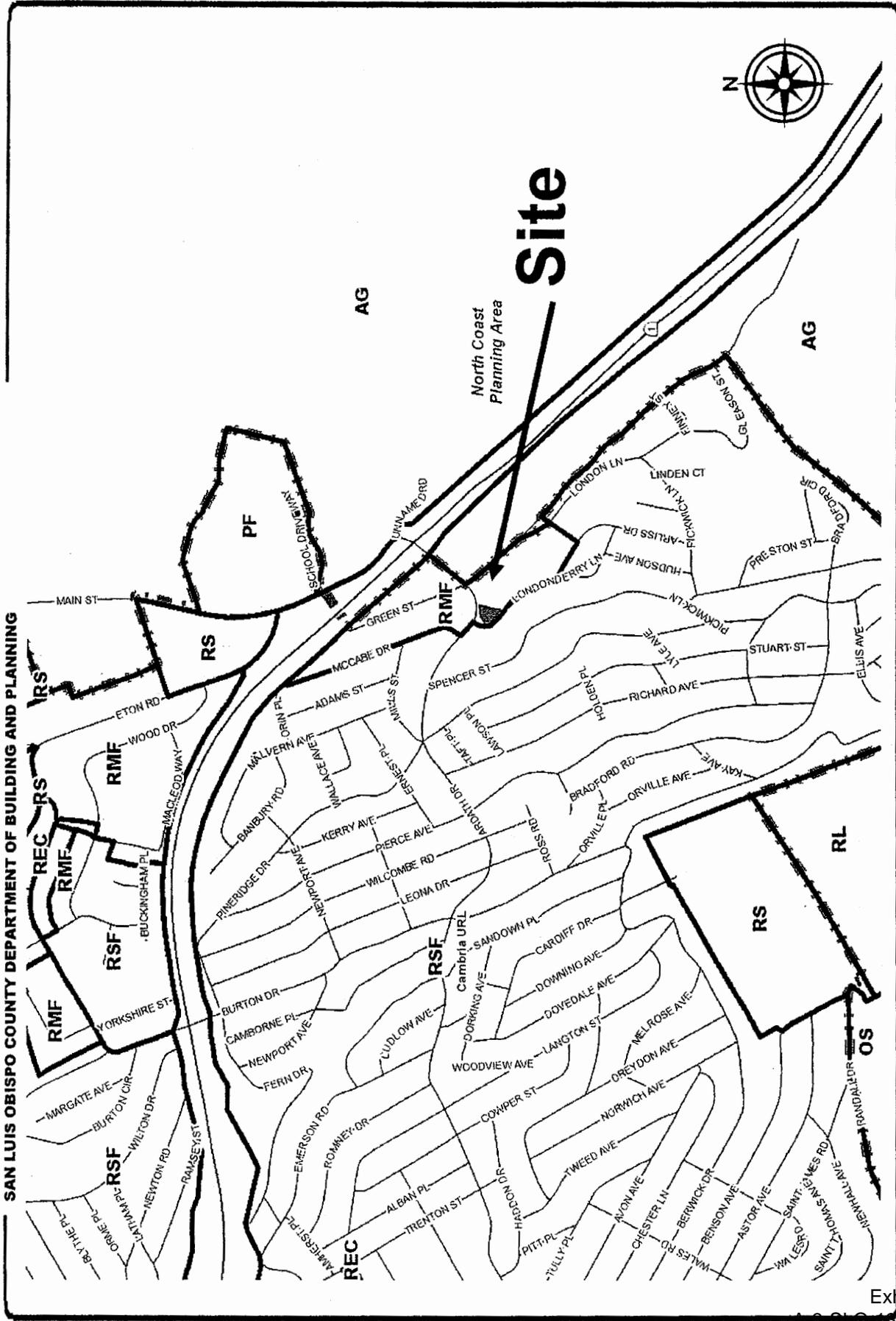


EXHIBIT
Land Use Category Map



PROJECT
 Minor Use Permit/Coastal Development Permit
 Kingston Bay / DRC2012-00024

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

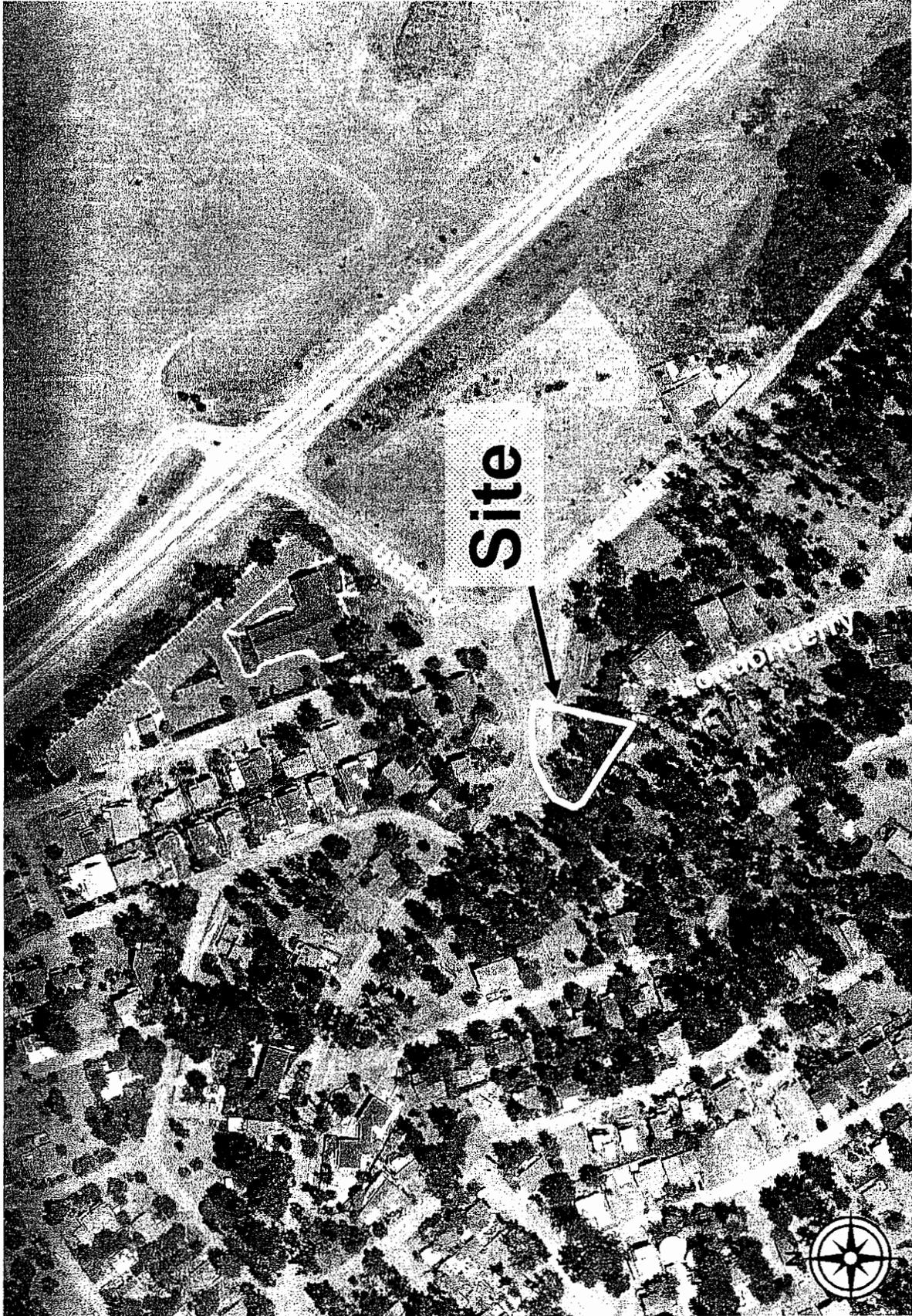


EXHIBIT
Aerial Photograph



PROJECT
Minor Use Permit/Coastal Development Permit
Kingston Bay / DRC2012-00024

Exhibit B

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

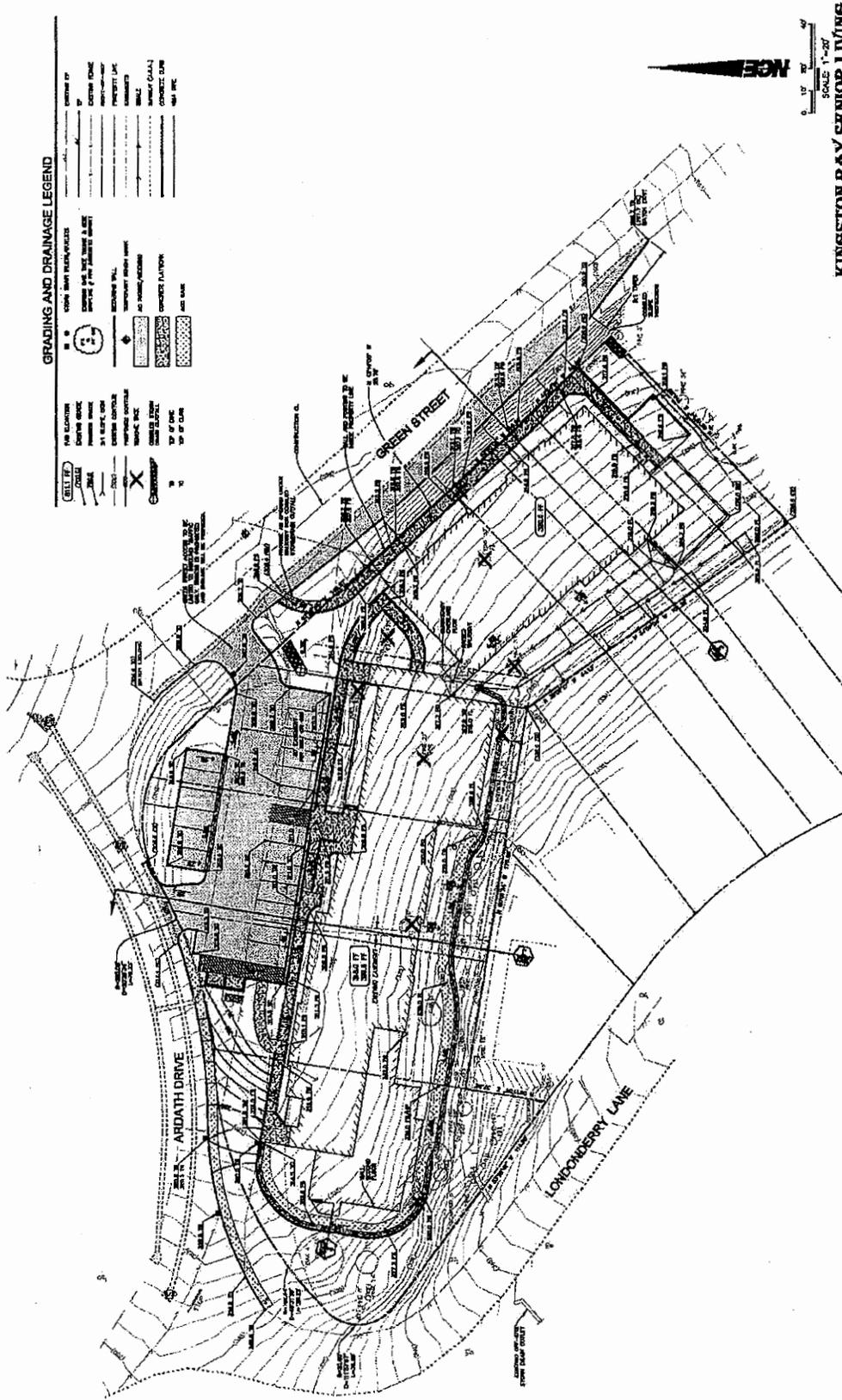


EXHIBIT
Preliminary Grading and Drainage Plan



PROJECT
Minor Use Permit/Coastal Development Permit
Kingston Bay / DRC2012-00024

Exhibit B

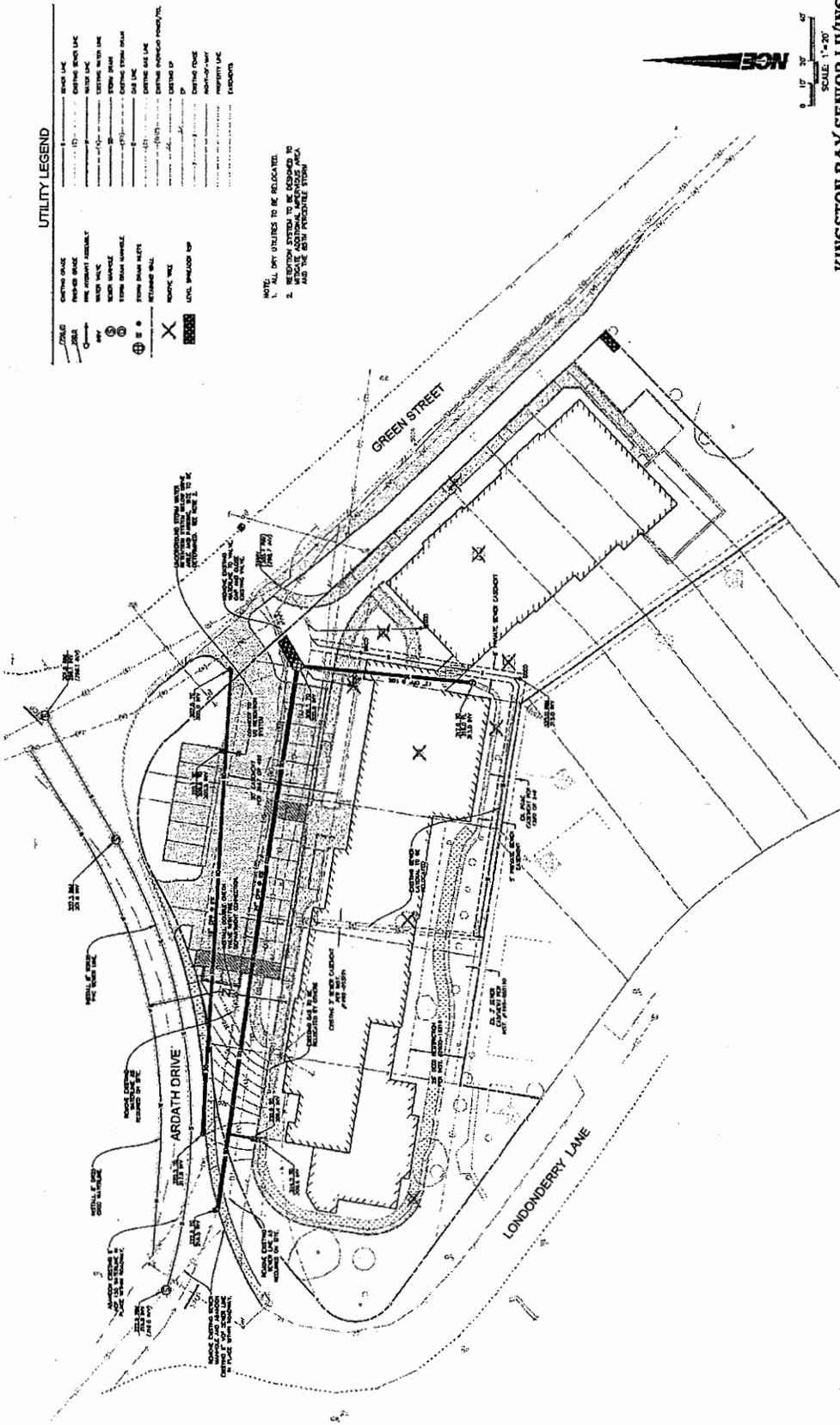
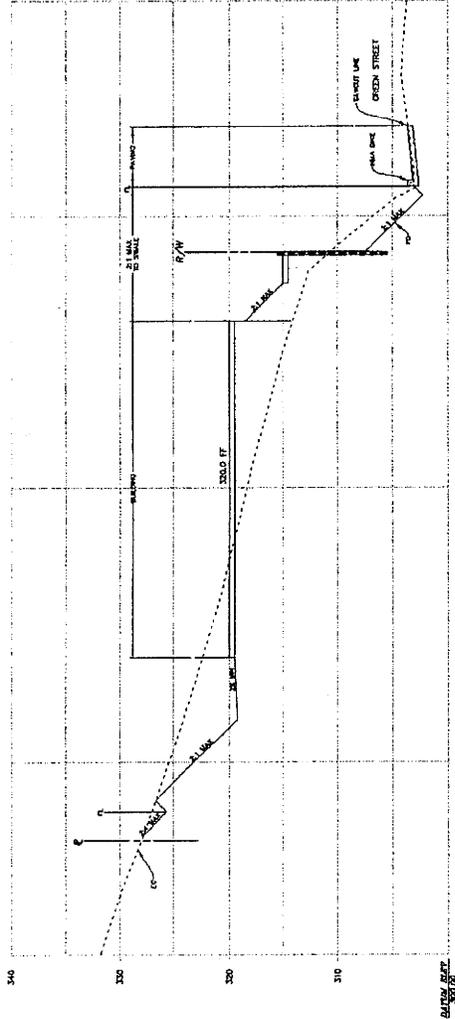
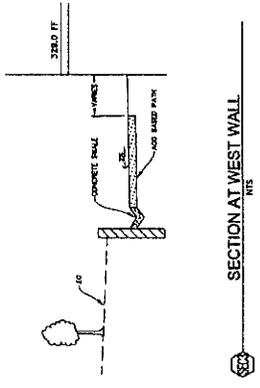
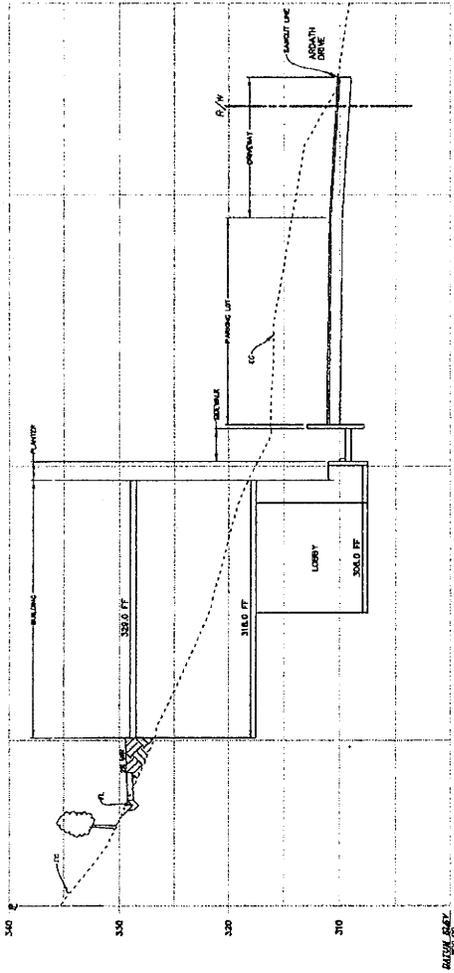


EXHIBIT
Preliminary Underground Plan

PROJECT
Minor Use Permit/Coastal Development Permit
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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



KINGSTON BAY SENIOR LIVING
PRELIMINARY
SITE CROSS SECTIONS
APN # 024-191-052

EXHIBIT

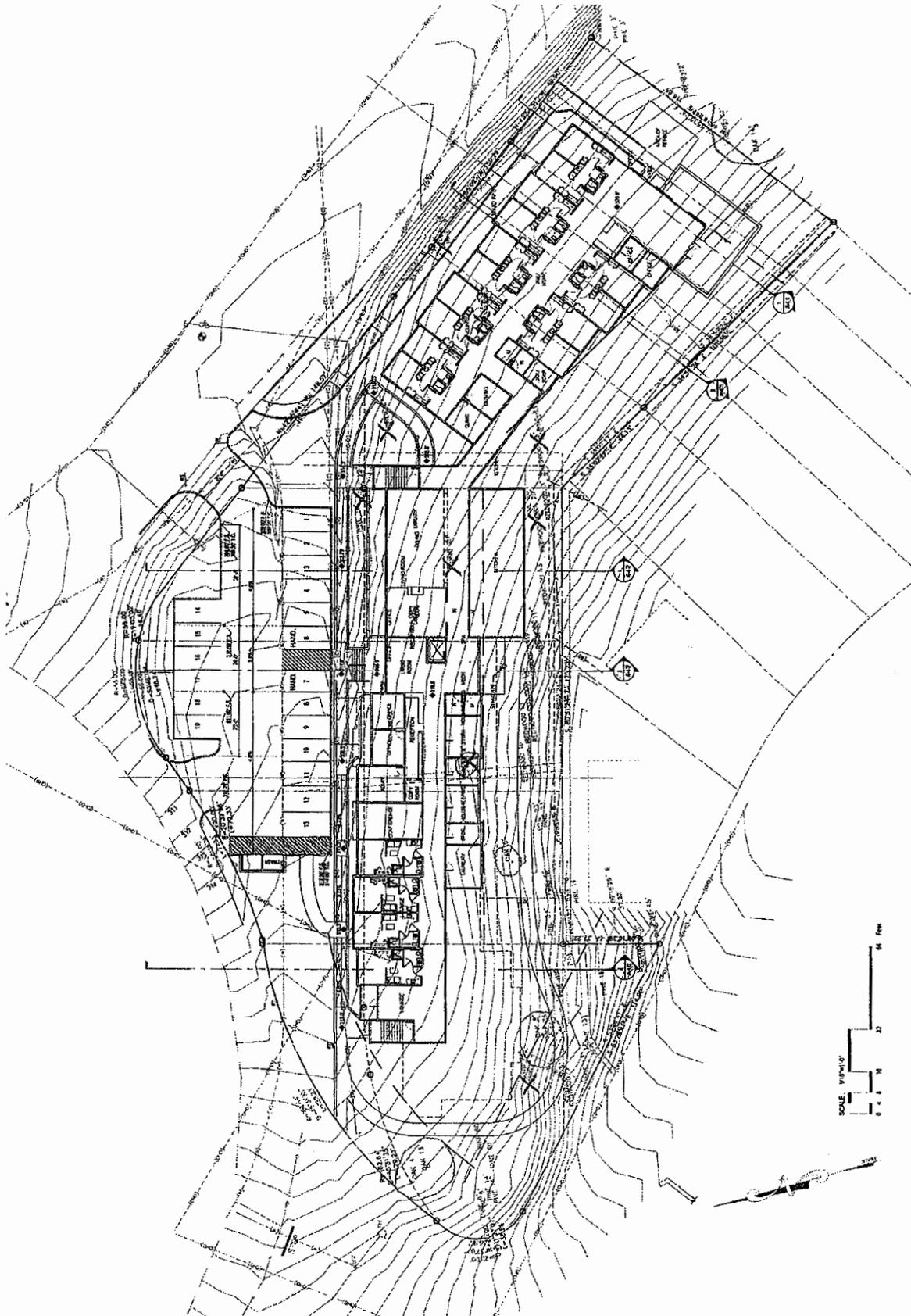
Preliminary Site Cross Sections



PROJECT
Minor Use Permit/Coastal Development Permit
Kingston Bay / DRC2012-00024

Exhibit B

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EXHIBIT

Site Plan



PROJECT
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Exhibit B

A-3-010-13-0213

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

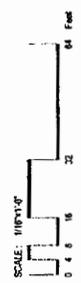
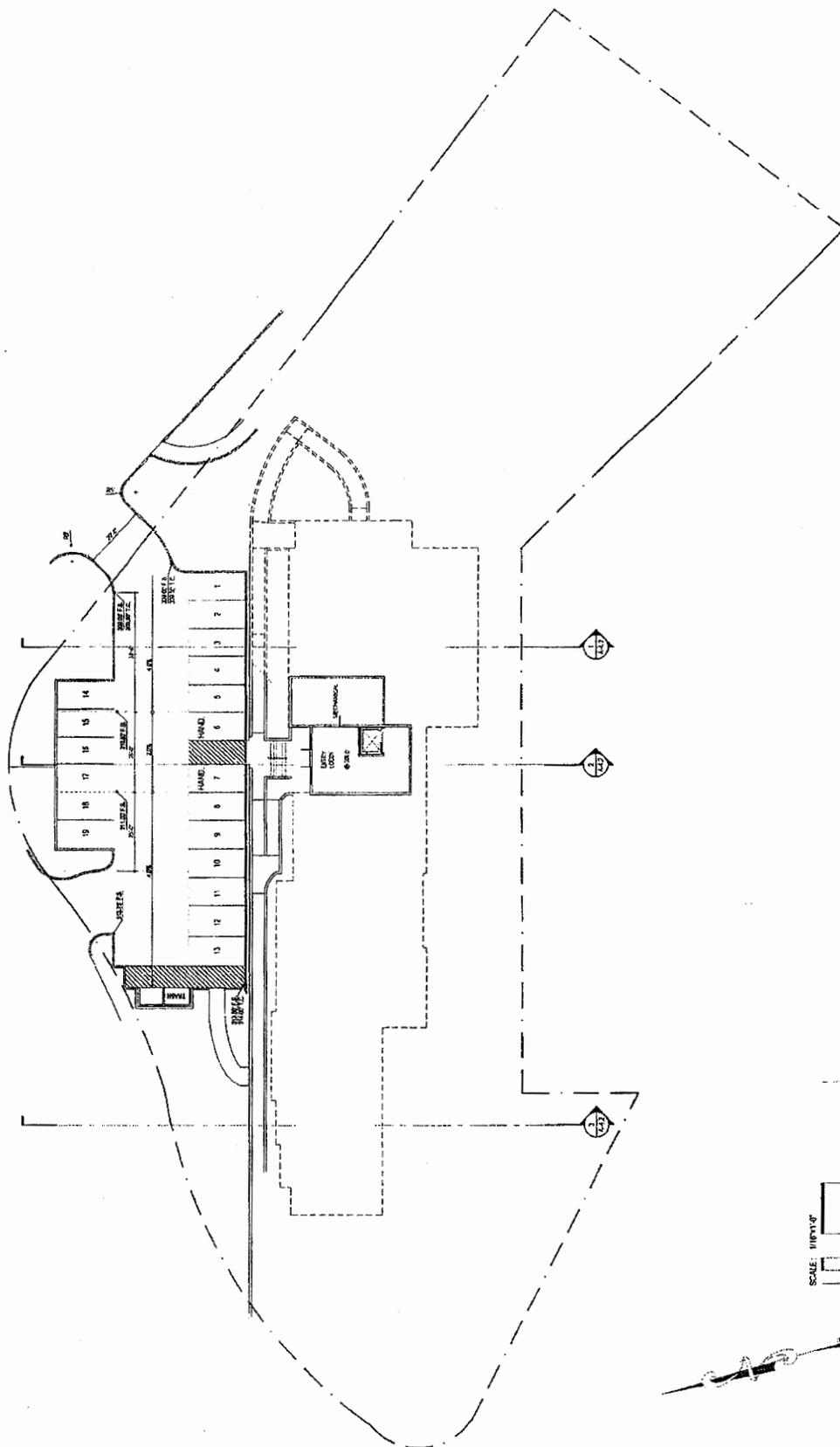


EXHIBIT
Ground Floor Plan



PROJECT
Minor Use Permit/Coastal Development Permit
Kingston Bay / DRC2012-00024

Exhibit B
A-3-SLO-13-0213
94 of 183

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

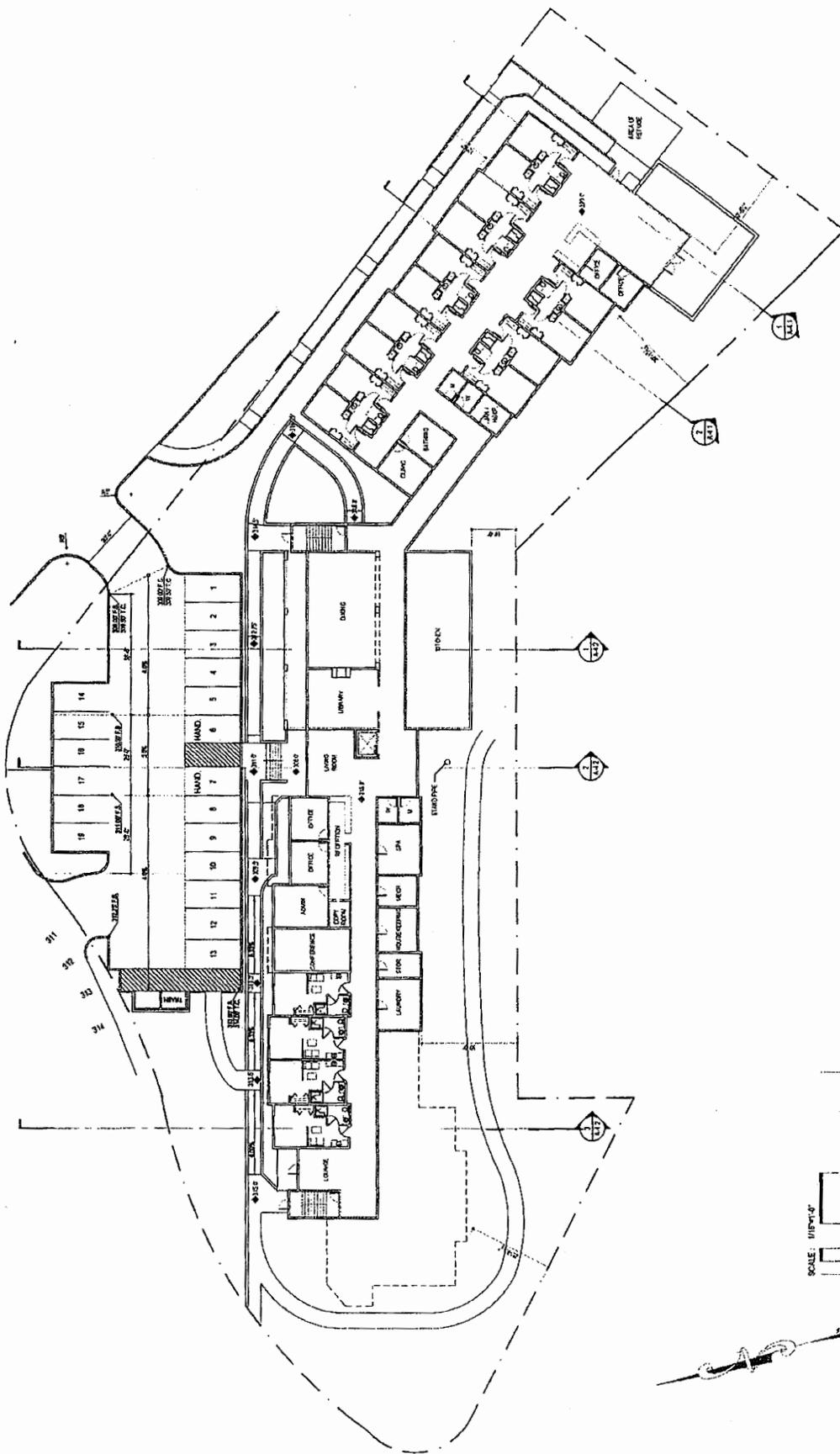


EXHIBIT
First Floor Plan



PROJECT
Minor Use Permit/Coastal Development Permit
Kingston Bay / DRC2012-00024

Exhibit B
A-8-010-13-0215
95 of 183

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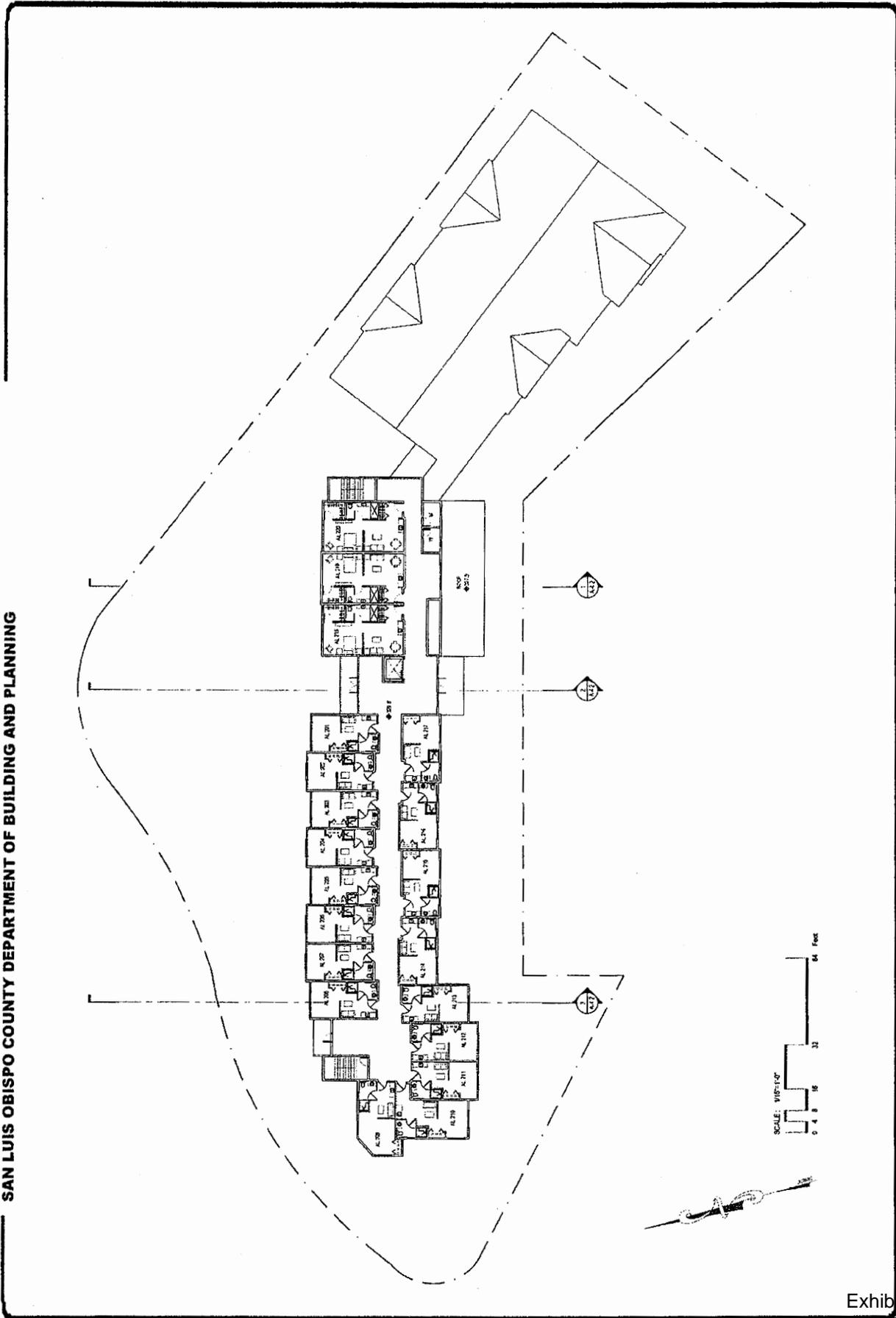
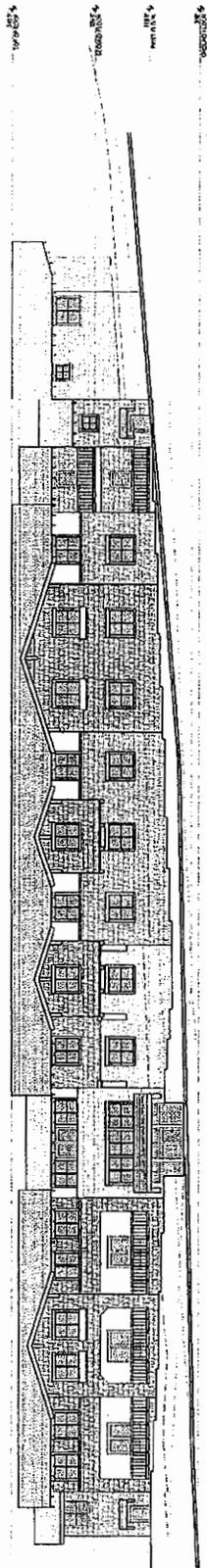


EXHIBIT
Second Floor Plan



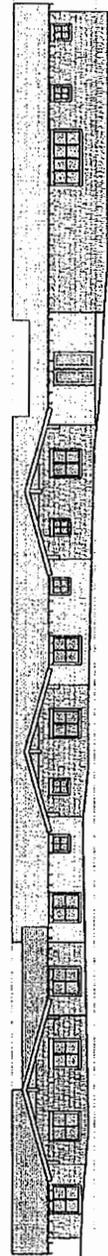
PROJECT
Minor Use Permit/Coastal Development Permit
Kingston Bay / DRC2012-00024

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



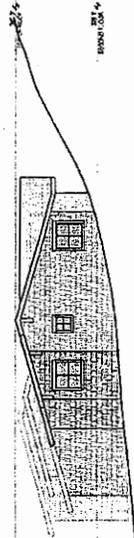
NORTH ELEVATION (ASSISTED LIVING WING)

1



SOUTH ELEVATION (ASSISTED LIVING WING)

2



WEST ELEVATION (ASSISTED LIVING WING)

3

EXHIBIT

Elevations



PROJECT
 Minor Use Permit/Coastal Development Permit
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Exhibit

A-2 SLO 12-024

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

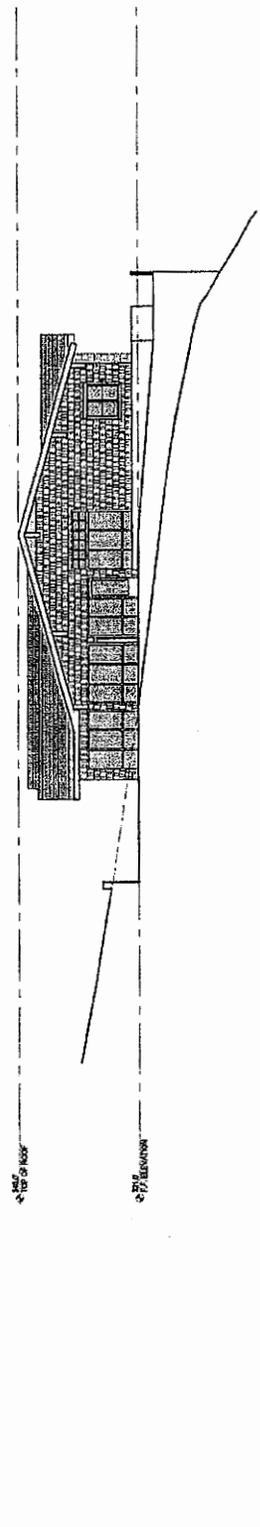
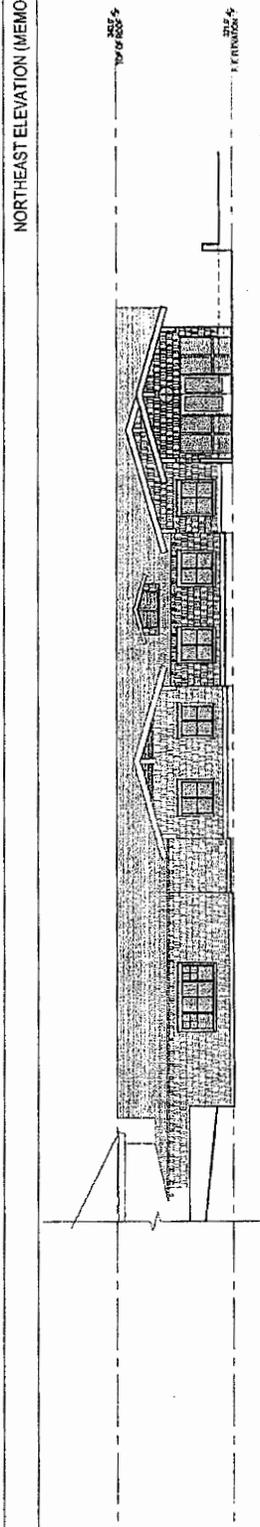
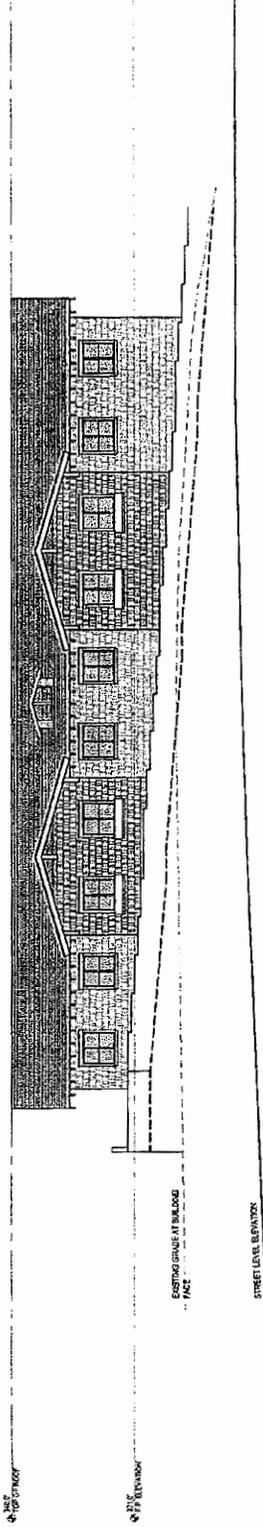
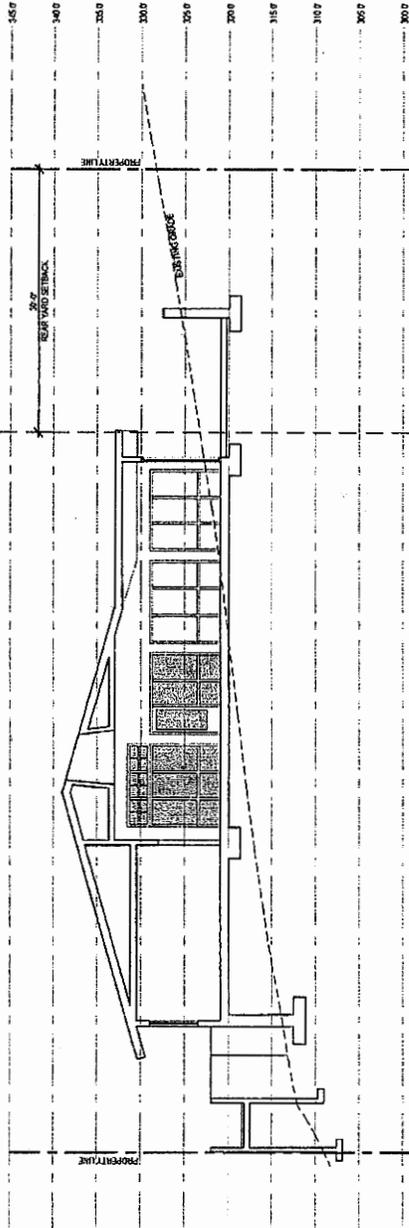


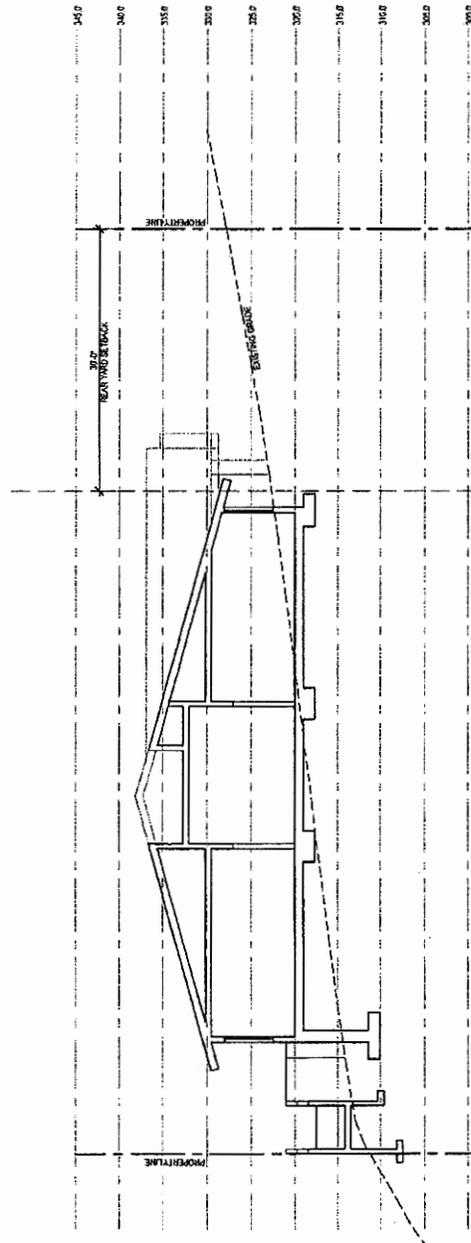
EXHIBIT Elevations

PROJECT
 Minor Use Permit/Coastal Development Permit
 Kingston Bay / DRC2012-00024

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



CROSS SECTION - MEMORY CARE 1



CROSS SECTION - MEMORY CARE 2

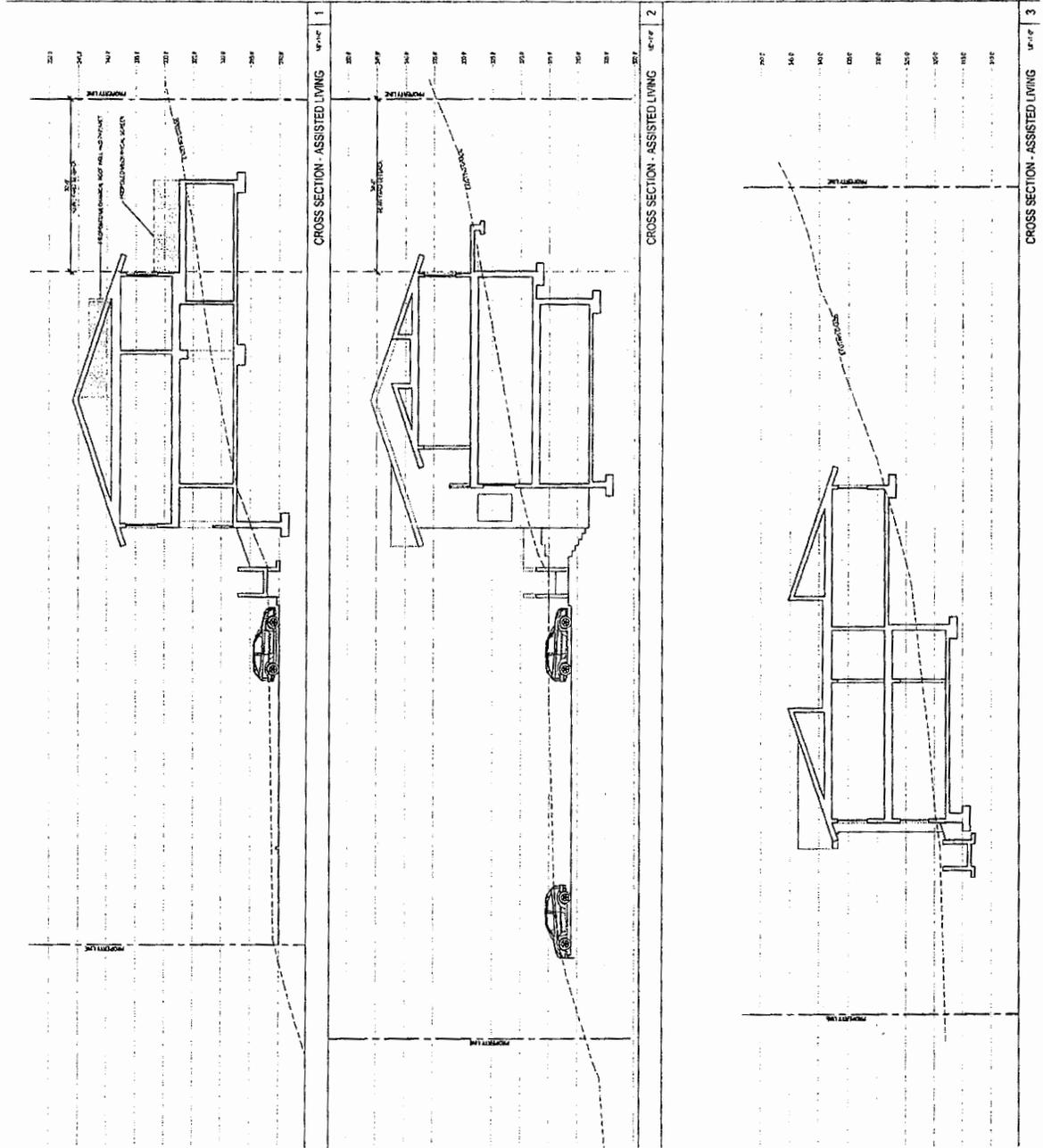


EXHIBIT

Cross Sections

PROJECT
 Minor Use Permit/Coastal Development Permit
 Kingston Bay / DRC2012-00024

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EXHIBIT

Cross Sections



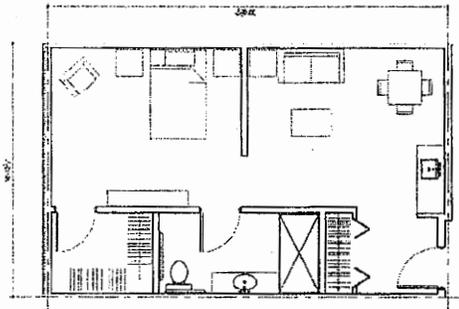
PROJECT
 Minor Use Permit/Coastal Development Permit
 Kingston Bay / DRC2012-00024

Exhibit

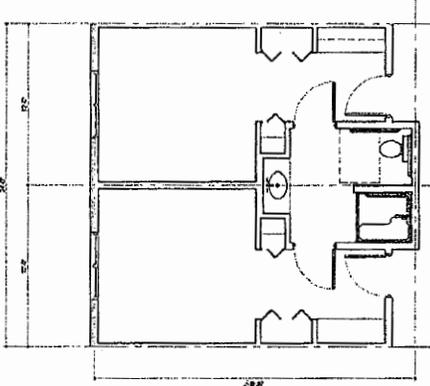
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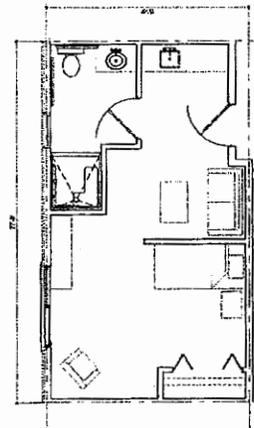
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541 SQ. FT.



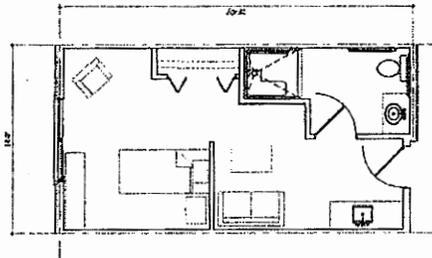
SHARED MEMORY CARE UNIT
520 SQ. FT. SHARED
260 SQ. FT. PER UNIT



ASSISTED LIVING UNIT ALTERNATE
343 SQ. FT.



ASSISTED LIVING UNIT
343 SQ. FT.



PROJECT

Minor Use Permit/Coastal Development Permit
Kingston Bay / DRC2012-00024

EXHIBIT

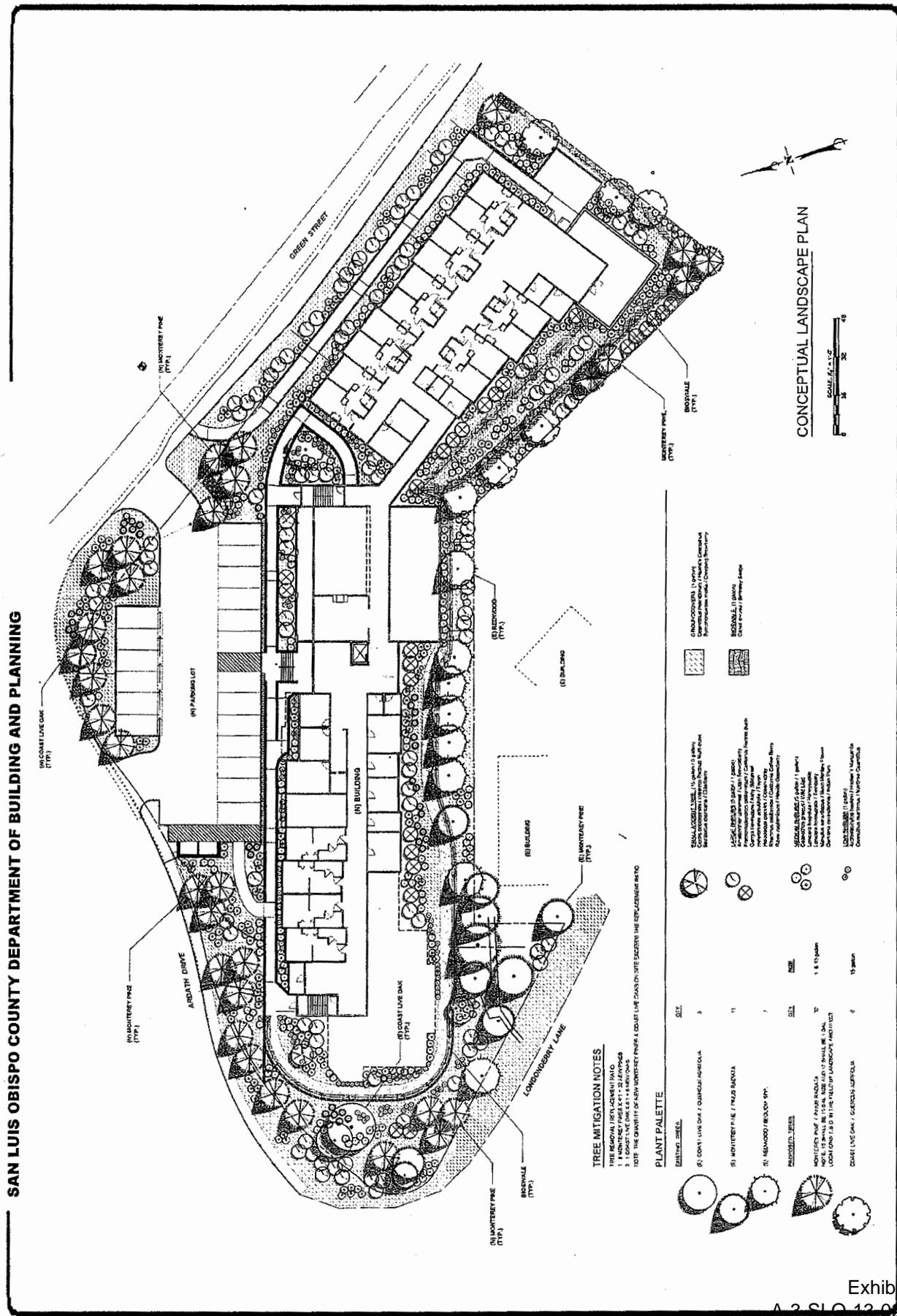
Unit Plans



Exhibit B

A-3-SLO-13-023

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



CONCEPTUAL LANDSCAPE PLAN

SCALE: 1" = 20'

PLANT PALETTE

PLANT NAME	SIZE	REPLACEMENT NOTES
1. MONTEREY PINE (TP)	10' - 15' tall	100% replacement
2. COAST LIVE OAK (TP)	10' - 15' tall	100% replacement
3. MONTEREY PINE (TP)	10' - 15' tall	100% replacement
4. COAST LIVE OAK (TP)	10' - 15' tall	100% replacement
5. MONTEREY PINE (TP)	10' - 15' tall	100% replacement
6. COAST LIVE OAK (TP)	10' - 15' tall	100% replacement
7. MONTEREY PINE (TP)	10' - 15' tall	100% replacement
8. COAST LIVE OAK (TP)	10' - 15' tall	100% replacement
9. MONTEREY PINE (TP)	10' - 15' tall	100% replacement
10. COAST LIVE OAK (TP)	10' - 15' tall	100% replacement
11. MONTEREY PINE (TP)	10' - 15' tall	100% replacement
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16. COAST LIVE OAK (TP)	10' - 15' tall	100% replacement
17. MONTEREY PINE (TP)	10' - 15' tall	100% replacement
18. COAST LIVE OAK (TP)	10' - 15' tall	100% replacement
19. MONTEREY PINE (TP)	10' - 15' tall	100% replacement
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21. MONTEREY PINE (TP)	10' - 15' tall	100% replacement
22. COAST LIVE OAK (TP)	10' - 15' tall	100% replacement
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47. MONTEREY PINE (TP)	10' - 15' tall	100% replacement
48. COAST LIVE OAK (TP)	10' - 15' tall	100% replacement
49. MONTEREY PINE (TP)	10' - 15' tall	100% replacement
50. COAST LIVE OAK (TP)	10' - 15' tall	100% replacement

TREE MITIGATION NOTES

- 1. ALL TREES TO BE REMOVED SHALL BE REPLACED WITH A TREE OF EQUAL OR GREATER SIZE AND SPECIES.
- 2. THE QUANTITY OF NEW MONTEREY PINES & COAST LIVE OAKS TO BE EXCEEDED THE REPLACEMENT RATIO.

PROJECT

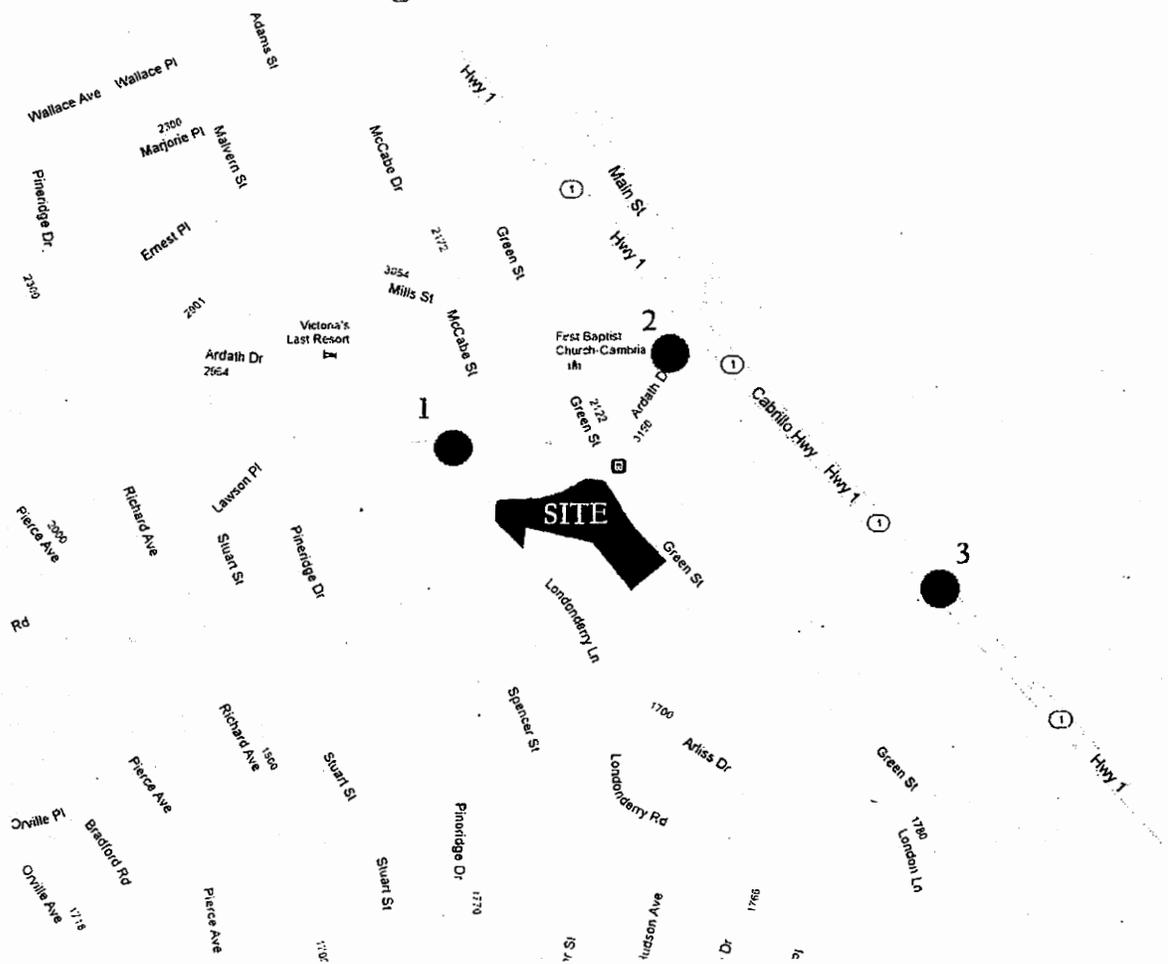
Minor Use Permit/Coastal Development Permit
Kingston Bay / DRC2012-00024

EXHIBIT

Conceptual Landscape Plan



VIEW CORRIDOR STUDY



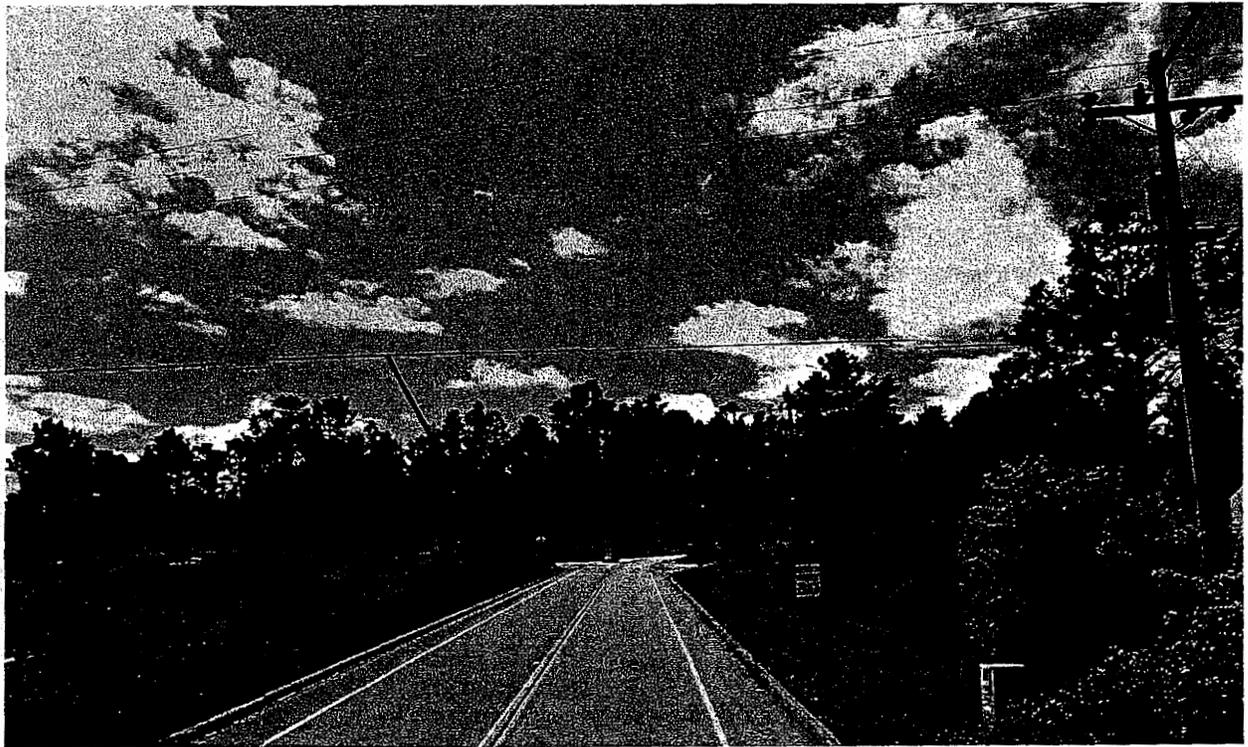
VIEWS TOWARD KINGSTON BAY SENIOR HOUSING

VIEW CORRIDOR STUDY



VIEW 1:
VIEW TOWARD SITE FROM ARDATH DRIVE FACING EAST

VIEW CORRIDOR STUDY



**VIEW 2:
VIEW TOWARD SITE FROM ARDATH DRIVE FACING SOUTH**

VIEW CORRIDOR STUDY



VIEW 3:
VIEW TOWARD SITE FROM HIGHWAY 1 FACING WEST



NEGATIVE DECLARATION ADDENDUM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

ENVIRONMENTAL DETERMINATION NO. ED12-111

DATE: December 26, 2012

PROJECT/ENTITLEMENT: Kingston Bay Minor Use Permit; DRC2012-00024

APPLICANT NAME: Kingston Bay Senior Living LLC

ADDRESS: 530 Herndon Avenue Suite 101, Fresno, CA 93720

CONTACT PERSON: Julie McGeever, Hochhauser Blatter Arch. Telephone: (805) 962-2746

PROPOSED USES/INTENT:

Original Project: The original project was a proposal by Michael Clark for a Minor Use Permit/Coastal Development Permit to establish a 39,391 square-foot, 31-unit senior care facility, which would have resulted in the disturbance of approximately 1 acre on a 1.26-acre parcel.

Revised Project: The revised project is a request by Kingston Bay Senior Living, LLC for a Minor Use Permit/Coastal Development Permit to establish a 28,266 square foot, 31 unit senior care facility. The proposed building will have a development footprint of 19,482 square feet and will result in the disturbance of approximately 1 acre on a 1.26-acre parcel.

When compared to original project, the revised project includes the following changes:

- A 17 percent reduction in the building footprint from 23,574 to 19,482 square feet.
- A 28 percent reduction in the total floor area from 39,390 to 28,266 square feet.
- A 12 percent increase in landscaped and undeveloped open space from 19,881 square feet to 22,334 square feet.
- A 34 percent reduction in the number of beds from 62 to 41. The number of units will remain the same. The reduction in beds is due to a fewer number of double occupancy units.
- Removal of two large turret features from the building façade and a reduction in the visible building mass. This results in a more modest "bungalow" architectural style, compared to the monumental style of the original project. The proposed changes will retain the natural appearing earth tone colors and materials to blend with the pine forest setting.

Due to the reduction in building size and resident capacity, the proposed changes are not anticipated to result in any additional environmental impacts beyond those identified in the original Mitigated Negative Declaration (ED05-248). Nevertheless, as described in this addendum, some important changes to local and State laws have occurred since the adoption of the original Mitigated Negative Declaration in August 2006. While these laws do not change the level of the project's impacts, they constitute an important change in the project's regulatory setting. The purpose of the addendum is to fully disclose those changes and to explain why they do not change any of the conclusions in the original environmental determination.

This addendum also references updated studies that have been prepared to evaluate the revised project. These studies do not identify new environmental impacts; rather, they substantiate that the project will not result in new or increased impacts beyond those identified in the original

Exhibit B

A-3-SLO-13-0213

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MND.

LOCATION: The proposed project is within the Residential Multi-family land use category, and is located between Londonderry and Green Streets, directly south of Ardath Street, approximately 50 feet west of Highway 1, in the community of Cambria. The site is in the North Coast planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
976 Osos Street, Rm. 300
San Luis Obispo, CA 93408-2040

FINDINGS: Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162), the Lead Agency may prepare an addendum to an adopted negative declaration where all of the following apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration.

Based on staff's determination that all of the above conditions apply, an addendum to the adopted Negative Declaration is appropriate. The basis for this conclusion is described in the following section. In addition, please refer to the original Mitigated Negative Declaration for further discussion about all potentially significant issues originally identified for the proposed project.

BASIS FOR ADDENDUM: The following describes why the proposed changes will not result in any significant additional impact.

Aesthetics – The original MND concluded that implementation of the proposed color board, lighting plan, and landscaping plan would reduce potential visual impacts to less than significant levels. The proposed changes will incorporate similar colors and materials to integrate the facility into the natural pine forest setting. The landscape plan will be enhanced with more open space and less tree removal. As required by ordinance, the project will use downward directed and shielded outdoor lighting. The architectural style of the building will be scaled down from a monument style building with two large turrets to a "bungalow" or "craftsman" style which is more compatible with the character of the surrounding residential neighborhood. Impacts will remain less than significant. No new mitigation is necessary.

Air Quality – The proposed changes will result in a 28 percent reduction in the total building floor area and a 34 percent reduction in the number of beds in the senior care facility. As described below, the proposed changes will therefore result in fewer air quality impacts:

Construction Emissions

The proposed project will result in temporary air quality impacts during construction. This includes the creation of dust during grading and site disturbing activities and diesel particulate matter and ozone precursors generated from construction equipment. After reviewing the construction phasing and staging plan for the project, the SLOAPCD concluded that the project's emissions would fall below the applicable thresholds of significant for these pollutants (M. Field; 1/10/2013). The project is subject to standard mitigation measures addressing dust and diesel idling.

Operational Emissions

Operational emissions occur after the project is constructed. Ozone is the pollutant of greatest concern in the county. It is a secondary pollutant, formed in the atmosphere by complex photochemical reactions involving precursor pollutants and sunlight. Reactive Organic Gases (ROG) and Nitrogen Oxides (NOx) are the primary precursors to ozone formation. ROG and NOx

result primarily from the combustion of fossil fuels due to automobile travel and residential energy use.

The San Luis Obispo County Air Pollution Control District (SLOAPCD) has established a 25 lbs/day threshold for ozone precursors (ROG and NO_x). Table 1-1 of the SLOAPCD CEQA Air Quality Handbook establishes screening criteria for the type and scope of projects with the potential to exceed the 25 lbs/day threshold for ozone precursors. The proposed 31 unit facility falls well below the 157 unit threshold identified in Table 1-1 for an assisted living facility. Therefore, impacts related to operational emissions will be less than significant.

Greenhouse Gas Emissions

Since the MND was adopted in 2006, Senate Bill (SB) 97 was enacted to acknowledge that climate change is an environmental issue requiring analysis in CEQA documents. In December 2009, the California Resources Agency adopted amendments to the State CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. In April 2012, SLOAPCD adopted a local GHG threshold of 1,150 metric tons of carbon dioxide equivalent (CO₂E) per year from operational and amortized construction impacts. Table 1-1 of the SLOAPCD CEQA Air Quality Handbook establishes screening criteria for the type and scope of projects with the potential to exceed this threshold. The proposed 31 unit facility falls well below the 196 unit threshold identified in Table 1-1 for an assisted living facility. Therefore, GHG impacts will be less than significant.

Biological Resources – The 2006 MND identified the removal of 21 Monterey pine trees as the primary impact to on-site biological resources. The MND concluded that implementation of the standard mitigation measures provided in the Coastal Zone Land Use Ordinance Section 23.07.160 (Sensitive Resource Area) and North Coast Area Plan (Residential Single Family Planning Area Standard 6(c) Pine Forest Preservation) would reduce this impact to a less than significant level. These measures required replacement of any removed Monterey pine on a 2:1 basis.

The North Coast Area Plan was updated in 2008, subsequent to the adoption of the original MND. The update included enhanced standards for the protection of the Monterey pine forest habitat, including increased tree replacement ratios of 4:1 for pines and 6:1 for oaks.

The revised project will remove 8 Monterey pine trees and one Coast live oak. Based on the updated tree replacement ratios, the project will require the planting of 32 pines and 6 oaks. No mitigation measures beyond those required by ordinance are required.

Geology and Soils – The site is within an area designated as having a high landslide potential. The applicant submitted an Engineering Geology Review (GeoSolutions, Inc.; June 13, 2012) and Geotechnical Engineering Report (Mid-Coast Geotechnical, Inc.; June 28, 2012) to evaluate the revised project. These reports provide recommendations for grading, foundation design, perimeter slabs and garden walls, soil compaction, and roof gutters and downspouts. The applicant will be required to implement the conclusions and recommendations provided in the above referenced reports. These recommendations are similar to those in the geology reports for the original project. The revised geology reports have been reviewed and approved by the County Geologist (B. Papurello; 10/23/12) for compliance with the County's guidelines for preparing such reports.

Hazards and Hazardous Materials – The proposed changes will not result in any new or increased impacts related to hazards or hazardous materials. In a referral response dated September 28, 2012, Cambria Fire Chief Mark Miller raised concerns about the Cambria Fire Department's ability to provide emergency medical and evacuation services to the residents of the facility. In response to these concerns, the applicant submitted a detailed Fire Safety Plan (Dudek; November 2012) that identifies the fire risk associated with the proposed project and emergency response and evacuation procedures. The Fire Safety Plan recommends a dedicated transport van be housed at the project site to allow for evacuation of residents and staff during an emergency and the establishment of a shelter-in-place area in the project kitchen and dining room when early off-site relocation is not feasible. The plan also includes recommendations on building materials, construction practices,

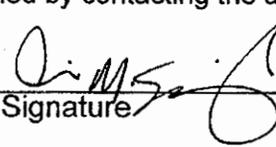
Attachment 11

defensible space vegetation management, and access/egress. The recommendations of the Fire Safety Plan have been incorporated into the project description and business operations for the proposed facility. The Cambria Fire Department issued a letter stating that the proposed fire safety plan "meets or exceeds all of our expectations by addressing all of the key areas of concern outlined in our earlier correspondence (M. Miller; January 9, 2013).

Public Services/Utilities - The proposed changes will not result in any new or increased impacts related to public services or utilities. As describes above under Hazards and Hazardous Materials, the recommendations of the Fire Safety Plan have been incorporated into the project description and business operations for the proposed facility. These recommendations address the concern raised by the Cambria Fire Department regarding the provision of emergency medical and evacuation services for facility residents.

No change in impacts or new information - The proposed changes will not result in any new or increased impacts, nor is any new information available regarding the project's impacts, for the following subject areas: Agriculture, Cultural Resources, Noise, Recreation, Traffic, Wastewater, Water, Land Use, and Mandatory Findings of Significance.

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

AIRLIN SINGEWALD		Project Manager	2/8/13	County of San Luis Obispo
Name	Signature	Title	Date	Public Agency

Attachment 11

FROM Michael Clark 805-927-5223

FAX NO

Oct. 23 2011 04:44PM P1

CAMBRIA COMMUNITY



SERVICES DISTRICT

August 1, 2011

DIRECTORS:

Mark R. Clark
President

Alan S. McKinnon
Vice President

James Bahrtvogel
Director

Frank J. De Witte
Director

Michael Thompson
Director

Michael Clark
Po Box 419
Cambria, CA 93428

Dear Mr. Clark,

Subject: Time Extension, "Intent to Serve" Letter
Commercial 11.78 EDU's
APN: 024.191.052

OFFICERS:

Jerome D. Gruber
General Manager

Timothy J. Garza
District Counsel

Ruthy A. Choate
District Clerk

Enclosed is verification that your request for extension of your "Intent to Serve" letter for 11.78 EDU's at the above referenced project has been APPROVED

Your "Intent to Serve" letter is now valid through June 1, 2012.

If you have any questions please do not hesitate to contact this office at 927-6223.

Sincerely,

Jerome D. Gruber
General Manager

Enc: Approved Extension Application

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:
DONALD VILLENEUVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL



OFFICERS:
KENNETH C. TOPPING
General Manager
PAULETTE BECK
District Secretary
ROGER LYON
Legal Counsel

November 1, 1998

2284 CENTER STREET, PO BOX 65, CAMBRIA, CA 93428
Telephone: 805/927-6223 - FAX: 805-927-5584

MICHAEL CLARK
PO BOX 419
CAMBRIA CA 93428

Subject: INTENT TO PROVIDE WATER AND SEWER SERVICE for 6 EDU
COMMERCIAL Project Under Water Conservation and Retrofit Program
ASSESSOR'S PARCEL NO.: 024.191.052/054/056/057/058/059

Dear Applicant,

Pursuant to provisions of District Ordinance No. 2-95 and 1-98 the above referenced parcel has been approved for a water and sewer capacity allocation in the amount of Six Equivalent Dwelling Units (6 EDUs), for your Commercial Bed & Breakfast Project. On that basis, this letter serves as notification of this District's present intention to provide water and sewer service to the above referenced parcel.

This is also to inform you that the District's issuance to you of this "Intent to Serve" letter and subsequent issuance to you of water and sewer connection permits shall be subject to current and future rules, regulations, resolutions and ordinances of the Cambria Community Services District. This "Intent to Serve" letter may be revoked as a result of conditions imposed upon the District by a court or governmental agency of higher authority, or by a change in availability of resources, or by a change in ordinances, resolutions, rules or regulations adopted by the Board of Directors for the protection of the health, safety and welfare of the District. The Board of Directors of the District reserves the right to revoke this "Intent to Serve" letter at any time. PLEASE NOTE: THE BOARD OF DIRECTORS IS CONDUCTING MID-YEAR REVIEWS OF THE RETROFIT PROGRAM IN OCTOBER AND DECEMBER, AT WHICH TIME IT MAY CONSIDER AMENDING THIS PROGRAM TO PLACE RESTRICTIONS ON THE ISSUANCE OF PERMITS.

Consistent with the above limitations, the District requires that the applicant comply with Ordinance 1-98. Specific attention should be paid to Sections C-4 and 5 (page A-2) which require certain actions to be completed within strict time limits. Water usage under this program will be monitored and in the event a 2 to 1 savings is not achieved, the District may require additional action on your part prior to issuing a water and sewer connection. Also prior to issuance of a water & sewer connection permit, the additional "affordable housing" waiting list positions must be withdrawn from this property.

CCSD requires water conserving plumbing in all newly constructed residential and commercial buildings. A copy of these requirements, as well as our approved list of fixtures is attached for your information and should be forwarded to your architect or contractor.

Exhibit B
A-3-SLO-13-0213
112 of 183

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

ALLAN S. MAC KINNON, President
MICHAEL THOMPSON, Vice President
JIM BAHRINGER
MURIL N. CLIFT
GAIL ROBINETTE



OFFICERS:

JERRY GRUBER, General Manager
KATHY A. CHOATE, District Clerk
TIMOTHY J. CARMEL, District Counsel

1316 Tamsen Street, Suite 201 • P.O. Box 65 • Cambria CA 93428
Telephone (805) 927-6223 • Facsimile (805) 927-5584

February 29, 2012

Michael Clark
Po Box 419
Cambria, CA 93428

Subject: **EXTENSION OF INTENT TO PROVIDE WATER AND SEWER SERVICE**
ASSESSOR'S PARCEL NO.: 024.191.052- 11.78 COMMERCIAL EDU'S

Dear Mr. Clark,

Pursuant to provisions of Cambria Community Services District Code Section 8.04.070, the previously issued Intent to Serve Letter for the above referenced parcel has been approved for an extension. Accordingly, this letter serves as notification of the extension of the CCSD's present intention to provide water and sewer service to the above referenced parcel, subject to all of the terms and conditions of the previously issued Intent to Serve Letter and the conditions set forth below.

As previously stated in the Intent to Serve Letter issued on November 1, 1998 the CCSD's issuance to you of an "Intent to Serve" letter and subsequent issuance to you of water and sewer connection permits shall be subject to current and future rules, regulations, resolutions and ordinances of the Cambria Community Services District. The "Intent to Serve" letter may be revoked as a result of conditions imposed upon the CCSD by a court or governmental agency of higher authority, or by a change in availability of resources, or by a change in ordinances, resolutions, rules or regulations adopted by the Board of Directors for the protection of the health, safety and welfare of the District. The Board of Directors of the District reserves the right to revoke this "Intent to Serve" letter at any time.

Please be advised that the CCSD requires water conserving plumbing in all newly constructed residential and commercial buildings. A copy of these requirements was previously provided with the original intent to Serve Letter and should be provided by you to your architect or contractor.

In accordance with Board action on January 19, 2011 this Extension of your Intent to Serve letter is valid until June 1, 2013. It may be considered for additional extensions, subject to meeting the requirements of the CCSD Code. Application for such extension are subject to a non-refundable fee in the amount set forth in the CCSD's applicable fee schedule and shall be submitted to the District office 30 days prior to expiration. The General Manager has full discretion to approve or disapprove the requested extension, and if granted it will be subject to any additional conditions which may be imposed at that time.

During the period that the "Intent to Serve" letter is valid, you must obtain a water and sewer connection permit for the project by submitting a signed application form, and an approved County Building Permit, together with payment of any balance due on retrofit, and water/sewer connection fees. Failure to complete any of the requirements of this Intent to Serve letter within the proscribed time restraints may result in its revocation, forfeiture of fees and your project will be returned to the waiting list.

If you have any questions concerning this matter, please call this office for assistance

Exhibit B
A-3-SLO-13-0213
113 of 183

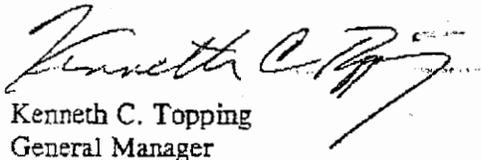
CCSD
Intent to Serve
page 2

Subject to earlier revocation for the reasons stated above, this "Intent to Serve" letter is valid for 18 months from date of issue. However, it is subject to consideration for a six-month extension. Application for such extension shall be subject to a non-refundable fee in the amount of \$200 and shall be submitted to the District office 30 days prior to expiration. The General Manager has full discretion to approve or disapprove the requested extension, and if granted it shall be subject to any conditions which may be imposed.

During the period that this "Intent to Serve" letter is valid (see date below), you must obtain water and sewer permits for the project by submitting signed application forms, and an approved County Building Permit, together with payment of any balance due on water and sewer connection fees. A water & sewer connection permit will then be issued to you. Failure to complete any of the requirements of this "Intent to Serve" letter within the proscribed time restraints may result in revocation of this "Intent to Serve" letter, forfeiture of fees and your project will be returned to the waiting list.

If you have any questions concerning this matter, please call this office for assistance.

Sincerely,
CAMBRIA COMMUNITY SERVICES DISTRICT


Kenneth C. Topping
General Manager

KCT/js

Enc. Agent Authorization Form
New Construction Requirements
Helpful Phone Numbers

IMPORTANT DEADLINES:

- ◆ Apply to District for Extension if needed
..... 04/01/2000
or
- ◆ Submit County Building Permit
to District before
"Intent Letter" expires 05/01/2000

CAMBRIA COMMUNITY



SERVICES DISTRICT

February 7, 2012

DIRECTORS:

Allan S. MacKinnon
President

Michael Clark
Po Box 419
Cambria, CA 93428

Michael Thompson
Vice President

James Bahringer
Director

RE: **CONDITIONAL APPROVAL OF ASSIGNMENT**
APN:024.191.038 Escrow # 4005-3870929

Muriel N. Clift
Director

The Cambria Community Services District has received your application to assign your

Gail Robinette
Director

- ()
- (X) Intent to Serve Letter 11.78 EDU's
- () Water & Sewer Connection Permit
- () Grant of Water Right

OFFICERS:

For the above-referenced parcel.

Jeety Graber
General Manager

YOU ARE HEREBY NOTIFIED that your application is **CONDITIONALLY APPROVED** subject to actual change of ownership of the property within one-hundred and eighty (180) days of the above date.

Timothy J. Carmel
District Counsel

Kathy A. Choate
Treasurer Clerk

In order to complete this assignment and to insure that your position is officially assigned to the new owner on our records, evidence of actual change of ownership (i.e. copy of the recorded grant deed) must be submitted to this office. In the event that the property does not change ownership within 180 days, or the person(s) indicated on the application changes, this conditional approval is null and void and a new application will be required.

Sincerely,

Monique Madrid
Administrative Services Officer

Copy to Buyer: Kingston Bay Cambria
Via FAX to: First American Title Co.

Attachment 11

Sincerely,

CAMBRIA COMMUNITY SERVICES DISTRICT



Monique Madrid
Administrative Services Officer

- Enc. Approved Application for Extension
Copy of retrofit program requirements
New Construction Requirements
Copy of original Intent to Serve Letter

CONDITIONS

1. The conditions contained in this Extension of Intent to Serve Letter are in addition to any and all conditions imposed on the original Intent to Serve Letter for this parcel, and any previously issued extensions. In the event of any conflict between conditions in the original letter and this Extension, the provisions in this Extension shall take precedence.
2. Any additional extensions shall be subject to the applicant having an active application for a building permit (residential) or an application accepted by the County for a minor use permit or development plan, if applicable and an active application for a building permit (commercial).
3. The applicant shall reimburse the CCSD for the costs of plan checking, construction inspection, project administration and legal assistance of any CCSD related improvement associated with the project. For all services rendered by CCSD personnel, the applicant shall be charged and pay to the CCSD the actual cost. The CCSD will invoice the applicant, and any amounts unpaid 30 days from the date of the invoice shall bear interest at the rate of 1 ½ % per month beginning 30 days after the date of said invoice.
4. The applicant expressly grants the CCSD, or its authorized agent, permission to enter upon the land that is the subject of the project for the purpose of inspection of any and/or all work related to the water and sewer improvements.
5. The applicant must agree to grant any required utility or access easements that may be reasonably required by the CCSD.
6. The applicant shall defend, indemnify and hold harmless the CCSD, its officers, agents, representatives and employees from any and all claims, demands, damages, costs expenses or liabilities, including attorney fees, occasioned by the performance or attempted performance of the provisions contained in the Intent to Serve Letter and this Extension.
7. In granting an intent to serve letter, CCSD, makes no determination as to land use entitlements required for the proposed project, and the issuance shall not be construed to be an expression of CCSD's position regarding the use or intensity of use of the development property.
8. The applicant agrees to pay all CCSD connection fees prior to connecting to the water and sewer system, and agrees to pay all monthly water and sewer service charges.

APPLICATION FOR EXTENSION

INTENT TO SERVE LETTER CONNECTION PERMIT

RESIDENTIAL **COMMERCIAL**

Extension, if approved, is valid for 6 months on residential Intent to Serve Letters, and 12 months on Commercial Intent letters and all Connection Permits.

INSTRUCTIONS: Application for Extension shall be submitted at least thirty (30) days prior to expiration date of letter/permit. Applicant must provide proof that application(s) for a building construction permit and, if required for this project, a minor use permit, is/are actively being processed by the County Planning Dept. **Application must include payment of Extension Fee per District Fee Schedule.**

TODAY'S DATE: 1-5-2012 EXPIRATION DATE of LETTER/PERMIT JUNE 2012

OWNER'S NAME MICHAEL CLAR PHONE # 203-5388

OWNER'S MAIL ADDRESS P.O. BOX 419 CLASHA 9408 927-5088

AGENT'S NAME/PHONE NO. JACK ROSEMSKY REAL ESTATE 927-4777

ASSESSOR'S PARCEL NUMBER 024-191-052

INTENT TO SERVE LETTER FIRST ISSUED (DATE): _____ # OF EXTENSIONS PREVIOUSLY REQUESTED 14

(REQUIRED) • Attach **CURRENT** (no more than 30 days old) **COUNTY STATUS PRINT-OUT** showing RECENT activity on the project

(REQUIRED) • Building Permit/ Project No. B

(If applicable) • Minor Use Permit/ Project No. DEC 2005-00103

• Have you started the foundation or construction? Yes No

Reason for this request:

MORE TIME NEEDED TO PROCESS VARIOUS PROJECT

I/We understand that the General Manager/Board of Directors (as applicable) shall have full discretion to approve or disapprove the requested extension, and if granted, the extension shall be subject to any conditions which may be imposed.

isi Michl Clar
Signature of Applicant or Authorized Agent

1-5-2012
Date

for office use

Extension Fee Paid yes

Extension DENIED _____

All documentation received yes

Reason for Denial _____

Board Action Date (if applicable) 1/19/12

Extension APPROVED unapproved yes

New Expiration Date 1/1/13

Courtney Hathegrove
/s/Permits Specialist for General Manager

2/22/12
Date

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:
DONALD VILLENEUVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL



OFFICERS:
KENNETH C. TOPPING
General Manager
PAULETTE BECK
District Secretary
ROGER LYON
Legal Counsel

2284 CENTER STREET, PO BOX 65, CAMBRIA, CA 93428
Telephone: 805/927-6223 - FAX: 805-927-5584

November 1, 1998

Mike Clark
PO Box 419
Cambria, CA 93428

RE: COMPLETION OF RETROFIT PROGRAM REQUIREMENTS

APN: 024.191.052.001 6 EDU Commercial Project

Dear Mike,

This is to inform you that as of the above date:

— The retrofits for your project under the District's plumbing retrofit program have been approved on final inspection.

X We have received your payment "In Lieu of Retrofit" in the amount of \$42,900.00

You now meet the retrofit requirements of the Plumbing Retrofit Water Conservation Program Ordinance 1-98.

If you have any questions please contact me at the District office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joyce A Stone".
Joyce A Stone
Senior Clerical Assistant

Enc.

NOTICE TO ALL BUILDERS, CONTRACTORS, AND OWNER/BUILDERS:

Cambria Community Services District
MANDATORY WATER CONSERVATION PLUMBING
FIXTURES & DEVICES to be used on NEW CONSTRUCTION

Pursuant to District Ordinance (3-88 as amended by Res. 37-95) mandatory water conservation plumbing requirements are in effect for all New Construction, which is defined as any construction of a previously non-existent structure requiring a discretionary or ministerial permit, and includes the remodeling of an existing structure involving the addition of bathroom fixtures or an increase in floor space of 20% or more.

1) REQUIRED PLUMBING FIXTURES AND DEVICES

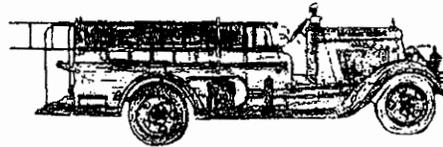
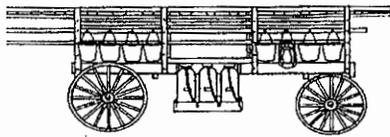
- A. **Pressure Regulator** – on the incoming water supply to the structure. This regulator shall be set at a maximum of 50 pounds per square inch gage (50 psig) and located as close to the water meter as possible.
- B. **Toilets & Urinals**– 1.6 gallons per flush maximum (for both tank and flushometer type toilets).
- C. **Bathtubs, Jacuzzi & whirlpool spas** (applies only to units designed to be drained after each use) shall be of a design that does not exceed a maximum of 70 gallons capacity.
- D. **Showerheads** – maximum flow of 2 gallons per minute (2.0 gpm) at 50 pounds pressure, equipped with a shut-off valve near the showerhead.
- E. **Kitchen Faucets** – shall be equipped with an aerator that allows a maximum flow of 2.0 gallons per minute (2.0 gpm) at 50 pounds pressure (50 psi).
- F. **Lavatory Faucets** - shall be equipped with an aerator that allows a maximum flow of 0.5 gallons per minute (1/2 gpm) at 50 pounds pressure (50 psi).
- G. **Exterior Hose Bibs** – shall not exceed 4.0 gallons flow per minute with backflow preventer/vacuum breakers.

2. HOT WATER SYSTEM PLUMBING (this section does not apply to remodels or additions)

- A. **Hot Water System** – Recirculating or 2-pipe hot water piping system with or without a circulation pump.
- B. **Thermal Insulation** – all hot water piping will have thermal insulation with a thickness of not less than $\frac{3}{4}$ of an inch.
- C. **Hot Water Pipe Located Within or Under Concrete Slabs** – shall be insulated as cover in item 2.B above and contained in chases or conduits.

CAMBRIA CSD FIRE DEPARTMENT

Established 1887



Mark Miller, Fire Chief

2850 Burton Drive • Cambria, CA. 93428

Phone: (805) 927-6240 • Fax: (805) 927-6242 • Email: mmiller@cambriacsd.org

Airlin Singewald
San Luis Obispo County
Department of Planning and Building
County Government Center
1055 Monterey Street
San Luis Obispo, CA 93408

January 9, 2013

Dear Airlin,

I have reviewed the Fire and Life Safety Plan (FLSP) submitted for the Kingston Bay Project and find that it addresses all of the key components identified by the Cambria CSD Fire Department.

The FLSP defines the **shelter in place** capability, **evacuation procedures**, **routine transport procedures**, maintenance of **access** and **defensible space** for the facility. The FLSP was researched and produced by Dudek and meets or exceeds all of our expectations by addressing all of the key areas of concern as outlined in our earlier correspondence.

I have also completed the fire/building plan review and have issued a Fire Plan Review Letter to enable the Kingston Bay Group to apply for their building permits. This document has been forwarded to Cortney Upthegrove at the Cambria Community Services District for release.

Please contact me if you have any further questions or concerns regarding this project.

Sincerely,

Mark Miller, Fire Chief

Attachment 11



RE: DRC2012-00024 KINGSTON, Coastal E-Referral, MUP/Senior Car and Assisted Living Facility in Cambria
Robinson, Daniel@Coastal to: asingewald@co.slo.ca.us

10/10/2012 03:01 PM

History: This message has been forwarded.

Hello and thank you for the opportunity to comment :

1. What does RCFE mean exactly and is it allowed in the Residential Multi Family land use category according to Table O?
2. It appears that 9 trees are to be removed. Please ensure that tree removal is minimized and that all trees are permitted to be removed according to the LCP's tree removal policies (including Coastal Zone Policy 5 and 7 and CZLUO Section 23.05.034d, 064e, 064b and 064d, and any applicable policies in the North Coast Area Plan.
3. It appears that the project will require approximately 1,731.7 gallons per day and require 2 water connections and that it has a valid will-serve letter. It is unclear where the water connections will come from or how new connections will be allowed. Is it a transfer? Is it through conservation, or retrofitting fixtures in Cambria? Is it grandfathered from the waiting list?
4. It appears there was an earlier application for the same type of project in 2005 and that an archeological investigation was done at this time. This will need to be updated, if not done so. Did this permit expire? Is this new proposal a reflection of public comment or concern about the location or nature of the project in any way?
5. It appears that the proposed project could have significant view impacts from highway 1. Please ensure that visual simulations are submitted showing views from HWY 1 (going north and south) and how any proposed or required mitigation will screen the proposed project (including parking) as much as possible from sight views from HWY 1. Please ensure that visual policies are complied with, related to any public viewsheds and/or the HWY 1 corridor in this location.
6. It appears that the project will be located on 7 individual parcels. Please ensure that documents are included which discuss the legality of these parcels and any documents showing how these lots were created in the past (e.g. subdivision approvals, map act compliance, etc.).

Thank you,
CCC

From: tjamison@co.slo.ca.us [mailto:tjamison@co.slo.ca.us] On Behalf Of plreferrals@co.slo.ca.us
Sent: Thursday, September 27, 2012 10:08 AM
To: jlmcgarry@charter.net; ttomlinson@co.slo.ca.us; gdmarschall@co.slo.ca.us; mkdavis@co.slo.ca.us; cjourney@co.slo.ca.us; criha@co.slo.ca.us; shicks@co.slo.ca.us; chris.shaeffer@dot.ca.gov; Presser, Tamara@Waterboards; Hammer, Phillip@Waterboards; Dyer, Julia@Waterboards; Robinson, Daniel@Coastal; asingewald@co.slo.ca.us; tjamison%co._slo.ca.us@co.slo.ca.us; tsgray@pontifexmarketing.com; jjobahh@sbcglobal.net; jobahh@sbcglobal.net; bleufrog@earthlink.net; gailgra@charter.net; jrenshaw@mac.com; mrsewell@charter.net; hnybrs@aol.com; covellscllydesdales@yahoo.com; fishmaninvestments@gmail.com; c davidson@cambriacsd.org; mmiller@cambriacsd.org; cryan@cambriacsd.org; tjamison%co._slo.ca.us@co.slo.ca.us; aarlingenet_apcd@co.slo.ca.us; aroslan_apcd@co.slo.ca.us; xfowler@co.slo.ca.us; norton@co.slo.ca.us; brobeson@co.slo.ca.us; kkarle@co.slo.ca.us; cstevenson@co.slo.ca.us
Cc: asingewald@co.slo.ca.us



COALITION PARTNERS:

- Arroyo Grande Community Hospital*
- Boys and Girls Club – South County*
- Cal Poly University*
 - Art and Design Department*
 - Center for Sustainability*
 - Food Science & Nutrition Department*
 - Kinesiology Department*
 - Landscape Architecture Department*
- STRIDE*
- CenCal Health*
- Central Coast Ag Network*
- City of San Luis Obispo*
 - Parks and Recreation Department*
- Community Action Partnership of SLO County, Inc.*
- Dairy Council of California*
- Diringer Associates*
- Equilibrium Fitness*
- First 5 Commission of SLO*
- French Hospital Medical Center*
- Juicyful Creative Consulting*
- Kennedy Club Fitness*
- Lillian Larsen Elementary School*
- Living the Run*
- Lucia Mar Unified School District*
- Network for a Healthy California – Gold Coast Region*
- North County Farmers Market Assoc.*
- Oceano Community Center*
- Paso Robles Library & Recreation Services*
- Rideshare – Safe Routes to School*
- San Luis Sports Therapy*
- San Miguel Joint Unified School District*
- San Miguel Resource Connection*
- SLO Bicycle Coalition*
- SLO Council of Governments*
- SLO County Board of Supervisors*
- SLO County Community Foundation*
- SLO County Health Commission*
- SLO County Office of Education*
- SLO County Parks*
- SLO County Planning and Building*
- SLO County Public Health*
- SLO Food Bank Coalition*
- UC Cooperative Extension*
- YMCA of SLO County*

November 14, 2012

TO: San Luis Obispo County Planning Commission
FROM: HEAL-SLO - Healthy Communities Work Group
RE: DRC 2012-00024–Kingston Minor Use Permit

HEAL-SLO is the SLO County obesity prevention coalition and its mission is to increase healthy eating and regular physical activity among County residents through policy, behavioral and environmental changes. In carrying out that mission, a subcommittee called the Healthy Communities Work Group provides responses to Planning staff from a healthy community's perspective on proposed land development projects, ordinance and general plan amendments, and special projects.

The Healthy Communities work group has reviewed the proposal for the construction of a senior care and assisted living facility with 31 units off Green Street in Cambria. We do not have any significant concerns with this development. Our only question would be to clarify how walkable the area is. While the seniors in the memory care unit probably wouldn't be going out on their own, some of the assisted living residents might want to walk to shopping or the park. The benefits of regular exercise are well established. Walking may be the best fitness activity for many seniors given the relatively low physical risks and the enormous long-term health benefits. A 2008 study from researchers at the University of Georgia found that older adults who kept up with a walking program for four months had "significant" health improvements over a group that didn't walk.

Thank you for the opportunity to review this project.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: January 17, 2013
To: Airlin Singewald, Project Planner
From: Glenn Marshall, Development Services Engineer
Subject: **Public Works Comments on DRC2012-00024 Kingston MUP for Senior Care, Ardath Dr, Cambria APN 024-191-038 (-024,-052,-056,-058 & -059)**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response based on the resubmittal dated January 10, 2013:

Public Works Comments:

- A. The proposed project triggers Curb Gutter and Sidewalk requirements per 23.05.106 for full urban street improvements along the project frontage of Londonderry Lane, Ardath Drive and Green Street. A condition is being recommended to submit improvement plans to Public Works for review and approval prior to building permit issuance and post a performance bond, or have a waiver approved, in accordance with this Ordinance. If the project is approved the applicant may apply for a waiver through the Planning and Building Department in accordance with 23.05.106(d); however, there is no guarantee that a waiver will be granted.
- B. If a Curb Gutter and Sidewalk waiver is approved the applicant may still be required to construct frontage improvements in accordance with the A-1 rural road standards which would include a gravel shoulder for parking and pedestrian purposes. These road frontage improvements may require an offer of dedication along the project frontages to accommodate the additional width of public improvements.
- C. The landscaping plans show trees within the existing right of ways. Proposed landscaping in the right of way may be requested but will require landscape plantings meet sight distance standards for intersections and driveways (see County A-5 series standards) and that ongoing maintenance be the responsibility of the fronting property owner/s. Proposed landscaping within the right-of-way must be reviewed for possible approval by the Department of Public Works.
- D. The proposed project is within the North Coast Area D. Payment of the Road Improvement Fee is required prior to building permit issuance.
- E. The proposed project is within a drainage review area. Drainage plan is required to be prepared by a registered civil engineer and it will be reviewed at the time of Building Permit submittal by Public Works.

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- F. Although the old county road right-of-way was vacated (per 2667 OR 499) the underlying public utility easement may not have been. Prior to permit issuance evidence should be provided to the County from each of the utility purveyors and Cambria CSD that the proposed buildings and improvements may be constructed in their easements. Any easements that conflict with the proposed development may need to be quitclaimed prior to permit issuance.
- G. The project will be disturbing more than one acre so will be subject to the requirements of the Construction General Permit when they process their SWPPP with the RWQCB. Permit requirements include implementation of non-structural and structural measures. The applicant is advised to work redesign their project to ensure it will meet the General Permit Requirements.

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits**, public improvement plans shall be prepared and a performance bond posted in compliance with Section 23.05.106 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance; and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
 - a. Street plan and profile for widening **Ardath Drive, Green Street and Londonderry Lane** to complete the project side of an A-2 urban street section fronting the property. All proposed driveways shall be located a minimum of 50-feet from any existing street intersection and constructed in accordance with County Standard B-series drawings.
 - i. The applicant may apply to the Department of Planning and Building for an adjustment to this requirement in accordance with 23.05.106(d). If approved, the Curb, gutter and/or sidewalk improvement requirements may be waived, modified or delayed. If a Curb Gutter and Sidewalk waiver is approved the applicant may still be required to construct these frontage improvements in accordance with the A-1 rural road standards which would include a gravel shoulder for parking and/or pedestrian purposes.
 - b. Pedestrian easements as necessary to contain all slope, shoulder, sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk-Recorder upon review and approval by Public Works.
 - c. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - e. A landscaping plan showing all proposed landscaping within the public right-of-way
 - f. The Green Street access driveway shall be marked and signed for project ingress only in accordance with the recommendations project traffic report prepared by ATE and dated November 2, 2012 (copy on file with the Department of Public Works).

Attachment 11

2. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a cash deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
3. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
4. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with the local fire agency standards and specifications back to the nearest public maintained roadway.
5. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to project lighting, project signage; landscape planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
6. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks and landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Fees

7. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code the applicant shall be responsible for paying to the Department of Public Works the North Coast Area D Road Improvement Fee for each future building permit in the amount prevailing at the time of payment.

Drainage

8. **At the time of application for construction permits**, the applicant shall submit complete drainage calculations prepared by a licensed civil engineer for review and approval in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.
9. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plans for review and approval.
10. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Attachment 11

Stormwater Pollution Prevention

11. **At the time of application for construction permits**, the applicant shall demonstrate the project has incorporated County approved LID structural practices into the project. Refer to the brochure *Interim Low Impact Development Guidelines* for further information and references for LID design.
12. **At the time of application for construction permits**, the project shall comply with the post-construction requirements of the Construction General Permit (CGP). A "Private Stormwater Conveyance Management and Maintenance System" shall be submitted to the Department of Public Works for review and approval. Upon approval, the applicant shall record with the County Recorder's Office the "*Private Stormwater Conveyance Management and Maintenance System*" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Recycling

13. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

Offers

14. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public right-of-way easements by separate document for road widening purposes a sufficient width as necessary to contain all elements of the roadway prism including slopes, shoulders, sidewalks, driveway aprons, curb ramps and other improvements. Offers are to be recorded by separate document with the County Clerk-Recorder after review and approval by Public Works.
15. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public drainage easement(s) as necessary to contain both existing and proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk-Recorder after review and approval by Public Works.

Other

16. **Prior to issuance of construction permits**, the applicant shall submit evidence satisfactory to the Department of Planning and Building that the Cambria Community Services District and each public utility (PG&E, Gas Company, Telephone Company, etc) has reviewed and is in agreement with the proposed project constructing buildings and other improvements atop the existing utility easement within the vacated portion of the Ardath Drive right-of-way. Alternatively, the applicant may be required to quitclaim all or a portion of the public utility easement prior to permit issuance.

V:\DEVSERV Referrals\Land Use Permits\Minor Use Permits\IDRC2012-00024 Kingston, Cambria\20131015 Submittal\IDRC2012-00024 Kingston, Cambria.doc

Attachment 11

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TTY 711
<http://www.dot.ca.gov/dist05/>



*Flex your power!
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January 17, 2013

Airlin Singewald
Department of Planning and Building
San Luis Obispo County
County Government Center
San Luis Obispo CA 93408

05-SLO-1-48.26

Subject: DRC2012-00024 KINGSTON-MINOR USE PERMIT PROJECT FOR A SENIOR CARE AND ASSISTED LIVING FACILITY

Dear Mr. Singewald:

Thanks for your email response of January 16, 2013, regarding our hydrology concerns on the Kingston project. Caltrans agrees that as a condition of approval there should be an analysis of build out water quantity flows (for which Caltrans should concur with). This analysis should include the culvert under State Route 1 at postmile 47.64. This culvert serves a large watershed and the analysis should look at impacts of the project to the 100-year flow. The analysis should be conducted and signed by a California licensed civil engineer. Please let us know when the analysis has become an official condition of approval.

Thank you for addressing our concern. We look forward to reviewing the analysis. If you have questions, please feel free to contact me at (805) 549-3131.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fukushima".

Adam Fukushima, PTP
Caltrans District 5
Development Review

Attachment 11



Re: Fw: Kingston Bay - Construction Schedule
Meghan Field to: Airlin Singewald

01/10/2013 02:21 PM

History: This message has been replied to and forwarded.

Afternoon Airlin,

The construction schedule and equipment looked good and it looks like it will likely be below our threshold. Please ensure that the language (dust, idling, etc) that we included in our letter is incorporated during construction to ensure the lowest on-site emissions possible.

Thanks!

Meghan Field
Air Quality Specialist
San Luis Obispo Air Pollution Control District
3433 Roberto Court, SLO, CA 93401
t: 805.781.1003
f: 805.781.1002

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Airlin Singewald | Hi Meghan, The applicant on this project (DRC2... | 01/08/2013 12:21:30 PM

From: Airlin Singewald/Planning/COSLO
To: Meghan Field/APCD/COSLO@Wings
Date: 01/08/2013 12:21 PM
Subject: Fw: Kingston Bay - Construction Schedule

Hi Meghan,

The applicant on this project (DRC2012-00024) has submitted the attached construction schedule for APCD to more accurately estimate construction-related impacts. Since we do not anticipate an EIR on this project, I believe either your or my office will be conducting the CalEEMod modeling. Please give me a call so we can coordinate on this.

Thanks,
Airlin

Airlin Singewald
San Luis Obispo County
Department of Planning and Building
(805) 781-5198
asingewald@co.slo.ca.us

----- Forwarded by Airlin Singewald/Planning/COSLO on 01/08/2013 12:17 PM -----

From: Julie McGeever <Julie@hbarchitects.com>
To: "asingewald@co.slo.ca.us" <asingewald@co.slo.ca.us>
Cc: "Lisa Schumaker (lschumacher@kingstonbayseniors.com)"

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Air Pollution Control District
San Luis Obispo County

October 3, 2012

Airlin Singewald
San Luis Obispo County Department of Planning & Building
County Government Center
San Luis Obispo CA 93408

SUBJECT: APCD Comments Regarding the DRC2012-00024, Kingston Bay Senior Living Project Referral

Dear Mr. Singewald,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at the intersection of Londonderry Lane, Ardath Drive and Green Street at 1831 Green Street in Cambria. The Kingston Bay Senior Housing project is proposed to provide assisted living and memory care services for a total of 31 units and 41 senior residents. The project has a total gross building square footage of 28,226 square feet with nineteen proposed parking spaces. The applicant will also pursue a voluntary lot merger as part of the project entitlement and a total of nine parcels will make up the 1.26 acre site. *The following are APCD comments that are pertinent to this project.*

Infill within City Limits & URL / Smart Growth

The APCD encourages balance of residential and commercial infill within the existing County URL/VRLs, as this is consistent with the land use goals and policies of the APCD's Clean Air Plan. Enabling residents the opportunity to live, work and shop within areas that utilize Smart Growth principles reduces the need to drive and minimizes vehicle exhaust emissions which account for over 50% of the County's air pollution including greenhouse gas emissions. Increasing density can reduce trips and travel distances and encourage the use of alternative forms of transportation. The APCD supports this project, as it is consistent with the Conservation and Open Space Elements of the SLO County's General Plan adopted by the SLO County Board of Supervisors.

Specifically, we would like to commend the applicant on several elements of the project design:

1. The project provides development within the city limits with nearby access to commercial services and transit service, which will reduce dependence on driving;
2. The project provides development within the URL where such development is planned for and expected;

Project Referral for DRC2012-00024, Kingston Bay Senior Living
October 3, 2012
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3. The proposed residential buildings are two stories, resulting in a greater floor to area ratio.

The APCD supports this project because of the project's many sustainable growth elements.

CONSTRUCTION PHASE IMPACTS

The APCD evaluated the construction impacts of this project using the CalEEMod air quality model, a tool for estimating construction emissions related to the development of land uses. The modeling results indicated that construction phase impacts have the potential to exceed the APCD's daily significance threshold values of 137 lbs/day of ROG + NO_x. **However, due to the limited information provided in the project referral, the modeling could reflect a more conservative assessment than what will actually take place on-site. The APCD is requesting the following measures be implemented to further reduce the emissions on-site.**

Insufficient Construction Information

BACT measures are needed when construction emissions exceed APCD mitigation thresholds as defined in 2.1 in the APCD's 2012 CEQA Handbook. These thresholds are when nitrogen oxide (NO_x) and reactive organic compound (ROG) combined exceed 137 lbs/day or 2.5 tons/quarter or PM combustion emissions exceed 2.5 tons/quarter. Because sufficient information regarding the construction phase emissions of this project is currently lacking, the specific BACT requirements cannot be quantified at this time. In order to mitigate the construction emissions to a level of insignificance, BACT will be required; however the magnitude will need to be determined once the construction emissions calculations are provided. **Please contact the APCD with more specific equipment information prior to finalizing the EIR.** When this information is received, the APCD will determine the BACT measures applicable to this project.

Insufficient Diesel Equipment Information / Diesel Emissions Near Sensitive Receptors

This project will involve the use of numerous pieces of heavy-duty diesel equipment. Diesel particulate matter is listed as a toxic air contaminant by the California Air Resources Board with no identified threshold level below which there are no significant health effects. Therefore, the APCD is very concerned with projects that will produce large amounts of diesel exhaust near sensitive receptors. **The project proponent shall calculate construction impact emissions and compare these values to the APCD's CEQA construction thresholds. If this project exceeds the thresholds, mitigation measures will be necessary. Provide the following information to the APCD for review and approval:**

- Number and type of construction equipment operating throughout the construction phase of the project;
- Sensitive receptors within 1000 feet of construction boundary;
- If project includes hauling, identify fleet mix, hauling route (must minimize sensitive receptor impact) and number of trips per day;
- Time frame for the operation of construction equipment during the project, which includes:
 - The total length of the project duration;
 - An estimation of the number of daily operating hours for the equipment; and,
 - An estimation of equipment that would operate simultaneously on a given day.

Attachment 11

Project Referral for DRC2012-00024, Kingston Bay Senior Living
October 3, 2012
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Asbestos / Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2012 CEQA Handbook, Technical Appendix 4.4). If the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), the following requirements apply. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the APCD.** If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. If NOA is not present, an exemption request must be filed with the Air District. More information on NOA can be found at <http://www.slocleanair.org/business/asbestos.php>.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. **Projects with grading areas that are within 1,000 feet of any sensitive receptor (residents on Londonderry Lane, Ardath Drive and Green street) shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402):**

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface

Attachment 11

Project Referral for DRC2012-00024, Kingston Bay Senior Living
October 3, 2012
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- at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
 - l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and,
 - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2009 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers
- Portable generators and equipment with engines that are 50 hp or greater
- Internal combustion engines

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Construction Phase Idling Limitations

This project is in close proximity to nearby sensitive receptors (residents on Londonderry Drive, Ardath Drive and Green Street). Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions:

To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

1. Diesel Idling Restrictions Near Sensitive Receptors

In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

Attachment 11

Project Referral for DRC2012-00024, Kingston Bay Senior Living
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- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- c. Use of alternative fueled equipment is recommended; and
- d. Signs that specify the no idling areas must be posted and enforced at the site.

OPERATIONAL PHASE IMPACTS

The APCD staff also considered the operational impact of this development by running the CalEEMod air quality model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. This indicated that operational phase impacts will likely be less than the APCD's CEQA significance thresholds for ROG + NO_x, diesel particulate matter (DPM), and fugitive particulate matter (PM₁₀) as identified in Table 3-2 in the CEQA Handbook.

Although the project will not be exceeding the APCD's operational significance thresholds, we do encourage the project proponent to include transit for those living in the facility to reduce vehicle miles traveled. Vehicle exhaust emissions account for over 50% of the County's air pollution including greenhouse gas emissions, shuttles that are available for residents have been found to be extremely beneficial for local air quality.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,



Meghan Field
Air Quality Specialist
MDF/arr

cc: Jeff King, Landowner
Tim Fuhs, Enforcement Division, APCD
Karen Brooks, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

Attachments:

1. Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form

h:\plan\ceqa\project_review\3000\3700\3738-1\3738-1.docx



COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (MN)

ENVIRONMENTAL DETERMINATION NO. ED05-248

(ENDORSED)
 DATE: JUL 25 2006
FILED

PROJECT/ENTITLEMENT: Clark Minor Use Permit DRC2005-00103

SEP 22 2006

APPLICANT NAME: Michael Clark
 ADDRESS: PO Box 419, Cambria, CA 93428
 CONTACT PERSON: Same as applicant

JULIE L. RODEWALD, COUNTY CLERK
 Telephone: (805) 887-5088
 SANDY CORRENS
 DEPUTY CLERK

PROPOSED USES/INTENT: Request by Michael Clark to allow for the establishment of an approximate 39,391 square foot, 31-unit senior care facility, which will result in the disturbance of approximately 1 acre on a 1.26 acre parcel.

LOCATION: The proposed project is within the Residential Multi-Family land use category, and is located between Londonderry and Green Streets, directly south of Ardath Street, approximately 500 feet west of Highway 1, in the community of Cambria. The site is in the North Coast planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
 County Government Center, Rm. 310
 San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on July 20, 2006

20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination		State Clearinghouse No.	
This is to advise that the San Luis Obispo County <u>PDH</u> as <input checked="" type="checkbox"/> Lead Agency <input type="checkbox"/> Responsible Agency approved/denied the above described project on <u>8-18-06</u> , and has made the following determinations regarding the above described project:			
The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.			
This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:			
Department of Planning and Building, County of San Luis Obispo, County Government Center, Room 310, San Luis Obispo, CA 93408-2040			
<u>Martha Neder</u>	Martha Neder	<u>8-18-06</u>	County of San Luis Obispo
Signature	Project Manager Name	Date	Public Agency

Exhibit B
 A-3-SLO-13-0213

California Department of Fish and Game
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding

PROJECT TITLE & NUMBER: Clark Minor Use Permit

Project Applicant

Name: Michael Clark
Address: PO Box 419
City, State, Zip Code: Cambria, CA 93428
Telephone #: 805.927.5088

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

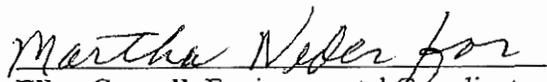
FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- (X) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- () The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____ .
- () Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.


Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: 8-18-06



**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**
(ver 2.1)

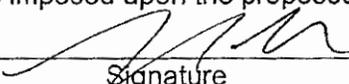
Project Title & No. Clark Minor Use Permit /Coastal Development Permit DRC2005-00103 ED 05-248

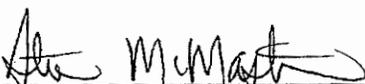
<p>ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.</p>		
<input checked="" type="checkbox"/> Aesthetics <input type="checkbox"/> Agricultural Resources <input checked="" type="checkbox"/> Air Quality <input checked="" type="checkbox"/> Biological Resources <input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Geology and Soils <input type="checkbox"/> Hazards/Hazardous Materials <input checked="" type="checkbox"/> Noise <input type="checkbox"/> Population/Housing <input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Recreation <input checked="" type="checkbox"/> Transportation/Circulation <input checked="" type="checkbox"/> Wastewater <input checked="" type="checkbox"/> Water <input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Martha Neder  6/26/06
 Prepared by (Print) Signature Date

Steven McMasters  Ellen Carroll, 6/26/06
 Reviewed by (Print) Signature (for) Environmental Coordinator Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Michael Clark for a Minor Use Permit/Coastal Development Permit to allow a 39,391 square foot, 31-unit senior care facility. The project will result in the disturbance of approximately 1 acre of a 1.26 acre parcel. The proposed project is within the Residential Multi-Family land use category and is located between Londonderry and Green Streets, directly south of Ardath Streets, approximately 500 feet west of Highway 1, in the community of Cambria. The site is in the North Coast planning area.

ASSESSOR PARCEL NUMBER(S): 024-191-024, 038, 052, 056.- SUPERVISORIAL DISTRICT # 2
059

B. EXISTING SETTING

PLANNING AREA: North Coast, Cambria

LAND USE CATEGORY: Residential Multi-Family

COMBINING DESIGNATION(S): Terrestrial Habitat, Local Coastal Plan/Program

EXISTING USES: Undeveloped

TOPOGRAPHY: Nearly level

VEGETATION: Grasses , monterey pines , scattered oaks , ornamental landscaping

PARCEL SIZE: 1.26 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Multi-Family; undeveloped	<i>East:</i> Residential Multi-Family; undeveloped
<i>South:</i> Residential Multi-Family; undeveloped	<i>West:</i> Residential Multi-Family; undeveloped

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located at the southern end of Cambria and will be visible from portions of Highway One (see attached View Corridor Study). The visual character along Highway One approaching the project is rural with scattered elements of development. However, the project is located in an area already developed with residential development and a church. The topography in the area consists mainly of rolling hills with intermittent areas of Monterey Pine forest and grasslands covering slopes adjacent to the road. The vegetation on site is dominated by grasses with areas of Monterey Pine and redwood trees. The project design is considered compatible with that of the surrounding development.

Impact. The proposed project would not project into the skyline, the structures are designed to be compatible with surrounding development, and landscaping will provide screening to soften the appearance of development. Proposed lighting is designed to be the minimum amount necessary to provide for emergency response access and safe path of travel for frail or disabled residents.

Mitigation/Conclusion. In order to maintain the scenic quality of the Highway One corridor, future development shall be consistent with the proposed elevations, colorboard, lighting plan, and landscaping plan. The applicant has agreed to incorporate these measures (see attached Developer's Statement) as a part of the project. Therefore, implementation of these measures will reduce the potential visual impacts to insignificant levels.

2. AGRICULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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2. AGRICULTURAL RESOURCES - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types are as follows:

Los Osos loam, (9 - 15 % slope). This gently to moderately sloping soil is considered well drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: shallow depth to bedrock, slow percolation. The soil is considered Class III without irrigation and Class III (is not rated) when irrigated.

Los Osos loam, (15 - 30 % slope). This moderately to steeply sloping soil is considered well drained. The soil has high erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class is not rated when irrigated.

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) <u>Other: Potential to release fugitive dust or asbestos.</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the 2003 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in the disturbance of approximately 1 acre. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan and has been determined to be consistent with the Clean Air Plan. No significant air quality impacts are expected to occur.

The proposed project was referred to the APCD for review and determination of any air quality impacts potentially resulting from the proposed project. The APCD commends the applicant on several elements of project design:

- development with within URL where such development is planned and expected;
- buildings with a greater floor to area ratio creating higher densities and making transit services more viable and effective;
- and development consistent with surrounding land uses consistent with the Clean Air Plan.

Air quality impacts during construction include the generation of fugitive dust, potential release of asbestos, and particulate emissions resulting from the developmental burning of vegetative material. (Alexander Bugrov; April 18, 2006).

Asbestos. Asbestos is considered a toxic air contaminant by the State Air Resources Board. If naturally occurring asbestos is present within the soil underlying the project site or relocated utility lines, future grading activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

Developmental Burning. On February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning may be allowed. Unregulated burning would result in a potentially significant air quality impact.

Fugitive Dust (PM10). Implementation of the proposed project would result in the generation of dust, potentially creating a nuisance to local residences and businesses in close proximity.

Mitigation/Conclusion. APCD-recommended measures to reduce potentially significant air quality impacts to insignificant levels include determination of asbestos presence, burning restrictions, implementation of dust control measures, and wood burning device approval. Based on the above discussion and implementation of mitigation measures, air quality impacts would be reduced to less than significant.

4. BIOLOGICAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses , and a Monterey pine tree.

Based on the latest California Diversity database, and other biological references, the following is a list of sensitive vegetation, wildlife and/or habitat that have been identified as potentially being within the vicinity of the proposed project:

Plants- Most beautiful jewel-flower (*Streptanthus albidus peramoenus*) List 1B. Most beautiful jewel-flower (*Streptanthus albidus peramoenus*) is found on serpentine soils in chaparral, cismontane woodland, valley and foothill grassland habitats. The typical blooming period is April-June. Most beautiful jewel-flower is considered rare by CNPS (List 1B) and federally a species of concern.

Monterey pine (*Pinus radiata*) List 1B app. 0.1 mile west and east of the property

Habitat- Potential California red-legged frog (*Rana aurora draytonii*) FT habitat app. 0.1 miles east of the property. California red-legged frogs (*Rana aurora draytonii*) historically ranged from Marin County southward to northern Baja California. Presently, Monterey, San Luis Obispo, and Santa Barbara counties support the largest remaining California red-legged frog populations within the state. The species occurs in varied habitats during its life cycle. Breeding areas include lagoons, streams and ponds, including siltation and irrigation ponds. California red-legged frogs typically breed from January to July, with peak breeding occurring in February. Juvenile frogs are found in open, shallow aquatic habitats containing dense emergent vegetation. Adult California red-legged frogs prefer aquatic habitats with little or no flow, the presence of surface water to at least early June, surface water depths to at least 0.7 meter (2.3 feet), and the presence of fairly sturdy underwater supports such as cattails.

The project site is in a designated Terrestrial Habitat (TH) sensitive resource area because of the presence of Monterey pine forest in the Cambria urban area. Native Monterey pines occur in only a few areas along the California coast. While there are 27 Monterey pine trees on the site, the site lacks understory vegetation and related habitat characteristic of quality forest habitat. Of the 27 Monterey pine trees on the site, 16 are showing signs of disease, located in an unstable bank, or are leaning. The North Coast Area Plan and Coastal Zone Land Use Ordinance contain standards for development within TH areas.

Impact. The soil type, Los Osos loam, does not support the Most beautiful jewel-flower. There are no
Exhibit B
A-3-SLO-13-0213

breeding areas or aquatic habitats to support California red-legged frogs. 16 Monterey pine trees showing signs of disease, located in an unstable bank, or leaning are proposed for removal and 5 healthy Monterey pine trees are also proposed for removal.

The project site was previously used for through traffic at its northern edge as part of the old Highway One. Vehicles intermittently park on the abandoned roadway.

Mitigation/Conclusion. The project is subject to the impact limitations and standard mitigation measures as provided in the Coastal Zone Land Use Ordinance Section 23.07.160 (Sensitive Resource Area) and North Coast Area Plan (Residential Single Family Planning Area Standard 6(c) Pine Forest Preservation. These measures include requiring replacement of any removed Monterey pine on a 2:1 basis. The project will require the planting of 42 pines for the removal of 21 pine trees on the site. No mitigation measures beyond those required by ordinance of code are required.

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. A Phase I (surface) survey was conducted (Gibson; March 3, 1984). No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is gently sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered high. The liquefaction potential during a ground-shaking event is considered low to moderate. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

A Geotechnical Engineering Report (Mid-Coast Geotechnical; September 11, 2001) was prepared for the project.

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (Fiscalini) from the proposed development is approximately 0.1 miles to the south. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered well drained. For areas where drainage is identified as a potential issue, the Coastal Zone Land Use Ordinance (CZLUO) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – The soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the surface is

Exhibit A-3-SLO-13-0213

considered to have moderate to high erodibility and high shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. The site is within an area designated as having a high landslide potential in the 1999 San Luis Obispo County Safety Element. As proposed, the project will result in the disturbance of approximately 1 acre. The Geotechnical Engineering Report (Mid-Coast Geotechnical; September 11, 2001) prepared for the project provide recommendations for grading, foundation design, perimeter slabs and garden walls, soil compaction, and roof gutters and downspouts. In addition, prior to issuance of construction permits, the applicant is required to prepare a SWPPP and a Sedimentation and Erosion Control plan.

Mitigation/Conclusion. Any project within a moderately high to high landslide risk area is subject to the preparation of a geological report per the County's Coastal Zone Land Use Ordinance (CZLUO) section 23.07.080 to evaluate the area's geological stability relating to the proposed use. The applicant will be required to implement the conclusions and recommendations provided in the above referenced report (Geotechnical Engineering Report (Mid-Coast Geotechnical; September 11, 2001) to mitigate potential geology and soils impacts and to prepare a SWPPP. The implementation of the above measures and measures already required by ordinance or codes will mitigate geology and soil impacts to a level of insignificance.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The

project is not within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Nursing and personal care facilities have been identified in the Noise Element as being a noise-sensitive use. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within the 60 Ldn (day/night average sound level) noise contour of Ardath Drive.

Impact. 60 Ldn noise exposure exceeds the thresholds for acceptable noise levels for nursing and personal care facilities.

Mitigation/Conclusion. The Noise Element identifies standard mitigation packages that may be applied to projects to lessen noise levels to acceptable levels. Standard noise mitigation measures related to ventilation systems, windows, doors, weather stripping, siding, and vents will mitigate potential noise impacts to a less than significant level.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

The County has recently adopted a revised Housing Element. One of the new Housing Element Programs (Program HE 1.9) indicates that the County will prepare an Inclusionary Housing Ordinance during 2006. Upon adoption of the ordinance, future commercial development may be required to pay a fee to support development of new affordable housing.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Cambria Station 10) is approximately 3 miles to the north. The closest Sheriff substation is in Templeton, which is approximately 24 miles from the proposed project. The project is located in the Coast Unified School District.

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Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Regarding cumulative effects, public facility (county), road (North Coast Circulation fee) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. The proposed project will not create a significant need for additional park or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto Green Street and Ardath Drive. Green Street is a local road operating at acceptable levels. Ardath Drive is an arterial operating at acceptable levels. Referrals were sent to Public Works. No significant traffic-related concerns were identified.

Impact. The proposed project is estimated to generate about 62 trips per day, based on the Institute of Traffic Engineer's manual of 2 trips/unit/day. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

Mitigation/Conclusion. No significant project specific traffic impacts were identified, and no mitigation measures are necessary. The project is subject to the fees established in the North County Circulation Fee schedule which provide for areawide road improvements to address the identified cumulative impacts.

13. WASTEWATER - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project will be served by the Cambria Community Services District (CCSD) for wastewater disposal. This system is currently operating at acceptable levels and the system has the capacity to support existing commitments in addition to the proposed project.

Impact. The project proposes to use community system (CCSD) as its means to dispose of

wastewater. Based on the proposed project, the proposed community system has the capacity to handle the project's additional effluent.

Mitigation/Conclusion. Given that the system is currently operating at acceptable levels and that it has the capacity to support existing commitments in addition to the proposed project, no mitigation measures are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use a community system (CCSD) as its water source. After reviewing reliability conclusions of a Water Supply Analysis, the CCSD Board of Directors declared a Water Code 350 emergency and enacted a moratorium for new connections with an exception for certain projects that were already in process. These "pipeline" projects amounted approximately 202 EDUs at the time of the November 15, 2001 moratorium. Since then, approximately 80 EDUs out of the 202 have been connected. ~122 left

The topography of the project is gently sloping. The closest creek (Fiscalini) from the proposed development is approximately 0.1 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility.

When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Impact. On water use, based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 3.41 acre feet/year (AFY)

$31 \text{ care units } (0.110 \text{ afy}) = 3.41 \text{ afy}$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989) [SBWaterUsage.pdf](#)

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 1 acre.

In accordance with CCSD Ordinance 2-2000, Senior Care Facilities require .38 EDU's per unit, bed, Exhibit B
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or occupancy. The proposed project consists of 31 beds, requiring 11.78 EDU's. The proposed project is considered a 'pipeline project' as it was already in process with the CCSD at the time the CCSD Board of Directors declared a Water Code 350 emergency. The proposed project has an intent to serve letter for water and sewer service from the CCSD in the amount of 11.78 EDU's.

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at: "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Division	In File**
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	In File**
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input checked="" type="checkbox"/>	CA Coastal Commission	In File**
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input type="checkbox"/>	CA Department of Forestry	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input checked="" type="checkbox"/>	CambriaCommunity Service District	Attached
<input checked="" type="checkbox"/>	Other <u>Building Division</u>	In File**
<input checked="" type="checkbox"/>	Other <u>North Coast Advisory Council</u>	In File**

** "No comment" or "No concerns"-type responses are usually not attached

The following checked () reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- | | |
|--|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project File for the Subject Application <u>County documents</u> <input type="checkbox"/> Airport Land Use Plans <input checked="" type="checkbox"/> Annual Resource Summary Report <input type="checkbox"/> Building and Construction Ordinance <input checked="" type="checkbox"/> Coastal Policies <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland) <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agriculture & Open Space Element <input checked="" type="checkbox"/> Energy Element <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements) <input checked="" type="checkbox"/> Housing Element <input checked="" type="checkbox"/> Noise Element <input type="checkbox"/> Parks & Recreation Element <input checked="" type="checkbox"/> Safety Element <input checked="" type="checkbox"/> Land Use Ordinance <input type="checkbox"/> Real Property Division Ordinance <input checked="" type="checkbox"/> Trails Plan <input type="checkbox"/> Solid Waste Management Plan | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> North Coast Area Plan and Update EIR <input type="checkbox"/> Circulation Study <u>Other documents</u> <input checked="" type="checkbox"/> Archaeological Resources Map <input checked="" type="checkbox"/> Area of Critical Concerns Map <input checked="" type="checkbox"/> Areas of Special Biological Importance Map <input checked="" type="checkbox"/> California Natural Species Diversity Database <input checked="" type="checkbox"/> Clean Air Plan <input checked="" type="checkbox"/> Fire Hazard Severity Map <input checked="" type="checkbox"/> Flood Hazard Maps <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County <input checked="" type="checkbox"/> Regional Transportation Plan <input checked="" type="checkbox"/> Uniform Fire Code <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3) <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) <input type="checkbox"/> Other _____ |
|--|---|

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

County File D990323D – Senior Care Facility

Geotechnical Engineering Report; Mid-Coast Geotechnical; September 11, 2001

View Corridor Study; Clark DRC2005-00103

Exhibit B - Mitigation Summary Table

Aesthetics

- VS-1** At the time of application for construction permits, the applicant shall submit construction drawings consistent with the approved color board, site plan, floor plan, and elevations that demonstrate the following:
- Highly articulated architectural forms;
 - Roof elevations do not silhouette the skyline; and
 - Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment;
- VS-2** Prior to occupancy or final inspection, whichever occurs first, the applicant shall implement approved color board, site plan, floor plan, and elevations as shown on the attached exhibits.
- VS-3** At the time of application for construction permits, the applicant shall submit a revised landscape plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.180 of the Coastal Zone Land Use Ordinance; consist of native, native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest; and shall provide vegetation that will adequately blend the new development, including driveways, water tanks, etc., into the surrounding environment. Non-native, invasive, and water intensive (e.g. turf grass) landscaping is prohibited on the entire site.
- VS-4** At the time of application for construction permits, the applicant shall submit a lighting plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The lighting plan shall be consistent with Section 23.04.320 of the Coastal Zone Land Use Ordinance and provide for bollard and low-voltage lighting in all outdoor landscaping and patio areas. Lighting shall be the minimum necessary for public safety.

AIR QUALITY

- AQ-1** Prior to issuance of grading and construction permits, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- AQ-2** If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).
- AQ-3** In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
- AQ-4** Prior to issuance of grading and construction permits, the applicant shall submit verification from APCD that the following measures have been incorporated into the project to control dust:
- Reduce the amount of the disturbed area where possible;

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- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed; and
- All roadways, driveways, sidewalks, etc to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

AQ-5 Only APCD approved wood burning devices can be installed in new dwelling units.

AQ-6 **Prior to any ground disturbing activities**, the applicant shall provide evidence of a California statewide portable equipment registration or an APCD permit for any portable equipment, 50 horsepower (hp) or greater, that will be used during construction. Contact David Dixon of APCD at 805-781-5912 for permitting requirements.

Geology and Soils

GS-1 **Prior to issuance of construction permits**, the applicant shall submit a sedimentation and erosion control plan (CZLUO Section 23.05.036) for review and approval by the Public Works Department. All areas of disturbance shall be re-vegetated as soon as feasible to minimized potential sedimentation and erosion possibilities.

GS-2 **Prior to issuance of construction permits**, the applicant shall submit a drainage plan (CZLUO Section 23.05.040) for review and approval by the County Public Works Department.

GS-3 **Prior to issuance of construction permits**, the project Engineering Geologist shall review the project foundation plans and acknowledge in a letter to the County Geologist that their recommendations are properly addressed in the plans.

GS-4 **Prior to any site disturbance or issuance of construction permits**, the following conditions shall be included on all building plans and grading plans:

- The project Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
- The project Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
- Should the services of the project Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.

GS-5 **During project construction/ground disturbing activities**, the applicant shall retain a project Engineering Geologist of record and shall provide the engineering geologist's written certification of adequacy of the proposed site development for its intended use to the Department of Planning and Building.

GS-6 **Prior to final inspection**, the project Engineering Geologist shall verify that construction is conformance with the engineering geology report recommendations and that the project Engineering Geologist is satisfied that his recommendations for footing embedment are met. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

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- GS-7** The applicant shall implement the conclusions and recommendations as described in the Geotechnical Engineering Report (Mid-Coast Geotechnical; September 28, 2005) and the engineering geology report. All conclusions and recommendations shall be implemented as requirements not recommendations except in the instance where the recommendation is stated as an alternative building technique. **Prior to issuance of construction permits**, all conclusions and recommendation related to the above referenced geotechnical reports shall be incorporated into the project design and printed on the cover page of the grading and construction plans.
- GS-8** **Prior to issuance of construction or grading permits**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

Noise

- N-1** **Prior to issuance of construction permits**, the following noise mitigation measures shall be incorporated into the project design:
- a. Air conditioning or a mechanical ventilation system
 - b. Windows and sliding glass doors mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications)
 - c. Solid core exterior doors with perimeter weather stripping and threshold seals
 - d. Exterior walls consist of stucco or brick veneer. Wood siding with a ½" minimum thickness fiberboard ("soundboard") underlayer may also be used.
 - e. Glass in both windows and doors should not exceed 20% of the floor area in a room.
 - f. Roof or attic vents facing the noise source should be baffled

**DEVELOPER'S STATEMENT FOR THE
CLARK MINOR USE/COASTAL DEVELOPMENT PERMIT DRC2005-00103**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

Aesthetics

VS-1 At the time of application for construction permits, the applicant shall submit construction drawings consistent with the approved color board, site plan, floor plan, and elevations that demonstrate the following:

- a. Highly articulated architectural forms;
- b. Roof elevations do not silhouette the skyline; and
- c. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment;

Monitoring: The Planning and Building Department shall verify compliance.

VS-2 Prior to occupancy or final inspection, whichever occurs first, the applicant shall implement approved color board, site plan, floor plan, and elevations as shown on the attached exhibits.

Monitoring: The Planning and Building Department shall verify compliance.

VS-3 At the time of application for construction permits, the applicant shall submit a revised landscape plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.180 of the Coastal Zone Land Use Ordinance; consist of native, native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest; and shall provide vegetation that will adequately blend the new development, including driveways, water tanks, etc., into the surrounding environment. Non-native, invasive, and water intensive (e.g. turf grass) landscaping is prohibited on the entire site.

Monitoring: The Planning and Building Department shall verify compliance.

VS-4 At the time of application for construction permits, the applicant shall submit a lighting plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The lighting plan shall be consistent

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JUN 26 2006

Planning & Bldg

Exhibit B

A-3-SLO-13-0213

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Attachment 11

Environmental Determination: ED05-329

Date: February 28, 2006

with Section 23.04.320 of the Coastal Zone Land Use Ordinance and provide for bollard and low-voltage lighting in all outdoor landscaping and patio areas. Lighting shall be the minimum necessary for public safety.

Monitoring: The Planning and Building Department shall verify compliance.

AIR QUALITY

AQ-1 Prior to issuance of grading and construction permits, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.

Monitoring: The Planning and Building Department shall verify compliance.

AQ-2 If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).

Monitoring: The Planning and Building Department shall verify compliance.

AQ-3 In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.

Monitoring: The Planning and Building Department shall verify compliance.

AQ-4 Prior to issuance of grading and construction permits, the applicant shall submit verification from APCD that the following measures have been incorporated into the project to control dust:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed; and
- All roadways, driveways, sidewalks, etc to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Attachment 11

Environmental Determination: ED05-329

Date: February 28, 2006

Monitoring: The Planning and Building Department shall verify compliance.

AQ-5 Only APCD approved wood burning devices can be installed in new dwelling units.

Monitoring: The Planning and Building Department shall verify compliance.

AQ-6 Prior to any ground disturbing activities, the applicant shall provide evidence of a California statewide portable equipment registration or an APCD permit for any portable equipment, 50 horsepower (hp) or greater, that will be used during construction. Contact David Dixon of APCD at 805-781-5912 for permitting requirements.

Monitoring: The Planning and Building Department shall verify compliance.

Geology and Soils

GS-1 Prior to issuance of construction permits, the applicant shall submit a sedimentation and erosion control plan (CZLUO Section 23.05.036) for review and approval by the Public Works Department. All areas of disturbance shall be re-vegetated as soon as feasible to minimized potential sedimentation and erosion possibilities.

Monitoring: The Planning and Building Department shall verify compliance.

GS-2 Prior to issuance of construction permits, the applicant shall submit a drainage plan (CZLUO Section 23.05.040) for review and approval by the County Public Works Department.

Monitoring: The Planning and Building Department shall verify compliance.

GS-3 Prior to issuance of construction permits, the project Engineering Geologist shall review the project foundation plans and acknowledge in a letter to the County Geologist that their recommendations are properly addressed in the plans.

Monitoring: The Planning and Building Department shall verify compliance.

GS-4 Prior to any site disturbance or issuance of construction permits, the following conditions shall be included on all building plans and grading plans:

- The project Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
- The project Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.

Attachment 11

Environmental Determination: ED05-329

Date: February 28, 2006

- Should the services of the project Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.

Monitoring: The Planning and Building Department shall verify compliance.

- GS-5** During project construction/ground disturbing activities, the applicant shall retain a project Engineering Geologist of record and shall provide the engineering geologist's written certification of adequacy of the proposed site development for its intended use to the Department of Planning and Building.

Monitoring: The Planning and Building Department shall verify compliance.

- GS-6** Prior to final inspection, the project Engineering Geologist shall verify that construction is conformance with the engineering geology report recommendations and that the project Engineering Geologist is satisfied that his recommendations for footing embedment are met. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

Monitoring: The Planning and Building Department shall verify compliance.

- GS-7** The applicant shall implement the conclusions and recommendations as described in the Geotechnical Engineering Report (Mid-Coast Geotechnical; September 28, 2005) and the engineering geology report. All conclusions and recommendations shall be implemented as requirements not recommendations except in the instance where the recommendation is stated as an alternative building technique. Prior to issuance of construction permits, all conclusions and recommendation related to the above referenced geotechnical reports shall be incorporated into the project design and printed on the cover page of the grading and construction plans.

Monitoring: The Planning and Building Department shall verify compliance.

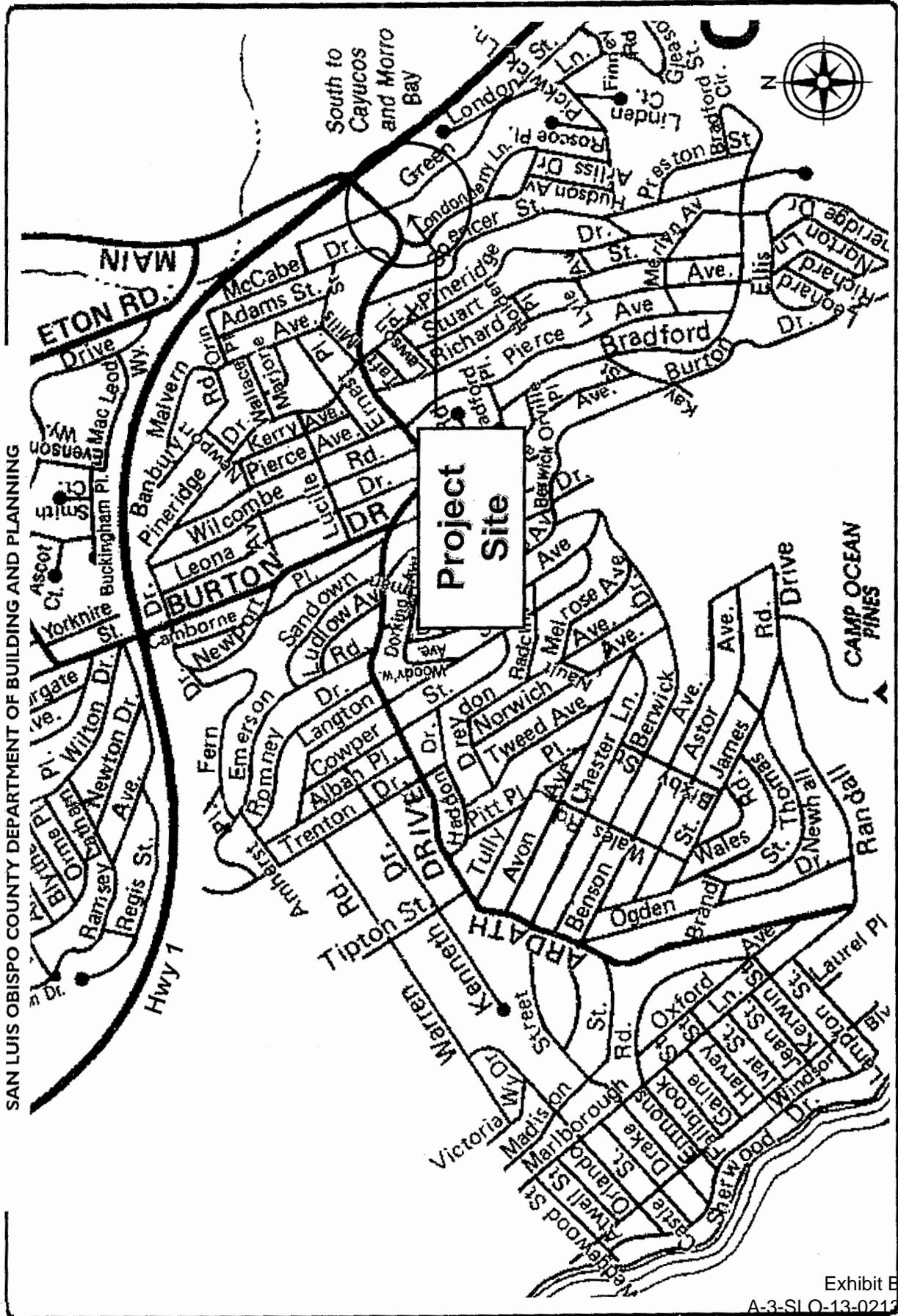
- GS-8** Prior to issuance of construction or grading permits, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

Monitoring: The Planning and Building Department shall verify compliance.

Noise

- N-1** Prior to issuance of construction permits, the following noise mitigation measures shall be incorporated into the project design:

- a. Air conditioning or a mechanical ventilation system
- b. Windows and sliding glass doors mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications)



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

EXHIBIT

Cambria Vicinity



PROJECT

Conditional Use Permit
Clark DRC2005-00103

Exhibit B

A-3-SLO-13-0219

Attachment 11

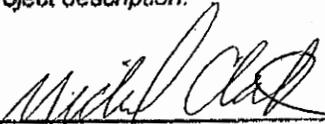
Environmental Determination: ED05-329

Date: February 28, 2006

- c. Solid core exterior doors with perimeter weather stripping and threshold seals
- d. Exterior walls consist of stucco or brick veneer. Wood siding with a 1/2" minimum thickness fiberboard ("soundboard") underlayer may also be used.
- e. Glass in both windows and doors should not exceed 20% of the floor area in a room.
- f. Roof or attic vents facing the noise source should be baffled

Monitoring: The Planning and Building Department shall verify compliance.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.



Signature of Owner(s)

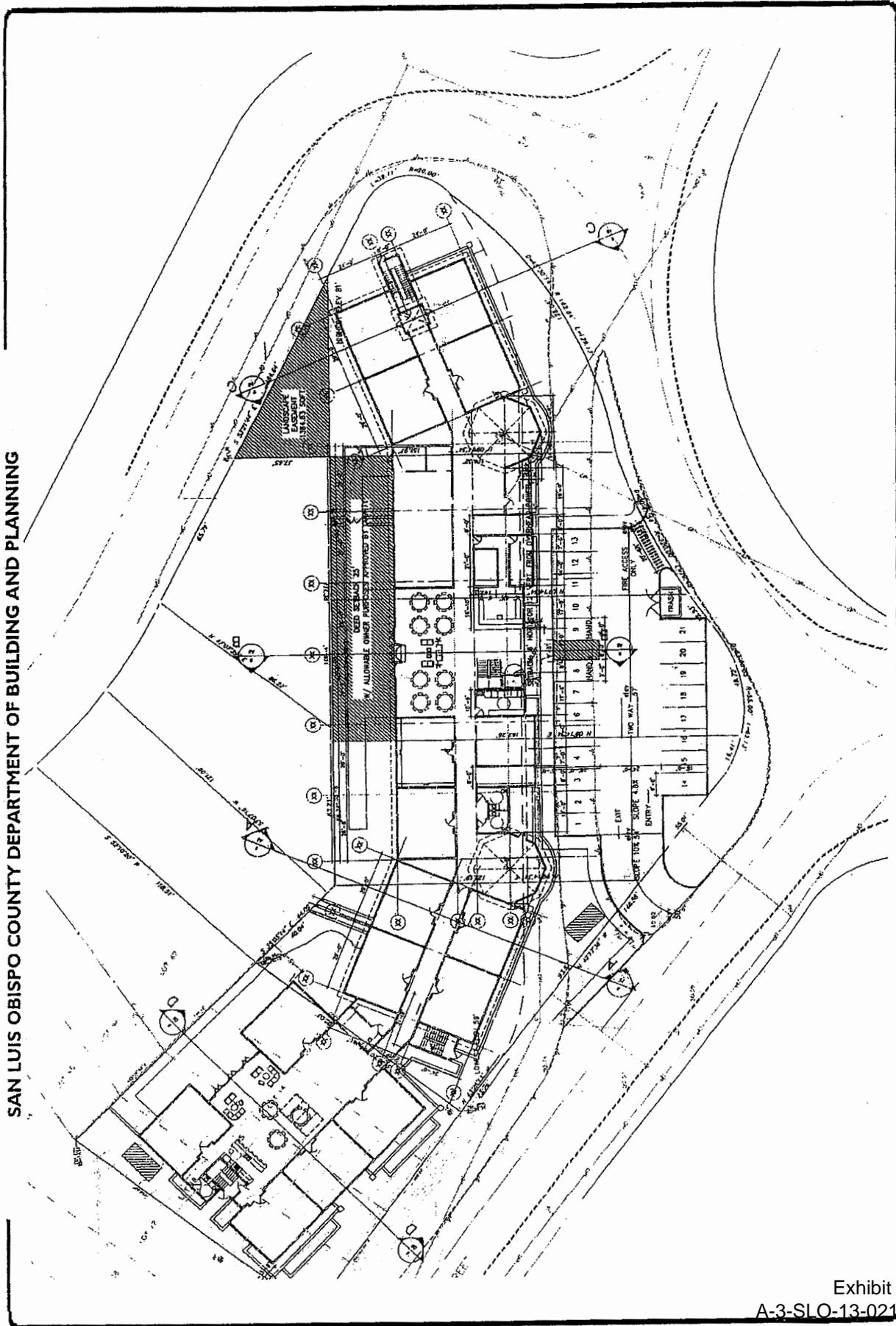
6/22/06

Date

MICHAEL B. CLARK

Name (Print)

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

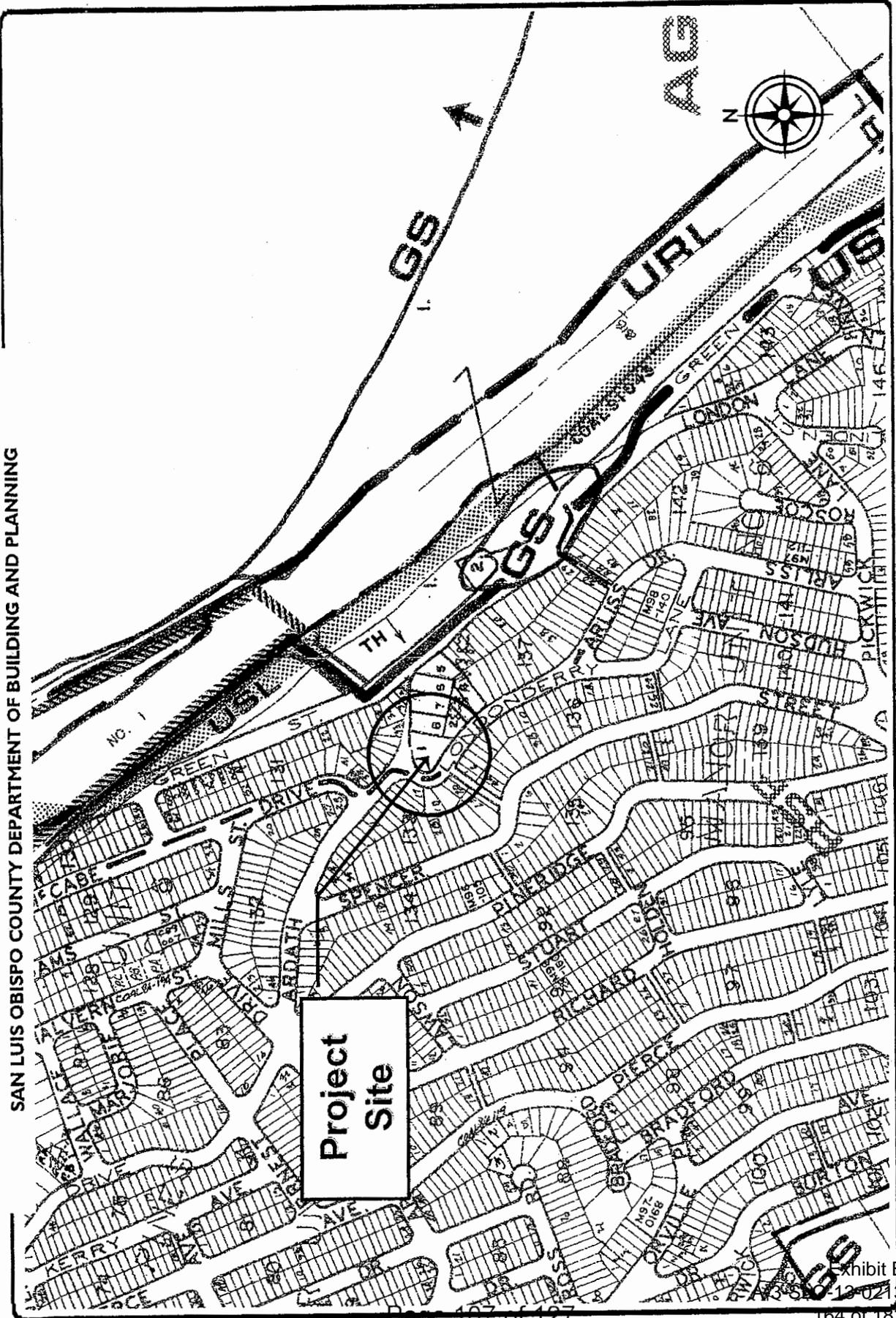
Conditional Use Permit
Clark DRC2005-00103

EXHIBIT

Site Plan



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



Project Site

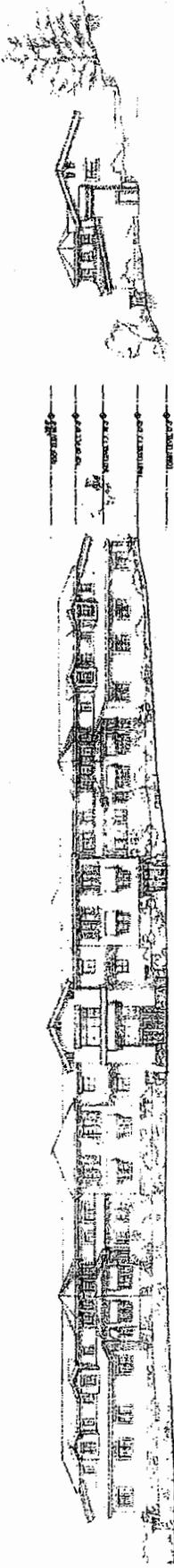
Land Use Category

EXHIBIT

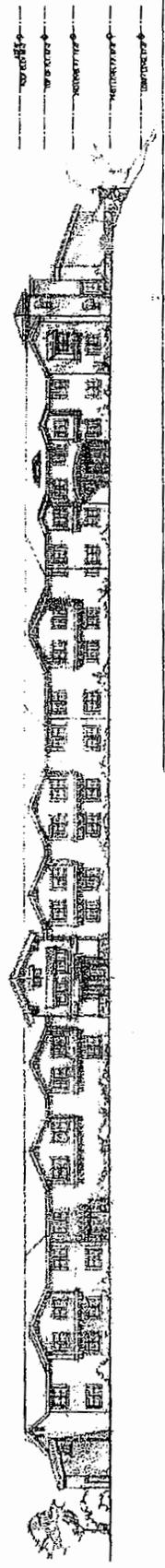


PROJECT
 Conditional Use Permit
 Clark DRC2005-00103

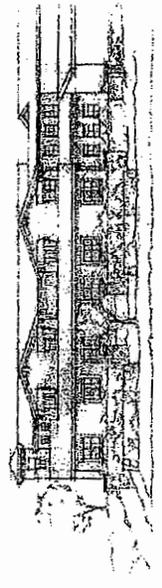
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



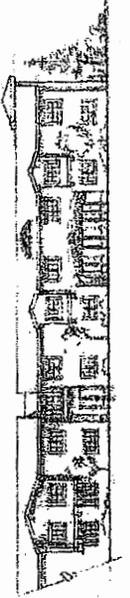
NORTHERN ELEVATION sheet 6



EAST ELEVATION sheet 4

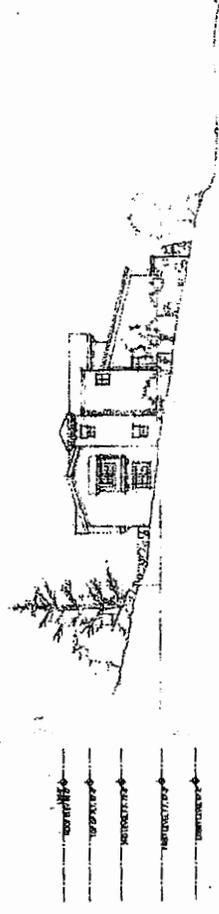


SOUTH ELEVATION sheet 3



WEST ELEVATION sheet 1

PARTIAL NORTHERN ELEVATION sheet 5



PARTIAL SOUTH ELEVATION sheet 2



EXHIBIT

Elevations

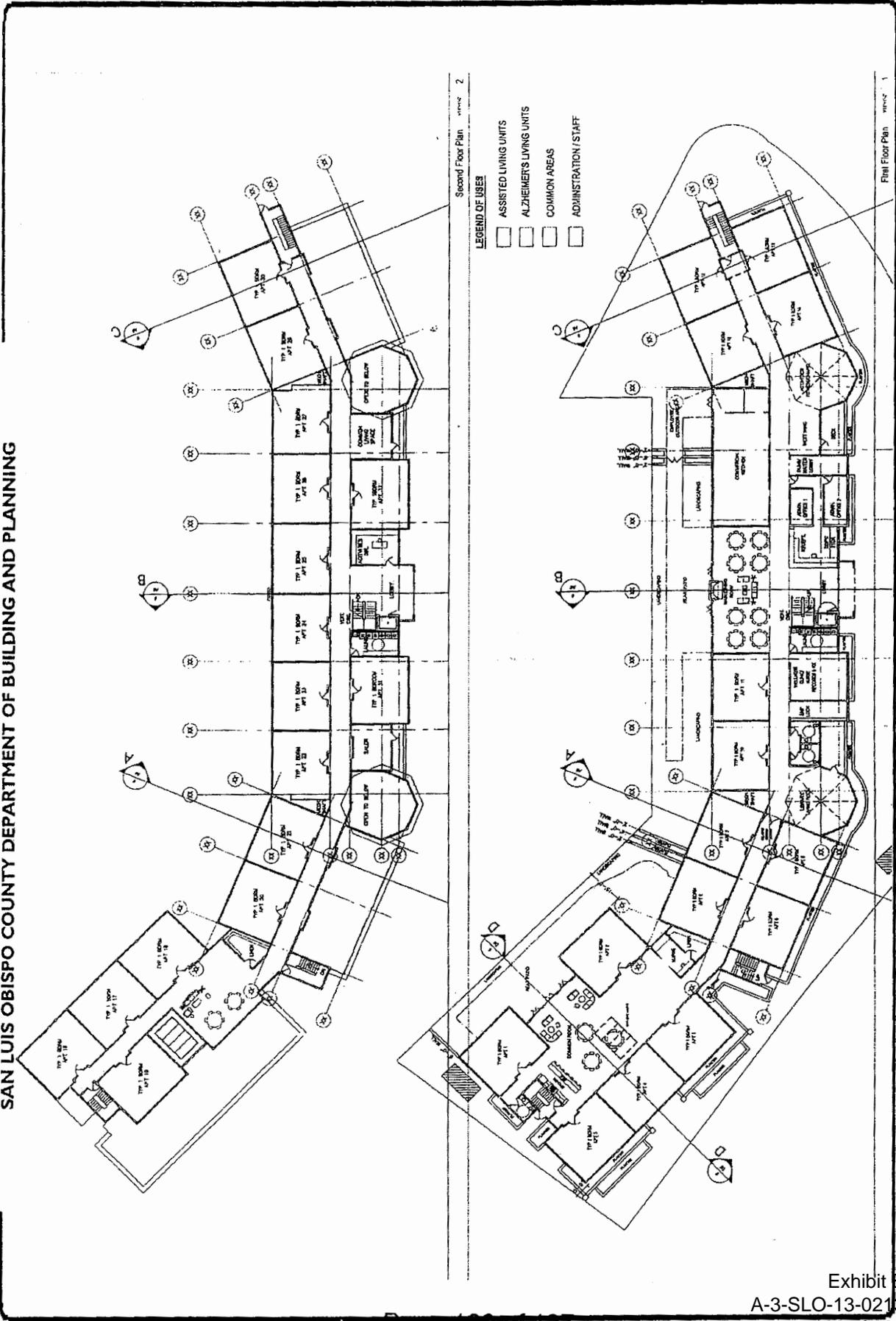
PROJECT

Conditional Use Permit
Clark DRC2005-00103

Exhibit B

A-3-SLO-13-0213

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EXHIBIT

Floor Plans



PROJECT
 Conditional Use Permit
 Clark DRC2005-00103

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

PRELIMINARY LANDSCAPE

The following is a preliminary landscape plan for the proposed use of the property. It is intended to provide a general impression of the proposed landscaping and to show the location of the various plants and trees which are to be planted. It is not intended to be a final landscape plan and should not be used as a basis for any other landscaping work.

PLANTING SCHEDULE

The following is a list of the plants and trees which are to be planted on the property. The plants and trees are listed in the order in which they are to be planted. The plants and trees are listed in the order in which they are to be planted.

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PLANTING SCHEDULE

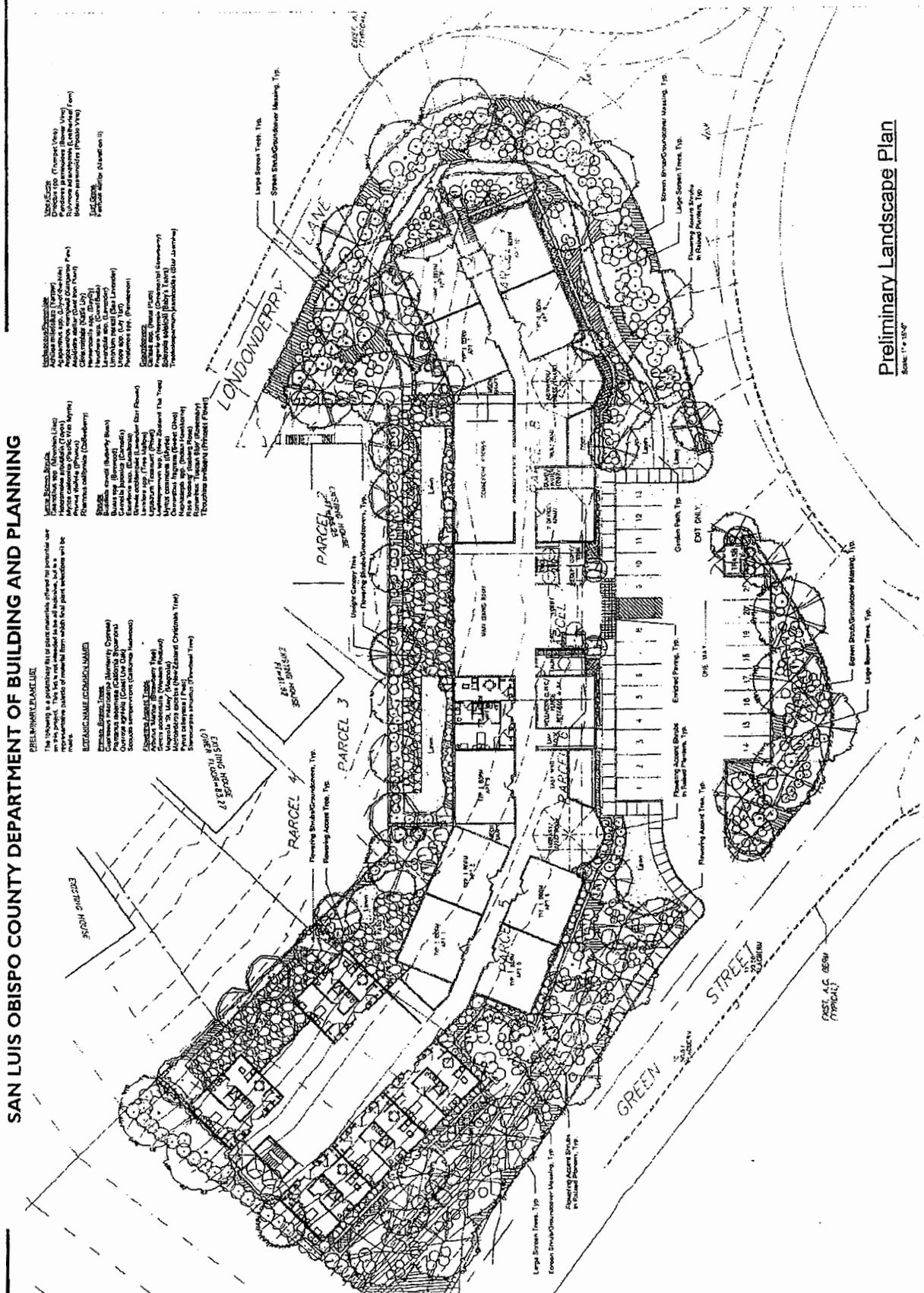
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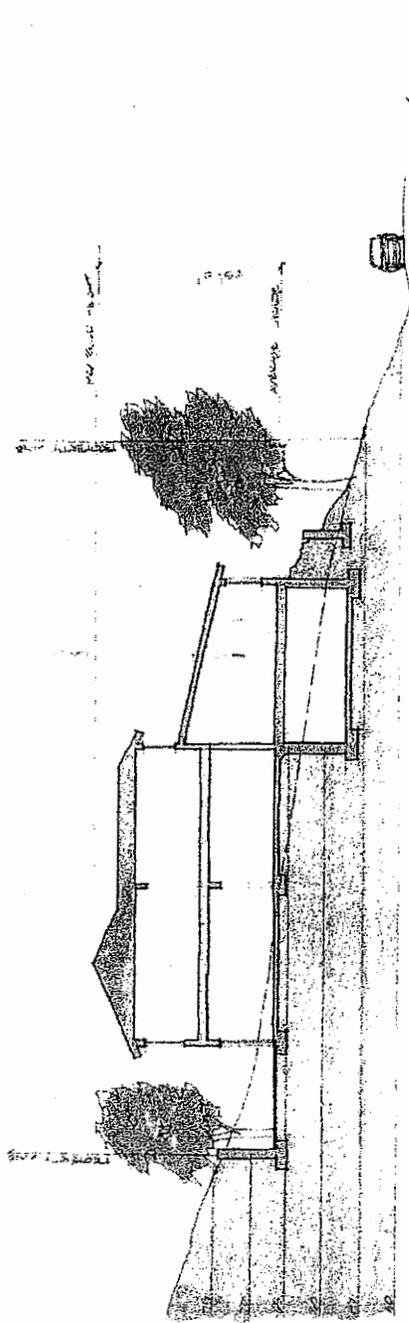
Preliminary Landscape Plan
Scale: 1" = 10'

EXHIBIT
Landscape Plan

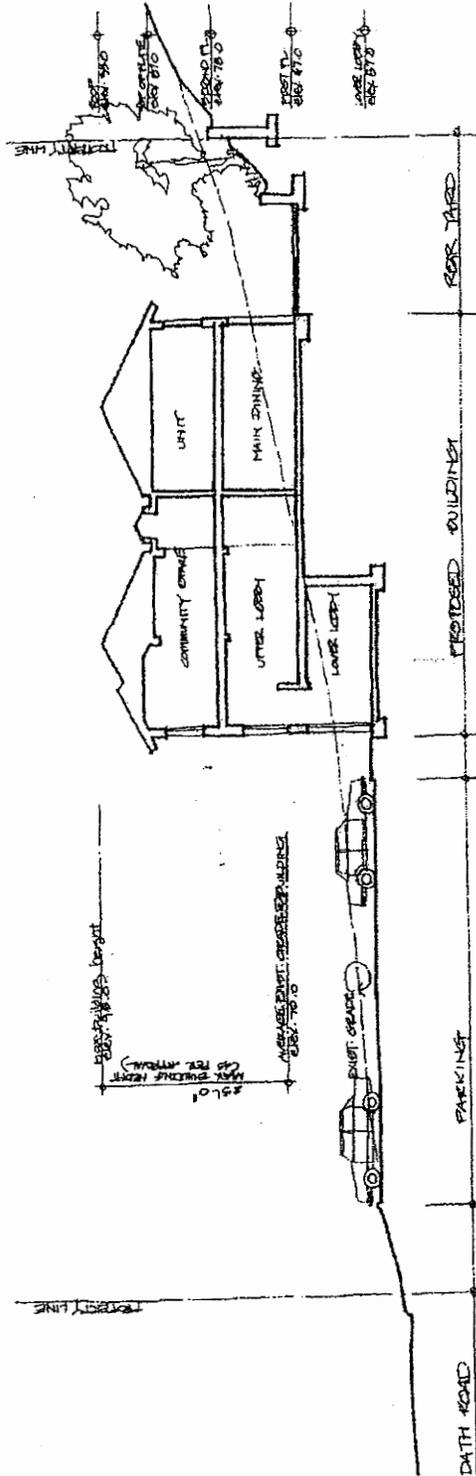


PROJECT
Conditional Use Permit
Clark DRC2005-00103

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



Section D sheet 2



Section B sheet 1

PROJECT

Conditional Use Permit
Clark DRC2005-00103

EXHIBIT

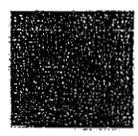
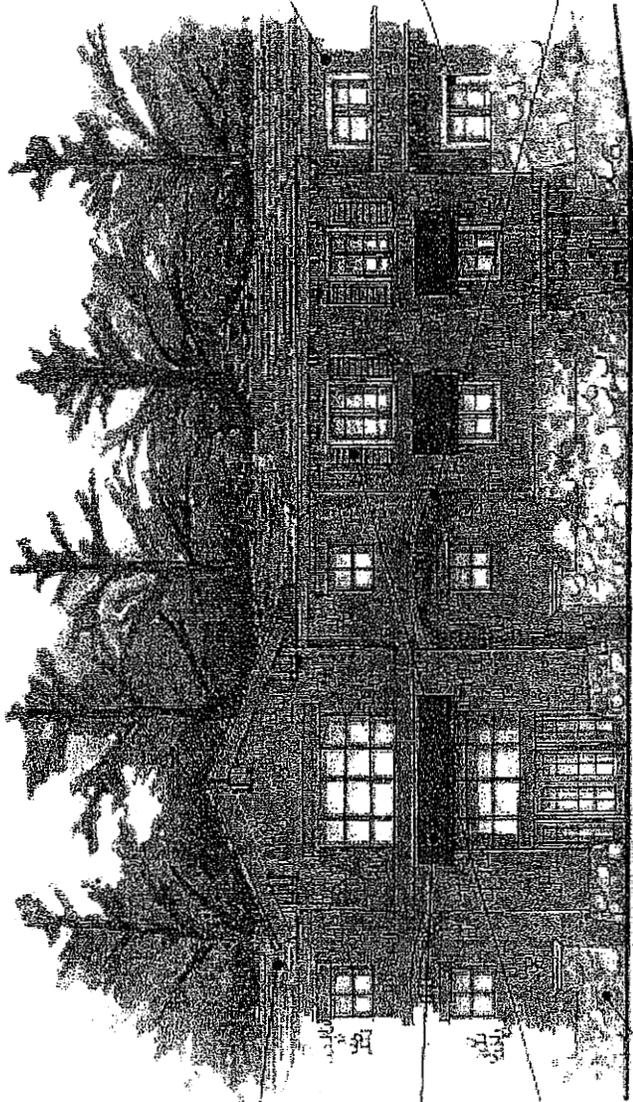
Sections



Exhibit B

A-3-SLO-13-02 3

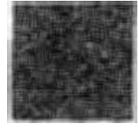
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



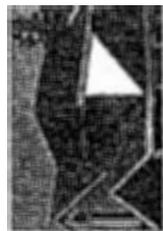
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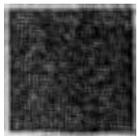
P4



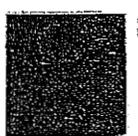
P5



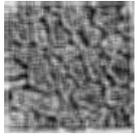
R1



P2



P1



SI

Color Key	Color	IRV	Description	Manufacturer
Paint				
P1	S22 Dark Forest	(6)	Window shutter	Frazee
P2	AC1183 Ronsed Pepper	(10)	Owning	Frazee
P3	140 Oxford Brown	(7)	Shingles	Frazee
P4	8262W Peanut Shell	(58)	Window Trim	Frazee
P5	8276A Mesquite Canyon	(17)	Window casing	Frazee
Stone				
SI	Beige Brown Gray		Rustic Stone Treatment	Cultured Stone
Roof				
R1	Ravenwood		30 yr comp. roof shingles- fire rated	Elk

PROJECT

Conditional Use Permit
Clark DRC2005-00103

EXHIBIT

Color Board



Attachment 11
CAMBRIA COMMUNITY SERVICE DISTRICT

DIRECTORS:
HELEN MAY, President
PETER CHALDECOTT, Vice President
GREG FITZGERALD
ILAN FUNKE-BILU
DONALD VILLENEUVE



OFFICERS:
KENNETH C. TOPPING, General Manager
LEAH CONNELLY, Executive Assistant
MARGARET SOHAGI, Legal Counsel

1316 Tamson Drive, Suite 201 • P.O. Box 65 • Cambria CA 93428
Telephone (805) 927-6223 • Facsimile (805) 927-5584

July 25, 2001

Mike Clark
PO Box 419
Cambria, CA 93428

RE: COMPLETION OF RETROFIT PROGRAM REQUIREMENTS
APN: 024.191.052 etc.

Dear Mike,

This is to inform you that as of the above date:

The retrofits for your project under the District's plumbing retrofit program have been approved on final inspection.

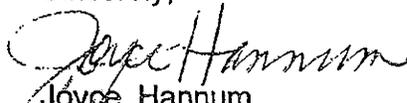
We have received your payment "In Lieu of Retrofit" in the amount of \$41,327.00 For 5.78 EDUs added to Senior Care project.

Actual basis will be confirmed when County Building Permit is issued.
Any adjustment in retrofit fee will be made prior to issuance of Water & Sewer Connection Permit.

You now meet the retrofit requirements of the Plumbing Retrofit Water Conservation Program Ordinance 1-98.

If you have any questions please contact me at the District office.

Sincerely,


Joyce Hannum
Senior Clerical Assistant

Attachment 11
CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:
DONALD VILLENEUVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL



OFFICERS:
KENNETH C. TOPPING
General Manager
PAULETTE BECK
District Secretary
ROGER LYON
Legal Counsel

2284 CENTER STREET, PO BOX 65, CAMBRIA, CA 93428
Telephone: 805/927-6223 - FAX: 805-927-5584

November 1, 1998

Mike Clark
PO Box 419
Cambria, CA 93428

RE: COMPLETION OF RETROFIT PROGRAM REQUIREMENTS

APN: 024.191.052.001 6 EDU Commercial Project

Dear Mike,

This is to inform you that as of the above date:

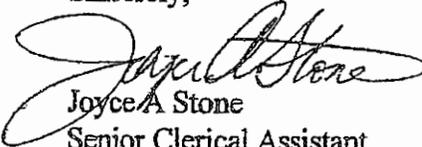
The retrofits for your project under the District's plumbing retrofit program have been approved on final inspection.

We have received your payment "In Lieu of Retrofit" in the amount of \$42,900.00

You now meet the retrofit requirements of the Plumbing Retrofit Water Conservation Program Ordinance 1-98.

If you have any questions please contact me at the District office.

Sincerely,


Joyce A Stone
Senior Clerical Assistant

Enc.



MID-STATE BANK

1026 GRAND AVE.
ARROYO GRANDE, CA 93420

PAY TO THE ORDER OF

MENDELIA COMMUNITY SERVICES DISTRICT

DATE 09/30/1998

\$42,900.00

621205

90-2168/1222

Fifty Two Thousand Nine Hundred 0/100 and 00/100

REMITTER MICHELLE CLARK

CASHIER'S CHECK

Michelle Clark
AUTHORIZED SIGNATURE

NON-NEGOTIABLE AFTER 9 YEARS

CAMBRIA COMMUNITY SERVICES DISTRICT
P.O. BOX 65
CAMBRIA, CA 93428
(805) 627-6223

CASH RECEIPT

Received From MICHELLE CLARK Date Oct 1, 1998 008767

Address PO BOX 419

For Payroll - 11-2435

For Payroll - 057-058, 057

AMT. OF ACCOUNT	CASH	CHECK	MONEY ORDER	BALANCE DUE
42900.00		42900.00		

ACCOUNT: 11-2435

HOW PAID: CASH

Attachment 11

Attachment A

Conditions to Intent to Serve Letter Senior Care Facility at Ardath and Green Street, APN 024-191-052

1. In accordance with CCSD Ordinance 2-2000, EDU's per unit, bed, or occupancy are 0.38. From review of the most recent floor plan, there are 31 beds, which equates to 11.78 EDUs. The current Intent to Serve letter is for 6 EDUs. Therefore, an additional 5.78 EDUs will need to be acquired should the current floor plan remain the same.
2. EDUs are assigned for and based upon a Senior Care Facility.
3. The applicant shall provide a copy of the State License required to operate a Senior Care Facility indicating the maximum occupancy. Should the occupancy level exceed 31, additional EDUs shall be acquired prior to occupancy and prior to service being provided by CCSD.
4. Prior to approval of improvement drawings by CCSD, an easement with accompanying legal description for the proposed rerouting of the private laterals (rerouting for 1978, 1980, and 1982 Londonberry) must be conveyed to the private homeowners. Improvement drawings need to show routing, plan & profile for the three laterals, along with cleanout locations.
5. Prior to issuance of a building permit, updated improvement drawings shall be submitted and approved by CCSD that include the following:
 - A. The proposed fire department connector and new hydrant that are to be relocated to an area east of the guest parking lots on the south side of the main entrance. Additionally, a fire department connector shall be within 20 feet of the hydrant.
 - B. The new hydrant shall be within a waterline easement to be dedicated to CCSD. Waterline easement shall be in a manner and form acceptable to CCSD.
 - C. A more detailed site plan is needed along with details showing service lines alignments, depth, sizes, and connection points for water and sanitary sewer. Valves, clean-outs, and related details will need to be shown as part of the final improvement drawings. We have approximated that a 2-inch diameter domestic service line may be required for this facility with at least a 1.5-inch water meter. This approximate sizing will need to be re-checked as the final design is developed. The new hydrant line shall be at least 6-inches in diameter. The new hydrant shall be wet-barrel type conforming to AWWA C503. The CCSD water department shall approve make and style of hydrant. . New waterline connecting to the hydrant shall be AWWA C900 Class 150 or polyethylene wrapped, cement mortar-line ductile iron (AWWA C151 and AWWA C105).
 - D. Final utility site plan drawings and details are to be stamped by a licensed Civil Engineer.
 - E. The existing sanitary sewer east of the building needs an accompanying easement to be dedicated to CCSD. (This pipeline remained in service after a public street was abandoned that had once crossed the property. CCSD has no easement on record.)
 - F. Identify any sanitary sewer manholes that may need to be adjusted in elevation to match the parking lot and driveway.

Attachment 11

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. IX.E

FROM: Robert Gresens

Meeting Date: April 27, 2001 Subject: Kestrel Point Senior Care Facility at Ardath and Green

RECOMMENDED ACTIONS:

1. Receive status report on proposed Senior Care Facility; Michael Clark, applicant.
2. Identify any Board concerns regarding future District service requirements for the revised project.
3. Approve revised Intent to Serve letter adjusting EDUs from 6.0 to 11.78 along with attached special conditions to cover the full project.
4. Approve a one-year extension to the Intent to Serve letter for a Kestrel Point Senior Care Facility on APN 024-191-052, -056, -057, -058, -059.

FISCAL IMPACT: A \$1,200.00 Extension Fee has been paid to the District. Plus \$37,570 Retrofit income to District if remaining EDUs issued.

BACKGROUND/DISCUSSION:

On November 1, 1998, Mike Clark was issued an Intent to Serve for a 6-EDU commercial Bed & Breakfast project at the intersection of Ardath Drive and Green Street. Since that time the proposed project has changed to a Senior Care Facility. Preliminary information on this change was presented to the CCSD Board at its June 12, 2000 and November 6, 2000 meetings. The applicant has paid a \$1,500 Administrative Fee and \$42,900 Retrofit-in-Lieu Fees and two previous \$1,200 extension fees.

The Board granted 6-month Extensions to the project's Intent to Serve letter on November 6, 2000. However, Ordinance 2-2000 specifies that extensions on commercial projects are for one year, not 6 months, so the applicant has actually paid for one 6-month extension in error. The first extension, granted 5/1/00 should have been valid thru 5/1/2001. The second extension fee should be credited to the project.

On April 27, 2001 the Board received a briefing on the project and approved placing the project on the May 24, 2001 agenda for further discussion. A status report, dated May 18, 2001, from the County Planning Department indicates that the applicant's application for Land Use approval

Attachment 11

review and approval by CCSD. Inspection shall be requested at least two working days prior to back-filling operations. Any inspections outside of normal working hours shall be subject to overtime rates and be paid for by the applicant. Any covered work shall be subject to uncovering for inspection at the time and expense of the applicant

10. The new water line shall be pressure tested, disinfected, bacteriological tested (a.k.a. "bacti" tested) and flushed to confirm compliance with applicable AWWA standards. New watermains shall pass bacti tests prior to flushing and placing the piping into service. Bacteriological tests will be sampled by CCSD personnel and the applicant's Contractor shall pay for all laboratory work. Should bacteriological tests fail, the applicant's Contractor shall be responsible for all costs associated with follow up disinfection, sampling, and testing.
11. Easements being conveyed to CCSD shall be accompanied by a current property title report.
12. During the period of the conditional intent letter, the applicant shall obtain water and sewer permits for the project by submitting signed application forms, an approved County Building Permit, and any payment balance that may be due on water and sewer connection fees.



June 1, 2005

Michael Clark
PO Box 419
Cambria CA 93428

DIRECTORS:

Gregory Sanders
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Donald Villeneuve
Vice President

Peter Chaldecott
Director

Joan Cobin
Director

Ilan Funke-Bilu
Director

OFFICERS:

Tammy Rudock
General Manager

Arther R. Montandon
District Council

Kathy Choate
District Clerk

Subject: Time Extension, "Intent to Serve" Letter
Commercial Project - Kestrel Point Senior Care Facility
APN No. 024.191.052

Dear Mike,

Enclosed is verification that your request for extension of your "Intent to Serve" letter
For the above referenced project has been APPROVED.

Your "Intent to Serve" letter is now valid through June 1, 2006.

If you have any questions please do not hesitate to contact this office at 927-6225.

Sincerely,
CAMBRIA COMMUNITY SERVICES DISTRICT


Joyce Hannum
Permits Specialist

enc.

2. Transfers between parcels.

The Ordinance provides that all positions will be categorized as: (1) Single Family Residential; (2) Multifamily Residential; (3) Commercial; or (4) Parks/Landscape/Irrigation (a non-EDU position). The Ordinance deletes the requirement that transfers must be between parcels with the same zoning designation, and replaces it with a system that only allows transfers of Single Family Residential positions. No exceptions are permitted, and the exceptions for transfers to public facilities has been deleted.

Section 2.5-10, p. 13-15 accomplishes this modification. Table D ("Designation of Positions") lists the designation of each position in the District. The District will notify position holders by mail of the designation, and position holders will have 60 days to contest the designation in writing. If the District receives no contest in writing, the position designation becomes final. Upon receiving a contest, the Board will hold a hearing within 60 days to make a final determination.

3. Revision of EDU Table to Add Convalescent and Senior Facilities.

The Table of Equivalent Dwelling Units (Exhibit A to the Ordinance) has been amended to add Care Facilities (0.38 EDUs per unit, bed or occupant). Exhibit A defines "Care Facilities" as including Convalescent Facilities and Senior Facilities, or a combination thereof. Convalescent Facilities are defined as nursing homes with wards or semi-private rooms where the patients have full time medical personnel on site. The patients are not in an apartment or studio unit. Exhibit A defines Senior Facilities as individual living units, restricted to residents 55 years of age or older, with a common dining area. These are either apartments or studios without kitchens, and may have more than one occupant. These definitions have also been added to the body of the Ordinance (Section 2.5-4, p. 5).

The EDUs for Care Facilities were calculated based on studies of comparable facilities in Santa Barbara and San Luis Obispo Counties. The calculation is attached to this staff report.

4. Revision of Existing Commitments Table For Consistency.

The table of Existing Commitments, other than active commitments (Exhibit B to the Ordinance) has been modified to be consistent with the definition of commitments in the Ordinance. The table now divides the Existing Commitments into the following categories: (1) Single Family Residential; (2) Multifamily Residential; (3) Commercial; and (4) Parks/Landscape/Irrigation. Parks/Landscape/Irrigation commitments consist of parcels for park irrigation, landscape or agricultural irrigation, or stock watering purposes only. This category does not include commitments to parks owned by the State, the County, or the District, because these parks have bathrooms. In addition, Care Facilities and Affordable Housing are noted as subcategories of the main divisions.

4. Parks/Landscape/Irrigation. A parcel with one of the following: (1) listed on the table of existing commitments as a parks/landscape/irrigation commitment; or (2) service to a parcel billed as a parks/landscape/irrigation account. A parcel designated as parks/landscape/irrigation is a non-EDU position.

5. Care Facilities Position. A parcel, which is either of the following or a combination thereof:

a. Convalescent Facilities. A parcel in which the residents are in wards or semi-private rooms with full time medical personnel on site, including nursing homes, but not apartments or studio units; or

b. Senior Facilities. A parcel in which residence is restricted to persons fifty-five (55) and older, in which the residents live in individual apartments or studios without kitchens, which may have more than one occupant, and there is a common dining facility.

B. Positions which are active service commitments, non-active service commitments, or parks/landscape/irrigation commitments are designated based on current meter designation, or if no current meter designation, then the most recent historical meter designation. Attached to the ordinance codified in this chapter and made a part hereof by reference is Exhibit D titled designation of positions. Exhibit D identifies the designation of position held by each parcel (identified by county assessor parcel number unless otherwise specifically identified in Exhibit D), which holds a position, which is an active service commitment, non-active service commitment, or parks/landscape/irrigation commitment. Water use is restricted to that designated on Exhibit D.

C. Positions which are currently valid waiting list positions are designated based on the designation on the district waiting lists.

Positions, which are parcels with a currently valid intent to serve letter, or parcels with a currently valid connection permit but with no water meter installed, are designated based on the designation in the intent to serve letter.

D. In the case of mixed-use parcels, single-family/multifamily residential parcels are designated as multifamily residential, and commercial/residential parcels are designated as commercial. Other mixed-use parcels are designated based on current predominant usage.

E. Vacant lots with meters are designated based on the most recent historical meter designation.

F. For positions that do not fit any of these designations in subsections B through E of this section, the board, in its discretion, will designate the position in a manner consistent with the purposes of this chapter and those purposes of the Cambria Community Services District, including but not limited to the following criteria:

1. Predominant current and/or past water usage;
2. Current and/or past designation on a district waiting list;
3. Water use factors and studies for similar projects from other jurisdictions. (Ord. 8-2003 § 2.5-4)

8.04.050 New commitments.

Water and/or sewer services provided to new customers shall come only from one of the following sources and be subject to any conditions or restrictions currently in effect, or which may be imposed by the board of directors in the future:

A. Allocation from the non-active service commitment section of the table of existing commitments.

Attachment 11

Care Facilities (per unit, bed or occupant)	0.38
* Revised 1995	
**** See definition below	

EXHIBIT A (Continued)

When a project does not fit into any of the categories delineated in the Table of EDUs above, the General Manager shall compute the required EDUs by developing a project Summer Season average monthly demand estimate and then converting to EDUs.

For combination of uses or combinations of tenants, or owner/occupants in a proposed project, each individual use or occupancy will be computed separately, using the Table of EDUs for the project. For example, a proposed building which will include a Beauty Shop, a Drug Store and a small Food Market, would be computed as follows:

<u>Use</u>	<u>EDUs</u>
Beauty Shop	1.05
Drug Store	0.60
<u>Food Market (small)</u>	<u>1.30</u>
Total Project	2.95 EDUs

For Motels, Bed & Breakfast or other commercial uses, where on-premises living unit is included, it shall be considered a commercial use, computed at 1.00 EDU. Thus, a Bed & Breakfast which includes 5 guest bedrooms, plus an owner's or manager's living unit would be computed as follows:

<u>Use</u>	<u>EDUs</u>
Owner's Living Quarters	1.00
<u>5 Guest Bedroom @ 0.60</u>	<u>3.00</u>
Total project	4.00 EDUs

Notes Reference to Uses

- * Figure based on 1994 summertime usage.
- ** Day Care EDUs are for this use only. If this commercial use includes staff living quarters, then 1.00 EDU shall be added to the Day Care EDUs to derive the total project EDUs.
- *** For Service Stations and Gas Station/Convenience Stores, the reference to per bay means each separate fuel pumping island, regardless of the number of pumps.

**** Care Facilities (0.38 EDUs per unit, bed or occupant)

Care Facilities are either of the following or a combination thereof:

A. Convalescent facilities, which include nursing homes with wards or semi-private rooms where the patients have full time medical personnel on site, and the patients are not in an apartment or studio unit; or

5. Care Facilities Position: a parcel which is either of the following or a combination thereof:

A. Convalescent Facilities: a parcel in which the residents are in wards or semi-private rooms with full time medical personnel on site, including nursing homes, but not apartments or studio units; or

B. Senior Facilities: a parcel in which residence is restricted to persons 55 years or older in which the residents live in individual apartments or studios without kitchens, which may have more than one occupant, and there is a common dining facility.

B. Positions which are Active Service Commitments, Non-Active Service Commitments, or Parks/Landscape/Irrigation Commitments are designated based on current meter designation, or if no current meter designation, then the most recent historical meter designation. Attached hereto and made a part hereof is Exhibit D titled "Designation of Positions." Exhibit D identifies the designation of position held by each parcel (identified by County Assessor Parcel Number unless otherwise specifically identified in Exhibit D) which holds a position which is an Active Service Commitment, Non-Active Service Commitment, or Parks/Landscape/Irrigation Commitment. Water use is restricted to that designation on Exhibit D.

C. Positions which are currently valid waiting list positions are designated based on the designation on the District Waiting Lists. Positions which are parcels with a currently valid "Intent to Serve" letter, or parcels with a currently valid connection permit but with no water meter installed, are designated based on the designation in the Intent to Serve letter.

D. In the case of mixed use parcels, Single Family/Multifamily Residential parcels are designated as Multifamily Residential, and Commercial/Residential parcels are designated as Commercial. Other mixed use parcels are designated based on current predominant usage.

E. Vacant lots with meters are designated based on the most recent historical meter designation.

F. For positions that do not fit any of these designations B through E, the Board, in its discretion, will designate the position in a manner consistent with the purposes of this Ordinance and those purposes of the Cambria Community Services District, including but not limited to the following criteria:

1. Predominant current and/or past water usage; and/or

TABLE OF EQUIVALENT DWELLING UNITS (EDUs)

Equivalent Dwelling Units shall be determined on the following scale:

CLASS OF USE.	1995 EDUs	See Notes
Residence, Apartment, Mobile Home, Condo, or Motel unit with Kitchen	1.00	
Bank (Each 10 employees or fraction)	0.57	*
Bar/Lounge (Each 10 Seats or fraction)	0.43	
Barber Shop	0.53	
Beauty Shop or Salon	1.05	*
Church, Public Assembly & Meeting Hall without Kitchen	0.39	*
Church, Public Assembly & Meeting Hall with Kitchen	1.72	*
Day Care	0.72	**
Doctor, Dentist, or Veterinarian Office	1.30	*
Drug Store	0.60	
Food Market (Small)	1.30	*
Gas Station and Convenience Store or Service Station (per bay)	2.10	***
Garage (repair only, no fueling, etc.)	0.33	
Laundromat (per washing machine)	0.65	
Motel, Bed & Breakfast, (per unit W/O Kitchen)	0.60	
Office/Retail Shop/Store (per 10 employees or less)	0.43	
Restaurant (per seat)	0.07	
Super Market	5.40	*
Take-Out Food	2.76	
Theater (100 seats or less)	0.44	
Convalescent Facilities (per bed or occupant)	0.36	****
Senior Facilities (per unit or apartment)	0.40	****

6. **East Village Historic Area.**

To encourage restoration of historic buildings, the Ordinance deletes the demolition requirements for historic buildings that are on parcels on which the Restrictive Covenant is imposed. Historic buildings are defined using the State definition.

7. **Assignment.**

The Ordinance provides that:

"Assignment shall be allowed only for the parcel or combination of parcels originally applied for and is valid only for the number of EDUs requested and approved in the original application." (Section 2.5-9(D).)

8. **Affordable Housing.**

The Ordinance deletes Subsection (D)(3) from Article 2.5-11 (Affordable Housing), so that affordable housing is no longer an approved use on parcels on which a Restrictive Covenant has been imposed.

9. **Findings.**

The findings prefacing the Ordinance have been revised to state that the transfer provision furthers the District's authority to: (1) supply water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation; (2) provide collection, treatment, and disposal of sewage, waste, and storm water of the District and its inhabitants; (3) protect against fire hazards; (4) plan for and provide public recreation; and (5) further watershed protection.

Furthermore, specific findings have been added to the transfer provisions in the body of the Ordinance at the beginning of Section 2.5-10(A) (note that the findings relating to zoning designations have been deleted since the Ordinance does not rely on zoning to administer the transfer provisions).

10. **Revision of EDU Table to Add Convalescent and Senior Facilities.**

The Table of Equivalent Dwelling Units (Exhibit A to the Ordinance) has been amended to add Convalescent Facilities (0.36 EDUs per bed or occupant) and Senior Facilities (0.40 EDUs per unit or apartment). Exhibit A defines Convalescent Facilities as nursing homes with wards or semi private rooms where the patients have full time medical personnel on site. The patients are not in an apartment or studio unit. Exhibit A defines Senior Facilities as individual living units with a common dining area. These are either apartments or studios without kitchens, and may have more than one occupant.

The EDUs for these facilities were calculated based on studies of comparable

facilities in Santa Barbara and San Luis Obispo Counties. The calculation is attached to this staff report.

11. Miscellaneous Amendments to the Restrictive Covenant.

A. The Ordinance adds the following purposes clause to the Restrictive Covenant: "The purpose of this Covenant and Agreement is to promote the District's goals of conserving water and sewer resources and protecting against fire hazards. This Covenant and Agreement does not preclude any use of the sender or receiver parcels consistent with its terms."

B. The Ordinance adds the following enforcement clause: "Violation of this Covenant and Agreement will result in discontinuance of water and sewer service."

12. Repeals.

The Ordinance expressly repeals in their entirety Article 2.5 of Ordinance No. W-82, and the following Ordinances: Nos. 1-93, 4-93, 2-94, 2-95, and 2-97.

BOARD ACTION:	Date	Approved:	Denied:	Other:
UNANIMOUS:	BLANCK	CHALDECOTT	MC CONNELL	MAY VILLENEUVE

ATTACHMENTS:

1. Ordinance
2. Redlined Ordinance dated 3/23/00
3. Ordinance 2-97
4. Board Minutes dated 12/20/99
5. EDU calculation sheet for convalescent and senior facilities

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: Friends of NCAC/ Claudia Harmon Worthen

Mailing Address: 416 Dorset Street

City: Cambria

Zip Code: 93428

Phone: 805.927.1934

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Kingston Bay Senior Living, LLC

RECEIVED

JUN 24 2013

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

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

1981 Green Street, Cambria CA 93428. Parcel numbers: 024-191-038, 024-191-024, 024-191-052, 024-191-056, 024-191-057, 024-191-058, 024-191-059

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-13-0213

DATE FILED: June 24, 2013

DISTRICT: Central Coast

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: 14 May 2013

7. Local government's file number (if any): Minor Use Permit/Coastal Developmen

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:

Jeff King
Kingston Bay Senior Living, LLC, 530 E. Herndon Avenue Suite 101, Fresno, CA 93720
(559) 447.1770
www.kingstonbayseniors.com

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)

Tony Church, agcfam@aol.com, 2998 Ernest Place, Cambria
Vikki Hansen, 1155 Warren Road, Cambria
William & Eleanor Seavey, billseavey@gmail.com, 1798 Londonderry Lane, Cambria
Mahala Burton, mahala1@charter.net, 6425 Cambria Pines Road, Cambria

(2) Dawn Dunlap, rattlesnakeflat@wildblue.net, 8338 Santa Rosa Creek Road, Cambria
Marvin & Debbie Josephson, marvinjosephson@gmail.com
Jeff Hellman, t1@jeffhellman.us, 1621 Cardiff Drive, Cambria
Mark Pahounds, markynez@sbcglobal.net

(3) Nancy Bennett, nancy.bennett@yahoo.com, 2493 Malvern Ave., Cambria
Mary Webb, maryewebb@charter.net, 1186 Hartford, Cambria
Joy Fitzhugh, fitzhughhillranch1@att.net, 2646 Eton Rd., Cambria

(4) Bob McLaughlin, egretsss@gmail.com, 528 Casa del Mar, San Simeon
Tom & Lana Cochrun, tdcocochrun@aol.com, 1761 Pineridge Drive, Cambria
Vari MacNeil, varimacneil@hotmail.com, 1745 Arliss Drive, Cambria

93452 - 9735

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.

REASONS FOR APPEAL — INTRODUCTION

In this appeal we have quoted ordinances that support our contention that Kingston Bay Senior Living - Cambria is the wrong project in the wrong place. But underneath the numbers is a community under threat — from an out-of-town, for-profit developer, a county government that in approving this project has ignored many of its own policies, and an opaque water agency that seems capricious in transferring unused water commitments to a new development while at the same time considering conservation surcharges on existing users. We have referenced mitigation measures, even though we contend that the Kingston Bay project does not belong in Cambria AT ALL, and especially not at Ardath and Green. We have detailed the effects of THIS project on THIS piece of land, but believe that Kingston Bay is the lever with which the water agency hopes to open the spigots of developments (for which there is no actual water), and which developers will use to build over adjacent forested open space.

The proposed Kingston Bay commercial development violates the California Coastal Act and San Luis Obispo County LCP ordinances in multiple instances, imposes on a challenged water supply under level III shortage severity restrictions, violates an Environmentally Sensitive Area (ESHA), degrades the scenic quality of a green-space that is a border between the Urban Reserve boundary and Special Project 2 in the Highway 1 viewshed, impacts coastal access routes, is out of character as the gateway to Cambria and two neighborhoods, and out of character according to the Title 23 definitions of allowable land use of San Luis Obispo County. In approving this project, the county has contradicted many of its own policies and land use ordinances.

This appeal sets forth how the proposed commercial venture will alter natural grading in an area already challenged by drainage and sediment erosion problems, degrades, with a cumulative impact, the quality of environmentally sensitive Cambria by a deterioration of air quality, light pollution and harm to the Monterey Pine forest.

Further this appeal challenges the propriety of even permitting the commercial venture in residential zoning, based on questions or irregularities regarding the mingling of commercial units, single-family residential, “income residential,” retired and flagged parcels. The questions are underscored by inconsistency in parcel tracking in Cambria CSD records.

Inconsistency is also evident in Cambria CSD’s handling of water allocation. The agency’s record-keeping makes finding the historical record of allocations and thus verifying their legitimacy difficult, it threatens mandatory conservation measures (including surcharges) while simultaneously handing out

allocations to a large new user, it has been quietly adding connections during a moratorium. In addition, it has failed to identify sources to secure Cambria's long-term water supply. This even though the Coastal Commission has since 1998 expressed concern over Cambria CSD's pace of resource extraction and its impact on riparian habitats as well as on long-term water supply for residents.

We are also concerned that the siting of the Kingston Bay development on Ardath Drive presents a challenge to an emergency evacuation of Marine Terrace and Lodge Hill, since Ardath is the only southern and eastern access road. The developer promises to build a bunker shelter, but the nature of a catastrophic event could render that planned shelter useless and would add to a crisis by the need to evacuate up to 41 frail or infirm elderly and staff, thus hampering emergency management.

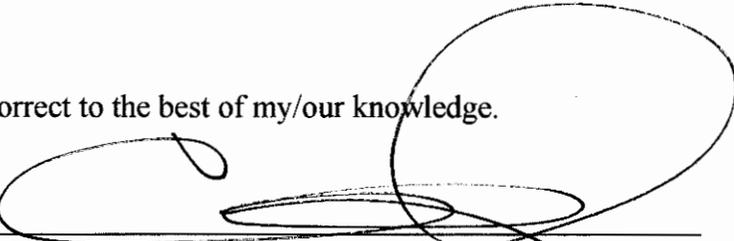
This appeal comes before you in a flurry of red warning flags. Due to the significance and number of conditions (74) already placed on this project by the county, compounded now by the serious and egregious problems cited by this appeal, this project **SHOULD NOT MOVE FORWARD** so that it can inflict substantial and irreparable damage. Our community is a town, not an investment! Permitting and allowing this commercial project establishes a precedent that would foster further cumulative erosion of standards that seek to safeguard and protect natural habitat, quality of coastal communities and an environmental legacy.

For descriptions of Local Coastal Program, Land Use Plan and other requirements with which we believe the project is inconsistent, please see the attached document.

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

Date: 6-20-13

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: _____

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1. Water Resources

1.1 Background

- 1.1.1 There is inadequate water supply for new development in Cambria. A new long-term water supply has not yet been identified and approved by the County or the Commission. Appropriate updated levels of future development have not been approved by the Commission as part of the certified LCP.
- 1.1.2 As required by the Public Works Policy 1 of the SLO County LCP's *Coastal Plan Policies*, all new development must demonstrate that there is sufficient water supply to serve the development.
- 1.1.3 In the 1998 North Coast Plan Update, the Commission found that significant concerns existed with the Cambria Community Services District's (CCSD) withdrawals from San Simeon and Santa Rosa Creeks and potential impacts to riparian habitat. These concerns were reiterated in the Commission's 2001 adoption of the Periodic Review of the San Luis Obispo LCP and in numerous CA Coastal Commission appeals confirming substantial issues with development including increased water use, resource extraction affecting coastal streams containing endangered steelhead trout, ESHA impacts and Monterey Pine Removal. (A-3-SLO-02-073, Hudzinski; Monaco, A-3-SLO-02-050, Pine Knolls Tanks A-3-SLO-05-017, Cambria Pines Lodge Expansion A-3-SLO-01-122).

1.2 Availability of Water Supply & Sewage Disposal Services

- 1.2.1 A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section. Subsections a. and b. of this section give priority to infilling development within the urban service line over development proposed between the USL and URL. In communities with limited water and sewage disposal service capacities as defined by Resource Management System alert levels II or III:
- A A land use permit for development to be located between an urban services line and urban reserve line shall not be approved unless the approval body first finds that the capacities of available water supply and sewage disposal services are sufficient to accommodate both existing development, and allowed development on presently-vacant parcels within the urban services line. *CZLUO 23.04.430, Public Works Policy 6*
- 1.2.2 Water supply in Cambria is sensitive to drought conditions because ground-water basins provide the only source of water during the dry season and the basin capacity is small relative to the demand for water (*County of San Luis Obispo Annual Resource Summary Report 2005, 2006*). In November 2001, the CCSD Board

imposed a moratorium on the issuance of new water commitments (Intent to Serve Letters), and a water Code 350 emergency was declared. California Water Code Sections 350-358 authorize public and private water purveyors to declare a water shortage emergency and to adopt regulations and restrictions to conserve water. The governing body may adopt regulations and restrictions on water delivery and use to conserve water for the greatest public benefit, with particular regard to domestic use, sanitation, and fire protection. This includes the authority to require an agency to continue its moratorium on new connections adopted pursuant to *Water Code Sections 350 et seq. (State of California, 2007)*.

- 1.2.3 The SLO County Board of Supervisors, in agreement with the Water Resources Advisory committee, recently reaffirmed (May 2013) that the CCSD water supply be ranked at a Level of Service III (existing water demand equals or exceeds the dependable supply). The San Luis Obispo County planning growth management plan upholds Cambria's current growth cap at zero percent.
- 1.2.4 As noted in CCSD's 2010 Urban Water Management Plan: "In November 2001, the District's Board of Directors declared a Water Code 350 emergency and ceased issuing additional connection permits until an adequate long-term supply project was completed."
- 1.2.5 Desalination GeoTech Drilling project was denied by the CA Coastal Commission in Dec. 2011 WRDA monies for future water projects including desalination have not been reauthorized. Inconsistent with *Public Works Policy 6 Capital Improvement Program*.
- 1.2.6 RMS Level III alerts are intended to occur while sufficient lead time is available for correcting a shortage before a crisis develops. Once an alert level has been identified, it is with the discretion of the County Board of Supervisors to implement resource management techniques which may range from conservation measures and capital improvement programs to develop restrictions. The Land Use Element planning area reports identify the existing level of concern based upon available information concerning water, sewer, roads and school capacity. Short-term and long-range public works projects necessary to assure continued and expanded service capabilities entail major capital outlays. Present and foreseeable fiscal constraints must be acknowledged and evaluated at each stage. (*Project is inconsistent with Public Works Policy 6 Capital Improvement Program*).
- A. A new long-term water supply has not yet been identified and approved by the County or the Commission.
 - B. Appropriate updated levels of future development have not been approved by the Commission as part of the certified LCP.
 - C. No significant progress has been made to increase Cambria's water supplies during the last 13 years.
 - D. Unverified water savings through conservation is not sufficient to protect coastal resources.
- 1.2.7 A review of CCSD board resolutions indicates that since 2002, drought surcharges were in place for at least some part of the year in 2002, 2004, 2007 and 2008. No new water should be allocated when the CCSD is actively (May 2013) discussing the

possibility of initiating water rate surcharges and water restrictions due to the current two-year drought.

1.3 Demand: CSD Water Commitments, Intent to Serves, Grandfathered meters

- 1.3.1 CCSD intends to lift the water moratorium and Water Emergency Code 350 without a specific plan to verify water savings through conservation or any other method.
- 1.3.2 A-3-SLO-02-050 (Monaco SFD appeal) 7.18.02.doc: The CCSD declared a Water Code 350 emergency and enacted a moratorium for new connections on November 15, 2001. At the time the moratorium was declared, there were 124 outstanding commitment letters remaining, including all commitments.
- 1.3.3 A-3-SLO-05-017, Pine Knolls Water Tanks appeal (Chart p142): CSD documents a total of 3,887 connections in 2001. CSD billing records total 4,028 connections in 2012. If true, 141 connections have been added rather than 124 allowed in the moratorium.
- 1.3.4 The CSD/Maddaus Cambria Water Efficiency Plan of 2013 reported 4,168 total connections but provided no background data to support the number. If true, 281 connections have been added since the moratorium rather than 124, making the water situation much more tenuous.
- 1.3.5 40 new EDUs (Equivalent Dwelling Units) for future affordable housing were approved by the CSD board in August 2012 and January 2013 that had not appeared on previous lists. At least 44.67 EDUs are still on a 2012 Intent to Serve List (EDU # unspecified on list) including Kingston Bay, 32.60 EDUs are on Exhibit "B" existing commitments list for a total of 117.27 EDUs "in the system." When one adds the 281 connections (EDUs not known) since the moratorium of 2001, Cambria CSD is well over their allotted EDUs allowed in the Monaco appeal A-3-SLO-02-050.
- 1.3.6 In addition, at least 80 acres of land with no structures on them are described as having "Active Service" assuming there is a 'commitment' to water in Exhibit "D" Active Service list provided by CSD in 12/21/12. No water is being used at those sites today yet the commitment exists.
- 1.3.7 The outstanding commitments approved in Monaco A-3-SLO-02-050 include both residential and commercial development totaling 202.31 (EDUs), and approximately 48.55 acre-feet of water. *NCAP*
- 1.3.8 CSD internal accounts, and parks and landscape irrigation accounts further exacerbate Cambria water commitments with little or no oversight from the public.
- 1.3.9 2013 water production data shows Cambria water production increasing to levels not seen since 2007. It is unknown whether 2013 water production increases are due to leaking pipes, increased consumption, vacancy rates decreasing (32% at last census), or economic improvements overall. Many have expressed an unwillingness to save water for the sake of development or the "conserve to build" approach as described by the CSD. A thorough investigation into increased water production is needed.

- 1.3.10 The California Coastal Commission adopted an allocation plan which provides that 20 percent of the CCSD's permitted water production capacity be reserved for visitor-serving and commercial uses. Past CCC recommendations have been made to add 20% more water needed to all development projects due to this requirement. *NCAP*

1.4 Conservation

- 1.4.1 Water conservation measures implemented by the CCSD include drought surcharges, replacement of water meters with new meters equipped with leak detectors, implementation of state-sanctioned Demand Management Measures, providing of rebates for the customer replacement of regenerative water softeners, and offering hot water circulation pumps to customers. More aggressive water conservation measures have been proposed in the Cambria Water Use Efficiency Plan report of 2013 by Maddaus but have not been funded or implemented. Using potable water for outdoor irrigation is still allowed.
- 1.4.2 One consequence of building regulations and retrofit programs that require low water-use plumbing fixtures is that a community's ability to respond to a drought becomes somewhat diminished. This is certainly true in Cambria, where more efficient water use and a significant number of additional dwelling units combine to raise concerns about the community's ability to respond adequately to droughts.

1.5 Water Supply Recommendations in the NCAP

- 1.5.1 Overall Water Supply: The Community Services Districts should continue to look for new water sources sufficient for, but not exceeding, the growth anticipated by the Local Coastal Plan or the environmentally sustainable yield of the area water sources. *NCAP 3-26*
- 1.5.2 Until such time as may be otherwise authorized through a coastal development permit approving a major public works project involving new potable water sources for Cambria, new development not using CCSD connections or water service commitments existing as of November 15, 2001 including those recognized as "pipeline projects" by the Coastal Commission on December 12, 2002 in coastal development permits A-3-SLO-02-050 and A-3-SLO-02-073, shall assure no adverse impacts to Santa Rosa and San Simeon Creeks; CSD is in violation because no major public works project has been approved and no instream flow studies have been conducted to prove the water is not coming from the creek. *NCAP 4. Limitation on Development. A. Water Service in Cambria.*
- 1.5.3 The Cambria Community Services District should avoid issuing intent to serve letters for new development which relies on additional water supplied by San Simeon or Santa Rosa Creeks until the following tasks have been completed: *NCAP 11 Water Master Plan for Cambria.* CSD has not conducted these studies.
- A In-stream flow management study: An in-stream flow management study for Santa Rosa and San Simeon Creek should be conducted.
- B Water management strategy: The amount of new development should be limited to that which can be supported by the implementation of the strategy.

- 1.5.4 Efforts should be made to monitor and verify the reliability of estimates of water savings from retrofit programs and other conservation measures, to improve the effectiveness of existing programs, and to initiate new programs to achieve greater efficiency in the use of limited water resources. Consideration should be given to such programs as site-specific collection of rainwater for later use in landscape irrigation, system-wide water reclamation and distribution, rate structure and billing systems designed to encourage conservation, and enhanced leak detection and repair programs. *NCAP 3-26*
- 1.5.5 Establish Watershed/Basin Management Programs. Establish Coordinated Resource Management Programs (CRMP) to promote watershed management, including resource identification and water quality monitoring, and to address competing rural and urban uses in the North Coast groundwater basin. *NCAP 3-2*

1.6 Availability of Service Capacity

- 1.6.1 Development of the proposed project would potentially result in a direct impact to long-term water supply resources during prolonged drought conditions, resulting in a potentially, significant, adverse impact. The first significant impact is that the water use is underestimated for the development. *CZLUO 23.04.430*
- 1.6.2 The original EDUs stem from a 1999 proposal for a commercial bed and breakfast project. CSD Care facility EDUs are allocated as commercial accounts. The water transferred to Kingston Bay is commercial. Commercial developments should not be built in residential neighborhoods.
- 1.6.3 CCSD's allocation of 11.78 EDUs (0.38 per unit) uses the lowest allocation for the category. However, only 7 of Kingston Bay's units match this designation. The other 24 units with kitchens should be assessed at a minimum at 0.6 per unit, equivalent to a motel/bed and breakfast unit with no kitchen.
- 1.6.4 The units allocated to Kingston Bay are inadequate. Using CCSD's EDU allocation chart (see Appendix 1 Table of Equivalent Dwelling Units), Kingston Bay should be assessed 17.06 EDUs, broken out as follows:

UNITS	EDUs	TOTAL
7	0.38	2.66
24	0.60	14.40
		17.06

2. Land Use & Zoning

2.1 Market Demand

- 2.1.1 The project appears to not be realistically related to market demand and the needs of the community. The owner of Cherish House, the Cambria facility currently serving Kingston Bay's target market, testified that Cherish House has empty spaces and

historically has had difficulty filling beds. *NCAP 1-6 B9B. Market demand; BOS appeal hearing, May 14, 2013, item 28*

2.2 Land Use & Zoning

- 2.2.1 High dwelling unit density is inconsistent with *CZLUO 23.04.084 Multi-Family Dwellings* because it is more than 1.5 miles to the edge of the Cambria business district and more than 2 miles from the center of town, and *23.004.084-90 pursuant to section 23.04.044e(1)*.
- 2.2.2 A memory care unit is inconsistent with *CZLUO 23.08.110 Residential Care Facilities: Board and care homes for ambulatory residents*, because medical care is inadequate with one Licensed Vocational Nurse (not a Registered Nurse) from 9 a.m. to 5 p.m. only — for 41 patients. LVN's scope of practice in California is limited to assisting registered nurses and other senior medical staff. They are required to undertake all their duties under the supervision of a registered nurse or physician.
- 2.2.3 Project violates the requirement to limit new development along coastal public access routes to that which maintains adequate levels of service along these routes. *NCAP 1-7 12F*
- 2.2.4 Goal 2, Implementation Strategy 12, LUCE (Land Use & Circulation Element, Coastal Zone) states that increases in density or additional development, where critical resource levels exist, shall not be approved unless they provide proof that adequate water and sewage disposal capacities then exist and are able to serve (1) the development, (2) existing development, and (3) the allowed development on vacant parcels within the rural, urban or village areas that are subject to the RMS levels of severity. Cambria is in an RMS level of severity III for water supply, and has been for 13 years.
- 2.2.5 Project inconsistent with *Chapter 6 ESHA Policy 5: Supporting Greenbelt Formation and Maintenance* because the project is in an open space area on the urban fringe line. *Added 2004, Ord. 3006*
- 2.2.6 Project is inconsistent with *Chapter 6 Policy 6: Off-Site Mitigation Bank for Urban Development*. Greenbelt area will be lost and no mitigation has been proposed to offset impacts. Mitigation banking has not been proposed. *Added 2004, Ord. 3006*
- 2.2.7 The project is inconsistent with *Residential Multi Family Coastal Allowable Table & Definitions* because the majority of land *does not* contains slopes less than 20%, with increased lot sizes required as slope increases, and because land with slopes less than 15% *are not* available for development of building sites on *all parcels*.
- 2.2.8 The project is inconsistent with *Residential Multi Family Coastal Allowable Use Table & Definitions* because it *does not* have close proximity to downtown or neighborhood commercial and public facilities, where urban infrastructure, circulation and neighborhood and community facilities are capable of handling high-density residential development. *San Luis Obispo County Coastal Allowable Use Table & Definitions, Residential Multi-Family, Purpose, c.*
- 2.2.9 The project is inconsistent with Goal 2, LUCE and Objective 4 Residential Land Uses. It does not preserve and enhance the quality of residential areas. It does not

preserve desirable neighborhood characteristics such as open views and yard areas, sense of scale, landscaping, pedestrian ways and other amenities. One parcel should have been retired.

- 2.2.10 The land use categories for the project are contradictory (see Table below). County planning maps designate 5 of the lots as "income residential," a designation that does not exist within the San Luis Obispo County Coastal Allowable Use Table & Definitions and which implies single family residential that generates income, such as a bed & breakfast. Additionally, one parcel is on the commercial water wait list, and a retired parcel (024-191-024) is supposed to be retained as open space. Interspersion of single-family parcels in this area show an intent to retain a differentiation of land use and prevent the massing of one building over a large number of parcels. *San Luis Obispo County Coastal Allowable Use Table & Definitions*

Kingston Parcel #	Zoning	Comments
024-191-038	Vacant single family	#9 on CSD commercial wait list
024-191-024	Vacant single family retired	Parcel retired
024-191-052	Vacant income residential	Water intent-to-serve list
024-191-056	Vacant income residential	APN was flagged as "House Allocation Questionable at SLO County
024-191-057	Vacant income residential	No water
024-191-058	Vacant income residential	No water
024-191-059	Vacant income residential	No water

- 2.2.11 Full time employees will work three shifts, 24 hours a day. Project contains a commercial kitchen, which requires large commercial service and delivery trucks. Commercial lighting and exterior signage is inconsistent with Multi Family housing designation. Project damages the quality of residential area. *NCAP 1-4 B 6B, C. Residential land uses*
- 2.2.12 A project of nearly 29,000 square feet in Scenic Highway One viewshed diminishes the rural and agricultural look of the North Coast, thus diminishing the draw of tourists looking for an escape from the cities. Tourism and agriculture are significant parts of the economic base of the coastal areas. *NCAP 1-9 16B. Economics – tourism*
- 2.2.13 According to NCAP 7-60 Table 7-1, C4, building footprint should be no more than 12,600 sq ft; plans are for 19,000 sq ft. *NCAP Section 7-60 Table 7-1 C4*
- 2.2.14 Project does not set aside 15% of units as affordable housing. *NCAP 2-8 D3. Housing approaches; CZLUO 23.04.092 a(1), c(1)*
- 2.2.15 Project does not have sufficient land to accommodate 41 residents, 12-13 employees, visitors, medical service personnel, two transportation vans and service vehicles. *NCAP 2-8 D3A. Housing approaches*

- 2.2.16 Project building height exceeds 22-foot limit west of Highway 1. Plan states that maximum building height is 25 feet. In violation of *NCAP 7-5 A7*.
- 2.2.17 Project encroaches into setbacks on all sides of the building, violating *Title 22 CZLUO, Section 22.10.140, D1, E1a, F; Title 23 CZLUO, 23.04.112 - Rear Setbacks*
- A D1: Basic front setback requirement. All structures with a height greater than three feet shall be set back a minimum of 25 feet from the nearest point on the front property line.
- B E1a: Within urban and village areas. 10 percent of the lot width . . . but not less than three feet, and a minimum of 30 feet on sites of one acre or larger in net area.
- C F: Rear Setbacks. The minimum rear setback is 10 feet on sites of less than one acre in net area and 30 feet on sites of one acre or larger in net area.
- 2.2.18 Project does not reserve portions of site for usable private outdoor space to increase unit privacy and to visually enhance public areas. The Coastal Allowable Use Table prescribes preserving open space in multi-family projects but Kingston Bay was approved with NO open space and walled-in patio. *San Luis Obispo County Coastal Allowable Use Table & Definitions, Framework For Planning Excerpts - Coastal Zone, Residential Multi-Family, Purpose: g; Character: a, b, d, e, f and g*
- 2.2.19 The project significantly alters the urban/rural boundary and clear distinction between urban and rural development. Development does not maintain the "hard edge" between urban and rural uses on the perimeter of Cambria. *NCAP1-4 B4A. Location and timing of urban development and NCAP 1-3 B 3A. Maintaining a stable urban/rural boundary*
- 2.2.20 The physical scale of proposed buildings and site design are not consistent with site constraints and resources. *NCAP 1-5 B7A-7D. Residential development in Cambria; NCAP 1-5 B8B. Physical scale; NCAP 1-5 B8C1, 2, 3. Urban forest; NCAP 1-5 B8D1, 2. Residential design in Cambria; NCAP 1-5 B8E1, 2, 3, 4, 5. Residential setbacks and open areas; NCAP 1-6 B8F1. Parking and access; NCAP 1-6 B8G1-G4. Building design*
- 2.2.21 Project is not located near to existing similar development. *NCAP 1-6 B9A. Designating community-serving commercial areas*
- 2.2.22 Project is not located in areas near employment. *NCAP 1-4 B6A. Locating urban residential uses*

3. Grading & Geology

3.1 Grading

- 3.1.1 The new California Title 24 CALGreen regulation went into effect January 1, 2013. Project should be required to adhere to the 2013 regulations (not 2010). The new policy requires a third-party commissioner to make certain environmental requirements are met. *California Green Building Standards 2013*

- 3.1.2 The project violates the county Plan and the Coastal Act that prohibits changing the contour of the landscape and replacement with retaining walls (see Appendix 2 for front elevation). *23.05.034 (2)e. Final contours*
- 3.1.3 The project includes areas well over 30% slopes, lies between Special Project Area 2 and the urban reserve boundary. Some slopes may be as high as 45% on Green Street side of the property. The amount of earth to be removed will far exceed 5,000 cubic yards. A Negative Declaration is not adequate to protect coastal resources.
- 3.1.4 This steep slope has a history of erosion problems... "high velocity or erosion. Section 22.07.066 of this title and provisions are made to eliminate identified hazards" to the satisfaction of the County Engineer and *CZLUO 34.05.050 and Policy 9 of 23.05.036*
- 3.1.5 Erosion patterns are currently evident with cuts, fissures and land displacement. The sediment and pollutants from hardscape will continue to contaminate the adjacent land and downhill watercourses, AG lands and Perry Creek sub-watershed. Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. *Policy 20 and 21 of 23.07.174*
- 3.1.6 One acre of site disturbance on slopes in excess of 30% in ESHA, a Sensitive Resource Area and GSA with erosion hazards is not suitable for development of this size. This site is a geologic study area (GSA) due to high landslide potential and erosion issues. 1 acre of the 1.26-acre site will be disturbed to accommodate the building requiring intense grading to accommodate project. An EIR needs to be conducted to assess these issues. *LCP Major Amendment SLO-1-10 (Grading Ordinance) [pending]; Title 14 of the California Administrative Code; CEQA, CZLUO 5-6 25.05.030a, b, d*
- 3.1.7 With a site disturbance of 43,560 square feet, it appears that the 100-foot setback from environmentally sensitive habitat would render the site physically unsuitable for a principally permitted use. Within the 74 conditions placed on this project, there is no mention of maintaining this setback, nor the fact that grading will cause irreparable effects to the watershed. *23.05.036 minimize sedimentation, 23.05.034b, c(2). Grading Standards; NCAP 1-6 E5*
- 3.1.8 Grading, vegetation removal and other landform alterations should be minimized because project is located on a public view corridor from collector or arterial road. *23.05.036 and 23.05.034 (2)d Landform alterations within public view corridors*
- 3.1.9 Parking lot location in front violates ordinance to minimize grading. Building location at the back of the lot results in significantly more grading and damage to trees.
- 3.1.10 Vegetation which is rare, endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat. *Policy 35 Protection of Vegetation 23.07.176*
- 3.1.11 Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

4. Hydrology

4.1 Introduction

- 4.1.1 Lodge Hill is especially heavily forested with slopes 10%-40% and higher. Project site lies directly below Cambria's Top of the World neighborhood. The proposed modifications to the site's drainage patterns may exacerbate existing erosion and sedimentation problems, adversely affecting coastal watersheds. *LCP*
- 4.1.2 The Kingston Bay project drains into a watercourse that feeds into the Perry Creek subwatershed and eventually the Santa Rosa Creek watershed. The project site slopes between 13% and 40% which must be taken into consideration as all impacts are magnified with the intensity of the slope.
- 4.1.3 As designed, the bioswales will be inadequate to percolate stormwater. One percent of roof square area needs to be designed as vegetated swales. The plan shows less than the recommended amount. Instead, the developer plans on directing runoff into storm drains that empty into a storm drain outlet on Londonderry Street. Bioswales need to be located at the edge of property to stop runoff into the streets, hardscape and adjacent horse property. Bioswales are not recommended adjacent to the building or for use in lieu of gutters. *CALGreen code of Title 24, 2010, 4.106.2.1. Erosion Control Plan*
- 4.1.4 The developer does not include retention ponds for effective restoration of habitat and runoff capture in the event of heavy storms. Best Management Practices and Low Impact Development (LID) have proven that slowing, spreading and sinking water runoff is the most effective method of controlling water runoff. *SLO Green Build booklet, Rainwater Management for Low Impact Development; Resource Conservation District of Santa Cruz County.*
- 4.1.5 Grading Plans, Drainage Plans, Stormwater Quality Plan (SWQP), Erosion and Sedimentation Control Plan, or a Stormwater Pollution Prevention Plan (SWPPP) were not available for analysis prior to the SLO County Board approval of Kingston Bay. Project must conform to current development standards and Best Management Practices in ESHA, a Sensitive Resource Area (SRA) and GSA location. *23.04.450.b, 23.05.040, 23.05.042 site disturbance of one acre or more.*

4.2 Hydrology, Water Quality, Drainage & Stormwater Management

- 4.2.1 The project violates multiple ordinances. Proposed site disturbance is approximately 43,560 sq. feet. The building footprint is 19,482 sq. feet, parking and flat work covers 12,889 square feet, impervious surfaces exceed 30,000 square feet, this steep slope has a history of erosion problems, and development has slopes well in excess of 30%. Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 40,000 square feet. With the majority of the

parcels covered in hardscape it is evident that drainage issues will be exacerbated. *23.05.042 a, b, d, g, h. Drainage Plan Required: NCAP 1-6 F1*

- 4.2.2 Proposed project could affect natural watercourses and flow rates are increased with slopes above 30% . Erosion is already occurring at this site. Project has potential adverse water quality impacts, among other ways through the implementation of high impact site designs that fail to protect natural drainage and watercourses. The project would negatively impact wetland areas below and impact creek habitats essential to protect many coastal resources. Perry Creek and Santa Rosa Creek support a number of declining species. *Violation of NCAP 6-1 A2; NCAP 1-3 B1F Preserving and protecting water quality*
- 4.2.3 The current plan is located in an area identified by the County Engineer as having a history of flooding or erosion that may be further aggravated by the project. No specific plan for adequate drainage, protective walls or suitable fill are available for analysis. Stormwater runoff within unstabilized gullies and drainage courses causes erosion and down-gradient sedimentation, resulting in a potentially significant impact. *Violation: Plan does not require the applicant to conform to Section 22.07.066.*
- 4.2.4 An underground cistern is mentioned, but not indicated on plan, nor capacity indicated. One inch of rain over 1 square foot of roof fills one gallon, which means that the cistern would need to hold 19,000+ gallons after one inch of rain. We anticipate the cistern will not be adequate to capture the amount of rain and runoff from the hill above the property and there will be continued erosion and sedimentation down slope. *Violation of Policy 10: Drainage Provisions. 23.05.034 CZLUO, NCAP 7-32 11A-11D*
- 4.2.5 100 year flow analysis is requested in a letter by CalTrans for Build Out water quantity flows. Hydrogeologic and 100-year water flow analysis of the project's drainage impacts on the existing culvert under Highway One at post mile 47.64. No specific plan is ready for review. *Violation of CZLUO 23.05.040*
- 4.2.6 The placement of the building and other structures (including walls and fences) on the building site shall be such that water or mudflow will not be a hazard to the building or adjacent property. Project encroaches into setbacks and protection of adjacent properties is not indicated on plan. *Violation of U.S. Code Sections 4001-4128 and contained in Title 44 of the Code of Federal Regulations Part 59 et seq. 34.05.050*
- 4.2.7 There is no plan to protect sensitive habitat and groundwater. Runoff from roads and development shall not adversely affect sensitive habitat, groundwater resources and downstream areas, and shall be treated to remove floatable trash, heavy metals and chemical pollutants as necessary prior to discharge into surface or groundwater. Runoff shown in drainage plan to be directed directly into storm drains without prior treatment. *CZLUO 23.05.050.062 and Sensitive Resources Area (SRA) 23.07.166 - 170*
- 4.2.8 Impervious surfaces are not minimized. The project will result in an impervious surface of at least 32, 371 square feet. Hardscape of this magnitude must be required to use permeable materials and surfaces. *NCAP 1-6 F1. Minimize the extent of hardscape CZLUO 23.05.050. In addition, the County has been directed by the Central Coast Regional Water Quality Control Board to write rules implementing*

Low Impact Development standards for impervious surfaces, which will impose more stringent standard on the proposed development. The deadline for the county to implement the new policy is currently 9/6/13.

- 4.2.9 Altering existing drainage may cause an on-site erosion or inundation hazard, or change the off-site drainage pattern, including but not limited to any change in the direction, velocity, or volume of flow. With the majority of the parcels covered in hardscape it is evident that drainage issues will be exacerbated. *NCAP 1-6 F1 34.05.050*
- 4.2.10 No specific plans for adequate drainage, protective walls or suitable fill are included in the BOS conditions of permit. The current plan does not require the applicant to conform to *Policy 10 of 23.05.034 or 22.07.066 CZLUO*

4.3 Purification & Filtration

- 4.3.1 Stormwater runoff from commercial development shall be filtered through Best Management Practices (BMPs) that treat storm water runoff up to and including the 85th percentile storm event. Restaurant and other commercial cleaning practices that can impact water quality (such as floor mat rinsing and vehicle cleaning) by introducing chemicals to storm drain systems (detergents, oils and grease and corrosive chemicals) shall provide designated areas that collect and dispose of this runoff through the sanitary septic system.
- 4.3.2 The unfiltered water hardscape runoff will jeopardize the health of the adjacent agricultural land, stream tributary and eventually Santa Rosa Creek, ultimately affecting the red-legged frog, Steelhead trout and other aquatic residents. *Violation of CZLUO 23.05.050*
- 4.3.3 The project violates the ordinance to take precautions with development in minor tributaries and swales because these areas also collect substantial runoff. *NCAP 3-7 D4. Drainage*
- 4.3.4 Methods of purification need specificity. Pollutants need to be eliminated, not just reduced. Maximize opportunities for on-site percolation or detention and reuse of stormwater. Treat and filter runoff as necessary to remove sediments and contaminants. *NCAP pages 1-2, #1, 1A, C,D,E; 4-13; 7-22 #E2; 1-5.8.C2, 8.C3;*
- 4.3.5 Xeriscape landscaping must be monitored to protect the natural Cambria landscape. The soil must be netted or otherwise protected from erosion until landscaping can mature and hold the earth on slopes. Groundcover must be planted before winter rains to prevent topsoil depletion and erosion. Applicant must not use chemical pesticides, herbicides or other toxic chemicals on landscaping. *23.06.100 Water Quality*

4.4 Cumulative Effects

- 4.4.1 When SLO County made its environmental determination that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA, it was not known that additional high density, commercial projects are proposed for adjacent parcels. This project requires an EIR in order to more fully analyze and

avoid negative impacts of this project and adjacent future commercial development projects on both Londonderry and Green streets. *Coastal Act Article 5 Land Resources Section 30240 Environmentally sensitive habitat areas; adjacent development.*

- A Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- B Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

4.4.2 Cumulative negative impacts of multiple, large future commercial development (multi/family or senior facilities) at adjacent sites will cause increased traffic, significant Monterey Pine Forest removal, significant impact to Scenic Highway One viewshed, loss of open space, increased grading on slopes over 40%, sedimentation and drainage and runoff into watercourses and AG lands.

Adjacent Parcels	WATER	LOCATION	NOTES
024-191-046	2 meters	Green/Londonderry	On CSD Active Service list 12/20/12
024-191-061		Green/Londonderry	CSD Intent to Serve <u>pending litigation</u>
024-191-062	16 EDUs	Green/Londonderry	CSD Intent to Serve
024-191-063		Green/Londonderry	On CSD Single Family Wait List

This Phase 2 future high-density project is sited street to street from Londonderry to Green Street, and Ardath down Green Street for half a mile.

According to real estate ads, EDUs for both projects are transferable. More suitable locations with less environmental sensitivity are available in the Cambria commercial district for senior care facilities (see Section 13 Alternative Analysis). Alternatives, parcel purchases, mitigation should be considered for this development in relation to Kingston Bay.

5. Environmental Impacts

5.1 ESHA

5.1.1 The most pressing issues associated with Lodge Hill is a lack of permanent open space, and the impact to residential densities that the vast number of small lots would create at buildout. The visual impact of development, drainage problems, and tree removal are also major concerns. Buildout of all existing legal parcels would result in a significant loss of trees, and cause the demise of the forest as an important and valuable habitat area. The project proposes to construct one building across 9 lots. *ESHA Policy 30: Protection of Native Vegetation Native trees and*

plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed. 23.07.176 CZLUO.

5.2 Habitat

- 5.2.1 Development in Monterey pine grove and annual grassland habitats, has potential to impact nesting birds during the typical nesting season (February 15 to September 1), and burrowing owl throughout the year, resulting in a potentially significant impact. *LCP Policy 30 Native trees and plant cover; 23.05.036 vegetation removal*
- 5.2.2 The plan is inconsistent with Policy 35: Protection of Vegetation because vegetation which is rare or endangered or serves as cover for endangered wildlife *is not being* protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat. *23.07.176*

5.3 Biological Resources

- 5.3.1 The impacts to sensitive species and habitats resulting from development of the proposed project would result in the direct loss of biological resources, and would contribute to the cumulative degradation of biological resources. *California Coastal Act (CCA), Sect. 30105.5*
- 5.3.2 Monterey pine forests occur in only three areas of its native California. The southernmost stand is the 2,500 acres surrounding Cambria. These stands are extremely important as a gene pool due to genetic variations that protect certain trees from the pitch canker, a disease that is causing rapid loss of Monterey pine trees. Relatively undisturbed stands occur on the Cambria fringe area and in isolated pockets to the north. The proposed project is on the southern edge of the Cambria forest.
- 5.3.3 Monterey pine (*pinus radiata*) is listed as a *Rare, Threatened or Endangered* (list 1B) plant species by the California Native Plant Society (CNPS). The proposed project will remove approximately 21 Monterey pine trees, 8 with 6 inches in diameter or greater. The project proposes the removal of 4 coast live oaks, 1 with a 4 inch diameter or greater. More review on if the project meets these requirements is necessary:
- A According to the county's North Coast Area Plan, "construction and grading plans submitted to the County shall identify species and diameter of all Monterey pine trees that are six inches or more in diameter 4.5 feet above ground" (*LUCE, p. 7-21*). Project site visits reflect varying data on tree size and location.
- B Tree Standards of the CZLUO need to be followed in accordance with the Coastal Act Section 23.02.030b and OR 23.02.033. Removal applications must include the size, species, and condition of each tree proposed for removal, the purpose, and the size and species of any trees to replace the removed trees (*CZLUO, p. 5-18*). There are varying documented numbers for tree quantity on the site. For example, the staff report to the county Planning Commission details 20 Monterey pine total onsite (*p. 5-4*). However, the initial study details 27 total

onsite and 21 to be removed. This inconsistency is inadequate and unacceptable for evaluating the project's impacts.

- C "Plan notes shall indicate native trees and undergrowth outside of the 'project limit area' shall be left undisturbed" (*LUCE*, p. 7-22). No plan found identifying neighboring trees that could be impacted.
- D "Plan notes shall indicate no more than one-third of the area of drip line around any tree to be retained should be disturbed" (*LUCE*, p. 7-22). Plans depict construction and grading on the south side of the project in this root zone (1.5 times the distance from the trunk to the drip line) of existing trees kept in the plan. These trees will not survive long term from root disturbance and water divergence with the proposed design.
- E "Particular attention must be given to locations which are part of larger continuous undisturbed forested areas, show signs of regeneration, include a healthy assemblage of understory vegetation, support other sensitive species, provide a solid tree canopy and species nesting area, and that will minimize loss of Monterey pines, oaks, and forest habitat" (*LUCE*, p. 7-21). The project site has many juvenile, healthy Monterey pines that are showing signs of regeneration in the forest. There are sensitive species such as native grasses and other understory vegetation on the site including toyons, coyote bush, and coffeeberry, California morning glory, and more. The trees also provide a significant species nesting area and acorn silage.
- F The project site has significance in the biological continuance of the habitat with unique genome species to the native stand of Cambria's pine. *LUCE*, p. 7-21
- G The Coastal Zone Land Use Ordinance 23.05.064 is to preserve trees and natural vegetation, as "new development shall incorporate design techniques and methods that minimize the need for tree removal" (*CZLUO*, p. 5-19). Many healthy Monterey pines could be saved with greater integration of Coastal Act policies in the project's plan.

5.3.4 Any tree removed from development should be replaced in a location on the site with a common species. Tree removal within public view corridors shall be minimized in accordance with Visual and Scenic Resources Policy 5 (*CZLUO*, p. 5-17).

- A Monitoring needs to be implemented into the project scope in order for the replacement of vegetation to be consistent with the *LUCE* with the 4:1 ratio for Monterey pines and 6:1 for oak trees (*LUCE*, p. 7-23). If the project is to conform, the 2013 CalGreen codes, the required commissioning agent can monitor mitigation requirements.
- B Programs such as seed collection of removed Monterey pines for restoration, conservation, and education could be incorporated in order to mitigate the impacts of the tree removals.

5.3.5 The approved Initial Study for the Mitigated Negative Declaration is inconsistent with the project's Biological Resources (p. 5-85).

- A The setting description does not detail significant impacts to native and rare plant species such as native grasses on the existing property (p.5-85).

- B The setting description does not detail significant impacts to native Coast Live Oak trees on the site (p. 5-85).
- C The project site description identifies 16 of the 27 Monterey pine on the site as "showing signs of disease" (p. 5-85). There are currently no Monterey pines with pitch canker on the site. Diseases are common among Monterey pines and do not reflect a dying tree, so is not a case for making removal an appropriate measure. Most of the trees on the site are healthy and essential in forest regeneration.
- D The Initial Study describes the pines on the site as "leaning." This does not signify an unhealthy tree, unless there is an obstacle in its growth direction, and is no excuse to make removal insignificant (p. 5-85).
- E The document states, "the site lacks understory vegetation and related habitat characteristics of quality forest habitat" (p. 5-85). There are many native grasses, juvenile Monterey pines and oaks, as well as other native, understory plants on the site.
- F The MND has no mitigation or monitoring for the removal or replacement of Monterey pines or oaks, which should be included as this is a significant impact to the forest health, community, and aesthetics.

5.3.6 Construction practices need to be detailed and consistent with the North Coast Area Plan in order to protect the Monterey pines, oak trees, and significant understory vegetation.

- A "Practices to prevent root systems, trees and other vegetation shall include but not be limited to methods prescribed in the Cambria Forest Management Plan; avoiding compaction of the root zone..." (LUCÉ, p. 7-22). Monterey pines have very shallow root systems of 2-3 feet in Cambria's sandy loam soil characteristics. The roots of the pines intertwine with neighboring trees for support. Proposed construction could remove and impact more trees than detailed in the plan. It is necessary that these significant qualities of the native trees are incorporated in the planning and construction of the project.
- B Further protective measures should be included, such as "installing orange construction fencing around protected areas shown on the site plan, protecting tree trunks and other vegetation from construction equipment by wood fencing or other barriers or wrapping with heavy materials, disposing of waste, paints, solvents, etc off-site by approved standards and best practices; and using and storing equipment carefully." LUCÉ, p. 7-22-23

5.3.7 Development plan does not keep debris and dirt to a minimum of 15 feet away from trees on and abutting the site. LUCÉ, p. 7-22

5.3.8 Screen planting could result in significant short-term visual impacts due to the time required for planting to mature and become effective.

5.3.9 There does not appear to be inadequate rainwater catchment system to maintain plantings. The proposed non-potable water to be delivered from off site may be unavailable under drought conditions. A reduction in tree removal will aid in maintaining the natural landscape.

- 5.3.10 There needs to be a provision that the plantings shall reach maturity within 4 years. One-gallon saplings will not be adequate to meet the goal of masking 50% or more of the building and parking lots within the time required. Hard clay soil, typical of Cambria, must be amended to assure proper growth rate of vegetation.
- 5.3.11 There is concern whether the replanting will fail without a long-term monitoring system. *CZLUO 23.05.034(2)d. Landform alterations within public view corridors; CZLUO 23.05.034(2)g. Revegetation; CZLUO 23.05.034-036(2). Plant materials shall be watered; NCAP 1-6 G1.*
- 5.3.12 See Appendix 3 for photos of site showing existing environment.

6. Aesthetic Resources

6.1 Visual Resources Scenic Highway One and National Scenic Byway Designation

- 6.1.1 The California Coastal Act sets forth policies for the protection, maintenance, and enhancement of the California coast. The Act places an emphasis on the protection of ocean and coastal views from public areas, and designates Highway 1 as the most important coastal scenic highway in the state. This special status mandates that the highway remain a two-lane highway in the rural areas of the State and that the County protect the views from Highway 1. The California Scenic Highway Program was created to preserve and protect scenic highway corridors from change, which would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et. seq.
- 6.1.2 The National Scenic Byways Program of the Federal Highway Administration (FHWA) provides for the designation of roads that have outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities as All-American Roads (AAR) or National Scenic Byways (NSB). The FHWA promotes the collection as America's Byways. Highway 1 in north San Luis Obispo County, winds past and through some of the finest view sheds in the western United States, as the Highway traverses a variety of terrain. In June 2002, the San Luis Obispo North Coast Byway - Route 1, was designated an AAR by the FHWA. The San Luis Obispo North Coast Scenic Byway stretches 57 miles over California Highway Route 1, from the City of San Luis Obispo, north of Pismo Beach, to the Byway's northern point at the Monterey County line. The Byway contains four major sections: Morros, Estero Bay, Harmony Valley, and The Big Sur Gateway sections. Cambria is found along the Harmony Valley section of the Byway.
- 6.1.3 The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. *California Coastal Act Chapter 3 Section 30251 Scenic and visual qualities.*

- 6.1.4 The LUP's Visual and Scenic Resources policies seek to preserve, protect, and restore scenic vistas and sensitive habitats by minimizing their grading and landform alteration. The LCPA implements these policies by, for example, prohibiting grading within 100 feet of ESHA with few exceptions. Tree removal within public view corridors shall be minimized in accordance with *Visual and Scenic Resources Policy 5 (CZLUO, p. 5-17)*
- 6.1.5 Structures and parking areas that visually contrast with the surrounding landscape could be seen from a distance as scars on the land and could adversely affect the natural visual setting of the hillside, resulting in a potentially significant impact.
- 6.1.6 Signage required for identification, parking and staging, safety and other purposes could block scenic views and create visual clutter on the Highway One and National Scenic Byway corridor resulting in a potentially significant impact.
- 6.1.7 Proposed structures, parking lot, and security lighting could result in development that would be out of character with the setting resulting in adverse visual impacts to the community.
- 6.1.8 The size and scope of the project as seen from the bluff of Highway 46 and Highway One both north- and southbound is not consistent with the intent of the Scenic Highway and National Scenic Byway designation because no open space preservation has been proposed as a mitigation measure. *Open space preservation Sensitive Resource Area 23.04.210* "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.
- 6.1.9 Project obstructs viewshed of Monterey pine, oak and redwood forest from Highway One beginning approximately 1,000 feet west toward the coastline.
- 6.1.10 The elevations and landscape plan not in keeping with the Title 23 Coastal Zone Land Use Ordinance (CZLUO). Landscaping appears to be manicured and not blending with the natural landscape.
- 6.1.11 The County of SLO recognizes the importance of Cambria as "visitor destination area." The Kingston Bay project will deleteriously affect the desirability of our town as a tourist destination as open space is a major attraction. *NCAP 1-8 B13B*

6.2 Lighting

- 6.2.1 The 24-hour commercial lighting plan will affect the adjacent residential neighborhood and the rural feeling along Scenic Highway One. The lighting will forever destroy the opportunity for Cambrians and visitors to enjoy the nighttime sky. On frequent foggy nights in Cambria the HID lighting will transform the night into a pervasive glow similar to a strip mall.

- 6.2.2 With the requirement to preserve the night sky, we believe there should be no lighting taller than 4 feet. Lighting 25'-40' tall interferes with the scenic highway views and is out of keeping with the rural residential neighborhood. There should be no use of sodium vapor "orange" lighting. Minimum wattage for way finding is appropriate and safe. We suggest bollard parking lot lighting, high efficacy, low wattage path lighting, no landscape lighting or building lighting except at doorways. All lighting must be full cut-off with no more than 5% spread.
- 6.2.3 Street lighting should not be permitted as it is not in character with adjacent residential streets.
- 6.2.4 Plan does not specify lighting in accordance with CZLUO 23.04.320. CZLUO 23.04.320a. *Illumination only*; CZLUO 23.04.320b. *Light directed onto lot*; CZLUO 23.04.320c. *Minimization of light intensity*; CZLUO 23.04.320d(1). *Ground illuminating lights*; CZLUO 23.04.320d(2). *Elevated feature illumination*; CZLUO 23.04.320e. *Height of light fixtures*; CZLUO 23.04.320f. *Street lighting*; North Coast Area Plan (NCAP) 1-6.G4; 1-8.12E; 1-8.13; 1-6.G4

6.3 Noise

- 6.3.1 So much excavation and grading is required to make this site buildable for this project that construction machinery will negatively impact the neighborhood's residents and wildlife with noise and vibration for months.
- 6.3.2 Construction activities could temporarily produce noise levels ranging from 70 to 95 dBA at a distance of approximately 50 feet from the source, potentially affecting adjacent sensitive land uses, and resulting in a potentially significant short-term impact.
- 6.3.3 Development of the proposed project would expose existing sensitive residential receptors surrounding the project site to temporary construction-related noise impacts, resulting in a potentially significant, direct, short-term impact.
- 6.3.4 Development would result in the generation of stationary noise levels exceeding acceptable thresholds at the property line of adjacent existing grazing land uses, resulting in a potentially significant long-term impact.
- 6.3.5 Development would result in the generation of daily noise from cars, shuttles, delivery trucks (engine noise and reverse beeping alarms), trash trucks, commercial kitchen exhaust fans (preparing breakfast, lunch and dinner every day). Other frequent noise would be generated by medical transport vans and ambulances.
- 6.3.6 Roof mounted air-conditioning and heating units are not shown on elevations, but are described in the plans. These commercial units, the amount and location are not known, will be noisy and will most likely be visible from surrounding neighborhoods and Highway One.
- 6.3.7 For proper care of the natural landscape, the understory needs to remain intact to ensure healthy vegetation. Gasoline operated leaf blowers must be prohibited to protect the ecology of dead material, such as downed deadwood, twigs and leaves, for insects, fungi and microorganisms to decompose and recycle into forest loam.

7. Public Services & Utilities

7.1 Emergency Services

7.1.1 The entire North Coast Planning Area, and a portion of southern Monterey County, is served by the Cambria Community Health Care District which provides paramedic ambulance service. The CCHD provides one full-time ambulance at all times that is staffed with EMT personnel. At the current time, emergency medical service has been considered barely adequate. The most recent figures available are for May 2013, during which there were 51 ambulance calls in Cambria—more than one per day, according to the Sheriff's report to the NCAC, 6/29/13. Kingston Bay will place an additional burden on emergency medical services. The ability of emergency personnel to efficiently respond to requests for assistance from all other areas of Cambria could be impacted by the use of Cambria's single ambulance for transporting project residents. The closest hospital is more than 30 minutes away, resulting in a gap in coverage of at least 1 hour (travel time only, not including time spent transitioning patients to ER personnel), resulting in a potentially significant impact. *NCAP 3-9 D.7. Emergency Medical Services*

7.1.2 Fire hazard is a serious issue in Cambria with limited fire fighting equipment and personnel; the response time is between 5-30 minutes. Chief Miller considered the project an insignificant impact on emergency fire services by requiring the residents to stay in the *fire-retardant* building until they can be evacuated. If the fire is intense, residents could be seriously injured or die from smoke inhalation and/or intense heat. The project is in a high fire zone, surrounded by trees. *NCAP 3-8 D6. Fire Protection*

7.2 Medical Services

7.2.1 Cambria has one physician. He is currently overwhelmed with the volume of patients, so that provision of non-specialized medical care for Kingston Bay residents would burden already strained resources.

7.3 Other Services

7.3.1 The project is an urban edge commercial development in a residential area with no services (see photo in Appendix 4).

8. Transportation & Circulation

8.1 Traffic

8.1.1 Ardath is a public access road to the beach although primarily used by residents and locals. The location of this development is inconsistent with coastal Public Access because it does not minimize the use of coastal access roads. *CCA 30252 Maintenance and enhancement of public access*

- 8.1.2 Applicant has done a traffic study, but the study has not addressed our concerns.
CCA Section 30252 Maintenance and enhancement of public access

8.2 Parking

- 8.2.1 The proposed development would result in a parking demand exceeding proposed supply, resulting in a potentially significant impact.
- 8.2.2 The proposed development would result in an increased demand for parking within adjacent neighborhoods, resulting in a potentially significant impact.
- 8.2.3 Kingston Bay should be required to locate the parking lot away from Highway One scenic roadway. *NCAP 1-8 14 D; CZLUO 23.04.163. Location of Parking on Site*

8.3 Vehicle Trips & Energy Consumption

- 8.3.1 The proposed development would result in an increase in vehicle trips affecting adjacent neighborhoods, resulting in a potentially significant impact.
- 8.3.2 The development does not minimize energy consumption and vehicle miles traveled because it is 30 miles from the nearest hospital and from all specialized medical services. It is also situated as far as possible from downtown where all services are located and still be in Cambria. *CCA Sect. 30253(d.) Minimize energy consumption; NCAP 5-7 C3*
- 8.3.3 This site is unsuitable for senior citizens as there is no area for outdoor activities, the project is on hilly streets with no sidewalks, and the proposed dead-end section of sidewalk on Ardath Drive has no connection to public services or walkable streets.

8.4 Neighborhood & Views

- 8.4.1 The development does not protect neighborhood of the Fiscalini Ranch Preserve that because of its unique characteristics, is a popular visitor destination point for recreational uses. *CCA Sect. 30251 Scenic and visual qualities*
- 8.4.2 The development does not protect views to the ocean and scenic coastal area, does not minimize alternation of natural landforms, and is not visually compatible with the character of surrounding areas. *CCA Sect. 30253(e). Protect special communities and neighborhoods*

9. Air Quality

9.1 Emissions

- 9.1.1 PM10 emissions resulting from construction activities would result in direct short and long-term impacts on air quality, further exacerbating the County non-attainment status for PM10.

- 9.1.2 The applicant must be monitored to mitigate pollution to the adjacent neighborhood, to the Cambria shore and Fiscalini Ranch Preserve.
- 9.1.3 The applicant should be required to reduce air pollution by hiring local workers to reduce traffic and air pollution. *NCAP 2-13 2A3. Locally based workers*
- 9.1.4 Relocating the project closer to services will further reduce trips to long distance hospitals, doctors and other services not available in Cambria.

9.2 Grading

- 9.2.1 Grading activities that include moving more material than 2,000 cubic yards in a day exceed significance thresholds for construction-related emissions, resulting in potentially significant air quality impacts and destruction of the natural terrain.

10. Hazards & Hazardous Materials

10.1 Pharmaceutical Effluent

- 10.1.1 As a Senior Living facility, the project will add an immediate and significant concentration of pharmaceutical effluent to the Cambria wastewater system, which will not be fully filtered before entering North Coast waterways.

10.2 Asbestos

- 10.2.1 Earth moving activities for development of the proposed project would result in grading activities that may expose naturally occurring asbestos, resulting in an indirect short-term impact.

11. Cultural Resources

11.1 Archeology

- 11.1.1 Construction on the site may result in the disturbance and destruction of unknown subsurface cultural resources, resulting in a potentially significant impact.
- 11.1.2 A new archeology report should be required. The project is using a surface archeology report from 1984. Technology has advanced to allow for more extensive and accurate accounting of possible cultural resources that would have been impossible 30 years ago at the time of the report being used. *CCA, Section 30244*

12. Alternative Analysis

12.1 Alternative Analysis or EIR

12.1.1 No alternative analysis or EIR was performed. CEQA, §15126.6(a) *Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives..*

12.1.2 The NCAP allows for multi-family housing in the downtown, close to employment areas. Vacant parcels are available for this purpose. NCAP 5-7 C3

12.2 Range of Reasonable/Environmentally Superior Alternatives/

12.2.1 The development destroys pristine land when there are vacant sites in town. Cambria's commercial buildings are underutilized. For example:

- Old Grammar School
- Parcels for sale on Main Street
- Vadnais office building has been vacant for more than 12 years
- Rod and Reel mobile home park
- Lots on Cornwall Street, off Main Street
- Vacant Ace Hardware Store

These are level sites close to grocery stores, retail shopping, pharmacy, medical services, churches, recreation such as lawn bowling and the Joslyn Recreation Center. (See Appendix 5 for photos of sample alternative sites).

13. Appendices

13.1 Appendix 1: Table of Equivalent Dwelling Units

EXHIBIT A

TABLE OF EQUIVALENT DWELLING UNITS (EDUs)

Equivalent dwelling units shall be determined on the following scale:

CLASS OF USE	EDUS	Notes
Bank (for each ten employees or fraction)	0.57	*
Bar/lounge (for each ten seats or fraction)	0.43	
Barber shop	0.53	
Beauty shop/salon	1.05	*
Care facility (per unit, bed or occupancy)	0.38	****
Church/public assembly/meeting hall—No kitchen	0.39	*
Church/public assembly/meeting hall—With kitchen	1.72	*
Day care facility**	0.72	
Drug store	0.60	
Fast food/take-out	2.76	
Food market—Small	1.30	*
Food market—Large (super market)	5.40	*
Gas/service station/convenience store (per bay)***	2.10	*
Garage (repair only, no fueling, etc.)	0.33	
Laundromat (per washing machine)	0.65	
Medical office—Doctor/dentist/veterinarian	1.30	*
Motel/bed and breakfast (per unit, with no kitchen)	0.60	
Office/retail store (per ten employees or fraction)	0.43	
Residential (each single-family, mobile home, condo or motel unit with kitchen)	1.00	
Restaurant (per seat) with 1.0 EDU minimum for each business	0.07	
Theater (100 seats or less)	0.44	

When a project does not fit into any of the categories listed above, the general manager shall compute the required EDUs by developing a project summer season average monthly demand estimate and then converting to EDUs.

For combination uses or combinations of tenants, or owner/occupants in a proposed project, each individual use or occupancy will be computed separately, using the

Table of EDUs. For example, a proposed building that will include a beauty shop, drug store and small food market would be computed as follows:

USE / OCCUPANCY	EDUS
Beauty shop	1.05 EDUs
Drug store	0.60 EDUs
Small food market	1.30 EDUs
Total Project	2.95 EDUs

For motels, bed and breakfasts or other commercial uses, where an on-premises living unit is included, it shall be considered a commercial use, computed at 1.00 EDU. Thus, a bed and breakfast that includes five guest bedrooms plus a manager's living unit would be computed as follows:

USE / OCCUPANCY	EDUS
Manager's unit	1.00 EDU
5 guest rooms at 0.60	3.00 EDUs
Total Project	4.00 EDUs

Notes reference:

* Figure based on 1994 summertime usage.

** Day care use only. If this commercial use includes staff living quarters, then 1.00 EDU shall be added to the day care EDUs to derive the total project EDUs.

*** For service stations and gas station/convenience stores, the reference to "per bay" means each separate fuel pumping island, regardless of the number of pumps.

**** Care facilities are defined as either of the following, or a combination thereof, and are allocated as commercial accounts:

A. Convalescent facilities, which include nursing homes with wards or semi-private rooms where patients have full-time medical personnel on site, and the patients are not in an apartment or studio unit; or

B. Senior facilities, which include individual living units with a common dining area, where residency is restricted to persons aged fifty-five (55) or older, and are either apartments or studios without kitchens, and may have more than one occupant.

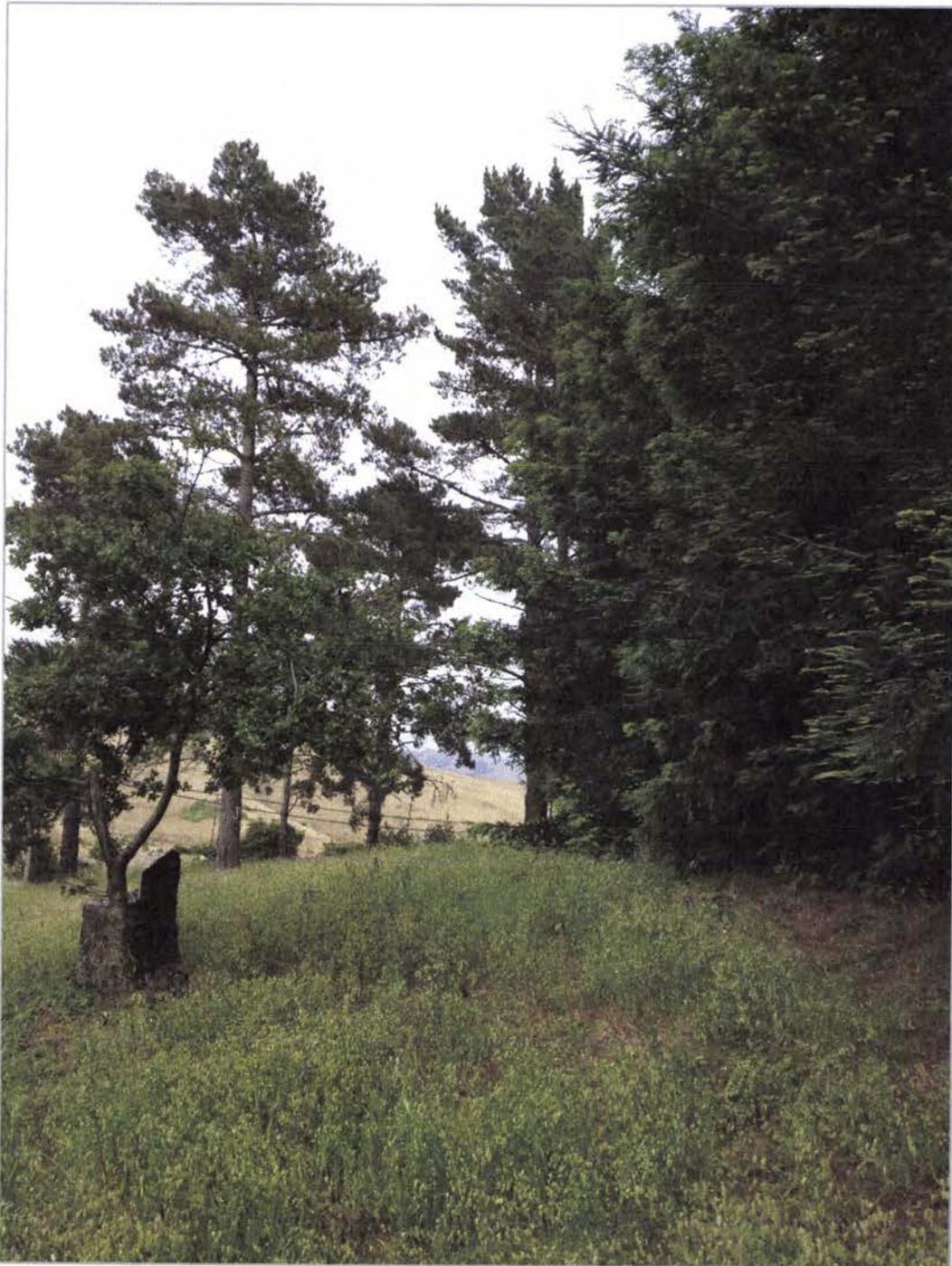
13.2 Appendix 2: Retaining Walls & Non-Conforming Landscaping



Note: The absence of parked cars and trucks in the drawing above results in the 21-space parking lot at the front of the building being rendered invisible.



13.3 Appendix 3: Site photos







13.4 Appendix 4: No Services in Area

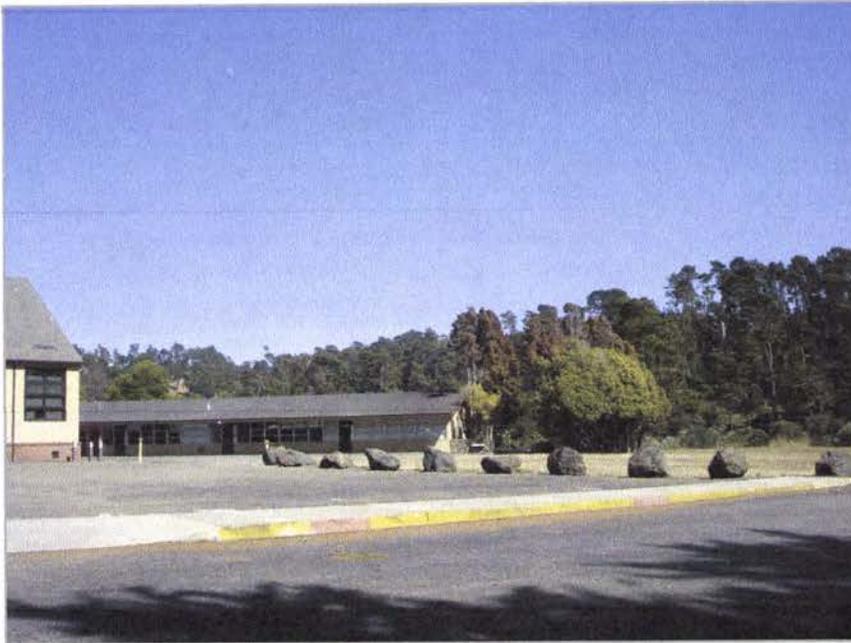


Closeup of relevant section of developer's view of project from Ardath Drive and Scenic Highway One (BOS Agenda 293/2013, 3_Photo-simulations.pdf, p1). The sign indicating "No Services" has been omitted. See below.

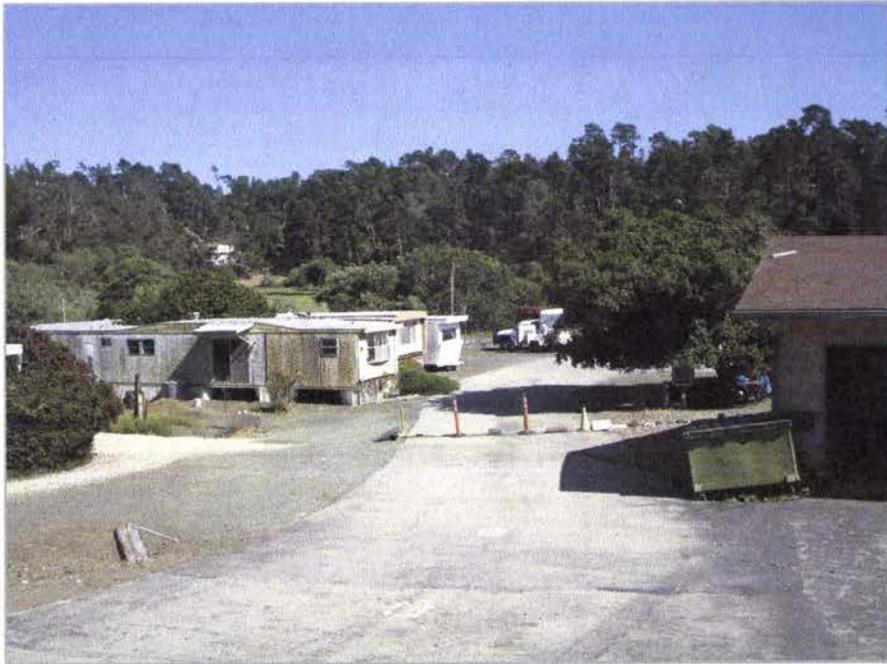


13.5 Appendix 5: Alternative Sites Photos

1. Old Cambria Grammar School



2. Old Rod & Reel Mobile Home Park



3. Vadnais Tamson Street Commercial Property

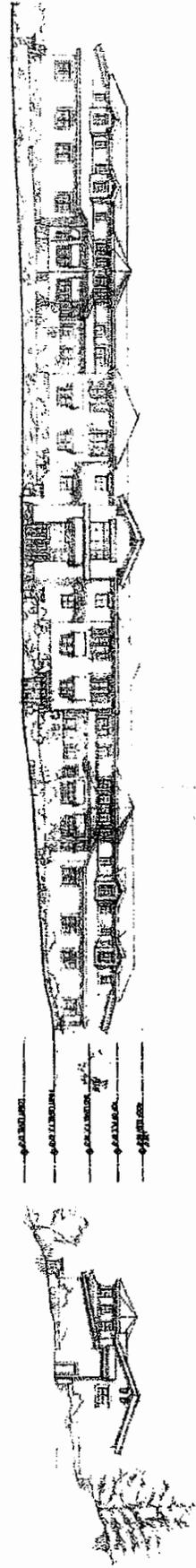


4. Downtown Main Street Lot



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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

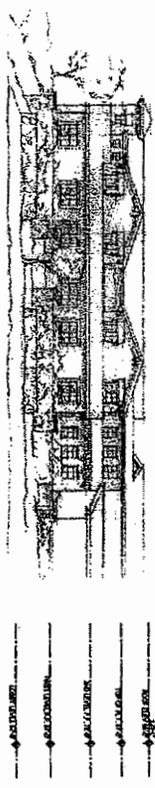


NORTH ELEVATION SHEET 6

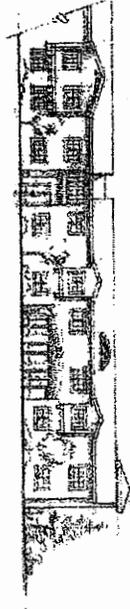
EAST ELEVATION SHEET 4



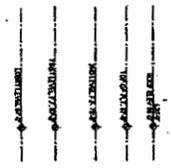
SOUTH ELEVATION SHEET 3



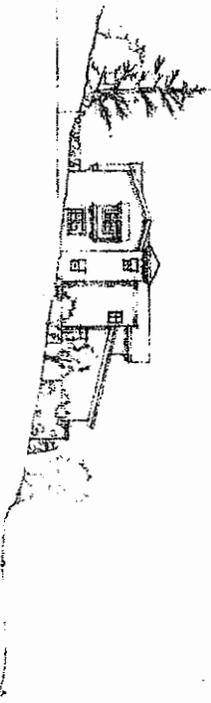
PARTIAL NORTH ELEVATION SHEET 5



PARTIAL SOUTH ELEVATION SHEET 2



WEST ELEVATION SHEET 1



PROJECT

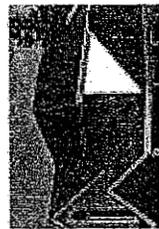
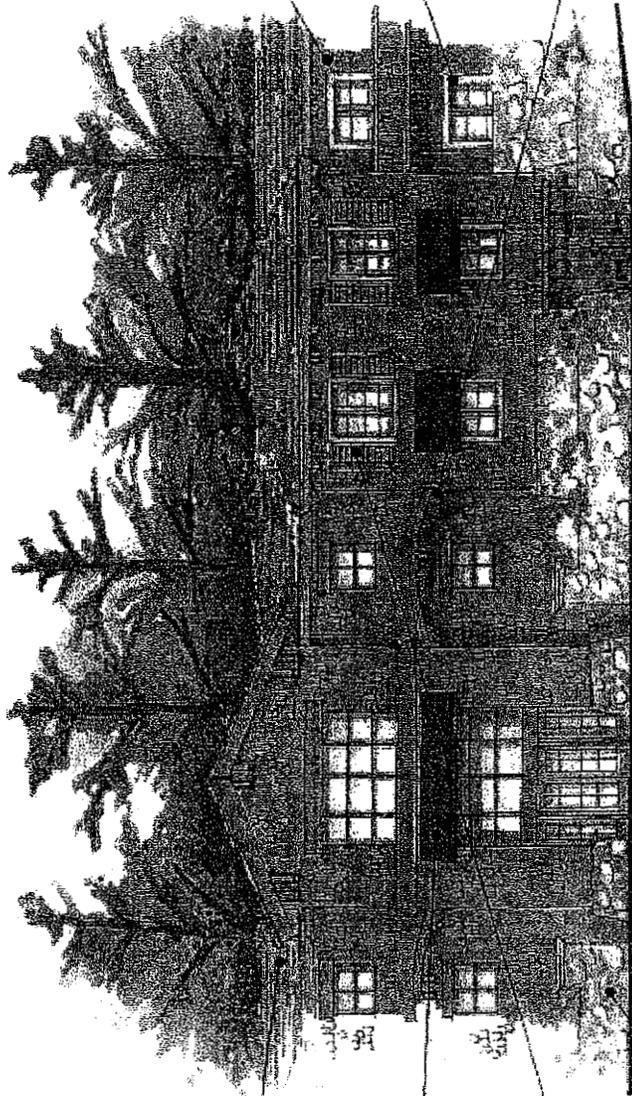
Conditional Use Permit
Clark DRC2005-00103

EXHIBIT

Elevations



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



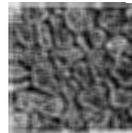
P1



P2



P3



P4



P5

Color Key	Color	LRY	Description	Manufacturer
Paint				
P1	522 Dark Forest	(6)	Window shutter	Frazer
P2	AC1163 Roasted Pepper	(10)	Overlay	Frazer
P3	146 Oxford Brown	(7)	Shingles	Frazer
P4	8262W Penna Shell	(58)	Window Trim	Frazer
P5	8276A Mesquite Canyon	(17)	Window casing	Frazer
Stone				
S1	Beige Brown Gray		Rustic Stone Trestle	Cultured Stone
Roof				
R1	Ravenwood		30 yr comp. roof shingles- fire rated	Elk

PROJECT

Conditional Use Permit
Clark DRC2005-00103



EXHIBIT

Color Board

Exhibit E – Applicable San Luis Obispo County LCP Policies and Standards

North Coast Area Plan - Cambria Urban Area Standards - Community Wide

Chapter 3: Services & Resources: Water Supply (page 3-15): ...Accordingly, after reviewing reliability conclusions of the CCSD's Water Supply Analysis during a November 15, 2001 meeting, the CCSD Board declared a Water Code 350 emergency and enacted a moratorium for new connections with an exception for certain projects that were already in process. These "pipeline" projects amounted to approximately 202 EDUs at the time of the November 15, 2001 moratorium. In April 2006, it was estimated that a pproximately 80 EDUs out of the 202 EDUs have been connected...

Planning Area Standards:

2. Reservation of Service Capacity. The Cambria Community Service District (CCSD) shall reserve available water and sewage treatment capacity for the following priority uses:

A. Visitor-Serving Uses. To preserve and allow for continued growth of visitor-serving facilities, 20 percent of water and sewer capacity shall be reserved and maintained for visitor-serving and commercial uses.

4A. Water Service in Cambria. Until such time as may be otherwise authorized through a coastal development permit approving a major public works project involving new potable water sources for Cambria, new development not using CCSD connections or water service commitments existing as of November 15, 2001 (including those recognized as "pipeline projects" by the Coastal Commission on December 12, 2002 in coastal development permits A-3-SLO-02-050 and A-3-SLO-02-073, shall assure no adverse impacts to Santa Rosa and San Simeon Creeks;

4B. Water Conservation Requirements. Unless this requirement is otherwise modified through a coastal development permit authorizing a major public works water supply project for Cambria, new development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the Cambria Community Service District's service area, or through other verifiable actions to reduce existing water use in the service area (e.g. the replacement of irrigated landscaping with xeriscaping). Accordingly, all coastal development permits authorizing such development shall be conditioned to require applicants to provide to the Planning Director (or the Coastal Commission Executive Director where applicable) for review and approval prior to construction, written evidence of compliance with CCSD Ordinance 1-98, as approved by the CCSD Board of Directors on January 26, 1998, and modified on November 14, 2002, and as codified in CCSD Code Chapter 4.20 in 2004; however, no retrofit credits may be obtained by extinguishing agricultural water use, or funding leak detection programs.

Such permits shall also be conditioned to require written confirmation from the CCSD that any in-lieu fees collected from the applicant have been used to implement projects that have reduced existing water use within the service area in an amount equal or greater to the anticipated water use of the project.

Combining Designations:

- 1. Monterey Pine Forest Habitat (SRA) (TH) - Purpose.** The purpose of these standards is to minimize tree removal and avoid impacts to the sensitive Monterey pine forest habitat. Applications for development within this SRA may require the preparation of a biological report, depending on the result of a mandatory site review. In the event that the site review indicates that the site may contain environmentally sensitive habitat areas as defined in Coastal Act section 30107.5, a biological report that includes information identified in Section 23.07.170 of the Coastal Zone Land Use Ordinance, as well as any additional information needed to address the development standards below, shall be required. The determination of the need for a biology report shall consider factors including but not limited to the size and connectivity of the forest area, potential presence of special status plant or animal species, and the health and condition of the forest area. All development within Monterey pine forest (TH) shall include the following minimum standards:
 - A.** A “project limit area” shall be established in a manner that avoids Monterey pine forest impacts to the maximum extent feasible, is located on the least sensitive portion of the site, and safeguards the biological continuance of the habitat. Particular attention must be given to locations which are part of larger continuous undisturbed forested areas, show signs of forest regeneration, include a healthy assemblage of understory vegetation, support other sensitive species, provide a solid tree canopy and species nesting areas, and that will minimize loss of Monterey pines, oaks, and forest habitat. The project limit area shall include all areas of the site where vegetation will need to be trimmed or removed for fire safety purposes.
 - B.** Applications for new development within the Monterey pine forest shall demonstrate that no native vegetation outside the “project limit area” shall be removed, except for trees identified as hazardous by a qualified professional. New development shall be sited to ensure that any required vegetation removal will be done fully on private property and will not encroach on any public lands or sensitive habitat areas. If development cannot be sited to avoid encroachment within sensitive habitat areas, such encroachments shall be minimized to the maximum extent feasible and appropriate mitigation in support of habitat restoration shall be required.
 - C.** Plan Requirements. All site, construction and grading plans submitted to the County shall identify by species and diameter all Monterey pine trees that are six inches or more in diameter 4.5 feet above ground and oak trees four inches or more in diameter 4.5 feet above ground identified by species and diameter. The plans shall indicate

which trees are to be retained and which trees are proposed for removal. In addition, such plans shall clearly show:

- 1) The “project limit area” shall include all areas of grading (including cut and fill areas, utility trenching and offsite improvements) and vegetation removal, the development footprint (i.e., all structures and/or site disturbance) necessary fire clearances and staging areas for all construction activities, the location of those activities, and areas for equipment and material storage.
- 2) Sturdy and highly visible protective fencing that will be placed along the 'project limit area'. Plan notes shall indicate this fence should remain in place during the duration of project construction to protect vegetation from construction activities.
- 3) Plan notes shall indicate native trees and undergrowth outside of the “project limit area” shall be left undisturbed.
- 4) Identify any necessary tree trimming. Plan notes shall indicate a skilled arborist, or accepted arborist's techniques, will be used when removing tree limbs.
- 5) Plan notes shall indicate wherever soil compaction from construction will occur within driplines that the compacted root zone area shall be aerated by using one of the following techniques: a. Injecting pressurized water. b. Careful shallow ripping that radiates out from the trunk (no cross-root ripping). c. Other County-approved techniques.
- 6) Plan notes shall indicate no more than one-third of the area of the drip line around any tree to be retained should be disturbed, or as recommended in an arborist's or biologist's report.

D. Notice of pending tree removal application. Where Plot Plan approval is required for a tree removal permit, a notice shall be posted by the property owner or representative near the front property line on the subject site. The notice shall be maintained in good condition by the property owner until permit issuance.

E. Construction Practices. Construction practices to protect Monterey pines, oak trees and significant understory vegetation shall be implemented. These construction practices are to include at minimum;

- 1) All plan notes required in Standard C. above shall be implemented.
- 2) **Protective Measures.** Practices to protect root systems, trees and other vegetation shall include but not be limited to: methods prescribed in the Cambria Forest Management Plan; avoiding compaction of the root zone; installing orange

construction fencing around protected areas shown on the site plan; protecting tree trunks and other vegetation from construction equipment by wood fencing or other barriers or wrapping with heavy materials; disposing of waste, paints, solvents, etc. off-site by approved environmental standards and best practices; and using and storing equipment carefully.

3) Stockpiling of Materials. Materials, including debris and dirt, shall not be stockpiled within 15 feet of any tree, and shall be minimized under tree driplines as required by the land use permit and the Fire Safety Plan. Stockpiled materials shall be removed frequently throughout construction. All stockpiled materials shall be removed before final inspection.

4) Construction Practices. Excavation work shall be planned to avoid root systems of all on-site trees and trees on abutting properties. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.

5) Driveway Placement. When remodeling or replacing existing residences, avoid moving established driveways if trees or significant vegetation would be negatively impacted.

F. Replacement of Vegetation. Any Monterey pine trees that are six inches or more in diameter 4.5 feet above ground removed shall be replaced at a 4:1 ratio. Any oak trees that are four inches or more in diameter 4.5 feet above ground removed shall be replaced at a 6:1 ratio. All open areas of the site disturbed by project construction are to be seeded with native, drought and fire resistant species that are compatible with the habitat value of the surrounding forest. Replacement vegetation shall be planted in conformance with the following measures:

1) A replanting plan shall be prepared as a part of the application. Elements of this plan shall include the type, size and location of vegetation; a description of irrigation plans; and plan notes indicating compliance with the standards of this section. Any proposed on-site or off-site replanting plan must be approved by the County Planning and Building Department prior to issuance of building permits.

2) Container sizes for all replacement seedlings shall be one gallon, unless approved by the Director of Planning and Building. *Pinus radiata* var. *macrocarpa*, the native Monterey Pine tree, shall be used for replanting of any pine tree removed. No out of area Monterey Pine stock shall be used.

3) New trees shall be planted to reinforce the forest character on the site and in the street frontage, and to screen proposed development. If insufficient area exists to plant all or any of the replacement vegetation on site, then the replanting plan

shall identify an appropriate off-site area and owned or managed by an appropriate government agency or nonprofit organization. If an off-site replanting is chosen, the replanting must occur with the review and approval of the Environmental Coordinator, and shall be verified by submittal of a letter from the appropriate agency or organization to the Environmental Coordinator. All replacement conditions and monitoring measures (e.g., number of trees, maintenance, etc.) shall apply.

4) To prevent or reduce the spread of disease from pine pitch canker, bark beetles or other diseases affecting the forest, the following measures shall be followed: **a.** Infected or contaminated material shall not be transported to areas that are free of the disease; **b.** When cutting or pruning a diseased tree, tools shall be cleaned with a disinfectant before using them on uninfected branches or other trees; **c.** Disease and insect buildup shall be avoided by promptly removing and disposing of dead pine material by either burning (where and when allowed), burying, tarping with clear plastic for six months, or chipping. If material is chipped, it should be left as a thin layer on site; **d.** Plant material shall be covered or enclosed when it is taken off-site to avoid dispersal of material contaminated with bark beetles.

5) Prior to final building permit inspection, the applicant shall provide a letter to the County prepared by a qualified nurseryman or landscape contractor that the revegetation plan has been properly implemented; and

6) All new plants shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

7) Maintenance shall be often enough to keep weeds at least 3 feet away from each planting, provide adequate moisture to all plants, and ensure all other components (e.g., irrigation system, caging) are kept in good working order.

8) The health and maintenance of replacement vegetation shall be monitored at least once a year from the date of final building permit inspection for a period of time no less than three years, or until the vegetation is successfully established, whichever comes later. Monitoring reports shall be prepared by an expert competent in landscape planting and maintenance of the Monterey pine forest, and reports shall be submitted to and approved by the County.

G. Understory Vegetation Removal. No understory vegetation shall be removed until a permit has been issued or unless an immediate hazardous condition exists. Understory vegetation removal to create, improve, or maintain adequate defensible space and Fire

Hazard Fuel Reduction shall be the minimum necessary. Evidence used to determine whether understory vegetation has been removed without a permit will include, but is not limited to, all photo documentation available. At the time of permit application, if there is evidence that the understory has been cleared without a permit or if there is evidence that the understory has been cleared outside of the approved 'project limit area,' 20 plants from the following list shall be planted on-site for every 1,000 square feet affected. At least four different species shall be used of approximately equal amounts. All plants shall be from container stock of one-gallon or less. All planting shall be subject to the "Replacement of Vegetation" requirements described above.

1) Acceptable Species. The following are considered acceptable for replacement: *Quercus agrifolia* (Coast Live Oak) - no more than two seedlings per 1,000 square feet; *Arctostaphylos tomentosa* (Manzanita); *Heteromeles arbutifolia* (Toyon); *Rhamnus californica* (Coffeeberry); *Rubus ursinus* (California Blackberry); *Symphoricarpos mollis* (Creeping Snowberry); *Vaccinium ovatum* (Evergreen Huckleberry); *Ribes menziesii* (Gooseberry); *Lonicera hispidula* (Honeysuckle).

H. Clustering of Development Required. Clustering shall be required for new land divisions or multi-family residential development projects within the Monterey Pine Forest Habitat areas. New land divisions or multi-family residential development shall ensure that all future development shall be located entirely outside of ESHA and necessary buffers consistent with Coastal Zone Land Use Ordinance Section 23.07.170. All of the ESHA and buffers shall be retained and protected as Open Space. When feasible, new development shall be restricted to slopes less than 20 percent.

NCAP Circulation Program 3B - Cambria Urban Area. The County should continue to monitor the need for passing lanes, traffic signals, and channelization of the southerly section of Main Street/Ardath Drive, and Cambria Drive intersections...

COASTAL PLAN POLICIES

Environmentally Sensitive Habitats (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.

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 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.

Policy 20: Coastal Streams and Riparian Vegetation. Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.

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.

Policy 30: Protection of Native Vegetation. Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed.

Policy 35: Protection of Vegetation. Vegetation which is rare or endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat.

Coastal Watersheds:

Policy 1: Preservation of Groundwater Basins. The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted.

Policy 2: Water Extractions. Extractions, impoundments and other water resource developments shall obtain all necessary county and/or state permits. All pertinent information on these uses (including water conservation opportunities and impacts on in-stream beneficial uses) will be incorporated into the data base for the Resource Management System and shall be supplemented by all available private and public water resources studies available. Groundwater levels and surface flows shall be maintained to ensure that the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organisms, and for the protection of human health.

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation. Selection of appropriate control measures shall be based on evaluation of the development's design, site conditions, predevelopment erosion rates, environmental sensitivity of the adjacent areas and also consider costs of on-going maintenance. A site specific erosion control plan shall be prepared by a qualified soil scientist or other qualified professional. To the extent feasible, non-structural erosion techniques, including the use of native species of plants, shall be preferred to control run-off and reduce increased sedimentation.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

Policy 11: Preserving Groundwater Recharge. In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats.

Rec and Visitor-Serving Facilities:

Policy 2: Priority for Visitor-Serving Facilities. Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources. The Land Use Plan shall incorporate provisions for areas appropriate for visitor-serving facilities that are adequate for foreseeable demand. Visitor-serving commercial developments that involve construction of major facilities should generally be located within urban areas. Provisions for new facilities or expansion of existing facilities within rural areas shall be confined to selected points of attraction.

Public Works:

Policy 1: Availability of Service Capacity. New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that

there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable.

Policy 5: Capital Improvement Projects. To fully realize the potential of all capital improvement projects, the county will institute a coordinated capital improvement review process. Special districts and other governmental entities within the coastal zone shall: a. Be encouraged to annually prepare a report on current service capabilities, including existing levels of service and present or proposed service capacities. b. Be encouraged to prepare a list of proposed public works recommended for planning, initiation or construction during future years in accordance with the requirements of the Capital Improvement Program Guidelines. c. Submit proposed construction projects recommended for the ensuing fiscal year to the county for review, comment and findings as to the conformity of proposed projects with the Coastal Plan.

Policy 6: Resource Management System. The county will implement the Resource Management System to consider where the necessary resources exist or can be readily developed to support new land uses. Permitted public service expansions shall ensure the protection of coastal natural resources including the biological productivity of coastal waters. In the interim, where they are identified public service limitations, uses having priority under the Coastal Act shall not be precluded by the provision of those limited services to non-priority uses.

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.

Policy 6: Special Communities and Small-Scale Neighborhoods. Within the urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community.

Hazards:

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability.

Policy 3: Development Review in Hazard Areas. The County shall provide a detailed review of development proposals within a geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone.

Air Quality:

Policy 1: The county will provide adequate administration and enforcement of air quality programs and regulations to be consistent with the county's Air Pollution Control District and the State Air Resources Control Board.

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.

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.

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.

COASTAL ZONE LAND USE ORDINANCE (CZLUO) SECTIONS:

23.04.100. Setbacks. The following sections determine the use and minimum size of setbacks for structures. The purpose of these standards is to provide for open areas around structures where needed for: visibility, traffic safety and fire safety; access to and around buildings; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation. (See figures located in Chapter 11 Definitions - Lot, Corner and Setback). These standards are organized as follows:

23.04.104 Exceptions to Setback Standards; 23.04.106 Use of Setbacks;
23.04.108 Front Setbacks; 23.04.110 Side Setbacks; 23.04.112 Rear Setbacks;
23.04.114 Interior Setbacks and Open Areas; 23.04.116 Projections into Required
Setbacks; 23.04.118 Blufftop Setbacks

23.05.104 - Site Access and Driveway Requirements. 23.05.104 - Site Access and Driveway Requirements... (f) Adjustments. An adjustment to the standards of Section 23.05.104d or e may be granted where proposed by the applicant and mitigated practices are approved by the fire inspection authority, where the mitigation provides for the ability to apply the same degree of accepted fire suppression strategies and tactics and fire fighter safety as these regulations overall, towards providing a key point of defense from an approaching fire or defense against encroaching fire or escaping structure fires. (1) Application filing and processing. Requests for adjustment shall be filed with the fire inspection authority by the applicant or the applicant's representative in the form of an attachment to the project application. The request shall state the specific requirement for which an adjustment is being requested, material facts supporting the contention of the applicant, the details of the adjustment or mitigation proposed and a site plan showing the proposed location and siting of the adjustment or mitigation measure, where applicable. A request for adjustment shall be approved by the fire inspection authority when it has determined that the criteria for adjustment are satisfied as described in Section 23.05.104f. (2) Appeals. Where an adjustment is not granted by the fire inspection authority, the applicant may appeal such denial to the Fire Appeal Board as set forth in Title 16 of the county code. Decisions by the Fire Appeal Board may be appealed to the Planning Commission (Section 23.01.042).

23.04.430. Availability of Water Supply and Sewage Disposal Services. A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section. Subsections a. and b. of this section give priority to infilling development within the urban service line over development proposed between the USL and URL. In communities with limited water and sewage disposal service capacities as defined by Resource Management System alert levels II or III: **a)** A land use permit for development to be located between an urban services line and urban reserve line shall not be approved unless the approval body first finds that the capacities of available water supply and sewage disposal services are sufficient to accommodate both existing development, and allowed development on presently-vacant parcels within the urban services line.

23.11.030. Sensitive Coastal Resource Area. Means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity, pursuant to Section 23.01.043c(3) of this title.

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...
- 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 first avoid, then minimize impacts to ESHA. These identified constraints 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...

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.

...

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.

ii. Coastal accessways. Public access easements and interpretive facilities such as nature trails which will improve public understanding of and support for protection of the resource.

iii. Incidental public services and utilities in wetlands. Essential incidental public services and utilities pursuant to ESHA Policy 13 and CZLUO Section 23.07.172(e).

iv. Habitat creation and enhancement. Where the project results in an unavoidable loss (i.e., temporary or permanent conversion) of habitat area, replacement habitat and/or habitat enhancements shall be provided and maintained by the project applicant. Plans for the creation of new habitat, or the enhancement of existing habitat, shall consider the recommendations of the California Coastal Commission, the California Department of Fish and Game and/or U.S. Fish and Wildlife Service. Generally, replacement habitat must be provided at recognized ratios to successfully reestablish the habitat at its previous size, or as is deemed appropriate in the particular biologic assessment(s) for the impacted site. Replacement and/or enhanced habitat, whenever feasible, shall be of the same type as is lost ("same-kind") and within the same biome ("same-system"), and shall be permanently protected by a deed restriction or conservation easement.

v. Restoration of damaged habitats. Restoration or management measure required to protect the resource. Projects located within or adjacent to environmentally sensitive habitat areas that have been damaged shall be conditioned to require the restoration, monitoring, and long-term protection of such habitat areas through a restoration plan and a accompanying deed restriction or conservation easement. Where previously disturbed but restorable habitat for rare and sensitive plant and animal species exists on a site that is surrounded by other environmentally sensitive habitat areas, these areas shall be delineated and considered for restoration as recommended by a restoration plan.

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.

iii. Mitigation required. All adverse impacts to the ESHA shall be fully mitigated.

...

23.07.176. Terrestrial Habitat (TH) Protection:

The following standards apply to new development proposed within the Terrestrial Habitat Protection (TH) combining designation:

- 1. 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.
- 2. Terrestrial habitat development standards:**
 - a) **Revegetation.** Native plants shall be used where vegetation is removed.
 - b) **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 Coastal Zone Land Use Ordinance Section 23.07.170(a) shall also include a review of impacts on the habitat that may be associated with trails.

23.07.080 - Geologic Study Area (GSA):

A Geologic Study Area combining designation is applied by the Official Maps (Part III) of the Land Use Element, to areas where geologic and soil conditions could present new developments and their users with potential hazard to life and property. These standards are applied where the following conditions exist:

a. Seismic hazard: Areas of seismic (earthquake) hazard are identified through the application of an Earthquake Fault Zone. Earthquake Fault Zones are established by the state geologist as required by Sections 2621 et seq. of the Public Resources Code (the Alquist-Priolo Earthquake Fault Zones Act), and are identified in the Land Use Element (Part II);

b. Landslide hazard: Areas within urban and village reserve lines, identified by the Seismic Safety Element as being subject to moderately high to high landslide risk, and rural areas subject to high landslide risk;

c. Liquefaction hazard: Areas identified by the Seismic Safety Element as being subject to soil liquefaction.

d. Erosion and stability hazard - coastal bluffs. Areas along the coast with coastal bluffs and cliffs greater than 10 feet in vertical relief that are identified in the Coastal Erosion Atlas, prepared by the California State Department of Navigation and Ocean Development (1977), in accordance with Hazards Policy No. 7 of the Local Coastal Plan.

CZLUO Section 23.04.166(5): Required Parking for Residential Uses: Nursing and Personal Care: One space per four beds.

CZLUO Section 23.08.108 - Nursing and Personal Care: This use is allowable in the Residential Suburban, Residential Multi-Family and Commercial Retail categories subject to the following provisions: **a. Permit requirement.** Minor Use Permit approval. **b. Location.** Nursing and personal care facilities shall be located within an urban or village reserve line. **c. Minimum site area.** 20,000 square feet. **d. Parking requirement.** One space per four beds. The applicable review body may reduce such requirements where it can be found that parking needs are less than required because of the nature of the facility or residents, and that other transportation is available to the facility as part of the program of care.

KINGSTON BAY
SENIOR LIVING LLC

September 30, 2013

Daniel Robinson
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

RECEIVED

OCT 01 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: COASTAL COMMISSION APPEAL A-3-SLO-13-0213.

Kingston Bay Senior Living
1981 Green Street, Cambria, CA 93428

Dear Mr. Robinson:

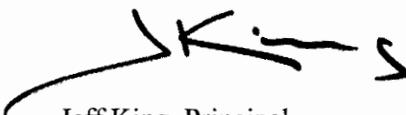
Following up on our conversations about the above referenced appeal, we have developed a comprehensive Applicant response to each of the issues raised in the 36 page appeal launched by Ms. Claudia Harmon Worthen and the Friends of the NCAC.

We have done our best to provide not only a historical and empirical perspective of the process that was followed in analyzing each of the issues raised, but have also included 3rd party source documents within the appendices for reference purposes.

Our position is that the project complies with the underlying land use, the San Luis Obispo Coastal Zone Land Use Ordinance, and the North Coast Area Plan. We received approval for the Minor Permit from the County Zoning Administrator on March 1, 2013, and again from the Board of Supervisors on appeal on May 14, 2013. We believe that we have made an honest and exhaustive effort to respond to community concerns, and included those elements in our refined project description presented before the Board of Supervisors. We believe the appeal is without merit, and does not warrant a further hearing by the Coastal Commission.

During the course of your review, please feel free to contact me with any questions or requests for additional source documentation.

Sincerely,



Jeff King, Principal
Kingston Bay Senior Living, LLC

Exhibit F

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Kingston Bay Senior Living - Applicant Response
September 30, 2013

Following is a response prepared by Kingston Bay Senior Living, providing answers to statements made by appellants - Friends of the NCAC / Claudia Harmon Worthen.

1.0 WATER RESOURCES

Intent to Serve

The proposed project has an intent to serve letter for water and sewer service from the CCSD in the amount of 11.78 EDU's. The proposed project consists of 41 beds, requiring 11.7 EDU's.

This project is considered a "pipeline project" as it was already in process with the CCSD in 1998, at the time the CCSD Board of Directors declared a Water Code 350 emergency. The original Intent to Serve has been renewed regularly and voted on by the CCSD Board of Directors. In addition, the project is conditioned to comply with the requirements of the Intent to Serve Letter and the applicant shall provide a water and sewer service condition compliance letter from the CCSD prior to final inspection. (See original November 1, 1998 Intent to serve, as well as subsequent renewals from the CCSD Board of Directors - included as an attachment with this package.

The latest Intent to Serve Letter is dated 5.30.2013, valid through June 1, 2015.

Project Review and Approval by CCSD

As part of their review of the revised project application (and reduced project scope), CCSD requested a detailed breakdown of fixture, resident and employ count. An analysis of actual water usage was computed by R. Gresens, CCSD District Engineer, 7.08.2012 (see exhibit provided with this response).

See also attached letter issued to the North Coast Advisory Council from the CCSD, dated 12.19.2012. Although not typical protocol, the land use committee for the NCAC requested an independent letter from CCSD confirming that the project has been reviewed, and that sufficient water and sewer capacity was available for the project.

The following is an excerpt of note from the CCSD letter addressed to the NCAC:

"The Applicant also provided for CCSD review, an analysis of water demand for the project based on the proposed use, a 31 unit/ maximum 41 bed residential care facility for the elderly. A common kitchen serves all residents. After several discussions this past

spring we determined that the existing 11.78 EDUs of water capacity for this proposed project would not be exceeded based on the use of more water efficient fixtures and the use of non-potable water for any outdoor irrigation. We also confirmed with the project representative that the future facility will contract with an outside linen service to provide towels, flat and kitchen linens." (R. Gresens, District Engineer. Letter to NCAC. 12.19.2013)

Retrofitting and Cal Green Compliance as Part of Plumbing Design.

The proposed project is conditioned to comply with the Cambria Urban Area Standard requiring that new development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the CCSD's service area, or through other verifiable actions to reduce existing water use in the service area.

The previous owner of the project site prepaid \$84,227 in in-lieu retrofit fees to support the water conservation fixture exchange program established by CCSD, and as part of the original application to secure an Intent to Serve.

The following is quoted in the same letter from CCSD to the NCAC:

"Water efficient fixtures for the project will be conditioned to comply with criteria defined within the 2010 California Green Building Standards Code (Cal Green) as well as the CCSD Municipal Code Standards. Related to the latter, the CCSD Code is being updated with more water efficiency standards that will meet or exceed the mandatory Cal Green water efficiency standards. Assuming our Board approves the second reading on the ordinance addressing these Code changes, the newer criteria should become effective after December 20, 2012. CCSD criteria exceeding the Cal Green mandatory compliance level will include showerheads that do not exceed 1.5 gallon per minute, as well as one-eighth per gallon flush urinals. We further understand that Kingston Bay is agreeable to the Cal Green and proposed CCSD criteria, and are incorporating them into their design." (R. Gresens, District Engineer. Letter to NCAC. 12.19.2013) 2012

2. LAND USE AND ZONING

2.1 MARKET DEMAND

- 2.1.1 Kingston Bay Senior Living has been designed to meet primary and secondary market demands for assisted living and memory care services in Cambria and the surrounding unincorporated area. The unmet need for assisted living and secured memory care beds exceeds the capacity of the proposed project. In 2012, we find an unmet need for 45 – 52 assisted living beds and 20 – 25 secured memory care beds. In units with a reasonable mix of private and semi-private accommodations, these bed levels would support a need for about 36 – 42 assisted living units and for about 16 – 20 memory care units. At 95%

occupancy of 41 beds, the proposed new facility will have the capacity to meet about 55% - 60% of the total unmet need in the Cambria market in 2012. The new facility will not overbuild the market or exceed the existing unmet need. In the five years through 2017, modest increases in the 75+ population will drive small increases in the unmet need for assisted living and secured memory care beds. The actual size of the facility is modest at 31 units and 41 beds. Without an objective understanding of the type (size and care level), pricing and quality of care offered at local six beds facilities, it is difficult to theorize why they might have vacant beds.

2.2 LAND USE AND ZONING

2.2.1 The proposed project is within the Residential Multi-family land use category. The zoning includes a limitation on use standard that prohibits single family dwellings on lots designated RMF that meet the 6,000 sf minimum site area for multifamily dwellings, as a way of preserving RMF zoned lots for multi-family uses. The proposed project complies with the this standard because it is for a 31-unit senior care facility.

The proposed use is defined as Nursing and Personal Care in Framework for Planning. Is a "special use" requiring Minor Use Permit approval. The CZLUO contains development standards for this use including: 1) location within an urban or village reserve line; 2) minimum site area of 20,000 sf, and 3) one parking space for every four beds. The project is consistent with these requirements as it is located within an urban reserve line, has a site area of 1.26 acres (54,885 sf), and provides 20 parking spaces for 41 beds.

2.2.2 The project is defined as a Nursing and Personal Care Facility in the CZLUO. Residents are not ambulatory. Community Care Licensing, the state agency that licenses this facility, does not require a full-time nurse on site. The applicant, as part of their project description does plan to have a full-time nurse in order to provide medications oversight, resident assessment, staff healthcare training, and to coordinate with residents' physician in providing custodial care to residents.

2.2.3 The project 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 Ardath Drive and Green Street, an arterial and a local road construction to a level able to handle any additional traffic associated with the project (Staffing MUP findings CDP DRC2012-00034, Page 17, G). The project's traffic study (ATE; November 2, 2012) estimates that the proposed senior care facility would generate 112 daily vehicle trips, with 7 trips occurring during the a.m. peak hour and 12 trips during the p.m. peak hour. The study concluded that these additional trips would not significantly impact the local Cambria street network, including the Highway One/Ardath Drive intersection.

- 2.2.4 The proposed project has an intent to serve for water and sewer service from the CCSD in the amount of 11.78 EDU's. The proposed project consists of 41 beds, requiring 11.7 EDU's. The proposed project is considered a "pipeline project" as it was already in process with the CCSD at the time the CCSD Board of Directors declared a Water Code 350 emergency. In addition, the project is conditioned to comply with the requirements of the intent to serve letter and the applicant shall provide a water and sewer service condition compliance letter from the CCSD prior to final inspection.
- 2.2.5 The existing project site is a highly disturbed an undeveloped multi-family zoned site, with an abandoned County road running through its northern quadrant. It is not classified as Open Space. Surrounded Lodge Hill residential development and arterial and neighborhood streets on all sides, it is not part of a greenbelt.
- 2.2.6 See answer to 2.2.5 above.
- 2.2.7 The majority of the building footprint occurs on portions of the site with less than 20% slope.
- 2.2.8 The project is located .8 miles from downtown Cambria, and will have ready access to downtown amenities and services. Residents are frail and do not drive. They will be transported downtown as needed by a dedicated facility bus.
- 2.2.9 The project will rehabilitate and significantly improve a currently degraded site. After extensive review, Planning Staff have determined that the project is consistent with the multi-family zoning of the site and the neighborhood character of the immediate area.
- 2.2.10 The project is within the Residential Multi-family land use category. As discussed earlier, the project has been deemed to be consistent with this land use category.
- 2.2.11 The project will be residential in character and will have lighting that is residential in character (see excerpt of samples provided in the applicant's Board of Supervisors presentation, May 14, 2013, Page 32. Attached.) The final lighting plan will be consistent with the County of SLO lighting ordinance.
- 2.2.12 The proposed project is visible only at the entrance to Ardath from Highway I (see excerpt of samples provided in the applicant's Board of Supervisors presentation, May 14, 2013, Page 333-42 for detail. Attached.) The Staff Report for the project states that the project is consistent with Policy 1: Protection of Visual and Scenic Resources. "The proposed project is consistent with the this policy because tree removal and site disturbance have been minimized through site design. The proposed facility will be constructed in a craftsman style consistent with the historic vernacular in Cambria. It will use fire retardant wood-appearing siding and earth tone colors that blend with the background forest. The project also includes a landscape plan to assimilate the facility

into the pine forest and partially screen it from Highway One." (SLO Planning, Staff Report)

- 2.2.13 The proposed building footprint is consistent with approved set-back and is allowed as part of a minor use permit within the RMF land use.
- 2.2.14 Rental multi-family projects are exempted from inclusionary requirements.
- 2.2.15 Planning Staff, after extensive review have concluded that the project and density on site is consistent with RMF land use guidelines. The project provides 8 more parking spaces than is required by code.
- 2.2.16 The maximum height for development visible from Highway One shall not exceed two stories or 25 feet in height. The proposed project, which is visible from Highway One at Ardath Road, complies with this standard because it has a maximum height of 25 feet.
- 2.2.17 See exhibit provided by County Staff with determination of set-backs at each face of this irregularly shaped lot (see excerpt of samples provided in the applicant's Board of Supervisors presentation, May 14, 2013, Page 56. Attached.) The project meets the required front, street side, and rear setbacks. The southerly building wall (kitchen area) would encroach 16' into the required 30' interior side set-back; however it would be mostly below grade and the Cambria Fire Department has authorized a side setback exception, based on proposed mitigation including built-in fire safety systems, and building construction features, pursuant to CZLUO Section 23.05.10f.
- 2.2.18 The proposed project is specifically design for physically and cognitively frail residents 80 years or other. Most use walkers or assistive devices for ambulation. To this end, a generous covered terrace at the front of the building offers opportunity for accessible, yet covered outdoor activities, dining and socialization. There is also a secured patio directly off of the memory care unit. A variety of indoor common areas and wide circulation corridors are planned to allow ease access, assembly and ambulation for seniors, as well as temperate environments for those with delicate constitutions.
- 2.2.19 The proposed project is within the urban boundary.
- 2.2.20 Please see aforementioned responses to 2.2.1, 2.2.11, 2.2.12, 2.2.13, 2.2.15, 2.2.16, and 2.2.17.
- 2.2.21 Project is located in a RMF land use which is often located within a mixed residential neighborhood of single and multi-family housing where differing housing opportunities are offered to allow residents to age in place and remain within the fabric of their existing community.

2.2.22 Project is located in on a residential multi-family site, close to amenities, resources and employment opportunities.

3. GRADING AND GEOLOGY

3.1.1 Project will adhere to Cal Green Standards adopted by the County of San Luis Obispo at the time of building department submittal. At this time, the County has enacted an ordinance (August 28, 2013) adopting the 2010 Cal Green Code with amendments.

3.1.2 Please refer to slides 30, and 45 through 50 in the applicant's Board of Supervisors presentation, May 14, 2013. Building has intentionally been building into the contours of the site to minimize view impact from Highway 1, visual impacts to residents to the south, and to integrate the building into the landscape. The only visible retaining walls are at the front of the building and allow for ADA pathways from the parking lot and Fire Dept. areas of refuge to building entrances.

3.1.3 Areas of natural grade over 30% are limited to approximately 6,700 square feet at the southwest portion of the property. That area will not be built upon. Areas identified in the Appeal to be nearing 45% are cut slopes that were part of the Green Street construction and will be sloped back to 2:1 as part of this project. Preliminary earthwork totals approximately 4,700 CY cut and 1,500 CY fill, requiring removal of approximately 3,200 CY.

3.1.4 This property's steep slopes have a history of erosion problems and the proposed grading, drainage and landscaping treatments will stabilize and essentially eliminate those problems. Further, the project will introduce landscaping and maintenance staff who will be able to identify and remedy any erosion problems should they arise. A Sedimentation and Erosion Control Plan will be submitted for County review and approval with the final construction documents, consistent with CZLUO 23.05.036.

3.1.5 Sediment and pollutants from hardscape will be captured in an on-site underground retention/detention basin and not allowed to migrate off-site. All historical storm water run-on characteristics will be routed through the project site via a storm drain system and released at existing locations, promoting the continuance of coastal stream and riparian habitat functions per CZLUO 23.07.174. Additionally, this project will be subject to and will comply with all applicable State Water Resources Control Board (SWRCB) General Permit requirements.

3.1.6 As the Appeal notes in 3.1.4, this site has a history of erosion problems. The grading, drainage and landscaping will stabilize the slopes and reduce or eliminate any landslide issues. A mitigated negative declaration was issued to this project on March 15, 2013.

- 3.1.7 Environmentally sensitive habitat, namely Monterey Pine Forests and Coast Live Oak are avoided as much as possible. Where avoidance is not feasible, appropriate mitigation and replanting is proposed. Revegetation in disturbed areas not identified to be landscaped will be implemented to satisfy CZLUO 23.05.034.g. According to the mitigated negative declaration, page 5-8, the project's disposition to sensitive plants is acceptable in accordance with CZLUO 23.05.172.d.2. All other setbacks are met.
- 3.1.8 Grading and building disposition are utilized to minimize impacts to public view. The building's first floor is built back into the slope to minimize the overall height, and most grading and retaining walls are not visible from the public view corridor (Hwy 1). Contours of finished grading are blended as much as possible with adjacent natural terrain to achieve a consistent grade and appearance, as directed by CZLUO 23.05.034.d. Note: CZLUO 23.05.036, "Sedimentation and Erosion Control" does not apply to this Appeal comment.
- 3.1.9 Locating the parking lot in the rear of the building would significantly increase retaining walls, make the building more visually prominent at the front of the property, and eliminate the "single story look" for the neighbors to the west of the project. Additionally it would be difficult to transition driveways with cross slopes of existing streets at rear of property, and remain consistent with Public Works standards. It would also limit the ability to blend finish grade contours with adjacent natural terrain and would provide no opportunity to avoid trees identified to be impacted by the proposed layout.
- 3.1.10 Environmentally sensitive habitat, namely Monterey Pine Forests and Coast Live Oak are avoided as much as possible. Where avoidance is not feasible, appropriate mitigation and replanting is proposed. Revegetation in disturbed areas not identified to be landscaped will be implemented to satisfy CZLUO 23.07.176 and 23.05.034.g. No pedestrian or equestrian trails are proposed on the property.
- 3.1.11 Land clearing and grading during the rainy season will be avoided as much as possible. Regardless of whether or not active construction is underway during the rainy season, all appropriate slope and erosion control measures will be in place at all times. Soil exposure will be kept to the smallest area and the shortest reasonable period. The contractor will comply with and modify the SWPPP BMP implementations as required by SWRCB and weather conditions.

4.0 HYDROLOGY

4.1 INTRODUCTION

4.1.1 Existing steep slope conditions having the potential for landslides and major erosion will be greatly eliminated by the project's grading, retaining walls and landscaping. Existing off-site drainage patterns will be maintained by allowing run-on to cross the site via storm drain and released at historic locations and rates.

4.1.2 See 4.1.1 response.

4.1.3 On-site storm water will be directed into an underground detention/retention system. All additional runoff generated by the project will be detained on-site per the SLOCO Flood Management Standards and only the historical runoff volumes and rates will be released to Londonderry Street. The bioswales on this project will provide negligible infiltration; however they will provide filtration and purification of runoff prior to entering the underground retention/detention chambers. Due to the topography and project design, bioswales at the edges of the project would not provide additional runoff control.

4.1.4 See 4.1.3 response.

4.1.5 A Sedimentation and Erosion Control Plan will be submitted for County review and approval with the final construction documents, consistent with CZLUO 23.05.036. Due to the project's size, it will also require a SWPPP into which the Sedimentation and Erosion Control Plan, as well as additional site, vicinity and drainage maps will be inserted for the SWRCB's review prior to issuing a WDID permit number.

4.2 HYDROLOGY, WATER QUALITY, DRAINAGE AND STORMWATER MANAGEMENT

4.2.1 Existing steep slope conditions having the potential for landslides and major erosion will be greatly eliminated by the project's grading, retaining walls and landscaping. A Sedimentation and Erosion Control Plan will be submitted for County review and approval with the final construction documents, consistent with CZLUO 23.05.036 and 23.05.042.

- 4.2.2 Existing steep slope conditions having the potential for landslides and major erosion will be greatly eliminated by the project's grading, retaining walls and landscaping. See 4.1.3 for storm water narrative.
- 4.2.3 See 4.2.2 response.
- 4.2.4 See 4.1.3 response
- 4.2.5 The referenced letter of April 19, 2012 requests a 100 year flood analysis of the Hwy 1 culvert. In our response to County and CalTrans all additional runoff generated by the project will be detained on-site per the SLOCO Flood Management Standards and only the historical runoff volumes and rates will be released. Therefore there is no impact to the culvert.
- 4.2.6 Construction and grading will be managed to minimize impacts to neighboring properties. See 4.1.3 response. Per the mitigated negative declaration, page 5-7, the project meets all setback requirements.
- 4.2.7 The contractor will be required to minimize construction impacts to sensitive habitat by following and adapting the Sedimentation and Erosion Control Plan, SWPPP and SWQP as needed. See 4.1.5 response. CZLUO 23.05.050.e.2 directs the designer to treat the storm water before it enters the storm drain system, but that is referencing a County storm drain system/network. In this project's case, the run-off stays on-site in an underground detention/retention system, and the groundwater is protected from pollutants through the natural filtering component of infiltration.
- 4.2.8 All impervious surfaces are necessary for the functionality of the project. LID components will be implemented, and the calculations for the underground storm water storage will take into account all of the impervious surfaces. The NCAP and the CZLUO do not mandate permeable surfaces.
- 4.2.9 See 4.1.1 and 4.1.3 responses.
- 4.2.10 See 3.1.6 response. All conditions of CZLUO 23.07.066 are or will be met.

4.3 PURIFICATION AND FILTRATION

- 4.3.1 See 4.2.7 response regarding storm water run-off. Daily activities will be conducted to direct wash waters to the sanitary system.

4.3.2 See 4.2.7 response.

4.3.3 See 4.2.7 response.

4.3.4 See 4.2.7 response.

4.3.5 Xeriscaping will be utilized to the maximum feasible extent. The landscaping treatments will take into account the establishment period of the plants and prevent erosion during that period. Fertilization and weed management will take into account the sensitive habitat downstream and utilize natural treatments.

4.4 CUMULATIVE EFFECTS

4.4.1 The Environmental Coordinator for the County of San Luis Obispo found that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA guidelines (Sec 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) Only minor technical changes or additions are necessary; 2) No substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) Substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) No new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified. No new mitigation measures have been proposed.

The proposed project will have the same number of units (31 as the previous project, for which the original Negative Declaration was prepared, but will have fewer beds (41 compared to 62), due to fewer double occupancy units. Kingston Bay will include 24 assisted living units and 7 memory care units.

The proposed building will have a floor area of 28,000 sf, which is about 28% smaller than the previous project. The building footprint of 19,000 sf is 17% smaller. The building height remains 25' high in conformance with the North Coast Area Plan height limitation for projects visible from Highway 1.

The "phase 2" project referred to by the appellant at parcel 024-191-063 is an application that was in process during the original environmental review performed for this project, so staff had full knowledge of its scope and was able to assess cumulative effects at that time. That application, including a total of 4 residential units was revived recently, and is currently being processed through environmental review by the County. It is not a commercial project, as inferred by the appellant. The project description is as follows.

"Request by San Luis Trust Bank for a Vesting Tentative Parcel Map and Development Plan to: a) reconfigure six existing lots into four new parcels ranging in size from 3,557 square feet to 5,075 square

feet and one remainder parcel of 4,791 square feet; b) construction on the resulting parcels including two attached single family residences of 1,667 square feet each, two detached single family residences of 1,867 and 1,775 square feet, and 4,000 square feet of paving for driveways and guest parking; and c) removal of eleven dead or diseased Monterey pine trees. The remainder parcel will be preserved as permanent open space and used for pine forest habitat restoration and enhancement. The project will result in the disturbance of approximately 20,500 square feet on the 0.79-acre property. The proposed project is within the Residential Multi Family land use category and is located on Arliss Drive between Arliss Drive and London Lane, approximately 600 feet southeast of Ardath Drive and 700 feet southwest of Highway 1, in the community of Cambria. The site is in the North Coast planning area.

BACKGROUND: The applicant, San Luis Trust Bank, owns a 0.79-acre property (APN: 024-191-063) consisting of Lots 25 through 29 and Lots 30 through 36 in Block 137 of Cambria Pines Manor. Lots 25 through 29 front London Lane and are located down-slope of Lots 30 through 36 which have frontage along Arliss Drive. The proposed subdivision would reconfigure Lots 30 through 36 into four new parcels and a remainder parcel. At present, the applicant is not proposing to reconfigure or develop Lots 25 through 29; however, for environmental review purposes, the proposed plans show a conceptual building footprint for two attached units on these lots. This future development would result in approximately 13,500 square feet of additional site disturbance and is analyzed in this Initial Study as reasonably foreseeable development that could result from the proposed project.

4.4.2 See response to Statement 4.4.1

5.1 ESHA

5.1.1 Please see aforementioned response 2.2.5, 2.2.11, 2.2.12, 2.2.13, 2.2.15, 2.2.16, and 2.2.17.

Per the biological report completed by V.L. Holland on September 12, 2012,

"The project will result in the removal of eight (8) Monterey pines with a DBH of 6" or greater and one coast live oak with a DHB of 5". A further 25 trees will remain and have been integrated into the project design. The North Coast Area Plan requires that Monterey pines (6" DHB or greater) be replaced at a ratio of 4:1 and coast live oaks (4" DBH or greater) at a ratio of 6:1. The applicant has included 32 (4x8) new Monterey pines and 6 (6x1) coast live oaks as part of the final landscape plan. The landscape plan will result in landscaping that mimics the structure and composition of undisturbed Monterey pine forests around Cambria. The plan will be comprised of Monterey pines, coast live oaks, toyons, and other indigenous native shrubs and herbs.

Wildlife on the site is typical of small, disturbed areas of Monterey pine forest and of ruderal grasslands. No sensitive or special status animal species were found on the site or are expected to use the site. No rare, threatened, or endangered wildlife species was found using the site or are expected to use the site, and no California species of concern was discovered on the site.

The vegetation of the Lodge Hill area prior to residential development was almost entirely Monterey pine forest; however, when Lodge Hill was developed, most of the

forest was removed leaving only scattered trees and small fragments of forest among the homes. The Kingston Bay Senior Living facility site is located in one of these small, highly disturbed fragments of forest.

There are several factors that reduce the biological significance of the Kingston Bay Senior Living site. These factors include the following: The project site is mostly surrounded by residential development, lacks the native understory vegetation found in most undisturbed Monterey pine forests, and lacks habitat connectivity to other Monterey pine forest habitats. In addition, the health of the forest appears to be poor and a large number of the trees appear to be declining.

Many stands of Monterey pine forests in the Cambria Urban Area, including the Lodge Hill area where the study site is located, have been developed leaving only scattered Monterey pines and small fragments of the original forest. However, relatively undisturbed stands persist in outlying areas on the fringe of the Lodge Hill residential developments. Some of these larger native Monterey pine stands, such as those on the East West Ranch, are now protected, and it is important to retain the remaining large stands intact as much as possible. When residential development does occur in Monterey pine forests, it is recommended that development be placed in open areas, areas of sparse tree cover, or areas of diseased trees."

5.2 HABITAT

5.2.1 See response to 5.1.1

5.2.2 See response to 5.1.1

5.3 BIOLOGICAL RESOURCES

5.3.1 See response to 5.1.1

5.3.2 See response to 5.1.1.

5.3.3 See response to 5.1.1. Note that all civil, architectural site plan and landscape plans identify trees to be removed. The preliminary landscape plan also identify the replacement ratio for trees to be removed and locations for new trees. Trees to be removed will be processed in accordance with the CSLUO.

5.3.4 All trees to be removed will be replaced with new trees from local nurseries with genetically native plantings. Trees to be removed are within building footprint. Perimeter trees providing screening from adjacent uses have been retained wherever possible.

Per the BOS Staff Report: "the applicant has submitted a proposed landscape plan showing the planting of replacement pines and oaks along Ardath and Green Streets, and behind the building. Trees have been sited to mimic the structure and composition of undisturbed Monterey pine forests around Cambria as recommended by the biologist. The proposed landscaping has the added benefit of screening the facility from Highway One to the north and neighboring residences to the south. As conditioned the project will include protective measures to avoid impacts to pine and oaks during grading and construction activities and accepted arborist techniques will be used when removing tree limbs if necessary."

A licensed arborist will be retained during construction to ensure that grading activities preserve existing trees.

- 5.3.5 The biological report (V.L. Holland, Ph.D., September 12, 2012), identifies shrubs, trees, common grasses, forbes and plant species on site. Recommendations have been made and integrated into the landscape plan such that native understory common to Monterey Pine forests continues to be used as planting material underneath the existing and newly planted tree canopy. A number of non-native understory plants and shrubs now exist due to long-term site disturbance. These will be replaced with native species.

Table 2. Shrubs found on the Kingston Bay Senior Living site

SHRUBS

<i>Baccharis pilularis</i>	Coyote bush Native
<i>Frangula californica (Rhamnuscalifornica)</i>	Coffee-berry Native
<i>Heteromeles arbutifolia</i>	Toyon Native
<i>Rubus ursinus</i>	California blackberry Native
<i>Toxicodendron diversilobum</i>	Poison-oak Native

Table 6. Common grasses and forbs found on the Kingston Bay site

SCIENTIFIC NAME COMMON NAME ORIGIN

<i>Avena barbata</i>	Slender wild oats	Introduced
<i>Avena fatua</i>	Common wild oats	Introduced
<i>Briza maxima</i>	Rattlesnake grass	Introduced
<i>Briza minor</i>	Little quaking grass	Introduced
<i>Bromus diandrus</i>	Ripgut brome	Introduced
<i>Bromus hordeaceus</i>	Soft chess brome grass	Introduced
<i>Calystegia subacaulis ssp.episcopalis</i>	Cambria or San Luis Obispo morning glory	
<i>Carduus pycnocephalus</i>	Italian thistle	Introduced
<i>Cirsium vulgare</i>	Bull thistle	Introduced
<i>Conium maculatum</i>	Poison hemlock	Introduced
<i>Erodium botrys</i>	Storkbill filaree	Introduced
<i>Festuca myuros</i>	Rattail fescue	Introduced
<i>Fragaria vesca</i>	Wild strawberry	Native
<i>Hirschfeldia incana</i>	Perennial mustard	Introduced
<i>Hordeum murinum</i>	Foxtail barley	Introduced

Hypochaeris radicata
Festuca perennis
Medicago polymorpha
Picris echioides
Plantago lanceolata
Raphanus sativus
Rumex acetosella
Sonchus oleraceus
Stachys bullata

Rough cat's ear Introduced
Ryegrass Introduced
Bur-clover Introduced
Bristly ox-tongue Introduced
English plantain Introduced
Wild radish Introduced
Sour dock Introduced
Common sow-thistle Introduced
Hedge-nettle Native

Ruderal grassland communities are assemblages of weedy grasses and forbs that have invaded disturbed areas, sometimes in spite of human efforts to control them. Ruderal grassland communities, such as those on the Kingston Bay Senior Living project site, occur in highly and often regularly disturbed areas such as roadsides, areas cleared for weed abatement, and trails and other areas heavily used by humans. Roadsides are generally areas of regular disturbance patterns. Cars routinely drive past creating a disturbance and adding pollutants to the air and pavement. Rainfall and runoff transfer many of the pollutants to the road shoulder where they leach into the soil or splash onto the plants. Periodically roads are maintained creating a continuing form of disturbance. Trails and dirt roads are similar areas maintained by human or animal traffic as well as sometimes by cars.

Often only plants capable of withstanding these types of disturbances are able to grow in regularly disturbed ruderal communities. Weed-dominated communities often represent the early stages of natural succession. In the absence of disturbance many weedy plants may not persist and may be gradually replaced by native vegetation.

On the Kingston Bay Senior Living project site, ruderal coastal valley grassland vegetation covers much of the eastern and southern portions of the site. This includes the areas along the roads that traverse the site, areas where cars turn around, areas of dumping, and areas near the roadsides that form the boundaries of the site

Because the Kingston Bay Senior Living project site has two roads that traverse the site, much of the interior portion of the site, including the Monterey pine forest understory, has become disturbed and opened up to weedy plant invasion. As a result, most of the ground cover in the Monterey pine forest on site is now comprised of ruderal plant species typical of disturbed sites. Most of these species are introduced annual grasses and forbs that also occur in California's annual grasslands.

Although some California's native plant species are able to grow under disturbed conditions, they often fail to become established because of competition from aggressive Eurasian species. Most successful weeds produce large quantities of seeds and readily invade disturbed sites. Many have features that allow their seeds to be widely dispersed and are able to withstand trampling and grow in compacted, disturbed soils. As a result, many of the species of the ruderal communities have

also invaded the adjacent native plant communities when disturbance encroaches into these areas. Many of these ruderal species are now part of the Monterey pine forest understory on the project site.

The dirt road that traverses the property has created some ruts that fill with water in the rainy season. Because the water persists in the ruts longer than in the adjacent grassland, some plant species common to wet soils line the ruts but do not occur in the open grassland areas. These include *Juncus bufonius* (Toad rush), *Polypogon monspeliensis* (Rabbitfoot grass), and *Lotus corniculatus* (Bird's-foot trefoil).

Table 8. Common plant species in the coastal valley grassland

SCIENTIFIC NAME	COMMON NAME	ORIGIN
<i>Anagallis arvensis</i>	Scarlet pimpernel	Introduced
<i>Avena barbata</i>	Slender wild oats	Introduced
<i>Avena fatua</i>	Common wild oats	Introduced
<i>Brachypodium distachyon</i>	False brome grass	Introduced
<i>Briza maxima</i>	Rattlesnake grass	Introduced
<i>Briza minor</i>	Little quaking grass	Introduced
<i>Bromus diandrus</i>	Ripgut brome	Introduced
<i>Bromus hordeaceus</i>	Soft chess brome grass	Introduced
<i>Bromus madritensis</i>	Spanish brome	Introduced
<i>Calystegia macrostegia</i>	Wild morning glory	Native
<i>Calystegia subacaulis</i>	Cambria morning glory	Native
<i>Carduus pycnocephalus</i>	Italian thistle	Introduced
<i>Cirsium vulgare</i>	Bull thistle	Introduced
<i>Conium maculatum</i>	Poison hemlock	Introduced
<i>Conyza canadensis</i>	Horseweed	Introduced
<i>Erodium botrys</i>	Storkbill filaree	Introduced
<i>Festuca myuros</i>	Rattail fescue	Introduced
<i>Hirschfeldia incana</i>	Perennial mustard	Introduced
<i>Hordeum murinum</i>	Foxtail barley	Introduced
<i>Hypochaeris radicata</i>	Rough cat's ear	Introduced
<i>Juncus bufonius</i>	Toad rush	Native
<i>Festuca perennis</i>	Ryegrass	Introduced
<i>Lotus corniculatus</i>	Bird's-foot trefoil	Introduced
<i>Medicago polymorpha</i>	Bur-clover	Introduced
<i>Picris echioides</i>	Bristly ox-tongue	Introduced
<i>Plantago lanceolata</i>	English plantain	Introduced
<i>Polygonum arenastrum</i>	Knotweed	Introduced
<i>Polypogon monspeliensis</i>	Rabbitfoot grass	Introduced
<i>Raphanus sativus</i>	Wild radish	Introduced
<i>Sonchus oleraceus</i>	Common sow-thistle	Introduced

5.3.6 Tree protection mitigation measures are addressed as condition of approval for the project (see conditions 47 through 50, and 57 through 59 of the Board of Supervisors Resolution dated May 14). A certified arborist will be retained to ensure that all tree protection and replacement and propagation requirements are met.

5.3.7 See response provided for item 5.3.6

5.3.8 See response provided for item 5.3.4

- 5.3.9 A rainwater catchment and retention system is proposed to be located underneath the parking lot to capture rain and storm water generated on site, and to irrigate landscaping and replacement trees until they are able to propagate on their own. The design of the retention tank will be sized to service the proposed landscape plan, final working drawings to be finalized during the construction documents phase, and reviewed by County Planning and Public Works. CCSD has also approved periodic draws from their agricultural view to subsidize water during summer or drought months. No potable water service will be used to irrigate landscaping.
- 5.3.10 Replacement trees have been sized specifically to allow them to acclimate to the site and eventually thrive in the low rainfall environment of Cambria. Growth rates of Monterey Pines are particularly rapid for pines, allowing an increase in height of 4 to 8 feet per year. See excerpt provided below:

Growth and Yield- On good sites, pine saplings that are free to grow and have at least moderate spacing enlarge rapidly: an increase in height of 1.2 to 2.4 m (4 to 8 ft) per year has been observed. By age 15, trees are 24 cm (9.4 in) in d.b.h. and 16 m (53 ft) tall (19). These values indicate a growth rate for the first 15 years that places Monterey pine among the most rapidly growing of American conifers. Although reproduction can be very dense, stands seldom, if ever, stagnate. A few saplings grow faster than their counterparts, quickly establish dominance, and eventually form the well-spaced, relatively open stands typical of older Monterey pine forests. (*Axelrod, Daniel I. 1977. Outline history of California vegetation. In Terrestrial Vegetation of California. p. 139-193. Michael G. Barbour and Jack Major, eds. John Wiley, New York.*)

- 5.3.11 See Condition 56 of Minor Use Permit and Coastal Development Permit Resolution: The promote the success of the new trees, the applicant shall retain a qualified individual (e.g. arborist, landscape architect, contractor, nurseryman) to monitor the new trees until successfully established, on an annual basis, for no less than three years."

6. AESTHETIC RESOURCES

- 6.1.1 The MUP staff report notes that Highway is a protected scenic route. As such, extensive analysis was requested of the applicant, demonstrating that view corridors on Highway I from east and west were not impacted by views of the project. Please see images 33 through 42 of the Applicant's presentation to the Board of Supervisors. At slide 33 an existing earthen berm is present that effectively masks the project from sight at either pedestrian or vehicle along Highway. Multiple photographs were taken roughly 1,300 feet (1/4 mile) in either direction on Highway 1, showing that the site remains masked. Only at the intersection of Ardath and Highway 1 (see slide 42), as one drives up Ardath towards the site, would the building become visible, along with other single-family and multi-family homes, and a church located on Ardath Drive.

The Staff Report for the project states that the project is consistent with Policy 1: Protection of Visual and Scenic Resources. "The proposed project is consistent with the

this policy because tree removal and site disturbance have been minimized through site design. The proposed facility will be constructed in a craftsman style consistent with the historic vernacular in Cambria. It will use fire retardant wood-appearing siding and earth tone colors that blend with the background forest. The project also includes a landscape plan to assimilate the facility into the pine forest and partially screen it from Highway One."

- 6.1.2 See response provided to statement 6.1.1
- 6.1.3 See response provided to statement 6.1.1
- 6.1.4 See response provided to statement 6.1.1
- 6.1.5 See response provided to statement 6.1.1
- 6.1.6 Signage will be coordinated with the County under a separate application and will adhere to CZLUO guidelines. Parking is located behind significant landscape screening. With grade adjustments necessary to meet County standards for vehicular and ADA access, the parking area will be screened from approach at Ardatth. See project site plan and landscape plan for greater detail.
- 6.1.7 See response provided to statement 6.1.1 and 2.2.12
- 6.1.8 See response provided to statement 6.1.1. Project is not visible from Highway 1, except at intersection of Ardatth and Highway 1, facing south up Ardatth, toward project site.
- 6.1.9 See response provided to statement 6.1.1. Monterey Pine and Oak Trees are native to the Lodge Hill area. Redwood trees on the site were introduced by previous landowner, and are being retained, as they offer mature screening from adjacent uses. They are not, however, native.
- 6.1.10 Symbols noted on landscape plan are regular and identifiable purely for identification of specie. Growth patterns will be encouraged to mimic natural tree and understory locations. Pruning will only occur consistent with the Fire Safety Plan requirements to keep tree branches and shrubbery away from building face, and to prevent the spread of a canopy fire.
- 6.1.11 Kingston Bay will offer a residential opportunity for seniors living in Cambria, to continue to age in place, with services as needed. There is no substantiation that that a residential care facility will either contribute or detract from the desirability of the town as a visitor destination.

6.2 LIGHTING

- 6.2.1 The project will be residential in character and will have lighting that is residential in character (see excerpt of samples provided in the applicant's Board of Supervisors presentation, May 14, 2013, Page 32. Attached.) The final lighting plan will be consistent with the County of SLO lighting ordinance. The lighting plan will not be commercial in nature, nor will it employ HID lighting. Other than emergency lighting at the entrance to the facility (as required by the Fire Department for building entry identification, all other perimeter and landscape lighting will be on a timer that extinguishes lighting from 10pm to 5am.
- 6.2.2 See answer to statement 6.2.1.
- 6.2.3 Street lighting is not anticipated as part of the project scope or conditions levied by Public Works.
- 6.2.4 The final lighting plan will be consistent with the County of SLO lighting ordinance.

6.3 NOISE

- 6.3.1 Per Condition 24 and 25 of the MUP/CDP Permit Resolution dated May 14, 2013: In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
- A. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
 - B. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted.
 - C. Use of alternative fueled equipment is recommended: and
 - D. Signs that specify the no idling areas must be posted and enforced at the site.

Prior to any site disturbance or issuance of construction permits, the applicant shall provide evidence of a California statewide portable equipment registration or an APCD permit any portable equipment, 50 horsepower or greater, that will be used during construction.

After review of the project's construction and staging plan, APCD concluded that standard mitigation packages for dust control and diesel idling would reduce construction-related emissions to less than significant levels. As indicated in the APCD referral, the project's operational and GHG emissions are anticipated to fall below levels warranting mitigation (M. Field, Air Quality Specialist, SLO APCD, 1/10/2013).

- 6.3.2 See response to statement 6.3.1. After review of the construction plan and equipment schedule, APCD has determined the project's operational and GHG emissions are anticipated to fall below levels warranting mitigation.

6.3.3 See response to statement 6.3.1.

6.3.4 See response to statement 6.3.1.

6.3.5 Traffic generated by The Kingston Bay would be significantly less than that experienced by a non age-restricted multi-family project located on this RMF site. See slide 29 of the applicant's presentation to the Board of Supervisors for more detail. An analysis by staff indicates that up to 33 units of traditional multi-family housing would be permitted on this site. A total of 15.18 AM peak hour trips, 19.14 PM peak hour trips, and 217 daily trips (or 6.59 per unit) would be generated.

Because residents of the proposed Kingston Bay project do not drive, traffic is generated by staff, shuttle and deliveries only. 31 units of assisted living will result in 7 AM peak hour trips, 12 PM peak hour trips and 112 daily trips (or 2.74 per bed). The overall impact is much less than a traditional multi-family development of comparable size.

Deliveries from food service, medical supply and linen supply occur once a week at non-peak hour times. Trash pick-up occurs once a week. Shuttles transporting residents to and from activities and medical office visits occur 2-3 times, six days a week. Because materials delivery and transport can be consolidated to service up to 41 senior residents, the relative impacts from service traffic are dramatically lower than if each of these seniors were individually serviced in their homes or a traditional multi-family setting.

6.3.6 Roof mounted air conditioning units, per CZLUO code, be screened from view. Roof wells have been designed into the project that provide both visual and acoustical enclosures screening units from view by any adjacent uses. Equipment must meet ASTM, ISO and ASHRAE standards for acoustical ratings at both outlets and inlets, and are encased in sound attenuating enclosures. Ambient noise from equipment mounted in roof wells will be below minimum standards for allowable decibel levels for on-site residents and sensitive receptors adjacent to site.

6.3.7 Gas operated leaf blowers, due to exhaust emissions and potential impacts to sensitive residents, will not be used on site.

7.0 PUBLIC SERVICES AND UTILITIES

7.1.1 County standards relating to emergency services state "All new development shall comply with applicable state and local Cambria fire codes. Prior to an application acceptance, land use and building permit applications shall include a Fire Plan Review from the Cambria Fire Department.

The project complies with this standard. The applicant provided a fire plan review, dated January 6, 2013 from the Cambria Fire Department as well as a detailed Fire Safety Plan (Dudek, November 2012) that identifies the fire risk associated with the proposed project, emergency response, and evacuation procedures. The fire safety plan recommends a dedicated transport vane be housed at the project site to allow routine medical transport of residents to hospital or medical services, and for evacuation purposes. This will reduce reliance on local ambulance support for non life-threatening situations. A full time nurse will also be employed to perform routine health care assessment, in many cases precluding the need for assessment at a formal medical facility.

The Fire Safety Plan also requires that staff must also be in place to coordinate evacuation as needed, or to manage a shelter-in-place protocol for natural disaster. Shelter in place locations are provided in the project kitchen and dining rooms when early off-site relocation is not feasible.

The plan also includes recommendations regarding acceptable building materials, construction practices, defensible space vegetation management, and access/egress for emergency response and staging of residents for evacuation. The project is required to be fully sprinklered, and includes a new fire hydrant at the front of the project, as well as a dedicated stand-pipe located at the rear (southern) wall. The recommendations have been developed in concert with Chief Mark Miller of the Cambria Fire Department, and have been incorporated into the project description, and business operations for the facility. The Cambria Fire Department has issued a letter stating that the proposed fire safety plan "meets or exceeds all of our expectations by addressing all the key areas of concern outlined in our earlier (plan-check) correspondence (M. Miller, January 9, 2013.)

7.1.2 See response to statement 7.1.1

7.2 MEDICAL SERVICES

7.2.1 Residents moving to the proposed project will be coming from the nearby primary market place. In most cases, residents maintain the same suite of physicians they maintain while in their home. Those physicians will coordinate with the project nurse to manage medications oversight, health and routine cognitive assessment oversight, nutritional meals, programming and exercise provided for each resident on site. The goal of a project like Kingston Bay is to reduce the incidence of medical emergencies through the employment of constant custodial care, oversight and socialization.

7.3 OTHER SERVICES

7.3.1 The project is a licensed residential care facility for the elderly. The RMF land use of the subject site allows for a residential project as proposed with a minor use permit. The sign

referring to "no services" in the appeal appendix is meant as way-finding signage for tourists and travelers driving up Ardath who may be looking for lodging, meal or other downtown services.

8. TRANSPORTATION AND CIRCULATION

8.1.1 Ardath is defined by the County as an arterial road servicing the Lodge Hill area.

The project's traffic study (ATE; November 2, 2012) estimated that the proposed senior care facility would generate 112 average daily vehicle trips, with 7 trips occurring during the a.m. peak hour and 12 trips during the p.m. peak hour. The study concluded that these additional trips would not significantly impact the local Cambria street network, including the Highway One/Ardath Drive Intersection. These findings have been forwarded to Caltrans and accepted by their traffic engineering dept. The project is located in the North Coast Road Fee Area, and will be required to pay road impact fees, which will be used to offset the project's incremental impacts on Cambria's street network.

8.1.2 See response to 8.1.1. Additional studies were performed by ATE to determine average speed of travel down Ardath, and safe sight distance from driveway at Ardath (see slides 25 through 27 of the Applicant's presentation to Board of Supervisors). These analysis were done to address concerns raised by the North Coast Advisory Council.

8.2 PARKING

8.2.1 The CZLUO requires that a Nursing and Personal Care Home shall have one parking space for every 4 beds. The proposed project would be required to have 11 spaces by code. Residents will not drive and there will be a maximum of 13 employees on site at any one time.

An independent analysis performed by ATE Traffic engineers, using updated ITE parking standards has determined that the project could have a maximum parking demand of 17 spaces. The Applicant has voluntarily provided 20 parking spaces on site. The Applicant has also volunteered to adhere to a parking mitigation plan in which employees would be incentivized to carpool or take alternative transportation to and from work, and guests would be shuttled from a remote location in the case of a special event.

Every effort has been made to maintain as much permeable and preserved landscaping as possible. Arbitrarily recommendations to provide excess parking is in contravention of both Cal Green and LEED standards, especially if not validated by demand.

8.2.2 See response provided to statement 8.2.1

8.2.3 See response to statement 6.1.6

8.3 VEHICLE TRIPS AND CONSERVATION

8.3.1 Please see response to 6.3.5.

8.3.2 The project will contribute to significantly reducing energy consumption, both in fuel consumption, and use of natural gas and electricity. Of particular note:

1. The project proposes to serve residents already living in the primary market area who are no longer able to care for themselves in their homes. Instead of delivering home health care, meals, housekeeping and hospice to services to each individual home, a concentration of these services, as well as amenities that focus on quality of life are offered in one residential environment, with the ability to shuttle residents in groups to daily activities in town. The reduction in overall consumption impact is considerable.
2. The project as proposed is to be designed and constructed to 2010 Cal Green and Building Code standards. This requires energy modeling and consumption reduction 50% above a traditional base-line. Residents moving to Kingston Bay from their private homes in the primary market will not only enjoy ease of access to medical oversight and quality of life care, they will also live in an environment designed to meet significant energy conservation standards. These standards are beyond those required for a traditional single family home. Heating and hot water throughout the project will be provided by a common energy efficient boiler system. Air Conditioning units will adhere to current ASHRAE standards. Lighting will be either florescent or LED, include automatic occupancy sensors and timers, and will meet or exceed Title 24 standards. Meals are prepared and served in common, reducing the amount of energy and water used in storage, preparation and clean-up.
3. Residents will be shuttled to nearby hospitals and medical services for all non-emergency services. Grouped transport will create a greater efficiency of transportation as compared to individual transfers for each senior to medical care, if they remained in their home. Additionally, the staffing and care program at Kingston Bay is structured to promote a healthy life-style and monitoring health conditions. In many cases this type of preventative programming results in a overall reduction of transports to emergency or chronic third party medical care.

8.3.3 Residents living in assisted living and memory care are generally aged 80 years and above. Residents move to assisted living because they are struggling with physical and/or cognitive frailties, and can no longer live in their home alone safely. 60-70% use assistive devices and or wheelchairs for ambulation. Kingston Bay has been designed to respond to a need for complete accessibility within residential units and bathrooms, common areas, covered porches and outdoor patios. There are also a number of security features included in the design that will also redirect and provide way-finding mechanisms for residents with cognitive frailties. Residents would not be ambulating through the Lodge Hill area and would instead be shuttled to the beach, downtown areas, or nearby amenities where travel from the bus, to the amenity would be 50 feet or less (at optimum). With a program like this in place, residents of Kingston would be able to stay within a residential environment, but have ready access to amenities commensurate with their preferences

and physical abilities. This also means they can remain close to family, friends, and the support network they have developed over many years.

8.4 NEIGHBORHOOD AND VIEWS

8.4.1 The project is located .92 miles from the nearest boundary of the Fiscalini Preserve boundary, and roughly 3 miles from the main entry to the Preserve. The project is located at Green Street and Ardath Drive. An extensive review by Planning Staff indicates that the project does not impact aesthetic resources, biological, environmental resources of the Preserve, or its immediate neighborhood.

8.4.2 See response to statement 6.1.1

9. AIR QUALITY

9.1 EMISSIONS

9.1.1 APCD reviewed the construction and equipment schedule submitted for the project. They determined that emissions will fall below their threshold of impact. They requested that all common mitigation requirements regarding dust, idling etc. be included as part of the conditions approval for the project. See condition #23.

9.1.2 See response to statement 9.1.1. County Public Works has included a number of standards to protect adjacent properties from impacts related to erosion, dust, run-off, noise, parking and construction hours.

9.1.3 The project will be advertised in regional plan rooms allowing local subcontractors and trades persons the opportunity to bid.

9.1.4 The project is located in an appropriately zoned residential multi-family site.

9.2 GRADING

9.2.1 See response to statement 9.1.1.

10 HAZARDS AND HAZARDOUS MATERIALS

10.1 PHARMACEUTICAL EFFLUENT

10.1.1 Kingston Bay Senior Living will generate medical waste as a by-product of caring for residents with acute and chronic health care conditions. Waste will include sharps used to inject insulin and other prescribed medications, outdated and unused PRN medications, wound-care dressings, and sterilized disposable single-use treatments for acute and chronic ailments. Sharps are collected in special safety lock containers located through the facility. Unused medications are collected, audited and rendered inert at a single collection point in the wellness center. Dressings and single-use sterilized applicators are

collected in special containers solely for medical waste. All waste is collected periodically by a licensed medical waste disposal service that will destroy waste, and redirect from traditional landfills or domestic water supply. No pharmaceutical wastes are flushed through the waste water system.

10.2 ASBESTOS

10.2.1 The site was tested by Mid Coast Geo-technical, Inc. on January 8, 2013 (Report No. 14863). Per their synopsis:

"We have reviewed the subsurface conditions encountered in the original report and the local geologic maps to address the possibility of naturally occurring asbestos on the subject site. Based on the subsurface information obtained from the referenced report, and a review of the local geologic map (Dibblee, 2004), the site is generally underlain with marine sediments which are typically interbedded sandstone and siltstone. The nearest location of mapped formation serpentine (from which the naturally occurring asbestos is generally derived) is east of Highway 1 according to the published geologic maps of the area. Due to the distance from the nearest source of the naturally occurring asbestos, the fact that no Franciscan Formation rock was observed in the test borings and confirmation of the subsurface conditions by the public geologic maps, it is our opinion that no naturally occurring asbestos is present at the site." (*D. Jensen, RCE C60675. 1/08/2013*)

11 CULTURAL RESOURCES

11.1 ARCHAEOLOGY

11.1.1 The project is conditioned to comply with the following standard:

"In the event archaeological resources are unearthed or discovered during any construction activities, construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law."

11.1.2 Planning staff determined that the original subsurface archaeological report developed for the site was sufficient for their use in qualifying that no cultural resources exist on site, nor was there a evidence of cultural resource evidence in the immediate area based on historical maps. Standard mitigation procedures have been applied (see response to statement 11.1.1 above). No site disturbance or grading has occurred on site since the time the original report was ordered. The new project footprint and scale of impact is less than that proposed for the previously approved project.

12. ALTERNATIVE ANALYSIS

12.1 ALTERNATIVE ANALYSIS OR EIR

12.1.1 The Environmental Coordinator for the County of San Luis Obispo determined that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA guidelines (Sec 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) Only minor technical changes or additions are necessary; 2) No substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) Substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) No new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified. No new mitigation measures have been proposed.

The proposed project will have the same number of units (31 as the previous project), for which the original Negative Declaration was prepared, but will have fewer beds (41 compared to 62), due to fewer double occupancy units. Kingston back will include 24 assisted living units and 7 memory care units.

The proposed building will have a floor area of 28,000 sf, which is about 28% smaller than the previous project. The building footprint of 19,000 sf is 17% smaller. The building height remains 25' high in conformance with the North Coast Area Plan height limitation for projects visible from Highway 1.

12.1.2 See response to statement 2.2.1

12.2 RANGE OF REASONABLE / ENVIRONMENTALLY SUPERIOR ALTERNATIVES

12.2.1 See response to statement 12.1.1. After extensive environmental review, an EIR was not deemed necessary by the Environmental Coordinator for the County of San Luis Obispo. As such, other development alternatives regarding a revision in size, location, or a no project alternative were not studied.

LIST OF EXHIBITS

1. Applicant Presentation to Board of Supervisors 5.14.2013
2. Project comparison chart
3. Cambria Community Services - Intent to Serve & letter to NCAC
4. Cambria CSD Fire Department Review and Sign Off
5. Associated Transportation Engineers - Traffic & Parking Study and sight distance analysis.
6. Mid Coast Geotechnical - Soils report and analysis of naturally occurring asbestos
7. Biological Report. V.L. Holland
8. Arborist Report. Jeremy Lowney
9. Samples of exterior site lighting
10. Reduced set of project design documents

Attachment 11

Attachment A

Conditions to Intent to Serve Letter Senior Care Facility at Ardath and Green Street, APN 024-191-052

1. In accordance with CCSD Ordinance 2-2000, EDU's per unit, bed, or occupancy are 0.38. From review of the most recent floor plan, there are 31 beds, which equates to 11.78 EDUs. The current Intent to Serve letter is for 6 EDUs. Therefore, an additional 5.78 EDUs will need to be acquired should the current floor plan remain the same.
2. EDUs are assigned for and based upon a Senior Care Facility.
3. The applicant shall provide a copy of the State License required to operate a Senior Care Facility indicating the maximum occupancy. Should the occupancy level exceed 31, additional EDUs shall be acquired prior to occupancy and prior to service being provided by CCSD.
4. Prior to approval of improvement drawings by CCSD, an easement with accompanying legal description for the proposed rerouting of the private laterals (rerouting for 1978, 1980, and 1982 Londonberry) must be conveyed to the private homeowners. Improvement drawings need to show routing, plan & profile for the three laterals, along with cleanout locations.
5. Prior to issuance of a building permit, updated improvement drawings shall be submitted and approved by CCSD that include the following:
 - A. The proposed fire department connector and new hydrant that are to be relocated to an area east of the guest parking lots on the south side of the main entrance. Additionally, a fire department connector shall be within 20 feet of the hydrant.
 - B. The new hydrant shall be within a waterline easement to be dedicated to CCSD. Waterline easement shall be in a manner and form acceptable to CCSD.
 - C. A more detailed site plan is needed along with details showing service lines alignments, depth, sizes, and connection points for water and sanitary sewer. Valves, clean-outs, and related details will need to be shown as part of the final improvement drawings. We have approximated that a 2-inch diameter domestic service line may be required for this facility with at least a 1.5-inch water meter. This approximate sizing will need to be re-checked as the final design is developed. The new hydrant line shall be at least 6-inches in diameter. The new hydrant shall be wet-barrel type conforming to AWWA C503. The CCSD water department shall approve make and style of hydrant. . New waterline connecting to the hydrant shall be AWWA C900 Class 150 or polyethylene wrapped, cement mortar-line ductile iron (AWWA C151 and AWWA C105).
 - D. Final utility site plan drawings and details are to be stamped by a licensed Civil Engineer.
 - E. The existing sanitary sewer east of the building needs an accompanying easement to be dedicated to CCSD. (This pipeline remained in service after a public street was abandoned that had once crossed the property. CCSD has no easement on record.)
 - F. Identify any sanitary sewer manholes that may need to be adjusted in elevation to match the parking lot and driveway.

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

MICHAEL THOMPSON, President
JIM BAHRINGER, Vice President
MURIL N. CLIFT
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May 30, 2013

Kingston Bay Cambria, LP
530 E Herndon Ave, Suite 105
Fresno, CA 93720

Subject: Time Extension, "Intent to Serve" Letter
Commercial 11.78 EDU's
APN: 024.191.052

Enclosed is verification that your request for extension of your "Intent to Serve" letter for 11.78 EDU's at the above referenced project has been APPROVED.

Your "Intent to Serve" letter is now valid through June 1, 2015.

If you have any questions please contact this office at (805) 927-6223.

A handwritten signature in black ink that reads "Monique Madrid".

Monique Madrid
Administrative Services Officer

MM/cu

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

MICHAEL THOMPSON, President
JIM BAHRINGER, Vice President
MURIL N. CLIFT
AMANDA RICE
GAIL ROBINETTE



OFFICERS:

JERRY GRUBER, General Manager
KATHY A. CHOATE, District Clerk
TIMOTHY J. CARMEL, District Counsel

1316 Tamsen Street, Suite 201 • P.O. Box 65 • Cambria CA 93428
Telephone (805) 927-6223 • Facsimile (805) 927-5584

December 19, 2012

North Coast Advisory Council - Land Use & Project Review Committee
Attn: John McGarry, Chair
Sent via email to: jlmmcgarry@charter.net

RE: Potable Water and Sanitary Sewer Service to the Kingston Bay Senior Living Project

Dear Mr. McGarry and Members of the Land Use Committee.

Please let this letter serve as a follow-up response to your original request for clarification regarding CCSD's water service and availability for the proposed Kingston Bay Senior Living Project located at 1820 Green Street - APN 024-191-024, 038, 052, 056-059. In addition to your original request, a brief summary on the relocation of existing CCSD water and sewer pipelines is also provided.

The Applicants, Jeff King and Corey File of Kingston Bay Senior Living initially contacted us in January of 2012. At that time they requested a change of ownership and extension of an existing *Intent to Serve* for the property allocating 11.78 EDU's of water to the project. An extension was granted through June 1, 2012.

The Applicant also provided for CCSD review, an analysis of water demand for the project based on the proposed use, a 31 unit/maximum 41 bed residential care facility for the elderly. A common kitchen serves all residents. After several discussions this past spring, we determined that the existing 11.78 EDUs of water capacity for this proposed project would not be exceeded based on the use of more water efficient fixtures and the use of non-potable water for any outdoor irrigation. We also confirmed with the project representative that the future facility will contract with an outside linen service to provide towels, flat and kitchen linens. Water efficient fixtures for the project will be conditioned to comply with criteria defined within the 2010 California Green Building Standards Code (Cal Green) as well as the CCSD Municipal Code Standards. Related to the latter, the CCSD Code is being updated with more water efficiency standards that will meet or exceed the mandatory Cal Green water efficiency standards. Assuming our

Kingston Bay Senior Living Green St. Assisted Living Facility Indoor Water Use Estimate		R. Gressens	7/8/2012
Indoor Use - Proposed Project			
No. Units			
No. Occupants			
Household Size			
Water Use gpd	1999 AWWARF study data (*)		
End Use**	5.05 flushes per day	Unit use gpd	8.484
TOILETS	8.2 minutes per shower	Adjustment for Seniors	120%
Shower	SHOWER FREQUENCY	Adjusted Use, gpd	7.8
	SHWR LENGTH		26.7%
Average shower per capita (AWWARF Study)*	8.2		
Average senior showers per day**	0.75 per day		
	0.43 per day		
	1.5		
	9		
**Average shower frequency for residents in assisted living (all bathing assist, not independent seniors) is three times weekly			
*** Based on 1.5 gpm showerheads (2010 Cal Green Standard mandates a minimum of 1.8gpm)			
LAUNDRY	18.8 gpcd	14.1	50%
(Does this anticipate all towels, flat linen and kitchen linen being outsourced? AWWARF anticipates no off-source laundry)			
FAUCETS	10.9 gpcd	6.54	100%
Proposing .5 gpm lavatories and 1.5 gpm sinks			
LEAKS		5	120%
(Includes outdoor leaks in AWWARF guide. Domestic and irrigation system run separately in this project)			
BATHS		1.2	100%
(No baths in the facility)			
Dish wash		1	87%
(One dishwasher serving entire facility. Is there not efficiencies as compared to 41 individual DWP?)			
Other		1.5	100%
Total		52.204	
Indoor Water Use - Residents, gpd		34.8	
Employees	30.6 FTE employees	275.4	
Visitors	10 persons	30.0	
Total Estimated indoor water use		1,426.3	
		1,731.7 gallons per day	
		632,076.8 gallons per year	
		2.3 ccf/day	
		845.0 ccf/yr	
		140.8 ccf/2 months	
		11.7 EDUs	
		approx	

Notes:
gpcd = gallons per capita per day
gpd = gallons per day
Eto = evapotranspiration of cool season grass, source CA Dept Water Resources, Concord weather station
Landscape Coef = factor to convert water requirement from cool season grass to planned landscape
Irrig Eff = efficiency of irrigation system, 0.8 for conventional system, 0.85 for system with drip irrigation + state of the art irrigation controller
* Source for End Use Estimates: Residential End Uses of Water, 1999, American Water Works Association Research Foundation
** Commercial and Institutional End Uses of Water, 2000, American Water Works Association Research Foundation

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February 29, 2012

Michael Clark
Po Box 419
Cambria, CA 93428

Subject: **EXTENSION OF INTENT TO PROVIDE WATER AND SEWER SERVICE**
ASSESSOR'S PARCEL NO.: 024.191.052- 11.78 COMMERCIAL EDU'S

Dear Mr. Clark,

Pursuant to provisions of Cambria Community Services District Code Section 8.04.070, the previously issued Intent to Serve Letter for the above referenced parcel has been approved for an extension. Accordingly, this letter serves as notification of the extension of the CCSD's present intention to provide water and sewer service to the above referenced parcel, subject to all of the terms and conditions of the previously issued Intent to Serve Letter and the conditions set forth below.

As previously stated in the Intent to Serve Letter issued on November 1, 1998 the CCSD's issuance to you of an "Intent to Serve" letter and subsequent issuance to you of water and sewer connection permits shall be subject to current and future rules, regulations, resolutions and ordinances of the Cambria Community Services District. The "Intent to Serve" letter may be revoked as a result of conditions imposed upon the CCSD by a court or governmental agency of higher authority, or by a change in availability of resources, or by a change in ordinances, resolutions, rules or regulations adopted by the Board of Directors for the protection of the health, safety and welfare of the District. The Board of Directors of the District reserves the right to revoke this "Intent to Serve" letter at any time.

Please be advised that the CCSD requires water conserving plumbing in all newly constructed residential and commercial buildings. A copy of these requirements was previously provided with the original Intent to Serve Letter and should be provided by you to your architect or contractor.

In accordance with Board action on January 19, 2011 this Extension of your Intent to Serve letter is valid until June 1, 2013. It may be considered for additional extensions, subject to meeting the requirements of the CCSD Code. Application for such extension are subject to a non-refundable fee in the amount set forth in the CCSD's applicable fee schedule and shall be submitted to the District office 30 days prior to expiration. The General Manager has full discretion to approve or disapprove the requested extension, and if granted it will be subject to any additional conditions which may be imposed at that time.

During the period that the "Intent to Serve" letter is valid, you must obtain a water and sewer connection permit for the project by submitting a signed application form, and an approved County Building Permit, together with payment of any balance due on retrofit, and water/sewer connection fees. Failure to complete any of the requirements of this Intent to Serve letter within the proscribed time restraints may result in its revocation, forfeiture of fees and your project will be returned to the waiting list.

If you have any questions concerning this matter, please call this office for assistance



February 7, 2012

DIRECTORS:

Allan S. MacKinnon
President

Michael Thompson
Vice President

James Bahringer
Director

Muriel N. Clift
Director

Gail Robinette
Director

OFFICERS:

Jerry Grubet
General Manager

Timothy J. Carniel
District Counsel

Kathy A. Choate
District Clerk

Michael Clark
Po Box 419
Cambria, CA 93428

RE: **CONDITIONAL APPROVAL OF ASSIGNMENT**
APN:024.191.038 Escrow # 4005-3870929

The Cambria Community Services District has received your application to assign your
()
(X) Intent to Serve Letter 11.78 EDU's
() [unclear] Connection Permit
() Grant [unclear]

For the above-referenced parcel.

YOU ARE HEREBY NOTIFIED that your application is **CONDITIONALLY APPROVED** subject to actual change of ownership of the property within one hundred and eighty (180) days of the above date.

In order to complete this assignment and to insure that your position is officially assigned to the new owner on our records, evidence of actual change of ownership (i.e. copy of the recorded grant deed) must be submitted to this office. In the event that the property does not change ownership within 180 days, or the person(s) indicated on the application changes, this conditional approval is null and void and a new application will be required.

Sincerely,

Monique Madrid
Administrative Services Officer

Copy to Buyer: Kingston Bay Cambria
Via FAX to: First American Title Co.

CAMBRIA COMMUNITY SERVICES DISTRICT

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February 29, 2012

Michael Clark
Po Box 419
Cambria, CA 93428

Subject: **EXTENSION OF INTENT TO PROVIDE WATER AND SEWER SERVICE**
ASSESSOR'S PARCEL NO.: 024.191.052- 11.78 COMMERCIAL EDU'S

Dear Mr. Clark,

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As previously stated in the Intent to Serve Letter issued on November 1, 1998 the CCSD's issuance to you of an "Intent to Serve" letter and subsequent issuance to you of water and sewer connection permits shall be subject to current and future rules, regulations, resolutions and ordinances of the Cambria Community Services District. The "Intent to Serve" letter may be revoked as a result of conditions imposed upon the CCSD by a court or governmental agency of higher authority, or by a change in availability of resources, or by a change in ordinances, resolutions, rules or regulations adopted by the Board of Directors for the protection of the health, safety and welfare of the District. The Board of Directors of the District reserves the right to revoke this "Intent to Serve" letter at any time.

Please be advised that the CCSD requires water conserving plumbing in all newly constructed residential and commercial buildings. A copy of these requirements was previously provided with the original Intent to Serve Letter and should be provided by you to your architect or contractor.

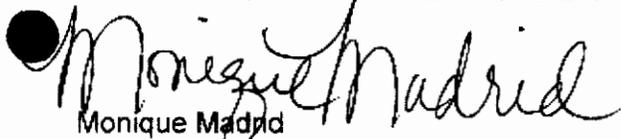
In accordance with Board action on January 19, 2011 this Extension of your Intent to Serve letter is valid until June 1, 2013. It may be considered for additional extensions, subject to meeting the requirements of the CCSD Code. Application for such extension are subject to a non-refundable fee in the amount set forth in the CCSD's applicable fee schedule and shall be submitted to the District office 30 days prior to expiration. The General Manager has full discretion to approve or disapprove the requested extension, and if granted it will be subject to any additional conditions which may be imposed at that time.

During the period that the "Intent to Serve" letter is valid, you must obtain a water and sewer connection permit for the project by submitting a signed application form, and an approved County Building Permit, together with payment of any balance due on retrofit, and water/sewer connection fees. Failure to complete any of the requirements of this Intent to Serve letter within the proscribed time restraints may result in its revocation, forfeiture of fees and your project will be returned to the waiting list.

If you have any questions concerning this matter, please call this office for assistance

Sincerely,

CAMBRIA COMMUNITY SERVICES DISTRICT


Monique Madrid
Administrative Services Officer

Enc. Approved Application for Extension
Copy of retrofit program requirements
New Construction Requirements
Copy of original Intent to Serve Letter

CONDITIONS

1. The conditions contained in this Extension of Intent to Serve Letter are in addition to any and all conditions imposed on the original Intent to Serve Letter for this parcel, and any previously issued extensions. In the event of any conflict between conditions in the original letter and this Extension, the provisions in this Extension shall take precedence.
2. Any additional extensions shall be subject to the applicant having an active application for a building permit (residential) or an application accepted by the County for a minor use permit or development plan, if applicable and an active application for a building permit (commercial).
3. The applicant shall reimburse the CCSD for the costs of plan checking, construction inspection, project administration and legal assistance of any CCSD related improvement associated with the project. For all services rendered by CCSD personnel, the applicant shall be charged and pay to the CCSD the actual cost. The CCSD will invoice the applicant, and any amounts unpaid 30 days from the date of the invoice shall bear interest at the rate of 1 ½ % per month beginning 30 days after the date of said invoice.
4. The applicant expressly grants the CCSD, or its authorized agent, permission to enter upon the land that is the subject of the project for the purpose of inspection of any and/or all work related to the water and sewer improvements.
5. The applicant must agree to grant any required utility or access easements that may be reasonably required by the CCSD.
6. The applicant shall defend, indemnify and hold harmless the CCSD, its officers, agents, representatives and employees from any and all claims, demands, damages, costs expenses or liabilities, including attorney fees, occasioned by the performance or attempted performance of the provisions contained in the Intent to Serve Letter and this Extension.
7. In granting an intent to serve letter, CCSD, makes no determination as to land use entitlements required for the proposed project, and the issuance shall not be construed to be an expression of CCSD's position regarding the use or intensity of use of the development property.
8. The applicant agrees to pay all CCSD connection fees prior to connecting to the water and sewer system, and agrees to pay all monthly water and sewer service charges.

APPLICATION FOR EXTENSION

INTENT TO SERVE LETTER
 CONNECTION PERMIT

RESIDENTIAL COMMERCIAL

Extension, if approved, is valid for 6 months on residential Intent to Serve Letters, and 12 months on Commercial Intent letters and all Connection Permits.

INSTRUCTIONS: Application for Extension shall be submitted at least thirty (30) days prior to expiration date of letter/permit. Applicant must provide proof that application(s) for a building construction permit and, if required for this project, a minor use permit, is/are actively being processed by the County Planning Dept. **Application must include payment of Extension Fee per District Fee Schedule.**

TODAY'S DATE: 1-5-2012 EXPIRATION DATE of LETTER/PERMIT JUNE 2012
OWNER'S NAME MICHAEL CLARK PHONE # 203-5388
OWNER'S MAIL ADDRESS P.O. BOX 419 CLASH 928 927-5088
AGENT'S NAME/PHONE NO. JACK ROSEMSKY REAL ESTATE 927-4777
ASSESSOR'S PARCEL NUMBER 024-191-052

INTENT TO SERVE LETTER FIRST ISSUED (DATE): _____ # OF EXTENSIONS PREVIOUSLY REQUESTED 14

- (REQUIRED) • Attach **CURRENT** (no more than 30 days old) **COUNTY STATUS PRINT-OUT** showing RECENT activity on the project
- (REQUIRED) • Building Permit/ Project No. B
- (If applicable) • Minor Use Permit/ Project No. DEC 2005-00103
- Have you started the foundation or construction? Yes ___ No u

Reason for this request:

MORE TIME NEEDED TO PROCESS VARIATION PROJECT

I/We understand that the General Manager/Board of Directors (as applicable) shall have full discretion to approve or disapprove the requested extension, and if granted, the extension shall be subject to any conditions which may be imposed.

Signature of Applicant or Authorized Agent Michl Clark Date 1-5-2012

----- for office use -----

Extension Fee Paid yes Extension DENIED _____

All documentation received yes Reason for Denial _____

Board Action Date (if applicable): 1/19/12

Extension APPROVED unapproved yes

New Expiration Date 6/1/13 Caitney Hatheway 2/22/12
/s/ Permits Specialist / for General Manager Date

CAMBRIA COMMUNITY SERVICES DISTRICT

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DONALD VILLENEUVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL



OFFICERS:
KENNETH C. TOPPING
General Manager
PAULETTE BECK
District Secretary
ROGER LYON
Legal Counsel

2284 CENTER STREET, PO BOX 65, CAMBRIA, CA 93428
Telephone: 805/927-6223 - FAX: 805-927-5584

November 1, 1998

Mike Clark
PO Box 419
Cambria, CA 93428

RE: COMPLETION OF RETROFIT PROGRAM REQUIREMENTS

APN: 024.191.052.001 6 EDU Commercial Project

Dear Mike ,

This is to inform you that as of the above date:

The retrofits for your project under the District's plumbing retrofit program have been approved on final inspection.

We have received your payment "In Lieu of Retrofit" in the amount of \$42,900.00

You now meet the retrofit requirements of the Plumbing Retrofit Water Conservation Program Ordinance 1-98.

If you have any questions please contact me at the District office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joyce A Stone".
Joyce A Stone
Senior Clerical Assistant

Enc.

NOTICE TO ALL BUILDERS, CONTRACTORS, AND OWNER/BUILDERS:

Cambria Community Services District
MANDATORY WATER CONSERVATION PLUMBING
FIXTURES & DEVICES to be used on NEW CONSTRUCTION

Pursuant to District Ordinance (3-88 as amended by Res. 37-95) mandatory water conservation plumbing requirements are in effect for all New Construction, which is defined as any construction of a previously non-existent structure requiring a discretionary or ministerial permit, and includes the remodeling of an existing structure involving the addition of bathroom fixtures or an increase in floor space of 20% or more.

1) REQUIRED PLUMBING FIXTURES AND DEVICES

- A. **Pressure Regulator** – on the incoming water supply to the structure. This regulator shall be set at a maximum of 50 pounds per square inch gage (50 psig) and located as close to the water meter as possible.
- B. **Toilets & Urinals**– 1.6 gallons per flush maximum (for both tank and flushometer type toilets).
- C. **Bathtubs, Jacuzzi & whirlpool spas** (applies only to units designed to be drained after each use) shall be of a design that does not exceed a maximum of 70 gallons capacity.
- D. **Showerheads** – maximum flow of 2 gallons per minute (2.0 gpm) at 50 pounds pressure, equipped with a shut-off valve near the showerhead.
- E. **Kitchen Faucets** – shall be equipped with an aerator that allows a maximum flow of 2.0 gallons per minute (2.0 gpm) at 50 pounds pressure (50 psi).
- F. **Lavatory Faucets** - shall be equipped with an aerator that allows a maximum flow of 0.5 gallons per minute (1/2 gpm) at 50 pounds pressure (50 psi).
- G. **Exterior Hose Bibs** – shall not exceed 4.0 gallons flow per minute with backflow preventer/vacuum breakers.

2. HOT WATER SYSTEM PLUMBING (this section does not apply to remodels or additions)

- A. **Hot Water System** – Recirculating or 2-pipe hot water piping system with or without a circulation pump.
- B. **Thermal Insulation** – all hot water piping will have thermal insulation with a thickness of not less than ¾ of an inch.
- C. **Hot Water Pipe Located Within or Under Concrete Slabs** – shall be insulated as coverin in item 2.B above and contained in chases or conduits.

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Legal Counsel

2284 CENTER STREET, PO BOX 65, CAMBRIA, CA 93428
Telephone: 805/927-6223 - FAX: 805-927-5584

November 1, 1998

MICHAEL CLARK
PO BOX 419
CAMBRIA CA 93428

Subject: INTENT TO PROVIDE WATER AND SEWER SERVICE for 6 EDU
COMMERCIAL Project Under Water Conservation and Retrofit Program
ASSESSOR'S PARCEL NO.: 024.191.052/~~054~~/056/057/058/059

Dear Applicant,

Pursuant to provisions of District Ordinance No. 2-95 and 1-98 the above referenced parcel has been approved for a water and sewer capacity allocation in the amount of Six Equivalent Dwelling Units (6 EDUs), for your Commercial Bed & Breakfast Project. On that basis, this letter serves as notification of this District's present intention to provide water and sewer service to the above referenced parcel.

This is also to inform you that the District's issuance to you of this "Intent to Serve" letter and subsequent issuance to you of water and sewer connection permits shall be subject to current and future rules, regulations, resolutions and ordinances of the Cambria Community Services District. This "Intent to Serve" letter may be revoked as a result of conditions imposed upon the District by a court or governmental agency of higher authority, or by a change in availability of resources, or by a change in ordinances, resolutions, rules or regulations adopted by the Board of Directors for the protection of the health, safety and welfare of the District. The Board of Directors of the District reserves the right to revoke this "Intent to Serve" letter at any time. PLEASE NOTE: THE BOARD OF DIRECTORS IS CONDUCTING MID-YEAR REVIEWS OF THE RETROFIT PROGRAM IN OCTOBER AND DECEMBER, AT WHICH TIME IT MAY CONSIDER AMENDING THIS PROGRAM TO PLACE RESTRICTIONS ON THE ISSUANCE OF PERMITS.

Consistent with the above limitations, the District requires that the applicant comply with Ordinance 1-98. Specific attention should be paid to Sections C-4 and 5 (page A-2) which require certain actions to be completed within strict time limits. Water usage under this program will be monitored and in the event a 2 to 1 savings is not achieved, the District may require additional action on your part prior to issuing a water and sewer connection. Also prior to issuance of a water & sewer connection permit, the additional "affordable housing" waiting list positions must be withdrawn from this property.

CCSD requires water conserving plumbing in all newly constructed residential and commercial buildings. A copy of these requirements, as well as our approved list of fixtures is attached for your information and should be forwarded to your architect or contractor.

CCSD

Intent to Serve

page 2

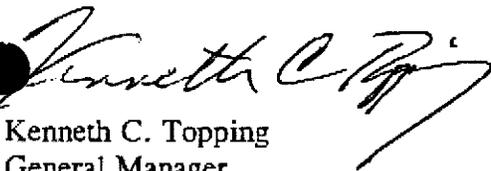
Subject to earlier revocation for the reasons stated above, this "Intent to Serve" letter is valid for 18 months from date of issue. However, it is subject to consideration for a six-month extension. Application for such extension shall be subject to a non-refundable fee in the amount of \$200 and shall be submitted to the District office 30 days prior to expiration. The General Manager has full discretion to approve or disapprove the requested extension, and if granted it shall be subject to any conditions which may be imposed.

During the period that this "Intent to Serve" letter is valid (see date below), you must obtain water and sewer permits for the project by submitting signed application forms, and an approved County Building Permit, together with payment of any balance due on water and sewer connection fees. A water & sewer connection permit will then be issued to you. Failure to complete any of the requirements of this "Intent to Serve" letter within the proscribed time restraints may result in revocation of this "Intent to Serve" letter, forfeiture of fees and your project will be returned to the waiting list.

If you have any questions concerning this matter, please call this office for assistance.

Sincerely,

CAMBRIA COMMUNITY SERVICES DISTRICT


Kenneth C. Topping
General Manager

KCT/js

Enc. Agent Authorization Form
New Construction Requirements
Helpful Phone Numbers

IMPORTANT DEADLINES:

- ◆ Apply to District for Extension if needed
..... 04/01/2000
or
- ◆ Submit County Building Permit
to District before
"Intent Letter" expires 05/01/2000

Kamada, Adrian@Coastal

From: asingewald@co.slo.ca.us
Sent: Thursday, February 20, 2014 1:06 PM
To: Kamada, Adrian@Coastal
Subject: RE: SLO County Approval Appealed to the Coastal Commission: Kingston Bay Senior Living Center, LLC.

I have no record of a hazardous tree removal permit issued on this parcel.

Airlin Singewald
San Luis Obispo County
Department of Planning and Building
(805) 781-5198
asingewald@co.slo.ca.us

From: "Kamada, Adrian@Coastal" <Adrian.Kamada@coastal.ca.gov>
To: "asingewald@co.slo.ca.us" <asingewald@co.slo.ca.us>
Date: 02/19/2014 04:44 PM
Subject: RE: SLO County Approval Appealed to the Coastal Commission: Kingston Bay Senior Living Center, LLC.

Arlin:

Thanks for your response. CZLUO 23.05.060 (tree removal) requires trees within Sensitive Resource Areas to go through the Minor Use Permit process. These Monterey pines were within the SRA Terrestrial Habitat combing designation. Therefore, a Minor Use Permit was required. And, even if these Monterey pines were not designated as SRA, the hazardous trees exemption still requires a determination letter by the Planning Director, and would still be subject to 23.05.064 removal regulations, which state that any tree that is removed because it is a safety hazard shall be replaced in a location on site with a species common to the community, as approved by the Planning Director. So, assuming the MUP process was not taken, is there a planning director letter addressing these findings?

Thanks again!
ACK

From: asingewald@co.slo.ca.us [<mailto:asingewald@co.slo.ca.us>]
Sent: Wednesday, February 19, 2014 3:52 PM
To: Kamada, Adrian@Coastal
Subject: RE: SLO County Approval Appealed to the Coastal Commission: Kingston Bay Senior Living Center, LLC.

Hazardous tree removal is exempt from a CDP.

Airlin Singewald
San Luis Obispo County
Department of Planning and Building
(805) 781-5198
asingewald@co.slo.ca.us

From: "Kamada, Adrian@Coastal" <Adrian.Kamada@coastal.ca.gov>
To: "asingewald@co.slo.ca.us" <asingewald@co.slo.ca.us>
Date: 02/19/2014 01:59 PM
Subject: RE: SLO County Approval Appealed to the Coastal Commission: Kingston Bay Senior Living Center, LLC.

Hi Airlin,

Is it safe to conclude that no CDPs were issued for the removal of those ten Monterey pine trees on the site between 2006-2012?

Thanks,
ACK

From: asingewald@co.slo.ca.us [<mailto:asingewald@co.slo.ca.us>]
Sent: Tuesday, February 11, 2014 1:27 PM
To: Kamada, Adrian@Coastal
Subject: Fw: SLO County Approval Appealed to the Coastal Commission: Kingston Bay Senior Living Center, LLC.

Hi Adrian,

I was the planner on this project and can answer your questions. I am not aware of any CDP issued specifically for tree removal. I know that several dying or diseased trees were removed prior to Kingston Bay acquiring the property.

Airlin Singewald
San Luis Obispo County
Department of Planning and Building
(805) 781-5198
asingewald@co.slo.ca.us

----- Forwarded by Airlin Singewald/Planning/COSLO on 02/11/2014 01:16 PM -----

From: Kerry Brown/Planning/COSLO
To: Airlin Singewald/Planning/COSLO@Wings
Date: 02/11/2014 11:57 AM
Subject: Fw: SLO County Approval Appealed to the Coastal Commission: Kingston Bay Senior Living Center, LLC.

Hi Airlin,

Can you help Adrian from the Coastal Commission regarding Kingston Bay? Thanks.

Kerry

Kerry Brown
Department of Planning and Building
County of San Luis Obispo
805-781-5713
kbrown@co.slo.ca.us

----- Forwarded by Kerry Brown/Planning/COSLO on 02/11/2014 11:54 AM -----

From: "Kamada, Adrian@Coastal" <Adrian.Kamada@coastal.ca.gov>

To: "kbrown@co.slo.ca.us" <kbrown@co.slo.ca.us>
Date: 02/11/2014 10:49 AM
Subject: SLO County Approval Appealed to the Coastal Commission: Kingston Bay Senior Living Center, LLC.

Hi Kerry Brown:

My name is Adrian Kamada, and I am the Coastal Commission analyst reviewing the appeal of the SLO County-approved Kingston Bay project in Cambria. Daniel Robinson passed me along your contact information and said you may be the best person to help me gather some information as I am trying to wrap up my staff report on this appeal.

Do you have any records for Michael Clark, the previous owner of the site, getting coastal development permits for the removal of 10 Monterey pine trees on the property? If so, could you please pass anything you have on this?

Thanks for your help.

Respectfully,
Adrian

Adrian Kamada, Coastal Program Analyst
California Coastal Commission, Central Coast District
725 Front Street, Suite 300, Santa Cruz, CA 95060
Phone: (831) 427 4868 Fax: (831) 427 4877
Adrian.Kamada@coastal.ca.gov
www.coastal.ca.gov

[Scanned @co.slo.ca.us]

[Scanned @co.slo.ca.us]

[Scanned @co.slo.ca.us]

BIOLOGICAL REPORT

**Kingston Bay Senior Living
A 31-Unit, 41 Bed Assisted Living and Memory Care Facility
1981 Green Street
APN 024-191-052/054/056/057/058/059
Parcels 1, 5, 6, 7, 13, 14, 15, 16
Cambria, CA**

By

**V. L. Holland, Ph.D.
Plant and Restoration Ecologist
1697 El Cerrito CT
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For

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September 12, 2012

As a County-approved biologist, I hereby certify that this Biological Resources Assessment was prepared according to the Guidelines established by the County of San Luis Obispo Department of Planning and Building and that the statements furnished in the report and associated maps are true and correct to the best of my knowledge and belief; and I further certify that I was present throughout the site visit(s) associated with this report.

W. Holland
Signature

Sept. 12, 2012
Date

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SYNOPSIS

The following report presents the results of the botanical and wildlife study for an undeveloped 1.26-acre site located at 1941 Green Street, Cambria, CA (APN 024-191-052/054/056/057/058/059; Parcels 1, 5, 6, 7, 13, 14, 15, 16). The owner is proposing to build an assisted living facility, *Kingston Bay Senior Living at Cambria*, on the site. The project site is located along the eastern boundary of the Lodge Hill planning area of Cambria. It is southwest of the Ardath Drive/Highway 1 intersection and approximately 500 west and up slope from Highway 1.

The Kingston Bay Senior Living project design includes 31 assisted living and memory care units with a total gross building area of 28,985 sq. ft. The proposed building footprint is 19,482 sq. ft. and has the total site coverage of 36% of the 1.26-acre (54,706 sq. ft.) project site. There is also a parking lot on the site's frontage near the intersection of Green Street and Ardath Street that provides 19 parking spaces and a place for trash containers. Residential developments occur to the north and west of the project site, an undeveloped area to the south, and open space zoned for agriculture and residential development occur to the east (east of Green Street). The vegetation of the Lodge Hill area prior to residential development was almost entirely Monterey pine forest; however, when Lodge Hill was developed, most of the forest was removed leaving only scattered trees and small fragments of forest among the homes. The Kingston Bay Senior Living facility site is located in one of these small, highly disturbed fragments of forest.

I found a total of 61 plant species on the site consisting of 4 trees (3 native but the coastal redwoods were planted), 6 shrubs (all native) and 51 grasses and forbs (only 12 native). Of the 61 species on the site, 20 are native and 41 are introduced.

The vegetation on the project site can be divided into two plant communities: Monterey pine forest, which covers approximately 35% of the site and ruderal coastal valley grassland, which covers approximately 65% of the site. Two planted trees, e.g., Coast redwoods, also occur on the site behind the existing homes on Londonderry Lane. Most of the Monterey pines occur along the western and northern portions of the site although a few are scattered over the site. The ruderal coastal valley grassland covers most of the eastern and southern portion of the site along Ardath Drive and Green Street. Monterey pine forest understory is composed of ruderal coastal valley grassland and a few widely scattered *Quercus agrifolia* (coast live oak) and native shrubs. There are four coast live oaks on the project site that are 4" or more in DBH (Diameter at Breast Height) and 16 small oaks that are less than 4" in DBH (mostly 1-3"). There are also a few widely scattered native shrubs including one *Heteromeles arbutifolia* (toyon) and three *Frangula californica* [*Rhamnus californica*] (Coffee-berry).

Ruderal coastal valley grassland vegetation covers approximately 65% of the site, mostly in the eastern and southern portions. Much of the site has been disturbed, especially along the two roads that traverse the site, and the roads that form the boundaries of the site (Londonderry Lane, Ardath Drive, and Green Street). The dirt road that traverses the Monterey pine forest provides access for cars and has resulting in dumping in the areas where cars turn around. As a result of these disturbances, most species in the grassland and Monterey pine forest understory are introduced annual grasses and forbs.

A tree map and evaluation of the proposed Kingston Bay Senior Living project site was prepared on April 18, 2006 by Michael Clark. He found a total of 26 Monterey pines, one coast live oak (over 4" DBH), and five (5) planted coastal redwoods on the site. V. L. Holland and Jeremy Lowney reviewed the tree map and survey and conducted a follow up study of the trees in June 2012. The follow up study showed that ten (10) Monterey pines (numbered 1-4, 7, and 17-20 on the 2006 map) have been removed since 2006 leaving only the stumps. Four (4) Monterey pines were found on the site in 2012 that were not mapped in 2006. As a result, a total of 20 living Monterey pines are currently on the site (June 2012). Michael Clark reported only one coast live oak on the site in 2006 but during the 2012 survey four (4) over 4" in DBH and 16 small oaks less than 4" DBH were found on the site. Mr. Clark found five coast redwoods had been planted on the site. During the 2012 survey, three more coast redwoods were found making a total of eight (8) along the western boundary of the site.

The project will result in the removal of eight (8) Monterey pines with a DBH of 6" or greater and one coast live oak with a DHB of 5". The North Coast Area Plan requires that Monterey pines (6" DHB or greater) be replaced at a ratio of 4:1 and coast live oaks (4" DBH or greater) at a ratio of 6:1. This means the owner needs to plant 32 (4x8) Monterey pines and 6 (6x1) coast live oaks as mitigation.

Wildlife on the site is typical of small, disturbed areas of Monterey pine forest and of ruderal grasslands. No sensitive or special status animal species were found on the site or are expected to use the site.

No rare, threatened, or endangered wildlife species was found using the site or are expected to use the site, and no California species of concern was discovered on the site. In addition to the Monterey pine, *Calystegia subacaulis* ssp. *episcopalis* (Cambria [San Luis Obispo County] morning glory), which is a CNPS List 4.3 plant species, is scattered in the grassy forest understory. This species and the Monterey pine are the only listed plant species found on the site, and no others are expected in this area.

Hochhauser Blatter, Santa Barbara, CA will prepare a landscape plan to mitigate the loss of Monterey pines, coast live oaks, toyons, and other understory vegetation. The landscape plan will result in landscaping that mimics the structure and composition of undisturbed Monterey pine forests around Cambria. The plan will be comprised of Monterey pines, coast live oaks, toyons, and other indigenous native shrubs and herbs.

Grading and construction activities on the site could result in impacts to the trees that will remain in the landscaped areas and in the landscape easement. If construction encroaches under the canopy of the trees, disturbance to the soil and root system may occur. The mitigation measures provided in this report are designed to protect the trees from these activities.

There are several factors that reduce the biological significance of the Kingston Bay Senior Living site. These factors are described in detail in this report and include the following: The project site is mostly surrounded by residential development, lacks the native understory vegetation found in most undisturbed Monterey pine forests, and lacks habitat connectivity to other Monterey pine forest habitats. In addition, the health of the forest appears to be poor and a large number of the trees appear to be declining.

INTRODUCTION

The following report presents the results of our botanical and wildlife study for an undeveloped 1.26-acre site located at 1941 Green Street, Cambria, CA (APN 024-191-052/054/056/057/058/059; Parcels 1, 5, 6, 7, 13, 14, 15, 16). The owner is proposing to build an assisted living facility, *Kingston Bay Senior Living at Cambria*, on the site. The project site is located along the eastern boundary of the Lodge Hill planning area of Cambria. It is southwest of the Ardath Drive/Highway 1 intersection and just west and up slope from Highway 1 (Figures 1, 2, 4 and 5).

The Kingston Bay Senior Living project design includes 31 assisted living and memory care units with a total gross building area of 28,985 sq. ft. The proposed building footprint is 19,482 sq. ft. and has the total site coverage of 36% of the 1.26-acre (54,706 sq. ft.) project site. There is also a parking lot on the site's frontage near the intersection of Green Street and Ardath Street that provides 19 parking spaces and a place for trash containers (Figure 3). Residential developments occur to the north and west of the project site, an open area proposed for development to the south, and open space zoned for agriculture and residential development occur to the east (east of Green Street).

The purpose of this study is to survey the existing vegetation, flora, and wildlife on the proposed project site. Special attention is given to the presence or potential presence of rare, endangered, or sensitive species and environmentally sensitive habitats. Impacts of the proposed project on the biological resources are evaluated, and mitigation measures are suggested.

LOCATION AND ENVIRONMENTAL FEATURES

The 1.26-acre project site is located at 1981 Green Street, which is along the eastern edge of the Lodge Hill residential area in Cambria, California. It is approximately 1.4 miles east of the Pacific Ocean and 460 feet west and just up slope from Highway 1 (Figures 1 and 3). Londonderry Lane and Ardath Drive form the site's northern boundary and Green Street its eastern boundary. The project site adjoins the back of the lots and existing homes on Londonderry Lane, which form its western boundary (Figure 4; Photos 3, 4, and 5). South of the project is a small, currently undeveloped area covered mostly by Monterey pine forest. A mosaic of Monterey pine forest and ruderal coastal valley grassland currently covers the Kingston Bay Senior Living project site (Figures 4, 5, and 6; Photos 1-7).

The project site slopes down from its western boundary to its eastern boundary and has an average slope gradient of approximately 10-20% or less with the exception of the steep road cut slopes along the east side of Green Street (Photo 7). The terrain is variable ranging from flat to slightly sloping toward the west. Elevations range

from approximately 330 feet along its western boundary (Londonderry Lane and back of lots on Londonderry Lane) to approximately 300 feet along its eastern boundary along Green Street.

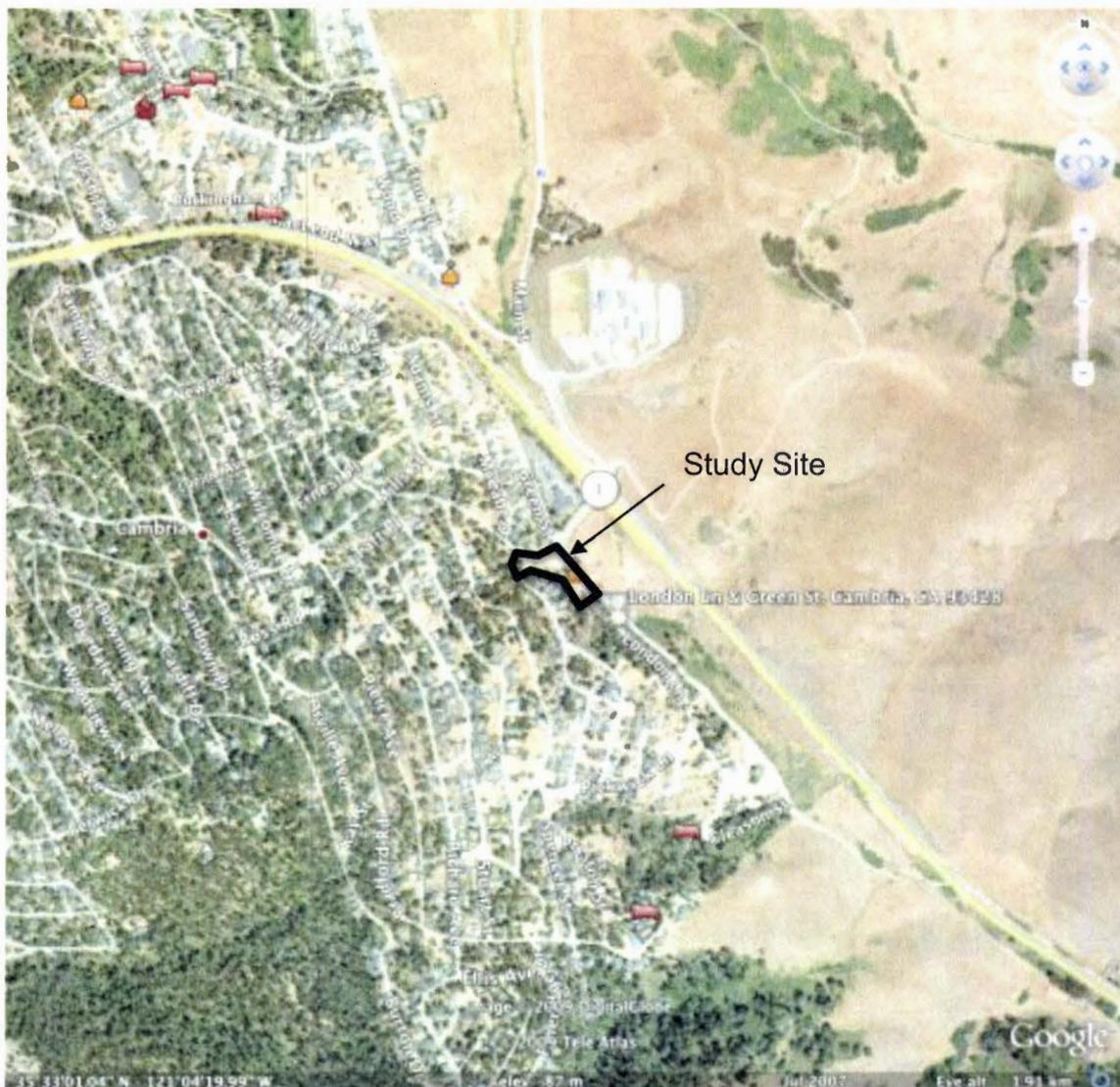


Figure 1. Vicinity map showing location of the Kingston Bay project site in Cambria, CA and the expanse of the Lodge Hill residential area around the site. Large undeveloped stands of Monterey pine forests occur to the north and south of the Lodge Hill development.

Residential development consisting of homes and a few undeveloped lots occurs around most of the site; however, only a few homes occur along Green Street south of the project site. The area east of Green Street, between the Kingston Bay project site and Highway 1, is comprised mostly of undeveloped open land.

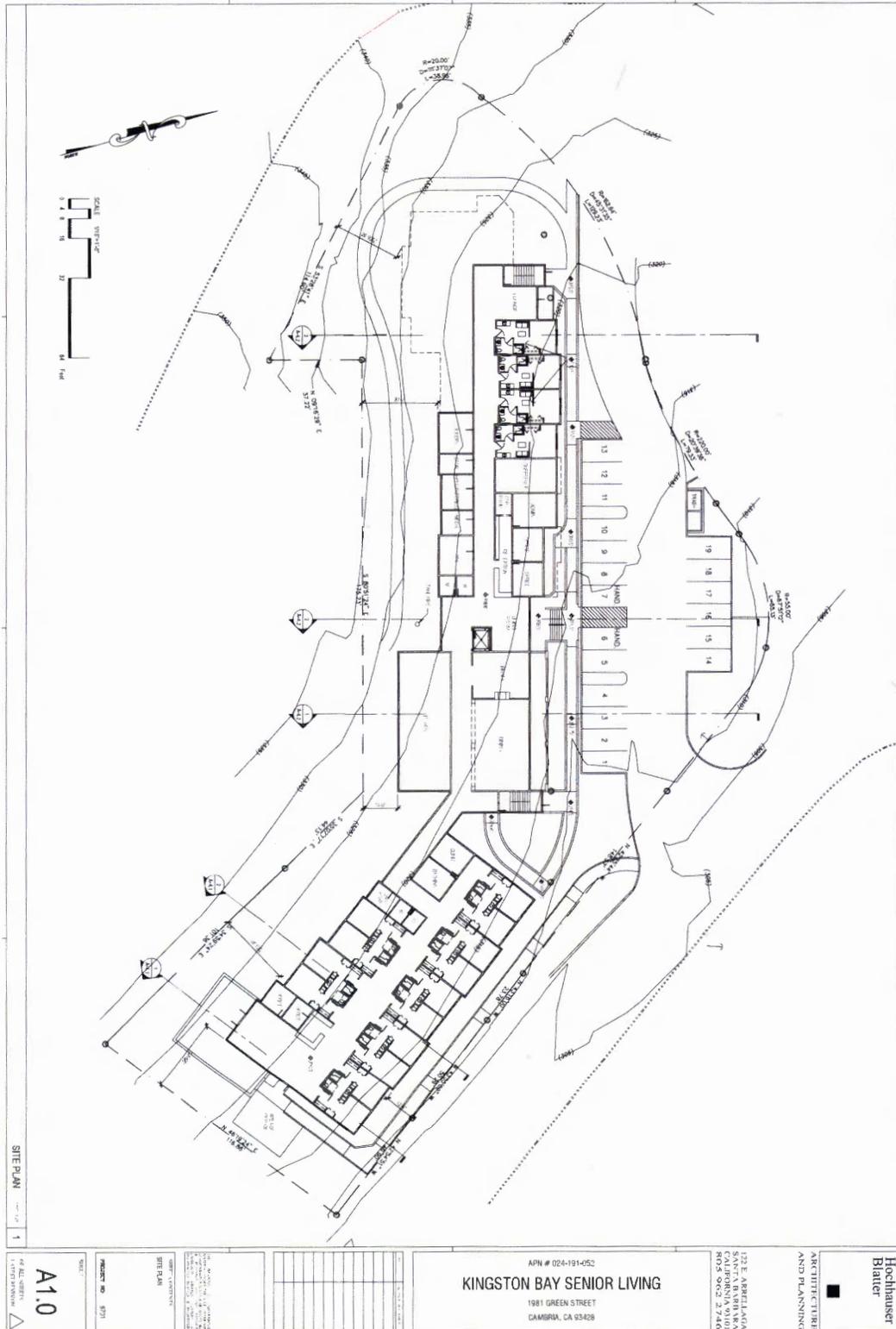


Figure 3. Kingston Bay Senior Living site design plan. A larger version of this map will be provided by the applicant.

METHODS

Drs. V. L. Holland and/or Mike McGovern conducted biological surveys of the study site on March 30, May 3, June 15, June 20, and July 13, 2012 to review the vegetation, flora, and wildlife. All surveys were conducted during the day light hours between 9:00 a.m. and 4:00 p.m. During this series of surveys, all plants found on the site were in identifiable condition using reproductive and/or vegetative features. This included all potential rare plants that were revealed during the nine quadrangles rare plant search (Table 9). Wildlife species observed on the site either directly or indirectly (through scat, tracks, etc.) by V. L. Holland and Mike McGovern were recorded, and the site was carefully searched for any evidence of sensitive wildlife species that are listed by the U. S. Fish and Wildlife Service, California Fish and Game, or are known to occur in the general vicinity of the site (Table 12).

During the surveys, we examined and described variations in the vegetation, flora, and wildlife habitats shaped by landform, soil, hydrology, and past disturbances. Consistent with approved biological survey methodology, the project site was carefully sampled using overlapping transects that zigzagged throughout the entire study area from its southern to northern boundaries and back again. The use of overlapping transects provided a thorough and detailed examination of the Kingston Bay Senior Living project site as well as areas immediately around the site.

During the surveys, we recorded species presence and relative abundance with the goal of recording all plant species present on the site, including any rare plants. To accomplish this, we surveyed the site until no new species were found. While only repeated surveys conducted during all seasons, and even over a few years, provide an inventory nearing one-hundred percent completeness, we are confident that the results of our studies present an accurate inventory of the plants present on site as well as any potential rare plants known to occur in the general vicinity of the site (Tables 9-11). In addition, Jeremy Lowney, certified arborist, conducted a tree survey and evaluation in June 2012.

Mike McGovern carefully searched for wildlife and signs of wildlife (i.e. scat, tracks, dens). The wildlife species observed directly or indirectly as well as those known to commonly use the local Monterey pine forests are included. On June 20, 2012 Dr. McGovern walked the site along its boundaries and in a random pattern across the site multiple times to observe animals and signs of animals. In addition, he walked into the adjacent lot to the south to do the same. The results of these studies are presented in this report.

References used to verify plant identifications include relevant floras (Baldwin, et al 2012 (The Jepson Manual); Hoover 1970; Smith 1998) and herbarium specimens housed at the Hoover Herbarium, Cal Poly State University. Nomenclature follows that of the Jepson Manual (Baldwin, et al, 2012) or on-line revisions that can be accessed on the following website (<http://ucjeps.berkeley.edu/jepsonmanual/review/>).

Our site evaluation is based on proposed building plans for the Kingston Bay Senior Living project site provided by Hochhauser Blatter Architecture and Planning, Santa Barbara, CA. Illustrations and maps showing these proposed plans are provided separately by Hochhauser Blatter.

DESCRIPTION OF THE VEGETATION, FLORA, AND WILDLIFE

Flora

I found a total of 63 plant species on the site consisting of 4 trees (3 native but the coastal redwoods were planted), 6 shrubs (all native) and 53 grasses and forbs (12 native). Of the 63 species on the site, 20 are native to the site (coast redwood was planted) and 42 are introduced. These results are summarized in Table 1 below and in Appendix 1. Ornamental plants that were planted along the yards of adjacent landowners are not included in this survey.

Table 1. Summary of plants found on Kingston Bay Senior Living site.

Life form	Total	Native	Introduced
Trees	4	3 (redwoods were planted)	1
Shrubs	6	6	0
Herbs (Grasses and Forbs)	53	12	41
TOTAL	63	21	42

All the trees and shrubs on the site are California natives (except the planted Chinese arborvitae, which may be in the neighbors' yard). In addition, one native tree species, the coast redwood, has been planted on the site. Most of the herbaceous layer is composed of introduced grasses and forbs with only a few scattered native herbs. Elements of ruderal plant communities occur on the site due to recent and past disturbances such as the roads and trails that traverse the site (Figure 2; Photos 9 and 10). Most of the grasses and forbs in the forest understory are also ruderal grassland species indicating the forest on the site has experienced past and recent disturbances.

Vegetation

Vegetation is shaped by the interactions among long-term climate, short-term weather events, local landforms, soils, hydrology, the physical tolerances of individual plant species, and land use history by animals, including humans. Plant associations are spatially and temporally dynamic. Definitions and boundaries are relative and respond to the sharpness of the controlling environmental factors. Plant communities on the subject site are shown on Figures 4 and 5 (Photos 1-7).

The vegetation on the project site can be divided into two plant communities: Monterey pine forest (35%) and ruderal coastal valley grassland (65%). Two planted trees, such as the coast redwoods, also occur on the site behind the existing homes on Londonderry Lane. A mosaic of open Monterey pine forest and ruderal coastal valley grassland, which also forms the Monterey pine understory, cover the entire 1.26-acre site.



Figure 4. Aerial view showing the approximate property lines of Kingston Bay proposed project site (in black) and the plant communities. The blue line is the approximate canopy limits of the Monterey pine forest on the site. The shadows make it difficult to show exact canopy limits. The rest of the site (tan color) is covered by ruderal coastal valley grassland with widely scattered shrubs. The bold brown dashed line marks the paved and dirt road that traverses the site from the intersection of Ardath Drive and Londonderry Lane to Green Street. The purple dashed line shows the location of the dirt access road that provides access to the center of the project site. North is indicated by blue arrow.

1. Monterey Pine Forest

Most of the Monterey pines occur along the western and northern portions of the site although a few are scattered over the site (Figures 4, 5, and 6). The ruderal grassland covers most of the eastern and southern portion of the site along Ardath Drive and Green Street (Figures 4, 5, and 6; Photos 3-7). Monterey pine forest gets its name from the dominant species, *Pinus radiata* (Monterey pine), which is a fire adapted semi-closed cone pine. The forest overstory is composed entirely of tall Monterey pines. The forest understory is composed of ruderal coastal valley grassland and a few widely scattered *Quercus agrifolia* (coast live oak) and native shrubs. Coast live oaks, which are generally 5 to 15 feet tall, do not attain the stature of the much taller Monterey pines (40 to 60 feet tall). There are five coast live oaks on the project site that are 4" or more in DBH (Diameter at Breast Height) and 16 small oaks that are less than 4" in DBH (mostly 1-2"). There are also a few widely scattered native shrubs including one *Heteromeles arbutifolia* (toyon) and three *Frangula californica* [*Rhamnus californica*] (Coffee-berry). The shrubs are 2 to 6 feet in height. Other native shrubs found in scattered locations on the site include those listed in Table 2 below and Appendix 1.

Table 2. Shrubs found on the Kingston Bay Senior Living site

SHRUBS		
<i>Baccharis pilularis</i>	Coyote bush	Native
<i>Frangula californica</i> (<i>Rhamnus californica</i>)	Coffee-berry	Native
<i>Heteromeles arbutifolia</i>	Toyon	Native
<i>Rubus ursinus</i>	California blackberry	Native
<i>Toxicodendron diversilobum</i>	Poison-oak	Native

A tree map and evaluation of the proposed Kingston Bay Senior Living project site was prepared on April 18, 2006 by Michael Clark. He found a total of 26 Monterey pines, one coast live oak (over 4" DBH), and five (5) planted coast redwoods on the site (Figures 5 and 6). Jeremy Lowney (Certified Arborist) conducted a tree evaluation of the site in June 2012 and recorded the DBH of the trees and an evaluation of their health. Mr. Lowney also prepared a map showing the location of the trees. His report is submitted separately; however, his data is used in this report.

In June 2012, V. L. Holland reviewed Clark's and Lowney's tree maps and surveys and conducted a follow up study of the trees that included all coast live oaks that were over 4" in DBH. This was necessary because neither of the other tree surveys included these trees. Holland's follow up study showed that ten (10) Monterey pines numbered 1-4, 7, and 17-20 on Clark's 2006 map have been removed since 2006 leaving only the stumps. This includes Tree #4 which was in the process of being removed on June 15, 2012 (Photo 1). Note that the current applicant acquired the site after these trees were removed and is not responsible

for their removal. Also during the 2012 surveys, Holland and Lowney found four (4) Monterey pines that were not mapped in 2006 making a total of 20 living Monterey pines on the site during our surveys in 2012.

Michael Clark reported only one coast live oak on the site in 2006 but during the 2012 survey, four (4) coast live oaks over 4" in DBH and 16 small oaks less than 4" DBH were found. In addition, three more coast redwoods have been planted since 2006 making a total of eight (8) along the western boundary of the site behind the homes on Londonderry Lane. Figure 5 shows the results of the 2012 tree survey and includes (1) the locations of the trees mapped in 2006, (2) trees that have been removed, (3) trees that are still remaining from 2006, and (4) trees and larger shrubs found in 2012 that were not shown on the 2006 map. Table 3 shows the trees that Clark found in April 2006 and the ones remaining in June 2012 along with Mr. Clark's comments on their health and safety.

According to Clark (2006) various size classes of Monterey pines based on DBH (Diameter at Breast Height) were represented on the site. His data showed a range of 9" to 33" in DBH; however, a Monterey pine that was 40" in DBH was removed. Of the 20 living Monterey pines on the site during our 2012 surveys, six (6) were 9-15" in DBH, ten (10) were 16-25" DBH, and four (4) were 25-33" DBH (Table 3).

In June 2012, Jeremy Lowney conducted a follow up study and found that Monterey pines ranged from 8" to 43" in DBH. Of the 20 living Monterey pines on the site, five (5) were 8-15" in DBH, ten (10) were 16-25" DBH, and five (5) were 25-43" DBH in the 2012 survey (Table 5).

As mentioned above, the coast live oaks found on the site vary in size from saplings and small trees to relatively large trees. The four (4) coast live oaks on the site with a DBH of 4" or more ranged from 5 to 16" in DBH (5", 8", 10" and 16"). Please note that I also included two coast live oaks (#30 and #31) in the 2012 survey (Figure 6; Table 5) that are forked with two trunks less than 4" at DBH level (4.5 feet above soil); however, the trunk on both trees is 4" in diameter two to three (2-3) feet above soil level. The loss of these trees does not have to be mitigated. Jeremy Lowney located the coast live oaks over 6" in DBH in his report and found three (3) with DBHs of 8", 10", and 16". (Note that the 16" coast live oak was not considered to be on the property by Clark in 2006 but was included in the 2012 survey because it is along the property line.) A few scattered seedlings of Monterey pine and coast live oak occur on or near the site but are not included in the tree inventory. There are 16 coast live oaks with less than a 4" DBH (most had 1-3" DHB). Table 3 shows the DBH of the Monterey pines mapped in 2006 along with comments about their health and location made by Michael Clark. The Monterey pines that remain from 2006 and those that have been removed from the site are also noted on Tables 3 and 4. Table 4 provides a comparison of the number of trees mapped in 2006 compared to those found in the 2012 tree surveys by Holland and Lowney. Figure 6 and Table 5 show the results of the tree surveys in June 2012 by Holland and Lowney.

Table 3. List of Monterey pines that were mapped by Michael Clark in 2006 including their DBH and comments that Mr. Clark recorded about their health and location. The ten (10) Monterey pines that have been removed since 2006 are also noted in the table. DBH is diameter at breast height (4.5 feet above soil).

Tree numbers Monterey pines 2006 survey (Figure 5)	DBH (inches)	Comments by Clark 2006
1	15	Removed: Next to PG&E power pole
2	21	Removed
3	20	Removed
4	44	Removed (being removed at time of 2012 survey)
5	9	Removed
6	9	In landscape easement; Could be saved; Healthy
7	32	Removed
8	11	In landscape easement; Could be saved; Healthy
9	33	In landscape easement; Could be saved; Diseased at base
10	17	In landscape easement; Could be saved; Signs of pitch canker
11	20	In landscape easement; Could be saved; Some disease; on unstable bank; hazardous leaner propose to remove
12	11	In landscape easement; Could be saved; Signs of pitch canker; propose to remove
13	22	In landscape easement; Could be saved; Hazardous leaner on unstable bank; PGE has cut trees nearby
14	28	In landscape easement; Could be saved; Disease at base; leaner on unstable bank
15	8	In landscape easement; Could be saved; Shared tree with neighbor; possible future hazard
16	16	In landscape easement; Could be saved; Visible disease (sap drool); on unstable bank; propose removal
17	21	Removed
18	19	Removed
19	21	Removed
20	22	Removed
21	16	Will have to be removed for building Healthy
22	18	Will have to be removed for building Healthy
23	24	Will have to be removed for building Healthy
24	26	Will have to be removed for building Double trunk with two 11" trunks
25	15	Will have to be removed for building Healthy

Table 4. Number of Monterey pines, coast live oaks, and planted coast redwood trees on the Kingston Bay Senior Living project site in 2012 Compared to 2006. The table also includes the number of Monterey pines removed and the number of Monterey pines, coast live oaks and coast redwoods found in 2012 but not mapped 2006.

TREES	April 18, 2006	June 15, 2012
Total number of Monterey pines on project site in 2006	26	
Total number of Monterey pines removed after 2006 represented by stumps in 2012		10
Total number of Monterey pines mapped in 2006 still remaining on project site in 2012		16
Total number of Monterey pines found in 2012 but not mapped in 2006		4
Total number of Monterey pines on project site in 2012		20
Total number of coast live oaks over 4 inches in DBH on project site in 2006 compared to 2012	1	4
Total number of coast live oaks under 4 inches in DBH on project site	Not included	16
Total number of planted coast redwoods in 2006 compared to 2012	5	8



Figure 5. Results of the June 15, 2012 Tree Survey of the Kingston Bay Senior Living site.

Key to trees and shrubs are on the next page.

KEY TO FIGURE 5 ON PAGE 16

- Monterey pine 8" 
- Monterey pine 15" 
- Monterey pine 16" 
- Coast live oak 5" 
- Coast live oak 10" 
- Coast live oak 8" 
- Coast live oaks (less than 4") 
- Toyon 
- Coffee berry 
- Coast redwood 

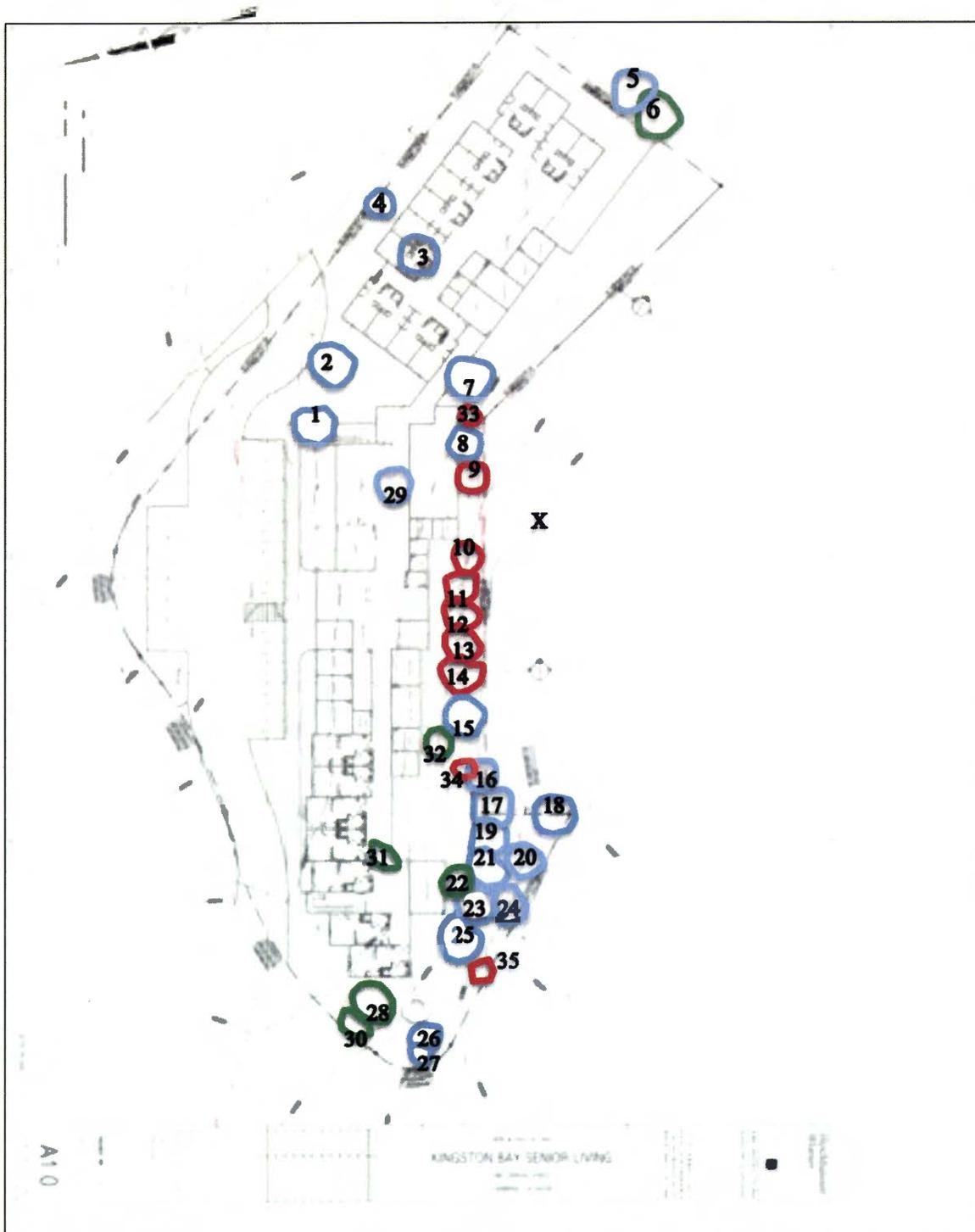


Figure 6. Results of the June 2012 tree surveys of the Kingston Bay Senior Living site by Holland and Lowney. Monterey pines are outlined in blue, coast live oaks in green, and coast redwoods in red except 34, which is a cypress tree. Key to tree numbers is on Table 5 (next page).

Table 5. List of the trees found on the Kingston Bay Senior Living project site along with DBH and an evaluation of their health by Mr. Lowney. Those that will be removed by the project are indicated by an "X". DBH is diameter at breast height (4.5 feet above soil).

Tree #	Common Name	DBH (inches)	Will Be Removed	Tree Condition
1	Monterey pine	23	X	Poor. Topped under power lines
2	Monterey pine	24	X	Healthy. Side trimmed
3	Monterey pine	15,18	X	Hazardous. Low fork. Slight Pitch Canker
4	Monterey pine	18	X	Healthy. Side trimmed
5	Monterey pine	15,10,17		Possible hazard, 3 Forks
6	Coast live oak	16		Very nice oak. Fringe tree
7	Monterey pine	34	X	Healthy
8	Monterey pine	20	X	Healthy
9	Coast redwood	12		Forked and topped.
10	Coast redwood	10		Healthy
11	Coast redwood	16		Healthy
12	Coast redwood	10		Healthy
13	Coast redwood	14		Healthy
14	Coast redwood	12		Healthy
15	Monterey pine	18		Severe hazard. Leaning over neighbor
16	Monterey pine	8		Healthy
17	Monterey pine	32		Severe hazard. Western Gall Rust, RTB, Leaning
18	Monterey pine	43		Hazard. Over power lines consult PG&E, Western Gall Rust
19	Monterey pine	26		Hazard. Western Gall Rust, RTB, Sweep.
20	Monterey pine	17		Healthy
21	Monterey pine	15		RTB. Fairly healthy
22	Coast live oak	10		Healthy
23	Monterey pine	28		Healthy
24	Monterey pine	12		Healthy
25	Monterey pine	21	X	Western Gall Rust, Fairly healthy
26	Monterey pine	12		Healthy
27	Monterey pine	10		Healthy
28	Coast live oak	7,8		Healthy. Forked
29	Monterey pine	21	X	Healthy
30	Coast live oak	2,3		Healthy, forked, 4" trunk 2-3 feet above soil
31	Coast live oak	2,3	X	Healthy, forked, 4" trunk 2-3 feet above soil
32	Coast live oak	5	X	Healthy
33	Coast redwood	3		Healthy
34	Coast redwood	16		Healthy
35	Coast redwood	5		Healthy

Except for a few widely scattered coast live oaks and native shrubs, the Monterey pine understory on the project site consists of a dense cover of introduced grasses and forbs with a few widely scattered native herbs. Most of the grasses and forbs found in the Monterey pine forest understory also grow in the ruderal coastal valley grassland that covers much of the eastern and southern portions of the site. The two roads that traverse the site have created disturbed habitats that have been

colonized by invasive, weedy grasses and forbs. The roads also opened the rest of the site up to invasion by a variety of weedy plant species. The roads also allow vehicular entrance into the Monterey pine forest, which had resulted in some dumping of junk on the site and other disturbances during the time of our surveys. The introduced grasses and forbs that compose the Monterey pine understory are mostly the same species found in the adjacent ruderal grassland. The invasive species are also common along the disturbed roadsides that line the project site.

One plant species, *Calystegia subacaulis* ssp. *episcopalis* (Cambria morning glory), which is found scattered in open grassy areas, is on the CNPS List 4.3. This list includes species that have a limited distribution but are not considered rare or endangered; therefore, it did not show up on the rare plant search, which only includes Lists 1-3 plants. Common grasses and forbs found in the Monterey pine forest understory on the Kingston Bay Senior Living project site are listed below. Appendix 1 provides a complete list of the plant species found on the project site.

Table 6. Common grasses and forbs found on the Kingston Bay Senior Living site

SCIENTIFIC NAME	COMMON NAME	ORIGIN
<i>Avena barbata</i>	Slender wild oats	Introduced
<i>Avena fatua</i>	Common wild oats	Introduced
<i>Briza maxima</i>	Rattlesnake grass	Introduced
<i>Briza minor</i>	Little quaking grass	Introduced
<i>Bromus diandrus</i>	Ripgut brome	Introduced
<i>Bromus hordeaceus</i>	Soft chess brome grass	Introduced
<i>Calystegia subacaulis</i> ssp. <i>episcopalis</i>	Cambria or San Luis Obispo morning glory	Native CNPS List 4.3
<i>Carduus pycnocephalus</i>	Italian thistle	Introduced
<i>Cirsium vulgare</i>	Bull thistle	Introduced
<i>Conium maculatum</i>	Poison hemlock	Introduced
<i>Erodium botrys</i>	Storkbill filaree	Introduced
<i>Festuca myuros</i>	Rattail fescue	Introduced
<i>Fragaria vesca</i>	Wild strawberry	Native
<i>Hirschfeldia incana</i>	Perennial mustard	Introduced
<i>Hordeum murinum</i>	Foxtail barley	Introduced
<i>Hypochaeris radicata</i>	Rough cat's ear	Introduced
<i>Festuca perennis</i>	Ryegrass	Introduced
<i>Medicago polymorpha</i>	Bur-clover	Introduced
<i>Picris echioides</i>	Bristly ox-tongue	Introduced
<i>Plantago lanceolata</i>	English plantain	Introduced
<i>Raphanus sativus</i>	Wild radish	Introduced
<i>Rumex acetosella</i>	Sour dock	Introduced
<i>Sonchus oleraceus</i>	Common sow-thistle	Introduced
<i>Stachys bullata</i>	Hedge-nettle	Native

Wildlife

In general, Monterey pine forests provide wildlife habitat for several wildlife species. Black-tailed deer browse the leaves and branches of the Monterey pine, oaks, and other plants. Porcupines are known to browse on leaves and branches as well as eat the bark. Several small mammals and birds, e.g., deer mice, chipmunks, ground squirrels, scrub jays, stellar jays, and sparrows, forage on the seeds and foliage in the forest. Other small birds, such as chestnut-backed chickadees, forage on the insects of the forest. Hummingbirds and insects feed on the nectar of flowers found in the understory vegetation.

Monterey pines may also provide potential roosting and nesting sites for a variety of birds during various times of the year. Possible nesting and/or hunting raptors that could potentially use the Monterey pines include Red-tailed hawks, Cooper's hawks, Barn owls, and Great horned owls; however, no nests or signs of these birds were found during our surveys. Dead trees or limbs in the forest are important to woodpeckers and a variety of cavity nesting birds. Evidence of woodpecker activity was found on some of the trees.

Because the site is small, highly disturbed, and surrounded mostly by the Lodge Hill residential development, wildlife diversity is much lower than in the large Monterey pine forests found in other areas of Cambria such as the East West Ranch. Many wildlife species are sensitive to human disturbances and are not likely to use the small forest on the Kingston Bay Senior Living project site; however, other wildlife species have adapted to humans and do use the area. The species listed below in Table 7 below and continued on the next page have been observed on the site or in the general area of the site either directly or indirectly through wildlife signs like tracks, scat, etc.

Table 7. Common wildlife on and around the Kingston Bay Senior Living site

Allen's hummingbird	American Crow	American goldfinch
American kestrel	Anna's Hummingbird	Bank swallow
Bewicks wren	Black-headed Grosbeak	Brewer's Blackbird
Broad-footed mole	Bullock's Oriole	Bushtits
California gull	Chestnut backed chickadee	Cedar waxwings
Cliff swallow	Cooper's hawk	Downy woodpecker
Hairy Woodpecker	Acorn woodpecker	European Starlings
Hermit thrush	<i>Herring gull</i>	House Finch

House mouse	House sparrow	Lesser Goldfinch
Morning Dove	Northern Flicker	Nuttal's Woodpecker
Opossum	Turkey vultures	Pacific Tree Frog
Pacific-slope Flycatcher	Purple Finch	Raccoon
Red shouldered hawk	Red tailed hawk	Red-winged Blackbird
Robin	Ruby-crowned Kinglet	Rufus hummingbird
Say's phoebe	Song Sparrow	Striped Skunk
Swallows	Townsend's warbler	Tree swallow
Trowbridge's shrew	Western Bluebird	
Western scrub jay	Yellow-rumped Warbler	

2. Ruderal Coastal Valley Grassland Communities

Communities dominated by plants introduced by humans and established or maintained by human disturbance are anthropogenic communities. Some of these are entirely artificial communities such as landscaped areas, cultivated row-crops, lawns, vineyards, etc. Such assemblages are classified under four broad categories: **arval** associations of cultivated lands, such as row crops; **pastoral** associations used or grown for consumption by grazing livestock; **ruderal** associations of roadsides and other disturbed lands; and **castral** or **urban** associations of intentionally grown horticultural plants such as landscape plants around residences.

Ruderal grassland communities are assemblages of weedy grasses and forbs that have invaded disturbed areas, sometimes in spite of human efforts to control them. Ruderal grassland communities, such as those on the Kingston Bay Senior Living project site, occur in highly and often regularly disturbed areas such as roadsides, areas cleared for weed abatement, and trails and other areas heavily used by humans. Roadsides are generally areas of regular disturbance patterns. Cars routinely drive past creating a disturbance and adding pollutants to the air and pavement. Rainfall and runoff transfer many of the pollutants to the road shoulder where they leach into the soil or splash onto the plants. Periodically roads are maintained creating a continuing form of disturbance. Trails and dirt roads are similar areas maintained by human or animal traffic as well as sometimes by cars.

Often only plants capable of withstanding these types of disturbances are able to grow in regularly disturbed ruderal communities. Weed-dominated communities often represent the early stages of natural succession. In the absence of disturbance many weedy plants may not persist and may be gradually replaced by native vegetation.

On the Kingston Bay Senior Living project site, ruderal coastal valley grassland vegetation covers much of the eastern and southern portions of the site (Figures 4 - 6: Photos 3-7). This includes the areas along the roads that traverse the site, areas where cars turn around, areas of dumping, and areas near the roadsides that form the boundaries of the site (Photos 8-10).

Because the Kingston Bay Senior Living project site has two roads that traverse the site (Photo 9), much of the interior portion of the site, including the Monterey pine forest understory, has become disturbed and opened up to weedy plant invasion. As a result, most of the ground cover in the Monterey pine forest on site is now comprised of ruderal plant species typical of disturbed sites. Most of these species are introduced annual grasses and forbs that also occur in California's annual grasslands.

Although some California's native plant species are able to grow under disturbed conditions, they often fail to become established because of competition from aggressive Eurasian species. Most successful weeds produce large quantities of seeds and readily invade disturbed sites. Many have features that allow their seeds to be widely dispersed and are able to withstand trampling and grow in compacted, disturbed soils. As a result, many of the species of the ruderal communities have also invaded the adjacent native plant communities when disturbance encroaches into these areas. Many of these ruderal species are now part of the Monterey pine forest understory on the project site.

The dirt road that traverses the property has created some ruts that fill with water in the rainy season. Because the water persists in the ruts longer than in the adjacent grassland, some plant species common to wet soils line the ruts but do not occur in the open grassland areas. These include *Juncus bufonius* (Toad rush), *Polypogon monspeliensis* (Rabbitfoot grass), and *Lotus corniculatus* (Bird's-foot trefoil).

The most common grasses and forbs found in the ruderal coastal valley grasslands on the site are listed on the next page; others are listed in Appendix 1.

Table 8. Common plant species in the coastal valley grassland

SCIENTIFIC NAME	COMMON NAME	ORIGIN
<i>Anagallis arvensis</i>	Scarlet pimpernel	Introduced
<i>Avena barbata</i>	Slender wild oats	Introduced
<i>Avena fatua</i>	Common wild oats	Introduced
<i>Brachypodium distachyon</i>	False brome grass	Introduced
<i>Briza maxima</i>	Rattlesnake grass	Introduced
<i>Briza minor</i>	Little quaking grass	Introduced
<i>Bromus diandrus</i>	Ripgut brome	Introduced
Continued		

SCIENTIFIC NAME	COMMON NAME	ORIGIN
<i>Bromus hordeaceus</i>	Soft chess brome grass	Introduced
<i>Bromus madritensis</i> <i>ssp. madritensis</i>	Spanish brome	Introduced
<i>Calystegia macrostegia</i>	Wild morning glory	Native
<i>Calystegia subacaulis</i> ssp. <i>episcopalis</i>	Cambria or San Luis Obispo morning glory	Native CNPS List 4.3
<i>Carduus pycnocephalus</i>	Italian thistle	Introduced
<i>Cirsium vulgare</i>	Bull thistle	Introduced
<i>Conium maculatum</i>	Poison hemlock	Introduced
<i>Conyza canadensis</i>	Horseweed	Introduced
<i>Erodium botrys</i>	Storkbill filaree	Introduced
<i>Festuca myuros</i>	Rattail fescue	Introduced
<i>Hirschfeldia incana</i>	Perennial mustard	Introduced
<i>Hordeum murinum</i>	Foxtail barley	Introduced
<i>Hypochaeris radicata</i>	Rough cat's ear	Introduced
<i>Juncus bufonius</i>	Toad rush	Native
<i>Festuca perennis</i>	Ryegrass	Introduced
<i>Lotus corniculatus</i>	Bird's-foot trefoil	Introduced
<i>Medicago polymorpha</i>	Bur-clover	Introduced
<i>Picris echioides</i>	Bristly ox-tongue	Introduced
<i>Plantago lanceolata</i>	English plantain	Introduced
<i>Polygonum arenastrum</i>	Knotweed	Introduced
<i>Polypogon monspeliensis</i>	Rabbitfoot grass	Introduced
<i>Raphanus sativus</i>	Wild radish	Introduced
<i>Sonchus oleraceus</i>	Common sow-thistle	Introduced

SPECIAL STATUS PLANT SPECIES

To determine the rare plant or wildlife species that could potentially be present on the subject property, we conducted a search for rare plants and animals known to occur within the Cambria 7.5 minute quadrangle and the surrounding quadrangles (Table 9). To generate this list, we referred to the most recent 2012 edition of the California Department of Fish and Game Natural Diversity Data Base: Special Vascular Plants, Bryophytes, and Lichen List (CNDDDB) and the most recent edition of the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* database, both of which are accessible through the internet www.cnps.org and (<http://www.dfg.ca.gov/whdab/html/cnddb.html>).

To determine the rare plant and animal species that could potentially be present on the project site, we conducted a search for target rare plants known to occur within the Cambria (271D), Lime Mountain (270B), Cypress Mountain (270C), Cayucos (247B), Pebblestone Shut-in (271A), San Simeon (271B), Pico Creek (271C). To generate rare plant list (Table 1), we referred to the most recent 2012 edition of the California Department of Fish and Game Natural Diversity Data Base: Special

Vascular Plants, Bryophytes, and Lichen List (CNDDDB) and the most recent edition of the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* database, both of which are accessible through the internet (<http://www.dfg.ca.gov/whdab/html/cnddb.html> and www.cnps.org).

This search revealed several special status plant species that occur within the quadrangles around the study site (Table 9-11). Most of the rare plants on the list are not expected on the Kingston Bay Senior Living project site because they are highly restricted both in distribution range and in habitat requirements. For example, many of the potential rare plant species (Table 9) are only found south of Cambria, or in habitats such as salt marshes and vernal pools. Several others on the list are restricted to specific parent materials such as serpentinite, shale, active sand dunes, or sea bluffs. None of these habitats are on the subject site. Table 11 provides an evaluation of preferred habitats of these rare plants and an evaluation of whether potential habitats occur on the study site. Table 10 provides information about the rare plants such as life form, flowering period, and elevation range.

We conducted biological surveys of the study site on March 30, May 3, June 15, and June 20, 2012. All surveys were conducted during the day light hours between 9:00 a.m. and 4:00 p.m. The purpose of these surveys was to examine the flora, vegetation, and wildlife of the entire development site and surrounding areas and to determine if any rare plant or animal species or sensitive habitats are present. The timing of these surveys falls within the flowering period of the herbaceous rare plants found in the nine-quadrangle rare plant search (Table 9). In addition, trees, shrubs, and many herbaceous plants, including the potential rare plant species, can be identified using vegetative features.

As described previously in the methods section, the project site was carefully sampled using overlapping transects that zigzagged throughout the entire site. During the surveys, the variations in the vegetation and flora shaped by landform, soil, hydrology, and past disturbances were examined and described, and the entire site was studied until no new species were found. Special attention was given to potential habitats for rare plant and animal species as well as sensitive habitats. We are confident that the results of our studies present an accurate search for any rare plants and animals present including any potential rare species known to occur in the general vicinity of the site (Tables 9 - 12). In addition to the Monterey pine, which is listed as a rare plant by CNPS, only one other listed plant was found on the site, *Calystegia subacaulis* ssp. *episcopalis* (Cambria morning glory). This trailing herb was found scattered throughout much of the Monterey pine understory. Cambria morning glory is on List 4.3, which includes the plants of limited distribution and not considered rare or endangered. The tables summarizing the information about rare plants found in the Cambria and surrounding quadrangles are on the pages that follow.

Table 9. List of Special Status Plants Found in the Cambria 7.5 Quadrangle Cambria (271D) and the Surrounding Quadrangles: Lime Mountain (270B), Cypress Mountain (270C), Cayucos (247B), Pebblestone Shut-in (271A), San Simeon (271B), Pico Creek (271C). Current Rarity Status is also included. Species in bold occur in the Cambria quadrangle.

Scientific Name	Common Name	CNPS List	R/E/D	State Status	State Rank	Federal Status	Global Rank
<i>Abies bracteata</i>	Bristlecone fir	1B.3	3/1/3	None	S2.3	None	G2
<i>Allium hickmanii</i>	Hickman's onion	1B.2	2/2/3	None	S2.2	None	G2
<i>Arctostaphylos cruzensis</i>	Arroyo de la Cruz manzanita	1B.2	2/2/3	None	S2.2	None	G2
<i>Arctostaphylos hookeri</i> ssp. <i>hearstiorum</i>	Hearst's manzanita	1B.2	3/2/3	SE	S2	None	G3T2
<i>Arctostaphylos luciana</i>	Santa Lucia manzanita	1B.2	2/2/3	None	S2.2	None	G2
<i>Arctostaphylos pechoensis</i>	Pecho manzanita	1B.2	2/2/3	None	S2.2	None	G2
<i>Arctostaphylos pilosula</i>	Santa Margarita manzanita	1B.2	3/2/3	None	S3	None	G3
<i>Astragalus didymocarpus</i> var. <i>milesianus</i>	Miles' milk-vetch	1B.2	2/2/3	None	S2.2	None	G5T2
<i>Baccharis plummerae</i> ssp. <i>glabrata</i>	San Simeon baccharis	1B.2	3/2/3	None	S1.2	None	G3T1
<i>Calochortus fimbriatus</i>	Late-flowered mariposa lily	1B.2		None	S2.2	None	G3G4
<i>Calochortus obispoensis</i>	San Luis mariposa lily	1B.2	2/2/3	None	S2.1	None	G2
<i>Calycadenia villosa</i>	Dwarf calycadenia	1B.1	2/3/3	None	S2.1	None	G2
<i>Carex obispoensis</i>	San Luis Obispo sedge	1B.2	2/2/3	None	S2.2	None	G2
<i>Castilleja densiflora</i> ssp. <i>obispoensis</i>	San Luis Obispo owl's-clover	1B.2	2/2/3	None	S2.2	None	G5T2
<i>Ceanothus hearstiorum</i>	Hearst's ceanothus	1B.2	3/2/3	SR	S1.2	None	G1
<i>Ceanothus maritimus</i>	Maritime ceanothus	1B.2	3/2/3	SR	S2.2	None	G2
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey spineflower	1B.2	2/2/3	None	S2	FT	G2T2
<i>Cirsium fontinale</i> var. <i>obispoense</i>	San Luis Obispo fountain thistle	1B.2	3/2/3	SE	S2	FE	G2T2
<i>Cirsium occidentale</i> var. <i>compactum</i>	Compact cobwebby thistle	1B.2	2/2/3	None	S2.1	None	G3G4T2
<i>Delphinium parryi</i> ssp. <i>blochmaniae</i>	Dune larkspur	1B.2	3/2/3	None	S2.2	None	G4T2
<i>Delphinium parryi</i> ssp. <i>eastwoodiae</i>	Eastwood's larkspur	1B.2		None	S2	None	G4T2
<i>Delphinium umbraculorum</i>	Umbrella larkspur	1B.3	2/1/3	None	S2S3.3	None	G2G3
<i>Dudleya abramsii</i> ssp. <i>bettinae</i>	Betty's dudleya	1B.2	3/2/3	None	S1.2	None	G3T1
<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>	Blochman's dudleya	1B.1	2/3/2	None	S2.1	None	G2T2
<i>Eriastrum luteum</i>	Yellow-flowered eriastrum	1B.2	2/2/3	None	S2.2	None	G2
<i>Eryngium aristulatum</i> var. <i>hooveri</i>	Hoover's button-celery	1B.1	3/3/3	None	S2.1	None	G5T2
<i>Continued</i>							

Scientific Name	Common Name	CNPS List	R/E/D	State Status	State Rank	Federal Status	Global Rank
Galium californicum ssp. lucienne	Cone Peak bedstraw	1B.3	3/1/3	None	S2.3	None	G5T2
Galium hardhamiae	Hardham's bedstraw	1B.3	2/1/3	None	S2.3	None	G2
Grindelia hirsutula var. maritima	San Francisco gumplant	3.2	2/2/3	None	S1	None	G5T1Q
Horkelia cuneata var. sericea	Kellogg's horkelia	1B.1		None	S1.1	None	G4T1
Layia jonesii	Jones' layia	1B.2	3/2/3	None	S1.1	None	G1
Malacothamnus palmeri var. involucreatus	Carmel Valley bush-mallow	1B.2	2/2/3	None	S2.2	None	G3T2Q
Malacothamnus palmeri var. palmeri	Santa Lucia bush-mallow	1B.2	2/2/3	None	S2.2	None	G3T2Q
Microseris paludosa	Marsh microseris	1B.2	2/2/3	None	S2.2	None	G2
Monolopia gracilens	Woodland woollythreads	1B.2		None	S2S3	None	G2G3
Pedicularis dudleyi	Dudley's lousewort	1B.2	3/2/3	SR	S2.2	None	G2
Pinus radiata	Monterey pine	1B.1	3/3/2	None	S1.1	None	G1
Plagiobothrys uncinatus	Hooked popcorn-flower	1B.2	2/2/3	None	S2.2	None	G2
Sanicula maritima	Adobe sanicle	1B.1	3/3/3	Rare	S2.2	None	G2
Streptanthus albidus ssp. peramoenus	Most beautiful jewel-flower	1B.2	2/2/3	None	S2.2	None	G2T2
Suaeda californica	California seablite	1B.1	3/3/3	None	S1	FE	G1
Triteleia ixioides ssp. cookii	Cook's triteleia	1B.3	2/1/3	None	S2.3	None	G5T2

Tables continued on next pages

Key to numbers and symbols used in Table 1 are listed on the next two page

California Native Plant Society

- List 1—Plants of Highest Priority (2 sublists):
 - 1A—Plants Presumed Extinct in California
 - 1B—Plants Rare and Endangered in California and Elsewhere
- List 2—Plants Rare or Endangered in California, but More Common Elsewhere
- List 3—Plants about which More Information is needed
- List 4—Plants of Limited Distribution (A Watch List)

R (Rarity)

- 1. Rare but found in sufficient numbers and distributed widely enough that the potential for extinction or extirpation is low at this time
- 2. Distributed in a limited number of occurrences, occasionally more if each occurrence is small
- 3. Distributed in one to several highly restricted occurrences, or present in such small numbers that it is seldom reported

E (Endangerment)

- 1. Not endangered
- 2. Endangered in a portion of its range
- 3. Endangered throughout its range

D (Distribution)

- 1. More or less widespread outside California
- 2. Rare outside California
- 3. Endemic to California

California Dept of Fish & Game

Endangered Species (CE)

Plant taxa whose prospects for survival are in immediate jeopardy from one or more causes

Threatened Species (CT)

Plant taxa not presently threatened with extinction, but likely to become endangered within the foreseeable future in the absence of special protection and management efforts

Rare Species (CR)

Plant taxa not presently threatened with extinction, but occurring in such small numbers throughout its range that they may become endangered if habitat conditions worsen

STATE RANKING

- S1 = Less than 6 EOs or less than 1,000 individuals or less than 2,000 acres
- S2 = 6-20 EOs or 1,000-3,000 individuals or 2,000-10,000 acres
- S3 = 21-100 EOs or 3,000-10,000 individuals or 10,000-50,000 acres
- S4 = Apparently secure in California – No threat rank
- S5 = Demonstrably secure in California – No threat rank

Number following S ranks:

- 1 – Very threatened
- 2 – Threatened
- 3 – No current threats

U. S. Dept of Fish and Wildlife

Endangered Species (FE)

Taxa in danger of extinction throughout all or a significant portion of their range

Threatened Species (FT)

Taxa likely to become endangered within the foreseeable future throughout all or a significant portion of their range

Candidate Species (C)

Taxa for which the Service has on file enough substantial information on biological vulnerability and threat(s) to support proposals to list them as endangered or threatened species, but such action has been delayed by other listing activity

Continued on next page

Global Ranking

GX Presumed Extinct

Believed to be extinct throughout its range. Not located despite intensive searches of historical sites and other appropriate habitat, and virtually no likelihood that it will be rediscovered.

G3 Vulnerable

Vulnerable globally either because very rare and local throughout its range, found only in a restricted range (even if abundant at some locations), or because of other factors making it vulnerable to extinction or elimination. Typically 21 to 100 occurrences or between 3,000 and 10,000 individuals.

GH Possibly Extinct

Known from only historical occurrences, but may nevertheless still be extant; further searching needed.

G4 Apparently Secure

Uncommon but not rare (although it may be rare in parts of its range, particularly on the periphery), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern. Typically more than 100 occurrences and more than 10,000 individuals.

G1 Critically Imperiled

Critically imperiled globally because of extreme rarity or because of some factor(s) making it especially vulnerable to extinction. Typically 5 or fewer occurrences or very few remaining individuals (<1,000) or acres (<2,000) or linear miles (<10).

G5 Secure

Common, widespread, and abundant (although it may be rare in parts of its range, particularly on the periphery). Not vulnerable in most of its range. Typically with considerably more than 100 occurrences and more than 10,000 individuals.

G2 Imperiled

Imperiled globally because of rarity or because of some factor(s) making it very vulnerable to extinction or elimination. Typically 6 to 20 occurrences or few remaining individuals (1,000 to 3,000) or acres (2,000 to 10,000) or linear miles (10 to 50).

T# Intraspecific Taxon (trinomial)

The status of intraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank. Rules for assigning T-ranks follow the same principles outlined above. For example, the global rank of a critically imperiled subspecies of an otherwise widespread and common species would be G5T1.

Table 10. List of Special Status Plants Found in the Cambria (271D) 7.5 Quadrangle and the Surrounding Quadrangles: Lime Mountain (270B), Cypress Mountain (270C), Cayucos (247B), Pebblestone Shut-in (271A), San Simeon (271B), Pico Creek (271C) along with family, life form, flowering period, and elevation range.

Scientific Name	Common Name	Life Form	Flower Period	Elevation Range
<i>Abies bracteata</i>	Bristlecone fir	Perennial evergreen tree		183-1600
<i>Allium hickmanii</i>	Hickman's onion	Perennial bulbiferous herb	Mar-May	5-200
Arctostaphylos cruzensis	Arroyo de la Cruz manzanita	Perennial evergreen shrub	Dec-Mar	60-310
<i>Arctostaphylos hookeri</i> ssp. <i>hearstiorum</i>	Hearst's manzanita	Perennial evergreen shrub	Feb-Apr	55-200
<i>Arctostaphylos luciana</i>	Santa Lucia manzanita	Perennial evergreen shrub	Dec-Mar	350-850
<i>Arctostaphylos pechoensis</i>	Pecho manzanita	Perennial evergreen shrub	Nov-Mar	125-850
<i>Arctostaphylos pilosula</i>	Santa Margarita manzanita	Perennial evergreen shrub	Dec-May	17-1100
<i>Astragalus didymocarpus</i> var. <i>milesianus</i>	Miles' milk-vetch	Annual herb	Mar-Jun	20-90
<i>Baccharis plummerae</i> ssp. <i>glabrata</i>	San Simeon baccharis	Perennial deciduous shrub	Jun	50-480
<i>Calochortus fimbriatus</i>	Late-flowered mariposa lily	Perennial bulbiferous herb	Jun-Aug	275-1905
<i>Calochortus obispoensis</i>	San Luis mariposa lily	Perennial bulbiferous herb	May-Jul	50-730
<i>Calycadenia villosa</i>	Dwarf calycadenia	Annual herb	May-Oct	240-1350
<i>Carex obispoensis</i>	San Luis Obispo sedge	Perennial rhizomatous herb	Apr-Jun	10-820
Castilleja densiflora ssp. obispoensis	San Luis Obispo owl's-clover	Annual herb	Mar-May	10-400
<i>Ceanothus hearstiorum</i>	Hearst's ceanothus	Perennial evergreen shrub	Mar-Apr	75-245
<i>Ceanothus maritimus</i>	Maritime ceanothus	Perennial evergreen shrub	Jan-Apr	10-150
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey spineflower	Annual herb	Apr-Aug	3-450
<i>Cirsium fontinale</i> var. <i>obispoense</i>	San Luis Obispo fountain thistle	Perennial herb	Feb-Sep	35-380
Cirsium occidentale var. compactum	Compact cobwebby thistle	Perennial herb	Apr-Jun	5-150
<i>Delphinium parryi</i> ssp. <i>blochmaniae</i>	Dune larkspur	Perennial herb	Apr-May	0-200
Delphinium parryi ssp. eastwoodiae	Eastwood's larkspur	Perennial herb	Feb-Mar	75-500
<i>Delphinium umbraculorum</i>	Umbrella larkspur	Perennial herb	Apr-Jun	400-1600
<i>Dudleya abramsii</i> ssp. <i>bettinae</i>	Betty's dudleya	Perennial herb	May-Jul	20-180
Dudleya blochmaniae ssp. blochmaniae	Blochman's dudleya	Perennial herb	Apr-Jun	5-450
Continued				

Scientific Name	Common Name	Life Form	Flower Period	Elevation Range
<i>Eriastrum luteum</i>	Yellow-flowered eriastrum	Annual herb	May-Jun	290-1000
<i>Eryngium aristulatum</i> var. <i>hooveri</i>	Hoover's button-celery	Annual/perennial herb	Jul-Aug	3 - 45
<i>Galium californicum</i> ssp. <i>luciense</i>	Cone Peak bedstraw	Perennial herb	Mar-Sep	400-1525
<i>Galium hardhamiae</i>	Hardham's bedstraw	Perennial herb	Apr-Oct	395-975
<i>Grindelia hirsutula</i> var. <i>maritima</i>	San Francisco gumplant	Perennial herb	Jun-Sep	15-400
<i>Horkelia cuneata</i> var. <i>sericea</i>	Kellogg's horkelia	Perennial herb	Apr-Sep	10-200
<i>Layia jonesii</i>	Jones' layia	Annual herb	Mar-May	5-400
<i>Malacothamnus palmeri</i> var. <i>involucratus</i>	Carmel Valley bush-mallow	Perennial deciduous shrub	May-Oct	30-1100
<i>Malacothamnus palmeri</i> var. <i>palmeri</i>	Santa Lucia bush-mallow	Perennial deciduous shrub	May-Jul	60-360
<i>Microseris paludosa</i>	Marsh microseris	Perennial herb	Apr-Jul	5-300
<i>Monolopia gracilens</i>	Woodland woollythreads	Annual herb	Feb-Jul	100-1200
<i>Pedicularis dudleyi</i>	Dudley's lousewort	Perennial herb	Apr-Jun	60-900
<i>Pinus radiata</i>	Monterey pine	Perennial evergreen tree		25-185
<i>Plagiobothrys uncinatus</i>	Hooked popcorn-flower	Annual herb	Apr-May	300-760
<i>Sanicula maritima</i>	Adobe sanicle	Perennial herb	Feb-May	30-240
<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	Most beautiful jewel-flower	Annual herb	Mar-Oct	90-1000
<i>Suaeda californica</i>	California seablite	Perennial evergreen shrub	Jul-Oct	0-15
<i>Triteleia ixioides</i> ssp. <i>cookii</i>	Cook's triteleia	Perennial bulbiferous herb	May-Jun	150-700

Table 11. Habitat Requirements of the Special Status Plants Found in the Cambria (271D) 7.5 Quadrangle and the Surrounding Quadrangles: Lime Mountain (270B), Cypress Mountain (270C), Cayucos (247B), Pebblestone Shut-in (271A), San Simeon (271B), Pico Creek (271C) along with Preferred Habitats and whether Potential Habitats Occur on Study Site.

Scientific Name	Habitats and Natural Communities Found in	Suitable Habitats on Site?
<i>Abies bracteata</i>	Broad-leafed upland forest, Chaparral, Lower montane coniferous forest/rocky	No and out of range
<i>Allium hickmanii</i>	Closed-cone coniferous forest, Chaparral (maritime), Coastal prairie, Coastal scrub, Valley and foothill grassland	No. Only as far south as Hearst Ranch
Arctostaphylos cruzensis	Broad-leafed upland forest, Coastal bluff scrub, Closed-cone coniferous forest, Chaparral, Coastal scrub, Valley and foothill grassland/sandy	Potentially but no manzanitas occur on the site
<i>Arctostaphylos hookeri</i> ssp. <i>hearstiorum</i>	Chaparral (maritime), Coastal prairie, Coastal scrub, Valley and foothill grassland/sandy	No suitable habitats and out of range
<i>Arctostaphylos luciana</i>	Chaparral, Cismontane woodland/shale	No suitable habitats and out of range
<i>Arctostaphylos pechoensis</i>	Closed-cone coniferous forest, Chaparral, Coastal scrub/siliceous shale	No suitable habitats and out of range
<i>Arctostaphylos pilosula</i>	Closed-cone coniferous forest, Chaparral, Cismontane woodland	No suitable habitats and out of range
<i>Astragalus didymocarpus</i> var. <i>milesianus</i>	Coastal scrub (clay)	No suitable habitats and out of range
<i>Baccharis plummerae</i> ssp. <i>glabrata</i>	Coastal scrub	No suitable habitats and out of range
<i>Calochortus fimbriatus</i>	Chaparral, Cismontane woodland, Riparian woodland/often serpentinite	No suitable habitats and out of range
<i>Calochortus obispoensis</i>	Chaparral, Coastal scrub, Valley and foothill grassland/often serpentinite	No suitable habitats and out of range
<i>Calycadenia villosa</i>	Chaparral, Cismontane woodland, Meadows and seeps, Valley and foothill grassland/rocky, fine soils	No suitable habitats and out of range
<i>Carex obispoensis</i>	Closed-cone coniferous forest, Chaparral, Coastal prairie, Coastal scrub, Valley and foothill grassland/often serpentinite seeps, sometimes gabbro; often on clay soils	No suitable habitats
Castilleja densiflora ssp. obispoensis	Meadows and seeps, Valley and foothill grassland/sometimes serpentinite	Potentially but not found on the site
<i>Ceanothus hearstiorum</i>	Chaparral (maritime), Coastal prairie, Coastal scrub	No suitable habitats and out of range
<i>Ceanothus maritimus</i>	Coastal bluff scrub, Chaparral (maritime), Valley and foothill grassland/clay	No suitable habitats and out of range
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Chaparral (maritime), Cismontane woodland, Coastal dunes, Coastal scrub, Valley and foothill grassland/sandy	No suitable habitats and out of range
<i>Cirsium fontinale</i> var. <i>obispoense</i>	Chaparral, Cismontane woodland, Coastal scrub, Valley and foothill grassland/serpentinite seeps, drainages	No suitable habitats and out of range
Cirsium occidentale var. compactum	Chaparral, Coastal dunes, Coastal prairie, Coastal scrub	No suitable habitats and out of range
<i>Delphinium parryi</i> ssp. <i>blochmaniae</i>	Chaparral (maritime), Coastal dunes	No suitable habitats and out of range
Delphinium parryi ssp. eastwoodiae	Chaparral (openings), Valley and foothill grassland/Serpentinite, coastal	No suitable habitats and out of range
<i>Delphinium umbracolorum</i>	Cismontane woodland	No suitable habitats and out of range
<i>Dudleya abramsii</i> ssp. <i>bettinae</i>	Chaparral, Coastal scrub, Valley and foothill grassland/serpentinite, rocky	No suitable habitats and out of range
Dudleya blochmaniae ssp. blochmaniae	Coastal bluff scrub, Chaparral, Coastal scrub, Valley and foothill grassland/rocky, often clay or serpentinite	No suitable habitats and out of range
<i>Eriastrum luteum</i>	Broad-leafed upland forest, Chaparral, Cismontane woodland/sandy or gravelly	No suitable habitats
Continued		

Scientific Name	Habitats and Natural Communities Found in	Suitable Habitats on Site?
<i>Eryngium aristulatum</i> var. <i>hooveri</i>	Vernal pools	No suitable habitats
<i>Galium californicum</i> ssp. <i>lucienne</i>	Broad-leaved upland forest, Chaparral, Cismontane woodland, Lower montane coniferous forest	No suitable habitats
<i>Galium hardhamiae</i>	Closed-cone coniferous forest, Chaparral/serpentinite	No suitable habitats
<i>Grindelia hirsutula</i> var. <i>maritima</i>	Coastal bluff scrub, Coastal scrub, Valley and foothill grassland/sandy or serpentinite	Potentially but not found on the site
<i>Horkelia cuneata</i> ssp. <i>sericea</i>	Closed-cone coniferous forest, Chaparral (maritime), Coastal dunes, Coastal scrub/sandy or gravelly, openings	Potentially but not found on the site
<i>Layia jonesii</i>	Chaparral, Valley and foothill grassland/clay or serpentinite	No suitable habitats
<i>Malacothamnus palmeri</i> var. <i>involucratus</i>	Chaparral, Cismontane woodland, Coastal scrub	No suitable habitats
<i>Malacothamnus palmeri</i> var. <i>palmeri</i>	Chaparral (rocky)	No suitable habitats
<i>Microseris paludosa</i>	Closed-cone coniferous forest, Cismontane woodland, Coastal scrub, Valley and foothill grassland	No suitable habitats
<i>Monolopia gracilens</i>	Broad-leaved upland forest (openings), Chaparral (openings), Cismontane woodland, North Coast coniferous forest (openings), Valley and foothill grassland/Serpentine	No suitable habitats and out of range
<i>Pedicularis dudleyi</i>	Chaparral (maritime), Cismontane woodland, North Coast coniferous forest, Valley and foothill grassland	No suitable habitats
<i>Pinus radiata</i>	Closed-cone coniferous forest, Cismontane woodland	Dominant tree on site
<i>Plagiobothrys uncinatus</i>	Chaparral (sandy), Cismontane woodland, Valley and foothill grassland	No suitable habitats
<i>Sanicula maritima</i>	Chaparral, Coastal prairie, Meadows and seeps, Valley and foothill grassland/clay, serpentinite	No suitable habitats
<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	Chaparral, Cismontane woodland, Valley and foothill grassland/serpentinite	No suitable habitats
<i>Suaeda californica</i>	Marshes and swamps (coastal salt)	No suitable habitats
<i>Triteleia ixioides</i> ssp. <i>cookii</i>	Closed-cone coniferous forest, Cismontane woodland/serpentinite seeps	No suitable habitats

Rare plant species found on site

After carefully searching the site for the potential rare plants listed in Table 1, only one special status plant species (CNPS Lists 1-3) was found on the site, *Pinus radiata* (Monterey Pine). *Calystegia subacaulis* ssp. *episcopalis* (Cambria morning glory) is widely scattered on the site but has been down graded from CNPS List 1B to CNPS List 4.3 (plants of limited distribution) because it is no longer considered rare or endangered. It has been found in many areas of San Luis Obispo County and is much more common than thought. No other rare plants are expected on the site because suitable habitats are not present.

***Pinus radiata* (Monterey Pine)**

In 1994, CNPS first considered *Pinus radiata* (Monterey pine) to be Rare and Endangered (List 1B) because this forest type is naturally confined to three small areas on the central California coast and two small islands. Throughout its natural range, Monterey pine forest is subject to increased threats from development, clearing, fragmentation, feral animals, and disease.

Currently, *Pinus radiata* (Monterey pine) is on the CNPS List 1B.1 (Rare and Endangered in California), has a State Rank of S1.1 (Less than 6 EOs or less than 1,000 individuals or less than 2,000 acres and very threatened), and a Global

Rank of G1 (critically imperiled globally because of extreme rarity or because of some factor(s) making it especially vulnerable to extinction. Typically there are 5 or fewer occurrences or very few remaining individuals (<1,000) or acres (<2,000) or linear miles (<10) exists). In addition, the Monterey pines in the Cambria area are considered unique for several reasons as discussed previously in this report.

***Calystegia subacaulis* ssp. *episcopalis* (Cambria morning glory)** is a perennial herb with trailing or sometimes weakly twining stems. It has alternate, broadly triangular leaves that are minutely hairy. The cream-colored, funnel-shaped flowers are produced from April to July (September). After the flowers wither the plant develops small, dry capsules with dark seeds. By late summer the aboveground parts of the plants are usually dry and only seeds and underground rootstocks persist through the dry season.

Currently, is placed by the CNPS onto List 4.3 (Plants of Limited Distribution (A Watch List). *Calystegia subacaulis* ssp. *episcopalis* is at present known from San Luis Obispo and northern Santa Barbara counties. In San Luis Obispo County it ranges from the Hearst Ranch in the northwestern corner of the county, east to the Atascadero area, and south to San Luis Obispo. It typically occurs in grassy sites with clay-rich soils often in association with serpentine parent material. In recent years, botanists have found that Cambria morning glory in a number of new areas and have noted that it is more widely distributed. It appears that it is much more common than originally thought. On the project site, it is scattered in the Monterey pine forest understory and in the coastal valley grassland between the trees.

SPECIAL STATUS WILDLIFE SPECIES

A number of special status wildlife species are known to occur along the central coast of California in the general vicinity of the project site. The results of the CNDDDB computer search for special status wildlife species in the Cambria, Cayucos, Cypress Mountain, Lime Mountain, Pebblestone Shut-in, Pico Creek, and San Simeon 7.5 Quadrangles revealed 18 species with special listing. Table 4 lists these species and provides information on their current rarity status. We carefully searched the subject site for any signs of these potential special status wildlife species, but none were found on the site or expected to use the site because no suitable habitats were found.

Table 12. List of Special Status Animal Species Found in the Cambria, Cayucos, Cypress Mountain, Lime Mountain, Pebblestone Shut-in, Pico Creek, and San Simeon 7.5 Quadrangles based on CNDDDB. Current special listing Status is also included. (DFG = Department of Fish and Game; SSC = species of special concern; WL = watch list).

Quadrangle	Scientific Name	Common Name	Federal Status	State Status	DFG Status
Lime Mountain	Haliaeetus leucocephalus	Bald eagle	Delisted	Endangered	FP
Cambria	Rana draytonii	California red-legged frog	Threatened	None	SSC
Cambria	Rana draytonii	California red-legged frog	Threatened	None	SSC
Cayucos	Rana draytonii	California red-legged frog	Threatened	None	SSC
Cypress Mountain	Rana draytonii	California red-legged frog	Threatened	None	SSC
Cypress Mountain	Rana draytonii	California red-legged frog	Threatened	None	SSC
Pebblestone Shut-in	Rana draytonii	California red-legged frog	Threatened	None	SSC
Pebblestone Shut-in	Rana draytonii	California red-legged frog	Threatened	None	SSC
Pico Creek	Rana draytonii	California red-legged frog	Threatened	None	SSC
Pico Creek	Rana draytonii	California red-legged frog	Threatened	None	SSC
San Simeon	Rana draytonii	California red-legged frog	Threatened	None	SSC
Cambria	Taricha torosa	Coast Range newt	None	None	SSC
Cypress Mountain	Taricha torosa	Coast Range newt	None	None	SSC
San Simeon	Buteo regalis	Ferruginous hawk	None	None	WL
Continued					

Cambria	Rana boylei	Foothill yellow-legged frog	None	None	SSC
San Simeon	Rana boylei	Foothill yellow-legged frog	None	None	SSC
Quadrangle	Scientific Name	Common Name	Federal Status	State Status	DFG Status
Cambria	Myotis thysanodes	Fringed myotis	None	None	
Pico Creek	Myotis thysanodes	Fringed myotis	None	None	
San Simeon	Myotis thysanodes	Fringed myotis	None	None	
Cambria	Ammodramus savannarum	Grasshopper sparrow	None	None	SSC
San Simeon	Myotis volans	Long-legged myotis	None	None	
Cambria	Danaus plexippus	Monarch butterfly	None	None	
Cayucos	Danaus plexippus	Monarch butterfly	None	None	
San Simeon	Danaus plexippus	Monarch butterfly	None	None	
San Simeon	Danaus plexippus	Monarch butterfly	None	None	
Cayucos	Antrozous pallidus	Pallid bat	None	None	SSC
San Simeon	Antrozous pallidus	Pallid bat	None	None	SSC
Pebblestone Shut-in	Falco mexicanus	Prairie falcon	None	None	WL
Cayucos	Cicindela hirticollis gravida	Sandy beach tiger beetle	None	None	
Cayucos	Oncorhynchus mykiss irideus	Southern steelhead - southern California DPS	Endangered	None	SSC
Cambria	Oncorhynchus mykiss irideus	Steelhead - south/central California coast DPS	Threatened	None	SSC
Continued					

Quadrangle	Scientific Name	Common Name	Federal Status	State Status	DFG Status
Cayucos	Oncorhynchus mykiss irideus	Steelhead - south/central California coast DPS	Threatened	None	SSC
Cypress Mountain	Oncorhynchus mykiss irideus	Steelhead - south/central California coast DPS	Threatened	None	SSC
Pebblestone Shut-in	Oncorhynchus mykiss irideus	Steelhead - south/central California coast DPS	Threatened	None	SSC
Pico Creek	Oncorhynchus mykiss irideus	Steelhead - south/central California coast DPS	Threatened	None	SSC
San Simeon	Oncorhynchus mykiss irideus	Steelhead - south/central California coast DPS	Threatened	None	SSC
Cambria	Eucyclogobius newberryi	Tidewater goby	Endangered	None	SSC
Cayucos	Eucyclogobius newberryi	Tidewater goby	Endangered	None	SSC
Pico Creek	Eucyclogobius newberryi	Tidewater goby	Endangered	None	SSC
San Simeon	Eucyclogobius newberryi	Tidewater goby	Endangered	None	SSC
San Simeon	Corynorhinus townsendii	Townsend's big-eared bat	None	None	SSC
Cambria	Thamnophis hammondi	Two-striped garter snake	None	None	SSC
Pebblestone Shut-in	Thamnophis hammondi	Two-striped garter snake	None	None	SSC
Pico Creek	Thamnophis hammondi	Two-striped garter snake	None	None	SSC
San Simeon	Thamnophis hammondi	Two-striped garter snake	None	None	SSC
Cambria	Emys marmorata	Western pond turtle	None	None	SSC
Cayucos	Emys marmorata	Western pond turtle	None	None	SSC
Cypress Mountain	Emys marmorata	Western pond turtle	None	None	SSC
Lime Mountain	Emys marmorata	Western pond turtle	None	None	SSC
Continued					

Quadrangle	Scientific Name	Common Name	Federal Status	State Status	DFG Status
Pebblestone Shut-in	<i>Emys marmorata</i>	Western pond turtle	None	None	SSC
Pico Creek	<i>Emys marmorata</i>	Western pond turtle	None	None	SSC
San Simeon	<i>Emys marmorata</i>	Western pond turtle	None	None	SSC
Cambria	<i>Myotis yumanensis</i>	Yuma myotis	None	None	
Pico Creek	<i>Myotis yumanensis</i>	Yuma myotis	None	None	

We carefully evaluated the potential sensitive wildlife species that might occur in the general area around Cambria and the project site. Below we discuss the 18 sensitive wildlife species that potentially could occur around Cambria and the project site. For each species, we summarize their habitat requirements and indicate whether they might use the site. No special status wildlife species were found on the project site and results of our research and site evaluation indicate that none are expected to use the site. We did not find suitable habitats for any of the special status wildlife species on the project site.

Coast Range newts (*Taricha torosa torosa*) is a California species of concern that is found in wet forests, oak forests, chaparral, and rolling grasslands. It utilizes ponds, reservoirs, and pools in streams to breed, typically beginning in December or January or with the first heavy rains. Eggs are attached to submerged vegetation or stones. Larvae transform and begin to live on land at the end of the summer or in early fall. In summer they can be found in moist habitats under woody debris, or in rock crevices and animal burrows but can sometimes be seen wandering overland in moist habitats any time of the year. Minimal appropriate habitat appeared on the property. Construction on the property should have no significant affect on this species, and it may be that with development more mesic areas will be present providing habitat for this species.

Two-striped garter snake (*Thamnophis hammondi*) is distributed from central California to Baja California. It is found from the coast to the foothills and mountains. This is a relatively common snake in California, and it is not unusual to see several individuals at a time in a given spot. Though not exclusively aquatic, garter snakes are most frequently encountered in or near water where they inhabit streams, ponds, and lakes throughout their range. They can often be found in temporary bodies of water such as vernal pools. There is no habitat presently on the Kingston Bay Senior Living project site, but with the addition of landscaping it may create damp areas that may offer adequate habitat for this species.

California red-legged frog (*Rana aurora draytonii*) is a species that is considered threatened by the United States Fish and Wildlife Service. It also requires a permanent water source. This species prefers deeper water primarily in pools of

streams that are shady and cool where they can mate to complete their life cycle. Eggs and larvae depend on an aquatic environment for development. A protocol survey was not conducted and should not be necessary due to lack of aquatic habitat.

Foothill Yellow-legged Frog (*Rana boylei*) inhabits areas in northern Oregon, along California's coast where it most commonly found, and into Baja California, Mexico. They are most common in streams and rivers versus still ponds and prefer flowing water that has either rocky substrate or sunny banks and rivers and streams that contain shallow areas that still have water flow. This species depends on an aquatic environment for reproduction as well as a food source. The tadpoles consume algae and detritus. An adult frog eats a variety of aquatic and terrestrial insects and water snails.

Mating typically occurs from March to June. Eggs are laid, typically in calm water that is 18 inches deep or greater. These egg masses can range from 100 to 1000 eggs in one batch. The frogs are usually fully developed by the summer after their first metamorphosis; although some begin breeding after six months.

The populations of this species have been in decline for many decades. This species is also estimated to be gone from most of its range in the Sierra Nevada Mountains, especially south of highway 80. The decline is thought to be associated with the use of pesticides, development by humans such as damming rivers, and pollution of water ways. It is also threatened by natural enemies including diving beetles, water bugs, garter snakes, rough-skinned newts, bullfrogs, and Western toads.

The Kingston Bay Senior Living project site has no aquatic habitat and thus no habitat suited for this species.

Southwest pond turtle (*Clemmys marmorata pallida*) is a species of special concern of California. It requires ponds, lakes, or deeper waters to avoid predators and to feed. It can live on land and will often travel overland in search of a source of water or a place to over summer in underground burrows in dry years.

No habitat exists for this species on the Kingston Bay Senior Living project site.

Steelhead trout (*Oncorhynchus mykiss irideus*) Steelheads are anadromous rainbow trout and can enter the rivers and creeks in the state at most months of the year. Typically there are runs of steelhead in late summer through October (fall runs), November through April (winter runs), and May through June (spring runs). The steelhead enter a river or stream that can be shared by larger salmonids but they usually occupy smaller tributaries than salmon and use finer beds of river gravel in which to spawn (Flosi 1991). Typically steelhead trout spend one to two years in fresh water before entering the ocean and then return to spawn at three to four years old.

Steelhead were formerly abundant in many of the streams and rivers of the Central Coast of California. They were a common component of the Salinas River and some of its tributaries but they are now considered to be uncommon. Degradation of many streams and rivers has, however, led to the diminution or demise of steelhead in certain drainages.

There are no areas appropriate for this species on the Kingston Bay Senior Living project site.

Tidewater gobi (*Eucyclogobius newberryi*) is a small fish characterized by large pectoral fins and a ventral sucker-like disk formed by the complete fusion of the pelvic fins. Gobies are mainly tropical and tend to be bottom dwelling, shallow bay and marine intertidal animals. The tidewater goby ranges from Agua Hedionda Creek, Carlsbad, San Diego County, north to Lake Earl, Del Norte County. They are common in San Luis Obispo County streams and uncommon from San Francisco Bay to Humboldt Bay. No habitat is available on the Kingston Bay Senior Living project site.

Monterey dusky footed woodrats (*Neotoma macrotis luciana*) was not listed on any of the CNDDDB reports. I realize that this is often included in such and, thus, I have volunteered it here. They live in a variety of habitats, both arboreal and terrestrial. Habitats include chaparral, hardwood, conifer, and mixed forests, and riparian woodlands. In most instances, nests are constructed in inaccessible areas, such as thorny thickets, poison oak patches, and at the base or crotch of trees.

One pack rat nest was observed among the forest on an adjacent lot over a year ago. It was determined not to be active. The lot under investigation had no woodrat activity but it is possible that it could offer habitat. The construction here may offer the same deterrence to packrats as the adjacent homes. It needs to be noted that woodrats are not shy about inhabiting human habitations and often have to be removed from ornamental landscapes. I don't believe that the proposed activity on the property will further diminish this species' well being.

Townsend's big-eared bat (*Corynorhinus (Plecotus) townsendii*) is a species of concern in California that inhabits western North America from British Columbia to Mexico. It is found in a variety of habitats including deserts, forests, grasslands, and sparse shrubs and almost always near caves or other roosting areas such as rocky outcrops and buildings. The Kingston Bay Senior Living project site is lacking of these features. It was not observed on the property but a bat census was not conducted. It is doubtful that this species is on the property but if there are caves nearby it is not unreasonable to suggest that it may have opportunity to roost in the nearby caves or rock outcrops and utilize the property during the nocturne to forage.

Yuma myotis (*Myotis yumanensis*) is a California species of concern that inhabits most of western North America from southern Canada to central Mexico. This species is closely associated to open water where it forages. It is the most closely associated bat with a water habitat; rivers, streams, ponds, lakes, etc. When not

near water these animals can be found in the thousands roosting in caves, attics, buildings, mines, underneath bridges, and other similar structures. No suitable habitat was seen for roosting for this species near the proposed building site or open water for foraging. It is possible that roosts exist nearby that are inhabited by this species but the development of the Kingston Bay Senior Living project site will have no direct negative affect on this bat species.

Fringed myotis (*Myotis thysanodes*) bats range from southern British Columbia, Canada through most of the western United States and throughout most Mexico.

This species belongs to the long-eared myotis group, all of which tend to be high-elevation forest bats. It has the shortest ears and occupies the lowest elevation of the group. They live in coniferous forests and woodlands up to around 7500 feet . Some of the habitats that it uses are ponderosa pine, pinon, juniper, greasewood, saltbrush, scruboak , douglas fir and the badlands in the Northern Great Plains. They also can be found in desert, grassland and woodland habitats. This bat species will roost with other bat species but they remain in separate groups. They roost in snags, hollows, buildings, mines caves, bridges and rock crevices fro about 3,600- to 6,400- foot elevations from south-central British Columbia through the western U.S. to southern Mexico; winter range is not well known. Maternity colonies of this bat may reach several hundred, with births in late June to mid-July; they disperse in October to hibernate (Bat Conservation Int.).

Its wings are short and broad, indicating maneuverable, low-speed flight, and it seems to be a specialist at gleaning small beetles from vegetation surfaces. Beetles may make up 70 percent of its diet (Miller 1897). They also feed on moths and daddy long-legs.

No habitat or range appropriate for this species exists on the Kingston Bay Senior Living project site.

Long-legged myotis (*Myotis volans*) is one of western America's most widely distributed bat species. It is found from the Tongas National Forest in Alaska, western Canada, through all of the western U.S., into the Baja Peninsula, and also along the Sierra Madre Occidental in Mexico. Long-legged myotis are especially dependent on wooded habitats from pinyon-juniper to coniferous forests, usually at elevations of 4,000 to 9,000 feet. They, however, are sometimes found in oak forests or streamside woodlands, and even deserts.

Radio-tracking studies have identified maternity roosts beneath bark and in other cavities. Most nursery colonies live in at least 100 year-old trees that provide crevices or exfoliating bark. These typically are located in openings or along forest edges where they receive a large amount of daily sun. Though maternity colonies are most often formed in tree cavities or under loose bark, they also are found in rock crevices, cliffs, and buildings. Long-legged myotis forage over ponds, streams, water tanks, and in forest clearings, often on moths but are opportunistic, eating

whatever soft-bodied insects are most abundant. Few winter records exist in the west (Bat Conservation Int.).

No habitat or range appropriate for this species exists on the Kingston Bay Senior Living project site.

Pallid bat (*Antrozous pallidus*) is an insectivore bat that occurs in arid and semi-arid regions across much of the American west, up and down the coast from Canada and Mexico. A few isolated colonies have been found in northern Oklahoma and southern Kansas. The pallid bat can be found in arid regions with rocky outcroppings, to open, sparsely vegetated grasslands. Water must be available close by to all sites. They typically will use three different types of roosts. A day roost which can be a warm, horizontal opening such as in attics, shutters or crevices; the night roost is in the open, but with foliage nearby; and the hibernation roost mentioned above, which is often in buildings, caves, or cracks in rocks.

Pallid bats will eat a variety of prey items. These can include crickets, scorpions, centipedes, ground beetles, grasshoppers, cicadas, praying mantis and long-horned beetles. They have been known to eat lizards and rodents. What is unique to the pallid bat is that it catches its food almost exclusively on the ground as opposed to while in flight. After catching its prey it will fly to a convenient location to consume its meal. No appropriate habitat exists on the Kingston Bay Senior Living project site.

Bald eagle (*Haliaeetus leucocephalus*) was taken off the federal endangered species list in 2007 but has remained on the CNDDDB report for the Lime Mountain U.S.G.S. 7.5 minute quadrangle.

The bald eagle is the only eagle unique to North America. They are found throughout most of North America, from Alaska and Canada to northern Mexico. About half of the world's populations of bald eagles live in Alaska. Combined with British Columbia's population, the northwest coast of North America is by far their greatest stronghold for this species. Bald eagles live primarily along the coast and on major lakes and rivers where they feed mainly on fish, which is an important food source for them. In San Luis Obispo and Monterey Counties they may be found along the shores of Lakes San Antonio and Nacimiento and their associated rivers.

A female bald eagle's body length varies from 35 to 37 inches; with a wingspan of 79 to 90 inches. The smaller male bald eagle has a body length of 30 to 34 inches; with a wingspan ranging from 72 to 85 inches. They typically build large nests of sticks and twigs in tall trees along the shoreline of oceans, lakes, and rivers. This top-of-the-food-chain species has been known to live up to 40 years in captivity and 15 to 20 years in the wild.

The Kingston Bay Senior Living project site in Cambria is not suited for the accommodation of this species despite the tall trees and, to my knowledge, none have been reported along the immediate shoreline.

Ferruginous hawk (*Buteo regalis*), and **Prairie falcon** (*Falco mexicanus*) are both species of concern and require open country and grasslands. The grasslands on the property in question are limited but it may offer some degree of opportunity for hunting in conjunction with the open areas to the east. It is not unreasonable that a fly over by one of these species may occur and the development of an edifice on the property may not significantly limit their propensity to forage, especially towards the east.

Sharpshinned hawk and Cooper's hawk

The listing of the Cooper's hawk and the sharp shinned hawk were not listed for this area but I included them in that they are species of special concern in similar areas. These two species are less intimidated by development and it is not unusual to observe these species swooping between trees and houses when foraging. I did not observe them on my visit but there is opportunity for their existence on the property due to the sylvan-like habitat on and near the property. It is difficult to say if these species would suffer significantly if the lots were to be developed. I have often observed Cooper's hawks in residential areas and urban areas perched or foraging.

Grasshopper sparrow (*Ammodramus savannarum*) was not observed on the property. This species prefers large open expanses grassland often near aquatic sources. This property lacks extensive grasslands and it may not be suitable for this species. None was seen and it is unlikely that this species inhabits the property.

Monarch butterfly (*Danaus plexippus*) Monarch butterflies go through four generations annually. The first three generations hatch from a cocoon state (also known as the pupa or chrysalis state) and live for up to six weeks, but the fourth generation continues to live for up to six or eight months so that they can migrate to a warmer climate, hibernate, and then start a new first generation in the spring time.

In North America the Monarch ranges from southern Canada to northern South America. It rarely strays to Western Europe (rarely as far as Greece) from being transported by U. S. ships or by flying there if weather and wind conditions are right. It has also been found in Bermuda, the Solomons, New Caladonia, New Zealand, Australia, New Guinea, Ceylon, India, the Azors, and the Canary Islands. The Monarchs found in San Luis Obispo County migrate from the Rocky Mountain regions to the Central Coast of California. They can be found in a wide range of habitats such as fields, meadows, prairie remnants, urban and suburban parks, gardens, and roadsides. It overwinters in conifer groves or groves of other large trees.

There is adequate habitat for the over wintering of Monarch Butterflies on the property in question although none has been observed. Their presence in the area appears to be confined primarily to the Monarch Butterfly sanctuary between Grover Beach and Pismo Beach. None are noted to inhabit this general vicinity.

Sandy beach tiger beetle (*Cicindela hirticollis gravida*) is a member of the Order Coleoptera and Family Cicindelidae. They are highly active terrestrial predators, eating any arthropod they can overpower. They are fast runners and agile fliers, making them hard to approach. They are most active on warm sunny days from spring to fall, on mud or sand, near permanent bodies of water. Tiger beetle larva build vertical burrows in the sand in the same area as adults. They are commonly found along the southern California coastline. No habitat is available on the Kingston Bay Senior Living project site.

Conclusion: Potential special status wildlife species on site

No special status wildlife species were found on the site; however, four California species of concern have potential of using the site due to appropriate habitat. Both the Cooper's hawk and the sharp shinned hawk utilize forests for hunting and nesting. The moisture retained in the soils under downed logs, branches, and piles of duff also offer potential habitat for Coast Range newts. There is potential for this species to survive on this property if the said conditions are available. However, it is doubtful that this species occurs on the site because there are no areas for open water to allow for reproduction. Newts must have free, standing water to complete their life cycle. In addition, three termite infested Monterey pine stumps on the project site were excavated in search of this species. None was found on the Kingston Bay Senior Living project site.

ENVIRONMENTALLY SENSITIVE HABITAT: MONTEREY PINE FOREST

Environmentally Sensitive Habitat areas are defined in Coastal Act Section 30107.5 as follows:

Environmentally sensitive area means "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments".

Many areas of Monterey pine forest habitats are considered environmentally sensitive habitats, including those around Cambria. Monterey pine is a relict species. During the Pleistocene epoch, Monterey pines were much more widespread than they are today. Fossil records indicate the presence of Monterey pines along most of the coast of California from Los Angeles and Riverside to Marin County. However, as the climate changed and became warmer and drier, most of these stands of Monterey pines disappeared. Currently, native Monterey pine forests are only found in three mainland sites, Monterey Peninsula, Swanton-Ano Nuevo (Santa Cruz), and Cambria and on two small islands off the coast of Baja. Because of the limited distribution of native Monterey pine forests and threats to them by human activities, California Fish and Game, the California Native Plant Society, and other agencies have listed many native Monterey pine forests as environmentally sensitive habitats.

Monterey pine is one of most widely planted conifers in the world because of its rapid growth and timber value. It is the leading plantation tree species in places like Spain, Chile, Australia, and New Zealand where it is grown for lumber and pulpwood. Monterey pines are also widely planted in many areas along the central coast of California as ornamentals and for windbreaks. Some of these stands, such as those found in hillside areas near San Luis Obispo, are successfully reproducing and spreading. Some have even suggested these may be relict, native stands, but there is no data to support that assumption.

Native Monterey pine forests vary from place to place depending on local environmental conditions such as local climate, soil type, and geomorphic features. Some investigators have grouped stands into a series of distinct community sub-types because of their variation. For example, Monterey pine stands that grow on the granitic marine terraces in the Del Monte Forest near Monterey are different from the stands found on the nearby sandstone and shale terraces on Jacks Peak. Likewise, the stands of Monterey pine forest that grow in Cambria are genetically and morphologically unique from the forests that grow in the two northern mainland populations. Monterey pines in Cambria have significantly larger cones and seeds than the pines in the other two populations. The mean cone length in the Cambria population is 6.64" compared to 4.66" in the Ano Nuevo population, and 3.74" in the Monterey population. The pines in the Cambria populations also have larger cone apophyses, greater asymmetry, and larger seeds. The large cones and larger seeds may be an adaptation to the drier habitat conditions in Cambria. While many of these morphological and physiological adaptations have not been studied, it is clear that the Cambria population is genetically different from the two northern populations.

While the genotypes of Monterey pines in native populations (and planted populations) vary geographically, they are interfertile and able to interbreed. Many Monterey pines have been planted in Cambria to replace native trees that die or are removed by construction activities. Unfortunately, in the past little attention has been given to the source of the trees. Some came from plantation stock selected for their rapid growth or disease resistance. These trees are often genetically uniform. In contrast, natural Monterey pine populations are composed of numerous genetically different individuals. Because Monterey pines are wind pollinated, planted trees can readily interbreed with the indigenous Cambria pines, which poses a real threat to the future genetic uniqueness of the local population. Therefore, it is important that all Monterey pines planted on and around the project site should come from the indigenous population around Cambria so that the unique genetic make up of the population can be retained.

Evaluation Guidelines

An evaluation of the study site is necessary to determine if it should be considered an Environmentally Sensitive Habitat. Section 30240 **a** and **b** of the Coastal Act provide the following guidelines for Environmentally Sensitive Habitat areas.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Many stands of Monterey pine forests in the Cambria Urban Area, including the Lodge Hill area where the study site is located, have been developed leaving only scattered Monterey pines and small fragments of the original forest. However, relatively undisturbed stands persist in outlying areas on the fringe of the Lodge Hill residential developments. Some of these larger native Monterey pine stands, such as those on the East West Ranch, are now protected, and it is important to retain the remaining large stands intact as much as possible. When residential development does occur in Monterey pine forests, it is recommended that development be placed in open areas, areas of sparse tree cover, or areas of diseased trees. The remaining large, healthy specimen stands should be left intact through open space easements, development avoidance, or direct purchase.

The Local Coastal Plan (LCP) provides the following standards for development in Monterey pine forests (SRA)(TH).

13. Clustering. Clustering shall be required for new subdivisions or large-scale development projects within forested areas. Where feasible, new development shall be restricted to slopes less than 20%.

14. Tree Preservation. Where development requires removal of Monterey pines greater than six inches in diameter, replacement of native stock will be required.

The Local Coastal Plan (LCP) also has standards to minimize tree removal and avoid impacts to the sensitive Monterey pine forest habitats. Biology reports must consider factors including, but not limited to, the size and connectivity of the forest area, presence of special status plant or animal species, and the health and condition of the forest area. These standards include the following:

A. A "project limit area" shall be established in a manner that avoids Monterey pine forest impacts to the maximum extent feasible, is located on the least sensitive portion of the site, and safeguards the biological continuance of the habitat. Particular attention must be given to locations which are part of larger continuous undisturbed forested areas, show signs

of forest regeneration, include a healthy assemblage of understory vegetation, support other sensitive species, provide a solid tree canopy and species nesting areas, and that will minimize loss of Monterey pines, oaks, and forest habitat. The project limit area shall include all areas of the site where vegetation will need to be trimmed or removed for fire safety purposes.

B. Applications for new development within the Monterey pine forest shall demonstrate that no native vegetation outside the "project limit area" shall be removed, except for trees identified as hazardous by a qualified professional. New development shall be sited to ensure that any required vegetation removal will be done fully on private property and will not encroach on any public lands or sensitive habitat areas. If development cannot be sited to avoid encroachment within sensitive habitat areas, such encroachments shall be minimized to the maximum extent feasible and appropriate mitigation in support of habitat restoration shall be required.

IMPACTS AND MITIGATION

This section addresses the potential impacts and mitigation measures for the Kingston Bay Senior Living project site. The site plan provided by Hochhauser Blatter Architecture and Planning, Santa Barbara, CA shows the location of the proposed Kingston Bay Senior Living project and parking lot. A tree map showing the location of the trees on the project site and an evaluation of the health and condition of each tree were provided in a report by Michael Clark (2006) and by Jeremy Lowney (Certified Arborist) in June 2012. These reports have been submitted separately. Because Mr. Lowney did not include the coast live oaks that were over 4" in DBH and three (3) recently planted coast redwoods, V. L. Holland added these trees to Jeremy Lowney's data (Figure 6; Table 5).

Prior to residential development, the Lodge Hill area was covered mostly by Monterey pine forest; however, when the area was developed, most of the forest was removed leaving only scattered trees and small fragments of the forest among the homes. The Kingston Bay Senior Living project site supports one of these small, highly disturbed remnant stands of the Monterey pine forest on the edge of the Lodge Hill area. Monterey pines on the site form an open canopy in most areas and cover approximately 35% of the site. The rest of the site is covered by ruderal coastal valley grassland, which also forms the understory ground vegetation in the Monterey pine forest. Also in the understory vegetation are widely scattered coast live oaks (6 over 4"DBH), one toyon, and a few widely scattered small shrubs, as described previously in this report. Introduced grasses and forbs dominate most of the grassland and understory vegetation with only a few scattered native herbs.

Impacts

Number of Trees on Site: Since Mr. Clark's 2006 tree survey, ten (10) Monterey pine trees (#1-4, #7, and #17-20 on Clark's 2006 map and Figure 5) have been removed or were in the process of being removed, as is the case for Tree #4. (The current applicant acquired the site after these trees were removed). In addition, we found four (4) Monterey pines that were not shown on the 2006 map. As a result, a total of 20 living Monterey pines were found on the site in June 2012 (Figure 6; Table 5). Jeremy Lowney (Certified Arborist) also provided recent data on the DHB of the trees and their relative health (Table 5). His report is submitted separately, but his data (Figure 6; Table 5) is used in this report to evaluate impacts and suggest mitigation measures.

Michael Clark's 2006 tree survey reported one coast live oak on the site; however, in V. L. Holland's and Jeremy Lowney's June surveys, four (4) coast live oaks were found that were at least 4" in DBH and 16 were found that were less than 4" in DBH. Please note that I also included two coast live oaks (#30 and #31) in the 2012 survey (Figure 6; Table 5) that are forked with two trunks less than 4" at DBH level (4.5 feet above soil); however, the trunk on both trees is 4" in diameter two to three (2-3) feet above soil level. Mr. Clark shows five (5) coast redwoods (B-F on the 2006 map) that were planted along the site's western boundary behind the existing homes on Londonderry Lane. However, in Holland's 2012 survey, a total of eight (8) coastal redwoods were found, which we believe were planted by the previous developer as a screen for adjacent neighbors. All of the redwoods will be retained as part of the landscape or landscape easement.

Figure 6 shows the locations of the living Monterey pines, coast live oaks, and coast redwoods presently on the site, including the Monterey pines, coast live oaks, and coast redwoods that were not shown on Mr. Clark's 2006 tree map. The Monterey pine trees that were removed sometime after the 2006 tree survey are listed on Table 3 and shown on Figure 5. The comparison of number of trees on the site as of June 2012 compared to those on the site in April 2006 is shown on Table 4 and Figure 6.

The Kingston Bay Senior Housing current project plan will result in the removal of eight (8) Monterey pines (#1, 2, 3, 4, 7, 8, 25, and 29) and one (1) coast live oak (#32). This coast live oak has a DBH of 5" (Table 5 is repeated below for easy reference). Please note, as I mentioned previously, that I also included two coast live oaks (#30 and #31) in the 2012 survey (Figure 6; Table 5) that are forked with two trunks less than 4" at DBH level (4.5 feet above soil); however, the trunk on both trees is 4" in diameter two to three (2-3) feet above soil level. Of these two trees, #31 will be removed, and #30 will be incorporated into the landscape. No mitigation is required for these two oaks.

Most of the trees will not be removed and will become part of the landscaping and landscape easement on the site. This includes 12 Monterey Pines, three

coast live oaks (over 4" DBH), and all eight (8) planted coast redwoods (Figure 6; Table 5). Table 13 (next page) summarizes the number of trees that will be removed and the number that will be retained as a result of the proposed development of the Kingston Bay Senior Housing project.

Table 5 (repeated). List of the trees found on the Kingston Bay Senior Living project site along with DBH and an evaluation of their health by Mr. Lowney. Those that will be removed by the project are also indicated.

Tree #	Common Name	DBH (inches)	Will Be Removed	Tree Condition
1	Monterey pine	23	X	Poor. Topped under power lines
2	Monterey pine	24	X	Healthy. Side trimmed
3	Monterey pine	15,18	X	Hazardous. Low fork. Slight Pitch Canker
4	Monterey pine	18	X	Healthy. Side trimmed
5	Monterey pine	15,10,17		Possible hazard, 3 Forks
6	Coast live oak	16		Very nice oak. Fringe tree
7	Monterey pine	34	X	Healthy
8	Monterey pine	20	X	Healthy
9	Coast redwood	12		Forked and topped.
10	Coast redwood	10		Healthy
11	Coast redwood	16		Healthy
12	Coast redwood	10		Healthy
13	Coast redwood	14		Healthy
14	Coast redwood	12		Healthy
15	Monterey pine	18		Severe hazard. Leaning over neighbor
16	Monterey pine	8		Healthy
17	Monterey pine	32		Severe hazard. Western Gall Rust, RTB, Leaning
18	Monterey pine	43		Hazard. Over power lines consult PG&E, Western Gall Rust
19	Monterey pine	26		Hazard. Western Gall Rust, RTB, Sweep.
20	Monterey pine	17		Healthy
21	Monterey pine	15		RTB. Fairly healthy
22	Coast live oak	10		Healthy
23	Monterey pine	28		Healthy
24	Monterey pine	12		Healthy
25	Monterey pine	21	X	Western Gall Rust, Fairly healthy
26	Monterey pine	12		Healthy
27	Monterey pine	10		Healthy
28	Coast live oak	7,8		Healthy. Forked
29	Monterey pine	21	X	Healthy
30	Coast live oak	2,3		Healthy, forked, 4" trunk 2-3 feet above soil
31	Coast live oak	2,3	X	Healthy, forked, 4" trunk 2-3 feet above soil
32	Coast live oak	5	X	Healthy
33	Coast redwood	3		Healthy
34	Coast redwood	16		Healthy
35	Coast redwood	5		Healthy

Table 13. Number of Monterey pines, coast live oaks, and planted coastal redwood trees on the project site in 2012 along with numbers of trees that will be removed as a result of the project and the number that will be retained.

TREES	# on site 2012	# removed as a result of the project	# retained in the landscape
Monterey Pines	20	8	12
Coast live oaks (over 4" DBH)	4	1	3
Coast Redwoods	8	0	8
TOTAL TREES	32	7	25

Mitigation: The North Coast Area Plan requires that Monterey pines (6' DHB or greater) be replaced at a ratio of 4:1 and coast live oaks (4" DBH or greater) at a ratio of 6:1. This means the owner needs to plant 32 (4x8) Monterey pines and 6 (6x1) coast live oaks.

Hochhauser Blatter is preparing a landscape plan for the open areas around the Kingston Bay Senior Living Center to mitigate the loss of the Monterey pines and the coast live oak. The landscape plan will result in landscaping that mimics the structure and composition of undisturbed Monterey pine forests around Cambria. The plan will be comprised of Monterey pines, coast live oaks, toyons, and other indigenous native shrubs and herbs (see table below). Monterey pines used in these plans should serve as replacement trees for removed Monterey pines that are healthy. Planting native shrubs found in the Monterey Pine Forest Habitat plant community and listed in the North Coast Area Plan Planning Area Standards will enhance the Monterey pine forest understory in the landscaped areas. Suggested shrubs for the landscape plan are listed in Table 14. All occur in the Monterey pine forest on and near the subject site. Several other plants could be included on this list if necessary. Planted trees and shrubs should be in a minimum of one-gallon containers. Planting shall follow acceptable horticultural procedures.

Table 14. List of native, drought tolerant shrubs that are common to the Monterey pine forests in the Cambria area.

Scientific name	Common name
<i>Heteromeles arbutifolia</i>	Toyon
<i>Frangula californica</i> (<i>Rhamnus californica</i>)	Coffee-berry
<i>Rhamnus californica</i>	Coffeeberry
<i>Symphoricarpos mollis</i>	Creeping snowberry
<i>Lonicera hispidula</i>	Honeysuckle
<i>Mimulus aurantiacus</i>	Bush monkey flower

The source of the native plant species used in the landscape plan should be from seeds collected locally in the Cambria area or vicinity. Monterey pines seeds should be collected from local trees uninfected with pitch canker and other

diseases, if possible. Special care should also be taken to avoid contamination of seedlings with pitch canker. No ornamentals should be used that are considered invasive and could escape into the native Monterey pine forests on and around the site.

Temporary irrigation and a maintenance program will be implemented in the landscaped areas to establish the replacement plants.

Invasive exotic species such as French broom will be controlled and removed from the site as necessary.

Construction stage habitat protection measures consistent with the Cambria Forest Management Plan and good arboriculture practice will be implemented for the landscaped areas.

Tree Impacts and Mitigation: Grading and construction activities on the site could result in impacts to the trees that will remain in the landscaped areas and in the landscape easement. If construction encroaches under the canopy of the trees, disturbance to the soil and root system may occur. The mitigation measures provided below are designed to protect the trees from these activities.

Various construction activities may directly and indirectly affect the trees. Therefore, the trees shall be temporarily fenced around their drip lines or along the edge of the forest during construction to avoid disturbances under or within the drip line of the trees. Also, refer to Jeremy Lowney's report for mitigation suggestions.

Autos, trucks, and machinery shall not be parked or driven under the trees during the construction phase.

Attempt to avoid as much grading under and around the trees as possible. The best advice is to not change the natural grade around the trees, especially within the drip line. Grading, trenching, cutting, or filling around trees may be detrimental in several ways. The shallow feeder roots may be cut or damaged by machinery or may be exposed. This may reduce the tree's ability to take up water and nutrients from the soil. Filling around the trees can bury the roots so deep that gas and nutrient exchange is not adequate. These grade changes will also make the oak more susceptible to disease. If it is impossible to avoid cutting or filling near the trees, retaining walls may be necessary to maintain the natural grade under the trees. Refer to *Development Around Oaks* on the County of San Luis Obispo's website for proper construction of retaining walls around oaks (and other trees).

(<http://www.slocounty.ca.gov/Assets/PL/environmental/Development+Around+Oaks.pdf>).

If construction occurs in the summer, and if some root disturbance occurs, it may be necessary to water the root zone area to provide more favorable conditions for the growth of new roots. When disturbances to the root system occurs,

exposed roots should be cleanly pruned back. If trimming of larger roots is unavoidable, they should be cleanly cut or sawed.

If more significant sections of the root systems of the trees are disrupted, careful pruning of a proportional number of canopy branches may be necessary to reduce the impact. Pruning of trees should be kept to a minimum. If necessary, the pruning methods described on San Luis Obispo Counties webpage should be followed.

Avoid any significant change in drainage around the trees if possible. If changes in the grade under the trees occur, the soil may be excessively or inadequate drained. Excessive drainage will reduce the amount of water available to the trees. Inadequate drainage will result in entrapment of water in the root zone and lead to root rot or crown rot.

Even when the natural grade under the canopy of the trees is not altered, one must be careful that soil compaction does not occur. A compacted soil inhibits the natural exchange of gases in the root zone that can result in death of the trees. If some paving is required, consider using a porous material around the trees.

Impact: Monterey pine forests are subject to fire and the pines, which are semi-closed cone pines, are highly adapted to fire. Following a fire, thousands of seeds are released onto the mineral soil and germinate readily. The numerous seedlings will grow, go through self-thinning, and establish a natural population. However, in areas of the forest with residential development, fire prevention is of utmost importance.

Mitigation: Fire resistant construction should be used as much as possible.

Impact: *Calystegia subacaulis* ssp. *episcopalis* (Cambria morning glory) is on the CNPS List 4.3 but is not listed by the State or Federal Governments. It is not considered rare or endangered but is on the "plants of limited distribution" list. In recent years, consulting botanists are finding that this plant species is much more common than originally thought and is found in a variety of areas in San Luis Obispo County. There is a population composed of an unknown number of *Calystegia subacaulis* ssp. *episcopalis* (Cambria morning glory) present on the site that will be affected by the project.

Mitigation:

No mitigation is required for plants listed on CNPS List 4.3 (plants of limited distribution). There are approximately 20 *Calystegia subacaulis* ssp. *episcopalis* (Cambria morning glory) present on the site; so removing them would have a less than significant impact to the total population of this species found in Cambria and in San Luis Obispo County. However, if mitigation is required, the Cambria morning glories on the site could be dug up and transplanted to open

space areas around the Kingston Bay Senior Living Center. A consulting botanist should designate a receiver/enhancement open space site to plant and preserve the Cambria morning glories and to mitigate any losses in the proposed development areas.

Prior to development, the Cambria morning glories within the development site shall be salvaged and transplanted in the designated receiver/enhancement area following proper procedures. We recommend that a large underground portion of each plant (12-18 in. diameter and 15-24 in. deep) be excavated including the underground rhizomes and a large portion of the root system. If timing is appropriate (January-March), these salvaged plants could be immediately transplanted into the designated receiver areas on and off-site during the winter and early spring when the soil is wet. If this is not possible, the salvaged plants shall be placed immediately in containers and watered thoroughly. The soil in the pots must remain moist, and the plants must be managed properly until it is time to transplant them. We have had good success at re-establishing populations of Cambria morning glory using transplants, container stock plants, and seeds in other locations in San Luis Obispo County (required when it was on the CNPS List 1B).

SUMMARY

Most of the Monterey pine forest in the Lodge Hill area around the Kingston Bay project site has been removed leaving only scattered trees, forest fragments, or small islands of forest among the homes. Currently, residential development occurs around the Kingston Bay Senior Living project site north and west of its boundaries, and a few homes occur near its eastern boundary along Green Street and London Lane. The property that adjoins the Kingston Bay project site to the south is a small fragment of Monterey pine forest that is currently undeveloped but is planned for development. There is also a small fragment of forest to the north of the site along Ardath Drive.

The area immediately east of the study site and along the Highway 1 corridor is undeveloped open land largely covered by ruderal grassland (pasture). There is a seasonal drainage swale to the south of the Kingston Bay project site that passes through a culvert under London Lane and Green Street and flows into a larger drainage east of Green Street. This drainage, which is lined by *Salix lasiolepis* (arroyo willows), continues down slope toward Highway 1 and then southward along the western side of the Highway 1 corridor. The vegetation on the hillsides east of Highway 1 is mostly coastal valley grassland with a few small patches of coastal scrub. No Monterey pine forest habitats occur in the open areas east of the study site along Highway 1 or on the hillsides east of Highway 1.

Large, intact areas of Monterey pine forest habitats in the Cambria area are clearly Environmentally Sensitive Habitats, and there may also be smaller areas of forest that have similar biological significance. However, the following factors

indicate that the Kingston Bay Senior Living subject site does not meet the standards for an Environmentally Sensitive Habitat: small size (1.26 acres), approximately 65% of the site is disturbed coastal valley grassland with no Monterey pines, the large cover of introduced grasses and forbs in the coastal valley grassland and in the forest understory, the lack of habitat connectivity to other Monterey pine forest habitats, and the declining condition of the majority of the trees. These factors are described below.

Size and habitat connectivity of project site: CNPS recommends that preservation efforts should be concentrated on Monterey pine forests that are 20 acres or larger and on contiguous stands of smaller acreages that provide wildlife corridors, habitat connectivity, or occupy rare terrace soils. The Kingston Bay Senior Living project site is 1.26 acres, does not have rare terrace soils, and lacks habitat connectivity to other Monterey pine forest habitats. It is mostly surrounded by residential development. The open areas to the east do not have Monterey pine forests; however, there are a few undeveloped lots with Monterey pine forest near the site to the south and north. The proposed Monterey pine forest habitat landscape plan will enhance the Monterey pine forest around the Kingston Bay Senior Living Center by planting native shrubs, which are mostly lacking from the site now.

Forest Health: It appears that the Monterey pines on the site are declining and showing signs of disease. Michael Clark (2006) recommends removing several Monterey pines that show signs of disease or occur in unstable areas. Jeremy Lowney (Certified Arborist) also found several trees with disease and safety concerns (Table 5). Removing trees in poor health will reduce hazardous safety concerns and reduce the spread of disease to the healthier trees.

The typical native understory vegetation found in most undisturbed Monterey pine forests is lacking from the study area. The two roads that traverse the site, past disturbances, and proximity to roads and homes have resulted in the encroachment of many introduced grasses and forbs that now dominate the Monterey pine forest understory vegetation.

Rare species: No rare, threatened, or endangered wildlife species was found using the site or are expected to use the site. No California species of concern was discovered on the site; however, it is possible, although doubtful, that the sharp shinned hawk, the Cooper's hawk, and possibly the Coast Range newt could use the subject property. Both the Cooper's hawk and the sharp shinned hawk utilize forests for hunting and nesting and can cohabitate with human activity; however, they typically use large areas of forest.

The Coast Range newt can also live in areas that are moderately developed if appropriate moist habitat is available. If moisture retained in the soils under downed logs, branches, and piles of duff is adequate, these areas could offer potential habitat for Coast Range newts. In some instances irrigation of gardens

can provide or enhance habitat for the newt. However, it is doubtful that this species occurs on the site because there are no areas of open water to allow reproduction. Newts must have free, standing water to complete their life cycle. Therefore, it is doubtful that special status wildlife would occur on the site.

If construction commences during the nesting period (March – August), it is recommended that a preconstruction survey be conducted by a qualified biologist to look for nesting birds.

In addition to the Monterey pine, *Calystegia subacaulis* ssp. *episcopalis* (Cambria [San Luis Obispo County] morning glory), which is a CNPS List 4.3 plant species, is scattered in the grassy forest understory. This species and the Monterey pine are the only listed plant species found on the site, and no others are expected in this area.

The State or Federal Governments does not list Cambria morning glory. In recent years, it has been moved from CNPS List 1B to List 4.3 (plants of limited distribution) because consulting botanists are finding this plant species in more and more areas of San Luis Obispo County. It is much more common than originally thought. However, if mitigation is required, Cambria morning glories within areas of development should be dug up and transplanted to designated areas on and around the study area that will not be disturbed. We have had good success at re-establishing populations of Cambria morning glory using transplants, container stock plants, and seeds in other locations in San Luis Obispo County.

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Appendix 1. List of Plants found on the Kingston Bay Senior Living Project Site, Green Street, Cambria, CA

SCIENTIFIC NAME	COMMON NAME	ORIGIN
TREES		
<i>Platycladus orientalis</i>	Chinese arborvitae	Planted on Site
<i>Sequoia sempervirens</i>	Coast redwood	Planted Native
<i>Quercus agrifolia</i>	Coast live oak	Native
<i>Pinus radiata</i>	Monterey pine	Native CNPS List 1B
SHRUBS		
<i>Acmispon glaber</i> (<i>Lotus scoparius</i>)	Deerweed	Native
<i>Baccharis pilularis</i>	Coyote bush	Native
<i>Frangula californica</i> (<i>Rhamnus californica</i>)	Coffee-berry	Native
<i>Heteromeles arbutifolia</i>	Toyon	Native
<i>Rubus ursinus</i>	California blackberry	Native
<i>Toxicodendron diversilobum</i>	Poison-oak	Native
HERBS		
<i>Achillea millefolium</i>	Yarrow	Native
<i>Anagallis arvensis</i>	Scarlet pimpernel	Introduced
<i>Avena barbata</i>	Slender wild oats	Introduced
<i>Avena fatua</i>	Common wild oats	Introduced
<i>Brachypodium distachyon</i>	False brome grass	Introduced
<i>Briza maxima</i>	Rattlesnake grass	Introduced
<i>Briza minor</i>	Little quaking grass	Introduced
<i>Bromus carinatus</i>	Perennial brome	Native
<i>Bromus diandrus</i>	Ripgut brome	Introduced
<i>Bromus hordeaceus</i>	Soft chess brome grass	Introduced
<i>Bromus madritensis</i> ssp. <i>madritensis</i>	Spanish brome	Introduced
<i>Calystegia macrostegia</i>	Wild morning glory	Native
<i>Calystegia subacaulis</i> ssp. <i>episcopalis</i>	Cambria or San Luis Obispo morning glory	Native CNPS List 4.3
<i>Carduus pycnocephalus</i>	Italian thistle	Introduced
<i>Chamomilla suaveolens</i>	Pineapple weed	Introduced
<i>Cirsium vulgare</i>	Bull thistle	Introduced
<i>Conium maculatum</i>	Poison hemlock	Introduced
<i>Conyza canadensis</i>	Horseweed	Introduced
<i>Erodium botrys</i>	Storkbill filaree	Introduced
<i>Eschscholzia californica</i>	California poppy	Native
Continued		

SCIENTIFIC NAME	COMMON NAME	ORIGIN
<i>Festuca myuros</i>	Rattail fescue	Introduced
<i>Filago gallica</i>	Herba impia	Introduced
<i>Foeniculum vulgare</i>	Fennel	Introduced
<i>Fragaria vesca</i>	Wild strawberry	Native
<i>Hirschfeldia incana</i>	Perennial mustard	Introduced
<i>Holcus lanatus</i>	Velvet grass	Introduced
<i>Hordeum murinum</i>	Foxtail barley	Introduced
<i>Horkelia cuneata var. cuneata</i>	Horkelia	Native
<i>Hypochaeris glabra</i>	Smooth cat's ear	Introduced
<i>Hypochaeris radicata</i>	Rough cat's ear	Introduced
<i>Juncus bufonius</i>	Toad rush	Native
<i>Kickxia aperia</i>	Kickxia	Introduced
<i>Lactuca saligna</i>	Slender lettuce	Introduced
<i>Lolium multiflorum</i>	Ryegrass	Introduced
<i>Lotus corniculatus</i>	Bird's-foot trefoil	Introduced
<i>Lupinus succulentus</i>	Succulent lupine	Native
<i>Medicago polymorpha</i>	Bur-clover	Introduced
<i>Mellilotus indicus</i>	Annual sweet-clover	Introduced
<i>Pelargonium grossularioides</i>	Geranium	Introduced
<i>Picris echioides</i>	Bristly ox-tongue	Introduced
<i>Plantago erecta</i>	Plantain	Native
<i>Plantago lanceolata</i>	English plantain	Introduced
<i>Polygonum arenastrum</i>	Knotweed	Introduced
<i>Polypogon monspeliensis</i>	Rabbitfoot grass	Introduced
<i>Pseudognaphalium luteoalbum</i>	Cudweed	Introduced
<i>Raphanus sativus</i>	Wild radish	Introduced
<i>Rumex acetosella</i>	Sour dock	Introduced
<i>Sanicula crassicaulis</i>	Sanicle	Native
<i>Sisyrinchium bellum</i>	Blue-eyed grass	Native
<i>Sonchus asper</i>	Prickly sow-thistle	Introduced
<i>Sonchus oleraceus</i>	Common sow-thistle	Introduced
<i>Spergularia rubra</i>	Sand-spurry	Introduced
<i>Stachys bullata</i>	Hedge-nettle	Native
<i>Vicia sativa</i>	Vetch	Introduced

APPENDIX 2. PHOTOS OF THE KINGSTON BAY SENIOR LIVING SITE



Photo 1. View of the portion of the site at the intersection of Ardath Drive and Londonderry Lane. Stumps show where five Monterey pines have been removed or are being removed.



Photo 2. View of the proposed landscape easement in along Londonderry Lane. These Monterey pines trees and redwoods will be retained.

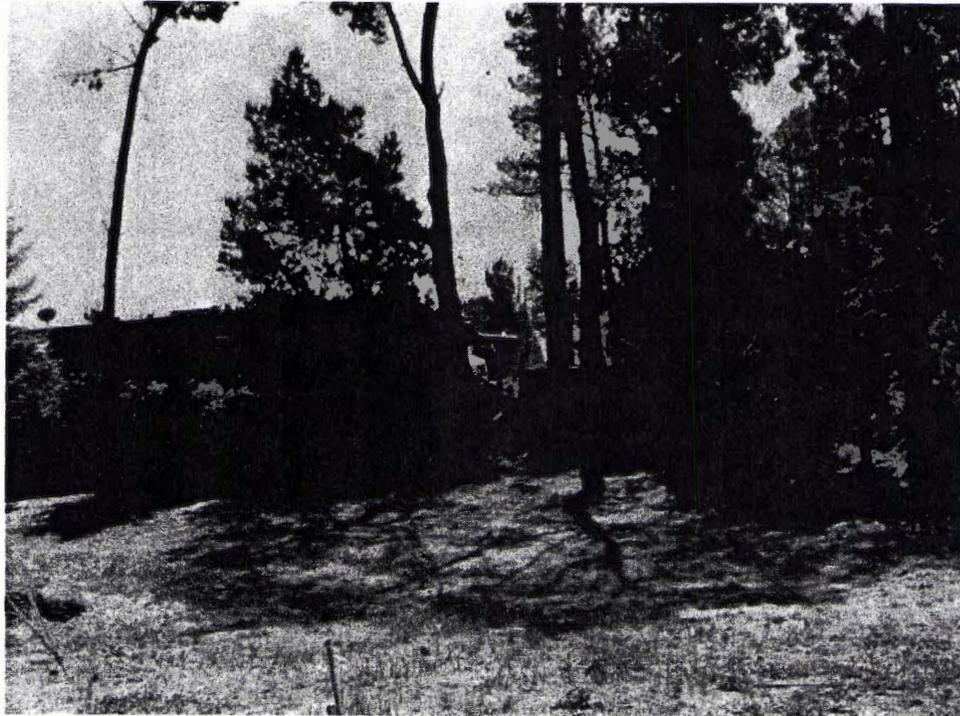


Photo 3. View of the Monterey pines that will be retained as part of the landscape easement shown also in Photo 2.



Photo 4. View of the Kingston Bay Senior Living site from the intersection of Londonderry Lane and Ardath Drive. Coastal valley grassland covers most of this area of the site. An old paved road and a dirt road (indicated by arrow) traverses the site causing disturbances that allow invasive weedy species to colonize the site.



Photo 5. View of the Kingston Bay Senior Living site from the intersection of Green Street (left side) and Ardath Drive (right side). Most of the Monterey pines grow just behind the homes on Londonderry Lane. The trees in the center of the photo are the planted coast redwoods (indicated by arrow). Grassland covers much of this portion of the site.

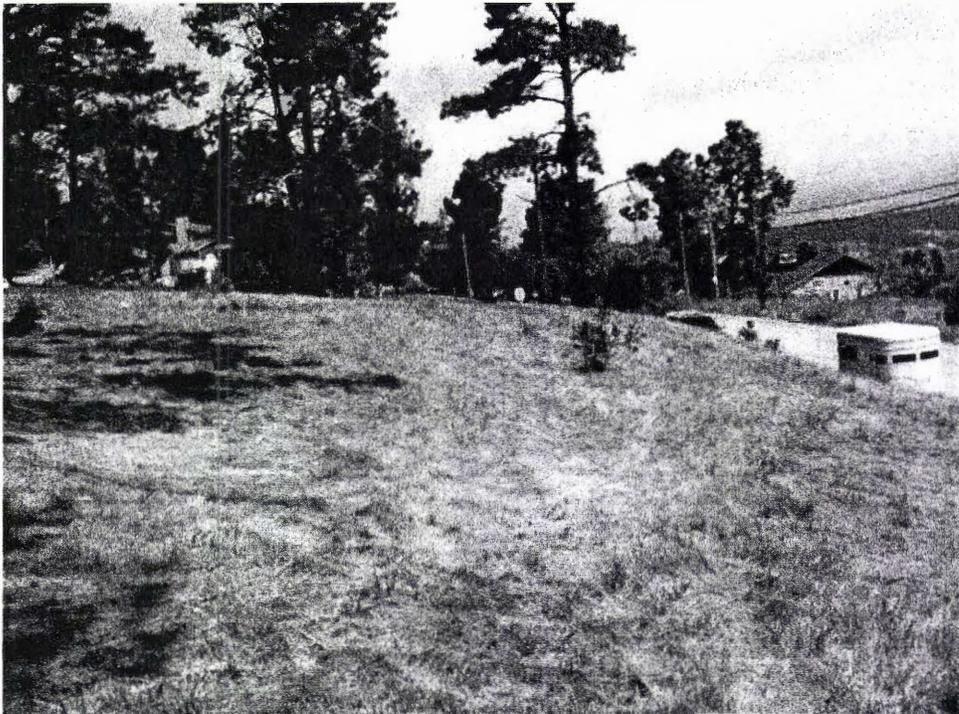


Photo 6. View of the coastal valley grassland that covers most of the southern and eastern portions of the site. This photo was taken from the southern boundary of the site. Green Street is visible on the right side of the photo.



Photo 7. View of the area near the southern boundary of the site along Green Street. The adjoining property is currently undeveloped.



Photo 8. There is a dirt road that traverses the site through the Monterey pine forest, which provides access to cars. Some dumping has occurred in this area of the site.



Photo 9. View of the two roads that traverse the Kingston Bay Senior Living site resulting in disturbances to the site. Weedy, invasive grasses and forbs are the dominant plants in the coastal valley grassland.



Photo 10. View of the dirt road (also in Photo 9) that traverses the Monterey pine forest on the Kingston Bay Senior Living site causing disturbances to the understory vegetation, which is now composed mostly of weedy, introduced plants.

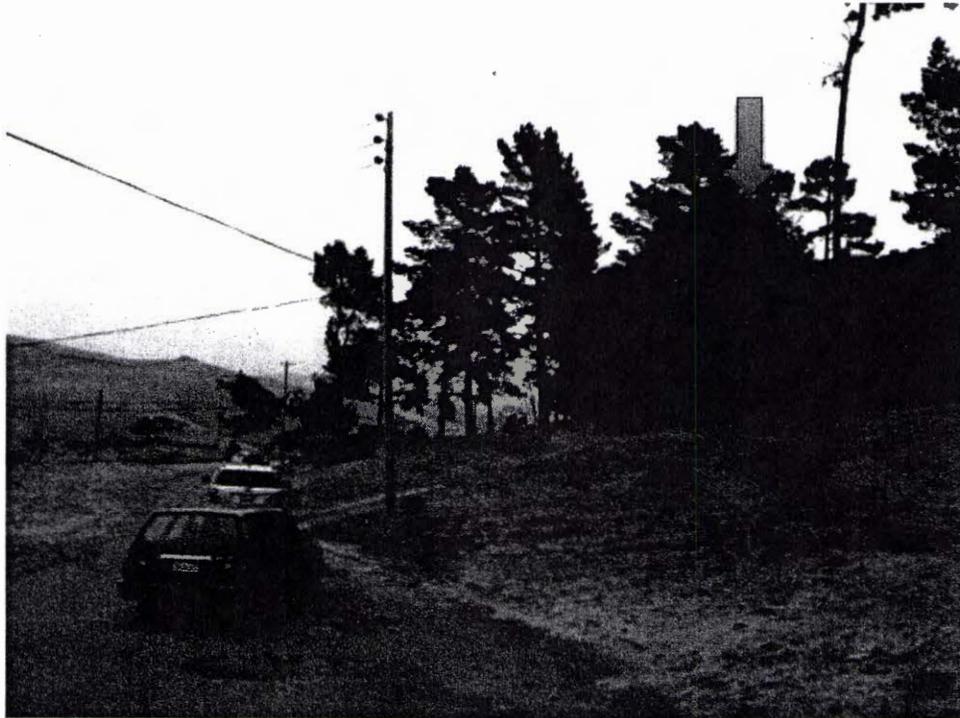


Photo 11. Most of the Monterey pines in the eastern and southern portion of the site have been removed leaving stumps. The area is now covered by disturbed coastal valley grassland. Blue arrow indicates the row of coast redwoods. The rest of the trees are Monterey pines.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

**M E M O R A N D U M**

FROM: Jonna D. Engel, Ph.D., Ecologist
TO: Adrian Kamada, Coastal Analyst
SUBJECT: ESHA Determination for the Kingston Bay Senior Living Proposed Project Site
DATE: September 17, 2014

Documents Reviewed:

Holland, V.L. and M. McGovern. September 12, 2012. Biological Report; Kingston Bay Senior Living; A 31-Unit, 41 Bed Assisted Living and Memory Care Facility. Prepared for King & Company LLC-Senior Housing Development.

Lowney, J. (Certified Arborist #3718). June 29, 2012. Draft Arborist Report for Kingston Bay Senior Living. Solid Oak Tree Management. Prepared for King & Company LLC-Senior Housing Development.

King & Company LLC-Senior Housing Development is proposing to build a 31-unit assisted living and memory care facility with a total gross building area of 28,985 square feet on a 1.26 acre site located at 1941 Green Street in Cambria, California. The site is located along the eastern boundary of the Lodge Hill planning area. It is southwest of the Ardath Drive/Highway 1 intersection. I have been asked to review the biological assessment, "Biological Report: Kingston Bay Senior Living" conducted by biologists Dr. V.L. Holland and Dr. Mike McGovern and the "Draft Arborist Report for Kingston Bay Senior Living" by certified arborist, Jeremy Lowney, to make an environmentally sensitive area (ESHA) determination for the proposed project site.

Prior to residential development, the vegetation of the Lodge Hill area was almost entirely Monterey pine forest. Holland and McGovern report that due to development in the area "most of the forest was removed leaving only scattered trees and small fragments of forest among the homes." One of the few remaining stands of Monterey pine forest left occurs on the proposed Kingston Bay Senior Living site and the adjacent property to the south. Holland and McGovern found that the proposed site currently supports two plant communities, "Monterey pine forest, which covers approximately

35% of the site and ruderal coastal valley grassland, which covers approximately 65% of the site.”

Monterey pine forest gets its name from the dominant species, Monterey pine, *Pinus radiata*. Monterey pine forest naturally occurs in just three locations in California; the Monterey Peninsula, Ano Nuevo Point near the San Mateo/Santa Cruz County line, and Cambria. Each of these locations support genetically distinct stands of Monterey pines. Monterey pine forest is identified as a rare plant community by the California Department of Fish and Wildlife’s natural diversity database (CNDDDB); NatureServe’s global and state ranking for Monterey pine forest is G1 and S1 or “critically imperiled” indicating that this habitat is “at very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.” The California Native Plant Society lists Monterey pine as a rare and endangered “1B.1” species.

Section 30107.5 of the Coastal Act defines ESHA as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments”. The San Luis Obispo LCP identifies Monterey Pine forest as “terrestrial habitat” (TH) ESHA.

A total of 20 Monterey pines currently occur on the site; mostly in the northern and western portions of the site although a few are scattered over the entire site. Holland and McGovern report that ten Monterey pines have been removed since 2006, with only the stumps remaining. The Monterey pine forest on site varies in tree density and cover. In some areas, the trees form a closed canopy, while in other areas there are small to large open areas among the trees. The forest overstory is comprised entirely of tall Monterey pines; the understory is composed of ruderal coastal valley grassland and a few scattered coast live oaks. Aerial photos show that the small remaining forest on the site is at the edge of fragmented pine forest imbedded within residential development that is in turn connected to large undeveloped stands of Monterey pine forest to the north and south.

I find that although the Monterey pine forest on the proposed project site is small and fragmented, it rises to the level of ESHA because of its extreme rarity and because it is easily disturbed by human activity and development. In addition, the pine forest is at the edge and connected to an area of larger patches of forest imbedded within development which are in turn connected to very large areas of undeveloped pine forest.

The ruderal coastal valley grassland covers approximately 65% of the site, mostly in the southern and eastern portions of the site. Of the 30 species identified in the grassland, only two are native. Ruderal grassland such as exists on the site is very common across the state and along the coast. The grassland does not support any native bunch grasses and supports only one native forb and therefore does not meet the definition of native coastal prairie or ESHA.



Land Use Authorization

San Luis Obispo County Department of Planning and Building

County Government Center

San Luis Obispo, California 93408

Telephone: (805) 781-5600

Project : ZON2013-00589 Emergency Permit - Other
Issued To : CAMBRIA COMMUNITY SERVICES DISTRICT

Assessment(s) : 013-051-024 013-051-008

Planning Area : NC -North Coast

Community : RNC -Rural North Coast

Legal Description :	Tract/Town	Block/Range	Lot/Section	Zoning
	013051	008	0002	FH / SRV / SRA
	013051	024	0001	TH / FH / SRV
	013051	024	0002	AS / /
	RHOSNSIM	0000	C-PT	AG / LCP / CA
	RHOSNSIM	0000	PTN	AG / SRA / LCP

Approved Use : COASTAL DEVELOPMENT PERMIT FOR CCSD FOR EMERGENCY WATER SUPPLY PROJECT.

Location of Use : 00990 SAN SIMEON CREEK RD RNC

Comments :

Note Conditions of Approval on the final page

Effective Date : 5/15/2014

This land use authorization will become effective on the date shown above.

Expiration Date : 11/15/2014

This land use authorization will expire on the above date if it has not been exercised or extended as required by sections 22.64 or 23.02.040 of the Land Use Ordinance.



Land Use Authorization

San Luis Obispo County Department of Planning and Building

County Government Center

San Luis Obispo, California 93408

Telephone: (805) 781-5600

Project : ZON2013-00589 Emergency Permit - Other

Issued To : CAMBRIA COMMUNITY SERVICES DISTRICT

Note: By signing, the Applicant agrees to accept the conditions listed above. Failure to fulfill these conditions will void this authorization.

James Bahringer

By

Date

5/15/14

5/15/2014 1:10:02PM

This is not a building permit

Land_use_auth.rpt
Exhibit K

A-3-SLO-13-0213

2 of 12



DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land – Helping to Build Great Communities

ZON2013-00589
Emergency Permit
Cambria Emergency Water Supply Project

On January 17, 2014, Governor Jerry Brown declared a drought emergency for the State of California; on January 30, 2014, the Cambria Community Services District (CCSD) Board of Directors declared a Stage 3 Water Shortage Emergency; and on March 11, 2014, the County Board of Supervisors proclaimed a local emergency due to drought conditions in San Luis Obispo County. Studies conducted by the CCSD and their professional consultants have shown that, because of the drought, water levels in the District's wells have dropped, resulting in projected water supply shortages by the end of summer, 2014.

This emergency permit authorizes the construction and operation of an emergency brackish water supply project to serve existing development within the CCSD's service area. The project is located at 990 San Simeon Creek Road (APN: 013-051-024), as described in the April 22, 2014 memo from Bob Gresens (CCSD) and the site plan submitted in the application package, and attached to this emergency permit, subject to the following conditions:

General

1. Prior to commencing work, the District shall submit to the Department of Planning and Building a detailed list of all components of the brackish water supply project meant to provide up to 250 acre-feet of water to serve existing authorized water connections only (to abate the emergency), within the CCSD's service area (i.e. not to serve new development). To minimize environmental impacts, new water pipes associated with the project shall avoid impacts to potentially sensitive areas. Such avoidance measures may include installing pipes above the ground as opposed to being buried, and attaching pipes to existing bridges to prevent the need to work within existing creek channels.
2. This emergency permit is valid until such time that the CCSD-declared Stage 3 Water Shortage Emergency has ended, or the project has been authorized to continue to serve existing development through approval of a regular Coastal Development Permit, whichever is sooner. While processing the regular Coastal Development Permit, the emergency water facility may only be re-activated and utilized to produce water in the event of the occurrence of another Stage 3 Water Shortage Emergency and only after the CCSD has issued a formal declaration of the existence of such a Stage 3 Water Shortage Emergency. It is the intent of this condition, while processing the regular Coastal Development Permit, to enable use of the emergency water facility to produce water for existing development in Cambria during the existence of a declared Stage 3 Water Shortage Emergency, since the community historically experiences severe periodic droughts.
3. The District shall provide semi-annual monitoring reports to the County with well-level, pumping data, and other information which justifies the need for the on-going emergency water supply project.

4. Only the work described in this permit on the specific property listed above is authorized. Any additional work requires separate authorization from the Director of Planning and Building.
5. The work authorized by this permit shall be commenced within 20 days of the above date. The construction authorized by this permit shall be completed within 180 days. Any work commenced after 180 days requires separate authorization or a regular Coastal Development Permit.
6. Within 30 days of the date of issuance of this emergency permit, the permittee shall apply for a regular Coastal Development Permit to authorize the emergency project. The regular permit will be subject to all applicable provisions of the California Coastal Act and the Local Coastal Program, including the specific requirements for desalination facilities in the North Coast Area Plan Community Wide Policy 4D and the policies applicable to protecting creek and stream resources, and may be conditioned accordingly. Such conditions may include provisions for public access (such as an offer to dedicate sandy beach) and/or a requirement that a deed restriction be placed on the property in recognition of the hazard.

As part of the complete application for a regular Coastal Development Permit, the permittee shall at a minimum provide the following information:

- A. The permittee shall identify the project's expected discharge volumes into those ponds, the expected chemical constituents of the discharge, and the concentrations of those constituents. The constituents identified shall include those from both the source water (e.g., nitrates, mercury, etc.) and from project operations (e.g., cleaning compounds, flocculants, etc.). The permittee shall also identify the expected evaporation rate from the ponds. The permittee shall also identify all measures to be implemented that will prevent mobilization of these constituents into nearby coastal waters during storm events.
- B. Hydrogeologic modeling results: The permittee shall provide results of hydrogeologic modeling showing the expected extent and elevations of aquifer drawdown from project operations and the extent of any "cone of depression" in relation to nearby wetlands, streams, and other coastal waters.
- C. Hydrogeologic monitoring: The permittee shall identify measures, such as drawdown tests, monitoring wells, etc., proposed to be implemented to ensure project operations do not adversely affect nearby coastal waters.
- D. Project operations: Based on the above modeling results, the permittee shall identify measures it will implement to ensure project operations do not result in drawdown of nearby coastal waters, and will describe how proposed monitoring measures will be applied to ensure coastal waters are not adversely affected due to project operations.
- E. Development in floodplains: The permittee shall identify all project-related development within the 100-year floodplain, including water delivery pipes, wells, evaporation ponds.
- F. Effects of project-related noise and light on nearby biological resources and public recreation: The permittee shall identify expected noise and light levels from project construction and operation at nearby sensitive receptors, including riparian areas, known and potential bird nesting sites, and the nearest public recreation sites, including the State Park campground. The permittee shall identify all measures proposed to be implemented to reduce noise and light effects on those nearby receptors.

- G. Documentation of the impacts of withdrawals on creek and stream resources.
7. The applicant shall as a condition of approval of this emergency 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 emergency permit or the manner in which the County is interpreting or enforcing the conditions of this emergency permit, or any other action by a third party relating to approval or implementation of this emergency 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.
8. This permit does not obviate the need to obtain necessary authorization and/or permits from other agencies.

Air Quality

9. The following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;
 - d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit devices (determination of the appropriate CBACT control device(s) for the project must be performed in consultation with APCD staff).

Additional Construction Equipment Measures:

- e. Electrify equipment where feasible;
- f. Substitute gasoline-powered for diesel-powered equipment, where feasible;
- g. Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel;
- h. Use equipment that has Caterpillar pre-chamber diesel engines;

- i. Implement activity management techniques as follows:
 - i. Develop of a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period;
 - ii. Schedule of construction truck trips during non-peak hours to reduce peak hour emissions;
 - iii. Limit the length of the construction work-day period, if necessary;
 - iv. Phase construction activities, if appropriate.

Fugitive PM10 Mitigation Measures. All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance

- j. Reduce the amount of the disturbed area where possible;
- k. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- l. All dirt stock-pile areas should be sprayed daily as needed;
- m. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- n. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- o. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- p. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- q. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

- r. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

Archaeology / Cultural Resources

10. The applicant shall retain a qualified archaeological monitor, approved by the County Environmental Coordinator, to be present during all site disturbance activities. Monitoring reports shall be retained by the applicant and shared with the Environmental Coordinator's Office upon request.
11. In the event archaeological resources are unearthed or discovered during any site disturbance activities, the applicant, or the applicant's successor, shall be responsible to follow protocol and procedures described in Section 22.10.040 of the Land Use Ordinance.

Biological Resources - California Red-legged Frog (CRLF)

12. Sturdy and highly visible protective fencing shall be placed around all existing trees and riparian vegetation within 50 feet of the project site. Plan notes shall indicate this fence shall remain in place for the duration of project construction.
13. Prior to commencement of grading activities, a USFWS-approved biologist will survey the project site 48 hours before the onset of work activities. If any life stage of the California Red-legged Frog (CRLF) is found and these individuals are likely to be killed or injured by work activities, the biologist will be allowed sufficient time to move them from the site before work activities begin. The biologist will relocate the CRLF the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed project. The biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration, distinguishing features, digital images, etc.) to assist in determining whether translocated animals are returning to the original point of capture.
14. Prior to commencement of grading activities, a USFWS-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
15. A USFWS-approved biologist will be present at the work site until all CRLF have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the County will designate a person to monitor on-site compliance with all minimization measures. The biologist will ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor/biologist determine CRLF impacts are greater than anticipated or approved, work shall stop until the issue is resolved. The monitor/biologist shall immediately contact the resident engineer (the engineer overseeing and in command of the construction activities), where the resident engineer will either resolve the situation by eliminating the effect immediately, or require that all actions

- which are causing these effects be halted. If work is stopped, the County/ USFWS will be notified as soon as is reasonably possible.
16. During construction/ground disturbing activities, all trash that may attract CRLF predators will be properly contained, removed from the work site, and disposed of regularly. Prior to project completion, all trash and construction debris will be removed from work areas.
 17. During construction/ ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to commencement of grading/construction activities, the monitor will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
 18. Prior to project completion, whichever occurs first, for disturbed areas within the project boundaries, they shall be revegetated with an assemblage of native riparian, wetland and upland vegetation suitable for the area. Locally collected plant materials will be used to the extent practical. Invasive, exotic plants will be controlled to the maximum extent practical and not included in any landscaping efforts. This measure shall apply to all disturbed areas unless determined not practical or feasible by the County.
 19. Prior to project completion, whichever occurs first, to the extent practical, contours shall be returned to as close to original, unless it is determined by the biologist that the new contours provide greater benefit for the CRLF.
 20. Best Management Practices (BMPs) shall be implemented to minimize sediment from entering nearby water bodies or prominent drainage courses. During or after construction/ ground disturbing activities, if these BMPs are ineffective, the applicant will work with the monitor/biologist and resident engineer, in consultation with USFWS, to install effective measures prior to the next rain event.
 21. Unless approved by the USFWS, water will not be impounded in a manner that may attract CRLF.
 22. Prior to project completion, the applicant shall submit to the County and USFWS, a project completion report form, completed by the USFWS-approved biologist. The report form should identify any recommended modifications or protective measures, if additional stipulations to protect CRLF are warranted, or if alternative measures would facilitate compliance with the provisions of this consultation.

Biological Resources – Special Status Plants

23. Prior to commencing site disturbing activities, a County-approved biologist/botanist shall conduct a botanical survey for special status plants, including, but not limited to, the Cambria morning glory, Carmel Valley bush mallow, Compact cobwebby thistle, Most beautiful jewel-flower, Obispo Indian paintbrush, and Woodland woollythreads. The applicant shall make

every effort to avoid the removal of identified special status plants during construction activities. If the removal of such plants cannot be avoided, the applicant shall transplant them on the subject property.



CAMBRIA COMMUNITY SERVICES DISTRICT

P.O. Box 65 • Cambria, CA 93428 • Telephone: (805) 927-6223 • Fax: (805) 927-5584

DATE: 4-22-2014

TO: Nancy Orton, Airlin Singewald – San Luis Obispo County Planning

FROM: Bob Gresens, District Engineer - Cambria Community Services District

RE: Justification for approving an emergency coastal development permit for the Cambria Community Services District's Emergency Water Supply Project

The severe drought has placed the CCSD water supply in jeopardy due to the total rainfall being approximately 65 percent of the minimum rainfall needed to fully recharge the two coastal stream aquifers serving as the community's sole water supply. Uncertainty remains on whether upper springs that serve to provide underflow to the creeks during the dry season will cease earlier than normal due to the very dry conditions within each watershed. This could result in CCSD well levels dropping at an accelerated rate during the late summer to early fall period, which could lead to seawater intrusion, pumps losing suction, and possible subsidence. In combination with very stringent conservation measures, the CCSD has therefore developed an emergency water supply project on its property along San Simeon Creek Road. To expedite this emergency project, the CCSD Board passed an emergency authorization on January 30, 2014 to suspend formal bidding. An agreement was also entered into with CDM Smith to allow for design through construction authorizations. Project work is currently being completed on the project's design, environmental, and permitting tasks, which can further augment this initial emergency coastal development permit application and answer any detailed follow up questions the County may have.

The emergency water supply project is fully contained within the CCSD-owned property, which is shown in the attached illustration. This illustration is based on recently completed hydro-geological modeling, as well as meetings and conference calls that have been held to date with District staff, CDM Smith, and key California Department of Public Health and Regional Water Quality Control Board regulatory staff. The project will use an existing CCSD well (27S-8E-9P7) to supply brackish water to an advanced water treatment plant. The advanced water treatment plant will consist of microfiltration to remove fine particles prior to entering a reverse osmosis stage. The reverse osmosis process will remove salt prior to an advanced oxidation process. Here, ultraviolet light and hydrogen peroxide are used to disinfect the water and destroy any remaining chemicals. Final post-treatment stabilizes the water to prevent corrosion in pipes and the injection well. The treated water is then injected back into the ground near the CCSD San Simeon well field production wells. To meet state health standards, the injection well is located to ensure that the treated water travels underground at least two months before it reaches the San Simeon wells that supply potable water.

A side stream flow from the project's reverse osmosis process will be routed to a previously disturbed storage basin area, which served to store treated wastewater effluent (aka the CCSD's Van Gordon Reservoir). The reservoir will be converted to an evaporation pond in accordance with Title 27 requirements. The dried residue within the evaporation pond will be emptied periodically using a small tractor/loader, similar to what is commonly referred to as a Bobcat machine.

Exhibit K

A-3-SLO-13-0213

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The project will be using the same access roadways to the CCSD property as is currently used to support its effluent percolation pond operation and potable well field operation. Instrumentation will also be provided to automate and remotely monitor operations as much as possible, which will limit the number of routine vehicle trips by operations staff.

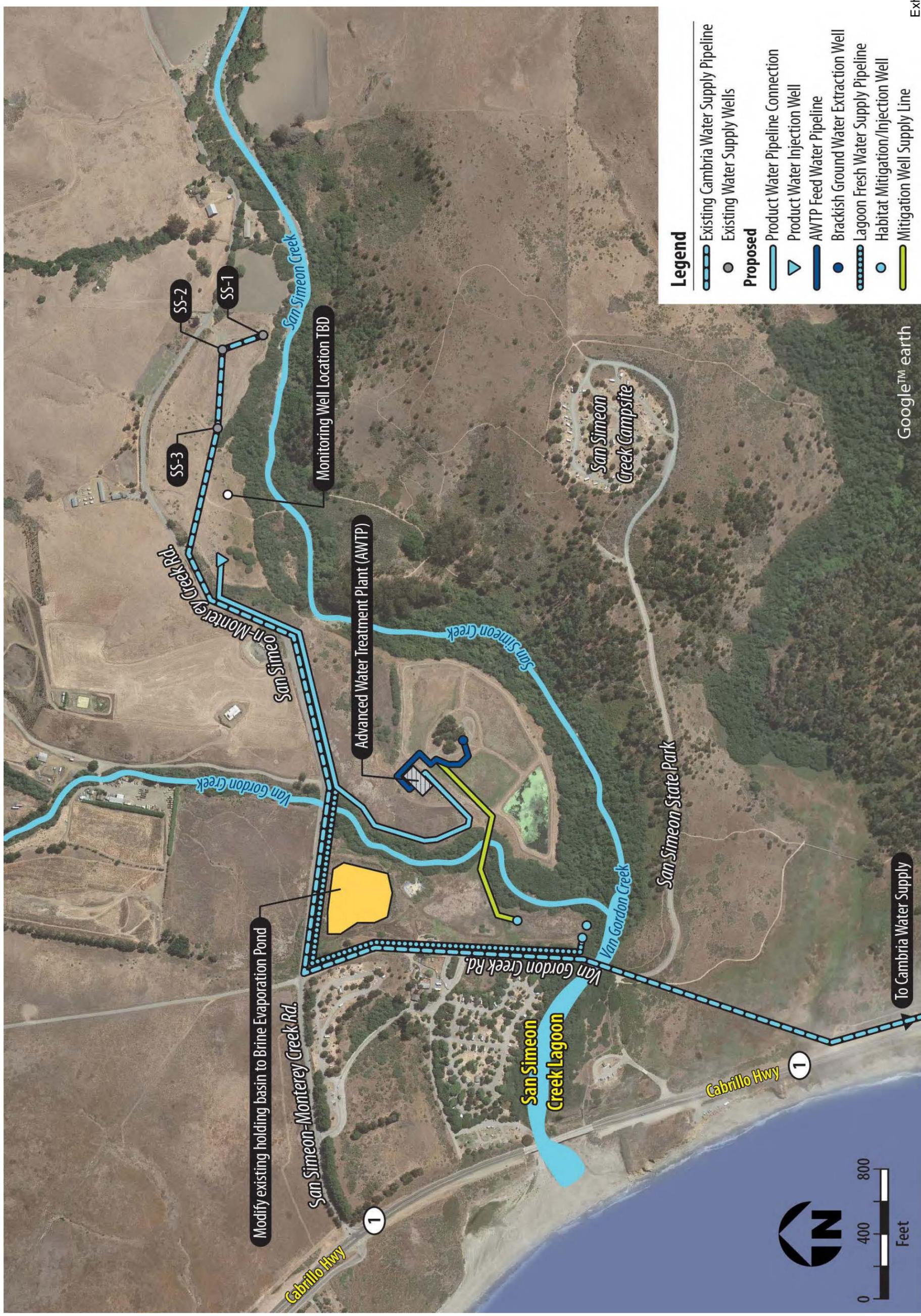
The project also includes a shallow groundwater injection well as a planned mitigation measure to provide freshwater, which would offset any potential loss of water to the riparian corridor and downstream lagoon area. In addition, previously certified EIRs for the percolation ponds, Van Gordon Reservoir, the potable well fields, and an earlier 1990s era groundwater recharge project will be incorporated as references into the environmental compliance documents currently under development.

As further background, the emergency water supply project used an earlier 2013 water supply alternatives analysis as a starting point. This earlier 2013 technical memorandum is posted on the Cambria CSD web site, and includes a summary of four facilitated public workshops, which were conducted on supply alternatives and the technical screening process being applied. The brackish water alternative (alternative 5) of the 2013 report, was ranked the highest technically.

The consequences of inaction or significant delay in constructing this emergency project are potentially disastrous for the community of Cambria. A project of this nature also has lead times for permits and equipment, which do not allow the luxury of waiting to see whether next year's rainy season arrives early enough to prevent an eminent disaster from occurring. Although unlike other natural disasters, which occur suddenly, the consequences of this prolonged drought have similar effects with regard to the health, finances, and emotional well-being of the community. Therefore, the CCSD is requesting that the County promptly issue an emergency coastal development permit for its emergency water supply project.

Attachments (1)

Site Plan



(3) develop a predictive model of EWD, and (4) apply the predictive model to all Analysis Points. Results of analyses were used to identify gaps in available data, prioritize watersheds for additional focused studies, and recommend methods for subsequent focused studies.

Patterns between watershed hydrology and watershed characteristics in the County were evaluated to identify measurable variables that could be used to predict EWD. All available hydrology data from USGS and County streamflow gages located within steelhead potential rearing habitat were used, and average values for spring flows (average for April through May), and summer flows (average for August through September) were calculated for each gage. Potential patterns between hydrology and watershed characteristics were then evaluated by comparing average spring and summer flows with watershed area, PLU, and an index of the presumptive bankfull channel width (presumed proportional to the square root of drainage area; Dunne and Leopold 1978) for each gage location. Based on this evaluation, watershed characteristics were identified that were related to hydrologic patterns.

The estimated values for EWD based on the field assessment (Section 2.3.3) were compared with watershed characteristics found to be related to hydrologic patterns, including drainage area, channel gradient, channel slope, and valley width. Regression analysis was conducted to identify the variables that best described EWD for both spring and summer, and based on these a predictive model was developed for each season. We observed that a simple linear regression model fit our observed data well, which gave support to its broader application to identify the key variables and predict EWD for all streams not evaluated in the field.

Watershed characteristics were determined for each Analysis Point, including drainage area, PLU, and channel gradient. The predictive model was used to estimate EWD for all Analysis Points. All results were summarized in a web-based interactive map.

2.4 Qualitative Assessment

In addition to quantifying EWD to support specific steelhead life stages as described above, other critical functions of flows to support aquatic ecosystems were qualitatively considered. These include fish passage flows, spawning flows, geomorphic flows, and lagoon inflows. For each of these critical flow functions, existing information from within the County was summarized to evaluate whether there are sufficient flows to support aquatic ecosystems in County watersheds.

3 RESULTS

3.1 Field Assessment

Twelve sites were evaluated during mid-April 2013, and six of these sites were re-evaluated during early September 2013 to estimate both spring and summer flow requirements (Figure 5). During spring 2013 visits, the observed flows ranged from 0 cfs (wetted with no water velocity) to 6 cfs; and during summer 2013, 0 cfs to 5.8 cfs (Table 3).

Table 3. Field observations and EWD estimates in spring and summer 2013.

Site	Drainage Area (mi ²)	Date	Measured Flow (cfs)	Estimated EWD (cfs)	
				Spring	Summer
Santa Rita Creek	65.7	5/1/2013	0.29	3.00	1.00
Lower Santa Rosa Creek	45.6	4/18/2013	1.62	3.00	0.75
		9/06/2013	0.00		

Site	Drainage Area (mi ²)	Date	Measured Flow (cfs)	Estimated EWD (cfs)	
				Spring	Summer
San Simeon Creek	24.3	4/18/2013	0.99	1.50	0.50
Lower San Luis Obispo Creek	67.9	4/17/2013	6.04	4.00	1.00
		9/11/2013	5.78		
Islay Creek	9.3	5/03/2013	1.13	1.25	0.33
		9/12/2013	0.76		
Lower Pismo Creek	37.8	4/17/2013	0.46	2.00	0.75
San Luisito Creek	7.4	4/17/2013	0.28	0.50	0.25
		9/10/2013	0.08		
Chorro Creek	21.9	5/3/2013	1.20	1.25	0.50
		9/11/2013	0.62		
Tassajara Creek	2.2	5/1/2013	0.15	0.50	0.20
Upper San Luis Obispo Creek	11.5	4/17/2013	0.51	0.75	0.25
		9/11/2013	0.0		
Atascadero Creek	13.7	4/18/2013	0.09	0.75	0.50
		9/12/2013	0.0		
Upper Morro Creek	9.1	5/1/2013	0.44	0.75	0.25

Based on measurements of suitable habitat for specific steelhead life stages, flows to support steelhead during spring range from 0.5 cfs to 4 cfs (Table 3). Flows of this magnitude were sufficient to provide fry and juvenile rearing and feeding habitat, migratory connectivity for juveniles between habitat units, and benthic macroinvertebrate production. Water depth was adequate in most habitats, and overall suitability was typically limited by water velocity. In some locations, such as San Luisito Creek (Figure 8), the estimated spring Environmental Water Demand (EWD) (0.5 cfs) is relatively low, due to a confined, moderate gradient channel that consolidates available surface flow. In contrast, river channels such as lower San Luis Obispo Creek are relatively unconfined, semi-alluvial gravel-dominated streams in which a higher spring EWD (4 cfs) is required to provide sufficient spring steelhead habitat (Figure 9). In general, the larger, low-gradient channels yield larger spring EWD values. Exceptions included highly incised channels (e.g., lower Pismo Creek) where relatively low flows remained confined and maximized available habitat. In most of the stream channels that were not carrying sufficient flows to provide steelhead habitat, habitat units were hydrologically connected but flows had insufficient water velocity to support food delivery or to provide migration among habitat units (e.g., Atascadero Creek, Figure 10).

RESOLUTION NO. 04-2014
JANUARY 30, 2014

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CAMBRIA COMMUNITY SERVICES DISTRICT
DECLARING A STAGE 3 WATER SHORTAGE CONDITION AND
IMPLEMENTING A STAGE 3 WATER CONSERVATION PROGRAM WITH
ENHANCED WATER CONSERVATION MEASURES
AND RESTRICTIONS ON THE USE OF POTABLE WATER

WHEREAS, the Board of Directors of the Cambria Community Services District ("CCSD") has declared a Water Code Section 350 Water Shortage Emergency; and

WHEREAS, pursuant to Water Code Section 353, the Board of Directors may adopt such regulations and restrictions on the delivery of water which will conserve the water supply for the greatest public benefit; and

WHEREAS, based upon determinations related to the condition of the CCSD's water supplies, on September 20, 2013 the Board of Directors, after holding a duly noticed public hearing, adopted Resolution 37-2013 approving enhanced water conservation measures and restrictions on the use of potable water; and

WHEREAS, after holding a duly noticed public hearing on October 24, 2013 the Board of Directors adopted Resolution 42-2013 approving revised enhanced water conservation measures and restrictions on the use of potable water; and

WHEREAS, on January 17, 2014, the Governor of the State of California declared a state of emergency (the "Proclamation") due to record dry conditions and concerns over the State's dwindling water supplies. The Proclamation states that "[l]ocal urban water suppliers and municipalities are called upon to implement their local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season";

WHEREAS, the domestic water supply for the CCSD may be inadequate based upon the continued lack of precipitation and the current water levels in the aquifers that provide the domestic water supply for the CCSD, and specifically that water levels in the San Simeon and Santa Rosa creek aquifers are such that staff has determined that the available water supply may be insufficient to meet demand; and

WHEREAS, after holding a duly noticed public hearing on January 30, 2014 the Board of Directors determined that it is necessary and desirable to adopt further revised enhanced water conservation measures and restrictions on the use of potable water, as further set forth in Exhibit A to this Resolution; and

WHEREAS, in addition to Water Code Section 353, Water Code Section 375 provides that a public entity which supplies water may, after holding a public hearing, adopt and enforce water conservation programs to reduce the quantity

of water used by persons within the entity's service area or jurisdiction for the purpose of conserving the entity's water supplies; and

WHEREAS, although the community of Cambria is already achieving an extraordinary level of water conservation, additional enhanced water conservation use restrictions are necessary and appropriate in order to protect the health, safety and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cambria Community Services District as follows:

- 1 Based upon the existing water supply conditions and extreme drought , as described above, and in numerous staff reports and presentations to the Board of Directors, the Board of Directors hereby finds that the demands and requirements of water consumers cannot be satisfied without depleting the water supply of the CCSD to the extent that there would be insufficient water for human consumption, sanitation and fire protection and that, based on this condition and on concerns regarding the anticipated prolonged drought conditions, the Board of Directors hereby declares a Stage 3 Water Shortage Emergency Condition and hereby implements a Stage 3 Water Conservation Program with enhanced water conservation measures, as further set forth herein all of which the Board of Directors finds are necessary and appropriate to protect the health, safety and welfare of the public.
- 2 Resolution 42-2013 is hereby repealed and replaced by this Resolution with the revised Enhanced Water Conservation Measures and Restrictions on the Use of Potable Water set forth in Exhibit "A," including the fines and penalties contained therein, which exhibit is attached hereto and incorporated herein. The revised Enhanced Water Conservation Measures and Restrictions on the use of Potable Water shall be effective immediately and apply within the jurisdictional boundaries of the Cambria Community Services District until rescinded or modified by the Board of Directors. All other CCSD water conservation rules, regulations, restrictions, definitions, enforcement procedures, violation provisions and appeal procedures which are in force shall remain in force, except where they may conflict with the Enhanced Water Conservation Measures and Restrictions set forth in this Resolution.
- 3 CCSD staff is hereby directed to continue to monitor and evaluate current water and drought conditions on an ongoing basis and report back to the Board of Directors on a monthly basis.
- 4 The District Clerk shall publish this Resolution in full within 10 days of its adoption in accordance with the provisions of Water Code Section 376(a). After such publication, and in accordance with the provisions of Water Code Section 377, violation of the Enhanced Water Conservation Measures and Restrictions on the Use of Potable Water set forth in Exhibit "A" is a misdemeanor and punishable as set forth in Water Code Section 377.

- 5 Within fourteen (14) days from the date of this Resolution, the General Manager is hereby directed to provide notice to all water customers of the Stage 3 Water Shortage Emergency Condition and the Enhanced Water Conservation Measures as set forth herein as well as the surcharges/ penalties and other consequences for a violation thereof. The General Manager is further directed to pursue a vigorous public information program about water supply conditions and the need to reduce water consumption, through local newspapers and other media, mailings to customers, by handouts and by such other means deemed appropriate by the General Manager.

PASSED AND ADOPTED THIS 30th day of January, 2014.

Jim Bahringer, President
Board of Directors

APPROVED AS TO FORM:

Timothy J. Carmel
District Counsel

ATTEST:

Justine Harris
Interim District Clerk