

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SAN LUIS OBISPO, CA 95060  
27-4863

TH11b

C.F.L. 6/23/00



## RECORD PACKET COPY

Filed:	04/24/00
49 <sup>th</sup> Day:	06/16/00
Staff:	RB
Staff Report:	06/16/00
Hearing Date:	07/13/00
Commission Action:	
Open and Continue	06/15/00

## STAFF REPORT: APPEAL SUBSTANTIAL ISSUE DETERMINATION

Appeal Number .....A-3-SLO-00-070

Local Government .....San Luis Obispo County

Decision .....Approved with conditions, 04/11/00

Applicant.....Leonard & Judy James

Appellants .....Richard J. Hilles

Project Location .....Orlando Drive (Lodge Hill Area), Cambria, San Luis Obispo County (APN 023-025-031)

Project Description .....Construct a 4,107 square foot single family residence and remove 7 trees (6 Monterey Pines, 1 Oak)

File Documents .....San Luis Obispo County Certified Local Coastal Program; Coastal Development Permit D990050P.

Staff Recommendation .....No Substantial Issue

### EXECUTIVE SUMMARY

Staff recommends that the Commission, after conducting the public hearing, determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The proposed project is a two-story residence, approximately 4,107 square feet in size, with the garage and living space at the street level and a second story with living space above.

The subject site is an oversized, triple, forested lot (approximately 11,250 square feet) located on Orlando Drive, in the West Lodge Hill area in the community of Cambria, San Luis Obispo County. The lot slopes downhill from Orlando Drive toward a drainage canyon near the rear of the property and a cluster of six Monterey Pines and one oak tree, located near the front half of the property, will be removed as a result of this project.

The appellant contends that the project does not comply with the San Luis Obispo County Local Coastal Program because the development is not compatible with the existing height, massing,

and character of residential development in the area, it will impact water drainage in the neighborhood and the 100-year flood zone of Avon Creek, and it will remove the remaining cluster of six Monterey Pines on the site.

These contentions do not raise a substantial issue because the project is consistent with the Lodge Hill area standards regarding square footage, gross structural area, setbacks, and building height, and the proposed development is substantially consistent with the design other residences in the surrounding area. Secondly, the required drainage plans include measures to address runoff from the roof of the residence by means of rain gutters and a storage tank, with a provision to accommodate additional water when the storage tank is full. In addition, proposed gravel corridors along the east and south sides of the residence serve to provide an additional measure to treat surrounding runoff, and the designated area for undisturbed vegetation serves to both further treat the runoff and protect the natural environment of the drainage course. Finally, the proposed tree removal of has been addressed through the County's conditions for the replacement of Monterey Pines at a 2:1 ratio and Coast Live Oaks at a 4:1 ratio. The tree replacement condition appears to be adequate in this specific case because the six trees to be removed are in an area of residential development that can no longer be considered an intact forest system. Additionally, given the constraints on the site, any reasonable alternative building site would still result in the removal of the trees on site.

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## 1. SUMMARY OF APPELLANT'S CONTENTIONS

Please see Exhibit 3 for the full texts of the appeals.

1. The development is not compatible with the established physical scale of the area, including the existing natural and man-made landforms and structures in the area, and the height, massing, and character of the surrounding neighborhood.
2. The project design ignores the impact of water drainage and the 100-year flood zone of Avon Creek.
3. The project will remove the remaining cluster of six Monterey Pines on the site, which qualifies as "excessive" tree removal.

## 2. LOCAL GOVERNMENT ACTION

The San Luis Obispo County Administrative Hearing Officer approved the proposed project on January 21, 2000, and the decision was appealed to the Board of Supervisors by Richard J. Hilles. On April 11, 2000, the Board conditionally approved the project, but voted to remove the previously allowed five-foot exception to the height limit (up to five feet may be added to the 28-foot height limit if the project site is on a downhill lot with an average slope of greater than 14.2%). The County's conditions of approval are attached as Exhibit 4.

## 3. APPEAL PROCEDURES

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

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is

located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not located between the first public road and the sea.

#### 4. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

**MOTION:** *I move that the Commission determine that Appeal No A-3-SLO-00-70 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

#### **STAFF RECOMMENDATION:**

Staff recommends a YES vote. 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-00-70 presents no substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

#### 5. RECOMMENDED FINDINGS AND DECLARATIONS

##### A. Project Location and Description

The project is located on Orlando Drive, approximately 180 feet east of Madison Street, in the West Lodge Hill area in the community of Cambria, San Luis Obispo County. West Lodge Hill is an extensive residential area located within the Monterey Pine Forest, south of Highway One (see Exhibit 1). The topography is varied with numerous ridges and gullies, steep slopes, and nearly flat areas near the marine terrace. The majority of the lots in the area are very small, typically 25 feet by 70 feet, and therefore, historic development has been relatively dense. However, it is common for present-day proposals to consolidate two or three lots to create larger sites more appropriate for development.

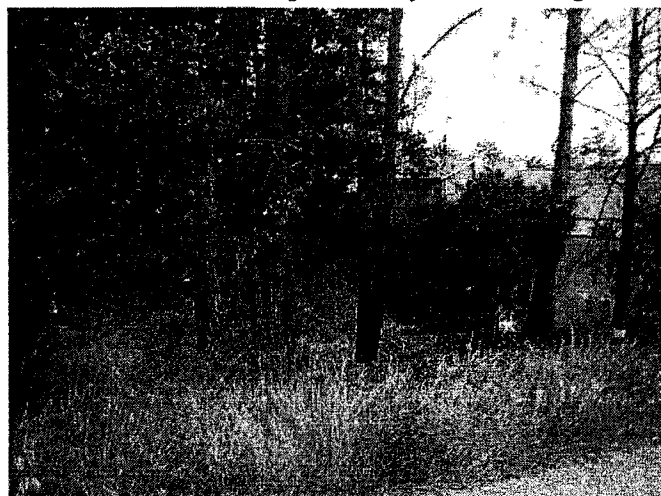


Figure 1- Project Site (looking south)

The subject site is an oversized, triple, forested lot of approximately 11,250 square feet (see Figure 1). The lot slopes downhill from Orlando Drive toward a drainage canyon near the rear of the property, and a cluster of six Monterey Pines and one oak tree are located near the front half of the property. The proposed two-story residence is approximately 4,107 square feet, with the garage and living space at the street level and a second story with living space above. The overall height of the proposed residence is 28 feet, as measured from the average natural grade of the site.

## **B. Substantial Issue Analysis**

The appellant contends that the project does not comply with the San Luis Obispo Local Coastal Program (LCP) because the development is not compatible with the existing height, massing, and character of residential development in the area, it will impact water drainage in the neighborhood and the 100-year flood zone of Avon Creek, and it will remove the remaining cluster of six Monterey Pines on the site.

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

The proposed project is located on a lot that slopes downhill from Orlando Drive, toward a drainage canyon near the rear of the property. The proposed two-story residence is approximately 4,107 square feet, with the garage and living space at the street level and a second story with living space above. The applicant specifically desires two level floors with an elevator in order to accommodate his wife who is physical disabled (please see Exhibit 5 – Applicant's Correspondence).

The appellant contends that the project does not comply with the San Luis Obispo Local Coastal Program because the development is not compatible with the existing height, massing, and character of residential development in the area. Although not specifically referenced by the appeal, the applicable LCP Policy with respect to this issue is cited below.

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

As a supplement to his contentions of appeal, the appellant attached excerpts from (and refers to) the Public Review Draft of the Cambria Design Plan. This preliminary document is still in the public review stages of the planning process and has not yet been submitted to the County as an amendment to the North Coast Area Plan. Therefore, although the Cambria Design Plan may provide guidance as a reference document, the proposed project is not subject to its requirements. The standard of review in this case is the certified Local Coastal Program, of which the North Coast Area Plan is a part.

The North Coast Area Plan includes specific building standards for lots within the Lodge Hill area (referred to in the LCP as Table G). These standards establish setback, heights, footprint, gross structural area (GSA) and deck sizes based on lot size, site topography and location, and whether or not trees exist on-site. The subject site is an oversized, triple, forested lot of approximately 11,250 square feet.

**Table 1 – Lodge Hill Development Standards**

	Allowable	Proposed
Footprint (sq. ft.)	2,571	2,431
GSA (sq. ft.)	5,142	4,107
Decks (sq. ft.)		
Pervious	771	726
Impervious	257	257
Height (feet)	33*	28
Setbacks (feet)		
Front	10	10
Rear	15	85
Side	5	5 & 13

\* Up to five feet may be added to the 28-foot height limit if the project is on a downhill lot with an average slope of greater than 14.2%.

Table 1 (Lodge Hill Development Standards) of this report compares the proposed project with what is allowed by the applicable standards.

As shown above, the proposed single family residence meets all applicable setback and square footage requirements. The structure is slightly smaller in footprint and substantially smaller in GSA (by over 1,000 square feet) than what is allowed by the Lodge Hill standards. Adjacent homes along

the eastern side of Orlando Drive have similar designs with the living space located above the street level to gain ocean views down the canyon. The sizes of these homes range from approximately 2,000 to 3,500 square feet. The two residences across Orlando Drive, both are two story and approximately 2,800 square feet in size, were recently completed on uphill lots much smaller than the James' property.

Because the proposed residence has level floors, a large crawl space is created between the floor of the first story and the ground of the naturally down-sloping site (see Exhibit 2 – Project Elevations). This space is not included in the gross structural area because it is not usable or finished space. The applicant desires this design in order to accommodate his family's needs, as the existing James' residence on Orlando Drive has multiple levels and Ms. James is unable to use much of the residence.

As approved by the County, the overall height of the proposed residence is 28 feet, as measured from the average natural grade of the site. The North Coast Area Plan sets the height in this part of Lodge Hill at 28 feet from average natural grade. However, Coastal Zone Land Use Ordinance Section 23.04.124b(2)(ii) states:

***Downhill lot:** Where the average front-to-back slope of a lot is greater than one foot of fall in seven feet of distance (14.2% average slope) from the centerline of the street to the rear face of the proposed building, up to 5 feet may be added to the allowable height limit.*

The subject lot has an average slope of 23 percent. The applicant requested, and was granted, an exception to the height limit when the project was submitted to the Hearing Officer. According to the County's staff report, historically, the height exception has been granted when the site met the slope requirement of CZLUO Section 23.04.124. However, the Board of Supervisors recently directed the County staff to no longer allow the height exception where the building height was set by a Planning Area Standard.

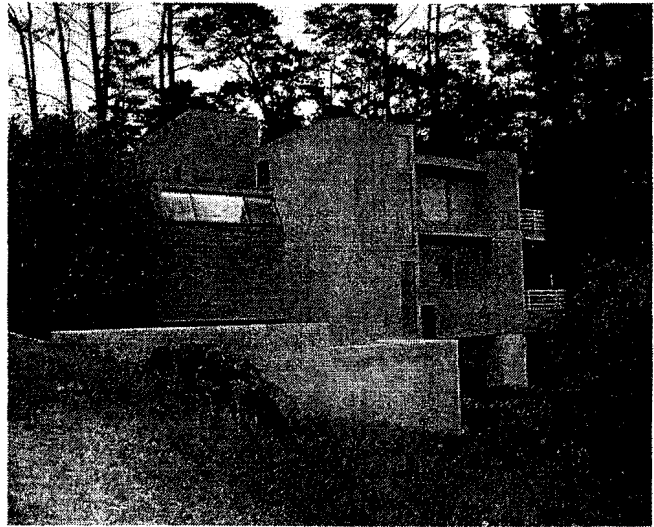


Figure 2- Residence directly southwest of James' property

In conclusion, the project is consistent with the Lodge Hill area standards regarding square footage, gross structural area, setbacks, and building height. The subject of neighborhood scale and compatibility is very difficult to define in Lodge Hill because most neighborhoods have a variety of lot sizes and varying topography. However, residences in this area are commonly built on pilings to compensate for the steeply sloping terrain, and the proposed development is substantially consistent with others in the surrounding area. **Therefore, no substantial issue is raised in regard to the project's compatibility with the scale and character of the surrounding neighborhood.**

## 2. Drainage

The appellant contends that the project does not comply with the San Luis Obispo Local Coastal Program (LCP) because the development will impact water drainage in the neighborhood and the 100-year flood zone of Avon Creek. Although not specifically referenced in the appeal, applicable LCP Policies are cited below.

### **CZLUO Section 23.05.050 – Drainage Standards:**

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

**Environmentally Sensitive Habitats Policy 18: Coastal Streams and Riparian Vegetation** – *Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.*

**Environmentally Sensitive Habitats Policy 19: Development in or Adjacent to a Coastal Stream** – *Development adjacent to or within the watershed (that*

*portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat*

The proposed project is located on a site that slopes at a varying degree between five and twenty percent away from Orlando Drive and towards an unnamed, ephemeral drainage course. This drainage course originates east of the property, traverses the rear portion of the subject site, and continues to flow west through a culvert under Madison Street, to a residential area west of the James' property.



Figure 3- Drainage course near Madison Street

In his contentions, the appellant refers to this drainage course as Avon Creek; however, based on staff's research of a USGS 7.5 Minute topographic map and a subsequent conversation with the County staff, this watercourse is not mapped and is informally referred to as Avon Creek by community members. However, regardless of the status of the drainage course, it certainly plays a role in the treatment and direction of urban runoff from the nearby residential area, and therefore, the project should be analyzed for conformance with the above-stated LCP policies and ordinance.

The County conditioned the coastal development permit to require the applicant to have a drainage plan and sedimentation and erosion control plans prepared for the project. As proposed in the plans, runoff from the roof of the residence will flow through rain gutters and drain into a 3,000 gallon storage tank under the south side of the house. When the storage tank is full, water from the gutters will be diverted via drain pipes to a discharge point in a drain field. The drain field will be a basin with a minimum depth of 12 inches, a width of 18 inches, and three feet long, constructed of durable rock (a minimum diameter of one inch). Porous filter fabric will be required along the bottom and the sides. The plans also include a proposal to place a gravel corridor along the east and south sides of the house and a zone of undisturbed vegetation between the southern gravel corridor and the drainage course. This drainage plan will treat surface water flowing from Orlando Drive, across the site, to the drainage course, and will serve as a secondary treatment for roof runoff. Runoff from the street will follow the street drainage; however, in the event of an overflow from the street drainage, runoff will drain on the east side of the house, following the gravel corridor.

CZLUO Section 23.05.050 requires that new development retain off-site natural drainage patterns. Environmentally Sensitive Habitat Policies 18 and 19 serve to protect the natural environment of coastal streams and require development adjacent to or within the watershed to be sited and designed to prevent impacts which would significantly degrade coastal stream habitat. The drainage requirements for this project include measures to address runoff from the roof of the residence by means of rain gutters and a storage tank with a provision to

accommodate additional water when the storage tank is full. Additionally, the proposed gravel corridors serve to provide an additional measure to treat surrounding runoff and the remaining area designated for undisturbed vegetation serves to both further treat the runoff and protect the natural environment of the drainage course. Therefore, the proposed project appears to be in compliance with CZLUO Section 23.05.050 and Environmentally Sensitive Habitat Policies 18 and 19. **Thus, no substantial issue is raised in regard to this contention of the appeal.**

### 3. Tree Removal

The appellant contends that the project does not comply with the San Luis Obispo Local Coastal Program (LCP) because the development will remove a cluster of six Monterey Pines on the site. Although not specifically referenced in the appeal, applicable LCP Policies are cited below.

#### **CZLUO Section 23.07.164 – SRA Permit and Processing Requirements**

**(e) Required Findings:** *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 adverse effects on the identified sensitive resource.*

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

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

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

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

The subject parcel is located within the Monterey Pine Forest of Cambria; just one of four remaining native stands of the Monterey Pine in the world. This area is designated as a Sensitive Resource Area (concomitantly mapped as Terrestrial Habitat) in the LCP, and is considered an environmentally sensitive habitat area due to the limited native range of the species and the

susceptibility of Monterey Pines to the damaging effects of the pine pitch canker disease. Therefore, especially in light of the pine pitch canker threat, minimizing the loss of native Monterey Pine habitat to other causes (urbanization, recreational overuse, invasive exotic plant species) has become a much more important consideration in land use planning in Cambria.

Though not articulated by the appeal, it is noted that the preservation of the Monterey pine forest is a critically important coastal resource issue. A great deal of effort is being put towards the protection of this environmental resource, by both combating the pitch canker disease that has devastated many populations, and by ensuring that new development is sited and designed in a manner that will allow for the continuance of this species.

Towards this end, local governments, as the primary authority regulating land use, play a critical role. In this case, the County of San Luis Obispo has included conditions for the replacement of Monterey pines associated with this project (Conditions 8-11, attached as Exhibit 4). Of course, avoiding the removal of healthy native Monterey pine, rather than mitigating for their removal, is the preferred method for protecting this resource, especially where the trees are a component of a larger forest system. In this case, however, the six trees to be removed are in an area of residential development that can no longer be considered an intact forest system.

Notwithstanding the LCP's sensitive terrestrial habitat designation and the presence of Monterey pines, the immediately surrounding properties have been previously developed, and as a result, do not constitute prime forest habitat. Additionally, given the constraints on the site, due to the sloped terrain of the area and the location of the trees in the center of the parcel, any reasonable alternative building site would result in the removal of the six Monterey Pine trees. **In conclusion, the appeal does not raise a substantial issue in terms of project compliance with LCP Sensitive Resource protection standards, because the limited removal of Monterey pine trees associated with the development will be appropriately mitigated.**

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

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures that would substantially lessen any significant adverse effect that the project may have on the environment. The County found this project to be categorically exempt from the provisions of CEQA.

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



Exhibit 1  
(1 of 2)

SAN LUIS  
SPO COUNTY

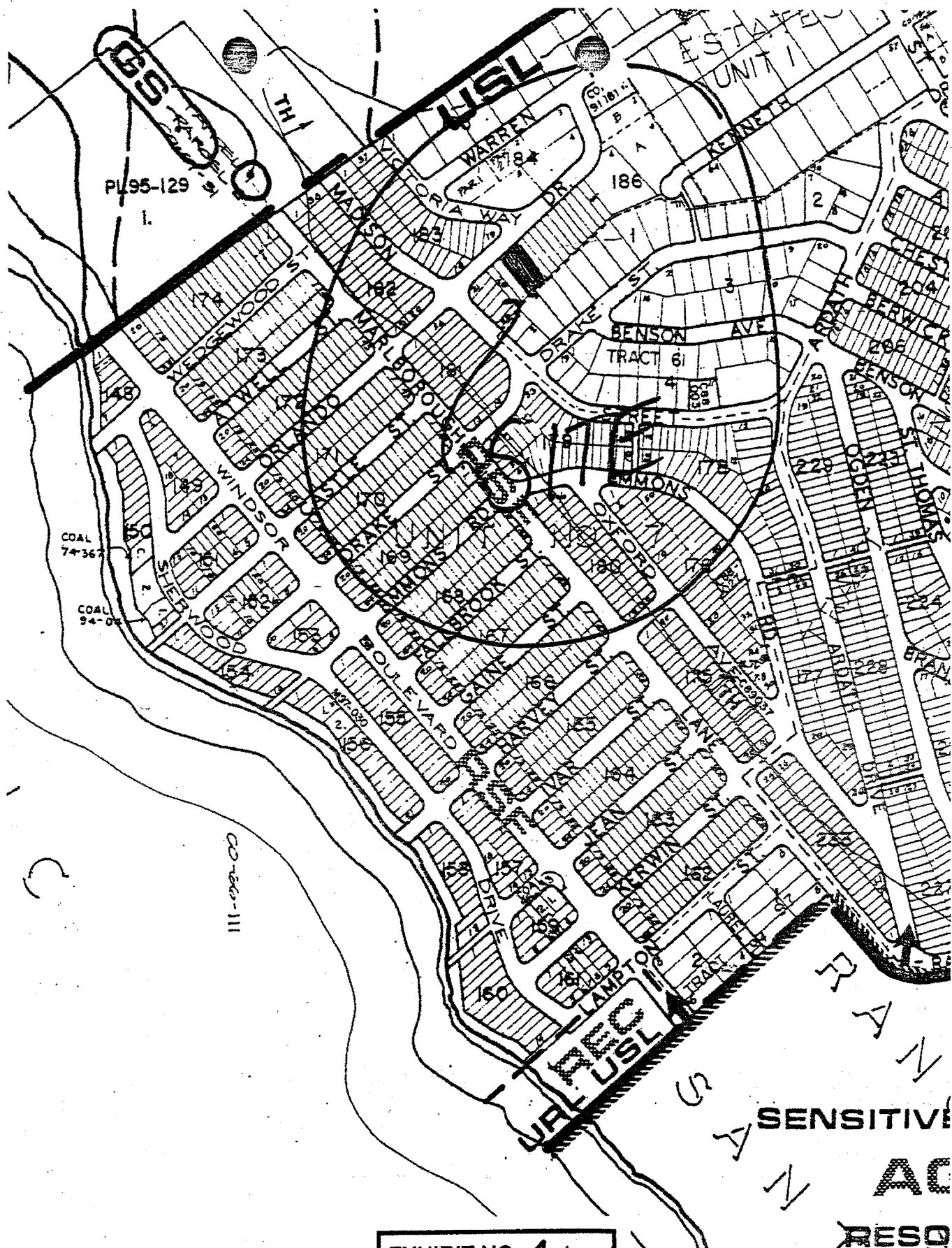
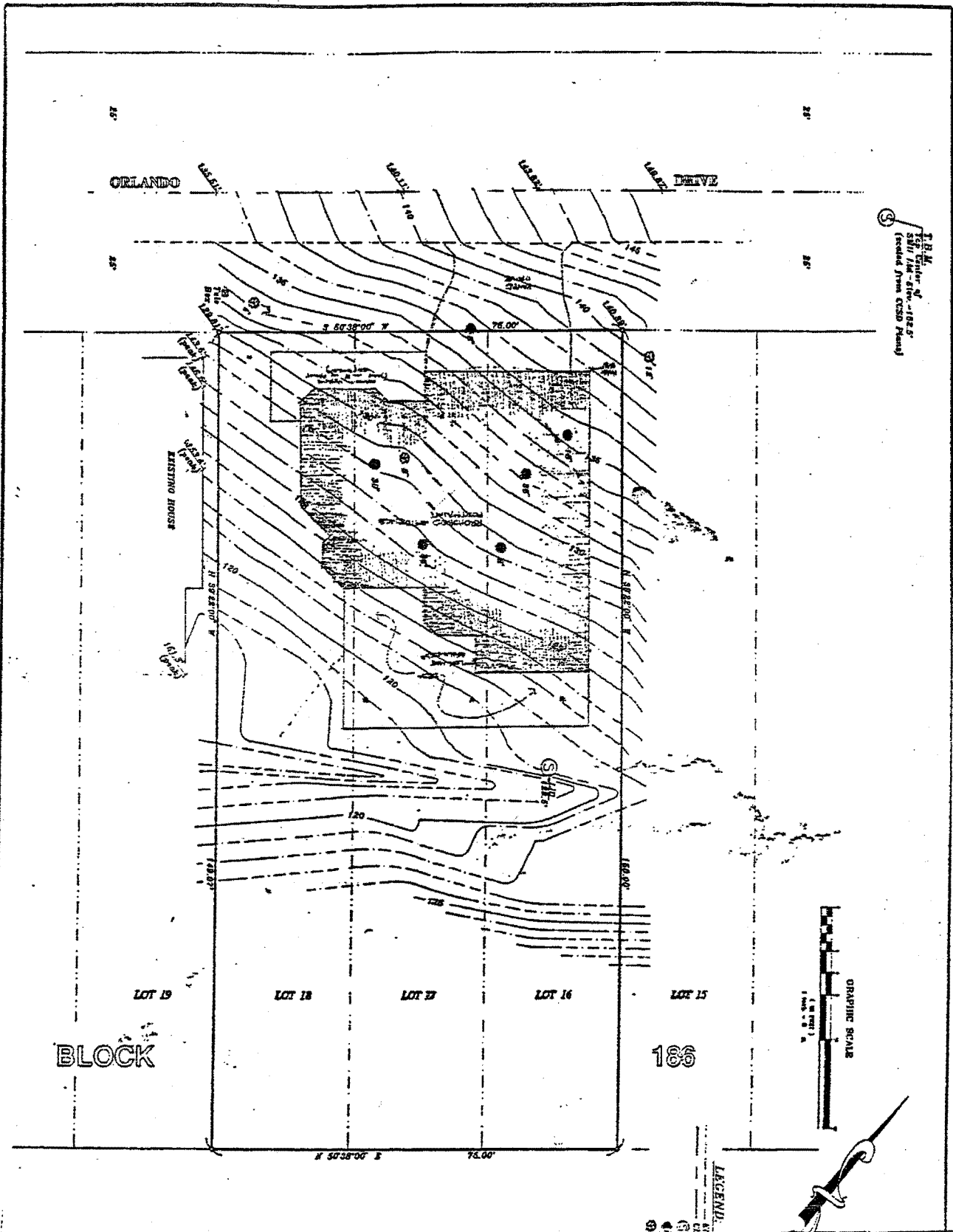


EXHIBIT NO. 1 (2 of 2)
APPLICATION NO.
A-3-SLO-00-70
Vicinity Map

Project  
D990050 James

Exhibit  
Site Location

SENSITIVE  
AC  
RESO



PROJECT

D990050P James

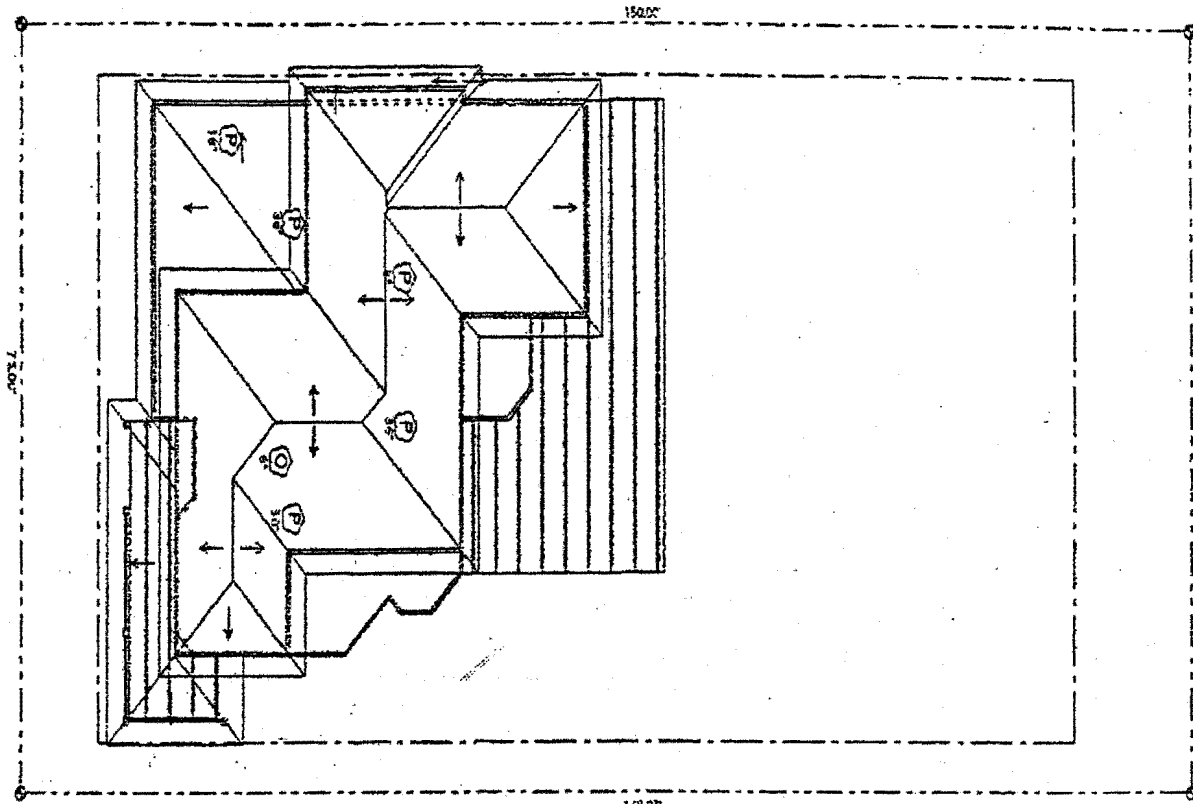
EXHIBIT NO. 2 (1 of 4)

APPLICATION NO.

A-3-SLO-00-70

EXHIBIT

Topographical Survey



**CONTENTS**  
**SHEET 1 - BITE PLAN, ENERGY INFORMATION**

- SHEET 2 - FLOOR PLANS  
SHEET 3 - ELEVATIONS  
SHEET 4 - ROOF FRAMING, FRAMING SECTIONS  
SHEET 5 - ELECTRICAL / MECHANICAL  
SHEETS 6-1 TO 6-8 - STRUCTURAL DRAWINGS  
INDEX & specs, foundation, floor & roof, details)

**PROJECT SUMMARY:**

- [illegible]

**NOTE: NO LIES.**

- [illegible]



1. ALL GOALS SHOULD BE SMART

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CONTRACTOR TO VERIFY HEIGHT WITH  
BUILDING INSPECTION PRIOR TO GRADING

and big telephone  
 HOYE:

drawn by P.H.K.	Koenig & Associates Residential Design 1250 Franklin Avenue, Cambridge, MA 02139 (617) 452-1587	sketches: 1 of
date 8/13/80		

EXHIBIT NO. 2(2 of 4)

**APPLICATION NO.**

A-3-SLO-00-70

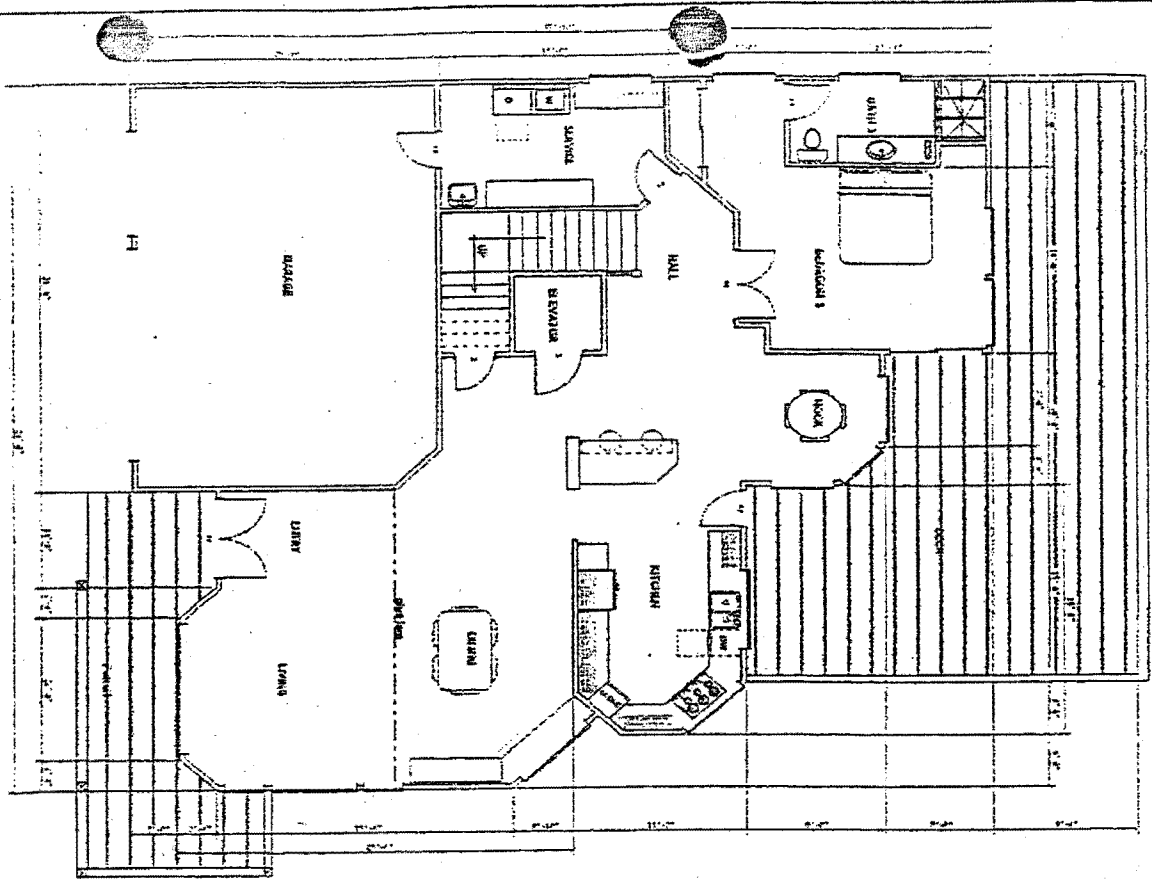
## Project

D990050P James

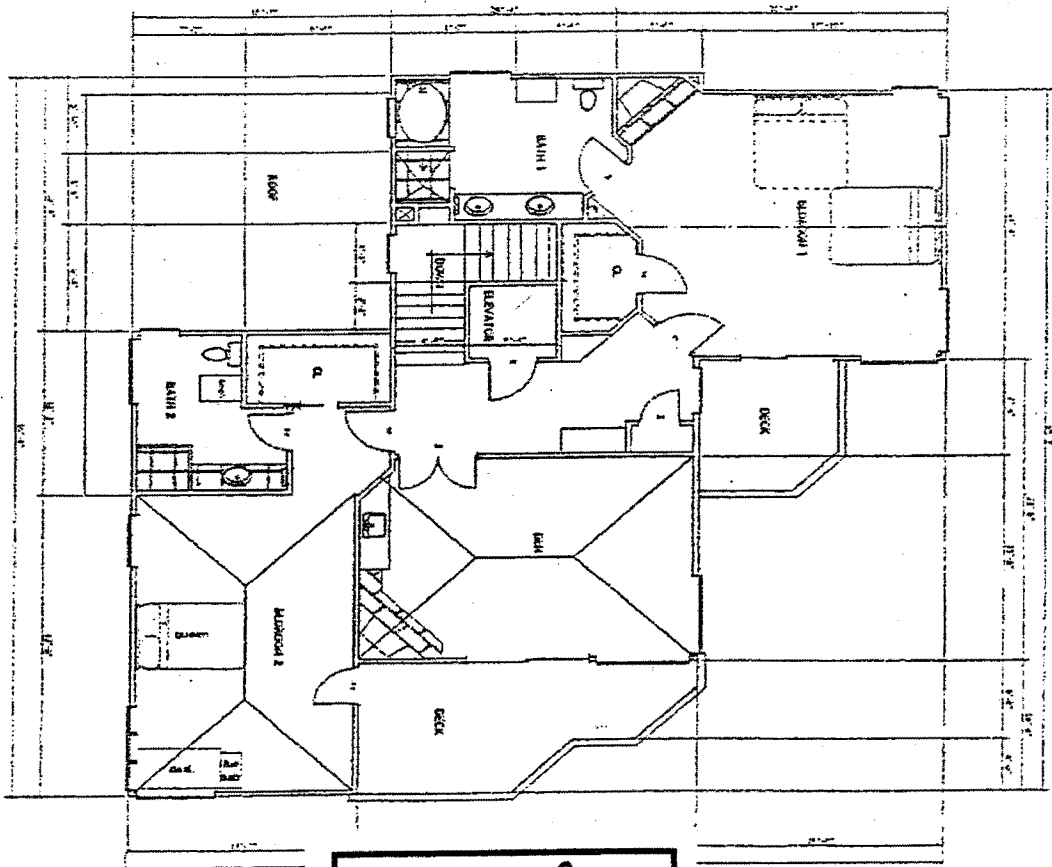
Exhibit

## Site Plan

LOWER FLOOR PLAN 1/4"=1'



UPPER FLOOR PLAN 1/4"=1'



drawn by	checked by	date
Kenneth A. Anderson	Robert A. Anderson	10/1/83
Architectural Designer	Architect	
San Luis Obispo, California 93401		
phone 805/964-4457		

EXHIBIT NO. 2 (3 of 4)

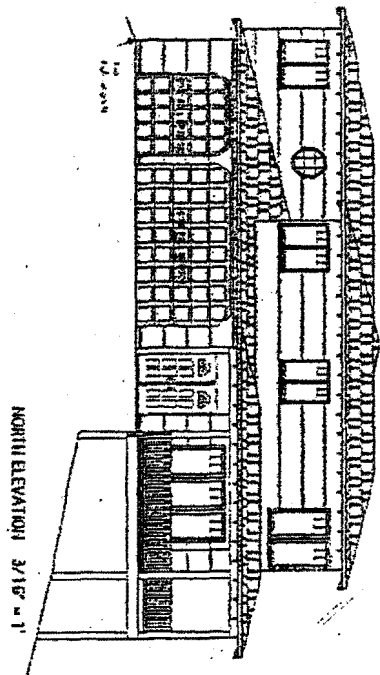
APPLICATION NO.

A-3-SLO-00-70

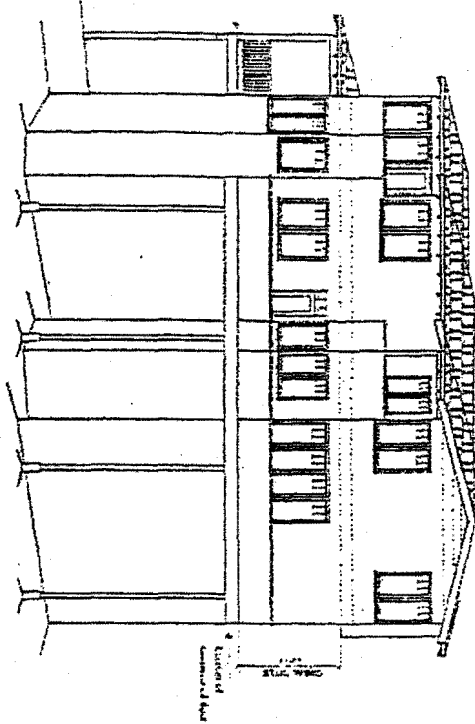
Project  
D990050P James

Exhibit  
Upper Floor Plan

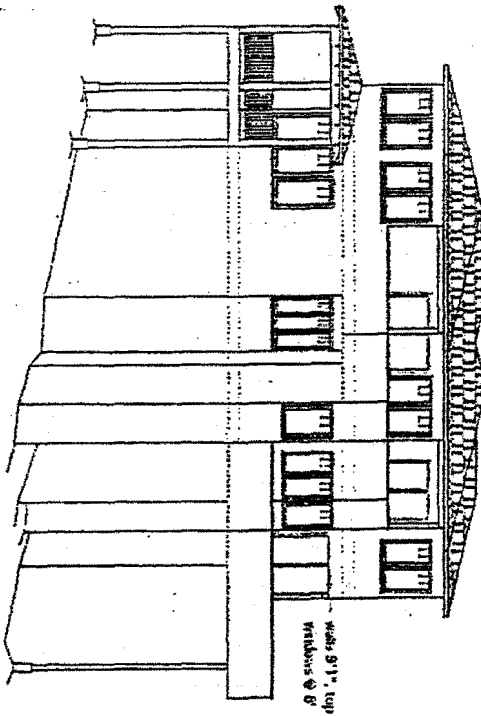
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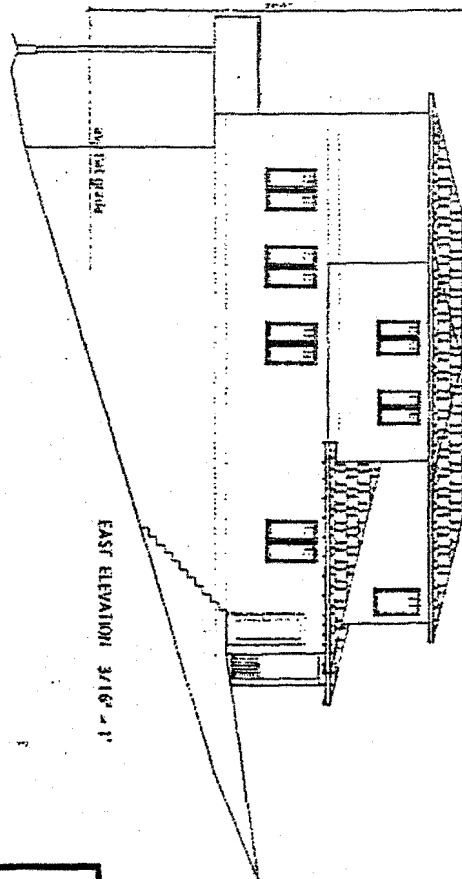
NORTH ELEVATION: 3/15" = 1"



**SOFT ELEVAZIONI 3/16" = 1'**



WEST ELEVATION 3/15 - 1"



EAST ELEVATION: 3/16" x 1"

elephants	Leland & Judy James in residence at Owens Drive, California
dromedary	Kenneth A. Associates Residential Design 720 North Avenue, Suite 807 P.O. Box 992, Waco, Texas
don mules	Robert J. Jr. architect

EXHIBIT NO. 2 (4 of 4)

APPLICATION NO.

A-3-SLO-00-70

Exhibit  
Elevations

## Project

**D990050P James**

STATE OF CALIFORNIA - THE RESOURCES AGENCY

Gray Davis, Governor

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

738 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

(831) 427-4865



RECEIVED

APR 18 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):

Richard J. Hiller  
PO Box 4503  
IRVINE CA 92616949 509 9725  
Area Code Phone No.

## SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo Board of Supervisors

2. Brief description of development being appealed:

Single family dwelling

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

Orcutt Dr. Cambria Parcel # 023-025-031

4. Description of decision being appealed:

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

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

## TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

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

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

Appellant's Contactions  
Exhibit 3  
(1 of 34)

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

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

a. ☐ Planning Director/Zoning  
Administratorc. ☐ Planning Commissionb. ☒ City Council/Board of  
Supervisorsd. ☐ Other: \_\_\_\_\_6. Date of local government's decision: April 11 '007. Local government's file number: D990050P**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:

Leonard + Judy James  
628. Orland Dr  
Cambria CA 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (e). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Bruce Koontz  
2755. Treton Ave  
Cambria CA 93428(2) Karen Nall Room 310  
Plan Specialist Dept of Plan + Bldg County Gov Ctr  
San Luis Obispo CA 93428-2040(3) Doug Buckmaster  
1965. Emmons  
Cambria CA 93428(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 34)

**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 Appeal Presentation - 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.

*Richard J. Huber*  
Signature of Appellant(s) or Authorized Agent

Date *April '00*

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

**SECTION VI. Agent Authorization**

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

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

Exhibit 3  
(3 of 34)

# California Coastal Commission

## Appeal

April 14, 2000

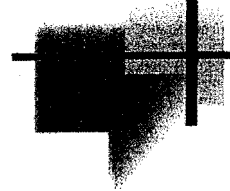


Exhibit 3  
(4 of 34)

4/13/00

Objective: Appeal Minor Use  
Permit for James Project  
(APN: 023-025-03), Ref:  
County File # D990050P.

Exhibit 3  
(5 of 34)

# Desired Outcomes: A Change in the Proposed Home Design:

---

- Require a stepped design integrated with a sloped lot.

Exhibit 3  
(6 of 34)



# Issues: Overall

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- The development is not compatible with the established physical scale of the area. This includes but is not limited to:
  - Existing natural and man made landforms and structures in the area
  - And includes consideration of height, massing and character of the proposed development with its surroundings

# Issues: Lack of Integration of the Proposed Structure With the Building Site and Surrounding Environment

Exhibit 3  
(8 of 34)

4/13/00

SHELTON

PELAUR

CHAMBERS

VICTORIA WAY

GRANDS DRIVE

JAMESON

AVON CREEK

10' SEWER EASEMENT

FRIZZEL

WILLIAMS

SEGAL

JOHNSON

BUTTERFIELD

ROBERTS

MADISON STREET

NORTH

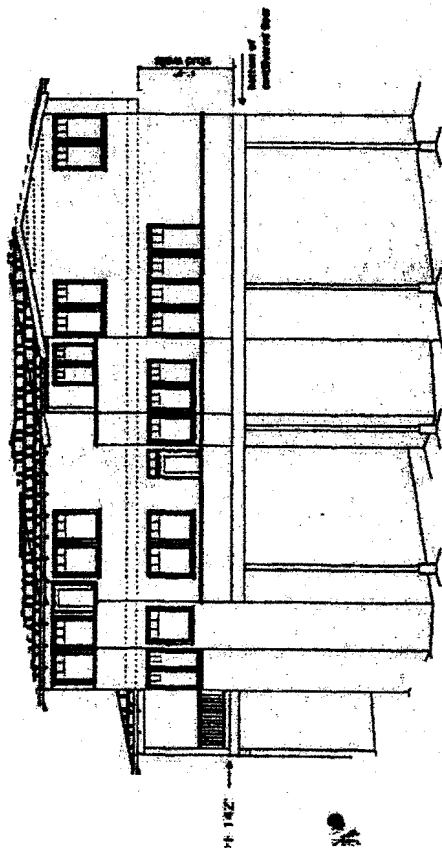


1" = 64' ±

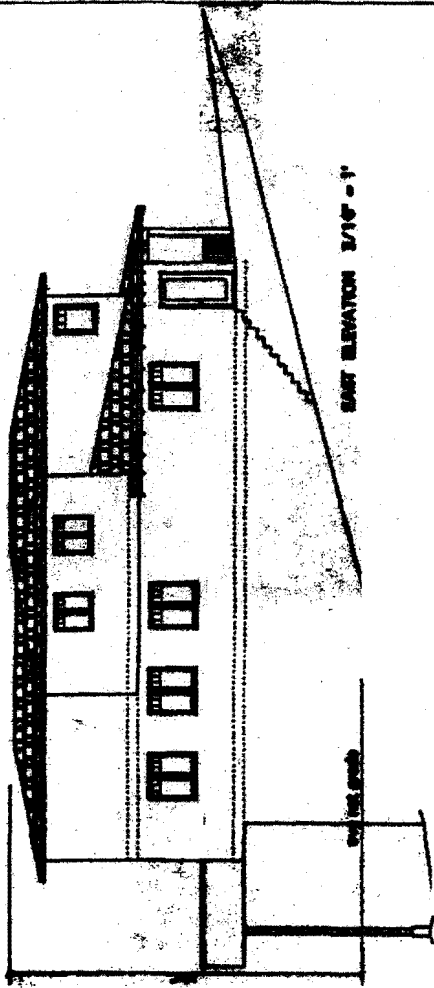
Exhibit 3  
(9 of 34)

SUTHERLAND

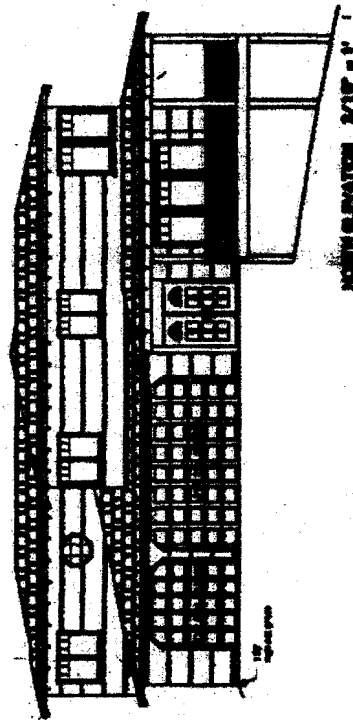
DOULTER



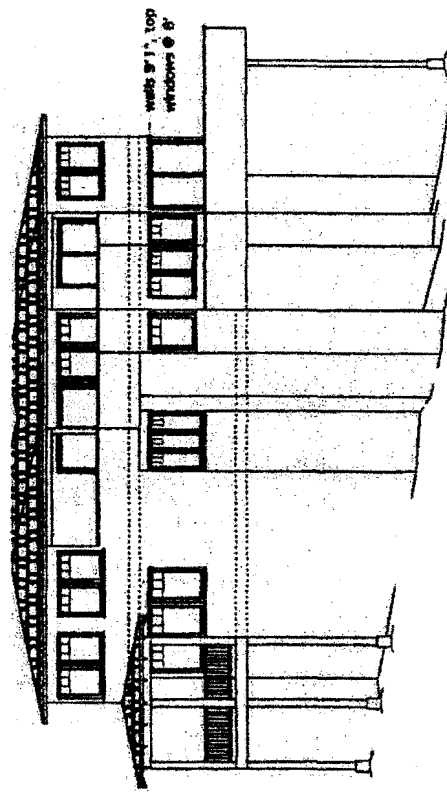
SOUTH ELEVATION 3/16" = 1'



EAST ELEVATION 3/16" = 1'

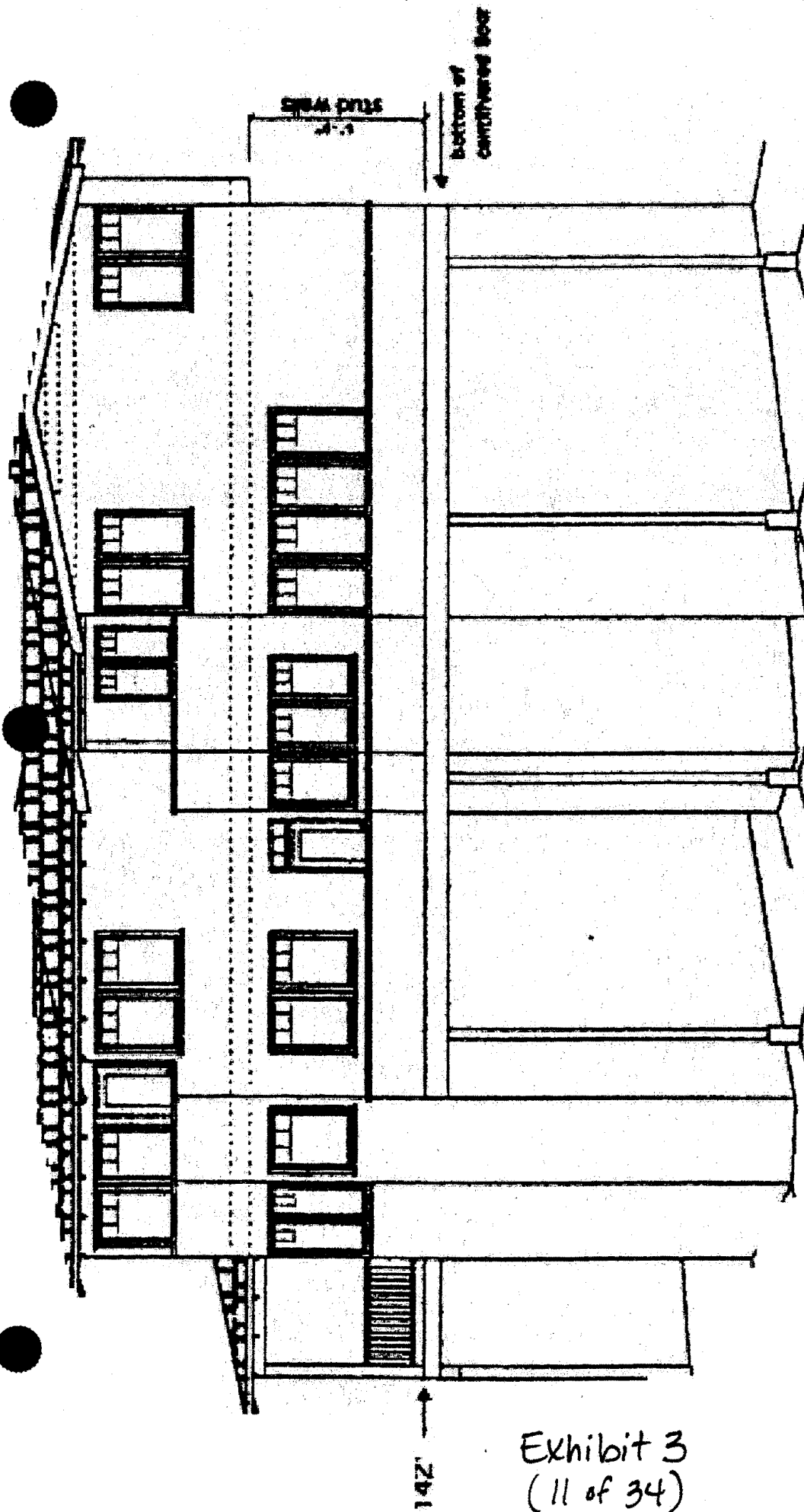


NORTH ELEVATION 3/16" = 1'



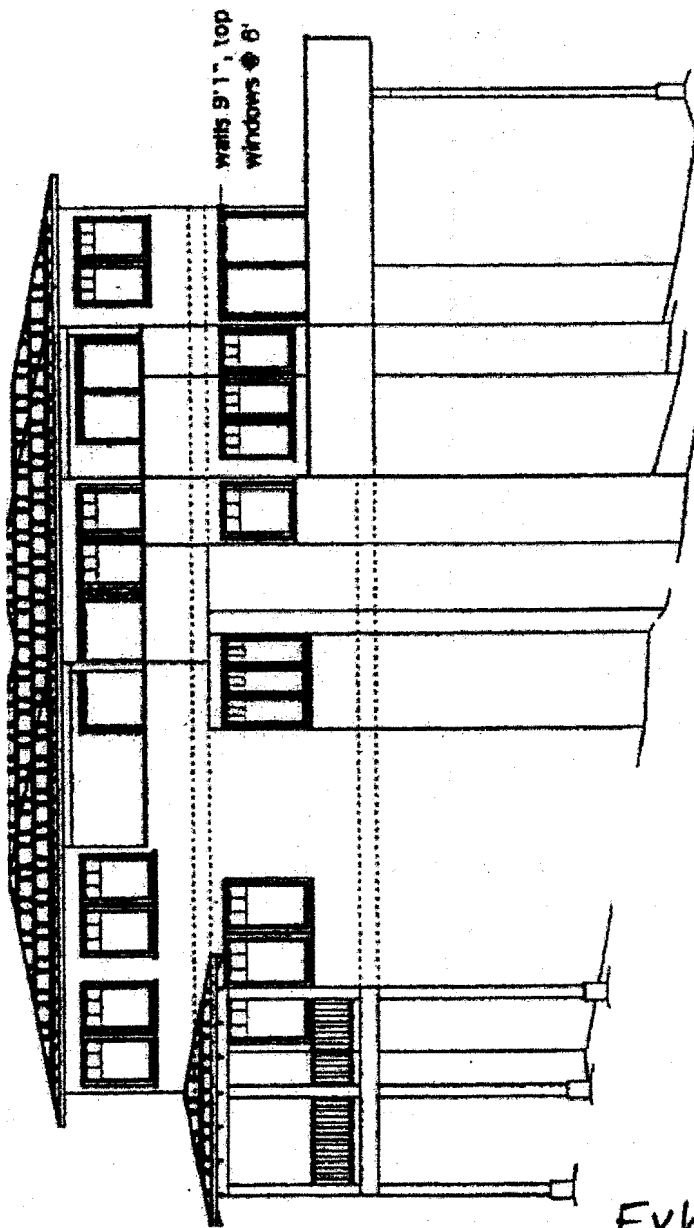
WEST ELEVATION 3/16" = 1'

Drawn by	Checked by	Reviewed by	Approved by
J. J. Jones	J. J. Jones	J. J. Jones	J. J. Jones
J. J. Jones	J. J. Jones	J. J. Jones	J. J. Jones
J. J. Jones	J. J. Jones	J. J. Jones	J. J. Jones
J. J. Jones	J. J. Jones	J. J. Jones	J. J. Jones



SOUTH ELEVATION 3/16" = 1'

Exhibit 3  
(11 of 34)



WEST ELEVATION 3/16" - 1'

Exhibit 3  
(12 of 34)

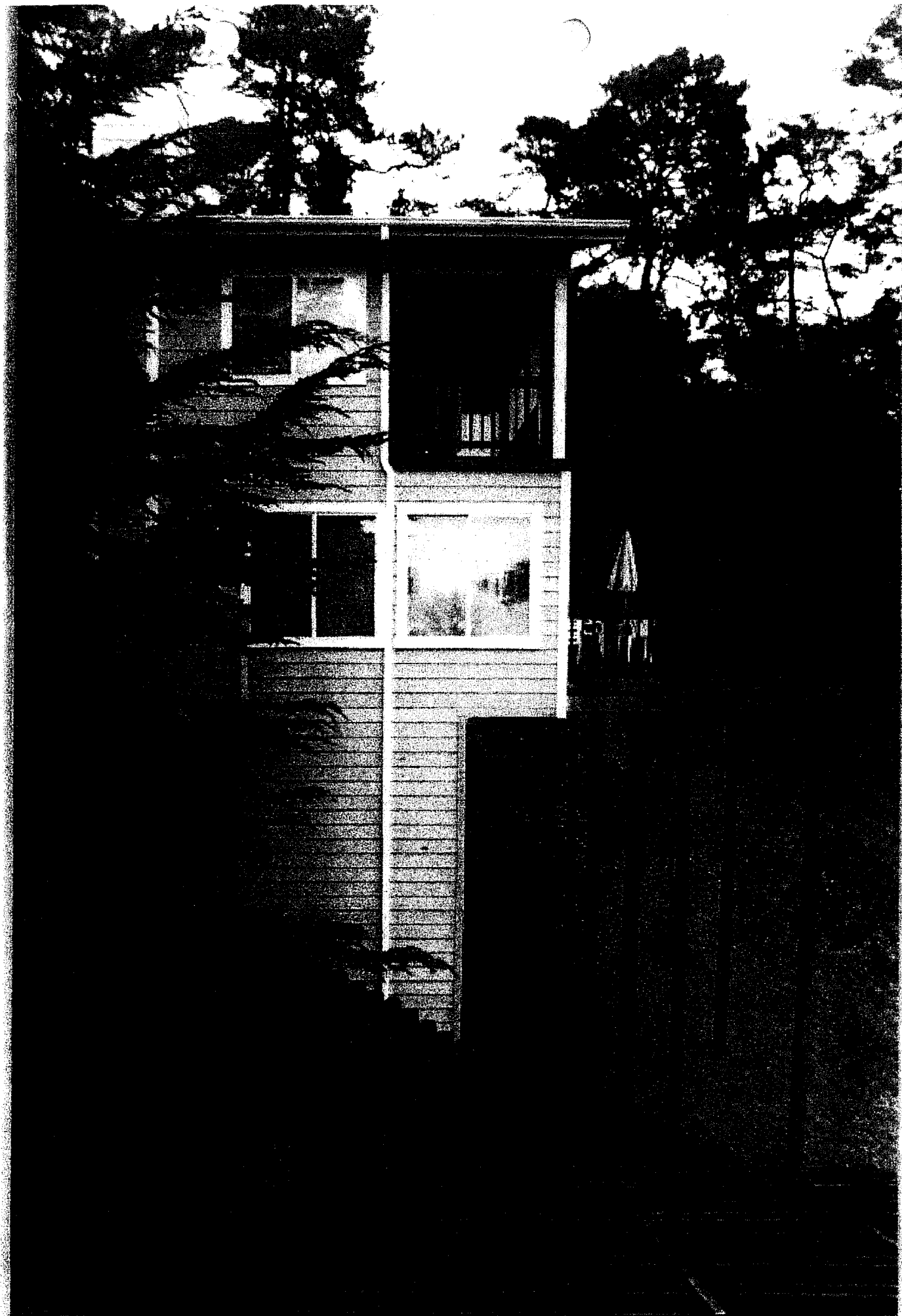


Exhibit 3 (13 of 34)

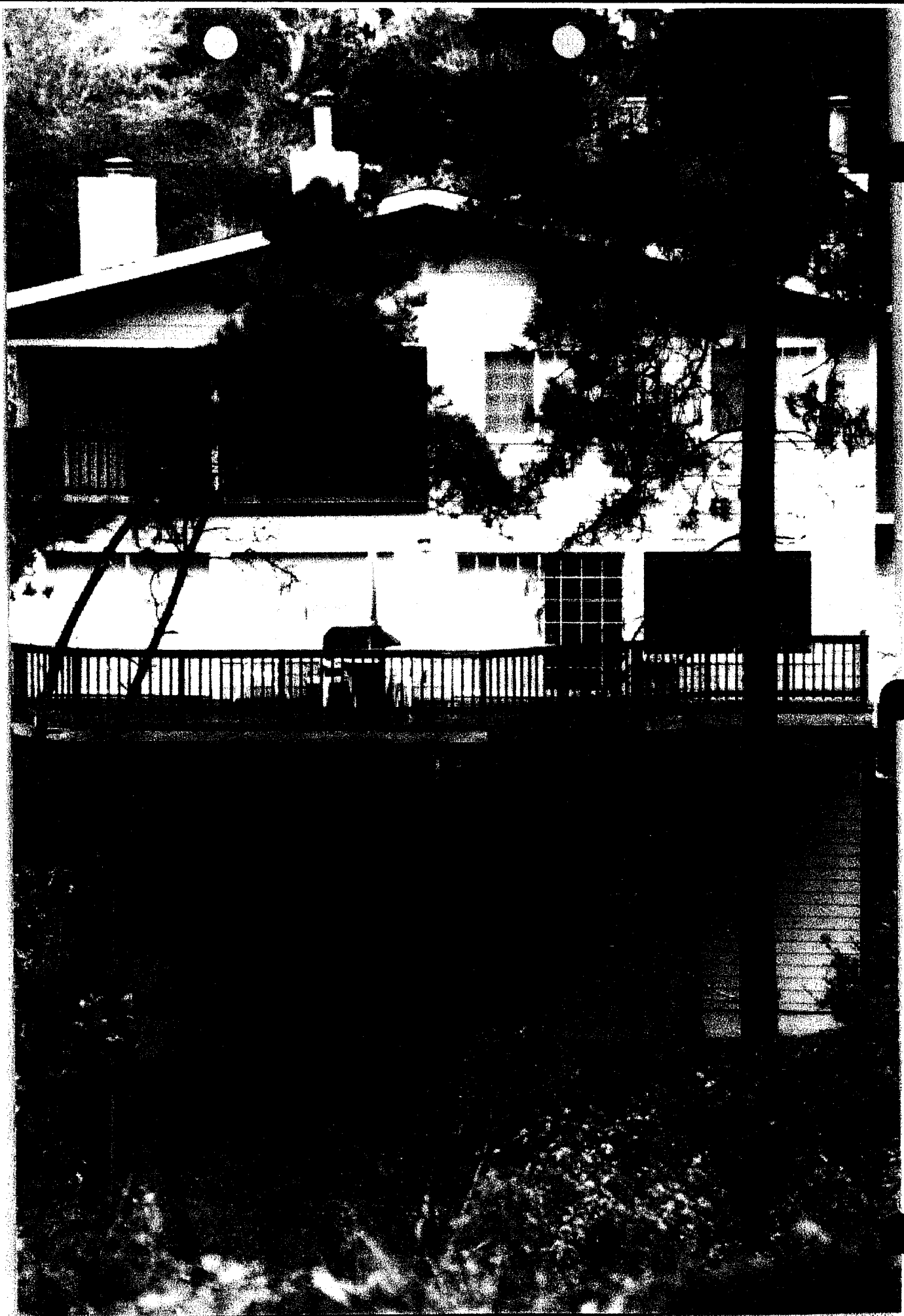


Exhibit 3 (14 of 34)

# Lack of Integration With the Building Site

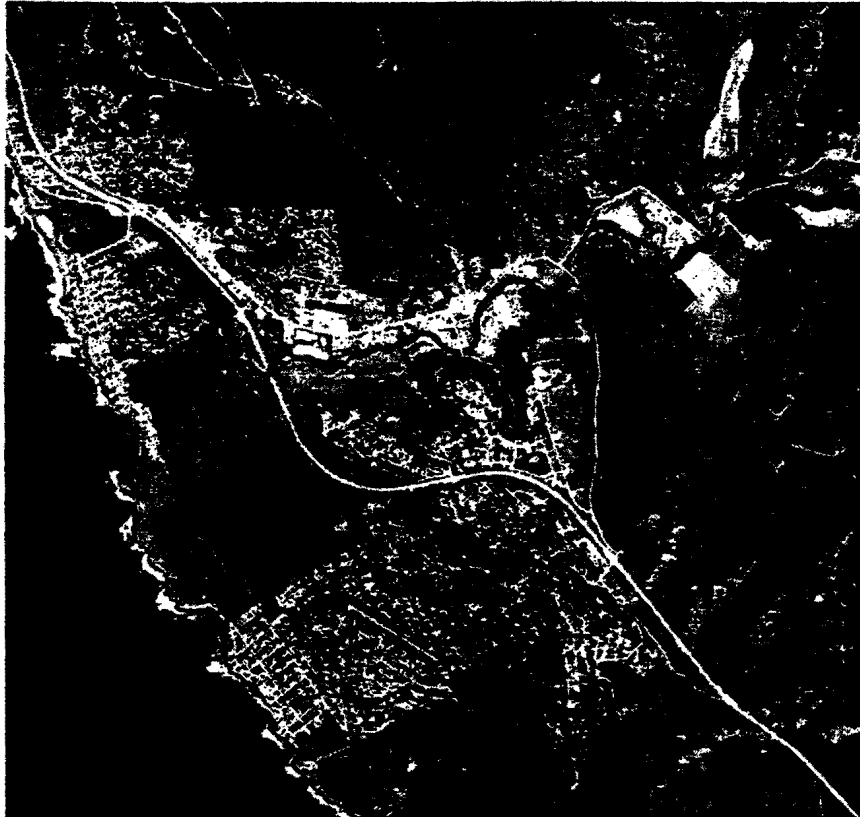
- Box on stilts design is inappropriate for a steep-slope lot and fails to integrate with the surrounding environment.
- The home should stair-step down the slope, not be elevated as planned.
- The emerging standard of the community: "on sloping sites, buildings should have multiple levels and be dug into and step down the hill".

# CAMBRIA DESIGN PLAN

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## PUBLIC REVIEW DRAFT

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COUNTY OF SAN LUIS OBISPO

JANUARY 7, 2000

PREPARED BY

DESIGN, COMMUNITY & ENVIRONMENT

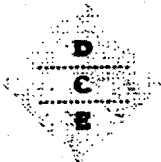


Exhibit 3  
(16 of 34)

10. Curb Cuts

- a. In the Village Center, no new curb cuts shall be allowed on Main Street.
- b. In the Village Center, no more than one curb cut shall be allowed for each parcel. Lots that have auto access via alleys shall have no curb cuts from any public street.
- c. Where curb cuts occur, the driveway shall be no more than 10 feet wide, unless two-way in and out access is required, in which case the driveway shall be no wider than 20 feet. (see Figure 21)

11. Development on Sloping Sites

The hillsides are one of the dominant physical features in the East Village which provide enclosure on the northern edge of the Village. Preservation of the hillsides and careful, unobtrusive development is essential in maintaining an attractive backdrop for the East Village. For development on steeply sloping sites abutting the northern side of Main Street, the following development regulations apply:

- a. Development shall be built on the flatter portions of these sites on top of the bluffs away from Main Street, and not in graded areas at the toe of the hillside at the edge of Main Street. (see Figure 21)
- b. For parcels that are zoned for commercial uses, the flatter areas of the site shall be utilized for parking rather than building footprints. Where buildings abut both sides of a parking lot, the difference in ground floor elevations, where feasible, should not be such to cause the parking lot between them to have a slope greater than 2%. (see Figure 21)
- c. Site grading shall generally be limited to areas within and adjacent to the building footprint, parking areas and driveways, and where necessary due to unusual site conditions, or where necessary to blend graded areas with adjacent natural contours. [*County Design Guidelines*, page 102.]
- d. Building masses shall generally follow the contours. Where possible, large cuts and graded pads should be avoided. On sloping sites, buildings should have multiple levels and be dug into and step down

6. Development on Sloping Sites

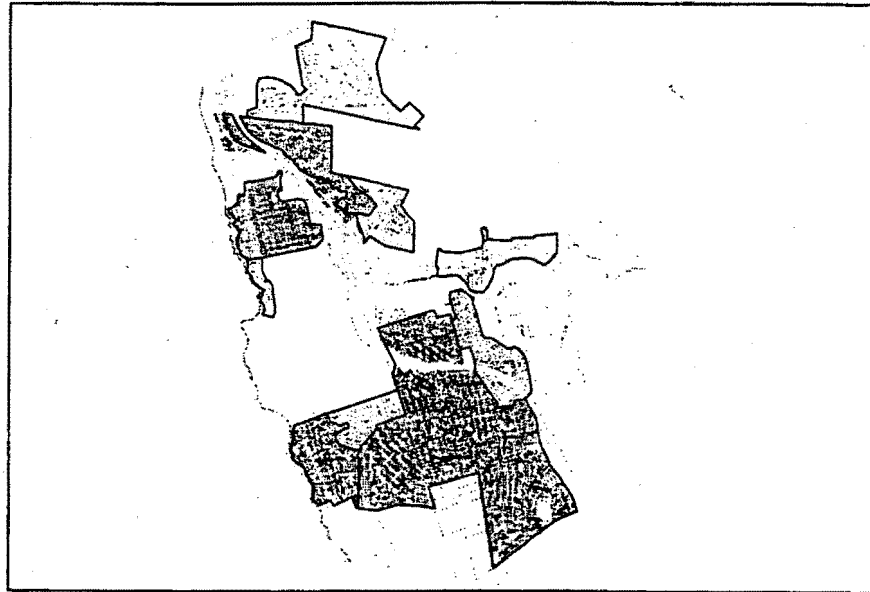
The hillsides are one of the dominant physical features that create the setting in which Cambria exists. Preservation of the hillsides and careful, unobtrusive development is essential in maintaining an attractive backdrop for Cambria.

- a. Site Layout. Where the majority of the site is sloping, the flatter areas should be utilized for parking rather than building footprints. Where buildings abut both sides of a parking lot, the difference in ground floor elevations, where feasible, should not be such to cause the parking lot between them to have a slope greater than a 2%.  
(see Figure 40)
- b. Grading Limitations. Site grading should generally be limited to areas within and adjacent to the building footprint, parking areas and driveways, and where necessary due to unusual site conditions, or where necessary to blend graded areas with adjacent natural contours.  
[*County Design Guidelines*, page 102]
- c. Contour Development. Building masses should generally follow the contours. Where possible, large cuts and graded pads should be avoided. On sloping sites, buildings should have multiple levels and be dug into and step down the hill. All buildings in areas with natural slopes above 15% should have stepped foundations or other similar techniques to minimize grading associated with large building pads.  
[*County Design Guidelines*, page 102.]
- d. Cut slopes. Cut slopes should be lower than adjacent building heights. A tall grading cut may be appropriate behind a building if out of public view.
- e. Retaining Walls. Where retaining walls need to be greater than four feet in height from natural grade to top of wall, they shall be stepped down a slope, rather than designed as a single vertical wall. If it is necessary to step the walls, the horizontal step must be a minimum of three feet in width to provide adequate space for landscaping. A tall retaining wall may be appropriate behind a building if out of public view. [Similar to *County Design Guidelines*, page 77.] (see Figure 40)

# CAMBRIA

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# DESIGN PLAN



## *Draft of Chapter 7: Residential Development*

COUNTY OF SAN LUIS OBISPO

MARCH 22, 1999



PREPARED BY

**DESIGN, COMMUNITY & ENVIRONMENT**

1600 SHATTUCK AVENUE, SUITE 222

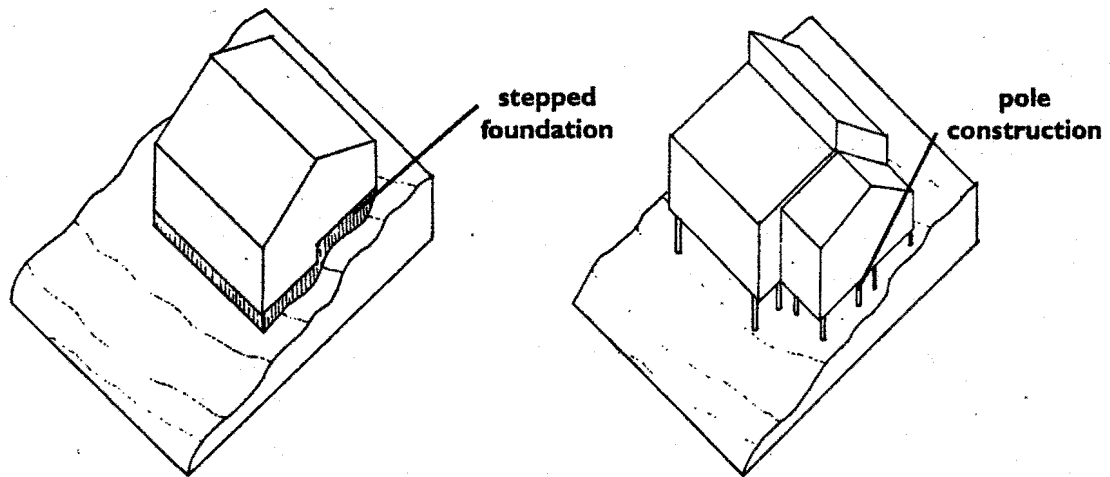
TEL: 510.848.3815

BERKELEY, CALIFORNIA 94709

FAX: 510.848.4315

Exhibit 3  
(19 of 34)

- b. Contour Development. Building masses should generally follow the contours. On sloping sites, buildings should have multiple levels and be dug into and stepped down the hill. All buildings in areas with natural slopes above 20% should have stepped foundations, pole construction, or other similar techniques to minimize grading associated with large building pads. [*County Design Guidelines*, page 102]



#### D. Architectural Style

##### 1. Guidelines

Architecture should emphasize styles compatible with the rural Central California coast and Cambria in particular. Selected styles should respond to the existing vernacular architecture, surrounding natural landscape, climate, natural processes, and the unique lifestyles of the residents of Cambria.

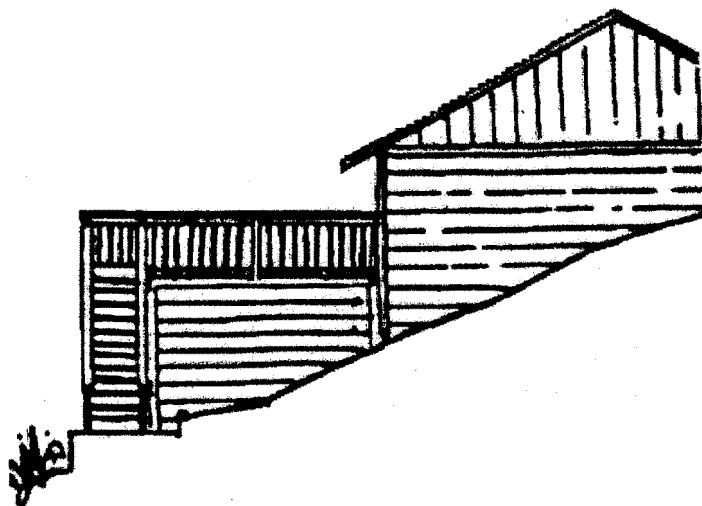
- a. Appropriate Styles. Styles that are appropriate for residential neighborhoods in Cambria include Craftsman/Bungalow, Victorian, and Carmel/Monterey. Nautical, Cape Cod and Sea Ranch styles are appropriate in the coastal Marine Terrace, Park Hill, Sea Clift Estates and Moonstone Beach neighborhoods. Examples of these styles, some of which are taken from *A Field Guide to American Houses* are provided in Appendix A: Architectural Styles. This appendix is meant to serve as a guide to define styles and not as a strict set of guidelines.
- b. Neighborhood Character. The existing character of each neighborhood should be enhanced by the type of architectural styles within the neighborhood. For example, a house on Lodge Hill should reflect the rustic and rural quality of this neighborhood, as well as the surrounding steep slopes and pine forest.

- b. **Painting.** Where possible, roof-mounted vents and mechanical devices should to blend with the roof color.

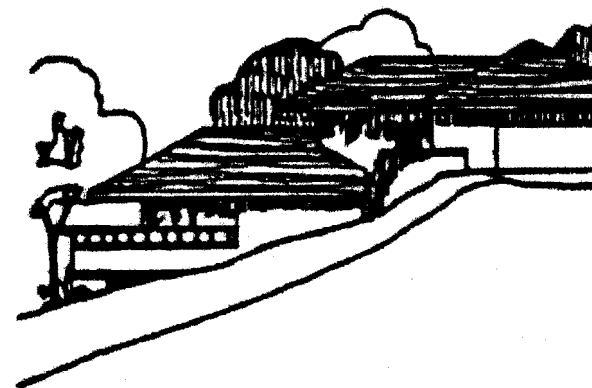
#### ***H. Balconies, Decks and Exterior Stairs***

##### **1. Guideline**

- a. **Balconies, Decks and Exterior Stairs.** Balconies, decks and exterior stairs designed as integral components of the structure. They should reflect the home and not appear to be "tacked-on". [*County Design Guidelines*, page 6]



**not this**



**this**

Exhibit 3  
(21 of 34)

# Lack of Integration With the Building Site (Cont'd)

- Proposed 'crawl space' 11 to 18ft high reflects the inefficiency of the plan design.
- Top floor should be switched to the lower level area to allow for better integration.
- Design ignores impact of water drainage and the 100 year flood zone of Avon creek. Building is placed almost on top of the creek.
- Design degrades the surrounding area.

Exhibit 3  
(22 of 34)

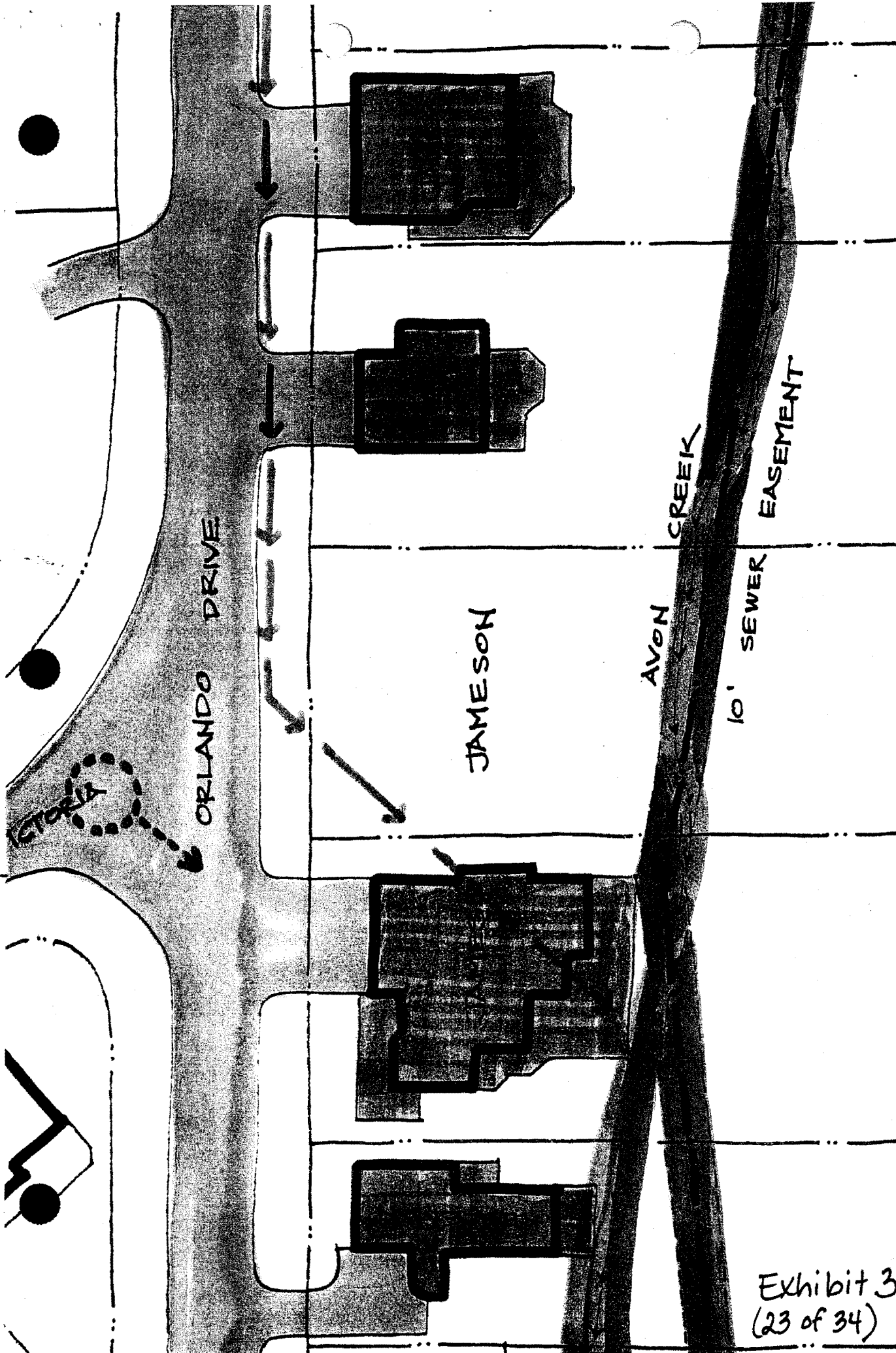


Exhibit 3  
(23 of 34)

EXHIBIT NO. 3

APPLICATION NO.

A-3-SLO-00-70

(24 of 34)

# Lack of Integration With the Building Site (Cont'd)

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- Design ignores input of North Coast Advisory Council.

Exhibit 3  
(25 of 34)



North Coast Advis. Council

P.O. Box 533

Cambria, CA 93428

January 20, 2000

Warren Hoag, Principal Planner  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

re: D990050P -- Lawrence James SFD

Dear Mr. Hoag:

At its monthly meeting on January 19, the North Coast Advisory Council (NCAC), voted unanimously (11-0) to recommend denial of the above project as proposed for a variety of reasons listed below. The continued MUP hearing on this item scheduled for tomorrow caused the Land Use/Project Review Committee to review and discuss this item, and the NCAC as a whole to voice its objections.

1. The building design, essentially a box on stilts, is inappropriate for a steep-sloped lot.
2. The entire home should be lowered one story in order to utilize what actually is a "crawl space" of from 11' to as much as 18' high.
3. The home should stair-step down the slope, not be elevated as planned.
4. The permitted elevation -- an extra 5 feet to a height of 33 feet -- is unnecessary and inappropriate for the site and neighborhood. No height exception should be permitted at all.
5. Tree removal must be addressed thoroughly and enforced tightly. No trees off the site should be removed or damaged.
6. There are internal and external size inconsistencies with decks and roof, and intrusion into the setbacks, side and front.

The Council urges that this project be denied until all objections, including those from many concerned neighbors, are resolved.

Sincerely,



Doug Buckmaster, Corresponding Secretary

cc: Shirley Bianchi, Victor Holanda, Doreen Liberto-Blanck

Exhibit 3  
(26 of 34)



# Issues: Tree Removal

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- Project will destroy the remaining cluster of six Monterey pines on the site. Meets standard of 'excessive removal' under newly issued tree policy.
- County appears unwilling to enforce its own policy.



EXHIBIT NO. 3

APPLICATION NO.

A-3-SLD-00-70

(28 of 34)

*atrinidade @ co. slo. ca. us.***Policies and Procedures**

No.

**SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING**

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

**SUBJECT**

Effective Date \*\*/\*\*/

**TREE REMOVAL IN COASTAL DEVELOPMENT PERMITS  
NORTH COAST PLANNING AREA**

Approved by \_\_\_\_\_

**A. PURPOSE**

Procedures contained in this document prescribe actions to be taken by all staff when reviewing land use permits and subdivisions that propose tree removal in the North Coast Planning Area. The purpose of this policy and procedure is to assure that trees are not inappropriately removed.

**B. APPLICABLE TO**

All project managers and case planners.

**C. INTRODUCTION**

The Monterey pine forest of the North Coast is a biological community that is one of only three native stands of Monterey pine (*Pinus radiata*) in California. This forest is being negatively and severely affected by both disease and development. The Coastal Act and county Local Coastal Plan policies require minimization of development impacts on the forest as a habitat. In an effort to protect these trees from unnecessary removal, staff should thoroughly assess proposed projects to explore all avenues that would lessen their impact on the trees.

**D. POLICIES**

1. Applicability. This policy addresses San Luis Obispo County Code (SLOCC) Section 23.05.062b(1) - Exceptions to Tree Removal permit requirements for approved land use permits and subdivisions, SLOCC Section 23.05.064 - Tree Removal Standards, and SLOCC Section 23.07.170 - Environmentally Sensitive Habitats.
2. Standards for removal. No non-exempt tree may be removed without fulfilling the provisions of SLOCC Section 23.05.064, with special attention to subsections "d" and "e" which state:

Exhibit 3  
(29 of 34)

## TREE REMOVAL FOR DEVELOPMENT - NORTH COAST POLICY AND PROCEDURE

Page 2

- d. *Tree removal within public view corridors (areas visible from collector or arterial roads) shall be minimized in accordance with visual and scenic Resources Policy 5.*
  - e. *New development shall incorporate design techniques and methods that minimize the need for tree removal.*
3. **Environmentally Sensitive Habitats.** Projects on, adjacent to or within 100 feet of an Environmentally Sensitive Habitat (ESH), as mapped by the Land Use Element combining designation map, require a biologist's report that fulfills the provisions of SLOCC Section 23.07.170. When reviewing a biologist's report, staff should look for recommendations that will assure that new development will not significantly disrupt the resource nor prevent or significantly interfere with the biological continuance of the habitat.
  4. **Steep Slopes.** SLOCC Sec 23.05.034c requires no, or minimal grading in or within an ESH. Grading should be minimized on slopes in excess of 20% for the purpose of developing a residence. Staff shall encourage developers to use stepped foundations or caisson construction to prevent excessive grading around tree roots, and to reduce or eliminate the necessity for retaining walls (Exhibit A).
  5. **Tree Protection.** All non-exempt trees not approved for removal shall be protected with appropriate fencing placed no less than 10 feet from the tree trunk for pines and around the drip line for other species.
  6. **Trenching.** Foundation and utility trenching shall be minimized around tree roots. Developers should be encouraged to combine utility services in a single trench (separating only water from sewer lines).
  7. **Selective Removal.** New development requiring a discretionary permit, if six or more healthy, non-hazardous trees are approved for removal and the project cannot or will not be designed to avoid them, the project will be referred to a subcommittee of the North Coast Advisory Council for review.
  8. **Mitigation.** Replacement trees must be planted on the project site unless by doing so they will become overcrowded. In this case, as many as 50% of the replacement trees may be planted on approved sites elsewhere. Staff will recommend the applicant contract with approved local non-profit conservation groups to plant and maintain the replacements. (This subsection is subject to ordinance amendment)
  9. **Ministerial Permits.** While conditions cannot be placed on the proposed structure on plot plans, the CZLUO still requires that trees not be arbitrarily removed. Criteria for removal is outlined in

\* All of Park Hill & Happy Hill - non-spendable. If it is a Monterey Pine,

Exhibit 3  
(30 of 34)

TREE REMOVAL FOR DEVELOPMENT - NORTH COAST  
POLICY AND PROCEDURE

Page 3

the ordinance (SLOCC 23.05.064b). Staff shall follow all applicable steps in the procedures section of this document. Removal of healthy non-exempt trees shall be kept to a minimum.

E. PROCEDURE

1. Construction Footprint. The applicant must submit an accurate, site plan of the proposed project showing the location of the proposed footprint of the house and all trees with a diameter of 8 inches or greater on the property and within 10 feet of proposed construction for trees not on the subject site.
2. Proposed Footprint Staking. The applicant must stake both the proposed footprint of the project, and the property corners, as represented on the site plan submitted with the application (Exhibit B). Staff will do a site viewing to determine if the actual staking is accurately represented on the submitted site plan. If corrections are necessary, staff will advise the applicant of the discrepancy, and the application will not be accepted as complete for processing until a revised site plan is submitted.
3. Tree Health. A request for a hazardous tree determination should be made by the applicant to determine if trees may be exempted from consideration due to their hazard potential.
4. Development Corridor. The applicant should prepare an overlay on the corrected drawing showing the trunks of all trees with a diameter in excess of 8 inches with driplines indicated ( 20 foot diameter circles for Monterey Pines) (Exhibit C). This overlay is to be used to determine if a natural corridor exists for development, where tree removal will be minimized. Applicants should be encouraged to design or redesign the project to fit into this corridor. Staff should also strike a balance to determine if it would be more detrimental to relocate the structure, if such moving causes the destruction of young, healthy trees (the future of the forest relies on young trees, not those that are near the end of their life span - approximately 90 years for Monterey pine.) If, after a visual inspection of the site, the determination has been made that younger trees, under 8" in diameter, are to be saved at the expense of old trees, staff is to articulate in the permit that these trees cannot be removed at a later date, as they are part of a mitigation effort. If the project proposes a continuous slab or stemwall foundation, staff should assume a construction area of four feet around the building footprint where heavy equipment and excavation will damage trees and roots. Note - There will be small, wooded lots where this development area procedure will be infeasible. In these cases the applicant should first request a hazardous tree determination to see if any trees should be removed. This may provide staff and the applicant with a better "picture" of where to locate the proposed structure..
5. Excessive Removal. If ~~any~~ more healthy, non-hazardous trees are proposed for removal and the

EXHIBIT 3  
(31 of 34)

TREE REMOVAL FOR DEVELOPMENT - NORTH COAST  
POLICY AND PROCEDURE

Page 4

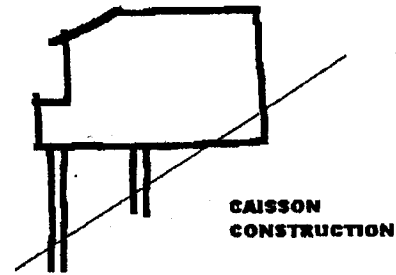
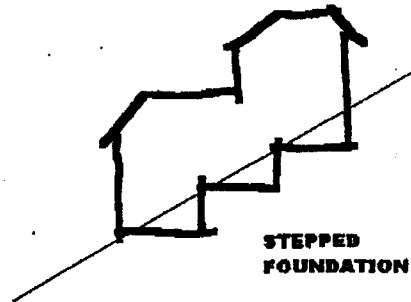
project cannot or will not be designed to avoid them, the project will be referred to a subcommittee of the North Coast Advisory Council for review.

6. Approval. Prior to the issuance of any construction permits, the approved footprint is to be restaked by the applicant to reflect the approved tree removal and protection plan before issuance of a building permit. Staff will photograph the site and attach the picture to the development file.
7. Tagging. All the trees to be removed will be tagged with County tags. These are to be returned to the department when the trees are removed, and placed in the project or permit file.
8. Tree Protection. All trees to be saved will be protected with construction fencing placed no closer than 10 feet to the trunk of Monterey Pines, and along the drip line of other species. No construction may take place within this protected boundary, nor may any equipment be placed there.
9. Inspection Hold. An inspection hold will be placed on the project. When tree replacements have been reported by the contracted mitigation agency the hold can be signed off.

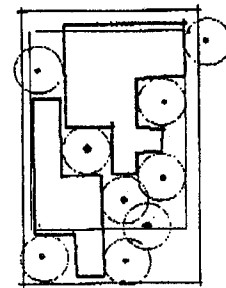
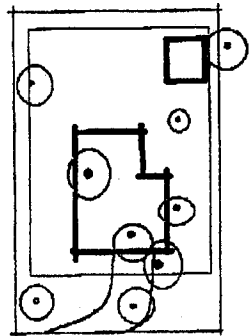
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Exhibit 3  
(32 of 34)

**EXHIBIT PAGE**



**EXHIBIT A**



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**EXHIBIT B**

**EXHIBIT C**

Exhibit 3  
(33 of 34)



# In Summary

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- Require a stepped design integrated with a slopped lot.
- Enforce tree removal new policy.
- Support efforts of homeowners, the North Coast Advisory Council to preserve the beauty of our environment and the quality of our community.

Exhibit 3  
(34 of 34)

## Exhibit B

D990050P- James

### Conditions Of Approval

#### AUTHORIZED USE

1. This approval authorizes the construction of a single family residence with: 2,431 square feet of footprint and 4,107 square feet of gross structural area. The maximum building height shall be no greater than 28 feet, measured from average natural grade.
2. All permits shall be consistent with the approved Site Plan, Floor Plans, and Elevations.

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

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

#### ARCHAEOLOGY

5. Prior to issuance of construction permits, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
  - a. List of personnel involved in the monitoring activities;
  - b. Description of how the monitoring shall occur;
  - c. Description of frequency of monitoring (e.g., full-time, part-time, spot-checking);
  - d. Description of what resources are expected to be encountered;
  - e. Description of circumstances that would result in the halting of work at the project site (e.g., What are considered "significant" archaeological resources?);
  - f. Description of procedures for halting work on the site and notification procedures;

County's Conditions  
Exhibit 4 (1 of 3)

g. Description of monitoring reporting procedures.

6. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, for the approved monitoring plan. The archaeologist may at his/her discretion include a Native American representative as part of the 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 of the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. If resources are encountered, all future monitoring activities will include a Native American representative. The applicant shall implement the mitigation as required by the Environmental Coordinator.
7. **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 mitigations have been met. If the analysis included in the Phase III program is not completed by the time the final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis:

#### **TREE PROTECTION/REPLACEMENT**

In an effort to protect individual oak and pine trees, the mixed forest habitat, and the species that depend upon that habitat, the following measures shall be implemented.

8. ***Within 90 days of occupancy***, six (6) Monterey pine trees and one (1) Coast Live Oak trees removed as a result of the grading for the driveway and residence shall be placed at a 2:1 ratio for pine trees and at a 4:1 ratio for the oak trees. A total of 12 Monterey Pine trees and 4 Coast Live Oak trees shall be planted. Monterey Pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*. Replacement Coast Live Oak trees shall also be at least one gallon container sizes.

Exhibit 4  
(2 of 3)

9. These newly planted trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
10. All trees to remain on-site that are within ten feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.
11. Oak trees provide an essential component of wildlife habitat and visual benefits. The applicant recognizes this and agrees to minimize trimming of the remaining Oaks. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall ne done only during the winter for deciduous species. Smaller trees (6 inches diameter and smaller) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

RECEIVED

MAY 22 2000

May 15, 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

To: California Coastal Commission  
Attn: Ms. Renee Brooke  
From: Mr. and Mrs. Leonard James  
Subj: Commission Appeal No. A-3-SLO-00-070

Dear Ms. Brooke:

Three years ago my wife suffered a major stroke which required brain surgery. Our dream house which we built in 1993 became her prison. Confined to the mid-level rooms, she has been denied access to her bedroom, master bathroom, and her beloved library. As her condition slowly improved we gained insights into what we could reasonably expect in terms of ultimate recovery. This led us to design a handicapped home which would give her access to a more independent life-style, free from my constant vigilance. In 1999 we felt confident enough with her progress to initiate the process. Working with the county planning office, we painstakingly adhered to every building condition applicable. I paid my fees, satisfied the archeological requirements, and reasonably expected to be treated fairly by the review process. The property owners most affected by the project were given an opportunity to comment on the plans, and I, subsequently, redesigned the lot lay-out in accordance to the request of one such neighbor, Mr. and Mrs. George Nedleman (neighbor to the south). Because this took time, we did not finalize the project until earlier this year. The timing couldn't have been worse. A part time property owner, Mr. and Mrs. Richard Hilles (neighbor to the east), was unable to sell their rental house: and in due process determined our project was an unacceptable addition to the neighborhood. They appealed our building permit. I received encouragement from both county planning and my representative on the Board of Supervisors, Ms. Shirley Bianchi, not to be concerned. Since the permit was issued subject to 1999 standards, I would not be penalized due to Board policy changes enacted in 2000. One such change dealt with lowering height maximums from thirty-three to twenty-eight feet. Unfortunately, the Board of Supervisors can do, as stated by their general counsel during that meeting, "anything they want to." So my permit was approved subject to a twenty-eight foot maximum. And Mr. Hilles continued the appeal process, as is his right, up the chain to the Commission.

*Applicant's Correspondence  
Exhibit 5  
(1 of 14)*

The following briefing will illustrate far better than words why my wife and I can not understand our treatment. Enclosed is a plot map, aerial overview, project summary, and photographic documentation of the surrounding area.

We ask only two considerations: review our project timely; and if you agree with our position that this doesn't belong on your desk, deny the appeal without requiring us to travel to Santa Barbara. You have no idea how difficult this is for my wife. Emotionally she can not handle the adversarial nature of what is going on, and I can't leave her alone.

Thanks for your consideration.

Mr. Leonard James

*Leonard A. James*

Exhibit 5  
(2 of 14)

Following documentation includes:

Plot Map showing surrounding buildings and potential building sites.

Aerial Overview (with box area) showing immediate sites impacted by project.

Exhibit A: North Elevation showing how home will appear from Orlando Drive.

Attachment 1: Statement on project from architect.

Attachment 2: Site plan showing footprint of home on lot.

Attachment 3: Views from the front and rear of the proposed home.

Exhibit B: Neighbor to the North.

Exhibit C: Neighbor to the South.

Exhibit D: Neighbor to the East.

Exhibit E: Neighbor to the West.

Exhibit F: Spec houses built to the NW.

**It is hard to understand how this project is out of character with the neighborhood. We've satisfied the Indians, the county planning process, and our permanent neighbors. Our design will give my wife back some of the freedom lost from the stroke, and enable her to recapture her dignity. Please allow us to finish. Thanks again.**

*Exhibit 5  
(3 of 14)*

EAST

181

RAKE

ST.  
23-021

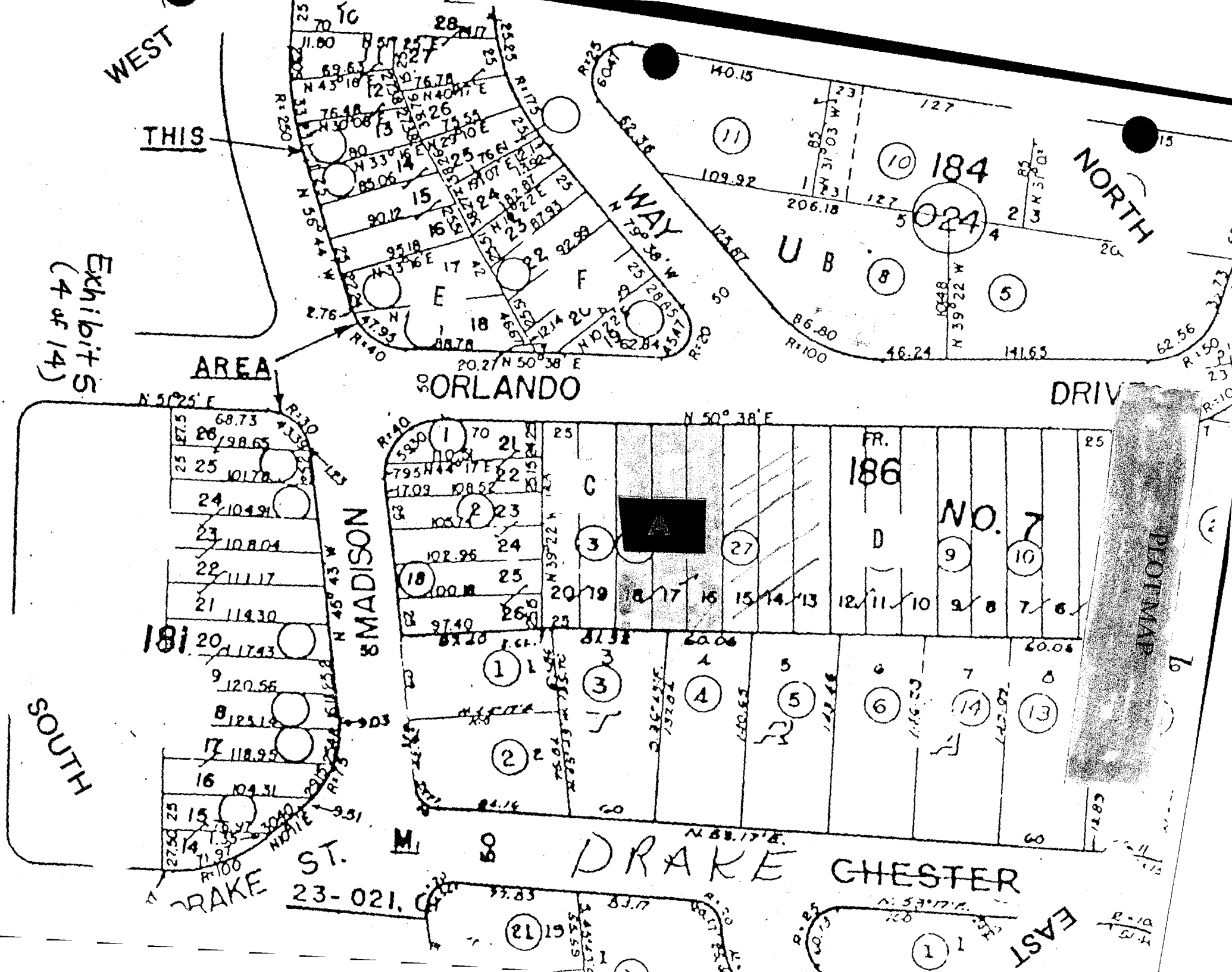
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~~CHESTER~~

EAST

7

$$\frac{R = 10}{5.4}$$


NORTH

WEST

AERIAL OVERVIEW

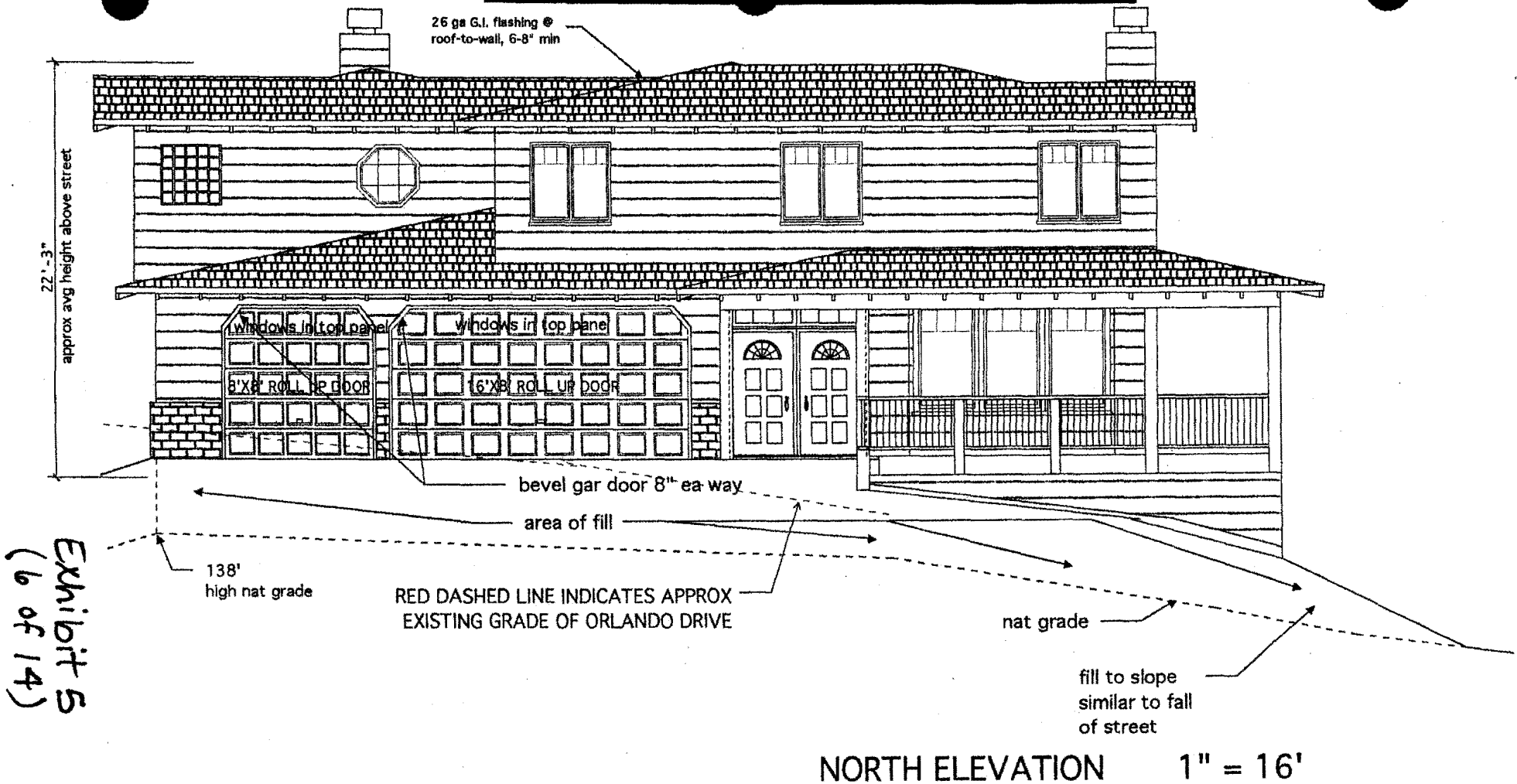


Exhibit 5  
(5 of 14)

WEST

EAST

EXHIBIT A



Proposed project on three lots: See attachments 1, 2, and 3.

May 12, 2000

Renee Brooks  
Calif Coastal Commission

Subject: Appeal of Leonard & Judy James' Minor Use Permit

Dear Ms Brooks,

We would like to provide you with information helpful in considering Mr Hilles' appeal of the James' building permit.

1. Mrs James' limitations from a stroke suffered 2 years ago are real, and we feel that Mr James did his best to find a building site in the neighborhood they have lived for almost 7 years that accommodated the space adequate for wheelchair, scooter and walker use. He proposed to build a home that doesn't even use the allowable building space (gross structural area) from the Lodge Hill Standard, leaving about 1,000 sq ft available.
2. The trees to be removed and replaced 2 to one as prescribed by the Minor Use Permit, are all diseased or dying.
3. The proposed home will occupy a footprint of approx 21% of the site. The Lodge Hill Standard allows over 25% before purchase of TDCs, and with TDCs over 34%.
4. The front elevation shows an average height above the street of about 22', no more than any of the neighbors and much below many.
5. All of Mr Hilles' concerns are based on guidelines being processed by a local committee, and are far from being defined and accepted by the citizens of Cambria. When they are finalized, and accepted by San Luis Obispo County, we will all be happy to design accordingly. Until then, it is unfair to allow the delays to continue for hopeful builders like the James' based on such unfinished guidelines.

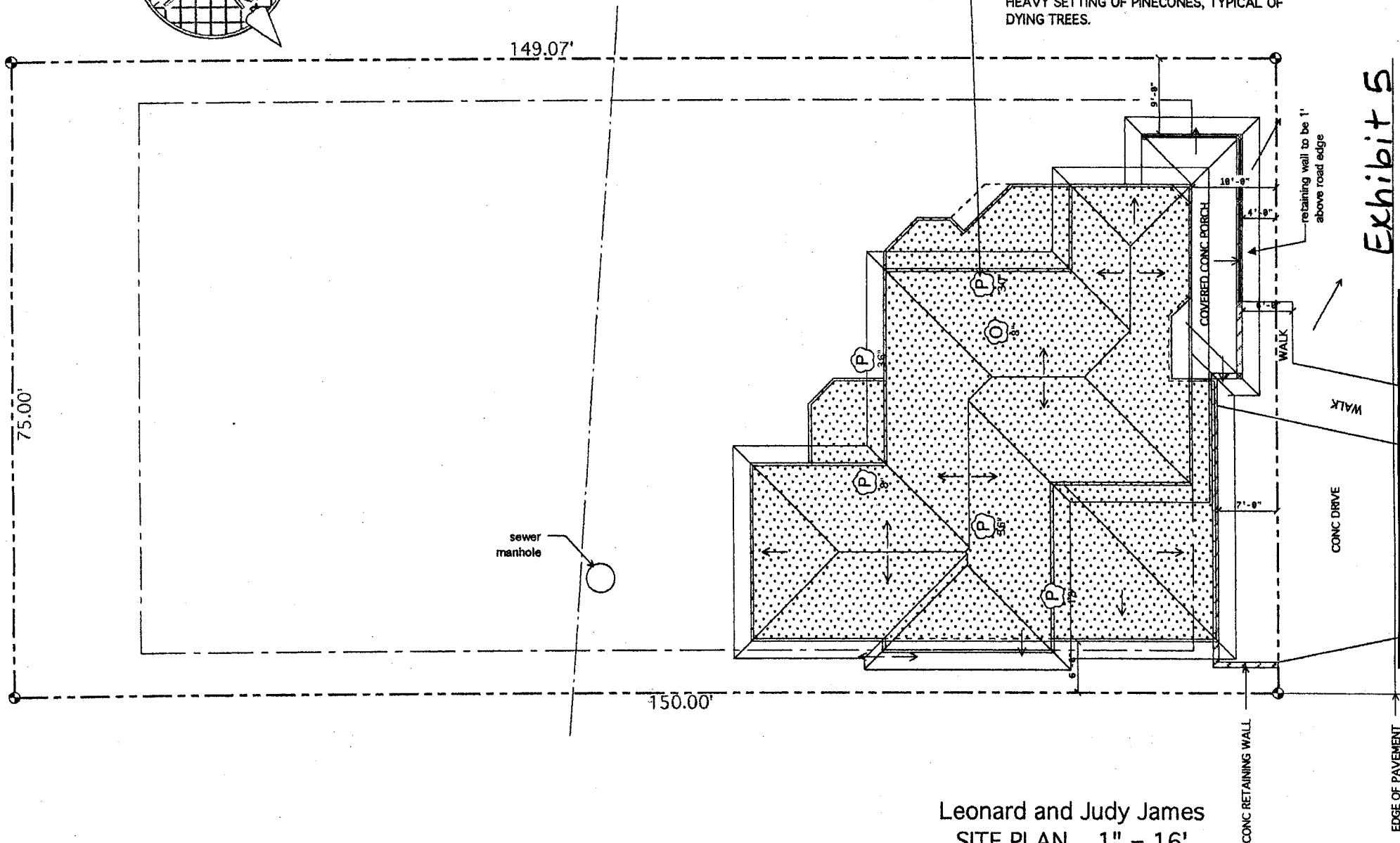
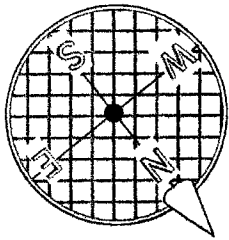
Please call if you have any questions.

Thank you.

Sincerely,

Bruce R Koontz

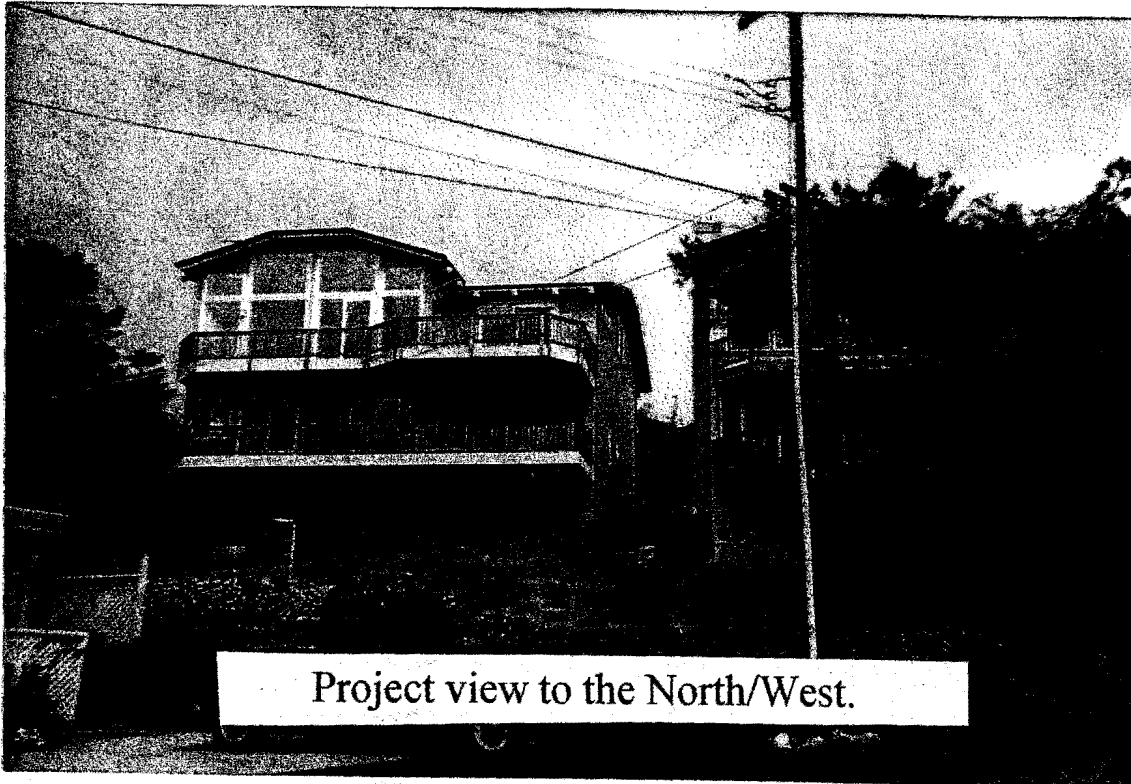
Exhibit 5  
(7 of 14)



Leonard and Judy James  
SITE PLAN 1" = 16'

Exhibit 5  
(8 of 14)

ATTACHMENT 2

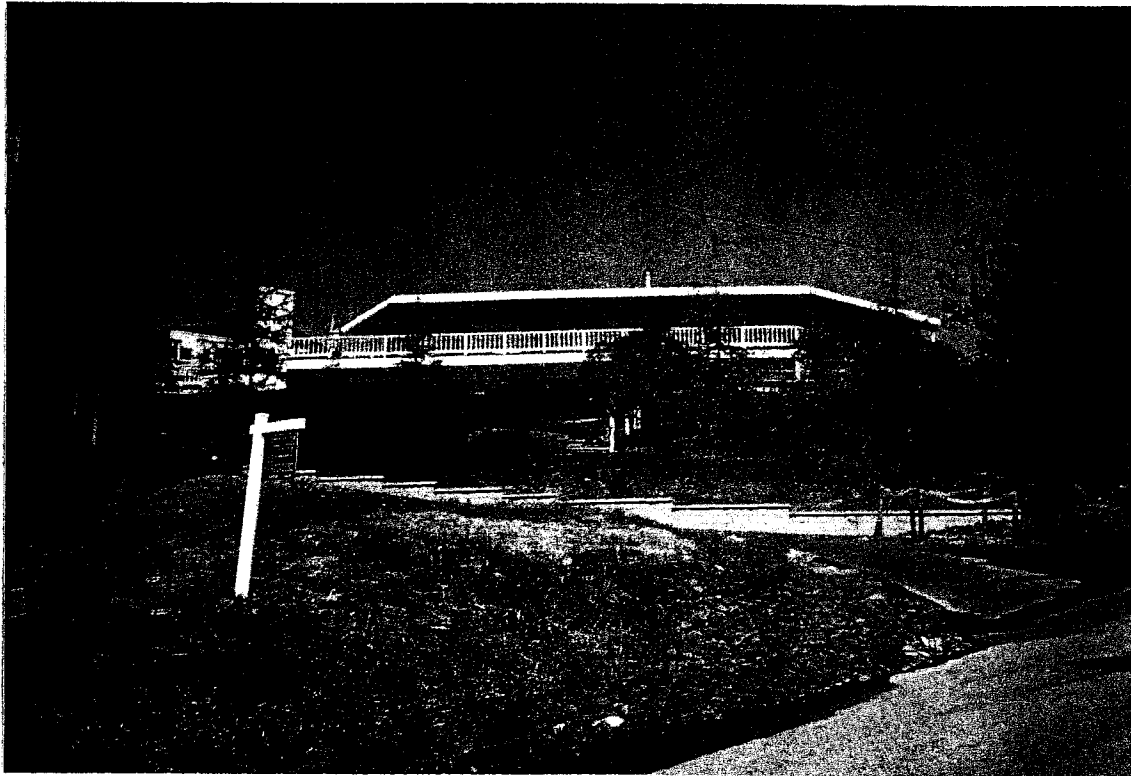


Project view to the North/West.



Project view to the South/East: Note in the background, trees which will not be affected by the project.

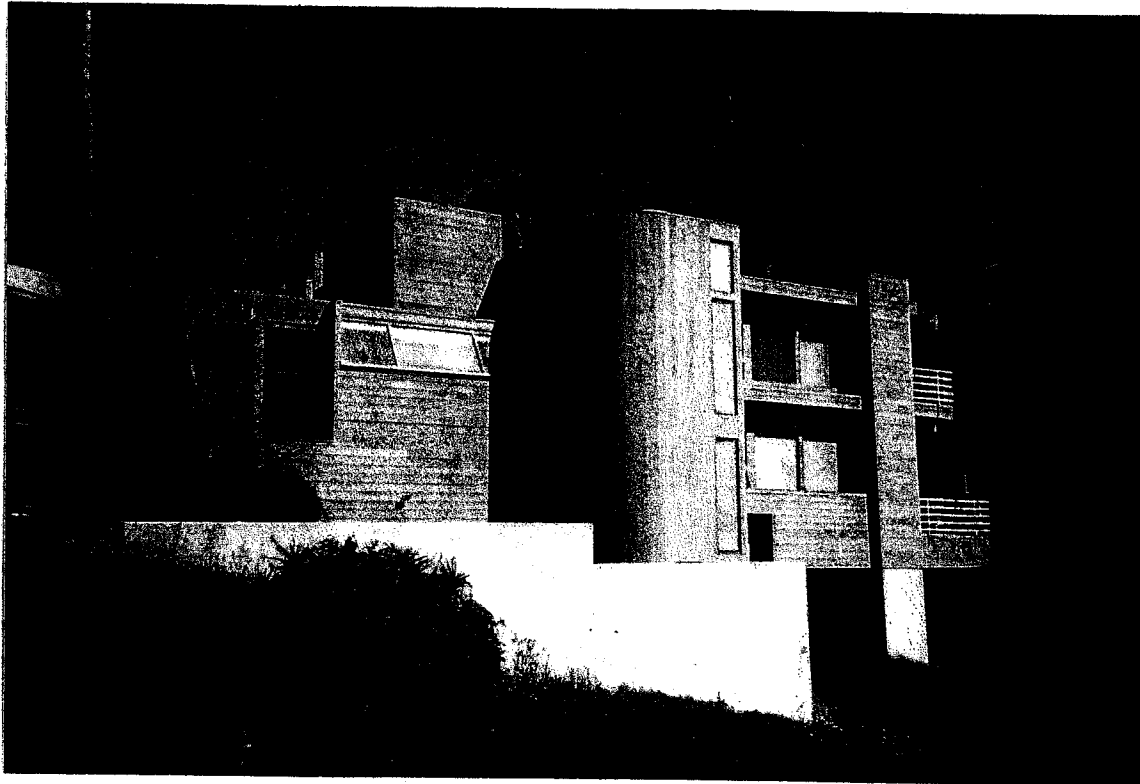
# EXHIBIT B



Neighbor to the North: Flat roof design built in 1960. Square footage approximately the same as project.

Exhibit 5  
(10 of 14)

# EXHIBIT C



Neighbor to the South: Contemporary design built on two lots.

Exhibit 5  
(11 of 14)

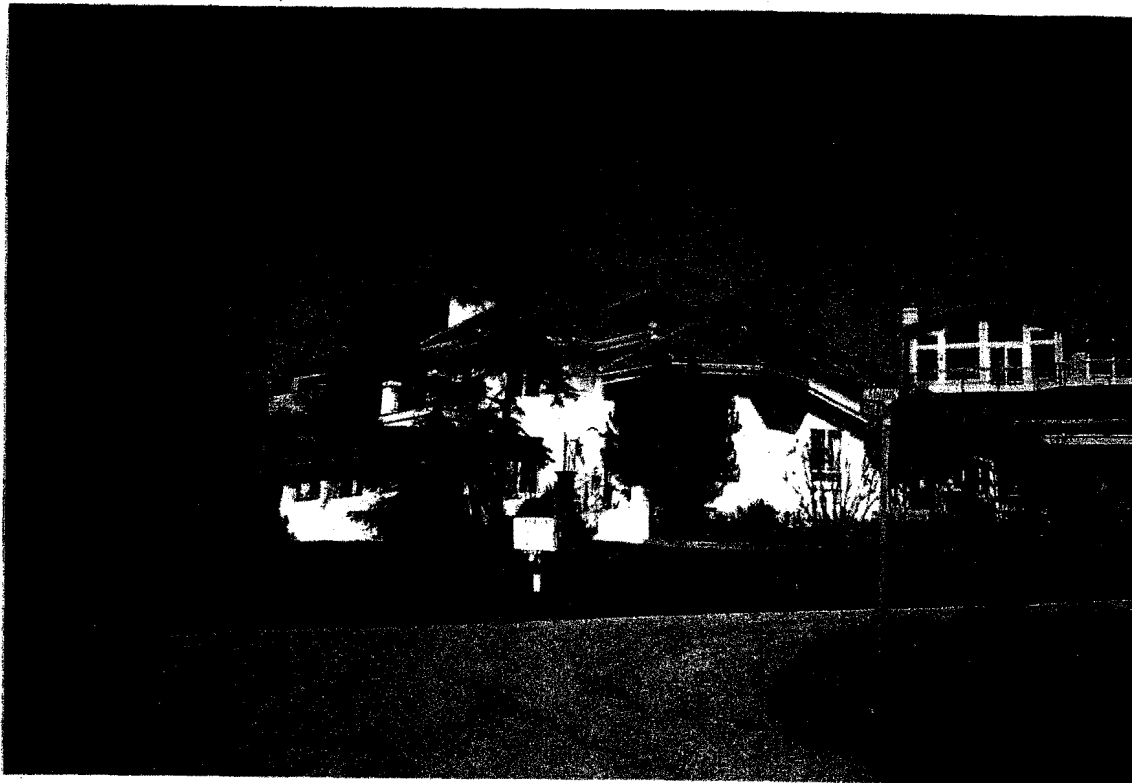
## EXHIBIT D



Neighbor to the East: Mr. Hilles vacation rental. Three vacant lots separate his house and the project.

Exhibit 5  
(12 of 14)

# EXHIBIT E



Neighbor to the West: Mediterranean design. Square footage approximately the same as project.

## EXHIBIT F



Neighbor to the North/West: Recently completed spec houses built on two lots each. Identical in design, tax development credits were allowed to maximize square footage. Built to capture the view, they are at maximum height allowed by county planning.

Exhibit 5  
(14 of 14)

