

**CALIFORNIA COASTAL COMMISSION**

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

**M 6b****RECORD PACKET COPY**

Filed:	02/21/01
49 <sup>th</sup> Day:	04/11/01
Staff Report:	04/19/01
Staff:	RB
Hearing Date:	05/07/01
Commission Action:	
Open and Continued	03/15/01

## STAFF REPORT: APPEAL SUBSTANTIAL ISSUE DETERMINATION

Appeal Number..... **A-3-SLO-01-018**

Local Government..... San Luis Obispo County

Decision ..... Approved with conditions, 01/23/01

Applicant..... John Gonyer

Appellant..... Ken Renshaw

Project Location ..... 1770 Ogden Drive (West Lodge Hill area), Cambria, San Luis Obispo County (APN 023-161-042)

Project Description..... Construct a single-family residence with a 1,029 sq. ft. footprint and 1,744 sq. ft. of gross structural area; variance for construction on slopes greater than 30%.

File Documents ..... San Luis Obispo County Certified Local Coastal Program; Coastal Development Permit D990009P/Variance D000001V

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 1,744 square feet in size, with the garage at a level below the average natural grade and living space on two levels above the average natural grade. The subject site is a steep, oversized double lot of approximately 5,557 square feet located at 1770 Ogden Drive, in the West Lodge Hill area in the community of Cambria, San Luis Obispo County.



California Coastal Commission

The appellant contends that the project does not comply with the San Luis Obispo County Local Coastal Program because the gross structural area (GSA) was calculated incorrectly, and the development exceeds the allowable footprint and GSA stated in Table G of the North Coast Area Plan. The Commission finds that these contentions do not raise a substantial issue because the project is consistent with the Lodge Hill area standards regarding allowable footprint and gross structural area.

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## 1. SUMMARY OF APPELLANT'S CONTENTIONS

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

1. The gross structural area (GSA) was calculated incorrectly.
2. Table G of the North Coast Area Plan was not interpreted correctly in regards to allowable footprint and gross structural area.

## 2. LOCAL GOVERNMENT ACTION

The San Luis Obispo County Planning Commission conditionally approved the proposed project on September 28, 2000, and the decision was appealed to the Board of Supervisors by Ken Renshaw. On January 23, 2001, the Board conditionally approved the project. The County's findings and 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-01-018 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

#### **STAFF RECOMMENDATION:**

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

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

The Commission hereby finds that Appeal No. A-3-SLO-01-018 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 at 1770 Ogden Drive in the community of Cambria, San Luis Obispo County. West Lodge Hill is an extensive residential area located within the terrestrial habitat, south of Highway One (Exhibit 1). The topography of the West Lodge Hill area is varied with numerous ridges and gullies, steep slopes, and nearly flat areas near the marine terrace. The majority of the lots in the area are very small, typically 25 feet by 70 feet, and therefore historic development has been relatively dense. However, it is common for present-day proposals to consolidate two or three lots to create larger sites more appropriate for development.

The project site is a steep, oversized double lot of approximately 5,557 square feet that slopes approximately 30% towards Ogden Drive (please see Exhibit 2 for project plans). The proposed residence is approximately 1,744 square feet of gross structural area with the garage almost entirely below the average natural grade and living space on two levels above the garage. The overall height of the proposed residence is nearly 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 County Local Coastal Program because the gross structural area (GSA) was calculated incorrectly, and the development exceeds the allowable footprint and GSA stated in Table G of the North Coast Area Plan.

#### 1. Calculation of Gross Structural Area

The appellant contends that the County underestimated the gross structural area of the development by not including "mechanical areas, a flight of stairs, two landings, and other areas" in the calculation of GSA, and thus, allowed the applicant additional square feet of gross structural area. The appellant claims that the gross structural area of the residence is 2,109 square feet, whereas the County staff concluded that the GSA of the residence is 1,744 square feet.

According to the LCP, gross structural area is defined as follows:

*All interior areas, expressed in square feet of floor area, within the volume of the structure. It includes living areas, storage, garages and carports. Gross structural area is measured to the exterior limit of the building walls. Gross structural area does not include open exterior decks or interior lofts added within the height limitation to gain additional square footage.*



According to the County staff, stairwells are consistently included in the calculation of structural area of the main floor and excluded from the structural area of all other floors. In addition, the County staff report states that mechanical areas and crawl spaces are consistently excluded from the calculation of GSA.

The definition of gross structural area is somewhat vague because it does not distinguish between storage areas and mechanical rooms and does not provide guidance in calculating the structural area of stairways (i.e. whether or not a flight of stairs should be counted as gross structural area of the main floor as well as all upper floors). However, given that the County "staff has historically and consistently interpreted GSA to include stairways once and to exclude crawl/mechanical space" (staff report dated January 23, 2001), the Commission finds that the applicant's project was not treated differently than others subject to the same guidelines. Additionally, reliance on this interpretation will not adversely impact environmentally sensitive habitat areas and will not result in a project that is out of character with surrounding development. **Thus, the appellant's claim that the GSA was calculated incorrectly does not rise to a level of substantial issue.**

Although the appellant's contentions do not rise to the level of substantial issue, this appeal illustrates that the above-mentioned definition leaves room for various interpretations of gross structural area. Given this ambiguity, the County should consider amending the Local Coastal Program to clarify the definition of gross structural area.

## 2. Allowable Footprint and Gross Structural Area

The appellant contends that the project does not comply with the San Luis Obispo County Local Coastal Program because the development exceeds the allowable footprint and GSA stated in Table G of the North Coast Area Plan. The appellant claims that the *allowable* gross structural area is 1,163 square feet, whereas the County concluded that the *allowable* GSA is 1,746 square feet.

The North Coast Area Plan includes specific building standards for lots within the Lodge Hill area (referred to in the LCP as Table G and attached as Exhibit 5). These standards establish setback, height, footprint, gross structural area and deck sizes of single family residences based on lot size, site topography and location, and whether or not trees exist on the site. Footnotes 1 and 2 of Table G are used when the subject site is not a standard size.

Footnote 1 of Table G states the following:

*Building sites greater than 5,250 square feet may be permitted additional Footprint and Gross Structural Area equal to the percent that the site is greater than 5,250 square feet.*

Footnote 2 of Table G states the following:

*Building sites 5,250 sq. ft. or less, the permitted maximum Footprint and GSA shall be adjusted as follows:*



*b. Double lot category – if the lots are greater than 3,500 square feet, the Footprint and GSA may be increased by the percent that the lot is greater than 3,500 square feet.*

The site is a steep, double lot and according to Table G would typically be limited to a maximum footprint of 650 square feet and a maximum GSA of 1,100 square feet. However, most double lots are 3,500 square feet, while the applicant's double lot is approximately 5,557 square feet. Adjustments to the footprint and GSA (through Footnotes 1 and 2 of Table G) can be made based on the percentage of the lot that is greater or lesser than the three standard lot sizes listed in the table (single lot (1,750 sq. ft.), double lot (3,500 sq. ft.), and triple lot (5,250 sq. ft.)).

The appellant claims that the project should be subject to Footnote 1, and that Footnote 2 does not apply in this case because it applies to building sites equal to or less than 5,250 square feet. Although it might appear that Footnote 1 is applicable in this case, the Commission concurs with the County's interpretation that Footnote 1 is intended to account for triple lots (quadruple lots, etc.) in excess of 5,250 square feet, and not oversized double lots, given that Footnote 2 specifically addresses oversized double lots. Based on this interpretation, the allowable footprint and GSA may be increased by the percent that the lot is greater than 3,500 square feet. Because the project site is 1.587 times larger ( $5,557 / 3,500$ ) than 3,500 square feet, the allowable footprint and gross structural area for the project may be increased by the same proportion, as shown in the table below.

Lot size	Allowable Footprint	Allowable GSA
3,500 sq. ft.	650 sq. ft.	1,100 sq. ft.
5,557 sq. ft.	$650 \text{ sq. ft.} \times 1.587 = 1,031 \text{ sq. ft.}$	$1,100 \text{ sq. ft.} \times 1.587 = 1,746 \text{ sq. ft.}$

The Commission concurs with the County's application of Footnote 2, and thus, their calculation of allowable footprint (1,031 sq. ft.) and gross structural area (1,746 sq. ft.). Furthermore, as stated in the previous section, reliance on this interpretation will not adversely impact environmentally sensitive habitat areas and will not result in a project that is out of character with surrounding development. Therefore, no substantial issue is raised in regard to the consistency of the project with Table G of the North Coast Area Plan.

Table G does not have an explicit provision for double lots in excess of 5,250 square feet; therefore, the County must rely on the footnote that is most applicable to a project. Given this deficiency, the County should consider amending the Local Coastal Program to clarify Table G and/or its footnotes.

## 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

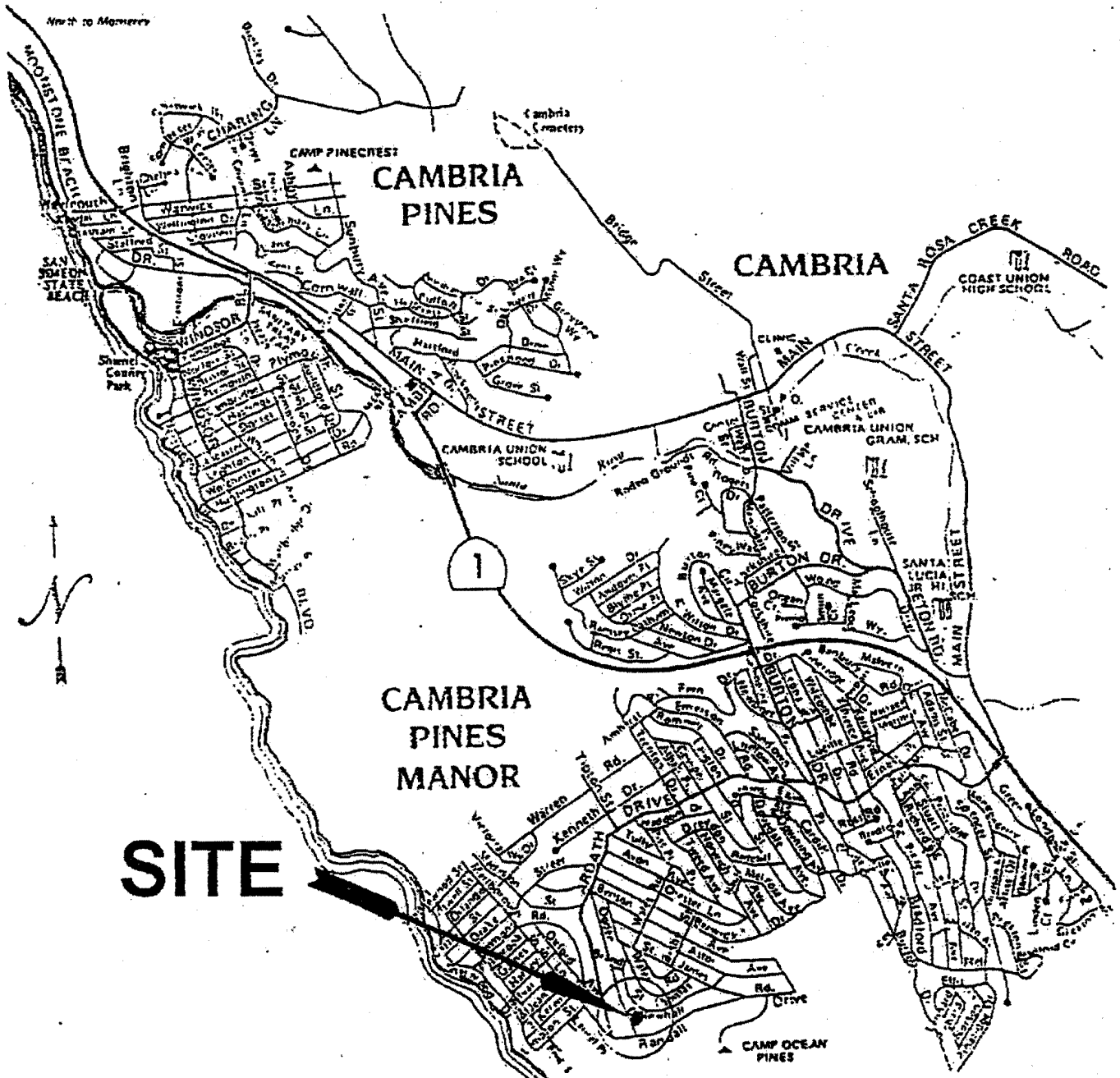
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed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





**SITE**

1

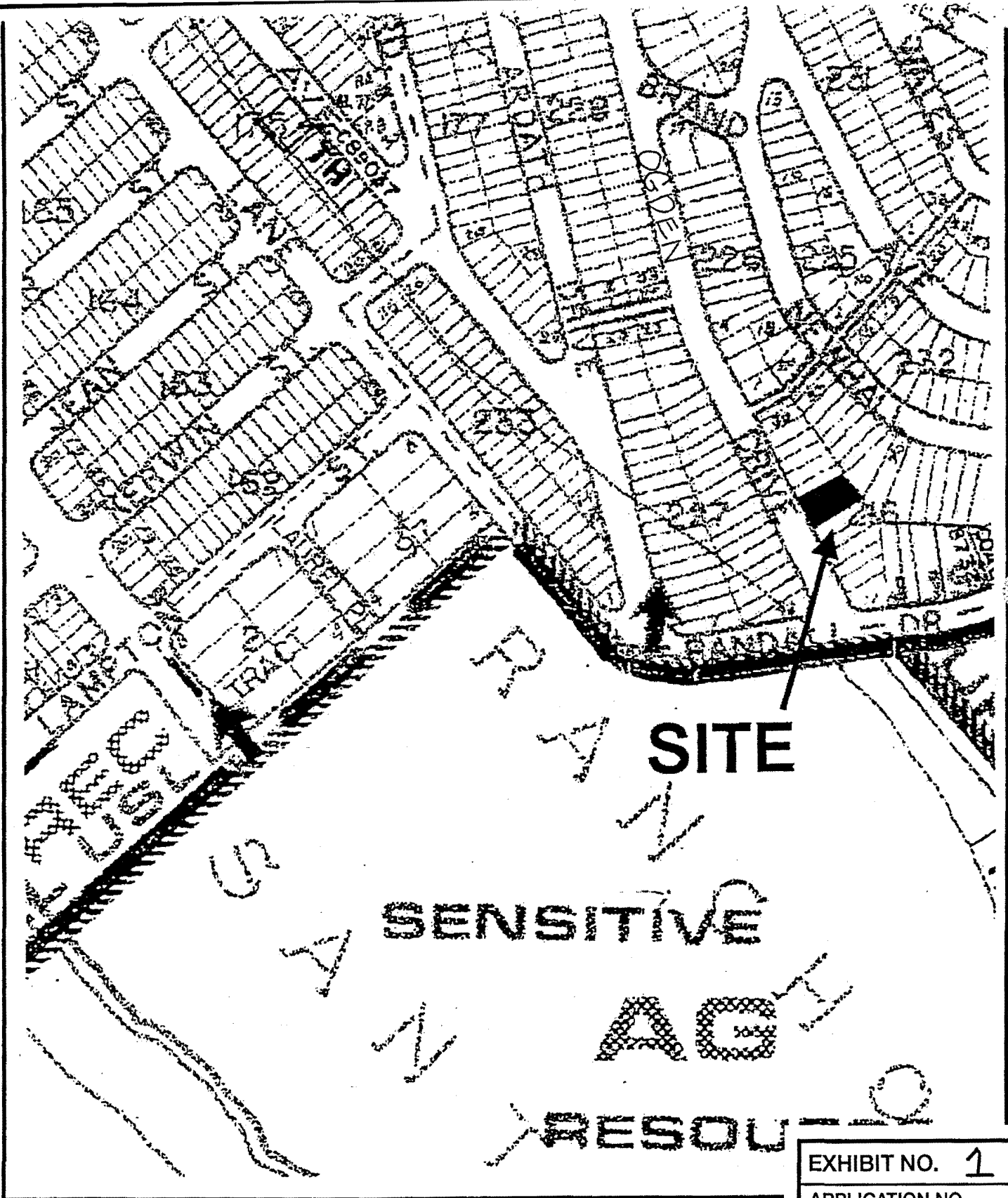
EXHIBIT NO. **1**  
 APPLICATION NO.  
**A-3-SLO-01-018**  
 California Coastal Commission

**Project**  
 Gonyer Minor Use Permit (D990009P) /  
 Variance (D000001V)



**Exhibit**  
 Vicinity Map





**Project**  
 Gonyer Minor Use Permit (D990009P) /  
 Variance (D000001V)



**Exhibit**  
 Land Use Categ:

EXHIBIT NO. 1
APPLICATION NO.
A-3-SLO-01-018
California Coastal Commission

DRIVE OGDEN 1770

OGDEN DRIVE

1770 OGDEN DRIVE

1770 OGDEN DRIVE

DRIVE OGDEN 1770

OGDEN DRIVE

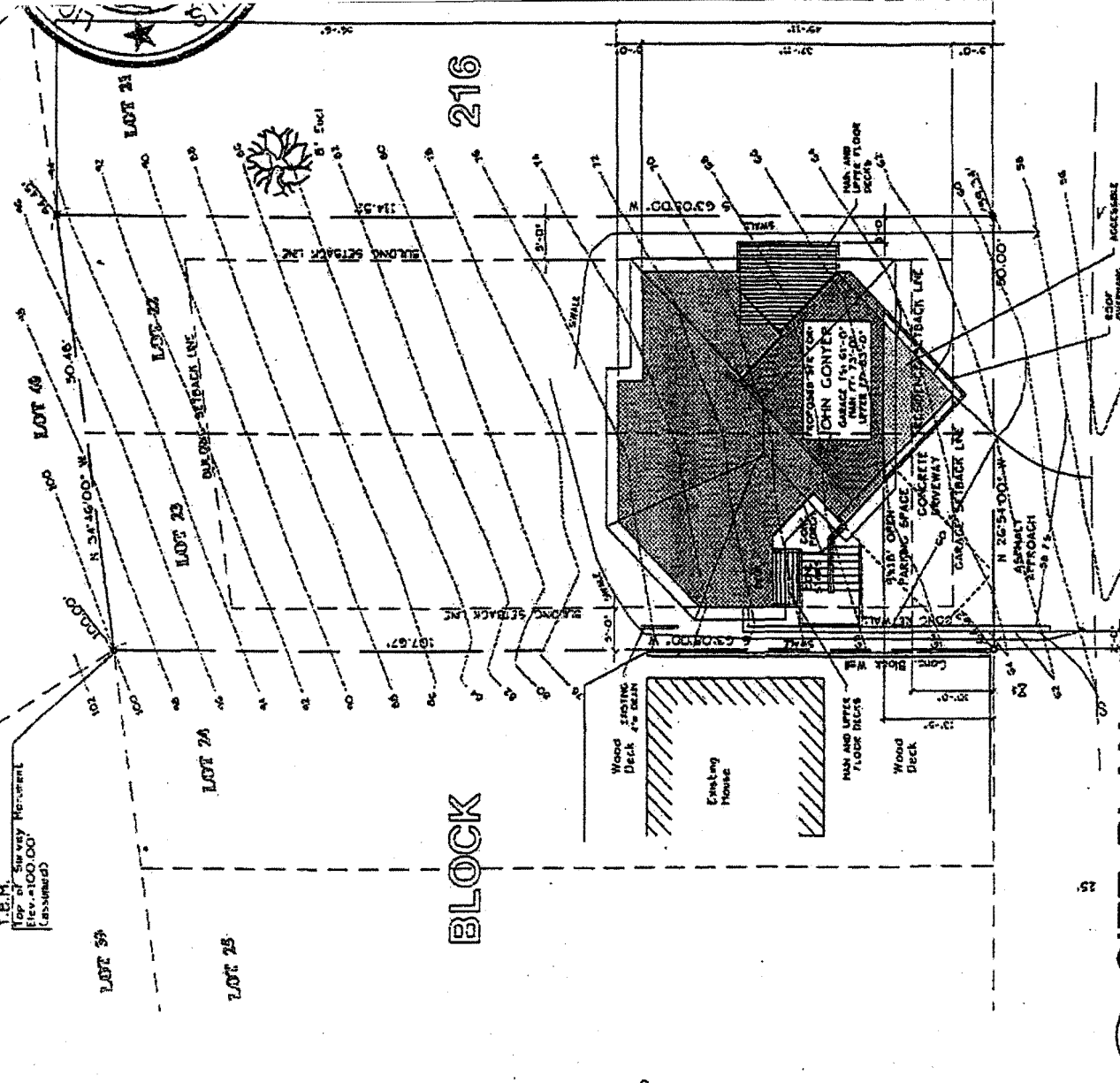
OGDEN DRIVE

OGDEN DRIVE

# SITE PLAN



1"=20'-0"



I.B.M.  
Top of Survey Monument  
Elev. = 100.00'  
(Case 5-10-80)

## BLOCK

### LOT DESCRIPTION:

21 22  
23 24  
25 26

### SCOPE OF WORK:

EXISTING HOUSE  
NEW 12,000 S.F. JOHN CENTER  
NEW 2,000 S.F. GARAGE

### BUILDING DATA:

TYPE OF CONSTRUCTION: V-N NON-SPRINKLED  
USE: GROUP AREA-SF  
MAX-5F O.C. LOAD  
SHELLING: R-3 160N N/A  
GARAGE: M 377 S/A 4

### BUILDING AREA:

AREAS: EXISTING PROPOSED TOTAL  
LOWER FLOOR 0 S.F. 0 S.F. 0 S.F.  
UPPER FLOOR 0 S.F. 12,000 S.F. 12,000 S.F.  
TOTAL 0 S.F. 12,000 S.F. 12,000 S.F.

### BUILDING HEIGHT:

HIGHEST NATURAL GRADE: 76'-4"  
ADJACENT TO STRUCTURE:  
LOWEST NATURAL GRADE: 63'-4"  
ADJACENT TO STRUCTURE:  
AVERAGE NATURAL GRADE: 64'-10"  
ADJACENT TO STRUCTURE:  
ACTUAL TOP OF STRUCTURE: 97'-10"  
ACTUAL TOP OF STRUCTURE: 97'-8"

### MINIMUM SETBACKS:

GARAGE: 10'  
REAR: 10'  
SIDE: 5'  
FRONT: 15'

### LOT COVERAGE STANDARDS:

LOT SLOPE: 3.2% EXISTING; PROPOSED: TOTAL: 100% RECD  
MAX SLOPE: 3.2% EXISTING; PROPOSED: TOTAL: 100% RECD  
ACTUAL FOOTPRINT: 0 S.F. 12,000 S.F. 12,000 S.F.  
ALLOW FOOTPRINT: 0 S.F. 12,000 S.F. 12,000 S.F.

### GRADING INFORMATION:

CUT WITHIN FOOTPRINT: 0-10 FT. CUT. QUANTITY: 0 CU.YD.  
OUTSIDE FOOTPRINT: 0-8 FT. CUT. QUANTITY: 0 CU.YD.

### EXISTING UTILITIES:

WATER: \_\_\_\_\_  
SEWER: \_\_\_\_\_  
GAS: \_\_\_\_\_  
ELECTRICAL: \_\_\_\_\_  
PHONE: \_\_\_\_\_

### PROPOSED UTILITIES:

WATER: \_\_\_\_\_  
SEWER: \_\_\_\_\_  
GAS: \_\_\_\_\_  
ELECTRICAL: \_\_\_\_\_  
PHONE: \_\_\_\_\_

### FINISH ELEVATIONS:

EDGE OF PAVEMENT: \_\_\_\_\_  
PROPERTY LINE: \_\_\_\_\_  
TOP OF EXISTING BUILDING: \_\_\_\_\_  
FIRST FLOOR FINISH GRADE: \_\_\_\_\_  
TOP OF SLAB: \_\_\_\_\_  
TOP OF PARAPET: \_\_\_\_\_  
TOP OF GARAGE: \_\_\_\_\_  
FINISHED SURFACE ELEV: \_\_\_\_\_  
TOP OF WALL: \_\_\_\_\_  
TOP OF GRADE ELEVATION: \_\_\_\_\_

**Project**  
Gonyer Minor Use Permit (D990009P) /  
Variance (D000001V)

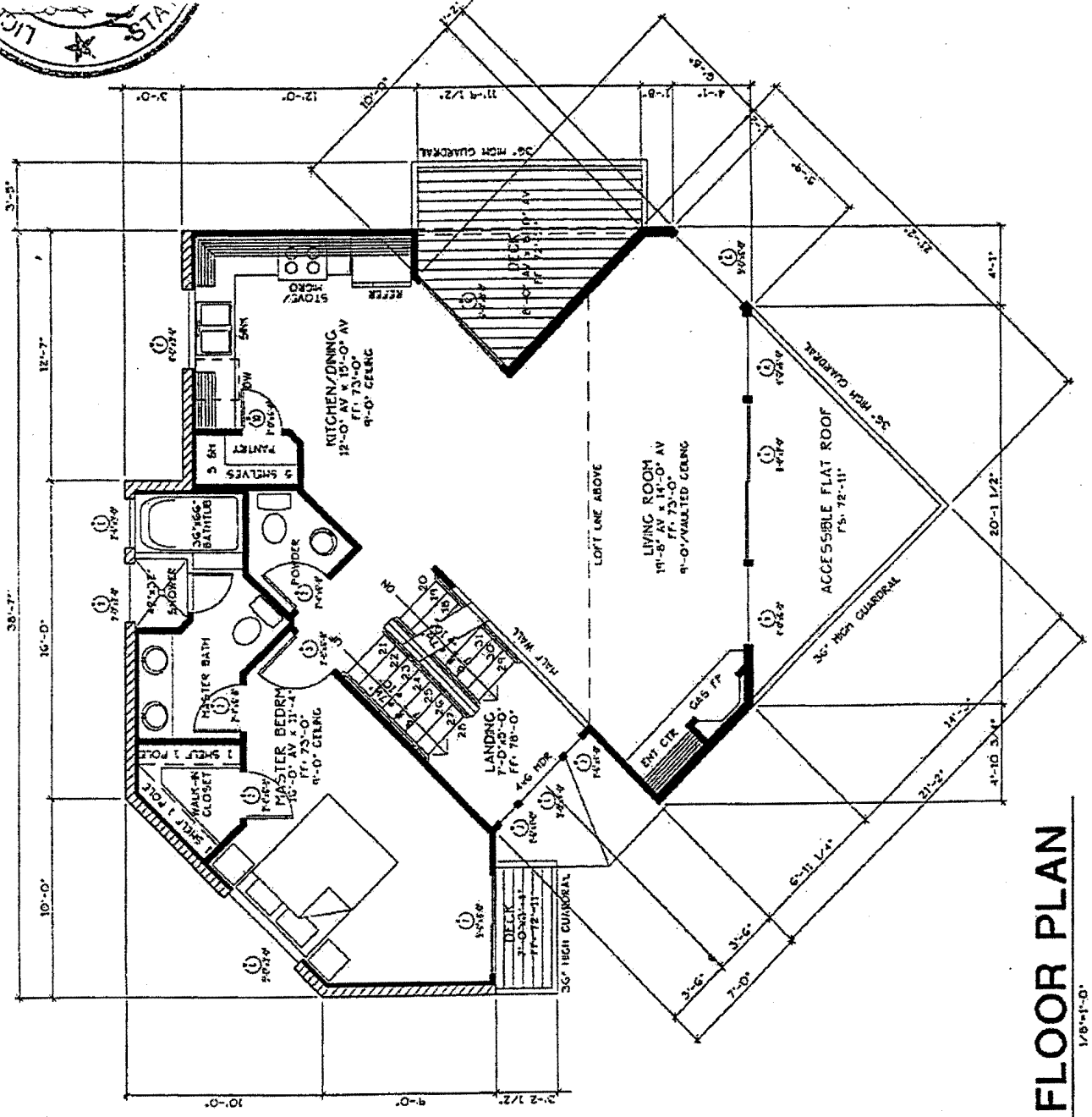


**Exhibit**  
Site Plan

**EXHIBIT NO. 2**  
APPLICATION NO.  
A-3-510-01-018



California Coastal Commission



**MAIN FLOOR PLAN**

1/8"=1'-0"



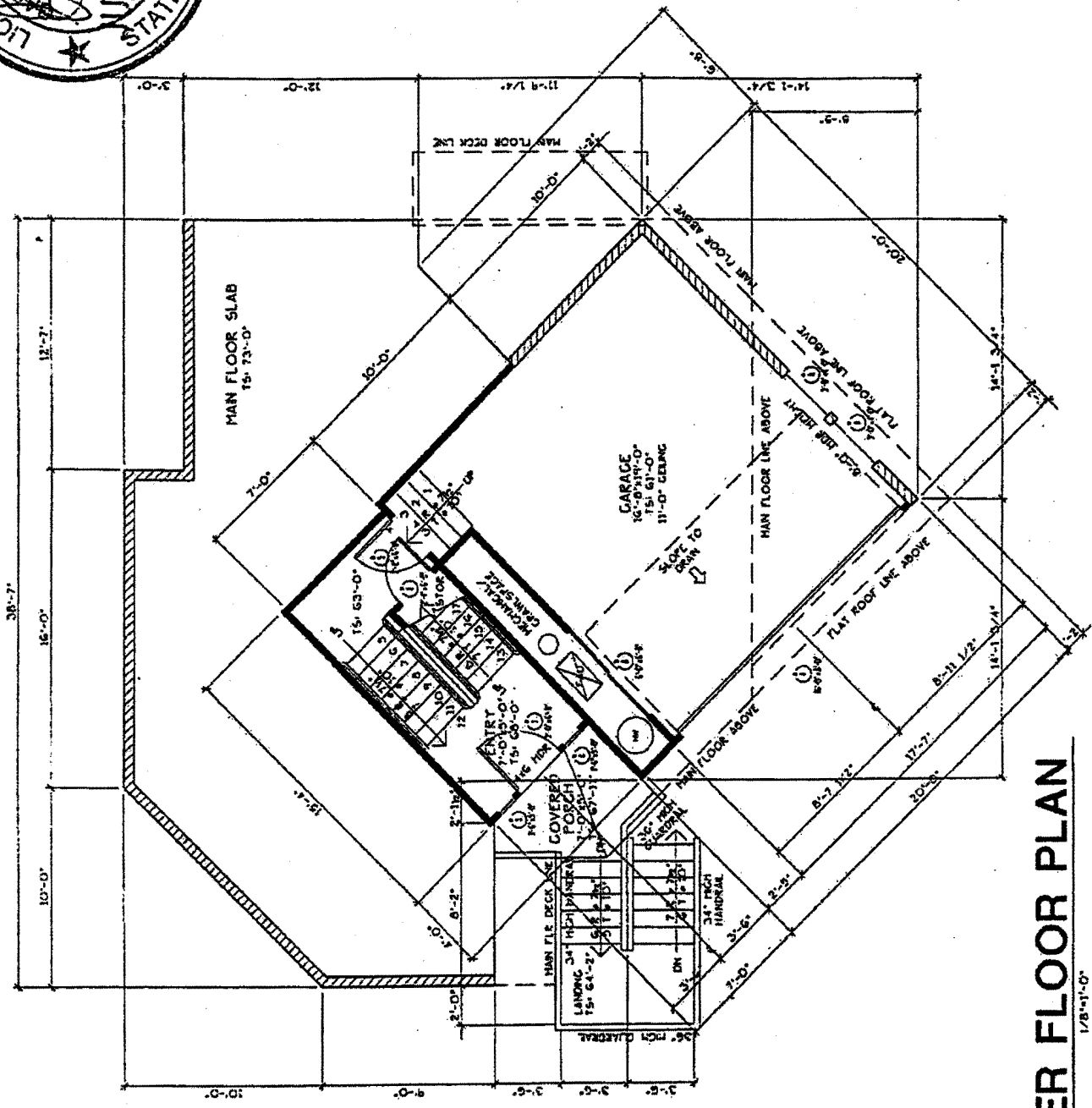
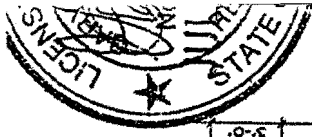
© COPYRIGHT 2000 GARY MICHAEL SWAUCE, ARCHITECT

**Project**  
 Gonyer Minor Use Permit (D990009P) /  
 Variance (D000001V)



**Exhibit**  
 Main Floor Plan

EXHIBIT NO. 2
APPLICATION NO.
A-3-SLD-01-018
California Coastal Commission



**LOWER FLOOR PLAN**

1/8"=1'-0"

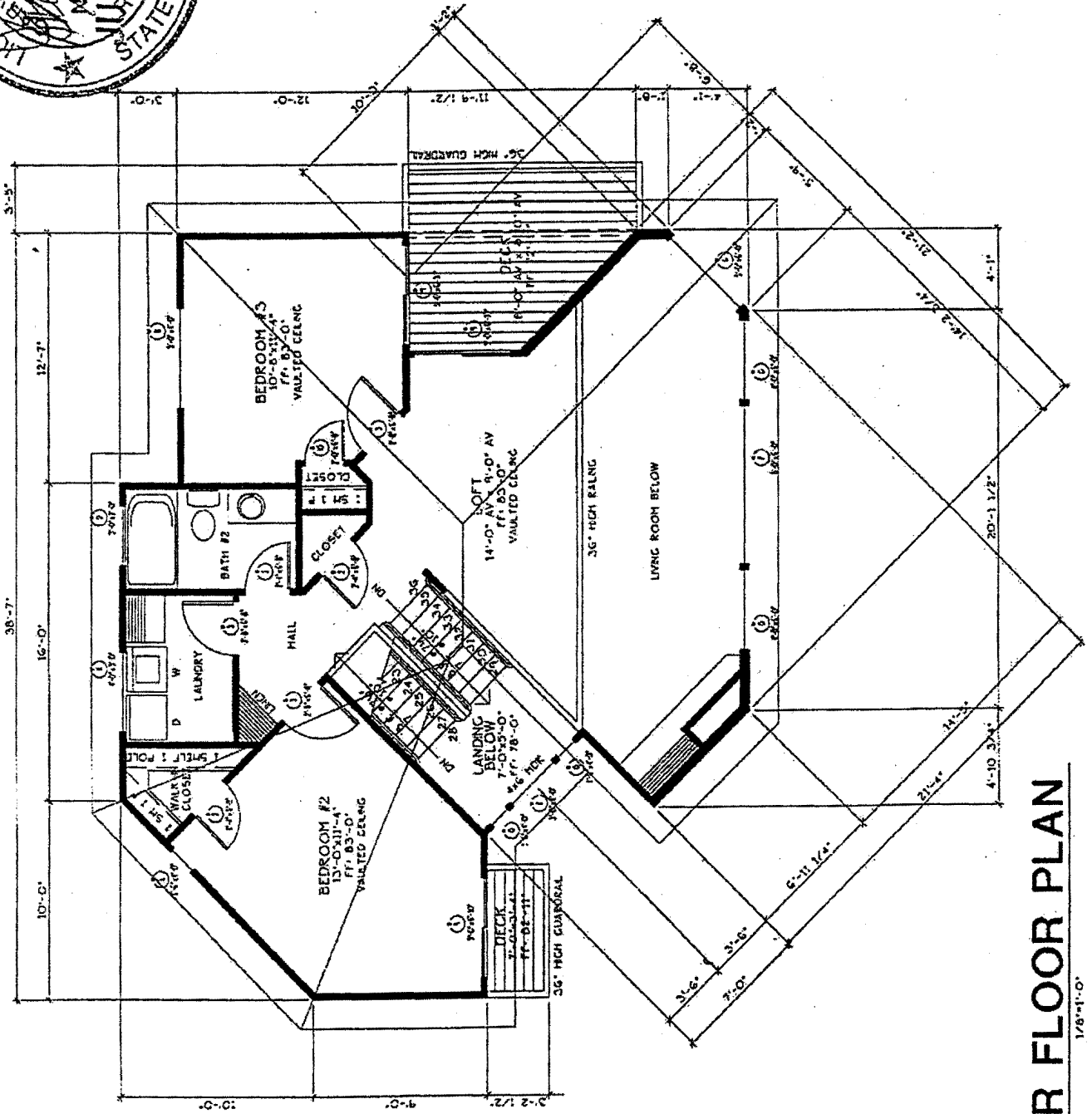
© COPYRIGHT 2000 BY MICHAEL SWAUGER, ARCHT.

**Project**  
 Gonyer Minor Use Permit (D990009P) /  
 Variance (D000001V)



**Exhibit**  
 Lower Floor Plan

EXHIBIT NO. 2
APPLICATION NO.
A-3-SLO-01-018
California Coastal Commis



# UPPER FLOOR PLAN

1/8"=1'-0"



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EXHIBIT NO. **2**

APPLICATION NO.

**A-3-SLO-01-018**

California Coastal Commission

**Project**  
Gonyer Minor Use Permit (D990009P) /  
Variance (D000001V)



**Exhibit**  
Upper Floor Plan

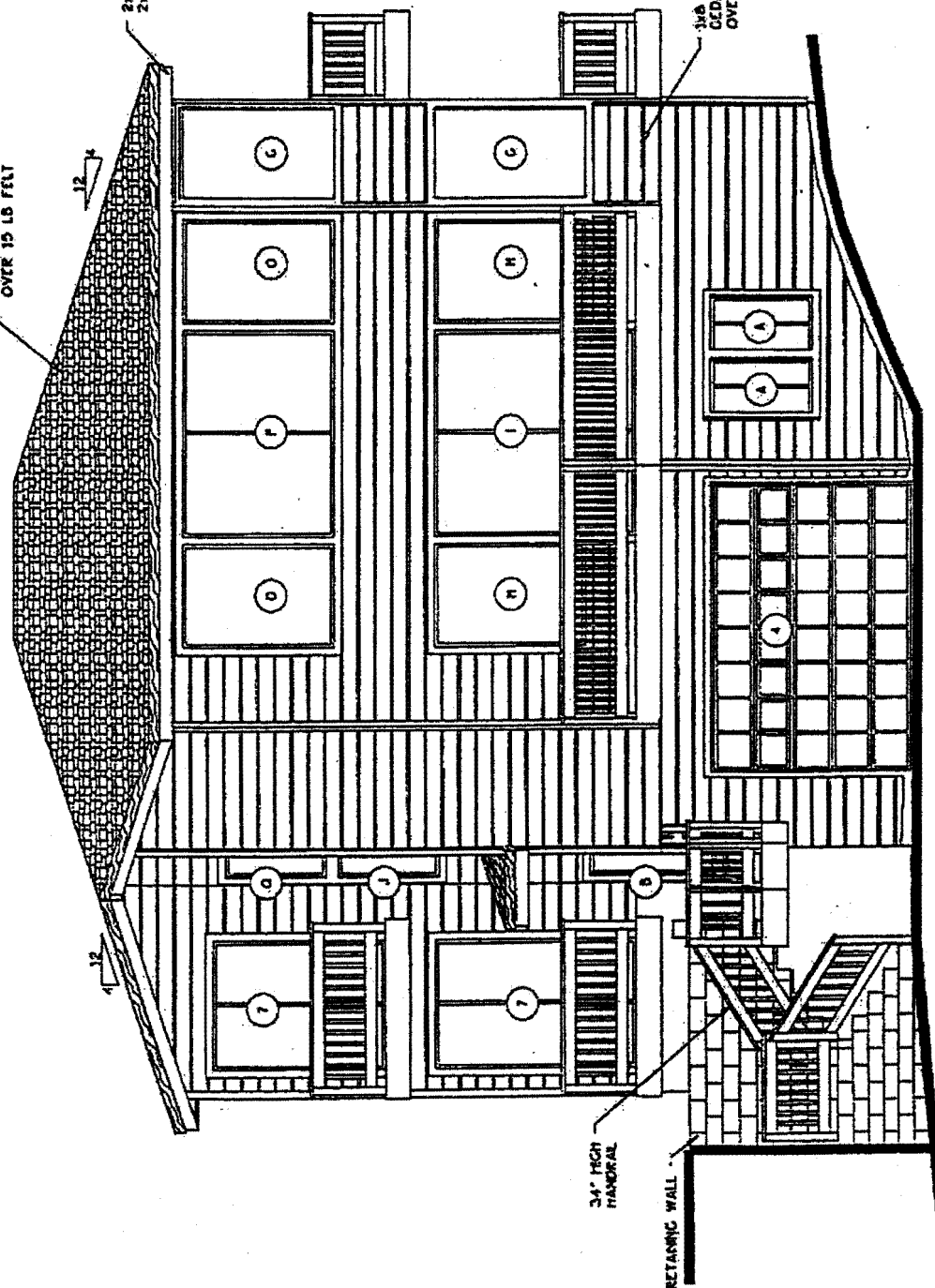


COMPOSITION SHINGLES  
OVER 15 LB FELT

12/12

2x12 MEM-FR. VARGE RAFTER  
2x4 FR SHINGLE STRIP

3/4" V-GROOVE T&G  
CEDAR SIDING  
OVER TYVEK HOUSEWRAP



FRONT ELEVATION

1/8"=1'-0"

34" HIGH  
RETAINING WALL

RETAINING WALL

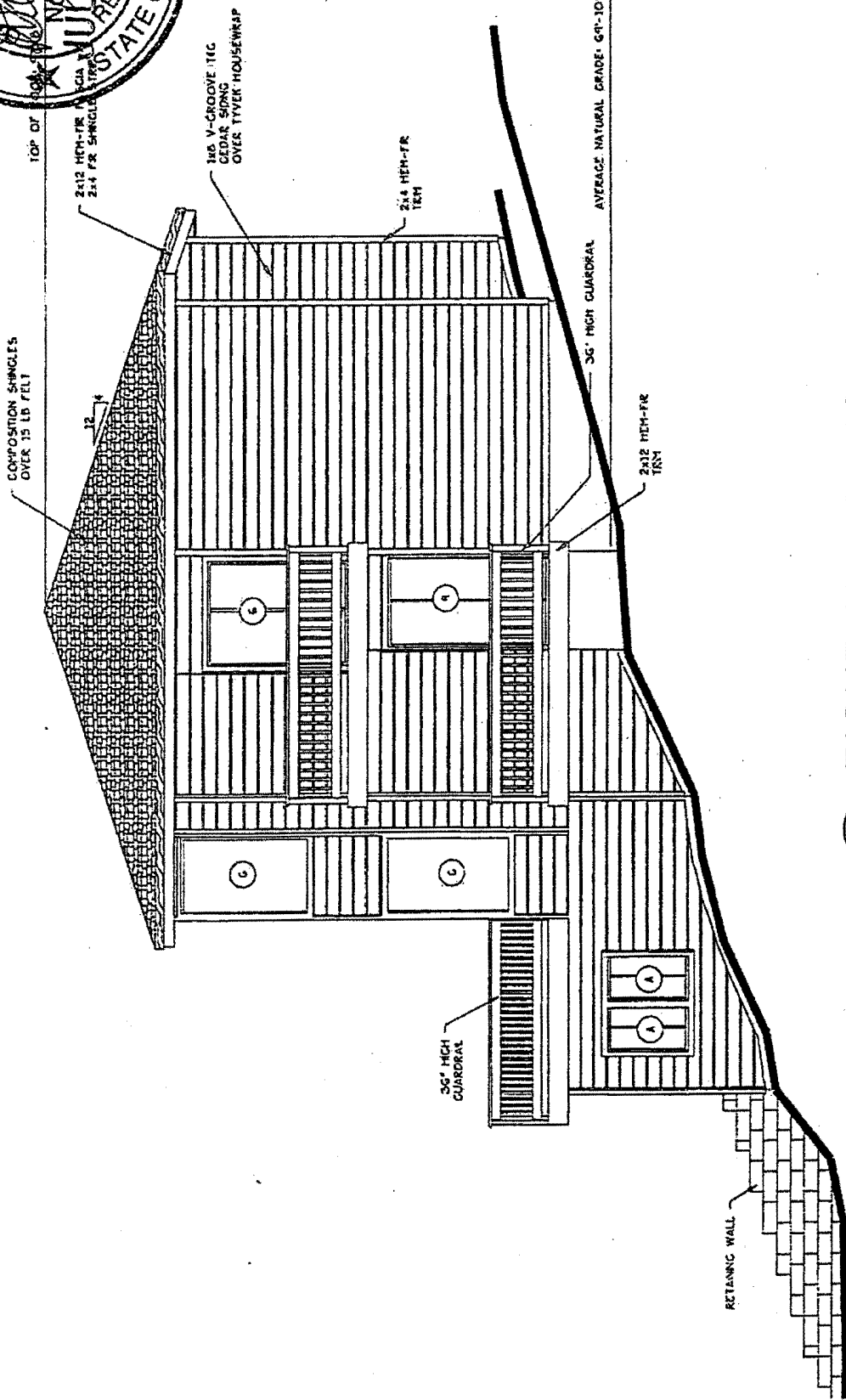
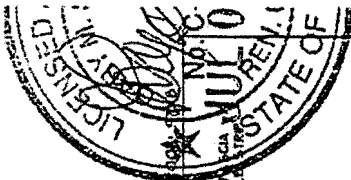
**Project**  
Gonyer Minor Use Permit (D990009P) /  
Variance (D000001V)



**Exhibit**  
Front Elevation

EXHIBIT NO. 2  
APPLICATION NO.  
A-3-SLO-01-018

California Coastal Commission



RIGHT ELEVATION

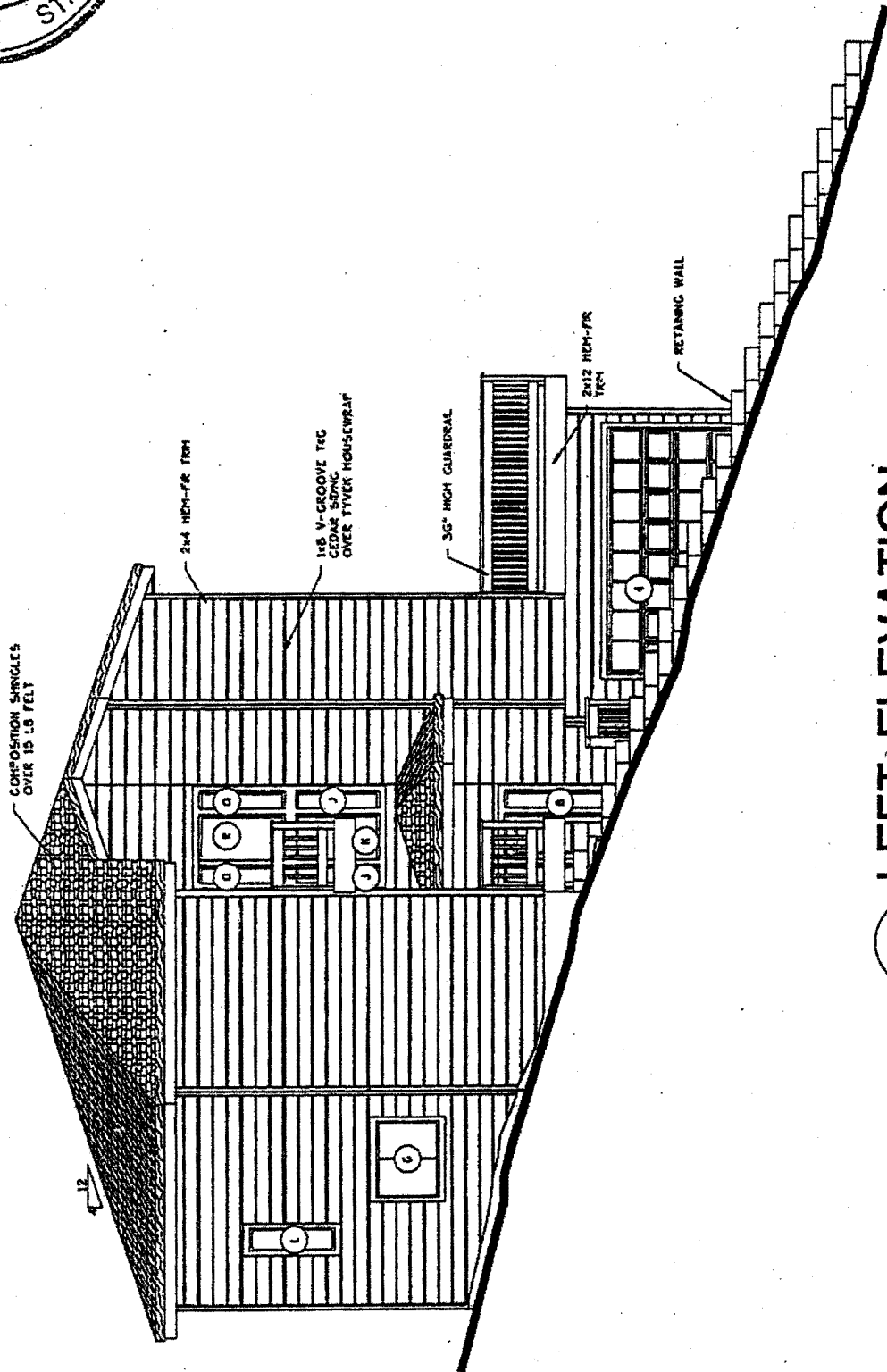
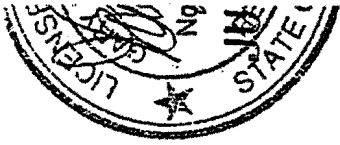
1/8"=1'-0"

**Project**  
 Gonyer Minor Use Permit (D990009P) /  
 Variance (D000001V)



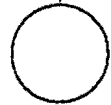
**Exhibit**  
 Right Elevation

EXHIBIT NO. 2
APPLICATION NO.
A-3-SLO-01-018
California Coastal Commission



LEFT ELEVATION

1/8"=1'-0"



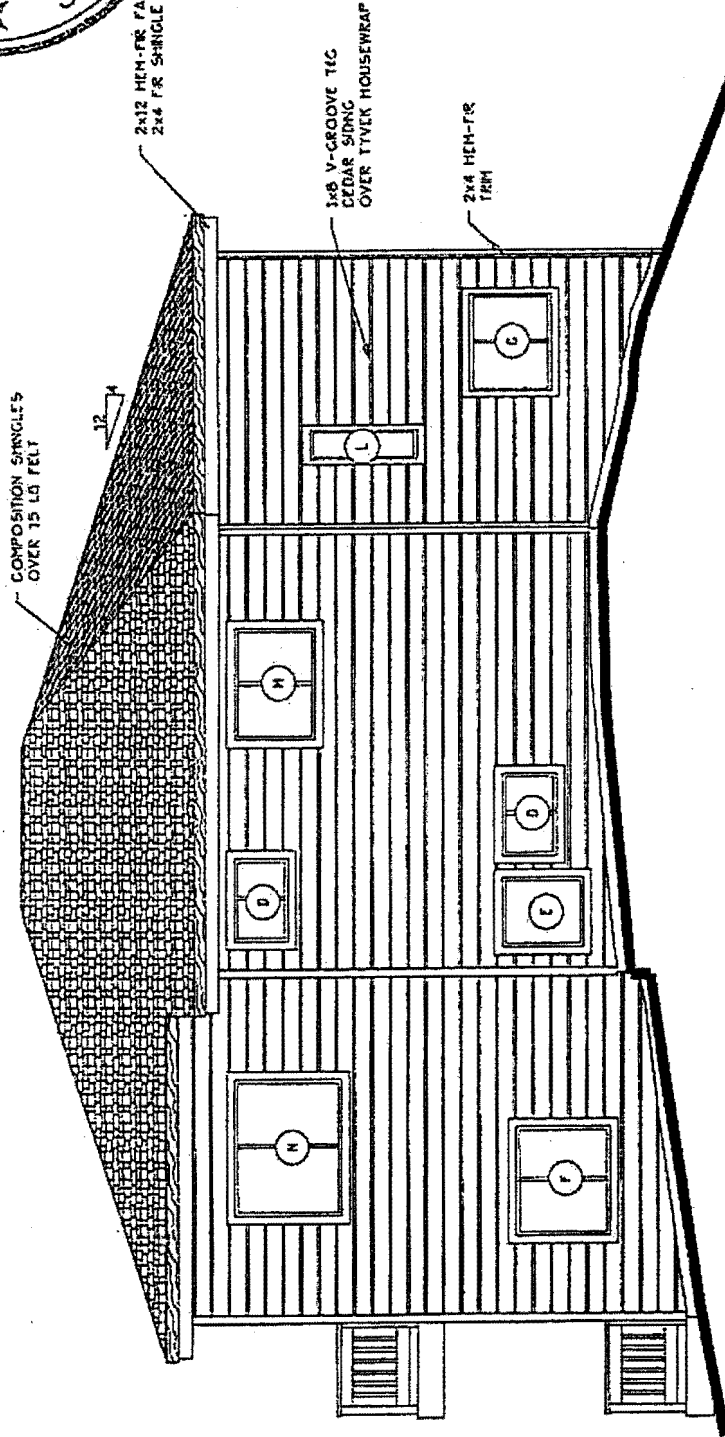
**Project**  
 Gonyer Minor Use Permit (D990009P) /  
 Variance (D000001V)



**Exhibit**  
 Left Elevation

EXHIBIT NO. 2  
 APPLICATION NO.  
 A-3-SLO-01-018  
 California Coastal Commission





REAR ELEVATION

1/8"=1'-0"

**Project**  
 Gonyer Minor Use Permit (D990009P) /  
 Variance (D000001V)



**Exhibit**  
 Rear Elevation

EXHIBIT NO. 2
APPLICATION NO.
A-3-SLO-01-018
California Coastal Commission

# CALIFORNIA COASTAL COMMISSION

# RECEIVED



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

JAN 29 2001

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

## APPEAL 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):

Ken Renshaw  
1790 Ogden Rd  
Cambria CA 93428  
(805) 927 2202

Zip

Area Code

Phone No.

### SECTION II. Decision Being Appealed

1. Name of local/port government:

County of San Luis Obispo, Department of Planning & Building

2. Brief description of development being appealed:

Minor Use Permit / Coastal Development Permit, Variance for  
building on slope greater than 30%  
single family residence

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

East side of Ogden Dr., 150 ft north of Randal Dr.,  
Lodge Hill, CAMBRIA CA 93428, APN 023-161-042  
(North Coast Area Plan)

4. Description of decision being appealed:

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

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

### TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_  
DATE FILED: \_\_\_\_\_  
DISTRICT: \_\_\_\_\_

EXHIBIT NO. 3
APPLICATION NO.
A-3-SLO-01-018.
California Coastal Commission

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: January 23 2001

7. Local government's file number: Minor Use Permit/coastal Dev. Permit D990122P  
Variance D000001V

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:

John + Kari Gonger  
PO Box 421  
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 (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Ken Kenschaw  
1790 Ogden Rd.  
CAMBRIA CA 93425


(2) GARY SWANGER  
2450 Main St. Suite G  
CAMBRIA CA 93428

(3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

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

EXHIBIT NO. 3
APPLICATION NO.
A-3-5LO-01-018
 California Coastal Commission

**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.)

Table G of Lodge Hill Standards provides allowable Gross Structural Area and Footprints for different sizes and categories of lots. Table G also has a definition of Gross Structural Area and footnotes that explain how the Gross Structural Area, GSA, is to be modified according to lot size. The applicant was allowed to ignore those two parts of Table G:

1. The applicant was allowed to ignore the definition of GSA (on page 8-44 attached). The definition says: "Gross Structural Areas - means all interior areas...." He was permitted to exclude mechanical areas, a flight of stairs, two landings and other areas from that calculation. The applicant claimed his GSA was 1746 s.f. The plans were evaluated by an independent impartial architect as having a GSA of 2109 s.f. if "all interior areas" were to be included per the Table G definition.
2. The subject building site is 5,552 s.f. Table G has two footnotes pertaining to how GSA can be modified. (See page 8-43 attached) Footnote 1 pertains to "Building sites greater than 5,250 square feet...." If this footnote is applied, the allowable GSA is 1,163 s.f.

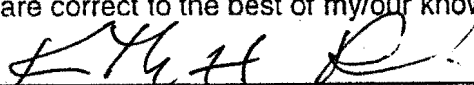
The applicant was allowed to use Footnote 2.b which pertains to "Building sites less than 5,250 square feet...." If this footnote is applied, the allowable GSA is 1,746 s.f.

Allowing the applicant to use the incorrect footnote is granting an informal, second variance, done without the state required findings, hearing and process.

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 Jan 24, 2001  
 \_\_\_\_\_

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.

<b>EXHIBIT NO. 3</b>
<b>APPLICATION NO.</b>
<b>A-3-SLO-01-018</b>
 California Coastal Commission

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

Date \_\_\_\_\_




**SAN LUIS OBISPO COUNTY PLANNING DEPARTMENT**

# **LAND USE ELEMENT AND LOCAL COASTAL PLAN**

## **NORTH COAST PLANNING AREA**




EXHIBIT NO. <b>3</b>
APPLICATION NO.
<b>A-3-SLO-01-018</b>
 California Coastal Commission

3. **Footprint and GSA Bonus.** Where an applicant can clearly demonstrate that design and layout concessions have been made in order to save healthy trees, minimize site disruption, visual impact, minimize erosion, or selection of compatible building materials, and clearly goes beyond the basic requirements of these standards, the Planning Director by Minor Use Permit review may grant up to a 10% increase of Footprint and GSA as indicated on Table G.

The following definitions shall be used in the interpretation of Table G:

- a. **Footprint** - means the area of the lot covered by residential and accessory structures including any structural overhangs, expressed in square feet, and includes living area, garages and carports. It does not include open deck area, balconies or eaves.
- b. **Gross Structural Area** - means all interior areas, expressed in square feet of floor area, within the volume of the structure. It includes living areas, storage, garages and carports. Gross Structural Area is measured to the exterior limit of the building walls. Gross Structural Area does not include open exterior decks or interior lofts added within the height limitation to gain additional square footage.
- c. **Slope** - to be determined by using one of the slope determination methods in Chapter 23.11 (Slope, Average) of the Coastal Zone Land Use Ordinance.
- d. **Special Projects Areas** - refers to sensitive areas delineated on Figures 6 and 7. [Amended 1992, Ord. 2569]
- e. **Forested Lot** - a lot containing one or more native Monterey Pine trees.
- f. **Marine Terrace** - the area located between Marlborough Lane and Sherwood Drive.
- g. **Steep Lot** - a lot with the average slope of 30% or greater.
- h. **Typical Lot** - a lot that has an average slope less than 30%, contains no Monterey Pine trees, and is not located in the Marine Terrace or Special Projects Area.

12. **Sherwood Drive - Setback and Height Requirements.** The maximum height for structures between the ocean and Sherwood Drive shall be 15 feet as measured from the centerline of Sherwood Drive.

EXHIBIT NO. 3
APPLICATION NO.
A-3-SLO-01-018
 California Coastal Commission

**TABLE G**

**STANDARDS FOR LODGE HILL LOTS (Continued)**

TYPE OF LOT	MAX. HT.	FOOTPRINT	GROSS STRUCTURAL AREA
3. FORESTED	28'***	1,200 sq.ft.	2,400 sq.ft.
4. STEEP LOTS (30% plus)	28'***	1,000 sq.ft.	1,600 sq.ft.
5. MARINE TERRACE		1 story, 1,800 sq.ft.	1,800 sq.ft.
	22'	2 story, 1,650 sq.ft.	2,450 sq.ft.
6. TYPICAL LOTS		1 story, 1,800 sq.ft.	1,800 sq.ft.
	28'***	2 story, 1,300 sq.ft.	2,600 sq.ft.

- \* 28' if the site is not visible from Highway 1
- \*\* 25' if visible from Highway One.

Table G Footnotes. Standards 1-3 below shall be used with Table G where interpreting lot sizes that do not conform exactly to base density or where a Footprint and Gross Structural Area bonus is requested.

1. Building sites greater than 5,250 square feet may be permitted additional Footprint and Gross Structural Area equal to the percent that the site is greater than 5,250 square feet.
2. Building sites 5,250 sq. ft. or less, the permitted maximum Footprint and GSA shall be adjusted as follows:
  - a. Single lot category - if the building site is greater than 1,750 square feet, the Footprint and GSA may be increased by the percent that the lot area is greater than 1,750 square feet.
  - b. Double lot category - if the lots are greater than 3,500 square feet, the Footprint and GSA may be increased by the percent that the lot is greater than 3,500 square feet.

Where the square footage of the building site is less than the base area (1,750 square feet for single lot, and 3,500 square feet for double lot category), the permitted Footprint and GSA shall be decreased accordingly.

EXHIBIT NO. 3


APPLICATION NO.

A-3-SLO-01-018

California Coastal Commission

**EXHIBIT A**  
**FINDINGS FOR VARIANCE (D00001V)**


- A. The variance authorized does not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and land use category in which it is situated because single family dwellings are principally permitted uses, the project meets height and setback requirements, allowable footprint and gross structural area, and adjacent sites with steep slopes are similarly developed.
- B. There are special circumstances applicable to the property, related only to size, shape, topography, location, or surroundings and because of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other properties in the vicinity and in the same land use category because the project is located on a site that is almost entirely on slopes in excess of 30 percent and the site would not accommodate development without disturbing steep slopes.
- C. The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements because the use is a single family residence in a residential neighborhood.
- D. The variance does not authorize a use that is not otherwise authorized in the land use category because single family dwellings are principally permitted in the residential single family land use category.
- E. The variance is consistent with the provisions of the Local Coastal Program.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project located on Ogden Drive, a local road constructed to a level adequate to handle any additional traffic associated with the project.
- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to coastal waters and recreation areas.
- H. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

EXHIBIT NO. 4
APPLICATION NO.
A-3-SLO-01-018
 California Coastal Commission




**EXHIBIT A**  
**FINDINGS FOR MINOR USE PERMIT (D990009P)**

- A. As conditioned, the project or use is consistent with the San Luis Obispo County General Plan/Local Coastal Program because the use is a principally permitted use allowed by Table "O" of the Land Use Element/Local Coastal Plan and is consistent with all other General Plan policies.
- B. As conditioned, the project, or use satisfies all applicable provisions of Title 23 of the San Luis Obispo County Code.
- C. The establishment and subsequent operation or conduct of the project or use will not, because of the circumstances and conditions applied in a particular case, be detrimental to the health and safety or welfare of the general public or persons residing or working in the neighborhood of the project or use, or be detrimental or injurious to property or improvements in the vicinity of the project or use because the project or use meets planning area standards for the Lodge Hill area, including erosion and drainage control, and footprint and gross structural area requirements.
- D. The project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is a single family residence in a residential neighborhood.
- E. The project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project or use, either existing or to be improved with the project or use because Ogden Drive, on which the single family residence is to be located, is improved to a level that is capable of carrying the additional traffic generated by the project or use.
- F. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because no trees are proposed for removal.
- G. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to eliminate tree removal and minimize site disturbance.
- H. Any proposed clearing of topsoil, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because no tree removal is proposed and site disturbance has been minimized.

EXHIBIT NO. 4
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- I. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff because, as conditioned, the project or use meets drainage and erosion control standards specified by the county Engineering Department and required by the Coastal Zone Land Use Ordinance.
- J. There will be no significant negative impact on the identified sensitive habitat and the project or use will be consistent with the biological continuance of the habitat, because no trees are proposed for removal.
- K. The project or use will not significantly disrupt the habitat, because it is a single family residence with minimal site disturbance.
- L. The proposed use is in conformance with the public access and recreation policies of Chapter 3 of the California Coastal Act because the project is not adjacent to the coast and the project will not inhibit access to coastal waters and recreation areas.
- M. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

EXHIBIT NO. 4
APPLICATION NO.
A-3-SLO-01-018
 California Coastal Commission

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**

**AUTHORIZED USE**


1. **This approval authorizes** the construction of a single family residence with: 1,029 square feet of footprint and 1,746 square feet of gross structural area on slopes which exceed 30 percent.
2. **Prior to issuance of a building permit**, the applicant shall submit revised floor plans showing total GSA not to exceed 1,746 sq ft. The loft area calculation is to exclude hallway and circulation area.
3. **All permits shall be consistent** with the approved Site Plan, Floor Plans, and Elevations. The maximum height of the project shall be limited to 28 feet above average natural grade.
4. **Prior to building permit site check clearance, and/or any site disturbance**, a licensed surveyor shall establish average natural grade (high and low corners staked) and set a datum point.
5. **Prior to framing inspection**, the applicant shall provide written verification to the building inspector certifying the building height. The certification shall be done by a licenced surveyor.

**GRADING, DRAINAGE, SEDIMENTATION, AND EROSION CONTROL**

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

**ARCHAEOLOGY**

8. **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:

EXHIBIT NO. 4
APPLICATION NO.
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Board of Supervisors January 23, 2001

Renshaw Appeal of D990009P/D000001V Gonyer

- 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;
- g. Description of monitoring reporting procedures.

9. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, and a Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

10. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

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The standards of Table G do not apply to Tract 163, Tract 61, Cambria Pines Estates #1, and the two marine terrace blocks (Blocks 1 and 2, Tract 97) south of Lampton Street. Any parcel deemed by the county to be non-conforming because of its size is subject to standards of Table G.

Table G is used by first determining the number of legal subdivided lots that comprise the ownership (such as a single 25', double or triple configuration) and selecting the appropriate category. Then select the correct type of lot (such as Special Project Area 1, Forested, or Steep Lot) using the definitions in these standards. This will yield the maximum allowable height, footprint and gross structural area.

**TABLE G**  
**STANDARDS FOR LODGE HILL LOTS**

**A. SINGLE LOT CATEGORY - 25' LOTS (1750 SQ.FT.)**

TYPE OF LOT	MAX. HT.	FOOTPRINT	GROSS STRUCTURAL AREA
<b>1. SPECIAL PROJECTS AREA 1 (Steep Canyon)</b>			
a. 0-25% slope	25'*	500 sq.ft.	900 sq.ft.
b. 25% plus	25'*	400 sq.ft.	600 sq.ft.
<b>2. SPECIAL PROJECTS AREA 2 (Visible Hillside)</b>			
a. 0-25%	25'*	500 sq.ft.	900 sq.ft.
b. 25% plus	25'*	400 sq.ft.	700 sq.ft.
<b>3. FORESTED</b>	<b>28'***</b>	<b>500 sq.ft.</b>	<b>900 sq.ft.</b>
<b>4. STEEP LOTS (30% plus)</b>	<b>28'***</b>	<b>400 sq.ft.</b>	<b>700 sq.ft.</b>
<b>5. MARINE TERRACE</b>	<b>22'</b>	<b>800 sq.ft.</b>	<b>1,000 sq.ft.</b>
<b>6. TYPICAL LOTS</b>	<b>28'***</b>	<b>600 sq.ft.</b>	<b>900 sq.ft.</b>

<b>EXHIBIT NO. 5</b>
APPLICATION NO.
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**TABLE G**


**STANDARDS FOR LODGE HILL LOTS (Continued)**

**B. DOUBLE LOT CATEGORY - 50' LOTS (3500 SQ.FT)**

TYPE OF LOT	MAX. HT.	FOOTPRINT	GROSS STRUCTURAL AREA
<b>1. SPECIAL PROJECTS AREA 1 (Steep Canyon)</b>			
a. 0-25% slope	25'*	750 sq.ft.	1,350 sq.ft.
b. 25% plus	25'*	600 sq.ft.	1,000 sq.ft.
<b>2. SPECIAL PROJECTS AREA 2 (Visible Hillside)</b>			
a. 0-25%	25'*	800 sq.ft.	1,400 sq.ft.
b. 25% plus	25'*	650 sq.ft.	1,100 sq.ft.
3. FORESTED	28'***	900 sq.ft.	1,800 sq.ft.
4. STEEP LOTS (30% plus)	28'***	650 sq.ft.	1,100 sq.ft.
5. MARINE TERRACE		1 story, 1,600 sq.ft.	1,600 sq.ft.
	22'	2 story, 1,350 sq.ft.	2,000 sq.ft.
6. TYPICAL LOTS		1 story, 1,600 sq.ft.	1,600 sq.ft.
	28'***	2 story, 1,000 sq.ft.	2,000 sq.ft.

**C. TRIPLE LOT CATEGORY - 75' LOTS (5250 SQ.FT.)**

TYPE OF LOT	MAX. HT.	FOOTPRINT	GROSS STRUCTURAL AREA
<b>1. SPECIAL PROJECTS AREA 1 (Steep Canyon)</b>			
a. 0-25% slope	25'*	1,000 sq.ft.	1,800 sq.ft.
b. 25% plus	25'*	800 sq.ft.	1,400 sq.ft.
<b>2. SPECIAL PROJECTS AREA 2 (Visible Hillside)</b>			
a. 0-25%	25'*	1,100 sq.ft.	1,900 sq.ft.
b. 25% plus	25'*	900 sq.ft.	1,500 sq.ft.

EXHIBIT NO. <b>5</b>
APPLICATION NO.
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 California Coastal Commission

**TABLE G**

**STANDARDS FOR LODGE HILL LOTS (Continued)**

TYPE OF LOT	MAX. HT.	FOOTPRINT	GROSS STRUCTURAL AREA
3. FORESTED	28'***	1,200 sq.ft.	2,400 sq.ft.
4. STEEP LOTS (30% plus)	28'***	1,000 sq.ft.	1,600 sq.ft.
5. MARINE TERRACE		1 story, 1,800 sq.ft.	1,800 sq.ft.
	22'	2 story, 1,650 sq.ft.	2,450 sq.ft.
6. TYPICAL LOTS		1 story, 1,800 sq.ft.	1,800 sq.ft.
	28'***	2 story, 1,300 sq.ft.	2,600 sq.ft.

\* 28' if the site is not visible from Highway 1


\*\* 25' if visible from Highway One.

Table G Footnotes. Standards 1-3 below shall be used with Table G where interpreting lot sizes that do not conform exactly to base density or where a Footprint and Gross Structural Area bonus is requested.

1. Building sites greater than 5,250 square feet may be permitted additional Footprint and Gross Structural Area equal to the percent that the site is greater than 5,250 square feet.
2. Building sites 5,250 sq. ft. or less, the permitted maximum Footprint and GSA shall be adjusted as follows:
  - a. Single lot category - if the building site is greater than 1,750 square feet, the Footprint and GSA may be increased by the percent that the lot area is greater than 1,750 square feet.
  - b. Double lot category - if the lots are greater than 3,500 square feet, the Footprint and GSA may be increased by the percent that the lot is greater than 3,500 square feet.

Where the square footage of the building site is less than the base area (1,750 square feet for single lot, and 3,500 square feet for double lot category), the permitted Footprint and GSA shall be decreased accordingly.

NORTH COAST  
REVISED FEBRUARY 8, 1994


EXHIBIT NO. 5
APPLICATION NO.
A-3-SLO-01-018
 California Coastal Commission

PLANNING AREA STANDARDS  
GENPLAN\V9400191.PLN

3. **Footprint and GSA Bonus.** Where an applicant can clearly demonstrate that design and layout concessions have been made in order to save healthy trees, minimize site disruption, visual impact, minimize erosion, or selection of compatible building materials, and clearly goes beyond the basic requirements of these standards, the Planning Director by Minor Use Permit review may grant up to a 10% increase of Footprint and GSA as indicated on Table G.

The following definitions shall be used in the interpretation of Table G:

- a. **Footprint** - means the area of the lot covered by residential and accessory structures including any structural overhangs, expressed in square feet, and includes living area, garages and carports. It does not include open deck area, balconies or eaves.
  - b. **Gross Structural Area** - means all interior areas, expressed in square feet of floor area, within the volume of the structure. It includes living areas, storage, garages and carports. Gross Structural Area is measured to the exterior limit of the building walls. Gross Structural Area does not include open exterior decks or interior lofts added within the height limitation to gain additional square footage.
  - c. **Slope** - to be determined by using one of the slope determination methods in Chapter 23.11 (Slope, Average) of the Coastal Zone Land Use Ordinance.
  - d. **Special Projects Areas** - refers to sensitive areas delineated on Figures 6 and 7. [Amended 1992, Ord. 2569]
  - e. **Forested Lot** - a lot containing one or more native Monterey Pine trees.
  - f. **Marine Terrace** - the area located between Marlborough Lane and Sherwood Drive.
  - g. **Steep Lot** - a lot with the average slope of 30% or greater.
  - h. **Typical Lot** - a lot that has an average slope less than 30%, contains no Monterey Pine trees, and is not located in the Marine Terrace or Special Projects Area.
12. **Sherwood Drive - Setback and Height Requirements.** The maximum height for structures between the ocean and Sherwood Drive shall be 15 feet as measured from the centerline of Sherwood Drive.

EXHIBIT NO. 5
APPLICATION NO.
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