

**CALIFORNIA COASTAL COMMISSION**

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

**W14b**

C. Z. 10/26/00



PACKET COPY

Filed:	09/12/00
49 <sup>th</sup> Day:	10/31/00
Staff Report:	10/26/00
Hearing Date:	11/17/00
Commission Action:	
Open and Continue	10/12/00

## STAFF REPORT: APPEAL SUBSTANTIAL ISSUE DETERMINATION

**Appeal Number** .....A-3-SLO-00-130

**Local Government**.....San Luis Obispo County

**Decision** .....Approved with conditions, 08/15/00

**Applicants** .....Duane Kasulka

**Appellants** .....Melvin & Barbara Schwimmer; Don L. Anderson; Doug Buckmaster

**Project Location** .....Madison Street (Lodge Hill Area), Cambria, San Luis Obispo County (APN 023-068-027)

**Project Description** .....Construct a 3,814 square foot single-family residence

**File Documents** .....San Luis Obispo County Certified Local Coastal Program; Coastal Development Permit D990122P; Geotechnical Engineering Report by Mid-Coast Geotechnical, Inc., 06/02/00

**Staff Recommendation** .....No Substantial Issue

### EXECUTIVE SUMMARY

Staff recommends that the Commission, after conducting the public hearing, determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The proposed project is a two-story residence, approximately 3,814 square feet in size, with the garage at a level below the average natural grade and living space on two levels above the average natural grade.

The subject site is an oversized, double, forested lot of approximately 8,500 square feet located on Madison Street, in the West Lodge Hill area in the community of Cambria, San Luis Obispo County. The lot ascends from Madison Street. The existing road cut near the front of the lot is approximately 7 to 12 feet tall and up to a 2:1 slope. The remainder of the parcel has an approximately 23 percent



California Coastal Commission

slope. There are 2 Monterey Pine trees on the lot, which will not be removed, and some small oaks in the building area.

The appellants contend that the project does not comply with the San Luis Obispo County Local Coastal Program because the development is not compatible with the existing size, massing, and character of residential development in the area; the gross structural area is exceeded; it will impact water drainage and erosion in the neighborhood which may destabilize the hillside; the structure may be unsafe in earthquakes; traffic and parking on Madison Street will be adversely affected; the development may adversely affect local wildlife and adjacent Monterey Pine trees.

These contentions do not raise a substantial issue because the project is consistent with the Lodge Hill area standards regarding setbacks and building height and the proposed development is substantially consistent with the design of other residences in the surrounding area. The site is located in Tract 61, which is exempt from the Lodge Hill standards for footprint and gross structural area. Secondly, the required drainage plan includes measures to route all downspouts, French drains, and surface drains to an outlet at a roadside ditch. The roadside ditch will be improved if necessary to maintain the drainage flowline. To control erosion, the geotechnical survey report recommends that cut slopes and fill slopes be planted with a deep-rooted, light-weight groundcover, which should be maintained to control surficial and larger-scale erosion and surficial stability of the slopes. The addition of this single-family dwelling should not create an adverse impact on current traffic and parking issues. No Monterey Pines will be removed during construction and all trees must be fenced to avoid damage during construction and no disturbance is authorized for off-site trees. No endangered species are present on the property.

---

## STAFF REPORT CONTENTS

Executive Summary .....	1
1. Summary Of Appellant's Contentions.....	3
2. Local Government Action.....	3
3. Appeal Procedures .....	3
4. Staff Recommendation On Substantial Issue.....	4
5. Recommended Findings and Declarations.....	5
A. Project Location and Description.....	5
B. Substantial Issue Analysis.....	5
1. Compatibility with the Surrounding Neighborhood.....	5
2. Drainage/Erosion.....	7
3. Safety of Structure in an Earthquake.....	9
4. Traffic/Parking.....	10
5. Disruption of Habitat.....	10
6. California Environmental Quality Act (CEQA).....	12
7. Exhibits.....	13



1. County's Findings
2. Location and Vicinity Maps
3. Photographs of Site
4. Project Review Table
5. Drainage Plan
6. Project Plans
7. Appellant's Contentions
8. Correspondence from Applicant and Architect

## **1. SUMMARY OF APPELLANT'S CONTENTIONS**

Please see Exhibit 7 for the full texts of the appeals.

1. The project is not compatible with the established physical scale of the area, including the massing and character of the surrounding neighborhood.
2. The allowable Gross Structural Area is exceeded.
3. The project will exacerbate existing drainage problems and destabilize the Benson-Madison hillside.
4. The project design is unsafe in the event of an earthquake.
5. The project will negatively impact traffic on Madison Street beyond a safe capacity.
6. The project will set a precedent for oversize structures in the surrounding neighborhood, which may adversely affect wildlife and 207 remaining Monterey pine trees on undeveloped lots.

## **2. LOCAL GOVERNMENT ACTION**

The San Luis Obispo County Administrative Hearing Officer approved the proposed project on April 21, 2000, and the decision was appealed to the Board of Supervisors by Melvin & Barbara Schwimmer. On August 15, 2000, the Board conditionally approved the project. The County's conditions of approval are attached in Exhibit 1.

## **3. 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 located in a sensitive coastal resource area designated in 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.

#### 4. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

**MOTION:** *I move that the Commission determine that Appeal No A-3-SLO-00-130 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 YES vote. Passage of this motion will result in a finding of No Substantial Issue, and the adoption of the following resolution and findings 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-00-130* presents no 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.



## **5. RECOMMENDED FINDINGS AND DECLARATIONS**

### **A. Project Location and Description**

The project is located on the north side of Madison Street, approximately 200 feet west of Ardath Drive in Tract 61 of the Lodge Hill area in the community of Cambria, San Luis Obispo County. Lodge Hill is an extensive residential area located within the terrestrial habitat, south of Highway One (Exhibit 2). The topography of the Lodge Hill area is varied with numerous ridges and gullies, steep slopes, and nearly flat areas near the marine terrace. The majority of the lots in the area are very small, typically 25 feet by 70 feet, and therefore historic development has been relatively dense. However, it is common for present-day proposals to consolidate two or three lots to create larger sites more appropriate for development.

The site is an oversized, double, forested lot of approximately 8,500 square feet (Exhibit 3). The lot slopes approximately 23% towards Madison Street and at the road cut the lot is approximately 7 to 12 feet higher than the road. The proposed residence is approximately 3,814 square feet with the garage entirely below the average natural grade and living space on two levels above the garage, with an attic and a loft above the second level of living space. The overall height of the proposed residence is 28 feet, as measured from the average natural grade of the site.

### **B. Substantial Issue Analysis**

The appellants contend that the project does not comply with the San Luis Obispo Local Coastal Program (LCP) because the development is not compatible with the existing massing and character of residential development in the area, the allowable gross structural area is exceeded, the project will exacerbate existing drainage problems and destabilize the Benson-Madison hillside, the project design is unsafe in the event of an earthquake, traffic on Madison Street will be negatively impacted beyond a safe capacity, the project design cannot be supported as a single-family residence, and the project will set a precedent for oversize structures in the surrounding neighborhood, which may adversely affect 207 remaining Monterey pine trees on undeveloped lots as well as local wildlife.

#### **1. Compatibility with the Surrounding Neighborhood**

The proposed project is located on a lot that slopes downhill toward Madison Street. The proposed two-story residence is approximately 3,814 square feet, with the garage entirely below the average natural grade and living space on two levels above the garage. The overall height of the proposed residence is 28 feet, as measured from the average natural grade of the site.

The appellants contend that the project does not comply with the San Luis Obispo Local Coastal Program because the development is not compatible with the existing massing and character of



residential development in the area, and that the proposed structure will establish a precedent for oversize houses in the immediate area. They also contend that the proposed structure cannot be supported as a single-family dwelling because the design of the structure could easily be converted into separate living units and used as multifamily residences or multiple rental units.

Although not specifically referenced by the appeal, the applicable LCP Policy with respect to this issue is cited below.

**Policy 6 for Visual and Scenic Resources:** *...new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community.*

The project site is an oversized lot of approximately 8,500 square feet. Homes in the neighborhood range in size from 1,700 to 3,400 square feet. The immediate neighborhood contains approximately four to five vacant lots.

Currently, the Planning Department, North Coast Advisory Council (NCAC), and the community are developing the Cambria Design Plan. At this time, the Cambria Design Plan is being prepared for commercial development only. A residential chapter contained several controversial items, which were rejected by the community, and the chapter was removed from the draft design plan. The community is pursuing residential design standards but they are in the early stages of preparation.

The North Coast Area Plan includes specific building standards for lots within the Lodge Hill area (referred to in the LCP as Table G). These standards establish setback, height, footprint, gross structural area (GSA) and deck sizes based on lot size, site topography and location, and whether or not trees exist on-site. The appellants state that the allowable GSA, as described in Table G footnotes of the Local Coastal Plan, is being exceeded. They contend that the combined square footage of the attic and a usable storage room alongside the garage, which exceeds 800 square feet, has not been counted in the plans. The site, however, is located in Tract 61, which is exempt from Table G. Also, per section 310.6.1 of the California Building Code, habitable space shall have a ceiling height of not less than 7 feet 6 inches. The attic is non-habitable because the ceiling height ranges from 6 feet 2 inches to 7 feet 6 inches. The ceiling height of the storage room ranges from 2 feet to 4 feet. Even if this project were subject to Table G standards regarding habitable space, the attic and storage room are not considered habitable spaces and their square footage would not be counted in the GSA because of their low ceiling heights.

As noted, the project site is exempt from the standards of Table G. However, per Table G Footnotes, building sites greater than 5,250 square feet may be permitted additional footprint and GSA equal to the percent that the site is greater than 5,250 square feet. If this lot were subject to Table G, the proposed project would still fall within those allowances.



Setbacks for Tract 61 are defined by the Coastal Zone Land Use Ordinance. Height limitations are defined in the North Coast Area Plan. The proposed single-family dwelling meets all applicable setback and height requirements (Exhibit 4). As shown above, the proposed single-family dwelling is not subject to the standards of Table G, but would still fall within the allowances of Table G regarding footprint and GSA. If standards for Table G applied, the square footage of the attic and storage room off the garage would not be counted because they are considered non-habitable due to low ceiling heights. Other homes in the area range from approximately 1,700 to 3,400 square feet. The proposed residence will have approximately 3,814 square feet of gross structural area. As noted, the community is pursuing residential design standards, but they are in the early stages of preparation.

The site has been approved by the Department of Planning and Building of San Luis Obispo County for a Minor Use Permit/Coastal Development Permit for a single-family dwelling. If the owners wished to convert the residence to a multifamily residence or rental units, that proposal would need to be found consistent with the LCP and appropriate permits would need to be obtained at that time.

In conclusion, the project is consistent with the Lodge Hill area standards regarding setbacks and building height. Further, Tract 61 is exempt from the Table G standards regarding footprint and gross structural area, issues the appellants have raised. Most neighborhoods in the Lodge Hill area have varying topography and a variety of lot sizes and structural designs. The proposed development is substantially consistent with others in the surrounding area. **Therefore, no substantial issue is raised in regard to the project's compatibility with the scale and character of the surrounding neighborhood.**

## 2. Drainage/Erosion

The appellants contend that the project does not comply with the San Luis Obispo Local Coastal Program (LCP) because the development will impact water drainage in the neighborhood and contribute to the destabilization of the Benson-Madison hillside. Although not specifically referenced in the appeal, applicable LCP Policies are cited below:

**CZLUO Section 23.05.042 – Drainage Plan Required:** *Drainage plans shall be submitted with or be made part of any land use, building or grading permit application for a project that:*

*g. Involves hillside development on slopes steeper than 10 percent.*

**CZLUO Section 23.05.050 – Drainage Standards:**

**b. Natural Channels and Runoff.** *Proposed projects are to include design provisions to retain off-site natural drainage patterns and, when required, limit peak runoff to predevelopment levels.*



**CZLUO Section 23.05.036 – Sedimentation and Erosion Control:**

**a. Sedimentation and erosion control plan required:** *Submittal of a sedimentation and erosion control plan for review and approval by the County Engineer is required when:*

- (1). *Grading requiring a permit is proposed to be conducted or left in an unfinished state during the period from October 15 through April.*

The proposed project is located on a site that slopes approximately 23% towards Madison Street and at the road cut the lot is approximately 7 to 12 feet higher than the road. The appellants believe the hillside is unstable and that a complete and independent geotechnical and topographic survey is needed to determine slope, drainage, and soil conditions relative to the proposed structure. This property, however, is not located within a mapped Geologic Study Area and therefore a geologic report is not required by the LCP. In addition, the Local Coastal Plan for Cambria states that only structures proposed on slopes over 25% shall be required to have foundations reviewed by a qualified geologist or soil scientist.

CZLUO Section 23.05.042 requires a drainage plan for hillside development on slopes steeper than 10 percent. This plan was completed and thus the project fulfills that requirement (Exhibit 5). The county engineer required several corrections to the drainage plan, including adding a drain inlet to the retained yard patio and the addition of notes on the plan regarding drainage at the roadside ditch. Also, a geotechnical engineering survey was completed by Mid-Coast Geotechnical, Inc. and a report was issued. All drainage will be directed towards Madison Street. As proposed in the drainage plan, all down spouts, French drains, and surface drains will be routed to an outlet at the roadside ditch. The roadside ditch will be improved if necessary to maintain the drainage flowline at the side of the street. A drain inlet from the yard patio will connect to a French drain and be directed to the swale. A French drain situated below the retaining wall will direct water to the swale. As recommended by the Mid-Coast Geotechnical report, final grading shall provide a positive drainage away from the footings. The swale bottom will be at least 4 feet from the footings or outside the foundation wall backfill and sloped sufficiently to direct the runoff away from the building area and lot. All pad and roof drainage will be collected and transferred away from the buildings and slopes in non-erosive devices. Proper drainage shall also be provided away from the building footings and from the lot during construction. Gutters and downspouts will be installed on all buildings as a means of improving the flow of runoff away from the foundation and building area. Downspouts will be connected to PVC pipe and drained to an approved drainage course such as a street or storm drain. To control erosion, the geotechnical survey report recommends that cut slopes and fill slopes be planted with a deep-rooted, light-weight groundcover, which should be maintained to control surficial and larger-scale erosion and surficial stability of the slopes.

The appellants state that the property is located on one of the steepest parts of the Benson-Madison hill and that water drains from the property year-round. The slope of the site is approximately 23% down towards Madison Street. The North Coast Area Plan defines steep lots within the Lodge Hill





area as having a 30% or greater slope. Also, Mid-Coast Geotechnical, Inc. performed three hand excavations to depths of 4 to 7 feet and found no free ground water in any of the borings.

As a condition of approval, prior to issuance of construction permits, if grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to CZLUO Section 23.05.036 (Exhibit 1).

In conclusion, methods for dealing with drainage and erosion are detailed in the required drainage plan and in the geotechnical engineering survey. The slope of the property is not steep enough to be subject to restrictions as defined in the North Coast Area Plan, and a sedimentation and erosion control plan must be submitted if grading is to occur between October 15 and April 15. Therefore, the proposed project is in compliance with CZLUO Sections 23.05.050 and 23.05.036. **Thus, no substantial issue is raised in regard to this contention of the appeal.**

### 3. Safety of Structure in an Earthquake

The appellants contend that the project does not comply with the San Luis Obispo Local Coastal Program (LCP) because the proposed structure is a four-level top-heavy box-like design built on top of a garage, and that this type of design is likely to be shaken apart during an earthquake and contribute to the destabilization of the hillside. The appellants mention, but do not specifically cite, the recently adopted "Safety Element of the San Luis Obispo County General Plan." The "Safety Element of the San Luis Obispo County General Plan" is not part of the Local Coastal Program and therefore cannot be used as a standard of review. Although not specifically referenced in the appeal, applicable LCP Policies are cited below:

**CZLUO Section 23.07.080 – Geologic Study Area (GSA):** *A Geologic Study Area combining designation is applied by the Official Maps (Part III) of the Land Use Element, to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. These standards are applied where the following conditions exist:*

- e. **Seismic Hazard:** *Areas of seismic (earthquake) hazard are identified through the application of an Earthquake Fault Zone. Earthquake Fault Zones are established by the state geologist as required by Sections 2621 et seq. of the Public Resources Code (the Alquist-Priolo Earthquake Fault Zones Act), and are identified in the Land Use Element (Part III).*

**CZLUO Section 23.07.086 – Geologic Study Area Special Standards:** *All uses within a Geologic Study Area are to be established and maintained in accordance with the following, as applicable:*



**b. Seismic hazard areas:** *As required by California Public Resources Code Sections 2621 et seq. and California Administrative Code Title 14, Sections 3600 et seq., no structure intended for human occupancy shall be located within 50 feet of an active fault trace within an Earthquake Fault Zone.*

This property is not located within a mapped Geologic Study Area. The proposed structure's height is 28 feet from the average natural grade, which is in compliance with the height limitations of the North Coast Area Plan (Exhibit 4). The garage occupies a portion of one side of the house and lies completely below the average natural grade because of the slope of the site. There are two floors of living space above the garage and an attic and loft above the second level of living space. The proposed structure will be built on an approximately 23% slope, so the apparent height of the house will vary depending on which side of the house is being viewed (Exhibit 6).

As stated above, the project is consistent with the Lodge Hill area standards regarding setbacks and building height, and the property is not located within a mapped Geologic Study Area. **Thus, no substantial issue is raised in regard to this contention of the appeal.**

#### **4. Traffic/Parking**

The appellants contend that the project does not comply with the San Luis Obispo Local Coastal Program (LCP) because traffic on Madison Street is often impeded by parked cars and trucks on both sides of the street due to construction and multifamily use of the newer rental units. They contend that this heavily traveled street is even closed on occasion due to deliveries, construction, downed trees, etc., thus impeding the passage of traffic, including emergency vehicles. Although not specifically referenced in the appeal, applicable LCP Policies are cited below:

##### **CZLUO Section 23.04.166 – Required Number of Parking Spaces:**

**c(5). Parking requirements by land use: Residential Uses: Single-Family dwellings – parking spaces required: 2 per dwelling.**

The proposed single-family dwelling contains a two-car garage (Exhibit 6), which is in compliance with CZLUO 23.04.166. The proposed single-family development should not create an adverse impact on current traffic or parking issues. **Thus, no substantial issue is raised in regard to this contention of the appeal.**

#### **5. Disruption of Habitat**

The appellants contend that the proposed structure establishes a precedent for oversize structures in the neighborhood, which will adversely affect the 207 remaining large Monterey Pine trees on undeveloped lots, as well as local wildlife. Although not specifically referenced in the appeal, applicable LCP Policies are cited below:



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

**Policy 1 for 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 within the area.*

**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.*

**Policy 7 for Visual and Scenic Resources:** *The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character.*

Regarding establishing a precedent for oversized structures in the neighborhood, as stated above, the proposed structure is in compliance with local setback and height requirements and is exempt from Table G regarding footprint and gross structural area (Exhibit 4). If this lot were subject to Table G, the proposed project would still fall within those allowances. The proposed footprint of 1,856 square feet on an 8,500 square foot lot will cover approximately 21% of the lot.

The subject parcel is located within the Monterey Pine Forest of Cambria; just one of four remaining native stands of the Monterey Pine in the world. This area is designated as a Sensitive Resource Area (concomitantly mapped as Terrestrial Habitat) in the LCP, and is considered an environmentally sensitive habitat area due to the limited native range of the species and the susceptibility of Monterey Pines to the damaging effects of the pine pitch canker disease. Therefore, especially in light of the pine pitch canker threat, minimizing the loss of native Monterey Pine habitat to other causes (urbanization, recreational overuse, invasive exotic plant species) has become a much more important consideration in land use planning in Cambria.

Though not articulated by the appeal, it is noted that the preservation of the Monterey pine forest is a critically important coastal resource issue. A great deal of effort is being put towards the protection of this environmental resource, by both combating the pitch canker disease that has devastated many populations, and by ensuring that new development is sited and designed in a manner that will allow for the continuance of this species. There are two Monterey Pines on this site, neither of which will be impacted during construction.



There are currently three oak trees on the site (trunk sizes 6 inches, 4 inches, and 3 inches). As proposed, the project requires the removal of the 4-inch and 3-inch oaks. Oak trees below 6 inches in diameter do not require a permit for removal, nor are they required to be replaced. As a condition of approval, during construction, all trees must be fenced to avoid damage from heavy equipment and construction traffic. The fencing will include driplines of trees on the northeast corner of the lot. No disturbance is authorized for off-site trees (Exhibit 1).

Deer, wild turkeys, and other birds are known to inhabit the site, but no endangered species are present.

In conclusion, the approved permit is for a single-family dwelling and the project is consistent with the Lodge Hill area standards regarding setbacks and building height. Tract 61 is exempt from the Table G standards regarding footprint and gross structural area. The community is pursuing residential design standards but these are in the early stages of preparation and thus do not apply here. Notwithstanding the LCP's sensitive terrestrial habitat designation and the presence of Monterey pines, the immediately surrounding properties have been previously developed, and as a result, do not constitute prime forest habitat. No Monterey Pine trees will be removed during construction and no endangered species are found on the property. **In conclusion, the appeal does not raise a substantial issue in terms of project compliance with LCP Sensitive Resource protection standards.**

## 6. 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. The County found this project to be categorically exempt from the provisions of CEQA.

In this case, the Coastal Commission will not be issuing a coastal development permit, and therefore, a finding regarding conformance with CEQA is not necessary. In any event, the Commission's review of this appeal has not identified any environmental impacts that have not been appropriately resolved by the project and the County's conditions of approval. Thus, the project is not expected to have any significant adverse impact on the environment within the meaning of the California Environmental Quality Act.



22

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

Tues day August 15, 2000

**PRESENT: Supervisors** Harry L. Ovitt, Shirlëy Bianchi, K.H. 'Katcho' Achadjian,  
Michael P. Ryan, Chairperson Peg Pinard

**ABSENT:** None

RESOLUTION NO. 2000-333

**RESOLUTION MODIFYING THE DECISION OF HEARING OFFICER AND  
CONDITIONALLY APPROVING THE APPLICATION OF DUANE KASULKA FOR  
MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT D990122P**

The following resolution is hereby offered and read:

WHEREAS, on April 21, 2000, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of Duane Kasulka for Minor Use Permit/Coastal Development Permit D990122P; and

WHEREAS, Barbara and Melvin Schwimmer have appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on July 25, 2000, and the matter was continued to and determination and decision was made on August 15, 2000; and

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

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Hearing Officer should be modified subject to the findings and conditions set forth below.

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

1. That the recitals set forth herein above are true, correct and valid.

EXHIBIT NO. 1
APPLICATION NO.
A-3-SLO-00-130
pg 1 of 8

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That this project is found to be categorically exempt from the provisions of the California Environmental Quality Act under the provisions of California Code of Regulations, title 14, section 15303 (class 3).

4. That the appeal filed by Barbara and Melvin Schwimmer is hereby denied and the decision of the Hearing Officer is modified and that the application of Duane Kasulka for Minor Use Permit/Coastal Development Permit D990122P is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Bianchi, seconded by Supervisor

Chairperson Pinard, and on the following roll call vote, to wit:

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

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

V. PEG PINARD

Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD

Clerk of the Board of Supervisors

BY: VICKI M. SHELBY  
Deputy Clerk

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By: [Signature]  
Deputy County Counsel

Dated: August 14, 2000

f:\wp\jbo\7171kres.wpd

STATE OF CALIFORNIA ) ss COUNTY OF SAN LUIS OBISPO
I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.
Witness, my hand and seal of said Board of Supervisors this <u>AUG 23 2000</u>
<u>JULIE L. RODEWALD</u> County Clerk and Ex-Officio Clerk of the Board of Supervisors
By <u>[Signature]</u> Deputy Clerk

Exhibit 1

A-3-SLO-00-130  
Pg 2 of 8

Board of Supervisors  
Schwimmer Appeal of D990122P Kasulka  
July 25, 2000

D990122P - Kasulka

Exhibit A


FINDINGS

- A. As conditioned, the project or use is consistent with the San Luis Obispo County General Plan/Local Coastal Program because the use is a principally permitted use allowed by Table "O" of the Land Use Element/Local Coastal Plan and is consistent with all other General Plan policies.
- B. As conditioned, the project or use satisfies all applicable provisions of Title 23 of the San Luis Obispo County Code.
- C. The establishment and subsequent operation or conduct of the project or use will not, because of the circumstances and conditions applied in a particular case, be detrimental to the health and safety or welfare of the general public or persons residing or working in the neighborhood of the project or use, or be detrimental or injurious to property or improvements in the vicinity of the project or use because the project or use meets planning area standards for the Lodge Hill area, including erosion and drainage control, and footprint and gross structural area requirements.
- D. The project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is a single family residence in a residential neighborhood.
- E. The project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project or use, either existing or to be improved with the project or use because Madison Street on which the single family residence is to be located is capable of carrying the additional traffic generated by the project or use.
- F. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized, and if trees are removed, they will be replaced on a two to one basis.
- G. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.

EXHIBIT NO. 1
APPLICATION NO.
A-3-SLO-00-130
pg 3 of 8

Board of Supervisors  
Schwimmer Appeal of D990122P Kasulka  
July 25, 2000

- H. 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 significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized and if trees are removed they will be replaced on a two to one basis.
- I. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the county Engineering Department.
- J. There will be no significant negative impact on the identified sensitive habitat and the project or use will be consistent with the biological continuance of the habitat, because if trees are removed they will be replaced on a two to one basis.
- K. The project or use will not significantly disrupt the habitat, because it is a single family residence with minimal site disturbance.
- L. The proposed use is in conformance with the public access and recreation policies of Chapter 3 of the California Coastal Act because the project is not adjacent to the coast and the project will not inhibit access to coastal waters and recreation areas.

EXHIBIT NO. <u>1</u>
APPLICATION NO. <u>pg 4 of 8</u>
<u>A-3-SLO-00-130</u>
 California Coastal Commission



Board of Supervisors  
Schwimmer Appeal of D990122P Kasulka  
July 25, 2000  
D990122P -Kasulka

### Exhibit B

## CONDITIONS OF APPROVAL

### AUTHORIZED USE

1. **This approval authorizes** the construction of a single family residence with: 1,856 square feet of footprint and 3,814 square feet of gross structural area. Maximum height shall be limited to 28 feet above natural grade.
2. **Prior to building permit site check clearance, and/or any site disturbances,** a licensed surveyor shall establish average natural grade (high and low corners staked) and set a datum point.
3. **Prior to framing inspection,** the applicant shall provide written verification to the building inspector certifying the building height. The certification shall be done by a licenced surveyor.
4. **All permits shall be consistent** with the approved Site Plan, Floor Plans, and Elevations

### TREE PROTECTION


5. **During construction,** all trees must be fenced to avoid damage from heavy equipment and construction traffic. The fencing will include the driplines of trees on northeast corner of lot. No disturbance is authorized for the off-site trees.

### GRADING, DRAINAGE, SEDIMENTATION, AND EROSION CONTROL

6. **Prior to issuance of construction permits,** if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
7. **Prior to issuance of construction permits,** the applicant shall submit an engineered drainage plan for review and approved by the County Engineering Department.


### INDEMNIFICATION OF COUNTY BY APPLICANT

8. The applicant shall as a condition of approval of this minor use permit defend, at his sole

EXHIBIT NO. <u>1</u>
APPLICATION NO. <u>99 508</u>
<u>A-3-SLO-00-130</u>
 California Coastal Commission

Board of Supervisors  
Schwimmer Appeal of D990122P Kasulka  
July 25, 2000

expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to approval or implementation of this minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

EXHIBIT NO. <u>1</u>
APPLICATION NO. <u>pg. 6 of 8</u>
<u>A-3-SLO-00-130</u>
 California Coastal Commission



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

BRYCE TINGLE, AICP  
ASSISTANT DIRECTOR

ELLEN CARROLL  
ENVIRONMENTAL COORDINATOR

BARNEY MCCAY  
CHIEF BUILDING OFFICIAL

PATRICK BRUN  
ADMINISTRATIVE SERVICE OFFICER

**DATE:** August 15, 2000

**TO:** Board of Supervisors

**FROM:** Karen Nall, Associate Planner  
Steve McMasters, Environmental Specialist

**VIA:** Bryce Tingle, Assistant Planning Director

**SUBJECT:** Continued hearing on appeal by Barbara and Melvin Schwimmer of Hearing Officer's approval of Minor Use Permit/Coastal Development Permit D990122P: a request by Duane Kasulka for a single family residence with an attached garage on Madison Street in Cambria. Supervisorial District No. 2

## RECOMMENDATION

Deny the appeal and uphold the Hearing Officer's approval of Minor Use Permit/Coastal Development Permit D990122P.

## DISCUSSION

This item was continued from the July 25, 2000 meeting to allow staff and the applicant to provide additional information including: geotechnical report, topography, drainage and building plan clarifications.

**Geologic Information.** The subject property is not located within a mapped Geologic Study Area (GS). A geologic report is not required with a Minor Use Permit application unless the property falls within a mapped GS.

The applicant had received a geotechnical report in preparation for the structural engineering of the building permit construction drawings. The applicant's agent submitted a copy of the geotechnical report to Supervisor Bianchi at the July 25<sup>th</sup> meeting. Staff also received a copy of the report following the meeting on the 25<sup>th</sup>. The report provides detailed recommendations for the foundation design and grading. In addition, the report provides an observation and testing program included on page 12. A copy of the report is attached.

**Topography.** Topography maps submitted with a Minor Use Permit may be preliminary information and do not require that a licensed surveyor or civil engineer prepare the map. However, your Board requested the applicant to submit a topographical map prepared by a licensed

professional. The applicant has provided a map and a copy is attached.

**Drainage.** Drainage plan approval by County Engineering is a condition of approval on all Lodge Hill Minor Use Permits. The applicant has submitted a drainage plan with the building permit application. County Engineering has reviewed the plan and forwarded corrections to the agent. A copy of the plan is attached.

**Size of Residence.** The Lodge Hill standards define footprint as the area covered by residential and accessory structures including any structural overhangs. The standards do not include balconies or eaves. The upper living floor plan constitutes the footprint of the proposed residence and is proposed at approximately 1,856 square feet.

Gross structural area (GSA) is defined as all interior space within the volume of the structure. It includes living areas, storage and garages. It does not include interior lofts. Interior stairways and any spaces that are open to a floor above or below are only counted once. Attics and crawl spaces are typically only counted if they are finished spaces and have a legal head room of greater than 7'6".

The subject site is exempt from the footprint and GSA size standards. The proposed floor plans are attached.

The following is a break down of the proposed residence size:

Garage	-	572
Lower lvn	-	1,384
Upper lvn	-	1,856
Total		3,814 sq ft GSA

The following is a breakdown of additional areas not include in the GSA:

Crawl space behind garage - 239 sq ft will include cistern, water heater and softener  
Loft - 354 sq ft  
Attic - 452 sq ft

#### OTHER AGENCY INVOLVEMENT/IMPACTS

County Engineering and the North Coast Advisory Council

#### FINANCIAL CONSIDERATIONS

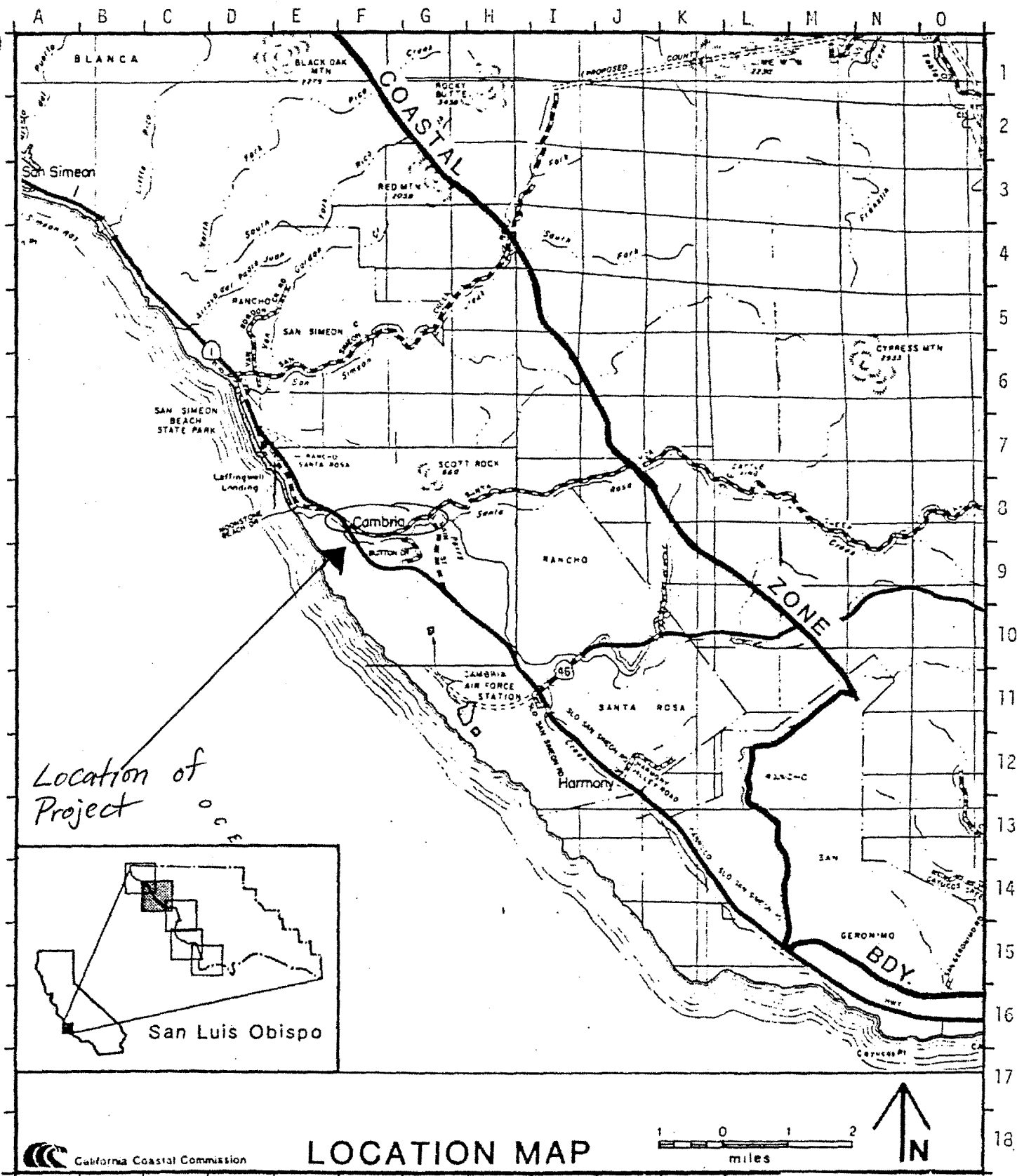
The applicant paid the \$474.00 appeal fee.

*no fees  
paid*

#### RESULTS

Denial of the appeal and upholding the action of the Hearing Officer will allow the applicant to construct the single family residence.

EXHIBIT NO.	<u>1</u>
APPLICATION NO.	<u>A-3-SLO-00-130</u>
	<u>pg 8 of 8</u>



County of San Luis Obispo

EXHIBIT NO. 2  
 APPLICATION NO.  
 pg 1 of 2  
 A-3-SLO-00-130



*Project Site from Madison Street, looking North*

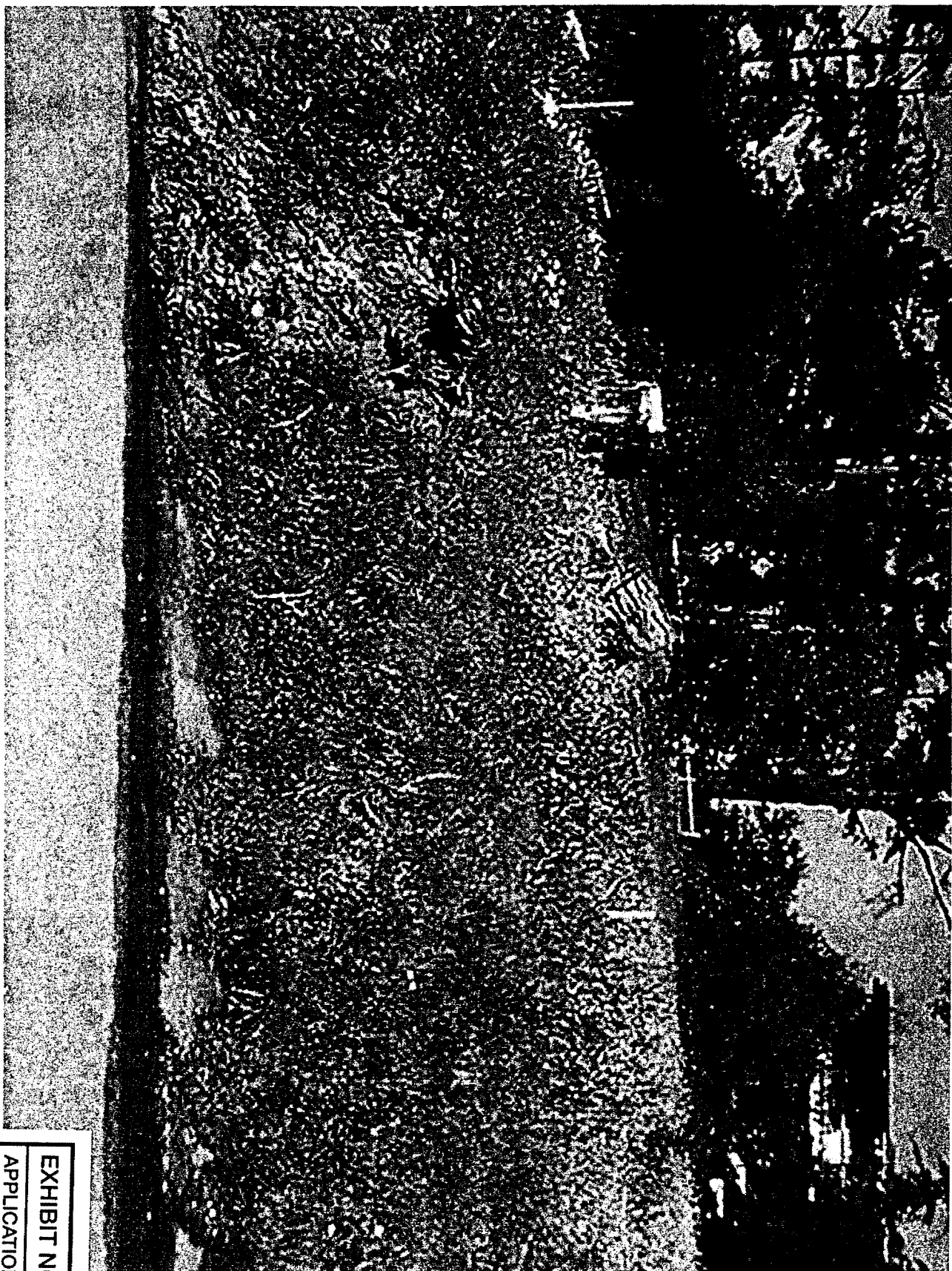


EXHIBIT NO. 3

APPLICATION NO.

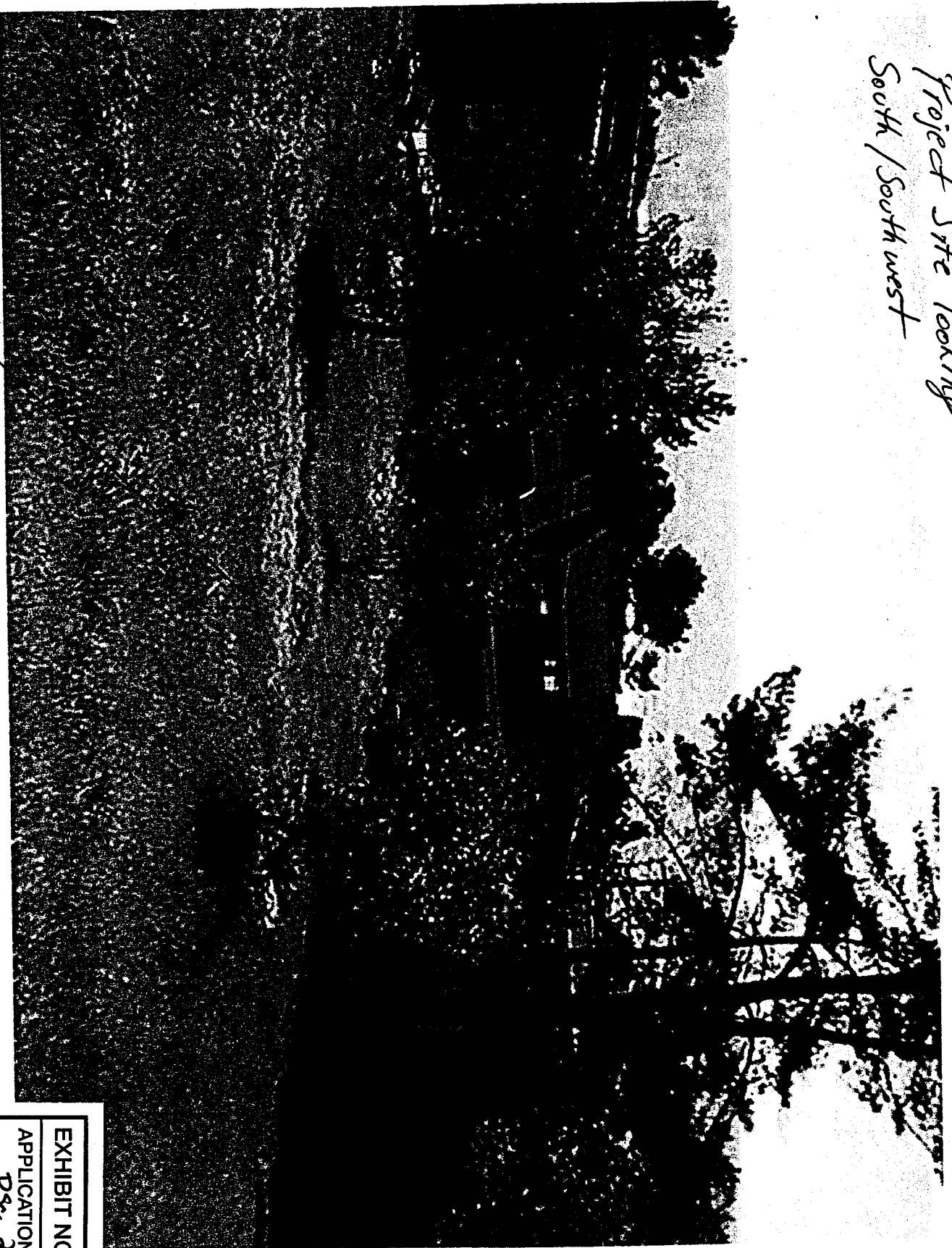
pg. 1 of 2

A-3-SLD-DB-130



California Coastal Commission

Project Site looking  
South/Southwest



General area of  
building site

EXHIBIT NO. 3

APPLICATION NO.

Pg. 2 of 2

A-3-SLD-00-130





110-100-130

# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

BRYCE TINGLE, AICP  
ASSISTANT DIRECTOR

ELLEN CARROLL  
ENVIRONMENTAL COORDINATOR

BARNEY MCCAY  
CHIEF BUILDING OFFICIAL

PATRICK BRUN  
ADMINISTRATIVE SERVICE OFFICER

## TENTATIVE NOTICE OF ACTION D990122P

**APPROVAL DATE:** March 17, 2000

**EFFECTIVE DATE:** April 14, 2000

**PROJECT:** Minor Use Permit/Coastal Development Permit for construction of a Single-Family Residence

**APPLICANT:** Duane Kasulka

**LOCATION:** North side of Madison St., approx. 200ft. west of Ardath Dr., Lodge Hill, Cambria

**ASSESSOR PARCEL NUMBER:** 023-068-027

**LAND USE CATEGORY/COMBINING DESIGNATIONS:** Residential Single Family/Local Coastal Plan;  
Archaeologically Sensitive Area; Terrestrial Habitat

**RECOMMENDATION AND TENTATIVE DECISION:** Approval subject to the attached conditions. This decision will become final action on the project, effective on the date specified in this report, unless the tentative decision is changed as a result of information obtained at the hearing or is appealed.

**RELATIONSHIP TO APPLICABLE POLICIES AND ORDINANCES:** The project, as conditioned, meets all applicable county land use and development policies and ordinances.

**DESCRIPTION:** Lot Size: 8,500 square feet  
Forested; Double Lot  
Slope: 23 percent  
Number of trees to be removed: 1

PROJECT REVIEW:	ALLOWABLE	PROPOSED	STATUS
Footprint (Square Feet)	N/A	1,856	<input checked="" type="checkbox"/> OK <input type="checkbox"/>
GSA (Square Feet)	N/A	3,814	<input checked="" type="checkbox"/> OK <input type="checkbox"/>
Decks (Square Feet):			
Previous	N/A	352	<input checked="" type="checkbox"/> OK <input type="checkbox"/>
Impervious	N/A	0	<input checked="" type="checkbox"/> OK <input type="checkbox"/>
Height (Feet)	28	28	<input checked="" type="checkbox"/> OK <input type="checkbox"/>
Setbacks (Feet):			
Front	25	25	<input checked="" type="checkbox"/> OK <input type="checkbox"/>
Rear	10	10	<input checked="" type="checkbox"/> OK <input type="checkbox"/>
Side	5	5	<input checked="" type="checkbox"/> OK <input type="checkbox"/>
Street Side			<input type="checkbox"/> OK

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600 •

MAIL: ipcoplmg@slonet.org • FAX: (805)781-1242 • WEBSITE: <http://www.slonet.org>

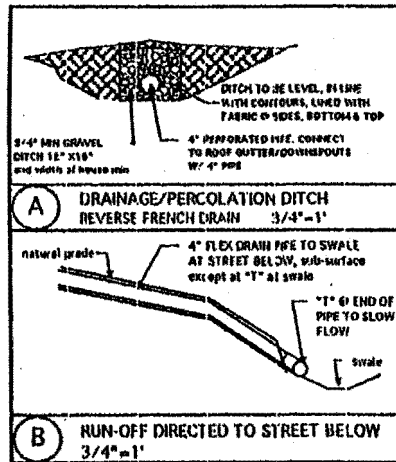
EXHIBIT NO. 4

APPLICATION NO.

A-3-SLO-00-130

California Coastal Commission

# DRAINAGE PLAN



SITE KEY	
NAT. GRADE	_____
FIN GRADE	_____
PROPERTY LINE	_____
SETBACK LINE	_____
UTILITY LINE	_____
BUILDING OUTLINE	_____
PROPERTY CORNER	⊕
PINE/OAK TREES	P/O
trunk size noted on plan	
NAT GAS MAIN	Q
WATER METER	W
ELECTRICAL PANEL	E
TV CABLE	TV
TELEPHONE	PH

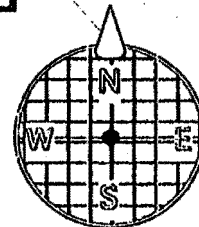
## PROJECT SUMMARY:

LOT:  
 LOT post 12, 13 BLOCK 4 TRACT 61  
 APN 923 - 060 - 027  
 LOT SIZE 8500 SQ FT  
 ADDRESS MADISON STREET, CAMBRIA

OWNER:  
 DUANE & BETSY KASAKA  
 9231 EL CORTAZ AVENUE, FOUNTAIN VALLEY, CA 92708  
 (714) 647 - 7066

LOT COVERAGE:  
 LOT TYPE TR81 LODGE HILL  
 FOOTPRINT 3856 sq ft  
 GROSS STRUCTURAL AREA 3814 sq ft  
 LIVING AREA 3248 sq ft  
 GARAGE 374 sq ft  
 DECKS 332 sq ft

BUILDING HEIGHT CALCULATION:  
 high nat grade = 124.3'  
 low nat grade = 111.5'  
 avg nat grade = 117.9'  
 allowable ht @ ridge = 117.9' + 28' = 145.9'  
 actual ht @ ridge = 145.3'  
 control: garage FF slab = 108.5'



\*Route all down spouts, french drains, and surface drains to outlet at roadside ditch as shown.

\*The roadside ditch will be improved if necessary to maintain the drainage flowline on this side of the street

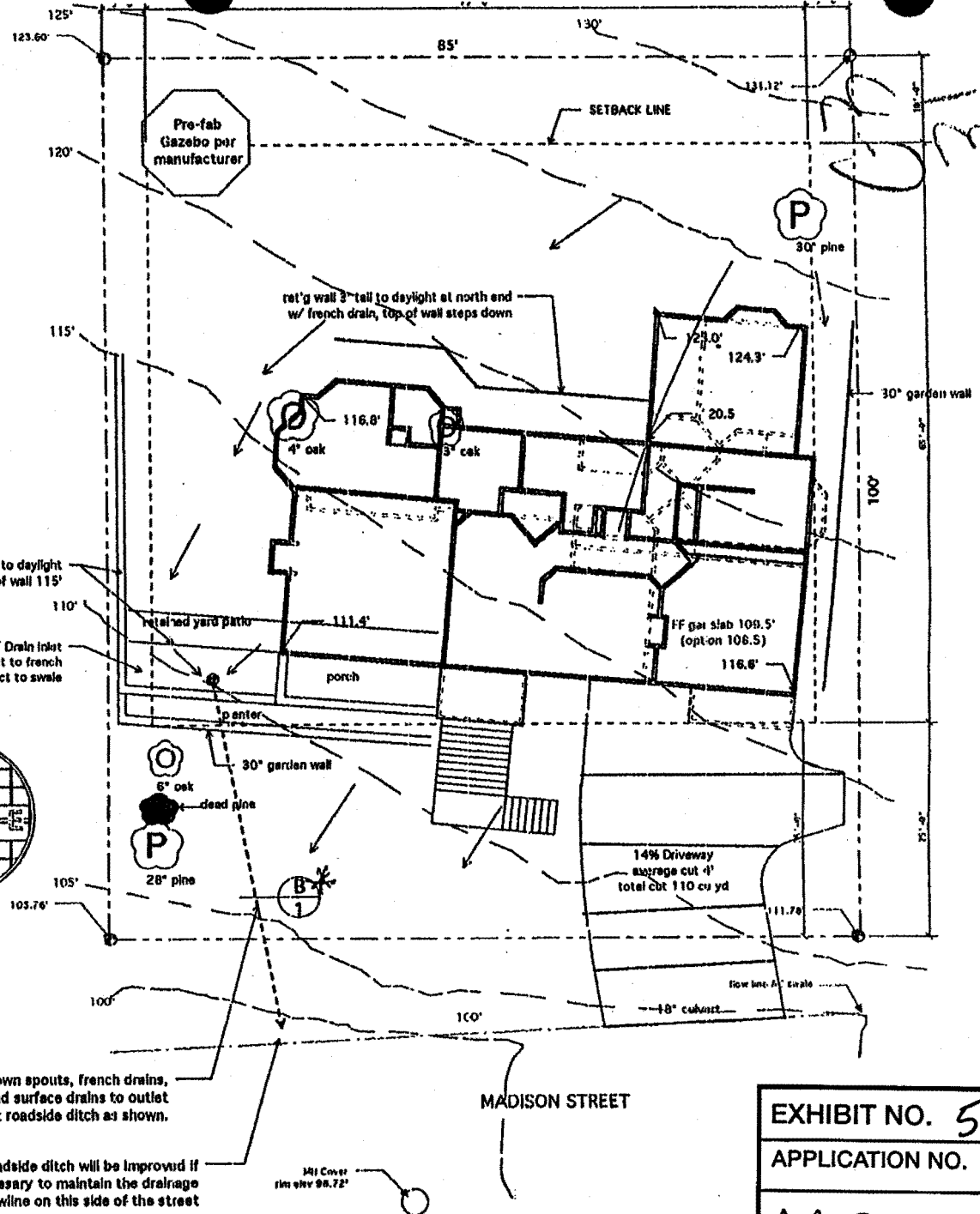


EXHIBIT NO. 5
APPLICATION NO.
A-3-SLD-00-130
California Coastal Commission

CODES(U.S.C., U.M.C., U.P.C.) AND ALL LOCAL  
COURTS.

- [illegible]

[illegible]

1446  
1447  
1448  
1449  
1450  
1451  
1452  
1453  
1454  
1455  
1456  
1457  
1458  
1459  
1460  
1461  
1462  
1463  
1464  
1465  
1466  
1467  
1468  
1469  
1470  
1471  
1472  
1473  
1474  
1475  
1476  
1477  
1478  
1479  
1480  
1481  
1482  
1483  
1484  
1485  
1486  
1487  
1488  
1489  
1490  
1491  
1492  
1493  
1494  
1495  
1496  
1497  
1498  
1499  
1500  
1501  
1502  
1503  
1504  
1505  
1506  
1507  
1508  
1509  
1510  
1511  
1512  
1513  
1514  
1515  
1516  
1517  
1518  
1519  
1520  
1521  
1522  
1523  
1524  
1525  
1526  
1527  
1528  
1529  
1530  
1531  
1532  
1533  
1534  
1535  
1536  
1537  
1538  
1539  
1540  
1541  
1542  
1543  
1544  
1545  
1546  
1547  
1548  
1549  
1550  
1551  
1552  
1553  
1554  
1555  
1556  
1557  
1558  
1559  
1560  
1561  
1562  
1563  
1564  
1565  
1566  
1567  
1568  
1569  
1570  
1571  
1572  
1573  
1574  
1575  
1576  
1577  
1578  
1579  
1580  
1581  
1582  
1583  
1584  
1585  
1586  
1587  
1588  
1589  
1590  
1591  
1592  
1593  
1594  
1595  
1596  
1597  
1598  
1599  
1600  
1601  
1602  
1603  
1604  
1605  
1606  
1607  
1608  
1609  
1610  
1611  
1612  
1613  
1614  
1615  
1616  
1617  
1618  
1619  
1620  
1621  
1622  
1623  
1624  
1625  
1626  
1627  
1628  
1629  
1630  
1631  
1632  
1633  
1634  
1635  
1636  
1637  
1638  
1639  
1640  
1641  
1642  
1643  
1644  
1645  
1646  
1647  
1648  
1649  
1650  
1651  
1652  
1653  
1654  
1655  
1656  
1657  
1658  
1659  
1660  
1661  
1662  
1663  
1664  
1665  
1666  
1667  
1668  
1669  
1670  
1671  
1672  
1673  
1674  
1675  
1676  
1677  
1678  
1679  
1680  
1681  
1682  
1683  
1684  
1685  
1686  
1687  
1688  
1689  
1690  
1691  
1692  
1693  
1694  
1695  
1696  
1697  
1698  
1699  
1700  
1701  
1702  
1703  
1704  
1705  
1706  
1707  
1708  
1709  
1710  
1711  
1712  
1713  
1714  
1715  
1716  
1717  
1718  
1719  
1720  
1721  
1722  
1723  
1724  
1725  
1726  
1727  
1728  
1729  
1730  
1731  
1732  
1733  
1734  
1735  
1736  
1737  
1738  
1739  
1740  
1741  
1742  
1743  
1744  
1745  
1746  
1747  
1748  
1749  
1750  
1751  
1752  
1753  
1754  
1755  
1756  
1757  
1758  
1759  
1760  
1761  
1762  
1763  
1764  
1765  
1766  
1767  
1768  
1769  
1770  
1771  
1772  
1773  
1774  
1775  
1776  
1777  
1778  
1779  
1780  
1781  
1782  
1783  
1784  
1785  
1786  
1787  
1788  
1789  
1790  
1791  
1792  
1793  
1794  
1795  
1796  
1797  
1798  
1799  
1800  
1801  
1802  
1803  
1804  
1805  
1806  
1807  
1808  
1809  
1810  
1811  
1812  
1813  
1814  
1815  
1816  
1817  
1818  
1819  
1820  
1821  
1822  
1823  
1824  
1825  
1826  
1827  
1828  
1829  
1830  
1831  
1832  
1833  
1834  
1835  
1836  
1837  
1838  
1839  
1840  
1841  
1842  
1843  
1844  
1845  
1846  
1847  
1848  
1849  
1850  
1851  
1852  
1853  
1854  
1855  
1856  
1857  
1858  
1859  
1860  
1861  
1862  
1863  
1864  
1865  
1866  
1867  
1868  
1869  
1870  
1871  
1872  
1873  
1874  
1875  
1876  
1877  
1878  
1879  
1880  
1881  
1882  
1883  
1884  
1885  
1886  
1887  
1888  
1889  
1890  
1891  
1892  
1893  
1894  
1895  
1896  
1897  
1898  
1899  
1900  
1901  
1902  
1903  
1904  
1905  
1906  
1907  
1908  
1909  
1910  
1911  
1912  
1913  
1914  
1915  
1916  
1917  
1918  
1919  
1920  
1921  
1922  
1923  
1924  
1925  
1926  
1927  
1928  
1929  
1930  
1931  
1932  
1933  
1934  
1935  
1936  
1937  
1938  
1939  
1940  
1941  
1942  
1943  
1944  
1945  
1946  
1947  
1948  
1949  
1950  
1951  
1952  
1953  
1954  
1955  
1956  
1957  
1958  
1959  
1960  
1961  
1962  
1963  
1964  
1965  
1966  
1967  
1968  
1969  
1970  
1971  
1972  
1973  
1974  
1975  
1976  
1977  
1978  
1979  
1980  
1981  
1982  
1983  
1984  
1985  
1986  
1987  
1988  
1989  
1990  
1991  
1992  
1993  
1994  
1995  
1996  
1997  
1998  
1999  
2000  
2001  
2002  
2003  
2004  
2005  
2006  
2007  
2008  
2009  
2010  
2011  
2012  
2013  
2014  
2015  
2016  
2017  
2018  
2019  
2020  
2021  
2022  
2023  
2024  
2025  
2026  
2027  
2028  
2029  
2030  
2031  
2032  
2033  
2034  
2035  
2036  
2037  
2038  
2039  
2040  
2041  
2042  
2043  
2044  
2045  
2046  
2047  
2048  
2049  
2050  
2051  
2052  
2053  
2054  
2055  
2056  
2057  
2058  
2059  
2060  
2061  
2062  
2063  
2064  
2065  
2066  
2067  
2068  
2069  
2070  
2071  
2072  
2073  
2074  
2075  
2076  
2077  
2078  
2079  
2080  
2081  
2082  
2083  
2084  
2085  
2086  
2087  
2088  
2089  
2090  
2091  
2092  
2093  
2094  
2095  
2096  
2097  
2098  
2099  
2100  
2101  
2102  
2103  
2104  
2105  
2106  
2107  
2108  
2109  
2110  
2111  
2112  
2113  
2114  
2115  
2116  
2117  
2118  
2119  
2120  
2121  
2122  
2123  
2124  
2125  
2126  
2127  
21

SHEET 2 - FLOOR PLAN  
SHEET 3 - ELEVATIONS  
SHEET 4 - ROOF FRAMING SECTIONS  
SHEET 5 - ELECTRICAL / MECHANICAL  
SHEET 6-1 TO 6-5 - STRUCTURAL DRAWINGS  
(notes & specs, foundation, floor & roof, details)

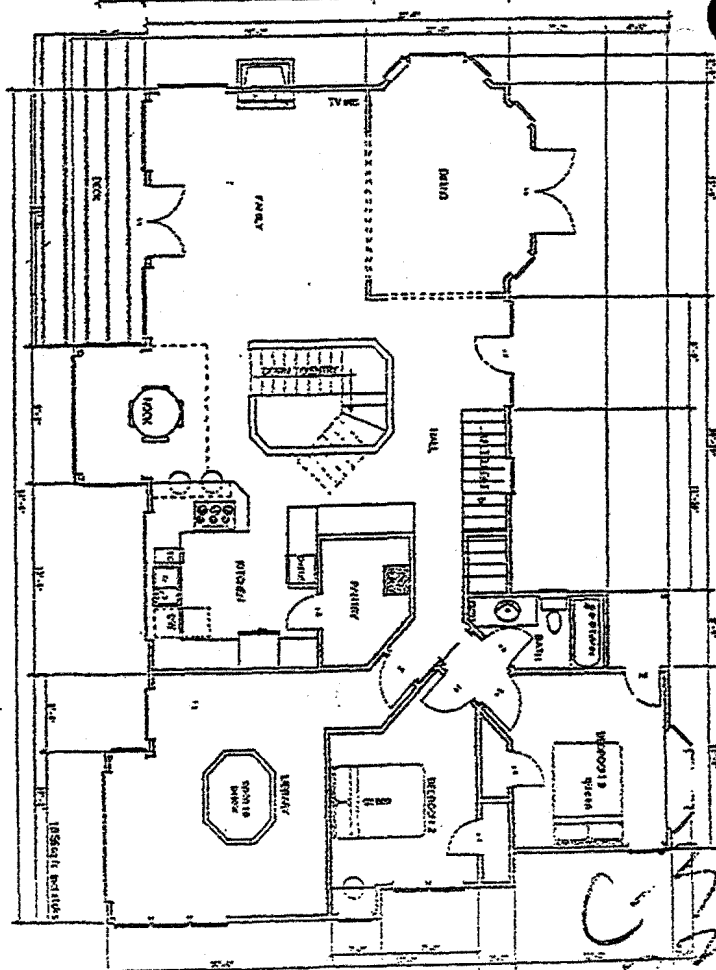
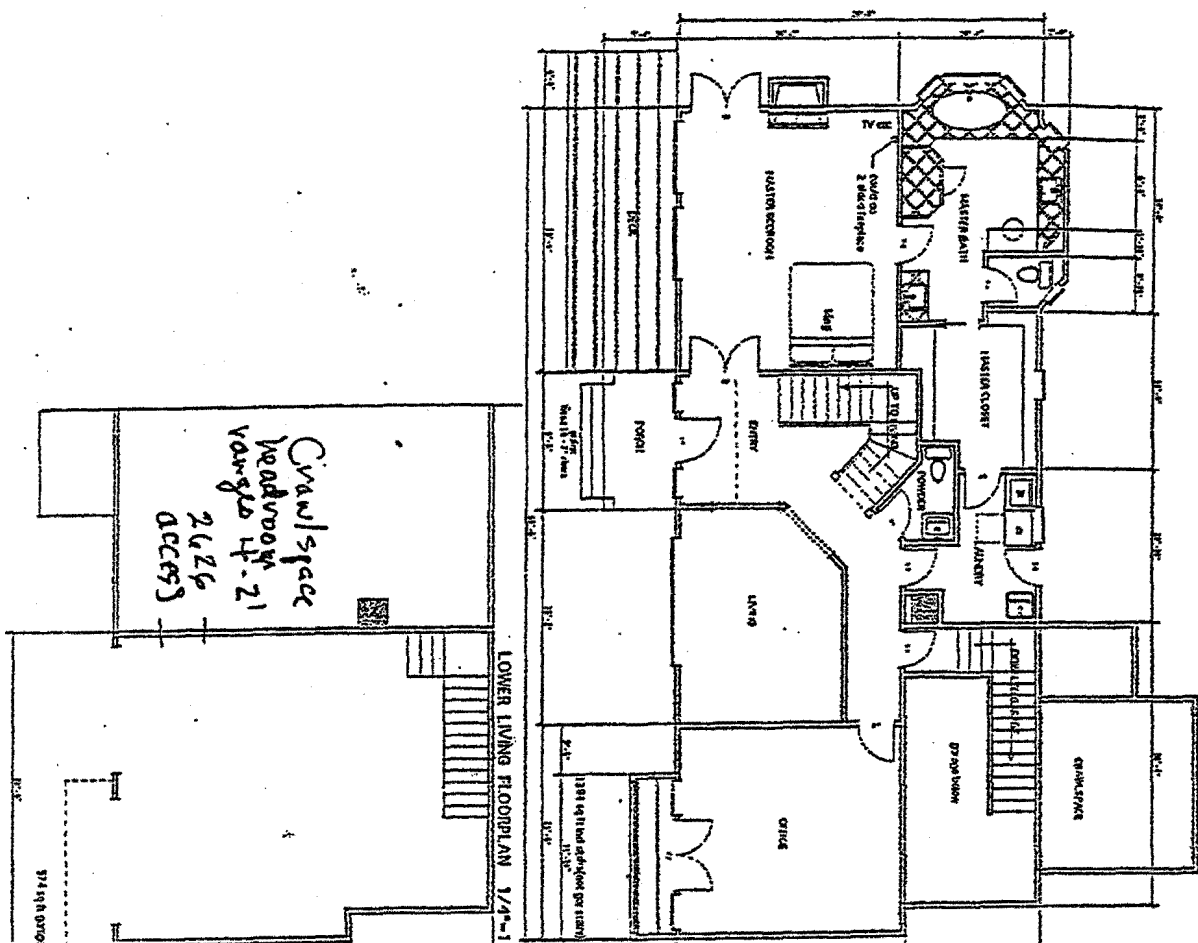
1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252	1253	1254	1255	1256	1257	1258	1259	1260	1261	1262	1263	1264	1265	1266	1267	1268	1269	1270	1271	1272	1273	1274	1275	1276	1277	1278	1279	1280	1281	1282	1283	1284	1285	1286	1287	1288	1289	1290	1291	1292	1293	1294	1295	1296	1297	1298	1299	1300	1301	1302	1303	1304	1305	1306	1307	1308	1309	1310	1311	1312	1313	1314	1315	1316	1317	1318	1319	1320	1321	1322	1323	1324	1325	1326	1327	1328	1329	1330	1331	1332	1333	1334	1335	1336	1337	1338	1339	1340	1341	1342	1343	1344	1345	1346	1347	1348	1349	1350	1351	1352	1353	1354	1355	1356	1357	1358	1359	1360	1361	1362	1363	1364	1365	1366	1367	1368	1369	1370	1371	1372	1373	1374	1375	1376	1377	1378	1379	1380	1381	1382	1383	1384	1385	1386	1387	1388	1389	1390	1391	1392	1393	1394	1395	1396	1397	1398	1399	1400	1401	1402	1403	1404	1405	1406	1407	1408	1409
------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------

**NOTE**  
CONTRACTOR TO VERIFY HEIGHT WITH  
BUILDING INSPECTION PRIOR TO CHANGING

APPLICATION NO.

A-3-519-D-130

7-9-68

[illegible]

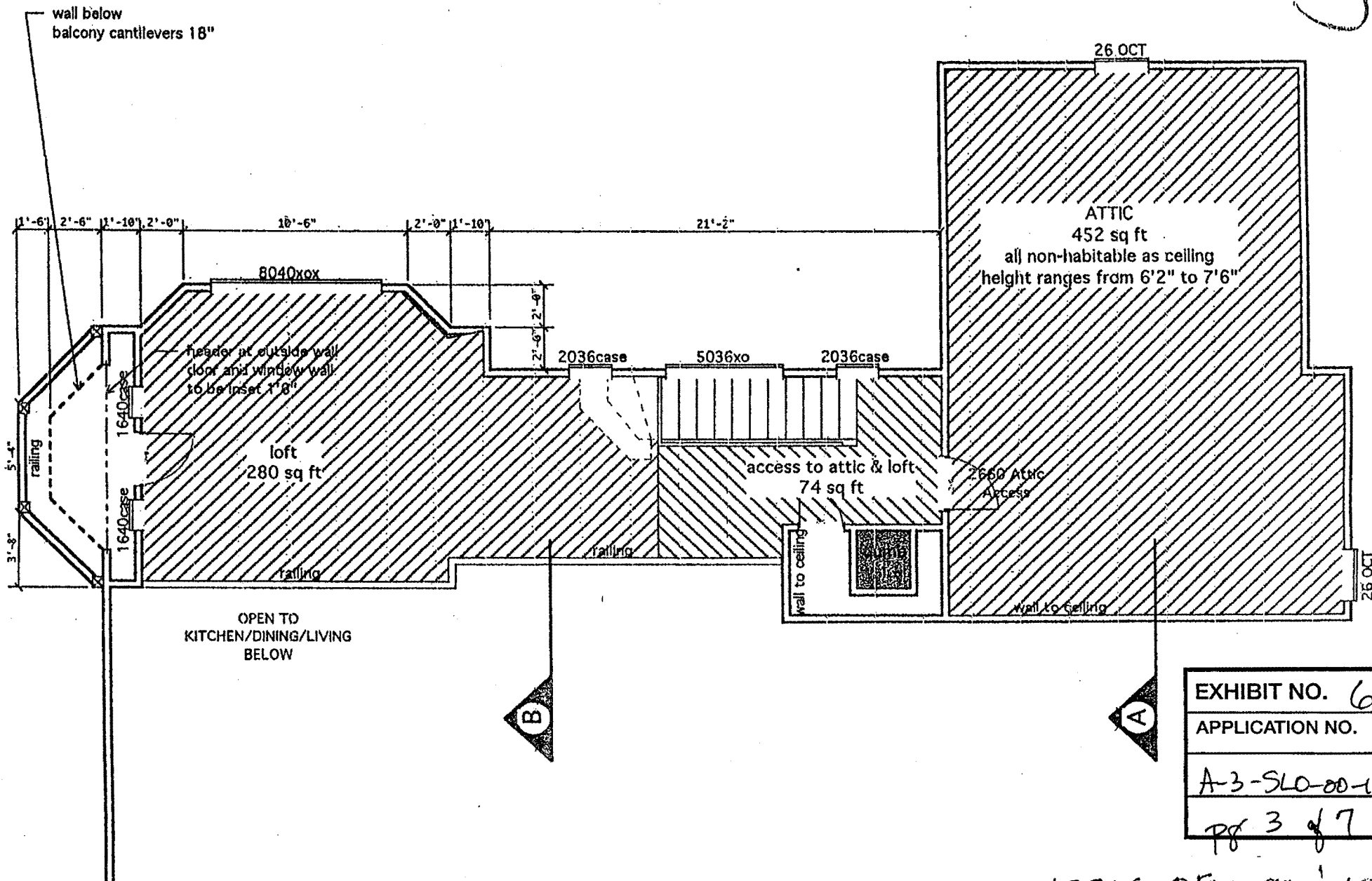
**EXHIBIT NO.**

**APPLICATION NO.**

A-3 - 510-00-130

pg 2 of 7

375



AREAS OF LOFT & ATTIC  
SEE FRAMING SECTION "A",  
attached, for all

557

CRAWLSPACE  
239 SQ FT  
ceiling height ranges from  
approx 5 1/2' to approx 10'  
(see FRAMING SECTION "A", attached)

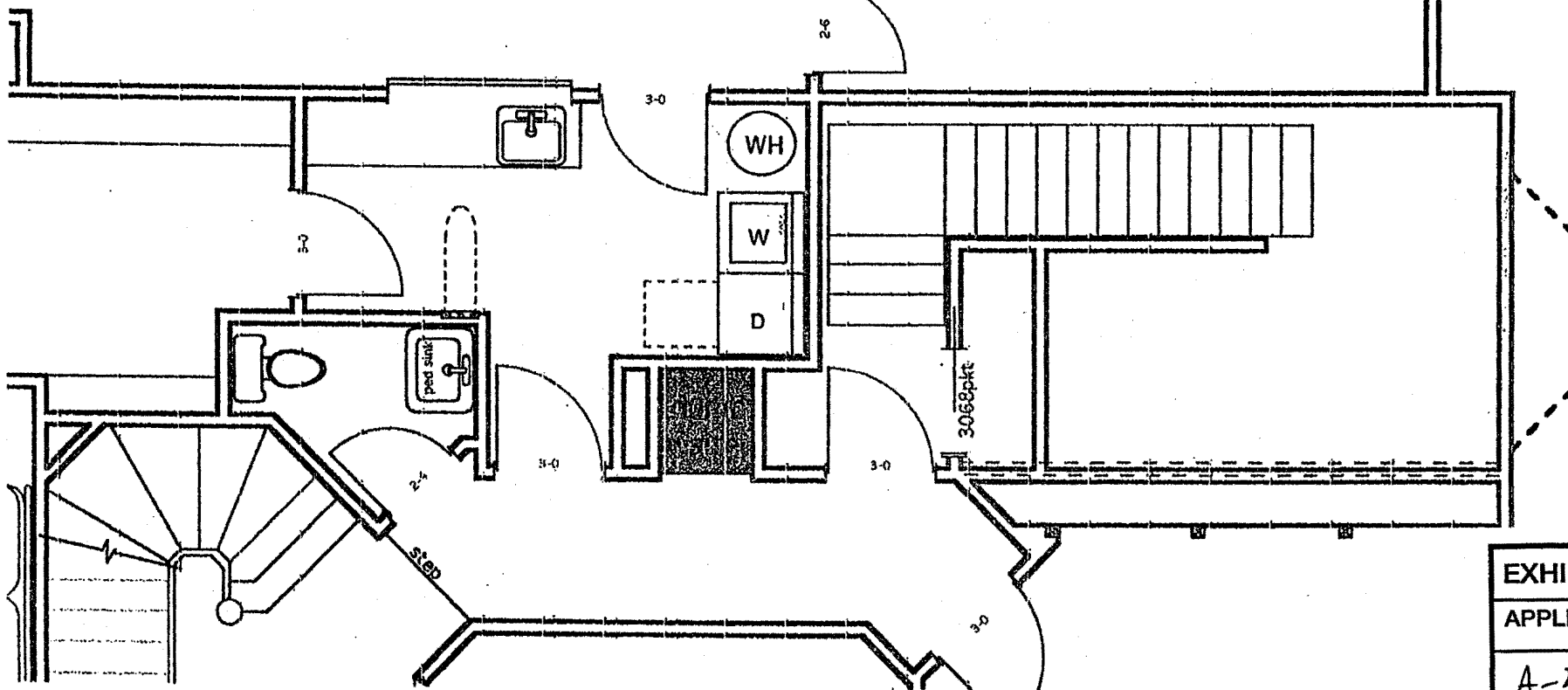


EXHIBIT NO. 6
APPLICATION NO.
A-3-SLO-00-130
pg 4 of 7

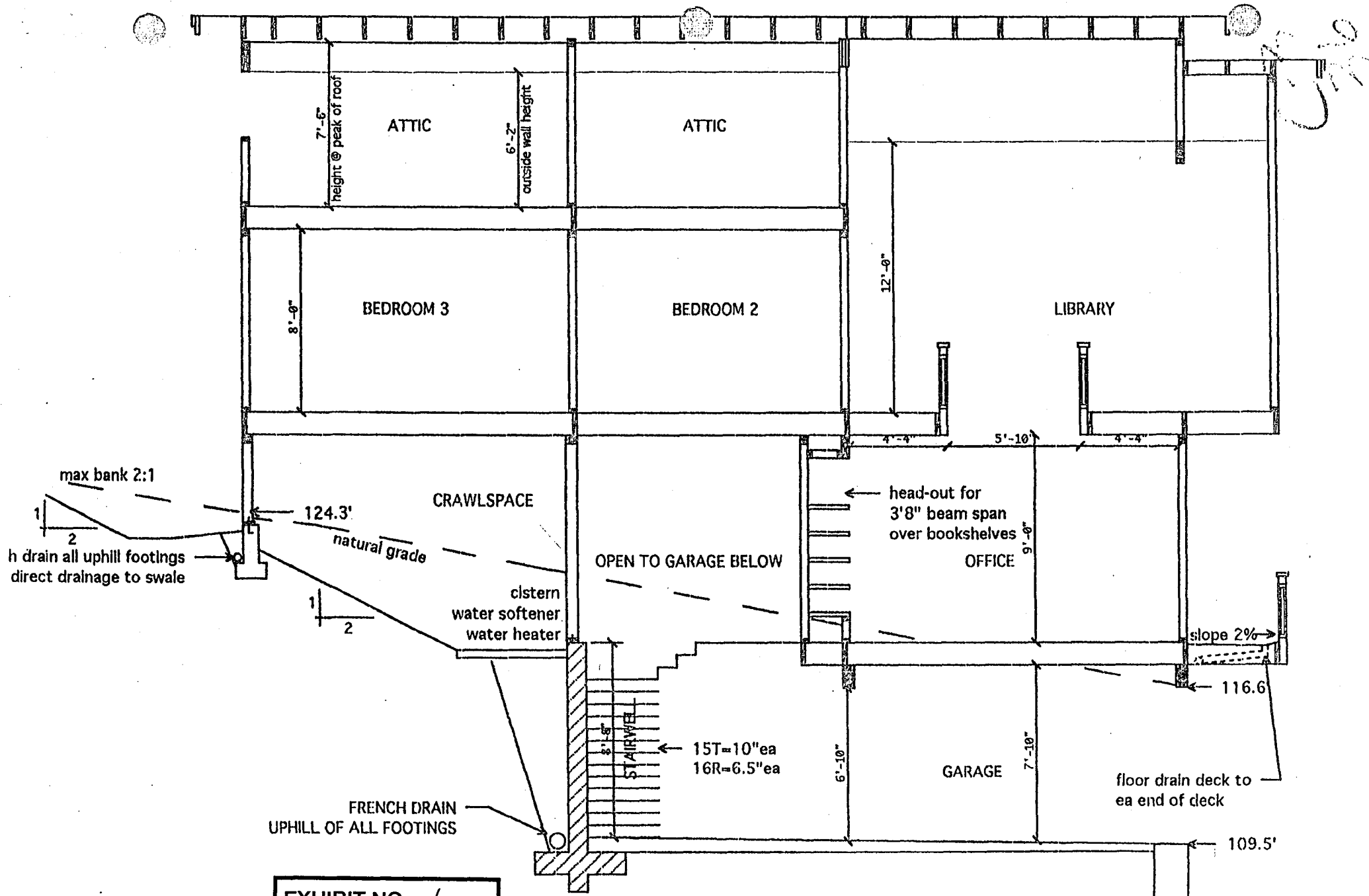


EXHIBIT NO. 6
APPLICATION NO.
A-3-SLD-00-130
Pg 5 of 7

FRAMING SECTION "A"  
 SECTION SHOWS CRAWLSPACE + ATTIC IN QUESTION  
 KULKA RESIDENCE - 2242 MADISON, CAMBRIA

NO SCALE







8/25/00

Gray Davis, Governor

## CALIFORNIA COASTAL COMMISSION

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



RECEIVED

SEP 12 2000

# APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

CALIFORNIA  
 COASTAL COMMISSION  
 CENTRAL COAST AREA

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

SECTION I. Appellant(s):

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

Melvin &amp; Barbara Schwimmer

c/o Vern Kalshany, Attorney

440 Kerwin

Cambria, CA 93428

(805) 927-1222

Zip

Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Construction of single family residence in a terrestrial habitat area.

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

On Madison Street, 200 feet west of Ardath Drive in the Lodge Hill area of Cambria, California; Tract 61, APN 023-068-027.

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: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

EXHIBIT NO. 7

APPLICATION NO.

A-3-SLO-00-130

pg 1 of 11

8/25/00

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

25 FRONT STREET, SUITE 300

SAN LUIS OBISPO, CA 95060

131 553

RECEIVED



SEP 12 2000

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENTCALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

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

SECTION I. Appellant(s):

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

Don L. Anderson

c/o Vern Kalshan, Attorney

440 Kerwin

Cambria, CA 93428

(805) 927-1222

Zip

Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:  
San Luis Obispo County

2. Brief description of development being appealed:  
Construction of single family residence in a terrestrial  
habitat area.

3. Development's location (street address, assessor's parcel number, cross street, etc.):  
On Madison Street, 200 feet west of Ardath Drive in the  
Lodge Hill area of Cambria, California; Tract 61, APN 023-068-027

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: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

EXHIBIT NO. 7  
APPLICATION NO.

A-3-SLO-00-130

pg 2 of 11

8/25/00

Gray Davis, Governor

# CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
25 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(51) 427-4843

RECEIVED



SEP 12 2000

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

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

### SECTION I. Appellant(s):

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

Doug Buckmaster

c/o Vern Kalshan, Attorney

440 Kerwin

Cambria, CA 93428

(805 ) 927-1222

Zip

Area Code Phone No.

### SECTION II. Decision Being Appealed

1. Name of local/port government:  
San Luis Obispo County

2. Brief description of development being appealed:  
Construction of single family residence in a terrestrial  
habitat area.

3. Development's location (street address, assessor's parcel number, cross street, etc.):  
On Madison Street, 200 feet west of Ardath Drive in the  
Lodge Hill area of Cambria, California; Tract 61, APN 023-068-027

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: ☒ \_\_\_\_\_
- 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: \_\_\_\_\_  
DATE FILED: \_\_\_\_\_  
DISTRICT: \_\_\_\_\_

EXHIBIT NO.	7
APPLICATION NO.	
A-3-SLO-00-130	
Pg 3 of 11	

**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: August 15, 2000

7. Local government's file number: D990122P

**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:

Duane Kasulka

714-847-7086

9231 El Cortez Ave.

Fountain Valley, CA 92708

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) See Attached Mailing List

(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 NO. 7

APPLICATION NO.

A-3-SLO-00-130

pg 4 of 11

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.)

PLEASE 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.

  
Vern Kalshan, Attorney

Signature of Appellant(s) or  
Authorized Agent

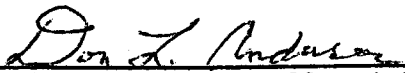
SEP 09 2000

Date

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

Section VI. Agent Authorization

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

  
Signature of Appellant(s)

Date

SEP 09 2000

Exhibit 7

1-3-510-00-130 PR 5411

Coastal Permit Appeal from San Luis Obispo County  
Permit #D990122P

This type of development is appealable to the California Coastal Commission pursuant to the San Luis Obispo County Ordinance 23.01.043(3)(C)(i) which allows appeals for projects in areas "mapped and and designated as environmentally sensitive habitats in the local coastal plan". The site is enclosed by the Terrestrial Habitats area on the Combining Designations Map 1 of 2 of the Local Coastal Plan.

THE DEVELOPMENT DOES NOT CONFORM TO THE CERTIFIED LOCAL COASTAL  
PLAN in that:

1. The Gross Structural Area allowed by the Table G Footnotes on page 8-43 of the Local Coastal Plan is being exceeded in that the usable storage area of the room alongside the garage and the attic exceed eight hundred feet which has not been counted on the plans.

The plans show a house with four levels. The first level has garage (574 square feet) with an uncounted room (396 square feet) housing a dumb waiter alongside the garage. The second and third levels are living spaces which total 3,240 square feet. The fourth level is a loft which is free space; however, there is an uncounted attic (452 square feet) next to the loft which enjoys the same or better vertical clearance as the loft.

2. Please see attached rebuttal to the findings of the San Luis Obispo County Supervisors.

Attachment to Section IV

EXHIBIT NO. 7
APPLICATION NO.
A-3-SLO-00-130
pg 6 of 11

I am Don L. Anderson. I have lived in Cambria for 13 years at 2255 Benson Street, which is the property immediately uphill from the proposed development. I am a Professor of Geophysics at the California Institute of Technology.

I believe the findings and approval of the subject property development cannot be supported for a variety of safety, natural hazards, and "orderly development of the neighborhood" issues. If this project is approved it will be the first step in destabilizing the Benson-Madison hillside, which is over-steep because of erosion and tectonic activity, as slumping soil and tilted and deformed trees attest. Water saturated, steep hillsides near a major fault zone are a bad combination as we learned from recent California earthquakes and from the recently adopted "Safety Element of the San Luis Obispo County General Plan."

The proposed structure is four levels, straight-up and top heavy. This type of construction is unsafe, particularly in combination with the above concerns. As stated in *Exhibit 1*, the property is located on one of the steepest parts of the Benson-Madison hill with a 7 foot escarpment on the north side of Madison. The hill drains water all year round, and sheds debris onto Madison Street. The proposed structure is a four-level top-heavy box-like design, built on top of a garage. This design acts like an inverted pendulum during an earthquake, and is the type of structure that was destroyed, even at some distance from the epicenter, by the Loma Prieta and Northridge earthquakes. These structures shake themselves apart and destabilize hillsides. A corridor of these structures along Ardath-Madison would not only be aesthetically unpleasing, but would be unsafe to earthquake and landslide hazards and public access during emergencies.

I have watched the hillside experience slumping and mass wastage, as water is diverted by excavations and retaining walls. The trees on the subject property have been affected by these events. At the same time, development in the area has subjected the forest to loss of many trees, those removed for development, and those that have died as a result of development. The remaining forest is in jeopardy because of the massive and towering nature of the proposed development.

**Finding "C"** cannot be supported. Due to the unstable nature of the hillside, a complete and independent geotechnical and topographic survey is needed to determine slope, drainage, and soil conditions relative to the proposed structure. The current drainage of water from the subject and adjacent properties, attests to the need for further independent expert evaluation. The conditions of approval suggest that the planners believe that the hillside is not water saturated except between October 15<sup>th</sup> to April 15<sup>th</sup>, contrary to available evidence.

**Finding "D"** cannot be supported because a survey of all properties in the "immediate neighborhood" as defined for us by Warren Hoag finds that all houses are one and two levels, as viewed from the street, and are less than 3500 square feet. The surrounding houses are mostly around 2000-2500 square feet and all are one or two levels as viewed from the street on which they front. Please see *Exhibits 2, 3, and 4*. *Exhibits 2 and 3* display photographs of relevant views in the area surrounding the

Exhibit 7  
A-3-SLO-00-130  
pg. 7 of 11



proposed development and *Exhibit 4* provides a tabulation of the structures and properties within the immediate neighborhood where the survey was conducted.

**Finding "E"** cannot be supported since traffic on Madison Street, a narrow thoroughfare connecting Route 1 to other portions of Lodge Hill and the entire western portion of Marine Terrace, is often impeded by parked cars and trucks on both sides of the street due to construction and multifamily use of the newer rental units. This heavily traveled street is even closed on occasion due to deliveries, construction, downed trees, etc., thus impeding passage of traffic including emergency vehicles.

Regarding **Finding "F,"** the county has presented no evidence that the large footprint and the large amount of excavation will not destabilize the hillside and cause uphill mass wasting which will undermine a forest of large Monterey pine trees, as well as my house and the proposed house. The footprint should be moved to the front set back and reduced in size, in order to avoid excess excavation, interceptions of ground water and destruction of uphill trees. Natural features and topography have not been given adequate attention in the design and siting of the proposed structure.

**Finding "K"** cannot be supported as a single family residence because the design of the structure, composed of four levels, could be converted easily into separate living units and used as multifamily residences or multiple rental units. Even as a single family dwelling, the proposed structure, "contrary to the orderly development of the immediate neighborhood" establishes a precedent for oversize structures (four levels, 5000 square feet) on a hillside. Oversize houses (sometimes called mega-houses, monster houses or trophy houses) have drastically affected orderly development in many communities to the south in Los Angeles and Orange Counties.

Seven sites along Madison Street, and two older one-level "tear downs" will, at "build-out" result in a corridor of structures rising about 50 feet above Madison with little set back and view space between them. There are an additional ten buildable lots on Drake, Benson and Ardath. The potential three and four level, 5000 square foot structures would dwarf the existing one and two story mostly 2000-2500 square foot homes in the neighborhood. Such a massing of oversized structures on an unstable hillside is inconsistent with the safety element of the San Luis Obispo County General Plan, the experience in Laguna Hills, Malibu and Pacific Palisades, and public safety.

The 207 remaining large Monterey pine trees on undeveloped lots would be vulnerable if an "oversize" precedent is established. As indicated in *Exhibit 4*, there are 32 trees and large bushes on and within 10 feet of the subject property. A family of four deer (5 foot tall buck) and a family of 7 wild turkeys (4 foot tall male) live on the property. Hawks, jays and woodpeckers nest and hunt on the property. Egrets occasionally fly into the forests of Lodge Hill to roost for the night.

Finally, there is the matter of accuracy, legal and moral responsibility to the public. On three occasions the county has sent out public notices of hearings representing the structure as having 3814 square feet of gross structural area, implying a two-level structure. The final plans submitted made clear that this is a four-level structure with about 5000 square feet of gross structural area. Good planning depends on having reliable information and transmitting accurate information to the public. Approving the plans as presented after informing the public that a much more modest structure was being discussed may require a legal interpretation.

Exhibit 7

A-3-SLO-00-130

PR 8/11

## EXHIBIT 1

### PUBLIC SAFETY

The property is on the steepest part of the Benson-Madison hill with a 7 foot escarpment on the north side of Madison. The hill drains water all year round, and sheds debris onto Madison Street. The proposed structure is a four-level top-heavy box-like design, built on top of a garage. This design acts like an inverted pendulum during an earthquake, and is the type of structure that was destroyed, even at some distance from the epicenter, by the Loma Prieta and Northridge earthquakes. These structures shake themselves apart and destabilize hillsides. A corridor of these structures along Ardath-Madison would not only be aesthetically unpleasing, but would be unsafe to earthquake and landslide hazards and public access during emergencies.

EXHIBIT NO.	17
APPLICATION NO.	
A-3-520-00-130	
pg 9 & 11	

EXHIBIT 4

INVENTORY OF STRUCTURES, TREES AND DEVELOPABLE LOTS  
TRACT 61  
(The neighborhood of the project as defined by Warren Hoag, Hearing Officer)

Number of Parcels	58
Number of Structures	45
Level of Structures*	
1 level	18
2 level	27
3 level	0
4 level	0
Undeveloped properties	13
Potential "tear-downs"	7-11
Potential for oversize structures	20-24
Trees on undeveloped lots	207

- As viewed from the street on which they front.

WILDLIFE

There are 32 trees and large bushes on and within 10 feet of the subject property. A family of four deer (5 foot tall buck) and a family of 7 wild turkeys (4 foot tall male) live on the property. Hawks, jays and woodpeckers nest and hunt on the property. Flocks of egrets occasionally fly into the forests of Lodge Hill to roost for the night.

EXHIBIT NO. 7
APPLICATION NO.
A-3-SLO-00-130
pg 10 of 11

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO,

I am employed in the County of San Luis Obispo, State of California. I am over the age of 18 and not a party to the within action; my business address is 440 Kerwin Street, Cambria, California, 93428. On September 9, 2000, I served the foregoing document described as APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT on the Applicant of this development by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Duane Kasulka  
9231 El Cortez Ave.  
Fountain Valley, CA 92708

I caused such envelope with first class postage thereon fully prepaid to be placed in the United States mail at Cambria, California on such date. I am a member of the bar of this court. Executed on September 9, 2000, at Cambria, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct

Vern Kalshan

Vern Kalshan

EXHIBIT NO. 7
APPLICATION NO.
A-3-520-00-130
pg 11 of 11

9231 El Cortez Ave  
Fountain Valley, CA 92708  
25 September 2000

Ms. Renee Brooke  
Coastal Program Analyst  
Central Coast Area Office  
Santa Cruz, CA.

Dear Ms. Brooke;

RECEIVED

OCT 02 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Thanks for answering my questions. We have answered the appellant's questions at least four times. Two minor use permit reviews and two SLO Board of Supervisors hearings. As I said, I am going to let Bruce Koontz address this he is the designer and knows he standards and codes better than I do. If you need information he will have it, but if for some reason you cannot contact him, please feel free to contact me. (714-847-7086) We would hope this can be heard at the LA meeting in November. I have noted this with Bruce.

Sincerely yours

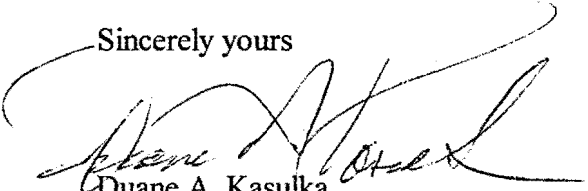
  
Duane A. Kasulka

EXHIBIT NO. 8

APPLICATION NO.

A-3-SLO-00-130

88 1 of 3  
California Coastal Commission

**Koontz & Associates Residential Design**  
2755 Trenton Avenue, Cambria, Ca 93428 (805) 927 - 4957

October 5, 2000

Renee Brooks  
California Coastal Commission

Subject: Appeal of Duane and Betsy Kasulka's Minor Use Permit #D990122P

Dear Ms Brooks,

We would like to provide you with information helpful in considering Mr. and Mrs. Schwimmer's appeal of the Kasulka's approval at the county level. Our responses will be in the same order of their letter of appeal.

1.

**REGARDING FOOTPRINT AND GROSS STRUCTURAL AREA:**

The Kasulka's lot is not subject to Lodge Hill's Table G, but as part of Tract 61 is subject to other limitations including a 25' front setback. If this lot was subject to Table G it would still fall within those allowances as you interpolate from the table (lot is 8500 sq. ft. divided by triple lot of 5250 sq. ft = factor of 1.619, which when multiplied by the allowable footprint of 1200 sq. ft on the triple lot gives you an allowable footprint on the 8500 sq. ft lot of 1942 sq. ft. The Kasulka residence proposes a footprint of 1856 sq. ft. Based on Table G, transferred development rights (TDCs) of up to could also be added to the allowable footprint for a total of 2670 sq. ft. Using the maximum building footprint allowed based on the setbacks on this property, the footprint could be about 4600 sq. ft.

Allowable Gross Structural Area (GSA) per Table G is double the amount of allowable footprint. The proposed GSA is 1840 sq. ft while the allowed GSA if Table G were used, would be 3884 sq. ft. The appellants include non-habitable space to come up with GSA totaling more than 3884 sq. ft. They count an attic which has a ceiling height ranging from 6'2" to 7' which is not habitable legally. They also count crawl space adjacent to the garage which is not over 4', and space behind the garage which will be used for the cisterns, required by the local community services district to store run-off water. All of this was demonstrated before the San Luis Obispo County Board of Supervisors during an appeal of this project on August 15, 2000.

The proposed footprint on this 8500 sq. ft site covers less than 22% of the site. Without purchasing TDCs the average Lodge Hill building site under Table G allows for over 25% lot coverage.

This site is actually two different 4250 sq. ft parcels on which 2 homes could be built if the Kasulkas desired.

The side setback to the north is about 22' which is very generous, especially on an ocean view lot. This was a result of meetings with the neighbor to the rear prior to preliminary design of the home. The angling of the home was also a consideration for the neighbor, providing about 10 degrees more ocean view for them as opposed to setting the proposed home parallel to the street.

EXHIBIT NO. 8
APPLICATION NO.
A-3-510-00-130
28 2003 California Coastal Commission

Koontz & Associates Residential Design  
2755 Trenton Avenue, Cambria, Ca 93428 (805) 927 - 4957

2.

**REGARDING SAFETY CONCERNS:**

This property, according to a topographic map by a licensed land surveyor, has a slope of 22%. There is a bank at the road easement of about 5 feet, which requires a cut for the driveway, but all site work is typical for a community like Cambria and is subject to the direction of the S.L.O. Co. Engineering Dept. French drains will direct run-off as well as ground water to the swale at Madison Street.

Geologic studies were conducted by MidCoast Geotechnical and results provided to Taylor and Syfan Consulting Engineers for the required structural analysis, which was more than adequate according to the S.L.O. Building Department.

**REGARDING TREES:**

There is no tree removal required for this project. There are 2 Monterey Pines on the site, neither of which will be impacted even during construction.

**REGARDING ACCURACY OF PLANS:**

As is typical for Minor Use Permits, the plans submitted are somewhat preliminary. There were no major changes from the original set submitted.

In an attempt to avoid redundancy I will end our response to the appeal here, knowing that you have the staff reports for both the Minor Use Permit and the appeal of the approval of that permit to the S.L.O. Co. Board of Supervisors. All of the issues raised in this appeal were discussed at the previous appeal. This home has been designed well within the ordinances developed by yourselves and the county of San Luis Obispo's planning and building departments. For this reason it was approved for Minor Use Permit, and the appeal of that approval was denied unanimously by the board of supervisors.

Should you have any questions, what so ever, please call for information.

We ask that you expedite this hearing so that it can be heard at the November meeting in southern California, where the Kasulkas reside.

Respectfully submitted,

*Bruce R Koontz*

Bruce R Koontz  
for Duane and Betsy Kasulka

EXHIBIT NO. 8
APPLICATION NO.
A-3-SLO-00-130
PG 3 of 3 California Coastal Commission

