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Prepared March 22, 2012 (for April 12, 2012 Hearing)

To: Coastal Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager
Daniel Robinson, Coastal Planner

Subject: **Appeal A-3-SLO-11-064 (Lewis Residence).** Appeal by Maria Jaqua, John Carsel, and Carol Baptiste, and John and Sue Black of San Luis Obispo County decision granting a coastal permit with conditions to Dr. Marshall Lewis for demolition of an existing 2,810 square-foot, one-story single-family dwelling (SFD) and construction of a new 4,555 square-foot, two-story SFD with a 2,377 square-foot underground garage, and relocation of an historic water tank on site, at 709 Lucerne Road in the Cayucos area of San Luis Obispo County. Appeal Filed: September 19, 2011. 49th Day: Waived.

1. Recommendation

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which appeal A-3-SLO-11-064 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-11-064 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.

2. Findings

On August 9, 2011, San Luis Obispo County approved a CDP authorizing demolition of an existing 2,810 square-foot, one-story SFD, relocation of an historic water tank, and construction of a new 4,555 square-foot, two-story SFD with a 2,377 square foot underground garage at 709 Lucerne Road in the Cayucos area of San Luis Obispo County (see notice of County's action in Exhibit 6). Pursuant to Coastal Act Section 30603 and Local Coastal Program (LCP) Section 23.01.043(c)(5), this approval is appealable to the Commission because the approved development is located both seaward of the first public road and within 300 feet of the blufftop edge. The Appellants contend that the County's approval is inconsistent with San Luis Obispo County LCP policies and ordinances related to hazards (including tree removal), visual and scenic resources, and environmentally sensitive habitat areas (ESHAs) (see the two full appeal documents in Exhibit 4).

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 photos of the site and surrounding areas (Exhibit 2), the Applicant's biologist's recent biological assessment, Discussion of Groundwater report, and other supplemental information (exhibits 3, 4 and 8), the Appellants' contentions (Exhibit 5), applicable and cited LCP policies (Exhibit 6), and the County's Final Local Action Notice for the development (Exhibit 7), and has visited the site to better understand and evaluate the County's record in light of the appeal contentions (in December, 2011). Commission staff recommends that the Commission find that this appeal raises no substantial issue with respect to the LCP for the following reasons:

Hazards

The Appellants contend that the County approved-project is inconsistent with LCP policies concerning bluff stability and erosion, primarily due to the Applicant's proposal for an underground garage and the removal of 13 Monterey cypress trees from the property. The Appellants have cited several LCP Coastal Zone Land Use Ordinance (CZLUO) policies in support of their contentions. Specifically, they have cited CZLUO Section 23.07.080 that describes the LCP's Geologic Study Area (GSA) combining designation and indicates that it is applied to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property.[2] The Appellants also cite CZLUO Section 23.07.084(c)(3), which requires geologic reports to include evaluation of the potential for active land sliding or slope failure. Finally, the Appellants also cite CZLUO Section 23.07.086(c) that requires new development to ensure structural stability while not creating or contributing to erosion (see Exhibit 5 for full appeal documents, and see Exhibit 6 for cited LCP policies).

The County approved project is located between the road (Lucerne Road) and a roughly 40-foot high coastal bluff, and the property is subject to the LCP's GSA designation. Any project located within a GSA designation or within a high liquefaction area is subject to the requirement to prepare a geologic and soils report per the County's LCP (CZLUO Section 23.07.084). Such report is meant to evaluate geologic and soils issues that may affect the stability of a proposed project. In this case, the County and the Applicant have developed a significant geologic and soils framework for the project, including the LCP required reports and analyses regarding the potential for active land sliding and slope failure at the project site.[3] These evaluations indicate that the site is geologically suitable for the County-approved

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[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] As a general rule, the GSA standard is applied along the immediate shoreline to properties affected by coastal bluffs and cliffs greater than 10 feet in vertical relief.

[3] Applicable reports include the County's Mitigated Negative Declaration under CEQA (prepared June 2010), and the Applicant's geologic reports (by Geo Solutions Inc., dated August 14, 2009 and January 15, 2010), geotechnical investigation (by Mid Coast Geotechnical, dated July 30, 2009), bluff stability and seepage report (by GeoSolutions Inc., dated January 26, 2011), and geologic and groundwater report (by GeoSolutions, dated January 18, 2012).

residential development, and that the new residential development is set back from the coastal blufftop edge an appropriate distance to adequately minimize hazards to life and property under the LCP. Specifically, the new residential development is set back 40 feet on the western side and 30 feet on the eastern side from the blufftop edge (see approved project plans in Exhibit 7, pages 68-78).[4] These setback distances meet LCP requirements.[5,6]

The Appellants also specifically contend that the project's underground garage would lead to further bluff instability and erosion, and that a nearby spring was not appropriately addressed in terms of geologic impacts. The Applicant's geotechnical consultants prepared a report that addresses these issues, concluding that the basement does not negatively affect bluff stability and that potential impacts associated with the spring have been appropriately addressed.[7] With respect to the latter, although groundwater was not found within the area of the garage (proposed to a depth of 11 feet below land surface), the presence of groundwater was modeled through a formal slope stability analysis at between 2 and 4 feet above the Franciscan bedrock (encountered approximately 22 to 25.5 feet below the ground surface) as a conservative element incorporated into the stability modeling. This analysis was part of the information used to develop the above-described setbacks, and it appears to have adequately addressed the spring/groundwater issue (see Exhibit 4 and Exhibit 7 pages 120-131). In addition, the Commission's senior geologist, Dr. Mark Johnsson,[8] has reviewed the relevant reports and concurred that it is likely that the majority of groundwater flow in this situation, as is commonly the case in this region, is through the marine terrace deposits lying on top of the bedrock layer. Plans show that the garage is not extending into the bedrock, leaving approximately 13 feet of marine terrace deposits intact, and thus that it is unlikely to affect groundwater flow, bluff stability and erosion at this location.[9] In addition, the County attached conditions to appropriately address stability, excavation, and groundwater issues, including requirements for: a drainage plan (to be prepared by a registered civil engineer); a sedimentation and erosion plan; an on-site engineering geologist to monitor the site during excavation; and appropriate construction materials designed to retain earth and waterproof the development, all designed to help ensure bluff integrity throughout construction and after completion.

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4 The current SFD is closer to the bluff, approximately 12 feet at its closest point. The new setbacks for the new SFD move the development footprint away from the bluff, shifting it downcoast).

5 Per the LCP, setbacks must be adequate to ensure stability for a period of 100 years, with a minimum required setback of at least 25 feet in all cases. The Applicant's geologic report determined that the average annual long-term bluff retreat rate at the site is 2 inches per year, equaling approximately 17 feet over 100 years. In addition, the Applicant's geologic report also evaluated slope stability, and determined potential landslide scenarios that dictated setbacks of 23 feet and 13 feet (on the western and eastern sides of the site respectively). Together, setting back for slope stability and long-term erosion over 100 years dictate a setback of 40 feet on the western side and 30 feet on the eastern side.

6 Although the project's gravel driveway was originally located in this setback area, the County's final approval moved it so that it is located inland of the setback area.

7 Bluff stability and seepage report by GeoSolutions Inc., dated January 26, 2011, and follow-up report entitled "Discussion of Groundwater" dated January 18, 2012.

8 Dr. Johnson is the Commission's long-time senior geologist and hydrogeologist with many years of experience in coastal geology, hydrogeology, and related matters.

9 Groundwater at the subject property is at a depth of approximately 24.5 feet, according to the Discussion of Groundwater report, dated January 18, 2012.

Finally, the Appellants also contend that the removal of the thirteen Monterey cypress trees, located in a row running parallel to the road in the area between the house and Lucerne Road (see photos in Exhibit 2), could adversely impact the structural integrity of the bluff. The Appellants contend that the removal of these trees could lead to erosion of the bluff over time, since the roots of the trees will eventually die after the trees themselves are removed, which could potentially reduce their capacity to help hold the bluff together.[10] However, it does not appear that the trees are the controlling factor for bluff stability at this location, and there is evidence that these trees are near the end of their lifetime, and some are dead or dying. The Applicant's Arborist report indicates that "significant deadwood, poor structure, and crowded canopies contribute to 12 of the 13 trees being in poor to fair condition", and only one tree of the lot as having a rating above 70%.[11] For the three trees nearest the bluff edge (at the upcoast edge of the site) there is even the potential for the trees to destabilize the bluff if they topple over the bluff edge and take the bluff and root ball with them.[12] Even if these same tree roots were helping to hold the bluff together, the removal of these closest trees would likely increase bluff integrity overall by reducing the potential for them falling in storms and taking with them large chunks of the bluff. In conjunction with the required 40-foot setbacks at this location (which will bring the County-approved development well away from the bluff and likely reduce stress on the bluff edge), it appears that the removal of the trees should not significantly reduce the capacity to help hold the bluff together, and together will likely increase the bluff's integrity over time.

In short, it is clear that the subject site is subject to geologic hazards by virtue of its blufftop location and geologic and landscape attributes. The County-approved project has appropriately evaluated and addressed the stability questions raised, including in terms of tree removal, the underground garage/basement, and spring/groundwater concerns. The approved SFD footprint moves residential development further away from the bluff, and the County's construction and post-construction parameters should be adequate to address erosion and stability, including through the use of an on-site geologic monitor, drainage plans, and landscaping plans designed to best ensure bluff stability. As is required under the LCP's Estero Area Plan, the County's approval also prohibits future shoreline armoring. The County's approval was based on appropriate evaluation and analysis of the relevant hazards issues presented, and its decision was supported by evidence in the file. In addition, Dr. Johnsson has evaluated the geologic and soils reports for the site, has coordinated with the County's engineering geologist and the Applicant's engineering geologist, and has performed a site visit. Dr. Johnsson concurs that the County-approved project appropriately addresses the relevant coastal hazard concerns, and has been sited and designed to minimize bluff stability and erosion hazards in the manner directed by the LCP. Thus, the Appellants' hazards contentions do not raise a substantial LCP conformance issue.

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[10] The Appellants' certified arborist, Robert Schreiber, has stated that the roots of these trees are helping hold the bluff together and that disturbing or cutting roots on the side where most of them are growing will affect the structural integrity of the bluff (see exhibit 7, pages 341-345).

[11] Construction Site Tree Inventory and Tree Protection Plan (Davey Resource Group, August 2010)(see exhibit 7, pages 314-340).

[12] Roots are currently exposed over and in the bluff edge for the two trees nearest the upcoast edge of the site.

Visual and Scenic Resources

The Appellants contend that the approved project is inconsistent with the LCP's visual and scenic resource protection policies (Coastal Plan Policies 1, 2, 4, 5, 7, CZLUO Sections 23.05.034(d) and 23.05.064(d) and (e), and Estero Area Plan Section I-c). Specifically, the Appellants contend that the proposed project is situated at a prominent gateway location at the north end of Cayucos and is highly visible from Ocean Avenue and Highway 1 and will be visible from Estero Bluffs State Park, which is a popular destination for hikers, surfers, fishermen and sightseers (located upcoast of the site and upcoast of the intersection of Ocean Avenue and Highway 1). The Appellants primarily rely on LCP Policy 2 (permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas) and Policy 4 (new development shall be sited to minimize its visibility from public view corridors) in making their contentions.[13] In addition, the Appellants also cite LCP Policy 1 (unique and attractive features of the landscape, including, but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved and protected), Policy 5 (major vegetation removal within view corridors (areas visible from collector or arterial roads such as Highway 1) are to be minimized), and Policy 7 (the location and design of new development shall minimize the need for tree removal). Cited CZLUO Sections 23.05.034(d) and 23.05.064(d) and (e) also refer to minimizing major vegetation removal within view corridors and requiring new development to incorporate design techniques and methods that minimize the need for tree removal. Finally, the Estero Area Plan's section on shoreline development states that new development located on a coastal bluff be, to the maximum extent feasible, compatible with the character of the surrounding neighborhood (Section I-c). In summary, the Appellants contend that the County-approved SFD and allowed tree removal does not adequately protect public views and community character, including in relation to the scale and design of the house, and the removal of the trees themselves (see Exhibit 5 for full appeal documents, and Exhibit 6 for cited LCP policies).

The project site is located at the north end of Estero Bay at the upcoast outskirts of Cayucos. The site is located along a frontage road (Lucerne Road) accessed from another frontage road (Ocean Avenue), both of which are located seaward of and below (i.e., at a lower elevation) Highway 1 (see Exhibit 1 and 2). From the Highway exit, Ocean Avenue loops toward the bluffs and is developed with several SFDs on the bluff side. Just prior to the intersection of Ocean and Lucerne, there is a roughly 250-foot section of the street without any houses. The project site is the first site on Lucerne past the intersection, and the remainder of Lucerne is developed with SFDs on its seaward side. See Exhibit 2 for photos of the site and surrounding areas.

In terms of the view of the site from Highway 1, this view is limited due to the Highway being at a higher elevation than the site. Northbound Highway travelers cannot see the site, and travelers passing along southbound Highway 1 can only catch a glimpse of the project site for a short duration given the grade separation. Even then, what are visible are the tops of a fairly solid mass of cypress trees. It is not until travelers exit Highway 1 and take the frontage roads that a full view of the site is possible. Thus, the main public view affected by the proposed project is from the frontage roads, and not from Highway

[13] They also cite Coastal Act Sections 30251 and 30253, but these are not valid standards of review for an appeal case like this one.

One. With respect to views from Estero Bluffs State Park, the site is visible form the hiking trails located there (again, upcoast of the Ocean Avenue and Highway 1 intersection). However, there are already a series of residential structures in a developed residential neighborhood in this view looking back towards Cayucos from Estero Bluffs, and the effect of the project on this view will be insignificant.

In terms of blocking or impairing the through public view on these local streets, the approved project should not result in a significantly different through view than is available now. Currently, the cypress along the street frontage and the existing house together present visually as a fairly solid mass in the viewshed. The approved project would eliminate the trees and replace them in this view with the new house, generally shifted downcoast (i.e., away from the upcoast opening and towards the string of SFDs extending towards Cayucos proper). In terms of the through view, this change is likely to open up some blue water and through views at the site, as compared to the existing through view (including at its upcoast end where some new view will be opened adjacent to the opening between Lucerne Road houses and Ocean Avenue houses due to the shift and shed removal). This is the case even from Highway 1 where the tree removal will actually allow more blue water views. See approved project plans in Exhibit 7, pages 66-78, and photo simulations and renderings of the County-approved project in Exhibit 7, pages 116-119 and Exhibit 8).

The main issue presented by the project appears to be less that of blocking or impairing the through public view and more a question of visual and community character compatibility. In terms of height and scale, the County-approved project is slightly lower than the maximum allowed (i.e., it is 20-feet in height when the LCP maximum is 22 feet), is the minimum height possible for a two-story residence, and is consistent with other two-story residences on Lucerne Drive and Ocean Avenue. The character of the neighborhood is fairly eclectic, and there is no LCP-required design theme or similar requirement. Although fairly large in overall square footage, and although a fairly unique design (see Exhibits 2 and 7, pages 75-77), the County-approved residence does not conflict with the eclectic community character of this area and should not impair the public view of which it will become a part any more than is currently the case.

In terms of the effect of the tree removal, it will at first make the residential structure appear starker than is currently the case. However, required landscaping, per an approved landscaping plan, will help to soften this effect, and the residential structure includes articulation that should also limit impacts. The LCP does not prohibit tree removal, and it is explicitly allowed when the trees in question are "obstructing existing or proposed improvements that cannot reasonably be designed to avoid the need for tree removal;" "dead, diseased beyond reclamation, or hazardous;" or "crowded" (CZLUO Sections 23.05.060-064). As part of the County's review process, the County determined that any development on the site would negatively impact the root zones of the trees and ultimately result in the death of the trees over time because the root zones stretch across almost the entire parcel. The concept of using the existing house foundation to avoid such impact was identified as a possible way of avoiding this impact. However, the existing foundation is in the required setback area for hazards (and the footprint is being moved downcoast to better address the hazards at this site). In addition, the cypress slated for removal were deemed to be in various states of declining health, and are not specifically called out as ESHA or

as a sensitive resource according to the LCP (see also ESHA findings that follow), and they are not identified in the Estero Area Plan as a significant historic resource or community feature. Further, the County has required that the trees will be replaced at a 2:1 ratio with native trees at the site (where such replacement plantings can also help to screen the development) or in an appropriate location in Cayucos.[14]

Development on the triangle shaped blufftop lot is heavily constrained due to the appropriate coastal bluff setbacks in this case. Any significant development at this site would impact the trees and root zones. The trees in question are in various states of poor to fair condition, where the close proximity of the trees to one another has created dense canopies that have suppressed leaf growth and increased deadwood in the upper parts of the trees.[15] These trees are not categorically protected by the LCP, nor are they considered ESHA, and their removal in this case should not result in significant coastal resource impacts. As such, there does not appear to be a compelling LCP reason to require their retention at this location. While the County did not require that all of the replacement trees be replanted on site, the applicant is proposing to replant trees on site that will effectively screen much of the development in 7-10 years (see Exhibit 7, pages 117-119 and Exhibit 8). Conditions requiring the proposed replanting to be completed as soon as it is feasible will help ensure visual screening will occur sooner rather than later. In summary, the thirteen Monterey cypress trees, while visually impressive as they rise between 25 and 45 feet, are degraded based on crowding, neglect, and age and their removal should not adversely affect public views at this project location.

In short, the County-approved project will change the viewshed, but the changes are unlikely to lead to significant adverse public viewshed impacts. The through view will, if anything, be opened up more than is currently the case, primarily due to removal of the trees. The character of the area and the viewshed will change when the trees are removed and the new residential structure is developed, but the change will not significantly adversely impact what is already an eclectic neighborhood built environment and the public view overall. Based on a review of the cited LCP policies, the project plans, and the renderings and visual simulations prepared for the project, and as confirmed by a Commission staff site visit in December 2011, the County-approved project adequately addresses applicable LCP visual resource policies. It does not appear that the construction of the residence or the tree removal will substantially adversely impact the scenic and visual resources of this area, and the Appellants' viewshed contentions do not raise a substantial LCP conformance issue.

ESHA

The LCP defines coastal streams, wetlands, and certain terrestrial habitats as environmentally sensitive habitat areas (ESHAs), and includes policies and implementing ordinances to ensure that development

[14] The Applicant intends to plant the required replacement trees on the property, if possible. However, the area between Ocean Avenues and Lucerne Avenue adjacent to the site has also been discussed as an appropriate offsite location, including to help provide some visual mottling and screening of the residence as seen from Ocean Avenue.

[15] Per the Applicant's arborist's report (by Davey Resource Group, dated August, 2010), significant deadwood, poor structure and crowded canopies contribute to 12 of the 13 trees being in poor to fair condition.

within or adjacent to such ESHAs does not significantly disrupt such resources (including LCP ESHA Policies 1 and 2, and CZLUO Sections 23.07.170 through 23.07.176). The Appellants contend that the existing cypress trees are ESHA and cannot be removed for that reason. The Appellants cite Estero Area Plan Chapter 7 Section III that refers to resource protection and environmentally sensitive areas, and specifically Section 2(a)(5) which refers to other sensitive features including, "other significant stands of vegetation such as Bishop Pine, eucalyptus and cypress – whether or not identified as Sensitive Resource Area combining designations – that do not need to be removed due to hazardous condition or restoration/enhancement of native habitat." The Appellants further site Estero Area Plan, Article 2(b), which states that, all development within 100 feet of the preceding sensitive features shall comply with the applicable standards for ESH in the Coastal Plan Policies and in Chapter 23.07 of the CZLUO, except as otherwise specified in this plan. See Exhibit 5 for full appeal documents and Exhibit 6 for cited LCP policies.

The LCP generally accounts for ESHA determinations through the CZLUO, although the area plans can provide additional detail. In this case, the Estero Area Plan describes ESHA similar to the CZLUO, and provides detail on certain specific habitat types in the cited section (Section 2(a)(5)), which describes both ESHA as well as "other sensitive features". Significant stands of various tree types, including cypress, qualify as other sensitive features in that context to which certain additional parameters apply. In this case, the County did not determine the cypress on the site to be a significant stand of cypress (and thus a sensitive feature), and this conclusion appears to be appropriate. The cypress trees in question do not contain the necessary attributes to warrant such a designation, such as habitat for rare or endangered species or functional connection to some type of sensitive habitat. These trees were horticulturally planted in row fashion as street trees, and the County's record indicates that they provide marginal habitat for wildlife (see Exhibit 3 and 7, pages 44-47 and 314-340). As described earlier, information in the record also suggests that the trees themselves are in poor health, further supporting the County's decision. Removal of any of the subject trees is not expected to adversely affect bird or wildlife habitat value in the general area, especially considering the County's requirements placed on the project.

Further, the County's CEQA document determined that the conditions are not present on the site to support sensitive species habitat otherwise (such as for California red-legged frog, monarch butterfly, California seablite, and the Blochman's dudleya). County environmental staff also completed a survey as part of their application site visit, and did not witness any sensitive species, including bird species in the trees.[16] Most recently, the Applicant's biologist visited the site and prepared a biological assessment of the area (see Exhibit 3). That biological assessment supported previous assessments (such as the Applicant's previous arborist report), that the trees were of poor condition and for reasons mentioned above were poor habitat for raptor nesting and other wildlife.

In summary, the trees in question do not qualify as ESHA, nor as a sensitive feature, and are not subject to the LCP's ESHA provisions. Rather, the LCP allows for trees to be removed, including if they are

[16] As a precautionary measure, the County conditioned the project to avoid construction during nesting season (March through July) unless a County-approved qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted.

dead, diseased, or crowded (CZLUO Section 23.05.064), and the data in the record supports such assessment in this case. The Appellants ESHA contentions do not raise a substantial LCP conformance issue.

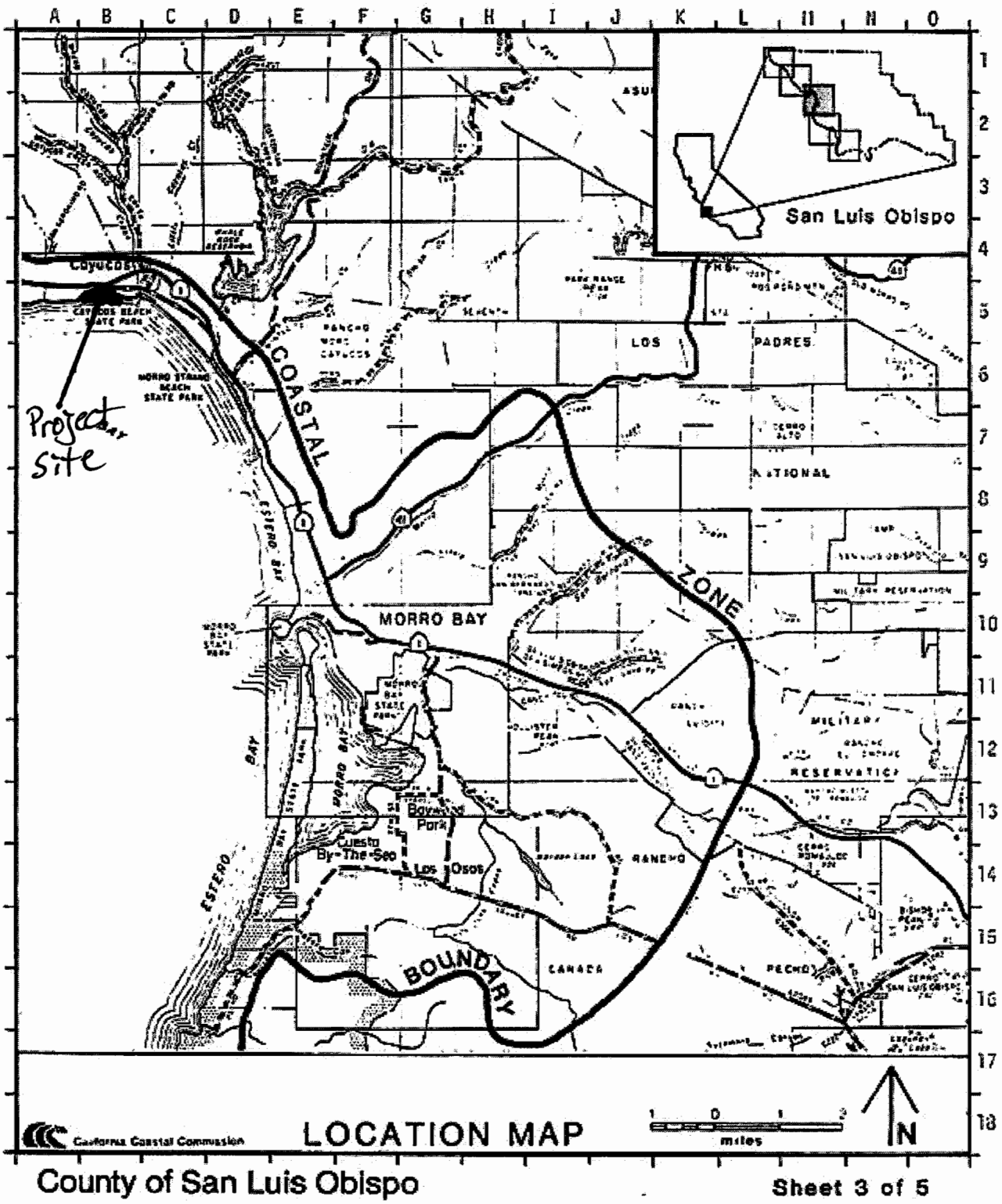
Conclusion

Overall, the County has provided adequate factual and legal support for its decision that the approved development would be consistent with the certified LCP. The extent of the project is limited to a replacement SFD in a developed residential neighborhood. The issues raised are local issues, and not statewide or larger regional issues that require further review by the Commission. And although public view, bluff, and tree resources are important coastal resources, the County's approval appropriately recognizes and addresses these resources consistent with the LCP, and thus their significance in this appeal substantial issue context is limited. Finally, the County's action is specific to this site and this factset, it does not include novel or unusual findings or conclusions in relation to the LCP, and no adverse precedent will be set for future interpretations of the LCP.

For the reasons stated above, the Commission finds that Appeal Number A-3-SLO-11-064 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: Location Map
Exhibit 2: Site Area Photos
Exhibit 3: Applicant's Habitat Assessment Memo
Exhibit 4: Applicant's Discussion of Groundwater report
Exhibit 5: Appeal of San Luis Obispo County's CDP decision
Exhibit 6: Cited San Luis Obispo County LCP policies
Exhibit 7: San Luis Obispo County CDP decision
Exhibit 8: Applicant's Supplemental Information Packet



County of San Luis Obispo

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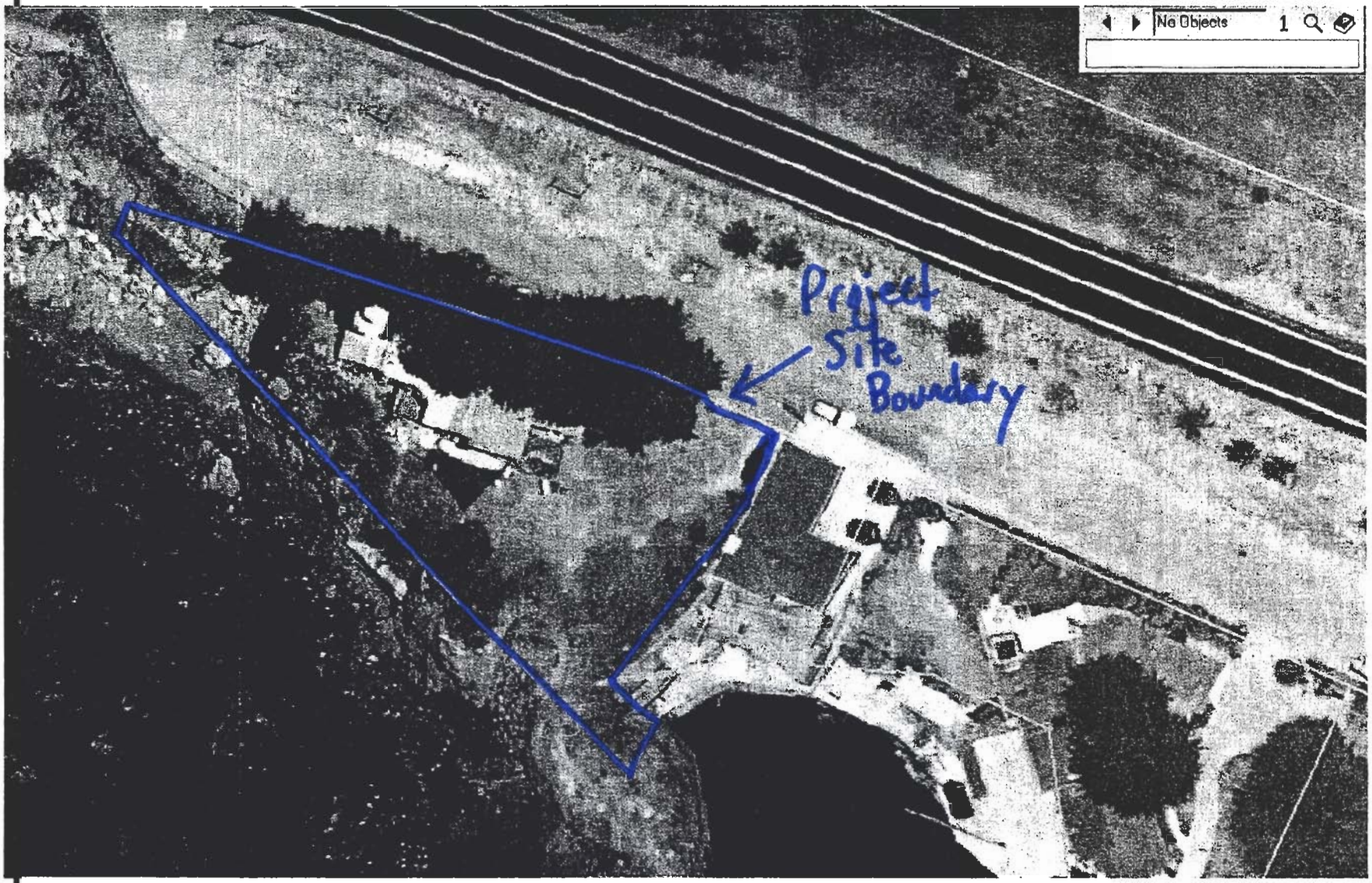
CCC Exhibit 1
(page 1 of 1 pages)

Highway One
Lucerne Dr.
Site

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Minor Use Permit and Variance
Lewis DRC2009-00020 DRC2009-00027

EXHIBIT
Aerial Photograph

Exhibit 2
2 of 7

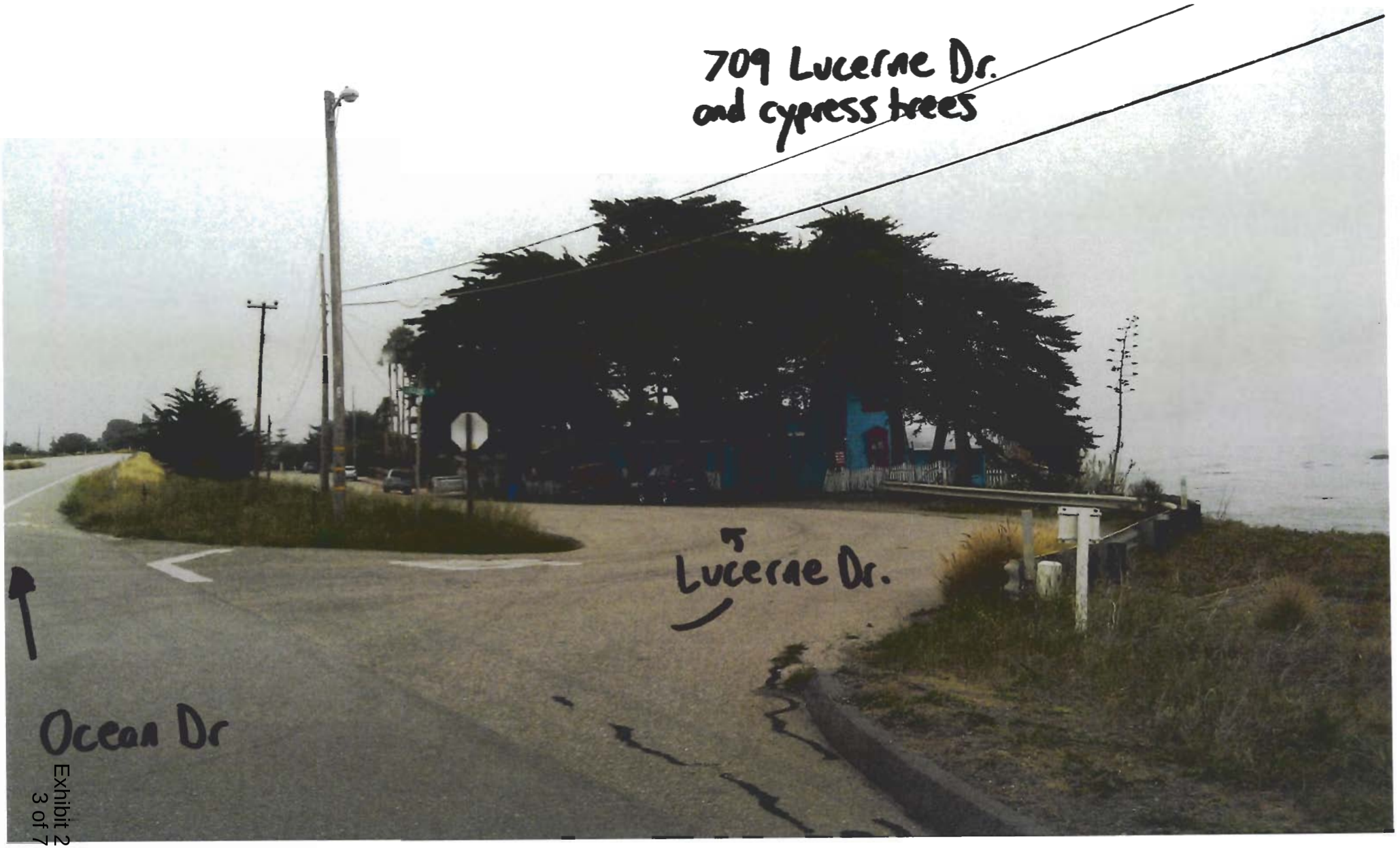


Exhibit 2
3 of 7

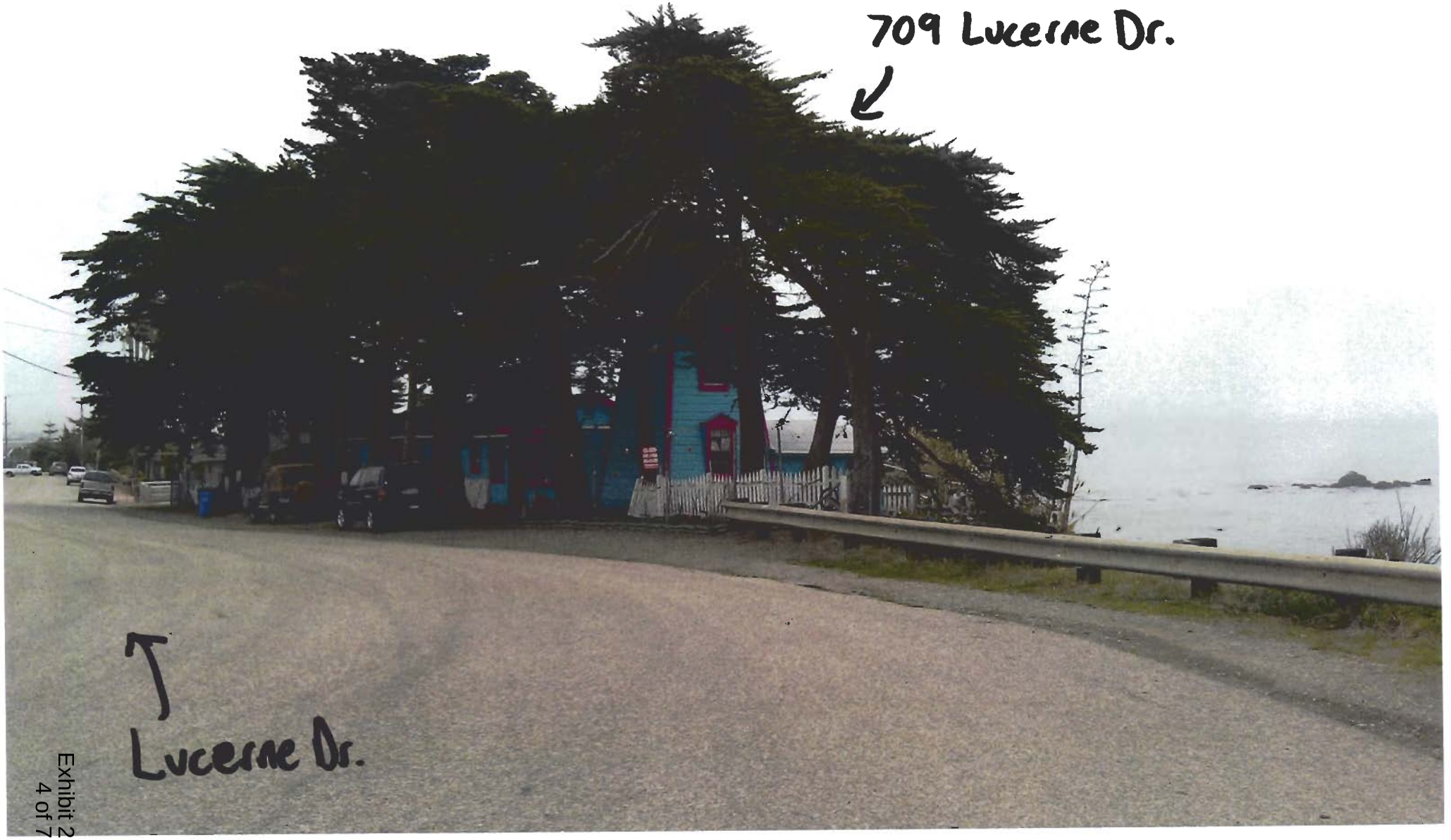

709 Lucerne Dr.
Lucerne Dr.

Exhibit 2
5 of 7


Cypress
Lucerne Dr.


CAL-STATE
RENT A FENCE
709 Lucerne

KMA

Kevin Merk Associates, LLC P.O. Box 318, San Luis Obispo, CA 93406 805-748-5837(o)/439-1616(f)

March 22, 2012

Ms. Rachel Kovesdi
Kirk Consulting
8830 Morro Road
Atascadero, California 93422

Subject: **Lewis Residence Tree Habitat Assessment, 709 Lucerne Road, Cayucos, San Luis Obispo County, California (MUP/CDP DRC2009-00027)**

Dear Ms. Kovesdi:

Kevin Merk Associates, LLC (KMA), at your request, visited the subject property to evaluate the habitat value of existing Monterey cypress trees (*Hesperocyparis macrocarpa*) planted along Lucerne Road in front of the existing home and structures. Prior to conducting the field work, project information was reviewed to better understand the resources present and environmental review completed to date, including the biological mitigation measures imposed on the project by the County of San Luis Obispo (County). The background review included the County's Initial Study and Mitigated Negative Declaration (IS/MND revised June 30, 2011), the Tree Site Inventory and Preservation Arborist Report and supplement (Davey Resources Group, August 24, 2010 and September 1, 2010), and Footprint Comparison (EDA, May 11, 2011) illustrating the proposed new home's location in relation to the existing structures and trees onsite.

Field work was conducted on March 21, 2011 and included an inspection of the Monterey cypress trees growing along Lucerne Street. Upon arriving at the site, select vantage points on North Ocean Avenue and Lucerne Road away from the property were used to observe bird activity in and around the subject trees. Binoculars (8x42 magnification) were used to scan for birds and identify potential nest sites and areas for closer inspection. After observing the trees from a distance, each tree was inspected from the property frontage along Lucerne Road searching for cavities and nests that could be used by birds.

No nests or bird nesting behavior was observed onsite. Several cavities and holes that could be used by cavity dwelling species were located in trees 9, 12, and 13 as identified on the Arborist Report. No signs of bird guano or nest materials were observed around the holes, and they did not appear to support bird activity at this time. In general, very few birds were observed using the trees during the site visit. Four house finches (*Carpodacus mexicanus*) were seen foraging in the trees, and perching on neighboring cable and phone lines.

The Monterey cypress trees on the property were planted in a linear fashion along the edge of the road, and are sited less than 10 feet from the edge of pavement and the existing house and walkways. The trees apparently have not been pruned in some time and branches extend well over the roof. Excessive deadwood and a large amount of cone production was also present, which is

typical of older trees nearing the end of their life span. High winds and salt spray coming off the Pacific Ocean contribute to their shape, and have sculpted the trees creating the typical coastal cypress tree growth habit with dense flat-topped branches and leaves at the top of the trees.

Only one of the 13 specimens was given a rating of good by the project arborist, and trees 1 and 2 were located along the edge of bluff and are close to falling into the ocean. Further, the arborist report concludes that construction of the proposed project will affect the critical root zone of the trees making preservation difficult. As stated above, based on the presence of excessive deadwood and high cone production, it appears the trees are nearing the end of their life span. Any substantial trimming of limbs or roots may weaken these trees, making them susceptible to blow over during high winds.

Still, the trees have suitable structure to provide nesting habitat for birds. The large amount of deadwood and high number of cones and seed production appears to provide foraging opportunities for small birds such as the house finch that are common to the area. In compliance with the California Environmental Quality Act, the County utilized their standard mitigation measures for tree removal that require construction activities to occur outside the nesting bird season. If tree removal cannot occur during that time frame, a qualified biologist must conduct a nesting bird survey to make sure tree removal and associated construction activities do not affect nesting birds or their young. This requirement also complies with California Fish and Game Code and federal regulations such as the Migratory Bird Treaty Act protecting nesting and migratory birds.

Given the Monterey cypress trees are horticultural specimens planted in a linear fashion as street trees, they provide marginal habitat for wildlife. Their location and structure on Lucerne Road does not connect to larger woodland habitat or create a suitable microclimate for insects or other species that in turn would support a larger food chain or increase bird species diversity. Further, their proximity to existing development, human activities, as well as high winds coming off the ocean, likely precludes bird species such as raptors that are sensitive to disturbance. Therefore, removal of any of the subject trees is not expected to adversely affect birds or wildlife habitat value in the general area, especially considering the County's requirements placed on the project.

I trust that this information assists with your reporting requirements at this time. If you have any questions regarding the above information, please call Kevin Merk directly. Thank you for the opportunity to provide environmental consulting services for this project.

Sincerely,
KEVIN MERK ASSOCIATES, LLC

Kevin B. Merk
Principal Biologist

GeoSolutions, INC.

2370 Skyway Drive, Suite 104, Santa Maria, CA 93455
(805)614-6333, (805)614-6322 fax
SBinfo@geosolutions.net

220 High Street, San Luis Obispo, CA 93401
(805)543-8539, (805)543-2171 fax
info@geosolutions.net

January 18, 2012
Project No. SL07201-3

Dr. Marshall Lewis
c/o Marshall Lewis, Architect
2271 Benson Avenue
Cambria, California 93428

Subject: Discussion of Groundwater
709 Lucerne Road, APN: 064-281-009
Cayucos Area of San Luis Obispo County, California

Dear Dr. Lewis:

1.0 INTRODUCTION

This letter presents a discussion of groundwater at 709 Lucerne Road, APN: 064-281-009, Cayucos area of San Luis Obispo County, California. This letter acknowledges a "Water Sources" letter prepared by Cleath-Harris Geologists, Inc. (CHG).

2.0 DISCUSSION OF GROUNDWATER

A Geologic Coastal Bluff Evaluation has been performed for the parcel and geologic conditions have been described in documents cited in the attached reference list. Additionally, two piezometers have been installed at the subject property to verify groundwater levels as stated by CHG. Franciscan Complex formational units were encountered approximately 22 to 25.5 feet below ground surface as identified during sub-surface investigations at the property. Overlying the formational unit are Marine Terrace Deposits. Plate 1A is a Geologic Map of the property and Plate 1B is a cross section through the property.

2.1 Discussion of Letter from Cleath-Harris Geologists

GeoSolutions, Inc. is in receipt of a June 16, 2011 letter by Cleath-Harris Geologists (CHG) that describes water sources at Cayucos Point, San Luis Obispo. The letter states that a concrete spring cistern is located at 707 Lucerne Road which adjoins the subject parcel to the southeast. The CHG letter states "The spring cistern receives flow from a pipe that extends into the bluff. The origin of the spring water is most likely from the basal sands and shell hash in the terrace deposits that are at an approximate elevation of 20-25 feet above mean sea level. These terrace deposits rest on a bedrock of Cretaceous Franciscan Complex metamorphic rock. This bedrock is a dense rock that is typically impermeable but, in places, has been faulted and can store groundwater within fractures and joints".

GeoSolutions, Inc. is in agreement with the statement that spring water is from the basal portion of the terrace deposits and within Franciscan Complex rock; this is verified by the measured depth to water encountered in PZ-2 at a depth of approximately 24.5 feet below land surface. The CHG letter states "the overflow from the spring collection box was measured at 0.42 gallons per minute. The mineral quality of the water is typical of groundwater from marine terrace deposits and from the underlying Franciscan Complex rock."

2.2 General Discussion

Plate 1A is a geologic map of the subject property depicting approximate piezometer locations and boring logs drilled during a site investigation for a soils engineering report (MidCoast Geotechnical, Inc., July 30, 2009). Plate 1B presents a cross section (A-A') depicting proposed basement for the proposed residence. Groundwater depth is depicted at a depth of approximately 24.5 feet below land surface as encountered within PZ-2. The separation between the bottom of the basement and groundwater is approximately 13 feet.

During completion of referenced documents by GeoSolutions, Inc., slope stability analysis was conducted for the bluff at the subject property. The Slope stability analysis utilized groundwater levels that are 2 to 4 feet above the Franciscan bedrock – Terrace Deposit interface; the addition of groundwater at a height that is higher than that observed at the site allowed for a conservative element to be incorporated into the stability modeling.

2.3 Piezometer Installation

On December 28, 2011 two piezometers were installed at the subject property to measure groundwater levels as stated by CHG. Plate 1 depicts the approximate location of the piezometers PZ-1 and PZ-2 and piezometer logs are presented at the end of this letter. Piezometer PZ-1 was drilled to a depth of 14 feet below land surface (bls). PZ-1 was constructed with 3-inch casing with 10 feet of screen casing at the bottom and 3.5 feet of blank casing at the top; PZ-1 is set at 13.5 feet bls. Piezometer PZ-2 was drilled to a depth of 25.8 feet bls. PZ-2 was constructed with 3-inch casing with 20 feet of screen casing at the bottom and 5.6 feet of blank casing at the top; PZ-2 is set at 25.65 feet bls. Groundwater levels within the piezometers are provided in Table 1.

TABLE 1 – GROUND WATER LEVELS

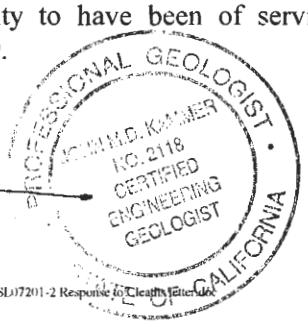
Date of Reading	Groundwater Level PZ-1 (depth of PZ-1 is 13.5 feet bls)	Groundwater Level PZ-2 (depth of PZ-2 is 25.65 feet bls)
December 28, 2011 (drill date)	No water	24.5 feet bls
January 5, 2012	No water	24.35 feet bls

2.4 Conclusion

It is recognized that groundwater at the subject property at 709 Lucerne Road is at a depth of approximately 24.5 feet bls as verified by PZ-2. CHG has stated that spring water is most likely from basal sands and shell hash in the terrace deposits and the bedrock can store groundwater within fractures and joints. GeoSolutions, Inc. agrees with CHG's assessment of groundwater with the measurement of groundwater within the piezometers. Proposed basement depth for the residence at 709 Lucerne Road is to be approximately 11 feet below land surface. As an added conservative measure, GeoSolutions, Inc. has recommended that engineering of the proposed residence incorporate drainage for the basement. However, there appears to be an approximate 13 foot separation between the bottom of the basement and the depth to groundwater; the affect of the basement on the groundwater appears very low.

Thank you for the opportunity to have been of service. If you have any questions, please contact the undersigned at (805) 543-8539.

Sincerely,
GeoSolutions, Inc.



John Kammer, C.E.G. #2118
Senior Engineering Geologist

S:\jobs\SL07000-SL07499\SL07201-3 - 709 Lucerne Piez\Geology\SL07201-2 Response to Cleath letter.doc

REFERENCE DOCUMENTS

Brian Papurello, Landset Engineers, Inc., dated December 3, 2009, Review of Geologic Coastal Bluff Evaluation, Lewis Residence, 709 Lucerne Avenue (APN 064-281-009), Cayucos Area of San Luis Obispo County, California.

Brian Papurello, Landset Engineers, Inc., dated June 20, 2011, Review of Supplemental Bluff Stability Analysis, Lewis Residence, 709 Lucerne Avenue (APN 064-281-009), Cayucos Area of San Luis Obispo County, California.

Cleath-Harris Geologists, Inc., June 16, 2011, Water Sources, Cayucos Point, San Luis Obispo County, Letter to Mr. John Black.

GeoSolutions, Inc., Geologic Coastal Bluff Evaluation, 709 Lucerne Road, APN: 064-281-009, a, San Luis Obispo, California, Project No. SL07201-1, dated August 14, 2009.

GeoSolutions, Inc., Geologic Coastal Bluff Evaluation, 709 Lucerne Road, APN: 064-281-009, a, San Luis Obispo, California, Project No. SL07201-1, dated September 9, 2009.

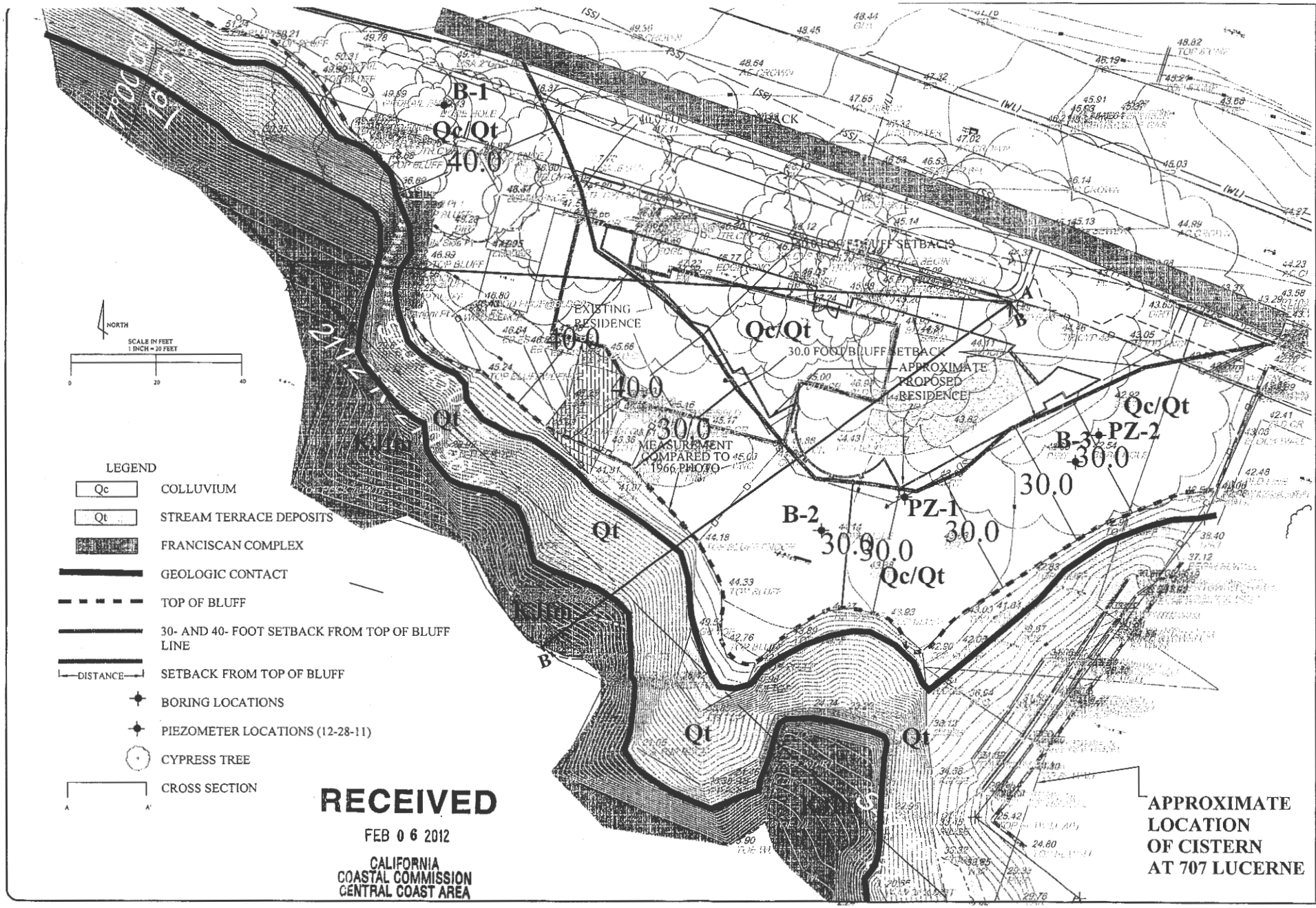
GeoSolutions, Inc., January 15, 2010, Response to Comments: Geologic Coastal Bluff Evaluation, 709 Lucerne Road, APN: 064-281-009, Cayucos Area of San Luis Obispo County, California.

GeoSolutions, Inc., January 26, 2011, Review of Bluff Stability and Seepage, 709 Lucerne Road, APN: 064-281-009, Cayucos Area of San Luis Obispo County, California.

MidCoast Geotechnical, Inc., Geotechnical Engineering Report, Proposed Replacement Residence, 709 Lucerne Road, Cayucos vicinity of San Luis Obispo County, July 30, 2009.

San Luis Obispo County Department of Planning and Building, Environmental and Resource Management Division, Guidelines for Engineering Geology Reports, January, 2005.

San Luis Obispo County Department of Planning, October 13, 2009, letter stating requirements for the proposed development located at 709 Lucerne Avenue, Cayucos, California.



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COASTAL COMMISSION
CENTRAL COAST AREA

PLATE 1A

PROJECT

ENGINEERING GEOLOGIC MAP

709 LUCERNE ROAD, CAYUCOS AREA
SAN LUIS OBISPO COUNTY, CALIFORNIA

GeoSolutions, Inc.
220 High Street
San Luis Obispo, CA 93401
(805) 543-8539 Fax (805) 543-7171

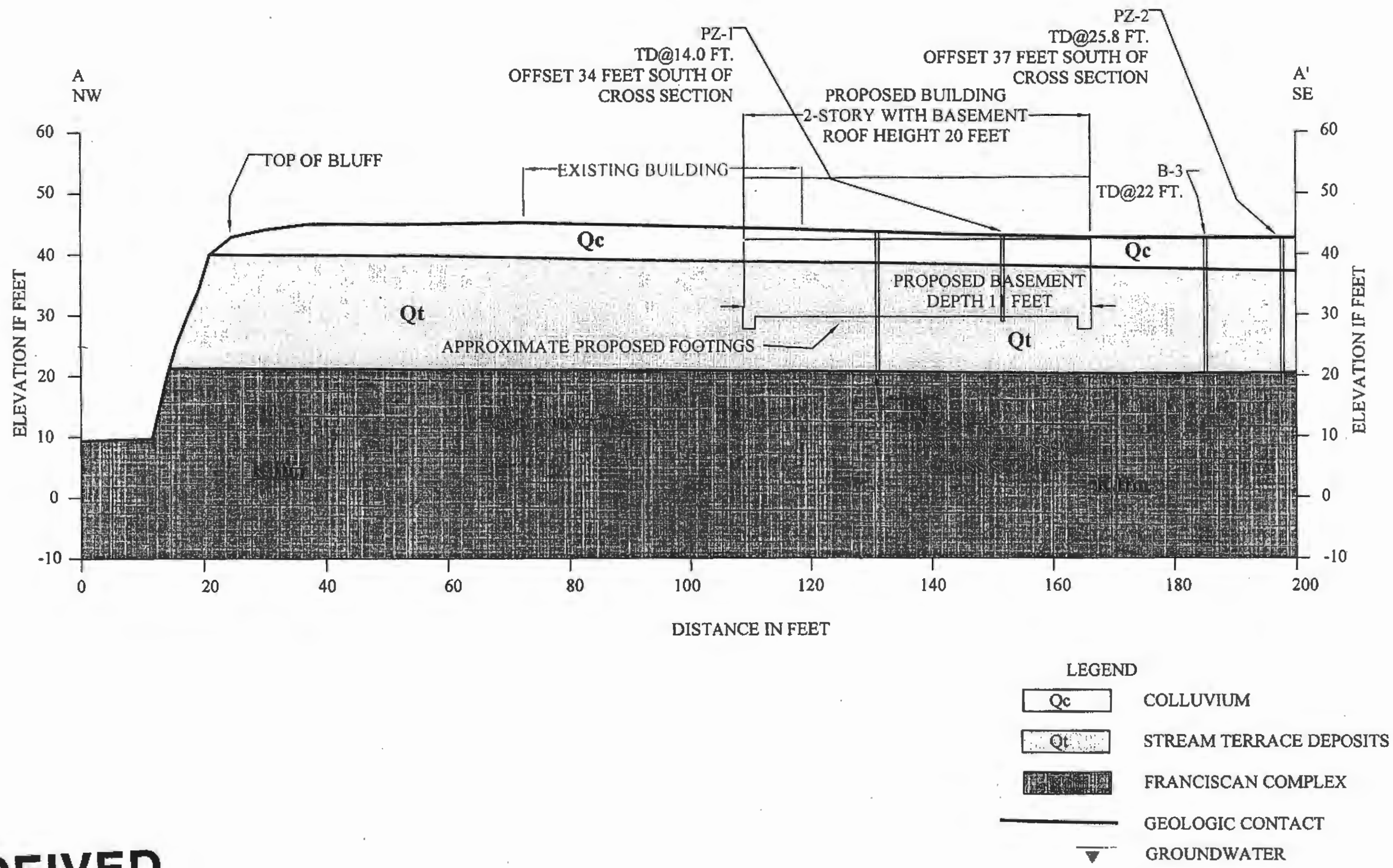


PLATE 1B

GEOLOGIC CROSS SECTION

709 LUCERNE ROAD, CAYUCOS AREA
SAN LUIS OBISPO COUNTY, CALIFORNIA

GeoSolutions, Inc.
220 High Street
San Luis Obispo, CA 93401

GeoSolutions, Inc.

220 High Street

San Luis Obispo, CA 93401

PIEZOMETER LOG

BORING NO. **PZ-1**

JOB NO. **SL07201-3**

PROJECT INFORMATION		DRILLING INFORMATION	
PROJECT:	**709 Lucerne**	DRILL RIG:	**Mobile B24**
DRILLING LOCATION:	**See Figure 2: Site Plan**	HOLE DIAMETER	**8 Inches**
DATE DRILLED:	**December 28, 2011**	SAMPLING METHOD	**None**
LOGGED BY:	**JK**	HOLE ELEVATION:	**Not Recorded**

▼ Depth of Groundwater: **Not Encountered** Boring Terminated At: **14.0 Feet**

DEPTH	SOIL DESCRIPTION	USCS	LITHOLOGY	ANNULAR MATERIAL DESCRIPTION	WELL CASING MATERIAL DESCRIPTION	WELL CROSS-SECTION
0 to -5	SILTY CLAY: dark brown, very slightly moist, minor shells, Colluvium	ML		BENTONITE	PVC SOLID	
-5 to -10	SANDY CLAY: brown, with minor gravel, gravel 1/8 to 1/2 inches in diameter, Qt, Terrace Deposits	SC		GRAVEL	PVC SCREEN	
-10 to -14	CLAY: reddish brown, very slightly moist, Qt, Terrace Deposits	CL			CAP	

GeoSolutions, Inc.

220 High Street

San Luis Obispo, CA 93401

PERCOLATION LOG

BORING NO. **PZ-2**

JOB NO. **SL07201-3**

PROJECT INFORMATION		DRILLING INFORMATION	
PROJECT:	**709 Lucerne**	DRILL RIG:	**Mobile B24**
DRILLING LOCATION:	**See Figure 2: Site Plan**	HOLE DIAMETER	**8 Inches**
DATE DRILLED:	**December 28, 2011**	SAMPLING METHOD	**None**
LOGGED BY:	**JK**	HOLE ELEVATION:	**Not Recorded**

▼ Depth of Groundwater: **24.5 Feet** Boring Terminated At: **25.8 Feet**

DEPTH	SOIL DESCRIPTION	USCS	LITHOLOGY	ANNULAR MATERIAL DESCRIPTION	WELL CASING MATERIAL DESCRIPTION	WELL CROSS-SECTION
0 to -5	SILTY CLAY: dark brown, very slightly moist, minor shells, Colluvium	ML		BENTONITE	PVC SOLID	
-5 to -10	SANDY CLAY: brown, with minor gravel, gravel 1/8 to 1/2 inches in diameter, Qt, Terrace Deposits	SC		GRAVEL	PVC SCREEN	
-10 to -19	CLAY: reddish brown, very slightly moist, Qt, Terrace Deposits	CL				
-19 to -25	CLAY: reddish brown, moist, gravels, shells and minor cobbles, Qt, Terrace Deposits	CL				
-25 to -30	FRANCISCAN COMPLEX: greywacke sandstone, wet, dense				CAP	

MID-COAST GEOTECHNICAL, INC.
3124 El Camino Real Atascadero, CA 93422
Telephone: 805-461-0965 Fax: 805-461-0161

CLIENT: Marshall Lewis MD
PROJECT: Proposed Replacement Residence
LOCATION: 709 Lucerne Road, Cayucos, CA
NUMBER: 09-6350
DATE(S) DRILLED: 7/23/2009

DRILLING METHOD(S):
Mobile B24 Auger Drill Rig

GROUNDWATER INFORMATION:
No groundwater was encountered at time of drilling

SURFACE ELEVATION:

FIELD DATA			LABORATORY DATA								CLASS.		
DEPTH (FT)	SAMPLES	N: BLOWS/FT P: TONS/SQ FT T: TONS/SQ FT PERCENT RECOVERY/ ROCK QUALITY DESIGNATION	MOISTURE CONTENT (%)	DRY DENSITY POUNDS/CU.FT	RELATIVE COMPACTION (%)	ATTERBERG LIMITS LIQUID LIMIT LL	ATTERBERG LIMITS PLASTIC LIMIT PL	ATTERBERG LIMITS PLASTICITY INDEX PI	EXPANSION INDEX	MINUS NO. 200 SIEVE (%)	USCS	SOIL SYMBOL	SOIL TYPE	DESCRIPTION OF STRATUM
													F1	Aggregate base
		N = 27	15	111	94	51	16	35	97		CH		C1	Dark grey sandy fat CLAY (colluvium), stiff, damp
5		N = 23	15	114	94								C2	Brown sandy lean CLAY (terrace deposits), stiff, damp
10		N = 25	15	115	94	39	12	27			CL		C3	Reddish brown sandy CLAY (terrace deposits), stiff, damp Caliche observed at 10 to 12 feet below grade.
15		N = 25	16											
													S1	Brown shells with some sand (terrace deposits), medium dense, damp
20		N = 20	11											
25		N = 50+	6											Refusal at 25.5 feet below grade on grey SANDSTONE.

N - STANDARD PENETRATION TEST RESISTANCE
P - POCKET PENETROMETER RESISTANCE
T - POCKET TORVANE SHEAR STRENGTH

REMARKS:
Boring was backfilled with auger clippings

LOG OF BORING 09-6350.SOILS.GPJ MIDCOAST.GDT 8/5/09

SHEET 1 of 1

LOG OF BORING B2

MID-COAST GEOTECHNICAL, INC.
3124 El Camino Real Atascadero, CA 93422
Telephone: 805-461-0965 Fax: 805-461-0161

CLIENT: Marshall Lewis MD
PROJECT: Proposed Replacement Residence
LOCATION: 709 Lucerne Road, Cayucos, CA
NUMBER: 09-6350
DATE(S) DRILLED: 7/23/2009

DRILLING METHOD(S):
Mobile B24 Auger Drill Rig

GROUNDWATER INFORMATION:
No groundwater was encountered at time of drilling

SURFACE ELEVATION:

DEPTH (FT)	SAMPLES	N: BLOWS/FT P: TONS/SQ FT T: TONS/SQ FT PERCENT RECOVERY/ ROCK QUALITY DESIGNATION	MOISTURE CONTENT (%)	DRY DENSITY POUNDS/CU.FT	RELATIVE COMPACTION (%)	ATTERBERG LIMITS LIQUID LIMIT LL	ATTERBERG LIMITS PLASTIC LIMIT PL	ATTERBERG LIMITS PLASTICITY INDEX PI	EXPANSION INDEX	MINUS NO. 200 SIEVE (%)	USCS	SOIL SYMBOL	SOIL TYPE	DESCRIPTION OF STRATUM
													S2	Dark brown silty SAND, loose, humid
		N = 18	14	111	92				88				C1	Dark grey sandy fat CLAY (colluvium), stiff, damp
5		N = 23	13	116	95	48	14	34			CL		C2	Brown sandy lean CLAY (terrace deposits), stiff, damp
10		N = 34	14	115	94								C3	Reddish brown sandy CLAY (terrace deposits), stiff, damp
15		N = 39	14										S1	Brown shells with some sand (terrace deposits), medium dense, damp
20		N = 25	4											Refusal at 23 feet below grade on grey SANDSTONE.

N - STANDARD PENETRATION TEST RESISTANCE
P - POCKET PENETROMETER RESISTANCE
T - POCKET TORVANE SHEAR STRENGTH

REMARKS:
Boring was backfilled with auger clippings

LOG OF BORING 09-6350.SOILS.GPJ MIDCOAST.GDT 8/5/09

SHEET 1 of 1

LOG OF BORING B3

MID-COAST GEOTECHNICAL, INC.
3124 El Camino Real Atascadero, CA 93422
Telephone: 805-461-0965 Fax: 805-461-0161

CLIENT: Marshall Lewis MD
PROJECT: Proposed Replacement Residence
LOCATION: 709 Lucerne Road, Cayucos, CA
NUMBER: 09-6350
DATE(S) DRILLED: 7/25/2009

DRILLING METHOD(S):
Moble B24 Auger Drill Rig

GROUNDWATER INFORMATION:
No groundwater was encountered at time of drilling

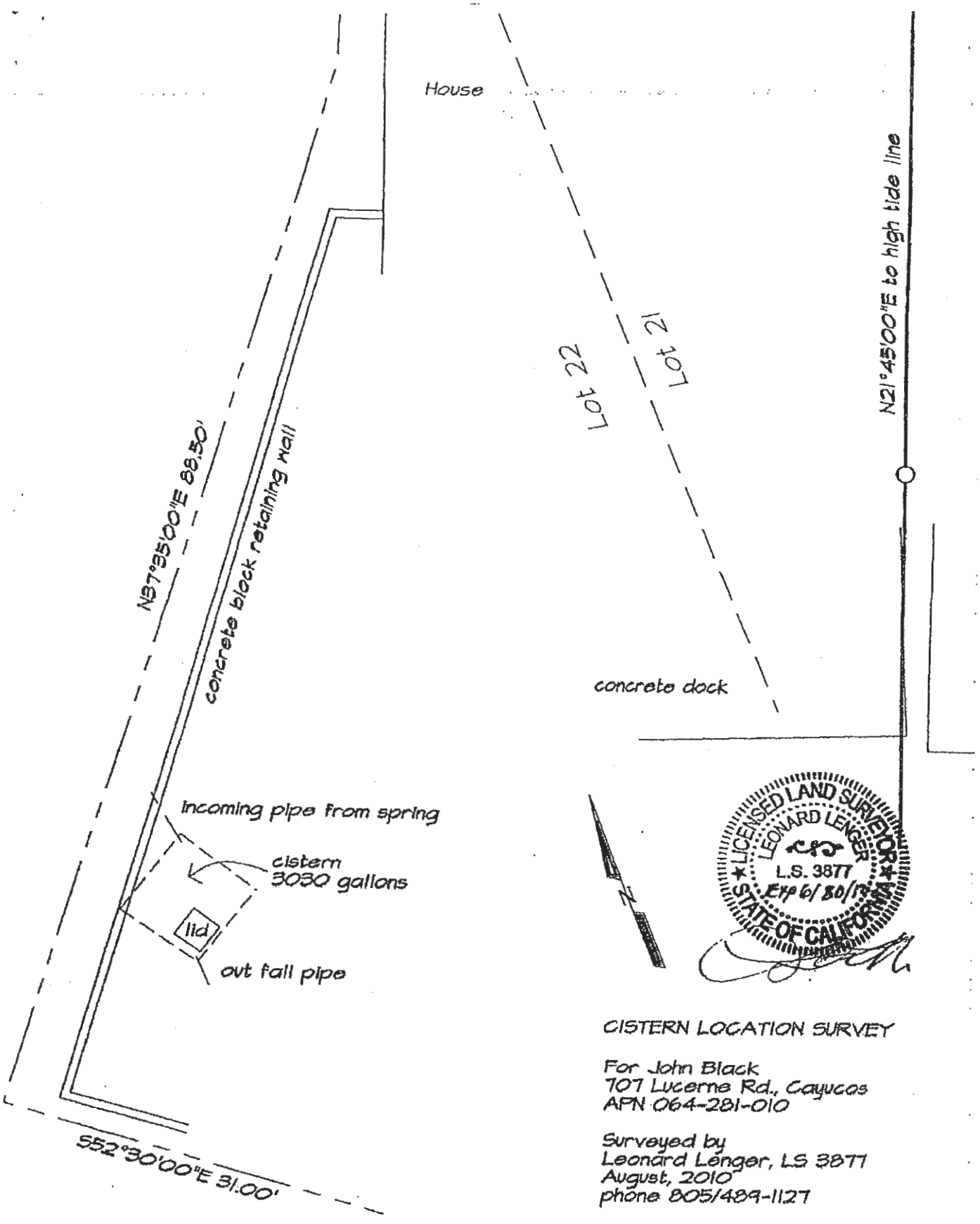
SURFACE ELEVATION:

DEPTH (FT)	SAMPLES	N: BLOWS/FT P: TONS/SQ FT T: TONS/SQ FT PERCENT RECOVERY/ ROCK QUALITY DESIGNATION	MOISTURE CONTENT (%)	DRY DENSITY POUNDS/CU.FT	RELATIVE COMPACTION (%)	ATTERBERG LIMITS: LIQUID LIMIT (LL)	ATTERBERG LIMITS: PLASTIC LIMIT (PL)	ATTERBERG LIMITS: PLASTICITY INDEX (PI)	EXPANSION INDEX	MINUS NO. 200 SIEVE (%)	USCS	SOIL SYMBOL	SOIL TYPE	DESCRIPTION OF STRATUM
		N = 15	13	114	95								C1	Dark grey sandy fat CLAY (colluvium), stiff, damp
5		N = 24	12	118	96								C2	Brown sandy lean CLAY (terrace deposits), stiff, damp
10		N = 24	16											
15		N = 35	15											
													C3	Reddish brown sandy CLAY (terrace deposits), stiff, damp Increasing shell content at 19 feet below grade.
20			14											Refusal at 22 feet below grade on grey SANDSTONE.

N - STANDARD PENETRATION TEST RESISTANCE
P - POCKET PENETROMETER RESISTANCE
T - POCKET TORVANE SHEAR STRENGTH

REMARKS:
Boring was backfilled with auger clippings

LOG OF BORING 09-6350.SOILS.GPJ MIDCOAST.GDT 8/5/09



CISTERN LOCATION SURVEY

For John Black
707 Lucerne Rd., Cayucos
APN 064-281-010

Surveyed by
Leonard Lenger, LS 3877
August, 2010
phone 805/489-1127

Figure 2
Cistern Survey
707 Lucerne Avenue

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: Marie Jaqua | John Carsel | Carol Baptiste

Mailing Address: 880 Park Ave. | 3285 Shearer Ave. | 150 El Sereno Ave.

City: Cayucos Zip Code: 93430 Phone: 805-995-0632

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of San Luis Obispo

2. Brief description of development being appealed:

Request by Marshall Lewis for a Minor Use Permit to allow for the demolition of an existing single family residence, the relocation of an historic water tank and construction of a new 4,555 square foot two-story residence with a 2,377 square foot underground garage.

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

The project site is an oceanfront parcel at 709 Lucerne Road at the corner of Ocean Avenue, in the community of Cayucos, in the Estero planning area. (APN #064-281-009)

RECEIVED
SEP 19 2011
California Coastal Commission,
Central Coast Area

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-11-064
DATE FILED: September 19, 2011
DISTRICT: Central

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: August 9, 2011

7. Local government's file number (if any): DRC 2009-00027

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:

Marshall Lewis, M.D., 2619 F Street, Bakersfield, CA,93301

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) See attached.

(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.

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.

Marie Jagua Carol Bach

Signature of Appellant(s) or Authorized Agent

9-16-11 9/16/11

Date: 9-16-11

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: _____

Section III. Interested Persons

Marshall Lewis, M.D.
2619 F Street
Bakersfield, CA 93301

Marshall Lewis, Architect
2281 Benson St.
Cambria, CA 93428

Margaret Ambrosavage
41 8th St.
Cayucos, CA 93430

Larry Fishman
1860 Cottontail Creek Road
Cayucos, CA 93430

Jamie Kirk
Kirk Consulting
8830 Morro Road
Atascadero, CA 93422

Ken Carlson
20 Ocean Ave
Cayucos, CA 93430

Steve Rarig
641 Lucerne Ave.
Cayucos CA 93430

Michael Bova
Davey Resource Group
7627 Morro Road
Atascadero, CA 93422

Robert Schreiber, Arborist
170 A Terra St.
Morro Bay, CA 93442

Sam Peck
503 Lucerne Ave
Cayucos, CA 93430

Les Moss
637 Lucerne Ave.
Cayucos, CA 93430

Nancy Orton
San Luis Obispo County
Planning Commission
976 Osos St. Rooom 300

San Luis Obispo, CA 93408
Darrel Fulmer
755 North Ocean
Cayucos, CA 93430

Francine Esposito
3130 Studio Drive
Cayucos, CA 93430

Ken Law
3130 Studio Drive
Cayucos, CA 93430

John and Sue Black
707 Lucerne Ave
Cayucos, CA

County of San Luis Obispo
Board of Supervisors
1055 Monterey St. Room D430
San Luis Obispo CA, 93408

Reasons for Appeal

I. Impacts on Visual and Scenic Resources

The proposed project is inconsistent with the Coastal Act's protection of the scenic qualities of California coastal areas. The 4,555 sq. ft. two-story residence with a 2,377 sq. ft. underground garage is situated in a highly scenic area with significant recreational and tourist activity, and would have a significant negative visual impact on the surrounding neighborhood and community.

Coastal Plan Policies, Chapter 10, 30251, states that, "Permitted development shall be sited and designed to protect views along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas...New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting." And 30253(5) states that new development shall: "...protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational use." These special communities and neighborhoods are, "Areas presently recognized as important visitor destinations centers on the coastline;" and, "Areas that add to the visual attractiveness of the coast." In addition, Coastal Plan Policy 2 says, "Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas," and Policy 4 states, "New development shall be sited to minimize its visibility from public corridors."

Cayucos has been lauded as "The Last of the California Beach Towns," and is an important visitor destination along the Central Coast. Its quaint charm, beautiful vistas, and scenic bluffs and shoreline contribute to its popularity with the tens of thousands of tourists who visit the town annually. They come not only for the uniqueness of the town but also for the views, recreational opportunities, and small-town atmosphere.

The proposed project is situated at a prominent gateway location at the north end of Cayucos and is highly visible from Ocean Avenue and from Highway 1 (See Exhibit A). Highway 1 has been designated as a National Scenic Byway and serves hundreds of thousand travelers per year. The proposed project will also be visible from the Estero Bluffs, a popular destination for hikers, surfers, fishermen, and those who simply enjoy viewing the ocean and marine life. Ocean Avenue and Highway 1 are also extremely popular with cyclists. Each weekend hundreds, sometimes thousands, bike the coast. There are at least two major cycling events every year, including the AIDS ride and the ride to the Piedras Blancas Lighthouse. It is estimated that thousands of cyclists ride this route annually.

The proposed project will substantially impact the view for both cyclists and motorists. The change from the existing to the proposed structure couldn't be more dramatic (See Exhibit B). Instead of a small picturesque structure under a canopy of Monterey Cypress trees, that allow filtered views of the ocean and horizon beyond, there will be an extremely long, uninterrupted two-story high wall with no view corridors and no mature trees to soften or obscure the sight of it. There is nothing on Lucerne like this 127 foot long, two-story fortress built right against the street frontage. The typical large home

on Lucerne is 30 to 40 feet wide and set back from the road on a downslope and so has a minimal impact on the streetscape. In fact, from the street level it is often possible to see over rooftops to the ocean and horizon beyond. This project will not only significantly impact views, it is out of character with the town and the neighborhood (See Exhibit C).

II. Impacts on Protected Coastal Vegetation

The proposed project will result in the death or removal of thirteen decades-old Monterey cypress trees that line the front of the property. Coastal Plan Policy 5 and CZULO 23.05.034d, state that "...major vegetation removal and other landform alterations within public view corridors are to be minimized". Policy 7 says "The location and design of new development shall minimize the need for tree removal." In addition CZLUO 23.05.064, d, states, "Tree removal within public view corridors (areas visible from collector or arterial roads) shall be minimized in accordance with Visual and "Scenic Resources Policy 5". The San Luis Obispo County Planning Commission, in their denial of the project, stated that..." These trees are considered a significant community feature and as such the loss of this feature would be injurious to nearby property or improvements".

The property owner was asked by the County Board of Supervisors to consider a re-design which would protect these trees, since CZULO 23.05.034d section e., states, "New development shall incorporate design techniques and methods that minimize the need for tree removal". In August 2010, Robert Schreiber, an ISA Certified Arborist from Arbor First, stated in his report that, "The benefits, health and potential longevity of these trees make them suitable to preservation. They are mature, not in decline, and have aesthetic and cultural value". He also states that, "...these trees will not survive this type of construction and excavation of a basement," and "An arborist can identify how to avoid the critical root zone...and monitor the construction process to minimize damage to the trees." Schreiber also says that, "Based on my years of experience, there are a few alternatives that wouldn't disturb the majority of the trees, including any project that used the current foundation of 100% above grade in the existing footprint of the house." However, the applicant has not been willing to explore alternatives to the current massive project, thus dooming the trees.

And finally, the Estero Area Plan Chapter 7, III. A., defines environmentally sensitive areas and calls out protection of sensitive features. In item 2.a.5, it identifies "Other significant stands of vegetation such as...cypress, whether or not identified as Sensitive Resource Area combining designations- that do not need to be removed due to hazardous condition or restoration/enhancement of native habitat " as an Environmentally Sensitive Area. This places the existing cypress trees into the protected category of ESHA and requires development to comply with the applicable standards for ESHA in the Coastal Plan Policies. Thus far there has been no application of those standards to the proposed project.

II. Impact on Bluff Stability

The site of the proposed project has been identified as a Geologic Sensitive Area (GSA) per CZLUO 23.07.080 where, "...geologic and soil conditions could present new developments and their users with potential hazards to life and property." CZULO 23.07.086c, 'Erosion and geologic stability', states..."New development shall insure structural stability while not creating or contributing to

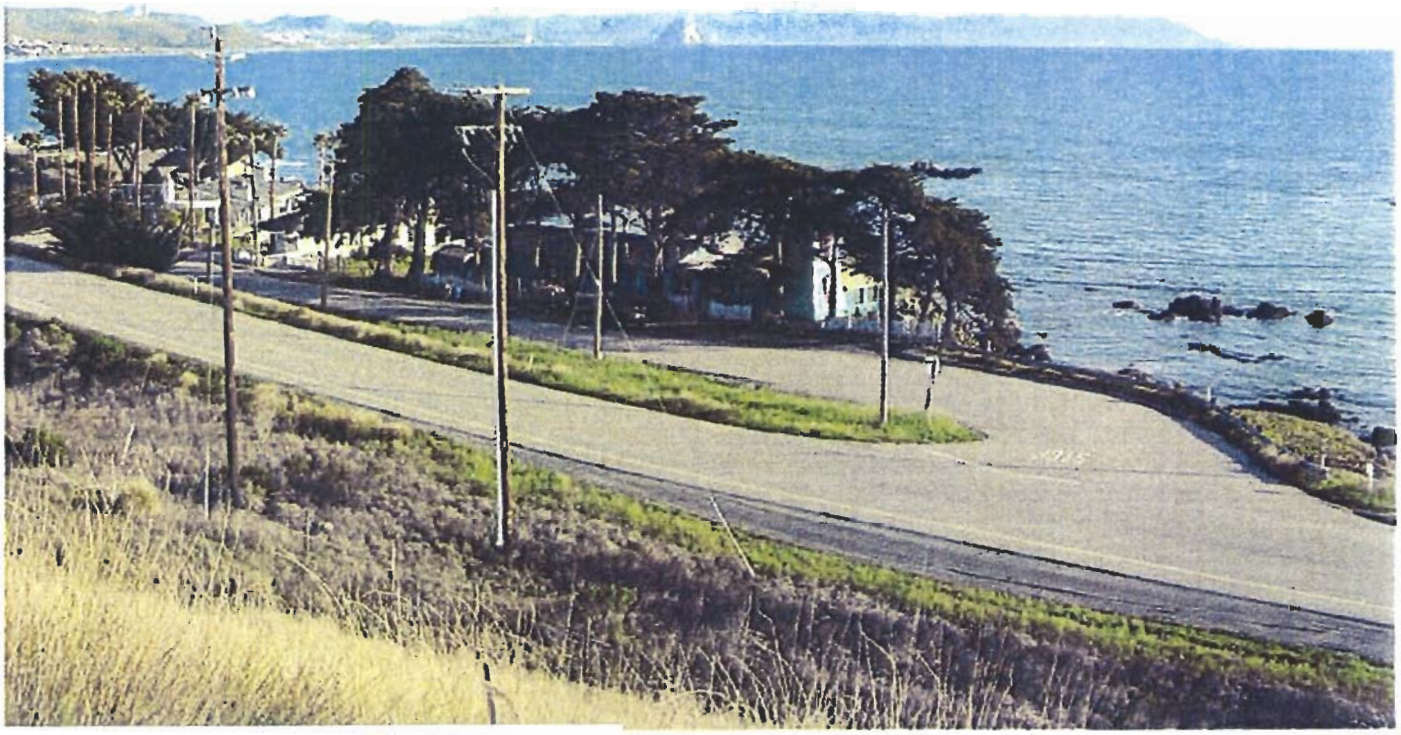
erosion...". This massive structure, with its excavation and construction of a 2,377 sq. ft. underground garage, is a significant threat to the stability of the bluffs.

The retreat analysis per the geologist's report is said to be 20 feet in 100 years and therefore the setback line at the western portion of the property was set at 40 feet. However, heavy rains in the last year have caused several feet of bluff loss on the west side of the property. This questions the erosion figures quoted by the geologist, as well as the current placement of the setback line.

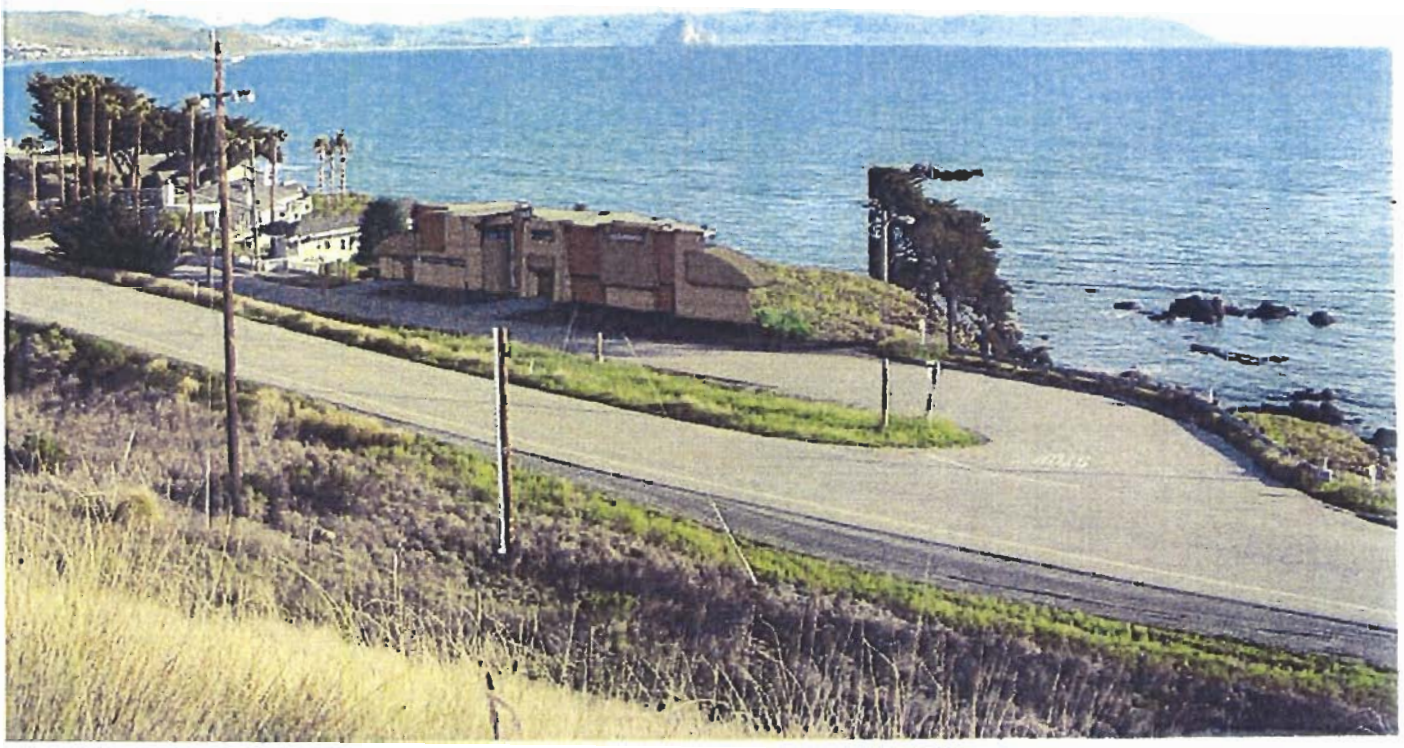
In addition, the destruction of the cypress trees may cause additional erosion and further threaten the stability of the bluff. An email from arborist Robert Schreiber says, "I am also concerned about the stability of that bluff if the trees are removed." Attached pictures show the west end of the bluff after the recent loss of several feet (See Exhibits D and E). Tree roots are protruding and visible because of the loss of soil. If these tree roots are removed, it appears further erosion would be inevitable. The effect of the tree removal, or even relocation, and the added effect of the excavation of the 2,377 sq. ft. underground garage, makes the question of erosion and bluff stability crucial. It is difficult to imagine anything but devastating consequences.

In conclusion, due to the impact of the proposed project on scenic vistas, the character of the community, the threat to thirteen existing cypress trees and the questionable stability of the bluff, it is requested that our appeal of the proposed project be accepted.

EXHIBIT A- VIEW FROM SOUTHBOUND LANE OF HWY 1



EXISTING VIEW FROM HWY 1



PROPOSED VIEW FROM HWY 1

EXHIBIT B

Exhibit 5
11 of 75

Proposed Residence

EXHIBIT C- LOOKING N-W ON LUCERNE RD.

6/20/11

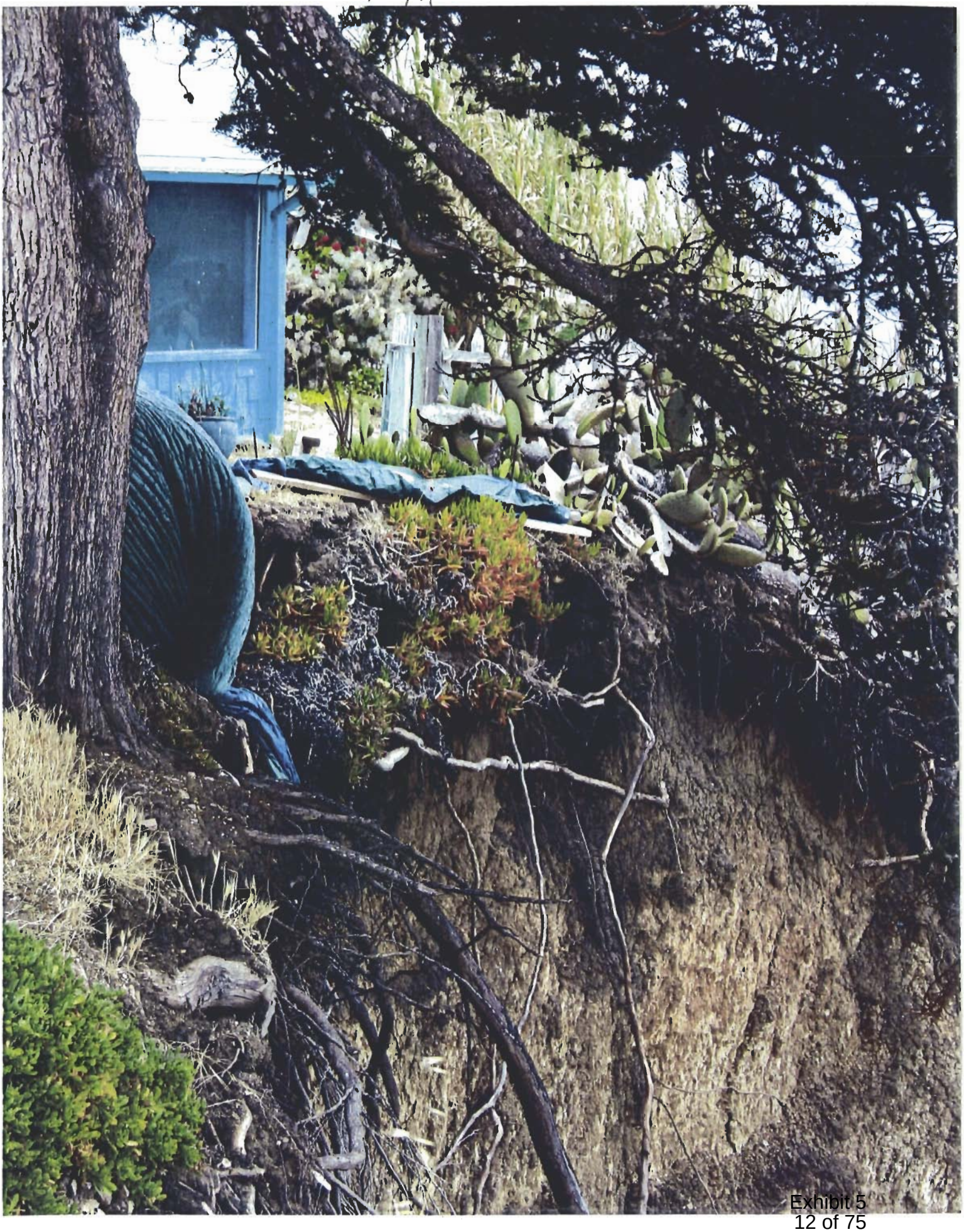


EXHIBIT D- BLUFF AT N-W EDGE OF PROPERTY

EXHIBIT E- BLUFF AT N-W EDGE OF PROPERTY

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: John Black Sue Black

Mailing Address: 707 Lucerne Road

City: Cayucos, CA Zip Code: 93430 Phone: (805) 995-3962

SECTION II. Decision Being Appealed

1. Name of local/port government:
   San Luis Obispo - Board of Supervisors

2. Brief description of development being appealed:
   Demolition of historical structures in order to construct a 4,555 sq.ft. residence with a 2,377 sq.ft. underground garage exavated into a 40' Cayucos coastal bluff and the destruction/ removal of 13 historical Monterey Cypress trees that front the property.

3. Development's location (street address, assessor's parcel no., cross street, etc.):
   709 Lucerne Road, Cayucos, CA. 93430
   APN - 064-28-009
   Near the intersection of Lucerne Rd. & Ocean Ave.

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: _____

DATE FILED: _____

DISTRICT:

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: 8-9-2011

7. Local government's file number (if any): DRC2009-00027

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:

Marshall Lewis,MD
Pacific Orthopedic Medical Group
2619 F. Street
Bakersfield, CA 93301

Marshall Lewis, Architect
2281 Benson St.
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) See attached sheet.

(2)

(3)

(4)

Michael Bova
Davey Resource Group
7627 Morro Road
Atascadero, CA 93422

Robert Schreiber, Arborist
170 A Terra St.
Morro Bay, CA 93442

Sam Peck
503 Lucerne Ave
Cayucos, CA 93430

Les Moss
637 Lucerne Ave.
Cayucos, CA 93430

Nancy Orton
San Luis Obispo County
Planning Commission
976 Osos St. Rooom 300
San Luis Obispo, CA 93408

Darrel Fulmer
755 North Ocean
Cayucos, CA 93430

Francine Esposito
3130 Studio Drive
Cayucos, CA 93430

Ken Law
3130 Studio Drive
Caycos, CA 93430

John and Sue Black
707 Lucerne Ave
Cayucos, CA

County of San Luis Obispo
Board of Supervisors
1055 Monterey St. Room D430
San Luis Obispo CA, 93408

Marshall Lewis, M.D.
2619 F Street
Bakersfield, CA 93301

Marshall Lewis, Architect
2281 Benson St.
Cambria, CA 93428

Margaret Ambrosavage
41 8th St.
Cayucos, CA 93430

Larry Fishman
1860 Cottontail Creek Road
Cayucos, CA 93430

Jamie Kirk
Kirk Consulting
8830 Morro Road
Atascadero, CA 93422

Ken Carlson
20 Ocean Ave
Cayucos, CA 93430

Steve Rarig
641 Lucerne Ave.
Cayucos CA 93430

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.**

We are appealing the decision of the San Luis Obispo County Board of Supervisors to approve this project on the grounds that we believe the project is in direct conflict with the Coastal Act, including the Local Coastal Plan Policies, Coastal Zone Land Ordinances, and Public Resources Codes outlined in the following:

Coastal Plan Policy 1 - THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.
Coastal Plan Policy 5 - THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD PURSUANT TO SECTION 23.05.034 OF THE CZLUO.
Coastal Plan Policy 7 - THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD PURSUANT TO SECTION 23.05.064 OF THE CZLUO.
Article 23.05.064 / 23.05.062 (b) of the Coastal Zone Land Use Ordinance
Chapter 10, Visual and Scenic Resources, Article 30251 of the Coastal Plan Policy
San Luis Obispo Estero Bay Plan of 2009, Article 2, paragraph a-5
Article 2-b of the LCP (Estero Bay Plan - 2009)
Coastal Plan Policy 4, THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.04.021 OF THE CZLUO
Coastal Act- Coastal Plan Policy 30251
Coastal Act - Coastal Plan Policy 30253
San Luis Obispo Estero Bay Plan of 2009 Section I-c. shoreline
CZLUO - Geological Study Areas (GSA) Article 3.07.080 (d) - o86 (e)
ESHA -protection per Area wide Standard of Estero Plan (p. 7-5)
Coastal Zone Land Ordinance -Article 23.07.084 c -3

SEE SUPPORTING DOCUMENTS AND EXHIBITS

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.

John A. Black Sue Black

Signature of Appellant(s) or Authorized Agent

Date: 9-16-2011

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: _____

REASONS FOR APPEAL

We are appealing the decision of the San Luis Obispo County Board of Supervisors to approve this project on the grounds that we feel the project is in direct conflict with the Coastal Act, including the Local Coastal Plan Policies, Coastal Zone Land Ordinances, and Public Resources Codes outlined in the following:

Visual Impacts - Section 1
Visual and Scenic Resources - Removal of 13 Historical Monterey Cypress Trees

Coastal Plan Policy 1 states that "Unique and attractive features of the landscape , including, but not limited to unusual landforms, scenic vistas and sensitive habits are to be preserved and protected".

Coastal Plan Policy 5 states that "major vegetation removal within the view corridors (areas visible from collector or arterial roads such as Highway 1) are to be minimized".

Coastal Plan Policy 7 states that "The location and design of new development shall minimize the need for tree removal".

Article 23.05.064 / 23.05.062b. of the Coastal Zone Land Use Ordinance states that "a tree may be removed only if dead, diseased beyond reclamation, or hazardous."

Chapter 10, Visual and Scenic Resources, article 30251 of the Coastal Plan Policy states that "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted developments shall be to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms", New developments in highly scenic areas such as those designated in the California Coastline Preservation Plan, shall be subordinate to the character of it's setting".

San Luis Obispo Estero Bay Plan of 2009, Article 2, paragraph a-5 calls out the cypress as a significant stand of vegetation that does not need

to be removed due to hazardous condition, or restoration/enhancement is to be protected.

Article 2-b of the LCP (Estero Bay Plan - 2009) states that all developments within 100 feet of the preceding sensitive feature shall comply with the applicable standards for ESH in the Coastal Plan Policies.

Statement 1:

At their meeting on August 26, 2010, San Luis Obispo Planning Commission stated, in support of their unanimous decision to deny the project, that the proposed project or use, will be inconsistent with the character of the immediate neighborhood and contrary to it's orderly development because of the scale (mass, height, and proximity to the street) of the new residence. It will not be visually compatible with the neighborhood, because of the impacts the proposed residence will have, after removal of the 13 historical Monterey Cypress trees that have fronted the site for decades. **(See Exhibits B-1 through B-3 - Existing Trees)** These are a significant community feature and have marked the gateway to Cayucos since before 1930. The loss of this feature would be injurious to the nearby property and improvements, the community, and the thousands of visitors that frequent the site each year, to experience the quality of this highly scenic coastal bluff. Thousands of visitors walk, drive and bicycle down Lucerne Road and Ocean Avenue in Cayucos to enhance their coastal experience while vacationing in this unique and beautiful community. Several large and important bicycle groups ride this route frequently, experiencing the beauty of these trees in route while riding Hwy 1, Ocean Avenue, or Lucerne Road.

The proposed development which is in full view from Highway 1, **(See Exhibits B-4 + B-5 - Close Proximity to Highway 1)** which has been designated a National Scenic Byway, will include an excavation of almost 50,000 cubic feet of fragile coastal bluff, which will require the removal of the 13 mature cypress trees. **(See Exhibit B-6 - Arborist Report)** The San Luis Obispo Board of Supervisors at their televised meeting on November 2, 2010 **directed** the applicant **to investigate alternative designs** to the proposed plan that would avoid the impact to the trees. The applicant ignored this request. **No alternative footing designs were offered, even**

though the arborist stated in an email that **alternatives are available**. **(See Exhibit B-7 - Arborist Communication from Robert Schreiber)** To be noted, is that other residences on Lucerne Road have not removed the trees, but have designed around them.
Schreiber also stated in his report that the "trees have a potential to be an asset to the site for years to come" "The benefits, health and potential longevity of these trees make them suitable for preservation. They are mature, not in decline, and have aesthetic and structural value".

Visual Impacts - Section 2
Visual and Scenic Resources-Compatibility to Surrounding Neighborhoods.

Coastal Plan Policy 4 states that new development shall be sited to minimize it's visibility from public view corridors. Structures shall be designed **(height, bulk**, and style) to be subordinate to, and blend with the character of the area. Development which cannot be sited outside of public view corridors is to be screened using native vegetation. (The Monterey Cypress Trees) This policy shall be implemented as a standard and pursuant to section 23.04.021 of the CZLUO.

Coastal Act-Coastal Plan Policy 30251 states that "The scenic and visual **qualities o**f coastal areas be considered and protected as a resource of public importance. Permitted development shall be visually compatible with the character of the surrounding area. The development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of it's setting".

Coastal Act-Coastal Plan Policy 30253 states that "New development shall protect special commun**ities and** neighborhoods which**, bec**ause of their unique characteristics, are popular visitor destination points for recreational uses". The Coastal Act defines these special communities and neighborhoods as follows:
1. Areas characterized by a particular architecture.
2. Areas presently recognized as important visitor destinations.
3. Areas with limited automobile traffic that provide opportunities for pedestrian and bicycle access for visitors to the coast.

4. Areas that add to the visual attractiveness of the coast.

Visual and Scenic Resources Study, January 1980 provides for the protection of community character which contributes to a unique beach related experience for visitors and residents.

San Luis Obispo Estero Bay Plan of 2009 section I-c. Shoreline Development states that new development to be located on a coastal bluff shall be, to the maximum extent feasible, be compatible with the character of the surrounding neighborhood.

Statement 2:

The proposed development will not be compatible, comparable, or resemble the surrounding neighborhood. Instead of the existing small picturesque and historic structure, under a canopy of 13 majestic towering Monterey Cypress trees, that allows beautiful filtered views of the ocean and horizon beyond, we would have an extremely long, two story uninterrupted solid fortress, with no view corridors, and with no trees to soften or obscure our view of it. **The 127 foot long, two story, solid,** view blocking **structure will not resemble** any of the **existing residences** along Lucerne Road that average 30 to 40 feet in width. **(See Exhibit C-1 through C-3 - Proposed Project)** The existing residences **(See Exhibit C-4 through C-14 - Neighboring Residences)** on Lucerne Road are mostly set back and down a slope, which affords views of the ocean, where as the proposed residence will be located adjacent to the street, and afford no views of the ocean in it's entire length. The design of the proposed residence resembles those that front the beach at Malibu, and is not consistent with the character of the surrounding neighborhoods of Cayucos.

Geological Studies- Bluff Stability and Erosion

Coastal Zone Land Use Ordinance - Geological Study Areas (GSA) Article 3.07.080 d

A Geological Study area combining designation is applied by the Official Maps (Part III) of the Land Use Element, to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. These standards are applied where the

following conditions exist:

d. Erosion and stability hazard-coastal bluffs. Areas along the coast with coastal bluffs and cliffs greater than 10 feet in vertical relief that are identified in the Coastal Erosion Atlas, prepared by the California State Department of Navigation and Ocean Development (1977), in accordance with **Hazards Policy No. 7 of the Local Coastal Plan**.

Coastal Zone Land Use Ordinance-Article 23.07.084 c - 3 Application Content, states that the a geological report shall include the potential for active land sliding or slope failure.

Statement 3:

We believe that the proposed basement excavation will be in the area of extreme and **ongoing bluff erosion and undermining,** which we feel were **not adequately addressed** in the applicants geological report. The applicant's own geologist, GeoSolutions, in it's January 26, 2011 review of the project **(See Exhibit D-1 - Neglect to Supply Requested Geological Information)** even states that "The slope stability analysis indicates that the addition of a basement **"does not appear"** to affect the instability of the bluff" This comment **seems indecisive, and non-concrete.** This information is critical in determining the 100 year erosion factor that is applied to coastal bluff projects to establish coastal bluff setbacks, as well as the relative stability of the bluff itself. This parcel has a particular history of accelerated erosion due to instability of the bluffs and wave action during winter storms. **(See Exhibits D-2 through D-8 - Historical Bluff Failures and Undermining)**

Cayucos residents familiar with the site have knowledge of the historical collapse of approximately 100 feet of the ocean side of the parcel in approximately 1990. Another loss of approximately 10 feet occurred in about the year 2003, as witnessed by the neighbor. The evidence supporting this can be viewed in the aerial photos collected in the Coastal Records Project by Kenneth Alderman, 1972 to 2010, as well as aerial photos contained in the Library of the USC Santa Barbara Maps and Imaging Department in Santa Barbara. The **more recent significant loss** of several feet, **occurred in** the years **2010 and 2011**, on the west end of the property. **(See Exhibits D-9 through D-15 - Recent Bluff Failures)** The more recent

collapse is significant and threatens the existing structures, as seen in the attached exhibits.

In his arborist report **(See Exhibit B-6 - Arborist Report)** Robert Schreiber, a prominent local ISA Certified Arborist, states that "Also to be considered is the roots **of these trees** are helping hold the bluff together. Because tree roots generally grow in the direction of water flow, most of the roots are probably on the ocean side of the trees. Disturbing or **cutting roots** on the side where most of them are growing **will affect the structural integrity of the bluff.** ("There is already a **large cavity below the site**"). **(See Exhibits D-16 through D-18 - Exposed Tree Roots)**

Statement 4:

Tim Cleath, California Certified Hydro geologist #8, during his visit to the site, stated that "Any good geological report should contain information about any water that is present on the site". Yet, the **applicant's geologist omitted the facts that there exist a historical fresh water spring** that dates back to the 1800's, originates from the proposed project site, and is collected in a concrete receiver on the neighboring property. This spring produces over 210,000 gallons of fresh water per year consistently, and may be an integral part of a hydrostatic pressure release, for the seawall on the adjacent property. The spring is mentioned is several historical documents and shown on a 1934 Arial photograph obtained from the USC Santa Barbara Imaging Department.

When **directed** by the San Luis Obispo Board of Supervisors in their televised meeting on November 2, **2010, to expand the geological report to include the nearby spring**, the geologist **neglected to provide** any **information** on the spring**, and** put off the seepage as a man made or natural seepage 65 feet to the west of the site. **A report to the contrary was produced. (See Exhibit D-19 - Hydrological Report of Existing Active Spring)** In addition**, the** applicant's geological report **also** neglected to show **a** water well present on the project site. It is noted and documented that a water well is located on the site. This information was also omitted in the report to the Supervisors. A water well map from San Luis Obispo County Records is included in the hydrological report by Tim Cleath dated June 16, 2011).

The appellants pray the Commissioners will find this project deserving of further investigation, and will allow subsequent additional discovery.

Exhibit 5
25 of 75

Existing Trees
Taken From Ocean Ave.

09/07/2011

B-1

Existing Site Conditions

Exhibit 5
26 of 75

Existing Trees
Taken From Lucerne Rd.

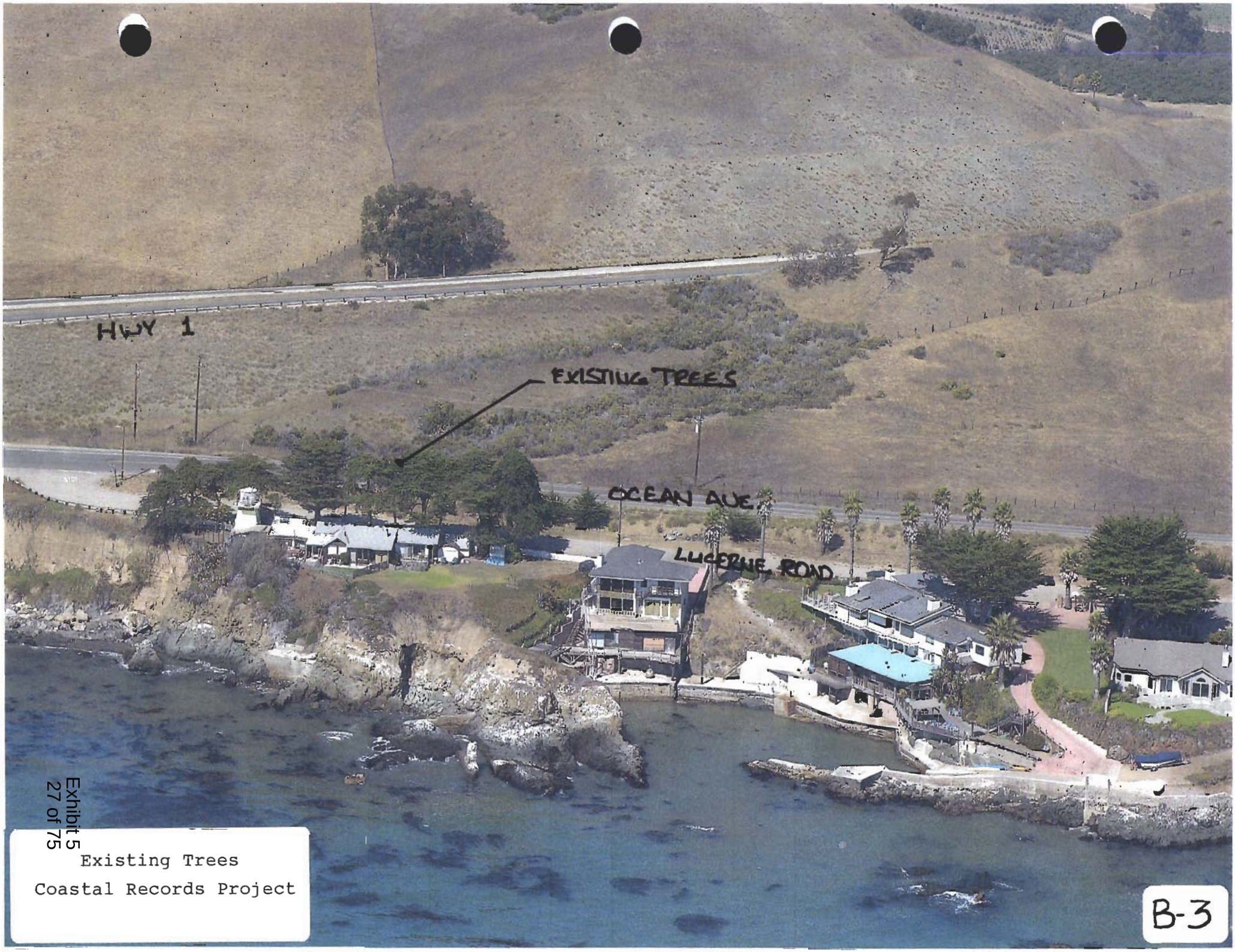


Exhibit 5
27 of 75

Existing Trees
Coastal Records Project

B-3

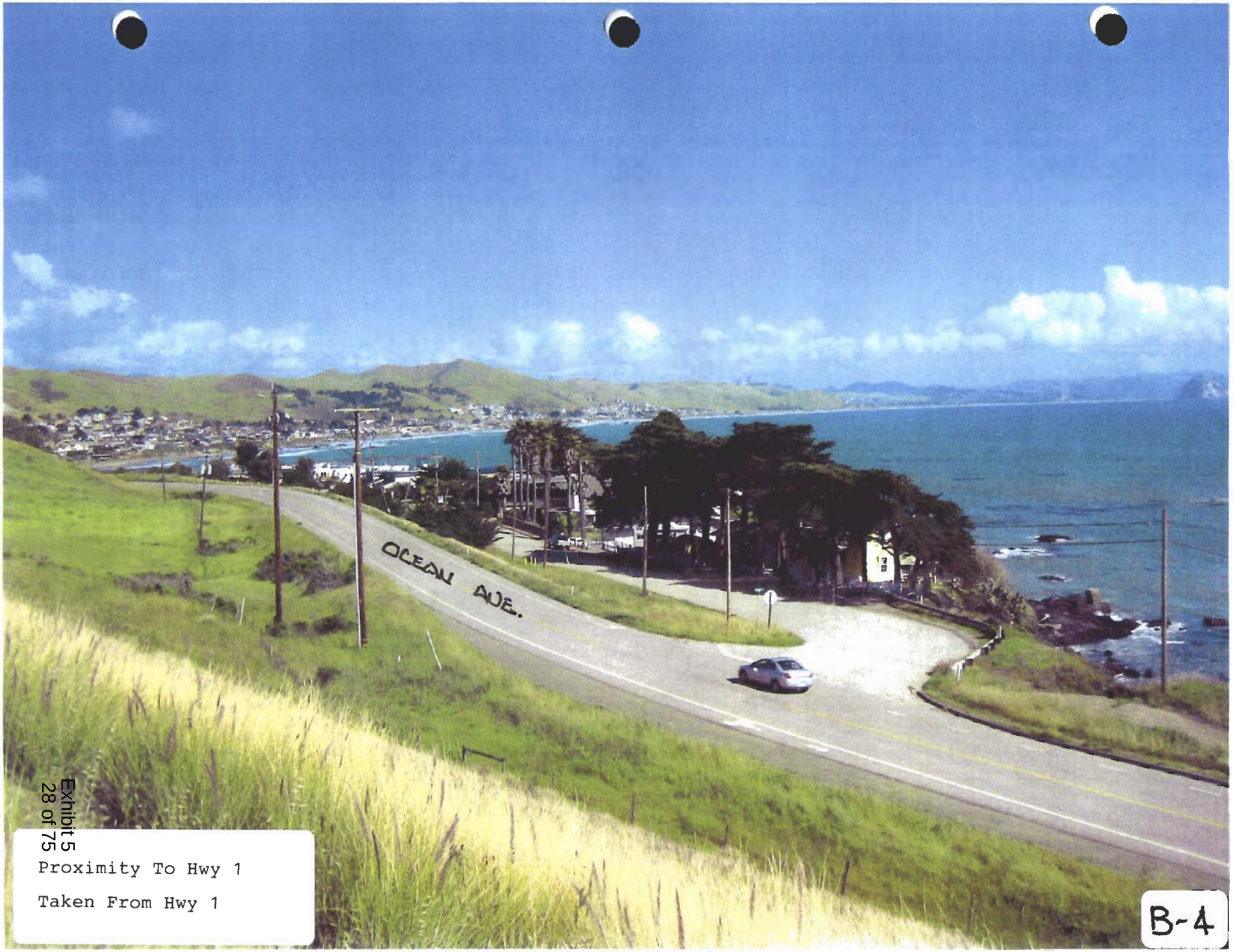


Exhibit 5
28 of 75

Proximity To Hwy 1

Taken From Hwy 1

B-4

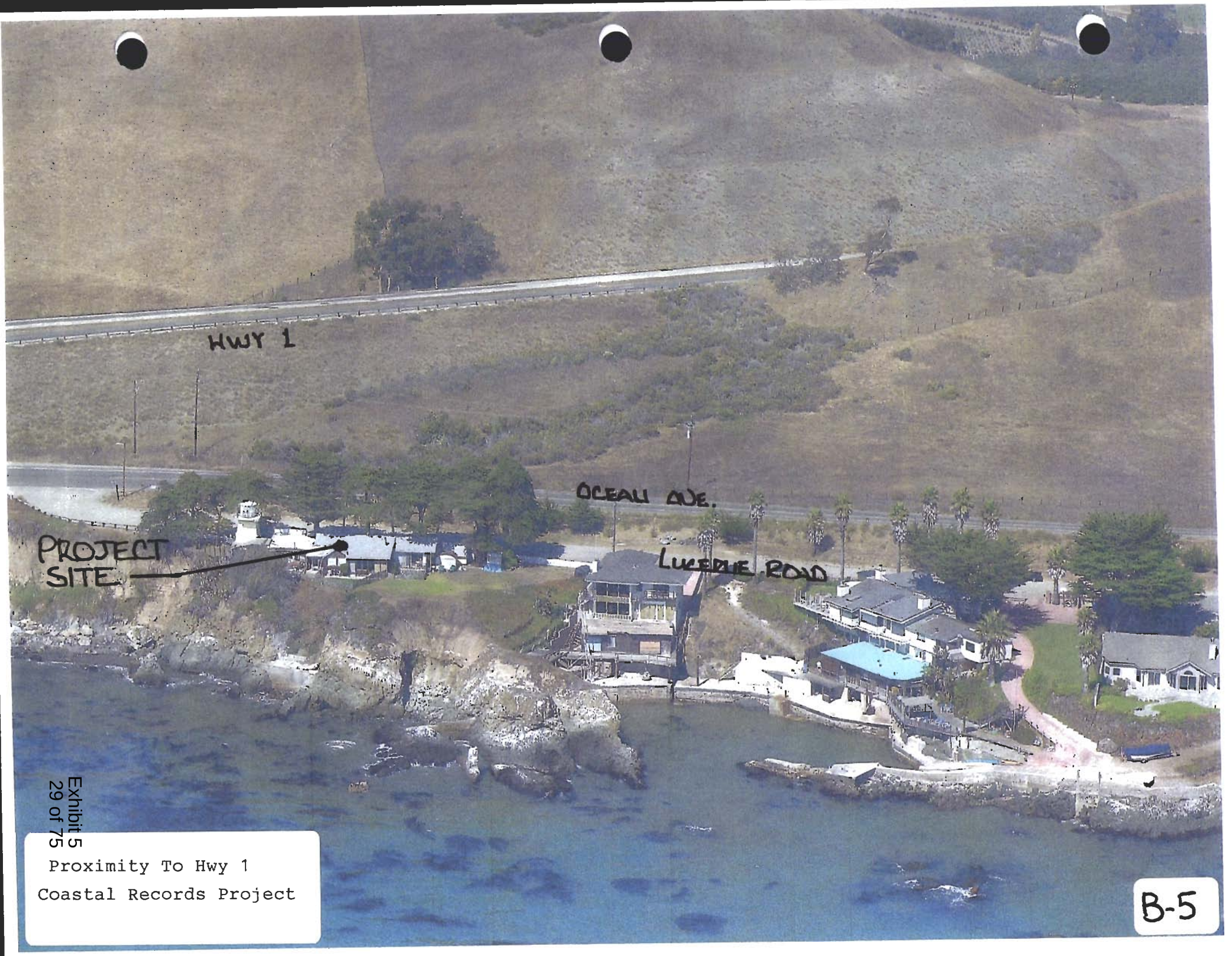


Exhibit 5
29 of 75

Proximity To Hwy 1
Coastal Records Project

B-5

B-6

Robert Schreiber

Environmental & Ecological Consultant
ASCA Academy Graduate
ISA Certified Arborist #14147
170 Terra St; Morro Bay, CA 93442
805-441-3715

Summary

This report includes analysis of potential impacts of proposed construction on a row of Monterey Cypress located off Lucerne Avenue in the town of Cayucos, identified by the county as DRC2009-00020 – Parry.

Background

John Black called recently to request a certified arborist evaluate some existing Monterey Cypress trees and the impacts development will have on them (trees which are specifically noted in the minor use permit and variance request to be retained.) This report is a product of that evaluation.
Mr. Schreiber, an ISA Certified Arborist, has visited the site and reviewed the project plans and has significant concerns about the survival of these trees as the project is developed.

Site Conditions

This property is located on a bluff at the northern end of Cayucos. There are currently 13 Monterey Cypress trees along the street side of the lot. The site is subject to very high winds. There is a wind corridor with strong constant winds between 10 and 25 MPH and frequently experiences gusts of 60 to 70 MPH and currents that can come from as far away as Oxnard. Trees that are crowded like this tend to grow branches perpendicular to the other trees, searching for sunlight (a process called phototropism.)

The benefits, health and potential longevity of these trees make them suitable for preservation. They are mature, not in decline, and have aesthetic and structural value. The live crown ratio is very high. There are two trees proposed for removal because of crowding, but it is not noted which trees. The understory trees, while less vigorous, should not be removed. These trees have developed together and will not function well as individuals. Tree removal activities will place remaining trees at risk of damage from uprooting through wind-throw. Some have poorly tapered trunks, high, irregularly shaped crowns, asymmetric branch growth and are prone to failure and decline when their neighbors are removed. "Not only are the remaining trees unstable, they contribute little to the appearance or landscape quality of the new project. They quickly become liabilities rather than assets." (Trees and Development; Matheny and Clark , 1998)

Discussion

The proposed project includes demolishing the existing structure and constructing a building with an increased footprint and excavation for a basement. There are no reasonable siting alternatives that will not have high impact on these trees.

It has been documented that Monterey Cypress are quite intolerant of any site disturbance in general their tolerance to construction is poor. They would be a threat to life and property if excavation is allowed as plans show now. In fact, the proximity and depth of the excavation combined with the high

Robert Schreiber, ISA Certified Arborist August 23, 2010

Robert Schreiber

winds in the area, the trees' low tolerance for site disturbance and likely location of the roots all point to tree failure. It has also been shown that Monterey Cypress trees require a protection zone greater than other trees. If the basement is within this critical root zone area, the trees are unlikely to survive. Even if they live, the structure of the tree will be compromised and they are likely to uprooted by the high winds. Also to be considered is that the roots of these trees are helping hold the bluff together. Because tree roots generally grow in the direction of water flow, most of the roots are probably on the oceanside of the trees. Disturbing or cutting roots on the side where most of them are growing will affect the structural integrity of the bluff (there is already a large cavity below the site).

Recommendations

If the project is revised to remove the basement and excavation portions, assuring these cypress trees are protected would require, at the least, a certified arborist should create a complete tree protection plan for these trees and be onsite to monitor construction.

To protect the trees during construction, an arborist would need to establish the critical root zone of the tree where no disturbance should occur. This would be done with an air spade or digging by hand.

Conclusion

The impact of construction of the project as currently described is high (see below) and these trees will not survive this type of construction and excavation of a basement. To ensure protection of these trees and the benefits they provide, the project designer should consult with an ISA certified arborist. " The consultant works with the design team to help develop a project that provides adequate space for trees that have a potential to be an asset to the site for years to come." (Trees and Development; Matheny and Clark , 1998) An arborist can identify how to avoid the critical root zone, develop a tree protection plan, and monitor the construction process to minimize damage to the trees. Greater care must be taken in this situation because Monterey Cypress have low tolerance for disturbance and the result of losing the benefits these trees provide is likely to be additional bluff erosion and collapse.

Evaluation standards

Impact Level

Impact level defines how a tree may be influenced by construction activity and its proximity to the tree, and is described as low, moderate, or high. The following scale defines the impact rating:

Low =The construction activity will have little impact on the tree.

Moderate =The construction may cause future health or structural problems, and steps must be taken to protect the tree to reduce future problems.

High = Tree structure and health will be compromised and removal is recommended, or other actions must be taken for the trees to remain.

Robert Schreiber, ISA Certified Arborist

Robert Schreiber

August 23, 2010

B-7

Fw: Alternative Building possibilities for the Lucerne project
County of SLO Planning Dept. to: Kerry Brown 08/26/2010 08:08 AM
Sent by: Patricia Warren

Good Morning, Kerry:
One of the planners down here thought this e-mail should maybe go to you. If it is not your project, please let me know and I'll look further. Thank you.
Patricia

—— Forwarded by Patricia Warren/Planning/COSLO on 08/26/2010 08:07 AM ——

From:	Robert Schreiber <arborfirst@sbcglobal.net>
To:	jab93430@sbcglobal.net, jcarsel@aol.com
Cc:	planning@co.slo.ca.us
Date:	08/26/2010 07:15 AM
Subject:	Alternative Building possibilities for the Lucerne project

Hi John,

I'm not an expert on construction methods, which is why there were no alternative design suggestions included in the report. Based on my years of experience, there are a few alternatives that wouldn't disturb the majority of the trees, including any project that used the current foundation or 100% above grade in the existing footprint of the home.

To really have a brand new project and keep the trees, an arborist would need to perform hand excavation or use an air spade to determine where the roots are and where excavation and construction could be done.

I am also concerned about continuing the stability of that bluff if the trees are removed.

I hope this clarifies the issue. I plan to be at the planning commission meeting later today. Please give a call when it looks like this item will be up. It looks like its last, which could mean as early as 1 and as late as 4:30 or later.

Robert Schreiber
ISA Certified Arborist
441-3715

Arborist
Communication

B-8

EXHIBIT A – FINDINGS
LEWIS VARIANCE /MINOR USE PERMIT DRC2009-00020 AND DRC2009-00027

Variance

A. The granting of such application as submitted to the Board of Supervisors on November 2, 2010, does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, but will be materially detrimental to the public welfare due to the imposing height of the residence, close proximity to the street, and the impacts the proposed residence will have on the Monterey Cypress trees fronting the site. These trees are considered a significant community feature and as such the loss of this feature would be injurious to nearby property or improvements.

Minor Use Permit

B The proposed project or use as submitted to the Board of Supervisors on November 2, 2010 and redesigned and resubmitted to the Board of Supervisors on June 21, 2011, will be inconsistent with the character of the immediate neighborhood and contrary to its orderly development because of the scale (mass, height, and proximity to street) of the new residence and it will not be visually compatible with the neighborhood because of the impacts the proposed residence will have on the Monterey Cypress trees fronting the site, which are considered a significant community feature. And, therefore, the loss of this feature would be injurious to nearby property or improvements and the community at large.

C. CEQA does not apply to projects that are disapproved or denied (PRC 21.080b5).

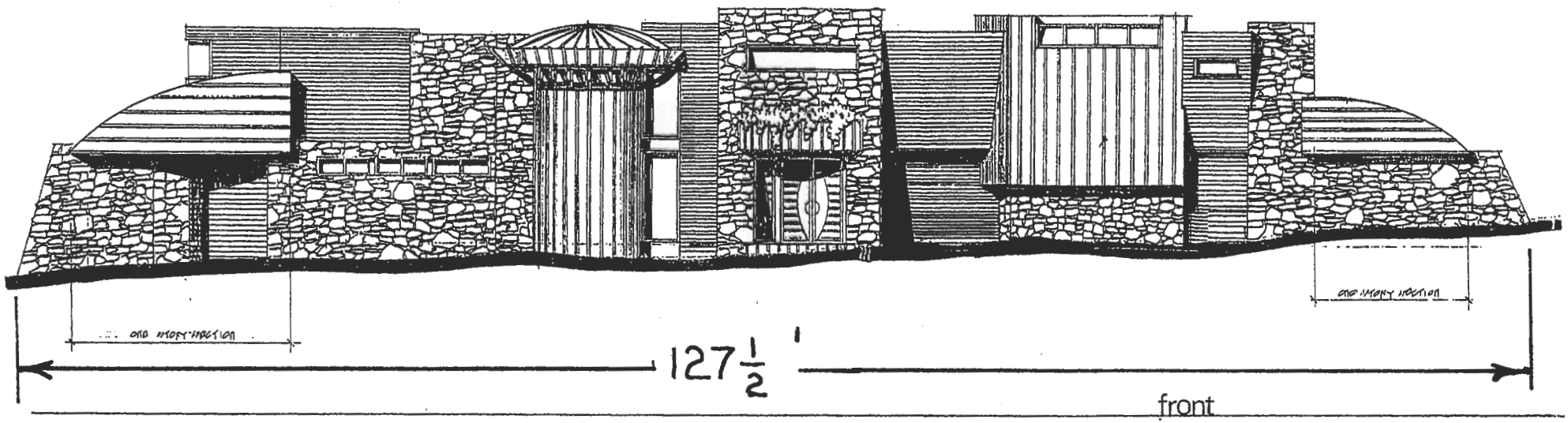
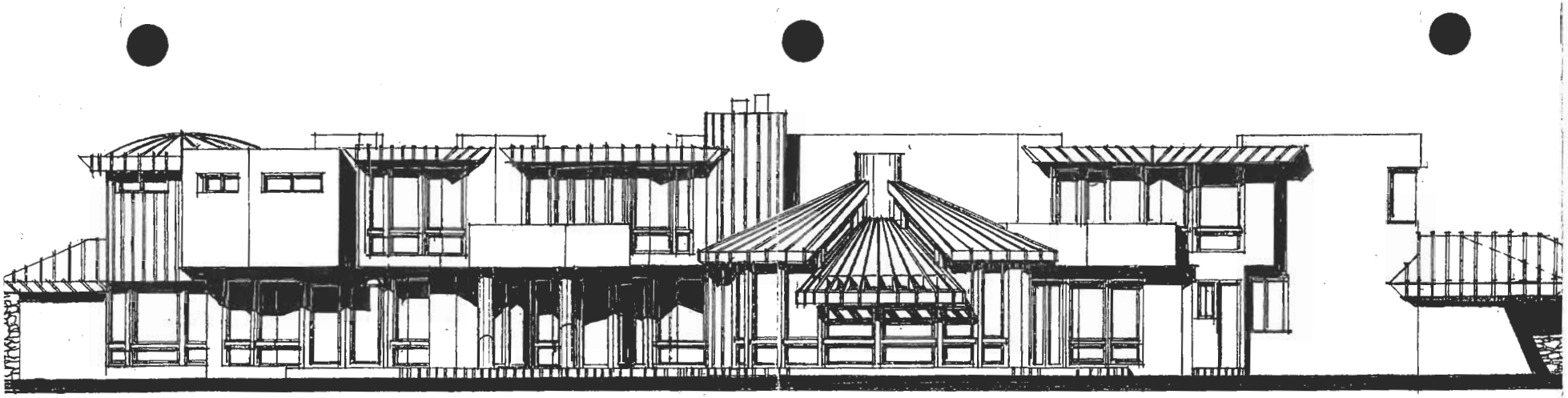


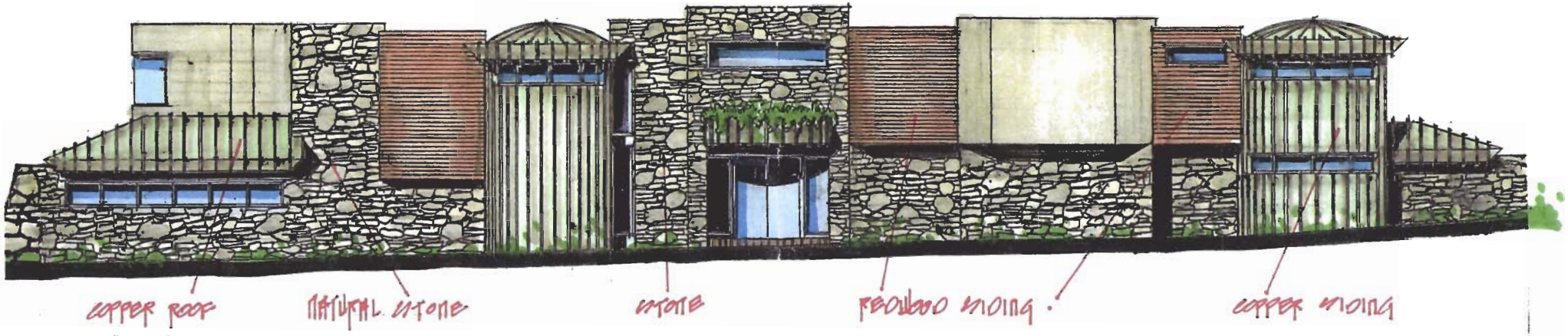
Exhibit 5
34 of 75

Proposed Project

C-1



rear



front

Exhibit 5
35 of 75

Proposed Design

C-2

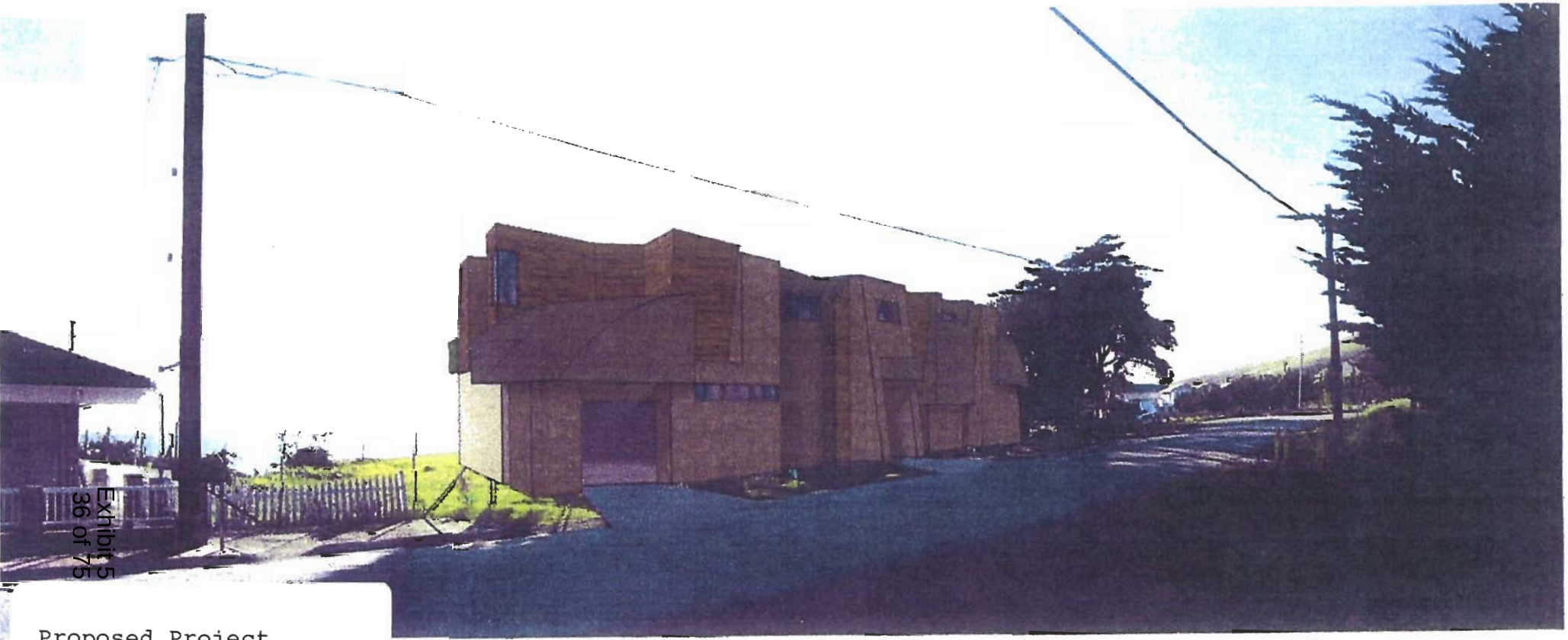


Exhibit 5
36 of 75

Proposed Project
View From Lucerne Rd.

C-3

Exhibit 5
37 of 75

Neighboring
Residence
View From Ocean Ave.

C-4

Exhibit 5
38 of 75

Neighboring
Residence
View From Ocean Ave.

C-5

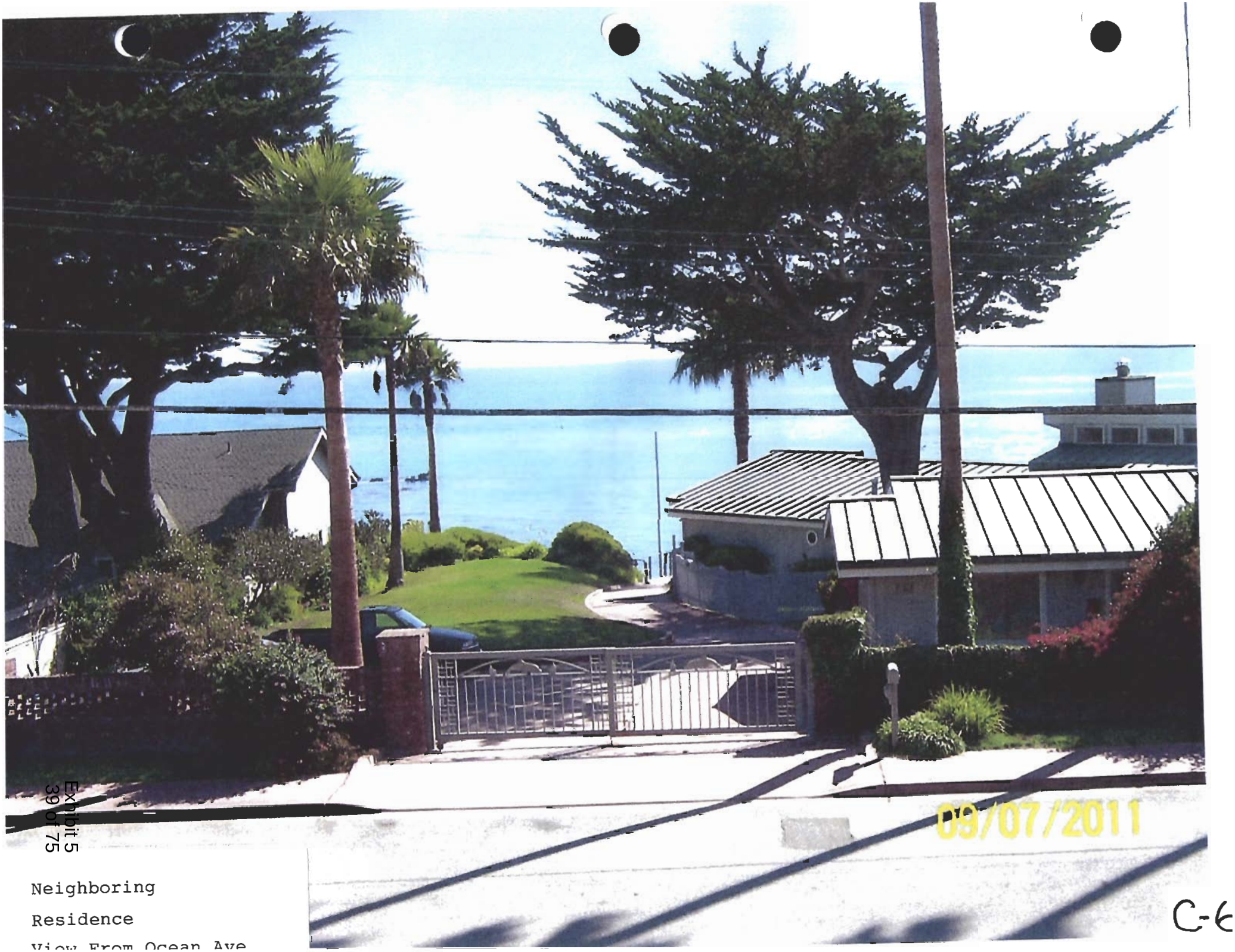


Exhibit 5
39 of 75

Neighboring
Residence
View From Ocean Ave

C-6

Exhibit 5
40 of 75

Neighboring
Residence
View From Ocean Ave.

Exhibit 5
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Neighboring
Residence
View From Ocean Ave.

C-8

Exhibit 5
42 of 75

Neighboring
Residence
View From Ocean Ave.

Exhibit 5
43 of 75

Neighboring
Residence
View From Ocean Ave.

C-10

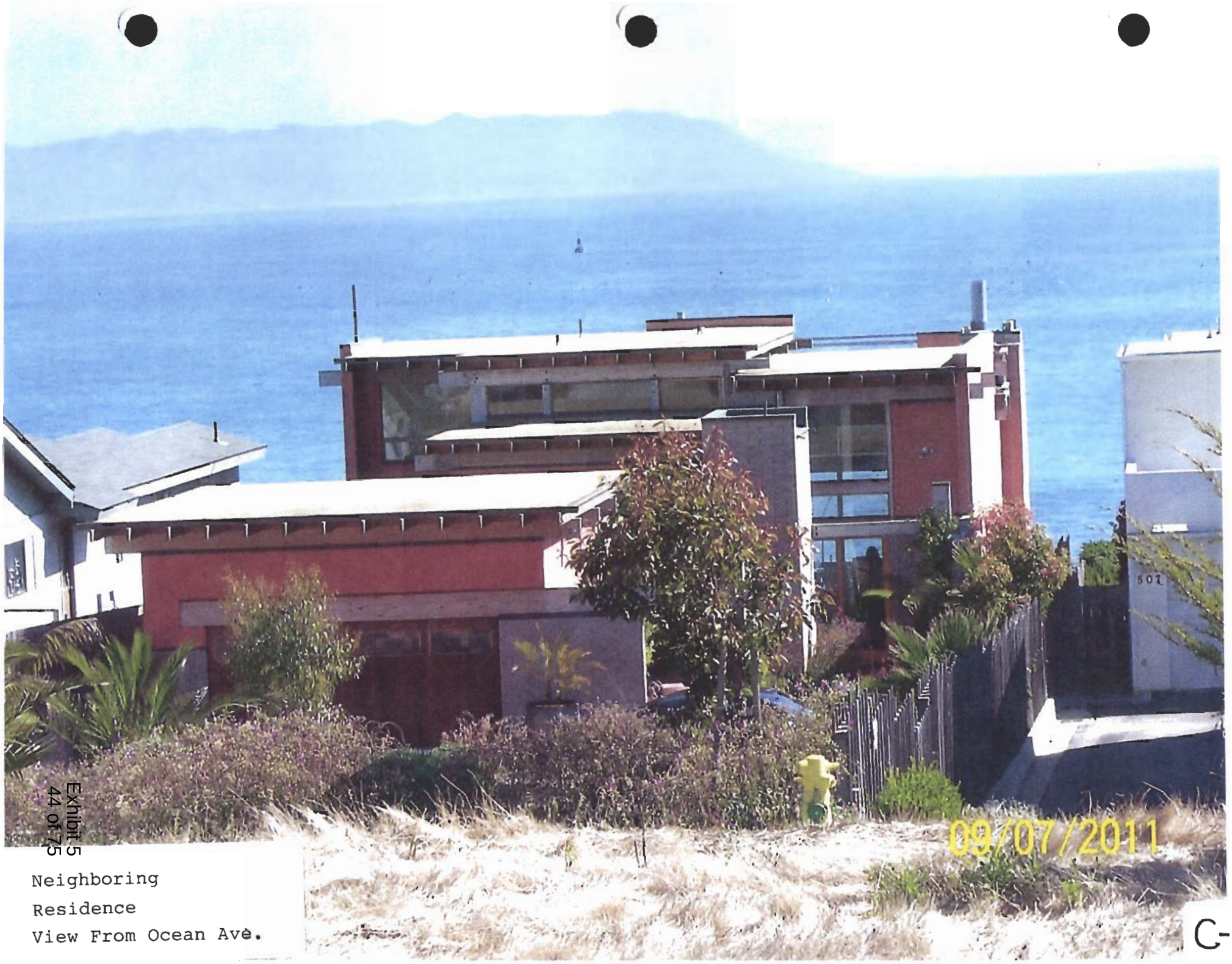


Exhibit 5
44 of 75

Neighboring
Residence
View From Ocean Ave.

C-11

Exhibit 5
45 of 75

Neighboring
Residence
View From Ocean Ave.

C-12

Exhibit 5
46 of 75

Neighboring
Residence
View From Ocean Ave.

C-13

Neighboring

Residence

With Monterey Cypress

C-14

D-1

GeoSolutions, INC.

2370 Skyway Drive, Suite 104, Santa Maria, CA 93455
(805)614-6333, (805)614-6322 fax
SBinfo@geosolutions.net

220 High Street, San Luis Obispo, CA 93401
(805)543-8539, (805)543-2171 fax
info@geosolutions.net

January 26, 2011
Project No. SL07201-2

Dr. Marshall Lewis
c/o Marshall Lewis, Architect
2271 Benson Avenue
Cambria, California 93428

Subject: Review of Bluff Stability and Seepage
709 Lucerne Road, APN: 064-281-009
Cayucos Area of San Luis Obispo County, California

Dear Dr. Lewis:

This letter presents a review of bluff stability and seepage for the proposed single-family residence to be located at 709 Lucerne Road, APN: 064-281-009, Cayucos area of San Luis Obispo County, California. Additional slope stability analysis was conducted for the bluff at the property that includes addition of cuts proposed for the basement. Ancillary information and site specific geologic conditions have been documented in GeoSolutions, Inc. August 14, 2009 report titled "Geologic Coastal Bluff Evaluation" and a January 15, 2010 report titled "Response to Comments: Geologic Coastal Bluff Evaluation". The reports have been peer reviewed by the San Luis Obispo County Engineering Geologist, Mr. Brian Papurello, and Mr. Papurello has written (January 19, 2010) "It is our opinion that the site geologic conditions are accurately modeled as represented. Our findings are congruent with the conclusions and recommendations of the report prepared by GeoSolutions, Inc., dated August 14, 2009 and the revised coastal bluff setback as recommended in the report dated January 15, 2010." The undersigned visited the subject property on January 17, 2011, to view the bluff region of the property

In summary, the results of this revised numerical slope stability analysis (with addition of a basement excavation) show similar results to the peered reviewed conclusions in GeoSolutions, Inc. January 15, 2010 report. The slope stability analysis indicates that **the addition of a basement does not appear to affect instability of the bluff. Regarding seepage,** groundwater seepage was observed approximately **65 feet west of the proposed residence. It is recognized in the** GeoSolutions, Inc. August 14, 2009 Geologic Coastal Bluff Evaluation that there is groundwater seepage that may be either natural or human-caused. To add an additional conservative element, the presence of groundwater was modeled within the slope stability analysis although groundwater was not encountered during subsurface boring investigation at the property. The San Luis Obispo County Engineering Geologist has determined that the proposed development setbacks are adequate and accommodate groundwater conditions. General recommendations regarding proposed development are provided in the Geologic Coastal Bluff Evaluation (August 14, 2009) and Response to Comments (January 15, 2010) and should improve and promote stability of the coastal bluff. The attached Appendix A details the slope stability analysis with the addition of a basement.

Thank you for the opportunity to have been of service. If you have any questions or require additional assistance regarding this letter, please feel free to contact the undersigned at (805) 543-8539.

Sincerely,
GeoSolutions, Inc.

John Kammer, C.E.G. #2118
Senior Engineering Geologist
S:\jobs\SL07000-SL07499\SL07201-2 - 709 Lucerne Road\Geology\SL07201-2 slope Letter.doc

Latest Geological Review
As Requested By The BOS
Of SLO On 10-2-2010

Omitting Information
On Existing Spring
And Recent Bluff
Failures Of 2010-2011

Historical Bluff Erosion
And Undermining
Coastal Record Project

Historical Bluff Erosion
And Undermining

D-3

Historical Bluff Erosion
And Undermining

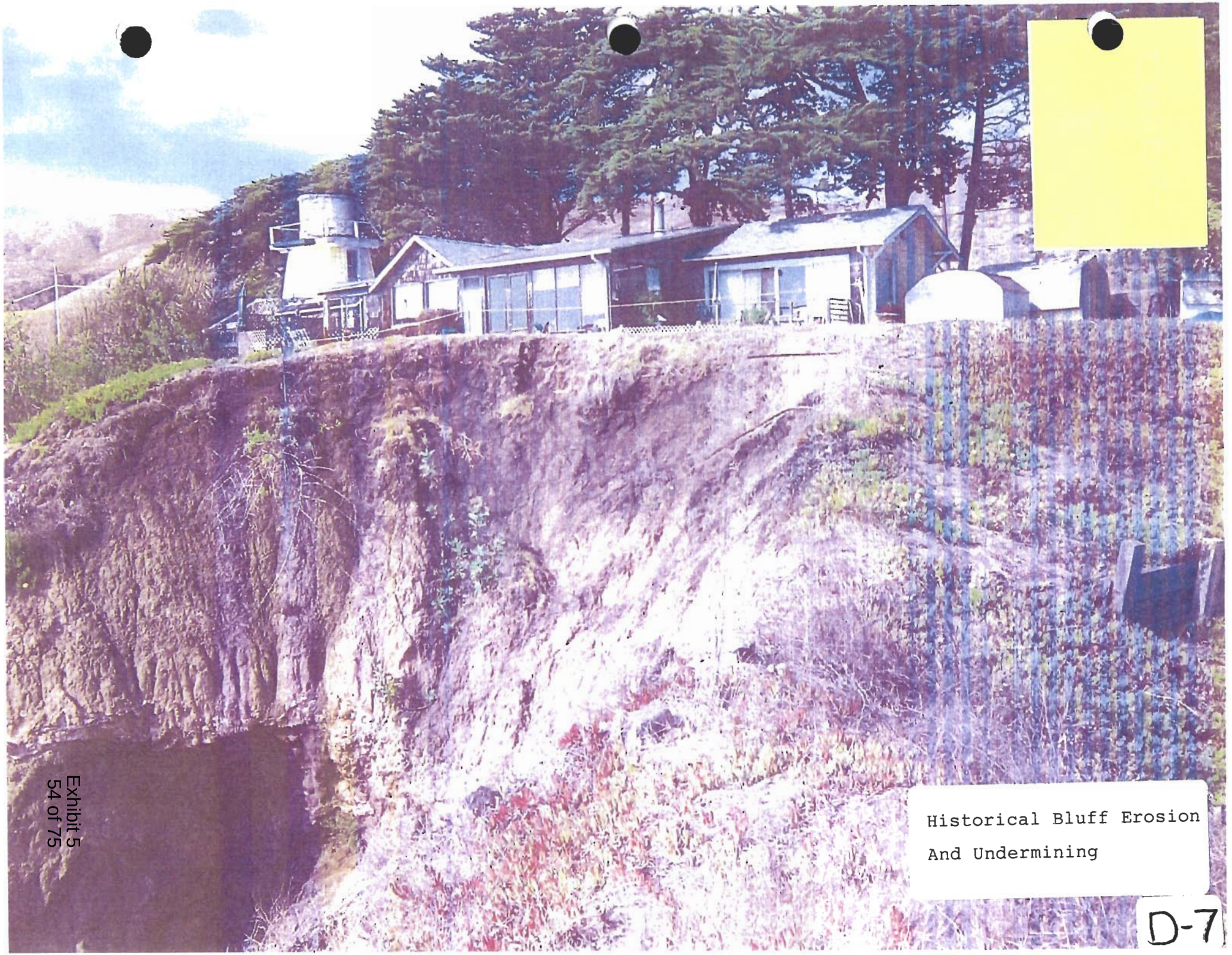
D-4

Historical Bluff Erosion
And Undermining

D-5

Hictorical Bluff Erosion
And Undermining

D-6



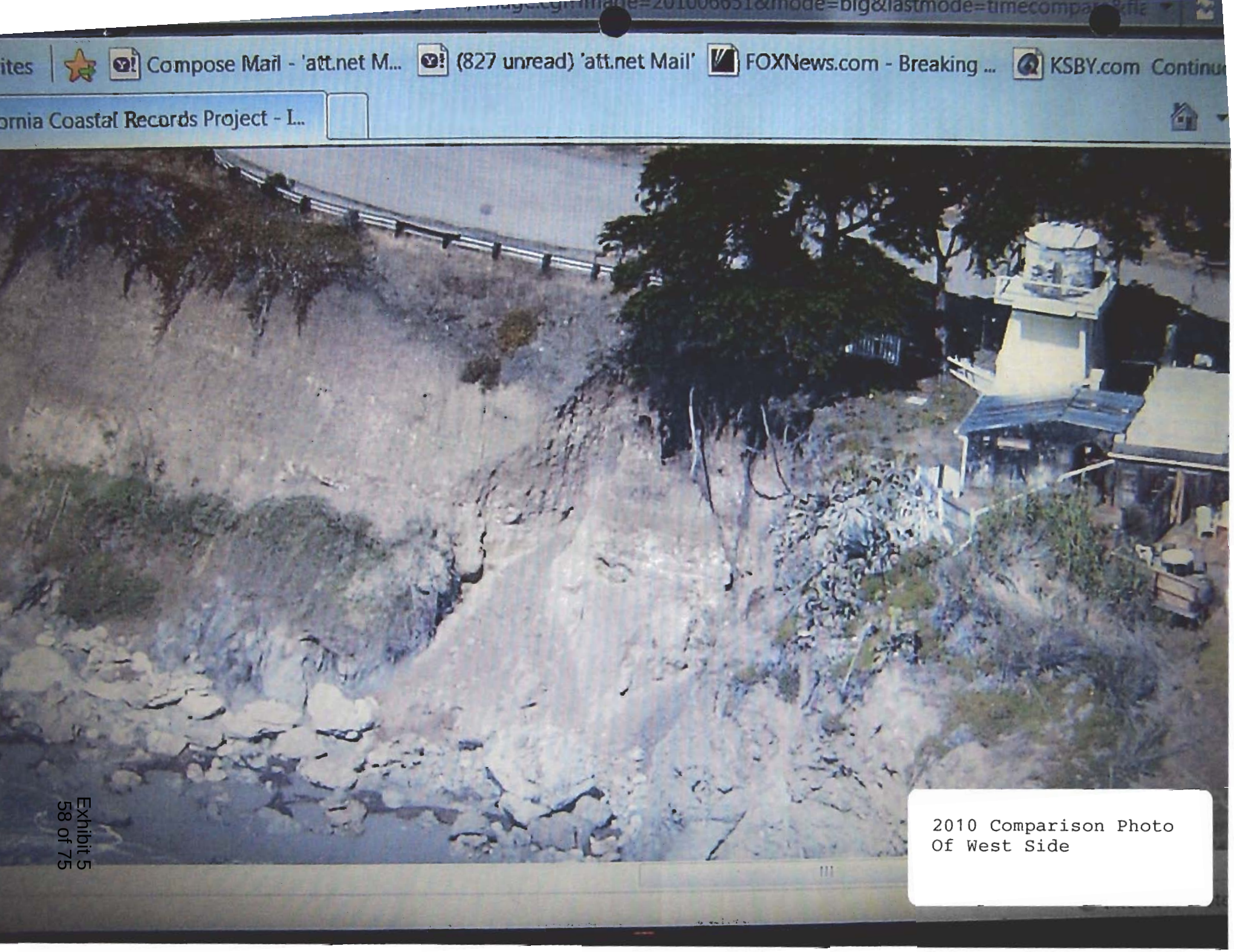
Historical Bluff Erosion
And Undermining

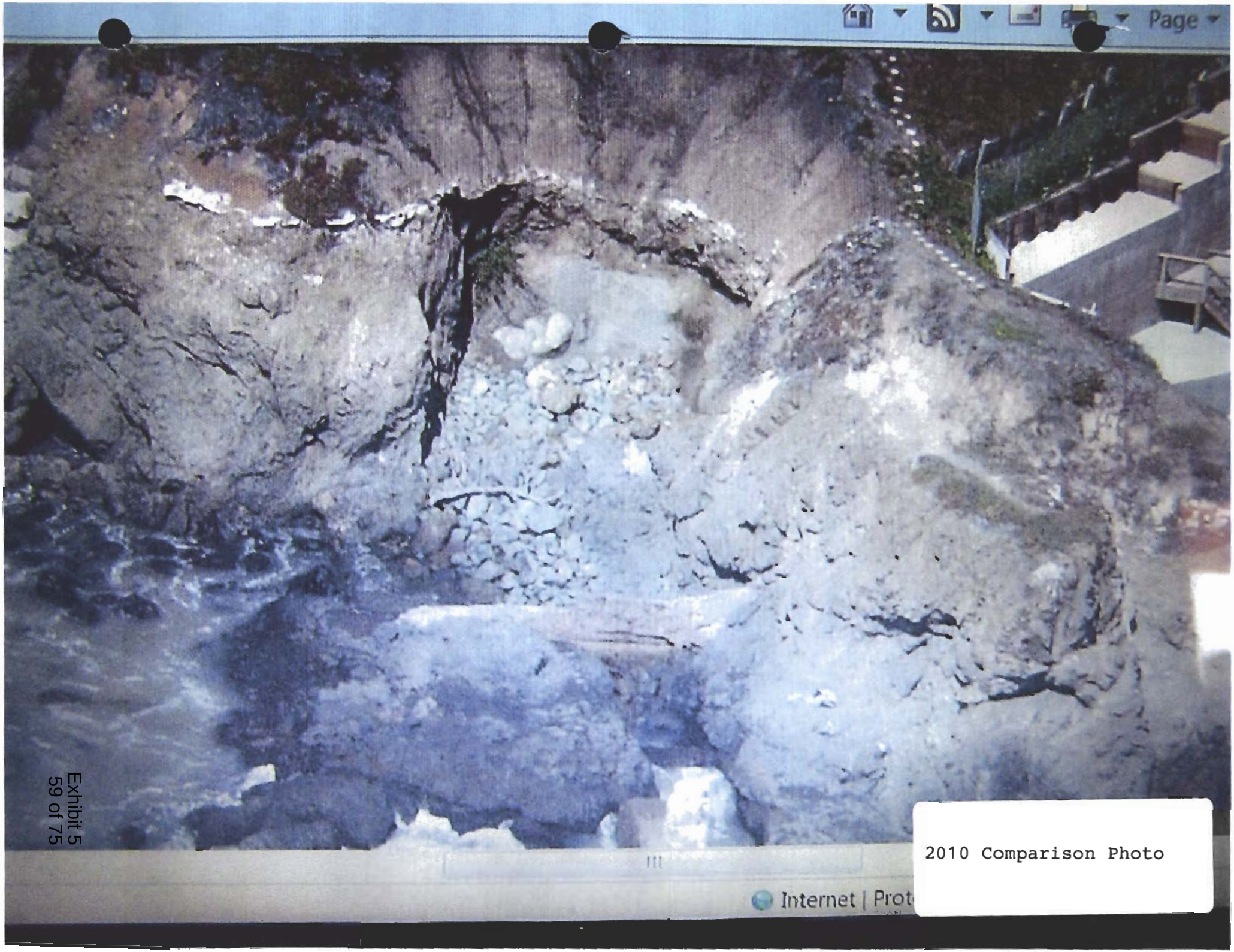
D-7

Historical Bluff Erosion
And Undermining

2004 Comparison Photo
Of West Side

2005 Comparison Photo
Of West Side


Compose Mail - 'att.net M...
(827 unread) 'att.net Mail'
FOXNews.com - Breaking ...
KSBY.com
Coastal Records Project - L...
Exhibit 5
58 of 75
2010 Comparison Photo
Of West Side



2010 Comparison Photo

D-9

ecent Bluff Failure

2010-2011

Recent Bluff Failure
Near Existing Structure
2010-2011

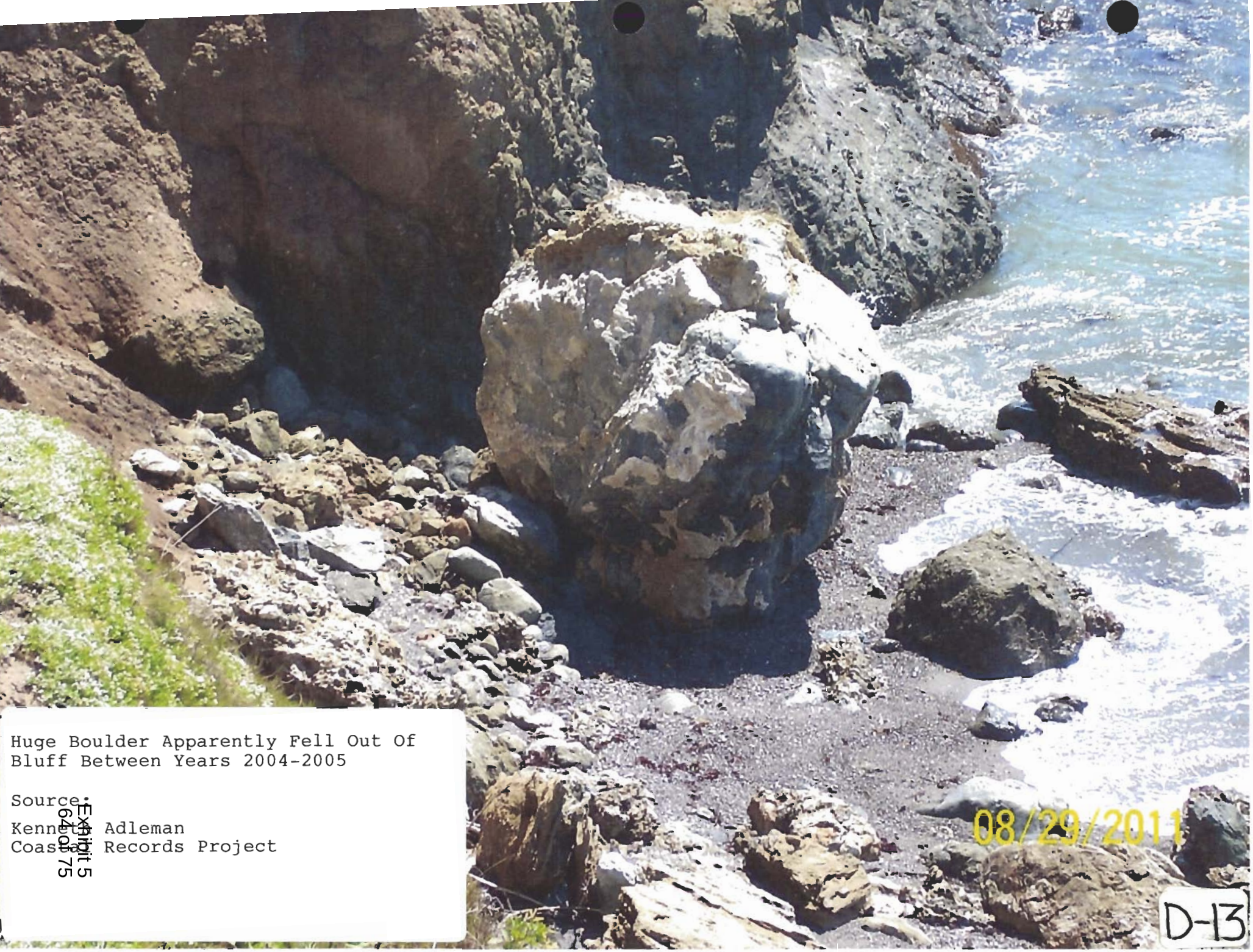
Recent Bluff Failure

2010-2011

Exhibit 5
63 of 75

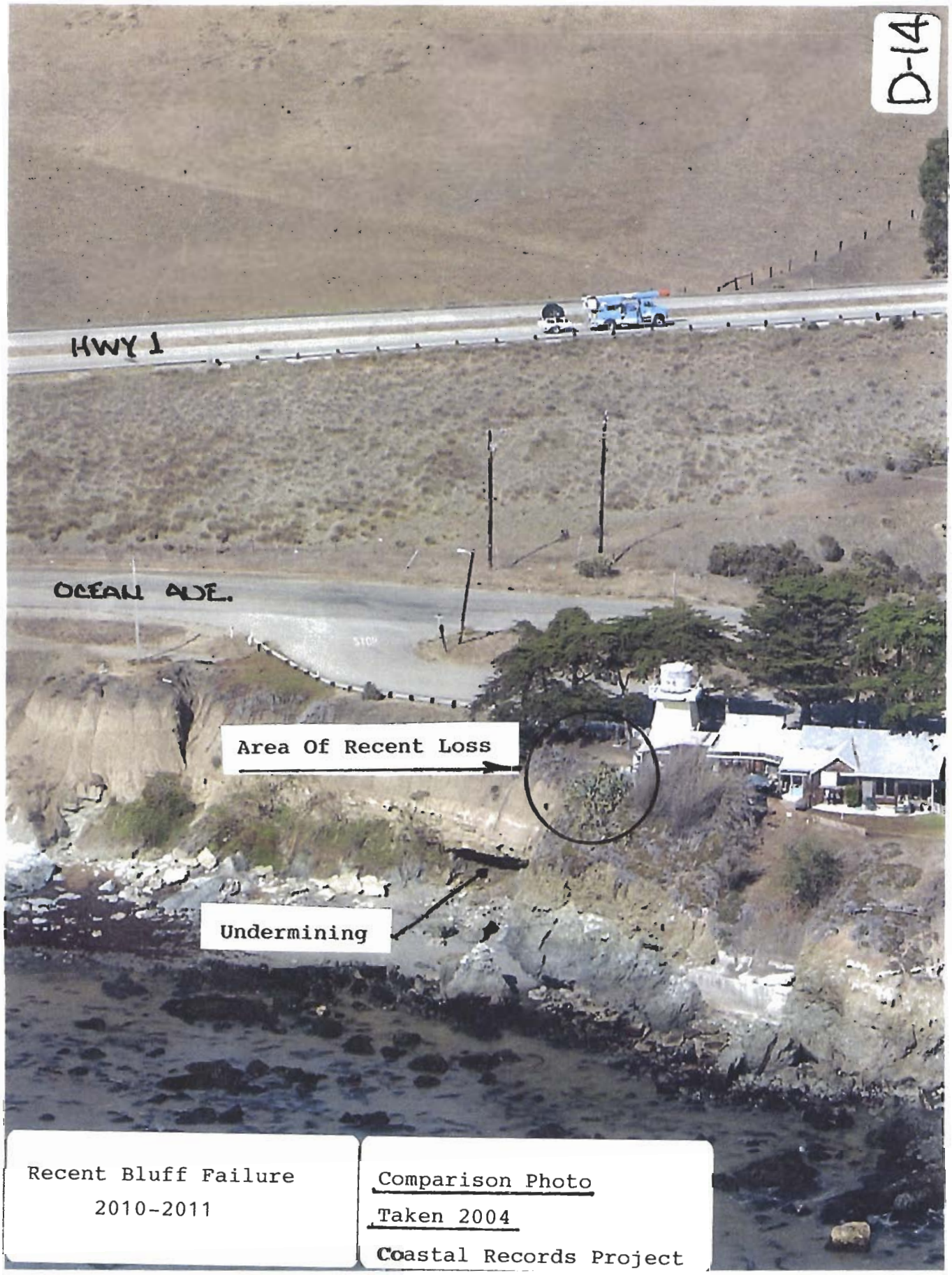
Recent Bluff Failure

2010-2011



Huge Boulder Apparently Fell Out Of Bluff Between Years 2004-2005

Source:
Kenneth Adleman
Coastal Records Project


D-14
HWY 1
OCEAN AVE.
Area Of Recent Loss
Undermining
Recent Bluff Failure
2010-2011
Comparison Photo
Taken 2004
Coastal Records Project

Google maps

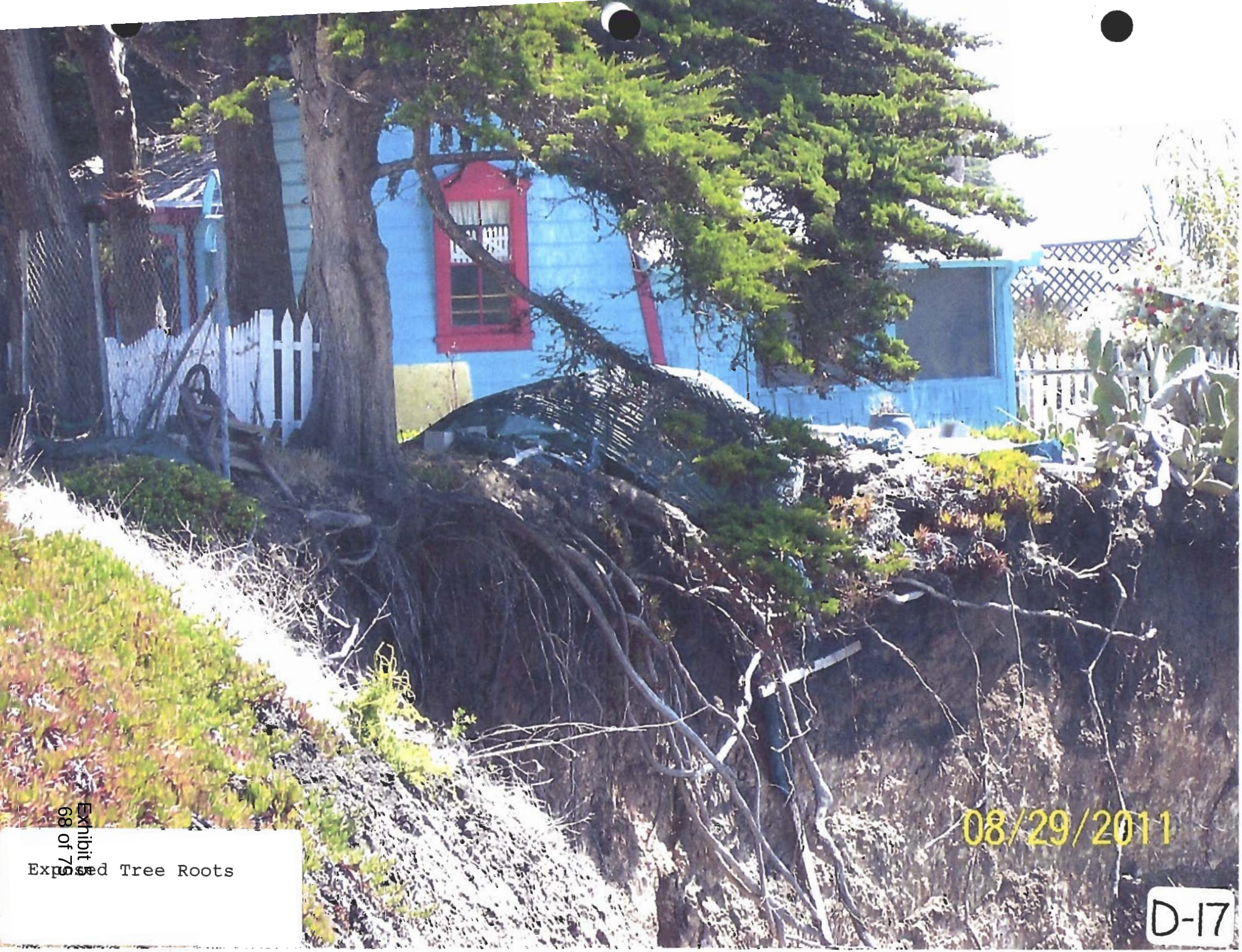
2008 Photo Taken Before

Recent Bluff Failure

Recent Bluff Failure

2010-2011

Exposed Tree Roots



Exposed Tree Roots

Exhibit 5
68 of 75

Exposed Tree Roots

Exhibit 5
69 of 75

D-18

Cleath-Harris Geologists, Inc.
11545 Los Osos Valley Road, Suite C-3
San Luis Obispo, California 93405
(805) 543-1413

CHG

June 16, 2011

John Black
707 Lucerne Road
Cayucos, California 93430

Subject: Water Sources, Cayucos Point, San Luis Obispo County

Dear Mr. Black:

Per your request, we present a brief description of water sources on, and proximal to, your property at 707 Lucerne Road, Cayucos. The property is shown on an aerial photograph on Figure 1.

We visited your property on June 16, 2011, specifically to observe your spring collection system and the geology along the coastal bluff, and reviewed historic records of the area that document water wells and springs.

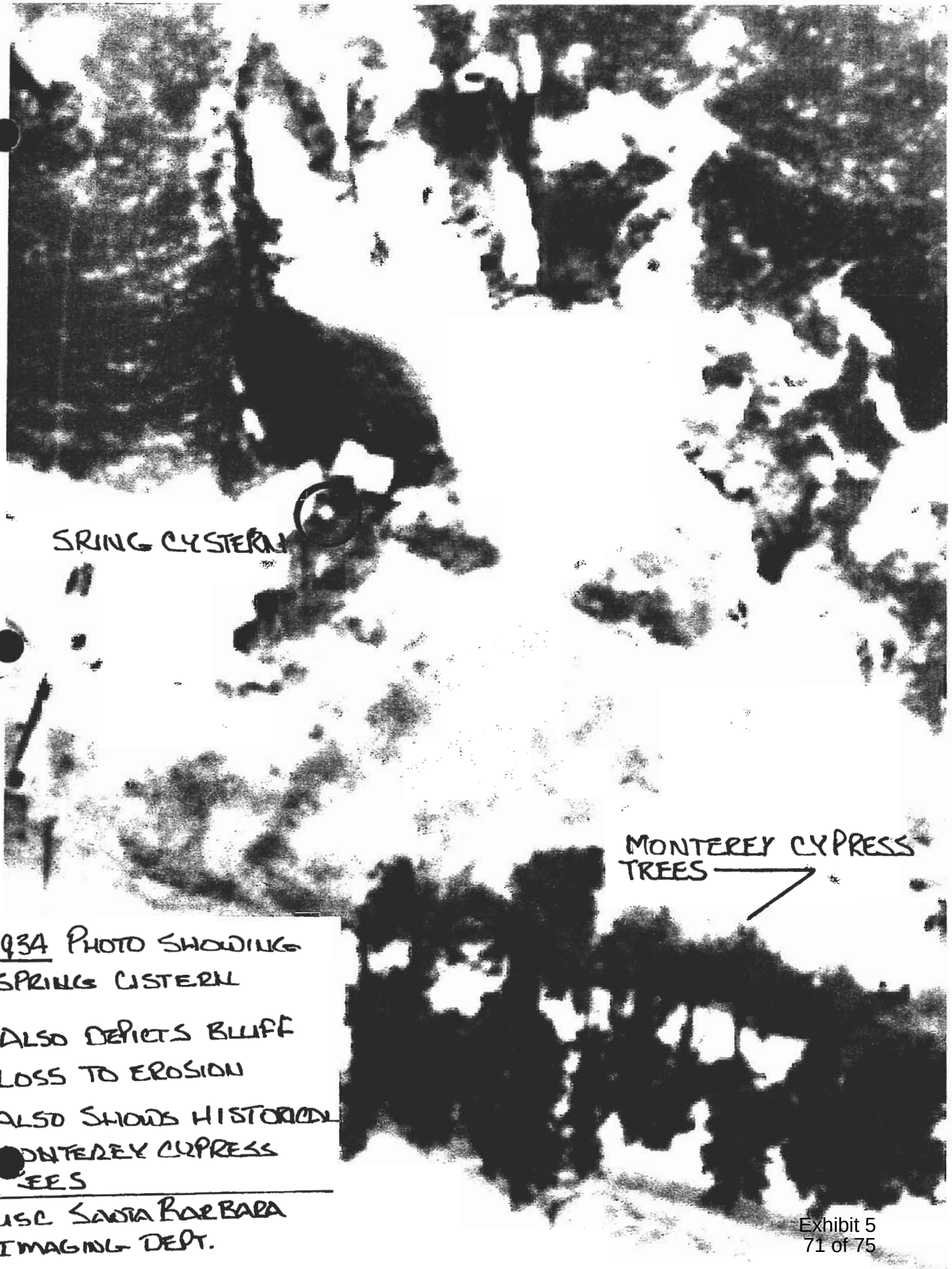
The concrete spring cistern that is located on your property adjacent to the beach was evident in a 1934 photograph we reviewed and most likely dates back to the time when the property was first developed in the 1800's. The spring cistern has been surveyed by Leonard Lenger, as shown on Figure 2.

The spring cistern receives flow from a pipe that extends into the bluff. The origin of the spring water is most likely from the basal sands and shell hash in the terrace deposits that are at an approximate elevation of 20-25 feet above mean sea level. These terrace deposits rest on a bedrock of Cretaceous Franciscan Complex metamorphic rock. The metamorphic rock exposed on the bluff adjacent to the spring box/block wall is a metavolcanic pillow basalt. This bedrock is a dense rock that is typically impermeable but, in places, has been faulted and can store groundwater within fractures and joints.

Historically, the properties along Lucerne Road obtained water from wells and springs on each property. The adjacent property at 709 Lucerne Road obtained water from a 150-foot deep well, located between the residence and the road, that was drilled through the Terrace Deposits and into the Franciscan bedrock. There was a spring and a well on the H.L. Ruth property, located adjacent to the cove. The Nelson property to the west of the Hwy 1/Lucerne Road turnoff obtained water from a spring on the bluff. The residences along Lucerne Road (the Locarno tract) were annexed to Paso Robles Beach Water Association in 1983, at which time many of the spring cisterns and water wells became an auxiliary source of water. The on-site wastewater disposal systems in this area were also replaced by the community sewerage system. Figure 3, a well location map from the

Hydrological Report Showing Existing Active Spring

Omitted From Applicant's Geological Report

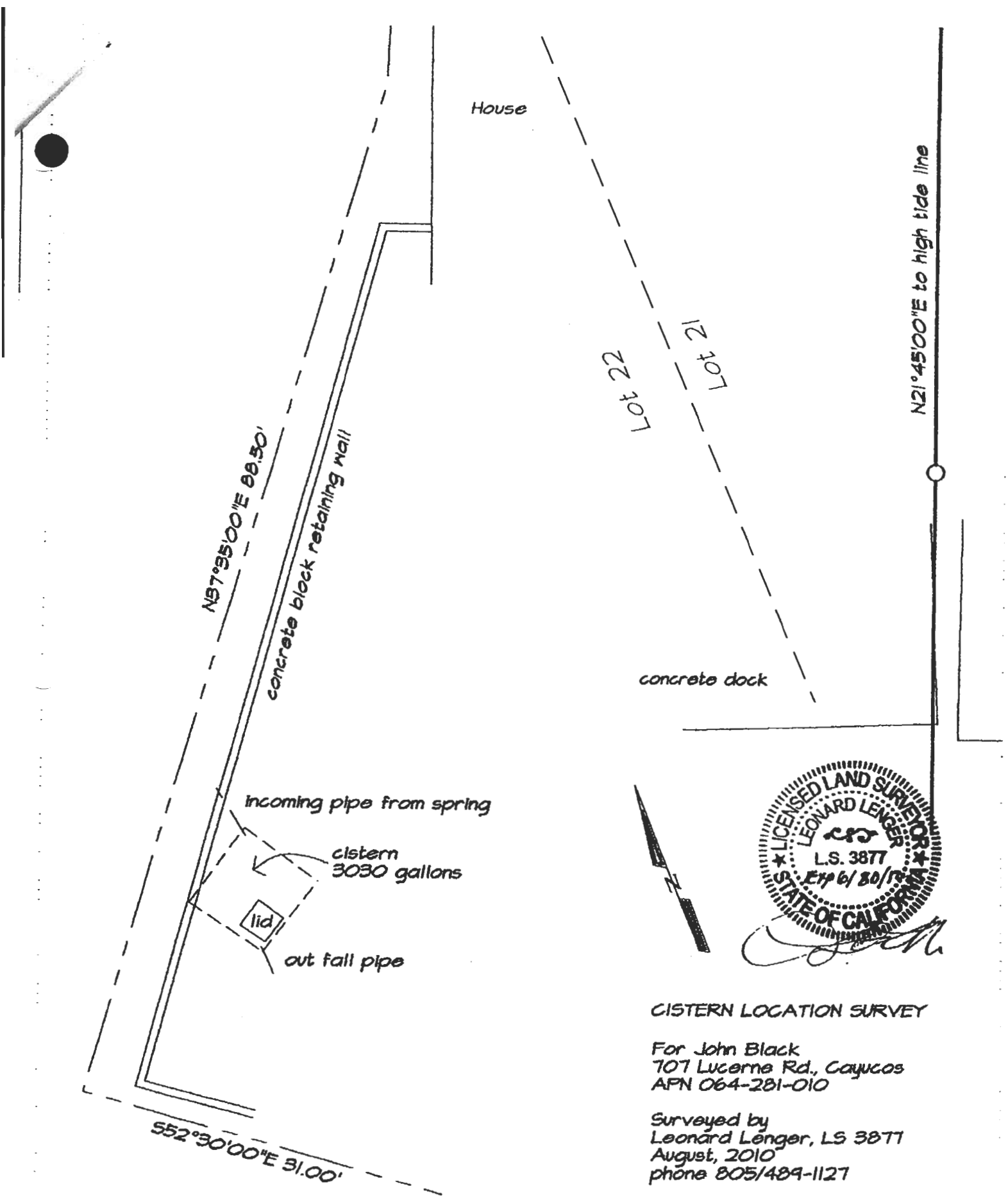


1934 PHOTO SHOWING SPRING CISTERN

ALSO DEPICTS BLUFF LOSS TO EROSION

ALSO SHOWS HISTORICAL MONTEREY CYPRESS TREES

USC SANTA BARBARA IMAGING DEPT.



CISTERN LOCATION SURVEY

For John Black
707 Lucerne Rd., Cayucos
APN 064-281-010

Surveyed by
Leonard Lenger, LS 3877
August, 2010
phone 805/489-1127

Surveyor Report
On Spring
Fig. 2

FORM 88

SAN LUIS OBISPO COUNTY
FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

WELL DATA

Key ☐ Hyd. ☐ Key & Hyd. ☐ Index ☐ Other ☐

Owner GASSO

Address 709 LUERSEN RD.

Tenant

Address

State No. 28S/10E-32G3

Other No.

Location: County SAN LUIS OBISPO Area NORTH COASTAL

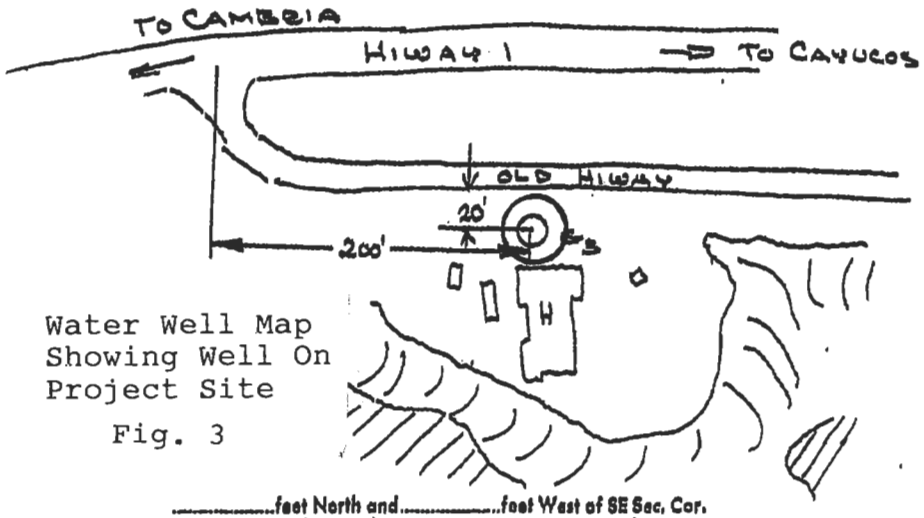
Region 3 Basin CAYUCOS POINT

USGS Quad. NW 1/4 CAYUCOS Quad. No.

T 28S R 10E Sec. 32 Lot G, 3 MD SB B&M H

Description 200' EAST OF JUNCTION OF OLD HIWAY AND HIWAY 1, 20' SOUTH OF OLD HIWAY, APPROX. 1/2 MILE NORTH OF CAYUCOS

SKETCH



Water Well Map Showing Well On Project Site

Fig. 3

.....feet North and.....feet West of SE Sec. Cor.

DESCRIPTION OF REFERENCE POINT

(a) ..... ft. above/below land surface, Date.....

(b) ..... ft. above/below land surface, Date.....

(c) ..... ft. above/below land surface, Date.....

Ref. Pt. Elev.: (a).....ft., (b).....ft., (c).....ft.

Ground Elev.: (a).....ft., (b).....ft., (c).....ft.

Determined from: (a) ....., (b)....., (c).....

DESCRIPTION OF WELL

Use DOMESTIC Depth 150 ft.

Casing: size.....in., perforations.....

Aquifer(s).....

Driller.....

Date drilled..... Log filed: Open ☐, Confidential ☐

DESCRIPTION OF EQUIPMENT

Pump type....., Make.....

Serial No....., Size of discharge pipe.....in.

Motor kind ELECTRIC, Make.....

Horsepower....., Serial No.....

Elec. Meter No....., Transformer No.....

TEST DATA

Agency.....

Date of Test.....19....., Capacity of well.....G.P.M.

Static Water Level.....ft., Drawdown.....ft.

PA-40

Omitted From Applicant's Geological Report

1960's, shows some of the locations of water wells (including spring cisterns) in this area.

The water level in the spring collection box is at the overflow point, several feet above sea level. The overflow from the spring collection box was measured at 0.42 gallons per minute.

The water quality is characteristic of local fresh water sources along the terrace, with a total dissolved solids concentration of 978 milligrams per litre (mg/l) and a chloride content of 167.8 mg/l. For comparison, this water quality is summarized on the following table alongside historic laboratory analyses for other wells and springs along Lucerne Road.

Table 1
Water Quality Analytic Results

Constituent	**707 Lucerne spring (Black)**	**28S/10E-32G3 709 Lucerne 150' deep well (Gosso)**	**28S/10E-32J1 (H.L.Ruth) 80' deep well (east of Black property)**	**28S/10E-32G1 spring (Nelson) (west of Black property)**	**28S/10E-32K1 (H.L.Ruth) 28' deep well (east of Black property)**
Date	6/2011	7/7/1963	9/27/1961	7/7/1963	7/8/1963
Total Dissolved Solids	978	1593	744	1100	1312
Electrical Conductivity	1593	2425	1000	1825	1930
Hardness	569	800	160	505	388
Sodium	191.2	264	182	224	237
Calcium	130.4	154	40	73	146
Bicarbonate & carbonate	342	610	79	433	27
Chloride	167.8	537	328	379	592
Nitrate (NO3)	4.7	37	4.3	20	6.2
Boron			2.25		2.25

The hardness of the water from the Black spring and the Nelson spring suggests that the water is coming from carbonate dissolving out of the shell hash at the base of the terrace

deposits. The Gosso well clearly had poorer water than the other wells/springs, possibly impacted by sea water intrusion.

SUMMARY

In summary, the spring cistern located on the subject property receives water from a natural seep out of the bluff that flows about 0.4 gallons per minute. This spring and other springs and groundwater have been used in the past for water supply on this property and the adjacent properties for more than 100 years. The mineral quality of the water is typical of groundwater from marine terrace deposits and from the underlying Franciscan Complex rock.

Respectfully submitted,
CLEATH-HARRIS GEOLOGISTS, INC.

Timothy S. Cleath
Certified Hydrogeologist #81

APPLICABLE AND CITED COUNTY OF SAN LUIS OBISPO COASTAL PROGRAM POLICIES AND ZONING ORDINANCE SECTIONS

CZLUO 23.070.080: *A Geologic Study Area combining designation is applied by the Official Maps (Part III) of the LUE, to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. These standards are applied where the following conditions exist:*

> ***(d):*** *Areas along the coast with coastal bluffs and cliffs greater than 10 feet in vertical relief that are identified in the Coastal Erosion Atlas, prepared by the California State Department of Navigation and Ocean Development (1977), in accordance with Hazards Policy 7 of the LCP.*

CZLUO 23.07.086(c): *New development shall insure structural stability while not creating or contributing to erosion, sedimentation, or geologic instability.*

Hazard Policy 7: *The GSA combining designation in coastal areas of the county is amended to include all coastal bluffs and cliffs greater than 10 feet in vertical relief and that are identified in the Assessment and Atlas of Shoreline Erosion (DNOD, 1977) as being critical to future or present development... These hazards shall include steep slopes, unstable slopes, expansive soils, costal cliff and bluff instability, active faults, liquefaction and tsunami. [THIS POLICY SHALL BE IMPLEMENTED BY DESIGNATING GSA AREAS ON THE COMBINING DESIGNATION MAPS AND PURSUANT TO SECTION 23.07.080 OC THE CZLUO]*

CZLUO 23.07.084c-2: *All land use permit applications for projects located within a GSA shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering).... Conclusions and recommendations regarding the potential for active land sliding or slope failure.*

CZLUO 23.07.084c-3*: Conditions and recommendations for adverse groundwater conditions.*

Coastal Plan Policy 1*: Unique and attractive features of the landscape, including, but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved and protected.*

Coastal Plan Policy 2*: Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas.*

Coastal Plan Policy 4*: New development shall be sited to minimize its visibility from public view corridors.*

Coastal Plan Policy 5 and ***CZLUO 23.05.034d:*** *Major vegetation removal...within the view corridors (areas visible from collector or arterial roads such as Highway 1) are to be minimized.*

CZLUO 23.05.034d): *Grading vegetation removal and other landform alterations shall be minimized on sites located within areas determined by the Planning Director to be a public view corridor from collector or arterial roads...*

CZLUO 23.05.064(e): *New development shall incorporate design techniques and methods that minimize the need for tree removal.*

CZLUO 23.05.064(b): *A tree may be removed only when the tree is any of the following:*

(1) Dead, diseased beyond reclamation, or hazardous.

(2) Crowded, with good horticultural practices dictating thinning.

CZLUO 23.05.064d: *Tree removal within the public view corridors shall be minimized in accordance with Visual and Scenic Resources Policy 5.*

Coastal Plan Policy 7: *The location and design of new development shall minimize the need for tree removal.*

Estero Special Area Plan, Chapter 7, III, A: Protection of Sensitive Features.

Estero Special Area Plan, Article 2(a)(5): *Other significant stands of vegetation such as Bishop Pine, eucalyptus, and cypress--whether or not identified as Sensitive Resources Area combining designations--that do not need to be removed due to hazardous condition or restoration/enhancement of native habitat.*

Estero Special Area Plan, Article 2(b): *All development within 100 feet of the preceding sensitive features shall comply with the applicable standards for ESH in the Coastal Plan Policies and in Chapter 23.07 of the CZLUO, except as otherwise specified in this plan.*

Estero Bay Plan Section I-c: *New development to be located on a coastal bluff shall be, to the maximum extent feasible, be compatible with the character of the surrounding neighborhood.*