

CALIFORNIA COASTAL COMMISSION

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



W3a

RECORD PACKET COPY

ADMINISTRATIVE PERMIT NUMBER 3-00-075

Applicant..... Henry Watterworth

Representative: Jeff Edwards, A Real Property Concern

Project location..... 380 Mitchell Drive, Los Osos (San Luis Obispo County) (APNs 074-081-020 & 021).

Project description 1,433 square foot single story addition to an existing 2,945 square-foot two-story single family residence.

Note: Public Resources Code Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs. This permit will be reported to the Commission at the following time and place:

November 15, 2000
9:00 A. M.

Furama Hotel
8601 Lincoln Blvd.
Los Angeles, CA 90045
(310) 670-8111

IMPORTANT: Before you may proceed with development, the following must occur: You must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return to our office (Title 14, California Code of Regulations, Sections 13150(b) and 13158). Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, if applicable, we will send you a Notice of Administrative Permit Effectiveness. **Before you can proceed with development, you must have received both your administrative permit and the notice of permit effectiveness from this office.**

PETER DOUGLAS
Executive Director

By: Charles Lester
Central Coast District Manager



California Coastal Commission

EXECUTIVE DIRECTOR'S DETERMINATION: THE FINDINGS FOR THIS DETERMINATION, AND FOR ANY SPECIAL CONDITIONS, APPEAR ON SUBSEQUENT PAGES

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.

SPECIAL CONDITION

1. **Drainage and Polluted Runoff Control Plan.** Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer which minimizes the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall include, but not be limited to, the following criteria:
 - (a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
 - (b) Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media devices. The filter elements shall be designed to 1) trap sediment, particulates, and other solids, and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.
 - (c) The plan shall include provisions for maintaining the drainage and infiltration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and



repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new Coastal Development Permit is required to authorize such work.

EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that the proposed development is a category of development that qualifies for approval by the Executive Director through the issuance of an administrative permit (Public Resources Code Section 30624). Subject to Standard and Special conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

Project Location & Description. The project site fronts a southern portion of the Morro Bay estuary in the San Luis Obispo County community of Los Osos. The Morro Bay estuarine system contains a variety of habitats for various aquatic and terrestrial species, including special status species. In addition, the Bay provides an assortment of public access and recreation amenities, as well as serving as a scenic resource for local citizens. Except for waters of the Bay to the north, the project site is surrounded exclusively by residential development; this residential area of Los Osos is commonly referred to as Cuesta-by-the-Sea. Areas surrounding Cuesta-by-the-Sea include the Morro Bay estuary to the north, Sweet Springs Nature Preserve to the east, and residential development to the south and west. (See Exhibit 1 for location map)

The applicant owns two adjacent parcels that are approximately 21,600 square feet or one-quarter acre in size (APNs 074-081-020 & 021). Currently, the applicant's western parcel contains an approximate 2,945 square-foot single-family residence. Under the proposed project, the applicant would construct an approximate 1,783 square foot, 14-foot high, single-story addition on a vacant parcel (APN 074-081-020) to the east of the existing single-family residence. As a condition of approval, the County has required that the applicant merge both parcels. The proposed addition would include 1,433 square feet of new habitable space, 350 square feet for a garage, and a new 129 square foot deck. (See Exhibit 2 for Project Plans) After construction of the proposed addition, development at the site would consist of an approximate 4,378 square foot residence upon a single approximate half-acre parcel.



Applicable Coastal Act Policies. This project raises Coastal Act issues pertaining to the protection of environmentally sensitive habitat areas and water quality, as well as the provision of public access from the first public road and the sea. Relevant policies of the Coastal Act addressing these issues include,

§ 30240 (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

§ 30230: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

§ 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

§ 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

§ 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Analysis. The proposed project raises two questions of inconsistency with the Coastal Act concerning the protection of environmentally sensitive habitat areas and water quality. Public access and recreation opportunities would not be impacted by the proposed project; vertical access to the Bay currently exists in close proximity to the subject site.



Environmentally Sensitive Habitat Areas. The project site fronts one of the Central Coast's most significant wetland system, the Morro Bay estuary. (See Figure 1 below for aerial view of project site) The Bay is a 2,300-acre semi-enclosed body of water that supports coastal wetlands, such as salt and brackish tidal marshes, and intertidal flats, as well as deep-water channels and portions of coastal streams.¹ Tidal mudflats of very fine sediment dominate the portion of the Bay fronting the project site; large areas of pickleweed dominate these mudflats.² The Morro Bay estuary system provides habitat for both migratory and resident species, including many rare and endangered species. Common upland habitat types found around the Morro Bay estuary include coastal dune scrub, maritime chaparral, grassland, and oak woodland. In fact, much of Los Osos is situated in the coastal dune scrub habitat type.³ However, this habitat type is rare because of its location on relatively flat terraces adjacent to the Pacific Ocean where development is common.



Figure 1. Aerial View of Project Site.

The proposed project is sufficiently setback from sensitive “wet” habitat areas of the Bay, and there are no sensitive upland habitat types at the subject site. In addition, in a September 6, 2000 letter from the U.S. Fish & Wildlife Service, it is concluded that no suitable habitat for the endangered Morro shoulderband snail (*Helminthoglypta walkeriana*) is located at the project site. Although the project site is adjacent to environmentally sensitive habitat areas (ESHA) found within the Morro Bay estuary, the proposed addition would have an approximate 55-foot setback from the nearest

¹ *Turning the Tide for Morro Bay, Working Draft Comprehensive Conservation & Management Program*, Morro Bay National Estuary Program, April 2000.

² *Ibid.*

³ *Ibid.*



identified wetland boundary. Although not the standard of review in this case, the San Luis Obispo County Local Coastal Program (LCP) (Estero Area Plan Policy 5 (e)) provides guidance on the implementation of appropriate ESHA buffers at this location at states,

The following setbacks shall be required to provide appropriate separation between development and the wetland. Setbacks established here supersede the 100 foot setback requirement by the Coastal Zone Land Use Ordinance. However, in no case shall a setback be adjusted pursuant to Section 23.07.172 of the CZLUO to less than the following standards. Setbacks are measured between the upland extent of the wetland vegetation and development. The minimum setbacks are as follows:

(e) For the area comprising the north half of Cuesta Inlet (Blocks 13, 14, and 35 of Cuesta-by-the-Sea Tract): 50 feet.

Since the proposed project would maintain the existing setback from identified environmentally sensitive habitat areas of the Bay, the Commission finds that, in consideration of the guidance provided by the above listed LCP policy, a proposed setback of 55-feet for the addition is sufficient to protect ESHA resources contained therein. Furthermore, no dune scrub or other sensitive habitat types are found at the project or within surrounding areas. Staff visited the project site on June 8, 2000 and verified that it contains a sparse coverage of non-native ruderal plant species. (See Figure 2 for photo of project site)



Figure 1. Project Site Looking North.



Therefore, since the proposed project is sufficiently setback from sensitive habitat areas of the Morro Bay estuary and because there are no sensitive upland habitat types found at the project site, the Commission finds that the proposed project is consistent with Coastal Act § 30240.

Water Quality. As discussed, the proposed project fronts the Morro Bay estuary; because of its adjacency to waters of the Bay, the potential for water quality impacts are heightened in this case. Under the proposed project, potential water quality impacts could occur in two ways. First, since the existing residence is currently dependent upon a septic system for wastewater treatment, an expansion of residential use could likewise result in an expansion of wastewater volumes sent to the the Bay. Second, the proposed addition would add additional impervious surface area to the site, thereby resulting in reduced on-site infiltration capabilities, increased peak stormwater runoff rates and volumes, and the potential addition of non-point source pollutants to the Morro Bay estuary.

In 1988, the Regional Water Quality Control Board (RWQCB) effected a prohibition of on-site waste discharge in the Los Osos/Baywood Park area. In terms of the proposed project, this prohibition does not allow any new sources of wastewater discharge that might result from the addition of additional bedrooms to a residence. In this case, the applicant proposes to add one bedroom and bathroom, while also converting an existing bedroom and bathroom to an office and storage space. Although new bedrooms would not be added, the County has required the applicant to sign a "statement of compliance" in this case; because of this, the RWQCB has found the project as acceptable under the approved RWQCB Basin Plan. (See Exhibit 3 for August 30, 2000 letter from RWQCB and Exhibit 4 for a copy of the Applicant's "Statement of Compliance.") By the applicant's signing of the "Statement of Compliance," he/she is put on notice that certain additional interior square footage is not allowed to be converted to new bedroom space, and, furthermore, the signatory authorizes the County to inspect the premises on an annual basis to ensure that bedroom conversions do not take place. Therefore, since the proposed project will not result in the addition of new bedrooms, and, furthermore, since that applicant has signed a "statement of compliance," the Commission finds that the proposed project will not result in increased wastewater flows to the Morro Bay estuary, and that the proposed project is consistent with Coastal Act § 30230 and 30231 in this respect.

As discussed, the proposed project would add additional impervious surface area to the site, thereby resulting in reduced on-site infiltration capabilities, increased peak stormwater runoff rates and volumes, and the potential inclusion of additional non-point source pollutants to the Morro Bay estuary. Although not the standard of review in this case, the San Luis Obispo County LCP provides specific standards for controlling stormwater runoff at the project site and requires that upland development, "will be required to provide measures to handle runoff on-site."⁴ The objective of this LCP policy is to maintain post-development peak runoff rate and average volume at levels that is similar to pre-development level, while also providing for the implementation of post construction BMPs to treat and/or filter stormwater for each runoff event. Likewise, the Commission finds that

⁴ South Bay Urban Area Standards, Sensitive Resource Area (SRA), Sweet Springs and Cuesta-by-the-Sea Marsh (SRA) - Number 3, Page 8-29 of the Estero Area Plan (Revised December 7, 1995).



measures to handle runoff on-site would be prudent in this case, and would be necessary to find the proposed project is consistent with Coastal Act Section 30231, which requires in part,

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, **controlling runoff**...(emphasis added).*

The reasons for controlling runoff at this site are many, but, in part, include the immediate adjacency of important environmentally sensitive habitat areas and their biological inhabitants which require clean water for survival, and the potential for increased transport of sediments to the Bay resulting from increased stormwater runoff volumes and rates, to name just a few.

The project, as approved by the County, does not include measures to ensure that stormwater runoff is managed on site. However, the applicant's representative has stated that the implementation of stormwater runoff control system is intended in this case, and would most likely consist of a dry-well system. The Commission concurs that the implementation of a dry-well system appears appropriate at this location.

Therefore, the Commission finds that, only by the imposition of special condition 1, which requires the submission of a drainage plan utilizing an on-site stormwater infiltration system, can the proposed project be found consistent with Coastal Act § 30231.

Public Access and Recreation. Lateral public access along the Bay will not be restricted by the proposed development, and sufficient vertical access to the Bay is currently provided within the immediate vicinity of the project. As mentioned above, the project fronts the waters of Morro Bay. Lateral access along the northern portion of the property is unrestricted at this location. Also, vertical pedestrian access to the Bay is possible approximately 125 feet from the project site.

The proposed structure would not encroach into areas available for purposes of public access. As such, existing vertical and lateral access routes will remain unchanged by the project. Therefore, since the proposed development will not interfere with the public's ability to access the Bay, and because sufficient access is currently provided, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This report has



examined the relevant issues in connection with the environmental impacts of this proposal. The Commission finds that, for the reasons stated above, the proposed project will not have any significant adverse effects on the environment within the meaning of CEQA.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

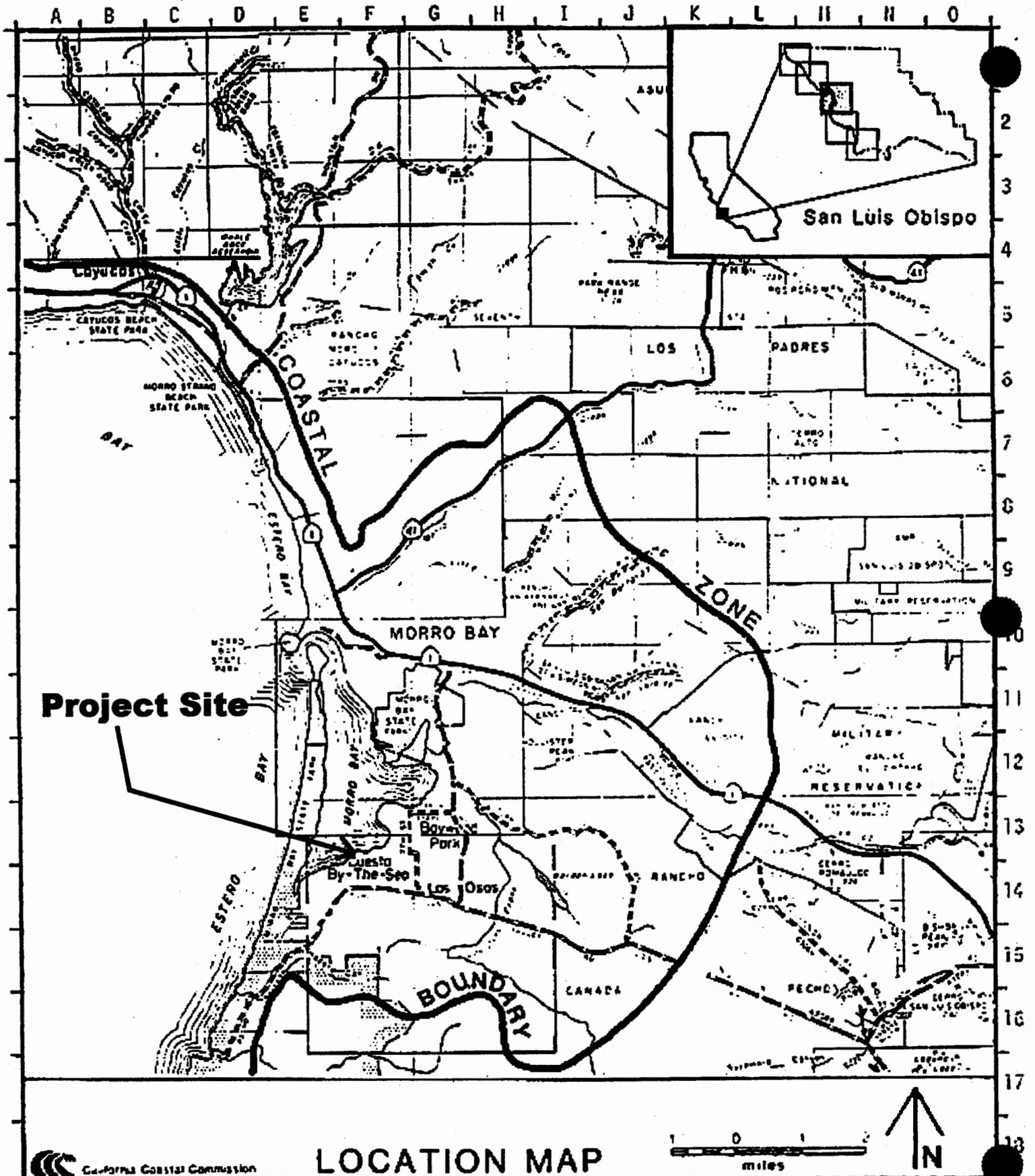
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's signature

Date of signing



Exhibit 1 3-00-075 (Watterworth Single Family Addition)



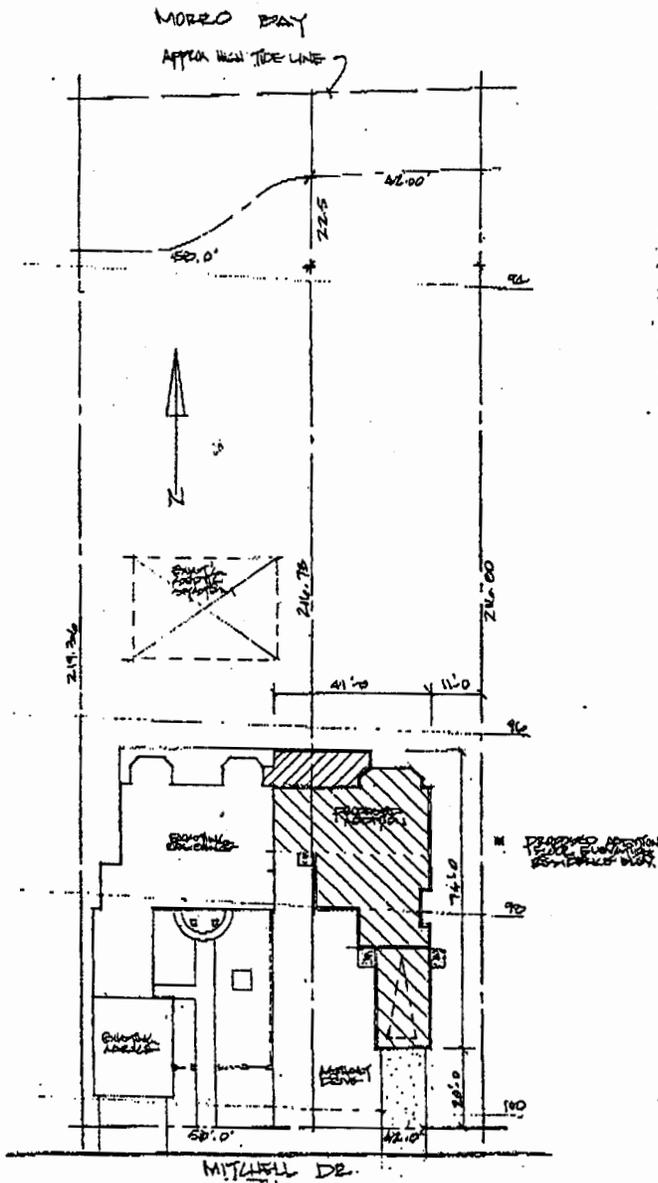
Project Site

LEGAL DESCRIPTION

LOTS 7, 8, 9, & 10
 BLK 355
 TRACT 6848 ON THE 1/4-40A
 1/4-00A - 21
 1/4-00B - 22
 200 MICHIGAN ST. S.F.
 LOS ANGELES, CA. 90002

COVERAGES

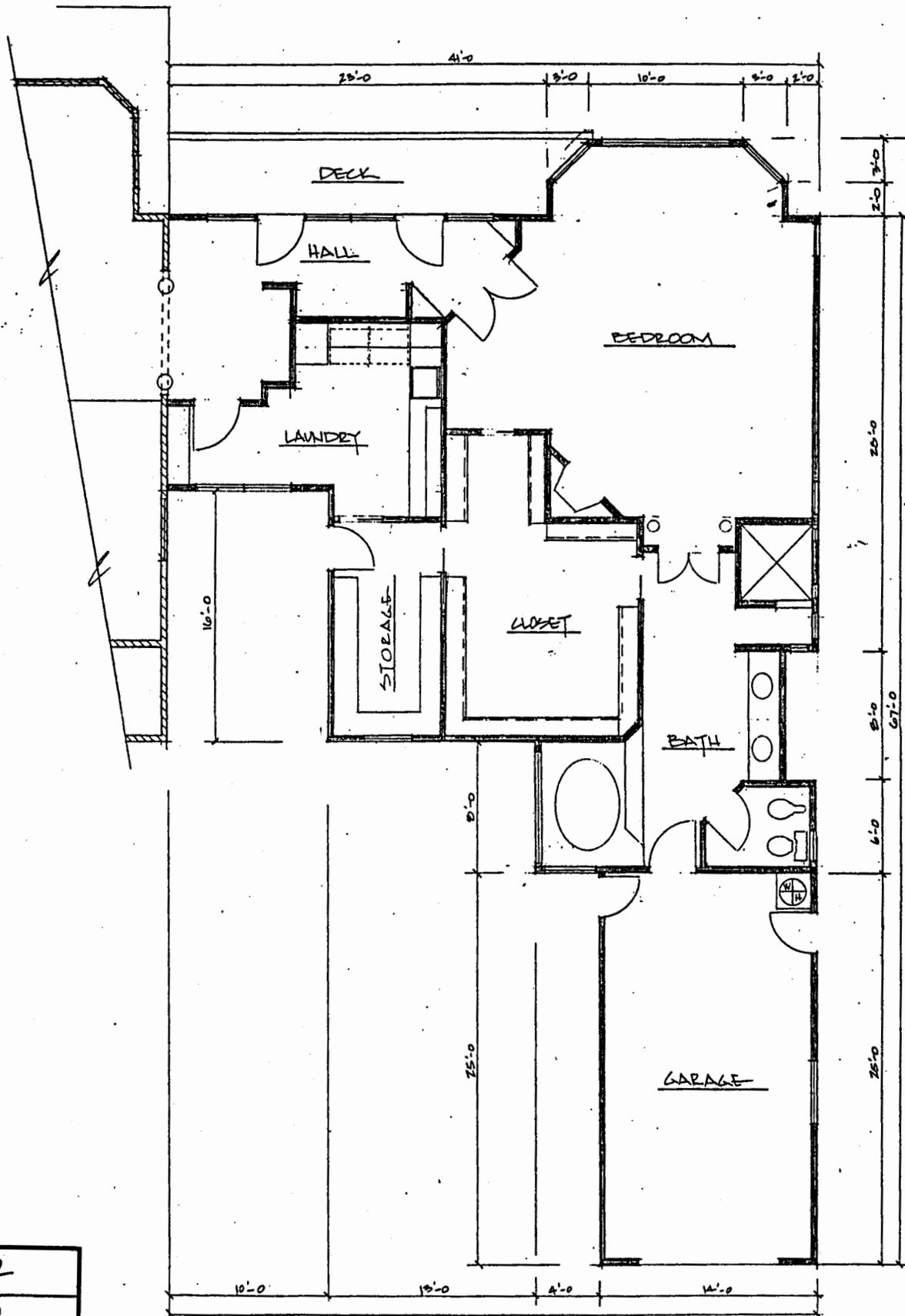
| | |
|-----------------------------|----------------|
| LOT | 21,000 SQ. FT. |
| EXISTING LIVING AREA | 2,145 SQ. FT. |
| EXISTING LAUNDRY | 604 SQ. FT. |
| EXISTING DECK | 475 SQ. FT. |
| PROPOSED ADDITION GARAGE | 500 SQ. FT. |
| PROPOSED DECK | 129 SQ. FT. |
| EXISTING FOOTPRINT | 2,549 SQ. FT. |
| PROPOSED ADDITION FOOTPRINT | 1,912 SQ. FT. |



SITE PLAN

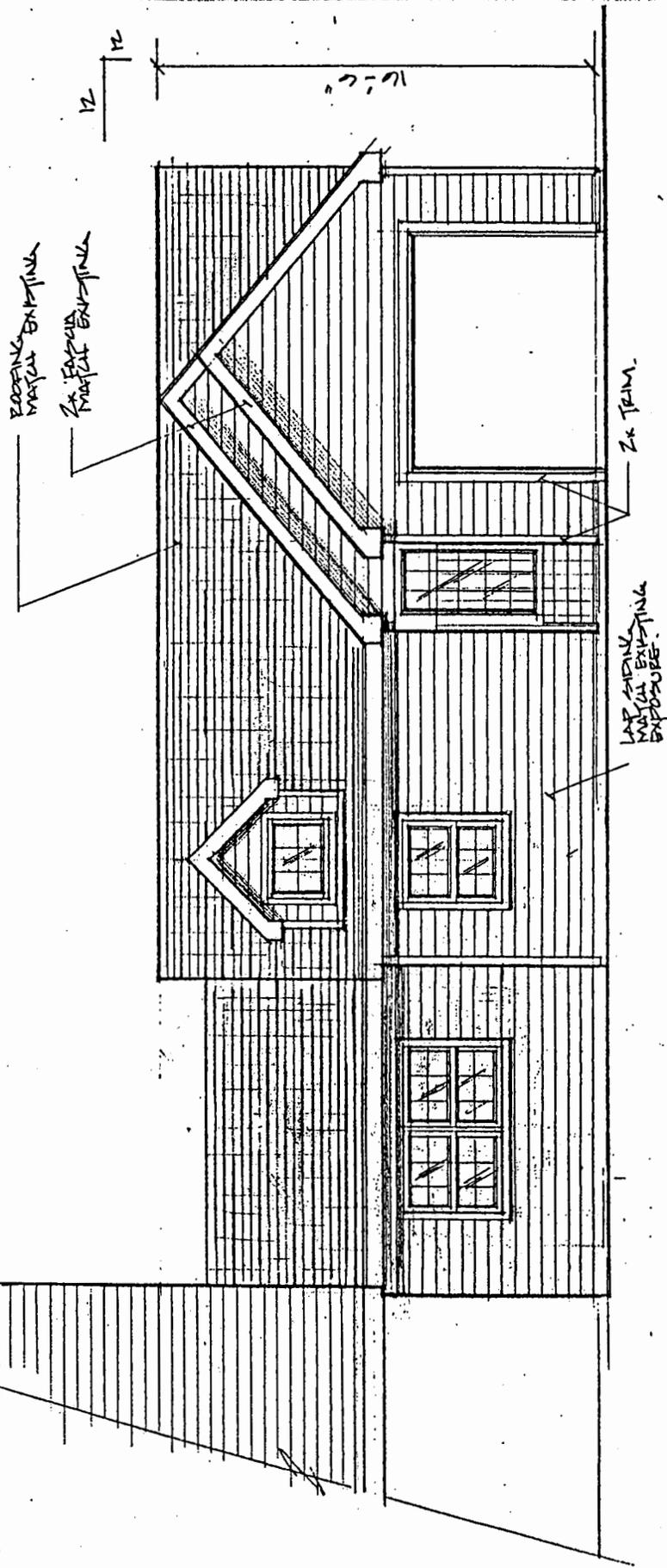
SCALE 1" = 20'-0"

| |
|-------------------------------|
| EXHIBIT NO. 2 |
| APPLICATION NO. |
| 5-00-075 |
| WATKINSON |
| California Coastal Commission |



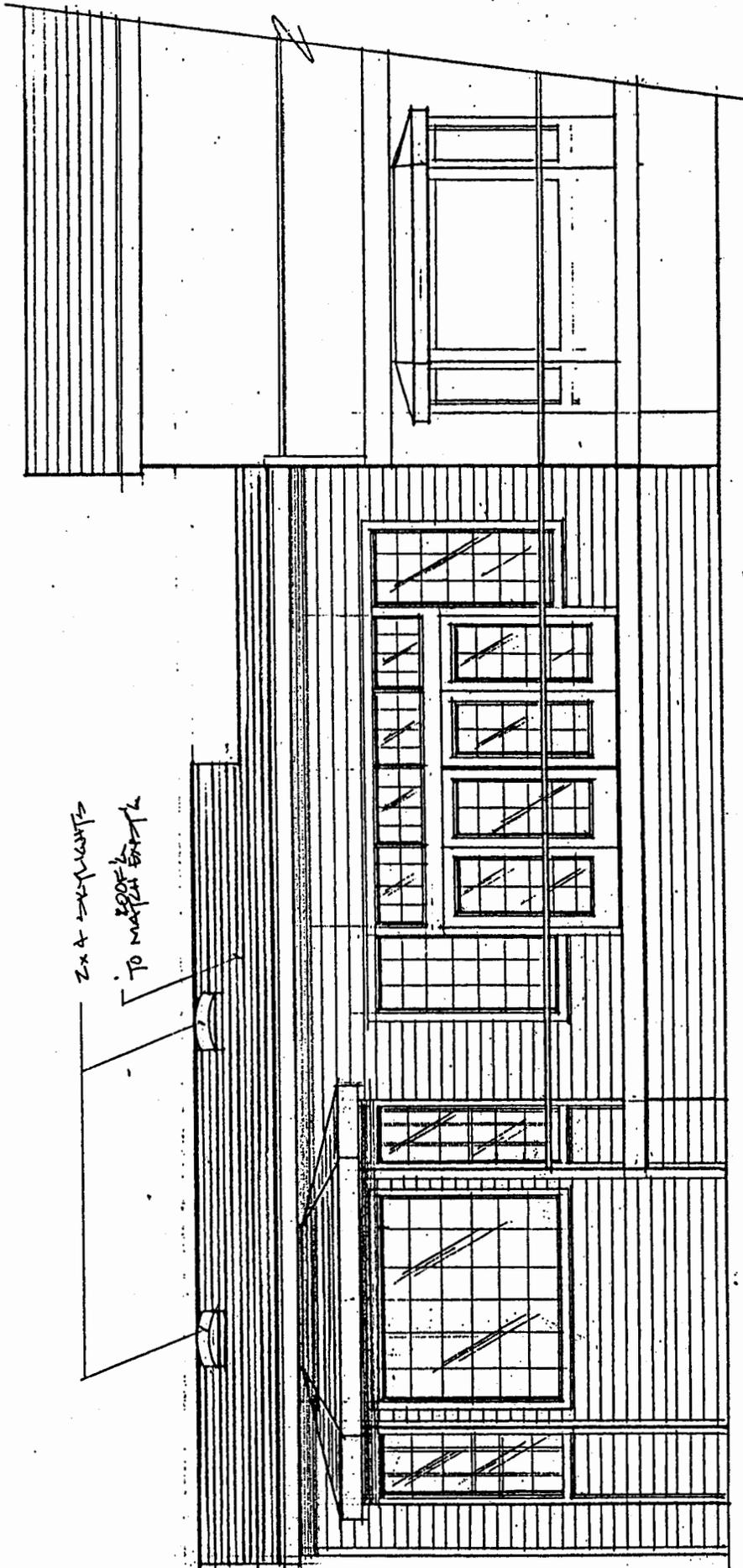
PROPOSED ADDITION FLOOR PLAN
 scale 1/4" = 1'-0" 1/8" = 1'-0"

| |
|-------------------------------|
| EXHIBIT NO. 2 |
| APPLICATION NO. |
| 3-00-75 |
| WATERWORTH |
| California Coastal Commission |



FRONT ELEVATION (south)
SCALE 1/4" = 1'-0"

| |
|-------------------------------|
| EXHIBIT NO. 2 |
| APPLICATION NO. |
| 3-00-075 WATTERWORTH |
| California Coastal Commission |

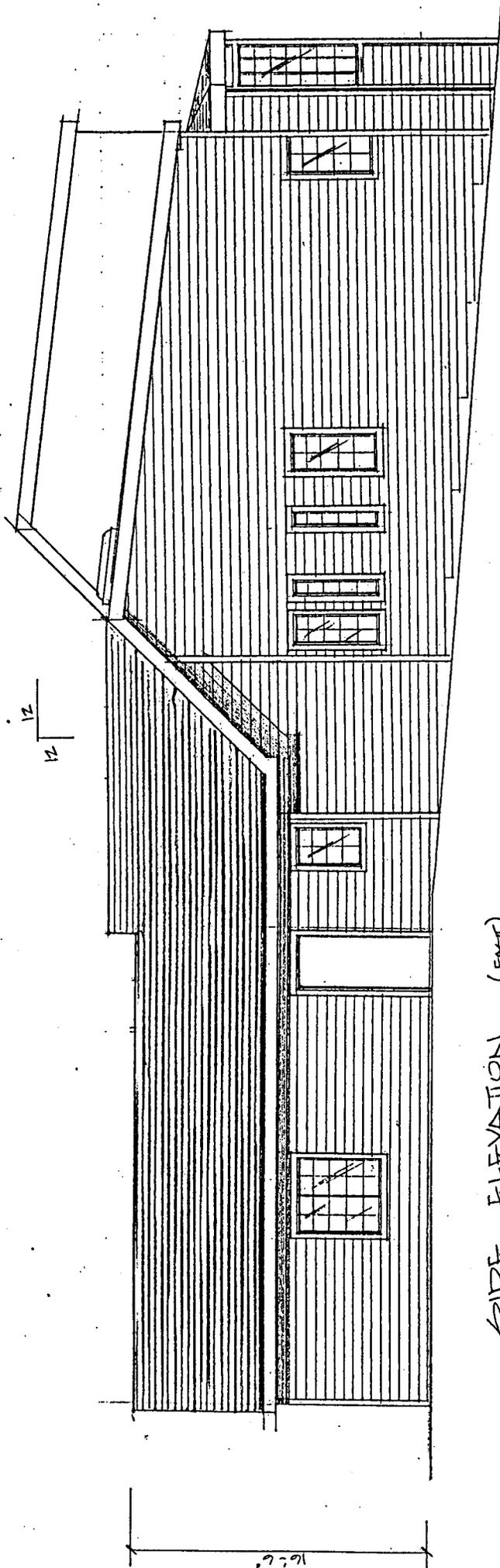


50' HIGH RAILING

2x4 supports
to match existing

YEAR ELEVATION (NORTH)
1940 1/4" = 1' = 0

| |
|--|
| EXHIBIT NO. 2 |
| APPLICATION NO. |
| 3-00-075 WATERWORTH |
|  California Coastal Commission |



SIDE ELEVATION (EAST)
 SCALE 1/4" = 1'-0"

| |
|---|
| EXHIBIT NO. 2 |
| APPLICATION NO. |
| 3-00-75 WATERWORTH |
|  California Coastal Commission |

SORREL



California Regional Water Quality Control Board

Central Coast Region



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5411
Phone (805) 549-3147 • FAX (805) 543-0397

August 30, 2000

Jeffrey Edwards
P. O. Box 6070
Los Osos, CA 93412

Dear Mr. Edwards:

PROPOSED WATTERWORTH PROJECT AT 380 MITCHELL DRIVE, LOS OSOS (D990246P)

This letter responds to your July 17, 2000, submittal regarding a proposed addition to a single-family residence at 380 Mitchell Drive in Los Osos. As you are undoubtedly aware, a prohibition of on-site waste discharge in the Los Osos/Baywood Park area went into effect in 1988. This means that no new sources of wastewater discharge within the Los Osos prohibition area can be approved without specific exemption to the prohibition adopted by the Regional Board.

Additions and remodels (such as proposed in your submittal) are not allowed within the discharge prohibition area if the project will contribute to generation of additional wastewater. Your submittal indicates the project owners (Watterworths) plan to convert one of the existing bedrooms to an office to retain the three bedroom base living space. In some cases such arrangements can be allowed, provided they do not create additional discharge (additional bedrooms) and when continued compliance with such conditions is verified by the County.

Although the County proposed a policy for authorizing and verifying compliance of additions in Los Osos, we are not aware of any implementation of that policy. Therefore, we have notified the County that no further projects should be permitted until compliance with the policy (by the County) is verified.

Please note that May 5, 2000, County approval (Notice of Final Action, Findings and Conditions of Approval) regarding the Watterworth Minor Use Permit (D990246P) does not adequately address wastewater issues. The project is acceptable only if it can be demonstrated (by certification and annual inspections implemented by the County) to be consistent with the "Statement of Compliance" policy or an alternative method of ongoing compliance verification.

If you have questions, please call Sorrel Marks at 549-3695 or Gerhardt Hubner at 542-4647.

Sincerely,

Roger W. Briggs
for: Roger W. Briggs
Executive Officer

S:\southern\staff\sorrel\watterworth.ltr
Task: 121-01
File: SLO CSA#9 Exemptions

| |
|-------------------------------|
| EXHIBIT NO. 3 |
| APPLICATION NO. |
| 3-00-075 WATTERWORTH |
| California Coastal Commission |

Los Osos Moratorium Requirements

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center ■ San Luis Obispo, California 93408 ■ Telephone (805) 781-5600



Statement of Compliance

1. I have read and received a copy of the "Los Osos Building Moratorium" information bulletin.
2. I agree to maintain this project in conformance with the "Los Osos Moratorium Bulletin" and the approved plans.
3. I am aware that questionable projects (with rooms that can be easily converted to bedrooms) will be flagged by APN within the computer tracking system and rechecked for compliance annually by Resource Protection (enforcement).
4. I acknowledge that conversion of non-sleeping rooms to sleeping rooms without a permit is a misdemeanor.
5. I am aware that, in the event the property sold is in violation of the "Los Osos Moratorium Bulletin", this agreement can be used as evidence that the seller or current property owner had prior knowledge that any modification to a approved project is a violation of county and state regulations and could subject the current owner and seller to real estate disclosure laws and subsequent liability.
6. I am aware that a copy of the signed "Certificate of Compliance" will be placed and maintained in the permanent records file and be entered into the permit tracking system.

I have read and understand the above information and agree to comply with the applicable regulations

Property Owner: [Signature]

Print Name: HANK WATERWORTH

Date: 9-11-00

| |
|-------------------------------|
| EXHIBIT NO. 4 |
| APPLICATION NO. |
| 3-00-075 WATERWORTH |
| California Coastal Commission |

