

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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P.F.L. 6/22/00



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Open and Continue	05/11/00

STAFF REPORT: APPEAL SUBSTANTIAL ISSUE DETERMINATION

Appeal Number..... A-3-SLO-00-040

Local Government..... San Luis Obispo County

Decision Approved with conditions, 02/24/00

Applicant Dennis Schneider

Appellants Commissioners Sara Wan and Christina Desser

Project Location West side of Highway 1, approximately one mile north of Villa Creek Road (residence site is approximately ½ mile south of China Harbor), north of the community of Cayucos, San Luis Obispo County (Estero Planning Area), APN 046-082-008.

Project Description..... Construction of a 10,000 square foot single family residence and 2,500 square foot barn on a coastal blufftop lot with approximately 1.25 mile access road (including slopes in excess of 30%), resulting in a total disturbance area of approximately 179,000 square feet.

File Documents San Luis Obispo County Certified Local Coastal Program; Coastal Development Permit D980279V/D980010P; Local Administrative Record; Geologic Hazards and Bluff Retreat Study (Cleath & Associates, June 1998); Botanical Survey of Schneider Property (Keil, June 1998).

Staff Recommendation..... **Substantial Issue**

EXECUTIVE SUMMARY

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal has been filed. Staff further recommends that the Commission then continue the *de novo* hearing of the permit, to allow staff time to work with the applicant on a revised project.

The subject property is located between Highway 1 and the Pacific Ocean, approximately one mile north of Villa Creek Road, north of the community of Cayucos, San Luis Obispo County. The applicant proposes to construct an approximately 10,000 square foot single family residence with an attached garage, a lounge/pool area, and a 2,500 square foot barn on a 40-acre parcel, set back approximately a distance of 75 to 150 feet from the coastal bluff. The proposed 1.25-mile access road to the house site will disturb an approximately 179,000 square foot area as it extends from Highway 1 and traverses three other parcels. The road generally follows the route of an existing unimproved access road; however, a portion of the road deviates from the existing jeep trail in areas of sensitive resources and in order to increase its setback from the blufftop.

The project raises several issues in regard to its conformance with the San Luis Obispo County Local Coastal Program (LCP), including policies and ordinances pertaining to environmentally sensitive habitats, agriculture, water services, visual and scenic resources, hazards, grading, and coastal access.

The proposed residential development poses significant adverse impacts to the rural open space character of this area, especially as viewed from the ocean. Secondly, improvements to the access road will require cutting and filling of the hillside, retaining walls and extensive revegetation, and the proposed route traverses at least two areas subject to landslides. In addition, portions of the existing and proposed access road traverse riparian vegetation near Ellysly Creek, and at least two sensitive plant species. As such, it may be appropriate to consider alternative roadway routes and development sites that would reduce the extent of landform alteration, lessen the adverse visual impacts on the rural hillsides, and decrease the potential to disturb or cause the removal of sensitive plant species.

Currently, much of the property is not fenced and the site, in conjunction with neighboring parcels, is presently being used for cattle grazing. It is not clear what effect the proposed structures, perimeter fencing, and road improvements may have on the surrounding cattle operations and future agricultural uses of neighboring properties. Moreover, an alternative siting of the structures and proposed access road route may reduce the conversion of agricultural land to a non-agricultural use. Thus, the project may be in conflict with applicable LCP Policies regarding the protection of agricultural land.

Additionally, the proposed development is located outside the Cayucos Urban Services Line and although data regarding the on-site well's pump down test has been submitted, as of this writing, evidence that the on-site well has obtained approval from the County's Environmental Health Division has not been provided. Thus, it is not clear that adequate water exists on-site.

Finally, San Luis Obispo County LCP Shoreline Access Policy 2 encourages new development to provide public access from the nearest public roadway to the shoreline and along the coast. The County conditioned the coastal development permit to require the applicant to make an offer to dedicate a lateral accessway of twenty-five (25) feet of dry sandy beach along the shore, or from the mean high tide to the toe of the bluff where topography limits the dry sandy beach to less than twenty-five (25) feet. However, given the topography of the area and the location of the mean high tide, the actual area available for public access may be very limited and/or



impossible to traverse. As such, the dedicated lateral access may be inadequate in terms of fulfilling the objective of this policy, and alternative locations for the accessway may need to be considered.

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I. APPELLANT'S CONTENTIONS

Please see Exhibit 3 for the full text of the appeal

The appellant's believe the proposed project is inconsistent with the policies and ordinances of the San Luis Obispo County Local Coastal Program, as summarized below.

1. The proposed access road crosses several vegetation communities, affecting riparian vegetation and at least two sensitive plant species. It is possible that an alternative roadway configuration would avoid disruption of these environmentally sensitive habitats.



2. An analysis of the location of prime agricultural soils (defined by CZLUO Section 23.11.030) on the site was not submitted with the project proposal, and the location of the barn is not shown on project plans; therefore, it is unknown whether or not the proposed structures are located on prime agricultural soils and that development has been located in the area least suitable for agricultural production.
3. The proposed development is located outside the Cayucos Urban Services Line and evidence has not been provided to conclude that adequate water services currently exist on-site.
4. The proposed development (located within the Sensitive Resources Area combining designation) includes a 1.25 mile access road leading to a large residence on a coastal bluff, and a barn at an undisclosed location. The siting and design of this 10,000 square foot house and related structures poses significant adverse impacts to the rural open space character of this area, especially as viewed from the ocean. Even if the residence were sited to minimize visibility from public view corridors, it is not known whether or not the proposed barn will have adverse impacts on visual resources, and it is evident that the access road will be seen from public viewing areas and will require extensive grading and landform alteration. It is possible that an alternative roadway configuration and structural siting would avoid or reduce adverse impacts to visual and scenic resources in the area.
5. The access road will require cutting and filling of the hillside, retaining walls and extensive revegetation, and the proposed route traverses at least two areas subject to landslides. As such, alternative roadway routes and development sites should be considered that would not require such extensive landform alteration, increasing the chances for erosion and contributing to the geologic instability of the hillsides.
6. The project does not conform to CZLUO Section 23.05.030(e) because the extent of the proposed grading and associated site disturbance is excessive when compared to the use proposed (residential); has the potential to result in erosion and increase the potential for hazards to life or property (see number 5, above); and, will potentially have substantial adverse long-term visual effects (see number 4, above). The proposed roadway will have a width of 18 feet, which appears to be a larger roadway than what is required to accommodate this residential use.
7. The variance allowing grading on slopes greater than 30% does not conform to CZLUO Section 23.01.045d, which limits the approval of variances to situations where the variance does not constitute a grant of special privileges inconsistent with the land use category in which the property is situated. In this case, the property is designated for agricultural production; however, the variance is intended to allow for residential development, and is not necessary to allow for agricultural use of the property. In addition, there may be alternative locations for the proposed development that would minimize the need for grading on steep slopes.
8. A condition of approval requires the applicant to make an offer to dedicate a lateral accessway of twenty-five (25) feet of dry sandy beach along the shore, or from the mean



high tide to the toe of the bluff where topography limits the dry sandy beach to less than twenty-five (25) feet. However, given the topography of the area and the location of the mean high tide, the actual area available for public access may be very limited and/or impossible to traverse. As such, the dedicated lateral access may be inadequate in terms of fulfilling the objective of this policy, and alternative locations for the accessway may need to be considered.

II. LOCAL GOVERNMENT ACTION

A negative declaration was prepared for the project on September 10, 1999. On February 24, 2000, the San Luis Obispo County Planning Commission approved a coastal development permit to construct a single family residence, barn and approximately 1.25-mile access road, and a variance to authorize the construction of the access road on slopes greater than 30 percent. 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-00-40 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-00-40 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 subject property is located between Highway 1 and the Pacific Ocean, approximately one mile north of Villa Creek Road (residence site is approximately ½ mile south of China Harbor), north of the community of Cayucos (please see Exhibit 1). The topography of the site is comprised of a steeply sloping ridge extending down to a gently sloping marine terrace adjacent to the ocean. The terrace is bordered on the west by a steep coastal bluff, ranging from 38 to 50 feet in height, with a rocky shore and tidepools at the ocean front (please see Exhibit 4 for photos).

The applicant proposes to construct an approximately 10,000 square foot single family residence with an attached garage, a lounge/pool area, and a 2,500 square foot barn on a 40-acre parcel, set back approximately a distance of 75 to 150 feet from the coastal bluff. The proposed 1.25-mile access road to the house site will disturb an approximately 179,000 square foot area as it extends from Highway 1 and traverses three other parcels. The road generally follows the route of an existing unimproved access road; however, a portion of the road deviates from the existing jeep trail in areas of sensitive resources and in order to increase its setback from the blufftop (see Exhibit 2 for access road configuration).



B. Substantial Issue Analysis

The appellants contend that the proposed construction of an approximately 10,000 square foot single family dwelling with an attached garage, 2,500 square foot barn and proposed 1.25 mile access road, requiring a variance for grading on slopes in excess of 30%, is inconsistent with the policies and ordinances of the San Luis Obispo County Local Coastal Program, as detailed below.

1. Environmentally Sensitive Habitats

Applicable LCP Policies and Ordinances

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

Environmentally Sensitive Habitats Policy 2: *As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitat and that proposed development or activities will be consistent with the biological continuance of the habitat....*

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

Environmentally Sensitive Habitats Policy 28: *Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed.*

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

CZLUO Section 23.07.170(d) – Development Standards for Environmentally Sensitive Habitats:

- 1) *New development within or adjacent to the habitat shall not significantly disrupt the resource.*
- 2) *New development within the habitat shall be limited to those uses that are dependent upon the resource.*



- 3) *Where feasible, damaged habitats shall be restored as a condition of development approval.*
- 4) *Development shall be consistent within the biological continuance of the habitat.*
- 5) *Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034c (Grading Standards).*

San Luis Obispo County LCP Environmentally Sensitive Habitats Policies 1, 2, and 27, and Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.170 (d) prohibit new development proposed within or adjacent to locations of environmentally sensitive habitats from significantly disrupting the resource, and within an existing resource, allows only those uses dependent on such resources. In addition, Environmentally Sensitive Habitats Policies 28 and 33 require that native trees and plant cover, and vegetation which is rare or endangered, shall be protected against significant disruption of habitat value. Portions of the existing access road cross several vegetation communities; riparian vegetation near Ellyslly Creek and at least two sensitive plant species (Cambria morning glory and Blochman's Dudleya are listed as rare species by the California Native Plant Society). Improvements (widening and paving) to this access road may disturb or cause the removal of these sensitive species. **This appears to be in conflict with Environmentally Sensitive Habitat Policies 1, 2, 27, 28, and 33, and CZLUO Section 23.07.170(d), and therefore, a substantial issue is raised.**

2. Agriculture

Applicable LCP Policies and Ordinances

Agricultural Policy 1: *...Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.*

Agricultural Policy 3: *In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. When continued agricultural use is not feasible without some supplement use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed in Policy 1.*

Non-agricultural development shall meet the following requirements:

- a. *No development is permitted on prime agricultural land....*



- b. *Continued or renewed agricultural use is not feasible as determined through economic studies of existing and potential agricultural use without the proposed supplemental use.*
- c. *The proposed use will allow for and support the continued use of the site as a productive agricultural unit and would preserve all prime agricultural lands.*
- d. *The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the remainder of the site or nearby and surrounding properties.*
- e. *Clearly defined buffer areas are provided between agricultural and on-agricultural uses.*
- f. *Adequate water resources are available to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.*
- g. *Permitted development shall provide water and sanitary facilities on-site and no extension of urban sewer and water services shall be permitted, other than reclaimed water for agricultural enhancement.*
- h. *The development proposal does not require a land division and includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. As a condition of approval of non-agricultural development, the county shall require the applicant to assure that the remainder of the parcel(s) be retained in agricultural and, if appropriate, open space use...*

Agricultural Policy 4: *A single-family residence and any accessory agricultural buildings necessary to agricultural use shall, where possible, be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce impacts on adjacent agricultural uses.*

San Luis Obispo County LCP Agriculture Policies 1, 3, and 4 prohibit development on prime agricultural land and allow development on non-prime agricultural land only if it can be demonstrated that all agriculturally unsuitable land on the parcel has been developed, and that structures are sited to reduce negative impacts on adjacent agricultural uses. Much of the property is currently not fenced and the site, in conjunction with neighboring parcels, is presently being used for cattle grazing. It is not clear what effect the proposed structures, perimeter fencing, and road improvements may have on the surrounding cattle operations and future agricultural uses of neighboring properties. Moreover, an alternative siting of the structures and proposed access road route may reduce the conversion of agricultural land to a non-agricultural use. Thus, the project as proposed may be in conflict with the above-mentioned LCP Policies regarding the protection of agricultural land. **Therefore, a substantial issue is raised.**



3. Public Works

Applicable LCP Policies and Ordinances

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 Cayucos Urban Services Line and although data regarding the on-site well's pump down test has been submitted, as of this writing, evidence that the on-site well has obtained approval from the County's Environmental Health Division has not been provided. **Thus, it is not clear that adequate water exists on-site, and therefore, a substantial issue is raised in regard to the project's conformance with Public Works Policy 1 and CZLUO Section 23.04.430.**

4. Visual and Scenic Resources

Applicable LCP Policies and Ordinances

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.*

CZLUO Section 23.05.034

- a. *Cuts and fill shall be limited to the minimum amount necessary to provide stable embankments for required parking areas or street rights-of-way, structural foundations...*
- b. *Grading for the purpose of creating a site for a structure or other development shall be limited to slopes less than 20% except:*
 - 2) *When grading of an access road or driveway is necessary to provide access to building site with less than 20% slope, and where there is no less environmentally damaging alternative; and*
 - 3) (iii) *It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.*
(iv) *It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.*
- d. *Grading, vegetation removal and other landform alterations shall be minimized on sites located within areas determined by the Planning Director to be a public view corridors from collector or arterial roads. Where feasible, contours of finished grading are to blend with adjacent natural terrain to achieve a consistent grade and appearance.*
- e. *Contours, elevations and shapes of finished surfaces are to be blended with adjacent natural terrain to achieve a consistent grade and natural appearance.*

CZLUO Section 23.07.164(e): *Any land use permit application within a Sensitive Resource Area shall be approved only where the Review Authority can make the following required findings:*

- 1) *The development will not create significant effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.*
- 2) *Natural features and topography have been considered in the design and siting of all proposed physical improvements.*
- 3) *Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures and will not create significant adverse effects on the identified sensitive resource.*



- 4) *The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion...*

San Luis Obispo County LCP Visual and Scenic Resources Policies 1, 2, and 4, CZLUO Section 23.07.164(e), and Planning Area Standards for Sensitive Resource Areas require new development to be sited to protect unique and attractive features of the landscape, views to and along the ocean and scenic areas, and minimize its visibility from public view corridors. In addition Visual and Scenic Resources Policy 5 and CZLUO Section 23.05.034 require grading, major vegetation removal and landform alterations within public view corridors to be minimized.

The proposed development (located within the Sensitive Resources Area combining designation for the visual and scenic qualities of the rural hillsides) includes a 1.25 mile access road leading to a large residence and barn on a coastal bluff. The siting and design of this 10,000 square foot house and related structures poses significant adverse impacts to the rural open space character of this area, especially as viewed from the ocean. Even if the residence and barn were sited to minimize visibility from public view corridors, it is evident that the access road will be seen from public viewing areas and will require extensive grading and landform alteration (see view of road in Exhibit 4). It is possible that an alternative roadway configuration and structural siting would avoid or reduce adverse impacts to visual and scenic resources in the area. Until a thorough visual analysis is completed, and alternative building sites are further explored, it appears that the proposed project conflicts with Visual and Scenic Resource Policies 1, 2, 4, and 5, and CZLUO Sections 23.05.034 and 23.07.164(e). **Therefore, a substantial issue is raised.**

5. Hazards

Applicable LCP Policies and Ordinances

Hazards Policy 2: *New development shall ensure structural stability while not creating or contributing to erosion or geological instability.*

San Luis Obispo County LCP Hazards Policy 2 prohibits new development from creating or contributing to erosion or geological instability. Improvements to the access road will require cutting and filling of the hillside, retaining walls and extensive revegetation, and the proposed route traverses at least two areas subject to landslides (refer to Exhibit 6). As such, alternative roadway routes and development sites should be considered, which may not require such extensive landform alteration, increasing the chances for erosion and contributing to the geologic instability of the hillsides. Additional research is required before it can be concluded that the proposed route is the most structurally stable alternative and contributes the least to erosion or geological instability. **Therefore, questions are raised in regards to the project's compliance with Hazards Policy 2, and thus, a substantial issue exists.**



6. Grading

Applicable LCP Policies and Ordinances

CZLUO Section 23.05.030(e): *A grading permit may be issued only where the Building Official first finds, where applicable, that:*

- 1) The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use;*
- 2) Proposed grading will not result in erosion, stream sedimentation, or other adverse off-site effects or hazards to life or property;*
- 3) The proposed grading will not create substantial adverse long-term visual effects visible from off-site;*
- 4) Proposed drainage measures have been approved by the County Engineer*

CZLUO Section 23.01.045(d):

- 1) Approval or conditional approval may be granted only when the Planning Commission first determines that the variance satisfies the criteria set forth in Government Code Section 65906 by finding that:
 - (i) The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which such property is situation (sic)...**

The proposed roadway will generally have a width of 18 feet; however, in order to minimize grading, specific sections of the road may be reduced to 10 feet wherever it would not compromise California Department of Forestry's (CDF) ability to provide fire protection to the residence. However, it is not clear that the proposed access road route is the preferred alternative in regards to minimizing grading on the steep, rural hillside. It appears as though an alternative siting of the residence, or an alternative road route would necessitate less landform alteration, and have less visual impacts, than that of the current proposal. Additional research is required before it can be concluded that the proposed route is the preferred alternative.

The project does not appear to conform to CZLUO Section 23.05.030(e) because the extent of the proposed grading and associated site disturbance is excessive when compared to the use proposed (residential). It also has the potential to result in erosion and increase the potential for hazards to life or property, and will potentially have substantial adverse long-term visual effects. **Therefore a substantial issue is raised in regard to the project's conformance with CZLUO Section 23.05.030(e).**

The variance allowing grading on slopes greater than 30% does not appear to conform to CZLUO Section 23.01.045d, which limits the approval of variances to situations where the variance does not constitute a grant of special privileges inconsistent with the land use category



in which the property is situated. In this case, the property is designated for agricultural production; however, the variance is intended to allow for residential development, and is not necessary to allow for agricultural use of the property. Moreover, there may be alternative locations for the proposed access road that would minimize or eliminate the need for grading on steep slopes. Thus, approval of the variance constitutes a grant of special privileges that are inconsistent with the site's agricultural designation. **Therefore a substantial issue is raised in regard to the project's conformance with CZLUO Section 23.01.045(d).**

7. Coastal Access

Applicable LCP Policies and Ordinances

Shoreline Access Policy 2: *Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development. Exceptions may occur where 1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; 2) adequate public access exists nearby, or; 3) agriculture would be adversely affected....*

San Luis Obispo County LCP Shoreline Access Policy 2 encourages new development to provide public access from the nearest public roadway to the shoreline and along the coast. The County conditioned the coastal development permit to require the applicant to make an offer to dedicate a lateral accessway of twenty-five (25) feet of dry sandy beach along the shore, or from the mean high tide to the toe of the bluff where topography limits the dry sandy beach to less than twenty-five (25) feet. However, given the topography of the area and the location of the mean high tide, the actual area available for public access may be very limited and/or impossible to traverse. As such, the dedicated lateral access may be inadequate in terms of fulfilling the objective of this policy, and alternative locations for the accessway may need to be considered. **Therefore a substantial issue is raised in regard to the project's conformance with Shoreline Access Policy 2.**

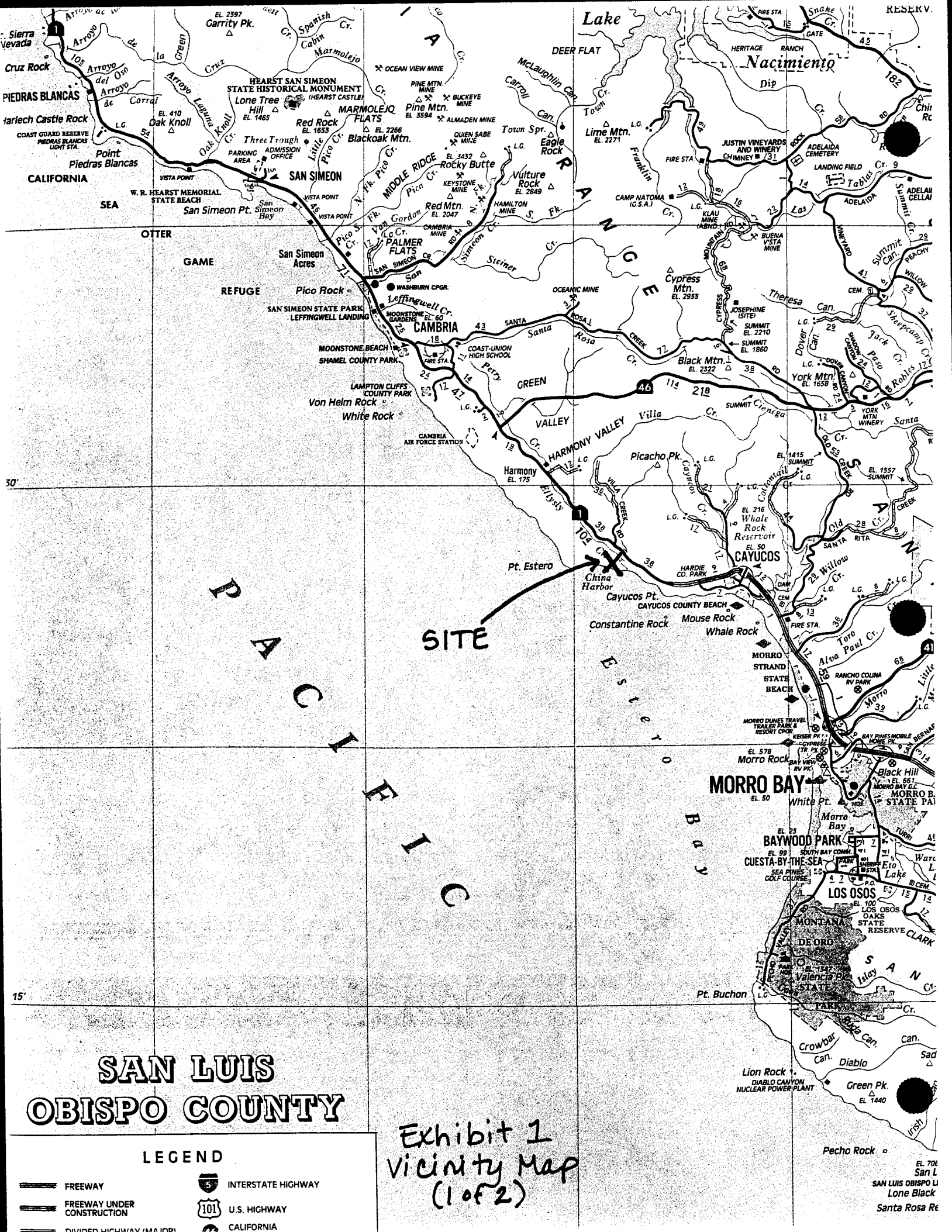
VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures that would substantially lessen any significant adverse effect that the project may have on the environment. The County of San Luis Obispo certified a Negative Declaration for the project on September 10, 1999. With respect to the appealed project, the Commission's review of this appeal has identified environmental impacts that have not been appropriately resolved by the project and the County's conditions of approval. Thus, the project may have any significant adverse impact on the environment within the meaning of the California Environmental Quality Act.



VII. EXHIBITS





SAN LUIS OBISPO COUNTY

LEGEND

- FREEWAY
- FREEWAY UNDER CONSTRUCTION
- DIVIDED HIGHWAY (MAJOR)
- INTERSTATE HIGHWAY
- U.S. HIGHWAY
- CALIFORNIA

Exhibit 1
Vicinity Map
(1 of 2)

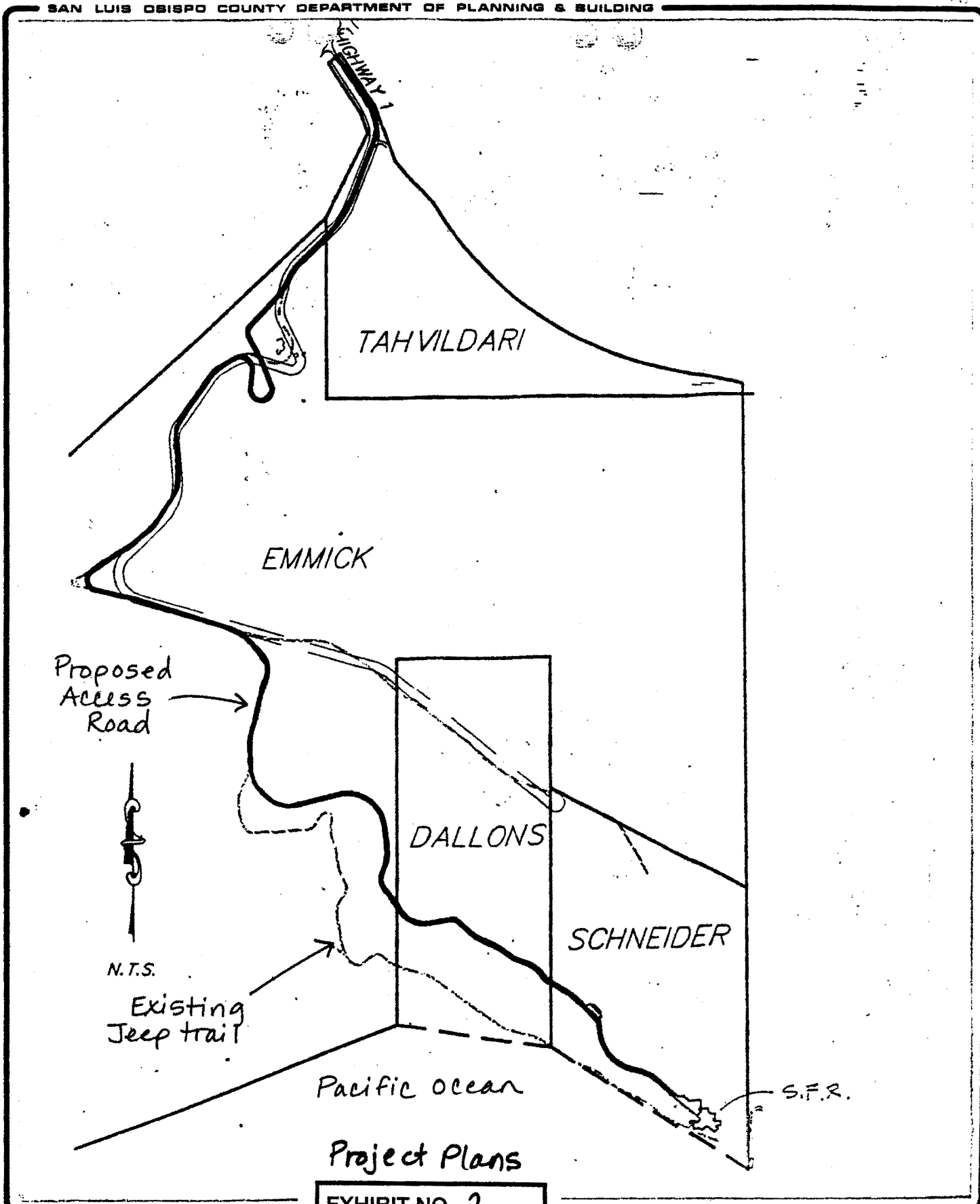


Schneider
(D980010P/D980279V)

APPLICATION NO.

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(2 of 2)

Land Use Category Map

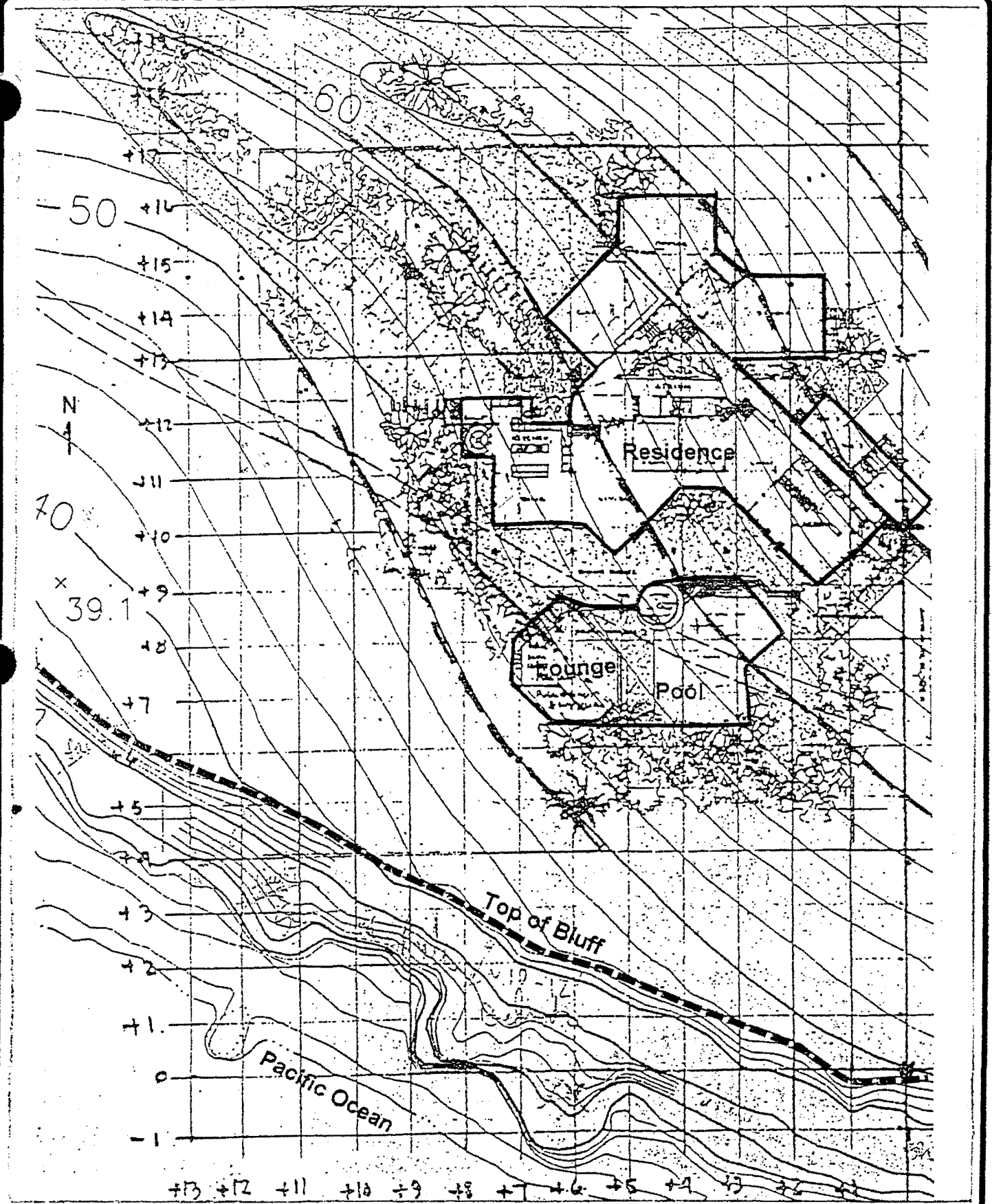


Project Plans

EXHIBIT NO. 2
APPLICATION NO.
A-3-SLO-00-40
(1 of 9)

PROJECT
Schneider
(D980010P/D980279V)

EXHIBIT
Ownership Pattern Associated
with the Road Improvements



PROJECT

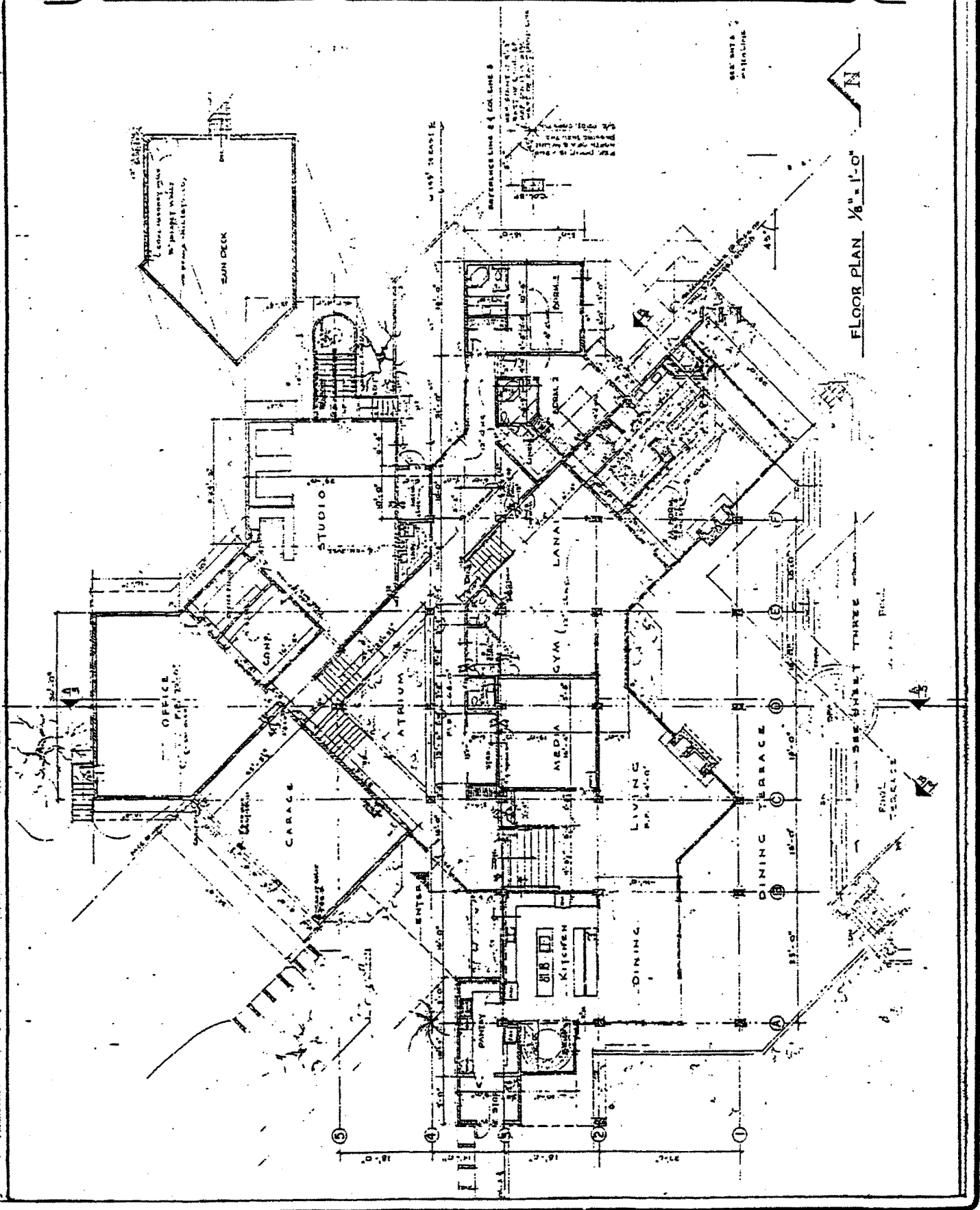
Schneider
(D980010P/D980279V)



EXHIBIT

Detailed Site Plan

Exhibit 2 (2 of 9)



PROJECT

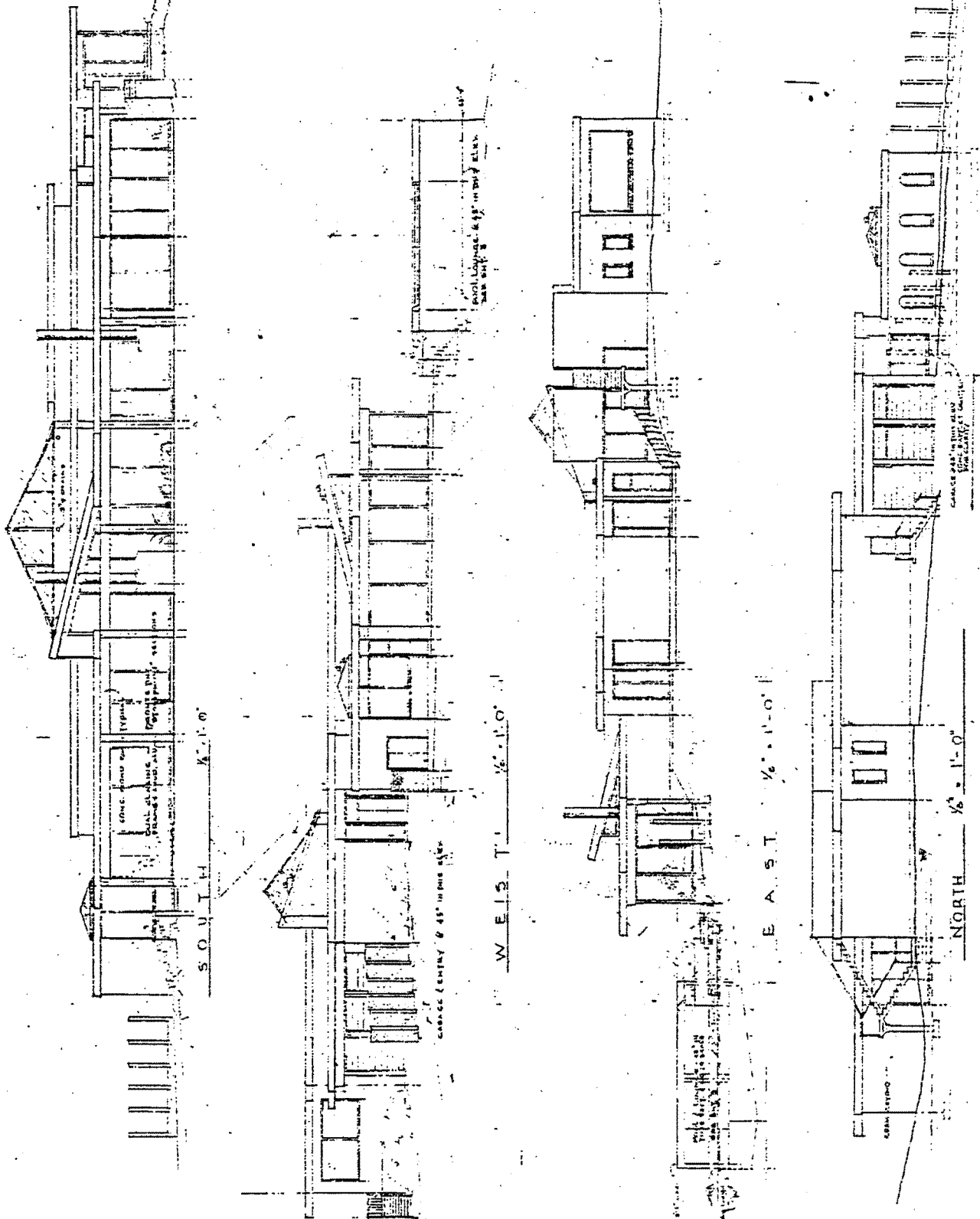
Schneider
(D980010P/D980279V)

Exhibit 2
(30 of 9)



EXHIBIT

Floor Plan



PROJECT

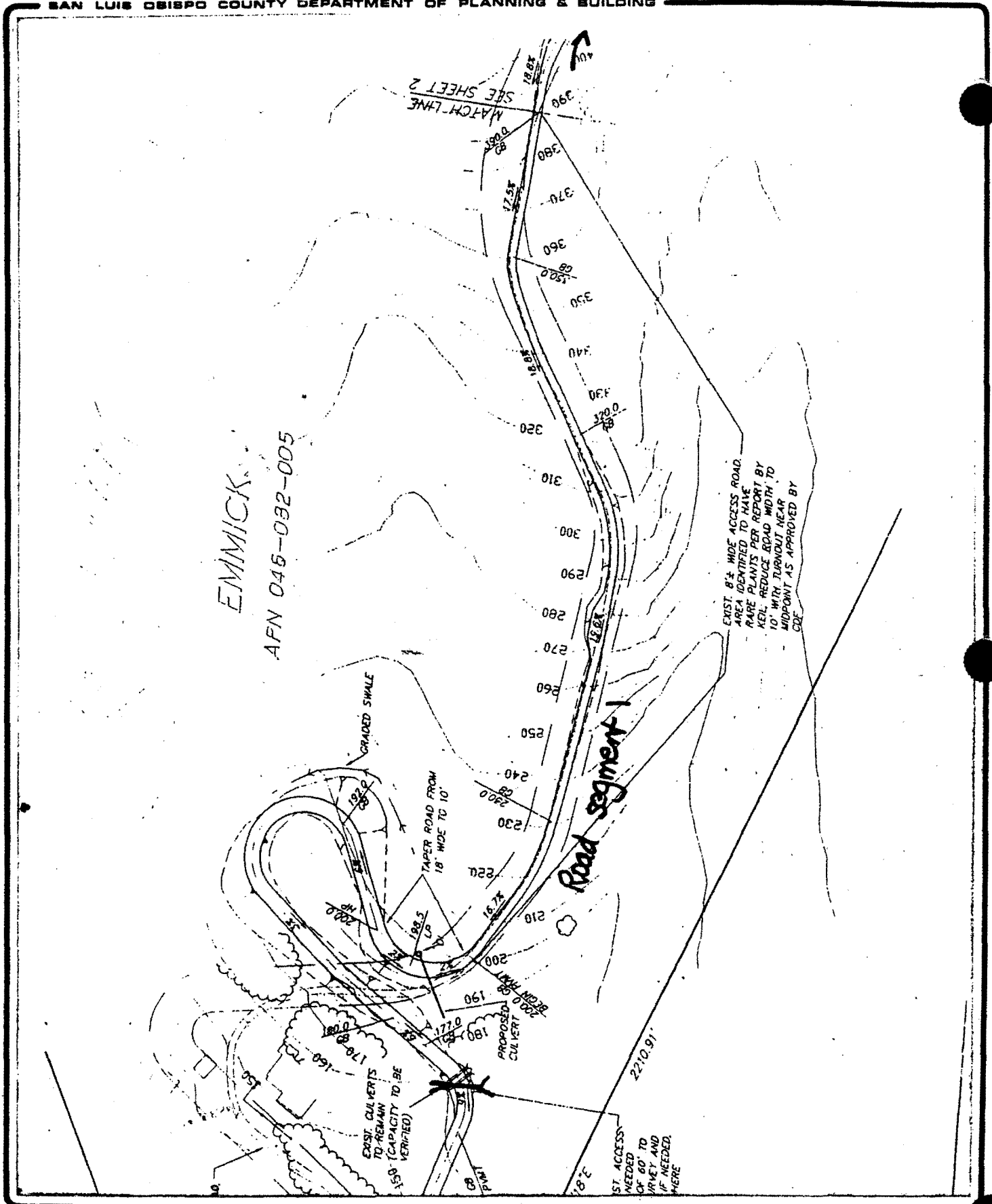
Schneider
(D980010P/D980279V)

Exhibit 2
(4 of 9)



EXHIBIT

Elevations



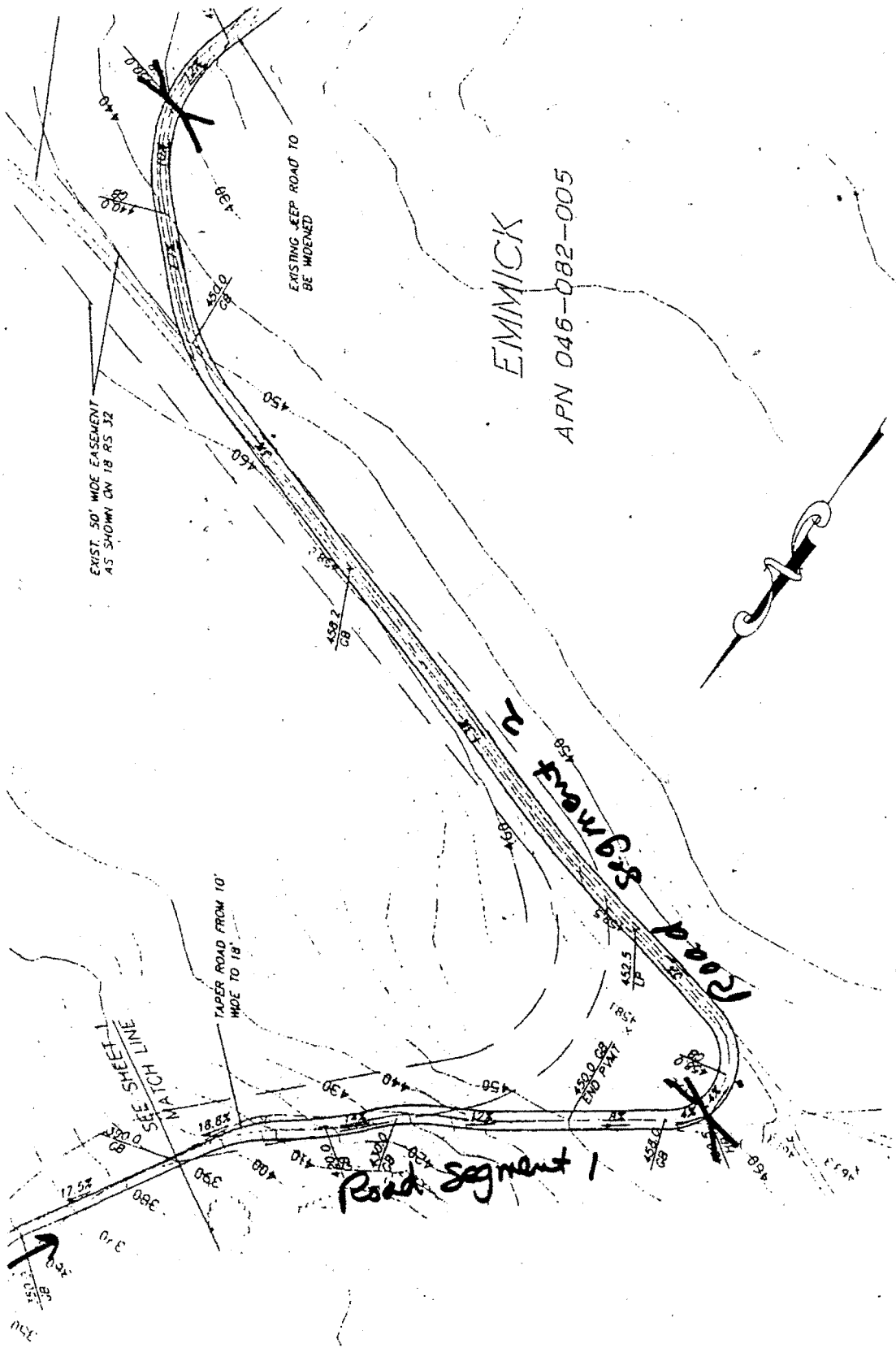
PROJECT

Schneider
(D980010P/ D980279V)



EXHIBIT

Access Road



PROJECT

Schneider

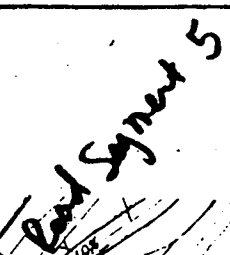
(D980010P/ D980279V)

Exhibit 2
(6 of 9)



EXHIBIT

Access Road



Schneider
(D980010P/ D980279V)



Access Road

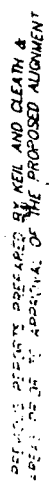
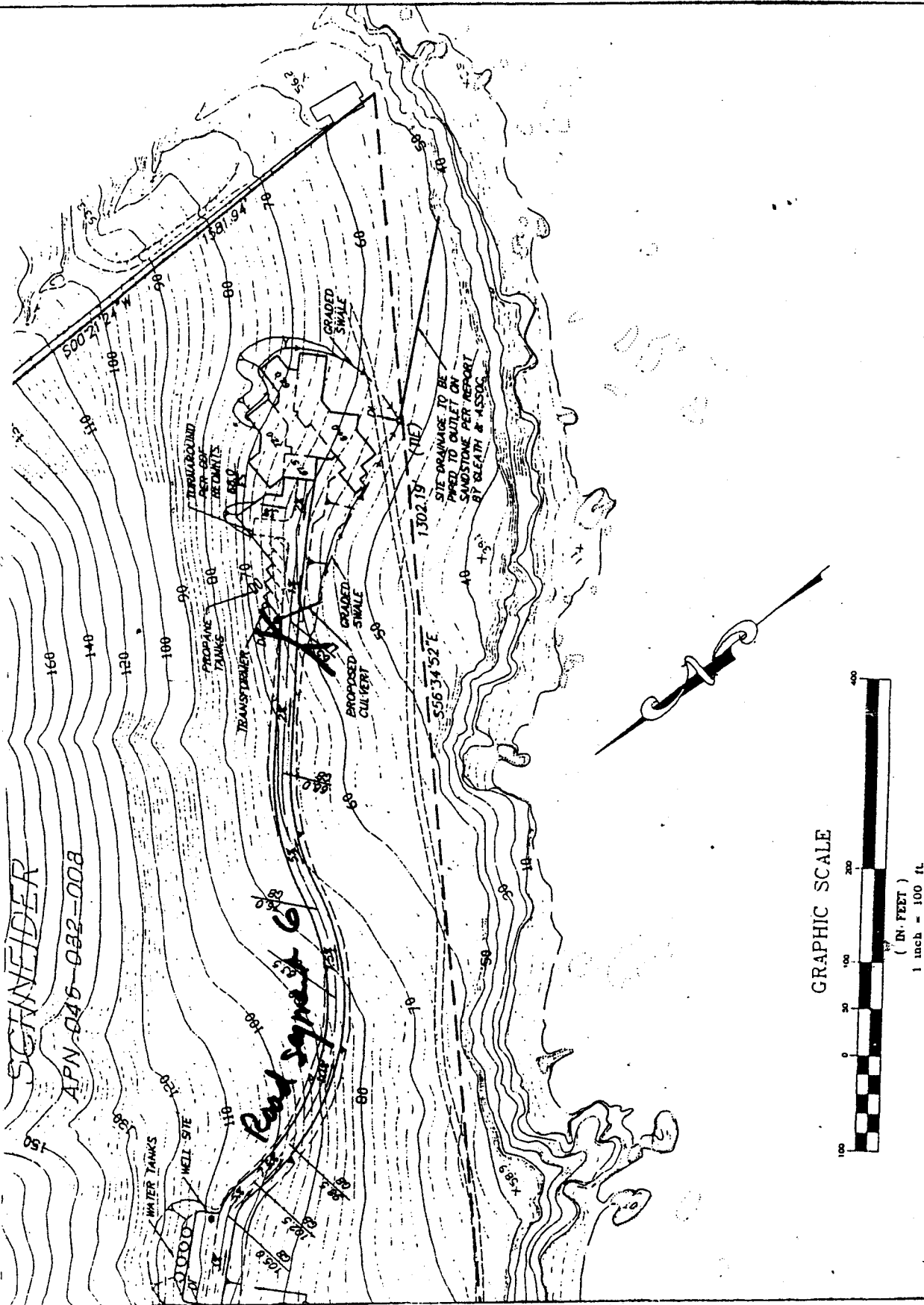


Exhibit 2 (8 of 9)

**PROJECT**

Schneider
(D980010P/ D980279V)



EXHIBIT

Access Road

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
27-4863
ING IMPAIRED: (415) 904-5200

RECEIVED

APR 04 2000

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREAAPPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s):

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

Commissioner Sara Wan and Christina DesserCalifornia Coastal Commission45 Fremont St., Suite 2000San Francisco, CA 94105(415) 904-5200SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Construction of a 10,000 square foot single family residence and 2,500 square foot barn on a coastal blufftop lot with approximately 1.25 mile access road (including slopes in excess of 30%), resulting in a total disturbance area of approximately 179,000 square feet.

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

West side of Highway 1, approximately one mile north of Villa Creek Road (residence site is approximately 1/2 mile south of China Harbor), north of the community of Cayucos, San Luis Obispo County (APN 046-082-008).

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-00-040DATE FILED: 4/7/2000DISTRICT: Central Coast District

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: February 24, 2000

7. Local government's file number: D980279V/D980010P

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:

Dennis Schneider

8758 La Jolla Scenic Drive North

La Jolla, CA 92037

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) Bill Martony

P.O. Box 294

Cayucos, CA 93430

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

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

Exhibit 3
(2 of 5)

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

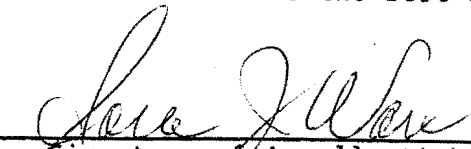
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

(see attached)

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

SECTION V. Certification

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



Signature of Appellant(s) or
Authorized Agent

Date April 3, 2000

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

Section VI. Agent Authorization

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

Exhibit 3
(3 of 5)

Signature of Appellant(s)

Date _____

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

(see attached)

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

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Authorized Agent

Date 4/3/2000

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

Section VI. Agent Authorization

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

Exhibit 3
(4 of 5)

Signature of Appellant(s)

Date _____

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 27-4863



**Reasons for Appeal: San Luis Obispo County Coastal Development Permit
D980010P/D980279V (Schneider)**

The proposed construction of an approximately 10,000 square foot single family dwelling with an attached garage, 2,500 square foot barn and proposed 1.25 mile access road, requiring a variance for grading on slopes in excess of 30%, is inconsistent with the policies and ordinances of the San Luis Obispo County Local Coastal Program, as detailed below.

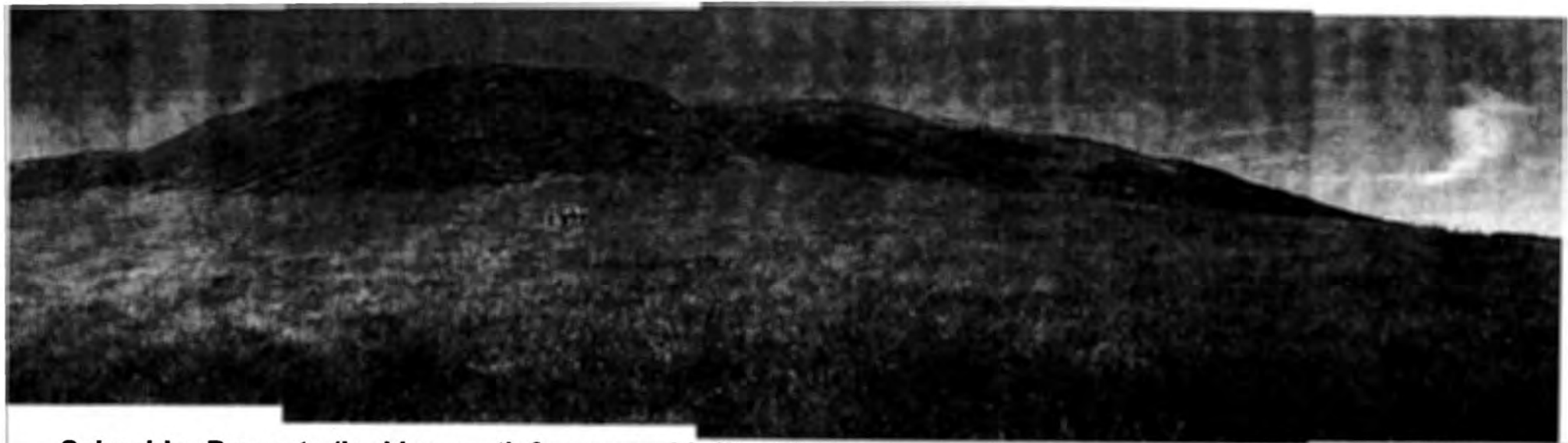
1. San Luis Obispo County LCP Environmentally Sensitive Habitats Policies 1, 2, and 27, and Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.170 (d) prohibit new development proposed within or adjacent to locations of environmentally sensitive habitats from significantly disrupting the resource, and within an existing resource, allows only those uses dependent on such resources. In addition, Environmentally Sensitive Habitats Policies 28 and 33 require that native trees and plant cover, and vegetation which is rare or endangered, shall be protected against significant disruption of habitat value. The proposed access road crosses several vegetation communities, affecting riparian vegetation and at least two sensitive plant species. It is possible that an alternative roadway configuration would avoid disruption of these environmentally sensitive habitats.
2. San Luis Obispo County LCP Agriculture Policies 1, 3, and 4, and CZLUO Section 23.04.050(a) prohibit development on prime agricultural land and allow development on non-prime agricultural land only if it can be demonstrated that all agriculturally unsuitable land on the parcel has been developed, and that structures are sited to reduce negative impacts on adjacent agricultural uses. An analysis of the location of prime agricultural soils (defined by CZLUO Section 23.11.030) on the site was not submitted with the project proposal, and the location of the barn is not shown on project plans; therefore, it is unknown whether or not the proposed structures are located on prime agricultural soils and that development has been located in the area least suitable for agricultural production.
3. 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 Cayucos Urban Services Line and evidence has not been provided to conclude that adequate water services currently exist on-site.
4. San Luis Obispo County LCP Visual and Scenic Resources Policies 1, 2, and 4, CZLUO Section 23.07.164(e), and Planning Area Standards for Sensitive Resource Areas require new development to be sited to protect unique and attractive features of the landscape, views to and along the ocean and scenic areas, and minimize its visibility from public view corridors. In addition Visual and Scenic Resources Policy 5 and CZLUO Section 23.05.034 require grading, major vegetation removal and landform alterations within public view corridors to be minimized. The proposed development (located within the Sensitive Resources Area combining designation) includes a 1.25 mile access road leading to a large residence on a coastal bluff, and a barn at an undisclosed location. The siting and design of this 10,000 square foot house and related structures poses significant adverse impacts to the rural open space character of this area, especially as viewed from the ocean. Even if the residence were sited to minimize visibility from public view corridors, it is not known whether or not the proposed barn will have adverse impacts on visual resources, and it is

Exhibit 3
(5 of 5)

Approximate Location of Residence



Scneider Property as viewed from Danons Property (looking southeast)

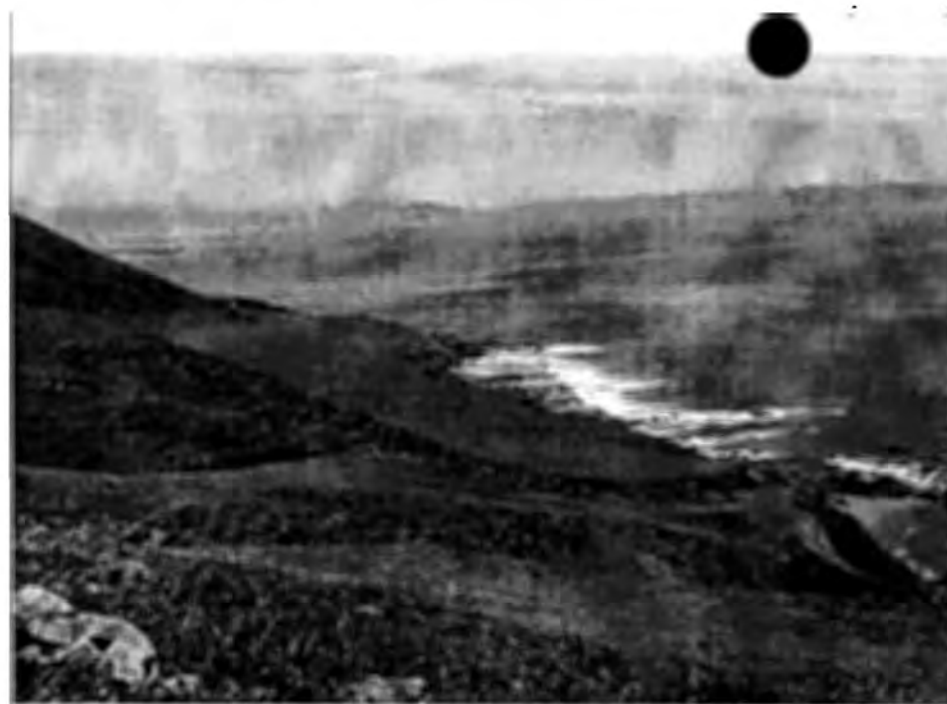


Scneider Property (looking north from near blufftop) People standing at approximate location of residence

Exhibit 4 (2 of 2)



Looking east towards Cayucos from Schneider Ridgetop



Schneider Property as viewed from Emmick Property



Existing Access Road as viewed from Highway 1



Existing Entrance & Access Road as viewed from Hwy 1

EXHIBIT B
Conditions of Approval (D980010P/D980279V)

Approved Development

1. This approval authorizes the applicant to construct an approximately 11,000 square foot single family dwelling with an attached garage and 2,000 square foot barn. The proposed access road is approximately 1.25 miles in length and will result in the disturbance of an approximately 179,000 square foot area. The road will result in disturbance of slopes greater than 30 percent. A minimum 100 foot bluff top setback shall be maintained for all improvements. **Maximum height of any structure is 22 feet about average natural grade.**

Site Development

2. Site development shall be consistent with the approved site plan, floor plans and elevations.

Archaeological/Historic

3. **At the time of application for construction permits for the residence and access road,** the applicant shall submit a plan, for review and approval by the office of the Environmental Coordinator, for historic resource protection of the Low Wong house in the southeast corner of the property and for the abandoned ranch house situated off of the access road. The plan shall include establishment of an area of restricted access to the historic resources marked by fencing/flagging. No workers or construction activities will be permitted within the area of restricted access.
4. **Prior to issuance of construction permits,** a plan for monitoring of all construction activities by a qualified archaeologist shall be submitted for review by the Environmental Coordinator. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Biological/Botanical

5. **Prior to application for construction permits for the access road,** the applicant shall retain a qualified botanist to carry out botanical resource mitigation measures including:

*County's Conditions
Exhibit 5
(1 of 6)*

- a. Seed collection of *Calystegia subacaulis* ssp. *episcopalis* (Cambria morning glory) for dispersal in conjunction with the revegetation plan.
 - b. Collection and transplant to a suitable location of specimens of *Dudleya bochmaniae* (Blochman's dudleya) found within limits of construction disturbance.
 - c. Direct the placement of construction fencing around sensitive plant species areas of occurrence.
 - d. Monitoring of road construction in the area of rare plants. Monitor shall work with construction personnel in the field to reduce/avoid impacts to rare plant populations.
6. **Prior to issuance of construction permits for the access road**, the applicant shall submit a letter verifying that seed collection, placement of fencing and transplanting have been satisfactorily completed.
7. **Prior to issuance of construction permits**, the applicant shall submit a "*Revegetation and Enhancement Plan*" for review and approval of the Planning & Building Department. The plan shall be prepared by a qualified landscape professional in conjunction with a qualified botanist and shall include:
- a. only appropriate non-invasive native species from native on-site parent stock where possible;
 - b. schedule for all planting activities;
 - c. maintenance and irrigation schedule for the revegetated areas (if necessary);
 - d. performance criteria;
 - e. short term and long term erosion control planting measures
 - f. include provisions for the revegetation of all abandoned access routes.
8. **Prior to final inspection**, the applicant shall submit verification of implementation of the approved revegetation plan.

Geologic

9. **At the time of application for construction permits**, the applicant shall submit proof of review of erosion/hillside stabilization and drainage plans by a certified engineering geologist. The plans shall specifically address areas of past failures as identified in the geologic analysis (Cleath; 6/19/1998), and include a drainage plan for runoff from all impervious surfaces addressing the issues unique to bluff top development. A geotechnical engineer must be retained for the issues identified in the Cleath study and for leach field design and placement and plans must be included with the submittal.
10. **Prior to final inspection**, the applicant shall submit evidence of inspection of improvements by a certified engineering geologist.

Drainage Impacts

Exhibit 5
(2 of 6)

Schneider (D980010P/D980279V)
Planning Commission Hearing

February 24, 2000
Page 12

11. **Prior to any site disturbance or issuance of grading permits or building permits**, the applicant shall submit a Sedimentation and Erosion Control Plan, prepared and signed by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures. The plan shall include but not be limited to the measures identified by the Resource Conservation District.
12. All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.
13. **Prior to occupancy or final inspection, whichever occurs first**, the Registered Civil Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval. If required by the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be inspected and approved before a certificate of occupancy is issued.

Air Quality

14. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans.
 - a. Reduce the amount of disturbed area where possible
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
 - c. All dirt stock pile areas should be sprayed daily as needed.
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established.
 - f. All disturbed soil areas not subject to revegetation must be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD.
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should

Exhibit 5
(3 of 6)

maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.

Aesthetics

15. **At the time of application for construction permits for the residence**, the applicant shall submit a plan showing placement of solid waste storage at the Highway 1, access road intersection, demonstrating sufficient visual screening to reduce visual impact to travelers on Highway 1. The facility designed shall store waste in a shelter that eliminates escape due to wind conditions.
16. To reduce the visual impacts associated with the proposed road improvements, areas of the project will limit the amount of cut slopes to the minimum necessary to construct the roadway.
17. **At the time of application for construction permits**, the applicant shall clearly delineate the vertical height of all cut and fill slopes on the project plans and the border of cut slopes and fills rounded off to a minimum radius of five feet. No cut or fill area shall exceed 20 feet in vertical height above or below the existing ground surface (which may require the use of retaining walls to accomplish).
18. **Prior to issuance of construction permits for the residence**, the applicant shall submit a colorboard for the review and approval of the Planning Director. The colorboard shall indicate exterior colors and finishes that avoids light colors (e.g. white stucco) or highly reflective materials and utilizes dark earth tones to reduce visibility of the structure from Highway 1 and the ocean.
19. The utilities serving the property shall be installed underground rather than by the use of poles and overhead lines. This requirement applies to electrical service and telecommunications (including cable TV, telephone and data transmission) connections between utility company distribution lines and all proposed structures on the site.

Landscaping

20. **Prior to the issuance of any construction/ grading permits**, submit detailed landscaping plans for all disturbed slopes to the Department of Planning and Building for review and approval. Plans shall include location, species and container size of all proposed plant materials and method of irrigation. All proposed plant material shall be of a drought tolerant variety. The plans shall include the following:
 - a. vegetation necessary to reduce the visual impacts associated with the proposed road improvements
 - b. utilization of native vegetation

Exhibit 5
(4 of 6)

- c. include plants specified in the Revegetation and Enhancement Plan
21. **Prior to final building inspection**, landscaping shall be in accordance with the approved landscaping plan and shall be installed or bonded. If bonded for, landscaping shall be installed within 60 days after final building inspection and thereafter maintained in a viable condition on a continuing basis.
22. The applicant agrees to have the landscaping maintained for no less than three years by a qualified individual (approved by the county) until the plants are successfully reestablished. At a minimum, this shall include annual monitoring reports for the first three years after planting and thereafter annually until it is determined to be successfully established (80% success rate). The applicant agrees to secure a bond with the county to cover the costs of monitoring and maintaining the site for the minimum three year period.

Agriculture

23. The applicant shall disclose to prospective buyers, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm ordinances currently in effect at the time said deed is recorded.

Fire Safety Plan

24. **Prior to final inspection**, the applicant shall provide proof of compliance with an approved safety plan from the CDF.

Public Access

25. **Prior to issuance of a construction permit**, the applicant shall execute and record an offer of dedication for public access along the shoreline. The offer of dedication shall provide for lateral access of twenty-five (25) feet of dry sandy beach along the shore to be available at all times during the year, or from the mean high tide to the toe of the bluff where topography limits the dry sandy beach to less than twenty-five (25) feet, as well as room for any improvements required by Coastal Zone Land Use Ordinance Section 23.04.420 - Coastal Access. The offer shall be in a form acceptable to County Counsel, and shall be approved by the Planning Director and the Executive Director of the California Coastal Commission prior to the issuance of a construction permit.

Recorded Easements

26. **Prior to issuance of a construction permit**, the applicant shall provide copies of the recorded easements covering the proposed road alignment. The easement shall cover all

Exhibit 5
(5 of 6)

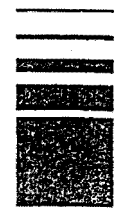
road improvements from Highway One to the applicant's property.

Other Permits

27. **Prior to issuance of a construction permit**, the applicant understands that the appropriate permits, as applicable, will need to be obtained from one or more of the following state and/or federal agencies: California Department of Fish and Game, U.S. Fish & Wildlife Service, U.S Army Corps of Engineers, California Regional Water Quality Control Board.

8-119

Cleath & Associates
Engineering Geologists
Ground Water
(805) 543-1413
1390 Oceanaire Drive
San Luis Obispo
California 93405



June 19, 1998

Lou McGonagill
1880 Santa Barbara Street, Second Floor
San Luis Obispo, CA 93401

SUBJECT: Geologic Hazards and Bluff Retreat Rate Study on Proposed Residence and Driveway in coastal area near Harmony, San Luis Obispo County, California, APN 046-082-008

Dear Mr. McGonagill:

As requested, Cleath & Associates has performed a geologic hazards and bluff retreat rate study for the proposed residence and driveway on a 40.6 acre property owned by Mr. Dennis Schneider, APN 046-082-008, also identified as Parcel #2-S on the Rancho Estero South Ranch. A previous study was performed for the water well on this parcel, dated April 5, 1998. This previous study describes the general geologic conditions on the property. Within this study, the proposed improvements are described followed by a description of geologic hazards for the building area and then for the access road and driveway which follows an existing road from the highway to the proposed residence. These areas are shown on the proposed residence plan and the five sheets showing the road alignment attached. The areas where geologic hazards may affect improvements are identified and the nature of the hazard is described. For design purposes, a geotechnical analysis for proposed structures within the hazard areas may need to be performed by the civil/geotechnical engineer on the project.

PROPOSED IMPROVEMENTS

The proposed residence is to be located about 150 feet from the eastern property line and at least 130 feet from the top of bluff. A lounge area and pool are proposed south of the residence at a distance of at least 70 feet from the bluff top. The building site is about 200 feet by 300 feet. Adjacent to the building envelope, the well is about 500 feet west and the transformer would be along the eastern property line more than 100 feet from the residence.

The approximately 8600 foot long access road leading to the property is on an easement across other parcels which follows the existing ranch road alignment from Highway 1 to the property line. At the property line the road will split into a road leading up to the existing well and then to the house, and a driveway leading directly to the house. Another driveway goes from the house to the transformer along the eastern property line near the base of the hill.

Geotechnical Report
Exhibit 16
(1 of 6)

Improvements to the access road have yet to be determined. These roads will be modified to comply with County of San Luis Obispo Fire/California Department of Forestry (County/CDF) requirements. The requirements which appear to be pertinent to this project include those stated in the Site Access and Driveway Requirements of the Residential Requirements of the Fire Safety Plan for San Luis Obispo County. The requirements include width of driveway of 10 feet minimum unless the site is located in a high or very high fire hazard severity zone for which a 16-foot minimum width would be required, turnouts, non-skip road surfaces on grades over 12 percent, and a turnaround at the residence, and a 10-foot fuel clearance on both sides of the driveway. Also, weight bearing loads of 20 tons at 20 miles per hour are another design criteria for the road. For road grades of over 20 percent, the road design would need to be performed by a Registered Civil Engineer and authorized by the County/CDF.

The residence is to be constructed essentially on existing grade with the eastern wing requiring a few feet of excavation, which would require retaining walls. No bedrock was encountered on the building area in the soils borings to a depth of 7 feet. The main portion of the home is to be within a foot or two of existing grade. (The grading plan is not yet complete but floor elevations have been given). The pool will be excavated 3 to 4 feet below existing grade and built up to the level of the lounge. The existing grade on the building site slopes to the coastline with a 22 foot drop over a distance of 165 feet, from an elevation of about 74 feet down to an elevation of 52 feet. Above the building site, the ground surface slopes up to the base of the ridge about 80 feet away from the building envelope, where the slope is about 2.5 feet horizontal to one foot vertical and becomes progressively steeper up the hillside slope.

X The on-site wastewater disposal system has yet to be designed but the disposal area should be laterally away from the residence and not between the buildings and the coastal bluff-perhaps to the west of the buildings where it can be placed furthest away from the coastal bluff.

The alignment of the new electrical service to this residence is not yet determined but there are a couple of options available which are herein discussed in terms of geologic hazards.

GEOLOGIC HAZARDS-BUILDING AREA

Potential geologic hazards at this site include coastal bluff retreat, erosion, rock falls, runoff and flooding, and seismic hazards. Although faults can be observed within the Cretaceous sandstones and shales in the coastal bluff and along the road to the building site, none have been mapped on published geologic maps and none are known to be active or exhibit evidence of recent activity. No faults were observed within the building area.

Above the building envelope, the ridge is predominantly sandstone and appears to be stable. No



rockfalls were observed on or above the proposed building area nor would we expect there to be a problem, particularly since the road to transformer would slow any rocks falling down the hill.

There are no stream channels which pass across the building site. On the adjacent Martinelli property, east of the property line with the Schneider parcel, a ravine cuts into the hill and traverses the coastal terrace, ultimately reaching the coastline east of the old ranch structure on the Martinelli property. This stream course is entrenched everywhere except where the road crosses the ravine and should not result in overflow toward the proposed residence.

Erosion does not appear to be significant concern under existing conditions at the proposed building area but with the proposed improvements, erosion could become significant. Drainage off of the building site should be piped away from the building site laterally parallel to the coastline to the south and in a drop structure down to resistant sandstone outcropping on the bluff, in order to prevent additional erosion from occurring along the coastline immediately adjacent to the improvements.

The adjacent bluff top edge is at an elevation which rises from 38 feet on the west to 50 feet on the east. The beach deposits rest against the bluff at an elevation of as high as 12 feet above mean sea level. These beach deposits are very coarse grained with boulders as large as 12 feet in length, which originated within the basal terrace deposits. The bluff is comprised of roughly 26 feet of sandstone and shale overlain by about 12 to 24 feet of terrace deposits. The terrace deposits are comprised of a six foot thick boulder conglomerate at its base overlain by three feet of sandy silt, three feet of cobbly sand and an upper layer of up to 12 feet of colluvial silty sand.

The retreat rate of the bluff face in this area appears to be relatively slow. Cleath & Associates estimates that the retreat rate is less than 4 inches per year based on similar geologic conditions at other sites where evidence exists which can be dated. The only information which gives a rough rate of retreat is the existence of the old building on the adjacent Martinelli property which is right next to the fence line with Schneider's parcel. A 1949 photograph shows this old ranch building to be roughly 25 feet from the bluff, whereas it is about 12 feet from the bluff currently. This would be 13 feet in 49 years, or about 3.2 inches per year. The 1949 distance is probably no more accurate than plus or minus 3 feet. Allowing for the precision of the measurement of the 1949 distance, the retreat rate would be 15 feet over the 49 years, for an average annual retreat rate of 3.7 inches per year. The 75 year duration retreat of the sea bluff would be 25 feet, assuming a retreat rate of 4 inches per year.

The closest structure in the building area is about 70 feet from the bluff top, nearly three times the required setback from the bluff top edge.

GEOLOGIC HAZARDS-ACCESS ROAD AND DRIVEWAY

The access road is paved from the highway gate for about 800 feet. This portion of the road is in good condition except where Ellesley Creek has undercut the road on the southwestern abutment

The unpaved road is largely on hard sandstone for much of the way past the old ranch house and up the hill to the ridge line. As a result, this portion of the road shows only a few areas which are rutted or where there are rivulets. The sandstone beds generally dip to the east at 23 to 46 degrees and provide a solid foundation for this portion of the road even where the road is on the edge of a steep ravine on its western side. There are a couple of flatter areas where there is sufficient soil on the road, so that some moisture exists and rivulets do form: about 100 feet in from the second gate and about 100 feet and 800 feet up from the intersection of the two roads above the old ranch house. These areas will dry up during the summer but should be drained and road base placed to allow for year-round traffic.

The slope of the road steepens above the old ranch house and 300 feet above the intersection of the two roads with a 230 foot long section which has a slope exceeding 18 percent and up to 25 percent. About 500 feet further up the road, there is a 50 foot section which is at about 18 percent and is cambered toward the northwest. Despite these slopes, I was able to easily drive a two wheel drive vehicle to the top of the hill, because of the hard sandstone rock underlying the road.

The access road turns east along the ridge and is less traveled, with the result that grass has grown over the road. There are deeper, dark brown soils in this area and also where the road turns to go down the coastal side of the ridge. These soils develop desiccation cracks and at the turn in the road may have a tendency to creep down-hill. When these soils are wet, the road in this area may not be passable without an improved road surface.

About 400 feet from the turn in the road, the road is underlain by sandstone which dips to the east at about 55 degrees and provides a solid base for the road. Fractured sandstone outcrops along the road about 220 feet from the easterly turn in the road (el. 285). The next 50 feet of road is at the head of a landslide and there is a portion which has failed. After this landslide the road rests on serpentinite rock and then rounds a curve onto another landslide area, where the road curves around and back off of the edge of the landslide as the road descends down the hill at a 14 percent grade. There is one spot where the road has fallen into the adjacent ravine around elevation 250. The two landslide areas cannot be avoided with the road following its historic alignment, requiring road maintenance during periods when the landslides are moving. Improvements to the road will need to be designed in these two areas where the road has failed. Geotechnical engineering should be performed for the road design to stabilize the road in these failure areas and to determine the cut and fill necessary for the road widening where the road wraps around the hillside.



At elevation 190, the road makes a bend and continues down hill at an 18 percent grade down to the intersection with the road along the coastal terrace at elevation 130, with a short section which is at an 18 to 25 percent grade from elevation 190 to elevation 150. Adjacent to this stretch of the road, there is a 4+ foot deep rivulet caused by erosion down the road. From elevation 130 to elevation 100, the road is cut into the sandstone and is much flatter. The grade of this section could be lowered with some careful grading of the road. The deep rivulet should be filled in and protected from further erosion.

The road crosses the drainage below the main landslide area and then gradually drops to an alignment along the coast. The road is on alluvial terrace deposits and in some areas can only be recognized as a cow trail. About 160 feet before the Schneider property line the road gets to within 15 feet of the coast and then gets as close as 12 feet from the bluff top. The access road should be moved at least to 25 feet distance from the bluff top edge.

Where the proposed driveway comes off of the easement, the coastal driveway gets no closer than 25 feet from the bluff top edge. An alignment further from the bluff top (above the 70 foot topographic contour until it descends to the parking area) is recommended to reduce traffic near the bluff top edge and to reduce the road footage which will need to be constructed. Where this driveway crosses the low areas, the road should be designed to allow for water flow over the road or through a culvert below the road.

GEOLOGIC HAZARDS-ELECTRICAL SERVICE

The electrical service line is proposed to be brought underground to the building area across the Martinelli property. This alignment would follow the existing road, which appears to be stable from a geologic perspective, although additional cable protection may be appropriate where the line crosses the ravine immediately east of the property line, since this area is prone to heavy runoff and erosion and rock movement. Other alignments which could be considered include an alignment following the road (a distance of more than 9000 feet) and an alignment which would run up the hill from the proposed residence, cross two other parcels and come down to the highway, a distance of 4000 feet.

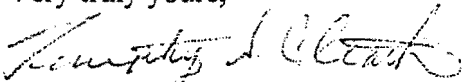
SUMMARY

The selected building area appears to be well suited for the proposed facilities. The runoff and drainage will need to be piped away from the area between the buildings and the bluff. The on-site wastewater disposal area may best be located west of residence, again, where percolation will neither flow toward the residence or toward the bluff below the residence. The access road is very steep in two main areas, is narrow where the road curves around the coastal hillside slope and crosses two landslide areas as well as a couple of drainages. Alternate routes to the steep alignment above the

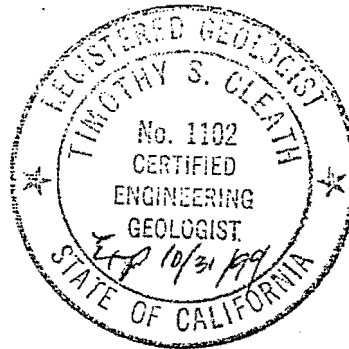
old ranch house may be available east of the existing alignment. The steep alignment above the coastal terrace may be flattened with some grading. The landslide areas are not likely to fail every year but there will be a need to provide additional maintenance for the road in these areas. Along the coastal terrace, the access road alignment should be moved further away from the bluff top edge (at least to a distance of 25 feet from the bluff top edge) and the driveway alignment may best be located above an elevation of 70 feet and descending down to the parking area. The electrical service alignment across the Martinelli property appears to be geologically stable, although the underground service may require protection where it crosses the ravine east of the property line with the Schneider parcel.

If you have any questions, please call.

Very truly yours,



Timothy S. Cleath
Certified Engineering Geologist 1102



Dennis C. Schneider
581 Baywood Way
Los Osos, CA 93402

May 1, 2000

Renee Brooke
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300
San Ta Cruz, CA 95060

RECEIVED

MAY 03 2000

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Commission Appeal No. A-3-SLO-00-040

Dear Ms Brooke,

I recently received a copy of the Coastal Commission Notification of Appeal regarding my proposed home, and quite honestly, was very surprised. I do not understand why my project would be appealed now since all questions and concerns which were raised in the Coastal Commission Referral letter to the San Luis Obispo County Planning Department dated October 28, 1999 were addressed in the Development Permit Conditions of Approval. Further, I am concerned when new issues are raised subsequent to the approval that could have been raised during the review and approval process. In fact, as the following will document, many of the issues raised in the Reasons for Appeal were addressed during the hearing and approval process and that fact should not constitute grounds for appeal.

I am hopeful that we can resolve these issues before your staff forwards this appeal to the full Coastal Commission for hearing. Additionally, if at all possible, I would like to resolve these issues with Commission staff without the necessity of involving her legal counsel, although I will take that step if I have no other recourse.

From the beginning of this permitting process I have engaged only the most highly qualified, experienced and, most importantly, reputable consultants and specialists. Together with San Luis Obispo County's planning staff scrutiny I believe that we have prepared a development plan for our property and home that meets the highest standards of coastal resource protection. This will be home for my wife and I, and we feel most strongly about preserving the integrity of our coastal areas. Our wish is to enjoy and care for the coastline that is a unique asset for all of us.

Concerning the eight stated Reasons for Appeal, I have addressed each of them below accompanied by a short explanation and comment. Hopefully, this will eliminate many, if not all, of the concerns stated in the Reasons for Appeal.

1. As a preface to the discussion of this item, it should be noted and perhaps reiterated that the proposed driveway access to my property substantially

*Correspondence from Applicant
Exhibit 7
(1 of 5)*

utilizes the existing routing of the agricultural road that currently serves as access. Any deviations from the existing route were only established after determining that the new routing reduced erosion, enhanced geologic stability, lessened the environmental impact of existing road conditions, reduced the impact on public view corridors, and/or had no impact on sensitive species habitats. As described in botanist Dr. David Keil's reports the existing roadway only crosses sensitive plant species at one location. In that instance Keil judged the plant distribution to be so widespread so as to not be impacted by the proposed road improvement. The existing roadway alignment does not cross the only riparian vegetation found in the area and there are no sensitive species found at this location. Dr. Keil's reports are contained in the County's submission to Mr. Otter dated April 13, 2000.

2. The property contains no prime agricultural lands. This fact is noted in Agricultural Commissioner Robert Hopkins report to the County dated April 27, 2000. There is no evidence that the property has ever supported agricultural production and has only been subject to occasional cattle grazing. Since there are no prime soils, the proposed development cannot have a negative impact on the agricultural suitability of the property. As the Agricultural Commissioner's office stated in both their original referral document and their recent report, the proposed structures have been sited to provide sufficient buffering from adjacent agricultural parcels and therefore adverse impacts to adjacent agricultural uses are not expected. Copies of these documents are contained in your file.
3. A water well was drilled on the marine terrace of the property and a four hour pump down test performed. This test documentation and data were submitted to the County pursuant to their requirements. The pump down test shows that adequate water services currently exist on the site for the proposed residence and barn. A copy of the test results is attached.
4. Both the house and the barn have been sited to minimize visual impacts from public view corridors. This has been a major concern of mine throughout this development process. The structures are single story and have been sited low at and below grade and designed to follow the natural slope of the land. The proposed residence and barn will have no impact on view corridors from public or private roads. I have viewed the residence site from the ocean at both near and three mile off shore vantage points and its visual impact will compare most favorably with surrounding agricultural land uses. A copy of the site plan showing the residence and barn is attached. The existing access road which has a limited view from Highway One on the Eastern slope will not require "extensive grading and landform alteration". Since this road is existing the modifications to improve it will be minimal.

5. Again it should be noted that a significant portion of the proposed access road follows an existing route and will substantially improve the current erosion condition by use of proper drainage controls and enhanced revegetation. Where the proposed road deviates from the existing path, it was done to either avoid areas subject to landslide or to eliminate completely the opportunity for bluff erosion on the marine terrace. This proposed road design represents the collective opinion and technical judgement of the registered civil engineer C. Frye, registered engineering geologists J. Kammer and R. Pfost, and certified hydrogeologist T. Cleath. This road design does not require any retaining walls at or near the coastal ridge or bluff graded slopes. The route was developed to eliminate the long term erosion conditions of the current agricultural road and to provide a maximum level of geologic stability.
6. The proposed roadway is the minimum that was permitted by the California Department of Forestry, which has the fire fighting responsibility for this property. In order to minimize grading, CDF agreed to reduce the requested 18 foot roadway width wherever it would not compromise their ability to provide fire protection. The specific requirements of the CDF are contained in the Fire Safety Plan for San Luis Obispo County adopted from the 1994 edition of the Uniform Fire Code. It is my understanding that the CDF requirement takes precedence over an LCP standard since it involves life and safety issues. Further, the Fire Safety Plan for the proposed development was reviewed and approved by CDF. Lastly, an LCP standard related to roadway width was not cited.
7. The granting of the variance is not a grant of special privilege that is inconsistent with the site's agricultural designation. The property is zoned agriculture and this zoning allows for the development of a single family residence as a matter of right. The residential use of the property is consistent with the land-use category in which the property is situated. In fact, the existence of the road as proposed would be required to provide access to the property regardless of the use of the property including agriculture.
8. I have agreed to a Condition of Approval regarding the lateral access along the coast that was proposed by the County of San Luis Obispo. It is my understanding that this is the standard Condition of Approval used in these situations. The appeal is not clear as to what inconsistency the Commission has found with the policies or ordinances of the LCP. The comment is made that the dedicated lateral access may be inadequate in terms of fulfilling the objectives of this policy. Since the statement is only that dedicated lateral access *may* be inadequate, it is not clear what, if any, action would be required by me to address this action.

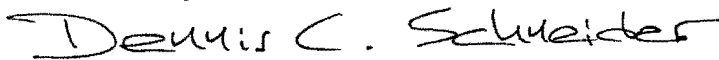
For these and other reasons I believe that no substantial issues exist concerning our proposed residential development. I also believe that these eight items can be resolved by further analysis of the information that has already been submitted to the County and Coastal Commission. If any additional information is required to address staff's concerns I will provide it promptly upon request.

I am available to meet with Commission staff at your convenience. I understand that two meetings may be required since some of these issues would be most appropriately addressed at your office while other items, specifically the visual impacts, may be better addressed at a site visit to the property.

As I stated above, I am hopeful that we will be able to resolve these issues before a hearing in front of the Coastal Commission. I have learned a great deal during this development process and as I am sure the County will confirm, I am willing to address any concerns that the Commission may have which will not compromise the integrity of my project.

It was a pleasure meeting you this past week. Thank you in advance for your cooperation on this matter and I look forward to discussing these issues further.

Sincerely,

A handwritten signature in dark ink that reads "Dennis C. Schneider". The signature is written in a cursive style with a large, sweeping "D" and a long, horizontal line extending from the end of the name.

Dennis C. Schneider

Attachments

Cc: C. Lester
L. Lajoie

Blount & Thompson

PUMP CO.
STATE LICENSE NO. 432680

P. O. BOX 845 * ATASCADERO, CALIF. 93422 * (805) 466-127

TEST REPORT

NAME Lou McGonnigal DATE 8/9/95
ADDRESS 1880 Santa Barbara St. 2nd Floor
San Luis Obispo, CA 93401 COPY TO shop
TEST BY 29 & 25 WEATHER Nice

LOCATION APN 046-082-08
Off Hwy 1 DEPTH 340'
CASING SIZE 5" STATIC LEVEL 80
PUMP DEPTH 240'
TIME START 12:50 TIME STOP 4:50
GPM START 20 GPM STOP 12
DRAW DOWN _____ RECOVERY _____
CLARITY START No CLARITY STOP NO
ODOR START No ODOR STOP No

PUMP MAKE Sta Rite MODEL 20 H.P. 3
VOLTS 230 PHASE _____ FLA _____
SERVICE FACTOR _____ CODE _____ WIRE SIZE 8/5
CONTROL _____

MOTOR BALANCE

TEST NO. 1	TEST NO. 2	TEST NO. 3
L1 _____	L1 _____	L1 _____
L2 _____	L2 _____	L2 _____
L3 _____	L3 _____	L3 _____
% _____	% _____	% _____

LEAD RESISTANCE R - B _____ B - W _____ R - W _____

Exhibit 7
(5 of 5)

By

[Signature]
President

TITLE