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VIA OVERNIGHT DELIVERY

April 4, 2013

Mary K. Shallenberger, Chair and
Members of the California Coastal Commission
Central Coast District
724 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Appeal of Coastal Development Permit Approved by County of San Luis Obispo – Dr. Marshall Lewis Single Family Residents at 709 Lucerne Road, Cayucos (APN No. 064-281-09) (Application No. A-3-SLO-11-064)

Dear Chair Shallenberger and Members of the Coastal Commission:

We represent Dr. Marshall Lewis, the owner of the above referenced real property and the appellee in the above referenced appeal. The purpose of this letter is to respond to the March 31, 2013 Coastal Commission staff report for the April 11, 2013 hearing scheduled for the appeal (“Staff Report”).

Preliminarily, we wish to point out that the Staff Report has characterized the hearing as a “CDP Application” and Dr. Lewis as the “Applicant.” This matter is before the Coastal Commission on appeal of the decision of the San Luis Obispo County Board of Supervisors approving a coastal development permit for the Dr. Lewis project.

The hearing on the appeal is *de novo* pursuant to Public Resources Code section 30621(a). Nevertheless, the hearing is on the appeal, not on the coastal development permit application as characterized by the Staff Report. The Coastal Act makes a clear distinction between local government approvals of coastal development permits and appeals to the Coastal Commission of such approvals. (See Pub. Res. Code §§ 30621(a) and 30622.)

The distinction is an important one. Public Resources Code section 30603(b)(1) provides that, “The grounds for an appeal . . . shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.” Thus, the jurisdiction of the Coastal Commission in this matter is limited to a determination of whether the project is consistent with the Local Coastal Program standards adopted by the County of San Luis Obispo and certified by the Coastal Commission (“LCP”) that apply to development of the project site. (See *Security National Guaranty, Inc. v. California Coastal Commission*, 159 Cal App. 4th 402, 422.)

Our comments on the Staff Report follow:

1. The Staff Report Completely Contradicts the March 22, 2012 Staff Report for the Substantial Issue Hearing.

In what can only be described as a shocking about face, the Coastal Commission staff has reversed the determination made in the March 22, 2012 Staff Report prepared for the substantial issue hearing on the Dr. Lewis project (“Substantial Issue Staff Report”) that the project complies with the LCP. Both the Staff Report and the Substantial Issue Staff Report were written by the same staff person. The Staff Report offers no explanation as to why one year later the project now fails to comply with LCP alleged viewshed, building mass and neighborhood compatibility standards. (As discussed below, the LCP imposes no viewshed or design standards on the project site and the size and scale of the project are consistent with the standards of the LCP.) There has been no change in the project plans or conditions at the project site and surrounding area, further underscoring the confounding nature of the staff’s stunning reversal.

A. The Substantial Issue Staff Report Determined That the Project Adequately Addresses Alleged LCP Visual Resource Policies That Apply To the Project.

Following a lengthy and detailed analysis of the viewshed impacts of the project that included a discussion of views from Highway 1, Ocean Avenue, Lucerne Road and the public trails within the Estero Bluffs State Park area, the Substantial Issues Staff Report concluded:

1. The view of the project site from Highway 1 “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. Thus the main public view affected by the proposed project is from the frontage roads, and not from Highway 1.” (Sub. Issues Staff Rpt., pp. 5-6.) (Emphasis added.)

2. Regarding the views from Ocean Avenue and Lucerne Road, “the approved project should not result in a significantly different through view than is available now . . . In terms of the through view, this change [removal of several trees] 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 [relocation of the house] and shed removal.” (Sub. Issues Staff Rpt., p. 5.) (Emphasis added.)

3. In terms of views generally, “the County approved residence . . . should not impair the public view of which it will become a part any more than is currently the case.” (Sub. Issues Staff Rpt., p. 6.) (Emphasis added.)

These determinations stand in stark contrast to the determinations in the Staff Report, as related below.

B. With No Explanation, the Staff Report Contradicts the Visual Resource Policies Determinations in the Substantial Issue Staff Report.

In a remarkable turnaround, the Staff Report concluded:

1. Regarding view of the project site from Highway 1, the project and site are, “prominent in the highway [Highway 1] viewshed.” (Staff Rpt., p. 11.) and, “vehicles on southbound Highway 1 are afforded a fairly complete, if short in duration, view of the site . . .” (Staff Rpt., p. 15.)

2. In terms of the viewshed of the site and project from Lucerne Road, “this property constraint [bluff setback requirements] does not automatically allow the proposed project to bypass LCP viewshed protection policies. For example, the Cayucos Urban Area Standards of the LCP’s Estero Area Plan recommends avoiding ‘long, uninterrupted exterior walls on all structures.’” (Staff Rpt., p. 16.) (The Staff Report does not explain how the urban area standard relating to “long, uninterrupted exterior walls” relates to viewshed requirements. It does not. In context, the Staff Report compares the project with the existing residence and alleges that the project will produce greater viewshed impacts than the existing residence and, therefore, violates the viewshed standards of the LCP.)

C. The Substantial Issue Staff Report Determined That the Size and Scale of the Project Do Not Violate LCP Standards and are Consistent With Other Homes in the Area.

The Substantial Issues Staff Report analyzed the size and scale of the project and its compatibility with the neighborhood and concluded:

1. With regard to compatibility of the project with other homes in the neighborhood, “The character of the neighborhood is fairly eclectic, and there is no LCP required design theme or similar requirement.” (Sub. Issue Staff Rpt., p. 6.) (Emphasis added.)

2. In terms of the size of the project and its design, “Although fairly large in overall square footage, and although a fairly unique design . . . the County approved residence does not conflict with the eclectic community character of this area . . .” (Sub. Issue Staff Rpt., p. 6.) (Emphasis added.)

D. With No Explanation, the Staff Report Characterizes the Project as Out of Scale With the Neighborhood, Contradicting the Size and Scale Determinations in the Substantial Issue Staff Report.

Contrary to the determinations in the Substantial Issue Staff Report regarding the compatibility of the project with the neighborhood, particularly in terms of size and scale, the Staff Report does another complete about face:

1. In terms of the scale of the project, “the proposed SFD is some 1,400 square feet larger (or nearly 50% larger) than the average nearby SFD.” (Staff Rpt., p. 16.)

2. Regarding the size of the project and compliance with the LCP standards that allegedly govern same, “The relatively large mass and scale of the proposed SFD is magnified in this case by the proposed linear extent of the residence along Lucerne . . . the proposed home would span some 127.5 feet along Lucerne . . .” and, “the Cayucos Urban Area Standards of the LCP’s Estero Area Plan recommends avoiding ‘long, uninterrupted exterior walls on all structures.’”

It is mystifying how a determination can be made in the Substantial Issue Staff Report that the project is compatible with the neighborhood and that there are no LCP standards that regulate “design theme or similar requirement” and in the Staff Report, a completely contrary position is taken.

2. Staff Report Recommended Special Conditions 1(a), (b) and (c) Are Beyond the Jurisdiction of the Coastal Commission and Cannot Be Imposed on the Project.

The contradictions between the Substantial Issue Staff Report and Staff Report highlighted above relate directly to Special Conditions 1(a), (b) and (c) which are recommended to be imposed on the project. These Special Conditions relate to the stunning reversal of the determinations in the Staff Report from the Substantial Issue Staff Report regarding the alleged viewshed impacts and compatibility of the Dr. Lewis project with the surrounding neighborhood.

As discussed above, because this matter is before the Coastal Commission on appeal, the jurisdiction of the Commission in this matter is limited to consideration of conformance of the project with the development standards set forth in the LCP. (Pub. Res. Code § 30603(b)(1).) In determining what LCP standards apply, it is necessary to review the hierarchy of documents that comprise the LCP and the provisions therein that guide the County and the Coastal Commission in applying them to specific projects.

The LCP for the Cayucos area consists of a number of documents that run from general planning guidelines embodied in the Coastal Zone Framework for Planning, Coastal Zone Policies, and the Coastal Zone Land Use Ordinance to specific development standards set forth in the Estero Area Plan. The Estero Area Plan itself provides that, “All other county plans, policies and programs that involve the Estero Planning Area and are subject to the LCP are to be consistent with and implement this plan.” (Estero Area Plan, p. 1-1.) This is consistent with a cardinal rule of statutory construction which requires that specific provisions control over general ones. “As a principle of construction, it is well established that a specific provision prevails over a general one relating to the same subject.” (*Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board*, 71 Cal App. 4th 1518, 1524; see also *People v. Ahmed*, 53 Cal 4th 156, 163 (“a specific statute prevails over a more general one relating to the same subject.”).)

In an effort to justify imposition of viewshed, building mass and neighborhood scale standards on the Dr. Lewis project, the Staff Report quotes liberally from the Coastal Zone Land Use Ordinance and the Coastal Zone Policies documents. The provisions of these documents quoted in the Staff Report are general guidelines that are implemented through specific planning documents such as the Estero Area Plan. Accordingly, the specific standards governing development in the Cayucos area found in the Estero Area Plan prevail over the more general provisions of the other LCP documents.

A. Special Condition 1(a) Attempts to Apply Viewshed and Building Mass Standards Not Required by the Estero Area Plan.

Special Condition 1(a) is an attempt to impose a viewshed standard on the project that would allegedly enhance views of the ocean from Highway 1, Lucerne Road and Ocean Avenue. As discussed above, it is mystifying how the Staff Report can recommend imposition of Special Condition 1(a) when the Substantial Issue Staff Report determined that there are no viewshed impacts resulting from the project that violate the viewshed standards of the LCP.

The Estero Area Plan imposes viewshed standards on two areas within the Cayucos region, neither of which include the site of the project. These areas include the coastal terrace “south of Highway One [sic] that extends from the Cayucos urban reserve line westward to the planning area boundary,” and the area “inland of and generally visible from Highway 1, between the highway and the first prominent ridgeline or ridgetop approximately between Toto Creek Road and Villa Creek.” (Estero Area Plan, p. 6-12.) Thus, the Estero Area Plan has implemented the general viewshed policies of the other LCP documents by specifically calling out two areas within and adjacent to Cayucos for imposition of viewshed standards. Since the Estero Area Plan does not impose viewshed standards on the site of the project, Special Condition 1(a) is beyond the scope of the LCP and the Coastal Commission lacks jurisdiction to impose this condition on the project per Public Resources Code section 30603(b)(1).

With regard to the alleged excessive “mass” of the project, the Estero Area Plan does contain planning standards and design guidelines that govern development of single family residences. The standards and guidelines related to building mass that are applicable to the project site provide that, “In order to reduce the apparent mass of buildings, the maximum height of the front and rear building faces (including decks and balconies), as measured from the finished grade, shall be shown in the following table, and the minimum setback from that building face to the next higher story shall be six feet . . .” The table referenced in the foregoing standard requires only that the project not exceed twenty-two (22) feet in height. (Estero Area Plan, p. 7-65.) Since the project fully complies with the building mass standards of the Estero Area Plan (the project is actually two (2) feet shorter than the maximum permitted height), the Coastal Commission is without jurisdiction to impose Special Condition 1(a) to reduce the alleged excessive mass of the project per Public Resources Code section 30603(b)(1).

B. Special Conditions 1(b) and (c) Attempt to Impose Design Criteria Not Required By the Estero Area Plan.

Special Conditions 1(b) and (c) attempt to require a redesign to include prominent articulation and reduction of the alleged excessive mass of the project. As discussed above, the Coastal Commission is without jurisdiction to impose any planning standards or design guidelines related to the mass of the project as the project as approved by the County is completely LCP compliant in that regard.

As approved by the County, the project complies with the articulation requirements of the Estero Area Plan embodied in the building mass standard quoted above (“the minimum setback from that building face to the next higher story shall be six feet.” (Estero Area Plan, p. 7-65.)) Accordingly, the Coastal Commission has no jurisdiction to impose Special Condition 1(b) on the project per Public Resources Code section 30603(b)(1). Nevertheless, the project is articulated in excess of the requirements of the Estero Area Plan as will be demonstrated at the appeal hearing on this matter.

In terms of the design guidelines imposed by Special Condition 1(c) to require that the project “blends with the surrounding neighborhood environment,” the Substantial Issue Staff Report correctly concludes that “there is no LCP required design theme or similar requirement” that relates to the project. In fact, as the Substantial Issue Staff Report notes, “The character of the neighborhood is fairly eclectic . . .” (Sub. Issue Staff Rpt., p. 6.) Even the Staff Report reaches this conclusion. “In terms of design, the character of the project’s neighborhood is fairly eclectic, and there is no LCP required design theme or similar requirement.” (Staff Rpt., p. 16.)

Aside from the jurisdictional issue, how can a residence be designed to blend with the neighborhood when the neighborhood itself is “eclectic?” Even the Staff Report concludes that the project’s design is

“fairly unique” as compared with the existing structure. What more can be asked in terms of blending with an eclectic neighborhood? Since there is no LCP required design theme, the Coastal Commission lacks jurisdiction to impose a design on the project through Special Condition 1(c) per Public Resources Code section 30603(b)(1).

3. Conclusion

In conclusion, the Substantial Issue Staff Report correctly summarized the consistency of the County approved project with the standards of the LCP:

Overall, the County has provided adequate factual and legal support for its decision that the approved development would be consistent with the certified LCP . . . And although public view . . . resources are important coastal resources, the County’s approval appropriately recognizes and addresses these resources consistent with the LCP. . .

(Sub. Issues Staff Rpt., p. 9.)

It is inescapable that the project complies with the LCP. The Coastal Commission’s jurisdiction in this appeal is constrained to a determination of whether the project as approved by the County conforms to the standards imposed by the LCP. Accordingly, pursuant to Public Res. Code section 30603(b)(1) and the *Security National Guaranty, Inc.* case, the appeal must be denied.

Sincerely,

A handwritten signature in blue ink that reads "Gregory W. Sanders". The signature is written in a cursive style with a large initial 'G'.

Gregory W. Sanders
of Nossaman LLP

GWS/skd

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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).



California Coastal Commission

A-3-SLO-11-064 (Lewis SFD) stfprt 4.12.2012 hrg.doc

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

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 Johnson,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.

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.

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 from 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 cite 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.

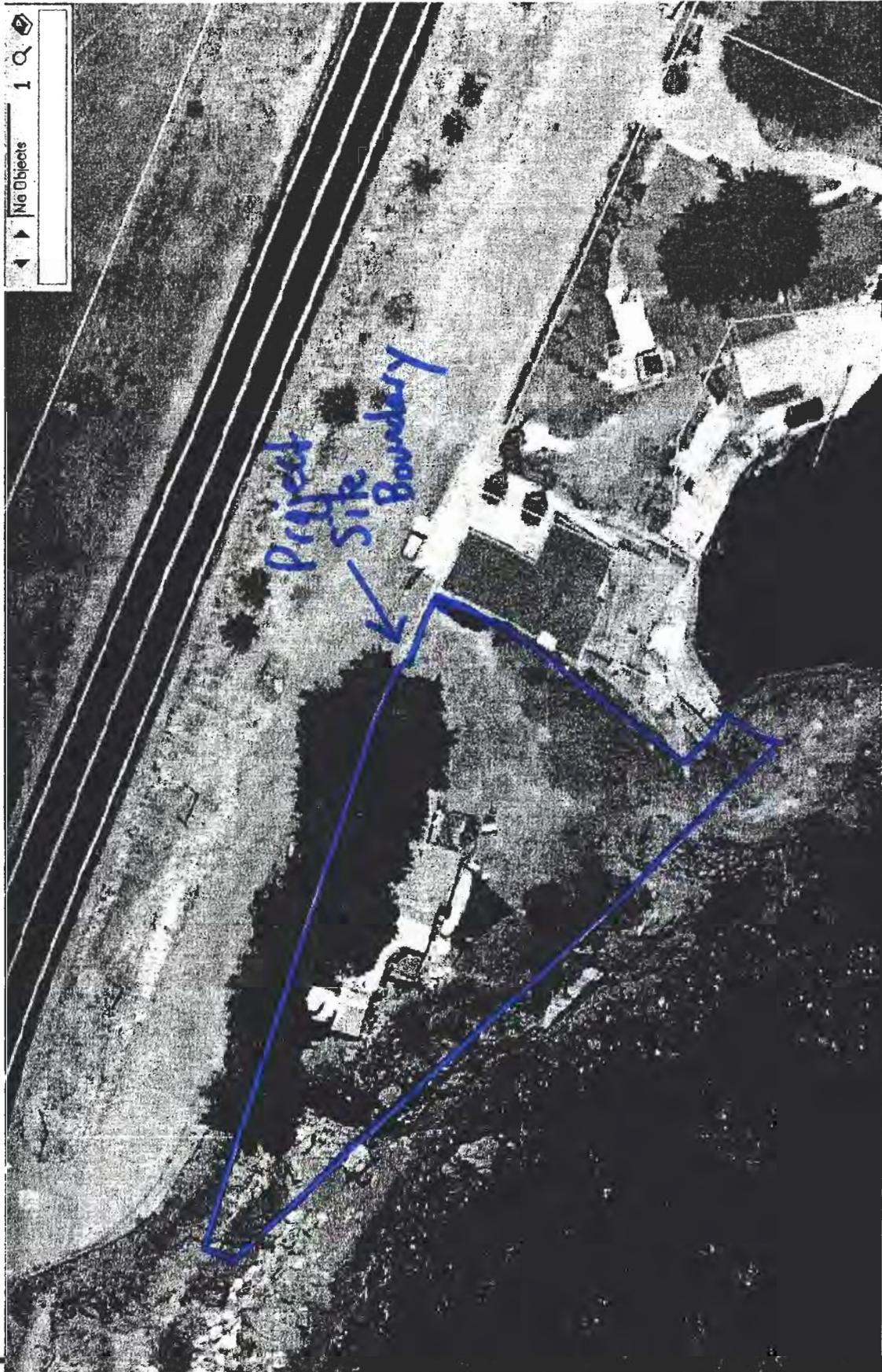
For the reasons stated above, the Commission finds that Appeal Number A-3-SLO-11-064 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified LCP and/or the public access policies 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







EXHIBIT

Aerial Photograph



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

709 Lucerne Dr.
and cypress trees

Lucerne Dr.

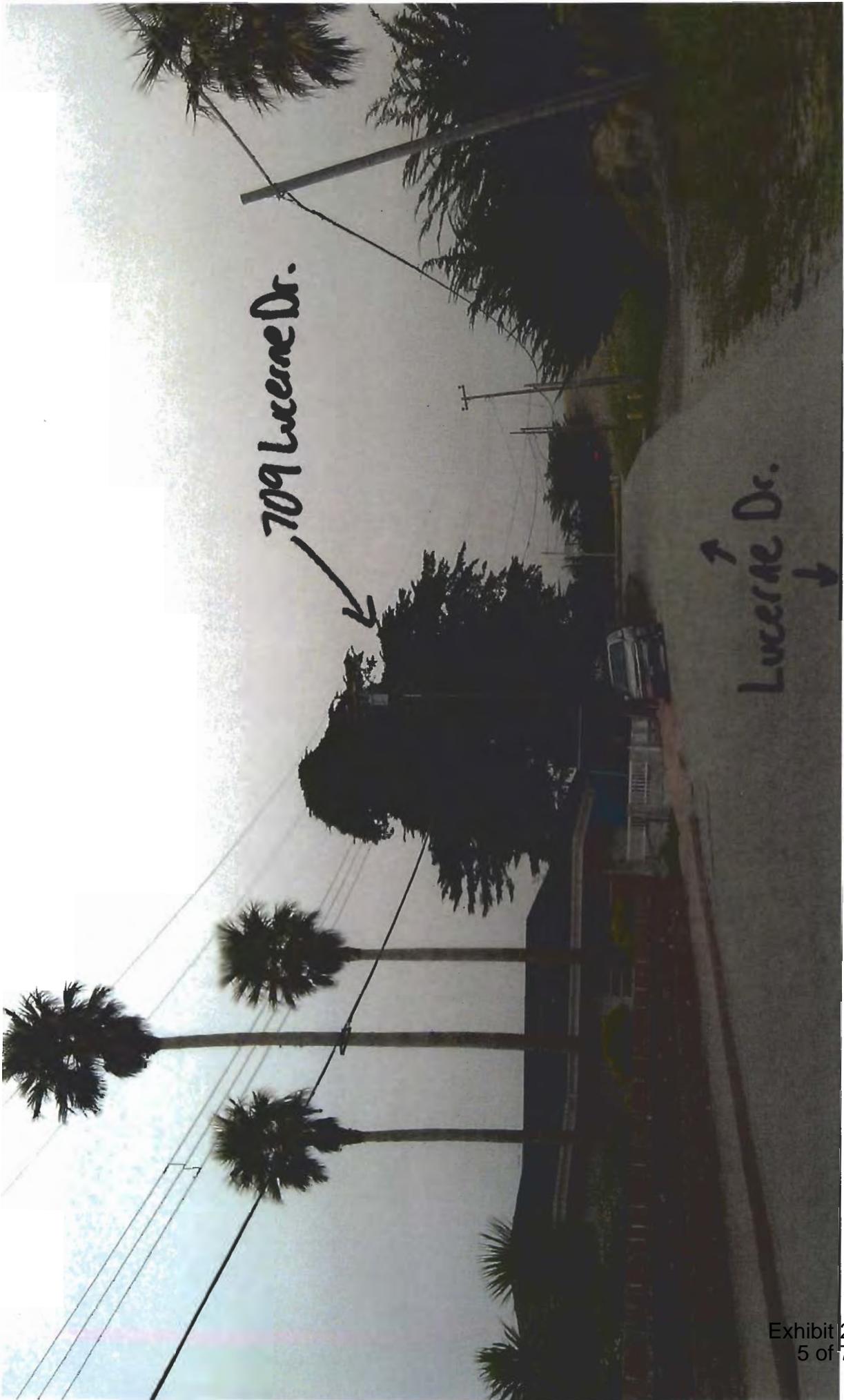
Ocean Dr



709 Lucerne Dr.



Lucerne Dr.



709 Lucerne Dr.

Lucerne Dr.



Cypress

↑
Lucerne Dr.
Exhibit 2
6 of 7



709 Waverly St



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.

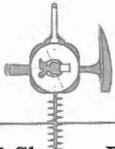
Still, the trees have suitable structure to provide nesting habitat for birds. The large amount of deadwood and high number of cones and seed production appears to provide foraging opportunities for small birds such as the house finch that are common to the area. In compliance with the California Environmental 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.

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220 High Street, San Luis Obispo, CA 93401
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info@geosolutions.net
January 18, 2012

RECEIVED Project No. SL07201-3

FEB 06 2012

CALIFORNIA
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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

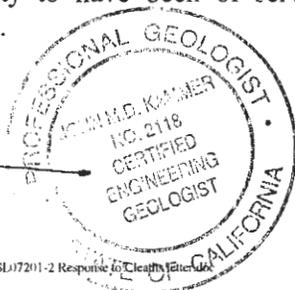
2.4 Conclusion

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.

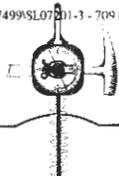
Thank you for the opportunity to have been of service. If you have any questions, please contact the undersigned at (805) 543-8539.

Sincerely,

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



S:\job\SL07000-SL07499\SL07201-3 - 709 Lucerne Piez\Geology\SL07201-2 Response to Client 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.

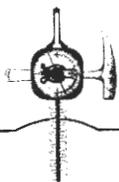
GeoSolutions, Inc., January 15, 2010, Response to Comments: Geologic Coastal Bluff Evaluation, 709 Lucerne Road, APN: 064-281-009, Cayucos Area of San Luis Obispo County, California.

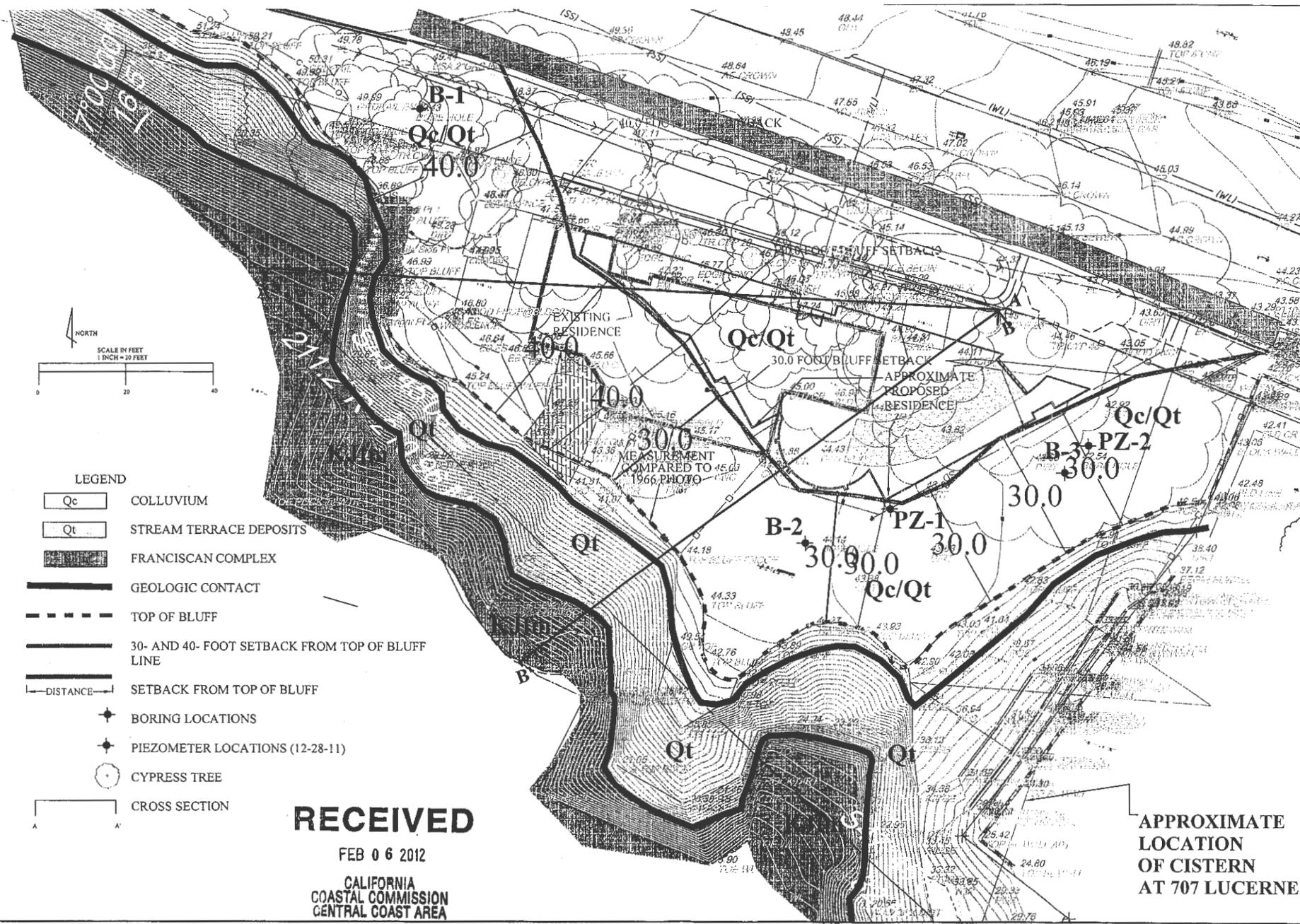
GeoSolutions, Inc., January 26, 2011, Review of Bluff Stability and Seepage, 709 Lucerne Road, APN: 064-281-009, Cayucos Area of San Luis Obispo County, California.

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.





LEGEND

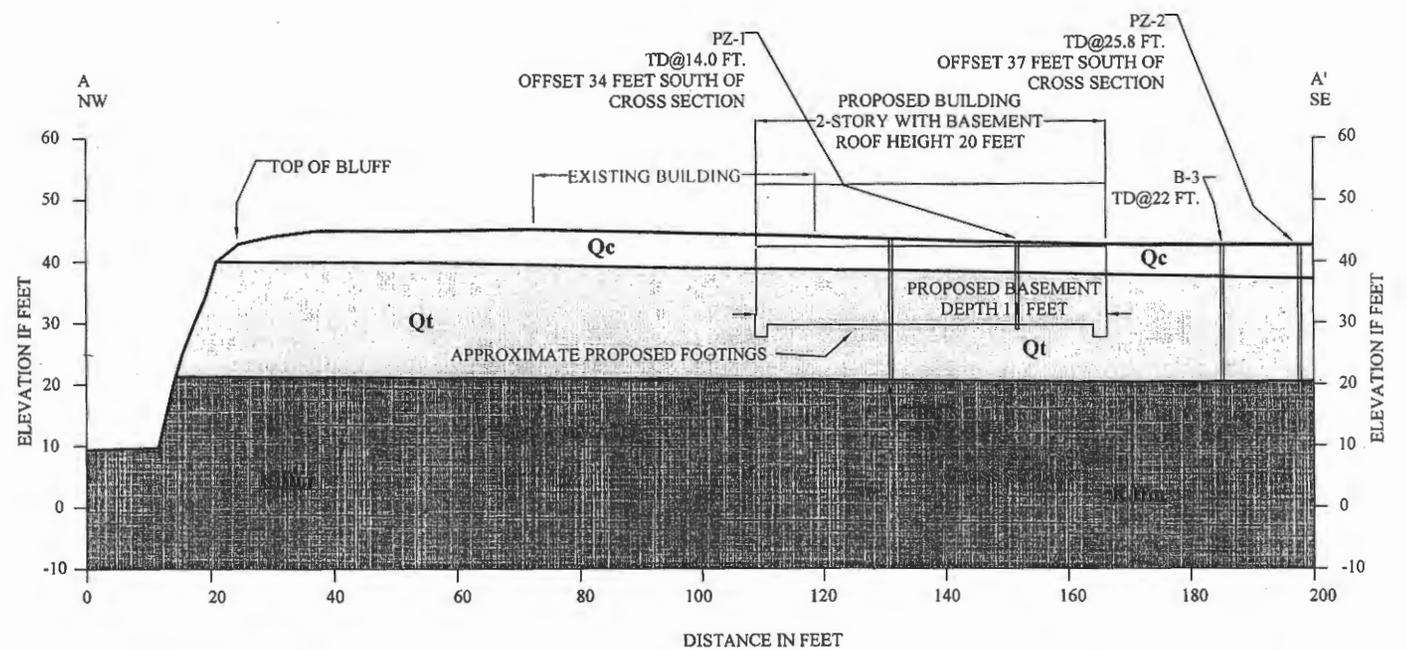
- Qc COLLUVIUM
- Qt STREAM TERRACE DEPOSITS
- FRANCISCAN COMPLEX
- GEOLOGIC CONTACT
- - -** TOP OF BLUFF
- 30- AND 40- FOOT SETBACK FROM TOP OF BLUFF LINE
- SETBACK FROM TOP OF BLUFF
- DISTANCE
- ◆ BORING LOCATIONS
- ◆ PIEZOMETER LOCATIONS (12-28-11)
- CYPRESS TREE
- CROSS SECTION

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APPROXIMATE
LOCATION
OF CISTERN
AT 707 LUCERNE



GEOLOGIC CROSS SECTION
709 LUCERNE ROAD, CAYUCOS AREA
SAN LUIS OBISPO COUNTY, CALIFORNIA

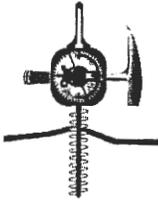


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PHONE: 842.9670 FAX: 842.9171

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GeoSolutions, Inc.

220 High Street
San Luis Obispo, CA 93401

PIEZOMETER LOG

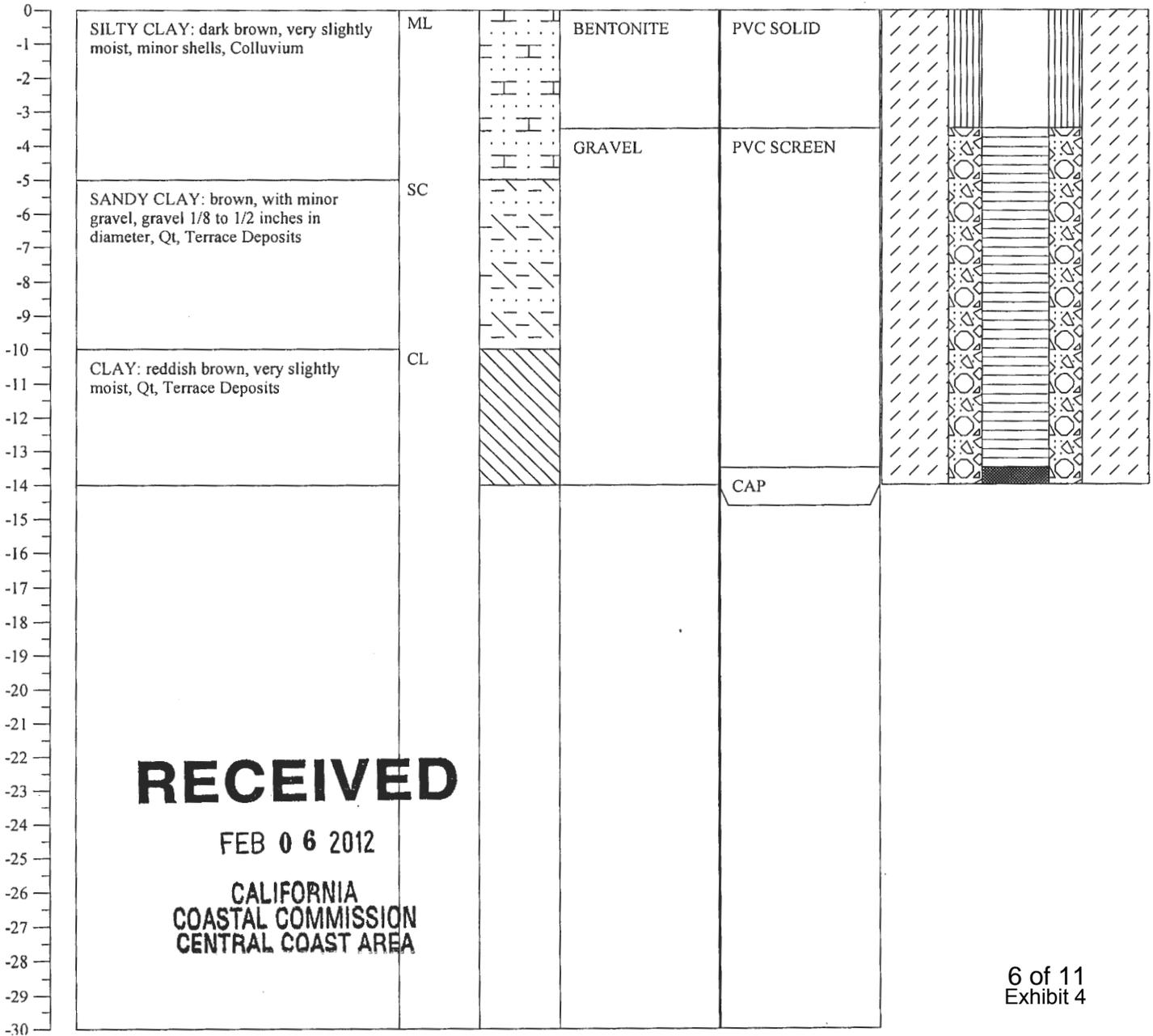
BORING NO. **PZ-1**

JOB NO. **SL07201-3**

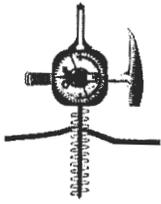
PROJECT INFORMATION		DRILLING INFORMATION	
PROJECT:	709 Lucerne	DRILL RIG:	Mobile B24
DRILLING LOCATION:	See Figure 2: Site Plan	HOLE DIAMETER:	8 Inches
DATE DRILLED:	December 28, 2011	SAMPLING METHOD:	None
LOGGED BY:	JK	HOLE ELEVATION:	Not Recorded

▼ Depth of Groundwater: **Not Encountered** Boring Terminated At: **14.0 Feet** Page 1 of 2

DEPTH	SOIL DESCRIPTION	USCS	LITHOLOGY	ANNULAR MATERIAL DESCRIPTION	WELL CASING MATERIAL DESCRIPTION	WELL CROSS-SECTION
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GeoSolutions, Inc.

220 High Street
San Luis Obispo, CA 93401

PERCOLATION LOG

BORING NO. **PZ-2**

JOB NO. **SL07201-3**

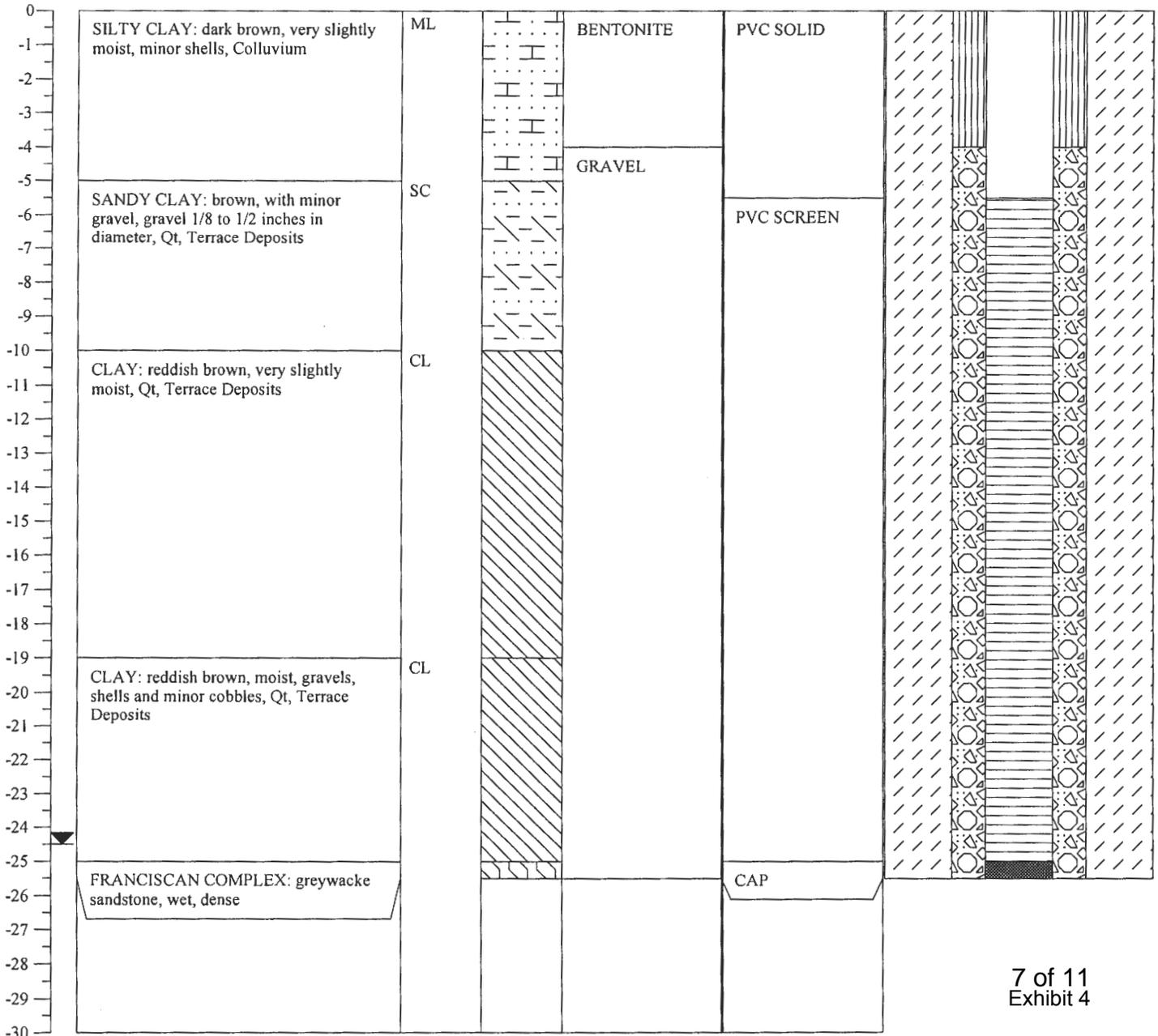
PROJECT INFORMATION		DRILLING INFORMATION	
PROJECT:	709 Lucerne	DRILL RIG:	Mobile B24
DRILLING LOCATION:	See Figure 2: Site Plan	HOLE DIAMETER:	8 Inches
DATE DRILLED:	December 28, 2011	SAMPLING METHOD:	None
LOGGED BY:	JK	HOLE ELEVATION:	Not Recorded

▼ Depth of Groundwater: 24.5 Feet

Boring Terminated At: 25.8 Feet

Page 2 of 2

DEPTH	SOIL DESCRIPTION	USCS	LITHOLOGY	ANNULAR MATERIAL DESCRIPTION	WELL CASING MATERIAL DESCRIPTION	WELL CROSS-SECTION
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LOG OF BORING B1



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

FIELD DATA		LABORATORY DATA							CLASS.		DRILLING METHOD(S): Mobla B24 Auger Drill Rig		
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			EXPANSION INDEX	MINUS NO. 200 SIEVE (%)	USCS	SOIL SYMBOL	SOIL TYPE	GROUNDWATER INFORMATION: No groundwater was encountered at time of drilling
					LL	PL	PI						SURFACE ELEVATION:
					DESCRIPTION OF STRATUM								
												F1	Aggregate base
	N = 27	15	111	94	51	16	35					C1	Dark grey sandy fat CLAY (colluvium), stiff, damp
5	N = 23	15	114	94					97	CH		C2	Brown sandy lean CLAY (terrace deposits), stiff, damp
10	N = 25	15	115	94	39	12	27					C3	Reddish brown sandy CLAY (terrace deposits), stiff, damp Caliche observed at 10 to 12 feet below grade.
15	N = 25	16								CL			
20	N = 20	11										S1	Brown shells with some sand (terrace deposits), medium dense, damp
25	N = 50+	6											Refusal at 25.5 feet below grade on grey SANDSTONE.

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

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

REMARKS:
 Boring was backfilled with auger clippings

LOG OF BORING B3



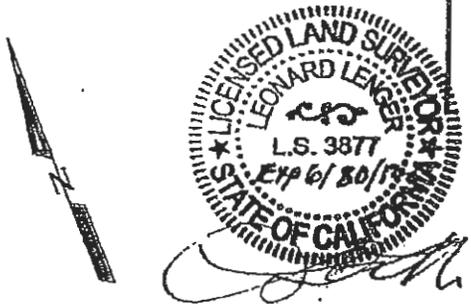
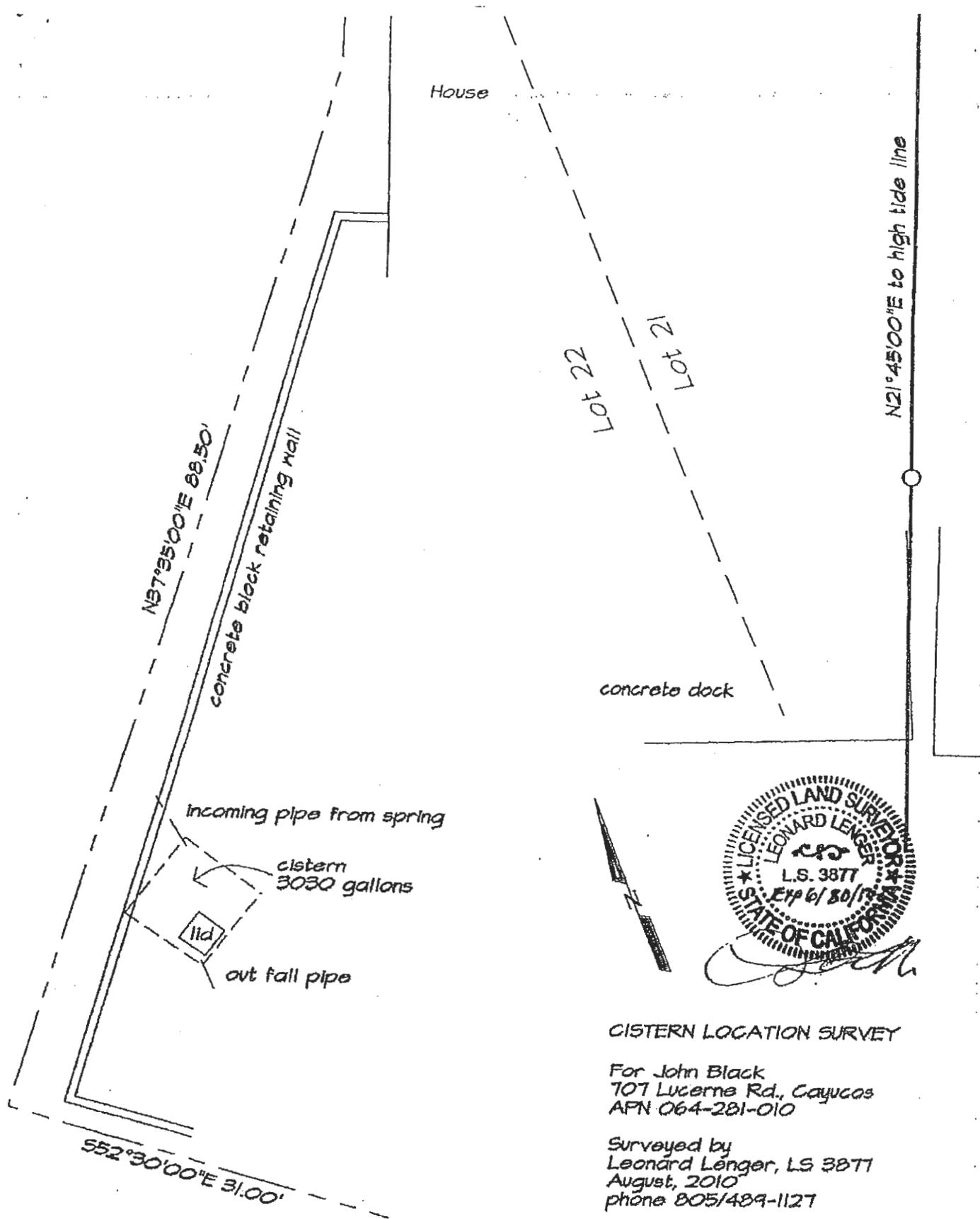
3124 El Camino Real Atascadero, CA 93422
 Telephone: 805-461-0965 Fax: 805-461-0161

CLIENT: Marshall Lewis MD
 PROJECT: Proposed Replacement Residence
 LOCATION: 709 Lucerne Road, Cayucos, CA
 NUMBER: 09-6350

DATE(S) DRILLED: 7/25/2009

FIELD DATA		LABORATORY DATA							CLASS.		DRILLING METHOD(S): Mobile B24 Auger Drill Rig			
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			EXPANSION INDEX	MINUS NO. 200 SIEVE (%)	USCS	SOIL SYMBOL	SOIL TYPE	GROUNDWATER INFORMATION: No groundwater was encountered at time of drilling	
					LL	PL	PI						SURFACE ELEVATION:	
													DESCRIPTION OF STRATUM	
5	N = 15	13	114	95							C1		Dark grey sandy fat CLAY (colluvium), stiff, damp	
5	N = 24	12	118	95									Brown sandy lean CLAY (terrace deposits), stiff, damp	
10	N = 24	16									C2			
15	N = 35	15											Reddish brown sandy CLAY (terrace deposits), stiff, damp	
20		14									C3		Increasing shell content at 19 feet below grade.	
													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 05/09



CISTERN LOCATION SURVEY

For John Black
 707 Lucerne Rd., Cayucas
 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)

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

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

RECEIVED

SEP 19 2011

California Coastal Commission,
Central Coast Area

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-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 Jaque *Carol B. [unclear]*
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. Room 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.

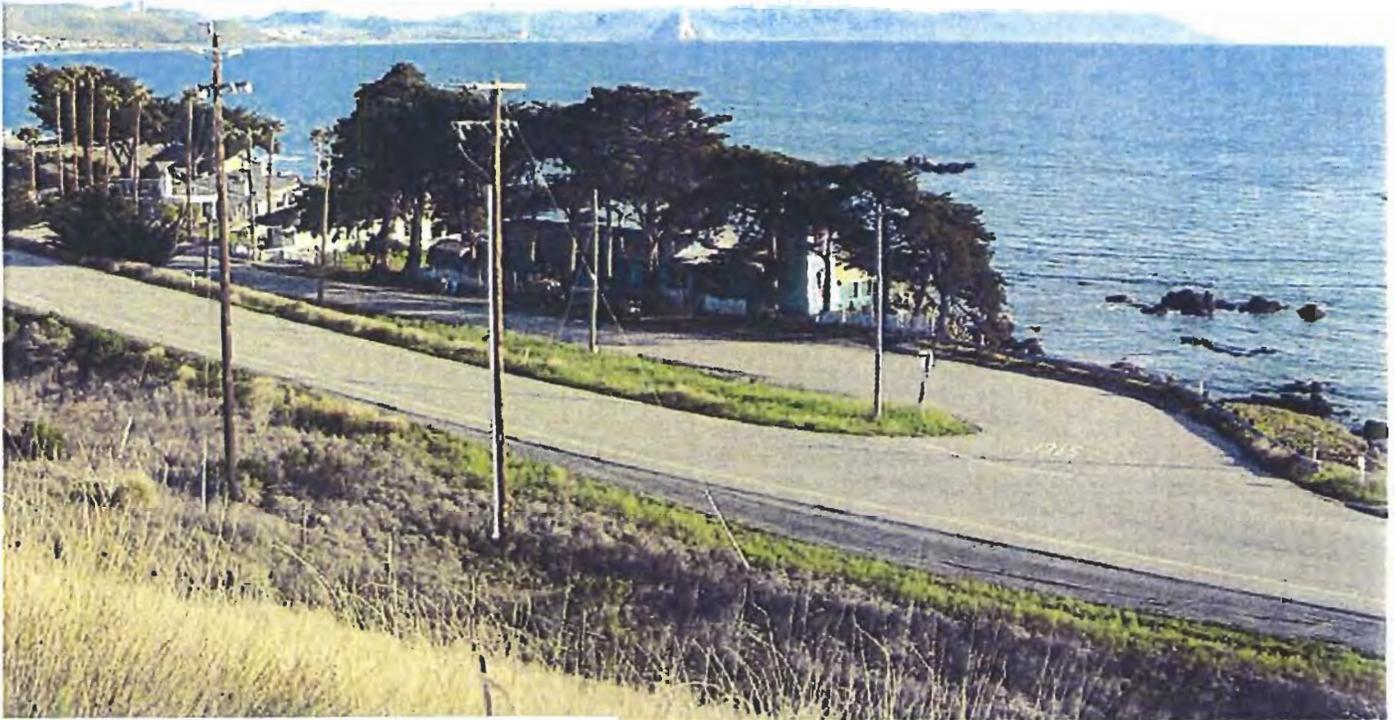
The retreat analysis per the geologist's report is said to be 20 feet in 100 years and therefore the setback line at the western portion of the property was set at 40 feet. However, heavy rains in the last year have caused several feet of bluff loss on the west side of the property. This questions the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

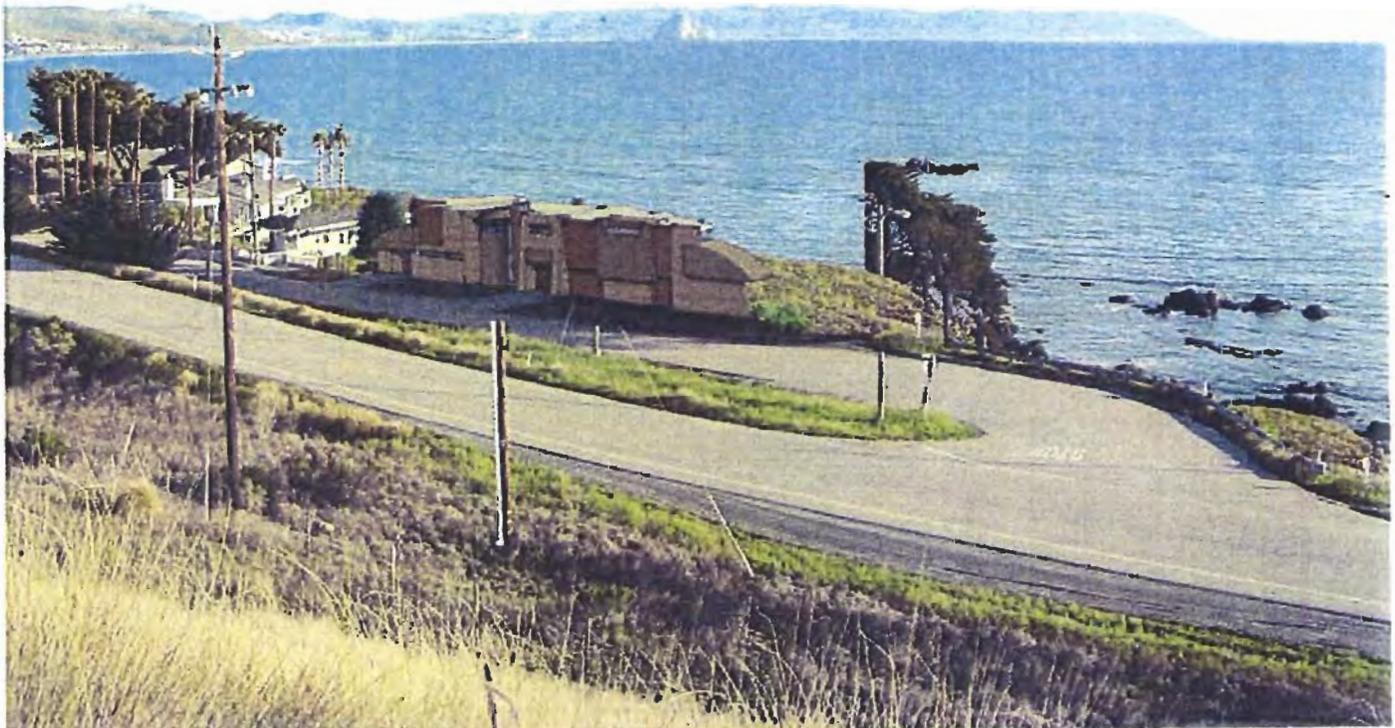
In conclusion, due to the impact of the proposed project on scenic vistas, the character of the community, the threat to thirteen existing cypress trees and the questionable stability of the bluff, it is requested that our appeal of the proposed project be accepted.



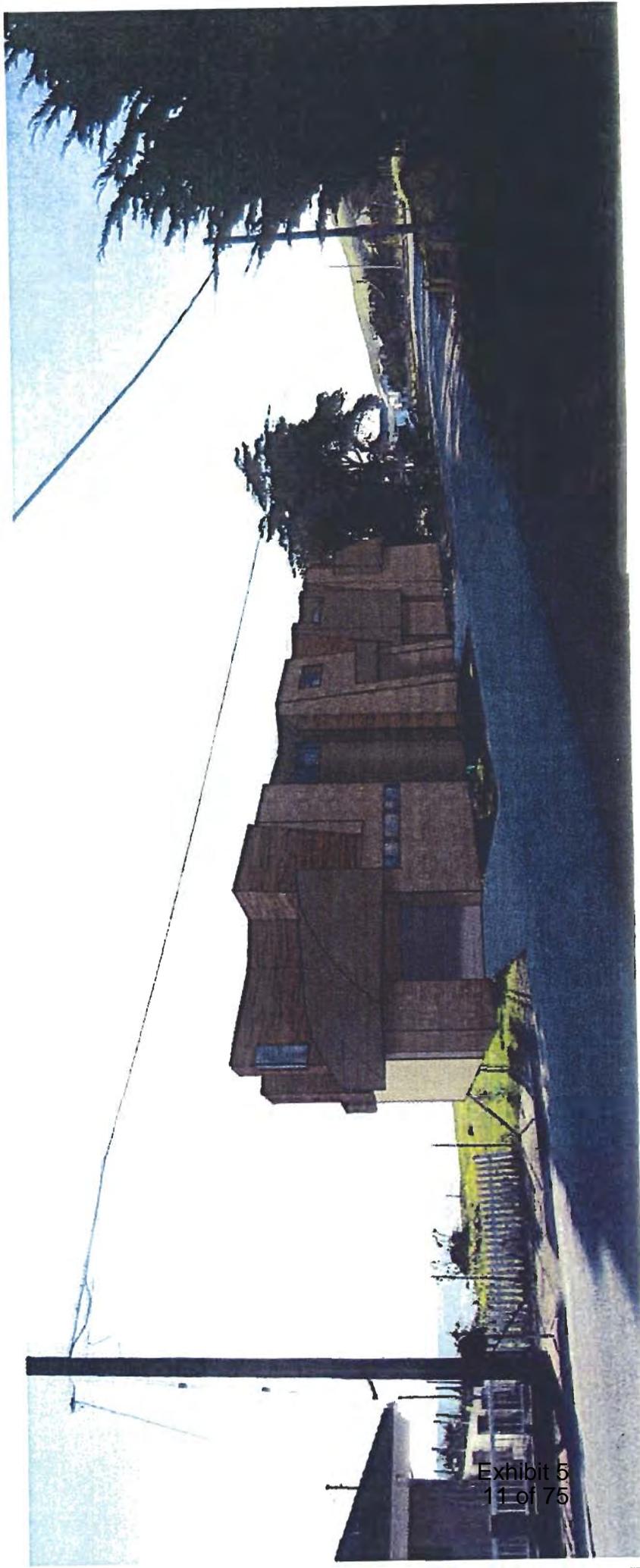
EXHIBIT A- VIEW FROM SOUTHBOUND LANE OF HWY 1



EXISTING VIEW FROM HWY 1



PROPOSED VIEW FROM HWY 1



Proposed Residence

EXHIBIT C- LOOKING N-W ON LUCERNE RD.

G 120/11

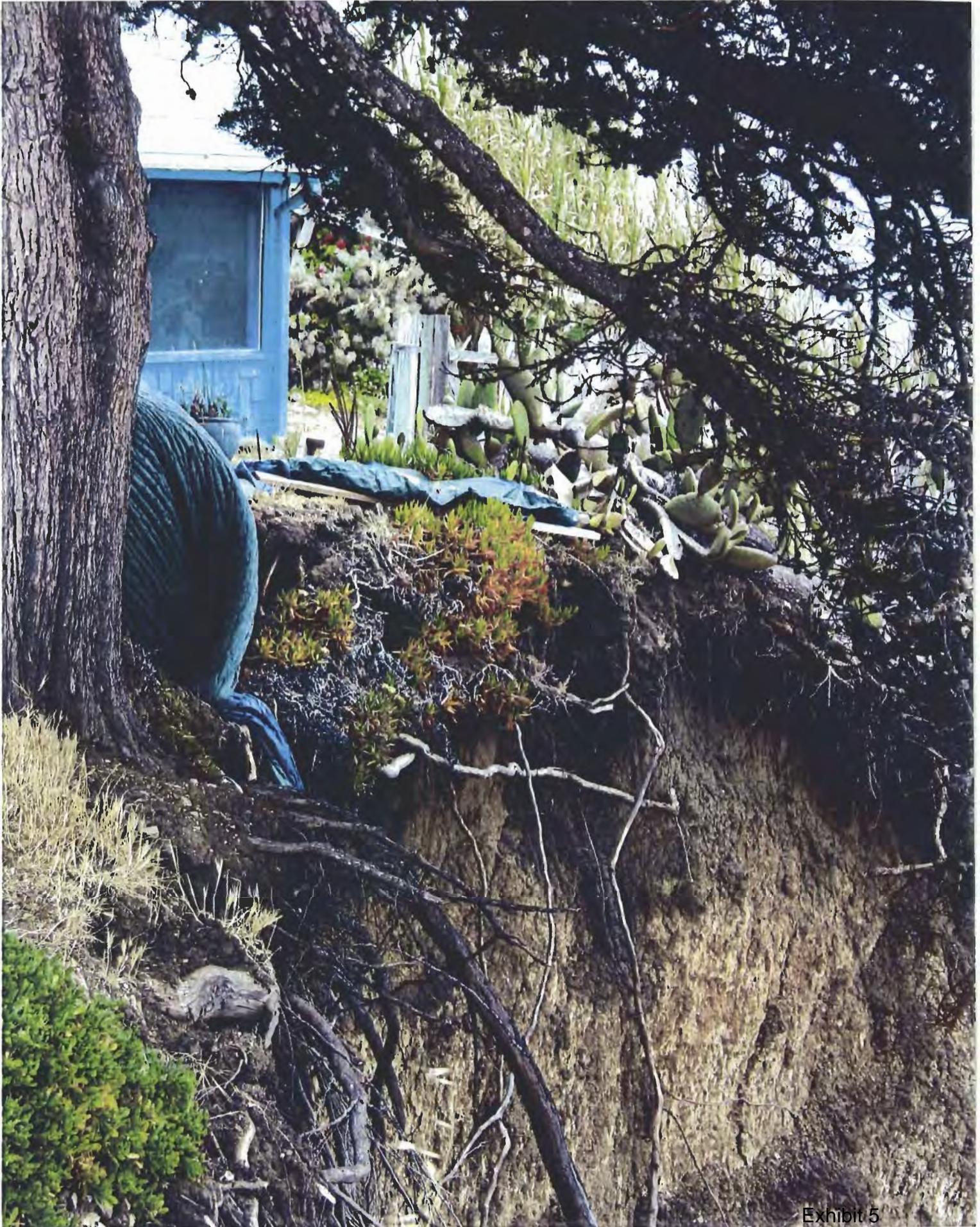
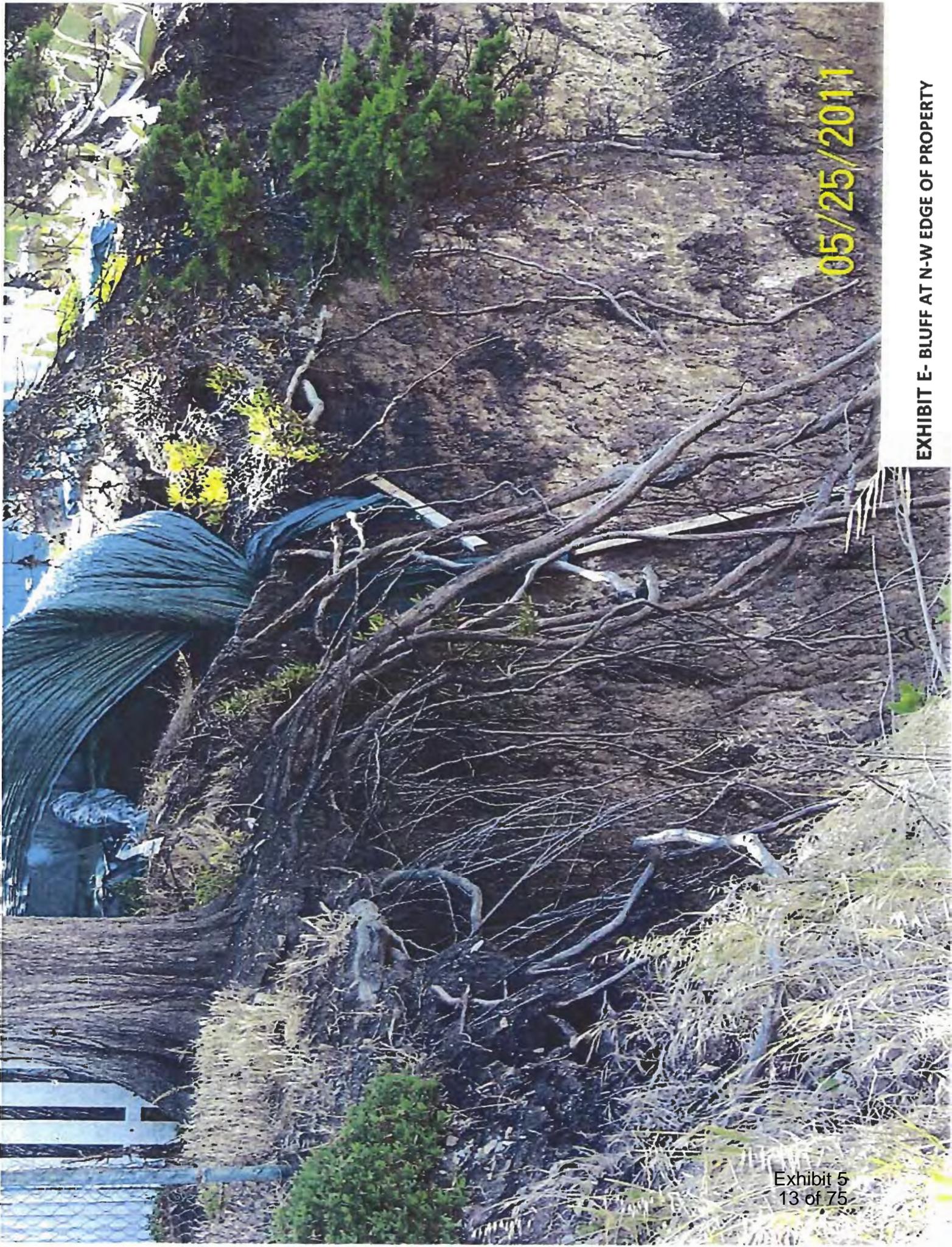


Exhibit 5
12 of 75

EXHIBIT D- BLUFF AT N-W EDGE OF PROPERTY



05/25/2011

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) 427-4883 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
 4,555 sq.ft. residence with a 2,377 sq.ft. underground garage
 excavated 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: _____

RECEIVED

SEP 19 2011

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

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	Marshall Lewis, Architect
Pacific Orthopedic Medical Group	2281 Benson St.
2619 F. Street	Cambria, CA 93428
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 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. Room 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

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

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.

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)

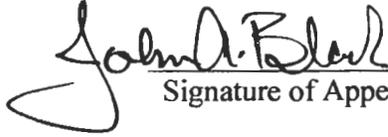
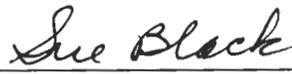
Coastal Zone Land Ordinance -Article 23.07.084 c -3

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.

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 its 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 of 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 communities and neighborhoods which, because 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 in several historical documents and shown on a 1934 Aerial 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

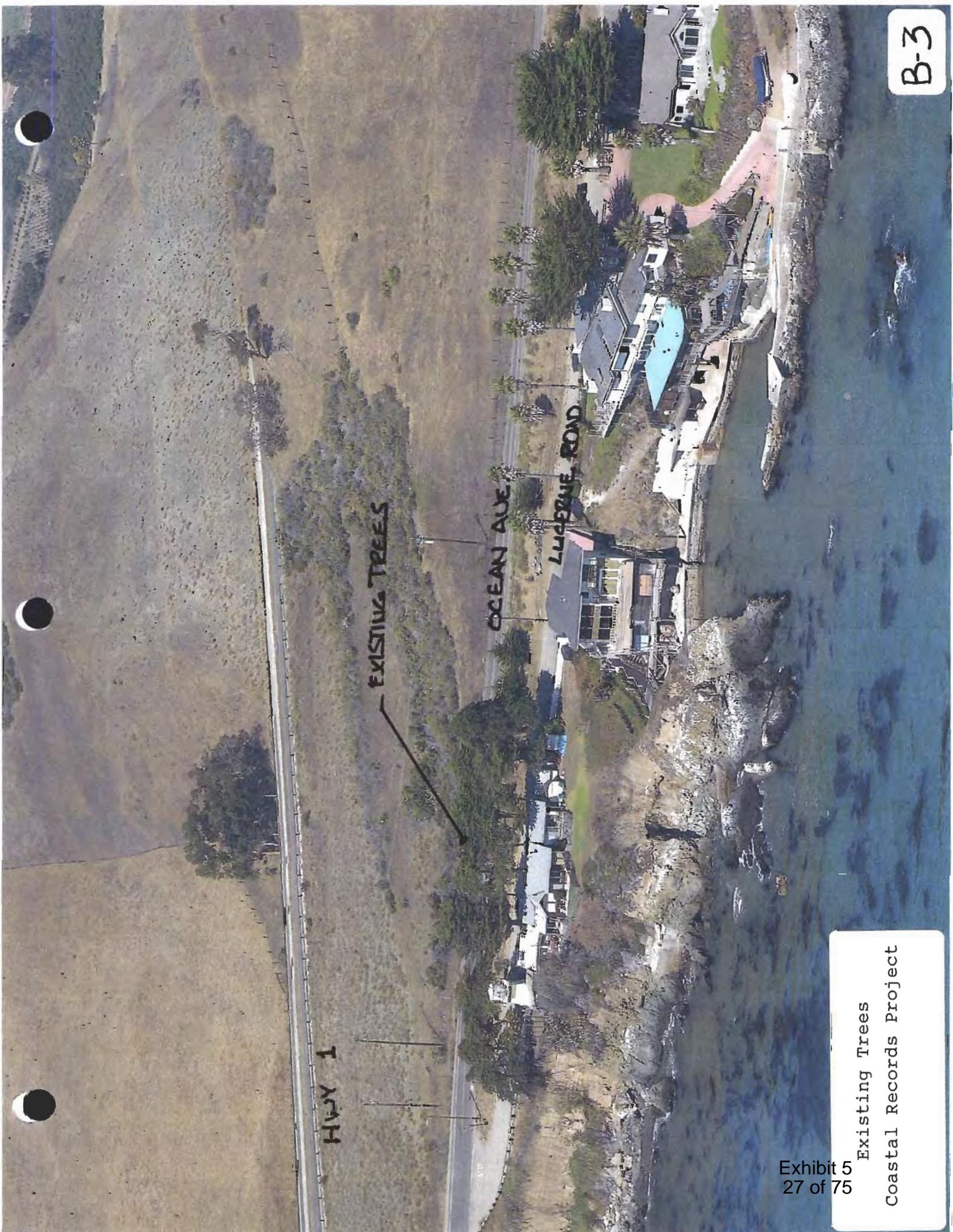


Existing Site Conditions

Exhibit 5
26 of 75

Existing Trees

Taken From Lucerne Rd.



B-3

Exhibit 5
27 of 75

Existing Trees
Coastal Records Project

B-4



Exhibit 5
28 of 75

Proximity To Hwy 1
Taken From Hwy 1



B-5

Exhibit 5
29 of 75
Proximity To Hwy 1
Coastal Records Project

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 be 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



August 23, 2010



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

08/26/2010 08:08 AM

B-7

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
Exhibit 5
32 of 75

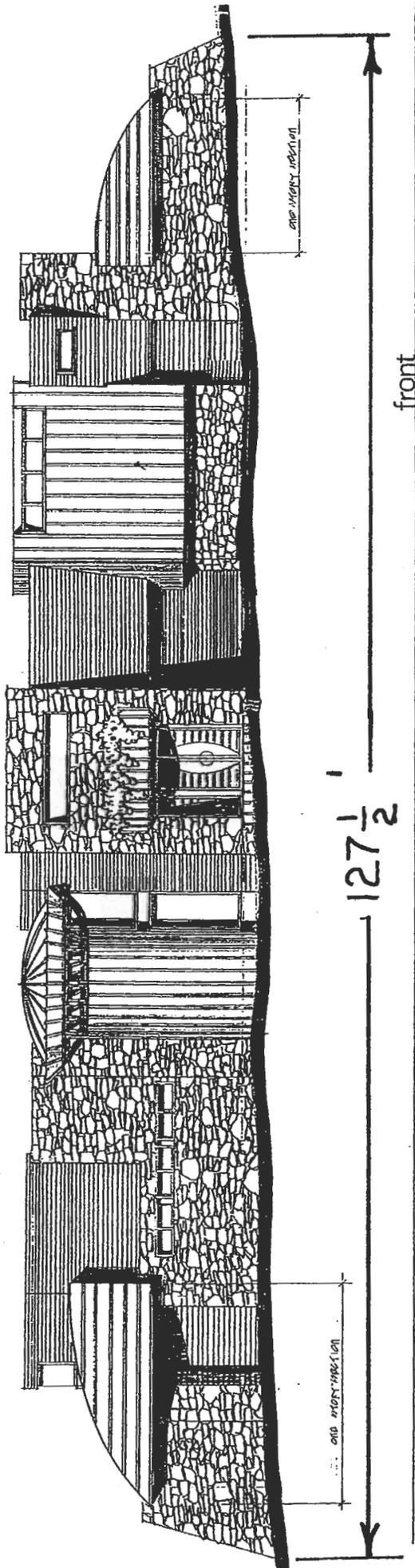
**EXHIBIT A – FINDINGS
LEWIS VARIANCE /MINOR USE PERMIT DRC2009-00020 AND DRC2009-00027**

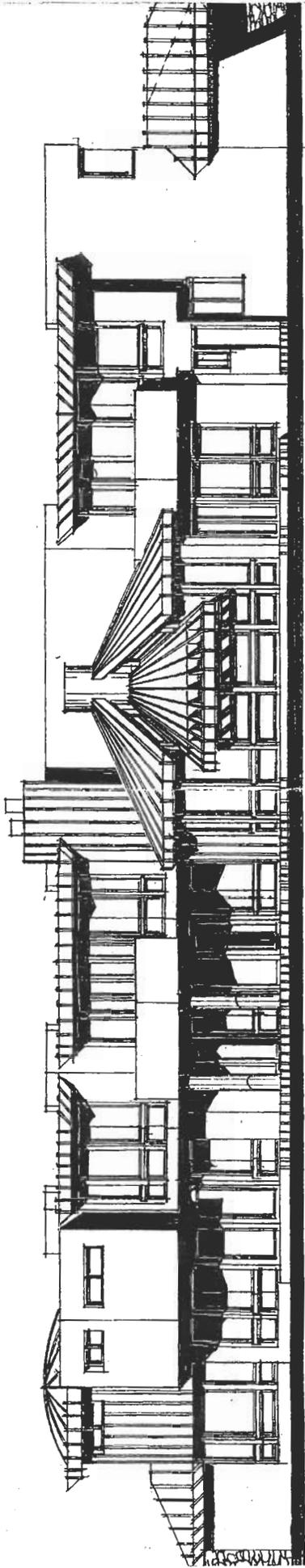
Variance

- 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).





rear



front

Exhibit 5
35 of 75

Proposed Design



Proposed Project

View From Lucerne Rd.



C-4

09/07/2011

Exhibit 5
37 of 75

Neighboring
Residence
View From Ocean Ave.



09/07/2011

Exhibit 5
38 of 75

Neighboring
Residence
View From Ocean Ave.



09/07/2011

Neighboring

Residence

View from Ocean Ave

Exhibit 5
39 of 75

C-6



09/07/2011

C-7

Exhibit 5
40 of 75

Neighboring
Residence
View From Ocean Ave.

C-8

09/07/2011

Neighboring
Residence
View From Ocean Ave.

Exhibit 5
41 of 75





C-9

09/07/2011

Exhibit 5
42 of 75

Neighboring
Residence
View From Ocean Ave.



09/07/2011

Neighboring
Residence
View From Ocean Ave.



Exhibit 5
44 of 75

Neighboring
Residence
View From Ocean Avé.

09/07/2011

C-11



09/07/2011

Neighboring
Residence
View From Ocean Ave.



09/07/2011

C-13

Neighboring
Residence
View From Ocean Ave.



12/14/2008

C-14

Exhibit 5
47 of 75

Neighboring
Residence
With Monterey Cypress

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

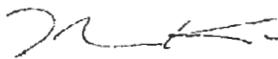
Dear Dr. Lewis:

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 peer 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

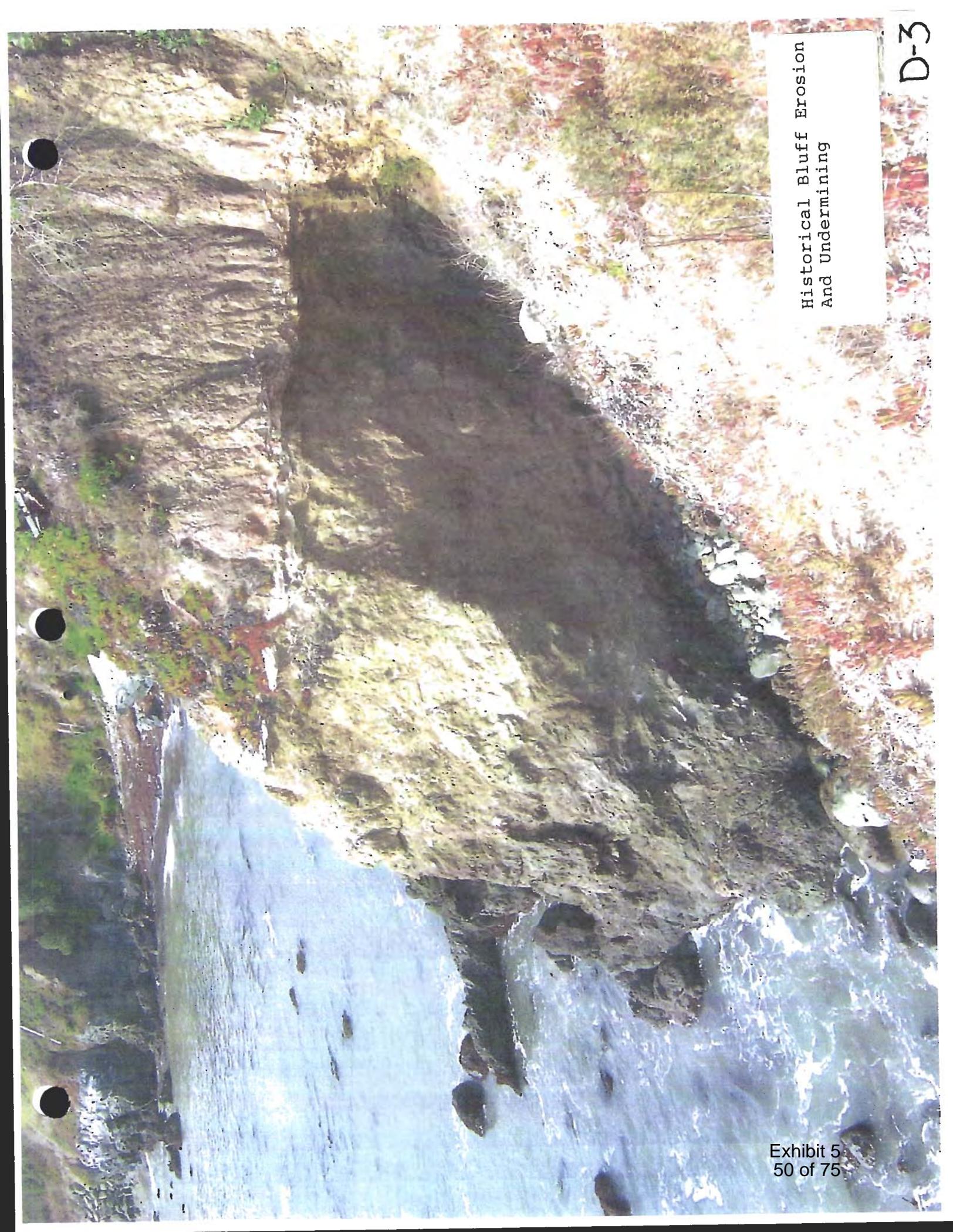
Omitting Information
On Existing Spring
And Recent Bluff
Failures Of 2010-2011

Exhibit 5
48 of 75

PROJECT SITE

Historical Bluff Erosion
And Undermining
Coastal Record Project

Exhibit 5
49 of 75



Historical Bluff Erosion
And Undermining

D-3



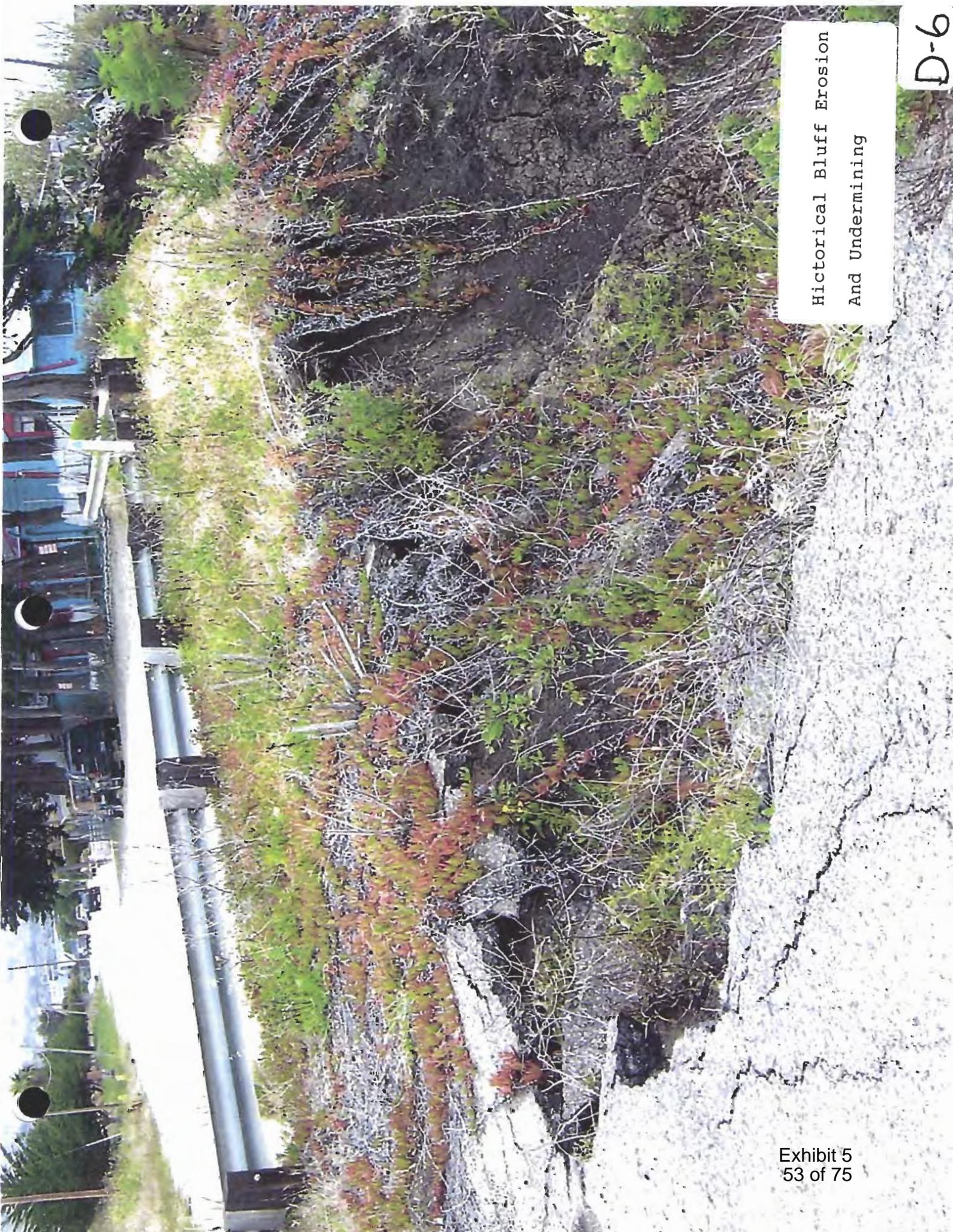
Historical Bluff Erosion
And Undermining

D-4



Historical Bluff Erosion
And Undermining

D-5



Historical Bluff Erosion
And Undermining

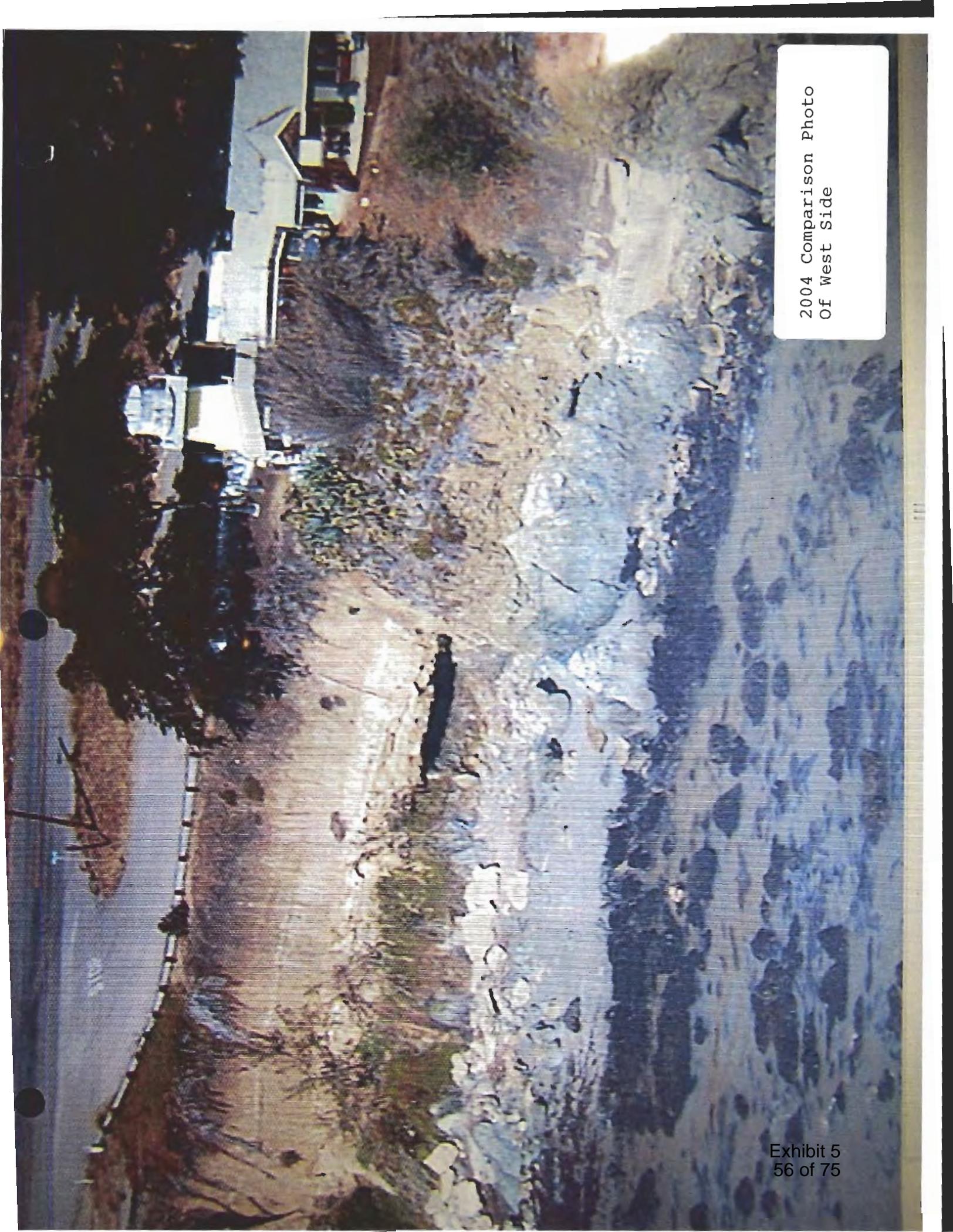
D-6



Historical Bluff Erosion
And Undermining

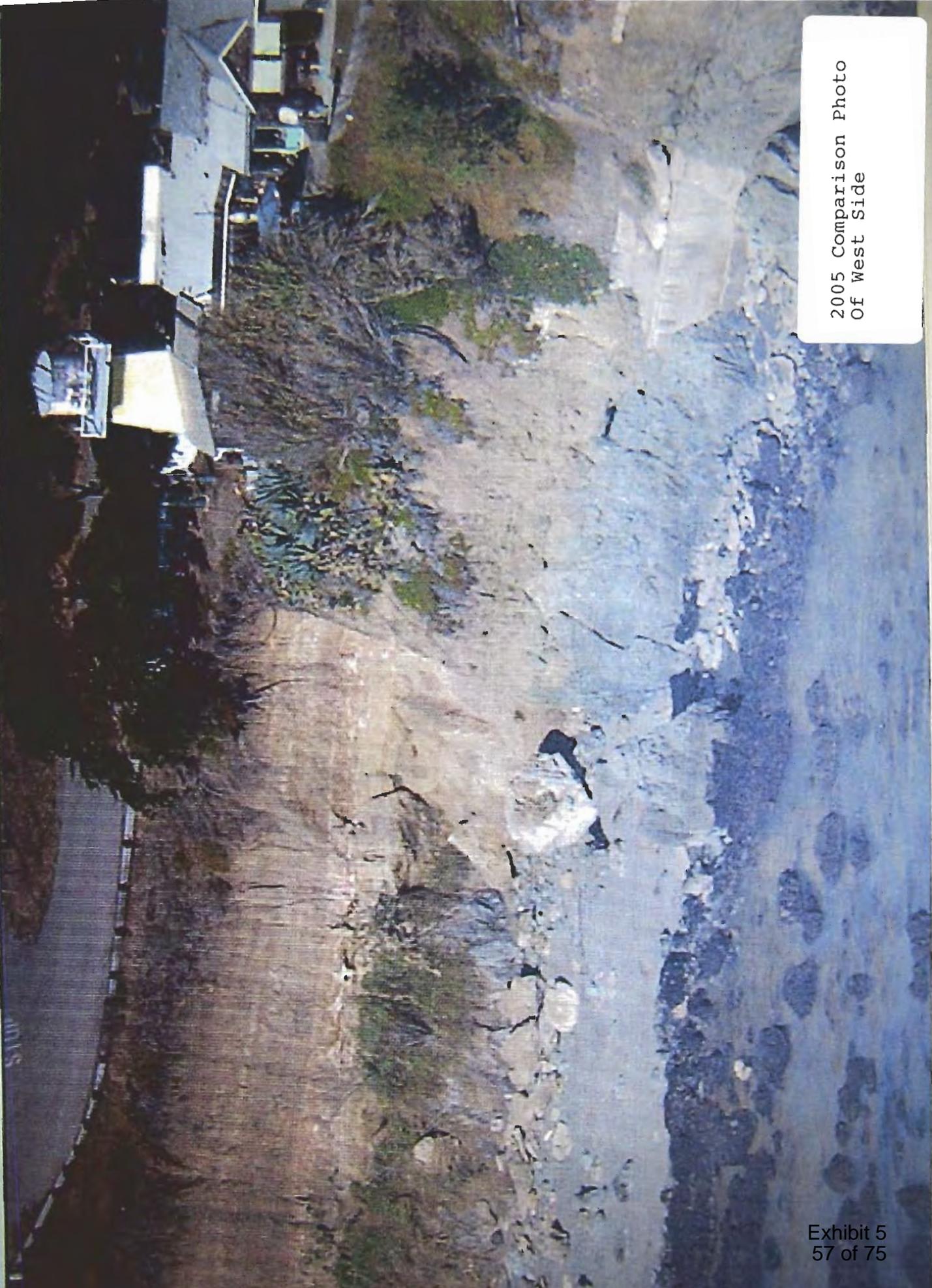
D-7





2004 Comparison Photo
Of West Side

2005 Comparison Photo
Of West Side





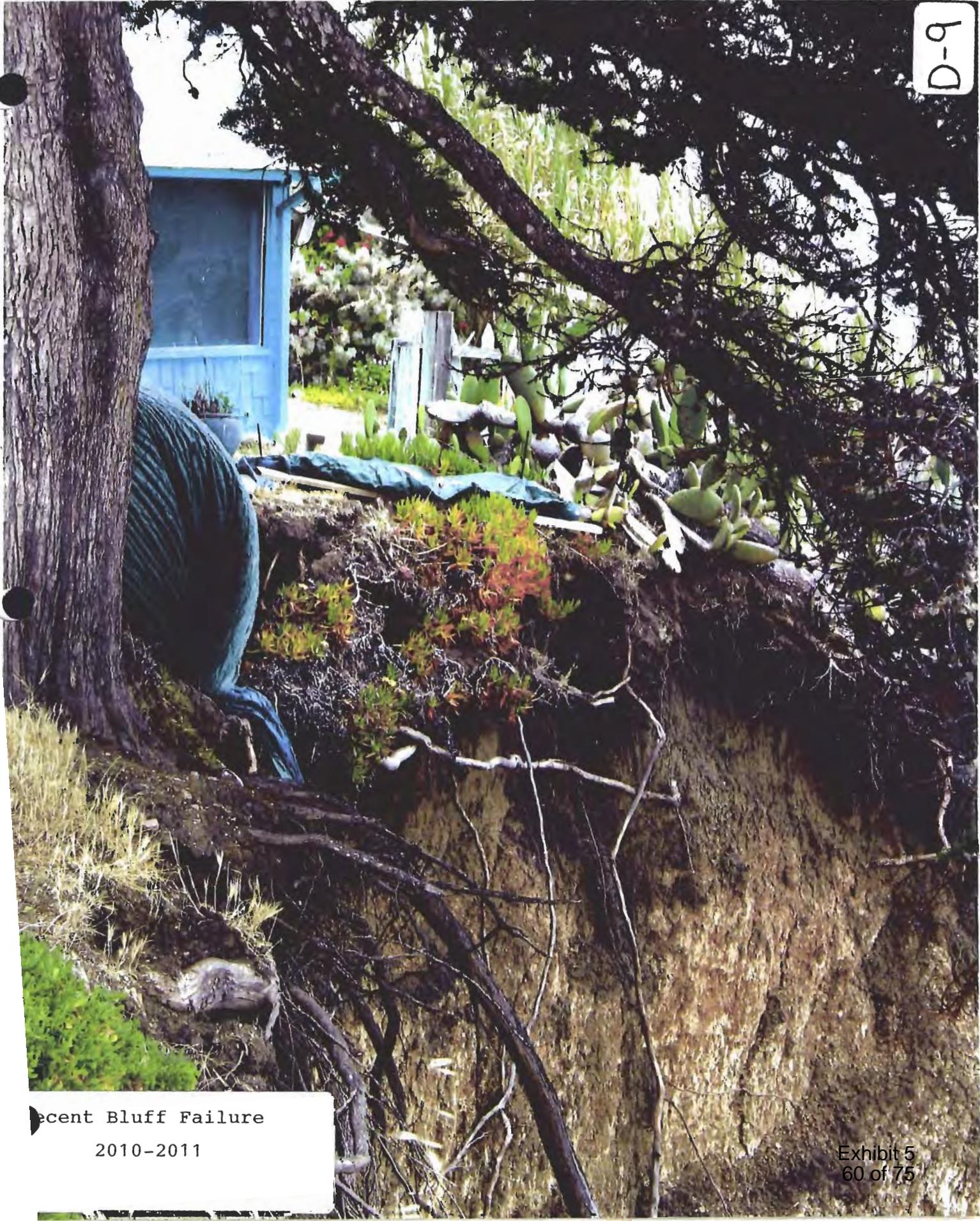
2010 Comparison Photo
Of West Side



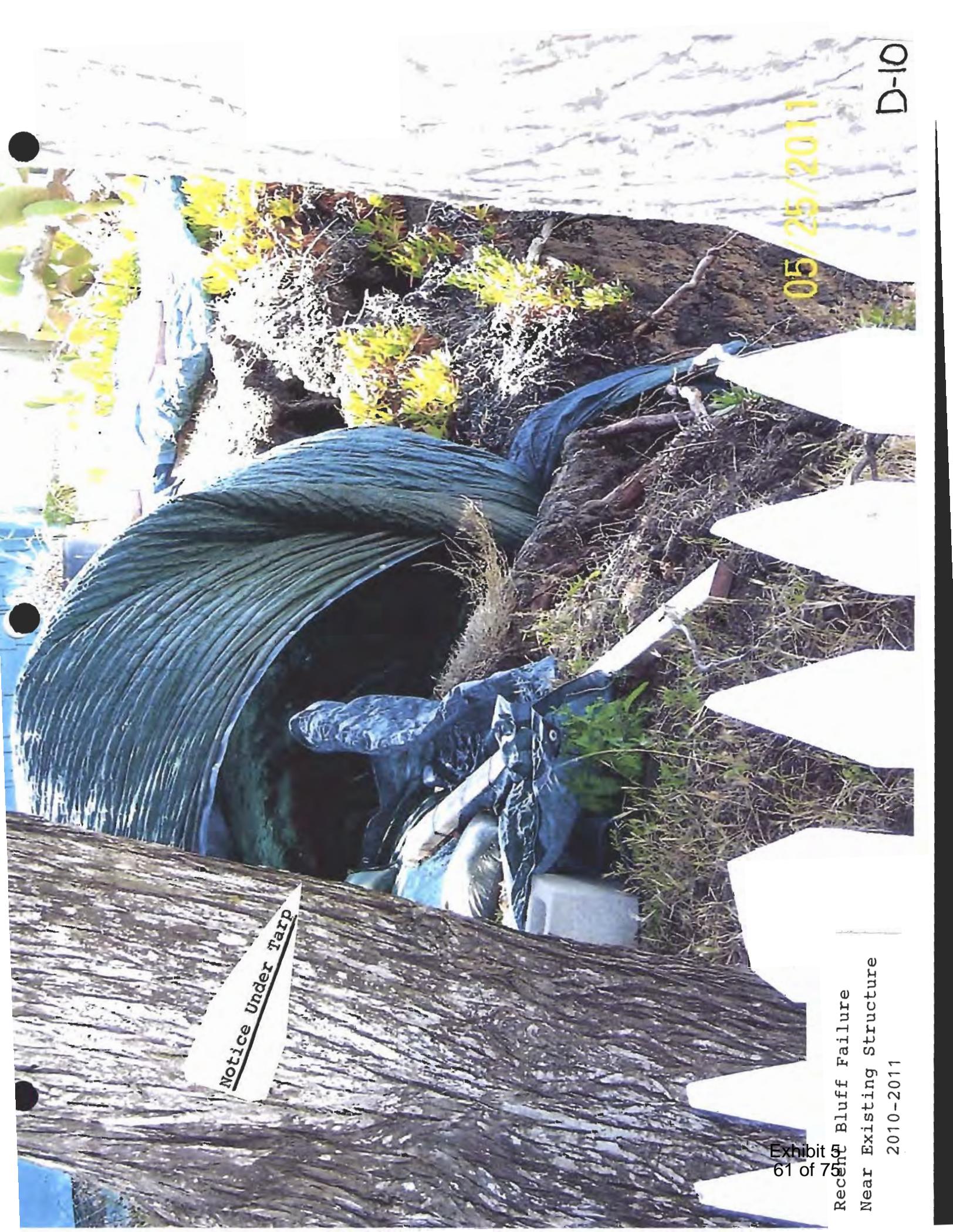
2010 Comparison Photo

Internet | Prot

D-9



Recent Bluff Failure
2010-2011

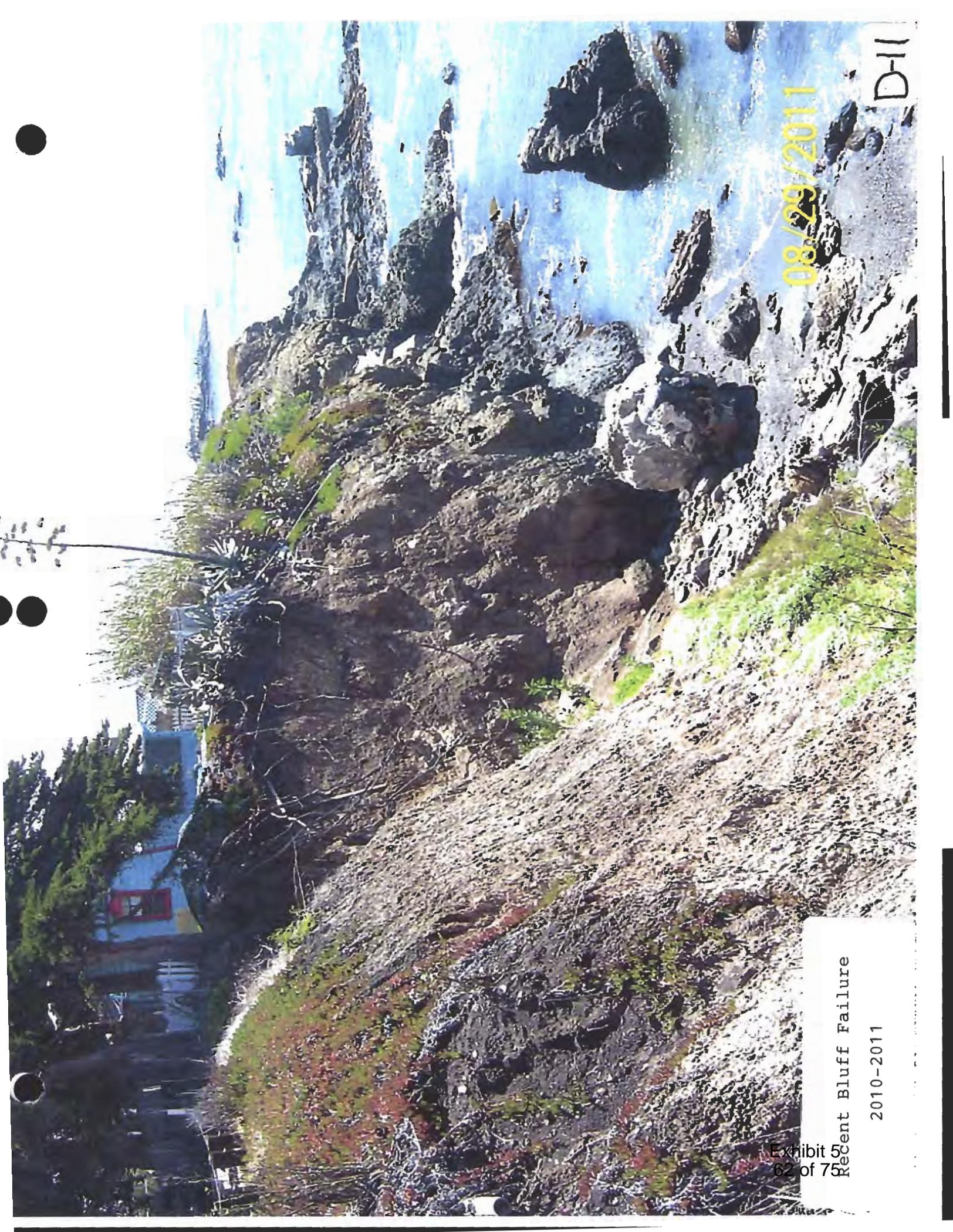


05/25/2011

D-10

Notice Under Tarp

Exhibit 9
61 of 70
Recent Bluff Failure
Near Existing Structure
2010-2011



08/29/2011

D-11

Recent Bluff Failure

2010-2011

Exhibit 5
62 of 75



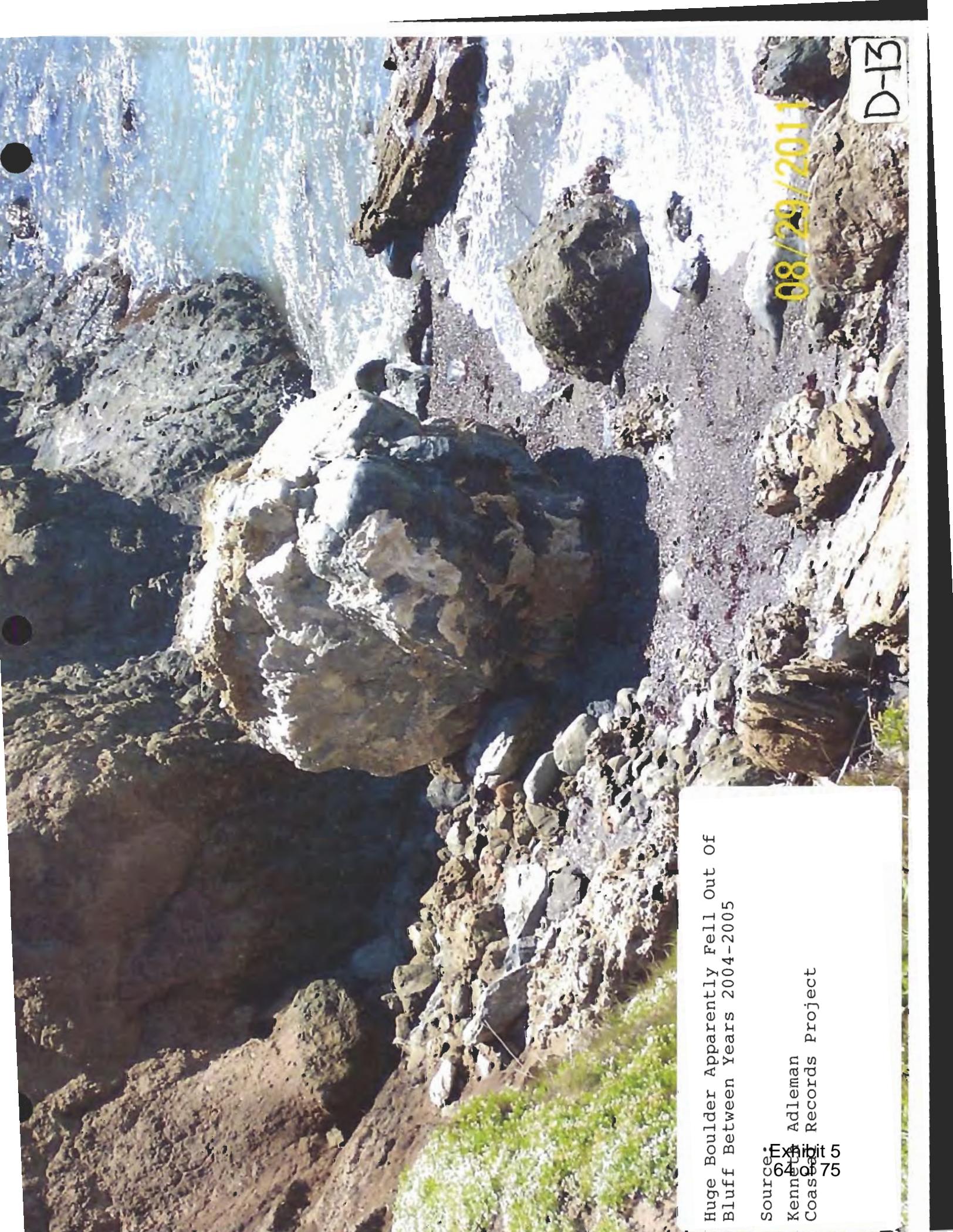
08/29/2011

D-12

Exhibit
63 of 70

Rec... Bluff Failure

2010-2011



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

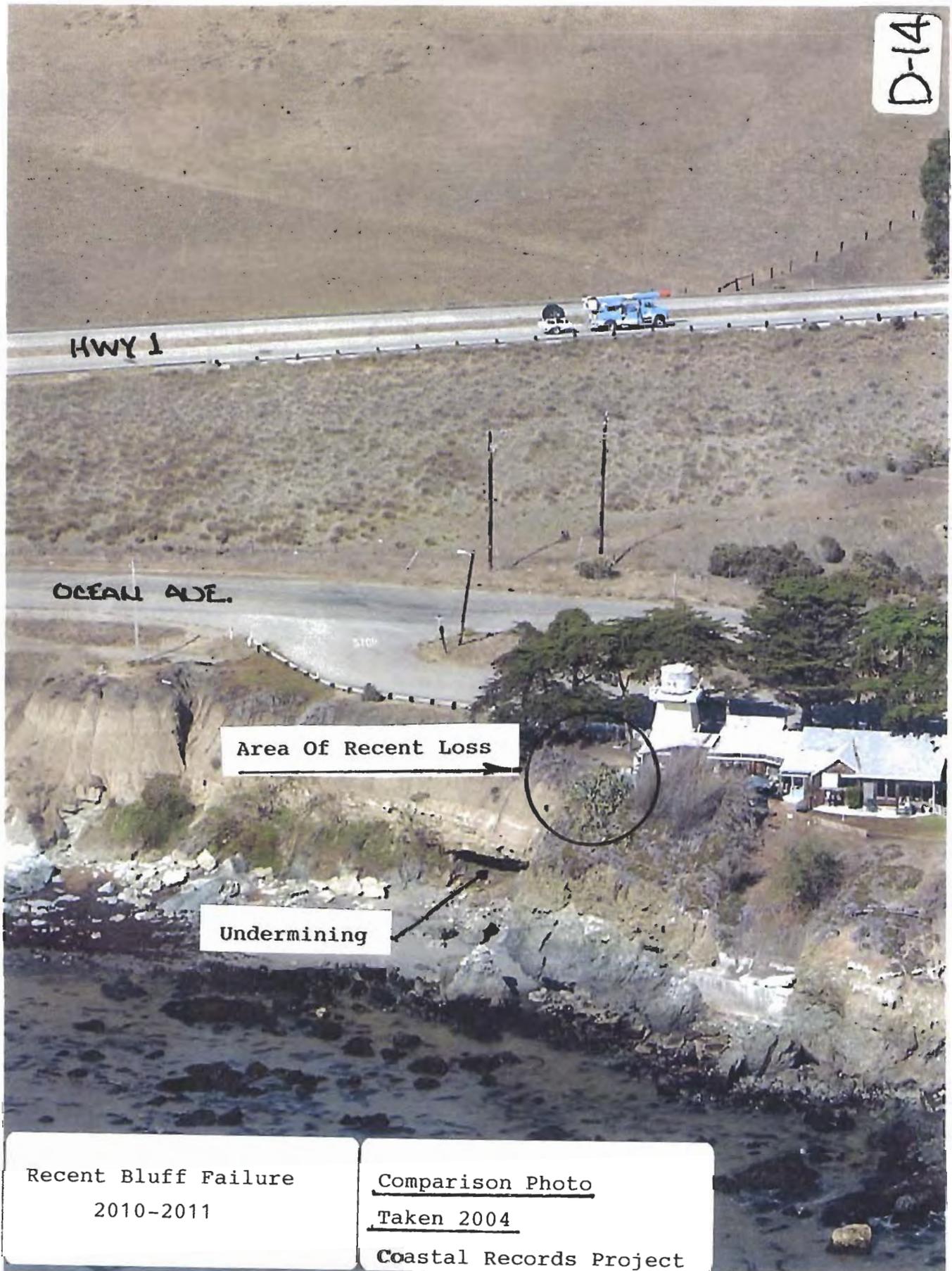
Source: Kennebec Co. Records Project

04X
575

08/29/2011

D-13

D-14



Recent Bluff Failure
2010-2011

Comparison Photo
Taken 2004
Coastal Records Project



2008 Photo Taken Before
Recent Bluff Failure

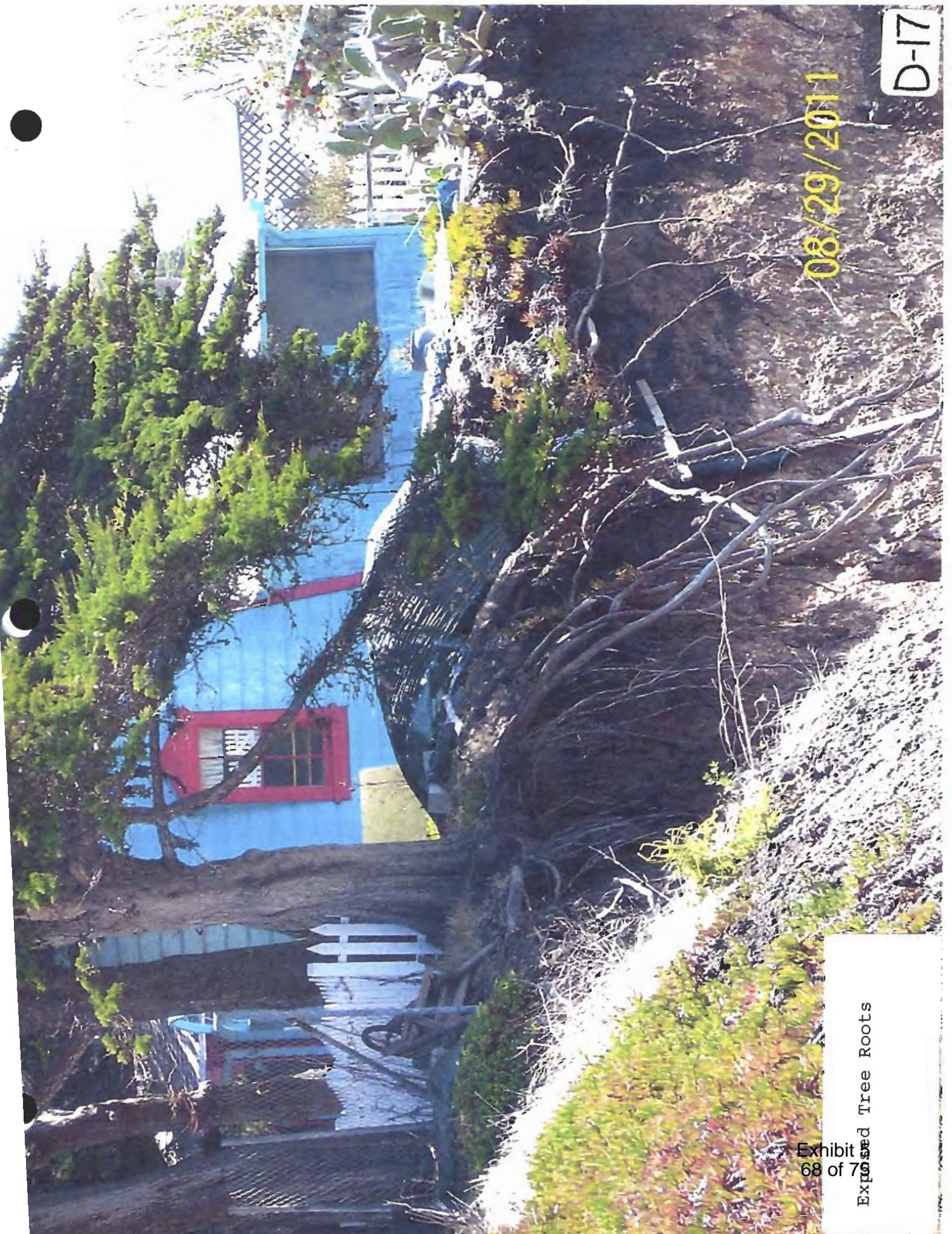
Recent Bluff Failure
2010-2011



D-16

05/25/2011

Exhibit 5
67 of 70
Exposed Tree Roots



08/29/2011

D-17

Exposed Tree Roots



06/17/2011

D-18

Exhibit 5
Exposed Tree Roots
69 of 79

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



D-19

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

Exhibit 5
70 of 75

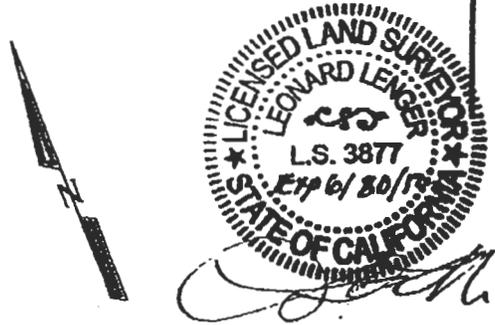
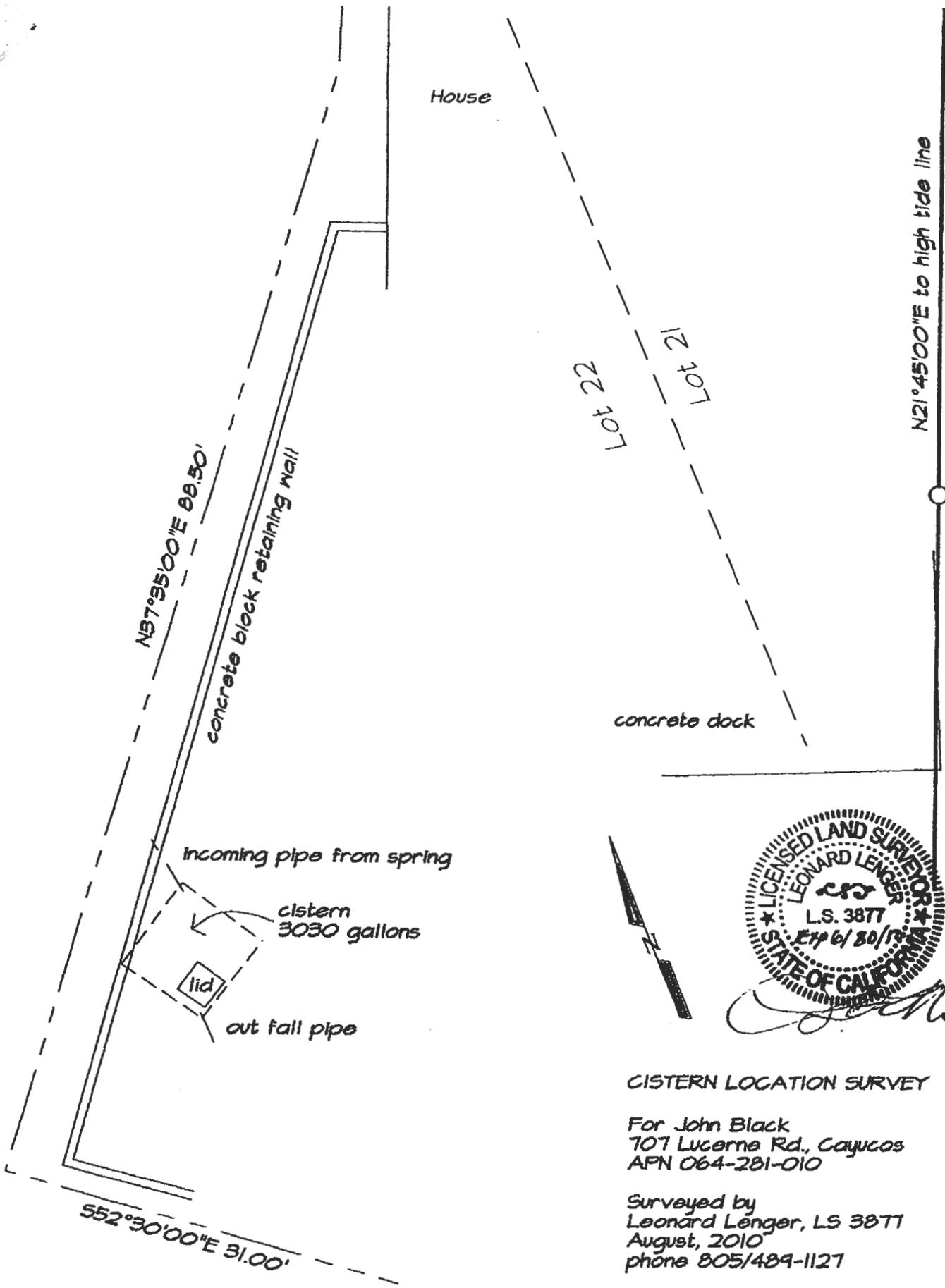


SPRING CISTERN

MONTEREY CYPRESS
TREES →

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

SAN LUIS OBISPO COUNTY
FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

WELL DATA

Key Hyd. Key & Hyd. Index Other

DESCRIPTION OF REFERENCE POINT

Owner GRASSO State No. 285/10E-3263 (a)

Address 709 LUTHER RD Other No. _____

Tenant _____

Address _____

Location County SAN LUIS OBISPO Area NORTH CENTRAL

Region 3 Basin CAVUCOS POINT

Uses Owned NW 1/4 CAVUCOS Guid. No. _____

T 285 R 10E Sec 32 lot 5 AND 55 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

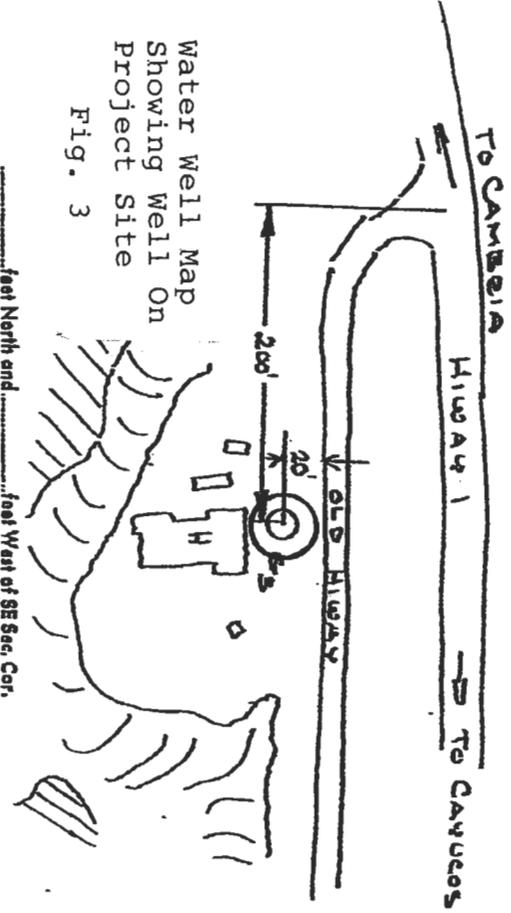
Description 200' EAST OF JUNCTION OF

OLD HIGHWAY AND HIGHWAY 1, 20'

SOUTH OF OLD HIGHWAY, APPROX.

1/2 MILE NORTH OF CAVUCOS

SKETCH



Water Well Map
Showing Well On
Project Site

Fig. 3

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

PA-40 Omitted From Applicant's
Geological Report

(a) _____ ft. above land surface, Date _____

(b) _____ ft. below land surface, Date _____

(c) _____ ft. above land surface, Date _____

(d) _____ ft. below land surface, Date _____

(e) _____ ft. above land surface, Date _____

(f) _____ ft. below land surface, Date _____

(g) _____ ft. above land surface, Date _____

(h) _____ ft. below land surface, Date _____

(i) _____ ft. above land surface, Date _____

(j) _____ ft. below land surface, Date _____

(k) _____ ft. above land surface, Date _____

(l) _____ ft. below land surface, Date _____

(m) _____ ft. above land surface, Date _____

(n) _____ ft. below land surface, Date _____

(o) _____ ft. above land surface, Date _____

(p) _____ ft. below land surface, Date _____

(q) _____ ft. above land surface, Date _____

(r) _____ ft. below land surface, Date _____

(s) _____ ft. above land surface, Date _____

(t) _____ ft. below land surface, Date _____

(u) _____ ft. above land surface, Date _____

(v) _____ ft. below land surface, Date _____

DESCRIPTION OF WELL

Use DAMESTRANS Depth 150 ft.

casing size _____ in, perforations _____

Driller _____

Date drilled _____ Log filed Open Confidential

DESCRIPTION OF EQUIPMENT

Pump type _____ Make _____

Serial No. _____ Size of discharge pipe _____ in

Meter kind INSTRON Make _____

Horsepower _____ Serial No. _____

Blac. Meter No. _____ Transformer No. _____

TEST DATA

Agency _____

Date of Test _____ Capacity of well _____ G.P.M.

Static Water Level _____ ft. Drawdown _____ ft.



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.

A handwritten signature in black ink, reading 'Timothy S. Cleath'. The signature is written in a cursive style with a large, sweeping initial 'T'.

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.

Th14a
OPPOSITION

John & Sue Black
707 Lucerne Rd.
Cayucos, CA 93430

April 4, 2013

RE: Appeal A-3-SLO-11-064 (Lewis residence) Agenda Item **Th14a**

Hearing date: April 11, 2013

Honorable Commissioners, Alternates and Staff:

Recent developments concerning this property add to the list of **reasons that we do not agree** with the staff recommendations made in their report of 3-29-2013. The recent staff report is almost a mirror of the report that resulted in a Commission vote for Substantial Issue on 4-11-2012. We believe that the staff, as well as state geologist relied completely upon the reports provided by the applicant, which are out of date, and are in direct conflict with the following facts:

1. The reduction of length of the proposed house, as shown in the staff report, is not a sacrifice, but a necessity, due to the fact that **the property has collapsed several feet on the east end, in the years of 2012 and 2013. This collapse was after, and not included in the outdated geologist reports** of which the majority were submitted as far back as 2009. The residence will necessarily have to be reduced in length, to fit within the setbacks set forth by the State geologist. (See photos at presentation)
2. The county and state geologist have relied upon data supplied by the applicant's geologist, which we shall show with indisputable historical photos, are not factual. (See photos at presentation)
3. The coastal bluff erosion rate, set by the applicant's reports, relies upon standard formulas and information which do not apply to this project. All projects are different by nature, and require individual attention. The

Th14a OPPOSITION

erosion rate of 2 inches per year is severely flawed, and we will show historically, that it is closer to 4 feet per year, just since 1972, when the first Coastal Records Project photos were taken. The actual loss of property is approximately 110 feet over the last 28 years. The applicant refused to supply information on the recent erosion and bluff stability requested by the Board of Supervisors at their videoed meeting on 6-21-2011. **This information requires that new setbacks be established.** (See photos at presentation)

4. We contend that **this site is not suited for a basement excavation** for several reasons which are outlined in the following:
 - A. Previously, the staff relied on the applicant's information that the water table is below 50 feet. The fact that the water table is at 25 feet, makes the **project subject to other mandatory testing that was avoided, not limited to liquefaction screening.**
 - B. Our property relies on water from a legally recorded spring that likely originates under the proposed excavation. This spring has produced fresh water for possibly more than 150 years. The water is collected in a 3000 gallon spring box located on our property. The spring, at present produces 210,000 gallons of fresh water per year, as documented by the report from CHG hydrologist dated June 16, 2011. The excavation most likely will contaminate, or curtail this flow, based upon the information supplied by the applicant that states bedrock may exist at 20 feet. Given the possibility that the basement excavation may extend as much as 20 feet, depending on circumstances that may be encountered during the excavation, **it highly possible that our spring will be affected.**
 - C. The applicant's geological report of January 26, 2011, states that the **addition of a basement does not appear** to affect the instability of the bluff, sounding like **they are not positive.**
 - D. The current staff report of 2013 includes the removal of the exact number of cypress trees included in their previous report of 2012. **There**

Th14a OPPOSITION

- has been no effort to protect the trees** as outlined in the Estero Bay Plan or the LCP's concerning their protection. **The excavation of a basement will kill the majority of the thirteen, 75 year old Monterey Cypress trees that front the site.** This is a fact that is supported by the applicant's arborist. **The staff recommendation** that all the cypress trees should be removed except the five trees at the west end of the property **is in direct conflict with the LCP's** which prohibits this. Coastal Plan 5 states that vegetation within the view corridor of HWY 1 shall be minimized. Also policy 7 states that location and design of new developments shall minimize the need for tree removal.
- E. The five trees the staff recommends to remain, **with the recent erosion of 2012 and 2013, have little or no earth remaining under them.** (See photos at presentation)
 - F. **The majority of the cypress trees are in good health,** and will provide many years of beauty. (See arborist report by Robert Schreiber, arborist of record for the preservation of 100 year old cypress trees at Cal Poly University included in our appeal)
 - G. **The community has expressed their love for these iconic trees** and have expressed this continually throughout the process.
 - H. The staff recommends replacing the majestic cypress trees in a fashion presented in their report that completely blocks public view, which is presently clearly open between the existing residences.
 - I. **The applicant refused to explore alternative foundation plans** which are available and were requested by all county departments of planning, including the Board of Supervisors, **to avoid the excavation of a basement.**

In conclusion:

We feel that the project site is unique and beautiful, and **should be enjoyed in it's present state,** to avoid the numerous risk and losses

Th14a
OPPOSITION

involved with the huge excavation into the fragile bluff. If the Commission agrees that a basement may be excavated, we urge the Commission to condition the project with the addition of caissons to bedrock. The placement of these devices should ensure the stability of the structure, which is of primary concern, and a requirement of the LCP that is mentioned in the latest staff report, that requires that new development avoid and minimize risk due to coastal hazards, and that new development will not result in increased hazards. (CZLUO Section 23.07- New development shall ensure structural stability.) The addition of caissons should also ensure that our spring will not be altered, by providing space between the basement and the bedrock, to allow the flow of water, and eliminating the problems that will ensue if the flow is compromised. Also, if a basement is approved, we urge the Commission to condition the project to be moved further to the west, to avoid conflict with the spring, and allowing the largest and most majestic of the cypress trees to remain.

Respectfully yours,

John Black
707 Lucerne Road
Cayucos, CA

CC: Commissioners, Alternates, and staff



04/05/2013



04/05/2013



04/05/2013



04/05/2013

From: Salinan Tribe of Monterey & San Luis Obispo Counties <salinantribe@aol.com>
To: salinantribe <salinantribe@aol.com>
Subject: Agenda Item April 11 ,2013 Central Coast District 14. Coastal Permit Applications: a. Applicatin No A-3-SLO-11-064 (Lewis, SLO Co.)
Date: Mon, Apr 8, 2013 4:46 pm

RECEIVED

April 8, 2013

APR 09 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda Item April 11, 2013
Central Coast District
14.Coastal Permit Applications
a. A-3-SLO-11-064 (Lewis, SLO Co.)
Salinan Tribe of SLO and Mont.Co.

California Coastal Commission
Central Coast District
725 Front St. Sulte #300
Santa Cruz Ca 95060-4508
Fax 831-427-4877

Dear Staff Madeline Cavalier and Commissioners,

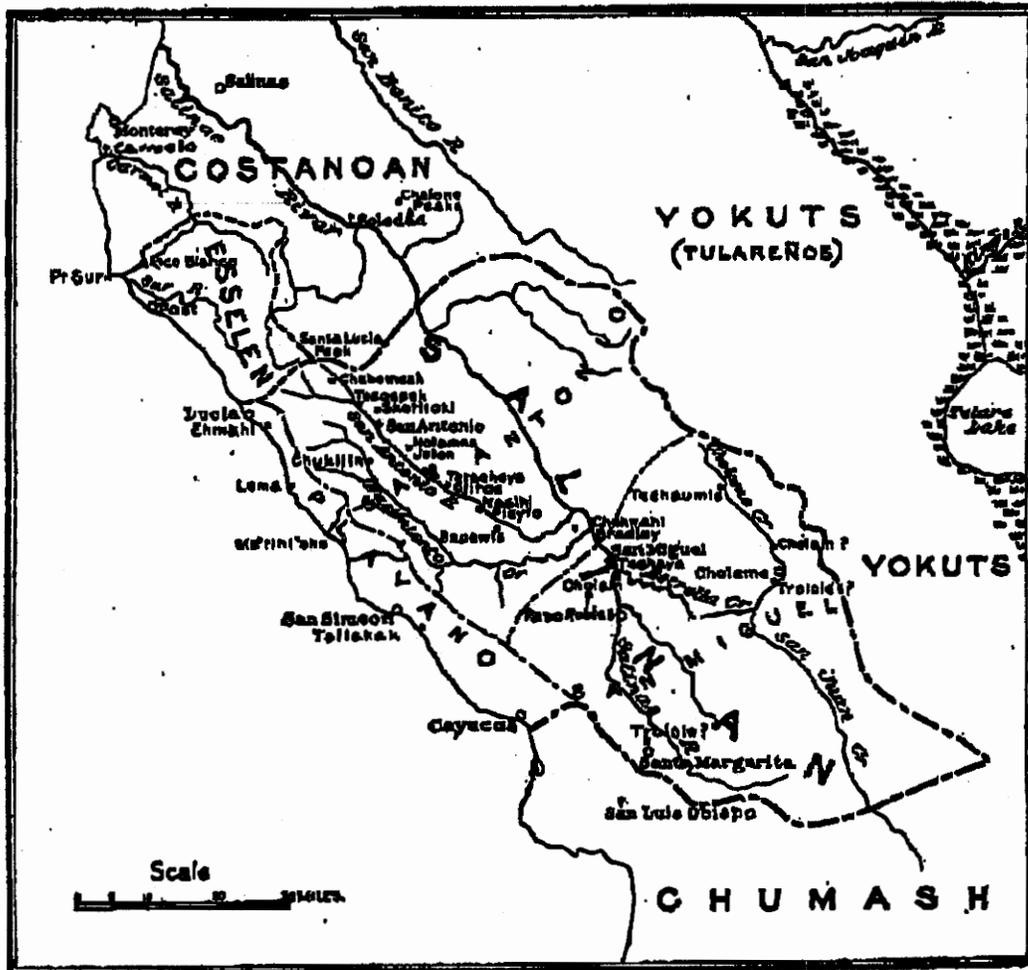
The Location of the purposed Coastal Permit Application No A-3-SLO-11-064 (Lewis,SLO Co.) are within the perimeters of a Playano Salinan Sacred Area with the possibility of containing human remains. For these reasons we would request that staff see this as a substantial Issue and amend the Staff Report for the addition of a condition c. to Exhibit B Conditions of Approval, Cultural Resources 40. c."all ground disturbing activities for the project must be monitored by a Salinan cultural resource specialist from the Salinan Heritage Preservation Association and that Dr. Marchall Lewis will contact SHPA and obtain monitoring services at least 30 days before any ground disturbing activities."

Xayatspanlkan (Thank You)

Patti Dunton, Adminlstrator for John Burch, Traditional Lead

Salinan Tribe

of Monterey & San Luis Obispo Counties
7070 Morro Rd. #A
Atascadero, CA 93422
805.460.9202 office
805.460.9204 fax
salinantribe@aol.com
www.salinantribe.com



University of Calif. Publications in American Archaeology and Ethnology. "A Mission Record of the California Indians". By A.L. Kroeber.

MAP 1 KROEBER

"Where the Highway Ends" a history of Cambria, San
Siemon & the Rancho. By Geneva Hamilton, pg. 71.

CHAPTER 9

The Portolá Expedition and the Indians



history of the north coast of San Luis Obispo County is not complete without reviewing events of the 100 years prior to the founding of Cambria. This period began with the Portolá Expedition in 1769. As elsewhere in California, the expedition discovered Indians whose existence today is marked only by their indelible imprint upon the land they inhabited. Few north coast farms exist which do not contain evidence of ancient camps or Indian mortar holes. Many homes are built upon soil blackened by Indian use.

(These Coastal or *Playa* Indians, according to diaries of expedition members, were gentle, kind and generous. Aside from these qualities they were considered inferior, being of poor physique and lacking the cultural aspects of the Indians encountered further south. As missions were founded, these Indians were discovered to have close language affinities to the Indians of the Salinas Valley who were dubbed *Salinans* by the mission fathers. The coastal Indians were then designated as the *Playa Salinan* to distinguish them from the Salinas Valley Indians who differed in dialect and cultural patterns.

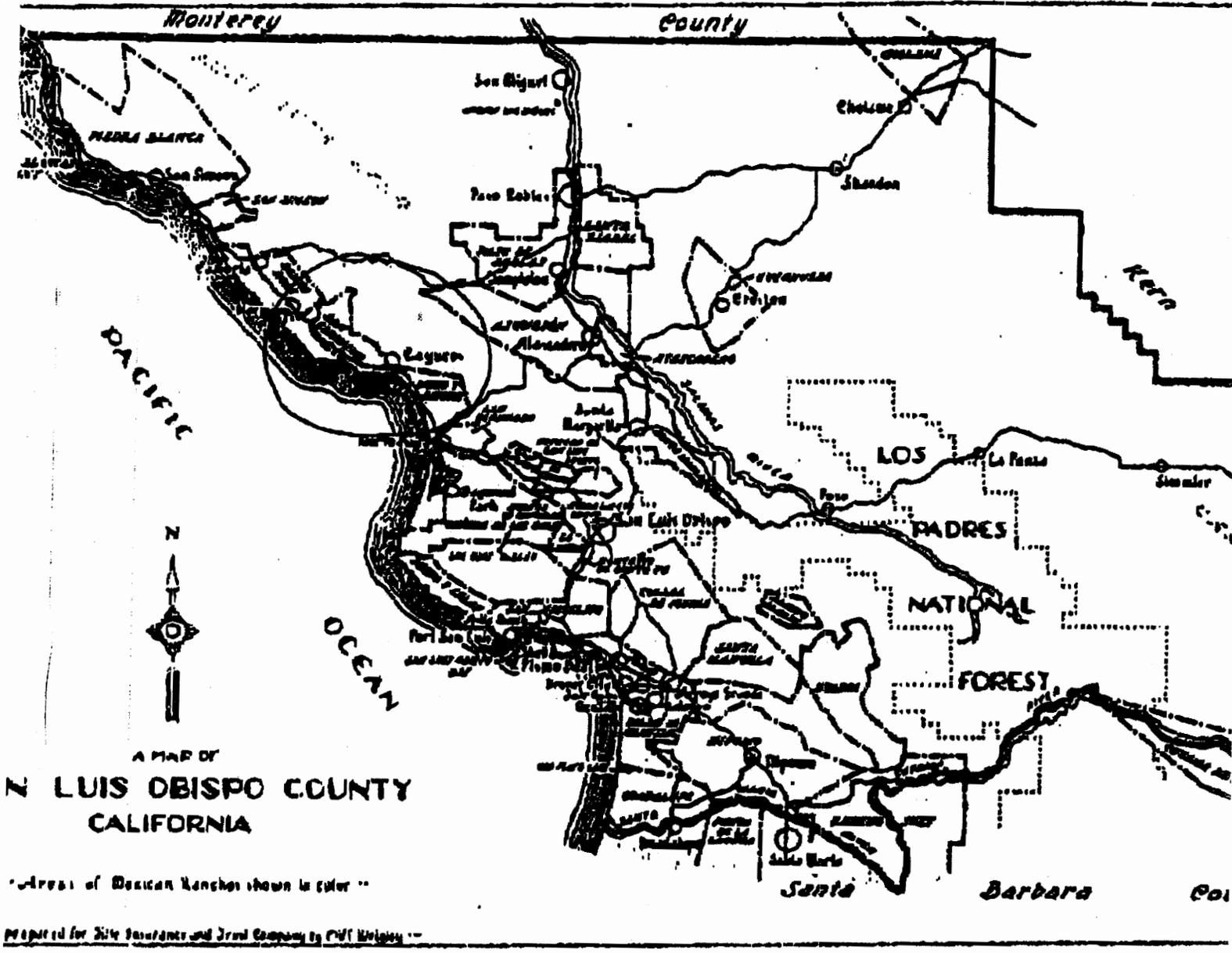
The first encounter with the *Playa Salinans* within the area covered by this book was at the mouth of Villa Creek where a small lagoon existed. The Indian camp bordered the creek and lagoon on the rolling hill to the northwest. Fresh water was obtained from a spring issuing from the hillside behind the camp.

Describing the country, Portolá wrote: "On the 9th of September we halted at a lagoon where a stream came down from the hills. On this day we encountered six running streams."

Father Juan Crespi, the more inspired writer accompanying the expedition says:

"We traveled four hours making, at most, three leagues and crossed eight rivulets running from the mountains to the sea. We halted at the first in a moderately wide valley into which enters an estuary, fed by an arroyo. The hills which surround this valley reach to the sea on the west and prevent our passage to the north and northwest."

MISSION SAN MIGUEL PROPERTY AND PADRES



Ranchos of San Luis Obispo County.

"Lands of Mission San Miguel," By Wallace V. Ohles, pg 7.

Marrned Salinan Ancestor, Her descendants are on base roll.

natural boundaries; about 11 leagues. Present Owners, Juan CASTRO, heirs of Mariano PACHECO, Peter GILLIS, Jose de Jesus PICO, George HEARST, and others. Bounded on the North by public lands, East by the Sierra, West by the ocean, and South by the Arroyo del Padre Juan Moreno. Unsurveyed.

2. San Simeon. One league. Grantee Jose Ramon ESTRADA. Confirnee, Jose Miguel GORMEZ, Surveyed. Present owner Ira VAN GORDEN. Number of acres 4,468,81. Finally confirmed.

3. Santa Rosa. Grantee & Confirnee, Julian ESTRADA. Three leagues. Finally confirmed, surveyed and patented; 13,183,62 acres. Present owners Julian ESTRADA, Geo. HEARST, Domingo PUJOL, George E. LONG, Samuel A. POLLARD, W. H. FREER, John H. MYERS and others. Sub-divided.

4. San Geronimo. Grantee & Confirnee, Rafael VILLAVICENCIO, Two leagues. Finally confirmed and surveyed; 8893 35-100 acres. Present owners, Rafael VILLAVICENCIO Ramona ARMAS, Westley BURNETT, James H. BLACKBURN.

5. Morro y Cayucas. Grantee, Martin OLIVERA and Vicente FELIZ, Confirnee, James MCKINLAY. Finally confirmed and surveyed. Two leagues, 8,845 49 acres. In litigation.

6. San Bernardo. Grantee & Confirnee, Vicente CANET. One league. Finally confirmed, surveyed and patented; 4, 379 42 acres. Present owner Estevan QUINTANA, Domingo PUJOL, Jose CANET.

7. San Luisito. Grantee & Confirnee, Guadalupe CANTUA. Finally confirmed and surveyed; 4,389 13-100 acres. Present owners, heirs of Ellen HOLLISTER.

8. Canada Del Chorro. Grantees, James SCOTT and John WILSON. Confirnee. John WILSON. Finally confirmed, surveyed and patented; 3,166 99-100 acres. Present owners, heirs of Ellen HOLLISTER.

9. Huerta De Romualdo. Grantee, ROMUALDO an Indian; Confirnee John WILSON. Confirmed by District Court of the U. S., February 9, 1857. One-tenth of square league. Present owner Romualdo PACHECO.

10. Canada De Los Osos. Pecho y Islay. Grantees, Victor LINARES, Francisco BADILLO, James SCOTT and John WILSON. Finally confirmed, surveyed and patented; 32,430 70-100 acres. Present owners, of the Pecho, two leagues, Ramona Hillard BLANCH, W. H. PATTERSON.

11. Potrero De San Luis Obispo. Grantee & Confirnee, Maria Concepcion BORONDA. Finally confirmed, surveyed & Patented; 3506 33-100 acres. Present owner, Estevan QUINTANA.

12. Santa Fe. Grantee Victor LINARES 1000 varas square. Confirmed and surveyed; 156 76-100 acres. Present owner Ramona HILLARD.

13. San Miguelito. Grantee & Confirnee Miguel AVILA. Finally confirmed and surveyed. Two leagues. Present owner, Ignacio AVILA, John HARFORD, Josefa BORLAND, Refugio CASTRO.

14. Corral De Piedra. Grantee & Confirnee Jose Maria VILLAVICENCIO. Seven leagues. Finally confirmed and surveyed and patented; 30 911 20-100 acres. Present owners Jacinto RODRIGUEZ, STEELE BROS., Frances Z. BRANCH, and others.

15. Pismo. Grantee & Confirnee Isaac J. SPARKS. Two leagues. Finally confirmed and surveyed; 8, -838 89-100 acres. Present owners John M. PRICE, Francis Z. BRANCH, STEELE BROS., and others.

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APR 09 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 8, 2013

ORCA Ex parte

Th.14.a. / Deny

On the issue of item #Th.14.a. Application No. A-3-SLO-11-064 (Lewis, San Luis Obispo Co.) ORCA is speaking for the appellants.

Staff is recommending approval with conditions.

We urge the commission to deny the project. Even with all of the suggested conditions, we believe that this is the wrong project for this highly visible location.

1. Visual and Scenic Resources:

The proposed project is inconsistent with the Coastal Act's protection of the scenic qualities of California coastal areas. 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. The applicant has not changed the design at all since the Commission found substantial issues with the project last year. The staff report agrees that the proposed project has 'overly subscribed a constrained site with development' which will adversely affect protected public views, and concludes that as proposed, the project is inconsistent with the LCP. However, we feel the conditions for approval proposed by the staff, while offering an improvement over the applicant's proposal, do not sufficiently protect coastal and scenic resources nor bring it into compliance with the local LCP.

2. Coastal Vegetation:

The local LCP states (CZLUO 23.05.064, d) "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 applicant was asked by the Cayucos Citizen's Advisory Council, the Planning Commission and the Board of Supervisors to consider alternative designs that would not necessitate the removal of the row of cypress trees. No alternative designs were ever considered by the applicant.

The staff report claims sufficient evidence that the trees are near the end of their lifespan and that 8 of the 13 may be removed. However, there are conflicting opinions by certified arborists- Robert Schreiber, an ISA Certified Arborist, 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."

3. Community Character:

There is nothing on Lucerne resembling 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.

More significantly, the site is a prominent gateway location that has importance to the history of Cayucos. The row of Cypress trees have stood untouched for well over 75 years. James Cass, the founder of Cayucos, was the original owner and built the water tank tower that still stands. The impacts of the project, even with staff recommendations, will remain the same- a solid 80 foot long two-story mass completely out of character with the town and the death of the long-standing row of cypress trees. The proposed project, even built as conditioned by the staff, would permanently scar a scenic vista from Highway 1 and result in an irreparable loss of a currently picturesque site that speaks to the character and the history of our community.