

**CALIFORNIA COASTAL COMMISSION**

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**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE DETERMINATION/ DE NOVO FINDINGS**

**Local government**.....San Luis Obispo County  
**Local Decision**.....S020154P/CO 02-0272 & D020256D, Approved with conditions (Exhibit 4)  
**Appeal Number** .....A-3-SLO-03-117  
**Applicant**.....Brown Family Trust & James and Johanna Townsend  
**Appellants**.....Commissioners Sara Wan and John Woolley  
**Project location**.....6925 Jordan Rd., northwest of Cambria Pines Rd.; approx. 1 mile north of the community of Cambria, (North Coast Planning Area), San Luis Obispo County  
**Project description** .....Division of two parcels of 117.56 and 80 acres, into three parcels of 97.34, 45.22, and 55 acres; and a request to convert a 1,200 square foot residence to storage and transfer the water meter to the new parcel.  
**File documents**.....San Luis Obispo County certified Local Coastal Program; San Luis Obispo County Coastal Development Permit Numbers: D940210P, COAL99-0090, S980282L, S020154P/CO 02-0272, and D020256D; Coastal Commission Coastal Development Permit Numbers: A-3-SLO-97-072, A-3-SLO-00-045, A-3-SLO-03-117; SLO-MAJ-1-03 (Phase 1 Periodic Review Implementation).  
**Staff recommendation** ...**Substantial Issue Raised; Denial.**

**Summary of Staff Recommendation**

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal has been filed, and that the subsequent permit for the project be **denied**.

San Luis Obispo County approved a land division of two parcels of 117.56 (Brown) and 80 acres (Townsend). The two parcels have been subject to numerous development proposals in the past 10 years. In 1994, the County approved a lot line adjustment creating the current 2-parcel configuration. In 1997, the County approved two primary residences, a guesthouse, greenhouse, barn/workshop, pool, poolhouse, tennis court, gazebo, and access road on the Brown parcel. The smaller 80-acre parcel remains vacant. On June 13, 2002, the Commission approved a coastal development permit for a lot line adjustment (A-3-SLO-00-045) resulting in a new reconfiguration for the parcels (142 and 55 acres), and at the same time the Commission established the least environmentally damaging development envelope



**California Coastal Commission**  
**October 2004 Meeting in San Diego**

Staff: J. Bishop Approved by: *DSL*

existence of adequate water supplies in Cambria. Any residential development on the new parcel, including allowable residential accessory structures and landscaping, will likely be larger in size and use more water than the 1,200 square foot residence. As such, this water transfer scheme could intensify water use at a time when existing water withdrawals may be adversely impacting sensitive riparian habitats and the Cambria CSD has declared a water supply emergency, including a moratorium on new water hook-ups.

Staff further recommends that the Commission **deny** the project due to fundamental inconsistencies with the certified LCP that cannot be resolved. Approval of the project would result in the creation of new parcels within Monterey pine forest ESHA for residential development that is not resource dependent. Furthermore, the newly proposed disturbance envelopes of 7.75 acres (which combined with the existing residential disturbance of 12.25 acres) would result in roughly 20 acres of forest disturbance, and include two approximately ¼ mile long driveways paved and widened to accommodate new public utility extensions and fire access requirements. Removal of up to 30 mature native Monterey pine trees and numerous smaller pine saplings to support the project will degrade and fragment the surrounding Monterey pine forest and significantly disrupt the ESHA. Given the fact that the proposed subdivision does not comply with the most fundamental LCP ESHA protection provisions and creates new parcels in Cambria at a time when sustainable water supplies are not available, the project must be denied.

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Inconsistent with the LCP, the County approved project involves the division of land and future development within ESHA and sensitive resource setback areas.

3. Policy 33 and CZLUO Section 23.07.176 require that rare or endangered vegetation shall be protected and that all development shall minimize disturbance to wildlife or plant habitat. CZLUO Section 23.07.164 requires that any proposed clearing of trees or other features be the minimum necessary to achieve safe and convenient access and not create significant adverse effects on the identified sensitive resource. The County approved project does not minimize disturbance to the sensitive Monterey pine forest habitat.
4. The North Coast Area Plan Site Planning Standard for new land divisions requires that proposed residential units shall be clustered adjacent to the Cambria Urban Reserve Line to minimize the need for new road construction and service extensions; or shall be clustered in open or semi-open areas to minimize tree removal. The County approved project is not clustered adjacent to the URL and does not minimize tree removal. Feasible alternatives are available that would avoid these impacts.
5. Public Works Policy 1 requires that new development demonstrate the availability of adequate public services, including domestic water supplies, prior to being permitted. Water for the newly created 45.22-acre parcel would be obtained by converting an existing 1,200 square foot residence on the Brown property to storage, then transferring the water meter to the new parcel. This scenario may intensify water use because any house built on the newly created parcel will likely be larger than 1,200 square feet, the proposed development may include accessory structures, and also includes landscaping. This transfer scheme raises concern particularly at a time when existing water withdrawals may be adversely impacting sensitive riparian habitats, and the Cambria CSD has declared a water supply emergency. Thus, this water meter transfer does not demonstrate the availability of adequate public services to serve new subdivisions in Cambria.

### **III. Standard of Review for Appeals**

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 not designated as a principal permitted use in the LCP; and contains sensitive coastal resource areas designated by the LCP for the protection of the Monterey pine forest and the wetland/riparian habitats of Leffingwell Creek.

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*



## Substantial Issue Findings and Declarations

The appeals by Commissioners Wan and Woolley raise a substantial issue, because as approved by the County, the project is inconsistent with provisions of the San Luis Obispo County certified Local Coastal Program with respect to environmentally sensitive habitat areas and public services.

### Environmentally Sensitive Habitat Areas (ESHA's)

The project is located within Monterey pine forest habitat, which is defined by the LCP as an Environmentally Sensitive Habitat Area (ESHA). Inconsistent with ESHA Policy 1 and CZLUO Section 23.07.170d(2), the land division approved by the County would allow the creation of new parcels in an ESHA for residential development that is not resource dependent. Policy 4 for ESHA and CZLUO Section 23.07.170c specifically prohibit land divisions within environmentally sensitive habitats unless the buildable area areas of the new lots are located entirely outside the ESHA and buffer areas for the ESHA. Inconsistent with the LCP, the County approved project involves the division of land and future development within ESHA. New building envelopes and paved access roads will degrade and fragment the surrounding Monterey pine forest and significantly disrupt environmentally sensitive habitat areas, inconsistent with LCP requirements.

Policy 33, and CZLUO Sections 23.07.176 and 23.07.164, require that rare or endangered vegetation shall be protected and that all development shall minimize disturbance to wildlife or plant habitat. The County approved project involves the removal of up to 30 mature Monterey pine trees for underground utilities and driveways, as well as permanent clearing of at least 7.75 acres of grasses and forest habitat to accommodate newly created building envelopes and access roads. Inconsistent with the LCP, the size and location of the newly proposed parcels and development envelopes do not minimize disturbance to the sensitive Monterey pine forest habitat.

Finally, the North Coast Area Plan Site Planning Standard for new land divisions adjacent to Cambria requires that proposed residential units shall be clustered adjacent to the Cambria Urban Reserve Line to minimize the need for new road construction and service extensions; or shall be clustered in open or semi-open areas to minimize tree removal. The County approved project shows the proposed building envelopes in the interior of the parcel and further away from the URL than necessary. Inconsistent with the Planning Area Standard, the approved project also allows for 30 sensitive Monterey pine trees to be removed in order to accommodate the proposed access roads and utility connections. Moreover, the development is not proposed in open areas, as numerous pine saplings are identified in the development envelopes. In this case, alternative siting options are available that would avoid these impacts. Thus, substantial issue is raised.

(See the De Novo ESHA findings, incorporated herein by reference, for more detail.)

### Public Services

San Luis Obispo County Public Works Policy 1 requires that new development demonstrate the availability of adequate public services, including domestic water supplies, prior to being permitted. In this case, the County required that domestic water for the newly created 45.22-acre parcel be obtained by converting an existing 1,200 square foot residence on the Brown parcel to storage, then transferring the water meter to the new parcel. This transfer scheme could intensify water use at a time when existing water withdrawals may be adversely impacting sensitive riparian habitats, and the Cambria CSD has declared a community-wide water supply emergency and a moratorium on new water hook-ups.



collaterally estopped by a prior stipulation in a case concerning a landowner adjacent (Leimert) to the Browns from asserting that the minimum parcel size is 80 acres. On October 31, 2001, the trial court issued the peremptory writ of mandate commanding the Coastal Commission vacate its decision and reconsider its action in light of the court's Statement of Decision. The Commission decided not to appeal. In January 2002, the Coastal Commission and the Browns entered a settlement agreement providing that the Coastal Commission set a hearing to reconsider the Brown's permit in light of the trial court's ruling and judgment.

On June 13, 2002, pursuant to this settlement agreement, the Coastal Commission conditionally approved the Browns' proposed lot line adjustment. The Commission approved a lot line adjustment for the same properties resulting in new parcel configurations of 142 and 55 acres. In approving the lot line adjustment, the Commission made findings in support of a building site on the newly created 55-acre parcel (Townsend) located close to Cambria Pines Road that would minimize tree removal and habitat disturbance (see Exhibit 7). The Commission found that locating future development in this area would minimize the encroachment of non-resource dependent residential development into sensitive habitat areas, and prevent excessive Monterey pine forest fragmentation and disruption. The Applicant did not exercise this permit, and it has since expired (June 13, 2004 expiration).

## **B. Project Description and Location**

The currently proposed project is located on the north side of Cambria Pines Road, approximately ½ mile east of Highway One, north of the community of Cambria, in San Luis Obispo County. Both parcels are within the Rural Lands land use category and overlap Sensitive Resource Areas, as designated in the LCP due to the presence of sensitive Monterey pine forest habitat. The smaller of the two parcels (Townsend) is vacant. A large residential compound currently exists on the larger 117.56-acre parcel (Brown). The residential compound encompasses roughly 12 acres of property and includes approximately 20,000 square feet of residential structures and accessory buildings. Large grassy lawns, groomed putting greens, and ornamental landscaping surround the property. A paved circular driveway links the residential compound with access to Cambria Pines Road at the southeast corner of the property.

The applicant now proposes to subdivide the two existing parcels totaling 197.56 acres (117.56 acres and 80 acres) into three parcels of 97.34 acres, 45.22 acres, and 55 acres. The proposed land division would create a new parcel (45.22 acres) between the two existing parcels. This would decrease the size of each existing parcel, as land for each is lost in the creation of the new parcel. As part of the subdivision, new access roads and future development envelopes totaling roughly 20 acres have been identified (See Exhibit 3 for existing and proposed lot configuration).

Currently, the Brown parcel is developed with two primary residences (10,000 s.f. and 1,200 s.f.), each with separate water meters. The Townsend parcel is vacant, but has a water meter through an agreement with the Cambria Community Services district (CCSD).<sup>2</sup> As a means to acquire water service for the

<sup>2</sup> On July 28, 1997 the applicant (Brown) and the Cambria Community Services district (CCSD) entered into an Agreement that resolved a dispute regarding what obligation, if any, the CCSD has to serve the applicant's property with water services. In that Agreement, the CCSD agreed to issue an "intent to serve" water letter for one (1) equivalent dwelling unit (EDU) of grandfathered residential water service (to the existing Parcel 2, which is now owned by the co-applicant Townsend). The Agreement further states that "Parcel 2 will remain as a single 80 acre parcel and Owner will not subdivide Parcel 2 by way of parcel map, tentative map and final subdivision map



resource dependent uses (Policy 1 and CZLUO Section 23.07.170d(2)) and precludes land divisions/development within environmentally sensitive habitats and their required setbacks (Policy 4). Vegetation that is rare or endangered, such as native Monterey pines, must be protected and new development must minimize habitat disruptions (Policy 33 and CZLUO Section 23.07.176). The North Coast Area Plan for land divisions near Cambria requires that development be located close to the URL or in open spaces to minimize road construction, public service extensions, and reduce the need to remove native Monterey pine trees. The LCP (CZLUO Section 23.11.030) defines "Environmentally Sensitive Habitat" as:

*A type of Sensitive Resource Area where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. They include, wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats and are mapped as Land Use Element combining designations.*

The LCP also contains the following provisions relevant to the protection of environmentally sensitive habitats:

**Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats:** *New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed in the area [THIS POLICY SHALL BE IMPLEMENTED PUSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]*

**Policy 4 for Environmentally Sensitive Habitats:** *No divisions of parcels having environmentally sensitive habitats within them shall be permitted unless it can be found that the buildable area(s) are entirely outside the minimum standard setback required for that habitat (100 feet for wetlands, 50 feet for urban streams, 100 feet for rural streams). These building areas (building envelopes) shall be recorded on the subdivision or parcel map. [THIS POLICY SHALL BE IMPLEMENTED PUSUANT TO SECTION 23.07.170 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]*

**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.*

**CZLUO 23.07.160 – Sensitive Resource Area (SRA):** *The Sensitive Resource Area combining designation is applied by the Official maps (Part III) of the Land Use Element to identify areas with special environmental qualities, or areas containing unique or endangered vegetation or habitat resources. The purpose of these combining designation standards is to require that the proposed uses be designated with consideration of the identified sensitive resources, and the need for their protection, and, where applicable, to satisfy the requirements of the California Coastal Act. The requirements of this title for Sensitive Resource Areas are organized into the following sections:*



*stream, drainage channel, topographic contour line, power line, railroad right-of-way, street or alleyway, the boundary location shall be determined by the Planning Department, based upon the character and exact location of the particular feature used as a boundary.*

In addition, the North Coast Area Plan (a component of the Land Use Plan portion of the LCP) contains the following standard that applies to lands within the Rural Lands land use category adjacent to Cambria:

***Site Planning – New Land Divisions Adjacent to Cambria.** Proposed residential units at a density equivalent to a minimum of one dwelling unit per 80 acres unless a lower density is required by the Coastal Zone Land Use Ordinance (depending upon site constraints), are to be clustered adjacent to the Cambria Urban Reserve Line to minimize the need for new road construction and service extensions; or shall be clustered in open or semi-open areas to minimize tree removal. No structural development shall be allowed on slopes greater than 20%. Water and sewer service shall be developed on-site and not via annexation to the Services District, unless the development site is brought within the Urban Service and Urban Reserve Line. Any Monterey Pines removed during construction shall be replaced. The area shall be developed through the cluster division provisions of the Coastal Zone Land Use Ordinance.*

Finally, the LCP includes generalized mapping of Monterey pine terrestrial habitat, which is specifically identified as a Sensitive Resource Area (ESHA) in the North Coast Area Plan as follows:

***Monterey Pine Forests (SRA)** – Native Monterey pines occur in only a few areas along the California coast from north of Santa Cruz to Cambria and on one of the Channel Islands off the Santa Barbara County Coast. While widely grown in the Southern Hemisphere as commercial timber, the Monterey Pine occurs in only three areas of its native California. The southernmost stand in California is the 2,500 acres surrounding Cambria with another isolated 500 acres at Pico Creek. These stands are extremely important as a “gene pool” due to genetic variations found there. Relatively undisturbed strands occur on the Cambria fringe area and in isolated pockets to the north. Monterey pine forests cover most of the Cambria urban area. The larger remaining stands in undeveloped areas should be retained intact as much as possible by use of cluster development in open areas of sparse tree cover and preservation of finer specimen stands through open space easements.*

## **b. Resource Background - Status of the Monterey Pine Resource<sup>3</sup>**

<sup>3</sup> Sources for some of the information in this section include: *Monterey Pine Forest Conservation Strategy Report*, Jones & Stokes Associates, Inc., prepared for the California Department of Fish and Game, December 1996; *Monterey Pine Forest Ecological Assessment: Historical Distribution, Ecology, and Current Status of Monterey Pine*, Jones & Stokes Associates, Inc., prepared for the California Department of Fish and Game, September 12, 1994; *Pitch Canker in California*, Andrew J. Storer, Thomas R. Gordon, David L. Wood, and Paul L. Dallara (from the Pitch Canker Task Force Web Site April 1999); *Current Status of Pitch Canker Disease in California*, CDF Tree Notes #20, July 1995; *California Forestry Note #110*, CDF, November 1995; *Pitch Canker Action Plan, Appendix D to SLO County North Coast Area Plan public hearing document*, December 1996; *Pine Pitch Canker Task Force Position Paper*, California Forest Pest Council, January 23, 1997; *RFP for “Developing Programs for Handling...Infected Pine Material within the Coastal Pitch Canker Zone...”*, CDF, December 1997; *The Cambria Forest*, Taylor Coffman, Coastal Heritage Press, 1995; *Pebble Beach Lot Program Final Environmental Impact Report*, EIP Associates, June 1997; and *In situ Genetic Conservation of Monterey Pine (Pinus radiata D. Don): Information and Recommendations*. D.L. Rogers. Report No. 26, Genetic Resources Conservation Program, University of California, Davis, September 2002; California Native Plant Society, “A Petition to the State of California Fish and Game Commission,” August 1999.





includes native plants considered to be rare, threatened, or endangered. CNPS List 1B species meet the definitions of threatened or endangered found in Sections 2062 and 2067 of the California Endangered Species Act (CESA), administered by the California Department of Fish & Game Code, and are eligible for state listing under CESA.<sup>6</sup> CNPS also uses a system called the R-E-D Code for sensitive species that indicates the overall level of conservation concern for any particular plant, based on its rarity, endangerment, and distribution. In the case of Monterey pine, the CNPS R-E-D code is 3-3-2 (with 3 indicating highest concern) because of its limited number of restricted occurrences (only 5 locations, 3 in California), serious endangerment in California, and its rarity outside of California (but for the small pine forest populations on Guadalupe and Cedros Islands off of Baja, the R-E-D code presumably would be 3-3-3). Reflecting the high level of concern, Monterey pine has been given the highest threat ranking by the California Department of Fish and Game in its Natural Diversity Database (G1, S1.1).<sup>7</sup> In short, concern for the protection of Monterey pine forest is quite high. In recognition of the high conservation concern for Monterey pine, the species also was placed on the International Union for Conservation of Nature and Natural Resources Red List of threatened species in 1997.

Recent research has also focused on the diversity of Monterey pine forest types and associated special status species that may occur on different marine terrace levels both on granitic substrates and soils derived from Monterey Formation shale. Studies of Monterey pine forest on the Monterey Peninsula suggest that the forest develops different characteristics as a result of soil and climatic conditions found on geomorphic surfaces of different ages, origins, and locations.<sup>8</sup> For example, in the Del Monte Forest, four major soil types support Monterey pine: marine terrace deposits, dunes, alluvial deposits, and soils developed on pre-Quaternary shale and granite. In addition, six distinct marine terraces of differing ages can be distinguished, and the dunes can be divided into three age categories, each with genetically distinct pine populations. These age differences give rise to what has been termed by some researchers as the "Monterey ecological staircase," made up of at least eleven distinct subtypes of Monterey pine forest.

As mentioned, the Monterey pine forests in Cambria are threatened primarily by the direct loss of habitat due to development, soil erosion, fire suppression, and the introduction of invasive exotic plants. In addition, fragmentation, pine pitch canker, genetic contamination, and loss of genetic diversity threaten the forest. New development may result in the physical loss of trees as well as impacts to the overall forest habitat and species therein. Fragmentation of Monterey pine forest by continuing development can also create smaller isolated pockets of pine stands. Once a stand is fragmented, the small pockets are more subject to disease and root damage, and overall forest integrity is reduced.

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<sup>6</sup> CNPS summarizes the status of List 1B plants as follows: "The 1021 plants of List 1B are rare throughout their range. All but a few are endemic to California. All of them are judged to be vulnerable under present circumstances or have a high potential for becoming so because of their limited or vulnerable habitat, their low numbers of individuals per population (even though they may be wide ranging), or their limited number of populations. Most of the plants of List 1B have declined significantly over the last century." *CNPS Inventory of Rare and Endangered Plants of California* (2001).

<sup>7</sup> G1 is a global condition ranking indicating that at the species or natural community level less than 6 viable element occurrences (Eos) OR less than 1,000 individuals OR less than 2,000 acres remain. S1.1 is the corresponding state ranking coupled with a threat ranking, in this case "very threatened".

<sup>8</sup> Jones & Stokes Associates, Inc., *The Monterey Ecological Staircase: The Nature of Vegetation and Soils on Different Geomorphic Surfaces on the Monterey Peninsula with an Emphasis on Monterey Pine Forest*, September 1994 and Jones & Stokes Associates, Inc., *Monterey Pine Forest Conservation Strategy Report, Final Report*, December 1996, pp. 1-4.





*populations are being severely challenged while having their historic suite of responses—including migration by dispersal—reduced.<sup>11</sup>*

In summary, native Monterey Pine forests are rare and play a special role in ecosystems, such as by providing critical habitat for other rare and unusual species. Each of the five remaining populations of Monterey pine is distinctive. The native pine stands in Cambria represent an important natural resource for California, and the world. Overall, within the native range of Monterey pine, forest habitat areas that have not been substantially developed and urbanized meet the definition of ESHA under the Coastal Act. In addition, individual trees are important due to their special nature as the repository of genetic variability that is crucial for the survival of the species in the face of exotic diseases, and critical for the continued well being of the world's commercial pine plantations. Effective conservation of the diversity within the species requires that each native population be protected. Finally, Monterey Pine forests are demonstrably easily disturbed and degraded by human activities and developments. Therefore, within the native forest habitats, those stands of Monterey pines that have not been substantially developed and urbanized meet the definition of Environmentally Sensitive Habitat Area (ESHA) under the San Luis Obispo County certified LCP.

### **c. ESHA Identification on the Project Site**

One of the most important steps in the development review is to accurately identify the presence of ESHA within or adjacent to the development site. The LCP (CZLUO Section 23.11.030) defines "Environmentally Sensitive Habitat" as:

*A type of Sensitive Resource Area where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. They include, wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats and are mapped as Land Use Element combining designations.*

The certified LCP generally uses a map-based system to identify areas where new development needs to be reviewed for conformance with the LCP provisions protecting ESHA. Essentially, the LCP uses "combining designations" as geographic overlays to land use designations that identify particular resources or constraints that need to be considered during the development review process. These geographic "overlays" are useful tools for generally identifying particular areas known to support sensitive habitats. In such areas, the LCP prescribes the need for more detailed project review to avoid or minimize adverse environmental impacts. As described in part on page 7-1 of the Framework for Planning:

*Combining designations identify areas with characteristics that are either of public value or are hazardous to the public. The special location, terrain, man-made features, plants or animals of these areas create a need for more careful project review to protect those characteristics, or to protect public health, safety and welfare.*

If questions arise about the precise boundary location of any land use category or combining designation boundary, the LCP contains procedures to resolve such questions. Section 23.01.041c(3) states:

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<sup>11</sup> Rogers, p. ix-x.



stream/riparian system along Leffingwell Creek located on the northern portion of the properties to which much of the site drains. California annual grassland habitat occurs in open meadows within the Monterey pine forest here. According to the botanical assessments, these grasslands stay moist for long periods of time and occasionally blend into wetland habitat areas that include some wetland plant species. Shallow wetland areas, including a small drainage swale in the center of the Townsend property, were identified in the vicinity of the newly proposed building envelopes. Although these shallow wetlands have been identified on the property, comprehensive wetland delineations have not been conducted for the entire project site.

The forest area proposed for development is in good health and relatively intact. The most fragmentation and disruption has occurred in the location of Mr. Brown's existing residential compound. There is healthy contiguous Monterey pine forest habitat, and thus habitat connectivity, surrounding the subject property. The photos attached as Exhibits 6 and 9 are extremely helpful in showing connectivity to other forested areas. Even smaller stands of Monterey pine forest may be considered ESHA if the health of the stand is good, particularly if there is a healthy understory with a strong assemblage of other native and sensitive plant species present. The rare and special plant species present on the project site, combined with a healthy understory and good tree condition indicate the health of the project site stand is optimal. Based on the biological evidence, nearly the entire project site is Monterey pine forest habitat (See Exhibit 8 for CCC biologist ESHA determination and Exhibit 9 for aerial depiction).<sup>13</sup>

### **Maps**

As described previously, the LCP generally uses a map based system to identify areas where new development needs to be closely reviewed for conformance with the LCP provisions protecting ESHA and uses "combining designations" as geographic overlays that identify particular resources or constraints that need to be considered during the development review process. In this case, the LCP maps two areas on the project site as being covered by the native Monterey pine forest Terrestrial Habitat (TH) combining designation. These designations were made around 1988, apparently reflecting the presence of large clusters of Monterey pine forest trees on-site at that time, and do not include all habitat areas, saplings, outlying trees, or fringe areas suitable for forest regeneration. These maps do not accurately depict the forest habitat as it exists on the ground today. As discussed previously, though, they are a general indicator for the need for further review of potential sensitive resources in this development application. These mapped areas cover roughly one third of the total project site (See Exhibit 2).

In instances where SRA combining designations are present on the project site, the LCP prescribes the need for more careful project review to satisfy the ESHA protection requirements of the LCP. In addition to site-specific biological studies, which as discussed above show the site to be largely Monterey pine forest habitat, Staff has evaluated a series of aerial photographs from 1978 showing new growth and transformation of the onsite forest. The aerial photographs demonstrate that there has been substantial pine recruitment over the past 25 years. Interior clearings are surrounded by pine trees and the habitat is clearly appropriate for the Monterey pine. The photos show that the two mapped SRA

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<sup>13</sup> The only area for which this determination has not been made conclusively is that portion of the property between Highway One and the more forested area directly inland of it. Additional study of the soils and past land management practices there (like discing/mowing etc.) would be required to conclude. In this case, though, it need not be determined conclusively for this area as no new development that would adversely impact this area is being proposed (If there were, though, such development might be inconsistent with the LCP for a variety of other reasons (e.g., steep slopes, directly within the viewshed, etc.).



*or within 300 feet of the inland extent of any beach (or of the mean high tide line of the ocean where there is no beach), whichever is the greater distance, as shown on the adopted post-certification appeals maps.*

- (2) *Approved developments not included in subsection c(1) of this section that are proposed to be located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff as shown on the adopted post-certification appeals maps.*
- (3) *Developments approved in areas not included in subsection c(1) or c(2) that are located in a Sensitive Coastal Resource Area, which includes:*

*(i) Special marine and land habitat areas, wetlands, lagoons, and estuaries mapped and designated as Environmentally Sensitive Habitats in the Local Coastal Plan.*

...

*The procedures established by Section 23.01.041 c. (Rules of Interpretation) shall be used to resolve any questions regarding the location of development within a Sensitive Coastal Resource Area (underline added).*

In conclusion, the Commission finds that the Monterey pine forest habitat that exists on the project site is ESHA under the SLO LCP and does constitute mapped Terrestrial Habitat to be protected pursuant to the policies cited above.

#### **ESHA Conclusion**

Native Monterey pine stands only occur in five relatively small and separate locations. Native Monterey pine forest habitat is rare and seriously at risk in California, and is nearly non-existent outside of California. Monterey pine is included on CNPS's 1B List because of its status. For these reasons, the proposed project's location in an area of Monterey pine forest habitat requires that an ESHA determination be made. As discussed above, there are a number of factors that should be evaluated to determine whether the proposed project site is ESHA. These factors include evaluating the general health of the forest on the project site, determining the project site's geomorphic surface type, assessing the level of fragmentation and level of development in and around the project site, describing the health and species composition of the forest understory, and examining the level of connectivity of the project site to other nearby forested sites.

A number of factors support the designation of the project site as ESHA. As described in the biological studies, most of the property contains a rich mosaic of habitat types (e.g., wetlands, streams and riparian, grasslands), and high quality Monterey pine forest with trees in all life stages. The property is contiguous with large tracts of remaining undeveloped Monterey pine forest and supports rare and sensitive plant and animal species. The presence of seedlings on the project site indicates a healthy forest where Monterey pine regeneration is taking place. The Commission's biologist has reviewed the evidence, and after carefully weighing all the above factors, it has been determined that the vast majority of the site is ESHA (see Exhibits 8 and 9).



Coastal Plan Policy 1 for ESHA and Section 23.07.170 of the CZLUO. The County approved site plan is inconsistent with the 100' setback requirements because it allows the proposed development sites within ESHA and shows new access roads bisecting mapped Monterey pine forest ESHA. In this case, the LCP setback requirements clearly haven't been met. Forest fragmentation and disruption is unavoidable if the new residential development and access roads are developed in this location.

Impacts to the pine forest caused by this land division and subsequent residential development go far beyond simply removing trees. The construction of new access roads and homes increase the amount of impervious surface, which can lead to increased erosion on adjacent habitats. Moreover, development can lead to the fragmentation of previously connected habitat, and introduces light, noise, domestic pets, and other human influences that can reduce the health and biological productivity of surrounding habitats. The LCP contains standards aimed at minimizing impacts to sensitive terrestrial habitats such as Monterey pine forest terrestrial habitat (Policy 33 for ESHA and CZLUO Section 23.07.176). In addition, CZLUO Section 23.07.164 requires that any proposed clearing of trees or other features be the minimum necessary to achieve safe and convenient access and not create significant adverse effects on the identified sensitive resource. As stated in the LCP, the emphasis of CZLUO Section 23.07.176 is on the "entire ecological community" rather than only the identified plant or animal.

In addition, residential development brings with it fire suppression concerns and requirements (such as defensible clear space around the house), resulting in the possibility of heightened tree removal and ground clearing. It seems likely that the fire suppression concerns and/or requirements would lead to future removal of indigenous Monterey pine forest habitat at this site. Furthermore, prescribed and natural burns within such Monterey pine forests can be extremely important for the continued vitality of the forest resource. Residential development within the forest presents a conflict pursuing such management techniques due to concerns for residential structures. In this case, the location of any residential use is better accommodated on the edge of the forest as approved by the Commission's 2002 action on the Townsend site.

Finally, North Coast Area Plan standards for land divisions adjacent to Cambria are used to minimize tree removal. North Coast Area Plan site planning standard (Rural Lands Standard 2) states in part:

*Proposed residential units...are to be clustered adjacent to the Cambria Urban Reserve Line (URL) to minimize the need for new road construction and service extensions; or shall be clustered in open or semi-open areas to minimize tree removal.*

The County approved project raises concerns with respect to both parts of this standard. First, the County approved project shows the proposed building envelopes in the interior of the parcel, nearly one-half of a mile from the URL and roughly one-quarter mile from the nearest access on Cambria Pines Road. This is inconsistent with the LCP because the newly proposed residential units are not adjacent to the URL as required by the Rural Lands Standard 2, and locating development on the interior of these large parcels will require lengthy service connections and road construction. Selecting areas in the center of the forest will result in significant groundcover disturbance and extensive removal of endangered Monterey pine habitat. The County approved project allows for up to 30 sensitive Monterey pine trees to be removed in order to accommodate the proposed access roads and utility connections. Although the applicant has submitted recent data showing that roads and services can be constructed without complete removal of mature Monterey pines, the paving of access roads with impermeable surfaces and trenching for utilities can significantly disturb surrounding trees and soils and can cause heightened erosion to



### **g. Alternatives**

There is no entitlement to subdivide and given the numerous site constraints, creation of a third parcel in this area would not be allowed under the LCP. The Brown parcel is already developed with a large residential compound and the Townsend parcel has already been approved, if reconfigured, for a less environmentally damaging building site (A-3-SLO-00-045). In A-3-SLO-00-045 the Commission found it essential to reduce the size of the building site, and locate it as close to Cambria Pines road as possible. This location minimized tree removal and habitat disturbance, and moved the future residential use adjacent to already developed areas. As shown in Exhibit 7, the clearing in the southeast corner of the project site is most consistent with ESHA protection standards, as it avoids the need to construct a long driveway to access the building site, which will remove sensitive features and habitats of the site inconsistent with ESHA Policy 33 and CZLUO Section 23.07.176, as well as intrude upon ESHA and its setbacks inconsistent with ESHA Policy 4 and CZLUO Section 23.07.170(c). Moreover, locating a building site in the southeast corner of the Townsend parcel will prevent the fragmentation of the habitat area and minimize habitat disruption, as required by CZLUO Sections 23.07.170(d) and 23.07.176. This building site is located closer to the URL and public access roads and will minimize tree removal in accordance with Area Plan Standard 2. This site has a water meter and there does not appear to be any constraint to developing the site with a single-family home.

### **h. ESHA Conclusion**

The proposed land division is not dependent on siting within the ESHA and does not meet any of the other tests for allowing development within ESHA. The land division approved by San Luis Obispo County is inconsistent with LCP requirements prohibiting residential development in ESHA and the creation of new lots where building sites do not comply with LCP ESHA setback requirements. Moreover, the building sites recognized by the County approval require access improvements that would adversely impact forest habitats, and the envelopes are not sized or located in a manner to avoid and minimize the impact of future development on the Monterey pine forest habitat. The clearing of trees, understory, and groundcover, is not the minimum necessary to achieve safe and convenient access. This development will create significant adverse effects on the sensitive Monterey pine forest. **For all of the reasons discussed above, the project must be denied.**

## **2. Public Services**

### **A. Local Coastal Program Provisions**

As required by Public Works Policy 1, all new development must demonstrate that there is sufficient water supply to serve the development:

#### ***Public Works Policy 1: Availability of Service Capacity***

*New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable...*



*already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable...*

Contrary to this Policy, and as described above, it is unclear that there is adequate water available to serve both the proposed development and other outstanding commitments, and at the same time comply with LCP standards protecting ESHA. Accordingly, new development, particularly the creation of new developable parcels, that will place additional demands on Cambria's limited water supplies cannot be approved consistent with the requirements of LCP Public Works Policy 1.

Currently, the Applicant (Brown) has two existing water meters in use. One meter serves the larger of two primary residences (10,000 sq. ft.) and the other serves the smaller (1,200 sq. ft.). Both are on his 117.56-acre parcel. To serve the new parcel to be created by this land division, the County required that domestic water supplies be obtained by converting the small house (1,200 s.f.) on Mr. Brown's parcel to "storage", then transferring the water meter to the new parcel.

First, this raises concern with respect to the long-term enforceability of the County's requirement. As discussed, the existing 1,200 SFD would be converted to "storage" and the water meter transferred. The water meter will then be used to serve the newly created 45.22-acre parcel and support new residential development. Because there is another active water meter serving a larger residence on the Brown site enforcement of the condition requiring the permanent conversion of the existing SFD to storage may be somewhat problematic.

More importantly, this water transfer scheme will result in additional water use. A comparison of water use between the two existing residences shows that the smaller 1,200 square foot SFD uses considerably less water than the larger 10,000 square foot SFD. Bi-monthly water bills supplied by the County show that the larger 10,000 SFD used anywhere between 32 and 277 units of water, whereas the smaller 1,200 square foot SFD used between 9 and 33 units of water.<sup>14</sup> This is likely due to the fact that it is relatively much smaller in size, as well as the fact that the meter is not accounting for all of the accessory uses and amenities associated with the larger estate home, such as barns, workshops, ponds, fountains, and ornamental landscaping for lawns and putting greens. All of these uses and amenities require significant amounts of water. Zoning in the Rural Lands category allows for similar multiple residential and accessory uses on the newly created parcel. It is likely that the new building site would be developed to its maximum potential and the amount of water demanded would be similar to that of the larger existing residential estate development on the Brown site (approximately 3 to 20 times that of the typical Cambria SFD).

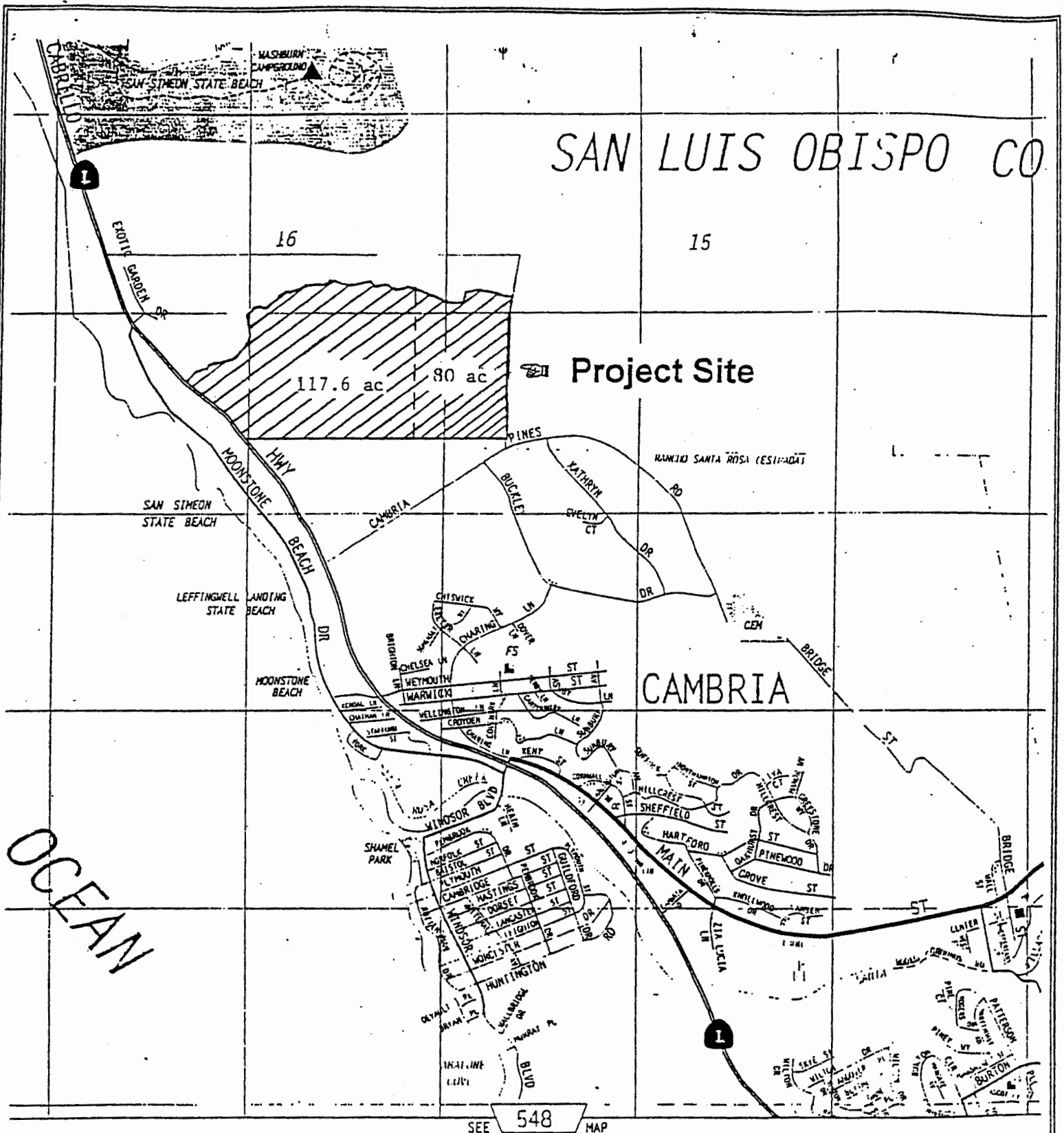
### **c. Public Services Conclusion**

Clearly, the anticipated water use for a newly created parcel with multiple residential structures would be much greater than that of the single 1,200 square foot primary residence from which the water meter was transferred. The result of this transfer scheme is a substantial net increase in water demand. Given the uncertainty of sustainable water supplies in Cambria combined with the large number of already outstanding commitments, the appropriateness of this transfer scheme is called into question. This is especially true when used to allow new land divisions and development of large residential estates at a

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<sup>14</sup> 1 unit of water = 748 gallons. This range (32-277) represents considerably more water use than a typical SFD in Cambria. A typical SFD in Cambria uses 10- 12 units of water bi-monthly. Thus the large residence is using from 3 to 20 times the amount of water most homes in Cambria use.





VICINITY MAP



2 Acre Building Envelope

5.5 Acre Building Envelope

Parcel 1-  
117 acres

Parcel 3-  
80 acres

12.5 Acre Building Envelope

Cambria Pines  
Road

Project

Brown Parcel Map S020154P (CO02-0272); Development  
Plan/Coastal Development Permit



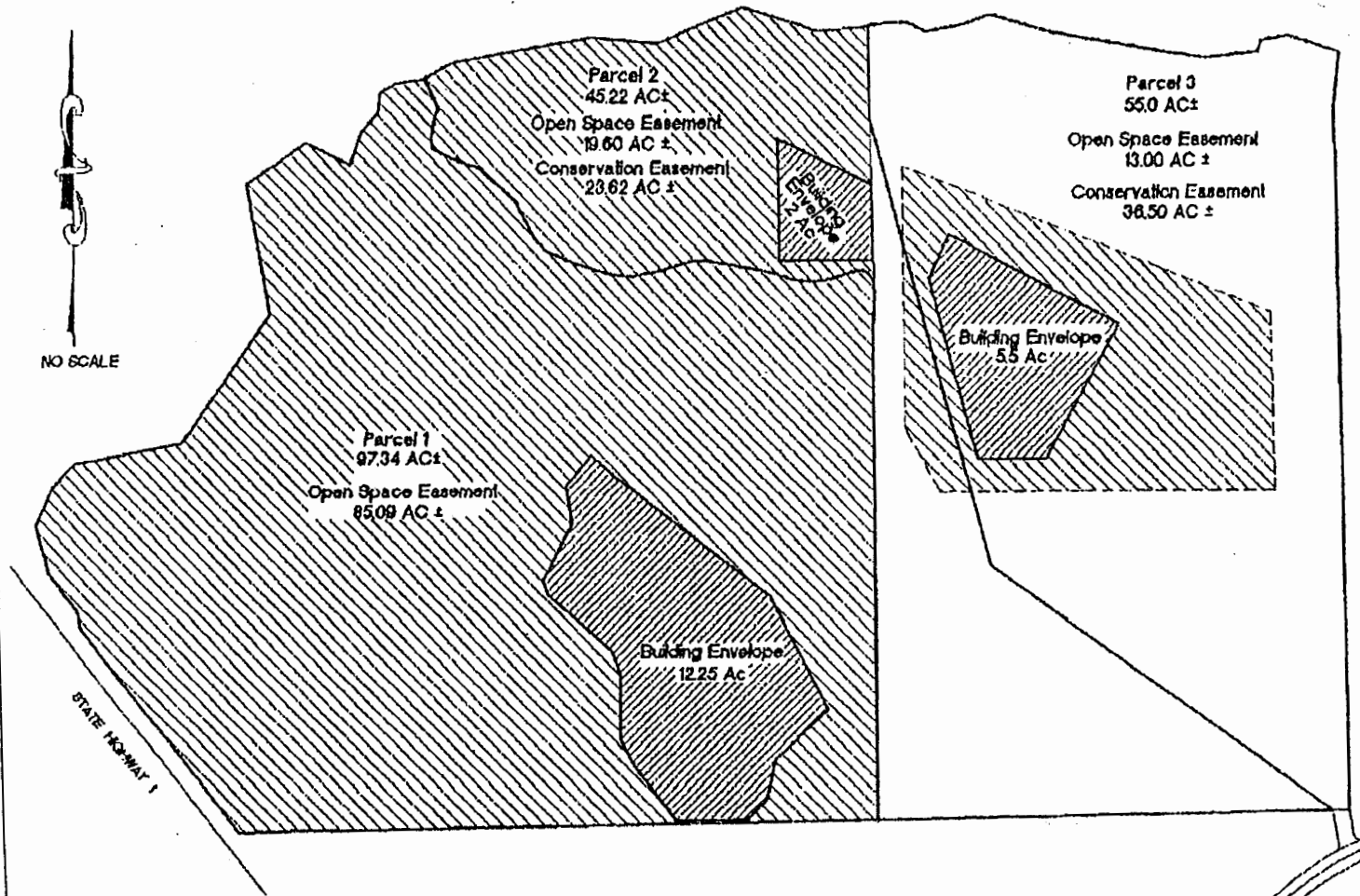
Exhibit

Existing Parcels and Lot Lines




CCC Exhibit 3  
(page 1 of 3 pages)

Vegetation  
Parcel  
Being  
COAL  
San L  
Propose  
JUN 18

10-66



EXISTING PARCEL	EXISTING PARCEL SIZE	PROPOSED PARCEL	PROPOSED PARCEL SIZE	PROPOSED BLDG ENVELOPE	PROPOSED CONSERVATION EASEMENT	PROPOSED OPEN SPACE
1	117.56 ACRES	1	97.34 ACRES	12.25 ACRES	0 ACRES	85.09 ACRES
2	50.00 ACRES	2	45.22 ACRES	2.0 ACRES	23.62 ACRES	19.6 ACRES
		3	53.00 ± ACRES	5.5 ACRES	36.5 ACRES	13.00 ACRES
		TOTAL	197.56 ± ACRES	19.75 ACRES	60.12 ACRES	117.61 ACRES

-  Proposed Open Space Easement
-  Proposed Building Envelope
-  Existing Conservation Easement



10-60

procedures that must be followed to appeal this action. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county is required prior to appealing the matter to the California Coastal Commission. This appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on appeal procedures. If you have questions regarding your project, please contact your Project Manager, **MARSHA LEE**, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5612.

Sincerely,



Chris Macek  
County Subdivision Review Board

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(Planning Department Use only)

Date NOFA copy mailed to Coastal Commission:

Enclosed:    X    Staff Report  
                  X    Findings and Conditions

***Sensitive Resource Area Findings***

- K. The development will not create significant adverse effects on the natural features and resources of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the design of the parcels and building envelopes, because development is limited to building envelopes that are identified in open areas away from sensitive resources.
- L. Natural features and topography have been considered in the design and siting of all proposed physical improvements because development is limited to building envelopes that are identified in open areas away from sensitive resources, and sensitive resources are evaluated at the site specific level for Land Use Permit/Coastal Development Permit required for specific construction requests.
- M. The proposed clearing of topsoil, trees, is the minimum necessary and will not create significant adverse effects on the identified sensitive resource, because there is no removal of native vegetation, and sensitive resources are evaluated at the site specific level for Land Use Permit/Coastal Development Permit required for specific construction requests.
- N. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been conditioned for preparation prior to construction activities to prevent soil erosion and sedimentation of streams through undue surface runoff.

***Archaeology Findings***

- O. The project design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because monitoring will be required for all construction work that disturbs the soil for this project and an existing previously trenched area will be used to route utilities to the equipment pad.

***Adjustments*** to standards set forth in Section 21.03.010 (c) (1) - average depth of parcel 2 is greater than three times the average width of the parcel:

- P. There are special circumstances or conditions affecting the subdivision because the division of the parent parcel in a north-south direction eliminates development visibility of Parcel 2 as seen from Highway 1, and the western boundary of Parcel 2 is sited along an existing road which provides access for both parcels 1 and 2.
- Q. The granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision because the adjustment to the lot depth to width ratio for Lot 2 meets the parcel size standard for the land use category and is similar to adjacent development.
- R. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision because the granting of the adjustment is based on the fact that access is provided to parcel 1 and 2 along an existing road which reduces overall site disturbance by eliminating the need for additional roads.

**Open Space Resource Management Plan - For Parcels 1, 2, and 3**

10. Prior to recording of final parcel map, the applicant shall provide an Open Space Resource Management Plan for the proposed Open Space Easement to maintain the natural resources in a viable condition on a continuing basis into perpetuity and indicate who will be responsible for the maintenance.

**Visual Restoration Plan for Parcel 1**

11. Prior to recordation of the final parcel map, the applicant shall meet all conditions pursuant to CZLUO Section 23.01.034c (Compliance with Standards Required/Application where violation exists), the applicant shall implement a Monterey Pine forest revegetation plan to meet the intent of Condition #8 (D940210P, final approval date May 8, 1996. The intent of this condition is to maintain and enhance the screening effect of the forest nearest to the 10,000 square foot primary residence, not the ROW of trees along Highway 1 the applicant has planted on his own. Condition #8 was not intended to encourage additional planting along Highway 1 because it violates Policy #4 of the County Coastal Policy Document.

**Existing Conservation Easement on Parcels 2 and 3**

12. Prior to recordation of the final parcel map, the applicant shall provide written verification from the Land Conservancy of San Luis Obispo of consistency with the Deed of Conservation Easement dated December 27, 1996 and the Forest Range Management Plan dated to the Department of Planning and Building, signed March 12, 1998.

**Standard Conditions of Approval for Subdivisions using Community Water and Septic Tanks**

13. Community water and fire protection shall be obtained from the community water system.
14. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
15. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
16. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.

30. The developer submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
31. Any private easements on the property shall be shown on the map with recording data.
32. All conditions of approval herein specified, unless otherwise noted, are to be complied with prior to the filing of the map.
33. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
34. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
35. Development plan and tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees shall be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

#### **Miscellaneous**

##### **Utilities**

36. All utilities shall be placed underground.

##### **Fire Safety**

37. **Prior to recordation of the final parcel map**, the applicant shall obtain fire safety clearance letter from Cambria Community Service District establishing fire safety requirements.

##### **Covenants, Conditions and Restrictions**

38. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
  - a. Maintenance of all driveways within the subdivision.
  - b. Notice that monitoring is required pursuant to the information specified on the additional map sheet.
  - c. Maintenance of Open Space Easements

##### **Parks and Recreation (Quimby) Fees**

39. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

### Landscape

47. All landscaping at proposed building sites for Parcels 2 and 3 shall be drought tolerant vegetation and no CCSD water shall be used to water turf at building sites for parcels 2 and 3.

### Erosion and Sedimentation Control

#### Revegetation

48. Prior to site disturbance, an erosion and sedimentation control plan shall be submitted to the Department of Planning and Building for approval. All disturbed areas shall be restored as soon as possible. A native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

#### **"COASTAL DUNE SCRUB" SEED MIX<sup>(1)</sup>**

<u>Species</u>	<u>lbs/acre</u>
<i>Abronia umbellata</i> (pink sand verbena)	0.25
<i>Artemisia californica</i> (California sagebrush)	0.25
<i>Ceanothus cuneatus</i> (buckbrush)	1.00
<i>Corethrogyne filaginifolia</i> (California aster)	0.25
<i>Croton californicus</i>	0.20
<i>Eriogonum parvifolium</i> (buckwheat)	0.20
<i>Eriophyllum confertiflorum</i> (golden yarrow)	0.20
<i>Eschscholzia californica</i> (California Poppy)	0.50
<i>Horkelia cuneata</i>	0.20
<i>Lotus scoparius</i> (deerweed)	1.20
<i>Mimulus aurantiacus</i> (bush monkeyflower)	0.25
<i>Rhamnus californica</i> (coffeeberry)	0.20
<i>Salvia mellifera</i> (black sage)	0.50
<i>Nasella (Stipa) pulchra</i> (purple needlegrass)	1.50

- (1) This seed mix is intended to provide general guidelines when revegetating within riparian habitat. Variations of the mix may be appropriate, as recommended by the County Planning and Building Department or county-approved qualified individual, where unique biological conditions exist or seed availabilities are limited. When ordering, local seed stock should be specified and used whenever available.

49. If it is shown to the County that the above-recommended native seed mix is not feasible or applicable, the following process shall be used:
- Prepare the disturbed area by raking or disking across or perpendicular to the slope to create small furrows that will: create a seedbed for broadcast seeds from nearby plants, as well as slow surface water runoff (and increase percolation into the soils)
  - Barley seed shall be planted (at 90 lbs./acre) over entire disturbed area;
  - Fertilize with Ammonium Phosphate fertilizer labeled 16-20-0 (16% nitrogen, 20% phosphoric acid, 0% potash) at 250 lbs./acre;
  - Mulch with straw (barley, if possible) [ @ 100 lbs. per 1,000 sq. ft of disturbance]; straw distribution should even over entire scraped area;
  - Seed shall be watered regularly until 1) the seed "head" of the barley plant has emerged, and 2) there is at least 80% successful coverage over area planted; at least 80% success rate must be achieved on all slopes exceeding 10%;
  - Additional seeding, watering and possibly soil amending shall be completed immediately if at any point during this rainy season the initial barley planting fails



**Miscellaneous**

- 56. **Prior to issuance of construction permits**, a soils report shall be conducted identifying percolation rates and groundwater depth adequate for septic system design and installation.
- 57. All public improvements (roads, drainage, utilities) shall be completed prior to occupancy of any new structure. This notice shall be included on an additional information sheet for any map recorded before improvements are complete.
- 58. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer.

59. **Water Conservation**

**Prior to issuance of construction permit on the new Parcel 3**, the applicant shall submit, for the Planning Director review and approval, evidence that the anticipated water use of this development has been completely offset through the retrofit of existing water fixtures within the Cambria Community Service District's service area or other verifiable action to reduce existing water use in the service area (e.g., replacement of irrigated landscaping with xeriscaping). The documentation submitted to the Planning Director shall include written evidence that the Cambria Community Service District (CCSD) has determined that the applicant has complied with CCSD Ordinance 1-98, as approved by the CCSD Board of Directors on January 26, 1998, and further modified by CCSD Board approval on November 14, 2002 (CCSD board item VIII.B), subject to the limitation that no retrofit credits shall have been obtained by any of the following means: a) extinguishing agricultural water use, or b) funding leak detection programs. Evidence of compliance with CCSD Ordinance 1-98 shall be accompanied by written confirmation from the CCSD that any in-lieu fees collected from the applicant have been used to implement projects that have reduced existing water use within the service area in an amount equal or greater to the anticipated water use of the project.

Staff report prepared by Marsha Lee and reviewed by Matt Janssen

**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: Subdivision Review Bd.

6. Date of local government's decision: November 3, 2003

7. Local government's file number: S020154P/CO 02-0272

**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:  
Brown Family Trust & James & Johanna Townsend  
C/o Vaughan Surveys, Inc.  
1101 Riverside Ave., Paso Robles, CA 93446

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) Vern Hamilton  
Cambria Community Services District  
P.O. Box 65, 1316 Tamson Drive, Suite 201, Cambria, CA 93428

(2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

**SECTION IV. Reasons Supporting This Appeal**

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT  
Page 3

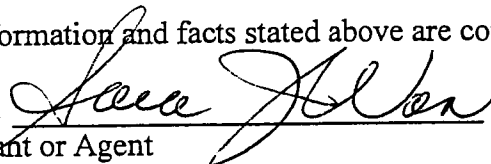
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached.

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

SECTION V. Certification

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

Signed:   
Appellant or Agent

Date: 12/5/03

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

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

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

**3. The new development does not minimize disturbance to rare or endangered habitats.**

Policy 33 and CZLUO Section 23.07.176 require that rare or endangered vegetation shall be protected and that all development shall minimize disturbance to wildlife or plant habitat. CZLUO Section 23.07.164 requires that any proposed clearing of trees or other features be the minimum necessary to achieve safe and convenient access and not create significant adverse effects on the identified sensitive resource. In addition, North Coast Planning Area Standard for Sensitive Resource Areas requires development to concentrate proposed uses in the least sensitive portions of the property and retain native vegetation as much as possible. The project is located in the environmentally sensitive Monterey Pine forest terrestrial habitat area (TH). The County approved project involves the removal of 30 trees for underground utilities and driveways, as well as, additional clearing of grasses and forest habitat to accommodate newly created building envelopes. Inconsistent with the LCP, the subdivision does not minimize disturbance to the sensitive Monterey pine forest habitat.

**4. The newly created development envelopes are not located near the URL, nor are they clustered to minimize tree removal.**

The North Coast Area Plan Site Planning Standard for new land divisions requires that proposed residential units shall be clustered adjacent to the Cambria Urban Reserve Line to minimize the need for new road construction and service extensions; or shall be clustered in open or semi-open areas to minimize tree removal. In fact, in 2000 the Commission approved a lot line adjustment for the same parcels that designated a building envelope near the access road entrance and along the property boundary adjacent to the URL to minimize habitat disturbance. In this case, however, the County approved project shows the proposed building envelopes in the interior of the parcel and further away from the URL. Inconsistent with the Planning Area Standard, the approved project allows for 30 sensitive Monterey pine trees to be removed in order to accommodate the proposed access roads and utility connections. As approved by the Commission in 2000, other siting options are available that would avoid these impacts.

With respect to adequate public services, the project is inconsistent with Public Works Policy 1 of the LCP for the following reasons:

**5. San Luis Obispo County Public Works Policy 1 requires that new development demonstrate the availability of adequate public services, including domestic water supplies, prior to being permitted. In this case, the County required that domestic water for the newly created 45.22-acre parcel be obtained by converting the existing 1200 square foot residence to storage, then transferring the water meter to the new parcel. First, this raises concern with respect to the long-term enforceability of the County's requirement. More importantly, this scenario may intensify water use at a time when existing water withdrawals may be adversely impacting sensitive riparian habitats, and the Cambria CSD has declared a water supply emergency. Although the County approved project requires offsetting water conservation retrofits, the appropriateness of this approach to enable new subdivisions does not demonstrate the availability of adequate public services to serve new subdivisions, as required by Public Works Policy 1.**

Existing  
PARCEL  
Boundries  
(Approx.)

Approx.  
LOCATION OF  
SRA Bounche  
FOR MONTERE  
Pine Forest  
in LCP



Exhibit 8: Building Site (Townsend)  
Approved by CCC in 2002  
(A-3-540-00-045)



Approximate  
dimensions for  
Parcel Building  
Site: (Townsend)



nonetheless a serious threat to the continued existence of these populations. Since a proportion of individuals, perhaps on the order of 15 percent, are genetically resistant to pitch canker, it is critical to protect the maximum number of trees possible, because resistant individuals cannot be recognized until they are challenged by the fungus.

There is another very important reason to preserve the genetic diversity contained in the remaining Monterey Pine forests. Although the Monterey pine is of little commercial importance in the United States as a timber species, it is the most widely planted pine tree in the world. Monterey Pine plantations are of great economic importance to lumber and pulp industries in other countries such as New Zealand and Chile. The remaining native forests of Monterey pine constitute the exclusive repository of raw genetic material for developing potential genetic innovations in commercial Monterey pine.

In summary, native Monterey Pine forests are rare and they play a special role in the ecosystem by providing critical habitat for other rare and unusual species. In addition, individual trees are important for their special nature as the repository of genetic variability that is crucial for the survival of the species in the face of exotic diseases and critical for the continued well being of the world's commercial pine plantations. Finally, Monterey Pine forests are demonstrably easily disturbed and degraded by human activities and developments. Therefore, within the native forests, those stands of Monterey Pines that have not been substantially developed and urbanized meet the definition of Environmentally Sensitive Habitat Area (ESHA) under the Coastal Act.

According to the botanical report, "The 55 acre Townsend property lies entirely within a Monterey pine forest community type." Forests are dynamic entities and may expand and contract in response to natural environmental alterations and to human perturbations, such as logging. For these same reasons, forests often include clearings of various sizes where the predominant vegetation is grass or shrubs. The presence of young trees often indicates that these clearings will revert to closed canopy over time. Whether such clear areas should be considered a part of the forest depends on their spatial relationship to stands of trees, the historical condition of the site, and whether the open areas are suitable habitat for forest trees. In the present instance, the long-term history of the site has not been documented. However, aerial photographs demonstrate that there has been substantial pine recruitment over the past 25 years. Interior clearings are surrounded by pine trees and the habitat is clearly appropriate for the Monterey pine. Several cut stumps of large trees are present within the proposed building envelope, as are hundreds of young Monterey pines. I recommend that the entire site be considered Monterey Pine forest and an Environmentally Sensitive Habitat Area, except that grassy area between Highway 1 and the first Monterey pines inland of the highway. If the latter area is colonized by Monterey pines in the future, its status should be reassessed.