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**STAFF REPORT
 REGULAR**

APPLICATION NUMBER: A-3-96-113
 APPLICANT: VADNAIS/BOUD
 PROJECT LOCATION: Northeast 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 on vacant 3.1 acre site.
 FILE DOCUMENTS: Permit D940132D, D940283V, Tract 2176; SLO County LCP (North Coast Area Plan, Coastal Zone Land Use Ordinance, Coastal Policies, Framework for Planning); SLO County LCP Amendment 1-97 staff report.

SUMMARY OF STAFF RECOMMENDATION

On September 17, 1996, the San Luis Obispo 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. The project then was appealed to the Commission by local residents who contended, among other things, that the County's approval was inconsistent with Environmentally Sensitive Habitat policies; Public Works policy relative to provision of adequate road capacity; Coastal Watersheds policies which require drainage plans, limit removal of vegetation, and limit development to slopes less than 20 percent; Visual and Scenic Resources policies regarding massing of structures on hillsides, amount of grading, compatibility of the proposal with the community, preservation of trees, and visibility of utility lines; and Hazards policies concerning geological hazards such as stability of the site and erosion; and policies concerning the availability of sufficient water. Other contentions included denial of due process because the County approved the proposal without the public knowing the following facts: i) how the issue of structures proposed in recorded [offer to dedicate] 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.

On January 9, 1997, the Commission found that substantial issue existed with respect to environmentally sensitive habitat and erosion and sedimentation (potential development of drainage structures in Santa Rosa Creek), water capacity, and grading on slopes over 20 percent. The *de novo* hearing on the merits of the project was deferred to give the applicant time to produce additional information in response to the finding of substantial issue. The applicant has since provided staff with additional information which clarifies the issues and proposes alternative measures for site controls. In particular, the applicant has redesigned the drainage and submitted a comprehensive drainage plan analysis. In addition, as conditioned to incorporate the County's permit conditions; require off-site retrofitting of existing structures; insure no net increase in Cambria's total water demand; incorporate BMP's to minimize impacts of polluted runoff; and specify use of an existing storm drain outfall into Santa Rosa Creek, the project will conform with the certified LCP. Overall, staff recommends that the Commission, after public hearing, approve, as conditioned, a permit for the proposal for the reasons presented in this report.

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1. County Conditions of Approval
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3. Project Vicinity map
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I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

APPROVAL WITH CONDITIONS

The Commission hereby approves, subject to the conditions below, a permit for the proposed development, on the grounds that the development, as conditioned, will be consistent with the certified San Luis Obispo County Local Coastal Program and the public access policies of the Coastal Act, and will not have any adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. 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.

III. SPECIAL CONDITIONS

1. Authorized Development. This permit authorizes the development of a condominium project, including a condominium subdivision and construction of a maximum of 25 units as described in this staff report and in the Board of Supervisor's action contained in the County's Notice of Final Action. Limitations on grading may require that there be fewer than 25 units (see County Development Plan condition 2.b, attached as Exhibit 1).
2. Water Supply. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and approval a letter from the Cambria Community Services District certifying that permittee has retrofitted the requisite number of existing structures to offset the estimated water use of this project and the District has authorized a water hook-up to serve the project. The retrofitting shall be done according to the ordinances, policies, and regulations of the

Cambria Community Services District, except that no fees may be paid in-lieu of any of the required retrofitting.

3. **County Conditions of Approval / Incorporation of BMP's**

a. All conditions of County approvals for Variance D940283V, Development Plan D940132D, and Vesting Tentative Tract 2176 are hereby incorporated into this permit. The permittee shall submit to the Executive Director for review and approval those plans, studies, reports, etc., required by Conditions 2, 3, 11, 17, 18, 20, 21, and 22 of Development Plan D940132D; and Conditions 14, 15, and 22 of Vesting Tentative Tract 2176. Such plans, studies, reports, etc., shall be submitted to the Executive Director at the same time that they are submitted to the County.

b. These final plans shall incorporate all applicable Best Management Practices (BMP's) for control of polluted runoff. Appropriate BMP's for this site during the construction period include, but are not limited to: erosion control plantings on all exposed surfaces; silt fences; temporary detention basins; seasonal restrictions on grading during the rainy season; and similar measures as identified in the California Storm Water Best Management Practice Handbooks (March, 1993). Similarly, appropriate BMP's to intercept contaminated runoff from streets, parking areas and other impervious surfaces in the post-construction period include grease and silt traps(s); landscape plantings; infiltration basin(s) or the equivalent; and long-term maintenance of such measures, to be incorporated in the CC&R's for the subdivision (Condition 14 of the County's permit for Vesting Tentative Tract map).

These measures shall be summarized in a separate erosion and sedimentation control plan prepared by a qualified professional (e.g., licensed hydrologist, engineering geologist, civil engineer), a Storm Water Pollution Prevention Plan (SWPPP) prepared consistent with the Regional Water Quality Control Board's standard for SWPPP's, or equivalent document submitted for review and approval by the Executive Director PRIOR TO THE COMMENCEMENT OF GRADING. Unless otherwise defined by the Regional Water Quality Control Board or the local government's certified Local Coastal Program, the "rainy season" shall be considered as Oct. through April of each year.

Drainage

4. Drainage shall be designed and constructed according to the calculations and reports from North Coast Engineering and the County Engineering Department, particularly including the letter reports and plans of March 25, 1997, and July 25, 1997 from North Coast Engineering, Inc. and response letters of April 2 and Nov. 10, 1997 from the San Luis Obispo County Engineering Dept. (on file). Off-site discharge of runoff waters shall be through the existing storm drain which empties into Santa Rosa Creek adjacent to Cambria Elementary School.

IV. RECOMMENDED FINDINGS AND DECLARATIONS

A. Proposal Description and Background

1. **Description:** The site of the proposed development is on a hillside on the north side of Main Street in Cambria. The Main Street area of Cambria lies in the lower Santa Rosa Creek valley. The site is about 300 feet deep and about 450 feet long, comprising 3.1 acres. The southwestern corner of the site at the intersection of Main Street and Pine Knolls Drive lies at 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 existing, graded terraces created from earth that was placed there during the grading for the construction of the adjacent commercial development twelve years ago. (Please see Exhibit 4, site sections)

The project site is zoned for residential multifamily at 15 units per acre. Allowable densities must be calculated using only the portions of the site that have slopes of 20% or less. According to this formula, at least 25 units could be constructed on this site. 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, except for emergency vehicles. The proposed development includes ten two-story buildings containing a total of 25 condominium units on $\pm 73,000$ sq. ft. of the site, part of which is currently within an area offered for dedication as an open space easement. The undeveloped remainder would be placed in a new open space easement proposed to be about 3 times the size of the existing easement required by the Coastal Commission in permit 4-83-680 (see Background, below, and 4-83-680-A1). One of the County conditions of approval was that the applicant must obtain approval from the Coastal Commission for the reconfiguration of the open space easement. Proposed Amendment 4-83-680-A1 allows the larger re-configured open space easement to be offered in place of the existing easement configuration. Such easement would be shaped to exclude the graded terraces in the center of the site, thus accommodating the current condominium project as well as satisfying the County condition regarding the Commission-required open space offer.

2. **Background:** Permit 4-83-680 was approved by the Coastal Commission on May 9, 1984, with special conditions, including a requirement to offer to dedicate an open space easement over the upper slopes of the property. The permit 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 (but has, to date, not been accepted). The two most westerly lots of that subdivision, which occupy the area of the current subject site, were to be developed for residential purposes sometime in the future. These parcels remain vacant. 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.

Proposed Amendment 4-83-680-A1 allows the applicant to reconfigure the area offered in the open space easement. The existing recorded OTD is unsatisfactory in a number of ways: it is too small (25,000 sq. ft.), fails to cover substantial areas which exceed 20% slope, and does not yield a "building envelope" on that portion of the site most suitable for development. The revised OTD, under the terms of the amendment, would be three times larger (75,000 sq. ft.), would cover all post-construction slopes greater than 20%, frees up the area most suitable for development, and would better protect public views. This will be achieved by reducing the area of open space at the easterly, upper most part of the site so as to accommodate structures, and redistribute some of the open space to the development's common areas on the northern end of the site.

B. Standard of Review and Analysis

The standard of review for appeals, including any *de novo* hearing that might follow a finding of substantial issue, is the County's certified Local Coastal Program and the Public Access policies of the Coastal Act. Although there were more than a half dozen issues raised in the appeal of this proposal, the Commission found that substantial issue existed with only four of them: environmentally sensitive habitat, erosion and sedimentation, water supply, and grading on slopes over 30 percent.

1. Environmentally Sensitive Habitat (ESH) Area, Erosion and Sedimentation

a. Storm Drain Impacts on Creek Habitat

As originally approved by the County, impacts on the Santa Rosa Creek ESH could have resulted from grading, trenching or other construction work needed to install a new storm drain facility. Such work would have had the potential to significantly disrupt Santa Rosa Creek or its adjacent riparian vegetation. This ESH supports an endangered steelhead run, as well as the Federally-listed red-legged frog and other sensitive species which could be impacted by drain installation in or adjacent to the stream channel. Silt-laden runoff during the construction phase, as well as the cumulative effects of polluted runoff from streets, parking areas, lawns, etc. over the long run, also would potentially impact Santa Rosa Creek.

The LCP's 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. The environmentally sensitive area is not on the subject site in this case, but is off-site, in Santa Rosa Creek. Here, the County 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 may be a good alternative 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 might be on the creek habitat.

Possible ways of routing the runoff directly to the creek include placing a new drainage pipe from the site or nearby along Main Street to Santa Rosa Creek or directing the runoff to an existing drainageway to the creek. The first alternative would entail construction of a new pipeline which would be within the Main Street and Highway One rights-of way, and depending on the exact route, would either cross private property (the Mid-State Bank Site) or be in the Cambria Drive right-of-way. The second alternative would entail construction of appropriate runoff conveyances to carry the water to a nearby existing drain pipe to the creek. The first alternative would be the more expensive and difficult one to construct because from about 1000 feet to one-quarter mile of new pipeline would have to be constructed, including jacking the pipe under Highway One. The second alternative could be relatively inexpensive if an existing drainage way to the creek were to be found nearby, because only a relative short section of new pipe or gutter, or some other form of runoff conveyance would be needed. The first alternative would require work in the creek to construct some sort of energy dissipater at the drainage pipe outlet into the creek to reduce the erosive force of the runoff. Originally, it was not known whether or not the second alternative might or might not require any work in the creek; such determination depended on whether or not the increased flow out of the existing drainage pipe would necessitate any work at the outlet into the creek.

After discussions with staff, the applicant pursued the second alternative by investigating the possibility of routing some or all of the drainage from the site into an existing drainage pipe across Main Street. According to the applicant, engineering studies have ". . .determined that it is feasible to gravity flow the storm water from the project site into the existing storm drain system which discharges into the creek adjacent to Cambria Elementary School and that this drainage system has the capacity to handle the additional water. This revised drainage proposal has also been reviewed and found to be acceptable by the San Luis Obispo County Engineering Department." The existing drainage system proposed to be used by the applicant discharges into Santa Rosa Creek upstream of the Highway One bridge.

The existing drainage system was installed in 1984. Grouted rip-rap was installed at the discharge point as an erosion control measure. According to County Engineering, the presence of the rip-rap is ". . .sufficient to serve as the necessary erosion control at the outlet of the storm drain. . . ." The storm drain drops steeply for its final 45 feet. At the bottom of the slope, the storm drain is horizontal for several feet before discharging onto the grouted rip-rap. This horizontal section also functions as an energy dissipater, which along with the grouted rip-rap functions to greatly reduce the erosive force of runoff discharged from the storm drain. The design of the drainage system at the point of discharge is sufficient to reduce the energy of the runoff so that it will not erode the creek bank and bottom and no work will be necessary in the creek.

The LCP's Coastal Plan Policies for ESH's require the protection of coastal streams and adjoining riparian vegetation. ESH Policy 18 states:

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.

With respect to riparian vegetation along the streambank (which would presumably be disrupted by the trenching and construction for a new storm drain outfall), the LCP states, in ESH Policy 24:

Cutting or alteration of naturally occurring vegetation that protects riparian habitat is not permitted except ... where no feasible alternative exists or an issue of public safety exists ... Minor incidental public works project may also be permitted where no feasible alternative exists including but not limited to utility lines, pipelines, driveways and roads

...

The CZLUO implements these policies by prohibiting most cutting or alteration of natural vegetation that protects a riparian habitat, except where "no feasible alternative exists" (CZLUO section 23.07.174(e)).

In this case, a feasible alternative to riparian habitat destruction does exist. By finding a way to utilize an existing storm drain, the applicant will conform his project to the applicable LCP standards. This permit is conditioned accordingly, to require use of the identified storm drain which empties into Santa Rosa Creek adjacent to Cambria Elementary School.

b. Erosion Control

Regarding polluted runoff from the site, the appropriate methodologies for minimizing such impacts, both during the construction phase and over the long run, are now referred to as Best Management Practices (BMP's). The County's permit conditions, incorporated by reference into this permit, already require supervision by an environmental monitor during construction, a grading and erosion control plan for subdivision improvements, a mitigation plan for grading and drainage, a landscaping plan (including performance bond), and CC&R's (covenants, conditions, and restrictions) for permanent maintenance of all drainage facilities (see Exhibit 1). Appropriate BMP's can be found in a number of source documents, including the California Storm Water Best Management Practice Handbooks (prepared by Camp Dresser & McKee, et al, for the Stormwater Quality Task Force, March, 1993), but are not mentioned in the County Permit. Accordingly, to insure that the project's grading, erosion control, and related plans are consistent with current practice, this permit is conditioned to require incorporation of appropriate BMP's and submittal of final plans to the Executive Director (in addition to the County) to confirm compliance. This will serve to clarify how the County's already-adopted permit conditions will be carried out; and, with respect to the issue of polluted runoff, will assure conformance with the LCP's ESH Policy 18 regarding protection of coastal stream and riparian habitats. Therefore, no further disruption of the environmentally sensitive stream corridor will result, and the project can be found consistent with the above-cited LCP requirements regarding ESH.

c. Drainage Impacts On Santa Rosa Creek Flooding

Off-site flooding and sedimentation are habitat issues, because increased flood intensity or loss of streambed capacity due to siltation may result in loss of downstream environmentally sensitive riparian and lagoon habitats. What effect the addition of runoff from the project site would have on the water elevation in Santa Rosa Creek is of concern since the Highway One bridge is a flood-water bottleneck in larger storms, causing overflow out of the creek and into West Village. The bottom of the Highway One bridge is at elevation 35.6±. The water surface elevation (wsel) at the bridge in a 25 year storm is approximately 31 feet, so the bridge can pass a 25 year flood. The wsel in a 50 year storm is approximately 36.6 feet, or about one foot higher than the bottom of the bridge. By interpolation, the streamflow resulting from any storm greater than about a 45 year storm will not be able to pass completely under the bridge, but will back up and some will flow overland across the Mid-State Bank property into the West Village. A 100-year storm would produce a wsel of about 37.50 feet, two feet above the bottom of the bridge.

Peak flow runoff from the project site itself would be approximately 4.0 cubic feet per second (cfs) during a 100 year storm. Total runoff from the site plus 1.6 acres above the site, in the Pine Knolls neighborhood will be about 5.8 cfs. Peak flow in Santa Rosa Creek during a 100 year storm would be approximately 17,993 cfs, or about 3100 times the peak flow from the project site and the 1.6 acres in Pine Knolls. Considered in percentages, 5.8 cfs is 0.03 percent of 17,993 cfs. According to the applicant's engineer,

The hydrographs indicate that the peak flow from Tract 2176 . . . occurs approximately 2.8 hours before the peak flow in Santa Rosa Creek. . . . The hydrographs also indicate that the flow from the site is 1.0 cfs when the peak flow in Santa Rosa Creek occurs. The increase in the Santa Rosa Creek 100-year peak flow due to the development of Tract 2176 is 0.006% of the total flow (1.0 cfs ÷ 17,993 cfs x 100). A change in flow of this magnitude would be imperceptible as well as insignificant. . . .

In order to determine the impacts that development of Tract 2176 will have on the 100-year WSEL [Water Surface Elevation] of Santa Rosa Creek, a rating curve was developed for a cross section of the creek immediately above the State Route 1 bridge. The rating curve was derived from FEMA flood profile and flow information. Based on the rating curve, the existing 100-year WSEL immediately above the State Route 1 bridge was determined to be 37.50'. After development of Tract 2176, the 100-year WSEL at this same section was determined to be 37.50'. The development of Tract 2176 will not result in any perceptible or significant increase in the 100-year WSEL of Santa Rosa Creek at the State Route 1 bridge.

The figures and the design of the storm drain were reviewed by County Engineering Department staff, who concurred with them.

The LCP, in CZLUO section 23.05.040, explains why detailed drainage plans, as required by the County for this project, are necessary:

Standards for the control of drainage and drainage facilities provide for designing projects to minimize harmful effects of storm water runoff and resulting inundation and erosion on proposed projects, and to protect

neighboring and downstream properties from drainage problems resulting from new development....

With respect to inundation of downstream areas, the LCP's Coastal Watersheds Policy 10 requires that the watercourse be "suitable" for receiving drainage from the site:

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.

Several things are clear from the information provided. First, the runoff from the project site can be accommodated in the existing drainage system. Second, the runoff from the site is insignificant in comparison to the flow in Santa Rosa Creek. Third, the runoff from the site will not raise the level of storm flows in Santa Rosa Creek. Thus it appears that even though the drainage outfall is currently proposed to be upstream of the Highway One bridge, a perennial bottleneck in large storms, runoff from the project site will neither exacerbate nor cause flooding downstream in the West Village.

Finally, the County has received funding for flood improvements in Cambria, including work at the Highway One bridge to allow for larger storm flows to pass under the bridge and not overflow into the West Village.

Therefore, the project's proposed storm water drainage system is consistent with LCP Coastal Watersheds policies and with Coastal Zone Land Use Ordinance sections 23.05.040 (drainage).

2. Water Supply

As documented in the Commission staff report for the County's North Coast Area Plan Update (LCP Amendment 1-97), water is scarce in Cambria. The current, certified LCP contains a key requirement that is intended to avoid exacerbating the existing problem of too many lots, not enough water. Specifically, Coastal Zone Land Use Ordinance section 23.04.021c(1)(i) states:

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.

Although the wastewater treatment plant is of sufficient size, the County did not make any specific finding that water and sewage disposal capacities are available, beyond a stock water finding that shifts the burden of such a finding to the Cambria Community Services District through its water list management process.

After extensive analysis, the North Coast Area Plan Update staff report concludes that Cambria may have already reached or exceeded its sustainable level of water use (see San Luis Obispo County Major LCP amendment 1-97). The Commission, on Jan. 15, 1998, did approve suggested modifications to the plan with respect to water supply in

Cambria. Among other things, the suggested modifications would require an instream flow management study of Santa Rosa and San Simeon Creeks to determine what amount of additional withdrawals, if any, may be made without adversely affecting the creek habitats or agricultural activities, and the completion of a water management strategy which includes conservation, wastewater reuse, alternative water supply, and potential stream impoundments. The suggested modifications would require that these items be completed by the year 2001 or that no further development which relies on water from those two creeks will be allowed.

Nevertheless, the standard of review for this project is the existing certified LCP, including the existing North Coast Area Plan. For new land divisions, the LCP requires that a finding be made that there is sufficient water to serve both existing development and development that would be allowed on presently vacant but legal parcels. There are approximately 7500 vacant, existing parcels in Cambria -- far more than can be served by the water supply currently available to the Cambria Community Services District.

The thrust of the LCP policy and ordinance is to avoid the creation of new parcels until all existing lots can be adequately served with water and sewage facilities. That is, the purpose of the policy and companion ordinance is to avoid creating new lots which would then each be available for development, thus exacerbating demands on an already strained infrastructure. Because this project proposes a twenty five unit condominium "subdivision," it is technically inconsistent with the ordinance cited in a previous paragraph. However, no land is actually being divided in this case to create new lots, as would be the case in a traditional land division or residential subdivision. Rather, the site is zoned for multi-family rather than single family use. Thus, a twenty five unit multi-family development could be built on the site without a land division. This situation is distinguished from a similar sized parcel designated for single family residential use. In the latter case, a land division would be required in order to allow the development of more than one home on the site. In the case of the proposed project, therefore, the subdivision prohibition is not relevant because it would not further the purpose of the policy which is to limit the amount of potential new development until adequate infrastructure can be put into place.

Nonetheless, under LCP policy 1, a finding must still be made that water capacity is available for the proposed development. The Cambria Community Services District (CCSD) provides water service in this area, and has a retrofitting program in place that requires that retrofitting of existing buildings save twice as much water as is needed by the new project. The program also allows an applicant to pay an in-lieu fee to the district rather than actually retrofit existing homes. Since institution of the retrofit program in 1994, 85% of the applicants have opted to pay the in-lieu fee. Most of this money was used to pay expenses associated with designing desalination facilities and obtaining permits. In order to ensure that real water savings will be generated and that actual water supplies will be available for this project, this permit is conditioned to require the actual retrofit of the requisite number of buildings according to the district's current regulations, rather than pay an in-lieu fee. According to the existing retrofit policy, this project would need to generate 250 "points" (see Exhibit 5). In terms of actual retrofitting, this would translate into, for example, 192 1-bath houses, 166 2-bath houses, or 111 4-bath houses that would have to be retrofitted. With this requirement

the project can be found consistent with Coastal Zone Land Use Ordinance (CZLUO) section 23.04.021c(1)(i).

Besides the issue of water availability is the issue of water allocation, that is, how and when a project can actually obtain water. In a letter dated April 10, 1995, the Cambria Community Services District (CCSD) 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 water service 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. . . .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.

Water could not be assigned to the project until the County and CCSD arrange for the district to use the County's list. As of mid-March of 1998, according to CCSD, the district's multi-family dwelling list contained about 70 requests; the single family dwelling list contained about 800 requests. As of this writing, the County and CCSD are having discussions about how to best implement the two list process. According to CCSD, there is no legal provision for the district to use the County's list; presumably the CCSD Board of Directors would have to adopt a resolution to allow the district to use the County's list. Assuming CCSD could use the County list, first the district would have to exhaust its own list; that is, the district would have to contact each listee to determine if they were going to build and needed water. Only after CCSD has gone entirely through their own lists (and there were still water available), would the district likely go to the County list. In 1996, CCSD almost exhausted its lists, going through approximately 1,000 listees, but in 1997, the maximum number of water connections allowed (approximately 80) had been reached after going through only about 300 listees. Although the district stopped accepting requests for individuals to be placed on its lists in 1990, there is no way to know when the district will exhaust its lists and get to the County list, where the applicant has the first two positions.

Therefore, based on the foregoing analysis, a finding can be made that sufficient water capacity is currently available by virtue of the retrofit program. According to a recent CCSD report, there are approximately 1100 existing homes remaining to be retrofitted. It is unknown, however, if there will be sufficient un-retrofitted residences available to meet the applicant's obligations at the time the CCSD list is exhausted, and this project's water position is reached. The project, as conditioned, cannot go forward unless it can meet the water conservation requirements and thus can be found consistent with the policy that adequate water exists to serve the development. Accordingly, this permit is conditioned to reflect these requirements, including the requirement to retrofit the proportionate number of existing off-site residences in Cambria. Therefore, with respect to water supply, the project will be consistent with the certified San Luis Obispo County LCP.

3. Grading

Typically, grading is limited by the County's LCP to 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. The LCP's CZLUO, in section 23.05.034, also allows grading on slopes between 20% and 30% as a "grading adjustment" if certain findings are made (see Exhibit 2, attached). 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 certification of the LCP and some of which fall into the over-20-percent grading 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 justify grading on slopes over 30 percent. 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. In other words, the "30% slopes" apply to the steep-sided benches comprised of stockpiled excess grading spoils from the commercial site next door. These stockpiled materials will be regraded and redistributed to accommodate the proposed road improvements. So, in order to remove and reuse the steep-sided fill materials, grading on these man-made "slopes over 30%" is required.

The reasons to generally not allow grading on slopes over 20 percent are to reduce erosion and drainage problems, avoid alteration of natural landforms, minimize cuts and fills, and ensure stable building areas. From the previous discussion about drainage it appears that drainage impacts can be controlled. Erosion potential will be minimized by a variety of measures cited above, including the application of BMP's and by allowing grading only during the non-rainy season. The County has limited the area of grading on slopes over 30 percent and has required that there be no grading on slopes over 30 percent to make building pads for residences. The removal of stockpiled fill material will not result in the "alteration of a natural landform." Therefore, the "special circumstances" cited by the County support the variance for grading on slopes over 30%.

What about slopes over 20% but less than 30%? The permit limits residential structures to that portion of the site with less than 20% slope; the variance is needed only for access roads and related site improvements. The language in the County's Development Plan permit refers to a variance for grading on slopes over 30%. However, the same permit specifically

authorizes "grading on slopes over 20%" While the County's permit would appear internally inconsistent, by authorizing grading on slopes over 20% the permit is, in effect also a variance for grading on slopes over 20%. Therefore, the project is in conformance with the "grading adjustment" criteria for slopes between 20% and 30% as cited in CZLUO 23.05.034.

C. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. The Commission finds that the proposed project, as conditioned, will not have any significant adverse impacts on the environment and that feasible mitigation measures have been identified and will be implemented with the proposed development.

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

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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.

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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;

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- 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

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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.

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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

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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

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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.

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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 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.

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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.

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EXHIBIT B
VESTING TENTATIVE TRACT 2176 CONDITIONS OF APPROVAL

Underlying Parcel/Map Act Compliance

1. Prior to recordation of the final map, lot line adjustment Coal 94-124 shall be finalized 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 finalized (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.

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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.

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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 Planning 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

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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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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

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 Hazards 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.

- (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.
- (2) 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.

- (2) **Minimum parcel size between urban 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.

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

- 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;

- (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.

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:

- a. 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 - 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:

- a. A review of the local and regional seismic and other geological conditions that may significantly affect the proposed use.
- b. 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.

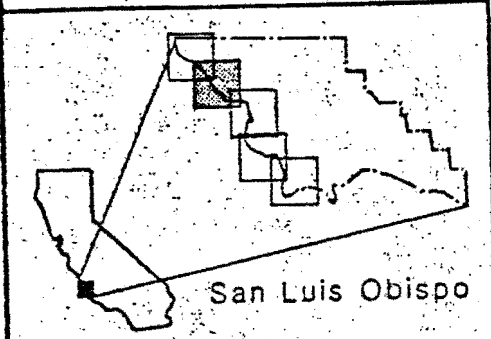
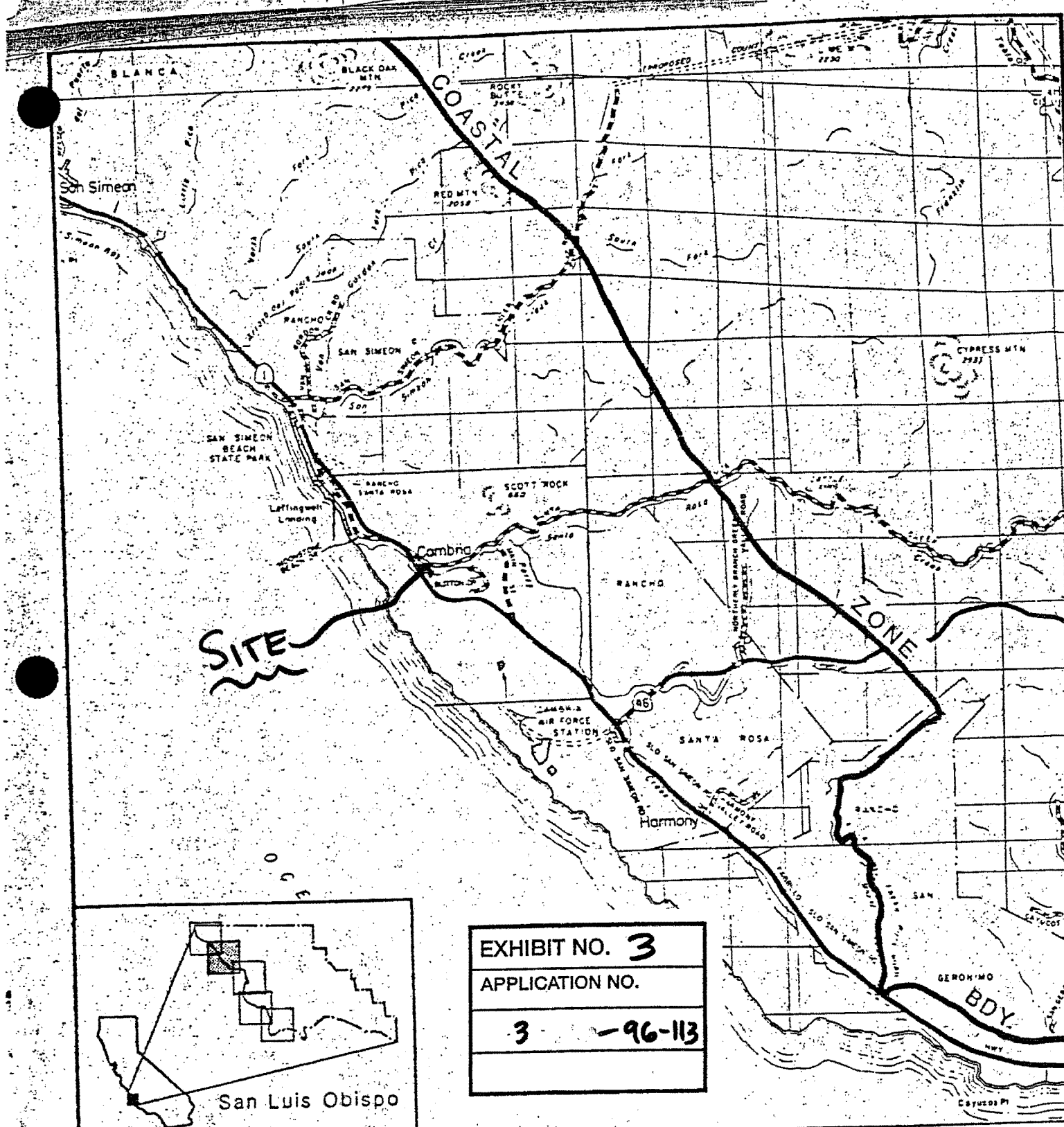
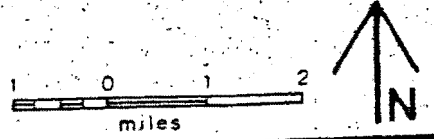


EXHIBIT NO. 3
APPLICATION NO.
3 - 96-113

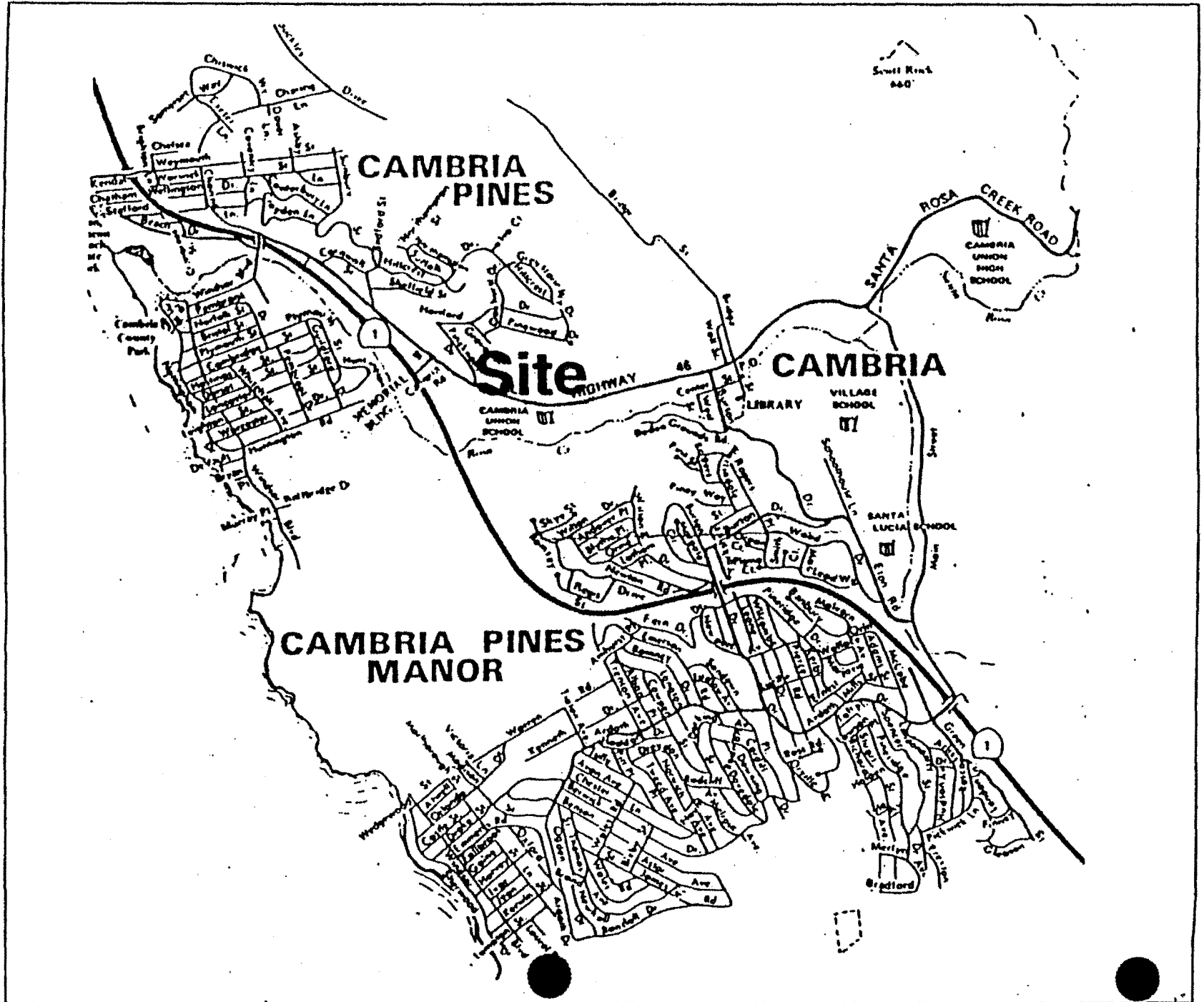


California Coastal Commission

LOCATION MAP

County of San Luis Obispo

Vicinity Map



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Tentative Parcel Map COAL 94 - 124

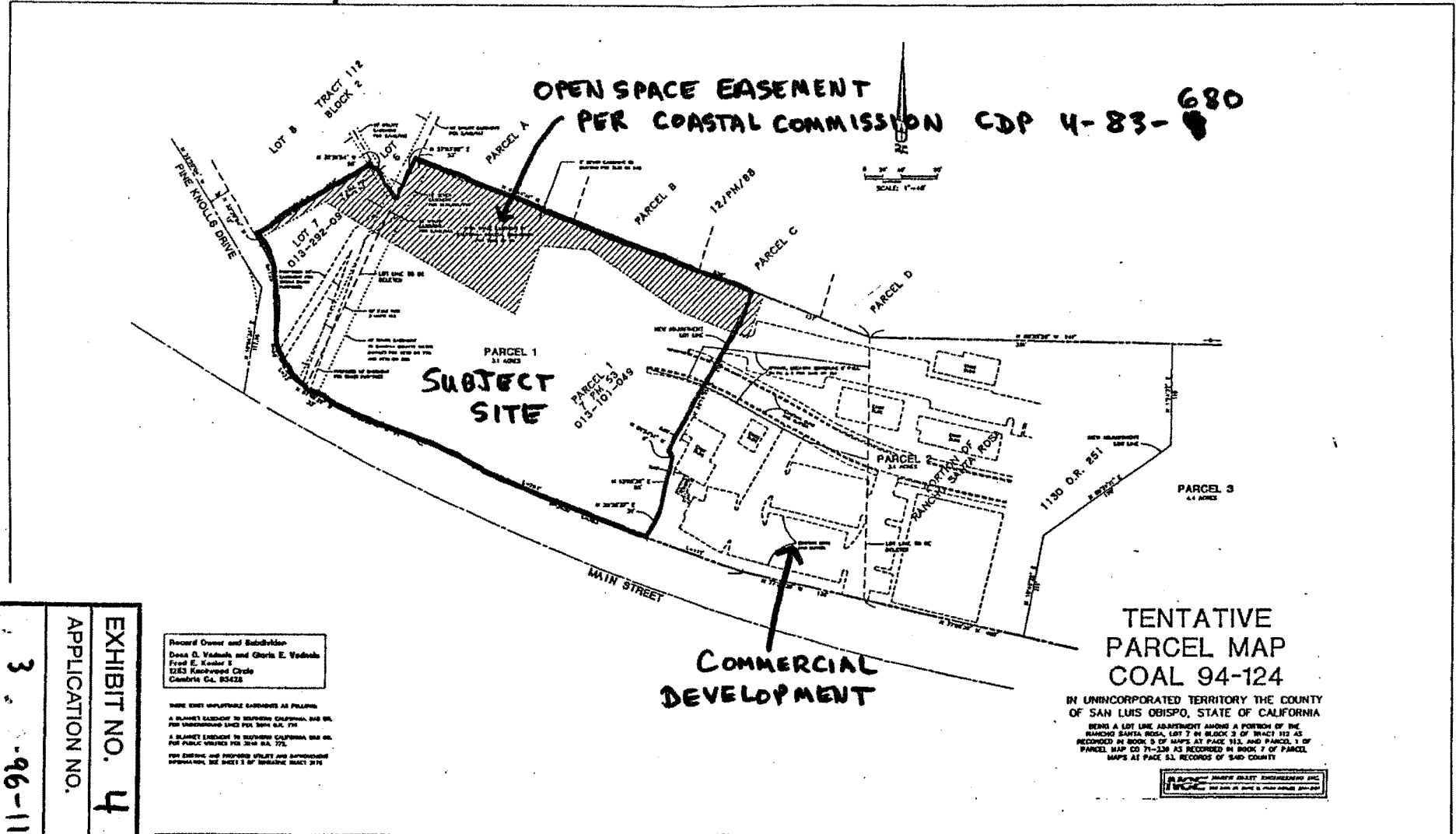


EXHIBIT NO. 4
APPLICATION NO.
3 - 96-113

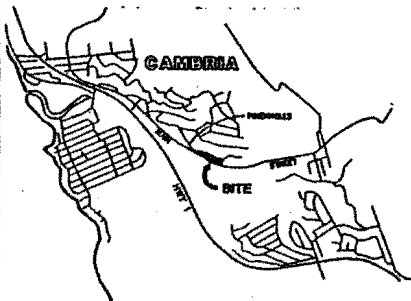
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VESTING TENTATIVE MAP TRACT 2176

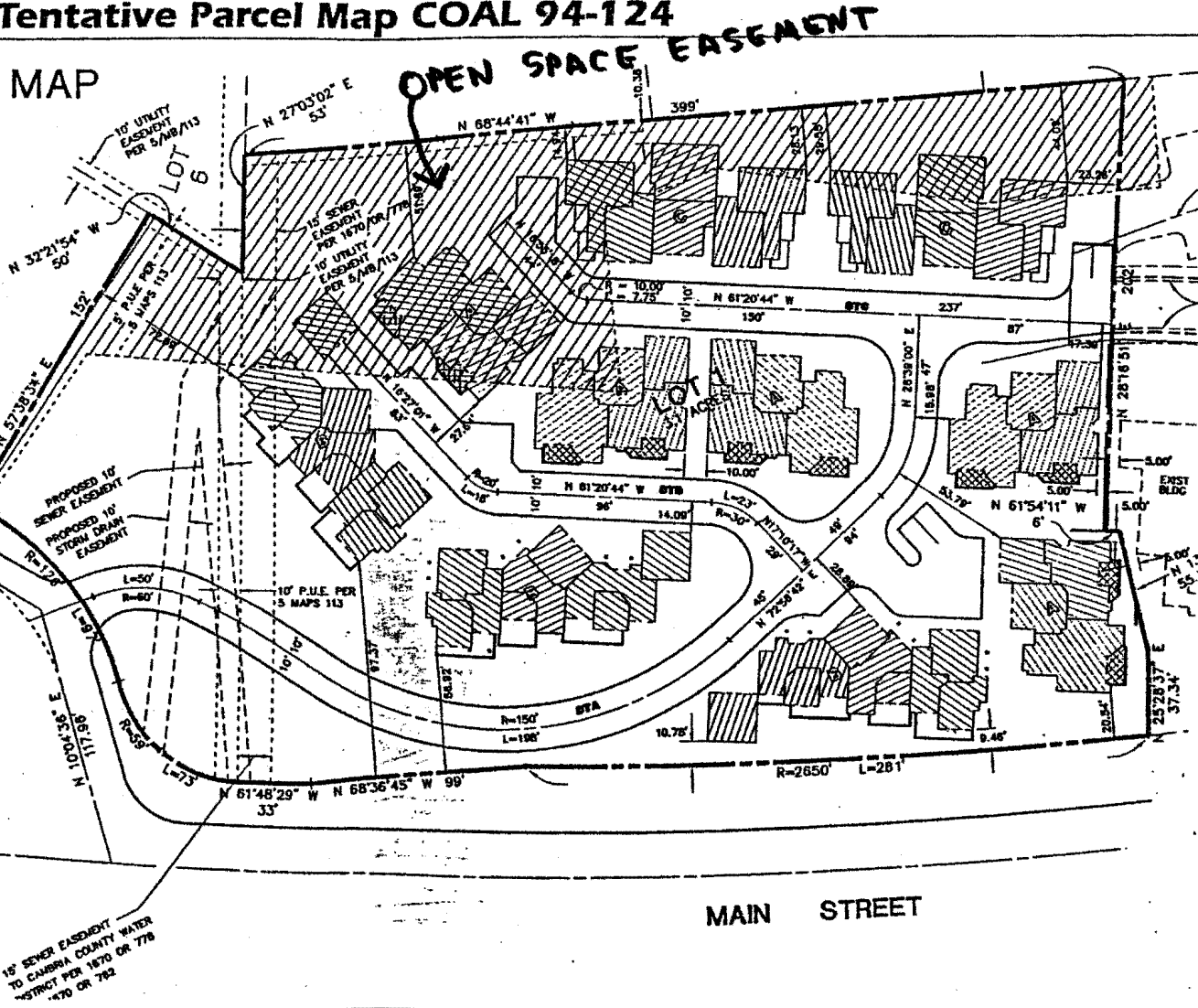
BEING A SUBDIVISION FOR CONDOMINIUM PURPOSES
OF PARCEL 1 OF PARCEL MAP COAL 94-124
IN THE UNINCORPORATED TERRITORY OF THE
COUNTY OF SAN LUIS OBISPO
STATE OF CALIFORNIA

NCE NORTH COAST ENGINEERING INC.
703 2ND ST. SUITE B, PISMO BEACH, 93427

Record Owner and Subdivider:
Dean D. Vadnale and Gloria E. Vadnale
Fred E. Keeler II
1263 Knollwood Circle
Cambria Ca. 93428

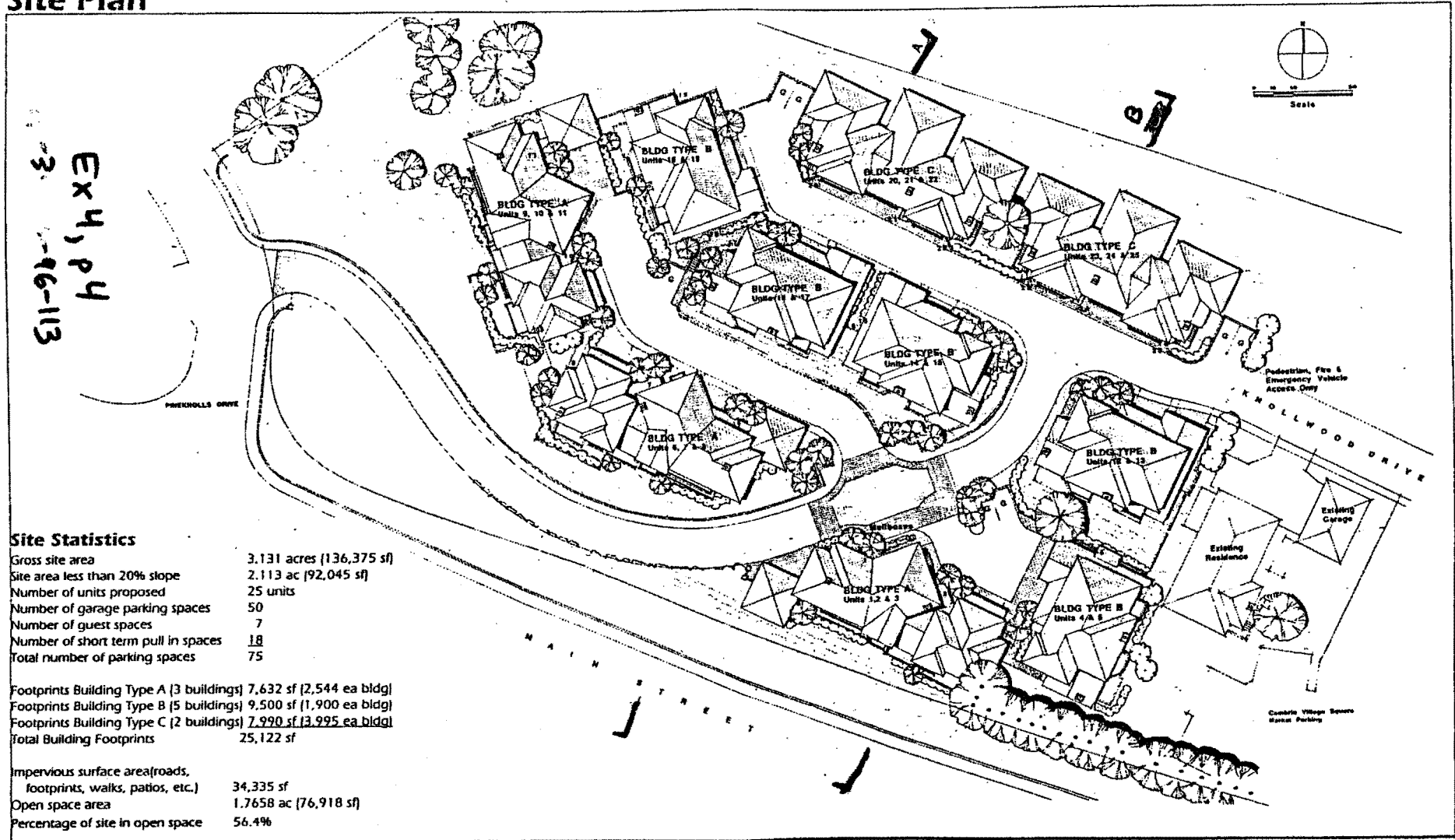


VICINITY MAP



3-
EX 4, p2
96-113

Site Plan



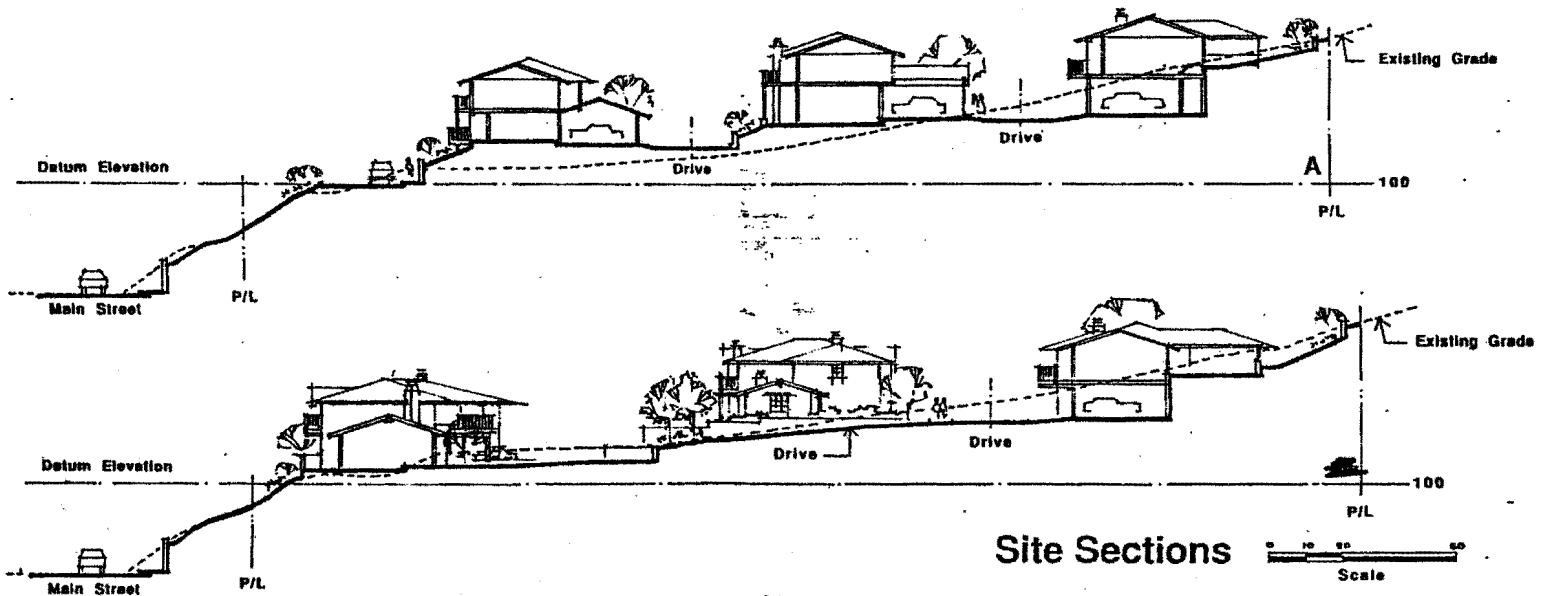
Site Statistics

Gross site area	3.131 acres (136,375 sf)
Site area less than 20% slope	2.113 ac (92,045 sf)
Number of units proposed	25 units
Number of garage parking spaces	50
Number of guest spaces	7
Number of short term pull in spaces	18
Total number of parking spaces	75

Footprints Building Type A (3 buildings)	7,632 sf (2,544 ea bldg)
Footprints Building Type B (5 buildings)	9,500 sf (1,900 ea bldg)
Footprints Building Type C (2 buildings)	7,990 sf (3,995 ea bldg)
Total Building Footprints	25,122 sf

Impervious surface area (roads, footprints, walks, patios, etc.)	34,335 sf
Open space area	1.7658 ac (76,918 sf)
Percentage of site in open space	56.4%

Site Sections A & B



EXH, 10
-96-113

Site Sections

EXHIBIT 1

1998
**RETROFIT POINTS
EQUIVALENCY TABLE**

(one point = \$550 "In Lieu Fee")

<u>PROPOSED NEW CONSTRUCTION</u>	<u>POINTS REQ'D</u>	<u>"IN LIEU FEE"</u>
Single Family Residence on parcel of 4,000 sq ft or less (small)	10	\$ 5,500
" " 4,001 to 8,000 sq ft (medium)	13	\$ 7,150
" " 8,000 to 16,000 (large)	17	\$ 9,350
" " 16,001 to 32,000 (X-large)	24	\$13,200
" " greater than 32,000 (Jumbo)	36	\$19,800
Each Multi-family/condominium unit	10	\$ 5,500
Commercial Project (per EDU)	13	\$ 7,150

POINT CONVERSIONS

Each home or building retrofitted is worth the following points (In Lieu Fee):
A full retrofit includes toilets, shower heads, faucet aerators, hose bibs, hot water recirculation system, and pressure regulator.

Each 1-bath house w/HW Recirculation	1.3 pts	(\$ 715.00)
Each 2-bath house w/HW Recirculation	1.5 pts	(\$ 825.00)
Each 3-bath house w/HW Recirculation	1.9 pts	(\$1,045.00)
Each 4-bath house w/HW Recirculation	2.25 pts	(\$1,237.50)
Each add'l bath over 4	.25 pts	(\$ 137.50)
Small Commercial/Retail (10 employees or less)	.8 pts	(\$ 440.00)
Hot Water Recirculation System alone*	.5 pt	(\$ 275.00)

*may be installed alone only if remainder of house is already retrofitted.

Example:

A single family residence being built on a small parcel (4,000 sq. ft. or less) requires 10 points.
A possible combination could be:

2 1-bathroom houses	@ 1.3	= 2.6	
2 2-bathroom houses	@ 1.5	= 3.0	
1 3-bathroom house	@ 1.9	= 1.9	
5 recirc systems only	@ .5	= 2.5	
Total		10.0	(\$5,500)

Exhibit 5

