

CALIFORNIA COASTAL COMMISSION

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



Th22c

A-3-SLO-17-0040 (ORELLANA)

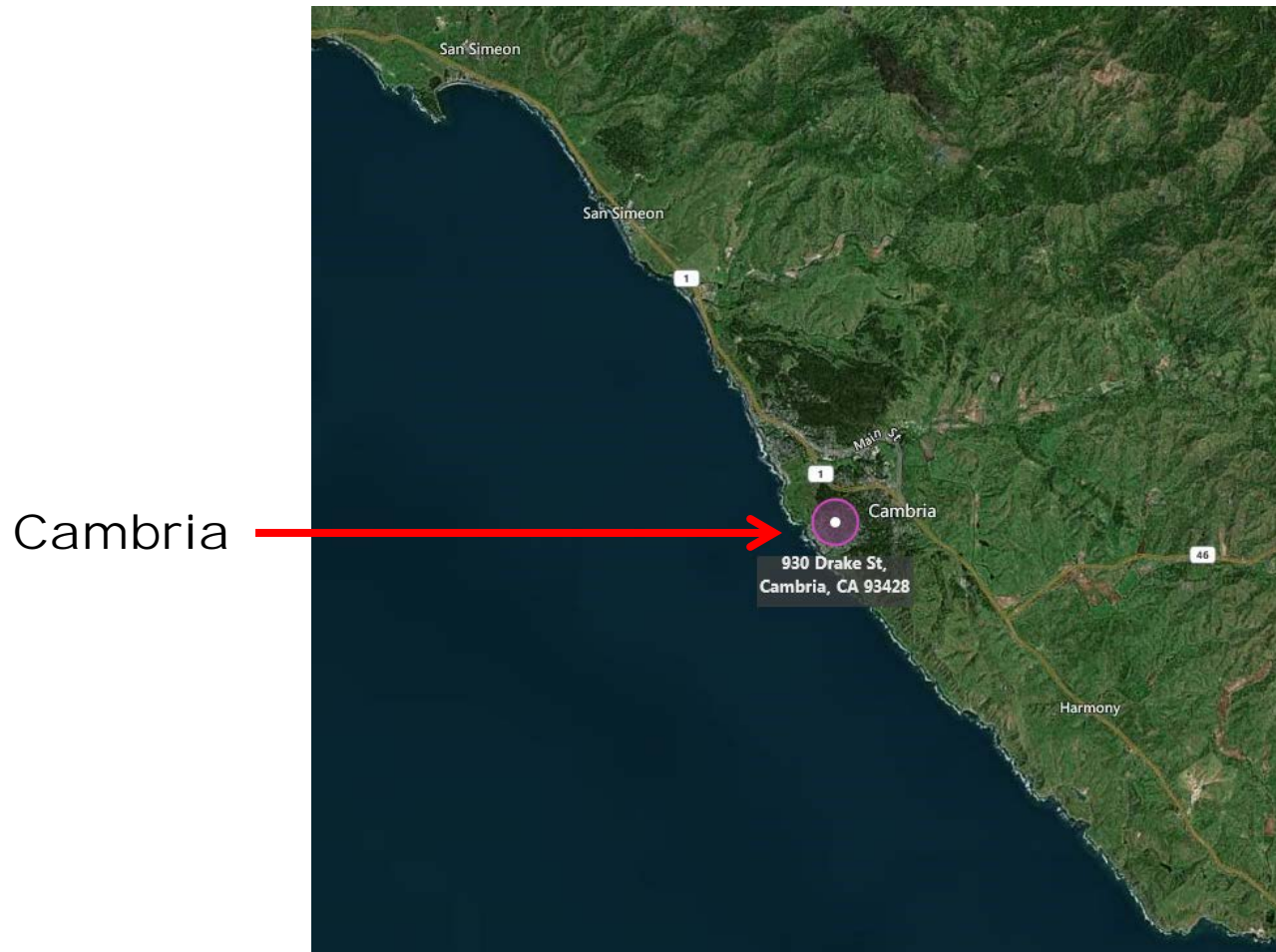
SEPTEMBER 14, 2017

EXHIBITS

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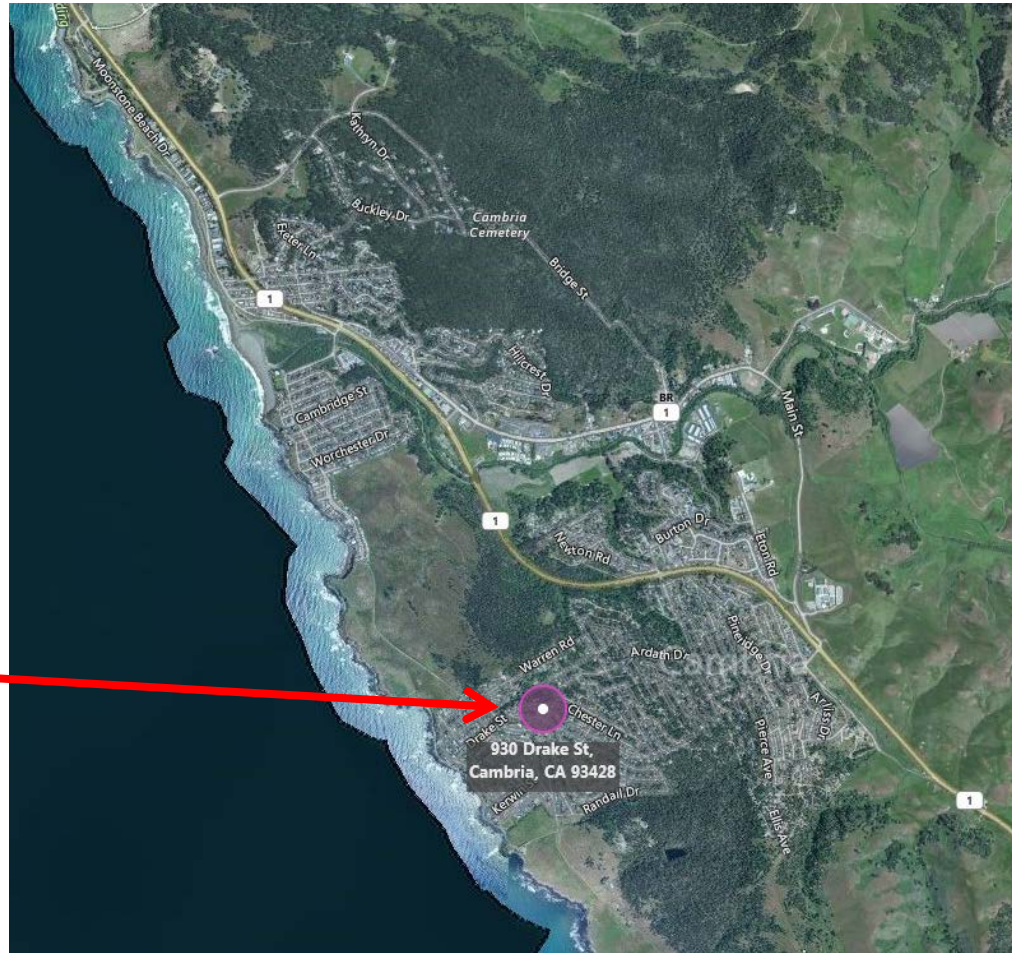
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Regional Location Map

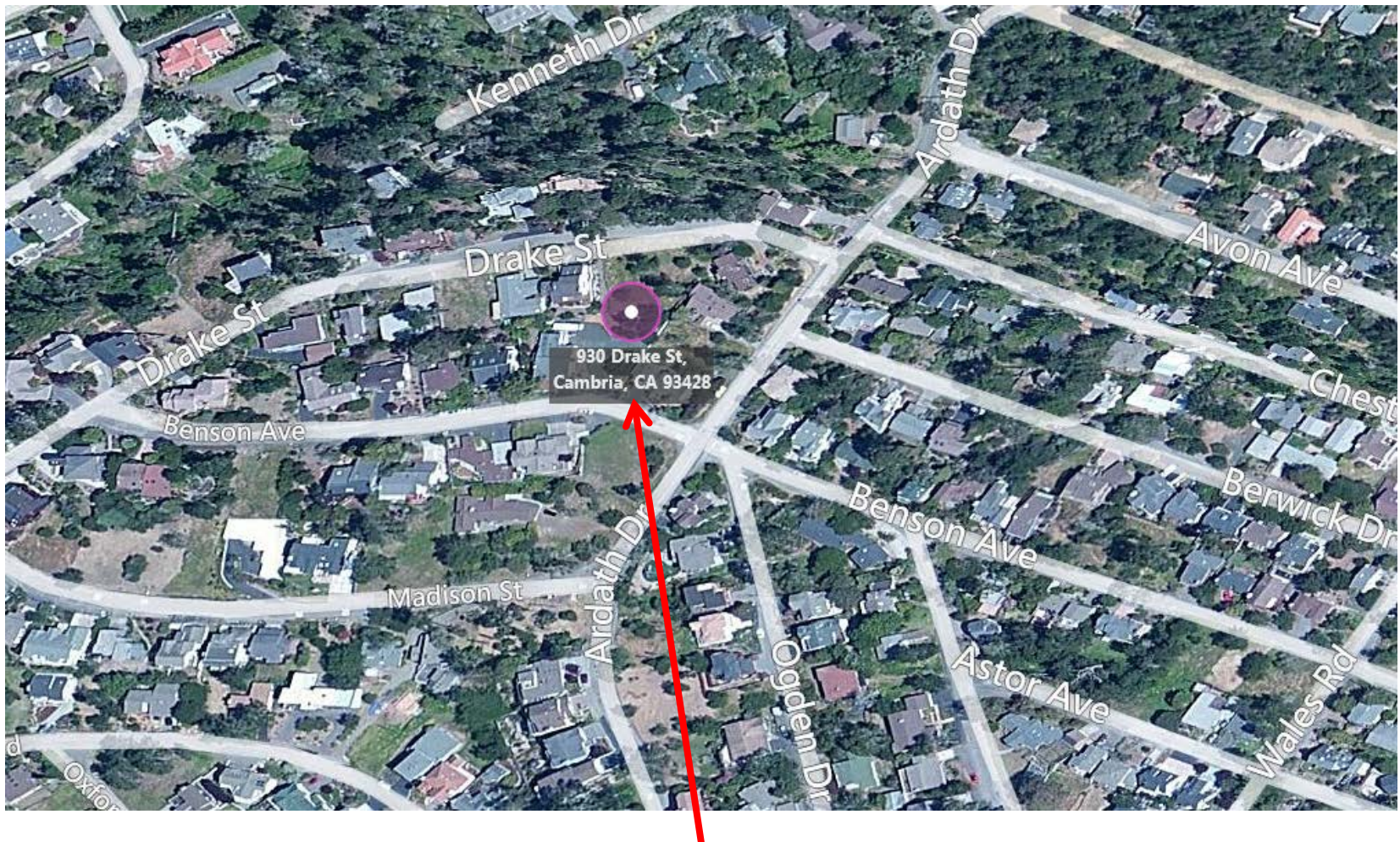


Regional Location Map

Project Site



Location Map



Project Site

Project Site



367 Ivar Street Site



**EXHIBIT B - CONDITIONS OF APPROVAL
ORELLANA / DRC2015-00097**

Approved Development

1. This approval authorizes:
 - a. Construction of a 3,046 square-foot single-family residence with a 528 square-foot attached garage, and 445 square-feet of deck.
 - b. The removal of one Monterey pine tree, removal of two oak trees, and impacts to one oak tree.
 - c. Maximum height allowed is 28 feet from average natural grade.

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

Site Development

2. **At the time of application for construction permits**, the applicants shall submit a revised landscape plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. All areas of the site disturbed by project construction shall be revegetated with native, drought and fire resistant species that are biologically compatible with the habitat values of the surrounding forest. Non-native, invasive, fire prone, and water intensive (i.e. turf grass) landscaping shall be prohibited on the entire site. All landscaping and construction practices shall work to maintain and regenerate habitat values. Plant materials shall be used to mimic or enhance naturally occurring vegetation. Materials shall be propagated from appropriate native stock to ensure that the gene pool is not diluted for endemic species. This is particularly true for Monterey Pines and riparian plantings. A list of prohibited plants, such as Pampas grass and Scotch broom, is available from the Department of Planning and Building. Use of plants listed in the California Invasive Plant Council (Cal IPC) Invasive Plant Inventory is prohibited.
3. **At the time of application for construction permits**, submitted plans shall conform to the approved site plan, architectural plans, and elevations.
4. **At the time of application for construction permits**, the applicants shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent residences. Light hoods shall be dark colored.

Access

5. **At the time of application for construction permits**, the applicants shall submit an application, fee and plans to the Department of Public Works to secure an Encroachment Permit:
 - a. To construct a new driveway approach in accordance with county public improvement standards A-5 (sight distance) and B-1 (rural driveway) series drawings.

Drainage

6. **At the time of application for construction permits**, the applicants shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicants shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. **At the time of application for construction permits**, the applicants shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.

Storm Water Control Plan

9. **At the time of application for construction permits**, the applicants shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water 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 Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicants shall submit complete drainage calculations for review and approval.
10. **At the time of application for construction permits**, the applicants shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

Fire Safety

11. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated January 12, 2016.

Services

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

Conditions to be completed prior to issuance of a construction permit

Fees

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

Storm Water Control Plan

14. **Prior to issuance of construction permits**, the applicants shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Archaeology

15. **Prior to issuance of a construction permit**, the applicants shall retain a qualified archaeologist to perform a surface collection of all lithic material on the parcel. A report on the lithic analysis shall be submitted to the County.
16. **Prior to issuance of construction permits**, the applicants shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building phase. The intent of this Plan is to monitor all earth-disturbing activities in the Construction Permit Area identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Inclusion of involvement of the Native American community, as appropriate;
 - c. Description of how the monitoring shall occur;
 - d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
 - e. Description of what resources are expected to be encountered;
 - f. Description of circumstances that would result in the halting of work at the project site (e.g., what is considered "significant" archaeological resources?);
 - g. Description of procedures for halting work on the site and notification procedures
 - h. Description of mitigation protocol if significant archaeological resources are encountered; and
 - i. Description of monitoring reporting procedures.

Conditions to be completed during project construction

Building Height

17. The maximum height of the project is 28 feet from average natural grade.
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicants shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Archaeology

18. **During all ground disturbing construction activities**, the applicants 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 construction, 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 applicants shall implement the mitigation as required by the Environmental Coordinator. A final report on monitoring plan compliance shall be submitted by the archaeologist **prior to final inspection/occupancy**.
19. **During all ground disturbing construction activities**, in the event archaeological resources are unearthed or discovered, the following standards apply:
 - a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of

discovered materials may be evaluated by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. The applicant shall implement the mitigation as required by the Environmental Coordinator.

- b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Conditions to be completed prior to occupancy or final building inspection/establishment of the use

Site Development

20. Landscaping in accordance with the approved landscaping plan shall be installed before ***final building inspection***. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

21. **Prior to occupancy or final inspection**, whichever occurs first, the applicants shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Inspection

22. **Prior to occupancy of any structure associated with this approval**, the applicants shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Archaeology

23. **Upon completion of all monitoring/mitigation activities, and prior to final inspection**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that any recommended mitigation measures have been met.

Tree Replacement

24. **Prior to occupancy or final inspection**, the applicants shall provide proof that trees to replace those removed and impacted have been planted, or that the trees have been purchased and planted by Greenspace. Trees shall be replaced at a 4:1 ratio for the removed Monterey pine tree, at a 6:1 ratio for the two removed oak trees, and at a 3:1 ratio for the impacted tree.

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

25. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
26. 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.

Fees

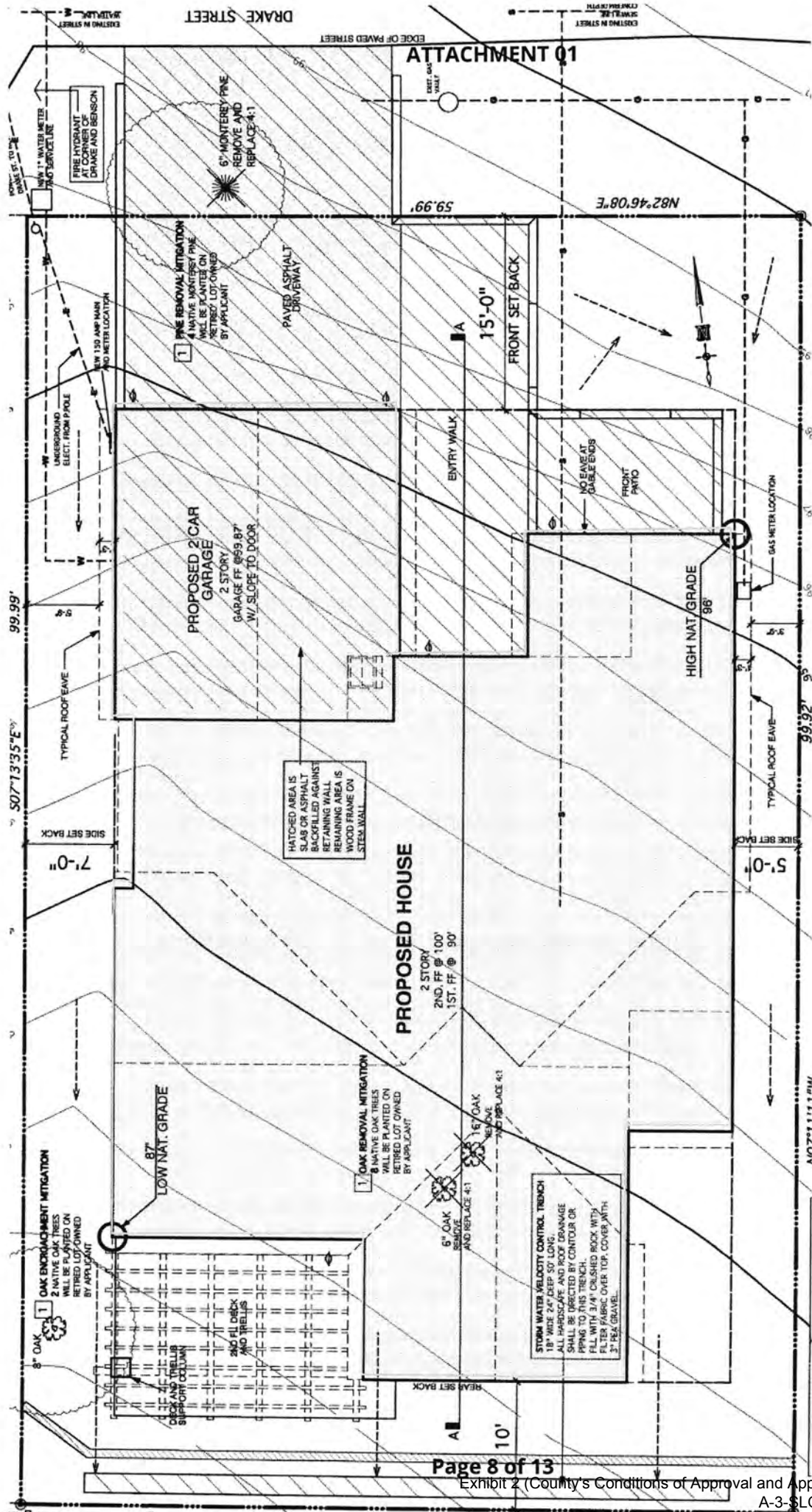
27. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the North Coast Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.

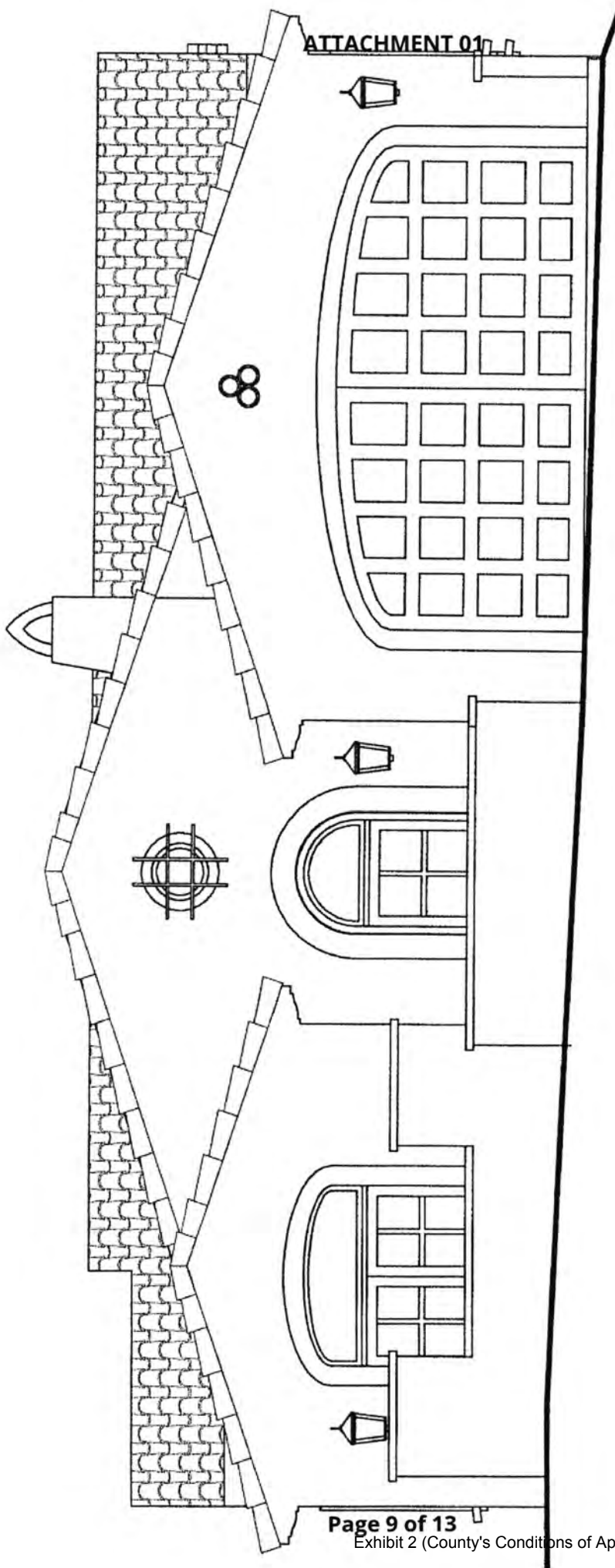
Drainage

28. **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.

Defense and Indemnity

29. The applicants shall as a condition of approval of this Minor Use Permit application defend, at their 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 applicants of their obligation under this condition.



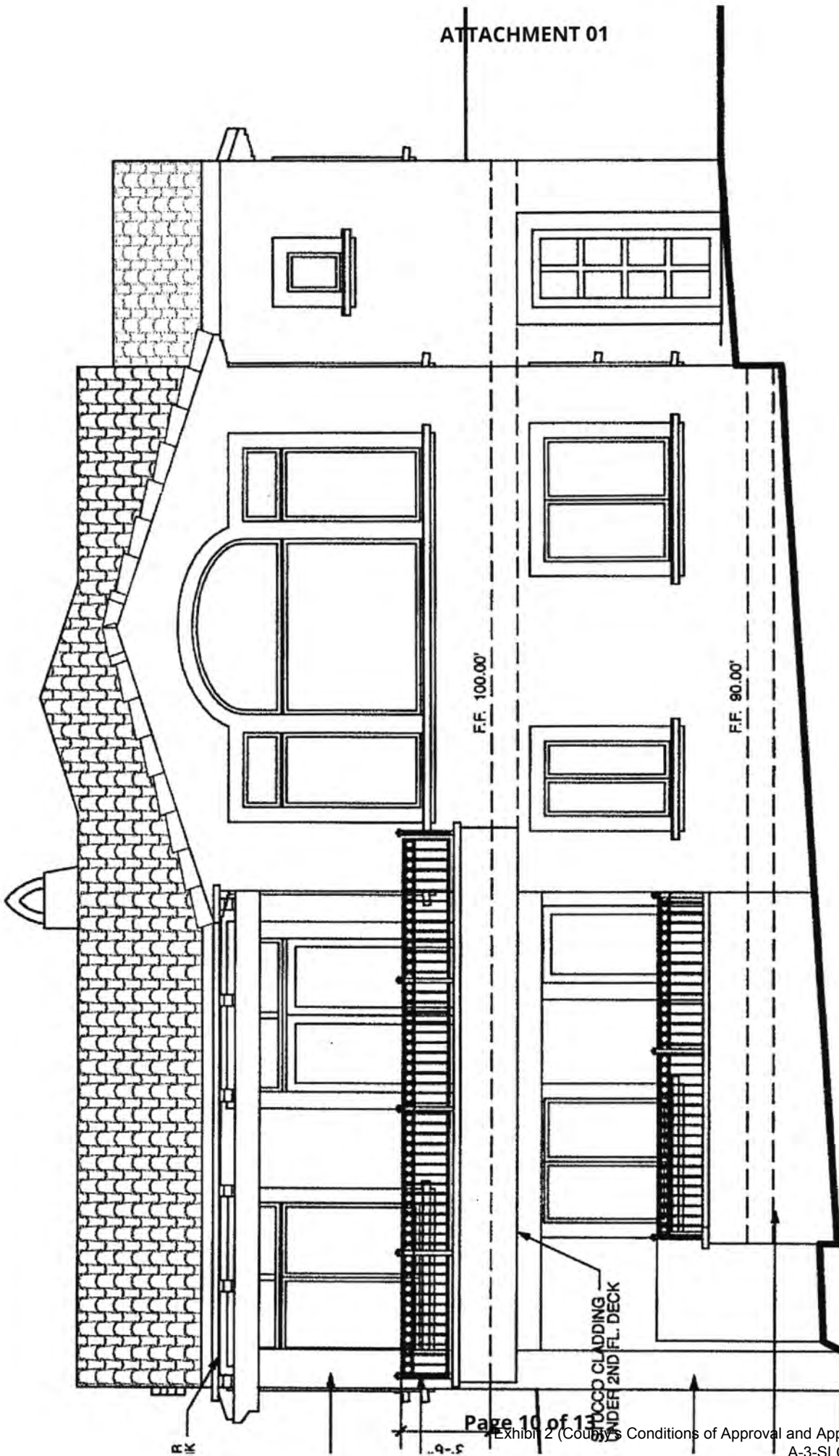


ATTACHMENT 01



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov





SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

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

July 28, 2017

Tim & Taryn Orellana
43550 John Warner Rd.
Temecula, CA 92592

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-SLO-17-0728

APPEAL PERIOD 8/2-8/15/17

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: July 11, 2017

SUBJECT: TIM AND TARYN ORELLANA
County File Number: DRC2015-00097
Minor Use Permit/Coastal Development Permit

RECEIVED
AUG - 1 2017
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

LOCATED WITHIN COASTAL ZONE: YES

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

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

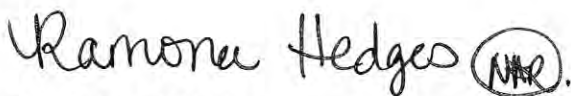
Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their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

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

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,

 (MRE)

RAMONA HEDGES
Custodian of Records

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

Christine Heinrichs
1800 Downing Ave.
Cambria, CA 93428

Greenspace
Attn: Mary Webb
PO Box 1505
Cambria, CA 93428

(Planning Department Use Only – for California Coastal Commission)

Date NOFA copy mailed to Coastal Commission: July 28, 2017

Enclosed: X Staff Report(s) dated July 11, 2017
 X Resolution with Findings and Conditions

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

Tuesday, July 11, 2017

PRESENT: Supervisors Bruce S. Gibson, Adam Hill, Lynn Compton, Debbie Arnold and
Chairperson John Peschong

ABSENT: None

RESOLUTION NO. 2017-191

RESOLUTION DENYING THE APPEALS OF CHRISTINE HEINRICHS AND
GREENSPACE, MODIFYING AND AFFIRMING THE DECISION OF THE PLANNING
DEPARTMENT HEARING OFFICER, AND CONDITIONALLY APPROVING THE
APPLICATION OF TIM AND TARYN ORELLANA FOR MINOR USE PERMIT AND
COASTAL DEVELOPMENT PERMIT DRC2015-00097.

The following resolution is now offered and read:

WHEREAS, on June 17, 2016, the Planning Department Hearing Officer of the
County of San Luis Obispo (hereinafter referred to as the Hearing Officer) duly
considered the application of Tim and Taryn Orellana for Minor Use Permit and Coastal
Development Permit DRC2015-00097 and conditionally approved the application on
June 17, 2016; and

WHEREAS, Christine Heinrichs and Greenspace have timely appealed the
Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo
(hereinafter referred to as the Board of Supervisors) pursuant to the applicable
provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of
Supervisors on July 11, 2017, and determination and decision was made on July 11,
2017; and

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

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be modified and affirmed and that the application should be approved subject to the findings and modified 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 Categorical Exemption issued for this project represents the independent judgment and analysis of the County as Lead Agency and that it is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
3. That the Board of Supervisors makes all of the modified findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
4. That the appeals filed by Christine Heinrichs and Greenspace are hereby denied, that the decision of the Hearing Officer is modified and affirmed, and that the application of Tim and Taryn Orellana for Minor Use Permit and Coastal Development Permit DRC2015-00097 is hereby approved subject to the modified conditions of

approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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

AYES: Supervisors Gibson, Arnold, Hill, Compton and Chairperson Peschong

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

John Peschong
Chairperson of the Board of Supervisors

ATTEST:

Tommy Gong
Clerk of the Board of Supervisors
By: Sandy Currens
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/Matthew Christen
Deputy County Counsel

Dated: June 22, 2017

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

I, Tommy Gong, 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 26th day of July, 2017.

(SEAL)

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

By Sandy Currens
Deputy Clerk.

EXHIBIT A – FINDINGS
ORELLANA / DRC2015-00097

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project consists of the construction of a new single-family residence. The project will remove one native Monterey pine tree and two oak trees, and will have impacts to one additional oak tree. Through existing ordinance requirements, this project is required to replant trees to mitigate for those removed and impacted.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a single-family residence 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 single-family residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the single-family residence is similar in character, size, and scale to, and will not conflict with, the existing 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 Drake Street, a local road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

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

Sensitive Resource Area (Terrestrial Habitat)

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because although the project will remove one Monterey pine tree and two oak trees, and impact an additional oak, the applicant will replant off site at a 4:1 ratio the removed Monterey pine tree, and at a 6:1 ratio the two removed oak trees. Additionally, the impacted oak tree will be mitigated at a 3:1 ratio.

- I. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because although the project will remove one Monterey pine tree and two oak trees, and impact an additional oak, the applicant will replant at a 4:1 ratio the removed Monterey pine tree, and at a 6:1 ratio the two removed oak trees. Additionally, the impacted oak tree will be mitigated at a 3:1 ratio.
- J. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the project is conditioned to provide a Storm Water Control Plan Application, drainage plan, and sedimentation and erosion control plan at time of construction permit application.

Archeological Sensitive Area

- K. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is conditioned to have a qualified archaeologist on site to monitor all approved construction activities and appropriate mitigation measures will be in place should any archeological resources be discovered during construction of the approved project.

Water Availability

- L. There is adequate water to serve the proposed residence based on the CCSD's January 13, 2016 Confirmation of Water & Sewer Availability letter and the payment of retrofit fees to offset the project's new water demand at a 2:1 ratio. The completed retrofits will ensure the project's water demand will not adversely impact the San Simeon or Santa Rosa Creek aquifers. The proposed project would not result in new water demand beyond the CCSD's current water allocation for existing connections because the CCSD considers the sender site to be in active service and the owner has paid the base monthly water fee continuous since 2007. Finally, as a condition of the active service transfer agreement, the sender site will be permanently retired. This will help forward Cambria's buildout reduction goals and help ensure that future growth in Cambria is consistent with water resource availability.

**EXHIBIT B - CONDITIONS OF APPROVAL
ORELLANA / DRC2015-00097**

Approved Development

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Storm Water Control Plan

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 - a. List of personnel involved in the monitoring activities;
 - b. Inclusion of involvement of the Native American community, as appropriate;
 - c. Description of how the monitoring shall occur;
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Conditions to be completed during project construction

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17. The maximum height of the project is 28 feet from average natural grade.
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicants shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Archaeology

18. **During all ground disturbing construction activities**, the applicants 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 construction, 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 applicants shall implement the mitigation as required by the Environmental Coordinator. A final report on monitoring plan compliance shall be submitted by the archaeologist **prior to final inspection/occupancy**.
19. **During all ground disturbing construction activities**, in the event archaeological resources are unearthed or discovered, the following standards apply:
 - a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of

discovered materials may be evaluated by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. The applicant shall implement the mitigation as required by the Environmental Coordinator.

- b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Conditions to be completed prior to occupancy or final building inspection/establishment of the use

Site Development

20. Landscaping in accordance with the approved landscaping plan shall be installed before ***final building inspection***. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

21. **Prior to occupancy or final inspection**, whichever occurs first, the applicants shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Inspection

22. **Prior to occupancy of any structure associated with this approval**, the applicants shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Archaeology

23. **Upon completion of all monitoring/mitigation activities, and prior to final inspection**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that any recommended mitigation measures have been met.

Tree Replacement

24. **Prior to occupancy or final inspection**, the applicants shall provide proof that trees to replace those removed and impacted have been planted, or that the trees have been purchased and planted by Greenspace. Trees shall be replaced at a 4:1 ratio for the removed Monterey pine tree, at a 6:1 ratio for the two removed oak trees, and at a 3:1 ratio for the impacted tree.

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

25. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
26. 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.

Fees

27. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the North Coast Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.

Drainage

28. **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.

Defense and Indemnity

29. The applicants shall as a condition of approval of this Minor Use Permit application defend, at their 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 applicants of their obligation under this condition.



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

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 7/11/2017	(3) CONTACT/PHONE Brandi Cummings, Planner/(805)781-1006	
(4) SUBJECT Hearing to consider appeals by Christine Heinrichs and Greenspace of the Planning Department Hearing Officer's approval of the Orellana Minor Use Permit/Coastal Development Permit (DRC2015-00097) to allow construction of a 3,046 square foot single family residence with a 528 square-foot attached garage on a 6,000 square foot parcel, located at 930 Drake Street in the community of Cambria; Exempt from CEQA. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution denying the appeals by Christine Heinrichs and Greenspace and affirming the decision of the Planning Department Hearing Officer to approve the Minor Use Permit subject to the modified findings and conditions set forth in Attachment # 2.			
(6) FUNDING SOURCE(S) Planning Department Budget	(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. 45 minutes) <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: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? Yes	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 2			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building / Brandi Cummings, Planner

VIA: Bill Robeson, Deputy Director

DATE: 7/11/2017

SUBJECT: Hearing to consider appeals by Christine Heinrichs and Greenspace of the Planning Department Hearing Officer's approval of the Orellana Minor Use Permit/Coastal Development Permit (DRC2015-00097) to allow construction of a 3,046 square foot single family residence with a 528 square-foot attached garage on a 6,000 square foot parcel, located at 930 Drake Street in the community of Cambria; Exempt from CEQA. District 2.

RECOMMENDATION

It is recommended that the Board adopt the resolution denying the appeals by Christine Heinrichs and Greenspace and affirming the decision of the Planning Department Hearing Officer to approve the Minor Use Permit subject to the modified findings and conditions set forth in Attachment # 2.

DISCUSSION

Background

The Planning Department Hearing Officer considered the proposed project during a public hearing on June 17, 2016. The Hearing Officer discussed the project issue of water availability, and ultimately approved the Minor Use Permit/Coastal Development permit for a new single family residence. On June 22, 2016, Christine Heinrich filed an appeal of the Planning Department Hearing Officer's approval of the Minor Use Permit. On June 28, 2016, Greenspace filed a second appeal of the Planning Department Hearing Officer's approval of the Minor Use Permit.

Project History

In February 2014, Tim and Taryn Orellana applied for a Minor Use Permit (MUP) to allow for the construction of a new single family residence. The proposed project received a Confirmation of Water & Sewer Availability letter from the Cambria Community Services District (CCSD) dated January 13, 2016. The CCSD is providing water to this project using an "active service transfer" from 367 Ivar Street ("sender site"). The sender site received an intent-to-serve letter on December 1, 2000, before the District's 2001 moratorium on new water connections. As a condition of the

intent-to-serve letter, the owner of the sender site paid retrofit fees in the amount of \$9,350. The CCSD used these fees to retrofit other properties in its service area to offset the project's water demand at a 2:1 ratio.

The sender site received a Minor Use Permit/Coastal Development Permit (D010147P) for a new residence in 2002, pulled building permits (PMT2002-10910 and PMT2007-00606) in 2007, and received a water and sewer connection permit from the CCSD on October 31, 2007. The residence received inspections for temporary power and a concrete slab foundation. Although the permits eventually expired before completion of the residence, the CCSD considers the property to be in active service and the owner has paid the base bimonthly water fee continuously since 2007. The proposed project would not result in new water demand beyond the CCSD's current water allocation for existing connections because this meter has been included in the CCSD's existing water demand calculations since 2007.

Appeal Issues

Christine Heinrichs and Greenspace filed separate appeals of the Orellana MUP approval. The appeals cite the water shortage in Cambria and contend that the proposed project would increase demands on the community's limited water supply.

The Cambria Community Services District (CCSD) is an independent local government agency that provides water, wastewater, fire protection, and other services to the community of Cambria. The CCSD is responsible for regulating the community's water supply and managing existing and new water connections. The County relies on the CCSD to determine if the community has adequate water supply for new projects. The CCSD's issuance of an intent-to-serve letter for this project is evidence of water supply availability. The project is utilizing an active service transfer from a 2000 intent-to-serve letter. Though the original intent-to-serve letter did not result in actual water usage, the project's water usage is already anticipated in the CCSD's outstanding commitments to existing lots. The proposed project would not result in new water demand beyond the CCSD's current water allocation for existing connections because this meter has been included in the CCSD's water demand since 2007.

The following summarizes the specific concerns raised in the appeals and staff's response. Staff has categorized the 14 appeal issues and responses into four overall concept issues which include: Stage 3 Water Emergency, Emergency Brackish Water Supply Project, Policy Inconsistencies, and Other Issues.

Stage 3 Water Emergency

Issue #1: Cambria CSD has been in a Stage 3 Water Shortage Emergency Condition with severe water conservation measures and restrictions since January 2014. "The use of potable water for service to any properties where buildings are not under construction on the effective date of activation of this project even though a valid water connection permit may have been issued for the properties is prohibited." Cambria has remained in a building moratorium since 2001 due to lack of water to serve existing customers. This permit would be a violation of the moratorium, and allowing new construction while under a Stage 3 Water Shortage Emergency would be precedent setting.

Staff Response: In 2001, the CCSD established a moratorium on new water connections and in 2014 the CCSD declared a Stage 3 Water Emergency. Additionally, the County's annual growth rate for Cambria is set at 0%, resulting in no new allocation requests, other than those accompanied by an intent-to-serve letter from the Cambria Community Services District for transferred meters.

This project was applied for, approved at a Planning Department Hearing, and appealed during a time in which the CCSD's Stage 3 Water Shortage Emergency was in effect. However, on March 23, 2017 the CCSD voted 3-2 to lower their drought declaration to a Stage 2 Water Shortage Emergency. Under Stage 2 Water Shortage Emergency, CCSD customers can now irrigate landscaping and use potable tap water outdoors when and how they want. The lifting of the Stage 3 Water Shortage Emergency does not permit new water hookups, since the District is still operating under the Water Code Section 350 moratorium declaration. Additionally, Cambria's emergency water supply project can only operate during a Stage 3 water shortage emergency.

This project is not in violation of the CCSD's moratorium on new connections because the sender site received an intent-to-serve letter on December 1, 2000, before the District's 2001 moratorium on new water connections. The water meter for this project was established prior to the Stage 3 declaration, and is and has been considered an active service connection. The CCSD transfer procedure remained in place despite the Stage 3 declaration, allowing the transfer of the subject meter from the sender site. Because this project is using an active service transfer, and has an intent-to-serve letter, it is not in violation of the County's growth management ordinance.

Emergency Brackish Water Supply Project

Issue #2: Project is inconsistent with the terms of the County's emergency permit, authorizing the construction and operation of emergency brackish water supply project to serve existing development within the Cambria Community Services District's service area. The Emergency Water Project is specifically designated for use only during Stage 3 Water Emergencies. Any water produced is directed to the use of existing customers.

Staff Response: The CCSD's issuance of a Confirmation of Water & Sewer Availability letter is consistent with the operation parameters of the brackish water treatment plant because the project would use a water connection that existed prior to the CCSD's Stage 3 Water Shortage Emergency and prior to issuance of the emergency permit (ZON2013-00589) for the brackish water treatment plant. At the time the CCSD declared a Stage 3 Water Shortage Emergency and applied for an emergency permit for the water supply project, the sender site was included on the CCSD's list of existing service connections. On March 23, 2017, the CCSD lowered the water shortage emergency from Stage 3 to Stage 2.

Issue #3: The Emergency Water Project application for a regular Coastal Development Permit (CDP) remains incomplete since June of 2014. The CCSD now claims that the Emergency Water Project can be re-branded as 'Sustainable'. This conflicts with the fact that it was built under an Emergency Permit and has not yet even submitted an application for a permanent Coastal Development Permit, as required.

Staff Response: The emergency permit allows the brackish water treatment plant to serve existing water connections during a Stage 3 Water Shortage Emergency. The proposed project is consistent with the conditions of the emergency permit because it would use a water connection that existed prior to the CCSD's moratorium and Stage 3 water emergency. The CCSD has applied for a regular follow-up CDP for the emergency water supply project in June 2014 and is in the process of preparing the environmental document for the project. The CCSD is proposing to convert the brackish water treatment plant (for existing water connections only) to a Sustainable Water Facility (SWF), which would serve Cambria's existing and future buildout population. The CCSD has prepared a Final Subsequent Environmental Impact Report (SEIR) for the project, tiering from the CCSD's Water Master Plan Program Environmental Impact Report (PEIR). The SEIR has not yet been certified.

Issue #4: DRC2013-00112 Cambria CSD Emergency Water Project has not been properly analyzed through the CEQA process for consistency with the Local Coastal Plan and has not been subject to agency review through an Environmental Impact Report (EIR) for growth inducing effects and mitigation of new water supply.

Staff Response: As the Lead Agency under the California Environmental Quality Act (CEQA), the CCSD has prepared the Final SEIR for the Cambria Sustainable Water Facility. The Final SEIR, which was released in May 2017, evaluated growth inducing effects and included a consistency analysis with the relevant sections of the County's Local Coastal Plan, in addition to all other required content. The CCSD Board of Directors held a special meeting on June 14, 2017 to consider certification of the Final SEIR. The Board postponed action on the SEIR indefinitely since the project's Adaptive Management Plan, a key mitigation measure addressing impacts on the San Simeon lagoon and riparian habitat, was not available for public review during the entire 10-day notice period for the Final SEIR.

Policy Inconsistencies

Issue #5: Project is inconsistent with Public Resources Code Section 30624(c) which is SLO County's goal of ensuring safe communities as described in their emergency permit (ZON2013-00589).

Staff Response: Public Resources Code Section 30624(c) is the section of the Coastal Act that establishes emergency permit procedures. This section is not relevant to the proposed project, which is a Minor Use Permit for a new single family residence. The proposed project was processed in accordance with the procedures described in Section 23.02.033 (Minor Use Permit) of the Coastal Zone Land Use Ordinance.

Issue #6: Project is inconsistent with CZLUO 23.04.430 and Public Works Policy #1 regarding availability of water supply for new development.

Staff Response: The proposed project is consistent with this policy because this project would use an "active service transfer" from 367 Ivar Street ("sender site"). The sender site received an intent-to-serve letter on December 1, 2000, before the District's 2001 moratorium on new water connections. As a condition of the intent-to-serve letter, the owner of the sender site paid retrofit fees in the amount of \$9,350. The CCSD uses these fees to retrofit other properties in its service area to offset the project's water demand at a 2:1 ratio. The completed retrofits will ensure the project's water demand will not adversely impact the San Simeon or Santa Rosa Creek aquifers. Furthermore, since the project would be using a water connection that the CCSD considered active since 2007, the project's water usage is already anticipated in the CCSD's outstanding commitments to existing lots. The proposed project would not result in new water demand beyond the CCSD's current water allocation for existing connections because this meter has been included in the water demand since 2007.

Issue #7: Project may be inconsistent with Local Coastal Plan requirement that 20 percent of Cambria's water supply be reserved for visitor-serving and related commercial uses. (North Coast Area Plan Standard 2a)

Staff Response: The North Coast Area Plan Communitywide Standard 2.a. requires that the CCSD reserve 20% of the available water and sewage capacity for visitor serving and commercial uses. The County does not regulate the CCSD, as they are an independent agency.

According to the Cambria Community Services District – 2015 (draft) Urban Water Management Plan (November 2016), the CCSD provided 467 acre-feet of water to the community in 2015. Vacation rental homes, which are for-profit enterprises to serve visitors, were not tracked separately from other single-family residences. However,

commercial uses (not including vacation rentals) accounted for 23% of water demand (109 acre-feet). According to the Urban Water Management Plan, the CCSD anticipates 2020 water demand for visitor serving uses (commercial and vacation rental) to account for 202 acre-feet of the total estimated 747 acre-feet. Visitor serving uses will account for 27% of total water use.

Currently there is no available water for new visitor-serving or commercial uses, as new water connections are prohibited. The project would be using an existing water connection that the CCSD considered active since 2007 and the project's water usage is already anticipated in the CCSD's outstanding commitments to existing lots. The proposed project would not result in new water demand beyond the CCSD's current water allocation for existing connections because this meter has been included in the water demand since 2007.

Issue #8: Project is inconsistent with SLO County's Growth Management Ordinance 26.01.030.b (Completion of Existing Construction Permits). Construction of this project had not commenced and was not completed in accordance with the provisions of the County Code, including, but not limited to, Title 19, Title 22, and Title 23.

Staff Response: This issue is not relevant to the appeal. Section 26.01.030.b specifies that by adoption of Title 26, permits or plans that were issued before the effective date of the Title do not require changes in order to conform to the title.

Other Issues

Issue #9: This application attempts to evade legal restrictions through use of a previously unused water connection. Although the owner has paid for minimum service and remains on the Active Service list, that connection has not used any water.

Staff Response: The proposed project would use an "active service transfer" from 367 Ivar Street ("sender site"). The sender site received an intent-to-serve letter on December 1, 2000, before the District's 2001 moratorium on new water connections. As a condition of the intent-to-serve letter, the owner of the sender site paid retrofit fees in the amount of \$9,350. The CCSD uses these fees to retrofit other properties in its service area to offset the project's water demand at a 2:1 ratio. The completed retrofits will ensure the project's water demand will not adversely impact the San Simeon or Santa Rosa Creek aquifers.

The project's water usage is already anticipated in the CCSD's outstanding commitments to existing lots. The proposed project would not result in new water demand beyond the CCSD's current water allocation for existing connections because this meter has been included in the CCSD's water demand since 2007.

Issue #10: Project likely to impact Santa Rosa and San Simeon Creeks. Instream flow studies for both creeks have not been conducted.

Staff Response: The CCSD's January 13, 2016 Confirmation of Water & Sewer Availability letter required the payment of retrofit fees to offset the project's new water demand at a 2:1 ratio. The completed retrofits will ensure the project's water demand will not adversely impact the San Simeon or Santa Rosa Creek aquifers.

Issue #11: Applicant has not arranged for mitigation tree planting on Greenspace property. Every effort should be made to plant trees on 930 Drake Street property at this site or other property owned by the applicant, including 990 Drake Street.

Staff Response: The applicant is proposing to remove one Monterey pine tree and two oak trees, and construction will impact one additional oak tree. The applicant is required to mitigate for the removed and impacted trees. Mitigation is required to be implemented prior to final inspection of the construction permit. The applicant has the option to plant the replacement trees on-site or offsite at an area owned or managed by a government agency or nonprofit organization. Should the applicant choose to have the trees replanted by Greenspace, on land owned by Greenspace, submittal of a verification letter by Greenspace would be required prior to final inspection of the construction permit.

Issue #12: Requests made by Greenspace and the North Coast Advisory Council to SLO County Planning and Building requesting that the Cambria Service area be certified LOS III remain unfulfilled and unanswered.

Staff Response: The 2012-2014 Resource Summary Report recommends an LOS III for the San Simeon Valley and Santa Rosa Valley groundwater basins, Cambria's primary water sources. Certifying an LOS III would entail conducting detailed studies of these basins and implementing measures to curtail water demand. In Cambria, the CCSD is the agency responsible for managing the water basins and regulating water usage. The CCSD has extensively studied and continually monitors the San Simeon and Santa Rosa creek groundwater basins. Additionally, the CCSD has successfully managed water demand in Cambria by enacting the 2001 moratorium on new water connections and implementing aggressive water conservation measures.

Issue #13: Cambria Water 2:1 offset program is not protecting local coastal residents and coastal creeks from groundwater overdraft as demonstrated by:

- a. Cambria CSD moved to disallow existing residents the right to use potable water to irrigate landscaping in a motion made Sept. 20, 2013.
- b. In locations relying on groundwater withdrawals, the CSDs are subject to regulation by the State Water Resources Control Board, Division of Water Rights (DWR). Cambria CSD monitoring well levels fell below the minimum requirement of 3 feet in Sept. of 2013, violating their groundwater extraction permit.

Staff Response: The CCSD's landscaping restrictions and the declining groundwater levels cited above were the result of water supply limitations due to the drought, not increased water demand from new development. The purpose of the offset program is to offset the water demand of new development by retrofitting existing plumbing fixtures in the community. In 2001, when the CCSD declared a moratorium on new water connections, the water demand for the Cambria service area was approximately 800 acre-feet. By 2014, when the CCSD declared a water shortage emergency, demand was approximately 725 acre-feet, a 10 percent reduction, despite the construction of approximately 150 new units from "pipeline projects" that were in process before the 2001 moratorium. The CCSD's offset program is partly responsible for this increased efficiency.

Issue #14: Mitigation for growth and resource protection remains inadequate: Cambria Forest Management Plan has not been implemented or funded; Cambria Buildout Reduction Plan not implemented or funded; and analysis of impacts of Cambria CAS's "Pipeline Projects" and their expected water use is needed.

Staff Response: The CCSD created a Buildout Reduction Program Citizen's Committee in 2016. According to the CCSD's website, the committee met 15 times in 2016, and has been discussing lot retirement methods, including taxes and creation of an open space district.

On May 30, 2014, the applicant and CCSD executed an Active Service Transfer Agreement to transfer the active service commitment from the sender site to the project property. As part of the agreement, the applicant permanently retired an alternate property they own in Cambria (023-371-012). This alternate property is permanently restricted from receiving water or sewer service from the CCSD, drilling or utilizing any well on the property, and is prohibited from future development. This retirement will help forward Cambria's buildout reduction goals.

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to North Coast Advisory Council, County Department of Public Works, County Building Division, Cambria Fire, Cambria Community Services District, and California Coastal Commission. The Referral Responses are included as part of Attachment #5.

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

BUSINESS IMPACT STATEMENT

Denying the appeal would mean the approval of this project would stand. As a result, the construction of the proposed single family residence would benefit some businesses in the Building Design and Construction cluster identified in the San Luis Obispo County Clusters of Opportunity Economic Strategy (November 2010).

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 Department Hearing Officer's decision and denying the appeal will mean Minor Use Permit DRC2015-00097 is approved.

Upholding the appeal would mean the Planning Department Hearing Officer's approval of Minor Use Permit DRC2015-00097 would be overturned and the project denied or conditions modified.

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

ATTACHMENTS

1. Staff PowerPoint
2. Resolution Denying Appeals with Findings and Conditions of Approval
3. Appeal Request Letters
4. Notice of Final Action of Planning Department Hearing of June 17, 2016
5. Minutes from Planning Department Hearing of June 17, 2016
6. Staff Report from Planning Department Hearing of June 17, 2016 and Supporting Documentation
7. Correspondence from Planning Department Hearing of June 17, 2016
8. Graphics and Location Map



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

APPEAL OF ORELLANA Minor Use Permit Coastal Development Permit

DRC2015-00097



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

BACKGROUND

- Planning Department Hearing
 - June 17, 2017
 - Water
 - Approved
- Appeals filed
 - Christine Heinrichs
 - Greenspace



PROJECT DESCRIPTION

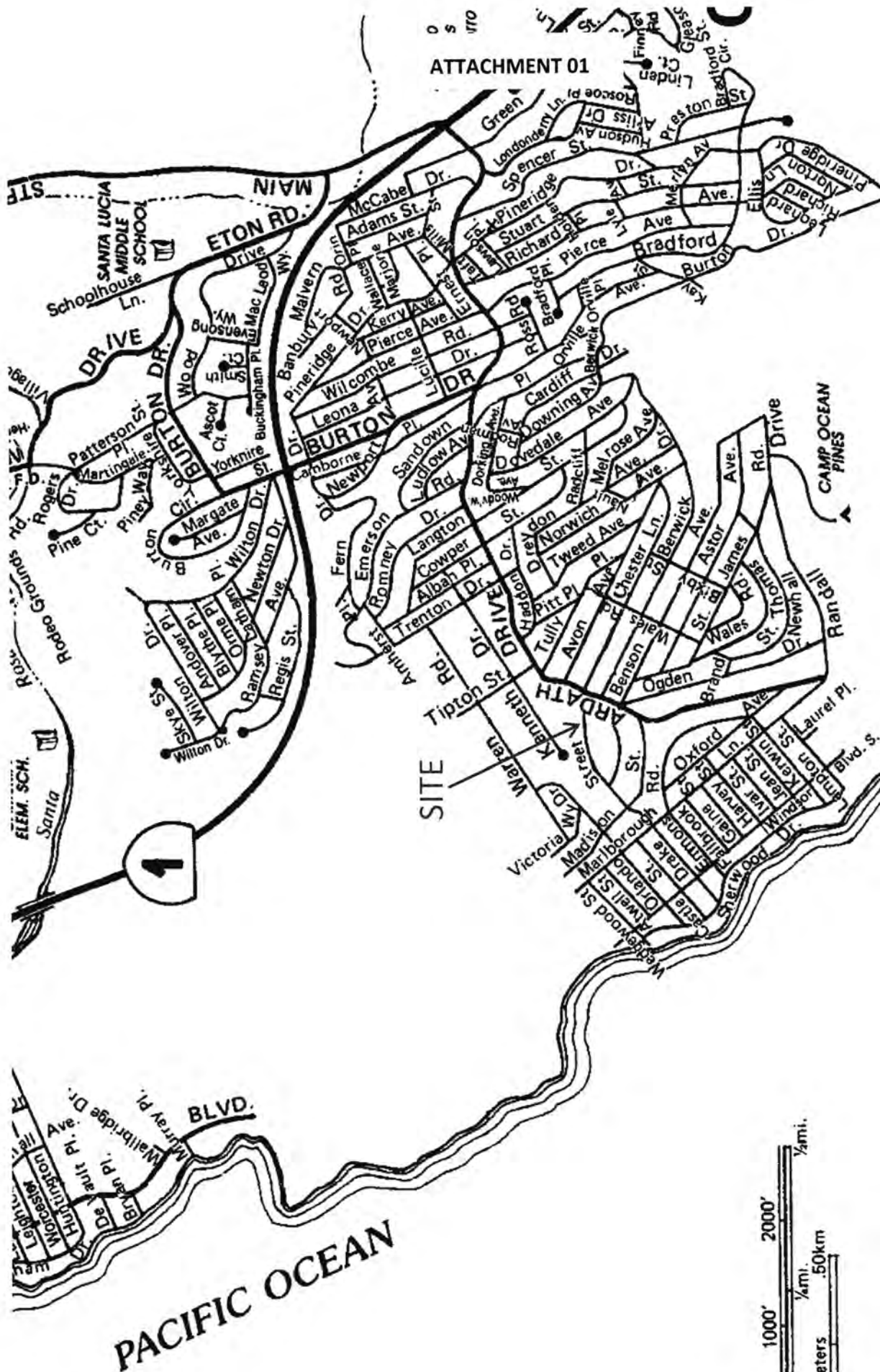
- 3,046 square-foot residence
 - 528 square-foot garage (attached)
 - 445 square-foot deck
- Removal of trees
 - 1 Monterey Pine and 2 oaks
- 3,862 square-feet disturbance
 - 6,000 square-foot parcel



PROJECT HISTORY

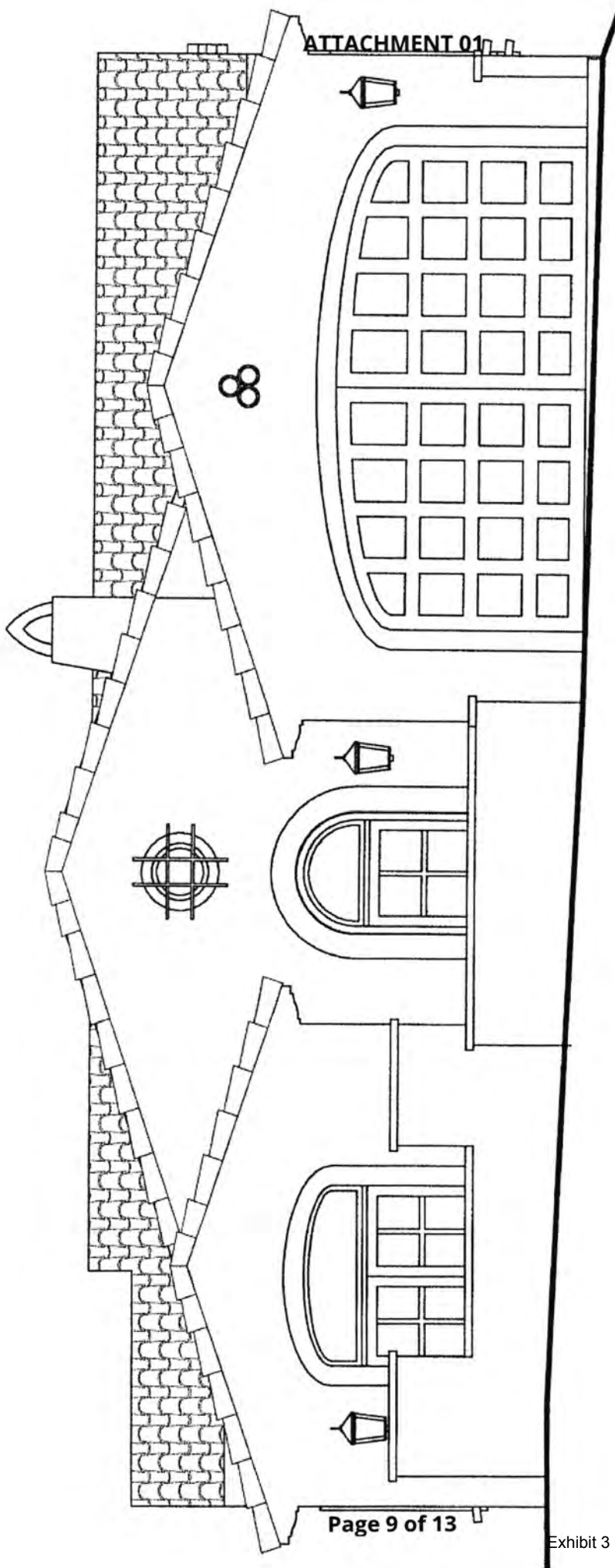
- Confirmation of water and sewer
 - Active Service Transfer from “sender site”
- Sender site
 - Received water letter in 2000
 - MUP/CDP approved for SFD
 - SFD never constructed
- CCSD
 - Considers meter active
 - Included in existing water demand calculations









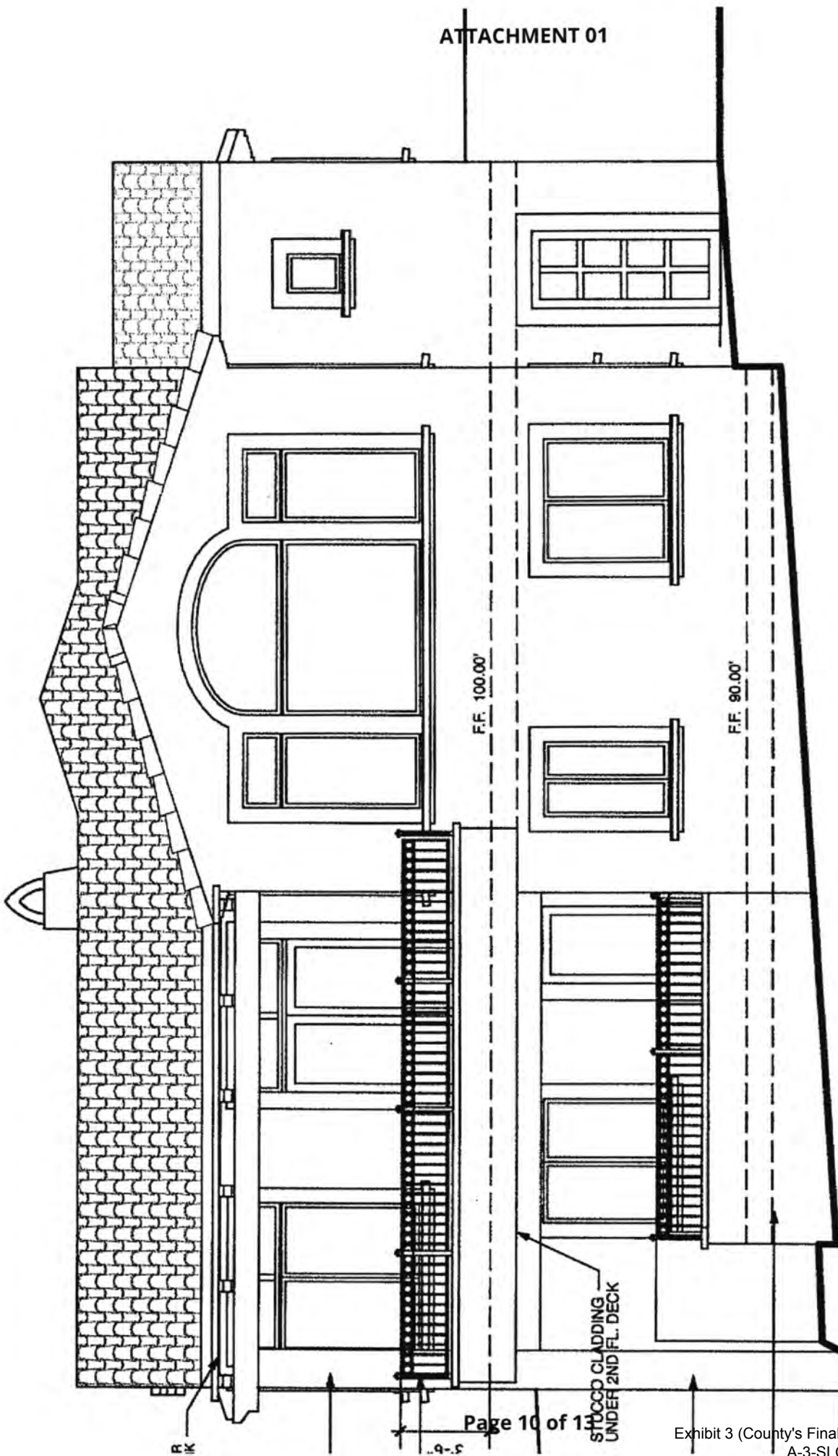


ATTACHMENT 01



COUNTY OF SAN LUIS OBISPO

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APPEAL ISSUES

- Stage 3 Water Emergency
- Emergency Brackish Water Supply Project
- Policy Inconsistencies
- Other Issues



RECOMMENDATION

- Deny Appeal
 - Adopt Resolution
 - Subject to modified findings and conditions



QUESTIONS?



COUNTY OF SAN LUIS OBISPO

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

_____ day _____, 2017

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DENYING THE APPEALS OF CHRISTINE HEINRICHS AND GREENSPACE, MODIFYING AND AFFIRMING THE DECISION OF THE PLANNING DEPARTMENT HEARING OFFICER, AND CONDITIONALLY APPROVING THE APPLICATION OF TIM AND TARYN ORELLANA FOR MINOR USE PERMIT AND COASTAL DEVELOPMENT PERMIT DRC2015-00097.

The following resolution is now offered and read:

WHEREAS, on June 17, 2016, the Planning Department Hearing Officer of the County of San Luis Obispo (hereinafter referred to as the Hearing Officer) duly considered the application of Tim and Taryn Orellana for Minor Use Permit and Coastal Development Permit DRC2015-00097 and conditionally approved the application on June 17, 2016; and

WHEREAS, Christine Heinrichs and Greenspace have timely appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on July 11, 2017, and determination and decision was made on July 11, 2017; and

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

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be modified and affirmed and that the application should be approved subject to the findings and modified 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 Categorical Exemption issued for this project represents the independent judgment and analysis of the County as Lead Agency and that it is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
3. That the Board of Supervisors makes all of the modified findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
4. That the appeals filed by Christine Heinrichs and Greenspace are hereby denied, that the decision of the Hearing Officer is modified and affirmed, and that the application of Tim and Taryn Orellana for Minor Use Permit and Coastal Development Permit DRC2015-00097 is hereby approved subject to the modified conditions of

approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors


ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel
Dated: June 22, 2017

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

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 _____, 2017.

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

(SEAL)

By _____
Deputy Clerk.

**EXHIBIT A – FINDINGS
ORELLANA / DRC2015-00097**

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project consists of the construction of a new single-family residence. The project will remove one native Monterey pine tree and two oak trees, and will have impacts to one additional oak tree. Through existing ordinance requirements, this project is required to replant trees to mitigate for those removed and impacted.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a single-family residence 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 single-family residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the single-family residence is similar in character, size, and scale to, and will not conflict with, the existing 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 Drake Street, a local road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

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

Sensitive Resource Area (Terrestrial Habitat)

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because although the project will remove one Monterey pine tree and two oak trees, and impact an additional oak, the applicant will replant off site at a 4:1 ratio the removed Monterey pine tree, and at a 6:1 ratio the two removed oak trees. Additionally, the impacted oak tree will be mitigated at a 3:1 ratio.

- I. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because although the project will remove one Monterey pine tree and two oak trees, and impact an additional oak, the applicant will replant at a 4:1 ratio the removed Monterey pine tree, and at a 6:1 ratio the two removed oak trees. Additionally, the impacted oak tree will be mitigated at a 3:1 ratio.
- J. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the project is conditioned to provide a Storm Water Control Plan Application, drainage plan, and sedimentation and erosion control plan at time of construction permit application.

Archeological Sensitive Area

- K. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is conditioned to have a qualified archaeologist on site to monitor all approved construction activities and appropriate mitigation measures will be in place should any archeological resources be discovered during construction of the approved project.

Water Availability

- L. There is adequate water to serve the proposed residence based on the CCSD's January 13, 2016 Confirmation of Water & Sewer Availability letter and the payment of retrofit fees to offset the project's new water demand at a 2:1 ratio. The completed retrofits will ensure the project's water demand will not adversely impact the San Simeon or Santa Rosa Creek aquifers. The proposed project would not result in new water demand beyond the CCSD's current water allocation for existing connections because the CCSD considers the sender site to be in active service and the owner has paid the base monthly water fee continuous since 2007. Finally, as a condition of the active service transfer agreement, the sender site will be permanently retired. This will help forward Cambria's buildout reduction goals and help ensure that future growth in Cambria is consistent with water resource availability.

**EXHIBIT B - CONDITIONS OF APPROVAL
ORELLANA / DRC2015-00097**

Approved Development

1. This approval authorizes:

- a. Construction of a 3,046 square-foot single-family residence with a 528 square-foot attached garage, and 445 square-feet of deck.
- b. The removal of one Monterey pine tree, removal of two oak trees, and impacts to one oak tree.
- c. Maximum height allowed is 28 feet from average natural grade.

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

Site Development

2. **At the time of application for construction permits**, the applicants shall submit a revised landscape plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. All areas of the site disturbed by project construction shall be revegetated with native, drought and fire resistant species that are biologically compatible with the habitat values of the surrounding forest. Non-native, invasive, fire prone, and water intensive (i.e. turf grass) landscaping shall be prohibited on the entire site. All landscaping and construction practices shall work to maintain and regenerate habitat values. Plant materials shall be used to mimic or enhance naturally occurring vegetation. Materials shall be propagated from appropriate native stock to ensure that the gene pool is not diluted for endemic species. This is particularly true for Monterey Pines and riparian plantings. A list of prohibited plants, such as Pampas grass and Scotch broom, is available from the Department of Planning and Building. Use of plants listed in the California Invasive Plant Council (Cal IPC) Invasive Plant Inventory is prohibited.
3. **At the time of application for construction permits**, submitted plans shall conform to the approved site plan, architectural plans, and elevations.
4. **At the time of application for construction permits**, the applicants shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent residences. Light hoods shall be dark colored.

Access

5. **At the time of application for construction permits**, the applicants shall submit an application, fee and plans to the Department of Public Works to secure an Encroachment Permit:
 - a. To construct a new driveway approach in accordance with county public improvement standards A-5 (sight distance) and B-1 (rural driveway) series drawings.

Drainage

6. **At the time of application for construction permits**, the applicants shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicants shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. **At the time of application for construction permits**, the applicants shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.

Storm Water Control Plan

9. **At the time of application for construction permits**, the applicants shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water 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 Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicants shall submit complete drainage calculations for review and approval.
10. **At the time of application for construction permits**, the applicants shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

Fire Safety

11. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated January 12, 2016.

Services

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

Conditions to be completed prior to issuance of a construction permit

Fees

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

Storm Water Control Plan

14. **Prior to issuance of construction permits**, the applicants shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Archaeology

15. **Prior to issuance of a construction permit**, the applicants shall retain a qualified archaeologist to perform a surface collection of all lithic material on the parcel. A report on the lithic analysis shall be submitted to the County.
16. **Prior to issuance of construction permits**, the applicants shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building phase. The intent of this Plan is to monitor all earth-disturbing activities in the Construction Permit Area identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Inclusion of involvement of the Native American community, as appropriate;
 - c. Description of how the monitoring shall occur;
 - d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
 - e. Description of what resources are expected to be encountered;
 - f. Description of circumstances that would result in the halting of work at the project site (e.g., what is considered "significant" archaeological resources?);
 - g. Description of procedures for halting work on the site and notification procedures
 - h. Description of mitigation protocol if significant archaeological resources are encountered; and
 - i. Description of monitoring reporting procedures.

Conditions to be completed during project construction

Building Height

17. The maximum height of the project is 28 feet from average natural grade.
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicants shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Archaeology

18. **During all ground disturbing construction activities**, the applicants 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 construction, 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 applicants shall implement the mitigation as required by the Environmental Coordinator. A final report on monitoring plan compliance shall be submitted by the archaeologist **prior to final inspection/occupancy**.
19. **During all ground disturbing construction activities**, in the event archaeological resources are unearthed or discovered, the following standards apply:
 - a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of

discovered materials may be evaluated by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. The applicant shall implement the mitigation as required by the Environmental Coordinator.

- b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Conditions to be completed prior to occupancy or final building inspection/establishment of the use

Site Development

20. Landscaping in accordance with the approved landscaping plan shall be installed before ***final building inspection***. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

21. **Prior to occupancy or final inspection**, whichever occurs first, the applicants shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Inspection

22. **Prior to occupancy of any structure associated with this approval**, the applicants shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Archaeology

23. **Upon completion of all monitoring/mitigation activities, and prior to final inspection**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that any recommended mitigation measures have been met.

Tree Replacement

24. **Prior to occupancy or final inspection**, the applicants shall provide proof that trees to replace those removed and impacted have been planted, or that the trees have been purchased and planted by Greenspace. Trees shall be replaced at a 4:1 ratio for the removed Monterey pine tree, at a 6:1 ratio for the two removed oak trees, and at a 3:1 ratio for the impacted tree.

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

25. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
26. 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.

Fees

27. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the North Coast Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.

Drainage

28. **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.

Defense and Indemnity

29. The applicants shall as a condition of approval of this Minor Use Permit application defend, at their 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 applicants of their obligation under this condition.



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

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

June 22, 2016

Christine Heinrichs
1800 Downing Ave.
Cambria, CA 9

David Einung
2564 Lawton Ave.
San Luis Obispo, CA 93401

Tim & Taryn Orellana
43550 John Warner Rd.
Temecula, CA 92592

SUBJECT: APPEAL OF CAMPBELL -- TIM & TARYN ORELLANA
COUNTY FILE NUMBER: DRC2015-00097
HEARING DATE: JUNE 17, 2016_PLANNING DEPARTMENT HEARINGS

We have received your request on the above referenced matter. In accordance with County Real Property Division Ordinance Section 21.04.020, Land Use Ordinance Section 22.70.050, and the County Coastal Zone Land Use Ordinance 23.01.043, the matter will be scheduled for public hearing before the Board of Supervisors. A copy of the appeal is attached.

The public hearing will be held in the Board of Supervisors' Chambers, County Government Center, San Luis Obispo. As soon as we get a firm hearing date and the public notice goes out you will receive a copy of the notice.

Please feel free to telephone me at 781-5718 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Nicole Retana".

Nicole Retana, Secretary
County Planning Department

CC: Brandi Cummings, Planner
Karen Nail, Supervising Planner
Whitney McDonald, County Counsel



COASTAL APPEALABLE FORM

#918

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: ORELLANAFile Number: DRC 2015-00097

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: 17 June 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: LCP Public Works Policy 1; CZLUO Section 23.04.430; others, attached.

☐ 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: Christine HeinrichsAddress: 1800 Downing Ave, Cambria Phone Number (daytime): 805-203-5018

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 to be true.

Signature: Christine HeinrichsDate: 21 June 16

OFFICE USE ONLY

Date Received: 6/22/2016By: N/AAmount Paid: 0Receipt No. (if applicable): N/A

22 June 2016

To: Nicole Retana, 805-781-5718, nretana@co.slo.ca.us

RE: DRC2015-00097 ORELLANA Coastal E-Referral, MUP, Cambria

This application presents significant problems to Cambria. It requests a MUP to construct a new house on a lot that has not previously been developed.

Cambria remains under a Stage 3 Water Emergency (established in January, 2014) and a Building Moratorium (since 2001), due to lack of water to serve existing customers. Development of a permanent supplemental source of water is the requirement to add new customers by permitting new construction. This permit would be a direct violation of the Building Moratorium. It adds new users while existing users remain under Stage 3 Water Emergency use restrictions.

The Emergency Water Project is specifically designated for use only during Stage 3 Water Emergencies. Any water produced is directed to the use of existing customers.

The CSD states on its web site, under FAQs: "The County will not process a building permit for any project that does not have water."

"Currently, the only option is to transfer water from another parcel that already has a position. The conditions under which a transfer is allowed include: matching ownership on the sender and receiver parcels in the transfer, and retirement of either the sender parcel or an approved alternate parcel. Transfers are limited to parcels with single-family residential water meters that meet certain size and location requirements."

This application attempts to evade legal restrictions through the use of a previously unused water connection. Although the owner has paid for minimum service and remains on the Active Service list, that connection has not used any water. It has never been connected to a residence. Adding it now defies both the law and common sense. Residents of a 3,572 square foot house will inevitably use a significant amount of water.

The CCSO now claims that the Emergency Water Project can be re-branded as 'Sustainable.' This conflicts with the fact that it was built under an Emergency Permit and has not yet even submitted an application for a permanent Coastal Development Permit, as required. The CSD's own documents state specifically that water from it should not be used to serve new customers: "serve only the needs of Cambria's *current* residents and businesses" (emphasis CCSO information sheet, attached).

The Emergency Permit itself specifically authorizes use of the Emergency Water Project only for existing customers, adding the clarification, "i.e., not to serve new development."

On May 16, John Ainsworth, acting executive director of the California Coastal Commission, sent a letter to James Bergman, Director San Luis Obispo Department of Planning and Building, on behalf of the commission recommending that the Emergency Permit under which the Emergency Water Supply Project was constructed NOT be renewed, because the project is out of compliance with the permit and other laws and regulations.

ATTACHMENT 03

The letter concludes: "We believe the focus of all involved parties at this point should be completion of the follow-up permit application and the EIR to allow for the necessary project review."

The status of the Emergency Water Project remains uncertain. This application is clearly for new development. Therefore, it cannot be approved until Cambria's water situation is resolved, the Stage 3 Water Emergency no longer applies and the Building Moratorium is lifted.

Sincerely yours,

Christine Heinrichs

Nicole Retana

From: Christine Heinrichs <christine.heinrichs@gmail.com>
Sent: Wednesday, June 22, 2016 9:58 AM
To: Nicole Retana
Subject: Appeal Orellana MUP Permit
Attachments: Orellana appeal Board of Supervisors001.pdf; Orellana permit letter Board of Supervisors.docx

Hello, Nicole --

I've attached the scanned Coastal Appealable Form, filled out and signed and dated, along with a letter of additional considerations.

Please let me know if there are any deficiencies. Thank you.

--

Christine Heinrichs

MEMORANDUM

DATE: June 22, 2016
TO: WHITNEY MCDONALD, COUNTY COUNSEL
FROM: NICOLE RETANA, PLANNING and BUILDING DEPARTMENT
RE: APPEAL OF TIM & TARYN ORELLANA
COUNTY FILE NUMBER: DRC2015-00097
PLANNING DEPARTMENT HEARINGS – JUNE 17, 2016

Please find attached copies of associated correspondence which have been forwarded to the Project Manager and Supervisor.



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

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

June 28, 2016

Mary Webb
Po Box 1505
Cambria, CA 93428

David Einung
2564 Lawton Ave.
San Luis Obispo, CA 93401

Tim & Taryn Orellana
43550 John Warner Rd.
Temecula, CA 92592

SUBJECT: APPEAL OF TIM & TARYN ORELLANA
COUNTY FILE NUMBER: DRC2015-00097
HEARING DATE: JUNE 17, 2016_PLANNING DEPARTMENT HEARINGS

We have received your request on the above referenced matter. In accordance with County Real Property Division Ordinance Section 21.04.020, Land Use Ordinance Section 22.70.050, and the County Coastal Zone Land Use Ordinance 23.01.043, the matter will be scheduled for public hearing before the Board of Supervisors. A copy of the appeal is attached.

The public hearing will be held in the Board of Supervisors' Chambers, County Government Center, San Luis Obispo. As soon as we get a firm hearing date and the public notice goes out you will receive a copy of the notice.

Please feel free to telephone me at 781-5718 if you have any questions.

Sincerely,

Nicole Retana

Nicole Retana, Secretary
County Planning Department

CC: Brandi Cummings, Planner
Karen Nall, Supervising Planner
Whitney McDonald, County Counsel



COASTAL APPEAL ATTACHMENT 03

#919

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

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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: ORELLANA

File Number: DR C 2015-00097

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: 6-17-16

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: _____

☐ 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: Mary Webb, Pres. Greenpeace California

Address: PO BOX 1505 Phone Number (daytime): 925-1662

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/are true.

Signature: Mary Webb

Date: 6-27-16

OFFICE USE ONLY

Date Received: 6/20/16

By: NAR

Amount Paid: 0

Receipt No. (if applicable): 0

COASTAL APPEAL FORM
 SAN LUIS OBISPO COUNTY PLANNING & BUILDING

2016 JUN 28 PM 2:01
 PLANNING/BUILDING DEPT
 SLO COUNTY

PAGE 2 OF 3
 APRIL 23, 2015



June 27, 2016

Brandi Cummings
County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 300
San Luis Obispo, CA 93408-2040

RE: Orellana DRC2015-00097 MUP for new construction

Greenspace-the Cambria Land Trust requests an appeal of this new home construction in Cambria for the following reasons:

- 4.12C (3)- Cambria CSD is in a STAGE 3 WATER SHORTAGE EMERGENCY CONDITION "The use of potable water for service to any properties where buildings are not under construction on the effective date of activation of this program even though a valid water connection permit may have been issued for the properties is prohibited." Cambria has been under mandatory enhanced water conservation measures and the community under severe water restrictions since January 2014.
- Allowing new construction while under a Stage 3 Water Shortage Emergency would be precedent setting.
- Project is inconsistent with Public Resources Code Section 30624(c) which is the SLO County goal of ensuring safe communities as described in their emergency permit ZON2013- 00589.
- Project is inconsistent with CZLUO 23.04.430 - Availability of Water Supply and Sewage Disposal Services.
- Project is inconsistent with Public Works Policy #1 that there is an adequate water supply available to serve new development.
- DRC2013-00112 Cambria CSD Emergency Water Project application for a regular Coastal Development Permit remains incomplete since June of 2014.
- DRC2013-00112 Cambria CSD Emergency Water Project has not been properly analyzed through the CEQA process for consistency with the Local Coastal Plan.
- DRC2013-00112 Cambria CSD Emergency Water Project has not been subject to agency review thru an Environmental Impact Report for growth inducing effects and mitigation of new water supply.
- Project may be inconsistent with Local Coastal Plan requirement that 20 percent of Cambria's water supply be reserved for visitor-serving and related commercial uses . NCAP Planning Area Standard 2a

ATTACHMENT 03

- Project is inconsistent with the terms of the County's emergency permit, authorizing the construction and operation of an emergency brackish water supply project to serve existing development within the Cambria Community Services District's service area. ZON2013-00589
- Project likely to adversely impact Santa Rosa and San Simeon Creeks. Instream flow studies for both Creeks have not been conducted. NCAP Planning Area Standard 4.I
- Project is inconsistent with SLO County's Growth Management Ordinance 26.01.010 – Title 26 of the San Luis Obispo County Code which sets Cambria's growth rate at 0% for the years 2016 - 2018 which establishes regulations "to protect and promote the public health, safety and welfare".
- Project is inconsistent with Title 26 of SLO County's Growth Management Ordinance 26.01.030 b. Completion of existing construction permits. Construction of this project had not commenced and was not completed in accordance with the provisions of the County Code, including but not limited to: Title 19, Building and Construction Ordinance; Title 22, Land Use Ordinance; and Title 23, Coastal Zone Land Use Ordinance.
- Applicant has not arranged for mitigation tree planting on Greenspace property. Every effort should be made to plant trees on 930 Drake Street property at this site or other property or properties owned by the applicant including 990 Drake Street which is across the street.
- Requests made by Greenspace and the North Coast Advisory Council to SLO County Planning (LRP2013-00012) requesting that the Cambria Service area be certified LOS III remain unfulfilled and unanswered.
- Cambria Water 2:1 offset program is not protecting local coastal residents and coastal creeks from groundwater overdraft as demonstrated by:
 - a. Cambria CSD moved to disallow existing residents the right to use potable water to irrigate outdoor landscaping in a motion made Sept. 20, 2013.
 - b. In locations relying on groundwater withdrawals, the CSDs are subject to regulation by the State Water Resources Control Board, Division of Water Rights (DWR). Cambria CSD monitoring well levels fell below the minimum requirement of 3 feet in Sept. of 2013, violating their groundwater extraction permit.

Other:

Mitigation for growth and resource protection remains inadequate:

Cambria Forest Management Plan has not been not implemented or funded

Cambria Build Out Reduction Plan not implemented or funded

Analysis of impacts of Cambria CSD's "Pipeline Projects" and their expected water use is needed.

Sincerely,



Mary Webb, President

Greenspace-the Cambria Land Trust

P.O. Box 1505

Cambria, CA 93428

cc: CA Coastal Commission and interested parties

ATTACHMENT 03

MEMORANDUM

DATE: June 28, 2016
TO: WHITNEY MCDONALD, COUNTY COUNSEL
FROM: NICOLE RETANA, PLANNING and BUILDING DEPARTMENT
RE: **APPEAL OF TIM & TARYN ORELLANA**
COUNTY FILE NUMBER: DRC2015-00097
PLANNING DEPARTMENT HEARINGS – JUNE 17, 2016

Please find attached copies of associated correspondence which have been forwarded to the Project Manager and Supervisor.



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

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

June 23, 2016

David Einung
2564 Lawton Ave.
San Luis Obispo, CA 93401

Tim & Taryn Orellana
43550 John Warner Rd.
Temecula, CA 92592

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: June 17, 2016

SUBJECT: TIM AND TARYN ORELLANA
County File Number: DRC2015-00097
Minor Use Permit / Coastal Development Permit
DOCUMENT NUMBER: 2016-046_PDH

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Hearing Officer, 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 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. 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 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.

ATTACHMENT 04

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, **Project Manager, Brandi Cummings** at (805) 781-1006. If you have any questions regarding these procedures, please contact me at (805) 781-5718.

Sincerely,

NICOLE RETANA, SECRETARY
PLANNING DEPARTMENT HEARINGS

EXHIBIT A – FINDINGS
ORELLANA MINOR USE PERMIT/ COASTAL DEVELOPMENT PERMIT (DRC2015-00097)

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project consists of the construction of a new single-family residence. The project will remove one native Monterey pine tree and two oak trees, and will have impacts to one additional oak tree. Through existing ordinance requirements, this project is required to replant trees to mitigate for those removed and impacted.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a single-family residence 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 single-family residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the single-family residence is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Drake Street, a local road constructed to a level able to handle any additional traffic associated with the project

Coastal Access

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

Sensitive Resource Area (Terrestrial Habitat)

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because although the project will remove one Monterey pine tree and two oak trees, and impact an additional oak, the applicant will replant at a 4:1 ratio the removed Monterey pine tree, and at a 6:1 ratio the two removed oak trees. Additionally, the impacted oak tree will be mitigated at a 3:1 ratio.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because although the project will remove one Monterey pine tree and two oak trees, and impact an additional oak, the applicant will replant at a 4:1 ratio the removed Monterey pine tree and at a 6:1 ratio the two removed oak trees. Additionally, the impacted oak tree will be mitigated at a 3:1 ratio.
- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because although the project will remove one Monterey pine tree and two oak trees, and impact an additional oak, the applicant will replant at a 4:1 ratio the removed Monterey pine tree, and at a 6:1 ratio the two removed oak trees. Additionally, the impacted oak tree will be mitigated at a 3:1 ratio.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the project is conditioned to provide a Storm Water Control Plan Application, drainage plan, and sedimentation and erosion control plan at time of construction permit application.

Archeological Sensitive Area

- L. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is conditioned to have a qualified archaeologist on site to monitor all ground-disturbing activities.

Water Availability

- M. There is adequate water to serve the proposed residence based on the CCSD's January 13, 2016 Confirmation of Water & Sewer Availability letter and the payment of retrofit fees to offset the project's new water demand at a 2:1 ratio. The completed retrofits will ensure the project's water demand will not adversely impact the San Simeon or Santa Rosa Creek aquifers. The proposed project would not result in new water demand beyond the CCSD's current water allocation for existing connections because the CCSD considers the sender site to be in active service and the owner has paid the base monthly water fee continuous since 2007. Finally, as a condition of the active service transfer agreement, the sender site will be permanently retired. This will help forward Cambria's buildout reduction goals and help ensure that future growth in Cambria is consistent with resource availability.

EXHIBIT B - CONDITIONS OF APPROVAL
ORELLANA MINOR USE PERMIT / COASTAL DEVELOPMENT PERMIT (DRC2015-00097)

Approved Development

1. This approval authorizes
 - a. Construction of a 3,046 square-foot single-family residence with a 528 square-foot attached garage, and 445 square-feet of deck.
 - b. The project will result in the removal of one Monterey pine tree, removal of two oak trees, and impacts to one oak tree. The removed Monterey pine tree will be replanted at a 4:1 ratio, the removed oak trees will be replanted at a 6:1 ratio, and the impacted oak tree will be mitigated at a 3:1 ratio, all on an off-site lot owned by Greenspace.
 - 1.
 - c. Maximum height allowed is 28 feet from average natural grade.

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

Site Development

2. **At the time of application for construction permits**, submit a revised landscape plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. All areas of the site disturbed by project construction shall be revegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. Non-native, invasive, fire prone, and water intensive (i.e. turf grass) landscaping shall be prohibited on the entire site. All landscaping and construction practices shall work to maintain and regenerate habitat values. Plant materials shall be used to mimic or enhance naturally occurring vegetation. Materials shall be propagated from appropriate native stock to ensure that the gene pool is not diluted for endemic species. This is particularly true for Monterey Pines and riparian plantings. A list of prohibited plants, such as Pampas grass and Scotch broom, is available from the Department of Planning and Building. Use of plants listed in the California Invasive Plant Council (Cal IPC) Invasive Plant Inventory is prohibited.
3. **At the time of application for construction permits**, submitted plans shall conform to the approved site plan, architectural plans, and elevations.
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. 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.

Access

5. **At the time of application for construction permits**, the applicant shall submit an application, fee and plans to the Department of Public Works to secure an Encroachment Permit:
 - a. To construct a new driveway approach in accordance with county public improvement standards A-5 (sight distance) and B-1 (rural driveway) series drawings.

Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.

Storm Water Control Plan

9. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water 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 Storm Water 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.
10. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

Fire Safety

11. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated January 12, 2016.

Services

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

Conditions to be completed prior to issuance of a construction permit

Tree Replacement

13. **Prior to issuance of a construction permit**, the applicant shall provide proof that trees to replace those removed and impacted have been purchased and will be planted by Greenspace. Trees shall be purchased at a 4:1 ratio for the removed Monterey pine tree, and at a 6:1 ratio for the two removed oak trees. Additionally, the impacted oak tree will be replaced at a 3:1 ratio.

Fees

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

Storm Water Control Plan

15. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Archaeology

16. **Prior to issuance of a construction permit**, the applicant shall retain a qualified archaeologist to perform a surface collection of all lithic material on the parcel. A report on the lithic analysis shall be submitted to the County.
17. **Prior to issuance of construction permits**, the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building phase. The intent of this Plan is to monitor all earth-disturbing activities in the Construction Permit Area identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Inclusion of involvement of the Native American community, as appropriate;
 - c. Description of how the monitoring shall occur;
 - d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
 - e. Description of what resources are expected to be encountered;
 - f. Description of circumstances that would result in the halting of work at the project site (e.g., what is considered "significant" archaeological resources?);
 - g. Description of procedures for halting work on the site and notification procedures; and
 - h. Description of monitoring reporting procedures.

Conditions to be completed during project construction

Building Height

18. The maximum height of the project is 28 feet from average natural grade.
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Archaeology

19. **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 construction, 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.
A final report on compliance shall be submitted by the archaeologist **prior to final inspection/occupancy**.
20. **During construction**, in the event archaeological resources are unearthed or discovered, the following standards apply:

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

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Site Development

21. Landscaping in accordance with the approved landscaping plan shall be installed before **final building inspection**. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

22. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Inspection

23. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Archaeology

24. **Upon completion of all monitoring/mitigation activities, and prior to final inspection**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that any recommended mitigation measures have been met.

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

25. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
26. 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.

Fees

27. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the North Coast Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.

Drainage

28. **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.

SAN LUIS OBISPO PLANNING DEPARTMENT HEARINGS
MINUTES OF THE MEETING OF

June 17, 2016

Minutes of the Regular Meeting of the County Planning Department Hearings held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by
<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/Meeting.html?year=2016&month=5&mid=664#current>, Hearing Officer.

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of June 17, 2016, together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 9:00 A.M. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

Rob Fitzroy, Hearing Officer: opens meeting.

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Planning Department Hearing Officer on consent agenda items and matters other than hearing items may do so at this time, when recognized by the Hearing Officer. Presentations are limited to three minutes per individual.

Rob Fitzroy, Hearing Officer: Opens public comment with no one coming forward.

CONSENT AGENDA

2. Unless pulled from the consent agenda by the Planning Department Hearing Officer for separate action, the following items will be acted on collectively because individual public hearings were not requested or required pursuant to Land Use Ordinance Section 22.062.050B.4.b. or Coastal Zone Land Use Ordinance Sections 23.02.033b.(2)(ii) and 23.02.033b.(4)(ii):
3. A request by THE NIPOMO GROUP for a Minor Use Permit (DRC2014-00024) to allow for the expansion of an existing recreational vehicle (RV) storage and sales lot. The proposed expansion will provide for up to an additional 144 RV storage spaces and will include the disturbance of approximately 5.77 acres (251,395 square feet) of the 9.57 acre project site. Development will also include improvement of two existing driveways and curb, gutter, and sidewalk along Juniper Street, and installation of a landscaping strip. The project includes a waiver of the curb, gutter and sidewalk improvements along the Camino Caballo street frontage. The project is located on the North side of Juniper Street, approximately 550 feet west of Highway 101, within the community of Nipomo, in the South County Sub Area of the South County planning area. Also to be considered is the environmental document prepared for the project. 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 May 5, 2016 for this project. Mitigation measures are proposed to address Air Quality, Cultural Resources, Noise, Public Services and Utilities, and Transportation and are included as conditions of

approval. County File Number: DRC2014-00024 APN(s): 091-328-027 & 028
Supervisory District: 4 Date Accepted: July 30, 2015 Project Manager: Stephanie
Fuhs Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by THE NIPOMO GROUP for a Minor Use Permit (DRC2014-00024) is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 30 in Exhibit B. (Document Number: 2016-045_PDH)

HEARING ITEMS

4. A request by TIM AND TARYN ORELLANA for a Minor Use Permit/Coastal Development Permit (DRC2015-00097) to allow the construction of a 3,046 square-foot single-family residence with a 528 square-foot attached garage, and 445 square-feet of deck. The proposed residence will be served by an active water meter transferred from another Cambria parcel (APN: 023-086-039) to be permanently retired. The project will result in the removal of one Monterey pine tree, removal of two oak trees, and impacts to one oak tree. The removed Monterey pine tree will be replanted at a 4:1 ratio, the removed oak trees will be replanted at a 6:1 ratio, and the impacted oak tree will be mitigated at a 3:1 ratio, all on an off-site property owned by Greenspace. The project will result in the disturbance of approximately 3,862 square-feet of a 6,000 square-foot parcel. The project is within the Residential Single Family land use category and is located at 930 Drake Street, approximately 1.1 miles southwest of the Ardath Drive and Highway 1 intersection, in the community of Cambria. The site is in the North Coast planning area. Also to be considered is approval of the environmental document. A Class 3 categorical exemption was issued on May 1, 2016. County File Number: DRC2015-00097 Assessor Parcel Number: 023-067-008 Supervisory District: 2 Date Accepted: March 25, 2016 Project Manager: Brandi Cummings Recommendation: Approval

Brandi Cumming, Project Manager: presents staff report via power point.

Tim Orellana, Applicant: discusses the history of the proposed project.

Rob Fitzroy, Hearing Officer: questions when the applicant acquired the property with Mr. Orellana responds.

Rob Fitzroy, Hearing Officer: questions staff on the California Coastal Commission letter and if there is any issues with the actual structure with Brandi Cummings responding.

Crosby Swartz, Cambria Forest Committee: reads from the letter received prior to the meeting, discussing reasons for denial of the proposed project.

Mary Webb, Cambria: speaks to issues with water; the CCSD and the County.

Kristine Hendrick, neighbor: reads from letter received prior to the hearing.

Nancy Anderson, neighbor: speaks to reasons for denial on the proposed project.

Tim Orellana: speaks to water usage on the proposed project.

Laurel Stewart, neighbor: speaks to the water issues with Cambria and the proposed property.

Airlin Singewald, Planning Staff: discusses the California Coastal Commission letter received prior to the meeting. Stating the CCC requests this hearing be continued.

Rob Fitzroy, Hearing Officer: reviews and deliberates on the proposed project.

Thereafter, on motion of the hearing officer, the request by TIM AND TARYN ORELLANA for a Minor Use Permit/Coastal Development Permit (DRC2015-

00097) is granted based on the Findings A. through M. in Exhibit A and subject to the Conditions 1 through 28 in Exhibit B. (Document Number: 2016-046_PDH)

5. A request by FREDERICK G. NOVY for a Minor Use Permit/Coastal Development Permit (DRC2015-00092) to allow the construction of a 3,048 square-foot single-family residence with a 484 square-foot attached garage and a 351 square-foot attached workshop. The project will result in the disturbance of approximately 8,000 square-feet of a 17,097 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1325 Pasadena Drive, approximately 1.1 miles southwest of the South Bay Boulevard and Santa Ysabel Avenue intersection, in the community of Los Osos. The site is in the Estero planning area. Also to be considered is approval of the environmental document. A Class 3 categorical exemption was issued on May 1, 2016. County File Number: DRC2015-00092 APN(s): 038-732-016 & 038-732-017 Supervisorial District: 2 Date Accepted: April 19, 2016 Project Manager: Brandi Cummings Recommendation: Approval

Brandi Cummings, Project Manager: presents proposed project via power point. Also, discusses the letter received by the California Coastal Commission prior to the meeting.

Jeff Edwards, Agent: discusses the proposed project. Reviews the following Condition(s): **Condition 19; Condition 20**, states would like to go on the record stating objection to this condition and suggests the deletion of **Condition 30**. Also, suggests to add new condition regarding open space easement. Refers to the California Coastal Commission letter received prior to the meeting.

Brandi Cummings, Project Manager: responds to Mr. Edwards comments regarding the Conditions. Speaks to Condition 30, states would leave that condition and add a new condition allowing a waiver from Public Works.

Kerry Brown, Planning Staff: speaks to Mr. Edwards concern with Condition 20, US Fish and Wildlife Condition. States this Condition needs to remain.

Joyce Silicson, neighbor: reads from letter submitted prior to hearing and questions why this project was exempt from CEQA.

Gus Wassel, neighbor: speaks to the proposed project regarding water usage, variances and placement of the house.

Roger Comerdene, neighbor: speaks to any variances to the bay.

Lisa Denker, neighbor: discuss the elevation to the water and refers to the letter she submitted prior to the hearing.

Charmaine Henderson, neighbor: speaks to denial of the proposed project.

Jeff Edwards, Agent: responds to comments made by the public.

Brandi Cummings, Project Manager: responds to comments made by the public. Speaks to the surveys the applicant provided.

Rob Fitzroy, Hearing Officer: comments on the proposed project, the setbacks, reconfiguration/redesign and water. Discusses continuing this project Off Calendar.

Thereafter, on motion of the hearing officer, the request by FREDERICK G. NOVY for a Minor Use Permit/Coastal Development Permit (DRC2015-00092) is CONTINUED OFF CALENDAR.

ADJOURNMENT: 10:30 a.m.

Next Scheduled Meeting: July 15, 2016, will be held in the County Government Center, Room D-271, Second Floor, San Luis Obispo, CA.

**Nicole Retana, Secretary
Planning Department Hearings**

Minutes will be approved at the August 19, 2016, Planning Department Hearings Meeting.

ATTACHMENT 06



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE June 17, 2016	CONTACT/PHONE Brandi Cummings, Project Manager 805-781-1006	APPLICANT Tim and Taryn Orellana	FILE NO. DRC2015-00097
LOCAL EFFECTIVE DATE July 1, 2016	APPROX FINAL EFFECTIVE DATE bcummings@co.slo.ca.us July 22, 2016		
SUBJECT A request by TIM AND TARYN ORELLANA for a Minor Use Permit/Coastal Development Permit (DRC2015-00097) to allow the construction of a 3,046 square-foot single-family residence with a 528 square-foot attached garage, and 445 square-feet of deck. The proposed residence will be served by an active water meter transferred from another Cambria parcel (APN: 023-086-039) to be permanently retired. The project will result in the removal of one Monterey pine tree, removal of two oak trees, and impacts to one oak tree. The removed Monterey pine tree will be replanted at a 4:1 ratio, the removed oak trees will be replanted at a 6:1 ratio, and the impacted oak tree will be mitigated at a 3:1 ratio, all on an off-site property owned by Greenspace. The project will result in the disturbance of approximately 3,862 square-feet of a 6,000 square-foot parcel. The project is within the Residential Single Family land use category and is located at 930 Drake Street, approximately 1.1 miles southwest of the Ardath Drive and Highway 1 intersection, in the community of Cambria. The site is in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2015-00097 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on May 1, 2016.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Archaeologically Sensitive Area, Geologic Study Area, Local Coastal Plan, Terrestrial Habitat	ASSESSOR PARCEL NUMBER 023-067-008	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Monterey Pine Forest Terrestrial Habitat (SRA), Water Conservation Requirements, Cambria Community Services District Review, Cambria Fire Department Review, Erosion Control, Landscaping, Exterior Lighting, Archaeological Resource Protection, Residential Single-Family Standards <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Appeals to the Coastal Commission, Environmentally Sensitive Habitat, Geologic Study Area <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
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 administrative 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 administrative 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.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

ATTACHMENT 06

Planning Department Hearing
 Minor Use Permit #DRC2015-00097 / Orellana
 Page 2

EXISTING USES: Vacant	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residences <i>East:</i> Residential Single Family/residences <i>South:</i> Residential Single Family/residences <i>West:</i> Residential Single Family/residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Cambria Fire, Cambria Community Services District, and California Coastal Commission	
TOPOGRAPHY: Moderately sloping	VEGETATION: Monterey Pines, Oaks, Grasses
PROPOSED SERVICES: Water supply: Cambria Community Services District Sewage Disposal: Cambria Community Services District Fire Protection: Cambria Fire	ACCEPTANCE DATE: March 25, 2016

DISCUSSION

The applicant is proposing to construct a two-story, three bedroom residence with an attached two-car garage. The project will result in the removal of one Monterey pine tree and two oak trees, and will impact one oak tree. The removed and impacted trees will be mitigated by replanting at the required ratios on land owned by Greenspace.

WATER AVAILABILITY:

The proposed project has received a Confirmation of Water & Sewer Availability letter from the Cambria Community Services District (CCSD) dated January 13, 2016. The CCSD is providing water to this project using an "active service transfer" from 367 Ivar Street ("sender site"). The sender site received an intent-to-serve letter on December 1, 2000, before the District's 2001 moratorium on new water connections. As a condition of the intent-to-serve letter, the owner of the sender site paid retrofit fees in the amount of \$9,350. The CCSD used these fees to retrofit other properties in its service area to offset the project's water demand at a 2:1 ratio.

The sender site received a Minor Use Permit/Coastal Development Permit (D010147P) for a new residence in 2002, pulled building permits (PMT2002-10910 and PMT2007-00606) in 2007, and received a water and sewer connection permit from the CCSD on October 31, 2007. The residence received inspections for temporary power, concrete slab, and foundation. Although the permits eventually expired before completion of the residence, the CCSD considers the property to be in active service and the owner has paid the base bimonthly water fee continuously since 2007. Therefore, the proposed project would not result in new water demand beyond the CCSD's current water allocation for existing connections.

In conclusion, staff has determined that there is adequate water to serve the proposed project based on the CCSD's January 13, 2016 Confirmation of Water & Sewer Availability letter and the payment of retrofit fees to offset the project's new water demand at a 2:1 ratio. The completed retrofits will ensure the project's water demand will not adversely impact the San Simeon or Santa Rosa Creek aquifers. The CCSD's issuance of a Confirmation of Water & Sewer Availability letter is consistent with the operation parameters of the brackish water treatment plant because the project would use a water connection that existed prior to the

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CCSD's Stage 3 Water Shortage Emergency and prior to issuance of the E-CDP (ZON2013-00589) for the brackish water treatment plant. Finally, as a condition of the active service transfer agreement, the sender site will be permanently retired. This will help forward Cambria's buildout reduction goals.

PLANNING AREA STANDARDS:

As described below, the project complies with applicable Combining Designations, Cambria Urban Area, and the Residential Single Family development standards of the North Coast Area Plan.

Monterey Pine Forest Terrestrial Habitat (SRA) (TH). The purpose of these standards is to minimize tree removal and avoid impacts to the sensitive Monterey pine forest habitat. All development within Monterey pine forest (TH) shall include the following minimum standards:

- A. **Establishment of a 'project limit area.'** A project limit area shall be established in a manner that avoids Monterey pine forest impacts to the maximum extent feasible, is located on the least sensitive portion of the site, and safeguards the biological continuance of the habitat. The project limit area shall include all areas of the site where vegetation will need to be trimmed or removed for fire safety purposes.
- B. **New Development siting.** Applications for new development within the Monterey pine forest shall demonstrate that no native vegetation outside the "project limit area" shall be removed, except for trees identified as hazardous by a qualified professional.
- C. **Plan Requirements.** All site, construction and grading plans submitted to the County shall identify by species and diameter all Monterey pine trees that are six inches or more in diameter 4.5 feet above ground and oak trees four inches or more in diameter 4.5 feet above ground identified by species and diameter. The plans shall indicate which trees are to be retained and which trees are proposed for removal.
- D. **Construction Practices.** Construction practices to protect Monterey pines, oak trees and significant understory vegetation shall be implemented.
- E. **Replacement of Vegetation.** Any Monterey pine trees that are six inches or more in diameter 4.5 feet above the ground shall be replaced at a 4:1 ratio for each tree removed, and at a 2:1 ratio for each tree impacted but not removed. Any oak trees that are four inches in diameter 4.5 feet above ground shall be replaced at a 6:1 ratio for each tree removed, and at a ratio of 3:1 ratio for each tree impacted but not removed. All open areas of the site disturbed by project construction are to be seeded with native, drought and fire resistant species that are compatible with the habitat value of the surrounding forest.
- F. **Understory Vegetation Removal.** No understory vegetation shall be removed until a permit has been issued or unless an immediate hazardous condition exists. Understory vegetation removal to create, improve, or maintain adequate defensible space and Fire Hazard Fuel Reduction shall be the minimum necessary

Staff comments: The project proposes to remove one Monterey pine tree and two oak trees. Construction activities will impact one additional oak tree. The applicant will mitigate for the

removed and impacted trees at the ratios listed above. The applicant proposed to contract with Greenspace to purchase trees and have them planted on Greenspace property. The proposed project complies with this standard.

Limitation on Development

- A. Water Service in Cambria. Until such time as may be otherwise authorized through a coastal development permit approving a major public works project involving new potable water sources for Cambria, new development not using CCSD connections or water service commitments existing as of November 15, 2001 (including those recognized as "pipeline projects" by the Coastal Commission on December 12, 2002 in coastal development permits A-3-SLO-02-050 and A-3-SLO-02-073, shall assure no adverse impacts to Santa Rosa and San Simeon Creeks;
- B. Water Conservation Requirements. New development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the Cambria Community Service District's service area, or through other verifiable actions to reduce existing water use in the service area. All coastal development permits authorizing such development shall be conditioned to require applicants to provide to the Planning Director for review and approval prior to construction, written evidence of compliance with CCSD Ordinance 1-98, as approved by the CCSD Board of Directors on January 26, 1998, and modified on November 14, 2002, and as codified in the CCSD Code Chapter 4.20 in 2004. Prior to application acceptance, land use and building permit applications shall include a written verification of water and sewer service from the CCSD. Also prior to final building inspection the applicant shall submit a water and sewer service condition compliance letter from the CCSD.

Staff comments: The proposed project is consistent with Part A of this standard (Water Service in Cambria) because the proposed project would be using a CCSD water service commitment issued on December 1, 2000 (prior to November 15, 2001). The proposed project will assure no adverse impacts to Santa Rosa and San Simeon Creeks because the owner of the sender site paid retrofit fees to offset the project's water demand at a 2:1 ratio. The project is consistent with Part B of this standard (Water Conservation Requirements) because the December 1, 2000 intent-to-serve letter for the sender site was issued under the CCSD's Water Conservation and Retrofit Program. This program required the applicant to comply with Ordinance 1-98 and required a 2 to 1 water savings. The applicant paid the required "In Lieu" fee of \$9,350.

Cambria Community Services District Review. Prior to application acceptance, land use and building permit applications shall include a written verification of water and sewer service from the Cambria Community Services District. A water and sewer service condition compliance letter from the Cambria Community Services District shall be provided to the Department of Planning and Building prior to final building inspection.

Staff comments: The proposed project is consistent with this standard because the applicant submitted a Confirmation of Water & Sewer Availability letter from the Cambria Community Services District dated January 13, 2016.

Cambria Fire Department Review. All new development shall comply with applicable state and local Cambria fire codes. Prior to application acceptance, land use and building permit applications shall include a fire plan review from the Cambria Fire Department.

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Staff comments: The applicant submitted a Fire Plan Review from the Cambria Fire Department dated January 12, 2016.

Erosion Control. In addition to other applicable requirements of the Coastal Zone Land Use Ordinance, all runoff from impervious surfaces such as roofs, driveways, walks, patios, and/or decks shall be collected and retained on-site to the greatest extent possible. Run-off not able to be retained on-site shall be passed through an effective erosion control device or filtration system approved by the Public Works Department. Impermeable surfaces should be minimized in order to maximize the amount of on-site run-off infiltration.

Staff comments: The applicant is required and conditioned to submit drainage, erosion, and sedimentation control plans at the time of construction permit application

Landscaping. All areas of the site disturbed by project construction shall be revegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. Non-native, invasive, fire prone, and water intensive (i.e. turf grass) landscaping shall be prohibited on the entire site. All landscaping and construction practices shall work to maintain and regenerate habitat values. Plant materials shall be used to mimic or enhance naturally occurring vegetation. Materials shall be propagated from appropriate native stock to ensure that the gene pool is not diluted for endemic species. This is particularly true for Monterey Pines and riparian plantings. A list of prohibited plants, such as Pampas grass and Scotch broom, is available from the Department of Planning and Building. Use of plants listed in the California Invasive Plant Council (Cal IPC) Invasive Plant Inventory is prohibited.

Staff comments: This project is conditioned to provide a landscape plan at time of construction permit application.

Exterior Lighting. Use only the minimum amount necessary to achieve essential illumination. All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases. All light fixtures are required to be fully shielded.

Staff comments: No exterior lighting is proposed at this time. Lighting plans will be checked at time of construction permit application for compliance with this standard.

Archaeological Resource Protection. New development projects that have the potential to impact archaeological resources shall be referred to the affected Native American tribe. In the event archaeological resources are unearthed or discovered during any construction activities, construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist in consultation with appropriate Native American representatives and reviewed and approved by the Planning Director, is completed and implemented. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Planning Director prior to occupancy or final inspection, whichever occurs first. In the event

archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Staff comments: Applicant submitted a Cultural Resources Assessment (Anastasio, January 2016). The report noted six prehistoric sites within a quarter mile of the project parcel, and identified lithic scatters on the project parcel and two nearby parcels. The report concludes that these scatters "...in and of themselves, do not meet the fourth criterion of significance under CEQA and Title 14 (36 CFR Part 60 and Calif. Pub. Res. Code, 5024.1, Title 14 CCR, Sect. 4852) since they do not appear to have "...the potential to yield, information important to the prehistory or history of the local area, California or the nation." The report notes a slight potential for "hidden" resources and recommends collection of the lithic scatters and monitoring during construction. This project is conditioned to implement suggestions from the report to monitor for cultural materials.

Residential Single-Family

Height. The maximum height is 28 feet above average natural grade.

Staff comments: The proposed project is 28 feet high, above average natural grade, and complies with this standard.

Building Size. Development in the Single Family Residential category in areas subdivided into 25-foot lots shall comply with the footprint and gross structural area requirements. These standards do not apply to Tract 163, Tract 61, Tract 358, Tract 420, Tract 44, Tract 112, Cambria Pines Estates #1, and the two marine terrace blocks south to Lampton Street.

Staff comments: The proposed project is located in Tract 61 and is not required to comply with this standard.

Setbacks. For all lots less than one acre in size, front and rear setbacks must total 25 feet, with a minimum of 10 feet in the front and 10 feet in the rear. For lots 50 feet and wider, side setbacks shall total a combined 12 feet with a 5 foot minimum on each side.

Staff comments: The proposed project has a front setback of 15 feet, a rear setback of 10 feet, a right side setback of 7 feet, and a left side setback of 5 feet, and therefore complies with this standard.

Parking and Access Standards. Two off-street spaces are required for each single-family dwelling. At least one space shall be covered (garage or carport), and the other space may be located within the front setback.

Staff comments: The proposed project includes a two-car garage and complies with this standard.

Residential Design Criteria. The North Coast Area Plan contains discretionary design criteria for single-family residential development in Cambria. As described below, the proposed residence is consistent with applicable design criteria.

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- A. **Impermeable Surfaces.** The project will result in approximately 3,188 square-feet of new impermeable area. The project is conditioned to submit a Storm Water Control Plan Application and Coversheet at the time of construction permit application.
- B. **Parking Drives and Garages.** The proposed project provides for a two-car garage, driveway, and approach. Though prominent the garage does not dominate the design of the residence.
- C. **Topography.** The subject parcel is gently sloping, with an average slope of 11%. The proposed project will not result in abrupt grade changes.
- D. **Drainage.** The project complies with this guideline as it will be designed and constructed to retain water on-site, and the project is conditioned to provide a drainage plan, consistent with the North Coast planning area standards, to Public Works for review and approval.
- E. **Building Design Standards.** The proposed residence and garage include articulation to break up the bulk of the structure, compatible in design and materials with the neighborhood design patterns. The design has a low pitched roof and is on a down sloping lot, which appears as a single-story house from the street.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.01.043c.(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the subject parcel is located in an Environmentally Sensitive Habitat Area (Terrestrial Habitat).

Section 23.07.170.e(1-5) Environmentally Sensitive Habitat (ESH) Development Standards

1. New development within or adjacent to the habitat shall not significantly disrupt the resource.
2. New development within the habitat shall be limited to those uses that are dependent upon the resource.
3. Where feasible, damaged habitats shall be restored as a condition of development approval.
4. Development shall be consistent with the biological continuance of the habitat.
5. Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034.c (Grading Standards.)

Staff comments: The proposed single-family residence meets these standards because the project is conditioned to replant at a 4:1 ratio the removed Monterey pine tree, and at a 6:1 ratio the two removed oak trees. Additionally, the impacted oak tree will be mitigated at a 3:1 ratio.

Section 23.07.080: Geologic Study Area

The project site is located within the Geologic Study Area (GSA) combining designation, and is subject to the provisions of the CZULO. All land use permit applications for projects located within a Geologic Study Area (except those exempted by Section 23.07.082) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate.

Staff comments: The applicant submitted a Soils Engineering Report (GeoSolutions, Inc., October 2015). The report was submitted to the Department's Geologist for review and comment. A Review of Soils Engineering Report (LandSet Engineers, Inc., May 2016) was prepared by the Department Geologist and concluded that the susceptibility for land sliding at the site is low and no further investigation is required.

COASTAL PLAN POLICIES:

Shoreline Access: N/A
Recreation and Visitor Serving: N/A
Energy and Industrial Development: N/A
Commercial Fishing, Recreational Boating and Port Facilities: N/A
Environmentally Sensitive Habitats: ☒ Policy No(s): 1, 3, 29, and 30
Agriculture: N/A
Public Works: ☒ Policy No: 1
Coastal Watersheds: ☒ Policy No(s): 8, 9, 10, and 11
Visual and Scenic Resources: ☒ Policy No(s): 1 and 2
Hazards: ☒ Policy No(s): 1 and 2
Archeology: ☒ Policy No(s): 1, 4, and 6
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: *The proposed project is consistent with this policy because the one Monterey pine and two oaks that will be removed will be replanted at 4:1 and 6:1 ratio, respectively.*

Policy 3: Habitat Restoration: *The proposed project is consistent with this policy because the one Monterey pine and two oaks that will be removed will be replanted at a 4:1 and 6:1 ratio, respectively.*

Policy 29: Protection of Terrestrial Habitats: *The project is consistent with this policy because the proposed residence is a permitted use on the site. The proposed project is consistent with this policy because the one Monterey pine and two oaks that will be removed will be replanted at a 4:1 and 6:1 ratio, respectively.*

Policy 30: Protection of Native Vegetation: *The proposed project is consistent with this policy because the one Monterey pine and two oaks that will be removed will be replanted at a 4:1 and 6:1 ratio, respectively.*

Public Works:

Policy 1: Availability of Service Capacity. *The proposed project is consistent with this policy because this project would use an "active service transfer" from 367 Ivar Street ("sender site"). The sender site received an intent-to-serve letter on December 1, 2000, before the District's 2001 moratorium on new water connections. As a condition of the intent-to-serve letter, the owner of the sender site paid retrofit fees in the amount of \$9,350. The CCSD used these fees to retrofit other properties in its service area to offset the project's water demand at a 2:1 ratio. Furthermore, since the project would be using a water connection that the CCSD considered active since 2007, the project's water usage is already anticipated in the CCSD's outstanding commitments to existing lots.*

Coastal Watersheds:

Policy 8: Timing of Construction and Grading. *The proposed project is conditioned to comply with this policy as the project shall have an erosion and sedimentation control plan where grading is conducted or left in an unfinished state during the period from October 15 through April 15.*

Policy 9: Techniques for Minimizing Sedimentation. *The proposed project is conditioned to comply with this policy as the applicant shall apply Best Management Practices in the selection and implementation of site maintenance.*

Policy 10: Drainage Provisions. *The proposed project is conditioned to comply with this policy as the applicant shall provide a drainage plan to San Luis Obispo County Public Works Department for review and approval, and shall implement the approved drainage plan, showing that construction of the guesthouse and garage will not increase erosion or runoff.*

Policy 11: Preserving Groundwater Recharge. *The proposed project is consistent with this policy as the project shall retain groundwater on-site to the extent feasible.*

Visual and Scenic Resources:

Policy 1: Protection of Visual and Scenic Resources. *The proposed project complies with this policy, as the project will be developed on a residential lot. The lot is within a developed section of Cambria and shall be in character and scale with the surrounding neighborhood, and will not significantly block existing scenic vistas.*

Policy 2: Site Selection for New Development. *The proposed project complies with this standard, as the proposed residence will be developed on an existing residential lot, and the development will not block existing public views.*

Hazards

Policy 1: New Development. *The proposed project complies with this standard because the applicant submitted a Soils Engineering Report (GeoSolutions, Inc., October 2015). The report was submitted to the Department's Geologist for review and comment. A Review of Soils Engineering Report (LandSet Engineers, Inc., May 2016) was prepared by the Department Geologist and concluded that the susceptibility for land sliding at the site is low and no further investigation is required.*

Policy 2: Erosion and Geological Stability. *The proposed project complies with this standard because the applicant submitted a Soils Engineering Report (GeoSolutions, Inc., October 2015). The report was submitted to the Department's Geologist for review and*

comment. A Review of Soils Engineering Report (LandSet Engineers, Inc., May 2016) was prepared by the Department Geologist and concluded that the susceptibility for land sliding at the site is low and no further investigation is required.

Archaeology

Policy 1: Protection of Archaeological Resources. *The proposed project complies with this standard because the project is conditioned to retain a qualified archaeologist to monitor ground-disturbing activities and to halt construction in the event archaeological resources are discovered.*

Policy 4: Preliminary Site Survey for Development within Archeologically Sensitive Areas. *The proposed project complies with this standard because the applicant conducted a preliminary site survey (Anastasio, January 2016). The report noted six prehistoric sites within a quarter mile of the project parcel, and identified lithic scatters on the project parcel and two nearby parcels. The report concludes that these scatters "...in and of themselves, do not meet the fourth criterion of significance under CEQA and Title 14 (36 CFR Part 60 and Calif. Pub. Res. Code, 5024.1, Title 14 CCR, Sect. 4852) since they do not appear to have "...the potential to yield, information important to the prehistory or history of the local area, California or the nation." The report notes a slight potential for "hidden" resources and recommends collection of the lithic scatters and monitoring during construction. This project is conditioned to implement suggestions from the report to monitor for cultural materials.*

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities. *The proposed project is conditioned to comply with this standard.*

COMMUNITY ADVISORY GROUP COMMENTS:

The North Coast Advisory Council (NCAC) considered this item at their April 20, 2016 regular meeting. The NCAC voted to recommend approval of this project.

AGENCY REVIEW:

Public Works – Per attached referral response (Tomlinson, March 11, 2016), the proposed project requires a drainage plan, storm water control plan, erosion and sedimentation plan, and encroachment permit, and is subject to the North Coast Road Impact fee.

Building Division – Per attached referral response (Stoker, March 11, 2016), the proposed project shall comply with all applicable building and safety codes.

Cambria Fire – Fire Plan review provided.

Cambria Community Services District – See attached Confirmation of Water & Sewer Availability letter, dated January 13, 2016.

California Coastal Commission – Questions regarding the CCSD's suspension of water will-serve letters during Stage 3 drought and no new connections to the CCSD water system until after the Stage 3 is ended

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Staff comments: The will -serve letter for th is project is documenting a transfer ("active service transfer") from one property with existing service to a vacant property. The sending site has been retired and is precluded from future development.

LEGAL LOT STATUS:

The one existing lot is Lot 8 of Block 3 of Sunset View (Tract 61) and was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Brandi Cummings and reviewed by Airlin M. Singewald.

**EXHIBIT A – FINDINGS
ORELLANA / DRC2015-00097**

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project consists of the construction of a new single-family residence. The project will remove one native Monterey pine tree and two oak trees, and will have impacts to one additional oak tree. Through existing ordinance requirements, this project is required to replant trees to mitigate for those removed and impacted.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a single-family residence 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 single-family residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the single-family residence is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Drake Street, a local road constructed to a level able to handle any additional traffic associated with the project

Coastal Access

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

Sensitive Resource Area (Terrestrial Habitat)

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because although the project will remove one Monterey pine tree and two oak trees, and impact an additional oak, the applicant will replant at a 4:1 ratio the removed Monterey pine tree, and at a 6:1 ratio the two removed oak trees. Additionally, the impacted oak tree will be mitigated at a 3:1 ratio.

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- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because although the project will remove one Monterey pine tree and two oak trees, and impact an additional oak, the applicant will replant at a 4:1 ratio the removed Monterey pine tree and at a 6:1 ratio the two removed oak trees. Additionally, the impacted oak tree will be mitigated at a 3:1 ratio.
- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because although the project will remove one Monterey pine tree and two oak trees, and impact an additional oak, the applicant will replant at a 4:1 ratio the removed Monterey pine tree, and at a 6:1 ratio the two removed oak trees. Additionally, the impacted oak tree will be mitigated at a 3:1 ratio.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the project is conditioned to provide a Storm Water Control Plan Application, drainage plan, and sedimentation and erosion control plan at time of construction permit application.

Archeological Sensitive Area

- L. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is conditioned to have a qualified archaeologist on site to monitor all ground-disturbing activities.

Water Availability

- M. There is adequate water to serve the proposed residence based on the CCSD's January 13, 2016 Confirmation of Water & Sewer Availability letter and the payment of retrofit fees to offset the project's new water demand at a 2:1 ratio. The completed retrofits will ensure the project's water demand will not adversely impact the San Simeon or Santa Rosa Creek aquifers. The proposed project would not result in new water demand beyond the CCSD's current water allocation for existing connections because the CCSD considers the sender site to be in active service and the owner has paid the base monthly water fee continuous since 2007. Finally, as a condition of the active service transfer agreement, the sender site will be permanently retired. This will help forward Cambria's buildout reduction goals and help ensure that future growth in Cambria is consistent with resource availability.

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EXHIBIT B - CONDITIONS OF APPROVAL
ORELLANA / DRC2015-00097

Approved Development

1. This approval authorizes
 - a. Construction of a 3,046 square-foot single-family residence with a 528 square-foot attached garage, and 445 square-feet of deck.
 - b. The project will result in the removal of one Monterey pine tree, removal of two oak trees, and impacts to one oak tree. The removed Monterey pine tree will be replanted at a 4:1 ratio, the removed oak trees will be replanted at a 6:1 ratio, and the impacted oak tree will be mitigated at a 3:1 ratio, all on an off-site lot owned by Greenspace.
 - 1.
 - c. Maximum height allowed is 28 feet from average natural grade.

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

Site Development

2. **At the time of application for construction permits**, submit a revised landscape plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. All areas of the site disturbed by project construction shall be revegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. Non-native, invasive, fire prone, and water intensive (i.e. turf grass) landscaping shall be prohibited on the entire site. All landscaping and construction practices shall work to maintain and regenerate habitat values. Plant materials shall be used to mimic or enhance naturally occurring vegetation. Materials shall be propagated from appropriate native stock to ensure that the gene pool is not diluted for endemic species. This is particularly true for Monterey Pines and riparian plantings. A list of prohibited plants, such as Pampas grass and Scotch broom, is available from the Department of Planning and Building. Use of plants listed in the California Invasive Plant Council (Cal IPC) Invasive Plant Inventory is prohibited.
3. **At the time of application for construction permits**, submitted plans shall conform to the approved site plan, architectural plans, and elevations.
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. 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.

Access

5. **At the time of application for construction permits**, the applicant shall submit an application, fee and plans to the Department of Public Works to secure an Encroachment Permit:
 - a. To construct a new driveway approach in accordance with county public improvement standards A-5 (sight distance) and B-1 (rural driveway) series drawings.

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Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.

Storm Water Control Plan

9. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water 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 Storm Water 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.
10. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

Fire Safety

11. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated January 12, 2016.

Services

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

Conditions to be completed prior to issuance of a construction permit

Tree Replacement

13. **Prior to issuance of a construction permit**, the applicant shall provide proof that trees to replace those removed and impacted have been purchased and will be planted by Greenspace. Trees shall be purchased at a 4:1 ratio for the removed Monterey pine tree, and at a 6:1 ratio for the two removed oak trees. Additionally, the impacted oak tree will be replaced at a 3:1 ratio.

Fees

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

Storm Water Control Plan

15. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Archaeology

16. **Prior to issuance of a construction permit**, the applicant shall retain a qualified archaeologist to perform a surface collection of all lithic material on the parcel. A report on the lithic analysis shall be submitted to the County.
17. **Prior to issuance of construction permits**, the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building phase. The intent of this Plan is to monitor all earth-disturbing activities in the Construction Permit Area identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:
- a. List of personnel involved in the monitoring activities;
 - b. Inclusion of involvement of the Native American community, as appropriate;
 - c. Description of how the monitoring shall occur;
 - d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
 - e. Description of what resources are expected to be encountered;
 - f. Description of circumstances that would result in the halting of work at the project site (e.g., what is considered "significant" archaeological resources?);
 - g. Description of procedures for halting work on the site and notification procedures; and
 - h. Description of monitoring reporting procedures.

Conditions to be completed during project construction**Building Height**

18. The maximum height of the project is 28 feet from average natural grade.
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Archaeology

19. **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 construction, 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. A final report on compliance shall be submitted by the archaeologist **prior to final inspection/occupancy**.

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

Conditions to be completed prior to occupancy or final building inspection/establishment of the use

Site Development

21. Landscaping in accordance with the approved landscaping plan shall be installed before **final building inspection**. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

22. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Inspection

23. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Archaeology

24. **Upon completion of all monitoring/mitigation activities, and prior to final inspection**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that any recommended mitigation measures have been met.

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

25. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
26. 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

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conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

Fees

27. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the North Coast Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.

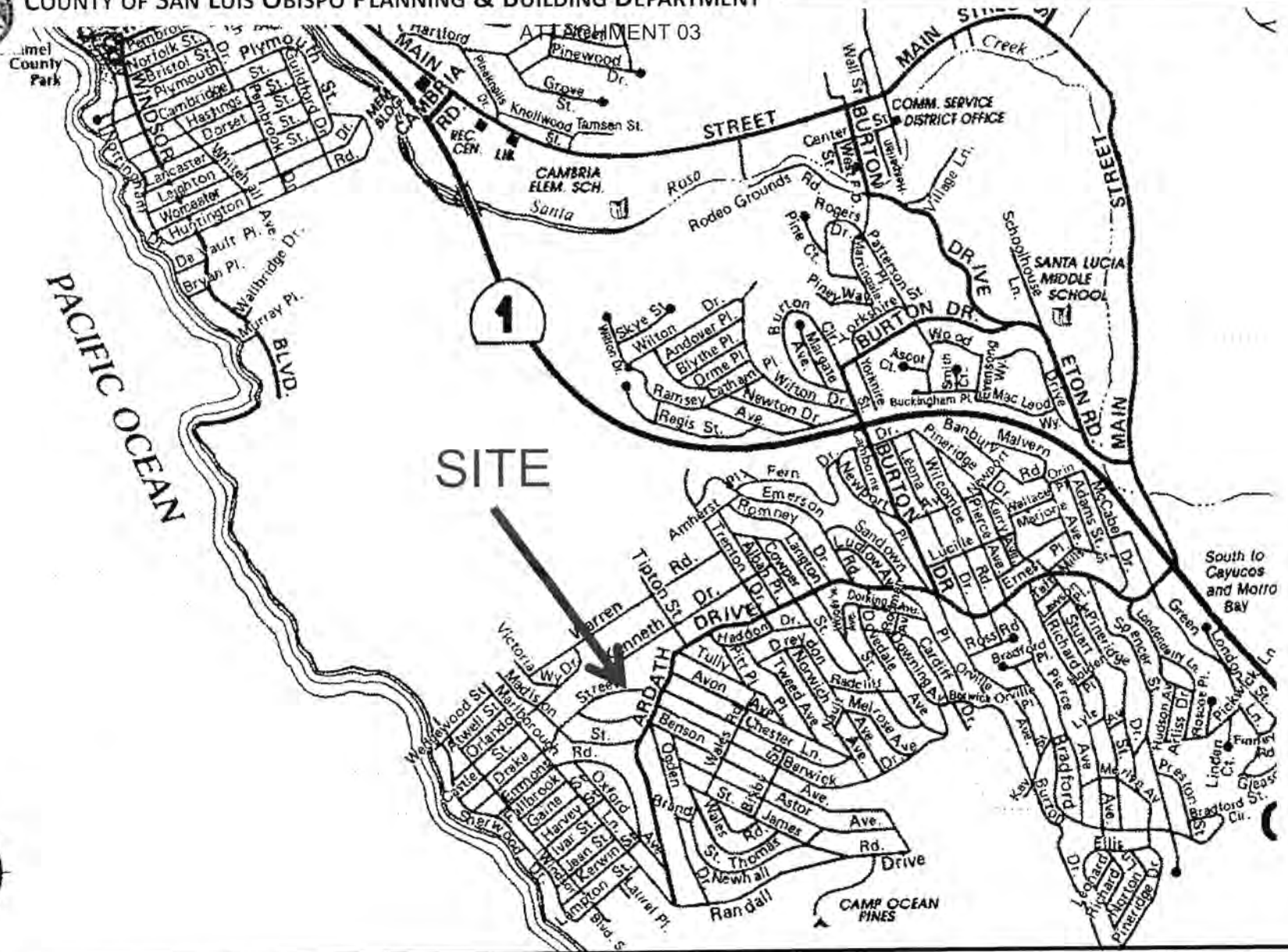
Drainage

28. **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.



COUNTY OF SAN LUIS OBISPO PLANNING & BUILDING DEPARTMENT

ATTACHMENT 03



ATTACHMENT 06

Orellana Minor Use Permit
DRC2015-00097

Page 1 of 10

Vicinity Map



Orellana Minor Use Permit
DRC2015-00097

Land Use Category Map



Orellana Minor Use Permit
DRC2015-00097

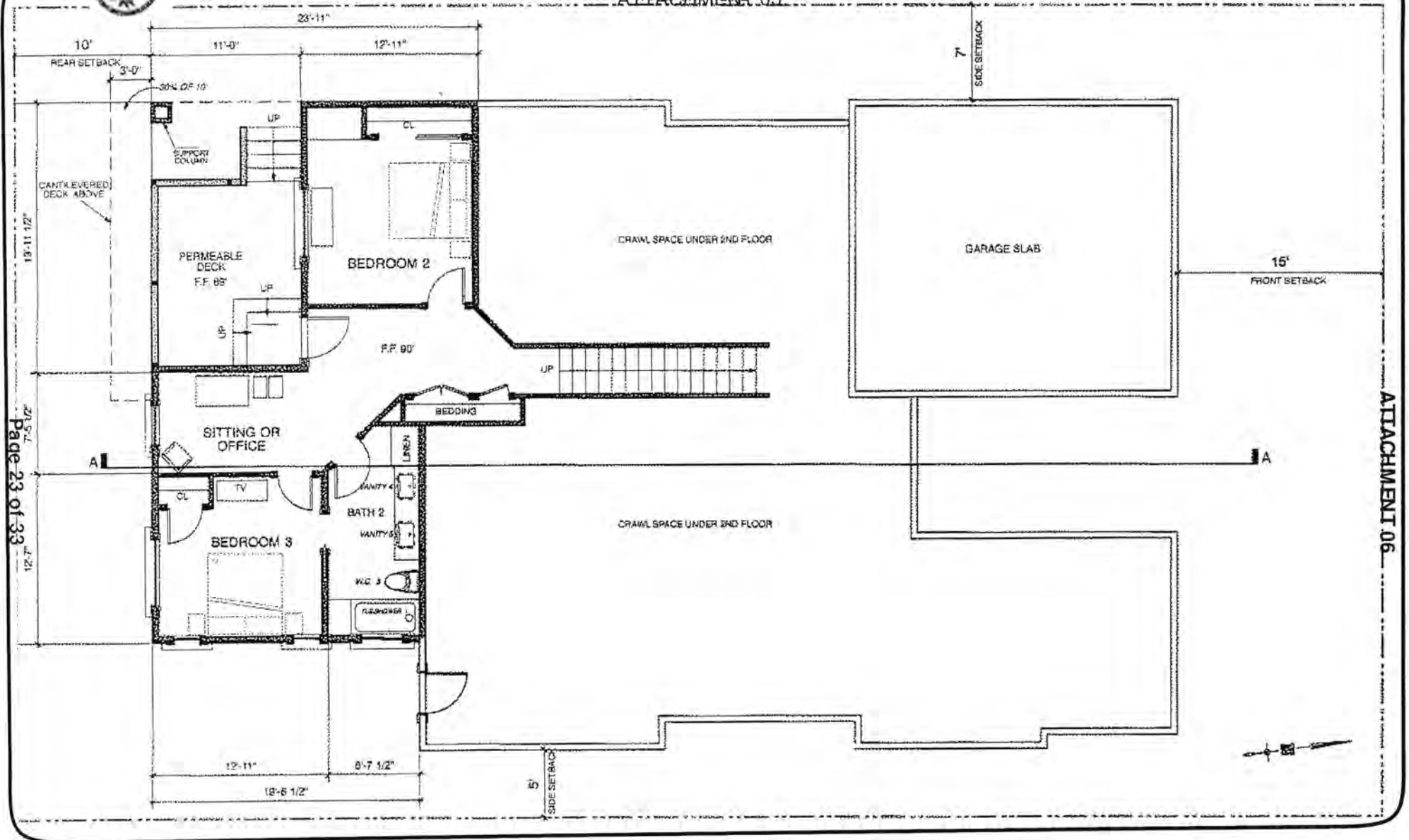
Aerial Photograph



Page 22 of 33



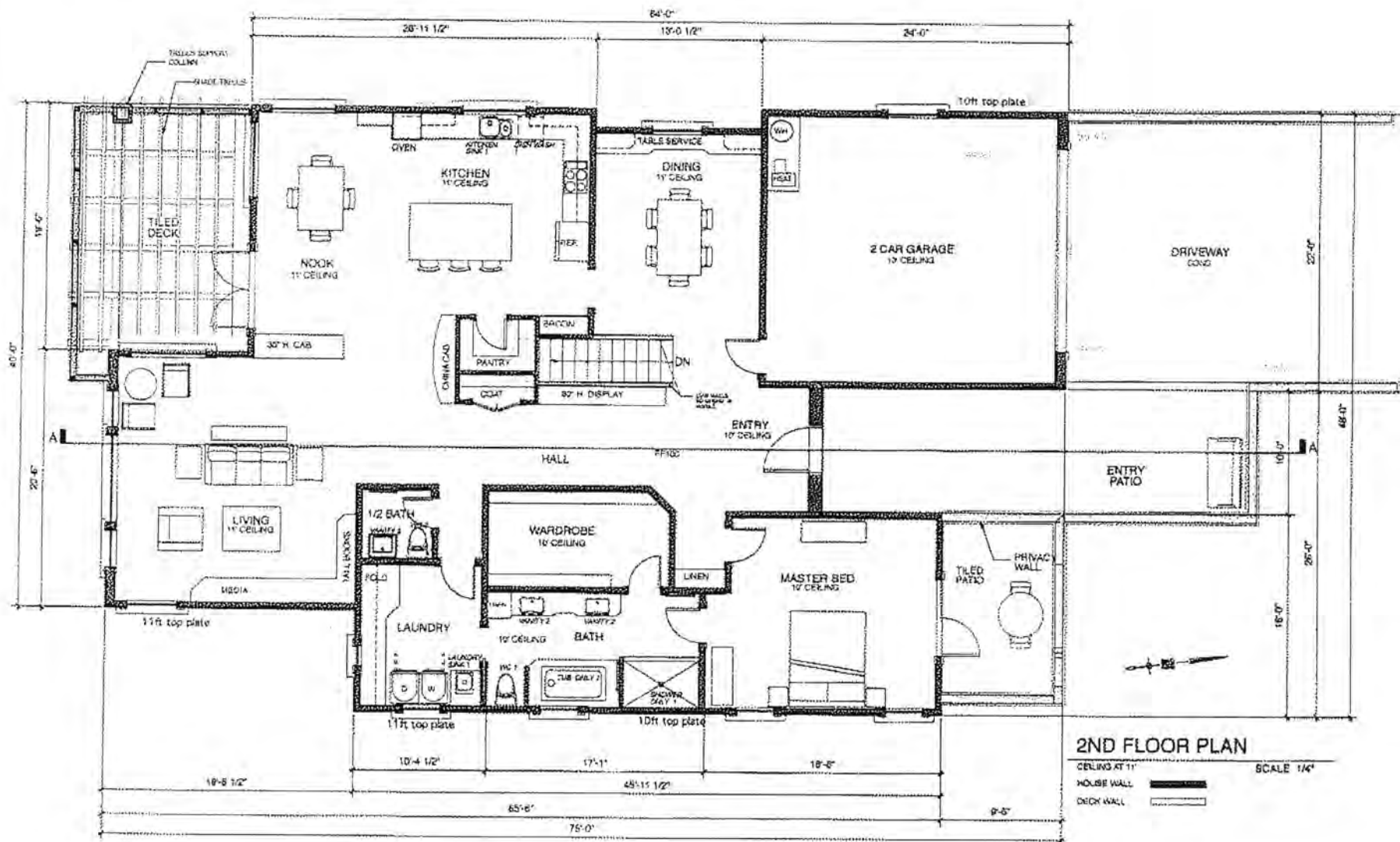
Exhibit 3 (County's Final Local Action Notice)
A-3-SLO-17-0040 (Orellana)
Page 91 of 150



ATTACHMENT 06

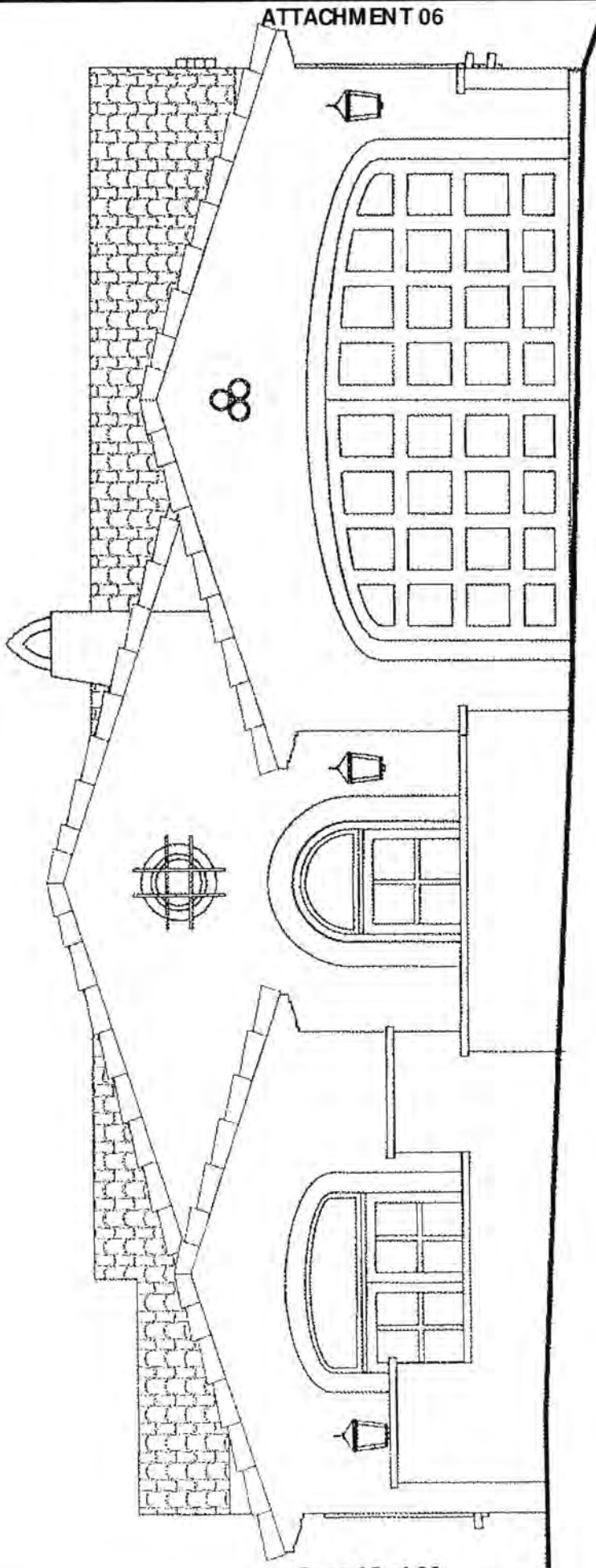
Orellana Minor Use Permit
DRC2015-00097

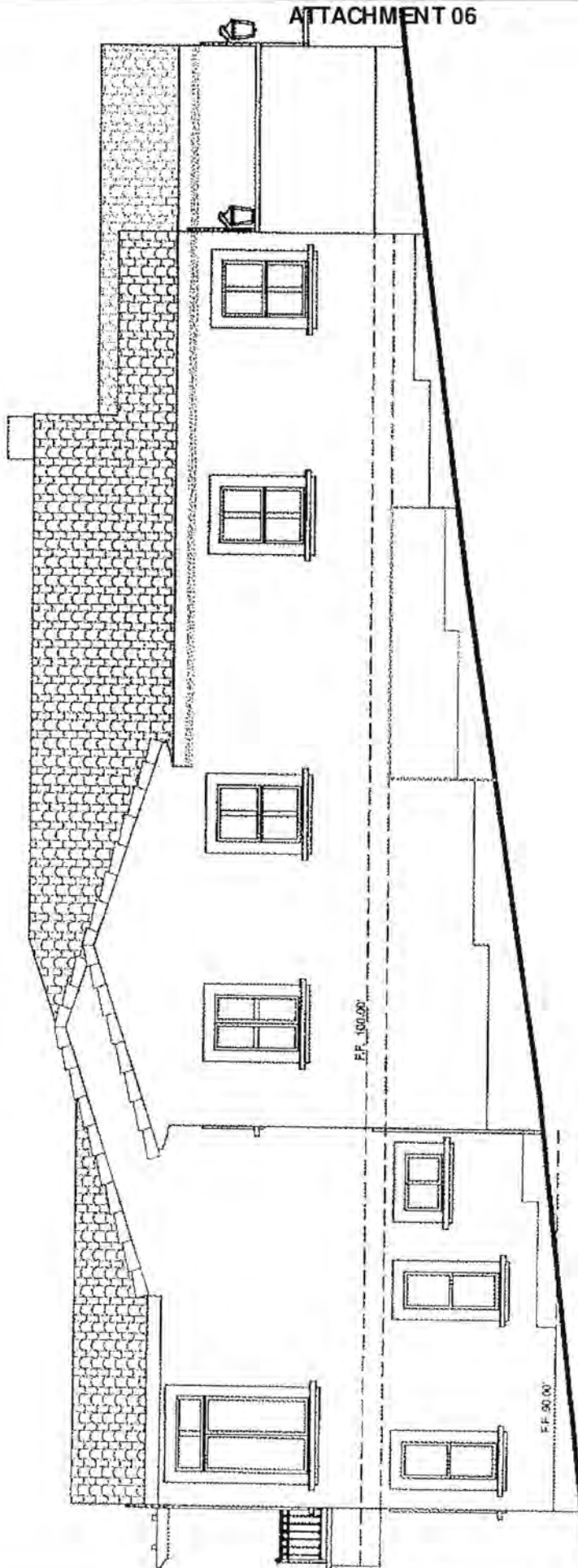
1st Floor Plan



Orellana Minor Use Permit
DRC2015-00097

2nd Floor Plan

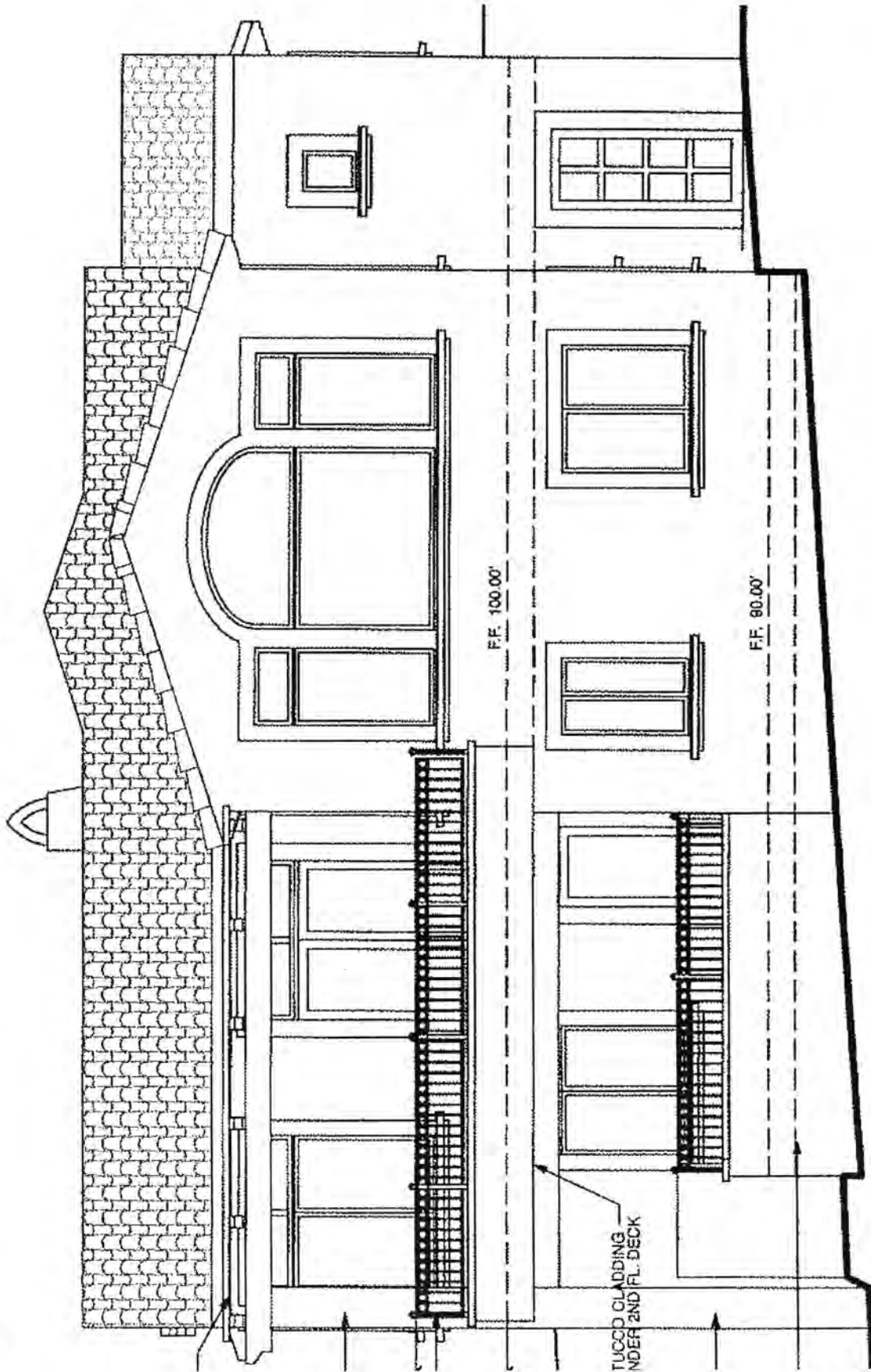




ATTACHMENT 06

Orellana Minor Use Permit
DRC2015-00097

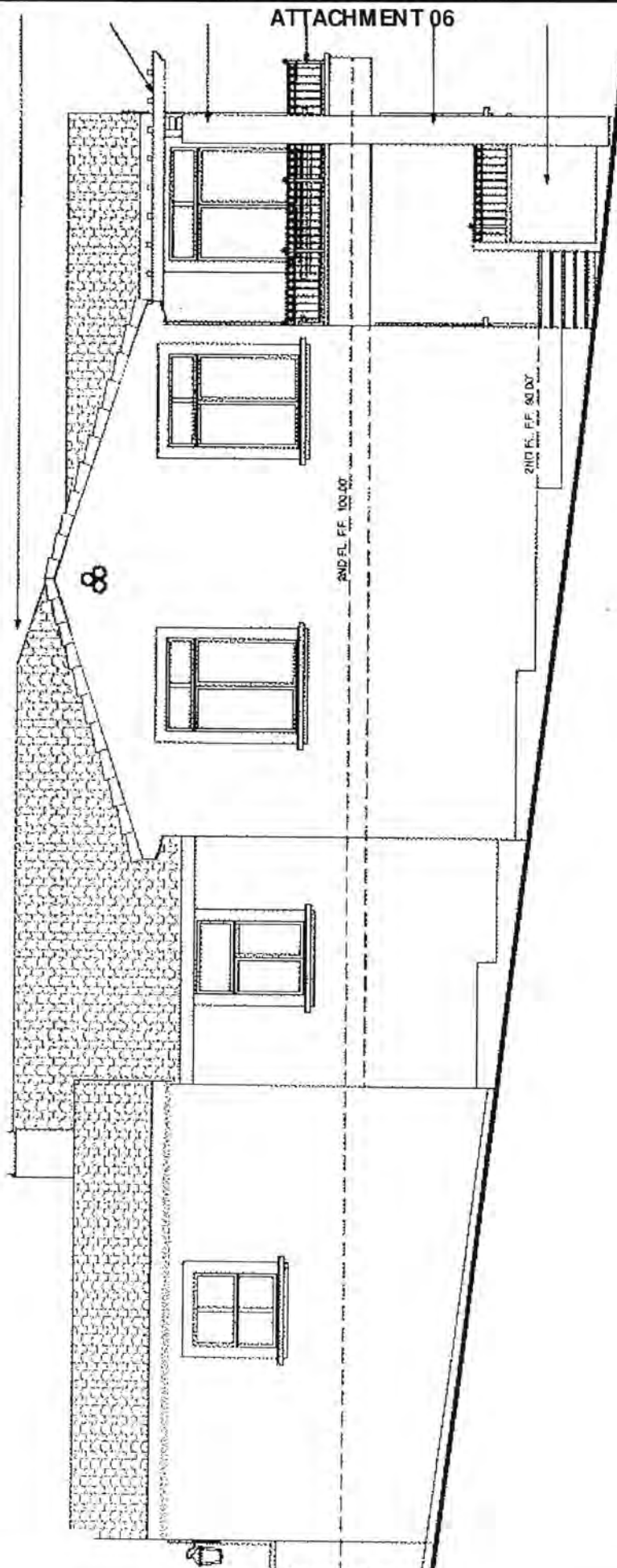
East Elevation



South Elevation

Page 9 of 10

Orellana Minor Use Permit
DRC2015-00097





ATTACHMENT 06
ATTACHMENT 04
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



Date: March 11, 2016

To: Brandi Cummings, Project Planner

From: Tim Tomlinson, Development Services

Subject: **Public Works Comments on DRC2015-00097, Orellanar MUP, Drake St., Cambria, APN 023-067-008**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. The proposed project is within a drainage review area. Drainage plan is required and it will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 23.05.040 of the Land Use Ordinance prior to future submittal of development permits.
- B. In accordance with the Land Use Ordinance as the project is located in a Storm Water Management (MS4) Area, it is considered a regulated project and required to submit a Storm Water Control Plan Application and Coversheet.

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits**, the applicant shall submit an application, fee and plans to the Department of Public Works to secure an Encroachment Permit:
 - a. To construct a new driveway approach in accordance with county public improvement standards A-5 (sight distance) and B-1 (rural driveway) series drawings.
2. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

Fees

3. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the North Coast Road Impact Fee. The fee shall be imposed

ATTACHMENT 06
ATTACHMENT 04

at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.

Drainage

4. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance.
5. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
6. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.
7. **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.

Storm Water Control Plan

8. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water 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 Storm Water 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.
9. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.
10. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

ATTACHMENT 06



Re: DRC2015-00097 ORELLANA Coastal E -Referral, MUP, Cambria

Michael Stoker to: Brandi Cummings

03/11/2016 01:51 PM

cc: Cheryl Journey, Martin Mofield

Brandi,

Please find buildings comments for DRC2015-00097 below. Please let me know if you have any questions.

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of a new single family residence of 3,572 sf. The project shall comply with current codes adopted by the County of San Luis Obispo (2013 California Building Standards Codes and Title 19 of the SLO County Codes).

While a thorough plan review will be conducted at time of building permit application, the following items are noted to assist design review;

- 1) Construction shall comply with the 2013 California Residential Code.
- 2) The design of the openings, projections, wall rating based on fire separation distance will need to be shown on the plans to comply with CRC Section 302, including Table 302.1(2) for buildings with sprinklers.
- 3) Provide plans which clearly show the structural design to verify compliance with the prescriptive requirements of the 2013 California Residential Code or any structural element not complying with the prescriptive requirements will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design
- 4) The plans need to show compliance with the Wildland_Urban Interface (WUI) areas as required per California Residential Code Section R327.
- 5) Provide electrical plans with notes to show the location of the main electrical panel, sub-panels, receptacles, lights, switches, and smoke detectors and Co alarms to verify compliance with the 2013 California Electrical Code.
- 6) Provide notes and information on the plans for the plumbing fixtures requirements, the design of the waste lines, vents, and water lines will all need to comply with the 2013 California Plumbing Code.
- 7) Energy calculation will need to be submitted to verify compliance with the 2013 California Energy Code.
- 8) The plans will need show compliance with the 2013 California Green Building Code and the County of San Luis Obispo's Green Building Ordinance.
- 9) Fire sprinklers will be required under a separate permit application. Provide plans showing the design and layout for the sprinkler system.
- 10) A grading and SWPPP plan may be required depending on the total area of disturbance.

Thanks

ATTACHMENT 06

Michael Stoker
Building Division Supervisor, CASp
805.781.1543





ATTACHMENT 06 NOTICE OF EXEMPTION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600

Project Title and No.: Orellana / Minor Use Permit; DRC2015-00097 ED15-240

Project Location (Specific address [use APN or description when no situs available]): 023-067-008, County of San Luis Obispo

Project Applicant/Phone No./Email:
Tim and Taryn Orellana/951-676-8791/
toto.timtaryn@verizon.net

Applicant Address (Street, City, State, Zip):
43550 John Warner Road, Temecula, CA 92592

Description of Nature, Purpose and Beneficiaries of Project

A request by TIM AND TARYN ORELLANA for a Minor Use Permit/Coastal Development Permit to allow the construction of a 3,046 square-foot single-family residence with a 528 square-foot attached garage, and 445 square-feet of deck. The proposed residence will be served by an active water meter transferred from another Cambria parcel (APN: 023-086-039) to be permanently retired. The project will result in the removal of one Monterey pine tree, removal of two oak trees, and impacts to one oak tree. The removed Monterey pine tree will be replanted at a 4:1 ratio, the removed oak trees will be replanted at a 6:1 ratio, and the impacted oak tree will be mitigated at a 3:1 ratio, all on an off-site property owned by Greenspace. The project will result in the disturbance of approximately 3,862 square-feet of a 6,000 square-foot parcel. The project is within the Residential Single Family land use category and is located at 930 Drake Street, approximately 1.1 miles southwest of the Ardath Drive and Highway 1 intersection, in the community of Cambria. The site is in the North Coast planning area.

Name of Public Agency Approving Project: County of San Luis Obispo

Exempt Status: (Check One)

- | | | |
|-------------------------------------|-------------------------|---------------------------------|
| <input type="checkbox"/> | Ministerial | {Sec. 21080(b)(1); 15268} |
| <input type="checkbox"/> | Declared Emergency | {Sec. 21080(b)(3); 15269(a)} |
| <input type="checkbox"/> | Emergency Project | {Sec. 21080(b)(4); 15269(b)(c)} |
| <input checked="" type="checkbox"/> | Categorical Exemption. | {Sec. 15303 ; Class: 3 } |
| <input type="checkbox"/> | Statutory Exemption | {Sec. _____} |
| <input type="checkbox"/> | General Rule Exemption. | {Sec. 15061(b)(3)} |

Reasons why project is exempt: The project consists of construction on a new single-family residence.

Brandi Cummings (bcummings@co.slo.ca.us)

(805)781-5600

Lead Agency Contact Person

Telephone

If filed by applicant:

1. Attach certified document of exemption finding
2. Has a notice of exemption been filed by the public agency approving the project? Yes ☐ No ☐

Signature Brandi Cummings

Date May 1, 2016

Name (Print) Brandi Cummings Title Planner I

On _____ the project was Approved by:

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> Board of Supervisors | <input type="checkbox"/> Subdivision Review Board | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Planning Dept Hearing | |

G:\Environmental\Initial Study\FORMS\CE-GRE\CE-GREform

Nicole Retana

To: christine.heinrichs@gmail.com
Cc: Brandi Cummings
Subject: RE: Orellana permit application DRC2015-00097

Mrs. Heinrichs:

We have received your request for hearing on **TIM & TARYN ORELLANA (DRC2015-00097)**. The hearing will be held on **June 17, 2016 at 9:00am**. The FINAL agenda will be available online at <http://www.slocounty.ca.gov/planning/meetings.htm?> , **Tuesday, June 13, 2016**, close of business.

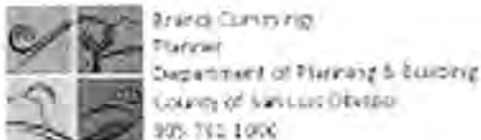
If you have any questions please feel free to contact the Project Manager, Brandi Cummings at (805) 781-1006 or myself at the number below.

Thank you,

Nicole Retana, Secretary
County of San Luis Obispo
Planning and Building Department

From: Brandi Cummings
Sent: Thursday, June 09, 2016 1:16 PM
To: Nicole Retana <nretana@co.slo.ca.us>
Subject: Fw: Orellana permit application DRC2015-00097

Request for hearing PDH 6/17



From: Christine Heinrichs >
Sent: Thursday, June 9, 2016 11:52 AM
To: Brandi Cummings
Subject: Re: Orellana permit application DRC2015-00097

Thank you, Brandi. I would like to request a hearing on this matter.

On Thu, Jun 9, 2016 at 11:43 AM, Brandi Cummings <bcummings@co.slo.ca.us> wrote:

Thank you Christine.

Your letter did not specifically ask for a hearing on this item. If you would like to request a hearing, you must do so by 4:30pm tomorrow (6/10) and state "I would like to request a hearing on this matter." This project is currently set on the consent portion of the agenda.



Brand Cummings
Planner
Department of Planning & Building
County of San Luis Obispo
805.762.1006

From: Christine Heinrichs <christine.heinrichs@gmail.com>

Sent: Thursday, June 9, 2016 11:32:32 AM

To: Brandi Cummings

Cc: Bruce Gibson

Subject: Orellana permit application DRC2015-00097

To Brandi Cummings:

RE: DRC2015-00097 ORELLANA Coastal E-Referral, MUP, Cambria

This application presents significant problems to Cambria. It requests a MUP to construct a new house on a lot that has not previously been developed.

Cambria remains under a Stage 3 Water Emergency (established in January, 2014) and a Building Moratorium (since 2001), due to lack of water to serve existing customers. Development of a permanent supplemental source of water is the requirement to add new customers by permitting new construction. This permit would be a direct violation of the Building Moratorium. It adds new users while existing users remain under Stage 3 Water Emergency use restrictions.

The Emergency Water Project is specifically designated for use only during Stage 3 Water Emergencies. Any water produced is directed to the use of existing customers.

The CSD states on its web site, under FAQs: "The County will not process a building permit for any project that does not have water."

"Currently, the only option is to transfer water from another parcel that already has a position. The conditions under which a transfer is allowed include: matching ownership on the sender and receiver parcels in the transfer, and retirement of either the sender parcel or an approved alternate parcel. Transfers are limited to parcels with single-family residential water meters that meet certain size and location requirements."

This application attempts to evade legal restrictions through the use of a previously unused water connection. Although the owner has paid for minimum service and remains on the Active Service list, that connection has not used any water. It has never been connected to a residence. Adding it now defies both the law and common sense. Residents of a 3,572 square foot house will inevitably use a significant amount of water.

The CCSD now claims that the Emergency Water Project can be re-branded as 'Sustainable.' This conflicts with the fact that it was built under an Emergency Permit and has not yet even submitted an application for a permanent Coastal Development Permit, as required. The CSD's own documents state specifically that water from it should not be used to serve new customers: "serve only the needs of Cambria's *current* residents and businesses" (emphasis CCSD information sheet, attached).

The Emergency Permit itself specifically authorizes use of the Emergency Water Project only for existing customers, adding the clarification, "i.e., not to serve new development."

On May 16, John Ainsworth, acting executive director of the California Coastal Commission, sent a letter to James Bergman, Director San Luis Obispo Department of Planning and Building, on behalf of the commission

ATTACHMENT 07

recommending that the Emergency Permit under which the Emergency Water Supply Project was constructed NOT be renewed, because the project is out of compliance with the permit and other laws and regulations.

The letter concludes: "We believe the focus of all involved parties at this point should be completion of the follow-up permit application and the EIR to allow for the necessary project review."

The status of the Emergency Water Project remains uncertain. This application is clearly for new development. Therefore, it cannot be approved until Cambria's water situation is resolved, the Stage 3 Water Emergency no longer applies and the Building Moratorium is lifted.

Sincerely yours,

Christine Heinrichs

Cc: Bruce Gibson, bgibson@co.slo.ca.us

—
Christine Heinrichs

Nicole Retana

To: webb.mary599@gmail.com
Cc: Brandi Cummings
Subject: RE: Orellana Water Meter

Mrs. Webb

We have received your request for hearing on **TIM & TARYN ORELLANA (DRC2015-00097)**. The hearing will be held on June 17, 2016 at 9:00am.
The FINAL agenda will be available online at <http://www.slocounty.ca.gov/planning/meetings.htm?> **Monday, June 14, 2016, close of business.**

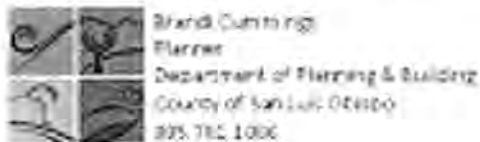
If you have any questions please feel free to contact the Project Manager, Brandi Cummings at (805) 781-1006 or myself at the number below.

Thank you,

Nicole Retana, Secretary
County of San Luis Obispo
Planning and Building Department

From: Brandi Cummings
Sent: Thursday, June 09, 2016 2:45 PM
To: Nicole Retana <nretana@co.slo.ca.us>
Subject: Fw: Orellana Water Meter

Another request for hearing on Orellana 6/17



From: Mary <webb.mary599@gmail.com>
Sent: Thursday, June 9, 2016 12:08 PM
To: Brandi Cummings; Daniel.Robinson_coastal.ca.gov
Subject: Orellana Water Meter

Hi Brandi,

Greenspace-the Cambria Land Trust would like to request a hearing on this matter. Please advise us as to the process and timing of future hearings.

Thank you,

Mary Webb, President
927-1662

ATTACHMENT D7

County of San Luis Obispo
Planning & Building Dept
976 Debs St, Room 300
San Luis Obispo, CA 93408

A request by **TIM & TARYN ORELLANA** for a Minor Use Permit/Cons construction of a 3,046 square-foot single-family residence with a 528 square-foot attached garage, and 445 square-foot of deck. The proposed residence will be served by an active water meter transferred from another Cambria parcel (APN: 023-086-039) to be permanently retired. The project will result in the removal of one Monterey pine tree, removal of two oak trees, and impacts to one oak tree. The removed Monterey pine tree will be replanted at a 4:1 ratio, the removed oak trees will be replanted at a 6:1 ratio, and the impacted oak tree will be mitigated at a 2:1 ratio, all on an off-site property owned by Greenspace. The project will result in the disturbance of approximately 3,052 square-feet of a 6,000 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 920 Drake Street, approximately 1.1 miles southwest of the Ardath Lane and Highway 1 intersection in the community of Cambria. The site is in the North Coast planning area. This project is exempt under CEQA.

County File Number: **DRC2015-00097**
Supervisor's District: **2**

Assessor Parcel Number: **023-067-008**
Date Accepted: **March 25, 2016**

HEARING DATE

June 17, 2016 at 9:00 a.m.

CONTACT

Brandi Cummings 1-805-781-5600

bcummings@co.slo.ca.us

Bruce Fosdick
P.O. Box 531
Cambria, CA 93428

COUNTY OF SAN LUIS OBISPO

NOTICE OF TENTATIVE ACTION

PLEASE READ REVERSE SIDE

The Planning Department will hold a Planning Department Hearing at San Luis Obispo County Board of Supervisors Chambers, 1055 Monterey St., Room #D170, County Government Center, San Luis Obispo, CA. The Board of Supervisors Chambers is located on the corner of Santa Rosa and Monterey Streets. All hearings are advertised for 9:00 a.m. A copy of the staff report and the Environmental Document will be available on the Planning Department website, <http://www.slocounty.ca.gov/planning.htm> or at the San Luis Obispo County Department of Planning and Building.

A public hearing will be held as described above only if a hearing is formally requested at least one week prior to the Planning Department hearing date. Otherwise, the project described on the reverse side of this postcard will be placed on the Consent agenda (as Non Public Hearing items) and the Tentative Action, also described on the reverse side of this postcard, will become final. To request a Public Hearing, send a letter or email to the Project Manager by 4:30 p.m. the Friday before the hearing. Please include the language "I would like to request a Public Hearing on this matter" in your letter or email. You may also include the reasons why you feel a Public Hearing is necessary.

Persons who have requested a Public Hearing are to appear at the Board of Supervisors Chambers on the date of the Public Hearing and express their views, orally or in writing, for or against or requesting modification of the proposed project(s). Comments will be accepted up until completion of the Public Hearing(s). If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing or in written correspondence delivered to the appropriate authority at or prior to the public hearing.

If you are dissatisfied with any aspect of an approval or denial of a project, you have the right to appeal this decision to the Board of Supervisors up to 14 days after the date of action, in writing, to the Planning Department. That action may then be eligible for appeal to the California Coastal Commission. Appeals must be filed in writing as provided by Coastal Zone Land Use Ordinance Section 23.04.043.



July 25, 2013

Cambria Community Services District
General Manager Gruber

board@cambriacsd.org
jgruber@cambriacsd.org

RE: Ordinance 03-2013 and the Adoption of Resolution 19-2013

On July 25, 2013, the Cambria Community Services District board of directors will hold a public hearing to consider the introduction of Ordinance 03-2013 and the Adoption of Resolution 19-2013. This would amend the CCSD municipal code and approve the administrative procedures and related actions to implement the interim issuance of up to 20 intent to serve letters per fiscal year beginning July 1, 2013 to June 30, 2015. This action would, in effect, end the 13 year Moratorium on new construction and open the Cambria water wait list for development without adding a source of new water, additional water storage or water recycling project.

Given that the Cambria CSD intends to issue new intent to serve letters that could severely decrease water supply to residents and visitors, and adversely affect coastal resources and that

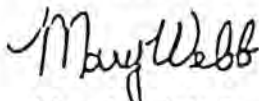
1. California State Water Code 350 declaration of an emergency water supply shortage is still in effect.
2. SWRCB decision 1624 for Santa Rosa Creek. Groundwater Basin Management Plan has not been conducted as outlined in Resolution 32-87 (SWRCB, 1989, p. 5).
3. In the 1998 North Coast Plan Update, the CA Coastal Commission found that significant concerns existed with the Cambria Community Services District's (CCSD) withdrawals from San Simeon and Santa Rosa Creeks and potential impacts to riparian habitat.
4. These concerns were reiterated in the Commission's 2001 adoption of the Periodic Review of the San Luis Obispo LCP and in numerous CA Coastal Commission appeals confirming substantial issues with development including increased water use, resource extraction affecting coastal streams containing endangered species and Monterey Pine Forest removal (*Hudzinski A-3-SLO-02-073, Monaco A-3-SLO-02-050, Pine Knolls Tanks A-3-SLO-05-017 and Cambria Pines Lodge Expansion A-3-SLO-01-122*).
5. No instream flow studies have been conducted for San Simeon and Santa Rosa Creeks to ensure water for habitat as required in *Hudzinski A-3-SLO-02-073 and Monaco A3-SLO-02-050*
6. No Habitat Conservation Plan has been conducted as outlined in *Cambria Pines Lodge Expansion A-3-SLO-01-122*
7. The Cambria Forest Management Plan has not been funded and implemented
8. The Cambria Build Out Reduction program has not been funded and implemented
9. No new water supply, water storage project or water recycling program has been identified, approved and funded
10. The benefits of a recently adopted Conservation program have yet to be validated or independently verified for water savings.

ATTACHMENT 07

11. Water production report shows increase of 41.86 AFY from 2011 to 2012
12. Water production report shows additional increase of 17.9 AFY for first six months of this year as compared to January to June of last year.
13. Increased production of water to levels not seen since 2007 were reported April, May and June of 2013.
14. Cambria is in the second year of a two year drought.
15. Vacancy rates in Cambria are at an all time high of 32% and CSD is legally required to provide water to existing residents including vacant homes.
16. Water connections in excess of the 124 total allowable "Pipeline Projects" during the moratorium have occurred.
17. The amount of water needed to provide water to the current and active service water commitments as described in Exhibit D of Cambria CSD staff report of December 2012 is unknown and may exceed current water supply. Exhibit D does not include proposed 20 new intent to serve letters, and 40 new affordable housing EDUS issued in 2013.
18. The CCSO municipal code and all the updates to CCSO Title 4 allow in lieu fees in contrast to the CA Coastal Commission stipulating that in-lieu fees are **not permitted** as demonstration of equivalent off-set. *Monaco A3-SLO-02-050*

Due to negative impacts to local coastal creeks, and the community's reliance on groundwater with no other options, we respectfully ask the Cambria Community Services District to **not open** the wait list and issue new Intent to Serve letters, and request that San Luis Obispo County **not allow** a change to our Growth Management Ordinance until the above milestones are met. A full Environmental Impact Report should be conducted before the Growth Management Ordinance is changed in order to guarantee no harmful and unmitigated impacts to the creeks and the community as a result. In addition, due to 2 year drought and no new water project on the horizon, the SLO County Board of Supervisors should **certify** the Level III Water Shortage Emergency for Cambria, at the earliest possible time in order to protect people and coastal resources.

Sincerely,



Mary Webb V.P.
Board of Directors

Richard Hawley,
Executive Director

Cc:

dan.carl@coastal.ca.gov

Daniel.robinson@coastal.ca.gov

bgibson@co.slo.ca.us

caispuro@co.slo.ca.us

kgriffin@co.slo.ca.us

jmanson@co.slo.ca.us

claudia@ecoplanners.net

Attachments or links

2013 CSD Water Production Report

2001 CA Coastal Commission Periodic Review of Cambria LCP

Dec. 2012 CSD Exhibit D

Cambria Forest Management Plan at www.greenspacecambria.org

Cambria Build Out Reduction Plan at <http://www.cambriacsd.org/cm/projects/Buildout%20Reduction%20Program.html>



North Coast Advisory Council
 Fosdike, Chair and Council members
 P.O. Box 533
 Cambria, CA 93428

4/20/16

Please consider the following when making recommendations to San Luis Obispo County on allowing new growth in Cambria whether thru water offsets, and/or allowing new home or commercial construction while Cambria is under a Stage 3 Water Shortage emergency condition.

Below, in italics, are excerpts from the CA Coastal Commission staff report on 9/19/14 for the Kingston Bay development project which was proposed in Cambria in 2014 (Application #A-3-SLO-13-0213). The analysis regarding the lack of water to allow new development in Cambria is clear. The explanation of Cambria's "pipeline" projects is also helpful. Commission staff describes the lack of water for protection of local Coastal Creeks and resources. (the applicant withdrew this project. *emphasis* Webb)

Applicant: Kingston Bay Senior Living, LLC

"the project is inconsistent with the LCP's requirement that there be an adequate water supply available to serve new development.

The County's action raises substantial LCP water resource issues because: (1) Cambria does not have an adequate water supply to support the project;

the project is inconsistent with LCP policies and standards that require that the community's water supply be adequate to support new development. Not only is Cambria's water supply inadequate to meet the existing domestic demand of its urban users, the water supply is inadequate to ensure that pumping does not adversely affect coastal resources, such as the sensitive riparian habitats of Santa Rosa and San Simeon Creeks. Moreover, the water supply is inadequate to support the project's additional non-visitor serving water demand. The LCP prohibits approval of new development that has not demonstrated that there is adequate water supply, and the LCP expressly provides that failure to demonstrate an adequate water supply is grounds for denial.

Cambria's lack of water that prohibits the proposed use, and the project could become consistent with the LCP once Cambria has an adequate water supply capacity available to serve the project.

The County provides no analysis as to why such status renders it consistent with CZLUO Section 23.04.430, which requires that an adequate water supply be available to serve new development.

Although the Commission and the County have in certain cases allowed “pipeline projects” to proceed as long as they verified their water demand offsets⁵ (which was initially required as a condition of approval and was later codified in the LCP as a development standard), such approach was always interim and focused on projects actually in the pipeline in 2001. These projects were allowed in part because they were considered to be in the pipeline and it was considered a matter of procedural fairness provided they would result in no new net increase in water withdrawals. This type of approach, when allowed, was always considered interim, including until more information regarding the effect water withdrawals were having on coastal stream and related resources was better understood. In other words, it was acknowledged that there was a water supply problem, and a subset of no-net increase projects would be allowed in the short term, until more information about the depth of the water supply problem was known.

It is now some thirteen years later and much more is known about the depth of the water supply problem in Cambria. In fact, Cambria’s water supply is currently in such a dire condition that, according to the CCSD, “the community stands a real chance of literally running out of water, forcing Cambrians to shut businesses and possibly even leave homes.”⁶

In an effort to avoid such drastic consequences, Cambria has been under mandatory enhanced water conservation measures and restrictions since January 2014. Even so, the CCSD has warned that Cambria will likely run out of water sometime between mid-October and mid-December of this year.⁷ This fact was the catalyst for the County’s approval of an emergency CDP for an emergency water supply project. However, this emergency project requires substantial additional environmental and agency review before it can be completed and brought online, and by the terms of the County’s emergency CDP, water from this facility could not be used to serve new development.

Most recently, questions have been raised about CCSD’s water rights, further complicating water supply issues in Cambria. Specifically, for the past several years the CCSD claimed water rights for up to 798 acre-feet per year from the Santa Rosa watershed and up to 1,230 acre-feet per year from the San Simeon watershed, which includes a maximum dry season diversion from San Simeon of no more than 370 acre-feet.

Apparently, however, the CCSD allowed its permits to lapse some time ago and the CCSD is now authorized to use a total from both watersheds of less than half that amount.⁸ The implications of these reduced water rights is unclear, but it certainly only exacerbates the current water supply issues. The CCSD will apparently file petitions to request more time to reach the full amount of the requested water rights, but any consideration of authorizing water use above the currently available reduced amounts will be subject to review and determination from several agencies regarding the instream flows needed to protect habitat and species, as well as identification of mitigation measures needed as part of a Habitat Conservation Plan to

avoid “take” of listed species. These reviews may well require significant changes in the pumping regime the CCSD uses to produce a water supply from the two watersheds. **Available references show that both San Simeon and Santa Rosa Creeks are overdrafted and unable to adequately support some species, including the federally-endangered steelhead.**⁹

Moreover, as evidenced in the adopted findings for past appeal actions, **the Commission considers more than just the adequacy of the water supply to meet Cambria’s domestic water demand in its interpretation of CZLUO Section 23.04.430.** The Commission has interpreted this standard to mean that the protection of significant coastal resources and coastal priority uses must also be considered when determining the adequacy of the water supply to support new development. Here, **Santa Rosa and San Simeon Creeks lack adequate water flows to ensure the protection of important coastal resources, such as those creeks’ sensitive riparian habitats.** Also, as analyzed further below, the County-approved Project is a residential use, raising questions as to whether adequate water is being reserved and maintained for coastal priority uses, as required by NCAP Planning Area Standard 2a (see **Exhibit E**).

In light of these current facts, **it cannot be concluded that any new development requiring water in Cambria, including the “pipeline projects,” can be found consistent with the County’s certified LCP policies and standards requiring that there is adequate water capacity available to serve the new development.** With such critical consequences looming currently and in the near future, all reasonable measures to protect the community’s remaining limited water supply and associated creek resources must be taken. Accordingly, **the Commission finds that the County’s approval of the Project raises a substantial issue in regards to its compliance with CZLUO Section 23.04.430 and NCAP Planning Area Standards 2a and 4, and NCAP Public Works Policy 1 because Cambria’s available water supply is inadequate to support the Project.**

Water Supply Resources Conclusion

In sum, the County-approved Project raises substantial conformance issues regarding its consistency with CZLUO Section 23.04.430, NCAP Planning Area Standards 2 and 4, and Public Works Policy 1 for several reasons, including at a very basic level that Cambria lacks a sufficient water supply to support the Project. Even the existing demand appears to be having deleterious effects on the Creeks, and it is not clear how additional water demand can be accommodated beyond that existing situation at this time.”

- In addition, it appears that 2:1 water offsets, used for home remodels and additions, contributed to a critical water shortage condition. Cambria has not employed a full time conservation officer for years and no monies remain in the conservation rebate program.
- WASTEWATER TREATMENT PLANT -Should be classified as a Level of Service III per the Regional Water Quality Control Board (RWQCB) March 2015 TMDL report. The RWQCB has held the CSD responsible for the nitrate overloads on San Simeon Creek causing degradation of this highly sensitive creek and lagoon area. The County Board of Supervisors

should recognize this recent Notice of Violations at the Cambria Wastewater Treatment Plant and change the WWTP to a LOS III.

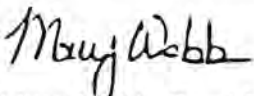
- ROADS - Highway One was considered a Level of Service D (next to the worst) by the Coastal Commission in its 2001 periodic review.
- Resource Capacity Studies are seriously lacking for Cambria. Among these studies are Instream Flow Studies that have been recommended for years but never performed on both San Simeon and Santa Rosa Creeks to determine their safe yield.
- In addition, the Cambria Build Out Reduction program and Cambria Forest Management Plan must be fully funded prior to the issuance of building permits for new construction.

The North Coast Advisory Council (NCAC) voted unanimously on June 18, 2014 to recommend the Cambria Service Area "be certified a Level of Severity III" by the Board of Supervisors. In addition the NCAC asked *"to see credible Resource Capacity Studies of groundwater basins county wide, and adoption of them, with credible certified levels of Service, by the Board of Supervisors, so that these proposed amendments that take the trigger for required WSA's up to LOS 2. Assessment of the resource prior to allocation is our priority."*

Greenspace agrees with the North Coast Advisory Council that the Board of Supervisors should Certify Cambria as a Level of Severity III in water supply and would also add the a Level of Severity III to the Wastewater Treatment Plant.

We ask that the Council **"strongly urge and advise San Luis Obispo County to not approve permits for new home/commercial construction that would be provided water services by the CSD in Cambria until a long term water supply has been approved by regulatory agencies and is in operation"** considering the above analysis and Cambria's long standing issues with water, development and need for protection of our local coastal creeks and aquifers for both people and wildlife.

Respectfully submitted,



Mary Webb, President
Greenspace-the Cambria Land Trust



P.O. Box 533
Cambria, CA 93428
(805) 924-1930
www.northcoastadvisorycouncil.org

June 20, 2014

Airlin Singewald
County of San Luis Obispo Planning Department
976 Osos Street #300
San Luis Obispo, CA 93408

RE: LRP2013-00012 COUNTY OF SLO Five (5) proposed general plan or ordinance amendments.

– Proposed county-wide retrofit-on-sale ordinance, with possible triggers for remodels and room additions. The North Coast Advisory Council recommends:

- Set a specific standard of high-efficiency for water using fixtures for all properties (residential, commercial...), even homes built post-1994, since there have been increases in efficiency of fixtures since then. Apply it county-wide, not only in unmanaged groundwater basins certified at Level of Service III. Adding time and costs for sellers is of secondary importance to conserving water.
- If County standards are more water-conserving than those of Nipomo, Los Osos and Cambria, they should override those area and district ordinances.
- In response to retrofit-on-sale of agricultural properties requiring modernization of irrigation systems: yes, county-wide.

*** 2 – Proposed ordinance amendments to require Water Supply Assessments for all new land divisions within certified LOS III groundwater basins. The North Coast Advisory Council recommends:**

- Although this advisory council area of Supervisorial District 2 contains no certified LOS III groundwater basins, the Cambria CSD did declare a water resource LOS III in 2001. That LOS III has not been certified by the Board of Supervisors. We would like to see credible Resource Capacity Studies of groundwater basins countywide, and adoption of them, with credible Levels of Service, by the Board of Supervisors, so that these proposed amendments might apply to new land divisions countywide. Ideally, the County might consider amendments that take the trigger for required WSAs up to LOS II. Assessment of the resource prior to allocation is our priority.
- We request that the Cambria service area be certified LOS III.

3 – Proposed ordinance amendments to establish new landscaping requirements for all new construction, remodels, additions and all other private and public development(s). The North Coast Advisory Council recommends:

- Exceptions should be provided for the planting of vegetables, fruit and nut-bearing trees, herbs – gardens for comestibles. Gardens for food production are a big part of life-style in this county.
- We highly recommend dry-farming where appropriate.
- A revised County approved plant list should stress plants native to and appropriate to specific areas of the County, i.e. maritime natives (coastal bluff), Monterey Pine forest, oak woodland, etc. These are the plants best adapted to precipitation patterns, are less likely to introduce pathogens to rare or endangered natives, and are associated with native fauna.
- If increased fire hazard is a concern, the revised County approved plant list might make every effort to list options which are both low water using and fire resistant.
- Perhaps amendments should focus on every means of capture of roof run-off and on-site cisterns and tanks to store for landscaping purposes, as well as systems for use of non-potable water, rather than the types of plantings.
- Limitation of water features should be considered.

4. Proposed requirements for offsetting new water demand from new development. The NCAC has no comment.

5. Proposed new water waste ordinances. The NCAC recommends:

- There should be strong enforcement provisions.
- Applicability should be countywide.

The NCAC strives to develop a unified, cooperative effort among individuals, organizations and public jurisdictions.

Page 2

- *Additional limitations to those listed in the referral document: limit laundering of sheets and towels per customer request in visitor-serving lodging facilities; limit filling and refilling of hot tubs and swimming pools – both commercial and residential (this would naturally have some impact on local life-style as well as visitor serving uses, i.e. motels, hotels, vacation rentals)*
- *Additional limitation to those listed in the referral document: prohibit, rather than "limit" overhead agricultural watering, if feasible for the crop(s) in question.*
- *Prohibit irrigation of land that is being done for the purpose of establishing water use..*

Respectfully,



Bruce Fosdike
NCAC Chairman

BF/lh



P.O. Box 533
Cambria, CA 93428
(805) 924-1930

www.northcoastadvisorycouncil.org

October 21, 2014

Airlin Singewald
County of San Luis Obispo Planning Department
976 Osos Street #300
San Luis Obispo, CA 93408

RE: DRC2014-00011 CIBBS APN 023-083-015

Proposed Minor Use Permit for a tear down of a 588 square foot 1 bedroom/1 bath Single Family Residence at 2194 Andover on east Lodge Hill, and construction of a 3,335 square foot, 4 bedroom/4.5 bath Single Family Residence and garage at 2090 Sherwood Drive on Marine Terrace. The new building is classified by CCSD as a remodel/reconstruction, and will be served by a transfer of water meter from the Andover parcel.

At it's meeting on October 15, 2014, the North Coast Advisory Council voted to recommend denial of this project, due to a resolution passed earlier this year stating that no new construction in Cambria should be approved by the County until a permanent new water source is in operation.

Respectfully,

Bruce Fosdick
NCAAC Chair

BF/llh

August 25, 2014

Airlin Singewald
County of San Luis Obispo Planning Department
976 Osos Street #300
San Luis Obispo, CA 93408

RE: DRC 2013-00112 CAMBRIA CSD

Applicant is proposing the follow-up development plan/CDP for a 250 AFY capacity back-up brackish water supply project on San Simeon Creek.

Due to the project's significant adverse effects on coastal resources, the fact that regulatory agencies characterize the project design as insufficient, non conforming, and potentially hazardous to the health and safety of people as well as wildlife, and the fact that the project lacks sufficient and enforceable mitigation.

The North Coast Advisory Council finds that the current CDP application is insufficient for review and the project evidently incompatible with coastal requirements and policy and other requirements and law, so that the project may change substantially. Until we know what the project is, we cannot make a recommendation. We would like to do so after the project has been revised and a revised application (project description) provided.

Respectively,

Bruce Fosdike
NCAC Chairperson

BF/lh

NCAC Motion Regarding Water As It Relates To Land Use

Posted on March 20, 2014 by Roland Goudle

NCAC Motion regarding water as it relates to Land Use

Whereas, on January 31, 2014 the Cambria Community Services District (CCSD) Board of Directors declared a Title 4 Stage 3 Water Shortage Emergency Condition and implemented Stage 3 Water Conservation Program with enhanced water conservation measures enacting severe penalties for violations.

Whereas, the CCSD Board of Directors has found that the demands and requirements of water consumers cannot be satisfied without depleting the water supply of the CCSD to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

Whereas, the groundwater supply for Cambria, California, is no more than 150 Acre Feet.

Whereas, the CCSD Water Production Report shows increased water use in 2013 and the highest amount of water used in a single month of January in 26 years.

Whereas, extremely dry conditions have persisted since 2012 and may continue beyond this year and more regularly into the future, based on scientific projections regarding the impact of climate change on California.

Whereas, water is not available to support all elements of the North Coast Area Plan, and Title 23 (Coastal Zone Land Use Ordinance), and the Local Coastal Plan.

Therefore, be it resolved, that the North Coast Advisory Council strongly urges and advises San Luis Obispo County to not approve permits for any new home or commercial construction that would be provided water services by the CSD in Cambria, CA until a long term water supply project for Cambria, CA has been approved by regulatory agencies and is in operation and;

that San Luis Obispo County approve permits for remodeling within the Cambria Community Services District on the condition that no additional fixtures are added and all existing fixtures are replaced with current 2 to 1 water savings requirements.

Passed unanimously by a vote of 10-0

North Coast Advisory Council meeting 3/19/14

Posted in Agendas and Minutes

<http://northcoastadvisorycouncil.org/2014/03/>



P.O. Box 533
Cambria, CA 93428
(805) 927-1934
www.northcoastadvisorycouncil.org

August 23, 2013

Cambria Community Services District
1316 Tamson Drive #201
Cambria, CA 93428

To Whom It May Concern:

At their August 21st meeting the North Coast Advisory Council approved a motion to submit to the CCSD, a NCAC majority position opposing the issuance of intent to serve letters until a verifiable water source is identified.

Respectively,

Claudia Harmon Worthen
NCAC Chairperson

CHW/lh

Cc: SLO Board of Supervisors – Frank Mecham, Bruce Gibson, Adam Hill, Debbie Arnold

The NCAC strives to develop a unified, cooperative effort among individuals, organizations and public jurisdictions interested in furthering sound community development, resulting in a positive quality of life in the North Coast Area.

Nicole Retana

To: swartcr@earthlink.net
Cc: Brandi Cummings
Subject: RE: Hearing Request on DRC2015-00097 ORELLANA Permit Application

Mr. Swartz

We have received your request for hearing on **TIM & TARYN ORELLANA (DRC2015-00097)**. The hearing will be held on **June 17, 2016 at 9:00am**. The FINAL agenda will be available online at <http://www.slocounty.ca.gov/planning/meetings.htm?> **Monday, June 13, 2016**, close of business.

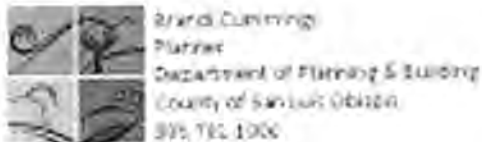
If you have any questions please feel free to contact the Project Manager, Brandi Cummings at (805)781-1006 or myself at the number below.

Thank you,

Nicole Retana, Secretary
County of San Luis Obispo
Planning and Building Department

From: Brandi Cummings
Sent: Friday, June 10, 2016 3:08 PM
To: Nicole Retana <nretana@co.slo.ca.us>
Subject: Fw: Hearing Request on DRC2015-00097 ORELLANA Permit Application

Another hearing request



From: swartcr@earthlink.net <
Sent: Friday, June 10, 2016 2:55 PM
To: Brandi Cummings
Cc: Matt Janssen; Bruce Gibson; Cherie McKee; Airlin Singewald
Subject: Hearing Request on DRC2015-00097 ORELLANA Permit Application

Dear Brandi,

The Cambria Forest Committee has reviewed the Orellana Permit application and would like to request a hearing on this matter. The attached letter outlines our objections to approving this project during the Cambria Stage 3 Water Shortage Emergency.

Thank you for your consideration of our request.

Regards,
Crosby Swartz, Chairman
Cambria Forest Committee
forest@cambriaforestcommittee.org
805 203-5134

ATTACHMENT 07
CAMBRIA FOREST COMMITTEE
TO CONSERVE AND MANAGE THE NATIVE FOREST OF CAMBRIA

June 10, 2016

To: Brandi Cummings, bcummings@co.slo.ca.us
cc: Matt Janssen, mjanssen@co.slo.ca.us
Bruce Gibson, bgibson@co.slo.ca.us
Cherie McKee, cmckee@co.slo.ca.us

Subject: Comments on DRC2015-00097 ORELLANA Permit Application

The Cambria Forest Committee has reviewed the Orellana permit application and recommends not approving this project for the following reasons.

Cambria is currently under a declared Stage 3 Water Shortage Emergency Condition. CCSD Title 4 Appendix 4.12C states "The use of potable water for service to any properties where buildings are not under construction is prohibited." Until the Stage 3 Emergency Condition is lifted, the development proposed by this permit would violate the County requirement that water service is available for the project prior to permit approval.

When an existing water position is transferred to this parcel from a different parcel, a restrictive covenant must be executed and recorded by the County on both the sender parcel and the receiver or alternate designated parcel prior to the transfer becoming effective. "The restrictive covenant shall require the permanent merger of all lots contained in the receiver parcel, and the sender or alternate parcel shall be permanently restricted from water service" The requirements for the restrictive covenant are specified in CCSD Title 8, Chapter 8.4, Section 8.04.100 (B)(4) and (B)(7).

The proposed "project limit area", protection of native vegetation, plan requirements, notice of pending tree removal, construction practices, and replacement of vegetation shall be in accordance with the North Coast Area Plan Chapter 7, Paragraphs B1(A) thru B1(G), attached.

The Cambria Forest Committee recommends that this permit application be denied. We would like to request a hearing on this matter. Thank you for your consideration of our comments.

Yours truly,



Crosby Swartz, Chairman
Cambria Forest Committee
forest@cambriaforestcommittee.org

COMBINING DESIGNATIONS: The following standards apply to lands in the Local Coastal Plan (LCP) combining designations, as listed below.

1. **Monterey Pine Forest Habitat (SRA) (TH) - Purpose.** The purpose of these standards is to minimize tree removal and avoid impacts to the sensitive Monterey pine forest habitat. Applications for development within this SRA may require the preparation of a biological report, depending on the result of a mandatory site review. In the event that the site review indicates that the site may contain environmentally sensitive habitat areas as defined in Coastal Act section 30107.5, a biological report that includes information identified in Section 23.07.170 of the Coastal Zone Land Use Ordinance, as well as any additional information needed to address the development standards below, shall be required. The determination of the need for a biology report shall consider factors including but not limited to the size and connectivity of the forest area, potential presence of special status plant or animal species, and the health and condition of the forest area.

All development within Monterey pine forest (TH) shall include the following minimum standards:

- A. A "project limit area" shall be established in a manner that avoids Monterey pine forest impacts to the maximum extent feasible, is located on the least sensitive portion of the site, and safeguards the biological continuance of the habitat. Particular attention must be given to locations which are part of larger continuous undisturbed forested areas, show signs of forest regeneration, include a healthy assemblage of understory vegetation, support other sensitive species, provide a solid tree canopy and species nesting areas, and that will minimize loss of Monterey pines, oaks, and forest habitat. The project limit area shall include all areas of the site where vegetation will need to be trimmed or removed for fire safety purposes.
- B. Applications for new development within the Monterey pine forest shall demonstrate that no native vegetation outside the "project limit area" shall be removed, except for trees identified as hazardous by a qualified professional. New development shall be sited to ensure that any required vegetation removal will be done fully on private property and will not encroach on any public lands or sensitive habitat areas. If development cannot be sited to avoid encroachment within sensitive habitat areas, such encroachments shall be minimized to the maximum extent feasible and appropriate mitigation in support of habitat restoration shall be required.
- C. **Plan Requirements.** All site, construction and grading plans submitted to the County shall identify by species and diameter all Monterey pine trees that are six inches or more in diameter 4.5 feet above ground and oak trees four inches or more in diameter 4.5 feet above ground identified by species and diameter. The plans shall indicate which trees are to be retained and which trees are proposed for removal. In addition, such plans shall clearly show:

- (1) The "project limit area" shall include all areas of grading (including cut and fill areas, utility trenching and offsite improvements) and vegetation removal, the development footprint (i.e., all structures and/or site disturbance) necessary fire clearances and staging areas for all construction activities, the location of those activities, and areas for equipment and material storage.
- (2) Sturdy and highly visible protective fencing that will be placed along the 'project limit area'. Plan notes shall indicate this fence should remain in place during the duration of project construction to protect vegetation from construction activities.
- (3) Plan notes shall indicate native trees and undergrowth outside of the "project limit area" shall be left undisturbed.
- (4) Identify any necessary tree trimming. Plan notes shall indicate a skilled arborist, or accepted arborist's techniques, will be used when removing tree limbs.
- (5) Plan notes shall indicate wherever soil compaction from construction will occur within driplines that the compacted root zone area shall be aerated by using one of the following techniques:
 - a. Injecting pressurized water.
 - b. Careful shallow ripping that radiates out from the trunk (no cross-root ripping).
 - c. Other County-approved techniques.
- (6) Plan notes shall indicate no more than one-third of the area of the drip line around any tree to be retained should be disturbed, or as recommended in an arborist's or biologist's report.

D. Notice of pending tree removal application. Where Plot Plan approval is required for a tree removal permit, a notice shall be posted by the property owner or representative near the front property line on the subject site. The notice shall be maintained in good condition by the property owner until permit issuance.

E. Construction Practices. Construction practices to protect Monterey pines, oak trees and significant understory vegetation shall be implemented. These construction practices are to include at minimum;

- (1) All plan notes required in Standard C. above shall be implemented.
- (2) **Protective Measures.** Practices to protect root systems, trees and other vegetation shall include but not be limited to: methods prescribed in the Cambria Forest Management Plan; avoiding compaction of the root zone; installing orange construction fencing around protected areas shown on the site plan; protecting tree trunks and other vegetation from construction equipment by wood fencing or other barriers or wrapping with heavy materials; disposing of

waste, paints, solvents, etc. off-site by approved environmental standards and best practices; and using and storing equipment carefully.

- (3) **Stockpiling of Materials.** Materials, including debris and dirt, shall not be stockpiled within 15 feet of any tree, and shall be minimized under tree driplines as required by the land use permit and the Fire Safety Plan. Stockpiled materials shall be removed frequently throughout construction. All stockpiled materials shall be removed before final inspection.
- (4) **Construction Practices.** Excavation work shall be planned to avoid root systems of all on-site trees and trees on abutting properties. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.
- (5) **Driveway Placement.** When remodeling or replacing existing residences, avoid moving established driveways if trees or significant vegetation would be negatively impacted.

F. Replacement of Vegetation. Any Monterey pine trees that are six inches or more in diameter 4.5 feet above ground removed shall be replaced at a 4:1 ratio. Any oak trees that are four inches or more in diameter 4.5 feet above ground removed shall be replaced at a 6:1 ratio. All open areas of the site disturbed by project construction are to be seeded with native, drought and fire resistant species that are compatible with the habitat value of the surrounding forest. Replacement vegetation shall be planted in conformance with the following measures:

- (1) A replanting plan shall be prepared as a part of the application. Elements of this plan shall include the type, size and location of vegetation; a description of irrigation plans; and plan notes indicating compliance with the standards of this section. Any proposed on-site or off-site replanting plan must be approved by the County Planning and Building Department prior to issuance of building permits.
- (2) Container sizes for all replacement seedlings shall be one gallon, unless approved by the Director of Planning and Building. *Pinus radiata* var. *macrocarpa*, the native Monterey Pine tree, shall be used for replanting of any pine tree removed. **No out of area Monterey Pine stock shall be used.**
- (3) New trees shall be planted to reinforce the forest character on the site and in the street frontage, and to screen proposed development.

If insufficient area exists to plant all or any of the replacement vegetation on site, then the replanting plan shall identify an appropriate off-site area and owned or managed by an appropriate government agency or nonprofit organization.

If an off-site replanting is chosen, the replanting must occur with the review and approval of the Environmental Coordinator, and shall be verified by submittal of a letter from the appropriate agency or organization to the Environmental

Coordinator. All replacement conditions and monitoring measures (e.g., number of trees, maintenance, etc.) shall apply.

- (4) To prevent or reduce the spread of disease from pine pitch canker, bark beetles or other diseases affecting the forest, the following measures shall be followed:
 - a. Infected or contaminated material shall not be transported to areas that are free of the disease;
 - b. When cutting or pruning a diseased tree, tools shall be cleaned with a disinfectant before using them on uninfected branches or other trees;
 - c. Disease and insect buildup shall be avoided by promptly removing and disposing of dead pine material by either burning (where and when allowed), burying, tarping with clear plastic for six months, or chipping. If material is chipped, it should be left as a thin layer on site;
 - d. Plant material shall be covered or enclosed when it is taken off-site to avoid dispersal of material contaminated with bark beetles.
- (5) Prior to final building permit inspection, the applicant shall provide a letter to the County prepared by a qualified nurseryman or landscape contractor that the revegetation plan has been properly implemented; and
- (6) All new plants shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
- (7) Maintenance shall be often enough to keep weeds at least 3 feet away from each planting, provide adequate moisture to all plants, and ensure all other components (e.g., irrigation system, caging) are kept in good working order.
- (8) The health and maintenance of replacement vegetation shall be monitored at least once a year from the date of final building permit inspection for a period of time no less than three years, or until the vegetation is successfully established, whichever comes later. Monitoring reports shall be prepared by an expert competent in landscape planting and maintenance of the Monterey pine forest, and reports shall be submitted to and approved by the County.

- G. Understory Vegetation Removal.** No understory vegetation shall be removed until a permit has been issued or unless an immediate hazardous condition exists. Understory vegetation removal to create, improve, or maintain adequate defensible space and Fire Hazard Fuel Reduction shall be the minimum necessary. Evidence used to determine whether understory vegetation has been removed without a permit will include, but is not limited to, all photo documentation available. At the time of permit application, if there is evidence that the understory has been cleared without a permit or if there is evidence that the understory has been cleared outside of the approved 'project limit

area, 20 plants from the following list shall be planted on-site for every 1,000 square feet affected. At least four different species shall be used of approximately equal amounts. All plants shall be from container stock of one-gallon or less. All planting shall be subject to the "Replacement of Vegetation" requirements described above.

- (1) **Acceptable Species.** The following are considered acceptable for replacement: *Quercus agrifolia* (Coast Live Oak) – no more than two seedlings per 1,000 square feet

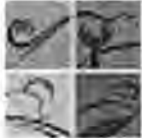
Arctostaphylos tomentosa (Manzanita)
Heteromeles arbutifolia (Toyon)
Rhamnus californica (Coffeeberry)
Rubus ursinus (California Blackberry)
Symphoricarpos mollis (Creeping Snowberry)
Vaccinium ovatum (Evergreen Huckleberry)
Ribes menziesii (Gooseberry)
Lonicera hispidula (Honeysuckle)

- H. **Clustering of Development Required.** Clustering shall be required for new land divisions or multi-family residential development projects within the Monterey Pine Forest I habitat areas. New land divisions or multi-family residential development shall ensure that all future development shall be located entirely outside of ESHA and necessary buffers consistent with Coastal Zone Land Use Ordinance Section 23.07.170. All of the ESHA and buffers shall be retained and protected as Open Space. When feasible, new development shall be restricted to slopes less than 20 percent.
2. **Flood Hazard (FH).** New development shall comply with Coastal Plan Policies for Hazards and the Flood Hazard provisions of the Coastal Zone Land Use Ordinance, and shall be reviewed for its relation to the Cambria Flood Mitigation Project. No new expanded development, except necessary public services and public access trails, shall occur within Flood Hazard areas until the County has implemented Phase I of the Cambria Flood Mitigation Project in a manner that is consistent with the protection of the coastal stream.
3. **Santa Rosa Creek (FH).** The following standards affect all land use categories in and adjacent to Santa Rosa Creek, as shown on Figure 7-4.
- A. **Biological Viability.** Proposed development, including grading, and water well extractions, shall maintain the ecological viability of Santa Rosa Creek (as determined by the County in consultation with the appropriate State or federal agency), including the riparian corridor, stream channel, wetlands, and accompanying marine habitat.
- B. **Channelization or Filling in Floodways.** Channelization or fill in the undeveloped floodway (active channel) and floodway fringe (flood plain) of Santa Rosa Creek shall be prohibited unless such development is consistent with Coastal Act Section 30236 and other applicable provisions of the LCP (see Figure 7-4).
- C. **Creek Setbacks and Habitat Protection.** All new development shall be set back a minimum of 100 feet from the upland edge of riparian vegetation. Setbacks of less than 100 feet are allowed in accordance with Section 23.07.174d.2 of the Coastal Zone Land Use Ordinance. Recreational trails shall be sited outside of areas with riparian vegetation.

Nicole Retana

From: Brandi Cummings
Sent: Thursday, June 09, 2016 5:06 PM
To: Nicole Retana
Subject: Fw: Recommend denial of new construction

For Orellana



Brandi Cummings
Planner
Department of Planning & Building
County of San Luis Obispo
805.781.1006

From: Airlin Singewald
Sent: Thursday, April 21, 2016 9:41 AM
To: Brandi Cummings
Subject: Fw: Recommend denial of new construction

Airlin Singewald
San Luis Obispo County
Department of Planning and Building
(805) 781-5198
asingewald@co.slo.ca.us

----- Forwarded by Airlin Singewald/Planning/COSLO on 04/21/2016 09:41 AM -----

From: bizorders@mac.com
To: thefoz@att.net
Cc: Mary Webb <webb.mary599@gmail.com>, bgibson@co.slo.ca.us, board@camabriacsd.org, jgruber@camabriacsd.org, kentopping@aol.com, Daniel.Robinson@coastal.ca.gov, asingewald@co.slo.ca.us
Date: 04/20/2016 07:37 PM
Subject: Recommend denial of new construction

North Coast Advisory Council
P.O. Box 533
Cambria, CA 93428
thefoz@att.net

Dear Chairman Fosdike and Council members,

We join those urging the NCAC to recommend denial of the Orellana and Papendorf projects (APN 023-067-008 and APN 022-171-020) and indeed to continue to deny any new residential or commercial projects until such time as a long-term water supply project for Cambria is approved by by all regulatory agencies and is in operation. The residents of Cambria are living under a Stage 3 Water Shortage Emergency condition and the new emergency water project was clearly implemented with the intention that it is for "existing residents only."

When deliberating, please consider all of the following and vote to recommend denial:

ATTACHMENT 07

1. NCAC letter to SLO County Planning on 6/20/14 LRP2013-00012 that the NCAC *"requests that the Cambria Service area be certified LOS III."*
2. NCAC letter to SLO County Planning on 8/25/14 DRC2013-00112 Cambria CSD Emergency Water Project finding that *"the current CDP application is insufficient for review and the project evidently incompatible with with coastal requirements and policy and other requirements and law, so that the project may change substantially. Until we know what the project is, we cannot make a recommendation. We would like to do so after the project has been revised and a revised application (project description) provided."* No new EWS project information has been sent to NCAC since that time and the CSD has still not completed their application for the emergency water project.
3. NCAC letter to SLO County Planning on 8/23/13 that *"NCAC approved a motion to submit to the CCSD, a NCAC majority position opposing the issuance of intent to serve letters until a verifiable water source is identified"*.
4. Project is inconsistent with CZLUO 23.04.430 - Availability of Water Supply and Sewage Disposal Services.
5. Project is inconsistent with CSD's declaration of a Stage 3 Emergency Water Shortage Condition. Cambria has been under mandatory enhanced water conservation measures and the community us under water restrictions since January 2014.
6. Project may be inconsistent with Local Coastal Plan requirement that 20 percent of Cambria's water supply be reserved for visitor-serving and related commercial uses , NCAP Planning Area Standard 2a
7. Project is inconsistent with the terms of the County's emergency CDP, *"water from the Emergency Water Project cannot be used to serve new development."*
8. Project may be inconsistent with findings supporting a conclusion that the Project would not adversely impact Santa Rosa and San Simeon Creeks. NCAP Planning Area Standard 4.

Yours sincerely,

Constance Faber
Zdravko Barov
2199 Sherwood Dr.
Cambria, CA 93428

CC:

District 2 Supervisor Bruce Gibson
Board of the Cambria CSD
General Mgr. CSD Jerry Gruber
Commissioner Ken Topping
CA Coastal Commission Rep. Daniel Robinson
SIO Planner Airlin Singewald
Mary Webb, Council Member, President Greenspace

Nicole Retana

From: Brandi Cummings
Sent: Thursday, June 09, 2016 5:06 PM
To: Nicole Retana
Subject: Fw: Orellana permit application
Attachments: Orellan project letter to NCAC.docx

Another Orellana



Brandi Cummings
Planner
Department of Planning & Building
County of San Luis Obispo
(805) 781-1006

From: Airlin Singewald
Sent: Thursday, April 21, 2016 9:41 AM
To: Brandi Cummings
Subject: Fw: Orellana permit application

Airlin Singewald
San Luis Obispo County
Department of Planning and Building
(805) 781-5198
asingewald@co.slo.ca.us

----- Forwarded by Airlin Singewald/Planning/COSLO on 04/21/2016 09:41 AM -----

From: Christine Heinrichs <christine.heinrichs@gmail.com>
To: Airlin Singewald <asingewald@co.slo.ca.us>, bgibson@co.slo.ca.us, board@camabriacsd.org, Jerry Gruber <jgruber@camabriacsd.org>, kentopping@aol.com, daniel.robinson@coastal.ca.gov
Date: 04/20/2016 06:01 PM
Subject: Orellana permit application

From: Christine Heinrichs <christine.heinrichs@gmail.com>

Date: April 20, 2016 at 2:10:31 PM PDT

To: Bruce Fosdike <thefoz@att.net>

Subject: Orellana permit application

20 April 2016

NCAC

C/O Bruce Fosdike, Chairman

Re: Orellana permit request

To the NCAC:

This application requests a permit to construct a new house in Cambria. Cambria remains under a Stage 3 Water Emergency and a Building Moratorium, subject to development of adequate water to serve even existing customers. Restrictions on water use for existing residents are still in

ATTACHMENT 07

effect. Because of these conditions and other considerations, this permit should not be granted. I strongly urge NCAC to recommend that San Luis Obispo County deny this permit.

The CSD now claims that the Emergency Water Project can be re-branded as 'Sustainable.'

However, the CSD's own documents state specifically that water from it should not be used to serve new customers: "serve as only the needs of Cambria's *current* residents and businesses" (emphasis CCSD information sheet,

<file:///C:/Users/Christine/AppData/Local/Microsoft/Windows/INetCache/IE/6U7Y2N9V/Emergency%20Water%20Supply%20QA%20-%20FINAL%20DRAFT%20for%20website%204-29-14.pdf>).

Permits for new home/commercial construction that would be provided water services by the CSD in Cambria should not be considered until a long-term water supply has been approved by regulatory agencies and is in operation. Cambria's long standing issues with water, development and need for protection of local coastal creeks and aquifers for both people and wildlife must be addressed before expanding the population and the resulting increase in demand for water.

Respectfully,

Christine Heinrichs
1800 Downing Ave.
Cambria, CA 93428

--

Christine Heinrichs

(See attached file: Orellan project letter to NCAC.docx)

Nicole Retana

From: Brandi Cummings
Sent: Thursday, June 09, 2016 5:07 PM
To: Nicole Retana
Subject: Fw: CSD allowing new home construction

Orellana



Brandi Cummings
Planner
Department of Planning & Building
County of San Luis Obispo
(805) 781-1906

From: Airlin Singewald
Sent: Friday, April 22, 2016 7:27 AM
To: Brandi Cummings
Subject: Fw: CSD allowing new home construction

Airlin Singewald
San Luis Obispo County
Department of Planning and Building
(805) 781-5198
asingewald@co.slo.ca.us

----- Forwarded by Airlin Singewald/Planning/COSLO on 04/22/2016 07:26 AM -----

From: Claudia Harmon <claudiamharmon@yahoo.com>
To: Airlin Singewald <asingewald@co.slo.ca.us>
Cc: Bruce Gibson <bgibson@co.slo.ca.us>, Steve Provost <sprovost@thetribunenews.com>, Ken Topping <kentopping@aol.com>, board@cambriacsd.org, Jerry Gruber <JGruber@cambriacsd.org>, thefz@att.net, California Coastal Commission <daniel.robinson@coastal.ca.gov>
Date: 04/21/2016 07:31 PM
Subject: CSD allowing new home construction

Hi Airlin,

You wield a lot of power in the planning department, as witnessed with your recommendation regarding the small cell tower on Park Hill. Please do the right thing and recommend denial of this new home construction and others during our stage 3 water shortage. There is no justification to start building *new* homes using additional water and sewer until we have our water and sewer situations settled. In 2013 *NCAC approved a motion to submit to the CCSO: "majority position opposing the issuance of intent to serve letters until a verifiable water source is identified"*. This project is inconsistent with the terms of the County's emergency CDP, *"water from the Emergency Water Project cannot be used to serve new development."*

The unilateral decision by the CCSO to increase our water/sewer rates to fund future growth is unconscionable. This project is inconsistent with CSD's declaration of a Stage 3 Emergency Water Shortage Condition. This project must be postponed. The citizens of Cambria will be adversely affected in many ways by building houses during our water shortage and building moratorium. Building new homes will adversely

ATTACHMENT 07

affect the impact on Santa Rosa and San Simeon Creeks. (NCAP Planning Area Standard 4)

By the way, this does not give an excuse or reason to push through a desal plant without the proper process. Right now the CSD hasn't completed their application for the emergency water project. *"the current CDP application is insufficient for review and the project evidently incompatible with with coastal requirements and policy and other requirements and law, so that the project may change substantially. To date a clear and proper project description has not been submitted."*

Thank you in advance for your support of the Cambria residents.

Claudia

Claudia Harmon Worthen

3. Direct link to ORELLANA referral package

DRC2015-00097 Orellana

Project Description: MUP

APN 023-067-008, 930 Drake Street

Proposed MUP for a new two story 3 bdrm., 2.5 bath sfr with attached 2 car garage. Single family residence of 3,572 SF. Monterey pine removal requires 4:1 replacement. Oak removal requires 6:1.

UNRESOLVED ISSUES INCLUDE:

*Cambria CSD declared a Stage 3 Emergency Water Shortage Condition-therefore there "have been changes to the capacities of the community's resources, including but not limited to water supply...such that there is no longer sufficient capacity remaining to serve project."

* No documentation of Will Serve or Intent to Serve letter containing name of current applicant (Orellana)

* Missing 1/13/16 letter "showing active transfer from 367 Ivar", APN 023-086-039

* No documentation of an "outstanding Intent to Serve" on sending or receiving parcel per CSD minutes of 5/22/14, Agenda Item 9D.

* No documentation approving extensions to this Intent to Serve past 2006

* Should Intent to Serve be allowed to build ahead of Affordable Housing Projects and other Intent to Serve applicants listed in 5/22/14 CSD minutes?

UPDATE:

CSD Gen. Mgr Gruber emailed the chair on April 6, 2016 stating *"The CCSD has no concerns relating to his project ,and will continue to honor it's active service commitment. The CCSD has determined that he has satisfied all of procedural requirements."* In addition Gen. Mgr. Gruber submitted an active service transfer agreement (attached) referencing Orellana name dated 5/30/14.

NCAC Land Use Committee Report:

CONSENSUS: Recommend Denial (8-2) considering the following:

1. NCAC letter to SLO County Planning on 6/20/14 LRP2013-00012 that the NCAC *"requests that the Cambria Service area be certified LOS III."*
2. NCAC letter to SLO County Planning on 8/25/14 DRC2013-00112 Cambria CSD Emergency Water Project finding that *"the current CDP application is insufficient for review and the project evidently incompatible with with coastal requirements and policy and other requirements and law, so that the project may change substantially. Until we know what the project is, we cannot make a recommendation. We would like to do so after the project has been revised and a revised application (project description) provided."* No new EWS project information has been sent to NCAC since that time and the CSD has still not completed their application for the emergency water project.
3. NCAC letter to SLO County Planning on 8/23/13 that *"NCAC approved a motion to submit to the CCSD, a NCAC majority position opposing the issuance of intent to serve letters until a verifiable water source is identified"*.
4. Project is inconsistent with CZLUO 23.04.430 - Availability of Water Supply and Sewage Disposal Services.

ATTACHMENT 07

5. Project is inconsistent with CSD's declaration of a Stage 3 Emergency Water Shortage Condition. Cambria has been under mandatory enhanced water conservation measures and the community is under water restrictions since January 2014.
6. Project may be inconsistent with Local Coastal Plan requirement that 20 percent of Cambria's water supply be reserved for visitor-serving and related commercial uses. NCAP Planning Area Standard 2a
7. Project is inconsistent with the terms of the County's emergency CDP, *"water from the Emergency Water Project cannot be used to serve new development."*
8. Project may be inconsistent with findings supporting a conclusion that the Project would not adversely impact Santa Rosa and San Simeon Creeks. NCAP Planning Area Standard 4.

Other properties owned by Orellana

013221023	Orellana Timothy S Tre Etal	Cambria	Residence	Select
022312012	Orellana Timothy S Tre Etal	Cambria	Land	Select
022312013	Orellana Timothy S Tre Etal	Cambria	Land	Select
023066012	Orellana Timothy S Tre Etal	Cambria	Residence	Select
023067008	Orellana Timothy S Tre Etal	Cambria	Land	Select
023371012	Orellana Timothy S Tre Etal	Cambria	Land	Select
082081060	Orellana Manuel F Tre Etal		Land	Select

I just got another new home construction.

Direct Link to PAPENDORF Referral Package

Proposed Minor Use Permit for a new home construction at 351 Norfolk St. in Cambria. Applicant holds many lots in Cambria.

Link to webpage for all referral packages: <http://www.slocounty.ca.gov/planning/referrals.htm>

Date: 04/14/2016

Planner: Airlin Singewald

Applicant Name: PAPENDORF

Case Number: DRC2015-00112

Project Description: MUP

APN(s): 022-171-020

Other properties owned by Papendorf

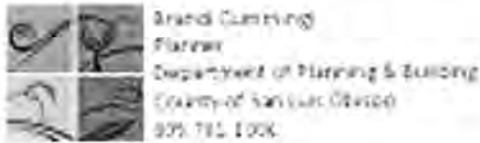
022171020	Papendorf Jeff B	Cambria	Land	Select
022212015	Papendorf Jeff B	Cambria	Land	Select
023205013	Papendorf Jeffrey B	Cambria	Land	Select
024362013	Papendorf Jeff B	Cambria	Land	Select

Nicole Retana

From: Brandi Cummings
Sent: Thursday, June 16, 2016 6:21 PM
To: Robert Fitzroy; Nicole Retana
Subject: Fw: Orellana SFD letter
Attachments: Orellana SFD Cambria letter 6.16.16.pdf

Importance: High

From Coastal - Orellana. I will bring a few copies as well.



From: Robinson, Daniel@Coastal <Daniel.Robinson@coastal.ca.gov>
Sent: Thursday, June 16, 2016 6:00 PM
To: Brandi Cummings; Robert Fitzroy; Airlin Singewald; Steve Mc Masters
Cc: Craig, Susan@Coastal; Kevin.Kahn_coastal.ca.gov
Subject: Orellana SFD letter

Hi folks, please see to it that this is distributed tomorrow morning prior to the hearing.

Again, we feel it is important to better understand (and agree on) the nature of the remaining properties in Cambria that find themselves in a unique water situation (be that pipeline project list/grandfathered/tract 1804, etc.) which could potentially be approved prior to a regular-CDP-approved water supply project. In the absence of this information, we feel it is best to postpone this hearing item at this time.

Thanks,
Daniel

CALIFORNIA COASTAL COMMISSION

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



June 16, 2016

Rob Fitzroy, Hearing Officer
 Department of Planning and Building
 976 Osos Street, Room 200
 San Luis Obispo, CA 93408

Subject: Orellana SFD, 930 Drake Street, Cambria

Dear Rob:

We understand that the Planning Department will have a hearing on a proposed single-family residence located at 930 Drake Street in Cambria, on June 17th, 2016. We have previously submitted comments on this project (related to water adequacy concerns) and have had a previous discussion with County planning staff on this project. Specifically, we met with County staff in late April of this year in San Luis Obispo, at which time we reiterated that we had concerns regarding this project with respect to the proposed water meter transfer from the property at 367 Ivar Street. During that meeting, Commission staff and County staff discussed identifying a specific subset of properties in Cambria with grandfathered or other unique water status. To date, we have not received information regarding the number and circumstances of the above-mentioned subset of properties and thus we feel it is best for the County to postpone this hearing until such time as this information has been fully vetted and understood and importantly, agreed upon, by both County and Commission staff. We were under the impression based on this meeting that this information and analysis and collaboration would be undertaken and completed prior to the Orellana project or other Cambria development projects being taken to a hearing. In the absence of this information, we continue to have concerns that this project can be found consistent with the LCP at this time.

As recently as late 2014, Commission staff has written formal findings on the water issue in Cambria as it relates to new developments (e.g., Kingston Bay Senior Living Facility and Fox single-family residence). In those findings, staff determined that new development in Cambria, absent a fully approved regularly permitted water supply project, would be inconsistent with the LCP's requirement that there be an adequate water supply available to serve new development (LCP Public Works Policy 1). Not only is Cambria's water supply inadequate to meet the existing domestic demand of its urban users at this time, the current water supply is inadequate to ensure that pumping does not adversely affect coastal resources, such as the sensitive riparian habitats of Santa Rosa and San Simeon Creeks. The LCP prohibits approval of new development that has not demonstrated that there is adequate water supply, and the LCP expressly provides that failure to demonstrate an adequate water supply is grounds for denial.

Although the Commission and the County have in certain cases allowed "pipeline projects" to proceed as long as they verified their water demand offsets (which was initially required as a condition of approval and was later codified in the LCP as a development standard), such

Rob Fitzroy
 Orellana SFD
 June 16, 2016
 Page 2

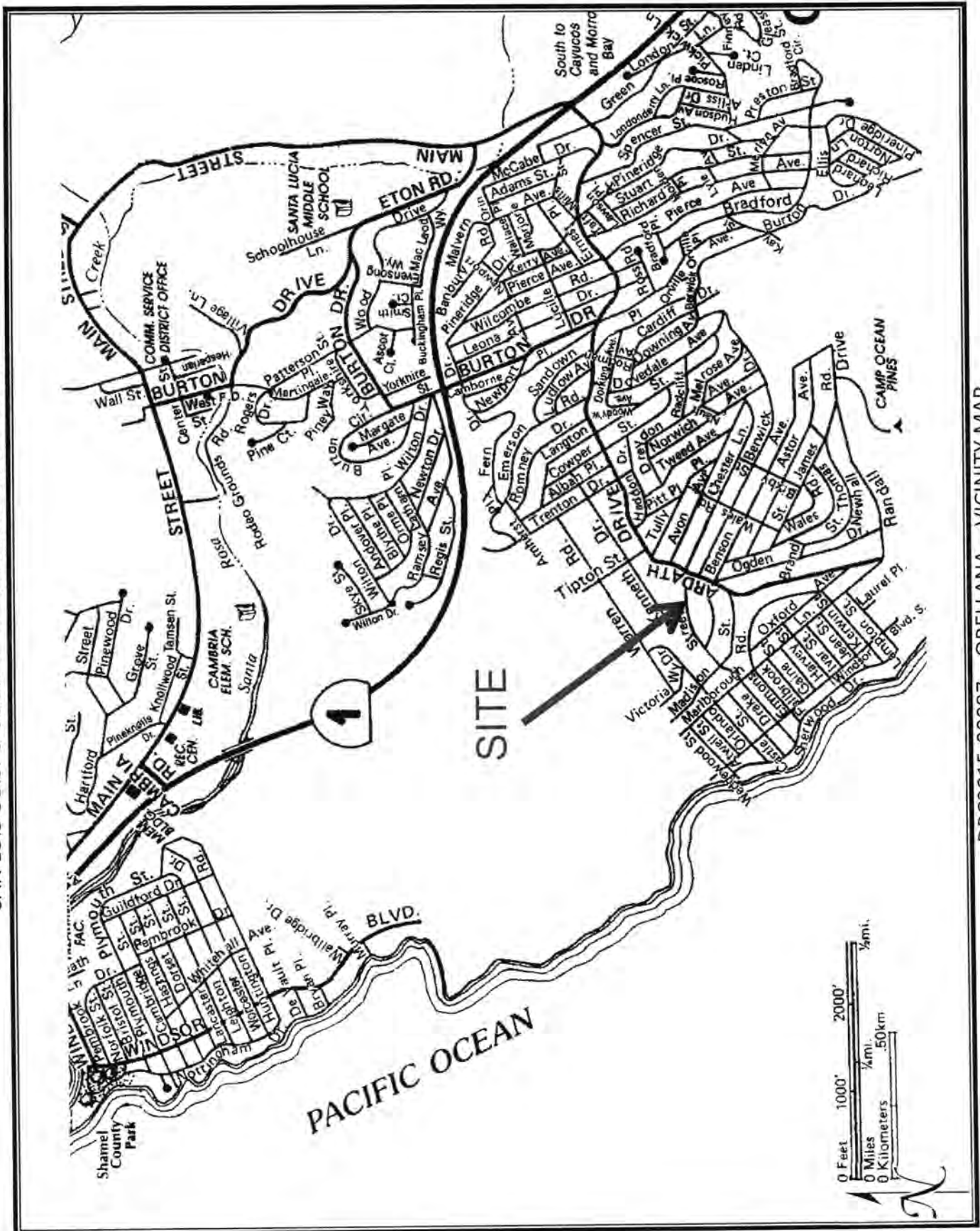
approach was always interim and focused on projects that were actually in the pipeline in 2001. These projects were allowed in part because they were considered to be in the pipeline and it was considered a matter of procedural fairness provided they would result in no new net increase in water withdrawals.

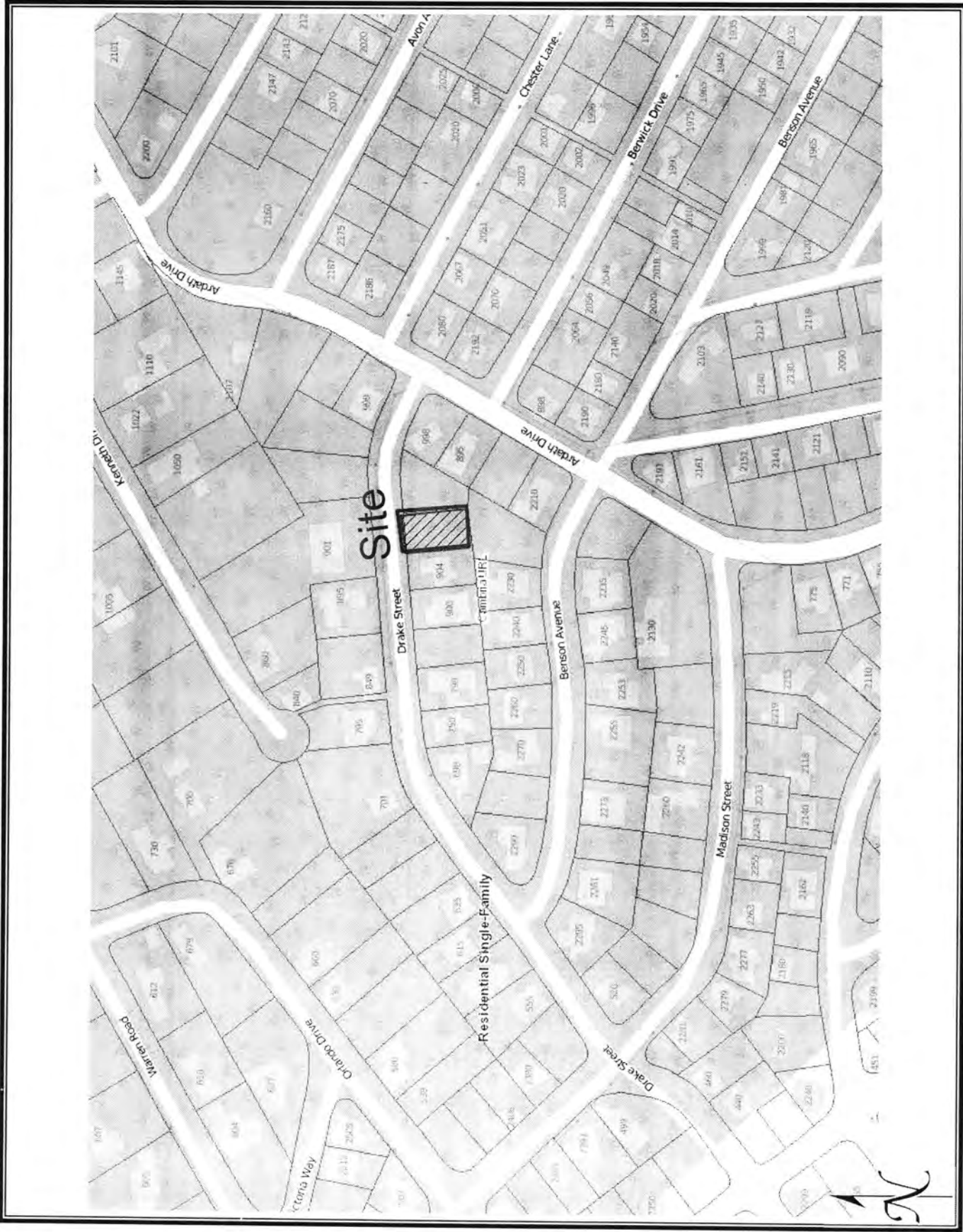
This type of approach, when allowed, was always considered interim, including until more information regarding the effect that water withdrawals were having on coastal streams and related resources was better understood. In other words, it was acknowledged that there was a water supply problem, and a subset of no-net increase projects would be allowed in the short term, until more information about the extent of the water supply problem was known. It is now some fifteen years later and much more is known about the extent of the water supply problem in Cambria.

As a result of this knowledge, and in an effort to avoid such drastic consequences, Cambria has been under mandatory enhanced water conservation measures and restrictions since January 2014. Further, the CCSD warned that Cambria was going to likely run out of water sometime between mid-October and mid- December of 2014. This claim was the catalyst for the County's approval of an emergency CDP for an emergency water supply project (ZON2013- 00589). However, this emergency project requires substantial additional environmental and agency review before it can be recognized as permanent (via a regular CDP), and by the terms of the County's emergency CDP, *water from this facility cannot be used to serve new development* (emphasis added).

Moreover, as evidenced in the adopted findings for past appeal actions, the Commission considers more than just the adequacy of the water supply to meet Cambria's domestic water demand in its interpretation of CZLUO Section 23.04.430. The Commission has interpreted this standard to mean that the protection of significant coastal resources and coastal priority uses must also be considered when determining the adequacy of the water supply to support new development. Here, Santa Rosa and San Simeon Creeks lack adequate water flows to ensure the protection of important coastal resources, such as those creeks' sensitive riparian habitats. Also the proposed project is a residential use, raising questions as to whether adequate water is being reserved and maintained for coastal priority uses, as required by NCAP Planning Area Standard 2a.

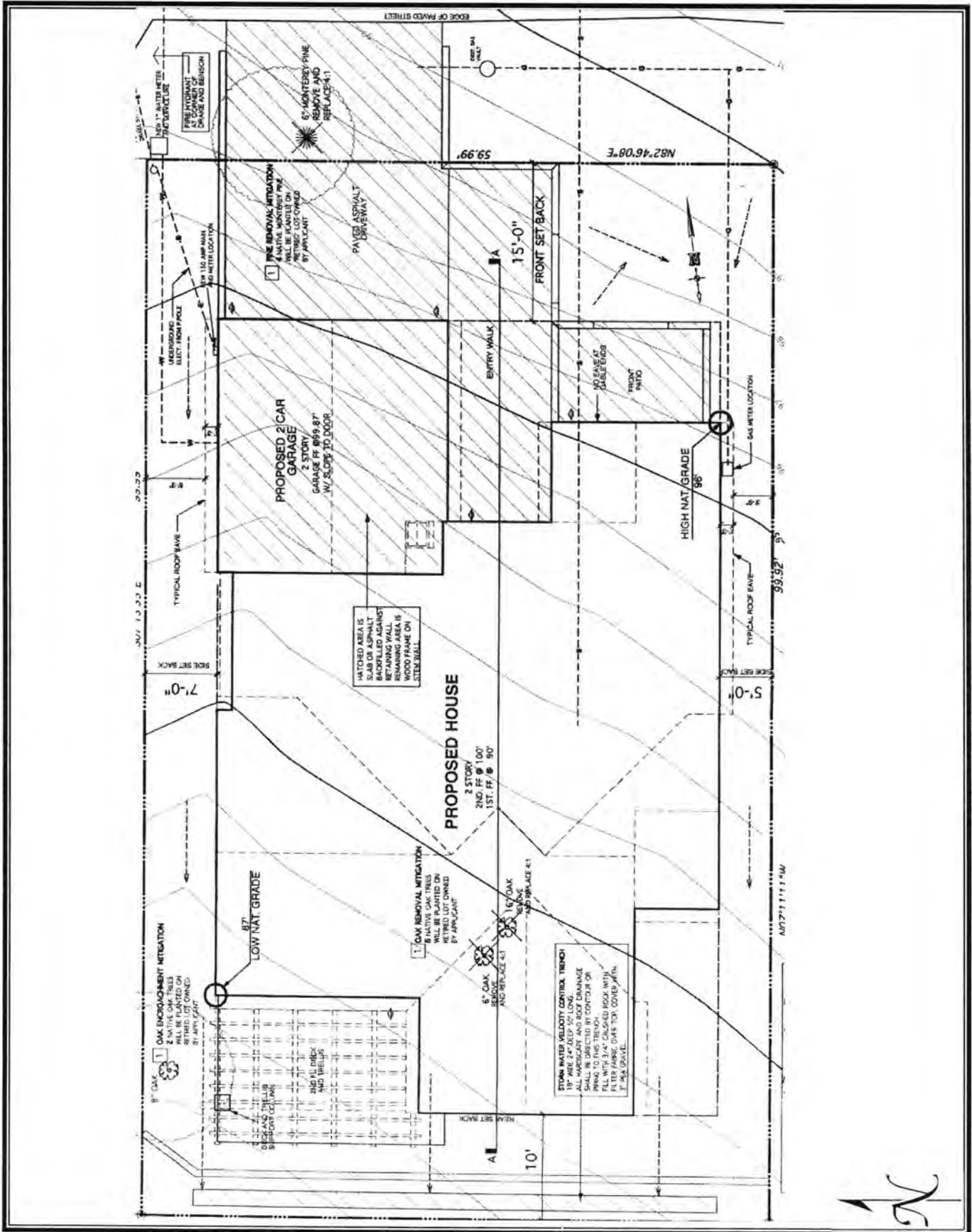
In light of these facts, it cannot be concluded that any new development requiring water in Cambria, including ones originally on the "pipeline project list" (as was the 367 Ivar Street property) or ones that have paid retrofit fees or continuously paid water fees, can be found consistent with the County's certified LCP policies and standards requiring that there is adequate water capacity available to serve the new development. With such critical consequences looming currently, and without certainty of a fully recognized and approved water supply project, all reasonable measures to protect the community's remaining limited water supply and associated creek resources must be taken.

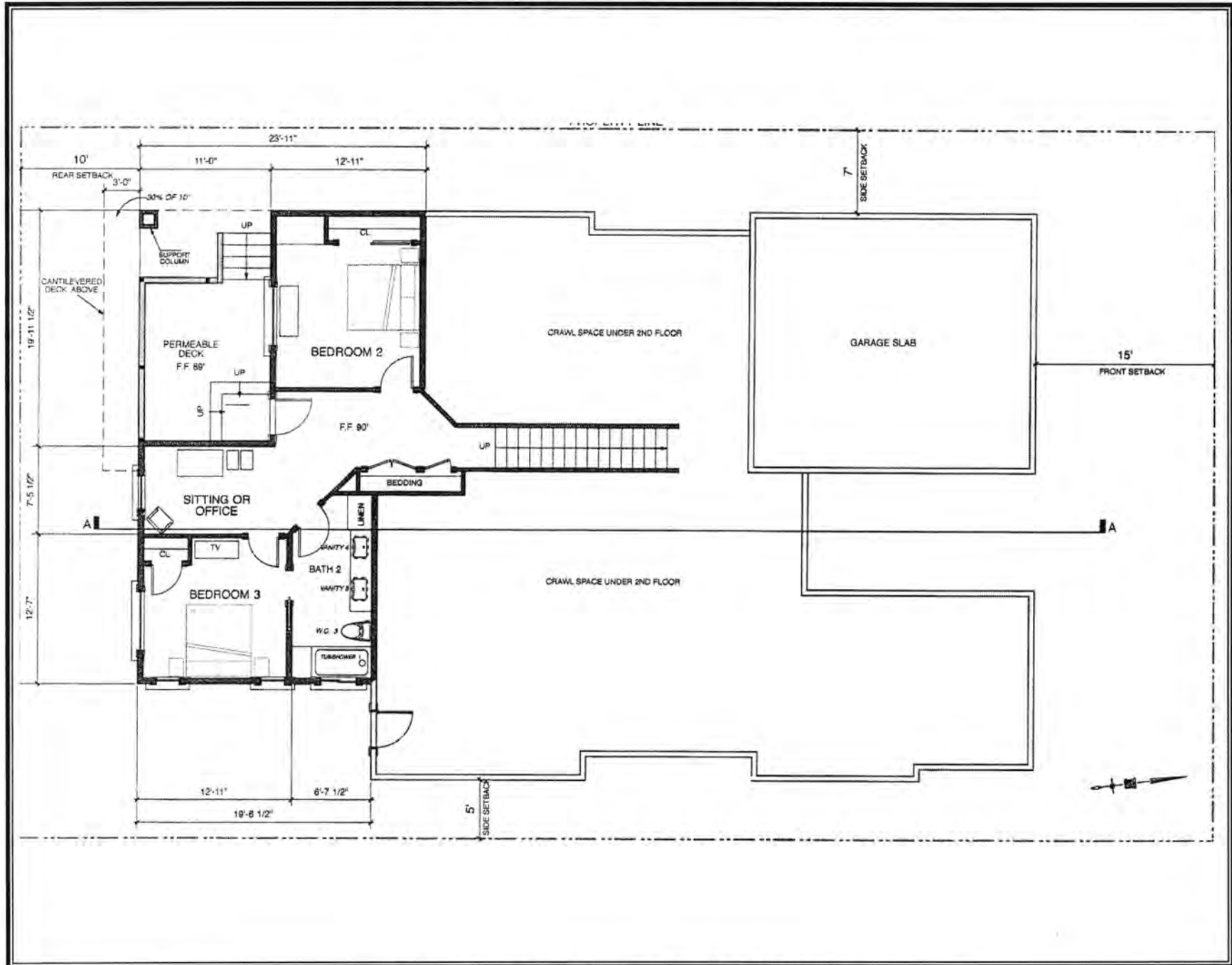




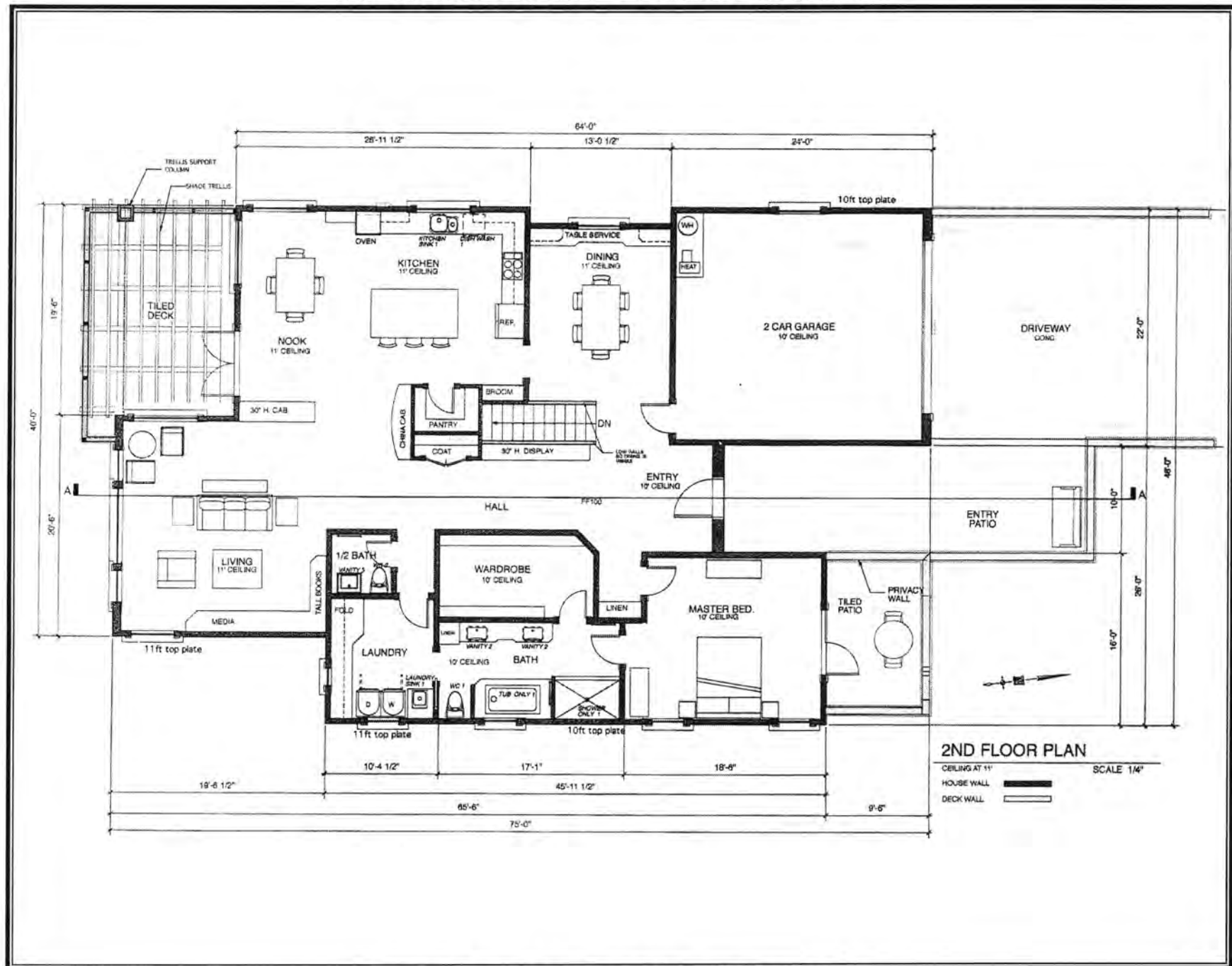


DRC2015-00097 – ORELLANA – AERIAL VIEW

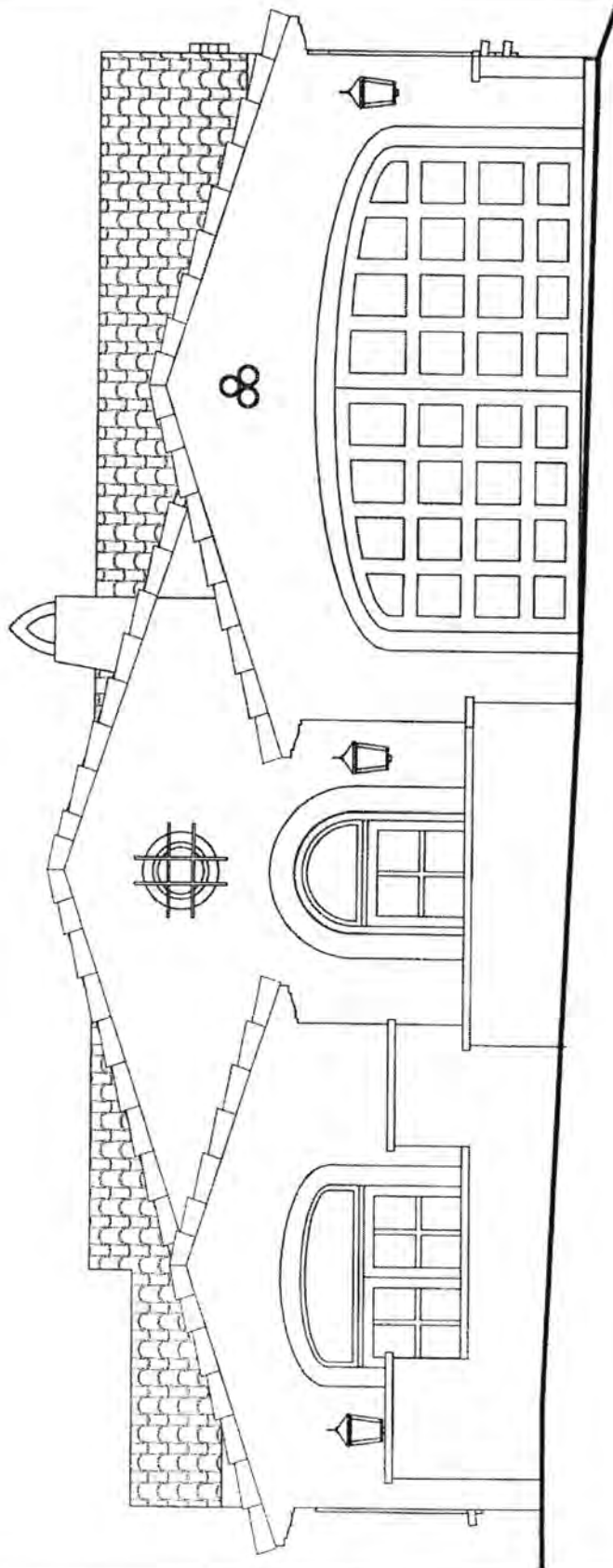


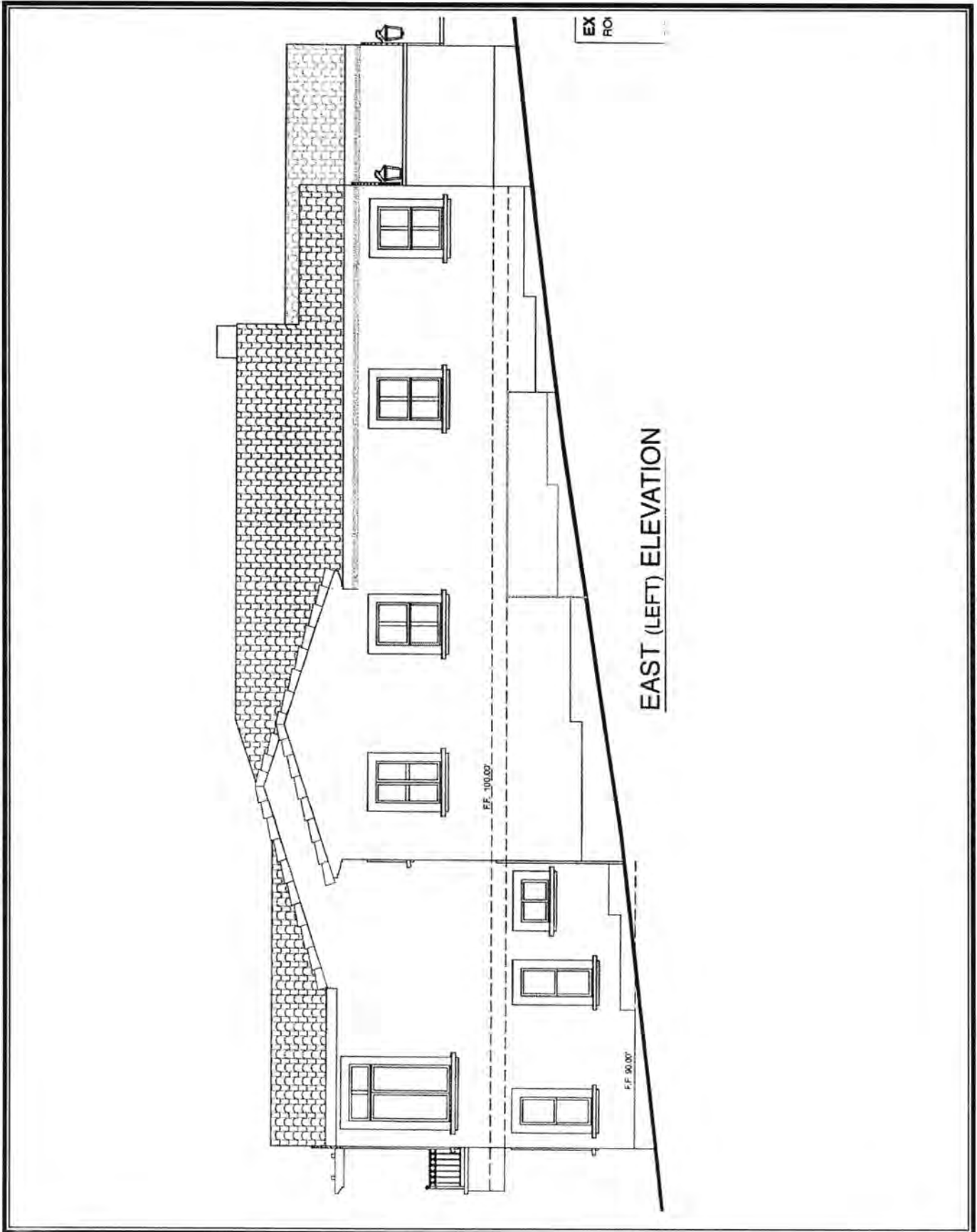


DRC2015-00097 - ORELLANA - 1ST FLOOR PLAN



DRC2015-00097 – ORELLANA – 2ND FLOOR PLAN

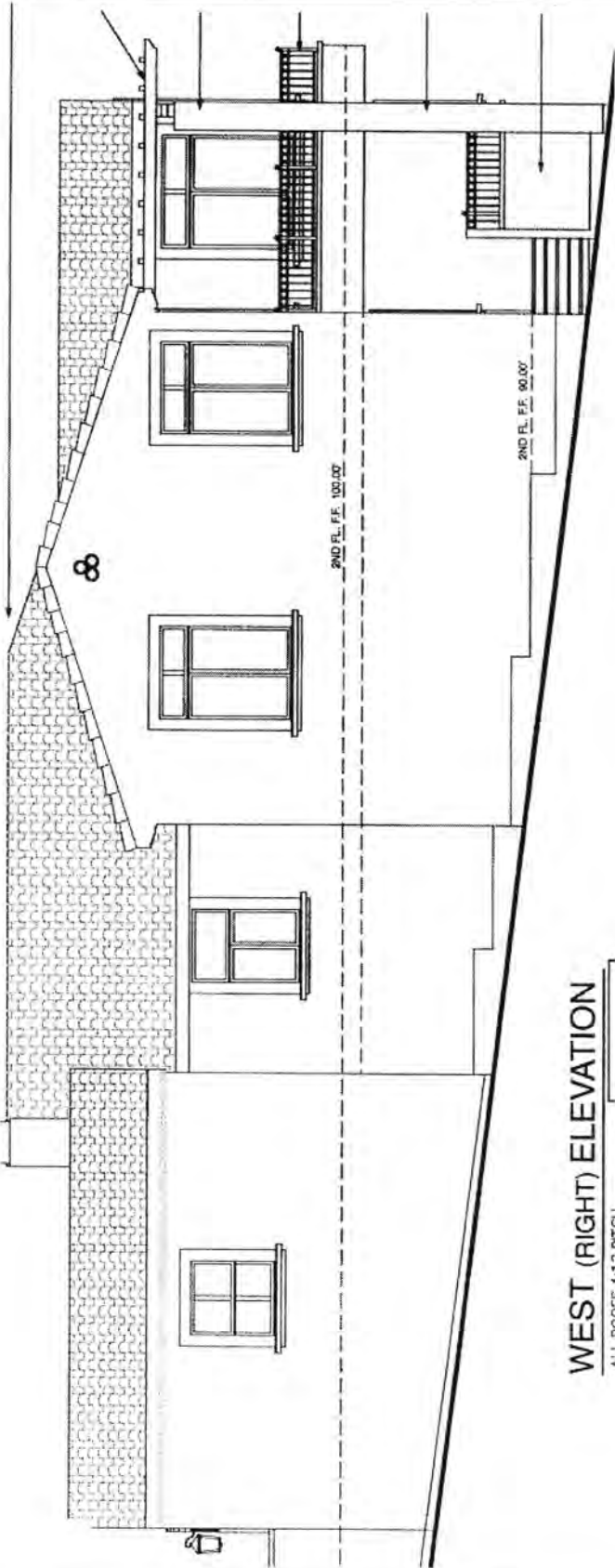




DRC2015-00097 – ORELLANA – EAST ELEVATION



DRC2015-00097 – ORELLANA – SOUTH ELEVATION



From: Blake Fixler
Sent: Monday, July 10, 2017 2:07 PM
To: BOS_Legislative Assistants; cr_board_clerk Clerk Recorder
Subject: FW: ORELLANA PROJECT Hearing July 11, Item 35

For your review.
Thank you.

Blake Fixler
Administrative Assistant III
Board of Supervisors
County of San Luis Obispo
www.slocounty.ca.gov
bfixler@co.slo.ca.us

From: Brandi Cummings
Sent: Monday, July 10, 2017 2:03 PM
To: Blake Fixler <bfixler@co.slo.ca.us>; Micki Olinger <molinger@co.slo.ca.us>
Subject: Fw: ORELLANA PROJECT Hearing July 11

Correspondence for tomorrow - Item 35. Please forward as appropriate and post.

Best,

Brandi Cummings

Planner II

bcummings@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
PLANNING & BUILDING

www.slocounty.ca.gov

www.sloplanning.org

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From: Mary <webb.mary599@gmail.com>
Sent: Wednesday, July 5, 2017 4:29 PM
To: Brandi Cummings; Susan Shaler
Subject: ORELLANA PROJECT Hearing July 11

Hi Brandi,

I did not see this letter (below) in the file on Orellana and thought it should have been included. The last staff report analyzes financial impacts on business but there is no mention of the financial impacts residents have had to bear with the water rationing in Cambria since 2014. The Stage 3 has been lifted but there is no analysis of why we should now add new homes in Cambria prior to having a new water supply approved by regulatory agencies and operating.

LINK TO ORELLANA:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/Proposal.html?select=7583>

Comment letters can be found on Attachment 7.

Mary Webb

orellana letter from shaler

Contact Us (response #3017)

Survey Information

Site:County of SLO

Page Title:Contact Us

URL:

Submission Time/Date:4/18/2016 11:47:15 AM

Survey Response

Name:

Susan Shaler

Telephone Number:

Email address:
law.queen@icloud.com

Comments or questions (8,192 characters max):

I own a home in Cambria where in recent years, due to water restrictions, I have been unable to do laundry, shower daily, or run my dishwasher, and my landscaping has been decimated. I have been unable to have overnight guests in my home. There were times when I forewent having dinner guests. Like many Cambrians, we also incurred the increased expense of having to truck water onto our property. All this occurred because of the water conditions and CCSD's responses. Currently, my household catches gray water in our showers and all sinks to help sustain the outdoor plants, some of which include old endangered Monterrey pines and redwoods. Now I also must pay the recently increased water fees and still suffer under Stage 3 water conditions and restrictions.

I learned projects, such as, the Orellana DRC 2015-00097 application to build a new 3,572 square foot single family dwelling at 930 Drake Street (currently undeveloped land), are pending approval. This property was last purchased in 2012, at a time when the buyer knew of the water and building restrictions in Cambria. The continued Stage 3 conditions and increases for current owners cannot be reconciled with approving new construction. I oppose the application on Drake Street, and others like it while Stage 3 conditions continue. in properly representing the interests of District 2, you should oppose such projects also.

If you do not oppose projects such as the one proposed for 930 Drake Street, I sincerely would like to understand why not, and would welcome your explanation.

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: Christine Heinrichs

Mailing Address: 1800 Downing Ave.

City: Cambria

Zip Code: 93428

Phone: 805-203-5018

SECTION II. Decision Being Appealed

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

2. Brief description of development being appealed:

Construction of a 3,046 square foot new single family residence with a 528 square-foot attached garage on a 6,000 square foot parcel

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

930 Drake Street, Cambria.

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

☐ Approval; no special conditions

☐ Approval with special conditions:

☒ Denial of appeal

RECEIVED

JUL 24 2017

CALIFORNIA
COASTAL COMMISSION

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-17-0040

DATE FILED: August 2, 2017

DISTRICT: Central Coast

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: July 11, 2017

7. Local government's file number (if any): DRC2015-00097

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:

Tim and Taryn Orellana
43550 John Warner Rd.
Temecula, CA 92592

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) Crosby Swartz
Chair, Cambria Forest Committee
PO Box 23
Cambria, CA 93428
- (2) Mary Webb
President, Greenspace – the Cambria Land Trust
1186 Hartford
Cambria, CA 93428
- (3) Connie Gannon
Executive Director
Greenspace – the Cambria Land Trust
PO Box 1505
Cambria, Ca 93428
- (4) _____

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Cambria has been under mandatory enhanced water conservation measures and the community under severe water restrictions since January 2014.

Project is inconsistent with Public Resources Code Section 30624(c) which is the SLO County goal of ensuring safe communities as described in their emergency permit ZON2013- 00589.

Project is inconsistent with CZLUO 23.04.430 - Availability of Water Supply and Sewage Disposal Services.

Project is inconsistent with Public Works Policy #1 that there is an adequate water supply available to serve new development.

DRC2013-00112 Cambria CSD Emergency Water Project application for a regular Coastal Development Permit remains incomplete since June of 2014

DRC2013-00112 Cambria CSD Emergency Water Project has not been properly analyzed through the CEQA process for consistency with the Local Coastal Plan

DRC2013-00112 Cambria CSD Emergency Water Project has not been subject to agency review thru an Environmental Impact Report for growth inducing effects and mitigation of new water supply.

Project may be inconsistent with Local Coastal Plan requirement that 20 percent of Cambria's water supply be reserved for visitor-serving and related commercial uses . NCAP Planning Area Standard 2a

Project is inconsistent with the terms of the County's emergency permit, authorizing the construction and operation of an emergency brackish water supply project to serve existing development within the Cambria Community Services District's service area. ZON2013-00589

Project likely to adversely impact Santa Rosa and San Simeon Creeks. Instream flow studies for both Creeks have not been conducted. NCAP Planning Area Standard 4.I

Project is inconsistent with SLO County's Growth Management Ordinance 26.01.010 – Title 26 of the San Luis Obispo County Code which sets Cambria's growth rate at 0% for the years 2016 - 2018 which establishes regulations "to protect and promote the public health, safety and welfare".

Project is inconsistent with Title 26 of SLO County's Growth Management Ordinance 26.01.030
b. Completion of existing construction permits. Construction of this project had not commenced and was not completed in accordance with the provisions of the County Code, including but not limited to: Title 19, Building and Construction Ordinance; Title 22, Land Use Ordinance; and Title 23, Coastal Zone Land Use Ordinance.

Requests made by Greenspace and the North Coast Advisory Council to SLO County Planning (LRP2013-00012) requesting that the Cambria Service area be certified LOS III remain unfulfilled and unanswered.


Cambria Water 2:1 offset program is not protecting local coastal residents and coastal creeks from groundwater overdraft as demonstrated by: a. Cambria CSD moved to disallow existing residents the right to use potable water to irrigate outdoor landscaping in a motion made Sept. 20, 2013. b. In locations relying on groundwater withdrawals, the CSDs are subject to regulation by the State Water Resources Control Board, Division of Water Rights (DWR). Cambria CSD monitoring well levels fell below the minimum requirement of 3 feet in Sept. of 2013, violating their groundwater extraction permit.

Mitigation for growth and resource protection remains inadequate: Cambria Forest Management Plan has not been not implemented or funded Cambria Build Out Reduction Plan not implemented or funded Analysis of impacts of Cambria CSD's "Pipeline Projects" and their expected water use is needed.

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:

19 July 17

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:

CALIFORNIA COASTAL COMMISSION

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

**June 16, 2016**

Rob Fitzroy, Hearing Officer
Department of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, CA 93408

Subject: Orellana SFD, 930 Drake Street, Cambria

Dear Rob:

We understand that the Planning Department will have a hearing on a proposed single-family residence located at 930 Drake Street in Cambria, on June 17th, 2016. We have previously submitted comments on this project (related to water adequacy concerns) and have had a previous discussion with County planning staff on this project. Specifically, we met with County staff in late April of this year in San Luis Obispo, at which time we reiterated that we had concerns regarding this project with respect to the proposed water meter transfer from the property at 367 Ivar Street. During that meeting, Commission staff and County staff discussed identifying a specific subset of properties in Cambria with grandfathered or other unique water status. To date, we have not received information regarding the number and circumstances of the above-mentioned subset of properties and thus we feel it is best for the County to postpone this hearing until such time as this information has been fully vetted and understood and importantly, agreed upon, by both County and Commission staff. We were under the impression based on this meeting that this information and analysis and collaboration would be undertaken and completed prior to the Orellana project or other Cambria development projects being taken to a hearing. In the absence of this information, we continue to have concerns that this project can be found consistent with the LCP at this time.

As recently as late 2014, Commission staff has written formal findings on the water issue in Cambria as it relates to new developments (e.g., Kingston Bay Senior Living Facility and Fox single-family residence). In those findings, staff determined that new development in Cambria, absent a fully approved regularly permitted water supply project, would be inconsistent with the LCP's requirement that there be an adequate water supply available to serve new development (LCP Public Works Policy 1). Not only is Cambria's water supply inadequate to meet the existing domestic demand of its urban users at this time, the current water supply is inadequate to ensure that pumping does not adversely affect coastal resources, such as the sensitive riparian habitats of Santa Rosa and San Simeon Creeks. The LCP prohibits approval of new development that has not demonstrated that there is adequate water supply, and the LCP expressly provides that failure to demonstrate an adequate water supply is grounds for denial.

Although the Commission and the County have in certain cases allowed "pipeline projects" to proceed as long as they verified their water demand offsets (which was initially required as a condition of approval and was later codified in the LCP as a development standard), such

approach was always interim and focused on projects that were actually in the pipeline in 2001. These projects were allowed in part because they were considered to be in the pipeline and it was considered a matter of procedural fairness provided they would result in no new net increase in water withdrawals.

This type of approach, when allowed, was always considered interim, including until more information regarding the effect that water withdrawals were having on coastal streams and related resources was better understood. In other words, it was acknowledged that there was a water supply problem, and a subset of no-net increase projects would be allowed in the short term, until more information about the extent of the water supply problem was known. It is now some fifteen years later and much more is known about the extent of the water supply problem in Cambria.

As a result of this knowledge, and in an effort to avoid such drastic consequences, Cambria has been under mandatory enhanced water conservation measures and restrictions since January 2014. Further, the CCSO warned that Cambria was going to likely run out of water sometime between mid-October and mid-December of 2014. This claim was the catalyst for the County's approval of an emergency CDP for an emergency water supply project (ZON2013- 00589). However, this emergency project requires substantial additional environmental and agency review before it can be recognized as permanent (via a regular CDP), and by the terms of the County's emergency CDP, *water from this facility cannot be used to serve new development* (emphasis added).

Moreover, as evidenced in the adopted findings for past appeal actions, the Commission considers more than just the adequacy of the water supply to meet Cambria's domestic water demand in its interpretation of CZLUO Section 23.04.430. The Commission has interpreted this standard to mean that the protection of significant coastal resources and coastal priority uses must also be considered when determining the adequacy of the water supply to support new development. Here, Santa Rosa and San Simeon Creeks lack adequate water flows to ensure the protection of important coastal resources, such as those creeks' sensitive riparian habitats. Also the proposed project is a residential use, raising questions as to whether adequate water is being reserved and maintained for coastal priority uses, as required by NCAP Planning Area Standard 2a.

In light of these facts, it cannot be concluded that any new development requiring water in Cambria, including ones originally on the "pipeline project list" (as was the 367 Ivar Street property) or ones that have paid retrofit fees or continuously paid water fees, can be found consistent with the County's certified LCP policies and standards requiring that there is adequate water capacity available to serve the new development. With such critical consequences looming currently, and without certainty of a fully recognized and approved water supply project, all reasonable measures to protect the community's remaining limited water supply and associated creek resources must be taken.

Rob Fitzroy
Orellana SFD
June 16, 2016
Page 3

Thus, coordination with the County, and indeed the Cambria Community Services District, to better understand the remaining nature of the "pipeline project" list and other unique water status properties in Cambria (such as the subject project it appears) is critical to determining whether projects like these are approvable or not at this time. In the absence of this critical information, we again reiterate that we feel it is best for the County to postpone this hearing until such time as this information has been fully vetted and understood and importantly, agreed upon, by both County and Commission staff.

Please do not hesitate to contact me at (831) 427-4863 if you have any questions regarding the above letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Robinson", with a stylized, flowing script.

Daniel Robinson
Coastal Planner
Central Coast District Office

Exhibit 6 – Applicable San Luis Obispo County LCP Policies and Standards

North Coast Area Plan - Cambria Urban Area Standards - Community Wide

2. Reservation of Service Capacity. The Cambria Community Service District (CCSD) shall reserve available water and sewage treatment capacity for the following priority uses:

A. Visitor-Serving Uses. To preserve and allow for continued growth of visitor-serving facilities, 20 percent of water and sewer capacity shall be reserved and maintained for visitor-serving and commercial uses.

Section 4A. Limitation on Development – Water Service in Cambria. Until such time as may be otherwise authorized through a coastal development permit approving a major public works project involving new potable water sources for Cambria, new development not using CCSD connections or water service commitments existing as of November 15, 2001 (including those recognized as "pipeline projects" by the Coastal Commission on December 12, 2002 in coastal development permits A-3-SLO-02-050 and A-3-SLO-02-073, shall assure no adverse impacts to Santa Rosa and San Simeon Creeks;

Section 4B. Water Conservation Requirements. Unless this requirement is otherwise modified through a coastal development permit authorizing a major public works water supply project for Cambria, new development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the Cambria Community Service District's service area, or through other verifiable actions to reduce existing water use in the service area (e.g. the replacement of irrigated landscaping with xeriscaping). Accordingly, all coastal development permits authorizing such development shall be conditioned to require applicants to provide to the Planning Director (or the Coastal Commission Executive Director where applicable) for review and approval prior to construction, written evidence of compliance with CCSD Ordinance 1-98, as approved by the CCSD Board of Directors on January 26, 1998, and modified on November 14, 2002, and as codified in CCSD Code Chapter 4.20 in 2004; however, no retrofit credits may be obtained by extinguishing agricultural water use, or funding leak detection programs. Such permits shall also be conditioned to require written confirmation from the CCSD that any in-lieu fees collected from the applicant have been used to implement projects that have reduced existing water use within the service area in an amount equal or greater to the anticipated water use of the project.

COASTAL PLAN POLICIES

Environmentally Sensitive Habitats (ESHA)

Policy 7: Protection of Environmentally Sensitive Habitats. Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored.

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.”

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.

Policy 6: Resource Management System. The county will implement the Resource Management System to consider where the necessary resources exist or can be readily developed to support new land uses. Permitted public service expansions shall ensure the protection of coastal natural resources, including the biological productivity of coastal waters. In the interim, where there are identified public service limitations, uses having priority under the Coastal Act shall not be precluded by the provision of those limited services to non-priority uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 8: Priority Development. Where existing or planned public works facilities can accommodate only a limited amount of new development, the following land uses shall have priority for services in accordance with the Coastal Act and be provided for in the allocation of services in proportion to their recommended land use within the service area.

- a. Uses which require location adjacent to the coast (coastal-dependent uses).
- b. Essential public services and basic industries vital to the economic health of the region, state or nation including agriculture, visitor-serving facilities and recreation.

Priority for development of such uses shall be given to lands within the USL that are already subdivided with services available, and then to unsubdivided parcels within the USL with services available. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Coastal Watersheds

Policy 1: Preservation of Groundwater Basins. The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted.

Policy 2: Water Extractions. Extractions, impoundments and other water resource developments shall obtain all necessary county and/or state permits. All pertinent information on these uses (including water conservation opportunities and impacts on in-stream beneficial uses) will be incorporated into the data base for the Resource Management System and shall be supplemented by all available private and public water resources studies available. Groundwater levels and surface flows shall be maintained to ensure that the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organisms, and for the protection of human health.

COASTAL ZONE LAND USE ORDINANCE (CZLUO) SECTIONS

23.04.430. Availability of Water Supply and Sewage Disposal Services. A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section. Subsections a. and b. of this section give priority to infilling development within the urban service line over development proposed between the USL and URL. In communities with limited water and sewage disposal service capacities as defined by Resource Management System alert levels II or III:

a) A land use permit for development to be located between an urban services line and urban reserve line shall not be approved unless the approval body first finds that the capacities of available water supply and sewage disposal services are sufficient to accommodate both existing development, and allowed development on presently-vacant parcels within the urban services line.

b) Development outside the urban services line shall be approved only if it can be served by adequate on-site water and sewage disposal systems, except that development of a single-family dwelling on an existing parcel may connect to a community water system if such service exists adjacent to the subject parcel and lateral connection can be accomplished without trunk line extension.

RESOLUTION NO. 04-2014
JANUARY 30, 2014

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CAMBRIA COMMUNITY SERVICES DISTRICT
DECLARING A STAGE 3 WATER SHORTAGE CONDITION AND
IMPLEMENTING A STAGE 3 WATER CONSERVATION PROGRAM WITH
ENHANCED WATER CONSERVATION MEASURES
AND RESTRICTIONS ON THE USE OF POTABLE WATER

WHEREAS, the Board of Directors of the Cambria Community Services District ("CCSD") has declared a Water Code Section 350 Water Shortage Emergency; and

WHEREAS, pursuant to Water Code Section 353, the Board of Directors may adopt such regulations and restrictions on the delivery of water which will conserve the water supply for the greatest public benefit; and

WHEREAS, based upon determinations related to the condition of the CCSD's water supplies, on September 20, 2013 the Board of Directors, after holding a duly noticed public hearing, adopted Resolution 37-2013 approving enhanced water conservation measures and restrictions on the use of potable water; and

WHEREAS, after holding a duly noticed public hearing on October 24, 2013 the Board of Directors adopted Resolution 42-2013 approving revised enhanced water conservation measures and restrictions on the use of potable water; and

WHEREAS, on January 17, 2014, the Governor of the State of California declared a state of emergency (the "Proclamation") due to record dry conditions and concerns over the State's dwindling water supplies. The Proclamation states that "[l]ocal urban water suppliers and municipalities are called upon to implement their local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season";

WHEREAS, the domestic water supply for the CCSD may be inadequate based upon the continued lack of precipitation and the current water levels in the aquifers that provide the domestic water supply for the CCSD, and specifically that water levels in the San Simeon and Santa Rosa creek aquifers are such that staff has determined that the available water supply may be insufficient to meet demand; and

WHEREAS, after holding a duly noticed public hearing on January 30, 2014 the Board of Directors determined that it is necessary and desirable to adopt further revised enhanced water conservation measures and restrictions on the use of potable water, as further set forth in Exhibit A to this Resolution; and

WHEREAS, in addition to Water Code Section 353, Water Code Section 375 provides that a public entity which supplies water may, after holding a public hearing, adopt and enforce water conservation programs to reduce the quantity

of water used by persons within the entity's service area or jurisdiction for the purpose of conserving the entity's water supplies; and

WHEREAS, although the community of Cambria is already achieving an extraordinary level of water conservation, additional enhanced water conservation use restrictions are necessary and appropriate in order to protect the health, safety and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cambria Community Services District as follows:

- 1 Based upon the existing water supply conditions and extreme drought , as described above, and in numerous staff reports and presentations to the Board of Directors, the Board of Directors hereby finds that the demands and requirements of water consumers cannot be satisfied without depleting the water supply of the CCSD to the extent that there would be insufficient water for human consumption, sanitation and fire protection and that, based on this condition and on concerns regarding the anticipated prolonged drought conditions, the Board of Directors hereby declares a Stage 3 Water Shortage Emergency Condition and hereby implements a Stage 3 Water Conservation Program with enhanced water conservation measures, as further set forth herein all of which the Board of Directors finds are necessary and appropriate to protect the health, safety and welfare of the public.
- 2 Resolution 42-2013 is hereby repealed and replaced by this Resolution with the revised Enhanced Water Conservation Measures and Restrictions on the Use of Potable Water set forth in Exhibit "A," including the fines and penalties contained therein, which exhibit is attached hereto and incorporated herein. The revised Enhanced Water Conservation Measures and Restrictions on the use of Potable Water shall be effective immediately and apply within the jurisdictional boundaries of the Cambria Community Services District until rescinded or modified by the Board of Directors. All other CCSD water conservation rules, regulations, restrictions, definitions, enforcement procedures, violation provisions and appeal procedures which are in force shall remain in force, except where they may conflict with the Enhanced Water Conservation Measures and Restrictions set forth in this Resolution.
- 3 CCSD staff is hereby directed to continue to monitor and evaluate current water and drought conditions on an ongoing basis and report back to the Board of Directors on a monthly basis.
- 4 The District Clerk shall publish this Resolution in full within 10 days of its adoption in accordance with the provisions of Water Code Section 376(a). After such publication, and in accordance with the provisions of Water Code Section 377, violation of the Enhanced Water Conservation Measures and Restrictions on the Use of Potable Water set forth in Exhibit "A" is a misdemeanor and punishable as set forth in Water Code Section 377.

- 5 Within fourteen (14) days from the date of this Resolution, the General Manager is hereby directed to provide notice to all water customers of the Stage 3 Water Shortage Emergency Condition and the Enhanced Water Conservation Measures as set forth herein as well as the surcharges/ penalties and other consequences for a violation thereof. The General Manager is further directed to pursue a vigorous public information program about water supply conditions and the need to reduce water consumption, through local newspapers and other media, mailings to customers, by handouts and by such other means deemed appropriate by the General Manager.

PASSED AND ADOPTED THIS 30th day of January, 2014.

Jim Bahringer, President
Board of Directors

APPROVED AS TO FORM:

Timothy J. Carmel
District Counsel

ATTEST:

Justine Harris
Interim District Clerk



Land Use Authorization

San Luis Obispo County Department of Planning and Building

County Government Center

San Luis Obispo, California 93408

Telephone: (805) 781-5600

Project : ZON2013-00589 Emergency Permit - Other
Issued To : CAMBRIA COMMUNITY SERVICES DISTRICT

Assessment(s) : 013-051-024 013-051-008

Planning Area : NC -North Coast

Community : RNC -Rural North Coast

Legal Description :	<i>Tract/Town</i>	<i>Block/Range</i>	<i>Lot/Section</i>	<i>Zoning</i>
	013051	008	0002	FH / SRV / SRA
	013051	024	0001	TH / FH / SRV
	013051	024	0002	AS / /
	RHOSNSIM	0000	C-PT	AG / LCP / CA
	RHOSNSIM	0000	PTN	AG / SRA / LCP

Approved Use : COASTAL DEVELOPMENT PERMIT FOR CCSD FOR EMERGENCY WATER SUPPLY PROJECT.

Location of Use : 00990 SAN SIMEON CREEK RD RNC

Comments :

Note Conditions of Approval on the final page

Effective Date : 5/15/2014

This land use authorization will become effective on the date shown above.

Expiration Date : 11/15/2014

This land use authorization will expire on the above date if it has not been exercised or extended as required by sections 22.64 or 23.02.040 of the Land Use Ordinance.



Land Use Authorization

San Luis Obispo County Department of Planning and Building

County Government Center

San Luis Obispo, California 93408

Telephone: (805) 781-5600

Project : ZON2013-00589 Emergency Permit - Other

Issued To : CAMBRIA COMMUNITY SERVICES DISTRICT

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

By

James Bahringer

Date

5/15/14

5/15/2014 1:10:02PM

This is not a building permit

Land_use_auth.rpt



DEPARTMENT OF PLANNING AND BUILDING

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

ZON2013-00589
Emergency Permit
Cambria Emergency Water Supply Project

On January 17, 2014, Governor Jerry Brown declared a drought emergency for the State of California; on January 30, 2014, the Cambria Community Services District (CCSD) Board of Directors declared a Stage 3 Water Shortage Emergency; and on March 11, 2014, the County Board of Supervisors proclaimed a local emergency due to drought conditions in San Luis Obispo County. Studies conducted by the CCSD and their professional consultants have shown that, because of the drought, water levels in the District's wells have dropped, resulting in projected water supply shortages by the end of summer, 2014.

This emergency permit authorizes the construction and operation of an emergency brackish water supply project to serve existing development within the CCSD's service area. The project is located at 990 San Simeon Creek Road (APN: 013-051-024), as described in the April 22, 2014 memo from Bob Gresens (CCSD) and the site plan submitted in the application package, and attached to this emergency permit, subject to the following conditions:

General

1. Prior to commencing work, the District shall submit to the Department of Planning and Building a detailed list of all components of the brackish water supply project meant to provide up to 250 acre-feet of water to serve existing authorized water connections only (to abate the emergency), within the CCSD's service area (i.e. not to serve new development). To minimize environmental impacts, new water pipes associated with the project shall avoid impacts to potentially sensitive areas. Such avoidance measures may include installing pipes above the ground as opposed to being buried, and attaching pipes to existing bridges to prevent the need to work within existing creek channels.
2. This emergency permit is valid until such time that the CCSD-declared Stage 3 Water Shortage Emergency has ended, or the project has been authorized to continue to serve existing development through approval of a regular Coastal Development Permit, whichever is sooner. While processing the regular Coastal Development Permit, the emergency water facility may only be re-activated and utilized to produce water in the event of the occurrence of another Stage 3 Water Shortage Emergency and only after the CCSD has issued a formal declaration of the existence of such a Stage 3 Water Shortage Emergency. It is the intent of this condition, while processing the regular Coastal Development Permit, to enable use of the emergency water facility to produce water for existing development in Cambria during the existence of a declared Stage 3 Water Shortage Emergency, since the community historically experiences severe periodic droughts.
3. The District shall provide semi-annual monitoring reports to the County with well-level, pumping data, and other information which justifies the need for the on-going emergency water supply project.

4. Only the work described in this permit on the specific property listed above is authorized. Any additional work requires separate authorization from the Director of Planning and Building.
5. The work authorized by this permit shall be commenced within 20 days of the above date. The construction authorized by this permit shall be completed within 180 days. Any work commenced after 180 days requires separate authorization or a regular Coastal Development Permit.
6. Within 30 days of the date of issuance of this emergency permit, the permittee shall apply for a regular Coastal Development Permit to authorize the emergency project. The regular permit will be subject to all applicable provisions of the California Coastal Act and the Local Coastal Program, including the specific requirements for desalination facilities in the North Coast Area Plan Community Wide Policy 4D and the policies applicable to protecting creek and stream resources, and may be conditioned accordingly. Such conditions may include provisions for public access (such as an offer to dedicate sandy beach) and/or a requirement that a deed restriction be placed on the property in recognition of the hazard.

As part of the complete application for a regular Coastal Development Permit, the permittee shall at a minimum provide the following information:

- A. The permittee shall identify the project's expected discharge volumes into those ponds, the expected chemical constituents of the discharge, and the concentrations of those constituents. The constituents identified shall include those from both the source water (e.g., nitrates, mercury, etc.) and from project operations (e.g., cleaning compounds, flocculants, etc.). The permittee shall also identify the expected evaporation rate from the ponds. The permittee shall also identify all measures to be implemented that will prevent mobilization of these constituents into nearby coastal waters during storm events.
- B. Hydrogeologic modeling results: The permittee shall provide results of hydrogeologic modeling showing the expected extent and elevations of aquifer drawdown from project operations and the extent of any "cone of depression" in relation to nearby wetlands, streams, and other coastal waters.
- C. Hydrogeologic monitoring: The permittee shall identify measures, such as drawdown tests, monitoring wells, etc., proposed to be implemented to ensure project operations do not adversely affect nearby coastal waters.
- D. Project operations: Based on the above modeling results, the permittee shall identify measures it will implement to ensure project operations do not result in drawdown of nearby coastal waters, and will describe how proposed monitoring measures will be applied to ensure coastal waters are not adversely affected due to project operations.
- E. Development in floodplains: The permittee shall identify all project-related development within the 100-year floodplain, including water delivery pipes, wells, evaporation ponds.
- F. Effects of project-related noise and light on nearby biological resources and public recreation: The permittee shall identify expected noise and light levels from project construction and operation at nearby sensitive receptors, including riparian areas, known and potential bird nesting sites, and the nearest public recreation sites, including the State Park campground. The permittee shall identify all measures proposed to be implemented to reduce noise and light effects on those nearby receptors.

- G. Documentation of the impacts of withdrawals on creek and stream resources.
7. The applicant shall as a condition of approval of this emergency permit 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 emergency permit or the manner in which the County is interpreting or enforcing the conditions of this emergency permit, or any other action by a third party relating to approval or implementation of this emergency permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.
8. This permit does not obviate the need to obtain necessary authorization and/or permits from other agencies.

Air Quality

9. The following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;
 - d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit devices (determination of the appropriate CBACT control device(s) for the project must be performed in consultation with APCD staff).

Additional Construction Equipment Measures:

- e. Electrify equipment where feasible;
- f. Substitute gasoline-powered for diesel-powered equipment, where feasible;
- g. Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel;
- h. Use equipment that has Caterpillar pre-chamber diesel engines;

- i. Implement activity management techniques as follows:
 - i. Develop of a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period;
 - ii. Schedule of construction truck trips during non-peak hours to reduce peak hour emissions;
 - iii. Limit the length of the construction work-day period, if necessary;
 - iv. Phase construction activities, if appropriate.

Fugitive PM10 Mitigation Measures. All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance

- j. Reduce the amount of the disturbed area where possible;
- k. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- l. All dirt stock-pile areas should be sprayed daily as needed;
- m. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- n. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- o. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- p. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- q. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

- r. 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 of load and top of trailer) in accordance with CVC Section 23114.

Archaeology / Cultural Resources

- 10. The applicant shall retain a qualified archaeological monitor, approved by the County Environmental Coordinator, to be present during all site disturbance activities. Monitoring reports shall be retained by the applicant and shared with the Environmental Coordinator's Office upon request.
- 11. In the event archaeological resources are unearthed or discovered during any site disturbance activities, the applicant, or the applicant's successor, shall be responsible to follow protocol and procedures described in Section 22.10.040 of the Land Use Ordinance.

Biological Resources - California Red-legged Frog (CRLF)

- 12. Sturdy and highly visible protective fencing shall be placed around all existing trees and riparian vegetation within 50 feet of the project site. Plan notes shall indicate this fence shall remain in place for the duration of project construction.
- 13. Prior to commencement of grading activities, a USFWS-approved biologist will survey the project site 48 hours before the onset of work activities. If any life stage of the California Red-legged Frog (CRLF) is found and these individuals are likely to be killed or injured by work activities, the biologist will be allowed sufficient time to move them from the site before work activities begin. The biologist will relocate the CRLF the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed project. The biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration, distinguishing features, digital images, etc.) to assist in determining whether translocated animals are returning to the original point of capture.
- 14. Prior to commencement of grading activities, a USFWS-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
- 15. A USFWS-approved biologist will be present at the work site until all CRLF have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the County will designate a person to monitor on-site compliance with all minimization measures. The biologist will ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor/biologist determine CRLF impacts are greater than anticipated or approved, work shall stop until the issue is resolved. The monitor/biologist shall immediately contact the resident engineer (the engineer overseeing and in command of the construction activities), where the resident engineer will either resolve the situation by eliminating the effect immediately, or require that all actions

which are causing these effects be halted. If work is stopped, the County/ USFWS will be notified as soon as is reasonably possible.

16. During construction/ground disturbing activities, all trash that may attract CRLF predators will be properly contained, removed from the work site, and disposed of regularly. Prior to project completion, all trash and construction debris will be removed from work areas.
17. During construction/ ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to commencement of grading/construction activities, the monitor will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
18. Prior to project completion, whichever occurs first, for disturbed areas within the project boundaries, they shall be revegetated with an assemblage of native riparian, wetland and upland vegetation suitable for the area. Locally collected plant materials will be used to the extent practical. Invasive, exotic plants will be controlled to the maximum extent practical and not included in any landscaping efforts. This measure shall apply to all disturbed areas unless determined not practical or feasible by the County.
19. Prior to project completion, whichever occurs first, to the extent practical, contours shall be returned to as close to original, unless it is determined by the biologist that the new contours provide greater benefit for the CRLF.
20. Best Management Practices (BMPs) shall be implemented to minimize sediment from entering nearby water bodies or prominent drainage courses. During or after construction/ ground disturbing activities, if these BMPs are ineffective, the applicant will work with the monitor/biologist and resident engineer, in consultation with USFWS, to install effective measures prior to the next rain event.
21. Unless approved by the USFWS, water will not be impounded in a manner that may attract CRLF.
22. Prior to project completion, the applicant shall submit to the County and USFWS, a project completion report form, completed by the USFWS-approved biologist. The report form should identify any recommended modifications or protective measures, if additional stipulations to protect CRLF are warranted, or if alternative measures would facilitate compliance with the provisions of this consultation.

Biological Resources – Special Status Plants

23. Prior to commencing site disturbing activities, a County-approved biologist/botanist shall conduct a botanical survey for special status plants, including, but not limited to, the Cambria morning glory, Carmel Valley bush mallow, Compact cobwebby thistle, Most beautiful jewel-flower, Obispo Indian paintbrush, and Woodland woollythreads. The applicant shall make

every effort to avoid the removal of identified special status plants during construction activities. If the removal of such plants cannot be avoided, the applicant shall transplant them on the subject property.



CAMBRIA COMMUNITY SERVICES DISTRICT

P.O. Box 65 • Cambria, CA 93428 • Telephone: (805) 927-6223 • Fax: (805) 927-5584

DATE: 4-22-2014

TO: Nancy Orton, Airlin Singewald – San Luis Obispo County Planning

FROM: Bob Gresens, District Engineer - Cambria Community Services District

RE: Justification for approving an emergency coastal development permit for the Cambria Community Services District's Emergency Water Supply Project

The severe drought has placed the CCSD water supply in jeopardy due to the total rainfall being approximately 65 percent of the minimum rainfall needed to fully recharge the two coastal stream aquifers serving as the community's sole water supply. Uncertainty remains on whether upper springs that serve to provide underflow to the creeks during the dry season will cease earlier than normal due to the very dry conditions within each watershed. This could result in CCSD well levels dropping at an accelerated rate during the late summer to early fall period, which could lead to seawater intrusion, pumps losing suction, and possible subsidence. In combination with very stringent conservation measures, the CCSD has therefore developed an emergency water supply project on its property along San Simeon Creek Road. To expedite this emergency project, the CCSD Board passed an emergency authorization on January 30, 2014 to suspend formal bidding. An agreement was also entered into with CDM Smith to allow for design through construction authorizations. Project work is currently being completed on the project's design, environmental, and permitting tasks, which can further augment this initial emergency coastal development permit application and answer any detailed follow up questions the County may have.

The emergency water supply project is fully contained within the CCSD-owned property, which is shown in the attached illustration. This illustration is based on recently completed hydro-geological modeling, as well as meetings and conference calls that have been held to date with District staff, CDM Smith, and key California Department of Public Health and Regional Water Quality Control Board regulatory staff. The project will use an existing CCSD well (27S-8E-9P7) to supply brackish water to an advanced water treatment plant. The advanced water treatment plant will consist of microfiltration to remove fine particles prior to entering a reverse osmosis stage. The reverse osmosis process will remove salt prior to an advanced oxidation process. Here, ultraviolet light and hydrogen peroxide are used to disinfect the water and destroy any remaining chemicals. Final post-treatment stabilizes the water to prevent corrosion in pipes and the injection well. The treated water is then injected back into the ground near the CCSD San Simeon well field production wells. To meet state health standards, the injection well is located to ensure that the treated water travels underground at least two months before it reaches the San Simeon wells that supply potable water.

A side stream flow from the project's reverse osmosis process will be routed to a previously disturbed storage basin area, which served to store treated wastewater effluent (aka the CCSD's Van Gordon Reservoir). The reservoir will be converted to an evaporation pond in accordance with Title 27 requirements. The dried residue within the evaporation pond will be emptied periodically using a small tractor/loader, similar to what is commonly referred to as a Bobcat machine.

The project will be using the same access roadways to the CCSD property as is currently used to support its effluent percolation pond operation and potable well field operation. Instrumentation will also be provided to automate and remotely monitor operations as much as possible, which will limit the number of routine vehicle trips by operations staff.

The project also includes a shallow groundwater injection well as a planned mitigation measure to provide freshwater, which would offset any potential loss of water to the riparian corridor and downstream lagoon area. In addition, previously certified EIRs for the percolation ponds, Van Gordon Reservoir, the potable well fields, and an earlier 1990s era groundwater recharge project will be incorporated as references into the environmental compliance documents currently under development.

As further background, the emergency water supply project used an earlier 2013 water supply alternatives analysis as a starting point. This earlier 2013 technical memorandum is posted on the Cambria CSD web site, and includes a summary of four facilitated public workshops, which were conducted on supply alternatives and the technical screening process being applied. The brackish water alternative (alternative 5) of the 2013 report, was ranked the highest technically.

The consequences of inaction or significant delay in constructing this emergency project are potentially disastrous for the community of Cambria. A project of this nature also has lead times for permits and equipment, which do not allow the luxury of waiting to see whether next year's rainy season arrives early enough to prevent an eminent disaster from occurring. Although unlike other natural disasters, which occur suddenly, the consequences of this prolonged drought have similar effects with regard to the health, finances, and emotional well-being of the community. Therefore, the CCSD is requesting that the County promptly issue an emergency coastal development permit for its emergency water supply project.

Attachments (1)

