

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
427-4863

C.F.X.
8/25/99



W6d

STAFF REPORT: APPEAL DE NOVO HEARING

Filed: 03/23/99
49th day: 05/11/99
180th day: 09/19/99
Staff: SG
Staff report: 08/25/99
Hearing Date: 09/15/99
Prior Commission Action
Open & Continue: 04/14/98
Substantial Issue: 05/13/99

Appeal number.....A-3-SLO-99-025
Applicant.....Richard and Patricia Moon
Appellant.....Pati Hutchinson
Local government.....San Luis Obispo County
Local decision.....Approved with conditions, 03/02/99
Project location.....3587 Studio Drive, at its southern intersection with Highway One in the southern part of the community of Cayucos in central San Luis Obispo County (APN: 064-446-04).
Project descriptionAddition to existing single family dwelling consisting of a covered porch, first story addition with enclosed entry area, second story sunroom shell enclosure around existing second story deck; and a variance to exceed the Community Small Scale Design Neighborhood residential size limitations.
File documentsSan Luis Obispo County certified LCP; San Luis Obispo County permit files D970091D and D970092V.
Staff recommendationApproval

Staff Summary: On May 13, 1999, the Commission found that substantial issue existed with respect to the consistency of San Luis Obispo County's approval of this project for the remodeling of and addition to a single family residence. The existing residence and yard are located on two adjacent lots. The residence currently exceeds the Community Small Scale Design Neighborhood residential size limitation for the two-lot site by about 310 square feet. The project would add about 551 square feet to the house and consists of a first floor covered porch, enclosed entryway, and sun room, and a second story sunroom created by the enclosure of an existing deck and landing. The stated purpose of the addition is to reduce the noise level, both outside and inside the house, that is generated by the freeway that parallels the house immediately behind it. Exterior noise levels were measured as high as 73 decibels. The County Noise Element identifies 60 decibels as a threshold for exterior noise, with levels exceeding that identified as generally uncomfortable for most people for outdoor activities. Although the proposed addition is inconsistent with the LCP size limitations, **staff is recommending that the Commission APPROVE the coastal development permit for this development through a variance finding.** This approval should not be considered as a precedent, though, for any future development proposals in the Community Small Scale Design Neighborhood. Staff

recommends that the Commission impose a condition requiring that the applicant's two lots be combined, because the sunroom addition would cause the house structure to encroach onto the applicant's smaller lot that serves largely as a garden/patio area. Since the Commission found that Substantial Issue exists, staff has worked with the applicant to try to identify alternatives and to develop comparative noise measurements that might support a special circumstances variance finding. The only feasible alternative to the proposed sunroom that has been identified is the construction of a soundwall. However, the noise analysis indicates that the wall would have to be 16 feet, eight inches tall. Such a wall would present an unattractive view from the highway, even if camouflaged with landscaping. Although the addition of the sunroom would result in adding square footage to a house that already exceeds the maximum size allowed under the Community Small Scale Design Neighborhood standards, the facts in this case justify findings in support of a variance from those standards.

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I. STAFF RECOMMENDATION ON COASTAL DEVELOPMENT PERMIT

Staff recommends that the Commission, after public hearing, approve the proposal as conditioned.

MOTION: *I move that the Commission approve Coastal Development Permit Number A-3-99-025 subject to the conditions below and that the Commission adopt the resolution of Approval with Conditions.*

Staff recommends a **YES** vote on the preceding motion. This would result in approval of the project as conditioned. A majority of the Commissioners present is required to pass the motion and adopt the following resolution:

RESOLUTION: *Approval with Conditions*

The Commission hereby grants a coastal development permit subject to the conditions below, for the proposed development on the grounds that the development, as conditioned, will be in conformance with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government to maintain a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is not located between the sea and the first public road nearest the shoreline, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. CONDITIONS

A. Standard Conditions

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

B. Special Conditions

1. Authorized Project

The project authorized by this permit is the construction of a sunroom addition of approximately 551 square feet as approved by the County of San Luis Obispo and as described herein.

2. Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, permittee shall submit to the Executive Director for review and approval two sets of plans accompanied by a letter from the County Planning Department stating that the plans are in substantial compliance with the County's approval. The plans shall indicate that the permittee's two lots have been combined into one legal lot.

3. Lot Combination

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, permittee shall submit to the Executive Director for review evidence that the permittee has irrevocably combined the two lots into one legal lot through the process described in San Luis Obispo County's Real Property Division Ordinance Section 21.06.085.

4. Effect on County Conditions

This Coastal Commission action has no effect on conditions imposed by the County of San Luis Obispo pursuant to an authority other than the California Coastal Act.

III. RECOMMENDED FINDINGS AND DECLARATIONS

A. Project Location and Description

The site of the proposed project is 3587 Studio Drive, at its southern intersection with Highway One in the southern part of the community of Cayucos in San Luis Obispo County. At this location, Studio Drive traverses a very narrow strip of coastal terrace immediately seaward of the highway. Only the subject parcel, Studio Drive, and a blufftop parcel lie between Highway One and the beach. Farther north along Studio Drive several parcels lie between it and the highway. The Studio Drive neighborhood is one of two Small Scale Design Neighborhoods in Cayucos. The other is the Pacific Avenue area farther north in the central part of the community (See Exhibit 3).

Being at the intersection of Studio Drive and the highway, the south side of the site is open to the highway without any buffer against the traffic noise. The project entails a first floor covered porch, enclosed entryway, and sunroom, and a second story sunroom created by the enclosure of an existing deck and landing. The applicant's stated reason for the project is to buffer the south side yard area and portions of the interior of the house from the traffic noise on Highway

One. The first floor sunroom would allow gardening in a glass-enclosed area that would be buffered from traffic noise. The project would also reduce noise levels inside the house. The project as approved by the Board of Supervisors would add about 551 square feet to the house. The Commission found substantial issue on May 13, 1999, based on the project's inconsistency with the community small scale Design neighborhood standards of the certified LCP.

B. Findings for De Novo Hearing and Approval of the Project

1. Community Small Scale Design Neighborhood Standards and Existing House

The Community Small-Scale Design Neighborhood (CSSDN) standards are found in Chapter 8 of the Estero Area Plan portion of the certified LCP. The CSSDN standards apply in the Pacific Avenue neighborhood and in the Studio Drive neighborhood in the unincorporated community of Cayucos, in San Luis Obispo County (see Exhibit 4). The purpose of the standards is to help preserve the small scale feel of the neighborhoods and to preserve views to the ocean and along the coast by limiting bulk and massing. Visually, the most sensitive part of the mile long Studio Drive neighborhood is the northern section. According to the County's Coastal Plan Policies document, any structure there "will block some view of the ocean, but two-story structures will also eliminate vistas of the distant ocean and the horizon. . . ." The subject site is not located in the northern portion of the Studio Drive neighborhood, but is rather at the very southern end of the neighborhood where numerous two story houses already impair the views.

The CSSDN standards essentially limit the amount of gross structural area allowed on a lot and include standards for second story setbacks, building heights, etc. Gross structural area (GSA) is the area contained within the structure. If there are two stories, then the GSA is the area contained in both stories. Table 8-1 lists lot sizes in three ranges: 1) up to 2899 square feet, 2) 2900 to 4999 square feet, and 3) 5000 square feet and above. It also lists the allowable maximum gross structural area allowed in each range.

The applicant owns two adjacent legal lots of record. The existing house is completely on the larger of the two lots, which is approximately 2275 square feet in size. The other, vacant lot, which currently serves as a yard area for the house, is smaller at about 1706 square feet. Either lot, individually, falls into the smallest of the three ranges listed in Table 8-1. The GSA of residences on lots in that size range is limited to 60 percent of the lot size or 1595 square feet, whichever is less.

It is entirely possible for the GSA of older houses to exceed the size of the lot on which they were built. That is the case here. The existing house, built on the larger of the applicant's two lots long before the adoption of the CSSDN standards, is about 2500 square feet in size or 110 % of the size of the 2275 square foot lot on which it is located. Today, if that single lot was vacant and a new house was proposed there, its size would be limited to 60 percent of 2275, or 1365 square feet. Thus, the existing house exceeds the currently allowed amount by about 1135 square feet. However, because the proposed sunroom would encroach on the smaller of the two lots, the GSA figures for the applicant's two lots together must be discussed.

If both lots are considered together, they total just under 4000 square feet (approx. 3981 sq. ft.). That amount of area falls into the 2900 to 4999 square foot lot size category in Table 8-1. The GSA of residences on lots in that size range is limited to 55 percent or the lot size, or 2500 square feet, whichever is less. If a new house were proposed on the subject parcel (i.e., both lots together), its size would be limited to 55 percent of 3981, or 2190 square feet. The existing house is about 2500 square feet in size (about 63 % of the parcel size, i.e., the size of both lots together), exceeding the allowed amount by about 310 square feet. The project would add approximately another 551 square feet resulting in a total of 3051 square feet, making the house size 861 square feet over the allowed size. At that size, the house would be about 77 percent of the parcel size (both lots together). Clearly, such an addition could not be allowed under the LCP without a variance from the Community Small-Scale Design Neighborhood (CSSDN) standards.

2. Variance

To approve the applicant's proposal, a variance must be granted to the design standards. Under the LCP, variances may be granted by the review authority when certain findings can be made, as required by Government Code Section 65906. The required findings are set forth in Section 23.01.045(d) of the Coastal Zone Land Use Ordinance, as follows:

Section 23.01.045(d)

- a. *The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which such property is situated; and*
- b. *There are special circumstances applicable to the property, related only to size, shape, topography, location, or surroundings, and because of these circumstances, the strict application of this title would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category; and*
- c. *The variance does not authorize a use that is not otherwise authorized in the land use category; and*
- d. *The variance is consistent with the provisions of the General Plan (LCP); and*
- e. *The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.*

The Planning Commission found that the findings required for approval of the variance could not be made. Rather, the Planning Commission found that the variance would constitute a grant of special privileges because many other residences located along Highway One have high noise exposure; that there were not sufficient special circumstances related to the parcel's size, topography, or location to justify varying from the size limitation standards and the strict application of the CSSDN standards would not deprive the property of privileges enjoyed by

other property in the vicinity and same land use category because those other properties do not have a similar increase in the permitted square footage; and that granting the variance would not be consistent with the provisions of the LCP, specifically the CSSDN standards.

On appeal, the Board of Supervisors reversed the Planning Commission decision and approved the variance. Specifically, the Board found that there would be no grant of special privileges because the subject site is "uniquely exposed to both freeway noise and noise from the Studio Drive intersection" and exceeding the maximum allowed gross structural area "is outweighed by the need to provide viable noise mitigation." The Board further found that "[t]he larger than average site involves two lots with the potential for two residences as opposed to one" and that "the larger site offsets the requested increase in square footage, and includes a larger corner-side yard than would normally be required." The Board found that special circumstances applicable to the property did exist in that the "site is exceptionally and uniquely exposed to both freeway noise and noise from the Studio Drive intersection" and that strict application of land use regulations "without noise mitigation, would deprive the property of privileges enjoyed by other property in the vicinity. . . in the same land use category. . . because they have less noise." Finally, the Board found that granting the variance "would not otherwise conflict with the provisions of the Local Coastal Program. . . ."

Although the Board found that the parcel's location makes it "uniquely exposed to both freeway noise and noise from the Studio Drive intersection," there was nothing in the record to document or verify this finding. There are more than one dozen stub streets adjacent to the highway between the subject parcel and another Studio Drive/Highway One intersection to the north.

Additional houses adjacent to the highway exist between that intersection and the third, most northerly Studio Drive/Highway One intersection. No measurements of noise levels at other sites between Studio Drive and the highway were included in the record received from the County. Although intuitively it appears that the subject parcel is only one of at most a few similarly situated parcels and may be in fact "uniquely exposed to both freeway noise and noise from the Studio Drive intersection," the record contained no quantitative information supporting such a finding.

Subsequent to the Commission's finding of Substantial Issue, the applicant submitted further noise measurements and photographs to better illustrate the Moon's situation (see Exhibit 6). An increase of 3 decibels (dB) represents a two fold increase in energy, so that the amount of energy given off by a noise source which measures 42 dB is six times that of one which measures 33 dB ($42 - 33 = 9$, $9 \div 3 = 3$, $3 \times 2 = 6$). For purposes of determining environmental impacts, an increase of 3 dB or more is considered significant and is noticed by all except for those with some hearing impairment. Increases of 5 dB or more are generally noticed by everyone except for those with profound hearing impairment. Hard surfaces such as pavement reflect noise energy whereas soft surfaces such as a plowed field absorb noise energy. Therefore, a noise receptor adjacent to a paved surface such as a street will be subject to noise energy reflected off the pavement in addition to noise energy coming directly from the source. The result is that such a receptor would be subject to more noise energy than would that same receptor if the land adjacent to it was a plowed field rather than a paved surface.

Additional noise measurements were made on August 4, 1999, at the Moon's house and at three other sites along Studio Drive, including at the house immediately north of the Moon's house. Those measurements show that average outdoor noise levels outside of the three

additional houses at their patios are similar, at 59 dB, 60 dB, and 61 dB. Average outdoor noise level at the Moon's patio was the highest at 62 dB, 3 dB over the lowest reading at one of the other houses (note that 67 dB was measured at the Moon's balcony on the second floor overlooking the patio and facing the highway). Average indoor noise levels were 33 dB, 36 dB, and 37 dB at the three additional sites. The Moon's house had the highest average indoor noise level, at 41 dB, 4 dB over the next highest measurement and as much as 8 dB over the lowest measured indoor noise level. Clearly, the Moon's house experiences higher noise levels than the other houses and levels that are significant and noticeable.

Commission staff has discussed alternatives with the project architect. Excavating to make a sunken garden area is probably not feasible because of high groundwater. Construction of a wall only as high as the bottom of the second floor (about ten feet), with the second floor deck enclosed was discussed, but the sound engineer indicated that "a complete 16'8" wall would provide sufficient [noise] reduction, whereas a 10' wall or two-height wall (10' / 16'8") would not." A wall the height recommended by the sound engineer would have to be designed carefully and perhaps include landscaping with trees or shrubbery on the Highway One-Studio drive intersection side to make it less obvious and intrusive. Some indoor noise reduction could be achieved by means of installing double-paned windows and/or soundwalls directly attached to the house. However, those would do nothing to reduce outdoor noise.

Information submitted by the applicant indicates that only a very few houses, approximately 3, are similarly situated and could conceivably legitimately request similar additional non-conforming square footage (see Exhibit 6). The appellant has also submitted photographs and maps that indicate that at least 15 houses are situated similarly to the Moon's (see Exhibit 7). In reality, all of the houses that lie between the highway and Studio Drive along its approximately one mile length probably have relatively high noise levels, unless they are relatively new and therefore have noise reducing design and materials. Still, there are only two other houses that are situated similarly to the Moon's house, i.e., at a paved intersection immediately adjacent to the highway pavement with living areas directly exposed to highway noise from one side of the house and highway and highway-local street intersection noise from another side of the house. Those are the houses shown in photo 7 of Exhibit 6 and photos 1 and 5 of Exhibit 7. The house shown in photo 1 of Exhibit 7 is somewhat different in that it is farther from the highway and elevated above it. While not along Studio Drive and not in the Studio Drive Small Scale Design Neighborhood, it is in the Pacific Avenue SSDN.

Overall, the Commission finds that, based on the additional noise measurement information and the photographs, there are special circumstances applicable to the Moon property related to its location and surroundings, and that because of these circumstances, the strict application of the Community Small Scale Design Neighborhood standards would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category; and that the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which such property is situated. The Commission also finds and declares that this action should not be considered precedent setting for any future development proposals in the Community Small Scale Design Neighborhood. **Therefore the Commission finds that the proposed sunroom addition, as conditioned, is consistent with the Local Coastal Program.**

3. Lot Combination

The Board found that "[t]he larger than average site involves two lots with the potential for two residences as opposed to one" and that "the larger site offsets the requested increase in square footage, and includes a larger corner-side yard than would normally be required." Of the two lots that make up the parcel, the one on which the existing house sits measures roughly 35 feet by 65 feet for a total of 2275 square feet. A triangular portion, the northeast quarter of the other lot, is shown on the Assessor's Parcel Map as being part of the Highway One right-of-way and contains a drainage ditch. That portion of the lot apparently became part of the highway right-of-way during the relocation and widening of Highway One to four lanes. According to Caltrans, it was relinquished to the San Luis Obispo County in 1963. According to the County right-of-way agent, that triangular portion is still owned by the County. Thus the Moon's second lot, currently used as a garden and patio area, is about 1706 square feet, or about 25 percent smaller than their other lot that has the house on it.

If the Moon's were allowed to construct the proposed sunroom, it would encroach onto the smaller lot. Therefore, the lots should be merged to remove any uncertainty about future construction and to mitigate the expansion of an already non-conforming house. In addition, if the lots are not merged, a future builder wanting to develop the smaller lot would have to remove the sunroom or seek approval of a lot line adjustment which, if approved, would result in an even smaller and more highly constrained lot. The smaller lot currently is only about 1706 square feet. Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.044e(2) states that the minimum site area for a single family residence is 1750 square feet. Thus "the potential for two residences as opposed to one" would require a variance from the community small scale design standards in order to be realized. If the two existing lots were combined into one, then there would be no future issues of a lot line adjustment or development on a highly constrained lot (the current Moon residence is non-conforming even using both lots for the calculation). Combining the lots to preclude development on the smaller lot would also make the house and the proposed sunroom addition appear less massive. They would appear to be on a full double lot site. The quarter of the smaller lot that became part of the highway right-of-way is undeveloped and will remain that way because it is used as a drainage way for runoff from the highway.

4. Conclusion

The San Luis Obispo County Local Coastal Program (LCP) contains specific policies and standards for the purpose of protecting public views and small-scale neighborhoods. These LCP requirements were adopted in response to the Coastal Act's visual resource protection policies. Specifically, Coastal Act Section 30251 requires the protection of "scenic and visual qualities of coastal areas. . . as a resource of public importance" and requires that "[p]ermitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas. . . ." And, Coastal Act Section 30253 requires that new development must protect special coastal communities and neighborhoods that are popular recreational destinations.

The County discussed the issue of visual quality and retention of public ocean views as early as 1980 in its Visual and Scenic Resources Study, one of several background studies prepared as

part of the LCP development. Subsequently, the County designated portions of Cayucos, including the Studio Drive neighborhood, as Community Small Scale Design Neighborhoods and developed standards to protect visual qualities and maintain the relatively small scale of houses.

However, with the submittal of additional noise information and the photographs it is clear that the Moon residence is indeed different from the other houses with respect to noise. As discussed above, it does not appear that more than one or possibly two other properties could make a showing that they are subject to the same unique circumstances, i.e., at a paved intersection immediately adjacent to the highway pavement with living areas directly exposed to highway noise from one side of the house and highway-local street intersection noise from another side of the house, and with noise levels higher than other sites in the area. This approval should not be considered as a precedent, though, for any future development proposals in the Community Small Scale Design Neighborhood.

Therefore, the Commission finds that the project, as conditioned, does conform to the requirements of the Local Coastal Program and is approved.

IV. 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 CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary for Resources as being the functional equivalent of environmental review under CEQA. Accordingly, the Commission finds that the proposed project will not have significant adverse effects on the environment within the meaning of CEQA; that there are no feasible alternatives which would significantly reduce any potential adverse effects; and, accordingly, the proposal, as conditioned, is in conformance with CEQA requirements.

Coastal



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-SLO-99-027
APPEAL PERIOD 3/16-3/29/99

ALEX HINDS
DIRECTOR

BRYCE TINGLE
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

BARNEY MCCAY
CHIEF BUILDING OFFICIAL

RECEIVED

MAR 15 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: 3/2/99

SUBJECT: D970091D & D970092V/moon

LOCATED WITHIN COASTAL ZONE: (YES) NO

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



San Luis Obispo Board of Supervisors

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

This action is appealable to the California Coastal Commission pursuant to Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. This appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (408) 427-4863 for further information on appeal procedures. If you have questions regarding your project, please contact your planner, Jerry Wahlen, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5600.

Sincerely,

Linda Jones

Linda Jones

CURRENT DEVELOPMENT

EXHIBIT 1

A-3-SLO-99-025

Page 1

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

Tues day March 2, 1999

PRESENT: Supervisors Shirley Bianchi, Peg Pinard, K.H. "Katcho" Achadjian, Michael P. Ryan,
and Chairperson Harry L. Ovitt

ABSENT: None

RESOLUTION NO. 99-92

RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION
AND PARTIALLY APPROVING THE APPLICATION OF RICHARD AND
PATRICIA MOON FOR VARIANCE D970092V

The following resolution is now offered and read:

WHEREAS, on October 8, 1998, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and disapproved the application of Richard and Patricia Moon for Variance D970092V; and

WHEREAS, Richard E. Moon has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on February 2, 1999, and the matter was continued to and determination and decision was made on March 2, 1999; and

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

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be upheld in part and the decision of the Planning Commission should be reversed and that the application for Variance D970092V should be approved as set forth below.

EXHIBIT 1, 2

A-3-510-99-095

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

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That this project is found to be categorically exempt from CEQA under the provisions of California Code of Regulations, title 14, section 15303, (class 3).
4. That the appeal filed by Richard E. Moon is hereby upheld in part and the decision of the Planning Commission is reversed and that the application of Richard and Patricia Moon for Variance (D970092V) is hereby partially approved based upon the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

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

AYES: Supervisors Bianchi, Ryan, Pinard, Achadjian, Chairperson Ovitt

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

HARRY L. OVITT

Chairman of the Board of Supervisors

ATTEST:

Julie L. Rodewald
Clerk of the Board of Supervisors

BY: CHERIE ASPURO Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: [Signature]
Deputy County Counsel

Dated: FEBRUARY 19, 1999

STATE OF CALIFORNIA) COUNTY OF SAN LUIS OBISPO) ss
I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.
Witness, my hand and seal of said Board of Supervisors this <u>9</u> day of <u>March</u> 19 <u>99</u>
JULIE L. RODEWALD County Clerk and Ex-Officio Clerk of the Board of Supervisors
By: <u>[Signature]</u> Deputy Clerk

EXHIBIT 1, 3

A-3-560-99-025

VARIANCE FINDINGS EXHIBIT - A
MOON D970092V

- A. The variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category that are also located within the Community Small Scale Design Neighborhood and subject to special square footage restrictions based on lot size, because although other residences located along Highway 1 have high noise exposure, this site is exceptionally and uniquely exposed to both freeway noise and noise from the Studio Drive intersection, and although this proposal exceeds the maximum gross structural area set by the Community Small Scale Design Neighborhood Planning Area Standards of the Local Coastal Plan, this is outweighed by the need to provide viable noise mitigation.
- B. The larger than average site involves two lots with the potential for two residences as opposed to one, and although the proposed addition would result in a residence that exceeds the size limitation for the Community Small Scale Design Neighborhood, the larger site offsets the requested increase in square footage, and includes a larger corner-side yard setback than would normally be required.
- C. There are sufficient special circumstances-applicable to the property, related to noise/location, to warrant the substantial variation to standards requested, because this site is exceptionally and uniquely exposed to both freeway noise and noise from the Studio Drive intersection, and these special circumstances, with the strict application of this title, and without noise mitigation, would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category and located in the Community Small Scale Design Neighborhood because they have less severe noise exposure.
- D. Granting the variance would not otherwise conflict with the provisions of the Local Coastal Program, and is limited to the Community Small Scale Design Neighborhood standards of the Estero Area Plan, Standard 4a because the upper story of the addition is not setback 3 feet from the lower story wall and Standard 4d because the addition exceeds the gross structural area limitation.
- E. The proposed project is found to be categorically exempt from CEQA under the provisions of California Code of Regulations, Title 14, Section 15303, (class 3).

EXHIBIT 1 .4

A-3-510-99-025

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

Tues day March 2, 19 99

PRESENT: Supervisors Shirley Bianchi, Peg Pinard, K. H. "Katcho" Achadjian, Michael P. Ryan,
and Chairperson Harry L. Ovitt

ABSENT: None

RESOLUTION NO. 99-93

RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION
AND CONDITIONALLY APPROVING THE APPLICATION OF RICHARD AND
PATRICIA MOON FOR MINOR USE PERMIT/COASTAL
DEVELOPMENT PERMIT D970091P

The following resolution is now offered and read:

WHEREAS, on October 8, 1998, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and disapproved the application of Richard and Patricia Moon for Minor Use Permit/Coastal Development Permit D970091P, a copy of which is on file in the office of the Secretary of the Planning Commission and is incorporated by reference herein as though set forth in full; and

WHEREAS, Richard E. Moon has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on February 2, 1999, and the matter was continued to and determination and decision was made on March 2, 1999; and

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

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be upheld and the decision of the Planning

Commission should be reversed and that the application should be approved subject to the findings and conditions set forth below.

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

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That this project is found to be categorically exempt from CEQA under the provisions of California Code of Regulations, title 14, section 15303, (class 3).
4. That the appeal filed by Richard E. Moon is hereby upheld and the decision of the Planning Commission is reversed and that the application of Richard and Patricia Moon for Minor Use Permit/Coastal Development Permit D970091P is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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

AYES: Supervisors Bianchi, Ryan, Pinard, Achadjian, Chairperson Ovitt

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

HARRY L. OVITT

Chairman of the Board of Supervisors

ATTEST:

Julie L. Rodewald

Clerk of the Board of Supervisors

BY: CHERIE AISPURO Deputy Clerk

EXHIBIT 1 p6

A-3-510-99-025

MINOR USE PERMIT FINDINGS EXHIBIT - B (sic)

MOON D970091P

- A. The proposed project or use is consistent with the Local Coastal Program and the Land Use Element of the general plan because it is an addition to a single family residence located in an area designated "Residential Single Family" allowed by Table "O" of the Land Use Element and Local Coastal Plan.
- B. The proposed project satisfies all applicable provisions of this title, as modified by the granting of Variance D970092V.
- C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the residence will be required to satisfy the provisions of the Uniform Building Code, and the Coastal Zone Land Use Ordinance pertaining to health and safety.
- D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because it is a single-family residence located in a residential area with some residences predating current development standards and therefore exceeding the size and design limitations of the Community Small Scale Design Neighborhood; and because the site is larger than most surrounding sites since it includes two lots and is better able to accommodate the larger residence.
- E. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because it is a single family residence located on a local road capable of carrying the traffic generated by the project.
- F. The proposed project would not otherwise conflict with the provisions of the Community Small Scale Design Neighborhood standards of the Estero Area Plan, except for Standard 4a because the upper story of the addition is not setback 3 feet from the lower story wall and Standard 4d because the addition exceeds the gross structural area limitation; the project is otherwise consistent with the planning area standards.
- G. The proposed project is found to be categorically exempt from CEQA under the provisions of California Code of Regulations, Title 14, Section 15303, (class 3).

EXHIBIT 1 , 7

A-3-SLO-99-025

MINOR USE PERMIT CONDITIONS EXHIBIT - C (sic)
MOON D970091P

Authorized Use

1. This approval authorizes the remodeling of a single family residence described as follows:
 - a) A second story sunroom enclosure of the existing deck and landing measuring 5 feet by 27.5 feet connecting to the existing eave overhang.
 - b) A first floor enclosed entryway measuring 10.75 feet by 27.5 feet.
 - c) A first floor sun room opening into the entryway measuring 5.33 feet by 22 feet.
 - d) A covered porch measuring 10.75 feet by 6 feet not to exceed the level of the first floor of the residence.
2. All permits shall be consistent with the revised Site Plan, Floor Plans, and Elevations dated February 17, 1999 and as further refined by condition number 1 above.

Plans

3. Prior to Finaling the Building Permit submit a fencing and landscaping plan consistent with the small scale neighborhood guidelines and the Coastal Zone Land Use Ordinance to the development review section for review and approval. Landscaping to be installed or bonded for prior to finaling the permit for the addition.

Sanitary District Release

4. Prior to issuance of a building permit, obtain a letter from the Cayucos Sanitary District to ensure that the addition conforms to their requirements and is not located within any sewer easements or lateral connections. Submit the letter to development review staff prior to requesting building permit issuance.

EXHIBIT 1 18
A-3-SLO-99-025

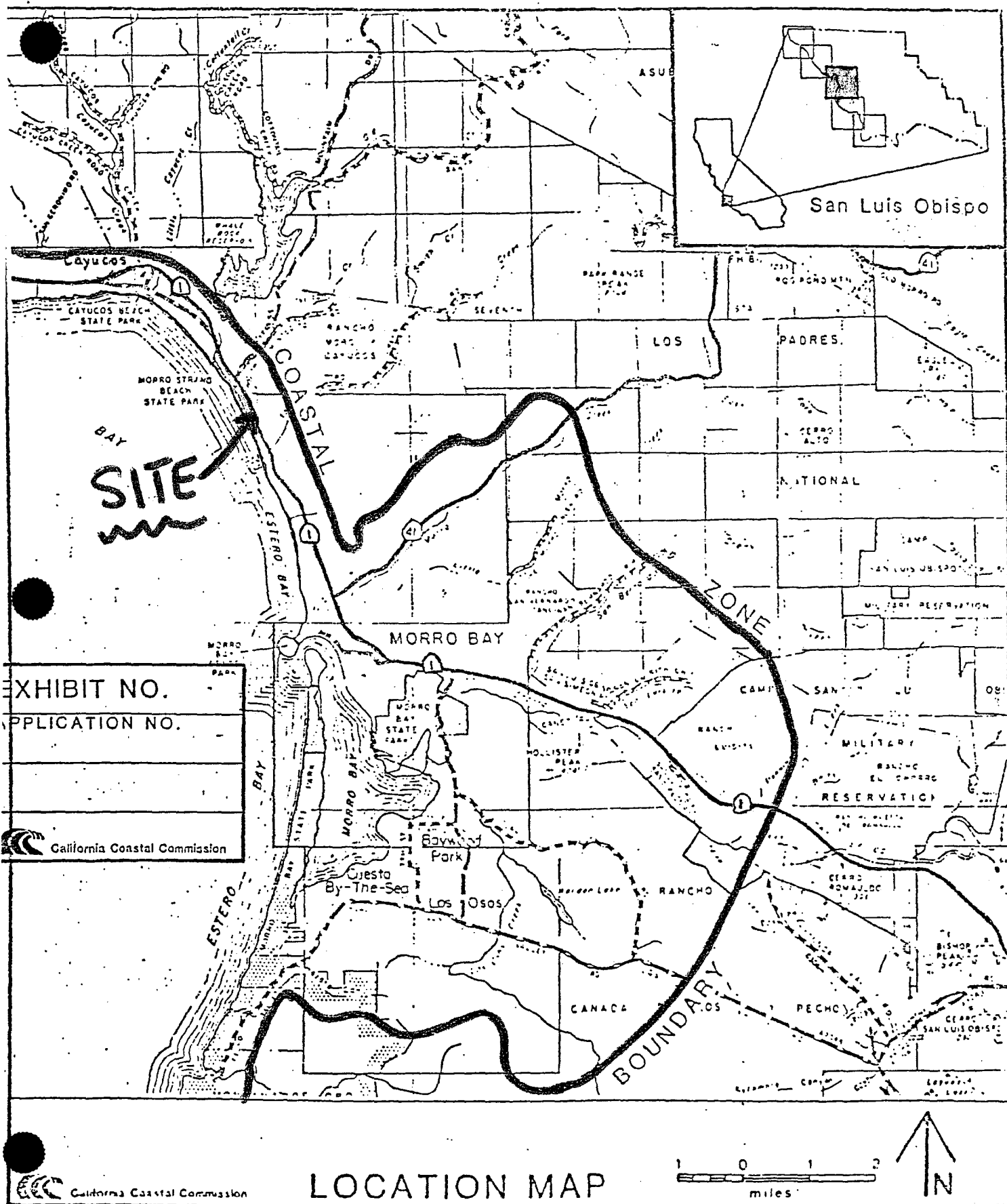


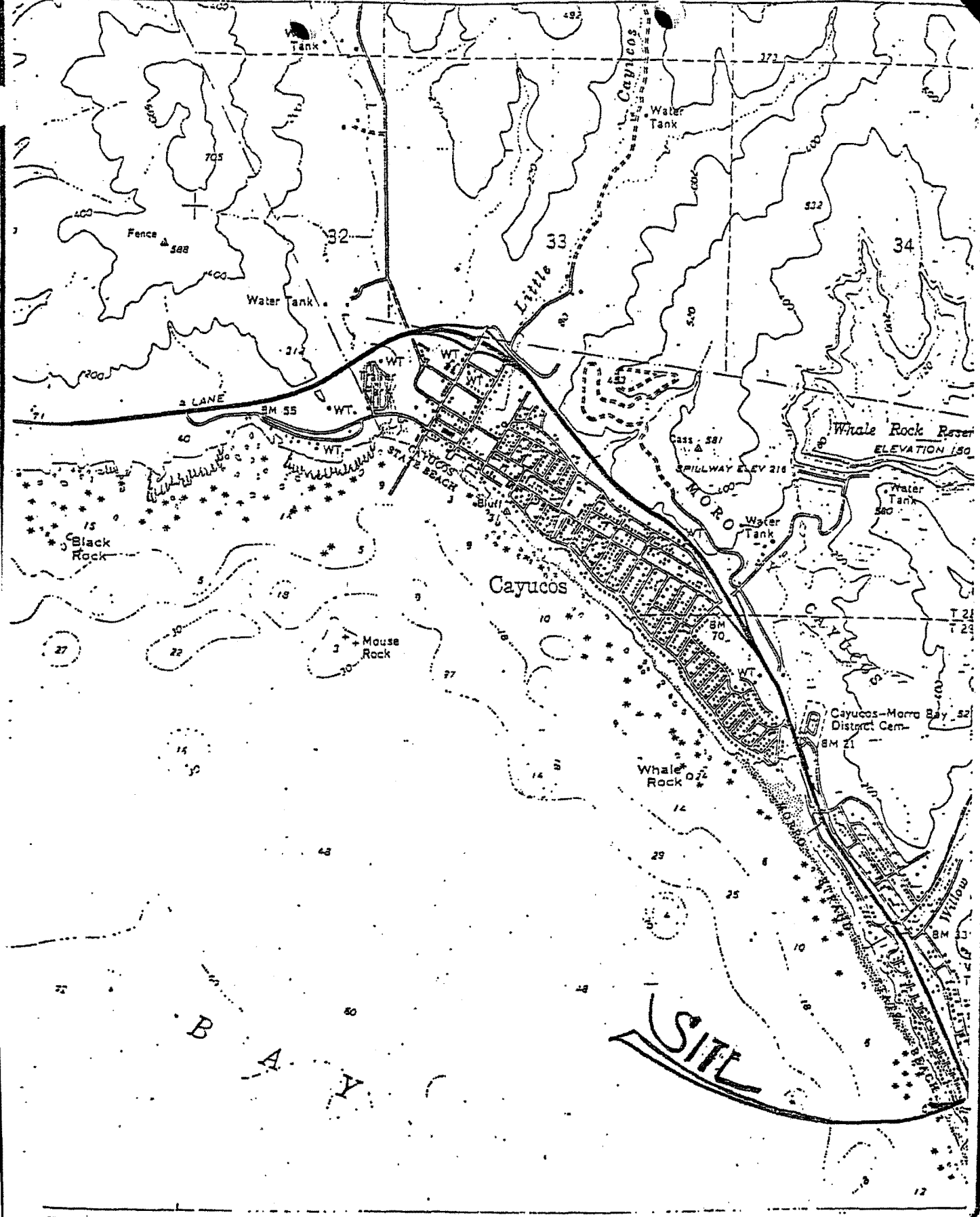
EXHIBIT NO.
APPLICATION NO.
California Coastal Commission

LOCATION MAP

County of San Luis Obispo

EXHIBIT 2
A-3-SLO-99-025

Sheet 3 of 5



PROJECT
MOON
D970091P & D970092V



EXHIBIT
VICINITY MAP
EXHIBIT 2 of 2
A-3-SLO-99-025



AG

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TO MORROBAY

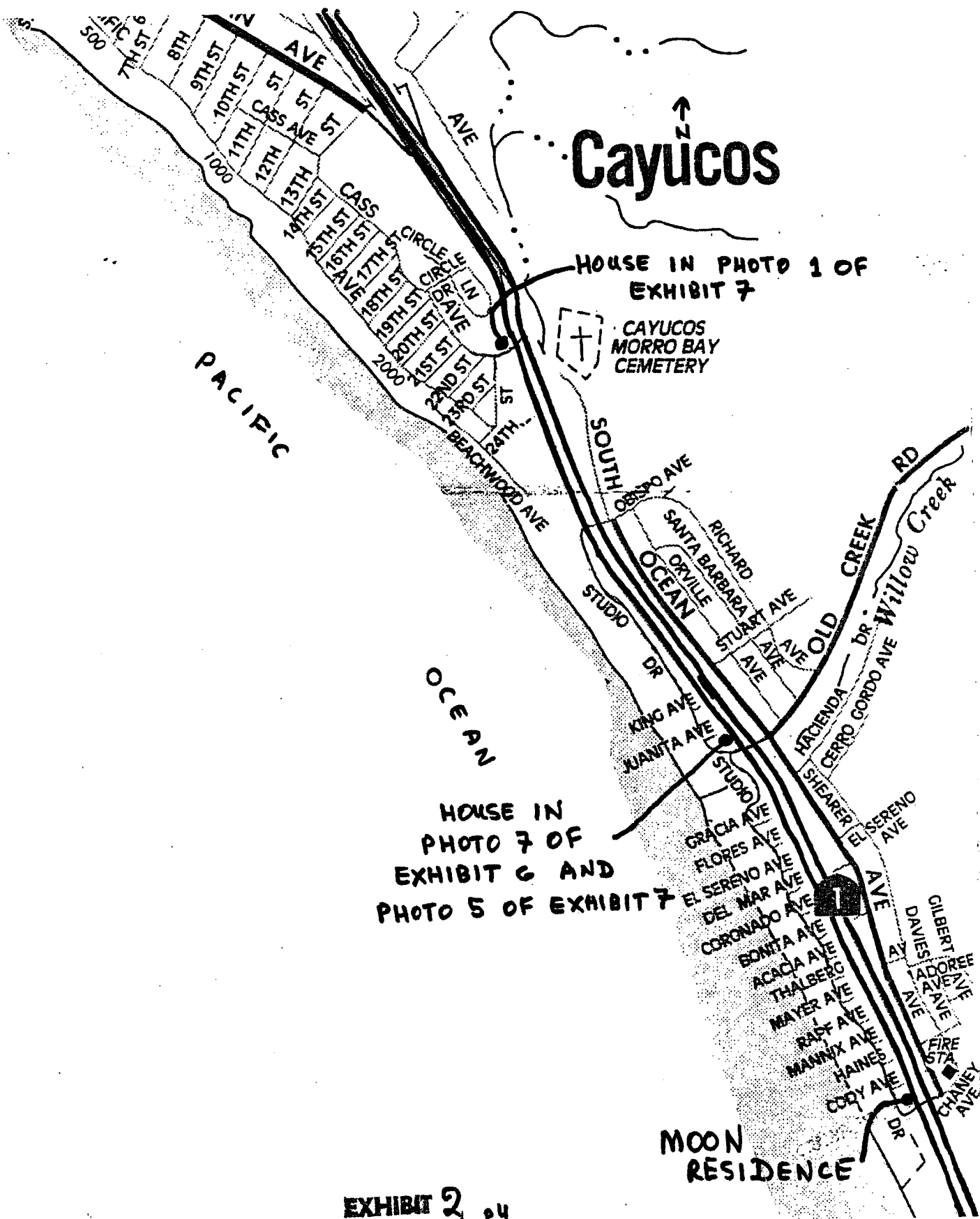
D970091P & D970092V



EXHIBIT

EXHIBIT 2 p. 3

A-3-560-99-Q25



Cayucos

HOUSE IN PHOTO 1 OF
EXHIBIT 7

CAYUCOS
MORRO BAY
CEMETERY

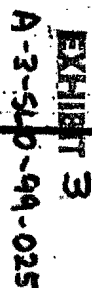
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EXHIBIT 6 AND
PHOTO 5 OF EXHIBIT 7

MOON
RESIDENCE

EXHIBIT 2 p4

A-3-SLO-99-025

ONE



Ruel J. Czach A.I.A. — F
80 N. Ocean Avenue, Suite A — Cayuco

29700910 $\frac{1}{2}$ 2970092 ✓



EXISTING RESIDENCE

EXHIBIT

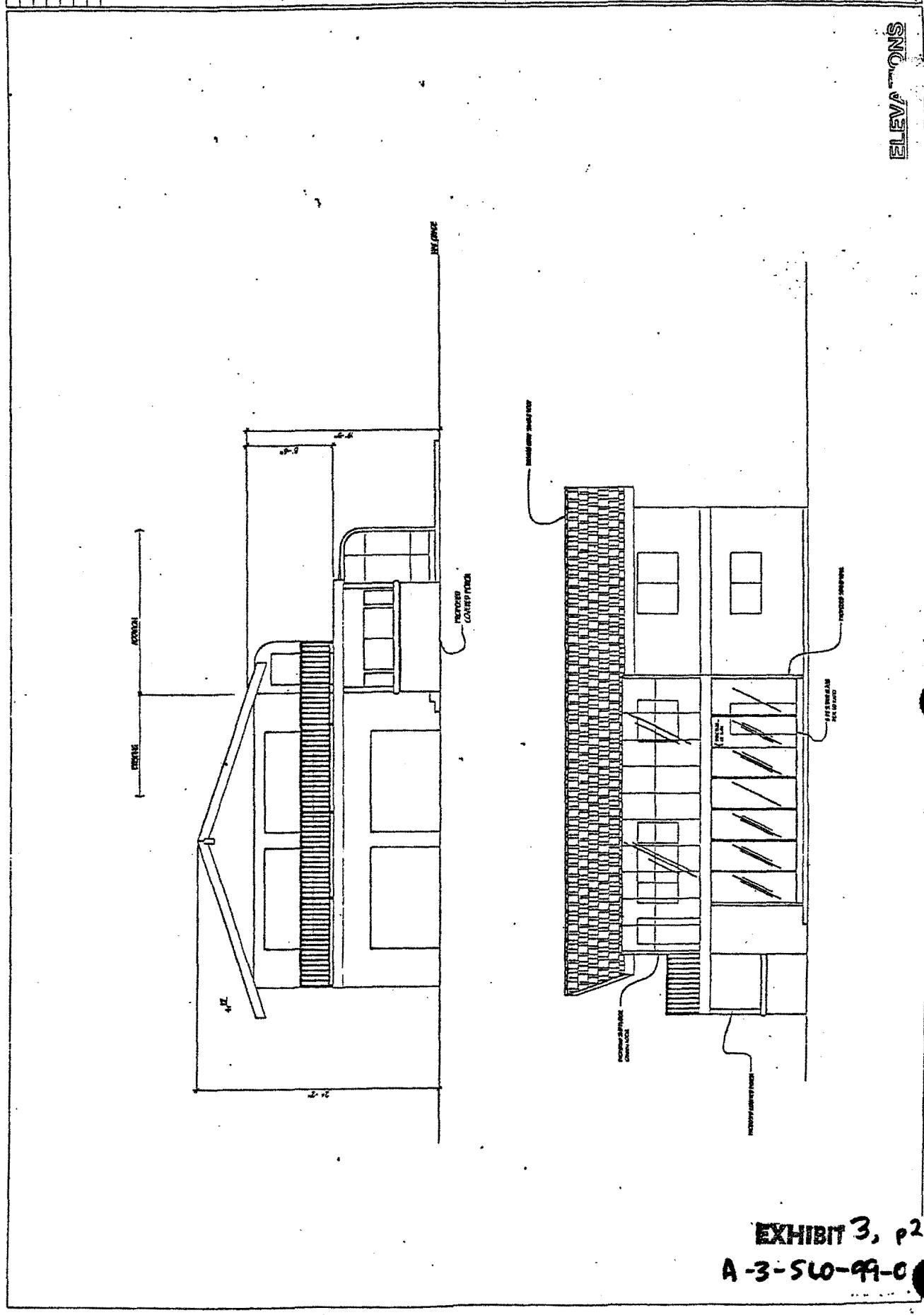


EXHIBIT 3, p2
A-3-560-99-0

7.1.1.1

Morro Strand State Beach Improvements. The State Department of Parks and Recreation shall complete the following improvements:

- a. Improvement of a paved parking area south of Old Creek.
- b. Picnic tables and restrooms.
- c. Interpretive signs describing the Old Creek lagoon and riparian habitat.
- d. All improvements at this location shall be consistent with the protection of the sensitive wetland habitat.

RESIDENTIAL MULTI-FAMILY: The following standards apply only to lands within the Residential Multi-Family land use category.

1. **Density.** Maximum residential density for new projects shall be as follows:
 - a. For site greater than one acre, the density shall not exceed 26 units per acre.
 - b. For sites one acre or less the density shall not exceed 15 units per acre.
2. **Height Limitation.** Maximum allowable building height shall be 28 feet, except that lots on the west side of Ocean Avenue shall be a maximum of 22 feet.
3. **Height - Locarno Tract.** The maximum allowable building height shall be 20 feet.
4. **Density - Locarno Tract.** Maximum residential density shall be 15 dwelling units/acres.

RESIDENTIAL SINGLE FAMILY: The following standards apply only to lands within the Residential Single Family land use category.

1. **Height Limitation.** New development shall not exceed 28 feet, unless a more restrictive height limitation is specified in the following standards.
2. **Location of Community Small Scale Design Neighborhoods.** Two neighborhoods are subject to the following standards (3, 4 and 6), and guidelines (5).

Pacific Avenue Neighborhood - That area designated Residential Single Family between Ocean Avenue, 13th Street, Cass Avenue, Circle Drive, Highway One, Old Creek, and the ocean.

→ **Studio Drive Neighborhood** - That area designated Residential Single Family between Highway One and the ocean.

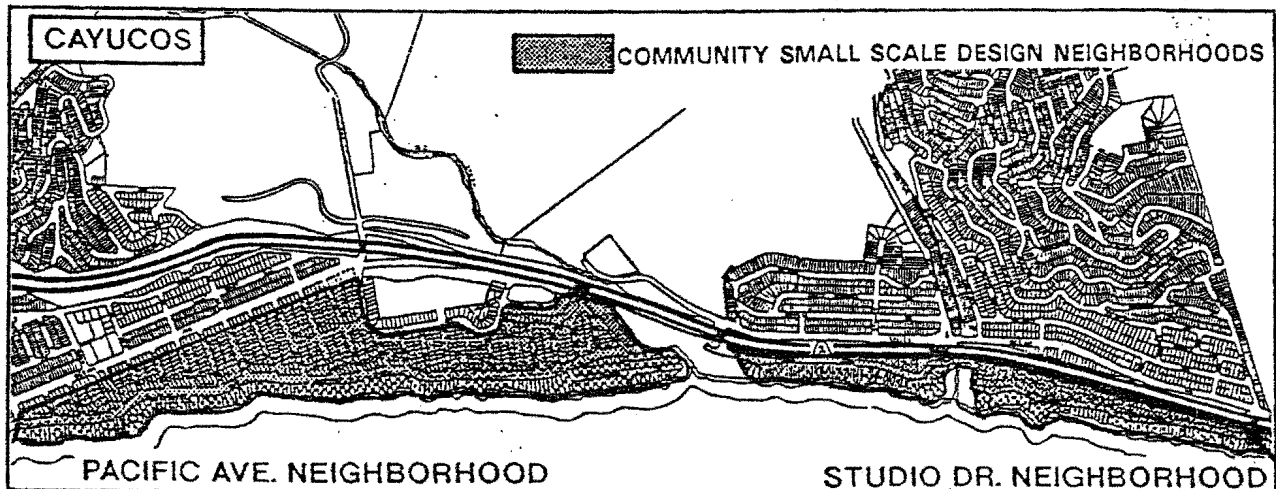


Figure 8-2: Community Small Scale Design Neighborhoods

3. Permit Requirements and Findings.

a. Plot Plan Permit:

- (1) Development with proposed structures that are one-story and do not exceed 15 feet in height, where all the development is located at least 100 feet from any wetland, estuary or stream, and at least 300 feet from the ocean bluff-top.
- (2) Development with proposed structures between 15 feet and 24 feet in height, where all the development is located at least 100 feet from any wetland, estuary or stream, and at least 300 feet from the ocean bluff-top may be approved subject to a maximum gross structural area (including the floor area of all garages) of 45% of usable site area, provided it complies with standards 4a, b, c; e, f(1), and g; and with guideline 5b and finding c.(2), listed below:

b. Minor Use Permit:

- (1) Development that is within 100 feet of any wetland, estuary or stream, or within 300 feet of the edge of the ocean bluff-top. In addition such development is subject to standards, guidelines and findings listed below.
- (2) Development with proposed structures between 15 feet and 24 feet in height except as provided in 3a.(2) above. In addition such development is subject to standards, guidelines and findings listed below.

c. Required Findings:

- (1) The proposed project meets the community small scale design neighborhood standards and is therefore consistent with the character and intent of the Cayucos community small scale design neighborhood.
- (2) For any proposed structure that exceeds 15 feet in height, public view of the ocean from Highway One or the respective neighborhood is not being further limited.

4. Standards.

- a. **Front Setbacks** - The ground level floor shall have setbacks as provided in Cayucos Communitywide Standard 2 and at no point shall a lower story wall exceed 12 feet in height including its above ground foundation. The second floor of proposed two-story construction shall have an additional front setback of at least three feet from the front of the lower wall, except open rail, uncovered decks are excluded from this additional setback and may extend to the lower front wall.
- b. **Side Setbacks** - Single story dwellings shall have setbacks as provided in Cayucos Communitywide Standard 2. Proposed two-story construction (including decks) shall have a lower floor setback on each side of not less than four feet, nor less than the required corner side setback if applicable. An upper story wall setback on each side yard of a minimum of two-and-one-half (2 1/2) feet greater than the lower story wall shall also be required. At no point shall a lower story wall exceed 12 feet in height including its above ground foundation. Thirty percent of the upper story side wall may align with the lower floor wall provided it is within the rear two-thirds of the structure.

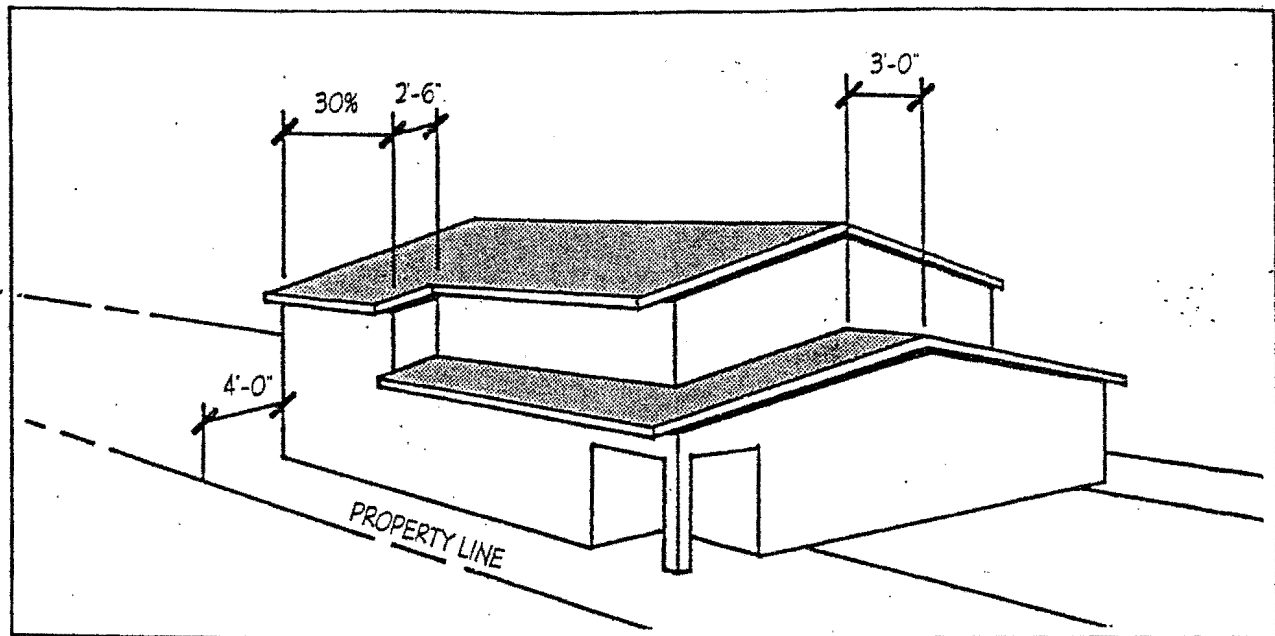


Figure 8-3: Setbacks for Two-Story Structures.

- c. **Building Height Limitations.** Heights shall be measured from the center line of the fronting street (narrowest side for corner lots) at a point midway between the two side property lines projected to the street center line, to the highest point of the roof. In the community small scale design neighborhood area defined in Standard 2, upslope lots shall use average natural grade. All proposed development including remodeling and building replacement is subject to the following limitations:

- (1) **Ocean Front Lots.** 15 feet maximum.
- (2) **Remainder of Community Small Scale Design Neighborhood lots.** Proposed structures, exclusive of chimneys and mechanical vents, are not to exceed 24 feet in height measured as provided above. Sloped (pitched) roofs are encouraged in all structures; however roof heights up to 18 feet shall not be required to have sloped roofs, roof heights exceeding 18 feet but not exceeding 22 feet shall have a roof pitch of at least 4:12 (4 inches of rise per 12 inches of run) and roof heights exceeding 22 feet but not exceeding the maximum height allowed (24 feet) shall have a roof pitch of at least 5:12 (5 inches of rise per 12 inches of run). Mansard or other flat style roofs on buildings over 18 feet are not permitted. Existing residences completed prior to April 25, 1995, with a roof pitch of at least 3:12 (3 inches of rise per 12 inches of run) may have second story roof slopes matching the existing slope where the building height does not exceed 22 feet.

- d. **Gross structural area (GSA).** One-story development, and all development on bluff top sites, is limited to a maximum gross structural area, including the area of all garages, of 3,500 square feet. Other new development or additions, exceeding one story or 15 feet in height, shall not exceed GSA's as provided in Table 8-1 below:

(1) Table 8-1

Lot Size	Percent of Usable Lot	Max. Gross Structural Area
Up to 2899	60%	1595 square feet
2900 - 4999	55%	2500 square feet
5000 +	50%	3500 square feet

- (2) The second story square footage shall be no greater than 60 percent of the first floor square footage.
- e. **Deck rail height** - Rail heights for decks above the ground floor shall not exceed 36 inches. A maximum additional height of 36 inches of untinted, transparent material with minimal support members is allowable except as restricted in 4a above.
- f. **Parking** - New development parking spaces shall comply with the CZLUO for required parking spaces except as follows:
- (1) At least one off-street parking space shall be enclosed with an interior space a minimum size of 10 feet by 20 feet.
- (2) A maximum of one required off-street parking space may be located in the driveway within the required front yard setback area. However, the minimum front yard setback from the property line to the garage is 20 feet if this design is used.
- g. **Driveway Widths** - Driveway widths for proposed development may not exceed 18 feet.
- h. **Streetscape Plan** - A scale drawing showing the front exterior elevation (view) of the proposed project, and the front elevations of the adjacent buildings, is required as part of the application submittal.

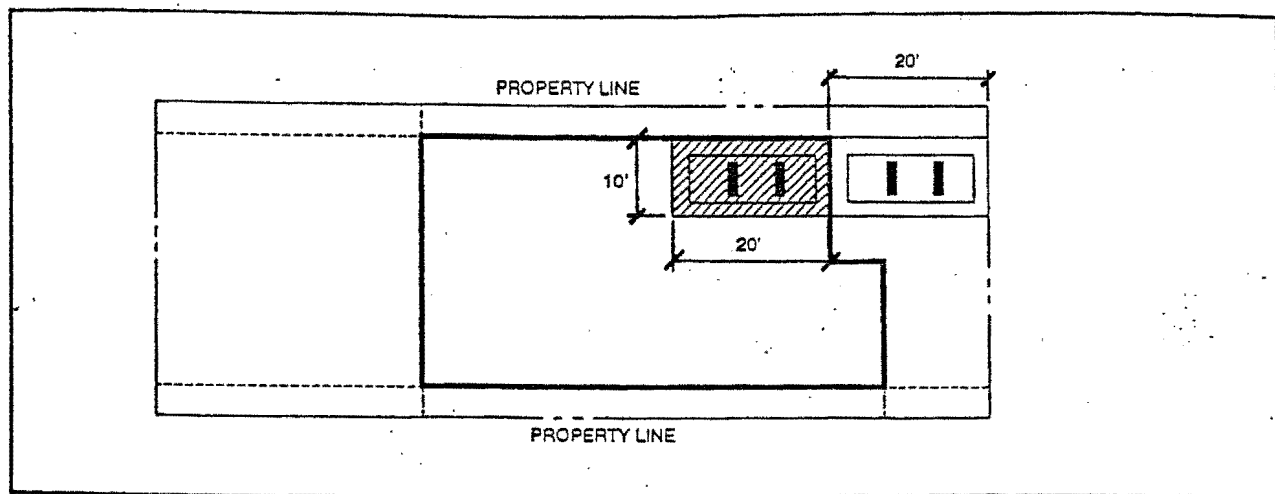


Figure 8-4: Parking Space Shown in Front Yard Area with Minimum 20' Setback to Building.

- i. **Topographic Map** - A topographic map including the elevation of the fronting street, site contours, and existing and proposed drainage patterns is required as part of the application submittal.
5. **Guidelines.** The following are guidelines that should be considered when designing *any* proposed project within the subject areas. A project subject to a Minor Use Permit approval will consider how the design complies with the following objectives:
- a. **Site Layout** - Locate the structure so that it minimizes its impact on adjacent residential structures (such as significantly reducing access to light and air).
 - b. **Building Design** - The design should incorporate architectural details and varied materials to reduce the apparent mass of structures. Such scale reducing design devices include porches, covered entries, dormer windows, oriel and bay windows, multi-pane windows, varying roof profiles, moldings, masonry, stone, brickwork, and wood siding materials. Expansive building facades should be broken up by varied rooflines, offsets, and building elements in order to avoid a box-like appearance. Variations in wall planes, roof lines, detailing, materials and siding should be utilized to create interest and promote a small scale appearance. Roof styles and roof lines for first and second stories should match.
 - c. **Landscaping and Fencing** - The site design should incorporate landscaping materials that help reduce the scale of the proposed structure. This can be done by proper selection and placement of trees, shrubs and other vegetation capable of screening portions of the structure from public viewpoints. The design should consider the use of decorative paving materials, such as aggregate concrete, stamped and/or colored concrete.

The site design should consider effective use of small scale fencing materials in the front yard area to help soften the massing of the building. Fences which present a solid barrier should be avoided except where privacy is desired.

6. **Destroyed structures.** Where a dwelling has been destroyed pursuant to Section 23.09.033a, it may be restored in substantial conformance with the destroyed dwelling within the existing footprint if the proposed dwelling is in conformance with applicable bluff setbacks and fire safe standards. A single story dwelling may not be replaced with a multi-story structure under this provision.
7. **Setbacks - Studio Drive at Willow Creek.** Residential development on the eastern portion of Assessor Parcel Number 64-275-24 (Tract 1078)(Schmitz) shall be setback and buffered from Willow Creek a minimum of 50 feet and shall not allow development within the 100 year flood plain. Any development shall be clustered so as to minimize habitat and scenic/visual quality impacts.
8. **Height - Studio Drive at Willow Creek.** New development shall not exceed 14 feet above the centerline of the fronting street for the northern half of the property and new development shall not exceed 16 feet above the centerline of the fronting street for the southern half of the property.

[Amended 1995, Ord. 2720]

- f. **Notice to county of appeal to Coastal Commission.** An appellant shall notify the county when appealing to the Coastal Commission by providing the county a copy of the information required in Section 13111 of Title 14 of the California Administrative Code.

23.01.044 - Adjustment:

- a. **When allowed:** When a standard of Chapter 23.04, 23.05 or 23.08, or a planning area standard of the Land Use Element identifies specific circumstances under which reduction of the standard is appropriate, an applicant may request an adjustment to the standard. (For example, Section 23.04.08a(3) provides that a required front setback may be reduced to a minimum of five feet through the adjustment process when the elevation of the lot is seven feet above or below the street centerline at 50 feet from the centerline.)
- b. **Application filing and processing:** An adjustment request is to be filed with the Planning Department in the form of an attachment to the project application, with appropriate supporting materials. The request is to specify the Coastal Zone Land Use Ordinance standard requested for adjustment, and document the manner in which the proposed project qualifies for the adjustment. A request for adjustment shall not be accepted for processing by the Planning Department unless the request is within the range of adjustments prescribed in the standard. A request for adjustment shall be approved by the Planning Director when the director finds that the criteria for adjustment specified in the subject standard are satisfied.

→ 23.01.045 - Variance:

A variance from the strict application of the requirements of this title may be requested as provided by this section. For the purposes of this title, a variance is a land use permit.

- a. **Limitations on the use of a variance.** A variance shall not be used to:
- (1) Reduce the minimum parcel size required for a new land division by Chapters 23.04 or 23.08 of this title below the range of parcel sizes specified by Chapter 6, Part I of the Land Use Element for the land use category in which the subject site is located; or

- (2) Authorize land uses other than those normally identified as allowable in a particular land use category by Coastal Table O, Part I of the Land Use Element, planning area standards of the Land Use Element, Chapter 22.08 or other chapter of this title, pursuant to Government Code Section 65906.

- b. Application:** A written application for variance shall be filed with the Planning Department on the form provided, accompanied by all graphic information required for Plot Plans by Section 23.02.030b (Plot Plan Content), and any additional information necessary to explain the request. Acceptance of the application is subject to Section 23.01.033a (Consistency with the Land Use Element Required), and 23.02.022 (Determination of Completeness).
- c. Notice and hearing.** After acceptance of a variance application and completion of a staff report, the Planning Commission will conduct a public hearing on the variance request. The notice and scheduling of the hearing shall be pursuant to Section 23.01.060 (Public Hearing).
- d. Action on a variance.** The Planning Commission shall approve, approve subject to conditions, or disapprove a variance as set forth in this subsection. Such decision may be appealed to the Board of Supervisors as set forth in Section 23.01.042 (Appeal).
- **(1) Findings.** Approval or conditional approval may be granted only when the Planning Commission first determines that the variance satisfies the criteria set forth in Government Code Section 65906 by finding that:
- (i) The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which such property is situated; and
 - (ii) There are special circumstances applicable to the property, related only to size, shape, topography, location, or surroundings, and because of these circumstances, the strict application of this title would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category; and
 - (iii) The variance does not authorize a use that is not otherwise authorized in the land use category; and
 - (iv) The variance is consistent with the provisions of the Local Coastal Program; and

- (v) The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
- (2) **Conditions of approval.** In approving an application for variance, such conditions shall be adopted as are deemed necessary to enable making the findings set forth in Section 23.01.045d(1).
- (3) **Notice of Final Action.** Where the variance request is appealable to the Coastal Commission pursuant to Section 23.01.043, a Notice of Final Action on the variance shall be provided as set forth in Section 23.02.036d.
- e. **Effective date of variance.** Except where otherwise provided by Section 23.01.043c for projects that may be appealed to the Coastal Commission, an approved variance shall become effective for the purposes of construction permit issuance or establishment of a non-structural use, on the 15th day after the act of Planning Commission approval; unless an appeal to the Board of Supervisors is filed as set forth in Section 23.01.042.
- f. **Time limits and extensions.** An approved variance is subject to the time limits, extension criteria and other provisions of Sections 23.02.040 through 23.02.052 of this title.

[Amended 1995, Ord. 2715]

~~23.01.050 - Amendment:~~

~~The Local Coastal Program (including this title) may be amended whenever the Board of Supervisors deems that public necessity, convenience, or welfare requires, pursuant to the procedures set forth in this section.~~

- a. **Initiation of amendment.** ~~Amendment may be initiated by the Board of Supervisors upon its own motion; or by the Board of Supervisors upon acceptance of a petition from any interested party, including the Planning Director and/or Planning Commission. Petitions shall include a description of the benefit to be derived as a result of the amendment. The Board of Supervisors may refer a proposed amendment to the Planning Director and/or Planning Commission for response before deciding whether to initiate the amendment.~~

August 11, 1999

To: California Coastal Commission
Charles Lester and Steve Guiney

Re: Moon permit number A-3-SLO-99-025

Requested Information in
Support of Variance
Request

EXHIBIT 6
A-3-SLO-99-025

RECEIVED

AUG 16 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Submitted by:

THE PERENNIAL ARCHITECT AND ASSOCIATES

Phone (805) 995-3502

Ruel J. Czach A.I.A.

Fax (805) 995-2066

• 80 N. Ocean Avenue, Suite A • P.O. Box 171 • Cayucos, CA 93430 •

The Perennial Architect & Associates - Ruel J. Czach A.I.A.

Phone: 805 995-3502 Fax: 805 995-2066

80 North Ocean Avenue, Suite A --- P.O. Box 171 --- Cayucos CA 93430

August 11, 1999

California Coastal Commission
Charles Lester and Steve Guiney
725 Front Street, Suite 300
Santa Cruz, CA 95080
Ph (408) 427-4863

Re: Moon permit number A-3-SLO-99-025

Charles Lester and Steve Guiney,

I have enclosed copies of the additional information you requested to support our position that there are reasonable grounds to support our variance request. I developed this proposal as a reasonable way for my clients to find some relief from the excessive highway noise they are subject to on this unique property as compared to other homes along the highway and which faces a busy intersection and is adjacent to Highway One. Please review my letter to the San Luis Obispo County Planning and Building Department dated October 27, 1997 and my previous letter to your office dated May 11, 1999. The noise study you have requested of three additional homes along the highway and the photos of all the existing homes along the highway prove that the Moon's property is unique in its noise problem and that only a couple of other properties along the highway could possibly ever request such a variance.

We are not asking to change the Small Scale Neighborhood standards, just to allow for a reasonable request for a variance. The Moon's have a unique lot with a very real noise problem, which even the County Staff acknowledges on page 4 of the staff report which says, "the noise level at the site clearly warrants mitigation." The Small Scale Neighborhood standards contain the variance process as part of the standards, as is true with all ordinances in the General Plan. This is a reasonable variance proposal to help the Moon's live in peace and comfort in their own home. We have proposed a project which is unanimously popular in their neighborhood and has the favor and support of the Cayucos Community Advisory Council and the San Luis Obispo County Board of Supervisors.

The enclosed Noise Study from Krause Engineering measures the traffic noise from three other properties adjacent to Highway One. Those properties are shown in the photos as #21, 61 Acacia, #31, 3499 Studio Drive (the studio above the garage with windows adjacent to the highway), and #35, 3575 Studio Drive. The first house is a single story home as you can see are many homes along this stretch of highway. The other two homes are both two story, similar to the Moon's house. The studies have shown that the average noise levels at the Moon's residence are between 5 and 12 decibels higher than the other homes along the highway. A reduced highway noise level is a significant privilege that other homes enjoy. This additional noise study is distinct evidence in support of this variance request.

EXHIBIT 6 , 2

A-3-SLO-99-025

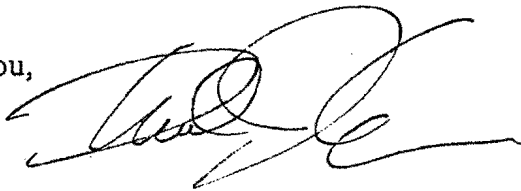
The other information you asked for was some proof that this would not create a flood of variance requests from other similar properties in the Small Scale Neighborhood. My answer is in the extensive photographic record of all the homes along Highway One. As you can see, there are very few homes along the highway which could possibly ask for this type of variance. They would need to show that both the house is impacted excessively by highway noise and that the house, as it exists, has an area of yard or living area which needs to be protected from the excessive noise. Most homes are already built out to within three feet of the highway fence and have placed their garage on that side to buffer the noise to the interior. A person wishing to build a home on one of the two lots not already built on or wishing to build an addition to an existing home, would need to submit plans which meet San Luis Obispo's Noise Ordinance which states that the home or addition needs to be designed to reduce the impacts of highway noise.

Looking at the noise study data, most other homes are not as severely impacted by highway noise as the Moon's because they are not adjacent to an intersection with a long stretch of highway facing two sides of the home. Looking at the photographs, there are only four homes which have a yard between the house wall the highway, photos with asterisks #10, #12, #32, and #34. Two of these properties use this yard as their driveways and therefore do not have an outside yard to protect along the highway. House #7 could arguably have a problem in the front yard but the deck is sheltered from some of the highway noise by the house itself. So in reality, three homes could possibly have a noise problem in their yard, but will still need to prove that there is excessive highway noise. Since two of these are not adjacent to an intersection, according to our noise analysis, it would be hard to prove excessive highway noise. This leaves just one property, #7 at 2995 Studio Drive, which may be able to request a variance, but may not have any room to build a garden room if it is built out to the front property line or setback.

I hope you have corrected the error in the previous staff report which stated that the Moon's are asking for 40% more square footage than they actually are. We are only asking for 716 square feet more than is allowed, not 1044 square feet, and this would be just garden room area without heat and surrounded by glass.

The Moon's have a unique property as compared to other homes along the highway and we are asking for some relief so that they can enjoy their property similar to adjacent properties (see page two, required findings, in my letter to SLO Planning Department dated October 21, 1997). Approval of this proposal does not change the Small Scale Neighborhood standards or set a precedence for variance requests. Only possibly one or two other properties along Highway One could request a variance and this is certainly not a floodgate of change to the Small Scale Neighborhood. This is a reasonable variance request to solve the unique noise problem faced by the Moon's in and around their home.

Thank you,



Ruel J. Czach A.I.A.

EXHIBIT 6 p.3
A-3-SLO-99-025

Mr. and Mrs. Moon

The Perennial Architect & Associates - Ruel J. Czach

Phone: 805 995-3502 Fax: 805 995-2066

80 North Ocean Avenue, Suite A --- P.O. Box 171 --- Cayucos CA 93430

October 21, 1997

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

RE: D970092V, Moon variance application

Requirements to be varied:

My clients, Dick and Pat Moon, are requesting a variance of the Estero Area Plan "Community Small Scale Design Neighborhood" guideline for gross structural area to allow the addition of two unconditioned sunroom spaces along side their existing home. There is no specific reference which includes "sunrooms" to be counted in the gross structural area of the standards, but the gross structural area reference is found in the Estero Area Plan under the Residential Single Family standards under Standards 4d.

We are requesting the addition of the sunroom space for three reasons, to reduce the traffic noise of the adjacent highway, to allow more "outside" living area without the traffic noise, and to help the house to look better. The house is adjacent on two sides to Highway One and the noise of the highway has made it unbearable for my clients to open a window or spend time out doors and they would like to dampen the sound with the adjacent sunrooms. They enjoy gardening and entertaining but cannot work in their garden or entertain outdoors with the deafening highway noise. The sunrooms will be constructed of double glazed insulating glass and one placed to shield the upper floor and one to shield the lower floor. The house will be more attractive especially at the southern entrance to Cayucos.

The house was built before the Small Scale Design Neighborhood (SSDN) guidelines where developed and is an example of a boxy looking house which the guidelines are trying to discourage. The addition will follow the building design guidelines encouraged in the SSDN guidelines by reducing the apparent mass of the structure including a porch, covered entry, multi-pane windows, varying roof profiles, varied offsets and building elements, variations in wall planes, roof lines, detailing, materials and siding which will create interest and promote a small scale appearance. The design will also include landscaping and fencing which will reduce the scale of the existing structure and soften the massing of the building. This should improve the quality of the neighborhood.

We have been told that the variance is necessary because it would add to the gross structural area even though the sunrooms are unconditioned spaces. The SSDN standards do not mention sunrooms specifically and we have been told that this requires the planning commission to approve this modification. The sunrooms are essentially outdoor rooms which can be used to grow plants and contain patio furniture. They will not be heated except by the heat of the sun and as such are not considered living space by most standards because they cannot be used year-round and are essentially an enclosed patio.

EXHIBIT 6, 14
A-3-SLO-99-025

Required Findings:

1. This does not constitute a special privilege to my clients because they have a unique property due to its location adjacent to Highway One and a major intersection, the topography of the hillside across the highway creates a narrow corridor which bounces the noise back down off the walls of the homes above, the existing home was built before the SSDN standards were adopted and because the addition is proposed on the lot next door which my client's own and which could be sold and used to build a whole new house. No other residence in this area has all of these limitations placed on their property.

2. The location of this lot is such that it has highway noise bombarding it from two sides due to its location adjacent to one of three westerly intersection accesses off of Highway One. The highway noise cannot be blocked with vegetation or fencing because the topography of the highway is higher than the lot and the visibility at the intersection cannot be blocked. The noise is particular loud here where the hillside across the highway is steeply sloping uphill and the walls of the homes reflect the highway noise back down into this lot.

The shape of the property, being two separate lots allows for the development of much more structural area if the southern lot was sold off separately rather than proposing the sunroom addition on this lot. Most other properties in this area are developed fully as single family residences without adjacent vacant lots and/or built to the SSND guidelines and/or not having a steep hillside across the highway and/or not adjacent to a highway intersection. All of these circumstances make this property unique in this neighborhood.

3. This proposal will not be adverse to the public or nearby property. The improvements will allow the residence to more closely follow the intents of the SSND guidelines as stated above. There are no residences on the south side where the improvements are proposed as this is adjacent to the intersection of Highway One. There are existing trees along the east side adjacent to Highway One which will block the view this improvement from the homes across the highway. The addition will beautify the residence and improve the southern entrance to Cayucos along Highway One.

If you have any questions or need further information please call me.

Sincerely,



Ruel J. Czach

EXHIBIT 6 p5

A-3-SLO-99-025

The Perennial Architect & Associates - Ruel J. Czach A.I.A.

Phone: 805 995-3502 Fax: 805 995-2066

80 North Ocean Avenue, Suite A --- P.O. Box 171 --- Cayucos CA 93430

May 11, 1999

California Coastal Commission
State of California - The Resources Agency

Commissioner,

I am an architect with my home and practice in Cayucos where this variance is proposed. I developed this proposal with my clients, Dick and Pat Moon, as a means to find them some relief from the excessive highway noise they are subject to on two sides of their home right next to Highway One. We have met with County Planning Staff and the Cayucos Citizens Advisory Council several times in the last 14 months trying to find a reasonable way for my clients to live comfortably on this unique lot which faces a busy intersection and is adjacent to Highway One. We have proposed a project which is unanimously popular in their neighborhood and that has the favor and support of the Cayucos Community Advisory Council.

I worked as Land Use Committee Chairman of the Cayucos Citizens Advisory Council when we were formulating the Small Scale Neighborhood standards for the San Luis Obispo County general plan. I helped to create these standards so that the scale of development in this unique neighborhood would stay in character with the community. As we developed these standards we talked about the unique situations, such as the one the Moon's face, and we agreed that we would keep the standards simple and use the variance process to allow for exceptions such as this one. All the neighbors and the community support the granting of this variance. Only one person who lives over 1 1/2 miles away is opposed to the proposal and has appealed it to you.

We are not asking to change the Small Scale Neighborhood standards, just to allow for a reasonable request for a variance. The Moon's have a unique lot with a very real noise problem, which even the County Staff acknowledges on page 4 of the staff report which says, "the noise level at the site clearly warrants mitigation." The Small Scale Neighborhood standards contain the variance process as part of the standards, as is true with all ordinances in the General Plan. I ask that you consider a reasonable proposal to help the Moon's live in peace and comfort in their own home.

There are some major errors in your staff report on the square footage of the amount of square footage we are asking for over the Small Scale Neighborhood allowable amount. The Moon's home is only 2500 square feet not the 2816 square feet in the staff report. We are only asking for 716 square feet more than is allowed, not 1044 square feet, and this is just garden room area without heat and surrounded by glass. The calculation for the correct square footage for the Moon's house is 44 feet by 29 feet = 1276 square feet times 2 for each floor = 2552 square feet minus the area for the stairway which is 4 feet by 13 feet or 52 square feet. All of the plans submitted to San Luis Obispo County have shown the Moon's house as this size and I testified at the hearings that their staff had the square footage calculated incorrectly. The Moon's are asking for over 40% less than what your staff report says.

EXHIBIT 6 , 6

A-3-510-99-025

Along with this letter is a package of information to help you understand this proposal. On page 1 is a map of the Small Scale Neighborhood. Colored in orange is the area of the Small Scale Neighborhood which is affected by the highway noise problem and as you can see it is a very small area. On page 2 is shown the San Luis Obispo County's Noise Ordinance mapping of the area of the Small Scale Neighborhood affected by heavy highway noise, again a very small area. On page 3 is shown the unique sound cone in compared to the typical sound cone for residences along the highway. On pages 4 - 7 is an engineered traffic noise study documenting the extent of the noise problem the Moon's have at their location and with this unique lot.

The noise engineering study shows a "uniquely severe exposure to noise" and the best way to reduce the levels is "the most effective way this can be achieved is by adding the proposed sun room." Please do not force the Moon's live with the constant highway noise which is at the level of a dishwasher or vacuum cleaner running, a phone ringing, a noisy office, or an average factory.

Your staff report says that "no other alternatives were discussed" and "that there are other possible measures that could be taken to reduce the noise that would not require a variance." I asked the sound engineer to look into any other measures which would reduce noise levels to a tolerable level and his only solution was a wall over 20 feet high. I discussed alternatives several times with county staff, planning commissioners, and the Board of Supervisors. We eventually agreed to reduce down the size of the project by over 40%.

On page 14 - 16 of the enclosed package you will find information about techniques for noise control and how to implement them at this site. Other than tearing the house down and rebuilding it according to the existing county noise ordinance, the next best solution was a 16 foot high wall. That wall would only lower the sound level by 5 decibels, still not in the comfortable range, and would block views of the ocean from travelers and residents across the highway.

The Moon's have a unique situation and a unique proposal to find some relief. Approval of this proposal does not change the Small Scale Neighborhood standards or set a precedence other than for a very few homes along Highway One. This proposal will scale down the mass of their home, which is basically a rectangular box. We have designed the proposal to break up the mass by stepping down from two stories to one story on the side facing highway one. Scaling down the mass is the major goal of the Small Scale Neighborhood standards.

As you can see by the petitions and letters of support, the neighborhood unanimously supports this variance request, the community supports this variance request, the Cayucos Citizens Advisory Council supports this variance request, the County Board of Supervisor's supports this variance request. It is a reasonable proposal to solve the noise problem faced by the Moon's in and around their home.

Thank you,

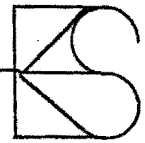


Ruel J. Czach A.I.A.

EXHIBIT 6

17

A-3-560-99-025



The Perennial Architect
P.O. Box 171
Cayucos, CA 93430

August 5, 1999

Attn: Ruel Czach

Re: Traffic Noise Study - Addendum
Moon Residence, Cayucos

Introduction

The subject is an existing residence at 3587 Studio Drive, which is directly adjacent to the intersection of Studio Drive and Highway 1 in Cayucos. The site is exposed to traffic noise which intrudes on indoor activities and makes the adjacent patio area unusable for normal outdoor activities. A sun room addition has been proposed to enclose the patio area and provide additional interior noise isolation. A prior noise study (KES, 1/25/99) was made to measure traffic noise both inside the house and in the balcony and patio areas outside. The present work extends the prior study by including a survey made on 8/4/99 to determine the relative severity of traffic noise exposure at other similar residences in the immediate neighborhood which are also adjacent to the same highway segment.

Survey Results

Results of the recent additional noise survey are listed in the attached Table 1; also included are data taken during prior surveys. For each survey point, the table lists the maximum, minimum, and average sound levels found during the survey session; also shown are approximate Noise Reduction (NR) values obtained by taking the difference between outdoor noise and indoor noise at each site.

The table shows that average (Leq) outdoor noise levels at the Moon residence ranged from 66 to 68 dB in both the patio and balcony areas, whereas average outdoor sound levels at other sites ranged from 59 to 61 dB. Average indoor noise levels at the Moon residence ranged from 38 to 45 dB, whereas average indoor noise levels at other sites ranged from 33 to 37 dB. NR values at all sites ranged from 21 to 27 dB, with values at the Moon residence similar to other sites.

Discussion

The data show that the Moon residence is exposed to significantly more highway noise than the other sites. This is due to the unique location of the Moon Residence at the end of the street, immediately adjacent to the intersection. The other sites all have adjacent structures which partially block lateral sight lines to the roadway, whereas the Moon residence has no such blockage on the side of the house facing the intersection. The intersection also provides a significant pavement area which reflects sound from the highway.

Nick Krause P.E.

EXHIBIT 6 p8

A-3-560-99-025

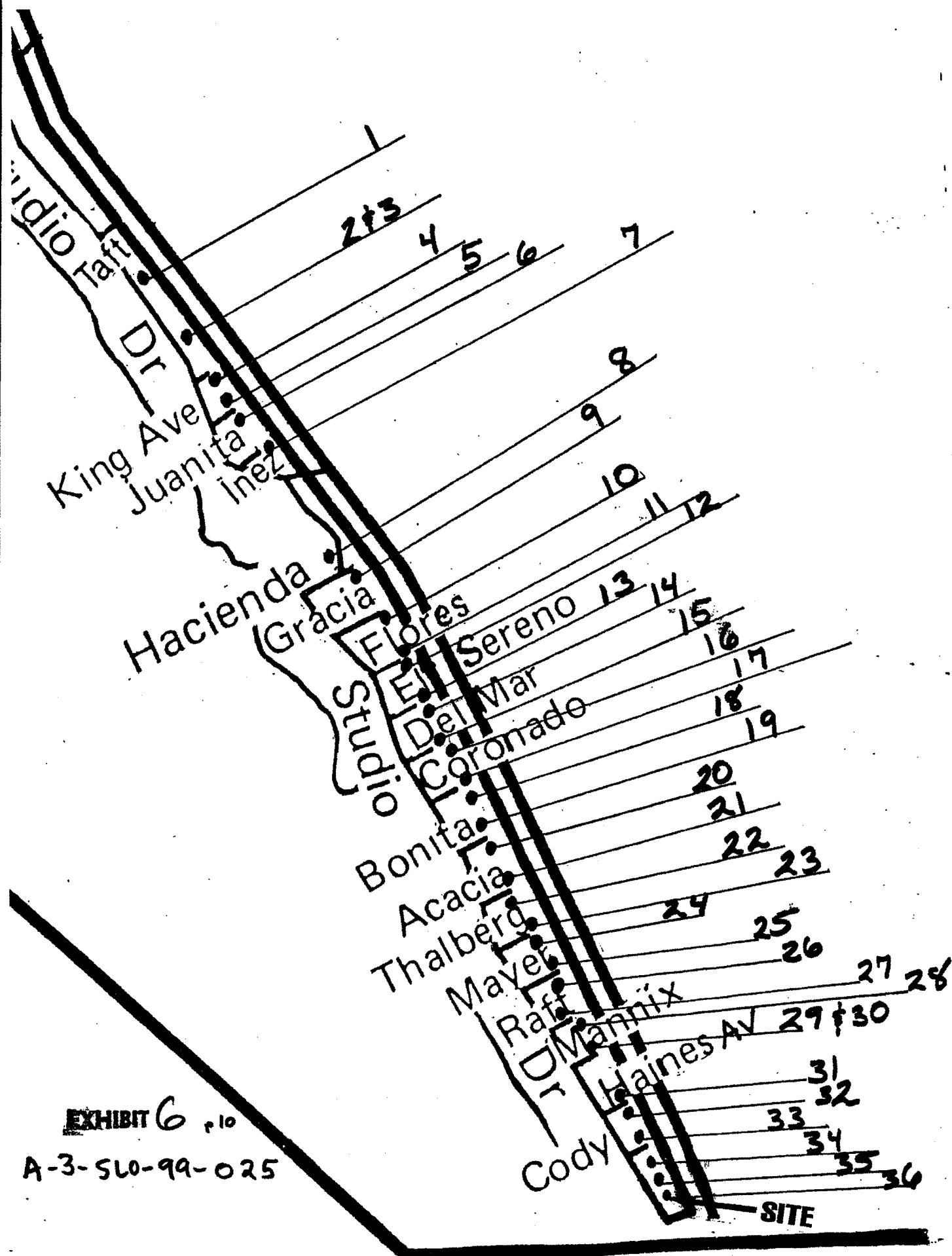
TABLE 1
STUDIO DRIVE NOISE SURVEYS
HWY 1 TRAFFIC - CAYUCOS

DATE/SITE	START	Lmax	Lmin	Leq	LOCATION	NR
APR 6, 1998						
3587 STUDIO DR	7:00	78	50	68	BALCONY	-
	8:00	55	36	47	LIVING RM	21
JAN 5, 1999						
3587 STUDIO DR	7:00	75	50	67	BALCONY	-
	7:30	53	32	44	LIVING RM	23
	7:40	75	49	68	BALCONY	-
	7:50	54	38	45	DINING RM	23
	8:00	76	49	67	PATIO	-
	8:10	46	27	38	BED RM	-
	8:20	74	49	66	PATIO	-
AUG 4, 1999						
3449 STUDIO DR	7:55	51	33	36	LIVING RM	23
	8:05	71	47	59	PATIO	-
3575 STUDIO DR	8:25	47	28	37	BED RM	24
	8:40	43	31	36	LIVING RM	25
	8:50	72	45	61	PATIO	-
61 ACACIA ST	9:05	40	29	33	BED RM	27
	9:15	45	39	36	LIVING RM	24
	9:25	71	47	60	PATIO	-
3587 STUDIO DR	9:40	47	35	41	LIVING RM	26
	10:00	75	50	67	BALCONY	-
	9:50	71	52	62	PATIO	-

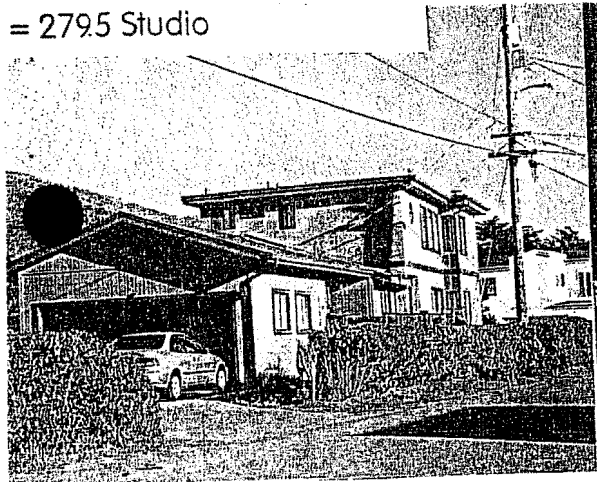
EXHIBIT 6 p9

A-3-SLO-99-025

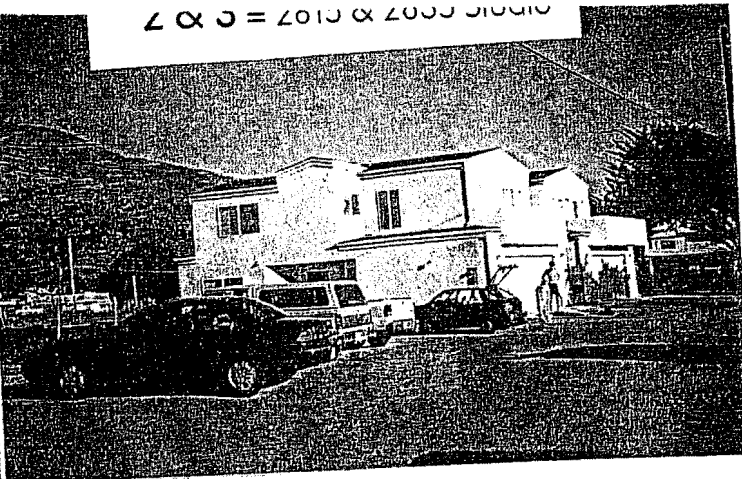
CAYUCOS



= 2795 Studio



Z & J = 2015 & 2035 Studio



4 = 2845 Studio



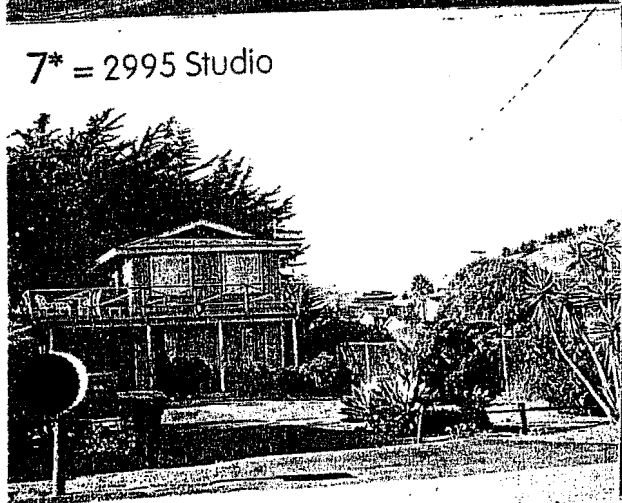
● = 2855 Studio



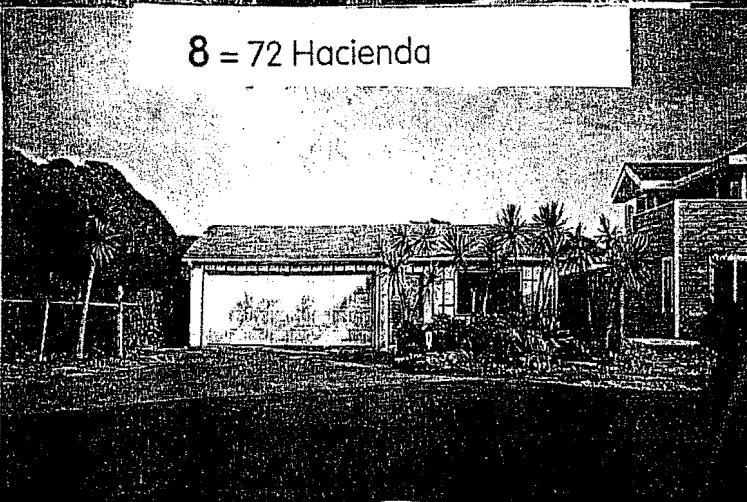
6 = 2865 Studio



7* = 2995 Studio



8 = 72 Hacienda



9 = 63 Hacienda

10 = 64 Gracia

11 = 59 Flores

12* = 58 Flores

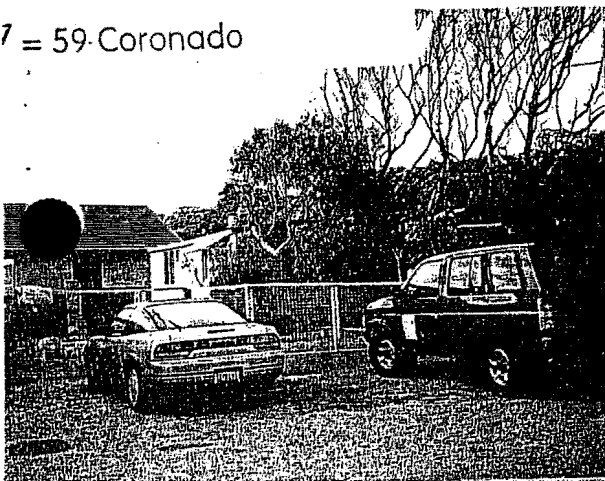
13 = 63 Serino

14 = Lot Across from 63
Serino

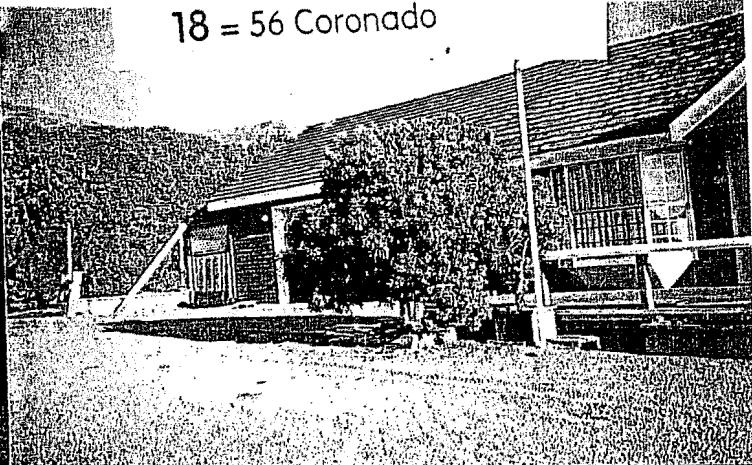
15 = 65 Del Mar

16 = 80 Del Mar

7 = 59 Coronado



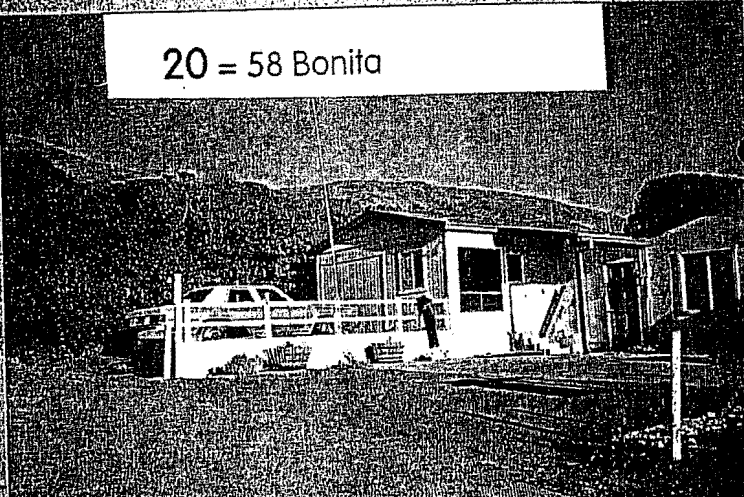
18 = 56 Coronado



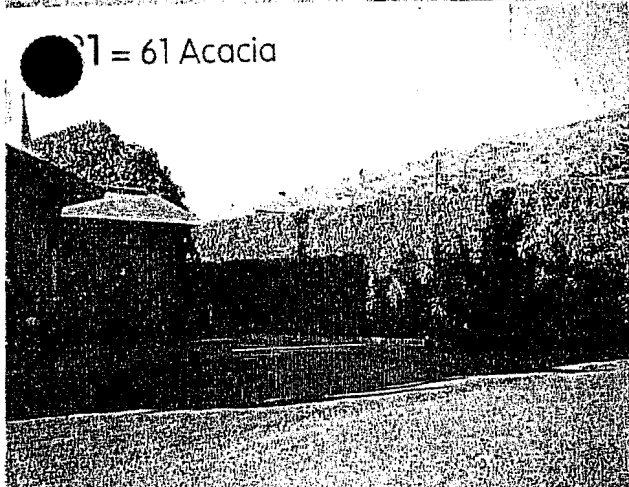
19 = 59 Bonita



20 = 58 Bonita



21 = 61 Acacia



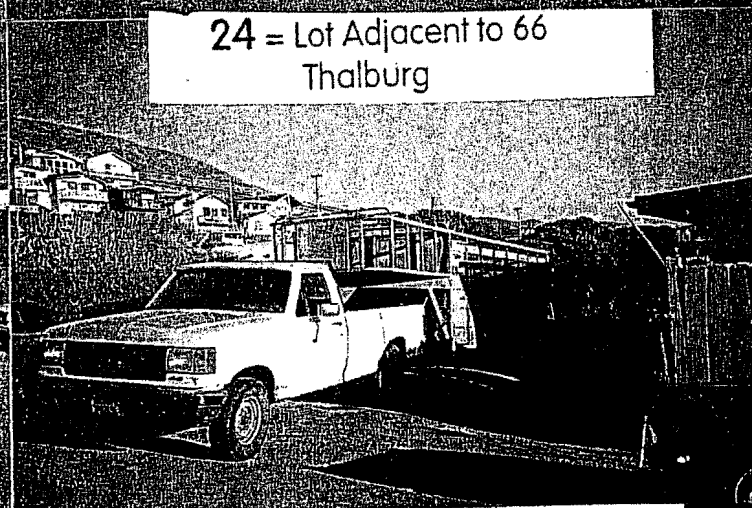
22 = 66 Acacia



23 = 66 Thalburg

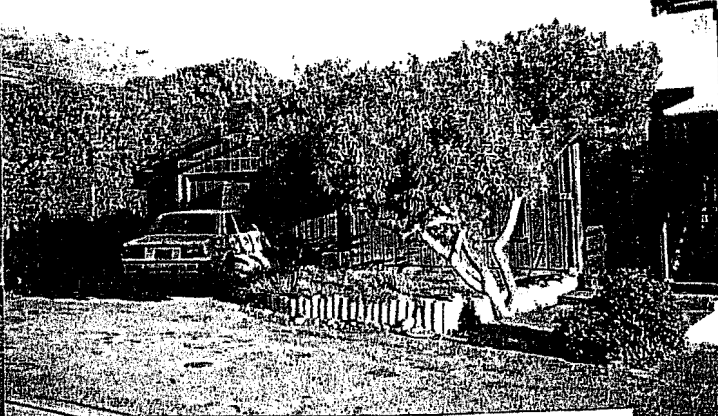


24 = Lot Adjacent to 66
Thalburg



68 Mayer

26 = 68 Mayer



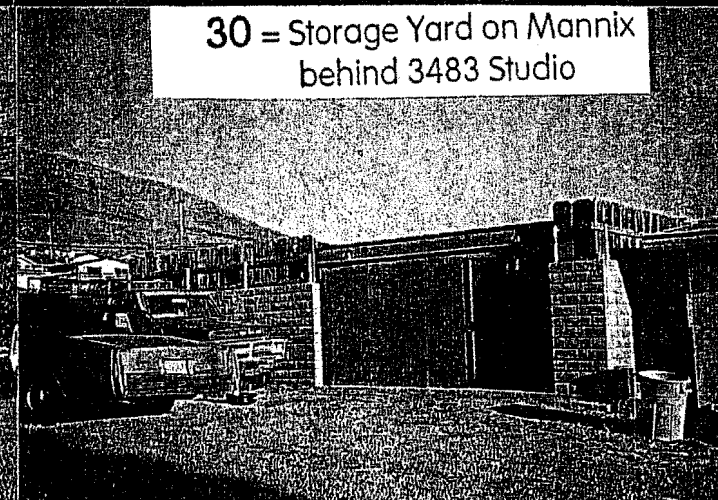
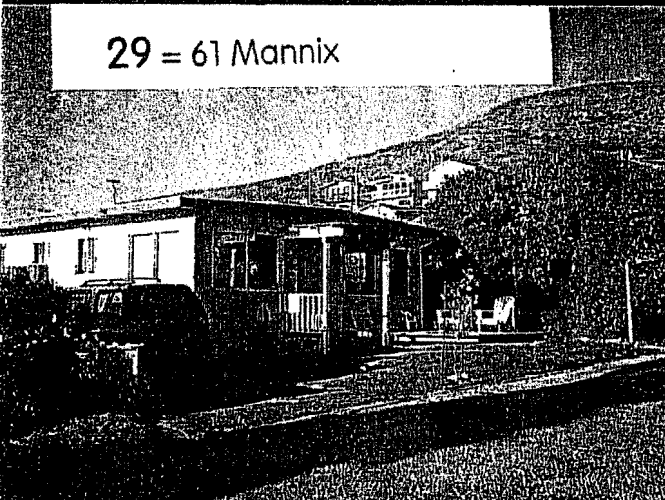
27 = 71 Raft

28 = 60 Raft



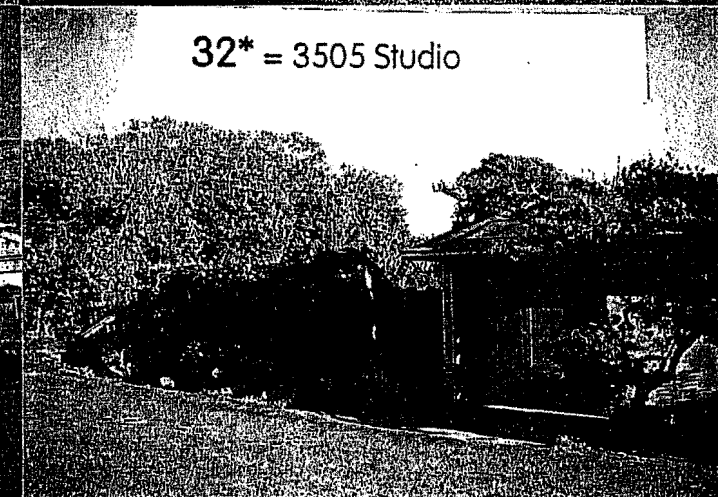
29 = 61 Mannix

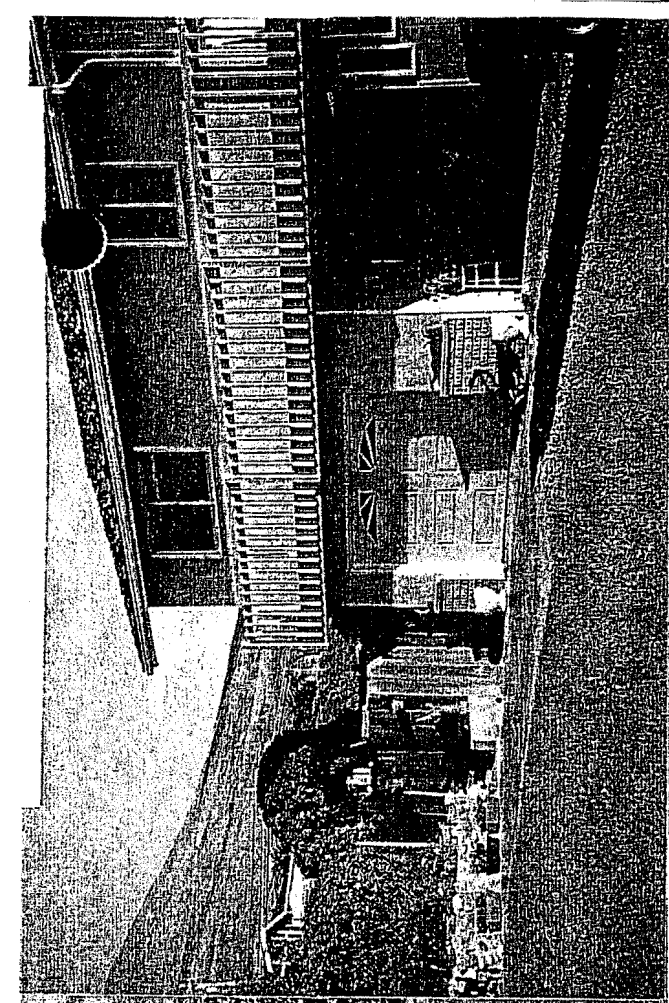
30 = Storage Yard on Mannix
behind 3483 Studio



31 = 3499 Studio

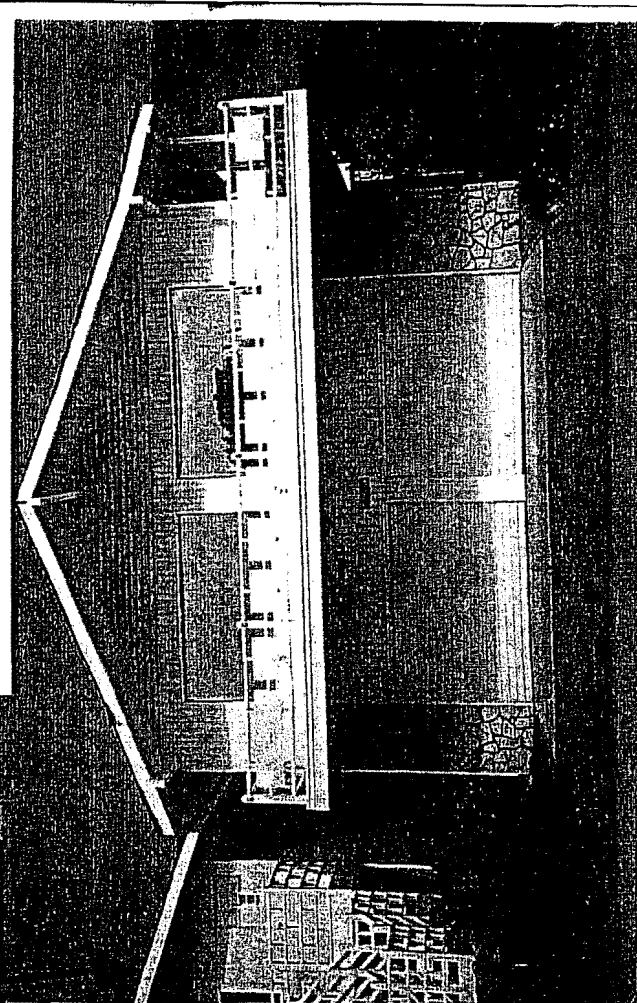
32* = 3505 Studio





35 = 3575 Studio (Next to Subject Property)

36 = 3587 Studio (Subject Property)



Pati Hutchinson
2190 Circle Dr.
Cayucos, CA 93430
(805) 995-2021

RECEIVED

AUG 23 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
725 Front St.
Santa Cruz, CA 95060

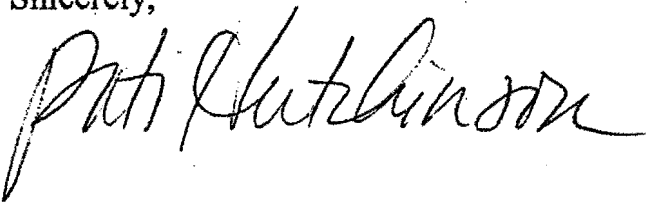
August 18, 1999
Re: Appeal A-3-SLO-99-025
Moon / Hutchinson

Dear Commissioners and Staff:

Please find enclosed photographs and delineated maps of houses in the small-scale neighborhood of Cayucos. The houses shown are a representation of other dwellings in this specific neighborhood that might easily utilize the same type of variance request to mitigate noise impacts of Highway One. There are others that were not easily photographed or that we may have missed.

We hope that these pictures clearly show that the project before you is *not* unique. Please deny this variance request in order to maintain the integrity of the Small Scale Neighborhood Standards in Cayucos.

Sincerely,



Enclosed

- 3 pages of color photographs and maps of areas of Cayucos Small Scale Neighborhood*
- Previously submitted letter from Pati Hutchinson*
- Letter from Louisa Anne Kluver*

EXHIBIT-7

A-3-SLO-99-025

Pati Hutchinson
2190 Circle Dr.
Cayucos, CA 93430
(805) 995-2021

California Coastal Commission
725 Front St, Ste.300
Santa Cruz, CA 95060
Fax: 831 427-4877

RECEIVED

AUG 23 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Appeal A-3-SLO-99-025
Moon / Hutchinson

Dear Commissioner;

While I am unable to personally appear before you due to family responsibility constraints, I am optimistic that, because of the comprehensive and thorough staff report that has been produced, this appeal will stand on its own merits.

The small beach-town community of Cayucos worked long and hard for over 3 years to create standards for development in the designated "Small - Scale Neighborhood", re-named Community Small Scale Design Neighborhood. The approval of these standards drew praise from your Commission at their adoption (April 1995). Today, these affected properties have maintained and increased their desirability and value, even with limitations of size and massing.

Approving the project before you would be the first step to undermining those established standards!

Please consider the following:

- a) The applicants have **NOT** implemented available mitigation measures that address the noise issue *i.e. sound board, sound deadening siding, triple glazed windows, wall insulation, garden wall etc.* These options **would not** require a variance and **would not** undermine the established standards.
- b) This property is **NOT** unique in its proximity to Highway 1. Many, many properties abut Highway 1 along Studio Drive, Cass Avenue, Circle Drive and 24th St. All of these properties could (and I assure you, many would!) implement this same option.
- c) The existing dwelling currently **exceeds** the allowable size and massing. Allowing additional square footage to a already **oversize** structure is a definite granting of special privilege.

This project;

- is precedent setting
- cannot meet the five findings necessary to grant a variance
- does not conform to the requirements of the Local Coastal Plan
- erodes the provisions that protect one of California's last genuine beach towns - Cayucos

Please support the Staff Report and deny this project.

EXHIBIT 7 p.2

A-3-SLO-99-025

Respectfully Submitted,

Pati Hutchinson

Louisa
Anne
Kluver

RECEIVED

AUG 23 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

architect

August 19, 1999

California Coastal commission

RE: Moon Appeal
A - 3 - SLO - 99 - 025
Applicant: Moon
Appellant: Hutchinson

Dear Commissioners,

I feel this project is very important and will have long term ramifications.

The community of Cayucos went through a very long and painful process to develop the Small Scale Neighborhood Guidelines. Any Variance granted in this neighborhood needs to make all the findings necessary without any interpretations. A totally unique site which has explored all alternatives, is the only situation in which a Variance should be considered. I believe the Variance is a worthwhile process and provides relief for truly disadvantaged projects. This is not one of those situations.

1 - THIS PROPERTY IS NOT UNIQUE

The property located at 3587 Studio drive, is one of the many properties located in the noise corridor (Refer to Attached Map). Because it is located on the corner is moot. The only important qualification is the noise level. In other words, if it is appropriate for this property to be granted a variance, then any property which can justify a noise level of 65 db would also qualify for a Variance. There are many older homes in the designated area which are not sound proofed, that probably exceed the allowable square footage, and have a buildable area in which to install a room addition. (Refer to attached maps and photos). Therefore according to the findings for granting a variance, this property would not qualify, because it would be granting special privilege.

2 - OTHER ALTERNATIVES

This property will be spending a significant amount of money to install this room additions. The alternatives which would cost less then the proposal, are to install soundwalls directly to the walls abutting the freeway and a free standing property soundwall for the yard. The County staff provided many other alternatives, that never seemed to be considered. I have used some of these alternatives with very good results at less the expense then what is proposed.

1620
Old Creek Rd
Cayucos
California
93430

EXHIBIT 7 p3

A-3-SLO-99-025

This room addition, is like any other and should be treated that way. The noise mitigation is a separate issue. This project is not consistent with the LCP or the SSNG, therefore should be denied.

As a practicing architect, I need the ordinance to be able to give proper advice to my clients. If Variances are granted easily, then the ordinance becomes meaningless.

Your staff wrote a very comprehensive report, that clearly stated the issues. I strongly encourage you, to accept their recommendation, and deny this project.

Please respect the hard work and pain our community went through and deny this project and uphold the Small Scale Neighborhood Standards.

Thank-you for your time.

Sincerely,

Lou Kluver

Lou Kluver

EXHIBIT 7 p 4

A-3-SLO-99-025

Figure 1
Site Location

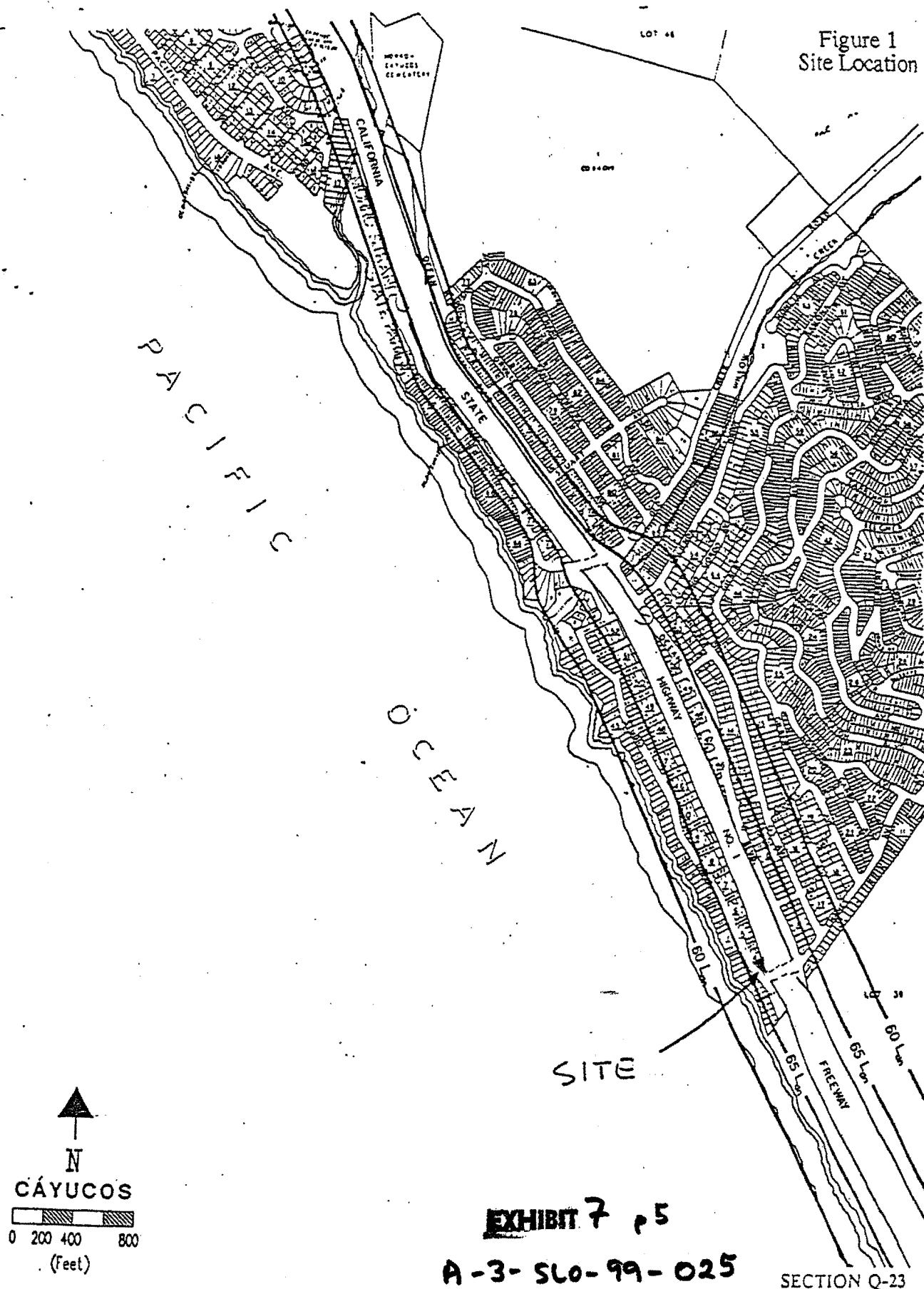
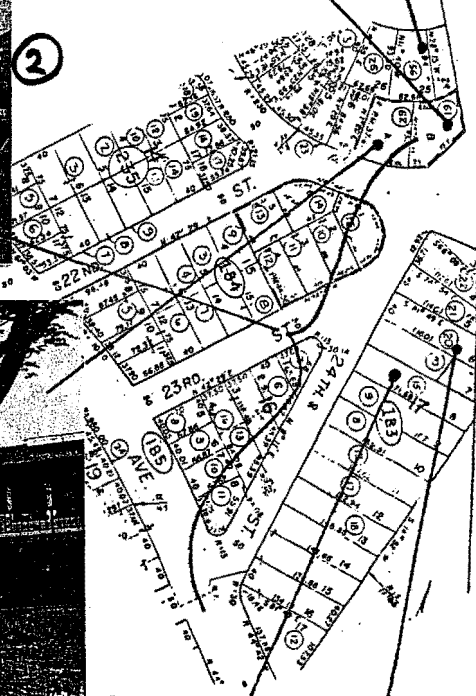
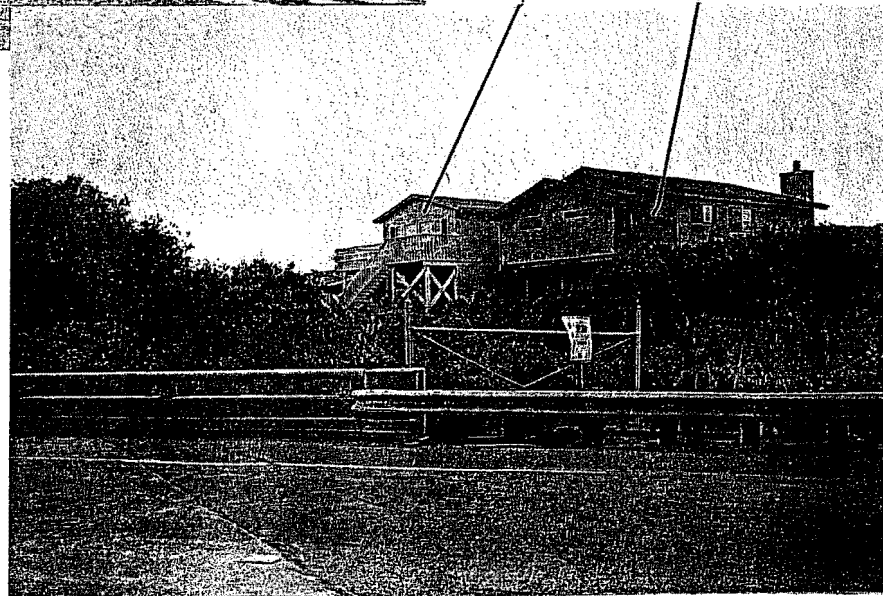
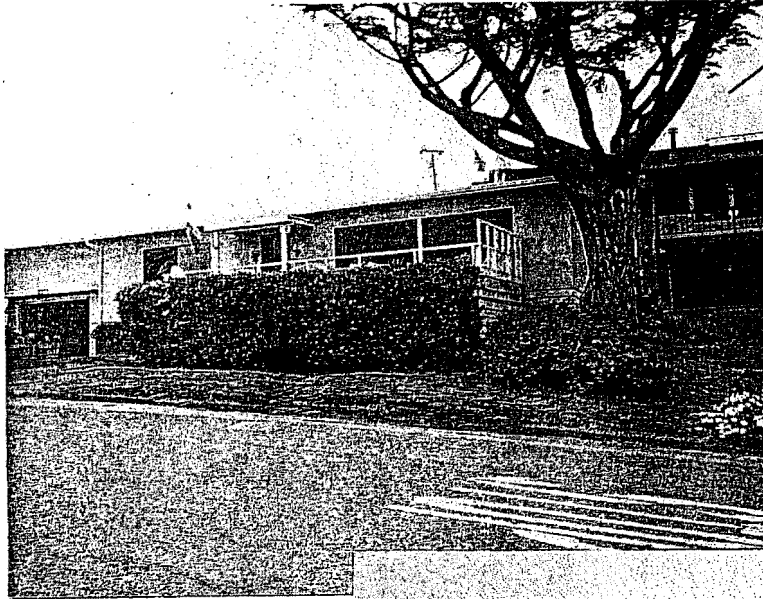
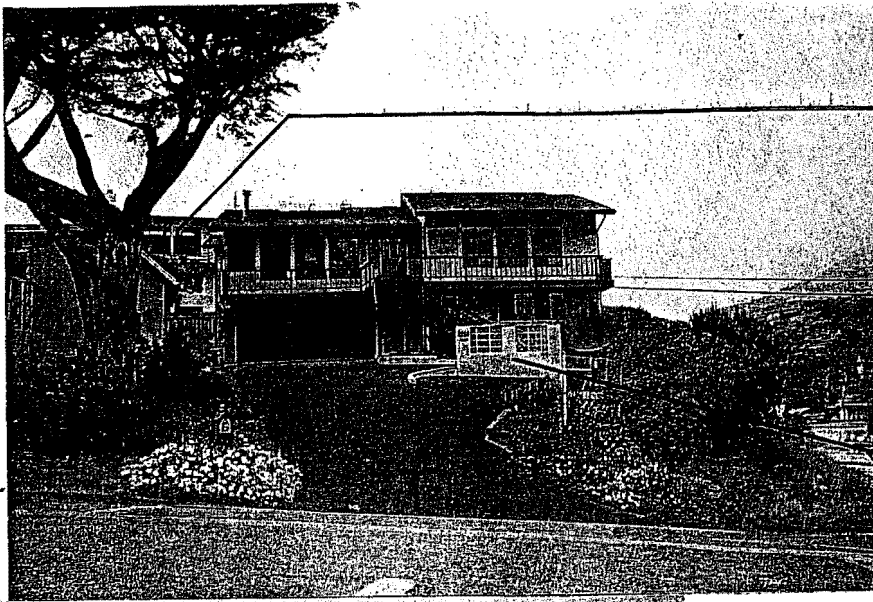


EXHIBIT 7 p.5

A-3-SLO-99-025

SECTION Q-23

NOISE ELEMENT ■ NOISE CONTOUR MAP



STATE

HIGHWAY

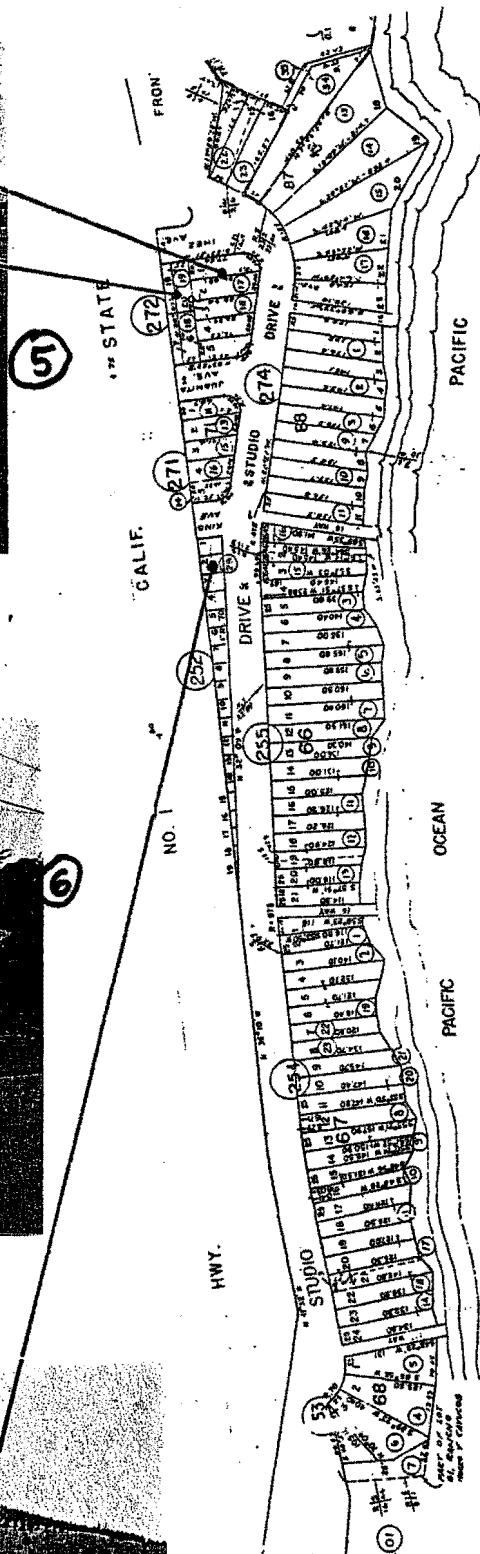
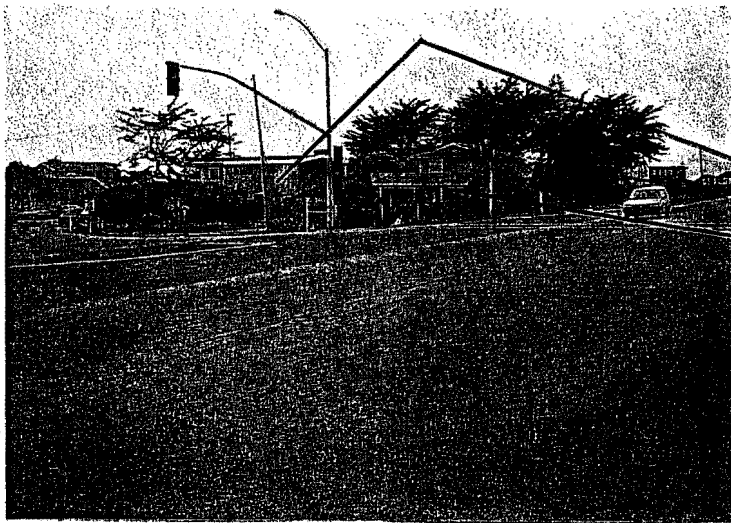
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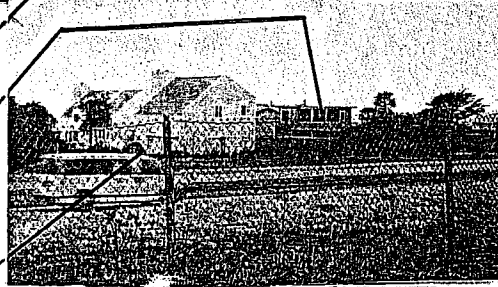
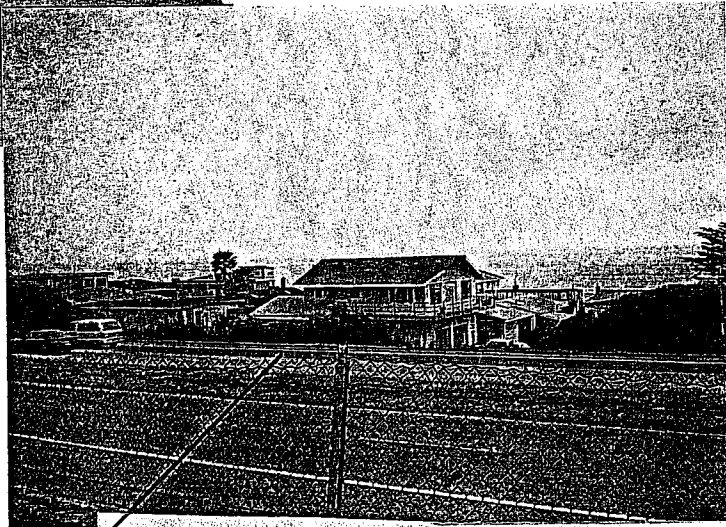
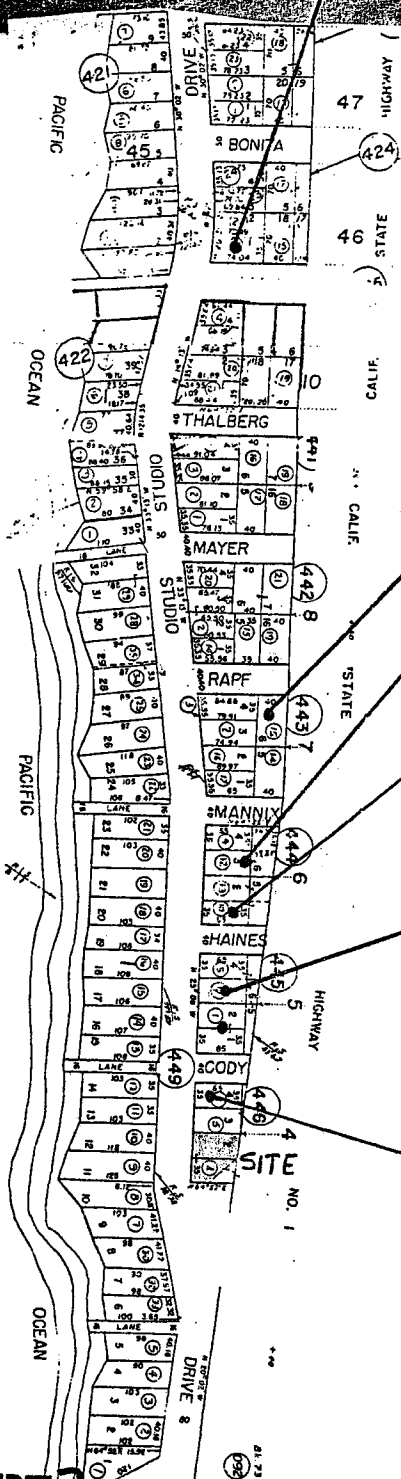
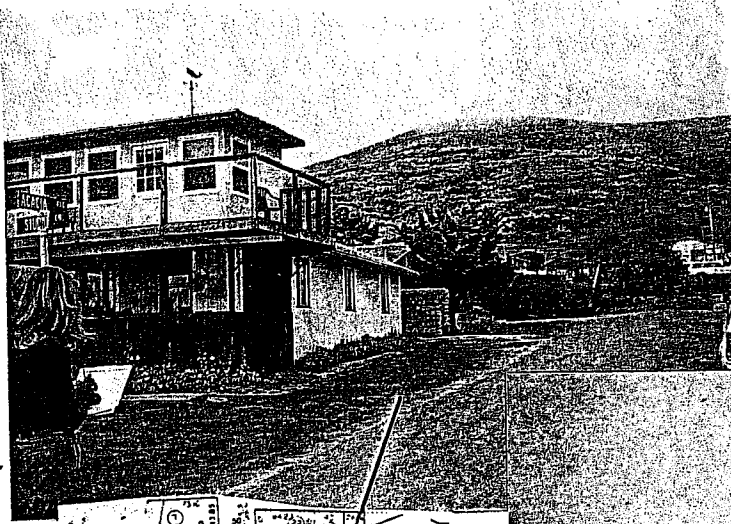


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21.06.070 - 085

21.06.070 - Parcel and tract maps - Subsequent conveyance. The property may be conveyed by reference to parcels shown on the approved parcel or tract map, as filed by the county recorder. (Ord. 1986 §2 (part), 1979).

21.06.080 - Reversion to acreage.

- (a) The parcel or tract map procedure set forth in this title may be utilized for the purpose of reverting to acreage (i.e., to a single parcel) land previously subdivided. Any tentative map submitted for this purpose shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map.
- (b) A parcel map is authorized to be filed under the provisions of this title and the Subdivision Map Act for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership as authorized by Government Code section 66499.20¼. (Ord. 1986 §2 (part), 1979)

[Amended 1992, Ord. 2591]

21.06.085 - Voluntary merger of contiguous parcels. Two or more contiguous parcels or units of land under common ownership which have been created under provisions of this title or any previous law regulating the division of land or which were not subject to such provisions at the time of their creation may be merged without reverting to acreage pursuant to the provisions of this section.

- (a) **Application content.** The content of a voluntary merger application shall be the same as for certificates of compliance and conditional certificates of compliance as set forth in Section 21.02.020 of this title and shall also include the following:
 - (1) **Owners consent.** A certificate prepared according to the standards set forth in Government Code section 66436, signed and acknowledged by all parties having any record title interest in the real property proposed to be merged, consenting to the preparation and recordation of the notice of merger and to the waiver of notice of said merger.

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- (2) **Legal description.** The application shall contain a legal description signed and sealed by a registered civil engineer or licensed land surveyor for each of the resulting parcels proposed by the voluntary merger.
- (b) **Processing.** Voluntary merger applications are to be submitted to the planning department and shall be processed as follows:
- (1) **Review.** Upon receipt of a complete voluntary merger application and all necessary accompanying information, the planning director shall cause a notice of merger to be filed with the county recorder within ninety (90) days. Provided, however, all proceedings shall terminate and no merger occur upon receipt of a written request withdrawing the application by any owner of an interest in the real property to be merged or upon determination by the planning director that the merger will be contrary to the public health, safety and welfare of the county.
- (c) **Effect of merger.** The recording of the notice of merger shall constitute a merger of the separate parcels or units of land into one parcel for the purposes of this title by operation of law. Such merger shall have no effect on streets, easements, or any dedications or offers of dedications or any other recorded interest.
- (d) **Appeal.** Decisions of the planning director made under the provisions of this section are final unless appealed by an applicant or any aggrieved person to the board of supervisors within fourteen (14) days after the date of the decision.

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