

CALIFORNIA COASTAL COMMISSION

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



IMPORTANT NOTE: The Commission will not take public testimony during this phase of the appeal hearing unless at least three commissioners request it. If the Commission finds that the appeal raises a substantial issue, it will schedule the de novo phase of the hearing for a future meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

F16b

Appeal Filed: 8/22/2014
49th Day: Waived
Staff: D. Robinson - SC
Staff Report: 9/19/2014
Hearing Date: 10/10/2013

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION

Appeal Number: A-3-SLO-14-0044

Applicants: Phil and Julie Fox

Appellants: Commissioners Mary Shallenberger and Erik Howell

Local Decision: Approved by the San Luis Obispo County Planning Commission on July 18, 2014 (County application number DRC2012-00091).

Project Location: East side of Burton Drive, approximately 850 feet southeast of the intersection with Kay Street, in the unincorporated community of Cambria, San Luis Obispo County (APNs 024-331-009, 024-331-025, 024-331-026).

Project Description: Construction of a new 3,451 square-foot single family residence with a 624 square foot attached garage, 852 square feet of decking, and a maximum height of 28 feet from average natural grade.

Staff Recommendation: Substantial Issue Exists

SUMMARY OF STAFF RECOMMENDATION

The San Luis Obispo County Board of Supervisors approved a coastal development permit (CDP), subject to 56 conditions, for the construction of a 3,451 square-foot single family residence with a 624 square-foot attached garage and 852 square feet of decking in the West

Lodge Hill neighborhood of Cambria. Commissioners Mary Shallenberger and Erik Howell appealed the County's approval of the project on grounds that project's approval is inconsistent with the County's certified Local Coastal Program (LCP). Specifically, the appeal contentions raised issues regarding 1) the inadequacy of Cambria's water supply capacity to serve the project; 2) impacts to environmentally sensitive habitat areas (ESHA), coastal watersheds and groundwater reserves, and 3) protection of water supply for priority uses in the coastal zone, such as agriculture and visitor-serving and commercial uses.

Upon review, staff recommends that the Commission 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 supply, ESHA, coastal watershed and groundwater, and visitor-serving policies and standards. Specifically, staff recommends that the approved project raises a substantial issue with the San Luis Obispo County LCP for the following reasons: 1) Cambria does not have an adequate water supply capacity to directly serve this project; 2) the sources of Cambria's water supply – Santa Rosa and San Simeon Creeks – are environmentally sensitive habitat areas that are currently being adversely affected by a lack of water; 3) the project is a single-family residential, non-visitor non-commercial serving use with a residential water allotment that potentially undermines the LCP's requirement that 20 percent of Cambria's water supply be reserved for visitor-serving and commercial uses, and 4) the project may have impacts on sensitive terrestrial habitat (Monterey pine forest).

If the Commission finds that the County's approval raises a substantial issue on any one or more of these grounds, then the Commission would assert jurisdiction over the project's CDP application and review the project's LCP consistency de novo at a future Commission hearing.

In sum, staff recommends that the Commission find that the appeal raises a substantial issue. The appropriate motion and resolution to implement this recommendation are on page 4.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. FINDINGS AND DECLARATIONS	4
A. PROJECT LOCATION	4
B. PARCEL AND WATER HISTORY BACKGROUND.....	4
C. SAN LUIS OBISPO COUNTY APPROVAL	6
D. PROJECT DESCRIPTION.....	6
E. APPEAL PROCEDURES	6
F. SUMMARY OF APPEAL CONTENTIONS	7
G. SUBSTANTIAL ISSUE DETERMINATION	7
1. Water Supply Resources	8
2. Sensitive Resource Area: Monterey Pine Forest Terrestrial Habitat	16

EXHIBITS

Exhibit A:	Regional Location Maps and Aerial Photo of the Project Site
Exhibit B:	Notice of Final Local Action
Exhibit C:	Project Plans
Exhibit D:	Appeal Document and Contentions
Exhibit E:	Applicable San Luis Obispo County LCP Policies and Standards
Exhibit F:	Parcel Map
Exhibit G:	Water Service Correspondence
Exhibit H:	Declaration of Restrictive Covenant
Exhibit I:	County's Emergency Permit
Exhibit J:	Cambria Community Services District Resolution 04-2014
Exhibit K:	Table 3 from <i>San Luis Obispo County Regional Instream Flow Assessment</i>

APPENDICES

Appendix A – Substantive File Documents

I. MOTION AND RESOLUTION

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-14-0044 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-14-0044 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.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION

The project site is comprised of six vacant lots (three APNs) along the east side of Burton Drive, approximately 850 feet southeast of the intersection with Kay Street, in the unincorporated community of Cambria, in San Luis Obispo (SLO) County. The site is located in the West Lodge Hill neighborhood, a heavily forested residential area located on the south and west side of Highway One. The project is located within Cambria's Urban Services Line (USL). The site is designated by the LCP in the Residential Single Family land use category within Cambria's USL in an area subject to the LCP's North Coast Area Plan (NCAP).

See **Exhibit A** for location maps and an aerial photo of the project site.

B. PARCEL AND WATER HISTORY BACKGROUND

Phil and Julie Fox ("The Applicants") acquired three parcels (six lots, together comprising approximately 13,000 square feet) in the West Lodge Hill neighborhood of Cambria, along Burton Drive (APNs 024-331-009, 024-331-025 and 024-331-026) between 2010 and 2012.¹ The water service that is currently allocated to APN 024-331-026 was originally associated with APN 024-202-014, which was voluntarily merged in 2003 with an adjacent parcel to become

¹ According to Realquest.com, the Foxes purchased APN 024-331-025 in October, 2010; APN 024-331-009 in May 2011; and APN 024-331-026 in September, 2012. See **Exhibit F** for a parcel map.

APN 013-141-022.² Greenspace the Cambria Land Trust (“Greenspace”) purchased the roughly five-acre property (APN 013-141-022) in January 2012.

On November 15, 2012, the Cambria Community Services District (CCSD) – the water and sewer service provider in Cambria – approved a request by Greenspace to transfer an intent-to-serve Letter authorizing water service from APN 013-141-022 (located at 1609 Burton Drive) to one of the Applicants’ parcels (APN 024-331-026). As required by the CCSD, all such transfers require that water service for the “sender” property be retired, and that if the receiver parcel is comprised of more than one legal lot, those lots be merged within 90 days of the effective date of the restrictive covenant required by the CCSD for such transfers, such that the receiver parcel is only one permanent buildable lot. A restricted covenant retiring water service for APN 013-142-022 and requiring merger of any receiver parcel was recorded against APN 013-142-022 and APN 024-331-026 on October 4, 2012.³ Commission staff has not yet received confirmation, however, that this document was properly recorded against these parcels and that it runs in the chain of title for these parcels as intended.⁴ In addition, on October 9, 2012, the County approved the voluntary lot merger required as part of the CCSD transfer of water service for APN 024-331-026.⁵

On January 30, 2014, the CCSD declared a stage 3 Water Shortage Condition Emergency, finding that the community’s “available water supply may be insufficient to meet demand” and that Cambria could run out of water by mid-October [2014].

On May 22, 2014 (approximately two months before the project was approved by the SLO County Hearing Officer) the Board of Directors of the CCSD voted to suspend all of the pending and outstanding intent-to-serve letters, including the one that had been issued to Mr. and Mrs. Fox.⁶ In a follow up letter, dated August 19, 2014, from the CCSD to County and Commission staff, the CCSD clarified that the Board’s action “provided that no connection to the CCSD’s water system would be permitted until after the Stage 3 Water Shortage Emergency ends” (see **Exhibit G**).

² In 2000, a different applicant, Steve Pelle, had a project proposed for a single family residence associated with APN 024-202-014. As required by Cambria’s Plumbing Retrofit Water Conservation Program Ordinance 1-98 and the LCP, an applicant is required to completely offset a project’s estimated water demand. In 2001, then-owner Steve Pelle paid an “in Lieu of Retrofit” fee of \$15,400 to the CCSD to satisfy these requirements.

³ Declaration of Restrictive Covenant, recorded as document number 2012056282 on October 4, 2012 in the official records of San Luis Obispo County (**Exhibit H**). See also the November 5, 2012 letter from Cambria Community Services District to Greenspace approving Greenspace’s request to transfer water service (**Exhibit G**).

⁴ An email dated 5/2/2013 between Courtney Upthegrove (CCSD) and Ryan Hostetter (SLO County Planning) identifies that the lot has been retired; however the date of the actual retirement, or official document, has not been provided to Commission staff.

⁵ Although the project is proposed over six lots (with APN 024-331-026 consisting of two lots), the four lots adjacent to APN 024-331-026 (identified as APNs 024-331-025 and 024-331-009) have not been merged with APN 024-331-026 at this time; however the CCSD-required restrictive covenant requires that these lots be merged into one upon issuance of a building permit, stating: “If a building permit is subsequently issued which includes the Receiver Property [APN 024-331-026] and any other adjacent legal lots in the same project, all such lots under said building permit shall be merged in the same manner with the Receiver Property.”

⁶ In a letter from the CCSD to the County and the CCC (dated July 31, 2014 – see **Exhibit G**), the CCSD also stated that prior to the May 22, 2014 Board of Directors’ meeting, the CCSD informed all of the owners of properties holding intent-to-serve letters that the Board would be considering whether or not to suspend their intent-to-serve letters based upon the current stage 3 Water Shortage Emergency.

C. SAN LUIS OBISPO COUNTY APPROVAL

On July 18, 2014, the San Luis Obispo County Planning Department Hearing Officer conditionally approved a CDP (DRC2012-00091) for the Applicants to allow for the construction of the single family residence, subject to 56 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 August 8, 2014. The Coastal Commission's ten-working day appeal period for this action began on August 9, 2014 and concluded at 5 p.m. on August 22, 2014. One valid appeal (made by Commissioners Shallenberger and Howell) of the County's CDP decision was received during the appeal period (See **Exhibit D**).

D. PROJECT DESCRIPTION

As approved by the County, the project is a 3,451 square-foot single family residence with a 624 square foot attached garage, 852 square feet of decking, and a maximum height of 28 feet from average natural grade. The County-approved two-story residence contains a basement level with a garage.

The project would result in the disturbance of approximately 5,000 square feet of a roughly 13,000 square foot area currently consisting of six lots. Approximately 32 percent of the project site would be impermeable (comprised of the home itself and the driveway).

In addition, a total of 11 trees were approved to be removed (three Monterey pines, two dead Monterey pines, two Redwoods, one Coast live oak, and three ornamental trees). The County required mitigation for three Monterey pines and the one Coast live oak tree.⁷ Furthermore, the County-approved project requires that native trees and undergrowth outside of the project limit area shall be left undisturbed. See **Exhibit B** for the County's conditions.

See **Exhibit C** for project and site 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 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

⁷ The County's approval requires a 4:1 mitigation ratio for removed Monterey pines (requiring 12 replacement Monterey pines in this case) and requires a 6:1 mitigation ratio for removed Coast live oaks (requiring six replacement Coast live oaks in this case).

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. This project is appealable because it is located in a sensitive coastal resource area (Terrestrial Habitat ESHA).

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 this additional finding would not need to be made if the Commission approves the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicants (or their 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 contend that the County-approved project raises LCP conformance issues and questions with respect to the provision of public services, specifically water supply resources and LCP provisions that prohibit the approval of new development unless the community has an adequate water supply capacity to support it. In addition, the County’s approval of the project did not include adequate findings related to the protection of sensitive riparian habitats, groundwater aquifers, and sensitive terrestrial habitat as required by the LCP. Finally, the County’s approval of the project did not include findings related to the protection of water for priority uses in the coastal zone, such as visitor-serving and commercial uses, as required by the LCP.

See **Exhibit D** for the complete text of the Appellants’ appeal.

G. SUBSTANTIAL ISSUE DETERMINATION

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

In this case, for the reasons discussed further below, the Commission determines that the development as approved by the County presents a substantial issue.

Substantial Issue Analysis

The Appellants' main contention is that Cambria's water supply is inadequate to support the Applicants' development in the community at this time. 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; and LCP Public Works Policy 1). This overarching contention is the basis for the other contentions as well. For example, the Appellants also assert that, because there is an inadequate supply of water at the moment for this development, the project is inconsistent with numerous other LCP policies meant to: 1) protect environmentally sensitive habitat areas (ESHA), coastal watersheds, and groundwater reserves (LCP ESHA Policies 2, 7 and 20; Coastal Watersheds Policies 1 and 2; and CZLUO Sections 23.07.170 and 23.07.176), and 2) ensure water for priority uses in the coastal zone, such as agriculture and visitor-serving uses (including LCP North Coast Area Plan (NCAP) Standard 2(A) and Recreation and Visitor-Serving Facilities Policy 2). See **Exhibit D** for the Appellants' contentions. See **Exhibit E** for the above-cited LCP policies and standards.

1. Water Supply Resources

Background regarding Water Resource Issues in Cambria

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 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.⁸

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.⁹ 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 I**) for a plant meant to provide a temporary emergency water supply. The County issued the emergency permit based on the 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.

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."¹⁰ 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

⁸ 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.

⁹ 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.

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. 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.

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,"¹¹ 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 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 demand¹² so that, in theory, the projects could be approved for development without any additional water extractions from the Creeks.

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."¹³

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 J**).

Inadequate Water Supply Capacity to Meet Current Demand

As mentioned, the Appellants' main contention is that the County's approval of the Project raises a substantial issue on the grounds that the project is inconsistent with Public Works Policy 1 and CZLUO Section 23.04.430. These LCP provisions require new development to demonstrate that

¹¹ The Commission found that the following "pipeline project" developments raised a substantial issue 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); A-3-SLO-02-073 (Hudzinski).

¹² Water offsets are accomplished through retrofitting existing developments with water saving appliances and fixtures or by paying an in lieu retrofit fee. See NCAP Community-Wide Planning Standards 4A and 4B in **Exhibit E**.

¹³ Appendix #3 at pp.46-47.

adequate service capacities are available to serve the proposed development, and that lack of proper arrangements for guaranteeing that service is grounds for denial of a project or reduction of the density that could otherwise be approved consistent with available resources.

As evidenced above, Cambria's water supply is limited and it has been difficult to sustainably support even existing demand for decades. Cambria's water supply is particularly vulnerable because it depends entirely on extractions from the Santa Rosa Creek and the San Simeon Creek watersheds, which have a limited groundwater water storage capacity.

However, today, the current situation is far worse than in 2001, and significantly direr as Cambria, and the rest of California, is in the midst of an extreme multi-year drought. In adopting the Stage 3 Water Shortage Emergency resolution, the CCSD Board found that its water supply may be inadequate to meet existing demand, and the CCSD has subsequently acknowledged that water conservation measures are not sufficient to prevent Cambria from running out of water entirely. In response to the lack of water, the CCSD is currently seeking an emergency water supply project to serve existing development. However, this emergency project requires substantial additional environmental and agency review before it can be developed. In the absence of a new water supply, the CCSD projects that Cambria will run of water completely sometime between mid-October and December 2014. 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."

Despite the dire water conditions and significant uncertainty surrounding Cambria's water supply, the County found the project consistent with the LCP's requirement of adequate water supply capacity (Public Works Policy 1) reasoning that the project is "consistent with this policy because the applicant submitted a letter,¹⁴ dated November 5, 2012, from the CCSD verifying the availability of water and sewer service for the proposed project," and conditioning the Applicants to "pay retrofit fees to the CCSD, which the District uses to completely offset the increased water demands that would result from the project" (see **Exhibit G**). The County's approval concludes by stating, "therefore, with transfer of water service from an existing site, and the payment of retrofit fees, the proposed project will not increase water demands on Cambria's water supply" (see **Exhibit B** for the County's staff report).

As stated above, "pipeline" projects were those particular projects: (1) that had valid water allocations, generally in the form of an intent-to-serve letter from the CCSD at the time of the Board's 2001 emergency declaration; and (2) for which the County had accepted a project's application for processing. The County did not accept this particular project's application for processing until 2013, long after the November 15, 2001 deadline. However, the Applicants acquired their water allotment via a transfer from a larger lot along Burton Drive with a water allotment acquired in April 2001. Thus, the County deemed the project a "pipeline project." The County provides no analysis, though, as to why the Project's status as a "pipeline project" renders it consistent with CZLUO Section 23.04.430 and Public Works Policy 1, which require that an adequate water supply be available to serve new development.

¹⁴ This letter, addressed to "Greenspace the Cambria Land Trust", indicates an approval by the CCSD of a transfer of intent-to-serve letter from APN 013-141-022 to APN 024-331-026. See **Exhibit G**.

The County's 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).¹⁵ Although the Commission and the County have in certain cases allowed "pipeline projects" to proceed as long as they verified their water demand offsets¹⁶ (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.

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 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 Public Works Policy 1 because Cambria's available water supply is inadequate to support the Project.

Impacts to Santa Rosa and San Simeon Creeks

The Appellants contend that the County-approved project may have impacts to sensitive resources such as creeks and their associated riparian habitat (see **Exhibit D** for the Appellants' contentions). 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.¹⁷ Moreover, the Commission has consistently interpreted CZLUO Section 23.04.430 and Public Works Policy 1 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.¹⁸

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

¹⁵ 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).

¹⁶ Water offsets are accomplished through retrofitting existing developments with water saving appliances and fixtures.

¹⁷ See Appendix A #3 at pp. 46-47.

¹⁸ See A-3-SLO-01-122 (Cambria Pines Lodge Expansion); A-3-SLO-02-050 (Monaco); and A-3-SLO-02-073 (Hudzinski).

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 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)*.¹⁹

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 K**). 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

¹⁹ See Appendix A #1.

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.”²⁰

Other recent studies of the Creeks have shown similar adverse impacts. For example, the *South-Central California Coast Steelhead Recovery Plan*, 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.²¹ 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 did not have evidence of whether current CCSD withdrawals were adversely impacting 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 approved project because the community’s sole sources of water, the Santa Rosa and San Simeon Creeks, lack adequate water to serve existing demand much less to protect the Creeks’ sensitive riparian habitats, groundwater aquifers, and wetland lagoons. Therefore, the project raises a substantial issue of conformity with CZLUO Section 23.04.430 and Public Works Policy 1, as well as NCAP Planning Area Standard 4, Coastal Watersheds Policies 1 and 2, and ESHA Policies 2, 7, and 20.

Water Reserved for Priority Uses

The Appellants contend that the Project is inconsistent with NCAP Planning Area 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. The Appellants also contend that the approved project is inconsistent with LCP Recreation & Visitor-Serving Facilities Policy 2, which requires priority for recreational development and commercial visitor-serving facilities over non-coastal dependent use, and also requires that all uses be consistent with protection of significant coastal resources, including creeks and streams (see **Exhibit D** for the Appellants’ contentions and **Exhibit E** for these LCP provisions).

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 for in the County’s LCP and in the Coastal Act.

²⁰ See Appendix A #1 at pp. 17-19, 30-31.

²¹ See Appendix A #4 at 12-10:12-13.

According to the CCSD, “commercial uses” comprise 23 percent of the CCSD’s total billed consumption.²² However, 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 commercial uses because of the inclusion of non-visitor-serving and non-commercial uses in the CCSD’s calculations. Indeed, the CCSD has admitted to including multi-family residential water use in its commercial uses estimate, even though multi-family residential use is not a visitor-serving use or a commercial use. According to the CCSD, it is a “routine” practice to calculate multi-family residential water use as commercial visitor-serving uses.²³ When requested by Commission staff, the CCSD was unable to provide the raw data necessary to determine the extent to which the non-visitor serving uses have been treated as commercial visitor-serving uses. In explaining how it exceeds the 20-percent commercial and visitor-serving requirement, the CCSD points out that an additional 6 percent of the CCSD’s billed water consumption comes from 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 rentals. 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. The approved project would add water demand from a residential use. If water supply 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 Standard 4(A), and because the demand here is a non-priority use, it is inconsistent with Planning Area Standard 2(A)’s purpose of ensuring that water is reserved for visitor-serving and related commercial uses.

Thus, the project raises serious concern regarding whether the CCSD is satisfying the requirement of maintaining and reserving 20 percent of its water for priority uses. The project would increase water demand for a non-priority coastal use, which is inconsistent with the above-cited LCP policies and standards that require that any available water supply be reserved and maintained for commercial and visitor-serving uses. In other words, any water that would be allocated to the project (assuming there is actual water available to supply any new development in Cambria), whether that water is being offset through retrofit or otherwise, must go to either existing or new commercial visitor-serving uses in Cambria, such as commercial lodging, restaurants, and recreational uses that facilitate and encourage Californians to visit and experience Cambria’s beautiful coast.

Thus, the County-approved Project raises a substantial issue regarding its compliance with NCAP Cambria Community-Wide Standard 2(A) and LCP Recreation & Visitor-Serving

²² See Appendix A #2 at pg.11.

²³ In a letter to Commission staff regarding the Kingston Bay project in Cambria (A-3-SLO-13-0213), the CCSD stated that “Multi-family accounts within the CCSD service district [sic] are routinely grouped with commercial lodging uses and assigned commercial EDUs...”

Facilities Policy 2 regarding the requirement that at least 20 percent of the available water supply be reserved for visitor-serving and related commercial uses.

2. Sensitive Resource Area: Monterey Pine Forest Terrestrial Habitat

The Appellants contend that the proposed development is inconsistent with LCP policies and standards 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 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 forest is such an important environmental resource, the LCP provides numerous standards that protect it, CZLUO Sections 23.07.170 and 24.07.176, which are specifically cited in the 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 to determine 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 County-approved project is located on a sizeable 13,000 square foot property in the near vicinity of significant undeveloped Monterey pine forest (see **Exhibit A** page 3). The approved project includes the removal of 11 trees (three Monterey pines, two dead Monterey pines, two Redwoods, one Coast live oak, and three ornamental trees). The County required mitigation for three Monterey pines (at a 4:1 replacement ratio) and the one Coast live oak (at a 6:1 replacement ratio).

According to the Mitigated Negative Declaration prepared for the project, the project site's tree canopy coverage is approximately 45 percent. This document also references the Natural Diversity Database (or other biological references), which identified numerous sensitive species potentially existing within one mile of the project site (see **Exhibit B** pages 63-64). However, no specific biological survey was performed at the project site to determine if any of these species

(other than Monterey pine) are present on the site. Given the size of the site and its proximity to intact Monterey pine forest, there is the potential for at least some these species to occur on the site, but this specific biological information is lacking. Thus, the County-approved project raises a substantial issue with respect to sensitive terrestrial habitat.

Substantial Issue Conclusion

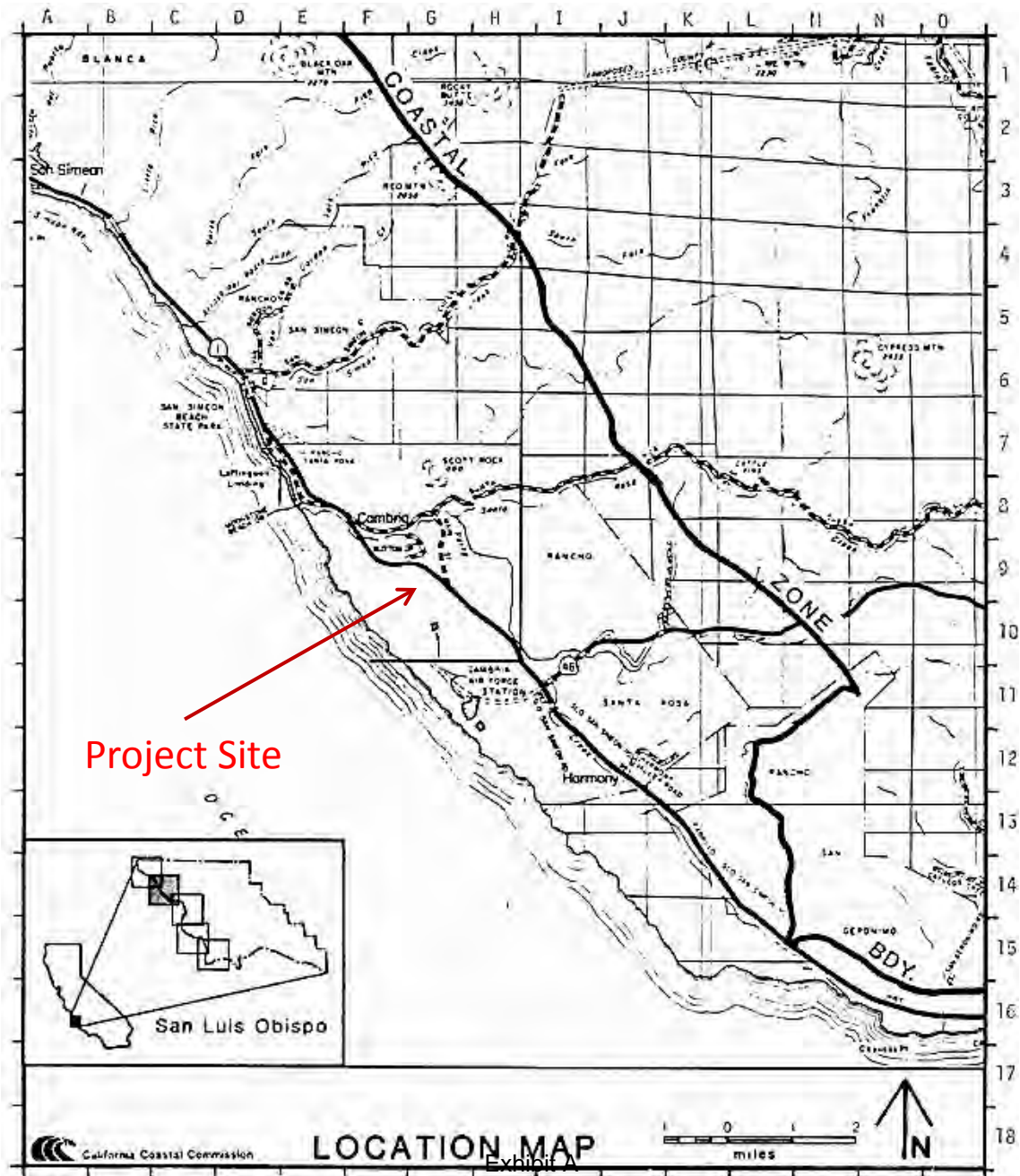
In conclusion, the County-approved Project raises a substantial issue with respect to its conformance with applicable LCP provisions related to water supply, specifically with respect to the LCP's requirements that adequate water be available to serve new development while ensuring protection of important biological resources (such as Santa Rosa and San Simeon Creeks), and the LCP's requirement that the CCSO reserve and maintain 20 percent of its available water supply for visitor-serving and commercial uses. The County-approved project also raises a substantial issue with respect to sensitive terrestrial habitat. 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.

Information Needed for De Novo Review of Application

Prior to bringing this matter back for Coastal Commission review in a de novo CDP hearing context, the Applicant will need to provide some additional information necessary to evaluate the project for consistency with the LCP. In particular, the Commission will need preliminary title reports for the parcels on which the project is being proposed in order to understand how the parcels are restricted by CCSO requirements. The Commission will also need to be provided a biological survey of the site prepared by a qualified biologist with expertise in local sensitive plant and animal species. Commission staff does not intend to schedule a hearing until the above title information and biological survey report are provided.

APPENDIX A: Substantive File Documents

1. *San Luis Obispo County Regional Instream Flow Assessment* – Prepared for Coastal San Luis Resource Conservation District, Prepared by Stillwater Sciences, January 2014.
2. *Cambria Community Services District Water Conservation Plan*, Maddaus Water Management, February 2013.
3. *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.
4. *South-Central California Coast Steelhead Recovery Plan: San Luis Obispo Terrace Biographic Population Group*, December 2013.





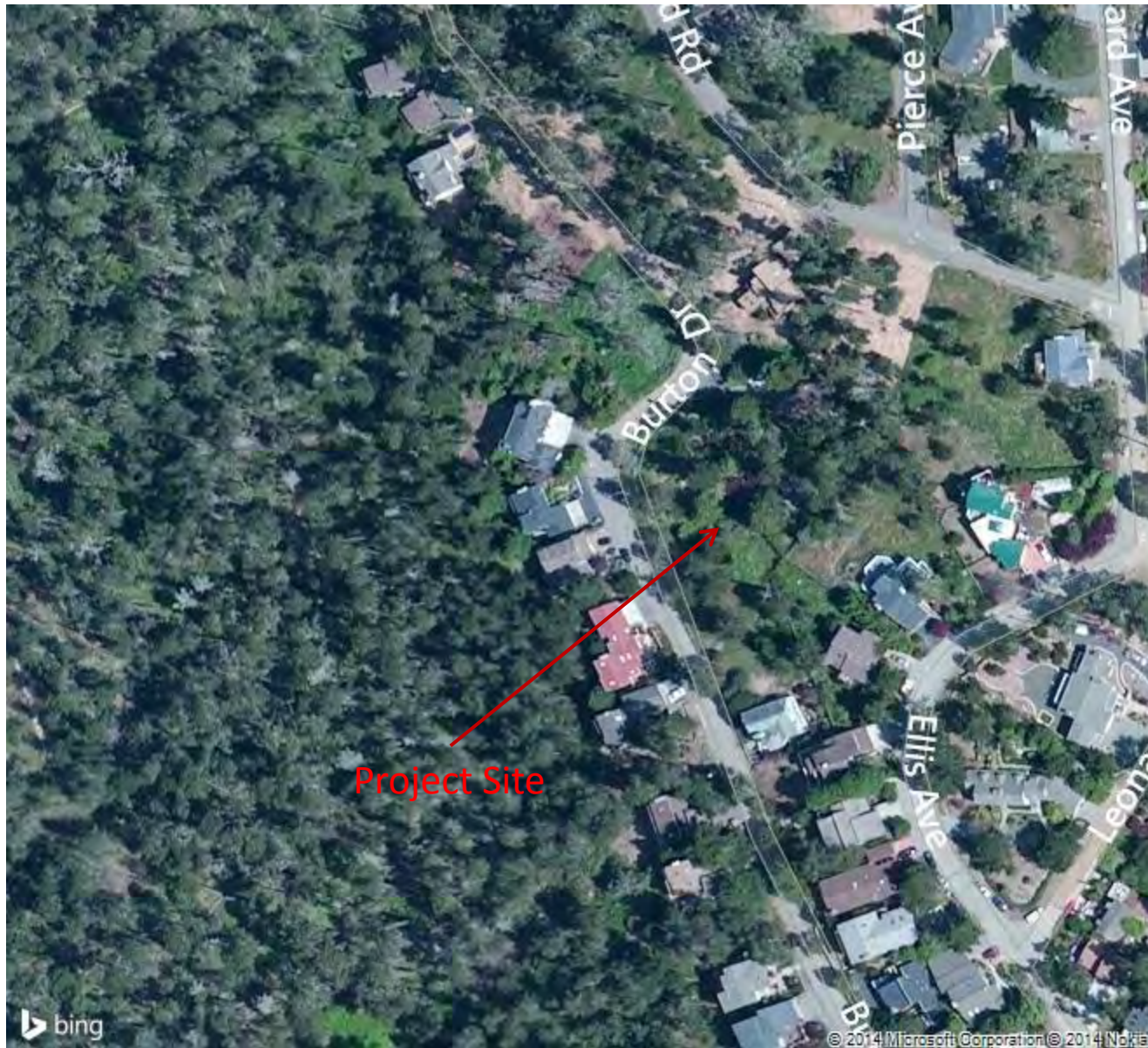


Exhibit A
A-3-SLO-14-0044
3 of 3



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

July 23, 2014

Phil & Julie Fox
P.O. Box 941
Rogers, AZ 72757

David M. Brown
P.O. Box 123
Cambria, CA 93428

**FINAL LOCAL
ACTION NOTICE**

REFERENCE # 3-SLO-14-0687
APPEAL PERIOD 8/8 - 8/22/14

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: July 18, 2014

SUBJECT: PHIL & JULIE FOX
County File Number: DRC2012-00091
Minor Use Permit / Coastal Development Permit
DOCUMENT NUMBER: 2014-044_PDH

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Hearing Officer, 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 Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non-coastal issues there is a fee of \$850.00. 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 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.

RECEIVED

AUG 08 2014

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA
(805) 781-5600

976 OSOS STREET, ROOM 300

SAN LUIS OBISPO

CALIFORNIA 93408

EMAIL: planning@co.slo.ca.us

FAX: (805) 781-1242

WEBSITE: <http://www.sloplanning.org>

Exhibit B
A-3-SLO-14-0644

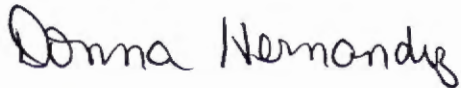
Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their 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 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 **Cody Scheel, Project Manager**, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 788-2947.

Sincerely,



DONNA HERNANDEZ, SECRETARY PRO TEM
PLANNING DEPARTMENT HEARINGS

(

EXHIBIT A – FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 12, 2014 for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Geology and Soils, Water, and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a single-family residence is a permitted use, and the project as conditioned is consistent with all applicable General Plan policies, including policies for Environmentally Sensitive Habitats, Public Works, Coastal Watersheds, Visual and Scenic Resources and Hazards.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed residence will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Coastal Zone Land Use Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed residence will result in development that is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Burton Drive, a local road that is constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. 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/Environmentally Sensitive Habitat

- H. The development 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

ATTACHMENT 1

been minimized, and trees removed for the project will be replaced on a 4:1 ratio for Monterey pines and 6:1 ratio for oaks.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the project involves minimal grading and will follow existing contours through a stepped foundation approach, and the proposed structures has been designed to minimize tree removal and site disturbance to the extent feasible.
- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of the proposed residence, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized, and trees removed for the project will be replaced on a 4:1 ratio for Monterey pines and 6:1 ratio for oaks.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the project will not significantly alter existing drainage patterns. To ensure compliance, the project has been conditioned to submit a drainage plan to Public Works at time of application for building permits.
- L. 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 as the project has been designed to avoid impacts to the maximum extent feasible. The project is conditioned to replant twelve (12) Monterey pines and six (6) oak trees to mitigate its impact to the existing trees on site.
- M. The proposed use will not significantly disrupt the habitat, because is a single family residence with minimal site disturbance and the property is located within an existing urban developed neighborhood.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a Minor Use Permit / Coastal Development Permit to allow for the construction of a new 3,451 square-foot single family residence with a 624 square-foot attached garage, 852 square feet of decking, and a height of 28 feet from average natural grade. The project will result in the disturbance of approximately 5,000 square feet of a 13,068 square-foot lot.
2. Maximum height is 28 feet (as measured from average natural grade).

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

3. The project is subject to the requirements of the new County of San Luis Obispo Green Building Ordinance.
4. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents shall be consistent with the currently adopted California Codes.
5. **At the time of application for construction permits** all plans and engineering shall be prepared by a California Licensed Architect of Record or Engineer for all design portions of the project that do not meet "conventional construction" as defined by the current building code.
6. **At the time of application for construction permits**, the project is subject to the California State Title 24 energy laws.

Site Development

7. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan and architectural elevations.
8. **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.

Access

9. **At the time of application for construction permits**, the applicant shall submit an application, fee and plans to the Department of Public Works to secure an Encroachment Permit to construct the project access driveway in accordance with County Public Improvement Standard.

Grading, Drainage, Sedimentation and Erosion Control

10. **At the time of application for construction permits**, the applicant shall submit a complete drainage plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. Drainage plans should be designed to retain water on-site and encourage

infiltration when feasible. Natural drainage patterns should be retained and remediated if retention is infeasible on-site.

11. **At the time of application for construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval.
12. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMP's as identified for project incorporation in the applicant's *Storm Water Quality Plan Application for Priority Projects*.
13. Whether or not a separate grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.

Stormwater Pollution Prevention

14. **At the time of application for construction permits**, the applicant shall submit a Stormwater Quality Plan Application for Priority Projects. The plan shall outline the runoff reduction measures used when developing the site plan.
15. **At the time of application for construction permits**, the applicant shall demonstrate the project has incorporated at least two County approved LID structural practices in the project.
16. **At the time of application for construction permits**, the applicant shall submit the following to the County: Stormwater Quality Control Plan; Conservation of natural areas narrative; Stormwater pollutant of concerns narrative; Mechanism in place for long-term maintenance of BMP's; and Calculations for treatment control BMP's.
17. **At the time of application for construction permits**, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County (if required by the Public Works Department).

Geology and Soils

18. **At the time of application for construction permits**, all plans shall be consistent with the conclusions and recommendations of the Engineering Geology Investigation and Soils Engineering Report for Cambria Pines Manor Unit Number 5, Block 115, Lots 1 through 6, Burton Drive, Cambria, San Luis Obispo County, California, prepared by GeoSolutions, Inc., dated August 21, 2013 and September 10, 2013 respectively.

Water

19. **At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance. All plants utilized shall be drought tolerant. Drip-line irrigation shall be used for all landscaped areas installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware.

20. **At the time of application for grading and/or construction permits**, the applicant shall show on the construction plans, project designs that will promote groundwater recharge by application of Low Impact Development (LID) design techniques. For example, roof runoff should be directed to drainage swales and not to impervious surfaces, rain barrels, stormwater ponds, bio-retention systems, or other methods as approved by the Public Works Department. At least two designer selected LID measures shall be applied to the project.

Fire Safety

21. **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 the Fire Safety Plan, as prepared by the Cambria CSD Fire Department for this proposed project, dated November 13, 2013.

Services

22. **At the time of application for construction permits**, 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 CCSD letter dated November 5, 2012, stating that an "Intent to Serve" letter has been transferred to the subject parcel from another parcel in Cambria (013-141-022), County Recorder's Document # 2012056282.

Biological Resources/Preservation of Trees and Native Vegetation

23. The following Landscape Plan / Tree Replacement Requirements apply:
- A. The applicant shall submit for Planning Director review and approval, a Landscape Plan/Revegetation Plan that provides for the planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.
 - B. The landscape plan shall clearly show the following:
 - i. Limit native tree removal to no more than three (3) Monterey pine trees (and 2 dead pines) having a six inch diameter or larger at 4.5 feet above the ground and no more than 1 (1) oak tree having a four inch diameter or larger at 4.5 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.
 - ii. The three (3) Monterey pine trees and one (1) Oak tree removed as a result of the grading for the driveway and residence shall be replaced at a 4:1 ratio for the pine trees and a 6:1 ratio for the oak tree. A total of twelve (12) Monterey pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*. The six (6) replacement oak trees shall also be at least one gallon container size.

- iii. Description of irrigation plans and plan notes shall indicate compliance with the standards of Vegetation Replacement in the North Coast Planning Area
 - iv. Plan notes shall indicate that all new plants shall be maintained until successfully established and in addition, standard planting procedures shall be used.
24. Construction and grading plans shall show the following:
- A. 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.
 - B. 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.
 - C. Plan notes shall indicate native trees and undergrowth outside of the "project limit area" shall be left undisturbed.
 - D. Identify any necessary tree trimming. Plan notes shall indicate a skilled arborist, or accepted arborist's techniques, will be used when removing tree limbs.
 - E. Plan notes shall indicate wherever soil compaction from construction will occur within drip lines that the compacted root zone area shall be aerated by using one of the following techniques:
 - i. Injecting pressurized water.
 - ii. Careful shallow ripping that radiates out from the trunk (no cross-root ripping).
 - iii. Other County-approved techniques.
 - iv. 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.

Conditions to be completed prior to issuance of a construction permit

Fees

25. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school, road and public facilities fees.

Stormwater Pollution Prevention

26. **Prior to issuance of a construction permit**, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting (if required by the Public Works Department).
27. **Prior to issuance of a construction permit**, plans shall incorporate at least one of the following runoff reduction measures:

- a. Direct roof runoff into cisterns, rain barrels, underground storage, or a similar mechanism for reuse.
- b. Direct roof runoff onto vegetated areas safely away from building foundations and footings.
- c. Direct roof runoff from sidewalks, walkways, patios, driveways, and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings.
- d. Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and/or patios with permeable surfaces.

Conditions to be completed during project construction

Drainage, Sedimentation and Erosion Control

28. 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.
29. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
30. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
31. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
32. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.
33. Appropriate sedimentation measures to be implemented at the end of each day's work.

Air Quality

34. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - a. Reducing the amount of disturbed area when possible.
 - b. Using water trucks and sprinkler systems to prevent dust from leaving the site.
 - c. Dirt stockpiles sprayed daily and as needed.
 - d. Driveways and sidewalks paved as soon as possible.
35. Developmental burning of vegetative material within San Luis Obispo County is prohibited. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD

approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

36. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the county.

Building Height

37. The maximum height of the project is 28 feet (as measured from average natural grade).
 - A. **Prior to any construction**, a licensed surveyor or registered civil engineer shall then stake the lot corners, building corners, and establish average finished grade and set a reference point (benchmark).
 - B. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - 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.

Biological Resources/Preservation of Trees and Native Vegetation

38. **Prior to any site disturbance**, the applicant shall fence the proposed area of disturbance and clearly tag which trees are to be removed or impacted. The trees tagged in the field shall be consistent with the trees delineated on the construction plans. Tree removal, grading, utility trenching, compaction of soil, or placement of fill shall not occur beyond the fenced disturbance area. The fencing shall remain installed until final inspection.
39. To protect Monterey pine trees and significant understory vegetation, the following construction practices shall be implemented:
 - A. All landscape and construction plan notes required in Condition #23 & 24 shall be implemented.
 - B. **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.

- C. **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.
- D. **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.

Archaeology

- 40. 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.

Conditions to be completed prior to occupancy or final building inspection

Biological Resources/Preservation of Trees and Native Vegetation

- 41. **Prior to final inspection**, the applicant shall provide a letter to the County prepared by a qualified nurseryman or landscape contractor that the revegetation/landscaping plan has been properly implemented.
- 42. These newly planted trees and vegetation 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.

Replacement of Trees

- 43. **Prior to final inspection**, the three (3) Monterey pine trees and the one (1) oak tree removed as a result of the grading for the driveway and residence shall be replaced at a 4:1 ratio and 6:1 ratio respectively. A total of twelve (12) Monterey pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*. The replacement oak trees shall also be at least one gallon container sizes.
- 44. **Prior to final inspection**, all replacement trees shall be planted. 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.

45. It is preferable that the replacement trees be planted on the subject property. However, if the revegetation cannot be implemented entirely on the subject property, the revegetation may occur on other property in the Cambria area owned or managed by the County of San Luis Obispo, Land Conservancy, Nature Conservancy, other government or appropriate non-profit agencies. If an off-site replanting is chosen, the replanting must occur with the review and approval of the Environmental Coordinator in an area chosen by the appropriate agency or organization (i.e. property owner or manager) and shall be verified by submittal of a letter from the appropriate agency or organization to the Environmental Coordinator. (The verification letter should indicate whether plantings occurred on and/or off site or both). All replacement conditions and monitoring measures (e.g. number of trees, maintenance, etc.) shall apply.

Stormwater Pollution Prevention

46. **Prior to final inspections**, the applicant shall contact the Department of Planning and Building for a development review inspection. The development review inspection shall also verify that the required runoff-reduction measure has been installed and is functional.

Fire Protection

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

Cambria Community Services District

48. **Prior to occupancy or final inspection**, the applicant shall submit for final plumbing inspection upon completion of the project.
49. **Prior to final inspection**, the applicant shall submit to the Department of Planning and Building a water and sewer service condition compliance letter from the Cambria Community Services District.

Building Review

50. **Prior to occupancy of the residential addition 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.
51. **Prior to occupancy or final inspection**, lighting compliant with Condition #8 shall be installed, and:
 - A. 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 the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.
 - B. All light fixtures are required to be fully shielded.

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

Access

52. 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 signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Fees

53. 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 Road Fee Area D Road Improvement Fee for any future building permit in the amount prevailing at the time of payment.

Drainage

54. 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.
55. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
56. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



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

Tentative Notice of Action

Promoting the wise use of land

MEETING DATE July 18, 2014	CONTACT/PHONE Cody Scheel, Project Planner (805) 441-5157 cscheel@co.slo.ca.us	APPLICANT Phil & Julie Fox	FILE NO. DRC2012-00091
LOCAL EFFECTIVE DATE August 2, 2014			
APPROX FINAL EFFECTIVE DATE August 22, 2014			
SUBJECT Hearing to consider a request by PHIL & JULIE FOX for a Minor Use Permit / Coastal Development Permit to allow for the construction of a new 3,451 square-foot single family residence with a 624 square-foot attached garage, 852 square feet of decking, and the maximum height of the proposed residence will be 28 feet from average natural grade. The project will result in the disturbance of approximately 5,000 square feet of a 13,068 square-foot lot. The proposed project is within the Residential Single Family land use category and is located on the east side of Burton Drive, approximately 850 feet southeast of the intersection with Kay Street, within the community of Cambria. The site is in the North Coast planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration (ED13-072) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2012-00091 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, found that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 12, 2014 and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Geology and Soils, Water, and are included as conditions of approval.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Terrestrial Habitat, Geologic Study Area & Local Coastal Plan	ASSESSOR PARCEL NUMBER 024-331-009, 025 & 026	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Terrestrial Habitat Protection, Cambria Community Services District Review, Cambria Fire Department Review, Site Review, Erosion Control, Landscaping, Archaeological Resource Protection, Setbacks, Height, Footprint and Gross Structural Area (GSA) Limitations, Residential Design Standards <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Appeals to the Coastal Commission (Coastal Appealable Zone), Local Coastal Program, Geologic Study Area, Environmentally Sensitive Habitats & Terrestrial Habitat <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 γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX (805) 781-1242			

Planning Department Hearing

Minor Use Permit / Coastal Development Permit DRC2012-00091 / Fox

Page 2

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.

EXISTING USES:

Site is currently vacant

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Single Family / Undeveloped

East: Residential Single Family / residences

South: Residential Single Family / Undeveloped

West: Residential Single Family / residences

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Public Works, Building Division, Air Pollution Control District, Cambria Community Services District (Water/Sewer, Fire), Regional Water Quality Control Board, California Coastal Commission, and the North Coast Advisory Council

TOPOGRAPHY:

Moderately sloping

VEGETATION:

Grasses, Monterey pines, Oak tree and ornamentals

PROPOSED SERVICES:

Water supply: Cambria Community Services District
Sewage Disposal: Cambria Community Services District
Fire Protection: Cambria CSD Fire Department

ACCEPTANCE DATE:

October 1, 2013

DISCUSSION

PLANNING AREA STANDARDS:

As described below, the project complies with applicable Combining Designations, Cambria Urban Area, and Residential Single 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.

Terrestrial Habitat Protection (TH)

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) **Re-vegetation.** 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.

The proposed project complies with the combining designation planning area standards for the Terrestrial Habitat Protection (TH) because the development will be sited to minimize the disruption of the existing habitat. In total eleven trees will be removed (three Monterey pines, two dead Monterey pines, two Redwoods, one Coast live oak and three ornamental trees). The remaining trees will not have significant grading and construction activities within or adjacent to their drip lines. Additionally, the project is conditioned to include protective measures to ensure the existing Monterey pine trees on site that are not proposed for removal or are located outside of the development area will be protected throughout construction.

Monterey Pine Forest Habitat (TH)

The purpose of the following standards is to minimize tree removal and avoid impact to sensitive Monterey pine forest habitat. All development within Monterey pine forest (TH) shall include the following minimum standards:

1. **Establishment of a "project limit area".** The project limit area shall be established in 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 shall 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 pine, oaks, and forest habitat. *The project is conditioned to comply with this standard.*

2. **New Development siting.** 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. *The project has been designed to minimize impacts to vegetation and where impacts could not be avoided, mitigation measures, such as tree replacement have been included as conditions of approval.*
3. **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. *The project is conditioned to comply with this standard.*
4. **Construction Practices.** Construction practices to protect Monterey pines, oak trees and significant understory vegetation shall be implemented. *The project is conditioned to comply with this standard, as impacts to the vegetation would be limited by the design and siting of the proposed residence and the project will implement all feasible construction practices to protect vegetation onsite.*
5. **Replacement of Vegetation.** Any Monterey pine trees that are six inches or more in diameter 4.5 feet above the ground shall be replaced at a 4:1 ratio. Any oak trees that are four inches in diameter 4.5 feet above ground 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. *The project as conditioned will comply with this standard, as the three Monterey pines that would be removed would be replaced at a 4:1 ratio, requiring twelve (12) replacement pines, and replacement of one oak tree at a 6:1 ratio, requiring six (6) replacement oaks.*
6. **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. *The project proposal does not include the removal of understory vegetation.*

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 Cambria Community Service District'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, per Cambria Community Services District*

Review. The District required the applicant to pay retrofit fees, which the District uses to completely offset the increased water demands that would result from the project.

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 Cambria Community Services District (CCSD). Also, prior to final building inspection the applicant shall submit a water and sewer service condition compliance letter from the CCSD. *The project complies with this standard because the applicant submitted a letter from the CCSD, dated November 5, 2012, stating that an "Intent to Serve" letter has been transferred to the subject parcel from another parcel in Cambria (013-141-022), County Recorder's Document # 2012056282. As a condition of this "Intent to Serve" letter, the applicant was required to pay retrofit fees to completely offset the project's estimated water demand. Therefore, with transfer of water service from an existing site, and the payment of retrofit fees, the proposed project will not increase water demands on Cambria's water supply.*

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 project complies with this standard because the applicant submitted a Fire Plan Review, dated November 13, 2013, from the Cambria Fire Department and the project is conditioned to comply with all applicable fire safety requirements.*

Site Review – Biological Assessment

Based on the results of a site review, all projects determined to have the potential to adversely impact a sensitive resource shall require a biologic assessment report prepared in accordance with Coastal Zone Land Use Ordinance Section 23.07.170. *Based on a site review, project manager Cody Scheel concluded that a biological assessment is not necessary because the subject property is substantially denuded of understory vegetation and the nearest stream is located 1,000 feet to the west and the site does not contain riparian habitat. A majority of the area where the residence is to be sited has been pre-disturbed due to various landscape features and existing grading activities. The project has been designed to minimize impacts to vegetation and where impacts could not be avoided, mitigation measures, such as tree replacement have been included as conditions of approval.*

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 is conditioned to comply with this standard as the applicant is required to prepare and implement a drainage plan, and erosion and sedimentation control plan to be reviewed by public works. The applicant has submitted a Stormwater Control Plan which was reviewed by Public Works, and the project is conditioned to incorporate "Low Impact Development" techniques for runoff reduction measures.*

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 project is conditioned to comply 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.*

Residential Single Family Standards

As described in the table below, the proposed project is consistent with the applicable residential development standards.

Area: Park Hill (Forested Lot)

Slope: Approximately 24%

Lot Size: 13,068 square feet

Number of trees to be removed: 3 pines, 1 oak,

PROJECT REVIEW	ALLOWABLE	PROPOSED	STATUS
HEIGHT (FEET) ¹	28'	28'	OK
FOOTPRINT (SQUARE FEET)	3,983 sf	2,431 sf	OK
GROSS STRUCTURAL AREA (S.F.)	5,974 sf	4,075 sf	OK
DECKS (SQUARE FEET)			
SOLID (10% OF MAX FOOTPRINT)	398 sf	242 sf	OK
PERMEABLE (30% OF MAX FOOTPRINT)	1,195 sf	610 sf	OK
SETBACKS (FEET)			
FRONT / REAR COMBINED	25' minimum	25'	OK
FRONT	10' minimum	15'	OK
REAR	10' minimum	10'	OK
SIDES (COMBINED) ²	17' minimum	20'	OK
NORTHEAST SIDE	5' minimum	5'	OK
STREET CORNER SIDE (SOUTHWEST)	10' minimum	15'	OK

NOTE:

¹. Maximum height is measured from average natural grade.

². Street corner lots side setbacks are combined 17 feet with 5 feet minimum on each side, and 10 feet minimum on the street corner side.

Residential Design Criteria

The North Coast Area Plan contains discretionary design criteria for single-family residential development in Cambria. As described below, the proposed addition is consistent with applicable design criteria.

Impermeable Surfaces. Impermeable surfaces should be minimized in order to maintain a sense of open space and to serve specific purposes, such as retaining clusters of trees and visual quality of public view corridors. *The proposed residence and decks would have a impermeable footprint of 2,673 square feet, and the driveway and paved walkways would result in approximately 1,550 square feet of paving. The total proposed site coverage and paving will be approximately 4,223 square feet or 32% of the total lot. As conditioned, the project will comply with the Erosion Control section of the Area Wide Planning Standards, and will incorporate "Low Impact Development" techniques for runoff reduction measures. A Drainage and Sedimentation Plan shall be reviewed and approved by Public Works.*

Parking Drives and Garages. Two off-street spaces are required for each single-family dwelling, and at least one space shall be covered. The design criteria for parking drives and garages encourages placement that does not dominate the site or the design of the house. *This project complies with this standard because there would be a 624 square foot two car garage attached to the proposed residence, and will not dominate the design of the residence because the garage is designed to integrate with the design and materials of the residence.*

Topography. The site design should follow the natural contours of the site where possible. *The subject lot is moderately sloping. The proposed home involves minimal grading and will follow existing contours through a stepped foundation approach.*

Drainage. Drainage systems should be designed to retain water on-site and encourage infiltration when feasible. *The project will be designed and constructed to retain water on-site, and will incorporate "Low Impact Development" techniques for runoff reduction measures. The project is conditioned to provide a drainage plan, consistent with the North Coast planning area standards, to Public Works for review and approval.*

Building Design Standards. The design should incorporate architectural details and varied materials to reduce the apparent mass of structures and should achieve an appearance that is appropriate for the character of the neighborhood. *The proposed residence includes articulation to break up the bulk of the structure, and is compatible in design, color and materials with the neighborhood design patterns.*

LAND USE ORDINANCE STANDARDS:

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, according to official County maps. *The proposed development will be sited to minimize the disruption of the existing habitat. In total eleven trees will be removed (three Monterey pines, two dead Monterey pines, two Redwoods, one Coast live oak and three ornamental trees). The remaining trees will not have significant grading and*

construction activities within or adjacent to their drip lines. Additionally, the project is conditioned to include protective measures to ensure the existing Monterey pine trees on site that are not proposed for removal or are located outside of the development area will be protected throughout construction. The three (live) Monterey pines to be removed will be replaced at a 4:1 ratio, for a total of 12 new Monterey pines, and the one oak tree to be removed will be replaced at a 6:1 ratio, requiring six (6) replacement oaks.

Section 23.07.120: Local Coastal Program

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 23.07.080: 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 hazards to life and property. 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 project complies with this requirement. The applicant submitted an Engineering Geology Investigation (GeoSolutions, Inc., August 21, 2013), and a Soils Engineering Report (GeoSolutions, Inc.; September 10, 2013) which concluded that the geologic condition of the site is suitable for the proposed residence. The report was reviewed by County Geologist, Brian Papurello, who concurred with the findings and recommendations of the reports (Landset Engineers, Inc.; October 4, 2013).*

Section 23.07.170.e (1-5) Environmentally Sensitive Habitat (ESH) Development Standards

- (1) New development within or adjacent to the habitat shall not significantly disrupt the resource.
- (2) New development within the habitat shall be limited to those uses that are dependent upon the resource.
- (3) Where feasible, damaged habitats shall be restored as a condition of development approval.
- (4) Development shall be consistent with the biological continuance of the habitat.
- (5) Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034.c (Grading Standards.)

This project is located within an Environmentally Sensitive Habitat Area (ESHA) due to the Cambria Monterey Pine forest and complies with ESHA development Standards 1-5 above. The proposed residential development is a principally permitted use on the site, which is within a developed urban neighborhood. To mitigate the impacts to the three (3) Monterey pines and one (1) oak tree, the applicant has agreed to mitigate the impacts to the trees by replanting twelve (12) Monterey pines and six (6) oak trees. The project is conditioned to require a landscape/revegetation plan that clearly shows the remaining trees that shall be undisturbed and special construction practices to avoid impacts to remaining native trees and vegetation. With implementation of these measures, the proposed project complies with the ESHA development standards above.

Section 23.07.176 Terrestrial Habitat Protection

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. *This project complies with the TH development standards because the applicant shall submit a landscape/revegetation plan clearly requiring special construction practices to protect the remaining trees and surrounding native habitat areas prior to issuance of a construction permit. The project is conditioned to replace removed Monterey pine trees at a 4:1 ratio, requiring twelve (12) replacement pines, and replacement of one oak tree at a 6:1 ratio, requiring six (6) replacement oaks.*

COASTAL PLAN POLICIES:

Shoreline Access:	N/A	
Recreation and Visitor Serving:	N/A	
Energy and Industrial Development:	N/A	
Commercial Fishing, Recreational Boating and Port Facilities:	N/A	
Environmentally Sensitive Habitats:	<input checked="" type="checkbox"/>	Policy No(s): 1, 2, 3, 29 & 30
Agriculture:	N/A	
Public Works:	<input checked="" type="checkbox"/>	Policy No(s): 1
Coastal Watersheds:	<input checked="" type="checkbox"/>	Policy No(s): 7 through 11
Visual and Scenic Resources:	<input checked="" type="checkbox"/>	Policy No(s): 1, 2 & 7
Hazards:	<input checked="" type="checkbox"/>	Policy No(s): 1 & 2
Archeology:	N/A	
Air Quality:	N/A	

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

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. The proposed project is consistent with this policy because it will not significantly disrupt the habitat and impacts to trees have been minimized. The removed pines and oak tree will be mitigated in accordance with the proposed tree replacement plan per the North Coast Area Plan requirements.

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 proposed project complies with this policy because it has been determined that there will be no significant impacts to sensitive habitats, the proposed development will be consistent with the biological continuance of the habitat, and replacement of removed and disturbed habitat will occur.

Policy 3: Habitat Restoration. The County or Coastal Commission should require the restoration of damaged habitat as a condition of approval when feasible. *The proposed project is consistent with this policy because, prior to issuance of a construction permit, the applicant is required to submit a landscape/revegetation plan clearly showing a project limit area and special construction practices to protect the remaining trees and surrounding native habitat areas. The total tree replacement required for the project is twelve (12) Monterey pine trees and six (6) oak trees.*

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 the proposed residential development is a principally permitted use on the site and is located on the least sensitive portion of the site to minimize impacts to the existing habitats. Prior to issuance of a construction permit, the applicant is required to submit a landscape/revegetation plan clearly showing a project limit area and special construction practices to protect the remaining trees and surrounding native habitat areas.*

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 a project limit area will be designated on all construction documents to ensure all development will not further encroach into any habitat areas or trees on site. All areas of the site disturbed will be revegetated with native plants.*

Public Works

Policy 1: Availability of Service Capacity applies to the project: New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development. *The project is consistent with this policy because the applicant submitted a letter, dated November 5, 2012, from the Cambria Community Services District verifying the availability of water and sewer service for the proposed project. The project is conditioned to require a water and sewer service condition compliance letter prior to final inspection.*

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 proposed project complies with this policy as the proposed project will take place on an existing lot of record in the Residential Single Family category and development shall be situated on slopes of 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.

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. 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 San Luis Obispo County Public Works department for approval, and shall implement the approved drainage plan, displaying that construction of the new residence 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 to the extent feasible.

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 and protected, and in visually degraded areas restored where feasible. The proposed project complies with this policy as the proposed residence would result in the removal of three Monterey pine trees and one oak tree, to be replaced as discussed in the Environmentally Sensitive Habitats section. The proposed development is within an existing developed section of Cambria, would be in character and scale with the surrounding neighborhood, and would not block existing scenic vistas.

Policy 2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. The proposed project complies with this policy, as the proposed residence will be developed on a lot in a neighborhood with similar residential structures. The proposed development will not block or obstruct public views to the ocean or scenic coastal areas, and is sited not to obstruct views from major public view corridors.

Policy 7: Preservation of Trees and Native Vegetation: The location and design of the 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 replanted with similar species or other species which are reflective of the community character. The proposed project is consistent with this policy because disturbance has been minimized through project design. In total nine trees will be removed (three Monterey pines, two dead Monterey pines, two Redwoods, one Coast live oak and three ornamental trees). The remaining trees will not have significant grading and construction activities within or adjacent to their drip lines. Additionally, the

project is conditioned to include protective measures to ensure the existing Monterey Pine trees on site that are not proposed for removal or are located outside of the development area will be protected throughout construction. The three (live) Monterey pines that would be removed would be replaced at a 4:1 ratio, for a total of 12 new Monterey pines, and replacement of one oak tree at a 6:1 ratio, requiring six (6) replacement oaks.

Hazards

Policy 1: New Development: All new development proposed within areas subject to natural hazards from geologic or flood conditions shall be located and designed to minimize risks to human life and property. The proposed project complies with this policy because it is 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. 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 applicant submitted an Engineering Geology Investigation (GeoSolutions, Inc., August 21, 2013), and a Soils Engineering Report (GeoSolutions, Inc.; September 10, 2013) which concluded that the geologic condition of the site is suitable for the proposed residence. The report was reviewed by County Geologist, Brian Papurello, who concurred with the findings and recommendations of the reports (Landset Engineers, Inc.; October 4, 2013). The project is conditioned to comply with the recommendations contained in the reports.

COMMUNITY ADVISORY GROUP COMMENTS:

The North Coast Advisory Council Land Use Committee met on June 3, 2013, and the North Coast Advisory Council met on June 19, 2013. The Committee supports the project subject to conditions:

- a) strict adherence to the Replacement of Vegetation requirements of Chapter 7, North Coast Area Plan, and
- b) strict monitoring by County Planning and Building of actual Vegetation Replacement required by North Coast Area Plan; is compatible with the provisions of the Coastal Zone Land Use Ordinance, North Coast Area Plan and the residential character of the neighborhood.

The comments of the NCAC have been incorporated into analysis of the project as well as the conditions of approval. The specific conditions that address the NCAC comments are: Condition #'s 23, 24, 38, 39, 41, 42, 43, 44, 45 & 56.

AGENCY REVIEW:

Public Works – Per referral response dated June 18, 2014: Recommend approval with recommended conditions of approval. The Public Works recommended conditions of approval are incorporated in the projects Conditions of Approval.

Building Department – No comments received.

Air Pollution Control District – No comments received.

Cambria Community Services District (Water/Sewer) – A letter from the CCSD, dated November 5, 2012, stating that an "Intent to Serve" letter has been transferred to the subject parcel from another parcel in Cambria (013-141-022), County Recorder's Document # 2012056282.

Cambria Community Services District (Fire) – Per referral response dated November 13, 2013: The project is authorized with conditions.

Regional Water Quality Control Board – No comments received.

California Coastal Commission – No comments received.

LEGAL LOT STATUS:

The six (6) underlying lots were legally created by recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Cody Scheel and reviewed by Bill Robeson.

EXHIBIT A – FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 12, 2014 for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Geology and Soils, Water, and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a single-family residence is a permitted use, and the project as conditioned is consistent with all applicable General Plan policies, including policies for Environmentally Sensitive Habitats, Public Works, Coastal Watersheds, Visual and Scenic Resources and Hazards.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed residence will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Coastal Zone Land Use Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed residence will result in development that is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Burton Drive, a local road that is constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. 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/Environmentally Sensitive Habitat

- H. The development 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

ATTACHMENT 1

been minimized, and trees removed for the project will be replaced on a 4:1 ratio for Monterey pines and 6:1 ratio for oaks.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the project involves minimal grading and will follow existing contours through a stepped foundation approach, and the proposed structures has been designed to minimize tree removal and site disturbance to the extent feasible.
- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of the proposed residence, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized, and trees removed for the project will be replaced on a 4:1 ratio for Monterey pines and 6:1 ratio for oaks.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the project will not significantly alter existing drainage patterns. To ensure compliance, the project has been conditioned to submit a drainage plan to Public Works at time of application for building permits.
- L. 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 as the project has been designed to avoid impacts to the maximum extent feasible. The project is conditioned to replant twelve (12) Monterey pines and six (6) oak trees to mitigate its impact to the existing trees on site.
- M. The proposed use will not significantly disrupt the habitat, because is a single family residence with minimal site disturbance and the property is located within an existing urban developed neighborhood.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a Minor Use Permit / Coastal Development Permit to allow for the construction of a new 3,451 square-foot single family residence with a 624 square-foot attached garage, 852 square feet of decking, and a height of 28 feet from average natural grade. The project will result in the disturbance of approximately 5,000 square feet of a 13,068 square-foot lot.
2. Maximum height is 28 feet (as measured from average natural grade).

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

3. The project is subject to the requirements of the new County of San Luis Obispo Green Building Ordinance.
4. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents shall be consistent with the currently adopted California Codes.
5. **At the time of application for construction permits** all plans and engineering shall be prepared by a California Licensed Architect of Record or Engineer for all design portions of the project that do not meet "conventional construction" as defined by the current building code.
6. **At the time of application for construction permits**, the project is subject to the California State Title 24 energy laws.

Site Development

7. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan and architectural elevations.
8. **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.

Access

9. **At the time of application for construction permits**, the applicant shall submit an application, fee and plans to the Department of Public Works to secure an Encroachment Permit to construct the project access driveway in accordance with County Public Improvement Standard.

Grading, Drainage, Sedimentation and Erosion Control

10. **At the time of application for construction permits**, the applicant shall submit a complete drainage plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. Drainage plans should be designed to retain water on-site and encourage

infiltration when feasible. Natural drainage patterns should be retained and remediated if retention is infeasible on-site.

11. **At the time of application for construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval.
12. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMP's as identified for project incorporation in the applicant's *Storm Water Quality Plan Application for Priority Projects*.
13. Whether or not a separate grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.

Stormwater Pollution Prevention

14. **At the time of application for construction permits**, the applicant shall submit a Stormwater Quality Plan Application for Priority Projects. The plan shall outline the runoff reduction measures used when developing the site plan.
15. **At the time of application for construction permits**, the applicant shall demonstrate the project has incorporated at least two County approved LID structural practices in the project.
16. **At the time of application for construction permits**, the applicant shall submit the following to the County: Stormwater Quality Control Plan; Conservation of natural areas narrative; Stormwater pollutant of concerns narrative; Mechanism in place for long-term maintenance of BMP's; and Calculations for treatment control BMP's.
17. **At the time of application for construction permits**, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County (if required by the Public Works Department).

Geology and Soils

18. **At the time of application for construction permits**, all plans shall be consistent with the conclusions and recommendations of the Engineering Geology Investigation and Soils Engineering Report for Cambria Pines Manor Unit Number 5, Block 115, Lots 1 through 6, Burton Drive, Cambria, San Luis Obispo County, California, prepared by GeoSolutions, Inc., dated August 21, 2013 and September 10, 2013 respectively.

Water

19. **At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance. All plants utilized shall be drought tolerant. Drip-line irrigation shall be used for all landscaped areas installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware.

20. **At the time of application for grading and/or construction permits**, the applicant shall show on the construction plans, project designs that will promote groundwater recharge by application of Low Impact Development (LID) design techniques. For example, roof runoff should be directed to drainage swales and not to impervious surfaces, rain barrels, stormwater ponds, bio-retention systems, or other methods as approved by the Public Works Department. At least two designer selected LID measures shall be applied to the project.

Fire Safety

21. **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 the Fire Safety Plan, as prepared by the Cambria CSD Fire Department for this proposed project, dated November 13, 2013.

Services

22. **At the time of application for construction permits**, 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 CCSD letter dated November 5, 2012, stating that an "Intent to Serve" letter has been transferred to the subject parcel from another parcel in Cambria (013-141-022), County Recorder's Document # 2012056282.

Biological Resources/Preservation of Trees and Native Vegetation

23. The following Landscape Plan / Tree Replacement Requirements apply:
- A. The applicant shall submit for Planning Director review and approval, a Landscape Plan/Revegetation Plan that provides for the planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.
 - B. The landscape plan shall clearly show the following:
 - i. Limit native tree removal to no more than three (3) Monterey pine trees (and 2 dead pines) having a six inch diameter or larger at 4.5 feet above the ground and no more than 1 (1) oak tree having a four inch diameter or larger at 4.5 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.
 - ii. The three (3) Monterey pine trees and one (1) Oak tree removed as a result of the grading for the driveway and residence shall be replaced at a 4:1 ratio for the pine trees and a 6:1 ratio for the oak tree. A total of twelve (12) Monterey pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*. The six (6) replacement oak trees shall also be at least one gallon container size.

- iii. Description of irrigation plans and plan notes shall indicate compliance with the standards of Vegetation Replacement in the North Coast Planning Area
 - iv. Plan notes shall indicate that all new plants shall be maintained until successfully established and in addition, standard planting procedures shall be used.
24. Construction and grading plans shall show the following:
- A. 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.
 - B. 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.
 - C. Plan notes shall indicate native trees and undergrowth outside of the "project limit area" shall be left undisturbed.
 - D. Identify any necessary tree trimming. Plan notes shall indicate a skilled arborist, or accepted arborist's techniques, will be used when removing tree limbs.
 - E. Plan notes shall indicate wherever soil compaction from construction will occur within drip lines that the compacted root zone area shall be aerated by using one of the following techniques:
 - i. Injecting pressurized water.
 - ii. Careful shallow ripping that radiates out from the trunk (no cross-root ripping).
 - iii. Other County-approved techniques.
 - iv. 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.

Conditions to be completed prior to issuance of a construction permit

Fees

25. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school, road and public facilities fees.

Stormwater Pollution Prevention

26. **Prior to issuance of a construction permit**, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting (if required by the Public Works Department).
27. **Prior to issuance of a construction permit**, plans shall incorporate at least one of the following runoff reduction measures:

- a. Direct roof runoff into cisterns, rain barrels, underground storage, or a similar mechanism for reuse.
- b. Direct roof runoff onto vegetated areas safely away from building foundations and footings.
- c. Direct roof runoff from sidewalks, walkways, patios, driveways, and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings.
- d. Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and/or patios with permeable surfaces.

Conditions to be completed during project construction

Drainage, Sedimentation and Erosion Control

28. 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.
29. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
30. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
31. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
32. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.
33. Appropriate sedimentation measures to be implemented at the end of each day's work.

Air Quality

34. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - a. Reducing the amount of disturbed area when possible.
 - b. Using water trucks and sprinkler systems to prevent dust from leaving the site.
 - c. Dirt stockpiles sprayed daily and as needed.
 - d. Driveways and sidewalks paved as soon as possible.
35. Developmental burning of vegetative material within San Luis Obispo County is prohibited. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD

approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

36. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the county.

Building Height

37. The maximum height of the project is 28 feet (as measured from average natural grade).
 - A. **Prior to any construction**, a licensed surveyor or registered civil engineer shall then stake the lot corners, building corners, and establish average finished grade and set a reference point (benchmark).
 - B. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - 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.

Biological Resources/Preservation of Trees and Native Vegetation

38. **Prior to any site disturbance**, the applicant shall fence the proposed area of disturbance and clearly tag which trees are to be removed or impacted. The trees tagged in the field shall be consistent with the trees delineated on the construction plans. Tree removal, grading, utility trenching, compaction of soil, or placement of fill shall not occur beyond the fenced disturbance area. The fencing shall remain installed until final inspection.
39. To protect Monterey pine trees and significant understory vegetation, the following construction practices shall be implemented:
 - A. All landscape and construction plan notes required in Condition #23 & 24 shall be implemented.
 - B. **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.

- C. **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.
- D. **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.

Archaeology

- 40. 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.

Conditions to be completed prior to occupancy or final building inspection

Biological Resources/Preservation of Trees and Native Vegetation

- 41. **Prior to final inspection**, the applicant shall provide a letter to the County prepared by a qualified nurseryman or landscape contractor that the revegetation/landscaping plan has been properly implemented.
- 42. These newly planted trees and vegetation 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.

Replacement of Trees

- 43. **Prior to final inspection**, the three (3) Monterey pine trees and the one (1) oak tree removed as a result of the grading for the driveway and residence shall be replaced at a 4:1 ratio and 6:1 ratio respectively. A total of twelve (12) Monterey pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*. The replacement oak trees shall also be at least one gallon container sizes.
- 44. **Prior to final inspection**, all replacement trees shall be planted. 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.

45. It is preferable that the replacement trees be planted on the subject property. However, if the revegetation cannot be implemented entirely on the subject property, the revegetation may occur on other property in the Cambria area owned or managed by the County of San Luis Obispo, Land Conservancy, Nature Conservancy, other government or appropriate non-profit agencies. If an off-site replanting is chosen, the replanting must occur with the review and approval of the Environmental Coordinator in an area chosen by the appropriate agency or organization (i.e. property owner or manager) and shall be verified by submittal of a letter from the appropriate agency or organization to the Environmental Coordinator. (The verification letter should indicate whether plantings occurred on and/or off site or both). All replacement conditions and monitoring measures (e.g. number of trees, maintenance, etc.) shall apply.

Stormwater Pollution Prevention

46. **Prior to final inspections**, the applicant shall contact the Department of Planning and Building for a development review inspection. The development review inspection shall also verify that the required runoff-reduction measure has been installed and is functional.

Fire Protection

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

Cambria Community Services District

48. **Prior to occupancy or final inspection**, the applicant shall submit for final plumbing inspection upon completion of the project.
49. **Prior to final inspection**, the applicant shall submit to the Department of Planning and Building a water and sewer service condition compliance letter from the Cambria Community Services District.

Building Review

50. **Prior to occupancy of the residential addition 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.
51. **Prior to occupancy or final inspection**, lighting compliant with Condition #8 shall be installed, and:
 - A. 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 the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.
 - B. All light fixtures are required to be fully shielded.

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

Access

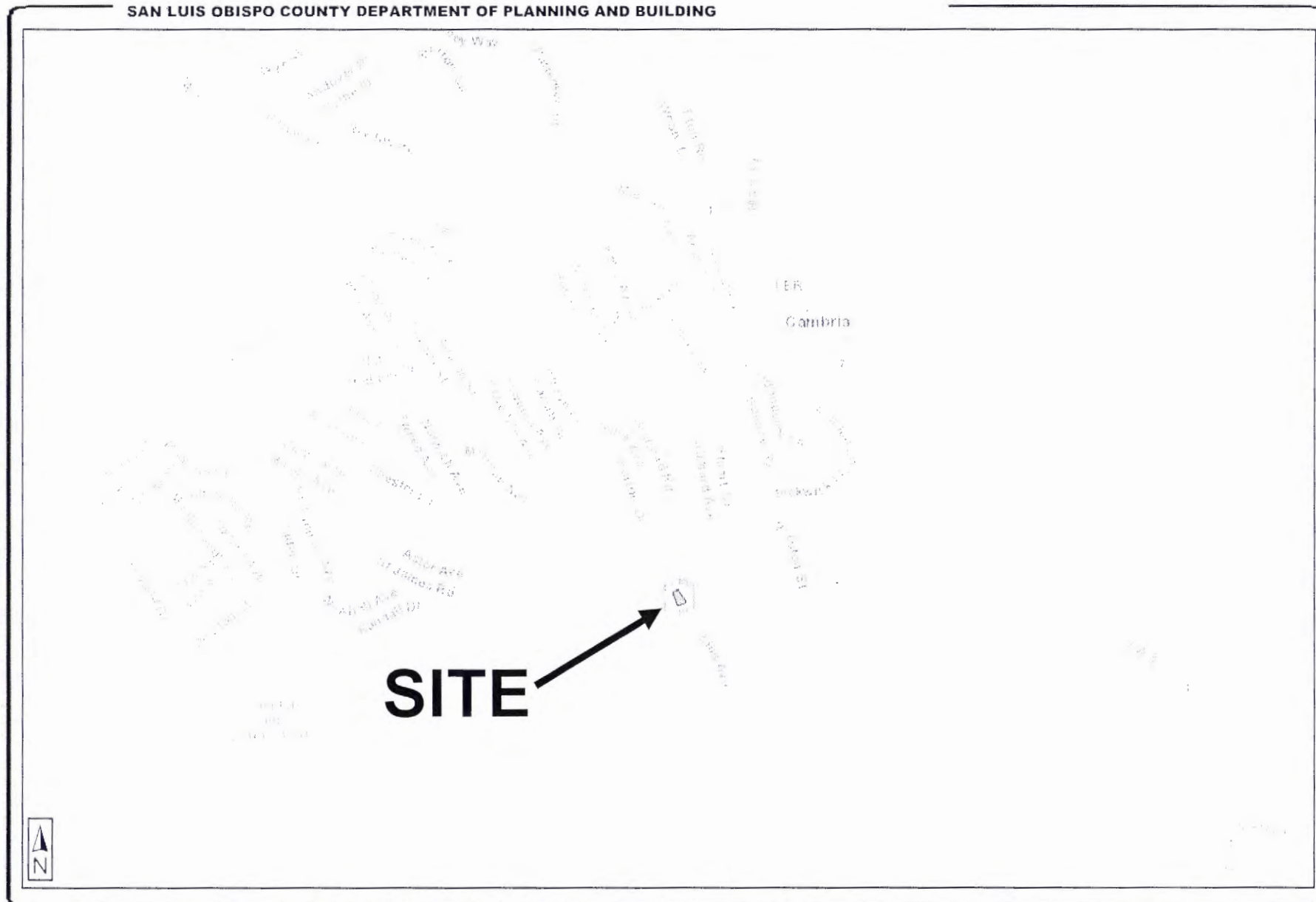
52. In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Fees

53. 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 Road Fee Area D Road Improvement Fee for any future building permit in the amount prevailing at the time of payment.

Drainage

54. 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.
55. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
56. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



SITE

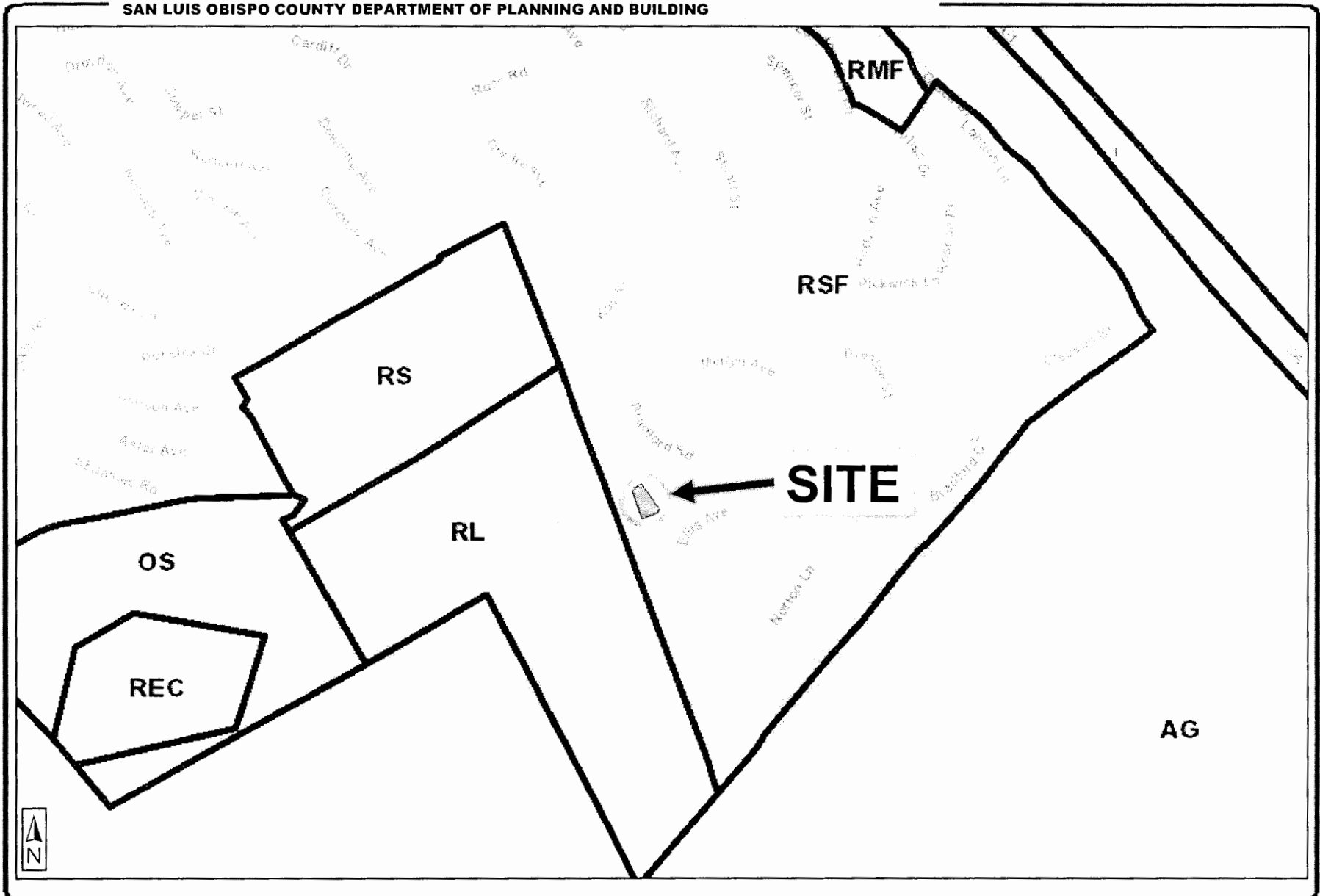
PROJECT

Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



EXHIBIT

Vicinity Map



PROJECT
 Fox Minor Use Permit / Coastal Development Permit
 DRC2012-00091



EXHIBIT
 Land Use Category Map



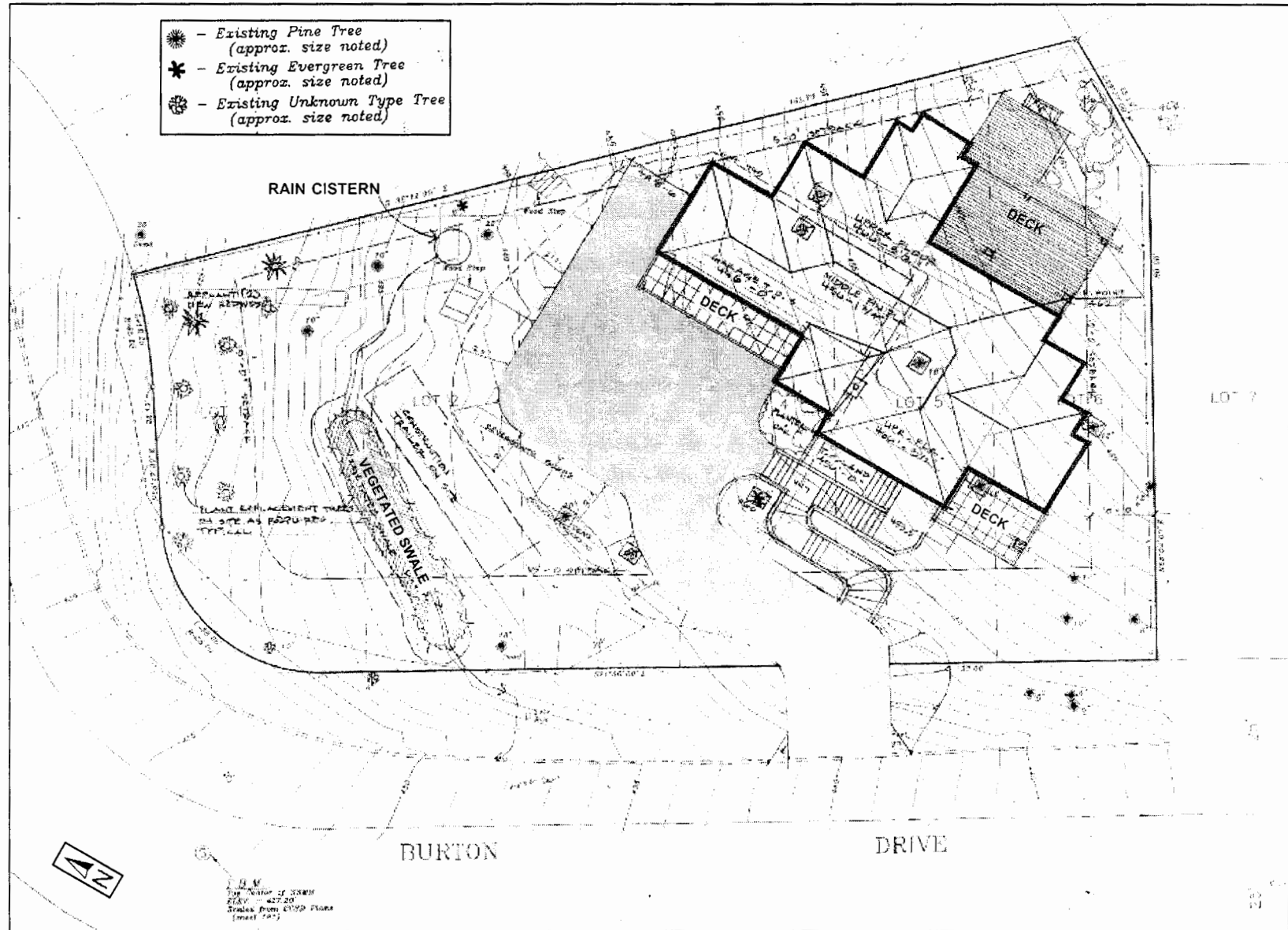
PROJECT

Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



EXHIBIT

Aerial Photo



PROJECT

Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



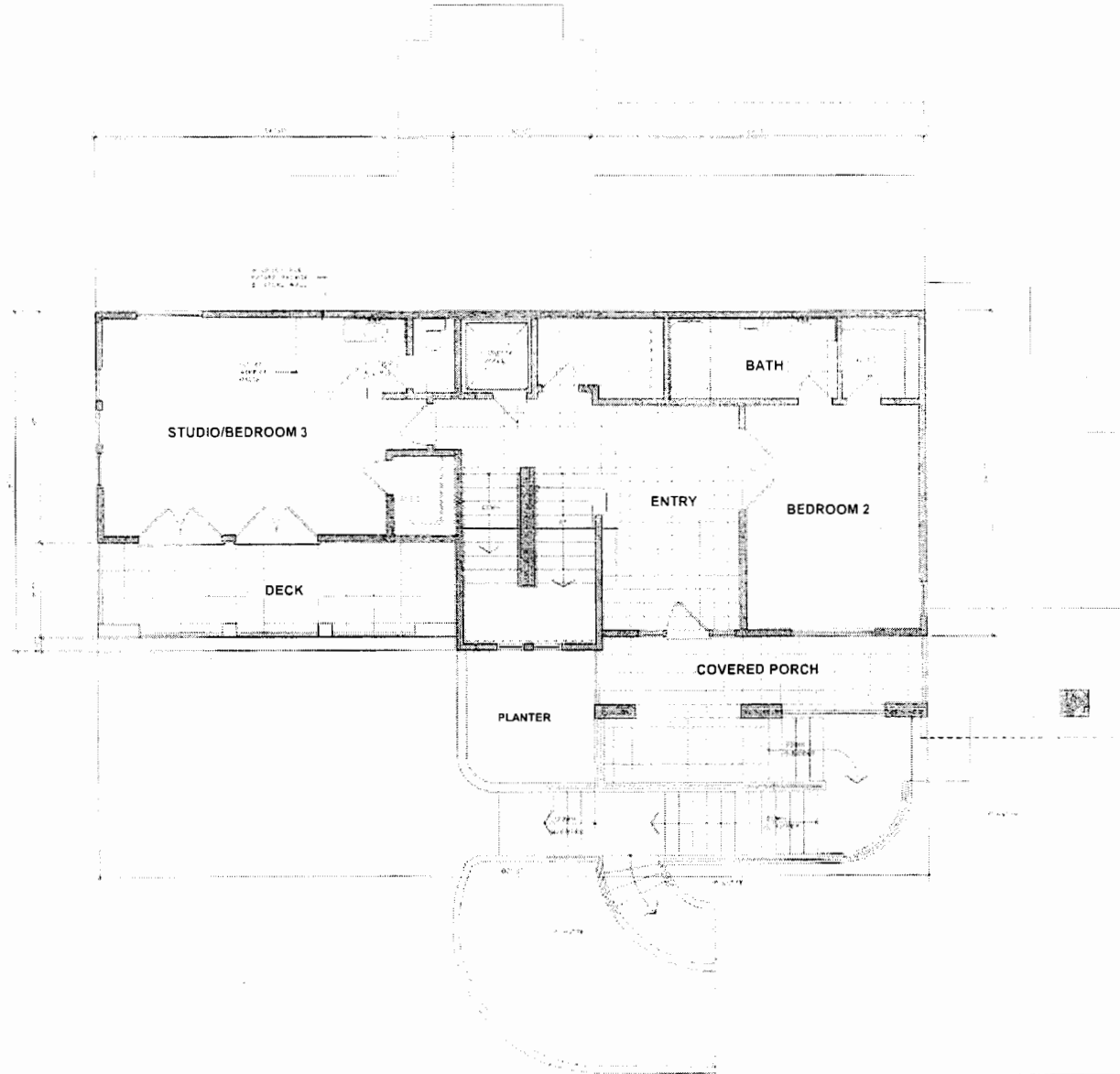
EXHIBIT

Site Plan

Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



Basement Floor Plan



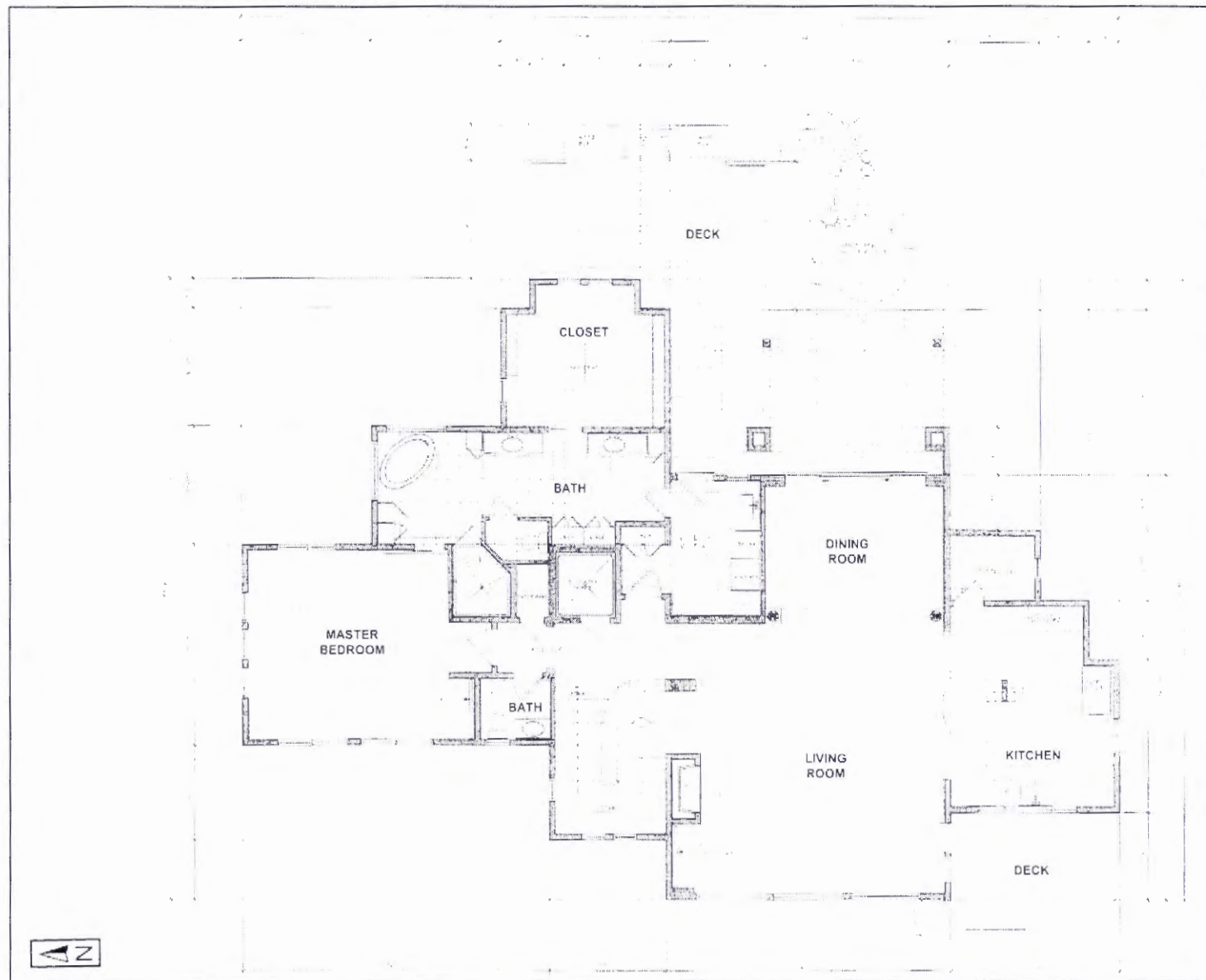
PROJECT

Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



EXHIBIT

Proposed Lower Floor Plan



PROJECT

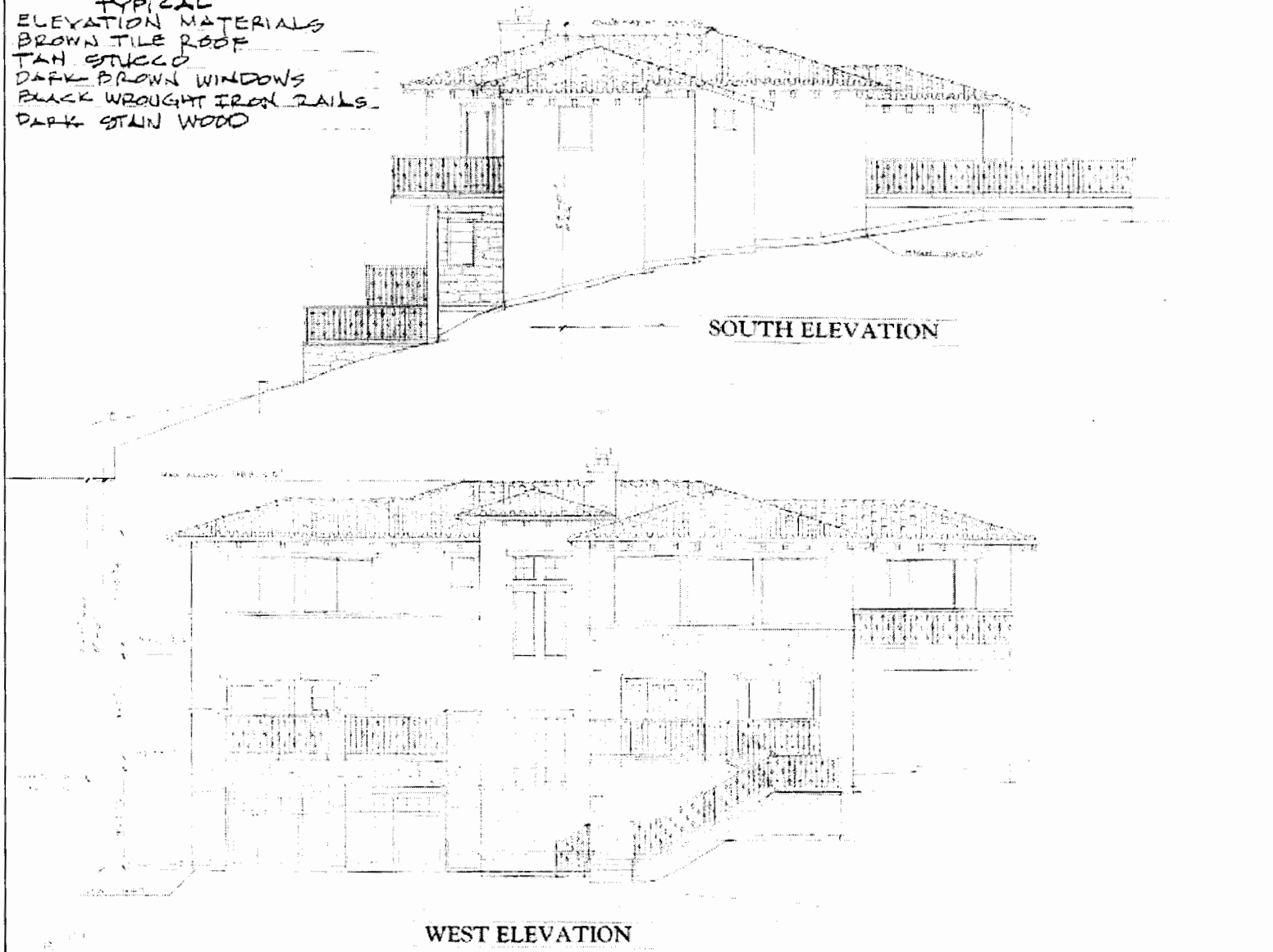
Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



EXHIBIT

Proposed Upper Floor Plan

TYPICAL
ELEVATION MATERIALS
BROWN TILE ROOF
TAN STUCCO
DARK BROWN WINDOWS
BLACK WROUGHT IRON RAILS
DARK STAIN WOOD



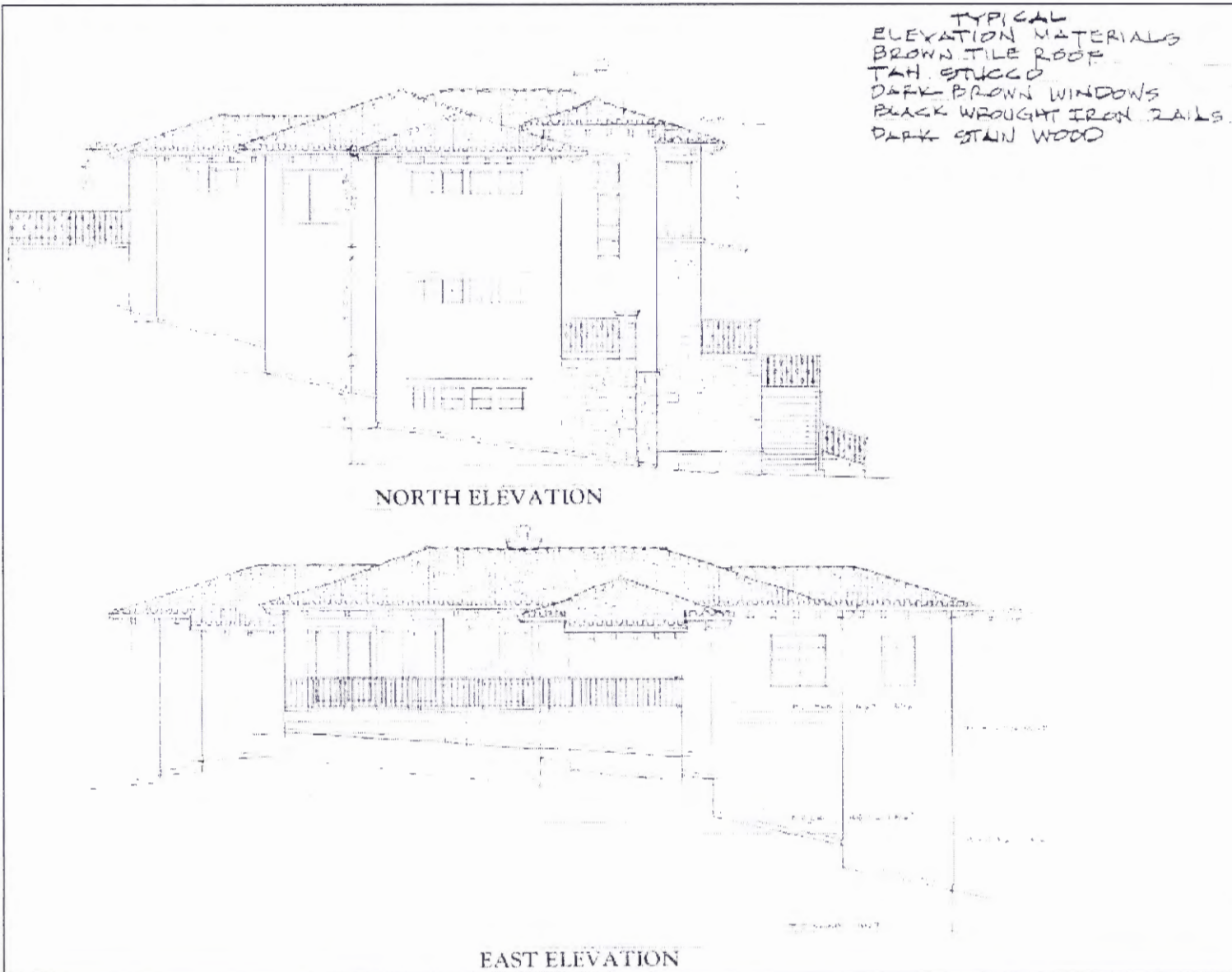
PROJECT

Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



EXHIBIT

South & West Exterior Elevations



PROJECT

Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



EXHIBIT

North & East Exterior Elevations

CS



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: June 3, 2014
 To: ~~Ryan Hostetter~~, Development Review- Coastal Team
 From: ~~Tim Tomlinson~~, Development Services
 Subject: Public Works Comments on DRC2012-00091, FOX Minor Use Permit, Burton Drive, Cambria, APN 024-331-025, 026, 027

OK
as
Revised
[Signature]
6.18.14

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.

PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR PUBLIC WORKS REVIEW AND COMMENT:

1. In accordance with the Land Use Ordinance, as the project is located in a Stormwater Management (MS4) Area, it is considered a regulated project and required to submit a Stormwater Control Plan Application and Coversheet. (Corrected 6/16/14)

Per your request, please see revised coversheet

Public Works Comments:

- A. The proposed project is within North Coast Road Fee Area D. Payment of Road Improvement Fees is required prior to building permit issuance.
 - a. The project meets the applicability criteria for Stormwater Management. Therefore, the project is required to submit a Stormwater Control Plan Application and Coversheet A Drainage Plan and an Erosion and Sedimentation plan are required at this time.
 - b. Since drainage may pose a significant impact to adjacent properties we recommend the plan and report be prepared by a licensed civil engineer.

Recommended Project Conditions of Approval:

Access

Public Works Comments:

- A. The proposed project is within North Coast Road Fee Area D. Payment of Road Improvement Fees is required prior to building permit issuance.
- B. The project meets the applicability criteria for Stormwater Management (residential on 10% hillsides); therefore, the project is subject to the NPDES General Permit Attachment 4 Design Standards.
 - a. A Drainage Plan and an Erosion and Sedimentation plan are required at this time.
 - b. Since drainage may pose a significant impact to adjacent properties we recommend the plan and report be prepared by a licensed civil engineer.

Recommended Project Conditions of Approval:**Access**

- 1. **At the time of application for construction permits**, the applicant shall submit an application, fee and plans to the Department of Public Works to secure an Encroachment Permit to construct the project access driveway in accordance with County Public Improvement Standards.
- 2. **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 signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Fees

- 3. **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 Road Fee Area D Road Improvement Fee for any future building permit in the amount prevailing at the time of payment.

Drainage

- 4. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
- 5. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMP's as identified for project incorporation in the applicant's *Stormwater Quality Plan Application for Priority Projects*.
- 6. **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.

Stormwater Pollution Prevention

- 7. **At the time of application for construction permits**, the applicant shall submit a Stormwater Quality Plan Application for Priority Projects. The plan shall outline the runoff reduction measures used when developing the site plan.

8. **At the time of application for construction permits**, the applicant shall demonstrate the project has incorporated at least Two 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.
9. **At the time of application for construction permits**, the applicant shall submit the following to the County: Stormwater Quality Plan; Conservation of natural areas narrative; Stormwater pollutant of concerns narrative; Drainage Plan; Erosion and Sedimentation Control Plan; Mechanism in place for long-term maintenance of BMPs; and Calculations for treatment control BMPs
10. **At the time of application for construction permits**, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County (if required by the Public Works Department).
11. **Prior to issuance of construction permits**, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting (if required by the Public Works Department).

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

November 5, 2012

Greenspace the Cambria Land Trust
Attn: Rick Hawley
Po Box 1505
Cambria, CA 93428

Re: **TRANSFER** of: Intent to Serve letter
From: APN 013.141.022
To: APN 024.331.026

In accordance with District Ordinances, the condition stated above, and the Covenant and Agreement recorded in San Luis Obispo County Recorder's Document # 2012056282, your request to transfer position referenced above is hereby approved.

All transfers require the "merger" of lots within the receiver parcel such that the receiver shall be a permanent single buildable lot. Said mergers must be completed no later than 90 days from the date of this letter, and failure to do so will result in nullification of this transfer.

Subsequent issuance to you of a connection permit for water and sewer service shall be subject to future rules, regulations, resolutions and ordinances of the Cambria Community Services District. The Intent to Serve letter or permits 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.

Sincerely,

A handwritten signature in cursive script that reads "Monique Madrid".

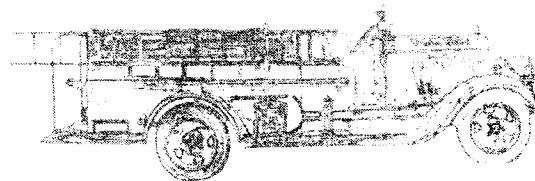
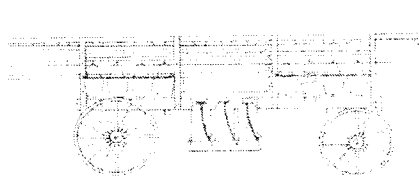
Monique Madrid
Administrative Services Officer

MM/cu

cc: Julie Fox
Kathy Mahrt, First American Title

CAMBRIA 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

FIRE PLAN REVIEW

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

Date: **November 13, 2013**

*This Project Requires Water Letter - YES

Building owners Name: **Phil and Julie Fox**

Project Address: **Burton and Ellis**

Project type: **New Single Family dwelling**

Building Permit Number: **Pending**

APN# **024-331-025 & 026**

Square Footage of Existing Structure: **N/A**

Square Foot of Proposed Addition: **4075 SqFt**

Sprinkler System required: **Yes**

24-hour supervised monitored system required: **No, if under 70 heads**

Nearest Fire Hydrant: **Ellis and Burton -- 1500 +GPM**

Driveway Access: **N/A** Turnarounds required: **No**

Comments: This structure is located in a High Cal-Fire Wildland Severity Zone and a High CCSD FD Wildland Fire Risk Zone.

Conditions of approval: See attached

A handwritten signature in black ink that reads "Mark Miller". The signature is stylized with a large, looped "M" and a cursive "Miller".

Mark Miller
Fire Chief

"Automatic Fire Sprinklers Save Lives!"

SECTION 505 – CLASS-2 (HIGH Fire Risk) IGNITION-RESISTANT CONSTRUCTION

505.1 General. Class-2 ignition-resistant construction shall be in accordance with Section 505.

504.2 Roof Covering. Roofs shall have a Class-A roof covering or a Class-A roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers.

505.3 Protection of Eaves. Combustible eaves, fascias and soffits shall be enclosed with solid materials with a minimum thickness of $\frac{3}{4}$ inch. No exposed rafter tails shall be permitted unless constructed of heavy timber materials.

505.4 Gutters and Downspouts. Gutters and downspouts shall be constructed of noncombustible material.

505.5 Exterior Walls. Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of one-hour-rated fire-resistive construction on the exterior side or constructed with approved noncombustible materials.

Exception: Heavy timber or log wall construction.

Such materials shall extend from the top of the foundation to the underside of the roof sheathing.

505.6 Unenclosed Under floor Protection. Buildings or structures shall have all under floor areas enclosed to the ground, with exterior walls in accordance with Section 505.5.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy timber construction.

DECKING SURFACES AND UNDER FLOOR PROTECTION

1. Decking

Decking surfaces, stair treads, risers and landings of decks, porches, and balconies where any portion of such surface is within 10' of the primary structure shall comply with one of the following:

- a. Shall be constructed of ignition-resistant materials OR constructed with heavy timber, exterior fire-retardant-treated wood, approved noncombustible materials, OR of 2" nominal redwood construction grade common or better.
- b. The county will accept decks with non-combustible surfaces such as ceramic tile or other product listed as "one-hour" or Class A roof covering. The use of paints, coatings, stains, or other surface treatments are not an approved method of protection.

2. Floor Projections, under floor areas

The underside of floor projections, unenclosed under floor areas attached to, or within 10 feet of a structure, shall be constructed of, or covered with, ignition resistant materials, be of fire retardant or heavy timber construction or shall be enclosed to grade. Minimum Heavy Timber sizes are 6x6 columns, 6x8 beams, 4x8 joists.

505.8 Exterior Glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels with one tempered pane, glass block or have a fire-protection rating of not less than 20 minutes.

505.9 Exterior Doors. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1 ¾ inches thick, or have a fire-protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 505.8.

Exception: Vehicle-access doors.

505.10 Vents. Attic ventilation openings, foundation or under floor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with non-combustible corrosion-resistant mesh with openings not to exceed 1/16 to 1/8 inch.

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet from property lines. Under floor ventilation openings shall be located as close to grade as practical.

505.11 Detached Accessory Structures. Detached accessory structures located less than 50 feet from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction, or constructed with approved non combustible material on the exterior side.

When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under floor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 505.5 or under floor protection in accordance with Section 505.6.

EXCEPTION: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction. See Section 505.2 for roof requirements.

Hazardous Fuel Abatement

Provide a hazardous fuel abatement program before, during and after construction. Maintain combustible vegetation clearance to a minimum of 30 feet from combustible construction materials.

Defensible Space

Persons owning, leasing controlling, operating, or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing non fire-restive vegetation on the property owned, leased or controlled by said person. All Irish/Scotch broom, and pampas grass must be removed to its' volatility.

Ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, are allowed to be within the designed defensible space provided they do not form a means of readily transmitting fire from the native growth to any structure.

Trees are allowed within the defensible space provided the horizontal distance between crowns of adjacent trees, and crowns of trees and structures, overhead electrical facilities, or unmodified fuel is not less than 10 feet. Trees must be limbed up 6-7 feet from the ground level. Deadwood and litter shall be regularly removed from trees. Minimum defensible space around the structure is 30 feet, more is required on sloped parcels. UWIC Sec. 603

Maintenance of Defensible Space

Non fire-resistive vegetation or growth shall be kept clear of buildings or structures, in accordance with Section 603, in such a manner as to provide a clear area for fire suppression operations. The entire parcel must be maintained in such a way to provide for and insure adequate defensible space. UWIC Sec. 604.2



NEGATIVE DECLARATION & NOTICE OF DETERMINATION

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. ED13-072

DATE: June 12, 2014

PROJECT/ENTITLEMENT: Phil & Julie Fox Minor Use Permit / Coastal Development Permit; DRC2012-00091

APPLICANT NAME: Phil & Julie Fox

ADDRESS: PO Box 941, Rogers, AR 72757

CONTACT PERSON: David Brown

Telephone: 805-927-3376

PROPOSED USES/INTENT: A request by Phil and Julie Fox for a Minor Use Permit / Coastal Development Permit to allow for the construction of a new 3,451 square-foot single family residence with a 624 square-foot attached garage, 852 square feet of decking, and a height of 28 feet from average natural grade. The project will result in the disturbance of approximately 5,000 square feet of a 13,068 square-foot lot. The proposed project is within the Residential Single Family land use category and is located on the east side of Burton Drive, approximately 850 feet southeast of the intersection with Kay Street, within the community of Cambria. The site is in the North Coast planning area.

LOCATION: The project is located on the east side of Burton Drive, approximately 850 feet southeast of the intersection of Burton Drive and Kay Street, within the community of Cambria. The site is in the North Coast planning.

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Website: <http://www.sloplanning.org>

OTHER POTENTIAL PERMITTING AGENCIES: California Coastal Commission

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

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

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. (2 wks from above DATE)

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

Notice of Determination

State Clearinghouse No. _____

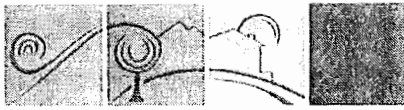
This is to advise that the San Luis Obispo County Planning Department Hearing Officer _____ as ☒ Lead Agency

☐ Responsible Agency approved/denied the above described project on July 18, 2014, 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 and monitoring were made a condition of 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 the 'Lead Agency' address above.

Signature	Cody Scheel	Date	County of San Luis Obispo
	Project Manager Name		Public Agency



Initial Study Summary – Environmental Checklist

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

(ver 5.1)

Project Title & No. Fox Minor Use Permit (DRC2012-00091) ED13-072

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.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water /Hydrology
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<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.

Cody Scheel
Prepared by (Print)

Cody Scheel
Signature

6/4/14
Date

Airlin M. Singewald
Reviewed by (Print)

A. M. Singewald
Signature

Ellen Carroll,
Environmental Coordinator
(for)

6/4/14
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 County Planning Department 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 Current Planning Division, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: A request by Phil and Julie Fox for a Minor Use Permit / Coastal Development Permit to allow for the construction of a new 3,451 square-foot single family residence with a 624 square-foot attached garage, 852 square feet of decking, and a height of 28 feet from average natural grade. The project will result in the disturbance of approximately 5,000 square feet of a 13,068 square-foot lot. The proposed project is within the Residential Single Family land use category and is located on the east side of Burton Drive, approximately 850 feet southeast of the intersection with Kay Street, within the community of Cambria. The site is in the North Coast planning area.

ASSESSOR PARCEL NUMBER(S): 024-331-009, 025 & 026

Latitude: 35 degrees 32' 36" N Longitude: -121 degrees 4' 32" W

SUPERVISORIAL DISTRICT # 2

B. EXISTING SETTING

PLANNING AREA: North Coast, Cambria

TOPOGRAPHY: Moderately sloping

LAND USE CATEGORY: Residential Single Family

VEGETATION: Grasses, Monterey pines,
Scattered Oaks

COMBINING DESIGNATION(S): Geologic Study
Terrestrial Habitat

PARCEL SIZE: 13,068 square feet

EXISTING USES: Undeveloped

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Single Family; undeveloped	<i>East:</i> Residential Single Family; single-family residence(s)
<i>South:</i> Residential Single Family; undeveloped	<i>West:</i> Residential Single Family; single-family residence(s)

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) Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Impact unique geological or physical features?	<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 site is located in the West Lodge Hill neighborhood. This is an extensive residential area located on the south and west side of Highway One. Topography is varied with numerous ridges and gullies, steep slopes, and nearly flat areas along the marine terrace. It is heavily forested with Monterey pines and Coast live oaks and, in the 1920s, was subdivided into numerous 25-foot wide lots. Many of these lots have been merged together and developed with single family homes.

The approximately 13,000 square-foot vacant property is located on the southwest edge of West Lodge Hill. It consists of six underlying lots and is one of the larger properties in the area. The subject property contains 10 Monterey pine trees (and 2 dead Monterey pines), 3 Redwood trees and 5 ornamental tree types, totaling about 45 percent canopy coverage. Although the property is vacant, it has been developed with landscape features, including decorative wooden retaining walls, deck, rock walls and fencing. There is evidence of some vegetation and tree removal for landscaping purposes. An existing dirt access road leads to the site.

Surrounding development consists of single family homes to the west (across Burton Drive) with vacant parcels located immediately to the north and south. Parcels to the east front on Ellis Road and are developed with single family homes.

The proposed project is subject to specific residential design requirements set forth in the North Coast Area Plan which include ordinance requirements related to style, materials, massing, and neighborhood compatibility.

Impact. No significant visual impacts are expected to occur. The proposed residence is located in an established residential neighborhood, is similar to adjacent residences in terms of size and scale, and is compatible with the character of the surrounding residential neighborhood.

The project is sited in a location to minimize tree removal and is within the least densely forested area of the site, but will require the removal of 3 pine trees and 1 oak tree (see the Biological Resources section below for impacts and mitigation measures). A majority of the area where the residence is to be sited has been pre-disturbed due to various landscape features such as an existing at grade deck.

constructed of railroad ties, stone and concrete.

The project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways. The project is considered compatible with the surrounding uses as it includes a single family residence within a developed residential neighborhood.

Mitigation/Conclusion. No mitigation measures are necessary. The project complies with the design requirements and guidelines outlined in the North Coast Area Plan.

2. AGRICULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</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. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Residential Single Family

Historic/Existing Commercial Crops: None

State Classification: Not Prime Farmland

In Agricultural Preserve? No

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

San Simeon sandy loam (15 - 30% slope). This moderately sloping, coarse loamy claypan soil is considered very poorly drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: shallow depth to bedrock, slow percolation. The soil is considered Class VI 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) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

GREENHOUSE GASES

f) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Other: <u>Fugitive dust</u></i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) 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).

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to

reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO₂e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Impact. The project proposes to disturb soils that have been given wind erodibility rating of 3, which is considered "moderately low". As proposed, the project will result in the disturbance of approximately 5,000 square feet of the 13,068 square foot lot. This will result in the creation of construction dust, as well as short and long term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation. Due to the location of numerous residences in the area, fugitive dust from the construction area, or burning of vegetation or construction materials could generate localized complaints; therefore the project is subject to limited dust and/or emission control measures during construction.

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012) the project will not exceed operational thresholds triggering mitigation. The project is consistent with the

general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

This project is a single family residence with an attached garage. Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

Mitigation/Conclusion. Although the individual project falls below the thresholds for construction and operational phase emissions, cumulatively, the project warrants standard dust control and developmental burning measures. These have been included in the Exhibit B Mitigation Summary Table below.

4. BIOLOGICAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species* or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?</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"/>

* Species – as defined in Section 15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.

Setting. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: 10 Monterey pine trees, 2 redwoods, 1 coast live oak, 5 ornamental tree types, and grasses. See CNDDDB Vegetation section below.

Name and distance from blue line creek(s): Strawberry Canyon Creek – approximately 1,000 feet west of the proposed project site

Habitat(s): Monterey Pine Forest

The project is within the following combining designation, which identifies this general area as biologically sensitive: Terrestrial Habitat (TH).

Site's tree canopy coverage: Approximately 45%.

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

Vegetation

Arroyo de la Cruz manzanita (Arctostaphylos cruzensis) List 1B

Arroyo de la Cruz manzanita (*Arctostaphylos cruzensis*) has been found about .92 mile to the north. This evergreen shrub is generally found growing on sandy soils in broadleaved upland forests, coastal bluff scrub, closed-cone coniferous forests, chaparral, coastal scrub, valley and foothill grassland areas at elevations between 60 and 310 meters (200 to 1,020 feet). It is a California endemic which has a blooming period of December-March. Arroyo de la Cruz manzanita is considered a rare plant by the CNPS (List 1B, RED 2-2-3).

Cambria morning glory (Calystegia subacaulis ssp. episcopalis) List 1B

Cambria morning glory (*Calystegia subacaulis* ssp. *episcopalis*) has been found about .92 mile to the north. This perennial herb is a California and a San Luis Obispo County endemic, which is found in chaparral and foothill woodland communities at elevations between 60 and 500 meters (200 to 1,640 feet). This species blooms from April to May. Cambria morning glory is listed as rare by the CNPS (List 1B, RED 3-2-3).

Compact cobwebby thistle (Cirsium occidentale var. compactum) List 1B

Compact cobwebby thistle (*Cirsium occidentale* var. *compactum*) has been found about .42 mile to the northwest. This perennial herb is generally found in chaparral, coastal dune coastal prairie, and coastal scrub areas at elevations between 5 and 150 meters (15 to 495 feet). It has a blooming period of April-June. Compact cobwebby thistle is considered a rare plant by the CNPS (List 1B, RED 2-2-3).

Cone Peak bedstraw (Galium californicum ssp. lucianse) List 1B

Cone Peak bedstraw (*Galium californicum* ssp. *lucianse*) has been found about .42 mile to the northwest. This perennial herb is generally found in broadleaved upland forest, chaparral, cismontane woodland, and lower montane coniferous forest areas at elevations between 400 and 1525 meters (1,315 to 5,000 feet). It has a blooming period of March-September. Cone Peak bedstraw is considered a rare plant by the CNPS (List 1B, RED 3-1-3).

Hoover's button-celery (Eryngium aristulatum var. hooveri) List 1B

Hoover's button-celery (*Eryngium aristulatum* var. *hooveri*) has been found about .42 mile to the northwest. This annual/perennial herb is found generally in vernal pool areas at elevations between 3 and 45 meters (10 to 150 feet). It has a blooming period of July. The CNPS considers this plant extremely rare (List 1b, RED 3-3-3).

Kellogg's horkelia (Horkelia cuneata ssp. sericea) List 1B

Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*) has been found about .92 mile to the north. This perennial herb is found on sandy or gravelly soils in closed cone coniferous forest, chaparral and coastal scrub habitats (Tibor 2001) at elevations between 10 and 200 meters (30 ft to 660 ft). The typical blooming period is April-September. Kellogg's horkelia is considered extremely rare by CNPS (List 1B, 3-3-3).

Monterey pine (Pinus radiata) List 1B

Monterey pine (*Pinus radiata*) has been found about .92 mile to the north. This evergreen tree is found in the closed-cone coniferous forest and cismontane woodland habitats. There are only three native stands found in California (includes Cambria) and introduced in other areas between the 25 and 185-meter elevation (80 to 600 feet). It is threatened by development,

genetic contamination, pine pitch canker disease and forest fragmentation. Monterey pine is considered rare by CNPS (List 1B, RED 3-3-2).

Most beautiful jewel-flower (Streptanthus albidus spp. peramoenus) List 1B

Most beautiful jewel-flower (*Streptanthus albidus* spp. *peramoenus*) has been found in the vicinity of the site. This annual herb is found on serpentinite soils in chaparral, cismontane woodland, valley and foothill grassland habitats between the 120 and 1000-meter elevation (395 to 3,280 feet). The typical blooming period is April-June. Most beautiful jewel-flower is considered rare by CNPS (List 1B) and federally a species of concern.

Obispo indian paintbrush (Castilleja densiflora ssp. obispoensis) List 1B

Obispo Indian paintbrush (*Castilleja densiflora* ssp. *obispoensis*) has been found about .55 mile to the east. This annual herb is found in valley and foothill grasslands at elevations between 10 to 400 meters (30 to 1,315 feet). The blooming period is April. Obispo Indian paintbrush is considered rare by CNPS (List 1B, RED 2-2-3).

Santa Lucia bush mallow (Malacothamnus palmeri palmeri) List 1B

Santa Lucia bush mallow (*Malacothamnus palmeri* var. *palmeri*) has been found about .42 mile to the northwest. This deciduous shrub is found on rocky soils in chaparral areas between the 60 and 360-meter elevations (195 to 1,185 feet). The typical blooming period is May-July. Santa Lucia bush mallow is considered rare by CNPS (List 1B, RED 2-2-3).

Wildlife

Western pond turtle (Emys (or Clemmys) marmorata pallida)

The Western pond turtle (*Emys (or Clemmys) marmorata pallida*) has been found about .13 mile to the east. Western pond turtle is a federal and California Species of Special Concern. This is an aquatic turtle that uses upland habitat seasonally. They occur in ponds, streams, lakes, ditches, and marshes. The species prefers slow-water aquatic habitat with available basking sites nearby. Hatchlings require shallow water habitat with relatively dense submergent vegetation for foraging.

Habitat

Monterey Pine Forest

The Monterey Pine (*Pinus radiata*) is the dominant tree of this habitat. A common understory tree is the coast live oak. Native to California and Baja California, its historic range has been substantially reduced, with native populations occurring now in only five small areas, including the Cambria area. Mature Monterey pines can reach 38 meters (125 feet) in height with trunks up to 2 meters (6.5 feet) in diameter. The remaining stands of Monterey pine are threatened by numerous factors including urbanization, recreational development, fire suppression, pests and diseases. Fire suppression has resulted in very old stands of forest, which are more susceptible to attacks from pests and diseases. In the Monterey area, the trees are seriously threatened by an epidemic of "pine pitch canker", a fungal disease caused by *Fusarium subglutans pini*. This fungus was recently introduced to California from the southeastern United States and is carried from tree to tree by several native insects including the Monterey pine cone beetle (*Conophthorus radiatae*), twig beetles (*Pityophthorus* spp.) and engraver beetles (*Ips* spp.). Indigenous stands of Monterey pine are also threatened by genetic contamination, which results from crossbreeding with planted trees that were brought in from other areas. These very fast-growing evergreen trees require deep, well drained, medium to coarse textured soils of medium fertility to thrive.

Impact. The project proposes the removal of 3 Monterey pine trees (and 2 dead Monterey pines) and 1 (4-inch diameter trunk) coast live oak tree. The removal of the Monterey pine trees will impact

forest/woodland habitat. A majority of the area where the residence is to be sited has been pre-disturbed due to various landscape features and existing grading activities. Based on a site visit conducted by project manager Cody Scheel, the subject parcel is substantially denuded of understory vegetation. The nearest stream is located 1,000 feet to the west and the site does not contain aquatic habitat that could potentially support the Western pond turtle.

Mitigation/Conclusion. The North Coast Area Plan outlines mitigation measures for removed Monterey pines. The Monterey pine trees removed will be replaced at a 4:1 ratio, for a total of 12 pine trees to be replaced. If feasible, replacement trees will be planted on the subject property. If adequate area does not exist on the site, the revegetation may occur on another property in the Cambria area owned or managed by an appropriate government agency or non-profit organization. Implementation of the above referenced measures, listed in detail in Exhibit B – Mitigation Summary Table, will reduce potential impacts to a less than significant level.

5. CULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical 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.

The project is not within 300 feet of a blue line creek. Potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources. The project is not located in a designated Archaeologically Sensitive Area (ASA).

No previous cultural surveys were found for the subject property. A search of ¼ mile around the subject property identified the following previous survey work: 9 reports where no resources were encountered; 0 reports where resources were identified.

Impact. The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. 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*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone*, or other known fault zones*?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Include structures located on expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Preclude the future extraction of valuable mineral resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Per Division of Mines and Geology Special Publication #42

Setting. The following relates to the project's geologic aspects or conditions:

Topography: Moderately sloping

Within County's Geologic Study Area?: Yes

Landslide Risk Potential: High

Liquefaction Potential: Low

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Low

Other notable geologic features? None

The project is within the Geologic Study area designation and is subject to the preparation of a geological report per the County's Land Use Ordinance [CZLUO section 23.07.084(c)] to evaluate the area's geological stability. A geological report was conducted for the project (GeoSolutions, Inc.; August 21, 2013) which evaluated the proposed project, site characteristics and provided recommendations for construction. The County Geologist has reviewed and concurred with the recommendations in the report, and has determined that the site is suitable for the proposed residence (letter from County Geologist, dated October 4, 2013, attached).

Impact. As proposed, the project will result in the disturbance of approximately 5,000 square feet on a 13,068 square-foot parcel. An Engineering Geology Investigation and Soils Engineering Report has been prepared and reviewed. The two primary risks associated with geology and soils are landslide and ground shaking events from an earthquake. The site is not near an active fault, but is within a seismically active region. The Engineering Geology Investigation and Soils Engineering Report concluded that the site is geologically suitable for the proposed single-family residence provided that the recommendations from GeoSolutions, Inc. are implemented.

Mitigation/Conclusion. Pursuant to County Ordinances, the applicant will be required to prepare, prior to issuance of construction permits, an Erosion and Sedimentation Control Plan and Drainage Plan. All Erosion and Sedimentation Control Plans shall be accompanied with a complete Stormwater Quality Plan and Best Management Practices shall be in compliance with the Low Impact Development Handbook. The project is conditioned to comply with all recommendations of the Engineering Geology Investigation and Soils Engineering Report prepared by GeoSolutions, Inc. dated August 21, 2013 and September 10, 2013 respectively. In addition, the project will comply with standard measures required by building codes and current code requirements for all foundations and structural elements. Implementation of these requirements will reduce impacts to a level of insignificance.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4-mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



7. HAZARDS & HAZARDOUS**MATERIALS - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Be within a 'very high' fire hazard severity zone?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Other: _____	<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 the Airport Review area. Pursuant to Government Code 65962.5 ("Cortese List"), the site is not on a list of "Other Cleanup Sites" identified by CalEPA.

With regards to potential fire hazards, the subject project is within the High Fire Hazard Severity Zone(s). Based on the County's fire response time map, it will take approximately 5-10 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts.

Impact. The project does not propose the use of hazardous materials, nor the generation of hazardous wastes. The project has been reviewed by the Cambria Fire department with regards to fire/life safety requirements specific to this site. Specific measures which are required by code are being incorporated into the project which will mitigate the fire hazard severity. These requirements are outlined in a letter dated November 13, 2013 and include but are not limited to fire sprinklers, access to fire hydrant, fuel modification for vegetation and materials. The project is not expected to conflict with any regional emergency response or evacuation plan.

Mitigation/Conclusion. The applicant will be required to comply with the fire safety plan (as required by Cambria Fire) as well as County ordinance standards pertaining to fire. These measures will be implemented as conditions of approval for the project. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE**Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8. NOISE*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Generate permanent increases in the ambient noise levels in the project vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses because the proposed residence is an anticipated use within this developed residential neighborhood.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<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's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Impact. The project will result in the development of one single family residence. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. Because the project consists of only one single family residence, the project is exempt from the inclusionary housing ordinance. No significant population and housing impacts are anticipated and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff Location: Los Osos (Approximately 24 miles to the south)

Fire: Cambria Community Services Hazard Severity: High Response Time: 5-10 minutes
District

Location: Approximately 1.2 miles to the northwest

School District: Coast Unified School District

For additional information regarding fire hazard impacts, go to the 'Hazards and Hazardous Materials' section.

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/sheriff and fire protection, and schools. The site is located in North Coast Road Fee Area D which provides funding for road projects within the designated fee area to address cumulative impacts of development within the region. 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.

The project is within a high fire hazard area. The Cambria Fire Department reviews all projects and provides recommendations for construction and design due to fire hazards. The North Coast Area

Plan provides ordinance requirements as to the necessity of a fire plan review which is required prior to issuance of building permits as an ordinance requirement.

Mitigation/Conclusion. Regarding cumulative effects, public facility (County), school (State Government Code 65995 et seq.) and road area 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's Parks and Recreation Element 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, recreational resource, coastal access, and/or Natural Area.

Impact. The proposed project will not create a significant need for additional park, Natural Area, and/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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Level 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>Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</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 type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County has established the acceptable Level of Service (LOS) on roads for this urban area as "D" or better. The existing road network in the area including the project's access street, Burton Drive, is operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

Referrals were sent to County Public Works for the proposed project. No significant traffic-related concerns were identified.

Circulation Study Area. The project is within the North Coast Area D Circulation Fee area. This fee provides the means to collect "fair share" monies from new development to help fund certain regional road improvements that will be needed once the area reaches "buildout." The project will be subject to this fee.

Impact. The proposed project is estimated to generate about 10 trips per day, based on the Institute of Traffic Engineer's manual of one unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs on transportation.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures above what are already required by ordinance are necessary.

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, day-lighting)?</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 Cambria Community Services District 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 a community system 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. The applicant has submitted a letter from the Cambria Community Services District stating that they are willing and able to serve the proposed project for both water and sewer service.

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 & HYDROLOGY

Will the project:

QUALITY

- a) *Violate any water quality standards?*
- b) *Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?*
- c) *Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?*
- d) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?*
- e) *Change rates of soil absorption, or amount or direction of surface runoff?*
- f) *Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?*
- g) *Involve activities within the 100-year flood zone?*

QUANTITY

- h) *Change the quantity or movement of available surface or ground water?*

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
-------------------------	--------------------------------	----------------------	----------------

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. WATER & HYDROLOGY*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to obtain its water needs from a community system operated by the Cambria Community Services District (CCSD). The CCSD supplies water to the community of Cambria from its wells overlying the San Simeon and Santa Rosa Creek aquifers. On January 30, 2014, the CCSD declared a Stage 3 Water Shortage Emergency due to severe drought conditions. This declaration enacted stringent water conservation measures, including surcharges for excessive water use and a prohibition on outdoor watering or irrigation of landscaping with potable water.

As a condition to all "Intent to Serve" letters, the District requires applicants to pay retrofit fees, which the District uses to completely offset the increased water demands that would result from the project.

The topography of the project is moderately sloping. The closest creek from the proposed development is approximately 1,000 feet away. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

DRAINAGE – The following relates to the project's drainage aspects

Within the 100-year Flood Hazard designation? No

Closest creek? Strawberry Canyon Distance? Approximately 1,000 feet

Soil drainage characteristics: Very poorly drained

For areas where drainage is identified as a potential issue, the Coastal Zone Land Use Ordinance (CZLUO Sec. 23.05.042) 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 – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Moderate

A sedimentation and erosion control plan is required for all construction and grading projects (CZLUO Sec. 23.05.036) 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 – Water Quality/Hydrology

With regards to project impacts on water quality the following conditions apply:

- ✓ Approximately 5,000 square feet of site disturbance is proposed and the movement of approximately 350 cubic yards of material;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project is not on highly erodible soils
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Parking area drainage inlets will be fitted with hydrocarbon filters;
- ✓ Pipe to an above ground storage feature will be installed as a part of the drainage plan;
- ✓ Bioswales will be installed as a part of the drainage plan;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant; and
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur.

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 5,000 square feet. The project will result in the creation of approximately 4,500 square feet of impervious area which has the potential to reduce the soil's ability to absorb rainfall by covering ground with impervious surfaces. Increased impervious areas have the potential to result in downstream flooding, higher peak flows, and carry polluted runoff.

Water Quantity

Based on the project description, as calculated on the County's water usage worksheet, the project's water usage is estimated as follows:

Indoor: 0.15 acre feet/year (AFY);
 Outdoor: 0.25 AFY
 Total Use: 0.40 AFY

Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

Outdoor water usage associated with landscaping irrigation will increase the water demand for the project. Water usage for outdoor irrigation purposes will be minimized because the project will be required to install native and / or drought tolerant (low water using) plant materials and smart irrigation controls, as well as be consistent with the Green Build Ordinance.



The applicant submitted a memo from the CCSD, dated November 5, 2012, stating that an "Intent to Serve" letter has been transferred to the subject parcel from another parcel in Cambria (013-141-022). As a condition of this "Intent to Serve" letter, the applicant was required to pay retrofit fees to completely offset the project's estimated water demand. Therefore, with transfer of water service from an existing site, and the payment of retrofit fees, the proposed project will not increase water demands on Cambria's water supply.

Mitigation/Conclusion. Pursuant to the Coastal Zone Land Use Ordinance (CZLUO), the applicant is required to prepare and implement a drainage plan, and erosion and sedimentation control plan. Based on compliance with existing CZLUO standards, and NPDES requirements, impacts resulting from drainage, erosion, and sedimentation would be less than significant. To mitigate impacts associated with increased impervious areas, the project will incorporate LID techniques including parking areas which use pervious paving materials, installing a roof runoff rain water storage cistern and installing a vegetated drainage swale. These measures will help to mimic the pre-development hydrology of the site and minimize downstream flooding impacts during peak flows. There is no evidence that measures above what will already be required by ordinance or codes are needed.

To address water supply impacts, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance and the attached mitigation measures. All plants utilized shall be drought tolerant. Drip-line irrigation shall be used for all landscaped areas installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware.

Implementation of these measures (see Exhibit B – Mitigation Summary Table) for the proposed project will reduce the impact to a level of insignificance.

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 type="checkbox"/>	<input checked="" 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., CAL FIRE 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.

1. LUO Section 23.070.176 – Terrestrial Habitat Protection:

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

For additional information regarding terrestrial habitat protection, go to the 'Biological Resources' section. The North Coast Area Plan outlines mitigation measures for removed Monterey pines. The Monterey pine trees removed will be replaced at a 4:1 ratio, for a total of 12 pine trees to be replaced.

2. LUO Section 22.014.070 – Geologic Study Area (GSA)

The Geologic Study Area (GSA) combining designation is applied to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property.

For additional information regarding the Geologic Study Area, go to the 'Geology and Soils' section. As described in that section, the project complies with the GSA requirements because the applicant submitted a geologic evaluation showing that the project site is geologically suitable for the proposed use.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

Will the project:

- a) *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?* ☐ ☒ ☐ ☐
- b) *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)

☐☒☐☐

- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

☐☐☒☐

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 Information", or the California Environmental Resources Evaluation System at: http://www.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 Department has 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	Attached
<input type="checkbox"/>	County Environmental Health Division	Not Applicable
<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	None
<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	None
<input type="checkbox"/>	CA Department of Fish and Wildlife	Not Applicable
<input type="checkbox"/>	CA Department of Forestry (Cal Fire)	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Cambria Community Services District	Attached
<input type="checkbox"/>	Other _____	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable

*** "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.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<u>County documents</u>	<input type="checkbox"/> Specific Plan
<input checked="" type="checkbox"/> Coastal Plan Policies	<input checked="" type="checkbox"/> Annual Resource Summary Report
<input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<u>Other documents</u>
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3)
<input checked="" type="checkbox"/> Noise Element	<input type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Parks & Recreation Element/Project List	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Affordable Housing Fund	<input type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input type="checkbox"/> Airport Land Use Plan	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> North Coast Area Plan and Update EIR	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Engineering Geology Investigation, GeoSolutions, Inc., August 21, 2013

Soils Engineering Report, GeoSolutions, Inc., September 10, 2013

Review of Engineering Geology Investigation, Landset Engineers, Inc., October 2013

Exhibit B - Mitigation Summary Table

Air Quality

- AQ-1. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reducing the amount of disturbed area when possible.
 - b. Using water trucks and sprinkler systems to prevent dust from leaving the site.
 - c. Dirt stockpiles sprayed daily and as needed.
 - d. Driveways and sidewalks paved as soon as possible.
- AQ-2. Developmental burning of vegetative material within San Luis Obispo County is prohibited. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.
- AQ-3. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the county.

Biological Resources

- BR-1 The applicant shall limit tree removal to no more than 3 pine trees (and 2 dead pines) having a six inch diameter or larger at 4.5 feet from the ground. **At the time of application for construction permits**, 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.
- BR-2. Prior to any site disturbance, the applicant shall fence the proposed area of disturbance and clearly tag which trees are to be removed or impacted. The trees tagged in the field shall be consistent with the trees delineated on the construction plans. Tree removal, grading, utility trenching, compaction of soil, or placement of fill shall not occur beyond the fenced disturbance area. The fencing shall remain installed until final inspection.
- BR-3. Prior to final inspection, the 3 Monterey pine trees removed as a result of the grading for the residence shall be replaced at a 4:1 ratio. A total of 12 Monterey pine trees shall be planted. Monterey pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*.

- BR-4. 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 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. Once the replacement trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) 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.
- BR-5. 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.
- BR-6. It is preferable that the replacement trees be planted on the subject property. However, if the revegetation cannot be implemented entirely on the subject property, the revegetation may occur on other property in the Cambria area owned or managed by the County of San Luis Obispo, Land Conservancy, Nature Conservancy, other government or appropriate non-profit agencies. If an off-site replanting is chosen, the replanting must occur with the review and approval of the Environmental Coordinator in an area chosen by the appropriate agency or organization (i.e. property owner or manager) and shall be verified by submittal of a letter from the appropriate agency or organization to the Environmental Coordinator. (The verification letter should indicate whether plantings occurred on and/or off site, or both). All replacement conditions and monitoring measures (e.g. number of trees, maintenance, etc.) shall apply.

Geology and Soils

- GS-1 **At the time of application for construction permits**, all plans shall be consistent with the conclusions and recommendations of the Engineering Geology Investigation and Soils Engineering Report for Cambria Pines Manor Unit Number 5, Block 115, Lots 1 through 6, Burton Drive, Cambria, San Luis Obispo County, California, prepared by GeoSolutions, Inc., dated August 21, 2013 and September 10, 2013 respectively.

Water

- W-1. **At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance. All plants utilized shall be drought tolerant. Drip-line irrigation shall be used for all landscaped areas installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware.
- W-2. **At the time of application for grading and/or construction permits**, the applicant shall show on the construction plans, project designs that will promote groundwater recharge by application of Low Impact Development (LID) design techniques. For example, roof runoff

should be directed to drainage swales and not to impervious surfaces, rain barrels, stormwater ponds, bio-retention systems, or other methods as approved by the Public Works Department. At least two designer selected LID measures shall be applied to the project.



**DEVELOPER'S STATEMENT FOR THE
FOX MINOR USE PERMIT / COASTAL DEVELOPMENT PERMIT
DRC2012-00091**

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.

Air Quality

AQ-1. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reducing the amount of disturbed area when possible.
- b. Using water trucks and sprinkler systems to prevent dust from leaving the site.
- c. Dirt stockpiles sprayed daily and as needed.
- d. Driveways and sidewalks paved as soon as possible.

Monitoring: The Planning and Building Department, in consultation with the APCD, shall verify compliance.

AQ-2. Developmental burning of vegetative material within San Luis Obispo County is prohibited. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

Monitoring: The Planning and Building Department, in consultation with the APCD, shall verify compliance.

AQ-3. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired

1

fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the county.

Monitoring: The Planning and Building Department, shall verify compliance.

Biological Resources

- BR-1. The applicant shall limit tree removal to no more than 3 pine trees (and 2 dead pines) having a six inch diameter or larger at 4.5 feet from the ground. **At the time of application for construction permits**, 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.

Monitoring: The Planning and Building Department, shall verify compliance.

- BR-2. **Prior to any site disturbance**, the applicant shall fence the proposed area of disturbance and clearly tag which trees are to be removed or impacted. The trees tagged in the field shall be consistent with the trees delineated on the construction plans. Tree removal, grading, utility trenching, compaction of soil, or placement of fill shall not occur beyond the fenced disturbance area. The fencing shall remain installed until final inspection.

Monitoring: The Planning and Building Department shall verify compliance.

- BR-3. **Prior to final inspection**, the 3 Monterey pine trees removed as a result of the grading for the residence shall be replaced at a 4:1 ratio. A total of 12 Monterey pine trees shall be planted. Monterey pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*.

Monitoring: The Planning and Building Department shall verify compliance.

- BR-4. 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 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. Once the replacement trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) 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.

Monitoring: The Planning and Building Department shall verify compliance.

- BR-5. 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.

Monitoring: The Planning and Building Department shall verify compliance.

- BR-6. It is preferable that the replacement trees be planted on the subject property. However, if the revegetation cannot be implemented entirely on the subject property, the revegetation may occur on other property in the Cambria area owned or managed by the County of San Luis Obispo, Land Conservancy, Nature Conservancy, other government or appropriate non-profit agencies. If an off-site replanting is chosen, the replanting must occur with the review and approval of the Environmental Coordinator in an area chosen by the appropriate agency or organization (i.e. property owner or manager) and shall be verified by submittal of a letter from the appropriate agency or organization to the Environmental Coordinator. (The verification letter should indicate whether plantings occurred on and/or off site, or both). All replacement conditions and monitoring measures (e.g. number of trees, maintenance, etc.) shall apply.

Monitoring: The Planning and Building Department shall verify compliance.

Geology and Soils

- GS-1. **At the time of application for construction permits**, all plans shall be consistent with the conclusions and recommendations of the Engineering Geology Investigation and Soils Engineering Report for Cambria Pines Manor Unit Number 5, Block 115, Lots 1 through 6, Burton Drive, Cambria, San Luis Obispo County, California, prepared by GeoSolutions, Inc., dated August 21, 2013 and September 10, 2013 respectively.

Monitoring: The Planning and Building Department in consultation with the Public Works Department shall verify compliance.

Water

- W-1. **Prior to issuance of construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance. All plants utilized shall be drought tolerant. Drip-line irrigation shall be used for all landscaped areas (except turf areas) installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware.

Monitoring: The Planning and Building Department shall verify compliance.

- W-2. **At the time of application for grading and/or construction permits**, the applicant shall show on the construction plans, project designs that will promote groundwater

recharge by application of Low Impact Development (LID) design techniques. For example, roof runoff should be directed to drainage swales and not to impervious surfaces, rain barrels, stormwater ponds, bio-retention systems, or other methods as approved by the Public Works Department. At least two designer selected LID measures shall be applied to the project.

Monitoring: The Planning and Building Department, in consultation with the Public Works Department, shall verify compliance.

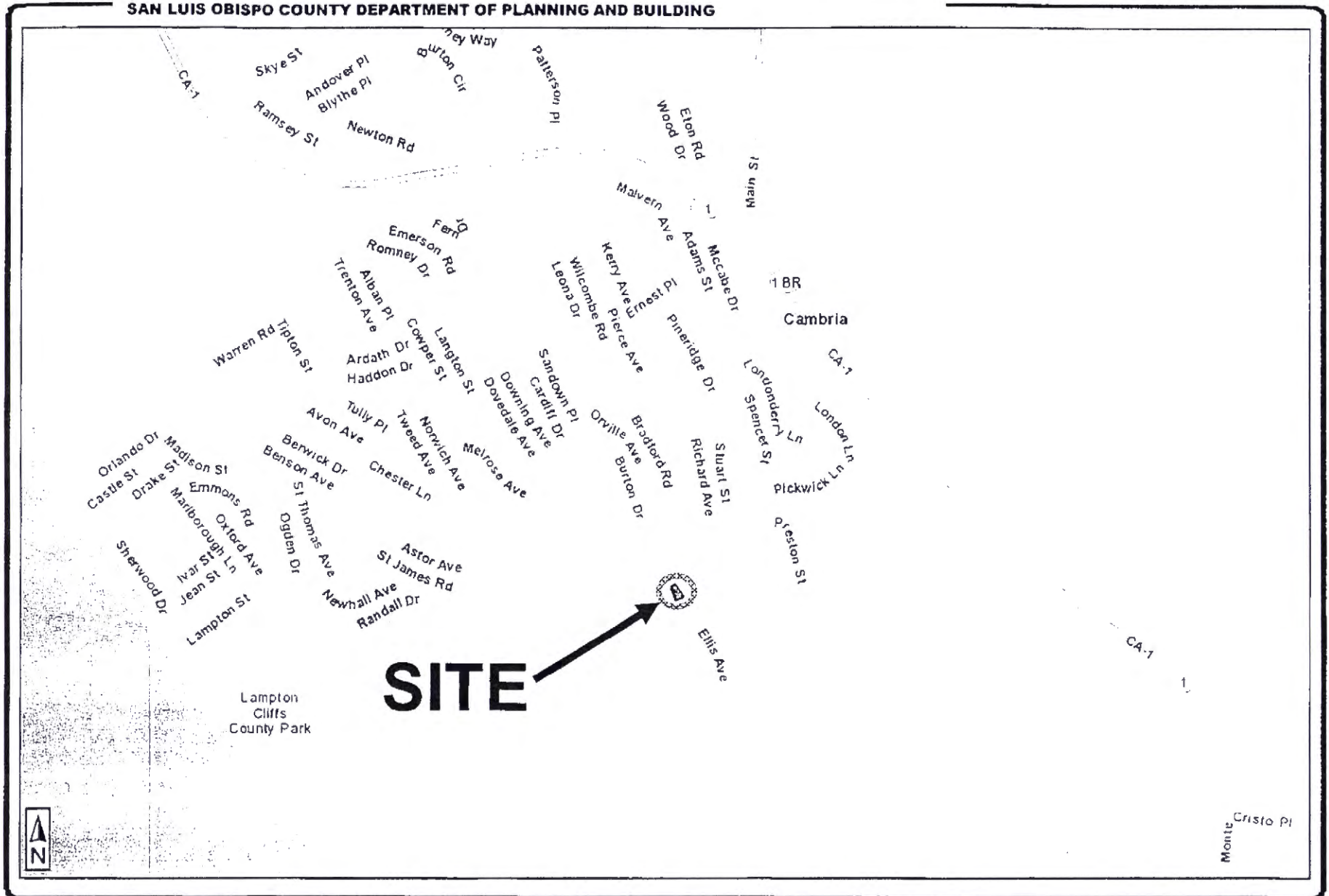
The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.


Signature of the Applicant

6-2-14
Date

Julie Fox
Name (Print)

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

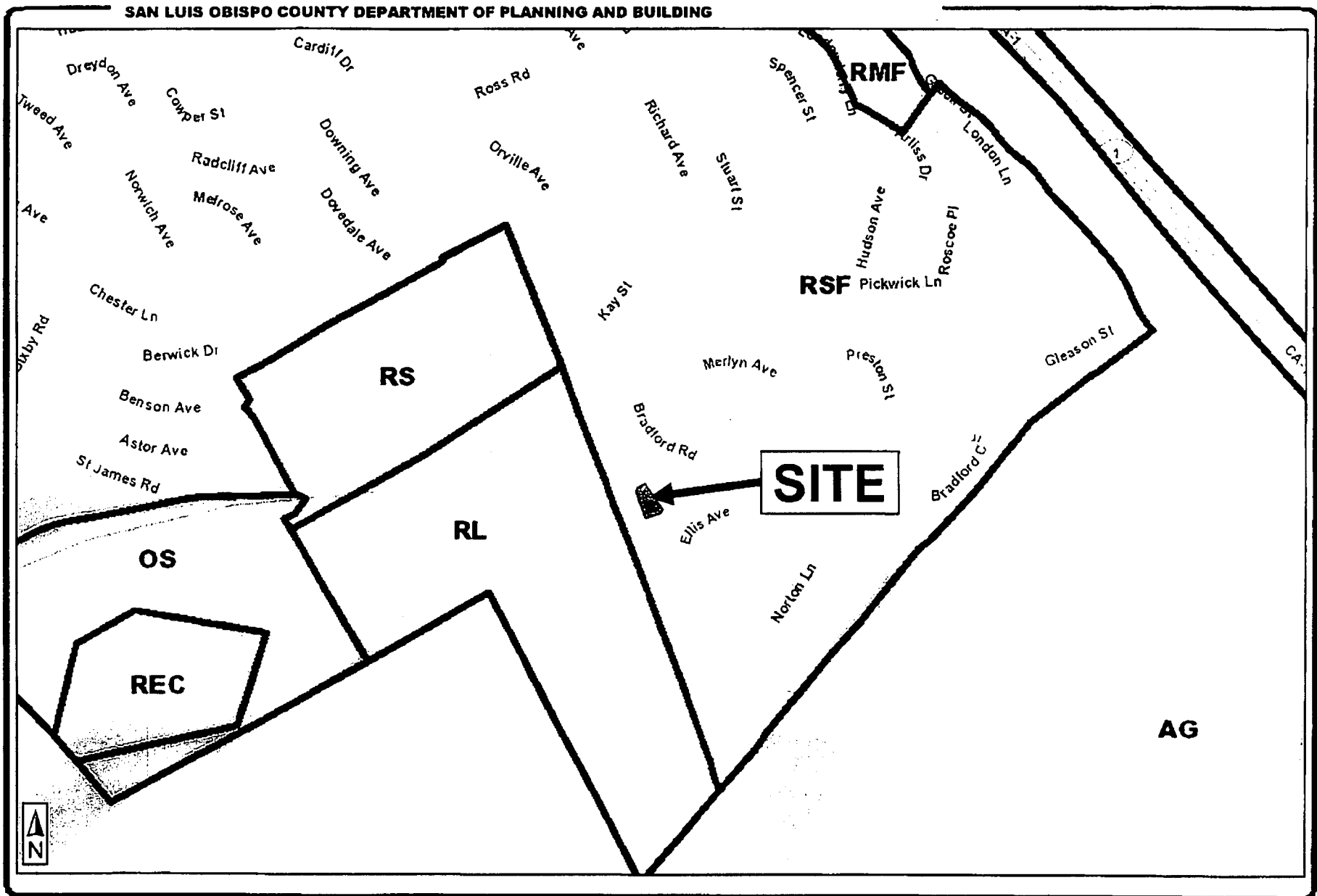


PROJECT
 Fox Minor Use Permit / Coastal Development Permit
 DRC2012-00091



EXHIBIT
 Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



EXHIBIT

Land Use Category Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

SITE



PROJECT

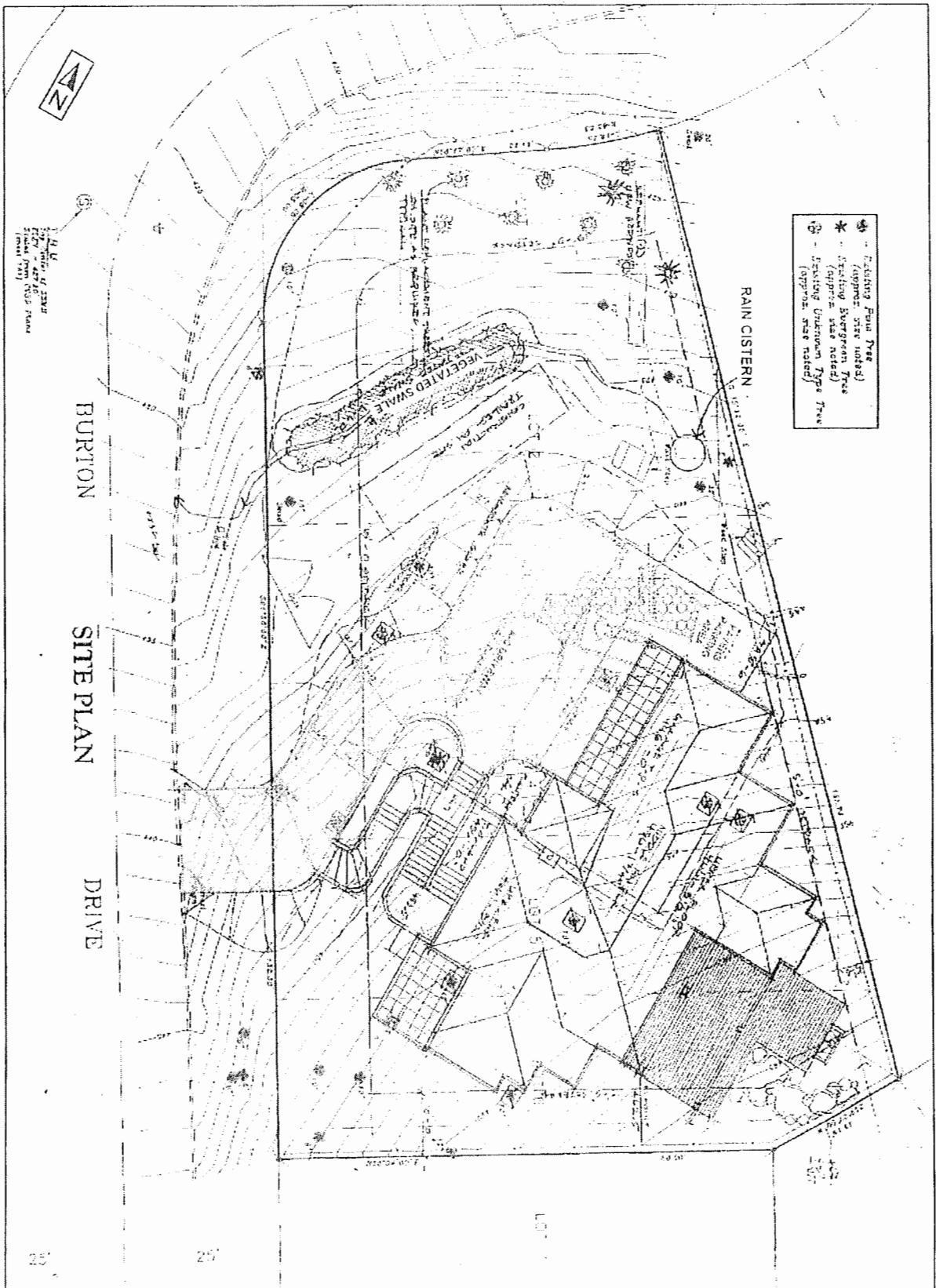
Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



EXHIBIT

Aerial Photo

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND PLANNING



PROJECT

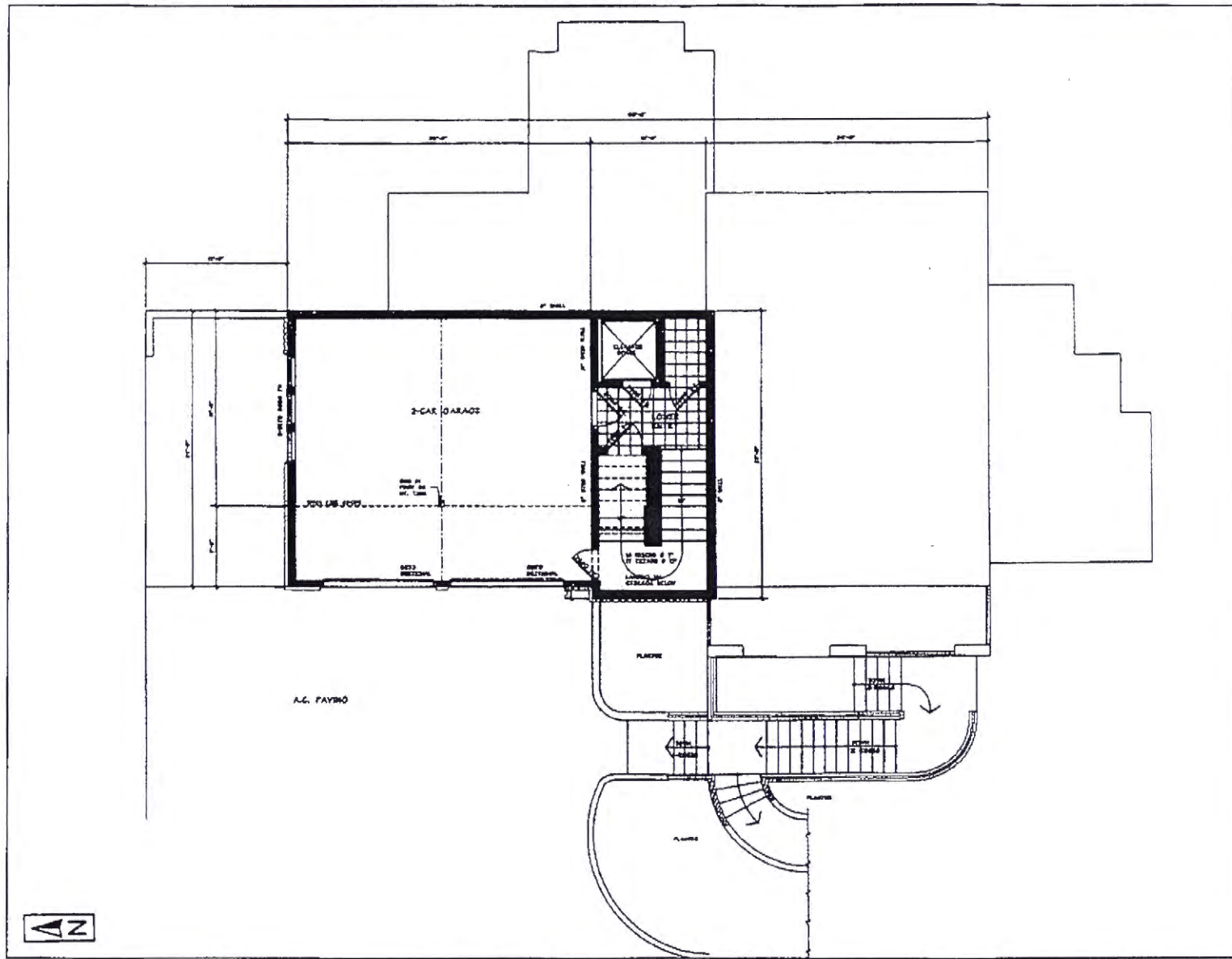
Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



EXHIBIT

Site Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND PLANNING



PROJECT

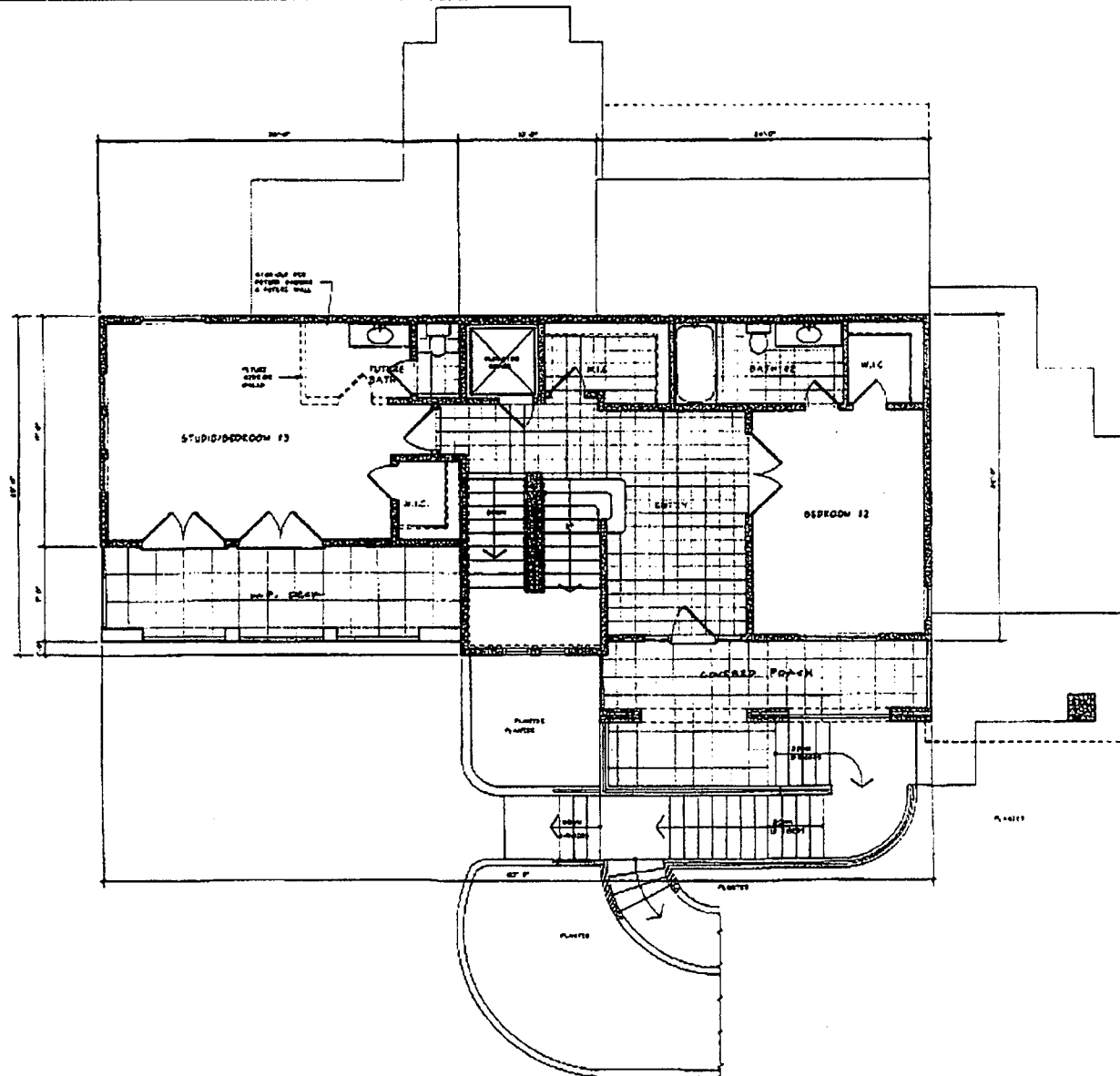
Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



EXHIBIT

Basement Floor Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND PLANNING

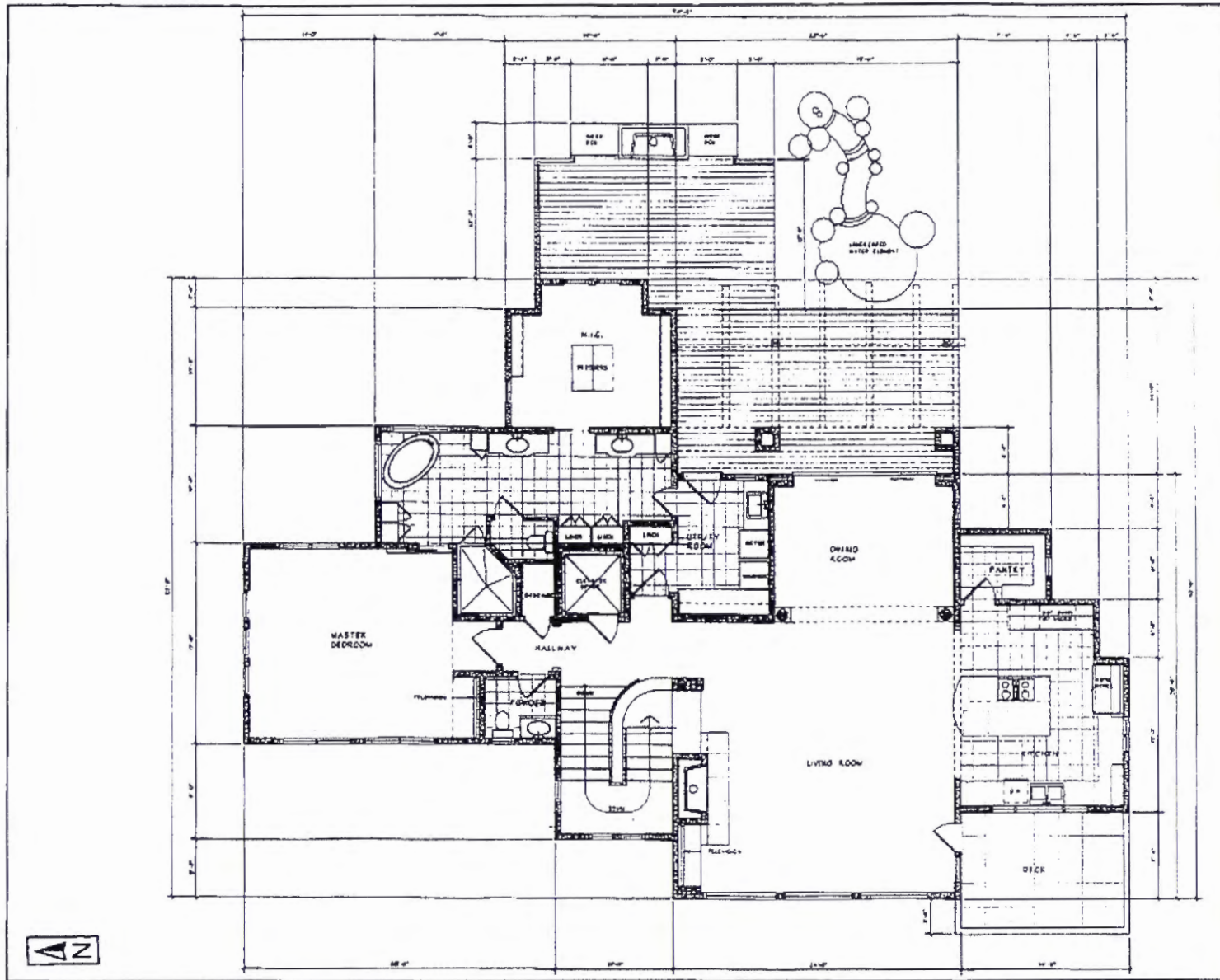


PROJECT
 Fox Minor Use Permit / Coastal Development Permit
 DRC2012-00091



EXHIBIT
 Proposed Lower Floor Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND PLANNING



PROJECT

Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091

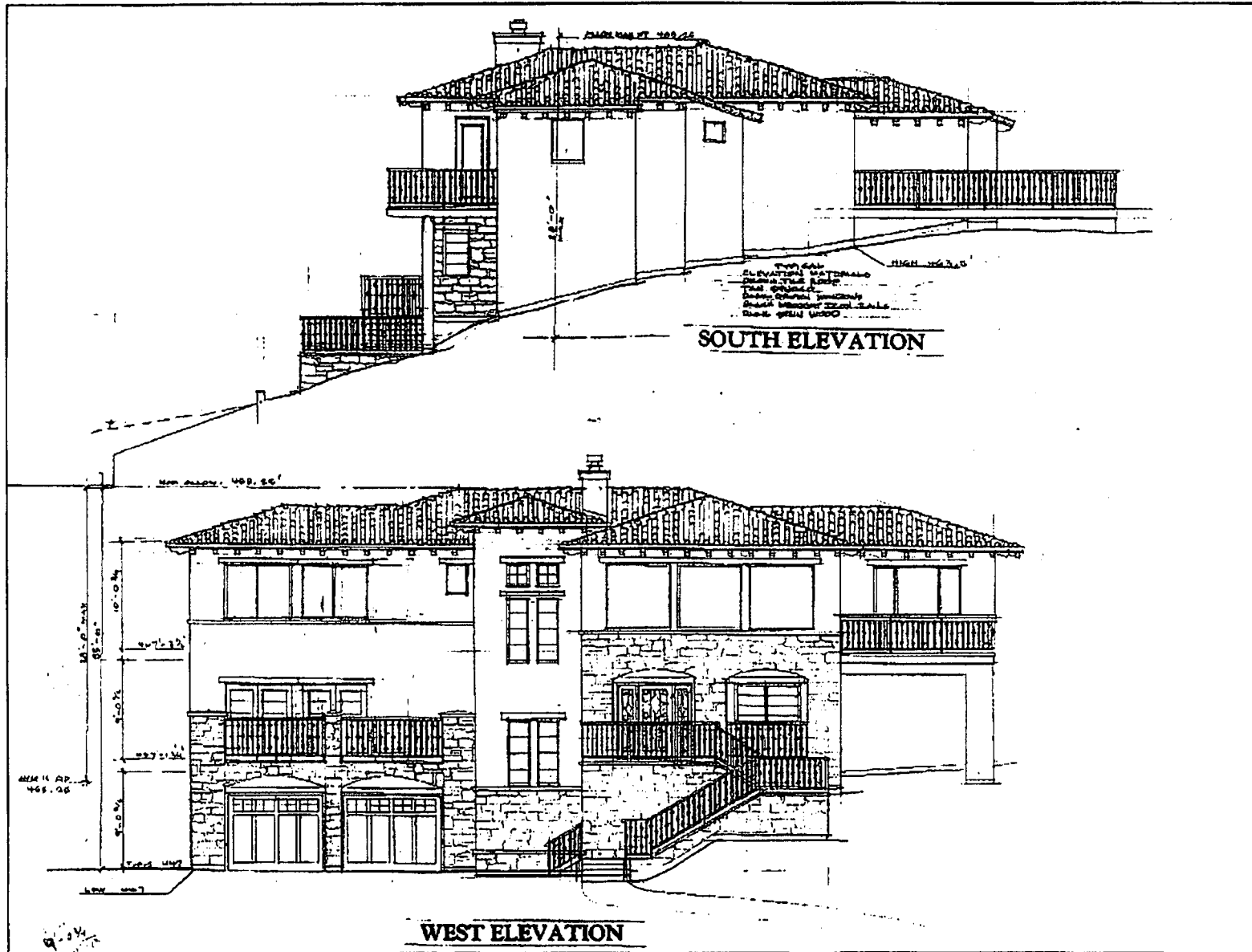


ATTACHMENT 5

EXHIBIT

Proposed Upper Floor Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND PLANNING



PROJECT

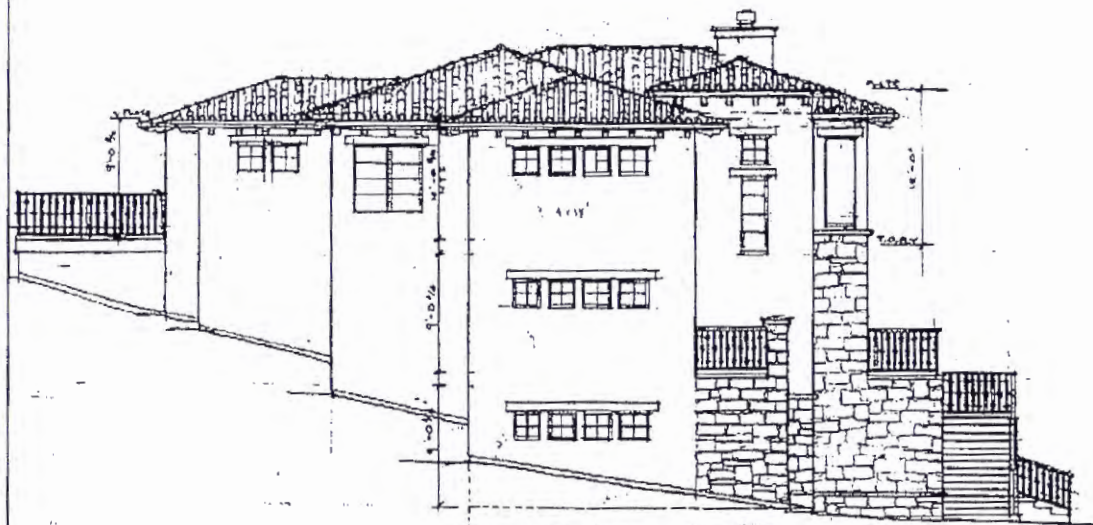
Fox Minor Use Permit / Coastal Development Permit
 DRC2012-00091



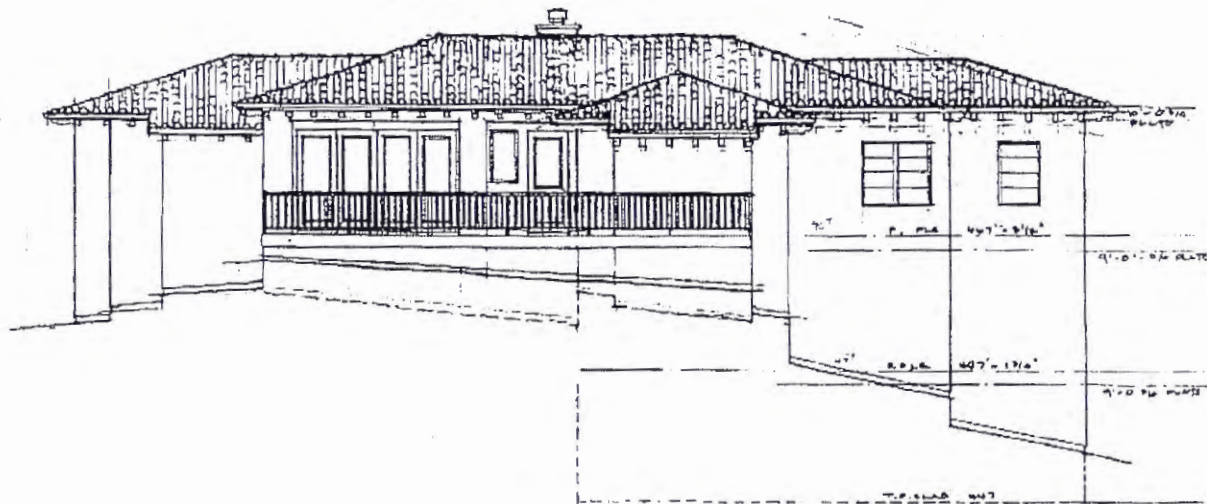
EXHIBIT

South & West Exterior Elevations

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND PLANNING



NORTH ELEVATION



EAST ELEVATION

PROJECT

Fox Minor Use Permit / Coastal Development Permit
DRC2012-00091



EXHIBIT

North & East Exterior Elevations



October 4, 2013

File No.: 0916-01

SLO Co. File No. DRC2012-00091

Mr. & Mrs. Phil and Julie Fox
c/o David M. Brown, Architect
P.O. Box 123
Cambria, California 93428

Subject: Review of Engineering Geology Investigation

Project: Fox Residence (APN 024-331-025, -026 & 009)
Burton Drive – Lots 1-6, Block 115, Cambria Pines Manor Unit #5
Cambria Area of San Luis Obispo County, California

References: 1. Engineering Geology Investigation, Burton Drive, APN: 024-331-025, 026, 009, Lot 1-6, Cambria Area of San Luis Obispo County, California, Project No. SL08412-1, prepared by Geosolutions, Inc., dated August 21, 2013.

Dear Mr. & Mrs. Fox:

The purpose of this letter is to summarize our findings of a site reconnaissance performed on October 1, 2013; and review of the above referenced engineering geology investigation (Reference 1).

The report was reviewed for conformance with section 23.07.084 of the San Luis Obispo County Coastal Land Use Ordinance (CZLUO) and the San Luis Obispo County Guidelines for Engineering Geology Reports. It is our opinion that the referenced report presents a comprehensive outline, modeling the site engineering geology and geologic constraints.

It is our opinion that the site geologic conditions are accurately modeled as represented. Our findings are congruent with the conclusions and recommendations of the engineering geology investigation prepared by Geosolutions, Inc., dated August 21, 2013.

It is our opinion that the project engineering geologic constraints have been adequately characterized and appropriate mitigative measures have been included for CEQA & CZLUO compliance. The itemized recommendations nos. 1 through 12, summarized on pp. 3 & 4

October 4, 2013

File No.: 0916-01
SLO Co. File No. DRC 2012-00091

(Reference 1) should be included as conditions of approval prior to the issuance of building permits.

Please contact me at (831) 443-6970 or bpapurello@landseteng.com if you have questions regarding this matter.

Respectfully,
LandSet Engineers, Inc.



Brian Papurello, CEG 2226



Doc. No. 1310-101.REV

Copies: Addressee (2)
Mr. & Mrs. Phil and Julie Fox (1)
Mr. Cody Scheel, San Luis Obispo Co., Dept. of Planning & Building (1)
Mr. John M.D. Kammer, Geosolutions, Inc. (1)
SLO County Geology files

October 4, 2013

File No.: 0916-01

SLO Co. File No. DRC 2012-00091

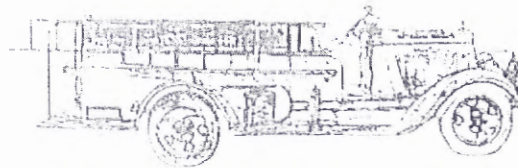
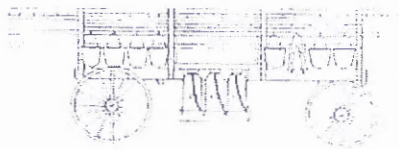
SAN LUIS OBISPO COUNTY ENGINEERING GEOLOGY REPORT REVIEW FORM

The San Luis Obispo County Planning and Building Department uses the following checklist as part of reviewing engineering geology reports. Explanatory notes are appended and keyed to each numbered item.

Checklist item within consulting report	Adequately described: satisfactory	Additional data needed: unsatisfactory
1. Project Description	X	
2. SLO County Geological Study Area Map	X	
3. Site Location	X	
4. Regional Geologic Map	X	
5. Original engineering geologic map of site	X	
6. Aerial photograph interpretation	X	
7. Subsurface site geology	X	
8. Geologic cross sections	X	
9. Active faulting and coseismic deformation across the site	X	
10. Landslides	X	
11. Flooding, severe erosion, deposition	X	
12. On-site septic systems	N/A	
13. Hydrocollapse of alluvial fan soils	X	
14. Evaluation of historical seismicity and regional faults	X	
15. Characterize and classify geologic site class	X	
16. Probabilistic evaluation of earthquake ground motion	X	
17. Peak ground acceleration for MCE levels of ground motion	X	
18. Site coefficients F_a & F_v and spectral accelerations S_a , S_1 , S_{MS} , S_{M1} , S_{DS} & S_{D1}	X	
19. Geologic setting for liquefaction analysis	X	
20. Liquefaction methodology	N/A	
21. Bluff erosion	N/A	
22. Tsunami or seiche potential	X	
23. Expansive soil	X	
24. Naturally occurring asbestos	X	
25. Radon and other hazardous gasses	X	
26. Geologic constraints anticipated during grading operations	X	
27. Areas of cut and fill, preparation of the ground, and depth of removals	X	
28. Subdrainage plans for groundwater	N/A	
29. Final grading report and as-built map	N/A	
30. Summary sheet	X	
31. Age of report	X	
32. Engineering geology report signed by CEG	X	

CAMBRIA FIRE DEPARTMENT

Established 1887



Mark Miller, Fire Chief

2850 Burton Drive • Cambria, CA. 93128

Phone: (805) 927-6210 • Fax: (805) 927-6212 • Email: mmiller@cambriacsd.org

FIRE PLAN REVIEW

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

Date: November 13, 2013

* This Project Requires Water Letter - YES

Building owners Name: Phil and Julie Fox

Project Address: Burton and Ellis

Project type: New Single Family dwelling

Building Permit Number: Pending

APN# 024-331-025 & 026

Square Footage of Existing Structure: N/A

Square Foot of Proposed Addition: 4075 SqFt

Sprinkler System required: Yes

24-hour supervised monitored system required: No, if under 70 heads

Nearest Fire Hydrant: Ellis and Burton - 1500 +GPM

Driveway Access: N/A Turnarounds required: No

Comments: This structure is located in a High Cal-Fire Wildland Severity Zone and a High CCSD FD Wildland Fire Risk Zone.

Conditions of approval: See attached

A handwritten signature in black ink, appearing to read "Mark P. Miller". The signature is stylized with a large, looped 'M' and a trailing 'L'.

Mark Miller
Fire Chief

"Automatic Fire Sprinklers Save Lives"

SECTION 505 – CLASS-2 (HIGH Fire Risk) IGNITION-RESISTANT CONSTRUCTION

505.1 General. Class-2 ignition-resistant construction shall be in accordance with Section 505.

504.2 Roof Covering. Roofs shall have a Class-A roof covering or a Class-A roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers.

505.3 Protection of Eaves. Combustible eaves, fascias and soffits shall be enclosed with solid materials with a minimum thickness of ¾ inch. No exposed rafter tails shall be permitted unless constructed of heavy timber materials.

505.4 Gutters and Downspouts. Gutters and downspouts shall be constructed of noncombustible material.

505.5 Exterior Walls. Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of one-hour-rated fire-resistive construction on the exterior side or constructed with approved noncombustible materials.

Exception: Heavy timber or log wall construction.

Such materials shall extend from the top of the foundation to the underside of the roof sheathing.

505.6 Unenclosed Under floor Protection. Buildings or structures shall have all under floor areas enclosed to the ground, with exterior walls in accordance with Section 505.5.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy timber construction.

DECKING SURFACES AND UNDER FLOOR PROTECTION**1. Decking**

Decking surfaces, stair treads, risers and landings of decks, porches, and balconies where any portion of such surface is within 10' of the primary structure shall comply with one of the following:

- a. Shall be constructed of ignition-resistant materials OR constructed with heavy timber, exterior fire-retardant-treated wood, approved noncombustible materials, OR of 2" nominal redwood construction grade common or better.
- b. The county will accept decks with non-combustible surfaces such as ceramic tile or other product listed as "one-hour" or Class A roof covering. The use of paints, coatings, stains, or other surface treatments are not an approved method of protection.

2. Floor Projections, under floor areas

The underside of floor projections, unenclosed under floor areas attached to, or within 10 feet of a structure, shall be constructed of, or covered with, ignition resistant materials, be of fire retardant or heavy timber construction or shall be enclosed to grade. Minimum Heavy Timber sizes are 6x6 columns, 6x8 beams, 4x8 joists.

505.8 Exterior Glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels with one tempered pane, glass block or have a fire-protection rating of not less than 20 minutes.

505.9 Exterior Doors. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1 ¾ inches thick, or have a fire-protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 505.8.

Exception: Vehicle-access doors.

505.10 Vents. Attic ventilation openings, foundation or under floor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with non-combustible corrosion-resistant mesh with openings not to exceed 1/16 to 1/8 inch.

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet from property lines. Under floor ventilation openings shall be located as close to grade as practical.

505.11 Detached Accessory Structures. Detached accessory structures located less than 50 feet from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction, or constructed with approved non combustible material on the exterior side.

When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under floor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 505.5 or under floor protection in accordance with Section 505.6.

EXCEPTION: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction. See Section 505.2 for roof requirements.

Hazardous Fuel Abatement

Provide a hazardous fuel abatement program before, during and after construction. Maintain combustible vegetation clearance to a minimum of 30 feet from combustible construction materials.

Defensible Space

Persons owning, leasing controlling, operating, or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing non fire-restive vegetation on the property owned, leased or controlled by said person. All Irish/Scotch broom, and pampas grass must be removed to its' volatility.

Ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, are allowed to be within the designed defensible space provided they do not form a means of readily transmitting fire from the native growth to any structure.

Trees are allowed within the defensible space provided the horizontal distance between crowns of adjacent trees, and crowns of trees and structures, overhead electrical facilities, or unmodified fuel is not less than 10 feet. Trees must be limbed up 6-7 feet from the ground level. Deadwood and litter shall be regularly removed from trees. Minimum defensible space around the structure is 30 feet, more is required on sloped parcels. UWIC Sec. 603

Maintenance of Defensible Space

Non fire-resistive vegetation or growth shall be kept clear of buildings or structures, in accordance with Section 603, in such a manner as to provide a clear area for fire suppression operations. The entire parcel must be maintained in such a way to provide for and insure adequate defensible space. UWIC Sec. 604.2

PROJECT DATA

OWNERS
PHIL AND JULIE FOX
P.O. Box 941
ROBERS, ARKANSAS 72757
479 640 6465

LEGAL DESCRIPTION
LOTS 1 - 6 BLOCK 115 CPMU No. 5
A.P. No. 024 331 025, 026, AND 009
BURTON DRIVE, CAMBRIA

PROJECT DESCRIPTION
CONSTRUCT A SINGLE FAMILY RESIDENCE WITH AN
ATTACHED GARAGE, DECKS, COVERED PORCH, GRADING
TREE REMOVAL, CONSTRUCTION TRAILER, UTILITY CON-
NECTIONS, MISC.

PROJECT AND AREA INFO
LOT DESCRIPTION - LOT AREA - 13,068 S.F.
SLOPE - 24% UPHILL LOT FROM STREET - FORESTED
TOTAL LIVING AREA - 3451 S.F.
LOW FLR LIVING 267 S.F.
MID FLR LIVING 1102 S.F.
UPPER FLR LIVING 2082 S.F.
GARAGE AREA 624 S.F.
COVERED PORCH AREA 238 S.F.
DECK AREA 852 S.F.
SETBACKS FRONT 15 FT, SIDE 5 FT, REAR 10 FT
MAXIMUM ALLOWABLE HEIGHT - 28 FT ABOVE A.N.G.
HIGH POINT 462.5 FT. + LOW POINT 446.2 =
AVG. NAT. GRADE = 454.25 ELEVATION
MAX ALLOW. HT. = 454.25 + 28 FT = 482.25
ACTUAL HEIGHT = 482.0 FT. O.K.
LOT COVERAGE = 2431 S.F. GSA = 4075 S.F.
PERVIOUS DECK = 610 S.F. IMPVIOUS DECK = 242 S.F.

GRADING INFO
CUT - MIN. 0 FT 10 CUT - MAX. FT
APPROX TOTAL CUT - 350 CU YD
FILL - MIN. 0 FT. 7 FILL - MAX. FT.
APPROX TOTAL FILL - 180 CU YD
AREA OF DISTURBANCE 42200 S.F.
TOTAL ASPHALT PAVING AREA 415 S.F.

TREE REMOVAL
REMOVE 3 MONTEREY PINES REMOVE 2 DEAD
REMOVE 1 CALIF OAKS REMOVE 9 NON-
REMOVE 2 MISC / EVERGREEN NATIVE
REPLACE OAKS AT 4:1 AND PINES AT 2:1

LEGEND:

- Edge of Existing Pavement
- Centerline of Road
- Existing Rock Retaining Wall
- Existing Wood Retaining Wall
- Existing Splitrail Fence
- Existing Board Fence
- ⊙ - Existing Sewer Manhole
- ⊕ - Existing Water Shut Off
- ⊙ - Existing Pine Tree (approx. size noted)
- * - Existing Evergreen Tree (approx. size noted)
- ⊙ - Existing Unknown Type Tree (approx. size noted)

LOW IMPACT DEVELOPMENT L.I.D.

TOTAL AREA OF IMPERVIOUS SUR-
FACE DEVELOPMENT IS 4960 SF

LOT 41 TIER 1 PROJECT - 5,000 SF - PROVIDE (2)

PROVIDE EASTERN RAIN WATER STORAGE
5,000 GAL MIN. WITH OVERFLOW DIRECTED
TO STREET.

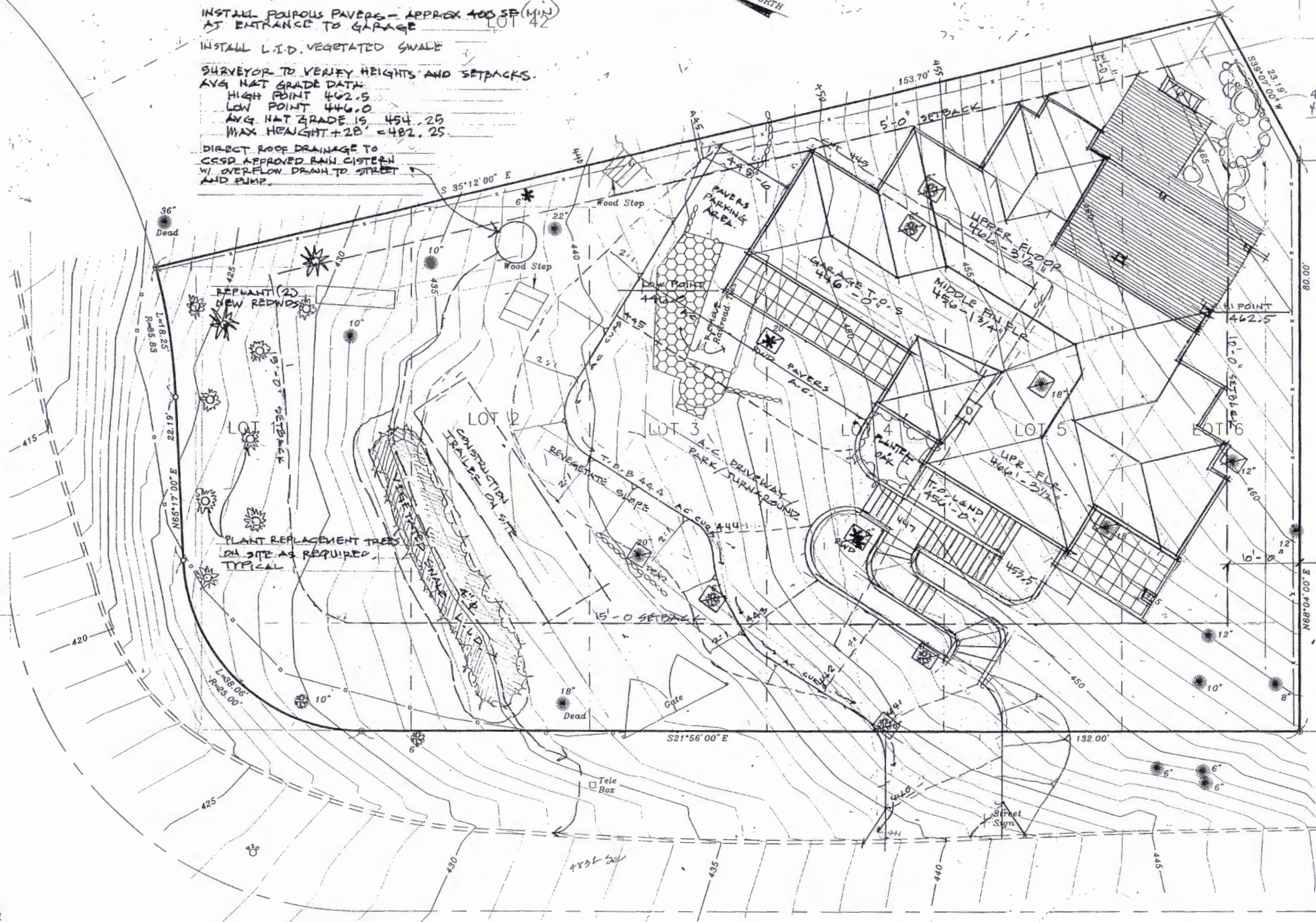
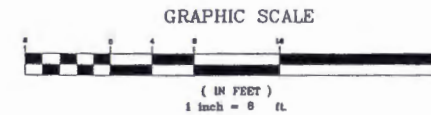
INSTALL POROUS PAVES - APPROX 400 SF (MIN)
AT ENTRANCE TO GARAGE

INSTALL L.I.D. VEGETATED SWALE

SURVEYOR TO VERIFY HEIGHTS AND SETBACKS.

AVG NAT GRADE DATA
HIGH POINT 462.5
LOW POINT 446.0
AVG NAT GRADE IS 454.25
MAX HEIGHT + 28' = 482.25

DIRECT ROOF DRAINAGE TO
CCSD APPROVED RAIN CISTERN
W/ OVERFLOW DRAIN TO STREET
AND PUMP.



BURTON

SITE PLAN

DRIVE

RECEIVED

SEP 08 2014

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

REVISIONS	BY

DANNY F. HORN - Land Surveyor
566 Spring Street
Paso Robles, CA. 93446
Office: (805) 239-0356 Fax: (805) 239-1349

REQUESTED BY:
Julie Fox
P.O. Box 123
Cambria, CA. 93428
(805) 927-3376

TOPOGRAPHICAL SURVEY
LOTS 1-6
BLOCK 115
CAMBRIA PINES MANOR UNIT #5
A.P.N. - 024-331-025, 026 & 009
SAN LUIS OBISPO COUNTY, STATE OF CALIFORNIA

DRAWN: D.F.H. CHECKED: J.A.H.

DATE: Sept. 2012

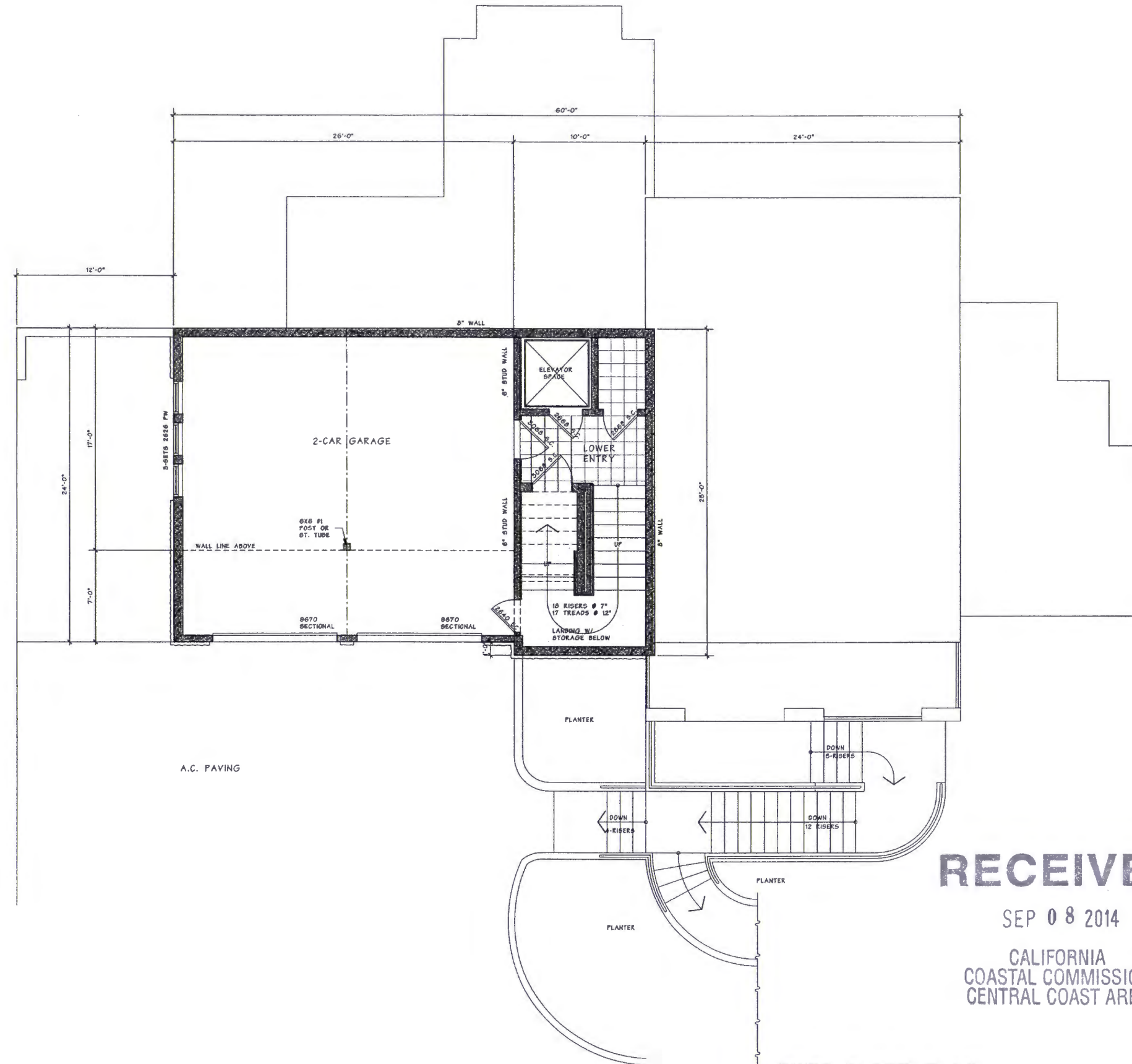
SCALE: 1" = 8'

JOB No: 17557

SHEET

1

OF 1 SHEETS



RECEIVED

SEP 08 2014

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

LOWER FLOOR PLAN

SCALE: 1/4" = 1'-0" LIVING AREA - 267 SF
GARAGE AREA - 624 SF

REVISIONS:	BY:

DAVID M. BROWN
ARCHITECT

(609) 927-5576 FAX 827-4751
P.O. BOX 123 - CAMBRIDGE, CA 95422

PROPOSED NEW CONSTRUCTION FOR:
FOX RESIDENCE

BURTON DRIVE
CAMBRIDGE, CALIFORNIA

DRAWN BY:
DAVID BROWN
CHECKED BY:

DATE:
04-16-2013

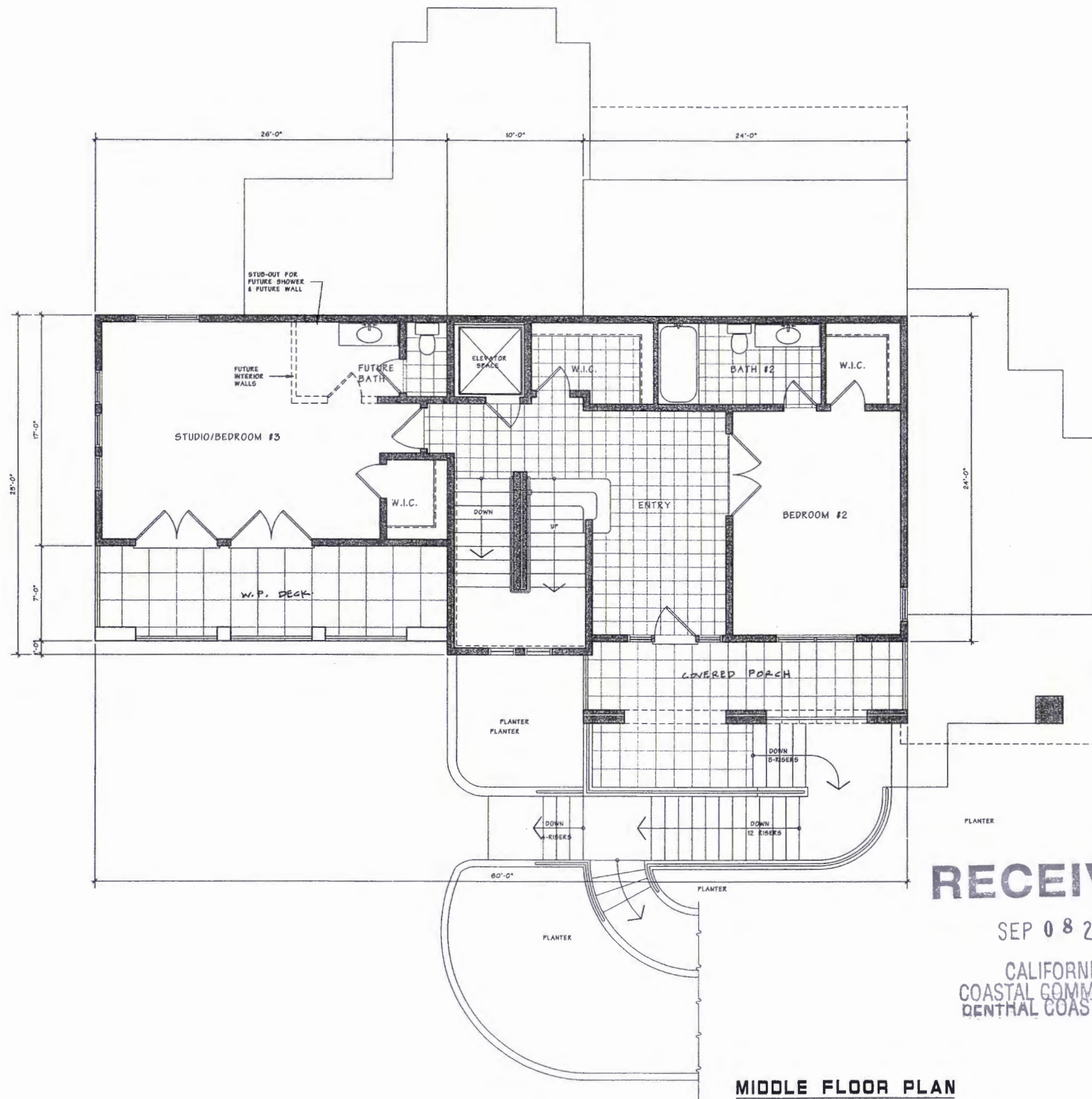
SCALE:
1/4" = 1'-0"

JOB NUMBER:
FOX DMR.

SHEET

A1

OF SHEETS



RECEIVED

SEP 08 2014

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

MIDDLE FLOOR PLAN

SCALE: 1/4" = 1'-0"
LIVING AREA = 1102 SF
PATIO AREA = 242 S.F. (W.P. DECK)
COVERED PORCH AREA = 144 SF

REVISIONS:	BY:

DAVID M. BROWN
ARCHITECT
(609) 827-3379 FAX 827-4701
P.O. BOX 123 - CAMBRIA - CA 93428

PROPOSED NEW CONSTRUCTION FOR:
FOX RESIDENCE
BURTON DRIVE
CAMBRIA, CALIFORNIA

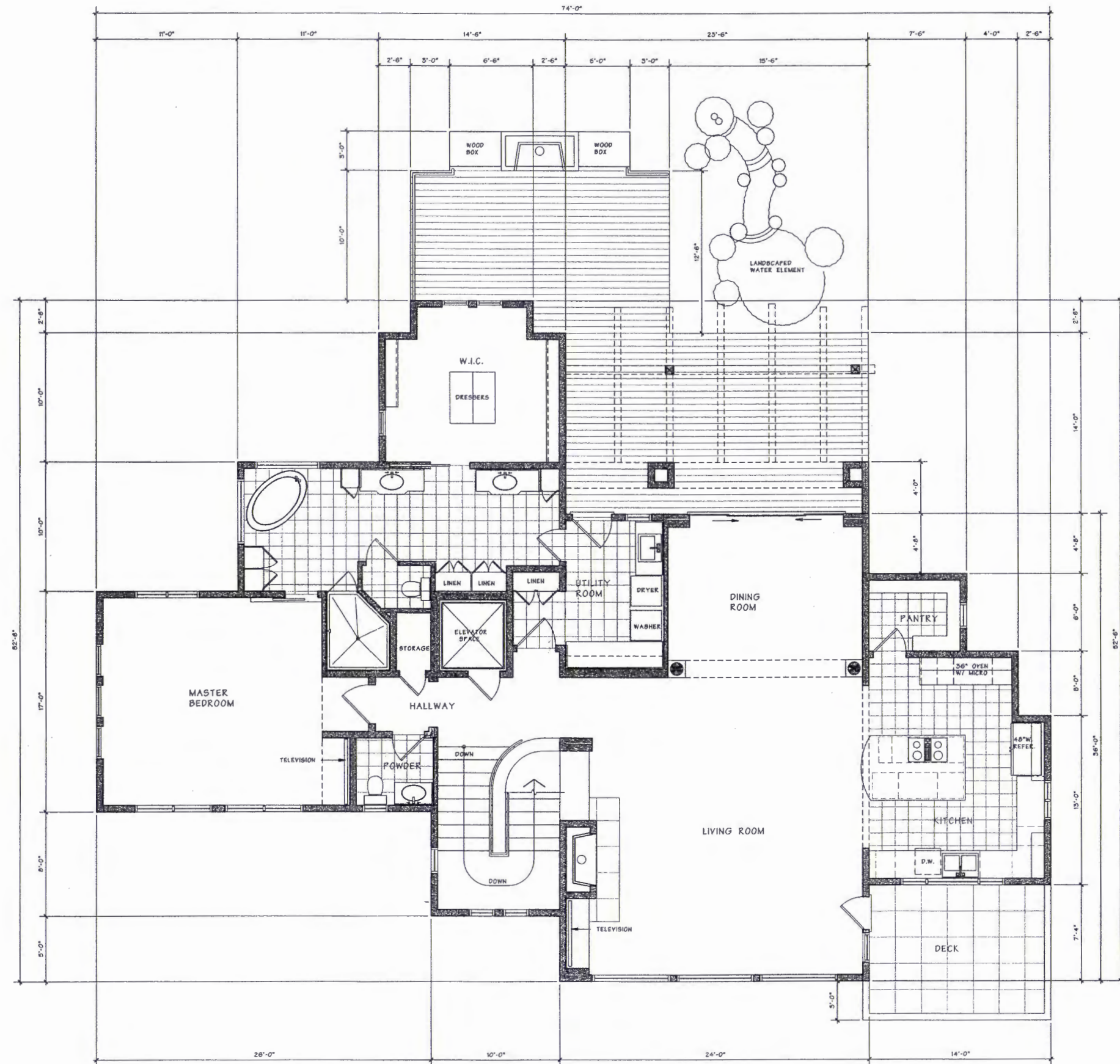
DRAWN BY:
DAVID BROWN
CHECKED BY:

DATE:
04-16-2013
SCALE:
1/4" = 1'-0"
JOB NUMBER:
FOX DMR.
SHEET

A2

OF SHEETS

RECEIVED
 SEP 08 2014
 CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA



UPPER FLOOR PLAN

SCALE: 1/4" = 1'-0"

LIVING AREA = 2032 SF
 DECK AREA = 610 SF
 COVERED PORCH AREA = 94 SF

REVISIONS:	BY:

DAVID M. BROWN
 ARCHITECT
 (805) 827-3376 FAX 827-4751
 P.O. BOX 123 - CAMBRIA, CA 93425

PROPOSED NEW CONSTRUCTION FOR:
FOX RESIDENCE
 BURTON DRIVE
 CAMBRIA, CALIFORNIA

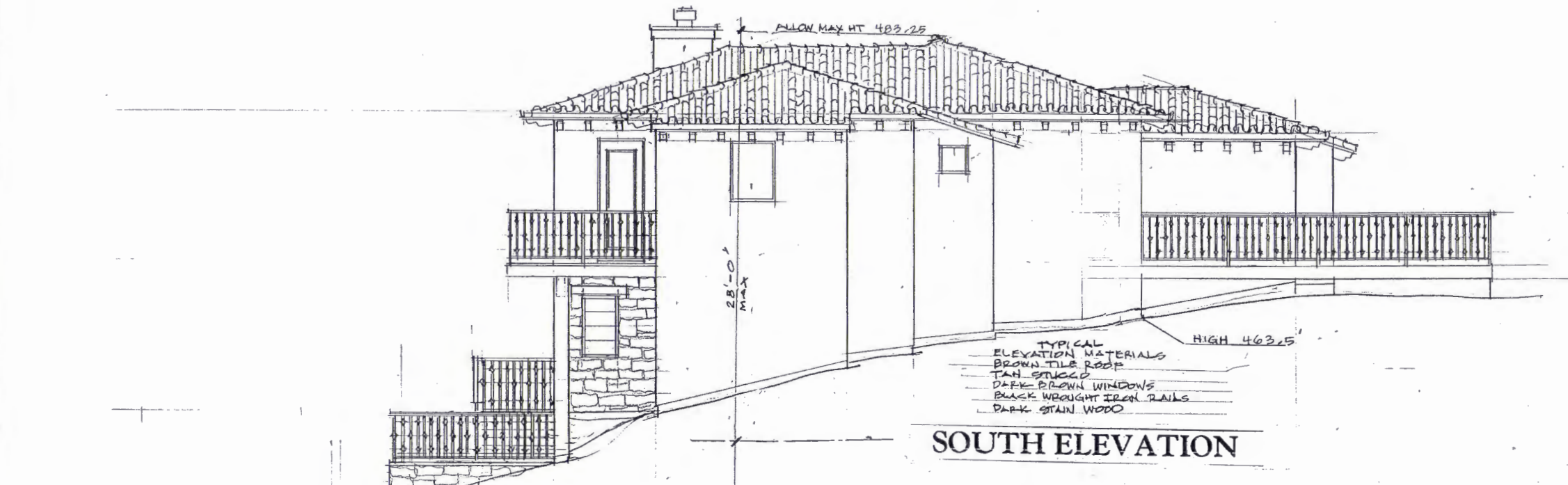
DRAWN BY:
 DAVID BROWN
 CHECKED BY:

DATE:
 04-16-2013
 SCALE:
 1/4" = 1'-0"
 JOB NUMBER:
 FOX DWR.

SHEET

A3

OF SHEETS



SOUTH ELEVATION



WEST ELEVATION

RECEIVED

SEP 08 2014

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

REVISIONS:	BY:

DAVID M. BROWN
 ARCHITECT

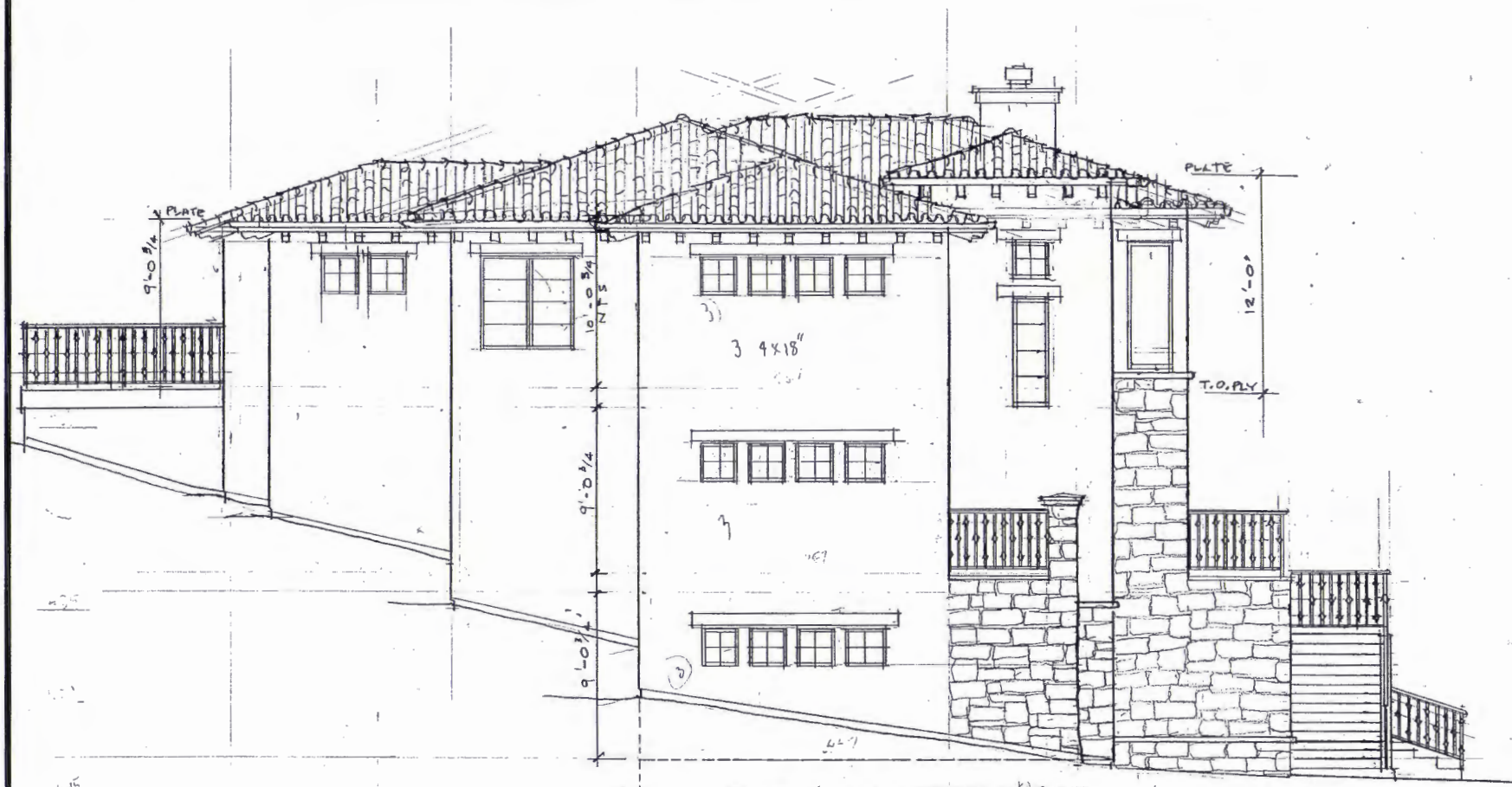
(609) 827-3376 FAX 827-4701
 P.O. BOX 123 - CAMBRIA - CA 93428

PROPOSED NEW CONSTRUCTION FOR:

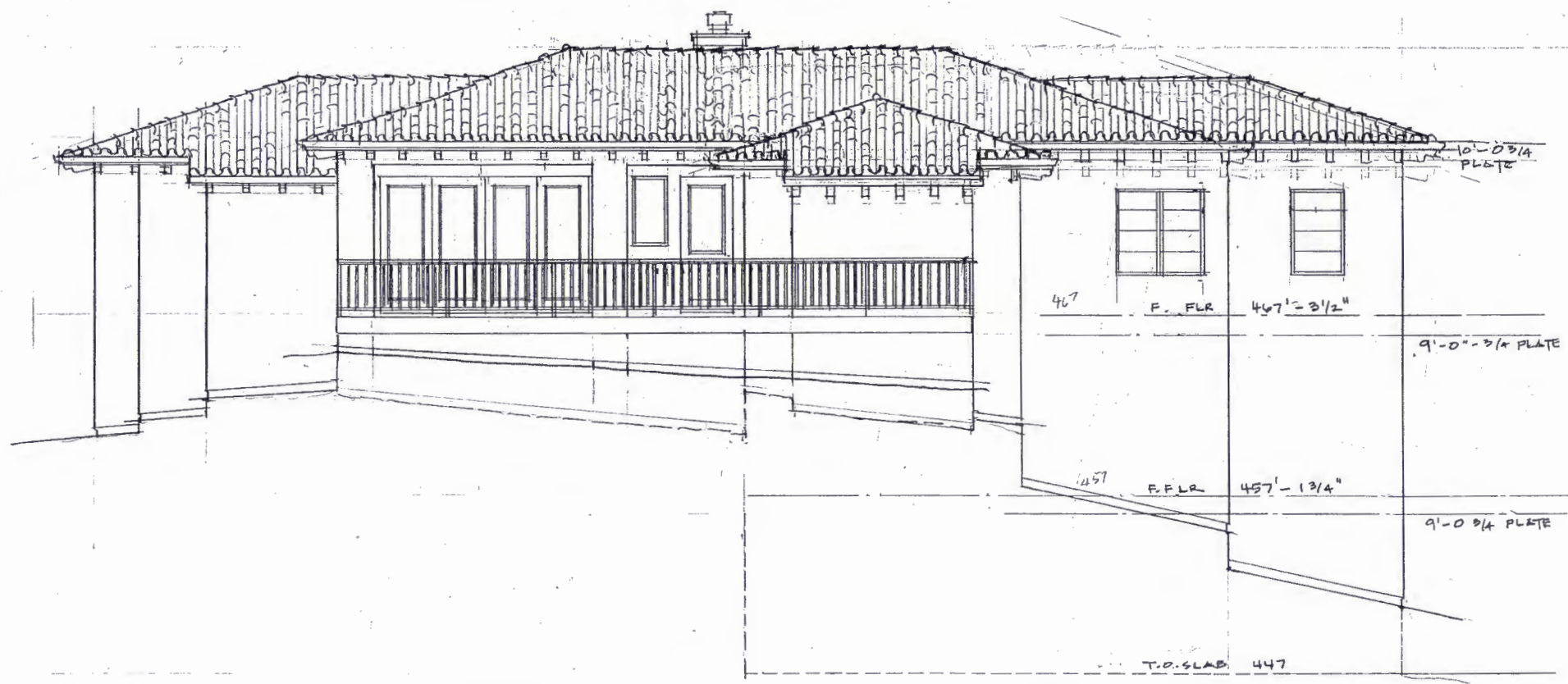
FOX RESIDENCE

BURTON DRIVE
 CAMBRIA, CALIFORNIA

DRAWN BY: DAVID BROWN	
CHECKED BY:	
DATE:	
SCALE:	
JOB NUMBER: FOX	DWR.
SHEET	
A-4	
OF	SHEETS



NORTH ELEVATION



EAST ELEVATION

RECEIVED

SEP 08 2014

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

KEYVISIONS:	BY:

DAVID M. BROWN
ARCHITECT
(805) 827-3376 FAX 827-4791
P.O. BOX 123 - CAMBRIA, CA 93428

PROPOSED NEW CONSTRUCTION FOR:
FOX RESIDENCE
BURTON DRIVE
CAMBRIA, CALIFORNIA

DRAWN BY:
DAVID BROWN
CHECKED BY:
DATE:
SCALE:
JOB NUMBER:
SHEET
A5
OF SHEETS

CALIFORNIA COASTAL COMMISSION

Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, California 95060-4508
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: August 22, 2014
TO: Bill Robeson
SLO County Planning and Building Department
976 Osos St., Room 300
San Luis Obispo, CA 93408
FROM: Susan Craig, District Manager
RE: Commission Appeal No. A-3-SLO-14-0044

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section

Local Permit #: DRC2012-00091

Applicant(s): Phil & Julie Fox

Description: Construction of a new 3,451 square foot single family residence with a 624 square foot attached garage, 852 square feet of decking, and the maximum height of the proposed residence will be 28 feet from average natural grade.

Location: East side of Burton Drive, approximately 850 feet southeast of the intersection with Kay Street, Cambria, San Luis Obispo. (APN(s) 024-331-009, 025, 026)

Local Decision: Approval with Special Conditions

Appellant(s): Commissioners Mary Shallenberger and Erik Howell

Date Appeal Filed: August 22, 2014

The Commission appeal number assigned to this appeal is A-3-SLO-14-0044. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of San Luis Obispo's consideration of this coastal development permit must be delivered to the Central Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Daniel Robinson at the Central Coast District Office.

cc: David M. Brown



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: Commissioner Mary Shallenberger; Commissioner Erik Howell

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, CA

Zip Code: 94105

Phone: 415-904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Construct a new 3,451 square foot single-family residence with a 624 square foot attached garage, 852 square feet of decking, all on a 13,068 square foot lot.

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

On the east side of Burton Drive, approximately 850 feet southeast of the intersection with Kay Street, in the community of Cambria, San Luis Obispo County.

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-14-0044

DATE FILED: 8/22/2014

DISTRICT: Central Coast

RECEIVED

AUG 22 2014

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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 *(Hearing Officer)*

6. Date of local government's decision: July 18, 2014

7. Local government's file number (if any): DRC2012-00091

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:

Phil & Julie Fox
P.O. Box 941
Rogers, AZ 72757

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) David M. Brown
P.O. Box 123
Cambria, CA 93428

(2)

(3)

(4)

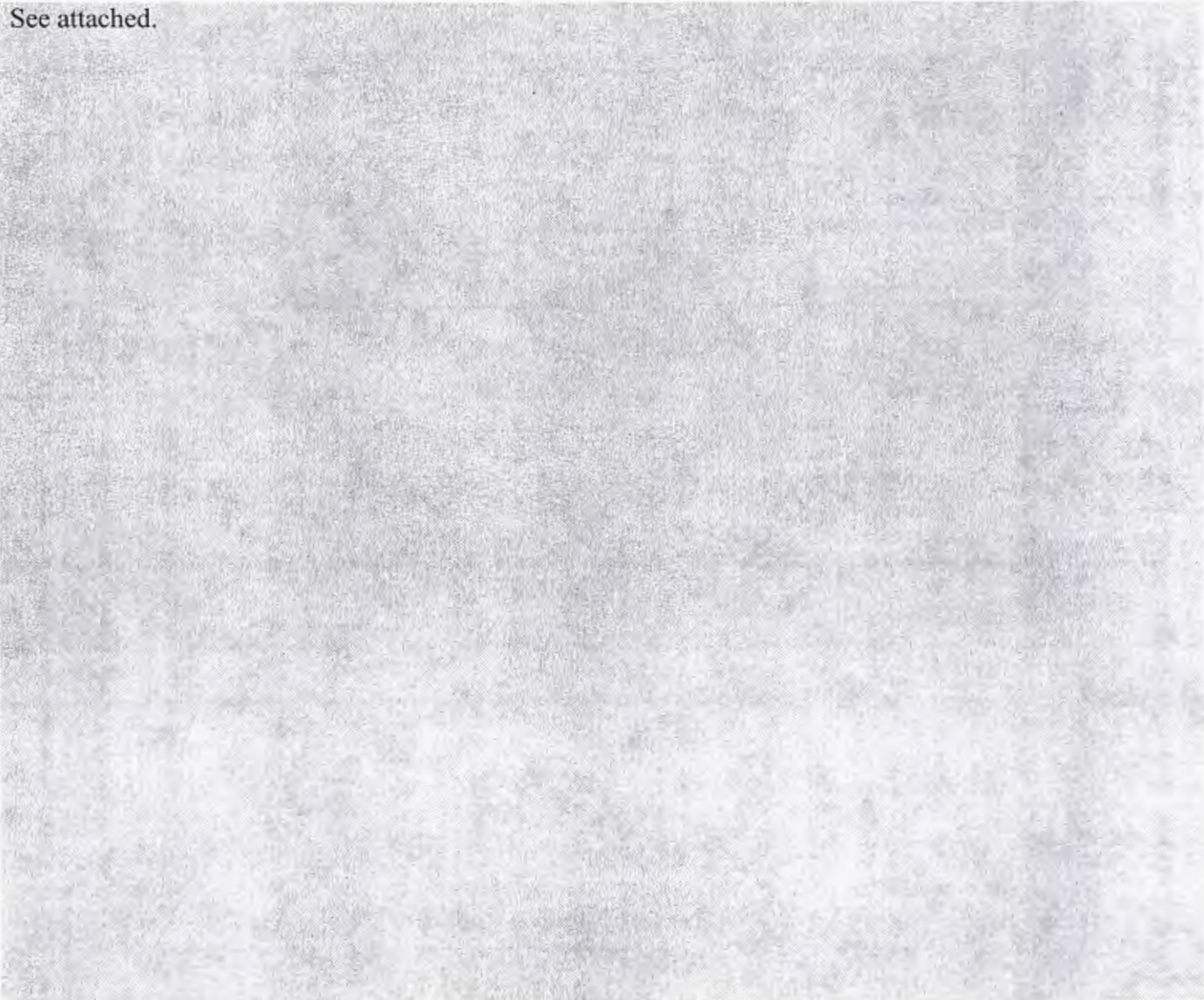
APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

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.

See attached.



Appeal Contentions for San Luis Obispo County Approval of a Single-Family Residential Development for Applicants Phil and Julie Fox

San Luis Obispo County approved a coastal development permit (CDP) to construct a 3,451 square-foot single-family residence with a 624 square-foot attached garage and 852 square feet of decking located on the east side of Burton Drive, approximately 850 feet southeast of the intersection with Kay Street, within the unincorporated community of Cambria in San Luis Obispo County.

The County's certified Local Coastal Program (LCP) prohibits the approval of new development unless the community has adequate water supply capacity to support it (LCP Public Works Policy 1 and Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.430). At this time, it does not appear that Cambria has adequate water supply capacity to support the project. Cambria's water supply is limited, and it has been difficult to sustainably support even existing demand for decades. The current situation is significantly direr as Cambria is in the midst of on-going three year drought, as is the entire state. Cambria's water supply is particularly vulnerable because it depends entirely on extractions from the Santa Rosa Creek and the San Simeon Creek watersheds, which have a limited groundwater water storage capacity. Indeed, on January 30, 2014, the Cambria Community Services District (CCSD) Board of Directors declared a Stage 3 Water Shortage Conditions emergency and enacted additional mandatory water conservation measures. In adopting the Stage 3 resolution, the CCSD Board found that its water supply may be inadequate to meet existing demand, and has subsequently acknowledged that these water conservation measures are not enough to avoid running out of water entirely; CCSD is currently seeking an emergency water supply project. Absent additional water supply, the CCSD projects that Cambria will run of water completely sometime between mid-October and December. 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."

Despite the dire water conditions and significant uncertainty surrounding Cambria's water supply, the County found the project consistent with the LCP's requirement of adequate water supply capacity (Public Works Policy 1) reasoning that the project is "consistent with this policy because the applicant submitted a letter, dated November 5, 2012 from the Cambria Community Services District verifying the availability of water and sewer service for the proposed project," and conditioning the applicant to "pay retrofit fees to the CCSD, which the District uses to completely offset the increased water demands that would result from the project."¹ The County's approval concludes by stating, "Therefore, with transfer of water service from an existing site, and the payment of retrofit fees, the proposed project will not increase water demands on Cambria's water supply." A letter submitted to staff from the CCSD dated May 31, 2014 indicates that the District's Board of Directors, as of May 22, 2014, "suspended all of the pending and outstanding intent to serve letters, including the one that had been issued to Mr. and Mrs. Fox... based upon the current Stage 3 Water Shortage emergency..."

The LCP allows new water service in Cambria under certain circumstances to a subset of "pipeline projects". The LCP defines pipeline projects as those projects that were in the CDP

¹ This letter, addressed to "Greenspace the Cambria Land Trust", indicates an approval by the CCSD of a transfer of Intent to Serve letter from APN 013-141-022 to APN 024-331-026.

application process as of November 15, 2001 when the CCSO Board of Directors declared a Water Code 350 emergency and enacted a moratorium on new water connections. The County's approval of the proposed project as a pipeline project raises a series of issues worthy of Commission consideration, including whether such pipeline projects are somehow exempt from demonstrating that its community water supply capacity would adequately support the new development, whether this project even falls within the definition of a pipeline project (because this project uses a "transfer" from a different project and therefore was not in the CDP application process as of November 15, 2001), and whether retrofit conditions sufficiently addresses the LCP's water supply requirements.

Moreover, water supply extractions from the Santa Rosa and San Simeon Creek watersheds is a particularly serious concern for the Commission based on the Coastal Act and LCP mandate to protect coastal resources, such as sensitive riparian habitats and groundwater aquifers (LCP policies including Coastal Watershed Policies 1 and 2, Environmentally Sensitive Habitat Policy (ESHA) Policies 7 and 20, and CZLUO Sections 23.07.170-23.07.178). Recent in-stream flow studies of Santa Rosa and San Simeon Creeks show that these important coastal resources are suffering from a lack of adequate in-stream flows. The County did not make any findings regarding the project's conformity with the above listed policies.

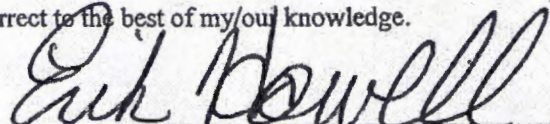
In addition, water allocation to residential uses in Cambria raises concern with the LCP's protection of water for priority uses in the coastal zone, such as for visitor-serving commercial uses (including LCP North Coast Area Plan (NCAP) Planning Area Standard 2(A) and Recreation and Visitor-Serving Facilities Policy 2. The County also did not make any findings regarding the project's conformity with these above listed policies.

In sum, significant uncertainty persists over Cambria's water supply and the protection of the Santa Rosa and San Simeon Creeks. Cambria's water supply is currently in serious jeopardy, and it appears more than likely that the sources of its water supply, the Creeks, which are sensitive habitat areas, are being adversely affected. Thus, the County's approval of the subject single-family residence warrants review by the Commission.

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:

08/21/14

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: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

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.)

Note: The above description 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.

SECTION V. Certification

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

Signed: Mary Shallenberger
Appellant or Agent

Date: 8/22/14

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877

**MEMORANDUM**

TO: Persons whose City or County Development Permits Have Been Appealed to the Coastal Commission
FROM: Coastal Commission
RE: Notice Concerning Important Disclosure Requirements

On January 1, 1993, a new California law required that all persons who apply to the Coastal Commission for a coastal development permit must provide to the Commission "the names and addresses of all persons who, for compensation, will be communicating with the Commission or Commission Staff on their behalf". (Public Resources Code section 30319.) As of January 1, 1994, the law also required that applicants disclose the same information with respect to persons who will communicate, for compensation, on behalf of their business partners. The law also applies to persons whose permits have been appealed to the Coastal Commission. The law provides that failure to comply with the disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment. Additionally, a violation may lead to denial of the permit.

In order to implement this requirement, you are required to do two things. The first is that you must fill in the enclosed form and submit it to the appropriate Coastal Commission area office as soon as possible. Please list all representatives who will communicate on your behalf or on the behalf of your business partners for compensation with the Commission or the staff. This could include a wide variety of people such as lawyers, architects, biologists, engineers, etc.

Second, if you determine after you have submitted the enclosed form that one or more people will be communicating on your behalf or on behalf of your business partners for compensation who were not listed on the completed form, you must provide a list in writing of those people and their addresses to the Coastal Commission area office. The list must be received before the communication occurs.

List of Persons Who Will Communicate on Behalf of Persons Whose Permits Have Been Appealed To the Coastal Commission

Name of Person Whose Permit Has Been Appealed:
Project and Location:

Phil and Julie Fox
New single family residence; east side of
Gorton Drive, approximately 850 feet
southeast of the intersection with Key Street.
Cambria, San Luis Obispo County
A-3-SLO-14-0044

Commission Appeal No.

Persons who will Communicate for Compensation on Behalf of Applicant or Applicant's Business Partners with Commission or Staff:

Names

Addresses

Julie Fox
David Brown

PO Box 941, Rogers, AR 72757
PO Box 123, Cambria, CA 93428

Julie Fox
(Signature of Permit Applicant)

8-29-14
Date

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

North Coast Area Plan - Cambria Urban Area Standards - Community Wide

Community Wide 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. 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.

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.

COASTAL PLAN POLICIES

Environmentally Sensitive Habitats (ESHA):

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 7: Protection of Environmentally Sensitive Habitats. Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored.

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.”

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.

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.

Recreation 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

COASTAL ZONE LAND USE ORDINANCE (CZLUO) SECTIONS:

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.

b. Development outside the urban services line shall be approved only if it can be served by adequate on-site water and sewage disposal systems, except that development of a single-family dwelling on an existing parcel may connect to a community water system if such service exists adjacent to the subject parcel and lateral connection can be accomplished without trunk line extension.

23.11.030 - Terrestrial Habitat. Sensitive animal or plant habitats on land areas in the Coastal Zone, identified as Combining Designations in the Land Use Element.

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

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

b. Terrestrial habitat development standards: (1) Revegetation. Native plants shall be used where vegetation is removed. (2) Area of disturbance. The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect the surrounding native habitat areas.

...



CAMBRIA PINES MANOR UNIT NO. 5, R.M. Bk. 5 , Pg. 14

CAMBRIA
ASSESSOR'S MAP, COUNTY OF
SAN LUIS OBISPO, CA.
BOOK 024 PAGE 33

CAMBRIA COMMUNITY SERVICES DISTRICT

RS:

INGER, President
ROBINETTE, Vice President
MURIL N. CLIFT
MICHAEL THOMPSON
AMANDA RICE



OFFICERS:

JEROME D. GRUBER, General Manager
MONIQUE MADRID, 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

July 31, 2014

RECEIVED

Mike Wulkan, Hearing Officer
County of San Luis Obispo
Department of Planning and Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

'AUG - 4 2014

PLANNING & BUILDING

Adrian Kamada
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Pending New Development in Cambria; Phil and Julie Fox DRC 2012-00091

Dear Mr. Wulkan and Mr. Kamada,

This correspondence is being sent in reference to Mr. Kamada's recent letter to Mr. Wulkan dated July 17, 2014 relating to the above referenced project, which was recently brought to our attention. In his letter Mr. Kamada expressed concerns regarding the proposed Coastal Development Permit for a single-family residence in Cambria for Phil and Julie Fox in relation to the current Stage 3 Water Shortage Emergency that has been declared in Cambria and the availability of water to serve the proposed development.

I am writing to advise that at its May 22, 2014 meeting the Board of Directors of the Cambria Community Services District (CCSD) took action to suspend all of the pending and outstanding Intent to Serve Letters, including the one that had been issued to Mr. and Mrs. Fox. This action was based upon the current Stage 3 Water Shortage Emergency and the authority in Section 8.04.080(E)(1) of the CCSD Municipal Code, set forth below; all Intent to Serve Letters also contains language in accordance with the requirements of that Section:

"The intent to serve letter shall contain conditions reserving the right of the district to revoke the letter as a result of conditions imposed on the district by other governmental agencies, or by a change in availability of resources, or by a change in ordinance, resolutions, rules or regulations adopted by the board of directors for the protection of the health, safety and welfare of the district. The intent to serve letter shall also contain a condition that issuance of the actual connection permit shall be subject to all permit fees in force at the time of issuance of the connection permit. The intent to serve letter does not constitute a binding commitment to serve water or provide sewer service and such letters may be revoked or suspended by the district at any time."

Exhibit G

A-3-SLO-14-0044

1 of 8

Attached for your reference is a copy of the duly approved Minutes from the May 22, 2014 Board of Directors meeting reflecting the Board's action. It should also be noted that prior to the May Board meeting the CCSD informed all of the owners of the properties holding Intent to Serve Letter that the Board would be considering whether or not to suspend their Intent to Serve Letter based upon the current Stage 3 Water Shortage Emergency.

Please feel free to contact the undersigned if you have any questions regarding the foregoing.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Gruber", with a stylized, cursive script.

Jerry Gruber
General Manager

cc: Board of Directors
District Counsel

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

JIM BAHRINGER, President
GAIL ROBINETTE, Vice President
MURIL N. CLIFT
MICHAEL THOMPSON
AMANDA RICE



OFFICERS:

JEROME D. GRUBER, General Manager
MONIQUE MADRID, 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

August 19, 2014

Mike Mulkan, Hearing Officer
County of San Luis Obispo
Department of Planning and Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Adrian Kamada
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: My 7/31/14 Letter Regarding Pending New Development in Cambria

Dear Mr. Mulkan and Mr. Kamada,

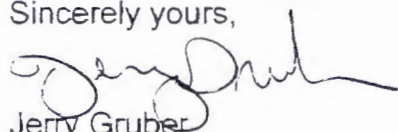
This letter is being sent in reference to correspondence that I had sent to you on July 31, 2014 regarding Mr. Kamada's letter expressing concerns about the proposed Coastal Development Permit for a single-family residence in Cambria for Phil and Julie Fox in relation to Cambria's current Stage 3 Water Shortage.

In my letter I advised that at its May 22, 2014 meeting the CCSD Board of Directors had taken action to suspend all of the pending and outstanding Intent to Serve Letters, and that this action was based upon the current Stage 3 Water Shortage Emergency and the authority in Section 8.04.080(E)(1) of the CCSD Municipal Code. I also attached for reference copies of the Minutes from the May 22, 2014 Board of Directors meeting reflecting the Board's action, as well as the June 26, 2014 Board meeting at which the May 22, 2014 Minutes were approved by the Board.

It has been brought to my attention that it would be appropriate to clarify the Board's action. Characterizing their action as a "suspension" is somewhat of a misnomer. In their discussion and action they provided that no connection to the CCSD's water system would be permitted until after the Stage 3 Water Shortage Emergency ends, and they also extended the existing Intent to Serve Letters to six months after the Stage 3 Emergency ends or their current expiration date, whichever is later. Their intent, however, was to allow project applicants to continue to process their applications with the County to the extent permissible.

I hope the foregoing clarification is of assistance. Please feel free to contact the undersigned if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jerry Gruber", written over the printed name.

Jerry Gruber
General Manager

cc: Board of Directors
District Counsel
Holders of Intent to Serve Letters

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877



July 17, 2014

Mike Wulkan, Hearing Officer
County of San Luis Obispo
Department of Planning and Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Subject: Pending New Development in Cambria; Phil and Julie Fox DRC2012-00091

Dear Mr. Wulkan,

We understand that the San Luis Obispo County is reviewing Phil and Julie Fox's coastal development permit application for a proposed single-family residence within the community of Cambria. As you are well aware, the community of Cambria is currently experiencing exceptional challenges regarding its water supply. On January 30, 2014, the Cambria Community Services District (CCSD) Board of Directors declared a Stage 3 Water Shortage Condition Emergency, and has implemented mandatory water measures and restrictions.¹ In adopting the Stage 3 resolution, the Board found that the community's "available water supply may be insufficient to meet demand," based on the water levels of the San Simeon and Santa Rosa Creeks aquifers.² According to the CCSD, the lack of "rainfall this year has been too little to fully replenish [the Creeks'] upstream sources, which were already under stress from two previous years," and the rainfall in the first quarter of 2014, "did not reach levels to ensure the aquifers will have adequate water throughout the remainder of the dry season."³ Indeed, the CCSD has estimated that Cambria could run out of water by mid-October.⁴

In light of this reality, it cannot be reasonably concluded that any new development requiring water in Cambria, including the so-called "pipeline projects," is consistent with the County's certified-Local Coastal Program (LCP) policies prohibiting the issuance of a coastal development permit for new development unless there is adequate water capacity available to serve the proposed development.⁵ In general, the County and the Commission have allowed "pipeline projects" so long as they verified water demand offsets to ensure no additional water withdrawals from the Creeks. The County has defined "pipeline projects" as development that had water commitments as of the CCSD Board of Directors' Water Code 350 emergency declaration on November 15, 2001, and that the County had accepted an application for processing. Here, it is unclear whether the proposed project meets that definition because it did

¹ CCSD Board of Directors, Resolution No. 04-2014, January 30, 2014

² Id.

³ 'Cambria's Emergency Water Supply Project: Questions and Answers';

⁴ CCSD Press Release, 2/12/14 ("prospect of Cambria running out of water within the next three to six months...")

⁵ Coastal Zone Land Use Ordinance (CZLUO) § 23.04.40; Coastal Plan Policies Public Works Policy 1

not have an application accepted by the County at the time of the deadline, rather it acquired the water credits via transfer. Nonetheless, it cannot reasonably be concluded that Cambria's water supply currently has adequate capacity available to serve the proposed development, regardless of its "pipeline" status.

Offsetting "pipeline projects" may have been approved when Cambria's water was scarce, but never have been approved during such dire conditions, in which, as the CCSD has put it, "the community stands a real chance of literally running out of water, forcing Cambrians to shut businesses and possibly even leave homes."⁶ Moreover, as provided in the LCP's background text, "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 significant number of additional dwelling combine to raise concerns about the community's ability to response adequately to droughts."⁷ Indeed, despite the community's significant conservation efforts, the CCSD, in explaining the need for an emergency water project, has stated that "Cambrians can cut back only so far before reductions in water use lead to health hazards and force businesses to shut down."⁸ Optimistically, Cambria will acquire a new water supply that is LCP-consistent to avoid such drastic consequences, but substantial uncertainty persists regarding whether such an adequate supply can be obtained in time, if at all. If not, the CCSD has stated "it will have to truck water in."⁹ In short, offsetting demand will not change the fact that Cambria's water is in severely critical condition.

In addition, numerous studies now available indicate significant adverse impacts to the Santa Rosa and San Simeon Creek watersheds, including its sensitive riparian habitat, as well as protecting the groundwater aquifers from such realistic threats as subsidence and seawater intrusion. Cambrians are already feeling the impacts of the current water shortage, and have made significant sacrifices to conform that "the enhanced water conservation use restrictions are necessary and appropriate in order to protect the health, safety, and welfare of the community."¹⁰ With such critical consequences looming in the nearby future, all reasonable measures to protect the community's health and the significant coastal resources must be taken. Until this critical situation is alleviated, it cannot reasonably be said that Cambria has adequate water to serve the development as required by the LCP. If you have any questions about this letter with regards our comments, please contact me at (831) 427 4864 or adrian.kamada@coastal.ca.gov.

Respectfully,



Adrian Kamada

⁶ See ft. nt. 3.

⁷ North Coast Area Plan (NCAP) at p. 3-14.

⁸ See ft. nt. 3

⁹ Id.

¹⁰ See ft nt. 1 at p. 2.

Coastal Program Analyst, Central Coast District.

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

November 5, 2012

Greenspace the Cambria Land Trust
Attn: Rick Hawley
Po Box 1505
Cambria, CA 93428

Re: **TRANSFER** of: Intent to Serve letter
From: APN 013.141.022
To: APN 024.331.026

In accordance with District Ordinances, the condition stated above, and the Covenant and Agreement recorded in San Luis Obispo County Recorder's Document # 2012056282, your request to transfer position referenced above is hereby approved.

All transfers require the "merger" of lots within the receiver parcel such that the receiver shall be a permanent single buildable lot. Said mergers must be completed no later than 90 days from the date of this letter, and failure to do so will result in nullification of this transfer.

Subsequent issuance to you of a connection permit for water and sewer service shall be subject to future rules, regulations, resolutions and ordinances of the Cambria Community Services District. The Intent to Serve letter or permits 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.

Sincerely,

Monique Madrid
Administrative Services Officer

MM/cu

cc: Julie Fox
Kathy Mahrt, First American Title

RECORDING REQUESTED BY:
FIRST AMERICAN TITLE COMPANY

JULIE RODEWALD
San Luis Obispo County – Clerk/Recorder

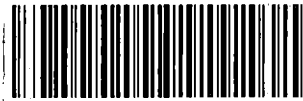
SN
10/04/2012
8:00 AM

Recorded at the request of
First American Title Company

~~RECORDING REQUESTED BY AND WHEN~~
RECORDED RETURN TO:

Cambria Community Services District
PO Box 65
Cambria, CA 93428

DOC#: 2012056282



Titles: 1 Pages: 8

Fees	0.00
Taxes	0.00
Others	0.00
PAID	\$0.00

4150570-KM

(No Recording Fee – Public Agency)

DECLARATION OF RESTRICTIVE COVENANT

This DECLARATION OF RESTRICTIVE COVENANT (“Restrictive Covenant”) is made this 27 day of September, 2012, (the “Effective Date”) by Greenspace the Cambria Land Trust (“Declarant”), a California nonprofit corporation.

WHEREAS, Declarant is the sole owner of the following real property:

1. 1609 Burton Drive, APN: 013-141-022, as more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference (the “Sender Property”);
2. APN: 024-331-026, as more particularly described in Exhibit “B” attached hereto and incorporated herein by this reference (the “Receiver Property”);

WHEREAS, on Oct. 3, 2012, Declarant executed an Intent to Serve Transfer Agreement (the “Agreement”) with the Cambria Community Services District (“District”) wherein the District authorized an intent to serve letter to be transferred from the Sender Property to the Receiver Property subject to certain terms and conditions, including the recordation of this Restrictive Covenant; and

WHEREAS, by this Restrictive Covenant, the parties wish to comply with the terms and conditions of the Agreement and the District’s rules and regulations regarding transferring positions.

NOW THEREFORE, in consideration of the above recitals and mutual covenants, terms, conditions and restrictions contained herein, Declarant hereby declares the Sender Property and the Receiver Property (collectively the “Property”) be held, transferred, conveyed, leased, occupied, or otherwise disposed of, and used subject to the following restrictive covenants (and incorporating the above recitals herein by this reference); which shall run with the land, and be binding upon Declarant heirs, successors in interest, administrators, assigns, lessees, or other occupiers and users of the Property, or any portion of it.

1. Purpose. The purpose of this Restrictive Covenant is to promote the District’s goals of reducing current and/or future water demand by permanently retiring lots from future

development. This Restrictive Covenant does not preclude any use of the Property which is consistent with its terms.

2. Covenants and Restrictions.

a. *Receiver Property:* The Receiver Property, if comprised of more than one (1) legal lot, shall be merged pursuant to the provisions of the Subdivision Map Act into one (1) legal lot not later than ninety (90) days from the Effective Date of this Restrictive Covenant. If a building permit is subsequently issued which includes the Receiver Property and any other adjacent legal lots in the same project, all such lots under said building permit shall be merged in the same manner with the Receiver Property.

b. *Sender Property:*

i. **No Water or Sewer Service.** No water or sewer service shall be requested of District or made available by District to the Sender Property, and Declarant covenants not to drill or utilize any well on the Sender Property from and after the date of this Restrictive Covenant, except as follows and only if all of the following conditions are met:

1. The Sender Property is merged pursuant to the Subdivision Map Act with adjacent property so that the adjacent property and the Sender Property would be one legal parcel (hereinafter referred to as the "Merged Parcel");
2. Water and sewer service by the District to the Merged Parcel will be limited to that allocated to the adjacent property on the date of this Restrictive Covenant pursuant to District ordinances in effect on the date of this Restrictive Covenant. It shall be a violation of this Restrictive Covenant to provide water or sewer service to any separate or adjoining structure with an additional kitchen; and
3. Before any water or sewer service is allowed on the Sender Property (now part of the new Merged Parcel), Declarant shall obtain certification from the County of compliance with condition (1) above, which certification shall be recorded prior to any provision of water or sewer service on the former Sender Property.

ii. **Structures and Improvements.** In the event there are any structures or improvements on the Sender Property (excluding any historic structures or improvements), Declarant shall, within ninety (90) days of the Effective Date of this Restrictive Covenant, demolish and completely remove such structures or improvements from the Sender Property subject to District's

satisfaction. In the event Declarant fails to timely demolish such structures or improvements, District may, at District's sole and absolute discretion, cause such demolition work to be performed and the costs of such work shall be borne on Declarant, and its successors in interest and shall constitute a lien on the Sender Property.

iii. ***Exception; Transfers to District or County.*** This Restrictive Covenant shall not apply as to the Sender Property in the event that the Sender Property is deeded to and accepted by the District for any District purpose, or deeded to and accepted by the County of San Luis Obispo or the State of California for purposes of public recreation or other public facilities purposes.

3. **Taxes and Assessments.** Declarant acknowledges that this Restrictive Covenant and the restrictions to the right to water and sewer service on the Sender Property do not relieve Declarant of the obligation to pay applicable taxes and/ or assessments relative to such property or the obligation to maintain such property pursuant to applicable provisions of law and/ or regulation. Declarant, its successor or assign shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority, including any taxes imposed upon, or incurred as a result of, this Restrictive Covenant, and agrees to furnish the District with satisfactory evidence of payment upon request.
4. **Reserved Rights.** Declarant hereby reserves to itself, and to its personal representatives, heirs, successors and assigns, all other rights accruing from its ownership of the Property which are consistent with this Restrictive Covenant.
5. **Representations and Warranties.** Declarant hereby represents and warrants that:
 - a. Greenspace is the record owner of the Sender Property and Receiver Property;
 - b. Both the Sender Property and Receiver Property each contain at least 3,500 square feet of area (or, if less than 3,500 square feet, such property has two underlying lots and at least 50 feet of street frontage); and
 - c. Neither the Sender Property or the Receiver Property are in Lodge Hill Special Project Area No. 1.
6. **Irrevocable Covenant.** This Restrictive Covenant and the provisions hereof are irrevocable. The District shall have the right to enforce each and every provision hereof.
7. **Indemnification.** Declarant agrees to indemnify, defend and hold District harmless, its officials, officers, agents and employees from and against any and all claims, demands,

damages, costs, expenses, judgments, or liability occasioned by Declarant's performance or attempted performance of the terms and conditions hereof, Declarant's use of the Property, the validity and/ or enforceability of this Restrictive Covenant or in any action arising out of this Restrictive Covenant, including, but not limited to, those predicated upon theories of violations of statute, ordinance or regulation, violations of civil rights, inverse condemnation, equitable relief, or any wrongful act or any negligent act or omission to act on the part of Declarant or Declarant's agents.

8. Judicial Enforcement. Enforcement shall be by proceeding at law or in equity, either to restrain a violation or an attempted violation or by suit to recover damages against any person or persons violating or attempting to violate any covenant or restriction contained herein.
9. Governing Law. This Restrictive Covenant has been executed and delivered in, and shall be interpreted, construed and enforced pursuant to and in accordance with the laws of the State of California.
10. Enforceability. If any term, covenant, condition, or provision of this Restrictive Covenant is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.
11. Notices. Unless otherwise provided, all notices herein required shall be in writing and delivered in person or sent by United States first class mail, postage prepaid. Notices required to be given as required herein shall be addressed as follows:

Cambria Community Services District
P.O. Box 65
Cambria, CA 93428

Greenspace the Cambria Land Trust
Po Box 1505
Cambria, CA 93428

Provided that any party may change such address by notice in writing to the other party, and thereafter notices shall be addressed and transmitted to the new address.

12. Subordination.

NOTICE:

THIS RESTRICTIVE COVENANT CONTAINS A SUBORDINATION CLAUSE WHICH MAY RESULT IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

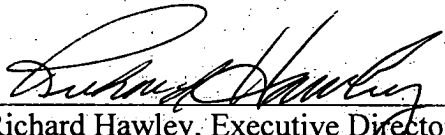
The trust deed beneficiaries and mortgagees, if any, listed on the preliminary title report provided by Declarant to District, and whose signatures are affixed hereto,

do hereby assent to this Restrictive Covenant and, further, do hereby subordinate their respective interests to the covenants, restrictions and obligations imposed herein.

13. Attorney's Fees. If suit, arbitration or other action of any type or nature is brought to enforce any of the terms and conditions of this Restrictive Covenant, be it in law or in equity, the prevailing party shall be entitled to an award of its attorney's fees in addition to all other costs and/ or expenses of collection, suit, arbitration and/ or other action taken.
14. Authority of Parties. All persons executing this Restrictive Covenant on behalf of a party warrant that they have the authority to execute this Restrictive Covenant on behalf of that party.
15. Liberal Construction. This Restrictive Covenant shall be liberally construed in favor of the deed to effect the purposes of the Restrictive Covenant and the policies and purposes of the District. If any provision is found to be ambiguous, an interpretation consistent with the purposes of this Restrictive Covenant that would render the provision valid shall be favored over any interpretation that would render it invalid.

IN WITNESS WHEREOF Declarant has executed this Restrictive Covenant the day and year first written above.

Greenspace the Cambria Land Trust

By: 
Richard Hawley, Executive Director
Date: OCT. 3, 2012

Trust Deed Beneficiaries and Mortgagees:

Name:

Date:

Check here ☒ if no trust deed beneficiaries or mortgagees.

STATE OF
COUNTY OF

California)SS
San Luis Obispo

On 10-3-12, before me, K. Mahrt, Notary
Public, personally appeared Richard Hawley

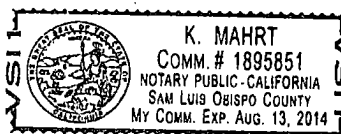
, who proved to me on the basis of satisfactory evidence to
be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on
the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is
true and correct.

WITNESS my hand and official seal.

Signature

K. Mahrt



My Commission Expires: _____

This area for official notarial seal

Notary Name: _____

Notary Phone: _____

Notary Registration Number: _____

County of Principal Place of Business: _____

EXHIBIT "A"

LOTS 27, 28, 29, 30, 31 AND 32 IN BLOCK 101 OF CAMBRIA PINES MANOR UNIT NO. 5, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED MARCH 26, 1930 IN BOOK 5, PAGE 14 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THAT PORTION OF LOT 6 OF THE MAP OF THE PINE RESERVE OF THE SUBDIVISION OF A PART OF SANTA ROSA RANCHO, SURVEYED BY H. C. WARD IN 1873, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN BOOK A, PAGE 68 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT STAKE NO. 29 IN THE NORTHEAST LINE OF SAID LOT 6, SAID POINT ALSO BEING THE MOST NORTHERLY CORNER OF THE PROPERTY CONVEYED TO ROBERT VILLA, BY DEED DATED JUNE 30, 1883 AND RECORDED AUGUST 13, 1883 IN BOOK Q, PAGE 402 OF DEEDS;

THENCE SOUTH 59° 45' WEST, ALONG THE NORTHERLY LINE OF THE PROPERTY SO CONVEYED, 11.22 CHAINS (740.52 FEET); THENCE LEAVING SAID NORTHERLY LINE NORTH 25° 45' WEST (RECORD NORTH 35° 45' WEST), 3.94 CHAINS (260.04 FEET) TO THE MOST SOUTHERLY CORNER OF THE PROPERTY CONVEYED TO PETER FISCALINI, BY DEED DATED NOVEMBER 13, 1917 AND RECORDED JULY 6, 1920 IN BOOK 138, PAGE 308 OF DEEDS; THENCE NORTH 59° 45' EAST, ALONG THE SOUTHERLY LINE OF THE PROPERTY SO CONVEYED 11.53 CHAINS (760.98 FEET) TO THE NORTHEAST LINE OF SAID LOT 6; THENCE SOUTH 21° EAST (RECORD SOUTH 21° WEST), ALONG THE SAID NORTHEAST LINE, 3.98 CHAINS (262.68 FEET) TO THE POINT OF BEGINNING.

SAID PROPERTY BEING DESCRIBED IN NOTICE OF VOLUNTARY MERGER, RECORDED OCTOBER 9, 2003 AS INSTRUMENT NO. 03-118528 OF OFFICIAL RECORDS.

013-141-022

EXHIBIT "B"

**LOTS 3 AND 4 IN BLOCK 115 OF CAMBRIA PINES MANOR, UNIT NO. 5, ACCORDING TO MAP
RECORDED MAY 26, 1930 IN BOOK 5, PAGE 14 OF MAPS.**

024-331-026

END OF DOCUMENT



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 :	<i>Tract/Town</i>	<i>Block/Range</i>	<i>Lot/Section</i>	<i>Zoning</i>
	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.

By

James Bahringer

Date

5/15/14

5/15/2014 1:10:02PM

This is not a building permit

Land_use_auth.rpt
Exhibit I

A-3-SLO-14-0044

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 I

A-3-SLO-14-0044

10 of 12

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)



Legend

- Existing Cambria Water Supply Pipeline
- Existing Water Supply Wells
- Proposed**
- Product Water Pipeline Connection
- ▼ Product Water Injection Well
- AWTP Feed Water Pipeline
- Brackish Ground Water Extraction Well
- Lagoon Fresh Water Supply Pipeline
- Habitat Mitigation/Injection Well
- Mitigation Well Supply Line

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 consumed; and

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

(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 measureable 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).