

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Commission Action:	

STAFF REPORT
PERMIT AMENDMENT

APPLICATION NUMBER:	A-3-SLO-99-050-A1
APPLICANT:	SHERMAN & MAUREEN RAILSBACK
PROJECT LOCATION:	1120 Pacific Avenue (Estero Planning Area), Cayucos (San Luis Obispo County) (APN(s) 064-227-23)
AMENDMENT DESCRIPTION:	Amend Special Conditions 2 and 4(f) regarding bluff setbacks and future shoreline protection.
ORIGINAL PROJECT PROPOSAL:	Demolish an existing SFD; construct a new SFD; construct a seawall and fill existing eroded area to protect the new residence.
FILE DOCUMENTS:	County of San Luis Obispo certified Local Coastal Program; Administrative Record for County permits D980050P and D980051V

EXECUTIVE SUMMARY

The project is located on a blufftop lot on the seaward side of Pacific Avenue in the community of Cayucos, San Luis Obispo County (please see Exhibit 1). As originally proposed, the project involved the demolition of an existing single family residence, the development of a new 3,500 square foot single family residence, and the construction of a revetment to protect the new residence. On January 13, 2000, the Coastal Commission determined that an appeal of the proposed project raised a substantial issue due to inconsistencies with LCP provisions regarding bluff setbacks, shoreline structures, and geologic hazards. The Commission then approved the demolition of the existing residence and construction of a new residence, but required a 25-foot setback and eliminated the revetment. The Commission's action also prohibited the future construction of a shoreline protective device to protect the new residence.

The applicants challenged this decision in court, and subsequently entered into a Settlement Agreement with the Commission. This amendment carries out the Settlement Agreement by modifying the Special Conditions of the Commission's approval that required a 25-foot bluff setback and prohibited the construction of a future seawall. Specifically, the amendment modifies Special Condition 2 by requiring the new home to be set back a minimum of 12.83 feet from the bluff edge rather than 25 feet. The amendment also revises Special Condition 4(f) to allow for a future shoreline protection device if such a device is necessary for the protection of the principal structure and the protective device is approved by the Commission as part of a comprehensive project along Pacific Avenue.

Staff recommends that the Commission **approve** the requested amendment on the basis that the amendment is consistent with the San Luis Obispo County Local Coastal Program and Coastal Act access and recreation policies. Approval of the requested setback reduction is consistent with the variance provisions established by the LCP. The proposed modification to the condition regarding the construction of a future shoreline protection device is consistent with the LCP and Coastal Act because it requires that any such structure must be approved by the Commission as part of a comprehensive project that addresses design issues and the impacts that the project will have on coastal resources and public access and recreation opportunities. This approach is appropriate along Pacific Avenue, which has been armored with a wide variety of shoreline structures, because it provides for the protection of existing development while avoiding and minimizing the impacts of these structures on natural shoreline processes and coastal access and recreation.

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I. STAFF RECOMMENDATION

Staff Recommendation to Approve Coastal Development Permit Amendment

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-3-SLO-99-050 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as amended and subject to conditions, will be in conformity with the certified Local Coastal Program of the County of San Luis Obispo and will be consistent with the public access and recreation policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.



2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

As amended, the Special Conditions of the Permit are as follows (additions to the original Special Conditions of approval are shown by underlines, deletions by ~~strikethroughs~~):

1. Scope of Permit

This permit authorizes, subject to the standard conditions above and the special conditions below, the demolition of the existing home and construction of a new residence without a seawall, rock armor, or other shoreline protective device. Except where in conflict with the revised project approved by this permit, and these conditions of approval, all conditions of San Luis Obispo County's approval of this project (attached as Exhibit 4) continue to apply.

2. Revised Plans

PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit two copies of revised plans to the Executive Director for review and approval. The revised plans shall show the proposed house set back a minimum of 25 12.83 feet from the bluff edge and without a seawall, rock armor or other shoreline protection device.



3. **Drainage/Erosion Control Plan**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and run-off control that has been approved by the County pursuant to local conditions of approval number 4 and 19, and incorporates the following provisions. Where there are conflicts between the requirements of this condition and the County approval, the terms of this permit shall control.

A. The erosion and run-off control plan shall demonstrate that:

- (1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties, including the adjacent beach.
- (2) The following temporary erosion control measures shall be used during construction as necessary and appropriate: sand bags, a desilting basin, and silt fences.
- (3) The following permanent erosion control measures shall be installed: a drain to direct roof and front yard runoff to the street; no drainage shall be directed to the rear yard slope or bluff or beach area.

B. The plan shall include, at a minimum, the following components:

- (1) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed in order to direct drainage away from the bluff and beach.
- (2) A site plan showing the location of all temporary erosion control measures.
- (3) A schedule for installation and removal of the temporary erosion control measures.
- (4) A site plan showing the type and location of all permanent erosion control measures, drainage features, and finished grades at two-foot contour intervals.
- (5) A schedule for installation and maintenance of the permanent erosion control measures and drainage features.

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

4. **Assumption of Risk/Shoreline Protection**

Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that:



- (a) The applicant acknowledges and agrees that the site may be subject to hazards from waves, flooding, liquefaction, erosion, and wildfire.
- (b) The applicant acknowledges and agrees to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development.
- (c) The applicant unconditionally waives any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards.
- (d) The applicant agrees to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- (e) The applicant agrees that any adverse effects to property caused by the permitted project shall be fully the responsibility of the landowner.
- (f) No bluff or shoreline protection devices such as seawalls or revetments shall be permitted to protect ancillary improvements or the principal structure(s) on the parcel, unless such device is approved by the Commission as part of a comprehensive project that addresses the need for, and impacts of, shoreline protection as well as appropriate design along the entire length of the Pacific Avenue neighborhood of Cayucos. The document shall run with the land. The applicant shall not construct, now or in the future, any shoreline protective device(s) for the purpose of protecting the residential development approved pursuant to coastal development permit A-3-SLO-99-050 including, but not limited to, the residence, foundations, decks, or driveways in the event that these structures are threatened with imminent damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives any rights to construct such devices that may exist under Public Resources Code Section 30235.

The document shall run with the land, binding all successors and assigns, except as provided in subsection (f), and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal



Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS

A. Project Location and Amendment Description

The site of the project is a lot on the seaward side of Pacific Avenue in the community of Cayucos in San Luis Obispo County, about one and a half miles north of the City of Morro Bay (see Exhibit 1). The 4,200 square foot lot is about 40 feet wide, 117 feet long on the north side, and 110 feet long on the south side. The surface elevation of the lot is comparable to that of the adjoining lots. The present blufftop is approximately 20 feet in height and is defined by a "U" shaped gully in the center of the site, created as a result of uncontrolled runoff (please see Exhibit 5). The lot contains an existing residence that is set back approximately 31 feet from the inland extent of this gully.

At the base of the bluff is a wide sandy beach with a few rock outcroppings. A riprap seawall protects the existing house to the south and a concrete block seawall protects the house directly to the north. As seen in Exhibit 5, shoreline protective devices line nearly the entire coastline surrounding the subject site. Many of these seawalls were constructed without the benefit of a coastal development permit in response to the large storms of 1983. Subsequently, many of the structures appear to have been permitted by the Commission, although the particular legal status of each structure is still being researched.

On January 13, 2000, the Coastal Commission approved the demolition of the existing residence and construction of a new residence, but required a 25-foot setback and eliminated the revetment proposed to protect the new residence. The Commission's action also prohibited the future construction of a shoreline protective device to protect the new residence. The amendment requests that the 25 foot minimum setback be reduced to 12.83 feet, and that a future shoreline protection device be allowed if it is approved by the Commission as part of a comprehensive project for the entire length of Pacific Avenue that addresses all relevant design issues and impacts.

B. Bluff Setbacks

1. LCP Bluff Setback Policies:

Cayucos Urban Area Communitywide Standard 2: Setbacks - Community.

- a. Bluff setbacks. 25-Foot minimum unless a geologic report prepared by a registered civil engineer or other qualified professional indicates that a larger setback is necessary to withstand 75 years of bluff erosion.*



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

Hazards Policy 4: Limitations on the Construction of Shoreline Structures. *Construction of shoreline structures that would substantially alter existing landforms shall be limited to projects necessary for:*

- a. *Protection of existing development (new development must ensure stability without depending upon shoreline protection devices); . . .*

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

Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.118: Blufftop Setbacks. *. . . The required setback shall be the larger of the two required by subsections a. and b. of this section.*

- a. *Stringline setback method: . . .*
 - (1) *A line between the most seaward portions of the structures on the adjacent lots; or*
 - (2) *where there is substantial variation of land form between adjacent lots, the average setback of structures on the adjoining lots shall be used.*
- b. *Bluff retreat setback method: New development or expansion of existing uses on bluffs shall be designed and set back from the bluff edge a distance sufficient to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protective structures that would in the opinion of the Planning Director require substantial alterations to the natural landforms along bluffs and cliffs. A site stability evaluation report shall be prepared and submitted by a certified engineering geologist . . . that indicates that the bluff setback is adequate to allow for bluff erosion over the 75-year period . . .*



23.01.045 - Variance:

A variance from the strict application of the requirements of this title may be requested as provided by this section. ...

d. Action on a variance. The Planning Commission shall approve, approve subject to conditions, or disapprove a variance as set forth in this subsection. Such decision may be appealed to the Board of Supervisors as set forth in Section 23.01.042 (Appeal).

(1) Findings. Approval or conditional approval may be granted only when the Planning Commission first determines that the variance satisfies the criteria set forth in Government Code Section 65906 by finding that:

(i) The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which such property is situation; and

(ii) 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 property in the vicinity that is in the same land use category; and

(iii) The variance does not authorize a use that is not otherwise authorized in the land use category; and

(iv) The variance is consistent with the provisions of the Local Coastal Program; and

(v) 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.

(2) Conditions of approval. In approving an application for variance, such conditions shall be adopted as are deemed necessary to enable making the findings set forth in Section 23.01.045d(1).

....

2. Bluff Setback Analysis:

The LCP's general policy is that new development be set back from ocean bluffs a distance that would provide for protection from erosion for a minimum of 75 years (LCP Hazards Policy 6).



However, the controlling standard of the Estero Area Plan specifically requires a minimum 25-foot setback from the bluff edge in this area of Cayucos. It also requires that a greater than 25 foot setback be required when necessary to withstand 75 years of erosion. Outside of Cayucos, bluff setbacks must be the larger of the stringline method or the bluff retreat method, in which a geologic report is used to determine the 75-year setback, as provided by CZLUO Section 23.04.118.

In this case, the geology report (Earth Systems Consultants, March 17, 1998) determined an average bluff retreat rate of 2 inches per year in the serpentine bedrock exposed in the bluff and 4 inches per year on the northern portion of the site, adjacent to the concrete block seawall. The report concludes that on the basis of a 2 inch per year retreat rate, a 75-year bluff retreat of 12.5 feet can be assumed. However, based on a 4 inch per year retreat rate, as noted for the northern portion of the bluff, a 24.75 foot setback is needed to withstand 75 years of erosion.

The applicant has requested a variance to the 25-foot minimum setback required pursuant to the Estero Area Plan and the bluff retreat method so that adjacent residences (which extend further seaward than the residence proposed on the Railsback property) will not block coastal views from the new residence.

A variance can be approved only when the approving body makes the five findings listed in Coastal Zone Land Use Ordinance Section 23.01.045. These findings can be made as follows:

1. *The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which such property is situated.* The residences to the north and south of the project, as well as many other residences in the Pacific Avenue, do not provide a 25-foot setback from the edge of the bluff. Allowing the proposed development to be setback 12.83 from the bluff edge is not a grant of special privileges, as the adjacent residences provide an even lesser setback distance.
2. *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 property in the vicinity that is in the same land use category.* The special circumstances at the project site include the presence of a drainage swale that has created an unnatural erosion cut through the bluff, and the existence of seawalls on both sides of the subject site which have created a non-uniform erosion pattern. Given these special circumstances, requiring a 25-foot setback from the unnatural bluff edge would deprive the applicant of the privileges enjoyed by many other properties in the neighborhood, particularly with regard to proximity to the beach and coastal views.
3. *The variance does not authorize a use that is not otherwise authorized in the land use category.* The proposed single family residence is an allowed use in the residential single family land use category assigned to this property by the LCP.



4. *The variance is consistent with the provisions of the Local Coastal Program.* The intent of the LCP bluff setback standards cited above is to prevent new development from resulting in the future construction of shoreline protection devices that interfere with natural shoreline processes and adversely affect coastal resources and access and recreation. In this case, the presence of a wide variety of shoreline protection devices on adjacent parcels and many other properties fronting on Pacific Avenue have already altered natural shoreline processes and impacted coastal views as well as access and recreation opportunities. The condition of this permit that requires any future shoreline protection device on the applicant's property to be a part of a comprehensive project along Pacific Avenue is a more effective means of addressing these impacts than requiring a 25-foot setback.

5. *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.* The application of County building codes will prevent the proposed residence from presenting hazards to public health and safety. Moreover, as described above, a comprehensive approach to dealing with shoreline erosion along Pacific Avenue will benefit the public by addressing the impacts that existing shoreline structures are having on coastal resources and access and recreation opportunities.

3. Bluff Setback Conclusion:

Approval of the amendment to allow the project to be setback 12.83 feet from the edge of the bluff rather than the 25 feet is consistent with the variance provisions established by the LCP. Special Condition 4(f) responds to the concern that the reduced setback will necessitate future construction of a shoreline protective device by ensuring that such a device is part of a comprehensive plan to address the impact that existing seawalls are having along this developed section of coastline. This approach, as opposed to the strict application of a 25-foot bluff setback, is the most effective means of addressing the cumulative effects that seawalls in Cayucos are having on coastal resources and access and recreation opportunities.

C. Shoreline Protection Devices

1. LCP Policies Regarding Shoreline Protective Devices:

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



Hazards Policy 4: Limitations on the Construction of Shoreline Structures.

Construction of shoreline structures that would substantially alter existing landforms shall be limited to projects necessary for:

- a. *Protection of existing development (new development must ensure stability without depending upon shoreline protection devices); . . .*

CZLUO Section 23.05.090: Shoreline Structures . . .

- a. *Where allowed: . . .*

- (1) *Protection of existing coastal development . . .*

2. Shoreline Protection Analysis:

The LCP standards cited above require new development to be set back from the shoreline an adequate distance to avoid the need for a shoreline protection device during the life of the development. The setback provisions cited earlier in this report establish a life span for new development of 75 years.

As previously noted, the geologic report prepared for the project estimates 12.5 feet of erosion at the at the southern end of the property, and 24.75 feet of erosion at the northern end of the property, over a 75 year period. This has raised concerns that the reduced setback authorized by this amendment will necessitate future construction of a seawall, inconsistent with the LCP provisions identified above.

However, as discussed in the bluff setback findings of this report, there are special circumstances applicable to the project site and surrounding area that must be considered when applying these LCP provisions. The presence of seawalls adjacent to both sides of the project, as well as along most of the developed private property on the seaward side of Pacific Avenue calls into question whether the strict application of setback requirements is, in this area, the most effective means of carrying out LCP and Coastal Act objectives of preventing the adverse environmental impacts associated with shoreline protection devices.

The existing seawalls along Pacific Avenue have been constructed on a lot by lot basis, using a wide variety of techniques, including rip rap, shotcrete, cinder blocks, and wooden retaining walls. This "mish-mash" of seawalls detracts from the scenic qualities of this popular beach, and in some instances may interfere with lateral coastal access at high tide, particularly during winter beach conditions. There has been no effort to address the cumulative impact of these structures, including their effects on natural shoreline processes and sand supply.

Requiring the Railsback project to be setback 25 feet from the bluff edge may avoid the need for an additional seawall, but would not address the larger, and arguably more significant, coastal resource issues associated with the numerous existing seawalls that surround the project along this section of the coast. In recognition of these circumstances, the variance to the bluff setback approved by this amendment is accompanied by a condition that requires any future shoreline



protection device to be a part of a comprehensive project that addresses the design issues and impacts associated with shoreline protective devices along the entire stretch of Pacific Avenue.

3. Shoreline Protection Conclusion:

The amendment to Special Condition 4(f) requires that any future shoreline protection for the new residence be part of a comprehensive project approved by the Commission that addresses the full range of coastal issues currently presented by the numerous existing seawalls that surround the project along Pacific Avenue. This approach provides the most effective means of carrying out LCP objectives to avoid and minimize adverse impacts associated with shoreline protection devices.

D. Coastal Access and Recreation

Section 30604(c) of the Coastal Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

1. Access and Recreation Policies:

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

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

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

Section 30221. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*



LCP Shoreline Access Policy 2: New Development. *Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development . . .*

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

d. Type of Access Required:

(1) Vertical access:

(i) Within an urban or village area where no dedicated public access exists within one-quarter mile of the site . . .

(3) Lateral Access Dedication. All new development shall provide a lateral access dedication of 25 feet of dry sandy beach . . .

2. Access and Recreation Analysis

Currently, there is adequate vertical access within one-quarter mile of the site. Improved accessways leading to the beach are located three lots to the south (about 120 feet) and six lots to the north (about 280 feet), so no vertical access is required to be provided by this project. Since the beach is owned by the Department of Parks and Recreation as part of Paso Robles Beach and operated by San Luis Obispo County, lateral access for the public is already guaranteed. Although the County conditioned the project to require the applicant to record an offer to dedicate lateral access, the Commission finds that a dedication of lateral access is not needed since the beach is publicly owned and operated.

Nevertheless, there are concerns that should a shoreline protection device be needed, the construction of such a device could interfere with lateral access and take up beach area otherwise available for public access and recreation. These concerns are effectively addressed by Special Condition 4(f), which requires that any such structure be part of a comprehensive project for Pacific Avenue approved by the Commission. Such a project would need to avoid, to the maximum extent feasible, any adverse impacts to coastal access and recreation opportunities posed not only by a shoreline protection device at the project site, but along the entire stretch of Pacific Avenue. Any unavoidable impacts to coastal access and recreation, or other coastal resource, would need to be fully mitigated.

3. Access and Recreation Conclusion

The project satisfies CZLUO Section 23.04.420 because a vertical public access to the shoreline exists within one quarter mile of the site, and lateral public access along the shoreline has been secured. The amendment is also consistent with Coastal Act Sections 30210, 30211, and 30212 regarding public access, and Coastal Act Section 30221 regarding public recreation, because Special Condition 4(f) ensures that any future shoreline protection device required to protect the



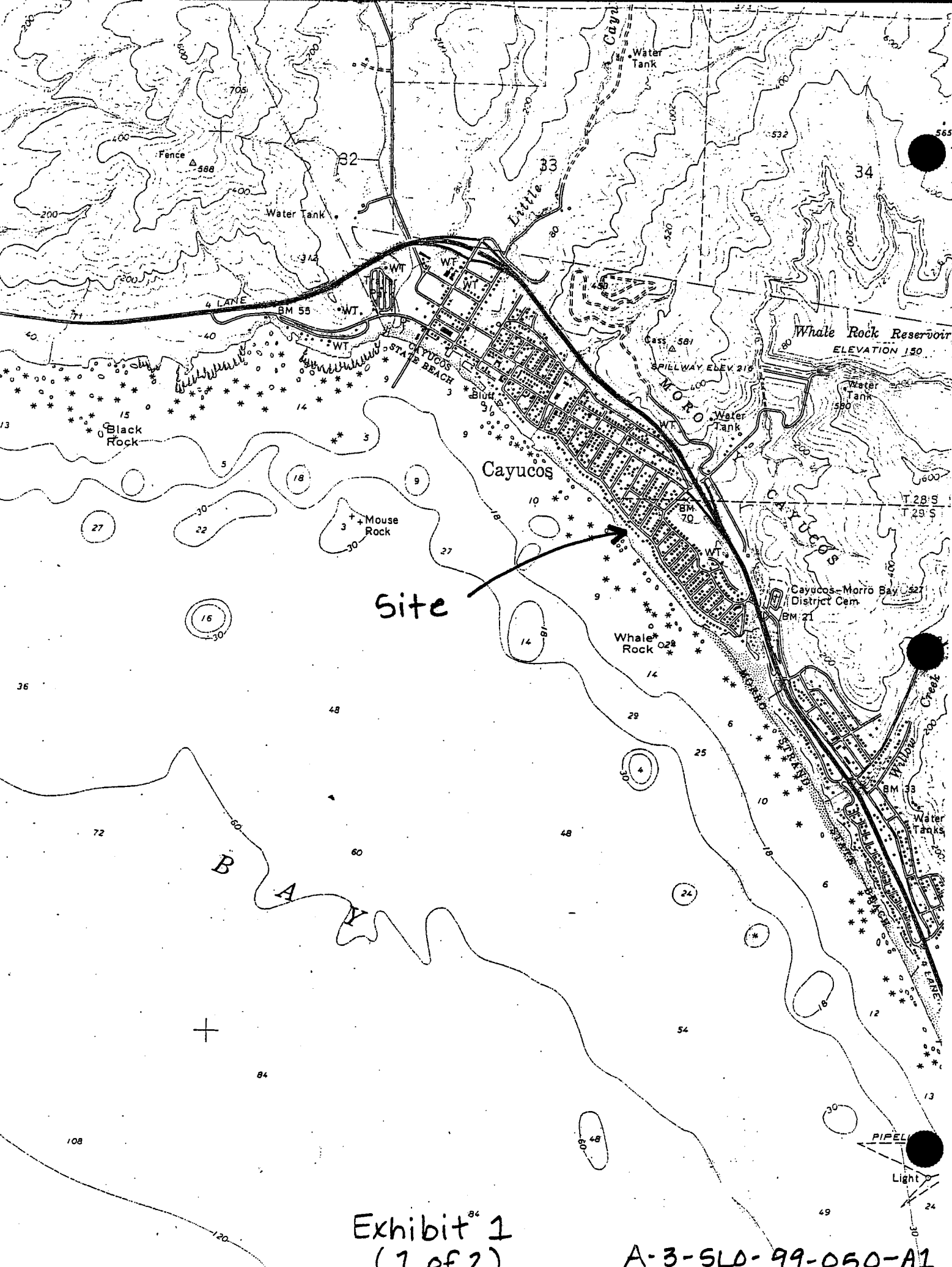
approved development will avoid and mitigate any impacts that such a structure may have on public access and recreation opportunities.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

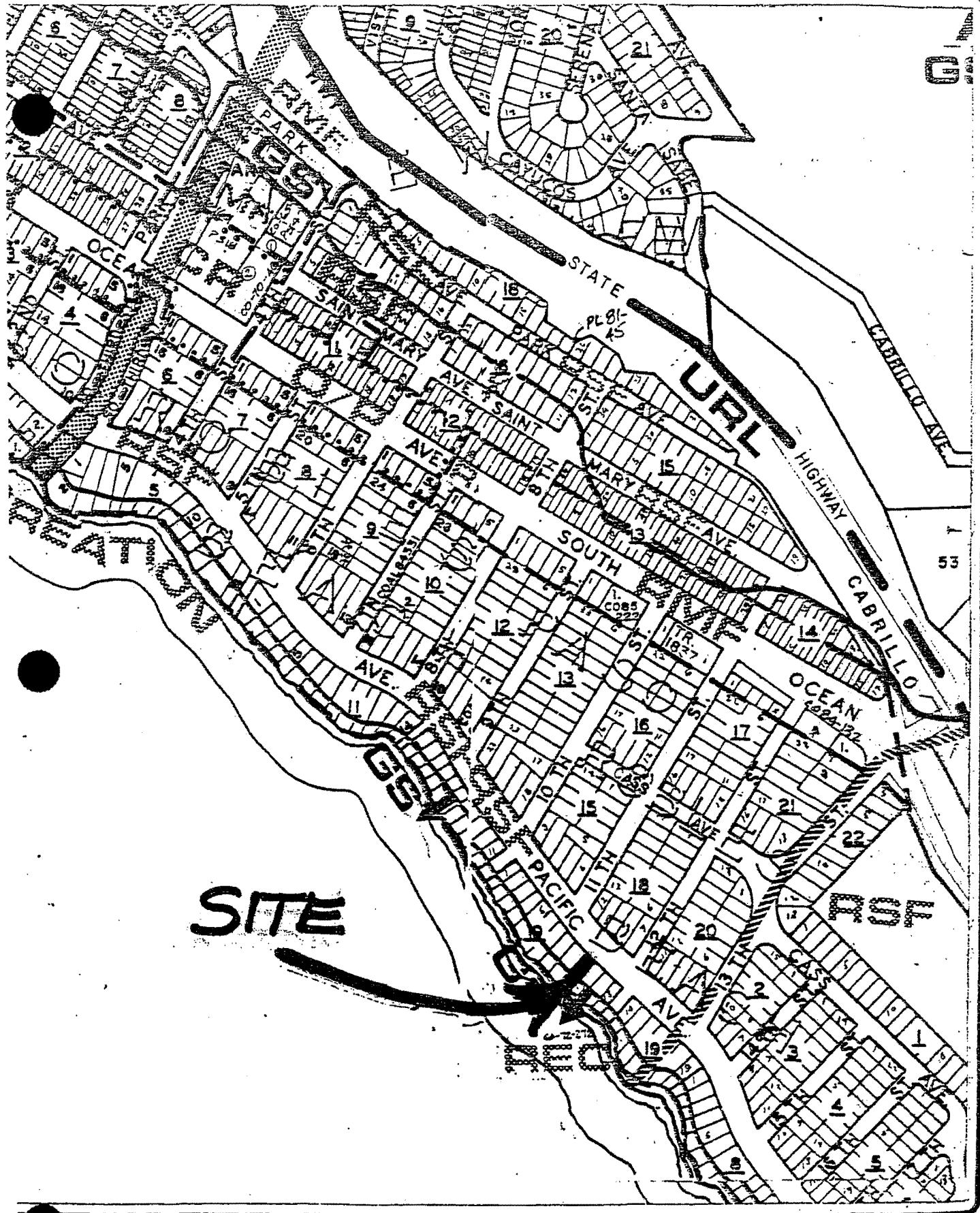
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development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

The County's action of this project included environmental review by means of a negative declaration approved by the Board of Supervisors on July 7, 1998. This report has examined the environmental impacts associated with the proposed amendment and, as detailed in the findings, has concluded that approval of the amendment will not result in any significant adverse impacts on the environment within the meaning of CEQA.





4-12



SUBJECT
AILSBACK D980051V/D980050P

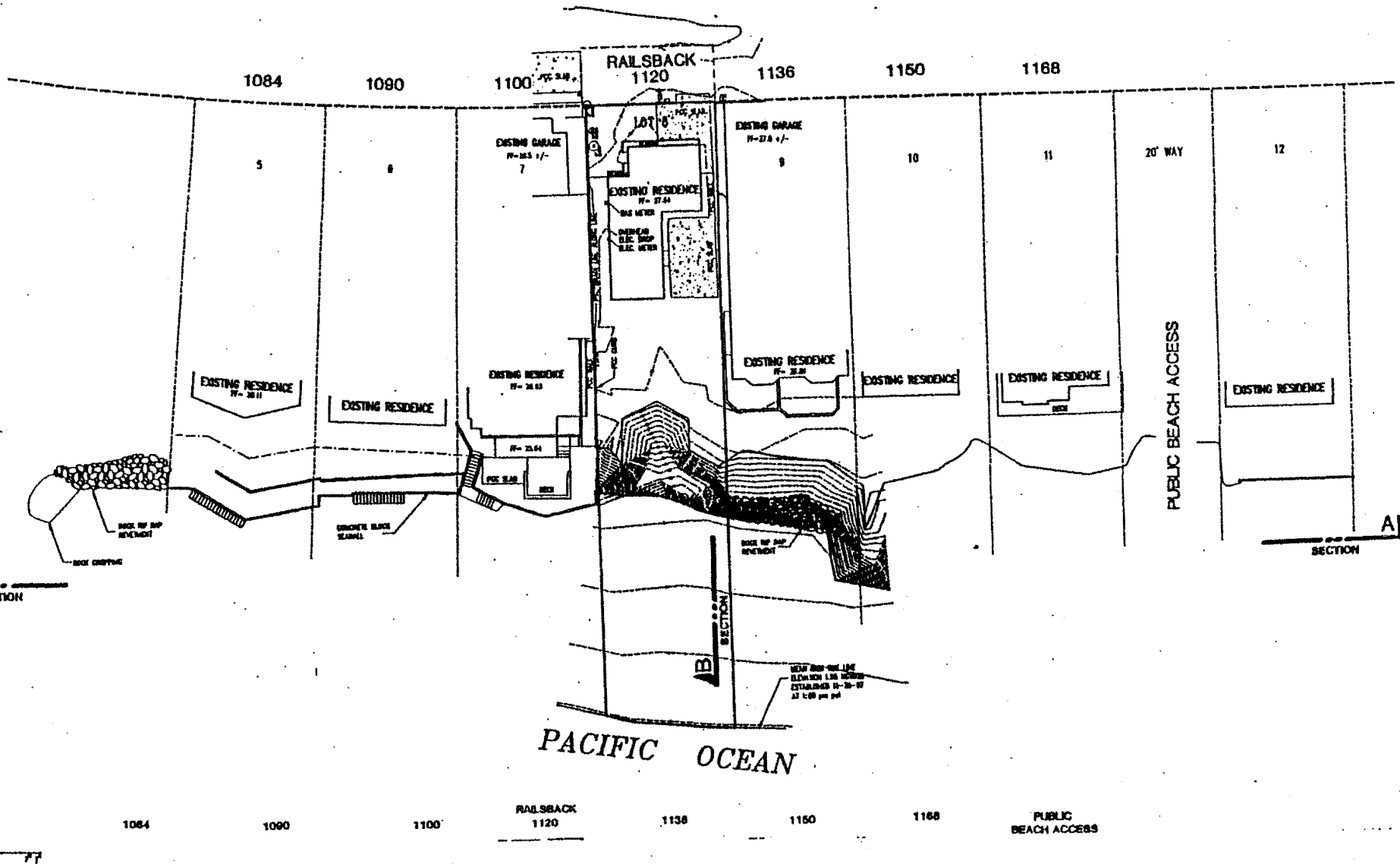


EXHIBIT
LOCATION

Exhibit 1
 (2 of 2)

A-3-SLO-99-050-A1

Exhibit 2
(1 of 4) A-3-SLO-99-050-A1



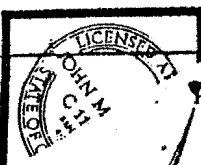
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OF
SHEETS
SHEET

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RAILSBACK
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MINOR USE PERMIT/VARIANCE
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A-3-5L0-99-050-
A1



PACIFIC OCEAN

Exhibit 2
72 of 21
A-3-360-99-
050-A1

ACCELERATED EROSION AREA

SERPENTINITE

BEACH DEPOSITS

ROCK RIP RAP
REVEITEMT

EXISTING RESIDENCE
FF = 28.83

25' BUILDING SETBACK METHOD
(NO BLUFF PROTECTION STRUCTURE)

TOP OF PROPOSED
RIP-RAP STRUCTURE

TOP OF BLUFF

EXISTING CLAYEY
SAND FILL

YELLOWISH BROWN CLAYEY SAND
TERRACE DEPOSITS

EXISTING RESIDENCE
FF = 27.64

STRINGLINE SETBACK METHOD
(WITH BLUFF PROTECTION STRUCTURE CONSTRUCTED)

EXISTING RESIDENCE
FF = 26.86

TOPOGRAPHIC MAP

RAILSBACK PROPERTY

1120 Pacific Avenue
Cayucos, California



Earth Systems Consultants

Northern California

February 24, 1998

4378 Santa Fe Road, San Luis Obispo, CA 93401

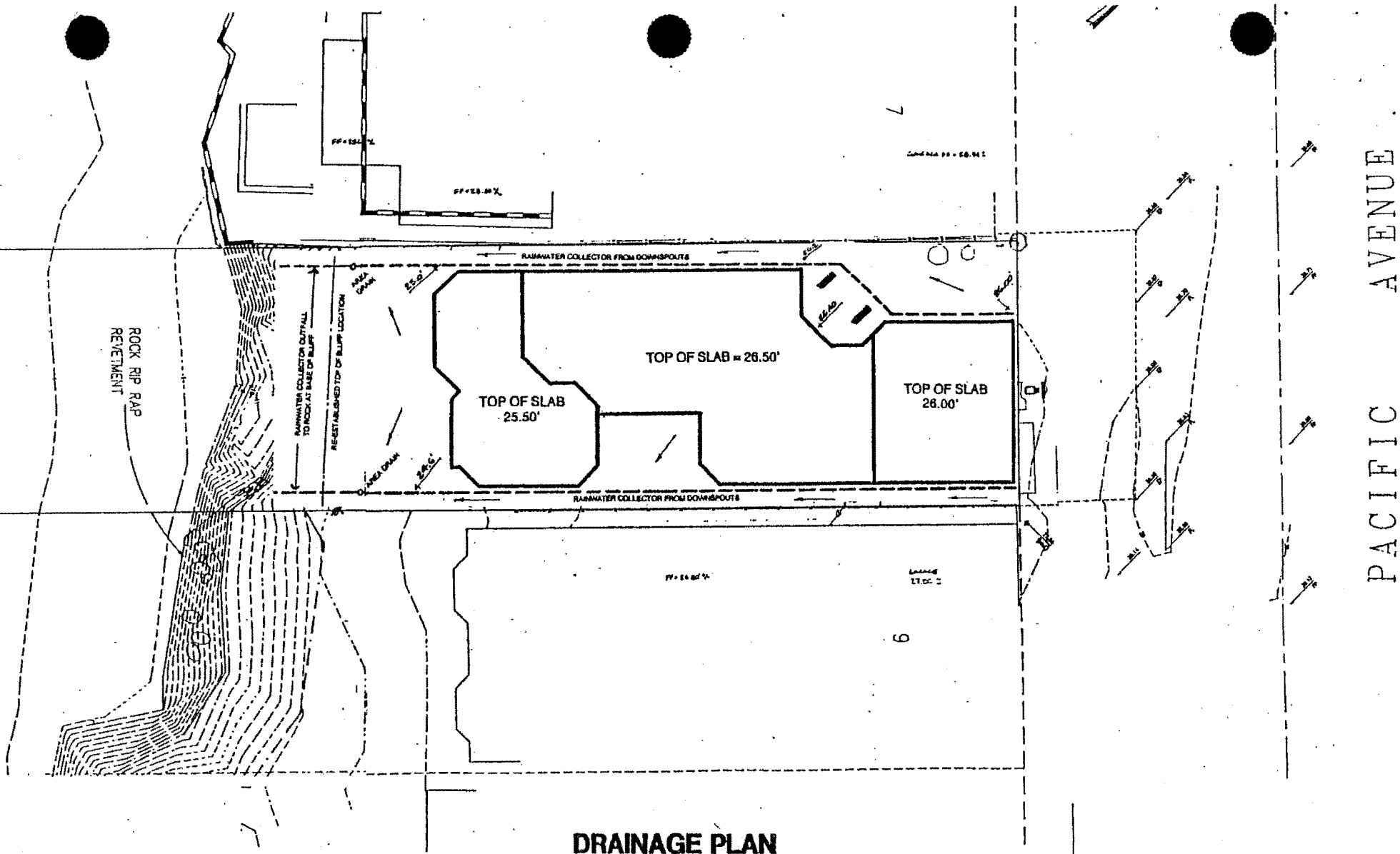
(805) 544-3276 (805) 544-1786 FAX

NGG10858-01

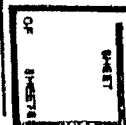
NOTE: TOPOGRAPHY BY BAUMBERGER
NOT TO SCALE

BC

Exhibit 2
(4 of 4)
A-3-SLO-99-050-A1



D980051 V



SHERMAN & MAUREEN
RAILSBACK
4110 FOREST HILL DRIVE
LA CANADA, CA 91011

MINOR USE PERMIT/VARIANCE
BEACHFRONT RESIDENCE
1120 PACIFIC AVENUE, CAYUCOS

P.O. BOX 746, SAN LUIS OBISPO, CA. 93406
John m. pryor ARCHITECT
(805) 541-5130



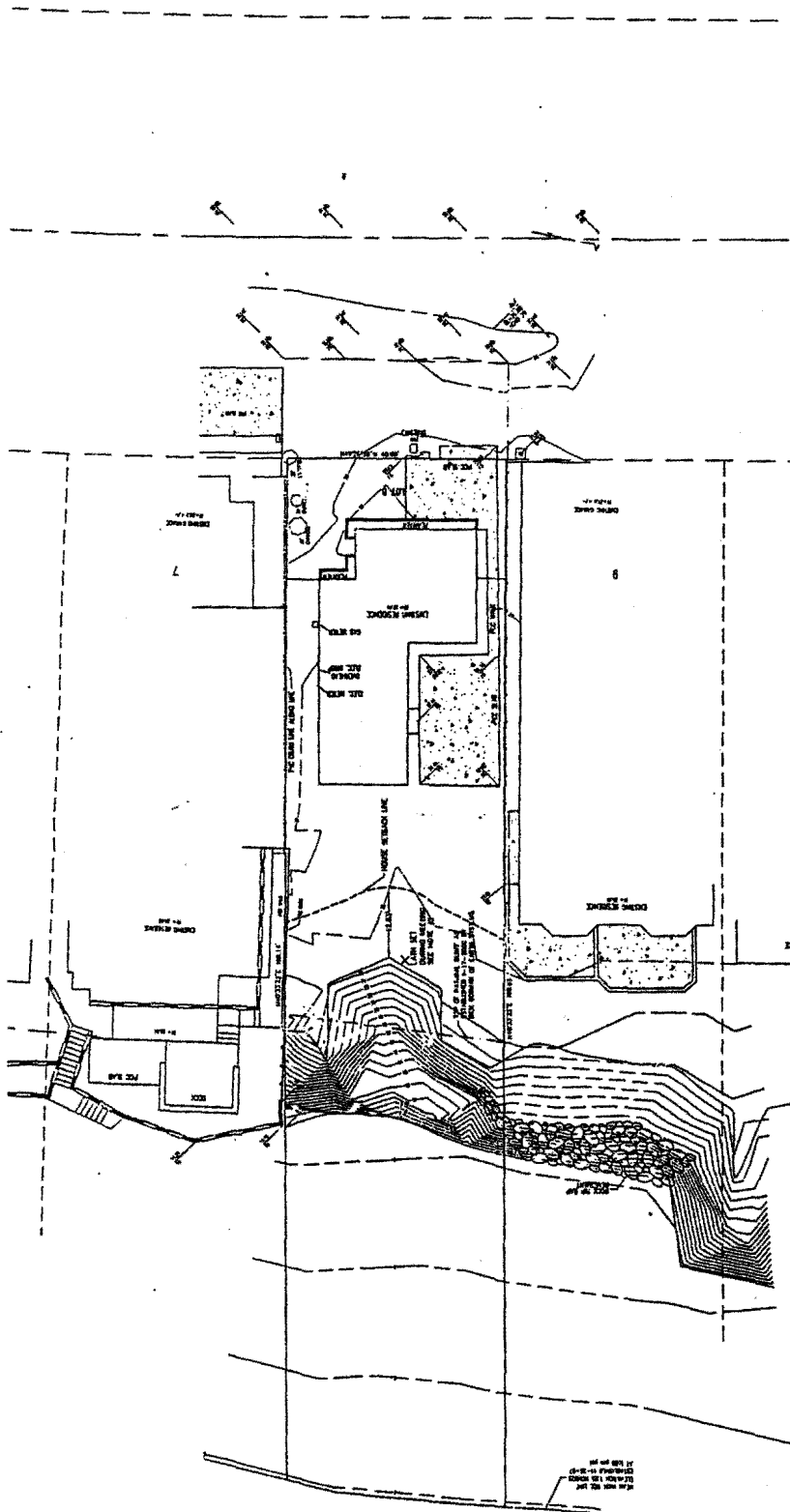


EXHIBIT DOCUMENTING FIELD POINT
AND AGREED UPON SETBACK LOCATED
ON JULY 23 2001

BY: [Signature]
TOWN OF SAN JOSE, COUNTY OF SAN JOSE, STATE
OF CALIFORNIA

REQUESTED BY:
SHERMAN & KILPATRICK

WESTLAND ENGINEERING COMPANY
75 ZACA LANE, SUITE 100, SAN JOSE, CA 95128
(408) 311-2304
JANUARY 2001

PAGE 1 OF 1

GRAPHIC SCALE
1" = 10' 0"

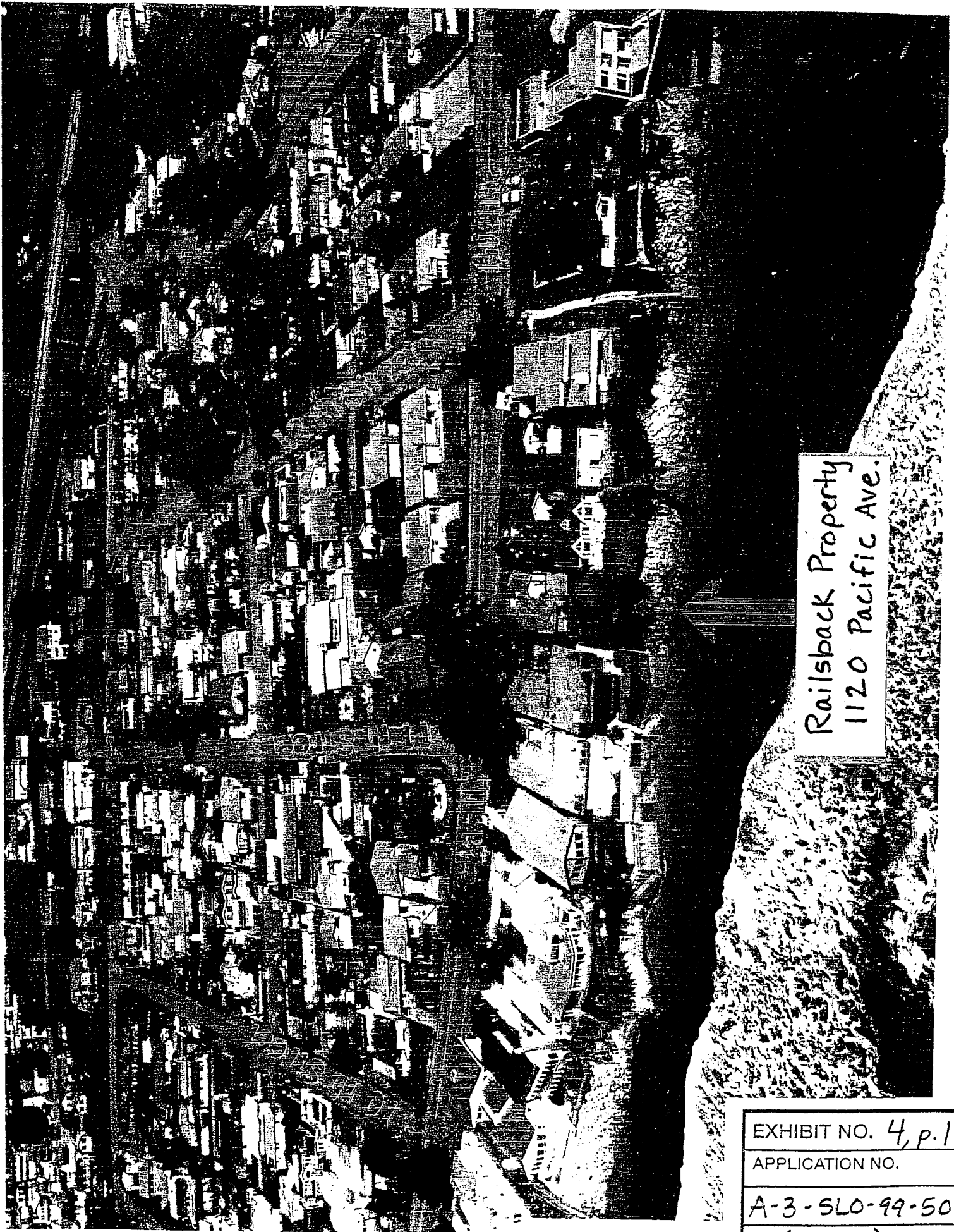
LEGEND

EXISTING MAJOR CONTOUR	10'
EXISTING MAJOR CONTOUR	20'
CONCRETE	X
FIELD LAMP STAKE	
SETBACK LINE	

NOTES

1. THE SETBACK LINE WAS DETERMINED BY MEASURING THE DISTANCE FROM THE TOP OF THE BUILDING TO THE SETBACK LINE.
2. THE SETBACK LINE WAS DETERMINED BY MEASURING THE DISTANCE FROM THE TOP OF THE BUILDING TO THE SETBACK LINE.
3. THE SETBACK LINE WAS DETERMINED BY MEASURING THE DISTANCE FROM THE TOP OF THE BUILDING TO THE SETBACK LINE.

EXHIBIT NO. 3
APPLICATION NO.
A-3-SLO-99-050-A1
Revised Setback
Location

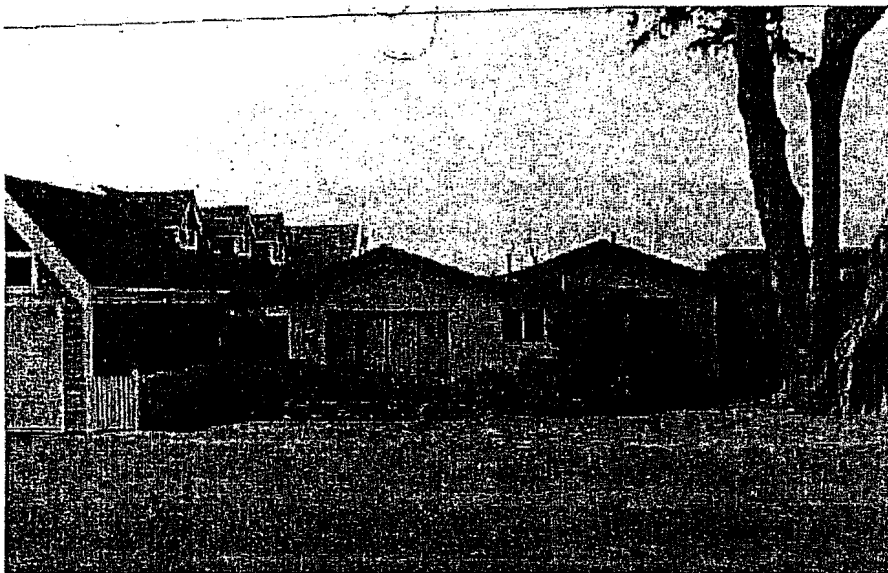


Railsback Property
1120 Pacific Ave.

EXHIBIT NO. 4, p.1
APPLICATION NO.
A-3-SLO-99-50-A1
(1 of 3)

Exhibit 4
(2 of 3)

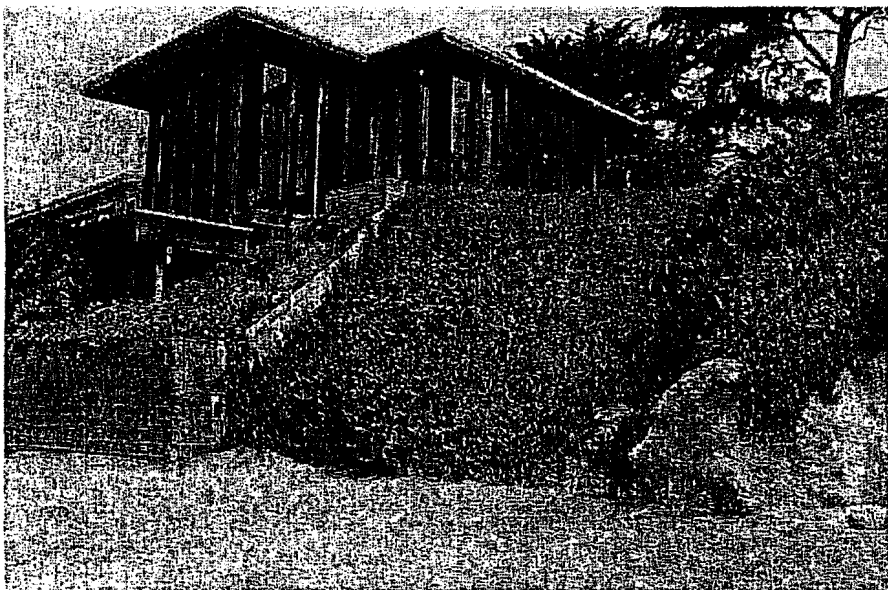
A-3-SLO-99-050-A1



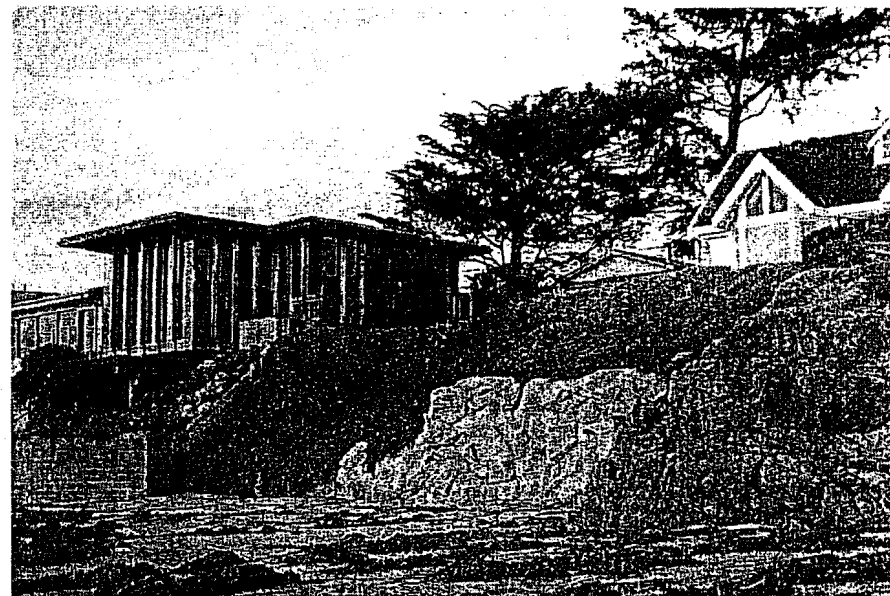
Railsback Property (from Pacific Avenue)



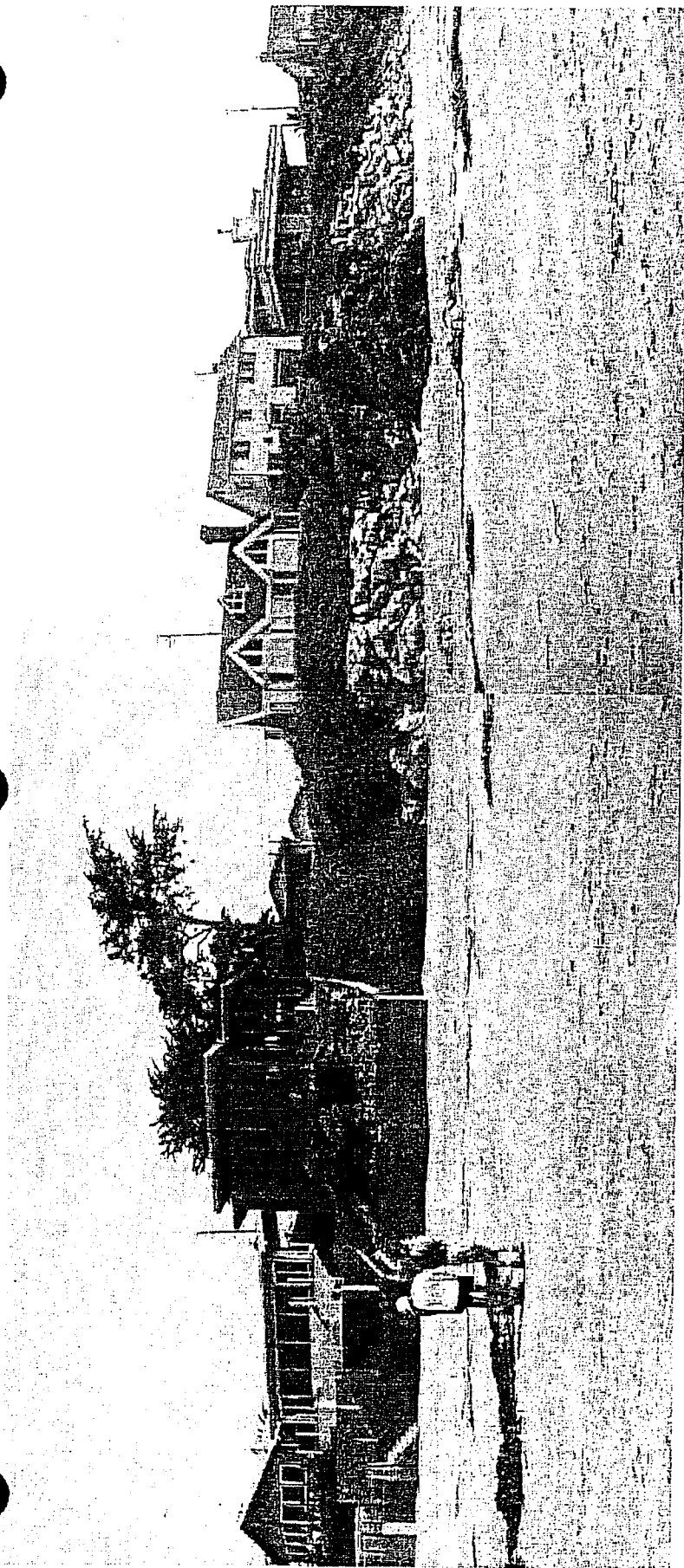
Railsback Bluff Face



Profile of Bluff Face



Profile of Bluff Face



Railsback and Surrounding Properties

Exhibit 4
(3 of 3)

A-3-SLO-99-050-A1

