

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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 7/22/99



W13a

Staff:	SG
Staff Report:	09/21/99
Hearing Date:	10/13/99
Previous Commission Action: Substantial Issue Found:	01/09/97
Permit Approved:	06/08/98
Permit Revoked:	03/11/99

STAFF REPORT: DE NOVO HEARING

APPLICATION NUMBER:	3-SLO-96-113
PROJECT DESCRIPTION:	25 unit condominium subdivision
PROJECT LOCATION:	Northeast corner of Main Street and Pineknolls Drive, Cambria, San Luis Obispo County.
LOCAL DECISION:	Planning Commission approved May 13, 1996; appealed to Board of Supervisors and approved By Board September 17, 1996.
APPLICANT:	Dean Vadnais
AGENT:	Joseph Boud
SUBSTANTIVE FILE DOCUMENTS:	Staff Reports for Application A-3-SLO-96-113 and R-A-3-SLO-96-113; San Luis Obispo County Local Coastal Program; North Coast Area Plan Update LCP Amendment # 1-97 staff report; North Coast Engineering, Inc., letters re: drainage, of March 25, 1997 and July 25, 1997; San Luis Obispo County Engineering Department letters re drainage, of April 2, 1997, August 13, 1997, November 10, 1997; Various appeal documents from Appellants; North Coast Circulation Study, San Luis Obispo County Engineering Dept., February 1992.

Summary of Staff Recommendation

Staff recommends that the Commission, after public hearing, **deny** the application because there is insufficient water capacity available to serve the project and, therefore, the finding required by San Luis Obispo County Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.021.c(1)(i) cannot

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be made. That LUP Section requires that in communities with limited water service capacity, new land divisions within an urban services line shall not be approved unless a finding is made that sufficient water is available to accommodate both existing development and development that would be allowed on presently vacant parcels. Because there is no evidence of water being available for this project, that required finding cannot be made. The project cannot, therefore, be found consistent with the County's LCP.

Staff Note

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.

On January 9, 1997, the Commission found that substantial issue existed with respect to environmentally sensitive habitat and erosion and sedimentation. 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. After the applicant submitted the additional information, the Commission acted on the project on June 8, 1998, approving it with conditions. On September 25, 1998, one of the appellants filed a request to revoke the permit. The revocation request was based on the appellant's assertion that the applicant's representative stated at the June meeting that he had an intent to serve letter from the Cambria Community Services District when in fact he did not have such a letter. On March 11, 1999, the Commission revoked the permit pursuant to 14 California Code of Regulations section 13105, finding that grounds for revocation existed arising from inaccurate statements by the applicant's representative at the June 1998 meeting concerning the provision of water to the project. The proposal is now back before the Commission as a *de novo* hearing on the merits of the project.

In the June 1998 permit approval, the Commission found that the project was consistent with the LCP policy requirement that there must be sufficient water capacity available to serve the development. It now appears that the finding of sufficient water capacity was premature and inappropriate. Additional information has been received since that approval and, despite the passage of 16 months, the applicant appears to be no closer to securing water for the proposed condominiums than before. Therefore, it is now clear that a denial recommendation is required, for all of the reasons set forth in the findings below.

SUMMARY EVALUATION OF PROJECT CONSISTENCY WITH THE LCP

ISSUE	LUP POLICIES	ZONING ORDINANCE SECTION	SUMMARY OF ISSUE
Environmentally Sensitive Habitat (ESH)	ESH policies 2, 18, 19, and 23	Sections 23.07.170 -178	Approval of drainage to Santa Rosa Creek was made without plans for discharge structure, hence no evaluation of alternatives or potential impacts to ESH. However, with additional information submitted by the applicant, the proposal is consistent with the LCP regarding ESH.
Road capacity and lack of water	Public Works policy 1, Availability of Service Capacity	Section 23.04.021c	LUP policy requires County to find that sufficient services exist for the proposed development and existing lots. County made finding for road capacity, but not for water and sewer. Section 23.04.021c(1)(i) requires findings that sufficient water and sewage disposal capacities are available; the County made no such findings. The proposal is not consistent with the LCP requirement regarding water availability.
Grading on slopes > 30%	Coastal Watersheds policy 7, Siting New Development	Sections 23.04.021, Land Divisions and 23.05.034, Grading	Grading over 20% is allowed for access roads. Section 23.04.021c(7) requires that roads and building sites be on slopes < 20%; section 23.05.034 allows for a grading adjustment on slopes between 20% and 30%, does not address grading on slopes > 30%. County approval is for part of access road on > 30% slopes, pursuant to a variance. Reason for grading on slopes > 30% is because of fill placed on site 14 years ago. The proposal is consistent with the LCP regarding grading.
Erosion and sedimentation	Coastal Watersheds policies 10, Drainage Provisions, and 13, Vegetation Removal	Section 23.05.036, Sedimentation and Erosion Control, and 23.05.040, Drainage	Site design shall not cause increased erosion and that vegetation removal on slopes >30% in geologically unstable areas requires erosion and sedimentation plan. County required these after approval of grading permit. See also ESH above.
Visual and Scenic Resources	Visual and Scenic Resources policies 1, 2, 5, 6, 7, and 8	Sections 23.05.034, Grading; 23.11, Definitions (Small-Scale Neighborhoods); 23.05.064, Tree Removal Standards; and 23.08.286d(4), Utility lines within public view corridors	Proposal is in developed urban area and, although visible from Highway One and other areas in Cambria, landscaping would screen much of the development. Existing, very visible development lies adjacent to and above site. Proposal is consistent with the LCP regarding visual resources.
Hazards	Hazards policies 1, 2, and 3	Sections 23.07.080, Geologic Study Area and 23.07.086 Geologic study Area Special Standards	Required geotechnical reports have been completed. The proposal is consistent with LCP regarding hazards.
Multi-Family Residential use in Retail Commercial land use designation	None	Section 23.08.162d(2), permit requirements for residential uses in commercial categories	This section requires findings regarding residential use on commercial property. LCP specifically calls for residential use on the subject site. The proposal is consistent with the LCP regarding the type of use.

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I. STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, deny the application because the required findings regarding water cannot be made.

MOTION: *I move that the Commission approve application 3-96-113.*

Staff recommends a NO vote on the preceding motion. This would result in denial of the permit application. To pass the motion, a majority of the Commissioners present is required.

Staff recommends that the Commission then adopt the following resolution:

DENIAL

The Commission hereby denies a permit for the proposed development, on the grounds that the development would be inconsistent with the certified San Luis Obispo County Local Coastal Program, and would have adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. FINDINGS

A. *Location, Description, and Background*

1. Location

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 up and 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 14 years ago. (Please see Exhibit 4, site sections).

2. Description

The land use designation and zoning of the site is Commercial Retail, but the Land Use Plan Area Standard indicates that residential multifamily development at 15 units per acre is the intended use for the site. Allowable densities must be calculated using only the portions of the site that have slopes of 20% or less. (North Coast Area Plan, Cambria Village Square Commercial Retail Standard 9a). 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 the northwestern corner of the site 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 +73,000 sq. ft. of the site. The undeveloped remainder of the site would be placed pursuant to the applicant's proposal in a reconfigured open space easement 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. Amendment 4-83-680-A1, approved by the Commission on June 8, 1998, allows the larger reconfigured open space easement to be offered in place of the existing easement configuration. The approved easement is 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.

3. Background

The Coastal Commission on May 9, 1984, approved permit 4-83-680 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

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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, certain improvements (streets, water and sewer lines, etc.) on the now commercially developed site adjacent to the subject site were constructed and the irrevocable offer to dedicate an open space easement was recorded. The two most westerly lots of that subdivision, which 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 them 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.

Amendment 4-83-680-A1, approved by the Commission on June 8, 1998, allows the applicant to reconfigure the area offered in the open space easement. The previously approved and recorded OTD was unsatisfactory in a number of ways: it was too small (25,000 sq. ft.), failed to cover substantial areas which exceed 20% slope, and did not yield a building envelope on that portion of the site most suitable for development. The revised OTD, under the terms of the amendment, is three times larger (75,000 sq. ft.), covers all post-construction slopes greater than 20%, frees up the area most suitable for development, and better protects public views. These things are 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.

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 Coastal Commission by local residents who contended, among other things, that the County's approval was inconsistent with several LCP policies, including Environmentally Sensitive Habitat policies, the 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 water.

Other contentions of the project opponents 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 a recorded open space easement would be resolved, ii) location and size of drainage to Santa Rosa Creek and its potential impacts to the creek, and iii) how fees from development would 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. 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. After the applicant submitted the additional information, the Commission acted on the project on June 8, 1998, approving it with conditions. On September 25, 1998, one of the appellants filed a request to revoke the permit. The revocation request was based on the applicant's representative's assertedly inaccurate statement at the June meeting that he had an intent to serve letter from the Cambria Community Services District when in fact he did not have such a letter. On March 11, 1999, the Commission revoked the permit based on the finding that an inaccurate statement was made concerning water availability and that accurate information regarding the water situation would have caused the Commission to take a different action. The proposal is now back before the Commission as a *de novo* hearing on the merits of the project.

B. Standard of Review and Analysis

The standard of review for a *de novo* hearing following a finding of substantial issue is the County's certified Local Coastal Program and the Public Access policies of the Coastal Act. The issues raised on appeal were the proposal's impact on environmentally sensitive habitat, water supply and road capacity, grading, visual and scenic impacts, and residential development on land designated commercial retail.

1. Water Demand and Supply

Project Water Use and Community Water Supplier: The proposed 25 unit condominium project will use approximately 2775 gpd of domestic water for the units and landscaping according to typical use rates for multi-family residential development in Cambria. This projected water use is based on records that the Cambria Community Water District (CCSD) has maintained over the last several years.

In the June 1998 permit approval, the Commission found that the project was consistent with the LCP policy's requirement that there must be sufficient water capacity available to serve the development. It now appears that the finding of sufficient water capacity was premature and inappropriate. Additional information has been received since that approval and, despite the passage of 16 months, the applicant appears to be no closer to securing water for the proposed condominiums than before.

Water for this project, and for all of urban Cambria, is provided by the CCSD, which obtains its supply from wells along Santa Rosa and San Simeon Creeks. Although Cambria is only about 25% developed, municipal water resources are barely adequate to serve existing development and, in times of drought, the community experiences acute shortages. CCSD has, for many years considered a variety of methods to increase the water supply, including construction of a desalinization plant, improvements to the municipal wastewater treatment plant to allow use of reclaimed water for recharge, construction of off stream reservoirs and increased withdrawals from Santa Rosa and San Simeon Creeks. For various reasons, none of these options has been implemented and the water supply has remained static for the last thirty years. (Please see Exhibit 6, excerpt from adopted Commission Findings on the North Coast Area Plan, January 1998, for a detailed discussion of Cambria's water supply)

Although the District has been unsuccessful to date in increasing withdrawals or in finding new water sources, it has initiated a program to maximize conservation of existing resources and thus provide for a limited number of hook-ups for new development. Conservation methods include the mandatory use of water saving fixtures, repair and replacement of old pipes, mandatory retrofitting

programs and periodic water rationing. In order to provide for new development, the District has developed an allocation program that requires that applicants for new water hook-ups demonstrate that they can "save" twice the amount of water they will use. This saving is usually accomplished through participation in the Districts retrofit program, which as explained in Exhibit 6 has a finite life.

The District also limits the number of residential water permits granted per year to a maximum of 125 new hook-ups. Cambria LUP Standard 3 (page 8-20, North Coast Area Plan) provides that 70% of these hook-ups shall be allocated to single family residences and 30% to multi-family residences. Since demand for water hook-ups far exceeds availability, the District has established a waiting list for property owners who wish to develop their residential lots. Currently the list has over 800 applicants on it (762 single family, 49 multi family). Given its length and the limited ability to release new hook-ups, the District closed the list in 1990 and has no plans to re-open it in the near future. Water hook-ups are offered to applicants based on their position on the list (i.e. the person at the top of the list is offered a permit first and so on through the length of the list until all of the permits for the year are distributed). To date, the list has never been exhausted before all the permits have been allocated for a given year.

There is another list for water hook-ups maintained by the County. In 1991, the County decided to initiate a waiting list for Cambria development even though it has no ability to supply the necessary water. This list currently contains 326 names (268 single family and 58 multi-family) and was apparently developed as a second tier allocation system to be used in the unlikely event that the CCSD list was exhausted before all of the new hook-ups were spoken for. The applicant for the project that is the subject of this appeal has the first two positions on this list. The Commission notes that the applicant has stated that there may be a potential merger of the CCSD and County lists, but investigation reveals that this possibility has not progressed beyond the discussion stage. Since the Commission considered the project in June 1998, it has become clear that CCSD and the County are not close to developing such a mechanism. It now is clear that there is no timetable for the County and CCSD to resolve this issue and there is no basis for predicting or estimating when a mechanism to provide water to the County waiting list will be developed. It is thus unknown if this is a viable option or what the terms of such a merger might entail. There is also no indication that the CCSD intends to deviate from its established practice of allocating water permits to the applicants on it's own list in favor of those who had obtained a place on the County's list. If the CCSD must exhaust its own list under a merger mechanism, it may not reach the applicant in the foreseeable future.

In conclusion, given the very limited water supply, the length of the official CCSD list, the historic pattern of exhausting available permits before exhausting the list, the closed nature of the list and the second tier (at best) status of the county list, **there is no credible evidence indicating that the proposed condominium project will be able to obtain water hook-ups within any reasonably proximate time period.** In fact, discussions with CCSD staff indicate that they estimate water service for this project would be at least eight to ten years in the future and then only if there is any water to allocate.

Planning Background:

In 1997, San Luis Obispo submitted an update of the North Coast Area Plan for Commission review and action. The Commission adopted the staff recommendation for approval with modifications in January 1998. In the adopted Findings the Commission recognized that one of the most important issues for Cambria was the need to match the water supply to the town's development potential consistent with the protection of riparian and wetland habitat. The Findings

state that the present water supply is woefully inadequate to serve the potential build out of Cambria's approximately 7500, small, vacant, residentially designated lots and that withdrawals from the creeks, even at the present rate may be problematic. As a solution to this mismatch of infrastructure to development potential, the modifications proposed by the Commission provided for a comprehensive program to address the inadequacies of the water supply while ensuring that habitat values would be protected. This program is detailed in Exhibit 7. In summary, this program includes a multi-pronged planning effort to reduce the over-all number of lots; conducting studies to determine appropriate withdrawal amounts from Santa Rosa and San Simeon Creeks; and developing and implementing a water management strategy to include water conservation, reuse of wastewater, alternative water supply (desalinization) and possible off stream impoundments. The suggested time frame for accomplishing this comprehensive management effort was three years (January 2001). If the work was not completed by that date, the modification required that no further permits should be issued for new development until the program was completed.

Although the County declined to accept the Commission's action on the North Coast Area Plan Update, the Commission continues to support a comprehensive solution to the Cambria water supply problem. Consistent with the approach taken by the adopted Findings and Modifications, the Commission has not appealed individual projects that have received a water allocation from CCSD since their action on the North Coast plan in 1998 in order to allow the County and the CCSD time to initiate and implement the planning solution recommended by the Commission or to propose an alternative that would have the same effect. Although eighteen months have passed since fielding the proposal, it is anticipated that the North Coast Area Plan will be returned for Commission review within the next year and concrete progress can be made on this issue. Until a comprehensive program is in place, though, projects that would not be eligible to obtain water hook-ups, until well after the January 2001 target date, such as this one, should not be approved.

LCP Consistency:

The standard of review for appealed projects is consistency of the local government's action with the provisions of the Local Coastal Program. The San Luis Obispo LCP contains one LUP policy and one Implementation Plan section relevant to the issue of an adequate water supply for new development as follows:

LCP Public Works Policy 1: Availability of Service Capacity

New development (including subdivisions 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 URL 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

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grounds for denial of the project or reduction of the density that would otherwise be approved consistent with available resources.

Title 23, Section 23.04.021 (c)(1)(i)

c. Overriding land division requirements. *All applications for land divisions within the Coastal Zone (except condominium conversions) 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 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.

Analysis of LUP Public Works Policy 1: This policy states that applicants for new development must show that the public services needed to support their project are, in fact, available. The policy goes on to state that failure to make "proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that would otherwise be approved consistent with available resources". Thus, in this case the policy obliges the project proponent to unequivocally demonstrate that they have secured an adequate and available water supply for the 25 units. Available is understood to have its common meaning of "present or ready for immediate use" (Merriam Webster's Collegiate Dictionary, Tenth Edition). Failure to guarantee this vital service is grounds for denial of the project.

The applicant for this project cannot demonstrate that an adequate water supply is available to his project. As detailed in the preceding paragraphs regarding the waiting lists and allocation method establishing an available and adequate water supply for a particular project, it is clear that the applicant does not have any entitlement to a water permit for this project and it is extremely uncertain when, and if such a permit could be obtained. Based on this evidence, the applicant has not met his obligation under Public Works Policy 1 to satisfactorily demonstrate that water is available for his project. This failure, by the specific terms of the policy, provides adequate grounds for denial of the project.

Public Works Policy 1 also places an obligation on the approving authority that

[p]rior 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.

In this case, the Resource Management System is not applicable because the County has not implemented its provisions in Cambria. The applicable "commitment" in this case is the long waiting list maintained by the CCSD, which represents an outstanding, long term commitment to the listees. Given the length of this list, coupled with the very limited amounts of water available for allocation, it is unknown whether there will ever be sufficient water to clear the list, let alone provide

for additional development. The County did not, and the Commission cannot, find that there is adequate water for this project after the existing commitments, represented by the CCSD list, are met. The proposed project therefore is inconsistent with Public Works Policy 1 and must be denied.

Analysis of Title 23, Section 23.04.021 (c)(1)(i): Approval of the proposed project at this time is also inconsistent with Section 23.04.021 (c)(1)(i) of Title 23 of the county's LCP Implementation Plan. Part of the project proposed by the applicant is a condominium subdivision. These types of land divisions are considered subdivisions under the terms of the Subdivision Map Act and are processed as such by the County. Section 23.04.021 (c)(1)(i) applies to all subdivisions except condominium conversions. This project is for new condominium development and must, therefore, comply with this ordinance section.

The ordinance states that if water service in an urban area, like Cambria, is so constrained that it is at "alert level " II or III as defined by the Resource Management System, then new land divisions "shall not be approved unless the approval body first finds that sufficient water...capacities are available to accommodate both existing development and development that would be allowed on presently vacant parcels". The latest status of water service vis a vis the Resource Management System is found on Table 3-1 in the updated North Coast Area Plan adopted by the County Board of Supervisors in 1996. According to Table 3-1, water service in Cambria is at level III, the most constrained level of the system. (Please see Exhibit 8, Table 3-1).

The project, must, therefore, comply with Section 23.04.021 (c)(1)(i). In order to accomplish this compliance, the Commission, as the approving body, must find that there is adequate water available to serve this project as well as all of the development that would be permitted on lots that are currently vacant. As discussed in an earlier section of these findings, water supplies in Cambria are barely adequate to meet the needs of existing development, which accounts for only 25% of the potential, planned build out of the community. There are approximately 7500, small, vacant residential lots designated for residential development and there are approximately 1000 lot owners on the CCSD waiting list for water. It is obvious from this evidence that the water district is not currently able to accommodate the remaining vacant lots let alone the new proposed condominium subdivision. The required finding for compliance with Title 23, Section 23.04.021 (c)(1)(i) cannot be made and the project must be denied.

2. Environmentally Sensitive Habitat (ESH), Erosion, Sedimentation

The LCP's ESH policies and the zoning ordinance sections that implement them make it clear that before approval of a permit for development in or near an ESH, the applicant must demonstrate that there will be no significant impact on the ESH. Here, the County has required the applicant to discharge drainage directly into Santa Rosa Creek rather than allowing the runoff to flow toward the West Village area of Cambria. Although this is beneficial since the West Village is prone to flooding, the County approval was made without any plans or details of how the drainage would be discharged into the creek and what impacts there may be. It is likely that there would have to be some sort of structure at the creek discharge point such as an energy dissipater and the drainage pipe itself. The County approval required the discharge point to be downstream of the Highway One bridge. Santa Rosa Creek is a steelhead spawning creek and its lower reaches, where the discharge point would be, are vegetated with willows and other riparian species. Yet the County approved development in the creek without any information about potential impacts to the riparian resources.

a. Storm Drain Impacts on Creek Habitat

As originally approved by the County, impacts on the Santa Rosa Creek ESH would 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 depending on the size and configuration of the outlet. This ESH supports an endangered steelhead run, as well as the Federally-listed red-legged frog and other sensitive species that would be affected by drain installation in or adjacent to the stream channel. The exact effects are unknown because the County's approval did not include approval of a specific drainage plan with details of construction and evaluation of impacts. 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 harm Santa Rosa Creek.

The LCP's ESH policies and the zoning ordinance sections that implement them require 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 and could entail significant impacts to the riparian habitat. 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. 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. According to a County Engineering letter dated August 13, 1997, the presence of the rip-rap is ". . . sufficient to serve as the necessary erosion control at the outlet of the storm drain. . . ." Thus, 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 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, i.e., utilizing the existing storm drain system. By finding a way to utilize the existing storm drain, the applicant will conform his project to the applicable LCP ESH standards. Therefore, the project is consistent with the ESH policies of the LCP.

b. Erosion Control

The County required an erosion and sedimentation plan for the site itself. Such a plan would be based on the proposed grading which the County has reviewed. The County's LCP allows erosion and sedimentation plans to be approved along with grading plans, which typically are approved by the County Engineer sometime after approval of the coastal development permit. However, the County's approval does not specify measures for the control of polluted runoff.

The appropriate methodologies for minimizing such impacts, both during the construction phase and over the long run, are now referred to in the construction industry and by governmental land use and water quality regulatory agencies as Best Management Practices (BMPs). The County's permit conditions already require supervision by an environmental monitor during construction, a

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grading and erosion control plan for subdivision improvements, a mitigation plan for grading and drainage, a landscaping plan (including performance bond), and CC&Rs (covenants, conditions, and restrictions) requiring permanent maintenance of all drainage facilities (see Exhibit 1). Appropriate BMPs 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. To insure that the project's grading, erosion control, and related plans are consistent with current practice would require incorporation of appropriate BMPs. This would serve to clarify how the County's already-adopted permit conditions would be carried out; and, with respect to the issue of polluted runoff, would assure conformance with the LCP's ESH Policy 18 regarding protection of coastal stream and riparian habitats. Assuming that the County's environmental monitor will properly apply the BMPs, no further disruption of the environmentally sensitive stream corridor would result from polluted runoff, because implementation of BMPs includes implementing those measures to reduce or eliminate polluted runoff from reaching the creek. On this issue the project is, therefore, consistent with the above-cited LCP requirements regarding ESH.

c. Drainage Impacts On Santa Rosa Creek Flooding

Off-site flooding and sedimentation also raise issues of potential impacts to habitat, 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 $35.6 \pm$. 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. The most recent major flooding in the West Village of Cambria occurred in early 1995.

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's report,

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 ($1.0 \text{ cfs} \div 17,993 \text{ cfs} \times 100$). 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 and Commission 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 and staff's analysis of this issue. 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 section 23.05.040 (drainage).

3. Road Capacity

Main Street is literally that, the main street in Cambria. It carries the bulk of traffic in the community. Additional traffic could adversely affect the special, small town character of Cambria by creating a more urban feel with traffic congestion and associated difficulty of ingress and egress from driveways in the downtown area, although access to the beach would not be affected. A traffic study was conducted for the project that indicated that the proposed development would have negligible impacts on the volume of traffic and the wait at the stop sign on Pine Knolls Drive at the intersection with Main Street. The County is currently in the process of widening Main Street by installing a two-way left turn lane and adding bicycle lanes and sidewalks from just north of the

subject site past it into the eastern part of Cambria (the East Village). According to the County, although this type of improvement will not actually increase capacity, as would the addition of travel lanes, it will remove turning vehicles from the traffic stream and allow the peak hour level of service (LOS) on summer weekdays to improve from LOS "E" to LOS "D" (LOS rankings range from the best, "A," where there are free flow conditions, to "F" where traffic is congested for long periods). The development would be required to pay a traffic fee of \$679.00 per unit. Based on these factors the County found that there would be no adverse impacts to traffic from the proposal.

4. Grading

The file from the original Coastal Commission permit, 4-83-680, reveals that there was concern about grading on the site, specifically on slopes over 20 percent. Since the site lies on a hillside, and is in a mapped geological hazard area, geological and geotechnical (soils) reports are required. These have been completed and have concluded that the site is suitable, from a geological and geotechnical viewpoint, for the proposed development. The fill material that was placed on the site when the adjacent commercial development occurred is not engineered fill. It may require removal and recompaction before the proposed development can take place. According to the geotechnical engineer, *"The southern half of the site will need to be further addressed as noted in the referenced Geotechnical Report....During the grading process the lower fill will be evaluated to determine it is suitable for supporting the proposed development. If the lower fill is found not to be suitable all of the fill will need to be removed and regraded."*

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 BMPs 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%.

Concerning slopes over 20% but less than 30%, the County's approval 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.

5. Visual and Scenic Resources

The site of the proposed development is visible from Main Street, from Highway One, and from other areas in Cambria, primarily from upslope and from the developed hillside and hilltop across the creek to the southwest. The site is in between the two commercial areas of Cambria, the East Village and the West Village. The site to the east is developed with commercial structures that are very visible, lots upslope have single family dwellings which are visible through trees. Across Main Street is a church and a bank, a vacant lot lies to the west across Pine Knolls Drive and to the southwest are community buildings. Clearly, the site lies in a developed urban area where one would expect to find new development concentrated. Still, development must be sited and landscaped such that it doesn't clash with its surroundings or degrade or block public views to and along the coast and scenic areas. The County approval is conditioned to require a great deal of landscaping to soften the appearance of the development and to partially screen it. The County conditions require that utility lines be installed underground, removing that potentially degrading feature.

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

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

Prior approvals from the Coastal Commission and the County envisioned development on this site. While it is a visible site, the County's approval is conditioned to ensure the compatibility of the

development with its surroundings. Therefore, the project is consistent with LCP policies and CZLUO sections that protect public views.

6. Multi-Family Residential Use in the Commercial Retail Land Use Category

Residential uses are permitted in the Commercial Retail land use category pursuant to Table O. Typically, when residential development is approved on commercially designated land, the County must find that the residential use will not reduce the inventory of commercial property available for the commercial needs of the community and that it will not impede development of necessary commercial uses. The County did not make such findings. However, it must be kept in mind that from the earliest stages of development proposals here, it was envisioned that the now developed commercial site would be just that and that this site would be for residential uses, even though it was zoned Commercial Retail (see permit 4-83-680). The North Coast Area Plan portion of the LCP specifies that the subject site is to be used for multi-family residential purposes (Cambria Village Square Standard 9a). Therefore, even though the County did not make a specific finding for residential use on commercial retail land, the totality of the record makes it clear that there is sufficient commercial property available for the needs of the community. Therefore, multi-family residential use on this commercial retail designated site is consistent with the LCP.

C. California Environmental Quality Act (CEQA)

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 that would substantially lessen any significant adverse effect that the activity may have on the environment. The Commission analysis of this proposal has shown that there are feasible mitigation measures for potential adverse effects to the riparian habitat of Santa Rosa Creek due to drainage. However, the availability of water for this project is very uncertain. Currently, and for the foreseeable future, the project is not even eligible for water from the Cambria Community Services District because the project is not on the District's water list. Although the project holds the first two positions on the County's building permit allocation list, there is no mechanism to allow the District to serve water to projects on that list. Because of this, the Commission finds that the proposed project will have significant adverse effects on the environment in terms of water supply and that feasible mitigation measures have not been identified to mitigate for adverse water supply effects, and that therefore the project cannot be found to be consistent with CEQA.

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.

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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 siting 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.

23.07.080 - 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:

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- 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.
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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.

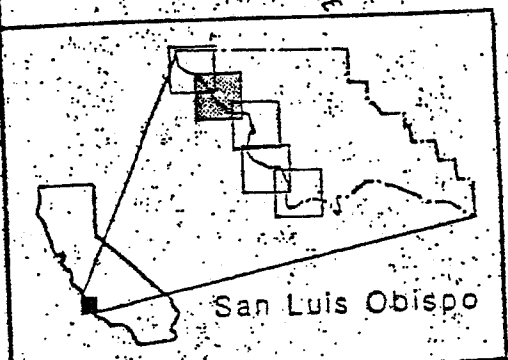
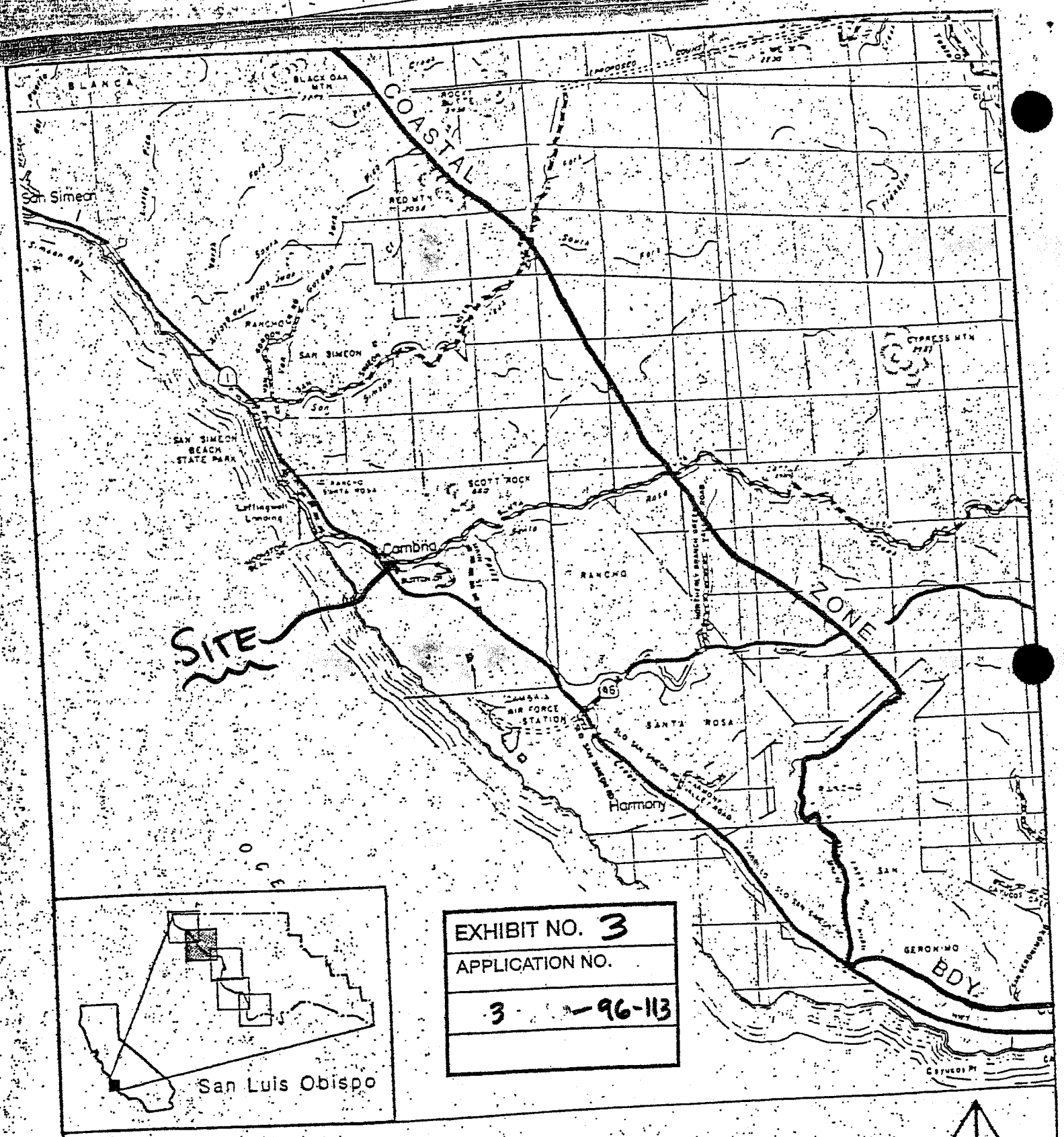


EXHIBIT NO. 3
APPLICATION NO.
3 - 96-113

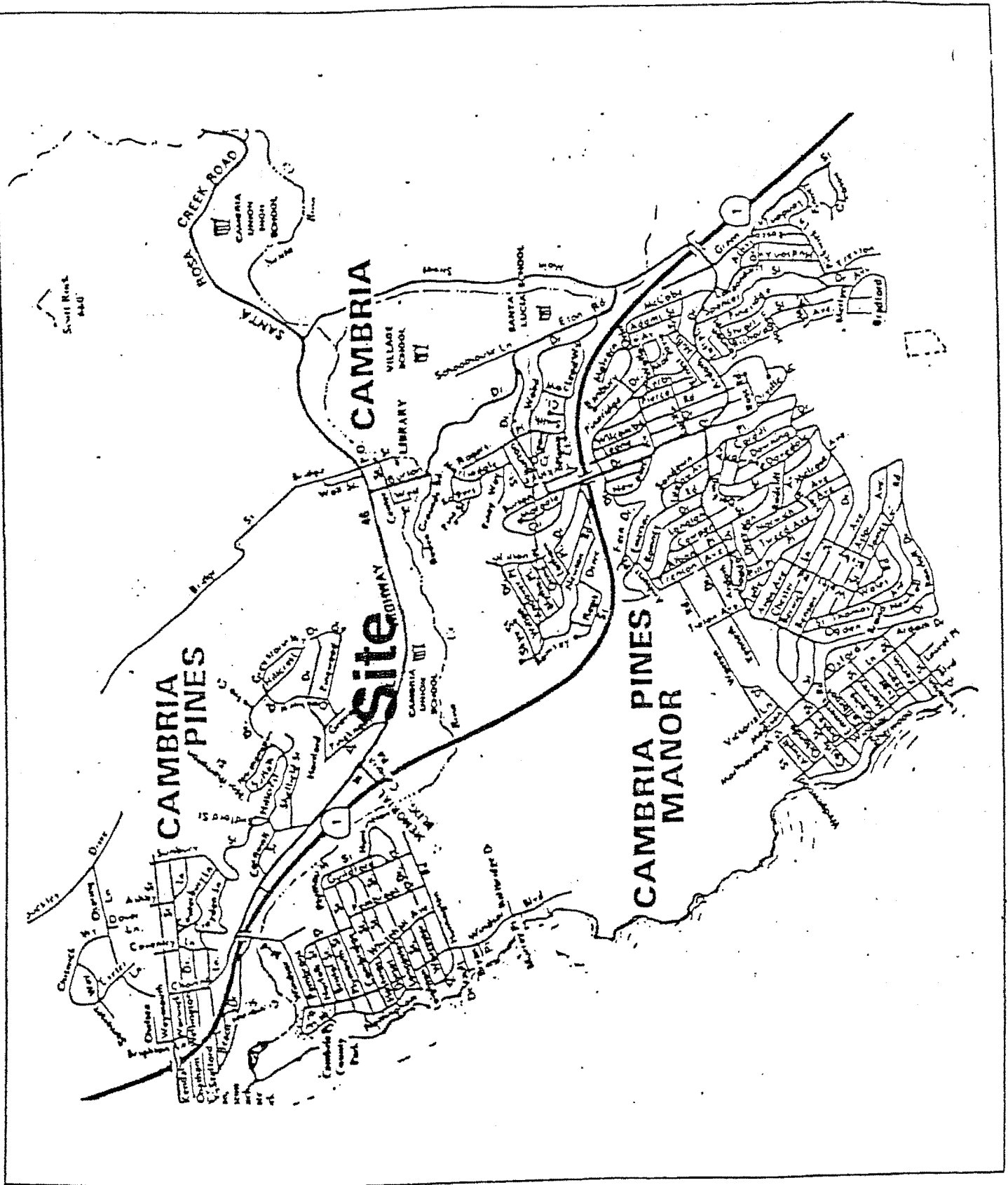


California Coastal Commission
LOCATION MAP
 County of San Luis Obispo

Vicinity Map

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Office

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Ex 3, p 2
3 -96-113

Tentative Parcel Map COAL 94 - 124

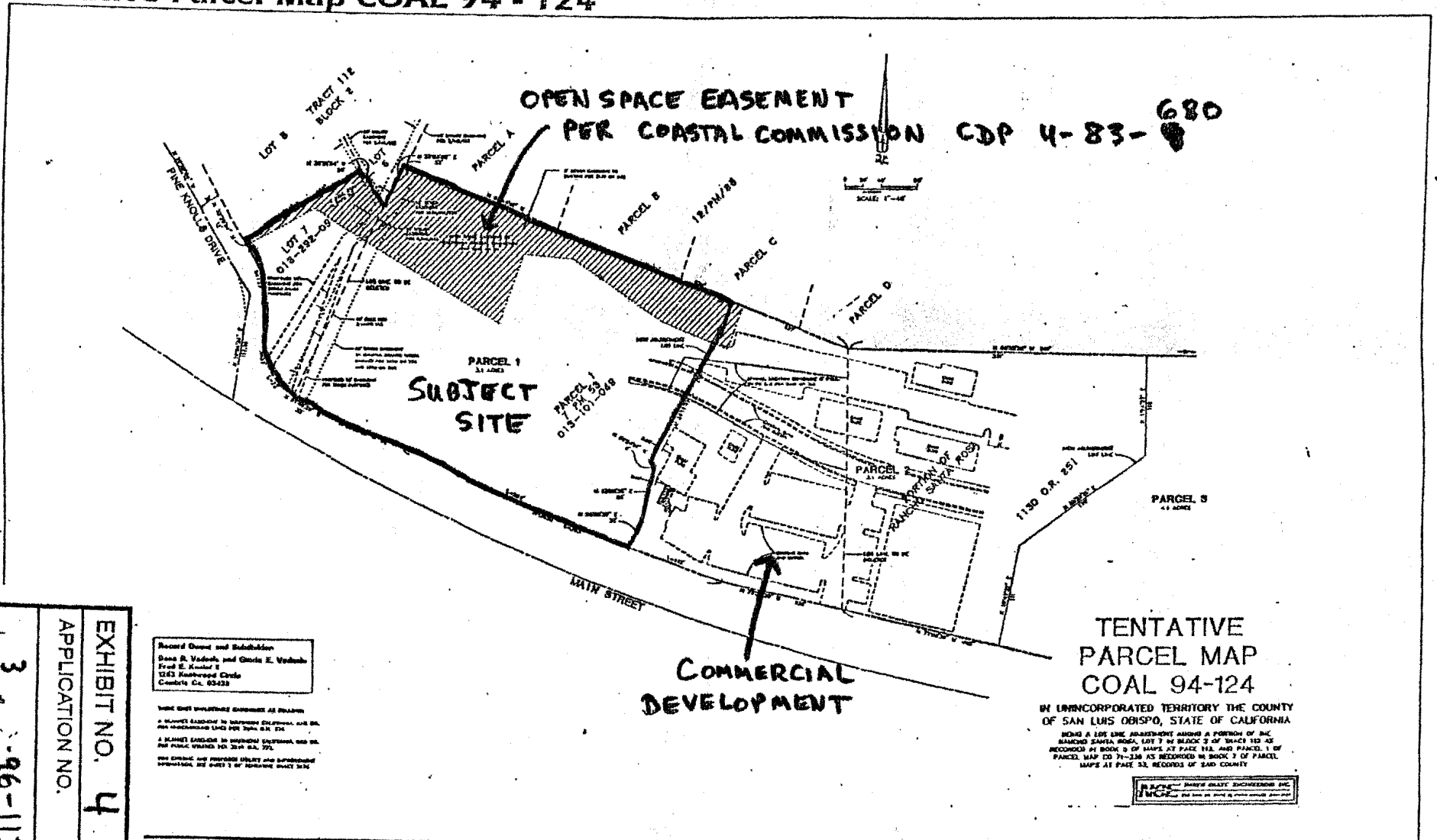


EXHIBIT NO. 4
 APPLICATION NO.
 3 96-113

Record Owner and Subdividers:
 Dana R. Vadach, and Gloria E. Vadach
 Fred E. Kuster &
 1243 Knollwood Circle
 Cambria, Ca. 93428

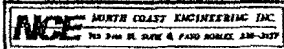
THIS MAP IS PREPARED IN ACCORDANCE WITH THE
 PLANNING ACT AND THE SUBDIVISION MAP ACT, AND THE
 PLANNING ACT IS APPLICABLE TO THIS MAP.
 THE PLANNING ACT IS APPLICABLE TO THIS MAP.
 THE PLANNING ACT IS APPLICABLE TO THIS MAP.

TENTATIVE
 PARCEL MAP
 COAL 94-124
 IN UNINCORPORATED TERRITORY THE COUNTY
 OF SAN LUIS OBISPO, STATE OF CALIFORNIA
 BEING A LIE LINE AGREEMENT AMONG A PORTION OF THE
 RAMON SANTA ROSA, LOT 7 OF BLOCK 2 OF TRACT 112 AS
 RECORDED IN BOOK 3 OF MAPS AT PAGE 114, AND PARCEL 1 OF
 PARCEL MAP 10 78-24 AS RECORDED IN BOOK 3 OF PARCEL
 MAPS AT PAGE 32, RECORDS OF SAID COUNTY.

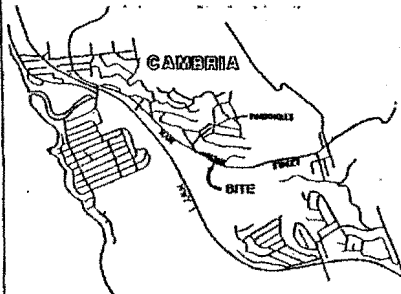
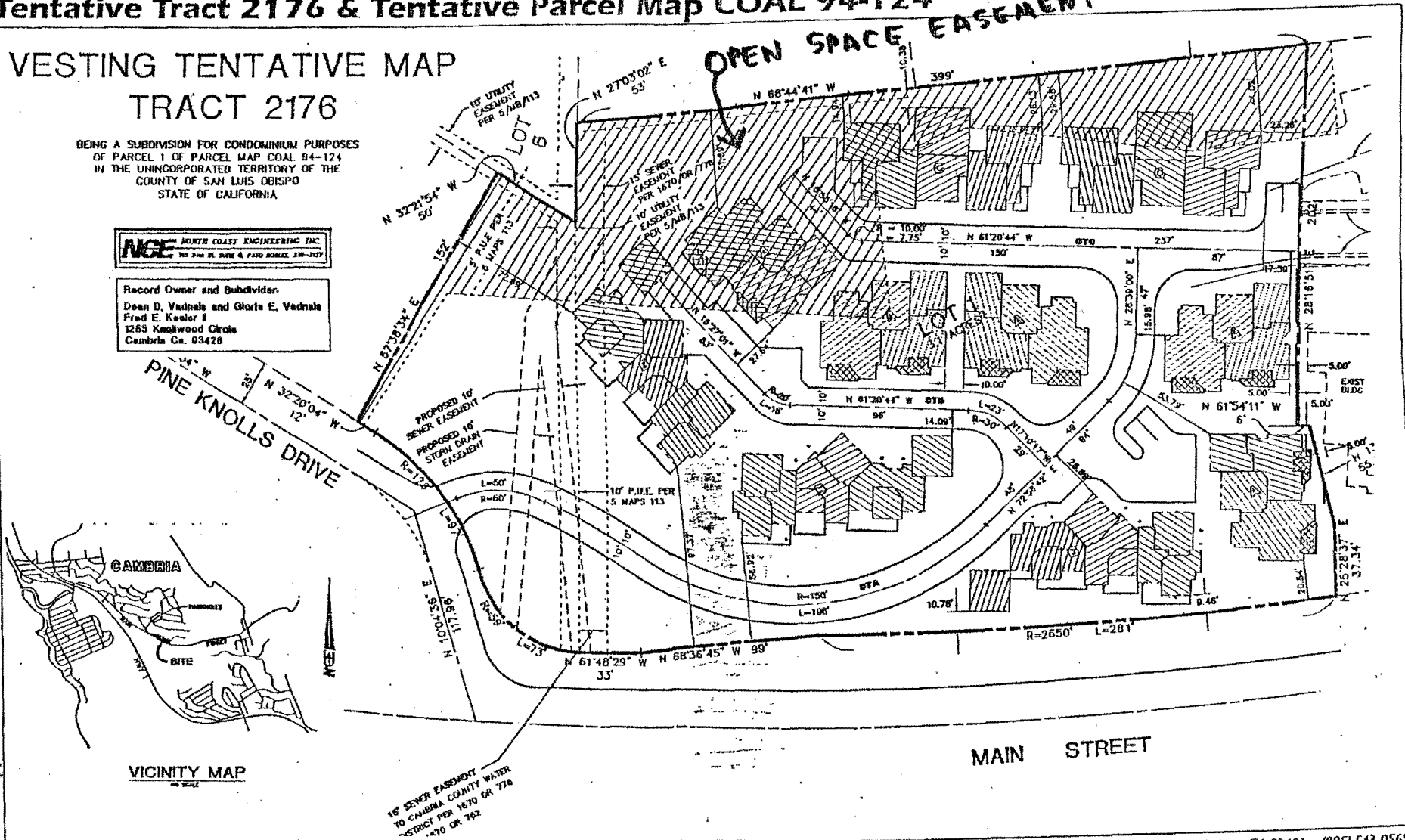
Tentative Tract 2176 & Tentative Parcel Map COAL 94-124

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



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

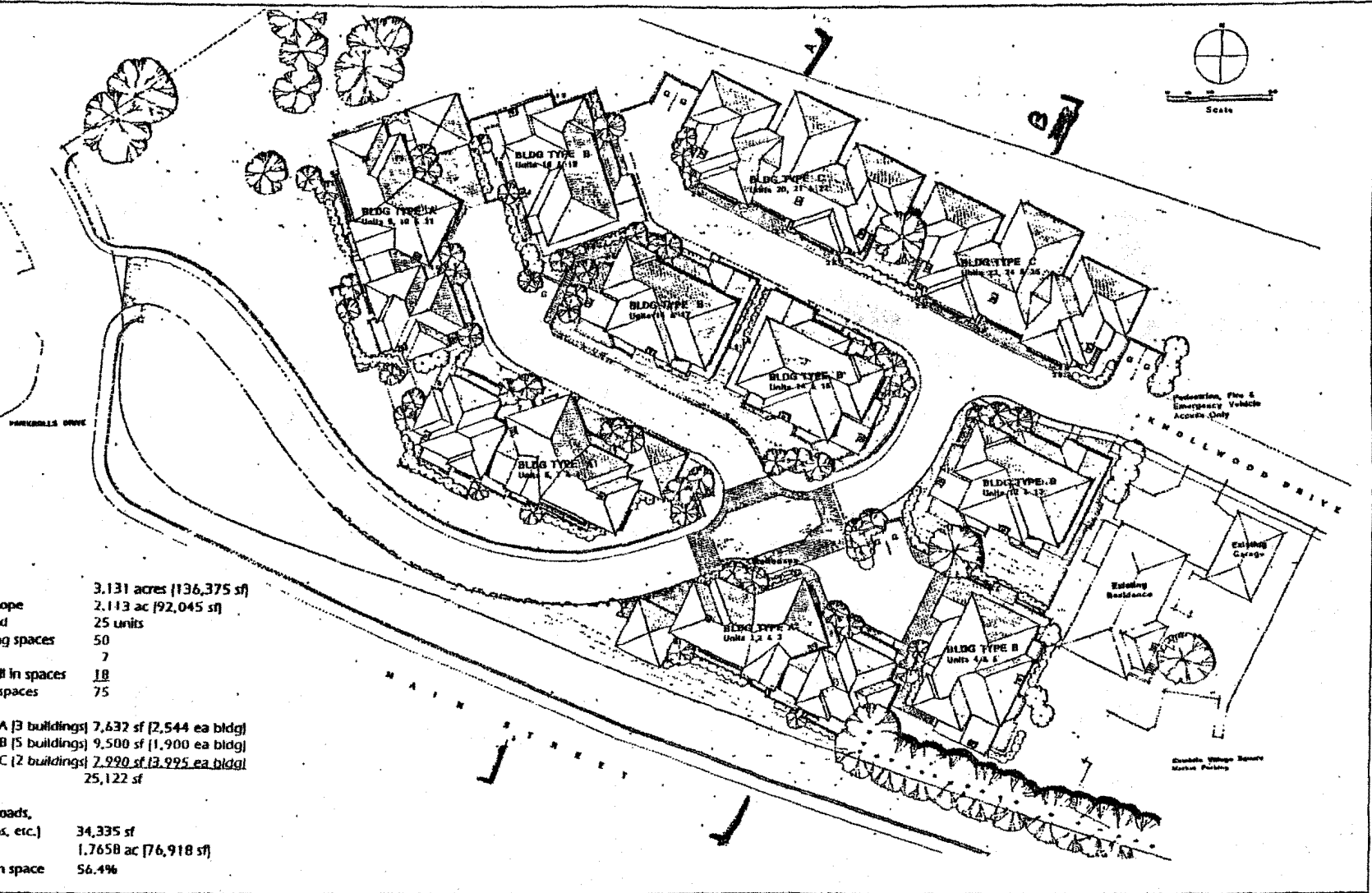


3-
EX 4, p2
96-113

Owner/Developer Cambria Village Square • 1253 Knollwood Circle, Suite D201 • Cambria, CA 93428 • (805) 927-0821 Design/Planning Joseph Boud & Associates • 1009 Morro Street, Suite 206 • San Luis Obispo, CA 93401 • (805) 543-0565

Site Plan

EX-3, p4
10-16-113



Site Statistics

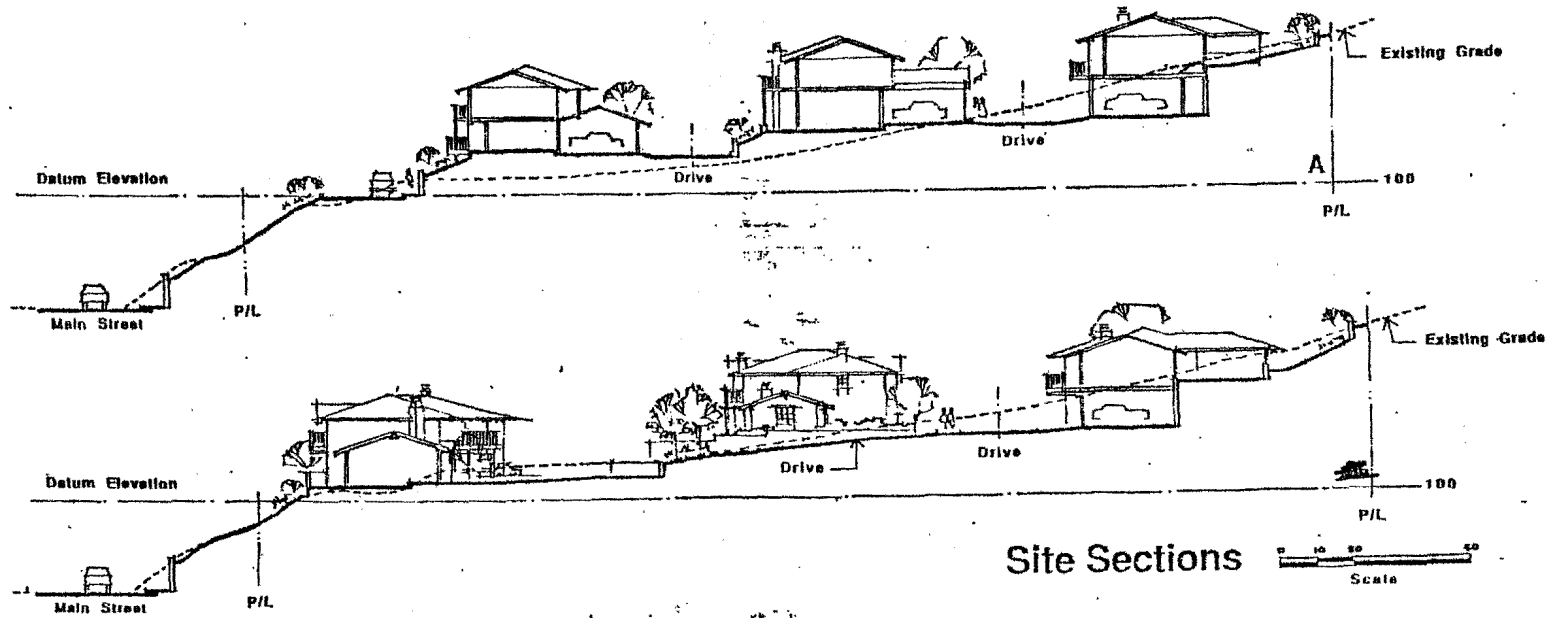
Gross site area	3.131 acres (136,375 sf)
Site area less than 20% slope	2.113 ac (92,045 sf)
Number of units proposed	25 units
Number of garage parking spaces	50
Number of guest spaces	7
Number of short term pull in spaces	18
Total number of parking spaces	75

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%

Owner/Developer Cambria Village Square • 1253 Knollwood Circle, Suite D201 • Cambria, CA 93428 • (805) 927-0821 Design/Planning Joseph Boud & Associates • 1009 Morro Street, Suite 206 • San Luis Obispo, CA 93401 • (805) 543-0565

Site Sections A & B



Site Sections

EXH
-96-113

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

WATER DISCUSSION FROM COMMISSION FINDINGS FOR NCA P UPDATE, ADOPTED 1/98

Development and Public Services

EXHIBIT 6

2. New Development in Cambria

With a population of 5623, the town of Cambria is the only significant urban area in the North Coast. Approximately 75% of the existing development is residential; the remaining 25% consists of a variety of commercial, visitor-serving and urban uses. The urban service line which defines the town is drawn fairly tightly. And because Cambria is only 25% built-out, this line appears to offer plenty of opportunity to expand development within it for many years. Unfortunately it is very unlikely that the amount of growth permitted within the urban service line can be accommodated. Currently, there are 3,408 dwelling units in Cambria and a population of 5,800. The plan allows build out of another $\pm 8,290$ dwelling units with a population increase from 19,000 to 26,000.⁹ As detailed in later sections of this finding, water and road constraints exist now and it is uncertain that they can be overcome to the point of being able to ever support the anticipated build-out of the plan.

The seeds of Cambria's current planning dilemma were planted in the 1920's when huge tracts of land were subdivided into very small (+1700 sq. ft.) lots. Please see Exhibit 2. Oblivious to slope, the need for services and effects on the natural environment, this grid of precise, tiny rectangles was created and lots sold to individual owners many years ago. Thousands of these lots remain vacant and available for future development. Final build-out of Cambria would be even higher than that anticipated in the plan were it not for the fact that at least 10% of these lots are not suitable for development. In addition there is a clear trend for homeowners to acquire two or three lots for each house.

Finally, there are few areas remaining in Cambria for significant new subdivisions. The East-West Ranch, which is located between Park Hill and Lodge Hill, is the most important site. It currently contains 18 parcels. The update envisions a maximum of 265 lots on the west portion of the Ranch.

Conformance with Coastal Act Policies

As discussed at the beginning of this Development finding, Coastal Act Section 30250 limits development to already developed areas that have the capacity to accommodate such growth. Although Cambria is an existing developed area, it is also severely constrained by the lack of services for the potential buildout of its many small lots. As such, new development is problematic under the Coastal Act.

The County has certainly made efforts to encourage the merger of small lots into single building sites and to voluntarily retire lots, but further reductions are still needed. One promising method to reduce the number of lots has recently been proposed by the County and is described in detail in Exhibit 3.¹⁰ This analysis proposes to reduce the number of lots by establishing an assessment district to provide the funding to acquire them. Four levels of lot retirement are studied, including a 17%, 29%, 37% and 56% reduction in lots. Any reduction would, of course, narrow the disparity between development and services. However, selection of Level III or IV would be the best matches given the severity of constraints discussed later in these findings.

This proposal has been favorably received both in the community (see Exhibit 4) and by the Board of Supervisors.¹¹ The Cambria Community Services District Board also supports

the plan and has stated they would be prepared to implement it if approved by the Cambria voters. Notwithstanding this support, the current updated NCAP provides inadequate policies and planning standards for addressing the buildout problem of Cambria. As discussed in more detail in the Water Supply findings, for example, there is no policy to avoid the *de facto* creation of new lots, let alone the retirement of substandard small lots. Without such a planning requirement, new development in Cambria is not consistent with section 30250, which requires that adequate urban services be available for new coastal development. Therefore, the County's lot reduction program should be added as an area standard for Cambria because it provides a method, if approved by the voters, to bring build-out of the town much more in line with available (and potentially available) services as required by Section 30250 of the Coastal Act. (see Suggested Modification 107).

As a corollary to lot reduction, it is also important to ensure that there is no net increase in development through new subdivisions. There are few areas remaining in Cambria for significant new subdivisions. However as mentioned earlier there is some potential for a maximum of 265 lots on the west portion of the East/West Ranch. The West Ranch currently contains 18 parcels, thus the plan allows a maximum of 247 new lots. To reduce the impact of creating these new lots, the North Coast Plan provides for a mandatory lot retirement plan on a 1:1 basis for all lots created on the Ranch after 35 if the land is annexed to the Cambria Community Service District. The plan provisions raise numerous questions. For example, it is unclear why 18 additional lots should be permitted without a retirement requirement, or why only the East/West Ranch, as opposed to other areas of Cambria, must retire lots in exchange for creating new ones. It is also unclear as to what kind of lot must be retired to mitigate the creation of a new one. Simply retiring lots that are already unbuildable does little to effectively avoid new-development.

To be consistent with Section 30250, planning standards are needed that require all new residential subdivisions to retire an equivalent number of lots based on the impact of the new lots being proposed. This would be more consistent with the goal of avoiding a net increase in building potential. (see Suggested Modification 109). However, one-to-one retirement for new lots is insufficient in and of itself to meet the demands for new development in Cambria. Indeed, in a context like Cambria, it is important to ensure that the lot or lots retired truly mitigate the impacts on public services attributable to the newly created lot. If, for example, a new lot was 7500 square feet, a fairly typical modern lot size, the anticipated development, consistent with current trends toward larger homes in Cambria, would be a residence of over 3000 square feet. A review of permits over the last 8 years show that houses are generally ranging between 3000-4000 sq. ft. on lots of this size. A home of this size is more likely to be occupied year round and by a larger household than a home constructed on one of the existing substandard parcels which is typically 1750 square feet in size. Homes on these small sites are limited to 1000 square feet or less in size (pg. 7-103). Virtually no space on these small sites will remain for landscaping after the house and driveway are constructed. In contrast, significant garden areas would remain on the hypothetical 7500 sq. ft. lot even after construction of a +3500 sq. ft. house and double driveway. Considering the anticipated larger house, greater number of occupants and landscaping, more water, sewage service and greater traffic generation can be expected from the development of the larger lot than a project on the

smaller one. A simple trade of one small lot for one, new large lot would, therefore only partially mitigate the impacts of new lot. Likewise the retirement of a small lot with low development potential because it is located on a steep hillside with no road access does not mitigate the creation of a new lot on a flat or reasonable slope served by road and utilities. The new lot will, in all likelihood develop. The old lot will, in all likelihood never develop because construction costs would be prohibitive. (In fact, the North Coast Plan and the 1997 Hausrath Economic Analysis assume that 10% of the small lots will not develop because of their location).

A program that required the retirement of an area equivalent to the area of the new lot would be simple to administer and result in more effective mitigation for new, standard size (up to 7500 sq. ft.) residential lots. The impacts of new residential lots over 7500 square feet in size would not ordinarily be significantly greater than those of a 7500 sq. ft. lot and thus would not be required to retire lots for any area over 7500 sq. ft. unless the County finds that, for a particular subdivision, additional mitigation through lot retirement is needed. Finally, a limitation on the number of small lots on steep slopes that could be used in any retirement transactions will ensure that most of the lots retired are truly developable thus providing adequate mitigation for the new lot. (Please see Suggested Modification 109.)

3. Water Supply

A reliable water supply is the single most critical constraint on new development in the North Coast. Separated from population centers by distance and rugged topography, the North Coast must rely on local streams for water. Unfortunately, the streams are small, their water storage basins are limited, and the effects of significant withdrawals on habitat values and the integrity of the aquifers are poorly documented. In addition, there is tight competition for scarce water supplies between agricultural and municipal users and the maintenance of riparian/wetland species. With Cambria only 25% built-out, San Simeon Acres only 54% built-out, and with intensive visitor-serving at Hearst Ranch as yet unbuilt, this competition can be expected to intensify.

This situation is exacerbated by the characteristics of the aquifers that supply water for urban and agricultural uses in the North Coast planning area. With the exception of Phelan and Chisholm Springs on the Hearst Ranch, water is supplied by wells that pump the underflow of the local creeks. Wells are presently located on Pico, San Simeon and Santa Rosa Creeks. Wells are planned on Arroyo de la Cruz to serve the proposed Hearst Resorts. The water is extracted from gravel and sand areas which underly portions of the creeks -- generally the lower reaches of these water courses. The water bearing gravel and sand areas range in depth from a few feet to as much as 80' and do not extend any great distance beyond the creek channels.

During the wet portion of the year, when the creeks are visibly flowing, these aquifers fill up with water. The maximum amount of water that can be absorbed into the aquifer is expressed as "usable storage." The filling up of a depleted or partially depleted aquifer is called "recharge". Typically, aquifers like these are recharged fairly quickly by the winter rains because they are not very large. If, however, winter rains are below average, the

aquifer may not recharge fully. Also, if storm flows down the creek are too rapid, the surface water may discharge into the sea before the aquifer is fully recharged. In any event, once surface flows terminate for the year, there is no further recharge of the aquifer.

Recharge of the north coast streams, of course, is influenced by the amount and timing of rainfall. Rainfall and the annual flow of the creeks vary greatly over time. For example, in 1983, the annual flow at the upper gauge on Santa Rosa Creek was 21,300 AF, in 1985 it was 3,593 AF.¹² According to a preliminary study done by USGS,¹³ in 1994 annual stream flows at this upstream gauge ranged from 244 AF to 27,800 AF for the thirty year period between 1959 and 1989. On San Simeon Creek, annual discharge between 1971 and 1989 ranged from 475 AF to 42,600 AF (page 100). The authors of the USGS report state that the relationship between flows and rainfall is linear. Rainfall in the planning area varies greatly from year to year, ranging from 10" per year to 40" for the period between July 1974 to the present.

Because the North Coast aquifers are small and annual flows vary widely, reliance on "average" flows to determine water availability for a given year or years is not appropriate. For example, there were two straight years of drought in 1975 and 1976 when the aquifers did not fully recharge and water was simply not available. Efforts to pump the depleted aquifer on the Santa Rosa Creek resulted in subsidence and seawater intrusion as well as a de-watering of the lagoon. To avoid such overpumping, it is more prudent to base anticipated extractions from both aquifers on low flow data to ensure a reliable water supply.

Finally, all water in storage in an aquifer is not available for use. Storage is a term which quantifies the total amount of water that can be physically absorbed into the geologic structure of an aquifer. The amount that can be removed without causing damage is termed the "safe yield". This amount will always be less than total storage. Some water must remain in the aquifer to support riparian and wetland habitat, to provide a barrier against salt-water intrusion and to avoid irreparable damage to the aquifer due to subsidence. Subsidence occurs when the aquifer is significantly overdrafted. When an aquifer subsides, the geologic structure (gravels, sands, fines) is compressed, thus reducing the ability of the aquifer to store water. This process is irreversible. (Please see Exhibit 5 for a brief over-view of groundwater hydrology).

In summary, the North Coast Creeks accommodate vastly different flow levels, and have small aquifers which recharge quickly but can also be depleted quickly. Safe yield figures presently available are estimates based on an average rain year, and they have not fully considered impacts of such withdrawals on riparian and wetland habitats -- particularly during dry periods and drought years.

Cambria

Water for the unincorporated town is supplied by the Cambria Community Services District (CCSD). The District boundaries include most of the land within the urban boundary defined in the LUP with the exception of a major portion of the 450 acre East-West Ranch. The District also serves (approximately 300 to 500) acres outside the urban boundary.

Cambria Community Services District's water is supplied from five wells which tap the underflow of San Simeon and Santa Rosa Creeks.

Santa Rosa Creek

Santa Rosa Creek winds through the town of Cambria, extending +13 miles from its headwaters in the Santa Lucia Mountains to the Pacific Ocean. The estimated safe yield of this creek is given in the North Coast update as 2260 acre feet (AF) per year based on a 1994 preliminary study by the United States Geologic Survey.¹⁴ A review of this document does not, however, provide a definitive safe yield figure and although it includes information regarding existing water demand for agricultural and municipal uses, it does not factor in the water needs for the preservation of riparian and wetland habitats.

CCSD has a permit from the State Water Resources Control Board to extract a maximum of 518 AF per year from Santa Rosa Creek. Of this total, only 260 AF a year can be extracted between May 1 and October 31. This summer limit has never been reached for two reasons, in times of plentiful streamflow, the District prefers to use water from San Simeon Creek because it is of much better quality and requires less treatment. In dry years, Santa Rosa Creek is incapable of supplying this amount of water. As an example, in the drought of 1976-77, less water than allocated by the State Water Resources Control Board could be withdrawn before the wells went dry. Overpumping during that period also caused significant subsidence, potentially damaging the ability of the aquifer to recharge. The water production table attached as Exhibit 6 demonstrates the preference for water from San Simeon Creek.

Thus, in summary, while the Santa Rosa Creek safe yield of 2260 AF given on pg. 3-12 of the plan implies an adequate water supply to serve Cambria's needs, a closer look reveals that the basis for that number is not well grounded, does not consider impacts on habitat values, does not factor in the ability of the aquifer to actually produce water during a drought nor the potentially damaging effects of attempting to do so on the aquifer structure. Since development uses water on a year round basis and, in fact, water use in Cambria is up by 40% during the summer months, it is imperative that the water supply is sufficient to meet urban needs during these months and during periods of drought. Likewise, the protection of riparian and wetland habitat depends on a reliable and sustainable water supply (Please see ESHA Finding).

San Simeon Creek

San Simeon Creek, located two miles north of Cambria, is the preferred source of municipal water. This creek too has its headwaters in the Santa Lucia Range and flows westward for over nine miles to the Pacific Ocean. Safe yield for San Simeon Creek is estimated to be 900 acre feet in the North Coast Update. Similar to the figure for Santa Rosa Creek, this estimate relies on the 1994 USGS report and is subject to the same flaws. Riparian agricultural users in the basin consume approximately 450 AF per year. CCSD has a permit from the State Water Resources Control Board which allows the District to withdraw a maximum of 1230 AF per year. Of this total, only 370 AF may be

withdrawn during the dry period which, in this case, is defined as that time between the cessation of surface run-off at the Palmer Flats Gaging Station and October 31, 1997. Typically this is a six or seven month period. The permit also requires the District to supply riparian users when municipal pumping lowers the aquifer to the point where riparian users pumps run dry (Board Order WR 88-14, October 1988).

Several uncertainties exist with respect to the reliable, long term amount of water which can be supplied by San Simeon Creek. The first issue is the soundness of the 900 AF safe yield figure. It is unclear how this figure was determined and whether it was calculated to include a reservation of water for the preservation of riparian and wetland habitat. The changing water needs of senior, riparian users must also be addressed. These users have priority over appropriators such as CCSD and are thus entitled to be served before the District. They may also divert additional water if fallow, riparian fields are brought into production. Finally, the multiple disparities between estimated safe yield, water board allocations and current production are also of concern. One apparent conflict is that even if one one accepts an estimated safe yield of 900 acre feet, the existing State Water Resources Control Board permit allows one of the users, CCSD, to withdraw a maximum of 1230 AF a year, 330 AF over safe yield not including existing riparian withdrawals. Another concern is that with the exception of 1991 extractions, the combined riparian and CCSD withdrawals have exceeded the estimated safe yield figure since 1980. In 1996, for example, CCSD withdrew 717 AF from San Simeon, riparian users withdrew +450 AF for a total of 1167 AF, 267 AF in excess of the estimated safe yield of 900 AF given in the plan. (Please see Exhibit 6, Water Production Records, CCSD.)

Alternative Water Sources and Management Options

Due to the constraints and uncertainties which surround expanded water withdrawals or even continuation of existing levels of extraction from the Santa Rosa and San Simeon Creek basins, it is relevant to review alternative water sources for urban uses and planning tools for water management. Practically speaking, alternatives include construction of desalinization facilities, increased storage, water conservation and efficient water delivery systems. Reservoirs and imported water are also theoretical possibilities but due to potential environmental effects and costs are, in reality, less viable.

Desalinization

CCSD currently has a valid Coastal Permit to construct a desalinization plant capable of producing 1307 AF of water a year. According to a May 1997 fiscal analysis¹⁵ of plan alternatives and infrastructure costs, approximately 36% (412 AF) of Cambria's share of the new desalinization plant production is needed to cure existing service deficiencies. The District has agreed to share up to 161 AF a year of water with the San Simeon Community Services District to support new development in San Simeon Acres. A pipeline to transport this water has also been granted a Coastal Development Permit. Thus a balance of 724 AF would be available for new development in Cambria. The approved desalinization facility will be very expensive to build and operate, and the District has not begun construction. CCSD is currently looking into plan modifications which could significantly reduce the cost of construction. It is anticipated that a decision on whether to proceed with the project will

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be made within the next year. Desalinization thus appears to offer an achievable alternative to the existing water source particularly if construction costs can be reduced. Costs per acre foot of water are also comparable at \$1500.00 an AF for desalinization and \$1300.00 an AF for water extracted from the creeks.

A privately owned and operated desalinization plant is proposed in the North Coast update to serve the planned subdivision on the East/West Ranch with water as an option to annexation and service by the Cambria Community Services District. County staff has indicated that the following planning standard provides for this method of water supply:

Technology: Employ progressive measures that utilize new technology, are resource efficient and environmentally sound (Standard K, 7-59).

Only a portion of the East/West Ranch is located within the Urban Service Line (USL) of Cambria. Most of the property, the West Ranch, is not in the USL and has not been annexed into the Cambria Community Services District. Development of the Ranch for residential use is considered urban infill because it is surrounded on all three land sides by existing urban uses.

Increased Storage

Storing water during times of plenty is another way to augment supply. As previously discussed, reliable withdrawal from the creeks is most problematic during the dry period of the year -- generally between May and October and during cyclical droughts. At the same time water use jumps by 40% during the summer months.¹⁶ In the winter, however, most years, thousands of acre feet of water course down San Simeon and Santa Rosa Creeks to empty into the sea. A substantial amount of this water could be diverted to urban use, at no harm to habitat values, if adequate storage was available. Currently, CCSD has the ability to store only one million gallons (+3 AF) for operating flexibility and fire protection, barely enough to satisfy one days use during the summer peak periods.

Water Conservation

A method to stretch an existing, finite water supply is to initiate an aggressive, comprehensive water conservation program. Beginning in 1990, CCSD fielded a retrofit program to replace old plumbing fixtures with lower use modern ones. As stated in the January 1997 report to the CCSD Board:

The purpose of the Program is to allow for additional new construction, but at the same time reduce overall water use in the District. This is done by installing low flow plumbing devices in existing homes, installing water saving agricultural irrigation systems, entering into water exchange agreements and constructing new water supply projects. By doing so existing water supplies are utilized more efficiently allowing for the surplus to be used for new construction. In adopting the Retrofit Program the Board of Directors established a savings goal of 2 to 1. This means that each applicant wishing to construct a new house is required to save enough water to cover his or her house plus one other. For example, under the existing ordinance an applicant constructing a new home on a large lot (more than 8000

square feet) must provide water savings equivalent to the retrofitting of at least 17 two bathroom homes in order to meet the current 2 to 1 requirement, or pay a corresponding in-lieu fee of 17 times \$550.00, or, \$9,350.

As of January 1, 1997, 1,693 residential structures have had low flow plumbing fixtures installed under the District's Retrofit Program. An additional 472 houses have been retrofitted under the District's Retrofit on Resale Program and 299 houses under the provisions for New Construction and Remodeling. There are 2,410 homes that have been retrofitted and it is estimated that there are approximately 1,100 existing houses still available for retrofit in Cambria.

A more conservative retrofit to new construction formula is suggested in the report to the CCSD Board (pg. 6) as follows:

Table 3: Modified Retrofitted Residential Water Usage Comparison*

Average Number of Units Used Per Household (Bi-Monthly):

1989/90	12.5 Units ** (A unit of water is 748 gallons)
1995/96	11.01 Units

* Excludes users who consume two or less units and 41 or more units per billing period and all homes not known to be retrofitted to District retrofit standards.

** 1989/90 Base Year Average (i.e., all users)

As a result there is a 0.5 unit (± 370 gallons) per residential household difference between a retrofitted and non-retrofitted home based on 1995/96 data. The 0.5 units can be established as the amount of water saved for each Equivalent Dwelling Unit (EDU) retrofitted. In taking the most conservative approach to determine the required 2 to 1 ratio established in the District Ordinance the following formula could be used:

$(\text{Estimated New Use divided by Units Saved}) \times 2 = \text{Savings Goal of 2 to 1}$

$(11.01 \text{ Units divided by } 0.5 \text{ Units}) \times 2 = 44 \text{ Units}$

Thus, the equivalent of 44 houses (EDU's) would need to be retrofitted to save twice the amount of water a new house would require under this formula. In 1996 the average number of points required under the Program is equivalent to 13.5 houses.

Given either of these figures, 44 retrofits of existing homes to allow one new home, or 17 retrofits to allow one new home, it appears that the life of the program is limited due to the

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finite (1100) number of non-retrofitted homes. At the 44:1 ratio, 25 new homes could be accommodated. At a 17:1 ratio, 64 new homes could be built. The effectiveness of the program to actually result in no net gain of water demand is also greatly limited by the option of the potential new home builder to pay an in-lieu fee of \$550.00 a point rather than negotiate the retrofiting of existing homes. Since the institution of the in-lieu option in 1994, 85% of the applicants have opted to pay the fee rather than retrofit. According to the January 1997 report to the CCSD Board, most of this money collected in 1996 was used to pay expenses associated with designing the desalinization facilities and obtaining permits for its construction. The District is currently re-assessing the in-lieu fee program and may decide not to continue it. The net effect of this program to date seems to be at least a slowing down of increased water use rather than maintenance (or reduction) of the status quo.

The District also has completed a program to repair and replace aged, leaking pipes. Prior to completion of this program in 1987, up to 30% of water produced had been lost to leakage. This remedial work is, however, a one time event in that it does not lower demand, it simply reduced waste between production and delivery. Post-1988 production figures are by comparison much more likely to relate closely to actual use.

CCSD has, as can be seen from the preceding discussion, attempted to augment and conserve the existing water supplies. The leak detection and repair program has been quite successful in saving water, the retrofit program less so -- particularly since the introduction of the in-lieu fee option in 1994. Construction of the desalinization plant is stalled but offers a potential for a meaningful addition to existing supplies. (Please see Exhibit 7, correspondence from CCSD describing existing and proposed programs.)

In the meantime, the January 1997 report to the District notes that water use in both conventionally plumbed and retrofitted homes is on the rise as is water use for commercial activities. The report notes that even so, water use (based apparently on production figures) is still lower than it was in 1988.

Management

Another method to address limited water supplies is to manage new urban growth so that development does not outstrip available services. San Luis Obispo County has chosen two traditional planning methods to limit urban growth -- a Growth Management Ordinance which limits the number of new residential units in Cambria to 125 a year and a Resource Management System which monitors essential services and can theoretically halt development when defined thresholds of severity are reached. (NCAP pg. 3-7 et seq.)

The Growth Management limitations on the number of new units which can be constructed in Cambria in a given year is insufficient to address the problem of a very limited and unreliable water supply. The program simply slows down the effects of the increasing disparity between water supply and demand, but does not address the root problem presented by a scarce but essential service.

The Resource Management System (RMS) offers a better tool for phasing new development with adequate services because it provides an objective standard for

determining when services and development are poorly matched. The RMS has three levels of Resource Severity constraints relative to water, sewer, roads, schools and air quality. Level One is an "early warning" threshold that indicates a particular service or resource will be inadequate to support a specific, planned level of development in the future. Level Two warns that an identified service or resource will be depleted before more capacity can be obtained. Level Two calls for fairly immediate action to increase capacity or slow down additional demands on the service. Level Three is the most severe situation. This level occurs when the capacity of an identified service or resource to serve development has been met or is exceeded. At this level, the LUP states that action may be needed to protect basic public health and safety.

In Cambria, water is one of the services listed as having already-passed Level Three severity by 1995 when the chart was last updated. The reason water is shown as a Level Three constraint is because there is not now an adequate, reliable water supply sufficient to serve the development that presently exists during a dry or drought year. Indeed, some local observers believe there is inadequate water to accommodate a normal rainfall year. (Please see Exhibit 8, correspondence to Commission from William Bianchi, received November 24, 1997.) In any event, the County acknowledges that the water supply is problematic existing levels of development. This level of constraint of an essential service might seem to imply that it would be prudent to stop new development until additional capacity could be obtained. The RMS program allows, but does not require, the County to reduce or eliminate new development in this situation. The County has thus far not taken this step.

Conformance with Coastal Act Policies

As the preceding analysis suggests, the proposed amendment is inconsistent with Coastal Act policies because it provides for continued urban development that cannot be supported by existing water supplies. Estimates of available water to serve new development are based on incomplete information and do not analyze the impacts of water withdrawals on riparian/wetland habitats or agricultural activities as required by the Coastal Act (Sections 30240, 30241(e) and 30231). Programs, like the RMS, which could ensure that new development is allowed only when adequate services are available to support it, are not mandatory and have not been voluntarily implemented.

In order to find the proposed updated LUP consistent with the Coastal Act, the updated water section must be re-written to more accurately describe the nature of the aquifer and the need for a more thorough study to determine safe yield. To ensure that additional water withdrawals for municipal uses will not adversely impact the coastal resources of riparian/wetland habitats and agriculture, a planning standard must be added to Chapter 7,C, Cambria Urban Area Standards (pg. 7-47 et seq.) which provides for a moratorium on all new development which would be served with water from either of these sources unless a variety of performance standards are met over the next three years to ensure that coastal resources are adequately protected.

As specified in Suggested Modification 107, basic performance standards that should be met include the preparation of an Instream Flow Management Study to determine the

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water needs of riparian and wetland species living in Santa Rosa and San Simeon Creeks; and the development and implementation of a water production strategy that is capable of serving the development provided for in the plan. This standard includes re-use of wastewater, water supply other than from the creeks and reduction of build-out.

Finally, the County has a reasonably effective set of policies for water management for existing lots. However, the provision of water for the East-West Ranch is unsatisfactory, particularly the proposal for a private desalination plant. In previous actions, the Commission has found that the provision of essential services in urban areas should be undertaken by public (or private) utility purveyors for an entire service area rather than individualized utilities constructed to serve a single project. The following excerpt from the adopted Findings for the 1995 LCP amendment to the Santa Barbara Coastal Plan outlines the rationale for this determination:

Private desalination facilities also raise the basic policy question of the effect of allowing the proliferation of privately owned and operated water supply facilities on the ability to comprehensively plan for the provision and essential public services.

Additional questions raised by private desalination facilities include the ability of a private homeowners association to operate and be accountable for complex desalination operations to mitigate impacts, adequately respond to and cleanup potential spills of hazardous chemicals, enforce operation limitations and in general maintain control and long-term operation of the facilities. These include concerns about the homeowners capability over the long term to successfully operate the facility without the need for an established water purveyor to step in and operate the system or provide alternative water supplies should the association facilities fail. The Commission has developed a discussion paper which addresses these and other coastal issues related to the development of desalination facilities.

Two of the fundamental questions raised by the proposal to use private desalination facilities are: the potential precedent such a facility generates for inducing unlimited growth based upon a technically unlimited supply of water; and the further fragmentation of public utility services, and related tendency toward scattering public work facilities, and their related impacts, rather than consolidating them as stipulated in Coastal Act Section 30260. Proliferation of desal facilities where consolidation is feasible, whether private or public, is inconsistent with the requirements of PRC Section 30260.

Consolidation and expansion of existing public desalination facilities will help to successfully operate the complex technology and reduce or mitigate potential impacts resulting from such facilities. The success of desalination facilities is also more likely when operated by established water purveyors serving large geographic bases and a larger rate-paying pool as compared to a private homeowners association with limited funds and expertise to manage such complex operations. The experience of small private water purveyors depending upon small industrial desalination facilities and water wells in the Goleta/Santa Barbara area and other

areas in the coastal zone has demonstrated the difficulties of sustained operation of such facilities.

Since the GWD's service district boundaries include the Goleta Community Plan planning area and a desalination facility is available to provide desalinated water to the GWD by contract, private desalination facilities are not currently appropriate. Region-wide provision of desalination facilities, prevents proliferation of smaller individual desalination facilities, thereby reducing cumulative impacts on coastal resources, including marine resources, created by individual facilities. A region-wide approach supports the Commission's consolidation policy, Section 30260, which encourages coastal-dependent industrial facilities, such as portions of desalination facilities, as determined on a case by case basis. These facilities are encouraged to expand within existing sites so long as they are designed to permit reasonable long term growth consistent with the Coastal Act and certified LCP.

It should be noted that the Commission has allowed a private desal facility on Santa Catalina Island. That facility, however, was consolidated with an Edison electrical power facility and there is no municipal or public water system at that location. The circumstances on Santa Catalina Island were thus different in important respects from those in the Goleta Planning Area."

As discussed earlier, in addition to the area already within the Cambria Urban Services Line (USL), there are approximately 300 acres (18 parcels) of the East/West Ranch that are not within the USL but are surrounded by urban development. (Please see Exhibit 9.) This site is a logical urban infill area and is currently designated for a maximum of 340 residential units in the Certified North Coast Plan. The plan update reduces the maximum unit count to 265. If this site develops at an urban density as anticipated by its' owners, it will require urban services and must be included within the urban service line. The creation of isolated pockets of urban level development outside of the urban boundary is inconsistent with Coastal Act Policy 30250 which supports the location of urban uses in urban areas. The North Coast update requires that this site be brought into the urban service area if it is subdivided into more than 35 lots. (Standard 11B, page 7-60) Subsequent annexation into the Cambria Community Services District is, however, optional for any development scenario on the West Ranch (Standards 11B, C, D, pg. 7-60).

The Plan anticipates that if the CCSD does not annex the West Ranch it could obtain its water supply from a private desalinization plant. This proposal is inconsistent with Coastal Act policies and the Commission's action in similar planning situations in the past. Therefore, the NCAP should be modified to prohibit the use of single project desalinization plants (see Modification 109). An alternative method of water supply, other than CCSD, is by new wells on the lower reaches of Santa Rosa Creek which curves through the north-east corner of the West Ranch. Correspondence from representatives of the East/West Ranch state that they hold a pre-1914 appropriative right to the creek waters and would be entitled to 186 AF a year based on past ranch use. The letter goes on to say that while this appropriative right exists, they would prefer to be served by water from a desalinization plant and not exercise their appropriative right.¹⁷

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Based on the discussion and conclusions reached in the earlier analysis of the productivity of Santa Rosa Creek, additional withdrawals from this creek are problematic. The use of water from Santa Rosa Creek to serve the domestic needs of development on the East/West Ranch is simply not a realistic option at this time. Therefore, if the West Ranch is to be subdivided and developed as proposed in the North Coast Update, the plan must be modified to require inclusion within the Urban Service Line and annexation to Cambria Community Services District so that water service and wastewater treatment service can be provided to accommodate the urban development. (Please see Suggested Modification 115.)

Finally, in order to achieve consistency with Coastal Act Sections 30260 and 30250, a new, areawide standard is needed that requires that desalinization plants serve urban intensity development within or in close proximity to existing urban areas must be owned and operated by a public agency. (see Suggested Modification 109.) Planning standard 9K (pg. 7-59) for development on the East/West Ranch also should be clarified to preclude private desalinization facilities (see Suggested Modification 114) and Standard 10B, C and D (pg. 7-59) must be revised to require annexation to Cambria Community Services District prior to approval of further subdivision of the property (Please see Suggested Modification 115.) Companion changes to Standard 11 B, C and D relevant to CCSD annexation and the table on pg. 7-64 are also required (pg. 7-60). (see Suggested Modification 116).

San Simeon Acres

San Simeon Acres is a small satellite community located approximately 1.5 miles north of Cambria. The current population is 250 and the land area within the urban boundary is 80 acres. Land use in San Simeon Acres is about evenly divided between visitor serving commercial retail and multi-family residential designations. According to County estimates, the village is approximately 50% built out. San Simeon Acres provides services for visitors to nearby Hearst Castle and thus a variety of motels, restaurants and other retail ventures geared toward the coastal visitor have developed over the years since the land was split off the Hearst Ranch for this purpose in the 1940's.

San Simeon Community Services District (SSCSD) provides domestic water to San Simeon Acres (pg. 3-34). This district obtains its water from two wells which tap the underflow of Pico Creek, located on the north edge of town. The safe yield of Pico Creek is estimated at 130 acre feet (AF) a year based on preliminary studies undertaken by the Department of Water Resources in the 1950's. The North Coast Plan acknowledges the uncertainty of this figure because it requires that a study to determine safe yield must be undertaken when water extractions reach 140 AF a year (pg. 7-114). Given the preliminary quality of these studies, their age and the fact that effects on habitat were not considered, the resulting safe yield must be viewed with caution. Current withdrawals from Pico Creek total 102 AF (86 AF for urban use, 16 AF for agricultural demand). According to the North Coast update, San Simeon Acres water supply was adequate through 1985 (pg. 3-35). Since that time a moratorium on new construction that required water service has been in effect. Conservation and a prohibition on outdoor water use has also been necessary to maintain existing levels of development. Buildout of San Simeon Acres proposes a population of +1229 people, an increase of +500% over the existing number of residents.

Appendix A. Suggested Modifications.

Monterey Pines or Coast live oaks from local (Cambria area) disease-free indigenous stock. If available, pitch canker resistant strains shall be specified.

J. G. Minimum parcel size. Minimum parcel sizes for new land divisions shall be according to Figure 7-12."

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MODIFICATION # 107

pg. 7-48 Cambria Urban Area Communitywide Planning Standard 3.B. Revise as follows: "Limitation on residential construction of new development served by CCSD. The maximum number of For residential permits, the maximum number shall not exceed those allowed by the County's Growth Management Plan shall not exceed up to a maximum of 125 per year until January 1, 2001. If, on that date the following performance standards have not been met no further development of any type which relies on water supplied by San Simeon or Santa Rosa Creeks will be permitted.

- The completion of an instream flow management study for Santa Rosa and San Simeon Creek which determines that additional withdrawals to support an identified amount of new development will not adversely affect riparian and wetland habitats or agricultural activities. Prior to the approval of any permits for new development after January 1, 2001, the findings of this study must be approved by the County and incorporated into the LCP.
- The completion of a water management strategy which includes water conservation, reuse of wastewater, alternative water supply (desalinization), and potential off stream impoundments. The amount of new development shall be limited to the amount of water supplied by the implementation of the strategy. The recommendations of the strategy shall be approved by the County and incorporated into the LCP.
- The County and CCSD shall cooperate to place a lot reduction ballot measure before the Cambria electorate."

108

pg. 7-48. Cambria Urban Area Communitywide Planning Standard 3.C.2. To clarify the parameters for CCSD service to proposed development outside the USL or URL, modify Communitywide Cambria Urban Area Standard 3.C.2, as follows:

2. Prior to May 13, 1997, ~~the proposed development~~

- The site of the proposed development
~~W~~ was within the CCSD's boundary and had a commitment to being served according to the district's regulations, and
- The site of the proposed development ~~H~~
had basic infrastructure for the required service in place, and

Appendix A. Suggested Modifications.

- c. The site of the proposed development W was in conformance with the Local Coastal Program, including allowable uses, and densities, and minimum parcel size, and
- d. The proposed development W will cluster building sites and provide for permanent open space protection in close proximity to the URL/USL in locations consistent with the Critical Viewshed Standards, and shall provide for permanent open space protection for that part of the property outside of the allowable building envelope.

109

MODIFICATION 109

pg. 7-49 Cambria Urban Area Communitywide Standard 3. Add the following new standards on page 7-49:

D. New Residential Subdivisions. All new residential lots, 7500 sq. ft. or smaller, shall be required to permanently retire an equivalent area (expressed in square footage) of existing lots in the East and West Lodge Hill and Park Hill planning areas. No more than one retired lot per transaction can be located on slopes greater than 25%. New lots over 7500 sq. ft. in size shall retire existing lots which total 7500 sq. ft. in size. Proof of the required retirement shall be submitted prior to recordation of the final parcel or subdivision map. Retired sites shall be covered by a recorded open space or conservation easement to prohibit development in perpetuity. Easements may be held by the County or the County may grant them to another public agency.

E Desalination plants. Desalination plants constructed to serve new development within the service boundaries of the CCSD shall only be permitted if owned and operated by the CCSD. Private desalination plants to serve a single project or any fraction of the district are prohibited.

110

pg. 7-50: Cambria Urban Area Communitywide Standard 6. Modify Standard 6 to include a new Standard A, delete Standard B, and reletter the remaining Standards, as follows:

A. No new development, except for public services, shall be approved in the flood hazard area within the Cambria USL as shown on the County's official land use and combining designation maps until a comprehensive flood analysis and management plan is certified as an amendment to the LCP and is implemented. The purpose of the flood analysis and management plan is to limit flooding of the West Village, from Santa Rosa Creek at the southeasterly edge of the Mid-State Bank property to the Windsor Boulevard bridge, in a manner that is consistent with

TABLE 3-1
EXHIBIT 8

Table 3-1
1995 Recommended Resource Severity Levels & Population Thresholds
North Coast Planning Area

1995 RESOURCE SEVERITY LEVELS & POPULATION THRESHOLDS NORTH COAST PLANNING AREA						
RESOURCE	LEVELS OF SEVERITY (1)					
	I		II		III	
	POP	YEAR	POP	YEAR	POP	YEAR
WATER SUPPLY						
CAMBRIA (2)	*	*	*	*	‡	‡
SAN SIMEON ACRES (3)	‡	‡	‡	‡	‡	‡
SEWAGE TREATMENT						
CAMBRIA (4)	10,400	2022	10,600	2022	11,500	2022
SAN SIMEON ACRES (5)	362	2003	388	2004	841	2008
SCHOOLS						
CAMBRIA GRAMMAR (7)	*	*	*	*	*	*
SANTA LUCIA MIDDLE (7)	*	*	*	*	*	*
COAST UNION HIGH (6)	*	*	‡	‡	12,900	2008
AIR QUALITY (8)	*	*	*	*	(8)	(8)
ROADS/CIRCULATION						
HIGHWAY 1 (9)	*	*	*	*	*	*
MAIN ST., CAMBRIA	*	*	*	*	*	*

NOTES: Data from 1990 Census, and 1995 County Annual Resource Summary Report.

- * LEVEL OF SEVERITY FOR CATEGORY ALREADY PASSED.
- (1) DATE AND PROJECTED POPULATION BASED ON 1990 CENSUS DATA, 2.3% ANNUAL GROWTH RATE EQUIVALENT TO HISTORIC GROWTH RATE.
- (2) SAN SIMEON AND SANTA ROSA CREEKS ARE PRIMARY WATER BASINS. RMS SEVERITY LEVELS ESTIMATED IN 1990 WERE LEVEL II, BUT BECAUSE OF REOCCURRING DRY SEASON SHORTAGES, OVERALL RMS LEVEL IS III.
- (3) BASED ON LOWER USE RATES DUE TO COMPLETION OF RETROFIT PROGRAM. WATER PUMPING ASSUMED TO EQUAL THE CAPACITY OF PICO CREEK BASIN. BASED ON SEASONAL SHORTAGES AND SCHED FOR PROPHETIC TREATMENT PLANT AT 50% OF CAPACITY. EXPANSION WILL ALLOW PERIODIC SHUT-DOWN FOR REPAIRS.
- (4) TREATMENT PLANT AT 38% OF CAPACITY, SINCE COMPLETION OF RETROFIT PROGRAM.
- (5) SCHOOL SERVES OTHER AREAS OF NORTH COAST AND ESTERO PLANNING AREAS. LEVEL III POPULATION THRESHOLDS ARE: CAMBRIA, 7,650; CAYUCOS, 4010; RURAL NORTH COAST, 1,240
- (6) CAMBRIA STUDENTS ONLY.
- (7) AIR QUALITY FOR ENTIRE COUNTY IS LEVEL II, 75% OF THRESHOLD LEVEL. NO ESTIMATE FOR RMS LEVEL III.
- (8) BASED ON CAL TRANS ESTIMATES OF LEVEL OF SERVICE 'D', WITH LEVEL DECLINING TO 'E', IN SUMMER MONTHS.

ADOPTED BY SLO BOARD OF SUPERVISORS 12.10.96