



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

FINAL LOCAL ACTION NOTICE

VICTOR HOLANDA, AICP
DIRECTOR

October 24, 2007

REFERENCE # 3-SLO-07-365

APPEAL PERIOD 10/30-11/13/07

RECEIVED

County of San Luis Obispo – Public Works
Interoffice Mail
ATTN: Kate Ballantyne

OCT 29 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: October 2, 2007

SUBJECT: COUNTY OF SAN LUIS OBISPO - PUBLIC WORKS DEPARTMENT
County File Number: DRC2005-00273 (Minor Use Permit / Coastal
Development Permit)

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Board of Supervisors, based on the approved Findings and Conditions, which are attached for your records. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Land Use Ordinance.

This action may be appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission 10 working days following the receipt of the County's final decision by the Board of Supervisors. 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 level is required prior to appealing the matter to the California Coastal Commission. This second 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 their appeal procedures.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

CCC Exhibit 3
(page 1 of 28 pages)

976 OSOS STREET, ROOM 300 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six (6) months or conditions have not been complied with, such Permit approval shall become void.

If you have questions regarding your project, please contact me at (805) 788-2352.

Sincerely,



Murry Wilson
Coastal Planning and Permitting / Environmental Specialist

CC: Kate Ballantyne

(Planning Department Use Only)

Date NOFA copy mailed to Coastal Commission: October 25, 2007

Enclosed: X Staff Report
 X Findings and Conditions

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

DATE: OCTOBER 2, 2007
TO: BOARD OF SUPERVISORS
FROM: MURRY WILSON, ENVIRONMENTAL RESOURCE SPECIALIST
VIA: WARREN HOAG, AICP, DIVISION MANAGER, CURRENT PLANNING *WH*
SUBJECT: HEARING TO CONSIDER AN APPEAL BY MICHAEL P. PHELAN, JON PEDOTTI, AND THE SANTA LUCIA CHAPTER OF THE SIERRA CLUB OF THE ADMINISTRATIVE HEARING OFFICER'S DECISION TO APPROVE THE APPLICATION OF THE COUNTY OF SAN LUIS OBISPO - PUBLIC WORKS DEPARTMENT FOR A MINOR USE PERMIT / COASTAL DEVELOPMENT PERMIT DRC2005-00273 APPROVING THE REPLACEMENT OF TWO EXISTING BRIDGES ON SAN SIMEON CREEK ROAD, NORTH OF CAMBRIA. SUPERVISORIAL DISTRICT 2.

RECOMMENDATION

Adopt the resolution affirming the decision of the Hearing Officer, and conditionally approve Minor Use Permit / Coastal Development Permit DRC2005-00273 based on the findings in Exhibit A and the conditions in Exhibit B.

DISCUSSION

The proposed project is a request by the County of San Luis Obispo - Public Works Department for a Minor Use Permit / Coastal Development Permit to allow for the replacement of two existing bridges along San Simeon Creek Road (CalTrans Bridge No. 49C-252 and CalTrans Bridge No. 49C-101). The projects are scheduled to begin in summer / fall of 2007 or 2008, and would include traffic handling, contractor access, site preparation, bridge construction, bridge decommissioning, site restoration, and potentially water diversion. The projects will result in permanent disturbance of an approximate 2.6-acre (113,256-square foot) area, and temporary disturbance of an approximate 4.2-acre (182,952-square foot) area. The proposed projects are within the Agriculture land use category and are located on San Simeon Creek Road approximately 2.3 and 3.5 miles northeast of Highway 1 north of the community of Cambria. The sites are in the North Coast planning area.

The project was approved on May 18, 2007 by the Administrative Hearing Officer at the Planning Department Hearing and appealed on May 31, 2007 by three separate appellants: Michael P. Phelan, Jon Pedotti, and the Santa Lucia Chapter of the Sierra Club. The appeals are based on significant impacts on wetlands, riparian habitat, steelhead creek, and inconsistency with the provisions of the Coastal Zone Land Use

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**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE October 2, 2007		(3) CONTACT/PHONE Murry Wilson, (805) 788-2352	
(4) SUBJECT Hearing to consider an appeal by Michael P. Phelan, Jon Pedotti, and the Santa Lucia Chapter of the Sierra Club of the Administrative Hearing Officer's decision to approve the application of the County of San Luis Obispo - Public Works Department for a Minor Use Permit / Coastal Development Permit DRC2005-00273 approving the replacement of two existing bridges on San Simeon Creek Road, north of Cambria. Supervisorial District 2.					
(5) SUMMARY OF REQUEST Michael P. Phelan, Jon Pedotti, and the Santa Lucia Chapter of the Sierra Club have appealed the Administrative Hearing Officer's decision to approve Minor Use Permit / Coastal Development Permit DRC2005-00273 that would allow for the replacement of two existing bridges along San Simeon Creek Road. The proposed projects are within the Agricultural land use category and are located on San Simeon Creek Road approximately 2.3 and 3.5 miles northeast of Highway 1, north of the community of Cambria. The sites are in the North Coast planning area.					
(6) RECOMMENDED ACTION Adopt the resolution affirming the decision of the Hearing Officer, and conditionally approve Minor Use Permit / Coastal Development Permit DRC2005-00273 based on the findings in Exhibit A and the conditions in Exhibit B.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): North Coast Advisory Council, Public Works, Ag Commissioner, Cambria Community Services District, APCD, Cal Trans, Regional Water Quality Control Board, Army Corp of Engineers, Department of Fish and Game, and the California Coastal Commission					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input checked="" type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. <u>60 minutes</u>) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW <i>Murry Wilson</i> 10-2-07					

Ordinance Sections 23.07.170 – 23.07.178 (inclusive). The appeal issues are outlined in this report.

ISSUES OF APPEAL

Issue 1 – The project is inconsistent with the Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.170 – Environmentally Sensitive Habitats.

23.07.170 – Environmentally Sensitive Habitats

The provisions of this section apply to development proposed within or adjacent to (within 100 feet of the boundary of) an Environmentally Sensitive Habitat as defined by Chapter 23.11 of this title and as mapped by the Land Use Element combining designations maps.

b. Required findings: Approval of a land use permit for a project within or adjacent to an Environmentally Sensitive Habitat shall not occur unless the applicable review body first finds that:

(1) There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

(2) The proposed use will not significantly disrupt the habitat.

d. Alternatives analysis required. Construction of new, improved, or expanded roads, bridges and other crossings will only be allowed within required setbacks after an alternatives analysis has been completed. The alternatives analysis shall examine at least two other feasible locations with the goal of locating the least environmentally damaging alternative. The bridge or road may be allowed in the proposed location when accompanied by all feasible mitigation measures to avoid and/or minimize adverse environmental effects, only when the alternatives analysis concludes that a feasible and less-environmentally damaging alternative does not exist. If however, the alternatives analysis concludes that a feasible and less-environmentally damaging alternative does exist, that alternative shall be used and any existing bridge or road within the setback shall be removed and the total area of disturbance restored to natural topography and vegetation.

e. Development standards for environmentally sensitive habitats:

(1) New development within or adjacent to the habitat shall not significantly disrupt the resource.

(2) New development within the habitat shall be limited to those uses that are dependent upon the resource.

(3) Where feasible, damaged habitats shall be restored as a condition of development approval.

(4) Development shall be consistent with the biological continuance of the habitat.

(5) Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034c (Grading Standards.)

Response – The project is consistent with Section 23.07.170 (see the following discussion).

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The required findings for projects located within or adjacent to an Environmentally Sensitive Habitat were made by the Hearing Officer at the May 18, 2007 Planning Department Hearing (see pages 15-16 of the attached Staff Report) based on the information provided in the Staff Report and Mitigated Negative Declaration prepared for the project.

As required by Section 23.07.170d of the Coastal Zone Land Use Ordinance (CZLUO), an alternatives analysis was completed during the preliminary site assessment phase of the project to determine the least environmentally damaging alternative. The proposed replacement bridges have been sited to minimize impacts to the associated sensitive resource areas (streams / riparian vegetation, wetlands and terrestrial habitats) found within the project vicinity. The project design team reviewed various potential alignments at the proposed project locations (Bridge 1 and Bridge 2) including upstream, downstream and the same alignment. These designs alternatives were considered at the two bridge locations and weighed against other environmental constraints at the project site. Because of the various environmental constraints (cultural sites, prime agricultural soils in the project vicinity, etc.) and bridge design requirements, the proposed locations and designs were determined to be the best suited and least environmentally damaging locations.

Development proposals within or adjacent to environmentally sensitive habitats are required to meet the development standards set forth in Section 23.07.170e, and as described above. The proposed project, as conditioned, will meet the development standards set for in this section.

The proposed project may result in short term impacts to the identified sensitive habitats; therefore the project has been conditioned to avoid and minimize impacts to the sensitive resources within the construction area, and best management practices (BMP's) will be implemented during construction to avoid spills and leaks, erosion, and other forms of disturbance. Erosion control measures, bank stabilization, and revegetation will restore temporarily disturbed areas. The long term effect of the project will be beneficial to the identified sensitive resource with the conditions applied to the project.

Additional discussion will follow regarding compliance with specific resources identified in the appeal including: Section 23.07.172 (Wetlands), Section 23.07.174 (Streams and Riparian Vegetation), Section 23.07.176 (Terrestrial Habitat Protection) and Section 23.07.178 (Marine Habitats).

Issue 2 – The project is inconsistent with the Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.172 – Wetlands.

23.07.172 - Wetlands

Development proposed within or adjacent to (within 100 feet of the upland extent of) a wetland area shown on the Environmentally Sensitive Habitat Maps shall satisfy the requirements of this section to enable issuance of a land use or construction permit. These provisions are intended to maintain the natural ecological functioning and productivity of wetlands and estuaries and where feasible, to support restoration of degraded wetlands.

a. Location of development: Development shall be located as far away from the wetland as feasible, provided that other habitat values on the site are not thereby more adversely affected.

b. Principle Permitted Uses in wetlands: Hunting, fishing, wildlife management, education and research projects.

c. Department of Fish and Game review. The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design.

d. Wetland setbacks: New development shall be located a minimum of 100 feet from the upland extent of all wetlands, except as provided by subsection d(2). If the biological report required by Section 23.07.170 (Application Content) determines that such setback will provide an insufficient buffer from the wetland area, and the applicable approval body cannot make the finding required by Section 23.07.170b, then a greater setback may be required.

(1) Permitted uses within wetland setbacks: Within the required setback buffer, permitted uses are limited to passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control of facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that:

- (i) Alternative routes are infeasible or more environmentally damaging.
- (ii) Adverse environmental effects are mitigated to the maximum extent feasible.

(2) Wetland setback adjustment: The minimum wetland setback may be adjusted through Minor Use Permit approval (but in no case shall be less than 25 feet), provided that the following findings can be made:

- (i) The site would be physically unusable for the principal permitted use unless the setback is reduced.
- (ii) The reduction is the minimum that would enable a principal permitted use to be established on the site after all practical design modifications have been considered.
- (iii) That the adjustment would not allow the proposed development to locate closer to the wetland than allowed by using the stringline setback method pursuant to Section 23.04.118a of this title.

(3) Requirements for wetland setback adjustment: Setbacks established that are less than 100 feet consistent with this section shall include mitigation measures to ensure wetland protection. Where applicable, they shall include landscaping, screening with native vegetation and drainage controls. The adjustment shall not be approved until the approval body considers the following:

- (i) Site soil types and their susceptibility to erosion.
- (ii) A review of the topographic features of the site to determine if the project design and site location has taken full advantage of natural terrain features to minimize impacts on the wetland.

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(iii) The biologists report required by Section 23.07.170 shall evaluate the setback reduction request and identify the types and amount of vegetation on the site and its value as wildlife habitat in maintaining the functional capacity of the wetland.

(iv) Type and intensity of proposed development.

(v) Lot size and configuration and location of existing development.

e. Site development standards:

(1) **Diking, dredging or filling of wetlands:** Diking, dredging or filling activities in wetland areas under county jurisdiction shall be allowed only to the extent that they are consistent with Environmentally Sensitive Habitats Policy 11 of the Local Coastal Plan and shall not be conducted without the property owner first securing approval of all permits required by this title.

(2) **Vehicle traffic:** Vehicle traffic from public roads shall be prevented from entering wetlands by vehicular barriers, except where a coastal accessway is constructed and designated parking and travel lanes are provided consistent with this title. The type of barrier and its proposed location shall be identified in the materials accompanying an application for a land use permit and must be approved by the Planning Director before permit issuance to insure that it will not restrict local and state agencies or the property owner from completing the actions necessary to accomplish a permitted use within the wetland.

(3) **Open space easement required:** A land use or construction permit for a structure larger than 1000 square feet in floor area shall not be approved on a parcel of one acre or larger that contains a wetland, unless the property owner first grants the county or an approved land trust an open space easement or fee title dedication of all portions of the site not proposed for development, as well as the entire wetland.

Response – The project is consistent with Section 23.07.172 (see the following discussion).

Within the Coastal Zone, only one wetland criterion is needed to determine wetland status. There were no points in the surveyed area where all three wetland criteria were met (Garcia and Associates 2006). As such, the jurisdictional limit of wetlands lies at the ordinary high water mark (OHWM). Within this reach of San Simeon Creek, the OHWM is approximately four feet above the normalized creek channel bed. The projects will result in disturbance to an approximate 0.3-acre (13,068-square foot) area of permanent disturbance of wetlands and an approximate 0.4-acre (17,242-square foot) area of temporary disturbance of wetlands.

This section requires the location of new development to be as far away from the wetland as feasible. Permitted uses within the required wetland setback buffers include bridges and road approaches to bridges to cross a stream when it can be demonstrated that:

(i) Alternative routes are infeasible or more environmentally damaging (see discussion under Issue 1 regarding alternatives analysis).

(ii) Adverse environmental effects are mitigated to the maximum extent feasible (see conditions of approval and proposed Mitigated Negative Declaration for further discussion).

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Consultation with Fish and Game has occurred during the environmental review phase of the project. Permits will be required by the Department of Fish and Game (Lake and Streambed Alteration Agreement) prior to commencement of construction activities (see condition # 61).

The required findings for wetland setback adjustments were made by the Hearing Officer at the May 18, 2007 Planning Department Hearing (see page 16 of the attached Staff Report) based on the information provided in the Staff Report and Mitigated Negative Declaration prepared for the project. Finding (iii) was not made for the project because Section 23.04.118a (stringline setback method) is no longer part of the Coastal Zone Land Use Ordinance (CZLUO).

The requirements for wetland setback adjustments were considered and analyzed as a part of this project. Geology and soil conditions were analyzed in the proposed mitigated negative declaration (see Section 6, Geology and Soils and condition #'s 42 & 43). A drainage, sedimentation and erosion control plan will be required prior to commencement of construction activities which include BMP's to prevent sedimentation from entering the creek. The biological assessments prepared for the proposed project included an evaluation of the vegetation on the site and its value as wildlife habitat. Minimizations of disturbed areas and monitoring conditions have been applied to the project to ensure the functional capacity of the wetland (see condition #'s 16 & 19).

No diking, dredging or filling of wetlands are proposed as a part of this project.

Access to the creek channel will be restored to natural contours (see condition # 22) following completion of construction and demolition activities so as to prevent vehicular traffic from entering the wetlands. Guard rail type barriers will be placed at the ends of the proposed bridges for safety purposes (see applicable construction plans / details).

The project is proposed within the current right-of-way and right-of-way to be obtained upon approval of the required coastal development permit. An open space easement will not be required for this project.

Issue 3 – The project is inconsistent with the Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.174 – Streams and Riparian Vegetation. Significant impacts on steelhead creek.

23.07.174 – Streams and Riparian Vegetation

Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

a. Development adjacent to a coastal stream. *Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.*

b. Limitation on streambed alteration: *Channelization, dams or other substantial alteration of stream channels are limited to:*

(1) *Necessary water supply projects, provided that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional*

capacity of streams, wetlands, estuaries and lakes. (A 'necessary' water project is a project that is essential to protecting and/or maintaining public drinking water supplies, or to accommodate a principally permitted use as shown on Coastal Table "O" where there are no feasible alternatives).

(2) Flood control projects, including maintenance of existing flood control channels, where such protection is necessary for public safety or to protect existing commercial or residential structures, when no feasible alternative to streambed alteration is available;

(3) Construction of improvements to fish and wildlife habitat;

Streambed alterations shall not be conducted unless all applicable provisions of this title are met and if applicable, permit approval from the California Department of Fish and Game, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and California State Water Resources Control Board.

In addition, every streambed alteration conducted pursuant to this title shall employ the best mitigation measures where feasible, including but not limited to:

- a. Avoiding the construction of hard bottoms;
- b. Using box culverts with natural beds rather than closed culverts to provide for better wildlife movement; and
- c. Pursuing directional drilling for pipes, cables, and conduits to avoid surface streambed disturbance.

c. **Stream diversion structures:** Structures that divert all or a portion of streamflow for any purpose, except for agricultural stock ponds with a capacity less than 10 acre-feet, shall be designed and located to not impede the movement of native fish or to reduce streamflow to a level that would significantly affect the production of fish and other stream organisms.

d. **Riparian setbacks:** New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this setback shall be a minimum of 50 feet. In the rural areas (outside the URL) this setback shall be a minimum of 100 feet. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration. These setback requirements do not apply to non-structural agricultural developments that incorporate adopted nest management practices in accordance with LUP Policy 26 for Environmentally Sensitive Habitats.

(1) **Permitted uses within the setback:** Permitted uses are limited to those specified in Section 23.07.172d(1) (for wetland setbacks), provided that the findings required by that section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses.

All permitted development in or adjacent to streams, wetlands, and other aquatic habitats shall be designed and/or conditioned to prevent loss or disruption of the habitat,

protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures to be provided include, but are not limited to:

(i) Flood control and other necessary instream work should be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation.

(ii) Drainage control methods should be incorporated into projects in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.

(2) Riparian habitat setback adjustment: The minimum riparian setback may be adjusted through Minor Use Permit approval, but in no case shall structures be allowed closer than 10 feet from a stream bank, and provided the following findings can first be made:

(i) Alternative locations and routes are infeasible or more environmentally damaging; and

(ii) Adverse environmental effects are mitigated to the maximum extent feasible; and

(iii) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and

(iv) The adjustment is the minimum that would allow for the establishment of a principal permitted use.

e. Alteration of riparian vegetation: Cutting or alteration of natural riparian vegetation that functions as a portion of, or protects, a riparian habitat shall not be permitted except:

(1) For streambed alterations allowed by subsections a and b above;

(2) Where an issue of public safety exists;

(3) Where expanding vegetation is encroaching on established agricultural uses;

(4) Minor public works projects, including but not limited to utility lines, pipelines, driveways and roads, where the Planning Director determines no feasible alternative exists;

(5) To increase agricultural acreage provided that such vegetation clearance will:

(i) Not impair the functional capacity of the habitat;

(ii) Not cause significant streambank erosion;

(iii) Not have a detrimental effect on water quality or quantity;

(iv) Be in accordance with applicable permits required by the Department of Fish and Game.

(6) To locate a principally permitted use on an existing lot of record where no feasible alternative exists and the findings of Section 23.07.174d(2) can be made.

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Response – The project is consistent with Section 23.07.174 (see the following discussion).

The project will be designed to protect the habitat. The proposed project is required to provide a Best Management and Pollution Prevention Practices Plan. The plan is required to outline proposed best management practices (BMP's) to control erosion and prevent sedimentation from entering the creek (see condition #'s 42 & 43). The project will include a restoration plan (see condition # 22) to mitigate for impacts to the riparian habitat associated with the project construction and bridge decommissioning. Protection of the habitat will also be provided though requirements associated with fueling of vehicles within designated fueling areas only (see condition #25).

Streambed alterations associated with the proposed project are consistent with the limitations provided in this section. Streambed alterations associated with this project are proposed to be consistent with the provisions of Title 23 and all applicable permits will be obtained prior to commencement of construction on the project site (see condition # 61).

The project does not include stream diversion structures that would impede the movement of native fish. To the extent feasible, construction activities will occur in the dry season (see condition # 17). If water is present in the work area, water diversion and dewatering would be implemented (see condition # 26). A workers education program will be prepared to protect sensitive species with the potential to occur on the project site (see condition # 24). If steelhead are present within the work area during project activities associated with the creek channel, the biological monitor will have the ability to relocate sensitive species (see condition # 19).

Riparian setback adjustments can be authorized by Section 23.07.172d(1) (see discussions for Issue 1 and Issue 2). Permitted uses authorized by Section 23.07.172d(1) are allowed within the riparian setbacks required by this section (see discussions for Issue 1 and Issue 2).

The required findings for projects requesting an adjustment to the required riparian habitat setbacks were made by the Hearing Officer at the May 18, 2007 Planning Department Hearing (see pages 15-16 of the attached Staff Report) based on the information provided in the Staff Report and Mitigated Negative Declaration prepared for the project.

Alteration of riparian vegetation is allowed pursuant to subsection a, because the project has been designed and mitigation measures applied that will be compatible with the continuance of the habitat (see condition # 21).

Issue 4 – The project is inconsistent with the Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.176 – Terrestrial Habitat Protection.

23.07.176 – Terrestrial Habitat Protection

The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.

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a. **Protection of vegetation.** Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.

b. **Terrestrial habitat development standards:**

(1) **Revegetation.** Native plants shall be used where vegetation is removed.

(2) **Area of disturbance.** The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect the surrounding native habitat areas.

(3) **Trails.** Any pedestrian or equestrian trails through the habitat shall be shown on the site plan and marked on the site. The biologist's evaluation required by Section 23.07.170a shall also include a review of impacts on the habitat that may be associated with trails.

Response – The project is consistent with Section 23.07.176 (see the following discussion).

There are 45 sensitive plant species documented or with potential to occur in the vicinity of the proposed project site. An evaluation of the vegetation types and soils indicated that suitable habitat does not occur in the project area for 15 of the sensitive plants. There is suitable habitat in the project area for the remaining 30 sensitive plant species. Focused surveys for these species were conducted by Garcia and Associates. None of the 30 sensitive plant species surveyed for were observed. Because there were no observations of these species during the intensive surveys, conducted at the appropriate times of the year, the potential for undetected occurrence is low. No impacts to special status plant species would occur as a result of the proposed project.

36 special-status wildlife species had potential to occur in the vicinity of the project area. Of that total, six special status wildlife species are known or likely to occur within the project area. These include steelhead trout (*Oncorhynchus mykiss*), California red-legged frog (*Rana aurora draytonii*), southern Pacific pond turtle (*Actinemys* [= *Emys* = *Clemmys*] *marmorata pallida*), pallid bat (*Antrozous pallidus*), and Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*). Since there is a potential for six special status species to occur on-site, conditions of approval have been include to reduce these impacts to less than significant. These conditions include avoidance and minimization measures which include the reduction of disturbance to riparian and coastal scrub habitat to the extent possible (see condition # 16), a workers education program to discuss sensitive species with the potential to occur on the project site (see condition # 24) and biological monitoring during critical construction periods (see condition # 19).

The project will include a restoration plan which will include replacement of removed coast live oaks at a 4:1 ratio and other tree species at a 3:1 ratio (see condition #'s 22, 53 and 54).

The area of disturbance has been shown on the project plans as the Temporary Construction Easement (TCE). The TCE represents the maximum area of disturbance proposed as a part of this project. The project limits are required to be flagged or otherwise marked in the field prior to commencement of ground disturbance. Construction activities are to be restricted within the marked areas (see condition # 16).

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Flagging / fencing will minimize disturbance at the project sites which will consequently protect sensitive species and their habitats. The proposed Mitigated Negative Declaration references to maximum area of disturbance (area to be fenced) as the Potential Impact Area (PIA) and a full discussion of impacts and mitigations can be found in the Mitigated Negative Declaration (see Section 4, Biological Resources).

No trails are proposed as a part of this project, therefore no additional analysis of impacts associated with trail impacts were analyzed as a part of this project.

Issue 5 – The project is inconsistent with the Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.178 – Marine Habitats.

23.07.178 – Marine Habitats

The provisions of this section are intended to preserve and protect habitats for marine fish, mammals and birds. Development within or adjacent to marine habitats is subject to the provisions of this section.

a. Protection of kelp beds, offshore rocks, reefs and intertidal areas. *Development shall be sited and designed to mitigate impacts that may have adverse effects upon the habitat, or that would be incompatible with the continuance of such habitat areas.*

b. Siting of shoreline structures. *Shoreline structures, including piers, groins, breakwaters, seawalls and pipelines shall be designed or sited to avoid and to minimize impacts on marine habitats.*

c. Coastal access. *Coastal access shall be monitored and regulated to minimize impacts on marine resources. If negative impacts are demonstrated, then the appropriate agency shall take steps to mitigate these impacts, including limitations of the use of the coastal access.*

Response – The project is consistent with Section 23.07.178 (see the following discussion).

The project has been conditioned to protect the environmentally sensitive habitats at and adjacent to the project site (wetlands, streams and riparian vegetation, and terrestrial habitats). Protective measure for the on-site sensitive habitats include: flagging the construction area to minimize disturbance within sensitive areas, creek work within the dry season, catchment devices to prevent debris from entering the creekbed, monitoring with the authority to halt work, avoidance of major vegetation (trimming and pruning where feasible), restoration of disturbed areas, workers education, construction equipment fueling practices, drainage, sedimentation and erosion control plan, etc. (see conditions of approval and proposed Mitigated Negative Declaration for further discussion).

Since the project sites are located 2.3 (Bridge 1) and 3.1 miles (Bridge 2) east of coast / beaches, the project will not have an effect on marine habitats with the above referenced conditions of approval applied to the project. No impacts to kelp beds, offshore rocks, reefs and / or intertidal areas will occur as a result of the proposed project. No siting of shoreline structures are proposed as a part of this project and the project will not impact coastal access.

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OTHER AGENCY INVOLVEMENT

Project referrals were sent to the North Coast Advisory Council, Public Works, Ag Commissioner, Cambria Community Services District, APCD, Cal Trans, Regional Water Quality Control Board, Army Corp of Engineers, Department of Fish and Game, and the California Coastal Commission (see the attached staff report for the agency comments where applicable).

FINANCIAL CONSIDERATIONS

No appeal fees were paid because the appeal is based on inconsistencies with the Local Coastal Program.

RESULTS

Should the Board of Supervisors adopt the staff recommendation and deny the appeal, the applicant could proceed with the proposed Minor Use Permit / Coastal Development Permit, unless the project is appealed to or by the California Coastal Commission and subsequently denied by that agency. If the Board of Supervisors upholds the appeal, the applicant could not proceed with the project.

ATTACHMENTS:

1. Board Resolution DRC2005-00273
Exhibit A- Findings
Exhibit B - Conditions of Approval
2. Graphics - Vicinity Map, Land Use Category Map and Site Plans
3. Appeal application / letter(s)
4. May 18, 2007 Staff Report
5. Minutes from the May 18, 2007 Planning Department Hearing

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE
HEARING OFFICER AND CONDITIONALLY APPROVING
THE APPLICATION OF THE COUNTY OF SAN LUIS OBISPO –
PUBLIC WORKS DEPARTMENT
FOR MINOR USE PERMIT / COASTAL DEVELOPMENT PERMIT DRC2005-00273

The following resolution is now offered and read:

WHEREAS, on May 31, 2007, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and approved the application of the County of San Luis Obispo – Public Works Department for Minor Use Permit / Coastal Development Permit DRC2005-00273; and

WHEREAS, three separate appellants; Michael P. Phelan, Jon Pedotti, and the Santa Lucia Chapter of the Sierra Club have appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on October 2, 2007, and a determination and decision was made on October 2, 2007; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be affirmed and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

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2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Michael P. Phelan, Jon Pedotti, and the Santa Lucia Chapter of the Sierra Club is hereby denied and the decision of the Hearing Officer is affirmed that the application of the County of San Luis Obispo – Public Works Department for Minor Use Permit / Coastal Development Permit DRC2005-00273 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: September 19, 2007

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STATE OF CALIFORNIA,)
)
County of San Luis Obispo) ss

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2007.

County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

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FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 11, 2007 for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazardous Materials and are included as conditions of approval.

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the use is an allowed use consistent with the allowed uses permitted within wetland and riparian setbacks per CZLUO Section 23.07.172d(1) and as conditioned is consistent with all of the General Plan and Local Coastal Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code and the Local Coastal Plan.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project proposes replacement of existing facilities (bridges), improvement of traffic circulation along San Simeon Creek Road and the project will be conditioned to provide replacement of all impacted native and sensitive species in the project vicinity. The project will not increase demand or use of the facilities and has been conditioned to minimize impacts to surrounding resources. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood nor contrary to its orderly development because the project consists of the replacement of existing facilities (bridges) and is proposed within the existing right-of-way and within a small portion of new right-of-way to be acquired that will not impact surround resources or existing development in the vicinity.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the proposed project is intended to facilitate traffic flow and reduce traffic congestion on San Simeon Creek Road. Implementation of the proposed project would not result in an increase in trip generations or traffic-related noise, and would not result in a significant change to the existing road service or traffic safety levels. Both existing bridges would remain open as replacement bridges are constructed.

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Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and/or recreation areas.

Sensitive Resource Areas (SRA)

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will

preserve and protect such features through the site design, because alternatives projects alignments were analyzed (upstream, downstream and the same alignment) to determine the least environmentally damaging location and the environmentally superior alternative was chosen based on all environmental site constraints at the two bridge locations.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements and the project has been conditioned to avoid and minimize impacts to the sensitive resources within the construction area. Best management practices will be implemented during construction to avoid spills and leaks, erosion, and other forms of disturbance to the SRA. Erosion control measures, bank stabilization, and revegetation will restore temporarily disturbed areas. The long term effect of the project will be beneficial to the identified sensitive resource with the conditions applied to the project.
- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because best management practices will be implemented during construction to minimize impacts and disturbance to the SRA. Erosion control measures, bank stabilization, and revegetation will restore temporarily disturbed areas. The long term effect of the project will be beneficial to the identified sensitive resource with the conditions applied to the project.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because best management practices will be applied to the project to limit potential drainage impacts including but not limited to erosion control measures, bank stabilization, and revegetation will restore temporarily disturbed areas as soon as feasible. The long term effect of the project will be beneficial to the identified sensitive resource with the conditions applied to the project.

Environmentally Sensitive Habitats

- L. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because alternative projects alignments were analyzed (upstream, downstream and the same alignment) to determine the least environmentally damaging location and the environmentally superior alternative was chosen based on all environmental site constraints at the two bridge locations.
- M. The proposed use will not significantly disrupt the habitat because measures to avoid unnecessary disturbance will be adopted as conditions of approval and alternative projects alignments were analyzed (upstream, downstream and the same alignment) to determine the least environmentally damaging location and the environmentally superior alternative was chosen based on all environmental site constraints at the two bridge locations.

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Streams and Riparian Vegetation

- N. The proposed project consists of the replacement of two bridges which is an allowable use and will be located adjacent and within the creek channel for San Simeon Creek. No alternative locations and routes are feasible and other routes are more environmentally damaging because an alternative analysis was conducted and various environmental constraints including cultural and agricultural resources would also be impacted in addition to the riparian impacts associated with the alternatives.
- O. Adverse environmental effects have been mitigated to the maximum extent feasible based on implementation of the proposed restoration plan.

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- P. The adjustment to the riparian setback is necessary to allow the project because alternative designs were considered and determined to be more environmentally damaging.
- Q. The adjustment to the riparian setback is the minimum that would allow for the project.

Wetlands

- R. Alternative routes are infeasible or more environmentally damaging.
- S. Adverse environmental effects are mitigated to the maximum extent feasible.
- T. The site would be physically unusable for the principal permitted use (bridges) unless the setback is reduced.
- U. The reduction is the minimum that would enable the principle permitted use (bridges) to be established on the site after all practical design modification have been considered.

Archeological Sensitive Area

- V. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because would be delineated on project plans as environmentally sensitive areas, orange mesh fencing would be installed around the site area, and workers would be informed of the necessity to completely avoid the areas.

EX - Combining Designation

- W. The proposed use will not adversely affect the continuing operating or expansion of the extraction use (sand and gravel skimming and processing) because the project proposes the replacement of two currently existing bridges. No change of use or intensity of use is proposed by this project that would adversely affect the sand and gravel operation to the west of the project sites.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the replacement of two existing bridges along San Simeon Creek Road (CalTrans Bridge No. 49C-252 and CalTrans Bridge No. 49C-101). The projects are scheduled to begin in summer / fall of 2007 or 2008, and would include traffic handling, contractor access, site preparation, bridge construction, bridge decommissioning, site restoration, and potentially water diversion. The projects will result in permanent disturbance of an approximate 2.6-acre (113,256-square foot) area, and temporary disturbance of an approximate 4.2-acre (182,952-square foot) area.

Site Development

2. **Prior to commencement of construction activities**, project plans shall show all development consistent with the approved site plan and approved project description.

Air Quality Mitigations

3. The amount of disturbed area shall be minimized, where possible.
4. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (e.g., nonpotable) should be used whenever possible.
5. All dirt stockpile areas should be sprayed daily, as needed.
6. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
7. Exposed ground areas that are planned to be reworked more than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established or treated with a dust palliative per Section 18 of the California Standard Specifications.
8. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo Air Pollution Control District (SLOAPCD).
9. All roadways to be paved should be completed as soon as possible.
10. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
11. All trucks hauling dirt, sand, soil, or loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114.
12. Wheel washers or metal tire trackout grates shall be installed where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
13. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads.
14. If naturally-occurring asbestos (i.e., serpentine rocks) is identified during construction, such materials shall be handled, treated, and disposed of in accordance with applicable SLOAPCD requirements.
15. The County would, as necessary, obtain all "Permit to Operate" permits from SLOAPCD.

Biological Resource Mitigations

16. The amount of construction-related disturbance shall be limited to the extent practicable. The project limits shall be conspicuously flagged or otherwise marked in the field. Construction activities shall be restricted within the marked areas. Storage, parking, and laydown areas shall be clearly marked. Except as needed for construction, equipment and vehicles shall be kept out of areas identified as wetlands. Construction access to San Simeon Creek shall be via previously used access points, as possible. Alternative ways to access the creek shall be evaluated, including access to the creek sides, which would eliminate the need to cross the creekbed.

17. To the extent practicable, construction activities in the San Simeon Creek channel shall be conducted during the dry season (approximately May through October). Work outside the creek channel may start prior to May 1 and extend beyond the end of October.
18. During construction periods that involve concrete work, a catchment device (e.g., heavy-duty tarp, plywood forms, or other non-culvert type covering) would be placed over the creekbed to prevent debris, especially concrete, from entering the water. The catchment device shall be left in place until all in-stream work is completed.
19. A biological monitor shall be present during construction when surface water is present and during other critical construction periods (e.g., pouring concrete). The biologist shall monitor potential impacts to water in San Simeon Creek, aquatic and riparian habitats, and special-status species. Monitoring for California red-legged frog shall also occur after rainfall events, even if surface water is not present in the creek. The biological monitor shall have the authority to halt construction if necessary to limit adverse impacts to federally listed species. Any handling of federally-listed species will be done only by a biologist approved by the National Marine Fisheries Service (steelhead) or U.S. Fish and Wildlife Service (other listed species).
20. To the extent practicable, trees and shrubs in the Project Impact Area (PIA) shall be trimmed or removed between October 1 and January 31 to reduce impacts to nesting birds. If vegetation must be removed outside of the October-January period, a qualified biologist/botanist shall conduct pre-construction surveys for nests. During the period from February 1 to September 30, prior to the initial disturbance of natural vegetation types within the PIA, the biologist shall survey the areas to be disturbed for the presence of nesting birds. All trees and shrubs within the PIA and a surrounding buffer zone shall be carefully searched for bird nests. The Migratory Bird Treaty Act protects active nests, eggs, nestlings, and adults on the nests of nearly all bird species. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest shall be estimated. No additional measures shall be implemented if active nests are more than the following distances from the nearest work site: (a) 100 yards for raptors; or (b) 25 yards for other bird species. If active nests are closer than those distances to the nearest work site, a plan to monitor the behavior of the nesting birds during construction shall be prepared and submitted to USFWS and CDFG for review and approval.
21. Construction activities shall be planned to avoid trees and shrubs to the extent practicable. Consideration shall be given to trimming and pruning trees where possible, rather than complete removal. Special avoidance consideration shall be given to tree #25 (western sycamore) identified on page 1-165 of the staff report (Figure 5-1), and trees #20 (California bay), #21 (western sycamore), and #22 (western sycamore) identified on page 1-166 of the staff report (Figure 5-2) (Source: URS; Final Visual Impact Assessment San Simeon Creek Road Bridges Replacement Project; 2006). Operation and parking of vehicles and equipment shall not occur within the dripline of trees that would not otherwise be affected. Willow shrubs shall be avoided where possible. Trimming and removal of trees shall be done under the supervision of a County staff member who is also a trained arborist.
22. Following construction and demolition, the project areas shall be restored by implementing restoration techniques consistent with the conceptual restoration plan contained in the NES. This will include replacement of removed coast live oak trees at a 4:1 ratio, consistent with San Luis Obispo County standards for oak tree replacement. All other tree species that will be removed shall be replaced at a 3:1 ratio. Disturbed banks associate with the proposed project as well as other location where riparian vegetation is minimal between the two bridge locations shall be revegetated with native riparian habitat species at a minimum of a 2:1 ratio. Restoration shall also include grading out depressions on creek banks and at water diversion sumps. A final restoration plan shall be prepared and approved prior to commencement of construction activities consistent with the conceptual restoration plan and the required elements listed in Section 4.2.3.2 of the NES.
23. Because construction is likely to occur during the nesting season of cliff swallows (March 1 to July 31), both bridges shall be periodically inspected for the occurrence of swallow

nests. Nests shall be knocked down prior to being one-third completed. Barriers such as netting should not be used because it would create a barrier for the bat species roosting under both bridges. Inspection of the bridges would need to start in late February. Alternative methods to prevent cliff swallow nesting on the bridge may be used with prior approval by CDFG.

24. A worker education program shall be prepared and presented to all construction personnel at the beginning of the project. The program shall discuss sensitive species with potential to occur in the construction zone, with emphases on riparian habitat, steelhead, red-legged frog, pond turtles, Monterey dusky-footed woodrat and roosting bats. The program shall explain the importance of minimizing disturbance and adhering to other disturbance minimizing measures.
25. Servicing and fueling of vehicles shall be accomplished with the use of the following best management practices:
 - Servicing and fueling shall take place only in designated fueling areas outside of the San Simeon Creek channel. Exceptions will be stationary equipment that is difficult to move. For that equipment, additional precautions will be taken, including drip pans and spill-containing berms.
 - When fueling, tanks shall not be "topped off."
 - A secondary containment, such as a drain pan or drain cloth, shall be used when fueling to catch spills or leaks.
 - Employees and subcontractors shall be trained in proper fueling, servicing, and clean-up procedures.
 - All fluid spills shall be reported immediately.
 - Storage of hazardous materials shall be as far as practical from San Simeon Creek.
 - A contingency plan for possible leaks and spills of hazardous materials into San Simeon Creek shall be developed and implemented as appropriate.
26. If dewatering is necessary, the water diversion plan included in the BA shall be implemented.
27. Persons who are under County or contractor control shall not have firearms or pets; nor shall they engage in hunting or fishing.
28. Excess dust shall be controlled using standard County and Caltrans specifications.
29. Nighttime illumination, including that used for security, shall be maintained at the lowest levels practicable during project construction. Night roosting bats could be affected by nighttime illumination in the vicinity of the bridges.
30. The construction zone shall be kept free from litter by providing suitable disposal containers for trash and all construction-generated material wastes. These containers shall be emptied at regular intervals and the contents properly disposed.
31. A pre-construction survey for bats shall be conducted to assure that no roosting bats remain in harm's way.
32. All disturbed soils that shall not be landscaped or otherwise permanently stabilized by construction shall be seeded using species native to the project vicinity.
33. Additional measures to protect red-legged frogs shall follow the USFWS' Programmatic Biological Opinion for Projects Funded or Approved Under the Federal Aid Program.
34. The applicant shall install a mid-channel boulder or boulder cluster approximately 20 feet downstream of Bridge 1. The boulder cluster shall either consist of one very large (8-10 ton) boulder, or a group of three smaller (4 ton) boulders, cabled together.

Cultural and Paleontological Resource Mitigations

35. The applicant shall submit a monitoring plan for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;

- e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.
36. Periodic archaeological monitoring shall take place during construction. The archaeological monitor shall be provided with updated construction schedules, at least one week in advance, throughout the duration of the project. The archaeological monitor shall have the authority to halt construction, if necessary, to investigate any potentially significant deposits unearthed during excavation in the vicinity of the Environmentally Sensitive Area consistent with the approved monitoring plan. The archaeological monitor shall answer to the Public Works Environmental Division Project Manager and the Environmental Coordinator.
37. The intact portions of cultural sites would be demarcated as "Environmentally Sensitive Areas" (ESAs) in order to ensure their avoidance. High-visibility plastic construction fencing would be used to prohibit access to these areas. The ESAs would be defined prior to construction and depicted on all construction drawings and plans. All construction personnel would be instructed to avoid these areas, and to contact the archaeological monitor if any unanticipated work is required within the ESAs. The County archaeologist would verify correct placement of fencing prior to project initiation.
38. The archaeological monitor shall conduct on-site cultural resources sensitivity training (crew education) to all workers performing ground disturbance activities that are immediately adjacent to sites that are near the project area. Prior to the beginning of earth-moving construction activities (including initial grading and vegetation removal), all construction personnel (including management) shall be informed of the cultural resource values involved and of the regulatory protections afforded those resources. The construction personnel shall also be informed of procedures relating to the discovery of unanticipated cultural resources (as outlined below). They shall be cautioned not to collect artifacts, and asked to inform a construction supervisor and the on-site archaeological monitor in the event that cultural remains are discovered during the course of construction. Prior to their commencement of ground disturbance construction activities, the on-site archaeological monitor shall administer supplemental briefings to all new construction personnel who may perform ground disturbance activities at locations immediately adjacent to the projects Environmentally Sensitive Areas. Handouts relating to cultural resources will be provided to all workers on the job site prior to commencement of ground disturbing activities.
39. In the event archaeological resources are unearthed during excavation activities associated with the project, work shall be stopped immediately, and the discovery shall be evaluated by a qualified archaeologist, pursuant to the procedures set forth at CEQA Section 15064.5 and CZLUO section 23.05.140 and 23.07.104.
40. If human skeletal remains are found at the project site during earth moving activities such as grading or trenching, work shall be suspended and the San Luis Obispo County Coroner's Office and the County Environmental Coordinator shall be notified. Standard guidelines set by California law provides for the treatment of skeletal material of Native American origin (California Public Resources Code, Sections 5097.98 et seq.; Health and Safety Code, Section 7050.5 and others). Procedures to be employed in the treatment of human remains are found in "A Professional Guide for the Preservation and Protection of Native American Human Remains and Associated Grave Goods," published by the California Native American Heritage Commission.
41. If paleontological resources are discovered during project construction, work shall be suspended in the immediate vicinity of the finds and the potential significance of the resource shall be evaluated by a qualified specialist.

42. **Prior to commencement of construction**, the County Department of Public Works shall submit a drainage, sedimentation and erosion control plan. The plan shall meet the requirements of Coastal Zone Land Use Ordinance (CZLUO) 23.05.042 and 23.05.036 and shall be approved by the Environmental Programs Division Manager.
43. **Prior to commencing construction**, the County Department of Public Works shall submit a Best Management and Pollution Prevention Practices Plan for the review and approval of the Environmental Programs Division Manager. This Plan shall outline proposed BMPs to control erosion and prevent sedimentation from entering the creeks and tributaries, methods to prevent accidental spills, and a proposed clean-up plan. This may include, but is not necessarily limited to, spraying water to control dust and use of sandbags and other BMPs to control siltation.

Hazardous Waste and Materials Mitigations

44. Any affected lead-based roadway pavement markings shall be collected, tested, and disposed of according to applicable State and Federal regulations. Any lead-contaminated surfaces shall be treated with care during demolition or renovation so that dust and fumes would not be of concern to workers or children in the area.
45. Areas of exposed soil affected by project construction shall be tested for aurally deposited lead contamination prior to earthmoving activities. If detected, aurally deposited lead contaminated soils shall be collected, tested, transported, and disposed of in accordance with applicable State and Federal regulations.
46. If any asbestos-containing materials are discovered during construction, work shall cease at that location and all such materials shall be removed and disposed of by a state-licensed abatement contractor in accordance with applicable State and Federal laws.
47. If hazardous materials (e.g., petroleum hydrocarbon contaminated soils) or other regulated substances (e.g., pesticides or herbicides) are identified in the soil during construction, work shall cease at that location and soil containing such substances shall be collected, tested, and disposed of in accordance with applicable State and Federal regulations.

Noise Mitigations

48. To the extent possible, the noisiest construction operations, such as pile driving, shall not occur within 2,500 feet of residential land uses before 7 a.m. or after 9 p.m. Monday - Friday, or before 8 a.m. or after 5 p.m. on Saturday or Sunday.
49. All construction equipment shall be required to minimize noise from construction activities. Equipment mufflers and other noise control devices shall be maintained in proper operating order. All equipment shall be operated in the quietest manner practicable. The contractor shall be required to comply with the local noise control ordinance.
50. Material stockpiles and/or vehicle staging areas shall be located as far as practical from dwellings.
51. Any public address system operated on the project site shall be designed and adjusted for minimum sound levels and minimum "spillover" of sound onto adjacent properties.
52. No music or electronically reinforced speech shall be audible at a noise-sensitive property.

Visual and Aesthetic Resource Mitigations

53. Disturbed habitat would be restored following construction and demolition activities in accordance with the Conceptual Restoration Plan (Garcia and Associates, 2006). The restoration areas would include disturbed areas around the new bridge structures, as well as areas around the dismantled existing bridges, and along disturbed banks in the vicinity of the bridges. A final restoration plan shall be prepared and approved prior to commencement of construction activities consistent with the conceptual restoration plan and the required elements listed in Section 4.2.3.2 of the NES.
54. Consistent with County standards, the coast live-oak tree mitigation ratio would be 4:1 (four oak trees replaced for each oak tree removed). All other tree species to be removed would be replaced at a 3:1 ratio.

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55. Where possible, trimming of vegetation, rather than complete removal and leaving roots and trunks in place would be utilized to keep the visual environment intact.
56. The rock slope protection would be fabricated from natural stone to blend into the organic, rural scenery of the existing environment.
57. The bridge replacement would use like materials where possible to help blend with the existing visual character of the site.
58. **Prior to operations of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
59. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
60. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.
61. **Prior to commencement of work**, the proponent shall secure the following permits or show evidence that the permit is not required:
 - a. Lake and Streambed Alteration Agreement - Department of Fish and Game
 - b. Clean Water Act Section 404 - Army Corps of Engineers
 - c. Clean Water Act Section 401 Water Quality Certification - Regional Water Quality Control Board

62.

Prior to commencement of construction and / or ground disturbance activities, the resident engineer in coordination with the environmental resource specialist shall conduct an on-site pre-construction briefing / meeting that includes a discussion of the desire to retain all trees and shrubs feasible. Special avoidance consideration shall be given to tree #25 (western sycamore) identified on page 1-165 of the staff report (Figure 5-1), and trees #20 (California bay), #21 (western sycamore), and #22 (western sycamore) identified on page 1-166 of the staff report (Figure 5-2) (Source: URS; Final Visual Impact Assessment San Simeon Creek Road Bridges Replacement Project; 2006). All trees to remain on-site that are within fifty feet of construction or grading activities (and the specific trees identified above) shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The above referenced tree(s) shall not be removed without prior approval from the resident engineer in coordination with the environmental resource specialist. Grading contractors and construction crews shall be informed of the desire to retain the above referenced trees and that these trees shall not be removed without prior approval from the resident engineer / environmental resource specialist.

63.

Prior to commencement of construction and / or ground disturbance activities, project features / improvements shall be marked in the field and tree #25 (western sycamore) identified on page 1-165 of the staff report (Figure 5-1), and trees #20 (California bay), #21 (western sycamore), and #22 (western sycamore) identified on page 1-166 of the staff report (Figure 5-2) (Source: URS; Final Visual Impact Assessment San Simeon Creek Road Bridges Replacement Project; 2006) shall be

C-4
25

marked in the field as "trees to remain if feasible." Prior to removal of any of the tree(s) identified above, the environmental resource specialist in consultation with the resident engineer and arborist shall determine if the trees necessitate removal to complete construction activities or if they can remain. The resident engineer shall direct the contractor to lay out those project features that may affect the above identified trees before tree removal takes place.

64.

Where potential staging areas identified on the project plans are utilized for project staging activities, the property owner(s) shall be compensated at fair market value for impacts to their land associated with project staging activities. Where feasible, staging shall occur as far as possible away from existing residences within the project vicinity. If the existing staging location for Bridge 2 is not chosen during right-of-way negotiations, other options including the Cambria Rock Pit and the staging area at Bridge 1 may be considered for potential alternatives provided that potential environmental impacts have been previously addressed.

C-4
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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060-4508
 VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: California Coastal Commission; Commissioner Steve Blank and Sara J. Wan

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, CA

Zip Code: 04105

Phone: (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Replacement of two existing bridges along San Simeon Creek Road

3. Development's location (street address, assessor's parcel no., cross street, etc.):

San Simeon Creek Road, approximately 2.3 and 3.5 miles northeast of Highway 1, north of Cambria, San Luis Obispo County

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

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CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-07-059

DATE FILED: November 13, 2007

DISTRICT: Central Coast

CCC Exhibit 4
(page 1 of 12 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

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

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 10/2/2007

7. Local government's file number (if any): DRC2005-00273

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:

San Luis Obispo County, Department of Public Works
attention: Kate Ballantyne

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

(1) Santa Lucia Chapter of the Sierra Club
P.O. Box 15755
San Luis Obispo, CA 93406

(2)

(3)

(4)

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

SECTION IV. Reasons Supporting This Appeal

PLEASE 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.
- 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.)
- This 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.

See Attached.

Reasons for Appeal: San Luis Obispo County Coastal Development Permit DRC2005-00273 – San Luis Obispo County Public Works Department (San Simeon Creek Bridge Replacements)

San Luis Obispo County approved a coastal development permit to allow for the replacement of two existing bridges located on San Simeon Creek Road approximately 2.3 and 3.5 miles northeast of Highway One, north of the community of Cambria in the North Coast Planning Area. The County approved project raises Local Coastal Program (LCP) conformance issues as follows:

The project is located along rural San Simeon Creek Road in a scenic coastal area. The LCP requires the protection of scenic coastal areas, including requiring new development in rural areas are to be subordinate to, and blend with, the rural character of the area (including LCP Visual and Scenic Resource Policies 1, 2, 4, and 7). The new bridges will require grading, major vegetation removal, landform alteration, and the placement of concrete, rocks, and other “hard” features (e.g., posts, barriers, railings, etc.) within the public view corridor, negatively impacting the scenic rural character of the area, inconsistent with the LCP.

The LCP defines San Simeon Creek and its riparian corridor as a Sensitive Resource Area (SRA) and an Environmentally Sensitive Habitat Area (ESHA) and requires its protection, including requiring the selection of the least environmentally damaging alternative for bridges located within ESHA setbacks (including LCP ESHA Policies 1, 2, 3, 7, 12, 16, 17, 18, 20, 21, 22, 25, 26, 27, 28, 29, 30, 38, Coastal Zone Land Use Ordinance (CZLUO) Sections 23.07.170 - 23.07.178, and Area Plan SRA Standard #1). The approved project locates development within and adjacent to this ESHA, and it appears that the approved project lacks adequate measures to avoid impacts and significant disruptions to creek resources as required by the LCP, including selection of a less environmentally damaging alternative (for example, design options that limit rock and abutment development in and adjacent to the creek).

With respect to alternatives specifically, the LCP includes a specific standard for new bridges. The construction of new bridges are only allowed within required ESHA setbacks after an alternatives analysis has been completed, and only when the alternatives analysis concludes that a feasible and less environmentally damaging alternative does not exist (CZLUO Section 23.07.170d). The approved project appears to be inconsistent with this requirement because it appears that alternative bridge siting and design options are feasible and less environmentally damaging.

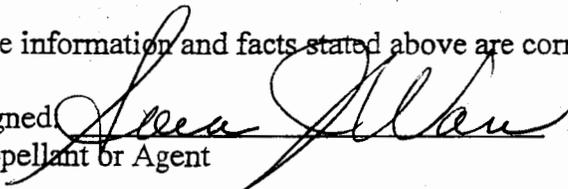
In sum, the approved project does not meet minimum LCP requirements for protecting and enhancing ESHA/San Simeon Creek, and meeting such standards may be feasible through an alternative less-environmentally damaging bridge design and location (including such potential options as replicating the one lane bridges that exist today). Such alternatives would appear to lessen impacts to the scenic and rural character of the area. These issues warrant a further analysis and review of the project by the Coastal Commission.

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.)

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: November 13, 2007

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

Signed: _____

Date: _____

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.)

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

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

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Appellant or Agent

Date: November 13, 2007

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

Signed: _____

Date: _____

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060-4508
 VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Santa Lucia Chapter of the Sierra Club

Mailing Address: PO Box 15755

City: San Luis Obispo

Zip Code: 93406

Phone: (805) 543-8717

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of San Luis Obispo

2. Brief description of development being appealed:

San Simeon Creek Road Bridge Replacement Project

3. Development's location (street address, assessor's parcel no., cross street, etc.):

CalTrans Bridge #'s 49C-252, 49C-101, San Simeon Creek Rd., Cambria

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

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CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-07-059

DATE FILED: November 13, 2007

DISTRICT: Central Coast

CCC Exhibit 4
(page 7 **of** 12 **pages)**

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

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

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 10-2-07 (date of vote)

7. Local government's file number (if any): DRC2005-00273

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:

County of San Luis Obispo - Public Works Dept.
County Government Center
1050 Monterey Street
San Luis Obispo CA 93408

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

(1) LandWatch of SLO County
P.O. Box 174
Cambria, CA 93428

(2) Cynthia Hawley
P. O. Box 29
Cambria, California 93428

(3) Jon Pedotti
2222 San Simeon Creek Rd
Cambria, CA 93428

(4)

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

SECTION IV. Reasons Supporting This Appeal

PLEASE 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.
- 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.)
- This 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.

The project does not conform with provisions of Coastal Zone Land Use Ordinance 23.07.170-23.07.178 inclusive -- Environmentally Sensitive Habitats, Wetlands, Streams & Riparian Vegetation, Terrestrial Habitat Protection, and Marine Habitats.

It entails the construction of a pair of out-of-scale bridges inside setbacks for wetlands and ESHA, on a rural country road, requiring the removal of 23 mature trees that are a part of the character of the area, and is otherwise destructive of visual and scenic resources. Per the USFWS biological opinion, this project means: "A total of 2 acres of riverine, annual grassland, riparian, and coastal scrub habitat would be permanently lost."

County's alternatives analysis appears inadequate. In presuming to comply with Title 23.07.172(A) Permitted Uses Within Wetland Setbacks: "...limited to...bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that (i) Alternative routes are infeasible or more environmentally damaging," nowhere does the County demonstrate infeasibility or greater damage resulting from a narrower span on the existing alignment. This indicates that the County restricted its alternatives analysis to the sole bridge type that they believed would qualify for primary funding from the Federal Highway Administration: A span with a minimum width of 26 feet.

The need for bridges of this width is based on an estimate of future land use and traffic generation trends that appears to be artificially inflated and based on inadequate traffic counts that counted traffic with destinations between Highway One and the first bridge, a large percentage of which likely never crossed either bridge. The County's projected 2.3 percent growth rate would result in a traffic projection significantly lower than the projected 400ADT.

Erosion and sedimentation plans are deferred until after project approval and will be reviewed and approved after-the-fact by staff without public participation. These are critical plans for San Simeon Creek and for downstream species and uses including the estuary habitat and species (hence non-conformity with CZLUO 23.07.178 Marine Habitats). For protection of ESHA and coastal resources and analysis of the adequacy of mitigation measures, these plans need to be reviewed and approved in a public forum for land use decision making.

The Project is inconsistent with Coastal Policy 4, Visual and Scenic Resources - New Development in Rural Areas: New development shall be sited to minimize visibility from public view corridors.

The County has argued that highway-grade bridges, twice the width of the current spans and nearly twice

the width of the roadway, in a 7 1/2-mile, partially paved road that ends at a locked gate, will "not be inconsistent with the character of the immediate neighborhood." (FINDINGS- Exhibit A, paragraph E).

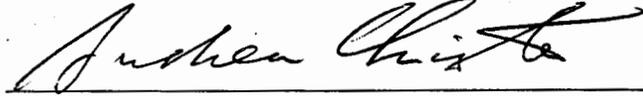
County Planning Staff's finding that the "bridge has been designed to blend with the rural character of the area" is contradicted by the County's URS Visual Impact Assessment, which attempts to justify the more than doubled width of the current bridges but did not go so far as to say the bridges will blend in.

The dimensions of the bridges are ignored in the URS Visual Impact Mitigation Measures, which do not attempt to address how one would mitigate the change in visual character represented by a bridge more than twice the width of the one its replacing. This allows the report to conclude that the project's impacts to visual resources are less than significant despite the fact that visual impacts in 3 of the 6 key views listed were found to be "Moderate to High" or "High." The visual impact report appears not to heed its own notation that the California Coastal Act requires that "development must be compatible with the character of its surroundings and...in highly scenic areas, is required to be subordinate to its setting."

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date: 11/09/07

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

Section VI. Agent Authorization

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

Signature of Appellant(s)

Date: _____



**SIERRA
CLUB**
FOUNDED 1892

Santa Lucia Chapter
P.O. Box 15755
San Luis Obispo, CA 93406
(805) 543-8717
www.santalucia.sierraclub.org

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NOV 13 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

VIA FAX AND MAIL

Nov. 9, 2007

California Coastal Commission
Central Coast District Office
725 Front St., Suite 300
Santa Cruz, CA 95060-4508

Re: Appeal of San Simeon Creek Rd. Bridge Replacement Project, SLO County

Dear Sirs,

Please list the following as a co-appellant with the Santa Lucia Chapter of the Sierra Club on the attached appeal:

Land Watch of SLO County
P.O. Box 174
Cambria, CA 93428

Sincerely,

Andrew Christie
Chapter Director

CCC Exhibit 4
(page 12 of 12 pages)

Applicable LCP Policies

Visual and Scenic Resource Policies

Policy 1: Protection of Visual and Scenic Resources Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 2: Site Selection for New Development Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 4: New Development in Rural Areas New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views. New land divisions whose only building site would be on a highly visible slope or ridgetop shall be prohibited. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.04.021 OF THE CZLUO.]

Policy 7: Preservation of Trees and Native Vegetation The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.05.064 OF THE CZLUO.]

Environmentally Sensitive Habitat Areas

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 within the area. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]

Policy 2: Permit Requirement. As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where

appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

Policy 3: Habitat Restoration. The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170 OF THE CZLUO.]

Policy 7: Protection of Environmentally Sensitive Habitats. Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]

Policy 12: State Department of Fish and Game Review. The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 16: Adjacent Development. Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 17: Wetland Buffer In new development, a buffer strip shall be required and maintained in natural condition along the periphery of all wetlands. This shall be a minimum of 100 feet in width measured from the upland extent of the wetland unless a more detailed requirement for a greater or lesser amount is included in the LUE or the LUO would allow for adjustment to recognize the constraints which the minimum buffer would impose upon existing subdivided lots.

If a project involves substantial improvements or increased human impacts, necessitating a wide buffer area, it shall be limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges, and roads when it can be demonstrated that: a) alternative routes are infeasible or more environmentally damaging, and b) the adverse environmental effects are mitigated to the maximum extent feasible. Access paths and/or fences necessary to protect habitats may also be permitted.

The minimum buffer strip may be adjusted by the county if the minimum setback standard would render the parcel physically unusable for the principal permitted use. To allow a reduction in the minimum standard set-back, it must be found that the development cannot be designed to provide for the standard. When such reductions are permitted, the minimum standard shall be reduced to only the point at which the principal permitted use (development), modified as much as is practical from a design standpoint, can be accommodated. At no point shall this buffer be less than 25 feet. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 18: Wetland Buffers Less than 100 Feet For buffers less than 100 feet as established consistent with Policy 15 (above) mitigation measures to ensure wetland protection shall be required, and shall include (where applicable) vegetative screening, landscaping with native vegetation, drainage controls and other such measures. When the minimum buffer strip is adjusted by the county, it shall be done on a case-by-case basis only after the investigation of the following factors:

- a. Soil type and stability of development site, including susceptibility to erosion.
- b. Slope of land adjacent to the wetland and the ability to use natural topographic features to locate development.
- c. Types and amount of vegetation and its value as wildlife habitat including: 1) the biological significance of the adjacent lands in maintaining the functional capacity of the wetland, and 2) the sensitivity of the species to disturbance.
- d. Type and intensity of proposed uses.
- e. Lot size and configuration, and the location of existing development. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.172 OF THE CZLUO.]

Policy 20: Coastal Streams and Riparian Vegetation Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 21: Development in or Adjacent to a Coastal Stream Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 22: Fish and Game Review of Streambed Alterations. Significant streambed alterations require the issuance of a California Department of Fish and Game 1601-1603 agreement. The Department should provide guidelines on what constitutes significant streambed alterations so that the county and applicants are aware of what is considered a "significant" streambed alteration. In addition, streambed alterations may also require a permit from the U.S. Army Corp of Engineers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 25: Streambed Alterations. Channelizations, dams or other substantial alterations of rivers and streams shall be limited to: a) necessary water supply projects, b) flood control projects when there are no other feasible methods for protecting existing structures in the flood plain and where such protection is necessary for public safety or to protect existing development, and c) development where the purpose is to improve fish and wildlife habitat. All projects must employ the best feasible mitigation measures. Maintenance and flood control facilities shall require a coastal development permit. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 26: Riparian Vegetation. Cutting or alteration of naturally occurring vegetation that protects riparian habitat is not permitted except for permitted streambed alterations (defined in Policy 23) and where no feasible alternative exists or an issue of public safety exists. This policy does not apply to agricultural use of land where expanding vegetation

is encroaching on established agricultural uses. Minor incidental public works project may also be permitted where no feasible alternative exists including but not limited to utility lines, pipelines, driveways and roads. Riparian vegetation shall not be removed to increase agricultural acreage unless it is demonstrated that no impairment of the functional capacity of the habitat will occur. Where permitted, such actions must not cause significant stream bank erosion, have a detrimental effect on water quality or quantity, or impair the wildlife habitat values of the area. This must be in accordance with the necessary permits required by Sections 1601 and 1603 of the California Fish and Game Code. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 27: Stream Diversion Structures Stream diversion structures on streams appearing as dotted or dash lines on the largest scale U.S.G.S. quadrangle maps shall be sited and designed to not impede up and downstream movement of native fish or to reduce stream flows to a level which would significantly affect the biological productivity of the fish and other stream organisms. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 28: Buffer Zone for Riparian Habitats In rural areas (outside the USL) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational or existing nonstructural agricultural developments in accordance with adopted best management practices. Other uses that may be found appropriate are limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible. Lesser setbacks on existing parcels may be permitted if application of the minimum setback standard would render the parcel physically unusable for the principal permitted use. In allowing a reduction in the minimum setbacks, they shall be reduced only to the point at which a principal permitted use (as modified as much as is practical from a design standpoint) can be accommodated. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.174 OF THE CZLUO.]

Policy 29: Protection of Terrestrial Habitats Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.

Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.176 OF THE CZLUO.]

Policy 30: Protection of Native Vegetation Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.176 OF THE CZLUO.]

Policy 38: Protection of Kelp Beds, Offshore Rocks, Rocky Points, Reefs and Intertidal Areas Uses shall be restricted to recreation, education and commercial fishing. Adjacent development shall be sited and designed to mitigate impacts that would be incompatible with the continuance of such habitat areas. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

CZLUO 23.07.170 - Environmentally Sensitive Habitats:

The provisions of this section apply to development proposed within or adjacent to (within 100 feet of the boundary of) an Environmentally Sensitive Habitat as defined by Chapter 23.11 of this title and as mapped by the Land Use Element combining designation maps.

a. Application content. A land use permit application for a project on a site located within or adjacent to an Environmentally Sensitive Habitat shall also include a report by a biologist approved by the Environmental Coordinator that:

- (1) Evaluates the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures.
- (2) Recommends conditions of approval for the restoration of damaged habitats, where feasible.
- (3) Evaluates development proposed adjacent to environmentally sensitive habitats to identify significant negative impacts from noise, sediment and other potential disturbances that may become evident during project review.
- (4) Identifies the biological constraints that need to be addressed in designing development that would first avoid, then minimize impacts to ESHA. These identified constraints will be used by the County to evaluate, and require implementation of project design alternatives that result in impacts to ESHA being avoided and unavoidable impacts minimized. This shall also include assessment of impacts that may result from the application of fire safety requirements.
- (5) Verifies that applicable setbacks from the habitat area required by Sections 23.07.170 to 23.07.178 are adequate to protect the habitat or recommends greater, more appropriate setbacks.
- (6) Critically evaluate "after-the-fact" permit applications where unpermitted development has illegally encroached into setback areas before off-site mitigation is considered. Evaluate all options of restoring and enhancing the pre-existing on-site habitat values. Off-site mitigation should be an additional requirement where necessary to offset the temporary impacts of the violation and address the potential for restoration efforts to fail.

23.07.170 - 172

b. Required findings: Approval of a land use permit for a project within or adjacent to an Environmentally Sensitive Habitat shall not occur unless the applicable review body first finds that:

- (1) There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
- (2) The proposed use will not significantly disrupt the habitat.

c. Land divisions: No division of a parcel containing an Environmentally Sensitive Habitat shall be permitted unless all proposed building sites are located entirely outside of the applicable minimum setback required by Sections 23.07.172 through 23.07.178. Such building sites shall be designated on the recorded subdivision map.

d. Alternatives analysis required. Construction of new, improved, or expanded roads, bridges and other crossings will only be allowed within required setbacks after an alternatives analysis has been completed. The alternatives analysis shall examine at least two other feasible locations with the goal of locating the least environmentally damaging alternative. The bridge or road may be allowed in the proposed location when accompanied by all feasible mitigation measures to avoid and/or minimize adverse environmental effects, only when the alternatives analysis concludes that a feasible and less-environmentally damaging alternative does not exist. If however, the alternatives analysis concludes that a feasible and less-environmentally damaging alternative does exist, that alternative shall be used and any existing bridge or road within the setback shall be removed and the total area of disturbance restored to natural topography and vegetation.

e. Development standards for environmentally sensitive habitats:

(1) New development within or adjacent to the habitat shall not significantly disrupt the resource.

(2) New development within the habitat shall be limited to those uses that are dependent upon the resource.

(3) Where feasible, damaged habitats shall be restored as a condition of development approval.

(4) Development shall be consistent with the biological continuance of the habitat.

(5) Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034c (Grading Standards.)

23.07.172 - Wetlands.

Development proposed within or adjacent to (within 100 feet of the upland extent of) a wetland area shown on the Environmentally Sensitive Habitat Maps shall satisfy the requirements of this section to enable issuance of a land use or construction permit. These provisions are intended to maintain the natural ecological functioning and productivity of wetlands and estuaries and where feasible, to support restoration of degraded wetlands.

a. Location of development: Development shall be located as far away from the wetland as feasible, provided that other habitat values on the site are not thereby more adversely affected.

b. Principle Permitted Uses in wetlands: Hunting, fishing, wildlife management, education and research projects.

c. Department of Fish and Game review. The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design.

d. Wetland setbacks: New development shall be located a minimum of 100 feet from the upland extent of all wetlands, except as provided by subsection d(2). If the biological report required by Section 23.07.170 (Application Content) determines that such setback will provide an insufficient buffer from the wetland area, and the applicable approval body cannot make the finding required by Section 23.07.170b, then a greater setback may be required.

(1) Permitted uses within wetland setbacks: Within the required setback buffer, permitted uses are limited to passive recreation, educational, existing non-structural agricultural

development in accordance with best management practices, utility lines, pipelines, drainage and flood control of facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that:

- (i) Alternative routes are infeasible or more environmentally damaging.
 - (ii) Adverse environmental effects are mitigated to the maximum extent feasible.
- (2) Wetland setback adjustment: The minimum wetland setback may be adjusted through Minor Use Permit approval (but in no case shall be less than 25 feet), provided that the following findings can be made:
- (i) The site would be physically unusable for the principal permitted use unless the setback is reduced.
 - (ii) The reduction is the minimum that would enable a principal permitted use to be established on the site after all practical design modifications have been considered.
 - (iii) That the adjustment would not allow the proposed development to locate closer to the wetland than allowed by using the stringline setback method pursuant to Section 23.04.118a of this title.
- (3) Requirements for wetland setback adjustment: Setbacks established that are less than 100 feet consistent with this section shall include mitigation measures to ensure wetland protection. Where applicable, they shall include landscaping, screening with native vegetation and drainage controls. The adjustment shall not be approved until the approval body considers the following:
- (i) Site soil types and their susceptibility to erosion.
 - (ii) A review of the topographic features of the site to determine if the project design and site location has taken full advantage of natural terrain features to minimize impacts on the wetland.
 - (iii) The biologists report required by Section 23.07.170 shall evaluate the setback reduction request and identify the types and amount of vegetation on the site and its value as wildlife habitat in maintaining the functional capacity of the wetland.
 - (iv) Type and intensity of proposed development.
 - (v) Lot size and configuration and location of existing development.

e. Site development standards:

- (1) Diking, dredging or filling of wetlands: Diking, dredging or filling activities in wetland areas under county jurisdiction shall be allowed only to the extent that they are consistent with Environmentally Sensitive Habitats Policy 11 of the Local Coastal Plan and shall not be conducted without the property owner first securing approval of all permits required by this title.
- (2) Vehicle traffic: Vehicle traffic from public roads shall be prevented from entering wetlands by vehicular barriers, except where a coastal accessway is constructed and designated parking and travel lanes are provided consistent with this title. The type of barrier and its proposed location shall be identified in the materials accompanying an application for a land use permit and must be approved by the Planning Director before permit issuance to insure that it will not restrict local and state agencies or the property owner from completing the actions necessary to accomplish a permitted use within the wetland.
- (3) Open space easement required: A land use or construction permit for a structure larger than 1000 square feet in floor area shall not be approved on a parcel of one acre or larger that contains a wetland, unless the property owner first grants the county or an approved land trust an open space easement or fee title dedication of all portions of the site not proposed for development, as well as the entire wetland.

23.07.174 - Streams and Riparian Vegetation:

Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

a. Development adjacent to a coastal stream. Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.

b. Limitation on streambed alteration: Channelization, dams or other substantial alteration of stream channels are limited to:

(1) Necessary water supply projects, provided that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional capacity of streams, wetlands, estuaries and lakes. (A "necessary" water project is a project that is essential to protecting and/or maintaining public drinking water supplies, or to accommodate a principally permitted use as shown on Coastal Table "O" where there are no feasible alternatives.

(2) Flood control projects, including maintenance of existing flood control channels, where such protection is necessary for public safety or to protect existing commercial or residential structures, when no feasible alternative to streambed alteration is available;

(3) Construction of improvements to fish and wildlife habitat;

Streambed alterations shall not be conducted unless all applicable provisions of this title are met and if applicable, permit approval from the California Department of Fish and Game, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and California State Water Resources Control Board. In addition, every streambed alteration conducted pursuant to this title shall employ the best mitigation measures where feasible, including but not limited to:

a. Avoiding the construction of hard bottoms;

b. Using box culverts with natural beds rather than closed culverts to provide for better wildlife movement; and

c. Pursuing directional drilling for pipes, cables, and conduits to avoid surface streambed disturbance.

c. Stream diversion structures: Structures that divert all or a portion of streamflow for any purpose, except for agricultural stock ponds with a capacity less than 10 acre-feet, shall be designed and located to not impede the movement of native fish or to reduce streamflow to a level that would significantly affect the production of fish and other stream organisms.

d. Riparian setbacks: New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this setback shall be a minimum of 50 feet. In the rural areas (outside the URL) this setback shall be a minimum of 100 feet. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration. These setback requirements do not apply to non-structural agricultural developments that incorporate adopted nest management practices in accordance with LUP Policy 26 for Environmentally Sensitive Habitats.

(1) Permitted uses within the setback: Permitted uses are limited to those specified in Section 23.07.172d(1) (for wetland setbacks), provided that the findings required by that section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses.

All permitted development in or adjacent to streams, wetlands, and other aquatic habitats shall be designed and/or conditioned to prevent loss or disruption of the habitat,

protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures to be provided include, but are not limited to:

(i) Flood control and other necessary instream work should be implemented in a manner than minimizes disturbance of natural drainage courses and vegetation.

(ii) Drainage control methods should be incorporated into projects in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.

(2) Riparian habitat setback adjustment: The minimum riparian setback may be adjusted through Minor Use Permit approval, but in no case shall structures be allowed closer than 10 feet from a stream bank, and provided the following findings can first be made:

(i) Alternative locations and routes are infeasible or more environmentally damaging; and

(ii) Adverse environmental effects are mitigated to the maximum extent feasible; and

(iii) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and

(iv) The adjustment is the minimum that would allow for the establishment of a principal permitted use.

e. Alteration of riparian vegetation: Cutting or alteration of natural riparian vegetation that functions as a portion of, or protects, a riparian habitat shall not be permitted except:

(1) For streambed alterations allowed by subsections a and b above;

(2) Where an issue of public safety exists;

(3) Where expanding vegetation is encroaching on established agricultural uses;

(4) Minor public works projects, including but not limited to utility lines, pipelines, driveways and roads, where the Planning Director determines no feasible alternative exists;

(5) To increase agricultural acreage provided that such vegetation clearance will:

(i) Not impair the functional capacity of the habitat;

(ii) Not cause significant streambank erosion;

(iii) Not have a detrimental effect on water quality or quantity;

(iv) Be in accordance with applicable permits required by the Department of Fish and Game.

(6) To locate a principally permitted use on an existing lot of record where no feasible alternative exists and the findings of Section 23.07.174d(2) can be made.

23.07.176 - Terrestrial Habitat Protection:

The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.

a. Protection of vegetation. Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.

b. Terrestrial habitat development standards:

(1) Revegetation. Native plants shall be used where vegetation is removed.

(2) Area of disturbance. The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect the surrounding native habitat areas.

(3) Trails. Any pedestrian or equestrian trails through the habitat shall be shown on the site plan and marked on the site. The biologist's evaluation required by Section 23.07.170a shall also include a review of impacts on the habitat that may be associated with trails.

Agriculture

Policy 1: Maintaining Agricultural Lands Prime agricultural land shall be maintained, in or available for, agricultural production unless: 1) agricultural use is already severely limited by conflicts with urban uses; or 2) adequate public services are available to serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary; and 3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.

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

All prime agricultural lands and other (non-prime) lands suitable for agriculture are designated in the land use element as Agriculture unless agricultural use is already limited by conflicts with urban uses.

Permitted Uses on Prime Agricultural Lands. Principal permitted and allowable uses on prime agricultural lands are designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on the prime agricultural soils, that the least amount of prime soil possible is converted and that the use will not conflict with surrounding agricultural lands and uses.

Permitted Uses on Non-Prime Agricultural Lands. Principal permitted and allowable uses on non-prime agricultural lands are designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on non-agricultural soils, that the least amount on non-prime land possible is converted and that the use will not conflict with surrounding agricultural lands and uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Archaeology

Policy 1: Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Identification of Archaeological Sites. The county shall establish and maintain archaeological site records of data files about known sites. These sensitive areas shall be defined as follows:

-Within rural areas, the county maintains on file a parcel number list of known sites as prepared and updated by the California Archaeological Site Survey Office.

-Within urban areas, the county shall maintain maps in the Land Use Element (combining designation) which reflect generalized areas of known sites. These maps shall be prepared by the California Archaeological Site Survey Regional Office. Specific archaeological site information shall be treated as confidential to protect the archaeological resources. Development within an archaeological sensitive areas shall not occur until a preliminary site survey is conducted for the site, and if necessary, mitigation measures implemented. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE COASTAL ZONE LAND USE ORDINANCE.]

Early information on sensitive sites where new development is anticipated can be used to design and locate structures and site alterations to eliminate impacts. A preliminary archaeological survey can also help facilitate the timing of construction: if there is no evidence of the potential existence of archaeological resources, construction can commence; if the preliminary survey does indicate the presence of archaeological resources, mitigation measures can be designed into the development.

Early identification can save both time and money for the applicant. Concerns have been raised by previous applicants about the expense and time-consuming delay if a project is stopped. Work crews, equipment and capital remain suspended until mitigation measures are drafted. Although all construction must cease if a site is discovered during any phase of construction, a preliminary survey can usually determine the potential extent of resources and thus avert unnecessary delays through an appropriate mitigation plan.

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas. Development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction
Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:

- a. Project redesign could reduce adverse impacts of the project through relocation of open space, landscaping or parking facilities.
- b. Preservation of an archaeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact. This surface can then be used for building that does not require extensive foundations or removal of all topsoil.
- c. When a project impact cannot be avoided, it may be necessary to conduct a salvage operation. This is usually a last resort alternative because excavation, even under the best conditions, is limited by time, costs and technology. Where the chosen mitigation measure necessitates removal of archaeological resources, the county shall require the evaluation and proper deposition of the findings based on consultation with a qualified archaeologist knowledgeable in the Chumash culture.

d. A qualified archaeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.05.140 AND 23.07.106 OF THE CZLUO.]

Definitions - CZLUO 23.11.030

Feasible. Capable of being accomplished in a successful manner within reasonable period of time, taking into account economic, environmental, social and technological factors.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

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OCT 29 2008

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

October 29, 2008

Mr. Charles Lester, Senior Deputy Director
 California Coastal Commission
 Central Coast Division Office
 725 Front Street, Suite 300
 Santa Cruz, CA 95060-4508

Subject: San Simeon Creek Road Bridge; Project Appeal
 Additional Project Information

Dear Mr. Lester:

Thank you for helping to organize the meeting on Monday in Watsonville with San Luis Obispo County Supervisor Bruce Gibson, Coastal Commission Executive Director Peter Douglas, and the rest of us. I found the meeting productive in covering various topics and projects; especially with regard to the bridge projects on San Simeon Creek Road (Projects), it provided clarity to me on issues of appeal as well as approaches to project scoping within the Coastal Zone.

This correspondence is intended as a follow up to our Watsonville meeting and subsequent email correspondence between Mark Hutchinson, Environmental Division Manager for the San Luis Obispo County Public Works Department (PWD) and Dan Carl, Coastal Planner for the California Coastal Commission (CCC). It may be relevant to also note that the Projects' engineers and management within the PWD have changed during the Projects' appeal period for the Coastal Development Permit (CDP), and consequently, our primary goal at this time is to review the Project's facts and circumstances and to objectively evaluate our predecessors' actions and determinations.

The following is a list of individuals and titles who currently fill positions directly associated with the Projects' management, all of whom are available to address project issues.

Cori Marsalek PE, Bridge Programs Manager (805) 781-4995 cmarsalek@co.slo.ca.us
 Jeff Werst PE, Design Division Engineer (805) 781-4480 jwerst@co.slo.ca.us
 Dave Flynn PE, PWD Deputy Director (CIP) (805) 781-4462 dflynn@co.slo.ca.us

In addition, to formalize the status of the designee responsible for considering design exceptions, I clarified with PWD staff after our meeting that Dave Flynn is the individual with that authority. I am mandated to delegate that authority to a Registered Civil Engineer,

Exhibit 6

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licensed by the State of California, and since Dave is appropriately licensed and the PWD Deputy Director responsible for Capital Improvement Projects (CIP), the designation appropriately rests with him.

Design Exceptions – Federal Highway Bridge Program

The Public Works Department concurs that design exceptions are possible under the Federal Highway Bridge (FHB) program. Indeed, a number of exceptions were approved by our predecessors and incorporated into the Projects’ proposed design. The following design exceptions were approved for the Projects to reduce impacts to agricultural and cultural resources:

- County standard design speed was reduced from 30 mph to 20 mph. The operational speed in the vicinity of the Projects is low due to small radius curves, therefore justifying a reduced design speed.
- County standard roadway cross-sections width approaching the bridges was reduced from 14 foot paved lanes to 13 foot paved lanes to match the minimum bridge width specified by existing standards.
- The County standard stopping sight distance was reduced to allow the bridge rail on the inside of the curve (Bridge #1) to avoid impacts to cultural and archeological resources and to avoid the construction of obstructions in the creek bed.

We believe these exceptions indicate that the prior team was working to scope and design the Projects with the least environmentally damaging feasible alternative without compromising road safety or operations.

At this time, in order to address the question of whether additional design exceptions should have been more fully considered and approved, the following includes a two-part reply regarding (1) the basis for approving design exceptions and (2) the applicability of standards to the Projects.

At heart is whether the bridges should remain “in-kind” one lane bridges, or not. Secondly, if two-lane bridges, whether they should be 26 feet wide or 24 feet wide is also addressed.

1. Basis for Approving Design Exceptions

For road related projects, the minimum applicable national standard is AASHTO’s “A Policy on Geometric Design of Highways and Streets” (Green Book). The minimum applicable State standards are based on CalFire standards Code Section 503.2.1, which have also been adopted by the County Board of Supervisors. The applicable standards for the width of the traveled way are:

Standard	< 400 ADT*	≥ 400 ADT
AASHTO	18'	20'
CalFire	20'	20'
County of SLO	20'	22'

*ADT = Average Daily Traffic

CCC Exhibit 6
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Bridge widths, as stated, are measured from inside the bridge railing. Railing requires approximately three feet on the overall constructed width (outside dimensions) of the bridge.

In considering design exceptions, care must be taken to not then design non-standard facilities which may result in a negligent design, putting the County and County staff at risk of liability. Falling below these standards raises questions regarding the standard of care used by engineers in designing such facilities. Consequently, an objective rationale needs to be stated as to why the standard cannot be met.

California Government Code Section 830.6 establishes design immunity for agencies. The design is approved in accordance with adopted standards and any design exceptions have documented justification and signed by the agency engineer that the plan provides a reasonable design not creating a dangerous condition. Of particular importance is language which essentially requires public agencies to improve non-standard facilities (such as the San Simeon Road Bridges) up to current standards. Consequently, "in-kind" design and replacement by the County would conflict with the requirements of this section for public agency and employee design immunity.

Government Code Section 835(b) further defines agency liability if it develops a design which creates a reasonably foreseeable risk of a dangerous condition. These conditions would involve inadequate design for vehicular use. The agency, project engineer, and chief engineer approving the design exception are then at risk on their professional license, code of ethics, and legal liability to the design. Business and Professions Code Section 6730 seeks to safeguard life, health, property and public welfare by assuring these decisions are performed by registered civil engineers.

2. Applicability of Standards

Basic Traveled Way:

For the San Simeon Creek Road bridges, the appropriate applicable standards are those established through CalFire, which requires a minimum 20 foot roadway. The minimum road width is dictated by vehicle passage for emergency conditions such as fire.

Creating a bridge with less than two lanes would result in bottlenecks on the roadway and in the event of wildfire would constitute a dangerous condition because of conflicts between emergency response vehicles and those who are evacuating the area. Therefore, a public agency could not justify a design exception.

Shoulder Width:

Evaluating the average daily traffic volume is the basis for determining shoulder width. The shoulder width is defined under criteria for average daily traffic which in the development of the project has been determined to have a future volume over 400 vehicles per day, assuming additional agricultural use. Our April 30, 2008 letter included the detailed analysis on the volume determination. Considering a less

conservative analysis would establish an expected volume of 330 vehicles per day which would not include consideration of any additional agricultural use on the road. The analysis done to date would demonstrate the likelihood traffic volumes would be above 400 vehicles a day from which the bridge width is defined.

While we believe future traffic volume above 400 ADT is appropriate, we recognize this analysis is the least precise and conditions established "by some other body... exercising discretionary authority" (within the context of G.C. 830.6) requiring reduction of the shoulder to two feet (reducing bridge width from 26' to 24') would not create a substantial risk of injury impairing the safety, operation and use of the bridges.

In conclusion, our office would seek to have approved the 26 foot bridge width, as designed, since it meets applicable standards and does not create any additional environmental impacts than a reduced 24 foot bridge.

Project Approach/Environmental Analysis

The overall approach to the Projects involved applying the requirements of the HBR program in the manner specified by the County's LCP. The HBR program requires identification of the project's design goals (e.g., traffic standards, waterway capacity, safety elements) and then developing various environmental technical reports (Natural Environment Study, Historical/Cultural Studies, Hydraulic Studies, etc.) in order to evaluate a project's environmental impacts. Given the clear LCP requirements to conduct an alternatives analysis and select the least environmentally damaging feasible alternative, we used the HBR studies to first identify the coastal resources that could be affected by the project and secondly to determine which of several project alignments would produce the fewest impacts. Because the LCP definition of "feasible" includes economic, social and technological factors in addition to environmental factors, we dealt only with alternatives that met the applicable public road standards, concluding that other alternatives would not be feasible under the "technological" and "social" categories in the definition.

In replying to Dan Carl's e-mail from October 21, 2008 the following is structured in Question and Answer format:

- A) "If the starting point was replacing the bridges "in-kind", and one was tasked with constructing one-lane bridges in the same alignment, and was tasked with avoiding rip-rap in ESHA and spanning the creek channel with the bridges, how could that be accomplished"**

We find this question challenging because of the lead-in "if the starting point was replacing the bridges "in-kind." The LCP standard is developing a project with the "least environmentally damaging feasible alternative." Consequently, after considering design standards and appropriate design exceptions, the conclusion that two-lane bridges are warranted then compels an evaluation of whether the existing locations and alignments continue to be appropriate. The evaluation of biological, cultural and agricultural resources indicated alignment modifications.

The rip-rap in ESHA concern is important in that we believe, based on recent experience on similar projects, that the loss of streamside habitat from the placement of rip-rap is a temporary impact, and that the end result is a stream bank that provides better quality habitat and improved water quality over current "natural" conditions. The existing banks, composed almost entirely of sedimentary deposits, show signs of substantial erosion and sedimentation of the stream. Examples of vegetated rip-rap on Santa Rosa Creek at Main Street in Cambria and several upstream sites, as well as the bridge replacement project on Toro Creek, illustrate that un-grouted rip-rap can be successfully revegetated with riparian plant species. Alternatives to rip-rap would be problematic at both bridge sites.

B) "Can caisson-style supports embedded inland of the creek bed be used?"

The bridge abutments are in fact currently designed to be founded on deep pilings or caissons but do not eliminate the need for rip-rap. In the absence of rip-rap, high stream flows could expose these foundations which would warrant installing the foundations farther back from the creek banks. This, however, would result in a much longer structure and would impact the agricultural and cultural resources which we are trying to avoid. In addition, the approach roadways would likely be lost, being subject to both high flows and the scour action of the water flowing around the exposed bridge supports. Consequently, the bridges would not be passable because the approach roadway would be eroded into the stream. The rip-rap protects the bridge footings from scour, which in turn protects the road approaches from being washed away.

C) "Could temporary access (during construction) feasibly be provided through the dry creek bed to avoid impacts from two bridges at each crossing (i.e., one construction temp and one new)?"

Yes, We have successfully accommodated earth fill detours on projects at both Toro Creek and Chorro Creek without incurring any substantial long-term impacts at either creek.

However, designing the replacement bridges to minimize environmental impacts at these two locations resulted in a revised horizontal alignment which allows utilization of the existing bridges as a detour during construction, thereby avoiding the need to disturb the channel for temporary detour of traffic during construction.

D) "How could use of the temporary access be limited, including limiting the time period for replacing bridges (e.g., by "dropping" pre-constructed bridges in place, using "extension" bridges like Bridge 2, other options, etc.)?"

The construction window of roughly late June to mid-November is tight, but can be accomplished without resorting to more extraordinary measures such as pre-fabricating bridges or placing temporary bridges as detours. I should note that we have seriously discussed using various pre-fabricated bridge elements on other projects that have had similar time constraints. Typically the construction equipment necessary to move the pre-fabricated components presents its own set of impacts that outweighs any advantages. Due to the proposed spans, any pre-cast unit type would be at the maximum limit that could practicably be constructed. Due to the length, they

would require construction on site in the roadway. Specialized cranes would need to be mobilized to install such large spans in a short timeframe. As a rough cost guideline, we would expect that this would drive up construction costs by two and half times the proposed bridge replacement costs.

E) "What would be the expected construction duration?"

The expected duration of construction for the Projects is approximately 9 months.

F) At a very fundamental level, we would be interested in the County's thoughts on what some variation of that alternative would look like, including identification of the associated challenges."

It would be a significantly longer bridge (20-30%), have higher elevations, it's challenges would be that its impacts would be greater, and it would not be the least environmentally damaging feasible project.

In our follow-up telephone conference call on October 27, 2008, we also discussed the timing to proceed to construction. Originally our office had sought Coastal Development Permit 2007 in anticipation of a possible summer 2008 bridge construction or at least 2009 construction. The project sill requires right of way to be acquired as well as approval of construction funding from Caltrans. These actions typically require 9 – 12 months. If the Commission acts on the appeal we would expect construction to commence in 2010.

History of San Simeon Creek Road/Access to Public Lands

San Simeon Creek Road (then County Road 22) was created in the 1870's through the Viewer's Act system. In June 1871, the report of the viewers, for this road from Cambria up San Simeon Creek Canyon and over the mountain to the Monterey County line, was accepted by the Board of Supervisors and declared to be a public highway open for public use.

The south portion of the road from the ocean up the canyon to near the ridgeline has apparently been in use somewhat continuously since the road was created. The north portion of the road from the Nacimiento River to the county line may have been used at times but little of it remains. The portion of the road from near the ridgeline to the Nacimiento River does not exist today and there is speculation in the road file that it was never constructed. The portion of the road that crosses the Nacimiento River has been inundated by Lake Nacimiento since its creation in 1956.

In about 1972 a property owner constructed a gate across the road near the south line of Section 19 T26S R9E, which is near the northerly extent of the road up San Simeon Creek Canyon. The placement of the gate was questioned by neighbors and was considered by the Board of Supervisors in September 1974. On September 10, 1974 the Board of Supervisors passed Resolution 74-518 which allowed the locked gate to remain in place.

Although County Road 22 was created as a public highway from Cambria to the north county line and there is no record of the public easement being abandoned, the physical road only continues within the easement for a few hundred feet past the gate. After leaving the easement, the road continues northerly on private property, roughly parallel to the easement,

for about a half mile. At that point, the road ends in the northerly direction and splits into truck trails. There is a "Y" in the road with the left branch going westerly towards Rocky Butte and the Hearst Ranch. The right branch at the "Y" goes easterly towards Lime Mountain and connects eventually to Chimney Rock Road. There are no public easements for the truck trails; they are used only for access by private property owners, by CalFire for emergency access, and by the County and others for accessing communication towers and other facilities. There are several locked gates across these trails at various locations.

Summary

Based on our review, it continues to be our position that the proposed Projects reflect the least environmentally damaging feasible projects. Our discussions in Watsonville also included alternative permitting approaches such as "Public Works Plans". I'm inclined to believe that workload constraints and lack of sufficient communications by our prior project team is the root cause of conflicts at this time. Consequently, I am hopeful that alternative permitting approaches and better communication initiated by PWD staff will minimize such conflicts in the future, and I am committed to following through on such efforts.

We look forward to the Commission hearing in November. Please contact me at (805) 781-5252 to review the project further. We are available for any teleconference to clarify issues. We appreciate your attention to this matter and coming to the best resolution on the proposed project.

Sincerely,



PAAVO OGREN
Director

c: Board of Supervisors
Mike Giuliano, Caltrans District 5 Local Assistance

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CCC Exhibit 6
(page 7 of 36 pages)



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

FAX COVER SHEET

OUR FAX NUMBER IS (805) 781-1229

Please deliver the following pages:

To: Dan Carl / Jonathan Bishop

From: Dave Flynn / Paavo Ogren

San Luis Obispo County Department of Public Works

Date: 10-29-08

No. of pages including cover: 8

If you do not receive the total transmission, contact us immediately at (805) 781-5252.
Thank you.

COUNTY OF SAN LUIS OBISPO
San Luis Obispo, California

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CCC Exhibit 6
(page 8 **of** 36 **pages)**

BOARD OF SUPERVISORS



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OCT 03 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

HARRY L. OVITT, Supervisor District One
BRUCE GIBSON, Supervisor District Two
JERRY LENTHALL, Supervisor District Three
KHATCHIK H. "KATCHO" ACHADJIAN, Supervisor District Four
JAMES R. PATTERSON, Supervisor District Five

October 3, 2008

Commissioner Patrick Kruer, Chairperson
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Appeal A-3-SLO-07-059
(San Simeon Creek Bridges)

Dear Chairperson Kruer:

On behalf of the San Luis Obispo County Board of Supervisors, I write to express our increasing and serious concerns over the constraints facing the Commission to consider this project appeal in a timely manner. We are in receipt of a letter dated September 24, 2008 from Senior Deputy Director Charles Lester indicating a possible hearing date in November (Long Beach) and we urge that this timeline is met.

On September 29, 2008, the upper bridge on San Simeon Creek Road was closed by a state inspector after he found severe structural deficiencies that have developed since the last state inspection. As a result, residents of the area have been subject to significant hardship as they struggle to cope with the closure. One avocado grower had \$50,000 of picked fruit threatened with spoilage until County crews could arrange a temporary crossing.

The closure has forced us to arrange a temporary crossing at a cost of \$200,000 to \$300,000 to County taxpayers. This expense causes public resources to be diverted from other important County projects which will therefore be delayed or abandoned this fiscal year.

CCC Exhibit 6
(page 9 **of** 36 **pages)**

Commissioner Patrick Kruer
California Coastal Commission
October 2, 2008
Page two

On October 2, 2007, our Board took final action and unanimously voted to approve a permanent bridge replacement project. The project was appealed and has been with Coastal Commission staff for almost one year. Acknowledging your staffing situation, we believe it is crucial that this issue be resolved soon and our staff is available to answer questions or provide any information which could expedite the processing of the appeal.

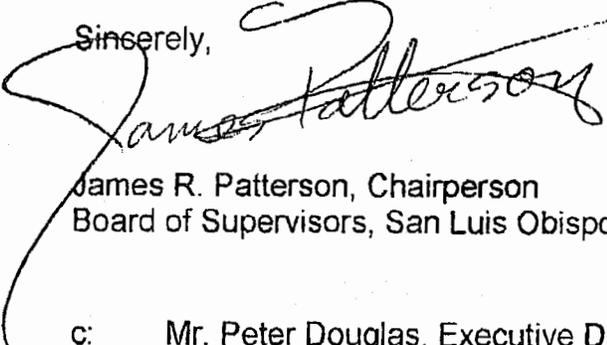
There is wide agreement that the two bridges comprising this project must be replaced. While we recognize the importance of Coastal Commission review affecting coastal resource issues, this lengthy appeal process is delaying a project that supports local agriculture and is entirely consistent with the requirements of the Local Coastal Plan.

In addition, we are even more seriously concerned with the structural integrity of the lower bridge. Should that bridge fail or be closed, we risk direct loss of lives, threats from wild land fire, inability to access County emergency communication facilities, and additional cost to the County (estimated at another \$200,000 - \$300,000) for second temporary access.

We respectfully request your staff bring this item to hearing no later than the November Commission meeting, so that this dangerous, life-threatening and unacceptable situation may be resolved as soon as possible.

Thank you for your consideration.

Sincerely,



James R. Patterson, Chairperson
Board of Supervisors, San Luis Obispo County

c: Mr. Peter Douglas, Executive Director, California Coastal Commission
Assemblyman Sam Blakeslee
Senator Abel Maldonado
Ms. Shirley Bianchi, Rocky Butte Association

CCC Exhibit 6
(page 10 of 36 pages)

JB w/ CAL FIRE ltr
DC/CL ltr
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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

BRUCE GIBSON
SUPERVISOR DISTRICT TWO

September 16, 2008

Dr. Charles Lester, Senior Deputy Director
California Coastal Commission
725 Front Street, suite 300
Santa Cruz, CA 95060-4508

RE: San Simeon Creek Bridges, Commission Appeal No. A-3-SLO-07-059

Dear Dr. Lester:

I just checked and found that our Board took action on the above-referenced project almost a year ago (October 2, 2007). I write to urge you to schedule this item for a Commission hearing as soon as possible.

The bridges to be replaced under this Coastal Development Permit are physically deteriorating and unsafe. Every two years, Caltrans inspects and rates every public bridge in the county: these two bridges have ratings of 17 and 23 (out of 100). These bridges pose an unacceptable safety risk for residents of the immediate area and the town of Cambria.

According to County Fire Chief Matt Jenkins, (please see attached letter) these narrow one-lane bridges create potential emergency access issues. The Fire Department must unload and reload heavy fire equipment in order to meet the weight limits on the bridges, creating delays in wildland fire response. These wooden bridges themselves are also potentially vulnerable to fire. Beyond the need for emergency response for the residents of San Simeon Creek Rd., the equipment access issues add to already high wildland fire risk in Cambria.

There is no argument that these bridges need to be replaced. County staff advises me, however, that the delay in processing this appeal has postponed the start of construction to the summer of 2010, at the earliest. There is also growing concern about failure of the bridges and potential environmental damage, as we wait through two more wet seasons and two more fire seasons until they can be replaced. If the appeal is not heard soon we may face delays beyond 2010 – a truly alarming prospect.

Dr. Charles Lester
September 16, 2008
Page 2

I would appreciate an estimate of the likely schedule for this appeal. Please advise me how my office can help Commission staff expedite this matter toward hearing. Thank you for your consideration.

Sincerely,



BRUCE GIBSON
District Two Supervisor,
San Luis Obispo County

cc:

Commissioner Katcho Achadjian
Peter Douglas, Executive Director, Coastal Commission
Paavo Ogren, Public Works Director
Mark Hutchinson, Environmental Programs
Shirley Bianchi, Rocky Butte Association



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805.543.4244 • Fax: 805.543.4248
www.cdfslo.org



Matt Jenkins, Fire Chief

August 27, 2008

Supervisor Bruce Gibson
County Government Center
San Luis Obispo, CA.

Re: San Simeon Creek Bridges

Supervisor Gibson:

At your request, we have consulted with the San Luis Obispo County Public Works Department and the California Department of Transportation and have received Bridge Inspection Reports for bridges in the San Simeon Creek area. While the bridges have experienced some deterioration, CalTrans recommends retaining the existing load capacity postings. According to signage posted at the entrance to the bridges, the weight limits are as follows:

- 16 tons for a two-axle vehicle
- 22 tons for a three-axle vehicle
- 26 tons for a four-axle vehicle

Our County/CAL FIRE fire engines are within the posted weight limit for a two-axle vehicle and can safely cross the bridges in the San Simeon Creek area. According to CAL FIRE Heavy Fire Equipment Operators, a bulldozer loaded on a transport or other heavy fire equipment may exceed the weight limit of the bridge. If it is necessary for a bulldozer to cross the bridge the operator must unload the bulldozer and cross the two pieces of equipment separately.

The areas of concern for our department are as follows:

- Current California Fire Code requires that all bridges have a minimum 20 ton load capability.
- The narrow one lane bridges create potential emergency ingress and egress issues.
- Having to unload and then reload heavy fire equipment to cross the two pieces separately creates significant response time delays and restricts the ingress and egress of other vehicles.
- The bridges themselves are wooden structures and potentially vulnerable to fire damage.

CCC Exhibit 6
(page 13 of 26 pages)

In conclusion, County/CAL FIRE fire engines currently use the bridges in the San Simeon area to access remote areas should the need arise. If a piece of equipment exceeding the weight limit needs to cross the bridge, it must be unloaded from its transport and crossed separately to keep within the weight limits. Attached are three pictures showing the fire engine on the bridges.

Respectfully,

Matt Jenkins, Chief

CAL FIRE

San Luis Obispo County Fire



Bridge Weight Limit sign and approach



Lower bridge with local CAL FIRE Engine



Upper Bridge with local CAL FIRE Engine



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 30, 2008

Jonathan Bishop
California Coastal Commission
700 Front Street Ste 300
Santa Cruz, CA 95060

Subject: Additional Information for the County of San Luis Obispo's San Simeon Creek Road Bridge Replacement Project (Commission Appeal No. A-3-SLO-07-059)

Dear Mr. Bishop:

This letter transmits and describes two sets of information for the County of San Luis Obispo's San Simeon Creek Road Bridge Replacement Projects: an analysis of build out traffic volumes for the area contributing traffic to the bridges sites, and a discussion of alternatives to the proposed projects.

Project Purpose

As you are aware, San Luis Obispo County participates in the Federal Highway Administration's Highway Bridge Program (HBP), which is administered by the California Department of Transportation. This program provides federal matching funds to local and state transportation agencies specifically to replace or rehabilitate public highway bridges over waterways, other topographical barriers, other highways, or railroads when the State and the Federal Highway Administration determine that a bridge is significantly important and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. The two San Simeon Creek Road bridges that are the subject of the current coastal development permit appeal are both functionally obsolete¹ and structurally deficient², and are proposed to be replaced through the HBP program.

¹ The functional obsolete designation is a design or configuration issue not one of structural adequacy. The federal government will designate a bridge as "functionally obsolete" if the number of lanes on the bridge doesn't meet current standards, the vertical clearance above the bridge is restrictive or the roadway alignment is not ideal. Additionally, a bridge may be designated functionally obsolete if it has a lower load capacity or water frequently overtops the bridge.

The County of San Luis Obispo, through its Department of Public Works, has a duty to operate and maintain the County road system in a safe and efficient manner. Bridges, by their nature are critical elements of the transportation system that are essential not only during day to day use but even more so during times of emergency; whether it be fire, earthquake, flood or even a medical situation involving a single resident of the area. San Simeon Creek Road is a dead-end road; there are no reasonable alternate routes into the area above the bridges, making these two bridges critically important.

As part of the normal course of business the County monitors all 131 bridges in the County road system on a continuing basis. In addition, each bridge is inspected by the State through a detailed process that is accomplished every two years. The two bridges on San Simeon Creek Road were constructed in 1967 after high flows in San Simeon Creek destroyed both previous structures in December of 1966. Both bridges are single lane wooden deck bridges, including the main girders, deck stringers and deck, along with the approach spans and bridge railings. The bridge supports, the abutments and piers are reinforced concrete. Bridge No.1 (the westernmost bridge) is a four span bridge with a center column support in the center of San Simeon Creek along with column supports at the banks with short approach spans on each side. Bridge No.2 is a three span structure with pier walls at the base of the creek banks, and short approach spans at each end. Interestingly, the pier wall and abutment at the east end of this bridge are artifacts from the previous structure that was destroyed in 1966. The wooden portions of the bridges have more than exceeded their expected life, and none of the concrete supports meet current bridge seismic standards.

Unrestricted bridges carry legal loads of 80,000 pounds and can carry extra-legal loads on a case-by-case basis. At both San Simeon Creek Road bridges weight limits substantially below 80,000 pounds are in place. For example, at each bridge a two axle truck is limited to 16 tons, while a Cal Fire two axle fire truck (one of the modern ones) weighs 33,000 pounds (16.5 tons). Cal Fire has indicated that they would, however, cross the bridges in an emergency, although very carefully. At the same time, the weight limit for a truck and semi-trailer is 22 tons. A Cal Fire transport with one of their fire-fighting bulldozers weighs 76,000 pounds (38 tons). Cal Fire has indicated that they would not attempt to cross either bridge with a fire transport.

As noted above, every two years every public road bridge in California is inspected by engineers and bridge specialists from Caltrans. Each bridge is checked in a number of different categories, scored in each, and then assigned an overall score (sufficiency rating³) from 0 to 100 (100 being best). Bridge No.1 is currently rated at 17.5; bridge No.2 is currently rated at 23.5

² The designation of structurally deficient does not mean that a bridge is unsafe. The federal bridge inspection standards require bridge conditions to be assessed on a scale that ranges from 0 (low) to 9 (high). The federal government designates a bridge as "structurally deficient" if the individual ratings for the deck condition, superstructure condition, substructure condition or culvert condition are rated a 4 or less. Additionally, a bridge can be classified as structurally deficient if it has a lower load carrying capacity or the waterway below the bridge frequently overtops the bridge.

³ The federal government uses inspection data compiled by Caltrans engineers to calculate a complex formula called the sufficiency rating to determine federal bridge program funding eligibility. The sufficiency

These are two of the three lowest rated bridges in the County; both are categorized as structurally deficient and functionally obsolete due to their width (one lane) and due to deterioration in the wooden structure and concrete supports. At bridge No.1, the center support has been significantly undermined by creek bed degradation and has actually settled below its original height.

Traffic

A key element in the design of a new bridge is the need to meet public road design requirements. Although bridge projects that do not meet the applicable public road standard are not eligible for federal HBP funding (currently at 88.53% of the cost of the project), the primary consideration in the County's efforts to follow established design standards is the science and experience behind the standards themselves. Over many years, in many jurisdictions, and after much experience with the operation of roadways, design standards have been developed that guide public agencies in every aspect of building safe and serviceable roadways, while still responding to environmental and fiscal requirements. In California, the County can work from a set of nationwide standards (American Association of State Highway Transportation Officials - AASHTO) or use Caltrans standards, which were developed out of statewide needs. Among other considerations, the volume of traffic, projected out at least 20 years, guides bridge width. It is important to note that if the County had used Caltrans standards the minimum bridge width would be 40 feet. However, considering the rural setting, the results of traffic projections, and the limitations on future growth in the area served by the bridges, the applicable AASHTO standard was used, yielding a 26 foot wide bridge. It should also be noted that because San Simeon Creek road is a two way roadway, and considering Cal Fire requirements for emergency situations, County engineers determined early on that a single lane replacement bridge is not feasible at this location as it would not meet basic fire/life safety requirements, and would have no viable funding source.

AASHTO Standards

The AASHTO standard for bridge widths is found in "Policy on Geometric Design of Highways and Streets", 4th edition, published in 2001. Bridge width standards are expressed as the width of the traveled way plus specified shoulder widths, therefore, it is necessary to establish the appropriate width of the traveled way. Traveled way width is in turn based on the design speed of the roadway together with the volume of traffic using the roadway, as shown in Table 1 below:

rating combines the condition and functional adequacy data collected on every bridge into a single aggregate number. Sufficiency rating values range from 0 (low) to 100 (high). If the sufficiency rating on a bridge is 50 or less and it is designated as "structurally deficient" or "functionally obsolete" the bridge qualifies for federal replacement funding.

TABLE 1 Minimum Width of Traveled Way (ft) for Specified Design Volume				
Design Speed	Average Daily Traffic			
	Under 400	400-1500	1500-200	Over 2000
15	18	20	20	22
20	18	20	22	24
25	18	20	22	24
30	18	20	22	24
40	18	20	22	24
45	20	22	22	24
50	20	22	22	24
55	22	22	24	24
60	22	22	24	24

Source: Policy on Geometric Design of Highways and Streets", 4th edition, Local Roads and Streets (Rural Roads) Exhibit 5-5

The design speed of San Simeon Creek Road, based on current roadway alignment, varies between 20 and 40 miles per hour. Projected future traffic volumes range from a low of 330 trips per day to 1,075 trips per day, as shown in Table 2 below. Consequently, the appropriate minimum width of the traveled way is 20 feet.

The traffic projections contained in Table 2 were developed by County staff working with TPG Consulting (see attachment A, April 1, 2008 letter from TPG). TPG Consulting is headquartered in Visalia, CA and has a local office in San Luis Obispo. The firm is a multi-disciplinary consulting firm, offering a wide range of experience in engineering, planning and transportation services. TPG used land use information developed by the San Luis Obispo County Department of Planning and Building to estimate the reasonable worst case traffic generation with respect to build-out of the area served by the San Simeon Creek Road bridges. Two key assumptions in the analysis are that current general plan designations (agriculture) in both the inland and coastal areas served by the road remain unchanged, and that current limitations on residential and agricultural support dwellings remain unchanged.

Table 2			
San Simeon Creek Road Bridge Average Daily Traffic Projections			
	Reasonable Worst Case	Median Projection	Reasonable Best Case
Data			
Area Served by SSCR	7,000 acres	7,000 acres	7,000 acres
Existing Parcels (APNs)	50	50	50
Inland	30	30	30
Coastal	25	25	25
Allowed Dwellings			
Inland (20 acres or smaller)	1 per parcel	1 per parcel	1 per parcel
Inland (>20 acres)	2 per parcel	2 per parcel	2 per parcel
Coastal	1 per parcel	1 per parcel	1 per parcel
Existing Dwellings	15	15	15
Estimated Build-out			
Based on existing APNs	60 units		
		52 units	
Based on planning data			44 units
Assumptions			
Additional lots accessing SSCR	15	10	5
Farm Support Quarters	36	20	4
Trip Generation			
Single-Family Dwelling Units			
Primary	60	52	44
Potential Increase	15	10	5
Total SFDUs	75	62	49
Trip Rate	9.57	8	6
ADT	718	496	294
Farm Support Quarters			
Primary	36	20	4
Trip Rate	9.57	8	6
ADT	345	160	24
Other Trips			
Ag Trucks	4	4	4
Misc Delivery	2	2	2
ADT	12	12	12
Projected ADT	1075	668	330

TPG provided a "reasonable worst case" traffic estimate by reviewing planning data regarding potential build-out scenarios with calculated trip generation rates developed by the traffic management industry. TPG's projected build-out traffic number is 1,075 trips per day, including those generated by single family dwellings, farm support dwellings, and miscellaneous trips generated by delivery trucks, etc.. It should be noted that weekend summer season trips added by tourist traffic etc. are not included in any of the calculations. Likewise, peak volumes that could be generated by more intensive harvest season agricultural operations are not included because they tend to be shorter in duration. Also, it is clear that on low volume roads a single additional agricultural use that generates higher traffic volumes, such as farm stores, winery tasting rooms, or other similar agro-tourism type land uses, could result in a substantial increase in average daily traffic.

Following up on TPG's work, County staff developed two alternate traffic scenarios by considering both lesser trip rates and fewer residences, both primary and farm support. The "reasonable best case scenario" was developed by reducing the trip generation rate from 9.57 to 6, reflecting the more rural location, reducing the potential primary residential build out to 49, reflecting current development rates as reflected in the North Coast Area Plan,⁴ and by reducing the number of potential farm support quarters from 36 to 4. Note that TPG assumed 15 additional residential parcels accessing San Simeon Creek Road in order to account for parcels that do not front the road, but have access easements to it. In the best case scenario this number was reduced to 5. Applying the above best case assumptions results in a projected build-out traffic number of 330 trips per day. The median between the reasonable worst case and reasonable best case is 703 trips per day. As shown in table 2, the application of median numbers in the applicable categories plus "other trips" results in 668 trips per day. Consequently, there is a 50% probability that build-out traffic will exceed 703 trips per day. Given that a key threshold is 400 trips per day, we concluded that because there is a 91% probability that build-out traffic will exceed 400 trips per day, using the AASHTO standard for 400-2,000 trips per day to develop the bridge width is appropriate (see Table 3 below).

TABLE 3	
Minimum Clear Roadway Widths for New Bridges	
Design Volume (vehicles per day)	Minimum Clear Roadway Width for Bridges
400 and under	Traveled way + 2 ft (each side)
400 to 2,000	Traveled way + 3 ft (each side)
Over 2,000	Approach roadway width

Applying the AASHTO standards illustrated in tables 1 and 3 provides a required bridge width of 26 feet (clearance between the guard rails), that is, two ten-foot lanes plus 3 feet on each side. It should be noted that an informal survey of the existing roadway

⁴ Appendix to the North Coast Area Plan Update, Land Use Survey Background Report, page 21

shows that the width of the paved surface varies from approximately thirty feet, near Highway 1, to sections below twenty feet (one stretch is located just upstream from bridge No.1) although the majority of the traveled way below the bridges is twenty feet or greater. However, the overriding consideration is that the bridges will have a life-span that exceeds 50 years. We expect that during that timeframe the roadway will be improved, on an as-needed basis, to meet the twenty foot width standard.

According to section 23.11.030 (105) of the San Luis Obispo County Coastal Zone Land Use Ordinance "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. It is our considered opinion that building a public road bridge to less than any applicable public road standard is not feasible from a social or technological perspective. Although often expressed in terms of collision rates and damage costs, traffic safety is an engineering discipline that addresses the social aspects of motor vehicle travel. Failing to adhere to the applicable standards would expose the traveling public to conditions that do not meet society's current expectations. Technologically, the situation is clearer. Building to less than the applicable standard is equivalent to applying the wrong technology to the current problem, which will inevitably lead to poor results. In the case of a public road bridge, "poor results" will be expressed in terms of collision rates, property damage, and personal injury together with the inefficient movement of vehicles along the roadway.

Alternatives

Section 23.07.170(d) of the San Luis Obispo County Coastal Zone Land Use Ordinance requires an alternatives analysis for new, improved, or expanded bridge crossings, which by their nature must be located within Environmentally Sensitive Habitats:

Alternatives analysis required. Construction of new, improved, or expanded roads, bridges and other crossings will only be allowed within required setbacks after an alternatives analysis has been completed. The alternatives analysis shall examine at least two other feasible locations with the goal of locating the least environmentally damaging alternative. The bridge or road may be allowed in the proposed location when accompanied by all feasible mitigation measures to avoid and/or minimize adverse environmental effects, only when the alternatives analysis concludes that a feasible and less-environmentally damaging alternative does not exist. If however, the alternatives analysis concludes that a feasible and less-environmentally damaging alternative does exist, that alternative shall be used and any existing bridge or road within the setback shall be removed and the total area of disturbance restored to natural topography and vegetation.

Section 23.07.104 of the San Luis Obispo County Coastal Zone Land Use Ordinance requires the protection of significant archaeological resources:

Protection of archaeological resources. 4) Required Finding. A land use or construction permit may be approved for a project within an archeologically sensitive area only where the applicable approval body first finds the project design and development incorporates adequate measures to ensure protection of significant archeological resources.

Section 23.04.050 of the San Luis Obispo County Coastal Zone Land Use Ordinance addresses non-agricultural uses in the agriculture land use category and places special emphasis on the protection of prime agricultural soils:

Nonagricultural uses in the agriculture land use category. (D) Required Findings. Supplemental nonagricultural uses may be established only if the following findings are made by the applicable approval body:

- (i) For prime soils, it has been demonstrated that no alternative project site exists except on prime soils; and
- (ii) The least amount of prime soils possible will be converted; and
- (iii) The proposed use will not conflict with surrounding agricultural lands and uses.

Because both bridges cross coastal streams and are located adjacent to significant archaeological resources and prime agricultural soils, the three criteria addressed above were used to evaluate various road and bridge alignments in order to identify the feasible and less-environmentally damaging alternative.

Three alternatives were developed for each site. At bridge No.1 (the location closest to Highway 1), upstream, existing and downstream alignments were considered. Attachments 2, 3, and 4 to this letter illustrate these alternatives. Table 4 below compares the impacts of each alternative:

Impact Category	Alternative 1 (Upstream Alignment)	Alternative 2 (Downstream Alignment, Proposed Project)	Alternative 3 (Existing alignment with Detour)
Trees Impacted/Removed	13	10	20
Archaeological Site Impact Area	4,612 square feet	0 square feet	1,494 square feet
Prime Agricultural Soils Impact Area	4,612 square feet	0 square feet	1,494 square feet
Rip Rap in Channel	1,828 cubic yards	1,512 cubic yards	2,133 cubic yards
Temporary Fill in Creek for Dewatering	309 cubic yards	309 cubic yards	3,011 cubic yards

As illustrated in the attachments and documented in the project's Historic Properties Survey Report, the archaeological materials adjacent to the project site are important and irreplaceable. For this reason, and because it has lesser overall impacts, alternative 2 was chosen as the preferred alternative at this location.

At bridge No.2, two downstream and the existing alignment were evaluated. An upstream alignment was rejected early in the process because it presented substantial impacts to both archaeological and agricultural resources. Table 5 below compares the impacts of each alternative:

Table 5 San Simeon Creek Road Bridge No.2 Alternatives Comparison			
Impact Category	Alternative 1 (Downstream Alignment, Proposed Project)	Alternative 2 (Downstream Alignment 2)	Alternative 3 (Existing alignment with Detour)
Trees Impacted/Removed	14	16	19
Archaeological Site Impact Area	0 square feet	365 square feet	1,088 square feet
Prime Agricultural Soils Impact Area	0 square feet	365 square feet	1,088 square feet
Rip Rap in Channel	1,781 cubic yards	1,781 cubic yards	1,781 cubic yards
Temporary Fill in Creek for Dewatering	287 cubic yards	287 cubic yards	1,282 cubic yards

As illustrated in the attachments and documented in the project's Historic Properties Survey Report, the archaeological materials adjacent to the project site are important and irreplaceable. For this reason, and because it has lesser overall impacts, alternative 1 was chosen as the preferred alternative at this location.

Tables 4 and 5 illustrate that the primary impact from each project is the "footprint" of the rock slope protection (rip-rap) placed in the creek channel. While the material placed in the bottom of the excavated channel will rapidly be covered by the natural stream bottom, revegetation of the banks will be a more challenging aspect of the project. Never-the-less, it is our intent to restore the creek banks with native plant materials, placed over the rip-rap. The rip-rap is necessary because both bridges are located at sites where the creek banks are composed of highly erodible alluvium. Federal standards require that bridges withstand the effects of a "super flood" (a flood exceeding the 100-year flood) without failing. In practical terms, this means that bridges must pass a 50 year flow with three feet of freeboard (in order to clear flood debris), and must accommodate a 100 year flow with zero freeboard. At the conclusion of the peak flow (even flows that overtop the structure), the bridge, its abutments, and approach roadways must be immediately available to carry traffic. Given the flow velocities and stream energy present during these kinds of events, the tools available to the bridge designer are often limited to purely structural solutions. What may appear to be a heavy reliance on rock slope protection is actually a determined effort to avoid the extensive use of even "harder" means, such as reinforced concrete, steel sheet piling, and grouted rip-rap.

With respect to impacts on stream morphology, new bridges are subject to a detailed hydraulic analysis performed to standards established by the Federal Highway Administration (FHWA), and used extensively throughout the United States. The standard established by the FHWA is straightforward: design and build transportation structures that have no discernable hydraulic impacts on the stream, either upstream or downstream of the crossing. While the focus of this effort is to ensure that effects such as scour, bank erosion, bed degradation etc., do not threaten the new structure, the result of avoiding these effects is that no negative impacts occur to the natural stream environment both upstream and down stream of the project site.

Conclusion

We believe that the supplemental information provided in this letter, together with the various reports and studies developed for the project, demonstrate that the alternatives chosen are in fact the feasible and less-environmentally damaging alternative for each site, as required by the Local Coastal Plan. Each project is the result of over five years of detailed analysis by highly qualified County staff and consultants dedicated to meeting the needs of the public and the requirements of all of the environmental regulatory requirements applicable to these projects.

Please be assured that the San Luis Obispo County Department of Public Works considers the protection and enhancement of coastal resources to be of the utmost importance. At the same time, as the agency with ultimate responsibility for the safe operation, long term maintenance, and future use of the bridges, we believe that as the transportation agency with jurisdiction over the structures we are best positioned to select and apply the appropriate engineering standards to the project.

If you have any questions, or need more information from us, please feel free to contact me at (805) 781-5458.

Sincerely,



MARK HUTCHINSON
Environmental Programs Manager

Attachments:

- TPG letter report, April 1, 2008
- Location 1 – Alt #1 Layout
- Location 1 – Alt #2 Layout
- Location 1 – Alt #3 Layout
- Location 2 – Alt #1 Layout
- Location 2 – Alt #2 Layout
- Location 2 – Alt #3 Layout

File: San Simeon Creek Road Bridge Replacement Project

c: Paavo Ogren, Director of Public Works
Dave Flynn, Deputy Director of Public Works, Capital Projects

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CCC Exhibit 36
(page 26 of 36 pages)



Exceeding expectations in
Engineering, Planning & Transportation

April 1, 2008

Mr. Mark Hutchinson
County of San Luis Obispo
Public Works Department
1050 Monterey Street, Room 207
San Luis Obispo, CA 93408

Dear Mr. Hutchinson:

TPG Consulting is pleased to submit the projected buildout ADT volumes on San Simeon Creek Road east of the San Simeon Creek bridges. The projected traffic volume was developed using information provided by the County of San Luis Obispo, the North Coast Area Plan, and accepted traffic generation methods.

The traffic "capture area" (attached) for San Simeon Creek Road includes APNs located adjacent to San Simeon Creek Road for which San Simeon Creek Road is the only means to travel to/from the area. Based on currently available data, there are approximately 15-20 single-family dwelling units and various agricultural parcels located in this capture area. Based on the current planning information, there are approximately 50 APNs located in the capture area.

The capture area is bisected by the Coastal Zone Boundary which divides the capture area into the Inland and Coastal Zones which each have different housing density requirements. The Coastal Zone allows 1 primary dwelling unit per lot and the Inland Zone allows 2 primary dwelling units per lot over 20 acres. Based on this data, the County has concluded that there will be approximately 60 primary dwelling units with buildout of the capture area. Each of the lots may also contain "farm support" dwellings which will house seasonal agricultural workers. Approximately 36 farm support dwellings may be built in the area. There is also the potential for future changes to housing density or addition of easements to San Simeon Creek Road. To account for this possibility, TPG assumed that 25% more (than the buildout projection of 60) residential dwelling units may have access to San Simeon Creek Road.

In order to develop the projected Average Daily Traffic (ADT) on San Simeon Creek Road, TPG used the Institute of Transportation Engineers (ITE) Trip Generation Manual, which is considered an industry standard for projecting vehicle trip generation characteristics for different types of land use. The trip generation for the residential components in the capture area was calculated using the ITE land use for Single Family Detached Housing (ITE Land Use 210) which is typically used for urban area residential dwelling units. According to the ITE manual, a single family dwelling unit generates approximately 10 (9.57) trips per day. This rate was applied to the primary and farm support dwelling units. There is no trip generation information currently available specifically for rural area primary residential dwelling units or farm support dwelling units. Since rural area residential dwelling units are farther from typical services (jobs, shopping, etc.) they will typically link trips and generate fewer trips than urban area dwelling units. The farm support dwellings will house seasonal workers, therefore the application of a typical single family residential dwelling unit trip rates should be considered a worst-case scenario.

Visalia Office
222 N. Garden, Suite 100
Visalia, CA 93291
Tel 559.739.8072
Fax 559.739.8377

Fresno Office
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Fresno, CA 93710
Tel 559.439.4891
Fax 559.439.1142

San Luis Obispo Office
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San Luis Obispo, CA 93401
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Dallas Office
6807 Learmeadow
Dallas, TX 75248
Tel 903.566.3150
Fax 903.566.3510

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(page 27 of 36 pages)

Mr. Mark Hutchinson
County of San Luis Obispo
April 1, 2008
Page 2

Two (2) miscellaneous (delivery, solicitation, etc.) vehicles per day are also assumed to use San Simeon Creek Road in the capture area.

Other trips will be generated do to the agricultural operations in the capture area. Many agricultural operations typically generate few trips throughout the majority of the year and then have a short peak period. The agricultural employee trips are accounted for in the farm support dwelling unit trip generation described above. To account for the additional agricultural trips, four (4) trucks/vehicles per day are assumed to use the account for peak operations. Since the agricultural operations are not projected to have their peak operation periods on the majority of the days of the year, this assumption should be considered a worst-case.

Based on the findings shown above, a projected buildout ADT of 1,074 trips per day. The trip generation calculations are attached. This ADT represents the buildout of the capture area which will represent the current planning forecast year of 2030.

If you have any additional questions, please feel free to contact me by email (whutcheson@tpgconsulting.net) or phone (559/739-8072).

Sincerely,



Wally Hutcheson, EIT
Assistant Engineer

Attachment: ADT Calculations
Vicinity Map

San Simeon Creek Road Bridge ADT Projection

Planning Data Analysis

County Data

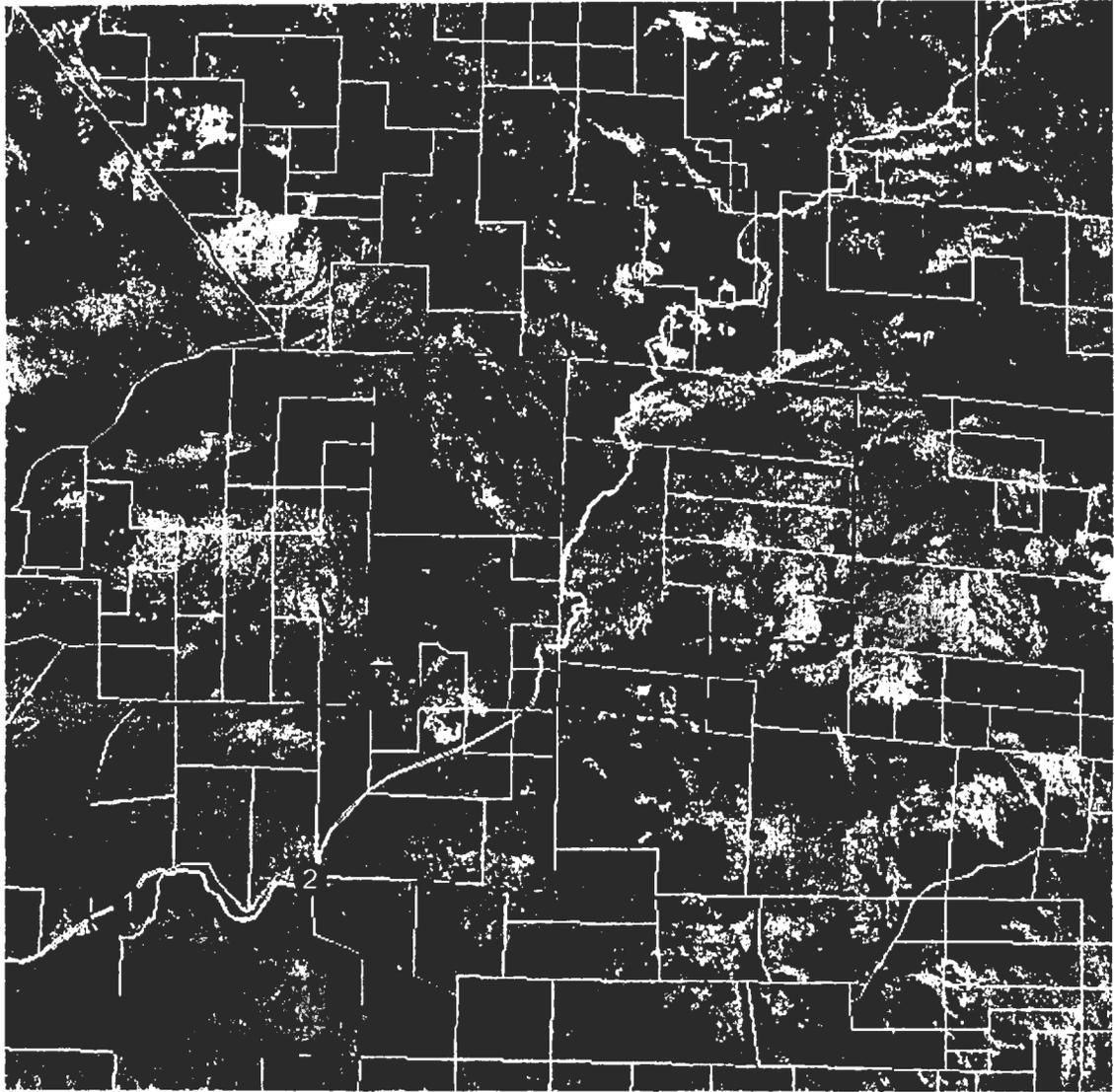
Area Served by SSCR	7,000	acres
Existing Lots	50	APNs
Inland	30	lots
Coastal	25	lots
Allowed Dwellings		
Inland (20 acres or smaller)	1	per APN
Inland (>20 acres)	2	per APN
Coastal	1	per APN
Existing Dwellings	15	units
Estimated Build-Out (County Calcs)		
based on APN lots	60	units
based on N Coast Plan	44	units
Farm Support	36	units

Assumptions

additional lots accessing SSCR	assume 25% more than current lots
farm support quarters	seasonal - assume similar to SFDUs

Trip Generation

Single-Family Dwelling Units (SFDU)		
Primary	60	DUs
Potential Increase	15	DUs
Total SFDUs	75	DUs
Trip Rate	9.57	ITE use 210
ADT	718	2-way trips
Farm Support Quarters		
Primary	36	DUs
Trip Rate	9.57	ITE use 210
ADT	344	2-way trips
Other Trips		
Ag Trucks	4	per day
Misc Delivery	2	per day
	12	2-way trips
Projected ADT	1,074	2-way trips



LEGEND

-  Capture Area
-  Coastal Boundary
-  Bridges



TPG
Consulting
INCORPORATED

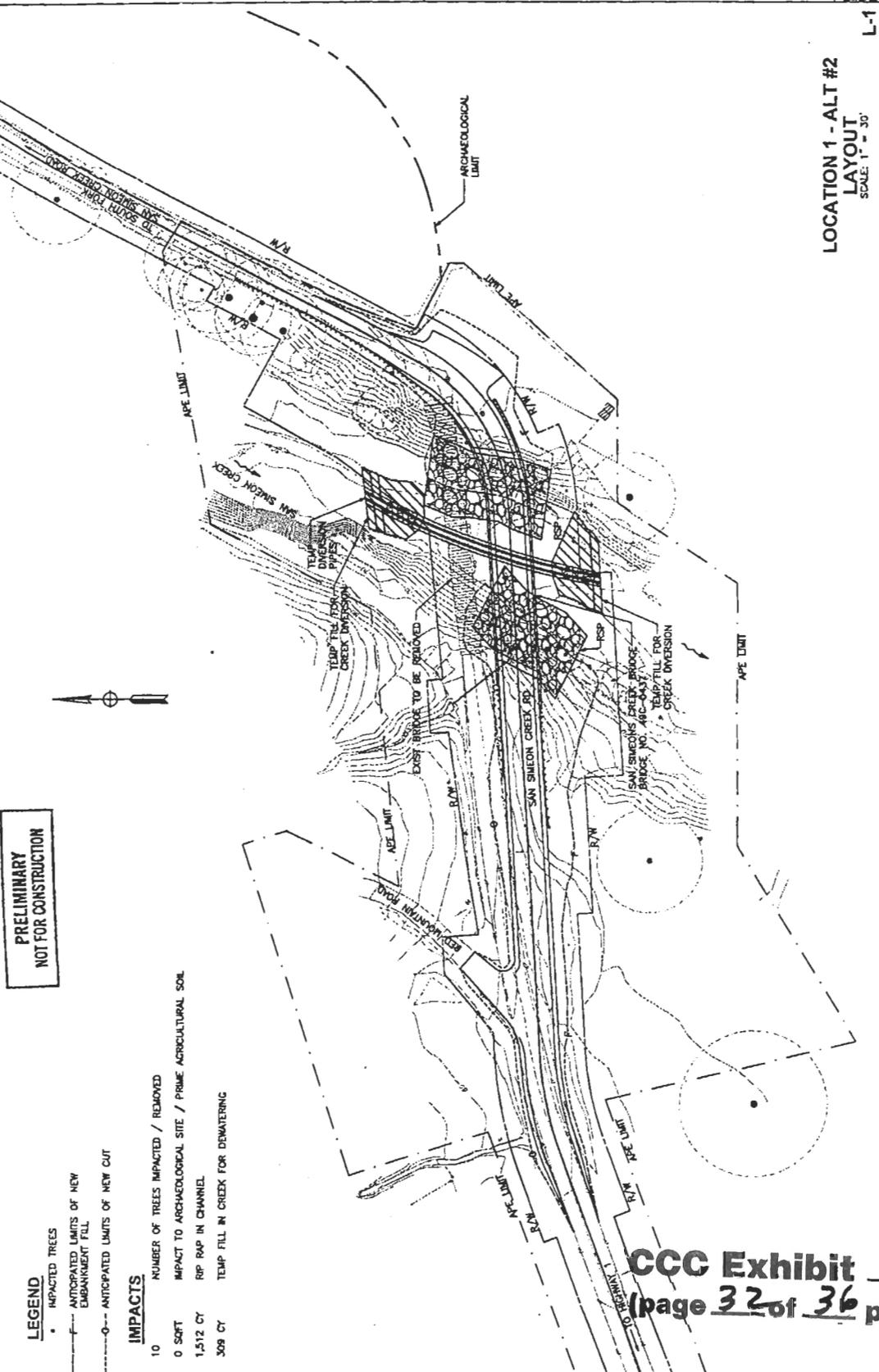
VICINITY MAP

San Simeon Creek Road
San Luis Obispo County, CA

08-1156

CCC Exhibit 6
(page 30 of 36 pages)

DATE	COUNTY	ROUTE	POST MILES	SHEET
05	SLO	CR	TOTAL PROJECT	NO.
				OF TOTAL SHEETS



**PRELIMINARY
NOT FOR CONSTRUCTION**

LEGEND
 * IMPACTED TREES
 - - - - - ANTICIPATED LIMITS OF NEW
 EMBANKMENT FILL
 - - - - - ANTICIPATED LIMITS OF NEW CUT

IMPACTS
 10 NUMBER OF TREES IMPACTED / REMOVED
 0 SOFT IMPACT TO ARCHAEOLOGICAL SITE / PRIME AGRICULTURAL SOIL
 1,512 CY RIP RAP IN CHANNEL
 309 CY TEMP FILL IN CREEK FOR DENWATERING

CALCULATED/DESIGNED BY	PROJECT ENGINEER
CHECKED BY	
REVISIONS	
DATE	
REVISIONS	
DESIGNED BY	
CHECKED BY	
DATE	

CCC Exhibit
 (page 32 of 36 pages) **6**

**LOCATION 1 - ALT #2
LAYOUT**
 SCALE: 1" = 30'

Contract No. P12A222

THIS DRAWING IS AN ORIGINAL
 SCALE 1" = 30'

141741-01.dwg 11-23-07.dwg 7/13 12 04 2007 - 2:45pm pwhd

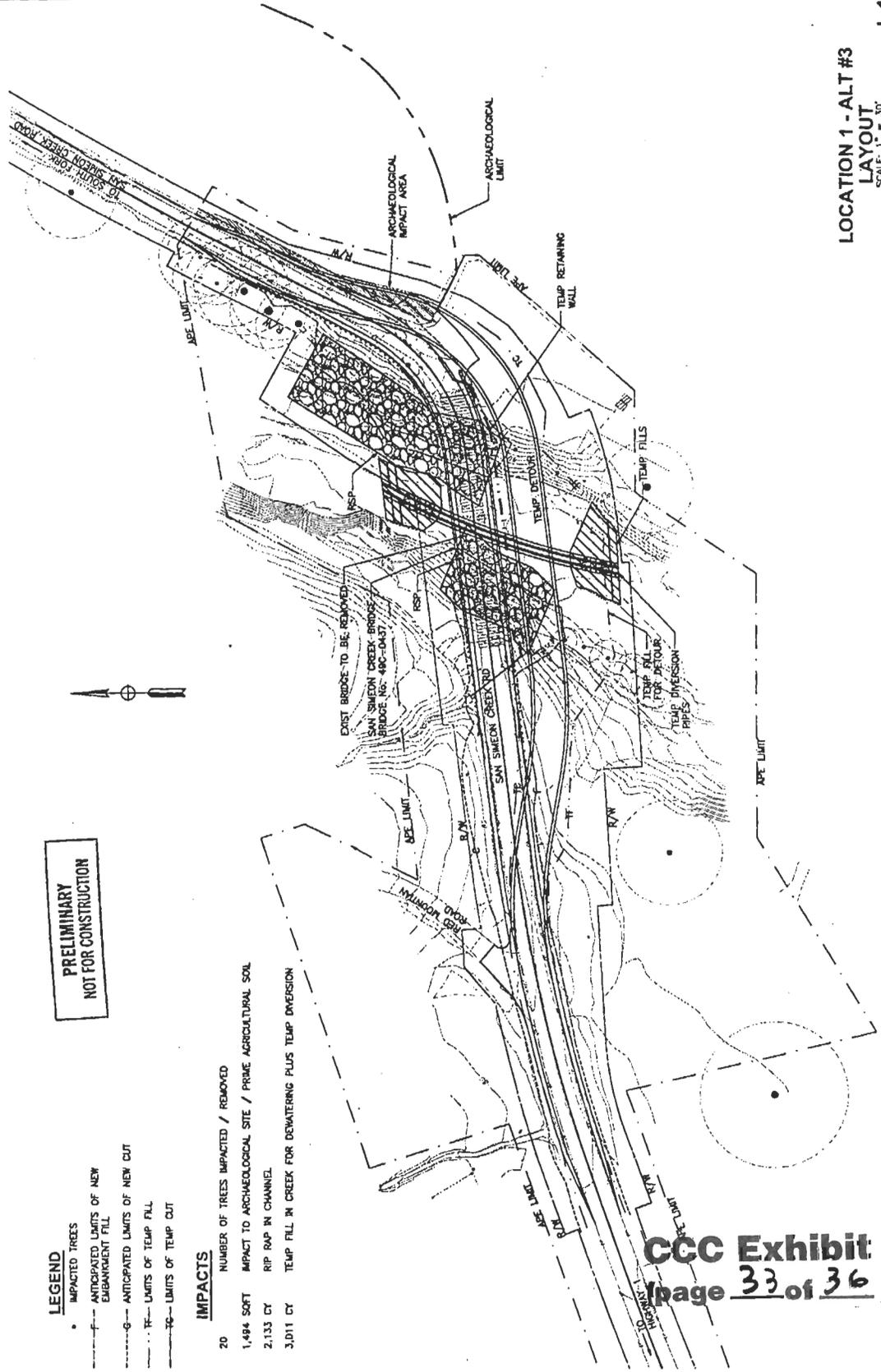
DATE	COUNTY	ROUTE	POST MILE	TOTAL SHEETS	TOTAL SHEETS
CS	SLO	CR			

CALCULATED BY	DESIGNED BY	CHECKED BY	PROJECT ENGINEER	SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS
DATE	REVISED BY	REVISED		

**PRELIMINARY
NOT FOR CONSTRUCTION**

- LEGEND**
- IMPACTED TREES
 - - - ANTICIPATED LIMITS OF NEW EMBANKMENT FILL
 - - - ANTICIPATED LIMITS OF NEW CUT
 - - - LIMITS OF TEMP FILL
 - - - LIMITS OF TEMP CUT

- IMPACTS**
- 20 NUMBER OF TREES IMPACTED / REMOVED
 - 1,484 SOFT IMPACT TO ARCHAEOLOGICAL SITE / PRIME AGRICULTURAL SOIL
 - 2,133 CY RIP RAP IN CHANNEL
 - 3,011 CY TEMP FILL IN CREEK FOR DEMATERING PLUS TEMP DIVERSION



**LOCATION 1 - ALT #3
LAYOUT**
SCALE: 1" = 30'

L-1

Contract No. P12A222

FOR REVIEWED PLANS ORIGINAL SCALE IS IN METERS

CCC Exhibit
(page 33 of 36 pages)

6

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DATE	COUNTY	ROUTE	POST MILES	SHEET NO.	TOTAL SHEETS
05	SLO	CR			

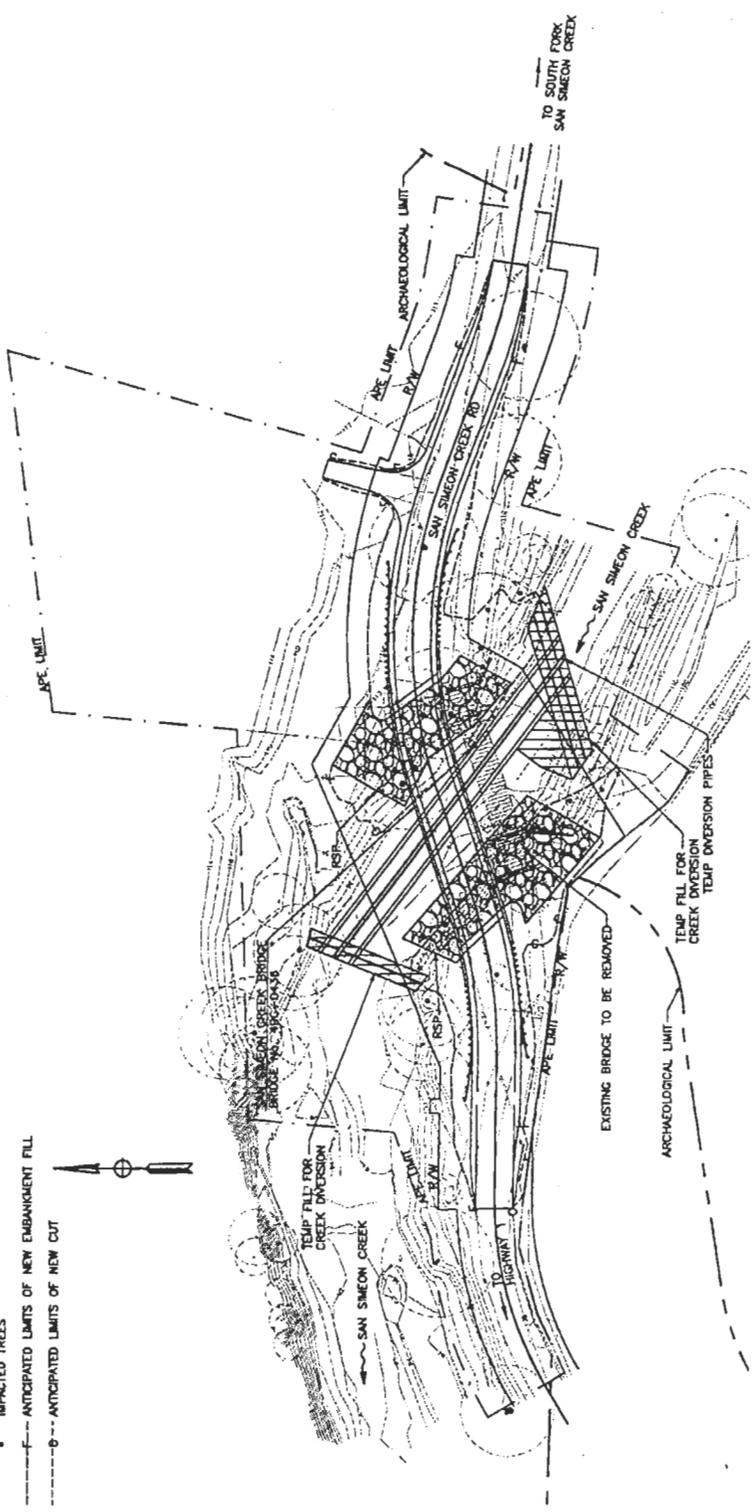
IMPACTS

- 14 NUMBER OF TREES IMPACTED / REMOVED
- 0 SQFT IMPACT TO ARCHAEOLOGICAL SITE / PRIME AGRICULTURAL SOIL
- 1,781 CY RPP RAP IN CHANNEL
- 287 CY TEMP FILL IN CREEK FOR DEWATERING

LEGEND

- IMPACTED TREES
- ANTICIPATED LIMITS OF NEW EMBANKMENT FILL
- ANTICIPATED LIMITS OF NEW CUT

PRELIMINARY
NOT FOR CONSTRUCTION



LOCATION 2 - Ait #1
LAYOUT
SCALE: 1" = 30'

L-1

Contract No. P120214

FOR REQUIRED PLANS ORIGINAL
SCALE 5" = 10' PAGES

SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS		PROJECT ENGINEER		SAN SIMEON CREEK BRIDGE #2 REPLACEMENT	
CHECKED BY	DESIGNED BY	CALCULATED BY	DATE	REMOVED BY	REMOVED BY

CCC Exhibit 6
(page 34 of 36 pages)

UNIT	QUANTITY	ROUTE	POST MILEZ	TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
D5	SLO	CR				

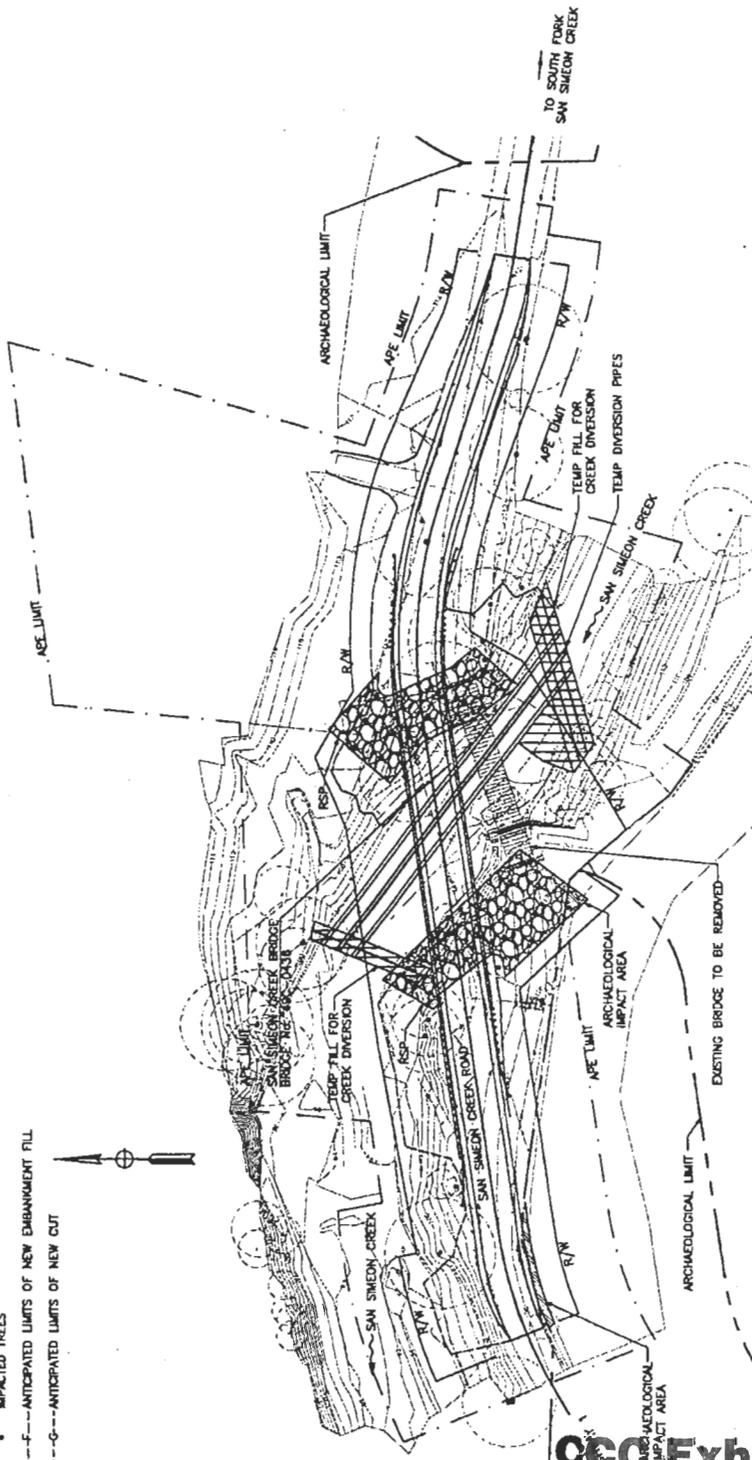
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NOT FOR CONSTRUCTION**

IMPACTS

18 NUMBER OF TREES IMPACTED / REMOVED
 365 SOFT IMPACT TO ARCHAEOLOGICAL SITE / PRIME AGRICULTURAL SOIL
 1,781 CY RFP RAP IN CHANNEL
 287 CY TEMP FILL IN CREEK FOR DEMATERING

LEGEND

- IMPACTED TREES
- ANTICIPATED LIMITS OF NEW EMBANKMENT FILL
- - - - ANTICIPATED LIMITS OF NEW CUT



**LOCATION 2 - Ait #2
LAYOUT**
SCALE: 1" = 30'

L-1

Contract No. P12A214

OCC Exhibit
(page 35 of 36 pages)

6

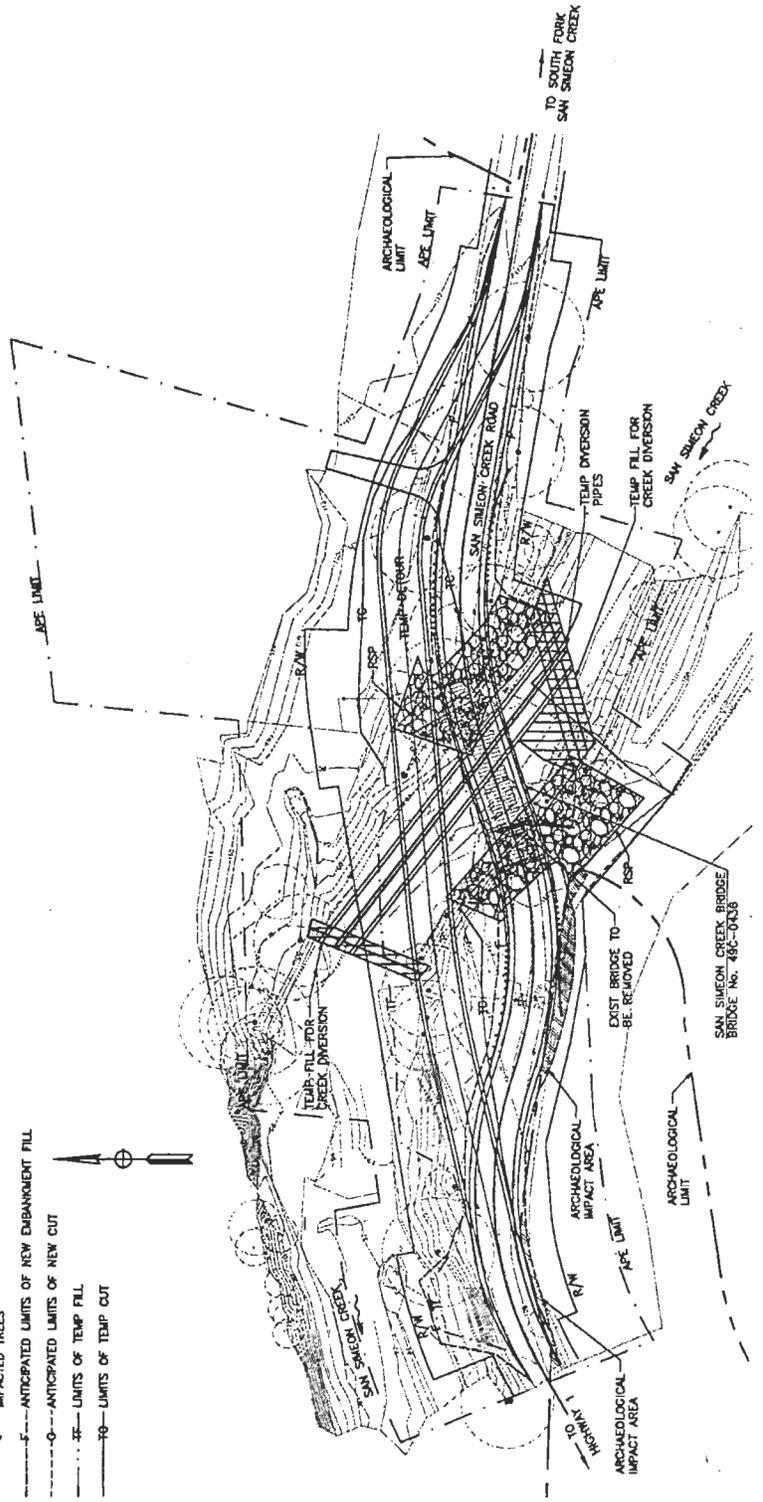
SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS		PROJECT ENGINEER	DATE	REVISIONS
CHECKED BY	DESIGNED BY	REVISIONS	DATE	

02-12-07 11:28:07 AM TUE 12 DEC 2007 11:28:07 AM

UNIT	COUNTY	ROUTE	PROJECT	DATE	SCALE
05	SLO	CR			

**PRELIMINARY
NOT FOR CONSTRUCTION**

- IMPACTS**
- 19 NUMBER OF TREES IMPACTED / REMOVED
 - 1,088 SQFT IMPACT TO ARCHAEOLOGICAL SITE / PRIME AGRICULTURAL SOIL
 - 1,781 CY RP RAP IN CHANNEL
 - 1,282 CY TEMP FILL IN CREEK FOR DEWATERING PLUS TEMP DIVERSION
- LEGEND**
- IMPACTED TREES
 - ANTICIPATED LIMITS OF NEW EMBANKMENT FILL
 - ANTICIPATED LIMITS OF NEW CUT
 - LIMITS OF TEMP FILL
 - LIMITS OF TEMP CUT



**LOCATION 2 - A11 #3
LAYOUT
SCALE: 1" = 30'**

Contract No. P12A214

DESIGNED BY	PROJECT ENGINEER	SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS
CHECKED BY		SAN SIMON CREEK BRIDGE #2 REPLACEMENT
DATE		
REVISY BY		
REVISY		

CCC Exhibit 6
(page 34 of 36 pages)