

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
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Click here to go to
original staff report

W16a

Prepared March 6, 2017 for March8, 2017 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager

Subject: Additional hearing materials for W16a

Appeal Number: A-3-SLO-16-0095 (E Street Subdivision, San Luis Obispo Co.)

Where checked in the boxes below, this package includes additional materials related to the above-referenced hearing item as follows:

- ☐ Staff report addendum
- ☒ Additional correspondence received in the time since the staff report was distributed
- ☒ Additional ex parte disclosures received in the time since the staff report was distributed
- ☐ Other:

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**POSTPONEMENT REQUEST**

By signature below, I (as the Applicant or the Applicant's designated representative) am making the following postponement request (check only one):

- ☒ I am exercising the Applicant's one right to postpone the Coastal Commission hearing on this application pursuant to California Code of Regulations (CCR) Section 13073(a). I acknowledge that the Applicant has only one such right and that use of it here will extinguish that right in regard to future hearings regarding this application.
- ☐ The Applicant's one right of postponement pursuant to CCR 13073(a) has already been exercised, and I am requesting that the hearing on this application be postponed pursuant to CCR 13073(b). I understand that this request may or may not be granted by the Executive Director or the Commission, at their discretion, pursuant to CCR 13073(b).

In making this request, the Applicant hereby waives any and all applicable time limits for Coastal Commission action on this application (as required by CCR 13073(c)). If the request is granted, then the Applicant agrees to submit additional stamped and addressed envelopes for future noticing as detailed in CCR 13054 (as required by CCR 13073(c)).

Application Number: A-3-SLO-16-0095 Date: 3-1-17

Daniel R. [Signature] APPLICANT/REPRESENTATIVE
Signature of Applicant or Applicant's Designated Representative (identify which one)

W/lea



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
James A. Bergman *Director of Planning & Building*

March 3, 2017

RECEIVED

Chair Dayna Bochco
California Coastal Commission
45 Fremont St; Ste 2000
San Francisco, CA 94105

MAR - 3 2017

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: Appeal No. A-3-SLO-16-0095 (E Street Subdivision, San Luis Obispo Co.)

Dear Chair Bochco and Members of the California Coastal Commission:

The San Luis Obispo County Department of Planning and Building has closely reviewed the staff report prepared for the subject appeal. The Department has serious concerns with the information in the staff report and we disagree with some its conclusions. We wish to point out three misrepresentations of the language and intent of the San Luis Obispo County Coastal Zone Land Use Ordinance (CZLUO) in the staff report.

Usable site area

The County agrees with the staff report's conclusion that usable site area is the correct standard to use to ensure the proper level of development. The definition of usable site area is:

Net site area minus any portions of the site that are precluded from building construction by natural features or hazards, such as areas subject to inundation by tides or the filling of reservoirs or lakes.

The staff report concludes that areas of ESHA and ESHA setbacks are considered portions of the site that are precluded from building by natural features or hazards. The ESHA area of the site and the ESHA setbacks are not precluded from building.

While the purpose of the ESHA designation is to limit disturbance through discouraging development, this does not preclude all development. Section

Appeal No. A-3-SLO-16-0095

March 3, 2017 letter

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23.07.170 of the CZLUO contains substantial amount of language describing development standards for ESHA, and Section 23.07.174 describes the types of permitted development in riparian setbacks. As the CZLUO contains several sections describing how and what development is allowed in ESHA and its setbacks, than one cannot draw the conclusion that ESHA is a "portion of a site that area precluded from building by natural features".

A good example of an area of a site where building is precluded and that matches the examples in the definition is an area where a flowage easement from a reservoir or creek prohibits development below a certain contour elevation. Another example may be the flowline of Little Cayucos Creek where it courses through this site. ESHA and setbacks from ESHA do not meet this definition.

We also point out that one should expect higher densities on this Residential Multifamily site than the adjacent single family designations.

Road Abandonment

The area of the road abandonment should also be included in the usable site area calculation as it is not an area *that is precluded from building construction by natural features or hazards, such as areas subject to inundation by tides or the filling of reservoirs or lakes*. The road abandonment was accomplished through Subdivision Map Act section 66434(g). This section allows a subdivision map (such as this project's application) to abandon public streets and easements through the recordation of the final map. Upon recordation, the right of way or easement is extinguished and the area accretes to the adjacent property. Therefore, this area of road abandonment does not meet the definition of an area precluded from building. It is also important to note that portions of the road (Cypress Glen Ct) have been abandoned in the past. In fact, Cypress Glen Ct was abandoned west of the project site so that the existing road is a short cul-de-sac.

Easement

We also disagree with the staff report's conclusion regarding the use of the access easement by more than five parcels. The County Planning Commission and Board of Supervisors both unanimously approved the use of the access easement by this project. We are disappointed the Commission would consider substituting its

Appeal No. A-3-SLO-16-0095
March 3, 2017 letter

Page 3 of 3

judgement on what constitutes a hardship when considering local circulation issues. The County Planning and Commission and Board of Supervisors conducted hours of public hearings on this project and took many hours of testimony. The local jurisdiction determined that allowing the use of the access easement would result in safer vehicular and pedestrian safety, and the proposed volume of traffic is easily handled by the easement width and road construction. No evidence is in the record refuting these facts.

We have consistently administered this part of the CZLUO without issue for almost 30 years. We will have additional testimony at the public hearing on March 8, 2017 and at a de novo hearing if one is eventually scheduled.

Sincerely,



James Bergman, Director

Cc: Board of Supervisors
Dan Buckshi, CAO
Rita Neal, County Counsel

W16a

MR. DANIEL ROBINSON

I AM ASKING YOU TO DANNY
A.P.# A-3-S10-16-0095 LOCATED
ON "E" ST. CAYUCOS, CA.

THIS MASSIVE PROJECT IS
JUST ONE MORE OF THE HUGE
PROJECTS THAT IS DESTROYING OUR
SMALL TOWN CHARACTER. WILL
NOTHING STOP THESE GREEDY
DEVELOPERS. "JUST SAY NO"
TO MR. DAN ROYDE!

THANK YOU

DARLENE

264 "D" ST

KABERLINE

CAYUCOS, CA

93430

805-995-2265



Ms Darlene Kaberline
264 D St
Cayucos, CA 93430

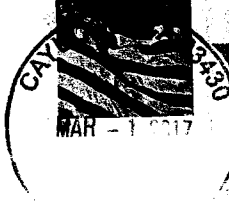
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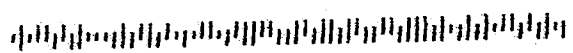


RECEIVED

MAR 06 2017

CALIFORNIA
POSTAL COMMISSION

O.C.C.
MR DANIEL ROBINSON
125 FRONT ST.
SUITE # 300
SANTA CRUZ, CA
95060



RECEIVED

W/6a

MAR - 2 2017

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

02/28/2017

California Coastal Commission

Opposition

Central Coast District office

725 Front St., Suite 300

Santa Cruz, CA 95060 – 4508

Reply to Important Public Hearing Notice New appeal: Appeal Number; A – 3SLO – 16 – 0095.

Applicant: Cypress Glen on E Street, LLC

Appellant: Kerry Friend

Dear Commissioners: I am a life time resident of Cayucos and I am concerned about the disturbance and overbuilding proposed that, as a child growing up in Cayucos, we called the "Indian Graveyard". I walked across the site in order to attend grammar school for eight years and played on the site for hours as a child. Anyone that has been around our neighborhood for very long know that many pieces of Indian artifacts have been removed from the site over the years. I have tried to convey this to those directly involved in this project, including San Luis Obispo County personnel, and no one seems interested in the least. I am a real estate appraiser in Cayucos by trade and during 30 years of appraising, I have never in my life witnessed the bending and breaking of so many rules in order to overbuild a site. After witnessing both the Planning Commission and Board of Supervisors meetings on this matter, it was clear county planning was an over-whelming advocate for the applicant.

I am also concerned about Health & Safety Issues, which include fire safety and traffic impact. A friend of the applicant that was on the Cayucos Fire Department (the friend now departed) says there is enough room to turn around available fire trucks on the site. It appears that the Cayucos Fire Department will be disbanded this year and CDF will become first responders to fire. The smallest first response fire truck available from the CDF is 36' long. When you couple this with the fact that tiny Cypress Street will be impacted by 11 houses in total, it becomes a recipe for disaster, even with mild winds. If only one car is not parked in their designated parking space, no one will be able to turn around. I have been told the developer has recently even found a way to skirt the rules for a minimum sized turn-a-round.

Also, a concern that I mentioned at the Board of Supervisors hearing that has never been addressed in any way is the over impacting of traffic on E Street. This is just one more issue that attacks the character of this well-established neighborhood. There has not been a call for even a speed bump. Recently another three-unit development was approved that will be using E Street for access. This breed of developer has been allowed to build three houses on a site similar to the subject site. During the time this project was in the permitting process, mysteriously all the Anise disappeared from the site, the creek edge was filled in with dirt, leaves, brush and cut shrubs with most all vegetation destroyed, leaving behind only few Eucalyptus trees. Pretty much a total wipeout for the Monarch butterflies. If this 399 E Street project is approved as-is without huge set-backs from the creek flood zone, the pillaging will carry forward and all the frogs will die and the Monarchs will cease to come. When you add these two mentioned developments together, E Street will be impacted by over 50 additional cars just based on current plans as written. That does not include the motorhomes, boats and other toys looking for additional parking. Perhaps the most glaring problem is that car access to the proposed subject site is completely blind. You cannot see on-coming traffic at all when leaving the site.

I ask, hope and pray that the Commission take over the administration of this project. The county seems to have aided and abided a host rule breaking or rule avoidance and has been a clear advocate for the developer at every step. I had never witnessed such an orchestrated performance with county planning and an applicant in my life. It appears your staff has some of the same issues with the project. There has never even been a full Environmental Impact Report on this proposed project due to some other basic rule avoidance. Two hundred and twenty-six neighborhood signatures were gathered in eight days in protest to the five houses three feet apart on each side, twenty-eight feet high, all facing little dead end E Street. It will take away all neighborhood privacy, with two more even larger homes hanging near the creek, all on what really amounts to a 150' x 150' site. The size and scope of this project is based on greed and certainly not any thoughts as to the neighborhood or the character of Cayucos. Digging up Indian burials is also a merciless act that should be avoided. Some things should just be left alone. Indians believed deeply in the spirit world and believed the hereafter parallels, and is very close to reality. I would surely not disturb them just in case. If the commission needs historic information about the site, I would be happy to help in any way that I can. I have appraised the site twice over the years. Please re-think the true impacts of this project. It will require some very close monitoring that the county has already proven is either unable or unwilling to oversee properly.

Respectfully,

A handwritten signature in black ink, appearing to read "David H. Stevens", with a long horizontal line extending to the right.

David H. Stevens

805/995-3915 or "cayucosconsulting@yahoo.com"

W/6a

To: Daniel Robinson, Coastal Commission staff

From: Kerry Friend

Date: March 1, 2017

Re: Appeal No. A-3-SLO-16-0095, Cypress Glen on E Street

I am writing this to provide supplemental information to my appeal which is on the March 8, 2017 Coastal Commission meeting agenda.

- 1) On February 23, 2017 I was sitting at my kitchen table and noticed Dan Lloyd meeting with several individuals, one of which was Commissioner Erik Howell. I understand this to be an allowed ex parte communication. I have attached a complete, comprehensive description of communication content. I wrote this the same day and it is the details the best I can remember them.
- 2) Cayucos has an advisory council, the Cayucos Citizens Advisory Council (CCAC). From their website:¹

Purpose of the Advisory Council

- To develop a unified, cooperative effort among all individuals, organizations and public jurisdictions interested in furthering sound planning and development in the Cayucos area.
- To establish an organization truly representative of the people of Cayucos in matters of civic interest, and to represent the community before all bodies, public and private, where the subject is appropriate to the objectives of the Cayucos Citizens Advisory Council.
- • To establish a forum for the public review of matters historically identified with sound development including, but not limited to, land use, public service, circulation, zoning, public improvements and all aspects of orderly community growth.
- To initiate, sponsor, review and make recommendations, particularly concerning all matters of significance affecting the community.

This project has gone before the Council Land Use Committee and CCAC multiple times. At the December 2, 2015 CCAC meeting, this project, after robust discussion, was not approved. I have included minutes of this meeting. I understand that the CCAC is an advisory council, meaning the CCAC cannot stop the project, however their purpose should be considered. The CCAC is a community forum for discussion of projects about sound planning and development in the Cayucos area. The CCAC, listening to the community, did not approve the project.

¹ <http://www.cayucos-ccac.org/>

3) I have read Dan Lloyd's letter of January 4, 2017 regarding my appeal. I understand we are on opposite sides of this issue. I am disappointed at the inflammatory and demeaning choice of words and tone in his letter. His references to me in his letter include:

- a) She vaguely states... (page 1 of 17)
- b) She make groundless allegations...(page 1 of 17)
- c) ...the appellant is asking the Commission to merely second guess the County without any sound basis to do so. Essentially she claims that the County repeatedly and unanimously approved a bad project with too little consideration of its character, impacts and setting. (page 2 of 17)
- d) After two public hearings before the Planning Commission, with public testimony by the appellant and others...(page 8 of 17)
- e) The appellant cannot credibly claim...(page 9 of 17)
- f) Similarly, the appellant can make nothing more than a "minimal" or "hypothetical" claim...(page 10 of 17)
- g) ...the appellant cannot make any credible claim....(page 10 of 17)
- h) Page 10 and 11 of 17 contains a discussion about a "public confession" about density and how it is "nothing but a pretext."
- i) The appellant has selectively omitted....(page 11 of 17)
- j) Specifically in response to the appellant's inflammatory and misleading comments...(page 13 of 17)
- k) In the appeal filing, the appellant put forth a highly misleading comparison of the square footage calculations of the project's homes. (page 15 of 17)
- l) Because the appellant failed to provide any accurate information... the appellant has failed to provide a fair comparison... the appellant's comparison is simply false; and it greatly overstates the differences in square footage between the project's homes and existing homes in the neighborhood. (page 15 of 17)
- m) The appellant must be unaware...The appellant, however, is apparently unaware..The appellant claims vaguely...(page 16 of 17)

I have a few responses to his comments.

- d) I did not attend any Planning Commission meetings.
- h) I fail to see the logic of how a concern about density, and finding out how to decrease density, is "nothing but a pretext."
- k) In my appeal I stated where my numbers came from. I am not a developer, and I am not familiar with plans, which is precisely the reason I documented where I got my numbers.
- l) Again, I was transparent of where I got my numbers.

Since Coastal Commission staff is recommending significant issue, my concerns have been validated. I have not made disparaging remarks towards Mr. Lloyd and have stuck to factual interpretations and concerns.

I urge you to follow Coastal Commission's staff recommendation to find significant issue with this project and to deny a coastal development permit (CDP) in the de novo phase.

Respectfully,

A handwritten signature in black ink that reads "Kerry Friend". The signature is written in a cursive, slightly slanted style.

Kerry Friend

Cayucos Citizens Advisory Council December 2, 2015

Meeting called to order by President John Carsel - 7:00 pm

[approx. 50 in public attendance]

Present: John Carsel, Carol Baptiste, Arley Robinson, Paul Choucalas, Dave Dabritz, Marie Jaqua, Francie Farinet, Roland Hutchinson, Steve Beightler, Carol Chubb, DeAnne Harland, Greg Bettencourt, Larry Fishman and Gil Igleheart.
Bill Shea and Stephen Geil were absent and excused.

Minutes :

Roland Hutchinson moves to approve the minutes of November 4, 2015. Gil Igleheart seconds the motion. The minutes are unanimously approved.

Treasurer's Report:

Roland Hutchinson: We had a starting balance of \$107.92. A check for \$18.14 was paid to Carol Baptiste for copies. The remaining balance is \$89.78. I have submitted the request for the grant funding.

ANNOUNCEMENTS/CORRESPONDENCE:

John Carsel: Supervisor Gibson has provided \$1,500.00 from County funds to re-fund the CCAC account.

Public Comments; use the microphone, state name and residence, 3 minute limit.

None.

Council Member Comments:

None.

Cayucos Fire Department - Chief Minetti

Mike Minetti, Fire Chief: We would like to thank the Brown Butter Cookie Company and the Senior Center for \$300 donations each for sand bags. We have them at the Fire Department. You have to fill them yourself. The sand is at the 13 St. water treatment plant.

We had 38 calls, 1 fire, 4 rescues and 7 false alarms. The number of calls for the year to date is 352.

There is an update of the status of LAFCO, it has been put on hold. The Fire Department is going to start 2-0 staffing January 1 until June. Then we will have town hall meetings to educate the public about what it would cost to keep the Fire Department open. It will be up to the public. Right now I don't have the amounts. We have an auto-aid contract with Cal Fire now. If the incident is South of town, Cal Fire will get there first.

Greg Bettencourt: The election will be in June? Is putting LAFCO on hold a good idea? I don't know exactly what they do but they know how to run the numbers.

Chief Minetti: We asked them to be ready in June.

Greg Bettencourt: Who at Cayucos Fire will be preparing numbers?

Chief Minetti: Some of our staff.

Steve Beightler: What changes will you have to the facilities to accommodate 24 hr. coverage?

Chief Minetti: We are putting in new carpet, Murphy beds and redoing our break room, bathrooms and kitchen. We are getting there. A fundraiser will help.

Francie Farinet: If it doesn't work and Cal Fire is out on another call, how long is the wait going to be for health assistance?

Chief Minetti: I can't answer that. They usually have back up. Cayucos Fire may still have volunteers. Cal Fire usually arranges for back up.

Cal Fire: We don't have the answers because the County hasn't made a decision.

Dave Dabritz: Have you thought of subvention?

Chief Minetti: We haven't looked into it.

Cayucos Citizens Advisory Council December 2, 2015

John Carsel: The excess money for lighting comes back to Cayucos. It has been being used to supplement the cost of water.

Chief Minetti: I don't know. We stay open with Cal Fire through the Amador contract.

Paul Choucalas: Why isn't it called Cayucos County Fire since we are not a city?

Chief Minetti: It's called Cayucos Fire Protection District.

Deputy Chief: The County would pay if we dissolved.

Steve Beightler: The County collects the money and forwards it to the districts.

Public Agencies

County Sheriff- Commander James Taylor

Commander Taylor: We had 17 traffic stops, 4 pedestrian stops, 3 residential alarms, 9 disturbing the peace, 1 malicious mischief, 2 thefts, 1 arrest for brandishing a fire arm, and on November 19th, 1 woman stabbed by her roommate, Mathew Agray, who fled the scene. The detectives located him and he is in custody.

The bicycle program give away will be kicking off soon. I have applications for a child in need of a bicycle and applications are available at SLOsheriff.org. The give away will be December 16th at the honor farm.

CHP - Sergeant Dzida

Sergeant Dzida: The State installed a new computer and we have no way to run stats. There was a fatality on Hwy 41 and a DUI on Cayucos Drive. We are up to 31 CHP officers in SLO County which is more than we have had.

Parks - Nick Franco

No report.

Co. Planning - Terry Wahler

Terry Wahler: I am here for questions.

Co. Public Works - Doug Bird

No report.

Cayucos Sanitary District - Dan Lloyd

Dan Lloyd: We created a chart of what our goals are. A good background analysis. We will be holding a meeting here on January 14th with information about the three sites. Ultimately our goal is to put the treatment water back in to Whale Rock reservoir or other pond. We plan to be finished by December of next year. The site selection, EIR, we have a new website with all of the most current information.

Chamber of Commerce - Bill Shea

No report.

Cayucos Schools - Anne Hubbard, Superintendent of Schools

No report.

County Supervisor - Bruce Gibson

Supervisor Gibson is absent and excused.

Committee Reports

Land Use - Marie Jaqua

Cayucos Citizens Advisory Council December 2, 2015

Marie Jaqua: We had a small meeting. There is a mixed use project at 235 Ash St. with a rental unit upstairs. It is not a MUP as yet. It was a quiet meeting.

Francie Farinet: In Cayucos there have been some houses completely torn down. Does that go through the LUC?

Larry Fishman: You can demolish a house without having a plan. Marie, I have a question about Gilbert. There was talk about a scoping meeting, has there been any news?

Marie Jaqua: They were supposed to choose who was going to do the EIR. We haven't heard anything.

Larry Fishman: Do you know anything about the water tanks at the 13th St. building site?

Marie Jaqua: We haven't heard anything.. I will follow up with Terry Wahler.

Dave Dabritz: I have a question about the Mitchell remodel. Why would an interior remodel be a concern?

Paul Choucalas: It wasn't in compliance.

Public Safety - DeAnne Harland

DeAnne Harland: Nothing to report.

Recreational planning - Greg Bettencourt

No report.

Utilities: Dave Dabritz

Dave Dabritz: Nothing.

Community Design - Carol Chubb

Carol Chubb: Nothing.

CSA 10-A - Arley Robinson

Arley Robinson: Nothing new.

By-Laws - Arley Robinson

Arley Robinson: An update regarding the by-laws is in the works.

Old Business:

New Business:

→ a. 399 E Street - Proposed 8 lot single family detached subdivision (Planned Unit Development) see map, pictures and application at:

http://www.slocounty.ca.gov/Assets/PL/referrals/coastal/SUB2015-00001_TR3074_CAMPBELL-SHEPPA_TRACT_MAP.pdf

Dan Lloyd: They are not rentals, they are family homes. The norm with Cayucos is that a certain percentage of homes are occupied part time. The lot coverage of these homes is less than the maximum amount.

Carol Chubb: Are you still asking for the riparian setback?

Dan Lloyd: No.

Larry Fishman: If you are allowed the abandonment of the road, there would be seven houses? And if you are not allowed the abandonment of the road, how many units would there be.

Dan Lloyd: Six. Well, there is another scenario allowing more units. I want the abandonment, it is basically no man's land and is not maintained. The County does not maintain it.

Larry Fishman: Is there anything you can do for the units on Cypress Glen Court? How can you mitigate some of their reasonable concerns if this project is approved?

Cayucos Citizens Advisory Council December 2, 2015

Dan Lloyd: For one thing, I'm widening the road and landscaping.

Larry Fishman: Is it a visual shield?

Dan Lloyd: It is visual enhancement. I'm doing it because it's the right thing to do.

Larry Fishman: It is also probably a code requirement.

Francie Farinet: Are you planting trees?

Dan Lloyd: Yes.

Marie Jaqua: Now that you are not requesting the riparian set back, are you still going to be improving the creek?

Dan Lloyd: Yes. I have a five year permit from Fish and Wildlife.

Francie Farinet: Can you put something in the home owners agreement that the homeowners won't be using herbicides that would go into the creek?

Dan Lloyd: The goal is to enhance the creek.

Francie Farinet: Are you going to live there?

Dan Lloyd: No.

Francie Farinet: Then how can you be president of the home owners association?

Dan Lloyd: You can.

Dave Dabritz: A new home was built next to me and it changed my view. That is just part of the deal when new houses are built. It is legal.

→ Larry Fishman: It is not a bad thing though, Dave, to look at mitigating the impacts on the neighbors.

→ Paul Choucalas: You are looking at the profit of one man at the cost of discomfort and stress on all of the neighbors. I thought you owned the property and then I found out the property is in escrow with a contingency on this project.

Francie Farinet: If the project isn't approved, you won't be buying the land?

Dan Lloyd: Right. I don't think the project will be denied when I go to the Planning Commission.

Carol Chubb: You did say if you couldn't do eight houses that you weren't going to do this.

Dan Lloyd: I was responding to a night of frustration.

→ Carol Chubb: What about if it was six, which gives everyone a little more room?

→ Dan Lloyd: I already went from eight to seven to give more room for the creek and the neighbors. ←

Larry Fishman: From what you say, it is not a flood plain. Can I assume then that flood insurance will not be required of the homeowners?

Dan Lloyd: Correct. My engineers have calculated precisely what the creek water will do.

Greg Bettencourt: The level of the creek below you is also impacted. We have seen that part of the creek go five feet higher than ever before.

Dan Lloyd: The creek behind this property is a little broader.

Gil Igleheart: Your first statement was that the County created the density of this property.

John Carsel: Opening up to the public.

→ Cathy Oliver, Cypress Glen Court: I feel it is totally out of character for the neighborhood. E St. dead ends and Cypress Glen Court dead ends.

Going from 8 to 7 was due to the likelihood of not being granted a variance for one house to be closer than 20' to riparian area.

Cayucos Citizens Advisory Council December 2, 2015

→ Eileen Roach, Cypress Glen Court: When the density was planned for those streets, the streets were planned to go through. The zoning should have been changed. The road that was developed by Dan Lloyd for the three prior houses are on a private road. The children used to play there. The home owners decided they didn't like the children playing there and they put up a "Private" sign. (Photo) And this is Cypress Glen Court. (Photo) And this would become a private road too. They could do the same thing here as well. This project is too high density and does not fit the character of the neighborhood.

Dick Morris, Circle Drive: I'm a realtor. I happen to be Dan Lloyd's realtor. The issue about this project is whether or not it conforms to the standards set by the Planning Department, by the County, and by the Coastal Commission. I can not imagine this project being denied. No project should be subject to what the neighbor says, it should be subject to what the laws say.

→ Patrick Riddell, E Street: I didn't hear anyone complain about their view. It is more about the density and the tactics developers use to maximize their profit. The character of the project doubles the density of the neighborhood in one shot. If the road abandonment didn't go through, the extent of the density would be more acceptable.

Franz Wisner: I'm a renter on Pacific Avenue. We came here because we love Cayucos. We have been looking for nine months to a year for a home to purchase. There are not a lot of buying options and prices keep going up.

Carol Baptiste: There are a lot of homes on the market right now in Cayucos in all Cayucos price ranges. I see the for sale signs and I see the ads in the real estate magazines. There are a bunch of homes for sale right in my neighborhood, a bunch.

Dan Lloyd: I appreciate where Ms. Roach is coming from. The road is a private road and it's going to remain a private road. I'm going to put a sign on it that says "private road". Do I want to stop kids from playing there? Hell no. I'm below the maximum density. The abandonment is not slick or a loophole, it is legal. I have another project in Templeton and we are doing the same thing. What I am looking for from you tonight is to okay someone who is following the rules.

John Carsel: Mr. Caruso, could you tell us about the road abandonment process?

James Caruso: This happens quite a bit. Some of the rights of way were never used. When a developer approaches us about a public right of way, The County is usually in favor of abandoning. This can be done with a subdivision map. The Board of Supervisors will ultimately make the decision regarding the project and will address the road abandonment.

John Carsel: Can there be conditions placed on a road abandonment?

James Caruso: Generally not.

Gil Igleheart: How long has that road been private?

Dan Lloyd: For ever.

→ Paul Choucalas: Gilbert Avenue is proposing a 1300 ft. dead end street. The beauty of Cayucos is that you can listen to the concerns of the neighbors.

Dave Dabritz: It's the same density that you have on the bluff, ten per acre.

Greg Bettencourt: In my mind, there is no doubt that this falls with in the parameters of the County. My issue really is that my hesitation is that the neighborhood character thing is real. The neighborhood character is different, it has a different character. It is apples to oranges to say it's

Cayucos Citizens Advisory Council December 2, 2015

the same density as somewhere else. There is no doubt that this is a reasonable project. I would like to see it be more neighborly and I realize that is money out of the developers pocket. The street abandonment allows you to build bigger places but is also allows you to add another house in there. It bothers me a little. I don't think I can support abandoning the street when it really is not in the character of the neighborhood to add one more house.

Gil Igleheart: If you built seven, what would the price range be?

Dan Lloyd: \$850,000.

Gil Igleheart: What if you built six?

Dan Lloyd: Same.

Greg Bettencourt: If you get the abandonment and built six, can you go bigger and make the same profit?

Dan Lloyd: Yes. My cost per unit has gone up. It is highly speculative.

John Carsel: Further comments?

Larry Fishman: I wish the County hadn't zoned this multiple use. The County made a serious mistake given the character of the neighborhood. He does have the right to do this, I don't think we have the right to deny him the right. A reasonable compromise is what is needed here.

→ John Carsel: I was taken by this idyllic place for kids to play. I like the project and that you brought it down from seven, but it still looks big.

Marie Jaqua: I understand how the people's neighborhood will be affected. We do have to have housing.

Carol Baptiste: I see a lot of homes on the market in all price ranges in Cayucos now.

Paul Choucalas: These are likely to be second homes.

John Carsel: Dan, would you accept a condition to maintain access to the creek for the public?

Dan Lloyd: Yes.

John Carsel: Is there a motion?

Paul Choucalas: I make a motion that the council approve the project with the condition that there be creek access if it is legal.

→ Larry Fishman: Could I clarify that this is for seven homes.

Roll Call Vote:

Five yes.

Six no.

→ John Carsel: The motion fails. Is there another motion?

Seeing none, enjoy the holidays.

Motion for 7
houses fails.

Good of the Order:

Next meeting of the CCAC will be January 6, 2016

Set up and refreshments will be precincts 7 & 8.

The next Land Use Committee meeting will be December 30, 2015.

John Carsel: Meeting Adjourned.

Respectfully Submitted: Carol Baptiste January 3, 2016

- 1) Name or description of project: A-3-SLO-16-0095
- 2) Date and time of receipt of communication: February 23, 2017 at 11am
- 3) Location of communication: Project site: 399 E Street, Cayucos
- 4) Identify all person(s) present during communication:
Dan Lloyd, Susan McCabe, Erik Howell, lawyer (name unknown), Kerry Friend, Brandi Lykes, Kathy Oliver, Lonnie Zavala

Complete, comprehensive description of communication content.

At approximately 11am, from my kitchen window, I saw Dan Lloyd in front of 399 E Street. Cars drove by, turned around, and parked. I saw three people, two males and one female. I, nor any of my neighbors, had been invited to this gathering, but I walked over to them. Mr. Lloyd greeted me and introduced me to Coastal Commissioner Erik Howell, consultant Susan McCabe, and Mr. Lloyd's lawyer. I do not recall his name. Mr. Howell gave me his card.

Mr. Lloyd told me I could join them as he was showing them the project site. Mr. Lloyd began by stating he will concur with Coastal Commission staff regarding substantial issue, Neighbor Brandi Lykes came over.

Mr. Howell asked about the sidewalks, stating it was odd to have them going nowhere. Mr. Lloyd said they are as they are part of the ordinance. I was asked what I thought and I said I was just there to observe and did not have an opinion at the time.

As we walked around the property, Mr. Lloyd pointed out various things. One was where the edge of the riparian area by lots 7 and 8 were. Neighbor Kathy Oliver came over. I asked about the houses being three stories when none of the other houses in this area are three stories. Mr. Lloyd said the five houses in the front have car ports and two stories above that. I responded that is still three stories. Mr. Lloyd pointed out to Mr. Howell the garage on the existing house, how it is low and, I cannot recall the exact term, but I think he said below grade. Brandi Lykes left around this time.

Mr. Lloyd, Mr. Howell, Ms. Oliver and I were in back, by a faucet coming up out of the ground. This faucet is connected to a well. I asked Mr. Lloyd what would happen to the well. He responded he is not using it. Mr. Howell asked where water for the project is coming from and Mr. Lloyd responded he has will serve letters for the units and will not be using well water for irrigation. I again asked what would happen to the well, and Mr. Lloyd said it would be sealed. Kathy Oliver left.

At one point, Mr. Howell, Ms. McCabe, and the lawyer were out of earshot and it was just Mr. Lloyd and me. Mr. Lloyd told me he was spending quite a bit of money and he had an idea that may work. He said he could come down to 5 or 6 houses. An agreement would be made and I could withdraw my appeal. He continued that since he will be showing the sites to potential buyers, he wants to make the neighborhood look nice. He mentioned he could seal E Street and also paint my house. I told him I would have to think about that. Mr. Lloyd said he could draw up some plans and discuss things further. I said I would need to talk to my neighbors first. Mr. Lloyd replied that the ball is in my court. I can make a decision as I am the appellant. I said I

need to talk to my neighbors prior to making any decision. Mr. Lloyd said if he came down to five houses, the interiors (cabinets and faucets, etc.) would be of less quality, as he would need to save money, and this could attract buyers of lower quality.

We walked over to the others and the current occupant of the house, Lonnie Zavala, came home and joined the conversation. Back with the group which was now Mr. Howell, Mr. Lloyd, Ms. McCabe, lawyer, Mr. Zavala, and me, Mr. Lloyd repeated he would concur with significant issue and maybe we could work something out.



Northern Chumash Tribal Council

A Native American Corporation - NorthernChumash.org
67 South Street, San Luis Obispo, CA 93401 805-801-0347

W/ka

Daniel Robinson
California Coastal Commission
Central Coast District Office
Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
(831) 427-4865

February 17, 2017

Re: Cypress Glen Subdivision and seven single-family dwellings, in Cayucos

The Northern Chumash Tribal Council has looked over the Heritage Discoveries Phase II archaeology reports for 399 E Street Cayucos, California, dated August 21, 2015, and we find the report to be lacking and subpar in many respects, the area is extremely sensitive.

The archaeological study by Heritage is the worst report that I have seen in a long time, must be done over by a San Luis Obispo County approved Archeologist.

I have included Barry Price from Applied Earthworks on this discussion, as I have consulted with him, Applied Earthworks is the most professional, and most thorough archeological company that we know, and we rely on them for their opinions. It is also their opinion that much more work needs to be done. This area is extremely sensitive, burials have been found near and adjacent to this property, extreme caution must be implemented, and Monitoring is not Mitigation, we need to have a plan in place to do this right, the County is very lazy in the review of this project, this project should not go forward without thorough archeological study, and plan.

Fred Collins
NCTC

ENVIRONMENTAL & LAND-USE CONSULTING
EDUCATIONAL SERVICES TEACHING NATURE, NATIVE CULTURES &
FARMING

W/Hea

RECEIVED
FEB 28 2017

From: <brandilykes@gmail.com>

Date: February 28, 2017 at 8:10:34 PM PST

To: Erik Howell <ehowell@pismobeach.org>

Subject: E Street Project / Cayucos Appeal No. A-3-SLO-16-0095 (E Street Subdivision, San Luis Obispo Co.)

Ideal Housing = Existing Lots

4 lots make the property

4 houses would be ideal

Is it possible?

Thank You

Brandi Lykes

RECEIVED

MAR 01 2017

CALIFORNIA
COASTAL COMMISSION

W Hoon
RECEIVED
FEB 27 2017

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Roberto Uranga

- 1) Name or description of project: A-3-SLO-16-0095
- 2) Date and time of receipt of communication: Feb. 27, 2017 at 1:00pm
- 3) Location of communication: Telephone
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication:
Anne Blemker
- 5) Identity of person(s) on whose behalf communication was made:
Daniel Lloyd
- 6) Identity of persons(s) receiving communication:
Roberto Uranga
- 7) Identity of all person(s) present during the communication:
Susan McCabe, Steven Kaufmann, Anne Blemker, Celina Luna

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I participated in a call with project representatives, during which we discussed the proposed subdivision and residential development in Cayucos. They explained the project background, County of San Luis Obispo review process, and addressed the primary appeal contentions.

The representatives stated that they are continuing to work with the appellant and Coastal Commission staff.

02/27/17
Date


Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

RECEIVED

FEB 28 2017

CALIFORNIA
COASTAL COMMISSION

EX PARTE COMMUNICATION DISCLOSURE FORM

W16a
RECEIVED
FEB 28 2017

Filed by Commissioner: Erik Howell

- 1) Name or description of project: A-3-SLO-16-0095
- 2) Date and time of receipt of communication: Feb. 23, 2017 at 11:00am
- 3) Location of communication: Project Site - 399 E Street, Cayucos
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication:
Susan McCabe
- 5) Identity of person(s) on whose behalf communication was made:
Daniel Lloyd
- 6) Identity of persons(s) receiving communication:
Erik Howell
- 7) Identity of all person(s) present during the communication:
Susan McCabe, Daniel Lloyd, Steven Kaufmann, Kerry Friend, Brandi & Kathy (last names unknown - neighbors of project)

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I conducted a site visit with the applicant, project representatives, and interested neighbors, during which we discussed the proposed subdivision and development and reviewed project plans. The applicant and project representatives explained the project background, County of San Luis Obispo review process, and addressed the primary appeal contentions.

The applicant stated that he is continuing to work with the appellant and Coastal Commission staff.

2/27/17
Date

Erik Howell
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

RECEIVED

FEB 28 2017

CALIFORNIA
COASTAL COMMISSION

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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W16a

Appeal Filed: 11/9/2016
49th Day: Waived
Staff: Daniel Robinson - SC
Staff Report: 2/17/2017
Hearing Date: 3/8/2017

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

Application Number: A-3-SLO-16-0095 (Cypress Glen Subdivision and SFDs)

Applicant: Cypress Glen on E Street LLC

Appellant: Kerry Friend

Local Government: San Luis Obispo County

Local Decision: County CDP Number SUB 2015-00001 approved by the San Luis Obispo County Board of Supervisors on October 4, 2016.

Project Location: 399 E Street adjacent to Little Cayucos Creek in the unincorporated Cayucos area of San Luis Obispo County (APN 064-034-007).

Project Description: Demolition of an existing single-family residence, subdivision of a 0.84 parcel into seven residential parcels and one open space parcel, construction of seven two- and three-story single-family residences, and riparian restoration/enhancement. Project also includes abandonment of a portion of Cypress Glen Court.

Staff Recommendation: Substantial Issue Exists; Denial

Important Hearing Procedure Note: The Commission will not take testimony on this “substantial issue” recommendation unless at least three Commissioners request it. The Commission may ask questions of the Applicant, any aggrieved person, the Attorney General, or

the Executive Director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally (and at the discretion of the Chair) limited to three minutes total per side. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the *de novo* phase of the hearing will follow, unless it has been postponed, during which the Commission will take public testimony. (See Title 14 of the California Code of Regulations, Sections 13115 and 13117.)

SUMMARY OF STAFF RECOMMENDATION

San Luis Obispo County approved a coastal development permit (CDP) to allow: 1) demolition of an existing single-family residence; 2) subdivision of a 0.84 acre site into seven residential parcels and one open space parcel; 3) construction of seven two- and three-story single-family residences; 4) abandonment of a portion of Cypress Glen Court; and 5) restoration and enhancement of the Little Cayucos Creek riparian area, all at 399 E Street adjacent to Little Cayucos Creek in the unincorporated Cayucos area of San Luis Obispo County. The seven County-approved residences on parcels 1 through 7 would range between approximately 2,500 and 3,350 square feet (representing living space, garage, and decks and porches), and the open space common parcel (Parcel 8) would comprise Little Cayucos Creek and its related riparian corridor and required buffer area, as well as some guest and emergency parking.

The Appellant contends that the County-approved project is inconsistent with the County's Local Coastal Program (LCP) because the project: 1) is of a size and scope that exceeds LCP development standards and will adversely impact the small town character of Cayucos and the surrounding neighborhood; 2) does not adequately protect riparian creek habitat and associated biological resources, including Monarch butterflies, red-legged frogs, and red-tailed hawks; 3) allows seven additional homes to be accessed from Cypress Glen court (for a total of 11 once the project is complete), when the LCP only allows five lots to be accessed from a private easement; 4) does not adequately protect archeological resources; 5) includes prohibited development in a flood zone.

Staff recommends that the Commission find that the appeal raises a substantial issue and that the Commission take jurisdiction over the CDP application. Staff further recommends that the Commission, on *de novo* review, deny the CDP.

The LCP requires that proposed projects or uses will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development. Toward this end, the LCP also includes detailed development standards specific to residential projects, including those related to height, usable site area, density, floor area, open area, setbacks, and parking etc.

After reviewing the local record, staff has concluded that the approved project is inconsistent with a number of LCP requirements related to such development standards. These inconsistencies stem primarily from the fact that the Applicant proposes to use the *entire* approximately 0.84-acre site as a basis for determining the project's density, maximum floor area, minimum open area, etc. However, *Usable Site Area* is the appropriate LCP metric to use to

ensure the appropriate level of development when a site includes a road easement and protected habitat areas, such as the project site. These areas are excluded from the Useable Site Area for determining density and other provisions applicable to mass and scale of development, which makes sense as it is the surrounding useable site area against which the eye perceives mass and scale, and not the area that is covered by a road or by protected natural features. In this case, the LCP does not allow for the area of the site that contains Little Cayucos Creek, its associated riparian corridor and the required 20-foot development setback, plus the 7,000-square-foot right-of-way area, to be counted as Usable Site Area. Because the County allowed the Applicant to use the *total* site area (*including* the road and habitat areas) for determining required mass and scale standards, the project greatly oversubscribes the site, specifically with respect to density, maximum floor area, minimum open area and the adjustment to allow the proposed private easement to provide access to 11 parcels when five is the maximum. Specifically, each of the seven approved residences **substantially** exceeds LCP maximums for square footage and each does not provide the LCP required minimum open space area. The seven residences include floor areas between 67% and 111% of each individual parcel, which is far above the LCP's maximum allowed floor area of 48%. In addition, all seven lots have open areas below the LCP minimum requirement of 45%. In summary, because of these miscalculations upon which the project's approval relies (i.e. the County did not exclude the road and habitat areas as required), there is: 1) more density on the site than allowed; 2) the homes are larger in size than the LCP allows; 3) the homes would appear oversized in relation to the fairly small underlying parcels; 4) the parcels include less open space than is required by the LCP. Taken together, these raise questions of consistency with the LCP's community character provisions that are applicable to Cayucos. The appeal raises a substantial LCP conformance issue as a result.

The project is also inconsistent with the LCP's Real Property Division Ordinance. The project would allow the approved private easement to provide access to 11 parcels when five is the maximum allowed by the LCP. In order to increase the number of parcels that may be served by a private easement from five parcels to 11 parcels, specific findings were made that are not supported by the attendant facts or evidence. First, there are no special circumstances or conditions affecting the subdivision (such as undue hardship) that warrant an upward adjustment of the number of parcels to be served by the private easement. Although a significant portion of the project site is excluded from development given the Usable Site Area (due to the presence of Little Cayucos Creek, e.g.), the LCP would still appear to allow for some subdivision of the existing parcel, thus allowing for an economically beneficial use, which suggests no "undue hardship" exists with respect to beneficial use of the property. The appeal raises a substantial LCP conformance issue as a result.

In de novo review, although the Commission could attempt to craft conditions to result in an LCP-consistent project,¹ the changes necessary are substantial, affecting not only the size but the number of homes that are allowed and their potential layout on the site. Staff discussed the recommendation with the Applicant, what an approvable project might look like, and about working together on project parameters that could meet these LCP requirements, but the Applicant has not indicated that he wishes to pursue a modified project at this juncture. As a

¹ For example, with the appropriate LCP density, floor area, open area, setbacks, etc.; number of homes that could be accessed by Cypress Glen Court; restoration, enhancement, and protection in perpetuity of the riparian area and its required setback; protection of archeological resources; and siting of the development outside the County's flood hazard area.

result, staff recommends that the Commission deny the proposed project, and provide the Applicant direction to pursue an LCP-consistent project with the County.² Thus, staff recommends that the Commission find that the appeal raises a substantial issue and on de novo review that it **deny** a CDP for the proposed residential subdivision project. The motions are found on page 6, below.

² This would most ensure consistency with the normal CDP consideration process because: 1) the Applicant could develop a project that best met his goals within the constraints of the site; 2) County planning staff would have an opportunity to review a redesigned project in the first instance; 3) Commission staff would have an opportunity to provide further comments on the redesigned project to ensure LCP consistency; 4) the local public, including those in the Cypress Glen Court and E Street neighborhoods, would have an opportunity to weigh in regarding the redesigned project; and 5) County decision makers could make a decision based on all of those factors, all as opposed to the Commission dictating a project that the Applicant has not indicated any interest in pursuing at the current juncture.

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APPENDICES

Appendix A – Substantive File Documents

Appendix B – Staff Contacts with Agencies and Groups

EXHIBITS

Exhibit 1: Project Location Maps

Exhibit 2: Project Site Photos and Aerials

Exhibit 3: County’s Approved Project Plans and Elevations

Exhibit 4: County’s Conditions of Approval (and Findings)

Exhibit 5: County’s Notice of Final Local CDP Action

Exhibit 6: Appeal of San Luis Obispo County CDP Decision

Exhibit 7: Cypress Glen Court Right-of-Way Abandonment Map

Exhibit 8: Cypress Glen Lot Area Exhibit

Exhibit 9: SLO County LCP Flood Hazard Zone Map

Exhibit 10: SLO County Archaeologically Sensitive Area Map

Exhibit 11: Correspondence

I. MOTIONS AND RESOLUTIONS

A. Substantial Issue Determination

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the CDP application for the proposed project under the jurisdiction of the Commission for de novo hearing and action. To implement this recommendation, staff recommends a **NO** vote on the following motion. Failure of this motion will result in a de novo hearing on the CDP application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission determine that Appeal Number A-3-SLO-16-0095 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a no vote.*

Resolution to Find Substantial Issue: *The Commission hereby finds that Appeal Number A-3-SLO-16-0095 presents 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 San Luis Obispo County Local Coastal Program.*

B. CDP Determination

Staff recommends that the Commission, after public hearing, **deny** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **NO** vote on the following motion. Failure of this motion will result in denial of the CDP and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission approve Coastal Development Permit Number A-3-SLO-16-0095 for the development proposed by the applicant, and I recommend a no vote.*

Resolution to Deny CDP: *The Commission hereby denies Coastal Development Permit Number A-3-SLO-16-0095 on the grounds that the development will not be in conformity with the San Luis Obispo County Local Coastal Program. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures and/or alternatives that would substantially lessen the significant adverse effects of the development on the environment.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION

The project site is located at 399 E Street, on the corner of E Street and Cypress Glen Court, in the unincorporated community of Cayucos in San Luis Obispo County. The site is located approximately 800 feet north of the Central Business District of Cayucos and includes a portion of Little Cayucos Creek, which winds through Cayucos from the foothills to the Pacific Ocean just south of downtown Cayucos. The property is located within a residential neighborhood, in the County's Residential Multi-Family (RMF) land use category, and within the Urban Services Line (USL)/Urban Reserve Line (URL) of Cayucos, which are coterminous here.

See **Exhibit 1** for project location maps and **Exhibit 2** for photos of the project site.

B. PROJECT DESCRIPTION

The County-approved project authorizes: 1) the demolition of an existing approximately 2,200-square-foot single-family dwelling; 2) subdivision and creation of seven residential lots (Lots 1-7) and one open space common lot (Lot 8); 3) construction of seven two- and three-story single-family dwellings including related infrastructure and access; 4) abandonment (from the County to the Applicant) of a portion of Cypress Glen Court; 5) adjustment under Title 21 (LCP Real Property Division Ordinance) to allow more than five lots to be accessed from a private easement; and 6) riparian restoration/enhancement. The seven County-approved residences would range in size between approximately 2,500 and 3,350 square feet (representing living space, garage, and decks and porches).³ The open space common lot would be comprised of Little Cayucos Creek and its related riparian corridor and required buffer area, as well as some guest and emergency parking.

See approved project plans in **Exhibit 3** and the County's Conditions of Approval in **Exhibit 4**.

C. SAN LUIS OBISPO COUNTY APPROVAL AND PROJECT HISTORY

The San Luis Obispo County Planning Commission approved the project on May 26, 2016. Eileen Roach appealed the Planning Commission's approval to the County Board of Supervisors. The Board of Supervisors held a public hearing to consider the appeal on October 4, 2016, denied the appeal, and upheld the Planning Commission's decision, subject to specific findings and conditions of approval. A notice of the County's CDP action was received in the Coastal Commission's Central Coast District Office on October 26, 2016 (see **Exhibit 5**). The Coastal Commission's ten-working-day appeal period for this action began on October 27, 2016 and concluded at 5pm on November 9, 2016. One valid appeal, submitted by Kerry Friend was received during the appeal period (see **Exhibit 6** for the full text of the appeal).

³ Approximately 500 square feet (space for two cars) of exterior carport area (for five of the seven approved residences that have carports) is not included in this square footage calculation.

D. APPEAL PROCEDURES

Coastal Act Section 30603(a) provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or (3) in a sensitive coastal resource area; or (4) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP.⁴ In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission.⁵ This project is appealable because it includes development that is located within 100 feet of a stream (i.e. Little Cayucos Creek) and is located within an LCP-mapped Sensitive Resource Area.

The grounds for appeal under Section 30603(b) are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act.⁶ Section 30625(b) of the Coastal Act requires the Commission to conduct the de novo portion of the hearing on an appealed project unless a majority of the Commissioners present finds that “no substantial issue” is raised by such allegations. Under Section 30604(b), if the Commission considers the CDP de novo and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea and thus this additional finding would not need to be made if the Commission were to approve the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicants (or their representatives), persons opposed to the project who made their views known before the local government (or their representatives), and the local government.⁷ Testimony from other persons regarding substantial issue must be submitted in writing.⁸ Any person may testify during the de novo CDP determination stage of an appeal.

E. SUMMARY OF APPEAL CONTENTIONS

The Appellant contends that the County-approved project is inconsistent with the County’s LCP because the project: 1) is incompatible with the small town character of Cayucos and the surrounding neighborhood due to the number of approved homes and their size and massing; 2)

⁴ See Coastal Act Sections 30603(a)(1)-(4).

⁵ *Id.* Section 30603(a)(5).

⁶ *Id.* Section 30603(b).

⁷ Title 14 of the California Code of Regulations (CCR) Section 13117.

⁸ *Id.*

includes seven additional homes on a private easement when the LCP prohibits more than five lots to be accessed from a private easement; 3) does not adequately protect the riparian creek habitat and the biological resources therein on the site; 4) does not adequately protect archeological resources; and 5) is located in a flood zone. See **Exhibit 6** for the full text of the appeal contentions.

F. SUBSTANTIAL ISSUE DETERMINATION

The term substantial issue is not defined in the Coastal Act. The Commission’s regulations simply indicate that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (CCR Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations: (1) the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government’s decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. Even where the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government’s coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

In this case, for the reasons discussed further below, the Commission determines that the County’s approval of a CDP for the project presents a substantial issue.

1. Community Character and Residential Development

Applicable LCP Policies and Standards

The LCP requires that proposed projects or uses not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development (Coastal Zone Land Use Ordinance (CZLUO) Section 23.02.034(c)(4)(iv)). Furthermore, the LCP includes additional development standards specific to residential projects within the RMF land use designation, including for maximum height, usable site area, density, floor area, open area, setbacks, and parking etc., which are designed to ensure, among other things, neighborhood compatibility and community character protection. Cited and applicable LCP policies and standards to the appeal include:

CZLUO Section 23.02.034 (c)(4)(iv): Required findings. *The Review Authority shall not approve or conditionally approve a Development Plan unless it first finds that: the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development.*

CZLUO Section 23.04.028(d). Minimum Parcel Size. Residential Single-Family and Multi-Family Categories: *Condominiums: A condominium, planned development or similar residential unit ownership project pursuant to Section 66427 et seq. of the Subdivision Map Act may use smaller parcel sizes to be determined through Development Plan approval by the Review Authority, as set forth in Section 23.02.034, at the same time as tentative map approval, provided that: (1) The common ownership external parcel is in compliance with*

the provisions of this section; and (2) The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

Estero Area Plan. Chapter 7. Section V. Cayucos Urban Area Standards. Residential Multi-Family. A. Density. *Maximum residential density for new projects... shall be as follows: 1) 10 dwelling units per acre; or 2) 15 dwelling units per acre if the review authority makes the finding that there is sufficient sewer capacity and supplemental water to serve development resulting from the proposed project, existing development (at current rates of water use and occupancy) and all vacant parcels at buildout, assuming the proposed density of up to 15 units per acre in the RMF category.*

CZLUO Section 23.04.082(b)(3). Single-Family Dwelling. Residential Categories. Residential Multi Family Category. *In land use categories where single-family dwellings or mobilehomes are identified by the Land Use Element as "A" uses, the number of dwellings allowed on a single lot is as follows... The number of dwelling units allowed on a lot in the Residential Multi-Family category is to be as allowed in Section 23.04.084 (Multi-Family Dwellings).*

CZLUO Section 23.04.084. Multi-Family Dwellings. *The number of multiple family dwellings (as defined by the Land Use Element, Chapter 7, Part I), allowed on a single lot or adjoining lots is based upon the "intensity factor" of the site. The intensity factor will be either low, medium, or high, based upon the type of street serving the site, the sewer service provided and the distance of the site from the central business district. The intensity factor determines the maximum number of units allowed, the maximum floor area for all units in the project and minimum areas for landscaping and pedestrian use. A multi-family project must satisfy the floor area and open area standards of this section, as well as all applicable requirements for parking, setbacks and height... In areas where the maximum number of units per acre is specified by planning area standards (Part II of the Land Use Element), the allowed intensity factor, maximum floor area and minimum open area shall correspond to the maximum units per acre as provided by subsection b. below.*

- a. Determining intensity factor: The intensity factor is the lowest obtained from any of the following criteria:*

	INTENSITY FACTOR		
	Low	Medium	High
<u>Type of Road Access</u> Unpaved Road Paved Local Street Paved Collector or Arterial ¹	X	X	X
<u>Sewer Service</u> On-site septic Community sewer	X		X
<u>Distance² from Central Business District</u> More than 1 mile One mile or less Less than 1,000 ft.	X	X	X

Notes: 1. Site access may be from a cross street where the site abuts a collector or arterial. 2. Straight-line distance.

- b. *Determining allowable density: The allowable density, maximum floor area and minimum open area for a multiple-family site is to be shown in the following table (all area figures are expressed as **percentages of the total usable site area**). A minimum of 6,000 square feet of site area is required to establish more than one dwelling unit, pursuant to Section 23.04.044e(1) (Minimum Site Area - Multi-Family Dwellings): (emphasis added)*

INTENSITY FACTOR	MAXIMUM UNITS PER ACRE	MAXIMUM FLOOR AREA ¹	MINIMUM OPEN AREA ²
Low	15	35%	55%
Medium	26	48%	45%
High	38	65%	40%

Notes: 1. The gross floor area of all residential structures, including upper stories, but not garages and carports. 2. Includes required setbacks, and all areas of the site except buildings and parking spaces.

CZLUO Section 23.01.041(b)(5). Rules of Interpretation. Language. Rounding of Quantities. Whenever this title requires consideration of distances, numbers of dwelling units, parking spaces or other aspects of development expressed in numerical quantities that are fractions of whole numbers, and this title uses such quantities in the form of whole numbers only, such numbers are to be rounded to the next highest whole number when the fraction is .5 or more, and to the next lowest whole number when the fraction is less than .5; provided, however, that quantities expressing areas of land are to be rounded only in the case of square footage, and are not to be rounded in the case of acreage.

CZLUO Section 23.01.034(d). Compliance with Standards Required. Compliance with applicable provisions of this title and code is required as follows: d) Conflicts with other requirements. If conflicts occur between a Land Use Element planning area standard and other provisions of this title, the Land Use Element planning area standard shall prevail,

except in cases where additional density is granted pursuant to Section 23.04.96 - Inclusionary Housing, and Section 23.04.097 - Affordable Housing Density Bonus and Development Standard Modifications.

CZLUO Section 23.04.012(b) Applicability of Site Design Standards. *Where the standards of Chapters 23.07 (Combining Designation Standards), or 23.08 (Special Uses) conflict with the provisions of this chapter, the provisions of Chapters 23.07 and 23.08 prevail; b. Where planning area standards (Part II of the Land Use Element) conflict with the standards of this chapter, the planning area standards prevail. c. Where policies (Part II of the Policy Document of the Local Coastal Plan) conflict with the standards of this chapter, the policies shall prevail.*

Estero Area Plan. Chapter 7. Section V. Cayucos Urban Area Standards. Residential Multi Family. C. Height. *Maximum allowable building height shall be 28 feet...*

CZLUO Section 23.04.122: Measurement of Height. *The height of a building or structure is to be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls would touch the natural grade level of the site...*

Estero Area Plan. Chapter 7. Section V. Cayucos Urban Area Standards. Communitywide Planning Area Standard. F. Setbacks. *Communitywide (East of Studio Drive, Morro Strand Area). Minimum Setbacks (ft): Front – 10; Side – 3; Street Side – 5; Rear – 5.*

CZLUO Section 23.04.108(a)(4). Front Setbacks. Residential Uses. Planned Development or Cluster Division. *Where a new residential land division is proposed as a planned development, condominium, or cluster division (Section 23.04.036), front setbacks may be determined through Development Plan approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code.*

Useable Site Area (LCP Definition): *Net Site Area minus any portions of the site that are precluded from building construction by natural features or hazards, such as areas subject to inundation by tides or the filling of reservoirs or lakes.*

Net Site Area (LCP Definition): *The gross site area minus any ultimate street rights-of-way and any easements (except open space easements) that limit the surface use of the site for building construction.*

Gross Site Area (LCP Definition): *The total area of a legally created parcel (or contiguous parcels of land in single or joint ownership when used in combination for a building or permitted group of buildings) including any ultimate street right-of-way, existing rights-of-way deeded to the parcel, and all easements (except open space easements), across the site.*

Right-of-Way (LCP Definition): *A public road, alley, pedestrian or other access right-of-way with width described in recorded documents. Also includes rights-of-way for electric power transmission, oil and gas pipelines and communications systems utilizing direct connections such as cable T.V, telephone, etc.*

The LCP also describes general visions and goals for the Cayucos area found in Chapter 1 of the Estero Area Plan.⁹ The goals for residential and commercial land uses encourage “carefully planned development that respects the area's natural assets, maintains the community's small-town character as a beach community, and balances and promotes both the residential and visitor-serving aspects of the community:”

Goal No. 4: Preserve the character of Cayucos as a beach community.

Goal No. 7: Plan for residential features of the community to coexist in harmony and to supplement each other. Emphasize both features of the community and promote their excellent potential.

Goal No. 8: Carefully plan for future commercial and residential development that is consistent with the current nature of the community. Since major development projects can have a devastating effect on a small community, carefully examine such proposed projects to see that they do not destroy the character of the community or so dominate it as to cause an imbalance between the residential and recreational elements of the community.

Goal No. 9: Maintain the community's small-town character.

To implement these goals, the LCP requires that all development, including development located within urban communities, may not be inconsistent with community character or contrary to its orderly development (e.g., CZLUO Section 23.02.034 (c)(4)(iv)), and also provides a host of development standards (cited above) intended to ensure that new development meets such goals.

Appellant's Contentions

The Appellant contends the County-approved project is inconsistent with the small-town character of Cayucos and the surrounding neighborhood due to the number of approved residences and their size and massing. Specifically, the Appellant contends that seven residences are too many for this site, and that the size of the approved residences is out of scale with the size of the surrounding residences in the neighborhood. See **Exhibit 6** for the full text of the appeal contentions.

Analysis

LCP Requirements

The County's LCP (and specifically with respect to the Estero Area Plan and the CZLUO) provides detailed development standards (e.g., minimum parcel size, density, maximum building height, minimum setbacks, parking, maximum floor area, and required open area, etc.) with which residential development located within the RMF land use category must be consistent, including single-family residential development. These standards are in place to ensure that new development is appropriately sized in relation to the underlying property and is compatible with existing neighboring development (including in terms of size and massing), and are intended to implement the LCP's goals and objectives for Cayucos, as identified above.

⁹ Estero Area Plan, Chapter 1, Section V, Vision and General Goals, B, Cayucos.

Approved Project

The County-approved project would subdivide an existing approximately 37,000-square-foot parcel (approximately 0.84 acres)¹⁰ into eight new lots, seven of which would be residential and one of which would be an open space lot. The open space parcel includes a portion of Little Cayucos Creek, its associated riparian area, a 20-foot-wide buffer area, and some guest and emergency vehicle parking. Each of the remaining seven lots would then be developed with two- or three-story single-family residences. Five of the seven residences (those located along E Street) would have individual two-car carport areas in addition to attached garages, and the remaining two residences along Little Cayucos Creek would each have only a garage (i.e., no carport). All seven residences would use a shared road to access Cypress Glen Court. An existing single-family residence would be demolished to allow for the new residential development. See **Exhibit 2** for photos of the project site and **Exhibit 3** for the approved project plans and elevations.

The County approved this project as a planned development, which is undefined in the LCP, but which is identified in the LCP's Implementation Plan (IP) (i.e., Coastal Zone Land Use Ordinance, or CZLUO) Section 23.04.028 as, "a residential unit ownership project" pursuant to Section 66427 et seq. of the Subdivision Map Act. The County does not have a separate planned development ordinance for the portion of the County that is located within the coastal zone, but the CZLUO does include standards for planned developments that are different than for other types of development. For example, front setbacks can be reduced through coastal development permit approval provided that the setback is no less than that required by the Uniform Building Code (CZLUO Section 23.04.108(a)(4)). As another example, planned developments may create smaller parcel sizes than the minimum parcel size allowed in a particular land use category, provided certain thresholds can be met (CZLUO Section 23.04.028(d)). In this case, the minimum parcel size allowed in the RMF land use category is 6,000 square feet (CZLUO Section 23.04.084(b), citing CZLUO Section 23.04.044e(1)). All of the County-approved residential lots are substantially smaller than 6,000 square feet. A discussion of minimum parcel size related to the approved project is found further below.

Usable Site Area

The County-approved project is located in the RMF land use category. However, it is worth noting that the approved project is not a multi-family residential project, but rather multiple single-family residences, which are an allowed use in the RMF land use category. CZLUO Section 23.04.084(b) limits allowable maximum floor area and minimum open area for RMF properties based on the total "Usable Site Area." Such limitations are intended to ensure that development is consistent with the scale and character of the surrounding community. The LCP defines "Usable Site Area" as "Net site area minus any portions of the site that are precluded from building construction by natural features or hazards..." Per the LCP, "Net Site Area" does not include any ultimate street rights-of-way (see definitions cited above) or any easements (except open space easements) that limit use of the site for building development.

¹⁰ This development site includes an approximate 7,000-square-foot road area that is located adjacent to the four existing lots, and which is included in the total development site's square footage. The Applicant has indicated that the total site is **36,773 square feet**.

The entire project site is approximately 0.84 acres (or approximately 37,000 square feet). Of this, the project site includes an approximate 7,000-square-foot right-of-way area (approximately 35 feet by 200 feet) that provides vehicular access to four existing residences located along the northeast side of Cypress Glen Court¹¹ (see **Exhibit 7**). The project site also includes approximately 13,500 square feet of “natural features,” consisting of Little Cayucos Creek, its riparian corridor, and the LCP-required 20-foot-wide riparian buffer area in which building construction is prohibited¹² (see **Exhibit 3** and **Exhibit 8**). The threshold for usable area per the LCP is whether the natural feature or hazard precludes building construction. Per the LCP, no building construction is allowed within this approximate 13,500-square-foot riparian corridor and associated buffer area (see “Environmentally Sensitive Habitat Areas” policies and standards in the next section below). Taken together, the approximately 13,500-square-foot creek riparian area and buffer and the approximately 7,000-square-foot area of road right-of-way (which together total approximately 20,500 square feet) cannot be counted toward “Usable Site Area” per the LCP definitions cited above, and in fact these areas of the site do not include proposed residential development. Thus, the total “Usable Site Area” for the site is actually 16,500 square feet (37,000 minus 20,500), or 0.38 acres. However, the County did not base its approval on the amount of “Usable Site Area” on the site as required by CZLUO Section 23.04.084(b), but instead used the entire approximately 0.84 acres of the site to determine allowable density and maximum floor area, minimum open area, etc., for each of the approved residences. Including non-usable areas in these calculations, especially with respect to the riparian corridor area and its associated buffer, would result in a development that is not consistent with the Estero Area Plan’s overarching goal for Cayucos (which is to respect the area’s natural assets), nor is it consistent with the requirements of CZLUO Sections 23.04.084(b) and 23.02.034 (c)(4)(iv). The fact that the County used the *entire* site in its calculations of development standards for the residences, while confining the residences to *only* the Usable Site Area, also means that the density and massing and scale are inconsistent with the LCP’s requirements (see discussion below). In short, the miscalculation and misapplication of the LCP standard regarding Usable Site Area supports a finding that the Appellant’s appeal raises a substantial issue with respect to LCP conformity.

Density

The County-approved project is in the Cayucos Urban Area; thus Estero Area Plan, Chapter 7, Section V standards apply with respect to maximum residential density.¹³ The maximum

¹¹ The Applicant’s Vesting Tentative Tract Map (3074) for this project indicates this portion of the road right-of-way equals 6,952.05 square feet. The County’s approval includes abandonment of this portion of the road right-of-way to the Applicant. Thus because the road has not been abandoned by the County at this point, it is a public right of way. 35 feet represents ½ of the right-of-way closest to the site, and 200 feet represents the length of the right-of-way equal to the length of the project site (along Cypress Glen Court).

¹² The Applicant’s Lot Area Exhibit (prepared by LandSite Incorporated) indicates the riparian area, including the creek and its riparian corridor and the required 20-foot development buffer, equals 13,505.74 square feet.

¹³ Although CZLUO Section 23.04.084 includes density standards for projects located within the residential multi-family land use category, these density standards do not apply in this case because the more specific density standards of the Estero Area Plan apply when there are conflicts between the Estero Area Plan and the CZLUO and other planning documents of the LCP (CZLUO Section 23.01.034(d) and 23.04.012(b)). However, CZLUO Section 23.04.084 does apply to this project with respect to other development standards, such as maximum floor area and minimum open area.

residential density pursuant to the Estero Area Plan, Chapter 7, Section V is 10 units per acre.¹⁴ It is important to note that the policy describes this number as a “*maximum*” and thus it is not an LCP entitlement; a variety of other factors determine the appropriate density on a particular site. Regarding this maximum density, as described in the Estero Area Plan’s Cayucos Urban Area standards, Chapter 7, Section V is silent on whether or not Usable Site Area or some other site area (i.e., Net or Gross site area) is to be used to calculate the number of parcels allowed. However, common sense dictates that the density should be based on Usable Site Area¹⁵ (which is expressly called out in CZLUO Section 23.04.084 for those projects located in the RMF land use category but which are not subject to the Estero Area Plan, whereas this project is subject to the Estero Area Plan).

The County-approved project is based on a total site area of approximately 0.84 acres, including non-usable areas as described above, and includes seven residential lots and one open space lot. Using the *entire site* area to calculate allowable density, while limiting the location of the development to *only* the Usable Site Area, resulted in incorrectly scaled, extremely small single-family residential parcels that range in size from 2,432 square feet to 3,311 square feet. The LCP (CZLUO Section 23.04.028(b)) allows a reduction in minimum parcel size, provided certain thresholds can be met, but does not specifically provide for or require an absolute minimum parcel size. Although the LCP does not specify an absolute minimum, at 10 units per acre, an average parcel size would be roughly 4,356 square feet.¹⁶ The approved parcels are substantially smaller than this average size because the County used the entire site area and not the appropriate Usable Site Area, as described above, to determine density. Here, the Usable Site Area equals 16,500 square feet, which is 0.38 acres. Using the 10-units-per acre maximum (again, which is not an LCP entitlement), it appears the Applicant could potentially receive a minimum of three developable lots (pursuant to rounding-up allowed by CZLUO Section 23.01.041(b)(5), plus one open space lot). Thus, regarding allowable density, the appeal raises a substantial issue with respect to the LCP, specifically CZLUO Section 23.04.084(b) and the density provisions of Estero Area Plan, Chapter 7, Section V, Cayucos Urban Area Standards, within the Residential Multi-Family land use category.

Maximum Floor Area and Minimum Open Area

CZLUO Section 23.04.082(b)(3) requires single-family dwellings within the RMF land use category to be consistent with the maximum floor area and minimum open area standards of CZLUO Section 23.04.084. For any type of allowed use in the RMF land use category, CZLUO Section 23.04.084(a) is used to identify the “intensity factor” of a particular project within the

¹⁴ Density is allowed at 15 units per acre, provided certain findings are made regarding the availability of public services within Cayucos. This includes finding that there is, “sufficient sewer capacity and supplemental water to serve development resulting from the resulting from the proposed project, existing development (at current rates of water use and occupancy) and all vacant parcels at buildout, assuming the proposed density of up to 15 units per acre in the RMF category. The project is not proposed beyond 10 units per acre, and no such finding was made by the County.

¹⁵ For example, if a four-acre site consisted almost entirely of wetlands (e.g., within the RMF land use category), an Applicant would not be permitted under the LCP to build 40 units (i.e., 10 units/acre), but instead the density would be limited to a Usable Site Area standard based on the LCP’s prohibition of development in natural wetland features.

¹⁶ One acre equals 43,560 square feet. 43,560 square feet/10 units per acre = 4,356 square feet per unit (i.e., parcel).

RMF land use category, which is based on the lowest intensity factor considering type of road access, sewer service and distance from the Central Business District (CBD). In this case, the project's intensity factor is "medium" because the road access is from a paved local street (not from an unpaved road or a paved collector or arterial), the sewer service is community sewer (not septic), and the project is located less than 1,000 feet from the CBD. Because the project has a medium intensity factor, the maximum gross floor area of all residential structures (including upper stories, but not garages and carports) is required to be **48% or less**, and the minimum open area (including setbacks and all areas of the site except buildings and parking spaces) is required to be **45% or more** (CZLUO Section 23.04.084(b)). As mentioned above, CZLUO Section 23.04.084(b) requires the maximum floor area and minimum open area percentages to be based off of the *total usable site area*. As mentioned above, in this case, 20,500 square feet of the approximately 0.84 acre (i.e., approximately 37,000 square feet) project site is physically and legally unusable for building development because it contains Little Cayucos Creek, its riparian corridor and its LCP-required 20-foot development buffer area, as well as road right-of-way. This leaves 0.38 acres of the site available for development. However, the County's approval of the project based the maximum floor area (48%) and minimum open area (45%) on the entire approximately 37,000-square-foot site (see Figure 1 below).

Furthermore, once new single-family residential parcels are created through a subdivision, the LCP's development standards, including maximum allowed floor area and minimum required open area, are calculated based on the size of *each newly created* individual parcel, not the total area of the site pre-subdivision, since the subdivision is necessitated in the first place by the extent of proposed development for which subdivision allows the proposed development to conform with local development standards. As mentioned above, the LCP does not contain a planned unit development ordinance or other language that specifies that the maximum floor area and the minimum open area can be calculated based on the size of a pre-subdivided lot. This point is especially important if the pre-subdivided parcel includes portions that do not qualify as "Usable Site Area," which is the case here. Rather, the mass and scale parameters of the LCP apply to individual lots and in this case, to each of the newly created lots. This makes sense inasmuch as the primary intent of such policies and standards is to ensure that residential development does not appear out of scale with its surroundings, including with respect to the size of the newly created parcels on which the residential development is located. This project is not a multi-family residential project on one parcel, but instead all the residences constitute separate single-family dwellings that would be located on newly created individual parcels that happen to be within the RMF land use category,¹⁷ and each individual single-family residence is subject to setbacks (specified in the Estero Area Plan), height from average natural grade (CZLUO Section 23.04.122), and other development standards. The County applied certain LCP requirements, such as setbacks and height,¹⁸ to each individual residence, but maximum floor area and minimum open area were applied based on the entire pre-subdivided site using the total site area. There is no LCP justification for this approach.

¹⁷ Single-family residences are an allowed use in the RMF land use designation.

¹⁸ The maximum approved height (28 feet) and setbacks for each residence are consistent with the height and setback requirements of the Estero Area Plan with regard to residential development on RMF-designated properties in the Cayucos Urban Area.

Within the RMF land use category, CZLUO Section 23.04.084(b) requires the maximum floor area¹⁹ for each residence to be no more than 48% of the size of the parcel it is located on. Here, the seven residential parcels that were created from the approved subdivision contain residences with floor areas between **67% and 111% of the individual parcel area**, far exceeding the maximum **48%** floor area allowed by the LCP. This problem is exacerbated because the County allowed more parcels than allowed, and parcel sizes are very small, as discussed above.

Figure 1: Parcel Size and Residential Floor Area

	Parcel 1	Parcel 2	Parcel 3	Parcel 4	Parcel 5	Parcel 6	Parcel 7	Parcel 8 ²⁰
County-Approved Parcel Area (in square feet) ²¹	2,512	2,432	2,432	2,432	2,432	3,311	2,795	21,090
County-Approved Maximum Floor Area in square feet, and % of Floor Area to Parcel Area. ²²	2,784 (111%)	2,784 (111%)	2,640 (109%)	2,640 (109%)	2,640 (109%)	2,211 (67%)	2,057 (74%)	N/A

As stated above, the maximum allowable floor area per parcel is 48%. Thus, the appeal raises a substantial issue with respect to conformity of maximum floor area of each of the approved residences with the requirements of CZLUO Section 23.04.084(b).

Similar to the above discussion on maximum floor area, CZLUO Section 23.04.084(b) requires that at least 45% of each individual parcel within the RMF land use category consist of open area. Open area, as defined in this section, includes, “required setbacks, and all areas of the site except buildings and parking spaces.” Here, the seven residential parcels that were created from the approved subdivision contain open areas between **34% and 37% of the individual parcel area**, far below the minimum 45% open area required by the LCP. Coverage figures are based upon the Applicant’s County-approved Vesting Tentative Tract Map 3074 (dated 5/25/16) for each parcel (see **Exhibit 3**). Open space figures are taken by subtracting the building footprint and carport area from the total parcel size. Again, exacerbating this problem of miscalculation of the minimum open space area for each parcel is the fact that the County miscalculated the number of allowable subdivided parcels and the allowable sizes of those parcels, as discussed above.

¹⁹ Floor Area is defined in CZLUO Section 23.04.084(b) as, “the gross floor area of all residential structures, including upper stories, but not garages and carports.”

²⁰ Parcel 8 is an open space parcel.

²¹ Actual square footage based on Vesting Tentative Tract Map 3074.

²² For single-family dwellings within the RMF Land Use Category, Maximum Floor Area is defined as the gross floor area of all residential structures, including upper stories, but not garages and carports. Thus, this number includes decks and porches but not garages and carports.

Figure 2: Parcel Size, Residential Coverage, and Open Area

	Parcel 1	Parcel 2	Parcel 3	Parcel 4	Parcel 5	Parcel 6	Parcel 7	Parcel 8
County-Approved Parcel Area (in square feet) ²³	2512	2,432	2,432	2,432	2,432	3,311	2,795	21,090
Coverage (footprint with parking spaces)	1,666	1,616	1,616	1,616	1,616	2,284	1,820	797
County-Approved Open Area in square feet and % of Open Area to Parcel Area	846 (34%)	816 (34%)	816 (34%)	816 (34%)	816 (34%)	1,027 (37%)	975 (35%)	20,293 (96%)

Thus, the appeal raises a substantial issue with respect to conformity of the minimum open area of the seven residential parcels with the requirements of CZLUO Section 23.04.084(b).

Neighborhood Compatibility

CZLUO Section 23.02.034(c)(4)(iv) requires that the County shall not approve a development plan unless it first finds that the proposed project will not be inconsistent with the character of the immediate neighborhood. As discussed above, the seven approved single-family residences are located on extremely small parcels (ranging in size from about 2,500 to 3,300 square feet) inconsistent with LCP standards, and have a maximum floor area that exceeds the LCP's allowable standards. The approved residences also do not meet the LCP's standards for required minimum open area.

With regard to neighborhood compatibility and LCP provisions for orderly development (CZLUO Section 23.02.034 (c)(4)(iv)), adherence to development standards is critical. One way to analyze how a particular development fits within its surrounding neighborhood is through an evaluation of overall size and massing of the project. Thus, the following square footages are based on "living space"²⁴ to compare the seven residences with surrounding residences in the immediate area. The average square footage of the living spaces of the approved residences is **2,239 square feet**.²⁵ This number does not include garages, carport area, or decks and porches. The average living space of the nine existing residences in the general vicinity of the project site (four residences on Cypress Glen Court, five on E Street (not including the existing home on the subject site), and one on Bakersfield Avenue) is **1,326 square feet**.²⁶ Thus, the existing

²³ Actual square footage based on Vesting Tentative Tract Map 3074.

²⁴ There are different ways to characterize the size of residences based on square footage. One way to is to simply use the residence's "living space," which is a common term used in the real estate industry for a residential habitable space, which generally does not include unheated (or un-air conditioned areas), such as attics, garages, porches and decks, or unfinished basements, and sometimes does not even include staircases and closets. The square footages cited in this section are based on the "living space" calculated from the approved project plans as compared to the "living space" of existing neighboring residences as determined from www.realquest.com.

²⁵ The seven approved residences have "living spaces" of 2,013, 2,170, 2,197, 2,197, 2,197, 2,449 and 2,449 square feet, respectively.

²⁶ The four residences located on Cypress Glen Court have living spaces of 1,538, 1,741, 2,018 and 2,104 square feet, respectively, while the six residences in the immediate area (not including the existing home on the subject site to be demolished) have living spaces ranging from 593 to 1,905 square feet. From realquest.com: 1

residences' living space is, on average, approximately **900 square feet** smaller than the living space of the approved residences.

Another way to analyze a project's conformity with the character of the immediate neighborhood (CZLUO Section 23.02.034 (c)(4)(iv)) is based on an evaluation of the surrounding parcel sizes. In this case, the smaller homes in the existing neighborhood are located on much larger parcels than the approved residences, which have parcel sizes ranging from only 2,432 square feet to 3,311 square feet. The County's staff report states that at the north end of E Street where the project is located, the majority of parcels are between 5,500 square feet to over 10,000 square feet, with each containing a single-family dwelling. Commission staff research has determined that the average square footage of the nearest 10 parcels to the project site (i.e., the four residential parcels on Cypress Glen Court, the five residential parcels on E Street, and the one residential parcel on Bakersfield Avenue) equals approximately **5,700 square feet**.²⁷ In contrast, the seven new parcels created as part of this project are much smaller, ranging from 2,432 square feet to 3,311 square feet, for an average of approximately **2,600 square feet**, less than half the average size of the surrounding parcels. Thus, the overall character of this neighborhood includes larger parcels (than the approved project's parcels) with smaller-size single family residences than compared to the approved project's residences and parcels. Therefore, the County's approval, as alleged in the appeal, raises significant conformity issues with respect to development standard requirements (e.g., CZLUO Section 23.04.084) that are designed to ensure that development be compatible with the surrounding neighborhood and thus consistent with community character. The County-approved project therefore, as alleged in the appeal, raises substantial LCP conformance issues in this regard.

Conclusion

Based on the above, the project as approved is inconsistent with the LCP's standards for usable site area, density, maximum floor area, minimum open area, and neighborhood compatibility. The County did not eliminate the *unusable* area of the site (approximately 45% of the site), namely the road right-of-way (that currently provides and will continue to provide access to four other existing homes on Cypress Glen Court) and Little Cayucos Creek, its riparian corridor, and its buffer, as required by CZLUO Sections 23.04.084(b) and 23.02.034 (c)(4)(iv). The County-approved project is inconsistent with the density requirements of the LCP, specifically CZLUO Section 23.04.084(b) and the Density provisions of Estero Area Plan, Chapter 7, Section V, Cayucos Urban Area Standards, Residential Multi-Family, because the County used the entire site area, as described above, to determine the density for the portion of the site that will contain the residential development (i.e., the Usable Site Area). The County used the entire site (approximately 0.84 acres) to calculate the LCP's maximum floor area and minimum open area requirements, instead of calculating these requirements based on the dimensions of each individual parcel that would be created as part of the subdivision, which results in much larger single-family residences located on extremely small parcels compared to those residences and parcels in the surrounding neighborhood, inconsistent with CZLUO Sections 23.04.084(b) and 23.02.034 (c)(4)(iv). For these reasons, the County's approval, as alleged in the appeal, raises a

Bakersfield Avenue, 780 square feet; 340 E Street, 900 square feet; 372 E Street, 1,905 square feet; 400 E Street, 593 square feet; 401 E Street, 1,670 square feet; 404 E Street, 1,316 square feet.

²⁷ These calculations do not include the parcel (APN 064-034-007) that is the subject of this appeal. Research: www.realquest.com

substantial LCP conformance issue with respect to community character and residential development.

2. Environmentally Sensitive Habitat Areas

Applicable LCP Policies and Standards

The County's LCP requires the protection of riparian and related environmentally sensitive habitat area (ESHA) resources, including sensitive species. The subject site is designated as a Sensitive Resource Area (SRA) in the LCP due to the presence of Little Cayucos Creek and its associated riparian corridor.²⁸

Environmentally Sensitive Habitat Policy 1. Land Uses Within or Adjacent to Environmentally Sensitive Habitats. *New development within ESHA or 100 feet adjacent to ESHA shall not significantly disrupt the resource.*

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

Environmentally Sensitive Habitat Policy 3. Habitat Restoration. *The County or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible.*

Environmentally Sensitive Habitat Policy 4: Land Divisions. *No division of parcels having ESHA within them shall be permitted unless it can be found that the buildable area(s) are entirely outside the minimum standard setback required for that habitat: 50 feet for urban streams. These building areas (building envelopes) shall be recorded on the subdivision or parcel map.*

Environmentally Sensitive Habitat Policy 20. Coastal Streams and Riparian Vegetation. *Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.*

Environmentally Sensitive Habitat Policy 21: Development in or Adjacent to a Coastal Stream. *Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns.*

²⁸ The riparian corridor extends from the center of the creek to each side of the creek to the furthest extent of riparian vegetation.

Environmentally Sensitive Habitat Area Policy 28. Buffer Zone for Riparian Vegetation. In urban areas the buffer setback zone shall be a minimum 50 feet ***except where a lesser buffer is specifically permitted.*** The buffer zone shall be maintained in natural condition along the periphery of all streams. (emphasis added)

Estero Area Plan (Sensitive Resource Area Combining Designation), Cayucos Urban Area Standards: Coastal Stream Setbacks: Little Cayucos Creek: 20 feet. (emphasis added)

CZLUO Section 23.07.160. Sensitive Resource Area (SRA) (in relevant part). The Sensitive Resource Area combining designation is applied by the Official Maps (Part III) of the Land Use Element to identify areas with special environmental qualities, or areas containing unique or endangered vegetation or habitat resources. The purpose of these combining designation standards is to require that proposed uses be designed with consideration of the identified sensitive resources, and the need for their protection, and, where applicable, to satisfy the requirements of the California Coastal Act... ***e. Required findings:*** Any land use permit application within a Sensitive Resource Area shall be approved only where the Review Authority can make the following required findings:

- 1) The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.***
- 2) Natural features and topography have been considered in the design and siting of all proposed physical improvements.***
- 3) Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.***
- 4) The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.***

CZLUO Section 23.07.170. Environmentally Sensitive Habitats. The provisions of this section apply to development proposed within or adjacent to (within 100 feet of the boundary of) an Environmentally Sensitive Habitat as defined by Chapter 23.11 of this title.

- a. Application content.*** A land use permit application for a project on a site located within or adjacent to an Environmentally Sensitive Habitat shall also include a report by a biologist approved by the Environmental Coordinator...
- b. Required findings.*** Approval of a land use permit for a project within or adjacent to an Environmentally Sensitive Habitat shall not occur unless the applicable review body first finds that: (1) There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat. (2) The proposed use will not significantly disrupt the habitat.
- c. Land divisions:*** No division of a parcel containing an Environmentally Sensitive Habitat shall be permitted unless all proposed building sites are located entirely

outside of the applicable minimum setback required by Sections 23.07.172 through 23.07.178. Such building sites shall be designated on the recorded subdivision map.

d. ...

- e. ***Development standards for environmentally sensitive habitats.*** All development and land divisions within or adjacent to an Environmentally Sensitive Habitat Area shall be designed and located in a manner which avoids any significant disruption or degradation of habitat values. This standard requires that any project which has the potential to cause significant adverse impacts to an ESHA be redesigned or relocated so as to avoid the impact, or reduce the impact to a less than significant level where complete avoidance is not possible.

...

CZLUO Section 23.07.174. Streams and Riparian Vegetation (SRV). Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

- a) ***Development adjacent to a coastal stream.*** Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.
- b) ***Riparian setbacks.*** New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this setback shall be a minimum of 50 feet. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration.
- 1) ***Permitted uses within the setback:*** Permitted uses are limited to those specified in Section 23.07.172(d) (1) (for wetland setbacks), provided that the findings required by that section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses. All permitted development in or adjacent to streams, wetlands, and other aquatic habitats shall be designed and/or conditioned to prevent loss or disruption of the habitat, protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures to be provided include, but are not limited to:
- i. *Flood control and other necessary instream work should be implemented in a manner than minimizes disturbance of natural drainage courses and vegetation.*
 - ii. *Drainage control methods should be incorporated into projects in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.*

CZLUO Section 23.07.176. Terrestrial Habitat Protection (in relevant part). The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.

- a. **Protection of vegetation.** *Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.*
- b. **Terrestrial habitat development standards:**
 1. **Revegetation.** *Native plants shall be used where vegetation is removed.*
 2. **Area of disturbance.** *The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect the surrounding native habitat areas.*

...

Appellant's Contentions

The Appellant contends that the County-approved project does not protect the site's riparian and related environmentally sensitive habitat area (ESHA) resources, including with respect to monarch butterflies, red-legged frogs and red-tailed hawks. The Appellant also contends that the required 20-foot development setback from the furthest extent of the creek's riparian vegetation is inconsistent with the LCP, which the Appellant states requires a setback of 50 feet.²⁹ See **Exhibit 6** for the Appellant's contentions.

Analysis

LCP Requirements

ESHA Policy 1 and CZLUO Section 23.07.170 require that development within ESHA or within 100 feet of ESHA shall have no significant disruption to the resource or degradation of habitat values. ESHA Policy 20 defines coastal streams, such as Little Cayucos Creek in this case, as ESHA and requires protection and preservation of their ecological function. ESHA Policy 21 and CZLUO Section 23.07.174 require that development adjacent or near streams be designed and sited to prevent impacts that would significantly degrade the habitat. ESHA Policy 2 and CZLUO Section 23.07.170 require that proposed development or activities will be consistent with the biological continuance of the habitat, and also require an evaluation of the site by a qualified professional. CZLUO Section 23.07.160 requires specific findings to be made for projects located within a designated SRA (such as this project) and Section 23.07.170 requires specific findings be made for projects located adjacent to ESHA. ESHA Policy 3 requires restoration of damaged habitats as a condition of approval when feasible, and CZLUO Section 23.07.176 requires the preservation and protection of rare and endangered plant and animal species by preserving their habitats.

ESHA Policy 4 and CZLUO Section 23.07.170 require specific setback and siting requirements for projects that include land divisions on parcels that include ESHA. The Estero Area Plan includes a specific setback for projects located along Little Cayucos Creek.

²⁹ The Appellant also cites CZLUO Section 23.07.172, which is applicable only to wetlands. The subject site contains a stream/creek, not a wetland, and so Section 23.07.172 is not applicable. In addition, the Appellant cites CZLUO Section 23.07.178, which provides protection of marine habitats. The site does not contain marine habitats and thus this section is also not applicable.

Protection of Riparian and ESHA Resources

In terms of the Appellant's contention that the project does not protect Little Cayucos Creek and its associated riparian habitat and species, the project was approved by the County with numerous conditions designed to protect and preserve the ecological function of the creek and its riparian habitat and species. As required by ESHA Policy 2, a biological assessment of the project site was prepared by Althouse and Meade (November, 2015). This assessment concluded that no listed plant species, nor suitable habitat for such species, were found on the project site.

The biological assessment also concluded that the project site has the *potential* to provide habitat for listed animal species that include Cooper's hawk, California red-legged frog, monarch butterfly, Nuttall's woodpecker, oak titmouse, pallid bat, silvery legless lizard, steelhead, tidewater goby, two-striped garter snake, western pond turtle, and yellow warbler, but also determined that suitable habitat for California red-legged frog, steelhead, tidewater goby, two-striped garter snake, and western pond turtle *is not present on the project site at this time*. Because of the potential for sensitive species to be found on the site, pre-construction surveys and protocols for species protection were included in the County's approval, as required by CZLUO Section 23.07.176 (see pages 8-12 of **Exhibit 4**).

In terms of the Appellant's contentions that monarch butterflies, red legged-frogs, and red-tailed hawks could be adversely affected by the project, a Mitigated Negative Declaration (MND) was completed for the project in January 2016. The MND indicates that based on an October 2015 on-site investigation, no roosting monarch butterflies were present on the site, and no suitable monarch butterfly aggregation habitat was found on the site. Further investigation in the vicinity of the project site located a monarch butterfly aggregation area with approximately 250 monarch butterflies in clusters. This site is located just over 400 feet downstream of the project site on a different parcel. Inspections of other eucalyptus trees and possible monarch butterfly habitat in the area found no other aggregation along the Little Cayucos Creek riparian corridor or elsewhere in the neighborhood. The MND concluded that the project would not affect the monarch butterfly aggregation site that is located off of the property. In terms of red-legged frogs, the project's biological assessment indicates that suitable habitat for California red-legged frog is not present on the project site at this time. Red-tailed hawks were not discussed in the MND because they are not federally or state listed as threatened or endangered. Even without this listing, the County conditioned the project to prohibit grading and construction activities that affect trees and grasslands during the breeding season from March 1 to August 31. If other construction work is necessary between these dates, nesting bird surveys and other protocols to protect nesting birds and chicks would be required (see pages 8-12 of **Exhibit 4**).

To protect Little Cayucos Creek and its riparian habitat and species, the County conditioned the project to include an open space area (an approximate 13,500 square foot portion of Lot 8), called out as the "Little Cayucos Creek Riparian Habitat Area." (See page 7 of **Exhibit 4**). This condition would ensure that the entirety of the riparian resources present on the project site would be protected within a designated open space parcel in which no development would be allowed. The County also conditioned its approval to require restoration of the riparian habitat (through a Landscape Restoration and Enhancement Plan – see pages 4-5 of **Exhibit 4**) that includes removal of non-native plants, installation of native riparian plants, and protection of riparian trees and shrubs. This restoration plan would result in an enhancement to the existing riparian habitat, consistent with ESHA Policy 3. In addition, the County conditioned its approval

to require the Applicant to retain a biological consultant to monitor the implementation of the biological mitigation measures (e.g. placement of sensitive habitat fencing) and erosion and sedimentation control measures (via a conditioned Drainage and Erosion Control Plan) during grading and construction activities (see pages 6-8 of **Exhibit 4**). The County-approved project also includes other conditions to protect the riparian habitat, such as limits on construction timing (dry-season only), exterior lighting, and construction best management practices (BMPs). Taken together, these conditions and others applied to the project as part of the County's approval (see full list of Conditions in **Exhibit 4**) would ensure biological continuance of, and no significant negative impacts to, the sensitive habitats on the site, consistent with ESHA Policies 1, 2, 20, and 21, and CZLUO Section 23.07.170.

In addition, the County made specific findings for this project because the site is located within a designated SRA (CZLUO Section 23.07.160) due to the presence of Little Cayucos Creek, and is within 100 feet of ESHA (CZLUO Section 23.07.170). In terms of the former, as conditioned, the development would not create significant adverse effects on Little Cayucos Creek on the site or in the vicinity given that no development will take place in the creek or its riparian corridor. In terms of the latter, as conditioned, the County found that there would be no significant negative impact on the identified sensitive habitat and that the project would be consistent with the biological continuance of the habitat, and that the use would not significantly disrupt the habitat. The Commission agrees with these findings and thus the Appellant's contentions with respect to ESHA do not raise a substantial LCP conformance issue.

Setbacks

The Appellant contends that the County-approved development setback from Little Cayucos Creek should be 50 feet and not 20 feet. The LCP provides a host of policies and standards designed to provide adequate setbacks for resource protection. ESHA Policy 4 states that no division of parcels having ESHA within them shall be permitted unless it can be found that the buildable area(s) is entirely outside the minimum standard setback required for that habitat. CZLUO Section 23.07.170 requires specific setback and siting requirements for projects that include land divisions. ESHA Policy 28 requires a minimum 50-foot buffer setback from riparian vegetation, *except where a lesser buffer is specifically permitted*. Finally, the Estero Area Plan requires a 20-foot setback for all projects located along Little Cayucos Creek.

Pursuant to ESHA Policy 28, the more specific policy of the Estero Area Plan prevails over the more general setback policies of the LCP. Thus, the appropriate setback in this case is 20 feet from the furthest extent of riparian vegetation. The Applicant provided a biological assessment that delineated the furthest extent of riparian vegetation and the County-approved project defined, and required, a 20-foot setback line from this riparian vegetation along Little Cayucos Creek (see **Exhibit 8** and page 3 of **Exhibit 3**). The County-approved plans show all building envelopes, parking, and all other structural development located outside of this 20-foot buffer area, consistent with the Estero Area Plan's setback requirements for Little Cayucos Creek (again, see page 3 of **Exhibit 3**). A 20-foot setback is also in conformity with other developments along Little Cayucos Creek in this area, which is located in a downtown urban area with dense development on both sides of the creek. Accordingly, the creek and riparian area would be protected and preserved by the approved setbacks because the structures and other improvements would be set back adequately from riparian vegetation, preventing impacts that

would significantly degrade the habitat. Thus, this contention does not raise a substantial LCP conformance issue with respect to setbacks.

Conclusion

In summary, the County-approved project includes numerous conditions to protect biological resources, including a requirement for biological monitoring and nesting bird surveys during construction, appropriate BMPs, a restoration and enhancement plan for the Little Cayucos Creek Riparian Habitat Area, and appropriate development setbacks. As conditioned, the project would have no significant negative impact on the identified sensitive habitat, would be consistent with the biological continuance of the habitat, and would not significantly disrupt the habitat, consistent with the above-cited LCP provisions. Thus, the appeal contentions related to biological protections do not raise a substantial issue of LCP conformance.

3. Private Easement Access and Circulation

Applicable LCP Policies and Standards

The LCP includes a “Real Property Division” ordinance that includes required standards applicable to properties proposed for subdivision, including with respect to access and circulation on private easements:

LCP Real Property Division Section 21.03.010 – Factors to be considered (in relevant part). *The planning commission and the subdivision review board, as the advisory agency, shall not approve or conditionally approve a tentative tract map or tentative parcel map unless it determines that all of the following criteria are satisfied:...* ***(d). Access and circulation design.*** *The following standards shall be applicable to property proposed for division to promote adequate access and circulation: ... (7). Private easements, if approved by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.*

LCP Real Property Division Section 21.03.020 – Adjustments. ***(a)*** *In performing its responsibilities pursuant to this title, the planning commission and the subdivision review board may consider, and in cases where **undue hardship** would result from the application of the regulations established in this title, approve adjustments or conditional adjustments to these regulations.* ***(b)*** *Requests for adjustments to the standards set forth in Section 21.03.010 of this title shall be submitted in writing to the planning department at the time the applicant submits the application for land division. If the request is for an adjustment to the requirements of the standard improvement specifications and drawings or for required offers of dedication, the adjustment may be requested at the time the applicant submits the application for land division or may be requested after the tentative parcel or tract map has been approved but before recordation of the parcel or tract map. When the regulation from which the applicant is seeking relief is prescribed in Title 22 or Title 23 of this code, the applicant shall seek relief pursuant to that title.* ***(c)*** *Neither the planning commission nor the subdivision review board shall approve any adjustment request to the standards set forth in Section 21.03.010 of this title or for required offers of dedication unless it makes each of the following findings: 1) That there special circumstances or conditions affecting the subdivision; and 2) That the granting of the adjustment will not have a material adverse*

effect upon the health or safety of persons residing or working in the neighborhood of the subdivision; and 3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision. (emphasis added)

Appellant's Contentions

The Appellant contends that the County-approved project is inconsistent with LCP Real Property Division Section 21.03.010 because the private easement will serve 11 parcels, more than double than the five allowed per the LCP. The Appellant also contends that the County did not make appropriate findings to provide for an adjustment to allow the private easement to serve more than five parcels. Please see **Exhibit 6** for the full text of the appeal contentions.

Analysis

The County-approved project includes abandonment to the Applicant of the County's interest in an approximately 7,000-square-foot portion of Cypress Glen Court, half of which would become a private easement upon approval of this project.³⁰ There are currently four homes that receive vehicular access from Cypress Glen Court. The County-approved project would add seven additional homes that would be accessed from Cypress Glen Court, for a total of 11 homes. LCP Real Property Division Section 21.03.010A(d)(7) states that private easements may serve as access to no more than five parcels. However, LCP Real Property Division Section 21.03.020 allows for adjustments to this five-parcel maximum in cases where undue hardship would result from the application of the regulation and if certain findings are made, e.g. if there are special circumstances affecting the subdivision, and if the granting of the adjustment will not have an adverse effect on the neighborhood or be materially detrimental to the public welfare (see Tentative Tract Map 3074 Findings on pages 19-20 of **Exhibit 4**). The County purported to make these findings and approved the requested adjustment to allow 11 parcels to be accessed via Cypress Glen Court.

The County determined that the LCP's setback requirements from the riparian corridor significantly reduce the developable area of the property, resulting in a special circumstance ("undue hardship") to the Applicant. However, considering the findings required to be made under LCP Real Property Division Section 21.03.020 in order to increase the number of parcels that may be served by a private easement from five parcels to 11 parcels, it does not appear that the County's findings in this regard are supported by the attendant facts or evidence. First, there are no special circumstances or conditions affecting the subdivision (such as undue hardship) which warrant upward adjustment of the number of parcels that should be served by the approved private easement. Although a significant portion of the project site is excluded from Usable Site Area (due to the presence of Little Cayucos Creek) for development, as explained above the LCP policies would still appear to allow for some subdivision of the existing parcel, thus allowing for an economically beneficial use, which suggests no "undue hardship" exists with respect to beneficial use of the property.

Furthermore, as discussed above, the County incorrectly used the *entire* approximately 0.84-acre site to calculate the allowable density, maximum floor area, and minimum open area for the

³⁰ A separate action to abandon the remaining portion of Cypress Glen Court is with the County Planning Staff at this time.

project, resulting in a denser project with oversubscribed living areas and minimized open spaces that is not supported by the LCP in the first place. As explained above, proper application of LCP provisions would still hypothetically allow for a reduced, scaled-back version of the development. Thus, there is no hardship to the Applicant in this case because the Applicant will still have the ability to develop the property, just not with as many residences as approved by the County. Second, granting of an adjustment of the number of parcels that may be served by a private easement from five to 11 will be materially detrimental to the public welfare and injurious to other properties in the neighborhood because, as previously stated, the project as approved allows for a higher density of subdivided parcels with single family developments designed with outsized living areas and undersized open spaces that are not supported by the LCP and which will have significant adverse impacts on the community character. For these reasons, the County's approval, as alleged by the appeal, raises a substantial issue with the above-cited Real Property Division Sections of the LCP.

4. Archaeological and Cultural Resources

Applicable LCP Policies and Standards

The project site, as well as the surrounding area, is within the territory historically occupied by the Chumash Indian Tribe. The LCP protects archaeological and cultural resources. Applicable LCP provisions include:

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

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

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

(d) A qualified archeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas.

Appellant's Contentions

The Appellant contends that the site should not be further developed due to archaeological artifacts known to be in the area. See **Exhibit 6** for the full text of the Appellant's contentions.

Analysis

LCP Archaeology Policy 1 requires protection of both known and potential archaeological resources and where substantial archaeological resources are found as a result of the preliminary site survey Archaeology Policy 5 requires a series of mitigation measures to be implemented prior to construction. The project site is not located in a designated Archaeological Sensitive Area (ASA) as defined by the County's Land Use Element Maps, and thus Archaeological Policy 4 and CZLUO Section 23.07.104 do not technically apply to this project site. However, the area is adjacent to an area of Cayucos that is archaeologically sensitive. Specifically, because the project site is located on the banks of a creek and in close proximity to the ocean, the site is considered culturally sensitive and archaeological resources are known to exist in the area.

Because of its location, a Phase I study of the project site (Heritage Discoveries Inc., 2015) was required by the County and completed in 2015.³¹ This study found no surface evidence of archaeological resources on the project site. However, due to the size, proximity and richness of the known adjacent archaeological site located just west and upcoast of the site (see **Exhibit 10**), a Phase II study was performed for the project site in August, 2015.³² The Phase II study consisted of additional surface as well as sub-surface investigations. A total of 15 shovel pits were excavated and the excavated soils were sifted for the presence of resources. The analysis revealed the presence of some modern artifacts, such as a glass marble, bottle fragments and nails. One large mammal bone was recovered which appeared to be of historical origin. Marine shellfish fragments were discovered, but were most likely of historic origin as well. Overall, the Phase II study found no surface or sub-surface evidence of significant historical or archaeological resources on the project site. Even so, the Phase I and II studies included recommendations and mitigation measures to ensure the protection during construction of any as yet undiscovered archaeological resources on the site.

The County appropriately conditioned the project to ensure that any archeological resources within the project area will be adequately mitigated based on the recommendations and mitigation measures outlined in the Phase I and Phase II studies prepared for the project site. The County's conditions include the requirement that the Applicant retain a qualified archaeologist and Native American³³ to monitor all earth disturbing activities. If any significant archaeological

³¹ A Phase I investigation consists of a combination of background research and fieldwork designed to identify resources and define site boundaries within a given project area.

³² A Phase II archaeological investigation is conducted in order to test or evaluate an archaeological site's eligibility for inclusion in the National Register of Historic Places.

³³ Commission staff consulted with a Native American representative (Mr. Fred Collins) during the appeal process, prior to the completion of the staff report. Mr. Collins received copies of the project plans, site plans, and a description of the project, among other information. Mr. Collins's comments are included in **Exhibit 10** (Correspondence). Mr. Collins commented that this area is an extremely sensitive archaeological site because burials have been found near and adjacent to this property, and also stated that extreme caution must be used

resources or human remains are found, work must stop until the resource can be evaluated. The County's approval also requires the consulting archaeologist to submit a report that summarizes all monitoring/mitigation activities that were undertaken (Phase III)³⁴ (see page 13 of **Exhibit 4** for these conditions).

Conclusion

For all the above reasons, the County's approval is consistent with the above-cited archaeological resource provisions of the LCP and thus, this appeal contention does not raise a substantial LCP conformance issue.

5. Flood Hazards

Applicable LCP Policies and Standards

The LCP applies a combining designation to specific parcels that could potentially be inundated by a 100-year flood:

CZLUO Section 23.07.060. Flood Hazard Area. *The Flood Hazard combining designation is applied to specific parcels by the Official Maps (Part III) of the Land Use Element to areas where terrain characteristics would present new developments and their users with potential hazards to life and property from potential inundation by a 100-year frequency flood or within coastal high hazard areas.*

Appellant's Contentions

The Appellant contends that the County-approved project is located in a flood hazard zone. See **Exhibit 6** for the Appellant's contentions.

Analysis

A portion of the project site lies within the 100-year floodplain of Little Cayucos Creek (see **Exhibit 9**). However, the County did not approve any structures or other improvements in this area, which encompasses the creek to the top of its banks and which would be protected as open space in perpetuity (i.e., the flood hazard area on this site is located wholly within the "Little Cayucos Creek Riparian Habitat Area"). Furthermore, the County conditioned its approval to limit allowable uses in this area to restoration enhancement and protection, and interpretation of the riparian habitat (see **Exhibit 4**).

Conclusion

Thus, this appeal contention does not raise a substantial issue of LCP conformance.

regarding development of any project on this site. Mr. Collins also was critical of the archaeological report prepared for the project, which the County may wish to take into account, in addition to consulting with local tribal representatives, if the Applicant reapplies to the County for a redesigned project (see de novo review below).

³⁴ Once an archaeological site is determined to be eligible for inclusion in the National Register, the effect a project may have on the property must be assessed. Avoidance of the property results in a determination of no effect. If the property cannot be avoided, and if any damage or disruption of the resource will result from implementation of the project, a determination of adverse effect is made. Phase III investigation, also known as data recovery, is one response to such a determination. Data recovery efforts are undertaken to mitigate the adverse effect by recovering significant data or information prior to disturbance or destruction.

6. The Five “Substantial Issue” Factors

As explained above, the Commission has in the past decided whether the issues raised in a given case are “substantial” by the following five factors: 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 County; the significance of the coastal resources affected by the decision; the precedential value of the County’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.

In this case, these five factors, considered together, support a conclusion that this project does raise a substantial issue of LCP conformance. Regarding the first factor, the County found the development consistent with applicable LCP development standards, such as required percentages of floor area and open area based on the total development site, which is not consistent with CZLUO Section 23.04.084(b) which requires these percentages to be based on **Useable Site Area**, which excludes the Little Cayucos Creek, its associated riparian area, and required 20-foot development buffer, and the road right-of-way. By its very nature as ESHA and a development hazard, the Little Cayucos Creek area “precludes building construction.” The result is a project that is grossly incompatible with the LCP’s community character and neighborhood compatibility provisions, including CZLUO 23.02.034 (c)(4)(iv), which requires that new development not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development. Furthermore, the County did not make adequate findings supported by the facts and evidence, as required by the LCP, to adjust the number of parcels allowed to be served by a private easement from five to 11 parcels.

Regarding the second factor, the County’s approval authorizes a residential subdivision and construction of seven SFDs which are larger than the LCP allows for (in terms of maximum floor area and minimum open area) and which are approximately 900 square feet larger than the surrounding homes, inconsistent with LCP’s provisions that aim to protect community character and ensure neighborhood compatibility. This again results in a project significantly out of character with the homes in the immediate area, which are much smaller and are located on parcels that are on average double the size of the seven created residential lots in this project. This flaw in project approval also relates to the first factor.

Regarding the third factor, the approved project significantly affects the surrounding neighborhood character, where the construction of seven SFDs on lots that average 2,600 square feet (less than half of the average square footage of the ten parcels in the immediate area) with oversubscribed living areas and undersized open areas would significantly change the character of this part of Cayucos, and result in a project that is inconsistent with the character of the immediate neighborhood and contrary to its orderly development.

Regarding the fourth factor, the County’s approval of this residential subdivision with seven SFDs on a parcel that contains ESHA would create an adverse precedent for future interpretation of the LCP because the County miscalculated the amount of developable area (the Useable Site Area) and similarly misapplied and miscalculated development standards, such as minimum parcel size, density, floor area, and open area requirements.

Finally, regarding the fifth factor, Commission staff does not believe the project raises issues of regional or statewide significance. This is a local and county-wide issue based on a

misapplication of certain LCP policies and standards. Taken together, however, the County-approved project does not adequately address LCP coastal resource protection issues, and the five factors on the whole support a finding of substantial issue as to conformity with the certified LCP.

G. SUBSTANTIAL ISSUE DETERMINATION CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, which will determine whether the Commission should find jurisdiction for de novo review of the development. At this stage, the Commission has the discretion to find that the project does or does not raise a substantial issue of LCP conformance, including when evaluated in light of the five factors discussed above.

For the reasons stated above, the Commission finds that Appeal Number A-3-SLO-16-0095 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and therefore the Commission finds that a substantial issue exists with respect to the County-approved project's conformance with the certified San Luis Obispo County LCP, and takes de novo jurisdiction over the CDP application for the proposed project.

H. COASTAL DEVELOPMENT PERMIT DETERMINATION

The standard of review for this CDP determination is the San Luis Obispo County certified LCP. All Substantial Issue Determination findings above are incorporated herein by reference.

Project Description

The proposed project would subdivide an existing approximately 37,000-square-foot parcel (~0.84 acres)³⁵ into eight new parcels, seven of which would be residential and one of which would be an open space lot. The open space parcel includes a portion of Little Cayucos Creek, its associated riparian area, a 20-foot-wide buffer area, and some guest and emergency vehicle parking. Each of the remaining seven lots would then be developed with two- or three-story single-family residences. Five of the seven residences (those located along E Street) would have individual two-car carport areas in addition to attached garages, and the remaining two residences along Little Cayucos Creek would each have only a garage (i.e. no carport). All seven residences would use a shared driveway to access Cypress Glen Court. An existing single-family residence would be demolished on the site to allow for the new residential development.

1. Project Inconsistent with LCP Policies Intended to Protect Community Character

As described in the "Substantial Issue Determination" section above, the San Luis Obispo County LCP requires that proposed projects or uses will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development (Coastal Zone Land Use Ordinance (CZLUO) Section 23.02.034(c)(4)(iv)). Furthermore, the LCP includes additional

³⁵ This development site includes an approximate 7,000-square-foot road area that is located adjacent to the four existing lots, and which is included in the total development site. The Applicant has indicated that the total site is 36,773 square feet.

development standards specific to projects within the RMF land use designation, including for maximum height, usable site area, density, floor area, open area, setbacks, and parking etc., which are designed to ensure, among other things, neighborhood compatibility and community character protection.

The LCP also describes general visions and goals for the Cayucos area found in Chapter 1 of the Estero Area Plan.³⁶ The goals for residential and commercial land uses encourage “carefully planned development that respects the area's natural assets, maintains the community's small-town character as a beach community, and balances and promotes both the residential and visitor-serving aspects of the community:”

Goal No. 4: Preserve the character of Cayucos as a beach community.

Goal No. 7: Plan for residential features of the community to coexist in harmony and to supplement each other. Emphasize both features of the community and promote their excellent potential.

Goal No. 8: Carefully plan for future commercial and residential development that is consistent with the current nature of the community. Since major development projects can have a devastating effect on a small community, carefully examine such proposed projects to see that they do not destroy the character of the community or so dominate it as to cause an imbalance between the residential and recreational elements of the community.

Goal No. 9: Maintain the community's small-town character.

To implement these goals, the LCP requires that all development, including development located within urban communities, may not be inconsistent with community character or contrary to its orderly development (e.g., CZLUO Section 23.02.034 (c)(4)(iv)), and also provides a host of development standards (cited in the “Substantial Issue Determination” section above) intended to ensure that new development meets such goals. In sum, these policies and standards are intended to allow for a level of development that is consistent with orderly development and in conformance with the community character of the surrounding area.

As described above in the “Substantial Issue Determination” section, the proposed project is inconsistent with a number of LCP-required development standards. These inconsistencies stem primarily from the fact that the Applicant proposes to use the entire approximately 0.84-acre site as a basis for determining the project's density, maximum floor area, minimum open area, etc. However, *Usable Site Area* is the appropriate metric to use to ensure the appropriate level of development when a site includes road right-of-way and protected habitat areas, such as this project site. These areas are excluded from the useable area for determining density and other provisions applicable to mass and scale of development, and not the area that is covered by a road or by protected natural features. The policy basis for the Usable Site Area likely stems from the observation that mass and scale of development, relative to the surrounding community character, is intuitively judged relative to the actual buildable area (*i.e.*, not right of ways or protected natural features). In this case, the LCP does not allow for the area of the site that

³⁶ Estero Area Plan, Chapter 1, Section V, Vision and General Goals, B, Cayucos.

contains Little Cayucos Creek, its associated riparian corridor including the required 20-foot development setback, or the 7,000-square-foot right-of-way area, to be counted as Usable Site Area as that term is defined in the LCP. Thus, as proposed, the project is premised on greatly miscalculated building envelopes for the site, specifically with respect to density, maximum floor area, minimum open area and the adjustment to allow the proposed private easement to provide access to 11 parcels when five is the maximum allowable under the LCP (absent some hardship). In summary, the proposed project is inconsistent with LCP provisions aimed at ensuring that new development protects community character, neighborhood compatibility, and consistency with orderly development of the surrounding area (CZLUO Sections 23.02.034 (c)(4)(iv) and 23.04.084).

Commission staff discussed the project's LCP inconsistencies on multiple occasions with the Applicant and with County planning staff during the appeal review process, and offered to continue working with the Applicant to try to develop a redesigned project that would address these inconsistencies. The Applicant disagrees with a number of Commission staff's conclusions regarding the project and indicated that they would rather advocate for the County-approved project in front of the Commission, and thus were not interested in pursuing a redesigned project with staff's assistance at this point.

As a result, denial of the currently-proposed project is the appropriate action because the extent of project changes necessary to ensure LCP consistency are substantial, and it is not the Commission's responsibility to redesign the Applicant's project to bring it into LCP conformance, particularly with an Applicant that does not wish to pursue a modified project at this point. While conditions could be devised to identify an approvable project, those conditions would result in a substantially different project than the one the applicants are intent on pursuing because the project would need to be drastically redesigned to conform to the LCP. In other words, the conditioned project would be so different than the one proposed that the Commission recommends the Applicant apply to the County in the first instance for a redesigned project that is consistent with the LCP's development standards and neighborhood compatibility requirements as articulated in these findings. This would most ensure consistency with the normal CDP consideration process because: 1) the Applicant could develop a project that best met their goals within the constraints of the site; 2) County planning staff would have an opportunity to review a redesigned project in the first instance; 3) Commission staff would have an opportunity to provide further comments on the redesigned project to ensure LCP consistency; 4) the local public, including those in the Cypress Glen Court and E Street neighborhoods, would have an opportunity to weigh in regarding the redesigned project; and 5) County decision makers could make a decision based on all of those factors, all as opposed to the Commission dictating a project that the Applicant has not indicated any interest in pursuing at the current juncture.

Besides ensuring consistency with multiple development standard requirements (e.g., density, setbacks, height, floor area, open area, etc.), any redesigned project must include an LCP-consistent setback based on Little Cayucos Creek, and similar conditions to ensure its protection as were placed on the previous County-approved project to protect and enhance riparian creek habitat (e.g., an open space easement and restoration and enhancement plan, pre- and during-construction plant and animal protection protocols, and water quality protections). The

redesigned project should also include archaeological protections in consultation with applicable tribes, and all development should continue to be sited outside of the flood zone on the property.

2. LCP Consistency Conclusion

As discussed above, the proposed project is inconsistent with the LCP's provisions that require new development to meet a variety of development standards intended, among other things, to ensure neighborhood compatibility and community character protection. Thus the project must be denied. Typically, the proposed project would need to be evaluated for consistency with the LCP's policies and standards related to coastal resources, including environmentally sensitive habitat areas, visual resources, archaeology and cultural resources, hydrology and water quality, parking and traffic, and land use and zoning.³⁷ However, because the project is being denied due to substantial inconsistency with the LCP's development standards and community character concerns, these issues are not evaluated in this de novo review.

3. Takings

In addition to evaluating the proposed development for consistency with the certified LCP, considering that staff is recommending denial of the proposed project, the Commission must also evaluate the effect of a denial action with respect to takings jurisprudence. In enacting the Coastal Act, the Legislature anticipated that the application of development restrictions could deprive a property owner of the beneficial use of his or her land, thereby potentially resulting in an unconstitutional taking of private property without payment of just compensation. To avoid an unconstitutional taking, the Coastal Act provides a provision that allows a narrow exception to strict compliance with the Act's regulations based on constitutional takings considerations. Coastal Act Section 30010 provides:

The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

Although the judiciary would be the final arbiter on constitutional takings issues, the Coastal Act, as well as the State and Federal Constitutions, enable the Commission to assess whether its action might constitute a taking so that the Commission may take steps to avoid doing so. If the Commission concludes that its action does not constitute a taking, then it may deny the project with the confidence that its actions are consistent with Section 30010 and constitutional takings jurisprudence. If the Commission determines that its action could constitute a taking, then the Commission could conversely find that application of Section 30010 would require it to approve some amount of development in order to avoid an uncompensated taking of private property. In this latter situation, the Commission could propose modifications to the development to minimize its Coastal Act inconsistencies while still allowing some reasonable amount of development.

³⁷ In terms of archaeological and cultural resources, the County and Applicant will need to address tribal concerns, via, e.g., updated surveys and consultation.

In the remainder of this section, staff evaluates whether, for purposes of compliance with Section 30010, denial of the proposed subdivision of the Applicants' property could constitute a taking. As discussed further below, the Commission finds that under these circumstances, denial of the proposed project likely would not, because the takings claim is not yet ripe, and because the Applicants already enjoy economic uses on the property.

General Principles of Takings Law

The Takings Clause of the Fifth Amendment of the United States Constitution provides that private property shall not "be taken for public use, without just compensation."³⁸ Similarly, Article 1, Section 19 of the California Constitution provides that "[p]rivate property may be taken or damaged for public use only when just compensation...has first been paid to, or into court for, the owner." Despite the slightly different wordings, the two "takings clauses" are construed congruently in California, and California courts have analyzed takings claims under decisions of both state and federal courts (*San Remo Hotel v City and County of San Francisco* (2002) 27 Cal. 4th 643, 664.). The "damaging private property" clause in the California Constitution is not relevant to the current analysis. Because Section 30010 is a statutory bar against an unconstitutional action, compliance with state and federal constitutional requirements concerning takings necessarily ensures compliance with Section 30010.

The United States Supreme Court has held that the taking clause of the Fifth Amendment proscribes more than just the direct appropriation of private property (*Pennsylvania Coal Co. v. Mahon* (1922) 260 U.S. 393, 415 ("Pennsylvania Coal")) [stating "The general rule at least is that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking"]]. Since *Pennsylvania Coal*, most of the takings cases in land use law have fallen into two categories (*Yee v. City of Escondido* (1992) 503 U.S. 519, 522-523). The first category consists of those cases in which government authorizes a physical occupation of property (*Loretto v. Teleprompter Manhattan CATV Corp.* (1982) 458 U.S. 419, 426). The second category consists of those cases whereby government "merely" regulates the use of property and considerations such as the purpose of the regulation or the extent to which it deprives the owner of economic use of the property suggest that the regulation has unfairly singled out the property owner to bear a burden that should be borne by the public as a whole (*Yee*, 503 U.S. at 522-523). Moreover, a taking is less likely to be found when the interference with property is an application of a regulatory program rather than a physical appropriation (*Keystone Bituminous Coal Ass'n. v. DeBenedictis* (1987) 480 U.S. 470, 488-489, fn. 18). Here, because the current development proposal does not involve physical occupation of the applicant's property by the Commission, the Commission's actions are evaluated under the standards for a regulatory taking.

The U.S. Supreme Court has identified two circumstances in which a regulatory taking may occur. The first is the "categorical" formulation identified in *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1015. In *Lucas*, the Court found that regulation that denied all economically viable use of property was a taking without a "case specific" inquiry into the public interest involved. (*Id.* at 1015). The *Lucas* court suggested, however, that this category of cases is narrow, applicable only "in the extraordinary circumstance when *no* productive or

³⁸ The Fifth Amendment was made applicable to the States by the Fourteenth Amendment (see *Chicago, B. & Q. R Co. v. Chicago* (1897) 166 U.S. 226, 239).

economically beneficial use of land is permitted” or the “relatively rare situations where the government has deprived a landowner of all economically beneficial uses” (*Id.* at 1017-1018 (*emphasis in original*); *Riverside Bayview Homes*, (1985) 474 U.S. 121, 126 (regulatory takings occur only under “extreme circumstances.”³⁹).

The second circumstance in which a regulatory taking might occur is under the multi-part, *ad hoc* test identified in *Penn Central Transportation Co. (Penn Central) v. New York* (1978) 438 U.S. 104, 124. This test generally requires at a minimum an examination into the character of the government action, its economic impact, and its interference with reasonable, investment-backed expectations (*Id.* at 124; *Ruckelshaus v. Monsanto Co.* (1984) 467 U.S. 986, 1005). In *Palazzolo v. Rhode Island* (2001) 533 U.S. 606, 617, the Court again acknowledged that the *Lucas* categorical test and the three-part *Penn Central* test were the two basic situations in which a regulatory taking might be found to occur. (*See Id.* at 632 (rejecting *Lucas* categorical test where property retained value following regulation but remanding for further consideration under *Penn Central*).)

However, before a landowner may seek to establish a taking under either the *Lucas* or *Penn Central* formulations, it must demonstrate that the taking claim is “ripe” for review. This means that the takings claimant must show that government has made a “final and authoritative” decision about the use of the property (*MacDonald, Sommer & Frates v. County of Yolo* (1986) 477 U.S. 340, 348). Likewise, a “final and authoritative determination” does not occur unless the applicant has first submitted a development plan which was rejected and also sought a variance from regulatory requirements which was denied. (*Kinzli v. City of Santa Cruz* (9th Cir. 1987) 818 F.2d 1449, 1453-54.) An applicant is excepted from the “final and authoritative determination” requirement if such an application would be an “idle and futile act.” (*Id.* at 1454.) Relying on U.S. Supreme Court precedence, the Ninth Circuit has acknowledged that at least one “meaningful application” must be made before the futility exception may apply, and “[a] ‘meaningful application’ does not include a request for exceedingly grandiose development’.” (*Id.* at 1455.) Furthermore, the Ninth Circuit has suggested that rejection of a sufficient number of reapplications may be necessary to trigger the futility exception. (*Id.* at 1454-55.)

The Commission’s denial of the proposed project would not result in a regulatory taking because any such claim is premature.

Here, although the current project proposal is recommended for denial, staff concludes that any takings claim made with respect to denial of this project proposal would be premature. Through this report, staff has provided guidance for the applicant to consider if it seeks to resubmit another project proposal that is fully consistent with applicable LCP standards. Until the applicant submits a reduced, scaled-down development proposal consistent with the LCP policies as discussed in this report, it is staff’s belief that any claim of takings would be premature because the Commission has not yet had an opportunity to evaluate a project proposal that has been redesigned to be responsive to the concerns raised in this report and to be consistent with the LCP. In other words, staff’s recommendation is not that no new proposal is allowed on the project site, but rather that this project proposal is not allowable on the project site.

³⁹ Even where the challenged regulatory act falls into this category, government may avoid a taking if the restriction inheres in the title of the property itself; that is, background principles of state property and nuisance law would have allowed government to achieve the results sought by the regulation (*Lucas, supra*, 505 U.S. at pp. 1029).

In sum, the Commission's decision to deny the proposed development, on the grounds that it is inconsistent with the LCP's development policies and standards would not result in an unconstitutional taking. Although the regulations require denial of the proposed new residential subdivision and construction of SFDs at this time, the Applicant owns the underlying parcels which contain an existing single-family residence, and may return to the County to apply for a similar but scaled-down subdivision and construction of SFDs on the current parcels under consideration, which adhere to the LCP's requirements, thereby affording an economic use of the property. Any takings claim is therefore premature.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Public Resources Code (CEQA) Section 21080(b)(5) and Sections 15270(a) and 15042 (CEQA Guidelines) of Title 14 of the California Code of Regulations (14 CCR) state in applicable part:

***CEQA Guidelines (14 CCR) Section 15042. Authority to Disapprove Projects.** [Relevant Portion.] A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.*

***Public Resources Code (CEQA) Section 21080(b)(5). Division Application and Nonapplication.** ... (b) This division does not apply to any of the following activities: ... (5) Projects which a public agency rejects or disapproves.*

***CEQA Guidelines (14 CCR) Section 15270(a). Projects Which are Disapproved.** (a) CEQA does not apply to projects which a public agency rejects or disapproves.*

14 CCR Section 13096(a) requires that a specific finding be made in conjunction with CDP applications about the consistency of the application with any applicable requirements of CEQA. This report has discussed the relevant coastal resource issues with the proposed project. All above findings are incorporated herein in their entirety by reference. As detailed in the findings above, the proposed project would have significant adverse effects on the environment as that term is understood in a CEQA context.

Pursuant to CEQA Guidelines (14 CCR) Section 15042 "a public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed." Section 21080(b)(5) of CEQA, as implemented by Section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves. The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant effects on coastal resources that would occur if the project was approved as proposed. Accordingly, the Commission's denial of the project represents an action to which CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, do not apply.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. California Department of Fish and Wildlife, LSAA No. 1600-2015-0141-R4.
2. Phase I Archaeological Surface Survey (Heritage Discoveries Inc., January 6, 2015).
3. Phase II Archaeological Sub-Surface Testing, (Heritage Discoveries Inc., August 21, 2015).
4. Wildlife Assessment for Cypress Glen 399 E-Street Cayucos CA, Althouse and Meade, Inc., Biological and Environmental Services, July, 2015 (Habitat Map updated November 9, 2015).
5. Biological Report for Cypress Glen, Althouse and Meade, Inc., Biological and Environmental Services, October 23, 2015 (Habitat Map updated November, 2015).
6. Biological and Environmental Services, Riparian Restoration and Landscape Enhancement Plan, Report for Cypress Glen, Althouse and Meade, Inc., Biological and Environmental Services, January 2016.
7. Mitigated Negative Declaration, Campbell-Shep Tract Map; SUB2015-00001, No. ED-15-023, January 29, 2016.
8. Soils Engineering Report for 399 E Street, Cayucos, CA, GeoSolutions, Inc., September 22, 2014.

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

1. Applicant, (Cypress Glen on E Street LLC, c/o Daniel Lloyd)
2. Appellant, Kerry Friend
3. San Luis Obispo County Planning and Building Department
4. Northern Chumash Tribal Council, Fred Collins

Figure 1. Location Map



Project Site
399 E Street
Cayucos, CA

Parcel Boundary

0 460 920 1,840 Feet



Cypress Glen
Cayucos, CA

Service Layer Credits: 2013 Google Earth Aerial Imagery
Map Updated: November 04, 2015, 11:58 AM





Project Site
399 E Street
Cayucos, CA



Parcel Boundary

0 750 1,500 3,000 Feet

Cypress Glen
Cayucos, CA

Service Layer Credits: 2013 Google Earth Aerial Imagery
Map Updated: November 02, 2015, 03:45 PM



ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES



Cypress Glen
Court

Project Site
399 E Street
Cayucos, CA

E Street

128: Cropley clay, 2 to 9 percent slopes
131: Diablo and Cibo clays, 15 to 30 percent slopes
132: Diablo and Cibo clays, 30 to 50 percent slopes
159: Los Osos loam, 9 to 15 percent slopes

Soil Map Unit Boundaries
Parcel Boundary



0 270 540 1,080 Feet

Cypress Glen
Cayucos, CA

Soil Survey of San Luis Obispo County
Coastal Part
2014 San Luis Obispo County
NAIP Aerial Photography
Map Updated: November 02, 2015, 04:22 PM



Exhibit 1
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Figure 5. Habitat Map



● Oak Tree Trunk
— Riparian Canopy Edge
— Riparian
— Anthropic

0 40 80 160 Feet



Cypress Glen
Cayucos, CA

Service Layer Credits: 2013 Google Earth Aerial Imagery
Map Updated: November 05, 2015, 04:47 PM



Cypress Glen
Court

Right-of-Way area
added to project site
(approximate)

Project Site
399 E Street
Cayucos, CA

E Street

Project Site

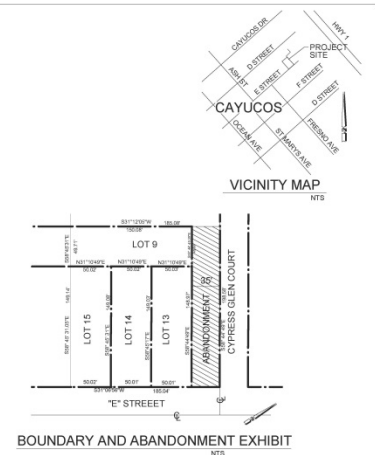
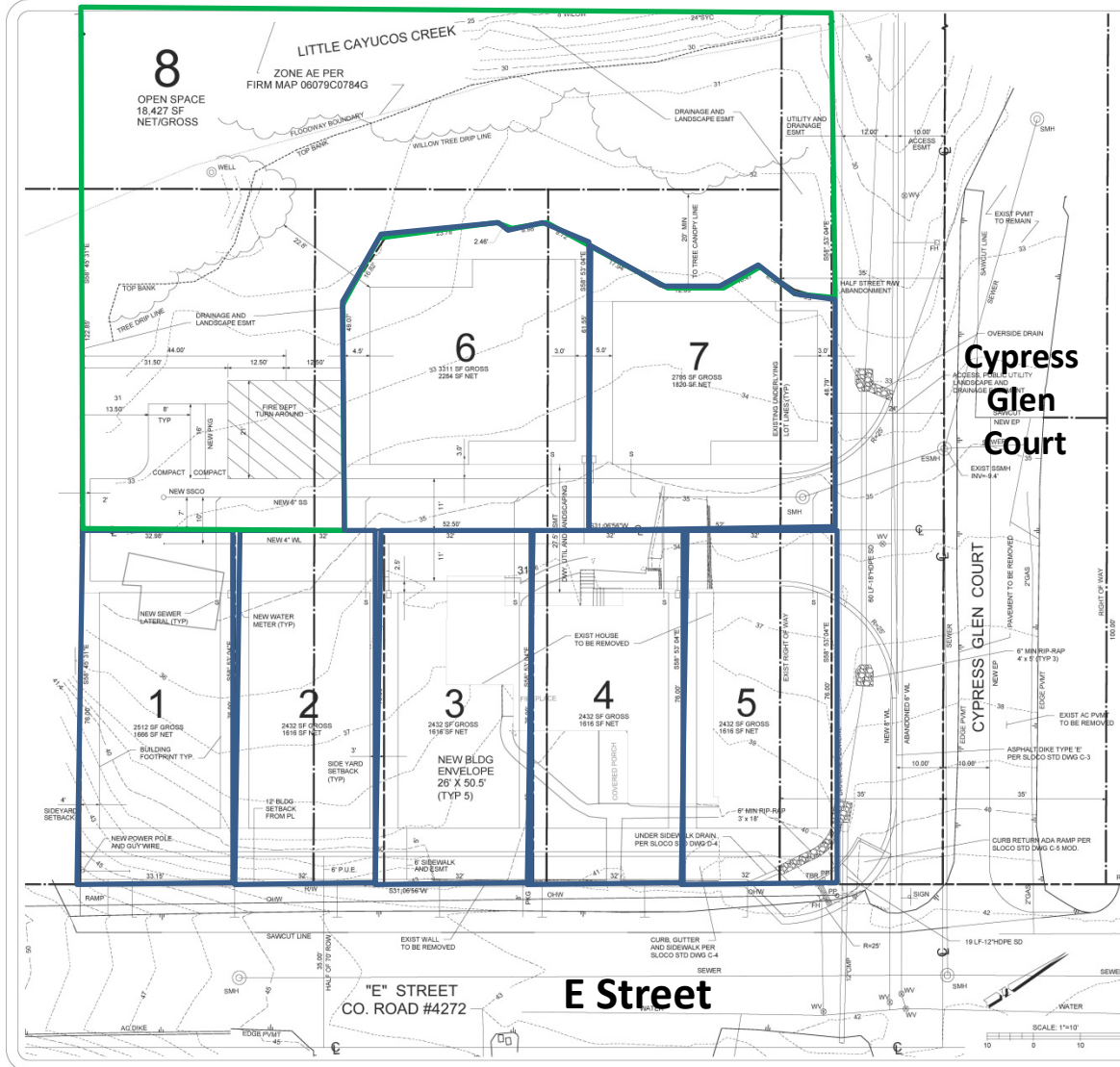
Existing Home
to be Demolished
on Site







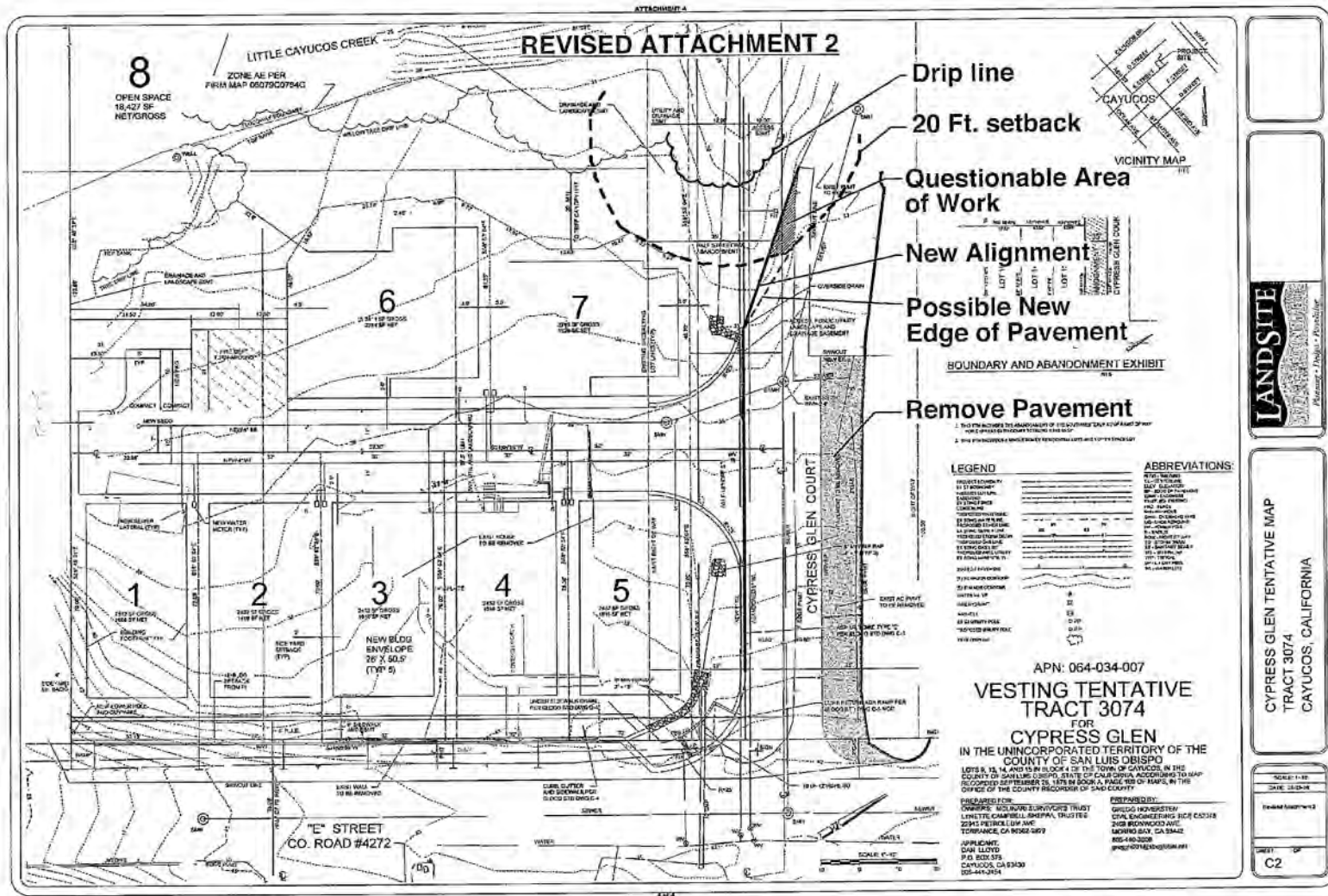
Parcel Lines (Subdivision)



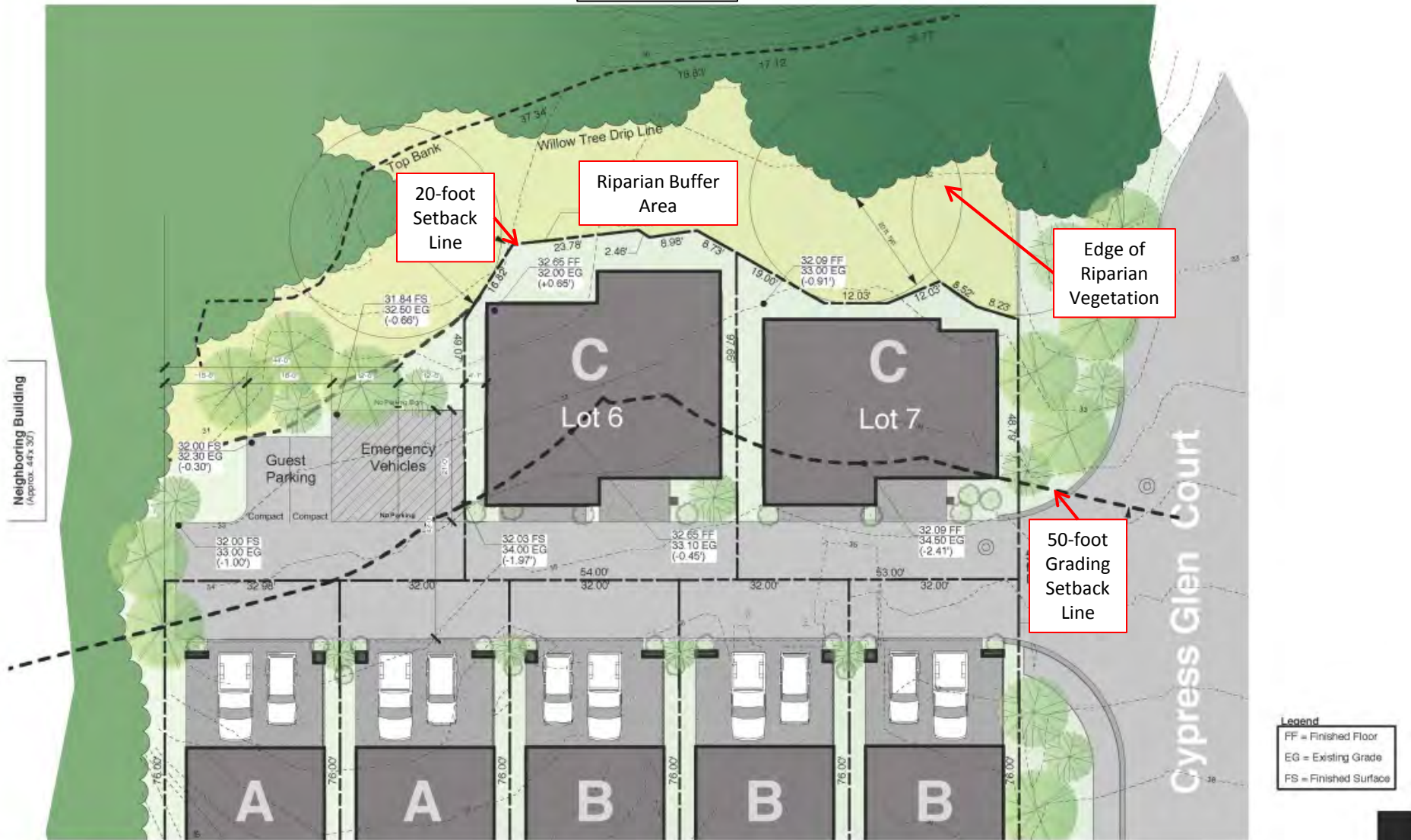
LANDSITE INCORPORATED
Planning • Design • Permitting

**CYPRESS GLEN TENTATIVE MAP
TRACT 3074
CAYUCOS, CALIFORNIA**

County-Approved VTTM



Setbacks



New Property Line Exhibit

Scale: 1/16" = 1'-0"

Cypress Glen
Exhibit 3
Date: 05.18.16

A-3-SLO-16-0095

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Site Section Views

E Street



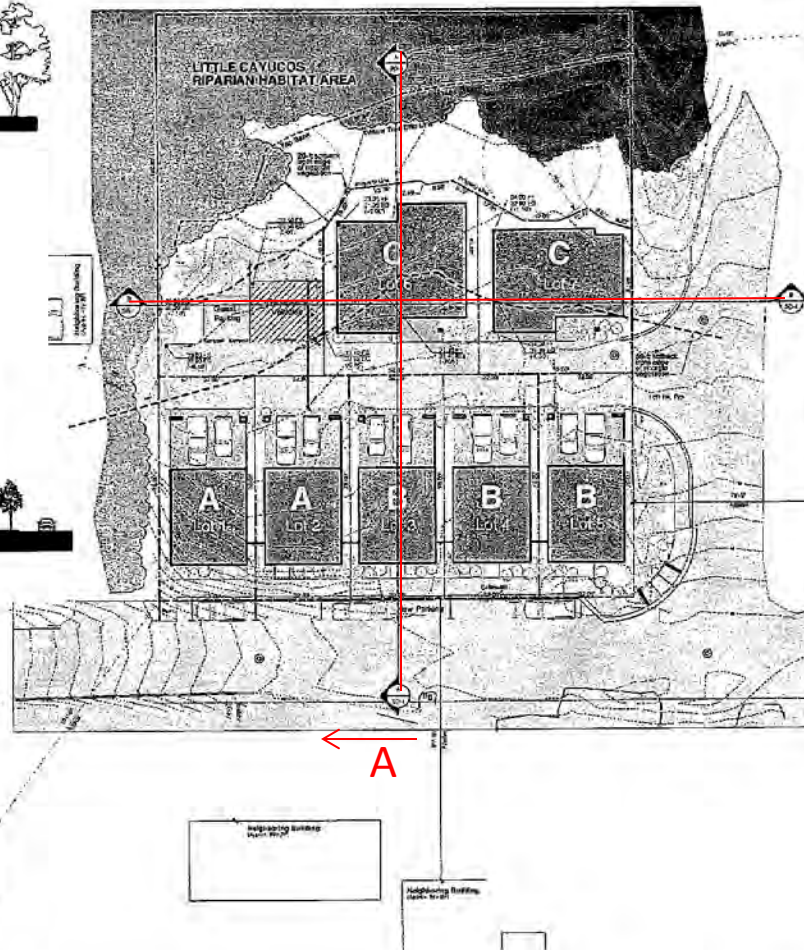
Site Section A
Scale: 1/8" = 1'-0"

A Cypress Glen Court



Site Section B
Scale: 1/16" = 1'-0"

B



Site Plan General Notes

1. All construction shall conform to the City of San Diego Building Code and the California Building Code.
2. All construction shall conform to the City of San Diego Planning and Public Works Department requirements.



your space...
for great people
805.773.9371

Cypress Glen
Cypress, California



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DAVID A. SMITH
Professional Engineer
State of California
License No. 44512

Site: General
Scale: 1/8" = 1'-0"
Date: 10/10/16
Drawn: J. Smith
Checked: D. Smith
Scale: 1/8" = 1'-0"

Sheet Contents

Site Plan/
Site Section

Sheet Number

SD-1



Site Plan
Scale: 1/8" = 1'-0"

3 of 4

ATTACHMENT 1

**EXHIBIT A
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
FINDINGS
SUB2015-00001**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval.

Development Plan/Coastal Development Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the new residences do not generate activities that present potential threats to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the seven single family residences are allowed uses and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on E Street and Cypress Glen Court, (local) roads constructed to a level able to handle any additional traffic associated with the project.

Minimum Parcel Size

- G. The reduction in minimum parcel size for parcels 1 through 7 is appropriate because:
1. The common ownership external parcel is in compliance with the provisions of 23.04.084; and
 2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

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Coastal Access

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

Sensitive Resource Area

- I. The development will not create significant adverse effects on the natural features (Coastal Stream) of the site or vicinity that are the basis for the Sensitive Resource Area designation, and will preserve and protect such features through site design because the project includes adequate setbacks from the riparian vegetation, and conditions to restore the riparian habitat and implement grading, erosion, sedimentation standard measures that will protect the sensitive habitat.
- J. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the seven residences and driveway are located in the least environmentally damaging portion of the project site and outside the creek setback.
- K. The proposed clearing of topsoil is the minimum necessary to achieve safe and convenient access and siting for the project, and will not create significant adverse effects on the identified sensitive resource because the development will be located outside the creek setback and sensitive riparian habitat. No tree removal will be allowed within the riparian corridor and the residences are located the furthest extent possible from the riparian vegetation.
- L. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff. To ensure compliance, the project is conditioned to submit an erosion, sedimentation control and drainage plan utilizing Best Management Practices to Public Works for approval at the time of building permit applications and implementation during construction.

Streams and Riparian Vegetation

- M. The proposed project is a development of seven single family residences that is an allowable use and will be located approximately 20 to 40 feet to the creek. No alternative locations and routes are feasible or less environmentally damaging because the residences are placed the furthest extent of the riparian vegetation and on the least environmentally damaging portion of the project site.
- N. Adverse environmental effects have been mitigated to the maximum extent feasible.
- O. Implementation of the conditions and mitigation measures will ensure no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

Archaeology

- P. No significant archaeological resources were found on the project site through surface (Phase I) and sub-surface (Phase II) investigations. Therefore, archaeological resources will not be adversely impacted by the project.

EXHIBIT B
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
SUB2015-00001

Approved Development

1. This Tract Map/Development Plan/Coastal Development Permit approves the following development and project-related activities:
 - a. The creation of seven residential lots, plus one open space parcel as shown on Tentative Tract 3074;
 - b. Grading and street improvements to E Street and Cypress Glen Court;
 - c. Grading and minor site work for a sewer laterals;
 - d. Grading and minor site work for gas lines;
 - e. Grading and construction of a shared driveway from Cypress Glen Court;
 - f. Grading and construction of seven new residences with a maximum height of 28 feet as follows:

Tract 3074 Product Summary (Square Feet)								
Project Components	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508	2,432	2,432	2,432	2,432	3,311 4,961	2,795 5,405	21,090 44,089
Dwellings Floor Area								
Living Space	2,449	2,449	2,197	2,197	2,197	2,170	2,013	--
Garage	571	571	593	593	593	440	440	--
Carport	519	519	516	516	516	0	0	--
Decks and Porches	335	335	443	443	443	41	44	--
Total:	3,874	3,874	3,749	3,749	3,749	2,651	2,497	--

- g. Parcel sizes and setbacks as follows:

Tract 3074 Parcel Size and Setback Summary								
	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	3,311 4,961 sq.ft.	2,795 5,405 sq.ft.	21,090 44,089 sq.ft.
Front Yard	12'	12'	12'	12'	12'	14'	14'	N/A
Side Yards	3'	3'	3'	3'	3'	5'	4'-5'	N/A
Rear Yards	18'	18'	18'	18'	18'	5' 45'	5' 45'	N/A

- h. Restoration and enhancement of the riparian habitat area;

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- i. On-going monitoring and restoration of the riparian habitat area (as necessary); and
- j. Total site disturbance of approximately 26,910 square feet (not including riparian restoration).

Conditions required to be completed at the time of application and/or prior to issuance of construction permits

Site Development

2. At the time of application for grading and/or construction permit(s), the applicant shall submit final site plans to the Department of Planning and Building for review and approval. The final site plans shall show the following:

- a. **Little Cayucos Creek Setback.** Other than habitat restoration related development, all development including but not limited to retaining walls, drainage features, fencing, decking, and parking areas, shall be set back a minimum distance of 20 feet from the upland edge of Little Cayucos Creek riparian vegetation.

All grading, as defined by the CZLUO, shall be setback from the edge of riparian vegetation a minimum of 50 feet.

- b. **Approved Development Envelope.** All areas of the site outside of the Little Cayucos Creek Riparian Habitat Area and its required setback shall be demarked as the Approved Development Envelope.
- c. **Little Cayucos Creek Riparian Habitat Area.** The area of the site outside the Approved Development Envelope shall be demarked as the Little Cayucos Creek Riparian Habitat Area, where development and uses shall be limited to restoration, enhancement, protection, and interpretation of the Little Cayucos Creek riparian habitat.
- d. **Site Access.** All access to the residential units from E Street shall be clearly identified on the final site plans, and shall include:
 - i. Verification that access has been reviewed and approved by the Department of Public Works with respect to improvements in the E Street right-of-way;
 - ii. Verification that access has been reviewed and approved by the Cayucos Fire Department in respects to fire safety regulations;
- e. **Project Limit Area.** The final plans shall clearly identify specific locations of construction, areas for staging and storage, and construction access corridors. Such areas shall be minimized to the maximum extent feasible to minimize impacts on the creek habitat area. Silt fences, or equivalent shall be installed at the perimeter of allowable construction area to prevent runoff and/or sediment from entering the riparian habitat area.
- f. **Construction Plan Notes.** The final plans shall include a final construction schedule and erosion control/water quality BMPs (and locations). The following required criteria must be shown on the Plan Notes:
 - i. All work shall take place during daylight hours. Lighting of the creek and riparian area is prohibited.

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- ii. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside the defined construction, staging, and storage areas.
 - iii. Construction shall only occur during the dry between April 15 to October 1.
3. Prior to issuance of construction permits for the residences, the applicant shall submit a color and materials board to the Department of Planning and Building for review and approval.

Fire Safety

4. Prior to issuance of construction and/or grading permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Additional Fire Safety Review will be required and the applicant shall provide evidence that all plans submitted are compliant with current fire and life safety requirements of the Cayucos Fire Department and the California Fire Code.

Services

5. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final water availability letter from Morro Rock Mutual Water Company to service the new residences. The project shall meet all applicable conditions of the final will serve requirements by the water purveyor.
6. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final sewer availability letter from Cayucos Sanitary District to service the new residences. The project shall meet all applicable requirements of the final-will serve requirements by the District

Exterior Lighting

7. Prior to issuance of construction permits for the residences, the applicant shall submit exterior lighting plans to the Department of Planning and Building for review and approval. All proposed exterior lighting shall be shielded to the maximum extent possible and be of the lowest intensity feasible in order to avoid artificial light pollution of the riparian habitat area. Exterior lights on the north and northwest sides of the project (bordering the creek) shall be avoided where possible and be the minimum necessary to meet safety requirements. Exterior light shall be shielded and lighting shall be directed downward and away from the creek and riparian areas.

Access & Access Easement

8. Prior to issuance of a grading permit, the applicant shall provide evidence of a recorded easement for access and utilities to Lots 1 through 7 to the Department of Planning and Building.
9. Prior to issuance of construction and/or grading permits, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Construct or site access driveway approach in accordance with County Public Improvement Standard B-1a.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).

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10. Prior to issuance of construction and/or grading permits, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Water

11. **Prior to issuance of construction permits**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping (turf areas) shall not exceed 500 square feet with remaining landscaping being drought tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.
12. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans **prior to permit issuance**.

Quit Claim Deed

13. Prior to issuance of a grading permit, the applicant shall provide evidence acceptable to the Executive Director of the California Coastal Commission that it is the record title owner of the project site, such as a Quit Claim Deed and updated preliminary title report.

Fees

14. Prior to issuance of construction permits, the applicant shall pay all applicable school and public facilities fees.

Grading, Drainage, Sedimentation and Erosion Control

15. Prior to issuance of construction and/or grading permits, the applicant shall submit a complete drainage, erosion, and sedimentation control plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. The plan shall use sediment control measures to protect Little Cayucos Creek. Installation of erosion and sedimentation control devices shall be installed around the perimeter of the construction zone. No flows shall be directed to Cayucos Creek without NPDES permit. The plan shall include the following:
 - a. **Implementation of Best Management Practices during Construction.** The Plan shall identify the types and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants in the Little Cayucos Creek during construction. These measures shall be designed in accordance to the California Storm Water Best Management Practices Handbook and the San Luis Obispo County Resources Conservation District, as such:
 - i. Limit the extent of land disturbance to the minimum amount necessary to construct the project;

- ii. Designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which must be covered on a daily basis;
- iii. Provide installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpiled areas;
- iv. Provide hydro seeding (with native plants) of disturbed areas immediately upon conclusion of construction activities;
- v. Good construction measures such as the use of dry cleanup measures whenever possible, collecting and filtering cleanup water when dry cleanup methods are not feasible, cleaning and refueling construction equipment at designated off site maintenance areas, and immediate cleanup of any leaks or spills.

b. **Permanent Drainage and Erosion Control Plan.** The Plan shall include and clearly identify all permanent measures to control and direct all site runoff and a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltrations, and/or habitat enhancement, and/or directed to off-site storm drain systems. The Plan shall be prepared by a licensed engineer and incorporate structure and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater and other run-off associated with the development. The Plan shall include required calculations and documentations for all BMPs proposed and shall, at the minimum provide for:

- i. Drainage system designed to filter and treat the volume of runoff produced from irrigation and storm event up to and including the as" percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1 hour runoff event (with an appropriate safety factor) for flow-based BMPs , prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating mechanism shall be clearly identified, and supporting technical information shall be provided.
- ii. Runoff from the roofs, driveways, parking lots, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site;
- iii. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions;
- iv. All runoff shall be directed away from the creek/riparian habitat area unless proven appropriate for habitat enhancement process;
- v. All drainage system elements shall be permanently operated and maintained.

16. All disturbed areas shall be restored as soon as possible. If the area is within close proximity of a sensitive habitat, a compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

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17. At the time of application for grading and/or construction permit(s), the applicant shall show the limits of the 100 year floodway on the site plan and all development located outside of the floodway and submit to Public Works for approval.

Stormwater Pollution Prevention

18. At the time of application for construction permits, the applicant shall demonstrate whether the project is subject to the LUO Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
19. Prior to initiation of tract improvements, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). As applicable, all construction-related protection measures specified in the SWPPP shall be installed prior to beginning of work.
20. At the time of application for construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
21. Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Biological Resources

22. Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
23. Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
 - a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
 - b. Public interpretive access improvements approved by a coastal development permit.

24. **As a part of a second sheet of the tract map and included as a part of any individual construction permit application**, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment.
25. Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.
26. Prior to issuance of grading and/or construction permit(s), the applicant shall submit the Landscape Restoration and Enhancement Plan (LREP) to the Department of Planning and Building for review and approval. The LREP shall provide for riparian corridor landscape restoration and enhancement in the Little Cayucos Creek Riparian Habitat Area, with the goal of enhancing and restoring this area to self-sustaining and high resource value natural habitat state. The LREP shall be prepared by a qualified restoration ecologist, and shall incorporate specific conditions of the site (including soil, exposure, temperature, moisture, wind, etc), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:
- a. A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area;
 - b. A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and this condition be maintained in perpetuity.
 - c. Removal of invasive and non-native plant species;
 - d. Planting of native species of local stock appropriate to the Little Cayucos Creek riparian corridor, including provision of fall and winter-flowering nectar sources for Monarch butterflies at appropriate locations. Non-native and/or invasive plant species shall be prohibited;
 - e. Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved;
 - f. Provision of submission of annual reports of monitoring results to the Department of Planning and Building, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the

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plan, and shall make recommendations (if any) on changes necessary to achieve success.

27. At the time of application for subdivision improvement plans, grading permits, and construction permits, the applicant shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
28. Upon submittal of tract improvement plans, all measures provided in the Mitigation Monitoring and Reporting Plan shall be shown on applicable plans relating to restoration of sensitive plants impacted. Should any measures conflict with conditions of approval, conditions of approval shall be considered superior. These measures shall be completed prior to recordation of final map.

Conditions to be completed prior to ground disturbance or construction activities

Air Quality

29. "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). Prior to final inspection or occupancy, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

Biological Resources

30. (BR-1) Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall

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take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Buffers may be reduced if a qualified ornithologist determines that project activities will not affect the nesting birds. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

31. **(BR-2) Prior to ground disturbance**, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Wildlife to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:
 - a. Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
 - b. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.
32. **(BR-3) Prior to construction**, occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within a 100 foot buffer for songbirds and 300 for nesting raptors while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
33. **(BR-4) Prior to construction**, occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.
34. **(BR-5) Prior to removal of any trees over 20 inches DBH**, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming, or if any structures proposed for removal harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Game, will install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed.

Site Development

35. Prior to any grading work / ground disturbing work, a qualified surveyor shall delineate the 20 foot setback areas from the upland edge of the riparian habitat. Temporary fencing shall be erected one foot outside of the setback area (and in the development envelope) to delineate it clearly for the construction phase. No disturbance, vehicular traffic, or equipment material staging shall occur within the setback area during construction or following completion of the project, except work authorized for the Landscape Restoration and Enhancement Plan (LREP).

Conditions To Be Completed During Project Construction

Air Quality

36. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible,
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
- c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
- e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- f. All dirt stock-pile areas should be sprayed daily as needed.

37. No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

Biological Resources

38. To reduce the likelihood of sedimentation to Little Cayucos Creek, all private and construction vehicle traffic should be limited to those areas away from the northern and eastern edges of the property, outside of the fenced areas.

39. Construction activities shall be limited to the dry weather season (April 15 - October 15).

- 40. The applicant shall implement the erosion and sedimentation control plan.
- 41. The applicant shall implement the drainage plan.
- 42. The biological mitigation monitoring plan shall be implemented with on-site construction monitoring.

Cultural Resources

- 43. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Conditions to Be Completed Prior To Occupancy Or Final Inspection

Landscape Restoration and Enhancement Plan

- 44. Prior to occupancy of any residence associated with this approval, the applicant shall implement the LREP during construction as directed by a qualified restoration ecologist. The initial planting and plant removal shall be completed prior to the occupancy of the first approved residence. Submit field report prepared by qualified biologist verifying the completion of replanting to the Planning Department.

Access Drive and Fire Lane Signage

- 45. Prior to final inspection, the applicant shall provide to the Department of Planning and Building, evidence of a recorded maintenance agreement for the project access driveway and "no parking (fire lane) signage". In lieu of a recorded maintenance agreement, the applicant may elect to provide maintenance in accordance with the provisions of Civil Code Section 845. The applicant shall also demonstrate to the Department of Planning and Building that the portion of the access driveway is either included within the above maintenance agreement or adequately addressed by another maintenance arrangement (such as Civil Code Section 845).

Cultural Resources

- 46. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities, and confirming that all recommended mitigation measures have been met. [If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of Obligation to complete the required analysis].

Biological Resources

- 47. Prior to final inspection of any permits associated with this approval, the applicant shall submit a biology monitoring report to the Environmental Coordinator for approval verifying completion of all necessary field work and monitoring.

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48. Prior to final inspection of any permits associated with this approval, the drainage plan shall be implemented and verified by the Department of Planning and Building.
49. Prior to final inspection of any residence associated with this approval, the Department of Planning and Building shall verify no fireplaces are allowed because smoke from fireplaces interferes with Monarch Butterfly habitat.

Landscape

50. Prior to final inspection or occupancy (whichever occurs first), the following measures shall be applied to the proposed turf areas:
 - a. To maximize drought tolerance and minimize water usage, warm season grasses, such as bermuda or buffalograss, shall be used;
 - b. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
 - c. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.
 - d. Slopes for turf areas shall be no more than 4%.
 - e. All landscape material shall be compatible with the riparian restoration plan.
 - f. Landscaping on lots 6 and 7 shall be compatible with the Riparian Restoration Plan. All proposed landscaping shall be approved by the Department prior to installation.
51. Prior to final inspection or occupancy, the landscape shall be installed in accordance with the approved landscaping plan shall be installed. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

52. Prior to final inspection or occupancy, the applicant shall obtain final inspection and approval from Cayucos Department of Fire of all required fire/life safety measures.

Development Review Inspection

53. Prior to final inspection the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
54. Prior to occupancy of any residence associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Grading, Drainage, Sedimentation and Erosion Control

55. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices. Devices must be installed in conjunction with any grading and must effectively control siltation.
56. Prior to final inspection of construction permits, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe

feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to 2" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

On-Going Conditions of Approval (Valid For the Life of the Project)

Landscape Restoration and Enhancement Plan

57. Annual reports of monitoring results, beginning the first year after completion of the restoration efforts and concluding once success criteria have been achieved (criteria: 3 years of non-remediation! maintenance activities except for weeding) must be submitted to the Department of Planning and Building. Upon success criteria achievement, the self-sustaining riparian habitat must be maintained in perpetuity.

Landscaping

58. All landscape (including all trees and riparian vegetation) shall be maintained in viable condition in perpetuity.

General

59. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.
60. **Prior to approval of tract improvement plans**, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval and Mitigated Negative Declaration measures relating to tract improvements. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.
61. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.

Public Works Conditions

Road Improvements

62. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
- a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property with a minimum of (2)-10 foot travel lanes and (1)-8 foot

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parking lane, within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.

- b. Cypress Glen Court shall be realigned and improved to a 20 foot wide minimum paved road section as shown on the tentative map. Improvement must be designed and constructed to the satisfaction of Cayucos Fire Department standards.
- c. The intersection of E street and Cypress Glen Court shall be constructed to a modified B-1 urban driveway standard as shown on the tentative map.
- d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include "fire lane - no parking" signage and pavement markings.

63. The applicant shall reserve the following private easements by certificate on the map or by separate document:

- a. A private access, drainage, and utility easement of sufficient width along the realigned Cypress Glen Court in favor of all new and neighboring parcels that require Cypress Glen Court for access to their property.
- b. An onsite minimum 20-foot private access and utility easement in favor of Parcels 1 through 8, with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
- c. An onsite reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).

Drainage

64. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins is/are to be maintained in perpetuity.

65. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.

66. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

67. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

68. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance

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with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.

- a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
69. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
70. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Effective Time Limits

71. The approval period for this Development Plan will run with the approval period for tentative tract map 3075. Map time extension approvals granted with the map shall similarly extend the Development Plan approval period. Time extensions must be submitted in writing by the applicant and are subject to evaluation and action based on the circumstances prevailing at the time of the request.

Indemnification Clause

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

**EXHIBIT C
TENTATIVE TRACT MAP 3074
FINDINGS
SUB2015-0001**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Recreation and Residential Multifamily land use categories.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential units outside flood hazard areas and riparian setbacks.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support seven residential units and a required riparian setback.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Title 21 Adjustment to Real Property Division Ordinance Section 21.03.010.d.7

- J. That there special circumstances or conditions affecting the subdivision:
 1. That the proposed project includes a vacation of Cypress Glenn Court which will terminate the possibility of it being a County maintained road. The County supports the vacation because there is no community circulation benefit. The site slopes downward from E Street toward Little Cayucos Creek and drops off at the E Street right of way very steeply resulting in less developable area for new residences once a driveway would reach natural grade after applying customary design criteria; and
 2. Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking where currently none exists; and
 3. the centerline of the internal drive court that serves all seven proposed residences is 75 feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Ct for direct access (their parking or garages are beyond the proposed access point from the new project; and
 4. the ordinance setback requirements from the riparian vegetation significantly reduces the developable area of the property; and
 5. the addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street.
- K. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision:
 1. utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests and emergency vehicles; and
 2. trash collection within the drive court will keep Cypress Glen Ct more accessible to the existing four residences, thus eliminating inconvenience; and
 3. the provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking; and
 4. the amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate.
- L. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision:
 1. the construction of the residences will enhance the character of the neighborhood since they are all single family homes and not attached apartments or condos; and
 2. public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists; and

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3. the project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate potential safety risk from downed power lines in the event of storms or acts of nature; and
 4. Cypress Glen Ct will be widened to 20 feet of width past the drive court and a pedestrian path will be provided along its edge; and
 5. Parking requirements for multifamily zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structure, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning.
- M. Cypress Glen Court is approximately 200 feet long and connects to E Street. The road currently acts as a private drive to the existing residences and is not in the County maintained system. Located on the properties served by Cypress Glen Court are single family residences and accessory structures. The abandonment removes the encumbrance of the platted road to the adjoining property owners. Since the road serves private residential properties and provides no existing or future public circulation benefit, the request to vacate a portion of Cypress Glen Court as shown on the vesting tentative map is appropriate.

**EXHIBIT D
TENTATIVE TRACT MAP 3074
CONDITIONS OF APPROVAL
SUB2015-0001**

Approved Project

1. This Tract Map/Development Plan/Coastal Development Permit authorizes the subdivision of a 36,772 square foot site into seven buildable lots and one open space lot as follows:
 - a. Lot 1 – 2512 sq. ft.
 - b. Lot 2 – 2432 sq. ft.
 - c. Lot 3 – 2432 sq. ft.
 - d. Lot 4 – 2432 sq. ft.
 - e. Lot 5 – 2432 sq. ft.
 - f. Lot 6 – 3,311-~~4961~~ sq. ft.
 - g. Lot 7 – 2,795 ~~5405~~ sq. ft.
 - h. Lot 8 – 21,090 ~~14,089~~ sq. ft. (Open Space Lot)

Road Improvements

2. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property with a minimum 2-10 foot travel lane and 1-8 foot parking lane within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Cypress Glen Court shall be realigned and improved to a 20 foot wide minimum paved road section as shown on the tentative map. Improvement must be designed and constructed to the satisfaction of Cayucos Fire Department standards.
 - c. The intersection of E street and Cypress Glen Court shall be constructed to a modified B-1 urban driveway standard as shown on the tentative map.
 - d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include "fire lane - no parking" signage and pavement markings.

Offers, Easements and Restrictions

3. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For road improvement purposes 1-foot along E Street to be described as 36-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
 - b. For pedestrian access purposes 6-feet along E Street to be described as 42-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.

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- c. A public utility easement along E Street to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
 - d. Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.
- 4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
 - a. A private access, drainage, and utility easement of sufficient width along the realigned Cypress Glen Court in favor of all new and neighboring parcels that require Cypress Glen Court for access to their property.
 - b. An onsite minimum 20-foot private access and utility easement in favor of Parcels 1 through 8, with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
 - c. An onsite reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).
- 5. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.

Improvement Maintenance:

- 6. Roads and/or streets shall be maintained as follows:
 - a. E Street shall be accepted for County maintenance following completion and certification of the improvements. No maintenance financing service charge shall be required, as these streets/roads are already in the County-maintained system, or are identified as new Principal Arterials, Arterials or Collectors, or meet the required number of road maintenance related smart growth points to be exempt.
 - b. Cypress Glen Court and onsite private access roads shall not be accepted for County maintenance following completion and certification of the improvements. The developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building.
- 7. Prior to map recordation the developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure inspection, operation, and maintenance of the following improvements:
 - a. The shared private access road serving parcels 1 through 8.
 - b. The shared storm water treatment facilities for public or common area improvements (if required) as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - c. The shared storm drainage basins, inlets, pipes, fences, related landscaping and other appurtenances (if required) for public or common area improvements.
 - d. Completion and compliance with the Riparian Restoration Plan.

Improvement Plans

8. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
9. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
10. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans are to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health.
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Sedimentation and erosion control plan for subdivision related improvement locations.
 - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
 - g. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
 - h. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - i. Storm Water Control Plan.
11. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [21.03.10(h)] and the poles removed.
12. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.
13. Prior to final map recordation, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
14. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

Drainage

15. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins is/are to be maintained in perpetuity.
16. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.
17. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
18. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

19. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
20. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and

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Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.

21. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Additional Map Sheet

22. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained, indicating the proposed maintenance mechanism.
 - b. If a fenced drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
 - c. If a drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
 - d. The limits of inundation from a 100 year flood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to Hooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
 - e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
 - f. The applicant shall demonstrate that the project construction plans are in conformance with the applicant's Stormwater Control Plan Application.
 - g. For Stormwater management purposes, an impervious area ceiling must be determined for each lot and noted as a building restriction.
 - h. Stormwater treatment facilities shall be maintained and inspected in perpetuity as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - i. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
 - j. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
 - k. Notification to prospective buyers that a development plan/coastal development

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permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.

- l. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- m. No parking is allowed in the access drive and signs shall be installed pursuant to these conditions.
- n. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

Covenants, Conditions and Restrictions

23. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval, and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate. The CC&R shall provide at a minimum the following provisions:

- a. Maintenance of Cypress Glen Court along the project frontage and onsite private access roads in perpetuity.
- b. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
- c. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- d. If storm water treatment facilities are required, on-going maintenance of said facilities in a viable condition on a continuing basis into perpetuity.
- e. Maintenance of all common areas within the subdivision in perpetuity.
- f. Operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- g. The limits of inundation from a 100 year flood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to flooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- h. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.
- i. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
- j. Notification to prospective buyers that a development plan/coastal development

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permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.

- k. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- l. Fire Lane - No parking signage and striping shall be installed, maintained and enforced.
- m. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

Open Space Easement

24. **Prior to recordation of the final map**, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:

- a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
- b. Public interpretive access improvements approved by a coastal development permit.

Miscellaneous

25. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final tract map. The date and person who prepared the report are to be noted on the map.

26. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

27. All timeframes on approved tentative maps for filing of parcel or final tract maps are measured from the date the Review Authority approves the tentative map as required by the Subdivision Map Act.

Indemnification Clause

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

ATTACHMENT 1

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING
COMMUNITY WATER AND COMMUNITY SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from Environmental Health Services.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Code).
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to Environmental Health Services for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of

ATTACHMENT 1

Transportation for any work to be done on the state highway.

11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

October 21, 2016

Dan Lloyd
P.O. Box 378
Cayucos, CA 94001

**FINAL LOCAL
ACTION NOTICE**

REFERENCE # 3-SLO-16-1052

APPEAL PERIOD 10/27/16 - 11/9/16

RECEIVED

OCT 26 2016

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: October 4, 2016

SUBJECT: Campbell-Sheppard / Dan Lloyd
County File No. SUB2015-00001
Tentative Tract Map 3074 / Development Plan and Coastal
Development Permit

LOCATED WITHIN COASTAL ZONE: YES

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

This action is appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission ten (10) working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

If the use authorized by this Permit approval has not been established, or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval

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Exhibit 5

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shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

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

If you have questions regarding your project, please contact me at (805) 781-5612.

Sincerely,



RAMONA HEDGES
Custodian of Records

cc: California Coastal Commission,
725 Front Street, Suite 300, Santa Cruz, California 95060

Eileen Roach, 24 Cypress Glen Ct., Cayucos, CA 93430-1158

(Planning Department Use Only – for California Coastal Commission)

Date NOFA copy mailed to Coastal Commission: 10/21/16

Enclosed: X Staff Report(s) dated 10/4/16
 X Resolution with Findings and Conditions

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

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 10/4/2016	(3) CONTACT/PHONE James Caruso, Senior Planner/(805) 781-5702	
(4) SUBJECT Hearing to consider an appeal by Eileen Roach of the Planning Commission's approval of a request by Campbell-Sheppard/Dan Lloyd for a Tentative Tract Map and Development Plan/Coastal Development Permit to allow the following: 1) demolition of a single family dwelling; 2) subdivision of a 0.68 acre site into 7 residential parcels (2,432 to 3,311 square feet) and one open space parcel (21,090 square feet); 3) construction of 7 single family residences (2,013 to 2449 square feet); 4) abandonment of a portion of Cypress Glen Court; 5) adjustment to the Real Property Division Ordinance (section 21.03.010) to allow more than five lots to be accessed from a private easement and adoption of the proposed Mitigated Negative Declaration. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution denying the appeal by Eileen Roach and affirming the decision of the Planning Commission.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 60 mins) <input type="checkbox"/> Board Business (Time Est.____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 2			

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County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / James Caruso, Senior Planner/(805) 781-5702

DATE: 10/4/2016

SUBJECT: Hearing to consider an appeal by Eileen Roach of the Planning Commission's approval of a request by Campbell-Sheppard/Dan Lloyd for a Tentative Tract Map and Development Plan/Coastal Development Permit to allow the following: 1) demolition of a single family dwelling; 2) subdivision of a 0.68 acre site into 7 residential parcels (2,432 to 3,311 square feet) and one open space parcel (21,090 square feet); 3) construction of 7 single family residences (2,013 to 2449 square feet; 4) abandonment of a portion of Cypress Glen Court; 5) adjustment to the Real Property Division Ordinance (section 21.03.010) to allow more than five lots to be accessed from a private easement and adoption of the proposed Mitigated Negative Declaration. District 2.

RECOMMENDATION

It is recommended that the Board adopt the resolution denying the appeal by Eileen Roach and affirming the decision of the Planning Commission.

DISCUSSION

Background

The Planning Commission considered this project at their hearings of March 24, 2016 and May 26, 2016. The Commission unanimously approved the project on May 26, 2016. The Commission's approval was appealed by Eileen Roach on June 7, 2016.

Appeal Issues

The appellant states the proposed project is inconsistent with the Local Coastal Program because,

"No land divisions in association with Environmentally Sensitive Habitats (Policy 4)."

Policy 4 of the Environmentally Sensitive Habitat Area (ESHA) states:

Policy 4: No Land Divisions in Association with Environmentally Sensitive Habitats

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

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

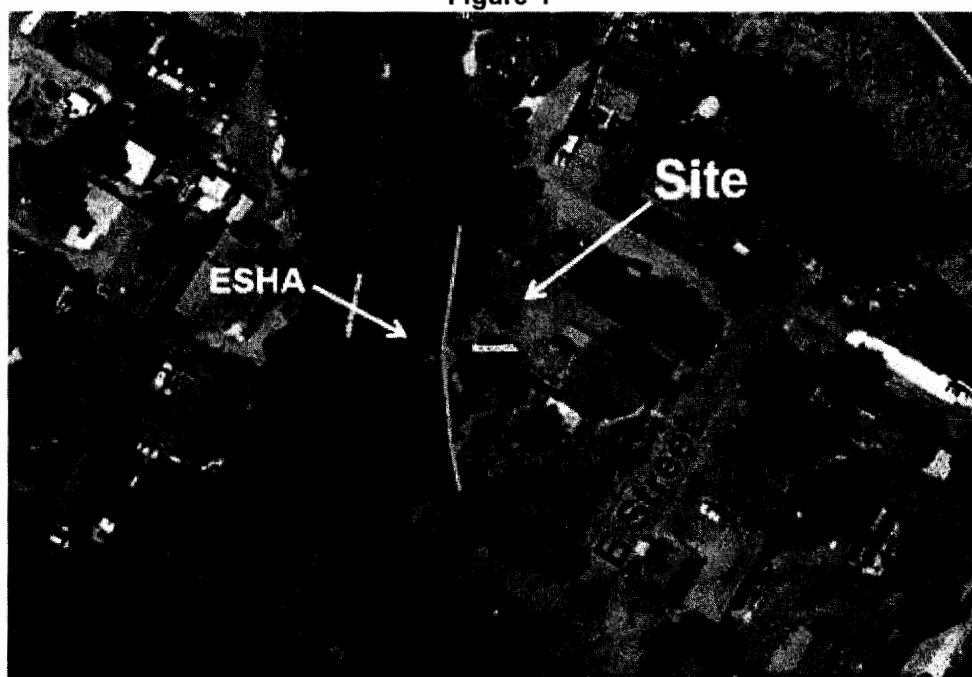
Staff Response

The appellant cites the language of Policy 4 that addresses divisions of land "having environmentally sensitive habitats within them". According to the Coastal Act and as cited in the LCP, environmentally sensitive habitats are areas valuable to the ecosystem:

A basic goal of the California Coastal Act of 1976 is to "protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources." To achieve this goal, the Local Coastal Program identifies and protects sensitive habitat areas through the designation of appropriate land uses and management techniques. Environmentally sensitive habitats are defined by the Coastal Act as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."

The proposed project is located on Little Cayucos Creek. In this case, ESHA exists as the riparian corridor on either side of the creek. This corridor is generally wider than the bank-to-bank area of the creek. In Figure 1 below, the extent of ESHA on the site can be clearly seen as the upland edge of the riparian corridor.

Figure 1



This site on Little Cayucos Creek has a specific riparian setback in the Estero Area Plan. According to Table 7-2 (Coastal Stream Setbacks) in the Estero Area Plan, Little Cayucos Creek has a special setback for new development of 20 feet. Other creeks in the urban area have development setbacks ranging from 20 feet to 50 feet.

The appellant points out the Coastal Zone Land Use Ordinance (CZLUO) has a requirement to maintain a 50 foot setback from riparian corridors in urban areas (Section 23.07.170). The appellant also points out that ESHA Policy 4 addresses subdivisions in ESHA and requires 50 foot development setback for urban streams.

The appellant's assertion that the project is inconsistent with Policy 4 is not correct for two reasons:

1. The ESHA setback in the Planning Area standard of 20 feet takes precedence over the ESHA Policy and over the CZLUO ESHA setbacks or 50 feet; and

2. A close reading of the policy shows that ESHA is not being subdivided so that the project is not subject to Policy 4.

The relationship between policies (Coastal Policy Document) Coastal Zone Land Use Ordinance (CZLUO) and Area Plan standards (Estero Area Plan) is described below in Nos. 5 and 6 from the Coastal Policy Document:

Relationship of the Land Use Element, Local Coastal Plan Policy Document, and Coastal Zone Land Use Ordinance: The LCP Policy Document is part of the Local Coastal Program and Land Use Element. Many of the policies include programs and standards. Some of the policies have been implemented in the CZLUO and planning areas standards. The following procedures shall be utilized in implementing the policies:

5. *When a planning area standard conflicts with a policy, the planning area standard shall prevail.*
6. *When a planning area standard conflicts with an ordinance section, the planning area standard shall prevail.*

In the case of this site, the planning area standards of the Cayucos Area Plan requires a 20 foot riparian setback for projects along Little Cayucos Creek in lieu of the CZLUO's 50 foot requirement.

Figure 2

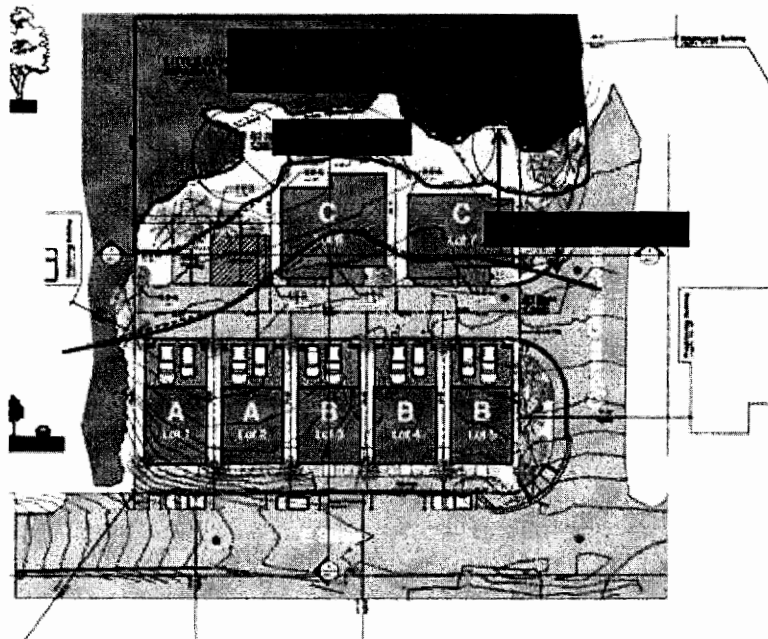


Figure 2 above shows the area of ESHA (riparian corridor), ESHA structural setback and ESHA grading setback on the site. Structures are setback 20 feet from ESHA as required by the Planning Area Standard. All of the land area within the ESHA designation plus the 20 foot setback area outside of ESHA are all part of an open space parcel. Policy 4c noted above states:

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

All buildable areas of the site are located outside of ESHA and outside the Planning Area Standard required 20 foot setback as required by Policy 4c above (see Figure 2).

The project is also subject to a special ESHA setback of 50 feet for grading from upland edge of the riparian vegetation pursuant to CZLUO Section 23.05.034. Figure 2 shows this 50 foot grading setback. The grading setback is separate from the 20 foot structural setback. The project complies with this standard.

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to Public Works, Environmental Health, Cayucos Fire Department, Cayucos Sanitary District, California Department of Fish and Wildlife, and the Cayucos Citizens Advisory Committee (CCAC).

In addition, County Counsel has reviewed and approved the attached Resolution with findings and conditions.

FINANCIAL CONSIDERATIONS

This project is in the coastal zone and is not subject to an appeal fee. This appeal was processed using department allocated general fund support.

RESULTS

Affirming the Planning Commission's decision and denying the appeal will mean the Tentative Tract Map and Development Plan/Coastal Development Permit (SUB2015-0001/Tract 3074) is approved.

Upholding the appeal would mean the Planning Commission's approval of Tentative Tract Map and Development Plan/Coastal Development Permit (SUB2015-0001/Tract 3074) would be overturned and result in the project being denied. The project is appealable to the Coastal Commission.

This hearing is consistent with communitywide results of encouraging a safe, healthy, and livable community.

ATTACHMENTS

1. Attachment 1 - Board of Supervisors Resolution
2. Attachment 2 - Eileen Roach Appeal Letter
3. Attachment 3 - Planning Commission Resolution
4. Attachment 4 - Approved Tentative Map
5. Attachment 5 - May 26, 2016 Planning Commission minutes
6. Attachment 6 - May 26, 2016 Planning Commission Staff Report
7. Attachment 7 - March 24, 2016 Planning Commission Minutes
8. Attachment 8 - March 24, 2016 Planning Commission Staff Report

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

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DENYING THE APPEAL OF EILEEN ROACH AND AFFIRMING THE
DECISION OF THE PLANNING COMMISSION AND CONDITIONALLY APPROVING
THE APPLICATION OF CAMPBELL-SHEPPARD/DAN LLOYD FOR TENTATIVE
TRACT MAP 3074 AND DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
SUB2015-00001.

The following resolution is now offered and read:

WHEREAS, on March 24, 2016, and May 26, 2016, and with a determination and
decision being made on May 26, 2016, the Planning Commission of the County of San
Luis Obispo (hereinafter referred to as the Planning Commission) duly considered and
conditionally approved the application of Campbell-Sheppard/Dan Lloyd for Tentative
Tract Map 3074 and Development Plan/Coastal Development Permit SUB2015-00001;
and

WHEREAS, Eileen Roach has appealed the Planning Commission's decision to
conditionally approve the application of Campbell-Sheppard/Dan Lloyd for Tentative
Tract Map 3074 and Development Plan/Coastal Development Permit SUB2015-00001
pursuant to the provisions of Title 23 of the San Luis Obispo County Code; and

A-3-SLO-16-0095

Exhibit 5

ATTACHMENT 1

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on October 4, 2016, and a determination and decision was made on October 4, 2016; and

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

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission should be affirmed, and that the application (Tentative Tract Map 3074 and SUB2015-00001) should be approved subject to the findings and conditions set forth below.

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

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.
3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
4. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A and C attached hereto and incorporated by reference herein as though set forth in full.

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Exhibit 5
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ATTACHMENT 1

5. That the appeal filed by Eileen Roach is hereby denied and the decision of the Planning Commission is affirmed and that the application of Campbell-Sheppard/Dan Lloyd for Tentative Tract Map 3074 and Development Plan/Coastal Development Permit SUB2015-0001 is hereby approved subject to the conditions of approval set forth in Exhibits B and D, attached hereto and incorporated by reference herein as though set forth in full.

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

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

ATTACHMENT 1

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: Bryce J
Deputy County Counsel

Dated: September 16, 2016

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

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

WITNESS my hand and the seal of said Board of Supervisors, affixed this day of _____, 20__.

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

(SEAL)

By _____ Deputy Clerk.

ATTACHMENT 1

**EXHIBIT A
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
FINDINGS
SUB2015-00001**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval.

Development Plan/Coastal Development Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the new residences do not generate activities that present potential threats to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the seven single family residences are allowed uses and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on E Street and Cypress Glen Court, (local) roads constructed to a level able to handle any additional traffic associated with the project.

Minimum Parcel Size

- G. The reduction in minimum parcel size for parcels 1 through 7 is appropriate because:

1. The common ownership external parcel is in compliance with the provisions of 23.04.084; and
2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

ATTACHMENT 1

Coastal Access

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

Sensitive Resource Area

- I. The development will not create significant adverse effects on the natural features (Coastal Stream) of the site or vicinity that are the basis for the Sensitive Resource Area designation, and will preserve and protect such features through site design because the project includes adequate setbacks from the riparian vegetation, and conditions to restore the riparian habitat and implement grading, erosion, sedimentation standard measures that will protect the sensitive habitat.
- J. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the seven residences and driveway are located in the least environmentally damaging portion of the project site and outside the creek setback.
- K. The proposed clearing of topsoil is the minimum necessary to achieve safe and convenient access and siting for the project, and will not create significant adverse effects on the identified sensitive resource because the development will be located outside the creek setback and sensitive riparian habitat. No tree removal will be allowed within the riparian corridor and the residences are located the furthest extent possible from the riparian vegetation.
- L. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff. To ensure compliance, the project is conditioned to submit an erosion, sedimentation control and drainage plan utilizing Best Management Practices to Public Works for approval at the time of building permit applications and implementation during construction.

Streams and Riparian Vegetation

- M. The proposed project is a development of seven single family residences that is an allowable use and will be located approximately 20 to 40 feet to the creek. No alternative locations and routes are feasible or less environmentally damaging because the residences are placed the furthest extent of the riparian vegetation and on the least environmentally damaging portion of the project site.
- N. Adverse environmental effects have been mitigated to the maximum extent feasible.
- O. Implementation of the conditions and mitigation measures will ensure no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

Archaeology

- P. No significant archaeological resources were found on the project site through surface (Phase I) and sub-surface (Phase II) investigations. Therefore, archaeological resources will not be adversely impacted by the project.

ATTACHMENT 1

**EXHIBIT B
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
SUB2015-00001**

Approved Development

1. This Tract Map/Development Plan/Coastal Development Permit approves the following development and project-related activities:
 - a. The creation of seven residential lots, plus one open space parcel as shown on Tentative Tract 3074;
 - b. Grading and street improvements to E Street and Cypress Glen Court;
 - c. Grading and minor site work for a sewer laterals;
 - d. Grading and minor site work for gas lines;
 - e. Grading and construction of a shared driveway from Cypress Glen Court;
 - f. Grading and construction of seven new residences with a maximum height of 28 feet as follows:

Tract 3074 Product Summary (Square Feet)								
Project Components	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508	2,432	2,432	2,432	2,432	3,311 4,961	2,795 5,405	21,090 14,089
Dwellings Floor Area								
Living Space	2,449	2,449	2,197	2,197	2,197	2,170	2,013	--
Garage	571	571	593	593	593	440	440	--
Carport	519	519	516	516	516	0	0	--
Decks and Porches	335	335	443	443	443	41	44	--
Total:	3,874	3,874	3,749	3,749	3,749	2,651	2,497	--

- g. Parcel sizes and setbacks as follows:

Tract 3074 Parcel Size and Setback Summary								
	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	3,311 4,961 sq.ft.	2,795 5,405 sq.ft.	21,090 14,089 sq.ft.
Front Yard	12'	12'	12	12	12	14	14	N/A
Side Yards	3'	3'	3'	3'	3'	5'	4'-5'	N/A
Rear Yards	18'	18'	18'	18'	18'	5 45'	5 45"	N/A

- h. Restoration and enhancement of the riparian habitat area;

ATTACHMENT 1

- i. On-going monitoring and restoration of the riparian habitat area (as necessary); and
- j. Total site disturbance of approximately 26,910 square feet (not including riparian restoration).

Conditions required to be completed at the time of application and/or prior to issuance of construction permits

Site Development

2. At the time of application for grading and/or construction permit(s), the applicant shall submit final site plans to the Department of Planning and Building for review and approval. The final site plans shall show the following:

- a. **Little Cayucos Creek Setback.** Other than habitat restoration related development, all development including but not limited to retaining walls, drainage features, fencing, decking, and parking areas, shall be set back a minimum distance of 20 feet from the upland edge of Little Cayucos Creek riparian vegetation.

All grading, as defined by the CZLUO, shall be setback from the edge of riparian vegetation a minimum of 50 feet.

- b. **Approved Development Envelope.** All areas of the site outside of the Little Cayucos Creek Riparian Habitat Area and its required setback shall be demarked as the Approved Development Envelope.
- c. **Little Cayucos Creek Riparian Habitat Area.** The area of the site outside the Approved Development Envelope shall be demarked as the Little Cayucos Creek Riparian Habitat Area, where development and uses shall be limited to restoration, enhancement, protection, and interpretation of the Little Cayucos Creek riparian habitat.
- d. **Site Access.** All access to the residential units from E Street shall be clearly identified on the final site plans, and shall include:
 - i. Verification that access has been reviewed and approved by the Department of Public Works with respect to improvements in the E Street right-of-way;
 - ii. Verification that access has been reviewed and approved by the Cayucos Fire Department in respects to fire safety regulations;
- e. **Project Limit Area.** The final plans shall clearly identify specific locations of construction, areas for staging and storage, and construction access corridors. Such areas shall be minimized to the maximum extent feasible to minimize impacts on the creek habitat area. Silt fences, or equivalent shall be installed at the perimeter of allowable construction area to prevent runoff and/or sediment from entering the riparian habitat area.
- f. **Construction Plan Notes.** The final plans shall include a final construction schedule and erosion control/water quality BMPs (and locations). The following required criteria must be shown on the Plan Notes:
 - i. All work shall take place during daylight hours. Lighting of the creek and riparian area is prohibited.

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- ii. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside the defined construction, staging, and storage areas.
 - iii. Construction shall only occur during the dry between April 15 to October 1.
3. Prior to issuance of construction permits for the residences, the applicant shall submit a color and materials board to the Department of Planning and Building for review and approval.

Fire Safety

4. Prior to issuance of construction and/or grading permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Additional Fire Safety Review will be required and the applicant shall provide evidence that all plans submitted are compliant with current fire and life safety requirements of the Cayucos Fire Department and the California Fire Code.

Services

5. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final water availability letter from Morro Rock Mutual Water Company to service the new residences. The project shall meet all applicable conditions of the final will serve requirements by the water purveyor.
6. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final sewer availability letter from Cayucos Sanitary District to service the new residences. The project shall meet all applicable requirements of the final-will serve requirements by the District

Exterior Lighting

7. Prior to issuance of construction permits for the residences, the applicant shall submit exterior lighting plans to the Department of Planning and Building for review and approval. All proposed exterior lighting shall be shielded to the maximum extent possible and be of the lowest intensity feasible in order to avoid artificial light pollution of the riparian habitat area. Exterior lights on the north and northwest sides of the project (bordering the creek) shall be avoided where possible and be the minimum necessary to meet safety requirements. Exterior light shall be shielded and lighting shall be directed downward and away from the creek and riparian areas.

Access & Access Easement

8. Prior to issuance of a grading permit, the applicant shall provide evidence of a recorded easement for access and utilities to Lots 1 through 7 to the Department of Planning and Building.
9. Prior to issuance of construction and/or grading permits, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Construct or site access driveway approach in accordance with County Public Improvement Standard B-1a.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations required)

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10. Prior to issuance of construction and/or grading permits, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Water

11. **Prior to issuance of construction permits**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping (turf areas) shall not exceed 500 square feet with remaining landscaping being drought tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.
12. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans **prior to permit issuance**.

Quit Claim Deed

13. Prior to issuance of a grading permit, the applicant shall provide evidence acceptable to the Executive Director of the California Coastal Commission that it is the record title owner of the project site, such as a Quit Claim Deed and updated preliminary title report.

Fees

14. Prior to issuance of construction permits, the applicant shall pay all applicable school and public facilities fees.

Grading, Drainage, Sedimentation and Erosion Control

15. Prior to issuance of construction and/or grading permits, the applicant shall submit a complete drainage, erosion, and sedimentation control plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. The plan shall use sediment control measures to protect Little Cayucos Creek. Installation of erosion and sedimentation control devices shall be installed around the perimeter of the construction zone. No flows shall be directed to Cayucos Creek without NPDES permit. The plan shall include the following:

- a. **Implementation of Best Management Practices during Construction.** The Plan shall identify the types and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants in the Little Cayucos Creek during construction. These measures shall be designed in accordance to the California Storm Water Best Management Practices Handbook and the San Luis Obispo County Resources Conservation District, as such:

- i. Limit the extent of land disturbance to the minimum amount necessary to construct the project;

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- ii. Designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which must be covered on a daily basis;
 - iii. Provide installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpiled areas;
 - iv. Provide hydro seeding (with native plants) of disturbed areas immediately upon conclusion of construction activities;
 - v. Good construction measures such as the use of dry cleanup measures whenever possible, collecting and filtering cleanup water when dry cleanup methods are not feasible, cleaning and refueling construction equipment at designated off site maintenance areas, and immediate cleanup of any leaks or spills.
- b. **Permanent Drainage and Erosion Control Plan.** The Plan shall include and clearly identify all permanent measures to control and direct all site runoff and a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltrations, and/or habitat enhancement, and/or directed to off-site storm drain systems. The Plan shall be prepared by a licensed engineer and incorporate structure and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater and other run-off associated with the development. The Plan shall include required calculations and documentations for all BMPs proposed and shall, at the minimum provide for:
- i. Drainage system designed to filter and treat the volume of runoff produced from irrigation and storm event up to and including the as" percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1 hour runoff event (with an appropriate safety factor) for flow-based BMPs , prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating mechanism shall be clearly identified, and supporting technical information shall be provided.
 - ii. Runoff from the roofs, driveways, parking lots, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site;
 - iii. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions;
 - iv. All runoff shall be directed away from the creek/riparian habitat area unless proven appropriate for habitat enhancement process;
 - v. All drainage system elements shall be permanently operated and maintained.
16. All disturbed areas shall be restored as soon as possible. If the area is within close proximity of a sensitive habitat, a compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

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17. At the time of application for grading and/or construction permit(s), the applicant shall show the limits of the 100 year floodway on the site plan and all development located outside of the floodway and submit to Public Works for approval.

Stormwater Pollution Prevention

18. At the time of application for construction permits, the applicant shall demonstrate whether the project is subject to the LUO Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
19. Prior to initiation of tract improvements, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). As applicable, all construction-related protection measures specified in the SWPPP shall be installed prior to beginning of work.
20. At the time of application for construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
21. Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Biological Resources

22. Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
23. Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
 - a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
 - b. Public interpretive access improvements approved by a coastal development permit.

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24. **As a part of a second sheet of the tract map and included as a part of any individual construction permit application**, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment.
25. Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.
26. Prior to issuance of grading and/or construction permit(s), the applicant shall submit the Landscape Restoration and Enhancement Plan (LREP) to the Department of Planning and Building for review and approval. The LREP shall provide for riparian corridor landscape restoration and enhancement in the Little Cayucos Creek Riparian Habitat Area, with the goal of enhancing and restoring this area to self-sustaining and high resource value natural habitat state. The LREP shall be prepared by a qualified restoration ecologist, and shall incorporate specific conditions of the site (including soil, exposure, temperature, moisture, wind, etc), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:
 - a. A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area;
 - b. A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and this condition be maintained in perpetuity.
 - c. Removal of invasive and non-native plant species;
 - d. Planting of native species of local stock appropriate to the Little Cayucos Creek riparian corridor, including provision of fall and winter-flowering nectar sources for Monarch butterflies at appropriate locations. Non-native and/or invasive plant species shall be prohibited;
 - e. Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved;
 - f. Provision of submission of annual reports of monitoring results to the Department of Planning and Building, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the

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plan, and shall make recommendations (if any) on changes necessary to achieve success.

27. At the time of application for subdivision improvement plans, grading permits, and construction permits, the applicant shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
28. Upon submittal of tract improvement plans, all measures provided in the Mitigation Monitoring and Reporting Plan shall be shown on applicable plans relating to restoration of sensitive plants impacted. Should any measures conflict with conditions of approval, conditions of approval shall be considered superior. These measures shall be completed prior to recordation of final map.

Conditions to be completed prior to ground disturbance or construction activities

Air Quality

29. "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). Prior to final inspection or occupancy, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

Biological Resources

30. **(BR-1) Within one week of ground disturbance or tree removal/trimming activities**, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall be conducted.

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take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Buffers may be reduced if a qualified ornithologist determines that project activities will not affect the nesting birds. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

31. **(BR-2) Prior to ground disturbance**, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Wildlife to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:
 - a. Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
 - b. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.
32. **(BR-3) Prior to construction**, occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within a 100 foot buffer for songbirds and 300 for nesting raptors while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
33. **(BR-4) Prior to construction**, occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.
34. **(BR-5) Prior to removal of any trees over 20 inches DBH**, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming, or if any structures proposed for removal harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Game, will install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed.

Site Development

35. Prior to any grading work / ground disturbing work, a qualified surveyor shall delineate the 20 foot setback areas from the upland edge of the riparian habitat. Temporary fencing shall be erected one foot outside of the setback area (and in the development envelope) to delineate it clearly for the construction phase. No disturbance, vehicular traffic, or equipment material staging shall occur within the setback area during construction or following completion of the project, except work authorized for the Landscape Restoration and Enhancement Plan (LREP).

Conditions To Be Completed During Project Construction

Air Quality

36. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible,
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
- c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
- e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- f. All dirt stock-pile areas should be sprayed daily as needed.

37. No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

Biological Resources

38. To reduce the likelihood of sedimentation to Little Cayucos Creek, all private and construction vehicle traffic should be limited to those areas away from the northern and eastern edges of the property, outside of the fenced areas.

39. Construction activities shall be limited to the dry weather season (April 15 - October 15). Exhibit 5

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40. The applicant shall implement the erosion and sedimentation control plan.
41. The applicant shall implement the drainage plan.
42. The biological mitigation monitoring plan shall be implemented with on-site construction monitoring.

Cultural Resources

43. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Conditions to Be Completed Prior To Occupancy Or Final Inspection

Landscape Restoration and Enhancement Plan

44. Prior to occupancy of any residence associated with this approval, the applicant shall implement the LREP during construction as directed by a qualified restoration ecologist. The initial planting and plant removal shall be completed prior to the occupancy of the first approved residence. Submit field report prepared by qualified biologist verifying the completion of replanting to the Planning Department.

Access Drive and Fire Lane Signage

45. Prior to final inspection, the applicant shall provide to the Department of Planning and Building, evidence of a recorded maintenance agreement for the project access driveway and "no parking (fire lane) signage". In lieu of a recorded maintenance agreement, the applicant may elect to provide maintenance in accordance with the provisions of Civil Code Section 845. The applicant shall also demonstrate to the Department of Planning and Building that the portion of the access driveway is either included within the above maintenance agreement or adequately addressed by another maintenance arrangement (such as Civil Code Section 845).

Cultural Resources

46. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities, and confirming that all recommended mitigation measures have been met. [If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of Obligation to complete the required analysis].

Biological Resources

47. Prior to final inspection of any permits associated with this approval, the applicant shall submit a biology monitoring report to the Environmental Coordinator for approval verifying completion of all necessary field work and monitoring.

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48. Prior to final inspection of any permits associated with this approval, the drainage plan shall be implemented and verified by the Department of Planning and Building.
49. Prior to final inspection of any residence associated with this approval, the Department of Planning and Building shall verify no fireplaces are allowed because smoke from fireplaces interferes with Monarch Butterfly habitat.

Landscape

50. Prior to final inspection or occupancy (whichever occurs first), the following measures shall be applied to the proposed turf areas:
 - a. To maximize drought tolerance and minimize water usage, warm season grasses, such as bermuda or buffalograss, shall be used;
 - b. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
 - c. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.
 - d. Slopes for turf areas shall be no more than 4%.
 - e. All landscape material shall be compatible with the riparian restoration plan.
 - f. Landscaping on lots 6 and 7 shall be compatible with the Riparian Restoration Plan. All proposed landscaping shall be approved by the Department prior to installation.
51. Prior to final inspection or occupancy, the landscape shall be installed in accordance with the approved landscaping plan shall be installed. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

52. Prior to final inspection or occupancy, the applicant shall obtain final inspection and approval from Cayucos Department of Fire of all required fire/life safety measures.

Development Review Inspection

53. Prior to final inspection the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
54. Prior to occupancy of any residence associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Grading, Drainage, Sedimentation and Erosion Control

55. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices. Devices must be installed in conjunction with any grading and must effectively control siltation.
56. Prior to final inspection of construction permits, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure, 2) install "point of use" water heater "boosters" near all hot water faucets (that are greater than 20 feet in length).

feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to 2" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

On-Going Conditions of Approval (Valid For the Life of the Project)

Landscape Restoration and Enhancement Plan

57. Annual reports of monitoring results, beginning the first year after completion of the restoration efforts and concluding once success criteria have been achieved (criteria: 3 years of non-remediation! maintenance activities except for weeding) must be submitted to the Department of Planning and Building. Upon success criteria achievement, the self-sustaining riparian habitat must be maintained in perpetuity.

Landscaping

58. All landscape (including all trees and riparian vegetation) shall be maintained in viable condition in perpetuity.

General

59. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

60. **Prior to approval of tract improvement plans**, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval and Mitigated Negative Declaration measures relating to tract improvements. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

61. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.

Public Works Conditions

Road Improvements

62. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:

- a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property with a minimum of (2)-10 foot travel lanes and (1)-8 foot

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parking lane, within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.

- b. Cypress Glen Court shall be realigned and improved to a 20 foot wide minimum paved road section as shown on the tentative map. Improvement must be designed and constructed to the satisfaction of Cayucos Fire Department standards.
- c. The intersection of E street and Cypress Glen Court shall be constructed to a modified B-1 urban driveway standard as shown on the tentative map.
- d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include "fire lane - no parking" signage and pavement markings.

63. The applicant shall reserve the following private easements by certificate on the map or by separate document:

- a. A private access, drainage, and utility easement of sufficient width along the realigned Cypress Glen Court in favor of all new and neighboring parcels that require Cypress Glen Court for access to their property.
- b. An onsite minimum 20-foot private access and utility easement in favor of Parcels 1 through 8, with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
- c. An onsite reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).

Drainage

64. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins is/are to be maintained in perpetuity.

65. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.

66. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

67. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

68. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance

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with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.

- a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
69. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
70. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Effective Time Limits

71. The approval period for this Development Plan will run with the approval period for tentative tract map 3075. Map time extension approvals granted with the map shall similarly extend the Development Plan approval period. Time extensions must be submitted in writing by the applicant and are subject to evaluation and action based on the circumstances prevailing at the time of the request.

Indemnification Clause

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

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**EXHIBIT C
TENTATIVE TRACT MAP 3074
FINDINGS
SUB2015-0001**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Recreation and Residential Multifamily land use categories.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential units outside flood hazard areas and riparian setbacks.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support seven residential units and a required riparian setback.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Title 21 Adjustment to Real Property Division Ordinance Section 21.03.010.d.7

- J. That there special circumstances or conditions affecting the subdivision:
1. That the proposed project includes a vacation of Cypress Glenn Court which will terminate the possibility of it being a County maintained road. The County supports the vacation because there is no community circulation benefit. The site slopes downward from E Street toward Little Cayucos Creek and drops off at the E Street right of way very steeply resulting in less developable area for new residences once a driveway would reach natural grade after applying customary design criteria; and
 2. Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking where currently none exists; and
 3. the centerline of the internal drive court that serves all seven proposed residences is 75 feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Ct for direct access (their parking or garages are beyond the proposed access point from the new project; and
 4. the ordinance setback requirements from the riparian vegetation significantly reduces the developable area of the property; and
 5. the addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street.
- K. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision:
1. utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests and emergency vehicles; and
 2. trash collection within the drive court will keep Cypress Glen Ct more accessible to the existing four residences, thus eliminating inconvenience; and
 3. the provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking; and
 4. the amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate.
- L. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision:
1. the construction of the residences will enhance the character of the neighborhood since they are all single family homes and not attached apartments or condos; and
 2. public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists; and

ATTACHMENT 1

3. the project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate potential safety risk from downed power lines in the event of storms or acts of nature; and
 4. Cypress Glen Ct will be widened to 20 feet of width past the drive court and a pedestrian path will be provided along its edge; and
 5. Parking requirements for multifamily zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structure, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning.
- M. Cypress Glen Court is approximately 200 feet long and connects to E Street. The road currently acts as a private drive to the existing residences and is not in the County maintained system. Located on the properties served by Cypress Glen Court are single family residences and accessory structures. The abandonment removes the encumbrance of the platted road to the adjoining property owners. Since the road serves private residential properties and provides no existing or future public circulation benefit, the request to vacate a portion of Cypress Glen Court as shown on the vesting tentative map is appropriate.

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**EXHIBIT D
TENTATIVE TRACT MAP 3074
CONDITIONS OF APPROVAL
SUB2015-0001**

Approved Project

1. This Tract Map/Development Plan/Coastal Development Permit authorizes the subdivision of a 36,772 square foot site into seven buildable lots and one open space lot as follows:
 - a. Lot 1 – 2512 sq. ft.
 - b. Lot 2 – 2432 sq. ft.
 - c. Lot 3 – 2432 sq. ft.
 - d. Lot 4 – 2432 sq. ft.
 - e. Lot 5 – 2432 sq. ft.
 - f. Lot 6 – 3,311 ~~4961~~ sq. ft.
 - g. Lot 7 – 2,795 ~~5405~~ sq. ft.
 - h. Lot 8 – 21,090 ~~14,000~~ sq. ft. (Open Space Lot)

Road Improvements

2. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property with a minimum 2-10 foot travel lane and 1-8 foot parking lane within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Cypress Glen Court shall be realigned and improved to a 20 foot wide minimum paved road section as shown on the tentative map. Improvement must be designed and constructed to the satisfaction of Cayucos Fire Department standards.
 - c. The intersection of E street and Cypress Glen Court shall be constructed to a modified B-1 urban driveway standard as shown on the tentative map.
 - d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include "fire lane - no parking" signage and pavement markings.

Offers, Easements and Restrictions

3. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For road improvement purposes 1-foot along E Street to be described as 36-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
 - b. For pedestrian access purposes 6-feet along E Street to be described as 42-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.

ATTACHMENT 1

- c. A public utility easement along E Street to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
 - d. Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.
- 4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
 - a. A private access, drainage, and utility easement of sufficient width along the realigned Cypress Glen Court in favor of all new and neighboring parcels that require Cypress Glen Court for access to their property.
 - b. An onsite minimum 20-foot private access and utility easement in favor of Parcels 1 through 8, with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
 - c. An onsite reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).
- 5. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.

Improvement Maintenance:

- 6. Roads and/or streets shall be maintained as follows:
 - a. E Street shall be accepted for County maintenance following completion and certification of the improvements. No maintenance financing service charge shall be required, as these streets/roads are already in the County-maintained system, or are identified as new Principal Arterials, Arterials or Collectors, or meet the required number of road maintenance related smart growth points to be exempt.
 - b. Cypress Glen Court and onsite private access roads shall not be accepted for County maintenance following completion and certification of the improvements. The developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building.
- 7. Prior to map recordation the developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure inspection, operation, and maintenance of the following improvements:
 - a. The shared private access road serving parcels 1 through 8.
 - b. The shared storm water treatment facilities for public or common area improvements (if required) as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - c. The shared storm drainage basins, inlets, pipes, fences, related landscaping and other appurtenances (if required) for public or common area improvements.
 - d. Completion and compliance with the Riparian Restoration Plan.

Exhibit 5

Improvement Plans

8. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
9. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
10. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans are to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health.
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Sedimentation and erosion control plan for subdivision related improvement locations.
 - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
 - g. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
 - h. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - i. Storm Water Control Plan.
11. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [21.03.10(h)] and the poles removed.
12. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.
13. Prior to final map recordation, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
14. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

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Drainage

15. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins is/are to be maintained in perpetuity.
16. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.
17. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
18. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

19. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
20. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and

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Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.

21. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Additional Map Sheet

22. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained, indicating the proposed maintenance mechanism.
 - b. If a fenced drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
 - c. If a drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
 - d. The limits of inundation from a 100 year flood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to Hooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
 - e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
 - f. The applicant shall demonstrate that the project construction plans are in conformance with the applicant's Stormwater Control Plan Application.
 - g. For Stormwater management purposes, an impervious area ceiling must be determined for each lot and noted as a building restriction.
 - h. Stormwater treatment facilities shall be maintained and inspected in perpetuity as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - i. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
 - j. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
 - k. Notification to prospective buyers that a development plan/coastal development plan shall be recorded with the final parcel or tract map.

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permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.

- l. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- m. No parking is allowed in the access drive and signs shall be installed pursuant to these conditions.
- n. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

Covenants, Conditions and Restrictions

23. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval, and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate. The CC&R shall provide at a minimum the following provisions:

- a. Maintenance of Cypress Glen Court along the project frontage and onsite private access roads in perpetuity.
- b. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
- c. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- d. If storm water treatment facilities are required, on-going maintenance of said facilities in a viable condition on a continuing basis into perpetuity.
- e. Maintenance of all common areas within the subdivision in perpetuity.
- f. Operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- g. The limits of inundation from a 100 year flood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to flooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- h. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.
- i. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
- j. Notification to prospective buyers that a development plan/coastal development

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permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.

- k. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- l. Fire Lane - No parking signage and striping shall be installed, maintained and enforced.
- m. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

Open Space Easement

24. **Prior to recordation of the final map**, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:

- a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
- b. Public interpretive access improvements approved by a coastal development permit.

Miscellaneous

25. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final tract map. The date and person who prepared the report are to be noted on the map.

26. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

27. All timeframes on approved tentative maps for filing of parcel or final tract maps are measured from the date the Review Authority approves the tentative map as required by the Subdivision Map Act.

Indemnification Clause

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

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING
COMMUNITY WATER AND COMMUNITY SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from Environmental Health Services.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Code).
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to Environmental Health Services for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation.

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ATTACHMENT 1

Transportation for any work to be done on the state highway.

11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

#917



COASTAL APPEALABLE FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION

Name: Campbell-Sheppa File Number: Tract 3074

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☒ Development Plan/Conditional Use Permit
☐ Variance ☐ Land Division ☐ Lot Line Adjustment ☐ Other: _____

The decision was made by:

- ☐ Planning Director (Staff) ☐ Building Official ☐ Planning Department Hearing Officer
☐ Subdivision Review Board ☒ Planning Commission ☐ Other: _____

Date the application was acted on: May 26, 2016

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access
☐ Planning Commission ☐ Board of Supervisors

BASIS FOR APPEAL

☒ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the Certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: No land divisions in association with Environmentally Sensitive Habitats (Policy 4)

☐ INCOMPATIBLE WITH PUBLIC ACCESS POLICIES. The development does not conform to the public access policies of the California Coastal Act - Section 30210 et seq of the Public Resource Code (attach additional sheets if necessary).

Explain: _____

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number _____ Reason for appeal (attach additional sheets if necessary)

APPELLANT INFORMATION

Print name: Eileen Roach

Address: 24 Cypress Glen Ct. Phone Number (daytime): 805-712-4944
Cayucos, CA 93430

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here as true.

Signature: Eileen M Roach

Date: 6-1-16

OFFICE USE ONLY

Date Received: 6/7/16Amount Paid: N/ABy: NARReceipt No. (if applicable): N/A-3-SLO-16-0095

Exhibit 5

According to the LCP Policy 4 – No Land Divisions in Association with Environmentally Sensitive Habitats, no divisions of parcels shall be permitted unless it can be found that the buildable area is entirely outside of the minimum standard setback of 50 feet for urban streams.

The Campbell-Sheppa/Lloyd project (Tract 3074) at 399 "E" Street includes a lot that is in Little Cayucos Creek which is considered an Environmentally Sensitive Habitat. The land division and project design includes houses that are 20' away from the creek riparian setback. This does not meet the 50 feet setback from urban streams defined in Policy 4.



DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

June 1, 2016

Dan Lloyd
P.O. Box 378
Cayucos, CA 93430

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: May 26, 2016

SUBJECT: CAMPBELL-SHEPPARD / DAN LLOYD
County File Number: SUB2015-00001 / Coastal Development Permit

LOCATED WITHIN COASTAL ZONE: YES

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

Appeal to the Board. This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non-coastal issues there is a fee of \$850.00.

Appeal to the Coastal Commission. This coastal development permit action is appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, and the criteria and procedures that must be followed to appeal this action. If this action is not appealable to the Coastal Commission, then the County's coastal development permit action is effective subject to its terms and conditions. If this action is appealable to the Coastal Commission, then the Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this action from San Luis Obispo County. The action and coastal development permit are not effective until the Coastal Commission's appeal period has expired and no appeal has been filed. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed. If an appeal is filed with the Coastal Commission, then the County's coastal development permit action is stayed and you will need to contact the Commission directly for details on next steps. Potential appellants must exhaust County appeal avenues prior to appeal to the Coastal Commission.

Appeals and/or questions about the Commission's appeal process should be directed to:
California Coastal Commission Central Coast District Office, 725 Front Street, Suite 300, Santa Cruz, CA, 95060; phone (831) 427-4863; fax: (831) 427-4877.

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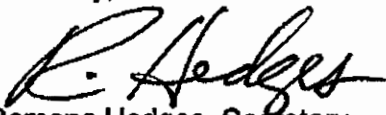
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If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other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

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

If you have questions regarding your project, please contact your Project Manager, James Caruso, at (805) 781-5702

Sincerely,



Ramona Hedges, Secretary
San Luis Obispo County Planning Commission

(Planning Department Use Only)

Date NOFA copy mailed to Coastal Commission: 6/10

Enclosed: X Staff Report
 X Findings and Conditions

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**PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Thursday, May 26, 2016

PRESENT: Commissioners Ken Topping, Jim Irving, Eric Meyer, and James Harrison

ABSENT: Chairman Don Campbell

PLANNING COMMISSION RESOLUTION NO. 2016-016

RESOLUTION RELATIVE TO THE GRANTING

OF A

TENTATIVE TRACT MAP / DEVELOPMENT PLAN / COASTAL DEVELOPMENT PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 26th day of May, 2016, grant a Tentative Tract Map, Development Plan, Coastal Development Permit (Tract 3074) to CAMPBELL-SHEPPARD / DAN LLOYD, and approves the Mitigated Negative Declaration. The site is in the Residential Multi Family and Recreation land use categories and is located at 399 E Street at the corner of Cypress Glen Court in the community of Cayucos, in the Estero planning area. Assessor Parcel Number(s) / APN(s): 064-034-007.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit based on the Findings listed in Exhibits A and C.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Conditions listed in Exhibits B and D.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 26th day of May, 2016, does hereby grant the aforesaid Permit No. SUB2015-00001.

This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance/Coastal Zone Ordinance Section 22.64.070/23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance/Coastal Zone Ordinance Section 22.64.080/23.02.042.

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If the use authorized by this Permit approval, once established, remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months, such Permit approval shall become void.

On motion of Commissioner Topping, seconded by Commissioner Irving, and on the following roll call vote, to-wit:

AYES: Commissioners Topping, Irving, Harrison and Vice Chairman Meyer

NOES: None

ABSENT: Chairman Campbell

the foregoing resolution is hereby adopted.

/s/ Eric Meyer
Vice Chairperson of the Planning Commission

ATTEST:

/s/ Ramona Hedges
Secretary, Planning Commission

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EXHIBIT A DEVELOPMENT PLAN/COSTAL DEVELOPMENT PERMIT FINDINGS SUB2015-00001

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval..

Development Plan/Coastal Development Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the new residences do not generate activities that present potential threats to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the seven single family residences are allowed uses and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on E Street and Cypress Glen Court, (local) roads constructed to a level able to handle any additional traffic associated with the project.

Minimum Parcel Size

- G. The reduction in minimum parcel size for parcels 1 through 7 is appropriate because:
1. The common ownership external parcel is in compliance with the provisions of 23.04.084; and
 2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

Coastal Access

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

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Sensitive Resource Area

- I. The development will not create significant adverse effects on the natural features (Coastal Stream) of the site or vicinity that are the basis for the Sensitive Resource Area designation, and will preserve and protect such features through site design because the project includes adequate setbacks from the riparian vegetation, and conditions to restore the riparian habitat and implement grading, erosion, sedimentation standard measures that will protect the sensitive habitat.
- J. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the seven residences and driveway are located in the least environmentally damaging portion of the project site and outside the creek setback.
- K. The proposed clearing of topsoil is the minimum necessary to achieve safe and convenient access and siting for the project, and will not create significant adverse effects on the identified sensitive resource because the development will be located outside the creek setback and sensitive riparian habitat. No tree removal will be allowed within the riparian corridor and the residences are located the furthest extent possible from the riparian vegetation.
- L. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff. To ensure compliance, the project is conditioned to submit an erosion, sedimentation control and drainage plan utilizing Best Management Practices to Public Works for approval at the time of building permit applications and implementation during construction.

Streams and Riparian Vegetation

- M. The proposed project is a development of seven single family residences that is an allowable use and will be located approximately 20 to 40 feet to the creek. No alternative locations and routes are feasible or less environmentally damaging because the residences are placed the furthest extent of the riparian vegetation and on the least environmentally damaging portion of the project site.
- N. Adverse environmental effects have been mitigated to the maximum extent feasible.
- O. Implementation of the conditions and mitigation measures will ensure no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

Archaeology

- P. No significant archaeological resources were found on the project site through surface (Phase I) and sub-surface (Phase II) investigations. Therefore, archaeological resources will not be adversely impacted by the project.

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**EXHIBIT B
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
SUB2015-00001**

Approved Development

1. This Tract Map/Development Plan/Coastal Development Permit approves the following development and project-related activities:
 - a. The creation of seven residential lots, plus one open space parcel as shown on Tentative Tract 3074;
 - b. Grading and street improvements to E Street and Cypress Glen Court;
 - c. Grading and minor site work for a sewer laterals;
 - d. Grading and minor site work for gas lines;
 - e. Grading and construction of a shared driveway from Cypress Glen Court;
 - f. Grading and construction of seven new residences with a maximum height of 28 feet as follows:

Tract 3074 Product Summary (Square Feet)								
Project Components	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508	2,432	2,432	2,432	2,432	3,311	2,795	21,090
Dwellings Floor Area								
Living Space	2,449	2,449	2,197	2,197	2,197	2,170	2,013	--
Garage	571	571	593	593	593	440	440	--
Carport	519	519	516	516	516	0	0	--
Decks and Porches	335	335	443	443	443	41	44	--
Total	3,874	3,874	3,749	3,749	3,749	2,651	2,497	--

- g. Parcel sizes and setbacks as follows:

Tract 3074 Parcel Size and Setback Summary								
	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	3,311 sq.ft.	2,795 sq.ft.	21,090 sq.ft.
Front Yard	12'	12'	12'	12'	12'	14'	14'	N/A
Side Yards	3'	3'	3'	3'	3'	5'	4'-5'	N/A
Rear Yards	18'	18'	18'	18'	18'	5' 45'	5' 45'	N/A

- h. Restoration and enhancement of the riparian habitat area;
- i. On-going monitoring and restoration of the riparian habitat area (as necessary); and
- j. Total site disturbance of approximately 26,910 square feet (not including riparian restoration).

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Conditions required to be completed at the time of application and/or prior to issuance of construction permits

Site Development

2. At the time of application for grading and/or construction permit(s), the applicant shall submit final site plans to the Department of Planning and Building for review and approval. The final site plans shall show the following:
 - a. **Little Cayucos Creek Setback.** Other than habitat restoration related development, all development including but not limited to retaining walls, drainage features, fencing, decking, and parking areas, shall be set back a minimum distance of 20 feet from the upland edge of Little Cayucos Creek riparian vegetation.

All grading, as defined by the CZLUO, shall be setback from the edge of riparian vegetation a minimum of 50 feet.
 - b. **Approved Development Envelope.** All areas of the site outside of the Little Cayucos Creek Riparian Habitat Area and its required setback shall be demarked as the Approved Development Envelope.
 - c. **Little Cayucos Creek Riparian Habitat Area.** The area of the site outside the Approved Development Envelope shall be demarked as the Little Cayucos Creek Riparian Habitat Area, where development and uses shall be limited to restoration, enhancement, protection, and interpretation of the Little Cayucos Creek riparian habitat.
 - d. **Site Access.** All access to the residential units from E Street shall be clearly identified on the final site plans, and shall include:
 - i. Verification that access has been reviewed and approved by the Department of Public Works with respect to improvements in the E Street right-of-way;
 - ii. Verification that access has been reviewed and approved by the Cayucos Fire Department in respects to fire safety regulations;
 - e. **Project Limit Area.** The final plans shall clearly identify specific locations of construction, areas for staging and storage, and construction access corridors. Such areas shall be minimized to the maximum extent feasible to minimize impacts on the creek habitat area. Silt fences, or equivalent shall be installed at the perimeter of allowable construction area to prevent runoff and/or sediment from entering the riparian habitat area.
 - f. **Construction Plan Notes.** The final plans shall include a final construction schedule and erosion control/water quality BMPs (and locations). The following required criteria must be shown on the Plan Notes:
 - i. All work shall take place during daylight hours. Lighting of the creek and riparian area is prohibited.
 - ii. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside the defined construction, staging, and storage areas.
 - iii. Construction shall only occur during the dry between April 15 to October 1.
3. Prior to issuance of construction permits for the residences, the applicant shall submit a color and materials board to the Department of Planning and Building for review and approval.

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Fire Safety

4. Prior to issuance of construction and/or grading permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Additional Fire Safety Review will be required and the applicant shall provide evidence that all plans submitted are compliant with current fire and life safety requirements of the Cayucos Fire Department and the California Fire Code.

Services

5. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final water availability letter from Morro Rock Mutual Water Company to service the new residences. The project shall meet all applicable conditions of the final will serve requirements by the water purveyor.
6. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final sewer availability letter from Cayucos Sanitary District to service the new residences. The project shall meet all applicable requirements of the final-will serve requirements by the District

Exterior Lighting

7. Prior to issuance of construction permits for the residences, the applicant shall submit exterior lighting plans to the Department of Planning and Building for review and approval. All proposed exterior lighting shall be shielded to the maximum extent possible and be of the lowest intensity feasible in order to avoid artificial light pollution of the riparian habitat area. Exterior lights on the north and northwest sides of the project (bordering the creek) shall be avoided where possible and be the minimum necessary to meet safety requirements. Exterior light shall be shielded and lighting shall be directed downward and away from the creek and riparian areas.

Access & Access Easement

8. Prior to issuance of a grading permit, the applicant shall provide evidence of a recorded easement for access and utilities to Lots 1 through 7 to the Department of Planning and Building.
9. Prior to issuance of construction and/or grading permits, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Construct or site access driveway approach in accordance with County Public Improvement Standard B-1a.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
10. Prior to issuance of construction and/or grading permits, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Water

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11. **Prior to issuance of construction permits**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping (turf areas) shall not exceed 500 square feet with remaining landscaping being drought tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.
12. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans **prior to permit issuance**.

Quit Claim Deed

13. Prior to issuance of a grading permit, the applicant shall provide evidence acceptable to the Executive Director of the California Coastal Commission that it is the record title owner of the project site, such as a Quit Claim Deed and updated preliminary title report.

Fees

14. Prior to issuance of construction permits, the applicant shall pay all applicable school and public facilities fees.

Grading, Drainage, Sedimentation and Erosion Control

15. Prior to issuance of construction and/or grading permits, the applicant shall submit a complete drainage, erosion, and sedimentation control plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. The plan shall use sediment control measures to protect Little Cayucos Creek. Installation of erosion and sedimentation control devices shall be installed around the perimeter of the construction zone. No flows shall be directed to Cayucos Creek without NPDES permit. The plan shall include the following:

- a. **Implementation of Best Management Practices during Construction.** The Plan shall identify the types and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants in the Little Cayucos Creek during construction. These measures shall be designed in accordance to the California Storm Water Best Management Practices Handbook and the San Luis Obispo County Resources Conservation District, as such:
- i. Limit the extent of land disturbance to the minimum amount necessary to construct the project;
 - ii. Designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which must be covered on a daily basis;
 - iii. Provide installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpiled areas;
 - iv. Provide hydro seeding (with native plants) of disturbed areas immediately upon conclusion of construction activities;
 - v. Good construction measures such as the use of dry cleanup measures whenever possible, collecting and filtering cleanup water when dry cleanup methods are not feasible, cleaning and refueling construction

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equipment at designated off site maintenance areas, and immediate cleanup of any leaks or spills.

b. **Permanent Drainage and Erosion Control Plan.** The Plan shall include and clearly identify all permanent measures to control and direct all site runoff and a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltrations, and/or habitat enhancement, and/or directed to off-site storm drain systems. The Plan shall be prepared by a licensed engineer and incorporate structure and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater and other run-off associated with the development. The Plan shall include required calculations and documentations for all BMPs proposed and shall, at the minimum provide for:

- i. Drainage system designed to filter and treat the volume of runoff produced from irrigation and storm event up to and including the as" percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1 hour runoff event (with an appropriate safety factor) for flow-based BMPs , prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating mechanism shall be clearly identified, and supporting technical information shall be provided.
- ii. Runoff from the roofs, driveways, parking lots, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site;
- iii. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions;
- iv. All runoff shall be directed away from the creek/riparian habitat area unless proven appropriate for habitat enhancement process;
- v. All drainage system elements shall be permanently operated and maintained.

16. All disturbed areas shall be restored as soon as possible. If the area is within close proximity of a sensitive habitat, a compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

17. At the time of application for grading and/or construction permit(s), the applicant shall show the limits of the 100 year floodway on the site plan and all development located outside of the floodway and submit to Public Works for approval.

Stormwater Pollution Prevention

18. At the time of application for construction permits, the applicant shall demonstrate whether the project is subject to the LUO Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.

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19. Prior to initiation of tract improvements, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). As applicable, all construction-related protection measures specified in the SWPPP shall be installed prior to beginning of work.
20. At the time of application for construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
21. Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Biological Resources

22. Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
23. Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
 - a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
 - b. Public interpretive access improvements approved by a coastal development permit.
24. **As a part of a second sheet of the tract map and included as a part of any individual construction permit application**, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment.
25. Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the

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California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.

26. Prior to issuance of grading and/or construction permit(s), the applicant shall submit the Landscape Restoration and Enhancement Plan (LREP) to the Department of Planning and Building for review and approval. The LREP shall provide for riparian corridor landscape restoration and enhancement in the Little Cayucos Creek Riparian Habitat Area, with the goal of enhancing and restoring this area to self-sustaining and high resource value natural habitat state. The LREP shall be prepared by a qualified restoration ecologist, and shall incorporate specific conditions of the site (including soil, exposure, temperature, moisture, wind, etc), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:
- a. A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area;
 - b. A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and this condition be maintained in perpetuity.
 - c. Removal of invasive and non-native plant species;
 - d. Planting of native species of local stock appropriate to the Little Cayucos Creek riparian corridor, including provision of fall and winter-flowering nectar sources for Monarch butterflies at appropriate locations. Non-native and/or invasive plant species shall be prohibited;
 - e. Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved;
 - f. Provision of submission of annual reports of monitoring results to the Department of Planning and Building, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the plan, and shall make recommendations (if any) on changes necessary to achieve success.
27. At the time of application for subdivision improvement plans, grading permits, and construction permits, the applicant shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
28. Upon submittal of tract improvement plans, all measures provided in the Mitigation Monitoring and Reporting Plan shall be shown on applicable plans relating to restoration of

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sensitive plants impacted. Should any measures conflict with conditions of approval, conditions of approval shall be considered superior. These measures shall be completed prior to recordation of final map.

Conditions to be completed prior to ground disturbance or construction activities

Air Quality

29. "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). Prior to final inspection or occupancy, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

Biological Resources

30. (BR-1) **Within one week of ground disturbance or tree removal/trimming activities**, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Buffers may be reduced if a qualified ornithologist determines that project activities will not affect the nesting birds. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.
31. (BR-2) **Prior to ground disturbance**, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Wildlife to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be

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submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:

- a. Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
 - b. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.
32. **(BR-3) Prior to construction**, occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within a 100 foot buffer for songbirds and 300 for nesting raptors while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
33. **(BR-4) Prior to construction**, occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.
34. **(BR-5) Prior to removal of any trees over 20 inches DBH**, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming, or if any structures proposed for removal harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Game, will install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed.

Site Development

35. Prior to any grading work / ground disturbing work, a qualified surveyor shall delineate the 20 foot setback areas from the upland edge of the riparian habitat. Temporary fencing shall be erected one foot outside of the setback area (and in the development envelope) to delineate it clearly for the construction phase. No disturbance, vehicular traffic, or equipment material staging shall occur within the setback area during construction or following completion of the project, except work authorized for the Landscape Restoration and Enhancement Plan (LREP).

Conditions To Be Completed During Project Construction

Air Quality

36. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

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- a. Reduce the amount of disturbed area where possible,
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
 - c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - f. All dirt stock-pile areas should be sprayed daily as needed.
37. No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

Biological Resources

38. To reduce the likelihood of sedimentation to Little Cayucos Creek, all private and construction vehicle traffic should be limited to those areas away from the northern and eastern edges of the property, outside of the fenced areas.
39. Construction activities shall be limited to the dry weather season (April 15 - October 15).
40. The applicant shall implement the erosion and sedimentation control plan.
41. The applicant shall implement the drainage plan.
42. The biological mitigation monitoring plan shall be implemented with on-site construction monitoring.

Cultural Resources

43. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Conditions to Be Completed Prior To Occupancy Or Final Inspection

Landscape Restoration and Enhancement Plan

44. Prior to occupancy of any residence associated with this approval, the applicant shall implement the LREP during construction as directed by a qualified restoration ecologist. The initial planting and plant removal shall be completed prior to the occupancy of the first

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approved residence. Submit field report prepared by qualified biologist verifying the completion of replanting to the Planning Department.

Access Drive and Fire Lane Signage

45. Prior to final inspection, the applicant shall provide to the Department of Planning and Building, evidence of a recorded maintenance agreement for the project access driveway and "no parking (fire lane) signage". In lieu of a recorded maintenance agreement, the applicant may elect to provide maintenance in accordance with the provisions of Civil Code Section 845. The applicant shall also demonstrate to the Department of Planning and Building that the portion of the access driveway is either included within the above maintenance agreement or adequately addressed by another maintenance arrangement (such as Civil Code Section 845).

Cultural Resources

46. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities, and confirming that all recommended mitigation measures have been met. [If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of Obligation to complete the required analysis].

Biological Resources

47. Prior to final inspection of any permits associated with this approval, the applicant shall submit a biology monitoring report to the Environmental Coordinator for approval verifying completion of all necessary field work and monitoring.
48. Prior to final inspection of any permits associated with this approval, the drainage plan shall be implemented and verified by the Department of Planning and Building.
49. Prior to final inspection of any residence associated with this approval, the Department of Planning and Building shall verify no fireplaces are allowed because smoke from fireplaces interferes with Monarch Butterfly habitat.

Landscape

50. Prior to final inspection or occupancy (whichever occurs first), the following measures shall be applied to the proposed turf areas:
- To maximize drought tolerance and minimize water usage, warm season grasses, such as bermuda or buffalograss, shall be used;
 - To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
 - Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.
 - Slopes for turf areas shall be no more than 4%.
 - All landscape material shall be compatible with the riparian restoration plan.
 - Landscaping on lots 6 and 7 shall be compatible with the Riparian Restoration Plan. All proposed landscaping shall be approved by the Department prior to installation.

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51. Prior to final inspection or occupancy, the landscape shall be installed in accordance with the approved landscaping plan shall be installed. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

52. Prior to final inspection or occupancy, the applicant shall obtain final inspection and approval from Cayucos Department of Fire of all required fire/life safety measures.

Development Review Inspection

53. Prior to final inspection the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

54. Prior to occupancy of any residence associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Grading, Drainage, Sedimentation and Erosion Control

55. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices. Devices must be installed in conjunction with any grading and must effectively control siltation.

56. Prior to final inspection of construction permits, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to 2" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

On-Going Conditions of Approval (Valid For the Life of the Project)

Landscape Restoration and Enhancement Plan

57. Annual reports of monitoring results, beginning the first year after completion of the restoration efforts and concluding once success criteria have been achieved (criteria: 3 years of non-remediation! maintenance activities except for weeding) must be submitted to the Department of Planning and Building. Upon success criteria achievement, the self-sustaining riparian habitat must be maintained in perpetuity.

Landscaping

58. All landscape (including all trees and riparian vegetation) shall be maintained in viable condition in perpetuity.

General

59. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

60. Prior to approval of tract improvement plans, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure

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compliance with County Conditions of Approval and Mitigated Negative Declaration measures relating to tract improvements. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

61. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.

Public Works Conditions

Road Improvements

62. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
- a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property with a minimum of (2)-10 foot travel lanes and (1)-8 foot parking lane, within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Cypress Glen Court shall be realigned and improved to a 20 foot wide minimum paved road section as shown on the tentative map. Improvement must be designed and constructed to the satisfaction of Cayucos Fire Department standards.
 - c. The intersection of E street and Cypress Glen Court shall be constructed to a modified B-1 urban driveway standard as shown on the tentative map.
 - d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include "fire lane - no parking" signage and pavement markings.
63. The applicant shall reserve the following private easements by certificate on the map or by separate document:
- a. A private access, drainage, and utility easement of sufficient width along the realigned Cypress Glen Court in favor of all new and neighboring parcels that require Cypress Glen Court for access to their property.
 - b. An onsite minimum 20-foot private access and utility easement in favor of Parcels 1 through 8, with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
 - c. An onsite reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).

Drainage

64. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins is/are to be maintained in perpetuity.

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65. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.
66. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
67. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

68. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
69. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
70. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

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Effective Time Limits

71. The approval period for this Development Plan will run with the approval period for tentative tract map 3075. Map time extension approvals granted with the map shall similarly extend the Development Plan approval period. Time extensions must be submitted in writing by the applicant and are subject to evaluation and action based on the circumstances prevailing at the time of the request.

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EXHIBIT C TENTATIVE TRACT MAP 3074 FINDINGS SUB2015-0001

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Recreation and Residential Multifamily land use categories.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential units outside flood hazard areas and riparian setbacks.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support seven residential units and a required riparian setback.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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Title 21 Adjustment to Real Property Division Ordinance Section 21.03.010.d.7

- J. That there special circumstances or conditions affecting the subdivision:
1. That the proposed project includes a vacation of Cypress Glenn Court which will terminate the possibility of it being a County maintained road. The County supports the vacation because there is no community circulation benefit. The site slopes downward from E Street toward Little Cayucos Creek and drops off at the E Street right of way very steeply resulting in less developable area for new residences once a driveway would reach natural grade after applying customary design criteria; and
 2. Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking where currently none exists; and
 3. the centerline of the internal drive court that serves all seven proposed residences is 75 feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Ct for direct access (their parking or garages are beyond the proposed access point from the new project; and
 4. the ordinance setback requirements from the riparian vegetation significantly reduces the developable area of the property; and
 5. the addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street.

- K. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision:
1. utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests and emergency vehicles; and
 2. trash collection within the drive court will keep Cypress Glen Ct more accessible to the existing four residences, thus eliminating inconvenience; and
 3. the provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking; and
 4. the amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate.

- L. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision:
1. the construction of the residences will enhance the character of the neighborhood since they are all single family homes and not attached apartments or condos; and
 2. public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists; and
 3. the project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate

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potential safety risk from downed power lines in the event of storms or acts of nature; and

4. Cypress Glen Ct will be widened to 20 feet of width past the drive court and a pedestrian path will be provided along its edge; and
5. Parking requirements for multifamily zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structure, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning.

- M. Cypress Glen Court is approximately 200 feet long and connects to E Street. The road currently acts as a private drive to the existing residences and is not in the County maintained system. Located on the properties served by Cypress Glen Court are single family residences and accessory structures. The abandonment removes the encumbrance of the platted road to the adjoining property owners. Since the road serves private residential properties and provides no existing or future public circulation benefit, the request to vacate a portion of Cypress Glen Court as shown on the vesting tentative map is appropriate.

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EXHIBIT D TENTATIVE TRACT MAP 3074 CONDITIONS OF APPROVAL SUB2015-0001

Approved Project

1. This Tract Map/Development Plan/Coastal Development Permit authorizes the subdivision of a 36,772 square foot site into seven buildable lots and one open space lot as follows:
 - a. Lot 1 – 2512 sq. ft.
 - b. Lot 2 – 2432 sq. ft.
 - c. Lot 3 – 2432 sq. ft.
 - d. Lot 4 – 2432 sq. ft.
 - e. Lot 5 – 2432 sq. ft.
 - f. Lot 6 – 3,311 ~~4961~~ sq. ft.
 - g. Lot 7 – 2,795 ~~5405~~ sq. ft.
 - h. Lot 8 – 21,090 ~~44,089~~ sq. ft. (Open Space Lot)

= 39,2136

Road Improvements

2. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property with a minimum 2-10 foot travel lane and 1-8 foot parking lane within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Cypress Glen Court shall be realigned and improved to a 20 foot wide minimum paved road section as shown on the tentative map. Improvement must be designed and constructed to the satisfaction of Cayucos Fire Department standards.
 - c. The intersection of E street and Cypress Glen Court shall be constructed to a modified B-1 urban driveway standard as shown on the tentative map.
 - d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include "fire lane - no parking" signage and pavement markings.

Offers, Easements and Restrictions

3. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For road improvement purposes 1-foot along E Street to be described as 36-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
 - b. For pedestrian access purposes 6-feet along E Street to be described as 42-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.

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- c. A public utility easement along E Street to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
 - d. Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.
4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
 - a. A private access, drainage, and utility easement of sufficient width along the realigned Cypress Glen Court in favor of all new and neighboring parcels that require Cypress Glen Court for access to their property.
 - b. An onsite minimum 20-foot private access and utility easement in favor of Parcels 1 through 8, with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
 - c. An onsite reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).
 5. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.

Improvement Maintenance:

6. Roads and/or streets shall be maintained as follows:
 - a. E Street shall be accepted for County maintenance following completion and certification of the improvements. No maintenance financing service charge shall be required, as these streets/roads are already in the County-maintained system, or are identified as new Principal Arterials, Arterials or Collectors, or meet the required number of road maintenance related smart growth points to be exempt.
 - b. Cypress Glen Court and onsite private access roads shall not be accepted for County maintenance following completion and certification of the improvements. The developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building.
7. Prior to map recordation the developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure inspection, operation, and maintenance of the following improvements:
 - a. The shared private access road serving parcels 1 through 8.
 - b. The shared storm water treatment facilities for public or common area improvements (if required) as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - c. The shared storm drainage basins, inlets, pipes, fences, related landscaping and other appurtenances (if required) for public or common area improvements.
 - d. Completion and compliance with the Riparian Restoration Plan.

Improvement Plans

8. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also

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provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

9. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
10. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans are to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health.
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Sedimentation and erosion control plan for subdivision related improvement locations.
 - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
 - g. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
 - h. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - i. Storm Water Control Plan.
11. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [21.03.10(h)] and the poles removed.
12. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.
13. Prior to final map recordation, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
14. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

Drainage

15. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins is/are to be maintained in perpetuity.

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16. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.
17. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
18. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

19. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
20. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
21. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Additional Map Sheet

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22. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

- a. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained, indicating the proposed maintenance mechanism.
- b. If a fenced drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
- c. If a drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
- d. The limits of inundation from a 100 year flood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to Flooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
- f. The applicant shall demonstrate that the project construction plans are in conformance with the applicant's Stormwater Control Plan Application.
- g. For Stormwater management purposes, an impervious area ceiling must be determined for each lot and noted as a building restriction.
- h. Stormwater treatment facilities shall be maintained and inspected in perpetuity as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
- i. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- j. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
- k. Notification to prospective buyers that a development plan/coastal development permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.
- l. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- m. No parking is allowed in the access drive and signs shall be installed pursuant to these conditions.
- n. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

Covenants, Conditions and Restrictions

23. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval.

ATTACHMENT 3

and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate. The CC&R shall provide at a minimum the following provisions:

- a. Maintenance of Cypress Glen Court along the project frontage and onsite private access roads in perpetuity.
- b. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
- c. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- d. If storm water treatment facilities are required, on-going maintenance of said facilities in a viable condition on a continuing basis into perpetuity.
- e. Maintenance of all common areas within the subdivision in perpetuity.
- f. Operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- g. The limits of inundation from a 100 year flood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to flooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- h. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.
- i. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
- j. Notification to prospective buyers that a development plan/coastal development permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.
- k. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- l. Fire Lane - No parking signage and striping shall be installed, maintained and enforced.
- m. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

Open Space Easement

24. Prior to recordation of the final map, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:

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- a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
- b. Public interpretive access improvements approved by a coastal development permit.

Miscellaneous

25. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final tract map. The date and person who prepared the report are to be noted on the map.
26. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
27. All timeframes on approved tentative maps for filing of parcel or final tract maps are measured from the date the Review Authority approves the tentative map as required by the Subdivision Map Act.

ATTACHMENT 3

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING COMMUNITY WATER AND COMMUNITY SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from Environmental Health Services.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Code).
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to Environmental Health Services for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.

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11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

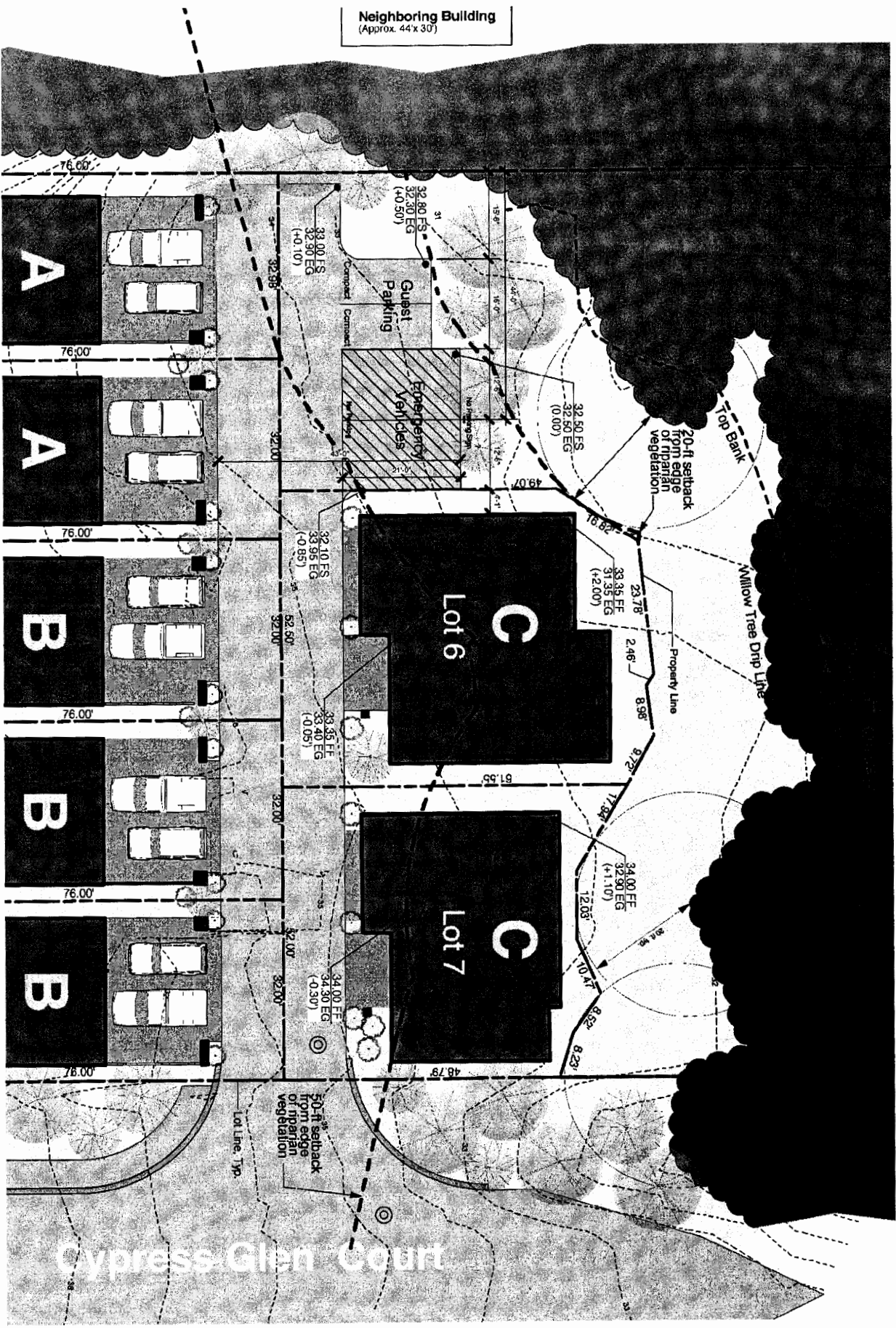
Site Plan Exhibit

Scale: 1/16" = 1'-0"

3 of 4

Cypress Glen
Date: 05/23/16

Neighboring Building
(Approx. 44' x 30')



Legend
FF = Finished Floor
EG = Existing Grade
FS = Finished Surface

ATTACHMENT 5

Thursday, May 26, 2016

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; and James Harrison

ABSENT: Don Campbell

7. Continued Hearing to consider the CAMPBELL-SHEPPA Tentative Tract map and Development Plan. Also to be considered is the approval of the environmental document. A mitigated negative declaration was issued on February 2, 2016. CONTINUED FROM 3/24/16.

County File No: SUB2015-00001

Assessor Parcel No: 064-034-007

Supervisory District: 2

Date Accepted: November 25, 2015

Project Manager: James Caruso

Recommendation: Approval

Eric Meyer: asks for commissioner ex-parte contacts with none being reported.

Karen Nall, Supervising Planner: presents staff report via a Power Point presentation.

Jim Irving: discusses new Revised Exhibit B and would like clarification on conditions which have been modified with Ms. Nall responding.

Ken Topping: confirms paved widths not being indicated on the map with Ms. Nall suggesting Mr. Lloyd be asked about this issue.

Jim Irving: asks if the language in 2. A. reflect the language suggested by the Coastal Commission (CCC).

Dan Lloyd, applicant: clarifies commissioners' questions using overhead plans to indicate changes.

Eric Meyer: opens Public Comment.

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Eileen Roach and Kathy Oliver: speak.

Dan Lloyd: addresses Public Comment issues.

Glenn Marshall, Public Works: discusses findings in regards to the Ordinance standards discussed in terms of granting of special circumstances and will add this to the findings if the commission supports the vacation of the land and findings can be made to circumvent this ordinance.

Ken Topping: asks counsel about variance language in terms of county policy and the maintenance of a private road.

Dan Lloyd: discusses condition 23 regarding signage in terms of painting

Ken Topping: is concerned with findings to be clear on paper to ensure the setback being paved is 20' on both Cypress Glenn Ct. and the private drive.

Karen Nall: can write the condition during the break.

Commissioners: review the drafted conditions at the break.

Ken Topping: comments on repetitious language and would like to know if this is standard because he also noticed this in Conditional Use Permit (CUP) conditions with Ms. Nall responding.

Karen Nall: provides options for the tree in regards to trimming rather than removal of the tree. Reads into the record re-written Development Plan condition 62 from Exhibit B and D. Added the same language from the development plan to the CC&R's for perpetuity.

Ken Topping: is agreeable to the changes.

Thereafter on **Motion by:** Ken Topping, **Second by:** Jim Irving, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don				
Meyer, Eric	x			
Topping, Ken	x			

The Commission adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and approves Vesting Tentative Tract Map and Conditional Use Permit SUB2015-00001 (Tract 3074) based on the Findings listed in Exhibit A, and Exhibit C –changing Tract Map Finding J. 1 to add a sentence to read “J. 1. That the proposed project includes a vacation of Cypress Glenn Court which will terminate the possibility of it being a County

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ATTACHMENT 5

maintained road. The County supports the vacation because there is no community circulation benefit; and subject to the Conditions listed in Exhibits B and D, changing Development Plan Exhibit B, Condition 1. F. table for Lot Area, Lot 6 from 4,961 to 3,311, and Lot 7 Lot Area from 5,405 to 2,795, and Lot 8 Lot Area from 14,089 to 21,090; Changing Development Plan Condition 1. g. to same lot areas as listed in 1. F.; Changing Development Plan Condition 62.b. to read: 62. b. Cypress Glen Court shall be realigned and improved to a 20 foot wide minimum paved road section as shown on the tentative map.""; Changing Condition 62. d. to read: "62. d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include fire lane –no parking" signage and pavement markings."; and changing Exhibit D, Tract Condition 1. f. to 3, 311, striking 4961; changing Tract Condition 1. g. to 2, 795, striking 5405; changing Tract Condition 1. h. to 21,090, striking 14,089; Changing Tract Condition 1. i. to include the sentence: "...to a 20 foot wide minimum paved road section...."; Changing Tract Condition 2. d. to read: "2. d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include fire lane –no parking signage and pavement markings; Changing Tract Condition 22. d. to strike the word "Hood" and replace with "Flood"; and changing the Covenants, Conditions and Restrictions Condition 23. l. to read: "23. l. Fire Lane – No parking signage and striping shall be installed, maintained and enforced; Adopted.

Respectfully submitted,

Ramona Hedges, Secretary

SLO County Planning Commission

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DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

DATE: MAY 26, 2016

TO: PLANNING COMMISSION

FROM: JAMES CARUSO, SENIOR PLANNER

**SUBJECT: CONTINUED HEARING FOR THE CAMPBELL-SHEPP TENTATIVE TRACT
MAP AND DEVELOPMENT PLAN (SUB2015-0001)**

Recommendation

Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. **and** Approve Vesting Tentative Tract Map and Conditional Use Permit SUB2015-00001 (Tract 3074) based on the Findings listed in A and C and the Conditions listed in Exhibit B & D.

Background

Your Commission first considered the subject project on March 24, 2016 and continued the hearing to today. The following direction was given to staff at the conclusion of the March 24th hearing:

1. Cypress Glen Ct to be 20 feet wide with 10 feet on either side of the centerline. The applicant was directed to prepare a revised exhibit.
2. Cypress Glen Ct improvements shall extend to 20 feet from the edge of Environmentally Sensitive Habitat Area (ESHA).
3. Modify Cypress Glen Ct road improvement conditions to require the revised road alignment and design.
4. Consider eliminating findings K2 and L3 from Exhibit C - Tentative Map findings.
5. CC&R's and Additional Map Sheet conditions to be revised to require carports to remain open.
6. Revise fence plan to minimize fences in the 20 foot riparian setback area.

The revised tentative map showing the revision to the Cypress Glen Ct right of way improvements is included in Attachment 1. A further explanatory exhibit describing the changes in alignment, changes in level of improvements, extent of pavement removal and the edge of ESHA are found in Attachment 2. The proposed fencing plan showing the extent of fencing in the 20 foot setback is found in Attachment 3. Clean Findings and Conditions exhibits for the Tentative Map and the Development Plan are found in Attachments 4-7.

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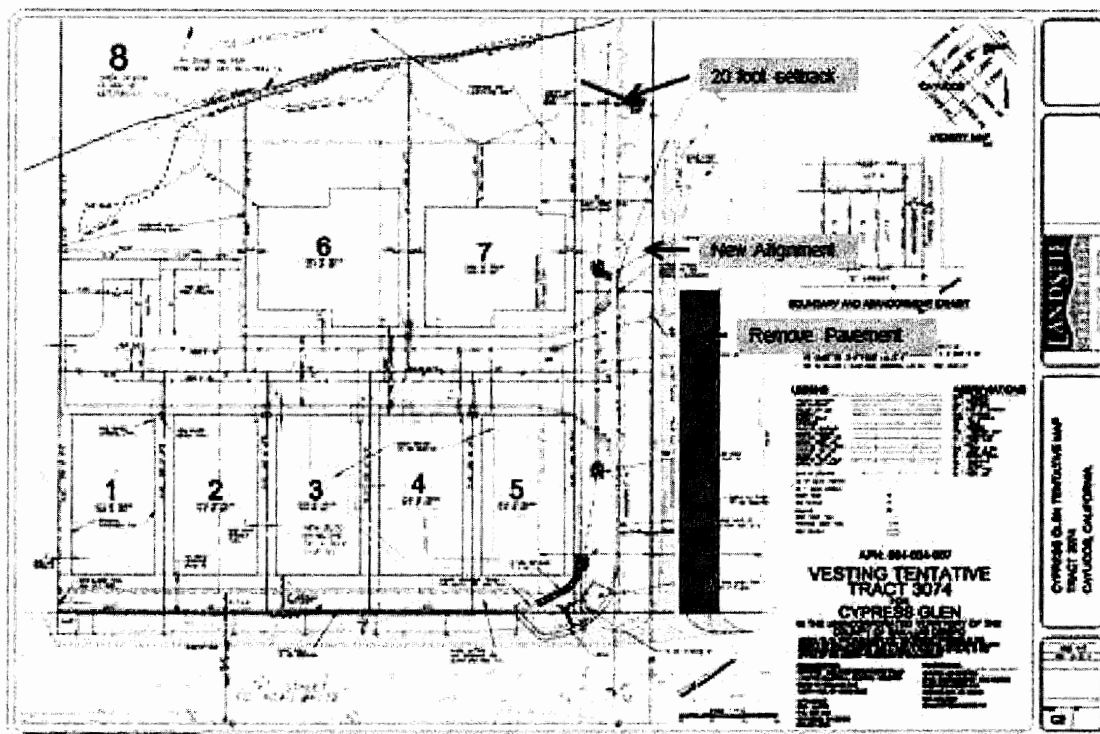
ATTACHMENT 6

Revised Tentative Map

The revised tentative map in Attachment 1 shows the change to the improvements on Cypress Glen Ct. The centerline has been shifted toward the project site resulting in less width of pavement fronting the first property on Cypress Glen Ct (Main). The new road alignment will allow for approximately 4 feet of pavement to be removed (see grey area on Attachments 1 and 2) from E Street extending to a point 20 feet from the upland extent of riparian vegetation. The alignment then bends right to access the three residences at the end of Cypress Glen Ct. The point at which the paved road bends to access the last three residences' driveway must be 20 feet from the edge of riparian vegetation.

Road Improvements at Edge of Riparian

The proposed improvement of Cypress Glen Ct must meet the 20 foot setback to the edge of riparian vegetation. The road, now shifting toward the proposed project site, can continue toward the creek until a point past the existing fire hydrant. New road improvements (as opposed to the existing paved areas) must remain at least 20 feet from the upland extent of riparian vegetation.



Attachment 2

Revised Road Improvement Conditions

The revised road improvement conditions are in Attachment 7 – Exhibit D Tentative Map Conditions. The changes in the conditions are as follows:

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ATTACHMENT 6

Road Improvements

2. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. E Street shall be widened to complete the project frontage of a County A-2 urban street section fronting the property with a minimum of (2)-10 foot travel lanes and (1)-8 foot parking lane, and within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Cypress Glen Court shall be realigned and improved as shown on the tentative map. Improvement must be designed and constructed to the satisfaction of Cayucos Fire Department standards ~~widened to complete the project frontage to Cayucos Fire Department access road standards. The improvements shall be 20 foot paved road with 2 foot shoulders on either side and shall be centered within the historic right of way. An attached all weather sidewalk shall be constructed from the project driveway to E Street as shown on the Vesting Tentative Map.~~
 - c. The intersection of E street and Cypress Glen Court shall be constructed to a modified B-1 urban driveway standard as shown on the tentative map.
 - d. The onsite access road shall be constructed to Cayucos Fire Department road and turnaround standards.

Offers, Easements and Restrictions

3. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For road improvement purposes 1-foot along E Street to be described as 36-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
 - b. For pedestrian access purposes 6-feet along E Street to be described as 42-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
 - c. ~~A 20 foot radius right of way along the property line returns at the intersection of E Street and Cypress Glen Ct.~~
 - c. A public utility easement along E Street to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
 - d. Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.
4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
 - a. A private access, drainage, and utility easement of sufficient width along the realigned Cypress Glen Court in favor of all new and neighboring parcels that require Cypress Glen Court for access to their property. ~~A minimum 22 foot shared private access and utility easement in favor of parcels 1 through 8 with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.~~

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- b. An onsite minimum 20-foot private access and utility easement in favor of Parcels 1 through 8, with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
- c. An onsite reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).

These revised conditions are in Attachments 5 (CUP Conditions) and 7 (Tentative Map conditions).

Findings K2 and L3

The Commission requested these two findings be deleted from the tentative map findings (Attachment 6) that approve the use of a private easement for access to five or more parcels. Finding K2 states that one point of access on Cypress Glen Ct would be superior to five (5) driveway encroachments on E street that require cars to back out onto the public right of way. Finding L3 states that a continuous streetscape unbroken by driveways on E Street deemphasizes the focus on vehicles in the neighborhood.

K2 - having one point of access as opposed to multiple points of access onto E Street is safer and more predictable for existing residents and other vehicles; and

L3 - having one point of access via Cypress Glen Ct will provide a streetscape that deemphasizes the vehicle as a focus of neighborhood character.

Carport Conditions

A Condition has been added to Additional Map Sheet and CC&R conditions in Exhibit D (Attachment 7) addressing the open carports:

22n. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

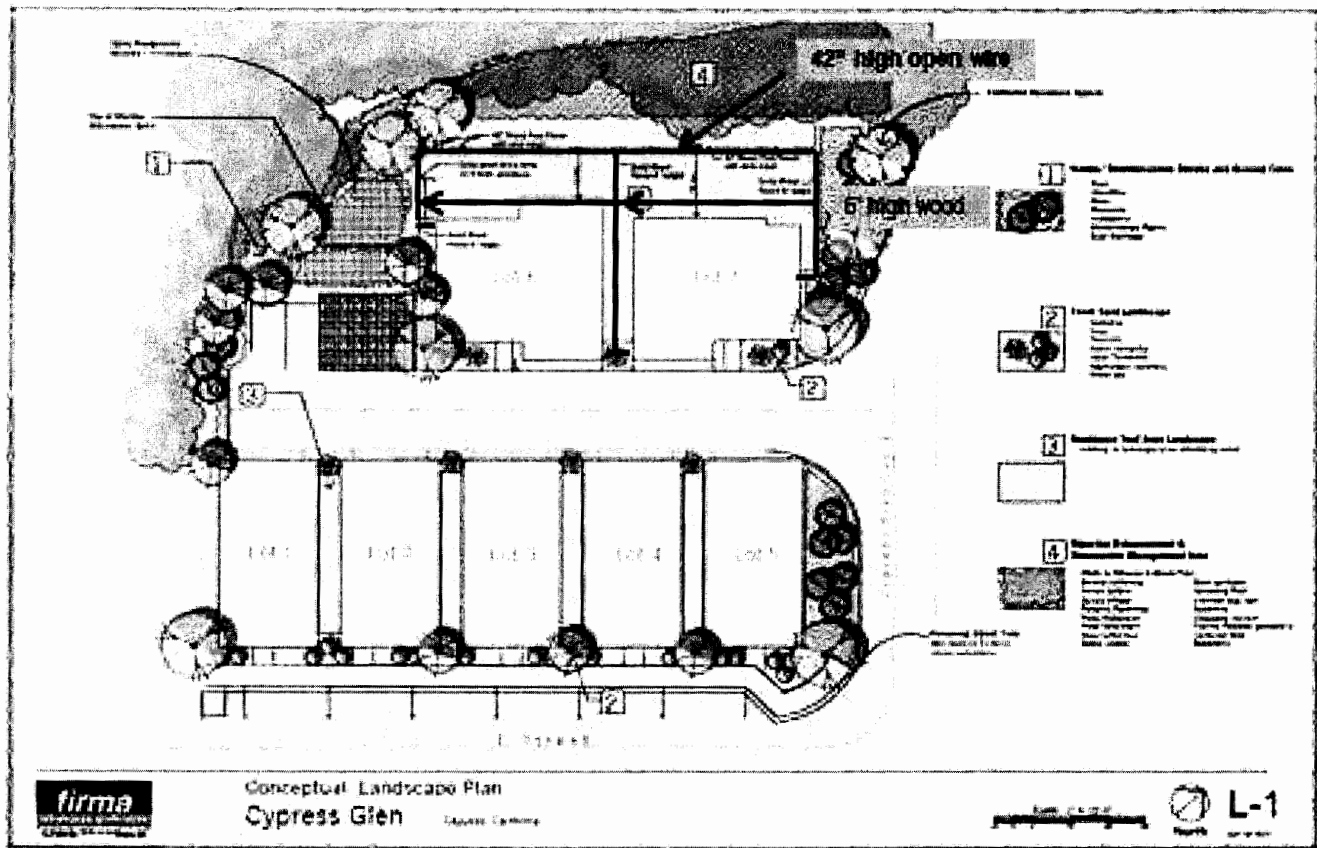
The same condition has been added to Condition 23 (CC&Rs):

23m. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

Fence Plan

The fence plan is part of the proposed landscape plan (see attachment 3). Six (6) foot tall fences are proposed for side lot lines on lots 6 and 7. The lot 6 side fence extends 10 feet from the rear of the dwelling and at that point converts to the 42" high open wire fence. This low fence extends across the back of the lots parallel to the creek. A 6 foot high wood fence is proposed on the side lot lines between lots 6 and 7 and the side lot line on lot 7.

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Proposed Fence Plan

The Landscape Plan for these backyard areas on lots 6 and 7 will consist of landscaping compatible with the riparian restoration plan as required in the proposed conditions of approval.

Other Issues

Grading: The CZLUO grading chapter requires a minimum 50 foot setback from ESHA for grading activities. In the previous staff report (and for previous projects) the ESHA 50 foot grading setback was over-ridden by the 20 foot ESHA setback for Little Cayucos Creek.

However, it is been determined that the language of the grading setback requires grading to meet the 50 foot setback and the structure to meet the 20 foot setback. The recommended conditions have been revised to require this grading setback.

- Little Cayucos Creek Setback.** Other than habitat restoration related development, all development including but not limited to retaining walls, drainage features, fencing, decking, and parking areas, shall be set back a minimum distance of 20 feet from the upland edge of Little Cayucos Creek riparian vegetation.

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ATTACHMENT 6

All grading, as defined by the CZLUO, shall be setback from the edge of riparian vegetation a minimum of 50 feet.

Development Plan Conditions: A revised Development Plan condition has been added tying the Development Plan to the tentative map time extensions.

Permit Vesting

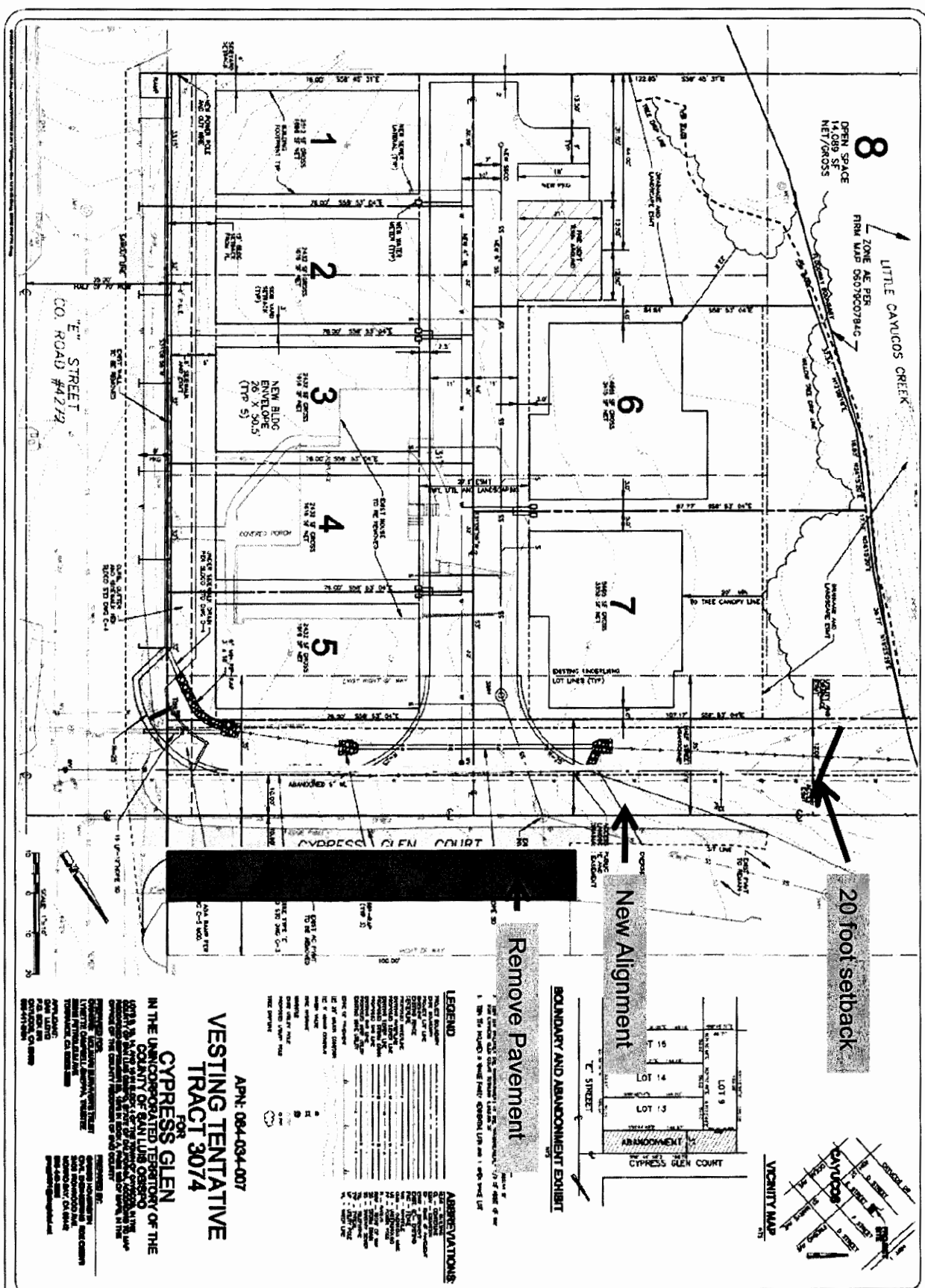
- ~~2. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade. This DP/CDP will remain valid and run concurrently with the approved map.~~

Effective Time Limits

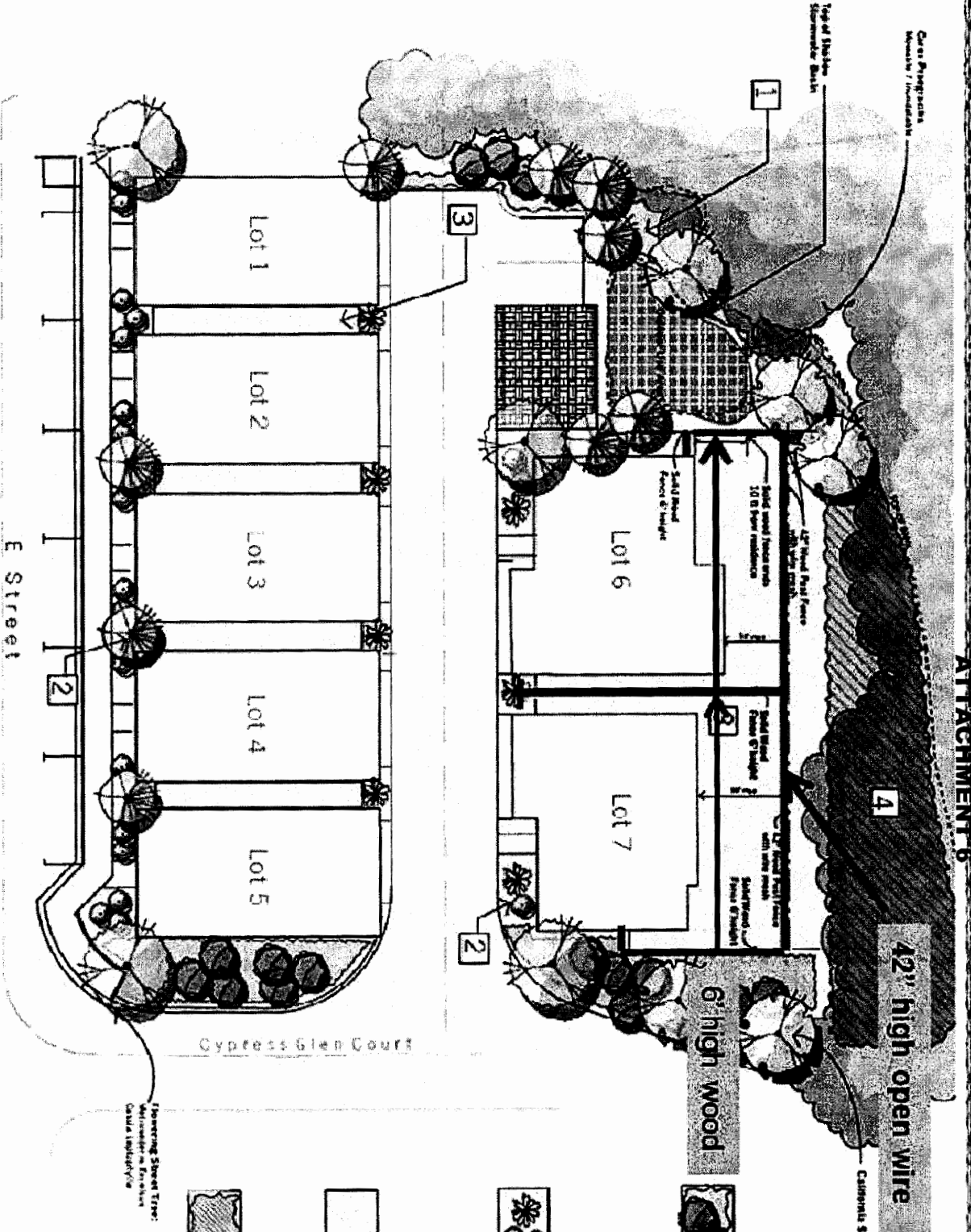
71. The approval period for this Development Plan will run with the approval period for tentative tract map 3075. Map time extension approvals granted with the map shall similarly extend the Development Plan approval period. Time extensions must be submitted in writing by the applicant and are subject to evaluation and action based on the circumstances prevailing at the time of the request.

Attachments

1. Revised Tentative Map/Site Plan
2. Cypress Glen improvement detail
3. Proposed Fence/Landscaping Plan
4. Exhibit A – Development Plan Findings
5. Exhibit B – Development Plan Conditions
6. Exhibit C – Tentative Map Findings
7. Exhibit D – Tentative Map Conditions



**Top of Section -
Monaster Peak**



42" high open wire

California Synonym: *typical*

[illegible]

A black and white micrograph showing a single cell with a large, dark, centrally located nucleus. The cell is surrounded by a thin, irregular border.

Chase
Rice
Murray
Columbier
Williamsburg
Bush Farmhouse

☒ Front Yard Landscaping



Salvo
Investimenti
Sabla Lussurem
Corte Turistica
Migliorabile Casa
March 1999

3
Presidents' Yards Around Landscapes
Caddis, or landscape to be submitted to

Abstract

4 Riparian Enhancement & Stormwater Management Area

Fragaria virginiana
Anchusa officinalis
Lonicera xylosteum
Sedum album
Pulsatilla nuttalliana
Rubus idaeus
Rubus occidentalis
Rubus strigosus
Rubus odoratus

Flowering Street Tree: What's the best for my climate? Could be Impatiens?

firma

Conceptual Landscape Plan
Cypress Glen *Cayucos, California*

Scale: 1"=10'-0"

North

Apr 28 2015

L-1

Proposed Ferre Plan

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EXHIBIT A DEVELOPMENT PLAN/COSTAL DEVELOPMENT PERMIT FINDINGS SUB2015-00001

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval..

Development Plan/Coastal Development Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the new residences do not generate activities that present potential threats to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the seven single family residences are allowed uses and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on E Street and Cypress Glen Court, (local) roads constructed to a level able to handle any additional traffic associated with the project.

Minimum Parcel Size

- G. The reduction in minimum parcel size for parcels 1 through 7 is appropriate because:
1. The common ownership external parcel is in compliance with the provisions of 23.04.084; and
 2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

Coastal Access

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

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Sensitive Resource Area

- I. The development will not create significant adverse effects on the natural features (Coastal Stream) of the site or vicinity that are the basis for the Sensitive Resource Area designation, and will preserve and protect such features through site design because the project includes adequate setbacks from the riparian vegetation, and conditions to restore the riparian habitat and implement grading, erosion, sedimentation standard measures that will protect the sensitive habitat.
- J. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the seven residences and driveway are located in the least environmentally damaging portion of the project site and outside the creek setback.
- K. The proposed clearing of topsoil is the minimum necessary to achieve safe and convenient access and siting for the project, and will not create significant adverse effects on the identified sensitive resource because the development will be located outside the creek setback and sensitive riparian habitat. No tree removal will be allowed within the riparian corridor and the residences are located the furthest extent possible from the riparian vegetation.
- L. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff. To ensure compliance, the project is conditioned to submit an erosion, sedimentation control and drainage plan utilizing Best Management Practices to Public Works for approval at the time of building permit applications and implementation during construction.

Streams and Riparian Vegetation

- M. The proposed project is a development of seven single family residences that is an allowable use and will be located approximately 20 to 40 feet to the creek. No alternative locations and routes are feasible or less environmentally damaging because the residences are placed the furthest extent of the riparian vegetation and on the least environmentally damaging portion of the project site.
- N. Adverse environmental effects have been mitigated to the maximum extent feasible.
- O. Implementation of the conditions and mitigation measures will ensure no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

Archaeology

- P. No significant archaeological resources were found on the project site through surface (Phase I) and sub-surface (Phase II) investigations. Therefore, archaeological resources will not be adversely impacted by the project.

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**EXHIBIT B
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
SUB2015-00001**

Approved Development

1. This Tract Map/Development Plan/Coastal Development Permit approves the following development and project-related activities:
 - a. The creation of seven residential lots, plus one open space parcel as shown on Tentative Tract 3074;
 - b. Grading and street improvements to E Street and Cypress Glen Court;
 - c. Grading and minor site work for a sewer laterals;
 - d. Grading and minor site work for gas lines;
 - e. Grading and construction of a shared driveway from Cypress Glen Court;
 - f. Grading and construction of seven new residences with a maximum height of 28 feet as follows:

Tract 3074 Product Summary (Square Feet)								
Project Components	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508	2,432	2,432	2,432	2,432	4,961	5,405	14,089
Dwellings Floor Area								
Living Space	2,449	2,449	2,197	2,197	2,197	2,170	2,013	--
Garage	571	571	593	593	593	440	440	--
Carport	519	519	516	516	516	0	0	--
Decks and Porches	335	335	443	443	443	41	44	--
Total:	3,874	3,874	3,749	3,749	3,749	2,651	2,497	--

- g. Parcel sizes and setbacks as follows:

Tract 3074 Parcel Size and Setback Summary								
	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	4,961 sq.ft.	5,405 sq.ft.	14,089 sq.ft.
Front Yard	12'	12'	12	12	12	14	14	N/A
Side Yards	3'	3'	3'	3'	3'	5'	4'-5'	N/A
Rear Yards	18'	18'	18'	18'	18'	45'	45''	N/A

- h. Restoration and enhancement of the riparian habitat area;
- i. On-going monitoring and restoration of the riparian habitat area (as necessary); and
- j. Total site disturbance of approximately 26,910 square feet (not including riparian restoration).

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Conditions required to be completed at the time of application and/or prior to issuance of construction permits

Site Development

2. At the time of application for grading and/or construction permit(s), the applicant shall submit final site plans to the Department of Planning and Building for review and approval. The final site plans shall show the following:

- a. **Little Cayucos Creek Setback.** Other than habitat restoration related development, all development including but not limited to retaining walls, drainage features, fencing, decking, and parking areas, shall be set back a minimum distance of 20 feet from the upland edge of Little Cayucos Creek riparian vegetation.

All grading, as defined by the CZLUO, shall be setback from the edge of riparian vegetation a minimum of 50 feet.

- b. **Approved Development Envelope.** All areas of the site outside of the Little Cayucos Creek Riparian Habitat Area and its required setback shall be demarked as the Approved Development Envelope.
- c. **Little Cayucos Creek Riparian Habitat Area.** The area of the site outside the Approved Development Envelope shall be demarked as the Little Cayucos Creek Riparian Habitat Area, where development and uses shall be limited to restoration, enhancement, protection, and interpretation of the Little Cayucos Creek riparian habitat.
- d. **Site Access.** All access to the residential units from E Street shall be clearly identified on the final site plans, and shall include:
 - i. Verification that access has been reviewed and approved by the Department of Public Works with respect to improvements in the E Street right-of-way;
 - ii. Verification that access has been reviewed and approved by the Cayucos Fire Department in respects to fire safety regulations;
- e. **Project Limit Area.** The final plans shall clearly identify specific locations of construction, areas for staging and storage, and construction access corridors. Such areas shall be minimized to the maximum extent feasible to minimize impacts on the creek habitat area. Silt fences, or equivalent shall be installed at the perimeter of allowable construction area to prevent runoff and/or sediment from entering the riparian habitat area.
- f. **Construction Plan Notes.** The final plans shall include a final construction schedule and erosion control/water quality BMPs (and locations). The following required criteria must be shown on the Plan Notes:
 - i. All work shall take place during daylight hours. Lighting of the creek and riparian area is prohibited.
 - ii. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside the defined construction, staging, and storage areas.
 - iii. Construction shall only occur during the dry between April 15 to October 1.

3. Prior to issuance of construction permits for the residences, the applicant shall submit a color and materials board to the Department of Planning and Building for review and approval.

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Fire Safety

4. Prior to issuance of construction and/or grading permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Additional Fire Safety Review will be required and the applicant shall provide evidence that all plans submitted are compliant with current fire and life safety requirements of the Cayucos Fire Department and the California Fire Code.

Services

5. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final water availability letter from Morro Rock Mutual Water Company to service the new residences. The project shall meet all applicable conditions of the final will serve requirements by the water purveyor.
6. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final sewer availability letter from Cayucos Sanitary District to service the new residences. The project shall meet all applicable requirements of the final-will serve requirements by the District

Exterior Lighting

7. Prior to issuance of construction permits for the residences, the applicant shall submit exterior lighting plans to the Department of Planning and Building for review and approval. All proposed exterior lighting shall be shielded to the maximum extent possible and be of the lowest intensity feasible in order to avoid artificial light pollution of the riparian habitat area. Exterior lights on the north and northwest sides of the project (bordering the creek) shall be avoided where possible and be the minimum necessary to meet safety requirements. Exterior light shall be shielded and lighting shall be directed downward and away from the creek and riparian areas.

Access & Access Easement

8. Prior to issuance of a grading permit, the applicant shall provide evidence of a recorded easement for access and utilities to Lots 1 through 7 to the Department of Planning and Building.
9. Prior to issuance of construction and/or grading permits, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Construct or site access driveway approach in accordance with County Public Improvement Standard B-1a.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
10. Prior to issuance of construction and/or grading permits, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Water

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11. **Prior to issuance of construction permits**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping (turf areas) shall not exceed 500 square feet with remaining landscaping being drought tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.
12. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans **prior to permit issuance**.

Quit Claim Deed

13. Prior to issuance of a grading permit, the applicant shall provide evidence acceptable to the Executive Director of the California Coastal Commission that it is the record title owner of the project site, such as a Quit Claim Deed and updated preliminary title report.

Fees

14. Prior to issuance of construction permits, the applicant shall pay all applicable school and public facilities fees.

Grading, Drainage, Sedimentation and Erosion Control

15. Prior to issuance of construction and/or grading permits, the applicant shall submit a complete drainage, erosion, and sedimentation control plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. The plan shall use sediment control measures to protect Little Cayucos Creek. Installation of erosion and sedimentation control devices shall be installed around the perimeter of the construction zone. No flows shall be directed to Cayucos Creek without NPDES permit. The plan shall include the following:

- a. **Implementation of Best Management Practices during Construction.** The Plan shall identify the types and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants in the Little Cayucos Creek during construction. These measures shall be designed in accordance to the California Storm Water Best Management Practices Handbook and the San Luis Obispo County Resources Conservation District, as such:
 - i. Limit the extent of land disturbance to the minimum amount necessary to construct the project;
 - ii. Designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which must be covered on a daily basis;
 - iii. Provide installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpiled areas;
 - iv. Provide hydro seeding (with native plants) of disturbed areas immediately upon conclusion of construction activities;
 - v. Good construction measures such as the use of dry cleanup measures whenever possible, collecting and filtering cleanup water when dry cleanup methods are not feasible, cleaning and refueling construction equipment

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equipment at designated off site maintenance areas, and immediate cleanup of any leaks or spills.

- b. **Permanent Drainage and Erosion Control Plan.** The Plan shall include and clearly identify all permanent measures to control and direct all site runoff and a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltrations, and/or habitat enhancement, and/or directed to off-site storm drain systems. The Plan shall be prepared by a licensed engineer and incorporate structure and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater and other run-off associated with the development. The Plan shall include required calculations and documentations for all BMPs proposed and shall, at the minimum provide for:
- i. Drainage system designed to filter and treat the volume of runoff produced from irrigation and storm event up to and including the as" percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1 hour runoff event (with an appropriate safety factor) for flow-based BMPs , prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating mechanism shall be clearly identified, and supporting technical information shall be provided.
 - ii. Runoff from the roofs, driveways, parking lots, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site;
 - iii. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions;
 - iv. All runoff shall be directed away from the creek/riparian habitat area unless proven appropriate for habitat enhancement process;
 - v. All drainage system elements shall be permanently operated and maintained.

16. All disturbed areas shall be restored as soon as possible. If the area is within close proximity of a sensitive habitat, a compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

17. At the time of application for grading and/or construction permit(s), the applicant shall show the limits of the 100 year floodway on the site plan and all development located outside of the floodway and submit to Public Works for approval.

Stormwater Pollution Prevention

18. At the time of application for construction permits, the applicant shall demonstrate whether the project is subject to the LUO Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.

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19. Prior to initiation of tract improvements, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). As applicable, all construction-related protection measures specified in the SWPPP shall be installed prior to beginning of work.
20. At the time of application for construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
21. Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Biological Resources

22. Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
23. Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
 - a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
 - b. Public interpretive access improvements approved by a coastal development permit.
24. **As a part of a second sheet of the tract map and included as a part of any individual construction permit application**, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment.
25. Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, Inc. 0095

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California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.

26. Prior to issuance of grading and/or construction permit(s), the applicant shall submit the Landscape Restoration and Enhancement Plan (LREP) to the Department of Planning and Building for review and approval. The LREP shall provide for riparian corridor landscape restoration and enhancement in the Little Cayucos Creek Riparian Habitat Area, with the goal of enhancing and restoring this area to self-sustaining and high resource value natural habitat state. The LREP shall be prepared by a qualified restoration ecologist, and shall incorporate specific conditions of the site (including soil, exposure, temperature, moisture, wind, etc), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:
- a. A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area;
 - b. A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and this condition be maintained in perpetuity.
 - c. Removal of invasive and non-native plant species;
 - d. Planting of native species of local stock appropriate to the Little Cayucos Creek riparian corridor, including provision of fall and winter-flowering nectar sources for Monarch butterflies at appropriate locations. Non-native and/or invasive plant species shall be prohibited;
 - e. Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved;
 - f. Provision of submission of annual reports of monitoring results to the Department of Planning and Building, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the plan, and shall make recommendations (if any) on changes necessary to achieve success.
27. At the time of application for subdivision improvement plans, grading permits, and construction permits, the applicant shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
28. Upon submittal of tract improvement plans, all measures provided in the Mitigation Monitoring and Reporting Plan shall be shown on applicable plans relating to the project.

sensitive plants impacted. Should any measures conflict with conditions of approval, conditions of approval shall be considered superior. These measures shall be completed prior to recordation of final map.

Conditions to be completed prior to ground disturbance or construction activities***Air Quality***

29. "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). Prior to final inspection or occupancy, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

Biological Resources

30. **(BR-1) Within one week of ground disturbance or tree removal/trimming activities**, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Buffers may be reduced if a qualified ornithologist determines that project activities will not affect the nesting birds. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

31. **(BR-2) Prior to ground disturbance**, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Wildlife to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be

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submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:

- a. Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
 - b. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.
32. **(BR-3) Prior to construction**, occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within a 100 foot buffer for songbirds and 300 for nesting raptors while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
33. **(BR-4) Prior to construction**, occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.
34. **(BR-5) Prior to removal of any trees over 20 inches DBH**, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming, or if any structures proposed for removal harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Game, will install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed.

Site Development

35. Prior to any grading work / ground disturbing work, a qualified surveyor shall delineate the 20 foot setback areas from the upland edge of the riparian habitat. Temporary fencing shall be erected one foot outside of the setback area (and in the development envelope) to delineate it clearly for the construction phase. No disturbance, vehicular traffic, or equipment material staging shall occur within the setback area during construction or following completion of the project, except work authorized for the Landscape Restoration and Enhancement Plan (LREP).

Conditions To Be Completed During Project Construction

Air Quality

36. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

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- a. Reduce the amount of disturbed area where possible,
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
 - c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - f. All dirt stock-pile areas should be sprayed daily as needed.
37. No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

Biological Resources

38. To reduce the likelihood of sedimentation to Little Cayucos Creek, all private and construction vehicle traffic should be limited to those areas away from the northern and eastern edges of the property, outside of the fenced areas.
39. Construction activities shall be limited to the dry weather season (April 15 - October 15).
40. The applicant shall implement the erosion and sedimentation control plan.
41. The applicant shall implement the drainage plan.
42. The biological mitigation monitoring plan shall be implemented with on-site construction monitoring.

Cultural Resources

43. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Conditions to Be Completed Prior To Occupancy Or Final Inspection

Landscape Restoration and Enhancement Plan

44. Prior to occupancy of any residence associated with this approval, the applicant shall implement the LREP during construction as directed by a qualified restoration ecologist. The initial planting and plant removal shall be completed prior to the occupancy of the first

approved residence. Submit field report prepared by qualified biologist verifying the completion of replanting to the Planning Department.

Access Drive and Fire Lane Signage

45. Prior to final inspection, the applicant shall provide to the Department of Planning and Building, evidence of a recorded maintenance agreement for the project access driveway and "no parking (fire lane) signage". In lieu of a recorded maintenance agreement, the applicant may elect to provide maintenance in accordance with the provisions of Civil Code Section 845. The applicant shall also demonstrate to the Department of Planning and Building that the portion of the access driveway is either included within the above maintenance agreement or adequately addressed by another maintenance arrangement (such as Civil Code Section 845).

Cultural Resources

46. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities, and confirming that all recommended mitigation measures have been met. [If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of Obligation to complete the required analysis].

Biological Resources

47. Prior to final inspection of any permits associated with this approval, the applicant shall submit a biology monitoring report to the Environmental Coordinator for approval verifying completion of all necessary field work and monitoring.
48. Prior to final inspection of any permits associated with this approval, the drainage plan shall be implemented and verified by the Department of Planning and Building.
49. Prior to final inspection of any residence associated with this approval, the Department of Planning and Building shall verify no fireplaces are allowed because smoke from fireplaces interferes with Monarch Butterfly habitat.

Landscape

50. Prior to final inspection or occupancy (whichever occurs first), the following measures shall be applied to the proposed turf areas:
- a. To maximize drought tolerance and minimize water usage, warm season grasses, such as bermuda or buffalograss, shall be used;
 - b. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
 - c. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.
 - d. Slopes for turf areas shall be no more than 4%.
 - e. All landscape material shall be compatible with the riparian restoration plan.
 - f. Landscaping on lots 6 and 7 shall be compatible with the Riparian Restoration Plan. All proposed landscaping shall be approved by the Department prior to installation.

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51. Prior to final inspection or occupancy, the landscape shall be installed in accordance with the approved landscaping plan shall be installed. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

52. Prior to final inspection or occupancy, the applicant shall obtain final inspection and approval from Cayucos Department of Fire of all required fire/life safety measures.

Development Review Inspection

53. Prior to final inspection the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
54. Prior to occupancy of any residence associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Grading, Drainage, Sedimentation and Erosion Control

55. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices. Devices must be installed in conjunction with any grading and must effectively control siltation.
56. Prior to final inspection of construction permits, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to 2" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

On-Going Conditions of Approval (Valid For the Life of the Project)

Landscape Restoration and Enhancement Plan

57. Annual reports of monitoring results, beginning the first year after completion of the restoration efforts and concluding once success criteria have been achieved (criteria: 3 years of non-remediation! maintenance activities except for weeding) must be submitted to the Department of Planning and Building. Upon success criteria achievement, the self-sustaining riparian habitat must be maintained in perpetuity.

Landscaping

58. All landscape (including all trees and riparian vegetation) shall be maintained in viable condition in perpetuity.

General

59. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.
60. **Prior to approval of tract improvement plans**, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation. A-6-810-16-0095

compliance with County Conditions of Approval and Mitigated Negative Declaration measures relating to tract improvements. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

61. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.

Public Works Conditions

Road Improvements

62. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
- a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property with a minimum of (2)-10 foot travel lanes and (1)-8 foot parking lane, within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Cypress Glen Court shall be realigned and improved as shown on the tentative map. Improvement must be designed and constructed to the satisfaction of Cayucos Fire Department standards.
 - c. The intersection of E street and Cypress Glen Court shall be constructed to a modified B-1 urban driveway standard as shown on the tentative map.
 - d. The onsite access road shall be constructed to Cayucos Fire Department road and turnaround standards and shall include "no parking" fire lane signage.
63. The applicant shall reserve the following private easements by certificate on the map or by separate document:
- a. A private access, drainage, and utility easement of sufficient width along the realigned Cypress Glen Court in favor of all new and neighboring parcels that require Cypress Glen Court for access to their property-
 - b. An onsite minimum 20-foot private access and utility easement in favor of Parcels 1 through 8, with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
 - c. An onsite reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).

Drainage

64. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins is/are to be maintained in perpetuity.

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65. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.
66. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
67. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

68. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
69. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
70. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

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Effective Time Limits

71. The approval period for this Development Plan will run with the approval period for tentative tract map 3075. Map time extension approvals granted with the map shall similarly extend the Development Plan approval period. Time extensions must be submitted in writing by the applicant and are subject to evaluation and action based on the circumstances prevailing at the time of the request.

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EXHIBIT C TENTATIVE TRACT MAP 3074 FINDINGS SUB2015-0001

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Recreation and Residential Multifamily land use categories.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential units outside flood hazard areas and riparian setbacks.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support seven residential units and a required riparian setback.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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Title 21 Adjustment to Real Property Division Ordinance Section 21.03.010.d.7

- J. That there special circumstances or conditions affecting the subdivision:
1. the site slopes downward from E Street toward Little Cayucos Creek and drops off at the E Street right of way very steeply resulting in less developable area for new residences once a driveway would reach natural grade after applying customary design criteria; and
 2. Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking where currently none exists; and
 3. the centerline of the internal drive court that serves all seven proposed residences is 75 feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Ct for direct access (their parking or garages are beyond the proposed access point from the new project; and
 4. the ordinance setback requirements from the riparian vegetation significantly reduces the developable area of the property; and
 5. the addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street.
- K. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision:
1. utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests and emergency vehicles; and
 2. trash collection within the drive court will keep Cypress Glen Ct more accessible to the existing four residences, thus eliminating inconvenience; and
 3. the provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking; and
 4. the amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate.
- L. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision:
1. the construction of the residences will enhance the character of the neighborhood since they are all single family homes and not attached apartments or condos; and
 2. public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists; and
 3. the project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate potential safety risk from downed power lines in the event of storms or acts of nature; and
 4. Cypress Glen Ct will be widened to 20 feet of width past the drive court and a pedestrian path will be provided along its edge; and

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5. Parking requirements for multifamily zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structure, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning.
- M. Cypress Glen Court is approximately 200 feet long and connects to E Street. The road currently acts as a private drive to the existing residences and is not in the County maintained system. Located on the properties served by Cypress Glen Court are single family residences and accessory structures. The abandonment removes the encumbrance of the platted road to the adjoining property owners. Since the road serves private residential properties and provides no existing or future public circulation benefit, the request to vacate a portion of Cypress Glen Court as shown on the vesting tentative map is appropriate.

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EXHIBIT D TENTATIVE TRACT MAP 3074 CONDITIONS OF APPROVAL SUB2015-0001

Approved Project

1. This Tract Map/Development Plan/Coastal Development Permit authorizes the subdivision of a 36,772 square foot site into seven buildable lots and one open space lot as follows:
 - a. Lot 1 – 2512 sq. ft.
 - b. Lot 2 – 2432 sq. ft.
 - c. Lot 3 – 2432 sq. ft.
 - d. Lot 4 – 2432 sq. ft.
 - e. Lot 5 – 2432 sq. ft.
 - f. Lot 6 – 4961 sq. ft.
 - g. Lot 7 – 5405 sq. ft.
 - h. Lot 8 – 14,089 sq. ft. (Open Space Lot)

Road Improvements

2. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property with a minimum 2-10 foot travel lane and 1-8 foot parking lane within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Cypress Glen Court shall be realigned and improved as shown on the tentative map. Improvement must be designed and constructed to the satisfaction of Cayucos Fire Department standards.
 - c. The intersection of E street and Cypress Glen Court shall be constructed to a modified B-1 urban driveway standard as shown on the tentative map.
 - d. The onsite access road shall be constructed to Cayucos Fire Department road and turnaround standards.

Offers, Easements and Restrictions

3. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For road improvement purposes 1-foot along E Street to be described as 36-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
 - b. For pedestrian access purposes 6-feet along E Street to be described as 42-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.

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- c. A public utility easement along E Street to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
 - d. Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.
4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
- a. A private access, drainage, and utility easement of sufficient width along the realigned Cypress Glen Court in favor of all new and neighboring parcels that require Cypress Glen Court for access to their property.
 - b. An onsite minimum 20-foot private access and utility easement in favor of Parcels 1 through 8, with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
 - c. An onsite reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).
5. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.

Improvement Maintenance:

6. Roads and/or streets shall be maintained as follows:
- a. E Street shall be accepted for County maintenance following completion and certification of the improvements. No maintenance financing service charge shall be required, as these streets/roads are already in the County-maintained system, or are identified as new Principal Arterials, Arterials or Collectors, or meet the required number of road maintenance related smart growth points to be exempt.
 - b. Cypress Glen Court and onsite private access roads shall not be accepted for County maintenance following completion and certification of the improvements. The developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building.
7. Prior to map recordation the developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure inspection, operation, and maintenance of the following improvements:
- a. The shared private access road serving parcels 1 through 8.
 - b. The shared storm water treatment facilities for public or common area improvements (if required) as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - c. The shared storm drainage basins, inlets, pipes, fences, related landscaping and other appurtenances (if required) for public or common area improvements.
 - d. Completion and compliance with the Riparian Restoration Plan.

Improvement Plans

8. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also

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provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

9. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
10. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans are to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health.
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Sedimentation and erosion control plan for subdivision related improvement locations.
 - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
 - g. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
 - h. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - i. Storm Water Control Plan.
11. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [21.03.10(h)] and the poles removed.
12. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.
13. Prior to final map recordation, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
14. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

Drainage

15. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins are to be maintained in perpetuity.

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16. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.
17. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
18. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

19. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
20. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
21. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Additional Map Sheet

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22. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained, indicating the proposed maintenance mechanism.
 - b. If a fenced drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
 - c. If a drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
 - d. The limits of inundation from a 100 year Hood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to Hooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
 - e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
 - f. The applicant shall demonstrate that the project construction plans are in conformance with the applicant's Stormwater Control Plan Application.
 - g. For Stormwater management purposes, an impervious area ceiling must be determined for each lot and noted as a building restriction.
 - h. Stormwater treatment facilities shall be maintained and inspected in perpetuity as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - i. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
 - j. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
 - k. Notification to prospective buyers that a development plan/coastal development permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.
 - l. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
 - m. No parking is allowed in the access drive and signs shall be installed pursuant to these conditions.
 - n. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

Covenants, Conditions and Restrictions

23. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval, A-3 SLO 16-0095
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and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate. The CC&R shall provide at a minimum the following provisions:

- a. Maintenance of Cypress Glen Court along the project frontage and onsite private access roads in perpetuity.
- b. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
- c. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- d. If storm water treatment facilities are required, on-going maintenance of said facilities in a viable condition on a continuing basis into perpetuity.
- e. Maintenance of all common areas within the subdivision in perpetuity.
- f. Operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- g. The limits of inundation from a 100 year flood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to flooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- h. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.
- i. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
- j. Notification to prospective buyers that a development plan/coastal development permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.
- k. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- l. No parking is allowed in the access drive and signs shall be installed pursuant to these conditions.
- m. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

Open Space Easement

24. **Prior to recordation of the final map**, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:

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- a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
- b. Public interpretive access improvements approved by a coastal development permit.

Miscellaneous

25. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final tract map. The date and person who prepared the report are to be noted on the map.
26. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
27. All timeframes on approved tentative maps for filing of parcel or final tract maps are measured from the date the Review Authority approves the tentative map as required by the Subdivision Map Act.

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ATTACHMENT 6

Attachment 7

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING COMMUNITY WATER AND COMMUNITY SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from Environmental Health Services.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Code).
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to Environmental Health Services for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.

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ATTACHMENT 6

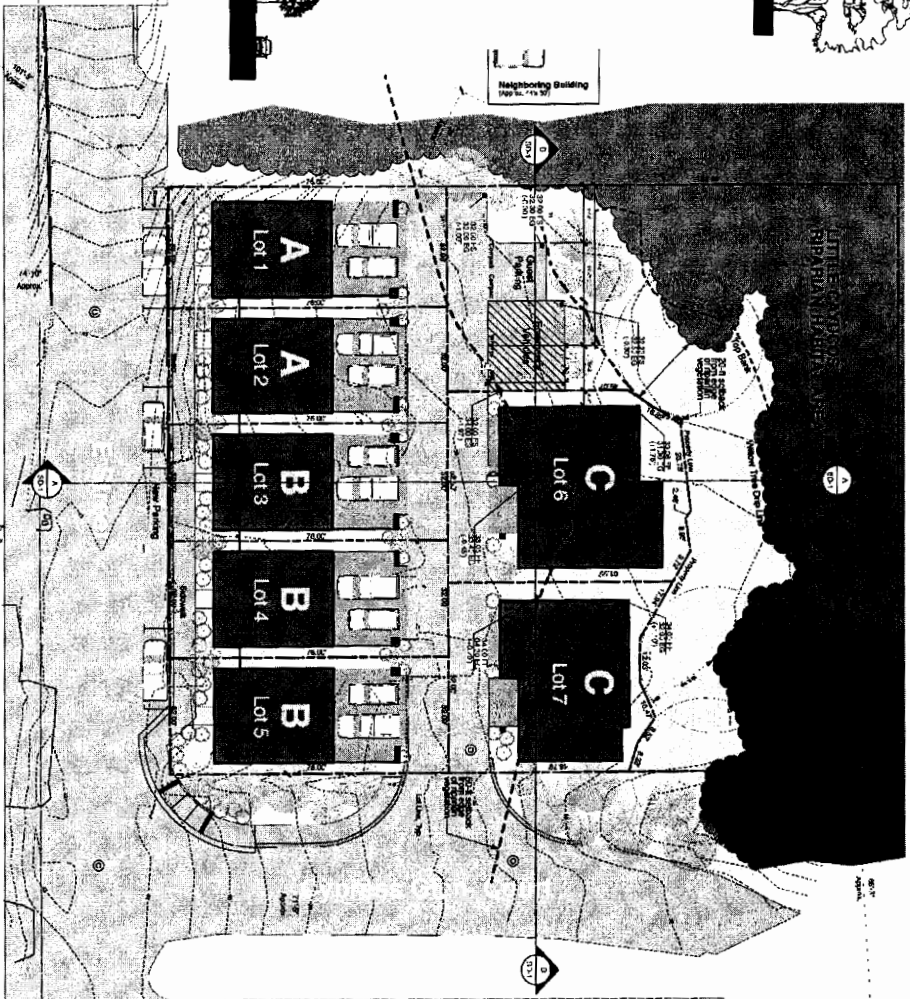
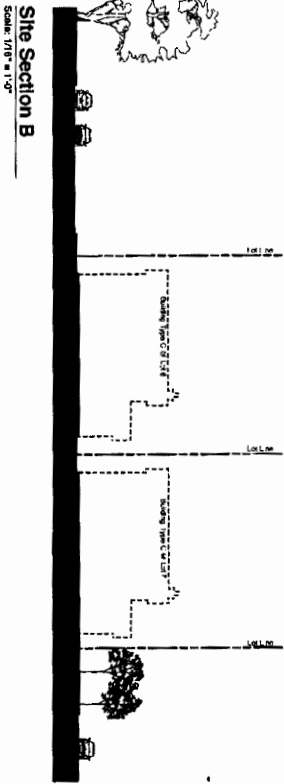
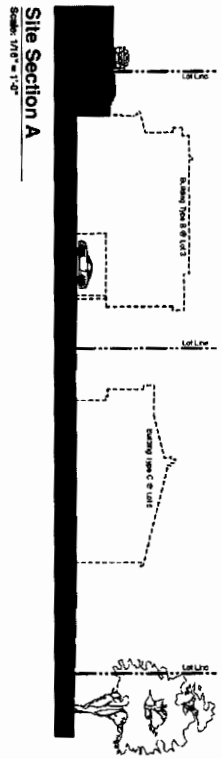
Attachment 7

11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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Site Plan General Notes
1. All construction shall conform to the latest editions of the applicable codes and standards.
2. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies.
3. The applicant shall be responsible for maintaining accurate records of all construction activities and materials used.

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nai
951.773.9371
for great people
great spaces

Cypress Glen
Cayucos, California



Site Plan/
Site Section:

Sheet Contents

Sheet Number

SD-1



DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

DATE: MAY 26, 2016

TO: PLANNING COMMISSION

FROM: JAMES CARUSO, SENIOR PLANNER

SUBJECT: CONTINUED HEARING FOR THE CAMPBELL-SHEPPA TENTATIVE TRACT MAP AND DEVELOPMENT PLAN (SUB2015-0001)

Recommendation

Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. **and** approve the revised Vesting Tentative Tract Map and Conditional Use Permit SUB2015-00001 (Tract 3074) based on the Findings listed in A and C and the Conditions listed in Exhibit B & D.

Background

Your Commission first considered the subject project on March 24, 2016 and continued the hearing to today. Direction was given to staff to address the several issues that are included in today's memo. Subsequent to the publication of this report and agenda, County Planning Department staff, the applicant and Coastal Commission staff had extensive discussions regarding the 20' riparian setback buffer and the uses allowable within that buffer. The uses in question are the "outdoor use area", a small portion of the onsite parking spaces, the lots 6 and 7 backyards and the associated yard fencing in the proposed fence plan.

Revisions

The applicant, County and Coastal staff decided that the proposed fence plan, backyards, outdoor use area and parking area cannot be located in the 20 foot setback area. The setback is for riparian restoration and enhancement only and no improvements are allowed. The proposed vesting tentative map and site plan have been revised so that the rear property lines of lots 6 and 7 follow the 20 foot riparian setback line. The parking area, yard fencing and outdoor use area are also no longer located in the setback area.

Development Envelope

The allowed "development envelope" (see Exhibit below) takes in the area outside the 20 foot riparian setback. No development, backyards, fences, parking or any other improvements are allowed in this area. Lot's 6 and 7 yard areas are now located outside the setback. A yard fence is proposed at the 20 foot setback line and privacy fences are allowed on the property lines outside the 20 foot setback.

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ATTACHMENT 6

Grading

As discussed in the previous memo, the CZLUO grading chapter requires a minimum 50 foot setback from ESHA for grading activities. The riparian setback for structures is 20 feet per the Cayucos Area Standards, but the grading setback has been determined to override the Planning Area standard for grading purposes.

The revised site plan below shows the 50 foot grading setback line. No grading (more than 1 foot of cut or 2 feet of fill) within 50 feet of the riparian edge is allowed. This exhibit shows the 20 foot structural setback and the 50 foot grading setback. These required setbacks are in the conditions of approval. The parcel is relatively flat after it slopes steeply from E Street. No changes to structural development will be required to meet the 50 foot setback from grading.

Conclusion

The revisions to the tentative map and site plan are minor changes to rear lot lines of lots 6 and 7, deletion of the outdoor use area and changes to proposed fencing. The project, as now proposed, remains consistent with the proposed Mitigated Negative Declaration and with the County Local Coastal Plan and Coastal Zone Land Use Ordinance.

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976 OSOS STREET, ROOM 300 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • ~~Page 123 of 354~~

planning@co.slo.ca.us • FAX: (805) 781-5624 • ~~41 of 42~~ <http://www.slocounty.ca.gov/planning.htm>

located at 399 E Street at the corner of Cypress Glen Court in the community of Cayucos. The project is within the Residential Multi Family and Recreation land use categories and within the Estero planning area.

Also to be considered is the approval of the environmental document. A mitigated negative declaration was issued on February 2, 2016.

County File No. SUB2015-00001

APN: 064-034-007

Supervisory District: 2

Date Accepted: November 24, 2015

Project Manager: James Caruso

Recommendation: Approval

Commissioners: disclose their ex-parte contacts.

James Caruso, Project Manager: presents staff report via a Power Point presentation.

Commissioners: begin asking questions of staff.

Dan Lloyd, agent: presents proposal information, and addresses Commissioners questions.

Commissioners: begin questioning the agent.

Don Campbell: opens Public Comment.

Jeff Edwards, Andrew Batty, Dave Stevens, Kathy Maine, Kathy Oliver, Brent Calvin, and Miranda Wyatt: speak.

James Caruso, Project Manager: addresses Public Comment issues.

Commissioners: begin their deliberations.

Dan Lloyd, agent: addresses Public Comment issues and answers Commission questions.

Daniel Mead, applicant's Biologist: comments on butterflies in terms of sensitive habitat for butterflies.

Commissioners: begin deliberations.

Ken Topping: would like a condition added to describe the A-2 requirement with Mr. Marshall's concurrence.

Don Campbell: re-opens Public Comment.

Kathy Maine and Kathy Oliver, Kevin Maine: speak.

Dan Lloyd, applicant: is amenable to removal of the sidewalk.

Commissioners: discuss a continuance to May 26th and provides direction to staff on what they would like brought forth at the next hearing.

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Eric Meyer: discloses his ex-parte contacts he had at this afternoon's break

Thereafter, on **Motion by** Ken Topping, **Seconded by** Eric Meyer, and on the following vote, the

Commission continues this item to May 26, 2016.

Motion by: Ken Topping

Second by: Eric Meyer

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

ATTACHMENT 8

Promoting the wise use of land

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

MEETING DATE March 24, 2016	CONTACT/PHONE James Caruso / 781-5702 / jcaruso@co.slo.ca.us	APPLICANT Campbell-Sheppa/ Daniel Lloyd	FILE NO. SUB2015-00001 Tract 3074
SUBJECT <p>A request by Campbell-Sheppa/Daniel R. Lloyd for a Vesting Tentative Tract Map (Tract 3074) and Development Plan/Coastal Development Permit approval to subdivide a 0.68 acre site into 7 residential parcels ranging in size from 2,432 to 5,405 square feet each for the purpose of sale and/or development, one open space parcel of 14,089 square feet, construction of seven (7) residential units ranging in size from 2013 sq. ft. to 2449 sq. ft. and demolition of an existing structure. The project is located at 399 E Street at the corner of Cypress Glen Court in the community of Cayucos. The project is within the Residential Multi Family and Recreation land use categories and within the Estero planning area.</p>			
RECOMMENDED ACTION <ol style="list-style-type: none"> 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract Map and Conditional Use Permit SUB2015-00001 (Tract 3074) based on the Findings listed in A and C and the Conditions listed in Exhibit B & D 			
ENVIRONMENTAL DETERMINATION <p>The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 2, 2016 for this project. Mitigation measures are proposed to address biological resources, public services/utilities, transportation/circulation, wastewater and water/drainage and are included as conditions of approval.</p>			
LAND USE CATEGORY Residential Multi-Family & Recreation	COMBINING DESIGNATION Local Coastal Plan, Flood Hazard, Environmentally Sensitive Habitat Areas (ESHA), Streams and Riparian Vegetation (SRV)	ASSESSOR PARCEL NUMBER 064-034-007	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: <p><i>Section III Areawide: Resource Protection, Light & Glare, Section V. Cayucos Urban Area Standards: Communitywide, Residential Multi Family, Building Height & Setbacks, Combining Designation: (SRA) Coastal Streams Setbacks. Does the project meet applicable Planning Area Standards: Yes – see discussion</i></p>			
LAND USE ORDINANCE STANDARDS <p><i>Section 23.07.120 - Local Coastal Program Area, Section 23.07.160 - Sensitive Resource Area, Section 23.07.170 Environmentally Sensitive Habitat, Section 23.07.174 – Streams and Riparian Vegetation, 23.07.104 Archaeologically Sensitive Areas 23.04.166 Number of Parking Spaces Required, Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i></p>			

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ATTACHMENT 8

Campbell-Sheppa/Daniel Lloyd / SUB2015-00001 / Tract 3074

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FINAL ACTION

This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the Planning Commission hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the Planning Commission hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.

EXISTING USES:

Single family residence/ephemeral creek

SURROUNDING LAND USE CATEGORIES AND USES:*North:* Residential Multi-family/Single family Residences*East:* Residential Single Family/ Single Family Residences*South:* Residential Multi-Family/Single family residences
residences*West:* Residential Multi-Family/Creek and single family**OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:**

The project was referred to: Public Works, APCD, Cayucos Sanitary District, Cayucos Fire Dept, Morro Rock Mutual Water Co, Regional Water Quality Control Board, Cayucos School District, California Coastal Commission and the Cayucos Citizens Advisory Committee

TOPOGRAPHY:

Gently sloping

VEGETATION:

Ruderal ornamental landscaping and riparian.

PROPOSED SERVICES:

Water supply: Morro Rock MWC

Sewage Disposal: Cayucos Sanitary District

Fire Protection: Cayucos Fire Dept

ACCEPTANCE DATE:

November 24, 2015

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER SAN LUIS OBISPO Y CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242

PROJECT DESCRIPTION

The project proposes a Vesting Tentative Tract Map (Tract 3074) and Development Plan/Coastal Development Plan to subdivide a 0.68 acre site into 7 residential parcels ranging in size from 2,432 to 5,405 square feet, plus one open space parcel of 14,089 square feet. The project will be developed as a *planned development* in accordance with Section 66427 et seq. of the Subdivision Map Act and will construct seven residential units ranging in size from 2013 sq. ft. to 2449 sq. ft. The planned development regulations provide flexibility for applicants when applying development standards as a way to encourage creative design. Such standards may include: reduced minimum lot sizes and common area, improved design qualities, more effective design responses to site features, compatibility with land uses on adjoining properties, more effective and attractive pedestrian orientation, enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources. Modifications from applicable development standards are discussed below.

Coastal Zone Land Use Ordinance Section 23.04.028(D) states that a planned development must be accompanied by a Development Plan at the time of tentative map approval. Therefore, the Development Plan and tentative map must be considered together.

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Table 1 provides a summary of proposed development:

Table 1 -- Tract 3074 Project Summary								
Project Components	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508	2,432	2,432	2,432	2,432	4,961	5,405	14,089
Dwellings Floor Area								
Living Space	2,449	2,449	2,197	2,197	2,197	2,170	2,013	--
Garage	571	571	593	593	593	440	440	--
Carport	519	519	516	516	516	0	0	--
Decks and Porches	335	335	443	443	443	41	44	--
Total:	3,874	3,874	3,749	3,749	3,749	2,651	2,497	--

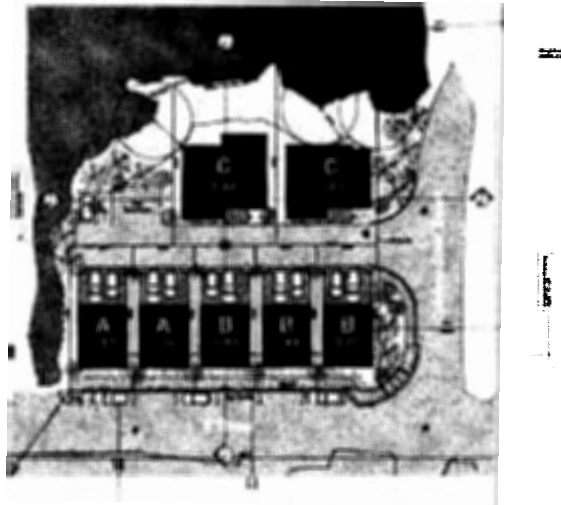
Vesting Tentative Map

The tentative map shows the seven residential lots arranged in two, north-south rows. Dwellings on parcels 1 through 5 will face E Street with parcel sizes ranging from 2,508 on the corner of Cypress Glen Court to 2,432 on the interior. Parcels 6 and 7 will back up to Little Cayucos Creek and are somewhat larger (4,961 and 5,405 square feet). An open space parcel (Parcel 8) of 14,089 square feet surrounds parcels 6 and 7 and extends westward over a portion of Little Cayucos Creek. A drainage and landscape easement extends over the westerly portions of parcels 6 and 7 under the drip line of existing riparian vegetation, as well as the entirety of parcel 8. The residences on lots 6 and 7 are setback 20 feet from the edge of riparian vegetation as required by Planning Area standards.

Street frontage improvements are shown along the project's E Street and Cypress Glen Court frontages. Cypress Glen Court (formerly Cypress Avenue) is a private roadway that serves 4 existing residences. The project proposes to abandon the portion of the right-of-way that abuts the project site and to add the 7,000 square feet of abandoned right-of-way to the project site for purposes of calculating the base residential density.

Development Plan

Figure 1 -- Site Plan



Residential Density

At the north end of E Street where the project is located, the majority of parcels are between 5,500 square feet to over 10,000 square feet, each with a single family dwelling. However, lot widths, street yard setbacks, building orientation, and building height (single story and multi-story) vary considerably for properties in both the Residential Multi-Family and Residential Single Family land use categories (Figure 2).

Figure 2 – Land Use Designation and Development Pattern in the Project Vicinity



The project site and the adjacent parcel to the south could be considered 'underdeveloped' in

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that each is over 18,000 square feet (at least 0.4 acres) and contains a single family residence. The Cayucos Urban Area Standards allow up to 10 dwellings per acre in the Residential Multi-Family land use designation, and up to 15 units per acre if the review authority makes the finding that there is sufficient sewer capacity and supplemental water to serve such development plus existing development, and all vacant parcels at buildout, assuming a density of 15 units per acre in the RMF category. Applying these standards to the project site, with the abandonment of the Cypress Glen Court right-of-way, would yield the following:

$$30,000 \text{ sq.ft. parcel} + 7,000 \text{ sq.ft. ROW} = 37,000 \text{ sq.ft.} \times 10 \text{ DU/AC} = \underline{8 \text{ units.}} \quad 10$$

$$30,000 \text{ sq.ft. parcel} + 7,000 \text{ sq.ft. ROW} = 37,000 \text{ sq.ft.} \times 15 \text{ DU/AC} = \underline{13 \text{ units.}} \quad 15$$

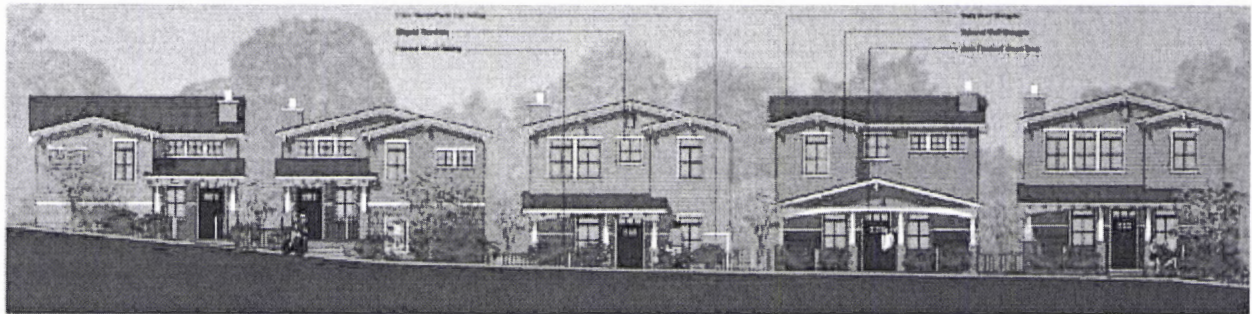
Thus, the project density is less than allowed, but greater than surrounding residential development in either the RMF or RSF land use categories. The Area Plan states that multi-family development should be designed to be sensitive to existing single-family homes. Construction of moderate-income housing is encouraged in order to replace the loss of affordable housing due to conversion of older, smaller housing stock into higher-priced homes.

Architecture

Building elevations, colors and materials have been provided for three product types. Each will be multi-story, 3 and 4 bedroom units with gable roof and colored wall shingles. Parking is provided for each unit in attached garages and carports under the main living areas; additional parking is provided for guests. The dwellings on parcels 1 through 5 will face E Street with the entrance facing the street behind a covered porch. Building elevations incorporate elements to break up the mass and linearity of the building walls, including:

- Second-story balconies;
- Extensive windows and window trim;
- Wall projections with gable ends;
- Changes in the roof line;

Figure 3 – Typical Building Elevations Facing E Street



Access and Parking

Access will be provided by a private access drive/easement extending south from Cypress Glen Court, centered over the common property lines. A turnaround area for emergency vehicles is also provided. Each dwelling fronting E Street is provided with a two car garage plus a two car

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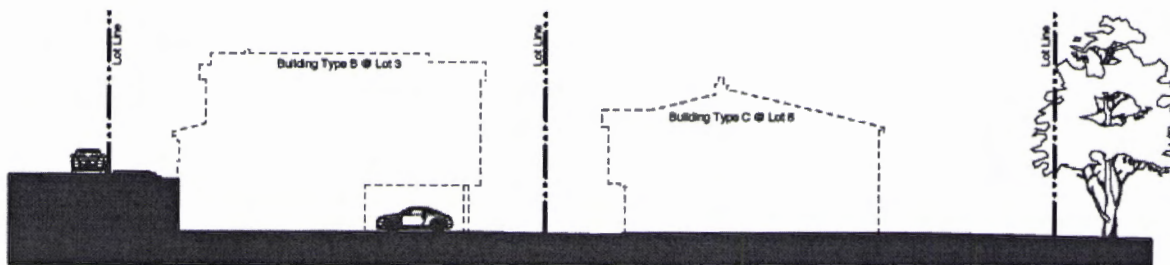
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carport for guests with access from the common access drive. Lots 6 and 7 each have 2-car garages. Two additional guest spaces are provided at the south end of the access drive.

Preliminary Grading and Drainage Plan

The preliminary grading plan shows the site will be excavated along E Street to accommodate parking under the first floor living spaces for parcels 1 through 5.

Figure 4 – East/West Section Through Project



Site Section A

Scale: 1/16" = 1'-0"

No grading is proposed within the drip line of the riparian vegetation along Little Cayucos Creek. The project will result in the disturbance of approximately 26,910 square feet. Earthwork will involve 2,135 cubic yard of cut and 291 yard of fill with a net 1,844 cubic yard to be removed.

The project incorporates Low Impact Development (LID) drainage features in which runoff will be collected in a "bio-swale" where it will be pre-treated before being discharged to Little Cayucos Creek.

Preliminary Landscaping Plan

The landscaping plan shows a 'riparian enhancement area' along the creek with plant varieties informed by the biological assessment prepared for the project (Althouse and Meade, November 2015). Native plant varieties are shown for the areas that border the riparian corridor. Street trees and foundation planting will be provided along Cypress Glen Court to screen the dwellings and soften the transition from the street. Street trees and shrubs are shown in a narrow landscaping strip provided along the project's E Street frontage.

PLANNING AREA STANDARDS

Estero Areawide Standards

A. Resource Protection

1. **Clustered or Concentrated Development.** Wherever standards for clustering or concentrating development to protect identified sensitive features, the following standards apply:
 - a. **Reports.** Biological report(s) that addresses identified sensitive feature(s) shall be required.

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- b. **Development Location.** Development shall be located away from identified sensitive features on and adjacent to the site, and in areas most suitable for development. Development shall result in no adverse impacts to environmentally and other sensitive areas, including avoidance of the required setback, buffers and fuel modification zones.
- c. **Setbacks.** Development shall include sufficient setbacks/buffers to protect environmentally sensitive areas; at a minimum, setbacks as required in the Estero area plan and in the Chapter 23.07 of the CZLUO, as applicable
- d. **Extent, Intensity of Development.** The number of units/development intensity and site coverage shall be consistent with protection of identified sensitive features on and adjacent to the site.
- e. **Protection of Sensitive Features.** Identified sensitive features shall be protected through building controls, mitigation agreements, easements, or other means, consistent with applicable legal requirements to allow reasonable use of the site.
- f. **Arrangement of Open Space.** Where feasible, open space areas shall consist of larger, contiguous areas rather than smaller, disconnected pockets of open space.

2. Environmentally Sensitive Areas- Clustered Development and Habitat Protection Required.

- a. Cluster or concentrate development on the least sensitive portions of the site in order to protect and sustain environmentally sensitive areas and the following sensitive features:
 - i. Sensitive Resource Areas and Environmentally Sensitive Habitats as defined in the Land Use Element and Local Coastal Plan.
 - ii. All riparian habitat corridors.
 - iii. Rare, endangered or threatened species as listed by deferral or state agencies or in the State CEQA guidelines
 - iv. Other significant stands of vegetation, such as eucalyptus - whether or not identified as SRA combining designation that do not need to be removed due to hazardous condition or restoration and enhancement of native habitat.
- 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 Chapter 23.07 of the CZLUO, except otherwise stated in this plan.
- c. Development shall not significantly disrupt or cause significant adverse environmental impacts to the preceding sensitive features, and shall not diminish the long-term sustainability of the biological resources.
- d. Development of all proposed building sites shall result in no adverse impacts to environmentally and other sensitive areas, including avoidance of the required setbacks, buffers and fuel modification zones.

Staff Comments: The project is consistent with these standards. The site plan was informed by a biological assessment of the project site. As a result, development is concentrated on the eastern portion of the project site and will not impact sensitive resources along Little Cayucos Creek. The open space lot encloses the riparian

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resources on the project site. The proposed residences are setback a minimum of 20 feet from the upland edge of riparian vegetation as required by the Estero Plan.

- G. Cayucos Planning Impact Area.** Within the planning impact area shown in Figure 7- 5, applications for land divisions, general plan amendments, Minor Use Permits, and Development Plans shall be referred to the Cayucos Citizen Advisory Council (CCAC) its successor for review and comment.

Staff comments: This project was referred to the CCAC. See CCAC discussion below.

- H. Light and Glare.** The applicant shall provide details on any proposed exterior lighting, if applicable. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

Staff comments: The project is conditioned to meet this standard.

Cayucos Urban Area Standards

Communitywide

- A. Resource Capacity and Service Availability.** Application for new land divisions and land use permits for new development shall be accompanied by letters from the applicable water purveyor and the Cayucos Sanitary District stating their intent to serve the proposed project.

Staff comments: This project complies with this standard because the applicant submitted a recent intent-to-serve letter from the Morro Rock Mutual Water Company and the Cayucos Sanitary District issued a Conditional Will Serve letter for the project. The project is conditioned to meet all applicable requirements of the Cayucos Sanitary District Conditional Will Serve prior to the issuance of construction permit(s).

- B. Setbacks.** The project is being developed as a planned development which allows the relaxation of certain development standards, including setbacks. For a planned development, front setbacks may be determined through Development Plan approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code. The side yard within urban and village areas is 10 percent of the lot width, to a maximum of five feet on sites less than one acre in net area, but not less than three feet.

Staff comments: If the Development Plan for the planned development is approved, the project complies with this standard. The front setback for lots 6 and 7 is shown at 14 feet and 12 feet for the dwellings facing E Street. Project plans show a minimum side yards of three feet for the dwellings facing E Street, and 4 - 5 feet for lots 6 and 7.

Residential Design Guidelines Outside of Community Small-Scale Design Neighborhoods: Wall Articulation and Relief.

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The following guidelines apply to all new residential development outside of Community Small-scale Design Neighborhoods in order to create visual relief and interest.

- *Avoid long, uninterrupted exterior walls on all structures*
- *Provide detail and articulation on all sides of residences through measures such as:*
 - *Using relief elements and changes in plane*
 - *Off-setting the wall plane to express interior spaces and provide outdoor spaces*
 - *Creating an interesting blend of shadows, in-sets, varied materials and textures*
 - *Using design measures and elements such as the following:*
 - *wall bays with relief at least every 20 feet;*
 - *pop-out, bay windows;*
 - *in-set windows;*
 - *window trim;*
 - *trellises;*
 - *arcades or verandas;*
 - *changes in materials*

Staff Comments: Overall the project complies with this guideline. Building elevations incorporate elements to break up the mass and linearity of the building walls. These elements include:

- *Second-story balconies;*
- *Extensive windows and window trim;*
- *Wall projections with gable ends;*
- *Changes in the roof line;*

Residential Multi-Family -

Height Limitations. Maximum allowable building height shall be 28 feet.

Staff comment: This project complies with this standard. Proposed height is 28 feet

Combining Designation

Sensitive Resource Area (SRA). Setbacks from Coastal Streams. Development shall be setback a minimum of 20 feet from Little Cayucos Creek. Riparian setbacks shall be measured from the upland edge of riparian vegetation top of stream back where no riparian vegetation exists.

Staff comment: The project is located 20 feet from the upland edge of riparian vegetation in compliance with this standard.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043c(1) - Appeals to the Coastal Commission. The project is appealable to the Coastal Commission because the project is proposed development within 100 feet of Little Cayucos Creek (a mapped coastal stream).

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Section 23.04.084 – Multifamily Dwellings. The number of multiple family dwellings allowed on a single lot or adjoining lots, floor area and open area are based upon the "intensity factor" of the site. In this case, the medium intensity factor allows:

	Maximum units/acre	Maximum floor area	Minimum open area
Allowed	26 units	48%	45%
Proposed	10 units	45%	72%

Staff Comments: The project complies with the multifamily dwelling requirements for density, floor area and open area.

Section 23.07.120 - Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Section 23.04.166 - Number of Parking Spaces Required

The project site is located within the Residential Multi-Family land use category that requires 2 parking spaces per residence with three or more bedrooms, plus 1 guest parking space, plus 1 additional guest space for each 4 units or fraction thereof.

Staff comments: The parking requirement for 7 dwellings is: $7 \times 2 = 14$ spaces, plus 1 guest space, plus 1 guest space per four units = 17 spaces. Each dwelling fronting E Street is provided with a two car garage plus a two car carport for guests. Lots 6 and 7 each have 2-car garages. Two additional guest spaces are provided at the south end of the access drive. A total of 26 parking spaces are provided on the site in garages, carports and open parking. The project meets the standard and provides excess parking.

Section 23.05.034 (c) - Grading Adjacent to Environmentally Sensitive Habitats

Grading shall not occur within 100 feet of any Environmentally Sensitive Habitat as shown in the Land Use Element except:

- (1) Where a setback adjustment has been granted as set forth in Sections 23.07.172d(2) (Wetlands) or 23.07.17 4d (2) (Streams and Riparian Vegetation) of this title; or
- (2) Within an urban service line when grading is necessary to locate a principally permitted use and where the approval body can find that the application of the 100-foot setback would render the site physically unsuitable for a principally permitted use. In such cases, the 100-foot setback shall only be reduced to a point where the principally-permitted use, as modified as much as practical from a design standpoint, can be located on the site. In no case shall grading occur closer than 50 feet from the Environmentally Sensitive Habitat or as allowed by planning area standard, whichever is greater.

Staff comments: The Estero planning area standard establishing a 20 foot setback from Little Cayucos Creek takes precedence over this section of the Coastal Zone Land Use

Ordinance¹. As described above, the proposed project meets the 20 foot setback requirement from Little Cayucos Creek.

Combining Designations

Section 23.07.060 Flood Hazard Area.

The Flood Hazard combining designation is applied to specific parcels by the Official Maps (Part III) of the Land Use Element to areas where terrain characteristics would present new developments and their users with potential hazards to life and property from potential inundation by a 100-year frequency flood or within coastal high hazard areas.

Staff comments: A small portion of the project site lies within the 100-year floodplain of Little Cayucos Creek. However, no structures or other improvements are proposed in this area. The project is conditioned to show the 100-year flood plain and all structures shall be located outside of this area. The limit of the flood hazard will be shown on the final map as a building restriction.

Section 23.07.160 - Sensitive Resource Area (SRA)

The Sensitive Resource Area combining designation is applied by the Official Maps (Part III) of the Land Use Element to identify areas with special environmental qualities, or areas containing unique or endangered vegetation or habitat resources. The purpose of these combining designation standards is to require that proposed uses be designed with consideration of the identified sensitive resources, and the need for their protection, and, where applicable, to satisfy the requirements of the California Coastal Act.

e. **Required findings:** Any land use permit application within a Sensitive Resource Area shall be approved only where the Review Authority can make the following required findings:

- (1) The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.
- (2) Natural features and topography have been considered in the design and siting of all proposed physical improvements.
- (3) Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- (4) The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.

Section 23.07.170 - Environmentally Sensitive Habitat Area (ESHA)

The riparian area crossing the project site is considered an environmentally sensitive habitat area (ESHA). Applications for development within an ESHA must include a biological assessment to evaluate the project's impact on ESHA and whether the development will be consistent with the biological continuance of the habitat.

¹ CZLUO Section 23.01.034(d) states: "If conflicts occur between a Land Use Element planning area standard and other provisions of this title, the Land Use Element planning area standard shall prevail."

- (1) Approval of a land use permit for a project within or adjacent to an ESHA shall not occur unless the applicable review body first finds that:
 - a. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
 - b. The proposed use will not significantly disrupt the habitat.

Staff comments: The SRA designation is applied to the riparian corridor for Little Cayucos Creek. The project design was informed by a biological assessment prepared by Althouse and Meade (November, 2015) regarding the sensitivity of resources on the project. As a result, the project is designed to meet the 20 foot setback from Little Cayucos Creek in order to protect the natural features and topography. The project limit (disturbance) area is the minimum necessary to achieve safe and viable construction of the residences, as a principally permitted use on the site. Conditions such as construction timing, exterior lighting, construction BMPs, an open space conservation easement, and Landscape Restoration and Enhancement Plan have been applied to the project to ensure biological continuance of, and no significant negative impacts to, the sensitive habitats.

Section 23.07.174 - Streams and Riparian Vegetation (SRV)

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

a. Development adjacent to a coastal stream.

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

- b. Riparian setbacks:** New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this setback shall be a minimum of 50 feet. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration.

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

All permitted development in or adjacent to streams, wetlands, and other aquatic habitats shall be designed and/or conditioned to prevent loss or disruption of the habitat, protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures to be provided include, but are not limited to:

- i. Flood control and other necessary instream work should be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation.
- ii. Drainage control methods should be incorporated into projects in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.

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Staff Comments: A Biological Assessment, prepared by Althouse and Meade (November, 2015) concluded that no listed plant species were found on the project site and no suitable habitat was found. However, the project site has the potential to provide habitat for listed animal species that include Cooper's hawk, California red-legged frog, Monarch butterfly, Nuttall's woodpecker, Oak titmouse, Pallid bat, Silvery legless lizard, Steelhead, Tidewater goby, Two-striped garter snake, Western pond turtle, and Yellow warbler. The study concluded that suitable habitat for California red-legged frog, Steelhead, Tidewater goby, Two-striped garter snake, and Western pond turtle is not present on the project site. Pre-construction surveys are recommended for Cooper's hawk, Nuttall's woodpecker, Oak titmouse, Silvery legless lizard, and Yellow warbler.

With regard to the riparian setback, Little Cayucos Creek is mapped by the ESHA Coastal Act Section 30107.5 and designated as such in the Estero Area Plan, Cayucos Urban Area Standards Chapter 7, V.C.1. and Table 7-2, as a Sensitive Resource Area (SRA). The edge of riparian is shown and the SRA is shown on Figure 5.

Figure 5 – Habitat Types on the Project Site



On the project site Little Cayucos Creek is swale-like without erosion and shallow. Riparian trees, mostly arroyo willow (*Salix lasiolepis*), California sycamore (*Platanus racemosa*) and coast live oak (*Quercus agrifolia*) comprise the canopy of the riparian habitat along with a few pittosporum and myoporum non-native shrubs. Periwinkle (*Vinca major*), garden nasturtium (*Tropaeolum majus*), and kikuyu grass (*Pennisetum clandestinum*) are dominant species in the understory. Coast live oak is found only on the far bank of the creek away from the project area (Figure 5). The creek channel substrate consists of gravels and coarse soil particles. The channel area could qualify as State wetland per Coward in methodology (FACW willows, hydrology).

However, the Estero Area Plan requires a minimum 20 feet from coastal streams (Little Cayucos Creek). When there are conflicting standards between the CZLUO and the Area Plan, the LCP allows for the standards of the Area Plan to prevail. In this case the project incorporates the following elements to protect riparian resources:

- The bulk of riparian resources present on the project site will be within a designated open space parcel in which no development will be allowed. No outfall structures or other uses of the riparian area are proposed.
- All development will observe a minimum 20-foot setback from the edge of riparian resources, as required by the LCP. The top of bank of Little Cayucos Creek is entirely within the riparian canopy edge.
- Restoration of the riparian habitat is proposed and has been approved by the California Department of Fish and Wildlife as a separate Project that removes non-native plants, installs native riparian plants, and protects riparian trees and shrubs (LSAA No. 1600-2015-0141-R4). This restoration project will result in an enhancement to the existing riparian habitat.

Accordingly, the coastal stream and riparian area will be preserved because the structures and other improvements are setback adequately from riparian vegetation. With adequate setback and conditions requiring BMPs for grading, erosion, sedimentation, and drainage plan, the proposed project will not degrade the riparian area and will be compatible with the continuance of the habitat. As proposed and conditioned, the project complies with this standard.

Section 23.07.176 - Terrestrial Habitat Protection

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

- a. **Protection of vegetation.** Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.
- b. **Terrestrial habitat development standards:**
 - (1) **Revegetation.** Native plants shall be used where vegetation is removed.
 - (2) **Area of disturbance.** The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily- identifiable barriers that will protect the surrounding native habitat areas.

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Staff Comments: The project is consistent with this standard. The project site is bordered by Little Cayucos creek and its surrounding riparian vegetation. The riparian vegetation is mapped ESHA and could provide roosting, nesting and/or foraging areas for Cooper's hawk, Nuttall's woodpecker, Yellow warbler and Pallid bat. Sensitive habitat for these species will be protected by the elements discussed above under CZLUO Section 23.07.172.

Based on the Biological Assessment prepared for the project site, the quality of vegetation outside the riparian corridor is significantly degraded and anthropogenic.

Section 23.07.104 - Archaeologically Sensitive Areas

The project is not located in a designated Archaeologically Sensitive combining designation area; however the location on the banks of a creek and in close proximity to the ocean is considered culturally sensitive and archaeology resources are known to exist in the area.

Staff Comments: A Phase I study of the project site (Heritage Discoveries Inc., 2015) found no surface evidence of archaeological resources on the project site. However, due to the size, proximity and richness of the known adjacent archaeological site, a Phase II study was performed for the project site in August, 2015 (Heritage Discoveries Inc., 2015). The Phase II study consisted of additional surface as well as sub-surface investigations. A total of 15 shovel pits were excavated and the excavated soils were sifted for the presence of resources. The analysis revealed the presence of some modern artifacts, such as a glass marble, bottle fragments and nails. One large mammal bone was recovered which appeared to be of historical origin. Marine shellfish fragments were discovered, but were most likely of historic origin as well. Overall, the Phase II investigation found no surface or sub-surface evidence of significant historical or archaeological resources on the project site.

Section 23.07.174 (d) - Streams and Riparian Vegetation Setback

The Estero Area Plan requires a minimum 20 feet from coastal streams (Little Cayucos Creek). The dwellings on Parcels 6 and 7 are set back 20 feet from the edge of existing riparian vegetation, and 25 – 40 feet from the top of bank as required by the Area Plan.

Section 23.04.036 - Front Setback.

CZLUO states that the front setbacks for a planned development may be determined through Development Plan approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code. Project plans show a 12-foot setback from the front property line for the units fronting on E Street, and on lots 6-8 the front setback is 14 feet.

COASTAL PLAN POLICIES:

Shoreline Access:	N/A
Recreation and Visitor Serving:	N/A
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating & Port Facilities:	N/A

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Environmentally Sensitive Habitats:	Policy	No(s):
	1,2,20,21,28,29,35	
Agriculture:	N/A	
Public Works:	Policy No(s): 1	
Coastal Watersheds:	Policy No(s): 8,9,10	
Visual and Scenic Resources	N/A	
Hazards:	N/A	
Archaeology:	Policy No(s): 1, 5,6	
Air Quality:	N/A	

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

Environmentally Sensitive Habitats (ESHAs)

Policy 1: Land Uses within or adjacent to Environmentally Sensitive Habitats. New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.

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

Staff comments: The project is consistent with these policies. The protection of ESHA is discussed above under CZLUO Section 23.07.172.

Policy 3: Habitat restoration. The County or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible.

Staff comments: The project is consistent with this policy because it incorporates a riparian restoration plan and is conditioned to implement the plan.

Policy 20: Coastal Streams and Riparian Vegetation. Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.

Policy 21: Development in or adjacent to a coastal stream. Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns.

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Policy 28: Buffer Zone for Riparian Vegetation. In urban areas the buffer setback zone shall be a minimum 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams.

Policy 29: Protection of Terrestrial Habitats. Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site. Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

Staff comments: The project is consistent with these policies, as discussed above under CZLUI Section 23.07.172.

Policy 35: Protection of Vegetation. Vegetation which is rare or endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat.

Staff comments: The proposed project is consistent with this policy because it includes conditions prohibiting tree and vegetation removal, except as allowed to implement the riparian restoration plan. Implementation of this plan will help protect the existing sensitive riparian habitats against significant disruption of habitat value.

Public Works

Policy 1: Availability of Service Capacity. New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff comments: The project complies with this standard. Conditional will serve letters (water and sewer) were submitted for the proposed development.

Coastal Watersheds

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

Staff comments: This project will comply with this standard because construction activities will be limited by conditions of approval.

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

Staff comments: The project complies with Policies 9 and 10 because it incorporates drainage components to protect water quality consistent with Low Impact Development. In addition, prior to issuance of grading/ or construction permits, the project shall demonstrate compliance with water quality protection regulations. Conditions requiring implementation of BMPs in grading, erosion and sedimentation control and drainage will minimize harmful impacts to ESHA that may result from increased run-off, erosion or sedimentation during construction activities.

Archaeological Resources

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

Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction

Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:

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

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities. Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified

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archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

Staff comments: The project is consistent with these policies and conditions have been included to assure that significant impacts to archeological resources within the project area will be adequately mitigated based on the recommendations outlined in the Phase I and Phase II studies prepared for the project site.

TENTATIVE TRACT MAP

The proposed project site is located in the Recreation (REC) and Residential Multi-family (RMF) land use categories. CZLUO section 23.04.028d establishes the minimum standards for parcels in the RMF category and CZLUO section 23.04.032 establishes minimum standards for parcels in the Recreation land use category.

Section 23.04.028d requires the common ownership parcel to be a minimum of 6,000 sq. ft. and that the RMF subdivisions comply with density of Section 23.04.084. The Recreation land use category requires a 6,000 sq. ft. parcel. Lot 8 is the open space parcel and is approximately 14,000 sq. ft. in size.

Staff Comments: The project site is greater than 6,000 sq. ft. and so complies with CZLUO sections 23.04.028 and 032 and the proposed project complies with CZLUO section 23.04.084 residential density standards (see Page 4 of this staff report for a full analysis of residential density).

Abandonment of a Portion of Cypress Glen Ct

The tentative map proposes to abandon a portion of Cypress Glen Ct. The abandonment of the public right to use a right of way can occur either through the Streets and Highways Code or through the tentative subdivision map. The proposed subdivision (see attachment 6) seeks to abandon a 35 foot wide strip of Cypress Glen Ct fronting the project site. A street abandonment extinguishes the public's right to use the road. Property owners retain the right to access properties through the underlying easement that stays in place.

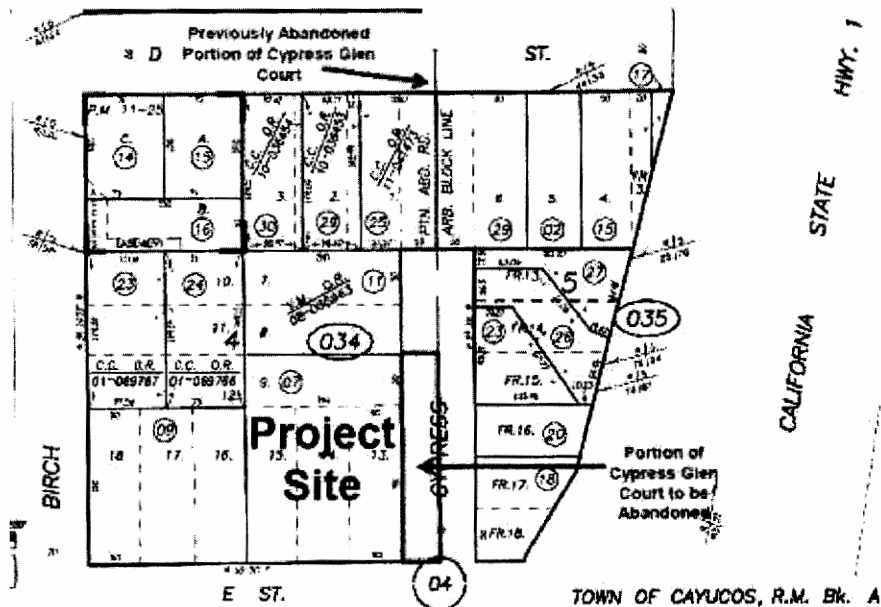
In this case, the portion of Cypress Glen Ct north of Little Cayucos Creek has already been abandoned (see Figure 6). The owners of several properties on Cypress Glen Ct have applied to abandon other portions of Cypress Glen Ct under the Street and Highways Code process. Both abandonment processes can proceed concurrently.

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Figure 6 – Abandonment of a Portion of Cypress Glen Ct



Cypress Glen Court is not part of the County's road maintenance system and currently acts as a private drive to the existing residences. Since Cypress Glen Court serves private residences and provides no existing or future public circulation benefit, Public Works supports the proposed abandonment.

Title 21 Adjustment

Real Property Division Ordinance section 21.03.010d7 states:

7. Private easements, if approved by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.

There are ^{C₂} five existing parcels that use Cypress Glen Ct for access. The proposed project will add seven developable parcels. This total of 11 parcels using Cypress Glen for access cannot use a private easement but instead must use an access with an offer of dedication. The applicant has submitted a request of for an adjustment to this standard. In order to approve an adjustment to the design provisions of Section 21.03.010, the Planning Commission must find:

1. That there special circumstances or conditions affecting the subdivision; and
2. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision; and

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3. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision. (Ord. 1986 §2 (part), 1979)

The findings are provided in Attachment 3.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration has been prepared for this project. The findings and recommendations of the MND are summarized below.

Biological Resources. The Biological Assessment concludes that riparian resources present on the project site will be adequately protected by observing the required 20 foot minimum setback and by the design of the project which avoids sensitive resources. The proposed project also includes a riparian corridor restoration plan to restore the degraded riparian habitat on the site.

Cultural Resources. The project is not located in a designated Archaeologically Sensitive combining designation area; however the location on the banks of a creek and in close proximity to the ocean is considered culturally sensitive and archaeology resources are known to exist in the area. A Phase I and Phase II study of the project site did not reveal the presence of significant archaeological resources.

Public Services and Utilities. According to the 2015 Resource Summary Report, there are no levels of severity recommended for water supply, wastewater collection and treatment, or schools. Will-serve letters have been issues for the project by the Morro Rock MWD and the Cayucos Sanitary District.

Traffic. The project proposes to vacate a portion of Cypress Glen Court along the project frontage. There is a recorded Road Maintenance agreement that covers the maintenance responsibilities of Cypress Glen Court that serves four private residences. The right-of-way was never improved or maintained by the County between D and E Streets, and portions of the right of way have been abandoned to the adjoining properties. The project proposes to abandon the portion of the right-of-way that abuts the project site and to add the 7,000 square feet of abandoned right-of-way to the project site for purposes of calculating the base residential density. Cypress Glen Court is not part of the County's road maintenance system and currently acts as a private drive to the existing residences. Since Cypress Glen Court serves private residences and provides no existing or future public circulation benefit, Public Works is supporting the proposed abandonment. No other significant traffic-related concerns were identified.

Hydrology – Water Quality. A Stormwater Control Plan and Stormwater Site Design Analysis has been prepared for the project which provides a summary of elements incorporated into the design of the project to protect water quality. These elements include:

- A bioretention area to treat stormwater from impermeable surfaces.
- Maintaining a 20 foot setback from Little Cayucos Creek.
- Impervious surfaces are minimized.

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COMMUNITY ADVISORY GROUP COMMENTS

Cayucos Community Advisory Council (CCAC) - The CCAC met in December to discuss the project. In addition, the land use committee met twice to discuss the project. The Council took the following action at the December 2015 meeting:

Paul Choucalas: I make a motion that the council approve the project with the condition that there be creek access if it is legal.

Larry Fishman: Could I clarify that this is for seven homes.

Roll Call Vote: Five yes. Six no.

John Carsel: The motion fails. Is there another motion? Seeing none, enjoy the holidays.

AGENCY REVIEW

Public Works - *The project meets the applicability criteria for Storm Water Management and shall comply with applicable requirements. Abandonment of Cypress Glen Court is supported.*

Cayucos Sanitary District - *The proposed project received a conditional Sewer Intent to Serve from the Cayucos Sanitary District on May 6, 2015.*

Morro Rock Mutual Water Company - *The proposed project has received a Notification of Eligibility to Receive a Water Will Serve Letter issued on July 15, 2015.*

Cayucos Fire Department - *The Fire Protection District Project commented on the need for a turnaround at the end of the driveway.*

California Coastal Commission - *The Commission comments focus on the riparian setback and restoration plan.*

LEGAL LOT STATUS

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

ATTACHMENTS:

1. Exhibit A – Development Plan Findings
2. Exhibit B – Development Plan Conditions of Approval
3. Exhibit C – Tentative Tract Map Findings
4. Exhibit D – Tentative Tract Map Conditions of Approval
5. Real Property Division Ordinance Adjustment Request
6. Proposed Negative Declaration and Project Graphics
7. Correspondence

Staff Report prepared by James Caruso, Senior Planner and Reviewed by Karen Nall, Supervising Planner.

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ATTACHMENT 8

Attachment 1

EXHIBIT A DEVELOPMENT PLAN/COSTAL DEVELOPMENT PERMIT FINDINGS SUB2015-00001

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval..

Development Plan/Coastal Development Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the new residences do not generate activities that present potential threats to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the seven single family residences are allowed uses and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on E Street and Cypress Glen Court, (local) roads constructed to a level able to handle any additional traffic associated with the project.

Minimum Parcel Size

- G. The reduction in minimum parcel size for parcels 1 through 7 is appropriate because:
1. The common ownership external parcel is in compliance with the provisions of 23.04.084; and
 2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

Coastal Access

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

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Sensitive Resource Area

- I. The development will not create significant adverse effects on the natural features (Coastal Stream) of the site or vicinity that are the basis for the Sensitive Resource Area designation, and will preserve and protect such features through site design because the project includes adequate setbacks from the riparian vegetation, and conditions to restore the riparian habitat and implement grading, erosion, sedimentation standard measures that will protect the sensitive habitat.
- J. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the seven residences and driveway are located in the least environmentally damaging portion of the project site and outside the creek setback.
- K. The proposed clearing of topsoil is the minimum necessary to achieve safe and convenient access and siting for the project, and will not create significant adverse effects on the identified sensitive resource because the development will be located outside the creek setback and sensitive riparian habitat. No tree removal will be allowed within the riparian corridor and the residences are located the furthest extent possible from the riparian vegetation.
- L. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff. To ensure compliance, the project is conditioned to submit an erosion, sedimentation control and drainage plan utilizing Best Management Practices to Public Works for approval at the time of building permit applications and implementation during construction.

Streams and Riparian Vegetation

- M. The proposed project is a development of seven single family residences that is an allowable use and will be located approximately 20 to 40 feet to the creek. No alternative locations and routes are feasible or less environmentally damaging because the residences are placed the furthest extent of the riparian vegetation and on the least environmentally damaging portion of the project site.
- N. Adverse environmental effects have been mitigated to the maximum extent feasible.
- O. Implementation of the conditions and mitigation measures will ensure no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

Archaeology

- P. No significant archaeological resources were found on the project site through surface (Phase I) and sub-surface (Phase II) investigations. Therefore, archaeological resources will not be adversely impacted by the project.

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**EXHIBIT B
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
SUB2015-00001**

Approved Development

1. This Tract Map/Development Plan/Coastal Development Permit approves the following development and project-related activities:
 - a. The creation of seven residential lots, plus one open space parcel as shown on Tentative Tract 3074;
 - b. Grading and street improvements to E Street and Cypress Glen Court;
 - c. Grading and minor site work for a sewer laterals;
 - d. Grading and minor site work for gas lines;
 - e. Grading and construction of a shared driveway from Cypress Glen Court;
 - f. Grading and construction of seven new residences with a maximum height of 28 feet as follows:

Tract 3074 Product Summary (Square Feet)								
Project Components	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508	2,432	2,432	2,432	2,432	4,961	5,405	14,089
Dwellings Floor Area								
Living Space	2,449	2,449	2,197	2,197	2,197	2,170	2,013	--
Garage	571	571	593	593	593	440	440	--
Carport	519	519	516	516	516	0	0	--
Decks and Porches	335	335	443	443	443	41	44	--
Total:	3,874	3,874	3,749	3,749	3,749	2,651	2,497	--

36,691 = .84 acres
29,621
7,070 = .13 acres
abandoned area

- g. Parcel sizes and setbacks as follows:

Tract 3074 Parcel Size and Setback Summary								
	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	4,961 sq.ft.	5,405 sq.ft.	14,089 sq.ft.
Front Yard	12'	12'	12	12	12	14	14	N/A
Side Yards	3'	3'	3'	3'	3'	5'	4'-5'	N/A
Rear Yards	18'	18'	18'	18'	18'	45'	45"	N/A

- h. Restoration and enhancement of the riparian habitat area;
- i. On-going monitoring and restoration of the riparian habitat area (as necessary); and
- j. Total site disturbance of approximately 26,910 square feet (not including riparian restoration).

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Conditions required to be completed at the time of application and/or prior to issuance of construction permits

Site Development

2. At the time of application for grading and/or construction permit(s), the applicant shall submit final site plans to the Department of Planning and Building for review and approval. The final site plans shall show the following:
 - a. **Little Cayucos Creek Setback.** Other than habitat restoration related development, all development including but not limited to cut and fill slopes, retaining walls, drainage features, fencing, decking, and parking areas, shall be set back a minimum distance of 20 feet from the upland edge of Little Cayucos Creek riparian vegetation.
 - b. **Approved Development Envelope.** All areas of the site outside of the Little Cayucos Creek Riparian Habitat Area and its required setback shall be demarked as the Approved Development Envelope.
 - c. **Little Cayucos Creek Riparian Habitat Area.** The area of the site outside the Approved Development Envelope shall be demarked as the Little Cayucos Creek Riparian Habitat Area, where development and uses shall be limited to restoration, enhancement, protection, and interpretation of the Little Cayucos Creek riparian habitat.
 - d. **Site Access.** All access to the residential units from E Street shall be clearly identified on the final site plans, and shall include:
 - i. Verification that access has been reviewed and approved by the Department of Public Works with respect to improvements in the E Street right-of-way;
 - ii. Verification that access has been reviewed and approved by the Cayucos Fire Department in respects to fire safety regulations;
 - e. **Project Limit Area.** The final plans shall clearly identify specific locations of construction, areas for staging and storage, and construction access corridors. Such areas shall be minimized to the maximum extent feasible to minimize impacts on the creek habitat area. Silt fences, or equivalent shall be installed at the perimeter of allowable construction area to prevent runoff and/or sediment from entering the riparian habitat area.
 - f. **Construction Plan Notes.** The final plans shall include a final construction schedule and erosion control/water quality BMPs (and locations). The following required criteria must be shown on the Plan Notes:
 - i. All work shall take place during daylight hours. Lighting of the creek and riparian area is prohibited.
 - ii. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside the defined construction, staging, and storage areas.
 - iii. Construction shall only occur during the dry between April 15 to October 1.
3. Prior to issuance of construction permits for the residences, the applicant shall submit a color and materials board to the Department of Planning and Building for review and approval.

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Fire Safety

4. Prior to issuance of construction and/or grading permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Additional Fire Safety Review will be required and the applicant shall provide evidence that all plans submitted are compliant with current fire and life safety requirements of the Cayucos Fire Department and the California Fire Code.

Services

5. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final water availability letter from Morro Rock Mutual Water Company to service the new residences. The project shall meet all applicable conditions of the final will serve requirements by the water purveyor.
6. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final sewer availability letter from Cayucos Sanitary District to service the new residences. The project shall meet all applicable requirements of the final-will serve requirements by the District

Exterior Lighting

7. Prior to issuance of construction permits for the residences, the applicant shall submit exterior lighting plans to the Department of Planning and Building for review and approval. All proposed exterior lighting shall be shielded to the maximum extent possible and be of the lowest intensity feasible in order to avoid artificial light pollution of the riparian habitat area. Exterior lights on the north and northwest sides of the project (bordering the creek) shall be avoided where possible and be the minimum necessary to meet safety requirements. Exterior light shall be shielded and lighting shall be directed downward and away from the creek and riparian areas.

Access & Access Easement

8. Prior to issuance of a grading permit, the applicant shall provide evidence of a recorded easement for access and utilities to Lots 1 through 7 to the Department of Planning and Building.
9. Prior to issuance of construction and/or grading permits, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Construct or site access driveway approach in accordance with County Public Improvement Standard B-1a.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
10. Prior to issuance of construction and/or grading permits, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Water

11. **Prior to issuance of construction permits**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping (turf areas) shall be limited to 5% of the total area.

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square feet with remaining landscaping being drought tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.

12. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans **prior to permit issuance**.

Quit Claim Deed

13. Prior to issuance of a grading permit, the applicant shall provide evidence acceptable to the Executive Director of the California Coastal Commission that it is the record title owner of the project site, such as a Quit Claim Deed and updated preliminary title report.

Fees

14. Prior to issuance of construction permits, the applicant shall pay all applicable school and public facilities fees.

Grading, Drainage, Sedimentation and Erosion Control

15. Prior to issuance of construction and/or grading permits, the applicant shall submit a complete drainage, erosion, and sedimentation control plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. The plan shall use sediment control measures to protect Little Cayucos Creek. Installation of erosion and sedimentation control devices shall be installed around the perimeter of the construction zone. No flows shall be directed to Cayucos Creek without NPDES permit. The plan shall include the following:

- a. **Implementation of Best Management Practices during Construction.** The Plan shall identify the types and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants in the Little Cayucos Creek during construction. These measures shall be designed in accordance to the California Storm Water Best Management Practices Handbook and the San Luis Obispo County Resources Conservation District, as such:
- i. Limit the extent of land disturbance to the minimum amount necessary to construct the project;
 - ii. Designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which must be covered on a daily basis;
 - iii. Provide installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpiled areas;
 - iv. Provide hydro seeding (with native plants) of disturbed areas immediately upon conclusion of construction activities;
 - v. Good construction measures such as the use of dry cleanup measures whenever possible, collecting and filtering cleanup water when dry cleanup methods are not feasible, cleaning and refueling construction equipment at designated off site maintenance areas, and immediate cleanup of any leaks or spills.

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- b. **Permanent Drainage and Erosion Control Plan.** The Plan shall include and clearly identify all permanent measures to control and direct all site runoff and a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltrations, and/or habitat enhancement, and/or directed to off-site storm drain systems. The Plan shall be prepared by a licensed engineer and incorporate structure and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater and other run-off associated with the development. The Plan shall include required calculations and documentations for all BMPs proposed and shall, at the minimum provide for:
- i. Drainage system designed to filter and treat the volume of runoff produced from irrigation and storm event up to and including the as" percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1 hour runoff event (with an appropriate safety factor) for flow-based BMPs , prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating mechanism shall be clearly identified, and supporting technical information shall be provided.
 - ii. Runoff from the roofs, driveways, parking lots, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site;
 - iii. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions;
 - iv. All runoff shall be directed away from the creek/riparian habitat area unless proven appropriate for habitat enhancement process;
 - v. All drainage system elements shall be permanently operated and maintained.
16. All disturbed areas shall be restored as soon as possible. If the area is within close proximity of a sensitive habitat, a compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.
17. At the time of application for grading and/or construction permit(s), the applicant shall show the limits of the 100 year floodway on the site plan and all development located outside of the floodway and submit to Public Works for approval.

Stormwater Pollution Prevention

18. At the time of application for construction permits, the applicant shall demonstrate whether the project is subject to the LUO Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
19. Prior to initiation of tract improvements, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). As applicable, all construction-related protection measures specified in the SWPPP shall be installed prior to work beginning

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20. At the time of application for construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
21. Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Biological Resources

22. Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
23. Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be 14,089 square feet and include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
 - a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
 - b. Public interpretive access improvements approved by a coastal development permit.
24. **As a part of a second sheet of the tract map and included as a part of any individual construction permit application**, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment.
25. Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.

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26. Prior to issuance of grading and/or construction permit(s), the applicant shall submit the Landscape Restoration and Enhancement Plan (LREP) to the Department of Planning and Building for review and approval. The LREP shall provide for riparian corridor landscape restoration and enhancement in the Little Cayucos Creek Riparian Habitat Area, with the goal of enhancing and restoring this area to self-sustaining and high resource value natural habitat state. The LREP shall be prepared by a qualified restoration ecologist, and shall incorporate specific conditions of the site (including soil, exposure, temperature, moisture, wind, etc), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:
- a. A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area;
 - b. A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and this condition be maintained in perpetuity.
 - c. Removal of invasive and non-native plant species;
 - d. Planting of native species of local stock appropriate to the Little Cayucos Creek riparian corridor, including provision of fall and winter-flowering nectar sources for Monarch butterflies at appropriate locations. Non-native and/or invasive plant species shall be prohibited;
 - e. Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved;
 - f. Provision of submission of annual reports of monitoring results to the Department of Planning and Building, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the plan, and shall make recommendations (if any) on changes necessary to achieve success.
27. At the time of application for subdivision improvement plans, grading permits, and construction permits, the applicant shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
28. Upon submittal of tract improvement plans, all measures provided in the Mitigation Monitoring and Reporting Plan shall be shown on applicable plans relating to restoration of sensitive plants impacted. Should any measures conflict with conditions of approval, conditions of approval shall be considered superior. These measures shall be completed prior to recordation of final map.

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Conditions to be completed prior to ground disturbance or construction activities

Air Quality

29. "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocieanair.org/business/asbestos.php>). Prior to final inspection or occupancy, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

Biological Resources

30. **(BR-1) Within one week of ground disturbance or tree removal/trimming activities**, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Buffers may be reduced if a qualified ornithologist determines that project activities will not affect the nesting birds. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

31. **(BR-2) Prior to ground disturbance**, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Wildlife to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:

- a. Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.

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- b. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.
32. **(BR-3) Prior to construction**, occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within a 100 foot buffer for songbirds and 300 for nesting raptors while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
33. **(BR-4) Prior to construction**, occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.
34. **(BR-5) Prior to removal of any trees over 20 inches DBH**, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming, or if any structures proposed for removal harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Game, will install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed.

Site Development

35. Prior to any grading work / ground disturbing work, a qualified surveyor shall delineate the 20 foot setback areas from the upland edge of the riparian habitat. Temporary fencing shall be erected one foot outside of the setback area (and in the development envelope) to delineate it clearly for the construction phase. No disturbance, vehicular traffic, or equipment material staging shall occur within the setback area during construction or following completion of the project, except work authorized for the Landscape Restoration and Enhancement Plan (LREP).

Conditions To Be Completed During Project Construction

Air Quality

36. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible,

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- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
 - c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - f. All dirt stock-pile areas should be sprayed daily as needed.
37. No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

Biological Resources

38. To reduce the likelihood of sedimentation to Little Cayucos Creek, all private and construction vehicle traffic should be limited to those areas away from the northern and eastern edges of the property, outside of the fenced areas.
39. Construction activities shall be limited to the dry weather season (April 15 - October 15).
40. The applicant shall implement the erosion and sedimentation control plan.
41. The applicant shall implement the drainage plan.
42. The biological mitigation monitoring plan shall be implemented with on-site construction monitoring.

Cultural Resources

43. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Conditions to Be Completed Prior To Occupancy Or Final Inspection

Landscape Restoration and Enhancement Plan

44. Prior to occupancy of any residence associated with this approval, the applicant shall implement the LREP during construction as directed by a qualified restoration ecologist. The initial planting and plant removal shall be completed prior to the occupancy of the first approved residence. Submit field report prepared by qualified biologist verifying the completion of replanting to the Planning Department.

Access Drive and Fire Lane Signage

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45. Prior to final inspection, the applicant shall provide to the Department of Planning and Building, evidence of a recorded maintenance agreement for the project access driveway and "no parking (fire lane) signage". In lieu of a recorded maintenance agreement, the applicant may elect to provide maintenance in accordance with the provisions of Civil Code Section 845. The applicant shall also demonstrate to the Department of Planning and Building that the portion of the access driveway is either included within the above maintenance agreement or adequately addressed by another maintenance arrangement (such as Civil Code Section 845).

Cultural Resources

46. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities, and confirming that all recommended mitigation measures have been met. [If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of Obligation to complete the required analysis].

Biological Resources

47. Prior to final inspection of any permits associated with this approval, the applicant shall submit a biology monitoring report to the Environmental Coordinator for approval verifying completion of all necessary field work and monitoring.
48. Prior to final inspection of any permits associated with this approval, the drainage plan shall be implemented and verified by the Department of Planning and Building.
49. Prior to final inspection of any residence associated with this approval, the Department of Planning and Building shall verify no fireplaces are allowed because smoke from fireplaces interferes with Monarch Butterfly habitat.

Landscape

50. Prior to final inspection or occupancy (whichever occurs first), the following measures shall be applied to the proposed turf areas:
- a. To maximize drought tolerance and minimize water usage, warm season grasses, such as bermuda or buffalograss, shall be used;
 - b. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
 - c. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.
 - d. Slopes for turf areas shall be no more than 4%.
51. Prior to final inspection or occupancy, the landscape shall be installed in accordance with the approved landscaping plan shall be installed. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

52. Prior to final inspection or occupancy, the applicant shall obtain final inspection and approval from Cayucos Department of Fire of all required fire/life safety measures.

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Development Review Inspection

53. Prior to final inspection the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
54. Prior to occupancy of any residence associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Grading, Drainage, Sedimentation and Erosion Control

55. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices. Devices must be installed in conjunction with any grading and must effectively control siltation.
56. Prior to final inspection of construction permits, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to 2" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

On-Going Conditions of Approval (Valid For the Life of the Project)

Landscape Restoration and Enhancement Plan

57. Annual reports of monitoring results, beginning the first year after completion of the restoration efforts and concluding once success criteria have been achieved (criteria: 3 years of non-remediation! maintenance activities except for weeding) must be submitted to the Department of Planning and Building. Upon success criteria achievement, the self-sustaining riparian habitat must be maintained in perpetuity.

Landscaping

58. All landscape (including all trees and riparian vegetation) shall be maintained in viable condition in perpetuity.

Permit Vesting

59. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

General

60. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.
61. **Prior to approval of tract improvement plans**, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure

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compliance with County Conditions of Approval and Mitigated Negative Declaration measures relating to tract improvements. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

62. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.

Public Works Conditions

Road Improvements

63. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
- a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Cypress Glen Court shall be widened to complete the project frontage to Cayucos Fire Department access road standards. An attached all-weather sidewalk shall be constructed from the project driveway to E Street as shown on the Vesting Tentative Map.
 - c. The onsite access road shall be constructed to Cayucos Fire Department road and turnaround standards.

Drainage

64. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins is/are to be maintained in perpetuity.
65. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.
66. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
67. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

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68. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
- a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
69. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
70. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

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EXHIBIT C TENTATIVE TRACT MAP 3074 FINDINGS SUB2015-0001

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Commercial Retail land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of mixed-use commercial and live-work residential units.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support mixed-use commercial and live-work units.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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- J. That there special circumstances or conditions affecting the subdivision:
1. the site slopes downward from E Street toward Little Cayucos Creek and drops off at the E Street right of way very steeply resulting in less developable area for new residences once a driveway would reach natural grade after applying customary design criteria; and
 2. Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking where currently none exists; and
 3. the centerline of the internal drive court that serves all seven proposed residences is 75 feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Ct for direct access (their parking or garages are beyond the proposed access point from the new project; and
 4. the ordinance setback requirements from the riparian vegetation significantly reduces the developable area of the property; and
 5. the addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street.
- K. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision:
1. utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests and emergency vehicles; and
 2. having one point of access as opposed to multiple points of access onto E Street is safer and more predictable for existing residents and other vehicles; and
 3. trash collection within the drive court will keep Cypress Glen Ct more accessible to the existing four residences, thus eliminating inconvenience; and
 4. the provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking; and
 5. the amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate.
- L. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision:
1. the construction of the residences will enhance the character of the neighborhood since they are all single family homes and not attached apartments or condos; and
 2. public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists; and
 3. having one point of access via Cypress Glen Ct will provide a streetscape that de-emphasizes the vehicle as a focus of neighborhood character;
 4. the project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate potential safety risk from downed power lines in the event of storms or acts of nature; and

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5. Cypress Glen Ct will be widened to 24 feet of width past the drive court and a pedestrian path will be provided along its edge; and
 6. Parking requirements for multifamily zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structure, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning.
- M. Cypress Glen Court is approximately 200 feet long and connects to E Street. The road currently acts as a private drive to the existing residences and is not in the County maintained system. Located on the properties served by Cypress Glen Court are single family residences and accessory structures. The abandonment removes the encumbrance of the platted road to the adjoining property owners. Since the road serves private residential properties and provides no existing or future public circulation benefit, the request to vacate a portion of Cypress Glen Court as shown on the vesting tentative map is appropriate.

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EXHIBIT C TENTATIVE TRACT MAP 3074 FINDINGS SUB2015-0001

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Recreation and Residential Multifamily land use categories.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential units outside flood hazard areas and riparian setbacks.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support seven residential units and a required riparian setback.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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Title 21 Adjustment to Real Property Division Ordinance Section 21.03.010.d.7

- J. That there special circumstances or conditions affecting the subdivision:
1. the site slopes downward from E Street toward Little Cayucos Creek and drops off at the E Street right of way very steeply resulting in less developable area for new residences once a driveway would reach natural grade after applying customary design criteria; and
 2. Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking where currently none exists; and
 3. the centerline of the internal drive court that serves all seven proposed residences is 75 feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Ct for direct access (their parking or garages are beyond the proposed access point from the new project; and
 4. the ordinance setback requirements from the riparian vegetation significantly reduces the developable area of the property; and
 5. the addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street.
- K. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision:
1. utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests and emergency vehicles; and
 2. having one point of access as opposed to multiple points of access onto E Street is safer and more predictable for existing residents and other vehicles; and
 3. trash collection within the drive court will keep Cypress Glen Ct more accessible to the existing four residences, thus eliminating inconvenience; and
 4. the provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking; and
 5. the amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate.
- L. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision:
1. the construction of the residences will enhance the character of the neighborhood since they are all single family homes and not attached apartments or condos; and
 2. public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists; and
 3. having one point of access via Cypress Glen Ct will provide a streetscape that de-emphasizes the vehicle as a focus of neighborhood character;
 4. the project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate

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- potential safety risk from downed power lines in the event of storms or acts of nature; and
5. Cypress Glen Ct will be widened to 24 feet of width past the drive court and a pedestrian path will be provided along its edge; and
 6. Parking requirements for multifamily zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structure, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning.
- M. Cypress Glen Court is approximately 200 feet long and connects to E Street. The road currently acts as a private drive to the existing residences and is not in the County maintained system. Located on the properties served by Cypress Glen Court are single family residences and accessory structures. The abandonment removes the encumbrance of the platted road to the adjoining property owners. Since the road serves private residential properties and provides no existing or future public circulation benefit, the request to vacate a portion of Cypress Glen Court as shown on the vesting tentative map is appropriate.

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EXHIBIT D TENTATIVE TRACT MAP 3074 CONDITIONS OF APPROVAL SUB2015-0001

Approved Project

1. This Tract Map/Development Plan/Coastal Development Permit authorizes the subdivision of a 36,772 square foot site into seven buildable lots and one open space lot as follows:
 - a. Lot 1 – 2512 sq. ft.
 - b. Lot 2 – 2432 sq. ft.
 - c. Lot 3 – 2432 sq. ft.
 - d. Lot 4 – 2432 sq. ft.
 - e. Lot 5 – 2432 sq. ft.
 - f. Lot 6 – 4961 sq. ft.
 - g. Lot 7 – 5405 sq. ft.
 - h. Lot 8 – 14,089 sq. ft. (Open Space Lot)

Road Improvements

2. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Cypress Glen Court shall be widened to complete the project frontage to Cayucos Fire Department access road standards. An attached all-weather sidewalk shall be constructed from the project driveway to E Street as shown on the Vesting Tentative Map.
 - c. The onsite access road shall be constructed to Cayucos Fire Department road and turnaround standards.

Offers, Easements and Restrictions

3. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For road improvement purposes 1-foot along E Street to be described as 36-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
 - b. For pedestrian access purposes 6-feet along E Street to be described as 42-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
 - c. A 20- foot radius road right-of-way along the property line returns at the intersection of E Street and Cypress Glen Court.

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- d. A public utility easement along E Street to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
 - e. Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.
4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
- a. A minimum 22-foot shared private access and utility easement in favor of Parcels through 8 with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
 - b. A reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).
5. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.

Improvement Maintenance:

6. Roads and/or streets shall be maintained as follows:
- a. E Street shall be accepted for County maintenance following completion and certification of the improvements. No maintenance financing service charge shall be required, as these streets/roads are already in the County-maintained system, or are identified as new Principal Arterials, Arterials or Collectors, or meet the required number of road maintenance related smart growth points to be exempt.
 - b. Cypress Glen Court and onsite private access roads shall not be accepted for County maintenance following completion and certification of the improvements. The developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building.
7. Prior to map recordation the developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure inspection, operation, and maintenance of the following improvements:
- a. The shared private access road serving parcels 1 through 8.
 - b. The shared storm water treatment facilities for public or common area improvements (if required) as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - c. The shared storm drainage basins, inlets, pipes, fences, related landscaping and other appurtenances (if required) for public or common area improvements.

Improvement Plans

8. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

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9. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
10. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans are to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health.
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Sedimentation and erosion control plan for subdivision related improvement locations.
 - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
 - g. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
 - h. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - i. Storm Water Control Plan.
11. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [21.03.10(h)] and the poles removed.
12. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.
13. Prior to final map recordation, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
14. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

Drainage

15. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins is/are to be maintained in perpetuity.
16. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.

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17. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
18. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

19. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
20. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
21. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Additional Map Sheet

22. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

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- a. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained, indicating the proposed maintenance mechanism.
- b. If a fenced drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
- c. If a drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
- d. The limits of inundation from a 100 year Hood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to Hooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
- f. The applicant shall demonstrate that the project construction plans are in conformance with the applicant's Stormwater Control Plan Application.
- g. For Stormwater management purposes, an impervious area ceiling must be determined for each lot and noted as a building restriction.
- h. Stormwater treatment facilities shall be maintained and inspected in perpetuity as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
- i. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- j. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.

Covenants, Conditions and Restrictions

23. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval, and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate. The CC&R shall provide at a minimum the following provisions:
- a. Maintenance of Cypress Glen Court along the project frontage and onsite private access roads in perpetuity.
 - b. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
 - c. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - d. If storm water treatment facilities are required, on-going maintenance of said facilities in a viable condition on a continuing basis into perpetuity.
 - e. Maintenance of all common areas within the subdivision in perpetuity.

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- f. Operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- g. The limits of inundation from a 100 year flood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to flooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- h. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.
- i. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.

Open Space Easement

24. **Prior to recordation of the final map**, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be 14,089 square feet and include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
- a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
 - b. Public interpretive access improvements approved by a coastal development permit.

Miscellaneous

25. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final tract map. The date and person who prepared the report are to be noted on the map.
26. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
27. All timeframes on approved tentative maps for filing of parcel or final tract maps are measured from the date the Review Authority approves the tentative map as required by the Subdivision Map Act.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING COMMUNITY WATER AND COMMUNITY SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from Environmental Health Services.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Code).
6. Sewer service shall be obtained from the community sewage disposal system.
7. **Prior to the filing of the map** a "final will serve" letter be obtained and submitted to Environmental Health Services for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.

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11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.



Governmental Affairs Consulting

February 8, 2016

James Caruso
Department of Planning and Building
County Government Center
976 Osos Street, Rm 300
San Luis Obispo, CA 93408

Re: VTTM 3074; Request for Adjustment to Title 21.03.010(d)(7), Access and Circulation Design

Dear Mr. Caruso,

In order to accommodate a design that most adequately meets and facilitates the General Plan goals and policies related to development of 399 E Street in Cayucos, I would like to request an Adjustment to Real Property Division Ordinance **Section 21.03.010(d)(7) Access and circulation design**.

This section states:

(d) The following standards shall be applicable to property proposed for division to promote adequate access and circulation:

21.03.010(d)(7)

Private easements, if approved by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.

ADJUSTMENT REQUEST

Title 21, the County's Real Property Division Ordinance provides for adjustments to be made to design standards contained within that ordinance at **Section 21.03.020(c)**.

My request is to allow the private easement known as Cypress Glen Court that currently serves four (4) existing residences, to serve as the primary access to my proposed seven (7) lot planned residential development (PD) project. This would result in Cypress Glen Court, a private access easement, serving a total of eleven (11) single family residences.

BACKGROUND and HISTORY

The name "Cypress Glen Court" is a name that I gave to this private road easement back in 1996 when I built three of the four residences utilizing this access. The road improvements that I constructed followed the existing roadbed that had served the single residence for more than half a century. It was a dirt road when I built the three new homes in 1996 and I crafted and recorded a Common Driveway

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Post Office Box 378 · Cayucos, CA 93430

Phone: 805-995-1618

Fax: 805-995-1678

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The name "Cypress Glen Court" is a name that I gave to this private road easement back in 1996 when I built three of the four residences utilizing this access. The road improvements that I constructed followed the existing roadbed that had served the single residence for more than half a century. It was a dirt road when I built the three new homes in 1996 and I crafted and recorded a Common Driveway Maintenance Agreement to define the responsibilities of the three parcels I created through a lot line adjustment. That agreement is in effect today, however, I did not include the single residence that is now utilized by the owner of 24 Cypress Glen Court as a courtesy to the former owner of the property.

The improved road that is in place today was located where it is as a practical solution to accommodate the street runoff that comes down E Street. That runoff is collected in a drain pipe that comes under the road and deposits the water in a swale runs adjacent to the paved access. This was a convenient solution at the time to direct the water to Little Cayucos Creek. That water, to this day, still follows that swale that runs to the creek. In terms of beneficial use, the swale provides a cleansing function for the street runoff.

The real Property Division Ordinance defines a process for the review body to approve an Adjustment.

21.03.020(c) - Adjustments

Neither the planning commission nor the subdivision review board shall approve any adjustment request to the standards set forth in **Section 21.03.010** of this title or for required offers of dedication unless it makes each of the following findings:

- (1) That there special circumstances or conditions affecting the subdivision; and
- (2) That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision; and
- (3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision. (Ord. 1986 §2 (part), 1979)

RESPONSE TO REQUIRED FINDINGS

(1) That there special circumstances or conditions affecting the subdivision;

- The site slopes downward from E Street toward Little Cayucos Creek and drops off at the E Street right of way very steeply resulting in less developable area for new residences once a driveway would reach natural grade after applying customary design criteria.
- Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking, where currently none exists.
- The proposed centerline of the internal drive court that serves all seven residences is 75-feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Court for direct access (their parking or garages are beyond the proposed access point for the new project).

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one floor below a garage), or the size of the units would be reduced significantly because of height limitations.

- The ordinance setback requirement from the riparian vegetation significantly reduces the developable area of the property.
- The addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street.

(2) That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision;

- Utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests, and emergency service vehicles.
- Having one point of access as opposed to multiple points of access onto E Street is safer and more predictable for existing residents and other visitors.
- Trash collection within the drive court will keep Cypress Glen more accessible to the existing four residences, thus eliminating inconvenience.
- The provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking.
- The amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate.

(3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision. (Ord. 1986 §2 (part), 1979)

- The construction of these residences will enhance the character of the neighborhood since they are single family homes and not attached apartments or condos.
- Public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists.
- Having one point of access via Cypress Glen will provide a streetscape that de-emphasizes the vehicle as a focus of neighborhood character.
- The project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate potential safety risk from downed power lines in the event of storms or acts of nature.
- Cypress Glen Court will be widened to 24-feet of width past the drive court and a pedestrian path will be provided along its edge.

- Parking requirements for the multi-family zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structures, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning.

Please consider the granting of this adjustment as a means to implement a thoughtfully conceived and attractive urban infill project that complies with the spirit and intent of the Coastal Zone Ordinance and the Estero Area Plan.

Sincerely,



Daniel R. Lloyd



Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED15-023

DATE: 01/29/16

PROJECT/ENTITLEMENT: Campbell-Shep Tract Map; SUB2015-00001

APPLICANT NAME: Daniel R. Lloyd

ADDRESS: PO Box 378 Cayucos, CA 93430

CONTACT PERSON: Daniel R. Lloyd
2454

Telephone: 805-441-

PROPOSED USES/INTENT: A request by Campbell-Sheppard/Dan Lloyd for a Vesting Tentative Map (Tract 3074) and Development Plan to subdivide a 0.68 acre site into 7 residential parcels ranging in size from 2,432 to 5,405 square feet each for the purpose of sale and/or development and one open space parcel of 14,089 square feet. The project includes off-site road improvements and on and off site drainage improvements. The project will result in the disturbance of approximately 26,910 square feet of a 30,000 square foot parcel. The request also includes an adjustment to the standards of Real Property Division Ordinance section 21.03.010 to allow more than five lots to be accessed from a private easement. The project is located at 399 E Street at the corner of Cypress Glen Court in the community of Cayucos. The project is within the Residential Multi Family and Recreation land use categories and within the Estero planning area.

LOCATION: 399 E Street, Cayucos, CA 93430

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: <http://www.sloplanning.org>

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Wildlife

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ Lead Agency
☐ Responsible Agency approved/denied the above described project on _____, and
has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

James Caruso

Signature

Project Manager Name

Date

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County of San Luis Obispo
Public Agency
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Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.8) Jueg.Frm

Project Title & No. Campbell-Sheppard Tract Map ED15-023 SUB2015-00001

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water /Hydrology
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Dave Moran
Prepared by (Print)

Dave Moran
Signature

1-25-16
Date

James Caruso
Reviewed by (Print)

James Caruso
Signature

Ellen Carroll,
Environmental Coordinator
(for)

1-26-16
Date

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: A request by Campbell-Sheppard/Daniel R. Lloyd for a Vesting Tentative Map (Tract 3074) and Development Plan to subdivide a 0.68 acre site into 7 residential parcels ranging in size from 2,432 to 5,405 square feet each for the purpose of sale and/or development and one open space parcel of 14,089 square feet. A portion of Cypress Glen Ct is proposed to be abandoned raising the site area from 29,820 sq. ft. to 36,772 sq. ft. The request also includes an adjustment to the standards of Real Property Division Ordinance section 21.03.010 to allow more than five lots to be accessed from a private easement. The project is located at 399 E Street at the corner of Cypress Glen Court in the community of Cayucos. The project is within the Residential Multi Family and Recreation land use categories and within the Estero planning area.

Project plans show the residential lots arranged in two, north-south rows divided by a private access drive extending south from Cypress Glen Court through an access easement. Dwellings on parcels 1 through 5 will face E Street with parcel sizes ranging from 2,508 on the corner of Cypress Glen Court to 2,432 for the interior parcels. Parcels 6 and 7 will back up to Little Cayucos Creek and are somewhat larger (4,961 and 5,405 square feet). An open space parcel of 14,089 square feet surrounds parcels 6 and 7 and extends westward over a portion of Little Cayucos Creek. The dwellings on Parcels 6 and 7 are set back 20 feet from the edge of existing riparian vegetation, and 25 – 40 feet from the top of bank as required by the Cayucos Urban Area standards of the Estero Area Plan.

Table 1 provides a summary of the project:

Table 1 – Tract 3074 Project Summary								
Project Components	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508	2,432	2,432	2,432	2,432	4,961	5,405	14,089
Living Space	2,449	2,449	2,197	2,197	2,197	2,170	2,013	–
Garage	571	571	593	593	593	440	440	–
Carport	519	519	516	516	516	0	0	–
Decks and Porches	335	335	443	443	443	41	44	–
Total	3,874	3,874	3,749	3,749	3,749	2,651	2,497	–

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Street frontage improvements are proposed along the project's E Street and Cypress Glen Court frontages. Cypress Glen Court (formerly Cypress Avenue) is a private roadway that serves 4 existing residences. The project proposes to abandon the portion of the right-of-way that abuts the project site and to add the 7,000 square feet of abandoned right-of-way to the project site for purposes of calculating the base residential density.

County File No.: SUB2015-00001
Supervisory District: 2
Coastal Development Permit? Yes

Assessor Parcel No.: 064-034-007
Date accepted: November 25, 2015

ASSESSOR PARCEL NUMBER(S): 064-034-007

Latitude: 35 degrees 27' 2.6784 " N **Longitude:** -120 degrees 54' 4.8126" W

SUPERVISORY DISTRICT # 2

B. EXISTING SETTING

PLAN AREA: Estero

SUB:

COMM: Cayucos

LAND USE CATEGORY: Residential Multi-Family Recreation

COMB. DESIGNATION: Flood Hazard Geologic Study

PARCEL SIZE: .59 acres

TOPOGRAPHY: Gently sloping

VEGETATION: Wetland Urban-built up

EXISTING USES: Single-family residence(s)

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Multi-Family;	<i>East:</i> Residential Multi-Family;
<i>South:</i> Public Facilities; multi-family residences	<i>West:</i> Recreation; blue line creek

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C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, at least one issue was identified as having a potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.



COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located on a dead end local street (E Street). Traffic volumes on E Street are low, reflecting the small number of houses being served (a total of 11). The surrounding neighborhood consists of single-story and two-story single family residences on lots ranging in size from 2,200 square feet to over 10,000 square feet. Topography of the project site and vicinity slopes gently to the west toward the creek, affording relatively unobstructed views from the east (up-slope) through and over the project site toward the creek and the coastal hills beyond.

The present view from E Street toward and through the site consists of the one existing residence and a longer view of the riparian woodland along Little Cayucos Creek. Views from Cypress Glen Court are partially blocked by existing vegetation along the northerly property line. A short cul-de-sac extending north from Cypress Glen Court affords views to the south along the creek.

Impact. The project will be visible from E Street and Cypress Glen Court. However, project impacts to views currently enjoyed from public streets is considered less than significant because:

- The project will not be visible from any major public roadways or silhouette against any ridgelines as viewed from public roadways.
- State Route 1 (a State designated Scenic Highway and All American Road) is located about 270 feet to the north and at an elevation that varies between 60 - 80 feet above the project site. Although the area landward of SR 1 between Cambria and the City of Morro Bay (including the community of Cayucos) is subject to view protection standards of the

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Conservation and Open Space Elements, views of the coastline from SR 1 will be unaffected by the project.

- As discussed in the setting, views of the project site from E Street and Cypress Glen Court are currently partially blocked by the existing single family residence and existing vegetation.
- Assuming 11 vehicle trips during the morning peak hour on E Street, an average of one vehicle every 5 minutes will pass by the project site. Thus, the number and frequency with which the public currently experience views of the project site is fairly small.
- The project site is surrounded by single family residences. The dwellings proposed for the project site will be consistent with, and complement, the character of surrounding development.

In addition, the project will result in new sources of light and glare. Standard county regulations require exterior lighting to be shielded to minimize glare. The project will be conditioned to provide an exterior lighting plan prior to building permit issuance to ensure the project will not create off-site glare.

Mitigation/Conclusion. No significant impacts are identified and no mitigation measures are necessary.

2. AGRICULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Urban Built-Up, Recreation

Historic/Existing Commercial Crops: None

State Classification: Prime Farmland if irrigated

In Agricultural Preserve? Yes, Cayucos AG Preserve Area

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Cropley clay (2 - 9 % slope). This gently sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential

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septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class II when irrigated.

Impact. The project is located within the Cayucos urban area surrounded by urban development. No agricultural activities are occurring on the project site or in the vicinity. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No significant impacts are identified and no mitigation measures are necessary.

3. AIR QUALITY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

GREENHOUSE GASES

f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

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Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. **Qualitative GHG Reduction Strategies** (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. **Bright-Line Threshold**: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. **Efficiency-Based Threshold**: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO₂e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

The project proposes to disturb soils that have been given a wind erodibility rating of #4, which is considered "moderate".

Impact. The project would result in the construction of seven single family residences. As proposed, the project will result in the disturbance of approximately 29,618 square feet. Grading will result in

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2,135 cubic yards of cut and fill. Subdivision improvements and development on the individual lots will have short-term construction and long-term emission impacts. Construction activities will generate exhaust emissions from construction equipment and vehicles, and particulate matter (fugitive dust) from earth disturbance. In addition, the emission of ozone precursors (NOx and ROG) associated with these activities would contribute to periodic high ozone levels in the southern portion of the County. Lastly, earth disturbing activities have the potential to release naturally occurring asbestos.

The project was referred to the Air Pollution Control District (APCD) for review of potential air quality impacts and consistency with the Clean Air Plan (CAP). Per APCD's response (see attached), the following issues were identified: the potential for the presence of naturally occurring asbestos on the project site; compliance with relevant regulations associated with the removal or renovation of existing buildings and utility pipes; potential impacts to sensitive receptors from fugitive dust and emissions associated with idling diesel engines. The project was found to generate operational emissions that fall below the APCD's thresholds of significance.

To mitigate for short-term construction impacts, the District recommended the following measures be incorporated into the project: comply with APCD's standard construction dust control and diesel idling restrictions and the prohibition of developmental burning.

The project will accommodate a level of development for the site that was anticipated by the Clean Air Plan. As discussed above, motor vehicle trips associated with operation of the project are expected to generate emissions that fall below the APCD threshold for operational impacts. With regard to greenhouse gas emissions, using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

According to the APCD web map, the project is located in a candidate area for the potential presence of naturally occurring asbestos (NOA). Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation will be prepared to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

Mitigation/Conclusion. The project will be required to comply with the following standard construction or operational mitigation measures, as described in APCD's response or CEQA Air Quality Handbook: construction measures such as: reducing area of disturbance, use of water or establishing vegetation for dust suppression, limiting construction vehicle speeds, covering haul vehicles during material transport; incorporate operational emission reductions by including several measures to increase efficiency above minimum state requirements and/or provide for alternative transportation modes. In addition, developmental burning will not be allowed as part of development of the project site. Lastly, a geologic investigation of the project site will be required prior to any earth disturbing activities to determine the presence of naturally occurring asbestos. Implementation of mitigation measures identified by the San Luis Obispo APCD and included in Exhibit B would reduce the quarterly emissions to a less than significant level.

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4. BIOLOGICAL RESOURCES*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species* or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Species – as defined in Section 15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.

Setting. A description of the project and the project site is provided on page 2. A biological report for the project site was completed by Althouse and Meade, Inc., November 9, 2015. The following discussion and analysis of impacts is a summary of the findings of that report.

On-site Vegetation: Little Cayucos Creek, an intermittent ephemeral drainage, crosses the western boundary of the project site. The remainder of the project site consists of a single family residence, driveway and ornamental landscaping, with intermittent and sparse shrubs, annual grasses and ruderal species.

The eastern portion of the project site contains several large fruit trees including apple (*Malus pumila*), avocado (*Persia americana*), and citrus. Shrubs such as coyote bush (*Baccharis pilularis*), annual grasses such as wild oats (*Avena fatua*), and ruderal species such as redstem filaree (*Erodium cicutarium*) are present in the understory of these trees.

Little Cayucos Creek flows along the western boundary of the Study Area. At this location the creek is swale-like with kikuyu grass (*Pennisetum clandestinum*) and periwinkle (*Vinca major*) on the creek bed. Native riparian trees, including Arroyo willow (*Salix lasiolepis*) and California sycamore (*Platanus racemosa*), are the dominant canopy species. No rocks or pool habitat occur in this reach of the creek, and no indication of stream flow was observed during site visits in 2014 and 2015. Immediately north of the project site, vegetation along Little Cayucos Creek thins with reduced tree canopy and open areas. About 240 feet north of the Study Area the creek flow path exits from an approximately 360-foot concrete box culvert under Highway 1.

Name and distance from blue line creek(s): Little Cayucos Creek is within the boundaries of the proposed project.

Habitat(s) and Sensitive Communities: Habitats include anthropogenic (approx. 0.5 acres) and



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riparian (approx. 0.2 acres). The CNDDDB reports eight sensitive natural communities in Cayucos, Morro Bay South, Morro Bay North, Cambria, Cypress Mountain, and York Mountain quadrangles. Riparian habitat in Cayucos is an Environmentally Sensitive Habitat Area (ESHA). No other sensitive natural communities are present.

Site's tree canopy coverage: Approximately 10%.

Special-Status Plant Species. According to the California Natural Diversity Database (CNDDDB) a total of 77 special-status plant species have been documented within a 5-mile radius of the project site. Of these, none were found on the project site and no suitable habitat was found. Residential uses and landscape plants dominate the anthropogenic habitat, and potential habitat is not present for special status plant species. The riparian habitat understory in the Study Area is dominated by non-native plant species. Several special status plant species, including Blochman's dudleya, are known from the vicinity, but do not occur onsite. These species depend on natural habitat and specialized soil conditions, and do not occur in heavily disturbed areas. No special status plant species were detected in the Study Area during botanical surveys conducted in 2014 and 2015.

Special Status Wildlife Species. According to the California Natural Diversity Database (CNDDDB) a total of 33 special-status animal species have been documented within a 5-mile radius of the project site.

Impact. Direct impacts to plants and wildlife could result from take (e.g., injury, death) via construction-related disturbances such as trampling or crushing from equipment or construction workers. Indirect impacts to wildlife species could result from noise, harassment or other disruption during construction activities or through modifications to the species' habitat.

Potential Impacts to Special-Status Animal Species. No listed plant species were found on the project site and no suitable habitat was found. However, the project site could adversely impact habitat for listed animal species, as discussed below.

Cooper's Hawk (*Accipiter cooperii*) is a CDFW Special Animal that occurs regularly in San Luis Obispo County during the winter months and during spring and fall migration. It is generally regarded as a regular but uncommon nesting species in San Luis Obispo County. Cooper's hawks frequent oak and riparian woodland habitats, and increasingly urban areas, where they prey primarily upon small birds. Moderately appropriate tree canopy is present in the Study Area for nesting Cooper's hawks. There are no reports in the CNDDDB of Cooper's hawks nesting in the Cayucos area and Cooper's hawks were not observed in the Study Area during our surveys. Preconstruction surveys are recommended prior to activities that affect trees in the Study Area.

California Red-legged Frog (*Rana draytonii*) is a federally listed Threatened species. It occurs in lowland and foothills in or near permanent sources of deep water with dense shrubby or emergent riparian vegetation (CNDDDB). California red-legged frogs have been reported from Cayucos Creek approximately one-quarter mile from Little Cayucos Creek across the urban area of Cayucos, but have not been reported in Little Cayucos Creek. California red-legged frog was not observed on the Project during biological surveys. Suitable pool habitat is not present on the Project site. Substrate in the channel is gravel and coarse soil particles and the channel bottom is covered with non-native grass and vines.

Monarch Butterfly (*Danaus plexippus*) aggregation sites. Monarch butterfly is a cosmopolitan species that occurs across North America and around the world. In California, Monarch butterfly aggregation sites are on the CNDDDB Special Animals List for overwintering population. Individual monarch butterflies are not found on any list of protected species in California. The California Endangered Species Acts does not list insects. The San Luis Obispo Local Coastal Plan does not specifically designate monarch butterfly aggregation sites, as

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Environmentally Sensitive Habitat Areas (Wold et al. 2012). California Assembly Bill No. 559, approved by the Governor on October 4, 2015, recognizes that monarch butterfly populations have declined and provides opportunity for voluntary agreements with landowners to improve habitat. The proposed restoration of riparian habitat at this location would be consistent with this goal (AB 559, 2015, Sec. 2.(c)). The CNDDDB lists a report from 1960 of monarch butterflies in a group of Cypress trees at an unspecified location east of Highway 1. In 1985 an observer said the Cypress trees were gone, but butterflies were seen by Ocean Ave. between D and E streets, although the coordinates provided place the location in a driveway at 381 D Street. The 1985 observation was of flyers not an aggregation, but the observer said that the number of flyers indicates a cluster present. They did not locate the cluster. There have been no reports to the CNDDDB since 1985. On October 23, 2015, Dan Meade conducted a survey for monarch butterflies in the Project vicinity. The morning was sunny and calm, conditions conducive to monarch butterfly flight. In one hour of observation in the Study Area, Dr. Meade counted 3 monarch butterflies in the Study Area. One was nectaring on cape ivy blooms, and two were traversing the location. No roosting monarch butterflies were present and there is no suitable monarch butterfly aggregation habitat in the Study Area.

Further investigation in the vicinity of the Project located a monarch butterfly aggregation area with approximately 250 monarch butterflies in clusters. The aggregation site is more than 400 feet downstream from the Project Study Area directly over Little Cayucos Creek at coordinates 35.450077 N and 120.902694 W. The aggregation occurs in eucalyptus and Monterey cypress that are in very poor condition. This aggregation site is likely the previously undescribed aggregation attributed to the vicinity of Little Cayucos Creek. Approximately 160 feet further downstream, near the Ash Street Bridge, an additional 40 to 50 nectaring butterflies were observed on Algerian ivy growing over tree trunks on the creek bank and on ivy just east of the bridge on Ash Street. Both of these nectaring locations are more than 550 feet from the Study Area. Inspections of other eucalyptus trees and possible monarch butterfly habitat in the area found no other aggregation along the Little Cayucos Creek corridor or elsewhere in the neighborhood. The Project would not affect the aggregation site.

Nuttall's Woodpecker (*Picoides nuttalli*) is a CDFW Special Animal due to statewide reduction in preferred oak woodland habitats. Although there is a place holder in the CNDDDB for Nuttall's woodpecker, the CDFW is currently not accepting reports for this species and no reports are present in the October 2015 edition of the CNDDDB. Nuttall's woodpeckers remain fairly common residents in oak woodland habitats throughout Santa Barbara and San Luis Obispo Counties. A Nuttall's woodpecker was observed in riparian habitat in the Study Area in July 2014 but was determined to not be nesting. Preconstruction surveys are recommended prior to activities that affect trees in the Study Area.

Oak Titmouse (*Baeolophus inornatus*) is a CDFW Special Animal that is an oak woodland obligate, nesting in cavities in oak trees. It is a common species in oak woodlands on the central coast, but is tracked by the CDFW due to state-wide losses of oak woodland habitat. Oak Titmouse was not observed during our surveys, but could occur. Preconstruction surveys are recommended prior to activities that affect trees in the Study Area.

Pallid Bat (*Antrozous pallidus*) is a CDFW Species of Special Concern. This is a large, long-eared bat occurring throughout the state from deserts to moist forests. *Antrozous pallidus* is primarily a crevice roosting species and selects roosts where they can retreat from view. They frequently occur in oak woodlands where they roost in tree cavities. These roosts are generally day or night roosts for one or a few bats. Attics may be used as roosts and during hot days they may emerge from crevices and roost on open rafters. Communal wintering or maternity colonies are more common in rock crevices and caves. The closest reported occurrence is 5.25 miles from the Project.



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miles to the west at Villa Creek Road Bridge, about 4 miles from Cayucos. Pallid bat was not observed during our surveys in but could roost occasionally in oak tree cavities in Study Area. A maternity colony is unlikely to be present. There are no large trees with cavities in the Project work area that would be removed. Several large avocado trees, other fruit trees and pittosporum hedges would be removed. Although there is no indication that bats roost in the existing structures in the Study Area, an inspection for bats prior to demolition of the house is recommended.

Silvery Legless Lizard (*Anniella pulchra pulchra*) is a CDFW Species of Special Concern that inhabits friable soils in a variety of habitats from coastal dunes to oak woodlands and chaparral. The sandy soils and leaf litter found under the planted and native trees in the Study Area are moderately suitable for silvery legless lizard. The closest reported occurrence is from anthropogenic habitat about 9.4 miles southeast of the Study Area in a backyard at the intersection of Santa Ysabel Avenue and 17th Street in Los Osos. Silvery legless lizard was not detected in the Study Area during our surveys, but could occur in leaf litter beneath the oak and fruit trees in the Study Area. Oak trees, including their canopies and critical root zones are completely outside of the Project work area and will not be affected. Focused surveys for legless lizard were not conducted as part of the biological study. Preconstruction surveys are recommended prior to activities that affect soil and leaf litter beneath trees in Project areas subject to soil disturbance.

Steelhead - South/Central California Coast ESU (*Oncorhynchus mykiss irideus*) is a federally listed threatened species in this area of California. Steelhead are known to occur in coastal streams and rivers in San Luis Obispo County. However, Little Cayucos Creek terminates on the beach and steelhead are not likely able to access the creek except during storms. In addition, Little Cayucos Creek is a small watershed with no perennial water flow, a 360-foot long concrete box culvert under Highway 1, no pool habitat above Ash Avenue, and no reports of steelhead. There is no appropriate spawning or rearing habitat in Little Cayucos Creek. Perennial water is only found in Little Cayucos Creek near Ocean Avenue. No water was present in the creek during any site visits.

Tidewater Goby (*Eucyclogobius newberryi*) is a federally listed endangered species found in shallow lagoons and lower stream reaches along the California coast. This species has been proposed for reclassifying from Endangered to Threatened. The Project site is at an elevation of approximately 40 feet and is well above potential habitat for tidewater goby. Tidewater goby could occur near Ocean Avenue approximately 900 feet downstream from the Study Area. Tidewater goby cannot occur in Little Cayucos Creek in the Study area.

Two-striped Garter Snake (*Thamnophis hammondi*) is a California Species of Special Concern that occurs along the coast from Monterey County south to San Diego County. Its range extends throughout the Transverse and Peninsular Ranges, including desert localities near Victorville, and also on Catalina Island. Two-striped garter snakes are an aquatic species that feeds primarily on fish, amphibians and their larvae. There are no reports of two-striped garter snakes from Little Cayucos Creek, and no pool habitat in the Study Area that would support it. If ever present, it would be as a transient along the riparian corridor.

Western Pond Turtle (*Actinemys marmorata*, [= *Emys marmorata*]) is a California Species of Special Concern that inhabits ponds, lakes, reservoirs, marshes, brackish lagoons, and slow moving streams with adequate pools. In colder environments these pond turtles are active February to November, but in warmer water, they have been observed active year round if water is present. In areas where surface water dries out during summer months, pond turtles can aestivate in wooded areas. Mating is in the spring, eggs are laid in shallowly dug nests near water during the summer, and hatchlings emerge in the fall or overwinter in the nest.

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Some habitat in Little Cayucos Creek near Ocean Avenue could be suitable for western pond turtles with riparian wooded area for aestivation. However, pond or pool habitat is not present on the Project site, western pond turtle has not been reported from Little Cayucos Creek, and the creek is surrounded by urban development. Western pond turtle was not observed on the Project during biological surveys.

Yellow Warbler (*Dendroica petechia brewsteri*) is a CDFW Species of Special Concern with a restricted breeding range in Central and Southern California. The status of this subspecies of yellow warbler is described by the CNDDDB as "restricted range, rare". They frequent riparian habitats, nesting in sycamores, cottonwoods, willows, and other riparian trees. There are no breeding records in the CNDDDB for yellow warbler in SLO County; however yellow warbler is a regular spring and fall migrant that will breed in the County. California sycamore and coast live oak trees associated with the creek channel along the western boundary of the Study Area are suitable for nesting yellow warblers. This species was not observed on or near the Study Area during our surveys, but could occur seasonally. Preconstruction surveys are recommended prior to activities that affect trees in the Study Area

Potential Impacts to Sensitive Natural Communities. As discussed in the setting, the CNDDDB revealed no sensitive natural communities on the project site. However, Little Cayucos Creek is mapped by the ESHA Coastal Act Section 30107.5 and designated as such in the Estero Area Plan, Cayucos Urban Area Standards Chapter 7, V.C.1. and Table 7-2, as a Sensitive Resource Area (SRA). The edge of riparian is shown and the SRA is shown on Figure 1. In the Study Area, Little Cayucos Creek is swale-like without erosion and shallow. Riparian trees, mostly arroyo willow (*Salix lasiolepis*), California sycamore (*Platanus racemosa*) and coast live oak (*Quercus agrifolia*) comprise the canopy of the riparian habitat along with a few pittosporum and myoporum non-native shrubs. Periwinkle (*Vinca major*), garden nasturtium (*Tropaeolum majus*), and kikuyu grass (*Pennisetum clandestinum*) are dominant species in the understory. Coast live oak is found only on the far bank of the creek away from the project area (Figure 1). The creek channel substrate consists of gravels and coarse soil particles. The channel area could qualify as State wetland per Coward in methodology (FACW willows, hydrology). The project incorporates the following elements to protect riparian resources:

- The bulk of riparian resources present on the project site will be within a designated open space parcel in which no development will be allowed. No outfall structures or other uses of the riparian area are proposed.
- All development is located outside the 20' riparian setback
- Restoration of the riparian habitat is proposed and has been approved by the California Department of Fish and Wildlife as a separate Project that removes non-native plants, installs native riparian plants, and protects riparian trees and shrubs (LSAA No. 1600-2015-0141-R4). This restoration project will result in an enhancement to the existing riparian habitat.

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Figure 1 – Habitats On the Project Site



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Mitigation/Conclusion. Potential impacts to biological resources are considered less than significant with incorporation of mitigation measures to address at least the following:

- Recordation of the final map with the open space lot easement as shown on the project plans.
- Pre-construction surveys to protect sensitive plant and animal species.
- Compliance with relevant regulatory requirements of the USACE and CDFW for development impacting wetlands/jurisdictional waters.
- Monitoring to ensure compliance.

The applicant is required to obtain all necessary permits and authorizations from CDFW, USACE, and the Regional Water Quality Control Board. Pre-construction surveys will be conducted if grading and construction occurs during the nesting bird season. The full extent of these measures is presented in Exhibit B. The implementation of the above measures will mitigate biological impacts to a level of insignificance.

5. CULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Cause a substantial adverse change to a Tribal Cultural Resource?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. The project is not located in a designated Archaeologically Sensitive combining designation area, however the location on the banks of a creek and in close proximity to the ocean is considered culturally sensitive and archaeology resources are known to exist in the area. Accordingly, a Phase I archaeological survey of the project site was prepared in January 2015 (Heritage Discoveries Inc., 2015). The study was conducted by a qualified archaeologist consistent with County guidelines and includes a cultural resources records search, a Native American sacred Lands File search, an archaeological survey of the project site, and the preparation of a technical report documenting the results.

A records search from the Central Coast Information Center (CCIC), located at the University of California, Santa Barbara indicates several cultural resources sites and historical properties have been identified within a 0.25-mile radius of the project site, including immediately southwest of the project site consisting of a Chumash settlement.

The Phase I study found no surface evidence of archaeological resources on the project site. However, due to the size, proximity and richness of the known adjacent archaeological site, a Phase II study was performed for the project site in August, 2015 (Heritage Discoveries Inc., 2015). The Phase II study consisted of additional surface as well as sub-surface investigations. A total of 15 shovel pits were excavated and the excavated soils were sifted for the presence of resources. The analysis revealed the presence of some modern artifacts, such as a glass marble, bottle fragments and nails.

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One large mammal bone was recovered which appeared to be of historical origin. Marine shellfish fragments were discovered, but were most likely of historic origin as well. Overall, the Phase II investigation found no surface or sub-surface evidence of significant historical or archaeological resources on the project site.

Mitigation/Conclusion. No archaeological monitoring is recommended during grading activities unless previously undiscovered cultural materials are unearthed. Per County of San Luis Obispo Land Use Ordinance Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area should halt until they can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur and no additional mitigation measures are necessary.

6. GEOLOGY AND SOILS

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Include structures located on expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Preclude the future extraction of valuable mineral resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Per Division of Mines and Geology Special Publication #42

Setting. The following relates to the project's geologic aspects or conditions:

Topography: Gently sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low to high

Liquefaction Potential: Low to moderate

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Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: Yes

Shrink/Swell potential of soil: High

Other notable geologic features? None

Setting.

GEOLOGY - The topography of the project slopes gently downward toward Little Cayucos Creek from east to west. The project site lies outside of the Geologic Study Area designation. However, the landslide risk considered high for most of the project site. Liquefaction potential during a ground-shaking event is considered low to moderate near the creek. The project is within an area known to contain serpentine or ultramafic rock or soils.

DRAINAGE - Portions of the subject property are within the 100-year Flood Hazard designation, however the residential lots do not appear to be within the 100 year flood hazard area. The closest creek from the proposed development (Little Cayucos Creek) runs along the western portion of the property. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows,

SEDIMENTATION AND EROSION - The soil type is Cropley clay, (2 - 9 % slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and high shrink-swell characteristics. When highly erosive conditions exist, a sedimentation and erosion control plan is required (CZLUO Sec. 23.05.042 to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. Grading activities and construction of the private roadway are subject to the provisions of the California Building Code and County standards for grading and road construction. Therefore, no significant impacts associated with unstable earth conditions, earthquakes or ground failure are expected to occur. All of the proposed residential parcels are located outside the 100-year floodplain for Little Cayucos Creek. The project site is not located within extractive zone, and no mineral resources are known to be present within the project site.

Improvement of the access road, including grading activities, may also result in erosion and down-gradient sedimentation. The construction of dwellings will increase the amount of impervious surfaces which in turn will increase the volume and velocity of runoff generated by the site compared with existing conditions. As discussed in the project description, the project will result in the disturbance of approximately 0.68 acres. Based on NRCS soil survey, soils covering the project site exhibit a moderate susceptibility for erosion. The topography of the project site will necessitate grading to create the private roadway and building sites. According to the preliminary grading plan for the project, the finish grades will result in manufactured slopes that would be subject to erosion. Compliance with relevant provisions of the Building Code and Land Use Ordinance (described in the Setting, above) will address potential impacts to erosion.

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Because the project involves disturbance of less than 1 acre, a SWPPP is not required. Compliance with existing regulations will ensure potential impacts associated with erosion and sedimentation will be mitigated to a less than significant level.

Mitigation/Conclusion. A drainage, sedimentation and erosion control plan is required per the CZLUO, and additional review and provisions are required as part of the mitigation for biological impacts (see Biological Resources section). The measures will be enforced through the building permit process in addition to being monitored and enforced through the monitoring plan required as part of the Biological Resource mitigations.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Be within a 'very high' fire hazard severity zone?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The State of California Hazardous Waste and Substances Site List (also known as the "Cortese List") is a planning document used by state and local agencies and developers to comply with the siting requirements prescribed by federal, State, and local regulations relating to hazardous materials sites. A search of the Cortese database conducted in January, 2016 revealed no active sites in the vicinity, including the project site.

The project is not within an Airport Review area.

According to the CalFire map of fire hazard severity zones for San Luis Obispo County, the project site is located in an area where the fire risk is not determined because it is within an urban area. It will take approximately 5 minutes to respond to a call regarding fire or life safety from the Cayucos Fire Station (No. 11) located at 108 Chaney Street. The Cayucos Fire Department maintains a station south of the site on Cayucos Drive Refer to the Public Services section for further discussion on Fire Safety Impacts.

Impact. Construction activities may involve the use of oils, fuels and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by the Department of Toxic Substances Control (DTSC) (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations.

The project has been reviewed by the Cayucos Fire Department for code requirements relating to fire protection; their comments will be incorporated into conditions of project approval. Based on their review, the plans as submitted meet Cayucos Fire Department standards. In addition, the project is required to comply with the California Building Code. Cayucos Fire Department will review tract improvements prior to their completion for installation of adequate fire safety measures (e.g., adequate road width and road grade). As proposed, road grades and widths appear to meet fire requirements.

Regarding road impacts, the project has been reviewed by County Public Works, which is discussed further in the Transportation section.

The project is not expected to conflict with any regional emergency response or evacuation plan.

Mitigation/Conclusion. The project meets Cayucos Fire Department standards. No additional mitigation measures are required.

Compliance with existing regulations and code requirements will ensure potential impacts associated with hazards and hazardous materials impacts will be less than significant.

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8. NOISE*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate permanent increases in the ambient noise levels in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Cause a temporary or periodic increase in ambient noise in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in a urban area where single family residences on individual lots is the prevailing land use. Consequently, noise levels on the project site and in the vicinity are low; State Route is located about 270 feet to the north. However, there are no other sources of loud noises beyond those associated with home ownership. Sensitive receptors in the vicinity of the project site include single family residences on lots ranging in size from 2,200 to over 10,000 square feet.

The Noise Element includes projections for future noise levels from known stationary and vehicle-generated noise sources. According to the Noise Element, the project lies within an area where future noise levels are expected to remain within an acceptable threshold. The project site is bounded by E Street and Cypress Glen Court which are a minor source of transportation-related noise due to the low traffic volumes on each roadway.

The Noise Element establishes a threshold for acceptable exterior noise levels for sensitive uses (such as residences) of 60 decibels^a along transportation noise sources and provides an estimate of the distance from certain roadways where noise levels will exceed those levels. According to the Noise Element Appendix A, parcels on E Street and Cypress Glen Court are outside the 60 dB contour.

Impact.

Construction Impacts. Construction activities may involve the use of heavy equipment for grading and for the delivery and movement of materials on the project site. The use of construction machinery will also be a source of noise. Construction-related noise impacts would be temporary and localized. The nearest dwellings are located across Cypress Glen Court (50 feet) and E Street (50 – 70 feet).

^a The sound level obtained by using the A-weighting filter of a sound level meter, expressed in decibels (dB). All sound levels referred to in this policy document are in A-weighted decibels. A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighting, as it provides a high degree of correlation which human annoyance and health effects.

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Therefore, construction activities could result in temporary adverse noise impacts to surrounding residences. County regulations limit the hours of construction to day time hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

Operational Impacts. With regard to transportation-related noise sources, all roads serving the project site are expected to continue to carry low traffic volumes. The project site lies outside the projected 60 decibel contour for SR 1. Potential impacts of noise exposure from transportation sources is considered less than significant.

Following construction, noise generated by the project would be comparable to the background noise generated by surrounding rural residences.

Mitigation/Conclusion. Compliance with County standards for the management of construction noise will ensure impacts to surrounding residences will be less than significant. No additional mitigation measures are recommended.

9. POPULATION/HOUSING

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires the provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Impact. Based on the project description (a residential subdivision), the project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing affordable housing unit(s) either on-site and/or by payment of the in-lieu fee (residential projects). No additional mitigation measures are necessary.

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10. PUBLIC SERVICES/UTILITIES

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff

Location: Los Osos (Approximately 10.29 miles to the southeast)

Fire: Cayucos Fire Dept

Hazard Severity: Moderate

Response Time: 0-5 minutes

Location: (Approximately 1 mile to the southeast) 108 Chaney Road, Cayucos, CA 93430

School District: Coast Unified School District.

Setting. Water service will be provided by the Morro Rock Mutual Water Company. Wastewater services will be provided by the Cayucos Sanitary District. Police protection is provided by the County Sheriff which has a sub-station at 2099 10th Street in Los Osos. The nearest fire station is located at 108 Chaney Road in Cayucos. Emergency response times to the project site for fire protection are about 5 minutes; response times for police protection can be up to 15 minutes. The project is located within the Coast Unified School District.

Impact. According to the 2015 Resource Summary Report, there are no levels of severity recommended for water supply, wastewater collection and treatment, or schools. To mitigate the demand for new or expanded public facilities caused by development, the County has adopted development impact fees in accordance with Government Code Section 66000 et seq.. Under this program private development is required to pay a fee that is proportional to the incremental demand for a particular facility needed to serve such development. The amount of the fees must be justified by a supporting study (fee justification study) which identifies the new or expanded facilities needed to serve expected demand into the future and apportions these costs to new development. New development is required to pay the appropriate fees for new or expanded public facilities commensurate with the type and size of development. The project's direct and cumulative impacts are within the general assumptions for allowable uses for the subject property that was used to estimate the county's impact fees. As discussed in Section 7, Hazards and Hazardous Materials, the project will be required to incorporate required fire protection measures in compliance with existing regulations. Project impacts to area roadways is discussed in Section 12, Transportation/Circulation. A-3-SLO-16-0095

Mitigation/Conclusion. Regarding cumulative effects, public facility (County) and school (State) Exhibit 5
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Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Community parks serving the project site include Hardie Park, Paul Andrew Park and Norma Rose Park.

The County has adopted a Trails Plan for the purpose of establishing a trail system serving the unincorporated areas of the County. The Trails Plan does not show any trails affecting the project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. As discussed in Section 9, Population and Housing, no additional population is expected to be attracted to the county as a result of the project. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources. However, the project will accommodate additional population in the community of Cayucos which in turn will increase the demand for parks.

According to the 2015 Resource Summary Report, Cayucos is under a level of severity II for community parks, which means that the community has between 1.0 to 2.0 acres of community parkland per 1,000 persons where the target is 5.0 acres per 1,000. As discussed in Section 10. Public Services, new development is charged development impact fees proportional to the incremental demand for a particular facility needed to serve such development, including parks (the "Quimby" fee). Although the Quimby fee will mitigate the project's individual and cumulative impacts on the demand for parks, it may not be used to address the existing shortfall of community park acreage in Cayucos.

Mitigation/Conclusion. The "Quimby" fee will adequately mitigate the project's cumulative impact on recreational facilities. No significant recreation impacts are anticipated, and no other mitigation measures are necessary.

12. TRANSPORTATION/CIRCULATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	A-3-S <input checked="" type="checkbox"/> 16-0095	<input type="checkbox"/>

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12. TRANSPORTATION/CIRCULATION

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Reduce existing "Level of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with an applicable congestion management program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County has established the acceptable Level of Service (LOS) on roads serving urban areas of the unincorporated county. The existing road network serving the project and surrounding neighborhood include E Street, Cypress Glen Court and Ocean Avenue are operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

Referrals were sent to County Public Works. The project proposes to vacate a portion of Cypress Glen Court along the project frontage. There is a recorded Road Maintenance agreement that covers the maintenance responsibilities of Cypress Glen Court that serves four private residences. The right-of-way was never improved or maintained by the County between D and E Streets, and portions of the right of way have been abandoned to the adjoining properties. The project proposes to abandon the portion of the right-of-way that abuts the project site and to add the 7,000 square feet of abandoned right-of-way to the project site for purposes of calculating the base residential density. Cypress Glen Court is not part of the County's road maintenance system and currently acts as a private drive to the existing residences. Since Cypress Glen Court serves private residences and provides no existing or future public circulation benefit, Public Works is supporting the proposed abandonment. No other significant traffic-related concerns were identified.

Impact.

Construction Impacts. Construction related traffic will increase during the morning and afternoon peak hours on E Street and surrounding roads serving the project site. Based on the project application materials, it is expected that as many as 10 workers may be arriving and leaving the project site on a

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typical construction work day. The temporary increase in traffic is not expected to reduce the currently-acceptable level of service.

Operational Impacts. Project plans show a private driveway extending south from Cypress Glen Court providing access to the parking spaces for individual units, as well as guest parking and a turning area for emergency vehicles.

The project is estimated to generate a net increase of about 57 trips per day (about 6 during the peak hour) based on the Institute of Traffic Engineer's manual of 9.57 trips per residential unit. This amount of additional traffic is not expected to result in a significant change to the existing road service levels.

The project does not conflict with adopted policies, plans and programs on transportation.

Mitigation/Conclusion. Construction of roadway improvements included in the project plans will ensure traffic impacts remain less than significant. The recommendations of the Public Works Department will be included as conditions of approval.

13. WASTEWATER

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project will be served by Cayucos Sanitation District for wastewater collection and disposal.

Impact. According to the 2015 Resource Summary Report, the District is currently (2014) operating at about 41% of its allotted treatment capacity in the Morro Bay wastewater treatment plant. The collection system is currently operating at acceptable levels.

Mitigation/Conclusion. Given that the system is currently operating at acceptable levels and that it has the capacity to support existing commitments in addition to the proposed project, no mitigation measures are necessary.

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14. WATER & HYDROLOGY

Will the project:

QUALITY

- a) *Violate any water quality standards?*
- b) *Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?*
- c) *Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?*
- d) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?*
- e) *Change rates of soil absorption, or amount or direction of surface runoff?*
- f) *Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?*
- g) *Involve activities within the 100-year flood zone?*

QUANTITY

- h) *Change the quantity or movement of available surface or ground water?*
- i) *Adversely affect community water service provider?*
- j) *Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?*
- k) *Other: _____*

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
----------------------------	--------------------------------------	-------------------------	-------------------

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

WATER SUPPLY. The project is within the service area of the Morro Rock Mutual Water Company (MRMWC). Cayucos Valley and Old Valley Basins are the primary sources of water for the three different water purveyors (including the MRMWC, Paso Robles Beach Water Association, and County Service Area 10 serving Cayucos with domestic water. Whale Rock Reservoir, the community's primary source, is within the Old Valley watershed. CSA 10 also contracts for water (25 AFY) from the Nacimiento Water project.

The topography of the project is gently sloping. The closest creek from the proposed development is on the western portion of the parcel. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

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DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? Little Cayucos Creel Distance? Approximately 0 feet

Soil drainage characteristics: Very poorly drained

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110 or CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Low

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

A Stormwater Control Plan and Stormwater Site Design Analysis has been prepared for the project which provides a summary of elements incorporated into the design of the project to protect water quality.

Impact – Water Quality/Hydrology

With regards to project impacts on water quality the following conditions apply

- ✓ Approximately 29,618 square feet of site disturbance is proposed and the movement of approximately 2,135 cubic yards of material;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project will not be disturbing over an acre and will not be required to prepare a SWPPP;
- ✓ The project is not on highly erodible soils, nor on moderate to steep slopes;
- ✓ A small portion of the project is within a 100-year Flood Hazard designation;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Parking area drainage inlets will be fitted with hydrocarbon filters;
- ✓ Bioswales will be installed as a part of the drainage plan;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;

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- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur;

A Stormwater Control Plan and Stormwater Site Design Analysis has been prepared for the project which provides a summary of elements incorporated into the design of the project to protect water quality. These elements include:

- A bioretention area to treat stormwater from impermeable surfaces.
- Maintaining a 20 foot setback from Little Cayucos Creek.
- Impervious surfaces are minimized.

Impact -- Water Quantity

Based on the project description, as shown below, a reasonable estimate of the net increased indoor water usage would likely be about 5.1 acre feet/year (AFY):

7 residential lots with 6 additional residences: $6 \times 0.85 \text{ afy} = 5.1 \text{ afy}$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

Based on the 2015 Resource Summary Report, the project's water source is adequate to provide for the project's water needs. There are no known constraints to prevent the project from obtaining its water demands.

Mitigation/Conclusion. As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect water quality.

Based on the proposed amount of water to be use and the water source, no significant impacts from water use are anticipated.

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15. LAND USE

Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., Cayucos Fire Department for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used)

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent with the surrounding uses (being single family residences on lots ranging in size from 2,200 to over 10,000 square feet) as summarized on page 2 of the Initial Study.

Mitigation/conclusion. No significant inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

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16. MANDATORY FINDINGS OF SIGNIFICANCE

Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?* ☐ ☐ ☒ ☐
- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)* ☐ ☐ ☒ ☐
- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* ☐ ☐ ☒ ☐

For further information on CEQA or the County's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	In File**
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	In File**
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	None
<input type="checkbox"/>	CA Department of Forestry (Cal Fire)	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Caycos Fire Department</u>	In File**
<input type="checkbox"/>	Other _____	Not Applicable

** "No comment" or "No concerns"-type responses are usually not attached

The following checked (☒) reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<u>County documents</u>	<input type="checkbox"/> Specific Plan
<input checked="" type="checkbox"/> Coastal Plan Policies	<input checked="" type="checkbox"/> Annual Resource Summary Report
<input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<u>Other documents</u>
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3)
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Parks & Recreation Element/Project List	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input type="checkbox"/> Airport Land Use Plan	<input type="checkbox"/> Other
<input type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> Estero Area Plan and Update EIR	

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Althouse And Meade, Inc. Biological And Environmental Services, Wildlife Assessment for Cypress Glenn 399 E-Street Cayucos, CA, July, 2015

Althouse And Meade, Inc. Biological And Environmental Services, Biological Report for Cypress Glenn 399 E-Street Cayucos, CA, July, 2015

Althouse And Meade, Inc. Biological And Environmental Services, Biological Report for Cypress Glenn 399 E-Street Cayucos, CA, November, 2015

Althouse and Meade, Inc. Biological And Environmental Services, Riparian Restoration and Landscape Enhancement Plan for Cypress Glenn 399 E-Street Cayucos, CA, January, 2016

GeoSolutions, Inc., Soils Engineering Report for 399 E Street, Catucos, September 22, 2014

Heritage Discoveries Inc., Archaeological Surface Survey at 399 E Street, Cayucos, January 6, 2015

Heritage Discoveries Inc., Phase II Archaeological Sub-Surface Testing at 399 E Street, Cayucos, August 21, 2015

Stormwater Control Plan Application and Stormwater Site Design Analysis, September 16, 2015

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Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

Air Quality

AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible,
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
- c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
- e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- f. All dirt stock-pile areas should be sprayed daily as needed.

AQ-2 No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

AQ-3 "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). Prior to final inspection or occupancy, whichever occurs first, when naturally-occurring asbestos is

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encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

Biological Resources

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).

BR-2 Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be 14,089 square feet and include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:

- a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
- b. Public interpretive access improvements approved by a coastal development permit.

BR-3 As a part of a second sheet of the tract map and included as a part of any individual construction permit application, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan described below.

BR-4 Little Cayucos Creek Setback. Little Cayucos Creek Setback. Other than habitat restoration related to development, all development including but not limited to cut and fill slopes, retaining walls, drainage features, decking, and parking areas, shall be setback a minimum distance of 20 feet from the upland edge of little Cayucos Creek riparian vegetation. Solid wood or rail fencing is permitted as follows: 6-foot high solid wood fence along the Cypress Glen frontage of Lot 7 a distance not to exceed 25- feet from the rear of the new residence on Lot 7; a solid 6-foot high solid wood fence between Lots 6 and 7 no further than 25-feet from the rear of the new residence on Lot 7; a 42-inch high rail fence with wire mesh along the rear on Lots 6 and 7, and along the southwest property line of Lot 6; and a 6-foot high solid wood fence on the southwest property line of Lot 6, extending no further than 10-feet from the rear of the new residence on Lot 6. Development of rear yards on lots 6 and 7 will be consistent with the Riparian Restoration and Landscape Enhancement Plan and will include only landscaping compatible with the adjacent riparian area such as native plants.

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BR-5 Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.

BR-6 Prior to issuance of grading and/or construction permit(s), the applicant shall submit the Landscape Restoration and Enhancement Plan (LREP) to the Department of Planning and Building for review and approval. The LREP shall provide for riparian corridor landscape restoration and enhancement in the Little Cayucos Creek Riparian Habitat Area, with the goal of enhancing and restoring this area to self-sustaining and high resource value natural habitat state. The LREP shall be prepared by a qualified restoration ecologist, and shall incorporate specific conditions of the site (including soil, exposure, temperature, moisture, wind, etc), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:

- a. A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area;
- b. A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and this condition be maintained in perpetuity.
- c. Removal of invasive and non-native plant species;
- d. Planting of native species of local stock appropriate to the Little Cayucos Creek riparian corridor, including provision of fall and winter-flowering nectar sources for Monarch butterflies at appropriate locations. Non-native and/or invasive plant species shall be prohibited;
- e. Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved;
- f. Provision of submission of annual reports of monitoring results to the Department of Planning and Building, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the plan, and shall make recommendations (if any) on changes necessary to achieve success.

BR-7 Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Buffers may be reduced if a qualified ornithologist determines that project activities will not affect the nesting birds. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring.

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requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

- BR-8 Prior to ground disturbance**, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Wildlife to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:
- a. Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
 - b. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.
- BR-9 Prior to construction**, occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within a 100 foot buffer for songbirds and 300 for nesting raptors while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
- BR-10 Prior to construction**, occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.
- BR-11 Prior to removal of any trees over 20 inches DBH**, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming, or if any structures proposed for removal harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Game, will install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed.
- BR-12 At the time of application for subdivision improvement plans, grading permits, and construction permits**, the applicant shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be

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constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

BR-13 Upon submittal of tract improvement plans, all measures provided in the Mitigation Monitoring and Reporting Plan shall be shown on applicable plans relating to restoration of sensitive plants impacted. Should any measures conflict with conditions of approval, conditions of approval shall be considered superior. These measures shall be completed prior to recordation of final map.

Cultural Resources

CR-1 If unanticipated paleontological or cultural resources are encountered during construction, all work must halt within 50 feet until the finding has been evaluated by a San Luis Obispo County approved paleontologist or archeologist (depending on the nature of the discovery).

Geology and Soils

GEO-1 Prior to issuance of construction and/or grading permits, the applicant shall submit a complete drainage, erosion, and sedimentation control plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. The plan shall use sediment control measures to protect Little Cayucos Creek. Installation of erosion and sedimentation control devices shall be installed around the perimeter of the construction zone. No flows shall be directed to Cayucos Creek without NPDES permit. The plan shall include the following:

- a. **Implementation of Best Management Practices during Construction.** The Plan shall identify the types and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants in the Little Cayucos Creek during construction. These measures shall be designed in accordance to the California Storm Water Best Management Practices Handbook and the San Luis Obispo County Resources Conservation District, as such:
 - i. Limit the extent of land disturbance to the minimum amount necessary to construct the project;
 - ii. Designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which must be covered on a daily basis;
 - iii. Provide installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpiled areas;
 - iv. Provide hydro seeding (with native plants) of disturbed areas immediately upon conclusion of construction activities;
 - v. Good construction measures such as the use of dry cleanup measures whenever possible, collecting and filtering cleanup water when dry cleanup methods are not feasible, cleaning and refueling construction equipment at designated off site maintenance areas, and immediate cleanup of any leaks or spills.
- b. **Permanent Drainage and Erosion Control Plan.** The Plan shall include and clearly identify all permanent measures to control and direct all site runoff and a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltrations, and/or habitat enhancement, and/or directed to off-



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site storm drain systems. The Plan shall be prepared by a licensed engineer and incorporate structure and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater and other run-off associated with the development. The Plan shall include required calculations and documentations for all BMPs proposed and shall, at the minimum provide for:

- i. Drainage system designed to filter and treat the volume of runoff produced from irrigation and storm event up to and including the as" percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1 hour runoff event (with an appropriate safety factor) for flow-based BMPs , prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating mechanism shall be clearly identified, and supporting technical information shall be provided.
- ii. Runoff from the roofs, driveways, parking lots, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site;
- iii. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions;
- iv. All runoff shall be directed away from the creek/riparian habitat area unless proven appropriate for habitat enhancement process;
- v. All drainage system elements shall be permanently operated and maintained.

GEO-2At the time of application for grading and/or construction permit(s), the applicant shall show the limits of the 100 year floodway on the site plan and all development located outside of the floodway and submit to Public Works for approval.

GEO-3Prior to initiation of tract improvements, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). As applicable, all construction-related protection measures specified in the SWPPP shall be installed prior to work beginning.

GEO-4All disturbed areas shall be restored as soon as possible. If the area is within close proximity of a sensitive habitat, a compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

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January 26, 2016

**DEVELOPER'S STATEMENT FOR CAMPBELL-SHEPPARD/DAN LLOYD
TENTATIVE TRACT MAP AND DEVELOPMENT PLAN
ED15-023/SUB2015-00001**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Air Quality

AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible,
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
- c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
- e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- f. All dirt stock-pile areas should be sprayed daily as needed.

AQ-2 No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD).

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shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

- AQ-3 "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). **Prior to final inspection or occupancy, whichever occurs first**, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

Monitoring: Required at the time of application for construction permits. Compliance will be verified by the Air Pollution Control District and County Department of Planning and Building.

Biological Resources

- BR-1 Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
- BR-2 Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be 14,089 square feet and include a formal legal description and graphic

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depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:

- a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
- b. Public interpretive access improvements approved by a coastal development permit.

BR-3 As a part of a second sheet of the tract map and included as a part of any individual construction permit application, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan described below.

BR-4 Little Cayucos Creek Setback. Other than habitat restoration related to development, all development including but not limited to cut and fill slopes, retaining walls, drainage features, decking, and parking areas, shall be setback a minimum distance of 20 feet from the upland edge of little Cayucos Creek riparian vegetation. Solid wood or rail fencing is permitted as follows: 6-foot high solid wood fence along the Cypress Glen frontage of Lot 7 a distance not to exceed 25- feet from the rear of the new residence on Lot 7; a solid 6-foot high solid wood fence between Lots 6 and 7 no further than 25-feet from the rear of the new residence on Lot 7; a 42-inch high rail fence with wire mesh along the rear on Lots 6 and 7, and along the southwest property line of Lot 6; and a 6-foot high solid wood fence on the southwest property line of Lot 6, extending no further than 10-feet from the rear of the new residence on Lot 6. Development of rear yards on lots 6 and 7 will be consistent with the Riparian Restoration and Landscape Enhancement Plan and will include only landscaping compatible with the adjacent riparian area such as native plants.

BR-5 Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to

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naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.

BR-6 Prior to issuance of grading and/or construction permit(s), the applicant shall submit the Landscape Restoration and Enhancement Plan (LREP) to the Department of Planning and Building for review and approval. The LREP shall provide for riparian corridor landscape restoration and enhancement in the Little Cayucos Creek Riparian Habitat Area, with the goal of enhancing and restoring this area to self-sustaining and high resource value natural habitat state. The LREP shall be prepared by a qualified restoration ecologist, and shall incorporate specific conditions of the site (including soil, exposure, temperature, moisture, wind, etc), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:

- a. A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area;
- b. A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and this condition be maintained in perpetuity.
- c. Removal of invasive and non-native plant species;
- d. Planting of native species of local stock appropriate to the Little Cayucos Creek riparian corridor, including provision of fall and winter-flowering nectar sources for Monarch butterflies at appropriate locations. Non-native and/or invasive plant species shall be prohibited;
- e. Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved;
- f. Provision of submission of annual reports of monitoring results to the Department of Planning and Building, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the plan, and shall make recommendations (if any) on changes necessary to achieve success.

BR-7 Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Buffers may be reduced if

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a qualified ornithologist determines that project activities will not affect the nesting birds. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

BR-8 Prior to ground disturbance, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Wildlife to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:

- a. Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
- b. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.

BR-9 Prior to construction, occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within a 100 foot buffer for songbirds and 300 for nesting raptors while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.

BR-10 Prior to construction, occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.

BR-11 Prior to removal of any trees over 20 inches DBH, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming, or if any structures proposed for removal harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Game, will install one-way valves or other appropriate passive relocation method. For each occupied

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roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed.

BR-12 At the time of application for subdivision improvement plans, grading permits, and construction permits, the applicant shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

BR-13 Upon submittal of tract improvement plans, all measures provided in the Mitigation Monitoring and Reporting Plan shall be shown on applicable plans relating to restoration of sensitive plants impacted. Should any measures conflict with conditions of approval, conditions of approval shall be considered superior. These measures shall be completed prior to recordation of final map.

Monitoring: Required at the time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

Cultural Resources

CR-1 If unanticipated paleontological or cultural resources are encountered during construction, all work must halt within 50 feet until the finding has been evaluated by a San Luis Obispo County approved paleontologist or archeologist (depending on the nature of the discovery).

Monitoring: Required during grading and construction activities. Compliance will be verified by the County Department of Planning and Building.

Geology and Soils

GEO-1 Prior to issuance of construction and/or grading permits, the applicant shall submit a complete drainage, erosion, and sedimentation control plan for review.

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and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. The plan shall use sediment control measures to protect Little Cayucos Creek. Installation of erosion and sedimentation control devices shall be installed around the perimeter of the construction zone. No flows shall be directed to Cayucos Creek without NPDES permit. The plan shall include the following:

- a. **Implementation of Best Management Practices during Construction.** The Plan shall identify the types and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants in the Little Cayucos Creek during construction. These measures shall be designed in accordance to the California Storm Water Best Management Practices Handbook and the San Luis Obispo County Resources Conservation District, as such:
 - i. Limit the extent of land disturbance to the minimum amount necessary to construct the project;
 - ii. Designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which must be covered on a daily basis;
 - iii. Provide installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpiled areas;
 - iv. Provide hydro seeding (with native plants) of disturbed areas immediately upon conclusion of construction activities;
 - v. Good construction measures such as the use of dry cleanup measures whenever possible, collecting and filtering cleanup water when dry cleanup methods are not feasible, cleaning and refueling construction equipment at designated off site maintenance areas, and immediate cleanup of any leaks or spills.
- b. **Permanent Drainage and Erosion Control Plan.** The Plan shall include and clearly identify all permanent measures to control and direct all site runoff and a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltrations, and/or habitat enhancement, and/or directed to off-site storm drain systems. The Plan shall be prepared by a licensed engineer and incorporate structure and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater and other run-off associated with the development. The Plan shall include required calculations and documentations for all BMPs proposed and shall, at the minimum provide for:
 - i. Drainage system designed to filter and treat the volume of runoff produced from irrigation and storm event up to and including the as" percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1 hour runoff event (with an appropriate safety factor) for flow-based BMPs , prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating

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- mechanism shall be clearly identified, and supporting technical information shall be provided.
- ii. Runoff from the roofs, driveways, parking lots, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site;
 - iii. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions;
 - iv. All runoff shall be directed away from the creek/riparian habitat area unless proven appropriate for habitat enhancement process;
 - v. All drainage system elements shall be permanently operated and maintained.

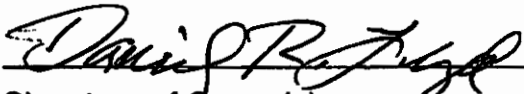
GEO-2 At the time of application for grading and/or construction permit(s), the applicant shall show the limits of the 100 year floodway on the site plan and all development located outside of the floodway and submit to Public Works for approval.

GEO-3 Prior to initiation of tract improvements, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). As applicable, all construction-related protection measures specified in the SWPPP shall be installed prior to work beginning.

GEO-4 All disturbed areas shall be restored as soon as possible. If the area is within close proximity of a sensitive habitat, a compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

Monitoring: Required during grading and construction activities. Compliance will be verified by the County Department of Planning and Building.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.


Signature of Owner(s)

1-27-16
Date

DANIEL R. LLOYD

Name (Print)

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COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
Attachment 6

Public Health Department

Jeff Hamm
Health Agency Director

Penny Borenstein, M.D., M.P.H.
Health Officer



Public Health
Prevent Promote Protect

July 2, 2015

Landsite Incorporated
P.O. Box 378
Cayucos, CA 93430-0378

Attn: Dan Lloyd
Re: Tentative Map Tract 3074 (8 lots)
APN: 064-034-007, 399 E. Street Cayucos

Water Supply

This office is in receipt of a preliminary evidence of water (*Notification of Eligibility to Receive a Water Will Serve Letter*) from the Morro Rock Mutual Water Co. Inc. (dated July 1, 2015) to provide water to the above referenced project.

Be advised that a final "will serve" letter from the water company shall be obtained and submitted to this office for review and approval stating there are operable water facilities immediately available for connection to each of the parcels created prior to recordation of the final map. Water main extensions and related facilities may be bonded for, subject to the approval of County Public Works and Environmental Health Services. This bond must be reviewed and approved by County Public Works prior to recordation of the map.

Wastewater Disposal

This office is in receipt of a conditional Sewer Intent to Serve from the Cayucos Sanitary District (dated May 6, 2015) to provide wastewater service to the above referenced project.

Be advised that a final "will serve" letter from the waste water company shall be obtained and submitted to this office for review and approval stating there are operable sewer facilities immediately available for connection to each of the parcels created prior to recordation of the final map. Sewer main extensions and related facilities may be bonded for, subject to the approval of County Public Works and Environmental Health Services. This bond must be reviewed and approved by County Public Works prior to recordation of the map.

Tentative Map Tract 3074 is approved for Health Agency subdivision map processing.

LESLIE A TERRY, R.E.H.S.
Environmental Health Specialist
Land Use Section

c: Morro Rock Mutual
Cayucos Sanitary District

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SAN LUIS OBISPO COUNTY**DEPARTMENT OF PLANNING AND BUILDING****THIS IS A NEW PROJECT REFERRAL****DATE:** 7/9/2015**TO:** Cayucos Fire Protection District**FROM:** James Caruso (805-781-5702 or jcaruso@co.slo.ca.us)
Coastal Team / Development Review**PROJECT DESCRIPTION:** SUB2015-00001 TR3074 CAMPBELL-SHEPPA - Proposed tract map for an eight-lot single family detached subdivision (planned unit development). Site location is 399 E St, Cayucos. APN: 064-034-007

Return this letter with your comments attached no later than: 14 days from receipt of this referral.
CACs please respond within 60 days. Thank you.

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?☒ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?☐ YES
☒ NO

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

See attached turnaround Recommendations7/11/15
DateDavid Gibson
Name
[Signature]805-995-3372
Phone

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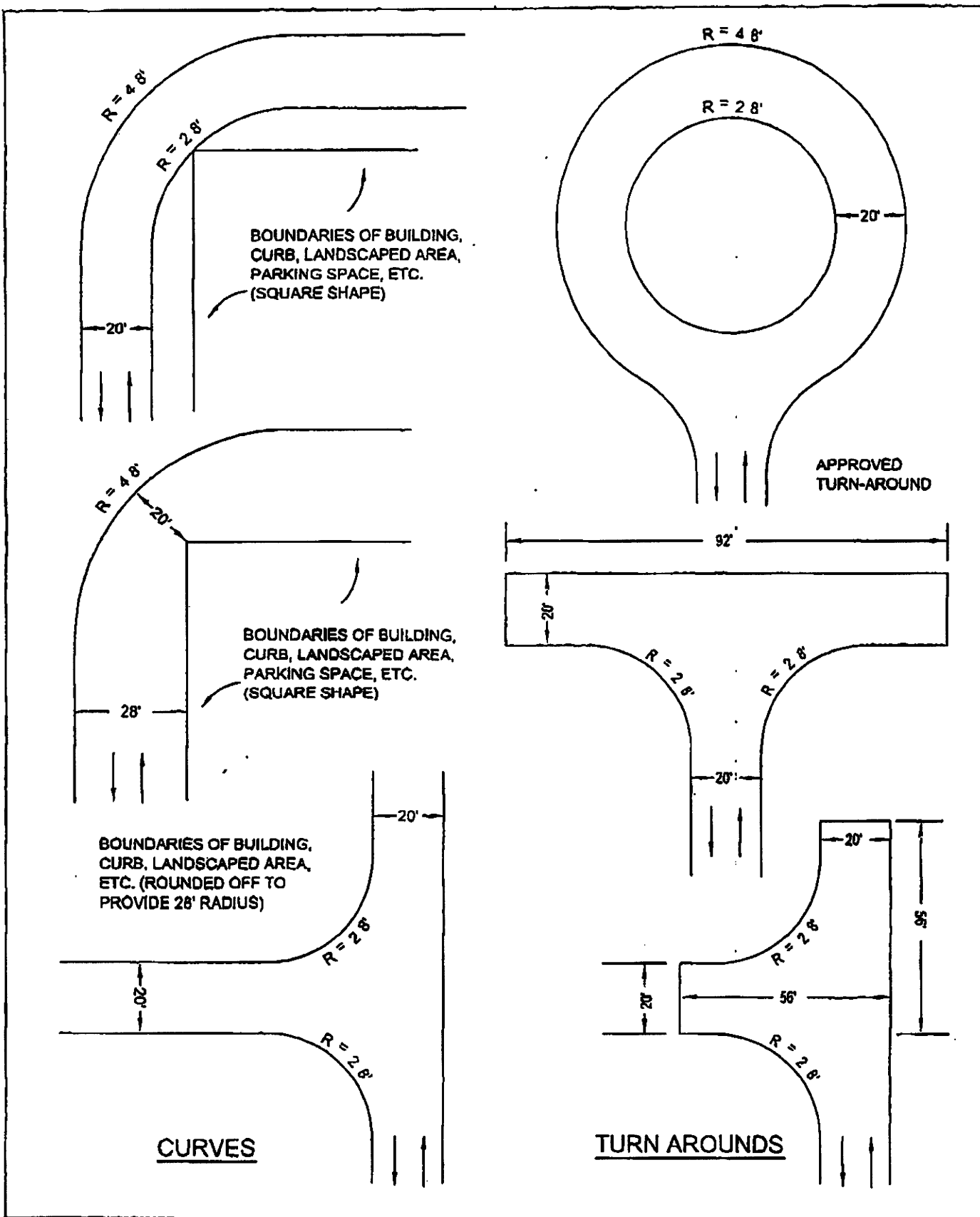
Exhibit 5

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-2425 • WEBSITE: http://www.sloplanning.org

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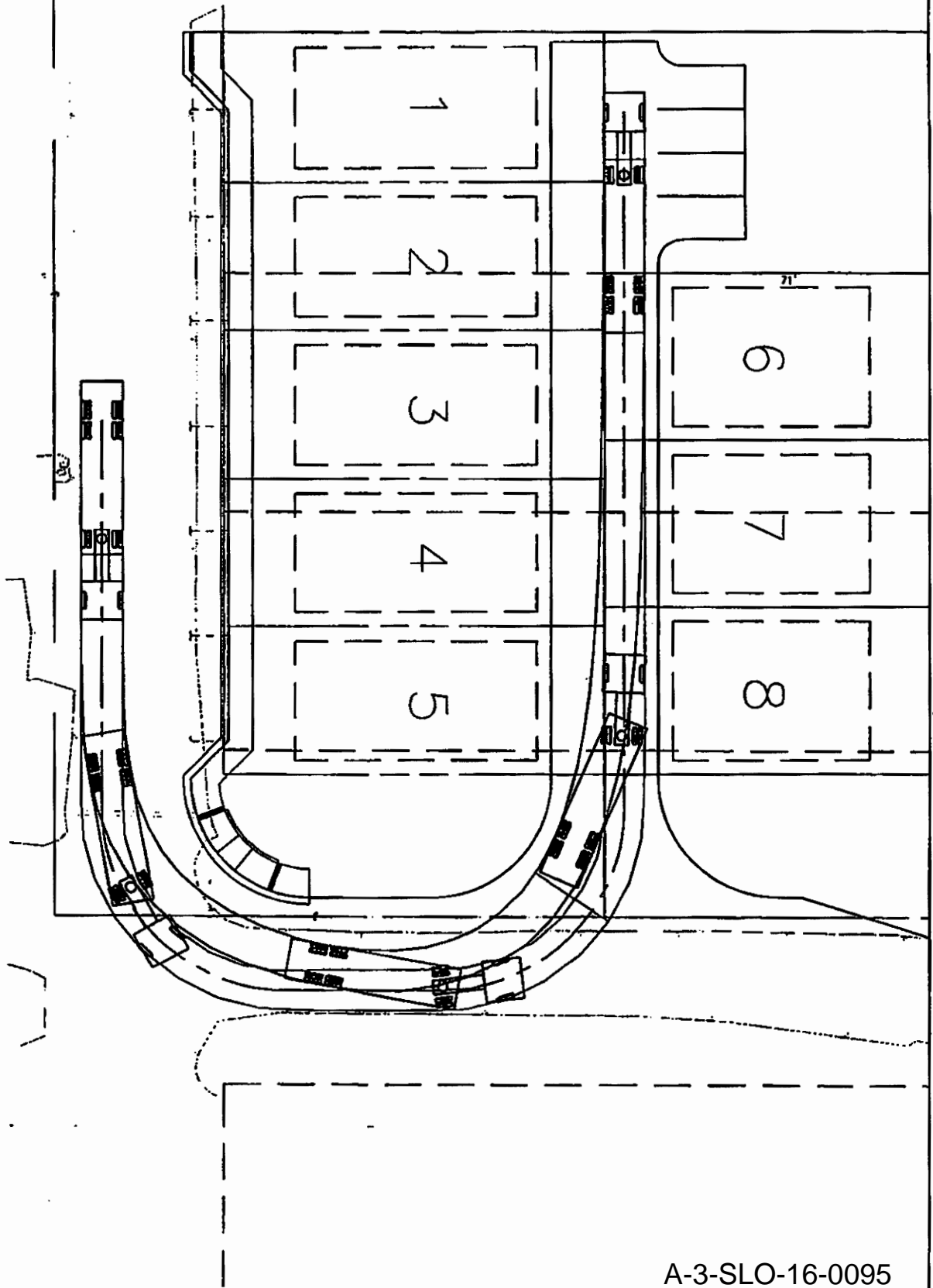


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TRUCK TURN EXHIBIT



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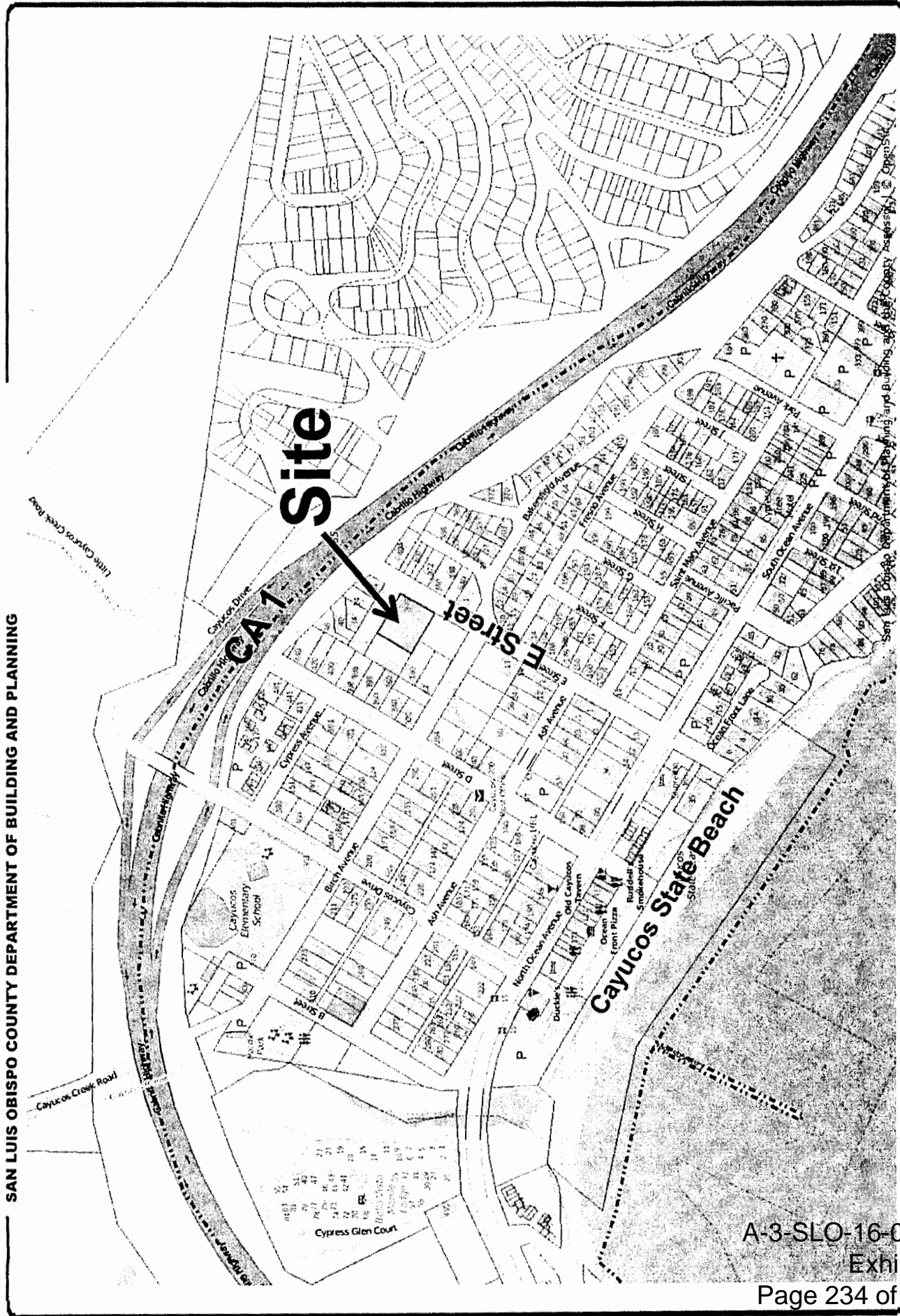
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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EXHIBIT

Vicinity Map



PROJECT

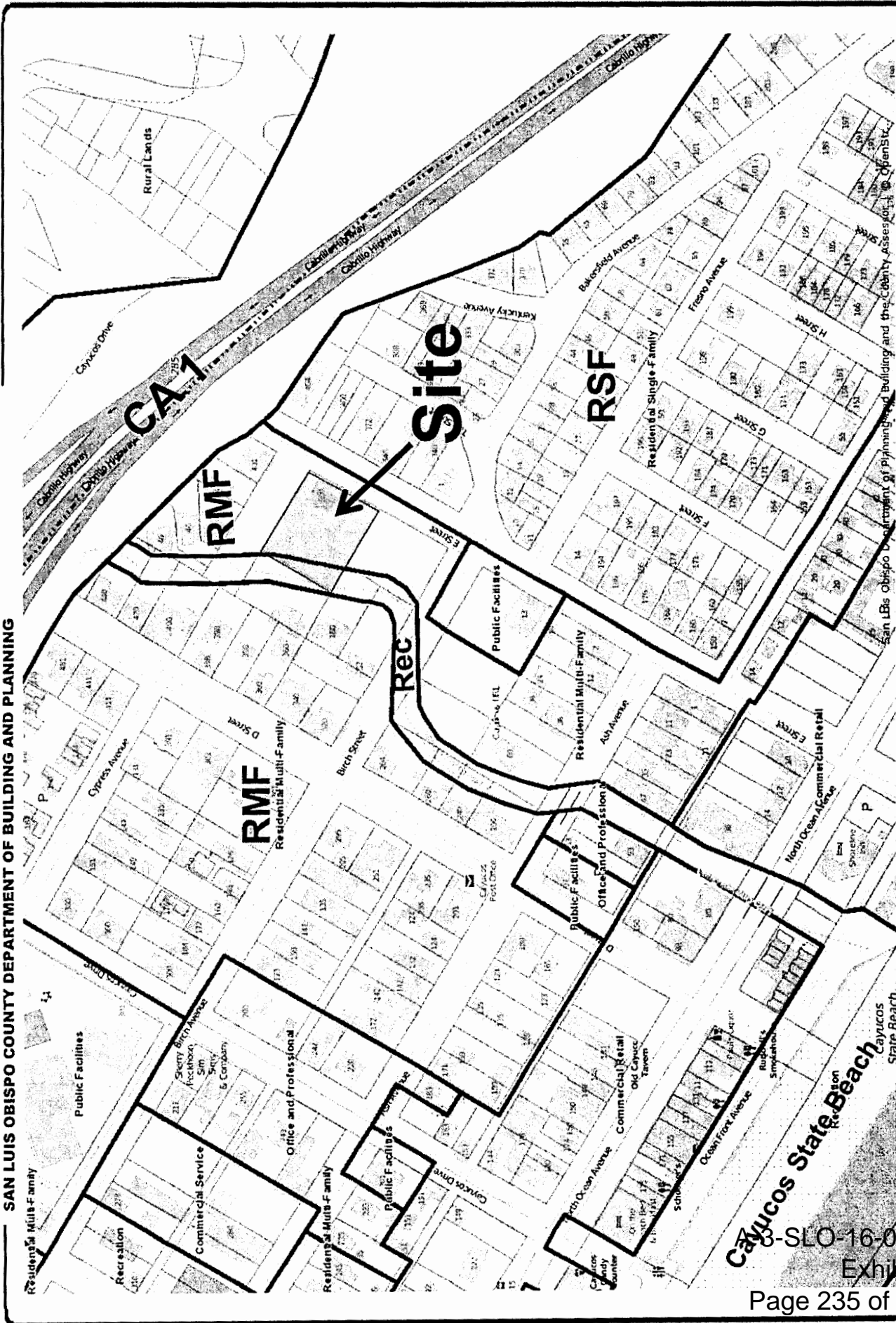
Tentative Tract Map

7 Unit Single Family Detached / SUB2015-00001

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EXHIBIT

Land Use Category Map



PROJECT

Tentative Tract Map

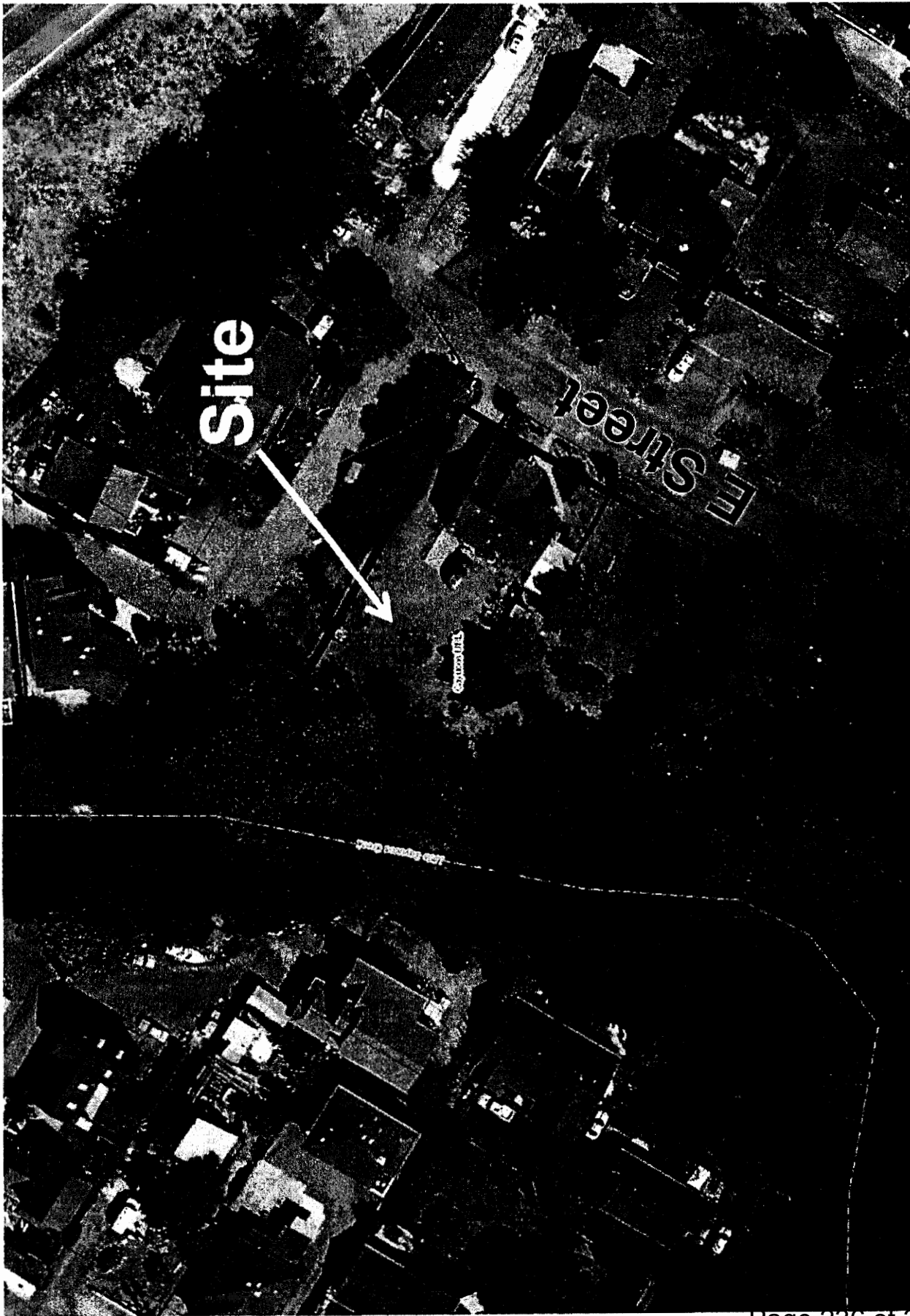
7 Unit Single Family Detached / SUB2015-00001

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EXHIBIT

Aerial Photograph



PROJECT

Tentative Tract Map

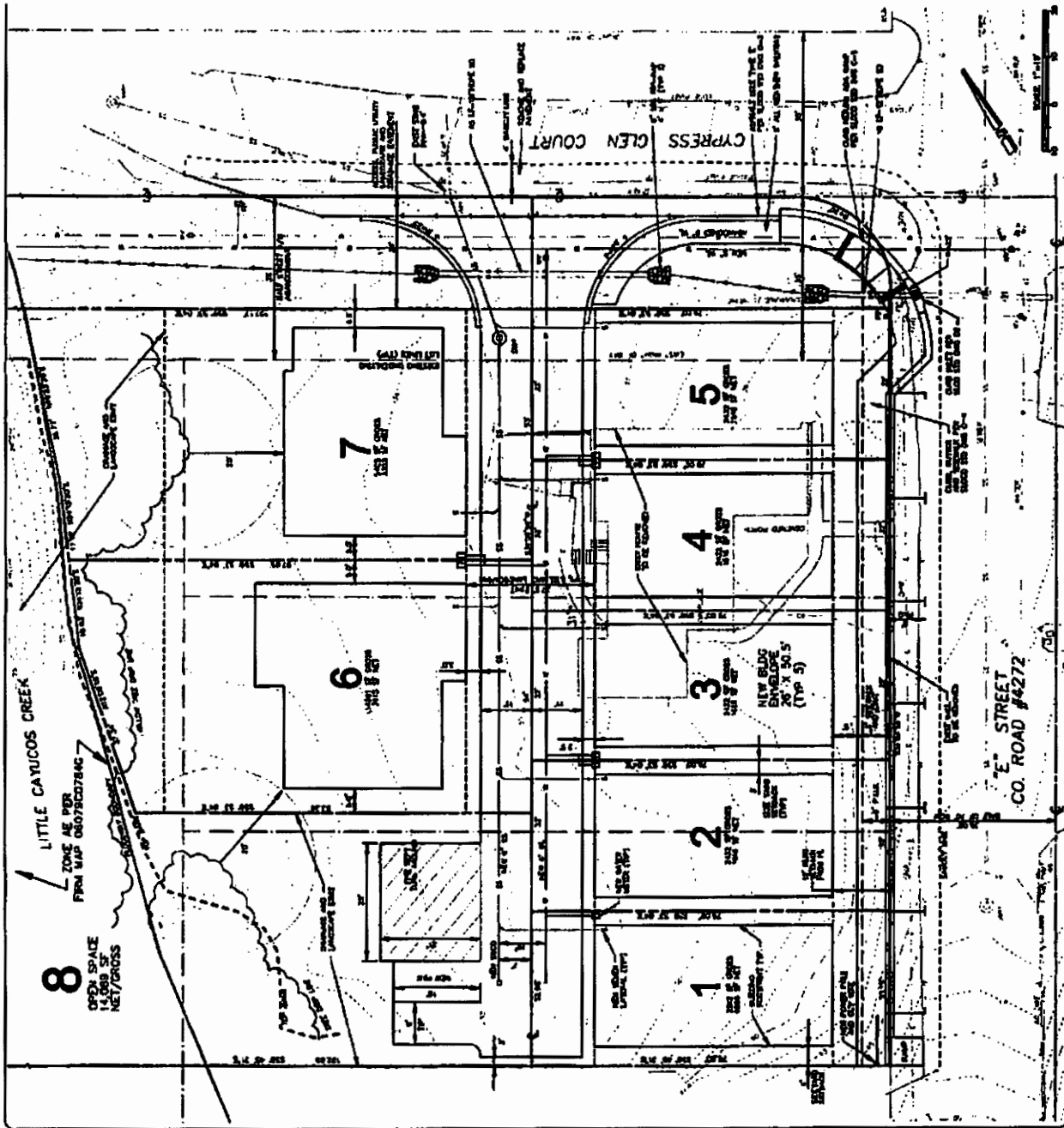
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EXHIBIT

Tentative Tract Map



PROJECT

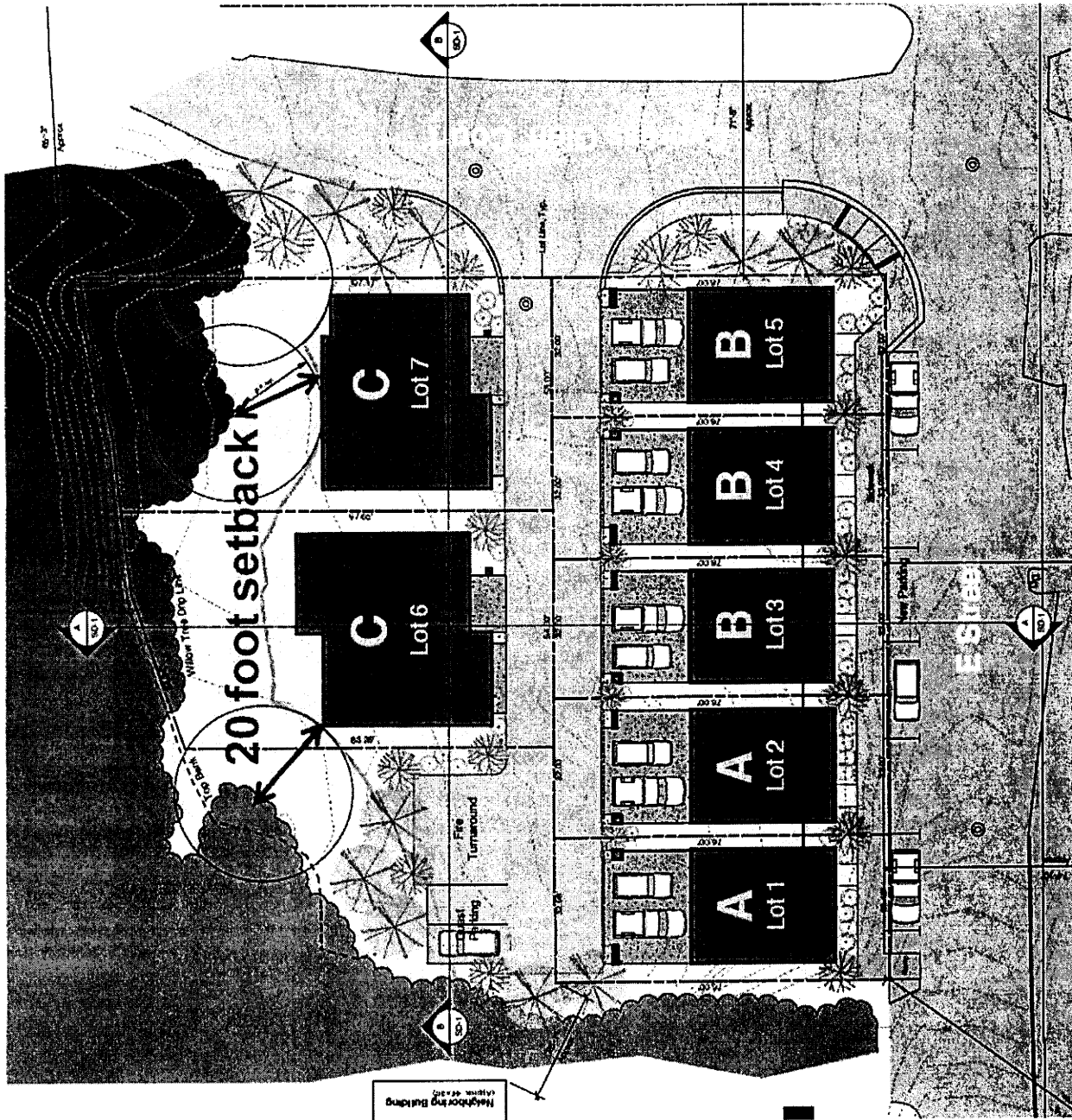
Tentative Tract Map
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Site Plan

EXHIBIT

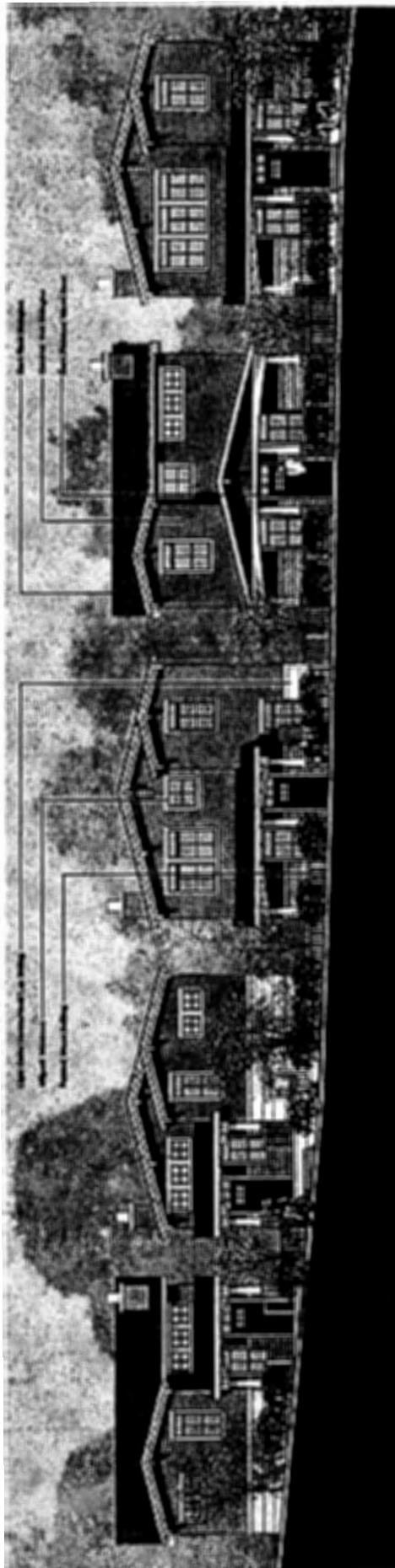


PROJECT
Tentative Tract Map
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EXHIBIT

View from E Street

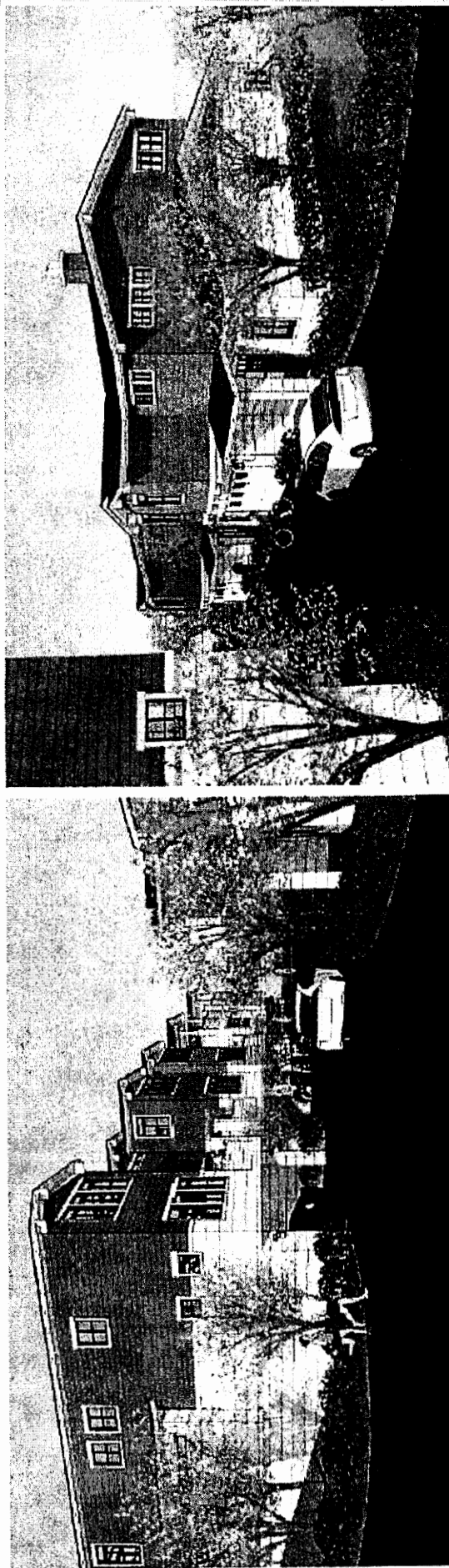


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Tentative Tract Map
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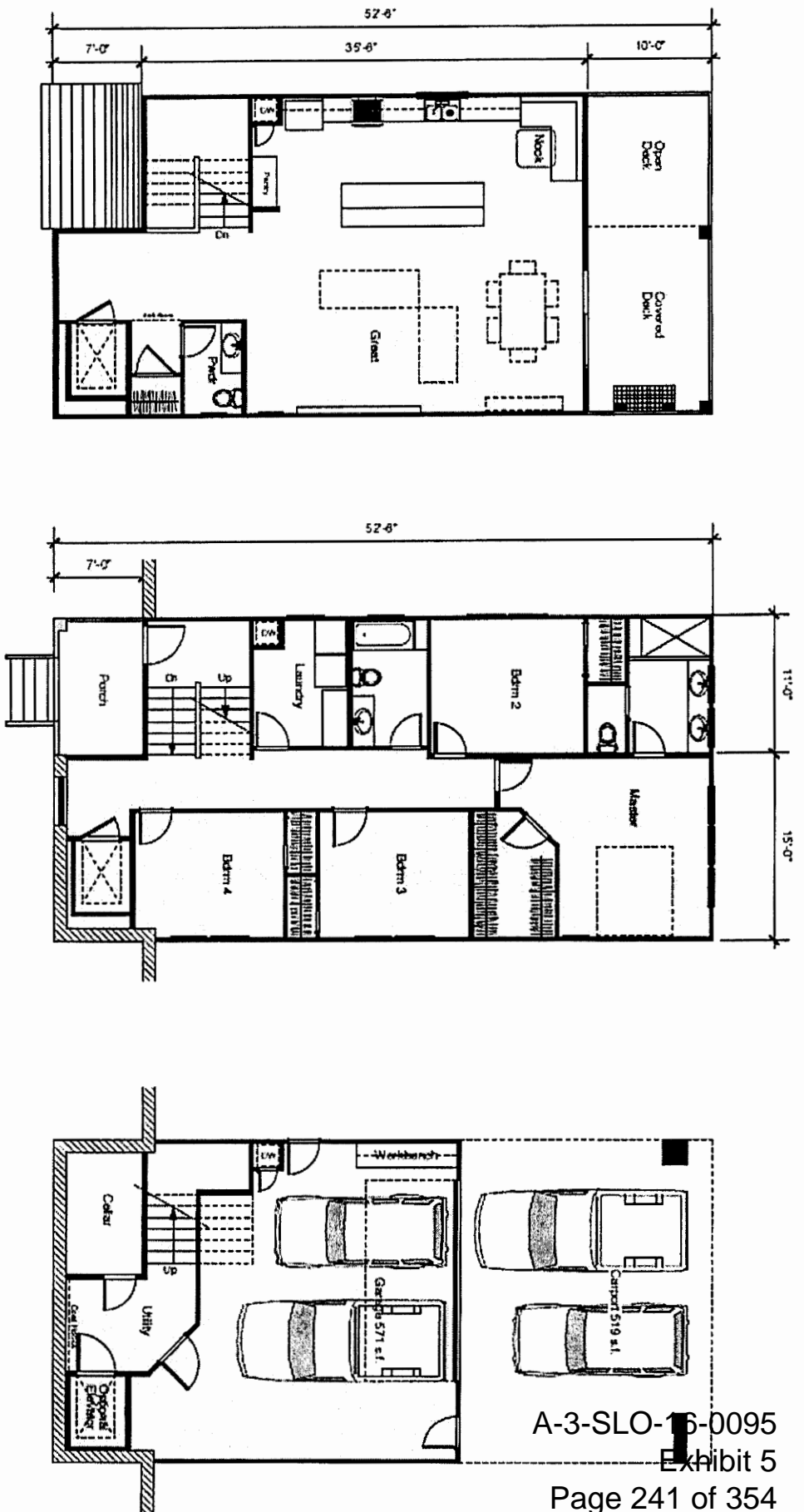
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View from Cypress Glen Court





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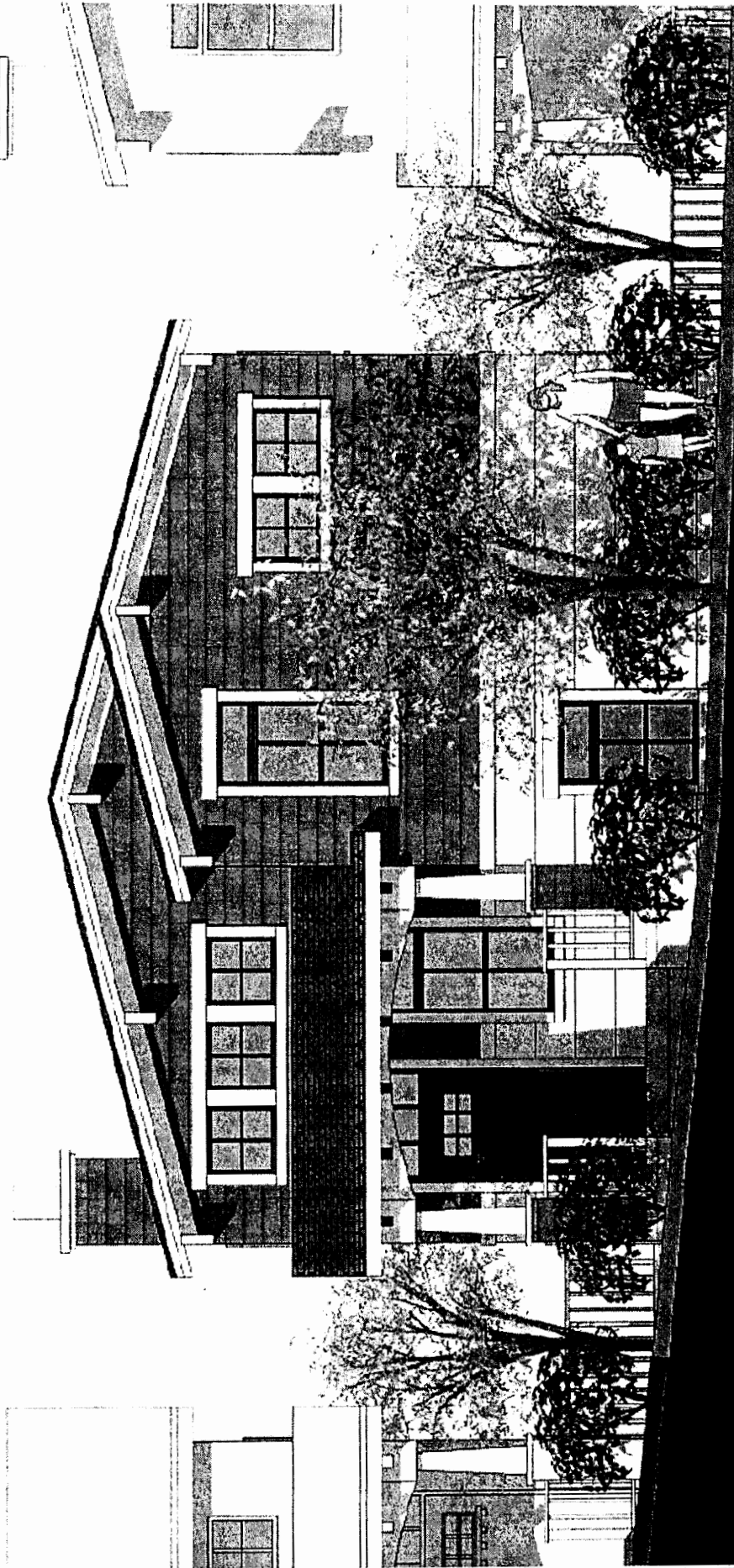
Tentative Tract Map
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EXHIBIT

Building Type A Floor Plan

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South Elevation

EXHIBIT

Building Type A South Elevation



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North Elevation

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Building Type A North Elevation

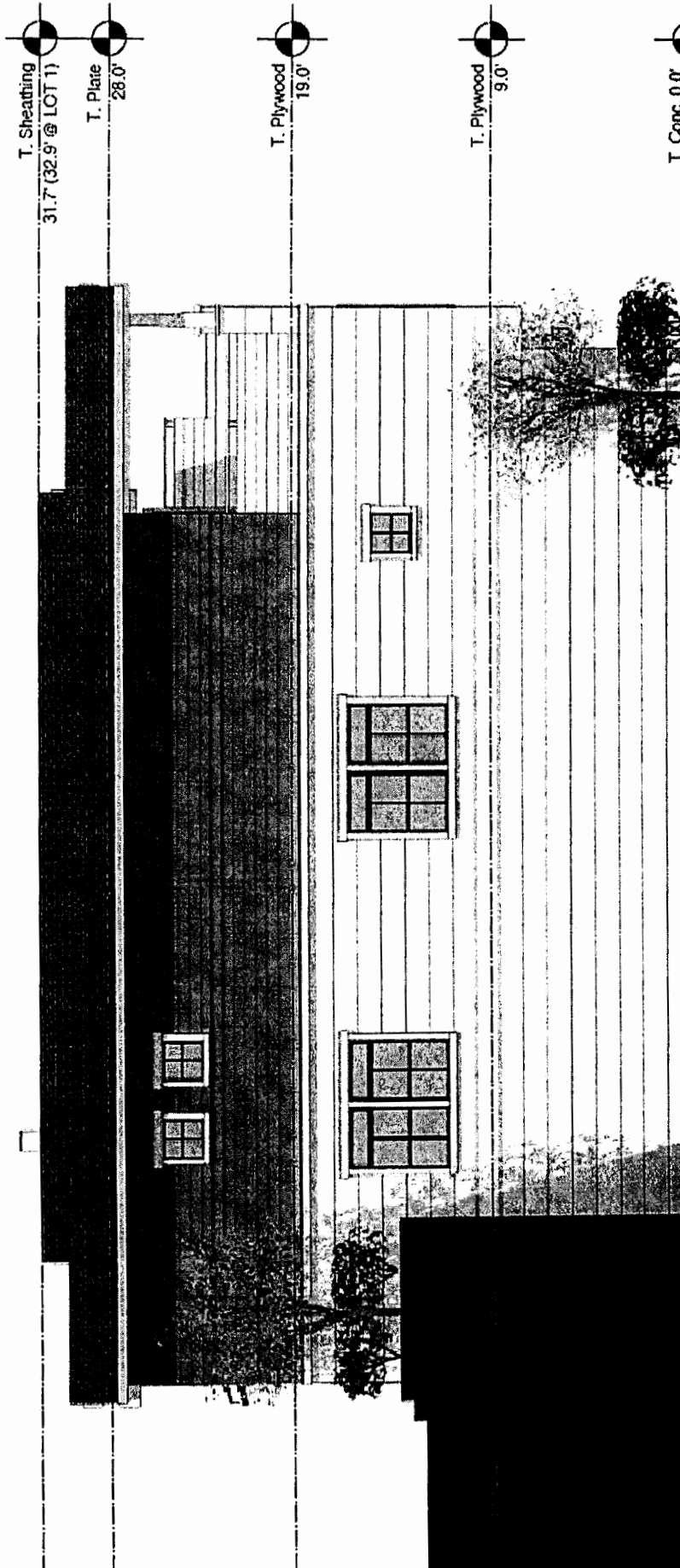


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Tentative Tract Map
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East Elevation

EXHIBIT

Building Type A East Elevation



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West Elevation

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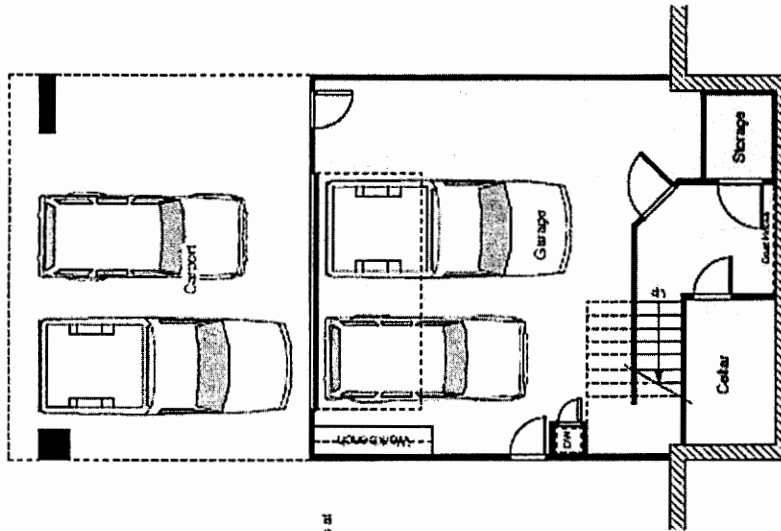
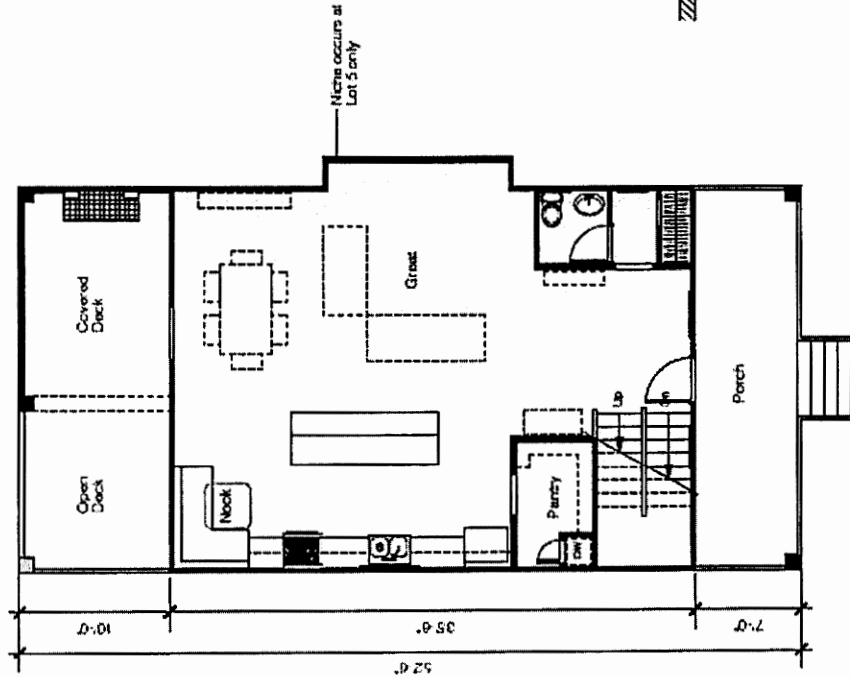
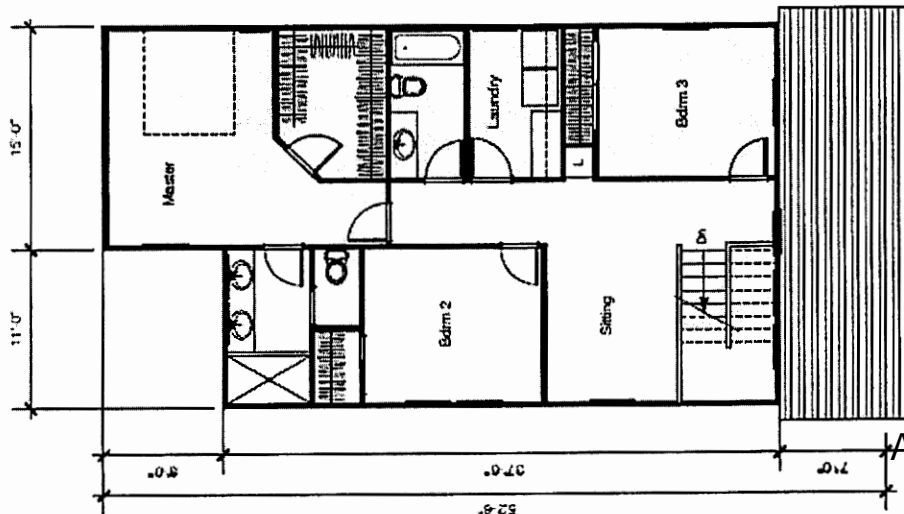
EXHIBIT

Building Type A West Elevation



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Windows will be adjusted to protect privacy

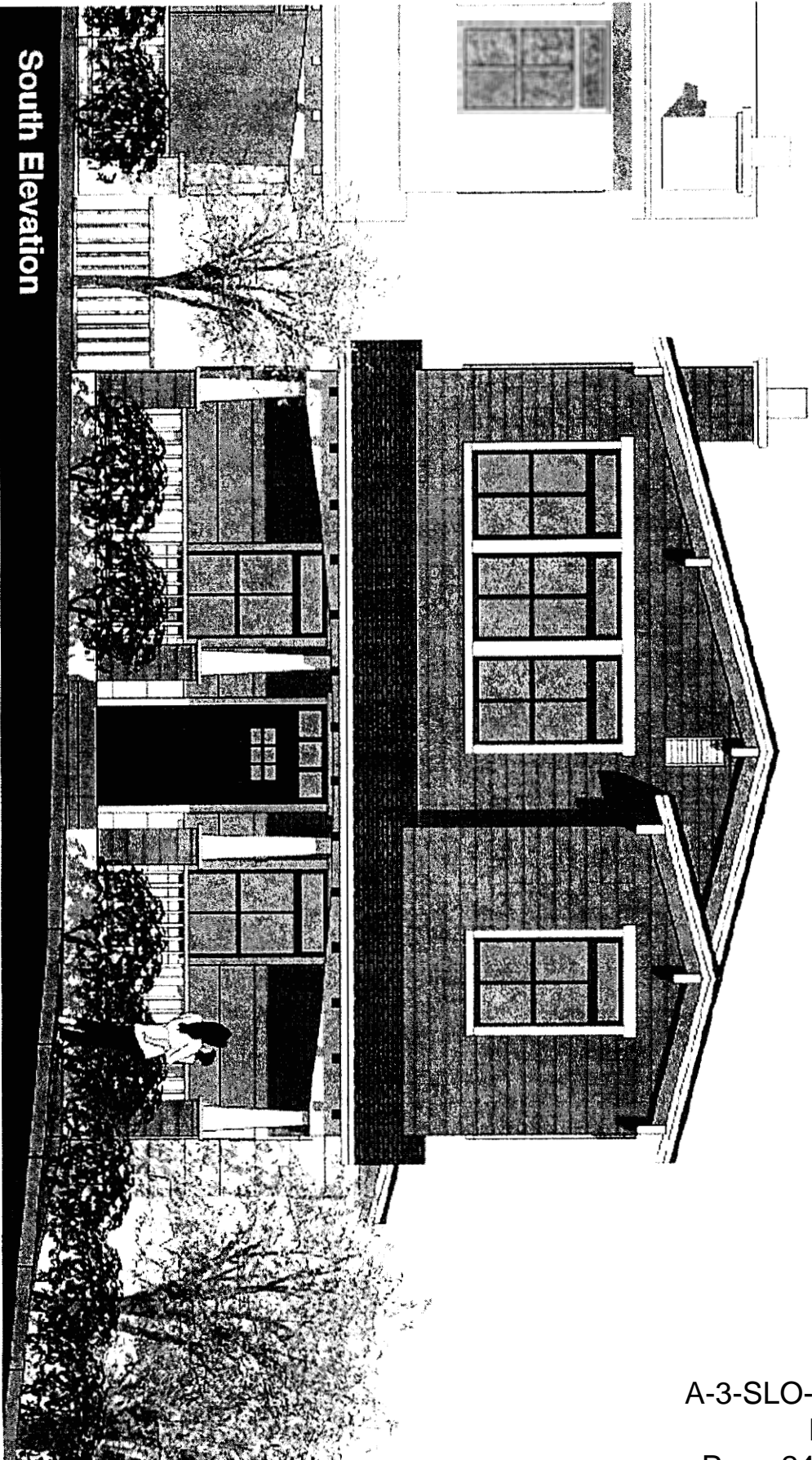
EXHIBIT

Building Type B Floor Plans

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South Elevation

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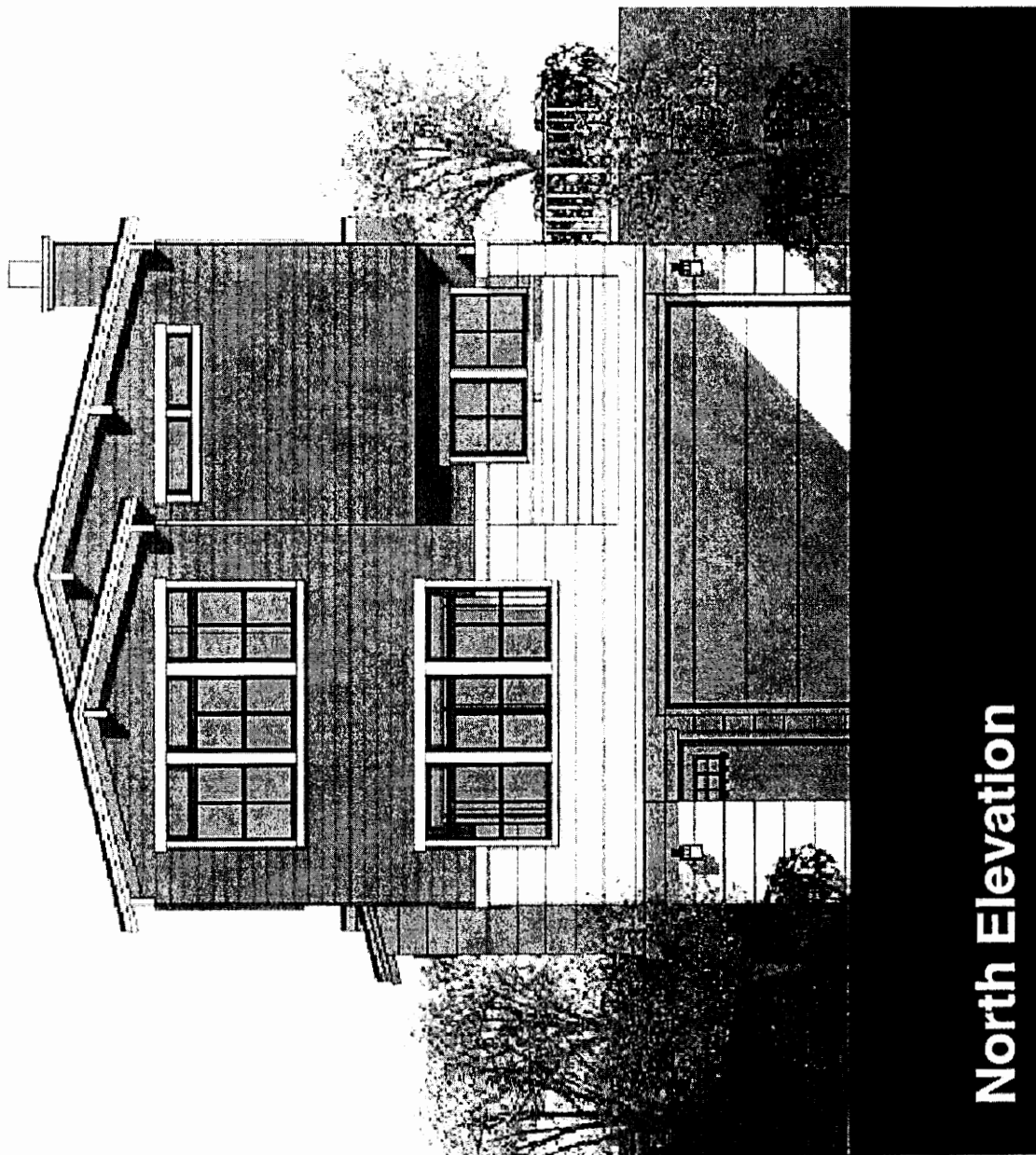
EXHIBIT

Building Type B South Elevation

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



North Elevation

EXHIBIT

Building Type B North Elevation



PROJECT

Tentative Tract Map

7 Unit Single Family Detached / SUB2015-00001

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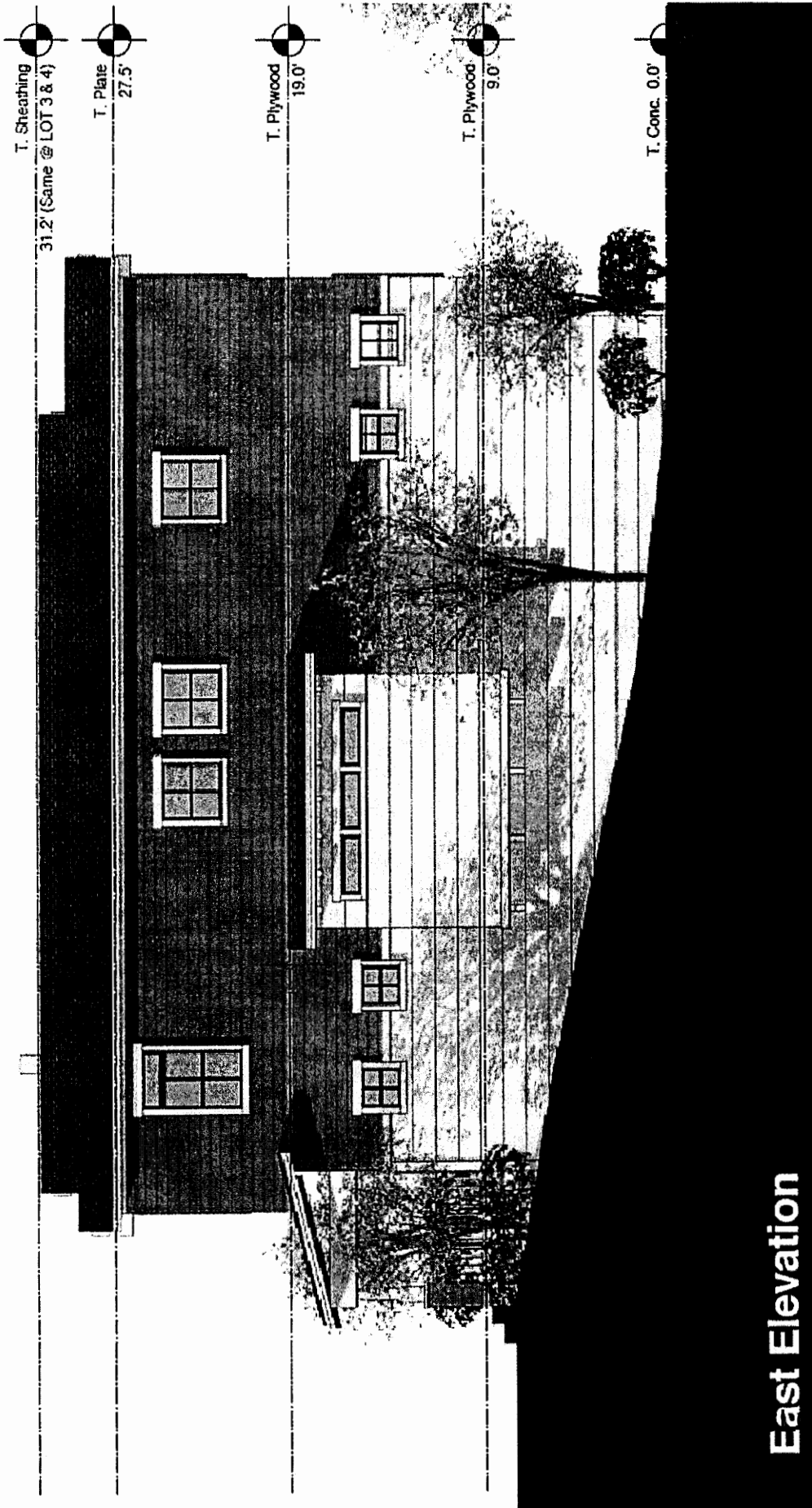
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East Elevation

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Tentative Tract Map

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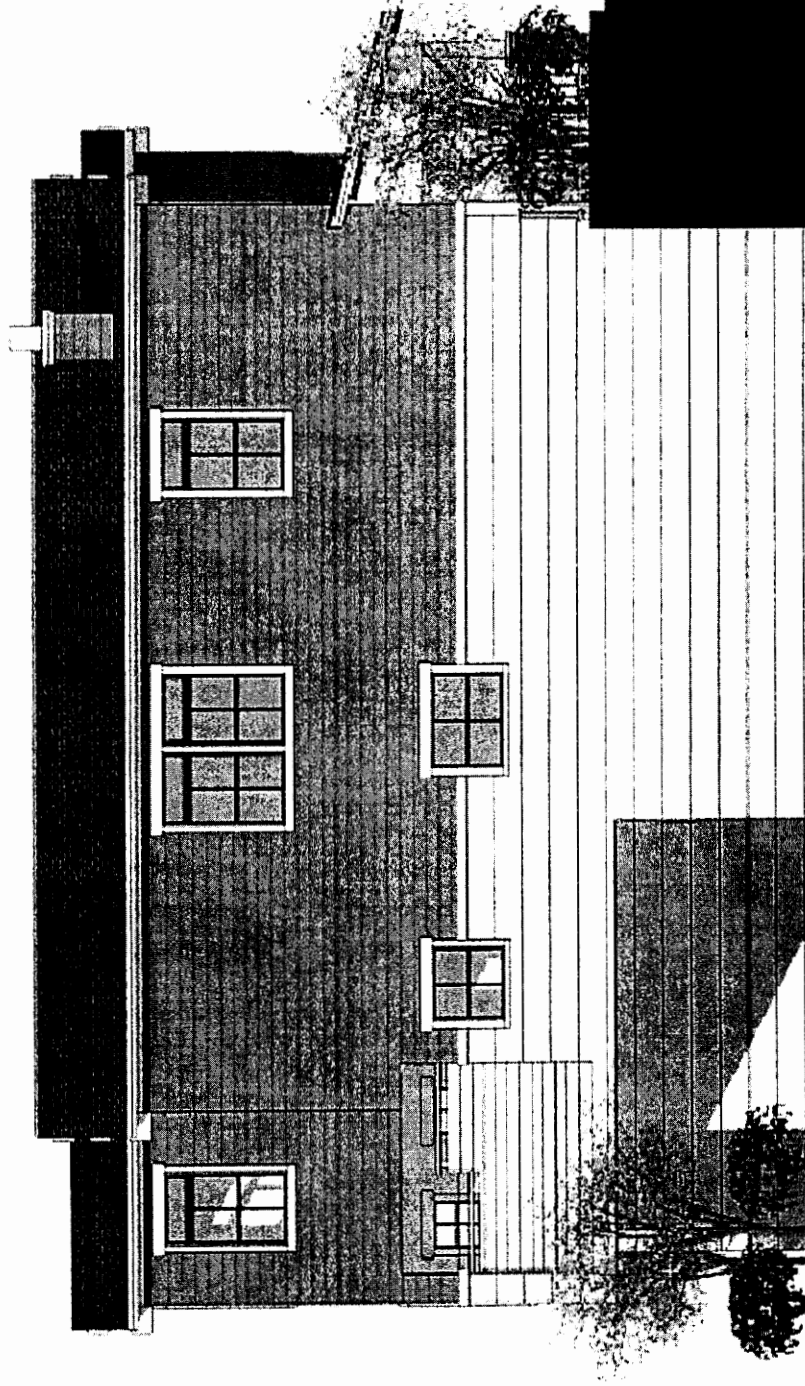
Building Type B East Elevation



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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



West Elevation

EXHIBIT

Building Type B West Elevation



PROJECT

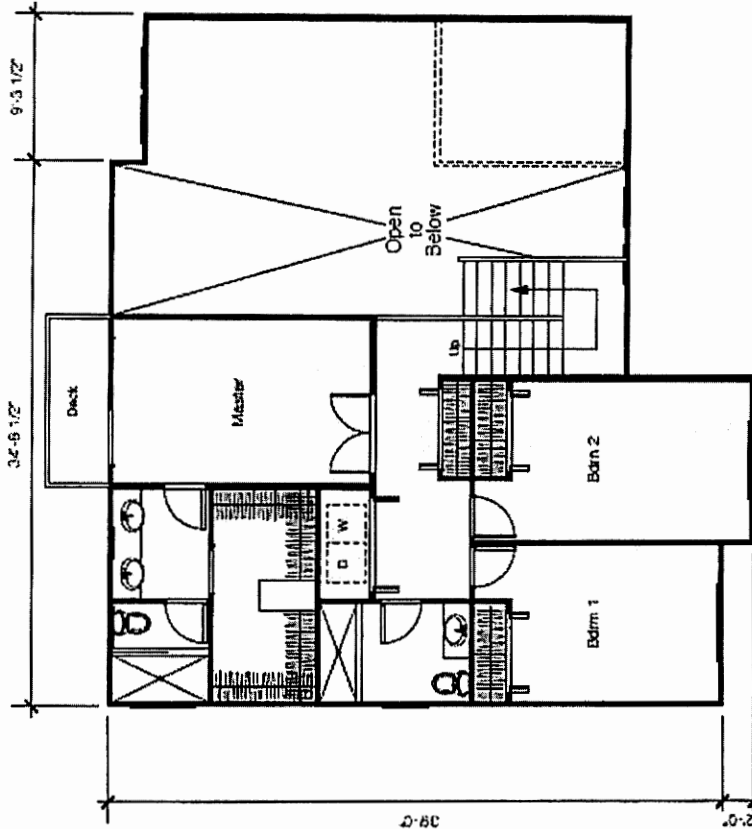
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7 Unit Single Family Detached / SUB2015-00001

6-0095
Exhibit 5
of 354

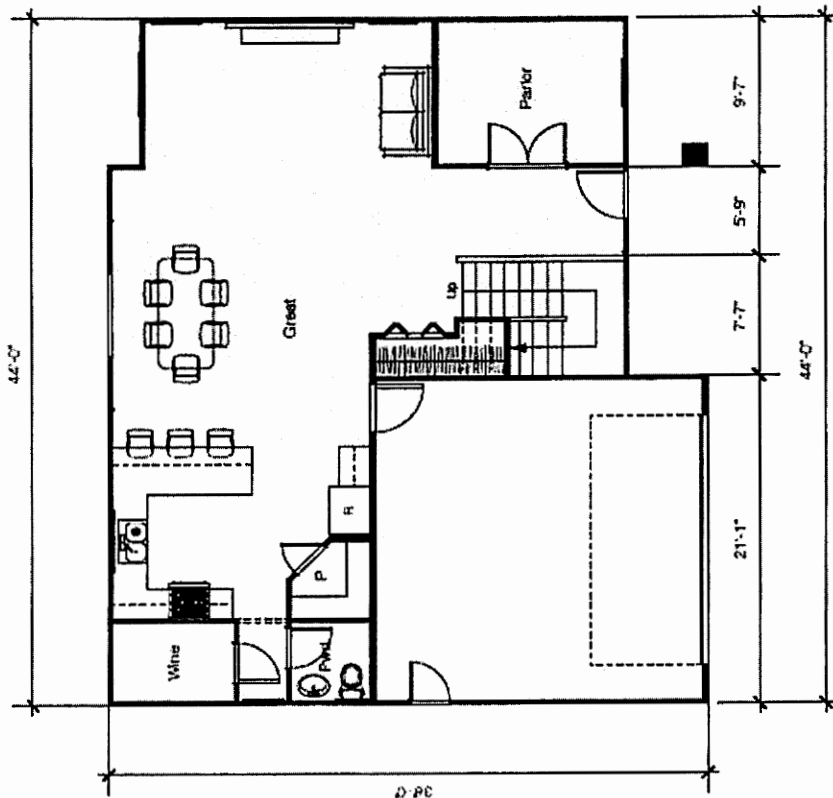
ATTACHMENT 8

Attachment 6



Lower Floor Plan

Windows will be adjusted to protect privacy



Upper Floor Plan

Scale: 1/8" = 1'-0"

A-3-SLO-16-0095
 Exhibit 5
 Page 251 of 354

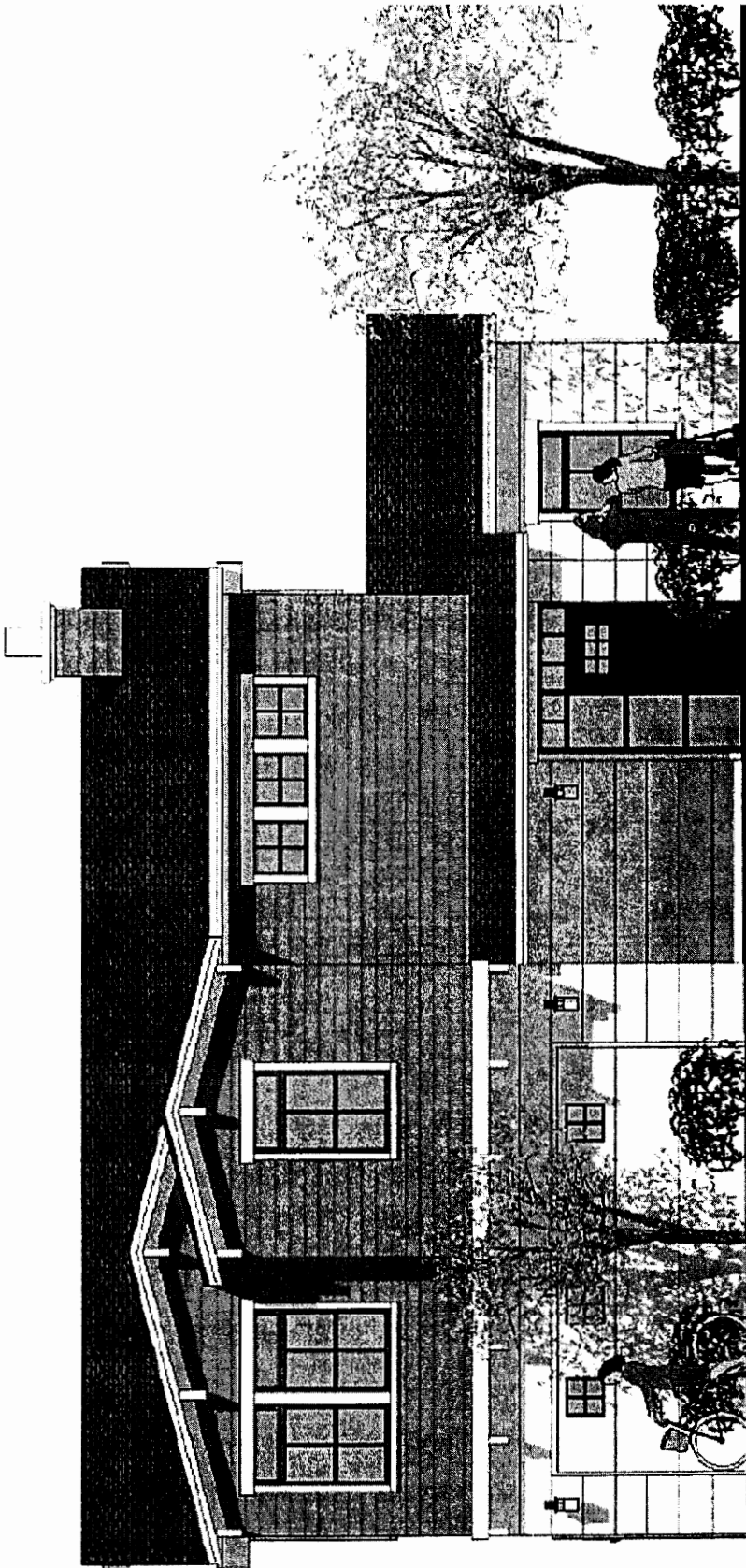
EXHIBIT

Building Type C Floor Plans



PROJECT

Tentative Tract Map
 7 Unit Single Family Detached / SUB2015-00001



South Elevation

EXHIBIT

Building Type C South Elevation

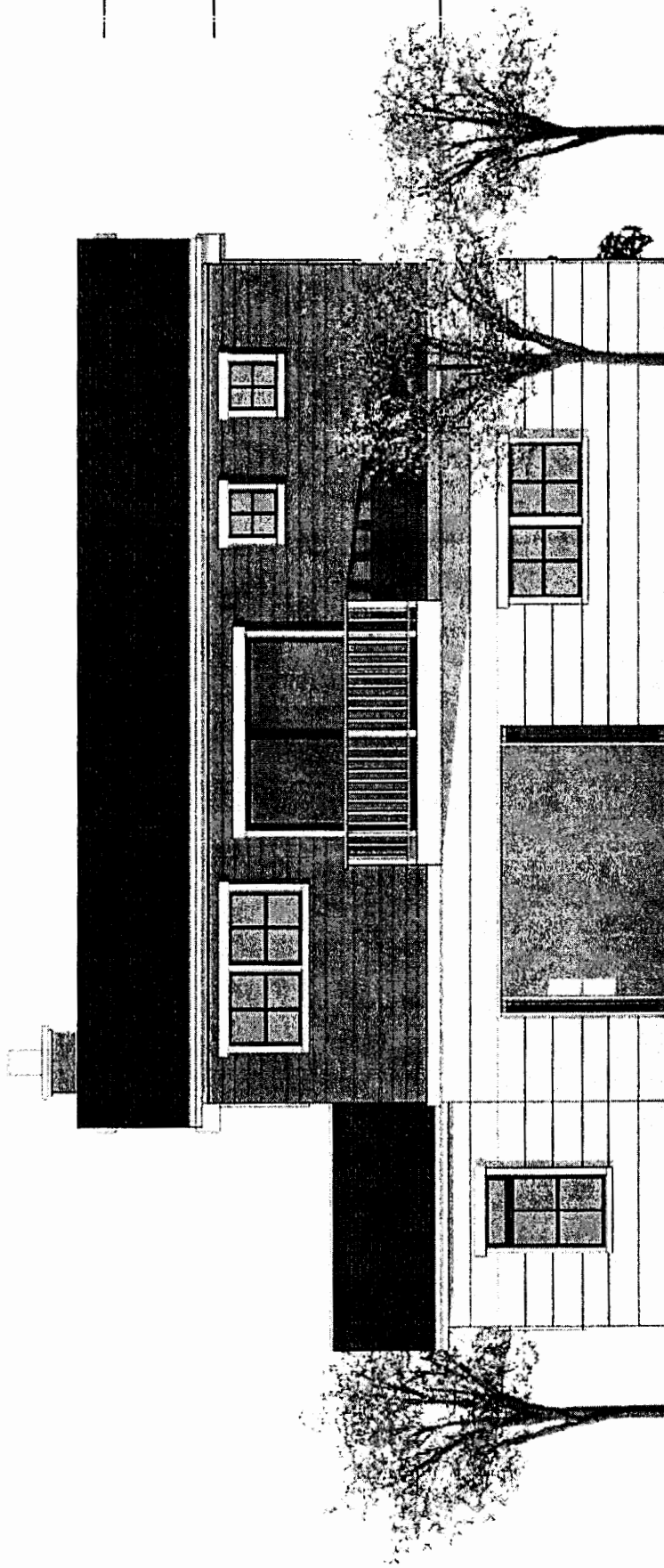


PROJECT

Tentative Tract Map
7 Unit Single Family Detached / SUB2015-00001

ATTACHMENT 8

Attachment 6



North Elevation

16-0095
Exhibit 5
3 of 354

PROJECT

Tentative Tract Map
7 Unit Single Family Detached / SUB2015-00001

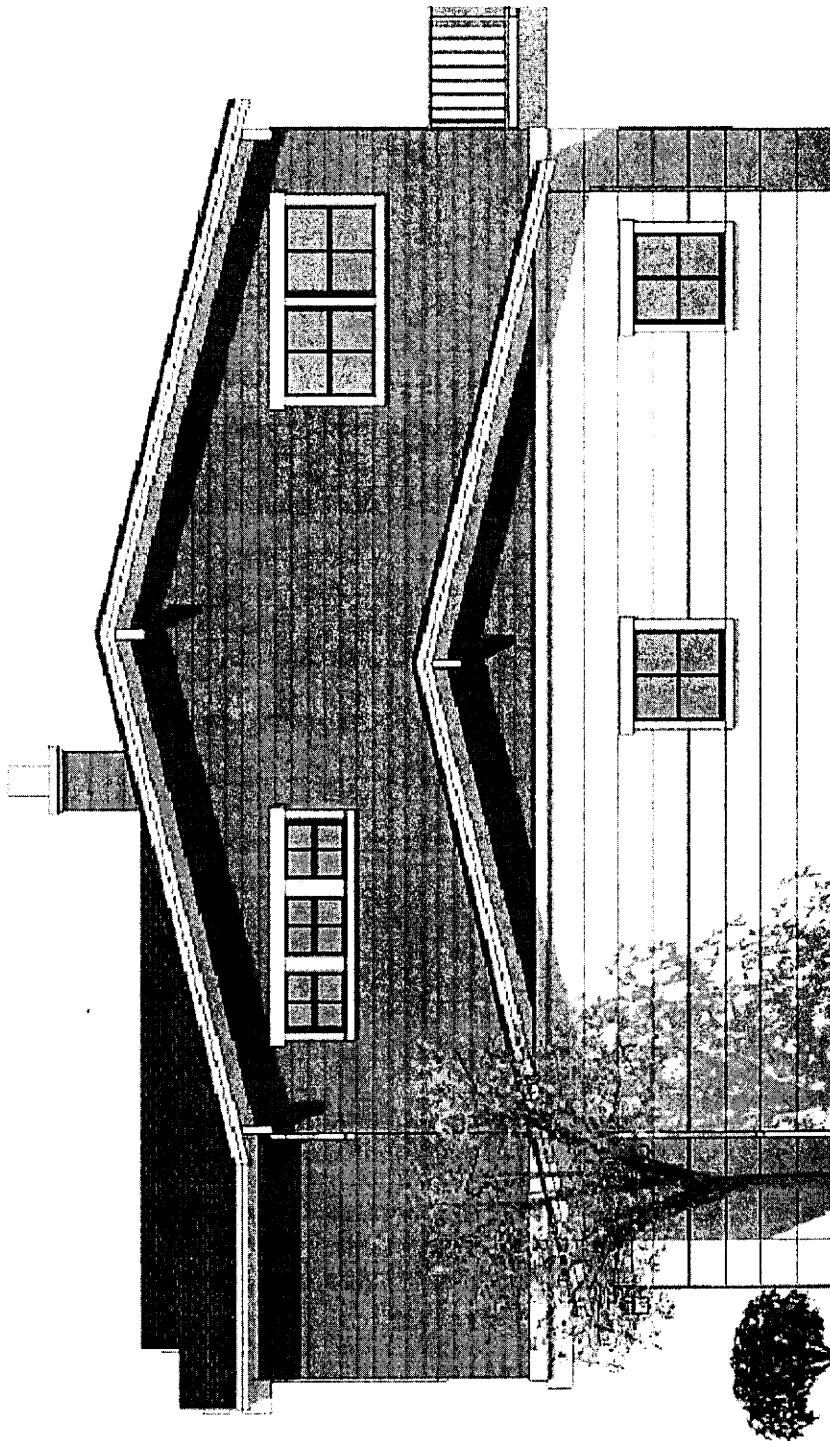
EXHIBIT

Building Type C North Elevation



ATTACHMENT 8

Attachment 6



East Elevation

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Exhibit 5
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EXHIBIT

Building Type C East Elevation



PROJECT

Tentative Tract Map
7 Unit Single Family Detached / SUB2015-00001

ATTACHMENT 8

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



West Elevation

EXHIBIT

Building Type C West Elevation



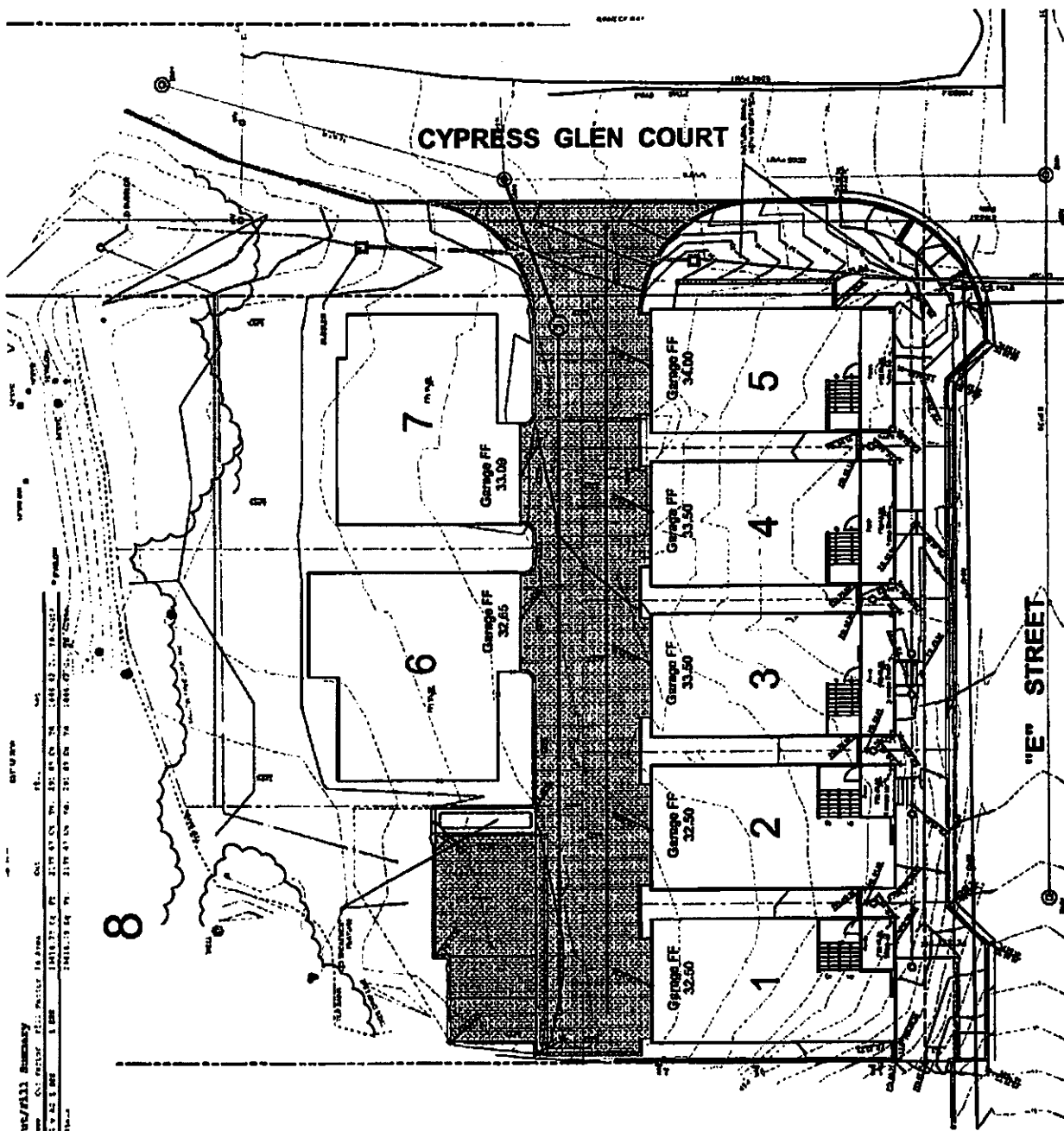
PROJECT

Tentative Tract Map
7 Unit Single Family Detached / SUB2015-00001

ATTACHMENT 8

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EXHIBIT

Grading and Drainage



PROJECT

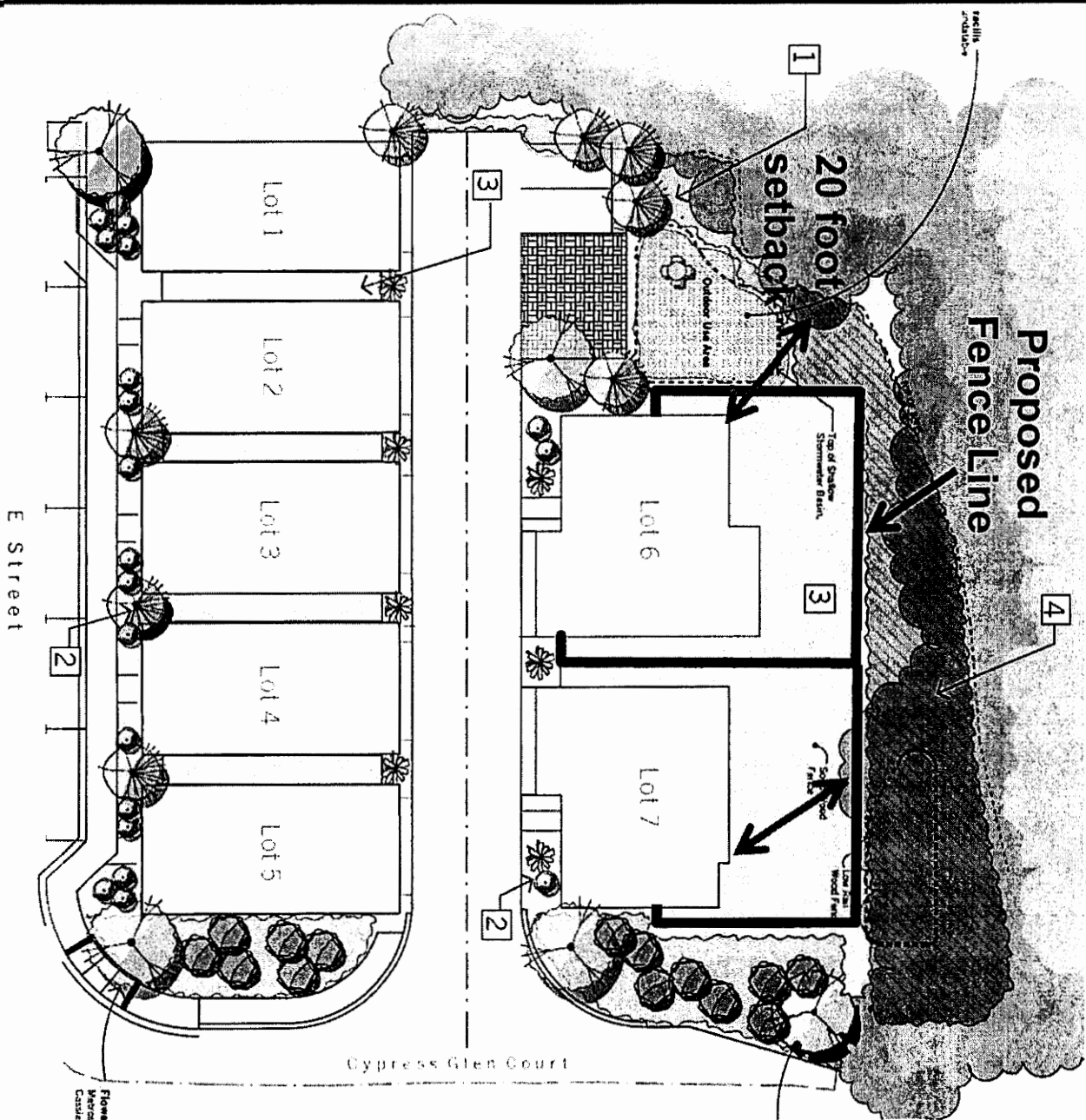
Tentative Tract Map

7 Unit Single Family Detached / SUB2015-00001

A-3-SLO-16-0095

Exhibit 5

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- 1**
- Native/ Medeteranea**
- Topon**
- Ceanothus
Ribes
Manzanita
Ceanothus
Munthebergia
Rigens

-

- 3 Residence Yard Area Landscape
Cobles, or landscape to be selected by owner

- ## 4

Riparian Enhancement & Stormwater Management Area

(Refer to Attachments & Meads Plan)

 - Encelia californica
 - Juncus acutens
 - Juncus effusus
 - Platanus Racemosa
 - Ribes Malvaceum
 - Ribes Speciosum
 - Rosa Californica
 - Rubus ursinus

- Bush sunflower
 - Spreading Rush
 - Common bog rush
 - Sycamore
 - Chaparral Currant
 - Fuchsia Flowered Gooseberry
 - California Rose
 - Blackberry

PROJECT

Tentative Tract Map
7 Unit Single Family Detached / SUB2015-00001



EXHIBIT

Landscaping Plan

ATTACHMENT 8

Attachment 7

Hello James,

I got a blue hearing card in the mail. File # SB2015-00001

I live adjacent to these 4 lots across "Little Cayucos Creek". North of the site. So I was concerned what was to be built on these 4 lots. I consulted the neighbors and they gave me the plan for 7 condos on the 4 lots. In which does not fit the neighborhood at all.

I would like to present this MAP I made and present it to the hearing on March 24th. Or present it to you now ? I do not know the procedure?

I did some checking and came up with my calculations, the proposed map is off measurement.

See attachment, the green part is the original 4 lots on top of the proposed development. The 4 lots are 50' x 150' that make a square 150' x 150' Lots #9, 13, 14, 15. The north side of the lot#9 is in the middle of Little Cayucos Creek, as you can see in the drawing. When I built a single family home on lots 7 and 8, you were to be 20' from the bank of the creek. Is this the same ordinance for building today? The building must be 20' from the bank or edge of the riparian growth? Also the plan it 161.5' (11.5" over the lot line of 150')

Also what upsets me is, that approx. one year ago, a tree trimming company came to these lots and started chipping willow trees near the creek's edge at 4:30PM. I thought at the time, boy these guys are getting a late start. Well the brush grinding continued to about 8:00 PM, it started to get dark about 1/2 hour they started, they kept trimming the willows until about 8PM. I remember eating dinner hearing this racket. Working with lamps to see what they were doing. Very odd. My wife, me and 2 daughters heard it all.

The next day I saw a few stakes in the creek with flourescent orange ribbons that got my attention and a clear view all the way through to E Street. One stake was in the center of the creek. This is the correct location for the edge of the lot line, as to the surveyor we hired back in 2007.

I learned the same builder built the 3 condos just east of the proposed condo project, lot #23, 26, 27 All 3 decks are right at the edge of the creek and when it floods the water laps against their decks at times. The creek is slowly filling in and runs underground most of the year, except winter rains. A long time neighbor, Jack Vaughn who has lived on D Street for 30 years, said they cut all the willows out before they built the 3 condos this builder did 10 years ago.

I rather see single family homes on these 4 lots. One home on the corner Merle Molinari built in the 60's a nice home that the relatives rent now. That home will be scraped. such a shame. Here I felt guilty building one home on 2 lots, Lot 8 is 100% creek bed and riparian grown for the birds and butterflies, the green area gives us oxygen to breathe. It would be a shame to see these lots turn into 7 condos and 14 cars, no yards, no free space. Also the builder will not live here to endure the close neighbors, all for the \$\$\$\$ and no feelings at all for the neighbors here already.

Thanks for your time reading this letter. Thank you. I have never done a protest on a building, in my life (57)

Sincerely,

A-3-SLO-16-0095

Exhibit 5

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ATTACHMENT 8

Attachment 7

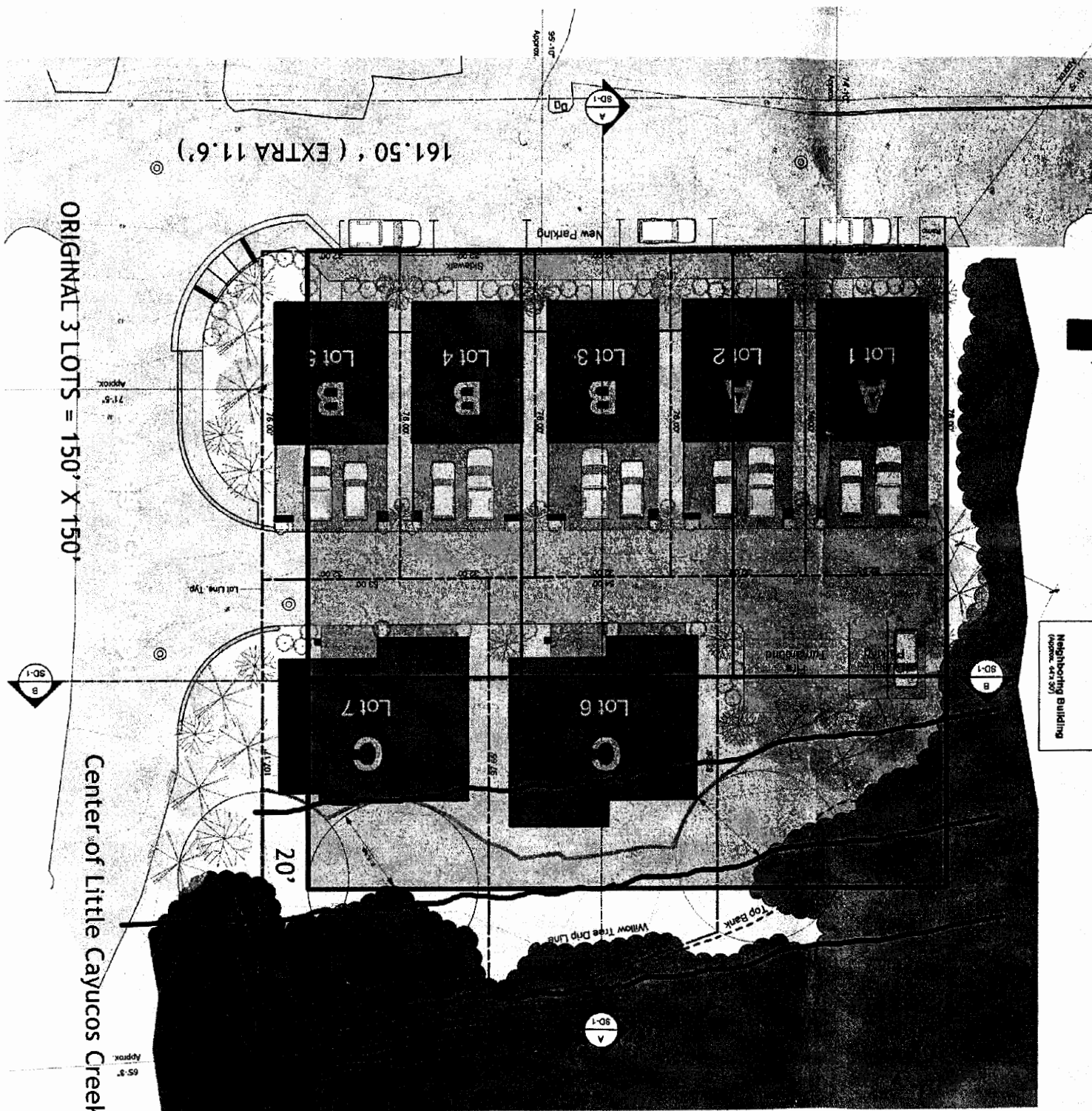
Mr. Andrew 7 Martha Batty
396 D Street
Cayucos, CA 93430
(805) 995-4809.

Residence of Cayucos since 1979.
Hydrogen Garage
HydrogenTrucker
97 Ash Ave. #554
Cayucos, California • 93430 • USA
(805) 995-4809 • (805) 900-5295
(805) 801-2252 • PST (M-F) 9 to 5

A-3-SLO-16-0095
Exhibit 5
Page 259 of 354

Neighboring Building
Approx. 47' x 30'

N. 1/4 Sec. 16



ATTACHMENT 8

Attachment 7

February 27, 2016

James Caruso
County of San Luis Obispo Planning & Building Dept
976 Osos Street, Room 300
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

I am writing to express my opposition to the project as proposed at 399 E Street. The subdivision is completely out of character with the surrounding neighborhood. This project looks like something you would see in San Luis Obispo, not Cayucos.

The density is too high for the infrastructure - traffic, parking and noise impact are unacceptable and cannot be sufficiently mitigated, particularly since E Street and Cypress Glen Court are both dead end streets.


This project as proposed, without requiring the road to be moved to the true center of the roadway, gives an unfair financial advantage to the developer. It is not acceptable to essentially give land to the developer that truly belongs to the current adjoining homeowners; especially since the homeowners are asking for the road to be moved to the true center so they can use their land.

Lastly, the requirement that a private road provides access to no more than 5 houses should be upheld. Allowing an adjustment would definitely have an adverse affect upon the safety of the bicycle and pedestrian traffic of those residing in the neighborhood, and would be financially detrimental to my property since it is undesirable to live right across the street from the entrance to a subdivision.

I would not be opposed to a more appropriate lower density project.

Thank you for your time.

Sincerely,



Eileen

Eileen Roach
24 Cypress Glen Ct.
Cayucos, CA

A-3-SLO-16-0095

Exhibit 5

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ATTACHMENT 8

Attachment 7

February 27, 2016

James Caruso
County of San Luis Obispo Planning & Building Dept
976 Osos Street, Room 300
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

I am writing to express my opposition to the project as proposed at 399 E Street.

The density is too high for the infrastructure - traffic, parking and noise impact are unacceptable and cannot be sufficiently mitigated. This would increase the traffic in the area by over 100%.

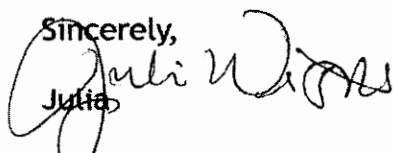
In addition, no wetland delineation for Little Cayucos Creek as been prepared for the project; without a wetland delineation, it is difficult, if not impossible, to determine the appropriate wetland setback.

Lastly, this project as proposed, without requiring the road to be moved to the true center of the roadway, gives an unfair financial advantage to the developer. It is not acceptable to essentially give land to the developer that truly belongs to the current adjoining homeowners.

I would not be opposed to a more appropriate lower density project.

Thank you for your time.

Sincerely,



Julia Wright
2702 Santa Barbara
Cayucos, CA

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Exhibit 5
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ATTACHMENT 8

Attachment 7

February 28, 2016

James Caruso
County of San Luis Obispo Planning & Building Dept
976 Osos Street, Room 300
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

I am writing to express my opposition to the project as proposed at 399 E Street.

The density is too high for the infrastructure - traffic, parking and noise impacts are unacceptable and cannot be sufficiently mitigated; especially with E Street and Cypress Glen Court which are both dead end streets. This large of an increase in traffic affects the safety of pedestrians and bicycles, disrupts the quiet enjoyment of our neighborhood, and decreases our property values.

In addition, there is a blind hill going down E street where the road from berm to berm is only 23' wide, not 70'.

Lastly, there is no fire turn-a-round within the project that would actually work. How can this be acceptable?

I would not be opposed to a more appropriate, lower density project.

Thank you for your time.

Sincerely,



Dave

Dave Stevens
186 E Street

Canjous

A-3-SLO-16-0095

Exhibit 5

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February 28, 2016

James Caruso
County of San Luis Obispo Planning & Building Dept
976 Osos Street, Room 300
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

I am writing to express my opposition to the project as proposed at 399 E Street.

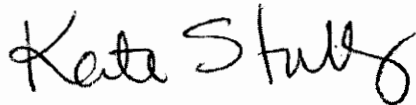
I am very concerned about the impact to Little Cayucos Creek. It is important to protect our remaining creeks from this exact type of over development.

Another, just as important issue, is traffic. Already people taking their kids to school whip around E street and barrel down Ash... there will be potentially 28 more cars careening around the neighborhood several times each day. This is a quiet neighborhood where kids walk in groups to school and to downtown via Ash. This is not an acceptable level of increase in traffic for this neighborhood.

I would not be opposed to a more appropriate, lower density project.

Thank you for your time.

Sincerely,



Kate

Kate Stulberg
23 Ash Ave.
Cayucos, CA

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Exhibit 5
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Attachment 7

February 28, 2016

James Caruso
County of San Luis Obispo Planning & Building Dept
976 Osos Street, Room 300
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

I am writing to express my opposition to the project as proposed at 399 E Street.

This project has a total of 4 lots, with one being unusable due to the creek. The developer should only be allowed to build 3 houses, 4 at most. Keep in mind that the reason this project is in Coastal Commission appeal area is due to Little Cayucos Creek, and while the rules may allow for more houses, the environment will be negatively impacted. We need to protect our environment including creeks.

I would not be opposed to a more appropriate, lower density project.

Thank you for your time.

Sincerely,



Brandi

Brandi Lykes
P.O. Box 372
Cayucos, CA

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Exhibit 5
Page 265 of 354

ATTACHMENT 8

Attachment 7

PINNACLE TRAFFIC ENGINEERING

5662 Calle Real, #241
Goleta, California 93117
(805) 644-9260 • (831) 638-9260
PinnacleTE.com

February 29, 2016

Jeff Edwards
J.H. Edwards Company
P.O. Box 6070
Los Osos, CA 93412

RE: Cypress Glen Tentative Map (Tract 3074) Project; San Luis Obispo County, California
Evaluation of Project Trip Generation and Access

Dear Mr. Edwards,

Pinnacle Traffic Engineering (PTE) is pleased to present the following material regarding the Cypress Glen Tentative Map (TM) project in the unincorporated Town of Cayucos in San Luis Obispo County. The project site is located on the west side of E Street south of Cypress Glen Court and currently occupied with one (1) single family detached dwelling unit (SFDU). The project includes removal of the existing dwelling and construction of seven (7) new SFDU. Each new SFDU will have a 2 car enclosed garage plus a carport for 2 additional vehicles. Primary access for the 7 SFDU will be provided via a private drive connection to Cypress Glen Court. The private drive will extend approximately 180' south of Cypress Glen Court. On-street parking will also be provided for six (6) vehicles along the project frontage of E Street. The project will construct roadway frontage improvements on E Street and Cypress Glen Court. A copy of the Cypress Glen TM is attached.

Local Roadway Conditions

Cypress Glen Court is a private road that currently provides access for four (4) existing SFDU. Cypress Glen Court just west of E Street has an existing roadway width of approximately 17'. The Cypress Glen TM project will widen the south side of Cypress Glen Court by approximately 7'. Based on a review of the project plans, the proposed Cypress Glen Court widening improvements appear to comply with the County Public Works (2014) and Cal Fire (2014) minimum width standards.

A memorandum provided by the County Public Works Department (Oct. 13, 2015) indicates that the onsite access driveway for the Cypress Glen TM project shall be constructed to Cayucos Fire Department road standards. It is my understanding that the local fire department requirements defer to the Cal Fire standards. The Cal Fire standards indicate a minimum width of 24' is required for two-way traffic on a residential access road (2-10' lanes plus 2-2' shoulders). Based on the

Cypress Glen R01R

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Pinnacle Traffic Engineering

Jeff Edwards

February 29, 2016

Page 2 of 4

Cal Fire standards, the Cypress Glen TM project's private drive extending south of Cypress Glen Court may not classify as a driveway since it would technically serve more than one legal parcel and 3 dwelling units. Therefore, the proposed 22' width for the project's private drive may not comply with the Cal Fire standards. The Cal Fire standards also require a driveway exceeding 300' and dead-end access roads to provide a turnaround area. A copy of the Cal Fire turnaround standards (bulbout and hammer head) are included with the Attachment Material. Even though 5 of the 7 lots associated with the Cypress Glen TM project have frontage on E Street, Cal Fire could require access to the west of side of these structures via the private drive. It is also noted that Cal Fire requires a 10' horizontal "fuel modification" zone from the roadway edge. The Cal Fire standards illustrate the "vegetation clearance" requirements (included with Attachment Material), but do not indicate if the standards should also apply to structures. Based on my review of the project plans and Cal Fire Standards, it is unclear if the Cypress Glen TM project will comply with all Cal Fire Standards. Therefore, it is recommended that Cal Fire conduct a detailed review of the Cypress Glen TM project and proposed improvements.

Residential Trip Generation

The number of vehicle trips associated with the existing SFDU and 7 proposed SFDU have been estimated using the trip rate data in the Institute of Transportation Engineers (ITE) Trip Generation Manual (9th Edition). The ITE trip generation rates associated with the "Single-Family Detached Housing" category (ITE #210) are presented in Table 1.

Table 1 - ITE Trip Generation Rates

ITE Code - Land Use	Number of Vehicle Trips				
	AM Peak Hr.		PM Peak Hr.		Daily
	In	Out	In	Out	
#210 - Single Family Detached (a)	0.19	0.56	0.63	0.37	9.52

(a) Number of vehicle trips per residential dwelling unit

The trip generation estimates associated with the existing homes which currently have access on Cypress Glen Court and the project site SFDU (existing and proposed) are presented in Table 2.

The data in Table 2 indicates that the existing 4 homes with access on Cypress Glen Court currently generate approximately 38 daily trips (two-way trip ends), with 3 trips during the AM peak hour (1 inbound and 2 outbound) and 4 trips during the PM peak hour (3 inbound and 1 outbound). Development of the Cypress Glen TM Project will generate a total of approximately 66 daily trips, with a "net" increase of 56 daily trips. Since the existing SFDU on the project site (to be removed) currently has access on E Street the majority of new traffic associated with the proposed 7 SFDU will use Cypress Glen Court for access to and from E Street. As previously stated, the Cypress Glen TM project will provide a 2 car garage and a 2 vehicle carport for each new SFDU. Therefore, the ITE rates may under estimate the number of new vehicle trips associated with each SFDU and additional traffic generated on Cypress Glen Court.

Cypress Glen R01R

ATTACHMENT 8**Attachment 7****Cypress Glen TM Project**

Jeff Edwards

February 29, 2016

Page 3 of 4

Table 2 - Project Site Trip Generation Estimates

Project Components	Number of Vehicle Trips				
	AM Peak Hour		PM Peak Hour		Daily
	In	Out	In	Out	
Existing 4 SFDU (Access on Cypress Glen Ct.)	1	2	3	1	38
<u>Cypress Glen Project Site:</u>					
Existing SFDU (to be removed) -	0	1	1	0	10
Proposed 7 SFDU -	1	4	4	3	66
Project Site "Net" Increase (Prop. minus Ex.):	+1	+3	+3	+3	+56

Residential Traffic Volumes

The existing and existing plus project traffic volumes are illustrated on Figure 1 (included with Attachment Material). The daily traffic volumes associated with the existing homes having access on E Street (5 SFDU near the project site) are also included on Figure 1. The volume data on Figure 1 demonstrates that development of the Cypress Glen TM Project will almost triple the amount of daily traffic on Cypress Glen Court west of E Street (2.74 times existing). Based on information provided by your office, it is my understanding that your client would prefer that access for the lots fronting E Street be provided via direct driveway connections to E Street. This would minimize the amount of new traffic generated on Cypress Glen Court and maintain the current level of safety for existing pedestrian and bicycle traffic.

Access Evaluation

The evaluation of access includes a review of fire truck turning templates. Dimensions for local fire trucks were obtained from the Cayucos Fire Department. The department operates two (2) size trucks (23' and 29' long). The Cal Fire standards require that roadways be designed to facilitate the San Luis Obispo County Fire Department Fire Truck Design Template (copy included with the Attachment Material). The turning templates for the Cal Fire standard fire truck (length of 30'-4") were evaluated using the AutoCAD and AutoTURN software. The turning template maneuvers were performed for fire trucks accessing the project's private drive via E Street and Cypress Glen Court. At the southerly end of the project's private drive there is a designated "turnaround" area for emergency service vehicles. A turning template was also performed for a fire truck using the "turnaround" area. The fire truck turning templates are illustrated on Figure 2 (included with the Attachment Material).

The turning templates on Figure 2 demonstrate that a Cal Fire truck (design template) will be able to access the project's private driveway within the existing and proposed roadway widths. However, the designated "turnaround" area will not be adequate to accommodate the maneuvers associated with turning a fire truck around. Therefore, as previously stated it is unclear if the Cypress Glen TM Project will comply with all Cal Fire Standards. It also should be noted that the

Cypress Glen R01R

ATTACHMENT 8

Attachment 7

Cypress Glen TM Project

Jeff Edwards

February 29, 2016

Page 4 of 4

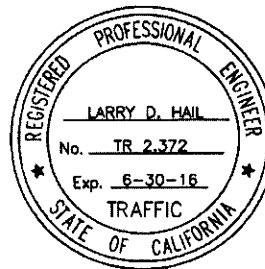
Cayucos Fire Department provided a turning template for a semi-truck (i.e. a moving truck), which demonstrated that a large truck would be able to access project's private drive (copy attached). However, it will be difficult to back a large truck out of the project's private drive and Cypress Glen Court which could create a public safety hazard to residencies living on Cypress Glen Court and E Street (vehicular, pedestrian, bicycle and emergency services traffic).

Please contact my office if you have any questions regarding the evaluation of trip generation or access for the Cypress Glen Project (Tract 3074).

Pinnacle Traffic Engineering



Larry D. Hail, CE, TE, PTOE
President



ldh:msw

Attachment Material: Figure 1 - Traffic Volumes (Existing and Existing Plus Project)
 Figure 2 - Fire Truck Turning Templates
 Cypress Glen Project (Tract 3074) - Tentative Map
 Cal Fire - Fire Truck Design Template (FS-3.2)
 Cal Fire - Turnaround-Bulbout (FS-4)
 Cal Fire - Turnaround-Hammerhead (FS-4.1)
 Cal Fire - Vegetation Clearance Requirements (FS-5)
 Semi-Truck Turning Template

A-3-SLO-16-0095

Exhibit 5

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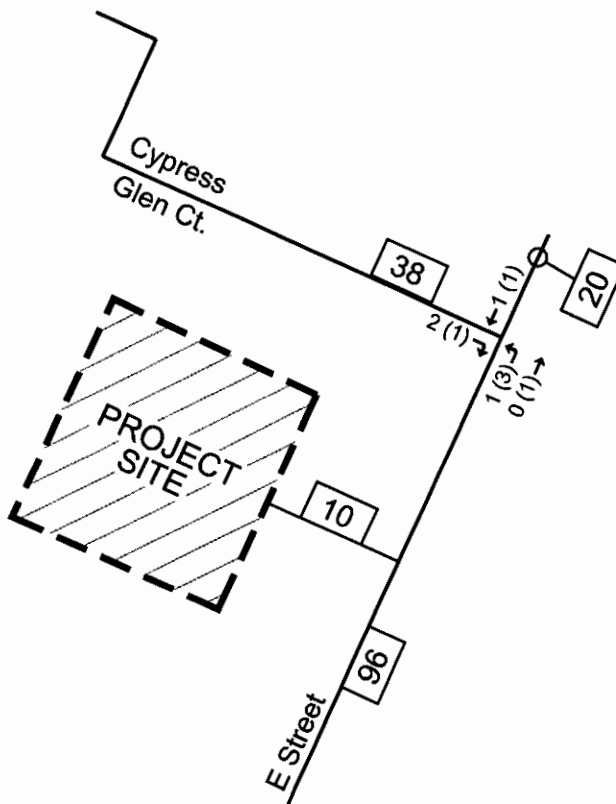
Pinnacle Traffic Engineering

Cypress Glen R01R

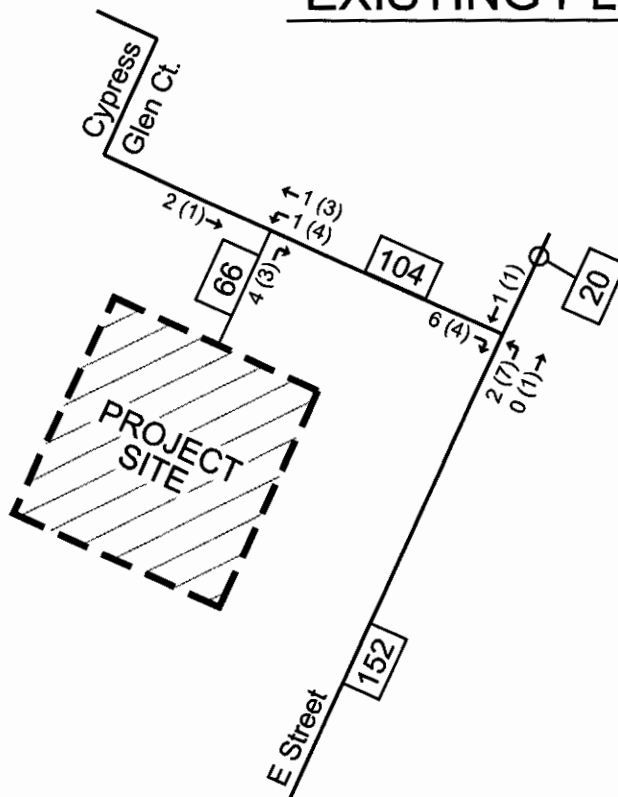
ATTACHMENT 8

Attachment 7

"EXISTING"



"EXISTING PLUS PROJECT"



PINNACLE
TRAFFIC
ENGINEERING

Cypress Glen Tract 3074

- Trip Generation and Access Evaluation -

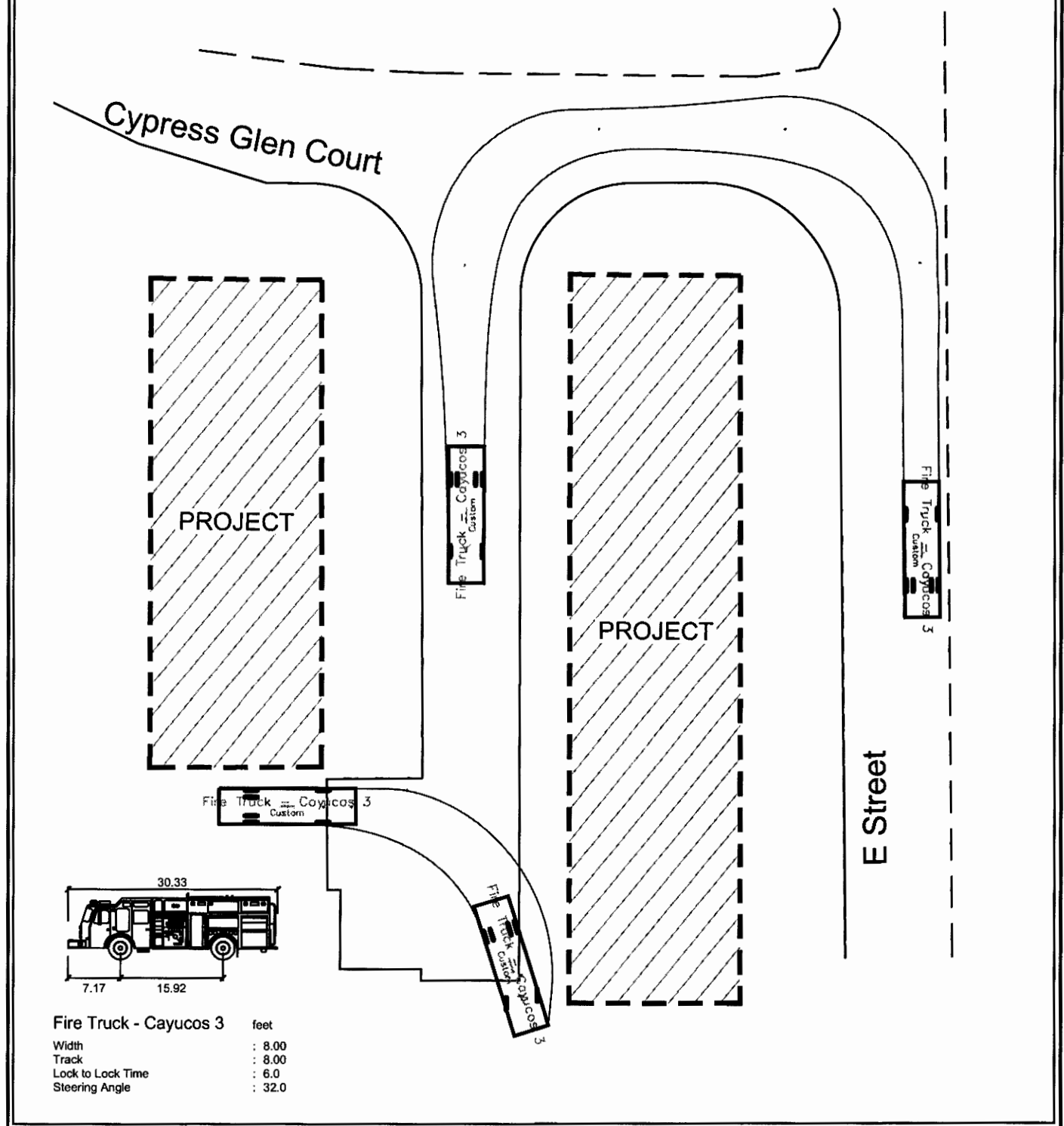
Page 13 of 20

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A-3-SLO-16-0095

FIGURE 51

TRAFFIC VOLUMES



Attachment 7



APN: 064-034-007

**VESTING TENTATIVE
TRACT 3074**

**OR
SS GLEN**

IN THE UNINCORPORATED TERRITORY OF THE
COUNTY OF SAN LUIS OBISPO

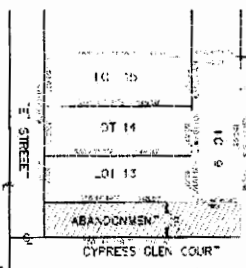
LOIS B. 13, 4, AND IS IN BLOCK 4 OF THE TOWN OF CAWICERS IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED SEPTEMBER 25, 1875 IN BOOK A, PAGE 180 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

<p>PREPARED FOR: OWNERS: MOLINARI SURVIVORS TRUST LYNETTE CAMPBELL-BIERMA, TRUSTEE</p>	<p>PREPARED BY: GREGG HONERSTEN CIVIL ENGINEERING, PCE CORP.</p>
---	---

22815 PEPPERLIME AVE
TORNANCE, CA 90230-3626
APPLICANT:
2628 RICHMOND AVE.
MORRIS BAY, CA 90462
805-440-5100

Original Ground cover

BOUNDARY AND ABANDONMENT EXHIBIT



VICINITY MAP

A-3-SLO-16-0095

~~Exhibit 5~~

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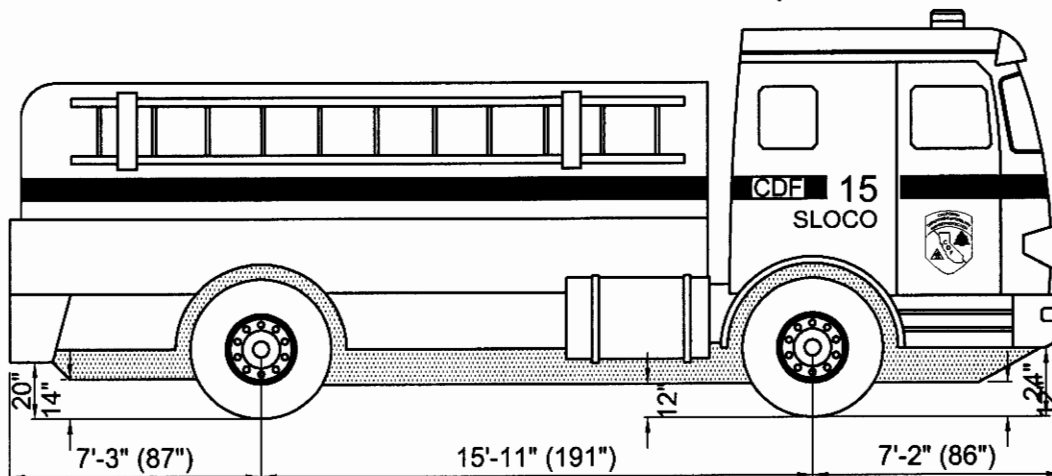
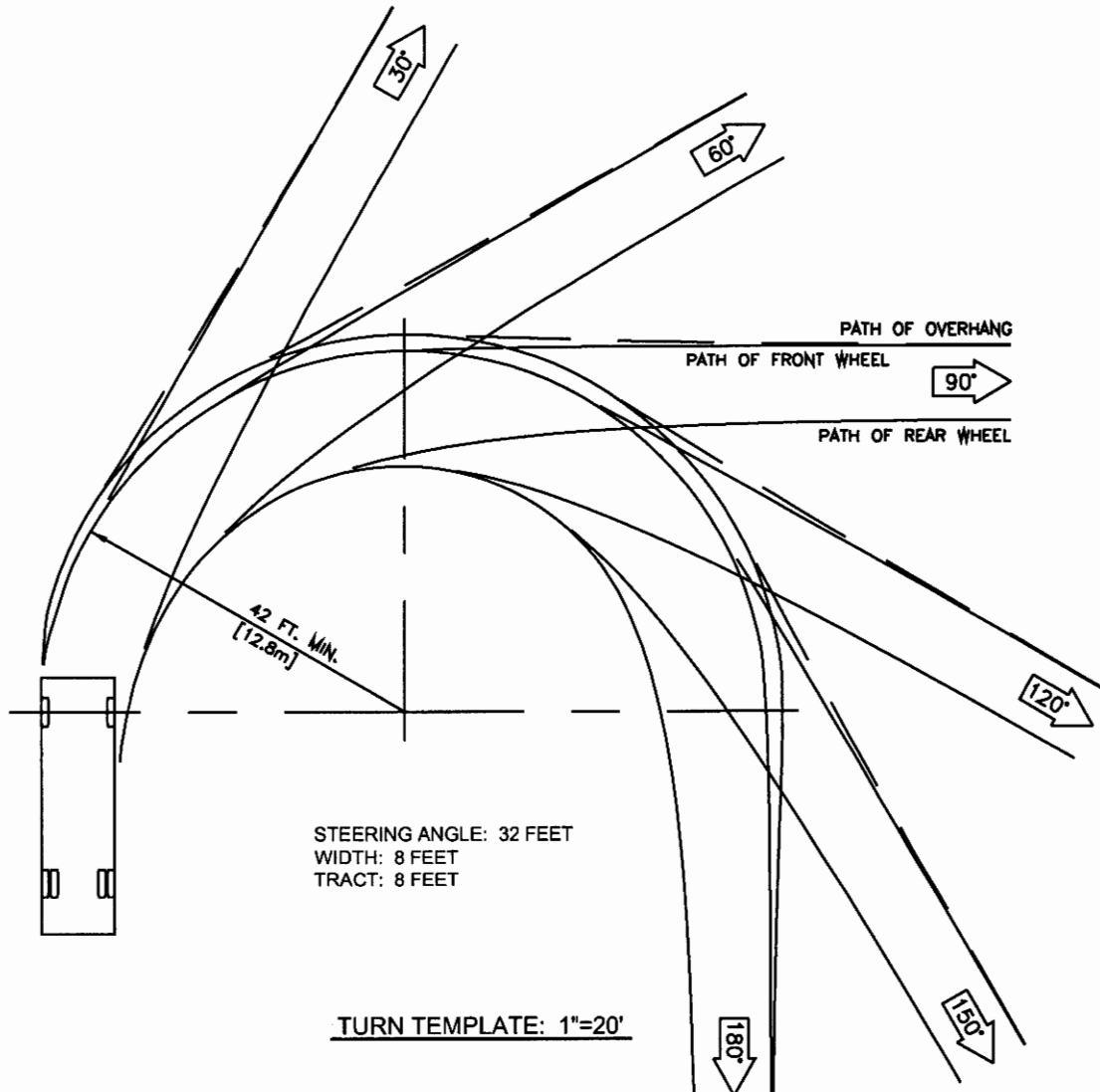
CYPRESS GLEN TENTATIVE MAP
TRACT 3074
CAYUCOS, CALIFORNIA

Page 15 of 20
146 of 221

ATTACHMENT 8

Revisions

Description	Approved	Attachment	Revised	Approved	Date



DESIGN TRUCK: 1"=5'



SAN LUIS OBISPO COUNTY FIRE DEPARTMENT

FIRE TRUCK DESIGN TEMPLATE

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Scale: 6-00925
AS FROM AUG 2014

Fire Safe Drawing No: 273 of 354

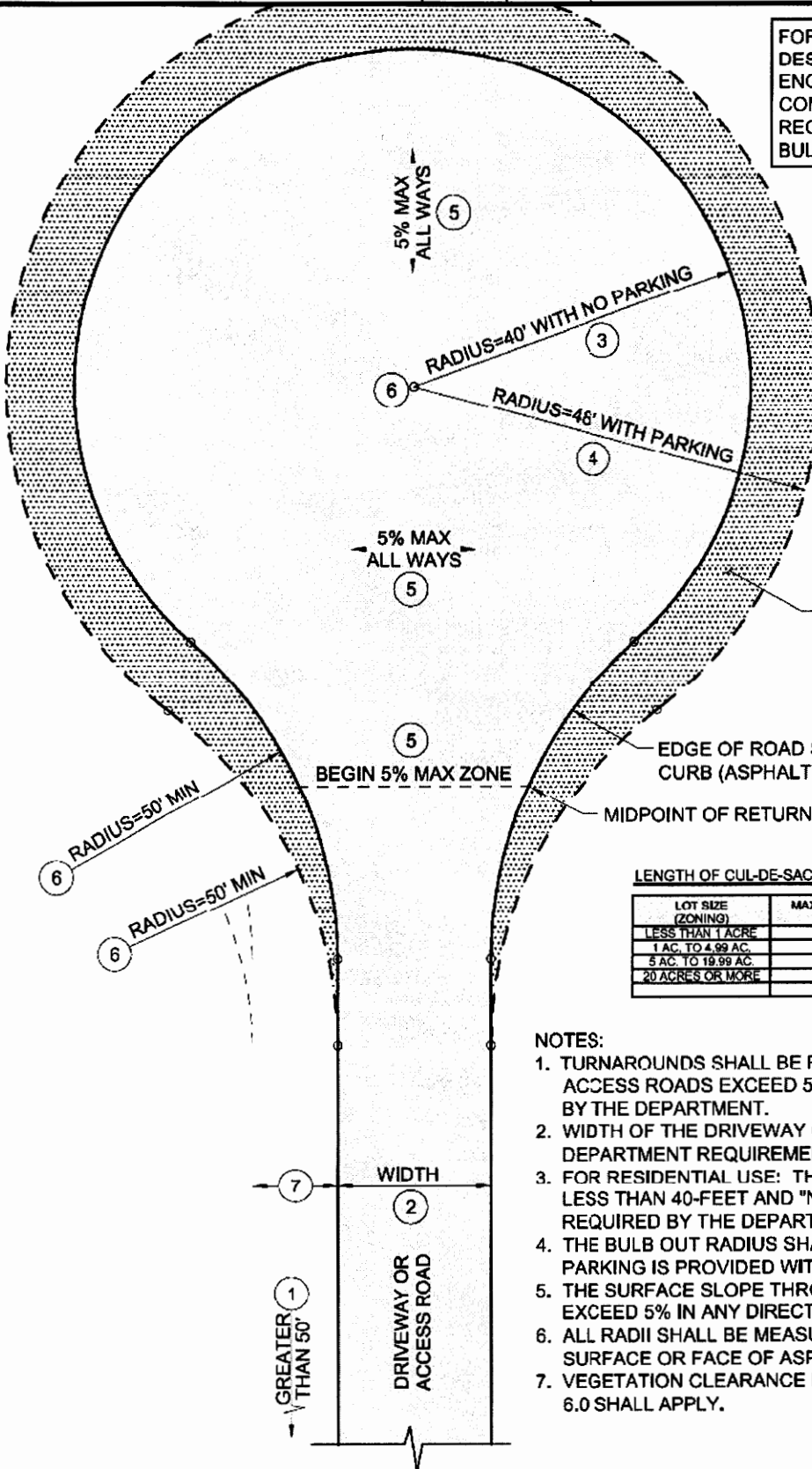
FS-3.2

Sheet No: 3 OF 3

ATTACHMENT 8

Description	Revisions	Approved	Attachment	Approved	Date

FOR COMMERCIAL USE: THE BULB SHALL BE DESIGNED BY A REGISTERED CIVIL ENGINEER TO ACCOMMODATE ANTICIPATED COMMERCIAL TRUCK TURNING REQUIREMENTS. IN NO CASE SHALL THE BULB HAVE A RADIUS LESS THAN 48-FEET.



DENOTES BULB DIMENSIONS WHEN PARKING IS PROVIDED

LENGTH OF CUL-DE-SAC

LOT SIZE (ZONING)	MAX. LENGTH
LESS THAN 1 ACRE	800'
1 AC. TO 4.99 AC.	1320'
5 AC. TO 19.99 AC.	2640'
20 ACRES OR MORE	5280'

NOTES:

1. TURNAROUNDS SHALL BE REQUIRED WHEN DRIVEWAYS OR ACCESS ROADS EXCEED 50-FEET IN LENGTH OR AS REQUIRED BY THE DEPARTMENT.
2. WIDTH OF THE DRIVEWAY OR ACCESS ROAD SHALL BE PER DEPARTMENT REQUIREMENTS.
3. FOR RESIDENTIAL USE: THE BULB OUT RADIUS SHALL NOT BE LESS THAN 40-FEET AND "NO PARKING" SIGNS MAY BE REQUIRED BY THE DEPARTMENT.
4. THE BULB OUT RADIUS SHALL NOT BE LESS THAN 48-FEET WHEN PARKING IS PROVIDED WITHIN THE BULB.
5. THE SURFACE SLOPE THROUGHOUT THE BULB OUT SHALL NOT EXCEED 5% IN ANY DIRECTION.
6. ALL RADII SHALL BE MEASURED TO THE EDGE OF DRIVING SURFACE OR FACE OF ASPHALT DIKE OR CONCRETE CURB.
7. VEGETATION CLEARANCE REQUIREMENTS PER FSS EXHIBIT No. 6.0 SHALL APPLY.



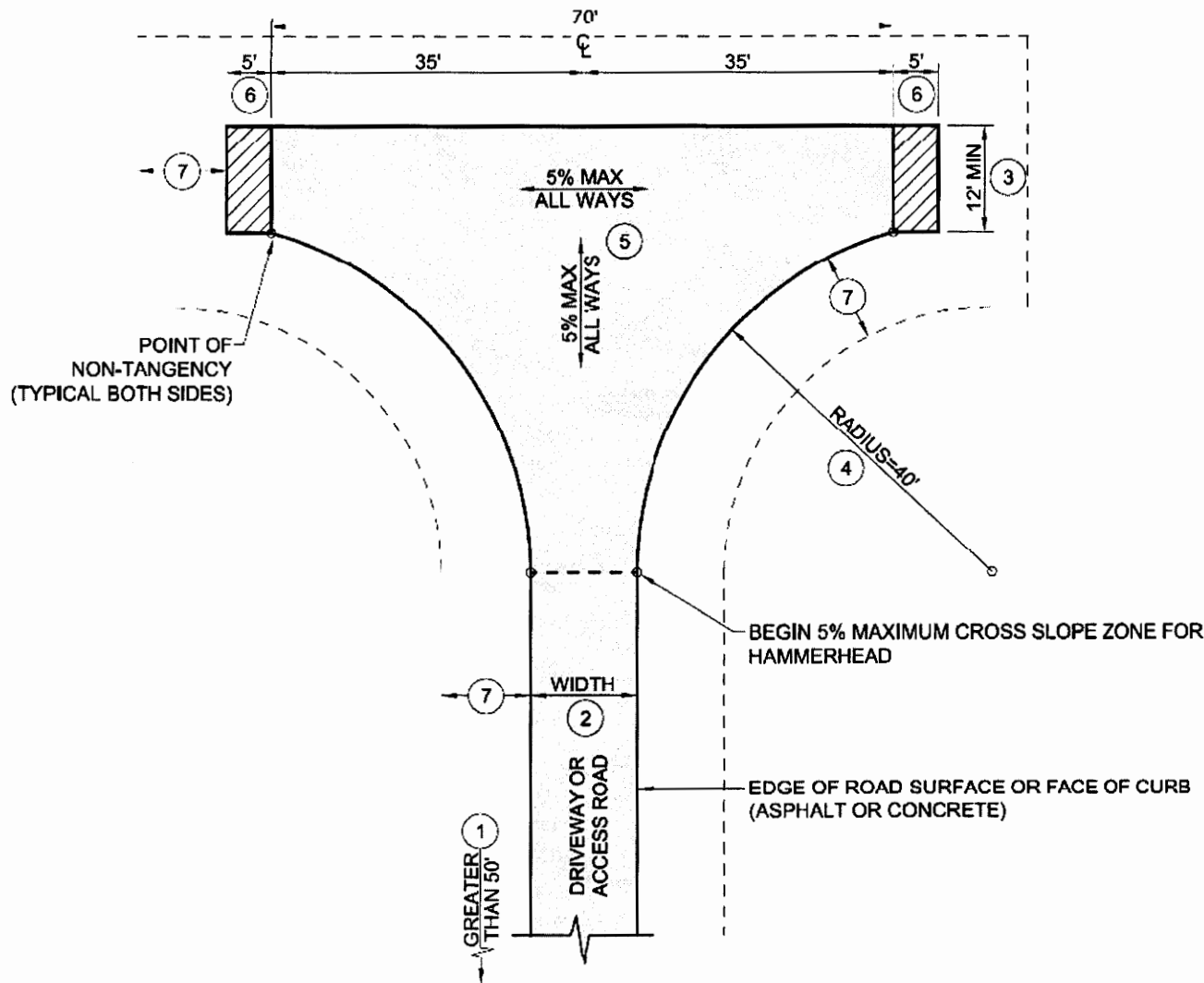
SAN LUIS OBISPO COUNTY FIRE DEPARTMENT
PRIVATE DRIVEWAY & ACCESS ROAD
TURNAROUND BULBOUT

Scale: 1"=20'
Adopted: AUG 2014
Exhibit 5
Fire Safe Drawing No:
Page 274 of 324
FS-4
Sheet No: 1 OF 3

ATTACHMENT 8

Description	Approved	Revisions	Attachment	Approved	Date

COMMERCIAL USE: HAMMERHEADS SHALL NOT BE USED FOR COMMERCIAL PROJECTS



NOTES:

1. TURNAROUNDS SHALL BE REQUIRED WHEN DRIVEWAYS OR ACCESS ROADS EXCEED 50-FEET IN LENGTH OR AS REQUIRED BY THE DEPARTMENT.
2. WIDTH OF THE DRIVEWAY OR ACCESS ROAD SHALL BE PER DEPARTMENT REQUIREMENTS.
3. WIDTH SHALL BE WIDTH OF DRIVEWAY OR ACCESS ROAD BUT 12-FEET MINIMUM IS REQUIRED.
4. ALL RADII SHALL BE MEASURED TO THE EDGE OF DRIVING SURFACE OR FACE OF ASPHALT DIKE OR CONCRETE CURB.
5. MAXIMUM CROSS SLOPE THROUGHOUT THE TURNOUT SHALL NOT EXCEED 5% IN ANY DIRECTION.
6. OPTIONAL: VEHICLE OVERHANG LIMITS, DRIVING SURFACE IN THIS AREA IS NOT REQUIRED HOWEVER SURFACE SHALL BE CLEAR OF OBSTRUCTIONS AND HAVE A LEVEL SURFACE.
7. VEGETATION CLEARANCE REQUIREMENTS PER FSS EXHIBIT No. 6.0 SHALL APPLY.



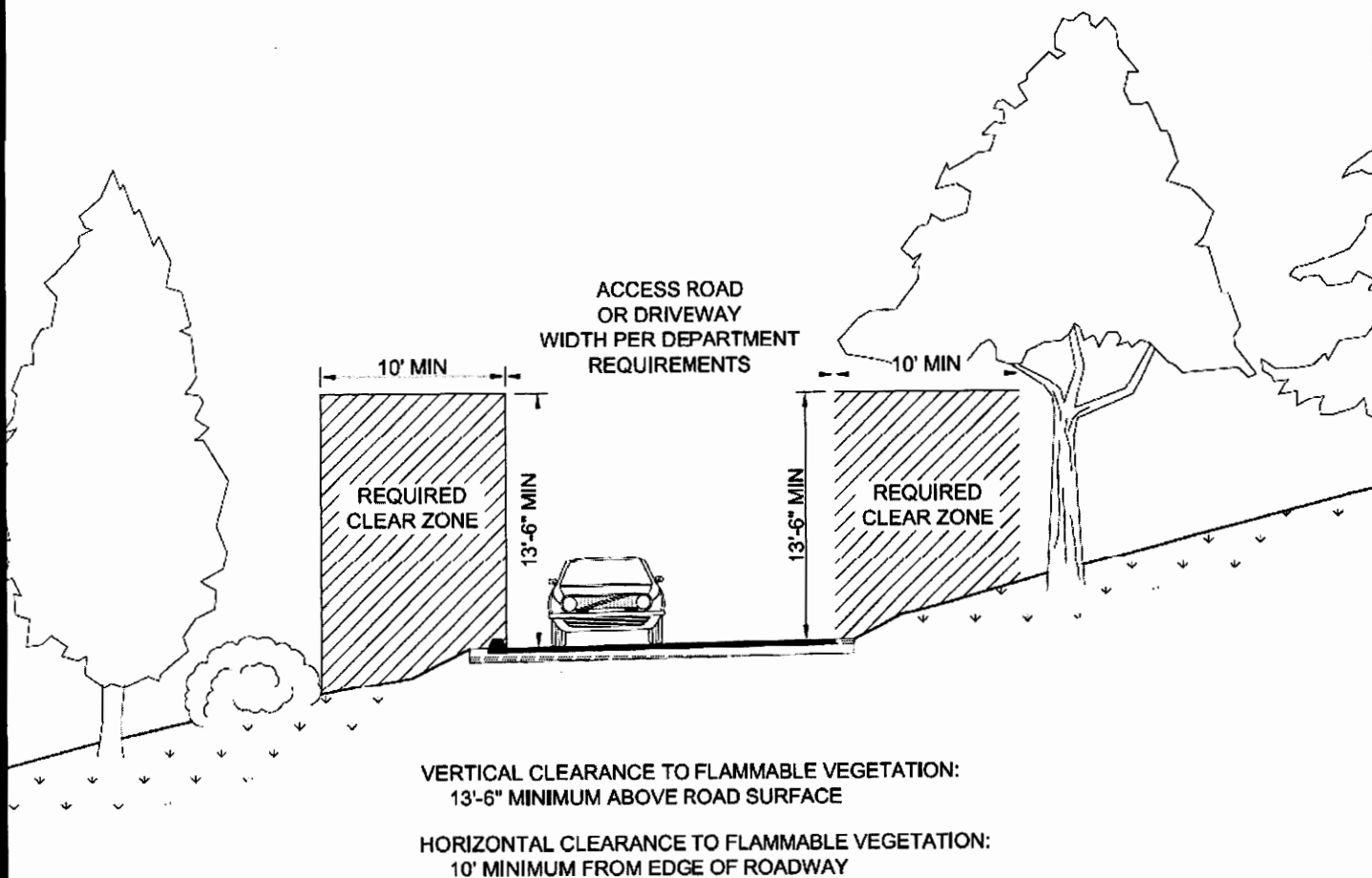
SAN LUIS OBISPO COUNTY FIRE DEPARTMENT
PRIVATE DRIVEWAY & ACCESS ROAD
TURNAROUND HAMMERHEAD

Scale: 1" = 20' Adopted: AUG 2014
Exhibit No: 275
Fire Safe Drawing No: FS-4.1
Sheet No: 2 OF 3

ATTACHMENT 8

Revisions

Description	Approved	Attachment	Approved	Date



NOTES:

1. VEGETATION CLEARANCE REQUIREMENTS PER CALIFORNIA FIRE CODE, SECTION 902.2.2.1.
2. VEGETATION CLEARANCE ZONE APPLIES TO DRIVEWAYS, ACCESS ROADS, TURNOUTS, CUL-DE-SACS, HAMMERHEADS, AND ALL OTHER SITE ACCESS IMPROVEMENTS.
3. DRIVEWAY AND ACCESS ROAD WIDTHS SHALL BE PER DEPARTMENT REQUIREMENTS.



SAN LUIS OBISPO COUNTY FIRE DEPARTMENT

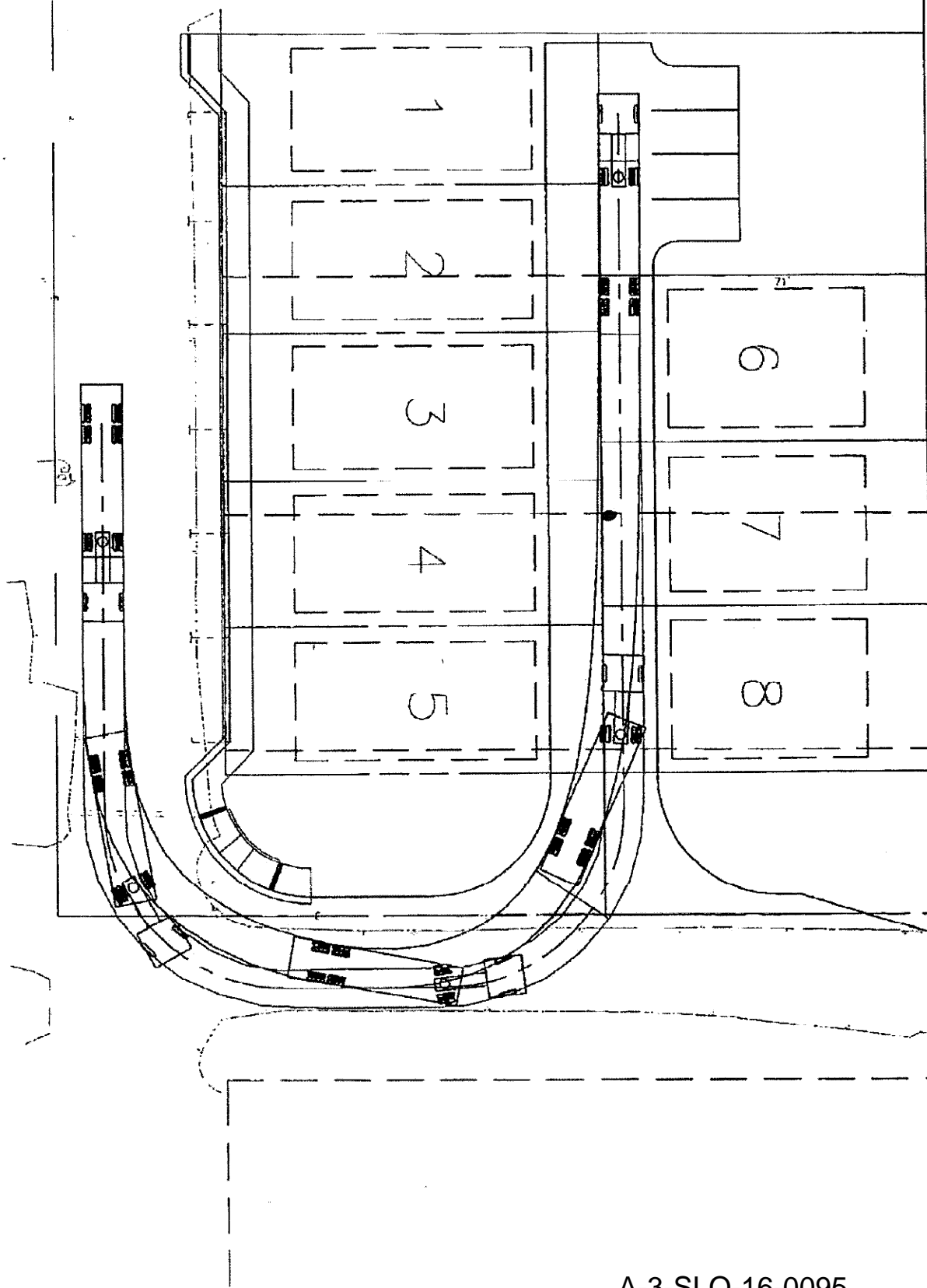
VEGETATION CLEARANCE REQUIREMENTS

Page 19 of 20

150 of 221

Scale: 1"=10'
Adopted: AUG 2014
Exhibit 5
Fire Safe Drawing No:
Page 276 of 334
PS-5
Sheet No: 1 OF 1

TRUCK TURN EXHIBIT



A-3-SLO-16-0095

Exhibit 5

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ATTACHMENT 8

SLO COUNTY
PLANNING/BUILDING
DEPT

March 17, 2016

2016 MAR 18 AM 9:27

Mr. James Caruso
County of San Luis Obispo Planning & Building Dept.
976 Osos St., Room 300
San Luis Obispo, CA 93408

Dear Mr. Carusco,

I am writing this letter in support of Mr. Dan Lloyd's proposed project for 399 E Street in Cayucos, CA. I am a Cayucos resident and not a business associate of Mr. Lloyd's.

I believe Mr. Lloyd's proposal of building seven single-family residences would be a welcomed addition to the surrounding neighborhood, as opposed to multi-family rental buildings. The neighborhood is a mixture of single-family homes along with a huge storage garage for school buses on E street. Single-family residences would be attractive for the area. I have seen the drawings for the houses and find that they are aesthetically designed with a craftsman bungalow look which would be a good look for that location. And, there seemed to be a concern for the total appearance of the neighborhood – in that the houses did not have a "cookie cutter" look and were very much individual in design, while being compatible. Placing the garages in the rears of the houses which would face E Street is a clever idea because it beautifies the visual appearance of the houses from the street view since passersbys don't have to look at garages and cars parked in driveways. I also liked the addition of the extra parking spaces along E Street which are recessed back from the street and looked very useable while being attractive, instead of having cars randomly parked every which way in the neighborhood. Having the electrical and telephone lines underground would also improve the appearance of the neighborhood.

In conclusion, I am wholeheartedly supporting Mr. Lloyd's proposed project for 339 E Street. In my opinion, these thoughtfully designed single-family homes will benefit the neighborhood along with all the parking considerations.

Sincerely,

Anonymous neighbor

P.S. I chose to sign as "Anonymous" because I have friends on both sides of this issue and I want to keep them as my friends. Thank you for your consideration.

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Exhibit 5
Page 278 of 354

ATTACHMENT 8

Kathleen Oliver

24 Cypress Glen Ct. Cayucos CA 93430

805 710-1031

James Caruso, Senior Planner

San Luis Obispo Co Dept. of Planning and Building

796 Osos St. Room 200, San Luis Obispo 93408

Re: Campbell-Sheppard Tract Map ED15-063 SUB 2015-00001

Dear Mr. Caruso,

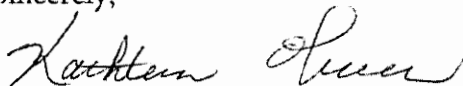
I have examined the preliminary staff report for the above project and note 2 exceptions:

a) The project size is almost exactly the same (29,820 vs 30,000) as neighboring project DRC2015-00022 on Birch Stet which was appealed to the Costal Commission and approved by both bodies with 3 houses vs the proposed 7 houses on the above Tract. The precedent was established with both your commission and the planning commission by the Birch Street project. This proposal is 4 houses above that precedent. I request that you recommend reduction of the number of residences in the proposed application to match precedent.

b) The biological report for the above Tract Map concludes that there is no suitable aggregation site for the monarch butterfly within the area although one was found approx. 400 ft. downstream in Little Cayucos Creek. However, page 12-13 of the costal commission report (attached) for the adjunct Birch St project declared that aggregation area as a substantial issue because overwintering habitat is rare and important to the butterfly ecosystem. It said that this historic overwintering site has been subject to the pressure of development and is degraded. I believe that these findings would be applied to the current proposal by the costal commission upon appeal.

Please consider my exceptions in your final report.

Sincerely,



Kathleen Oliver

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Exhibit 5

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1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is assigned to the case. The investigator will then gather information about the problem and the people involved. This information will be used to determine the cause of the problem and to develop a plan of action.

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is responsible for the investigation. The investigator must identify the problem and the scope of the investigation. The investigator must also identify the objectives of the investigation and the methods to be used. The investigator must also identify the resources available for the investigation.

1. The first step in the process of the development of a new product is the identification of a market need. This is often done through market research, which can be conducted in a variety of ways, including surveys, focus groups, and interviews. The goal of market research is to identify the needs and preferences of potential customers, and to determine whether there is a viable market for a new product.

2. Once a market need has been identified, the next step is to develop a product concept. This involves creating a detailed description of the product, including its features, benefits, and target market. The product concept is then used to develop a business plan, which outlines the company's strategy for developing and marketing the product.

3. The third step in the process is to develop a prototype of the product. This is often done using 3D printing or other rapid prototyping techniques. The prototype is used to test the product's design and functionality, and to gather feedback from potential customers. This feedback is then used to refine the product design and to develop a final product.

4. The final step in the process is to launch the product into the market. This involves developing a marketing plan, which outlines the company's strategy for promoting the product and reaching its target market. The marketing plan may include a variety of tactics, such as advertising, public relations, and sales promotion. The goal of the marketing plan is to create awareness of the product and to generate sales.

by CZLUO 23.07.174.d.2 (i); or that the adjustment is necessary to allow a principal permitted use of the property CZLUO 23.07.174.d.2 (iii). Therefore, a substantial issue is raised with respect to conformance with the CZLUO riparian setback adjustment requirements. Finally, as discussed in more detail in the de novo findings (incorporated herein by reference), it appears that there are alternative routes and project designs that would provide for a principally permitted use and that would better protect riparian ESHA on the site. Therefore, the project raises substantial issues with respect to LCP policies and standards that protect riparian ESHAs.

Monarch Butterfly Habitat

Monarch butterfly habitat is located on Lots 3 & 4 of the site and directly adjacent to the project site. It is comprised of several large eucalyptus and cypress trees that are a component of the riparian habitat discussed above. Although Monarchs are not globally threatened their range is restricted in California. Monarch overwintering habitat is listed at a G4S3 level in the California Natural Diversity Database (CNDDDB) maintained by the Department of Fish and Game. The S3 designation is defined as "restricted range, rare" habitat area statewide; further defined as 3,000 – 10,000 individuals or 10,000 – 50,000 acres of occupied habitat (DFG, 2006). Further, in 1984, the International Union for Conservation of Nature and Natural Resources classified the Monarch migration and the overwintering behavior of the Monarch butterfly a "threatened phenomenon."

Monarch experts are increasingly concerned about the impacts of development and changing ecosystem dynamics on historic overwintering sites. Many formally large sites have slowly deteriorated due to a lack of protection from human influences. Monarchs have highly specific habitat requirements that include the need for wind-protection, buffered temperatures, high humidity, filtered sunlight, proximity to water and nectar sources and habitat heterogeneity (Bell, 2002). These specific requirements make Monarch habitat extremely sensitive to human induced habitat alterations.

Monarch butterfly overwintering habitat in California is listed as "rare" by the CNDDDB and it is important to the ecosystem because it provides important feeding and resting opportunities for butterflies during a migratory stage of their life cycle. In addition, the habitat is documented to be extremely sensitive to disturbance or degradation caused by human activities and development. Monarch habitat meets the general LCP definition of ESHA. The Commission also has generally protected significant Monarch sites as ESHA. Further discussion of Monarch habitat as ESHA can be found in the de novo findings below (incorporated herein by reference).

The historic overwintering site adjacent to the proposed project site has been subject to the pressures of development and, because of inadequate protection for the habitat in the past, is degraded. In past years new residential developments have removed trees from along the outer grove boundary, altering the wind dynamics and thus disturbing the microclimate that the overwintering Monarchs had previously relied on. Before these developments, populations ranged from 20,000 to 60,000 butterflies per season, placing the site among the largest in California. The population has significantly declined due to these human activities. In 2002, Dr. Kingston Leong, a Monarch specialist and professor of biology at California Polytechnic, State University, conducted a study of the site and obtained data that showed



1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is assigned to the case. The investigator will then gather information about the problem and the people involved. This information will be used to develop a plan of action.

1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the People of the East (CLPE) in the United States. The Commission is therefore unable to determine whether the CLPE is a legitimate organization or a subversive one.

1. The Commission has received information from the Government of the United Kingdom that the Government of the United Kingdom has decided to withdraw its troops from the Falkland Islands and to transfer the Islands to the Government of Argentina.

1. The first of these is the fact that the Commission has not yet received any information from the Government of the Democratic Republic of the Congo regarding the situation in the country.

[illegible]

1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the underlying causes. Once the causes have been identified, the next step is to develop a plan to address the problem. This involves identifying the actions that need to be taken to address the problem and determining the resources that will be needed to implement the plan. Finally, the last step in the process is to implement the plan and monitor the results. This involves putting the plan into action and tracking the progress of the plan to ensure that the problem is being addressed effectively.

that the site, while no longer suitable as an overwintering site, was still a valuable site for autumnal Monarch roosting. Richard Little, a consulting project biologist and Monarch expert, reviewed Dr. Leong's study and concurred that "the site is still used by Monarchs and should be protected (Little, 2003)."

Based on biologist recommendations a sufficient setback that protects the driplines of the habitat trees and the surrounding ecosystem is necessary for Monarch protection. The approved project allows development within 10 ft of the dripline of the largest eucalyptus tree, based on an adjustment of the minimum setback of 20 feet for this riparian area. This minimal setback endangers the ESHA and is inconsistent with LCP policies that are intended to protect terrestrial habitat and therefore raises a substantial issue.

3. Substantial Issue Conclusion

As discussed above, the project as proposed raises substantial issue concerning compliance with the LCP policies and standards to protect riparian and other ESHA resources. As approved, it allows a riparian setback adjustment without the proper findings and lacks adequate protection of Monarch habitat by allowing insufficient buffers. The Commission finds that the proposed project raises **substantial issue** because it lacks provisions to ensure there will be no significant impact on ESHA at the project site. Further, as detailed above, the project as approved lacks adequate protection measures for the ESHA located on and adjacent to the project site and is inconsistent with the specific policies applicable to these areas requiring setbacks. Lack of adequate setbacks could result in the further degradation and disturbance of the site.

VI. De Novo Findings and Declarations

Because the Commission has found that the project raises a substantial issue with respect to conformance with the certified LCP, the California Coastal Commission takes jurisdiction over the coastal development permit for the proposed project. The standard of review remains the certified LCP and the public access policies of the Coastal Act.

A. Project Location and Description

SLO Land Corporation applied to the County for a Minor Use Permit/Coastal Development Permit to allow the construction of three new two-story single family residences on four legal parcels (APN(s) 064-112-020 & 064-112-021). The project site is located in the town of Cayucos, west of Highway 1 in San Luis Obispo County, adjacent to and south of Little Cayucos Creek. The project included: a 2,656 sq ft single family residence with a 550 sq ft garage on merged Lots 3 & 4¹; a 2965 sq ft single family residence with a 528 sq ft garage on Lot 5; a 3102 sq ft single family residence with a 540 sq ft garage on Lot 6; access improvements on Birch Ave; grading with a total disturbance area of 15,691 sq ft and

¹ Lots 3 & 4 were merged by a voluntary merger document on March 5, 2005 (Exhibit N).

ATTACHMENT 8

J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN
Specializing in Water Neutral Development

March 18, 2016

San Luis Obispo County Planning and Building Department
County Government Center, Room 200
San Luis Obispo, CA 93408
Attention: Planning Commission

RE: CAMPBELL-SHEPPA/DANIEL R. LLOYD for a Vesting Tentative Tract Map
(Tract 3074) and Development Plan/Coastal Development Permit

Dear Chairman and Commissioners,

By way of introduction, my name is Jeff Edwards and my firm represents two neighbors of the above referenced proposed development. My clients reside on Cypress Glen Court and oppose the project as currently configured. They reside at 24 Cypress Glen Court and 401 E Street on the northwest corner of E Street and Cypress Glen Court. They are the Roach and Main families respectively. These families are likely the most affected neighbors by the proposed project during construction and following completion.

On their behalf, I have reviewed the staff report for the project and wish to share with the Commission their concerns and requests in an effort to strike a balance between the rights of existing homeowners and the applicant. If the neighbor requests are incorporated into the conditions of a project approval by your Commission, my clients would withdraw their opposition to the project.

In general, the concerns fall into the following categories:

- a. Traffic and circulation (triple dead end/induced traffic)
- b. Noise and Safety
- c. Future improvements to Cypress Glen Court (realign to true centerline)
- d. Mass and Scale (project design)
- e. Little Cayucos Creek Setback (no yards in setback)
- f. Overall neighborhood compatibility (blends in or sticks out?)
- g. Reduction in property values
- h. Diminution of quiet enjoyment
- i. Significant grading and land form alteration

In summary, the above referenced concerns may be addressed with the following action:

1. Allow only two (2) homes within Tract 3074 to gain access via Cypress Glen Court.

A-3-SLO-16-0095

P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 jhedwardscompany@gmail.com

ACQUISITION MARKETING LAND USE REDEVELOPMENT

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ATTACHMENT 8

J. H. EDWARDS COMPANY

A REAL PROPERTY CONCERN

Specializing in Water Neutral Development

2. Condition improvements to be made to Cypress Glen Court that would realign the new roadway to the true centerline of the 70' wide right-of-way.
3. Ensure no parking or driveway blockage impacts on neighbors from subcontractors during all phases of construction.
4. Two-story maximum (i.e. no 3-story structures).
5. No portion of yard area to be within 20 ft. wetland setback. Please note typical riparian setback in urban area is 50 ft. The entire riparian area and setback should be included in the open-space parcel with only allowed uses to be permitted.
6. Require amended easement and road maintenance agreement including all parcels to be served by Cypress Glen Court.

Please consider an important procedural matter that poses the question, of whether, or not, this application is properly before this Commission. The Real Property Division Ordinance (RPDO) under Section 21.03.010 (d) (7) which expressly limits the use of a private easement to serve no more than five (5) parcels at full build out. Cypress Glen Court is a private easement and presently provides access to four (4) parcels. The proposed project intends to use Cypress Glen Court exclusively for all access (residential and emergency vehicle) adding seven (7) new parcels to a private driveway. Please see the Pinnacle Traffic Engineering letter dated February 29, 2016, Attachment 7, page 11 of 20, Table 2-Project Site Trip Generation Estimates. As such, the proposal before you is inconsistent with the applicable section of the RPDO.

An applicant may request an adjustment to the above referenced RPDO section in accordance with Section 21.03.020. However, the applicant has failed to conform to the provisions of the section in two important ways. One, Section 21.03.020 (a) authorizes your Commission to consider Adjustments "in cases where an undue hardship would result from the application of the regulation established in this title, ..." To date, the applicant has not made a showing of undue hardship or in any way demonstrated or even addressed a hardship. Secondly, and more perplexing is the fact that Subsection (b) requires "Requests for adjustment to the standards set forth in Section 21.03.010 of this title shall be submitted in writing to the planning department at the time the applicant submits the application for land division." The application was filed in July of 2015 and the applicant submitted the response to the deficiency is dated February 8, 2016. The most problematic aspect of this is that when the primary public discourse occurred for this proposal before the Cayucos Community Advisory Council (CCAC) in late 2015, the inconsistency with Section 23.030.010 was not known and consequently, neither CCAC nor the public had any opportunity to comment on the inconsistency with the RPDO or the adjustment that is required. The most appropriate remedy is to send the application back to CCAC for further consideration. Since CCAC did not take any action when the

P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 jhedwardscompany@gmail.com

ACQUISITION MARKETING LAND USE REDEVELOPMENT

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J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN
Specializing in Water Neutral Development

matter was considered in December, continuing the Planning Commission hearing would allow the entire project to be more fully vetted by the public on all of the salient issues.

Neither staff nor this commission is responsible or obligated to address the inconsistency with the RPDO, the applicant must perform and make the case in accordance with all applicable sections of the RPDO, and to date has failed to do so. Until the applicant makes the case for an "undue hardship", I submit it is premature for your Commission to consider the required findings that must be made pursuant to Section 21.03.020 (c) (1) (2) (3). The applicant did submit proposed findings on February 8, 2016 as referenced above and included in the staff report as Attachment 5. Unfortunately, the suggested findings are superficial at best and appear to make the case that any benefits from more unrequired parking on E Street outweigh the significant impacts to the neighbor's quiet enjoyment from increased vehicular traffic nearly three (3) times current conditions. Creative site design and planning should not be realized at the expense of the existing residential neighborhood. My clients strongly object to the applicant prepared findings in connection with Section 21.03.010 that have been incorporated into Exhibit C, Tract Map Findings J., K. and L by staff as shown in Attachment 3.

Please see the following proposed modifications to the findings conditions to address General Plan, Local Coastal Plan and CEQA issues that are outstanding and inconsistencies.

Exhibit A shown as Attachment 1 in the staff report for Development Plan/CDP Findings.

My clients disagree with a number of the findings, however particular exception is taken to findings D., E. and F. The use of Cypress Glen Court to serve the entire project will likely "be detrimental to the health, safety or welfare" of persons residing in the neighborhood and particularly those on Cypress Glen Court. Please see Attachment 7, a letter from a traffic engineer discussing the traffic and circulation limitations of the proposed project. Furthermore, the design of the project, specifically the homes fronting E Street, have garages and tandem carports facing my client's property in a three-story configuration. The location of the garages induces the unwanted traffic and creates a visual appearance of the proposed project that is clearly inconsistent with the existing predominately single-family residential neighborhood.

Exhibit B shown as Attachment 2 in the staff report for Development Plan/CDP Conditions of Approval.

Condition 2. Require final site plans to remove any unpermitted uses within the Little Cayucos Creek setback areas such as private yards, storage areas or parking.

Condition 8. Appears to be an impossible condition to satisfy in that my clients refuse to provide the needed modification to accommodate the project as proposed.

A-3-SLO-16-0095

P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 jhedwardscompany@gmail.com Exhibit 5
ACQUISITION MARKETING LAND USE REDEVELOPMENT Page 286 of 354

ATTACHMENT 8

J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN
Specializing in Water Neutral Development

Condition 63. (b.) Request language be added requiring Cypress Glen Court to be constructed along the true centerline of the right-of-way

Please add a condition to limit all structures to two-story.

Exhibit C shown as Attachment 3 in the staff report for Tentative Tract Map Findings.

As stated above, particular exception is taken to findings J., K. and L. as provided by the applicant. The applicant makes a number of conclusionary statements in his proposed findings, however they are not substantiated with any traffic analysis or expert opinion. For example, it is common sense, that taking access to the parcels in the project fronting E Street would be safe considering E Street has limited traffic being a dead end road. This assertion would have merit if access were taken from a collector or arterial road, which is not the case. Also, how important is providing excess on-street parking along E Street when the cost is an inordinate amount of traffic, noise and disruption of my clients' quiet enjoyment of their property. Overall the proposed findings are either irrelevant or lack a factual basis to make such a claim. I respectfully request that your Commission reject these findings on their face.

Exhibit D shown as Attachment 4 in the staff report for Tentative Tract Map Conditions of Approval.

Condition 2 (b.) Request road improvements to be made to Cypress Glen Court follow the true centerline of the right-of-way.

Please add a condition to limit access to the project from Cypress Glen Court to two (2) single-family residences.

On behalf of my clients, I respectfully request a continuance of the hearing for the proposal before you until several key issues can be addressed.

1. Properly address RPDO Section 21.03.010.
2. Determine the legal ramifications of securing proper easements for access and the right to use Cypress Glen Court and to what extent by the proposed project.
3. Confirm locations of edge of riparian vegetation and resulting setback and verify the applicant's ability to remove any unpermitted uses within the setback area.
4. Re-refer the proposal to the CCAC for further review and a decision.
5. Verify with Cal Fire, the appropriate requirements for the project. It appears the local Cayucos Fire Department may not have reviewed the project in sufficient detail and/or had the benefit of understanding all of the applicable requirements.

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P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 jhedwardscompany@gmail.com
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J. H. EDWARDS COMPANY

A REAL PROPERTY CONCERN

Specializing in Water Neutral Development

In conclusion, one of the fundamental precepts of the planned development regulations is to achieve "compatibility with land uses on adjoining properties" in allowing flexible and creative designs of projects. I respectfully submit, the current proposal has requested the attendant flexibility, however has failed to demonstrate how neighborhood compatibility has been achieved. Quite to the contrary, the proposal as presented does not blend in with the residential surroundings and has concentrated vehicle traffic in a manner that especially burdens my clients. Please continue the matter following public testimony and direct staff to review the points raised in this letter and other issues as your Commission deems appropriate.

Sincerely,

Jeff Edwards

c- Eileen Roach
Kevin and Kathi Main

A-3-SLO-16-0095

P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 jhedwardscompany@gmail.com

ACQUISITION MARKETING LAND USE REDEVELOPMENT

Exhibit 5

Page 288 of 354

ATTACHMENT 8

Mr. James Caruso
Senior Planner
County of San Luis Obispo

March 19, 2016

Dear James:

I'm writing to add my name to the list of local Cayucos residents in favor of the proposed Cypress Glen development.

My wife, two boys and I moved to town two years ago. We have been renting (63 Pacific Avenue) while looking for housing to buy. Our preference is to purchase something near the downtown area. So far, the options have been limited. Currently there is only one property for sale in the downtown area for under \$1 million -- a \$925,000 teardown on Ash.

I have attended the community hearings about the development and am encouraged by what I've learned to-date. I especially like the location and overall design of this development, the fact that it will be single-family homes instead of apartments, as well as the open space and creek restoration efforts.

I think it's important that the county and our community support developments of this type to encourage more families and full-time residents to move and remain here. Cayucos is a special place, and the county and town have done a good job of supporting developments that fit and enhance the unique character here. It's why we moved here in the first place and why we plan to stay.

Thank you in advance for taking my views into consideration.

Sincerely,

Franz Wisner
63 Pacific Avenue
Cayucos, CA 93430
frwisner@yahoo.com

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Exhibit 5
Page 289 of 354



Fw: Development of 399 E Street, Cayucos CA
James Caruso to: Ramona Hedges

03/21/2016 08:17 AM

Ramona:

For Item 4 on March 24th

James Caruso
San Luis Obispo County
Department of Planning and Building
Senior Planner
(805) 781-5702
www.sloplanning.org

----- Forwarded by James Caruso/Planning/COSLO on 03/21/2016 08:16 AM -----

From: James Cromis <bluecromison@yahoo.com>
To: "jcaruso@co.slo.ca.us" <jcaruso@co.slo.ca.us>
Date: 03/21/2016 08:11 AM
Subject: Development of 399 E Street, Cayucos CA

Hello Mr. Caruso,

My name is James Cromis and I am a 10 year year long resident at 321 E street in Cayucos. This home of mine is the property directly west of the proposed 7 building, 3 story development at 399 E street. That being said, I am writing this evening to plead with you to consider the diminutization or outright decommissioning of this proposal. There are larger questions that this kind of development raises, much larger than simply the code or legality of the matter. How much of our character-as one of the last quaint beachtowns in this state; is being destroyed by this kind of precedent? Is it fitting to add 7 buildings to a dead end street that hardly has 7 homes in this part of the community already? I would like to also point out a sacred place in my heart: which is the unimaginable beauty of Little Cayucos Creek (picture attached). This creekside is home to many wondrous species of birds and wildlife, that of which I cannot begin to describe. Many even say an endangered green tree frog lives in there!? However emotional this is to my life and many other community members is beside the main focus of my argument; which is the fact that this is a unfitting example of a healthy model of development for our street. And furthermore a bad example going forward for our town! The traffic that speeds over this blind hill has already presented me with concern, as many small children live in this community. It will certainly increase drastically, with the potential of this property to house more of the population that already resides here. I am trying to present some facts to you, but the simple truth is my heart takes over on this matter of home ground. This is not the right choice for the property at 399 E street. I know this by observing all of the vacant vacation homes and ugly new unsold condominiums that I see on my daily bike rides. Many say new development will raise community standards and hence real estate prices. I doubt this is accomplished when the surrounding community is diminished by 7 buildings with 3 stories each, a small metropolis by E street standards. Do the people of this community want this town to look like Osoyoos?

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10 years? There are plenty of places in CA that already mirror this sprawl mart model. Those who do want this dynamic..well they don't usually live here as year round residents, and they see dollar signs in their eyes when seeing a vacant lot in Cayucos.

In concluding Mr. Caruso, I want to thank you for your time. I would have loved to be at the meeting to voice my concern, but this letter will have to suffice. If allowed to build I simply ask that it be a building considerably less aggressive and intrusive to the creekside community that is being developed. My peaceful porch setting will undoubtedly be altered regardless of whatever construction is approved and proceeds. But I more selflessly petition for the rights of the land, the status quo of the community, the health of the wildlife, of Little Cayucos Creek, and the serenity, the peace of mind that these ever disappearing open spaces bring.

Sincerely, James Cromis

ATTACHMENT 8

Dear Mr. Caruso,

I am a Cayucos resident writing in response to the proposed project at Tract 3074.

I disagree with Development Plan/Coastal Development Findings Exhibit A states that the project is consistent with immediate neighborhood. The proposed project is completely inconsistent with the immediate neighborhood:

- 1) This project is a subdivision with a common driveway while all other homes on Cypress Glen Court and E street have individual driveways.
- 2) This project includes 5 three story homes while all other homes on Cypress Glen Court and E street are a maximum of two story homes.
- 3). This project does not include any open space/set backs between each home as all other houses do in the immediate area.

I also disagree with many of the the findings of the Negative Declaration. Here are some of my concerns:

- 4) This project creates a significant aesthetically incompatible public view for the immediate neighbors.
- 5) As the report states, red-legged tree frogs have been reported 1/4 mile from the area.
- 6) A Monarch butterfly aggregation area exists less than 100 feet down Little Cayucos Creek.

A full Environmental Impact Report is required based on these issues alone.

In addition, this project would significantly increase traffic and noise on a private road which would disrupt the current quiet enjoyment of the neighborhood.

This project is not compatible with the neighborhood and needs to be re-designed accordingly!

Sincerely,

Dave Scholl
P.O. Box 354
Cayucos

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James Caruso
County of San Luis Obispo Planning & Building Dept
976 Osos Street, Room 300
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

My name is Kathi Main and my husband and I have lived at 401 E Street in Cayucos since 1981.

I am writing to express my opposition to the project as proposed at 399 E Street. The density of the subdivision is completely out of character with the surrounding neighborhood which, if visited you would know, are unique in appearance and have significant set backs from each other.

I was quite disappointed to see the number of "insignificant impacts" noted on the Negative Declaration and Notice of Determination Report.

In particular, #12 Transportation/Circulation is of grave concern to me because the substantial increase of vehicles will make ingress and egress increasingly difficult; and #8 Noise, the increase in noise will echo in what a southerner would refer to as a "hollar" and greatly impact the quality of living in our neighborhood.

This project as proposed, without requiring the road to be

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moved to the true center of the roadway, gives an unfair financial advantage to the developer. It is not acceptable to essentially give land to the developer that truly belongs to the current adjoining homeowners; especially since the homeowners are asking for the road to be moved to the true center so they can use their land.

Lastly, the requirement that a private road provides access to no more than 5 houses should be upheld. Allowing an adjustment would definitely have an adverse affect upon the safety of the bicycle and pedestrian traffic of those residing in the neighborhood, and would be financially detrimental to my property since it is undesirable to live right across the street from the entrance to a subdivision.

I would not be opposed to a more appropriate lower density project.

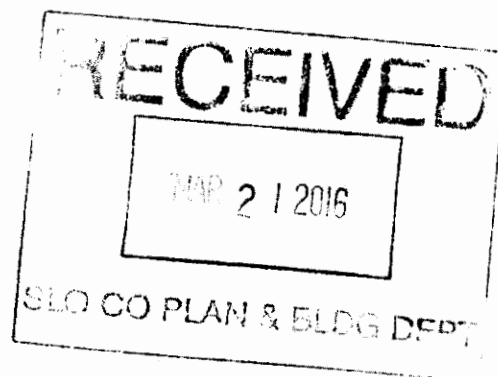
Thank you for your time.

Kathi and Kevin Main
401 E Street
Cayucos, CA 93430

(T) 805-995-1394
(C) 805-471-7831

March 17, 2016

James Caruso
Department of Planning and Building
County Government Center
976 Osos Street, Room 300
San Luis Obispo, CA 93408



Re: CAMPBELL-SHEPPARD/ DAN LLOYD E-Street Project

Dear Mr. Caruso:

I am writing this letter in support of the project at 399E Street, Cayucos. The project meets all of the requirements, and is recommended for approval by your staff.

I have followed this project with some interest. My wife and I lived in the adjacent project designed by George Nagano, some 35 years ago. We came to know the adjacent land owner, Mr. Merl Molinari and his Mother, and remember his garden and house. This is the site for the proposed project. Although we might all like to go back to those simpler times, the past decades have seen several multi-unit projects in the area, and the proposed project fits. Indeed, newer requirements have brought forth this project which provides enhanced features of access, parking, safety, environmental awareness.

I urge the approval of this project per your staff report.

Thank you

A handwritten signature in black ink, appearing to read "Jeffrey E. Barker", with a long horizontal flourish extending to the right.

Jeffrey E. Barker
PO Box 223
Cayucos, CA 93430

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Fw: Comments for the Planning Commission Hearing : File No.
SUB2015-00001, March 24, 2016; Campbell-Sheppa/Daniel Lloyd
James Caruso to: Ramona Hedges

03/23/2016 08:08 AM

Ramona:

For Item 4 on March 24th

James Caruso
San Luis Obispo County
Department of Planning and Building
Senior Planner
(805) 781-5702
www.sloplanning.org

----- Forwarded by James Caruso/Planning/COSLO on 03/23/2016 08:08 AM -----

From: "William S. Walter" <wwalter@tcsn.net>
To: <jcaruso@co.slo.ca.us>
Cc: <walterassistant@tcsn.net>
Date: 03/22/2016 06:53 PM
Subject: Comments for the Planning Commission Hearing: File No. SUB2015-00001, March 24, 2016; Campbell-Sheppa/Daniel Lloyd

Dear Planning Commissioners:

I am writing as a property owner in Cayucos since 1988, who has followed many projects both as an owner and as an owner representative. I would like to be present at your hearing, but "Spring Break" means that we travel as a family with young kids.

I am not sure that I can remember a "cleaner" project than this one after following Cayucos land use issues after more than 30 years. The environmental review raises no concerns that are not mitigated. The Staff Report addresses the policy issues in great detail and seems to me to demonstrate no policy conflicts.

To me these things indicate a project that has been conceived in a thoughtful, considerate, and reflective manner by the owners to minimize impacts, enhance design qualities which will benefit the community, compliment the neighborhood while creating compatible homes for new neighbors, and reduce the allowable density to levels which strike the right balance.

Personally, I am impressed by the following:

- The density is less than allowed. Up to 13 units would be allowed, and the 7 lots are less than the ten dwelling units per acre standard. The owner is being considerate and not greedy.
- The units are not attached, but single family homes on small lots. This is the Cayucos tradition and pattern of development.
- There are no garages facing the street, but are instead by design in the rear of the lots accessed by a drive court. This creates a pleasing design and is a concept to be emulated in the future by others.
- The project also provides 6 new parking spaces on the street -- where none now exist. The owners' concept proposes more parking than is otherwise required.
- 70% of the Site is open space. When a regulatory agency can get that much open space, it is the

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type of development which should embraced.

- My reading indicates that the project meets all of the CZLUO and Estero Plan standards for the property.
- The project creates homes which reflect the neighborhood's single family character. I would think that it benefits the existing home values.
- The Creek restoration plan is a real plus -- the things I read indicate that it enhances the habitat qualities of what seems to be a degraded riparian zone.

A project which is consistent with certified LCP standards, including the Estero Area Plan standards, and has this type of administrative record should be affirmed.

When good development proposals come along, they should be embraced and praised in order to set examples for others to follow. Besides, it's the right thing to do.

Thank you for considering my comments.

Bill Walter

#4

20. At the time of application for construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
21. Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Biological Resources

22. Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
23. Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be ~~14,089 square feet~~ and include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
 - a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
 - b. Public interpretive access improvements approved by a coastal development permit.
24. **As a part of a second sheet of the tract map and included as a part of any individual construction permit application**, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment.
25. Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly.
PLANNING COMMISSION
7-18-2016 16-0095

compliance with County Conditions of Approval and Mitigated Negative Declaration measures relating to tract improvements. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

62. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.

Public Works Conditions

Road Improvements

63. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:

- a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
- b. Cypress Glen Court shall be widened to complete the project frontage to Cayucos Fire Department access road standards. An attached all-weather sidewalk shall be constructed from the project driveway to E Street as shown on the Vesting Tentative Map.
- c. The onsite access road shall be constructed to Cayucos Fire Department road and turnaround standards and shall include "no parking" fire lane signage.

Drainage

64. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins is/are to be maintained in perpetuity.
65. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.
66. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
67. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

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- d. A public utility easement along E Street to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
 - e. Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.
4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
- a. A minimum 22-foot shared private access and utility easement in favor of Parcels through 8 with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
 - b. A reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).
5. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.

Improvement Maintenance:

6. Roads and/or streets shall be maintained as follows:
- a. E Street shall be accepted for County maintenance following completion and certification of the improvements. No maintenance financing service charge shall be required, as these streets/roads are already in the County-maintained system, or are identified as new Principal Arterials, Arterials or Collectors, or meet the required number of road maintenance related smart growth points to be exempt.
 - b. Cypress Glen Court and onsite private access roads shall not be accepted for County maintenance following completion and certification of the improvements. The developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building.
7. Prior to map recordation the developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure inspection, operation, and maintenance of the following improvements:
- a. The shared private access road serving parcels 1 through 8.
 - b. The shared storm water treatment facilities for public or common area improvements (if required) as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - c. The shared storm drainage basins, inlets, pipes, fences, related landscaping and other appurtenances (if required) for public or common area improvements.
 - e-d. Completion and compliance with the Riparian Restoration Plan.

Improvement Plans

8. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

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- a. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained, indicating the proposed maintenance mechanism.
- b. If a fenced drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
- c. If a drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
- d. The limits of inundation from a 100 year Hood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to Hooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
- f. The applicant shall demonstrate that the project construction plans are in conformance with the applicant's Stormwater Control Plan Application.
- g. For Stormwater management purposes, an impervious area ceiling must be determined for each lot and noted as a building restriction.
- h. Stormwater treatment facilities shall be maintained and inspected in perpetuity as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
- i. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- j. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
- k. Notification to prospective buyers that a development plan/coastal development permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.
- l. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- m. No parking is allowed in the access drive and signs shall be installed pursuant to these conditions.
- n.

Covenants, Conditions and Restrictions

23. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval, and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate. The CC&R shall provide at a minimum the following provisions:

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- a. Maintenance of Cypress Glen Court along the project frontage and onsite private access roads in perpetuity.
- b. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
- c. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- d. If storm water treatment facilities are required, on-going maintenance of said facilities in a viable condition on a continuing basis into perpetuity.
- e. Maintenance of all common areas within the subdivision in perpetuity.
- f. Operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- g. The limits of inundation from a 100 year flood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to flooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- h. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.
- i. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
- j. Notification to prospective buyers that a development plan/coastal development permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.
- k. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- i.l. No parking is allowed in the access drive and signs shall be installed pursuant to these conditions.

Open Space Easement

24. **Prior to recordation of the final map**, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be ~~14,089 square feet~~ and include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
 - a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
 - b. Public interpretive access improvements approved by a coastal development permit.

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SAN LUIS OBISPO COUNTY PLANNING COMMISSION

Re: COUNTY FILE# SUB2015-00001 Additional Concerns to be included with PowerPoint Presentation submitted and further noted for the record on 03/24/2016.

Concerns as to Negative Declaration/Attachment 1 Exhibit C/Attachment 3 Exhibit C Map 3074 Findings

Attachment one-exhibit A under environmental determination, it states that there is no substantial evidence that the project may have a significant effect on the environment. This is absolutely incorrect. The area was deemed a monarch butterfly sanctuary some 18 years ago. Why would no Environmental Impact Report be required when considering a major disturbance to a creek side setting?

The statement that the proposed project will not generate a volume of traffic beyond the safety capacity of all roads providing access to the project is also absolutely incorrect.

The statement says the project will not create significant adverse effects on the identified sensitive resource. This statement should be clarified?

Why are the standards of the real property division ordinance section 21.03.010, that does not allow more than five lots to be accessed from a private easement being overlooked and disregarded?

Why, in the environmental checklist, is the box "circulation" not checked? It appears the County believes there are no traffic issues at all associated with this project. Also, the negative declaration lists an incorrect site size.

Under "aesthetics" it states there will be no impact of the visual character of the area and the project will have an "insignificant" impact.

The biological and environmental services company used in the environmental assessment of this project lists a host of incorrect assumptions. They are numerous. I base that observation on my play on the site as a child and living next to the site for 66 years.

The truck turnaround exhibit is voyage into Fantasyland. NO CURRENT FIRST RESPONSE FIRE TRUCKS WILL BE ABLE TO TURN AROUND INSIDE THE PROJECT IF EVEN ONE CAR IS PARKED OUT IN THE DRIVE WAY. It even states in attachment three, exhibit C, that this project will "improve" safety.

Written in 2009. Cayucos-Based on an analysis of roadway capacities, all the major streets in Cayucos currently operate at acceptable levels of service. Some deficiencies have been identified by the community, but they cannot be measured against an engineering standard. Instead, they are based on people's perceptions, which affect how people make their transportation choices. Those deficiencies also need to be addressed, and include the following. 1. Narrow Streets. Efficient circulation is hindered by on-street parking on some narrow streets.

Paragraphs 6 & 7 Improvements are not 20 feet from existing riparian vegetation.

Negative Declaration also states subject is not visible from a major Public Highway. The statement is also incorrect.

399 E Street Development

More Over-Development Pressure in Cayucos
Campbell-Sheppard/Dan Lloyd Subdivision



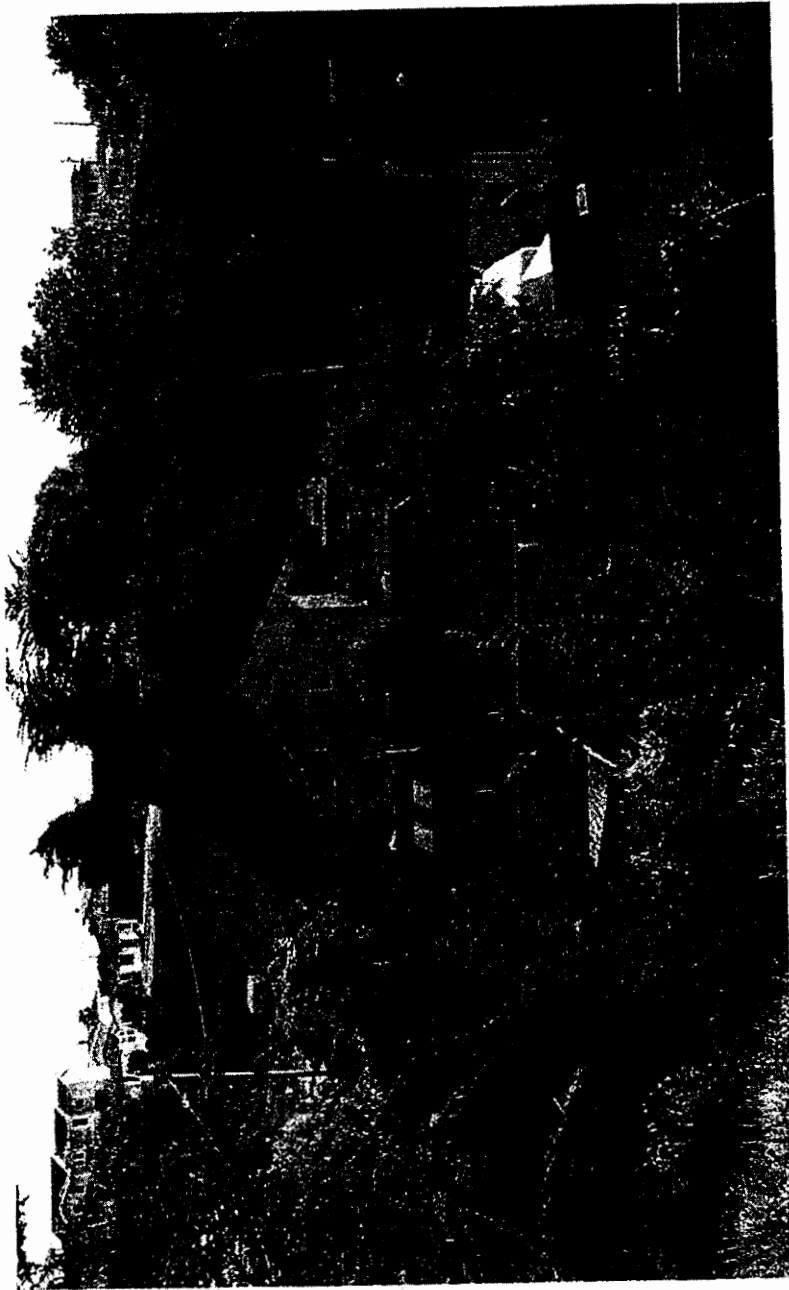
Partial List of Issues

- Limited Access to Site. (blind access & dead end street)
- No Traffic Impact Plan. (E street currently over-impacted)
- Disturbances to Little Cayucos Creek (Monarch over-wintering site)
- Potential blockage of View Corridor (per Coastal Act)
- County forfeiting Public Rights to Facilitate an over-development
- County respecting Cayucos Advisory Council rejection of this project

Subject Site as seen from Freeway On-Ramp

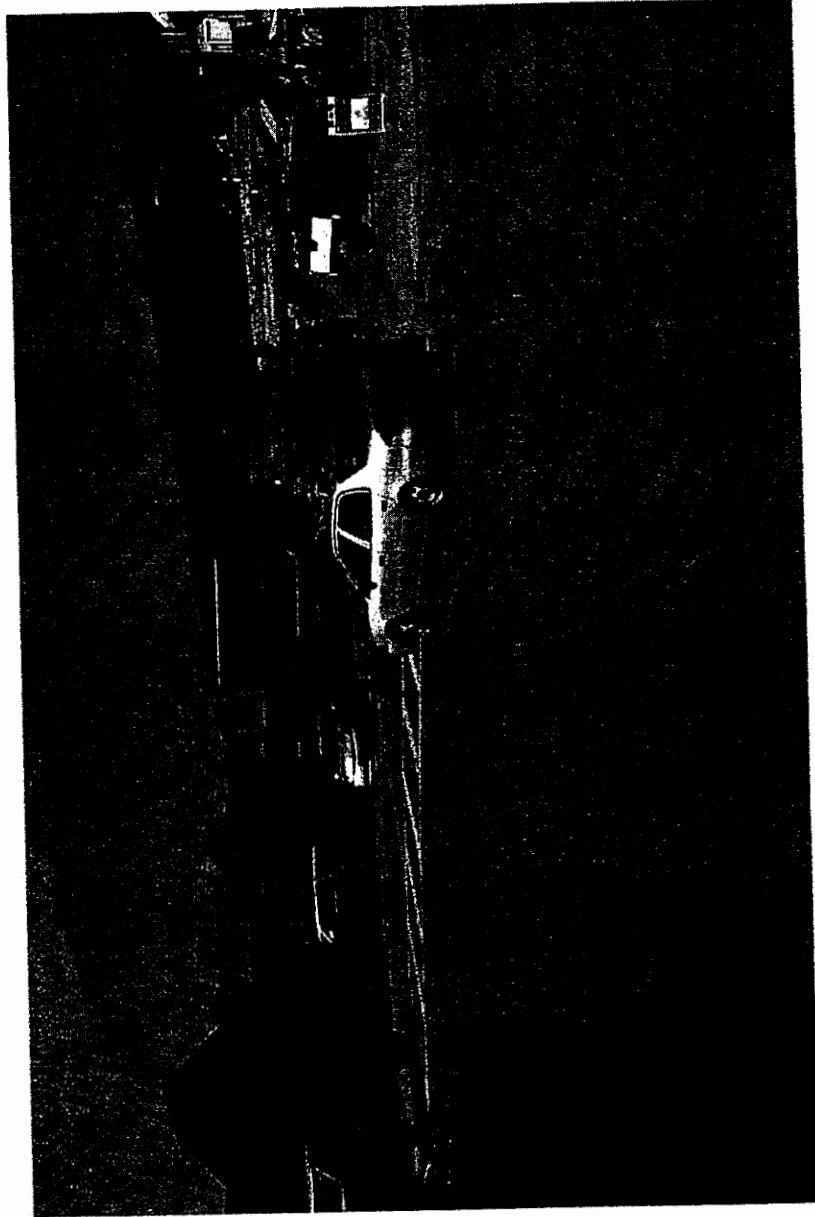


Red Over-Lay showing Actual Size of Project



It appears that the Proposed 28' Home facing E & furthest to the West, will
Block Ocean Views from the Highway forever

Corner of E Street & Ocean Avenue
Facing North



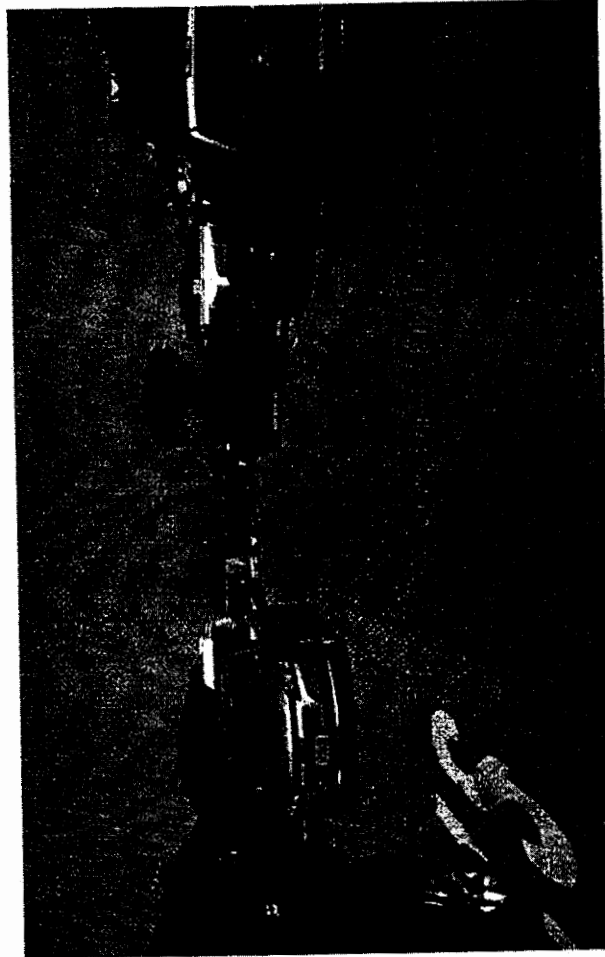
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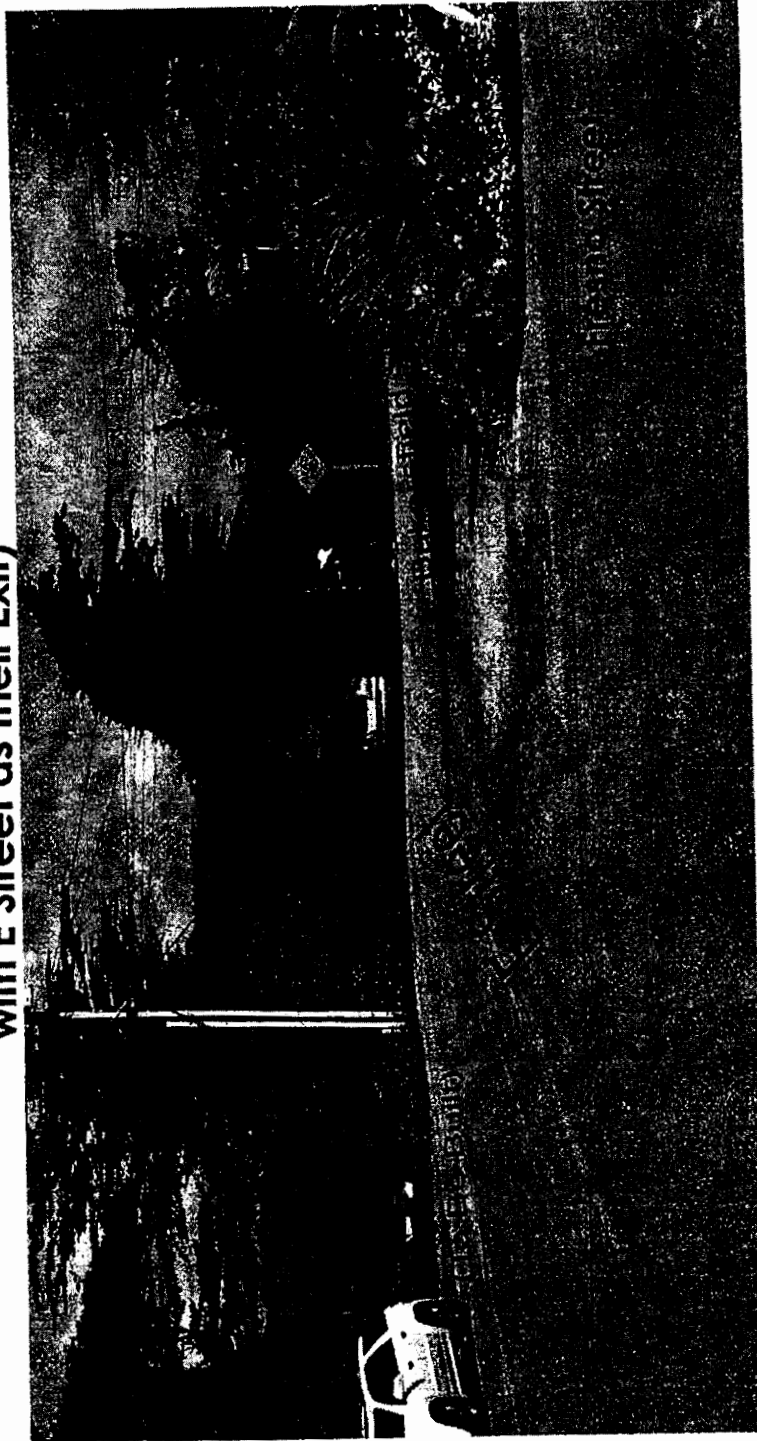
View East Up E Street on Weekend



County Planning states only 11 Vehicle per hours use E
Street during Peak Times

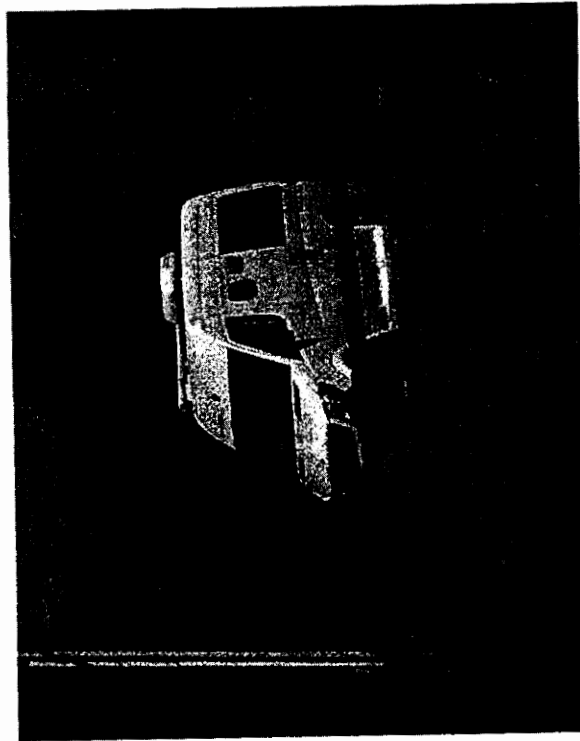
E Street will become the Boulevard to Nowhere

Corner of E Street & Bakersfield taken from Fresno Street
(Birch Street to be built soon which will add another 16 cars
with E Street as their Exit)

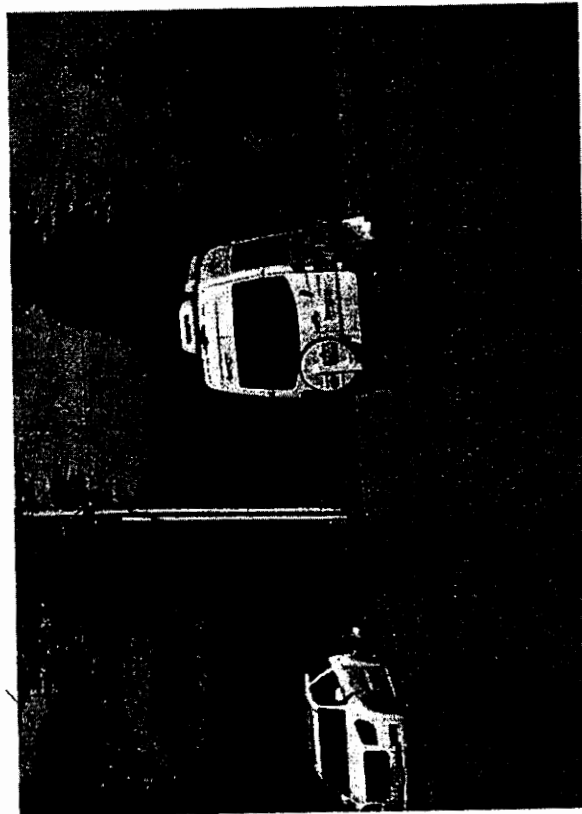


Typical E street and Bakersfield intersection confusion that goes on every day.

After trying to climb Bakersfield
Avenue, back they come.

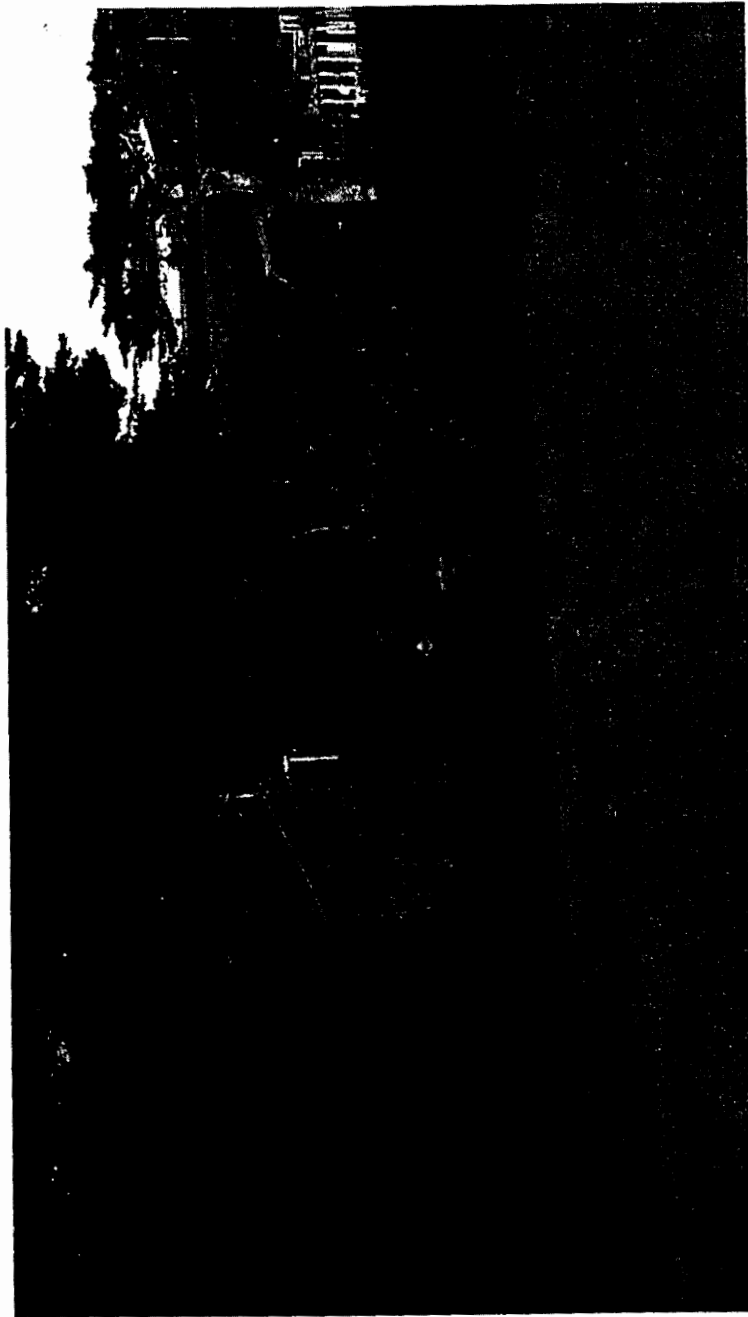


Tourists going down Ocean Avenue
think E Street is a freeway entrance.



Blind Entrance to Site/Dead End

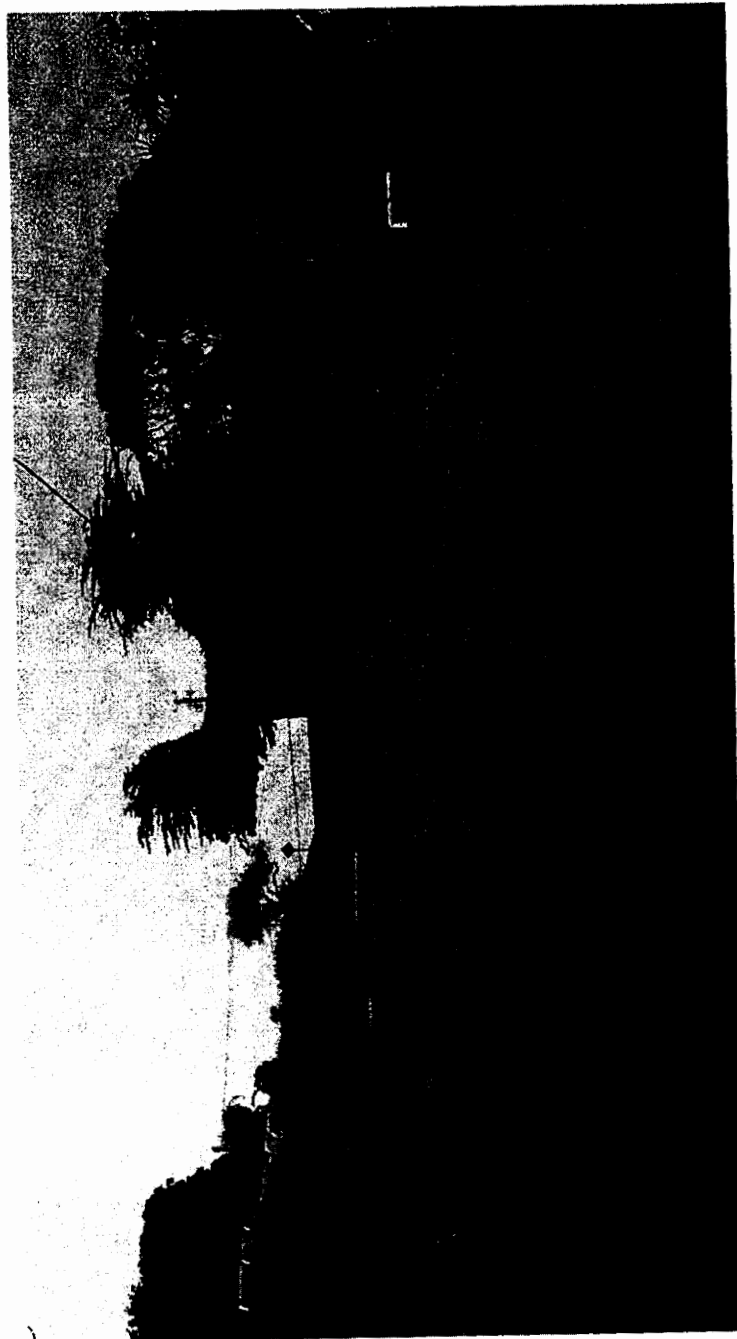
Single Entrance Road is 23' wide, not 70' as per Assessors Plat Map



Planning states the proposed project will not cause any traffic problems

View from Dead End Facing West

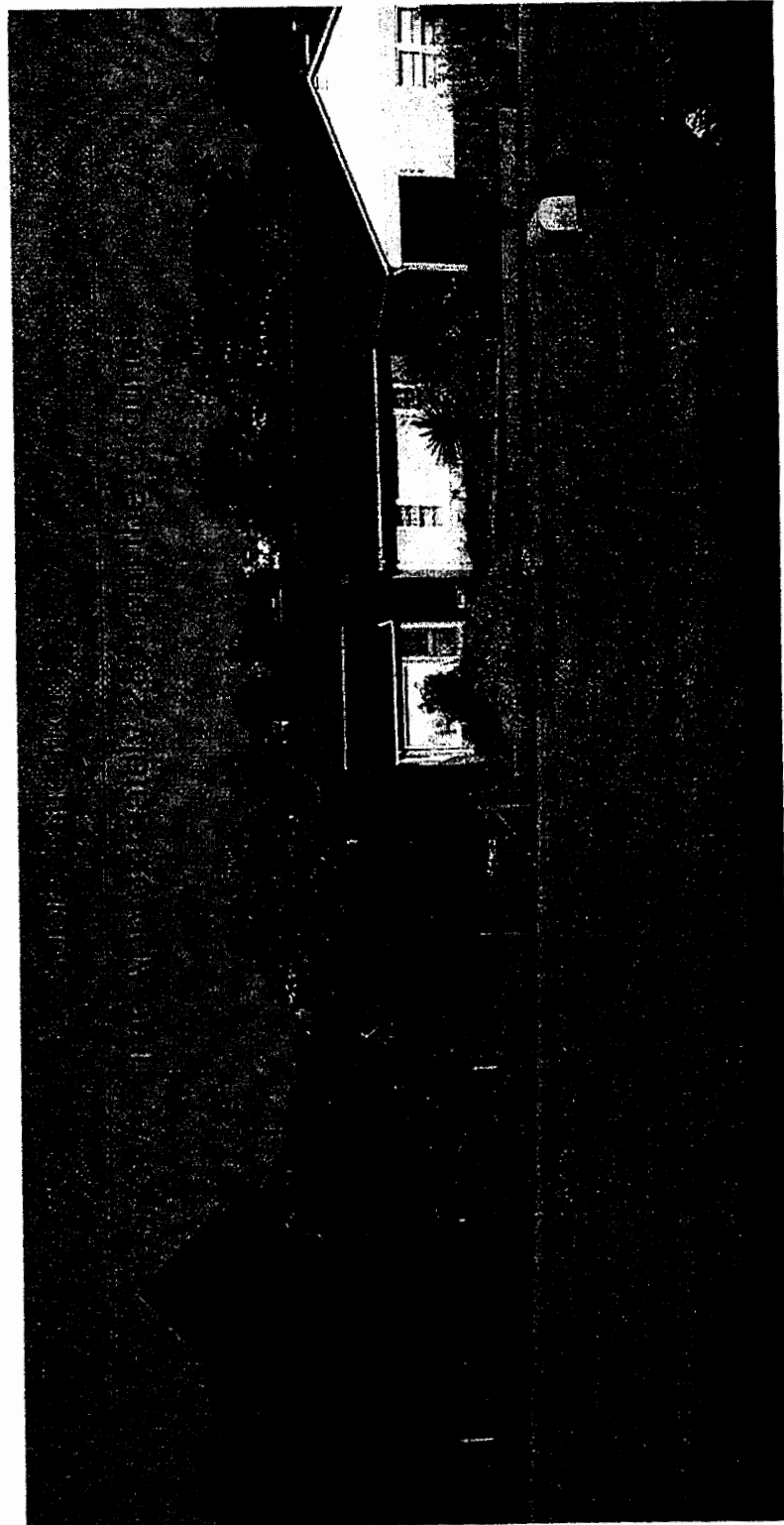
NOTE: Oncoming Traffic can not be seen when Exiting Subject Site



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**Line showing the Approximate Top (28')
of 5 Proposed Row Houses Facing E Street**



**This final Slide shows the true approximate Mass of the five houses to be built
(Each with a 3' Side-Yard)**

2/6/16

**399 E Street Planned Unit Development
(RESPONSE TO DEVELOPER STATEMENTS AND OMISSIONS)**

This is a partial Non-Compliance Issues Analysis

PROJECT OVER-REACH:

The developer's "Complete" analysis disseminated to members of the Cayucos Advisory Council is not complete, and the analysis is based solely on the developer's premise that the developer is given ½ of a private road to build upon previously dedicated to the county that serves 4 other residences.

No consideration is mentioned by the developer as to the significant additional traffic impacts and noise this project will create on E Street.

Numerous housing set-back requirements are asked to be over-looked and reduced.

Cayucos Land Policy clearly states it is based on maintaining a "Single Family Residential Character", not San Francisco Style Row Housing units twenty-eight feet tall and three feet apart.

It is also believed to be a faulty premise for a developer to be allowed to use total site area in potential building size calculations when a portion of the site area is in the middle of a creek with a flood zone of AE (this is a complete flood way) which is the worst designation given to only the most flood prone areas. Should a developer be able to use the entire site size in housing density calculations when a significant portion of the site is completely unusable and in a flood plain?

PROJECT DETAILS/COMMENTS:

A thoughtful review of the developer's "Policy Review" and "Ordinance Compliance" is like a ride through Fantasyland. The entire analysis is based on the premise that the developer will be deeded ½ of a private road at no charge in which a host of entities have claims, including San Luis Obispo county taxpayers. This is a veiled attempt to retake land already required to be donated to the county to meet the requirements so the developer can over-build. Should anyone be allowed to use the same dedicated road twice in calculations for 2 different projects in an attempt to circumvent the rules as written? Recent California law seems to clearly say no. (SEE CALIFORNIA LAW REVIEW 2015: DEDICATION OF LAND IN CALIFORNIA.) <http://scholarship.law.berkeley.edu/californialawreview>

The developer wants to build five of the homes facing E street 28' feet high with 3' feet separating each unit's property line. Each unit site width is 32' except one which is 33'. This equals 161' of frontage for five of the units when the total front property line is 150'. The developer wants to be deeded special rights by the county which will allow building out into the existing already-dedicated roadway.

E Street is ALREADY being impacted by traffic well beyond many safety considerations. Many people use the bottom of E Street as a means of accessing the Post Office. With the development of the "Plaza" at the bottom of E (E & Ocean) most trucks now park at the bottom of E Street (blocking one lane).

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Exhibit 5

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completely) when making deliveries throughout each day. There is also the new development (big red barn) at the bottom of E Street, with two more large commercial enterprises to be built next to it. That will impact the bottom of E Street even further. Required parking space called for in this project will also mean an additional onslaught of cars will be traveling up and down the street. The 10 unit apartment complex at the corner of E Street and Bakersfield requires 24 spaces, the 4 unit complex at the end of E Street (right next door to this proposed development, built by this same developer) required 12 more spaces and another already approved development behind the bus barn has been granted another 14. When you add in parking for this new proposed development, the E Street impact will be over 74 cars, and that does not include everyone that has a single family home on E Street. When you couple this will all the folks that fly up and down E Street that live on Bakersfield and Fresno streets and the 6 vacation rentals that use the street, E Street is ALREADY dangerous as to traffic. Do we want yet another additional 42 cars using the street?

E Street is also a Dead End street, so not only is there only one way in and one way out (which in reality nearly doubles the impact), the access to 399 E Street is also over a huge drop (hill) where you cannot see on-coming traffic. Also note that on paper (Plat Map) E street is 70' wide. In reality, the area of E street that feeds the site is only 23' wide, berm to berm with no way to expand unless the developer plans on removing everyone's drive-way too.

A Streambed Permit issued by Fish & Game means nothing. It is a disingenuous implication that the issuance of such a permit means anything, much less any type of project approval. It is basically a gardener's permit, based on what the applicant states is accurate as to vegetation.

FURTHER QUESTIONS: It is difficult to analyze the proposal in depth due to the various errors and assertions in the documents that were offered by the developer. Most residents of E Street and surrounding areas do have additional concerns. If even one car is parked in the interior drive-way, a CDF vehicle will not be able to enter the project. Based on the proposal drawings the interior road appears to be as wide as the 405, but in reality is only 22' wide with a turn-a-round spot to be 21' X 25'. The fire truck that the CDF will use on calls (if our fire department is dis-banded) is 24' in length and will not be able to turn around. The Cayucos Fire department current first response fire call truck is huge at 28" long.

Also, the depicted floodway boundaries are also in question at this time as to actual top of the bank set-back calculations as well as and true tree drip lines and vegetation makeup.

Please let it be known that a host of residences of E Street are completely against this over-development on a tiny dead end residential street with the east end of the street blind to on-coming traffic. We do not believe the impacts can be mitigated. We hope that the Cayucos residence in general will support these real concerns. Do not be afraid of developer threats such as "I'll just build apartments" that was publicly stated. This new proposed "Community" might be the most creative yet in an attempt to over-impact Cayucos's infrastructure, and lead us just one step further down the road to destroying the way of life so many of us have enjoyed in Cayucos for a very long time, some for generations. You might be next. Who knows, perhaps some other "development" folks originating from the southland might want to build 40 homes just above your house on some of the most geologically unstable ground in Cayucos.

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San Luis Obispo County Planning Commission

March 24th, 2016

Cypress Glenn Project, Cayucos, California

A request by Campbell-Sheppa/Daniel R Lloyd for a
Vesting Tentative Tract Map (Tract 3074)
and Development Plan/Coastal Development Permit

PLANNING COMMISSION

AGENDA ITEM

DATE

DO NOT REMOVE FROM FILE

Contentions

- The project is over parked by almost 60%. Seventeen spaces are required and 26 are proposed, not including the 6 much touted E Street parking spaces.
- The project concentrates traffic on Cypress Glen Court in violation of the Real Property Ordinance (Title 21).
- Cypress Glen Court is horizontally misaligned.
- The proposed residences fronting E Street are three-story and out of character with the neighborhood.
- Unpermitted uses are included in the riparian open space setback area.

A-3-SLO-16-0015



CZLUO 23.04.166

(5) Residential Uses:

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	PERCENT OF INFLUENCE
Single-Family Dwellings (Including mobilehomes, on individual lots.)	2 per dwelling	Low	N.A.
Multi-Family Dwellings (Including for the purpose of parking calculation, condominiums & other attached ownership dwellings.)	<u>Resident Parking</u> 1 per one bedroom or studio unit, 1.5 per two bedroom unit, 2 per three or more bedrooms, plus <u>Guest Parking</u> 1 space, plus 1 for each 4 units, or fraction thereof beyond the first four	Low	N.A.
Nursing and Personal Care	1 per 4 beds	N.A.	N.A.
Group Quarters (Including boarding houses, rooming houses, dormitories, and organizational houses).	1 per bed, plus 1 per 8 beds	Low	N.A.

SITE DESIGN STANDARDS

4-86

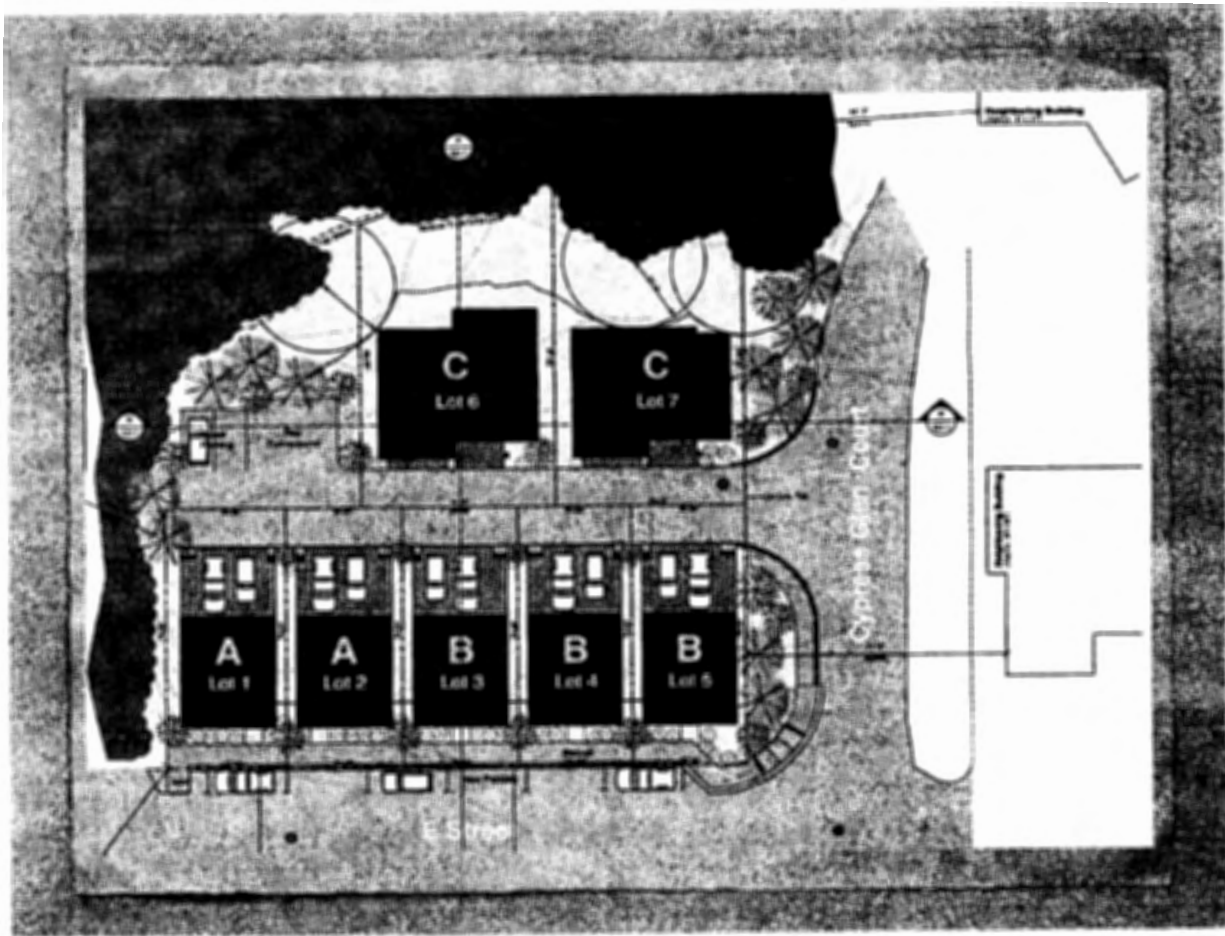
COASTAL ZONE LAND USE ORD.
REVISED NOVEMBER 2015

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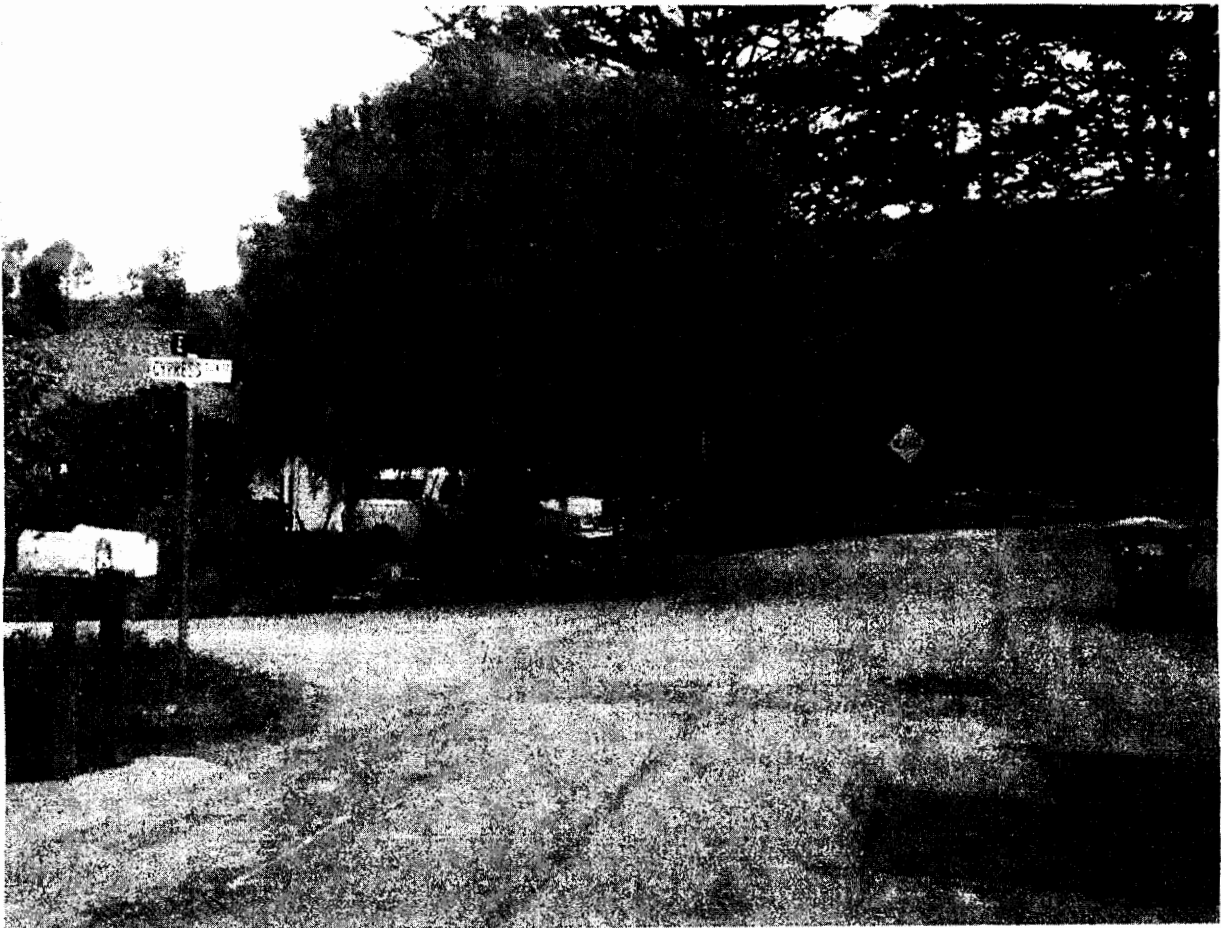
E-00915

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ATTACHMENT 8



ATTACHMENT 8



Jeff Edwards
February 29, 2016
Page 3 of 4

Attachment 7

Cypress Glen TM Project

Table 2 - Project Site Trip Generation Estimates

Project Components	Number of Vehicle Trips				
	AM Peak Hour		PM Peak Hour		Daily
	In	Out	In	Out	
Existing 4 SFDU (Access on Cypress Glen Ct.)	1	2	3	1	38
Cypress Glen Project Site:					
Existing SFDU (to be removed) -	0	1	1	0	10
Proposed 7 SFDU -	1	4	4	3	66
Project Site "Net" Increase (Prop. minus Ex.):	+1	+3	+3	+3	+56

Residential Traffic Volumes

The existing and existing plus project traffic volumes are illustrated on Figure 1 (included with Attachment Material). The daily traffic volumes associated with the existing homes having access on E Street (5 SFDU near the project site) are also included on Figure 1. The volume data on Figure 1 demonstrates that development of the Cypress Glen TM Project will almost triple the amount of daily traffic on Cypress Glen Court west of E Street (2.74 times existing). Based on information provided by your office, it is my understanding that your client would prefer that access for the lots fronting E Street be provided via direct driveway connections to E Street. This would minimize the amount of new traffic generated on Cypress Glen Court and maintain the current level of safety for existing pedestrian and bicycle traffic.

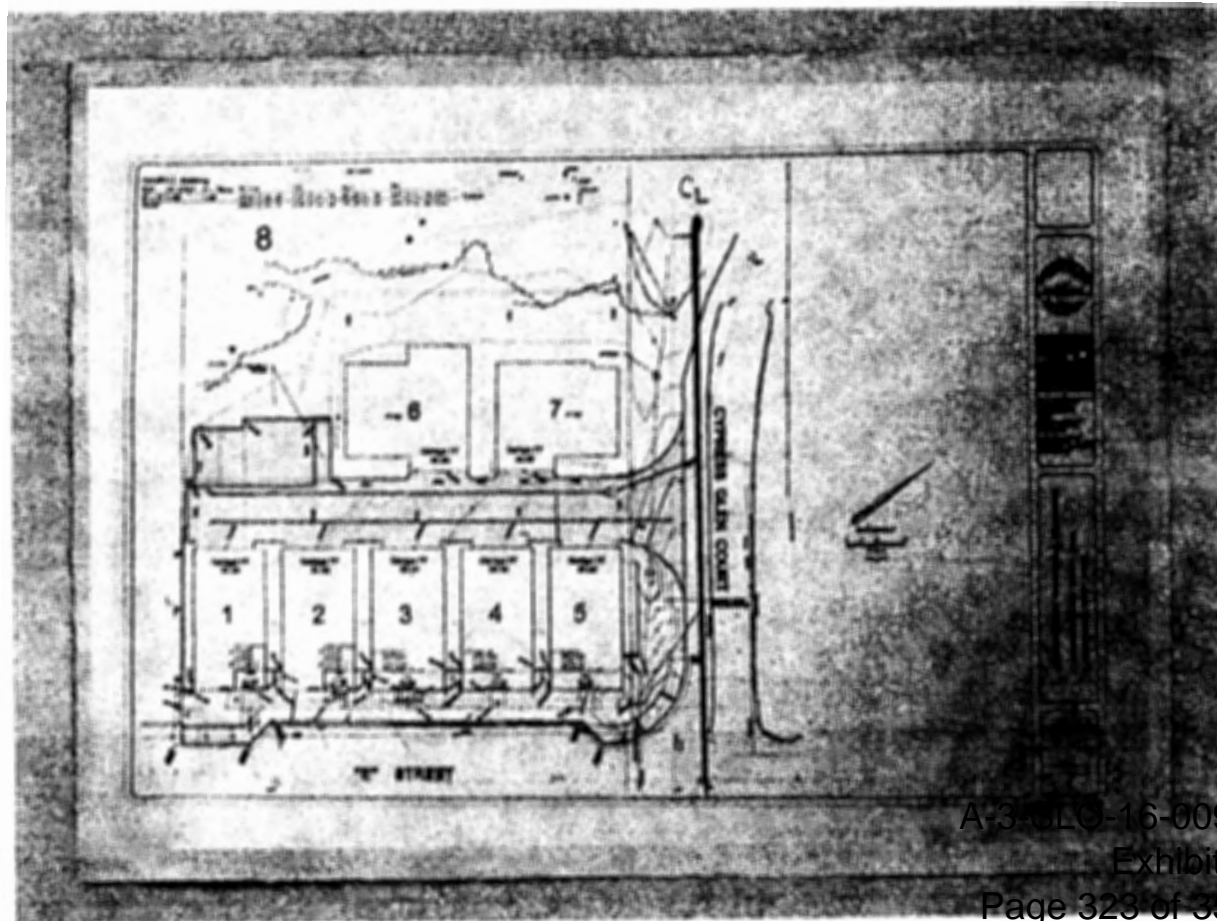
Real Property Division Ordinance

- Section 21.03.010(d)(7) states "Private easements, if approved by the planning commission or subdivision review board, may serve as access to NO MORE THAN an ultimate of FIVE PARCELS, including parcels not owned by the divider."
- Currently Cypress Glen Court served four parcels. The proposed project adds access to seven parcels from Cypress Glen Court for a total of eleven, thus exceeding the limitation by 6 parcels.
- An adjustment to the above section is available under Section 21.03.020(a)(b)(c).
- To date the applicant has failed to file a timely adjustment request and has not demonstrated UNDUE HARDSHIP as required.

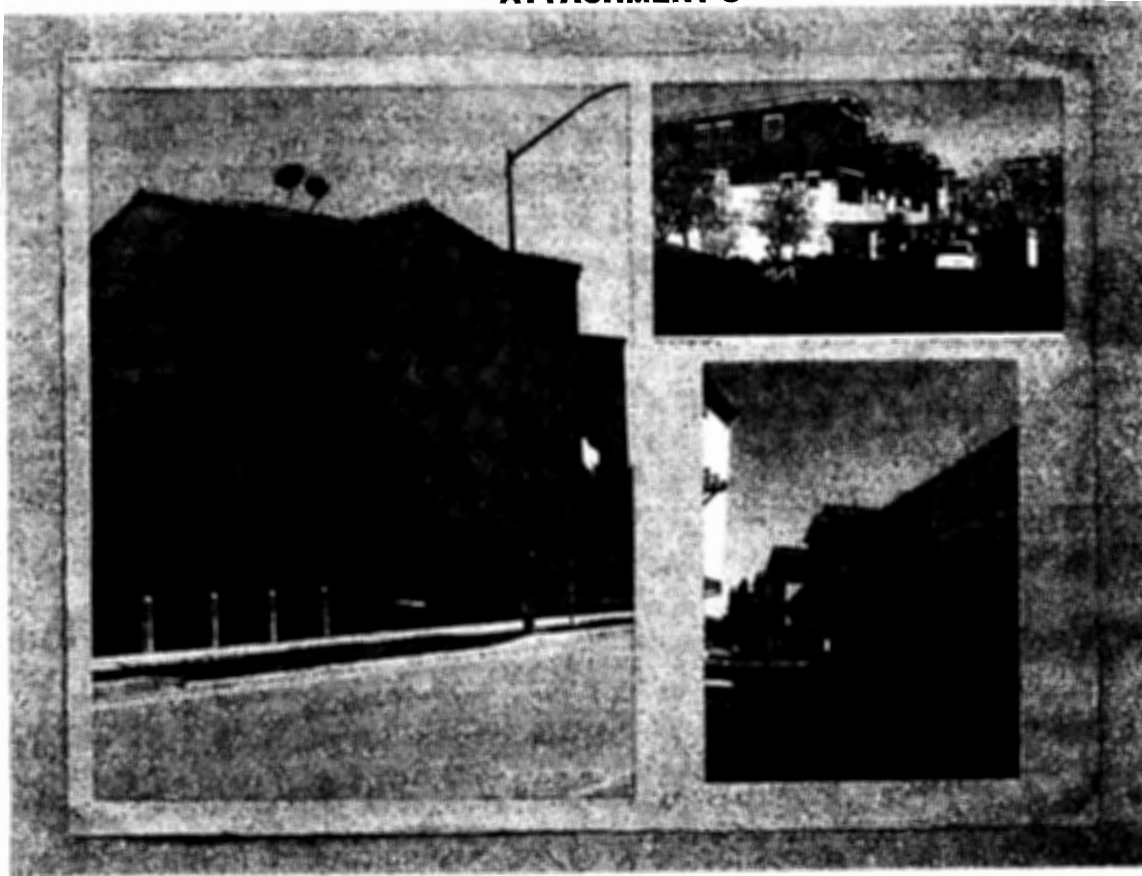
A-3-SLO-16-0025
Exhibit 5

Cypress Glen Court

- The project proposes the abandonment of the southerly half of Cypress Glen Court by Tract 3074.
- The neighbors have requested an abandonment of the northerly half of Cypress Glen Court in accordance with the California Streets and Highways Code.
- Your Planning Commission will consider a General Plan Conformity Report for each of these requests.
- The future horizontal alignment of Cypress Glen Court should be realigned to conform with the true centerline of the 70 foot right-of-way.



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Conclusion

- On behalf of my clients, I respectfully request a continuance of the hearing for the proposal before you until a number of key issues may be addressed.
- Property address RPDO Section 21.05.010
- Determine the legal ramifications of securing proper easements for access and the right to use Cypress Glen Court to what extent by the proposed project.
- Confirm locations of the edge of riparian vegetation and resulting setback and verify the applicant's ability to remove and unpermitted uses within the setback area.
- Re- refer the proposal to the CCAC for further review and a decision.
- Verify with Cal Fire, the appropriate requirements for the project. It appears the local Calaveras Fire Department may not have reviewed the project in sufficient detail and/or had the benefit of understanding of all the applicable requirements.

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Exhibit 5

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ATTACHMENT 8

Petition to Save E Street

The following petitioners ask the Planning Commission Members to reduce the proposed project at 399 E Street, Cayucos, otherwise known as the Campbell-Sheppard/Dan Lloyd Tract 3074.

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- This proposal is completely out of character for the neighborhood.
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- Other impacts are disruption of quiet enjoyment and diminution of property values.
- We would support a lower density non subdivision project in this location.

Questions contact Kathy Oliver 995-1965 or Eileen Roach 995-1733

Printed Name	Signature	Street Address	City
David Vickers	<i>[Signature]</i>	602 St. Mary Ave	Cayucos
RANDY KENNEY	<i>[Signature]</i>	43 PACIFIC AVE	Cayucos
MARIA L. BEDRONI	<i>[Signature]</i>	51 S OCEAN AVE	Cayucos
Chie Koepe	<i>[Signature]</i>	183 G St. Cayucos, CA	Cayucos
Kelli Fraga	<i>[Signature]</i>	165 Park Ave Cayucos	Cayucos
Janina A. Cook	<i>[Signature]</i>	57 SO. OCEAN #B Cayucos	Cayucos
Carolita Williams	<i>[Signature]</i>	20 Saint Mary's Cayucos	Cayucos
Margaret Williams	<i>[Signature]</i>	413 Pacific Ave	Cayucos
Dan Williams	<i>[Signature]</i>	21 6th ST B C	Cayucos
Devel Kenney	<i>[Signature]</i>	43 Pacific Ave	Cayucos

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Printed Name	Signature	Street Address	City
Barin Appendroth	[Signature]	20 St. Mary's Ave.	Cayucos
BRETT SPENDER	[Signature]	43 PACIFIC	Cayucos
Sean W. Kinsler	[Signature]	21 E St Street "B"	Cayucos
John Gundeloch	[Signature]	P.O. Box 413 Cayucos	Cayucos
MIKE TOBE	[Signature]	527 Jaim Macy	Cayucos
MATTIN GAVIN	[Signature]	1946 6 STREET Cayucos	Cayucos
Laura Stinson	[Signature]	2784 omile Ave	Cayucos
Tapper Shannon	[Signature]	100 S. ocean	Cayucos
Casey Moss	[Signature]	222 Old Creek, RD	Cayucos
Cale Moore	[Signature]	222 Old Creek RD	Cayucos
Laura Roach	[Signature]	491 muncie	Cayucos
	[Signature]	222 Old Creek	Cayucos

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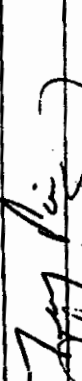




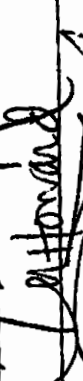





Printed Name	Signature	Street Address	City
Susan Mathias	Susan Mathias	2898 Sandoval Ave. Morro Bay CA	Cayucos
Carmy Street-Williams	[Signature]	19 Ocean Front Ln	Cayucos
Pailey Kelley	[Signature]	19 Ocean Front Lane	Cayucos
ROBERTA	[Signature]	2-117 Santa Barbara Ave	Cayucos
John Schott	[Signature]	17 Ocean View Dr	Cayucos
[Signature]	[Signature]	51 So. Ocean Dr Cayucos	Cayucos
[Signature]	[Signature]	600 Silk Street	Cayucos
PAUL BENDER	[Signature]	186 E 5th St	Cayucos
Edwene Mann	[Signature]	411 E St	Cayucos
Julie Kelly	[Signature]	530 Avalon St Morro Bay	Cayucos
Lynn Chandler	[Signature]	225 4th Creek Rd	Cayucos

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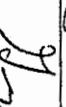
Printed Name	Signature	Street Address	City
TERRY PARK		12 BAKERSFIELD AVE	Cayucos
Charlene Paris		12 Bakersfield Ave	Cayucos
WILL COSTA		348 TAFT AVE	Cayucos
CAROL BRAUN		38 Bakersfield AVE	Cayucos
JAMES HOWARD		358 TAFT AVE.	Cayucos
MELISSA HOWARD		358 TAFT AVENUE	Cayucos
JAN L. HODGES		321 E. ST.	Cayucos
JOSEPH R. WHITE		1625 CAZAR AVE #13	Cayucos
ROBERT MERRICK		16 9th ST	Cayucos
ANTOINETTE MERRICK		16 9th St	Cayucos
Diana M. Laughlin		49 17th St	Cayucos

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Printed Name	Signature	Street Address	City
Kathleen Oliver	Kathleen Oliver	21 Cypress Glen Ct.	Cayucos
Eileen Roach	Eileen Roach	46 Cypress Street	Cayucos
Charlie Lykes		372 E. Street	Cayucos
Brandi Lykes	Brandi Lykes	372 E. Street	Cayucos
Greg Haas		14 Fresno Ave	Cayucos
Dave Stearns		186 E St	Cayucos
Paula Stevens	Paula Stevens	186 E St	Cayucos
Greg Bettencourt		440 D St	Cayucos
John Sheppard	John Sheppard	491 D St	Cayucos
Adrian M. Hurtado	Adrian M. Hurtado	411 D St	Cayucos
Jean E. Hurtado	Jean E. Hurtado	411 D St	Cayucos

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Printed Name	Signature	Street Address	City
Richard Gohary		2702 Santa Barbara	Cayucos
Della Flint		11918 Sycamore Dr.	Cayucos
Lucy Sobell		1250 Pacific Ave	Cayucos
Mary Margaret Goulden		3167 Shearer Ave	Cayucos
James A. Geeland		3167 Shearer Ave	Cayucos
Dandi McElroy		195 E Street	Cayucos
Christal Ramirez		2784 Grille Avenue	Cayucos
Steve Mennucci		350 N Ocean #61 Cayucos	Cayucos
Anna B. M.		2014 E 11th St Cayucos	Cayucos
Courtney Nicholas		1340 4th St 105 0585	Cayucos
Hunter Selene		151 Cypress Ave Cayucos Ca	Cayucos




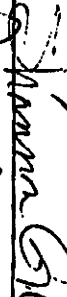
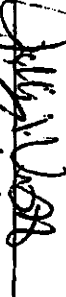


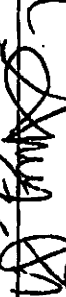

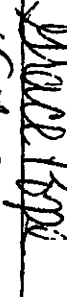
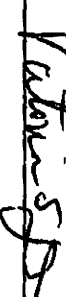
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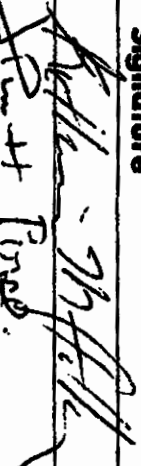
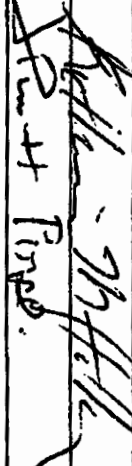




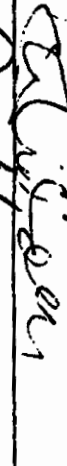

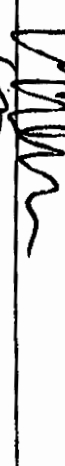

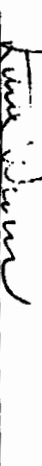
Printed Name	Signature	Street Address	City
ERIC TASHAWAY		15 TREASURE AVE, CAYUCOS CA.	Cayucos
COLLEEN COSTA		3418 FINE AVE	Cayucos
Tom Glass		1025 Pacific	Cayucos
Shannon Glinn		1025 Pacific Ave	Cayucos
Jess Weikert		2702 STATE SHEPPARD	Cayucos
ZEKE DALPOMAS		101 FRESNO AVE	Cayucos
Raquel delPomas		101 FRESNO AVE	Cayucos
AMY BIRCH		2730 RICHMOND AVE CAYUCOS	Cayucos
Chris Alford		47 4th Ave, Cayucos	Cayucos
Grace Pope		12 Ash St. Cayucos	Cayucos
Victoria Dandurand		35 Studio Drive, Cayucos	Cayucos

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Questions contact Kathy Oliver 995-1965 or Eileen Roach 995-1733

Printed Name	Signature	Street Address	City
KATHERINE Stulberg		23 ASH AVE, CAYUCOS, CALIF. 93430	Cayucos
CHRIS H. Pope		12 ASH AVE CAYUCOS CA 93430	Cayucos
Danet Sorensen		24 Ash Ave Cayucos, CA 93430	Cayucos
Kerry Friend		340 E St, Cayucos	Cayucos
Anna Zavala		399 E St	Cayucos
LEWIS MAIR		481 E St Sheppard - 93430	Cayucos
Patrick Riddell		404 E St, Cayucos, CA 93430	Cayucos
SCOTT MAIR		170 E St Cayucos CA 93430	Cayucos
LONNIE ZAVALA		399 E ST CAYUCOS CA 93430	Cayucos
SARAE MARIE		170 E St. Cayucos CA 93430	Cayucos
KATHY MARIE		7 Saint Mary Ave, Cayucos CA 93430	Cayucos

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Questions contact Kathy Oliver 995-1965 or Eileen Roach 995-1733

Printed Name	Signature	Street Address	City
Eileen Roach	Eileen McRae	34 Cypress Glen Ct.	Cayucos
David Luis	David Luis	40 Cypress Glen Ct.	Cayucos
JoAnna Riddell	JoAnna Riddell	404 E St	Cayucos
COMPANEN	COMPANEN	340 E St	Cayucos
James Lewis	James Lewis	321 E St #6	Cayucos
Janet Nicotin	Janet Nicotin	17 Fresno	Cayucos
MAVIS HARTZEL	MAVIS HARTZEL	# 3 ASH AVE	Cayucos
Rebecca Wyatt	Rebecca Wyatt	150 E St.	Cayucos
Steve Wyatt	Steve Wyatt	150 E St.	Cayucos
Charlene Muehl	Charlene Muehl	1 Park St Cayucos, Ca	Cayucos
Jeffrey Stulberg	Jeffrey Stulberg	23 Ash Ave. Apt. 9343c	Cayucos

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- We would support a lower density non subdivision project in this location.

Questions contact Kathy Oliver 995-1965 or Eileen Roach 995-1733

Printed Name	Signature	Street Address	City
Andrew Batty	Andrew Batty	396 'D' Street	Cayucos
Martha Batty	M. Batty	396 'D' Street	Cayucos
Molly Brindley	Molly Brindley	360 D Street	Cayucos
Joseph Brindley	Joseph Brindley	360 D Street	Cayucos
Betsy Buttercourt	Betsy Buttercourt	398 D St	Cayucos
Gabeen Krossa	Gabeen Krossa	201 D St	Cayucos
John Mezza Rossa	John Mezza Rossa	240 D St	Cayucos
Steve Mezza Rossa	Steve Mezza Rossa	240 D St	Cayucos
Stephen Poland	Stephen Poland	301 D St	Cayucos
Jeremy Buttercourt	Jeremy Buttercourt	398 D St	Cayucos
Troy Cumbly	Troy Cumbly	2440 Pinedale	Cayucos

Petition to Save E Street

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Page 36 of 54



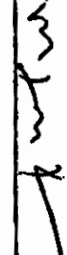

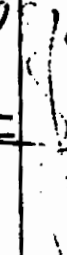
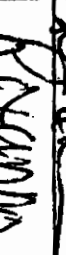
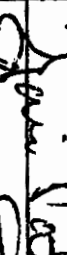




Printed Name	Signature	Street Address	City
Donald Roach	<i>Donald Roach</i>	1773 9th St	Los Osos
Amanda Roach	<i>Amanda Roach</i>	1773 9th St	Los Osos
David Schalk	<i>David Schalk</i>	PO BOX 354 Cayucos	Cayucos
Catherine Saccadden	<i>Catherine Saccadden</i>	2314 Alban Pl	Cayucos
EARLE L. CAMPBELL	<i>Earle L. Campbell</i>	2216 E. Dan Place	Cayucos
Lauren Pell	<i>Lauren Pell</i>	205 Landfair Ave, Los Angeles CA	Los Angeles
Joseph Gastinel	<i>Joseph Gastinel</i>	Landfair Ave, Los Angeles, CA	LA
Danielle Pell	<i>Danielle Pell</i>	10882 Rose Ave Los Angeles CA	LA
Mark Levine	<i>Mark Levine</i>	16882 Rose Ave Los Angeles CA	LA
Eileen Roach	<i>Eileen Roach</i>	1481 15th St Los Osos	
Kelia Rejzko	<i>Kelia Rejzko</i>	3569 Brown Ave Cayucos	Cayucos

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Questions contact Kathy Oliver 995-1965 or Eileen Roach 995-1733

Printed Name	Signature	Street Address	City
Tina Heston		P.O. Box 855	Cayucos
Kevin Humes		1714 14th Street	Cayucos
Pick McCallie		273 Birch Ave	Cayucos
MICHAEL MATSON		350 Mountain View	Cayucos
BEN CALHOUNER		172 O Street	Cayucos
TED SHOTT		21 OCEAN FRONT LN	Cayucos
ALAN FREEMAN		1876. CIBOLA LN	Cayucos
Doug Wellmeyer		2305 Orville	Cayucos
Rebecca Villers		62 St. Mary Ave	Cayucos
Gael Daffin		581 Park Ave. apt. A	Cayucos
George Clarke		90 12th St	Cayucos

ATTACHMENT 8

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Questions contact Kathy Oliver 995-1965 or Eileen Roach 995-1733

Printed Name	Signature	Street Address	City
Judi Jackson	Judi Jackson	390 N Central Ave #79	Cayucos
A.D. Kelly	Robert D. Kelly	1173 Cass Ave	Cayucos
Levi Sanchez	[Signature]	1173 Cass Ave	Cayucos
Jim Lunn	[Signature]	107 D St.	Cayucos
Carol Chubb	[Signature]	210 St Mary Ave	Cayucos
Susan Swendsen	[Signature]	69 11th St.	Cayucos
Dennis Takahashi	[Signature]	177 E St	Cayucos
Carol & Teegee	[Signature]	15 12th St.	Cayucos
Sheri McGill	[Signature]	43 12th St	Cayucos
Jam Schindler	[Signature]	42 12th St	Cayucos
Bonnie David	[Signature]	42 12th St	Cayucos





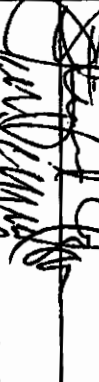





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Exhibit 5
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Printed Name	Signature	Street Address	City
KYLE NEEDHAM		10 BAKERSFIELD	Cayucos
VERONICA NEEDHAM		10 BAKERSFIELD	Cayucos
Alice Tomasin		58 Bakersfield Ave	Cayucos
Stacy Canfran		65 Bakersfield Ave	Cayucos
Don Murray		74 Bakersfield Ave.	Cayucos
Yvette Caywood		74 Bakersfield Ave.	Cayucos
Donna Dye		83 Bakersfield Ave	Cayucos
TERRY DYE		83 BAKERSFIELD	Cayucos
David Hammack		187 Bakersfield Ave	Cayucos
Jalie Hamanack		187 Bakersfield Ave	Cayucos









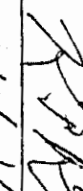
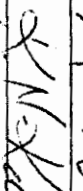
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Printed Name	Signature	Street Address	City
David Leary		391 D ST.	Cayucos
George Schuchtel		167 I ST. Cayucos CA	Cayucos
Debra Stevens		9155 Santa Rita Highway La	Cayucos
Craig Barclay		332 old Creek Rd	Cayucos
REBECCA BARCLAY		332 OLD CREEK RD	Cayucos
LANCE DUBOIS		260 D ST. Cayucos Cit.	Cayucos
Naneth Kross		221 D ST Cayucos	Cayucos
KENNETH KARELINE		464 D ST Cayucos	Cayucos
REBECCA KARELINE		264 D ST Cayucos	Cayucos
Sharon Simms		26 BULLHORN ST Cayucos	Cayucos

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Printed Name	Signature	Street Address	City
RICHARD SHAPIRO	[Signature]	36 ST 111, 1004	Cayucos
STEVE BUCKNER	[Signature]	170 F ST	Cayucos
GIND DETRUCCI JR	[Signature]	55 ST. MARY	Cayucos
TIMOTHY R DICKERSON	[Signature]	163 G ST	Cayucos
BRAD HEISENBERG	[Signature]	187 G ST.	Cayucos
YOUTHIA B. BARNES	[Signature]	171 F. ST.	Cayucos
COLECE BURTING	[Signature]	171 F ST.	Cayucos
			Cayucos
			Cayucos
			Cayucos

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Printed Name	Signature	Street Address	City
Dirk Langer	Dirk Langer	1173 S. Ocean Ave	Cayucos
Francie Fairmet	Francie Fairmet	833 12th St	Cayucos
Seimila Marks	Seimila Marks	84 12th St	Cayucos
Eileen Gillerson	Eileen Gillerson	824 Main St. Cambria	Cayucos
Nancy Summers	Nancy Summers	Cambria	Cayucos
AMES ANDERSON	AMES ANDERSON	2245 ROMNEY DR. CAMBRIA	Cayucos
			Cayucos
			Cayucos
			Cayucos
			Cayucos
			Cayucos

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Printed Name	Signature	Street Address	City
Kathryn Dilcutt	<i>Kathryn Dilcutt</i>	2789 S Ocean Blvd.	Cayucos
Katelyn Mangold	<i>Katelyn Mangold</i>	2789 S. Ocean Blv.	Cayucos
Lodger Wilcox	<i>Lodger Wilcox</i>	2789 S Ocean Blvd	Cayucos
<i>Allye Kucant</i>	<i>Allye Kucant</i>	2789 S Ocean Blvd	Cayucos
LYNDA EBERHART	<i>Lynda Eberhart</i>	177 E. ST.	Cayucos
CHIFFORD A. BAINES	<i>Chifford A. Baines</i>	166 E St.	Cayucos
<i>Francine Espósito</i>	<i>Francine Espósito</i>	3130 Studio Dr. Cayucos, Ca.	Cayucos
Viaca Espósito	<i>Viaca Espósito</i>	431 Mindero St M.B. Ca. 93442	Cayucos
			Cayucos
			Cayucos
			Cayucos

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Debbi Stevens	<i>Debbi Stevens</i>	9155 Santa Ebra Highway, La	Cayucos
Craig Barclay	<i>Craig Barclay</i>	332 Old Creek Rd	Cayucos
REBECCA BARCLAY	<i>Rebecca Barclay</i>	332 OLD CREEK RD	Cayucos
LANCE JIMBOENS	<i>Lance Jimboens</i>	260 D ST. Cayucos Cit.	Cayucos
Doneth Krosson	<i>Doneth Krosson</i>	22d D St Cayucos	Cayucos
KAREN KARELINE	<i>Karen Kareline</i>	264 D St Cayucos	Cayucos
REBECCA JIMBOENS	<i>Rebecca Jimboens</i>	264 "D" St Cayucos	Cayucos
Sylvia Simms	<i>Sylvia Simms</i>	26 Bluff St Cayucos	Cayucos

Petition to Save E Street

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ATTACHMENT 8

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Exhibit 16 of 34
Page 16 of 34
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Printed Name	Signature	Street Address	City
Kyle Brown	Kyle Brown	101 Bakersfield Ave	Cayucos
Mary Brown	Mary Brown	101 Bakersfield Ave	Cayucos
Shirley Van Fleet	Shirley Van Fleet	949 Pacific Ave	Cayucos
JEFFREY VAN FLEET	Jeffrey Van Fleet	949 PACIFIC AVE	Cayucos
			Cayucos
			Cayucos
			Cayucos
			Cayucos
			Cayucos
			Cayucos
			Cayucos

Petition to Save E Street

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- Questions contact Kathy Oliver 995-1965 or Eileen Roach 995-1733**

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Annette Ramirez

From: Blake Fixler
Sent: Monday, October 03, 2016 1:09 PM
To: cr_board_clerk Clerk Recorder
Subject: Correspondence Re Agenda Item 22
Attachments: Correspondence Re 10-4 Item #22 .pdf

For your review.
Thank you.

Blake Fixler
Administrative Assistant III
Board of Supervisors
San Luis Obispo County
www.slocounty.ca.gov
Direct Line 805-781-5498

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OGDEN & FRICKS LLP

OCT - 3 2016

Board of Supervisors
San Luis Obispo County

EACH SUPERVISOR
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October 3, 2016

Via Hand Delivery

File No. 3386-01

Frank Mecham
Board of Supervisor, District 1
Room D-430
County Government Center
San Luis Obispo, California 93408

Bruce Gibson
Board of Supervisor, District 2
Room D-430
County Government Center
San Luis Obispo, California 93408

Forwarded
to the
Clerk Recorder

Adam Hill
Board of Supervisor, District 3
Room D-430
County Government Center
San Luis Obispo, California 93408

Lynn Compton
Board of Supervisor, District 4
Room D-430
County Government Center
San Luis Obispo, California 93408

Debbie Arnold
Board of Supervisor, District 5
Room D-430
County Government Center
San Luis Obispo, California 93408

Re: *Appeal by Eileen Roach of the Planning Commission's Approval of a Request by Campbell-Sheppard/Dan Lloyd for a Tentative Tract Map and Development Plan/Coastal Development Permit*

Dear Honorable Supervisors:

Thank you for this opportunity to provide you with important information concerning our above-referenced appeal. My firm represents Appellants Eileen Roach and her mother, Kathy Oliver, who reside across the street from Mr. Lloyd's project (Project) at 24 Cypress Glenn Court, Cayucos, California 93430. The purpose of this letter is to explain the reasons why we believe our appeal should be granted and the decision of the Planning Commission reversed.

1. The Real Property Division Ordinance Coastal Violation

The Project violates the Real Property Division Ordinance (RDP) as a result of Mr. Lloyd's request that the County abandon a portion of Cypress Glen Court, which includes a portion of Little Cayucos Creek, a recognized Environmentally Sensitive Habitat. (see page 3, Figure 1 of Staff's Agenda Item Transmittal) This abandonment request (Requested Abandonment) is discussed below in Section 4. If the Requested Abandonment is granted by the Board, Cypress Glen Court will become a *private easement*. Cypress Glen Court currently

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serves four single-family residences. A private easement can only be approved if it serves five or less parcels. Since there are already four residences being served, the RPD would allow this freshly-minted private easement, Cypress Glen Court, to serve only a single residence in the Project. Appellant is fine with that result. However, that is not the result. To the contrary, the Project will serve eleven single-family residences via the Cypress Glen Court private easement, rather than the mandated-maximum of five.

Specifically, RPD 21.03.010 provides: The planning commission and the subdivision review board, as the advisory agency, shall not approve or conditionally approve a tentative tract map or tentative parcel map unless it determines that all of the following criteria are satisfied:

(d)(7) Private easements, if approved, by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.

In order to cure this violation of the RPD, the Project seeks to exploit Section 21.03.020, which provides for "Adjustments." Adjustments are not permitted save very limited circumstances. Section 21.03.020(a) allows the Planning Commission "in cases where *undue hardship* would result from the application of the regulations established in this title, approve adjustments or conditional adjustments to these regulations."

Here, there is no undue hardship to either the Project or Mr. Lloyd. First, undue hardship has not and cannot be defined as the inability to maximize the density of a parcel or the inability of a developer to maximize his profits. Second, since the developer himself is seeking the Requested Abandonment resulting in the violation of the RPD, undue hardship cannot be defined as a condition intentionally created by the developer, i.e., the Requested Abandonment.

Section 21.03.020 also provides that the Planning Commission shall not "approve any adjustment request to the standards set forth in Section 21.03.10 or for required offers of dedication unless it makes each of the following findings:

- (1) That there are special circumstances or conditions affecting the subdivision;
- (2) That the granting of the adjustment will not have a material adverse effect upon the health and safety of persons residing or working in the neighborhood of the subdivision; and
- (3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision."

Of course, when the existing 4-parcel Project was created years ago, the developer was required to offer for dedication a portion of his land to the County for Cypress Glen Court.

Exhibit 5

that Mr. Lloyd wants to maximize single family residential density on this half-acre site by making it 8 parcels, he seeks a return of that dedicated land from the County in his Requested Abandonment. The ultimate irony is Mr. Lloyd's intentional transformation of quiet, little Cypress Glenn Court into a private easement while simultaneously seeking a free pass on the RPD limitation of five residences. Of course having the Court serve eleven single family residences instead of the mandated maximum of five will hugely increase traffic on the Court including vehicle vs. vehicle conflicts and vehicle vs. pedestrian conflicts, decrease safety and negatively impact the property values of the four residences who rely on Cypress Glen Court for access. These are all palpable, material adverse effects, detriments and permanent impacts on the Project's neighbors.

Rather than fairly and thoroughly considering the material adverse effects on the established neighborhood by rerouting traffic onto Cypress Glen Court, the Planning Commission and its staff simply cut and pasted the "findings" drafted by the developer in his February 8, 2016 letter to the County--compare page 23 of 33 of Staff's Attachment 1 to pages 54 and 55 of Staff's Attachment 8). The justifications offered by the Developer and blessed by staff (e.g., avoiding decreased Project density due to long-existing site conditions (slope; riparian habitat), decreased E Street parking, efficient trash collection, etc.) provide no evidence of undue hardship whatsoever. Moreover, ignoring the RPD in this instance will cause such an obvious, material, detrimental and adverse effect on the existing neighborhood, deviation from the RPD could not have been seriously considered.

The simple answer is that the Project should to continue to take its access from E street as currently configured for the Project's existing, inhabited residence. All other residences on E Street take their access from E Street. The Project needs to as well.

2. The Density, Maximum Floor Area and Minimum Open Area Coastal Violations

The Project is a planned development in the Residential Multi-Family Category, so its density is dictated by Section 23.04.084. (Section 23.04.028 d. (2)) Section 23.04.084 (b) places express limitations on the percentage of the Project's total Usable Site Area that can be dedicated to gross floor area of all residential structures, including upper stories. The Planning Commission applied a medium intensity factor for the Project.

In order to properly measure the percentage of the Project's Usable Site Area that is dedicated to floor area, certain defined terms must be understood and applied.

The term "Usable Site Area" means "Site Area, Usable" (Section 23-11-030).

The term "Site Area, Usable" means Site Area, Net minus any portions of the site that are precluded from building construction by natural features or hazards, such as areas subject to inundation by tides or the filing of reservoirs or lakes. (Section 23-11-030)

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Read Item No. 22 Meeting Date: October 4, 2016
Presented By: Board of Supervisors Administrative Assistant
Rec'd prior to the meeting & posted on: October 3, 2016

The term Site Area, Net means Site Area, Gross minus any ultimate street rights of way and any easements (but not open space easements) that limit the surface use of the site for building construction. (Section 23-11-030)

The term Site Area, Gross means the total area of a legally created parcel (or contiguous parcels of land in single or joint ownership when used in combination for a building or permitted group of buildings), including any ultimate street right-of-way, existing rights-of-way deed to the parcel, and all easements (except open space easements), across the site. (Section 23-11-030)

Here, Site Area, Gross = the total project site, i.e., Lots 1-8 (39432 sq. ft.-see page 7 of Staff's Attachment 1) minus the area of the open space easement, i.e., Lot 8 (21090 sq. ft.), or 18342 sq. ft.

Next, Site Area, Net = Site Area, Gross (18342 sq. ft.) minus the ultimate street right of way/easement, here accepted as 7000 sq. ft. by the Planning Commission (see page 5 of Staff's Attachment 8) in connection with the Requested Abandonment, or 11342 sq. ft.

(Staff agrees that this 7000 sq. ft. must be deducted from Site Area, Gross, as an easement will replace the right of way if the Requested Abandonment is granted. See page 19 of Staff's Attachment 8- "Property owners retain the right to access properties through the underlying easement that stays in place.")

Next Site Area Usable = Site Area, Net in this instance or 11342 sq. ft.

Section 23.04.084 (b) limits maximum floor area to 48% of the Site Area Usable since a medium intensity factor was applied to the Project. $.48 \times 11342 = 5444$ sq. ft. maximum gross floor area. However, the gross floor area for this project (page 7 of Staff's Attachment 1) is 15672 sq. ft. Regardless, in order to legally build 15672 sq. ft. of gross floor area, the Project needs a Site Area, Useable of 32650 sq ft. The Project will never have sufficient site area because of the Project's 21090 sq. ft. open space easement (Lot 8).

Section 23.04.084 (b) likewise limits minimum open area to 45% of the Site Area Usable for this Project based upon a medium intensity factor. Here according to the Project's plans (see pages 115, 120 125 of Staff's Attachment 8) the building and parking footprints are too large and, for the same reasons illustrated above, the Project fails to provide sufficient minimum open area under applicable law.

3. The Cayucos Urban Area Standards/Estero Area Plan Coastal Violation

The Cayucos Urban Area Standards within the Estero Area Plan provide that density for this Project shall not be more than ten units per acre. (Estero Area Plan, page 7-57). Therefore, in order for the Project to have 7 legal units, the project would require at least .7 acres of land. The Project however, has only .68 acres of land (see page 1 of Staff's Agenda Item Transmittal, box 4), fixing the maximum number of units for this Project at 6.

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4. The Requested Abandonment Includes an ESH and Should Be Denied

Cypress Glen Court should not be sacrificed simply to enable this developer to maximize density of this Project. Again, a portion of Little Cayucos Creek, a recognized Environmentally Sensitive Habitat, is part of the Requested Abandonment. The detriment to the existing neighborhood and the public caused by the Requested Abandonment includes placing maintenance and replacement costs of the street directly on the neighborhood after the developer departs with his profits. Inasmuch as the sole purpose for the developer to request the Abandonment is to increase density, the traffic impacts caused by almost tripling the single family residences using this Court will vastly increase maintenance and replacement costs. Surely, the cost to the County of maintaining this Court based upon its current use must be nil, particularly in comparison to the detriment abandonment will bring to the Environmentally Sensitive Habitat, the existing neighborhood and the public. Abandonment should not be granted. The Appeal should be granted.

5. The Environmentally Sensitive Habitat Set Back Coastal Violation.

The Local Coastal Program requires that buildable areas be outside (i.e., more than) the required 50-foot setback. Here, the Local Coastal Program is further buttressed by the Estero Area (Coastal) Plan, which is *more* restrictive, stating that: "**Development** shall be setback from coastal streams as shown in Table 7-2," which for Little Cayucos Creek is 20 feet. (see page 7-44-45 of Estero Area Plan) Clearly, the term "Development" is far more inclusive than the term Buildable area. For example, the creation of residential backyard is development. The installation of a fence is development. The building footprint must be 50 feet away from Little Cayucos Creek.

Here, the Project conditions and plan documents approved by the Planning Commission clearly violate both the Local Coastal Program and the Estero Area Plan. The Project's buildings are located within the applicable 50-foot setback for buildings and the Project's outdoor use areas, backyards and fences are within the applicable 20-foot setback for development. (See page 131 of Staff's Attachment 8.

6. Response to Staff's Agenda Item Transmittal

The Project seeks approval of a subdivision. Policy No. 4 of the Local Coastal Program applies to protect environmentally sensitive habitat contained within a parcel being considered for subdivision. Here, the Project seeks the subdivision of a parcel containing a portion of Little Cayucos Creek, an acknowledged environmentally sensitive habitat. Each of Sections 1 through 5, above, directly impact the environmentally sensitive habitat of Little Cayucos Creek and are all triggered by this appeal.

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Exhibit 5

Page 353 of 354

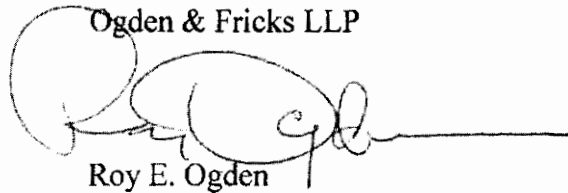
Agenda Item No. 2 Meeting Date: October 4, 2016
Presented By: Board of Supervisors Administrative Assistant
Rec'd prior to the meeting & posted on: October 3, 2016

October 3, 2016

My clients and I sincerely appreciate your time, attention and diligence in this matter. We look forward to seeing you.

Very truly yours,

Ogden & Fricks LLP

A handwritten signature in black ink, appearing to read "Roy E. Ogden", with a long horizontal line extending to the right.

Roy E. Ogden

A-3-SLO-16-0095

Exhibit 5

Page 354 of 354

Agenda Item: 12 Meeting Date: October 4, 2016
Presented By: Board of Supervisors Administrative Assistant
Rec'd prior to the meeting & posted on: October 3, 2016

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: Kerry Friend

Mailing Address: 340 "E" Street

City: Cayucos

Zip Code: 93430

Phone: home (805) 995-3042
cell (805) 235-3623

SECTION II. Decision Being Appealed

1. Name of local/port government:
San Luis Obispo County

2. Brief description of development being appealed:

Tentative Tract Map and Development Plan/Coastal Development Permit to allow the following: 1) demolition of a single family dwelling; 2) subdivision of a 0.68 acre site into 7 residential parcels (2,432 to 3,311 square feet) and one open space parcel (21,090 square feet); 3) construction of 7 single family residence (2,013 to 2,449 square feet; 4) abandonment of a portion of Cypress Glen Court; 5) adjustment to the Real Property Division Ordinance (section 21.03.010) to allow more than five lots to be accessed from a private easement and adoption of the proposed Mitigated Negative Declaration. District 2

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

399 E Street, Cayucos, CA 93430

Assessor's Parcel Number: 064-034-007

Nearest Cross Street: Bakersfield

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

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

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

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

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

6. Date of local government's decision: October 4, 2016

7. Local government's file number (if any): Local Application Number: SUB2015-00001

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:

Daniel R. Lloyd
P.O. Box 378
Cayucos, CA 93430

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) Dave Stevens
186 E Street
Cayucos, CA 93430

(5) Francie Farinet
83-12th Street
Cayucos, CA 93430

(2) Eileen Roach
P.O. Box 365
Cayucos, CA 93430

(3) Cayucos Citizen's Advisory Council
ATTN: Land Use Committee
P.O. Box 781
Cayucos, CA 93430

(4) Carol Baptiste
150 El Sereno Avenue
Cayucos, CA 93430

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

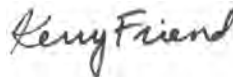
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local 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.

PLEASE 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.



Signature of Appellant(s) or Authorized Agent

Date: 11/9/16

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

- 1) The Project Description includes an adjustment to the Real Property Division Ordinance (section 21.03.010) to allow more than five lots to be accessed from a private easement. The San Luis Obispo Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code states (Section 21.03.010 d7):

Private easements, if approved by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.

Cypress Glen Court will become a private easement when this subdivision is created.

Currently four parcels utilize Cypress Glen Court to access their parcels.

24 Cypress Glen Court, APN: 064-035-020

34 Cypress Glen Court, APN: 064-035-023

40 Cypress Glen Court, APN: 064-035-028

46 Cypress Glen Court, APN: 064-035-027

This development creates a subdivision with 7 additional parcels utilizing Cypress Glen Court, for an ultimate of 11 parcels, more than double what the current ordinance allows.

Title 21 continues with Adjustments. The San Luis Obispo Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code states (Section 21.03.020):

21.03.020 - Adjustments

(a) In performing its responsibilities pursuant to this title, the planning commission and the subdivision review board may consider, and in cases where undue hardship would result from the application of the regulations established in this title, approve adjustments or conditional adjustments to these regulations.

(b) Requests for adjustments to the standards set forth in Section 21.03.010 of this title shall be submitted in writing to the planning department at the time the applicant submits the application for land division. If the request is for an adjustment to the requirements of the standard improvement specifications and drawings or for required offers of dedication, the adjustment may be requested at the time the applicant submits the application for land division or may be requested after the tentative parcel or tract map has been approved but before recordation of the parcel or tract map. When the regulation from which the applicant is seeking relief is prescribed in Title 22 or Title 23 of this code, the applicant shall seek relief pursuant to that title. [Amended 1988, Ord. 2343; Amended 1992, Ord. 2582]

(c) Neither the planning commission nor the subdivision review board shall approve any adjustment request to the standards set forth in Section 21.03.010 of this title or for required offers of dedication unless it makes each of the following findings:

(1) That there special circumstances or conditions affecting the subdivision; and

(2) That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision; and

(3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision. (Ord. 1986 §2 (part), 1979)

This project does not contain “undue hardship” mentioned in part a. The conditions of part c have not been met.

1. There are no special circumstances or conditions affecting the subdivision.
 2. The granting of the adjustment will have a material adverse effect upon the health or safety of persons residing in the neighborhood of the subdivision. E Street is a dead-end street. From the top of the hill, cross street Bakersfield, heading down E Street towards the proposed development, there are 6 single-family homes. Adding an additional 7 homes, assuming two drivers per household, will significantly increase traffic on this dead-end street, jeopardizing health and safety of people on E Street. Increased traffic will be unsafe.
 3. The granting of the adjustment will be materially detrimental to public welfare by adversely affecting the rights of the neighborhood to enjoy their property. Traffic will be increased significantly, and the development is completely out of character for this part of town.
- 2) This proposed Development is part of the San Luis Obispo Estero Area Plan. In the “Vision and General Goals” of this plan Cayucos is described in the “Planning Areawide” section:

The community of Cayucos has developed general community goals that were recommended by the Cayucos Citizens Advisory Council (CCAC) following public discussion. The following goals are based on CCAC's recommended goals, which are stated in their entirety in Appendix B. The goals encourage carefully planned development that respects the area's natural assets, maintains the community's small-town character as a beach community, and balances and promotes both the residential and visitor-serving aspects of the community.

In the Residential and Land Use Section:

Carefully plan for future commercial and residential development that is consistent with the current nature of the community. Since major development projects can have a devastating effect on a small community, carefully examine such proposed projects to see that they do not destroy the character of the community or so dominate it as to cause an imbalance between the residential and recreational elements of the community.

In December 2015, this plan was not approved by the CCAC due to it failing to meet these goals. This development does not maintain the character of this part of Cayucos. The houses in this area all have their own driveways and landscaped yards. The houses in the subdivision do not. The subdivision will be paved for access to garages and there will be little landscaping as compared to yards in the neighborhood. The subdivision will look more industrial than single-family homes, out of character of our neighborhood. The houses facing E Street are three levels, where we have no three level houses in the neighborhood.

Additionally, the sizes of these proposed homes do not match the character of the neighborhood. The San Luis Obispo County Assessor's Office lists the square footage of houses and I have listed them below. I have also listed the sizes of the proposed houses, from the Vesting Tentative Tract Map. The

smallest proposed house is 2432 square feet. There are only 3 feet between houses. The *largest* existing house is 2104 square feet. The existing houses have considerable distance between them.

24 Cypress Glen Court, APN: 064-035-020; 1538 square feet

34 Cypress Glen Court, APN: 064-035-023; 1741 square feet

40 Cypress Glen Court, APN: 064-035-028; 2104 square feet

46 Cypress Glen Court, APN: 064-035-027; 2018 square feet

1 Bakersfield, APN: 064-041-013; 780 square feet

340 E Street, APN: 064-041-015; 900 square feet * not listed, called Assessor's Office

372 E Street, APN: 064-041-009; 1905 square feet

400 E Street, APN: 064-041-018; 593 square feet

404 E Steet, APN: 064-041-020; 1316 square feet

401 E Street, APN: 064-035-018; 1670 square feet * not listed, called Assessor's Office

399 E Street, APN: 064-034-007; 1956 square feet ** house on site to be torn down

Front House 1: proposed 2512 square feet

Front House 2: proposed 2432 square feet

Front House 3: proposed 2432 square feet

Front House 4: proposed 2432 square feet

Front House 5: proposed 2432 square feet

Back House 6: proposed 4027 square feet

Back House 7: proposed 4553 square feet

- 3) The County of San Luis Obispo, Department of Planning and Building uses Permit View. Hazards listed include Flood Hazard Zone and Geologic Study Area (GSA) Geologic Hazard Area. Zoning listed includes Flood Hazard. It is in Flood Zone AE on the FEMA flood map, section 06079C0784G.
- 4) On July 31, 2015 San Luis Obispo County Senior Planner James Caruso sent Dan Lloyd an Information Hold letter. One of the items required for application acceptance stated:
The Archaeological Surface Survey dated January 6, 2015 notes the presence of a settlement site on adjacent property. An extended Phase I surface survey must be completed prior to acceptance of the application.
Adjacent to the adjacent property mentioned in the Hold letter, there is another development. It is approximately 150 feet from the proposed development. Two Indian skeletons were discovered during construction. This site should not be further developed due to archeological artifacts known to be in the area.
- 5) San Luis Obispo County Planning and Building have Natural Resources Maps. This area is defined as a Coastal Zone Environmentally Sensitive Habitat Area and appears to be a Red Legged Frog Habitat. The San Luis Obispo Local Coastal Program (LCP) policies and standards require the protection of riparian and related environmentally sensitive habitat area (ESHA) resources. At this location, the Little Cayucos Creek riparian corridor also includes a Monarch butterfly habitat area. Red tail hawks nest in the trees at the corner of the parcel.









To: Coastal Commission
FAX: (831) 427-4877

From: Kerry Friend
(805) 995-3042

Date: 12/15/16

Re: additional information for Commission Appeal Number: A-3-SLO-16-0095

(5 pages including cover sheet)

December 15, 2016

To: Daniel Robinson, Coastal Commission
From: Kerry Friend
Re: Commission Appeal Number: A-3-SLO-16-0095

The directions for filing an appeal with the Coastal Commission state, "The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request."

This is additional information to support my appeal request.

The County of San Luis Obispo Coastal Plan Policies, Chapter 6, Environmental Sensitive Habitats describes Development Standards and policies. The Development Standards are mandatory for new development. There are policies for Environmentally Sensitive Habitats which include coastal streams and adjacent riparian areas.

Policy 1 in Chapter 6 requires new development within the ESHA or 100 feet adjacent to the ESHA shall not significantly disrupt the resource. This policy is implemented pursuant to Sections 23.07.170-178 of the Coastal Zone Land Use Ordinance (CZLUO). This is where it can get tricky. One document refers to another. The Coastal Plan states new development should not be within 100 feet of an ESHA. Additionally, this policy shall be implemented pursuant to sections 23.07.170-178 of the CZLUO.

CZLUO

Land divisions: No division of a parcel containing an Environmentally Sensitive Habitat shall be permitted unless all proposed building sites are located entirely outside of the applicable minimum setback required by Sections 23.07.172 through 23.07.178. Such building sites shall be designated on the recorded subdivision map. The setbacks in these sections are either 50 feet or 100 feet, depending on the policy. The development on E Steet only has 20 foot setbacks.

CZLUO (23.07.172) states development should not be within 100 feet of the upland extent of a wetland area.

CZLUO (23.07.174d) states new development shall be setback a minimum of 50 feet from the upland edge of riparian vegetation.

Policy 4 in Chapter 6 requires that no divisions of parcels having environmentally sensitive habitats within them shall be permitted unless it can be found that the buildable area(s) are entirely outside the minimum standard setback required for that habitat (100 feet for wetlands, 50 feet for urban streams, 100 feet for rural streams). This proposed development borders an urban stream and the development on E Steet only has 20 foot setbacks instead of 50 feet required in this policy.

In the Tentative Tract Map 3074 Findings SUB2015-0001, Tentative Map Items J-K discuss the Adjustments to Real Property Ordinance Section 21.03.010.d.7. I brought this up in my original appeal, but would like to add more information. I disagree there are special circumstances or conditions affecting the subdivision that warrant granting an adjustment to the Real Property Ordinance. To grant an adjustment, there needs to be undue hardship resulting from the application of the regulations. Undue hardship has not been shown. The developer should have to comply with all regulations.

Neither the planning commission nor the subdivision review board shall approve any adjustment request to the standards set forth in Section 21.03.010 of this title or for required offers of dedication unless it makes each of the

Exhibit 6

A-3-SLO-16-0095

Page 13 of 16

following findings. Please note, they are labeled as J, K, and L as that is how they are listed on Tentative Tract Map 3074 Findings SUB2015-0001.

Please find my reasons for disagreeing with the Tentative Tract Map 3074 Findings SUB2015-0001.

J: That there special circumstances or conditions affecting the subdivision:

J1. The fact that the property steeply slopes resulting in less developable area for new residences is only a special circumstance for the developer. The fact that there is less developable area was known prior to the property being purchased and should not qualify for a special circumstance. No reason to grant adjustment to the Real Property Ordinance.

J2. Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking where currently none exists. This side of E Street has been established as a no parking zone by the San Luis Obispo Department of Public Works so there will not be street frontage for parking, so this is not a special circumstance. Letter from SLO Public Works attached. No reason to grant adjustment to the Real Property Ordinance.

J3. The centerline of the internal drive court that serves all seven proposed residences is 75 feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Ct for direct access (their parking or garages are beyond the proposed access point from the new project. I fail to see what this statement in the findings has to do with a special circumstance. Why does it matter where the existing residences have direct access to their property? This access will not change with the proposed development so how a special circumstance? No reason to grant adjustment to the Real Property Ordinance.

J4. The ordinance setback requirements from the riparian vegetation significantly reduces the developable area of the property. How is this a special circumstance? It is a concern for the developer as it would reduce development, however these standards were put in place to preserve the environment, not to increase profit for a developer. No reason to grant adjustment to the Real Property Ordinance.

J5. The addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street. This statement is invalid as there cannot be street parking on E Street in front of the project as it is now a no parking zone. No reason to grant adjustment to the Real Property Ordinance.

K That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision:

K1. Utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests and emergency vehicles. I do not see how knowing where vehicles will be concentrated is a reason supporting not having a material adverse effect upon the health or safety of persons residing or working in the neighborhood. No reason to grant adjustment to the Real Property Ordinance.

K2. Trash collection within the drive court will keep Cypress Glen Ct more accessible to the existing four residences, thus eliminating inconvenience. This reasoning is faulty. Trash collection along E Street currently occurs and also eliminates inconvenience to the existing four residences. No reason to grant adjustment to the Real Property Ordinance.

K3. The provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking. As mentioned, there is no street parking allowed. No reason to grant adjustment to the Real Property Ordinance.

K4. The amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate. How is this a reason supporting not having a material adverse effect upon the health or safety of persons residing or working in the neighborhood? The adjustment allows more cars to access their parcels from a private easement. Vehicles will still be driving so this is no reason to grant adjustment. This statement is not germane to the point of reasons to grant a hardship. No reason to grant adjustment to the Real Property Ordinance.

L: That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision:

L1. The construction of the residences will enhance the character of the neighborhood since they are all single family homes and not attached apartments or condos. This is a subjective comment and should have no bearing on an adjustment to the Real Property Ordinance.

L2. Public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists. Street parking is not possible as now a no parking zone. No reason to grant adjustment to the Real Property Ordinance.

L3. The project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate potential safety risk from downed power lines in the event of storms or acts of nature. Moving utilities underground will improve the beauty of the neighborhood but what does this have to do with granting an adjustment to Real Property Ordinance? No reason to grant adjustment to the Real Property Ordinance.

L4. Cypress Glen Ct will be widened to 20 feet of width past the drive court and a pedestrian path will be provided along its edge. Not enough of a reason to grant adjustment to Real Property Ordinance.

L5. Parking requirements for multifamily zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structure, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning. Not enough of a reason to grant adjustment to Real Property Ordinance. Parking requirements can also be met without granting an adjustment to Real Property Ordinance. And reference to “ubiquitous sea of parking that customarily accompanies projects in this zoning” is not valid. This is concerning the validity of granting a case of “hardship” in this particular project.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Wade Horton, Director

County Government Center, Room 206 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

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



March 30, 2016

FRIEND PHYLLIS J TRE ETAL
9365 EL BORDO AVE
ATASCADERO, CA 93422

Subject: No Parking Signs on E Street

Dear Residents,

In order to address the concern of residents, San Luis Obispo County Public Works is in the process of establishing a no parking zone on the northwestern side of E street. The proposed no parking zone would start at Bakersfield Avenue and extend northeast, where it would dead-end to the end of the road.

Once adopted by the County Board of Supervisors, signage would be placed on the northwestern side of E street. The ordinance is estimated to be sent to the Board of Supervisors in June 2016.

This letter is intended to inform residents of the proposed ordinance. The restriction would be limited to the County right-of-way and would not extend to private property. Please feel free to contact me at (805) 781-1668 with any questions or concerns.

Sincerely,

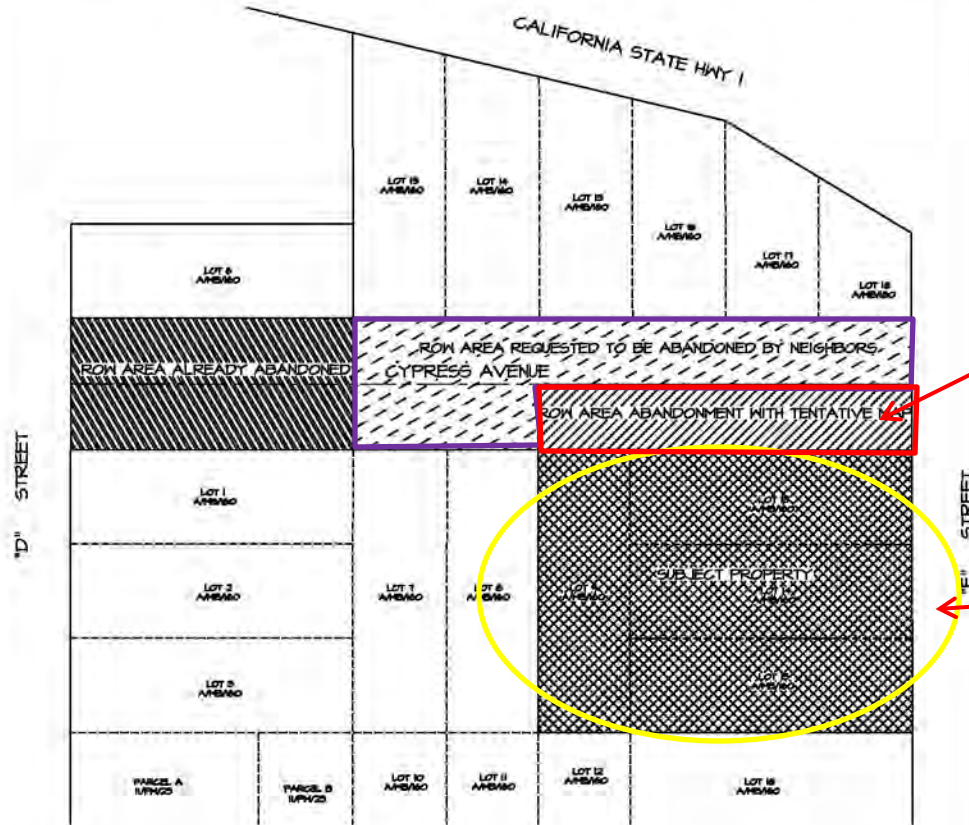
A handwritten signature in black ink that reads "Yama Mohabbat".





YAMA MOHABBAT
Transportation Engineer

File: Rd No. 4272 E Street

L:\Transportation\2016\March\E Street Cayucos Letter to residents.docx YM.jm

CYPRESS AVENUE RIGHT OF WAY ABADONMENT EXHIBIT



-  SUBJECT PROPERTY
-  PORTION OF CYPRESS AVENUE ABANDONMENT WITH TENTATIVE MAP
-  PORTION OF CYPRESS AVENUE REQUESTED TO BE ABANDONED BY NEIGHBORS
-  PORTION OF CYPRESS AVENUE ALREADY ABANDONED

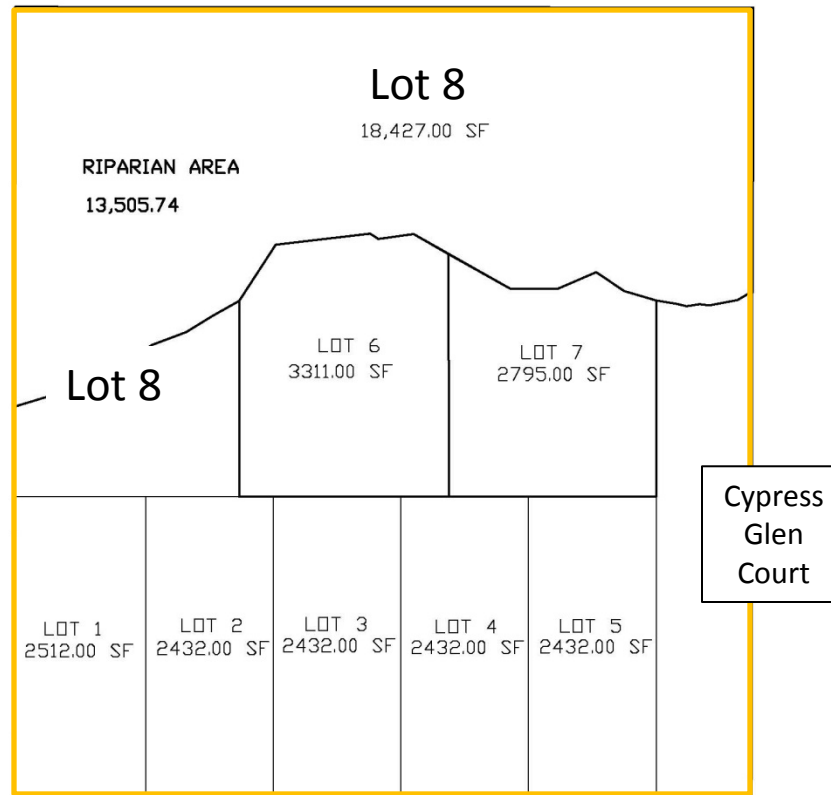


NO SCALE

Portion of ROW
to be abandoned
(**not** part of project)

Portion of ROW
to be abandoned
(part of project)

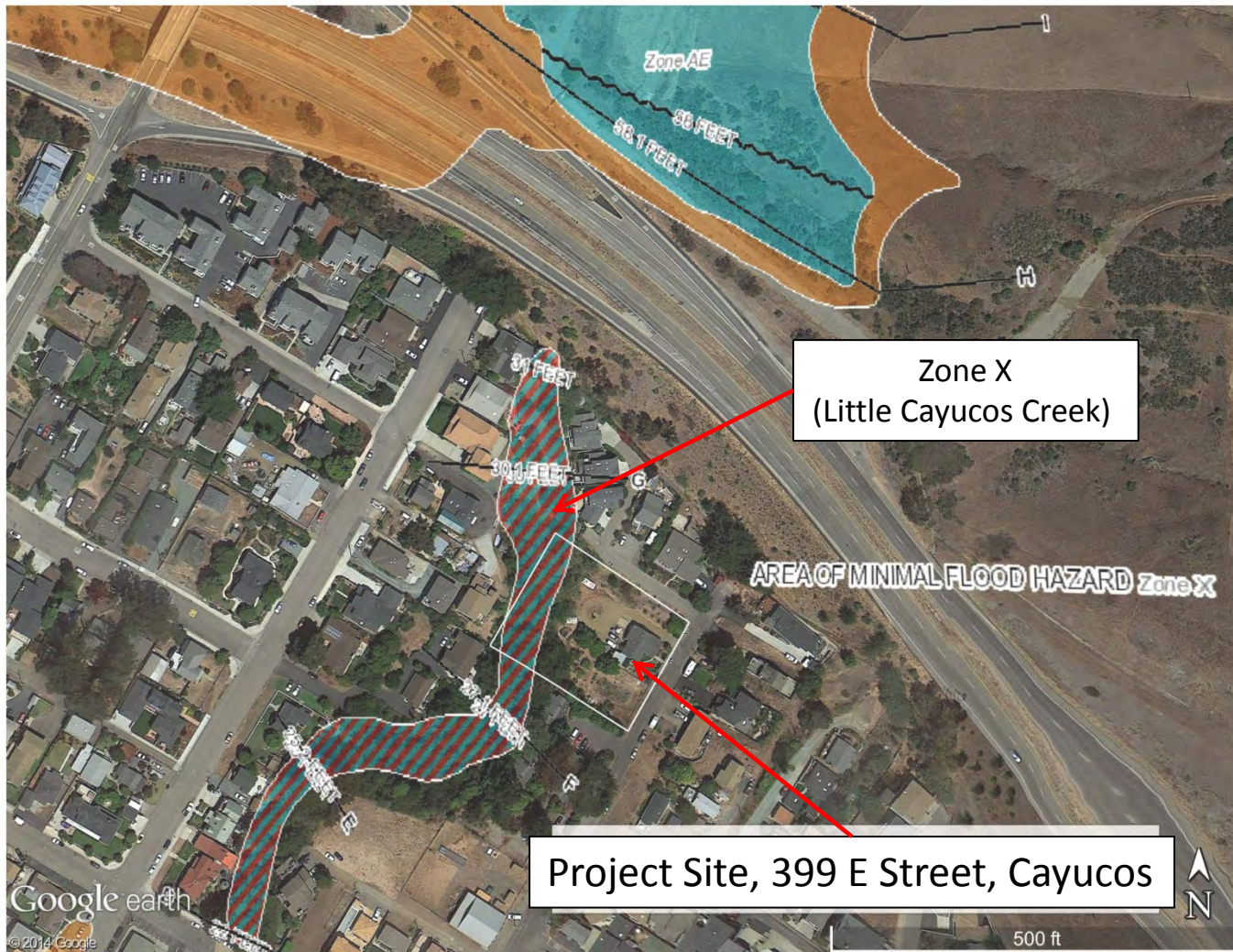
Existing Lots
(APN 064-034-007)



SLO County LCP Flood Hazard (FH) Map



Federal Emergency Management Agency (FEMA) Map



The map displays a coastal urban area with several key features and annotations:

- Red Circle:** Highlights a building located near the intersection of a street and a red line.
- Red Arrows:** Point to specific locations, including a building near the top left and a building near the top center.
- Red Line:** A prominent line running diagonally across the map, possibly representing a boundary or a specific route.
- Black Line with Blue Dashed Center:** A line running along the coast, likely representing a road or a boundary.
- Black Star:** Located near the bottom left, near the coastline.
- Map Labels:** Includes "LUCERNE RD" and "OCEAN AVE".
- Map Features:** Shows a grid of streets, buildings, and a body of water (blue area).

Robinson, Daniel@Coastal

To: fcollins@northernchumash.org
Cc: 'Barry Price'
Subject: RE: Cypress Glen Subdivision and seven single-family dwellings, in Cayucos

From: Fred Collins [<mailto:fcollins@northernchumash.org>]
Sent: Friday, February 17, 2017 6:41 AM
To: Robinson, Daniel@Coastal
Cc: 'Barry Price'
Subject: RE: Cypress Glen Subdivision and seven single-family dwellings, in Cayucos

Hello Daniel,

The archaeological study by Heritage is the worst report that I have seen in a long time, the report is out of date and must be done over by a County approved Archeologist, I have included Barry Price from Applied Earthworks on this email, as I have consulted with him, Applied Earthworks is the most professional, and most thorough archeological company that we know, and we rely on them for their opinions.

This area is extremely sensitive, burials have been found near and adjacent to this property, extreme caution must be implemented, and Monitoring is not Mitigation, we need to have a plan in place to do this right, the County is very lazy in the review of this project, this project should not go forward without thorough archeological study, and plan.

Fred Collins
NCTC

OGDEN & FRICKS LLP
656 Santa Rosa Street, Suite 2B
San Luis Obispo, California 93401
Phone: 805•544•5600 Fax: 805•544•7700
www.ogdenfricks.com

February 8, 2017

Via Hand Delivery

File No. 3386-01

Frank Mecham
Board of Supervisor, District 1
Room D-430
County Government Center
San Luis Obispo, California 93408

Bruce Gibson
Board of Supervisor, District 2
Room D-430
County Government Center
San Luis Obispo, California 93408

Adam Hill
Board of Supervisor, District 3
Room D-430
County Government Center
San Luis Obispo, California 93408

Lynn Compton
Board of Supervisor, District 4
Room D-430
County Government Center
San Luis Obispo, California 93408

Debbie Arnold
Board of Supervisor, District 5
Room D-430
County Government Center
San Luis Obispo, California 93408

Re: *Appeal by Eileen Roach of the Planning Commission's approval of a request by Campbell-Sheppard/Dan Lloyd for a Tentative Tract Map and Development Plan/Coastal Development Permit*

Dear Honorable Supervisors:

Thank you for this opportunity to provide you with important information concerning our above-referenced appeal. My firm represents Appellants Eileen Roach and her mother, Kathy Oliver, who reside across the street from Mr. Lloyd's project (Project) at 24 Cypress Glenn Court, Cayucos California 93430. The purpose of this letter is to explain the reasons why we believe our appeal should be granted and the decision of the Planning Commission reversed.

1. The Real Property Division Ordinance Violation.

The Project violates the Real Property Division Ordinance (RDP) as a result of Mr. Lloyd's request that the County abandon a portion of Cypress Glen Court. This abandonment request (Requested Abandonment) is discussed below in Section __. If the Requested Abandonment is granted by the Board, Cypress Glen Court will become a *private easement*. Cypress Glen Court currently serves four single-family residences. A private easement can only be approved if it serves five or less parcels. The RPD would allow this freshly-minted private

easement, Cypress Glen Court, to serve only a single residence in the Project. Appellant is fine with that result. However, that is not the result. To the contrary, the Project will serve eleven single-family residences via the Cypress Glen Court private easement, rather than the mandated-maximum of five.

Specifically, RPD 21.03.010 provides: The planning commission and the subdivision review board, as the advisory agency, shall not approve or conditionally approve a tentative tract map or tentative parcel map unless it determines that all of the following criteria are satisfied:

(d)(7) Private easements, if approved, by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.

In order to cure this violation of the RPD, the Project seeks to exploit Section 21.03.020, which provides for “Adjustments.” Adjustments are not permitted save very limited circumstances. Section 21.03.020(a) allows the Planning Commission “in cases where *undue hardship* would result from the application of the regulations established in this title, approve adjustments or conditional adjustments to these regulations.”

Here, there is no undue hardship to either the Project or Mr. Lloyd. First, undue hardship has not and cannot be defined as the inability to maximize the density of a parcel or the inability of a developer to maximize his profits. Second, since the developer himself is seeking the Requested Abandonment resulting in the violation of the RPD, undue hardship cannot be defined as a condition intentionally created by the developer, i.e., the Requested Abandonment.

Section 21.03.020 also provides that the Planning Commission shall not “approve any adjustment request to the standards set forth in Section 21.03.10 or for required offers of dedication unless it makes each of the following findings:

- (1) That there are special circumstances or conditions affecting the subdivision;
- (2) That the granting of the adjustment will not have a material adverse effect upon the health and safety of persons residing or working in the neighborhood of the subdivision; and
- (3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision.

Of course, when the existing 4-parcel Project was created years ago, the developer was then required to offer for dedication of a portion of his land to the County for Cypress Glen Court. Now that Mr. Lloyd wants to maximize single family residential density on this half-acre site by making it 8 parcels, he seeks a return of that dedicated land from the County in his Requested Abandonment. The ultimate irony is Mr. Lloyd’s intentional transformation of quiet, little Cypress Glenn Court into a private easement while simultaneously seeking a free pass on the RPD limitation of five residences. Of course

having the Court serve eleven single family residences instead of the mandated maximum of five will hugely increase traffic on the Court including vehicle vs. vehicle conflicts and vehicle vs. pedestrian conflicts, decrease safety and negatively impact the property values of the four residences who rely on Cypress Glen Court for access. These are all palpable, material adverse effects, detriments and permanent impacts on the Project's neighbors.

Rather than fairly and thoroughly considering the material adverse effects on the established neighborhood by rerouting traffic onto Cypress Glen Court, the Planning Commission and its staff simply cut and pasted the "findings" drafted by the developer in his 2/8/16 letter to the County--compare page 23 of 33 of Staff's Attachment 1 to pages 54 and 55 of Staff's Attachment 8). The justifications offered by the Developer and blessed by staff (e.g., avoiding decreased Project density due to long-existing site conditions (slope; riparian habitat), decreased E Street parking, efficient trash collection, etc.) provide no evidence of undue hardship whatsoever. Moreover, ignoring the RPD in this instance will cause such an obvious, material detrimental and adverse effect on the existing neighborhood, deviation from the RPD should not have been seriously considered.

The simple answer is that the Project should to continue to take its access from E street as currently configured for the Project's existing, inhabited residence. All other residences on E Street take their access from E Street. The Project needs to as well.

2. The Density, Maximum Floor Area and Minimum Open Area Violations.

The Project is a planned development in the Residential Multi-Family Category, so its density is dictated by Section 23.04.084. (Section 23.04.028 d. (2)) Section 23.04.084 (b) places express limitations on the percentage of the Project's total Usable Site Area that can be dedicated to gross floor area of all residential structures, including upper stories. The Planning Commission applied a medium intensity factor for the Project.

In order to properly measure the percentage of the Project's Usable Site Area that is dedicated to floor area, certain defined terms must be understood and applied.

The term "Usable Site Area" means "Site Area, Usable" (Section 23-11-030).

The term "Site Area, Usable" means Site Area, Net minus any portions of the site that are precluded from building construction by natural features or hazards, such as areas subject to inundation by tides or the filing of reservoirs or lakes. (Section 23-11-030)

The term Site Area, Net means Site Area Gross minus any ultimate street rights of way and any easements (but not open space easements) that limit the surface use of the site for building construction. (Section 23-11-030)

The term Site Area, Gross means the total area of a legally created parcel (or contiguous parcels of land in single or joint ownership when used in combination for a building or permitted group of buildings), including any ultimate street right-of-way, existing rights-of-way deed to the parcel, and all easements (except open space easements), across the site. (Section 23-11-030)

Here, Site Area, Gross = the total project site, i.e., Lots 1-8 (39432 sq. ft.-see page 7 of Staff's Attachment 1) minus the area of the open space easement, i.e., Lot 8 (21090 sq. ft.), or 18342 sq. ft.

Next, Site Area Net = Site Area, Gross (18342 sq. ft.) minus the ultimate street right of way/easement, here accepted as 7000 sq. ft. by the Planning Commission (see page 5 of Staff's Attachment 8) in connection with the Requested Abandonment, or 11342 sq. ft. (Staff agrees that this 7000 sq. ft. must be deducted from Site Area, Gross, as an easement will replace the right of way if the Requested Abandonment is granted. See page 19 of Staff's Attachment 8- "Property owners retain the right to access properties through the underlying easement that stays in place.")

Next Site Area Usable = Site Area Net in this instance or 11342 sq. ft.

Section 23.04.084 (b) limits maximum floor area to 48% of the Site Area Usable since a medium intensity factor was applied to the Project. $.48 \times 11342 = 5444$ sq. ft. maximum gross floor area. However, the gross floor area for this project (page 7 of Staff's Attachment 1) is 15672 sq. ft. Regardless, in order to legally build 15672 sq. ft. of gross floor area, the Project needs a Site Area, Useable of 32650 sq. ft. The Project will never have sufficient site area because of the Project's 21090 sq. ft. open space easement (Lot 8).

Section 23.04.084 (b) likewise limits minimum open area to 45% of the Site Area Usable for this Project based upon a medium intensity factor. Here according to the Project's plans (see pages 115, 120 125 of Staff's Attachment 8) the building and parking footprints are too large and, for the same reasons illustrated above, the Project fails to provide sufficient minimum open area under applicable law.

3.The Cayucos Urban Area Standards/Estero Area Plan Violation.

The Cayucos Urban Area Standards within the Estero Area Plan provide that density for this Project shall not be more than ten units per acre. (Estero Area Plan, page 7-57). Therefore, in order for the Project to have 7 legal units, the project would require at least .7 acres of land. The Project however, has only .68 acres of land (see page 1 of Staff's Agenda Item Transmittal, box 4), fixing the maximum number of units for this Project at 6.

4. The Requested Abandonment Should Be Denied.

Cypress Glen Court should not be sacrificed simply to enable this developer to maximize density of this Project. The detriment to the existing neighborhood and the public caused by the Requested Abandonment includes placing maintenance and replacement costs of the street directly on the neighborhood after the developer departs with his profits. Inasmuch as the sole purpose for the developer to request the Abandonment is to increase density, the traffic impacts caused by almost tripling the single family residences using this Court will vastly increase maintenance and replacement costs. Surely, the cost to the County of maintaining this Court based upon its current use must be nil, particularly in comparison to the detriment abandonment will bring to the existing neighborhood and the public. Abandonment should not be granted. The Appeal should be granted.

5. Response to Staff's Agenda Item Transmittal.

The Project seeks approval of a subdivision. Policy No. 4 of the Local Coastal Program applies to protect environmentally sensitive habitat contained within a parcel being considered for subdivision. Here, the Project seeks the subdivision of a parcel containing a portion of Little Cayucos Creek, an acknowledged environmentally sensitive habitat. The Local Coastal Program requires that buildable areas be outside (i.e., more than) the required 50 foot setback. Here, the Local Coastal Program is superseded by the Estero Area (Coastal) Plan, which is *more* restrictive, stating that: “**Development** shall be setback from coastal streams as shown in Table 7-2,” which for Little Cayucos Creek is 20 feet. (see page 7-44-45 of Estero Area Plan)

Here, the Project conditions and plan documents approved by the Planning Commission clearly violate both the Local Coastal Program and the Estero Area Plan. The Project's buildings are within the applicable 50-foot setback for buildings and the Project's outdoor use areas, backyards and fences are within the applicable 20 foot setback for development. (See page 131 of Staff's Attachment 8) The Project also violates the Estero Area Plan (and therefore the LCP as well) as set forth above in Section 3. As the Project violates the Local Coastal Program as well as the Estero Area Plan and the appeal should be granted.

My clients and I sincerely appreciate your time, attention and diligence in this matter. We look forward to seeing you.

Very truly yours,

Ogden & Fricks LLP

Roy E. Ogden

To: Daniel Robinson
From: Daniel R. Lloyd, Owner/Applicant
Date: January 4, 2017
Re: Appeal No. A-3-SLO-16-0095
Cypress Glen on E Street – Facts and Discussion

Concerning the above-referenced appeal, I'm sending this in order to provide a clear focus on the five (5) specific appeal issues that the appellant raised. Hopefully, this will demonstrate that the appellant has raised "no substantial issue," especially in light of the facts that are presented herein below for your consideration. The discussion below addresses separately each of the five issues that the appellant has raised. They are:

- 1) The appellant appeals the County's determination that the project should have ingress and egress over an existing private driveway easement that will, when the project is implemented, serve 11 homes. This determination allows us to avoid committing additional project land to vehicular use, suffering a reduction in housing unit count, and forgoing existing public parking on E Street. The land division ordinance (Title 21) defaults to a limit of only 5 homes except when a considered adjustment is allowed, as happened here.
- 2) She appeals the County's determination that the project is reasonably consistent with the area-wide "Vision and General Goals" for Cayucos, as set forth in the County's Estero Area Plan, including its overall consistency with "the community's small-town character" and massing.
- 3) She vaguely states a concern about a Flood Hazard Zone designation of "AE."
- 4) She claims that there was not undertaken a sufficient archeological investigation of the project site.
- 5) She makes groundless allegations about certain species' presence at the project site.

Before addressing each of these, it is important to provide a general understanding of the thorough analysis that the County undertook concerning the project. Prior to public hearings, the Planning Department prepared a comprehensive Initial Study in compliance with the California Environmental Quality Act. The County determined that environmental impacts will be less than significant, except for potential impacts to biological resources, air quality, cultural resources, and geology; but all of these were all then determined to be less than significant when taking into account the required incorporation of specified mitigation measures. The Planning Department publicized a draft Mitigated Negative Declaration (MND) for the project on January 19, 2016; and it was approved by unanimously both the Planning Commission and the Board of supervisors at their respective hearings. All of the mitigation measures that were identified through their initial study were added as conditions of approval for the project. (See Board of Supervisor's Resolution, October 4, 2016 ("BOS Reso."), Exhibit A, at page 5 of 33.)

Importantly, the Initial Study found less-than-significant impacts on the scenic resources, specifically because the project's location (i.e. far below U.S. Highway 101 and within or framed by a larger tree canopy) will limit any visual impact of the project on public views. Due to the existing sloping topography, flora, and project design, there is no impact on any existing views from U.S. Highway 101 or the scenic nature of the E Street neighborhood.

Based on the Initial Study, the Planning Commission adopted a mitigated negative declaration for the project at its hearing on May 26, 2016, and the Board of Supervisors upheld this on appeal at its October 4th hearing. Both the Planning Commission and Board of Supervisors found that the Project complies with all requirements of the Coastal Zone Land Use Ordinance (the "CZLUO"), the portion of the LCP that addresses land use permits, and the Land Division Ordinance (Title 21) after allowing for an adjustment of the conditional limitation set forth in Section 21.03.010(d)(7) for use of the existing private driveway easement. Consistent with County staff's recommendation, the Planning Commission unanimously adopted all findings of approval for a conditional use permit required by the CZLUO and Section 21.03.020(c), including the finding that the project is compatible with the character of surrounding development and planned land uses in the general area.

With that procedural backdrop explained, and when the evidence discussed below is fully explained, it should be clear that the appellant is asking the Commission to merely second-guess the County without any sound basis for doing so. Essentially, she claims that the County repeatedly and unanimously approved a bad project with too little consideration of its character, impacts and setting. As is explained below, none of the appellant's five stated

appeal issues has any merit; and none raises a substantial issue of LCP compliance with regard to the project.

Issue No. 1 – The County’s discretionary determination concerning the by-right scope of the private driveway easement.

For ingress and egress off of the public street (E Street), the project includes the improvement and ultimate utilization of Cypress Glen Court, which is an already existing private drive that abuts the east end the project. Because the project is located at the intersection of Cypress Glen Court (private) and the E Street (public), the project site is considered a corner lot. Accordingly, it could be accessed through one or the other frontage. Given this circumstance, and taking into account the project site’s configuration and the riparian concerns, the most efficient configuration for ingress and egress to the project site is by utilizing the existing Cypress Glen Court. After the project is completed, the seven (7) residential units within the project will be added to the four (4) homes that already use Cypress Glen Court, thus resulting in eleven (11) homes using the private easement.

The appellant points to the County’s Real Party Division Ordinance Section 21.03.010(d)(7), and complains about the County’s approval of the proposed use of the private driveway easement over the improved Cypress Glen Court. That ordinance has a default limitation of five (5) homes per private easement for residential access; but it also permits an upward adjustment where the limitation would cause an undue hardship or burden – at the discretion of the Planning Commission or Board of Supervisors – based on the specified, required findings set forth in Section 21.03.020(c).¹

Before discussing our specific evidence, we want to provide the following discussion about the recognized legal standards for determining what constitutes an **undue hardship or burden** – first in the abstract and then particularly concerning our case. The discussion below addresses the appellant’s claim about a lack of any undue hardship or burden, and the basic concept of undue hardships or burdens, in the following order:

- (i) Undue hardships or burdens in the abstract (i.e., broadly in the eyes of the law),
- (ii) Any undue hardship considered in the context of the specific ordinances at issue here (Sections 21.03.010(d)(7) and 21.03.020(c)), and

¹ The issues raised by the appellant do not implicate any of the Title 21 provisions that relate especially to the coastal zone, and are found in County Ordinance § 21.03.010(i).

- (iii) Lastly, the undue hardship or burden at issue here in light of the specific facts that underpin this appeal.

Principles Regarding an “Undue” Hardship or Burden in All Regulatory and Legal Contexts.

We asked our legal counsel to provide us with the following discussion about finding an “undue hardship” or “undue burden” generally. Various areas of law provide for an exception to – or the relaxation of – a general rule when an undue hardship or burden would result. The following are examples:

- (1) Trial courts may curtail or limit “discovery” sought by a party preparing for litigation (e.g., demands for documents, demands for depositions, and the like) if a court determines that the discovery sought would result in an **undue hardship or burden** on the party from whom discovery is sought;
- (2) Employers and landlords are generally excused from accommodating persons with disabilities to the extent that the accommodation would be an **undue hardship or burden** on the employer or landlord;
- (3) A Public Records Act request of a governmental agency can be limited if and to the extent that the request would result in **undue hardship or burden** on the agency; and
- (4) Statutes, ordinances and regulations are sometimes reviewed by the courts to determine whether they constitute an **undue burden** on the exercise of a personal constitutional right (like the right to an abortion or to exercise birth control).

Although there are a few small differences in how the law considers an undue hardship or burden in these and other contexts, there are also some common principles. The following principles apply in all such contexts:

- (1) It is necessary to **look to “the facts of the particular case”** to determine whether adherence to the general rule in question, without allowing an exception, would result in an undue hardship or burden.²
- (2) Any consideration of an exception based on an undue hardship or burden requires **a “case-by-case” balancing of:**

² *American Civil Liberties Union Foundation v. Deukmejian*, 32 Cal.3d 440, 454 fn. 14 (1982).

- (a) the **burden** on the party seeking the exception if it were denied, **weighed against**,
- (b) **the countervailing interests** of those who seek to deny the exception, viewed in light of the public interest that underpins the general rule.³
- (3) When weighing the respective benefits and relative burdens of allowing an exception, “**any expense or inconvenience**” to the one seeking to be excused from the general rule “**may properly be considered**.” Certainly, even a small hardship or burden may be found “undue” when there is no meaningful benefit on the other side of the scale.⁴
- (4) **The opponent’s interest** against allowing the exception **must be more than merely “hypothetical” or “minimal.”**⁵
- (5) When the legitimate interest of the one who opposes allowing the exception can be addressed in some other, more direct manner, the reason for opposing the exception is viewed as minimal and thus insufficient.⁶

“Undue Hardship” Considered in Light of County Code Section 21.03.010 and 21.03.020.

With the above-stated most general principles in mind, the next step is to consider the particular ordinance at issue here (County Code Section 21.03.010(d)(7)), its purpose, and the legislative reasons why adjustments might be allowed as set forth in County Code Section 21.03.020(c).

County Code § 21.03.010(d)(7) regulates situations in which a land divider might create a large, private cul-de-sac development without dedicating a street to the public. It provides that land dividers only enjoy the absolute right (i.e., the “by right” entitlement) to create private driveways over which there are easements benefitting up to five (5) residences. For any project that will result in more than five (5) residences using a private driveway easement,

³ *Love v. Delta Air Lines*, 179 F.Supp.2d 1313, 1331 (M.D. Ala. 2001); *Los Angeles Unified School District v. Superior Court*, 228 Cal.App.4th 222, 237 (2014).

⁴ *Bertoli v. City of Sebastopol*, 233 Cal.App.4th 353, 372 (2015)(“When weighing the benefits and costs..., any expense or inconvenience to the [entity claiming undue burden] may properly be considered.”).

⁵ *Los Angeles Unified School District v. Superior Court*, 228 Cal.App.4th 222, 242 (2014).

⁶ *County of Santa Clara v. Superior Court*, 170 Cal.App.4th 1301, 1324 (2009).

however, the land divider may proceed as proposed only if an adjustment to § 21.03.010(d)(7) is sought and allowed pursuant to § 21.03.020 based on an undue hardship. These two County ordinances thus work together to require that, except where an undue hardship adjustment is allowed, a project must include a street or drive built to public street standards and then dedicated to the public.

Looking at § 21.03.010(d)(7) alongside various surrounding § 21.03.010 provisions, it is clear that its purpose is to avoid any situation in which (i) a land divider would create a sub-standard, private street serving a large number of homes, which is (ii) not built and/or maintained to the same standards as public streets, and (iii) the County would uncritically permit such a situation. Section 21.03.020(c) requires the County's planning commission to take a critical look before allowing any adjustment to the land division standards set forth in § 21.03.010. The findings that are expressly required when allowing an adjustment based on undue hardship are as follows:

(c) Neither the planning commission nor the subdivision review board shall approve any adjustment request to the standards set forth in Section 21.03.010 of this title ... unless it makes each of the following findings (with emphasis added below):

- (1) That there special circumstances or conditions affecting the subdivision; and
- (2) That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision; and
- (3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision.

Importantly, the required 21.03.020(c) findings compel the body that is allowing an adjustment to any § 21.03.010 standard to be circumspect about doing so. Thus, the § 21.03.020(c) findings task the decision making body with considering the materiality of any project opponent's claim of adversity or detriment that might result from granting an adjustment to any § 21.03.010 standard (such as § 21.03.010(d)(7)). The appellant's claim concerning the access in this case was raised at the two Planning Commission hearings and a subsequent Board of Supervisors hearing. In each such instance, the respective body considered and unanimously rejected the materiality of the appellant's claims.

Lastly (before turning to the evidence concerning our project), it is important to note

that strict adherence to the § 21.03.010(d)(7) five-residence limitation on private driveway easements will often conflict with some of the other standards set forth in § 21.03.010. For example, adherence to § 21.03.010(d)(7) will often conflict with § 21.03.010(c)(1), which provides as follows:

The size and configuration of parcels should be such as to encourage the efficient utilization of land.... ***Where feasible, the use of clustering with open-space provisions shall be encouraged.***

Indeed, the favorable modern trend towards “clustered development” would be effectively prohibited by the County’s blind adherence to the combination of § 21.03.010 subsections (d)(7)(private driveway easements), (c)(6)(which prohibits flag lots where streets are required), (d)(1)(which requires forty-foot street rights of ways), (d)(5)(which requires streets to meet at right angles), and (d)(8)(which requires the design of large blocks). Taken together, these land division standards all point toward a relatively sprawling type of suburban subdivision that seems at odds with the modern trend toward more attention to open space, the protection of natural swales, and efficient home-site clustering.

With this backdrop, we turn finally to the evidence concerning our project specifically. Our project was designed with two primary aims in mind. First, there was the need to preserve as much open space as reasonably possible near the 20-foot riparian setback. We accomplished the aim. Our project will create newly dedicated open space running along the creek (creek area and 20-foot setback) equal in size to 39% of the original development site. Ultimately, 73% of the original parcel is being dedicated to open space.

Second, our design was guided strongly by yet another § 21.03.010 standard, specifically that set forth in subsection (c)(5), which reads:

The resulting parcels shall achieve optimal utility as measured by:

- (i) Efficient use of land;
- (ii) Minimizing site disruption in developing access drives and building pads with respect to cuts and fills and vegetation removal;
- (iii) Ensuring that proposed parcels would not act to deter or hinder the use of the subject or adjacent parcels, present or future (which is not particularly applicable here due to the creek and fact that the project is infill); and
- (iv) Maintaining the character and parcel configuration pattern of the surrounding area.

These design goals led us to propose taking efficient advantage of the fortunate circumstance of having an existing private driveway to the east of the project. Therefore, we sought and obtained an adjustment to § 21.03.010(d)(7).

After two public hearings before the Planning Commission, with public testimony by the appellant and others focused on this issue concerning the adjustment, the Planning Commission unanimously approved the upward adjustment to the five-residence limitation in accordance with the adjustment process required by Section 21.03.020. On October 4, 2016, the County Board of Supervisors heard testimony from the public on this same issue, and also approved the upward adjustment. See BOS Reso., Attachment 1, Exh. C, at pp. 22-24 of 33.

Facts that were in evidence from the start of the County's analysis support the County's approval of the private easement use. First, it is important to note that, in typical urban and suburban developments, large, standard roadways must be offered for dedication to the public. Typically, the project applicant must construct the internal roads to exacting specifications; and, once they are completed, the agency will then accept them into their publically maintained road system. However, in this instance, the County – through its senior staff – refused from the start to accept Cypress Glen Court into their publicly maintained system because there will be no community circulation benefit to the road (see BOS Reso., Att. 1, Exh. C, ¶ J.1, at p. 23 of 33). Presently, the drive is maintained pursuant to a recorded private road maintenance agreement between the owners of 24, 34, and 40 Cypress Glen Court. The project will be added to this agreement; and the project's end-users (the owners) will thereafter be responsible for most of the maintenance costs of Cypress Glen Court, with the pre-existing residences responsible for the rest.

Adding greatly to the factors that must be balanced here when “undue” hardship is considered is the fact that ***the public itself – as well – would suffer a detriment if the private easement ingress were not allowed. Specifically, the addition of one of more new points of ingress further to the west (and toward the middle or western end of the project) would result in the loss of 6 proposed public parking spaces on E Street in front of the project,*** as one or more driveway curb cuts of substantial prescribed width would then be required. These new public on-street parking spaces will be constructed adjacent to the existing west-bound travel lane of E Street and will not impede or restrict neighborhood traffic or the capacity or function of the roadway.

It should be stated that we would not be discussing this issue at all if the County would accept the improvements to Cypress Glen Court into the County's maintained system. In fact,

there would be no reasonable limitation to the number of residences that could use Cypress Glen Court, and therefore no exception would be necessary. The county's position, by definition, burdens our ability to reasonably use the project's frontage on Cypress Glen Court for access. Additionally, since a Coastal Act priority is the provision of public parking for visitors to the coast, any appropriate access design solution that provides for the construction of new public parking should be recognized as a net benefit to the community.

With these considerations in mind, the County made the required, specific findings concerning the proposed use of the private driveway easement by eleven resulting residences. Once again, the three findings, which are required by Section 21.03.020(c), are:

- (1) That there special circumstances or conditions affecting the subdivision; and
- (2) That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision; and
- (3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision.

Each of these findings is discussed in greater detail below:

Concerning the first required finding (that of special circumstances surrounding the property), the property is a corner lot that is located where (i) it can readily make use of an existing, abutting private drive, and (ii) the dedication of road access to the public is not needed for any pattern of circulation beyond (because Cypress Glen Court is as far up Little Cayucos Creek as one can travel before there is a substantial, sharp rise in elevation). Making efficient use of the existing Cypress Glen Court thus allows us to create an open space lot alongside Little Cayucos Creek that is the size of 39% of the project site before any land division (before construction of any new homes) to open space, taking into account the 20-foot setback and our additional conservation of riparian habitat. See BOS Reso., Att. 1, Exh. A, ¶ D ("because of the circumstances and conditions applied in the particular case....") and Exh. C, ¶ J. There can be no doubt that the site presented a unique site design challenge, in that the parcel is zoned for up to 12 residences, but the influences of the adjacent creek and need for community compatibility created truly special circumstances. ***The appellant cannot credibly claim that the County's "special circumstances" finding was not extremely well-founded.***

Similarly, the appellant can make nothing more than a “minimal” or “hypothetical” claim that the second required finding – concerning a material adverse effect on public health and safety – is not well founded as well. Because the project site is close to the end of a cul-de-sac, the County had solid bases for finding that the adjustment that it was allowing (to the default limit of five homes on a private driveway easement) will not be materially detrimental to the traffic circulation system, the carrying capacity of the roads, the public utility and storm drainage systems, or vehicular or pedestrian safety. See BOS Reso. Att. 1, Exh. A, ¶¶ D, F, and Exh. C, ¶ J(1). Notably, a representative of the Public Work Department testified to the Board of Supervisors that there were no traffic impacts associated with this design or the volume of trips being added to Cypress Glen Court or E Street. In addition, the project is situated just beyond a rise in E Street, which could present a danger to residents leaving their driveway because of short sight distance for vehicles coming down the hill toward the Project – if the adjustment were not allowed and residential access to E Street further to the west were required.

Concerning the third and final required finding that the County made, ***the appellant cannot make any credible claim that allowing the requested adjustment to the default limitation concerning the use of private driveway easements will be “materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision.”*** See BOS Reso., findings set forth in Exh. A, ¶ D, Exh. B, ¶¶ 2(d), 8-10, 45, 62 and 63, Exh. C, ¶ J and Exh. D, ¶¶ 2-4.

Indeed, during their public comments at the appeal before the Board of Supervisors on October 4, 2016, which challenged the Planning Commission’s unanimous approval of the project and the findings related to County Code § 21.03.020, one of the three project opponents who spoke publicly confessed that their true concern was only about the density of the project (seven units); and they simply wanted to see fewer new residences built. When this public confession is taken into account, it should be clear to all that the appellant’s complaint about allowing an adjustment to the default limitation to the use of private driveway easements in nothing but a pretext.

The appellant is obviously not concerned about the use of the private driveway easement, and instead merely wants to see either a different, smaller project or perhaps no project. At best, the appellant’s opposition to the allowance of the adjustment for the private driveway easement should be seen as “hypothetical” and “minimal,” which are factors that cannot reasonably outweigh the concerns that the project adhere to the Estero Plan’s goals and standards. Moreover, because the appellant’s true concern is not about a private driveway

easement, but is instead about the project as a whole and its density, appellant's reason for opposing the hardship finding should be viewed as minimal or none. Both the County Planning Commission and Board of Supervisors carefully considered the project's density and design; and both bodies unanimously approved them in their own right – on the merits of the project.

Thus, the Planning Commission and Board of Supervisors both unanimously found that the request for the adjustment was reasonable and justified, and that the proposed findings were appropriate and thus adopted, and that utilizing the circumstance of the existing readily-available access to the project's internal drive court was preferable to having from one or even more additional driveways impacting E Street – at the expense of Coastal prioritized public parking, and as an obvious and undue hardship to us.

Issue No. 2 – The County's determination that the Project is reasonably consistent with the area-wide "Vision and General Goals" for Cayucos as set forth in the County's Estero Area Plan, including reasonable consistency with "the community's small-town character" and massing.

The appellant asserts that the project will consist of offensive homes that are far out of character with the neighborhood in which it will be built. The facts show otherwise; and the County found otherwise. See BOS Reso, Exh. A, ¶ E.

In raising this appeal issue, the appellant has selectively omitted many of the Estero Area Plan's most relevant criteria for this neighborhood. When those criteria are properly added back into the equation, it becomes clear that the appellant raises no substantial issue concerning the compatibility of the project with community characteristics. Please consider the following:

The project is located in the Morro Rock View Area of Cayucos as defined in the Estero Area Plan and is within the URL for the community. **General Policies** on page 4-11 of the Plan *"encourage in-fill development within the existing URL that emphasizes mixed uses, protect critical habitat of sensitive plants and animals, and provide for development that meets the needs of residents and visitors and that can be sustained by available public facilities and resources."* On page 4-14, Section D. Residential Multi-Family, 1., it states

"Promote multi-family development that is compatible with the surrounding development in the area between Cayucos Drive and E Street northeast of the central business district. Such development should be encouraged there, where the residents can walk downtown and to the beach. However, multi-family

development should be designed to be sensitive to existing single-family homes. The recommended densities balance the Housing Element goals of providing increased opportunities for multi-family housing with Coastal Act goals and policies to assure that the projected future population can be accommodated by the available water supply. In that way, the recommended densities are consistent with the Housing Element."

Our approach to designing the project took these criteria into account. The project site is zoned for multi-family development of up to 12 units under some configurations that could be made to work on the site if the community's characteristics were improperly discounted. Rather than propose any such project, which would indeed be out of character with the immediately adjacent homes, our project proposal was deliberately designed to be consistent with these principles and criteria. The result is a project that appropriately balances the competing goal of somewhat higher residential density with the goal of maintaining respect for the single-family character of the neighborhood. Our choice to use detached, Craftsman-style cottage architecture was based on studies of recently constructed homes in the community. Cayucos is generally a small-scale beach town; and the streetscape of our project will enhance the neighborhood (where the style is mixed).

Similarly, Section II **Countywide Circulation Goals, C. Cayucos** (page 5-4), requires that:

"public utilities serving new development be installed underground between distribution lines and proposed buildings and between buildings. Support programs to place existing overhead public utility distribution lines underground. Support pedestrian accessibility within the central business district; provide curbs, gutters, and wide sidewalks. Provide needed street maintenance and improvements on county-maintained roads, including improving drainage and paving unpaved roads."

To be visually appropriate, the project will be undergrounding existing overhead utility lines along E Street, adding a sidewalk in the neighborhood where no sidewalk exists (while avoiding unnecessary curb cuts that reduce or eliminate proposed public parking where none exists), and providing improved drainage containment and control. All facilities will be built to County standards and the character of the neighborhood will be improved significantly as a result of the adherence to these stated community goals.

The **Combining Designations Section C. Flood Hazard (FH)** (page 6-5) states that:

“These flood-prone natural drainage courses should be maintained in their natural state to protect native vegetation and wildlife habitats.”

In the case of Little Cayucos Creek, the existing creek vegetation is composed of significant non-native growth and an overwhelming amount of dead trees and vegetative debris. Our approved proposal is to rehabilitate Little Cayucos Creek along our creek frontage through a permit with CDF&W to remove the non-native materials and plant new riparian trees and plants. This strategy is further amplified by the requirements of **Section IV Areawide Water Quality** standards on page 6-13 & 14, where it states:

“Maintain, and where feasible, restore the quality and biological productivity of coastal waters, streams, wetlands, estuaries, and lakes in order to protect human health and maintain optimum populations of marine and other wildlife. Control, and where feasible, prevent nonpoint source pollution resulting from private and public development and land management practices. Avoid, and if not feasible, minimize impacts to watershed from erosion, runoff, pollution, and water diversions by new public and private development. Minimize erosion, siltation and water pollution by promoting sound land management practices and minimizing the amount of impervious surfaces on public and private lands.”

In fact, our plan employs the latest design trends and construction materials and techniques to assure that our project meets and exceeds the water quality requirements for new development and thereby improve the viability and health of Little Cayucos Creek.

Specifically in response to the appellant’s inflammatory and misleading comments about the project’s relative size, scale and massing, please consider the following:

All of the existing residences on the uphill side of E Street (4) are set at least a minimum of 8 feet above the roadway, and they are all 2-stories in height. The heights of the existing, neighboring homes are and will remain considerably higher than the heights of the new homes in the project, particularly from their second (top) floors, where they will look completely over the new homes. Notwithstanding ground floor parking and storage areas (that begin below the grade of E Street), the project’s units that face E Street will appear as only two stories or less with relatively low pitched roofs at the street level; and they are fully landscaped across the frontage. Our residences will not have garages facing the street, which allows us to provide much needed coastal access enabling on-street parking where presently none exists. This design approach also creates a long, continuous area for shrubbery, trees, and flowers.

The five new homes facing E Street will each be only 26-feet wide, which results in a small-scale neighborhood feeling. The record contains elevation drawings showing Craftsman-style cottage design elements of the project's homes, which are very much in line with existing community standards. The project will add concrete curb, gutter, sidewalk and parking improvements in full compliance with the Cayucos Circulation Goals found in the Estero Plan. Our drive court at the rear of these units will be landscaped as well, and utilize pervious pavers, instead of asphalt, for percolation of runoff. However, the public will not even be viewing our lower level garages from the public right-of-way because of the site design that we chose for protecting and enhancing neighborhood character.

Our design treatment is also a thoughtful use of the existing grade to minimize the apparent height of the homes from the street, and to minimize the automobile-dependent nature of new neighborhoods. Specifically, the five houses on E Street will all be built on one leveled elevation, behind a retaining wall. The street that they face, E Street, decreases in elevation significantly from west to east. The relationship of the houses to the street, therefore, is far more aesthetically pleasing than would be the case if they were built side by side and taking access from the existing grade of E Street. Furthermore, the Cypress Glen Court frontage will also be fully landscaped – whereas presently only weeds and non-native grasses are the predominate vegetation due to the County's unwillingness to maintain the right-of-way of this dedicated street.

The architecture of the project is anything but "industrial" in character (as the appellant described it in her filing). If anything, the project introduces a well-articulated residential theme – one that will enhance the existing neighborhood without offending the existing scale because the homes are below the grade of the homes across from the project.

As is noted above, the property is zoned Residential Multi-Family. The specific density applied to this property is 10 dwelling units per acre, and this is found on page 7-57 of the Cayucos Urban Standards of Estero Area Plan. There is also an option, however, for *"15 units per acre if the review authority makes the finding that there is sufficient sewer capacity and supplemental water to serve development resulting from the proposed project, existing development (at current rates of water use and occupancy), and all vacant parcels at buildout, assuming the proposed density of up to 15 units per acre in the RMF category."* Therefore, in reality, this property qualifies for up to 12-units based on the size of the developable parcel, because the condition can be met.

However, based on the creek and riparian vegetation constraints of the property, we are not pursuing the higher density option – because it would require the construction of a single large building, which would certainly not meet the character goals and principles of the Estero Plan. Even at only 10-du/ac rather than 15, the project can support 8.49 units; but the approved project has only seven (7) detached residences utilizing the Condominium/Planned Development standards of CZLUO 23.04.028(d) found on page 4-19. We reduced the density from 8 units to 7 units to appease the neighbors during the CCAC community meetings. In the final analysis, when you consider the project in its totality, using the County’s definition of open space, the project will result in over 73% of the pre-project site area dedicated to open space.

In the appeal filing, the appellant put forth a highly misleading comparison of the square footage calculations of the project’s homes to the existing homes within the neighborhood. Specifically, the figures presented for the existing residences substantially understate their true size by counting only the interior living area square-footage accessed from the County Assessor’s records, and not the other use areas that are found in our numbers. See County CZLUO Section 23.11.03 (Definition of Floor Area). When the ordinance’s definition of floor area is taken into account, the neighbors’ homes are much larger than the appellant states.

Even more concerning is the fact that the appellant misstated the square footage of the project’s new homes, conflating the residences’ lot sizes with their floor area. This is clearly a major mistake; and it completely misrepresents the facts.

The correct square footage of the project’s new homes is an average of 2297 square feet for the five houses facing E Street, but their interior, heated square footage averages only about 2037-sf per house. Because the appellant failed to provide any accurate information about the square footage of the existing homes in the neighborhood (utilizing CZLUO § 23.11.03), the appellant has failed to provide a fair comparison. The appellant’s comparison is simply false; and it greatly overstates the differences in square footage between the project’s homes and the existing homes in the neighborhood.

Issue No. 3: The Appellant Makes an Empty Complaint about Flood Hazard Zone (“AE”) Analysis.

Little Cayucos Creek is the focus of the flood hazard zone designation for this property. The County is responsible for administering the FEMA program; and it has the maps that define properties that are subject to flooding. This property has been reviewed by the County Public Works Department, which determined that the flood waters are completely contained within

the creek banks. Therefore, there is no threat to the project from flooding. It should also be noted that the runoff that reaches this stretch of creek is limited and controlled by two pipes that transmit water from the inland side of Hwy 1 under the freeway to the creek. Therefore, the flow of runoff is static once the pipes reach their capacity. This limited flow is the reason that properties along this stretch of the creek are not subject to rainfall intensity variations which can cause flooding in most areas (refer to the Flood Hazard exhibit previously submitted to you).

Issue No. 4: The Appellant claims without basis that there was insufficient investigation into archeological considerations at the site.

The appellant must be unaware of the fact that the records of the County contain abundant evidence of sufficient archeological investigation at the project site. Originally, Heritage Discoveries, a local archaeology firm, performed a Phase 1 survey at our request. The findings of their site reconnaissance found no evidence of Native American resources on the property. Because the County staff was aware of the existence of cultural resources elsewhere in the general vicinity, the County's project planner asked us for a Phase II study in order to remove any concerns about the possible presence of cultural resources, which we commissioned. The study was completed; and a report dated August 21, 2015 was promptly submitted to the County (and provided to you already). The appellant, however, is apparently unaware of all such additional reporting and the precautions that we must undertake in accordance with the project's conditions of approval.

The Phase II study concludes that the site does not contain any evidence of indigenous people's habitation or cultural significance. However, in an abundance of caution, the approved mitigation measures that were incorporated into the project will require that a Native American monitor must be present during all excavation and construction activities (see conditions of approval).

Issue No. 5: The appellant claims vaguely that the "area" – without any more specification -- is an Environmentally Sensitive Habitat Area (ESHA) containing certain named species.

Here again, the appellant is either ignorant of, or being deceptive about, the thoughtful steps that were taken to ascertain the appropriateness of the project site for the project as approved. She may be unaware that a complete biological assessment was conducted on the property and the creek in 2015. The site was evaluated during the winter of 2015; and the flora

and fauna were evaluated as well in the spring of 2015. A final report was completed in the spring of 2015, and was submitted to the County for review. As a result of the County's review and comments, the scientific investigation was then expanded to include an even more thorough analysis of any potential presence of monarch butterflies and other species of interest. The final, expanded report (already provided to you) was then submitted in July 2015; and it concludes that there are no special status plants present at the. With respect to any avian, terrestrial, or aquatic species within the creek or site, mitigation measures have been added to the project specifically to protect any species that may appear at the site or nearby during construction.

Conclusion:

Respectfully, when each of the five appeal issues is considered in light of the facts of this unanimously approved infill project, staff should readily see the appropriateness of recommending a finding that no substantial issue is presented by the appeal. I am more than willing to discuss your remaining questions, which I hope would be few – if any.

Thank you for your patience in allowing me to present and discuss the facts about my project. I look forward to discussing the project with you, however briefly or otherwise, and I will be pleased to speak before the Commission at the February hearing regarding the appeal.

Sincerely,

Daniel R. Lloyd