

CALIFORNIA COASTAL COMMISSION

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

Th 9b-c

C.F.L. 9/27/00

**RECORD PACKET COPY**

A-3-SLO-00-078 Filed: 05/25/00
A-3-SLO-00-079 Filed: 06/01/00
49th Day: Waived
Staff: RB
Staff Report: 09/26/00
Hearing Date: 10/12/00
Commission Action:
A-3-SLO-00-078 Open & Continued on
06/15/00; A-3-SLO-00-079 Open &
Continued on 07/13/00

**COMBINED STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE DETERMINATION
AND DE NOVO REVIEW**

Appeals' Number A-3-SLO-00-078 and A-3-SLO-00-079

Local Government San Luis Obispo County

Decision On April 3, 2000, the San Luis Obispo County Subdivision Review Board conditionally approved COAL 99-0071 for the lot line adjustment. On April 21, 2000, the San Luis Obispo County Zoning Administrator conditionally approved D990026P for construction of the single-family residence.

Applicant Chris Seaberg

Appellants Commissioners Sara Wan and Dave Potter

Project Location North of 2159 Wilton Drive, Cambria, San Luis Obispo County (APNs 013-131-032, 023-203-018, 023-203-019).

Project Description **A-3-SLO-00-079:** Lot line adjustment between six lots (approximately 0.04, 0.04, 0.04, 0.04, 0.04 and 6.0 acre lots) resulting in four lots of 0.21, 1.37, 1.75 and 2.88 acres.
A-3-SLO-00-078: construction of a 2,470 square foot single family residence and paved driveway in the Monterey Pine Forest.

File Documents San Luis Obispo County certified Local Coastal Program; Coastal Development Permits COAL99-0071/S990003L; D990026P; *Terrestrial Habitat Survey in Monterey Pine Forest* (Althouse & Meade Biological and Environmental Services: September 30, 1999); *Engineering Geology Review* (GeoSolutions, Inc.: August 23, 1999).

**California Coastal Commission**

EXECUTIVE SUMMARY

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeals have been filed. Staff further recommends that the Commission **approve** the Coastal Development Permit for a lot line adjustment and associated designation of two building envelopes on the newly created parcel, as proposed by the applicant, located in an area that minimizes tree removal and disturbance to the forest understory. In addition, activities outside of the building envelope, the removal and replacement of Monterey Pine trees, and all over revegetation efforts are subject to specific requirements to prevent further disruption of the sensitive forest habitat. This proposal does not create additional parcels within the sensitive Monterey Pine Forest habitat, limits development to the more disturbed portion of the property, minimizes tree removal, and largely retains the six-acre parcel to prevent fragmentation of the Monterey Pine Forest.

Staff recommends that the Commission **approve** the Coastal Development Permit for construction of a single family residence, as amended by the applicant, with conditions to limit development to within a designated building envelope.

STAFF REPORT CONTENTS

Executive Summary.....	2
I. Summary Of Appellants' Contentions.....	3
II. Local Government Action.....	3
III. Standard of Review for Appeals.....	3
IV. Staff Recommendations On Substantial Issue.....	4
V. Substantial Issue Findings and Declarations.....	5
VI. Staff Recommendation On Coastal Development Permits.....	9
VII. Standard Conditions for A-3-SLO-00-078 & A-3-SLO-00-079.....	10
VIII. Special Conditions for A-3-SLO-00-078.....	10
IX. Special Conditions for A-3-SLO-00-079.....	12
X. De Novo Findings And Declarations.....	14
XI. California Environmental Quality Act.....	18
XI. Exhibits.....	20
1. Location Maps	
2. Proposed Lot Line Adjustment Map	
3. Amended Project Proposal	
4. Proposed Residential Project Plans	
5. Contentions of Appeal (A-3-SLO-00-078 and A-3-SLO-00-079)	
6. County's Conditions of Approval (D990026P)	
7. Terrestrial Habitat Survey	
8. CCSD's "Intent to Serve" Letter	
9. Correspondence	



I. SUMMARY OF APPELLANTS' CONTENTIONS

Please see Exhibit 5 for the full texts of the appeals.

The appellants contend that the lot line adjustment conflicts with Local Coastal Plan (LCP) standards protecting environmentally sensitive habitats, as well as those requiring evidence that there is adequate on-site water service available to serve future residential development proposed to be accommodated by the lot line adjustment. Specifically, the Commissioners' appeal asserts that the project does not comply with LCP Policies 4 and 33 for Environmentally Sensitive Habitats (ESH) and Policy 1 for Public Works, or with CZLUO Sections 23.07.164, 23.07.170, and 23.07.176.

With respect to the appeal of the construction of the single-family residence, the appellants contend that the development would conflict with LCP standards prohibiting development within environmentally sensitive habitats, including LCP Policies 1, 27, and 28 for Environmentally Sensitive Habitats and CZLUO Sections 23.07.164, 23.07.170, and 23.07.176.

II. LOCAL GOVERNMENT ACTION

On April 3, 2000, the San Luis Obispo County Subdivision Review Board conditionally approved COAL 99-0071 for the lot line adjustment. On April 21, 2000, the San Luis Obispo County Zoning Administrator conditionally approved D990026P for construction of the single-family residence on the existing six-acre parcel. A Mitigated Negative Declaration was prepared for the lot line adjustment and issued on March 17, 2000. See Exhibit 6 for the County's conditions of approval.

III. STANDARD OF REVIEW FOR APPEALS

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. The lot line adjustment is appealable because it is not designated as a principal permitted use in the LCP. Both the lot line adjustment and proposed single-family residence are appealable because the project is located in a sensitive coastal resource area designated by the LCP for the protection of the Monterey Pine Forest.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b),



if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not located between the first public road and the sea.

IV. STAFF RECOMMENDATIONS ON SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-3-SLO-00-078 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Passage of this motion will result in upholding the County's action on this project. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO ADOPT SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-SLO-00-078 presents a substantial issue with respect to the grounds on which the appeals have been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan.

MOTION: *I move that the Commission determine that Appeal No. A-3-SLO-00-079 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Passage of this motion will result in upholding the County's action on this project. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO ADOPT SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-SLO-00-079 presents a substantial issue with respect to the grounds on which the appeals have been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan.



V. SUBSTANTIAL ISSUE FINDINGS AND DECLARATIONS

A. Project Location and Description

The appealed projects are a lot line adjustment between six parcels, and the construction of a single family residence within an area entirely mapped in the LCP as Terrestrial Habitat. The projects are located north of 2159 Wilton Drive (East Lodge Hill), in the community of Cambria, San Luis Obispo County (see Exhibit 1 for location maps). The surrounding neighborhood is primarily composed of small lots (approximately 50' x 70') within the Monterey Pine Forest, most of which are developed with single family residences. Several larger parcels exist to the north of this developed area, between Wilton Drive and Santa Rosa Creek, within a relatively dense and pristine portion of the Monterey Pine Forest. The applicant owns four of the six parcels subject to the proposed lot line adjustment approved by the County; APN 013-131-032 (a portion of Lot 10), APN 023-203-017 (Lot 34), and APN 023-203-018 (Lots 35 and 36), referenced on the lot line adjustment map in Exhibit 2. APN 023-203-019 (Lots 37 and 38), also a part of the proposed lot line adjustment, are owned by Rollie and Lauren Younger (see their correspondence in Exhibit 9). These lots are developed with an existing 875± square foot single family residence. The proposed lot line adjustment would add an additional 5,600± square feet to this site, increasing the side yard and backyard (see Exhibit 2).

There is an existing legal access easement for the six-acre parcel located approximately 400 feet east of the driveway proposed for the single family residence (see Exhibit 2 – Proposed Tentative Map). Development of this accessway would require extensive tree removal and disturbance; therefore, the applicant is proposing access to the residence through existing APN 023-203-017 (Lot 34).

As approved by San Luis Obispo County, A-3-SLO-00-079 involves the adjustment of six parcels (five 25' x 70' parcels and one six-acre parcel) to create four lots of 1.37, 1.75, 2.88, and 0.21 acres (see Exhibit 2 for lot line adjustment map). This approval would have created three suburban parcels within the existing six-acre parcel and enlarge the size of a parcel on Wilton Drive that contains an existing single family residence. The proposal identifies building sites, private access road and driveways for the three new homesite lots, and the removal of fifteen mature Monterey Pine trees. In an attempt to prevent future development and protect the remaining forest in this area, the applicant proposed an open space easement that covers the northernmost portion of Lot 10 (450-foot elevation and below), containing approximately 190 Monterey Pine and 48 Coast Live Oak trees.

Separate from the proposed lot line adjustment, A-3-SLO-00-078 involves the construction of a 2,470 square foot single family residence on the existing six-acre parcel. If the lot line adjustment were approved, this residence would be the first of three proposed homesites to be developed (Proposed Lot 1 on lot line adjustment map) in this area of the Monterey Pine Forest.

B. Environmentally Sensitive Habitats

The appellants raise the issue of the potential for this project to have adverse impacts on environmentally sensitive habitats. Applicable LCP Policies and Standards are stated below.



Policy 1 for Environmentally Sensitive Habitats – Land Uses Within or Adjacent to Environmentally Sensitive Habitats: *New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed in the area.*

Policy 4 for Environmentally Sensitive Habitats: *No divisions of parcels having environmentally sensitive habitats within them shall be permitted unless it can be found that the buildable area(s) are entirely outside the minimum standard setback required for that habitat...*

Policy 27 for Environmentally Sensitive Habitats - Protection of Terrestrial Habitats: *Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.*

Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

Policy 28 for Environmentally Sensitive Habitats – Protection of Native Vegetation: *Native trees and plant cover shall be protected wherever possible.*

Policy 33 for Environmentally Sensitive Habitats – Protection of Vegetation: *Vegetation which is rare or endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat.*

CZLUO Section 23.07.164 – SRA Permit and Processing Requirements

(e) Required Findings: *Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create adverse effects on the identified sensitive resource.*

CZLUO Section 23.07.170 – Environmentally Sensitive Habitats

(c) Land Divisions: *No division of a parcel containing an Environmentally Sensitive Habitat shall be permitted unless all proposed building sites are located entirely outside of the applicable minimum setback required...*

(d) Development Standards for Environmentally Sensitive Habitats:



- (1) *New development within or adjacent to the habitat shall not significantly disrupt the resource.*
- (2) *New development within the habitat shall be limited to those uses that are dependent upon the resource.*
- (3) *Where feasible, damaged habitats shall be restored as a condition of development approval.*
- (4) *Development shall be consistent with the biological continuance of the habitat.*

CZLUO Section 23.07.176 – Terrestrial Habitat Protection: *Vegetation that is rare or endangered, or that serve as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of the habitat.*

The parcels subject to this lot line adjustment proposal are located within the Monterey Pine Forest of Cambria-- one of four remaining native stands of the Monterey Pine on the west coast. This area is designated as Terrestrial Habitat (a Sensitive Resource Area) in the LCP, and is considered an Environmentally Sensitive Habitat Area (ESHA) due to the limited native range of the species. The importance of this environmentally sensitive habitat area also has increased significantly due to the susceptibility of Monterey Pines to the damaging effects of the pitch canker disease. Therefore, especially in light of the pitch canker threat, minimizing the loss of native Monterey Pine habitat to other causes (urbanization, recreational overuse, invasive exotic plant species) has become an even greater consideration in land use planning in Cambria.

The existing parcel configuration allows one residence as a principally permitted use on the six-acre lot. One secondary dwelling could be allowed as a conditional use if consistent with other applicable LCP requirements. The proposed lot line adjustment creates three smaller parcels (ranging from 1.37 to 2.88 acres) from the existing six-acre parcel, allowing a maximum total of 3 habitable structures¹ within an environmentally sensitive habitat area. Thus, the proposed action increases the potential buildout of this sensitive habitat area and the likelihood for more tree removal and habitat loss when the newly created parcels are developed.

The proposed lot line adjustment raises issues in terms of its conformance with Policy 4 for ESH and CZLUO Section 23.07.170(c) because the lot line adjustment creates two additional lots (building areas) within an environmentally sensitive resource area. Additionally, it appears to be inconsistent with Policy 33 for ESH and CZLUO Sections 23.07.164 and 23.07.176 because alternative parcel configurations exist that will have a lesser impact on the habitat. **Thus, a substantial issue is raised by the appeal contentions for the lot line adjustment.**

¹ Pursuant to CZLUO Section 23.08.169, secondary dwelling units may be established, as a conditional use, on sites with a minimum area of 6,000 square feet served by community water and sewer facilities. However, San Luis Obispo County included a condition of approval prohibiting additional residences, secondary dwellings or guest houses on the proposed parcels.



With respect to the proposed residence on the existing six-acre parcel, CZLUO Section 23.07.164(e) requires that any proposed clearing of trees or other features be the minimum necessary to achieve safe and convenient access without creating significant adverse effects on the identified sensitive resource. Additionally, CZLUO Section 23.07.176 and Policies 28 and 33 for ESH further emphasize the preservation and protection of rare and endangered species of terrestrial plants and animals. The proposed single-family residence and related driveway are located within a fairly dense portion of the forest further down the slope and would require the removal of six Monterey Pine trees, while another four would be impacted (see Exhibit 2). Other areas within the existing six-acre parcel have fewer trees and are more degraded. Thus, more appropriate development sites exist. Therefore, the project appears to be inconsistent with Policy 28 for ESH because alternatives exist that will have a lesser impact on the habitat.

Policies 1 and 27 for ESH and CZLUO Section 23.07.170(d) limit development within ESHA and require that development not significantly disrupt the resource. Thus, the proposed single family residence appears to be inconsistent with these policies and ordinance. The single family residence also appears to be inconsistent with Policy 33 for ESH and CZLUO Section 23.07.164 because alternatives exist that will have a lesser impact on the habitat. **Thus, a substantial issue is raised by the appeal contentions for the single family residence.**

C. Water

The appellants contend that the proposed project is inconsistent with the following LCP Policy regarding the availability of water and wastewater services for proposed developments.

Policy 1 for Public Works - Availability of Service Capacity: *New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line...*

Ensuring that adequate water services exist for new development is critical, especially in communities such as Cambria, where water is scarce. Since the appeal was filed, staff has received verification that the Cambria Community Services District intends to serve the subject parcel with water and wastewater services. The "Intent to Serve" letter (see Exhibit 8) is valid for 18 months from date of issue (April 1, 1999), but is eligible for a six-month extension. Because the "Intent to Serve" letter will expire on October 1, 2000, before the Commission hearing date, and an extension of the letter is discretionary, there is no assurance that the proposed development will be served by public services in the future. **For this reason, a substantial issue is raised by the appeal contentions for the single family residence (A-3-SLO-00-078).**



VI. STAFF RECOMMENDATION ON COASTAL DEVELOPMENT PERMITS

1. Lot Line Adjustment

Staff recommends that the Commission, after the public hearing, **approve** the coastal development permit with conditions for the proposed lot line adjustment.

MOTION: *I move that the Commission approve Coastal Development Permit No. A-3-SLO-00-079 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the amended lot line adjustment and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the certified San Luis Obispo County Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

2. Single Family Residence

Staff recommends that the Commission, after the public hearing, **approve** the coastal development permit with conditions for the proposed single family development.

MOTION: *I move that the Commission approve Coastal Development Permit No. A-3-SLO-00-078 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the amended single family residence and adopts the findings set forth below on grounds that the development as conditioned



will be in conformity with the policies of the certified San Luis Obispo County Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

VII. STANDARD CONDITIONS FOR A-3-SLO-00-078 & A-3-SLO-00-079

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 on which the Commission voted on the application. 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

VIII. SPECIAL CONDITIONS FOR A-3-SLO-00-078

1. **Scope of Permit.** This permit authorizes, subject to the standard conditions above and the Special Conditions below, the construction of a single family dwelling and attached garage on the existing six-acre parcel (APN 013-131-032). Except for Conditions 1, 2, 3, 6, 7, 8, 9, 10, 16, and 17, all conditions of San Luis Obispo County's approval of the residential project (attached as Exhibit 6) become conditions of this permit. All conditions of San Luis Obispo County's approval pursuant to planning authority other than the Coastal Act continue to apply.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall comply with all conditions of approval for A-3-SLO-00-079 (lot line adjustment).

2. **Revised Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for the Executive Director's review and approval, two sets of revised project plans, which shall:



- a. Show the location of all development proposed within the designated primary building envelope approved by coastal development permit A-3-SLO-00-079;
 - b. Comply with all applicable setback requirements; and
 - c. Show final materials and colors that blend in with, and are subordinate to, the surrounding natural environment (e.g. earth tones, windows and other reflective materials that limit glare).
3. **Tree Replacement.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a tree replacement and planting plan to the Executive Director for review and approval. The Permittee shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed in accordance with those measures recommended by the Executive Director and the project biologist, including recommendations such as boxing around roots over 5 inches in diameter, maintaining a variable age structure, removal of senescent trees, protection of understory, and maintaining some dead snags.

The plans shall provide for the replacement, in kind at a 4:1 ratio, of all Monterey Pine trees proposed to be removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a ratio of 2:1 ratio, to mitigate for oak or Monterey Pine trees impacted but not removed.

Proposed locations of newly planted trees should adhere to the following, whenever possible:

- a. On the north side of and at the canopy/dripline edge of existing mature trees;
- b. On north-facing slopes;
- c. Within drainage swales (except when riparian habitat is present);
- d. Where topsoil is present; and
- e. Away from continuously wet areas (e.g. lawns, leach lines).

Trees will be planted on the back of former Lots 35 to 38, along the proposed driveway, and in openings to aid in shielding the view of development from public areas.

4. **Landscape Material.** No invasive trees or shrubs shall be planted. California Exotic Pest Plant Control lists should be consulted prior to any landscape installations. Landscape material shall be consistent with the Monterey Pine Forest habitat. Some recommended plants are listed below (not a comprehensive list). Vegetation planted within the driplines of remaining trees should not require irrigation. Rye grass should not be included in any seed mix due to its invasive nature.

Scientific Name

Common Name

Trees

Pinus radiata

Monterey Pine¹

Quercus agrifolia

Coast Live Oak



Understory Plants

<i>Achillea millefolium</i>	Yarrow
<i>Arctosaphylos spp.</i>	Manzanita ²
<i>Ceanothus spp.</i>	Mountain lilac ²
<i>Clematis lasiantha</i>	Virgin's bower
<i>Heteromeles arbutifolia</i>	Toyon
<i>Ribes spp.</i>	Currants and Gooseberries
<i>Symphoricarpos mollis</i>	Snowberry

¹ Use only those seedlings shown to be resistant to pitch canker disease

² Only those species found within Cambria should be used

5. **Diseased Material.** To prevent or reduce the spread of disease from pitch canker, bark beetles, or other diseases affecting the forest, the following measures shall be followed:
 - a. Cutting or pruning tools shall be cleaned with a disinfectant prior to using them on uninfected branches or other trees.
 - b. Prior to the cutting or removal of infected trees, the Permittee shall submit a plan, for review and approval by the Executive Director, for the transportation and relocation of the diseased material. The plan shall identify the chosen site to which the material will be relocated (areas free of the disease are prohibited) and shall ensure that any material taken off site will be covered or enclosed to avoid dispersal of contaminated bark beetles.
 - c. Trees removed as a result of development shall be cut into small logs and tree parts (small branches, twigs). If the material cannot be properly disposed of directly after cutting, it shall be stored on-site, under a clear plastic tarp. Tree parts shall be chipped, and left as a thin layer on-site. Small logs shall be stored on-site, under a clear plastic tarp, until necessary preparations have been made for their removal.
6. **Water.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director a valid "Intent to Serve" letter from the Cambria Community Services District, verifying that the CCSD will serve the development with public water and sewer services.

IX. SPECIAL CONDITIONS FOR A-3-SLO-00-079

7. **Local Conditions of Approval.** Except for Conditions 5, 6, and 8-13, all conditions of San Luis Obispo County's approval of the lot line adjustment (attached as Exhibit 6) become conditions of this permit. All conditions of San Luis Obispo County's approval pursuant to planning authority other than the Coastal Act continue to apply.
8. **Revised Parcel Map.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for the Executive Director's review and approval, two copies of a revised map which shall show the reconfigured lot line adjustment and two



designated building envelopes to be in substantial conformance with those illustrated on page 4 of Exhibit 3 of this report.

9. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall finalize, execute, and record, in a form and content acceptable to the Executive Director, a deed restriction for the reconfigured parcel (APN 013-131-032), as proposed by the applicant, that limits future development of the parcel according to the specific provisions listed below. The deed restriction shall include a legal description of the parcel being restricted, and shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This Deed Restriction shall not be invalidated or changed without a Commission amendment to this coastal development permit.

The Deed Restriction shall provide for the following:

- a. A prohibition against future land divisions, except for a subdivision to detach existing APN 023-203-018 (and the designated secondary building envelope adjacent to Wilton Drive) from the remaining larger parcel (APN 013-131-032), in a manner consistent with LCP provisions.
- b. Establishment of two building envelopes, in which all future development and site disturbance shall be contained. The building envelopes shall be located above the 480-foot elevation contour in an area that minimizes tree removal and damage to the root zones of trees to the maximum extent feasible (located in an area substantially consistent with that shown in attached Exhibit 3). The primary building envelope shall be limited to a maximum total area of 10,000 square feet and allows for the following types of development:
 - 1) One single family residence and attached garage, consistent with Special Condition 1 above, to be constructed above the 480-foot elevation contour.
 - 2) Residential accessory structures (storage, shed, workshop, etc. not to exceed 400 square feet), water storage tank (for the collection and disbursement of rain water) and garden, to be located above the 500-foot elevation contour.
 - 3) Driveways, parking areas, and walkways.
 - 4) General landscaping and fencing.The secondary building envelope (adjacent to Wilton Drive) shall be limited to a maximum total area of 1,800 square feet and shall be developed consistent with applicable LCP requirements.
- c. Allowable development within the two building envelopes shall:
 - 1) Limit exterior lighting to the minimum necessary to safely light the residence, walkways, or yard area, and direct lighting downward to avoid outward glare.



- 2) Limit all landscaping materials to that which will not have an adverse impact on Monterey Pine Forest habitat. Non-native invasive plants that could spread outside of the building envelopes and into the forest habitat are prohibited.
- d. All areas of the forest and its understory outside of the building envelopes shall be maintained in its native state and no invasive trees or shrubs shall be planted.
- e. Passive recreation (hiking, bird watching, etc.) or other activities outside of the building envelopes that do not significantly disrupt the Monterey Pine habitat, particularly the root zone of the Monterey Pines, is allowed. Any development activities proposed to accommodate such uses must receive the necessary coastal development permit(s).

X. DE NOVO FINDINGS AND DECLARATIONS

As discussed in the substantial issue findings, the proposed lot line adjustment and single family residence raise inconsistencies with Policies 1, 4, 27, 28, and 33 for ESH, and CZLUO Sections 23.07.164, 23.07.170, and 23.07.176 because of their potential to have adverse impacts on environmentally sensitive habitats. Additionally, the project is inconsistent with Policy 1 for Public Works because while there is currently approved water for the site, assurance that such approval will be extended is needed.

A. Lot Line Adjustment

In terms of Monterey Pine Forest habitat, there is a noticeable distinction between East Lodge Hill, the area of these project proposals, and West Lodge Hill, an extensive residential area located west of Highway 1. Although the majority of both areas are mapped as Terrestrial Habitat for the protection of Monterey Pine trees, the continuity of the forest is significantly affected by the underlying parcel size and configuration. For example, development of the small lots (approximately 3,500 square feet – typically composed of two 25' x 70' lots) within West Lodge Hill have created relatively compact neighborhoods, which compromise much of the forest habitat in this area. However, development of the larger parcels (ranging from 1,750 square feet to approximately 19 acres) in East Lodge Hill have allowed a relatively large part of the forest in this area to remain unfragmented (see aerial photo in Exhibit 10). For this reason, emphasis should be placed on future development in the East Lodge Hill to be subordinate to the larger forest system.

Division of Parcels in ESH

The existing parcel configuration allows one residence as a principally permitted use on the six-acre lot. One secondary dwelling could be allowed as a conditional use, pursuant to CZLUO Section 23.08.169, if found consistent with all other LCP requirements.

As approved by the County, the lot line adjustment creates three smaller parcels (ranging from 1.37 to 2.88 acres) from the existing six-acre parcel and the three lots on Wilton Drive, and relocates existing lots deeper into the Monterey Pine Forest. In doing this, development sites are essentially removed from the smaller parcels along Wilton Drive and transferred to the more sensitive portions of the property (due to the relative density of the forest and the superior health of the trees in the



northern portion of the property). Thus, the County-approved lot line adjustment increases the potential buildout in an environmentally sensitive habitat area, results in more tree removal and habitat loss, and fragmentation of the forest when the newly created parcels are developed. This is inconsistent with Policy 4 for ESH and CZLUO 23.07.170(c) because although a specific setback from terrestrial habitat is not stated in the LCP, the project creates two additional lots and the potential for two additional residential structures within a sensitive habitat. Additionally, the lot line adjustment is inconsistent with LCP Policies 27, 28, and 33 for ESH because it creates unnecessary fragmentation of the sensitive Monterey Pine Forest habitat.

In response to staff's concerns regarding the proposed lot line adjustment, the applicant submitted an amendment to the project (see Exhibit 3), requesting that all four of his lots (existing Lots 34, 35, 36, and a portion of Lot 10) be merged into one parcel, eliminating existing Lots 37 and 38 from the lot line adjustment proposal. This amended proposal will result in a voluntary merger of contiguous parcels in a single ownership. The certified LCP provides for this procedure in Title 21, Section 21.06.085 of the County Subdivision Ordinance. The amendment further requests an allowance for an additional building site (secondary dwelling) on the newly created parcel, in the location of two of the existing small lots (Lots 35 and 36).

Clearly, merging four lots (one large parcel and three smaller lots) into one larger parcel within the Monterey Pine Forest serves to further protect this sensitive habitat, consistent with Policy 4 for ESH and CZLUO Section 23.07.170(c). The placement of a secondary dwelling on this new parcel is consistent with the requirements of CZLUO Section 23.08.169, and the location of the building site on existing Lots 35 and 36 (see Exhibit 3 for proposed project amendment) limits development to the more disturbed portion of the property and does not require tree removal. This is consistent with Policies 27, 28, and 33 for ESH.

The amended lot line adjustment proposed by the applicant does not create additional parcels within the sensitive Monterey Pine Forest habitat, limits development to the more disturbed portion of the property, and largely retains the six-acre parcel to prevent fragmentation of the Monterey Pine Forest. In order to assure long-term protection of the sensitive Monterey Pine Forest Habitat, and memorialize the applicant's amended project, Special Condition 9 requires the Permittee to record a deed restriction that 1) prohibits future land divisions (with one specific exception); 2) specifies the location of future building envelopes and the type of development allowed within those envelopes, and; 3) limits activities and development allowed elsewhere on the property. **Thus, the amended lot line adjustment, as proposed by the applicant, is consistent with Policies 4, 27, 28, and 33 for Environmentally Sensitive Habitats and CZLUO 23.07.170(c), and should be approved.**

B. Single Family Residence

CZLUO Section 23.07.164 requires that any proposed clearing of trees or other features be the minimum necessary to achieve safe and convenient access without creating significant adverse effects on the identified sensitive resource. Policy 1 for ESH and CZLUO Section 23.07.170(d) prohibit development from significantly disrupting environmentally sensitive habitats, and CZLUO



Section 23.07.176 and Policies 28 and 33 for ESH emphasize the preservation and protection of rare and endangered species of terrestrial plants and animals. As approved by the County, the single-family residence and related driveway are located within a fairly dense portion of the forest, and require the removal of six Monterey Pine trees, while another four will be impacted (see Exhibit 2). Additionally, this building site is located in an area essentially surrounded by Monterey Pine trees, and fragments the forest habitat. Other areas, though within the existing six-acre parcel, have fewer trees and would result in less fragmentation and thus, are more appropriate for development. Therefore, as approved by the County, the proposed residence does not minimize impacts to the sensitive habitat, inconsistent with Policies 28 and 33 for ESH and CZLUO Sections 23.07.164, 23.07.170(d) and 23.07.176.

Since the appeal was filed, staff has had subsequent discussions with the applicant in an attempt to reach an agreement regarding development on the six-acre parcel. As a result of these discussions, the applicant has submitted an amendment to his original project proposal (attached as Exhibit 3). This amendment proposes to locate a primary building envelope near the western property boundary, which allows for development of a single family residence with attached garage, water storage tank, storage shed or workshop, and other related site improvements (e.g. landscaping, walkways).

Locating the residence and all other related site development closer to the western property boundary minimizes tree removal and site disturbance within the larger forest habitat (a maximum of five Monterey Pine trees will be removed), yet provides for a reasonable use of the property. Furthermore, locating the residence near the edge of the remaining forest habitat limits fragmentation of the sensitive Monterey Pine Forest habitat, consistent with Policy 27 for ESH.

All other structural development (including the garden shed and water storage tank proposed by the applicant) will be located above the 500-foot elevation contour. This corner of the six-acre parcel is surrounded by residential development to the east and south and has relatively sparse tree growth. Although this area functions as a part of the larger Monterey Pine Forest habitat, it generally appears to be more disturbed than the remaining property. This observation is further supported by the terrestrial habitat survey (see Exhibit 7 for full text) prepared for the project (Althouse and Meade, 1999), which states,

On the six acre parcel, the trees closest to the existing development along Wilton Drive appear to be in relatively poor health. Of the 29 trees standing in the top area, over 90% were dead or diseased as indicated by oozing sap from the bole, deformed bark protrusions, and numerous dead branches and branchlets.

Therefore, Special Condition 2 of this Coastal Development Permit, which essentially memorializes the applicant's proposed amended project, requires the Permittee to submit revised plans showing the location of all proposed development within the designated primary building envelope. Although this location avoids the steeper slopes of the parcel, drainage across the site is directed toward Santa Rosa Creek. Therefore, County Condition 5, incorporated as a Special Condition of this coastal



development permit by reference, requires the applicant to submit a drainage, sedimentation and erosion control plan to address surface flow and provisions for minimizing erosion on the property.

Special Conditions 3, 4, and 5 place requirements on the removal and handling of Monterey Pine tree material, and future proposals for on-site landscaping. Furthermore, County Conditions 12 and 13, incorporated as Special Conditions of this coastal development permit by reference, provide guidance to limit disturbance of the sensitive Monterey Pine Forest habitat during construction activities. Finally, County Conditions 11, 14, and 15 address tree replacement, maintenance, and monitoring, which assure that the required mitigation for tree removal will be successful. **Thus, as condition, the proposed single family residence is consistent with the requirements of CZLUO Sections 23.07.164, 23.07.170(d), and 23.07.176, and Policies 1, 27, 28, and 33 for Environmentally Sensitive Habitats, and should be conditionally approved.**

Water

As discussed in the substantial issue findings, ensuring that adequate water services exist for new development is critical, especially in communities such as Cambria, where water is scarce. As such, the following LCP Ordinance regarding water and sewer services is especially relevant:

Coastal Zone Land Use Ordinance 23.04.430: *A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section. Subsections a. and b. of this section give priority to infilling development within the urban service line over development proposed between the USL and URL.*

...²

This project is within the Urban Service Line (USL) for Cambria, and according to the Cambria Community Services District (CCSD), is eligible for water that is currently being reserved by the CCSD. Based on the relatively large size of the existing six-acre parcel, the CCSD previously (in the 1980's) allocated water and sewer capacities for 2 Equivalent Dwelling Units (EDUs) (see Exhibit 8), which provides for development of two residential units. In an attempt to take advantage of the two water meters assigned to the six-acre parcel, the applicant is seeking to develop two residential units on this parcel (see Exhibit 3 for proposed project amendment).

Notwithstanding the CCSD's indication that there is currently water available to serve the project from the allocation reserved for residential multi-family uses, the Commission has previously found, in response to the County's proposed North Coast Update, that there are several uncertainties

² This water reservation ("Intent to Serve" letter) is valid until October 1, 2000. This staff recommendation is based on an assumption that the "Intent to Serve" letter will be extended by the CCSD. Information regarding the status of the water connection will be available at the October 12th hearing on this item. If the water connection is no longer available, staff will recommend that the item be continued.



regarding the reliability of this water supply, its impact on riparian and wetland habitat, and its long-term sustainability.

In order to address this concern, the suggested modifications to the County's North Coast Update adopted by the Commission called for a programmatic approach to addressing water constraints. In summary, Suggested Modification No. 107 called for a limitation of new residential development in the Cambria Urban Area to no more than 125 residences per year, until January 1, 2001. This modification also called for the development and implementation of monitoring and maintenance strategies to define the amount of new development that can be accommodated without adversely affecting riparian and wetland habitats and agricultural activities. If these strategies are not incorporated into the LCP by January 1, 2001, the modification calls for a moratorium on new development that relies on water from San Simeon or Santa Rosa Creeks.

Clearly, the ability to provide adequate water to existing and future development in Cambria is a substantial unresolved issue. However, the approach taken by the Commission to address this issue to date has been a programmatic one, focused on addressing the problems and unresolved questions through comprehensive planning and resource management, rather than calling for an immediate halt to all new development. As reflected in the modification to the North Coast Update described above, the Commission established a date certain by which it expects these planning and resource monitoring efforts to result in specific changes to the management and allocation of Cambria's limited water supply. As the additional information and management strategies are being developed, the Commission has been relying upon the CCSD's existing allocation program, and the County Resource Management Program (which limits the amount of new residential development in the Cambria Urban area to 125 residences per year), to keep new water demands in check. For example, the Commission has not been appealing the residential development being approved by the County on a routine basis in Cambria's Lodge Hill area. As described above, the project that is the subject of this appeal is in compliance with the CCSD's allocation program.

Due to changing circumstances regarding water availability in Cambria, Special Condition 6 of this coastal development permit requires the Permittee to provide evidence that a valid "Intent to Serve" has been issued for the project. **Thus, the project is consistent with Policy 1 for Public Works and CZLUO Section 23.04.430, and the single-family residence should be conditionally approved.**

XI. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures that would substantially lessen any significant adverse effect that the project may have on the environment. San Luis Obispo County certified a Negative Declaration for the project on March 17, 2000.

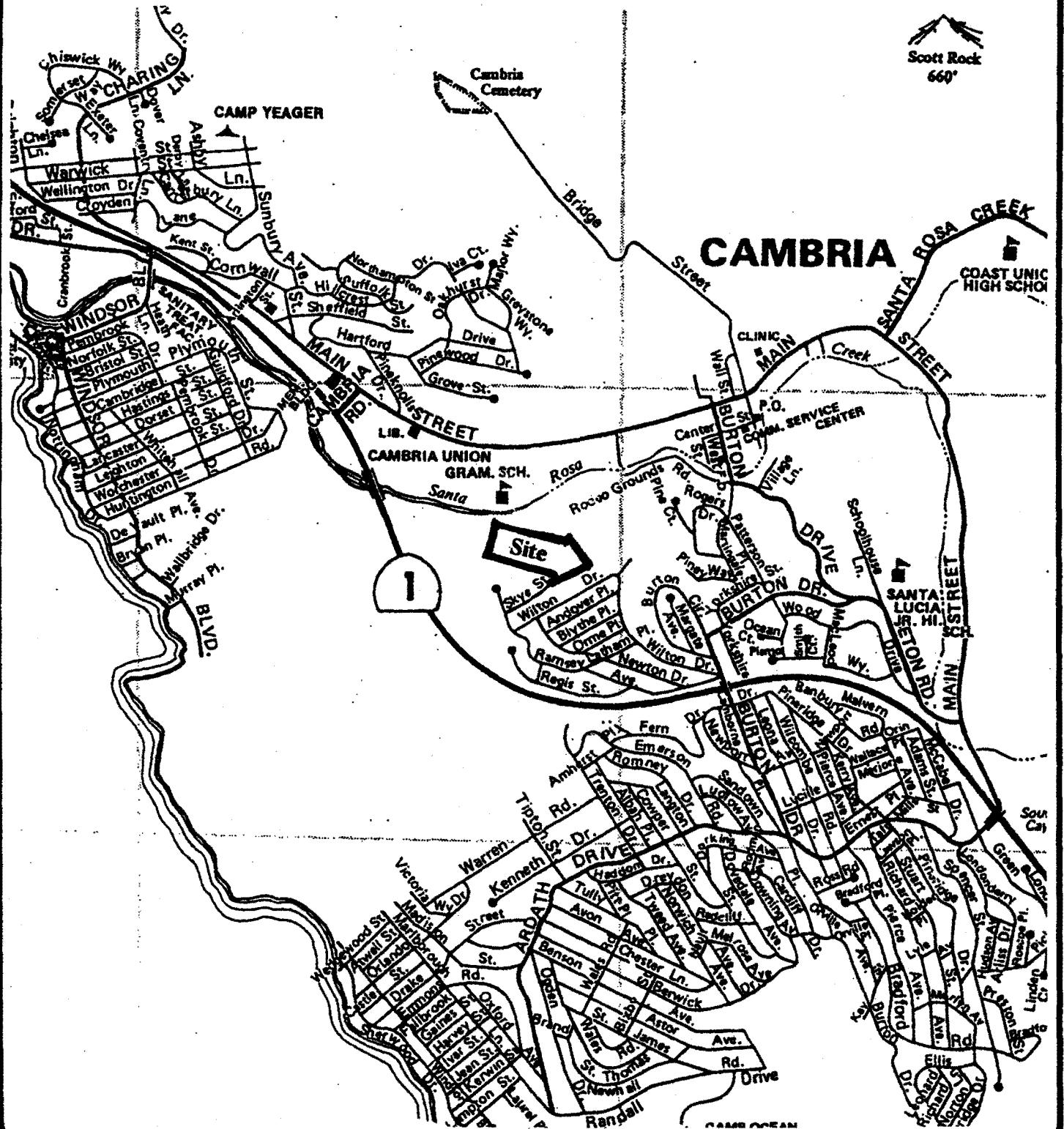


The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The impacts of the proposed lot line adjustment and single family residence on coastal resource issues have been discussed in this staff report and the projects are being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions of Approval). As such, the Commission finds that only as modified and conditioned by this permit will the proposed lot line adjustment and single family residence not have any significant adverse effects on the environment within the meaning of CEQA.



XI. EXHIBITS





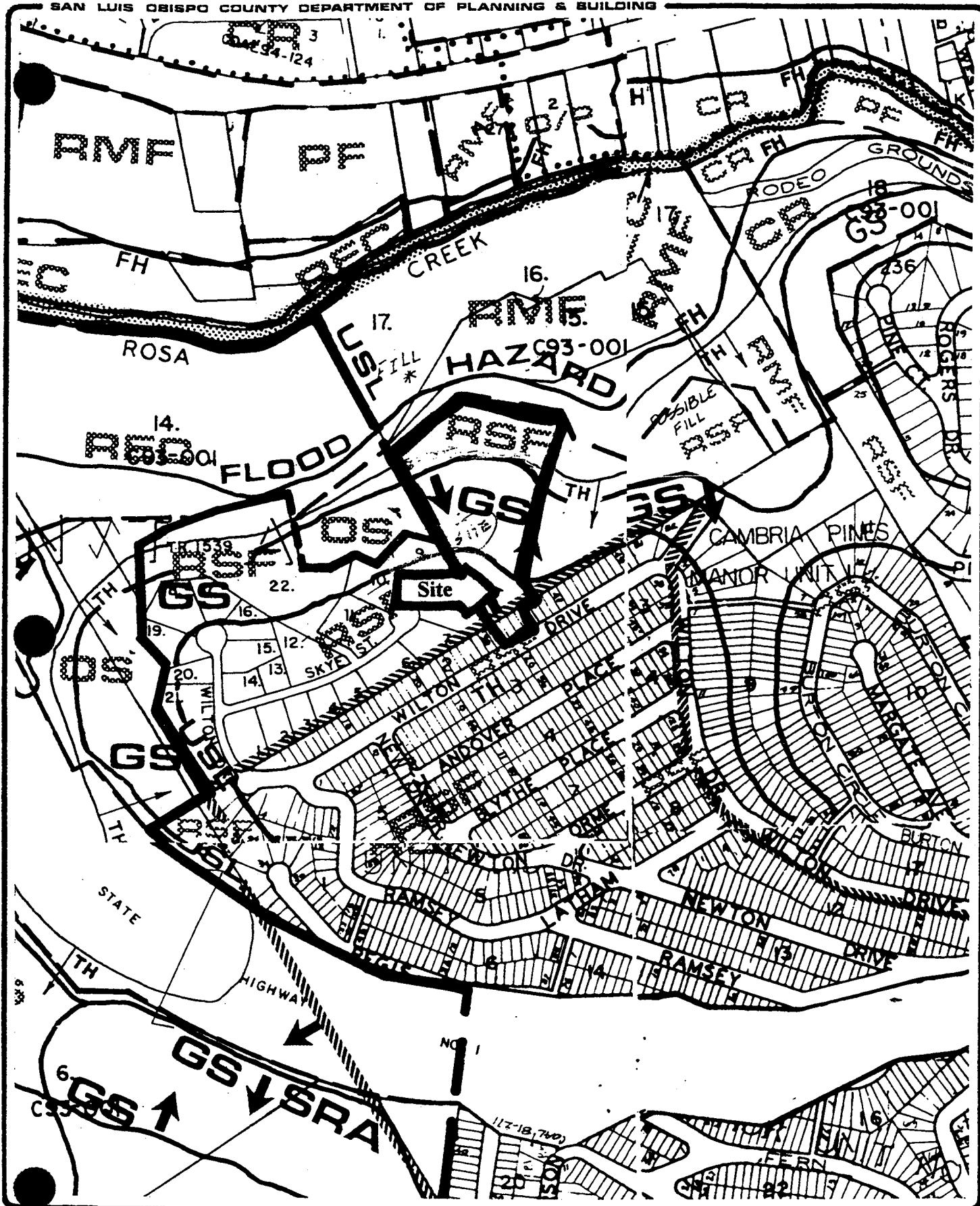
PROJECT

Exhibit 1
(2 of 4)



EXHIBIT

VICINITY MAP



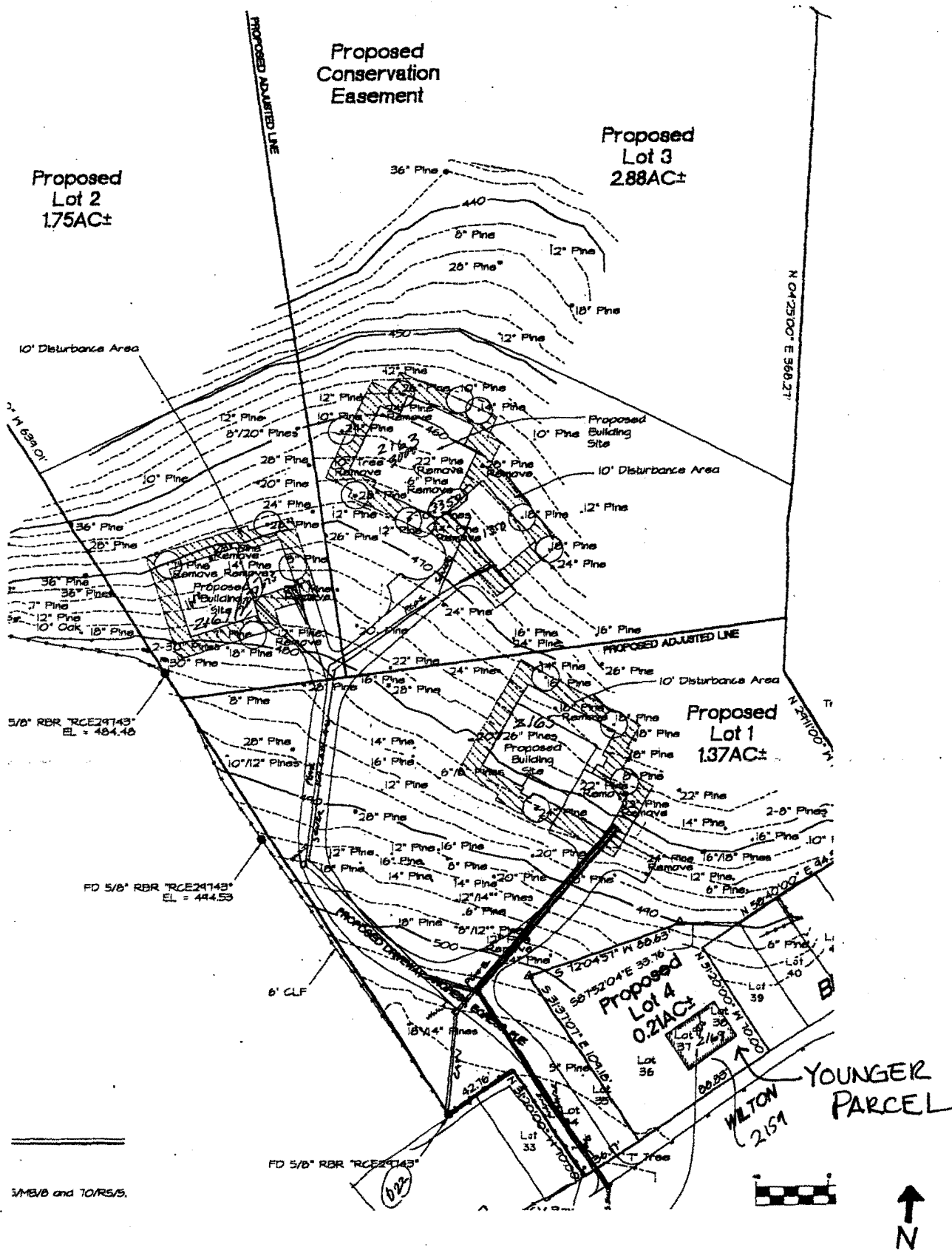
PROJECT

Exhibit 1
(3 of 4)



EXHIBIT

LAND USE CATEGORY MAP



PROJECT

Exhibit 2
(1 of 2)



EXHIBIT

LOT LINE ADJUSTMENT MAP
DETAIL



ACREAGE TABLE	
EXISTING ACREAGE	PROPOSED ACREAGE
PTN. OF LOT 10 = 6.0AC±	LOT 1 = 1.31AC±
LOT 34 = 0.04AC±	LOT 2 = 1.79AC±
LOT 35 = 0.04AC±	LOT 3 = 2.88±
LOT 36 = 0.04AC±	LOT 4 = 0.21AC±
LOT 37 = 0.04AC±	
LOT 38 = 0.04AC±	

Owner's Statement
I hereby request approval of this as
a listing of real property shown on this form,
and state that I am the authorized
owner of the property and that this map is
correct to the best of my knowledge.

Richard T. Vaughan PLS 5754 (Exc

Existing Legal Access Easement

**Tentative Lot Line
Adjustment COAL 99-0071**

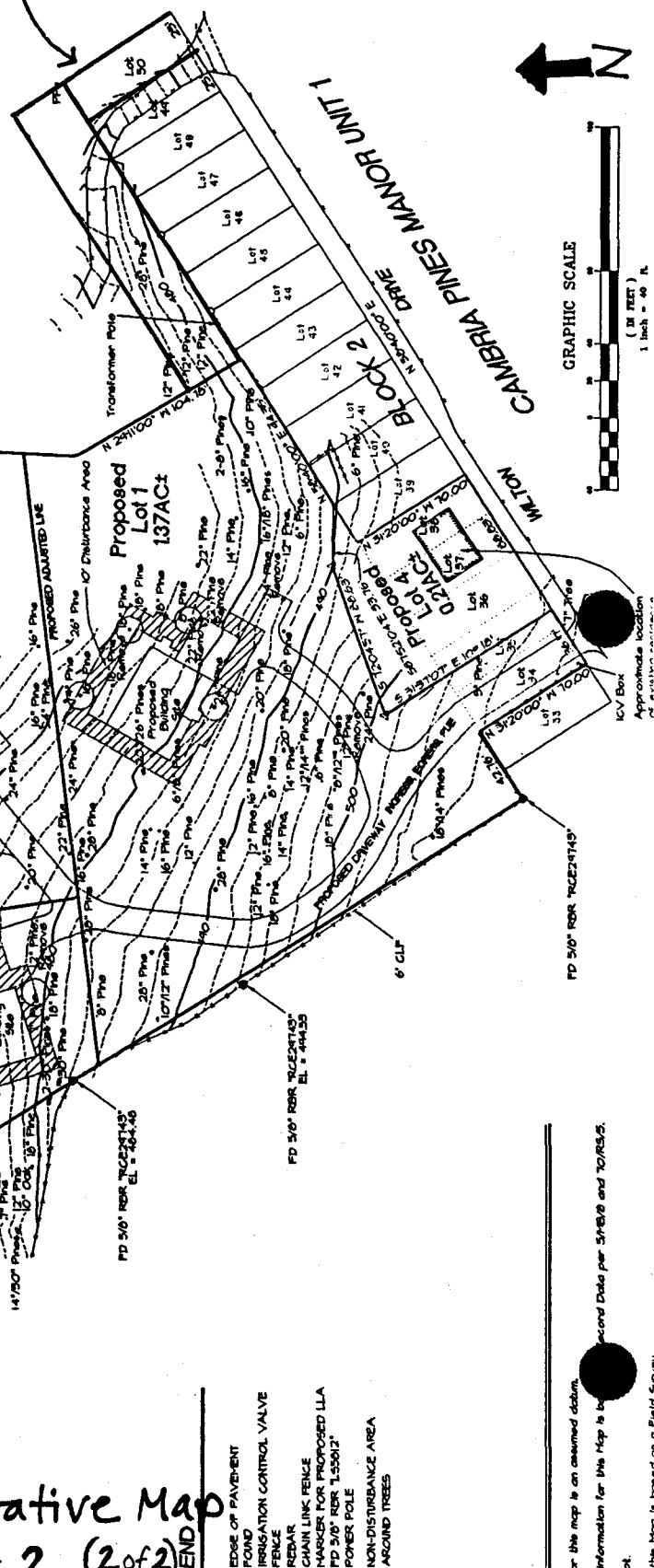
Being and adjustment of the line between
Wards Subdivision of a part of Rancho S.
recorded in 4/LS/59, and a portion of L.
Phine Minor Unit 1 per 5/MB/8, in the Co.
State of California.

APN #019-131-052
Prepared for Mr. Chris Seaberg
2045 Sherwood Drive
Contra Costa, CA 94520

VAUGHAN SURVEYS, INC.

7701 Riverside Avenue
Paso Robles, California 93446
(805) 238-5725

Job #44-056 Revised: 9/30/94
File: \44056\940930bmd.mdg



Proposed Tentative Map
Exhibit 2 (2 of 2)

For this map is an assumed datum.

• this book is based on a blind survey.

TO: THE CALIFORNIA COASTAL COMMISSION

FROM: CHRIS SEABERG, OWNER, APPLICANT.

REGARDING: APPEALS A-3-SLO-00-078
A-3-SLO-00-079

IN THE EVENT THAT THE COMMISSION FINDS
A SUBSTANTIAL ISSUE WITH MY PROPOSALS,
I WOULD LIKE TO AMEND THEM AS FOLLOWS:

AS TO THE RESIDENCE ON THE SIX ACRE
PARCEL APN 013 131-032, ALLOW FOR ONE
BUILDING ENVELOPE ABOVE THE 400 FOOT ELEVATION
CONTOUR LINE WITH A MAXIMUM OF 9200 SQUARE
FEET, AS SHOWN ON EXHIBIT A.

ALLOW FOR USE ABOVE THE 500 FOOT ELEVATION
CONTOUR LINE FOR PLACEMENT OF A 1000 GALLON
WATER STORAGE TANK (FOR THE COLLECTION &
DISBURSEMENT OF RAIN WATER), A GARDEN
STORAGE / SHOP BUILDING WITH A MAXIMUM
FOOT PRINT OF 400 SQUARE FEET AND
CONCENTRATED GARDEN AREA.

THIS AREA IS IN THE UPPERMOST S/W
CORNER OF THE SITE AND IS IN A VERY
DEGRADED STATE.

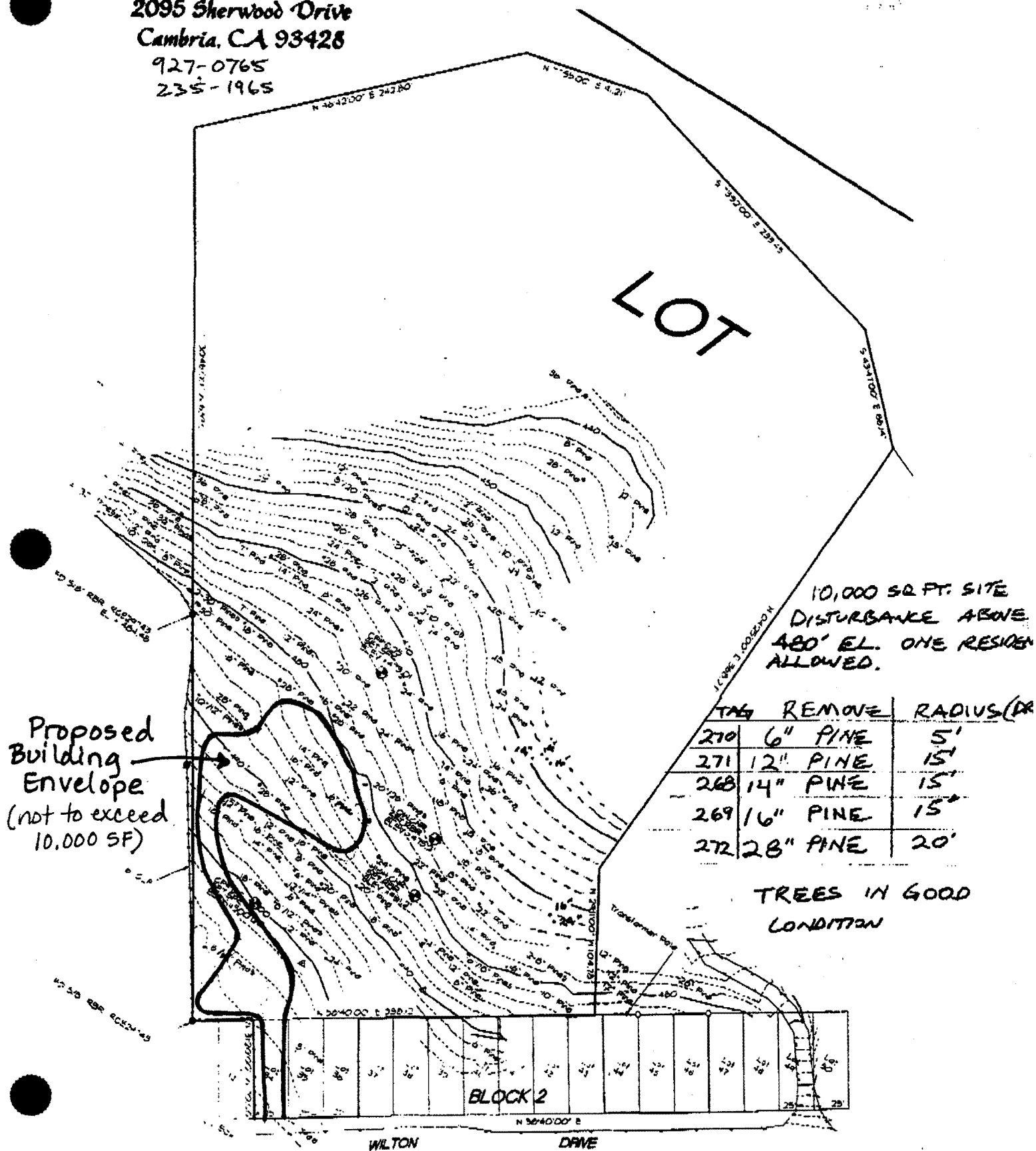
Proposed Project Amendment
Exhibit 3
(1 of 4)

AS TO THE LOT LINE ADJUSTMENT
I WOULD LIKE TO ADJUST THE TWO
SMALLER LOTS, APN 023-203-017 AND 018
WITH THE SIX ACRE PARCEL TO CREATE
ONE PARCEL TOTAL, ALLOWING FOR ONE
BUILDING SITE PER LODGE HILL STANDARDS
ON THE 50 X 70 PORTION (APN 023-203-018).
THIS WOULD ALLOW ME THE ABILITY TO USE
THE WATER POSITION I HAVE PAID FOR.
AT A FUTURE DATE I WOULD LIKE TO
BE ALLOWED THE ABILITY TO RE-SUBDIVIDE
TO THE EXISTING LOT LINES ONLY.

THANKYOU FOR CONSIDERING THESE
AMENDMENTS.

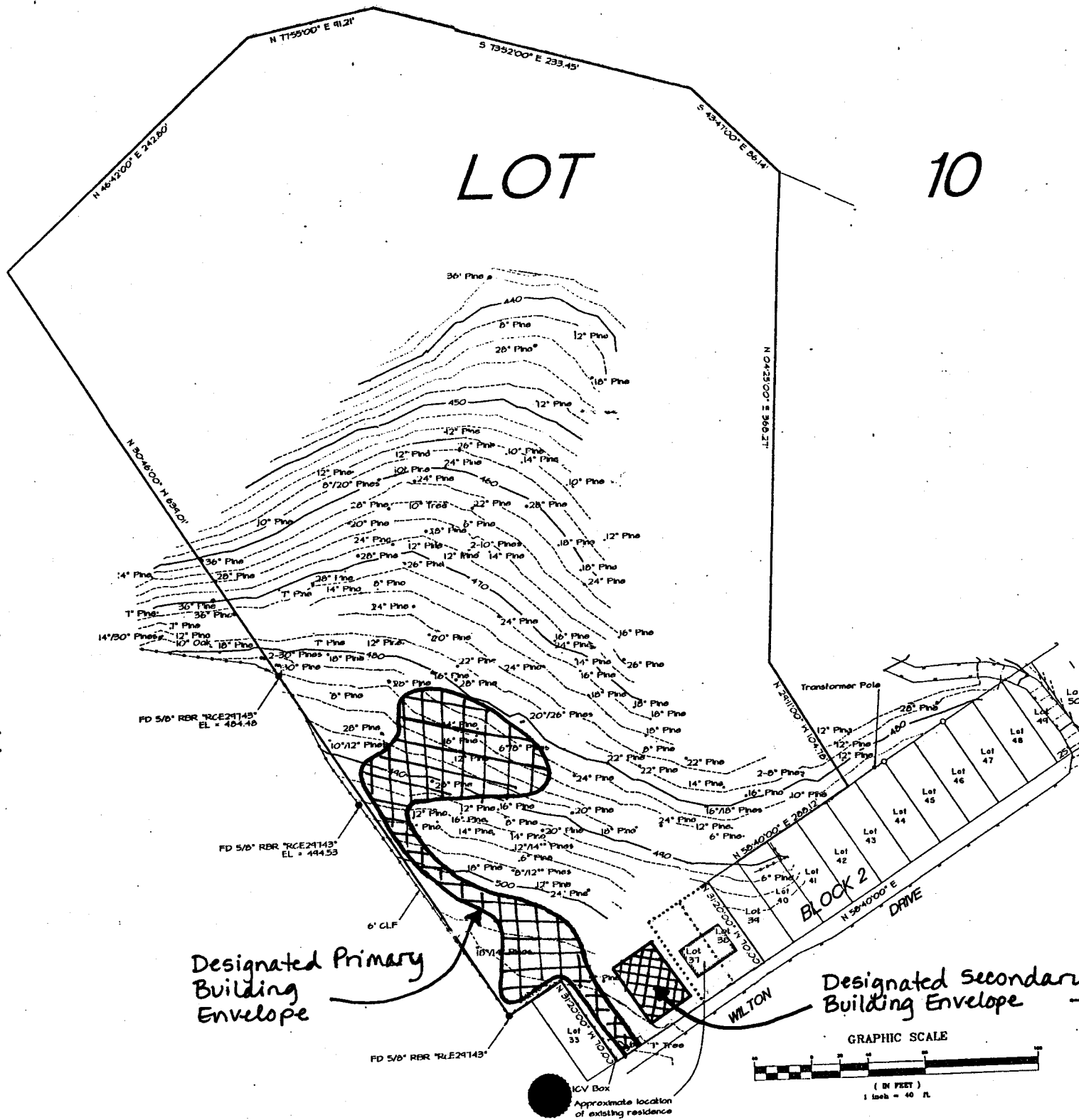
SINCERELY


CHRIS SEABERG

Seaberg Construction**2095 Sherwood Drive****Cambria, CA 93428****927-0765****235-1965****Exhibit A**

LOT

10



Proposed Amended Lot Line Adjustment
with Designated Building Envelopes

Exhibit 3

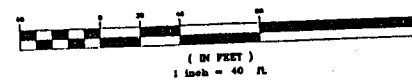
(4 of 4)

(Prepared by staff)

Designated Primary
Building
Envelope

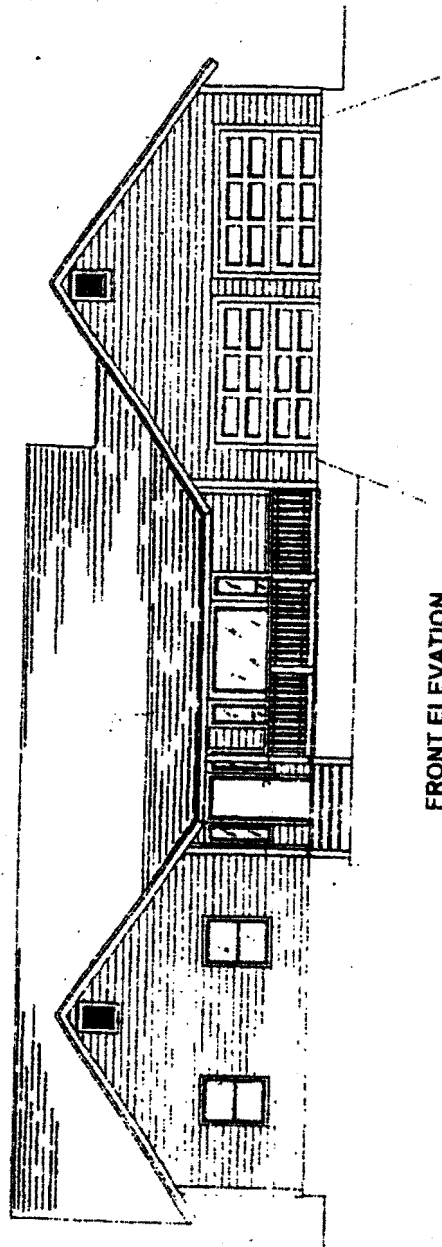
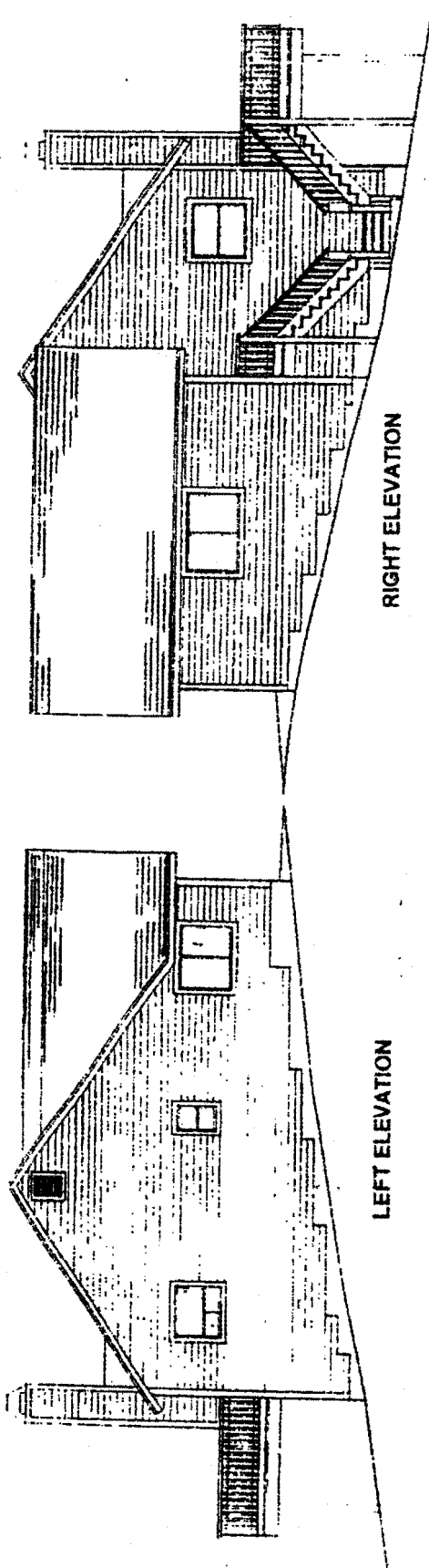
Designated Secondary
Building Envelope

GRAPHIC SCALE



MCV Box
Approximate location
of existing residence

3-44



PROJECT

Exhibit 4
(2 of 4)



EXHIBIT

ELEVATIONS

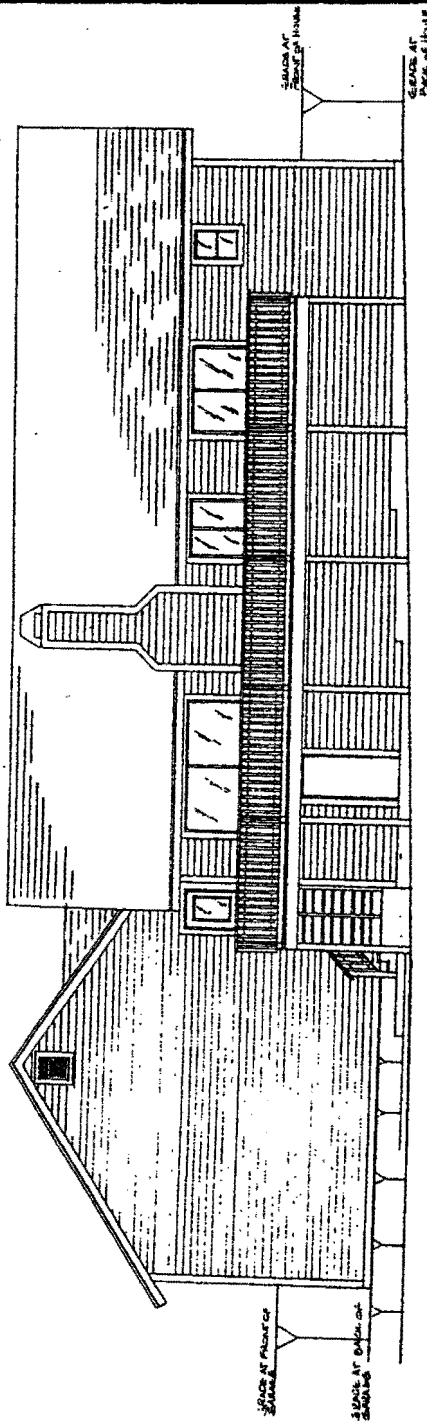
3-45

NO.	REVISIONS

WATKINS DESIGN
Fred D. Watkins
FRED D. WATKINS, DESIGNER (805) 461-1834
11700 VIEJO CAMINO, ATASCADERO, CA 93422

ELEVATION PLAN

DATE	
BY	
CHECKED BY	
APPROVED BY	



REAR ELEVATION

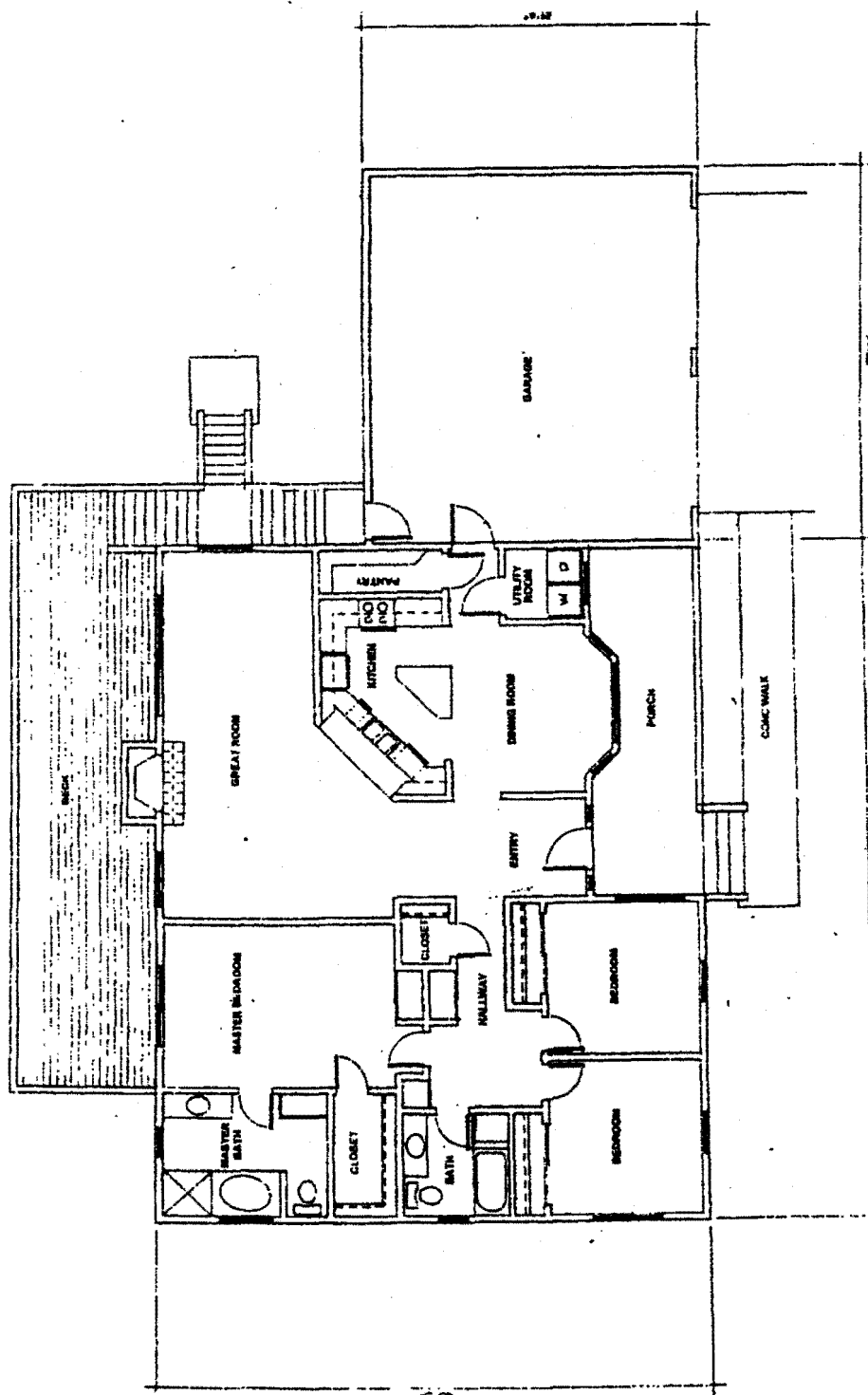
PROJECT

Exhibit 4
(3 of 4)



EXHIBIT

ELEVATIONS



TOTAL SQUARE FOOTAGE	
RESIDENCE	1810
GARAGE	660
PORCH	186
DECK	472

FLOOR PLAN

PROJECT

Exhibit 4
(4 of 4)



EXHIBIT

FLOOR PLAN

CALIFORNIA COASTAL COMMISSION

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

**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Commissioner Sara Wan and Commissioner Dave Potter

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105-2219 (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Construction of a 2,570 square foot single family residence with paved driveway on a 6 acre parcel in the Monterey Pine Forest.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

2159 Wilton Drive, Cambria, San Luis Obispo County (APN(s) 023-203-017, 023-203-018, and 013-131-032)

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: X

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-00-078

DATE FILED: May 25, 2000

DISTRICT: Central

A-3-SLO-00-78
Exhibit 5
(1 of 10)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ☒ Planning Director/Zoning
Administrator

c. ☐ Planning Commission

b. ☐ City Council/Board of
Supervisors

d. ☐ Other: _____

6. Date of local government's decision: April 21, 2000

7. Local government's file number: D990026P; ZA2000-048

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Christopher Seaberg

2095 Sherwood Drive

Cambria, CA 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Vaughan Surveys, Inc.

1101 Riverside Avenue

Paso Robles, CA

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

*Exhibit 5
(2 of 10)*

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (P. 2 3)

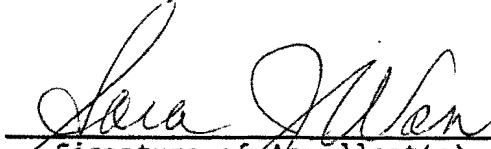
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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



Signature of Appellant(s) or
Authorized Agent

Date May 25, 2000

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

Section VI. Agent Authorization

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

Exhibit 5
(3 of 10)

Signature of Appellant(s)

Date _____

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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

Dave Poths

Signature of Appellant(s) or
Authorized Agent

Date May 25, 2000

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

Section VI. Agent Authorization

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

Exhibit 5
(4 of 10)

Signature of Appellant(s)

Date _____

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863

**Reasons for Appeal: San Luis Obispo County Coastal Development Permit D990026P (Seaberg)**

The proposed project to construct a 2,570 square foot single family residence, with a paved driveway on a 6 acre parcel and three 25-foot lots is inconsistent with the policies and ordinances of the San Luis Obispo County Local Coastal Program, as detailed below.

1. San Luis Obispo County LCP Environmentally Sensitive Habitats Policy 1 and CZLUO Section 23.07.170 (d) prohibit new development proposed within or adjacent to locations of environmentally sensitive habitats from significantly disrupting the resource, and within an existing resource, allows only those uses dependent on such resources. The proposed residence and related driveway are located within the Monterey Pine Forest, an area mapped as a Sensitive Resource Area (Terrestrial Habitat) and considered an environmentally sensitive habitat area (ESHA). This development is not dependent upon the sensitive resource and will cause the removal of six Monterey Pines.
2. CZLUO Section 23.07.164 requires that any proposed clearing of trees or other features be the minimum necessary to achieve safe and convenient access and will not create significant adverse effects on the identified sensitive resource. CZLUO Section 23.07.176 and Policy 33 for Environmentally Sensitive Habitats, which are applicable due to the project's location within an area designated as Terrestrial Habitat, further emphasize the preservation and protection of rare and endangered species of terrestrial plants and animals. The construction of the residence and driveway necessitates the removal of 6 and the disturbance of 4 Monterey Pines. Alternative locations for the development exist which appear to have a lesser impact (in regards to tree removal and grading for the driveway) on the environmentally sensitive habitat.
3. Environmentally Sensitive Habitats Policies 27 and 28 encourage the protection of native and rare or endangered plant species wherever possible and specifically place emphasis on the protection of the ecological community as a whole. The proposed development is within an ESH area and does not appear to have been located to preserve or protect the sensitive Monterey Pine forest.

Exhibit 5
(5 of 10)

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
HEARING IMPAIRED: (415) 904-5200

**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Commissioner Sara Wan and Commissioner Dave Potter

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105-2219

(415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Lot line adjustment between six lots of 0.04, 0.04, 0.04, 0.04, 0.04 and 6.0 acres resulting in
four lots of 0.21, 1.37, 1.75 and 2.88 acres in the Monterey Pine forest.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

2159 Wilton Drive, Cambria (North Coast Planning Area), San Luis Obispo County

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: X

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-00-079

DATE FILED: June 1, 2000

DISTRICT: Central

A-3-SLO-00-79
Exhibit 5
(6 of 10)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning
Administrator

c. ☐ Planning Commission

b. ☐ City Council/Board of
Supervisors

d. ☒ Other: Subdivision Review Brd

6. Date of local government's decision: 4/3/2000

7. Local government's file number: S990003L/COAL 99-0071

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Christopher Seaberg
2095 Sherwood Drive
Cambria, CA 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Vaughan Surveys, Inc.
1101 Riverside Avenue
Paso Robles, CA 93446

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

Exhibit 5
(7 of 10)

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

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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

Dan Petter
Signature of Appellant(s) or
Authorized Agent

Date 5/25/00

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

Section VI. Agent Authorization

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

Exhibit 5
(8 of 10)

Signature of Appellant(s)

Date _____

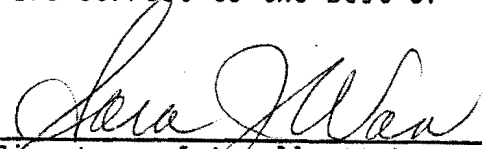
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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



Signature of Appellant(s) or
Authorized Agent

Date 5/25/00

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

Section VI. Agent Authorization

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

Exhibit 5 _____
(9 of 10) Signature of Appellant(s)
Date _____

CALIFORNIA COASTAL COMMISSION

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

**Reasons for Appeal: San Luis Obispo County Coastal Development Permit COAL 99-0071; S990003L (Seaberg)**

The proposed project to adjust the line between six existing parcels (five parcels of 0.04 acres and one parcel of 6.0 acres) resulting in four lots of 0.21, 1.37, 1.75, and 2.88 acres is inconsistent with the policies and ordinances of the San Luis Obispo County Local Coastal Program, as detailed below.

1. Policy 4 for Environmentally Sensitive Habitats and CZLUO Section 23.07.170(c) prohibit land divisions within environmentally sensitive habitats, "unless it can be found that the buildable area(s) are entirely outside the minimum standard setback required for that habitat." In addition, North Coast Planning Area Standard for Sensitive Resource Areas requires development to concentrate proposed uses in the least sensitive portions of the property and retain native vegetation as much as possible. The proposed lot line adjustment is inconsistent with these policies because it creates three lots, and related proposed building sites, within a relatively dense portion of the sensitive Monterey Pine forest. The existing lot configuration provides for only one building site in the forest, concentrates development closer to Wilton Drive, and decreases the need for paved driveways and tree removal.
2. CZLUO Section 23.07.164 requires that any proposed clearing of trees or other features be the minimum necessary to achieve safe and convenient access and will not create significant adverse effects on the identified sensitive resource. CZLUO Section 23.07.176 and Policy 33 for Environmentally Sensitive Habitats, which are applicable due to the location of the project within an area designated as Terrestrial Habitat, further emphasize the preservation and protection of rare and endangered species of terrestrial plants and animals. The proposed lot line adjustment designates three building sites on three lots within a relatively dense portion of the Monterey Pine forest (a residence currently exists on the proposed fourth parcel). This creates a situation in which future development will be scattered rather than clustered, creating the need for long accessways from Wilton Drive and removal of at least 15, and disturbance of an additional 17, Monterey Pines. The existing parcel configuration concentrates development closer to Wilton Drive and provides for only one building site within the dense portion of the Monterey Pine forest, significantly reducing the impact to the Sensitive Resource Area.
3. Policy 1 for Public Works requires new development (including divisions of land) to demonstrate that adequate public or private service capacities are available to serve the proposed development. The proposed lot line adjustment is inconsistent with this Policy as there is no indication in the County's approval that adequate water service will be made available to the project (i.e. a valid will-serve letter from Cambria Community Services District or a condition requiring the applicant to provide evidence of water service prior to the issuance of a building permit).

Exhibit 5
(10 of 10)

X = not incorporated into Commission's CDP

9/25/00

Exhibit B - Conditions
D990026P

Approved Development

- X This approval authorizes the construction of a single family dwelling with a gross structural area of 2,470 square feet.
- X Site development shall be consistent with the revised site plan, floor plans and elevations.
- X **Prior to the issuance of a construction permit**, the applicant shall submit revised plans showing the following:
 - a. compliance with the rear setback standard of 30 feet, unless an exception is granted in accordance with CZLUO section 23.05.104f.
 - b. final materials and colors to be consistent with the proposal.
- 4. **Prior to issuance of a construction permit**, the applicant shall obtain an encroachment permit from Engineering Department for all improvements within the right-of-way.
- 5. **Prior to issuance of construction permits on each lot**, a drainage, sedimentation and erosion control plan for that lot shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036 and 044, to the County Engineering Department for review and approval. The drainage plan shall be designed for each lot to collect and disperse surface flow in a pattern that will not cause erosion to the hill slopes or be ponded near pine trees. (reduce potential for soil loss and avoid saturated soils under pine trees). The drainage, sedimentation and erosion plan shall be consistent with the recommendations contained in the report, *Engineering Geology Review of Seaberg Parcel*, by GeoSolutions, Inc. contained in the project file.
- X **Prior to the issuance of a construction permit**, the applicant shall execute a deed restriction for the proposed parcels that will (1) prohibit any further land division, (2) any additional residences, secondary dwellings or guest houses, and (3) limit allowed development to the building site.
- X **Prior to the issuance of a construction permit**, the applicant shall execute an **open space easement** along and below the 450 feet elevation, as shown on Lot Line Adjustment map COAL 99-0071, such that no future development will occur on this part of the property.

County's Conditions (D990026P)
Exhibit 6
(1 of 9)

X

At the time of application for grading permits or construction permits, the applicant shall submit a **tree replacement and planting plan**. The applicant shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed in accordance with those measures recommended by the Department of Planning and Building at that time, and the project biologist, including recommendations such as boxing around roots over 5 inches in diameter, maintaining a variable age structure, removal of senescent trees, protection of understory and maintaining some dead snags..

The plan shall provide for the replacement, in kind at a 4:1 ratio, of all oak or Monterey pine trees proposed to be removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, to mitigate for oak or Monterey pine trees impacted but not removed. No more than 15 trees [trees having a six inch diameter or larger at four feet from the ground] shall be removed as a result of the development of the project (as shown on the attached Exhibit A).

Proposed locations of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). Trees will be planted in Lot 34, on the back of Lots 35 to 38, along driveways and in openings on the south half of Lot 1.

Landscape material. No invasive trees or shrubs will be planted. California Exotic Pest Plant Control lists should be consulted prior to any landscape installations. Landscape material should be consistent with the Monterey Pine forest habitat. Some recommended plants are included in Table 1:

Table 1. Recommended Trees and Shrubs for landscaping.
(This is not a comprehensive list)

Scientific Name	Common Name
Trees	
<i>Abies bracteata</i>	Santa Lucia fir
<i>Pinus coulteri</i>	Big-cone pine
<i>Pinus radiata</i>	Monterey pine
<i>Pseudotsuga menziesii</i> var. <i>menziesii</i>	Douglas-fir
<i>Quercus agrifolia</i>	Coast live oak
<i>Sequoia sempervirens</i>	Redwood
Understory Plants	
<i>Achillea millefolium</i>	sun/shade Yarrow

Exhibit 6
(2 of 9)

<i>Arctostaphylos spp.</i>	full sun	Manzanita
<i>Ceanothus spp.</i>	full sun	Mountain lilac
<i>Clematis lasiantha</i>	sun/partial shade	Virgin's bower
<i>Heteromeles arbutifolia</i>	sun/partial shade	Toyon
<i>Ribes spp. . . .</i>	shade	Currants and Gooseberries
<i>Symphoricarpos mollis</i>	understory	Snowberry

Vegetation planted within the driplines of remaining trees should not require irrigation.

Rye grass should not be included in any seed mix due to its invasive nature.

X **Prior to issuance of grading or other construction permits**, a cost estimate for a planting plan, as required by condition 7, installation of new trees, and maintenance of new trees for a period of three years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. A performance bond, equal to the cost estimate, shall be posted by the applicant.

X **Prior to the issuance of a construction permit**, the applicant shall submit a **landscape and fencing plan** in accordance with Section 23.04.180 through 23.04.190 of the Coastal Zone Land Use Ordinance to the Development Review Section of the Planning and Building Department for review and approval. Native drought tolerant plants shall be selected consistent with condition no. 8, Table 1, and will help reduce the scale of the proposed structure. Fences which present a solid barrier shall be avoided except where privacy is desired near the residence.

Landscaping and/or tree replacement in accordance with the approved plans shall be installed or bonded for **prior to final building inspection/occupancy**. If bonded for, landscaping shall be installed within 90 days after final inspection and thereafter maintained in a viable condition on a continuing basis

11. **Replanting. Prior to final inspection and occupancy**, replanting shall be completed as soon as it is feasible (e.g. when irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

Exhibit 6
(3 of 9)

12. **Construction timing.** To avoid conflicts with nesting raptors, at least two weeks prior to construction activities, trees along the construction corridor should be examined for raptor nests. If active nests are found in trees to be removed, construction activities shall not be allowed during the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. The biologist will determine to what extent, if any, construction activities can occur during the nesting period. The results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.
13. **Construction practices.** All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced or taped prior to any grading, which shall be maintained until construction is completed. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree.
- Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts.
 - Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
 - A water truck should moisten the construction corridor when the ground is dry to reduce dust, which can impair the viability of trees.

Poison oak and weed abatement. Herbicides such as Round-up may be applied by a licensed herbicide applicator to control poison oak and weeds such as the invasive French broom (*Cytisus monspessulanus*).

Soil protection. Exposed soils should be protected from water and wind erosion during construction and should be re-vegetated immediately following construction or covered with pin and oak wood chips.

14. **Prior to final inspection of a construction permit,** and after the trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
15. **Prior to final inspection of construction permits,** to guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with

Exhibit 6
(4 of 9)

the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of newly planted trees and approved by the Environmental Coordinator.

~~16.~~

Prior to final inspection and occupancy, the applicant shall retain a qualified botanist and complete a forest management plan for the property. The intent of the plan is to improve the overall Monterey Pine forest health on the property as an offset to the increase in disturbance that will result from the project. The plan shall include:

- a. Forest inventory to complete or supplement the existing inventory:
 - Survey trees (tag, describe size, health, approximate age, and habitat value)
 - Prepare an understory map (show locations of exotic species for removal and areas of pristine understory that should be protected).
- b. A list of one-time management actions based on the inventory, including:
 - Determine appropriate canopy characteristics and management targets for different locations (I.E., 60% canopy closure within 100 feet of home footprints; 70-80% canopy closure on steep slope).
 - Maintain variable age structure.
 - Remove selected senescent trees (determine by proximity to home sites, tree health and habitat value).
 - Maintain some dead snags for wildlife habitat (especially in open space).
 - Remove exotics (develop strategy for prioritizing areas to be treated and prescribe methods for removal).
 - Prepare pest and disease management actions.
- c. Develop and establish a legal format for homeowner commitment to the forest management plan (e.g., homeowners' association with covenants, conditions and restrictions).

~~17.~~

Prior to final inspection/occupancy of a construction permit, execute deed restrictions that provide the following restrictions on human activity to minimize disturbance to the forest and wildlife habitat:

- Prohibit any future parcelization beyond the parcel sizes and configuration in lot line adjustment map COAL 99-0071 (as proposed by applicant).
- Limit residential development on each lot to one single family residence (as proposed by applicant).
- Limit access to forest in open space area. No trails will be constructed in open space, but deer trails that are already there may be used for infrequent access.
- At the time of residential construction, install split-rail or similar open fence to deter foot traffic and to provide a low-impact visual boundary at the edge of yard areas, being no further north than the 450-foot elevation line (the designated open space area).
- No animal pens, corrals, dog runs, storage areas, or gardens should be allowed more

Exhibit 6
(5 of 9)

than 50 feet from homes.

- The forest and its understory shall be maintained in its native state. No invasive trees or shrubs shall be planted.
- No grading, clearing, or disruptive activities should occur that disturbs or alters the root zone of the Monterey pines.
- Dead, diseased or dying trees in the vicinity of improvements may be removed with care not to damage neighboring trees and with minimal impact to the understory.
- Exterior lighting shall be directed downward or such as to avoid direct glare outward, and shall be minimized yet light home and yard areas adequately.
- Landscape material shall be consistent with the Monterey Pine forest habitat. Some recommended plants are included in Table 1 in condition 8.

Exhibit B
Seaberg/Vaughan S990003L - Conditions

1. This adjustment may be effectuated by recordation of a map or recordation of certificates of compliance. If a map is filed it shall show:
 - a. All public utility easement;
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recordation data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
- X The map or certificate of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
- X In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. **Any deed of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificate of compliance.**
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent property taxes and assessments collected as real property taxes when due prior to final approval.
- X After approval by the Subdivision Review Board, compliance with the preceding conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- X The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effecting the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
- X **Prior to recordation of map or filing of certificates of compliance, the applicant shall execute a deed restriction for the proposed parcels that will (1) prohibit any further land**

division, (2) any additional residences, secondary dwellings or guest houses, and (3) limit allowed development to the building site areas shown on the proposed lot line adjustment map for proposed lots 1 through 3.

X. **Prior to recordation of the map or filing of certificates of compliance**, the applicant shall execute an **open space or conservation easement** along the back of Lots 2 and 3 at and below the 450 feet elevation such that no future development will occur on this part of the property.

X. **Prior to recordation of the map or certificates of compliance**, the applicant shall retain a qualified botanist and complete a forest management plan for the property. The intent of the plan is to improve the overall Monterey Pine forest health on the property as an offset to the increase in disturbance that will result from the project. The plan shall include:

- a. Forest inventory to complete or supplement the existing inventory:
 - Survey trees (tag, describe size, health, approximate age, and habitat value)
 - Prepare an understory map (show locations of exotic species for removal and areas of pristine understory that should be protected).
- b. A list of one-time management actions based on the inventory, including:
 - Determine appropriate canopy characteristics and management targets for different locations (I.E., 60% canopy closure within 100 feet of home footprints; 70-80% canopy closure on steep slope).
 - Maintain variable age structure.
 - Remove selected senescent trees (determine by proximity to home sites, tree health and habitat value).
 - Maintain some dead snags for wildlife habitat (especially in open space).
 - Remove exotics (develop strategy for prioritizing areas to be treated and prescribe methods for removal).
 - Prepare pest and disease management actions.
- c. Develop and establish a legal format for homeowner commitment to the forest management plan (e.g., homeowners' association with covenants, conditions and restrictions).

X. **Prior to recordation of the map or certificates of compliance**, execute covenants, conditions and restrictions (CC&Rs) that provide the following restrictions on human activity to minimize disturbance to the forest and wildlife habitat:

- Prohibit any future parcelization to retain the parcel sizes and configuration allowed by this lot line adjustment.
- Limit residential development on each lot to one single family residence and one guest house (Coastal Zone Land Use Ordinance section 23.08.032 et seq.) or secondary dwelling, limited to no larger than 640 square feet, and in compliance with Coastal Zone Land Use Ordinance section 23.08.169 et seq.
- Limit access to forest in open space area. No trails will be constructed in open space, but deer trails that are already there may be used for infrequent access.

Exhibit 6
(8 of 9)

- At the time of residential construction, install split-rail or similar open fence to deter foot traffic and to provide a low-impact visual boundary at the edge of yard areas, being no further north than the 450-foot elevation line (the designated open space area).
- No animal pens, corrals, dog runs, storage areas, or gardens should be allowed more than 50 feet from homes.
- The forest and its understory shall be maintained in its native state. No invasive trees or shrubs shall be planted.
- No grading, clearing, or disruptive activities should occur that disturbs or alters the root zone of the Monterey pines.
- Dead, diseased or dying trees in the vicinity of improvements may be removed with care not to damage neighboring trees and with minimal impact to the understory.
- Exterior lighting shall be directed downward or such as to avoid direct glare outward, and shall be minimized yet light home and yard areas adequately.
- Landscape material shall be consistent with the Monterey Pine forest habitat. Some recommended plants are included in Table 1:

Table 1. Recommended Trees and Shrubs for landscaping.
(This is not a comprehensive list)

Scientific Name		Common Name
Trees		
<i>Abies bracteata</i>		Santa Lucia fir
<i>Pinus coulteri</i>		Big-cone pine
<i>Pinus radiata</i>		Monterey pine
<i>Pseudotsuga menziesii</i> var. <i>menziesii</i>		Douglas-fir
<i>Quercus agrifolia</i>		Coast live oak
<i>Sequoia sempervirens</i>		Redwood
Understory Plants		
<i>Achillea millefolium</i>	sun/shade	Yarrow
<i>Arctostaphylos</i> spp.	full sun	Manzanita
<i>Ceanothus</i> spp.	full sun	Mountain lilac
<i>Clematis lasiantha</i>	sun/partial shade	Virgin's bower
<i>Heteromeles arbutifolia</i>	sun/partial shade	Toyon
<i>Ribes</i> spp.	shade	Currants and Gooseberries
<i>Symphoricarpos mollis</i>	understory	Snowberry

RECEIVED

MAY 23 2000

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TERRESTRIAL HABITAT SURVEY

in
Monterey Pine Forest
for

Lot Line Adjustment COAL 99-0071; S990003L; Seaberg/Vaughan

Cambria, San Luis Obispo County

Prepared for:

Chris Seaberg
2095 Sherwood Drive
Cambria, CA 93428
805-927-0765

by
Lynne Dee Althouse Ph.D.c.

ALTHOUSE AND MEADE
BIOLOGICAL AND ENVIRONMENTAL SERVICES
1135 Stoney Creek Road
Paso Robles, CA 93446

(805) 237-9626

September 30, 1999
Revised November 29, 1999

Terrestrial Habitat Survey
Exhibit 7
(1 of 25)

TABLE OF CONTENTS

INTRODUCTION	1
HABITAT ASSESSMENT	2
LOT DESCRIPTIONS	6
ALTERNATIVES DISCUSSED	8
MITIGATION RECOMMENDATIONS	12
RESPONSE TO LETTERS FROM COUNTY PLANNING	15
CZLUO	16
COASTAL PLAN POLICIES	17
REFERENCES	18
APPENDIX A – AERIAL PHOTOGRAPH	19
APPENDIX B – PHOTOGRAPHS	20
APPENDIX C – PROJECT MAP	23

INTRODUCTION

On September 3, 1999 Lynne Dee Althouse conducted a biological assessment of the proposed development on COAL 99-0071, on Wilton Drive in the Lodge Hill area of Cambria. Chris and Tawnie Seaberg, the owners, accompanied the author during the afternoon survey. The purpose of the site visit was to assess potential impacts to the Monterey pine forest if a lot line adjustment is allowed. Regulations and information about the Monterey pine forest are included in Appendices A.

On November 2 and 3, Lynne Dee Althouse met with James Lopes, County Planner, to discuss planning documents that provide guidance for managing sensitive natural resources in the Cambria region. Ms. Althouse also met with Pat Beck on November 2 and later spoke with John Nall on November 3 regarding development in this portion of the Monterey Pine forest. We also discussed the option of an open-space easement, scenic preservation agreement, or a habitat conservation plan mitigation agreement.

On November 21, Daniel E. Meade (consulting biologist) and Jason Dart (restoration specialist) joined Ms. Althouse on a site visit to reassess forest health, density, and potential impacts as a result of this project. Following that visit we have compiled the additional information about the existing resources and the proposed development that were not included in the original habitat survey submitted on September 30, 1999. These additional data are useful for designing a project that avoids most impacts and minimizes mitigatable impacts to the Monterey Pine forest.

The owners propose to consolidate their five narrow lots along the north side of Wilton Drive and a six acre adjoining parcel into four building sites. Lots 34-38 are approximately 1750 sq. ft. each. The Seabergs own 34, 35, 36, plus lots 39 and 40, not considered part of this project. Lot 34 will be designated for an easement access and for some of the mitigation trees. One home is on 37 and 38 (3500 sq. ft.), and three homes are proposed for the upper half (south side) of the six acre parcel. The five narrow lots along Wilton Drive contain one five inch Monterey pine (Lot 35), weeds, landscape trees and shrubs that are not documented in this assessment. The focus of this assessment is on the upper half of the six acre parcel north Wilton Drive.

During the site visit, plant species, birds, and evidence of mammals were noted. Habitat observations were made, trees in the vicinity of proposed development were photographed, and the pine forest described. It is important to note that plant cover varies from season to season. The species present in identifiable condition during our September survey do not constitute a complete list for the subject property. Spring annuals may only be present as withered remains from this year, and may not have been detected by the author.

Exhibit 7
November 1999
(3 of 25)

HABITAT ASSESSMENT

The subject six acre parcel (APN 013-131-032) is a north and northeastern-facing slope dominated by Monterey Pine (*Pinus radiata*) forest. It is located within a Sensitive Resource Area (SRA) and a Terrestrial Habitat area (TH) combined designation. It is also considered an environmentally sensitive habitat (ESH). An aerial photograph (2/23/99 by Golden State Aerial, Appendix A) shows this parcel to be within part of a larger forested north-facing hillslope on the south side of the Santa Rosa Creek drainage. It is above a meadow formed by the creek. Across the creek to the north are a bank, a church, an elementary school, and a mobile home park. The north portion of this parcel is part of a contiguous Monterey Pine forest along this reach of Santa Rosa Creek. The southern portion is bordered by urban development comprised of small lots along Wilton Drive.

The total number of trees on the entire 6 acre parcel (existing Lot 10) includes 116 pine trees shown on the map plus 190 pines and 48 coast live oaks beyond the area shown on the map (9/30/99). The tree and topographic survey covers approximately 2.4 acres; the area not shown on the map covers the remaining 3.6 acres. All of the mature oaks are outside of the area shown on the map.

Total trees over 6 inches dbh on 6 acre parcel:

- Coast live oak 48
- Monterey pine 306

Tree density in the vicinity of proposed development is variable, from 40 to 55 pines per acre. No mature oaks (*Quercus agrifolia*) occur within the proposed building area, although several small saplings (under 1 inch in diameter) are scattered throughout the forest. Understory varies from dense pine litter (over 10 inches deep) to thick poison oak (*Toxicodendron diversilobum*). Other understory species are listed in Table 1.

No rare species were observed during this survey other than Monterey Pine, which is a Federal species of concern and is on CNPS List 1B. It is distributed in a few highly restricted occurrences, is endangered in a portion of its range, and is rare outside of California.

The California Department of Fish and Game Natural Diversity Database list of special status plants, animals, and natural communities of San Luis Obispo County was consulted. Since no manzanita or ceanothus occur on this site, it is unlikely that there would be rare species associated with chaparral in this area such as *Calystegia subacaulis* ssp. *episcopalis* (Cambria morning glory) or *Pedicularis dudleyi* (Dudley's lousewort). No wetland habitat or coastal terrace occurs on the property.

During my site visit, I observed several bird species, but no raptor nests in the trees of the proposed development zone. The birds noted during the survey include dove, scrub jay, bush tit (just off site), red-shafted flicker, and acorn woodpecker. Overhead, I observed turkey vulture and red-tailed hawk. There was also evidence of mule deer, voles, mice (unidentified), and dusky footed woodrat (off the development zone).

On the six acre parcel, the trees closest to the existing development along Wilton Drive appear to be in relatively poor health. Of the 29 standing trees in the top area, over 90%

Exhibit 7
November 1999
(4 of 25)

were dead or diseased as indicated by oozing sap from the bole, deformed bark protrusions, and numerous dead branches and branchlets. In the lower elevation area, approximately below 460 to 480 feet elevation, tree health was better than the upper area, with about 80% diseased or dead (not indicated on the map). There do not appear to be as many dead trees per acre on the northern half of the parcel where the understory is dominated by ferns, snowberry, poison oak, and blackberry, and is not dominated weedy species.

The understory in the upper portion (southern end) of this parcel has been disturbed and is dominated by weeds and invasive landscape plants. The understory below 460 feet elevation is dominated by a dense understory of native perennials that vary from giant wildrye (*Elymus condensatus*), blackberry (*Rubus ursinus*), poison oak (*Toxicodendron diversilobum*), yerba buena (*Satureja douglasii*), and snowberry (*Symphoricarpos mollis*).

Table 1. List of plants observed during September survey.

PLANT LIST		
Scientific Name	Type	Common Name
	N = Native	
	W = Weed	
Trees		
<i>Eucalyptus</i> sp.	W	seedling eucalyptus
<i>Pinus radiata</i>	N	Monterey pine
<i>Prunus</i> sp.	planted	plum ?
<i>Quercus agrifolia</i>	N	coast live oak
Shrubs		
<i>Baccharis pilularis</i>	N	coyote bush
<i>Cytisus monspessulanus</i>	W	French broom
<i>Heteromeles arbutifolia</i>	N	toyon
<i>Lonicera interrupta</i>	N	honeysuckle
<i>Lotus scoparius</i>	N	deerweed
<i>Mimulus aurantiacus</i>	N	sticky monkeyflower
<i>Rhamnus californicus</i>	N	coffeeberry
<i>Ribes sanguineum</i>	N	currant
<i>Rubus ursinus</i>	N	wild blackberry
<i>Symphoricarpos mollis</i>	N	snowberry
<i>Toxicodendron diversilobum</i>	N	poison oak
Herbs		
<i>Amaryllis belladonna</i>	W	naked ladies
<i>Anagallis arvensis</i>	W	pimpernel
<i>Artemisia douglasiana</i>	N	mugwort
<i>Calystegia macrostegia</i>	N	morning glory
<i>Carduus pycnocephalus</i>	W	Italian thistle

Exhibit 7
November 1999
(5 of 25)

<i>Cirsium vulgare</i>	W	bull thistle
<i>Conyza canadensis</i>	W	horseweed
<i>Crassula</i> sp.	W	garden escape
<i>Dryopteris arguta</i>	N	woodfern
<i>Erodium botrys</i>	W	filaree
<i>Erodium cicutarium</i>	W	filaree
<i>Erodium cicutarium</i>	W	filaree
<i>Fragaria californica</i>	N	strawberry
<i>Galium aparine</i>	N	goosegrass
<i>Galium aparine</i>	N	bedstraw
<i>Galium trifidum</i>	N	bedstraw
<i>Geranium californicum</i>	N	California geranium
<i>Gladiolus</i> sp.	W	[exotic landscape material]
<i>Gnaphalium bicolor</i>	W	pearly everlasting
<i>Gnaphalium canescens</i>	N	everlasting
<i>Hedera helix</i>	W	African ivy
<i>Hirschfeldia incana</i>	W	perennial mustard
<i>Hypochoeris glabra</i>	W	smooth cat's ear
<i>Juncus bufonius</i>	N	toadrush
<i>Lotus heermannii</i>	N	lotus
<i>Lupinus succulentus</i>	N	lupine
<i>Medicago polymorpha</i>	W	burclover
<i>Oxalis corniculata</i>	N	yellow wood sorrel
<i>Oxalis pes-caprae</i>	W	Bermuda buttercup
<i>Plantago lanceolata</i>	W	English plantain
<i>Polygonum arenastrum</i>	W	knotweed
<i>Pteridium aquilinum</i>	N	bracken fern
<i>Ranunculus californica</i>	N	buttercup
<i>Rumex acetosella</i>	W	sheep sorrel
<i>Rumex angiocarpus</i>	N	sheep sorrel
<i>Rumex crispus</i>	N	dock
<i>Sanicula crassicaulis</i>	N	sanicle
<i>Satureja douglasii</i>	N	yerba santa
<i>Silybum marianum</i>	W	milk thistle
<i>Solanum douglasii</i>	N	nightshade
<i>Sonchus asper</i>	W	sow thistle
<i>Sonchus oleraceus</i>	W	prickly sow thistle
<i>Spergularia arvensis</i> ssp. <i>arvensis</i>	W	spurrey
<i>Stachys bullata</i>	N	hedgenettle
<i>Stellaria media</i>	W	chickweed
Grasses		
<i>Agrostis pallens</i>	N	bent grass
<i>Avena barbata</i>	W	wild oats
<i>Avena fatua</i>	W	wild oats

Exhibit 7
November 1999
(6 of 25)

<i>Briza major</i>	W	rattlesnake grass
<i>Bromus carinatus</i>	N	California brome
<i>Bromus diandrus</i>	W	rip-gut brome
<i>Bromus hordeaceus</i>	W	soft-chess brome
<i>Elymus condensatus</i>	N	giant wildrye
<i>Elymus trachycaulus</i>	N	slender wheatgrass
<i>Hordeum californicum</i>	N	California foxtail
<i>Hordeum marinum</i>	W	foxtail barley
<i>Hordeum murinum</i> ssp. <i>gussoneanum</i>	W	foxtail barley
<i>Leymus condensatus</i>	N	giant wildrye
<i>Lolium multiflorum</i>	W	wildrye

LOT DESCRIPTIONS

Proposed **Lot 1** adjoins the parcels along Wilton Drive, and contains 1.37 acres of forest and weedy species encroaching from the lots along Wilton Drive. Lot 1 contains proposed improvements at elevations from 474 feet to Wilton Drive at 506 feet elevation. Proposed **Lot 2** is northwest of Lot 1 on the north facing slope covered with 1.75 acres of forest. The elevations of the proposed improvement areas on Lot 2 vary from 470 to 484 feet. Lot 2 is contiguous with the Monterey Pine forest covering the parcels to the west and the proposed lot to the east. Proposed **Lot 3** covers 2.88 acres and includes the nose of the northeast facing slope that is comprised of Monterey Pine forest and a few scattered coast live oaks to the east of the proposed building site. The elevations of the proposed improvements on Lot 3 vary from 454 feet to 480 feet near the intersection of Lots 1, 2, and 3. Lot 3 contains forest that is contiguous with the proposed Lot 2 and the parcel to the east. Proposed **Lot 4** is a 0.21 acre site on Wilton Drive that is a composite of existing lots 36, 37, 38, a portion of lot 35 and a small part of the subject six acre parcel. Lot 4 contains an existing residence that spans lots 37 and 38. Table 2 summarizes these findings. Photos in Appendix B illustrate some of the findings. The proposed lot line adjust map is provided in Appendix C.

Table 2. Proposed lot sizes, vegetation type, condition, and elevation of proposed improvements.

Proposed #	Size (acres)	Vegetation	Condition of forest in proposed improvement zones	Elevation of proposed improvements (feet)
Lot 1	1.37	Monterey Pine Forest	Fair	474 to 506
Lot 2	1.75	Monterey Pine Forest	Fair	470 to 484
Lot 3	2.88	Monterey Pine Forest	Fair to good	454 to 480
Lot 4	0.21	Disturbed/landscaped	none	490 to 504

There are numerous saplings on the parcel that were not included on the map. They are abundant on the eastern side of the parcel, beyond the proposed footprint on Lot 3. The average size of the trees mapped on the lots is 17 inches diameter at breast height (dbh, ~4 feet) and the maximum size is 36 inches (Table 3).

Table 3. The average and maximum size of the trees in the proposed lots.

Proposed Lots	Average Size
Lot 1	16 inches
Lot 2	19 inches
Lot 3	17 inches
Average over all	17 inches
Proposed Lots	Maximum Size
Lot 1	28 inches
Lot 2	36 inches
Lot 3	28 inches (plus one 36" below 450 feet)

Of the trees shown on the map, the buildable slope on Lot 1 contains 20% of the parcel's total pines (59 trees). The buildable slope on Lot 2 contains 6% of the total trees (18 trees), and the buildable slope above 450 feet elevation on Lot 3 contains 10% of the parcel's trees (31 trees). Table 4 summarizes trees shown on the map.

Table 4. Total Monterey Pine trees in three size classes for each lot shown on the map. In front of Lot 34 is a 7 inch pine, not included in this count.				
Lot #	5-10 inches	11-20 inches	>20 inches	Grand Total
Proposed 1	13	34	12	59
Proposed 2	5	7	6	18
Proposed 3	7	12	12	31
Proposed 3 (below 450 feet shown on map)	1	3	2	6
Existing 34	1	0	0	1
Existing 35	1	0	0	1
Existing 36	0	0	0	0
Existing 37	0	0	0	0
Existing 38	0	0	0	0
Existing 39	0	0	0	0
Existing 40	0	0	0	0
Grand Total	28	56	31	116

Monterey Pine density on the six acre parcel varies from 38 to 53 trees per acre. Only two of the seven lots mapped along Wilton Drive contain pine trees (Table 5).

Table 5. Density of Monterey Pines for the lots shown on map. (* = incomplete map section)		
Lot #	Approx. area shown on map (acres)	Density (trees/acre)
Proposed 1	1.3	45
Proposed 2	.5	38
Proposed 3	.6	50
Proposed 3 (below 450 feet shown on map)	.25	20*
Existing 34	.04	25
Existing 35	.04	25
Existing 36	.04	0
Existing 37	.04	0
Existing 38	.04	0
Existing 39	.04	0
Existing 40	.04	0
Unmapped portion	3.6	53
Entire 6 acre lot	6 (including area not shown)	51

ALTERNATIVES DISCUSSED

1. **No Project.** The alternative allows for no development within the Monterey pine forest that occurs on the subject six acre parcel. The no project alternative infers that nothing will be done on this parcel, no development will be allowed, and this piece of Monterey Pine forest will not be impacted at this time. Urban pressure along southern boundaries will impact Monterey pine forest with weeds, lot drainage, lighting, noise, and trespassing pedestrians.
2. **One home on six acre parcel:** One home built adjacent to the Wilton Drive development has the potential of disturbing an acre or more of Monterey pine forest. The neighboring parcels to the south and southwest have been completely disturbed by grazing animals and landscaping. The construction of out-buildings such as shops, farm animal sheds, and landscaped yards has a potentially huge net impact to the forest. One acre of disturbance could affect up to 55 Monterey pine trees.

If only one house is allowed, impacts should be mitigated by requiring no development beyond the footprint of the house, driveway and designated landscape areas.
3. **Two homes on the six acre parcel:** If two homes are situated adjacent to Wilton Drive, a contiguous area of the forest will be removed, increasing urban density along that boundary. If the homes are spread out, trees can be retained and new trees can be planted to increase the canopy buffer between lots and reduce the density of the houses.
4. **Three homes concentrated** adjacent to Wilton Drive: If three homes are situated near Wilton Drive, then urban impacts will be increased. Landscaped yards will be cleared, fences will be constructed, and trees will be permanently eliminated from much of that corner of the forest. Approximately 1.37 acres (up to 67 trees) may be eliminated or significantly impacted due to the increased density of the residential development (23% of the parcel; 22% of the trees).
5. **Four or more home sites** on the six acre parcel may eliminate large areas of the forest and eliminate the contiguous canopy corridor below 460 feet elevation on this parcel that adjoins the neighboring parcels. Over one quarter of the parcel may be disturbed, impacting one fourth of the trees.
6. **Three homes dispersed** on the six acre parcel: The proposed plan avoids any impacts to trees below 450 feet elevation on the subject parcel. It avoids impacts to 90% of the forest while impacting 10% of the trees (32 of the total 306 Monterey pines). Up to 12% of the subject parcel area would be impacted by this plan. The proposed conceptual plan diffuses the impact of residential development by maintaining existing canopy on the southern end of the property and by avoiding most of the pines that form the remaining canopy.

Another advantage to three homes is that the three home owners may form a small homeowners' association to mutually protect their valuable forest resources. The homeowners' association would also be responsible for maintaining the mitigation trees and native understory material that is valuable for watershed management.

Discussion of Proposed Three Homes Dispersed on Six Acre Parcel.

Lot 1: One house near Wilton Drive.

The proposed building site in Lot 1 impacts an area about 7,000 square feet (2.7% of the parcel), plus a driveway that is about 225 feet long (3600 ft², 1% of the parcel). Trees impacted by this house are listed in Table 6.

Table 6. Lot 1 trees impacted.

Trees Impacted	Size	Location	Remove/ Impact	Number
<i>Pinus radiata</i>	12	drive	remove	1
<i>Pinus radiata</i>	22	garage	remove	2
<i>Pinus radiata</i>	22	garage	remove	3
<i>Pinus radiata</i>	18	home	remove	4
<i>Pinus radiata</i>	8	garage	impact	1
<i>Pinus radiata</i>	24	home	impact	2
<i>Pinus radiata</i>	16	home	impact	3
<i>Pinus radiata</i>	18	home	impact	4

Lot 3. One home on Lot 3 (preferred building site for the owner, Chris Seaberg).

Development on this site impacts an area about 10,400 square feet (4% of the parcel), plus a driveway that is about 435 feet long (6,960 ft², 2.6% of the parcel, and includes 115 feet of driveway also identified for driveway to home on Lot 1). Trees impacted by this home are listed in Table 7.

Table 7. Lot 3 trees impacted.

Trees Impacted	Size	Location	Remove/ Impact	Number
<i>Pinus radiata</i>	10	home	remove	1
<i>Pinus radiata</i>	24	home	remove	2
<i>Pinus radiata</i>	22	home	remove	3
<i>Pinus radiata</i>	6	home	remove	4
<i>Pinus radiata</i>	14	home	remove	5
<i>Pinus radiata</i>	28	home	remove	6
<i>Pinus radiata</i>	(2) 10	home	impact	1,2
<i>Pinus radiata</i>	28*	home	impact	3
<i>Pinus radiata</i>	24	home	impact	4
<i>Pinus radiata</i>	26	home	impact	5
<i>Pinus radiata</i>	10	home	impact	6
<i>Pinus radiata</i>	14	home	impact	7
<i>Pinus radiata</i>	18	garage	impact	8
<i>Pinus radiata</i>	18	garage	impact	9

* = may not need removal

Lot 2. Addition of home on proposed Lot 2.

The proposed home site on Lot 2 adds a building impact of approximately 5,100 feet (2% of the parcel) plus 41 feet of driveway (about 820 ft², 0.3% of the parcel). The proposed building site on Lot 2 adds impacts listed in Table 8.

Table 8. Lot 2 trees impacted.				
Trees Impacted	Size	Location	Remove/ Impact	Number
<i>Pinus radiata</i>	7	home	remove	1
<i>Pinus radiata</i>	28	home	remove	2
<i>Pinus radiata</i>	14	home	remove	3
<i>Pinus radiata</i>	24*	home	remove	4
<i>Pinus radiata</i>	12	drive	remove	5
<i>Pinus radiata</i>	7	home	impact	1
<i>Pinus radiata</i>	7	home	impact	2
<i>Pinus radiata</i>	28	garage	impact	3
<i>Pinus radiata</i>	8	garage	impact	4

* = may not need removal

Total impact for the proposed building plan will impact 32 Monterey pine trees. Of those trees, 15 will be removed and 17 will have some kind of impact under the canopy. The removals and impacts will be mitigated. The largest trees proposed for removal are 28 inches dbh (Table 9).

Table 9. The following data summarize the impacts proposed for building three houses on the six acre lot.

Building Site		Location:			
Lot #		driveway	garage	home	Total
1	Total Removal/ Impact	1	3	4	8
2	Total Removal/ Impact	1	2	6	9
3	Total Removal/ Impact	0	2	13	15
	Grand Total Removed and Impacted:	2	7	23	32
	Total Proposed to be Removed:				15
1	Average Size (dbh in inches)	12	17	19	18
2	Average Size (dbh in inches)	12	18	15	15
3	Average Size (dbh in inches)	na	18	17	17
1	Largest Tree (dbh)	12	22	24	24
2	Largest Tree (dbh)	12	28	28	28
3	Largest Tree (dbh)	na	18	28	28

By creating a few rural residential units on this parcel, there will be little or no pressure to further develop this six acre parcel in the future. The remaining 274 trees will be protected, and mitigation trees will be planted to replace the trees impacted by this project, reducing the impact to the roof tops and driveways that are not ultimately covered by pine canopy. For the three home sites and the associated driveways, a total of 15 trees will be removed (5%) and another 17 will be impacted (5%). Therefore, 10% of the trees will be impacted and will be replaced by at least 64 trees planted in the vicinity of the driveway, adjacent to the western property boundary, and in openings created by existing standing dead trees.

Any project plan that eliminates trees in one area may potentially remove genetic material that is distinct from another site. In addition, removal of trees in a concentrated area significantly impacts that area. A rural residential setting reduces this impact by aligning the lot lines to minimize tree removal and spread the homes apart. Thus, the impacts to the forest are less in a rural residential setting than in a denser urban configuration.

If three homes are allowed for this lot line adjustment, then this alternative has the advantage of reducing a concentrated impact on the forest close to Wilton Drive. Trees will be conserved, and new trees will be planted to mitigate for the removal of approximately 15 trees. In addition, mitigation measures will be implemented to ensure proper management and maintenance of the forest remaining on this parcel. This alternative minimizes disruption of habitat compared to concentrating development in one area.

MITIGATION RECOMMENDATIONS

Impacts to the forest canopy and to the surrounding native groundcover should be avoided outside of the building envelopes and designated landscape areas. Canopy closure should be enhanced through proper forest management and tree planting strategies. Native understory vegetative growth should be enhanced and protected by proper planning, planting, and physical barrier installation.

The following lists strategies to **avoid** significant impacts:

1. Limit tree removal
2. Modify home site footprints
3. Modify driveway material (asphalt, cement, pavers, gravel)
4. Develop a drainage plan to protect roots of Monterey pines
5. Remove exotic plants from understory
6. If additional parking is planned, provide a centralized garage for homeowner's guests and extra vehicles that is close to Wilton Drive.
7. Limit the number of parking spaces near the homes.

officer

Where impacts are allowed, the following strategies will help **minimize** impacts:

8. Replace all trees removed at a ratio of at least 2:1 ratio on site.
9. Use local genetic stock for tree replacement; harvest the seeds from site.
10. Provide a tree maintenance bond for the mitigation trees that would last 10 years.
11. Require a long-term monitoring bond.
12. Remediate disturbed Monterey pine habitat.

→ 45133

The following mitigation measure should be implemented:

1. **Protection** of Monterey Pine Forest Habitat.

A) An open space or conservation easement will be created along the back of Lots 2 and 3 below 450 feet elevation such that no future development will occur on this part of the property.

To mitigate impacts to the forest that are proposed by this plan, the owner offers to place almost half of the parcel in permanent open space. This will provide a substantial buffer between this section of Wilton Drive and the Santa Rosa Creek drainage below. It will also provide protection for wildlife in this part of the forest. By protecting the north-facing slopes above the creek, the owner is maintaining an excellent natural biofilter for the water that runs off this parcel.

B) A forest management plan will be developed as a cooperative agreement for the landowners (such as a homeowner's association agreement).

2. **Minimize tree** removal. Tree removal for development will be less than 15 trees (less than 10 percent of the existing trees on this parcel). Tree removal activities will not damage adjacent trees and forest areas. Construction activities will be routed away from trees to protect root systems. To avoid disturbance of remaining Monterey pines,

avoid all soil disturbance, compaction, and grading activities within, and adjacent to, the associated dripline of each tree, *which extends outward 15 feet from the tree's canopy.*

3. **Replacement trees.** New trees of local genetic material will be planted at a 4:1 ratio to maintain the same density of trees on these lots (approximately 40 to 50 trees per acre). Plant a minimum of 30 Monterey pine trees to mitigate for the impacts and losses. Trees will be planted in lot 34, on the back of lots 35 to 38, along driveways and in openings on the south half of Lot 1. A tree planting and general landscape plan will be developed.

2:1
Tree planting
plan
3, 4, 5

4. **No invasive trees or shrubs** will be planted. California Exotic Pest Plant Control lists should be consulted prior to any landscape installations.

landscape
plan

5. **No irrigation under trees.** Vegetation planted within the driplines of remaining trees should not require irrigation.

6. **Minimize lighting.** All lighting should be directed toward the ground, and should be restricted to areas along driveways and near homes. Lighting should not be placed more than 50 feet from homes to lessen impacts on animal species.

show
lighting
plans

7. **Minimize disturbance.**

actually
show block
envelopes

- No animal pens, corrals, dog runs, storage areas, or gardens should be allowed more than 50 feet from homes.
- The forest and its understory should be maintained in its native state.
- No grading, clearing, or disruptive activities should occur that disturbs or alters the root zone of the Monterey pines.
- Dead trees in the vicinity of improvements may be removed with care not to damage neighboring trees and with minimal impact to the understory.
- Install split-rail fence to deter foot traffic and to provide a low-impact visual boundary between new lot lines and the designated open space area.

8. **Mark construction zones.** ^(or stationing) Construction corridors should be clearly bordered with ~~orange~~ construction fencing. Fencing should be placed to protect root zones of trees and reduce disturbance areas. Fencing shall be maintained until construction is completed.

9. **Dust control.** A water truck should moisten the construction corridor when the ground is dry to reduce dust.

10. **Avoid raptor nests.** At least two weeks prior to construction activities, trees along the construction corridor should be examined for raptor nests. If active nests are found in trees to be removed, construction will be postponed until young have fledged.

new but
ok.
evolving

11. **Poison oak and weed abatement.** Herbicides such as Round-up may be applied by a licensed herbicide applicator to control poison oak and weeds such as the invasive French broom (*Cytisus monspessulanus*).

should be limited to / or others with a
short life

12. **Soil protection.** No grading should occur under tree canopies. Where grading occurs *Not done.*
under tree canopies, planting trees at a 1:1 ratio should mitigate those impacts.
Exposed soils should be protected from water and wind erosion during construction,
and should be revegetated immediately following construction or covered with pine
and oak wood chips. Rye grass should not be included in any seed mix due to its
invasive nature.
13. **Landscape material** should be consistent with the Monterey Pine forest habitat.
Some recommended plants are included in Table 10.

Table 10. Trees and shrubs for landscaping. This is not a comprehensive list.

Scientific Name		Common Name
Trees		
<i>Abies bracteata</i>		Santa Lucia fir
<i>Pinus coulteri</i>		Big-cone pine
<i>Pinus radiata</i>		Monterey pine
<i>Pseudotsuga menziesii</i> var. <i>menziesii</i>		Douglas-fir
<i>Quercus agrifolia</i>		Coast live oak
<i>Sequoia sempervirens</i>		Redwood
Understory Plants		
<i>Achillea millefolium</i>	sun/shade	Yarrow
<i>Arctostaphylos</i> spp.	full sun	Manzanita
<i>Ceanothus</i> spp.	full sun	Mountain lilac
<i>Clematis lasiantha</i>	sun/partial shade	Virgin's bower
<i>Heteromeles arbutifolia</i>	sun/partial shade	Toyon
<i>Ribes</i> spp.	shade	Currants and Gooseberries
<i>Symphoricarpos mollis</i>	understory	Snowberry

14. **Home exterior colors:** Building color shall be consistent with the canopy understory,
and will not have a brightness or saturation that cause reflective temperature increases
to the forest floor.
15. **Drainage plan:** A drainage plan will be designed for each lot to collect and disperse
surface flow in a pattern that will not cause erosion to the hillslopes or be ponded near
pine trees.

Response to Letters from County Planning

The applicant, Chris Seaberg, has submitted a plan that meets the general goals of the land use element as written in the Coastal Zone framework for planning revised November 9, 1993 (County of San Luis Obispo 1996). The following comments refer to goals specifically related to the biological resources on this parcel.

Goal 1. - Environment

- a. The plan assures the protection of coastal resources.
- b. The density balances the capacity for growth allowed by the Land Use element with the sustained availability of resources.
- c. The plan conserves nonrenewable resources and replenishes renewable resources.
- d. Mitigation proposed will be prescribed with the best available methods.

Goal 12. - Open Space

- a. Encourages cooperation of landowner to preserve open space
- b. Balances the property owner's rights and the need for open space

The Local Coastal Plan Policies 27 and 28 provide protection of terrestrial habitats and native vegetation (including Monterey Pine Forest). The applicant's proposed plan is designed to prevent impacts that would significantly degrade the area and is compatible with the continuance of the habitat area. Monterey pines will be used to revegetate disturbed areas.

The North Coast General Plan Planning Area Standards (Revised February 1994) for Lodge Hill Lots gives the following guidelines for footprints (page 8-43 and 8-44):

Under Table G Footnotes:

1. "Building sites greater than 5,250 square feet may be permitted additional footprint and gross structural area equal to the percent that the site is greater than 5,250 square feet.
2. [for building sites less than 5,250 square feet]
3. "Where an applicant can clearly demonstrate that design and layout concessions have been made in order to save healthy trees, minimize site disruption, visual impact, minimize erosion, or selection of compatible building materials, and clearly goes beyond the basic requirements of these standards, the Planning Director by Minor use permit review may grant up to a 10% increase of Footprint and GSA."

The footprint is defined as

"the area of the lot covered by residential and accessory structures including any structural overhangs, expressed in square feet, and includes living area, garages, and carport. It does not include open deck area, balconies or eaves."

The following is a summary of findings related to the CZLOU ordinances mentioned in the letters dated October 21, 1999 and August 5, 1999 from Mr. Lopes.

CZLUO

CZLUO 23.07.172 - Environmentally Sensitive Habitats

1) New development within or adjacent to the habitat shall not significantly disrupt the resource.

The proposed plan will not significantly disrupt the Monterey Pine forest. It provides for long term protection of half of the pristine forest, and provides for replacement of trees removed in the vicinity of home site development.

2) New development within the habitat shall be limited to those uses that are dependent upon the resource.

Within the context of rural residential development, the proposed homes are dependent upon the natural resources that provide the forest setting.

3) Where feasible, damaged habitats shall be restored as a condition of development approval.

Degraded habitats that exist on the upper end of the subject parcel, and future damaged areas will be restored as prescribed by the revegetation plan to be prepared for this parcel.

4) Development shall be consistent with the biological continuance of the habitat.

A permanent open space agreement shall be in perpetuity that will protect over half of the parcel's forest resources. The remaining resources will be under the jurisdiction of the small homeowner's association or conditioned by CC&R's that will limit disturbance to the forest understory, and will provide for long term protection and regeneration of mature pines.

5) Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034c (Grading Standards.).

No grading will be allowed. Grading involves the movement of 50 or more cubic yards of earth (CZLUO 23.05.024a). The CZLUO standards require no grading closer than 50 feet from an ESH. All building shall be constructed without grading, and driveways and easement access will require minimum site preparation.

CZLUO 23.05.034g

Where natural vegetation has been removed through grading in areas not affected by the landscape requirements (Section 23.04.180 et seq. - Landscape, Screening and Fencing) and that are not to be occupied by structure, such areas are to be replanted as set forth in this subsection to prevent erosion after construction activities area completed [Amended 1993, Ord. 2649]

1) Preparation for revegetation: Topsoil removed from the surface in the preparation for grading and construction is to be stored on or near the site and protected from erosion while grading operations are underway, provided that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After

completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

2) Methods of revegetation: Native plant materials are encouraged to reduce irrigation demands.

3) Permanent revegetation or landscaping should begin on the construction site as soon as practical and shall begin no later than six months after achieving final grades and utility emplacements.

Develop a landscape plan for home sites and develop a revegetation plan for areas disturbed. Landscape plan should include a plant palette, areas for planting, estimated densities, irrigation, fertilization, and drainage. The revegetation plan should include the mitigation trees, locations for plantings, a palette for understory plantings, irrigation, fertilization, mulch, etc. The landscape plans and revegetation plans may overlap in some cases. The revegetation installations should be monitored for 5 years with annual reports in the fall to insure success of planting.

Coastal Plan Policies

The following is a summary of findings regarding the Coastal Plan mentioned in the letters from Mr. Lopes:

Policy 28: Native trees and plant cover shall be protected wherever possible.

This plan avoids most impacts and allows for mitigatable impacts that reduces tree loss to no net loss. The total impact to the forest will be less than 10% of the existing parcel, and less than when the revegetation plan has been prepared and implemented.

This proposed plan provides for open space that will protect a large portion of the parcel as encouraged by the Coastal Zone framework for planning revised November 9, 1993 (County of San Luis Obispo 1996). The open space designation supports the general goal of the land use ordinance (Goal 12) that proposes to "preserve urban and rural open space as an irreplaceable resource for future generations."

Policy 33: New development shall be designed to disturb the minimum amount possible of wildlife or plant habitat.

The site plan proposed minimizes impacts to the forest. The authors have moved the three home sites to various locations on the six acre parcel, and have only one other option to offer for three homes on the subject parcel: If the home on Lot 3 is brought above the 460 foot elevation line, and the home on Lot 2 is moved south, each about 20 feet, then additional forest in the pristine area below the 460 foot line will be buffered from disturbance. This may require the removal of more than 15 trees, and may increase the total tree removal to 19 trees, an increase of 4 trees removed.

The advantage to disbursing the residential impact at this time is that this proposal provides for long term forest protection, and reduces the probability that this six acre parcel will have any further development in the distant future. It also provides for protection of approximately 3 acres of protected watershed resources in perpetuity.

REFERENCES

- Burt, William H. and Richard P. Grossenheider. 1976. A field guide to the mammals (The Peterson field guide series; 5), Third edition. Houghton Mifflin Co, Boston.
- California Department of Fish and Game, Natural Diversity Database. January, 1999. Special Plants List. Biannual publication, Mimeo., 119p.
- California Department of Fish and Game, Natural Diversity Database. January, 1999. List of California Terrestrial Natural Communities Recognized by The Natural Diversity Data Base. Mimeo., 65p.
- California Department of Fish and Game, Natural Diversity Database. January, 1999. State and federally listed endangered and threatened animals of California. 14p.
- California Department of Fish and Game, Natural Diversity Database. March, 1998. Special animals. 55p.
- County of San Luis Obispo. 1992. North Coast. The Land Use and Circulation Elements of the San Luis Obispo County General Plan. First adopted in 1988, revised September 1992.
- County of San Luis Obispo. 1995. Coastal Plan Policies. Local Coastal Program Policy Document; a portion of the San Luis Obispo County General Plan. Adopted in 1988, revised November 1995.
- County of San Luis Obispo. 1996. Coastal Zone Land Use Ordinance. Title 23 of the San Luis Obispo County Code. Adopted in 1988, revised August 1996.
- County of San Luis Obispo. 1996. Framework for Planning, Coastal Zone. The Land Use and Circulation Elements of the San Luis Obispo County General Plan. First adopted in 1988, revised August 1996.
- Doak, S., K. Green, S.K. Fairfax, and S. Johnson. 1988. The legal environment for hardwood lands in California. Hammon, Jensen, Wallen and Associates, Oakland.
- Fugro West, Inc. 1997. Final Environmental Impact Report for Cambria Pines Estates SCH # 92041095. Prepared for County of San Luis Obispo, March.
- Hickman, James C. (ed.). 1993. The Jepson Manual. University of California Press, Berkeley.
- Holland, V.L. and David J. Keil. 1994. California Vegetation. Kendall/Hunt Publ., Iowa.
- Holmes, Katherine. 1999. Does mistletoe kill oaks? *Fremontia* 27:16-20.
- Peterson, Roger Tory. 1990. A field guide to western birds (The Peterson field guide series; 2). Third edition, Houghton Mifflin Co, Boston.
- Rossi, R.S. 1979. Land use and vegetation change in oak woodland-savanna of North San Luis Obispo County, California 1774-1977. U.C. Berkeley. Thesis in geography.
- RRM Design Group. 1999. Cambria Pines Estates, Cambria, California, Tract 1804; Monterey Pine and Oak Mitigation Program, for submittal to the County of San Luis Obispo, Development Plan D910279D, Condition 1, Mitigation No. Bio-1c. April.
- Vaughan Surveys, Inc. 1999. Topographic Map of APN #013-131-032. 1101 Riverside Ave., Paso Robles, CA. Job #99-036, April 1999.

APPENDIX A – Aerial Photograph

Clipped from Golden State Aerial SLO99-6-1, 2-23-99.



APPENDIX B – Photographs

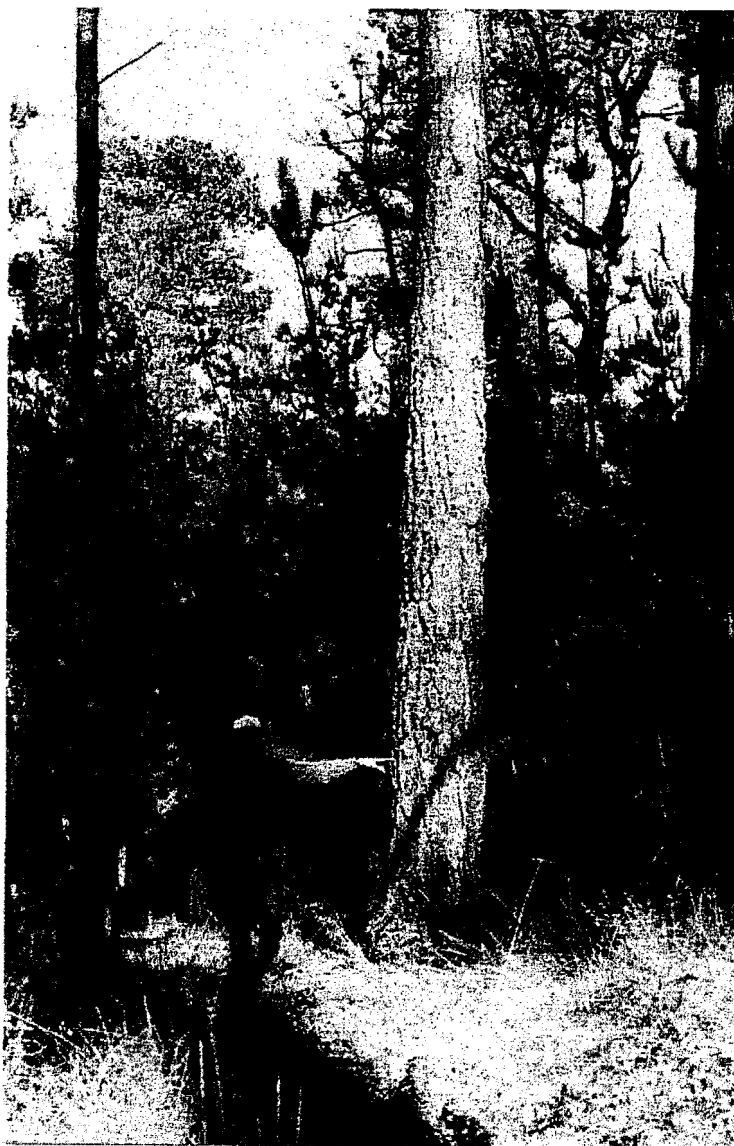


Photo 1. Lot 3, Chris Seaberg points to tree proposed to be impacted but not removed near northeast corner of proposed homesite footprint. Note the dense stand of young trees beyond the proposed home site that are under six (6) inches dbh.

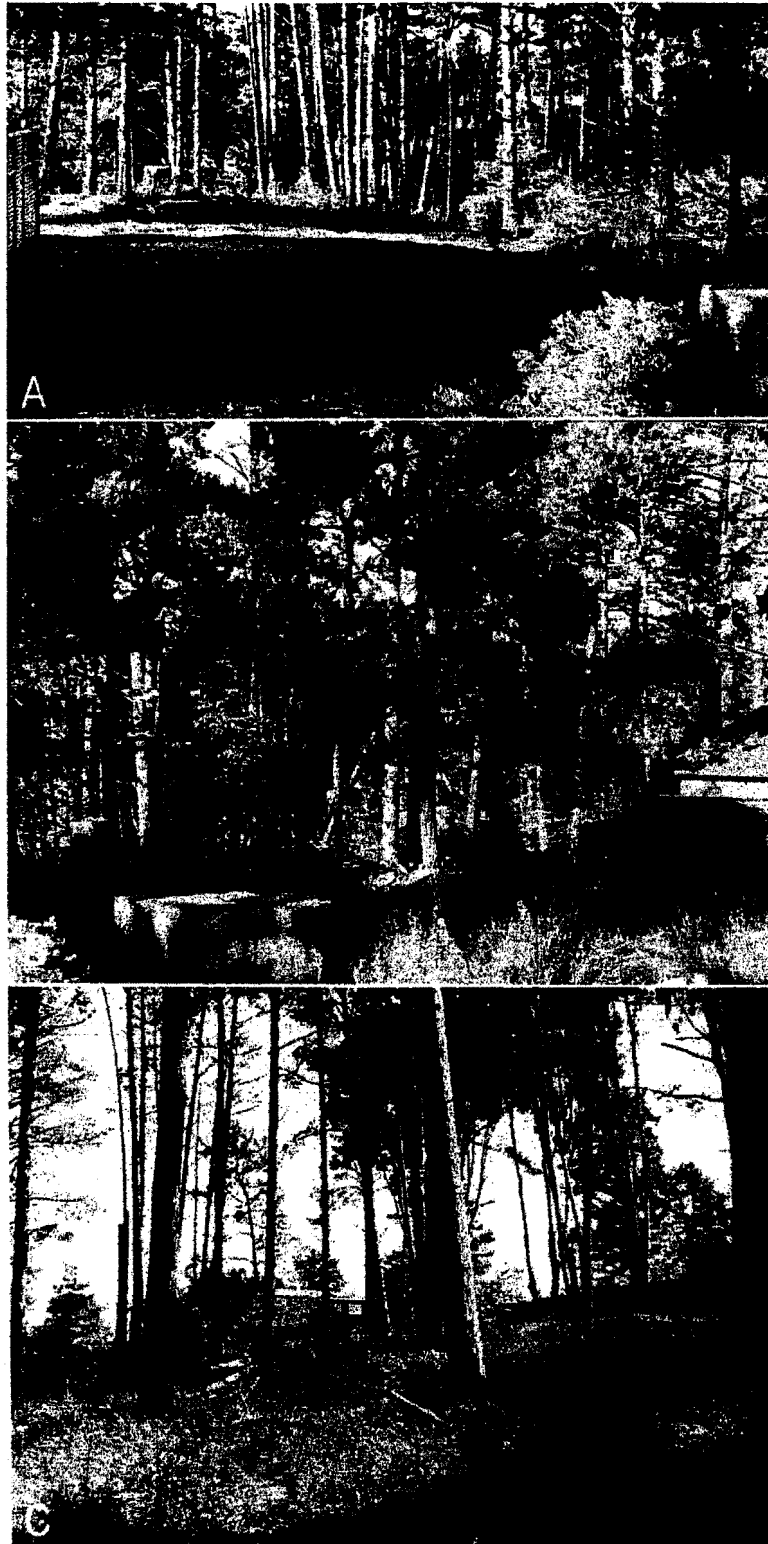


Photo 2 (A,B,C). Photo A is view north along western property boundary. The understory has been significantly modified and trees have been removed over the years (note stump in lower right). Photo B is view northeast toward homesite on parcel 37. Note stumps and lack of pine regrowth in the disturbed. Photo C is view south along western property boundary. Numerous small trees have begun to emerge below 495 feet elevation.



Photo 3. Photo A shows the disturbed understory in the southwestern portion of the parcel. Photo B shows the thick (over 36 inches) understory on the slope above Santa Rosa Creek. Numerous deer trails traverse through this shrubby matrix.

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

DONALD VILLENEUVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL



OFFICERS:

KENNETH C. TOPPING
General Manager
PAULETTE BECK
District Secretary
ROGER LYON
Legal Counsel

2284 CENTER STREET, PO BOX 65, CAMBRIA, CA 93428

Telephone: 805/927-6223 - FAX: 805-927-5584

RECEIVED

APRIL 1, 1999

JUN 26 2000

CHRIS SEABERG
2095 SHERWOOD
CAMBRIA CA 93428

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: **INTENT TO PROVIDE WATER AND SEWER SERVICE for a 2 unit**
MULTI-FAMILY RESIDENTIAL Project under the Water Conservation and Retrofit Program
ASSESSOR'S PARCEL NO.: 013.131.032

Dear Applicant,

Pursuant to provisions of District Ordinances No. 2-95, 1-98 and 2-99 the above referenced parcel has been approved for a water and sewer capacity allocation in the amount of 2 EDUs (Equivalent Dwelling Units) for your Multi-Family Residential Project. On that basis, this letter serves as notification of this District's present intention to provide water and sewer service to the above referenced parcel.

This is also to inform you that the District's issuance to you of this "Intent to Serve" letter and subsequent issuance to you of water and sewer connection permits shall be subject to current and future rules, regulations, resolutions and ordinances of the Cambria Community Services District. This "Intent to Serve" letter may be revoked as a result of conditions imposed upon the District by a court or governmental agency of higher authority, or by a change in availability of resources, or by a change in ordinances, resolutions, rules or regulations adopted by the Board of Directors for the protection of the health, safety and welfare of the District. The Board of Directors of the District reserves the right to revoke this "Intent to Serve" letter at any time. **PLEASE NOTE: THE BOARD OF DIRECTORS WILL CONDUCT A MID-YEAR REVIEW OF THE RETROFIT PROGRAM IN AUGUST, AT WHICH TIME IT MAY CONSIDER AMENDING THIS PROGRAM TO PLACE RESTRICTIONS ON THE ISSUANCE OF PERMITS.**

Consistent with the above limitations, the District requires that the applicant comply with Ordinance 1-98. Specific attention should be paid to Sections C-4 and 5 (page A-2) which require certain actions to be completed within strict time limits. Water usage under this program will be monitored and in the event a 2 to 1 savings is not achieved, the District may require additional action on your part prior to issuing a water and sewer connection.

Please be advised that the CCSD requires water conserving plumbing in all newly constructed residential and commercial buildings. A copy of these requirements is attached for your information and should be forwarded to your architect or contractor.

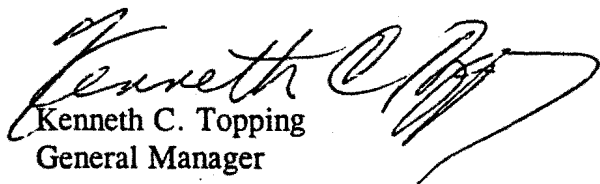
Exhibit 8
(1 of 3)

Subject to earlier revocation for the reasons stated above, this "Intent to Serve" letter is valid for 18 months from date of issue. However, it is subject to consideration for a six-month extension. Application for such extension shall be subject to a non-refundable fee in the amount of \$200 and shall be submitted to the District office 30 days prior to expiration. The General Manager has full discretion to approve or disapprove the requested extension, and if granted it shall be subject to any conditions which may be imposed.

During the period that this "Intent to Serve" letter is valid (see date below), you must obtain water and sewer permits for the project by submitting signed application forms, and an approved County Building Permit, together with payment of any balance due on water and sewer connection fees. A water & sewer connection permit will then be issued to you. Failure to complete any of the requirements of this "Intent to Serve" letter within the proscribed time restraints may result in revocation of this "Intent to Serve" letter, forfeiture of fees and your project will be returned to the waiting list.

If you have any questions concerning this matter, please call this office for assistance.

Sincerely,
CAMBRIA COMMUNITY SERVICES DISTRICT


Kenneth C. Topping
General Manager

KCT/js

Enc. Request for Allocation Form
Agent Authorization Form
New Construction Requirements
Helpful Phone Numbers

IMPORTANT DEADLINES:

- | | |
|---|----------|
| ◆ Submit Retrofits <u>or</u> Pay "In Lieu" Fee (<u>38</u> points)..... | 05/31/99 |
| ◆ Complete Retrofits (if applicable) <u>and</u> Apply to County for Allocation | 06/30/99 |
| (County will need a copy of this "Intent" letter to process your building permit.
Please be sure to provide a copy to your builder if he/she will be handling your permit process) | |
| ◆ Apply to District for "Intent Letter" extension (if needed) | 09/01/00 |
| <u>or</u> | |
| ◆ Submit County Building Permit to District before "Intent Letter" expires | 10/01/00 |
-

Exhibit 8
(2 of 3)

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

DONALD VILLENEUVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL

**OFFICERS:**

KENNETH C. TOPPING
General Manager
PAULETTE BECK
District Secretary
ROGER LYON
Legal Counsel

PO BOX 65, CAMBRIA, CA 93428
Telephone: 805/927-6223 - FAX: 805-927-5584

RECEIVED

May 27, 1999

JUN 26 2000

CHRIS SEABERG
2095 SHERWOOD DR
CAMBRIA CA 93428

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: COMPLETION OF RETROFIT PROGRAM REQUIREMENTS

APN: 013.131.032 (Wilton Dr. 2-unit MF)

Dear Chris,

This is to inform you that as of the above date:

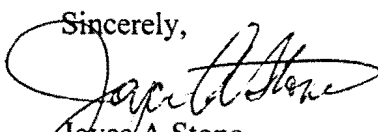
- ☒ The retrofits for your project under the District's plumbing retrofit program have been approved on final inspection.
- and*
- ☒ We have received your payment "In Lieu of Retrofit" in the amount of \$19,965.00

You now meet the retrofit requirements of the Plumbing Retrofit Water Conservation Program Ordinance 1-98.

This ordinance also requires that you provide notice to the District that you have filed with the County a complete Request for Allocation to begin your construction permit process. Failure to comply with this filing requirement by JUNE 30, 1999 will result in your "Intent to Serve" letter being declared null and void. As a result, you will be returned to the District's Water & Sewer Waiting List. **Please be sure to Request your Allocation from County as soon as possible and report your Allocation Number to this District.**

If you have any questions please contact me at the District office.

Sincerely,


Joyce A Stone
Senior Clerical Assistant

Enc.

Exhibit 8
(3 of 3)

Chris Seaberg
2095 Sherwood Drive, Cambria, CA 93428
Phone: (805) 235-1965 Fax: (805) 927-0765

RECEIVED

June 16, 2000

To: California Coastal Commission
Attn: Renee Brooke
Central Coast Area Office

JUN 26 2000

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

From: Chris Seaberg, Applicant

Re: Commission Appeal #A-3-SLO-00-079

Dear Renee,

After reviewing the stated reasons regarding the above named appeal, I would like to comment on the reasons and the policies used.

First, Policy 4 states that it "prohibits land divisions within environmentally sensitive habitats." The San Luis Obispo County Department of Planning submitted the application in question to the Subdivision Review Board not because the county was required to do so, but rather because the staff wanted a thorough review of the request. The Subdivision Review Board gave the application unanimous approval and complimented the staff and applicant on a good job. This application is not requesting to create any more lots than already exist. Rather all the parcels are within the environmentally sensitive habitat and the application is requesting a reconfiguration of existing parcels.

The SLO County Planning Department advised me that the existing parcel is allowed two building sites: one for a primary single family residence and another for a secondary dwelling because of the size of the property.

According to the Cambria Fire Department, they will require a nonskid surface only on slopes that are greater than 12%. This will allow for a substantial decrease in the area that will need to be paved. With the exception of access to the building site #1, all access would be on grade (no cut slopes).

I would like to note that the density of the forest where the proposed building would be located is not dense in relation to the rest of the forest on the 6 acre parcel and the forested properties that it adjoins. The upper, south half of the property is approximately 60% less dense than the lower north half. There are approximately 116 Monterey Pines on the south half which is closer to Wilton Drive. There are another 190 Monterey Pines on the lower, north half of the property with an additional 48 Coast Live Oaks located in this area as well.

*Applicant's Correspondence
Exhibit 9
(1 of 4)*

We have proposed to place the lower, north half of the property (below elevation 450) in an "open space easement" in perpetuity. In addition, we would initiate a "forest management plan" for the entire project. We would also like to bring the health of the forest in the upper, south half of the property back to a state of thriving, good health. It is currently thinning and dying.

Concerning the accessibility of the 6 acre site, we do own adjoining parcels which can give access to the project as proposed. However, the current legal access way is by way of a "right of way easement" through the forest of adjoining parcels. It is approximately 250 feet long and ends at the southeastern boundary of the property. The access to building areas would need to be extended approximately 50 to 150 feet beyond that point. This is very similar in length to the currently proposed access ways.

The current legal access way would require the removal of a minimum of five Monterey Pines and at least that many more would be impacted. It would also require some grading. The proposed access way would require the removal of only two Monterey Pines with approximately 8 being impacted. This would serve three building sites.

If this application is denied we will be forced to sell our adjoining lots because the value is cost prohibitive to retain them for only driveway use. We would therefore use our legal access way.

Our biologist, the planning staff, my wife and I have worked diligently to be very thorough and to mitigate our project to comply with the coastal zone land use ordinances in question. We believe this project will promote a better, healthier forest setting than what currently exists.

With regard to policy 1 for public works requiring new development to demonstrate that adequate public or private service capacities are available to serve the proposed development, the project is in compliance with this policy as we have received an "intent to serve" letter for two equivalent dwelling units. The Cambria Community Services District and the County have advised me that I can utilize this "intent to serve letter" for any residential project.

In addition, we have a water service position on a property in special project area 1 (Steep Canyon) which we would intend to use for this project. This is allowed by the Cambria Community Services District Transfer Ordinance. This would retire the lot on Romney Drive in Cambria and cause it to be unbuildable for a separate residence. This lot is also in a ESH/TH area.

San Luis Obispo County does require proof of water and sewer service before issuance of any building permit in Cambria and we have met this requirement.

In conclusion, I would like to state that we have complete and unanimous approval by our traditionally conservative North Coast Advisory Council along with their land use committee. The neighborhood has also supported our efforts in this project as well. In addition, I believe that everyone involved with this project sees the benefits of the permanent deed restrictions and CC&R's (outlined in the biological report as well as the SLO County staff report); the forest management plan encouraging new forest growth and health; ample "buffer areas" for existing

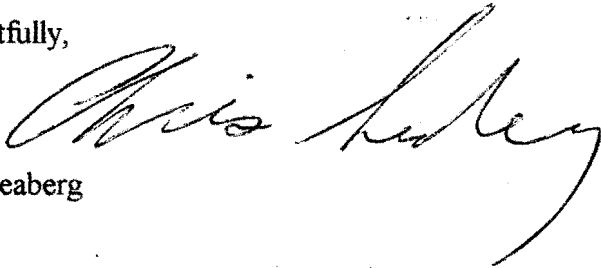
Exhibit 9
(2 of 4)

neighbors; open view corridors from Wilton Drive into the forest instead of homes; preservation of view corridors from existing homes (in fact, no one approves of building at a higher elevation or closer to Wilton Drive) and most importantly that we would be offering a permanent open space easement on the north half of the property of approximately three acres.

My wife and I are planning to live at this site and make it our home and it is of the utmost importance to us that the forest thrive and maintain it's natural state as much as is possible. If any additional information is required or would prove helpful, such as photos, video, etc., please let us know.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in cursive script, appearing to read "Chris Seaberg". The signature is fluid and extends to the right.

Chris Seaberg

June 21, 2000

RECEIVED

JUN 26 2000

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

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

ATTN: Renee Brook

Dear Ms. Brook,

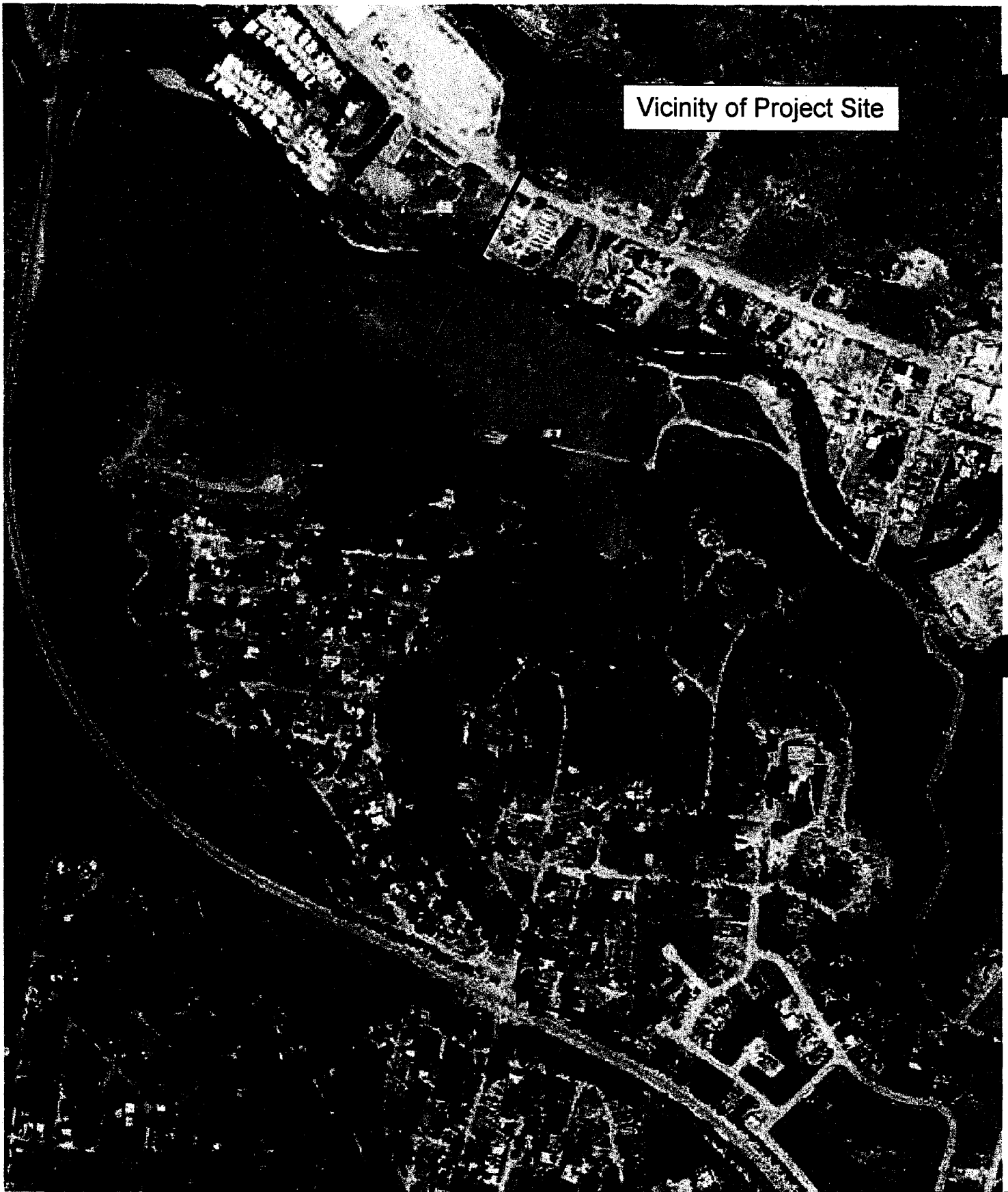
Chris Seaberg is a good guardian of the forest. He has contributed part of the land to open forest and has minimized tree removal for each footprint. We have no objections to his project.

Sincerely,



Rollie R. Younger
Lauren Younger
2159 Wilton Drive
Cambria, CA 93428

Correspondence from
Adjacent Neighbor
Exhibit 9
(4 of 4)



Seaberg (A-3-SLO-00-078 and A-3-SLO-00-079)

Photo Taken
5/11/86

Exhibit 10