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Appeal Filed: 3/11/2019
Action Deadline: 5/20/2019
Staff: Mike Watson - SC
Staff Report: 4/19/2019
Hearing Date: 5/8/2019

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-3-SLO-19-0016

Applicant: Michael O'Sullivan

Appellant: Melvin Dorin

Local Government: San Luis Obispo County

Local Decision: San Luis Obispo County coastal development permit application number DRC2018-00096 approved by the County Board of Supervisors on February 5, 2019.

Location: 2471 Banbury Road in the West Lodge Hill neighborhood of the unincorporated community of Cambria in San Luis Obispo County (APN 023-371-023).

Project Description: Construction of a 599-square-foot detached garage with a second-story 599-square-foot guesthouse above it. The project also includes a 200-square-foot second-story deck, the removal of one Monterey pine tree, and related improvements.

Staff Recommendation: No Substantial Issue

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your

testimony accordingly. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony. (California Code of Regulations, Title 14, Sections 13115 and 13117.)

SUMMARY OF STAFF RECOMMENDATION

San Luis Obispo County approved a coastal development permit (CDP) authorizing construction of a detached 599-square-foot garage with a second-story 599-square-foot guesthouse atop it (and a 200-square-foot deck) on a residential lot with an existing residence at 2471 Banbury Road in the unincorporated community of Cambria in San Luis Obispo County. The Appellant contends that the County-approved project is inconsistent with numerous San Luis Obispo County Local Coastal Program (LCP) provisions, particularly related to water availability, protection of Monterey pine forest habitat, and fire hazard and evacuation. After reviewing the local record, staff believes that the approved project does not raise a substantial issue with respect to the project's conformance with the San Luis Obispo County LCP.

In terms of water availability, the Commission has long recognized the acute water supply scarcity in Cambria, and has confirmed LCP policies that direct that development requiring *new* water connections is not allowable under the LCP at this time. At the same time, the Commission has generally recognized that *existing* development using *existing* water connections in Cambria represents a different development category, and that when such development expands (i.e., typically adding a bedroom or a bathroom or other such minor expansion), it is not expanding water use in the same way. In other words, other than when new water connections are proposed, the Commission has not inserted itself into questions regarding how much water a particular residence may use, including in terms of the number of bedrooms, bathrooms, or even number of residents that may live in any particular house. In addition, for residential expansions, such as this one, the County requires that the house be completely retrofitted to reduce water usage, and these types of requirements have also been a part of the Commission's past positions on these types of projects.

In this case, the project site is already developed with an existing single-family residence with an existing water connection, and the County-approved project adds a guesthouse (which under the LCP is not a second dwelling unit, but rather it is a bedroom and a bathroom, without a kitchen), which is akin to simply expanding the existing residence. The County's approval requires the new guesthouse to be served by the existing water connection and prohibits kitchen and laundry facilities. The County also conditioned its approval to prohibit the rental of the guesthouse independently from the primary residence or as a separate dwelling unit, thereby reinforcing the LCP premise that this project allows a single-family home expansion and not a new second house. Additionally, the County required that all existing and new water fixtures, including in the existing single-family residence, be retrofitted to reduce water usage (i.e., to low-flow and low-water-using fixtures, etc.). As conditioned, the County-approved guesthouse will be a minor addition to an existing residence that does not raise a substantial issue of LCP water supply conformance.

With regard to Monterey pine forest issues, the project is located in an area called out by the LCP as Terrestrial Habitat for Monterey pine forest because the area was historically part of the larger native Monterey pine forest in Cambria (one of only four places on earth where such native Monterey pine forests historically existed – and exist – three of which are in the Central Coast of California). Today, most of the remaining intact stand of Monterey pine forest is mostly located north of town, with smaller intact stand patches west and south of this location, generally following along the coastal ridge. At the project location, as with other substantially residentially-developed areas of Cambria, the forest is not still a “forest” per se, but rather an area where pines continue to persist among low- and medium-density residential subdivisions, and the County and Commission have historically addressed Monterey pine issues in these areas through avoiding denser tree stands, minimizing individual tree removal, and requiring pine tree replanting when individual trees are removed. In this case, the County-approved garage and guesthouse have been sited and designed to avoid disturbance of the largest cluster of Monterey pine trees on the site, and to minimize tree removal and to require replanting in accordance with the LCP. Specifically, the project includes the removal of one Monterey pine tree, and County conditions require replanting at a 4:1 ratio with Monterey pine trees of native genetic stock.

Regarding the Appellant's fire hazard/safety contentions, the project was reviewed by the Cambria Fire Department as part of the County approval process, and their Fire Plan Review letter indicates that the project complies with all applicable fire safety requirements. Again, the County-approved project is located in an existing residentially-developed neighborhood, and it does not present any particularly extraordinary fire safety issues or concerns that are not applicable throughout the neighborhood. The County found that the project adequately addressed fire safety concerns, and staff does not see any reason to doubt such a conclusion in this case.

In sum, the project is a minor residential addition on an existing developed lot in a residential neighborhood, and potential coastal resource issues have been appropriately conditioned and addressed through the County's approval. As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 5 below.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	5
II. FINDINGS AND DECLARATIONS	5
A. PROJECT DESCRIPTION AND LOCATION	5
B. SAN LUIS OBISPO COUNTY CDP APPROVAL.....	5
C. APPEAL PROCEDURES	6
D. SUMMARY OF APPEAL CONTENTIONS	7
E. SUBSTANTIAL ISSUE DETERMINATION	7
1. Water Supply Resources	7
2. Monterey Pine Forest.....	9
3. Other Contentions	11
F. CONCLUSION.....	12

APPENDICES

Appendix A – Substantive File Documents

Appendix B – Staff Contact with Agencies and Groups

EXHIBITS

Exhibit 1 – Project Location Photos

Exhibit 2 – Project Site Photos

Exhibit 3 – County’s Final Local CDP Action Notice

Exhibit 4 – County-Approved Project Plans

Exhibit 5 – Appeal of County’s CDP Decision

Exhibit 6 – Cambria Community Services District Conditions of Approval

Exhibit 7 – Applicable LCP Provisions

CORRESPONDENCE

I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-SLO-19-0016 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603, and I recommend a yes vote.*

***Resolution to Find No Substantial Issue.** The Commission finds that Appeal Number A-3-SLO-19-0016 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The County-approved project is located at 2471 Banbury Road in the West Lodge Hill neighborhood in the unincorporated community of Cambria in San Luis Obispo County. The 11,300-square-foot project site is currently developed with an existing 2,150-square-foot single-family residence built in 1996. The parcel is located within Cambria's Urban Services Line and is surrounded by other single-family residences within a residentially developed neighborhood. The County's approval authorizes the construction of a detached 599-square-foot garage with a second-story, and a 599-square-foot guesthouse with a 200-square-foot deck located atop it. The County-approved plans for the guesthouse show one bedroom, one bathroom, and a living area, but do not include kitchen or laundry facilities. See **Exhibit 1** for a location photos; see **Exhibit 2** for photographs of the site and surrounding area; and see **Exhibit 4** for the approved project plans.

B. SAN LUIS OBISPO COUNTY CDP APPROVAL

On October 19, 2018, the San Luis Obispo County Planning Department Hearing Officer considered and approved the Applicant's proposed CDP (County CDP application number DRC2018-00096). The Appellant appealed the Hearing Officer's approval to the County Board of Supervisors. Subsequently, the Board held a public hearing to consider the appeal on February 5, 2019, at which time the Board denied the appeal and upheld the Hearing Officer's original approval, subject to specific findings and conditions of approval.

A complete and legally sufficient notice of the County's CDP action was received in the Coastal Commission's Central Coast District Office on March 4, 2019 (see **Exhibit 3**). The Coastal Commission's ten-working-day appeal period for this action began on March 5, 2019 and

concluded at 5pm on March 18, 2019. One valid appeal, submitted by Melvin Dorin, was received during the appeal period (see **Exhibit 5**).

C. APPEAL PROCEDURES

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

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP and/or to the public access policies of the Coastal Act. Section 30625(b)(2) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that “no substantial issue” is raised by such allegations.¹ Under Section 30604(b), if the Commission conducts the de novo portion of an appeal hearing (upon making a determination of “substantial issue”), the Commission may approve a CDP if it finds that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. Because this project is not located between the nearest public road and the sea, this additional finding would not need to be made if the Commission were to approve the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons opposed to the project who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding the substantial issue question must be submitted in writing (see California Code of

¹ The term “substantial issue” is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has considered the following factors in making substantial issue determinations: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal (by finding no substantial issue), appellants nevertheless may obtain judicial review of a local government’s CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.

Regulations, Title 14, Section 13117). Any person may testify during the de novo CDP determination stage of an appeal (if applicable).

D. SUMMARY OF APPEAL CONTENTIONS

The Appellant contends that the County-approved project raises LCP consistency questions relating to protection of sensitive coastal resources, availability of public services, and improper CEQA review. Specifically, the Appellant contends that the approved project would violate applicable LCP provisions because: 1) there is not sufficient water to serve the new development; 2) it is located within Monterey pine forest habitat; 3) there are alternatives to the project that negate impacts to the forest environment; 4) the project could frustrate evacuation efforts during a fire; 5) there is inadequate code enforcement to control the use of guesthouses; and 6) it fails to properly evaluate under CEQA impacts to Monterey pine forest habitat. Please see **Exhibit 5** for the appeal contentions.

E. SUBSTANTIAL ISSUE DETERMINATION

1. Water Supply Resources

Appellant's Contentions

The Appellant's primary contention is that Cambria's water supply is inadequate to support any new development in the community. The LCP provides that a CDP for new development that requires water shall not be approved unless there is adequate water capacity available to serve the proposed development (see Public Works Policy 1 and Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.430 below). The Appellant asserts that despite being defined as a guesthouse, the proposed garage with living space on the second floor is actually a house and there is a moratorium on the construction of new residences due to the insufficient water supply.

Applicable LCP Provisions

The LCP includes numerous water supply policies, including many that are geared to *new* water connections, including explicitly in the Cambria area. In this case, the County-approved project does not include a new water connection, and the key LCP provisions include the citations below (see also **Exhibit 7** for additional applicable LCP provisions):

Policy 1: Availability of Service Capacity

New Development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban services line for which services will be needed consistent with the Resource Management System where applicable...

This policy is implemented by CZLUO Section 23.04.430:

CZLUO Section 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 . . .

Water Supply Contentions – Analysis

The Commission has long recognized that there are severe water supply limitations in Cambria, including for both human consumption as well as for natural resources. To address Cambria’s critically low water supplies, the Cambria Community Services District (CCSD, the public entity that provides Cambria’s water supply) enacted a moratorium on November 15, 2001 on new water connections as part of the Board’s Water Code 350 emergency declaration. In 2007, to reflect the CCSD’s new connection moratorium, the County proposed and the Commission certified new LCP water supply policies that limited additional development in Cambria.² On January 30, 2014 the CCSD declared a Stage 3 Water Shortage Emergency (lowered to Stage 2 in 2017)³ and acknowledged it does not have adequate water supply to support Cambria’s existing water demand. In 2014, the County granted the CCSD an emergency CDP for an emergency desalination facility to provide an emergency water supply for Cambria,⁴ and the CCSD is currently pursuing a County CDP to convert the emergency desalination facility to full-time and regular use. Thus, as it stands today, Cambria remains under a new water connection moratorium and a Stage 2 water emergency which speaks to the lack of available water. And with respect to natural resources, including based on a 2014 analysis,⁵ Cambria’s primary sources of water (i.e., Santa Rosa and San Simeon Creeks) lack adequate instream flows needed to protect the creeks’ sensitive riparian habitats, groundwater aquifers, wetland lagoons, and related coastal resources, based on current extraction levels.

Based on the LCP’s water supply context for Cambria, the Commission has found in past CDPs that there is not enough water in Cambria to serve new development needing a new water connection (including transferring and utilizing an unused water connection that had not been actually using water) in a LCP-compliant manner protective of coastal resources.⁶ At the same time, the Commission has generally recognized that *existing* development using *existing* water connections in Cambria represents a different development category, and that when such development expands (i.e., typically adding a bedroom or a bathroom or other such minor expansion), it is not expanding water use in the same way. In other words, other than when new water connections are proposed, the Commission has not inserted itself into questions regarding

² North Coast Area Plan, Cambria Urban Area Standards, Community Wide Policies 4A and 4B, which limit new development utilizing a CCSD connection to only those existing as of November 15, 2001 (see **Exhibit 7**). In other words, new development needing a new CCSD water connection is not allowable.

³ On March 23, 2017, the CCSD Board voted to lower the drought designation to Stage 2, meaning that outdoor residential watering may be allowed. However, the Water Code 350 declaration prohibiting new water connections remains in effect.

⁴ As conditioned by the emergency CDP, the facility is limited to providing water during emergency situations only for existing development within the community of Cambria. At this time, however, a July 2017 Cease and Desist Order from the Central Coast Regional Water Quality Control Board has forestalled even that limited operation of the CCSD emergency plant.

⁵ *San Luis Obispo County Regional Instream Flow Assessment (SLO Instream Flow Study)*, Stillwater Sciences, January 2014.

⁶ See, for example, A-3-SLO-17-0040 (Orellana SFD); A-3-SLO-14-004 (Fox SFD); and A-3-SLO-13-0213 (Kingston Bay Senior Living).

how much water a particular residence may use, including in terms of the number of bedrooms, bathrooms, or even residents that may live in any particular house. In addition, for residential expansions, such as this one, the County requires that the house be completely retrofitted to reduce water usage, and these types of requirements have also been a part of the Commission's past positions on these types of projects.

In this case, the project site is already developed with an existing single-family residence with an existing and actively used water connection, and the County-approved project adds a guesthouse (which under the LCP is not a second dwelling unit, but rather in this case is a bedroom, a bathroom, and a small living area without a kitchen),⁷ which is akin to simply expanding the existing residence. The County's approval requires the new guesthouse to be served by the existing water connection and prohibits kitchen or laundry facilities. The County also conditioned its approval to prohibit the rental of the guesthouse independently from the primary residence or as a separate dwelling unit, thereby reinforcing the LCP premise that this project allows a single-family home expansion and not a new second house. Additionally, the County conditioned the project's approval to comply with the CCSD's water fixture retrofitting requirements, which require all existing and new fixtures, including in the existing single-family residence, to meet CCSD's Water Use Efficiency Plan to reduce water usage (i.e., using low-flow, low-water-using fixtures, etc.). (See County Condition 26 in **Exhibit 3** and CCSD conditions in **Exhibit 6**.) As such, with such retrofitting, and with conditions ensuring the restrictions on occupancy of the guesthouse, the County-approved guesthouse will constitute a minor addition to an existing residence that does not raise a substantial LCP water supply conformance issue.

2. Monterey Pine Forest

Appellant's Contentions

The Appellant raises issues related to Monterey pine tree removal. Specifically, the Appellant contends that removal of a mature Monterey pine cannot be replaced because there is no guarantee that the tree replacements will grow to maturity. Additionally, the Appellant contends that replacement trees lack genetic diversity, may not be resistant to pitch canker, and that the project will remove or significantly impact nesting and foraging habitat for migratory birds. The Appellant also suggests that there are feasible alternatives that significantly mitigate impacts to the forest.

Applicable LCP Provisions

The LCP includes numerous provisions related to the Monterey pine forest in Cambria, including mapping much of the community as Terrestrial Habitat (or TH),⁸ including the project site. In

⁷ CZLUO Section 23.08.032 defines a guesthouse as a structure that is less than 640 square feet in size and that contains up to two bedrooms and one bathroom. A guesthouse may include living area but may not include cooking or laundry facilities.

⁸ Note that the LCP includes a hierarchy of protections for Monterey pine forest. All Monterey pine forest in Cambria is designated Terrestrial Habitat (TH), including the project site, and given certain protections, including as described in Cambria Urban Area Standard B.1. Some Monterey pine forest, however, can be designated as an environmentally sensitive habitat area (ESHA) and subject to stricter criteria (particularly if part of a larger, contiguous forest habitat), including that only resource-dependent uses are allowed within the habitat. In this case, because the habitat in question is on a residentially-developed site and neighborhood, and since only one Monterey

this case, the key LCP provisions include the following (see also **Exhibit 7** for additional LCP provisions):

North Coast Area Plan, Cambria Urban Area Standard B.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.... 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...

Monterey Pine Forest Contentions – Analysis

Monterey pine is the most widely planted pine tree in the world and is of great economic importance as a plantation species, forming the basis for a lumber and paper industry of world importance (e.g., in New Zealand, Chile, Australia, Spain, South Africa, Argentina, Uruguay, and Kenya). As a commercial species, Monterey pine trees can be found around the globe in great numbers; it has been estimated that there are some 10 million acres of plantation Monterey pine trees overall, primarily in the southern hemisphere. Notwithstanding this global distribution of the Monterey pine *tree*, though, *native* Monterey pine *forest* is extremely limited in distribution. In fact, although widely distributed along the California coast in the Pleistocene age, Cambria is home to one of only three remaining populations of native Monterey pine forest in California (and one of only four in the world).⁹ As the southernmost stand in California, Monterey pine forest occupies roughly 2,300 acres in and around Cambria (making it the second largest forest stand globally),¹⁰ with most of the remaining intact stand of Monterey pine forest located north of town, with smaller intact stand patches west and south of this location, generally following along the coastal ridge. The Monterey pine forest is a unique natural ecosystem containing a rare assemblage of plants and animals that have co-evolved over millennia. Although not listed formally under the State or Federal Endangered Species Acts,¹¹ native Monterey pine forest has been identified by both the California Department of Fish and Wildlife (CDFW) and the California Native Plant Society (CNPS) as a rare and threatened natural resource.¹²

pine tree is approved to be removed, the County found that the habitat did not rise to the level of ESHA and instead reviewed the project subject to the specific TH standards listed in Cambria Urban Area Standard B. 1 above.

⁹ In addition to native Monterey pine forest stands in three coastal areas in California (at Año Nuevo, Cambria, and the Monterey peninsula), there exist smaller native Monterey pine forest stands on two Mexican islands off the coast of Baja California (the Guadalupe and Cedros Islands).

¹⁰ At over 9,000 acres, the Monterey peninsula native Monterey pine forest stand is the largest such native forest in the world.

¹¹ CNPS submitted a petition to the State Fish and Game Commission in August 1999 to list Monterey pine as a Threatened Species under the California Endangered Species Act. The petition was withdrawn in part to address the large volume of comments received on it and it has not been resubmitted.

¹² CDFW’s Natural Diversity Database (CNDDDB) classifies native Monterey pine forest with a G1 global rank and an S1.1 state rank, indicating that both globally and within California there are fewer than six viable “element

The LCP recognizes this context, and includes provisions to protect native Monterey pine forest, including through a Terrestrial Habitat (TH) designation that applies to most of Cambria, including the project site. The fact that the TH designation applies to both intact forest areas and fairly developed areas reflects the fact that the entire Cambria area was historically part of the larger native Monterey pine forest in Cambria, even though the remaining intact native forest stands are mostly located on the more rural edges of the town. At the project location, as with other substantially residentially-developed areas of Cambria, the forest is not still a “forest” per se, but rather an area where pines continue to persist amongst low- and medium-density residential subdivisions, and the County and Commission have historically addressed Monterey pine issues in these areas through avoiding denser tree stands, minimizing individual tree removal, and requiring pine tree replanting when individual trees are removed.

In this case, the County-approved garage and guesthouse have been sited and designed to avoid disturbance of the largest cluster of Monterey pine trees on the site (see photos in **Exhibit 2** and the site plan in **Exhibit 4**), and to minimize tree removal and to require replanting in accordance with the LCP (see County Conditions 13, 22, 23, and 24 in **Exhibit 3**). Specifically, the project includes removal of one Monterey pine tree, and County conditions require replanting at a 4:1 ratio with Monterey pine trees of native genetic stock. Ultimately, the County appropriately found that the project would not create significant adverse effects on the natural features of the site, and that the project would preserve and protect such features through thoughtful siting and design. Notably, a modification of the distance standard between the primary residence and guesthouse was granted to avoid removal of additional trees and to minimize the cumulative impacts of Monterey pine tree removal. Overall site disturbance was limited to 1,500 square feet of the 11,300-square-foot site, and the County required construction best management practices (BMPs) to protect the remaining Monterey pine trees on the site. Therefore, in this case, the County appropriately addressed Monterey pine forest issues, and the appeal contentions do not raise a substantial LCP Monterey pine forest issue.

3. Other Contentions

The Appellant contends that the project will adversely impact the ability of the neighborhood to evacuate during a fire, and that there is insufficient code enforcement by the County to control the use of guesthouses for the stipulated purpose. Lastly, the Appellant contends that the County inappropriately granted a CEQA Categorical Exemption for the project.

Regarding the Appellant's fire hazard/safety contentions, the project was reviewed by the Cambria Fire Department as part of the County approval process, and their Fire Plan Review letter indicates that the project complies with all applicable fire safety requirements. Again, the County-approved project is located in an existing residentially-developed neighborhood, and it does not present any particularly extraordinary fire safety issues or concerns that are not applicable throughout the neighborhood. In addition, the project site itself has access from both Pineridge Drive as well as Banbury Road, thus providing for secondary street ingress/egress in

occurrences” (G1 and S1) and that it is considered “very threatened” (S1.1), and designates native Monterey pine forest as a rare community type. CNPS classifies Monterey pine as 1B.1, where the “1B” indicates that the species is considered “rare, threatened, or endangered in California and elsewhere,” and the “0.1” modifier indicates that it is considered “seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat).”

times of fire, which is more than is usually the case in this neighborhood (i.e., most residences have access from just one street). There is nothing to indicate that the approval of this project will somehow adversely impact the ability of the neighborhood to evacuate during a fire. In short, the County found that the project adequately addressed fire safety concerns, and there is no evidence in the record to suggest otherwise. This contention does not raise a substantial issue.

With respect to code enforcement, as discussed above, the County required the new guesthouse to be served by the existing water connection, and prohibited separate kitchen and laundry facilities. The County also conditioned its approval to prohibit the rental of the guesthouse independently from the primary residence or as a separate dwelling unit, thereby reinforcing the LCP premise that this project allows a single-family home expansion and not a new second house. There is nothing to indicate that the County will not adequately enforce these conditions, and this contention does not raise a substantial issue.

Finally, with regard to the Appellant's CEQA contention, the only appropriate grounds for an appeal to the Commission are issues related to the project's consistency with the certified LCP and the Coastal Act's public access policies. Thus, any CEQA contentions are not appropriate grounds for this appeal. That said, the substantive issues raised by the Appellant that might relate to the CEQA questions (in terms of project impacts to coastal resources) are all issues that do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP, as detailed above. Thus, even construing this contention broadly, this contention does not raise a substantial issue.

F. CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP application for such development. At this substantial issue determination stage, the Commission has the discretion to find that the project does *not* raise a substantial issue of LCP conformance. As explained above, the Commission has in the past considered the following five factors in its decision of whether the issues raised in a given case are "substantial": the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the County's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

Regarding the first factor (degree of factual and legal support for the local government's decision), the incremental residential use does not require a separate water connection, is conditioned to ensure it does not convert into an independent living unit, and includes water fixture retrofitting requirements. Regarding potential impacts to sensitive habitats, the County's action in approving the guesthouse was based largely on avoidance of significant impacts including minimizing disturbance and tree removal and on the imposition of conditions that require a 4:1 tree replacement ratio and construction BMPs to ensure protection of adjacent pine forest resources. With respect to fire safety, the project was reviewed by the Cambria Fire Department as part of the County approval process, and their Fire Plan Review letter indicates that the project complies with all applicable fire safety requirements. The County thus

appropriately reviewed relevant LCP policies and standards and required appropriate conditions to ensure conformity, and there is legal and factual support for the County's decision.

Regarding the second factor (the extent and scope of the development as approved by the County), the extent of the County's approval was a relatively small guesthouse and garage addition to an existing residential use on the site (approximately 5% new coverage relative to the 11,300-square-foot lot) which cannot be used as an independent living unit. Thus, the extent and scope of the project is relatively minor.

Regarding the third factor (the significance of coastal resources affected by the decision), the approved project represents a small addition on an existing developed lot in a residential area, and includes the aforementioned conditions to address tree removal (for which only one Monterey pine tree is being removed) and water supply (for which such use will be covered by the existing water meter). Thus, although the coastal resources being affected are significant (water supply and Monterey pine trees), they are not being adversely impacted by the County's decision.

Regarding the fourth factor (precedential value of the County's approval), the County appropriately reviewed and conditioned the project consistent with LCP requirements, thus not raising concerns about adverse project precedence. Finally, regarding the fifth factor (whether the appeal raises only local, or regional or statewide, issues of significance), the project approval is for a small residential addition on an existing residential lot, evaluated against local LCP standards, and does not implicate issues of regional or Statewide significance.

For the reasons stated above, the Commission finds that Appeal Number A-3-SLO-19-0016 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS¹³

- San Luis Obispo County LCP North Coast Area Plan
- San Luis Obispo County LCP Coastal Zone Land Use Ordinance
- Coastal Commission Appeal File Number A-3-SLO-19-0016

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

- San Luis Obispo County Planning and Building Department

¹³ These documents are available for review in the Commission’s Central Coast District office in Santa Cruz.