

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

Th11a



Prepared April 16, 2009 (for May 7, 2009 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Jonathan Bishop, Coastal Planner

Subject: **Appeal A-3-SLO-09-014 (Williams Guesthouse)** Appeal by Rosann Broten of San Luis Obispo County decision granting a coastal development permit with conditions to Michael Williams to construct a 598.5 square-foot two-story guesthouse and 451 square-foot deck adjacent to an existing single-family residence located at 5246 Plymouth Street in Cambria, San Luis Obispo County (APN 022-202-027). Appeal Filed: March 23, 2009. 49th Day: May 11, 2009.

Recommendation

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which appeal A-3-SLO-09-014 was filed. Staff recommends a **YES** vote on the following motion and resolution:

Motion and Resolution. I move that the Commission determine and resolve that Appeal Number A-3-SLO-09-014 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Coastal Act Section 30603 regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.

Passage of this motion and resolution will result in a finding of no substantial issue and adoption of the following findings. By such action, the Coastal Commission declines to take jurisdiction over the coastal development permit (CDP) for this project, the County's action becomes final and effective, and any terms and conditions of the County's decision remain unchanged. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present

Findings

On January 6, 2009, San Luis Obispo County approved a CDP authorizing construction of a 598.5 square-foot two-story guesthouse and a 451 square-foot deck adjacent to an existing single-family residence located at 5246 Plymouth Street in Cambria (see notice of County's action in Exhibit 1). Pursuant to Coastal Act Section 30603 and LCP Section 23.01.043(c)(3), this approval is appealable to the Commission because it is located in a designated sensitive coastal resource area. The Appellant contends that the County's approval is inconsistent with San Luis Obispo County Local Coastal Program (LCP) standards for guesthouses, as well as standards protecting scenic resources, hazards, and environmentally sensitive habitat areas (see full appeal document in Exhibit 2).

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no



substantial issue exists with respect to the grounds on which the appeal has been filed.¹ Commission staff has analyzed the County's Final Local Action Notice for the development (Exhibit 1), the Appellant's contentions (Exhibit 2), the Applicant's viewshed photos (Exhibit 3), and the relevant requirements of the LCP (Exhibit 4). The appeal raises no substantial issue with respect to the LCP as follows:

In terms of the siting and design standards for guesthouses, the proposed development is smaller than that allowed under the LCP (the LCP allows a maximum of 640 square feet and the guesthouse would be roughly 590 square feet) and is located within the allowed distance from the main residential structure (the LCP requires it to be located within 50 feet, and it is located 5 feet from the existing residence). Consistent with the LCP, the location of the project will cause the least amount of disturbance on the site. The project is also consistent with LCP standards dealing with the establishment of accessory residential uses. Under the LCP, guesthouses are considered accessory uses and cannot be constructed until after construction of a main building has commenced. As described, there is an existing single-family residence on the property in close proximity to the proposed project. In addition, guesthouses must be designed as a use accessory to the residence. The County approved plans show that the guesthouse does not contain or accommodate independent cooking or laundry facilities, meeting the accessory use provisions of the LCP.

The Appellant also contends that the approved project is inconsistent with the LCP's side yard setback requirements.² Specifically, the Appellant contends that the project is inconsistent with the LCP because the project is to be constructed in a side yard at a height taller than 12-feet in height and will be used for human habitation. However, the approved project meets the LCP's side yard setback requirement, which in this case is the 5-foot setback included in the County approved project.³ The 12-foot height limitation cited in the appeal is for permitted structures within the 5 foot side yard setback, and thus this LCP provision does not apply to the subject guesthouse. The guesthouse meets the LCP's side yard setback requirements and height requirements, and is allowed to be used for human habitation.

The Appellant further contends that removal of two Monterey pine trees to accommodate the project is

¹ The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

² The Appellant cites Coastal Zone Land Use Ordinance (CZLUO) Section 23.08.022(c) in making this allegation. However, there is no CZLUO Section 23.08.022(c). Instead, the Appellant apparently meant to cite CZLUO Section 23.04.110(c) regarding side setbacks.

³ The Appellant's side yard contention is apparently based on a rationale that the guesthouse would be located on the side of the property between the existing house and the northern property line. However, the LCP defined side yard is the space running parallel to and within 5 feet from the northern property line. County approved plans show that the guesthouse is located 5 feet from the northern property line. While the project is physically on the northern side of the property, it is not in an LCP-defined side yard.



inconsistent with LCP provisions limiting land alteration within public view corridors.⁴ While portions of the project may be visible from Highway One, the public viewshed impact in this case is less than significant. The project is located amongst existing trees, which appear to screen much of the project from public view (see Exhibit 3). It should also be noted that the project is located in an existing residential neighborhood where adjacent houses are also visible within the same public viewshed. The County specifically found that natural features and topography were considered in the design and siting of the project, and that the guesthouse is located on the least steep section of the lot where it will require the least amount of landform alteration within the viewshed. The County further found that the clearing of topsoil, and trees, is the minimum necessary to achieve safe access to the structure. The County approved project is conditioned to mitigate for the removal of the 2 trees at a 4:1 ratio (8 replacement trees total) and includes rigorous landscape/tree replacement requirements. County conditions requiring the use of shielded lights and natural colors will also help minimize visibility. The Commission concurs that land alteration on the site is minimized and public views would not be significantly impacted by the development.

With respect to hazards, the Appellant raises concerns about potential landslide risks. The project is located in a Geologic Study Area (GSA) for landslide risk. As such, CZLUO Sections 23.07.080 through 23.07.086 apply to the project. These LCP standards require that all applications for development located within a GSA be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (RCE), as appropriate. In this case, a geotechnical engineering report was prepared for the project by Dan C. Jensen, RCE (Mid-Coast Geotechnical, November 2, 2007). Consistent with this section of the LCP, the project has been conditioned by the County to require all building construction, including all foundation work, to be performed consistent with the geotechnical report. Thus, the project is consistent with the applicable landslide risk standards of the LCP.

Lastly, the Appellant raises issues regarding impacts to environmentally sensitive habitat areas (ESHAs). While no specific provisions of the LCP were cited, it is clear that the contention is based on the removal of the two Monterey pine trees described above. Indeed, the project is located within the area mapped in the LCP as Monterey pine forest terrestrial habitat (TH), which is defined as ESHA under the LCP. However, the mapped TH designation is not definitive, rather, it is resources on the ground that dictate presence or absence of ESHA. The TH mapping provides an indicator that directs that applications in this area need to be analyzed for this possibility, but it is not by itself sufficient to determine ESHA absent supporting case-specific resource data. In fact, nearly all of the Lodge Hill area is mapped TH notwithstanding significant residential development that exists there today. In this case, the County appropriately found that the project would not create significant adverse effects on the natural features of the site, and that the clearing of topsoil and trees would not create significant adverse effects on identified sensitive resources. Moreover, the County has conditioned the project to follow a

⁴ According to the County, both trees were apparently already removed (with tree removal permits from the County) because they were deemed to be diseased and in a hazardous condition (see Exhibit 3). The County's action here recognizes such removal in a regular coastal permit sense.



comprehensive tree replacement program, including using only native Monterey pine trees of local stock so as not to adversely impact any nearby ESHA areas. The County appropriately addressed ESHA issues, and the ESHA contentions do not raise a substantial issue.

Overall, the County has provided adequate factual and legal support for its decision that the approved development would be consistent with the applicable policies in the certified LCP and, for the reasons stated above, the Commission finds that Appeal Number A-3-SLO-09-014 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified LCP and/or the public access policies of the Coastal Act.

Exhibits:

Exhibit 1: San Luis Obispo County CDP decision

Exhibit 2: Appeal of San Luis Obispo County's CDP decision

Exhibit 3: Applicants response to Appeal Contentions

Exhibit 4: Applicable San Luis Obispo County LCP policies





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

February 27, 2009

Michael Williams
5246 Plymouth Street
Cambria, CA 93428

FINAL LOCAL
ACTION NOTICE

REFERENCE # 3-SLO-09-062

APPEAL PERIOD 3/10 - 3/23/2009

NOTICE OF FINAL COUNTY ACTION

RECEIVED

MAR 09 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

HEARING DATE: January 6, 2009

SUBJECT: County File No. – DRC 2007-00041
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 is 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 ten (10) working days following the expiration of the County appeal period to appeal the decision. 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 1
(page 1 of 15 pages)

976 OSOS STREET, ROOM 300

• SAN LUIS OBISPO

• CALIFORNIA 93408

• (805) 781-5600

EMAIL: planning@co.slo.ca.us

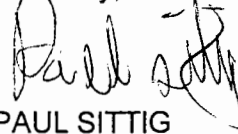
• FAX: (805) 781-1242

• 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) 781-4374.

Sincerely,



PAUL SITTIG
Coastal Planning and Permitting

cc: California Coastal Commission,
725 Front Street, Suite 300, Santa Cruz, California 95060
Rosann Broten, 5260 Plymouth Street, Cambria, CA 93428

(Planning Department Use Only – for California Coastal Commission)

Date NOFA copy mailed to Coastal Commission: February 27, 2009

Enclosed: X Staff Report
 X Resolution with Findings and Conditions

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

January 6, 2009

PRESENT: Supervisors Frank Mecham, Adam Hill, K.H. 'Katcho' Achadjian,
James R. Patterson and Chairperson Bruce S. Gibson

ABSENT: None

RESOLUTION NO. 2009-018

RESOLUTION AFFIRMING THE DECISION OF THE
HEARING OFFICER AND CONDITIONALLY APPROVING
THE APPLICATION OF MICHAEL WILLIAMS
FOR MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT DRC2007-00041

The following resolution is now offered and read:

WHEREAS, on September 5, 2008, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of Michael Williams for Minor Use Permit/Coastal Development Permit DRC2007-00041; and

WHEREAS, Rosann Broten has 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 January 6, 2009, and a determination and decision was made on January 6, 2009; 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 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.
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 this project is found to be categorically exempt from the provisions of the California Code of Regulations, title 14, section 15303 (class 3).

4. That the appeal filed by Rosann Broten is hereby denied and the decision of the Hearing Officer is affirmed that the application of Michael Williams for Minor Use Permit/ Coastal Development Permit DRC2007-00041 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 Achadjian, seconded by Supervisor Hill, and on the following roll call vote, to wit:

AYES: Supervisors: Achadjian, Hill, Mecham, Patterson, Chairperson Gibson

NOES: None

ABSENT: N.A.

ABSTAINING: N.A.

the foregoing resolution is hereby adopted.

BRUCE S. GIBSON

Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD

Clerk of the Board of Supervisors

[SEAL] **DIANE A. GRATON**
3y. Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: [Signature]
Deputy County Counsel

Dated: December 19, 2008

Res. No. 2009-018

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

I, JULIE L. RODEWALD, 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 28th day of January, ~~2002~~ 2009

JULIE L. RODEWALD

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

(SEAL)

By: Ricardo Aguilar
Deputy Clerk

Res. No. 2009-018

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the proposed detached guest house, additional decking and extended paved parking area are conditioned to comply with all applicable standards, and are consistent with the other residences in this Residential Single Family zoned neighborhood.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- 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 addition of a guest house adjacent to an existing single family residence does not generate activity that presents a potential threat to the surrounding property and buildings. 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 or contrary to its orderly development because the proposed detached guest house is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Plymouth Street, a local road constructed to a level able to handle any additional traffic associated with the project.

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 recreation areas.

Sensitive Resource Area

- 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 the project is designed to limit impacts to the surrounding habitat, and will result in the removal of two (2) Monterey Pines, to be mitigated at a 4:1 ratio.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the detached guest house is located on the least steep section of the Residential Single Family zoned lot.
- 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 the two (2) Monterey Pines to be removed will be replaced at a 4:1 ratio, resulting in eight (8) new native Monterey Pines to be planted. The new trees shall be maintained for three (3) years or until established, whichever comes later.
- 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 a Geotechnical Engineering Report was prepared for the project site by Mid-Coast Geotechnical, Inc. (Nov. 2, 2007), and found that the site conditions were suitable for the development.

Archeological Sensitive Area

- L. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because a report was provided by Clay A. Singer, dated June 8, 2007, stating that no archaeological resources were found on a physical survey of the site, and that there is no record of adjacent findings. In the event that archaeological resources are found during construction, the project shall halt as conditioned in Exhibit B.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a Minor Use Permit/Coastal Development Permit to allow the construction of a 589.5 square foot, two-story guest house and 451 square feet of new permeable deck, adjacent to an existing single family residence. The project will result in the disturbance of approximately 400 square feet of an 8,000 square foot parcel.
2. Maximum height is 28 feet (as measured from average natural grade).

Conditions required to be completed at the time of application for construction permits

3. **Prior to request for construction permits**, the applicant shall provide the Planning and Building Department a condition compliance package that verifies how the conditions of approval have been completed or will be completed.
4. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans.

Site Development

5. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
6. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. The applicant shall use the minimum amount necessary to achieve essential illumination. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
7. **At the time of application for construction permits**, plans shall include the location(s) of sturdy and highly visible protective fencing. Plan notes shall indicate this fencing shall remain in place during the duration of project construction to protect vegetation from construction activities.
8. **At the time of application for construction permits**, plans shall include the "project limit area," which include all areas of grading (including cut and fill areas, utility trenching and offsite improvements) and vegetation removal, the development footprint (i.e., all structures and/or site disturbance) necessary fire clearances and staging areas for all construction activities, the location of those activities, and areas for equipment and material storage.
9. **At the time of application for construction permits**, plan notes shall indicate native trees and undergrowth outside of the "project limit area" shall be left undisturbed.

10. **At the time of application for construction permits**, drainage plans should be designed to retain water on-site and encourage infiltration when feasible. Natural drainage patterns should be retained and remediated if retention is infeasible on-site.

Grading, Drainage, Sedimentation and Erosion Control

11. If grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
12. **At the time of application for construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department, including but not limited to those provided in the Geotechnical Engineering Report that was provided by Mid-Coast Geotechnical, Inc. on November 2, 2007.
13. **At the time of application for construction permits**, the applicant shall comply with all conditions and requirements from the Building and Public Works departments.
14. **At the time of application for construction permits**, the applicant shall apply for and obtain an encroachment permit for the driveway access and expanded parking platform from San Luis Obispo County Public Works.

Fire Safety

15. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, to be prepared at the time of application for construction permits by the Cambria CSD Fire Department for this proposed project.

Services

16. **At the time of application for construction permits**, the applicant shall provide a letter from Cambria Community Services District stating they are willing and able to service the property.

Preservation of Trees and Native Vegetation

17. The following Landscape Plan/Tree Replacement Requirements apply:
 - a. The applicant shall submit for Planning Director review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site;
 - b. The landscape plan shall clearly show the proposed location of the eight (8) Monterey Pines that are required to be replanted to mitigate for the removal of two (2) Monterey Pines. If insufficient area exists to plant all or any of the replacement vegetation on site, then the replanting plan

shall identify an appropriate off-site area that is owned or managed by an appropriate government agency or nonprofit organization. Regardless of planting location, the trees shall be planted prior to final inspection.

Container sizes for all replacement seedlings shall be one gallon, unless approved by the Director of Planning and Building. *Pinus radiata* var. *macrocarpa*, the native Monterey Pine tree, shall be used for replanting of any pine tree removed. **No out of area Monterey Pine stock shall be used;**

New trees shall be planted to reinforce the forest character on the site and in the street frontage, and to screen proposed development. If an off-site replanting is chosen, the replanting must occur with the review and approval of the Environmental Coordinator, and shall be verified by submittal of a letter from the appropriate agency or organization to the Environmental Coordinator. All replacement conditions and monitoring measures (e.g., number of trees, maintenance, etc.) shall apply.

18. **At the time of application for construction permits**, plan notes shall indicate a skilled arborist, or accepted arborist's techniques, will be used when removing tree limbs.
19. **At the time of application for construction permits**, plan notes shall indicate no more than one-third of the area of the drip line around any tree to be retained should be disturbed.
20. **At the time of application for construction permits**, plan notes shall indicate wherever soil compaction from construction will occur within driplines that the compacted root zone area shall be aerated by using one of the following techniques:
 - a. Injecting pressurized water.
 - b. Careful shallow ripping that radiates out from the trunk (no cross-root ripping).
 - c. Other County-approved techniques.

Conditions to be completed prior to issuance of a construction permit

Fees

21. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed during project construction

Building Height

22. The maximum height of the project is 28 feet (as measured from average natural grade).

- a. Prior to any site disturbance, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
- b. Prior to approval of the foundation inspection, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
- c. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Geology

23. **During construction**, the soils and/or civil engineer shall inspect work on-site and verify, as applicable, that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review, information, and the geotechnical reports, including the following:

Geotechnical Engineering Report, Proposed Residential Addition, 5246 Plymouth Street, Cambria vicinity of San Luis Obispo County, prepared by Mid-Coast Geotechnical, Inc., November 2, 2007.

Archaeology

24. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Preservation of Trees and Native Vegetation

25. **Prior to, during, and after construction**, all plan notes required in Conditions #17 shall be implemented.
26. **Prior to, during, and after construction**, materials, including debris and dirt, shall not be stockpiled within 15 feet of any tree, and shall be minimized under tree driplines as required by the land use permit and the Fire Safety Plan. Stockpiled materials shall be removed frequently throughout construction.
27. **During project construction**, practices to protect root systems, trees and other vegetation shall include but not be limited to: methods prescribed in the Cambria Forest Management Plan; avoiding compaction of the root zone; installing orange

construction fencing around protected areas shown on the site plan; protecting tree trunks and other vegetation from construction equipment by wood fencing or other barriers or wrapping with heavy materials; disposing of waste, paints, solvents, etc. off-site by approved environmental standards and best practices; and using and storing equipment carefully.

28. **During project construction**, excavation work shall be planned to avoid root systems of all on-site trees and trees on abutting properties. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.
29. **During project construction**, no understory vegetation shall be removed until a permit has been issued or unless an immediate hazardous condition exists. Understory vegetation removal to create, improve, or maintain adequate defensible space and Fire Hazard Fuel Reduction shall be the minimum necessary. Evidence used to determine whether understory vegetation has been removed without a permit will include, but is not limited to, all photo documentation available.

Drainage, Sedimentation and Erosion Control

30. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
31. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
32. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
33. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
34. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.

Conditions to be completed prior to occupancy or final building inspection

Geology

35. **Prior to final building permit inspection**, a final report prepared by a soils and/or civil engineer shall be submitted to the County Planning and Building Department's field inspector stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction date, etc.

Preservation of Trees and Native Vegetation

36. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection**. If bonded for, landscaping shall

be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

- a. All landscaping and construction practices shall work to maintain and regenerate habitat values. Plant materials shall be used to mimic or enhance naturally occurring vegetation. Materials shall be propagated from appropriate native stock to ensure that the gene pool is not diluted for endemic species. This is particularly true for Monterey Pines and riparian plantings.
 - b. Non-native, invasive, fire prone, and water intensive (e.g., turf grass) landscaping shall be **prohibited** on the entire site. A list of prohibited plants, such as Pampas grass and Scotch broom, is available from the Department of Planning and Building. Use of plants listed in the California Invasive Plant Council (Cal IPC) Invasive Plant Inventory is prohibited.
37. **Prior to occupancy or final inspection**, all stockpiled materials shall be removed from the site and disposed of properly.
38. **Prior to occupancy or final inspection**, all open areas of the site disturbed by project construction are to be seeded with native, drought and fire resistant species that are compatible with the habitat value of the surrounding forest. Replacement vegetation shall be planted in conformance with the following measures:
- a. To prevent or reduce the spread of disease from pine pitch canker, bark beetles or other diseases affecting the forest, the following measures shall be followed:
 - i. Infected or contaminated material shall not be transported to areas that are free of the disease;
 - ii. When cutting or pruning a diseased tree, tools shall be cleaned with a disinfectant before using them on uninfected branches or other trees;
 - iii. Disease and insect buildup shall be avoided by promptly removing and disposing of dead pine material by either burning (where and when allowed), burying, tarping with clear plastic for six months, or chipping. If material is chipped, it should be left as a thin layer on site;
 - iv. Plant material shall be covered or enclosed when it is taken off-site to avoid dispersal of material contaminated with bark beetles.
 - b. Container sizes for all replacement seedlings shall be one gallon, unless approved by the Director of Planning and Building. *Pinus radiata* var. *macrocarpa*, the native Monterey Pine tree, shall be used for replanting of any pine tree removed. **No out of area Monterey Pine stock shall be used;**
39. **Prior to final building permit inspection**, the applicant shall provide a letter to the County prepared by a qualified nurseryman or landscape contractor that the

revegetation plan has been properly implemented, including the planting of eight (8) Monterey Pines of local stock. If an off-site planting location was utilized, the applicant shall provide a letter from the appropriate government agency or nonprofit organization stating that eight (8) pines have been planted, and conditions have been met for the continued care and maintenance of these trees.

Fire Protection

40. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

Cambria Community Services District

41. Applicant shall submit for final plumbing inspection upon completion of the project.
42. **Prior to final inspection**, the applicant shall submit to the Department of Planning and Building a water and sewer service condition compliance letter from the Cambria Community Services District.

Building Review

43. **Prior to occupancy or final inspection**, lighting compliant with Condition #6 shall be installed, and:
- a. All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.
 - b. All light fixtures are required to be fully shielded.
44. **Prior to occupancy 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.

On-going conditions of approval (valid for the life of the project)

Preservation of Trees and Native Vegetation

45. All new plants shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
46. Maintenance shall be often enough to keep weeds at least 3 feet away from each planting, provide adequate moisture to all plants, and ensure all other components (e.g., irrigation system, caging) are kept in good working order.
47. The health and maintenance of replacement vegetation shall be monitored at least once a year from the date of final building permit inspection for a period of

time no less than three years, or until the vegetation is successfully established, whichever comes later. Monitoring reports shall be prepared by an expert competent in landscape planting and maintenance of the Monterey pine forest, and reports shall be submitted to and approved by the County.

Miscellaneous

48. 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.
49. The applicant shall as a condition of approval of this Minor Use Permit/Coastal Development Permit defend, at his/her sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this Minor Use Permit/Coastal Development Permit or the manner in which the County is interpreting or enforcing the conditions of this Minor Use Permit/Coastal Development Permit, or any other action by a third party relating to approval or implementation of this Minor Use Permit/Coastal Development Permit. The applicant shall reimburse the County for any court costs and attorneys fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his/her obligation under this condition.

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

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: Rosann Brotten

Mailing Address: 5260 Plymouth Street

City: Cambria

Zip Code: 93428

Phone: (805) 909-7886

SECTION II. Decision Being Appealed**RECEIVED**

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

CONSTRUCTION OF A 589.5 SF TWO-STORY DETACHED GUEST HOUSE, INCLUDING ADDITIONAL SF COMPRISING A 294.75 SF LOFT AND A 294.75 SF ENCLOSED OFFICE ON A LOWER FLOOR, FOR A TOTAL OF 1179 SF, IN A SIDE YARD; NEW DECK; EXTENDED PARKING AREA (20' X 30' NEW PARKING AREA).

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

5246 Plymouth Street, Cambria, CA 93428

Assessor's parcel no. 022-202-027

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

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

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

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-3-SLO-09-014DATE FILED: March 23, 2009DISTRICT: Central Coast

CCC Exhibit 2
(page 1 of 6 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: 01/06/2009

7. Local government's file number (if any): DRC2007-00041

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:

Michael Williams
6530 Moonstone Beach Drive
Cambria, CA 93428

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) Rosann Broten
5260 Plymouth Street
Cambria, CA 93428

(2) Michael Williams
6530 Moonstone Beach Drive
Cambria, CA 93428

(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.

Since the North Coast Area Plan incorporates standards in Title 23 - Coastal Zone Land Use Ordinance, one set of standards cannot be applied without careful attention to the other set. My contention is that the intent for guesthouses is that they be constructed either in the backyard of a existing residence or as a second floor of a detached garage, not in a sideyard, which is where the Williams's proposed guesthouse is to be constructed. It is clear in 23.08.022 that sideyards may be used for accessory buildings that are 12' or less in height and not used for human habitation. I have attempted to cite below those salient sections of both the NCAP and Title 23. The approval of the Williams's project sets a precedent which is at odds with the goals and intents of both sets of standards. Please contact me if you wish me to clarify further.

NORTH COAST AREA PLAN 7-57 CHAPTER 7: PLANNING AREA STANDARDS REVISED AUGUST 2008

RESIDENTIAL SINGLE-FAMILY: The following standards apply to all land within the Residential Single-Family land use category...

2. Secondary dwellings. The maximum floor area of a secondary dwelling shall be 640 square feet. The secondary dwelling shall be permanently attached by a common wall to the primary dwelling or on the second floor of the primary dwelling's detached garage or located less than 50 feet from the primary residence, whichever causes the least environmental disturbance.

Guesthouses are defined in and subject to the standards of Section 23.08.032 of the CZLUO:

SECTION 23.08.032 OF TITLE 23 DEFINES GUESTHOUSE USE AS FOLLOWS:

e. Guesthouses / Home Office: A guesthouse (sleeping/home office facilities without indoor connection to the living area of a principal residence) may be established as a use accessory to a residence as follows:

(1) Limitation on use:

(i) A guesthouse may contain living area, a maximum of two bedrooms and one bathroom.

A living area may include a wet bar, but such facility shall be limited to a single sink and an under-counter refrigerator, and shall not be located in a separate room. A guesthouse shall not be designed to contain or accommodate cooking or laundry facilities, and shall not be used for residential occupancy independent from the principal residence or as a dwelling unit for rental.

A home office may contain the same facilities as a guesthouse. This includes the restriction on containing or designing to accommodate cooking or laundry facilities separate from the principal residence. The home office shall not be used for residential occupation independent from the principal residence or as a dwelling unit for rental.

GUESTHOUSES ARE CATEGORIZED AS "ACCESSORY USES" IN THE FOLLOWING SECTION:

23.08.020 - Accessory Uses (S-16): Accessory uses are customarily incidental, related and subordinate to the main use of a lot or building and do not alter or change the character of the main use. The standards in the following sections apply to storage that is accessory to a principal use, and other accessory uses such as Home Occupations. (These uses are identified by Coastal Table O, Part I of the Land Use Element as S-16 uses). The special standards for accessory uses are organized into the following sections:

23.08.022 Establishment of an Accessory Use

23.08.024 Accessory Storage

23.08.030 Home Occupations

23.08.032 Residential Accessory Uses

[Amended 1992, Ord. 2591]

GUESTHOUSES ARE DEFINED IN THIS SECTION AS ACCESSORY BUILDINGS/ STRUCTURES, AND AS SUCH THE FOLLOWING RESTRICTION APPLIES:

23.08.022 - Establishment of an Accessory Use:

c. Accessory buildings or structures: A side yard may be used for an accessory building or structure no greater than 12 feet in height, provided that it is not used for human habitation...

In addition, accessory buildings and structures shall satisfy all applicable provisions of Section 23.08.032 (Residential Accessory Uses).

THE WILLIAMS'S PROPOSED GUESTHOUSE IS TO BE CONSTRUCTED IN A SIDE YARD, AND AS SUCH VIOLATES 23.08.022, c., SINCE A GUESTHOUSE IS USED FOR HUMAN HABITATION.

IN ADDITION, THE REMOVAL OF MONTEREY PINES FOR THE WILLIAMS'S PROJECT SEVERELY COMPROMISES THE FOLLOWING NCAP STANDARD:

4. Topographic Standards.

A. Land Alteration Within View Corridors. Land alteration shall be minimized on sites located within areas that are determined by the Planning Director to be public view corridors from collector or arterial roads (per Coastal Zone Land Use Ordinance Section 23.05.034d). These roads are identified on the Circulation map as Highway One, Main Street, Burton Drive, Eton Road, Ardath Drive, Pineridge Drive, Windsor Boulevard, Charing Lane, Weymouth Street, Buckley Drive, and Cambria Pines Road.

THE MONTEREY PINE THAT IS TO BE REMOVED TO ACCOMMODATE THE WILLIAMS'S PROPOSED GUESTHOUSE IS CLEARLY VISIBLE FROM HIGHWAY 1; THE PROPOSED GUESTHOUSE THAT IS TO REPLACE IT WILL ALSO BE CLEARLY VISIBLE FROM HIGHWAY 1, SINCE THAT MONTEREY PINE WILL NO LONGER BE THERE.

I HAVE CITED THE TWO MOST GLARING VIOLATIONS OF THE NCAP AND TITLE 23; HOWEVER, THERE ARE OTHER CONSIDERATIONS, SUCH AS LANDSLIDE RISK, AND SENSITIVE HABITAT THAT THE COMMISSION MIGHT WISH TO ADDRESS.

I AM ATTACHING A PHOTO OF THE PROPERTY IN QUESTION. THE GUESTHOUSE SITE IS DIRECTLY BEHIND THE LARGE OAK AT THE CENTER OF THE PAGE. THE MONTEREY PINE TO BE REMOVED IS BEHIND AND TO THE RIGHT OF THE OAK. THE STUMP IN THE FOREGROUND WAS A MATURE, HEALTHY MONTEREY PINE THAT WAS CUT DOWN IN JUNE OF 2008. THE PARKING AREA TO BE CONSTRUCTED AS PART OF THE PROJECT WILL COMPROMISE THE INTEGRITY OF THE TWO OAKS IN THE FOREGROUND.

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.

Rosann Braten

Signature of Appellant(s) or Authorized Agent

Date:

1/08/2009

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: _____



CCO Exhibit 2
(page 2 of 6 pages)

DEAR MR. BISHOP,

I TOOK THESE PHOTOS OF THE PROPERTY FROM HWY 1 AT THE ONLY VISIBLE POSSIBLE SHOTS. ALL WERE TAKEN AT APPROXIMATELY 12:00 P.M. FOR BEST LIGHTING ON THIS NORTHERN FACING SLOPE. THE EXISTING RESIDENCE AND GUEST HOUSE CANNOT BE SEEN FROM HWY 1. MY HOUSE AND THE PROPOSED ARE LOCATED TO THE LEFT OF APPEALANTS YELLOW HOUSE WHICH IS CLEARLY VISIBLE IN ALL PHOTOS. PHOTOS WERE TAKEN FROM DIFFERENT LOCATIONS ON HWY 1. IN ALL PHOTOS MY HOUSE AND THE PROPOSED GUEST HOUSE ARE COMPLETELY HIDDEN BY TREES AND VEGETATION CANOPIES FROM ALL ANGLES FROM HWY 1. THE PROPOSED HOUSE IS LOCATED IN AN EXISTING NEIGHBORHOOD THAT LOOKS DOWN ON HWY 1 EVEN SO MY HOUSE CANNOT BE SEEN. IN ADDITION THE DARKER COLORS OF MY HOUSE WILL MATCH THE GUEST HOUSE FOR FURTHER CAMOUFLAGE. AS THE PHOTOS SHOW AGAIN THE APPEALANTS HOUSE IS CLEARLY IN YELLOW AND WE ARE TO THE LEFT HIDDEN BEHIND MANY TREES AND BEAUTIFUL VEGETATION. ALSO NOTE THE TWO HAZARDOUS TREES REMOVED "WITH" COUNTY PERMITS DO NOT CHANGE CANOPY OR VIEW FROM HWY 1 TO PROPOSED.

THANK-YOU VERY MUCH FOR YOUR TIME

JONATHAN

Michael

RECEIVED

APR 15 2009

CCC Exhibit 3
(page 1 of 8 pages)

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

1 = Existing House with proposed Hidden behind tree canopy and vegetation
 2 = Apparents clearly seen in yellow
 3 = Neighboring plants in hillside with dark colors

Picture I



←
 North
 Hwy 1

→
 North
 Hwy 1

Valley View, opposite hillside, similar altitude
 Yellow House is Apparent, we are on the left side

Picture II



CCC Exhibit 3
 (page 2 of 8 pages)

Suburban
 Hwy 1
 North
 Lane
 →

From Hwy 1 "North" Traffic View



Vehicle
on Hwy 1

Vehicle
on Hwy 1

From Hwy 1
Directly Below Apartments



Hwy 1
view

Hwy 1
view

CCC Exhibit 3
(page 3 of 8 pages)

Only little bit of [unclear] May 1

[unclear]



May 1
South

May 1
North
→

Repeating numbers both And [unclear] (And
Picture [unclear] (Picture)



May 1
South

CCC Exhibit 3
(page 4 of 8 pages)

May 1

APR. 15. 2009 6:51PM MBB&G 8059271965
FROM: MICHAEL A WILLIAMS
5246 PLYMOUTH ST.
CAMBRIA CA 93428.

Hello AGAIN JONATHAN,

HERE IS ALL THE PAPERWORK AND PERMITS YOU ASKED FOR ON BOTH TREES. FIRST WAS CUT BACK IN MARCH OF 2008 AFTER COUNTY OFFICIALS DEEMED IT DYING, INFECTED BY PINE PITCH AND BEETLES WITH MANY ROOTS EXPOSED AND IT WAS INTER-NOVEN WITH A POWERLINE! SO, FOR THESE REASONS AND EVERYONES SAFETY THIS TREE WAS REMOVED. SECONDLY AND RECENTLY THE OTHER WAS CUT DOWN WHEN COUNTY OFFICIALS DEEMED IT ALSO HAZARDOUS, DYING AND WHEN IT FELL IT WOULD BE DAMAGING OR INFECTING OTHER HEALTHY TREES VEGETATION, AND OR PROPERTY. PLUS, THE FIRE SEASON IS UPON US ONCE AGAIN AND FOR EVERYONES SAFETY IT TOO WAS REMOVED. IF YOU HAVE ANY OTHER QUESTIONS ABOUT THE TREE REMOVALS PLEASE CONTACT: DIRECTOR OF PUBLIC WORKS, SLO COUNTY, MARK DAVIS AT (805) 788-2452. HE'S FAMILIAR WITH US.

THANK-YOU SO MUCH FOR ALL YOUR HELP. HOPE TO SEE YOU IN THE "CITY"
SINCERELY,
Michael Williams

CCC Exhibit 3
(page 5 of 8 pages)

P.S. CALL ME ANYTIME WITH ANY QUESTIONS. (805) 927-2883



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paava Ogren, Director

County Government Center, Room 207 - San Luis Obispo CA 93408 - (805) 781-5252
Fax (805) 781-1228 email address: pwd@co.slo.ca.us

STATUS: ISSUED

MISCELLANEOUS ENCROACHMENT PERMIT

PERMIT NO: ENC20090228

ISSUED: 3/6/2009

ROAD NO: Plymouth St - M5112

TO:
Williams Contracting
5248 Plymouth St.
Cambria, Ca 93428

ATTN: MARIL DAVIS
788-2452

INSPECTOR: Jim Handeland 788-2322

CONTACT PERSON: Mike Williams 927-2883, Dan
Qualey 441-5183

BLD PERMIT:

PERMIT FEE:

\$0.00

ROAD CUT (TRANSVERSE):

\$0.00

ROAD CUT (LONGITUDINAL):

\$0.00

RECEIPT:

TOTAL FEES:

\$0.00

DEPOSIT:

\$0.00

BOND:

\$0.00

SECTION:

SUBJECT TO THAT THE ATTACHED PROVISIONS, PERMISSION IS HEREBY GRANTED TO:

WORK DESCRIPTION: Remove tree in County Right-of-Way at 5248 Plymouth St, Cambria, Ca.

AT: 6246 PLYMOUTH ST

LEGAL DESC:

APN:

CONDITIONS

- Tree to be remove shall be cut as close as possible to the ground and remaining stump grounded flush. All wood under 8" in diameter shall be cut and chipped by contractor. Contractor shall cut wood over 8" in diameter to a maximum 8' lengths and neatly stacked (for county pick-up contact Dan Qualey). All wood over 8' in diameter shall be hauled by county forces.

The Encroachment Permit holder shall be responsible for providing traffic control throughout all phases of work in accordance with Part 6 of the California Manual on Uniform Traffic Control Devices (CA MUTCD). Contact the Public Works Inspector for additional information.

At a minimum, CA MUTCD W20-1 (CA Code C23), "ROAD WORK AHEAD", signs shall be placed and maintained at all times in both directions on all affected streets, from the start of construction until acceptance by the County Public Works Department. All flaggers shall be trained in accordance with the California Code of Regulations, Title 8, Section 1599(f). Part 6 of the CA MUTCD is available on line at <http://www.dot.ca.gov>

All Other Permits Shall Be The Permittee's Responsibility to Obtain.

NOTICE OF START OF CONSTRUCTION SHALL BE GIVEN TO THIS DEPARTMENT AT LEAST TWENTY-FOUR HOURS IN ADVANCE. NOTICE OF COMPLETION SHALL BE GIVEN TO THIS DEPARTMENT. CALL Jim Handeland 788-2322 FOR INSPECTIONS.

Attachment: Encroachment Permit Provisions
Encroachment Permit Standard Drawings:

Work Order No. 246R120104 Encroachment Inspections General

RECEIVED

APR 16 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST

CCC Exhibit 3
(page 6 of 8 pages)



Land Use Authorization

San Luis Obispo County Department of Planning and Building

County Government Center

San Luis Obispo, California 93408

Telephone: (805) 781-5600

Project : ZON2007-00504 Hazardous Tree Determination**Issued To :** WILLIAMS MICHAEL A
5246 PLYMOUTH ST
CAMBRIA CA, 93428

1. Please sign the White copy of this Land Use Authorization and return (Mail) the signed copy back to the County Department of Planning and Building using the enclosed envelope.
2. For each Monterey Pine removed in Cambria, replant trees at a ratio of two (2) Monterey Pines grown from Cambria seed stock for every Monterey Pine authorized for removal.
3. For all other types of trees removed, replace trees at a ratio of two (2) new trees of a species that is common to the same community, for every one tree authorized for removal.
4. New replacement trees must be planted on the same site as the trees authorized for removal.
5. Once the required replacement trees have been planted you must call our office for a replacement tree inspection.

Note: By signing, the Applicant agrees to accept the conditions listed above. Failure to fulfill these conditions will void this authorization.

CCC Exhibit 3
(page 7 of 8 pages)

By _____ Date _____



Land Use Authorization

San Luis Obispo County Department of Planning and Building

County Government Center

San Luis Obispo, California 93408

Telephone: (805) 781-5600

Project : ZON2007-00504 Hazardous Tree Determination

Issued To : WILLIAMS MICHAEL A
5246 PLYMOUTH ST
CAMBRIA CA, 93428

Assessment(s) : 022-202-027

Planning Area :

Community :

Legal Description :	Tract/Town	Block/Range	Lot/Section	Zoning
	022202	027	0001	CAZ / /
	M07-	194	0001	RSF / LCP / AS

Approved Use : 1 MP MARKED: IS ON STEEP SLOPE ABOVE HOUSE AND IS NEXT TO NATURAL DRAINAGE SO THAT ROOTS ARE BEING ERODED. OK TO REMOVE 1 TREE. NOTE: TREE NOT TAGGED.

Location of Use : 05246 PLYMOUTH ST CAMB

Comments :

Note Conditions of Approval on the final page

Effective Date : 3/3/2008

This land use authorization will become effective on the date above unless appealed pursuant to section 22.01.042 A (1) of the land use ordinance.

Expiration Date : 3/3/2009

This land use authorization will expire on the above date if it has not been exercised or extended as required by section 22.02.040 of the land use ordinance.

CCC Exhibit 3
(page 8 of 8 pages)

A-3-SLO-09-014 (Williams Guesthouse)

Applicable LCP Policies

Guesthouse Standards

CZLUO Section 23.08.020 – Accessory Uses (S-16): Accessory uses are customarily incidental, related and subordinate to the main use of a lot or building and do not alter or change the character of the main use. The standards in the following section apply to storage that is accessory to a principal use, and other accessory uses such as Home Occupations. (These uses are identified by Coastal Table O, Part I of the Land Use Element as S-16 uses). The special standards for accessory uses are organized into the following sections:

23.08.022 – Establishment of an Accessory Use
23.08.024 Accessory Storage
23.08.030 Home Occupations
23.08.032 Residential Accessory Uses

CZLUO Section 23.08.032(e) – Guesthouses / Home Office: A guesthouse (sleeping/home office facilities without indoor connection to the living area of a principal residence) may be established as a use accessory to a residence as follows:

(1) Limitation on use:

- (i) A guesthouse may contain living area, a maximum of two bedrooms and one bathroom. A living area may include a wet bar, but such facility shall be limited to a single sink and an under-counter refrigerator, and shall not be located in a separate room. A guesthouse shall not be designed to contain or accommodate cooking or laundry facilities, and shall not be used for residential occupancy independent from the principal residence or as a dwelling unit for rental.

A home office may contain the same facilities as a guesthouse. This includes the restriction on containing or designing to accommodate cooking or laundry facilities separate from the principal residence. The home office shall not be used for residential occupation independent from the principal residence or as a dwelling unit for rental.

North Coast Area Plan CHAPTER 7: PLANNING AREA STANDARDS RESIDENTIAL SINGLE-FAMILY

2. Secondary Dwellings – The maximum floor area of a secondary dwelling shall be 640 square feet. The secondary dwelling shall be permanently attached by a common wall to the primary dwelling or on the second floor of the primary dwelling's detached garage or located less than 50 feet from the primary residence, whichever causes the least environmental disturbance. Guesthouses are defined in and subject to the standards of Section 23.08.032 of the CZLUO.

Visual Resource Standards

4. Topographic Standards.

A. Land Alteration Within View Corridors. Land alteration shall be minimized on sites located within areas that are determined by the Planning Director to be public view corridors from collector or arterial roads (per Coastal Zone Land Use Ordinance Section 23.05.034d). These roads are identified on the Circulation map as Highway One, Main Street, Burton Drive, Eton Road, Ardath Drive, Pineridge Drive, Windsor Boulevard, Charing Way, Weymouth Street, Buckley Drive, and Cambria Pines Road.

Geologic Study Area (GSA) Standards

23.07.084 - Application Content - Geologic and Soils Report Required:

All land use permit applications for projects located within a Geologic Study Area (except those exempted by Section 23.07.082) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate. The report shall identify, describe and illustrate, where applicable, potential hazard of surface fault rupture, seismic shaking, liquefaction or landslide, as provided by this section. Provided, however, that no report is required for an application located in an area for which the County Engineer determines that sufficient information exists because of previous geology or soils reports. Where required, a geology report shall include:

- a. A review of the local and regional seismic and other geological conditions that may significantly affect the proposed use.
- b. An assessment of conditions on or near the site that would contribute to the potential for the damage of a proposed use from a seismic or other geological event, or the potential for a new use to create adverse effects upon existing uses because of identified geologic hazards. The conditions assessed are to include, where applicable, rainfall, soils, slopes, water table, bedrock geology, and any other substrate conditions that may affect seismic response, landslide risk or liquefaction potential.
- c. Conclusions and recommendations regarding the potential for, where applicable:
 - (1) Surface rupture or other secondary ground effects of seismic activity at the site;
 - (2) Active landsliding or slope failure;
 - (3) Adverse groundwater conditions;
 - (4) Liquefaction hazards.
- d. Recommended building techniques, site preparation measures, or setbacks necessary to reduce risks to life and property from seismic damage, landslide, groundwater and liquefaction to insignificant levels.

Terrestrial Habitat (TH) Standards

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.

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.