

CALIFORNIA COASTAL COMMISSION

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| Filed: | 08/07/00 |
| 49 th Day: | 09/25/00 |
| Staff: | RB |
| Staff Report: | 10/20/00 |
| Hearing Date: | 11/15/00 |
| Commission Action: | |
| Opened and Continued | 09/14/00 |

STAFF REPORT: APPEAL

Appeal NumberA-3-SLO-00-119

Local Government.....San Luis Obispo County

DecisionApproved with conditions, 07/07/00

Applicant.....Joe Todd

AppellantsCommissioners Sara Wan and Pedro Nava

Project Location16485 Cabrillo Highway (approx. 1.5 miles north of Piedras Blanca Lighthouse, North Coast Area Plan), San Simeon (San Luis Obispo County) (APN 011-231-001)

Project DescriptionConstruction of an approximately 2,980 sq. ft. single family dwelling with attached 720 sq. ft. garage, and 1,200 sq. ft. barn.

File DocumentsSan Luis Obispo County Certified Local Coastal Plan; Coastal Development Permit D990190P; COAL 90-137.

Staff Recommendation**Substantial Issue; Approval**

EXECUTIVE SUMMARY

The proposed development is located on a roughly rectangular site on the portion of the property east of Highway 1, approximately 1.5 miles north of Piedras Blancas Lighthouse, San Luis Obispo County. The applicant proposes to construct an approximately 2,980 square foot, one-story, single family residence with an attached 720 square foot garage, a 1,120 square foot barn, water well and a water storage tank on a 4.37 acre site. The surrounding land is currently owned by the Hearst Corporation and is used for cattle grazing, with the exception of three vacant parcels, ranging from 3.4 to 6.4 acres, located directly south of the property.

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed because the project raises issues in regard to its conformance with the San Luis Obispo County Local Coastal Program (LCP), including policies and ordinances pertaining to visual and scenic resources and water services.



California Coastal Commission

The proposed residential development poses significant adverse impacts to visual and scenic resources because the structures are not designed to be subordinate to, or blend with, the rural character of the area. The conditions of approval, as recommended by staff, bring the proposed project into compliance with applicable Local Coastal Program policies and ordinances and recognize the need to protect the vast and rural landscape of San Luis Obispo’s North Coast. In addition, because this area is designated for agricultural use, development of a single-family dwelling creates potential conflicts between residential and surrounding agricultural uses. Thus, staff recommends that the Commission **approve** the coastal development permit with conditions to minimize impacts to the visual and scenic resources of the area, and protect continued agricultural operations on this property and surrounding properties.

Additionally, the proposed development is located outside the San Simeon Urban Services Line and although data corresponding to wells on adjacent properties indicate that adequate water is available to support the proposed development, evidence of County Environmental Health Division approval of the well has not been provided. Thus, the applicant is required to provide evidence of such approval prior to issuance of this coastal development permit.

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I. APPELLANTS' CONTENTIONS

Please see Exhibit 3 for the full text of the appeal

The appellants contend that the project conflicts with Local Coastal Program standards protecting visual and scenic resources, as well as those requiring evidence that adequate on-site water service is available to serve future residential development. Specifically, the Commissioners' appeal asserts that the project does not comply with LCP Policies 1, 2, 4, and 5 for Visual and Scenic Resources and Policy 1 for Public Works, or with CZLUO Section 23.04.430.

II. LOCAL GOVERNMENT ACTION

A negative declaration was prepared for the project on May 19, 2000. On July 7, 2000, the San Luis Obispo County Zoning Administrator approved Coastal Development Permit D990190P to construct a single family residence and barn. The County's conditions of approval are attached as Exhibit 5.

III. APPEAL PROCEDURES

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. This project is appealable because it is not a principally-permitted use for the parcel. The San Luis Obispo Local Coastal Program states that development that is not listed as a "Principal Permitted Use" in Table "O" is appealable to the Coastal Commission (Title 23, Section 23.01.043 (c)). Specifically, the parcel is zoned "Agriculture" (non-prime soils). Under Table O in the San Luis Obispo County's LCP (Framework for Planning), single family homes are designated as "Special-Principally-permitted Uses" (S-P) in the Agriculture Zone District. This is not equivalent to a Principally-permitted use designation. Notably, the S-P designation requires the discretionary evaluation of proposed projects under special ordinances (Coastal Zone Land Use Ordinance Section 23.08.020), including standards concerning the appropriate location of such a use. Land uses that are identified as "Principal Permitted Uses" are not subject to this level of discretionary review.

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 RECOMMENDATION ON SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No A-3-SLO-00-119 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. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. *A-3-SLO-00-119* presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. SUBSTANTIAL ISSUE FINDINGS AND DECLARATIONS

A. Project Location and Description

The applicant's property is located both east and west of Highway 1, approximately 1.5 miles north of Piedras Blanca Lighthouse, north of the community of San Simeon (please see Exhibit 1), within the Agriculture land use category. The proposed development is located on a roughly rectangular site on the portion of the property east of Highway 1. The portion of the property not proposed for development lies between Highway 1 and the Pacific Ocean. The topography is nearly level at the western and eastern ends of the property and the base of a small knoll is located in the middle of the site.

The applicant proposes to construct an approximately 2,980 square foot, one-story (approximately 15'7" in height), single family residence with an attached 720 square foot garage, a 1,120 square foot barn, water well and a water storage tank on a 4.37 acre site. The surrounding land is currently owned by the Hearst Corporation and is used for cattle grazing, with the exception of three vacant parcels, ranging from 3.4 to 6.4 acres, located directly south of the subject property.



B. Visual Resources

The appellants contend that the proposed construction of an approximately 2,980 square foot single family dwelling with an attached 720 square foot garage and 1,120 square foot barn is inconsistent with the following policies of the San Luis Obispo County Local Coastal Program.

Visual and Scenic Resource Policy 1: *Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved, protected, and in visually degraded areas restored where feasible.*

Visual and Scenic Resource Policy 2: *Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Where possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.*

Visual and Scenic Resource Policy 4: *New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views.*

Visual and Scenic Resource Policy 5: *Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Where feasible, contours of the finished surface are to blend with adjacent natural terrain to achieve a consistent grade and natural appearance.*

San Luis Obispo County LCP Visual and Scenic Resources Policies 1, 2, and 4 require new development to be sited to protect unique and attractive features of the landscape, views to and along the ocean and scenic areas, and minimize its visibility from public view corridors. In addition Visual and Scenic Resources Policy 5 requires grading, major vegetation removal and landform alterations within public view corridors to be minimized.

The proposed development is located near the eastern edge of the rectangular parcel, approximately 800 feet from Highway 1. A large knoll exists directly north of the parcel, a portion of which can be seen in the site plan in Exhibit 2 (also seen in background of photos in Exhibit 4), and appears to adequately shield the proposed residence from southbound travelers on Highway 1. The applicant has proposed landscaping that will help screen the proposed project from northbound travelers on Highway 1, and the County required the use of exterior colors that do not draw attention to the structures.



However, the entire property is visible from northbound Highway 1; a long range view of the site is seen from approximately one mile away, and a closer view exists approximately 1,500 feet south of the site. In addition, three parcels exist immediately south of the project site (see Exhibit 6), which raises concerns about the cumulative impact of the development and its associated landscaping and landform alteration in an area that is currently characterized by open and rolling hillsides.

Therefore, although the residence appears to be sited in the least visible location on the site, it would still negatively impact scenic resources. In addition, feasible alternatives exist that would lessen the development's impact on visual and scenic resources (e.g. lowering the residence into the ground, incorporating a sod roof onto the structure, or eliminating the barn as a component of the project proposal). **Thus, the project conflicts with Visual and Scenic Resource Policies 1, 2, 4, and 5, and a substantial issue is raised by this contention of the appeal.**

C. Public Works

Public Works Policy 1: *New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.... Permitted development outside the USL shall be allowed only if it can be serviced by adequate private on-site water and waste disposal systems.*

CZLUO Section 23.04.430: *Development outside the urban service line shall be approved only if it can be served by adequate on-site water and sewage disposal systems...*

San Luis Obispo County LCP Public Works Policy 1 and CZLUO Section 23.04.430 require new development to demonstrate that adequate public or private service capacities are available to serve the proposed development. The proposed development is located outside the San Simeon Urban Services Line and although data corresponding to wells on adjacent property indicate that adequate water is available to support the proposed development, evidence of County Environmental Health Division approval of the well has not been provided. **Thus, it is not clear that adequate water exists on-site, and therefore, a substantial issue is raised in regard to the project's conformance with Public Works Policy 1 and CZLUO Section 23.04.430.**



VI. STAFF RECOMMENDATION ON COASTAL DEVELOPMENT PERMIT

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

MOTION: *I move that the Commission approve Coastal Development Permit No. A-3-SLO-00-119 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 project 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

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

1. **Scope of the Permit.** This permit authorizes the construction of a single family residence with attached garage, water well, septic system, water tank, driveway, underground utility connections and the necessary grading and berm construction to screen the residence. If earthen berms are used for screening, the height of such berms shall be limited to six feet above natural grade. If a bermed-house design is used, the height of the bermed structure above natural grade shall, after excavation for construction of the residence, be limited to 6 feet in order to minimize adverse visual impacts in this highly visible and extremely sensitive rural area.

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, consistent with the following:

- a. The building envelope for the residence shall be located in the least visible (from all public viewing areas) portion of the property – the area generally designated for the residence as shown on the County-approved plot plan (Exhibit 2). Site disturbance for the residence shall not exceed the footprint approved by the County (approximately 3,700 square feet). The water tank shall be located underground unless not allowed (or found to be infeasible) pursuant to standards of the California Department of Forestry.
- b. The residence shall be appropriately designed to minimize intrusion into the public viewshed (i.e., the area seen from Highway 1, public trails, the shoreline, or other public areas), yet allow adequate sunlight into the structure. With the exception of a roof covered with an earthen material such as soil, sod, and/or a native seed mixture so as to not be significantly distinguishable from the existing on-site vegetation, the structure shall be entirely hidden behind an earthen berm and not visible from major public viewing areas to west.

The southwestern elevation of the residence shall be placed behind (generally northeast of) an earthen berm, appropriately placed, shaped and planted to neither detract from the natural topography nor be significantly distinguishable from surrounding areas. Significant landform alteration shall be minimized to the extent feasible while allowing for effective screening of the residential structure. This may be done in one of two ways: 1) mounding earth against the side walls of the residence, creating an extension of the natural topography of the site, or 2) creating a berm which stands alone from the structure, and is located appropriately to completely shield the residence from Highway 1 and the shoreline. Consistent with Condition 1, in either case, the berm shall not exceed 6 feet in height above natural grade and shall not exceed a slope of 15%.

- c. Any secondary structures, including the water tank if necessary, and parking area shall be located behind (northeast of) the earthen berm so as to not be visible from public areas (generally to the west).



- d. No man-made elements (siding, windows, garage doors, satellite receiver antennae, etc.) shall be visible when viewed from Highway 1 or the coast, except for a chimney or smoke-stack, appropriately designed to minimize impacts to visual resources. Non-reflective, earth tone materials shall be used on all surfaces (siding, windows, chimney, gutters, etc.) to prevent the detection of glare or light reflection from public viewing areas. An earthen berm rather than vegetative screening shall be relied upon to shield such man-made elements from public view. Where there is no feasible alternative for concealing a particular man-made element, the use of vegetative screening shall be limited to that which is necessary to provide the necessary visual barrier. The use of vegetative screening shall otherwise be avoided.
- e. All utilities shall be placed underground.
- f. The driveway shall not exceed the minimum width necessary to achieve safe access, consistent with Fire Department requirements, to the residence (generally 12 feet except for curves, pullouts, turn-about, and parking areas). Driveway type and surfacing material shall be visually compatible with the surrounding range land area and shall not produce glare or be reflective (e.g., compacted baserock or comparable materials appropriate to a ranch road).

Gate and fence structures in public view shall be visually consistent with the range fencing and Wind River-type gates existing on adjacent grazing lands. This permit does not authorize monument-style gate structures, fencing or walls that block public views, or security fencing in excess of 6 ft. in height. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

- 3. **Visual Analysis.** PRIOR TO FINAL APPROVAL OF REVISED PLANS, the Permittee shall submit for the Executive Director's review and approval, a visual analysis and simulation (e.g. drawings, photographs, etc.), verifying that the submitted revised plans will effectively comply with the conditions of this permit.
- 4. **Landscape Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for the Executive Director's review and approval, a plan for landscaping. The plan shall provide for the minimum vegetation necessary, consistent with Special Condition 2 above, to adequately screen the new development, including the residence, water tank, driveway, etc. from Highway 1. The plan shall include an analysis by a qualified expert that considers the specific condition of the site including soil, exposure, temperature, moisture, and wind. Specific plant species recommended shall consider all environmental factors as well as screening goals.
 - a. The plan shall demonstrate that:
 - 1) All vegetation planted on the site will consist of native, drought-tolerant plants,



- 2) All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and
- b. The plans shall include, at a minimum, the following components:
 - 1) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features,
 - 2) A schedule for installation of plants, and
 - 3) Specifications regarding installation and maintenance of the sod roof plantings, as well as erosion control plantings on the earthen berm(s).

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. **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 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.
- b. Establishment of a building envelope, to which all future development and site disturbance shall be limited, for one single family residence with attached garage, and water tank, consistent with Special Condition 1 above.
- c. Establishment of a parking area behind (northeast of) the earthen berm, so that the area itself and all vehicles or mechanized equipment will not be visible from public viewing areas. Any vehicles, mechanized equipment, and other items that may detract from the scenic qualities of the area shall be contained, when not in use, within this parking area.
- d. Any man-made elements (siding, windows, garage doors, satellite receiver antennae, etc.) shall not be visible when viewed from Highway 1 or the coast, except for a chimney or smoke-stack, appropriately designed to minimize impacts to visual resources. Non-reflective, earth tone materials shall be used on all surfaces (siding, windows, chimney, gutters, etc.) to prevent the detection of glare or light reflection from public viewing areas. An earthen berm rather than vegetative screening shall be relied upon to shield such man-made elements from public view. Where there is no feasible alternative for



concealing a particular man-made element, the use of vegetative screening shall be limited to that which is necessary to provide the necessary visual barrier. The use of vegetative screening shall otherwise be avoided.

- e. All utilities shall be placed underground.
- f. Exterior lighting shall be low level and limited to that necessary for safe passage within the designated building envelope. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface are visible from public viewing areas. Floodlighting or spotlighting of ground or water surfaces visible from public viewing areas shall be prohibited.
- g. Gate and fence structures in public view shall be visually consistent with the range fencing and Wind River-type gates existing on adjacent grazing lands.
- h. Recordation of a statement that provides "This parcel is adjacent to property that is used, or planned to be used, for agricultural purposes. Residents may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers, and from the pursuit of agricultural operations, including animal grazing, plowing, spraying, pruning and harvesting, which occasionally generate dust, smoke, noise, and odor. San Luis Obispo County and the State of California has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations."

6. Agricultural Easement. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall grant an easement to the county over all agricultural land shown on Exhibit 2 (Plot Plan) of the staff report. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing and a single-family home accessory to the agricultural use.

6. Water. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit evidence that the County Environmental Health Division has approved the adequacy of the on-site water well.

7. Archaeology. During ground disturbing activities, the applicant shall retain a qualified archaeologist, approved by the Executive Director, to monitor all earth disturbing activities, per the approved monitoring plan.

- a) If an area of cultural deposits is discovered during the course of the project:
 - i. All construction shall cease and shall not recommence except as provided in subsection (b) hereof; and
 - ii. Within 90 days after the date of discovery of such deposits, the applicant shall provide evidence to the Executive Director of execution and recordation of a deed restriction, in a form and content acceptable to the Executive Director, stating that, in order to protect



archaeological resources, development can only be undertaken consistent with the provisions of an archaeological plan prepared by a qualified individual and approved by the Executive Director.

This deed restriction 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 removed or changed without an amendment to this coastal development permit approved by the Coastal Commission.

- b) An applicant seeking to recommence construction following discovery of the cultural deposits shall submit an archaeological plan for the review and approval of the Executive Director.
 - i. If the Executive Director approves the archaeological plan and determines that the plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director receives evidence of recordation of the deed restriction required above.
 - ii. If the Executive Director approves the archaeological plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission and the Executive Director receives evidence of recordation of the deed restriction required above.

IX. RECOMMENDED FINDINGS AND DECLARATIONS

A. Visual Resources

The property is located approximately 1.5 miles north of Piedras Blancas Lighthouse, away from urban development and is within a more rural setting (within the Agriculture Land Use Category) on the North Coast of San Luis Obispo County. The parcel is approximately 4.37 acres (1,155 feet long and 165 feet wide) and slopes up gradually from Highway 1.

Policy 1 for Visual and Scenic Resources states in relevant part:

Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved, protected, and in visually degraded areas restored where feasible.

Policy 2 for Visual and Scenic Resources addresses site selection for new development:

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



Policy 4 for Visual and Scenic Resources applies to new development in rural areas:

New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views.

Finally, Policy 5 for Visual and Scenic resources addresses grading and lanform alteration:

Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Where feasible, contours of the finished surface are to blend with adjacent natural terrain to achieve a consistent grade and natural appearance.

North Coast Area Plan Standard for Site Design and Building Construction addresses site selection criteria for lands outside of urban and village reserve lines.

- 7. Site Selection.** *Primary site selection for new development shall be locations not visible from Highway 1 as follows:*
- a. Sites shall be selected where hills and slopes would shield development unless no alternative location exists or the new development provides visitor-serving facilities.*
 - b. New development shall be located so that no portion of a structure extends above the highest horizon line of ridgelines as seen from Highway 1.*
 - c. Where single ownership is on both sides of Highway 1, building sites shall be located on the east side of Highway 1 except for identified visitor-serving development.*
 - d. Development proposals for sites with varied terrain are to include design provisions for concentrating developments on moderate slopes, retaining steeper slopes visible from public roads undeveloped.*

The applicant has proposed and the County approved a residence and barn located on the least visible portion of the parcel, at the eastern end of the property, approximately 800 feet from the highway. A large knoll is located to the north of the property, which helps shield the proposed residence from view of southbound travelers; however, the entire property is visible from northbound Highway 1. The proposed single-story residence is approximately 15'7" in height and the applicant has proposed landscaping that will help screen the project from northbound travelers. The barn, which is approximately 1,120 square feet and 15'6" in height, is located behind the residence and will not be shielded by the proposed landscape screening.



The project site, as well as the three vacant parcels immediately to the south of the site, are encompassed by the vast open spaces of the approximately 77,000 acre Hearst Ranch. This entire sweep of open, rolling hillsides and unspoiled landscape can be viewed by the public in a continuously unfolding panorama along Highway 1. Indeed, there is perhaps no reach of coast in California that is more visually sensitive than the North Coast of San Luis Obispo. This southern gateway to Big Sur is characterized by a rugged shoreline, expansive grasslands, productive wetlands and majestic coastal mountains. The North Coast is a powerful landscape of incomparable and stunning beauty that is extremely vulnerable to degradation by new development. The Commission recognized this most recently during review of the San Luis Obispo County North Coast Area Plan Update (approved May 13, 1998), finding that the North Coast is “regarded as a scenic coastal resource of great public importance.” The findings go on to observe the following in regard to the character of Hearst Ranch and the surrounding area:

These views are often said to illustrate what “Old California” looked like before it was developed and urbanized. Even a relatively small amount of visible modern development would under these circumstances be intrusive, and would significantly degrade the sense of an essentially innocent landscape.

As mentioned, there is no question that the current development proposal would significantly impact the scenic quality of the rural and rugged North Coast. As shown in Exhibit 7, the proposed development would be located unavoidably in the middle of an undeveloped expanse of agricultural lands typical of this stretch of coast. The potential for three similar proposals immediately south of the project site raises concerns about the cumulative impact of development and its associated landscaping and landform alteration on this coastal terrace. Although some development can be seen from Highway 1 in this general area (i.e. Piedras Blancas Motel, Hearst Ranch residence), these buildings were constructed prior to adoption of the Coastal Act. Moreover, given the scenic nature of this stretch of coast, it is that much more important to limit any additional development that would break up expansive views of the rolling hillsides and incrementally degrade the rural character of the North Coast. Thus, the greatest possible effort must be put forth to safeguard this area from the intrusions of new development.

Policy 2 for Visual and Scenic Resources and the North Coast Area Plan Standard regarding site selection serve to protect the unique qualities of scenic areas and prohibit the siting of development, where possible, in areas visible from public view corridors. As stated previously, the residence is located in the least visible portion of the site, consistent with this LCP policy and Planning Area Standard. Thus, in terms of visual resource impacts, staff has not raised issue with the general *area* currently proposed for development.

However, as required by Policy 4 for Visual and Scenic Resources, “new development shall be sited to minimize its visibility from public view corridors” and the structures in that area “shall be designed to be subordinate to, and blend with, the rural character of the area.” In addition, Policy 1 for Visual and Scenic Resources requires that the scenic rural landscape of the North Coast be preserved and protected. Policy 4 also allows for the use of native vegetative screening to shield



development so long as it does not obstruct major public views, but only after all efforts have been exhausted to site the development outside of public view corridors.

In the context of the rural agricultural North Coast, conformance with the visual policies of the LCP is best achieved without reliance on unnatural vegetation such as the Cypress or Eucalyptus trees that are typically planted as windbreaks. The controlling objective of Policy 4 is to design new structures so as to be subordinate to and blend with the landscape. Policy 1 requires the protection of unique landscapes. Significant unnatural vegetative screening around a residential structure would still constitute a significant intrusion into the North Coast rural character, particularly if alternatives exist for structural design that would not require significant vegetation screening. In fact, while the LCP also requires that landform alteration be minimized, it does allow such alteration if done in way to blend with adjacent natural terrain (Visual Policy 5). As discussed below, siting and design options that rely on natural-looking berms, rather than vegetative screening, best meet the intent the LCP Visual Resource policies.

As proposed, the residence and barn are approximately 15'6" in height. Vegetative screening is proposed to help shield the residence from view of northbound travelers on Highway 1; however, the barn will be fully exposed to these viewers, and potentially in partial view of southbound travelers. It should be acknowledged that the applicant and the County have worked toward minimizing the visual impacts of the development itself, including the use of lower-house design, appropriate colors, and vegetative screening as a mechanism to shield the residence from public viewing areas. Nonetheless, these measures are not adequate to ensure that the extremely sensitive rural viewshed of the North Coast will forever be preserved to the maximum extent feasible. Every reasonable effort must be made to assure that new development in this area is truly subordinate to, and blended with the rural landscape. Again, although vegetation can be effective in some instances, when used in areas such as the vast, rolling hillsides and grasslands found along this stretch of coast, it may create an unnatural look and have an impact, equivalent to that of a structure, on the visual and scenic qualities of this area.

There is no question that Visual Policy 4 of the San Luis Obispo LCP sets a high standard for protection of the extreme visual sensitivity of the North Coast. A traditional house design such as proposed by the applicant does not readily blend in with, nor is it subordinate to the rural character of the area. Thus, the project as currently proposed is not consistent with Visual Policies 1 and 4. However, alternative home designs are available that would at once minimize the intrusion of unnatural structures into this environment and that allow for reasonable single family living. For example, a berm of approximately 6 feet in height could be constructed on the applicant's parcel, behind which a residence could be hidden from view. Based on analysis of existing contours on and around the project site, a six foot high berm with slopes of 10-15% would not significantly detract from the surrounding landscape and is feasibly constructed on the site. In conjunction with a lowered site grade of approximately 4-5 feet, this berm height limit would allow for construction of a house of reasonable height while meeting the objective of subordinating development to the rural character of the area. Although landform alteration would be required, such alteration, if done



appropriately to blend in with existing contours, would be preferable to unnatural vegetative screening.

More innovative and attractive home designs are also possible that would meet the LCP requirement of blending with the rural character of the North Coast. In particular, it is feasible to design and construct "earth-sheltered housing" that are essentially "bermed" houses (or banked with earth). A bermed structure may be above grade or partially below grade, with outside earth surrounding one or more walls. Both types usually have earth-covered roofs, and some of the roofs may have a vegetation cover to reduce erosion.¹ Exhibit 6, for example, provides illustrations of sod-roof developments that have been developed in other areas of the country. These designs typically minimize unnatural appearances yet they are full-scale residential structures. The combination of natural, sod-roof treatments, and lowered grade is an innovative means of shielding development from critical viewsheds and building in complete accord with nature. Such techniques have been used along the California coast, including along the Big Sur Coast where the Commission has previously approved single family residences that incorporated earthen or vegetated roofs to minimize impacts to visual resources in this highly scenic area (Salomon (P-77-0581), Chase (P-77-0689), Gold (3-83-203)).

In light of the extreme visual sensitivity of the North Coast, the Commission finds that such innovative approaches to home design are necessary yet reasonable measures to meet the high standards of the County's LCP. Only through such design can the visual resources be "preserved and protected". Such designs also maximize the extent to which new development will blend in with the environment and be subordinate to the rural character of the North Coast.

Therefore, to achieve consistency with the LCP, Special Condition 2 requires the applicant to submit revised plans that show the building site for the residence located in the least visible portion of the parcel (in the general vicinity of that currently proposed) and a residence design with a northeastern orientation that is either effectively screened from views to the southwest by berming, or is itself a bermed-structure. These design parameters provide the applicant with a view of the rolling hillsides to the north and east, while creating an earthen berm beside the southwestern portion of the residence to allow the development to blend in with the natural environment, as seen from public viewing areas. The highest point of berms or a bermed-structure is limited to six feet in height above the existing natural grade (per Special Condition 2), which will allow for the creation of a landform that will not be unnatural in appearance (considering surrounding slopes and the shape and size of the adjacent knoll to the north) and that will not detract from the natural topography of the area.

Special Condition 2 further requires that any secondary structures, including the water tank (if it cannot be placed underground), be placed behind the earthen berm so as to not be visible from public viewing areas. The project site is distantly visible from Hearst Castle and its approach road (nearly 7 miles to the southeast). However, due to the intervening distance and the measures to avoid visibility from nearby public vantage points, no significant impact on public views to and along the

¹ U.S. Department of Energy (Consumer Energy Information : EREC Fact Sheets) "Earth-Sheltered Houses."



coast are expected from the project as conditioned. As outlined in Special Condition 3 (Landscape Plan), the use of native vegetation as a screening tool shall be limited to those areas in which the earthen berm does not adequately shield the development from view. As stated above, the proposed barn is not hidden from view of northbound travelers and may be partially seen by southbound travelers, due to its location east of the large knoll. The barn, as proposed, is not intended to support an agricultural use, nor is it necessary to the reasonable development of the parcel with a single family residence. Thus, the barn is not included in the approval of this coastal development permit. In the event that the applicant would like to pursue an agricultural accessory structure, such as a barn, in the future as part of a bonafide agricultural operation, an amendment to this coastal development permit would be necessary and the potential visual impacts of such a proposal would be evaluated at that time.

Thus, as approved by the County, the project does not meet the requirements of Policies 1 and 4 for Visual and Scenic Resources because the structures were not designed to be subordinate to, or blend with, the rural character of the area so as to protect the scenic resources of the North Coast. The conditions of approval, as recommended by staff, bring the proposed project into compliance with this LCP Policy and recognize the need to protect the vast and rural landscape of San Luis Obispo's North Coast. **Therefore, as conditioned, the project may be approved.**

B. Agriculture

The property is one of four small (3.5 to six acres) clustered parcels surrounded by large agricultural parcels (Hearst Ranch), all within the Agricultural land use category. This area has historically been used for grazing; however, fences now delineate these four smaller lots and prevent the movement of cattle onto these parcels. Because the applicant is proposing a residential (non-agricultural) use on agricultural land, Policy 3 for Agriculture is applicable.

Policy 3 for Agriculture: Non-Agricultural Uses. *Non-agricultural development shall meet the following requirements:*

- d. The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the remainder of the site or nearby and surrounding properties.*
- e. The development...includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. As a condition of approval of non-agricultural development, the county shall require the applicant to assure that the remainder of the parcel(s) be retained in agriculture...by the following methods:*

Agricultural Easement. *The applicant shall grant an easement to the county over all agricultural land shown on the site plan. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing and a single-family home accessory to the agricultural use.*



Single family residences are a special, principally permitted land use on non-prime soils in the Agriculture land use category. Therefore, such a development is subject to special criteria regarding the siting of structures. In addition, because this is a non-agricultural use proposed in an area that has been, and is currently, used for cattle grazing, adequate measures to protect on-site agricultural activities, as well as those of the surrounding properties, shall be put into place.

Pursuant to CZLUO Section 23.04.024, the minimum size for grazing lands is 320 acres. Clearly, the five-acre parcel does not meet this minimum parcel size. Nonetheless, the LCP, and thus Special Condition 5 requires the applicant to record a deed restriction that prohibits future land divisions. and requires the applicant to grant an agricultural easement to the county over all agricultural land on the property, as required by Policy 3(e) for Agriculture. In addition, the disturbance envelope on the site should be limited to that necessary to support the residential use, so as to minimize impacts on adjacent agricultural lands.

Due to the limited width of the parcel, the residence will be in close proximity to adjacent agricultural uses. To minimize potential conflicts between surrounding agricultural operations and the proposed residential development, the applicant is required to record a "Right to Farm" statement (Special Condition 4), consistent with Policy 3(d) for Agriculture. This statement puts current and future landowners on notice that the property is adjacent to land used, or planned to be used, for agricultural purposes and discloses the consequences of residing near existing and potential agricultural operations (e.g. dust, noise, odors, agricultural chemicals). **Thus, as conditioned, the project is in conformance with Policy 3 for Agriculture, and can be approved.**

C. Water

Applicable LCP Policy and Ordinance:

Public Works Policy 1: *New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.... Permitted development outside the USL shall be allowed only if it can be serviced by adequate private on-site water and waste disposal systems.*

CZLUO Section 23.04.430: *Development outside the urban service line shall be approved only if it can be served by adequate on-site water and sewage disposal systems...*

San Luis Obispo County LCP Public Works Policy 1 and CZLUO Section 23.04.430 require new development to demonstrate that adequate public or private service capacities are available to serve the proposed development. The proposed development is located outside the San Simeon Urban Services Line and although data corresponding to wells on adjacent property indicate that adequate water is available to support the proposed development, evidence of County Environmental Health Division approval of the well has not been provided. Therefore, Special Condition 6 requires the applicant to submit evidence, prior to issuance of the coastal development permit, that the Environmental Health Division has approved the adequacy of the water well. **Thus, as conditioned,**



the project is consistent with Public Works Policy 1 and CZLUO Section 23.04.430, and may be approved.

D. Archaeology

Applicable LCP Policy regarding Archaeological Resources:

Policy 1 for Archaeology: Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required.

An archaeological surface survey was conducted for the parcel (Singer, October 12, 1999). Although no evidence of prehistoric cultural resources were noted during the survey, there are two known sites in the immediate area. Thus, Special Condition 7 requires the applicant to retain a qualified archaeologist to monitor all ground disturbing activities and implement mitigation measures, if necessary. **Therefore, the project is consistent with the requirements of Policy 1 for Archaeology and may be approved.**

X. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with 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 May 19, 2000.

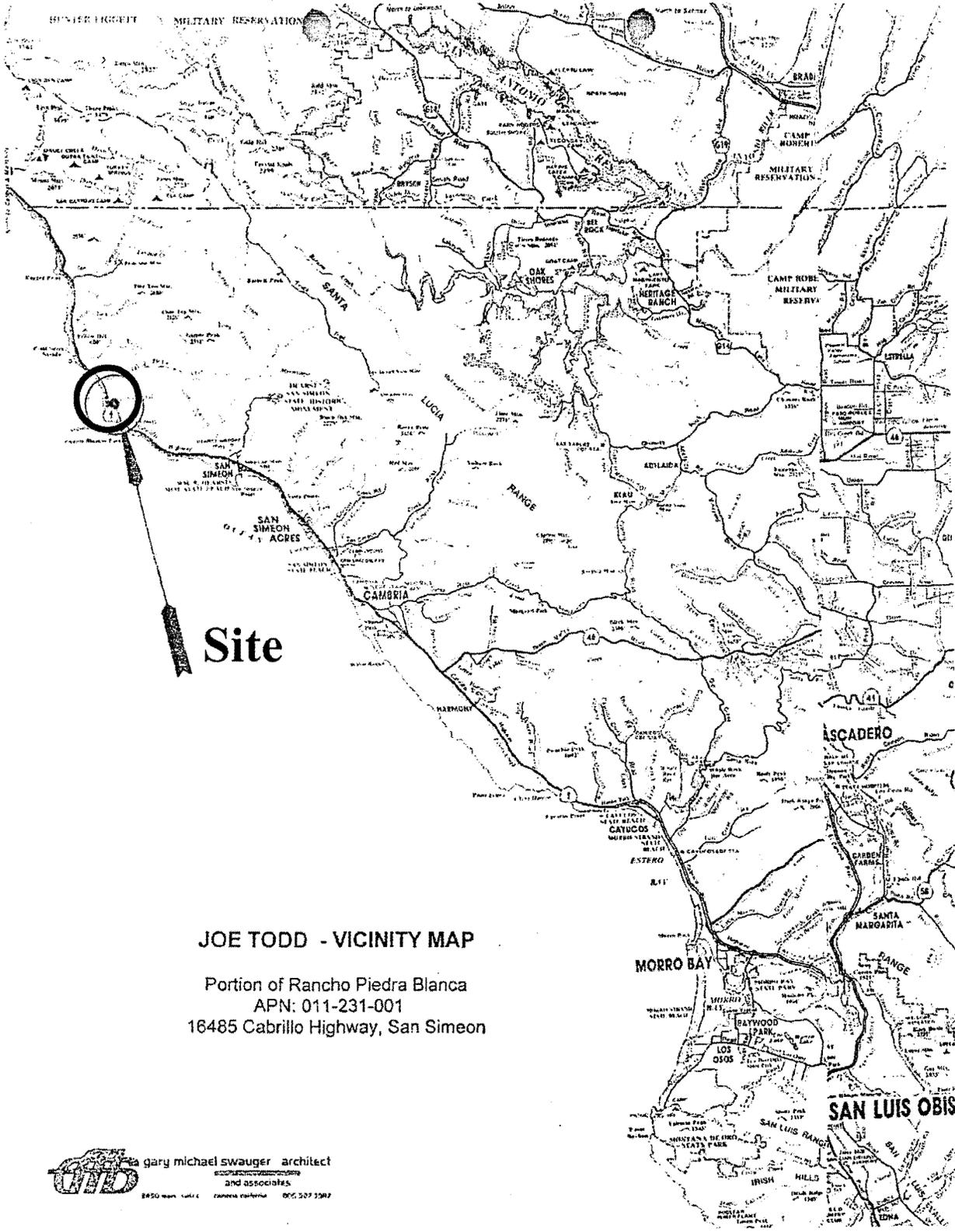
The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The impacts of the proposed development on coastal resource issues have been discussed in this staff report and the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



VI. EXHIBITS



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



JOE TODD - VICINITY MAP

Portion of Rancho Piedra Blanca
 APN: 011-231-001
 16485 Cabrillo Highway, San Simeon

 gary michael swauger architect
 and associates
 8450 main, suite 1000, cambridge, california 95921-2987

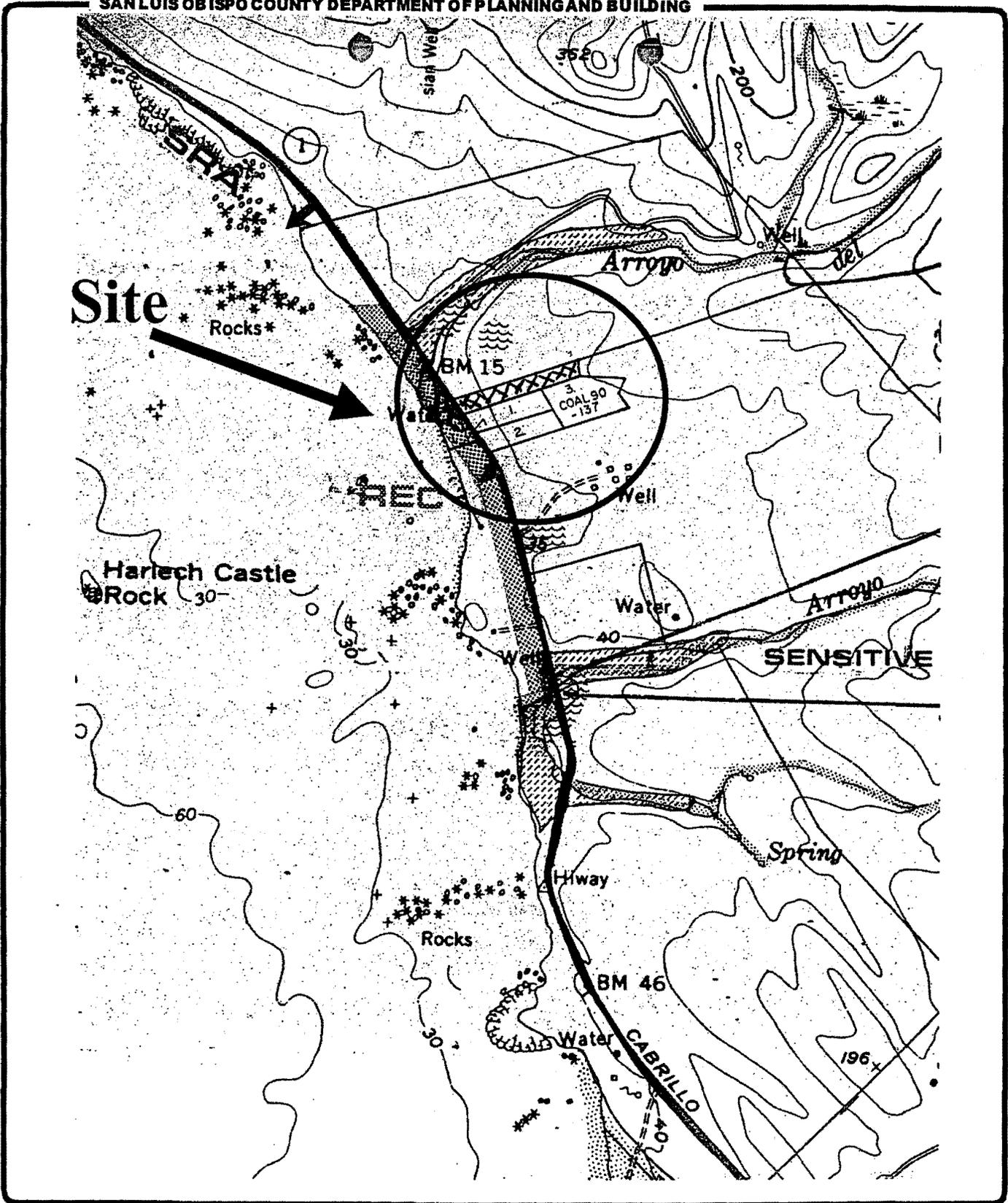
PROJECT

Minor Use Permit
 Todd - D990190P



EXHIBIT

Vicinity Map



PROJECT

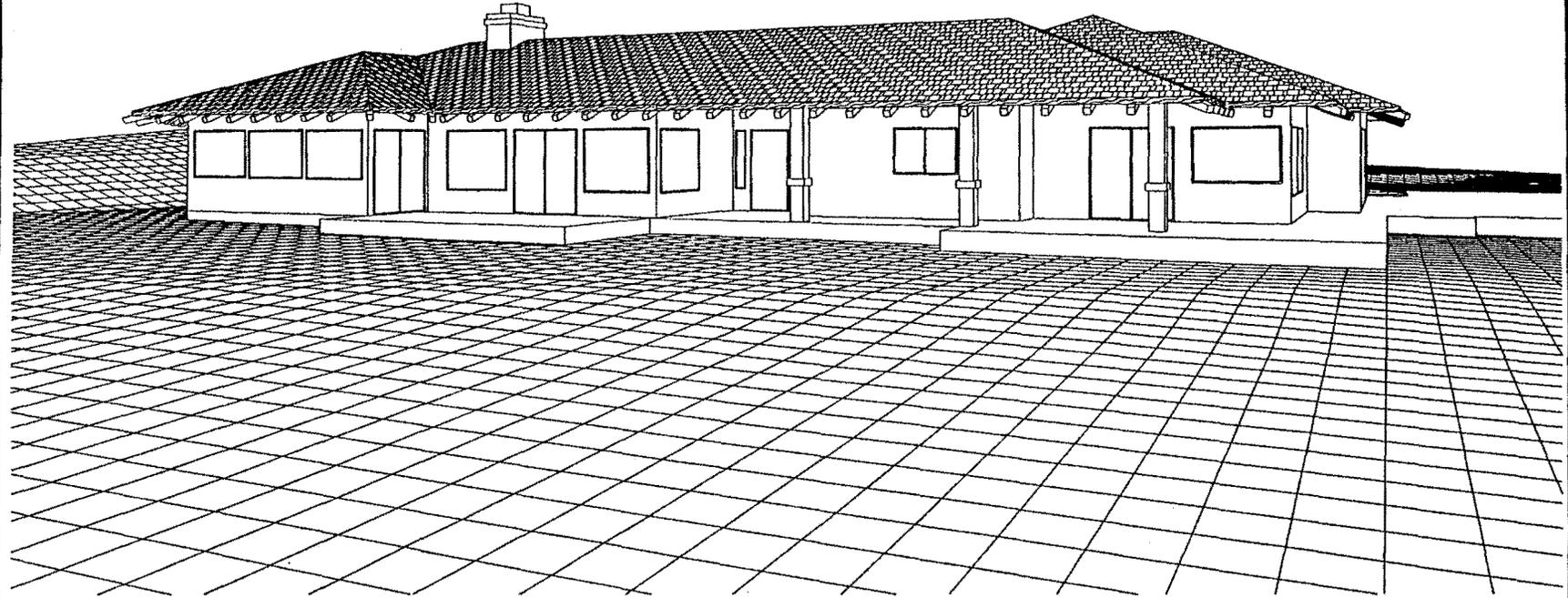
Minor Use Permit
Todd - D990190P



EXHIBIT

Land Use Category Map

A-3-SLO-00-119 (Todd SFD)
 Exhibit 2 (1 of 6)



PROPOSED RESIDENCE FOR:
 JOE TODD

16485 CABRILLO HWY, PIEDRAS BLANCAS

| REVISIONS | BY |
|-----------|----|
| | |
| | |
| | |
| | |

PROPOSED RESIDENCE FOR:
 JOE TODD
 16485 CABRILLO HWY
 PIEDRAS BLANCAS, CA

gary michael swauger architect
 and associates
 3480 main suite e
 san diego california 92108 619-597-3887

COVER

| | |
|---------|----------|
| DATE | 12/11/99 |
| DRAWN | C.M.S. |
| CHECKED | C.M.S. |
| DATE | NOV 1999 |
| SCALE | NO SCALE |
| NO | 11019 |
| JOB NO. | 990119 |
| SHEET | 1 |
| OF | 6 SHEETS |

LOT DESCRIPTION:

LOT: PORTION
 BLOCK: RANCHO
 TRACT: PIEDRA BLANCA
 APN: 011-231-001
 LOT AREA: 4.37 AC

SCOPE OF WORK:

CONSTRUCT NEW 1 STORY SINGLE FAMILY
 RESIDENCE WITH ATTACHED 3 CAR GARAGE,
 BARN, WELL AND SEPTIC SYSTEM

BUILDING DATA:

TYPE OF CONSTRUCTION: V-N NON-SPRINKLED
 USE GROUP AREA-SF MAX-SF OCC LOAD
 DWELLING R-3 2960 N/A 10
 GARAGE M 720 N/A 4

BUILDING AREA:

| LVING | EXISTING | PROPOSED | TOTAL |
|-------------|----------|-------------|-------------|
| MAIN FLR | 0 S.F. | 2960 S.F. | 2960 S.F. |
| TOTAL | 0 S.F. | 2960 S.F. | 2960 S.F. |
| GARAGE | 0 S.F. | 720 S.F. | 720 S.F. |
| BARN | 0 S.F. | 1120 S.F. | 1120 S.F. |
| PATIO/PORCH | 0 S.F. | 1799 S.F. | 1799 S.F. |
| PAVING | 0 S.F. | 17,232 S.F. | 17,232 S.F. |

BUILDING HEIGHT:

| | 5FR | BARN |
|--|----------|---------|
| HIGHEST NATURAL GRADE ADJACENT TO STRUCTURE: | 99'-0" | 100'-8" |
| LOWEST NATURAL GRADE ADJACENT TO STRUCTURE: | 95'-6" | 96'-8" |
| AVERAGE NATURAL GRADE: | 97'-3" | 99'-5" |
| MAXIMUM TOP OF STRUCTURE: | 119'-3" | 121'-5" |
| ACTUAL TOP OF STRUCTURE: | 112'-10" | 115'-2" |

MINIMUM SETBACKS:

| GARAGE | RESIDENCE |
|------------|------------|
| FRONT: 25' | FRONT: 25' |
| | SIDE: 30' |
| | REAR: 30' |

LOT COVERAGE STANDARDS:

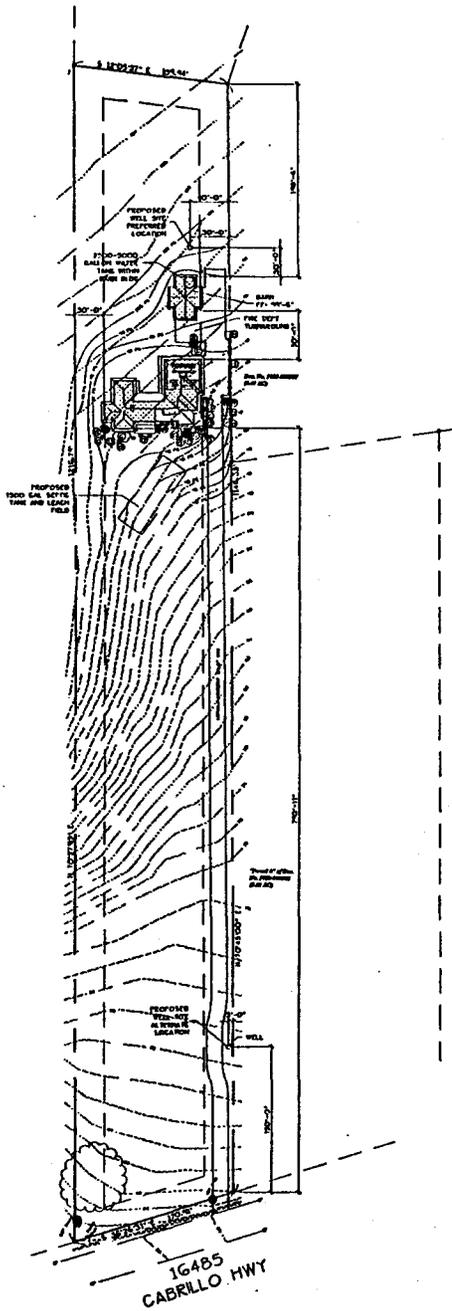
LOT SLOPE: 7% EXISTING: PROPOSED: TOTAL:
 ACTUAL FOOTPRINT: 0 S.F. 4840 S.F. 4840 S.F.
 ALLOW FOOTPRINT: N/A
 ACTUAL G.S.A.: 0 S.F. 4840 S.F. 4840 S.F.
 ALLOW G.S.A.: N/A
 ACTUAL HEIGHT: 15'-7" A.N.G.
 ALLOW HEIGHT: 22'-0" A.N.G.

GRADING INFORMATION

| CUT | | |
|--------------------|--------|--------|
| WITHIN FOOTPRINT: | | |
| HEIGHT: | 0-3 | FEET |
| QUANTITY: | 100 | CU.YD. |
| OUTSIDE FOOTPRINT: | | |
| HEIGHT: | 0-2 | FEET |
| QUANTITY: | 900 | CU.YD. |
| FILL | | |
| WITHIN FOOTPRINT: | | |
| HEIGHT: | 0 | FEET |
| QUANTITY: | 0 | CU.YD. |
| OUTSIDE FOOTPRINT: | | |
| HEIGHT: | 0-2 | FEET |
| QUANTITY: | 1000 | CU.YD. |
| SITE DISTURBANCE: | 42,500 | SQ.FT. |

LEGEND

| | |
|-------|------------------------|
| ----- | EXISTING CONTOUR |
| ===== | FRESH CONTOUR |
| ===== | WATER |
| ===== | SEWER |
| ===== | GAS |
| ===== | ELEC |
| ===== | GATV |
| ===== | PHONE |
| ----- | EP. |
| ===== | EP. |
| ===== | EDGE OF PAVEMENT |
| ===== | PROPERTY LINE |
| ===== | ONE STORY BUILDING |
| ===== | TWO STORY BUILDING |
| ===== | THREE STORY BUILDING |
| ===== | FRESH GRADE |
| ===== | TOP OF SLAB |
| ===== | TOP OF PAVEMENT |
| ===== | NATURAL GRADE |
| ===== | TOP OF 6" CURB |
| ===== | FINISHED SURFACE ELEV |
| ===== | TOP OF WALL |
| ===== | TOP OF GRATE ELEVATION |



PLOT PLAN

1"=200'



© COPYRIGHT 1999 GARY MICHAEL SWAUGER, ARCHITECT

| REVISIONS | BY |
|-----------|----|
| | |
| | |
| | |

PROPOSED RESIDENCE FOR:
JOE TODD
 16485 CABRILLO HWY
 PIEDRAS BLANCAS, CA

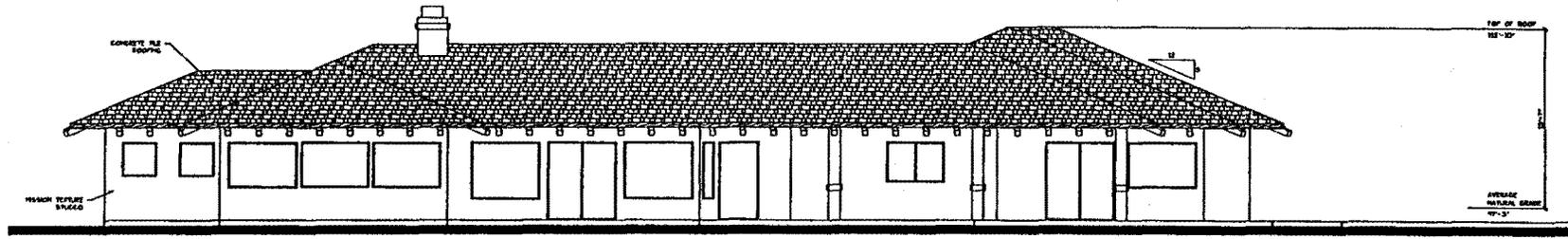
gary michael swauger architect
 and associates
 2440 maple suite c
 cambridge california 900 657-3887

GMS

PLOT PLAN

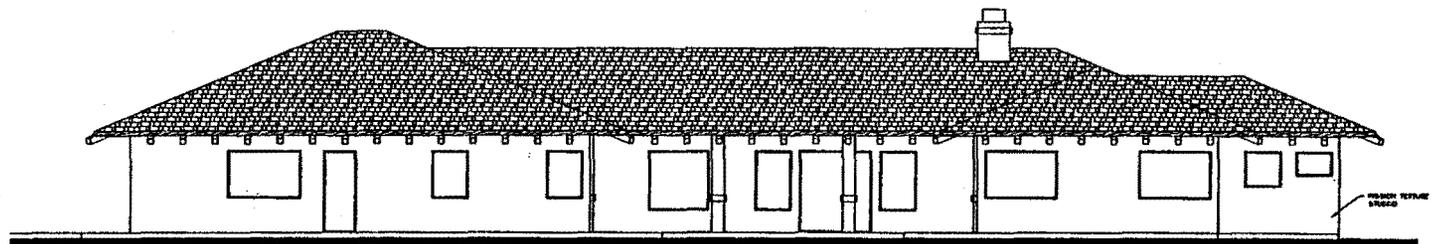
| | |
|--------------|------------|
| DATE | NOV 1991 |
| SCALE | 1"=200'-0" |
| SHEET | 2 |
| TOTAL SHEETS | 2 |

A-3-SLO-00-119 (Todd SF-D)
Exhibit 2 (4 of 6)



FRONT

ELEVATIONS
1/16"=1'-0"



REAR

| REVISIONS | BY |
|-----------|----|
| | |
| | |
| | |

PROPOSED RESIDENCE FOR
JOE TODD
 16485 CABRILLO HWY
 PIEDRAS BLANCAS, CA

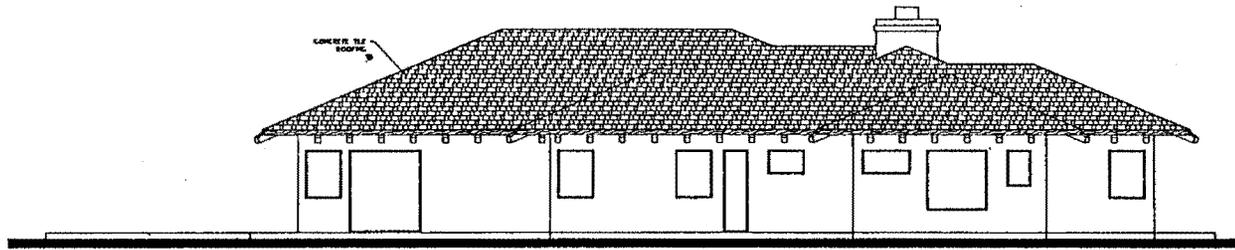
gfm
 gary michael swauger architect
 and associates
 2440 main suite • carlsbad california 92008-9887

ELEVATIONS

| | |
|-------------|-------------|
| DATE | C.M.S. |
| DRAWN | C.M.S. |
| CHECKED | C.M.S. |
| DATE | NOV 1999 |
| SCALE | 1/16"=1'-0" |
| JOB NO. | 99011.13 |
| SHEET | 4 |
| OF 5 SHEETS | |

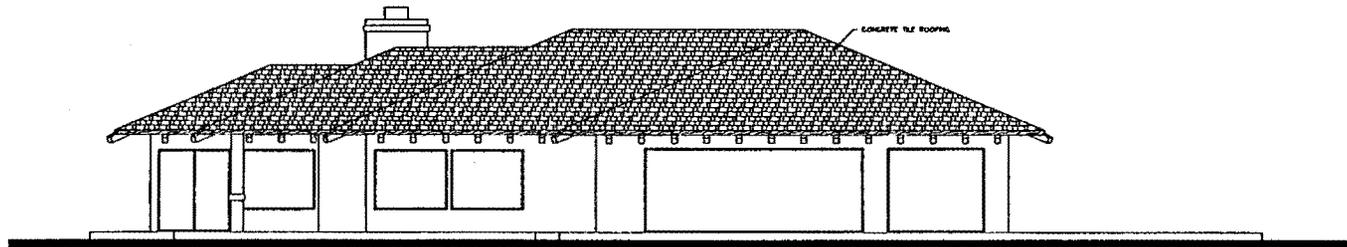
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A-3-STD-00-119 (Todd STD)
 Exhibit 2 (5 of 6)



LEFT

ELEVATIONS
 1/16"=1'-0"



RIGHT

| REVISIONS | BY |
|-----------|----|
| | |
| | |
| | |

PROPOSED RESIDENCE FOR:
JOE TODD
 16485 CABRILLO HWY
 PIEDRAS BLANCAS, CA

gfm

gary michael swauger architect
 and associates
 2400 main suite 0 orem, utah 84057-3887

ELEVATIONS

| | |
|---------|-------------|
| SCALE | 1/16"=1'-0" |
| DATE | NOV 1999 |
| PROJECT | 99011.13 |
| SHEET | 5 |
| OF | 6 SHEETS |

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CALIFORNIA COASTAL COMMISSION

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



REC-111

AUG 07 2000

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

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 Pedro Nava

California Coastal Commission

45 Fremont St., Suite 2000

San Francisco, CA 94105

(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 an approximately 3,700 square foot single family residence with attached garage and 1,200 square foot barn.

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

16485 Cabrillo Highway (Hwy 1), north of the community of San Simeon, 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-00-119

DATE FILED: 8/7/2000

DISTRICT: Central Coast District

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

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

- a. Planning Director/Zoning Administrator
- b. City Council/Board of Supervisors
- c. Planning Commission
- d. Other: _____

6. Date of local government's decision: July 7, 2000

7. Local government's file number: D990190P

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:

Joe Todd
1550 Post Canyon Road
Templeton, CA 93465

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) Kay Pauling
385 Golden Hills Drive
Portola Valley, CA 94028

(2) GMS & Associates
P.O. Box 1177
Cambria, CA 93428

(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.

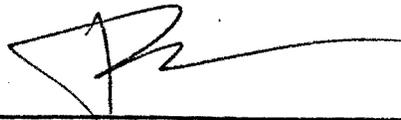
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

(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 8/4/2000

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.

Signature of Appellant(s)

A-3-SLO-00-119 (Todd SFD)
Exhibit 3 (3 of 5)

Date _____

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 sheets.

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.

Signed: *Laura J. Allen*
Appellant or Agent

Date: August 4, 2000

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

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 D990190P (Todd)**

The proposed construction of an approximately 3,700 square foot single family dwelling with attached garage and 1,200 square foot barn is inconsistent with the policies and ordinances of the San Luis Obispo County Local Coastal Program, as detailed below.

1. Visual and Scenic Resources Policy 1, 2, 4, and 5 serve to protect visual resources by requiring new development to be located in areas not visible from major public view corridors, be subordinate to the rural character of the area, and minimize landform alterations. The proposed development is a single-story residence, barn, and a long driveway, all visible from Highway 1. Although the subject property has minimal slopes to aid in shielding development, a visual analysis was not completed to verify that the proposed building envelope and design is the least visible alternative.
2. San Luis Obispo County LCP Public Works Policy 1 and CZLUO Section 23.04.430 require new development to demonstrate that adequate public or private service capacities are available to serve the proposed development. Additionally, permitted development outside the Urban Services Line shall be allowed only if it can be serviced by adequate private on-site water and waste disposal systems. The proposed development is located outside the USL and although the applicant submitted pump tests for wells drilled on adjacent parcels, evidence has not been provided to conclude that adequate private water services currently exist on-site.

Exhibit B
Conditions of Approval (D990190P)

Approved Development

1. This approval authorizes the construction of an approximately 2,980 square foot single family residence, 720 square foot attached garage, 1,120 square foot barn and water well and septic system
2. Site development shall be consistent with the approved site plan, floor plans and elevations. **The maximum height of the project is 15' 7" above average natural grade.**

Visual Resources

3. **At the time of application for construction permits**, the applicant shall submit a revised color board showing exterior colors and surface materials for review and approval. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.
4. **At the time of application for construction permits**, the applicant shall clearly delineate the location and visual treatment of water tanks on the project plans. All water tanks shall be located in the least visually prominent location feasible when viewed from Highway 1. Screening with topographic features, existing vegetation or existing structures is encouraged. If the tank(s) cannot be screened, then the tank(s) shall be a neutral, non-contrasting color, and landscape screening shall be provided.

Landscaping

5. **At the time of application for construction permits**, the applicant shall submit a revised landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall provide vegetation that will adequately screen the new development, including buildings, water tanks, etc., when viewed from Highway 1. The plan shall include an analysis by a qualified individual (e.g. qualified nurseryman, landscape architect, etc.) that considers the specific condition of the site including soil, exposure, temperature, moisture, and wind. Specific plant species recommended shall consider all environmental factors as well as screening goals.

County's Conditions
Exhibit 4 (1 of 2)

6. **Prior to final inspections**, the applicant shall install (or bond for) the landscaping as recommended in the approved landscaping plan.

Archaeology

7. **During ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
8. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

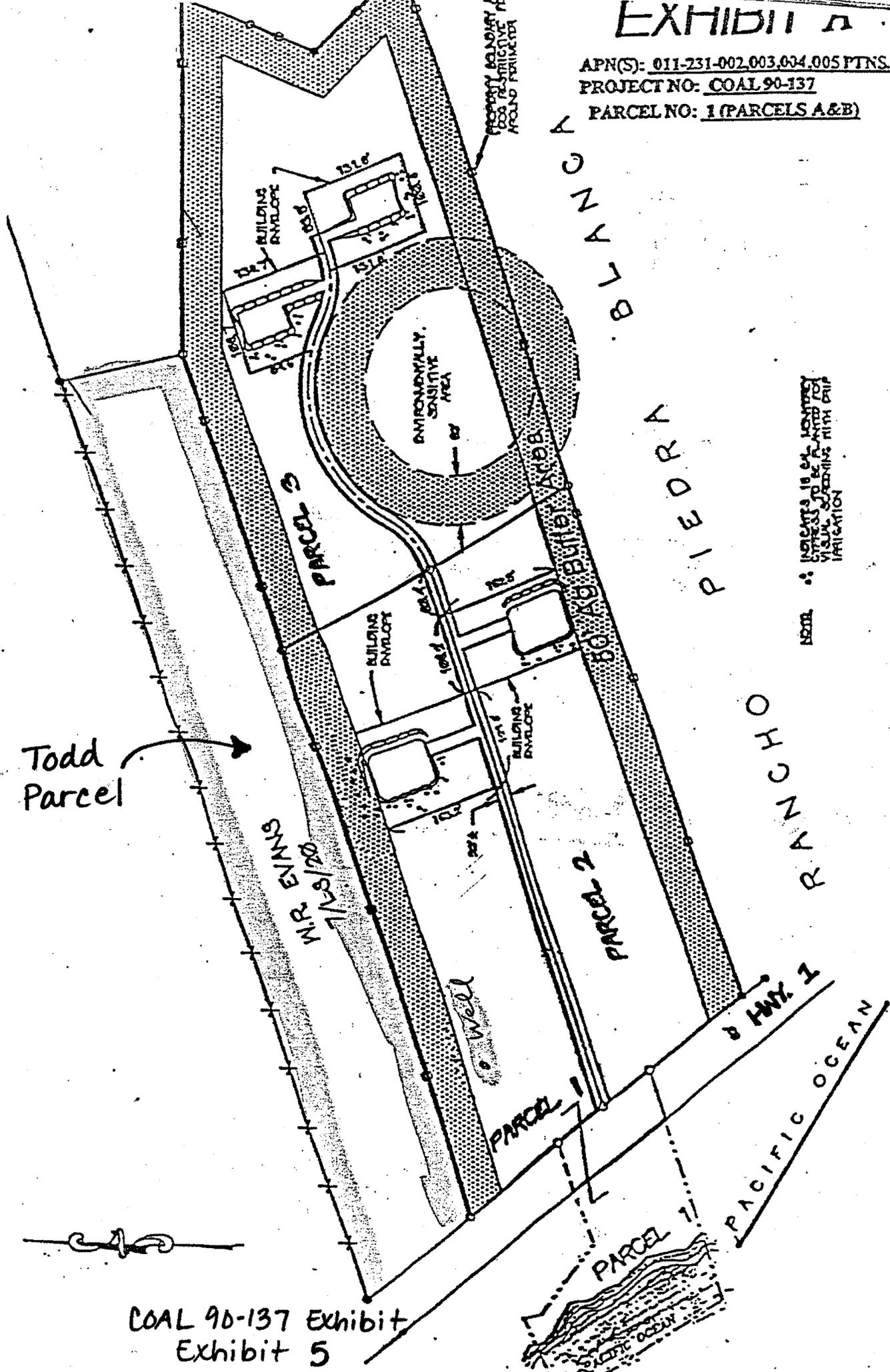
County's Conditions
Exhibit 4 (2 of 2)

EXHIBIT A

APN(S): 011-231-002,003,004,005 PTNS.

PROJECT NO: COAL 90-137

PARCEL NO: 1 (PARCELS A&B)



NOTE: THIS IS AN UNOFFICIAL COPY OF THE ORIGINAL RECORDS. VISUAL SCREENING WITH THIS INFORMATION.

Todd Parcel

COAL 90-137 Exhibit
Exhibit 5



Source: Roy, Robert: *Complete Book of Underground Houses: How to Build A Low-Cost Home* (Sterling: New York) 1994.



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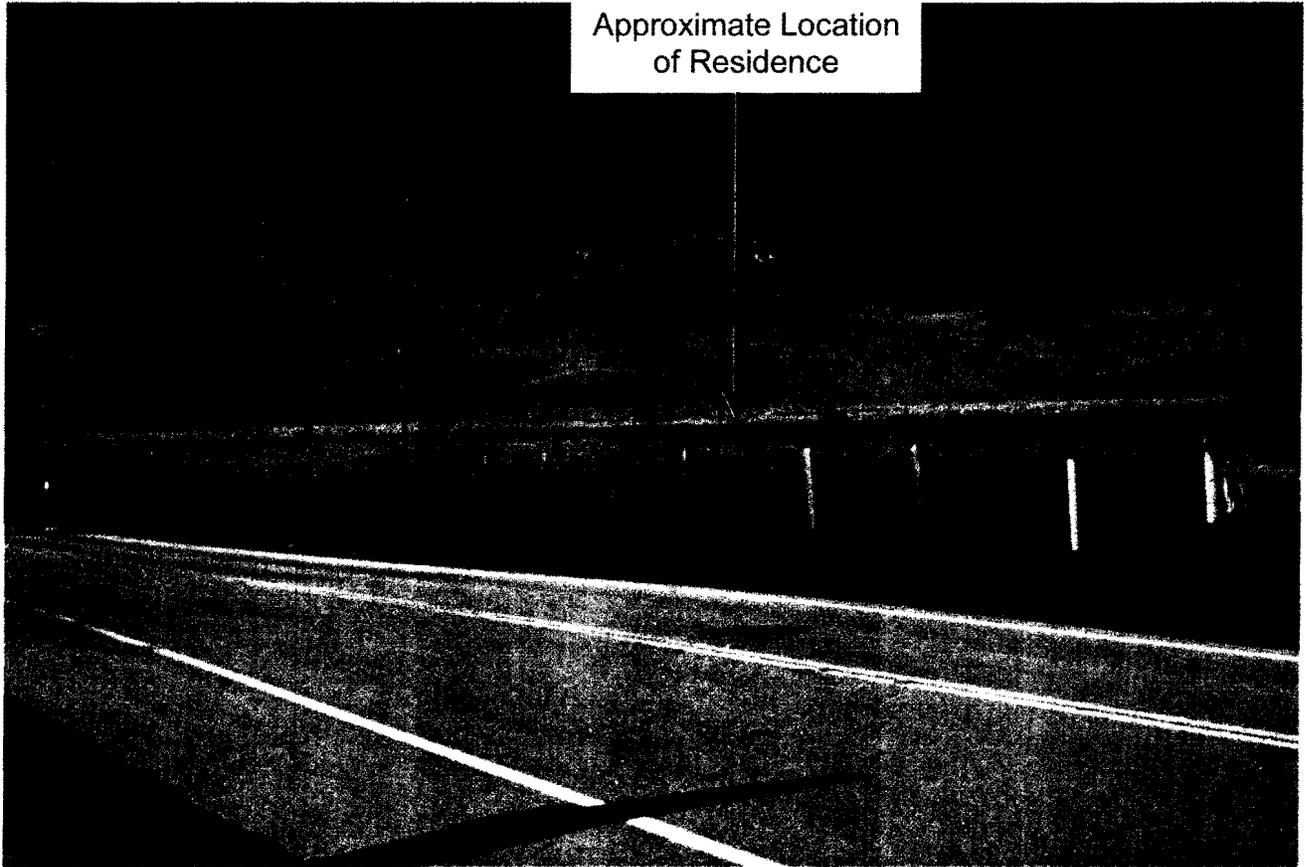
Source: Pearson, David: *The Natural House Book* (Simon & Schuster: New York) 1989.



Source: <http://www.aa.uidaho.edu/bldgvital/moses3a.html>



Approximate Location
of Residence

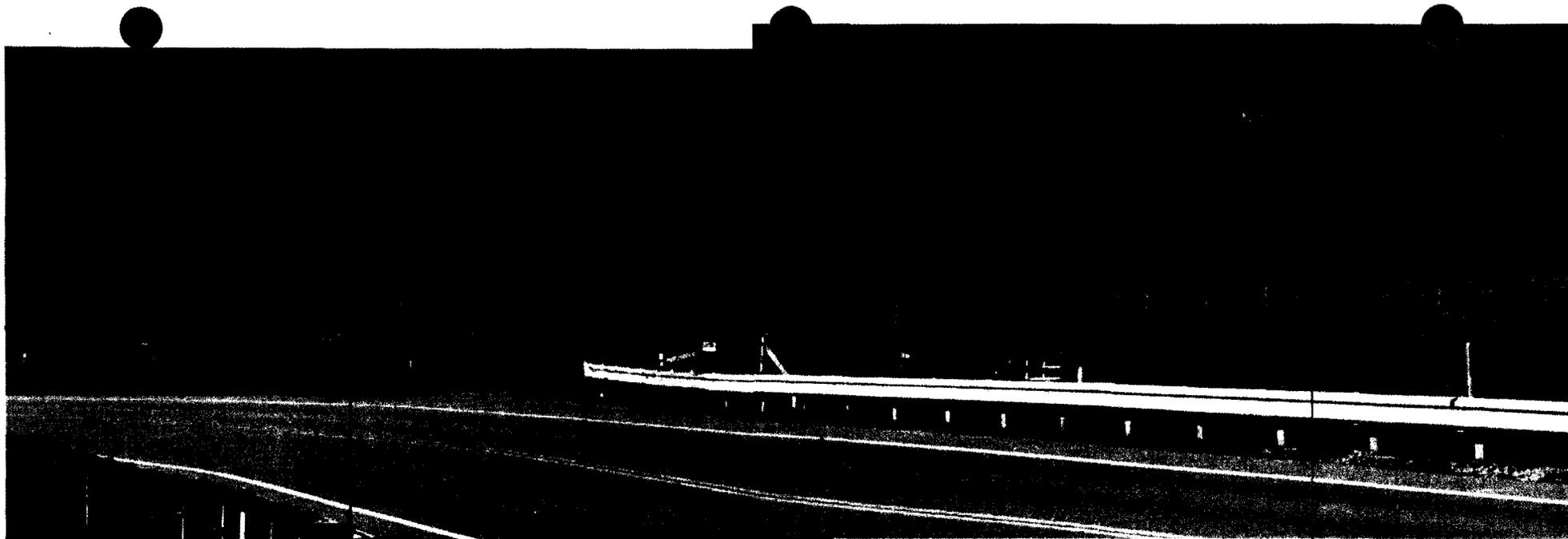


Project Site as Viewed from Piedras Blancas Motel (looking northeast)



View of Piedras Blancas Lighthouse (Hwy 1) from Site (looking southwest)





Approximate Location
of Property Lines

Approximate Location
of Residence

View of Site from Highway 1 (looking northeast)

