CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE 725 FRONT STREET, SUITE 300 A CRUZ CA 95060 427-4863 HEARING IMPAIRED: (415) 904-5200



Filed:

10/24/96

49th day:

12/12/96

180th day:

04/22/97 SG-SC

Staff:

Staff Report: 12/18/96

Hearing Date: 01/09/97

STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

LOCAL GOVERNMENT:

San Luis Obispo County

LOCAL DECISION:

Approved with conditions

APPEAL NUMBER:

A-3-SLO-96-113

APPLICANT:

VADNAIS/BOUD

APPELLANT:

Vern Kalshan for Cambria Legal Defense Fund and 300 Cambria

Property Owners

PROJECT LOCATION:

Southeast corner of Main Street and Pine Knolls Drive, Cambria,

San Luis Obispo County

PROJECT DESCRIPTION: Tentative Tract Map and Development Plan for a 25 unit

condominium project

SUBSTANTIVE FILE DOCUMENTS: Permit D940132D, D940283V, Tract 2176, SLO County

LCP (North Coast Area Plan, Coastal Zone Land Use Ordinance,

Coastal Policies, Framework for Planning)

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed for the reasons discussed below. If the Commission so finds, staff further recommends that the Commission defer a de novo public hearing on this project to allow the applicant to develop plans for the proposed drainage system and address other issues. Once the information is received and analyzed by staff, the proposal will be brought back to the Commission for a de novo hearing on its merits.

SUMMARY OF APPELLANT'S CONTENTIONS (See Exhibit 1 for the full text)

Appellant contends that the proposal is inconsistent with:

- 1. Conditions of Coastal Development Permit 4-83-680, which permitted the subdivision of this and the adjoining lot into seven lots;
- 2. Environmentally Sensitive Habitat policies 2, 18, 19, and 23 which protect environmentally sensitive habitats in general and riparian areas in particular;
- 3. Public Works policy 1 relative to provision of adequate road capacity;
- 4. Coastal Watersheds policies 7, 10, and 13 which require drainage plans, limit removal of vegetation, and limits development to slopes less than 20 percent;
- 5. Visual and Scenic Resources policies 1, 2, 5, 6, 7, and 8 regarding massing of structures on hillsides, amount of grading compatibility of the proposal with the community, preservation of trees, and visibility of utility lines;
- 6. Hazards policies 1, 2, and 3 concerning geological hazards such as stability of the site and erosion;
- 7. Lack of water, and;
- 8. Denial of due process because County approved the proposal without County or the public knowing I) how the issue of structures proposed in recorded open space easement would be resolved, ii) location and size of drainage to Santa Rosa Creek and its potential impacts to the creek, and iii) how fees from development will solve traffic hazards on Main Street at the site.

SUMMARY EVALUATION OF SUBSTANTIAL ISSUE

ISSUE	LUP POLICIES	ZONING DRDINANCE SECTION	SUBSTANTIAL ISSUE EVALUATION
Environmentally Sensitive Habitat (ESH)	ESH policies 2, 18, 19, and 23	Sections 23.07.170 -178	Substantial Issue Exists. Approval of drainage to Santa Rosa Creek was made without plans for discharge structure, hence no evaluation of alternatives or potential impacts to ESH.
Road capacity and lack of water	Public Works policy 1, Availability of Service Capacity	Section 23.04.021c	Substantial Issue Exists. LUP policy requires County to find that there are sufficient services to serve the proposed development and existing lots. County made finding for road capacity, but not for water and sewer. Zoning ordinance section 23.07.021c(1)(i) requires findings that sufficient water and sewage disposal capacities are available; no such findings were made by the County.
Grading on slopes > 30%	Coastal Watersheds policy 7, Siting New Development	Sections 23.04.021, Land Divisions and 23.05.034, Grading	Substantial Issue Exists. Grading over 20% is allowed for access roads. Zoning ordinance section 23.07.021c(7) requires that roads and building sites be on slopes < 20%; section 23.05.034 allows for a grading adjustment on slopes between 20% and 30%, does not address grading on slopes > 30%. County approval is for part of access road on > 30% slopes, pursuant to a variance. However, reason for grading on slopes > 30% is because of earth fill that previous owner placed on site 11 years ago. If that fill were removed, there would be no need for grading on slopes > 30%.
Erosion and sedimentation	Coastal Watersheds policies 10, Drainage Provisions, and 13, Vegetation Removal	Section 23.05.036, Sedimentation and Erosion Control, and 23.05.040, Drainage	Substantial Issue Exists insofar as drainage and erosion effects on Santa Rosa Creek are concerned, otherwise No Substantial Issue. Policies provide that site design shall not cause increased erosion and that vegetation removal on slopes >30% in geologically unstable areas requires erosion and sedimentation plan. County required these after approval of grading permit. See also ESH above.
Visual and Scenic Resources	Visual and Scenic Resources policies 1, 2, 5, 6, 7, and 8	Sections 23.05.034, Grading; 23.11, Definitions (Smalf- Scale Neighborhoods); 23.05.064, Tree Removal Standards.; and 23.08.286d(4), Utility lines within public view corridors	No Substantial Issue Proposal is in developed urban area and, although visible form Highway One and other areas in Cambria, required landscaping would screen much of the development. Existing, very visible development lies adjacent to and above site.
Hazards	Hazards policies 1, 2, and 3	Sections 23.07.080, Geologic Study Area and 23.07.086 Geologic study Area Special Standards	No Substantial Issue. Required geotechnical reports have been completed.
Multi-Family Residential use in Retail Commercial land use designation	None	Section 23.08.162d(2), permit requirements for residential uses in commercial categories	No Substantial Issue. This zoning ordinance section requires findings that residential use will not reduce inventory of commercial property available for commercial needs and that it will not impede development of commercial uses. From earliest stages of development on subject site, it was envisioned that it would contain both commercial and residential uses. LCP specifically calls for residential use on the subject site.

STAFF NOTE: Appellant also contends that the County's approval is inconsistent with the conditions of Coastal Development Permit 4-83-680. The standard of review for the determination of substantial issue is consistency with the LCP, not with previous permits. However, review of that permit is necessary for an understanding of the history of development on the subject site. Please refer to the background section of this report on page 6.

	Table of Contents	
I.	Appeal Procedures	4
II.	Local Government Action	5
III.	Recommendation on Substantial Issue and Motion	5
IV.	Findings	6
	A. Project Description and Background	6
	B. Issue Discussion	7
Ext	hibitsFollowi	ng page 10
	1. Appeal of Cambria Legal Defense Fund and 300 Cambria Residents	
	2. San Luis Obispo County Final Local Action Notice and Findings and Condition	ons
	3. Location Map	
	4. Project Plans and Site Photos	
	6. Correspondence	

I. APPEAL PROCEDURES

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by a city or county (Coastal Act Section 30603(a)).

For projects not located between the sea and the first public road paralleling the sea, the grounds for an appeal shall be limited to an allegation that the development does not conform to the certified LCP (Coastal Act Section 30603(b)(1)). Since this project does not lie between the sea and the first public road paralleling the sea, those are the appropriate grounds for appeal in this instance.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue," and no Commissioner objects, the substantial issue question

will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, 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 stage of an appeal.

II. LOCAL GOVERNMENT ACTION

On September 17, 1996, the County Board of Supervisors, on appeal from the decision of the Planning Commission, approved a vesting tentative tract map, development plan, and variance to allow the creation of 25 condominium units and open space areas on a 3.1 acre parcel, including grading on slopes over 30 percent. Among other things, the appellants contend that the County approved development in an existing open space easement required by the Coastal Commission in an earlier permit action (see discussion at Background, below) which would require an amendment of that earlier Coastal Commission permit.

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that <u>substantial issue exists</u> with respect to the grounds on which the appeal has been filed, pursuant to PRC Section 30603.

MOTION Staff recommends a NO vote on the following motion:

I move that the Commission determine that Appeal No. A-3-SLO-96-113 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

IV. RECOMMENDED FINDINGS AND DECLARATIONS

A. Project Description and Background

1. Description: The site of the proposed development is on a hillside abutting the north side of Main Street in Cambria, in northern San Luis Obispo County. The Main Street area of Cambria lies in the lower Santa Rosa Creek valley. Prior to the relocation of Highway One to the southwest side of the valley approximately 250 yards, Main Street was Highway One.

The site is about 300 feet deep and about 450 feet long. The southwestern corner of the site at the intersection of Main Street and Pine Knolls Drive lies at approximately the same elevation as the streets, about 60 feet above sea level. To the east Main Street rises to about 78 feet above sea level at the southeast corner of the property. The southern edge of the property rises some 10 to 15 feet above the street, to an elevation of approximately 90 feet above sea level at the southeastern corner. The site also rises to the north away from Main Street to approximately 140 feet above sea level at the northern property line. The slope to the north away from Main Street is not a smooth incline. There are two human-made terraces consisting of earth that was placed there during the grading for the construction of the adjacent commercial development eleven years ago.

The proposed development would include ten two-story buildings containing a total of 25 condominium units. Access to the site would be by way of a new street running from Pine Knolls Drive near its intersection with Main Street to Knollwood Drive, an existing street in the adjacent commercial development. A gate at Knollwood Drive would prevent through vehicular access, excepting emergency vehicles, to Knollwood Drive. The approval would allow development in an existing open space easement required by the Coastal Commission in permit 4-83-680 (see Background, below). One of the County conditions of approval is that the applicant must obtain approval from the Coastal Commission for development in the open space area. No request to amend permit 4-83-680 has yet been made.

Background: Permit 4-83-680, approved by the Coastal Commission on May 9, 1984, 2. and issued on April 29, 1985, was for the subdivision of two parcels into six lots encompassing the subject site and the now commercially developed area immediately adjacent to the east. That permit contained four special conditions, as follows (the first three conditions all required completion prior to transmittal of the permit): 1) submit revised map showing six rather than the requested seven lots, 2) record irrevocable offer to dedicate open space easement, 3) submit findings from the County regarding road access and, 4) by accepting permit, permittee agreed to utilize construction practices which minimize erosion. All conditions were met and the coastal development permit was issued. Although the subdivision map was never recorded, the permit was exercised to the extent that improvements (streets, water and sewer lines, etc.) on the now commercially developed site adjacent to the subject site were constructed and the irrevocable offer to dedicate an open space easement was recorded. The two most westerly lots of that subdivision, which would have occupied the area of the current subject site, were to be developed for residential purposes. No residential development ever took place on the subject site. However, some 10,000 cubic yards of earth from the commercial development were placed onto the subject site and remain there.

In 1985, the then permittee received another permit, 4-84-458, from the Commission which permitted the construction of the commercial development adjacent to the subject site. That development has been constructed.

B. Substantial Issue Discussion and Analysis

NOTE: Because of the large number and volume of policies and zoning ordinance sections involved in this substantial issue determination, the policies and sections are not reproduced in the body of this report, but are found at the end of the exhibits.

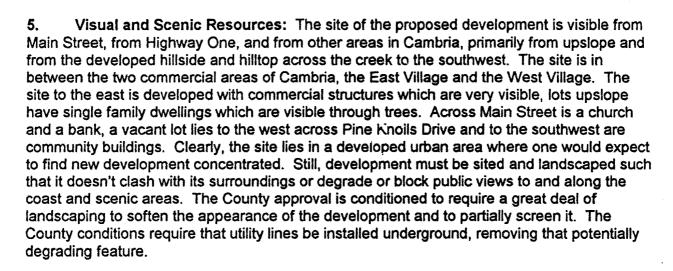
- 1. Environmentally Sensitive Habitat (ESH): ESH policies and the zoning ordinance sections that implement them are clear that before approval of a permit for development in or near an ESH, the applicant must demonstrate that there will be no significant impact on the ESH. Here, the County has required the applicant to discharge drainage directly into Santa Rosa Creek rather than allowing the runoff to flow toward the West Village area of Cambria. Although this is likely a good thing since the West Village is prone to flooding, the County approval was made without any plans or details of how the drainage would be discharged into the creek and what impacts there may be. It is likely that there would have to be some sort of structure at the creek discharge point such as an energy dissipater and the drainage pipe itself. The County approval required the discharge point to be downstream of the Highway One bridge. Santa Rosa Creek is a steelhead spawning creek and its lower reaches, where the discharge point would be, are vegetated with willows and other riparian species. Yet the County approved development in the creek without any information about potential impacts to the riparian resources. Based on the foregoing, a substantial issue exists with respect to potential adverse impacts to an environmentally sensitive habitat, Santa Rosa Creek.
- 2. Road Capacity and Water Supply: Main Street is literally that, the main street in Cambria. It carries the bulk of traffic in the community. A traffic study was conducted that indicated that the proposed development would have negligible impacts on the volume of traffic and the wait at the stop sign on Pine Knolls Drive at the intersection with Main Street. The County is currently in the process of widening Main Street by installing a two-way left turn lane and adding bicycle lanes and sidewalks from just north of the subject site past it into the eastern part of Cambria (the East Village). According to the County, although this type of improvement will not actually increase capacity, as would the addition of travel lanes, it will remove turning vehicles from the traffic stream and allow the peak hour level of service (LOS) on summer weekdays to improve from LOS "E" to LOS "D" (LOS rankings range from the best, "A," where there are free flow conditions, to "F" where traffic is congested for long periods). The development would be required to pay a traffic fee of \$679.00 per unit. Based on these factors the County found that there would be no adverse impacts to traffic from the proposal. No substantial issue exists with respect to road capacity.

The County did not make any specific finding that water supply and sewer disposal capacities were adequate. The files do show that the Cambria Community Services District (CCSD), in a letter dated April 10, 1995, stated that the property "...could be issued an "Intent to Serve" letter for water and sewer service when provisions have been made to incorporate the County's waiting list into the District's connection permit program." According to the applicant, since October of 1990 "...no new requests have been accepted on the list maintained by the CCSD. Requests are instead placed on the County's single family or multiple family lists. This project holds position #1 and #2 on the County's list and the applicant (Vadnais) has paid a \$21,000 deposit to hold those positions. At last check, the CCSD list contained about 65 requests. When the CCSD's list is exhausted, then the County's multiple family list will be

used, provided that provisions are made to incorporate the County's waiting list into the CCSD's connection permit program....SLO County Planning staff, are now working on a method to fold these two lists together." This indicates that, while there may be water and sewer capacity available, it cannot be used by the subject proposal until the County and CCSD determine a way to merge the lists. Without such a merger and with no finding that water and sewer are available, a substantial issue exists with respect to water and sewer availability for this proposal.

- Grading on Slopes > 30%: Typically, grading is restricted by the County's LCP to 3. slopes of 20 percent or less, with some exceptions, including grading of an access road necessary to provide access to an area of less than 20 percent slope where development is to occur and if there is no less environmentally damaging alternative. In none of the policies or sections of the LCP is there any mention of grading on slopes over 30 percent, either allowing such grading or prohibiting it. However, zoning ordinance section 23.04.021c(7), Overriding Land Division Requirements, Location of Access Roads and Building Sites, states that "Proposed access roads and building sites shall be shown on tentative maps and shall be located on slopes less than 20 percent." That would seem to be an absolute bar to access roads on slopes over 20 percent, but there is the possibility of seeking a variance from any of the zoning ordinance sections. That is what the applicant did here. The County found that a variance allowing grading on slopes over 30 percent could be approved. The findings state that the variance did not constitute a grant of special privileges inconsistent with other properties with similar slopes in the vicinity because adjacent lots with steep slopes are developed and the proposal could not reasonably be constructed without some grading on slopes in excess of 30 percent. The adjacent lots with steep slopes contain single family dwellings, some of which were developed prior to the LCP and others which fall into the exception for existing lots of record in the Residential Single-Family land use category where a residence cannot be feasibly sited on a slope less than 20 percent. The County also found that there were special circumstances applicable to the property related to the topography that would preclude not grading on slopes over 30 percent. However, the reason that grading must occur on slopes over 30 percent is that the original owner placed about 10,000 cubic yards of fill on the site when the commercial development adjacent to the south was constructed. If that fill were removed, there would be no need to grade on slopes over 30 percent. Based on this discussion, a substantial issue exists with respect to grading on slopes over 30 percent.
- 4. Erosion and Sedimentation: The County has required an erosion and sedimentation plan for the site itself. Such a plan would be based on the proposed grading which the County has reviewed and about which there is something more than general knowledge. The County's LCP allows erosion and sedimentation plans to be approved along with grading plans, which typically are approved by the County Engineer sometime after approval of the land use permit. Therefore, with respect to erosion and sedimentation plans for the site itself, no substantial issue exists.

Refer to ESH, number 1 above, for a discussion of substantial issue with respect to the issue of erosion and sedimentation in the ESH of Santa Rosa Creek.



Tree removal would be necessary for the proposal and would involve removing two Monterey pines and thinning of the stand of planted cypress tress on the east side of the site. The County conditions require tree replacement at a 2:1 ratio.

The County has identified Main Street in Cambria as a special community with unique, visually pleasing characteristics which are worthy of protection through such things as attention to architectural features, use of wood, and other design features compatible with the community. No specific findings are required for development in a special community.

Prior approvals from the Coastal Commission and the County envisioned development on this site. While it is a visible site, the County's approval is conditioned to ensure the compatibility of the development with its surroundings. Based of the foregoing discussion, no substantial issue exists with respect to degradation of scenic views.

6. Hazards: The file from the original Coastal Commission permit, 4-83-680, reveals that there was concern about grading on the site, specifically on slopes over 20 percent. Since the site lies on a hillside, and is in a mapped geological hazard area, geological and geotechnical (soils) reports are required. These have been completed and have concluded that the site is suitable, from a geological and geotechnical viewpoint, for the proposed development. The fill material that was placed on the site when the adjacent commercial development occurred is not engineered fill. It may require removal and recompaction before the proposed development can take place. According to the geotechnical engineer, "The southern half of the site will need to be further addressed as noted in the referenced Geotechnical Report....During the grading process the lower fill will be evaluated to determine it is suitable for supporting the proposed development. If the lower fill is found not to be suitable all of the fill will need to be removed and regraded." Based on the foregoing discussion, no substantial issue exists with respect to geological hazards.

Please refer to ESH, number 1, and Erosion and Sedimentation, number 2, above for a discussion of hazards from erosion and contribution of the site to flooding of the West Village.

Residential uses are permitted in the Commercial Retail land use category. Typically, when residential development is approved on commercially designated land, the County must find that the residential use will not reduce the inventory of commercial property available for the commercial needs of the community and that it will not impede development of necessary commercial uses. The County did not make such findings. However, it must be kept in mind that from the earliest stages of development proposals here, it was envisioned that the now developed commercial site would be just that and that this site would be for residential uses, even though it was zoned Commercial Retail. The North Coast Area Plan portion of the LCP specifies that the subject site is to be used for multi-family residential purposes. Therefore, even though the County did not make the findings for residential use on commercial retail land, no substantial issue exists with respect to residential use on commercial retail property.

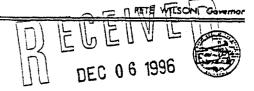
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STATE OF CALIFORNIA—THE RESOURCES AGENCY

ALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE 725 FRONT STREET, STE. 300 SANTA CRUZ, CA 95060 (408) 427-4863 HEARING IMPAIRED: (415) 904-5200

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT FIRST AMENDED



CALIFORNIA COASTAL COMMISSION

EXHIBIT NO.

APPLICATION NO.

A-3-540-96-113

SECTIO	ON I. <u>Appellant(s)</u>	
Vame,	mailing address and tel	ephone number of appellant(s):
		the Cambria Legal Defense Fund
c/o V	<u>ern Kalshan, Attorney, 4</u>	40 Kerwin, Cambria, CA 93428
	Zip	(805) 927-1222 Area Code Phone No.
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ECTIO	N II. <u>Decision Being A</u>	ppealed
	Name of local/port	
overn	ment: <u>San Luis Obispo C</u>	County Board of Supervisors
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APPEAL NO: A-3-500-96-113

DISTRICT: Control Con

DATE FILED: 10/25/96 (original appel)

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

State briefly <u>vour reasons for this appeal</u>. 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.)

Please see attcahed	nages	
		•
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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.

Signature of Appellant(s) or
Authorized Agent

The Kalshan Attorney for Appellant

Vern Kalshan, Attorney for Appellants Date December 4, 1996

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

Section VI. Agent Authorization ON FILE

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

Ex1, 12 A-3-560This project proposes to develop the western 3+ acres of commercial property on an elevated commercial site along Main Street near Pineknolls Drive in Cambria, California. This property was controlled by Coastal Development Permit No. 4-83-680 which provided for commercial development and open space easements. The eastern portion included in this permit has already been developed. The current owner wants to change the community plan and build 25 airspace condominiums.

The project is bounded on the West by Tract 112, which is a single family residential tract that is controlled by recorded covenants, conditions, and restrictions and is known in the community as "Pineknolls". The original developer, Martin-Mullholland promoted, to the community, that this elevated site would be a commercial subdivision.

PROJECT DOES NOT SHOW THAT IT COMPLIES WITH THE SAN LUIS OBISPO COUNTY LOCAL COASTAL PLAN and COASTAL DEVELOPMENT PERMIT 4-83-680

- 1. Coastal Development Permit No. 4-83-680 at page 2 sets forth in part as follows: "... and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act." This project causes a significant effect on the environment as follows:
- (a) Conflicts with adopted environmental plans and goals of the community where it is located;
- (b) Has a substantial, demonstrable negative aesthetic effect;
- (d) Interferes substantially with the movement of any resident or migratory fish or wildlife species;
- (k) Induces substantial growth or concentration of population;
- (1) Causes an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system;
- (p) Increases substantially the ambient noise levels for adjoining areas;
- (g) Causes substantial flooding, erosion or siltation;
- (r) Exposes people or structures to major geologic hazards;
- (u) Disrupts or divides the physical arrangement of an established community;
- (v) Creates a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected.

No environmental impact report was prepared. The County approved a negative declaration.

2. Chapter 6. Policies for Environmentally Sensitive Habitats. Policy 2, Permit Requirement, requires the applicant to demonstrate that there will be no significant impact on

FIRST AMENDED

Ex 1, p 3

A-3-560-96-113

sensitive habitats. This project which includes asphalt automobile parking and driveways is ordered to drain to Santa Rosa Creek. Policy 18 of this Chapter provides that Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas.

- 3. Chapter 6. Policies for Environmentally Sensitive Habitats. Policy 19 requires that development within the watershed shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat. Without a green space to bio-degrade automotive waste, petroleum chemicals will drain to the coastal creek.
- 4. The applicant has breached "good faith" in obtaining the County approval. Not only has the applicant not shown that the drainage will meet the requirements of the Coastal Act, but the applicant has not shown that it has any drainage easement at all. The applicant's agent represented to the County Board of Supervisors that there was an arrangement for a drainage easement from Mid-State Bank. Attached is a copy of a letter from the Mid-State Bank indicating that it had not granted an easement. (attachment 4) The Board of Supervisors required that the project drain to Santa Rosa Creek West of the Highway One Bridge. There should have been a requirement that permission be obtained from the State of California, Department of Transportation, to place a drainage pipe under Highway #1.

There should be joint drainage study for this project and the Mid-State Bank development since they are across the street from each other, they both now drain into the West Village, and they are both supposed to drain into the creek.

There should have been a requirement that permission be obtained from the U.S. Army Corps of Engineers to allow discharge into the Santa Rosa Creek.

5. Chapter 8. Policies for Public Works, Policy 1, Availability of Service Capacity requires new development to demonstrate that adequate public or private service (road) capacities are available. Main Street automobile traffic in Cambria does not allow this project at this time. (attachment 5) The work planned by the County will not be sufficient to carry the projected traffic even without this project. The fees paid to mitigate road expansion will be of no value since Main Street is already enlarged as much as it can be at the Pineknolls intersection.

There are now 10,000 estimated daily trips on Main Street at Pine Knolls Drive and 800 estimated daily trips on Pine Knolls

Condominium Project by Vadnais & Keeler, SLO County, Tract Map 2176, D940132D, D940283V

Drive between Main Street and Hartford.

Main Street at this intersection is as wide as it is going to be under the plan which only calls for remarking the pavement from two lanes to three lanes and adding a bicycle lane. (attachment 5)

- The project's proposed ingress and egress on the westside violates paragraph "First" of the recorded covenants, conditions and restrictions of the Pineknolls Tract 112 which limit lot usage to single family residential. The project proposes to use lot 7 of Block 2 of Tract 112 as a roadway for the project to and from Pineknolls Drive. (attachment 6) This proposed road is a traffic safety hazard since it is only about 50 feet from the right turn lane of Main street. Pineknolls Drive is supposed to have a right turn lane for this project from main street but this will not be long enough to be safe. Pineknolls Drive is a steep road from Main Street to Hartford.
- Chapter 9. Policies for Coastal Watersheds, Policy 10, Drainage Provisions. No drainage plan has been submitted for public inspection and comment to know whether or not there will be erosion from this project.
- 8. Chapter 9. Policies for Coastal Watersheds, Policy 13, Vegetation Removal. The County allowed grading on slopes greater than 30% without an erosion and sedimentation plan. The area of grading is in a "geologic study area". There are Monterey pines in the open space easement. There is a significant stand of Monterey cypress on the eastern line of the project which acts a scenic view hiding an existing house from view on Main Street and Highway
- 9. Chapter 9. Policies for Coastal Watersheds, Policy 7, Siting of New Development limits grading for development to slopes of less than 20%. The County has allowed a variance for grading on slopes greater than 20% and even greater than 30%. Grading of slopes greater than 20% is in opposition to COASTAL DEVELOPMENT PERMIT 4-83-680.

Other property in the vicinity has to comply with the standard of the 20% slope limitation. This is an unfair advantage to this project. Most of Cambria is greater than 20% slopes; and exceptions to this policy will destroy the aesthetic effect of Cambria and defeat the purposes of the Coastal Act. A Soils engineering report should be required before excavation for safety of the up-hill land owners.

10. Chapter 10. Visual and Scenic Resources, Policy 1,

Protection of Visual and Scenic Resource, are not being protected because this hill is an attractive feature of the Cambria hillsides. This project is too massive, it removes existing pines and cypress from the view corridors, and it will strip vegetation from the hill along Main Street and impose a four foot retaining wall over 300 feet long.

- 11. Chapter 10. Visual and Scenic Resources, Policy 2, Site Selection is not being followed because this hill is in a view corridor from "Scenic Highway One". The project's retaining wall will be in this view corridor. To comply with this policy and "Policy 1'" above the site should be what it was zoned for, namely, smaller scale commercial development.
- 12. Chapter 10. Visual and Scenic Resources, Policy 5, Landform Alterations is not being followed because the project allows for maximum grading within a public view corridor imposing retaining walls on Main Street and the upper portion of the hill, which is now protected by an open space scenic easement.
- 13. Chapter 10. Visual and Scenic Resources, Policy 6, Special Communities and Small-Scale Neighborhoods, is not being followed because the project is not designed and cited to compliment and be visually compatible with existing characteristics of the community. Page 7 of the findings for the Coastal Development Permit No. 4-83-680 included the following wording..."and where the characteristics of Cambria as a special community are protected."
- 14. Chapter 10. Visual and Scenic Resources, Policy 7, Preservation of Trees and Native Vegetation are not protected by the project.
- 15. Chapter 10. Visual and Scenic Resources, Policy 8, Utility Lines within View Corridors are not addressed in the project.
- 16. Chapter 11. Policies for Hazards, Policy 1, New Development, is a consideration in this project which is not addressed but is needed because the project is in a "Geologic Study Area".
- 17. Chapter 11. Policies for Hazards, Policy 2, Erosion and Geologic Stability, are not adequately addressed because the project is in a "Geologic Study Area" and residents and the workman who filled the project site several years ago can testify that site was not compacted both times that the hill was filled in

the last ten years. (attachment 17)

- 18. Chapter 11. Policies for Hazards, Policy 3, Development Review in Hazard Areas has not been accomplished. This project is in a "Geologic Study Area" and it naturally drains into as "Flood Hazard Area". The rain water that would have been absorbed by this site will now drain into the West Village until a drain is provided to Santa Rosa Creek. The drainage from the developed commercial areas under COASTAL DEVELOPMENT PERMIT 4-83-680 were not adequately studied. Ankle-deep water was flowing down Main Street at 3:00 a.m. on March 10, 1995 from the developed commercial areas and Pineknolls drive.
- 19. Grading for the project encroaches on the open space easement provided by COASTAL DEVELOPMENT PERMIT 4-83-680 (attachment 19) It is requested that the Commission take judicial notice of this permit and the recorded open space easement on file with the commission. The open space easement was recorded with the San Luis Obispo County Recorder on March 11, 1985 in Volume 2685 at Page 90.
- 20. Chapter 6. Policies for Environmentally Sensitive Habitats, Policy 23, Streambed Alterations, applies to this project and has not been accomplished. A quotation from letter dated August 9, 1994 to the San Luis Obispo County Planning Commission from the California Coastal Commission, Executive Director David Loomis, advises as follows:

"The fact that the Environmental Impact Reports for this project have been undertaken to allow for the development of the Cambria Village Project has resulted in an inadequate analysis of alternative methods for protecting existing structures in West Village, as required by Policy 23, these alternatives may not have been considered by the project's Environmental Impact Reports because they would not provide for the development of the proposed Cambria Village Center."

This project and its previous development should be drained to the Santa Rosa Creek through a green space to reduce flood risks to the West Village and to save the sensitive resources of Santa Rosa Creek.

21. The is no water for this project for the foreseeable future. Although the site which is zoned for commercial use has an allocation of water for that use; it does not have an allocation of residential water from the Cambria Community Services District. The reference to being on the "County list" is practically useless since the Services District residential list of over 700 must first be exhausted. Before these Service District houses can first

Condominium Project by Vadnais & Keeler, SLO County, Tract Map 2176, D940132D, D940283V

be built, the voters will be asked whether or not they want the permitted desalination plant to do this. (attachment 21)

22. The community is being denied due process in the permitting of this development because it has not able to see or to comment upon what is actually going to be built on the project site. This denial applies to at least the following: the location and number of the buildings which currently conflict with the open space easement; the location and size of the drainage to Santa Rosa Creek; and evidence as to how \$679 per condominium unit will solve the traffic hazard problem on Main Street as set forth in the negative declaration.

Respectfully submitted,

Dated: December 4, 1996

Vicu Kulahan Attorn

Vern Kalshan, Attorney for 300 Cambria Home Owners and the Cambria Legal Defense Fund



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

ALEX HINDS DIRECTOR

BRYCE TINGLE ASSISTANT DIRECTOR

ELLEN CARROLL ENVIRONMENTAL COORDINATOR

BARNEY MCCAY
CHIEF BUILDING OFFICIAL

NORMA SALISBURY
ADMINISTRATIVE SERVICES OFFICER

ENVIRONMENTAL DIVISION

January 3, 1996

Woody Elliott, Corresponding Secretary North Coast Advisory Council P.O. Box 533 Cambria, CA 93428 Capp

RE: Vadnais/Stone Edge Townhouse project, Cambria (ED95-107, 108, 109, 110)

Dear Mr. Elliott:

I have reviewed a copy of the letter your Council sent to Terry Wahler, dated December 15, 1995. I also reviewed a letter Joe Boud sent to me dated December 21, 1995. Mr. Boud's letter was copied to your Council.

The Council has requested that an Environmental Impact Report be prepared for the project focusing on drainage, soils, traffic and glare. Your Council will find the information in Mr. Boud's letter helpful in addressing members' concerns. Council members may find it helpful to review the enclosed proposed negative declaration. As the Environmental Specialist assigned to the project, I prepared the negative declaration.

In the following discussion I have elaborated slightly on the discussion found in the proposed negative declaration, and have hopefully addressed each of the Council's concerns. Because this is my official response to the Council's comments, your letter and this response will be included as exhibits to the project staff report. As such, your comments and my response will be considered by the Planning Commission and Subdivision Review Board.

The following is a discussion of the environmental impacts identified by the NCAC, and the mitigation measures which reduced the impacts to a less than significant level:

Quantity and quality of surface water runoff

The applicant has prepared an engineered grading and drainage plan. The plan provides for storm water runoff to flow to the internal streets and a storm drain system, which would carry the water off-site and into Santa Rosa Creek. These plans have been reviewed by the County Engineering Department. Engineering recommends that a drainage easement be acquired to Santa Rosa Creek. Acquisition of this easement will be a condition of approval.

Ex1, p9 A-3-54-96-113



1026 GRAND AVENUE, ARROYO GRANDE, CALIFORNIA 93420

805/473-7700

FAX 805/473-7752

August 12, 1996

Mr. Norman Fleming 952 Iva Court Cambria, CA 93428

SUBJECT: Condo Project - Main & Pine Knolls Your letter dated August 7, 1996

Dear Mr. Fleming:

Thanks for your letter alerting us of the subject project. To the best of my knowledge, Mid-State Bank has not granted any easement through its property, at this time, on the subject project.

Your concerns about Santa Rosa Creek and the potential increase in traffic will be of interest to us also. We will be looking more into this proposed development now that you have brought it to our attention.

Thanks again!

Sincerely,

Harry Yasumoto Vice President

Real Estate Services

hy/mw

Exl, p10 A-3- SW- 96-113

COUNTY OF SAN LUIS OBISPO OFFICE MEMORANDUM

Date:

April 30, 1996

To:

& Ferry Wahler

From:

John Hand

Re:

Vadnais Project #D9401327D, Traffic Analysis

According to the recommendation of the 1995 <u>Annual Resource Summary Report</u>, Main Street in Cambria is currently operating at LOS III. However, the appropriate remedy has been identified and scheduled for implementation. In this case, the remedy is to widen the roadway to three lanes with a bike lane on each side. The Engineering Department has reported that design work is scheduled for FY 1995-96, with construction to follow within the next two years. (You could check with Richard Marshall to see if there has been any change to this schedule.) Typically, when the appropriate capital improvement project has already been scheduled, the Board of Supervisors does not direct staff to conduct a resource capacity study. Thus, the level of severity does not become certified by the board - it remains a "recommended" level of severity. The board is required to take certain specified actions only pursuant to a <u>certification</u> of a level of severity.

The North Coast Advisory Council's understanding "that no additional traffic impacts can occur until RMS Level 3 is resolved" would be correct if the level of severity were <u>certified</u>. However, as long as it remains a "recommended" level of severity, no prohibition of additional traffic impacts is required.

It may be appropriate to condition new development upon the completion of the Main Street widening project.

Exl, p || A -3- SLO -96-113 1

NORTH COAST CIRCULATION STUDY

Final Report

prepared for SAN LUIS OBISPO COUNTY

by
COUNTY ENGINEERING DEPARTMENT

February 1992

Exl, pl2 A-3-500-96-113 the two main commercial centers, West Village and East Village. The configuration of this improvement would include four through lanes and a continuous two-way left turn lane, for access to adjacent commercial properties. This would more than double the capacity of the existing roadway, improving the projected peak hour level of service on summer weekdays from LOS "E" to LOS "C" at buildout. Capital costs are estimated at \$1.5 million for this project. Existing development, as well as steep terrain in some areas, may require the elimination of parking and the narrowing of the center turn lane in order to construct this level of improvement.

Widening of Main Street to three lanes. Burton Drive to Cambria Drive. Environmental costs and capital costs of widening Main Street could be reduced by widening to three rather than five lanes. This configuration would include two through lanes and a continuous two-way left turn lane, reducing the total width to as little as 42 feet. While a center turn lane does not improve the roadway capacity, it may be thought of as reducing the demand, by removing turning vehicles from the traffic stream. This would be sufficient to improve the projected peak hour level of service on summer weekdays from LOS "E" to "D" at buildout. This would be equivalent to maintaining the existing level of service, but not improving it. The road widening would occur on both sides of Main Street, adjusted as needed to minimize impacts on adjacent properties. A portion of the alignment, from Cambria Drive to Tamson Way, is already three lanes, and would only require shoulder widening for bicycle travel. Capital costs for this project are estimated at \$550,000 in current dollars.

Upgrading of Burton Drive. Lodge Hill. This is the main connection between the residential areas of Lodge Hill and the commercial areas of downtown Cambria. Shoulder widening of this narrow two-lane roadway would increase the capacity and improve the projected peak hour level of service on summer weekdays from LOS "E" to LOS "D" at buildout. However, the critical location will become the intersection of Burton Drive with Main Street. Improvements to Burton Drive alone without a new parallel route will only exacerbate this situation. The capital costs of this project are estimated at \$1.3 million.

New Roadway Connections

As alternatives to upgrading existing roadways, the following new roadway connections were assessed (see figures S-4 and S-4(a)):

<u>Piney Way.</u> This road would provide a connection between Lodge Hill in the vicinity of the Cambria Pines Lodge, and downtown Cambria in the central portion of Main Street. The main objective of this alignment is to provide a parallel route to Burton Drive. Capital costs of this project are estimated at \$1.5 million, including a bridge over Santa Rosa Creek.

Ex1, p/3 S-15 A-3-510-96-113

Exhibit A 1996 Update North Coast Circulation Study

On February 25, 1992 the Board of Supervisors approved the North Coast Circulation Study. The most recent update of that study was adopted by the Board of Supervisors on August 15, 1995. Also on February 25, 1992 the Board adopted a Resolution imposing road improvement fees on new development under the provisions of Ordinance 2379. The most recent update of the North Coast Road Improvement Fee Resolution was also adopted by the Board on August 15, 1995. This is the 1996 Update Report.

During 1995, building permits were issued for 68 single-family residences, one duplex, two mobile homes, 2,600 square feet of warehouse, 1,600 square feet of office, 2,100 square feet of retail use and tenant improvements, one small restaurant and one public restroom, within the North Coast study area. Since the 1995 Update Report, \$112,000 has been collected, and \$69,193 interest earned, in the North Coast Road Improvement Fund. The total balance as of October 3, 1996 is \$953,852.60.

Transportation Improvements

The North Coast Circulation Study (NCCS) contained a series of recommended transportation improvements. Progress has been made in the following areas:

Roadways

Main Street. The segment of Main Street between Cambria Drive and Burton Drive has historically had the highest traffic volumes within the community. In recent years, there has been a tremendous increase in measured traffic. Between 1994 and 1995, a 40% increase was observed. 1996 traffic levels have held steady with the higher level measured in 1995. As a result, the 1995 Update of the North Coast Circulation Study, as adopted by the Board of Supervisors, recommended that it was time to initiate a road-widening project to increase the traffic-carrying capacity of this critical segment of Main Street. The County Engineering Department is proposing to implement the project which was recommended in the Circulation Study. The main element of the street widening will be the provision of a continuous two-way left-turn lane, similar to that which has already been installed between Cambria Drive and Tamson Way. The Engineering Department is working with the North Coast Advisory Council to address some of the details of the design, such as parking, bikeways, sidewalks and streetscape design. Staff will be working with property owners and business owners to identify the time of year the construction would cause the least impact, and estimates construction of the first phase during 1997, lasting approximately four to six weeks. The first phase will involve the easterly end of the street segment, from Burton Drive to approximately "the Goldsmith." This part is being done separately from the rest as it involves removal and reconstruction of existing sidewalk, which will be the more difficult construction process.

1

940 PAGE

PECLARATION OF CONDITIONS, RESTRICTIONS AND RECENTATIONS FOR PINE KHOLLS ELTATES

THE UNDERSIGNED owners and subdividers of that certain subdivision in the County of San Luis Obispo, State of California, known and described as fine Knolls Estates and being officially known and described as Tract No. 112 and consisting of a portion of Rancho Santa Rosa and a portion of the Rigdon Tract in the County of San Luis Obispo, State of Celifornia, do hereby declare the following conditions, restrictions and reservations to constitute a general plan for the improvement of said Tract No. 112, also known as Pine Knolls Estates, and which shall run with the land, and shall operate as conditions subsequent and shall operate not only for the benefit of the grantor but for the benefit of the owner or owners of any of the lots hereby conveyed as against the owner or owners of all the lots hereby conveyed as against the owner or owners of the belance of the lots in said Pine Knolls Estates and for the benefit of the owner or owners of all the lots hereby conveyed against the owner or owners of any particular lot or lots, and which shall be binding upon grantor, his heirs, executors, administrators and assigns, and upon all persons, holding under or thru him, and all persons, who may acquire any interest in or to any of said lot or lots by operation of law or by or in any other manner whatsoever namely:

That no building or structure other than one private one family residence shall be placed or constructed upon any one lot; however, a garage, guest house or servants' quarters without cooking facilities may be erected, placed and maintained thereon as appertaining to and for the sole use of the occupant of such residence.

Second: No such dwelling or appurtenant buildings shall be permitted to be placed, constructed or assembled upon said proporty unless and until the plans and specifications of such buildings shall have been presented to and approved in writing by the seller or his agent and a committee appointed by the seller or his agent, provided further that no dwelling shall be permitted having a ground floor area of the main structure of less than 1290 square feet in Blocks 8 and 9, and 1000 square feet in Blocks 5, 6 and 7, exclusive of open porches and · garage.

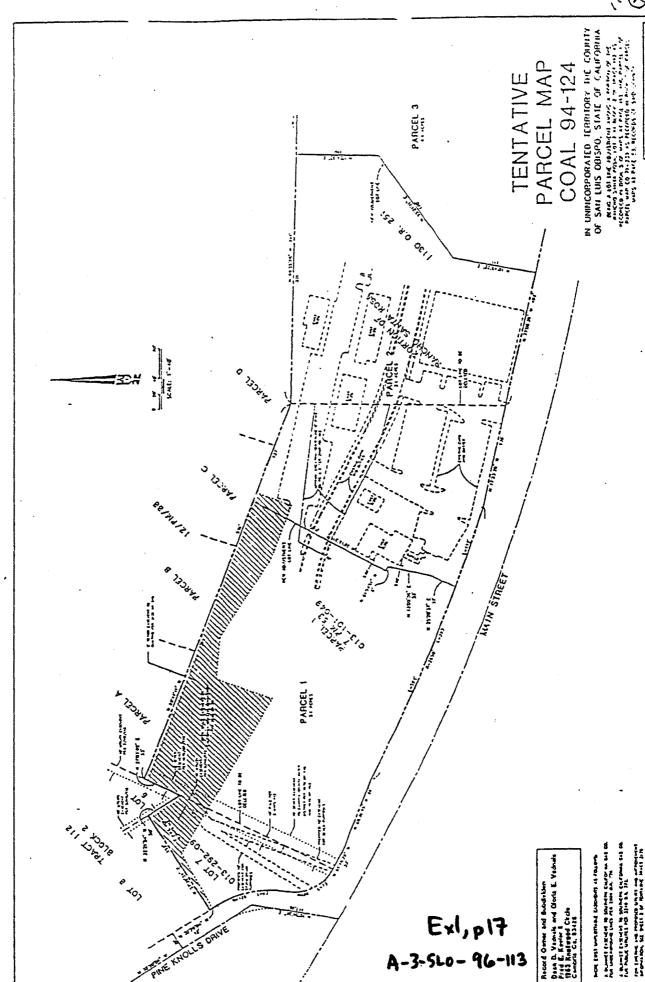
Third: No dwellings or appurtenant buildings other than one story, shall be placed or constructed on any lot except in Blocks 1-2-3and 4, where 12 and 2 stories are permitted provided main floor has 1000 square feet in area, exclusive of garage and open porches and patio, and only one story is above the highest point of said lot.

Fourth: No tent or other temporary structure shall be placed on any of the said premines. Provided, however, that during the period of construction of any permanent dwelling, garage, or other improvement such portion thereof as may have been completed may be occupied during the period of construction of the permanent improvements, but not in any event to exceed the period of six months from the date of commencement of such construction of permanent improvements. Provided further that a trailer may be placed upon any of said lots and occupied during " the period of construction of permanent improvements, but in no event to exceed the period of six months. The foregoing is not intended to prevent owners of said lots from keeping or storing trailers on said premises, provided that the same is not done for the purpose of use and occupancy as a permanent dwelling.

Ex1, p 19

1-3-5to-96-115

(<u>22</u>) 27 50 HARIFORD DRIVE 10 20 20 7.8 80 MAIN & GROVE (I PINEKNOLLS 9 OAKHURST Schlitz BLK



I BLIMET ENXIOLIT TO SOUNCES CHICOMA 613 For hang unjuts PG 3346 ha. 311.

VERN D. MATTOX 4985 Grove Street Cambria, California 93428 APN 13-101-069

Mr. Terry Wahler Planner, Department of Planning and Building County Government Center San Luis Obispo, California 93408

January 20, 1996

Dear Mr. Wahler:

I am writing in regards to the Hearing by Dean Vadnais/Joe Boud/North Coast Engineering for a Development Plan/Coastal Development Permit/Tentative Tract Map to create twenty five residential condos on a 3.1 acre parcel and a variance for grading and also wants to do more grading which has already been done.

I am protesting the fill dirt that was moved to the parcel when his property along Main Street was excavated in order to build a sidewalk and retaining wall. The fill dirt has changed the natural grade of the proposed condo site by about 15 to 20 feet. Mr. Vadnais told me on the telephone that they were only going to store the dirt temporarily, and much of it would be returned to the sidewalk excavation site. As of today, all the fill remains on the proposed condo site.

I am very concerned about building heights and ingress and egress of traffic plus the air and noise quality as stipulated by Code 21000.

We also have a recorded easement on this property for a sewer line.

When we built our home above the site, we followed the natural grade of the land. I personally think the developers should remove all the dirt they have brought in before anything is permitted to be built on the property.

Thank you,

/ジ/ Vern D. Mattox

> Ex1, p 18 A-3-560-96-112



Department of Planning and Building DECEIVERN Luis Obispo County

Alex Hinds, Director

Bryce Tingle, Assistant Director CALIFORNIA
Ellen Carroll, Environmental Coordinator OASTAL COMMISSION (ENTRAL COAST ARE.)

Barney McCay, Chief Building Official
Norma Salisbury, Administrative Services-Officer

PROJECT REFERRAL

DATE:

June 16, 1995

TO:

Tract 2176/D940132D/D940283V/Coastal Development Permit

Vadnais/Boud

Project Name and Number

2 0

FROM:

Terry Wahler, Senior Planner

Development Review Section

Phone: 781-5621

Project Description: A Tentative Tract Map and development plan request to subdivide a 3.13 acre site into 25 airspace condominiums (Townhouses). A variance is required to grade slopes in excess of 30%. The project site is located at the northeastern corner of Pine Knolls Drive and Main Street, in the community of Cambria. The site is steeply sloping. Geologic stability, drainage erosion and sedimentation concerns will need to be fully addressed. Traffic generation as it relates to the Cambria Circulation Study will need to be evaluated. Water availability and the project's place on the water list also needs to be documented. Visual impacts may be a concern. Visual mitigation is proposed in the form of extensive landscaping. Tree coverage is limited and therefore removal is limited. App 013-101-049 & 13-292-019.

Please return this form with your comments within two weeks.

STEP I Is the attached information adequate for your review? __

If not, please call me as soon as possible to discuss

what else you need.)

STEP II Are there significant concerns, problems or impacts in your area of review? (\lambda_{ea}\). If so, please describe the impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and

attach to this letter.

STEP III Please indicate your recommendation for final action.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. If you have "no

Conment", please so indicate or call. Conspicut will need locate develor must outside of some easement.

Steve Crimen 07/00/95 Ex 1, p 19 A - 3 - 5 LO - 96 - 113

CALIFORNIA COASTAL COMMISSION

ENTRAL COAST AREA OFFICE 25 FRONT STREET, STE. 300 ANTA CRUZ, CA 95060 08) 427-4863 EARING IMPAIRED: (415) 904-5200



December 26, 1995

Terry Wahler
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: Proposed Negative Declaration for Lot Line Adjustment/Coastal

Development Permit COAL 94-124, Vadnais/Boud/North Coastal Engineering

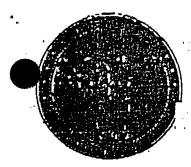
Dear Mr. Wahler:

In July of this year I responded to a request from the County to review this proposal and commented that the plans showed development proposed for the open space area on the site. The plans accompanying this latest document still show structures proposed to be developed in the open space area. The applicant will have to relocate the proposed structures, apply to amend the open space easement to allow the structures, or show that the easement allows for that development. If you have any questions please do not hesitate to contact me. Thank you.

Sincerely,

Steve Guiney Coastal Planner

> Exl, p 20 A-3-560-96-113



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

Post-it Fax Note 767! | Duty | -5-16 | proper 2

TO L. HALL | From B. TINGLE

Co./Deposition Reserved Co.Co. PLAN'G

Prome #927-2910 | Fax #781-1242

ALEX HINDS DIRECTOR

BRYCE TINGLE ASSISTANT DIRECTOR

ENVIRONMENTAL COORDINATOR

CHIEF BUILDING OFFICIAL

NORMA SALISBURY AUMINISTRATIVE SERVICES OFFICER

Ms. Linda Hall Sean Realty 784-B Main St. Cambria, Ca 93428

BENT VIA FAX

Re: Residential allocations in Cambria

Dear Ms. Hall:

As we discussed earlier today, residential allocations in Cambria under the county growth management ordinance are based on the Waiting list maintained by the Cambria Community Services District (CCSD). The county Will issue residential allocations based on the Will-serve letters issued each year by the CCSD.

The county has no legal role in the maintenance and operation of the CCSD list since the district is an entity separate from the county. Therefore, it is up to the CCSD to decide how to implement its list, including issues associated with the area of your concern regarding single family vs. multi-family units.

The county growth management ordinance also includes a provision that allows persons who are not on the "frozen" CCSD list as it existed as of December 31, 1990, to apply for a dwelling unit allocation on the county's list. The county list will be used at some future data when all parties on the frozen CCSD list have been able to secure water meters and county building permits. Once the frozen CCSD list is exhausted, all future allocations in Cambria will come from the county's list, thereby having only one list for future building in Cambria.

As I noted when we talked, the CCSD has requested various amendments to the county's growth management ordinance, including a request to shift various types of requests from the CCSD list to the countywide list. The Board of Supervisors considered those requests and did not authorize staff to prepare the amendments to the ordinance as requested by the district.

Exl, p21 A-3-56-96-113



- CONSTIL

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

ALEX HINDS DIRECTOR

BRYCE TINGLE ASSISTANT DIRECTOR

ELLEN CARROLL ENVIRONMENTAL COORDINATOR

BARNEY MCCAY
CHIEF BUILDING OFFICIAL

NORMA SALISBURY
ADMINISTRATIVE SERVICES OFFICER

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: September 17, 1996

SUBJECT: Stone Edge/TRACT 2176/D940132D/D940283V/Dean Vadnais/Joe Boud

LOCATED WITHIN COASTAL ZONE: YES NO

The above-referenced application was approved on the above-referenced date by the following hearing body:

____ San Luis Obispo Planning Commission

x San Luis Obispo Board of Supervisors

EXHIBIT NO. 2

APPLICATION NO.

A-3-540-96-113

A copy of the findings and conditions is enclosed. The conditions or approval must be completed as set forth in this document.

If you are dissatisfied with any aspect of this approval, you have the right to appeal the decision to the Coastal Commission. The appeal must be filed within 10 days upon receipt of the notice of final action by the Coastal Commission. (Subject to a determination by the Coastal Commission that there are grounds for an appeal as set forth in Section 30603 of the Public Resources Code and pursuant to the Coastal Zone Land Use Ordinance 23.01.043d). We strongly recommend that you contact the Coastal Commission concerning rights and procedures of appeal. You may also wish to contact the county Department of Planning and Building to obtain the appeal form and information handout explaining the rights of appeal. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action.

FINAL LOCAL ACTION NOTICE

APPEAL OD 10/10 - 10/24/96

DECEIVED
OCT 0 9 1996

CALIFORNIA COASTAL COMMISSION

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day September	<u>17</u> ,	19_	96
--------------------	-------------	-----	----

PRESENT: Supervisors Harry L. Ovitt, Evelyn Delany, Ruth E. Brackett, David Blakely,

and Chairperson Laurence Laurent

ABSENT:

None

RESOLUTION NO. 96-337

RESOLUTION MODIFYING THE DECISION OF THE PLANNING COMMISSION AND PARTIALLY APPROVING THE APPLICATION OF **DEAN VADNAIS FOR VARIANCE D940283V**

The following resolution is now offered and read:

WHEREAS, on May 13, 1996, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and approved the application of Dean Vadnais for Variance D940283V; and

WHEREAS, Suzy Ficker for the Cambria Legal Defense Fund has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on September 10, 1996, and the matter was continued to and determination and decision was made on September 17, 1996; and

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

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be upheld in part and denied in part and the decision of the Planning Commission should be modified subject to the findings set forth below.

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

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

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

- . 3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
- 4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.
- 5. That the appeal filed by Suzy Ficker for the Cambria Legal Defense Fund is hereby upheld in part and denied in part and the decision of the Planning Commission is modified and that the application of Dean Vadnais for Variance D940283V is hereby partially approved.

Upon motion of Supervisor <u>Ovitt</u>, seconded by Supervisor <u>Brackett</u>, and on the following roll call vote, to wit:

AYES: Supervisors Ovitt, Brackett, Blakely, and Chairperson Laurent

NOES: Supervisor Delany

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

LAURENCE L. LAURENT

Chairman of the Board of Supervisors

ATTEST:

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM

County Counsel

Deputy County Counsel

Date: 17,1991

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STATE OF CALIFORNIA

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COUNTY OF SAN LUIS OBISPO) 85

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bee full true and powers the course entered in the minutes of said Board of Cuporvisors, and now remain-

By Chem Cancer

Ex2, p3 A-3-510-96-113

EXHIBIT A VARIANCE FINDINGS D940283V

ENVIRONMENTAL DETERMINATION - FINDING

- A. On the basis of the Initial Study and all the comments received, there is no substantial evidence that the project will have a significant effect on the environment.
- B. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties with similar slopes in the vicinity and land use category in which such property is located because a multi-family residential development is allowed by the planning area standard and, adjacent lots with steep slopes are also developed with urban scale development, and because the residential project could not be reasonably constructed without some grading on slopes in excess of 30%.
- C. There are special circumstances applicable to the property, related to size/topography/location, and because of these circumstances, the strict application of this title would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category. The portions of the site exceeding slopes of 30% constitute special circumstances and no alternative building site exists where grading on slopes exceeding 30% could be avoided since substantial regrading of the site is necessary to allow development of the site at the density proposed.
- D. Multi-family residences are allowed on this site by special planning area standards of the general plan in the Commercial Retail Land Use Category, and the variance would therefore not authorize a land use that would otherwise be unauthorized.
- E. Granting the variance would not conflict with the provisions of the Local Coastal Program, since any alternative locations for the building sites would bring about greater disturbance than the current proposed location.
- F. The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements, because all grading will be engineered to ensure required standards of stability for all earthwork.
- G. The variance for grading on slopes over 30% is limited to the area south of the 30% slope grading control line shown on the map attached hereto and made a part hereof.

 Grading on slopes not previously disturbed, in excess of 30%, north of and above this line is not authorized by this Variance.

5x2, p4 A-3-560-96-113 glair-

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues	day	September	17	, 19	96
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PRESENT: Supervisors Harry L. Ovitt, Evelyn Delany, Ruth E. Brackett, David Blakely,

and Chairperson Laurence L. Laurent

ABSENT:

None

RESOLUTION NO. __96-338

RESOLUTION MODIFYING THE DECISION OF THE PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF DEAN VADNAIS FOR DEVELOPMENT PLAN D940132D

The following resolution is now offered and read:

WHEREAS, on May 13, 1996, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of Dean Vadnais for Development Plan D940132D; and

WHEREAS, Suzy Ficker for the Cambria Legal Defense Fund has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on September 10, 1996, and the matter was continued to and determination and decision was made on September 17, 1996; and

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

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be upheld in part and the decision of the Planning Commission should be modified subject to the findings and conditions set forth below.

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

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

Ex2, p5.

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

3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

That the appeal filed by Suzy Ficker for the Cambria Legal Defense Fund is 5. hereby upheld in part and the decision of the Planning Commission is modified and that the application of Dean Vadnais for Development Plan D940132D is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein _ as though set forth in full.

Upon motion of Supervisor <u>Ovitt</u>, seconded by Supervisor <u>Brackett</u>, and on the following roll call vote, to wit:

AYES: Supervisors Ovitt, Brackett, Blakely, Chairperson Laurent

NOES: Supervisor Delany

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Ex2, p6 -3-54-96-11

PIMENCE L LAUNENT Chairman of the Board of Supervisors

Julie L. Rodewald Clerk of the Board of Supervisors BY:

CHENE AISPURO Deputy Clerk

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM

County Counsel

Doputy County Counsel

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EXHIBIT A DEVELOPMENT PLAN FINDINGS D940132D

ENVIRONMENTAL DETERMINATION - FINDING

- A. On the basis of the Initial Study and all the comments received, there is no substantial evidence that the project will have a significant effect on the environment.
- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because multi-family residential development is allowed by the planning area standards of the general plan.
- 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 project will be required to provide improvements to stabilize graded areas, provide drainage improvements and the residences will be subject to the safety standards of the Uniform Building Code.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because it is a multi family project within the urban area of Cambria.
- 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 public roads serving the site with improvements required by the Cambria Circulation Plan will adequately accommodate the additional traffic generated by this project.
- G. Grading on slopes in excess of 20% is warranted based on the topographic constraints on the site and the project design.
- H. The provision of two (2) affordable units or lots as defined by Section 23.04.094 of the Coastal Zone Land Use Ordinance and Section 50093 of the Health and Safety Code will satisfy the intent of Section 23.04.092 of the Coastal Zone Land Use Ordinance and Government Code Section 65590 and is feasible due to the scale of the project, the availability of land in the community, the need for low and moderate income housing within the community. The applicant's analysis does not include a reasonable range of on-site and off-site affordable housing projects in the feasibility analysis, and absent a complete analysis including this information, the presumption of feasibility has not been overturned

Ex2, p 7 A-3-50-96-113 The following incentives are offered by the county:

- 1. Public Facilities fee exemption for the affordable housing units. Fees will be paid through the affordable housing in lieu fee fund in accordance with Ordinance Section 18.04.010a.
- 2. Staff technical assistance in identifying possible state and federal funding sources for affordable housing.
- 3. Exemption from the county Growth Management ordinance.
- 4. Affordable units receive a special priority on the CCSD list for water service.
- 5. A variance for grading on slopes over 30% allows for greater development than would otherwise be allowed on the site.
- 6. Residential Development of this type is not normally allowed in the Commercial Retail land use category. The relaxation of normal zoning requirements constitutes an incentive by making residential development possible in the Commercial Retail land use category.

EXHIBIT B DEVELOPMENT PLAN - D940132D - CONDITIONS OF APPROVAL

Approved Use

- 1. This approval authorizes:
 - a) a residential airspace condominium project consisting of 25 airspace units and an underlying common lot including openspace, parking and access areas to be held in common by the homeowner's association.
 - b) floor plans and elevations approving 25 attached residences in duplex and triplex configurations.
 - c) grading on slopes in excess of 20% for site improvements.

The development shall conform to the approved site plan (revised), floor plans and elevations as well as the preliminary grading plan except as modified by these conditions of approval.

Revised Plans

- 2. Prior to issuance of a grading or building permit the applicant shall submit a revised site plan to the development review section of the Department of Planning and Building for review and approval. Plan to show:
 - a) maximum retaining wall height of the exposed face of retaining walls along the Main Street frontage shall not exceed 4 feet along the westerly portion, approximately 240 feet and shall not exceed 5 1/2 feet for the easterly portion, except for the back of the street tree wells and where necessary to match the height of the existing retaining wall. This wall shall include cut outs for street trees at 20 feet intervals along Main Street and shall be designed to accommodate extensive landscaping-tree cover along the southern and western slopes of the project.
 - b) The applicant shall submit a revised site plan showing that the proposed development will not involve grading on undisturbed slopes over 30% for any proposed residences. Relocation of buildings reduction in unit sizes, or elimination of units, decks and garages may be necessary. (The variance for grading on slopes over 30% is limited to the area south of the 30% slope grading control line shown on map attached to the variance resolution. Grading on slopes not previously disturbed, in excess of 30%, above this line shall not be allowed.

These modifications shall be integrated into the grading plans and permit.

Grading Permit

Ex2, p9 A-3-56-96-113 3. Prior to issuance of a building permit, or any grading activities, submit grading, sedimentation and erosion control, and drainage plans prepared in accordance with the requirements of Section 23.05.028, 23.05.036, and 23.05.044 of the County Land Use Ordinance to the Department of Planning and Building for review and approval. The plans shall be designed by a registered civil engineer, or other qualified professional. Review of the plans shall be subject to an inspection and checking agreement with the Engineering Department. The grading permit shall also require approval by Cambria Community Fire Department for finish road grades and surfacing requirements, prior to issuance. Grading activities shall not be allowed during the rainy season (October to April). unless approved by the Director of Planning and Building.

Geology

4. All recommendations contained in the geotechnical engineering report prepared by Mid-Coast Geotechnical, Inc. (dated April 19, 1995) and the Engineering Geology Investigation (dated April 19, 1995) prepared by Ken Maloney shall be adhered to during all phases of design, site preparation and construction. Updates by the respective engineer are subject to review and approval by the Director of planning and Building.

Agency Review

- 5. An encroachment permit shall be obtained from the County Engineering Department prior to any construction activities in the public right-of- way.
- 6. A letter of clearance from the Cambria Community Fire Department shall be required prior to issuance of any permits, indicating compliance with their standards and requirements, and indicating their approval of the proposed access drive grades and surfacing.
- 7. Prior to issuance of any grading or building permits, the applicant shall provide written clearance from the Coastal Commission concerning the openspace easements on the northern periphery of the project. Amendment or relocation of the easements and amendment to previous Coastal Development Permits may be required. The applicant shall submit the proposed revised easement location map to the department of Planning and Building for review and approval prior to submitting to the Coastal Commission. The easement revision shall be equal to or greater in extent and quality that the existing easement and shall equal 75,000 square feet.

Effective Time Period

8. This development plan approval period will run with the tentative tract map approval period. Map time extension approvals granted with the map shall similarly extend the development plan approval period. Time extensions must be submitted in writing by the applicant and are subject to evaluation and action based on the circumstances prevailing at the time of the request.

Low Cost Housing

- 9. Prior to issuance of any grading or building permits or filing of the final map the applicant shall enter into an agreement with the county to provide two (2) residential units for low and moderate income families as defined by Section 23.04.094 of the Coastal Zone Land Use Ordinance and by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgement that it is feasible to provide a level of affordable housing in conjunction with this project.
 - a. Prior to recording the Tract Map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any officially recognized affordable housing included within the residential project.

ENVIRONMENTAL MITIGATION MEASURES

Mitigation Monitoring

- 10. Prior to issuance of any permits and any physical disturbance of the site, the applicant shall contract with the county to engage an environmental monitor to monitor the implementation of the mitigation measures identified in the environmental document and required herein to comply with the California Environmental Quality Act.
- 11. Prior to issuance of any permits and any physical disturbance of the site, the monitor shall prepare a mitigation plan including phasing (commencement and completion) of tree removal, grading, construction of utility lines, access and drainage improvements, completion of retaining walls and installation of landscaping. Plan to be submitted to the Department of Planning and Building, Environmental Division for review and approval.

Air Quality

- 12. Prior to approval of subdivision improvement plans or grading permits, the developer shall prepare and submit for review and approval to the Department of Planning and Building and the Air Pollution Control District a dust control plan. The plan shall include, but not be limited to the following:
 - a) the installation of wheel washers, if appropriate, where vehicles enter and exit unpaved areas onto paved streets;
 - b) Revegetation of all disturbed soil areas immediately upon completion of grading;
 - c) Any disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLO County Air Pollution Control District;

Ex2, p ||
A-3- SLO- 96-113

- d) No stockpiling of soil; rather, soil will be graded immediately after deposition;
- e) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- f) All trucks hauling soil, sand or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code section No. 23114;
- g) The use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will occur whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- h) Sweep adjoining paved roads at the end of each day if visible soil material is carried onto the paved roads.
- 13. Prior to approval of subdivision improvement plans or grading permits, the developer 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. The monitor's duties shall include accessibility during holidays and weekend periods when work may not be in progress. The name and telephone number of the monitor(s) shall be provided to the Department of Planning & Building and Air Pollution Control District prior to issuance of construction permits. During construction/grading activities, the developer agrees that the monitor will make site visits as necessary to assure compliance with the air quality mitigations discussed herein.
- 14. Prior to finaling the grading permit, the developer shall submit to the Department of Planning and Building for review and approval a copy of a written report prepared by the monitor referenced in item #8 of this document. The report shall describe: 1) the name and qualifications of the monitor; 2) the dates and times the monitor was present on the site; 3) the developer's degree of compliance with the air quality mitigations described herein, 4) any problems encountered during the project related to compliance with these mitigation measures; and 5) a description of corrective actions needed to meet these measures, whether the corrective actions were taken, and their timing.
- 15. During all construction activities, the developer shall cause the grading contractor to comply with the following NOx and ROG mitigation measures for all diesel powered equipment:
 - a) Injection timing retard of 2 degrees,
 - b) Installation of high pressure injectors, and
 - c) Use of reformulated diesel fuel.
- 16. Prior to issuance of construction permits, the developer shall prepare and submit for

review and approval to the Department of Planning and Building and the Air Pollution Control District an activity management plan. The approved plan shall be implemented and shall apply during all grading activities. The plan shall include, but not be limited to the following:

- a) Development of a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period.
- b) Scheduling of construction truck trips during non-peak hours to reduce peak hour emissions.
- c) Limiting the length of the construction work-day period, if necessary.
- d) Phasing of construction activities, if appropriate.

Tree Removal/Protection

- 17. Prior to issuance of a grading permit (in conjunction with a monitoring plan) and prior to any installation of subdivision improvements, the applicant shall clearly show on the project plans the type, size, and location of all native trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the dripline of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.
- 18. At the time of application for subdivision improvement plans or grading permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 2:1 ratio, of all Monterey pine trees removed as a result of the development of the project. No more than 2 Monterey pine trees having a six inch diameter at four feet from the ground shall be removed as a result of the development of the project. (Tree replacement plan shall be shown on the project landscaping plan).

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.

Noise

- 19. Prior to finaling the building permit (for the southern unit identified in Exhibit A), the applicant shall demonstrate that the following noise mitigation measures have been incorporated into the design of the unit:
 - a) A grouted masonry continuous noise barrier wall with a height of four feet above finished floor elevation constructed at the south boundary of the patio of the southernmost dwelling unit.
 - b) The layout of the floor plan shall be arranged in such a way as to use bathrooms, corridors, closets, storage and other non-habitable spaces as "noise buffers."
 - c) The south elevation of the dwelling unit shall have wall, ceiling and roof construction with an S.T.C. (sound transmission class) rating of 30 or greater. Soffit or eave or dormer vents or doors or windows or skylights or other roof or wall penetrations adjacent to the noise source shall be acoustically rated and designed.
 - d) Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues and other breaks in the integrity of the wall, ceiling or roof construction on the east and on the north sides shall receive special attention during construction. All construction openings and joints on the walls on the south side of the site shall be insulated, sealed and caulked with a resilient, non-hardening caulking material. All such openings and joints shall be airtight in order to maintain sound isolation.
 - e) South-facing windows shall be of double-glazed construction and installed in accordance with recommendations of the manufacturer. The windows shall be fully gasketed, with an S.T.C. rating of 35 or better, as determined in testing by an accredited acoustical laboratory.
 - f) Ventilation shall be available to all habitable spaces in accordance with Section 1205 of the Uniform Building Code.

Visual/Aesthetic Impacts

- 20. Prior to issuance of building permits, the applicant shall provide an exterior lighting plan showing the location and type of lighting proposed throughout the development. All exterior light sources shall be low-level and adjusted so that light is directed away from Main Street and Highway 1. Security lighting shall be shielded so as not to create glare when viewed from Main Street and Highway 1.
- 21. At the time of application for building permits, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground

Ex2, p15 A-3-510-96-113 surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

- 22. At the time of application for building permits, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the Land Use Ordinance and provide vegetation that will blend the new development, including driveways, access roads, etc., when viewed from Main Street and Highway 1 into the surrounding environment. Plans will propose an aggressive replanting plan including:
 - a) A plant container size mix that includes a sufficient number of larger trees and shrubs to provide initial screening of the south facing, graded hillsides.
 - b) Sufficient number of plants to be effective in providing initial screening.
 - c) Identify and include tree replacement within the landscaping plan.
 - d) Street Trees at 20 foot intervals along Main Street.

The landscaping plan shall utilize only plant material consistent with Section 23.04.184 of the Land Use Ordinance.

23. Prior to application for building permits, a cost estimate for a planting plan, installation of landscaping, and maintenance of new landscaping for a period of three years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of construction permits, a performance bond, equal to the cost estimate, shall be posted by the applicant. The bond amount may be reduced with the completion of each area landscaped.

The landscape installation timing shall be as follows:

- a) Prior to finaling the grading permit and prior to issuance of building permit for any unit, landscaping for the entire south facing slope from Main Street to top of finish slope shall be installed, except that an area of approximately 10 feet from foundation footings may remain unplanted around each unit until finaling the building permit.
- b) Prior to finaling the grading permit and prior to issuance of building permit for any unit, landscaping for the south facing slope from the primary access road to

top of finish slope shall also be installed, except that an area of approximately 10 feet from foundation footings may remain unplanted around each unit until finaling the building permit.

- c) Prior to finaling the grading permit all slope revegetation shall be completed along the northern perimeter of the project.
- d) Prior to finaling the building permit for each unit or group of units the related landscaping for each unit shall be installed.
- e) Upon completion of each phase of landscaping, the bond amount may be reduced a commensurate amount. Upon installation of all landscaping the bond amount may be reduced to 20% of the original amount and shall remain in effect for a period of one year to ensure successful establishment of all landscaping.
- 24. Retaining walls, sound walls, and understories that exceed three feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Main Street and Highway 1. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

Ex2, p17 A-3-560-96-113 Jan

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day September 17 , 19 96

PRESENT: Supervisors Harry L. Ovitt, Evelyn Delany, Ruth E. Brackett, David Blakely,

and Chairperson Laurence L. Laurent

ABSENT: None

RESOLUTION NO. 96-339

RESOLUTION MODIFYING THE DECISION OF THE PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF DEAN VADNAIS FOR VESTING TENTATIVE TRACT 2176

The following resolution is now offered and read:

WHEREAS, on May 13, 1996, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of Dean Vadnais for Vesting Tentative Tract 2176; and

WHEREAS, Suzy Ficker for the Cambria Legal Defense Fund has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on September 10, 1996, and the matter was continued to and determination and decision was made on September 17, 1996; and

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

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be upheld in part and the decision of the Planning Commission should be modified subject to the findings and conditions set forth below.

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

- 1. That the recitals set forth hereinabove are true, correct and valid.
- 2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Suzy Ficker for the Cambria Legal Defense Fund is hereby upheld in part and the decision of the Planning Commission is modified and that the application of Dean Vadnais for Vesting Tentative Tract 2176 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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

AYES: Supervisors Ovitt, Brackett, Blakely, Chairperson Laurent

NOES: Supervisor Delany

ABSENT: None

ATTEST:

ABSTAINING: None

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

Julie L. Rodewald

Clerk of the Board of Supervisors

BY: CHERIE AISPURO Deputy Clerk

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

By Deputy County Counsel

Date: Thenh, 17, 1996

JAMES B. LINDHOLM

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO) SS

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Ex2, p19 A-3-54-96-113

EXHIBIT A VESTING TENTATIVE TRACT FINDINGS 2176

- A. The proposed map is consistent with applicable county general and specific plans.
- B. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans.
- C. The site is physically suitable for the type of development proposed.
- D. The site is physically suitable for the proposed density of the development proposed.
- E. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- F. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision; or that substantially equivalent alternate easements are provided.
- G. The proposed subdivision complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.
- H. The proposed subdivision be found consistent with the county zoning and subdivision ordinance.
- I. The provision of two (2) affordable units or lots as defined by Section 23.04.094 of the Coastal Zone Land Use Ordinance and Section 50093 of the Health and Safety Code will satisfy the intent of Section 23.04.092 of the Coastal Zone Land Use Ordinance and Government Code Section 65590 and is feasible due to the scale of the project, the availability of land in the community, the need for low and moderate income housing within the community. The applicant's analysis does not include a reasonable range of on-site and off-site and affordable housing projects in the feasibility analysis, and absent a complete analysis including this information, the presumption of feasibility has not been overturned.

The following incentives are offered by the county:

- 1. Public Facilities fee exemption for the affordable housing units. Fees will be paid through the affordable housing in lieu fee fund in accordance with Ordinance Section 13.04.010a.
- 2. Staff technical assistance in identifying possible state and federal funding sources for affordable housing.
- 3. Exemption from the county Growth Management ordinance.

Ex 2, p20 A-3-56-96-113

- 4. Affordable units receive a special priority on the CCSD list for water service.
- 5. A variance for grading on slopes over 30% allows for greater development than would otherwise be allowed on the site.
- 6. Residential Development of this type is not normally allowed in the Commercial Retail land use category. The relaxation of normal zoning requirements constitutes an incentive by making residential development possible in the Commercial Retail land use category.
- J. On the basis of the Initial Study and all the comments received, there is no substantial evidence that the project will have a significant effect on the environment.

<u>EXHIBIT B</u> <u>VESTING TENTATIVE TRACT 2176 CONDITIONS OF APPROVAL</u>

Underlying Parcel/Map Act Compliance

1. Prior to recordation of the final map, lot line adjustment Coal 94-124 shall be finaled and a deed reflecting the new parcel configuration shall be recorded.

Parks and Recreation Fees

2. Prior to final map recordation, the applicant shall pay "in lieu" fees that will be used for community park and recreational purposes, as required by Chapter 21.09 of the county code. (Quimby Ordinance)

Access and Improvements

- 3. Public road improvements shall not be installed until site grading has been completed.
- 4. Roads and/or streets to be constructed to the following standards:
 - a. Main Street and Pineknolls Drive widened to complete an A-2 (urban) section fronting the property. Main Street curb, gutter and sidewalk and road widening improvements shall tie back to existing improvements at Tamsen Lane.
 - b. At the Knollwood Drive connection to the project roadway, the developer shall install a key or card gate providing access only to the owners or occupants of the Stone Edge project, emergency vehicles and service vehicles.
 - c. On Pine Knolls Drive at the project entrance roadway, the developer shall construct a turn pocket with storage length 50 feet, for northbound vehicles turning right into the project entrance.

Site Grading

- 5. Prior to map recordation and installation of subdivision improvements, due to steep slopes, the grading permit required by associated development plan D940132D shall be finaled (and all grading and related improvements completed).
- 6. All grading shall be done in accordance with Chapter 70 of the Uniform Building Code.
 All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.
- 6a. Vehicle sight distance benches shall be incorporated into the grading plans for the project at the intersection of Pine Knolls Drive with the project entrance road, as recommended by the traffic study by WPH & Associates (March 1996), to the satisfaction of the County Engineer.

Ex2, p22 A-3-56-96-113

Drainage

7. Submit complete drainage calculations to the County Engineer for review and approval. Storm water shall be conveyed directly to Santa Rosa Creek. The outlet shall be downstream (west of the bridge on Highway 1) unless it can be determined to drainage calculations acceptable to County Engineer. A drainage easement to Santa Rosa Creek shall be obtained by the developer.

Utilities

- 8. Electric and telephone lines be installed underground.
- 9. Cable T.V. conduits be installed in the street.
- 10. Gas lines are to be installed.

Plans

- 11. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the County Engineer and County Health Departments for approval. The plan to include:
 - a. Street plan and profile;
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require);
 - c. Water plan (County Health);
 - d. Sewer plan (County Health);
 - e. Grading and erosion control plan for subdivision related improvements locations;
 - f. Public utility.
- 12. The applicant shall enter into an agreement with the county for inspection of said improvements.
- 13. The engineer, upon completion of the improvements, must certify to the County Engineer that the improvements are made in accordance with Subdivision Review Board requirements and the approved plans.

Covenants, Conditions and Restrictions

- 14. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Maintenance of common areas.
 - b. Maintenance of all access roads, drainage facilities, retaining walls.

Ex2, p23 A-3-560-96-113

- 15. The developer shall establish covenants, conditions, and restrictions for the regulation of land use, control of nuisances and architectural control of all buildings and facilities. An architectural review committee shall be included in the association. These CC&Rs shall be administered by the subdivision homeowner's association. These CC&Rs shall be submitted to the county Department of Planing and Building for review and approval.
- 16. The developer shall form a home owners' association for the area within the subdivision, so as to administer the CC&Rs as noted above, and it shall conform to the requirements of the State Department of Real Estate.

Low Cost Housing

17. Prior to filing of the final map the applicant shall enter into an agreement with the county to provide two (2) residential units for low and moderate income families as defined by Section 23.04.094 of the Coastal Zone Land Use Ordinance and by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project.

Fire Protection

18. A letter of clearance from the Cambria Community Fire Department shall be required prior to issuance of any permits, indicating compliance with their standards and requirements, and indicating their approval of the proposed access drive grades and surfacing.

Stock Conditions

19. This subdivision is also subject to the standard conditions of approval for all subdivisions utilizing community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

Open Space Easement

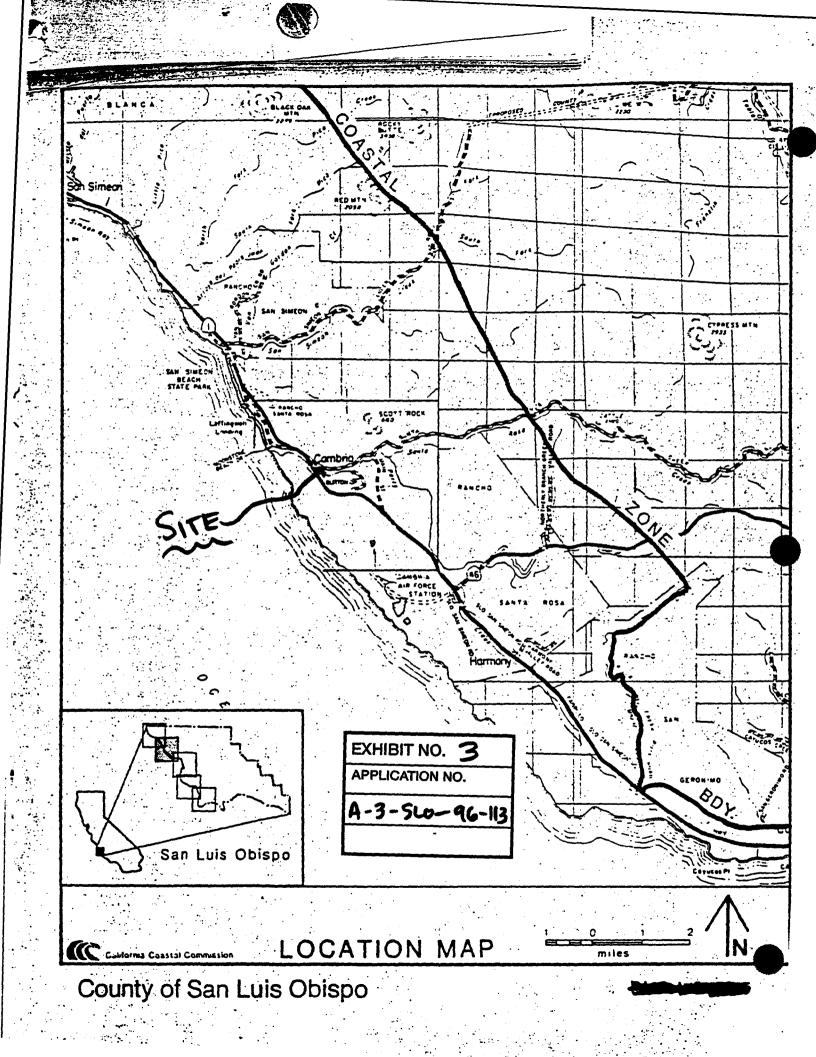
20. Prior to recordation of the final map the applicant shall provide written clearance from the Coastal Commission concerning the openspace easements on the northern periphery of the project. Amendment or relocation of the easements and amendment to previous Coastal Development Permits may be required. The applicant shall submit the proposed revised easement location map to the Department of Planning and Building for review and approval prior to submitting to the Coastal Commission. The easement revision shall be equal to or greater in extent and quality that the existing easement and shall approximately equal 75,000 square feet.

Effective Approval Period

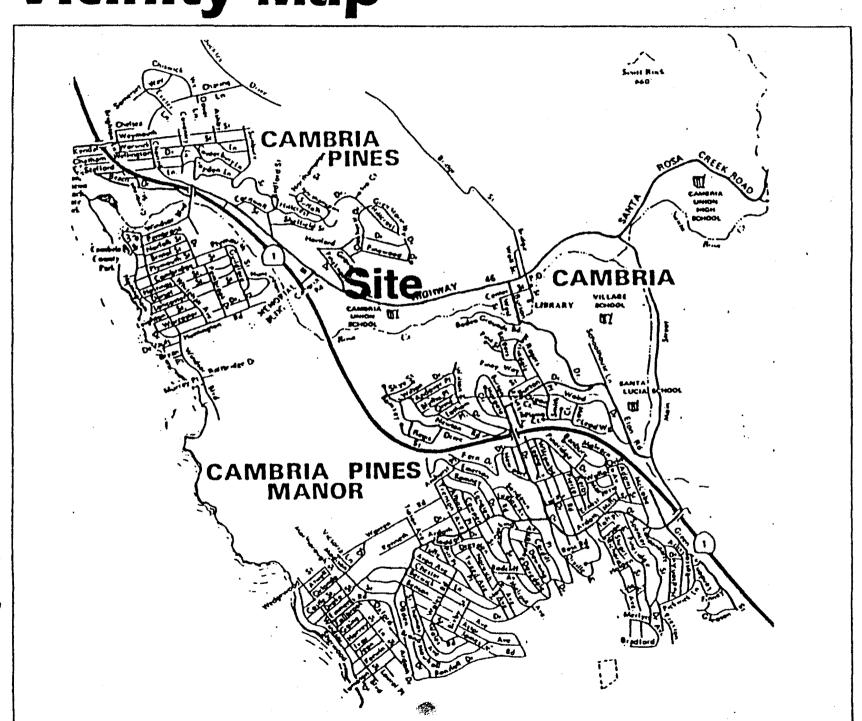
21. All timeframes on approved tentative maps for filing of final parcel maps, tract maps or

Ex2, p24 A-3.56.96-113

- completion of lot line adjustments are measured from the date the hearing body approves the tentative map, not from any date of possible reconsideration action.
- 22. The final map/condominium plan shall reflect the limitation on grading over 30% as specified in the Variance, and shall be consistent with the staff approved revised site plan as required by the development plan.



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Tentative Parcel Map COAL 94 - 124 OPEN SPACE EASENENT PER COASTAL COMMISSION PARCEL 3 **TENTATIVE** APPLICATION NO. EXHIBIT NO. PARCEL MAP -3-510-96 COMMERCIAL COAL 94-124 DEVELOPMENT IN UNINCORPORATED TERRITORY THE COUNTY OF SAN LUIS 08/5PO, STATE OF CALFORNIA bria Village Square • 1253 Knollwood Circle, Suite D201 • Cambria, CA 93428 • (805) 927-0821 Design/Planning Joseph Boud & Associates • 1009 Morro Street, Suite 206 • San Luis Obispo, CA 93401 • (805) 543-0565

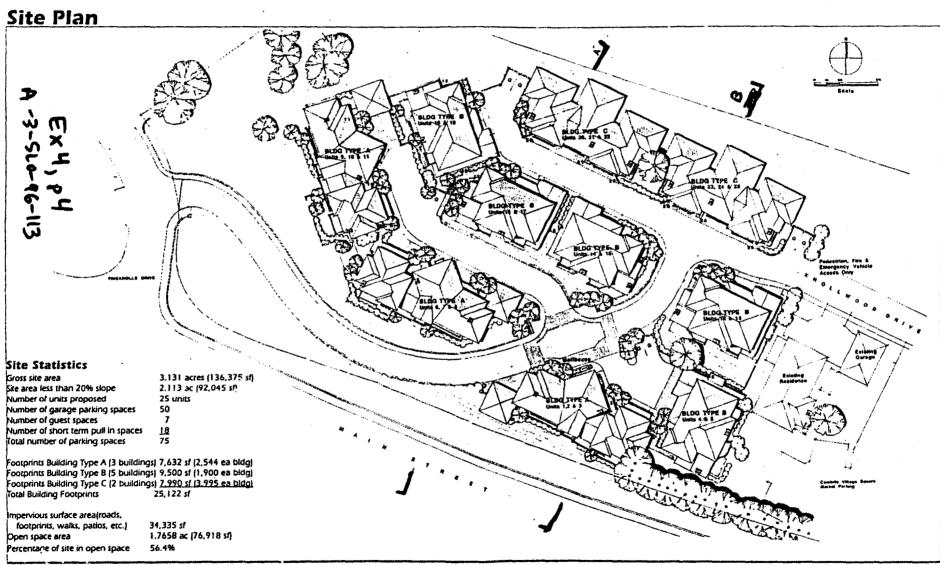
OPEN SPACE ENSEMENT Tentative Tract 2176 & Tentative Parcel Map COAL 94-124 **VESTING TENTATIVE MAP** N 68'44'41" W **TRACT 2176** BEING A SUBDIVISION FOR CONDOMINIUM PURPOSES OF PARCEL 1 OF PARCEL MAP COAL 94-124 IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN LUIS OBISPO STATE OF CALIFORNIA Owner/Developer Cambria Village Square • 1253 Knollwood Circle, Suite D201 • Cambria, C4 93428 > 1805) 927-0821 Design/Planning Joseph Boud & Associates • 1009 Morro Street, Suite 206 • San Luis Obispo, CA 93401 • (805) 543-0565

Engineered Grading & Drainage Plan LEGEND

LEGEND

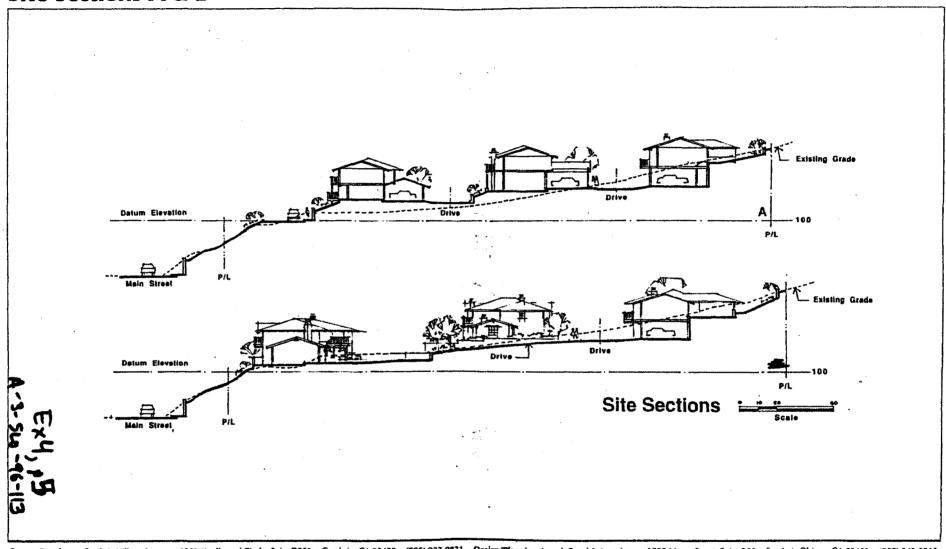
The second of SECTION B-B SECTION A-A A-3-560-96-113

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Site Sections A & B



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Environmental Assessment
EIR/EIS Review and Critique
Project Management
Planning and Permitting
Regulatory Process Consulting
Hydrologic/Geologic Analysis

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

December 5, 1996

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

ECEIVE

SUBJECT: APPEAL FROM COASTAL PERMIT APPROVAL OF SAN LUIS OBISPO COUNTY REGARDING TRACT 2176

Honorable Commissioners;

Grassetti Environmental Consulting (GECo) has been retained by the Cambria Legal Defense Fund to review and provide professional input on the approval by the San Luis Obispo County Board of Supervisors of the development Plan, Tract Map, and Variance for Tract 2176 in the unincorporated town of Cambria. As principal of the firm, I have undertaken this review personally. I have 15 years of private and public sector experience preparing and reviewing environmental and land use planning assessments and have testified as an expert witness on environmental and land use planning issues in the California courts. The analysis presented herein is based on a review of numerous documents provided by the Cambria Legal Defense Fund (CLDF), a site reconnaissance, a review of Coastal Commission files regarding both this project and Tract 1036 (of which the site is a portion), review of tapes of the County Board of Supervisors' public hearings on approval of the project, and discussions with Coastal Commission staff. I also attempted to contact County staff regarding this project, however my calls were not returned.

My comments on this permit approval center on two areas: 1) compliance with existing land use regulations, permits, and conditions; and 2) adequacy of CEQA environmental analyses. My conclusions on legal issues are based on my experience interpreting environmental and planning regulations and statutes as required in the course of my work, and are not intended as legal opinions.

COMPLIANCE WITH EXISTING LAND USE PLANS AND REGULATIONS

Lack of Required Zoning Ordinance Findings

In order to approve the requested variance and development plan, the County was required to make a number of findings. First, findings are required to permit the development of Multi-Family Residential uses in the site's Retail Commercial land use designation, as specified in Section 23.08.162 d.(1) of the County's Coastal Land Use Zoning Ordinance. These are:

EXHIBIT NO. **5**APPLICATION NO.

A-3-5L0-96-113

"When a ... Development Plan is required by this title to authorize the proposed residential use, the applicable approval body shall, before granting such approval, find that the proposed residential uses will not:

- (I) Significantly reduce the community inventory of office or commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element of the General Plan.
- (ii) Impede the continuing orderly development of community shopping and office areas and other commercial uses.

In light of my review, I have found no evidence that any such findings were made by the County. No such findings occur in the approval resolutions Resolutions 96-337 (Variance), 96-338 (Development Plan), or 96-339 (Vesting Tentative Tract). This lack of findings is a substantial deficiency and significant non-compliance with applicable land use regulations.

Violation of Existing Coastal Permit Conditions for the Site

As a part of the Coastal Permit for the larger 11-acre site (CDP 4-83-680), of which the project site is a part, the Coastal Commission imposed a condition (Condition 3) that required that:

"Prior to the transmittal of the coastal permit the applicant shall submit to the Executive Director for review and approval specific findings from the County that the extension of Knollwood Drive to Pine Knolls Drive is the only feasible road access for the proposed project and must be provided in order to successfully serve the development."

Although the applicant has claimed that access from the east on Knollwood Drive is not feasible, these claims are based solely upon the applicant's contention that the owners of that road will not permit such primary access. However, records provided to me by the CLDF indicate that the applicants for the currently proposed condominium project own all or part interest in the adjacent parcel through which Knollwood Road runs. Therefore, the applicant is denying access to himself. This self-denial is a matter of choice, and does not support a County finding that the extension of Knollwood Road to Pine Knolls Drive "is the only feasible road access for the proposed project". Therefore, this permit approval appears to conflict with Condition 3 of approval of the coastal permit for the original subdivision of the site.

Further, a review of the County's findings for the project variance, Development Plan, and Vesting Tentative Map indicates that the County never actually made the required findings that the subject road extension is the only feasible access. The findings reviewed do not address this issues at all.

CDP 4-83-680 further stipulates that the subdivision map shall indicate, with certain exceptions not applicable to the portion of the site currently in question, "confinement of

Ex5, p2 A-3-560-96-113

all building, parking areas, and other development except fences, walls, drainage systems and landscaping to existing slopes of less than 20% in delineated development envelopes." The currently proposed plan includes substantial development of roads and structures on slopes of over 20%, in apparent violation of this condition. The County's variance (96-337) to permit grading of slopes greater than 30 % appears to be in wholesale violation of this condition.

The applicant claims in his "Responce (sic) to Coastal Commission Appeal No. A-3-SLO-96-113" that "Coastal Development Permit No. 4-83-680 relates to the approval of the now expires Tract 1036. All conditions associated with that tentative map approval and the Coastal Permit have also expired." This argument is entirely fallacious and indicates a lack of understanding of basic permit processes on the part of the applicant and his representatives. Permit 4-83-680 (page 2, #7) clearly states:

"Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions."

Thus, although the permit to develop may expire, all conditions of the permitted development are perpetual. Approximately two-thirds of the development permitted under 4-83-680 has been constructed, thus the perpetual conditions have been triggered. This analysis is supported by the Findings of subsequent permit 4-84-458 (July 1985), which states:

"...the LUP requires the developer of this property to submit a master plan for the entire site and, after approval of the master development plan, submit a development plan for each phase of the overall project. The County has approved a master development plan for the entire site. Phase I of the project, the land division, was approved by coastal development permit 4-83-680. The present application is for the Phase II area development plan implementing the master development plan."

To alter such conditions would require an amendment to the coastal permit. According to your staff and my review of your project files, there is no evidence that the applicant has applied for any such amendment.

Development on the Site's Scenic Easement

An open space easement was granted on the northwestern portion of the site as a condition of approval of permit 4-83-680. The purposes of that easement were to provide "natural open space for habitat protection, private recreation, and resource conservation uses." An offer to irrevocably dedicate the easement was required as a condition of approval of the 1983 coastal permit, and such an offer was subsequently recorded with the County on March 11, 1985. The applicant has requested permission to develop on this open space easement, and the County's approvals of the Tentative Parcel Map, and Development Plan allow development on the open space easement

Ex5, p3 A-3-5L0-96-113

subject to Coastal Commission approval. Such approval would require an amendment to the existing coastal permit. The applicant has not applied for such an amendment, therefore, the proposed development would violate the existing condition requiring the open space easement.

The issue of development on the open space easement arose twice before and both times the Coastal Commission denied that request. On June 15, 1994, in response to inquiries from the previous applicant, Commission staff informed the applicant wishing to develop on the open space easement on the site that "The Commission's action in approving this permit with conditions makes its intent clear. As the condition states, the offer of dedication is to be irrevocable for a period of 21 years. The possibility of a future amendment was considered by the Commission...Nevertheless, the Commission voted to require to require the open space condition. For this reason we find it infeasible to approve granting the easement to the Homeowners' Association, and we cannot approve any relinquishment of the Offer to Dedicate within the prescribed period." (emphasis added) Staff went on to conclude that "an amendment which would undue the intended effect of the Commission's action in approving the permit would probably not be considered as appropriate by the Commission." (Letter from Deborah Benrubi, CCC to Steve Sylvester, North Coast Engineering, June 15, 1984)

The Commission addressed this issue again on June 12, 1985, in its adoption of findings for Coastal Permit 4-84-458. In once again denying permission to develop in the open space easement, the Commission stated:

"The prior permit [4-83-680] required that the development be confined to prescribed development envelopes (see Exhibit III). The development, as presently proposed (Exhibit III), would locate buildings and parking outside those development envelopes and within the areas required to be offered as open space easements. (Exhibit IV) The Commission found that such easements were necessary to preserve the scenic and visual quality of the area. There has been no change in circumstances which would cause the Commission to change that determination." (emphasis added)

The applicant claims that the easement should be removed or relocated because past disturbance of the site has rendered the easement meaningless. A visit to the site does indicate that much of the site has been covered with over 20 feet of fill. This fill was apparently "temporarily stored" on the site. Some of this "temporary storage" has exceeded 10 years in duration, and is clearly disposal of material, not "temporary storage". In my review I have not encountered any permits to dispose of the material on this site. The only portion of the site in an approximately natural condition is that portion in the open-space easement. (A small portion of this easement has been used for debris disposal, in clear violation of the existing coastal permit). The applicant is now asking the Commission to condone the destruction of the easement's remaining open space values on the basis that they and past applicants have already impermissibly destroyed some of these values. This would reward the applicant and/or his predecessors for past transgressions, and set a troubling precedent that could

Ex5, p4 A -3- SLO-96-113

encourage other developers to destroy open space lands so that they may then be permitted to develop them (or sell them to others to develop).

The County has conditioned the permit on your Commission either waiving the open space easement requirements or moving them elsewhere on the site. On the basis of statements made at the County's public hearing on the project, it appears that the applicant proposes to designate the landscaped areas of the site as open space easement in lieu of the existing easement. This offer is hollow in that the proposed open space does not provide any open space than would otherwise be preserved, it would be ornamentally landscaped thereby providing minimal habitat value (compared to the mature trees currently on the open space easement), and it would eliminate the buffer originally provided to the single-residents directly north of the site.

It should be noted that an amendment to the conditions requiring the open space easement, limitations on access directly onto Pine Knolls Drive, or other permit conditions would have potential environmental implications. Any such considerations on the part of the County would constitute removal of mitigation measures required as part of the Negative Declaration issued for the previous subdivision and development approvals for the overall site addressed in the 1983 permit, and would require a new CEQA review of the overall 11-acre project. Additional CEQA and environmental issues are addressed below.

CEQA AND ENVIRONMENTAL ISSUES

Inadequacy of Project CEQA Review

The primary purposes of the California Environmental Quality Act (CEQA) are to inform the public and decision makers of the potential adverse environmental impacts of a project, and to identify mitigation measures to reduce or eliminate those impacts. Preparation of an Initial Study is the first step in identifying those environmental impacts and determining if any impacts could potentially be significant. If any impacts could be potentially significant, the preparation of a full or focused Environmental Impact Report is required to determine if those impacts would, in fact, be significant. Therefore, the Initial Study must contain sufficient information to make a determination of the possibility of a significant impact occurring as a result of a project. Failure to provide such information is both unlawful and counter to good planning and informed decision-making.

The County claims to have assessed potential environmental effects of the proposed project in an Initial Study and Negative Declaration dated November 10, 1995. A review of that Initial Study indicates that it does not meet even the most minimal standards established by the California Environmental Quality Act (CEQA) and its Guidelines. Deficiencies include lack of appropriate technical analyses, inadequate consideration of public controversy, and inadequate cumulative analyses. The County's failure to adequately address these issues has resulted in the preparation of a wholly ina lequate Initial Study/Negative Declaration.

Ex5, p5 A-3-56-16-11**3**

The Initial Study for this project identifies potentially significant project impacts on a number of important environmental issues but, on the basis of limited or inconclusive analysis, concludes inexplicably that many of these impacts would be mitigated by future studies. There is no evidence or assurance that these future studies and measures would, in fact, serve to mitigate these potential impacts below a level of significance. Additional studies must be included as part of the Initial Study for the public and the decision-makers to be sufficiently informed as to the project's actual impacts and mitigation measures, and whether or not an Environmental Impact Report (EIR) is required per CEQA statutes and Guidelines.

This failure to adequately analyze potential project impacts in the Initial Study, and the practice of deferring any real analysis until after approval of the project has been rejected by the courts in Sundstrom v. County of Mendocino (202 Cal App.3d 33 [248 Cal. Rptr. 342]) and in the case of Oro Fino Gold Mining Corporation v. County of El Dorado (225 Cal App. 3d 872, 884-5 [Cal. Rptr. 720]. In the Sundstrom case, the Court of Appeal faulted the respondent County for assuming that various other agencies would be able to devise means of avoiding potentially significant impacts associated with soil stability, erosion, and flooding. Because there was no certainty that success could be achieved, the agency had no basis for determining that the project's impacts would be insignificant. The Court also rejected a project condition that would have required the applicant to conduct hydrological studies subject to approval by the County's planning department. The Courts made similar findings in the Oro Fino case. In that case the Court disapproved of mitigation measures requiring post-approval formulation of the reclamation plan, erosion control plan, dust control plan, and fire control plan. In that case, the Court stated that "the CEQA process demands that mitigation measures be timely set forth, that environmental information be complete and relevant, and that environmental decisions be made in an accountable arena". In both of these cases, the courts found that relying on future studies for mitigation is not acceptable in an Initial Study. More recently, in Stanislaus Natural Heritage Project v. County of Stanislaus (August 1996), the Courts ruled that deferral of analysis of future project water supplies is not permissible under CEQA. The proposed project's Initial Study follows this identically flawed path.

It is my professional opinion that the project Initial Study contains inadequate mitigations and/or analyses in the following topic areas.

Geology and Soils

Final grading plans and geotechnical studies have been deferred to after project approval yet all geologic impacts are considered to have been fully mitigated. Without inclusion of such studies in the Initial Study, it cannot be determined if these impacts are, in fact, mitigated or even mitigable. This is particularly critical in light of the March 12, 1996 letter from Mid-Coast Geotechnical, Inc. to the applicant stating:

"The southern half of the site will need to be further addressed as noted in the referenced Geotechnical Report. The old fill was placed in two different operations. The lower or deeper fill was tested by another company. The fill on

Ex5, p6 A-3-5L0-96-113

top was "stock piled" and is known to be unsuitable for supporting the development. During the grading process, the lower fill will be evaluated to determine if it is suitable for supporting the proposed development. If the lower fill is found not to be suitable all of the fill will need to be removed and regraded."

Thus, the stability of the site remains unknown, and tens of thousands of cubic yards of material may need to be removed from the site. This could result in a potential hazard, as well as significant secondary visual, traffic, and dust impacts. Evaluation of these impacts prior to project approval review is required for an adequate CEQA review, and to provide decision-makers and the public with sufficient information upon which to base an informed decision.

Hydrology and Water Quality

The IS identifies potential impacts on hydrology and water quality from increased surface runoff flows and contaminants. Contaminants from project site runoff would be piped directly to Santa Rosa Creek, a sensitive waterway and habitat to a number of special status aquatic species. Yet no water quality studies have been included in or referenced by the IS. In fact, the IS does not even mention water quality or its potential impacts on Santa Rosa Creek biota. This omission in itself violates CEQA disclosure and analysis requirements.

Similarly, the IS provides no information on flooding downstream in Cambria, or the project's contribution to that flooding. The project proposes no on-site retention, and would contribute to already cumulatively significant flooding in the town. The IS makes no mention of the project's contributions to the town's significant 100-year flood hazards.

The applicant's engineers have prepared an on-site drainage and water quality study (North Coast Engineering, March 12, 1996) which does not address cumulative flooding impacts from Santa Rosa Creek in the 100-year flood. Similarly, this study provides no information on water quality effects of the project, instead deferring mitigation of such impacts to future permits to be issued by the RWQCB and CDFG. Such omission of analysis and deferral of mitigation is impermissible under CEQA.

The project's drainage plan relies on an easement through the adjacent Mid-State Bank property. The potentially significant impacts of development of such a pipeline were not addressed in the IS. Further, although the IS assumes that all project runoff would be directed to this pipe, the drainage plan shows otherwise, with runoff from the southeastern part of the side being discharged directly onto the slope. The impact of this discharge on erosion and on flooding is not addressed in the IS.

Water Supply

The IS provides no evidence that adequate water supplies for the project exist, or that the project water supplies would not adversely affect regional water supplies. In fact,

Ex5, p7 A-3-560-96-113

there is a chronic water shortage in Cambria, and a waiting list for water supplies. In addition, the applicant apparently has water permits for only two of the 25 units, leaving the opthers entirely without water service. The cumulative effects of proposed development on water supply have not been addressed at all. As noted above, recent court decisions have affirmed that, because provision of water to the project and other developments on the waiting list may require development major new water supply infrastructure improvements (i.e. a desalinization plant), which would have potentially significant impacts, potential water supplies must be evaluated in this project's CEQA documentation. Further, development of additional water supplies would induce growth in the area. These issues have not been evaluated, and this impact remains potentially significant, requiring review in an EIR.

Traffic and Circulation

The Draft North Coast Area Plan indicates that Main Street east of Pine Knolls Drive will fall to a level of service "F" at buildout of the plan. Further, the reasonably foreseeable Mid-State Bank project and other cumulative development would add substantially to local traffic. The IS does not describe these projects and blithely states that contribution of project fees towards improvements identified in the North Coast Circulation Study would mitigate project and cumulative impacts. However, the IS includes no evidence that proposed restriping of the road and addition of bike lanes as called for in the North Coast study will reduce this significant cumulative impact below the level of significance. Further, the applicant's traffic study concludes that while the 1995 update of the North Coast study recommends a signal at Main Street and Pine Knolls Drive after 2025, cumulative development of the project and the Mid-State Bank project would require such a signal at the time of completion of the Mid-State project. The IS includes no mitigation to require this signal, thus traffic remains significant.

Visual Quality

As correctly noted in the IS, "The site and development would be clearly visible for travelers along Highway 1, Main Street, and other local roadways." The IS apparently relies upon renderings by the project architect to conclude that this impact would be mitigated to less than significant. However, a review of those renderings indicates that the project architect has just drawn in large foliage to obscure the massing of the project. There appears to be little relationship between the landscaping shown in the renderings and actual project landscaping plans. Further, there is considerable controversy in the community over the significance of the project's visual impact. As noted in the Oro Fino decision, the public's perception of significance in subjective issues such as noise and, by inference, visual quality, is sufficient to trigger preparation of an EIR. Therefore, this impact must be considered potentially significant and must be addressed in an EIR.

Land Use

As discussed above, the project does conform with grading restrictions and easements set forth in the LCP and existing coastal permit for the site. Such nonconformance is considered a significant environmental impact per CEQA Guidelines Appendix G, which

Ex 5, p 8 A -3-5L0-96-113

states that "A project will normally have a significant effect on the environment if it will conflict with adopted plans and goals of the community where it is located."

Cumulative Impacts

As discussed above for runoff, water supply, water quality, and traffic, the IS fails to adequately address cumulative impacts. CEQA section 15130 requires that the cumulative impacts of past, present, and reasonably anticipated projects be addressed in the CEQA analysis of the project. The Mid-State Bank project, the potential development of the 1+ acre site a few hundred feet west of the project site, and possible other local cumulative development have not been evaluated in the IS. This omission renders the IS inadequate.

Public Controversy

CEQA Section 15064(h) states that "If there is serious public controversy over the environmental effects of a project, the Lead Agency shall consider the effect or effects subject to the controversy to be significant and prepare an EIR." Similarly the Guidelines state "If there is disagreement among experts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." Over 300 local citizens signed petitions questioning the project's environmental effects. Further, knowledgeable citizens repeatedly questioned the IS's conclusions with respect to traffic, hydrology, and visual quality. Therefore, these impacts must be considered potentially significant and evaluated in an EIR. This conclusion is supported by a January 17, 1995 letter from the County Planning Department to the applicant stating "Due to the potential significance of the environmental impacts and the potential for community controversy, this project is expected to require the preparation of an environmental impact report." Further, on December 15 1995, the North Coast Advisory Council requested that an EIR be prepared for the project. It is my professional opinion that such requests are sufficient to trigger preparation of an EIR.

CONCLUSIONS

As described above, the County has failed to make necessary findings required for compliance with the LCP and failed to adequately fulfill the analytical and disclosure requirements of CEQA. These failures raise substantial issues that, at this point, can only be addressed through denial of the requested permits. Should the applicant seek to proceed with this project, it is my professional opinion that an EIR would be required. I am available to discuss any of the issues raised in this letter.

Sincerely

Richard Grassetti, REA

Principal

Ex 5, p9 A-3-5L0-16-113



December 8, 1996

DECEIVE N DEC 1 1 1996

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Steve Guiney
California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re:

Commission Appeal No. A-3-SLO-96-113 Vadnais Residential Project, Cambria, CA

Dear Mr. Guiney,

On December 7, 1996, my office received a copy of an amendment to the appeal of the above project from the appellant's attorney, Vem Kalshan.

It is our understanding that the appeal time period related to this project has elapsed and subsequent appeals and/or amendments to an appeal already filed also has no validity. Further, the two addional points of this "amended appeal" were not made at the local appeal level and are not part of the public record. Regardless, this "amended appeal" provides little or no new information about the Vadnais project that has anything to do with Coastal Policy issues that was not already fully addressed in my point-by-point responce to the appellant's original submittal.

My remarks in my 11/26/96 responce adequately responds to this latest appeal version, however I would like to comment on their two new points for the record.

Appellant #21

Appellant

Reference to water allocation and availability

Responce

Again, the appellant is dead wrong. The CCSD maintains two water allocation lists, one for multiple family projects, the other for single family projects. This is required by the LCP and SLO County's Growth Management Ordinance, since each year up to 125 residential units may be issued in Cambria and 30% of them are allocated solely for multiple family projects.

Following adoption of the Growth Management Ordinance by SLO County on 10/23/90, no new requests have been accepted on the list maintained by the CCSD. Requests are instead placed on the County's single family or multiple family lists. This project holds position #1 and #2 on the County's list and the applicant (Vadnais) has paid a \$21,000

Ex5, p 10 A-3-5L0-96-113

deposit to hold those positions. At last check, the CCSD list contained about 65 requests. When the CCSD's list is exhausted, then the County's multiple family list will be used, provided that provisions are made to incorporate the County's waiting list into the CCSD's connection permit program. Until the Vadnais project, there has been no urgency in incorporating the two agency's lists together, since there were no requests on the County's list. Bryce Tingle, with Pat Beck and Larry Kelly of the SLO County Planning staff, are now working on a method to fold these two lists together.

In 1995, all of the requests on the CCSD's list were either allocated or deferred, in which case the next name on the list comes up. If the Vadnais project had obtained its land use approvals in 1995 and the two agencies had completed their procedural relationship, water permits could have been issued for this project.

- References •Conditions of Approval: Tentative Tract Map 2176
 - No. 19 Stock Conditions
 - •Project Description Document, , pg 22
 - Addendum #1, Water Allocation & Will Serve Verification

Appellant #22

<u>Appellant</u> Comments about due process

Responce No comment necessary

Steve, I'm a little concerned about how to provide information to the new, yet unnamed Commissioners. As you know, I provided complete project description documents (at considerable expense) to each Commissioner and their alternates a couple of weeks ago. Are these typically returned to your office for redistribution or will they be forwarded to the new Commissioners. If neither, is there any way you know of to retrieve these documents and get them to the new people before the January meeting, or am I faced with reproducing an entire set for them? I would appreciate your suggestions on this matter.

As usual, please don't hesitate to contact me should you have any questions on any of this information or on any feature of the project. And thank you for your comments on the report distribution question.

Sincerely yours,

Joseph Boud & Associates

Ex5, p11 A-3-500 -96-113



TRANSMITTAL

Date:

November 25, 1996

To:

Steve Guiney

California Coastal Commission

Central Coast Area Office

725 Front Street

Santa Cruz, CA 95060

Copies also sent to all Commissioners and their alternates

From:

Joe Boud

Joseph Boud & Associates 1009 Morro Street, Ste 206 San Luis Obispo, CA 93401

Re:

Coastal Commisssion Appeal No. A-3-SLO-96-113

Scheduled for hearing December 10-13, 1996 in San Francisco

Attached you will find a written, point-by-point responce to the above appeal. Also enclosed are the supplemental project description documents that Terry Wahler of the SLO County Planning Department indicated were not transmitted to your office in their complete booklet form.

This transmittal includes the following:

#copies	item
1	Written Responce to Appellant's Appeal Information Sheet
1	SLO County's Conditions of Approval for Development Plan
1	SLO County's Conditions of Approval for Tentative Tract 2176
1	Project Description Document (11 x 17)
1	Addendum #1 Document (responce to County request for add't info)
1	Addendum #2 Document (8 1/2 x 11)
1	Addendum #2 Document, Exhibit C (11 x 17)

I have also mailed copies of all of the attached information directly to each of the Coastal Commission members and alternates that were listed on the roster you sent me on November 8, 1996. I hope you and the commissioners find this information helpful in assessing the merits of the project and its compliance with the Coastal Act Policies and Standards.

Please don't hesitate to contact me if you have any questions on any of the attached.

Ex5, p 12 A-3. SLO- 96-113

CALIFORNIA

COASTAL COMMISSION

CENTRAL COAST AREA

CALIFORNIA COASTAL COMMISSION PROJECT APPEAL NO. A-3-SLO-96-113

I. INTRODUCTORY COMMENTS

Project Description

Stone Edge is a 25 unit residential development project on a 3.1 acre parcel located at the northeastern corner of Pine Knolls Drive and Main Street in the community of Cambria, San Luis Obispo County, California. The residential units are duplex and triplex units, clustered in varying configurations on a flat terrace, each with a two car garage, private yards and patio areas.

This project was approved, with conditions, by the San Luis Obispo County Planning Commission on May 13, 1996. That approval was appealed to the County Board of Supervisors, who denied the appeal and upheld the Planning Commission approval at their meeting on September 17, 1996. On October 25, 1996 the project was appealed by the same group to the California Coastal Commission.

Project Background

This 3.1 acre parcel was originally a portion of the 11 acre Cambria Village Square property. To understand the present project, a brief chronology of land use approvals must be presented.

- General Plan Amendment (G811228:1) was approved on September 22, 1982. This changed the land use designation on the entire 11 acre site from Residential Multiple Family to Commercial Retail and approved a Master Development Plan on the property which allowed a mixture of commercial, office and residential uses on the site.
- A second General Plan Amendment (G830117:1) was approved on April 18, 1983. This refined the above amendment and land use locations in responce to engineering studies which altered the internal road alignments.

These General Plan Amendments identified what type of land uses would be permitted, where they would be located and defined development densities, square footage maximums and established certain development standards.

- •Tentative Tract 1036, a proposal to subdivide the property into 7 parcels, was approved on March 21, 1983.
- •The California Coastal Commission issued a Coastal Permit (4-83-680) for Tract 1036 on May 9, 1984.

Ex5, p13

- •A Development Plan (D830629:1) and a Variance (V830629:1) were approved by the SLO County Planning Commission on October 22, 1985. The Development Plan approval was for the Phase I Commercial/Office shopping center development and the Variance was granted for exceptions to parking lot slopes, certain building heights and rear yard setbacks.
- •A Coastal Permit (4-84-458) was issued for the Commercial/Office shopping center complex development on May 22, 1985.

Tentative Tract 1036 never recorded and the tentative map approval expired on March 21, 1988. When tentative tract maps expire, the conditions associated with the initial approval also expire. The Coastal Permit issued for the Tentative Map (#4-83-680) also expired at that time. However, since the actual development of the property did not rely on the subdivision map, construction of the shopping center/office complex and associated improvements proceeded under the approved county and coastal permits.

- •A portion of the Phase I shopping center development was constructed and a Certificate of Occupancy permit was granted in October of 1989. The remainder of the Phase I Commercial / Office development was completed several years later and was granted a Certificate of Occupancy permit in July of 1994.
- •Lot Line Adjustment COAL 94-124 was approved by the SLO County Subdivision Review Board on February 5, 1996. This approval adjusted the three underlying lots comprising the 11 acre Cambria Village Square property and segregated the 3.1 acre residential multi-family parcel from the shopping center development as a "stand-alone" parcel.

Land Use Designation

This 3.1 acre parcel, originally a portion of the larger 11 acre Cambria Village Square site, was designated Commercial Retail, with a Planning Area Standard that <u>requires</u> it to be developed as a Residential Multi Family project. This is consistent with the 1983 General Plan Amendment and Master Plan Land Use Designations.

II. RESPONCE TO APPEAL

(numbering sequence corresponds to appellant's)

Appellant's introductory statement

<u>Appellant</u> Appellant states that the property is controlled by Coastal Development

permit No. 4-83-680 and alleges that this project is a proposal to change

the community plan.

Responce •Coastal Development Permit No. 4-83-680 relates to the approval of the

now expired Tract 1036. All conditions associated with that tentative map

approval and the Coastal Permit have also expired.

Ex 5, p14 A-3- SLO -96-113 •The property was never designated for commercial development, nor is there a proposal to change the community plan with this application. This project simply implements the Cambria Planning Area standard adopted in 1983 requiring that this property develop as a residential multiple family development project.

- References Project Description document, pg 17
 - Addendum #1, Exhibit B, Historic Land Use Approvals

Appellant #1

Appellant

Again references the expired coastal permit and goes to state non compliance with a number of CEQA standards.

Responce

- •The appellant doesn't identify or quantify how or why the project is not in compliance, so it is difficult to respond to this point.
- The appellant is correct in stating that an environmental impact report was not prepared on the project, as the County issued a Negative-Declaration on November 24, 1995. When the Planning Commission approved this project on May 13, 1996, they also found the project to be consistent with all applicable Local Coastal Plan policies and CEQA.
- Background: The County has historically approved Negative Declarations on the property. Conditional Negative Declarations on the General Plan Amendments were issued on June 25, 1982 and March 4, 1983 (the General Plan Amendments were the "blueprints" for all of the subsequent development on the property). A Negative Declaration was also issued for Tentative Tract Map 1036 on November 15, 1982. And, Negative Declarations were issued for the Phase I Commercial/Office Development Plan and Variance applications on September 23, 1983.
- The principal reason that Negative Declarations have consistently been issued on developments associated with this site is that a tremendous amount of supplemental information has been submitted, from the initial General Plan Amendment application, to the present application.

This includes traffic reports, engineering geological studies, soils reports, visual analysis, economic analysis, drainage analysis, engineered grading plans, landscape plans, architectural plans and elevations, archaeologist reports, etc. These documents are attached in this transmittal with pertinent page(s) and sections referenced.

- References Project Description document
 - Addendum #1
 - Addendum #2 (includes Exhibit C, the oversized document)
 - Conditions of Approval: Development Plan
 - Conditions of Approval: Tentative Tract Map 2176

Ex5, p15 A-3-5L0-96-113

<u>Appellant</u>

Discusses potential impact to environmentally sensitive habitats (Santa Rosa Creek).

Responce

•The Coastal Policy for Environmentally Sensitive Habitats defines such habitats and goes on to discuss measures to protection them. (ie. within these areas only resource-dependent uses may occur and for adjacent development, the policy states that it must be sited to avoid impacts).

This site is on the north side of Main Street, on a flat terrace approximately 1,000 feet from Santa Rosa Creek. A Condition of Approval related to storm water drainage does require that area watershed drainage along with site drainage is discharged into the creek, downstream from the Highway 1 bridge. This requirement redirects water from the West Village area which provides a number of substantial community benefits and also will contain built-in environmental protections in the disposal of storm water that are not presently in place.

This site contains approximately 3.1 acres with over 56% of the property in open space (no structures, building footprints or circulation improvements). The total watershed in the vicinity contains 29 acres, so this development contains about 6% of the total watershed. The existing storm water drainage system for this 29 acre watershed collects water from above and directs it into a 12" stormdrain pipe that runs through the westerly portion of the site. This water is presently discharged into the ditch that runs along Main Street, through the nearby West Village area and then into Santa Rosa Creek.

As conditioned, this project will convey all or a good portion of this storm water from the flood prone West Village by capturing and redirecting the storm water directly to the creek. It will also apply current water quality standards that presently do not exist.

Water Quality concerns will be regulated by the Regional Water Quality Control Board (RWQCB). A Water Quality Certification must be obtained from the RWQCB to construct the facilities who will review possible non-point sources of pollutants and require the design of the facilities to adhere to best management practices.

Discharge of water is also subject to the National Pollution Discharge Elimination System (NPDES). The general requirements of the NPDES permit will require that best management practices be utilized to limit pollutants to acceptable levels. Finally, a Streambed Alteration Agreement must be obtained from the California Department of Fish and Game for the drainpipe discharge. This type of permit typically attaches conditions which virtually guarantees the integrity of the stream and its habitat.

Ex5, p16 A-3-500-96-113

- References •Addendum #2, pg 30
 - Conditions of Approval Development Plan
 - No. 3 Grading Permit
 - No. 10, 11 Mitigation Monitoring
 - Conditions of Approval Tentative Tract 2176
 - No. 7 Drainage
 - No. 11 Plans

Again, discusses potential impact to environmentally sensitive habitats <u>Appellant</u>

and contends that petroleum chemicals will drain to the creek.

See above comments and references to various Conditions of Responce

Approval related to Water Quality discharge regulations.

References Refer to references cited above in Responce to Appellant #2

Appellant #4

Appellant States that a drainage easement has not been obtained, nor has permission

been obtained from Cal Trans to work within the Highway 1 right of way Appellant goes on to describe how a drainage study should be conducted.

Responce Not a Coastal Policy issue.

The project was conditioned with the requirement that a drainage

easement be obtained, that a comprehensive drainage plan be submitted

and that the water is discharged below the Highway 1 bridge. As Conditions of Approval they must be satisfied for the project to

go forward. These types of off-site easements are rarely arranged before

a project has received land use approvals.

References Conditions of Approval - Tentative Tract 2176

- No. 7, Drainage

- No. 11, Plans

Appellant #5

Appellant Comments related to traffic impacts

The project is within the North Coast Circulation Study area and the Responce

recommendations of the study constitute the mitigation measures for the impact of cumulative development, which include this project. The SLO County Engineering Department is presently in the design phase of the road widening improvements along Main Street which will be made next year. Road improvements required by this project will also implement a section of the community-wide improvements proposed along Main Street.

A Traffic Study was prepared for this project by WPH Traffic Engineers and reviewed by the SLO County Engineer who concurs with the study's conclusion that the project would produce no significant operational traffic impacts on Pineknolls Drive or on Main Street. Traffic and circulation improvements have been accounted for through the North Coast Circulation Plan and required traffic impact fees will be assessed when the project is constructed and physically contributes to traffic volumes.

- References •Conditions of Approval, Tentative Tract 2176
 - No. 4, Access and Improvements
 - No. 6a, Site Grading, visual benches
 - No. 11. Plans
 - Addendum #2, Traffic Impacts, pgs 35-90

Appellant #6

Appellant

Contends that point of access on Pineknolls violates CC&R's and would also present a safety hazard.

Responce

Not a Coastal Policy issue.

- CC&R's apply only to Tract 112, Pineknolls Estates. This parcel is Parcel 1 of COAL 94-124. For the record, the CC&R's for Tract 112 do not address driveway improvements.
- •The question of operational safety was thoroughly discussed in the WPH Traffic Study who found that with the incorporation of sight distance benches and a turn pocket into the project, concerns about safety would be mitigated. The SLO County Engineer concurred with this and the Conditions of Approval also speak to this issue.

References

- Addendum #2, Exhibit C (oversize), pg 10
- •Refer also to references cited above in Responce to Appellant #6

Appellant #7

Appellant

Again, comments about drainage plan

Responce

•Conditions of approval for the project require that a comprehensive plan be submitted to the County Engineer for review and approval.

References •Refer to references cited above in Responce to Appellant #2

Appellant #8

Appellant

Comments about vegetation removal and erosion control plan

Ex5, 018 A - 3- 510 - 96-113

Responce

- A detailed grading plan accompanied the application package submittal. Further, a grading and erosion control plan, prepared by a Registered Civil Engineer, is required by the Conditions of Approval. Conditions also require intensive landscaping treatments on areas of site disturbance.
- The Geotechnical Engineering Report and Engineering Geological Report both conclude that there are no soils or geological conditions on the site that would preclude the proposed development.
- Coastal Policies excluded access roads from slope restrictions if they are necessary to reach buildable areas of the site and where the route of the road would minimize grading and follow the natural land forms.
- •This 3.1 acre lot does not have any guarantee of access through the Cambria Village Square shopping center, the only feasible access is from Pineknolls Drive. The proposed driveway closely follows the topography with road grades at 12% or less within minimum cutbank retention needs. Retaining wall maximum heights are 6 feet except along Main Street, where the maximum is 4 feet. Per Conditions, all areas of the site proposed for grading or site disturbance must be revegetated.

- References •Conditions of Approval, Development Plan
 - No. 3, Grading Plan
 - No. 4, Geology
 - No. 6, Agency Review
 - No. 10 & 11, Mitigation Monitoring
 - No. 22 & 23, Visual/Aesthetic Impacts
 - Conditions of Approval, Tentative Tract 2176
 - No. 5 & 6, Site Grading
 - No. 11, Plans
 - Addendum #2, Geotechnical Report & Geology Report, pgs 2 29.
 - Project Description document, pg 25 28

Appellant #9

Appellant

Discusses slope standards related to new development; refers to an expired permit; requests that a soils report be prepared.

Responce

- •The Coastal Policy cited provides for exceptions for road access to reach buildable portions of sites (refer to above comments, Appellant #8).
- The Cambria Planning Area standards for this property restrict building envelopes to areas containing slopes of 20% or less, which has been followed.
- •Coastal permit reference was for the Tentative Tract Map 1036 that has expired.

Ex5, p19 A-3-5LO-96-113

•This property had a Geological Report in 1981 (Chipping), a Soils Report prepared in 1982 (Buena Engineering) and was throoughly soils tested by Buena Engineering during the course of the construction of the Cambria Village Square shopping center. Additionally, a Geotechnical Engineering report was prepared in 1995 (Mid Coast Geotechnical), an Engineering Geology Report in 1995 (Maloney) and a second geotechnical evaluation by Mid Coast Geotechnical in 1996. The reports all conclude that there are no geotechnical reasons that the project can't be constructed as proposed and make a number of recommendations related to soils and geology. Conditions of Approval require that all of the recommendations of the Mid Coast Geotechnical and Maloney reports be adhered to through design and construction.

References • Project Description document, Slope map, pg 21 & Soils/Geology, pg 22

•Refer also to all references cited above in Appellant No. 8

Appellant #10

Appellant

Opinion about scale of project

Responce

•Background: Most of this site has been graded during the development of the adjacent shopping center project 12 years ago. Original project plans proposed 64 units on this site. The CLUO and Cambria Planning Area standards would permit 31 units on this site, only 25 are proposed.

•The duplex and triplex residences are located in clusters on the 20% or less slope areas, away from the more visible, steeper sloped portions. Garages are not visible from public roadways, so the units appear to be single family homes that are designed within the maximum height of 25 feet. Over 56% of the site is in open space with intensive landscaping required throughout.

 Conditions of Approval require a tremendous amount of landscaping treatment to soften the project. The overall density of the project is similar to the present residential development typically found in Cambria. Finally, this project is an infill project within the more intensively developed urbanized, commercial corridor of Cambria.

References

 Project Description document; Site Plan, Design Elements, Sections. Elevations & Floor Plans, Landscape & Irrigation Plans

 Addendum #2, Exhibit C (oversized), Visual Impact Analysis, pg 1-8; Revised Landscape Plan, pg. 17.

Conditions of Approval, Development Plan

- No. 17 & 18, Tree Removal/Protection

- No. 21, 22, 23 & 24, Visual/Aesthetic Impacts

Ex 5, , 20 A-3-5LO-96-113

Appellant

Discusses visual resources related to retaining walls. Also comments about the site's zoning and land use.

Responce

- The County requires an A-2 road section along Main Street consisting of a travel lane, two way turn lane, bike lane, parking lane and curb, gutter and sidewallk. This improvement will implement the North Coast Circulation Plan improvements programmed for Main Street. It will also require excavation into the steep embankment, thus requiring retention.
- Conditions of Approval require that the retaining walls are of decorative split-faced masonry block and restrict their height to no more than 4 feet along Main Street and 6 feet elsewhere on the site. Street tree cut outs are also required along Main Street at 20 foot intervals. Landscaping requirements are very intensive resulting in a right of way improvement consistent with the character of the community and its circulation needs.
- •The Cambria Planning Area standards and the 1983 Master Plan for this property require that the project be developed as a Multiple Family Residential project at a density of not more than 15 units per acre. This property has never been programmed or identified on any planning document for a small scale commercial development.

- References •Conditions of Approval, Development Plan
 - No. 2, Revised Plans; No. 22, 23 & 24, Visual/Aesthetic Impacts
 - Conditions of Approval, Tentative Tract 2176
 - No. 4, Access and Improvements; No. 11, Plans
 - •Addendum #1, Exhibit B, Historic Land Use Approvals
 - Addendum #2, Site Retaining Walls, pgs 91-94
 - Addendum #2, Exhibit C (oversized), Retaining Walls, pg 16

Appellant #12

Appellant

Discusses grading within view corridor.

Responce

This site has been previously disturbed. The grading proposed for this project follows the land forms that exist today very closely, with cut and fill nearly balancing. Retaining walls are conditioned to be low profile and heavily landscaped (see above comment, Appellant #11).

References

- Project Description document, Site Sections, pg 6
- Project Description document, Engineered Grading & Drainage Plan, pg 13
- Addendum #2, Exhibit C (oversized), Road Profile section, pg 14
- Refer also to references cited above in Appellant #11

Ex5, p21 A-3-500-96-113

Appellant Gives an opinion about the character of the community with a reference to

an expired coastal permit.

Responce •The design of the residences are low profile, craftsman style homes, with

a great deal of attention to architectural details (articulated building faces, heavy shingled roof w/clay tile ridge, multi paned windows, exposed rafter tails, heavy wood fascia, wood decks and railings, rough sawn lap siding, treated colored concrete, decorative masonry block. This architectural style is predominant along Main Street, as acknowledged in the Coastal

Plan Policy document.

References - Refer to references cited above in Appellant #10

Appellant #14

Appellant Tree preservation

Responce •Trees to be removed were identified in the material submitted for the

project.

•The site contains an old Monterey Cypress windbreak on the east and a few Cypress trees and Monterey Pines on the western portion, adjacent to Pine Knolls Drive. Conditions of Approval also speak to this, requiring a

revised landscape plan, a 2:1 tree replacement and construction

protection for trees to remain. Tree removal is limited to two Monterey Pine and thinning and some removal of the badly maintained and

overgrown stand of Cypress trees.

References •Addendum #2, Exhibit C (oversized), Tree Removal, pg 16

Conditions of Approval - Development Plan

- No. 17 & 18, Tree Removal/Protection

- No. 22 & 23. Visual/Aesthetic Impacts

Appellant #15

Appellant Comment about utility lines

Responce •Conditions of Approval require that all utility lines are to be installed

underground.

References •Conditions of Approval, Tentative Tract 2176

- No. 8 & 9, Utilities

Ex5, p22 A-3.56-96-113

Appellant Comment about property in a geologic study area.

<u>Responce</u> •Application submittal included geotechnical and engineering geologist

reports. All recent and historical soils engineers and engineering geologists conclude that from a geotechnical perspective, the site can be

developed with the proposed project. The Conditions of Approval require

that recommendations contained within those documents must be

followed.

References •Conditions of Approval, Development Plan

- No. 3, Grading Plan

- No. 4, Geology

Conditions of Approval, Tentative Tract 2176

- No. 5 & 6, Site Grading

- No. 11, Plans

•Addendum #2, Geotechnical Report & Geology Report, pgs 2 - 29.

Project Description document, pg 25 - 28

Appellant #17

<u>Appellant</u> More comments about soils stability

Responce •Refer to earlier comments requiring the project to follow the

recommendation of the geotechnical engineering report and

engineering geology report.

References - Refer to references cited above in Appellant #16

Appellant #18

Appellant Again discusses the geological hazard issue and flooding conditions in the

community.

Responce •As previously noted, the Conditions of Approval require that the project

follow the soils engineer and engineering geologist recommendations.

•Conditions of Approval also require that comprehensive drainage

calculations and a drainage plan must be submitted and approved by the

County Engineer.

References -Refer to references cited above in Appellant #2 and #16

Ex5, p23

Appellant

Refers to an open space easement required by an expired coastal permit.

Responce

•The offer to dedicate an open space easement was a condition of the now expired Tentative Tract 1036, the 7 lot subdivision for the 11 acre Cambria Village Square. For reasons unknown, this offer was recorded prior to the final map, which never recorded and is now expired. Technically, the offer still shows on title, even though it has no meaning or value.

•Background: As discussed in the staff report for the expired coastal permit, the intent of the easement was to place the steeper, more visible portions of the site, outside of delineated building footprints, into open space. The area of that easement was about 25,000 square feet and does not reflect most of the steeper areas of the site because of the historical grading activities.

This 3.1 acre area was graded and soil stockpiled during the development of the adjacent shopping center, consequently the present land forms have little relationship to the steeper, more visible areas. Further, no building footprints were ever delineated on this portion of the property.

•Conditions of Approval address this issue by requiring that the offer to dedicate the open space easement be amended so that <u>all</u> areas of the site, outside of building footprints, be placed in the easement. Keep in mind that building footprints are limited to those areas of the site that contain slopes of 20% or less. The condition goes on to say that "the easement revision shall be equal to or greater in extent and quality than the existing easement and shall equal approximately 75,000 square feet" (over three times the amount of the earlier one).

This is a Condition of Approval. For the project to proceed, the old easement, which does not implement or comply with its original intention, will be Quitclaimed back to the owner and a subsequent easement will be recorded concurrently. According to Conditions, the revised easement must be also be approved by the County and the Coastal Commission.

References

•Conditions of Approval, Development Plan

- No. 7, Agency Review

Conditions of Approval, Tentative Tract 2176

- No. 20, Open Space Easement

Appellant #20

Appellant

Comments about environmentally sensitive habitats and streambed alterations. Quotes from a letter related to a different project on a different site.

Responce

- This project proposes no channels, dams or streambed alteration beyond a simple relocation of a storm drain discharge which is a condition imposed by SLO County to have this project help mitigate community flooding problems.
- As discussed in Responce #2, a number of mitigations and agency reviews are required that will insure environmental protection and water quality far beyond what is presently in place for the watershed area.

References •Refer to references cited above in Appellant #2

Appellant #21

Appellant

Comment related to affordable housing

Responce

- The County evaluated the feasibility of providing as few as none or as many as four low and moderate housing units as discussed in Section 50093 of the Health and Safety Code and Section 23.04.092 of the Coastal Land Use Ordinance.
- •The Government Code and County Ordinance allows discretion in the strict application of this statute by stating that the level of housing units must be found to be feasible given the impact on the economic. environmental, social and technical factors associated with providing such housing in the proposed project.
- After consideration of the feasibility information provided, it was determined that the provision of four (4) units would not be feasible and the Conditions of Approval require the provision of two (2) residential units for low and moderate income families in association with the development of this project.
- Appendix #2, Affordable Housing/Development Incentives, pg 95-117
 - Conditions of Approval, Development Plan
 - No.9, Low Cost Housing
 - Conditions of Approval, Tentative Tract 2176
 - No. 17, Low Cost Housing

Ex5, p 25 A-3-5LO-96-113

Policy 2: Permit Requirement

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

Policy 3: Habitat Restoration

The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170 OF THE CZLUO.]

Policy 4: No Land Divisions in Association with Environmentally Sensitive Habitats

No divisions of parcels having environmentally sensitive habitats within them shall be permitted unless it can be found that the buildable area(s) are entirely outside the minimum standard setback required for that habitat (100 feet for wetlands, 50 feet for urban streams, 100 feet for rural streams). These building areas (building envelopes) shall be recorded on the subdivision or parcel map. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170 OF THE CZLUO.]

B. WETLANDS

Coastal wetlands, tidal marshes, mudiflats, freshwater marshes and related bodies of water are a dynamic, fragile link between oceanic and terrestrial ecosystems. Wetlands help improve the quality and quantity of water, as well as providing important wildlife habitats. By slowing runoff water, wetland vegetation causes silt to settle out, improving water quality. By retaining water during dry periods and holding it back during floods, wetlands will keep the water table high and relatively stable. By providing nesting, breeding and feeding grounds, wetlands support the diversity as well as health of wildlife. Several rare and/or endangered species are found within local coastal wetlands, including the California Brown Pelican and the California Least Term.

The Coastal Act identifies wetlands and estuaries as environmentally sensitive habitats and requires that the biological productivity and the quality of such areas be maintained and, where feasible, restored. The special value of wetlands and estuaries is further recognized in Section



riparian vegetation, de-watering and impoundment, channelization and agricultural/urban developments. The loss of riparian vegetation is the consequence of channelization (Arroyo Grande Creek), urban intrusion (Santa Rosa, Arroyo Grande, and Morro Creeks) and agricultural appropriation (all streams).

Streams and creeks are sensitive areas. Development activity within and adjacent to a watercourse has profound effects on stream hydrology and water quality. To ensure protection of the coastal stream environment, a variety of resource management techniques are available. Since fee simple acquisition would not be practical, current protection is afforded by permit requirements.

Development Permits. Sections 1601 and 1603 of the California Fish and Game Code require that any party planning any significant (for private parties) streambed alteration reach an agreement with the California Department of Fish and Game. Section 5650 of the Code also makes it unlawful to place in or allow to pass into any stream any material deleterious to fish, plant life or birdlife. Under Section 404 of the Federal Water Pollution Control Act, the Army Corps of Engineers has permit control over filling in or modification of most of our coastal streams. Under Section 208 of this same act, the California Regional Water Quality Control Board is given permit authority over most types of discharge into coastal streams. A special study has been completed for the regional board to implement Section 208 in regard to nonpoint pollution sources. Specifically, this study identified county water bodies where sedimentation has become a problem.

Land Use. The county's major role in protection of the stream environment has been control over development of adjacent land uses and within the watershed,

The following policies provide protection for coastal stream habitats:

Policy 18: 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. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 19: Development in or Adjacent to a Coastal Stream

Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 20: Fish and Game Review of Streambed Alterations

Significant streambed alterations require the issuance of a California Department of Fish and Game 1601-1603 agreement. The Department should provide guidelines on what constitutes significant streambed alterations so that the county and applicants are aware of what is considered a "significant" streambed alteration. In addition, streambed alterations may also require a permit from the U.S. Army Corp of Engineers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 21: County and State Review of Coastal Stream Projects

The State Water Resources Control Board and the county shall ensure that the beneficial use of coastal stream waters is protected, for projects over which it has jurisdiction. For projects which do not fall under the review of the State Water Resources Control Board, the county (in its review of public works and stream alterations) shall ensure that the quantity and quality surface water discharge from streams and rivers shall be maintained at levels necessary to sustain the functional capacity of streams, wetland, estuaries and lakes. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 22: Program to Control Grazing Impacts

As recommended in the conclusions of the stream survey study, the California Department of Fish and Game may institute a pilot program on publicly owned land utilizing fencing and sediment basins to control grazing impacts on riparian vegetation and costal streams. If the project is successful, the Department of Fish and Game shall institute a voluntary program providing funds to interested local ranchers who wish to utilize this program. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 23: Streambed Alterations

Channelizations, dams or other substantial alterations of rivers and streams shall be limited to:
a) necessary water supply projects, b) flood control projects when there are no other feasible methods for protecting existing structures in the flood plain and where such protection is necessary for public safety or to protect existing development, and c) development where the purpose is to improve fish and wildlife habitat. All projects must employ the best feasible mitigation measures. Maintenance and flood control facilities shall require a coastal levelopment permit. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

POLICIES FOR PUBLIC WORKS

The following public works policies address and implement Coastal Act provisions concerning public services and capacities.

Policy 1: Availability of Service Capacity

New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if it can be serviced by adequate private on-site water and waste disposal systems.

The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved consistent with available resources. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.021c OF THE CZLUO.]

Policy 2: New or Expanded Public Works Facilities

New or expanded public works facilities shall be designed to accommodate but not exceed the needs generated by projected development within the designated urban reserve lines. Other special contractual agreements to serve public facilities and public recreation areas beyond the urban reserve line may be found appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.430 OF THE CZLUO.]

Policy 3: Special Districts

The formation or expansions of special districts shall not be permitted where they would encourage new development that is inconsistent with the Local Coastal Program. In participation on LAFCo actions, the county should encourage sphere-of-influence and annexation policies which reflect the Local Coastal Program. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

The Resource Management System of the Land Use Element provides a framework for implementing this policy and an interim alert process for timely identification of potential resource deficiencies, so that sufficient lead time is allowed for correcting or avoiding a problem. [THIS POLICY SHALL BE IMPLEMENTED AS A PROGRAM.]

Policy 6: Priority for Agriculture Expansion

Agriculture shall be given priority over other land uses to ensure that existing and potential agricultural viability is preserved, consistent with protection of aquatic habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

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 except:

Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent;

When grading of an access road or driveway is necessary to provide access to an area of less than 20 percent slope where development is intended to occur, and where there is no less environmentally damaging alternative;

The county may approved grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the Coastal Zone Land Use Ordinance. Also in review of proposed land divisions, each new parcel shall locate the building envelope and access road on slopes of less than 20 percent. In allowing grading on slopes between 20 percent and 30 percent the county shall consider the specific characteristics of the site and surrounding area that include but are not limited to: the proximity of nearby streams or wetlands, the erosion potential and slope stability of the site, the amount of grading necessary, neighborhood drainage characteristics and measures proposed by the applicant to reduce potential erosion and sedimentation. The county may also consider approving grading on slopes between 20 percent and 30 percent where it has been demonstrated that there is no other feasible method of establishing an allowable use on the site without grading. Grading and erosion control plans shall be prepared by a registered civil engineer and accompany any request to allow grading on slopes between 20 percent and 30 percent. It shall also be demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat. In urban areas as defined by the Urban Services Line, grading may encroach within the 100 foot setback when locating or siting a principally permitted

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development, if application of the 100 foot setback renders the parcel physically unusable for the principally permitted use. Secondly, the 100 foot setback shall only be reduced to a point at which the principally permitted use, as modified as much as practical from a design standpoint, can be accomplished to no point less than the setback allowed by the planning area standard or 50 feet whichever is the greater distance. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO COASTAL ZONE LAND USE ORDINANCE SECTIONS: 23.05.034 (GRADING) AND 23.04.021 (LAND DIVISIONS).]

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. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

Policy 9: Techniques for Minimizing Sedimentation

Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation. Selection of appropriate control measures shall be based on evaluation of the development's design, site conditions, predevelopment erosion rates, environmental sensitivity of the adjacent areas and also consider costs of on-going maintenance. A site specific erosion control plan shall be prepared by a qualified soil scientist or other qualified professional. To the extent feasible, non-structural erosion techniques, including the use of native species of plants, shall be preferred to control run-off and reduce increased sedimentation. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

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. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.034 OF THE CZLUO.]

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. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 12: Agricultural Practices

Agricultural practices shall minimize erosion and sedimentation through accepted management practices that aid soil conservation. The Soil Conservation Service should be encouraged to continue education programs regarding soils management. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 13: Vegetation Removal

Vegetation clearance on slopes greater than 30% in geologically unstable areas or on soils rated as having severe erosion hazards shall require an erosion and sedimentation control plan. Stream vegetation removal is discussed in greater detail in the Sensitive Habitat chapter. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

Policy 14: Soil Conservation Techniques

Proper soil conservation techniques and grazing methods shall to the maximum extent feasible be employed in accordance with the 208 water quality standards adopted by the California Water Quality Control Board. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Relationship to the Land Use Element/Coastal Zone Land Use Ordinance

The Land Use Element identifies the types and intensity of development and the detailed standards by which proposed development will be reviewed. The patterns of use and the services necessary to serve the identified areas must address watershed management issues. In the critical groundwater basins, management programs must be completed. In the interim, specific measures are proposed to ensure that a full range of management options are available.

Detailed performance criteria for grading and drainage requirements in new development are found in the Coastal Zone Land Use Ordinance. In critical areas, detailed sedimentation and drainage plans must be submitted. It should be noted, however, that some aspects of agricultural practices which can contribute to erosion sources are not addressed.

POLICIES FOR VISUAL AND SCENIC RESOURCES

Policy 1: Protection of Visual and Scenic Resources

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

Policy 2: Site Selection for New Development

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

Policy 3: Stringline Method for Siting New Development

In a developed area where new construction is generally infilling and is otherwise consistent with Local Coastal Plan policies, no part of a proposed new structure, including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjoining structures; except where the shoreline has substantial variations in landform between adjacent lots in which case the average setback of the adjoining lots shall be used. At all times, this setback must be adequate to ensure geologic stability in accordance with the policies of the Hazards chapter. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.118 OF THE CZLUO.]

Policy 4: New Development in Rural Areas

New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views. New land divisions whose only building site would be on a highly visible slope or ridgetop shall be prohibited. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.04.021 OF THE CZLUO.]

Policy 5: Landform Alterations

Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Where feasible, contours of the finished surface are to blend with adjacent natural terrain to achieve a consistent grade and natural appearance. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.034 OF THE CZLUO.]

Policy 6: Special Communities and Small-Scale Neighborhoods:

Within the urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO CHAPTER 23.11 (DEFINITIONS) OF THE CZLUO.]

Policy 7: Preservation of Trees and Native Vegetation

The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.05.064 OF THE CZLUO.]

Policy 8: Utility Lines within View Corridors

Where feasible, utility lines within public view corridors should be placed underground whenever their aboveground placement would inhibit or detract from ocean views. In all other cases, where feasible, they shall be placed in such a manner as to minimize their visibility from the road. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.08.284 OF THE CZLUO.]

Policy 9: Signs

Prohibit off-premise commercial signs except for seasonal, temporary agricultural signs. Design on-premise commercial signs as an integral part of the structure they identify and which do not extend above the roofline. Information and direction signs shall be designed to be simple, easy-to-read and harmonize with surrounding elements. [THIS POLICY SHALL BE

Background Report

Extensive studies have been conducted which inventory and describe hazardous areas in the county. A background report entitled <u>Hazards</u> summarized such studies and discussed the mapped information in the coastal zone based on the adopted Seismic Safety Element. In addition, information concerning Geologic Study Areas for the Cambria and Cayucos areas was updated to reflect more recent geologic analysis.

Issues and Concerns

A hazard unique to coastal areas is the bluff erosion that results from wave action, water currents and wind patterns. This coastal erosion is subject to seasonal fluctuations, especially during winter storms which can accelerate bluff erosion. In contrast to these natural oceanic and geologic conditions that affect erosion, human activity can increase or control erosion rates.

The importance of coastal bluffs is further recognized in Section 30603 of the Coastal Act which requires the Coastal Commission to retain appeal authority after certification of the Local Coastal Program for any development approved by the county within 300 feet of the top of the seaward face of any coastal bluff.

In 1977 the State Department of Navigation and Oceanic Development prepared an atlas of shoreline erosion along the California Coast. The atlas indicates areas where coastal erosion is serious and development would be threatened. The atlas identified areas in Cayucos and portions of West Lodge Hill where present development is critical to coastal erosion. Other large portions of the county's coastline, although presently undeveloped, are identified as critical for future development.

The Land Use Element and Coastal Zone Land Use Ordinance have been amended to address the issue of bluff erosion, by changes to the maps and text which identify bluff erosion areas which require review for all proposed development.

POLICIES FOR HAZARDS

Based on the information summarized in the draft background report, the following policies and standards will guide the kinds, locations and intensities of development in hazardous areas of the coastal zone.

Policy 1: New Development

All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development (with the exception of coastal-dependent

uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 2: Erosion and Geologic Stability

New development shall ensure structural stability while not creating or contributing to erosion or geological instability. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.086 OF THE CZLUO.]

Policy 3: Development Review in Hazard Areas

The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. Residential, commercial and industrial development shall be prohibited within the 100 year floodplain (1% chance of inundation in any year) as delineated in the Flood Hazard combining designation except for those areas within an urban reserve line. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.082, 23.07.084, 23.07.062 AND 23.07.066 OF THE CZLUO.]

Policy 4: Limitations on the Construction of Shoreline Structures

Construction of shoreline structures that would substantially alter existing landforms shall be limited to projects necessary for:

- a. protection of existing development (new development must ensure stability without depending upon shoreline protection devices);
- b. public beaches and recreation areas in danger of erosion;
- c. coastal dependent uses;
- d. existing public roadway facilities to public beaches and recreation areas where no alternative routes are feasible.

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- (3) These standards do not determine the minimum site area for the establishment of a new use on an existing lot, unless specifically referred to elsewhere in this title. Standards for the site design of new uses not involving land divisions begin with Section 23.04.040 (Minimum Site Area).
- **b.** Area measured. For the purpose of determining whether existing or proposed parcels satisfy the standards of this chapter for the minimum parcel size, net site area (as defined in Chapter 23.11 as "Site Area, Net") is to be used in all cases, except that:
 - (1) Lots one acre or larger after division may use gross site area (see Chapter 23.11) where existing or proposed abutting rights-of-way are owned in fee, and the difference between net and gross site area of the proposed parcel is less than 10 percent.
 - Within a domestic reservoir watershed, no land within a horizontal distance of 200 feet from the reservoir impoundment, as determined by the spillway elevation, shall qualify for computing parcel size or for the sighting of septic systems.
- c. Overriding land division requirements. All applications for land division within the Coastal Zone (except condominium conversion) shall satisfy the following requirements, as applicable, in addition to all applicable provisions of Sections 23.04.024 through 23.04.036. In the event of any conflict between the provisions of this section and those of Sections 23.04.024 through 23.04.036, this section shall prevail.
 - (1) Water and sewer capacities urban areas: In communities with limited water or sewage disposal service capacity as defined by Resource Management System alert level II or III:
 - (i) Within an urban services line, new land divisions shall not be approved unless the approval body first finds that sufficient water and sewage disposal capacities are available to accommodate both existing development and development that would be allowed on presently vacant parcels.
 - (ii) A proposed land division between an urban services line and urban reserve line shall not be approved unless the approval body first finds that sufficient water and sewage disposal service capacities are available to accommodate both existing development within the urban services line and development that would be allowed on presently vacant parcels within the urban services line.

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- (2) Minimum parcel size between urhan services and urban reserve lines:
 In communities with limited water or sewage disposal service capacity problems as defined by Resource Management System alert Level II or III, new divisions of land (except divisions proposed by public agencies) between an urban services line and urban reserve line are subject to the following requirements:
 - (i) New parcels shall be no smaller than the largest minimum parcel size established for the subject land use category by Sections 23.04.024 through 23.04.036.
 - (ii) A cluster subdivision may be permitted (23.04.036) provided that the overall density does not exceed the base density computed by using the largest parcel size required for the applicable land use category by Sections 23.04.024 et seq.
- (3) Land divisions requiring new service extensions. To minimize conflicts between agricultural and urban land uses, land divisions requiring new community water or sewer service extensions beyond the urban services line shall not be approved.
- (4) Conveyances of land by public agencies and other public entities. In making the determination of whether public policy necessitates the filing of a parcel map pursuant to Section 21.48.015(9) of this code, the Planning Director at a minimum shall require a Tentative Parcel Map. Such map shall not be approved by the county unless found consistent with the Local Coastal Program.
- (5) Parcel size within domestic reservoir watersheds. The minimum parcel size within a domestic reservoir watershed shall be 2.5 acres, except where Sections 23.04.024 through 23.04.033 would require a larger parcel size, and except where a proposed parcel is to be located within a cluster division pursuant to Section 23.04.036 with a maximum density of 2.5 acres or more per dwelling unit.
- (6) Highly-visible sites. New land divisions where the only feasible building site would be on slope or ridgetop where a building would be silhouetted against the skyline as viewed from a public road shall be prohibited as required by Visual and Scenic Resources Policy 4 of the Local Coastal Plan.
- (7) Location of access roads and building sites. Proposed access roads and building sites shall be shown on tentative maps and shall be located on slopes less than 20 percent.

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- a. Area of cuts and fills: Cuts and fills shall be limited to the minimum amount necessary to provide stable embankments for required parking areas or street rights-of-way, structural foundations, and adequate residential yard area or outdoor storage or sales area incidental to a non-residential use.
- **b.** Grading for siting of new development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes less than 20% except:
 - (1) Existing lots in the Residential Single-Family category, if a residence cannot feasibly be sited on a slope less than 20%; and
 - When grading of an access road or driveway is necessary to provide access to building site with less than 20% slope, and where there is no less environmentally damaging alternative; and
 - (3) Grading adjustment. Grading on slopes between 20% and 30% may occur by Minor Use Permit or Development Plan approval subject to the following:
 - (i) The applicable review body has considered the specific characteristics of the site and surrounding area including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation.
 - (ii) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment.
 - (iii) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.
 - (iv) It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.
- c. Grading adjacent to Environmentally Sensitive Habitats. Grading shall not occur within 100 feet of any Environmentally Sensitive Habitat as shown in the Land Use Element except:
 - (1) Where a setback adjustment has been granted as set forth in Sections 23.07.172d(2) (Wetlands) or 23.07.174d(2) (Streams and Riparian Vegetation) of this title; or

23.05.062 - 064

- C. Application content. Land use permit applications that propose tree removal are to include all information specified by Section 23.02.030b (Plot Plan Content) OR 23.02.033 (Minor Use Permit) where applicable, and the following:
 - (1) The size, species and condition (e.g., diseased, healthy, etc.) of each tree proposed for removal.
 - (2) The purpose of removal.
 - (3) The size and species of any trees proposed to replace those intended for removal.

23.05,064 - Tree Removal Standards.

Applications for tree removal in accordance with Section 23.05.062 are to be approved only when the following conditions are satisfied:

- a. Tagging required. Trees proposed for removal shall be identified for field inspection by means of flagging, staking, paint spotting or other means readily visible but not detrimental to a healthy tree.
- **b.** Removal criteria. A tree may be removed only when the tree is any of the following:
 - (1) Dead, diseased beyond reclamation, or hazardous;
 - (2) Crowded, with good horticultural practices dictating thinning;
 - (3) Interfering with existing utilities, structures or right-of-way improvements;
 - (4) Obstructing existing or proposed improvements that cannot be reasonably designed to avoid the need for tree removal;
 - (5) Inhibiting sunlight needed for either active or passive solar heating or cooling, and the building or solar collectors cannot be oriented to collect sufficient sunlight without total removal of the tree;
 - (6) In conflict with an approved fire safety plan where required by Section 23.05.080;

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- (7) To be replaced by a tree that will provide equal or better shade, screening, solar efficiency or visual amenity within a 10-year period, as verified in writing by a registered landscape architect, licensed landscaping contractor or certified nurseryman.
- C. Replacement. Any tree removed to accommodate new development or because it is a safety hazard shall be replaced, in a location on the site and with a species common to the community, as approved by the Planning Director.
- d. Tree removal within public view corridors. Tree removal within public view corridors (areas visible from collector or arterial roads) shall be minimized in accordance with Visual and Scenic Resources Policy 5.
- e. Preservation of trees and natural vegetation. New development shall incorporate design techniques and methods that minimize the need for tree removal.

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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. These standards are applied where the following conditions exist:

- a. Seismic hazard: Areas of seismic (earthquake) hazard are identified through the application of a special studies zone. Special studies zones are established by the state geologist as required by Sections 2621 et seq. of the Public Resources Code (the Alquist-Priolo Special Studies Zones Act), and are identified in the Land Use Element (Part II);
- b. Landslide hazard: Areas within urban and village reserve lines, identified by the Seismic Safety Element as being subject to moderately high to high landslide risk, and rural areas subject to high landslide risk;
- c. Liquefaction hazard: Areas identified by the Seismic Safety Element as being subject to soil liquefaction.
- d. Erosion and stability hazard coastal bluffs. Areas along the coast with coastal bluffs and cliffs greater than 10 feet in vertical relief that are identified in the Coastal Erosion Atlas, prepared by the California State Department of Navigation and Ocean Development (1977), in accordance with Hazards Policy No. 7 of the Local Coastal Plan.

23.07.082 - Applicability of GSA Standards:

The standards of Sections 23.07.084 and 23.07.086 apply to all land uses for which a permit is required, except:

- 2. Any agricultural use not involving a building, and any agricultural accessory structure.
- **b.** Alterations or additions to any structure, the value of which does not exceed 50% of the assessed value of the structure in any 12-month period, except where the site is adjacent to a coastal bluff.



23.07.084

23.07.084 - Application Content - Geologic and Soils Report Required:

All land use permit applications for projects located within a Geologic Study Area (except those exempted by Section 23.07.082) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate, which identifies, describes and illustrates, where applicable, potential hazard of surface fault rupture, seismic shaking, liquefaction or landslide, as provided by this section. Provided, however, that no report is required for an application located in an area for which the County Engineer determines that sufficient information exists because of previous geology or soils reports. Where required, a geology report shall include:

- 2. A review of the local and regional seismic and other geological conditions that may significantly affect the proposed use.
- An assessment of conditions on or near the site that would contribute to the potential for the damage of a proposed use from a seismic or other geological event, or the potential for a new use to create adverse effects upon existing uses because of identified geological hazards. The conditions assessed are to include, where applicable, rainfall, soils, slopes, water table, bedrock geology, and any other substrate conditions that may affect seismic response, landslide risk or liquefaction potential.
- C. Conclusions and recommendations regarding the potential for, where applicable:
 - (1) Surface rupture or other secondary ground effects of seismic activity at the site:
 - (2) Active landsliding or slope failure;
 - (3) Adverse groundwater conditions;
 - (4) Liquefaction hazards.
- d. Recommended building techniques, site preparation measures, or setbacks necessary to reduce risks to life and property from seismic damage, landslide, groundwater and liquefaction to insignificant levels.

[Amended 1989, Ord. 2383]

23.07.085 - 086

23.07.085 - Review of Geology Report.

As required by California Code of Regulations Title 14, Section 3603, the geology and soils report required by Section 23.07.084 shall be evaluated by a geologist retained by the county who is registered in the State of California. Within 30 days of the acceptance of such report, the Planning Director shall file one copy with the State Geologist. [Added 1989, Ord. 2383]

23.07.086 - Geologic Study Area Special Standards:

All uses within a Geologic Study Area are to be established and maintained in accordance with the following, as applicable:

- a. Grading: Any grading not otherwise exempted from the permit requirements of Sections 23.05.020 et seq. (Grading) is to be performed as engineered grading under the provisions of those sections.
- **b.** Seismic hazard areas: As required by California Public Resources Code Sections 2621 et seq. and California Administrative Code Title 14, Sections 3600 et seq., no structure intended for human occupancy shall be located within 50 feet of an active fault trace within a special studies zone.
- c. Erosion and geologic stability. New development shall insure structural stability while not creating or contributing to erosion, sedimentation or geologic instability.

23.07.166 - 170

- d. Where an SRA is applied because of prominent geological features visible from off-site (such as rock outcrops), those features are to be protected and remain undisturbed by grading or development activities.
- e. Where an SRA is applied because of specified species of trees, plants or other vegetation, such species shall not be disturbed by construction activities or subsequent operation of the use, except where authorized by Development Plan approval.

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, and as mapped by the Land Use Element combining designation maps.

- **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. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures.
 - (2) Recommends conditions of approval for the restoration of damaged habitats, where feasible.
 - (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) 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.

23.07.170 - 172

- **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. Development standards for environmentally sensitive habitats:
 - (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 23.05.034c (Grading Standards.)

23.07.172 - Wetlands.

Development proposed within or adjacent to (within 100 feet of the upland extent of) a wetland area shown on the Environmentally Sensitive Habitat Maps shall satisfy the requirements of this section to enable issuance of a land use or construction permit. These provisions are intended to maintain the natural ecological functioning and productivity of wetlands and estuaries and where feasible, to support restoration of degraded wetlands.

23.07.172

- a. Location of development: Development shall be located as far away from the wetland as feasible, provided that other habitat values on the site are not thereby more adversely affected.
- b. Principle Permitted Uses in wetlands: Hunting, fishing, wildlife management, education and research projects.
- c. Department of Fish and Game review. The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design.
- d. Wetland setbacks: New development shall be located a minimum of 100 feet from the upland extent of all wetlands, except as provided by subsection d(2). If the biological report required by Section 23.07.170 (Application Content) determines that such setback will provide an insufficient buffer from the wetland area, and the applicable approval body cannot make the finding required by Section 23.07.170b, then a greater setback may be required.
 - (1) Permitted uses within wetland sethacks: Within the required setback buffer, permitted uses are limited to passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control of facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that:
 - (i) Alternative routes are infeasible or more environmentally damaging.
 - (ii) Adverse environmental effects are mitigated to the maximum extent feasible.
 - (2) Wetland setback adjustment: The minimum wetland setback may be adjusted through Minor Use Permit approval (but in no case shall be less than 25 feet), provided that the following findings can be made:
 - The site would be physically unusable for the principal permitted use unless the setback is reduced.
 - (ii) The reduction is the minimum that would enable a principal permitted use to be established on the site after all practical design modifications have been considered.

23.07.172 - 174

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

23.07.174 - Streams and Riparian Vegetation:

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

- a. Development adjacent to a coastal stream. Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.
- **b.** Limitation on streambed alteration: Channelization, dams or other substantial alteration of stream channels are limited to:
 - (1) Water supply projects, provided that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional capacity of streams, wetlands, estuaries and lakes.
 - (2) Flood control projects, where such protection is necessary for public safety or to protect existing commercial or residential structures, when no feasible alternative to streambed alternation is available:
 - (3) Construction of improvements to fish and wildlife habitat;
 - (4) Maintenance of existing flood control channels.

Streambed alterations shall not be conducted unless all applicable provisions of this title are met and if applicable, permit approval from the California Department of Fish and Game, the U.S. Army Corps of Engineers, and California State Water Resources Control Board.

23.07.174

- c. Stream diversion structures: Structures that divert all or a portion of streamflow for any purpose, except for agricultural stock ponds with a capacity less than 10 acre-feet, shall be designed and located to not impede the movement of native fish or to reduce streamflow to a level that would significantly affect the production of fish and other stream organisms.
- d. Riparian sethacks: New development shall be sethack from the upland edge of riparian vegetation a minimum of 50 feet within urban areas (inside the USL) and 100 feet in rural areas (outside the USL), except as provided in subsection b. of this section, and as follows:
 - (1) Permitted uses within the setback: Permitted uses are limited to those specified in Section 23.07.172d(1) (for wetland setbacks), provided that the findings required by that section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses.
 - (2) Riparian habitat setback adjustment: The minimum riparian setback may be adjusted through Minor Use Permit approval, but in no case shall structures be allowed closer than 10 feet from a stream bank, and provided the following findings can first be made:
 - (i) Alternative locations and routes are infeasible or more environmentally damaging; and
 - (ii) Adverse environmental effects are mitigated to the maximum extent feasible; and
 - (iii) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and
 - (iv) The adjustment is the minimum that would allow for the establishment of a principal permitted use.
- e. Alteration of riparian vegetation: Cutting or alteration of natural vegetation that protects a riparian habitat shall not be permitted except:
 - (1) For streambed alterations allowed by subsections a and b above;

23.07.174 - 176

- (2) Where no feasible alternative exists;
- (3) Where an issue of public safety exists;
- (4) Where expanding vegetation is encroaching on established agricultural uses;
- (5) Minor public works projects, including but not limited to utility lines, pipelines, driveways and roads, where the Planning Director determines no feasible alternative exists:
- (6) To increase agricultural acreage provided that such vegetation clearance will:
 - (i) Not impair the functional capacity of the habitat;
 - (ii) Not cause significant streambank erosion;
 - (iii) Not have a detrimental effect on water quality or quantity;
 - (iv) Be in accordance with applicable permits required by the Department of Fish and Game.
- (7) To locate a principally permitted use on an existing lot of record where no feasible alternative exists and the findings of Section 23.07.174b can be made.

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.

23.08.286

- (f) After startup, use of the pipeline right-of-way shall be restricted to operational maintenance, inspection, repair, and protection of the pipeline.
- (ii) Surface facilities. To be determined through Development Plan approval.
- (iii) Pipelines near constal bluffs. Shall be designed to insure stability considering wave action and bluff erosion.

d. Electric Transmission Lines.

(1) Permit requirement.

- (i) Emergency repair and general permit requirements, Sections 23.08.286a and b., apply to electric power distribution lines (i.e., less than 69kv design capacity).
- Development plan approval is required for electric power transmission lines (i.e., 69kV design capacity and greater), whether to be established or upgraded.
- (2) Application contents. In addition to all information required by Chapter 23.02 of this Title, the applicant shall submit information on the proposed rights-of-way, including width, ownership, present land use, slope, soils and vegetation, types and sizes of towers to be utilized, estimates of noise generated during various operating and weather conditions, and estimates of maximum electric and magnetic field strengths generated under the line, at rights-of-way edges, and the extent that measurable fields extend in all directions from the facility.
- (3) Required finding. Electric power transmission line facilities shall be approved only where the Planning Commission can find that the development will be consistent with Energy and Industrial Development Policies 16 through 20 of the Local Coastal Program Policies Document.
- (4) Utility lines within public view corridors. Where feasible, utility lines shall be underground when their placement would limit or detract from views of the ocean from collector or arterial roads. In all other cases, they shall be sited to minimize their visibility from public roads. [Amended 1992, Ord. 2591]

23.11.030

Soil Texture. The classification of soil based on the percentage of sand, silt, and clay in the soil. [Amended 1993, Ord. 2649]

Solar Efficiency. The extent to which a building or structure uses solar energy in winter or repels solar energy in summer by natural or man-made devices (trees and vegetation, or architectural features, respectively).

Sound Level Meter. Any instrument networks for the measurement of sound levels, which meets or exceeds the American National Standard Institute Standard S1.4-1971 for Type 1 or Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment which will provide equivalent data. [Amended 1992, Ord. 2546]

Special Communities. Areas and communities with unique, visually pleasing characteristics which serve as visitor destination points and include:

- a. Avila Beach Commercial and Recreation categories along Front Street.
- b. Cambria Commercial and Recreation categories along Main Street.
- c. Cambria Commercial and Recreation categories along Moonstone Beach Drive.
- d. Cayucos Commercial and Recreation categories along Ocean Avenue.
- e. South Bay Baywood Village Commercial area.
- f. San Luis Bay/Port San Luis Public Facilities Category.
 - g. San Simeon Acres Residential Single-Family and Residential Multi-Family categories.
 - h. San Simeon Village Commercial category.

Special District. Any public agency formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries other than a chartered or general law city or any city and county. Special districts include, but are not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area.