

CALIFORNIA COASTAL COMMISSION

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

Th6b



RECORD PACKET COPY

Filed: 09/21/00  
49<sup>th</sup> Day: Waived  
Staff: RB  
Staff Report: 11/9/00  
Hearing Date: 12/14/00  
Commission Action:  
Opened and Continued 09/14/00

STAFF REPORT: APPEAL

Appeal Number .....A-3-SLO-00-134  
Local Government.....San Luis Obispo County  
Decision .....Approved with conditions, 08/18/00  
Applicant.....Lynn LaCount  
Appellants .....Commissioners Sara Wan and Pedro Nava  
Project Location .....Lone Palm Drive, North of Cambria (San Luis Obispo County)  
(APN 013-051-019)  
Project Description .....Construct an approximately 4,948 square foot single family  
residence with attached 1,104 square foot garage.  
File Documents .....San Luis Obispo County Certified Local Coastal Plan; Coastal  
Development Permit D990103P; *Vegetation Study of Lynn  
LaCount's 5 Acre Lot: Lot D of Rancho San Simeon* (V.L. Holland,  
Ph.D.: December 16, 1999); *Supplemental Archaeological  
Reconnaissance* (Archaeological Consulting: February 25, 2000);  
*Reconnaissance Geologic Study for Bluff Retreat/Bluff Stability*  
(Ken Maloney/Geology: October 29, 1991); *Sea Cliff Retreat Rate  
Setback* (Cleath & Associates: December 2, 1999).  
Staff Recommendation .....Substantial Issue; Approval with Conditions

EXECUTIVE SUMMARY

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

The project site is located on the west side of Lone Palm Drive, a frontage road west of Highway 1, approximately two miles north of Cambria. The applicant proposes to construct an approximately 4,948 square foot single family residence with attached 1,104 square foot garage, on an



approximately five acre parcel. Also included are two 2,500 gallon water storage tanks, a septic system, domestic water well, and vegetative screening.

The site is currently heavily vegetated with both Monterey cypress and eucalyptus trees. As proposed, the project will not be visible from the view of northbound travelers on Highway 1, nor will it be visible from the eastern frontage of the property along Lone Palm Drive. Although much of the residence will be screened by existing trees on-site, a portion of the structure will be visible (at the western end of the property) from southbound travelers on Highway 1. To address this, the applicant has chosen to install additional landscaping (Monterey cypress) north of the residence rather than choose a less visible site. This proposed vegetation will in turn obstruct the public’s view of the ocean (primarily southbound travelers on Highway 1 and Lone Palm Drive), in direct conflict with Visual and Scenic Resource Policy 4. Alternatives such as redesigning or relocating the residence behind existing vegetation will achieve conformance with the visual and resource protection policies of the LCP.

Thus, staff recommends that the Commission **approve** the coastal development permit with conditions to minimize impacts to the visual and scenic resources of the area, specifically requiring the applicant to submit revised plans that show the residence located entirely outside of the public viewshed without the use of additional vegetative screening.

## STAFF REPORT CONTENTS

I. Appellants’ Contentions .....	3
II. Local Government Action.....	3
III. Appeal Procedures .....	3
IV. Staff Recommendation On Substantial Issue.....	4
V. Substantial Issue Findings and Declarations.....	4
A. Project Location and Description.....	4
B. Visual Resources.....	4
VI. Staff Recommendation on Coastal Development Permit .....	6
VII. Standard Conditions.....	6
VIII. Special Conditions .....	7
IX. Recommended Findings and Declarations.....	11
A. Visual Resources.....	11
B. Geology and Drainage.....	13
C. Public Works.....	14
D. Archaeology .....	15
E. Botanical and Biological Resources .....	15
X. California Environmental Quality Act (CEQA) .....	17
XI. Exhibits .....	19
1. Vicinity Maps	
2. Project Plans	
3. Appellants’ Contentions	



4. Site Photos
5. County's Conditions
6. Revised Project Proposal (10/17/00)
7. Correspondence

## I. APPELLANTS' CONTENTIONS

Please see Exhibit 3 for the full text of the appeal

The appellants contend that the project conflicts with Local Coastal Program Policies protecting visual and scenic resources, and that alternatives exist which will achieve conformance with these policies. Specifically, the Commissioners' appeal asserts that the project does not comply with LCP Policies 1, 2, 4, and 5 for Visual and Scenic Resources.

## II. LOCAL GOVERNMENT ACTION

A negative declaration was prepared for the project on June 16, 2000. On August 18, 2000, the San Luis Obispo County Zoning Administrator approved Coastal Development Permit D990103P to construct a single family residence and attached garage. The County's conditions of approval are attached as Exhibit 5.

## III. APPEAL PROCEDURES

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

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 located between the first public road and the sea.

#### **IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

**MOTION:** *I move that the Commission determine that Appeal No A-3-SLO-00-134 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

#### **STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

#### **RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. *A-3-SLO-00-134* presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

#### **V. SUBSTANTIAL ISSUE FINDINGS AND DECLARATIONS**

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

The project site is located on the west side of Lone Palm Drive, a frontage road west of Highway 1, approximately two miles north of Cambria. The property is approximately five acres, with little topographical variation to shield the proposed single family residence. However, the parcel is heavily vegetated with planted natives (e.g. Monterey cypress) and several varieties of planted non-native (e.g. cypress, eucalyptus, myoporum).

The applicant proposes to construct an approximately 4,948 square foot single family residence with attached 1,104 square foot garage, set back approximately 60 feet from the bluff edge. In addition, the proposal includes two 2,500 gallon water storage tanks, a septic system, domestic water well, and vegetative screening (Monterey cypress).

##### **B. Visual Resources**

The appellants contend that the proposed construction of an approximately 4,948 square foot single family dwelling with an attached 1,104 square foot garage is inconsistent with the following policies of the San Luis Obispo County Local Coastal Program.



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

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

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

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

San Luis Obispo County LCP Visual and Scenic Resources Policies 1, 2, and 4 require new development to be sited to protect unique and attractive features of the landscape, views to and along the ocean and scenic areas, and to minimize its visibility from public view corridors. Specifically, Visual Policy 2 emphasizes that new development be located in areas not visible from major public view corridors. Furthermore, Visual Policy 4 requires vegetation, when used as a screening device, to be "selected and sited in such a manner as to not obstruct major public views." In addition, Visual and Scenic Resources Policy 5 requires grading, major vegetation removal and landform alterations within public view corridors to be minimized.

As proposed, the project will not be visible from the view of northbound travelers on Highway 1, nor will it be visible from the eastern frontage of the property along Lone Palm Drive. Although much of the residence will be screened by existing trees on-site, a portion of the structure will be visible (at the western end of the property) from southbound travelers on Highway 1. It is possible to site new development on this site in a location that is not visible from Highway 1. Nonetheless, the applicant has chosen to install additional landscaping (Monterey cypress) north of the residence rather than choose a less visible site. This proposed vegetation will in turn obstruct the public's view of the ocean (primarily southbound travelers on Highway 1 and Lone Palm Drive), in direct conflict with Visual Policy 4. Alternatives exist, either through redesign or relocation of the residence, which will eliminate the need for additional vegetative screening and allow for the residence to be invisible



from Highway 1. Thus, the project conflicts with Visual and Scenic Resource Policies 1, 2, 4, and 5, and a substantial issue is raised by this contention of the appeal.

## VI. STAFF RECOMMENDATION ON COASTAL DEVELOPMENT PERMIT

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

**MOTION:** *I move that the Commission approve Coastal Development Permit No. A-3-SLO-00-134 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

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

### **RESOLUTION TO APPROVE THE PERMIT:**

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

## VII. STANDARD CONDITIONS

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with



the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## VIII. SPECIAL CONDITIONS

1. **Local Conditions.** All conditions of San Luis Obispo County's approval pursuant to planning authority other than the Coastal Act continue to apply.
2. **Revised Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for the Executive Director's review and approval, two sets of revised project plans, which shall:
  - a) show the residence designed appropriately and located behind existing vegetation, so as to not be visible from Highway 1, Lone Palm Drive, and San Simeon State Park;
  - b) delineate the extent of site disturbance related to the approved development (noted as Project Limits);
  - c) demonstrate the use of materials and colors that will be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for windows, walls, chimneys, etc. and darker green, grey, slate blue, or brown colors for the roof structures.
  - d) indicate all exterior light locations. Exterior lighting shall be low level and limited to that necessary for safe passage within the vicinity of the residence. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface are visible from public viewing areas. Floodlighting or spotlighting of ground or water surfaces visible from public viewing areas shall be prohibited.
3. **Visual Analysis.** PRIOR TO FINAL APPROVAL OF REVISED PLANS, the Permittee shall submit for the Executive Director's review and approval, a visual analysis and simulation (e.g. drawings, photographs, etc.), verifying that the submitted revised plans will effectively comply with the conditions of this permit.
4. **Landscape Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for the Executive Director's review and approval, a plan for landscaping. The plan shall include an analysis by a qualified expert that considers the specific condition of the site including soil, exposure, temperature, moisture, and wind. Specific plant species recommended shall consider all environmental factors.
  - a) The plan shall demonstrate that all vegetation planted on the site will consist of native, drought-tolerant plants; and
  - b) The plans shall include, at a minimum, the following components:



- 1) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
- 2) A schedule for installation of plants.

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

**5. Drainage Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the Executive Director's review and approval, a drainage plan, subject to the requirements of CZLUO Sections 23.05.044 through 23.05.050. This includes, but is not limited to, incorporating measures to:

- a) retain off-site natural drainage patterns;
- b) limit peak runoff to predevelopment levels; and
- c) minimize increased erosion to the coastal bluff as a result of development.

**6. Deed Restriction.** Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that:

- a) The applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, landslide, bluff retreat, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- b) The applicant agrees, on behalf of himself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. A-3-SLO-00-134 including, but not limited to, the residence, garage, foundation, decks, patios, water well, and septic system and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- c) The applicant agrees, on behalf of himself and all successor and assigns, that the existing on-





site vegetation used to screen the development from public viewing areas will be maintained in good growing conditions throughout the life of the project. Whenever necessary, the existing vegetation shall be replaced with new plant materials to ensure continued compliance with the conditions of this coastal development permit.

The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

7. **Public Works.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall provide written authorization for the review and approval of the Executive Director that water and sewer service is available and that the County Environmental Health Division has approved the adequacy of the on-site water well and septic system.
8. **Archaeology.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a monitoring and sampling plan consistent with the recommendations of Archaeological Consulting (Breschini & Haversat: February 25, 2000). The plan shall be prepared by a subsurface qualified archaeologist, for the review and approval of the Executive Director. The monitoring and sampling plan shall include:
  - a) Description of sampling plan;
  - b) Estimate of anticipated size of sample;
  - c) List of personnel involved in sampling and subsequent analysis;
  - d) Description of sampling reporting procedures;
  - e) List of personnel involved in the monitoring activities;
  - f) Description of how the monitoring shall occur;
  - g) Description of frequency of monitoring (e.g. full-time, part-time, spot checking);
  - h) Description of what resources are expected to be encountered;
  - i) Description of circumstances that would result in the halting of work at the project site (e.g. what is considered "significant" archaeological resources?);
  - j) Description of procedures for halting work on the site and notification procedures;
  - k) Description of monitoring reporting procedures

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

- a) If an area of cultural deposits is discovered during the course of the project:
  - 1) All construction shall cease and shall not recommence except as provided in subsection (b) hereof; and



- 2) Within 90 days after the date of discovery of such deposits, the applicant shall provide evidence to the Executive Director of execution and recordation of a deed restriction, in a form and content acceptable to the Executive Director, stating that, in order to protect archaeological resources, development can only be undertaken consistent with the provisions of an archaeological plan prepared by a qualified individual and approved by the Executive Director.

This deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without an amendment to this coastal development permit approved by the Coastal Commission.

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

9. **Biological Resources.** If construction is to occur between February and June, PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for the Executive Director's review and approval, a peregrine falcon monitoring and observation plan. The plan shall be prepared by a qualified ornithologist/biologist approved by the Executive Director, and shall include:

- a) Schedule of monitoring for nest site,
- b) Personnel conducting monitoring, and
- c) Recommended measures if nesting activity occurs

If peregrine falcon nesting activity is occurring, construction activities that may disturb the birds shall be delayed or suspended until such time that it is determined that the nesting will not be disrupted, or the young have fledged or left the nest. This determination shall be made by the Executive Director in consultation with the U.S. Fish & Wildlife Service and the California Departments of Fish & Game and Parks & Recreation.

10. **Botanical Resources.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall clearly indicate the "Project Limits" on revised plans. The plans shall indicate the location of the proposed structure east of the primary stand of coastal sea bluff



scrub as shown on the Plot Plan (Exhibit 2), and shall show any portion of sea bluff scrub that will be removed. Prior to construction, including any vegetation clearing, sturdy high-visibility fencing shall be installed to protect this habitat. This fencing shall be placed at the limit of the area identified for vegetation clearance. No construction work (including storage of materials) shall occur outside of the "Project Limits". Any required fencing shall remain in place during the entire construction period and checked as needed.

## IX. RECOMMENDED FINDINGS AND DECLARATIONS

### A. Visual Resources

The property is located approximately two miles north of the community of Cambria, west of Highway 1, on the North Coast of San Luis Obispo County. The parcel is approximately five acres and is heavily vegetated with planted native trees (Monterey cypress) and several varieties of planted non-native trees (e.g. cypress, eucalyptus, myoporum).

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

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

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

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

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

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

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

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



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

Visual Policy 2 states that “where possible, site selection for new development is to emphasize locations not visible from major public view corridors.” Moreover, Visual Policy 4 is clear in its intent that vegetation may be used to screen new development *only* when the development “cannot be sited outside of public view corridors.” To date, staff has not been provided evidence to conclude that the development cannot be sited outside of public view corridors without the use of vegetative screening.

As seen on the plot plan (Exhibit 2), the site is currently heavily vegetated with both Monterey cypress and eucalyptus trees. The project, as proposed, will not be visible from the view of northbound travelers on Highway 1, nor will it be visible from the eastern frontage of the property along Lone Palm Drive. Although much of the residence will be screened by existing trees on-site, a portion of the structure will be visible (at the western end of the property) from southbound travelers on Highway 1. It is possible to site new development on this site in a location that is not visible from Highway 1. Nonetheless, the applicant has chosen to install additional landscaping (Monterey cypress) north of the residence rather than choose a less visible site. This proposed vegetation will in turn obstruct the public’s view of the ocean (primarily southbound travelers on Highway 1 and Lone Palm Drive), in direct conflict with Visual Policy 4.

Subsequent to the appeal being filed, the applicant proposed to revise the project by reducing the number of additional Monterey cypress trees to be installed (Exhibit 6, Pages 2 and 3); however, as seen in the photos of Exhibit 4, the vegetative screening would still obstruct the public’s view of the ocean and may not adequately shield the residence. Thus, the applicant proposed to install the vegetative screening closer to the residence (Exhibit 6, Page 4) in an attempt to reduce obstruction of the public’s viewshed. This proposal, though, still obstructs the ocean view and may not adequately screen the residence from Highway 1 travelers. Given the extensive vegetation on-site, and the clear requirements of Visual Policy 4, the Commission finds that the residence should be relocated or redesigned to utilize existing vegetation to shield the structure from public viewing areas.

Therefore, to achieve consistency with the LCP, Special Condition 2 requires the applicant to submit revised plans that show the residence located entirely outside of the public viewshed (westerly views from Lone Palm Drive, Highway 1, and San Simeon State Park) without the use of additional vegetative screening. In addition, the applicant is required to maintain the existing vegetation on-site in good growing condition to ensure continued compliance with the other conditions of this coastal development permit. The conditions of approval, as recommended by staff, bring the proposed project into compliance with Visual and Scenic Resource Policies 1, 2, 4, and 5 and recognize the need to protect ocean views along San Luis Obispo’s North Coast. **Therefore, as conditioned, the project may be approved.**



## B. Geology and Drainage

The following LCP policies applicable to this project require the following in regards to the prevention of future shoreline armoring.

**Hazards Policy 1: New Development.** *All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development (with the exception of coastal dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure.*

**Hazards Policy 6: Bluff Setbacks.** *New development or expansion of existing uses on bluffs shall be designed and set back adequately to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection structures which would require substantial alteration to the natural landforms along bluffs and cliffs.*

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

*i. Involves development on a site adjacent to any coastal bluff.*

The property is located on a coastal bluff, approximately 45 feet in height. A geologic study (Maloney: 1991) prepared for a previous project identified the geologic conditions, including landslide potential, ground and surface water, seismicity and wave action/bluff retreat. No landslide (with the exception of coastal bluff) or fault evidence was identified. Surface drainage was not identified as a concern due to the fact that the property drains to the north, away from the bluff edge, but evidence of springs in the bluff face were noted. Based on the on-site conditions and aerial photos, the geologist concluded that the average bluff retreat rate of the property is approximately six inches per year.

An update to the previous geologic study was prepared for the current project (Cleath & Associates: 1999). The report confirmed the adequacy of the previous report, did not identify any new or contradictory conditions, and recommended a minimum 35-foot setback for new development at this location. The project, as proposed, is set back approximately 60 to 65 feet from the edge of the bluff.

As stated in the Hazards Policy 6 above, new development shall be designed and located to withstand bluff erosion for a period of 75 years. In this case, the applicant is not proposing the construction of any shoreline protective device to protect the proposed development. Although information has been presented that indicates that the single family residence would not become



endangered by bluff erosion within a 75-year time period, the Commission is well-aware of the uncertainty associated with geological assessments of bluff stability, and the difficulty of accurate erosion rate predictions. Indeed, accelerated and episodic erosion has occurred along this stretch of coast in the past. Most recently, staff was notified of unpredicted bluff erosion threatening Highway 1 near Arroyo del Oso, approximately ten miles north of the project site.

Therefore, to ensure that the proposed project is consistent with Hazards Policies 1 and 6, and to ensure that the proposed project does not result in future adverse effects to coastal processes, Special Condition 6 requires the applicant to record a deed restriction that would prohibit the applicant, or future landowner, from constructing a shoreline protective device for the purpose of protecting any of the development proposed as part of this application. This condition is necessary because it is impossible to completely predict what conditions the proposed structure may be subject to in the future. In addition, the applicant is required to submit a drainage plan to minimize harmful effects of storm water runoff and resulting inundation and erosion on this coastal bluff, consistent with CZLUO Section 23.05.042. **Therefore, as conditioned, the project can be found consistent with Hazards Policies 1 and 6 and may be approved.**

### C. Public Works

Applicable LCP Policy and Ordinance:

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

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

San Luis Obispo County LCP Public Works Policy 1 and CZLUO Section 23.04.430 require new development to demonstrate that adequate public or private service capacities are available to serve the proposed development. The proposed development is located outside the Cambria Urban Services Line and evidence of County Environmental Health Division approval of the well has not been provided. Additionally, the necessary percolation tests have not been conducted and Environmental Health approval has not been provided to verify the adequacy of the septic system. Therefore, Special Condition 7 requires the applicant to submit evidence, prior to issuance of the coastal development permit, that the Environmental Health Division has approved the adequacy of the water well and septic system. **Thus, as conditioned, the project is consistent with Public Works Policy 1 and CZLUO Section 23.04.430, and may be approved.**



## D. Archaeology

Applicable LCP Policy regarding Archaeological Resources:

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

An archaeological surface survey was conducted for the parcel (Archaeological Consulting: 1991) in anticipation of a previous project, and no cultural resources were identified. Subsequent to that survey, construction on the neighboring parcel resulted in the discovery of a sparse scatter of cultural materials. A second survey of the property (Archaeological Consulting: 2000) identified a similar sparse scatter of cultural materials with a density of approximately one cultural element per 1,500 square feet. Though the resources are sparse, important resources may be discovered during vegetation removal and construction. Thus, Special Condition 8 requires the applicant to retain a qualified archaeologist to monitor all ground disturbing activities and implement mitigation measures, if necessary. **Therefore, the project is consistent with the requirements of Policy 1 for Archaeology and may be approved.**

## E. Botanical and Biological Resources

Applicable LCP Policies regarding Botanical and Biological Resources:

**Environmentally Sensitive Habitats Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats.** *New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource.*

**Environmentally Sensitive Habitats Policy 2: Permit Requirement.** *As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate.*



**Environmentally Sensitive Habitats Policy 27: Protection of Terrestrial Habitats.**  
*Designated plant and wildlife habitats are environmentally sensitive habitat area and emphasis for protection should be placed on the entire ecological community...*

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

A botanical evaluation was prepared for the property (Holland: 1999). Most of the vegetation on the site is comprised of cypress and eucalyptus species, and the western end is dominated by coastal sea bluff scrub. One rare plant, the compact cobwebby thistle (*Cirsium occidentale* var. *compactum*) was identified within the coastal sea bluff scrub, but an almost pure population of coastal golden yarrow (*Eriophyllum staechadifolium*) dominates this area. Although the residence is not located within this sensitive habitat area, construction of the residence and related construction activities may disturb or cause the removal of a portion of the coastal sea bluff scrub (see Exhibit 2 – Plot Plan). However, according to the botanist, thinning of the dense area of yarrow may have a beneficial impact on the thistle by opening up areas of appropriate habitat to allow possible spread of the thistle population. In order to protect the compact cobwebby thistle, Special Condition 10 requires the installation of fencing placed at the limit of the area identified for vegetation clearance. Finally, the applicant is required to submit a landscaping plan (Special Condition 4) showing only native, non-invasive drought tolerant plant species in the coastal sea bluff scrub area.

The nesting of peregrine falcons (recently removed from the Federal Endangered Species list) occurs within the vicinity of the project (on the rocks offshore) and activities associated with the construction of the proposed development have the potential to adversely impact the nesting falcons. To address this issue, Special Condition 9 requires the applicant to submit a peregrine falcon monitoring and observation plan with recommended measures if nesting activity occurs during construction. **Therefore, the project is consistent with the requirements of Policy 1, 2, 27, and 33 for Environmentally Sensitive Habitats and may be approved.**

#### **F. Access and Recreation**

For projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Coastal Act requires that a finding be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. The following sections of the Coastal Act, and ordinance of the LCP that is provided as guidance, are applicable:

**Coastal Act Section 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.*

**Section 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.*

**Section 30212.** *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby. . . .*

**Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.420: Coastal Access Required.** *Development within the Coastal Zone between the first public road and the tidelands shall protect and/or provide coastal access as required by this section . . .*

*d. Type of Access Required:*

*(1) Vertical access:*

*(ii) In rural areas where no dedicated or public access exists within one mile, or if the site has more than one mile of coastal frontage, an accessway shall be provided for each mile of frontage.*

*(3) Lateral Access Dedication. All new development shall provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year. Where topography limits the dry sandy beach to less than 25 feet, lateral access shall extend from the mean high tide to the toe of the bluff.*

Currently, there is adequate vertical access within one mile south of the site at San Simeon State Beach, so no vertical access is required by this project, and this project satisfies the requirements of Coastal Act Section 30212.

In terms of lateral access, aerial photos indicate that most, if not all, of the beach in front of the property is subject to tidal influence and thus, the presumption is that this beach area is public trust lands and available for public use. The proposed development would not impact these lands. Overall, the project is consistent with Coastal Act Sections 30210 and 30211 and the LCP because it will not interfere with the public's right of access to the sea.

## **X. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA



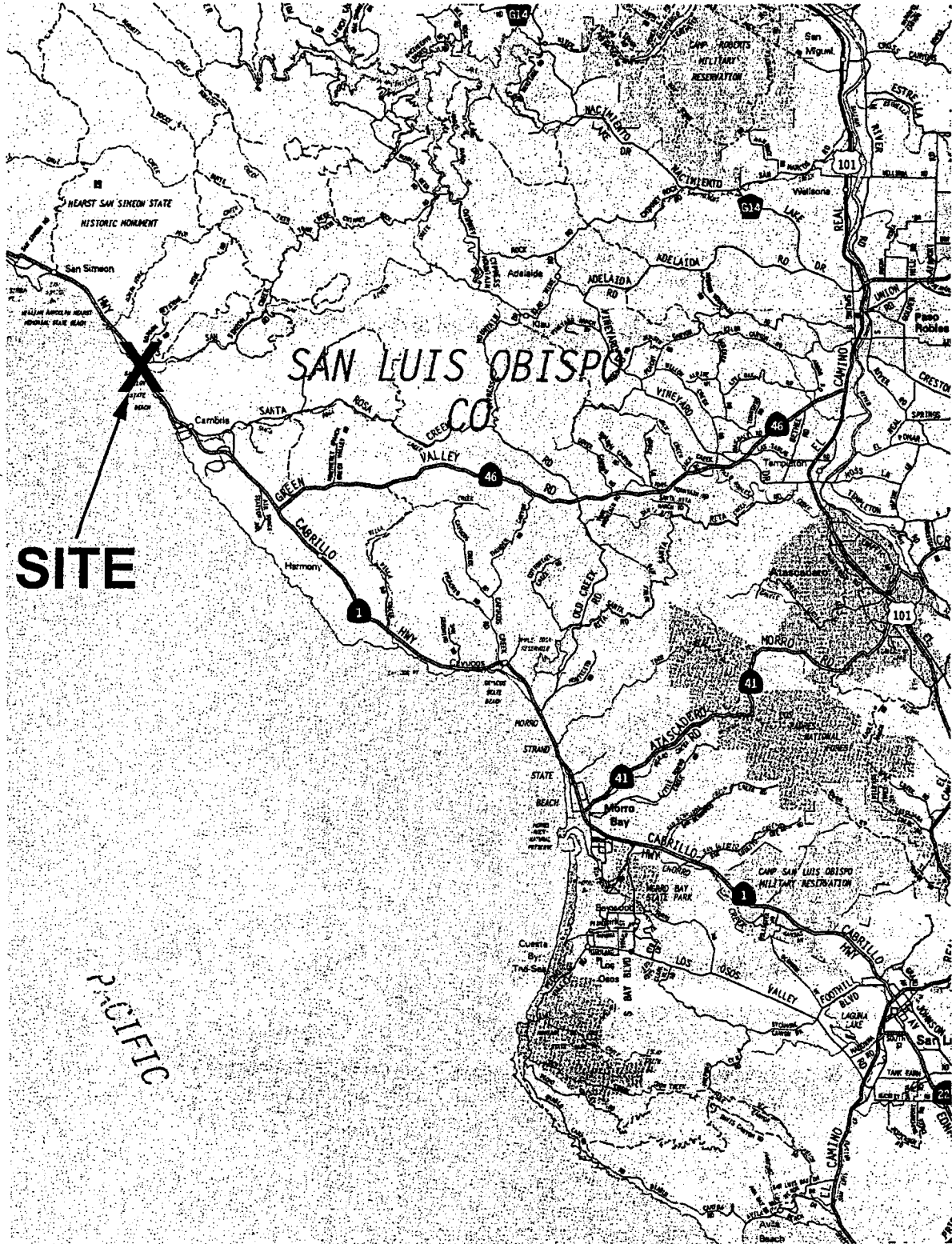
prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures that would substantially lessen any significant adverse effect that the project may have on the environment. San Luis Obispo County certified a Negative Declaration for the project on June 16, 2000.

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



VI.XI. EXHIBITS





PROJECT

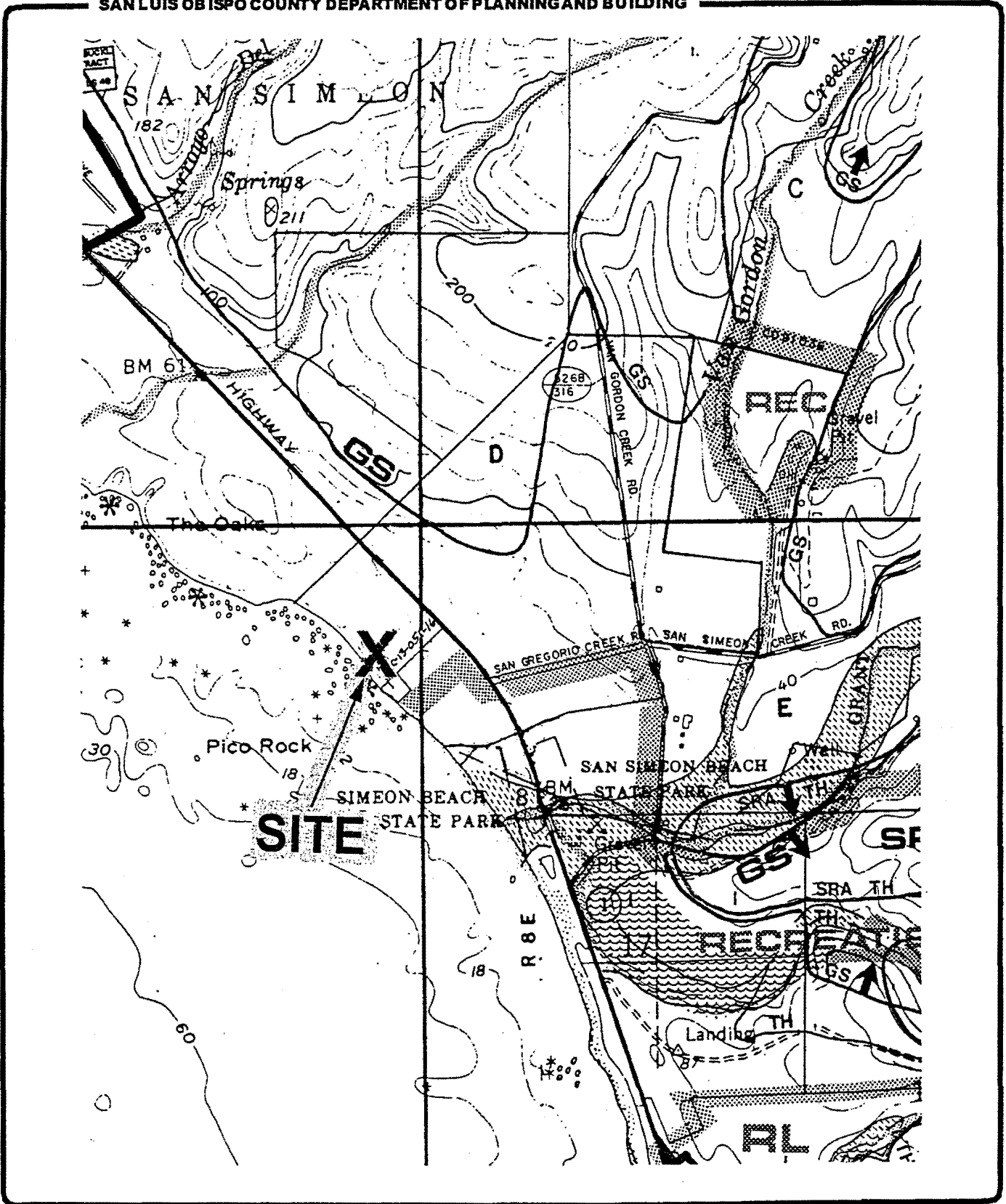
Minor Use Permit  
LaCount - D990103P



EXHIBIT

Vicinity Map

A-3-SLO-00-134  
Exhibit 1  
(1 of 2)



PROJECT

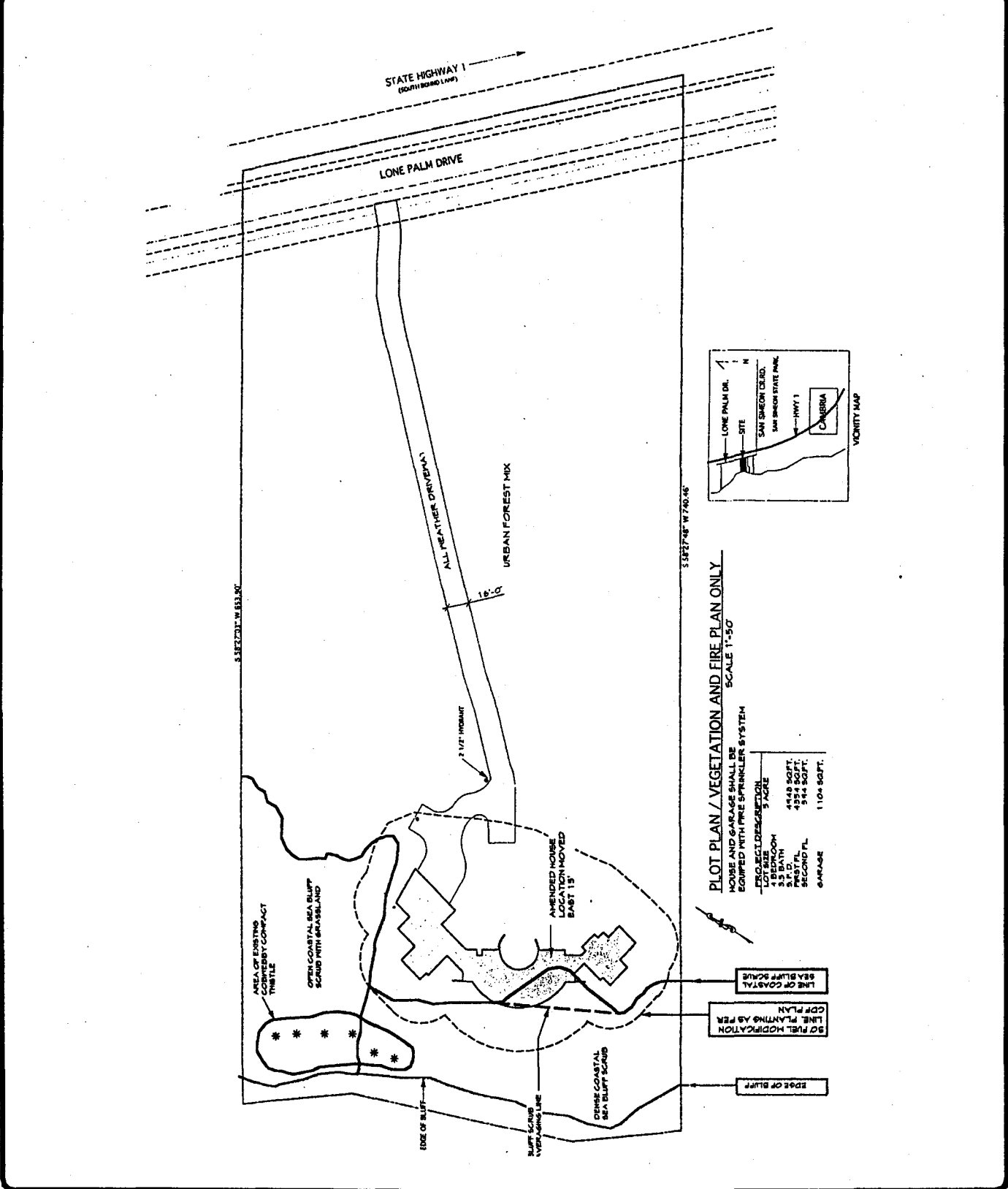
Minor Use Permit  
LaCount - D990103P



EXHIBIT

Land Use Category Map

Exhibit 1  
(2 of 2)



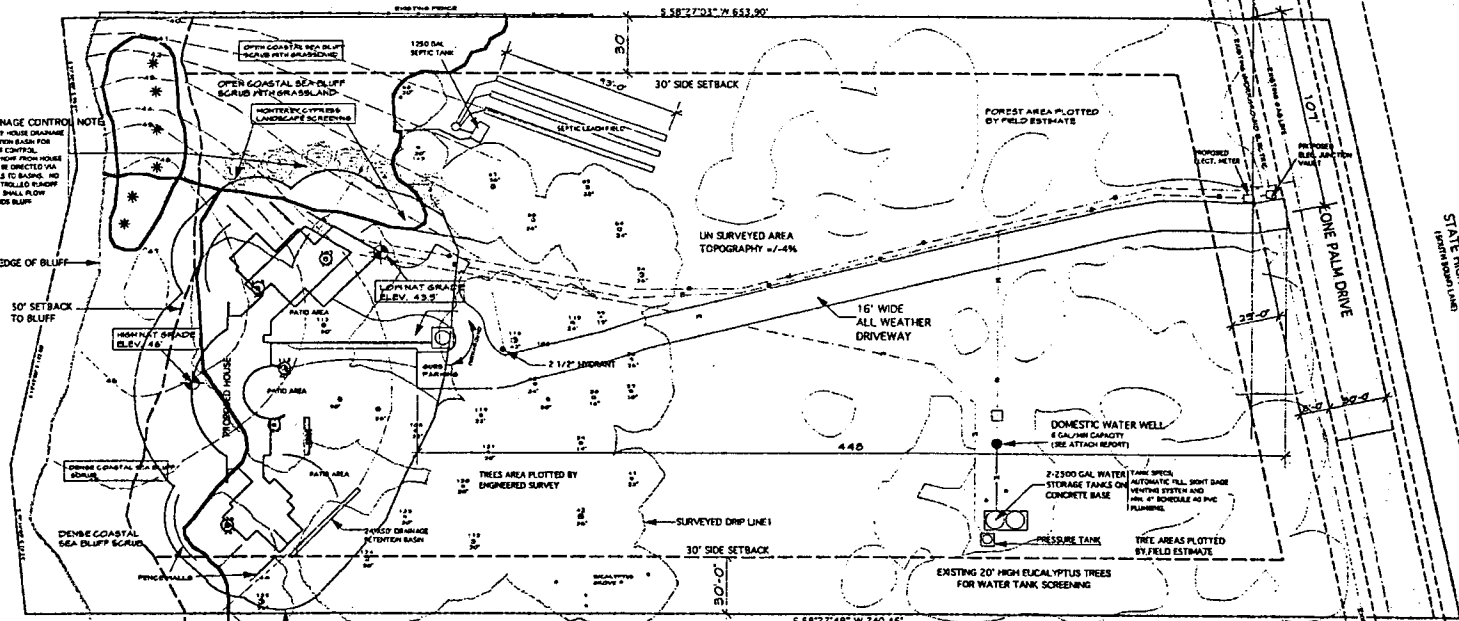
**PROJECT**

Minor Use Permit  
LaCount - D990103P



**EXHIBIT**

Plot Plan  
Project Plans



**WAGE CONTROL NOTE**  
 7 HOUR DRAINAGE FROM BLUFF FOR 4 CONTROL HOSE FROM HOUSE IS DIRECTED VIA 2 1/2" BARGE AND TROLLED PLACED SHALL FLOW TO BLUFF

EDGE OF BLUFF

30' SETBACK TO BLUFF

DENSE COASTAL SEA BLUFF SCRUB

PINEAPPLES

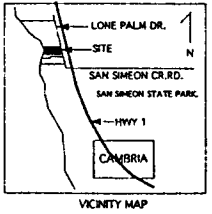
30' SETBACK TO BLUFF

EDGE OF BLUFF

50' BLUFF SETBACK

LINE OF COASTAL SEA BLUFF SCRUB

12' 0" MINIMUM FIREBREAK LINE FUEL MODIFICATION AS PER CDP SPEC



**PLOT PLAN**

**VEGETATION NOTE:**  
 NO MONTEREY PINES ON SITE  
 ALL TREES ON SITE ARE MONTEREY CYPRESS OR EUCALYPTUS

**SCALE 1"=50'**

**MAXIMUM HEIGHT ANALYSIS**  
 HIGH NATURAL GRADE ELEV 46'  
 LOW NATURAL GRADE ELEV 45.5'  
 AVERAGE NATIVE GRID ELEV 44.75'  
 MAX ALLOWED HEIGHT FROM ANGLE 27'  
 MAX ALLOWED ELEVATION 67.75'

**LANDSCAPING NOTE:**  
 ALL LANDSCAPING SHALL BE DROUGHT TOLERANT AND LOW FLAMMABILITY

**VISUAL MITIGATION:**  
 LANDSCAPE SCREENING WITH MONTEREY CYPRESS AT THIS LOCATION

**FIRE PLAN NOTE:**  
 CLEAR AWAY ALL FLAMMABLE BRUSH WITHIN 30' OF HOUSE

**PROJECT DESCRIPTION**

LOT SIZE	5 ACRE
4 BEDROOM	
3.5 BATH	
S.F.D.	4948 SQFT.
FIRST FL.	4354 SQFT.
SECOND FL.	314 SQFT.
GARAGE	1104 SQFT.

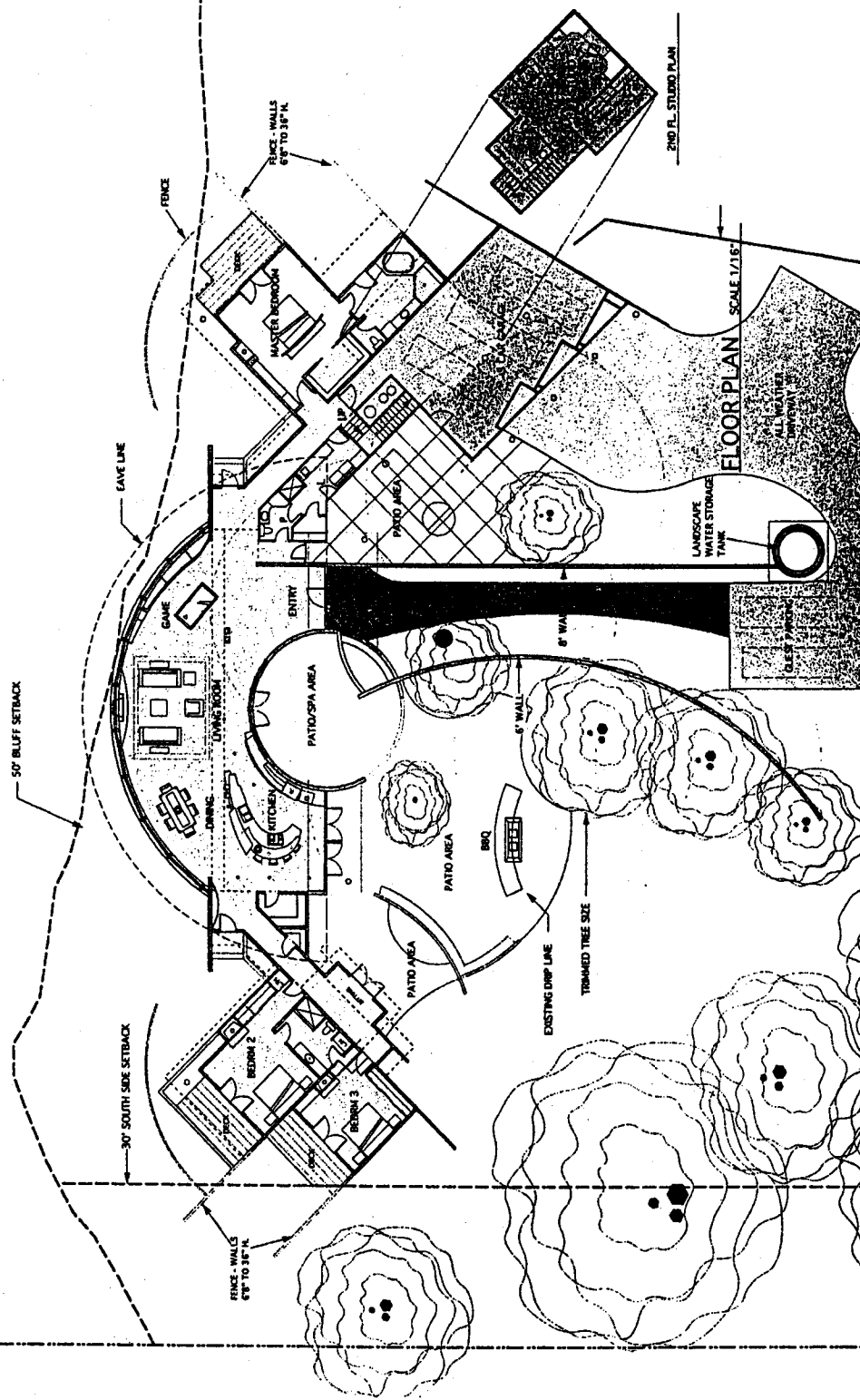
PROJECT  
 Minor Use Permit  
 LaCount - D990103P



EXHIBIT

Plot Plan

Exhibit 2  
 (2 of 7)



PROJECT

Minor Use Permit  
LaCount - D990103P

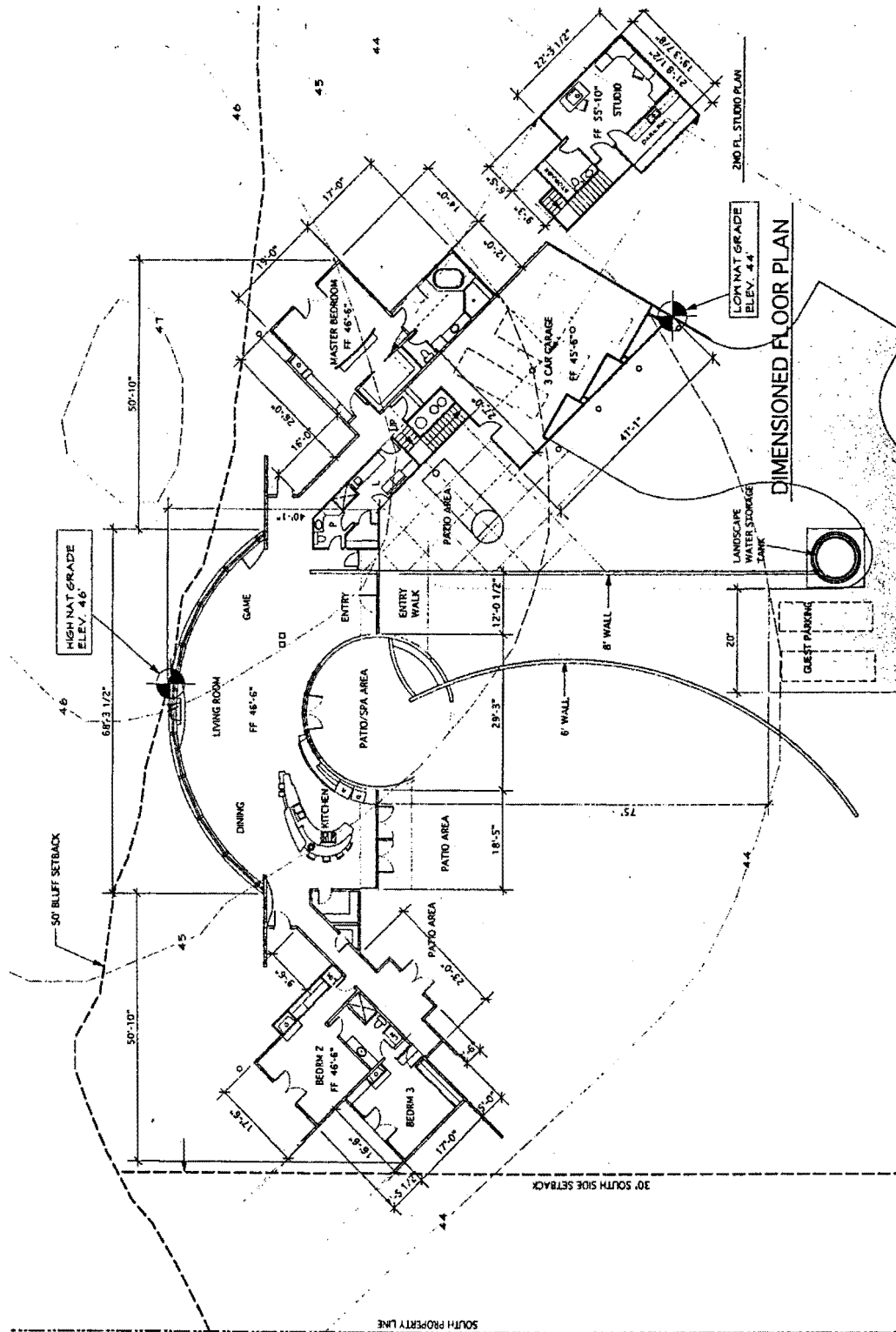


EXHIBIT

Floor Plan

Exhibit 2  
(3 of 7)





DIMENSIONED FLOOR PLAN

PROJECT

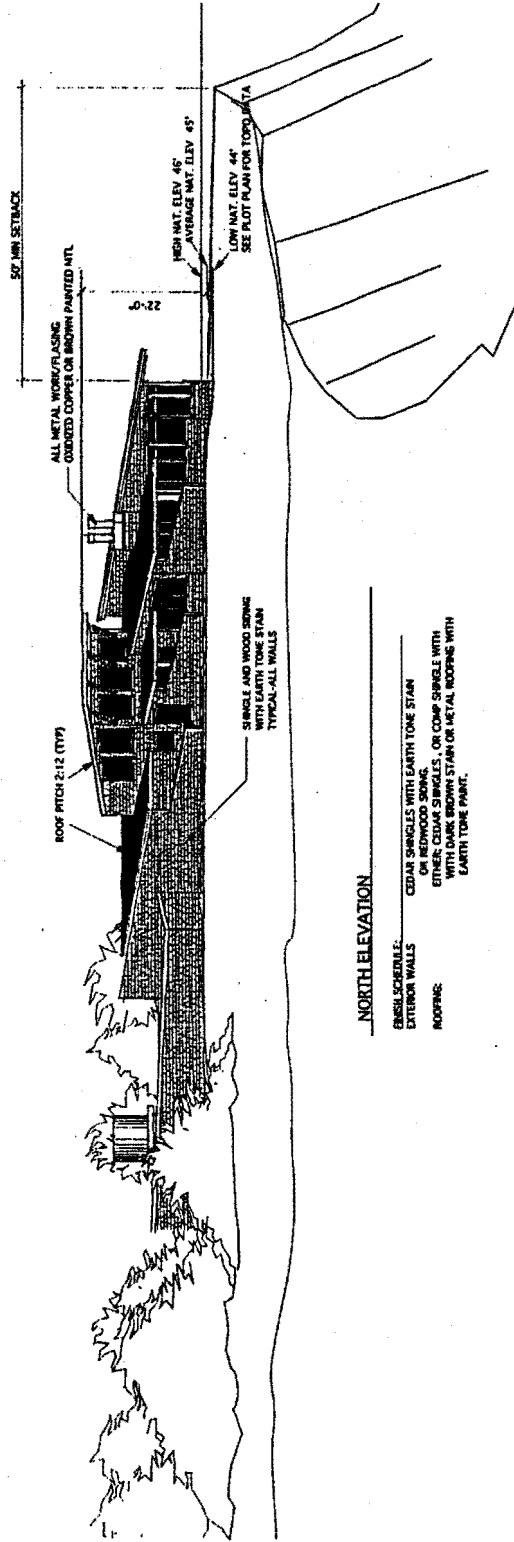
Minor Use Permit  
LaCount - D990103P



EXHIBIT

Dimensioned Floor Plan

Exhibit 2  
(4 of 7)



NORTH ELEVATION

FINISH SCHEDULE:  
EXTERIOR WALLS: CEDAR SHINGLES WITH EARTH TONE STAIN OR REDWOOD SIDING.  
ROOFING: EITHER CEDAR SHINGLES, OR COMP SHINGLE WITH DARK BROWN STAIN OR METAL ROOFING WITH EARTH TONE PAINT.

PROJECT

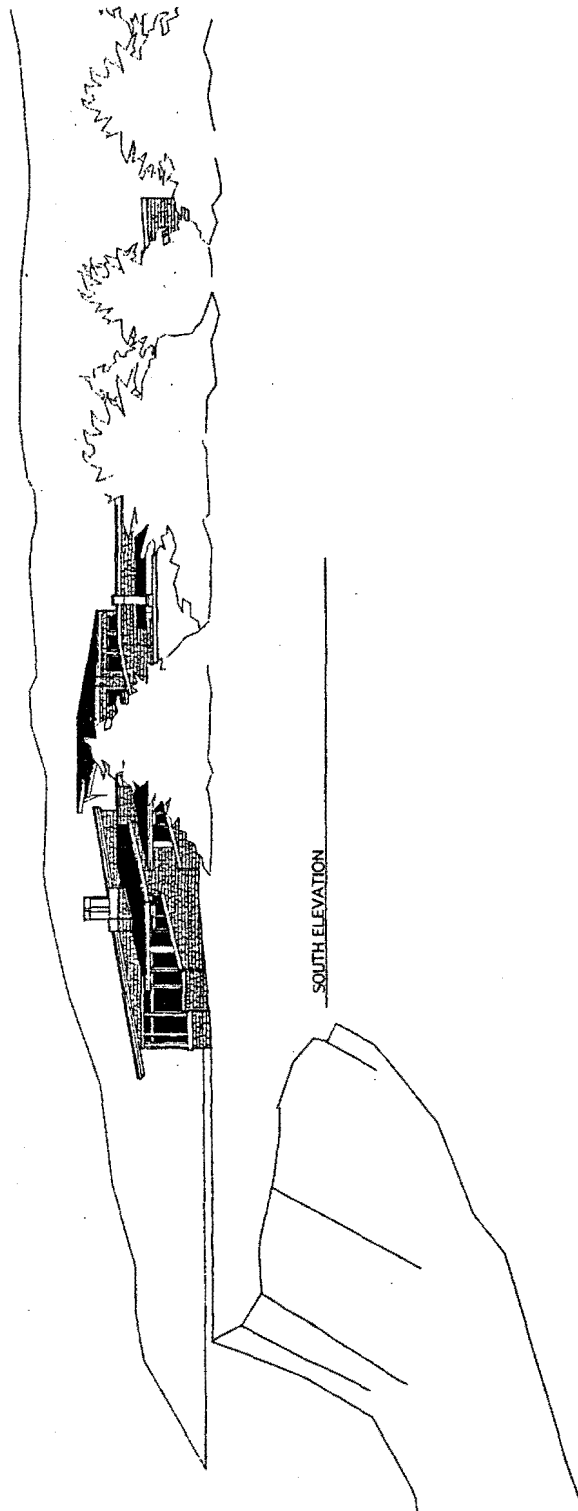
Minor Use Permit  
LaCount - D990103P



EXHIBIT

North Elevation

Exhibit 2  
(5 of 7)



PROJECT

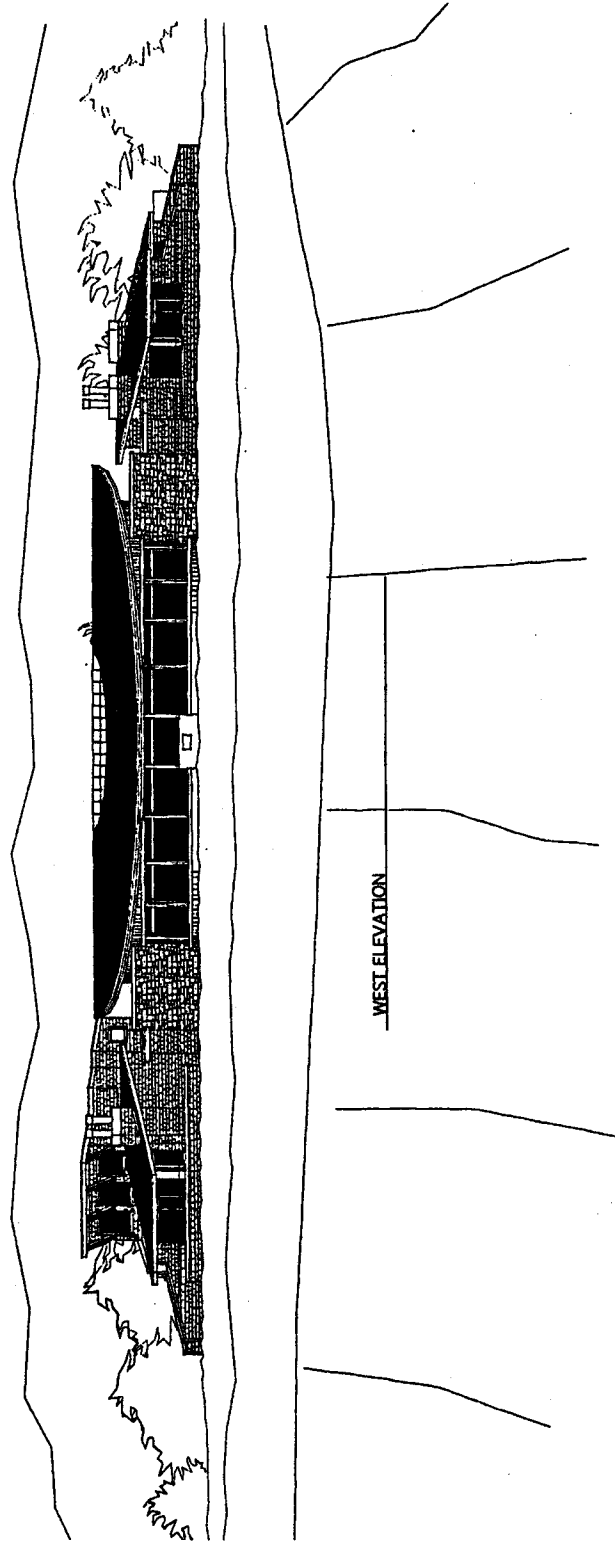
Minor Use Permit  
LaCount - D990103P



EXHIBIT

South Elevation

Exhibit 2  
(6 of 7)



WEST ELEVATION

PROJECT

Minor Use Permit  
LaCount - D990103P



EXHIBIT

West Elevation

Exhibit 2  
(7 of 7)

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
FREMONT STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
(415) 427-4863



RECEIVED

SEP 21 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):

Commissioner Sara Wan and Pedro Nava  
California Coastal Commission  
45 Fremont St., Suite 2000  
San Francisco, CA 94105 (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Construction of an approximately 4,948 square foot single family residence with attached  
1,104 square foot garage.

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

West side of Lone Palm Drive, north of the community of Cambria, San Luis Obispo County

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions:   X
- c. Denial: \_\_\_\_\_

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:   A-3-SLO-00-134    
DATE FILED:   9/21/2000    
DISTRICT:   Central Coast  

Appellant's Contentions  
Exhibit 3  
(1 of 5)

**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 18, 2000

7. Local government's file number: D990103P

**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:

Lynn LaCount  
1500 Park Avenue, Penthouse 2  
Emeryville, CA 94608-3501

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) Doug Buckmaster  
North Coast Advisory Council  
P.O. Box 533 Cambria, CA 93428

(2) David Eining, Architect  
\_\_\_\_\_  
\_\_\_\_\_

(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 3  
(2 of 5)*

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

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

(See attached)

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

SECTION V. Certification

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

Signed:   
Appellant or Agent

Date: September 20, 2000

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

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

(Document2)

Exhibit 3  
(3 of 5)

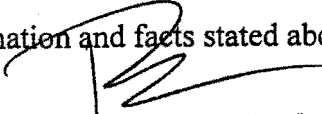
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

(See attached)

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

SECTION V. Certification

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

Signed:   
Appellant or Agent

Date: September 20, 2000

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

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

(Document2)

Exhibit 3  
(4 of 5)



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SAN LUIS OBISPO, CA 95060  
805-747-4863

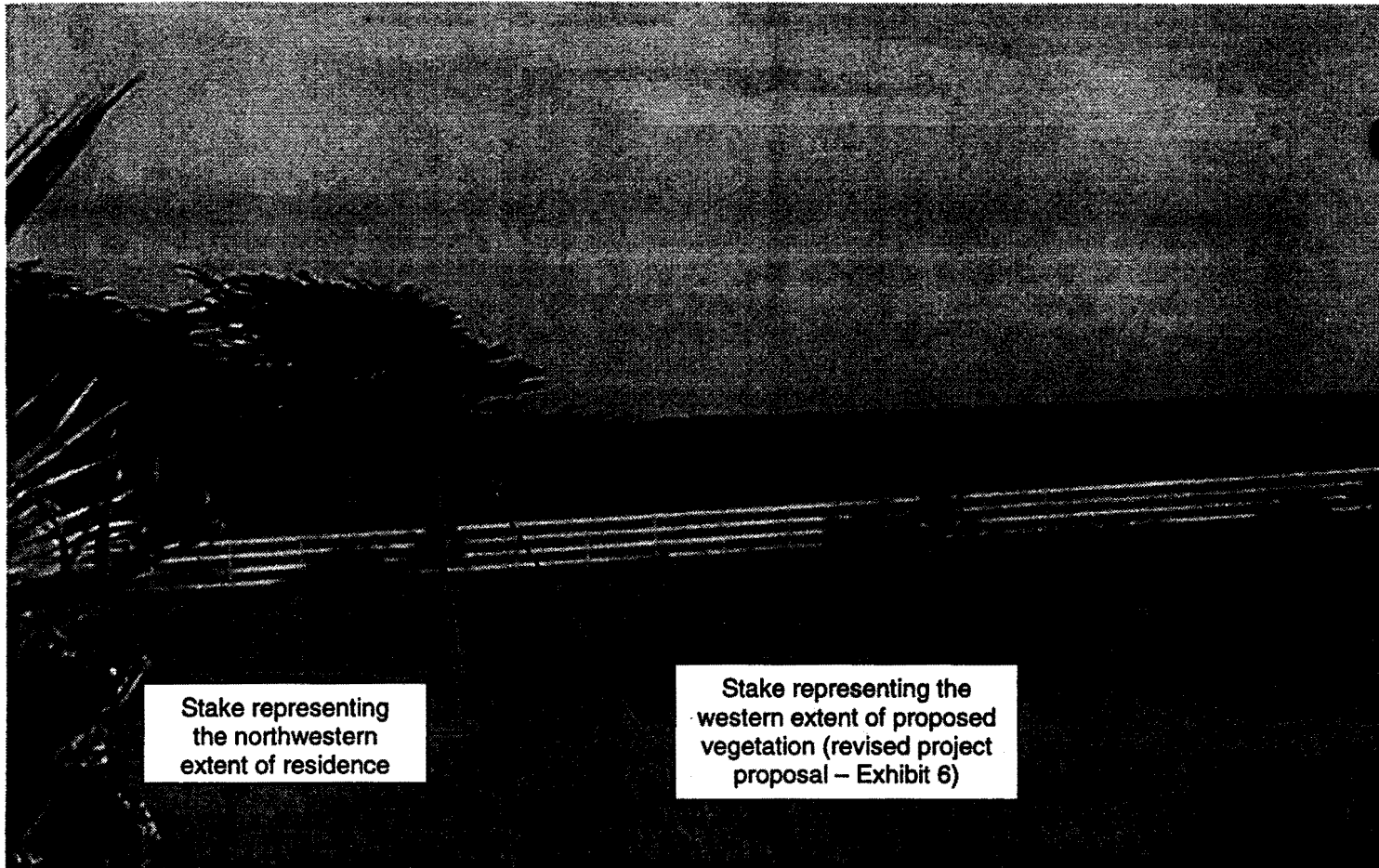
**Reasons for Appeal: San Luis Obispo County Coastal Development Permit D990103P (LaCount)**

The proposed construction of an approximately 4,948 square foot single family dwelling with attached 1,104 square foot garage is inconsistent with the policies and ordinances of the San Luis Obispo County Local Coastal Program, as detailed below.

1. Visual and Scenic Resources Policy 1, 2, 4, and 5 serve to protect visual resources by requiring new development to be located in areas not visible from major public view corridors, be subordinate to the rural character of the area, and minimize landform alterations. The proposed single-story residence is partially visible from Highway 1 and landscape screening proposed to shield the residence from view of southbound travelers will obstruct the public's view of the ocean. Alternatives exist, either through redesign or relocation of the residence, that will eliminate the need for additional vegetative screening and allow for the residence to be invisible from Highway 1.

Exhibit 3  
(5 of 5)

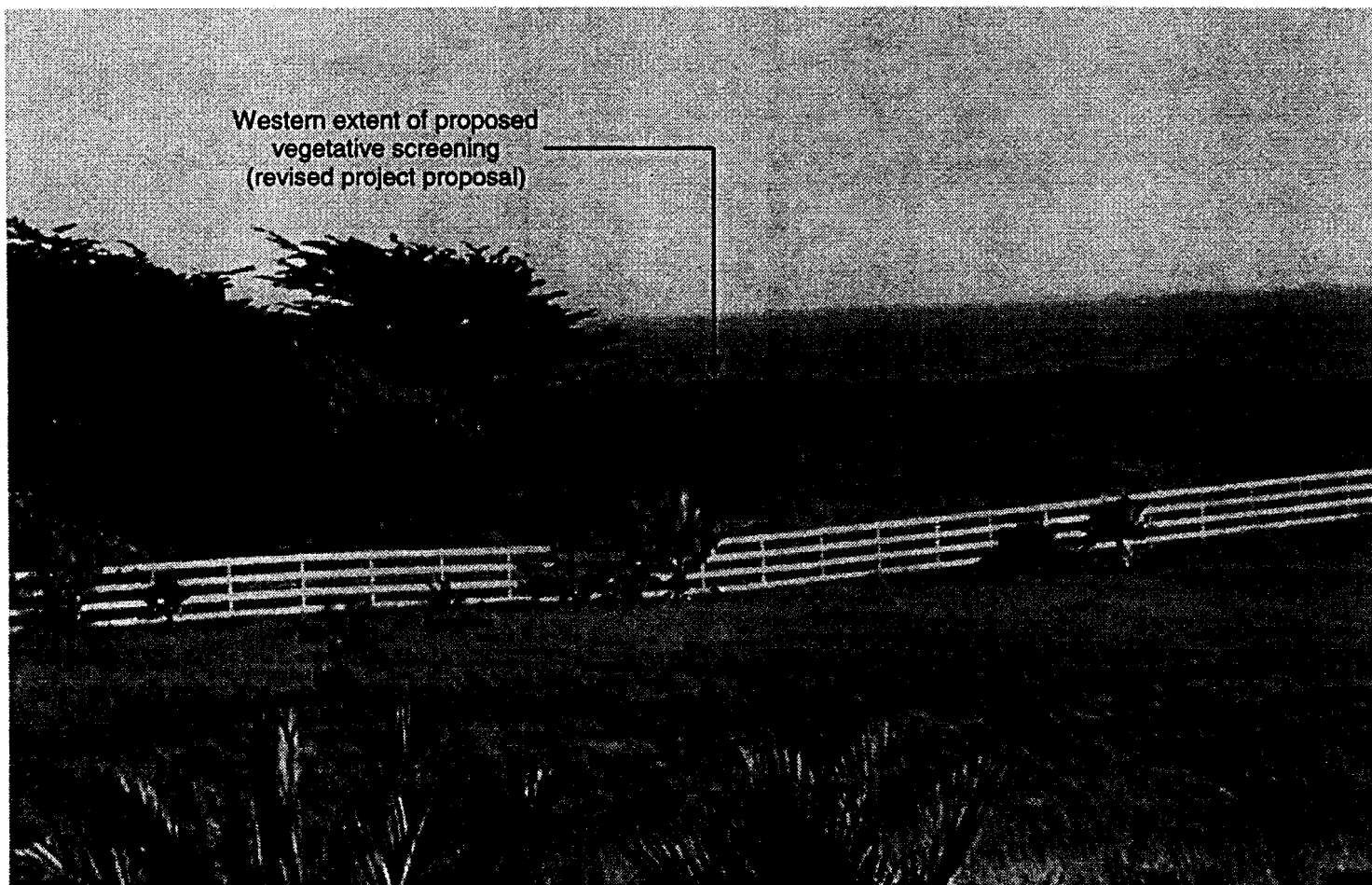
Site Photos - Exhibit 4 - A-3-SLO-00-134



Stake representing the northwestern extent of residence

Stake representing the western extent of proposed vegetation (revised project proposal - Exhibit 6)

Western Extent of Project Site (viewed from Highway 1)



Western extent of proposed vegetative screening (revised project proposal)

**EXHIBIT B**  
**CONDITIONS OF APPROVAL -D990103P**

**Approved Development**

1. This approval authorizes the construction of a 4,948 square foot single family residence and 1,100 square foot attached garage, two 2,500 gallon water storage tanks, and a septic system.
2. Site development shall be consistent with the approved site plan, floor plans and elevations. **The maximum height of the project is 22 feet from average natural grade. Setback from bluff edge shall be no less than 50 feet.**

**Visual**

3. **Prior to final inspection**, the applicant shall demonstrate compliance with the submitted color board showing exterior colors and surface materials. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.
4. **At the time of application for construction permits**, the applicant shall submit a revised landscape plan and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall provide vegetation that will adequately screen the new development, including buildings, water tanks, etc., when viewed from Highway 1. The plan shall include an analysis by a qualified individual (e.g. qualified nurseryman, botanist, etc.) that considers the specific condition of the site including soil, exposure, temperature, moisture, and wind. Any plant species proposed in or near the coastal sea bluff scrub area shall be native, non-invasive drought tolerant species compatible with coastal sea bluff habitat. Specific plant species recommended shall consider all environmental factors as well as screening goal.
5. **Prior to final inspection**, the applicant shall install (or bond for) the landscaping as recommended in the approved landscaping plan.
6. **Prior to permit issuance**, the applicant shall submit an exterior lighting plan. The plan shall indicate all exterior light locations. All exterior lights shall be shielded from view of Highway 1 and the Pacific Ocean.

County's Conditions  
Exhibit 5  
(1 of 4)

Archaeology

7. **Prior to issuance of construction permits**, the applicant shall submit a monitoring and sampling plan consistent with the recommendations of Archaeological Consulting (Breschini & Haversat; 2/25/00). The plan shall be prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring and sampling plan shall include:
  - A. Description of sampling plan;
  - B. Estimate of anticipated size of sample;
  - C. List of personnel involved in sampling and subsequent analysis;
  - D. Description of sampling reporting procedures
  - E. List of personnel involved in the monitoring activities;
  - F. Description of how the monitoring shall occur;
  - G. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  - H. Description of what resources are expected to be encountered;
  - I. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
  - J. Description of procedures for halting work on the site and notification procedures;
  - K. Description of monitoring reporting procedures.
  
8. **During ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
  
9. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Botanical Resources

10. **At the time of construction permit application**, the applicant shall clearly indicate the "Project Limits" on construction plans. The plans shall indicate the location of the proposed structure east of the primary stand of coastal sea bluff scrub as shown on attached Exhibit A, and shall show any portion of sea bluff scrub that will be removed. Prior to any construction work beginning, including any vegetation clearing, sturdy high-visibility fencing shall be installed to protect this habitat. This fencing shall be placed at the limit of the area identified for vegetation clearance. No construction work (including storage of materials) shall occur outside of the "Project Limits". Any required fencing

Exhibit 5 (2 of 4)

shall remain in place during the entire construction period and checked as needed.

11. The applicant shall implement the fuel modifications as provided for by CDF/County Fire Department including limited vegetation clearance of flammable vegetation combined with vegetation thinning.
12. All vegetation clearance and fuel modification shall be monitored by a qualified botanist or environmental monitor approved by the Environmental Coordinator. A monitoring report shall be submitted to the Environmental Coordinator confirming the compliance with all conditions.
13. **Prior to final approval of construction permits**, the applicant shall offer to dedicate a perpetual conservation easement or open space easement or provide another legal mechanism that achieves the goal of protecting the coastal sea bluff areas by legally restricting activities, uses and development of these areas, including landscaping and vegetation modification. The offer to dedicate shall be to the County of San Luis Obispo, or to a non-profit group or corporation approved by the County and shall be in a form approved by County Counsel and the Department of Planning & Building. If other form of legal instrument is employed, it shall be in a form approved by County Counsel and the Department of Planning & Building.

#### Biological Resources

14. If construction is to occur between February and June, **Prior to construction permit issuance**, the applicant shall submit for review and approval by the Environmental Coordinator, a peregrine falcon monitoring and observation plan. The plan shall be prepared by a qualified ornithologist/biologist approved by the County, and shall include:
  - schedule of monitoring for nest site
  - personnel conducting monitoring
  - recommended measures if nesting activity occurs

If peregrine falcon nesting activity is occurring, construction activities that may disturb the birds shall be delayed or suspended until such time that it is determined that the nesting will not be disrupted, or the young have fledged or left the nest. This determination shall be made by the Environmental Coordinator in consultation with the California Departments of Fish & Game and Parks & Recreation.

#### Drainage

15. **Prior to the issuance of a construction permit**, the applicant shall provide a drainage plan to the Engineering Department for review and approval, subject to Section 23.05.044 of the CZLUO.

Exhibit 5  
(3 of 4)

Coastal Access

16. Prior to issuance of construction permits, in a form acceptable to County Counsel, the applicant shall provide a lateral access dedication of 25 feet of beach available at all times during the year. Where topography limits the beach to less than 25 feet, lateral access shall extend from the mean high tide to the toe of the bluff.

Miscellaneous

17. Prior to issuance of construction permits, the applicant shall obtain an encroachment permit from the Engineering Department for all improvements within the right-of-way.
18. Prior to issuance of construction permits, the applicant shall provide evidence of the Environmental Health Division's approval of the septic system and water well.

Exhibit 5  
(4 of 4)

DAVID R. EINUNG  
RESIDENTIAL DESIGN

P.O. BOX 1032 CAMBRIA CA.  
805-927-8754 deinung@megrid.net

DASHED LINE NOTATION  
FROM COASTAL COMMISSION  
INDICATING VIEW LINES  
FROM THE BEGINNING AND  
END OF VIEW FROM HWY 1

S 58°27'03" W 653.90'

30' SIDE SETBACK

FLAGS SET TO  
REPRESENT  
CURRENT MODIFIED  
SCREENING  
PROPOSAL

*Revised Project Proposal  
Exhibit 6  
(1 of 4)*

MIN. VIEW

EXISTING VIEW  
PARAMETERS

MAX. VIEW

PROPOSED HOUSE

65' SET BACK

EDGE OF BLUFF

SURVEYED TREE LOCATION  
TREE NUMBER AND TRUNKSIZE

SURVEYED DRIP LINE

SHEET NOTES  
EXISTING VIEW CONDITION  
FROM HWY 1

LACOUNT PROJECT  
D. 990103

SHT 1

10-17-2000

L.L.

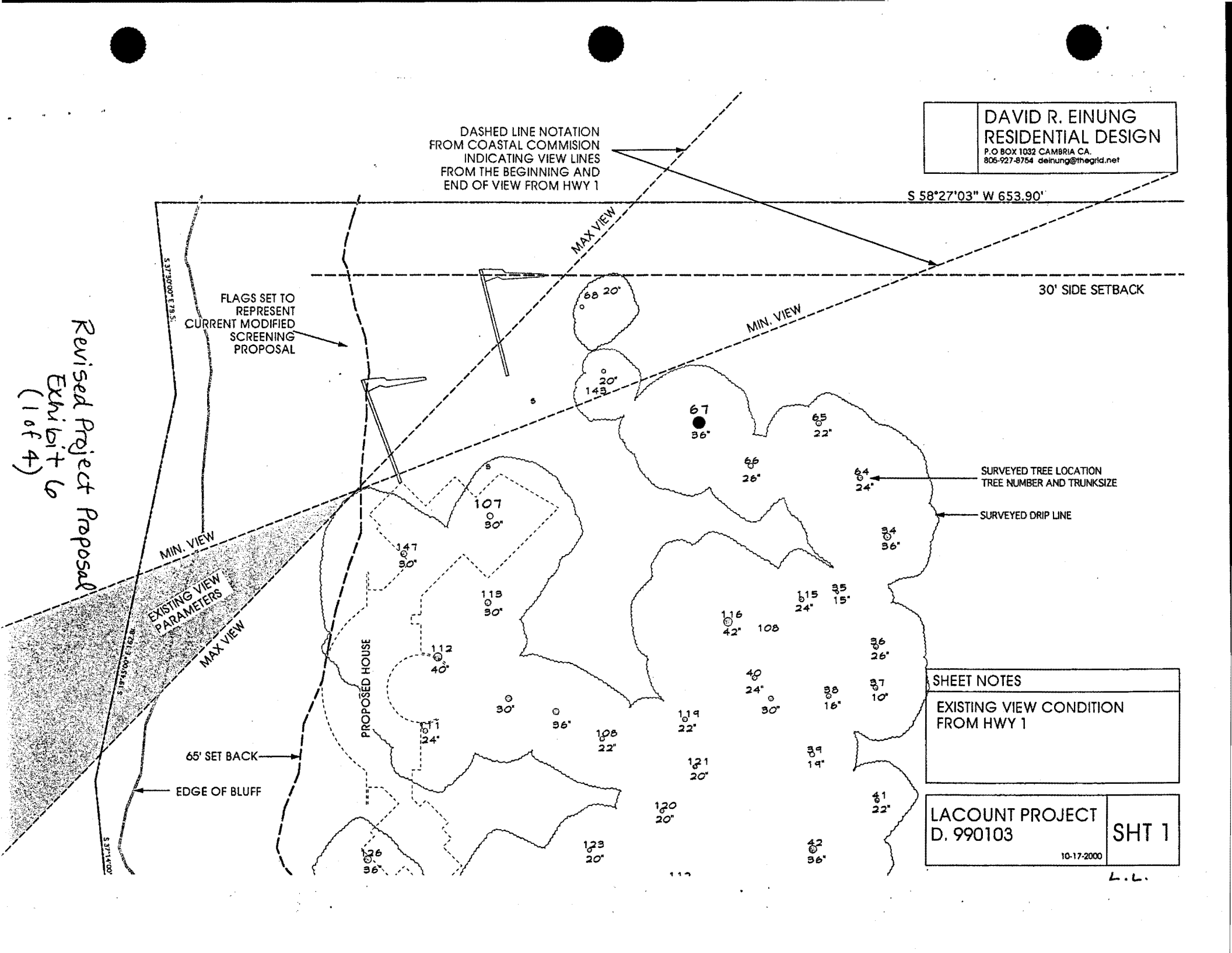
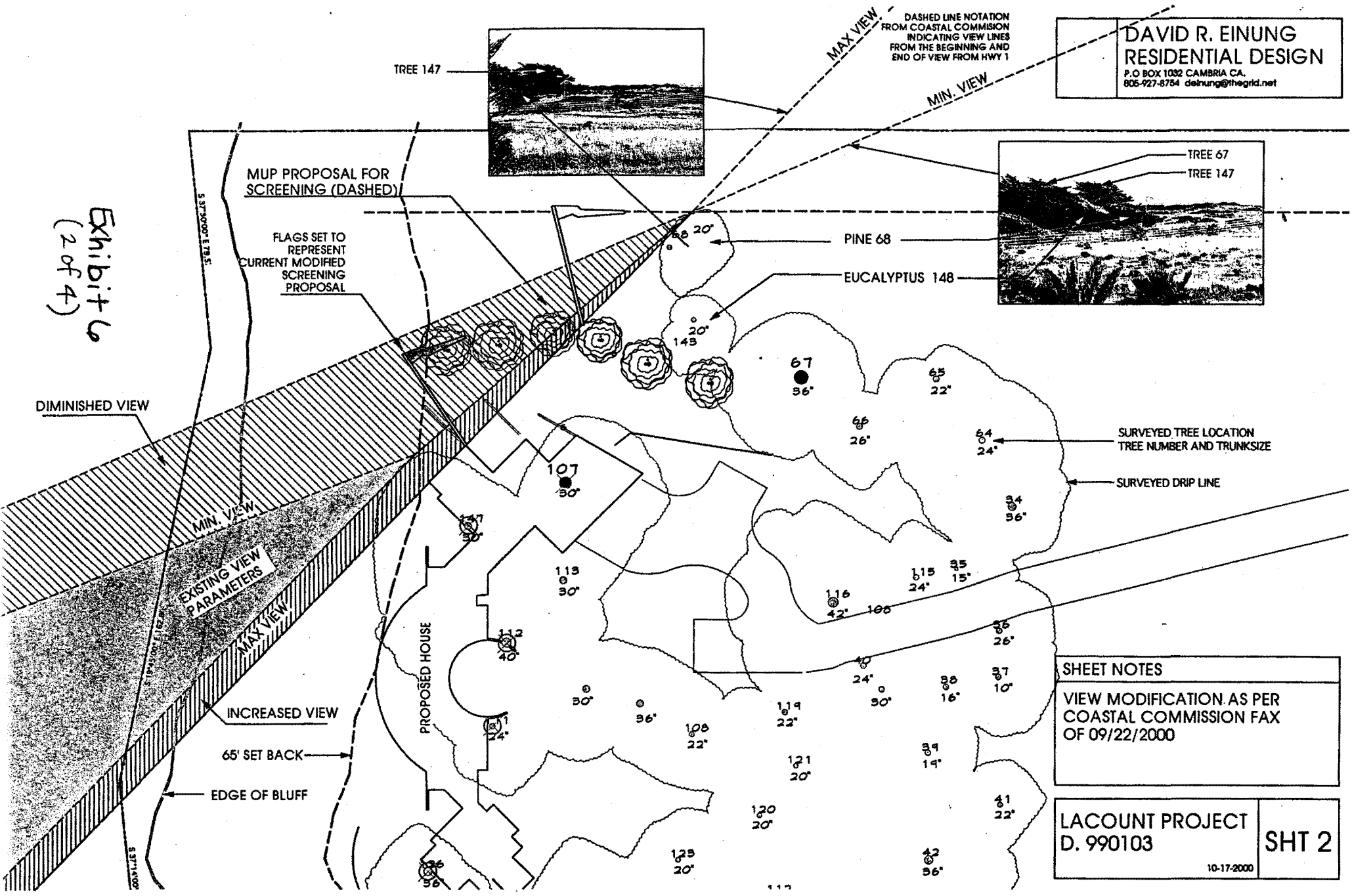


Exhibit 6  
(2 of 4)

DAVID R. EINUNG  
RESIDENTIAL DESIGN  
P.O. BOX 1032 CAMBRIA CA.  
805-927-8754 deinung@thegrid.net



DASHED LINE NOTATION FROM COASTAL COMMISSION INDICATING VIEW LINES FROM THE BEGINNING AND END OF VIEW FROM HWY 1

MAX VIEW

MIN. VIEW

MUP PROPOSAL FOR SCREENING (DASHED)

FLAGS SET TO REPRESENT CURRENT MODIFIED SCREENING PROPOSAL

DIMINISHED VIEW

EXISTING VIEW PARAMETERS

INCREASED VIEW

65' SET BACK

EDGE OF BLUFF

PROPOSED HOUSE

PINE 68

EUCALYPTUS 148

TREE 67  
TREE 147

SURVEYED TREE LOCATION  
TREE NUMBER AND TRUNKSIZE

SURVEYED DRIP LINE

SHEET NOTES  
VIEW MODIFICATION AS PER COASTAL COMMISSION FAX OF 09/22/2000

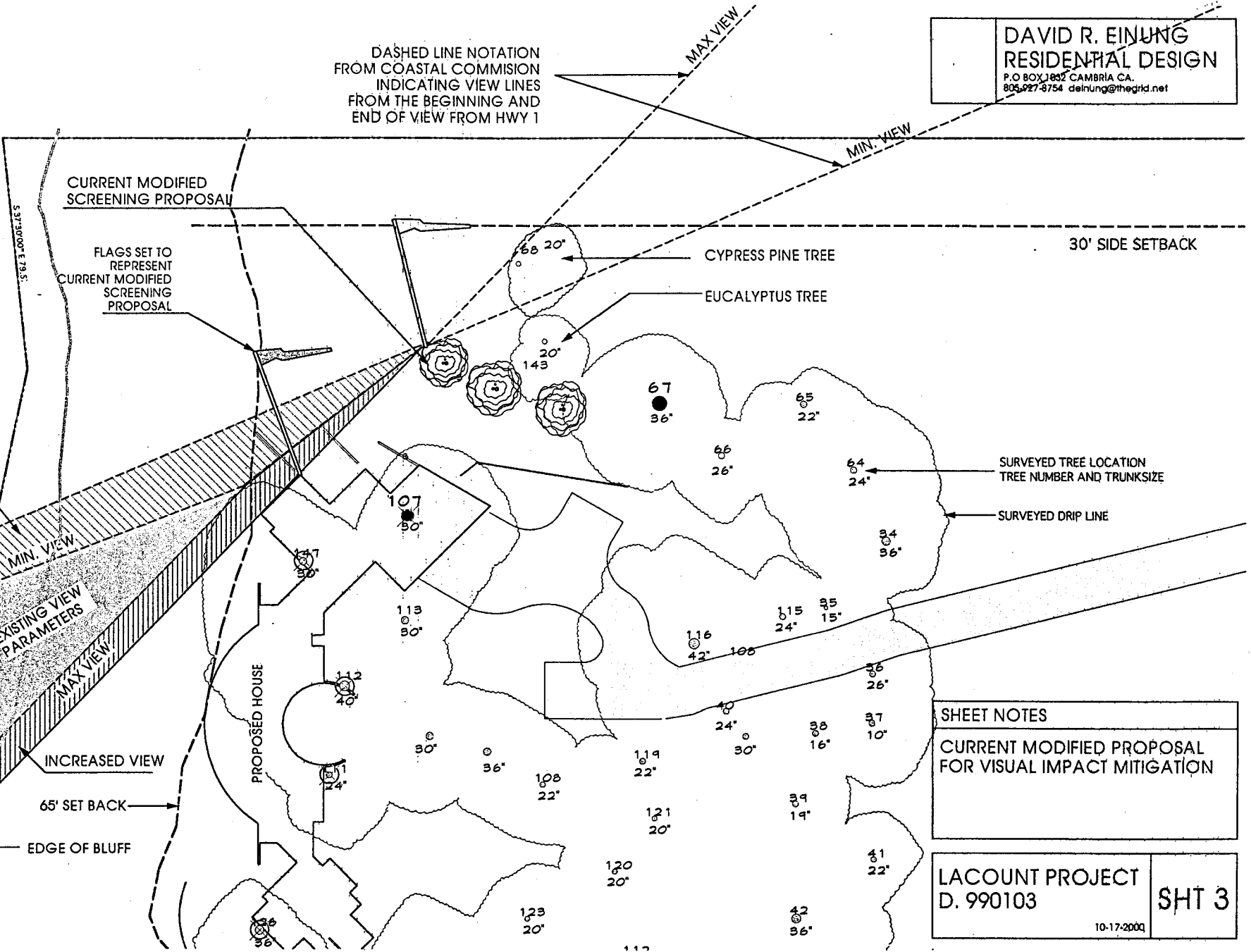
LACOUNT PROJECT D. 990103  
SHT 2  
10-17-2000



Exhibit 6  
(3 of 4)

DAVID R. EINUNG  
RESIDENTIAL DESIGN  
P.O. BOX 1892 CAMBRIA CA.  
805.227.8754 deinung@thegrid.net

DASHED LINE NOTATION  
FROM COASTAL COMMISSION  
INDICATING VIEW LINES  
FROM THE BEGINNING AND  
END OF VIEW FROM HWY 1



SHEET NOTES  
CURRENT MODIFIED PROPOSAL  
FOR VISUAL IMPACT MITIGATION

LACOUNT PROJECT  
D. 990103  
10-17-2000  
SHT 3

**DAVID R. EINUNG  
RESIDENTIAL DESIGN**

P.O. BOX 1032 CAMBRIA CA.  
805-927-8754 deinung@thegrid.net

DASHED LINE NOTATION  
FROM COASTAL COMMISSION  
INDICATING VIEW LINES  
FROM THE BEGINNING AND  
END OF VIEW FROM HWY 1

S 58°27'03" W 653.90'

MODIFIED (SMALLER)  
PROPOSAL FOR SCREENING (GREEN)

30' SIDE SETBACK

CYPRESS PINE TREE

EUCALYPTUS TREE

NEW PROPOSAL:  
SCREENING PLANTS  
SET CLOSE

SURVEYED TREE LOCATION  
TREE NUMBER AND TRUNKSIZE

SURVEYED DRIP LINE

Exhibit 6  
(4 of 4)

DIMINISHED VIEW

EXISTING VIEW  
PARAMETERS

INCREASED VIEW

65' SET BACK

EDGE OF BLUFF

PROPOSED HOUSE

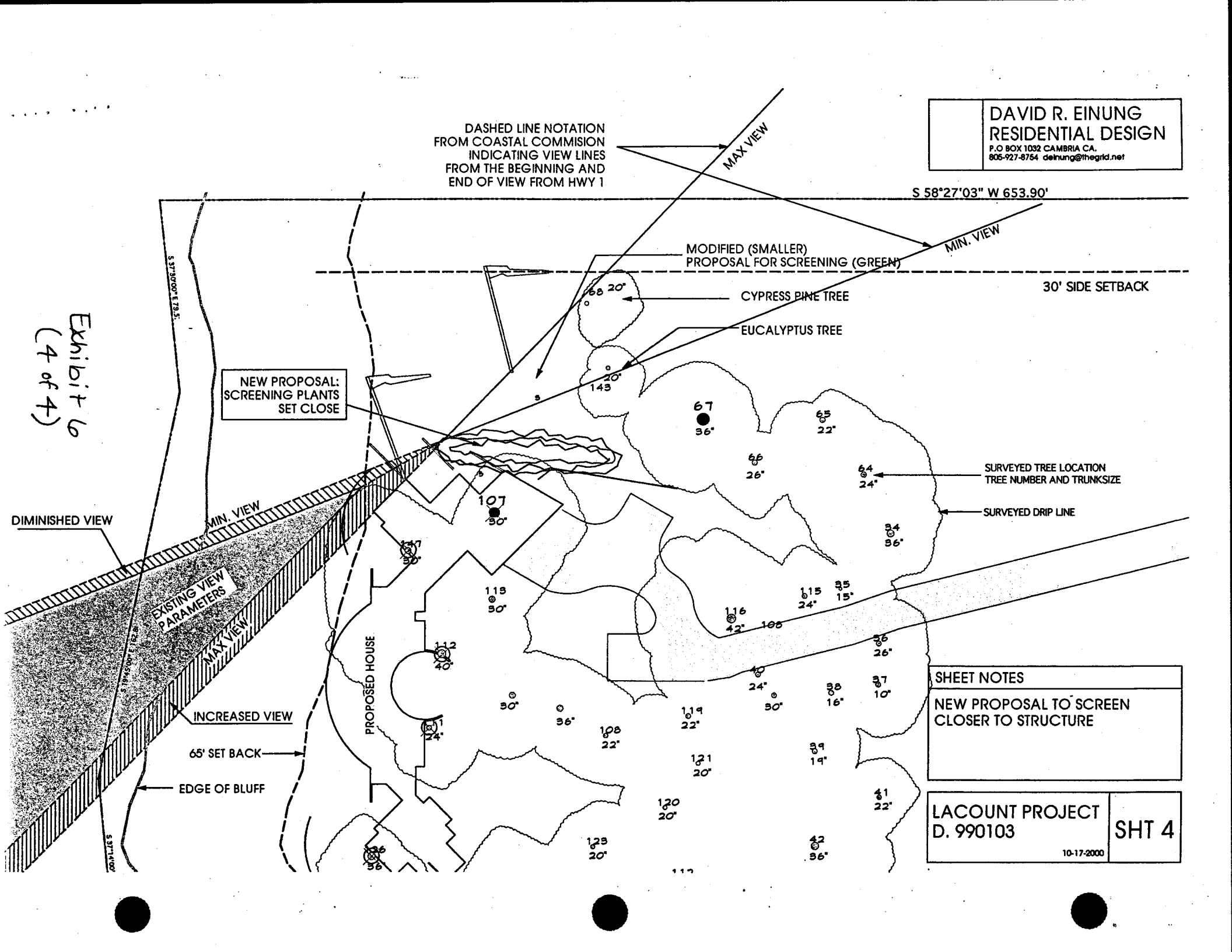
**SHEET NOTES**

NEW PROPOSAL TO SCREEN  
CLOSER TO STRUCTURE

LACOUNT PROJECT  
D. 990103

SHT 4

10-17-2000



## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SAN LUIS OBISPO, CA 95060

427-4863



August 23, 2000

Kimberly Brosseau  
SLO County Planning & Building Dept.  
County Government Center  
San Luis Obispo, CA 93408

Subject: **LaCount MUP (D990103P)**

Dear Ms. Brosseau,

Staff appreciates receiving your response to our comments regarding the LaCount Minor Use Permit. We would like to reiterate the importance of ensuring that the residence not be visible from Highway 1, and that views from the shoreline and state coastal waters be preserved. Staff has concerns that landscaping proposed to shield the residence from view of southbound travelers will obstruct the public's view of the ocean. Thus, we strongly encourage that all measures (including relocating or reducing the size of the structure) are taken to shield the residence from public viewsheds, without the use of landscape screening that would encroach into such views.

As requested previously, we would appreciate receiving a copy of the staff report prior to the scheduled hearing. If you have questions or concerns, and would like to further discuss this matter, please feel free to contact me at (831) 427-4894.

Sincerely,

*Renee Brooke*

Renee Brooke  
Coastal Planner  
Central Coast District Office

Cc: Steve McMasters

*Correspondence  
Exhibit 7  
(1 of 4)*



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

Date: August 15, 2000

RECEIVED

AUG 21 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

VICTOR HOLANDA, AICP  
DIRECTOR  
BRYCE TINGLE, AICP  
ASSISTANT DIRECTOR  
ELLEN CARROLL  
ENVIRONMENTAL COORDINATOR  
FORREST WERMUTH  
CHIEF BUILDING OFFICIAL

Attn: Renee Brooke  
California Coastal Commission  
Central Coast Office  
725 Front Street, Ste 300  
Santa Cruz, CA 95060

SUBJECT: LACOUNT MINOR USE PERMIT (D990103P)

Dear Ms. Brooke,

Thank you for your concerns regarding the above-referenced project. These items have been addressed in the staff report and through the conditions of approval and developer's statement.

**Geology:** A geologic report was completed in 1991 by Ken Maloney. For the purposes of this project, Cleath & Associates reviewed the report and the property and determined it to be adequate. The details of the report (what mechanisms used and if aeriels were used) can be found by contacting the geologist. We do not typically require information pertaining to how the report was prepared.

**Soil Characteristics:** I have added a condition of approval which requires the approval of the septic system and water well by the Environmental Health Division, to be submitted prior to issuance of a building permit.

**Visual Resources:** Steve McMasters has worked in great detail with the applicant in the design and screening of the proposed residence from highway 1. The applicant was required to move the location of the residence back 60 to 65 feet from the blufftop. This issue is discussed in the staff report and mitigation measures will be required.

**Agriculture:** The proposed development conforms to all applicable agriculture polices and standards because a single family residence is an allowed use in the AG zoning designation.

If you have further questions please feel free to contact me at 781-1380. Thank you.

Sincerely,

Kimberly Brosseau  
Development Review Section

Exhibit 7  
(2 of 4)

## CALIFORNIA COASTAL COMMISSION

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



August 8, 2000

Steve McMasters, Environmental Specialist  
SLO County Planning & Bldg. Dept.  
County Government Center, Room 310  
San Luis Obispo, CA 93408

Subject: **LaCount Minor Use Permit (D990103P)**  
**SCH #2000071005**

Dear Mr. McMasters,

Thank you for the opportunity to review and comment on the above-referenced project, located on the west side of Highway 1, north of the community of Cambria. It is our understanding that the applicant is requesting a coastal development permit to construct an approximately 5,000 square foot single family residence on a five-acre parcel. In regards to this proposed project, we have the following questions and concerns.

- 1. Geology** - According to the negative declaration, the geologic study prepared for the project concludes that the average bluff retreat rate of the property is approximately 6 inches per year. What mechanism was used to estimate the bluff retreat rate? If aerial photos were used to aid in retreat rate estimates, what time span did the photos cover (e.g. 20, 30, or 50 years)? What is the potential maximum retreat rate during an episodic storm event (e.g. 100-year storm)? In addition to confirming that the setbacks comply with all applicable Local Coastal Plan standards for blufftop development, we recommend that the permit include a specific prohibition against future construction of any shoreline protection device in order to carry out LCP Policy 1 for Hazards.
- 2. Soil Characteristics** - The negative declaration points out that the characteristics of the soil (i.e. slow percolation rate) may present some limitations to the percolation of sewage effluent. Please ensure that evidence of the Environmental Health Division's approval of the septic system and water well is submitted prior to approval of the coastal development permit.
- 3. Visual Resources** - Although the applicant has agreed to plant additional landscaping on-site to address the visual impacts of the proposed residence, staff is concerned about the potential for the proposed trees to impact ocean views from Highway 1. Please explore whether this issue can be addressed by relocating the residence closer to Lone Palm Drive, thus eliminating the need for additional screening. Secondly, please evaluate design alternatives to avoid visibility of the structure from public areas (e.g. decrease size, lower height) and eliminate potential visual impacts created by the glare or reflection from lights and windows. Finally, ensure that views from the shoreline and state coastal waters (between mean high tide and three miles out) are preserved. This may be addressed by increasing the blufftop setback and/or lowering the height of the structure.

Exhibit 7  
(3 of 4)

Steve McMasters  
LaCount SFD (D990103P)  
July 31, 2000  
Page 2

4. **Agriculture** – Given that the parcel is located within the Agriculture land use category, as designated by the Local Coastal Program, please verify that the development conforms to all applicable Agriculture policies and standards.

The Commission staff has significant concerns regarding development located within the Highway 1 viewshed, in the Rural North Coast. As such, we would appreciate receiving a copy of the staff report for this project, prior to the local hearing. Please understand that while we have attempted to address major concerns at this time, other issues may arise in subsequent reviews. If you have further questions or concerns regarding this matter, please contact me at (831) 427-4863.

Sincerely,

*Renee Brooke*

Renee Brooke  
Coastal Program Analyst  
Central Coast District Office

Exhibit 7  
(4 of 4)