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

PLANNING COMMISSION

<p>MEETING DATE January 23, 2014</p> <p>EFFECTIVE DATE February 6, 2014</p> <p>APPROX FINAL EFFECTIVE DATE February 27, 2014</p>	<p>CONTACT/PHONE Ryan Hostetter, Senior Planner rhostetter@co.slo.ca.us (805) 788-2351</p>	<p>APPLICANT Jack Loperena</p>	<p>FILE NO. DRC2005-00216</p>
<p>SUBJECT Hearing to consider a request by Jack Loperena for a Minor Use Permit/Coastal Development Permit to allow for the construction of a 3,097 square foot single family residence which includes 1) 1,097 square feet of living space; 2) 1,040 square foot basement; 3) 338 square foot mezzanine; 4) 242 square foot garage and 200 square foot carport; and, 5) 180 square foot covered deck. The proposed project is within the Residential Single Family land use category and is located on the west side of Studio Drive, adjacent to the State Parks property on the northern end of Studio Drive, approximately 250 feet south of the intersection of Studio Drive and Highway 1. The site is in the Estero planning area.</p>			
<p>RECOMMENDED ACTION</p> <ol style="list-style-type: none"> 1. Certify Final Environmental Impact Report, including Appendices 2. Adopt CEQA Findings in Exhibit C, including project findings listed in Exhibit A 3. Approve Minor Use Permit/Coastal Development Permit DRC2005-00216 based on the findings in Exhibit A and C and conditions listed in Exhibit B 			
<p>ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: aesthetic resources, air quality, biological resources, geology and soils, noise, and water. Mitigation measures are proposed to address these impacts and are included as conditions of approval. There were no significant and unavoidable impacts associated with this project. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement for the hearing. Comments will be accepted up until completion of the public hearing(s).</p>			
<p>LAND USE CATEGORY Residential Single Family</p>	<p>COMBINING DESIGNATION Local Coastal Program, Small Scale Neighborhood, Geologic Study Area, Coastal Appealable Zone, Coastal Access Area</p>	<p>ASSESSOR PARCEL NUMBER 064-253-007</p>	<p>SUPERVISOR DISTRICT(S) 2</p>
<p>PLANNING AREA STANDARDS: Setbacks, Community Small Scale Design Neighborhood permit requirements and findings, standards, and guidelines</p>			
<p>LAND USE ORDINANCE STANDARDS: Section 23.01.043: Appeals to the Coastal Commission (Coastal Appealable Zone), Section 23.07.104: Archaeologically Sensitive Area, Section 23.07.120: Local Coastal Program 23.04.420 Coastal Access, & General Hazard Avoidance 23.07.065</p>			
<p>EXISTING USES: Site is currently vacant</p>			
<p>SURROUNDING LAND USE CATEGORIES AND USES: <i>North: Recreation/Morro Strand State Beach East: Highway 1 and Studio Drive</i> <i>South: Residential Single Family/single-family residences West: Beach and Pacific Ocean</i></p>			
<p>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</p>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to (and copies of the Draft EIR were sent to) Cayucos Citizens Advisory Council, Public Works, Cayucos Fire Protection District, Cayucos Sanitary District, Paso Robles Beach Water Association, California Coastal Commission, CA Department of Fish and Wildlife, CA State Lands Commission, Air Pollution Control District, County Counsel, CA Department of Conservation, Regional Water Quality Control Board, Native American Heritage Commission, CA Department of Parks and Recreation, Federal Emergency Management Agency, and the US Army Corps of Engineers	
TOPOGRAPHY: Nearly level to sloping adjacent to the roadway	VEGETATION: Grasses, Ice-Plant
PROPOSED SERVICES: Water supply: Paso Robles Beach Water Association Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Protection District	ACCEPTANCE DATE: April 16, 2007

PROJECT HISTORY

The applicant, Mr. Jack Loperena, submitted an application for a MUP/CDP in May of 2006. At the time, the environmental document prepared and issued by the County was a Mitigated Negative Declaration (MND) (August 9, 2007). A Planning Department Hearing was scheduled for August 17, 2007, to consider the proposed project and MND. At the hearing, staff requested a continuance until September 21, 2007 because the MND had been re-issued and re-noticed, and required a 30-day public review period. On August 23, 2007, County staff received a Request for Review (similar to an appeal) of the MND, and requested that the project be continued off calendar to address issues raised in the Request for Review. Based on the comments included in the Request for Review, County staff consulted with County experts in geology, cultural resources, emergency services, air quality, and public works and drainage. Information and data obtained from County experts were incorporated into an amended MND, which was re-circulated for public review (April 2, 2009). A Planning Department Hearing was scheduled for May 15, 2009. A Request for Review of the amended MND was received by County staff on April 16, 2009, and County staff requested that the project be continued off calendar a second time.

Based on the issues raised in the April 2009 Request for Review, the County Environmental Coordinator determined that a fair argument was raised regarding the significance of potential environmental impacts. Upon consideration of these issues, the applicant proposed that an EIR be prepared for the proposed project. A notice of preparation for the EIR was distributed on August 7, 2009 to agencies for submittal of comments before preparation of the draft was undertaken. Agencies had until September 14, 2009 to submit prior to the draft. The draft was then released on June 14, 2013 and the public as well as other agencies had until August 5, 2013 to comment on the draft. The County received many comments which are now listed and published in the Final EIR along with staff responses to these comments. The Final EIR, which includes the draft along with public comments and responses, was released in December 2013.

PROJECT DESCRIPTION

The applicant proposes to grade for and construct a 3,097-square foot residence, including approximately: 1) 1,097 square feet of living space; 2) 1,040-square foot basement; 3) 338-square foot mezzanine; 4) 242-square foot garage and 200-square foot carport; and, 5) 180-square foot covered deck. The residence would consist of one main floor and a basement. The footprint of the house would be 1,040 square feet. The maximum width of the structure would be 19 feet, and the maximum length would be 95 feet. An approximately 200-square foot paved

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driveway would provide access from Studio Drive. The maximum height of the residence would be 15 feet above the centerline elevation of Studio Drive. The basement would be located below the elevation of Studio Drive. The applicant proposes a cantilevered design, which would be elevated above the sandy beach. This portion would include approximately 325 square feet of living space and a 180-square foot covered deck.

The overall design of the residence would be modern style. Proposed exterior colors would include tans, browns, dark purple, and grays. Proposed materials would consist of glass panels, concrete, and cedar siding in sections. The applicant proposes a 6.5-foot-tall wall that incorporates a design or pattern, such as concrete with a patterned in-lay design, stucco with a patterned design or a stone veneer. The retaining wall would be constructed along the northern property boundary, ranging from an elevation of 28.5 feet to 22.5 feet, and a height of 6.5 feet above natural grade (for reference, the basement finished floor elevation would be 15 feet and the main level finished floor would be at the 26-foot elevation). At the northern corner of the parcel, the stepped wall would approximately match the grade of Studio Drive.

Approximately 238 square feet of landscaping is proposed, including hardscape and private walkways along the northern side of the residence. Potted plants would be located along the walkways and front entry. Existing iceplant, grasses, a small pine tree, and stepping stones would be removed during grading activities. The southern side yard and an existing mature cypress tree, rock, and flat sandy beach in the southwestern portion of the parcel would remain. No landscaping is proposed along the beachside of the property.

MAJOR ISSUES

The project is located on the last vacant residential parcel within this portion of the Studio Drive neighborhood just south of the downtown area of Cayucos. This parcel is unique due to its location on a low bluff and sandy beach, and its narrow configuration which angles at the western end to curve in front of (seaward) the adjacent developed property to the south. This project has generated controversy due to the potential impacts to views of the ocean from neighboring residences, the proposed project's modern design that is visible from the state beach and Studio Drive, and issues related to public access to the sandy beach. Integral to these issues is how the site is characterized in relation to a "coastal bluff" and the subsequent applicability of the appropriate setback standards.

Coastal Bluff Issues: This property has undergone extensive analysis regarding the bluff issue on the property (main reason for the completion of the EIR). As explained in the EIR, it is the County geologist's determination, that the site does not contain a "coastal bluff". A rock outcropping exists on the property along with fill brought in from creation of the roadway, which is covered in iceplant and slopes from the paved roadway down to the sand. This slope is the location of the majority of the footprint of the proposed house.

In summary, the EIR discussion includes review of aerial photographs dating back to 1937 which show the site containing rock outcrops that are perpendicular to the trend of the shoreline at the historic mouth of Old Creek. The EIR states that, "This outcropping extended inland approximately 300 feet (beneath the present alignment of Highway 1), before turning to an approximate N15°W trend (refer to Figure 4.3-6 of the EIR on page 4.3-18). This feature extending 300 feet inland represents the northerly edge of a wavecut platform that is present throughout Cayucos, including both sides of the Old Creek drainage. The platform would continue north, were it not for the presence of Old Creek meeting the ocean at this location. As such, it is reasonable to conclude this portion of the outcropping was formed by fluvial erosion processes (and possibly mass-wasting processes) from the ancestral flow of Old Creek at a time when the creek was entrenched along the southerly side of the creek valley." It is determined by the County Geologists that this area is a fluvial bluff and not a coastal bluff. The

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Geologists discuss that due to the geologic past, the coastal erosion processes are more prevalent today at the site "as it is clear that wave action does reach the outcropping in storm surf conditions. This 'transition' section of the rock outcropping extends south of the project site approximately 100 feet to a point on the property at 2614 Studio Drive. Beyond this point, the landform generally trends about S47°E and appears wholly influenced by coastal erosion processes and represents true 'coastal' bluff in the geomorphic sense." The project site therefore is located eastward of the coastal bluff, on a fluvial bluff, which contains up to 10.5 feet of fill that was brought in for the roadway.

The EIR analysis also discusses the option of calling this rock outcrop area a "coastal bluff." If the decision makers were to call this a coastal bluff, then the area for the home would be setback a minimum of 25 feet from the westward edge of the outcrop/slope if one were to employ the minimum coastal bluff setback requirements. If that were the case, then the property would have approximately 35 feet by 22 feet, or approximately 770 square feet of area to construct the house and garage (with 3' side setbacks, 25' "bluff" setback and a zero front setback). Additional square footage for the driveway/flatwork and entrance walkways are located within the County right of way which extends approximately 100 feet (County owned property).

Because, however County Geologists did not recognize this as a coastal bluff the proposed project footprint extends to the edge of the slope and there is no coastal bluff setback requirement as the entire property is westward of the actual bluff. The design also includes a cantilevered portion as to minimize disturbance to the sand while allowing for additional square footage for the home.

Coastal Hazards: While the analysis did not determine that this was located on a "coastal bluff," the property is subject to impacts from coastal processes. The EIR outlines coastal hazards, wave run-up and drainage issues at the property. "The elevation within the project parcel ranges from about +10 feet on the beach area to +30 feet at Studio Drive. The majority of the parcel is at or above +20 feet in elevation. The site is fronted by a bedrock outcropping (graywacke sandstone) from about elevation +17 feet NAVD88 to the beach at about elevation +10 feet NAVD88, which serves as a form of natural shore protection." The coastal wave run up study " includes a worst-case analysis of wave runup conditions incorporating a potential sea level rise of 2.5 feet over the next 100 years. The report evaluates four different potential oceanographic hazards at the project site: shoreline erosion, flooding hazard due to water level changes in the ocean, breaking wave elevation, and wave runup." The studies indicated that the future design maximum sea level is 10.1 feet NAVD88 which would be considered in excess of a 100 year recurrence interval water level. Additionally the wave runup may reach an elevation of +15 feet NAV88 over the next 100 years under infrequent extreme design oceanographic conditions (including tsunami).

The intent of the coastal bluff setbacks are to eliminate hazardous situations with development that could be subject to coastal processes. However, due to the elevation and location of the proposed project as outlined in the Coastal Hazards Analysis, the proposed development located on the existing rock outcrop complies with the 100 year events as outlined in the study.

Modern Design & Basement Issues: Because the site is constrained, the architect used a cantilevered design with a basement level in order to add square footage to the living area of the house beyond the garage. The basement level can be seen from the north elevation but can't be seen from up on the road in front of the proposed home. This basement for the proposed project is similar to other projects within Cayucos where projects have included square footage without adding to the visual massing of the residence as seen from the street. This design strategy for allowing additional square footage has been controversial within

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Cayucos because there are additional requirements for two story residences (i.e. additional setbacks for upper floors) and the basement has not been considered a visible floor therefore those special setbacks have not been applied (mainly because the additional setbacks are for visible upper floors to reduce visual massing). Other projects include the Smirl project (DRC2007-00083), Bond project (DRC2007-00031), Oelker project (DRC2009-00102) and the Lewis project (DRC2009-00027) all of which have been approved with basements. Staff is recommending approval of the proposed project with the basement consistent with the previous projects.

Additionally, the proposed design style of the project is modern. While beach bungalow and other traditional coastal designs predominate, modern architecture is represented in the Studio Drive area and elsewhere in Cayucos. The County does not have an ordinance that limits modern design styles, but the ordinance requirements for this area include; limitations on size, massing and articulation (discussed further below under ordinance requirements).

Views: The site is within a scenic area with views of the ocean from Highway 1 as well as Studio Drive and the beach. The project design however incorporated design elements such as a low profile, muted colors and complies with the small scale neighborhood design requirements which limit the size of the proposed residence. The location of the project site being at the end of an existing neighborhood forces the project to be visible from the northern side of the proposed home. The property is narrow and there is no way to construct a house at this location that will not be visible on the side facing the state beach and Studio Drive. The project does not introduce a new use within this viewshed as there are existing residences within this view and is considered infill development. This project is consistent with the development patterns throughout Cayucos and would not be an unexpected visual feature within a residential neighborhood. The project will however impact views from private residences, specifically the adjacent neighbor to the south. It is the County's practice however that private views are not protected, and that any impacts to public views be mitigated to the maximum amount feasible based on the project location. The EIR alternatives analysis includes suggestions for project revisions which may ameliorate some of the neighbors' concerns by reducing the size of the cantilevered portion of the project and including a more traditional design style.

Coastal Access: The project includes a condition of approval for coastal access along the beach across the westward portion of the property for lateral access. Currently there is a coastal access point adjacent to the property owned by State Parks, and a large beach area which is very accessible at this location. The proposed project includes a deck which would extend over the beach area subject to the lateral access, however staff has conditioned the project to remove all structures within a 25 foot setback area from the property line. There is adequate (weather depending) beach area with the 25 feet of sand on this property as well as at least two hundred feet to the west for the public to access the ocean within this location.

Potential Project Alternatives: The EIR includes alternatives which discuss different design options that may ameliorate some of the community's concerns for visual impacts. These alternatives include:

- Alternative "A" as shown in the EIR includes removal of the basement while keeping the upper floor as is. In this alternative the basement area would become open foundation area and the home would be limited to 1,857 square feet (including garage). This option would keep the similar design style as the proposed project.
- Alternative "B" as listed in the EIR includes a reduced project with a more traditional design. This option would reduce the length of the cantilevered portion

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to match the basement wall and could include only the deck portion to be cantilevered (approximately 180 square feet) which would reduce the size of the home as viewed from the north and beach areas. This option would also include a more traditional design with cement board siding, shake or other traditional nautical or craftsman design style. This design could include an approximately 2,572 square foot residence with garage.

- Alternative "C" would include conditions that would keep the same size and layout, however would require additional screening along the northern side of the proposed residence which would soften the views. This screening could include landscaping materials such as natural rock to blend into the landscape and low lying shrubs and/or vines.

The commission has the option of approving one of the alternatives, or a combination of these as they are within the evaluation conducted for the Environmental Impact Report. While staff's recommendation includes the proposed project, a follow up alternative recommendation would include approval of alternative B as this would recognize much of the community's visual concerns, while allowing the residence to remain in this location with a more traditional design style.

PROJECT ANALYSIS

Estero Area Plan Standards:

Standard	REQUIRED/ALLOWABLE	PROPOSED	STATUS
FRONT SETBACKS	0	0	O.K.
LOWER STORY WALL HEIGHT	N/A.	N/A	O.K-proposed home is single story (basement does not count as story).
SIDE SETBACKS	3'	3'	O.K.
BLUFF SETBACK	25' MIN UNLESS GEOLOGIC REPORT INDICATED LARGER SETBACK NECESSARY TO WITHSTAND 100 YEARS OF BLUFF EROSION	25' setback for the home from the rear property line	See Discussion on Bluff Setback
HEIGHT	15' from the centerline elevation of Studio Drive	15'	O.K
GSA	3,500	3,097	O.K – includes covered deck of 180 sq ft. and basement
PARKING	1 10X20' MIN. ENCLOSED SPACE, 1 SPACE WITHIN FRONT SETBACK	1 enclosed 242 square foot space & 1 space in carport	O.K
DRIEVEWAY WIDTH	18' MAX.	18"	O.K
DECK RAIL HEIGHT	36"	36"	O.K.

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COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043: Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the site is between the first public road and the ocean.

Section 23.07.104: Archaeologically Sensitive Area

While the subject property is not within a mapped Archaeologically Sensitive area, due to proximity of other known archaeological sites staff determined that a site survey was appropriate. *Archaeological surveys were conducted as a part of the EIR process. The surveys did not find evidence of significant cultural resources on the subject property. The Conditions of Approval require that in the event that archaeological resources are discovered during construction, construction activities shall cease, and the Planning and Building Department (and in the event of human remains, the County coroner) shall be notified so that resources can be recorded and their disposition handled in accordance with state and federal law. Therefore, as conditioned, the project complies with this standard.*

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 23.07.080 – Geologic Study Area

Any project within the Geologic Study area designation or within a high liquefaction area is subject to the preparation of a geological report per the County's Land Use Ordinance (CZLUO section 23.07.084(c)) to evaluate the area's geological stability relating to the proposed use. *Several geologic investigations were conducted and analyzed through the Environmental Impact Report for the project. The reports were reviewed and approved by the County Geologist as well as County contracted consulting geology firm, Cotton Shires. Mitigation measures are proposed to reduce impacts to a less than significant level, and are included within the conditions of approval.*

Section 23.04.420 Coastal Access

All new development shall provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year. Where topography limits the dry sandy beach to less than 25 feet, lateral access shall extend from the mean high tide to the toe of the bluff. Where the area between the mean high tide line (MHTL) and the toe of the bluff is constrained by rocky shoreline or other limitations, the County shall evaluate the safety and other constraints and whether alternative siting of accessways is appropriate. This consideration would help maximize public access consistent with the Local Coastal Program and the California Coastal Act. *This proposed project complies with this requirement as conditioned. The condition requires 25 feet of dry sandy beach to be available at all times during the year.*

Section 23.07.065 General Hazard Avoidance & Coastal High Hazard Areas

While the project site is not within a mapped Flood Hazard Zone, the Coastal Zone Land Use Ordinance contains standards for projects that would be located within areas subject to coastal or flooding hazards. These standards include construction practices and additional engineering when designing and constructing structures which may be impacted by coastal processes.

1. All buildings or structures shall be elevated on adequately anchored pilings or columns and
2. Securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation level. The pile or column foundation and structure

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- attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
3. All new construction and other development shall be located on the landward side of the reach of mean high tide.
 4. All buildings or structures shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
 5. Fill shall not be used for structural support of buildings.
 6. Man-made alteration of sand dunes that would increase potential flood damage is prohibited.
 7. The Director of Planning and Building and/or the Public Works Director shall obtain and maintain the following records.
 - (i) Certification by a registered engineer or architect that a proposed structure complies with Subsection D.3.a
 - (ii) The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all buildings and structures, and whether such structures contain a basement.

The proposed project has included a coastal hazards analysis (outlined in the EIR) which evaluated potential hazards due to wave run up, flooding and erosion. It was found that the elevation of the proposed basement is located outside of the area that could be impacted due to a 100 year event. The project, however is conditioned to comply with the above construction practices to ensure that the proposed residence is not impacted by coastal hazards.

COASTAL PLAN POLICIES:

Shoreline Access: Policy No 2
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
Agriculture: N/A
Public Works: Policy No(s): 1 & 7
Coastal Watersheds: Policy No(s): 7, 9, 10
Visual and Scenic Resources: Policy No(s): 2, 3, 6, 10, & 11
Hazards: Policy No(s): 1, 2, & 6
Archeology: Policy No(s): 1 & 6
Air Quality: Policy No(s): 1

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

COASTAL PLAN POLICY DISCUSSION:

Shoreline Access

Policy 2: Vertical accessways will be required at the time of new development when adequate vertical access is not available within a reasonable distance (one-quarter mile within urban areas and one mile in rural areas) and where prescriptive rights may exist. This project is within one-quarter mile to vertical access which is adjacent to this project just to the north. *Lateral access is included as a condition of approval for this project. The condition requires a minimum of 25 feet of dry sandy beach to be available at all times.*

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Environmentally Sensitive Habitats

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats. The proposed project is not located within an environmentally sensitive habitat area, and is located approximately 700 feet south of the mouth of a stream. *Due to the distance of the project site from the mouth of the stream the project will not have any impacts on any mapped or unmapped environmentally sensitive habitat area.*

Public Works

Policy 1: Availability of Service Capacity applies to the project. The project has submitted a letter from County Service Area 10A and Cayucos Sanitary District showing that they are able and willing to serve the subject property for water and sewer service.

Policy 7: Permit requirements. A permit is required for projects within the coastal zone. *The applicant is requesting approval of a Minor Use Permit / Coastal Development Permit, consistent with the requirements of this policy.*

Coastal Watersheds

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent. Grading that will occur on slopes of greater than 20 percent requires a Minor Use Permit or Development Plan approval and shall consider site characteristics such as proximity of nearby streams, erosion potential, and slope stability, amount of grading necessary, and measures proposed to reduce potential erosion and sedimentation. *The proposed project is located on slopes less than 20% except for portions within the right-of-way which contain a short steep slope due to fill from Studio Drive which is approximately 10 feet above the subject property (all contained within the right-of-way). This area will contain drainage improvements and driveway infrastructure for site access to Studio Drive which is being applied for through this Minor Use Permit. Encroachment permits are also required prior to any work within the right-of-way. The project is conditioned to comply with Public Works requirements including review and approval of drainage plans, and sedimentation and erosion control plans.*

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures shall be utilized to minimize erosion and sedimentation. *The project has been conditioned to comply with this requirement.*

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. *The project has been conditioned to comply with this requirement.*

Visual and Scenic Resources

Policy 2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion. *The project site is located adjacent to the beach approximately 140 feet directly west of Highway 1 and approximately 250 feet south of the intersection of Highway 1 and Studio Drive. The site is visible from Highway 1 when traveling south and somewhat visible when traveling north. The property is a legal lot that is approximately 25 feet in width adjacent to existing bluff top development within the Studio Drive residential neighborhood. The subject property is lower than the adjacent developed properties. The property is small in size and would not allow for alternative designs that are totally outside of the public viewshed. It is adjacent to an existing developed neighborhood and therefore not introducing a new use within an unobstructed coastal viewshed. Also because the lot is*

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approximately 10 feet lower than Studio Drive the bulk of the home will not be as visible from Highway 1 as neighboring development along Studio Drive located on the bluff top.

Policy 3: Stringline Method for Siting New Development. In a developed area where new construction is generally infilling and is otherwise consistent with Local Coastal Plan policies, no part of a proposed new structure, including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjoining structures; except where the shoreline has substantial variations in landform between adjacent lots in which case the average setback of the adjoining lots shall be used. At all times, this setback must be adequate to ensure geologic stability in accordance with the policies of the Hazards chapter. *The proposed project is conditioned to be setback 25 feet from the western property line which will allow for the public access requirement, and will allow for this development to be level with neighboring residences to the south. This specific site has substantial variations in landform from the adjacent properties to the south. Specifically the bluff edge wraps around the adjacent property to the south and cuts up toward Studio Drive outside the boundaries of the project site. This project site does not contain the bluff and sits lower than the adjacent properties to the south. When evaluating the aerial photograph of properties to the south, this project site is set closer to Studio Drive and does not extend as far toward the west as the three to four properties to the south (see attached aerial photograph in graphics). This project complies with this requirement as proposed.*

Policy 6: Special Communities and Small-Scale Neighborhoods. Within the urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community. *The proposed project complies with the specific Small Scale Neighborhood Standards outlined in the Estero Area Plan for Cayucos. Demonstration of compliance is listed in the table above.*

Policy 10: Development on Beaches and Sand Dunes. Prohibit new development on open sandy beaches, except facilities required for public health and safety (e.g., beach erosion control structures). Limit development on dunes to only those uses which are identified as resource dependent in the LCP. Require permitted development to minimize visibility and alterations to the natural landform and minimize removal of dune stabilizing vegetation. *The project is located on a small legal lot of record which was created prior to the Coastal Act. . The proposed footprint of the residence is located on top of a fluvial bluff rock outcrop which also includes fill from the construction of Studio Drive and Highway 1. The project is not proposed on the sand, but incorporates a cantilevered design in order to eliminate any construction of the residence on the beach sand portions of the property.*

Policy 11: Development on Coastal Bluffs. New development on bluff faces shall be limited to public access stairways and shoreline protection structures. Permitted development shall be sited and designed to be compatible with the natural features of the landform as much as feasible. New development on bluff tops shall be designed and sited to minimize visual intrusion on adjacent sandy beaches. *There is no development proposed on the coastal bluff face as none exists on the project site.*

Hazards

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development (with the exception of coastal-dependent uses or public recreation facilities) shall be designed

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so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers. *The proposed project does not include shoreline protective devices and complies with this requirement. An existing fluvial bluff acts to reduce coastal impacts from wave run up on the property. The footprint of the proposed residence is located entirely on top of this fluvial bluff. The residence will not act as a shoreline protective device as the elevation of the foundation is above the elevation of the maximum wave run up as determined by the coastal hazards analysis which was conducted as a part of the EIR. The study stated that the maximum wave run up event over the next 100 years could produce a wave run up at elevation 15 feet. The elevation of the ground on the fluvial bluff is at 17 feet and the project is proposed to be located on top of and above this elevation.*

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability. *Several geologic investigations were conducted and analyzed through the Environmental Impact Report for the project. The reports were reviewed and approved by the County Geologist as well as County contracted consulting geology firm, Cotton Shires. Mitigation measures are proposed to reduce impacts to a less than significant level, and are included within the conditions of approval.*

Policy 6: Bluff Setbacks. New development or expansion of existing uses on blufftops shall be designed and set back adequately to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 100 years (per Estero Area Plan) without construction of shoreline protection structures which would require substantial alterations to the natural landforms along bluffs and cliffs. A site stability evaluation report shall be prepared and submitted by a certified engineering geologist based upon an on-site evaluation that indicates that the bluff setback is adequate to allow for bluff erosion over the 100 year period. Specific standards for the content of geologic reports are contained in the Coastal Zone Land Use Ordinance. *Several geologic investigations were conducted and analyzed through the Environmental Impact Report for the project. The reports were reviewed and approved by the County Geologist as well as County contracted consulting geology firm, Cotton Shires. Mitigation measures are proposed to reduce impacts to a less than significant level, and are included within the conditions of approval. The reports determined that there is no coastal bluff on site. Mitigation measures are proposed to ensure that the lower level of the residence is at least 1 foot above the 100 year storm surge level (and is conditioned to do so).*

Archaeology

Policy 1: Protection of Archaeological Resources. *An archaeological survey was conducted by Central Coast Archaeology which found that this project had no impacts to archaeological resources as none were found in the vicinity of this project.*

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures. *The project is conditioned to comply with this requirement.*

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COMMUNITY ADVISORY GROUP COMMENTS:

The Cayucos Advisory Council has expressed concerns with the basement, and the project may not comply with the Small Scale Neighborhood requirements of the Estero Plan for gross structural area, and wall height for two story construction. Staff, however feels that this is a single story development therefore requirements such as maximum wall height do not apply (applies to two story construction). Views of the residence from Studio Drive show a single story home, however you are able to see the lower basement from the northern elevation as no development exists on this side. The lower floor (basement) is below the Studio Drive elevation and similar to other bluff-top developments where basements were approved (i.e. Molnar at 2270 Pacific St.). Staff is considering this single story development. The small scale neighborhood standards specific to two story development do not apply in this particular case. Another concern was the gross structural area (GSA). Lots in this area are allowed a max GSA of 3,500 square feet; this project complies with the max GSA requirements at 3,097 square feet (including basement and covered deck area).

Also expressed were concerns regarding wave run-up, storm surge, and geologic conditions on the site. The project has been reviewed by project engineers and geologists and evaluated through the environmental review process. The project is conditioned to be constructed one foot above the storm surge elevation to comply with the geologist's and building code requirements.

Additional concerns regarding massiveness of the northern elevation, flat roofs and the photovoltaic panels were also expressed. Concerns regarding design and visual impacts are discussed within the staff report under major issues as well as within the Environmental Impact Report for aesthetic resources.

AGENCY REVIEW*:

Public Works: Recommend approval. An encroachment permit is needed for new driveway.
Cayucos Sanitary District: Will serve letter submitted and attached.
CSA 10A (water service): Will serve letter submitted and attached.
Cayucos Fire Protection District: "Don't foresee fire problems"
RWQCB: "No water quality issues. Storm water construction permit needed"
California Coastal Commission: Comments from the Coastal Commission were submitted with the Final Environmental Impact Report along with staff responses.

* Additional and updated agency comments along with staff responses are included within the Final Environmental Impact Report.

LEGAL LOT STATUS:

Certificate of Compliance approved on May 28, 2002 (C2002-0113).

ATTACHMENTS:

Exhibit A – Minor Use Permit/Coastal Development Permit Findings
Exhibit B – Conditions of Approval
Exhibit C – CEQA Findings
Project Graphics
Project Referrals (additional agency comments included in the EIR)
Environmental Impact Report – Submitted under separate cover to Commissioners

Staff report prepared by Ryan Hostetter and reviewed by Steve McMasters, and Nancy Orton.

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FINDINGS - EXHIBIT A

Minor Use Permit

- A. The proposed project or use is consistent with the San Luis Obispo County General Plan, because a single-family residence is an allowable use, and as conditioned, is consistent with all of the General Plan policies as outlined in the staff report.
- B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- C. 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 construction of a 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.
- D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development, because the proposed single-family residence is similar in nature to, and will not conflict with, the surrounding lands and residential uses.
- E. 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 Studio Drive, a local road constructed to a level able to handle the minor amount of additional traffic associated with the project.

Coastal Access

- F. 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 conditioned to require coastal lateral access, and because adequate vertical access to the coast already exists adjacent to the site to the North.

Small Scale Design Neighborhood

- G. The proposed project meets the Community Small-scale Design Neighborhood standards and guidelines, and is therefore consistent with the character and intent of the Cayucos Community Small-Scale Design Neighborhood.
- H. Public views of the ocean from Highway One and the respective neighborhood are not being further limited because the proposed single family residence is directly adjacent to existing residential development.

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EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a request by Jack Loperena for a Minor Use Permit/Coastal Development Permit to allow for the construction of a single family residence which will include:
 - a. 1,097 square feet of living space;
 - b. 1,040-square foot basement;
 - c. 338-square foot mezzanine;
 - d. 242-square foot garage and 200-square foot carport; and,
 - e. 180-square foot covered deck.
 - f. The residence would consist of one main floor and a basement.
 - g. The footprint of the house would be 1,040 square feet.
 - h. The maximum width of the structure would be 19 feet, and the maximum length would be 95 feet.
 - i. An approximately 200-square foot paved driveway would provide access from Studio Drive.
 - j. The maximum height of the residence would be 15 feet above the centerline elevation of Studio Drive.
 - k. The basement would be located below the elevation of Studio Drive.
 - l. The applicant proposes a cantilevered design, which would be elevated above the sandy beach. This portion would include approximately 325 square feet of living space and a 180-square foot covered deck.

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 site 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. Driveway width not to exceed 18 feet.
 - b. Boulder rip-rap, rock, or other shoreline protective devices shall be removed from all plans. Shoreline protection devices are not a part of this project description.
 - c. Deck railing not to exceed 36 inches.
 - d. 25 foot rear setback with no structures or overhangs within this setback area.
3. At the time of application for construction permits, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations, and landscape plan and shall be in conformance with condition no. 2 above.

Biological Resources

4. (BR/mm-3) At the time of application for construction permits all grading plans shall clearly show the location of project delineation fencing, including protection fencing surrounding the Monterey cypress tree on the southern property boundary.
5. (BR/mm-5) At the time of application for grading permits, all applicable plans shall clearly show stockpile and staging areas. Stockpiles and staging areas shall not be placed in

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areas that have potential to experience significant runoff during the rainy season. All project-related spills of hazardous materials within or adjacent to project sites shall be cleaned up immediately. Spill prevention and cleanup materials shall be on-site at all times during construction. The staging areas shall conform to standard BMPs applicable to attaining zero discharge of storm water runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. Maintenance, cleaning, and refueling of equipment and vehicles shall not be permitted onsite, within adjacent beach areas, or on Studio Drive.

6. (BR/mm-7) Upon application for construction permits, the following measure shall be included on all applicable plans: The applicant shall avoid ground disturbing activities conducted during the snowy plover nesting season to the extent feasible. If work activities must occur during the nesting season the following measures shall be taken:
 - a. Prior to installation of the project delineation fencing and the commencement of site grading, a qualified biologist shall conduct a series of pre-construction nesting bird surveys for western snowy plover. Surveys shall be conducted every other day for two weeks prior to any project related disturbances.
 - b. Surveys for snowy plovers shall include walking through all potential nesting and foraging habitat within 300 feet of the site on each survey day. The survey area shall include all available snowy plover nesting habitat within 300 feet of anticipated project activities.
 - c. The number of snowy plover individuals observed and their activities (e.g. nesting, foraging, resting, etc.) shall be documented. All documented occurrences would be reported to USFWS and documented on the CNDDDB.
 - d. If nesting activity is identified, all project activities within 300 feet of the nest shall be delayed until the nesting activity has ceased.
 - e. During construction, the environmental monitor shall conduct snowy plover surveys twice a week (preferably two to three days apart).

7. (BR/mm-8) Upon application for construction permits, the following measure shall be included on all applicable plans: If commencement of construction begins between March and September, the environmental monitor shall conduct pre-construction nesting bird surveys. If nesting activity is identified, the following measures shall be implemented:
 - a) If active nest of common passerine or shorebird species' are observed in the work area or within 100 feet of the work area, construction activities shall be modified and or delayed as necessary to avoid direct take or indirect disturbance of the nests, eggs, or young.
 - b) If active nest sites of raptors or other special-status species are observed within the work area or 300 feet of the work area, the environmental monitor shall establish a suitable buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.
 - c) Active raptor or special-status species nests should be documented by a qualified biologist and a letter report should be submitted to the County, USFWS, and CDFW, documenting project compliance with the MBTA and applicable project mitigation measures.

8. (BR/mm-9) Upon application for construction permits, the following measure shall be included on all applicable plans: Prior to site grading, the environmental monitor shall conduct a survey for coast horned lizard and other reptiles. The surveyor shall utilize hand search methods in areas of disturbance where coast horned-lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). Any lizards located during

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this survey should be safely removed from the construction area and placed in suitable habitat.

Noise

9. (N/mm-1) Upon application for building permits, the project applicant shall include in the project design the following standard mitigation measures for interior noise mitigation provided in the Noise Element for levels in the 60-65 dBA range:
 - a. Air conditioning or a mechanical ventilation system;
 - b. Windows and sliding glass doors mounted in low air infiltration rate frames (0.5 cubic feet per minute or less, per American National Standards Institute [ANSI] specifications); and,
 - c. Solid core exterior doors with perimeter weather stripping and threshold seals.

Water

10. (WAT/mm-1) Upon application for construction permits, the applicant shall submit grading and construction plans showing BMPs, and shall implement BMPs during grading and construction activities. BMPs shall include, but not be limited to, the following:
 - a. Erosion control barriers shall be applied, such as silt fences, hay bales, drain inlet protection, and gravel bags;
 - b. Disturbed areas shall be stabilized with vegetation or hard surface treatments upon completion of construction in any specific area.
 - c. All inactive disturbed soil areas are required to be stabilized with both sediment and temporary erosion control prior to the onset of the rainy season (October 15 to April 15).

Coastal Hazards

11. All buildings or structures shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
12. All new construction and other development shall be located on the landward side of the reach of mean high tide.
13. Man-made alteration of sand dunes that would increase potential flood damage is prohibited.
14. The Director of Planning and Building and/or the Public Works Director shall obtain and maintain the following records.
 - a. Certification by a registered engineer or architect that a proposed structure complies with Subsection D.3.a.
 - b. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all buildings and structures, and whether such structures contain a basement.

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Conditions to be completed prior to issuance of a construction permit

Water

15. (WAT/mm-2) Prior to issuance of grading and construction permits, the applicant shall submit a copy of the RWQCB-issued stormwater construction permit. The permit shall be on-site during all major grading and construction activities.

Fees

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

Public Works

17. Prior to issuance of a construction permit, the applicant shall apply for and obtain an encroachment permit for any improvements within the right of way from the County Department of Public Works.
18. The applicant shall submit a drainage plan for review and approval by County Public Works Department. The applicant shall show the finished floor at a minimum of one foot above the 100 year storm surge level for review and approval by County Public Works and the Department of Planning and Building.

Services

19. Prior to issuance of a construction permit, the applicant shall submit to the Development Review staff evidence from the **Cayucos Sanitary District** that all of their requirements, including payment of fees, have been met.
20. Prior to issuance of a construction permit, the applicant shall provide a letter from the **CSA 10A** stating that they are willing and able to service the property.
21. Prior to issuance of a construction permit, the applicant shall receive any necessary approvals from the Regional Water Quality Control Board.

Fire Safety

22. Prior to issuance of a construction permit, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cayucos Fire Protection District.

Lighting

23. Prior to issuance of a construction permit, the applicant shall prepare a lighting plan for review and approval. The plan shall comply with the requirements of 23.04.320 (outdoor lights) of the Coastal Zone Land Use Ordinance.

Biological Resources

24. (BR/mm-1) Prior to issuance of construction permits, the applicant shall submit documentation verifying designation of a qualified environmental monitor for all measures requiring environmental mitigation to ensure compliance with Conditions of Approval and EIR mitigation measures. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) daily and weekly compliance reporting; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. Monitoring shall be at a frequency and duration determined by the affected

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natural resource agencies (e.g., USACE, CDFW, RWQCB, California Coastal Commission, USFWS, and the County).

25. (BR/mm-6) Prior to issuance of construction permits, the applicant shall submit a detailed sediment and erosion control plan for approval, which shall address both temporary and permanent measures to control erosion and reduce sedimentation. Erosion and soil protection shall be provided on all cut and fill slopes. Revegetation shall be facilitated by mulching, hydro-seeding or other methods, and shall be initiated as soon as possible after completion of grading, and prior to the onset of the rainy season (October 15). Permanent revegetation and landscaping shall emphasize native shrubs, and trees, to improve the probability of slope and soil stabilization without adverse impacts to slope stability due to irrigation infiltration and long-term root development. All plans shall show that sedimentation and erosion control measures are installed prior to any other ground disturbing work.

Aesthetics

26. (AES/mm-1) Prior to issuance of the building permit, the applicant shall submit interior and exterior lighting plans to the Department of Planning and Building for review and approval consistent with the following:
- The point source of all exterior lighting shall be shielded from off-site views, including beach areas.
 - All required security lights shall utilize motion detector activation.
 - Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields.

Air Quality

27. (AQ/mm-2) Prior to issuance of construction permits, the applicant shall include the following measures on applicable grading and building plans:

Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment

- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Use of alternative fueled equipment is recommended whenever possible; and,
- Signs that specify the no idling requirements must be posted and enforced at the construction site.

Idling Restrictions for On-road Vehicles

- Section 2485 of Title 13, the California Code of Regulations limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following web site: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

Idling Restrictions for off-Road Equipment

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- g. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use off-Road Diesel regulation: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.
- h. Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5 minute idling limit.

Geology and Soils

- 28. (GS/mm-1) Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the recommendations identified in the Engineering Evaluation (Shoreline Engineering 2012) and Updated Geotechnical Investigation (GSI Soils, Inc.) dated December 27, 2011, specifically the recommendations identified in Section 5.2 – Preparation of the Building Pad, Section 5.3 – Structural Fill, Section 5.4 – Drilled Piers, Section 5.5 – Conventional Deepened Foundation, Section 5.6 – Slab Construction, and Section 5.9 – Surface and Subsurface Drainage.
- 29. (GS/mm-2) Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the recommendations identified in the Updated Geotechnical Investigation (GSI Soils, Inc.) dated December 27, 2011, and specifically the following:
 - a. All surface and subsurface deleterious materials shall be removed from the proposed building area and disposed of offsite. This includes, but is not limited to, any buried utility lines, loose fills, debris, building materials, and any other surface and subsurface structures.
 - b. Voids left from site clearing shall be cleaned and backfilled as recommended for structural fill.
 - c. Once the site has been cleared, the exposed ground surface shall be stripped to remove surface vegetation and organic soil.
- 30. (GS/mm-3) Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the following: recommendations for slope stability identified in the Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.10 – Temporary Excavations and Slopes; and Shoring Detail prepared by Shoreline Engineering (January 2012, updated September 20, 2012). Plans shall demonstrate how construction would be conducted such that no activity would compromise the neighboring structure. Construction of all site preparation and shoring activities shall be monitored by the project Engineer of Record, and daily monitoring reports shall be prepared and submitted to the County Department of Planning and Building on a weekly basis.
- 31. (GS/mm-4) Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which include the use of deepened pier foundations identified in the Engineering Evaluation (Shoreline Engineering, Inc.), dated January 2012, and Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.2 – Preparation of Building Pad, Section 5.4 – Drilled Piers, and Section 5.5 – Conventional Deepened Foundation.
- 32. (GS/mm-5) Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the recommendations identified in the Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.1 – Clearing and Stripping, Section 5.2 – Preparation of Building Pad, and Section 5.3 – Structural Fill.

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33. (GS/mm-6) Prior to issuance of grading and construction permits, the applicant shall submit a drainage plan for review and approval by the County Department of Public Works. The drainage plan shall be coordinated with the sedimentation and erosion control plan, be consistent with CZLUO §23.050.036 and 040, and specifically include engineered energy dissipators and controls that would limit peak runoff to pre-development levels.

Conditions to be completed during project construction

Biological Resources

34. (BR/mm-2) Prior to the initiation of construction, the environmental monitor shall conduct environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of sensitive habitats and animal species in the immediate area. Topics of discussion shall include: general provisions and protections afforded by the Endangered Species Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communications; and procedures to be implemented in the event a special-status species is observed in the work area.
35. (BR/mm-4) Prior to the initiation of construction, the applicant's contractors and the environmental monitor shall coordinate the placement of project delineation fencing throughout the work areas. The environmental monitor shall field fit the placement of the project delineation fencing to minimize impacts to sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project. During construction, no project related work activities shall occur outside of the delineated work area.

Air Quality

36. (AQ/mm-1) Prior to initiation of construction, the project applicant shall implement the following dust control measures:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use 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 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stockpile areas should be sprayed daily as needed; and,
 - d. All roadways, driveways, sidewalks, etc., to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Building Height

37. The maximum height of the project is 15 feet as measured from the centerline of the fronting Street at a point midway between the two side property lines, projected to the street centerline. 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. A licensed surveyor or civil engineer shall prepare this certification.

Archaeology

38. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:

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- 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 recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- 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 final building inspection

Landscaping

39. Prior to final building inspection, landscaping in accordance with the approved landscaping plan shall be installed or bonded for to ensure the implementation of landscaping. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

40. Prior to final inspection, the applicant shall obtain final inspection and approval from Cayucos Fire Protection District for all required fire/life safety measures.

Miscellaneous

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

Lateral Access

42. Prior to final inspection, the applicant shall execute and record an offer of dedication for lateral access which shall include 25 feet of dry sandy beach available at all times during the year (pursuant to the requirements of Section 23.04.420 of the Coastal Zone Land Use Ordinance).

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

43. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone 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.
44. 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 Coastal Zone Land Use Ordinance.

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STAFF REPORT “EXHIBIT C”

CEQA REQUIRED FINDINGS FOR THE LOPERENA MINOR USE PERMIT/ COASTAL DEVELOPMENT PERMIT ENVIRONMENTAL IMPACT REPORT

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1.0 ENVIRONMENTAL DETERMINATION

The Environmental Impact Report (EIR) was prepared, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] §21000 et seq.), to evaluate the environmental impacts resulting from approval of the Loperena Minor Use Permit / Coastal Development Permit (MUP/CDP) (project). The County of San Luis Obispo (County) is the CEQA Lead Agency for the project.

The EIR addresses the potential environmental effects associated with the project. A number of federal, state, and local governmental agencies require an environmental analysis of the proposed project consistent with the requirements of CEQA in order to act on the project. These agencies include the California Coastal Commission.

The findings and recommendations set forth below (Findings) are adopted by the County Planning Commission as the County's findings under CEQA and the CEQA Guidelines (California Code of Regulations [CCR] Title 14, §15000 et seq.) relating to the project. The Findings provide the written analysis and conclusions of this commission regarding the project's environmental impacts, mitigation measures, and alternatives to the project.

1.1 PROCEDURAL BACKGROUND

Pursuant to CEQA and the CEQA Guidelines, the County determined that an EIR would be required for the project. On August 7, 2009, the County issued a Notice of Preparation (NOP) for the EIR which was circulated to responsible agencies and interested groups and individuals for review and comment. A copy of the NOP is included in Appendix A of the Loperena MUP/CDP EIR.

The Draft EIR was available for public review and comment from June 14, 2013, through August 5, 2013, and was filed with the State Office of Planning & Research under State Clearinghouse No. 2007081044.

The County prepared written responses to the comments received during the comment period and included these responses in the Final EIR, which was published by the County on December 12, 2013. The Final EIR with responses was made available to all commenters.

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2.0 PROJECT DESCRIPTION

The applicant, Mr. Jack Loperena (landowner) and architect, Mr. James Maul, request a Minor Use Permit / Coastal Development Permit (MUP/CDP) to allow for the construction of a single-family residence. A description of the project location, project history, and project elements are discussed in the sections below.

2.1 GENERAL BACKGROUND

2.1.1 Project Location

The project site is located in the unincorporated community of Cayucos, within San Luis Obispo County, California. The project site is located adjacent to State of California Department of Parks and Recreation (State Parks) property on the northern end of Studio Drive, approximately 250 feet south of the intersection of Studio Drive and Highway 1. The project site consists of a single 3,445-square-foot parcel (Assessor Parcel Number 064-253-007).

2.1.2 Project Background

The applicant submitted an application for a MUP/CDP in May of 2006. At the time, the environmental document prepared and issued by the County was a Mitigated Negative Declaration (MND) (August 9, 2007). A Planning Department Hearing was scheduled for August 17, 2007, to consider the proposed project and MND. At the hearing, staff requested a continuance until September 21, 2007 because the MND had been re-issued and re-noticed, and required a 30-day public review period. On August 23, 2007, County staff received a Request for Review of the MND, and requested that the project be continued off calendar to address issues raised in the Request for Review. Based on the comments included in the Request for Review, County staff consulted with County experts in geology, cultural resources, emergency services, air quality, and public works and drainage. Information and data obtained from County experts were incorporated into an amended MND, which was re-circulated for public review (April 2, 2009). A Planning Department Hearing was scheduled for May 15, 2009. A Request for Review of the amended MND was received by County staff on April 16, 2009, and County staff requested that the project be continued off calendar a second time.

Based on the issues raised in the April 2009 Request for Review, the County Environmental Coordinator determined that a fair argument was raised regarding the significance of potential environmental impacts. Upon consideration of these issues, the applicant proposed that an EIR be prepared for the proposed project.

2.2 PROJECT OBJECTIVES

The objectives of the project are to:

- Develop a single-family residence on Studio Drive, within an existing, developed, single-family residential neighborhood;
- Allow development consistent with the County General Plan and Local Coastal Program
- Provide coastal access

In addition, the applicant provided the following project objectives:

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- Reduce visual impacts by design;
- Avoid development on the sandy beach and minimize site grading and disruption of the natural contours; and,
- Incorporate green building considerations into the design, and maximize exposure for solar panels.

2.3 PROPOSED PROJECT

The project evaluated in the EIR includes a proposal to grade for and construct a 3,097-square-foot residence, including approximately:

- 1,097 square feet of main floor living space
- 1,040-square-foot basement
- 338-square-foot mezzanine
- 242-square-foot garage and 200 square foot carport; and,
- 180-square-foot covered deck.

The residence would consist of one main floor and a basement. The footprint of the house would be 1,040 square feet. The maximum width of the structure would be 18 feet, and the maximum length would be 95 feet. A paved driveway would provide access from Studio Drive. The maximum height of the residence would be 15 feet above the centerline elevation of Studio Drive. The basement would be located below the elevation of Studio Drive. The applicant proposes a cantilevered design, which would be elevated above the sandy beach. This portion would include approximately 325 square feet of living space and a covered deck.

The residence would be constructed on a structural mat slab supported on deepened/deadman footings and/or drilled piers. The footing on the east side of the residence would extend the full width of the structure (18 feet), and be 6 to 8 feet deep and 18 feet long. The purpose of the deadman footings will be to resist the cantilever loading of the west side of the residence, which would extend 28 feet over the sand. The mat slab would be located at basement level (15 feet above mean sea level). Cuts varying from approximately 5 feet on the north side of the pad to 12 feet on the south side are anticipated. Temporary excavation support would be provided by steel soldier beams installed in drilled holes filled with lean concrete. The soldier beams would be lagged with steel plates to provide support during construction. The soldier beams and lagging would be removed once the excavated area is backfilled. The exterior walls of the structure would be concrete and would retain soils along the southern, eastern, and northern sides of the residence. Retaining walls will also be constructed adjacent to Studio Drive with continuous footings extending into the underlying bedrock materials.

A photovoltaic system would provide electricity for the residence, including 1,400 square feet of solar panels to be located on the south-facing slopes of the roof. Light tubes would be installed to allow outside light to filter through to the basement.

2.3.1 Grading Estimates

Grading activities would disturb approximately 3,000 square feet of the 3,445-square-foot parcel, including 400 cubic yards of cut (foundation) and 150 cubic yards of fill (driveway). The average depth of cut would be 5 feet (minimum 1 foot, maximum 12 feet). Approximately 250 cubic yards of soil would be exported offsite.

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2.3.2 Drainage Plan

Proposed drainage plans include removal of an existing overside drain and construction of a new storm drain system including an overside drain with a fossil filter, stormwater inlet, and stormwater outlet with energy dissipators. Stormwater would flow from the outlet in a northwesterly direction offsite.

A concrete deck would be constructed over the new pipe system to allow entry to the property. Rainfall from the roof would be collected by a gutter system and facilitated to an underground holding tank below the driveway grade. Captured runoff would be used as gray water for toilet flushing and landscape watering. Runoff would be piped and directed westward to exit onto the beach.

2.3.3 Services and Utilities

An existing high pressure gas main would be re-routed so that no structures are located over the top of the pipeline. The proposed residence would be served by the County Service Area 10A for water supply and Cayucos Sanitary District for wastewater collection, treatment, and disposal. Cayucos Fire would provide fire protection.

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3.0 GENERAL FINDINGS

3.1 CEQA GENERAL FINDINGS

- A. The County Planning Commission finds that changes or alterations have been incorporated into the project to eliminate or substantially lessen all significant impacts where feasible. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Loperena Minor Use Permit/Coastal Development Permit EIR.
- B. The County Planning Commission finds that the project, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.
- C. Per CEQA Guidelines §15126.4(a)(1)(B), the proposed project includes performance-based conditions relating to environmental impacts and include requirements to prepare more detailed plans that will further define the mitigation based on the more detailed plans to be submitted as a part of the construction phase. Conditions and mitigation measures contain performance-based standards and therefore avoid the potential for these conditions or measures to be considered deferred mitigation under CEQA.

3.2 LEAD AGENCY AND RESPONSIBLE AGENCY USE OF THE FINAL EIR AND FINDINGS

The County, as the CEQA lead agency, is responsible for administering the preparation of the EIR and certifying the Final EIR. The Commission will use the Final EIR as an informational document to assist in the decision-making process, ultimately resulting in the approval, denial, or assignment of conditions to the project.

The CEQA Guidelines authorizes lead agencies (public agencies that have principal responsibility for carrying out or approving a project and for implementing CEQA) to approve a project with significant effects if there is no feasible way to lessen or avoid the significant effects and the project's benefits outweigh these effects. Responsible agencies (public agencies other than the lead agency that have responsibility for carrying out or approving a project and for complying with CEQA) have a more limited authority to require changes in the project to lessen or avoid only the effects, either direct or indirect, of that part of the project which the agency will be called on to carry out or approve (PRC §21104(c), §21153(c); CEQA Guidelines §15041(b), §15042).

3.3 THE RECORD

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The NOP and all other public notices issued by the County in conjunction with the proposed project;
- The Final EIR for the proposed project which consists of the Draft EIR, the technical appendices, and the Response to Comments;
- The Draft EIR;

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- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review and comment period on the Draft EIR;
- All written and verbal public testimony presented during noticed public hearings for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The documents, reports, and technical memoranda included or referenced in the technical appendices of the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft and Final EIR;
- The Ordinances and Resolutions adopted by the County in connection with the proposed project, and all documents incorporated by reference therein;
- Matters of common knowledge to the County, including but not limited to federal, state, and local laws, regulations, and policy documents;
- Written correspondence submitted to the County in connection with the project;
- All documents, County Staff Reports, County studies, and all written or oral testimony provided to the County in connection with the project;
- The County's Local Coastal Plan, General Plan, and related ordinances;
- All testimony and deliberations received or held in connection with the project; and,
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e) (excluding privileged materials).

3.4 CERTIFICATION OF THE LOPERENA MUP/CDP EIR

The County Planning Commission makes the following findings with respect to the Loperena MUP/CDP Final EIR:

- A. The Planning Commission has reviewed and considered the documents and other information listed in Section 3.3 above.
- B. The Final EIR has been completed in compliance with CEQA.
- C. The Planning Commission has considered the information contained in the Final EIR, the public comments and responses currently and previously submitted, and the public comments and information presented at the public hearings.
- D. All information was considered by the Planning Commission before taking an action on the project.

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- E. The Planning Commission hereby finds and determines that:
1. All significant effects that can be feasibly avoided have been eliminated or substantially lessened as determined through the findings and supporting evidence set forth in Sections 7.0, 8.0, and 9.0.
 2. Based on the Final EIR and other documents in the record, specific environmental, economic, social, legal, and other considerations make infeasible other project alternatives identified in the Final EIR.
 3. Should approval of the Loperena MUP and CDP have the potential to result in adverse environmental impacts that are not anticipated or addressed by the Final EIR, subsequent environmental review shall be required in accordance with CEQA Guidelines §15162(a).

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5.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified and discussed significant effects that will occur as a result of the proposed project. With the implementation of the mitigation measures identified in the Final EIR, these effects can be mitigated to a level of insignificance. Therefore, no statement of Overriding Consideration is required.

IMPACT ANALYSIS: Impacts of the proposed project and alternatives have been classified using the categories Class I, II, III, and IV as described below:

- **Class I:** Class I impacts are significant and unavoidable. To approve a project resulting in Class I impacts, the CEQA Guidelines require decision makers to make findings and a statement of overriding considerations that discusses as applicable the economic, legal, social, technical and other benefits of the proposed project against the unavoidable environmental risks. The proposed project has not resulted in any Class I impacts.
- **Class II:** Class II impacts are significant but can be mitigated to a level of insignificance by measures identified in the Final EIR and the project description. When approving a project with Class II impacts, the decision-makers must make findings that;
 1. Changes or alternatives to the project have been incorporated that reduce the impacts to a less than significant level, or
 2. That such changes or alternatives are within the responsibility and jurisdiction of another governmental agency and not the Lead Agency making the finding, and that such other governmental agency can and should adopt the required project changes or alternatives.
- **Class III:** Class III impacts are adverse but not significant. Mitigation measures may still be required for these impacts as long as there is rough proportionality between the environmental impacts caused by the project and the mitigation measures imposed on the project.
- **Class IV:** Class IV impacts would have a beneficial environmental impact.

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6.0 FINDINGS FOR IMPACTS IDENTIFIED AS LESS THAN SIGNIFICANT

The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant. Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that each of the following effects have been avoided or will have a less than significant impact, as identified in the Final EIR. The less than significant effects (Impacts) are stated fully in the Final EIR. The following are brief explanations of the rationale for this finding for each impact:

A. Agricultural Resources (Insignificant Impact/Not Applicable)

1. **Convert Prime Agricultural Land to Non-Agricultural Use.** The project is located in a non-agricultural area with no agricultural activities occurring at or adjacent to the project site. The project site is classified as Urban and Built-Up Land by the DOC, Division of Land Resource Protection's Farmland Monitoring and Mapping Program (DOC 2008). No important farmland would be converted to non-agricultural use; therefore, there would be no impact.
2. **Impair Agricultural Use of Other Property or Result in Conversion to Other Uses.** No agricultural uses occur in the immediate vicinity of the project site. Based on the location of the project, it would not impair agricultural use of other properties in the region or result in conversion to non-agricultural uses. Therefore, there would be no impact.
3. **Conflict with Existing Zoning or Williamson Act Program.** The project site is within the residential land use category, and is not under Williamson Act contract. No parcels in the project vicinity are within the agricultural land use category or are subject to a Williamson Act contracts. No significant impacts to agricultural resources would occur.

B. Aesthetics (Class III)

1. **Create an Aesthetically Incompatible Site Open to Public View.** From surrounding viewing locations, the overall height of the project would appear visually consistent with the heights of existing houses lining Studio Drive, and particularly the existing houses closest to the site. It is anticipated that as seen from most viewpoints, the height of the project would not be unexpected at this residential location.

The project proposes a building with a distinctly modern-style architecture and form. This style of architecture is seen regularly in the Studio Drive neighborhood and throughout the community. Although residential buildings often associated with the coastal community aesthetic tend to be beach bungalow style, modern style architecture is also part of the eclectic vernacular. These mid-century style buildings often employ simple forms, and flat rooflines with clerestory windows, similar to the proposed project.

Because of the existing residential setting, and the proposed structure's general consistency with the scale and architecture of the Studio Drive neighborhood, the project would be aesthetically compatible with the area, and potential impacts to public views is considered to be *less than significant* (CEQA Class III).

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- 2. Introduce a Use within a Scenic View Open to Public View.** Because of its location on the bluff, the project would be visible from many public viewpoints and from many viewing directions. The project's proximity to the beach and Studio Drive allows for up-close viewing opportunities by the public. The greatest number of potential viewers would be traveling on Highway 1, from where the project would occupy a portion of the mid-ground view, with the Pacific Ocean in the background. From Highway 1, the project would be more noticeable from the southbound lanes, since views from the northbound lanes would be mostly blocked by adjacent development. As seen from all areas on Highway 1, the lowest portion of the building and associated retaining walls would have limited visibility. The upper part of the residence would block a portion of the existing ocean view, from both the northbound and southbound lanes of Highway 1. From the southbound lanes, blue-water ocean views and the horizon line would be blocked a minor amount. As seen from the northbound lanes, blue-water views would also be briefly blocked, however views of the horizon and of the distant coastline hills would not be affected.

Although the project would block a portion of the ocean, the effect on the viewing experience would be minor. As seen from the highway it is estimated that the project would only block an insignificant percentage of the existing available ocean view. No views of unique, historic, or singularly memorable coastal resources would be affected. The existing residential development along Studio Drive currently limits views of the ocean and beach from Highway 1. It is anticipated that to most viewers, the project's small incremental effect on the scenic vista would just appear as an extension of the existing neighborhood condition. The high quality of the scenic vista would not be affected, and the extent of view loss would be minor or even un-noticed in the context of the remaining scenic viewshed.

As seen from southbound Studio Drive, the visual effect of the project would be similar to that from Highway 1; only a small portion of the total available ocean view would be affected, and the majority of the project would be seen within the visual silhouette of the adjacent development. From northbound Studio Drive south of the project, views of the ocean are blocked by existing homes. From the northbound direction, coastal views begin to open up as the viewer approaches the project site and begins to see around the northernmost residence. With construction of the project, existing coastal view blockage in the northbound direction and directly in front of the project would be extended a distance of approximately 150 feet along the street frontage. Outside of this 150-foot section, northbound views along Studio Drive would not be affected. Because existing coastal views along the approximately one mile length of Studio Drive are currently blocked, and there is approximately 300 feet of protected ocean views to the north of the site and extending to the Old Creek parking area, the additional 150 feet of affected view would be minor. The visual affect as seen from a vehicle would be approximately one second. Because of the short length, viewing durations from pedestrian and bicyclist viewpoints would also be very brief. Similar to the views from Highway 1, the project's small incremental effect on the scenic vista would likely appear as an extension of the existing neighborhood condition. The high quality of the existing scenic vista would be unaffected, and the extent of view loss would be minor or even un-noticed in the context of the remaining scenic viewshed.

Viewpoints from the beach toward the project would be generally oriented inland and away from the ocean. From these viewing areas, scenic coastal resources such as

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the hills east of the highway are somewhat compromised by existing residential areas as well as the highway. The uppermost portions of the hills however are undeveloped and can be seen from much of the beach area. Because of the existing homes along the Studio Drive bluff, public viewers closer to the base of the bluff can see less of the hills across the highway to the east. From most beach viewpoints northwest of the project, the proposed residence would not extend beyond the visual silhouette of the adjacent development behind it. As seen from certain viewpoints directly west and southwest of the project, the upper portion of the new building would block a portion of the hillside to the northeast. From some closer viewpoints, the residence would block brief views of the ridgeline as well. Although a portion of the hillside views would be blocked by the project, the overall effect on the scenic vista would be minor. Views to the hills would not be blocked as seen from the majority of the beach area. No unique rock outcroppings or other memorable features are present within affected hillside areas. In addition, other hillside views would remain in the viewshed. The project and its subsequent effect on hillside views would appear to most viewers as an extension of the existing visual condition. Scenic ocean views from the neighborhood east of the highway would not be affected because the proposed residence would be consistent with the heights of the existing adjacent homes along Studio Drive.

Because the project would affect only a minor percentage of the available ocean and hillside views as seen from Highway 1 or from public roadways in the surrounding neighborhood or public beach, and because what would be affected would appear as an incremental extension of the existing visual condition along Studio Drive, the project's effect on scenic views is considered to be *less than significant* (CEQA Class III).

Specific Scenic Resources as Seen from the State Scenic Highway. As discussed in the previous section, the greatest number of potential viewers would be traveling on Highway 1, an Officially Designated State Scenic Highway and a National Scenic Byway. The upper part of the residence would block a portion of the existing ocean view, from both the northbound and southbound lanes of Highway 1. From the southbound lanes, blue-water ocean views and the horizon line would be blocked a minor amount. As seen from the northbound lanes, blue-water views would also be briefly blocked, however views of the horizon and of the distant coastline hills would remain.

Although the project would block a portion of the ocean, the effect on the viewing experience would be minor. As seen from the highway it is estimated that the project would only block an insignificant percentage of the existing available ocean view. No views of unique, historic, or singularly memorable coastal resources would be affected. The existing residential development along Studio Drive currently limits views of the ocean and beach from Highway 1. It is anticipated that to most viewers, the project's small incremental effect on the scenic vista would just appear as an extension of the existing neighborhood condition. The high quality of the scenic vista would not be affected, and the extent of view loss would be minor or even un-noticed in the context of the remaining scenic viewshed.

As a result, the project would have no adverse effect on scenic resources as seen from Officially Designated State Scenic Highway 1. Because the project would affect only a minor percentage of the available ocean and hillside views as seen from

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Highway 1 and because what would be affected would appear as an incremental extension of the existing visual condition along Studio Drive, the project's effect on scenic vistas is considered to be *less than significant* (CEQA Class III).

3. **Change the Visual Character of an Area.** The project site occupies one of the more visible residential locations in the community. The proximity to Highway 1 and Morro Strand State Beach greatly increases the potential number of viewers of the project. The volume of traffic on Highway 1 in the vicinity of the project averages approximately 11,000 vehicles per day (Caltrans 2008). Because of this large number of viewers and highly visible location, the appearance of the project would have an influence on the visual character of the neighborhood. Any development of the site would include an inherent alteration of visual character. The change in character brought about by this project would be most noticeable in terms of its height, form, and architecture.

The project site itself is mostly covered with non-native vegetation such as iceplant and ornamental plantings. The visual context of the site is one of a residential beach neighborhood. Although the site's topography provides some visual interest to the setting, it is not memorable or unique. The exposed rock area along western portion of the site is a relatively insignificant portion of a larger, continuous rock face extending south along the bluffs. As noted above, the height of the project would not be unexpected at this residential location and the proposed architecture is aesthetically compatible with the character of the existing residences in the Studio Drive neighborhood.

Because of the existing residential setting, and the proposed structure's general consistency with the scale and architecture of the Studio Drive neighborhood, the effect of the project on visual character and quality of the site is considered to be *less than significant* (CEQA Class III).

4. **Impact Unique Geological or Physical Features.** As mentioned previously, the visual context of the site is one of a residential beach neighborhood. The project site is mostly covered with non-native vegetation such as iceplant and ornamental plantings. Although the site's topography provides some visual interest to the setting, it is not memorable or unique. The exposed rock area along western portion of the site is a relatively insignificant portion of a larger, continuous rock face extending north-south along the bluffs. Furthermore, the project would not block or adversely affect views of any unique off-site geological or physical features. As a result, the effect of the project on unique geological or physical features is considered to be *less than significant* (CEQA Class III).

C. Air Quality (Class III)

1. **Violate Air Quality Standard or Exceed Emission Threshold.** As proposed, the project would result in the disturbance of approximately 3,000 square feet, including driveways, walkways, the residential structure coverage, and landscaping. This would result in the creation of construction dust, as well as short-term vehicle emissions. Long-term operational impacts would include an increase in vehicle emissions on surrounding roads. Based on the CEQA Air Quality Handbook, the project would result in less than 10 pounds per day of pollutants, which is below the threshold warranting mitigation. Therefore, potential impacts would be *less than significant* (Class III).

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2. **Create or Subject Individuals to Objectionable Odors.** The project consists of a residence, which will not require the storage or use of any materials or equipment that would generate objectionable odors. Therefore, potential impacts would be *less than significant* (Class III).
3. **Clean Air Plan Consistency.** The project is consistent with the general level of development anticipated and projected in the CAP, including promotion of residential infill in proximity to essential services and alternative transportation services. Therefore, potential impacts would be *less than significant* (Class III).
4. **Generate GHG Emissions.** The proposed project would result in an increased use of vehicles and electricity, each of which generate small amounts of CO₂, N₂O, and HFCs. The APCD provided comments on the project that indicated through URBEMIS modeling that the project would result in approximately 84 pounds per day of CO₂ in the summer and 102 pounds per day in the winter (APCD Comment Letter dated December 23, 2008).

Based on *Table 1-1: Operational Screening Criteria for Project Air Quality Analysis* (SLOAPCD 2012), construction and operation of one single-family residence would not exceed 1,150 MT of CO₂e/year threshold. In addition, the project includes elements that will reduce GHG emissions, including compliance with current Title 24 Energy requirements (electricity reduction for cooling/heating), use of solar panels to reduce demand from GHG-emitting power plants, location within a garbage service area that is recycling over 50% of its wastes (electricity reduction), and requirement to recycle at least 50% of its construction wastes.

Because the project proposes only one single-family residence in an existing residential neighborhood, and is consistent with land use components necessary to meet the goals of AB32 and set forth in the Clean Air Plan, this increase in GHGs is not considered significant. Therefore, no significant adverse GHG impacts would occur as a result of the proposed project, and no mitigation measures are necessary (Class III).

5. **Conflict with Applicable Plan, Policy, or Regulation.** The proposed project is consistent with the APCD's CEQA Handbook and County's EnergyWise Plan because it consists of a residential development within an urban area, in proximity to recreational resources and opportunities for alternative transportation, such as walking and bicycling. As noted above, the project includes energy-efficiency measures, including incorporation of solar energy. Potential impacts would be *less than significant* (Class III).

D. Cultural Resources (Class III)

1. **Pre-historic Resources.** The project site is located within a culturally sensitive region; however, the field studies and background research conducted by the applicant's consultant and EIR archaeologist did not identify the presence of any significant cultural resources within the project site. As with any ground disturbing activities, the potential for encountering previously undocumented cultural resources exists. In the event of inadvertent discovery, compliance with Section 23.05.140 of the CZLUO will be required. Potential impacts to pre-historic resources would be *less than significant* (Class III).

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2. **Historic Resources.** No historic resources are located within the project site or within 0.5-mile. No impacts to historic resources are anticipated, therefore, no mitigation measures are required. No significant impact to historic resources would occur.
 3. **Paleontological Resources.** The proposed project would be located within formations that are not known to contain significant paleontological resources. Impacts to paleontological resources would be *less than significant* (Class III). No mitigation is required.
- E. Hazards and Hazardous Materials (Insignificant Impact/Not Applicable)**
1. **Risk of Explosion, Release, or Exposure to Hazardous Substances.** The project does not propose the use or storage of hazardous materials; therefore, the risk of explosion or release of hazardous substances is not likely. The project would not result in the routine transport, use, or disposal of hazardous materials and does not create the potential for the release of hazardous materials through upset and/or accident conditions. Therefore, no hazards associated with the handling of hazardous materials would result. The project site is not located within 0.25 mile of an existing or proposed school, and is not included on the Cortese List or any other list of hazardous materials sites and would not create associated risks to the public or environment. No impacts due to hazards or hazardous materials would occur.
 2. **Interfere with Emergency Response or Evacuation Plan.** Although it places residential uses within an area covered by the Dam and Levee Failure Evacuation Plan, Cities Nuclear Power Plant Emergency Response Plan, and Tsunami Response Plan, the proposed use is suitable for the location and within the general level of development projected in the response plans. The proposed project would not inhibit emergency alert, evacuation or response actions and would not conflict with any regional evacuation plan, because it is located with an existing residential lot, on a paved roadway (Studio Drive). No impacts to emergency response or evacuation plans will occur.
 3. **Airport Flight Patterns.** The project site is not located within any airport review area and would not expose people to safety risks associated with airport flight patterns, therefore no impacts will occur.
 4. **High Fire Risk.** The project is not located within a high fire hazard zone and does not present a significant fire safety risk, therefore no impacts will occur.
 5. **Other Hazards.** The County Office of Emergency Services prepares for catastrophic (though highly unlikely) worst case scenario events that would include a 50 foot tsunami wave run-up. However, based on review by the County Geologist and the project consultant geologist, a 9.5 foot wave run-up is considered more appropriate for a 100-year tsunami event. The project has been designed and conditioned to avoid impacts from a 100-year tsunami event and potential impacts related to wave run-up and tsunami hazards for the proposed development will be taken into account through the foundation design and finished floor elevations of the proposed residence.

An in depth analysis of tsunami and/or wave run-up hazards associated with the proposed project is included in Section 4.3, Geology and Soils. Refer to that section

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for additional information. No other significant adverse impacts would occur as a result of the proposed project, and no mitigation measures are necessary (Class III).

F. Geology and Soils (Class III)

- 1. Exposure to or Production of Unstable Earth Conditions.** Seismic ground shaking associated with a large earthquake on one of several nearby and regional faults (the Oceanic, Hosgri, Los Osos, and San Luis Range faults) is considered to be a high potential hazard for the project area. Peak ground accelerations up to 0.35g could potentially affect structures at the site in the future. The project site was positioned on the USGS Seismic Hazard Maps for a 2% probability of exceedance in 50 years to determine the maximum considered earthquake spectral response accelerations. The Code-required design acceleration coefficients for short periods (SDS) and at one-second (SD1) would be 0.980g and 0.491g, respectively; therefore, a site class C is recommended for structure design (GSI Soils, Inc. 2011).

Mitigation of seismic hazards due to strong ground motion is addressed through proper structural design in accordance with the applicable building codes (presently the 2009 International Building Code [IBC] and 2010 California Building Code [CBC] documents related to Earthquake Loads) at the time of building permit application. Seismically-induced ground failure mechanisms include: landsliding, liquefaction, lurching, differential compaction, lateral spreading, and dry sand settlement.

Landslides. The central coast region of California has not yet been mapped by the California Geological Survey under the Seismic Hazards Mapping Act program. No landslides have been mapped or found on the property. A large earthflow landslide terminates approximately 400 feet northeast of the site across Highway 1. The landslide and the project site are separated by over 400 feet of very low gradient topography that is overall flatter than 15:1 (horizontal:vertical). Significant portions of that horizontal distance are nearly level (e.g., the width of Highway 1). Consequently the potential for risk of landslides adversely impacting the site is considered to be low. Potential impacts related to landslides are *less than significant* (Class III), and no mitigation measures are necessary.

Earthquakes. As noted in Section 4.3.1.1 Existing Conditions, Regional Setting, Geologic Setting, fault systems are present in the region; however, no known active faults trend through the property. No topographic anomalies in the area are suggestive of faulting, and the potential for surface faulting and ground rupture at the site to be low. Therefore, potential impacts would be *less than significant* (Class III), and no mitigation measures beyond compliance with the CBC are necessary.

Earthquake-Induced Landsliding. The only significant slope that would exist at the site upon completion of the project is the fill slope descending from Studio Drive to the property; however, the plans indicate this slope will be filled over and supported by retaining walls; hence the potential for seismically-induced landsliding is low. Therefore, potential impacts would be *less than significant* (Class III), and no mitigation measures are necessary.

Lateral Spreading. Conditions that typically induce lateral spreading include liquefaction of a subsurface layer or layers of soil, and site topography that contains

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an open topographic face which exposes the soil profile overlying the liquefiable layer(s). Both conditions potentially exist at the site but require further review by the project applicant's consultants. Based on the proposed foundation design, site grading, and confined condition of the sands near the center of the building pad, the potential for lateral spreading displacements would be negligible (GSI Soils, Inc. 2011). Therefore, based on the design of the project, potential impacts would be *less than significant* (Class III), and no mitigation beyond compliance with the CBC is necessary.

Dry Sand Settlement. Due to the limited depth of sand (approximately 6 feet) within the building pad area, dry settlements of these sands during seismic ground shaking is expected to be less than 0.5 inch. With the proposed grading, these settlements are anticipated to be less than 0.25 inch (GSI Soils, Inc. 2011). Therefore, potential impacts would be *less than significant* (Class III), and no mitigation beyond compliance with the CBC is necessary.

Land Subsidence. Land subsidence occurs when large amounts of groundwater have been excessively withdrawn from an aquifer. Water supply in Cayucos is provided by the Whale Rock Reservoir and Nacimiento Water Project. There is no identified Level of Severity for water supply in the Cayucos area (County of San Luis Obispo 2012), and the project site is not located within a designated groundwater basin. There is no evidence of land subsidence on or in the vicinity of the project site, and implementation of the project would not create a demand for water supply that would result in land subsidence. Therefore, no significant impact would occur.

2. **"Alquist-Priolo" Earthquake Fault Zone.** The project site is not located within an Alquist-Priolo Earthquake Fault Zone as defined by maps prepared by the California Geological Survey. Therefore, no significant impact would occur.

3. **Soil Erosion, Topographic Changes, Loss of Topsoil, and Instability**

Soil Erosion – Long Term. In the long term, the project would not create any changes that would result in significant soil erosion. The proposed drainage plan includes stormwater diffusers to slow down runoff during rain events and minimize the potential for storm-related beach erosion. Therefore, potential long-term impacts would be *less than significant* (Class III), and no mitigation beyond compliance with existing regulations is necessary. Long-term erosion related to sea level rise and wave runup is discussed below under Coastal Hazards.

4. **Change Rates of Soil Absorption or Runoff.** As noted above, the project includes a drainage plan that would replace the existing County drain pipe with a new stormwater system. This system would change the direction of surface runoff from the street onto the beach, but would not be significantly different than the current situation. The project would create additional area of impervious surface, and includes a rain barrel and stormwater management system, consistent with the County's regulations and policies for Low Impact Development (LID). Based on the location, size, and design of the project, it would not significantly change the rates of soil absorption or amount and direction of surface runoff. Therefore, potential impacts would be *less than significant* (Class III), and no mitigation beyond compliance with existing regulations is necessary.

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5. 100 year Flood Zone. The project site is not located within a 100-year flood hazard zone, and the area proposed for development is located above and outside the AE/VE hazard zone which has a 100-year flood elevation of 10 feet (NGVD29), which is approximately equivalent to elevation 12.92 feet NAVD88. The proposed basement finish floor elevation of 15 feet NAVD88 is approximately 2.08 feet higher than the AE/VE flood elevation. Therefore, no significant impact would occur.

6. County's Safety Element Consistency. Applicable geology and soils-related goals and policies identified in the County's Safety Element include the following:

Geologic and Seismic Hazards, Goal S-5: Minimize the potential for loss of life and property resulting from geologic and seismic hazards.

Based on compliance with the CBC, County Code, and incorporation of recommendations identified in the Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, and Engineering Evaluation (Shoreline Engineering), dated January 2012, the project would be consistent with this goal.

Geologic and Seismic Hazards, Policy S-21: Slope Instability. The County acknowledges that areas of known landslide activity are generally not suitable for residential development. The County will avoid development in areas of known slope instability or high landslide risk when possible, and continue to encourage that developments on sloping ground use design and construction techniques appropriate for those areas.

The project site is not located within an area of high landslide risk; however, short-term slope instability may occur during construction. Based on incorporation of recommendations identified in the Updated Geotechnical Investigation and Engineering Evaluation, which include use of a temporary shoring system to stabilize cut slopes during excavation and construction, the project would be consistent with this policy.

Geology and Seismic Hazards, Policy S-23: Coastal Bluffs. Development shall not be permitted near the top of eroding coastal bluffs.

The project site is unique in that the underlying geology consists of a fluvial bluff, which has been buried under artificial fill. The Technical Analysis (Cotton Shires and Associates 2011), which is included in Appendix C (Geology and Soils Background Information) and incorporated by reference in this EIR section, included an assessment of potential coastal erosion hazards, and did not identify any significant adverse effects or safety hazards related to coastal erosion. Therefore, the project is consistent with the intent of this policy.

Geology and Seismic Hazards, Program S-63: Require coastal bluff erosion studies to determine the rate of erosion and the resulting safe distance from the top of the bluff for development, in accordance with the LCP.

Preparation of the EIR included a comprehensive analysis of potential erosion hazards, both short- and long-term. Based on the analysis, the project would not result in a safety issue related to erosion, thus meeting the intention of this Program.

Geologic and Seismic Hazards, Implementation Measures, Standard S-56: For developments in areas of known slope instability, landslides, or slopes steeper than 20

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percent, the stability of slopes shall be addressed by registered professionals practicing in their respective fields of expertise.

The applicant submitted technical reports and plans completed by registered engineers, and independently peer reviewed during the EIR analysis, consistent with this implementation measure.

Geologic and Seismic Hazards, Implementation Measures, Standard S-59: Development proposals will be required to mitigate the impacts that their projects contribute to landslides and slope instability hazards on neighboring property, and appurtenant structures, utilities, and roads; such as emergency ingress and egress to the property, and loss of water, power or other lifeline facilities.

Based on incorporation of recommendations identified in the Updated Geotechnical Investigation and Engineering Evaluation, which include use of a temporary shoring system to stabilize cut slopes during excavation and construction, the project would be consistent with this implementation measure and would not destabilize areas adjacent to Studio Drive and the neighboring developed property to the south.

Geologic and Seismic Hazards, Implementation Measures, Standard S-60: Enforce current building code requirements and applicable ordinances and sections of the General Plan that pertain to development on sloping ground.

The County requires compliance with the CBC, Estero Area LUE and LCP, and CZLUO, consistent with this implementation measure. Based on the technical reports peer reviewed and incorporated by reference into this EIR analysis, the project would be consistent with the Safety Element, and no significant impacts would occur.

7. Valuable Mineral Resource: The project site is not located in an area designated for mineral extraction, and no valuable minerals are known to occur onsite. Therefore, no significant impacts would occur.

8. Coastal Hazards. The potential coastal hazards associated with the proposed residential development include shoreline erosion, wave runup, and coastal flooding.

Erosion Hazard

The shoreline in front of the subject property has been relatively stable over the long term (USGS 2006). On the basis of the USGS study, aerial photograph review spanning 39 years, the elevation of the proposed development, and the presence of hard rock material between the shoreline and the proposed residence:

- there has been very little erosion or retreat of the shoreline over the last four decades;
- a 2.5-foot rise in sea level will likely not result in a significant impact on the erosion rate or the proposed residence; and,
- there is no potential significant marine erosion hazard at the site over the next 100 years.

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Therefore, the potential for significant erosion due to sea level rise would not be significant in this location.

Oceanographic Flooding Hazard

The primary hazard due to flooding from ocean waters is storm surge. The highest recorded water elevation on record in the vicinity of Cayucos (Port San Luis) is 7.57 feet NAVD88 and includes all oceanographic effects on sea level except for long-term sea level rise predictions (NOAA 2011). Incorporating a potential sea level rise of 2.5 feet in the next 100 years, the future design maximum sea level would be 10.1 feet NAVD88, which is considered to be in excess of a 100-year recurrence interval water level. The proposed residence would be located at and above an elevation of 15.0 feet NAVD88; therefore, the site would not be adversely affected by flooding from the ocean over the next 100 years.

Breaking Wave Elevation

The project incorporates a cantilevered design. The proposed first floor would be located at elevation +26 feet NAVD88, and will extend a significant distance ocean-ward beyond the basement floor; therefore, the Coastal Hazards and Wave Runup report (GeoSoils, Inc. 2011, 2012) evaluated the potential maximum breaking wave crest elevation. The breaking wave elevation analysis calculated that the maximum wave crest elevation at the project site is approximately +14.5 feet NAVD88, which is well below the proposed cantilevered first floor elevation of +26 feet NAVD88. Therefore, the cantilevered portion of the structure would not be adversely affected by breaking wave forces.

Wave Runup Hazard

A wave runup analysis was performed under extreme (worst-case) design oceanographic conditions including storm surge, sea level rise of 2.5 feet over the next 100 years, and scour of the beach in front of the rock outcropping down to elevation 3.1 feet NAVD88, utilizing a design wave height of 5.5 feet. In this worst-case scenario, the maximum wave runup would be at elevation +22.7 feet NAVD88, and may reach the basement of the proposed residence at +15.0 feet NAVD88 over the next 100 years (GeoSoils, Inc. 2011). However, the runup is characterized as a pulse of water reaching the basement wall rather than a continuous or sustained flow over time. Based on calculations, the depth of the water overtopping the rock outcrop and reaching the residence would be approximately 0.14 foot deep. The runup analysis indicates that the velocity of the wave runup bore will not be sufficient to cause damage to the structure, assuming the basement wall is constructed of steel-reinforced concrete; however, the structure will be subject to spray and splash from wave runup striking the rock outcropping. The rock outcropping at its average elevation of 17 feet NAVD88 would be overtopped by the design wave (5.5 feet) at a rate of about 0.27 cubic feet/second-foot. Based on this low height of water (0.14 foot) and relatively low velocity, the proposed project would not be adversely affected. In addition, based on the initial low velocity, and reduction in wave height and velocity following potential contact with the proposed basement wall, any wave refraction would not adversely affect the adjacent property.

In addition to wave runup, the analysis considered exposure to tsunamis. Based upon review of historical data and tsunami forecast modeling by the University of Southern California Tsunami Research Center, a 6.5-foot-high tsunami wave occurring at the project site would be a 500-year recurrence interval event. The wave runup analysis

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used a design wave height of 5.5 feet, which also represents a suitable site-specific tsunami runup at the site.

As proposed, the basement would be located at elevation 15 feet NAVD88, and basement concrete would be reinforced with steel; therefore, wave runup will not adversely impact the proposed residence over the next 100 years. An extreme tsunami may reach as high as the basement, but, for the reasons stated above, a tsunami will not adversely impact the residence. Based on the analysis presented above, and incorporated by reference from the coastal hazards and wave runup analysis report (GeoSoils, Inc. 2011, 2012), no significant impacts related to coastal hazards, including sea level rise, shoreline erosion, wave runup, and coastal flooding would occur, and the proposed residence would neither create nor contribute to erosion, geologic instability, or destruction of the site or adjacent area.

G. Noise (Class III)

1. Generate Increases in the Ambient Noise Level. The project proposes construction of one single-family residence in an existing neighborhood. The project would result in the addition of some vehicle trips on local roads (approximately 9.6 per day), but the traffic noise associated with a single residence is not considered significant. Therefore, the project would not generate significant increases in the ambient noise levels for adjoining areas.

The project would also generate construction-related noise and vibration associated with construction and development of the structure. However, the project does not propose any significant sources of man-made vibration (i.e., sonic booms, blasting, pile driving, pavement breaking, and demolition). Per the County's Land Use Ordinance, §23.06.042d, construction noise between the hours of 7:00 a.m. and 9:00 p.m. on Mondays through Fridays, and 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays, is exempt from control or mitigation. This type of noise is considered a short-term impact and *less than significant* (Class III). Therefore, the project is not expected to expose people to severe noise or vibration, or to result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity.

2. Severe Noise or Vibration. The proposed project is not located within any airport land use plan or two miles of a public or private airstrip, and would not expose people to excessive noise levels, therefore no impacts are expected to occur.

H. Public Services and Utilities

1. Effect or Result in the Need for New/Altered Public Services. The proposed project would potentially result in additional demand on public services, including emergency protection, schools, roads, solid waste disposal, parks, water supply and wastewater treatment systems. However, development is limited to one single-family residence and it is not likely that any public service or utility would be significantly impacted by the slight increase in service demand. The project applicant would pay all applicable school and public facility fees which would reduce these impacts to a less than significant level.

The proposed project is not located within a high fire severity zone, and response times are generally two to three minutes. Although the Cayucos Fire Protection District and County Sheriff's Office are considered understaffed for the populations

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they serve, the addition of a single residence within an existing neighborhood would not have a significant effect upon fire or police protection, and no new or altered emergency services would be required. Area schools, roads and parks are operating at acceptable levels of service, and the project will be served by private solid waste disposal, water, and wastewater systems, all of which have sufficient capacity to accommodate the proposed residential use. Therefore, no significant impact on these services would result from the project.

All stormwater would be handled onsite, either collected and used as gray water for toilet flushing and landscaping or directed westward onto the beach. Therefore, no new stormwater drainage facilities or expansion of existing facilities would be required. County landfills have sufficient permitted capacity to accommodate the small increase in solid waste resulting from the proposed project. Applicable water service providers and wastewater treatment facilities are capable of supporting the proposed development and no new entitlements, new facilities or expansion of existing facilities would be required. The project would comply with all statutes and regulations related to solid waste. The project would not adversely affect a community water service provider or community wastewater service provider, therefore no impacts are expected to occur.

2. **Wastewater.** The project would connect to the existing sewer system managed by the Cayucos Sanitary District, and would not require an onsite system subject to the Central Coast Basin Plan. The Cayucos Sanitary District is currently operating at acceptable levels and can accommodate the proposed project (one residence).

No significant adverse impacts would occur as a result of the proposed project, and no mitigation measures are necessary.

I. Recreation (Class III)

1. **Increase Use of Recreational Resources.** The project proposes the development of one single-family residence in an existing developed residential area, and would not create a significant increase in the use or demand of recreational areas or facilities. The project applicant will pay all applicable public facility fees to address increased demand on area recreational facilities. Therefore, potential impacts would be *less than significant* (Class III).
2. **Affect Access to Recreation.** Beach access is provided directly adjacent to the project site, and lateral access would be provided on the sandy portion of the lot. Access to trails, parks or other recreational opportunities would not be impacted by the proposed development. The future Morro Bay to Cayucos connector bike path would be located along Studio Drive, and development of the project would not affect this project, because it is limited to the existing residential parcel boundaries. The project does not include any components for the development of recreational facilities that may have an adverse physical effect on the environment. No significant adverse impacts would occur as a result of the proposed project, and no mitigation measures are necessary.

J. Transportation, Circulation, and Traffic (Class III)

1. **Increase Vehicle Trips / Level of Service.** The project proposes one single-family residence within an existing residential area with all roads operating at acceptable

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levels. While the project would add trips to the local circulation system (approximately 9.6 per day), all roads in the area are operating at acceptable levels and are capable of accommodating the small increase in trips. A referral was sent to the County Department of Public Works requesting their review of the project. They had no comments related to traffic concerns associated with the proposed project other than that an encroachment permit would be required for the new driveway. Therefore, no significant increase to local or areawide circulation systems is anticipated, and potential impacts would be *less than significant* (Class III).

2. **Unsafe Conditions.** The project includes a private driveway, which would connect to Studio Drive. Based on review by the County Department of Public Works, a Standard Encroachment Permit will be required. The project does not include any features that would result in unsafe traffic conditions; therefore, potential impacts would be *less than significant* (Class III).
3. **Emergency Access.** The project consists of a single-family residence on an existing lot. The site is accessible to emergency services by Studio Drive, which connects to Highway 1, and occupants have clear access out of the area. Potential impacts related to emergency access would be *less than significant* (Class III).
4. **Parking Capacity.** Sufficient parking for the proposed residential development is proposed at the project site, including a private driveway, carport, and garage. Therefore, potential impacts related to parking capacity would be *less than significant* (Class III).
5. **Internal Traffic Circulation.** The project is a single-family residence; therefore this threshold does not apply and no impact would occur.
6. **Alternative Transportation Policies Plans, and Programs.** Transportation and circulation policies relevant to the proposed project exist in local and state documents. These documents generally encourage the development of alternative transportation as a means to reduce traffic congestion and increase safety, among other things. The policy documents reviewed as part of this EIR section include the County's Estero Area Plan and Bikeways Plan. The proposed project is *consistent* with these plans because it consists of a single-family residence located within an existing residential neighborhood, with access to pedestrian and bicycle paths.
7. **Air Traffic Patterns.** The project is not located within two miles of a public or private airport or airstrip, and is not located at an elevation that would affect air traffic patterns. Modern solar panel technology incorporates anti-glare coatings that absorb, rather than reflect, sunlight. Therefore, the project would not affect air traffic, and potential impacts would be *less than significant* (Class III).

K. Water Resources (Class III)

1. **Change the Quality of Groundwater.** The project site is not located in an area where development would affect the quality of groundwater resources; therefore, no impact would occur.
2. **Change the Quantity or Movement of Surface or Groundwater.** The project would not create a demand of water exceeding the capacity of the water service provider, and would not require a significant level of additional groundwater pumping

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by the provider to serve the project. Therefore, the project would not change the quantity or movement of groundwater.

As noted above, the project includes improvements to the existing stormwater drain onsite. The project has been reviewed by the County Department of Public Works, and the proposed plan has been approved at a preliminary level by County staff. Stormwater currently flows into a County drain, and onto the beach via the stormwater system or surface flow. The proposed system would direct water through the project site and onto the beach. Energy dissipaters are included to slow down storm water flow and minimize the potential for erosion at the outlet. Based on the proposed plan, and compliance with existing regulations identified in the County CZLUO, potential impacts would be *less than significant* (Class III).

- 3. Adversely Affect Community Water Service Provider.** Long-term use of a single-family residence is expected to require approximately 0.270 afy, or 4,375.8 gallons/month (City of Santa Barbara 1989; County of San Luis Obispo 2011). As noted above, the project would be served by CSA 10A, which has adequate water supply to serve the project. A preliminary will-serve letter was issued for the project in 2006. Therefore, potential impacts would be *less than significant* (Class III).

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7.0 FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (CLASS II)

Pursuant to §15091(a)(1) of the CEQA Guidelines, the Planning Commission finds that, for each of the following significant effects as identified in the Final EIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the project which avoid or substantially lessen each of the significant environmental effects as identified in the Final EIR. The significant effects (impacts) and mitigation measures are stated fully in the Final EIR. The following are brief explanations of the rationale for this finding for each impact:

7.1 AESTHETIC RESOURCES

AES Impact 1	
Visibility of night lighting would affect views resulting in a direct long-term impact.	
Mitigation	<p>AES/mm-1 Prior to issuance of the building permit, the applicant shall submit interior and exterior lighting plans to the Department of Planning and Building for review and approval consistent with the following:</p> <ol style="list-style-type: none"> a. The point source of all exterior lighting shall be shielded from off-site views, including beach areas. b. All required security lights shall utilize motion detector activation. c. Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields. d. Lumination from exterior lights shall be the lowest level allowed by public safety standards.
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	The EIR analysis assumes that exterior lighting would be included as part of the project. Because of the project's configuration and its proximity to public roadways and the beach, night lighting would be seen from the surrounding area. Unshielded light sources or bright-lights reflected on exterior walls would result in potential impacts. Fog is a common atmospheric condition of the area and increases the "glow-effect" as potentially seen from great distances. Although existing night lighting can be seen in the adjacent neighborhood, the project would increase the visibility of night lighting in the area.

7.2 AIR QUALITY

AQ Impact 1	
Construction of the proposed project would generate fugitive dust, which could become a nuisance to local residents and businesses in proximity to the construction site.	
Mitigation	<p>AQ/mm-1 Prior to initiation of construction, the project applicant shall implement the following dust control measures:</p> <ol style="list-style-type: none"> a. Reduce the amount of the disturbed area where possible; b. Use 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 miles per hour. Reclaimed (non-potable) water should be used whenever possible; c. All dirt stockpile areas should be sprayed daily as needed; and

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AQ Impact 1	
	d. All roadways, driveways, sidewalks, etc., to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	The project is located in proximity to sensitive surrounding land uses, and homeowners in the vicinity of the proposed project have expressed concern related to the impacts construction activities would have on surrounding properties. Construction activities can generate fugitive dust, which could be a nuisance to residents and businesses in proximity to the project site. Dust complaints could result in a violation of the APCD's 402 Nuisance Rule. In addition, operation of construction equipment, including equipment idling, generates diesel particulate matter, which can have an adverse effect on sensitive receptors.

AQ Impact 2	
Use of construction equipment would generate diesel particulate matter, potentially resulting in an adverse effect to sensitive receptors within 1,000 feet of the project site.	
Mitigation	<p>AQ/mm-2 Prior to issuance of construction permits, the applicant shall include the following measures on applicable grading and building plans:</p> <p>Idling Restrictions near Sensitive Receptors for Both On and off-Road Equipment</p> <ol style="list-style-type: none"> a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors; b. Diesel idling within 1,000 feet of sensitive receptors is not permitted; c. Use of alternative fueled equipment is recommended whenever possible; and, d. Signs that specify the no idling requirements must be posted and enforced at the construction site. <p>Idling Restrictions for On-road Vehicles</p> <ol style="list-style-type: none"> a. Section 2485 of Title 13, the California Code of Regulations limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles: <ol style="list-style-type: none"> 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and, 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation. <p>Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5 minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following web site: www.arb.ca.gov/msprog/truck-idling/2485.pdf.</p> <p>Idling Restrictions for off-Road Equipment</p> <ol style="list-style-type: none"> a. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use off-Road Diesel regulation: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf. b. Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5 minute idling limit.

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AQ Impact 2	
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	The project is located in proximity to sensitive surrounding land uses, and homeowners in the vicinity of the proposed project have expressed concern related to the impacts construction activities would have on surrounding properties. Construction activities can generate exhaust from equipment, which could be a nuisance to residents and businesses in proximity to the project site. In addition, operation of construction equipment, including equipment idling, generates diesel particulate matter, which can have an adverse effect on sensitive receptors

7.3 BIOLOGICAL RESOURCES

BR Impact 1	
Construction of the project may have an adverse impact on special-status species and their habitats, including off-site use of equipment, storage of materials, and inadvertent transport of debris or discharge of oils, fuels, and other pollutants into the beach area.	
Mitigation	<p>BR/mm-1 Prior to issuance of construction permits, the applicant shall submit documentation verifying designation of a qualified environmental monitor for all measures requiring environmental mitigation to ensure compliance with Conditions of Approval and EIR mitigation measures. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) daily and weekly compliance reporting; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. Monitoring shall be at a frequency and duration determined by the affected natural resource agencies (e.g., USACE, CDFW, RWQCB, California Coastal Commission, USFWS, and the County).</p> <p>BR/mm-2 Prior to the initiation of construction, the environmental monitor shall conduct environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of sensitive habitats and animal species in the immediate area. Topics of discussion shall include: general provisions and protections afforded by the Endangered Species Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communications; and procedures to be implemented in the event a special-status species is observed in the work area.</p> <p>BR/mm-3 At the time of application for construction permits all grading plans shall clearly show the location of project delineation fencing, including protection fencing surrounding the Monterey cypress tree on the southern property boundary.</p> <p>BR/mm-4 Prior to the initiation of construction, the applicant's contractors and the environmental monitor shall coordinate the placement of project delineation fencing throughout the work areas. The environmental monitor shall field fit the placement of the project delineation fencing to minimize impacts to sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project. During construction, no project related work activities shall occur outside of the delineated work area.</p> <p>BR/mm-5 At the time of application for grading permits, all applicable plans shall clearly show stockpile and staging areas. Stockpiles and staging areas shall not be placed in areas that have potential to experience significant runoff during the rainy season. All project-related spills of hazardous materials within or adjacent to project sites shall be cleaned up</p>

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BR Impact 1	
	<p>immediately. Spill prevention and cleanup materials shall be on-site at all times during construction. The staging areas shall conform to standard BMPs applicable to attaining zero discharge of storm water runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. Maintenance, cleaning, and refueling of equipment and vehicles shall not be permitted onsite, within adjacent beach areas, or on Studio Drive.</p> <p>BR/mm-6 Prior to issuance of construction permits, the applicant shall submit a detailed sediment and erosion control plan for approval, which shall address both temporary and permanent measures to control erosion and reduce sedimentation. Erosion and soil protection shall be provided on all cut and fill slopes. Revegetation shall be facilitated by mulching, hydro-seeding or other methods, and shall be initiated as soon as possible after completion of grading, and prior to the onset of the rainy season (October 15). Permanent revegetation and landscaping shall emphasize native shrubs, and trees, to improve the probability of slope and soil stabilization without adverse impacts to slope stability due to irrigation infiltration and long-term root development. All plans shall show that sedimentation and erosion control measures are installed prior to any other ground disturbing work.</p>
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	<p>The project site is located on beachfront property, immediately west of Studio Drive. The site is covered with common iceplant on the upper slope, and sea rocket (invasive weed) on the beach sands. The site does not include any features suitable for aquatic species. The sandy beach area provides foraging habitat for a variety of birds, including western snowy plover (<i>Charadrius alexandrinus</i>), California black rail (<i>Laterallus jamaicensis coturniculus</i>), California brown pelican (<i>Pelecanus occidentalis</i>), and California least tern (<i>Sterna antillarum browni</i>). The mature cypress tree (to remain) and adjacent pine (to be removed) along the southern property boundary may provide tree nesting opportunities for birds. Due to the location of the project site and presence of suitable habitat in the area, precautionary measures are recommended to ensure impacts to snowy plover and other bird species are avoided.</p> <p>The project site provides suitable habitat for coast horned lizard and other common reptiles. Grading activities could result in direct take of coast horned lizard and other reptiles if present. Direct take may include being struck by equipment, entrapped in stockpiled materials or trenches, or trampled or collected by construction personnel.</p> <p>Old Creek provides habitat for a variety of special-status species noted above. The project is located approximately 600 feet from the creek, and would not directly affect the ESHA or special-status species within the creek. Inadvertent impacts to special-status species may occur including use of equipment and storage of materials outside the property boundary, and leaks, spills, and debris adversely affecting the beach areas surrounding the parcel. Degradation of habitat would have an adverse effect on special-status species, and other wildlife in the area.</p>

BR Impact 2	
Construction activities conducted during the nesting season (March through September) could directly or indirectly impact nesting western snowy plover and other bird and bat species.	
Mitigation	BR/mm-7 Upon application for construction permits, the following measure shall be included on all applicable plans: The applicant shall avoid ground disturbing activities conducted during the snowy plover nesting season to the extent feasible. If work activities must occur during the nesting season the following measures shall be taken:

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BR Impact 2	
	<ul style="list-style-type: none"> a. Prior to installation of the project delineation fencing and the commencement of site grading, a qualified biologist shall conduct a series of pre-construction nesting bird surveys for western snowy plover. Surveys shall be conducted every other day for two weeks prior to any project related disturbances. b. Surveys for snowy plovers shall include walking through all potential nesting and foraging habitat within 300 feet of the site on each survey day. The survey area shall include all available snowy plover nesting habitat within 300 feet of anticipated project activities. c. The number of snowy plover individuals observed and their activities (e.g. nesting, foraging, resting, etc.) shall be documented. All documented occurrences would be reported to USFWS and documented on the CNDDDB. d. If nesting activity is identified, all project activities within 300 feet of the nest shall be delayed until the nesting activity has ceased. e. During construction, the environmental monitor shall conduct snowy plover surveys twice a week (preferably two to three days apart). <p>BR/mm-8 Upon application for construction permits, the following measure shall be included on all applicable plans: If commencement of construction begins between March and September, the environmental monitor shall conduct pre-construction nesting bird surveys. If nesting activity is identified, the following measures shall be implemented:</p> <ul style="list-style-type: none"> a. If active nest of common passerine or shorebird species' are observed in the work area or within 100 feet of the work area, construction activities shall be modified and or delayed as necessary to avoid direct take or indirect disturbance of the nests, eggs, or young. b. If active nest sites of raptors or other special-status species are observed within the work area or 300 feet of the work area, the environmental monitor shall establish a suitable buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence. c. Active raptor or special-status species nests should be documented by a qualified biologist and a letter report should be submitted to the County, USFWS, and CDFW, documenting project compliance with the MBTA and applicable project mitigation measures.
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	The sandy beach area provides foraging habitat for a variety of birds, including western snowy plover (<i>Charadrius alexandrinus</i>), California black rail (<i>Laterallus jamaicensis coturniculus</i>), California brown pelican (<i>Pelecanus occidentalis</i>), and California least tern (<i>Sterna antillarum browni</i>). The mature cypress tree (to remain) and adjacent pine (to be removed) along the southern property boundary may provide tree nesting opportunities for birds. Due to the location of the project site and presence of suitable habitat in the area, precautionary measures are recommended to ensure impacts to snowy plover and other bird species are avoided.

BR Impact 3	
The proposed project could result in direct take of coast horned lizard during project grading and construction.	
Mitigation	BR/mm-9 Upon application for construction permits, the following measure shall be included on all applicable plans: Prior to site grading, the environmental monitor shall conduct a survey for coast horned lizard and other reptiles. The surveyor shall utilize hand search methods in areas of disturbance where coast horned-lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). Any lizards located during this survey should

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BR Impact 3	
	be safely removed from the construction area and placed in suitable habitat.
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	<p>The project site provides suitable habitat for coast horned lizard and other common reptiles. Grading activities could result in direct take of coast horned lizard and other reptiles if present. Direct take may include being struck by equipment, entrapped in stockpiled materials or trenches, or trampled or collected by construction personnel.</p> <p>Old Creek provides habitat for a variety of special-status species noted above. The project is located approximately 600 feet from the creek, and would not directly affect the ESHA or special-status species within the creek. Inadvertent impacts to special-status species may occur including use of equipment and storage of materials outside the property boundary, and leaks, spills, and debris adversely affecting the beach areas surrounding the parcel. Degradation of habitat would have an adverse effect on special-status species, and other wildlife in the area.</p>

BR Impact 4	
Construction of the project may impact the root zone or result in inadvertent disturbance of a mature cypress tree.	
Mitigation	Implement BR/mm-3 and BR/mm-4 .
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	One cypress tree is located adjacent to the project site, which is considered an important native species along the California coastline. This tree would remain. One small pine tree would be removed; however, this species is not considered native or important vegetation in this location. No other native or important vegetation would be directly affected by the project. Mitigation is recommended to ensure protection of the cypress tree.

7.4 GEOLOGY AND SOILS

GS Impact 1	
The proposed residence would be exposed to the effects of liquefaction during a ground-shaking event.	
Mitigation	GS/mm-1 Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the recommendations identified in the Engineering Evaluation (Shoreline Engineering 2012) and Updated Geotechnical Investigation (GSI Soils, Inc.) dated December 27, 2011, specifically the recommendations identified in Section 5.2 – Preparation of the Building Pad, Section 5.3 – Structural Fill, Section 5.4 – Drilled Piers, Section 5.5 – Conventional Deepened Foundation, Section 5.6 – Slab Construction, and Section 5.9 – Surface and Subsurface Drainage.
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive	Soil liquefaction is a phenomenon in which a saturated, cohesionless, near-surface soil layer loses strength during cyclic loading (such as typically generated by earthquakes). During the

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GS Impact 1	
Evidence	<p>loss of strength, the soil acquires "mobility" sufficient to permit both horizontal and vertical ground movements. Soils that are most susceptible to liquefaction are clean, loose, saturated, uniformly graded, fine-grained sands that are generally located within 50 feet depth beneath the ground surface. Gravels with similar characteristics and non-plastic clays and silts have also been shown to be susceptible to liquefaction. Based on the potential presence of perched water conditions during wet winter months in the upper 5 feet of soils above the dense bedrock materials, the current potential for liquefaction is moderate to high.</p> <p>This potentially significant impact can be successfully addressed and mitigated via implementation of typical geotechnical recommendations for site processing, grading, and/or foundation design. Therefore, the resulting liquefaction potential at the project site would be low, and would generally result in minor to cosmetic damage to the proposed structure, and total settlements would be approximately 0.5 inch (GSI Soils, Inc. 2012). This amount of settlement is considered tolerable for the proposed project, and is indicative of liquefaction in the negligible category. Therefore, potential impacts can be mitigated to a <i>less than significant</i> level (Class II).</p>

GS Impact 2	
The proposed residence would be exposed to the effects of ground lurching and differential compaction during a ground-shaking event.	
Mitigation	<p>GS/mm-2 Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the recommendations identified in the Updated Geotechnical Investigation (GSI Soils, Inc.) dated December 27, 2011, and specifically the following:</p> <ol style="list-style-type: none"> a. All surface and subsurface deleterious materials shall be removed from the proposed building area and disposed of offsite. This includes, but is not limited to, any buried utility lines, loose fills, debris, building materials, and any other surface and subsurface structures. b. Voids left from site clearing shall be cleaned and backfilled as recommended for structural fill. c. Once the site has been cleared, the exposed ground surface shall be stripped to remove surface vegetation and organic soil.
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	The potential for lurching and differential compaction (densification) of the existing undocumented fill is considered to be high due to the generally loose nature of the soil. This potential impact can be mitigated by removal and/or removal and backfilling as structural fill (GSI Soils, Inc. 2011). Based on compliance with these project-specific recommendations, potential impacts can be mitigated to <i>less than significant</i> (Class II).

GS Impact 3	
Grading and excavation required for the construction of the project would result in significant, short-term, adverse impacts related to erosion and down-gradient sedimentation.	
Mitigation	Implement BIO/mm-4 , BIO/mm-5 , and BIO/mm-6 .

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GS Impact 3	
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	Implementation of the project will require grading and removal of sand, soil, and vegetation. Grading activities would disturb approximately 3,000 square feet of the 3,445-square-foot parcel, including 400 cubic yards of cut (foundation) and 150 cubic yards of fill (driveway). The average depth of cut would be 5 feet (minimum 1 foot, maximum 12 feet). Approximately 250 cubic yards of soil would be exported offsite. During construction, exposed soils may result in erosion during rain events, or wave runoff. Compliance with the County CZLUO and implementation of project-specific erosion-control measures are necessary to retain soils onsite and avoid down-gradient sedimentation into the Pacific Ocean. Based on compliance with existing regulations, and recommended mitigation measures, potential short-term impacts would be mitigated to a <i>less than significant</i> level (Class II).

GS Impact 4	
The creation of steep cut slopes during site preparation and grading associated with construction of the proposed residence would result in short-term slope instability.	
Mitigation	GS/mm-3 Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the following: recommendations for slope stability identified in the Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.10 – Temporary Excavations and Slopes; and Shoring Detail prepared by Shoreline Engineering (January 2012, updated September 20, 2012). Plans shall demonstrate how construction would be conducted such that no activity would compromise the neighboring structure. Construction of all site preparation and shoring activities shall be monitored by the project Engineer of Record, and daily monitoring reports shall be prepared and submitted to the County Department of Planning and Building on a weekly basis.
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	Construction cuts for basement retaining walls may exceed 12 feet in depth on the south and east sides of the proposed residence. The potential for instability of temporary (construction) slopes is a significant concern, and there is a moderate to high potential for temporary slope instability impacting the project site and the adjacent property. To address this issue, the applicant proposes to retain temporary slopes with a shoring system consisting of soldier piles and steel plate lagging. The shoring system would be removed following permanent stabilization of the slope. Based on implementation of this strategy, and compliance with the recommendations presented in the <i>Updated Geotechnical Investigation</i> (GSI Soils, Inc. 2011), potential short-term impacts would be <i>less than significant</i> (Class II).

GS Impact 5	
Beach sand scour caused by heavy surf may periodically and temporarily create unstable slopes adjacent to the proposed residence.	
Mitigation	GS/mm-4 Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which include the use of deepened pier foundations identified in the Engineering Evaluation (Shoreline Engineering, Inc.), dated January 2012, and Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.2 – Preparation of Building Pad,

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GS Impact 5	
	Section 5.4 – Drilled Piers, and Section 5.5 – Conventional Deepened Foundation.
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	Construction of the proposed driveway will result in structural fill placement against the existing 2:1 gradient fill slope of Studio Drive, with the fill being supported by retaining walls. Upon completion of the project, no significant slopes will exist that could pose a slope instability hazard to the property. Significant scour of beach sand due to heavy surf may temporarily create a steep bedrock slope ocean-ward of the existing bedrock outcropping. Provided the proposed residence is constructed on deepened pier foundations as proposed, temporary beach scour should not pose a slope instability hazard to the residence.

GS Impact 6	
The proposed residence would be constructed on soils with a high expansion potential, resulting in a potentially significant long-term impact.	
Mitigation	GS/mm-5 Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the recommendations identified in the Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.1 – Clearing and Stripping, Section 5.2 – Preparation of Building Pad, and Section 5.3 – Structural Fill.
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	A single expansion index test was conducted by GSI Soils, Inc. (2007) on a sandy clay sample from Boring B-2 at 6 feet. The reported expansion index was 92, which indicates a high expansion potential. The material in B-2 at this depth is likely weathered mudstone bedrock. Based on the geotechnical report, onsite sand soils free of organic and deleterious material are suitable for use as non-structural fill below the select fill cap. Structural fill using onsite inorganic soil or approved imported soil should be placed in layers, conditioned, and compacted, pursuant to engineer’s specifications. Therefore, potentially significant impacts related to expansive soil can be mitigated to <i>less than significant</i> (Class II).

GS Impact 7	
The proposed stormwater drainage plan may result in erosion down-gradient of the proposed drain outlet.	
Mitigation	GS/mm-6 Prior to issuance of grading and construction permits, the applicant shall submit a drainage plan for review and approval by the County Department of Public Works. The drainage plan shall be coordinated with the sedimentation and erosion control plan, be consistent with CZLUO §23.050.036 and 040, and specifically include engineered energy dissipators and controls that would limit peak runoff to pre-development levels.
Findings	After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).
Supportive Evidence	The applicant’s proposed site drainage improvements would convey both Studio Drive runoff and driveway runoff to a drainage exit structure, which would outlet into a natural drainage swale. The natural drainage channel consists of highly erodible sands, and erosion in the channel has been accelerated by foot traffic from people accessing Morro Strand State

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GS Impact 7	
	<p>Beach from Studio Drive. The swale would incorporate bollard style energy dissipators and a gravel/cobble invert, which are intended to reduce stormwater flow velocity and erosion potential. Rainfall from the residence roof is proposed to be collected by a roof gutter system and held in a cistern for gray water use and landscape irrigation.</p> <p>Construction of the proposed impermeable concrete driveway would result in an increase in surface runoff onsite, which increases the potential for erosion in the natural drainage swale. This impact can be mitigated through appropriate civil engineering drainage design. CZLUO §23.05.050 requires a Drainage Plan for development located on a site adjacent to any coastal bluff, or if the project may change the offsite drainage pattern. Based on the location of the project on the beach-side of Studio Drive, and proposed changes to the existing stormwater system, a Drainage Plan would be required, which would be based on the preliminary drainage plan summarized above. The proposed project would not result in substantial onsite or offsite flooding, because stormwater would continue to flow west towards the Pacific Ocean (similar to existing conditions, which do not result in flooding), and would be filtered and dissipated by the proposed system. Based on review of the preliminary drainage plan, compliance with the CZLUO, and incorporation of mitigation identified below, potential long-term impacts would be mitigated to a <i>less than significant</i> level (Class II).</p>

7.5 NOISE

N Impact 1	
<p>Construction of the proposed project would potentially expose people to transportation-related noise levels that exceed the County Noise Element thresholds.</p>	
Mitigation	<p>N/mm-1 Upon application for building permits, the project applicant shall include in the project design the following standard mitigation measures for interior noise mitigation provided in the Noise Element for levels in the 60-65 dBA range:</p> <ol style="list-style-type: none"> a. Air conditioning or a mechanical ventilation system; b. Windows and sliding glass doors mounted in low air infiltration rate frames (0.5 cubic feet per minute or less, per American National Standards Institute [ANSI] specifications); and, c. Solid core exterior doors with perimeter weather stripping and threshold seals.
Findings	<p>After implementation of the mitigation measure, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).</p>
Supportive Evidence	<p>The project proposes a noise sensitive use within the vicinity of Highway 1. Per the County Noise Element, 60 dBA is considered the maximum acceptable exterior noise exposure level for residential uses and 45 dBA is the maximum acceptable exposure level for interior uses. Uses within this range will not require mitigation. The eastern boundary of the project site is located approximately 160 feet from the centerline of Highway 1. The topography between the highway and the site consist of generally flat areas to Studio Drive, and then the property slopes down several feet (approximately 5 to 8 feet) from Studio Drive to the beach. According to the County Noise Element contour maps, the 65 dBA range extends from the centerline of the highway 209 feet west. Therefore the easternmost 50 feet of the project site is located within the 65 dBA range, and the remainder is located within the 60 dBA range.</p> <p>The project has been designed to provide a noise buffer between Highway 1 and the proposed living space. The project proposes a driveway and parking garage on the eastern portion of the site, which are not considered outdoor uses subject to the 60 dBA limit. The living area is also proposed below the grade of the highway by approximately 8 to 10 feet. Because the topography of the subject lot is below the street elevation, the ground will buffer most of the noise from Highway 1, thereby allowing for a minimal impact from noise to the</p>

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N Impact 1	
	<p>livable areas of the home. In addition, the project would conform to the latest edition of the Uniform Building Code (UBC); normal construction practices in the Code would provide a noise level reduction of approximately 15 dBA (County of San Luis Obispo 1992), potentially bringing resultant noise levels within the interior 45 dBA threshold.</p> <p>However, because a portion of the project site is located in an area that currently exceeds Noise Element thresholds, and normal construction practices and natural buffers may be insufficient to bring noise levels within acceptable ranges, some mitigation may be necessary. The County Noise Element recommends standardized mitigation measures for reducing interior noise levels in the 60-65 dBA range. These measures are referenced in the FEIR and County Noise Element.</p>

7.6 WATER RESOURCES

WAT Impact 1	
<p>The project would include construction activities that would require ground disturbance and use of heavy equipment, which may result in the discharge of sediment and other pollutants, potentially affecting surface water quality.</p>	
Mitigation	<p>WAT/mm-1 Upon application for construction permits, the applicant shall submit grading and construction plans showing BMPs, and shall implement BMPs during grading and construction activities. Best Management Practices (BMP's) shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> a. Erosion control barriers shall be applied, such as silt fences, hay bales, drain inlet protection, and gravel bags; b. Disturbed areas shall be stabilized with vegetation or hard surface treatments upon completion of construction in any specific area. c. All inactive disturbed soil areas are required to be stabilized with both sediment and temporary erosion control prior to the onset of the rainy season (October 15 to April 15). <p>WAT/mm-2 Prior to issuance of grading and construction permits, the applicant shall submit a copy of the Regional Water Quality Control Board (RWQCB)-issued stormwater construction permit. The permit shall be on-site during all major grading and construction activities.</p> <p>Implement BR/mm-1, BR/mm-5, and BR/mm-6.</p>
Findings	<p>After implementation of the mitigation measures, the proposed project impacts would be <i>not significant with mitigation</i> (Class II).</p>
Supportive Evidence	<p>The Clean Water Act has established a regulatory system for the management of storm water discharges from construction, industrial and municipal sources. The State Water Resources Control Board (SWRCB) has adopted a National Pollutant Discharge Elimination System (NPDES) Storm Water General Permit, which requires the implementation of a Storm Water Prevention Pollution Plan (SWPPP) for discharges regulated under the SWRCB program. Currently, construction sites of 1 acre and greater may need to prepare and implement a SWPPP that focuses on controlling storm water runoff. The RWQCB, the local extension of the SWRCB, currently monitors these SWPPPs. Based on review by the RWQCB, the applicant will be required to obtain a stormwater construction permit due to the project's proximity to surface waters (Pacific Ocean).</p> <p>Proposed grading activities would disturb soil and sand, and potentially result in off-site</p>

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WAT Impact 1	
	<p>sedimentation. Standard erosion and sedimentation control measures would be required, including staking or flagging the development footprint; use of fiber rolls and silt fencing to retain soil and sand on-site; covering soil stockpiles; and restoration and revegetation of disturbed soils. Implementation of these measures would ensure avoidance of adverse effects to water quality.</p> <p>The project includes removal of the existing County storm drain, and construction of a new storm water management system, including an inlet with a filter and outlet with energy dissipaters. Stormwater would continue to flow onto the beach area to the northwest. Discharge of sediment, hydrocarbons, and other pollutants from the roadway into stormwater and drainage infrastructure (which eventually discharge into surface waters) would affect water quality. Implementation of BMPs and Low Impact Design (LID) techniques consistent with CZLUO §23.05.050.e(1) (Water Runoff, Best Management Practices – Residential development) would avoid or minimize the project’s contribution to water quality issues affecting the Pacific Ocean. Additional mitigation is included under the Biological Resources analysis, including BR/mm-5 (stockpile and staging areas, management of hazardous materials, and implementation of BMPs) and BR/mm-6 (erosion and sedimentation control). In addition, an environmental monitor would be present to verify and document compliance with mitigation measures related to the protection of biological resources, including aquatic habitat and surface waters (BR/mm-1).</p> <p>The project includes a preliminary drainage plan, which has been reviewed and approved by the County Department of Public Works. In the long-term, the project would not result in any significant impacts to water quality, because the proposed stormwater system includes energy dissipaters that would allow stormwater to continue flowing onto the beach in a non-erosive manner.</p>

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8.0 FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE

No significant and unavoidable impacts (Class I) were identified for the proposed project.

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9.0 CUMULATIVE AND GROWTH INDUCING IMPACTS

9.1 CUMULATIVE IMPACTS

State CEQA *Guidelines* §15355 defines cumulative impacts as

“two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts”. Further, “the cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”

The Guidelines require the discussion of cumulative impacts to reflect the severity of the impacts and their likelihood of occurrence. However, the discussion need not be as detailed as the analysis of impacts associated with the project, and should be guided by the rule of reason. Cumulative impacts associated with this project are discussed in the topical analysis sections provided in Chapter 4 of the Final EIR.

9.1.1 Air Quality (Class III)

The cumulative study area for air quality impacts is the South Central Coast Air Basin (SCCAB). The project would contribute criteria pollutants during project construction and long-term operational use, including ozone precursors and particulate matter. No major projects are proposed in the immediate vicinity of the project site; however, a number of large development projects are currently under review by the County, and cities within the county, including mixed-use, residential, commercial, and solar energy projects. These projects may be under construction simultaneously with the project and, in the long term, would be generating similar air emissions due to use of construction equipment, increased traffic trips, and energy use.

Depending on construction schedules and actual implementation of projects in the air basin, generation of fugitive dust and pollutant emissions during construction could result in short-term increases in air pollutants. Analysis conducted specifically for this project concluded that implementation of the proposed project would not significantly contribute to cumulative long-term operational air quality impacts because it would not exceed the daily ROG+NO_x threshold. GHG impacts, including those described above, all contribute cumulatively with those produced worldwide, to affect climate change. Compliance with identified air quality, energy efficiency, and water conservation mitigation measures would reduce the project's contribution to cumulative GHG emissions, and subsequent climate change. Cumulative effects would be *less than significant* (Class III).

9.1.2 Biological Resources (Class III)

No major projects are scheduled to be constructed during a similar timeframe as the project. The closest known project is the Morro Bay to Cayucos Connector, which would run along Studio Drive adjacent to the project site, within the paved area. The timing for construction of that project is currently undetermined. Based on the location and size of the project, and implementation of recommended mitigation measures, the project would not have any significant residual direct or indirect adverse impacts to sensitive biological resources, including special-status species, habitats, and wildlife. The site is not within a designated Environmentally Sensitive Habitat Area (ESHA). The project would not significantly contribute to the loss of

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species or sensitive habitat. Therefore, potential cumulative impacts would be *less than significant* (Class III).

9.1.3 Cultural Resources (Class III)

The destruction of cultural resources can have the potential for significant cumulative impacts as they are inherently important to the descendants of native peoples and make the study of pre-historic and historic life unavailable for study by scientists. Given the prevalence of cultural resource sites in San Luis Obispo, and the number of construction activities that involve disturbance of archaeologically sensitive areas that are not regulated, it is likely that significant pre-historic and historic resources are often not identified and are permanently lost. For the proposed project, no prehistoric archaeological resources were identified with the project site, and implementation of the proposed project would not contribute to the cumulative degradation of significant cultural resources in the County. Based on lack of significant resources at the project site, and compliance with the CZLUO, potential cumulative impacts resulting from the proposed project are considered *less than significant* (Class III). No additional mitigation is required.

9.1.4 Geology and Soils (Class III)

Implementation of the pending and approved projects listed in the cumulative development scenario would increase development in the immediate area. No projects requiring grading or construction would occur in the immediate vicinity of the project, and no existing adverse geologic or drainage conditions are present on or adjacent to the project site.

Additional development, including the proposed project, would increase the number of people and structures exposed to a variety of geologic and soils hazards within the County, including liquefaction, ground shaking, and temporary exposure to sea level rise and storm surge. Potential impacts related to geologic, soils, and seismic hazards are all site-specific, and mitigation measures are applied to each project to minimize the potential for significant geologic impacts. All development projects are required to comply with State and local regulations regarding grading and construction; therefore, no cumulative impacts related to these issues have been identified. Implementation of mitigation measures identified above, and compliance with existing regulations would mitigate impacts to *less than significant* (Class III), and no additional measures are necessary.

9.1.5 Hazards and Hazardous Materials (Class III)

Due to the type of project proposed, and lack of hazards or hazardous materials within or near the project site, construction and operation of the project would not contribute to environmental impacts related to hazards. Cumulative impacts would be *less than significant* (Class III). No additional mitigation is required.

9.1.6 Recreation (Class IV)

As with any new residential development, the project has the potential to result in a cumulative effect on recreational resources, by adding demand on public parks, trails, and recreational areas. However, the project's cumulative impacts are within the general assumptions of allowed use for the subject property. Adequate public facility fee programs have been adopted to address these impacts. Impacts to the area recreational resources and facilities will be mitigated through the payment of appropriate fees prior to issuance of a building permit for the proposed project. The future Morro Bay to Cayucos connector bike path is proposed to run along Studio Drive directly adjacent to the project site, which will create a *beneficial impact* (Class IV) on

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recreational resources by providing additional pedestrian and biking trails in the project vicinity and connecting other recreational opportunities in the city of Morro Bay and community of Cayucos.

9.1.7 Transportation and Circulation (Class III)

Population and tourism in the areas surrounding the proposed project are expected to slowly and steadily increase in the future, resulting in a corresponding steady increase in traffic, parking demands, and safety conflicts in the Cayucos area. The proposed project would contribute to cumulative traffic volumes in the area; however, because it is not resulting in an increase in residential density, the increase would be minor, and at a level anticipated in by the Estero Area Circulation Element. Therefore, potential cumulative impacts would be *less than significant* (Class III).

9.1.8 Water Resources (Class III)

Water demand for the proposed use represents a small percentage of total water demand in the Cayucos area, and the boundaries of CSA 10A (approximately 0.6%). As previously discussed, CSA 10A has available water to serve this project, in addition to others within the service area. Therefore, potential cumulative impacts would be *less than significant* (Class III).

9.2 GROWTH-INDUCING IMPACTS

CEQA Guidelines §15126.2(d) requires an EIR to discuss the growth inducing impacts of a proposed project, including the ways in which the project would foster economic or population growth, encourage the construction of additional housing, or remove an obstacle to population growth in the surrounding environment, either directly or indirectly. The goal of the growth inducing impacts section of the EIR is to address the effects the proposed project may have on surrounding facilities and activities by assessing the ways in which a project could encourage population or economic growth, increase employment opportunities or employment growth in support of an industry, or stimulate the construction of new housing or service facilities.

Based on the CEQA Guidelines criteria outlined above, the proposed project was evaluated in order to determine if any part of the project demonstrates the potential to result in growth inducing impacts. The project proposes one single-family residence on one of the few undeveloped lots in an existing developed neighborhood. The use is consistent with the general level of development currently existing along Studio Drive and anticipated under the Residential Single Family (RSF) land use designation. Other than temporary employment associated with construction of the residence, the project would not create new jobs or facilitate employment growth. Given its small scale and limited function, the project would not induce population or economic growth in the area. Impacts would be *less than significant*.

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10.0 ALTERNATIVES

CEQA, §15126.6(a), requires an EIR to “describe a reasonable range of alternatives to a project, or to the location of a project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives”. Through the scoping process, if an alternative was found to be infeasible, as defined above, then it was dropped from further consideration. In addition, CEQA states that alternatives should “...attain most of the basic objectives of the project...” Please refer to Chapter 5, Alternatives Analysis, of the EIR for a detailed discussion of the alternatives. The following alternatives were selected for more detailed review.

10.1.1 No Project Alternative

The No Project Alternative would include none of the components of the proposed project. If a project is not built at this time, a residential project may be proposed in the future.

10.1.2 Design Alternative A – Reduced Project, Pilings

The project site is located on the beachside of Studio Drive, and would be exposed to coastal hazards including sea level rise, wave-up, and storm surge. Independently, these conditions would not adversely affect the proposed structure; under extreme conditions, ocean water may reach the 22.2-foot elevation, and may overtop the existing rock outcrop and splash against the basement wall.

An alternative to this would be to eliminate the basement and construct the residence on steel-reinforced concrete pilings. This would allow ocean water to flow under the structure entirely before receding back. Under this alternative, the main floor and mezzanine, including the cantilevered portion, would remain.

This alternative consists of an approximately 1,857-square-foot residence including:

- 1,097 square feet of main floor living space
- 338-square-foot mezzanine
- 242-square-foot garage and 200-square-foot carport
- 180-square-foot covered deck
- Solar panels installed on the south-facing slopes of the roof

The residence would consist of one main floor supported on pilings. The maximum width of the structure would be 18 feet, and the maximum length would be 95 feet. A paved driveway would provide access from Studio Drive. The maximum height of the residence would be 15 feet above the centerline elevation of Studio Drive. It is expected that retaining walls would be necessary adjacent to Studio Drive, and along a portion of the southern and northern sides of the residence, with continuous footings extending into the underlying bedrock materials.

10.1.3 Design Alternative B – Reduced Project, Traditional Design

This design alternative incorporates a more traditional design, as opposed to the modern structure proposed by the applicant. It does not include the extended cantilevered main floor, or a substantial reduction in the extension, and provides sloped roofs. This alternative is

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considered a reduced design option, and consists of an approximately 2,572-square-foot residence including:

- 772 square feet of main floor living space
- 1,040-square-foot basement
- 338-square-foot mezzanine
- 242-square-foot garage and 200-square-foot carport
- 180-square-foot covered deck
- Solar panels installed on the south-facing slopes of the roof

The residence would consist of one main floor and a basement. The footprint of the house would be 1,040 square feet. The maximum width of the structure would be 18 feet, and the maximum length would be 70 feet. A paved driveway would provide access from Studio Drive. The maximum height of the residence would be 15 feet above the centerline elevation of Studio Drive. The basement would be located below the elevation of Studio Drive.

The exterior walls of the structure would be concrete and would retain soils along the southern, eastern, and northern sides of the residence. Retaining walls will also be constructed adjacent to Studio Drive with continuous footings extending into the underlying bedrock materials.

10.1.4 Design Alternative C – Vegetation and Articulation

As noted above, no significant aesthetic resource impacts were identified; however, a reasonable alternative to the project includes additional features to articulate the design and blend it into the beach landscape. This includes incorporation of native, low-growing shrubs and vegetation along the northern and western aspects, and the use of native (or simulated native) rocks along the driveway retaining wall. This alternative would consist of the same size, footprint, width, and height, as the proposed project.

10.2 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires the alternatives section of an EIR to describe a reasonable range of alternatives to the project that avoid or substantially lessen any of the significant effects identified in the EIR analysis while still attaining most of the basic project objectives. The alternative that most effectively reduces impacts while meeting project objectives should be considered the “environmentally superior alternative.” In the event that the No Project Alternative is considered the environmentally superior alternative, the EIR should identify an environmentally superior alternative among the other alternatives.

In this EIR, the No Project Alternative results in the fewest environmental impacts, although it does not meet any of the project objectives, including the primary objective to build a single-family residence.

As proposed, and with incorporation of recommended mitigation measures, the proposed project would not result in any significant, unavoidable environmental effects, and would meet project objectives. All proposed alternatives would meet the project objectives, and would not result in any significant, adverse, and unavoidable (Class I) impacts upon implementation of mitigation measures similar to those identified for the proposed project.

The proposed Reduced Project and Design Alternatives (A, B, and C) provide some variation in size and project design in response to public comment, and include alternatives to the proposed

3-64

basement, cantilevered living space, and exterior design elements. Design Alternative A – Reduced Project, Pilings, would marginally reduce the intensity of identified geology and soils impacts, primarily related to coastal hazards, and would still require substantial engineered design and incorporation of design-specific mitigation measures. Design Alternative B – Reduced Project, Traditional Design does not include the cantilevered portion of the residence, which may be more consistent with Small Scale Neighborhood Standards. Alternatives A, B, and C (Vegetation and Articulation) may reduce the perceived mass of the structure as seen from Studio Drive and the beach area, and may be more consistent with County Plans and Policies related to visual resources.

Based strictly on an analysis of the relative environmental impacts, the proposed project, with adoption and incorporation of recommended mitigation measures, is considered the Environmentally Superior Alternative. The decision-making body will consider the whole of the record when considering the approved project including, but not limited to, public comment and testimony related to the size and design of the residence. The decision-making body may select the project as proposed, an Alternative, or a specified combination of particular elements identified in the Alternatives, as the approved project. In all scenarios, the Mitigation and Monitoring Program (MMRP) would be applied to the approved project.

3-65

11.0 MITIGATION MONITORING PROGRAM

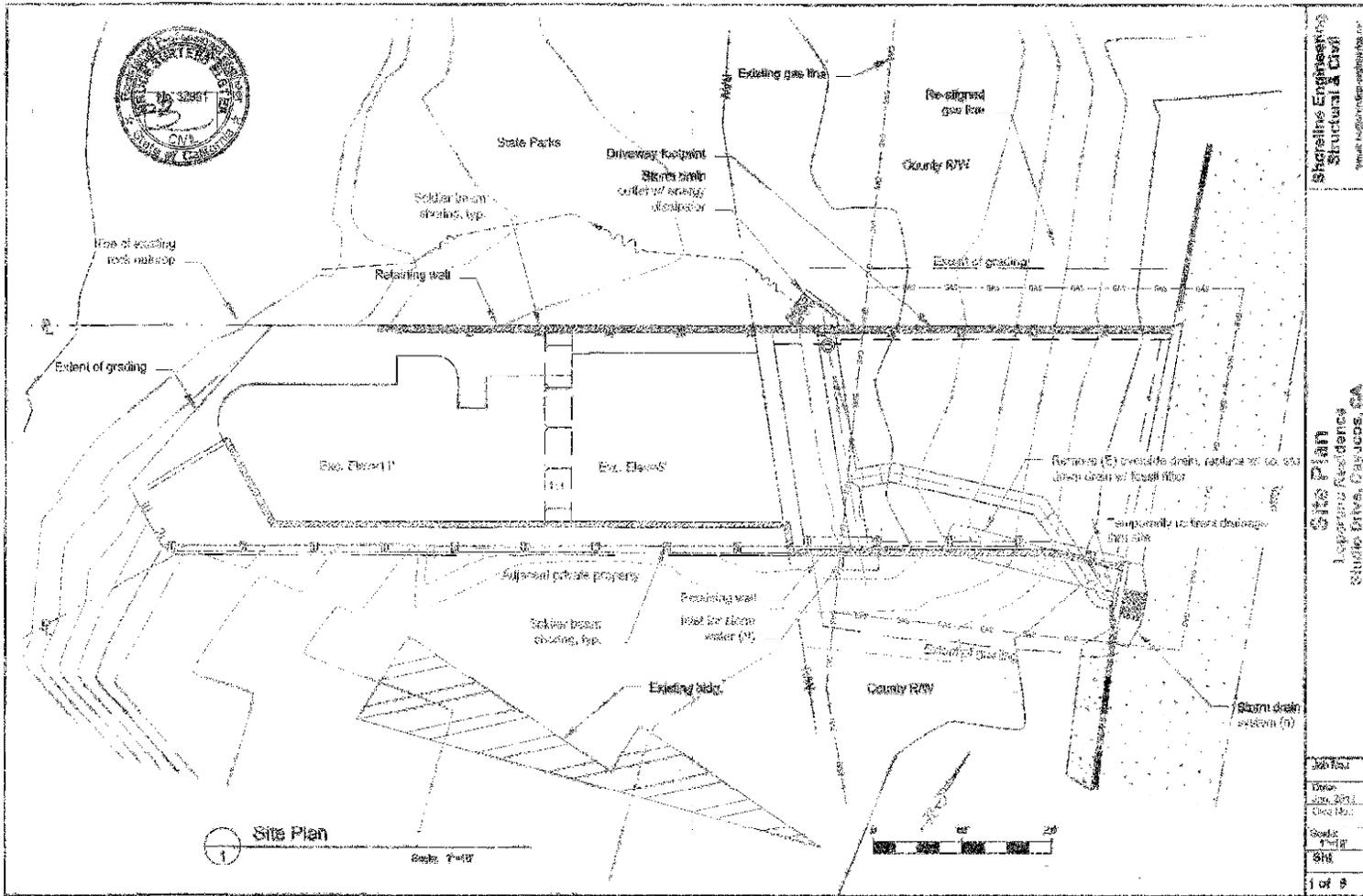
PRC §21081.6 requires the lead agency, when making the findings required by PRC §21081(1)(a), to adopt a reporting or monitoring program for the changes to the project that it has adopted, in order to ensure compliance during project implementation. The County is the lead agency responsible for the adoption of the reporting or monitoring program. A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared that requires the County to monitor mitigation measures designed to reduce or eliminate significant impacts, as well as those mitigation measures designed to further reduce environmental impacts that are less than significant.

The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures within the jurisdiction of the County. Implementation of the mitigation measures specified in the Final EIR and the MMRP will be accomplished through administrative controls over project planning and implementation. Monitoring and enforcement of these measures will be accomplished through verification in periodic Mitigation Monitoring Reports and periodic inspection by appropriate County personnel. The County reserves the right to make amendments to and/or substitutions of mitigation measures if, in the exercise of discretion of the County, it is determined that the amended or substituted mitigation measure will mitigate the identified significant environmental impact to at least the same degree of significance as the original mitigation measure it replaces, or would attain an adopted performance standard for mitigation, and where the amendment or substitution would not result in a new significant impact on the environment that cannot be mitigated.

As lead agency for the Loperena MUP/CDP EIR, the County hereby certifies that the MMRP set forth in Chapter 7 of the Final EIR, which has been designed to ensure compliance during construction of the proposed project and includes all of the mitigation measures identified in the Final EIR and adopted and incorporated into the project, is adequate to ensure the implementation of the mitigation measures described herein.

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
 Minor Use Permit / Coastal Development Permit
 Loperena DRC2005-0216



EXHIBIT
 Site Plan

3-69

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

MEZZANINE FLOOR PLAN

MAIN FLOOR PLAN

BASEMENT FLOOR PLAN

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THE DESIGN AND LAYOUT OF THIS DOCUMENT ARE BASED ON ALL INFORMATION PROVIDED TO THE ARCHITECT BY JAMES MAUL, ARCHITECTURAL CONSULTANT. WWW.MAULARCHITECT.COM

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 (805) 775-8750

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CONSULTANTS

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 200 HUNTER DRIVE
 HUNTER CREEK, CA 95042
 (805) 775-8440
 (805) 775-8442

PROJECT

JACK LOPERENA RESIDENCE

STUDIO DRIVE
 CANTON, CALIF.
 APN: 064-253-007

DRAWING PHASE

DESIGN DEVELOPMENT

Project No.	11-117
Drawn By	CPY
Design Date	01/04/12
Updated	
Scale	AS NOTED

REVISIONS

SHEET TITLE

FLOOR PLANS

SHEET NO.

A1.1

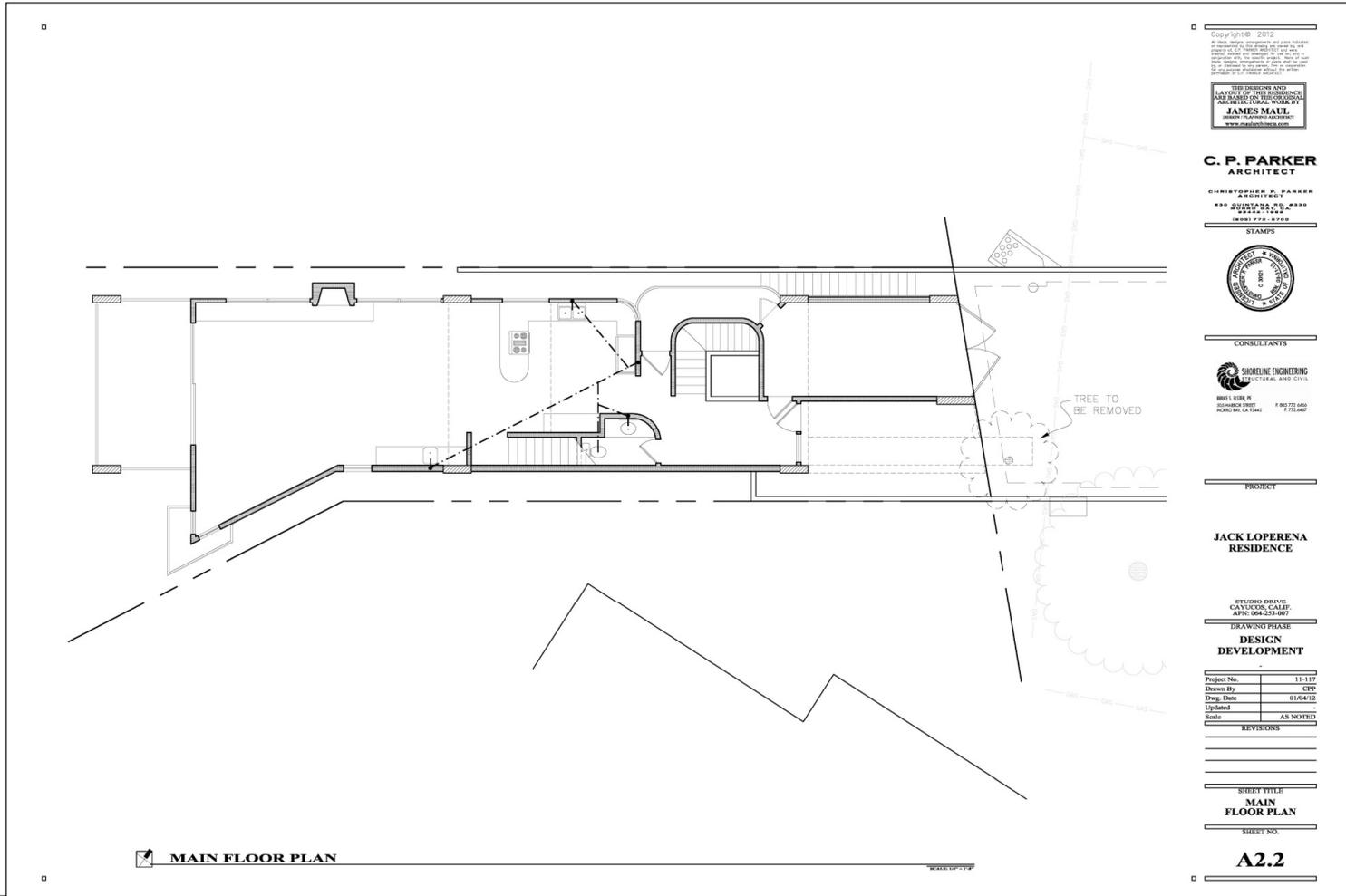
PROJECT
 Minor Use Permit / Coastal Development Permit
 Loperena DRC2005-0216



EXHIBIT
 Floor Plans

3-70

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



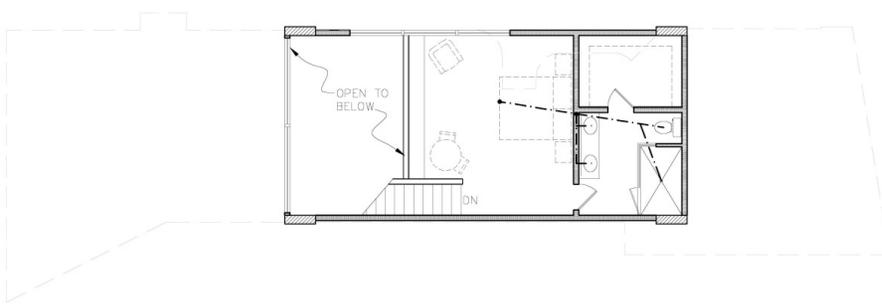
PROJECT
 Minor Use Permit / Coastal Development Permit
 Loperena DRC2005-0216



EXHIBIT
 Floor Plan – Main Floor

3-71

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



MEZZANINE FLOOR PLAN

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THE DESIGN AND CONSTRUCTION OF ALL BUILDINGS SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES.
JAMES MALL
 ARCHITECT
 www.jamesmall.com

C. P. PARKER ARCHITECT
 CHRISTOPHER P. PARKER ARCHITECT
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 BILL S. SORESEN
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PROJECT
JACK LOPERENA RESIDENCE

STUNDO DRIVE
 CAVECCO, CALIF.
 APC# 004-031-007

DRAWING PHASE
DESIGN DEVELOPMENT

Project No.	11-117
Drawn By	CP
Draw Date	01/04/12
Updated	-
Scale	AS NOTED

REVISIONS

SHEET TITLE
MEZZANINE FLOOR PLAN

SHEET NO.
A2.3

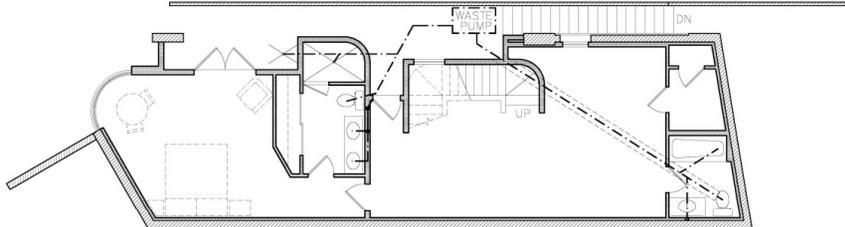
PROJECT
 Minor Use Permit / Coastal Development Permit
 Loperena DRC2005-0216



EXHIBIT
 Mezzanine Floor Plan

3-72

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



BASEMENT FLOOR PLAN

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All these drawings, arrangements and plans constitute the entire contract between the client and the architect. No part of these drawings, arrangements and plans shall be used for any other purpose without the written consent of the architect.

THE DESIGN AND LAYOUT OF THE ARCHITECTURE AND ARCHITECTURAL WORK BY
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JAMES MAUL ARCHITECT
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C. P. PARKER
ARCHITECT

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PROJECT

JACK LOPERENA
RESIDENCE

STUDIO PRINCE
CAYUCOS, CALIF.
PHONE 364-531-907

DRAWING PHASE

DESIGN
DEVELOPMENT

Project No.	11-117
Drawn By	CTP
Drawn Date	01/04/12
Updated	-
Scale	AS NOTED

REVISIONS

SHEET TITLE

BASEMENT
FLOOR PLAN

SHEET NO.

A2.1

PROJECT
Minor Use Permit / Coastal Development Permit
Loperena DRC2005-0216



EXHIBIT
Basement Floor Plan

3-73

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

FRONT ELEVATION (EAST)

REAR ELEVATION (WEST)

SIDE ELEVATION (NORTH)

SIDE ELEVATION (SOUTH)

MAX. ALLOWED HEIGHT TO ABOVE CENTER LINE OF STUCCO FIN. 48.00'

14'-0" MAX. CL. (48.00')

MAX. ALLOWED HEIGHT TO ABOVE CENTER LINE OF STUCCO FIN. 48.00'

14'-0" MAX. CL. (48.00')

WALL AND DOOR IN DISTANCE

LINE OF BASEMENT LOCATED BELOW FINISH GRADE IS SHOWN DASHED FOR CLARITY

WALL OF CHIMNEY IN DISTANCE

F.F. MEZZ. 35.00'

CENTER LINE HEIGHT OF STUCCO FIN. 35.54'

F.F. MAIN 26.00'

F.F. BMT. 19.00'

F.F. MEZZ. 35.00'

CENTER LINE HEIGHT OF STUCCO FIN. 35.54'

F.F. MAIN 26.00'

F.F. BMT. 19.00'

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THE DESIGN AND LAYOUT OF THIS RESIDENCE HAS BEEN BASED ON THE ORIGINAL ARCHITECTURAL WORK BY

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PROJECT

JACK LOPERENA RESIDENCE

STUDIO DRIVE
CANTON, CALIF.
APN: 064-253-007

DESIGNING FIRM:

DESIGN DEVELOPMENT

Project No.	11-117
Drawn By	CPD
Draw Date	01/04/12
Updated	
Scale	AS NOTED

REVISIONS

SHEET TITLE

ELEVATIONS

SHEET NO.

A3.1

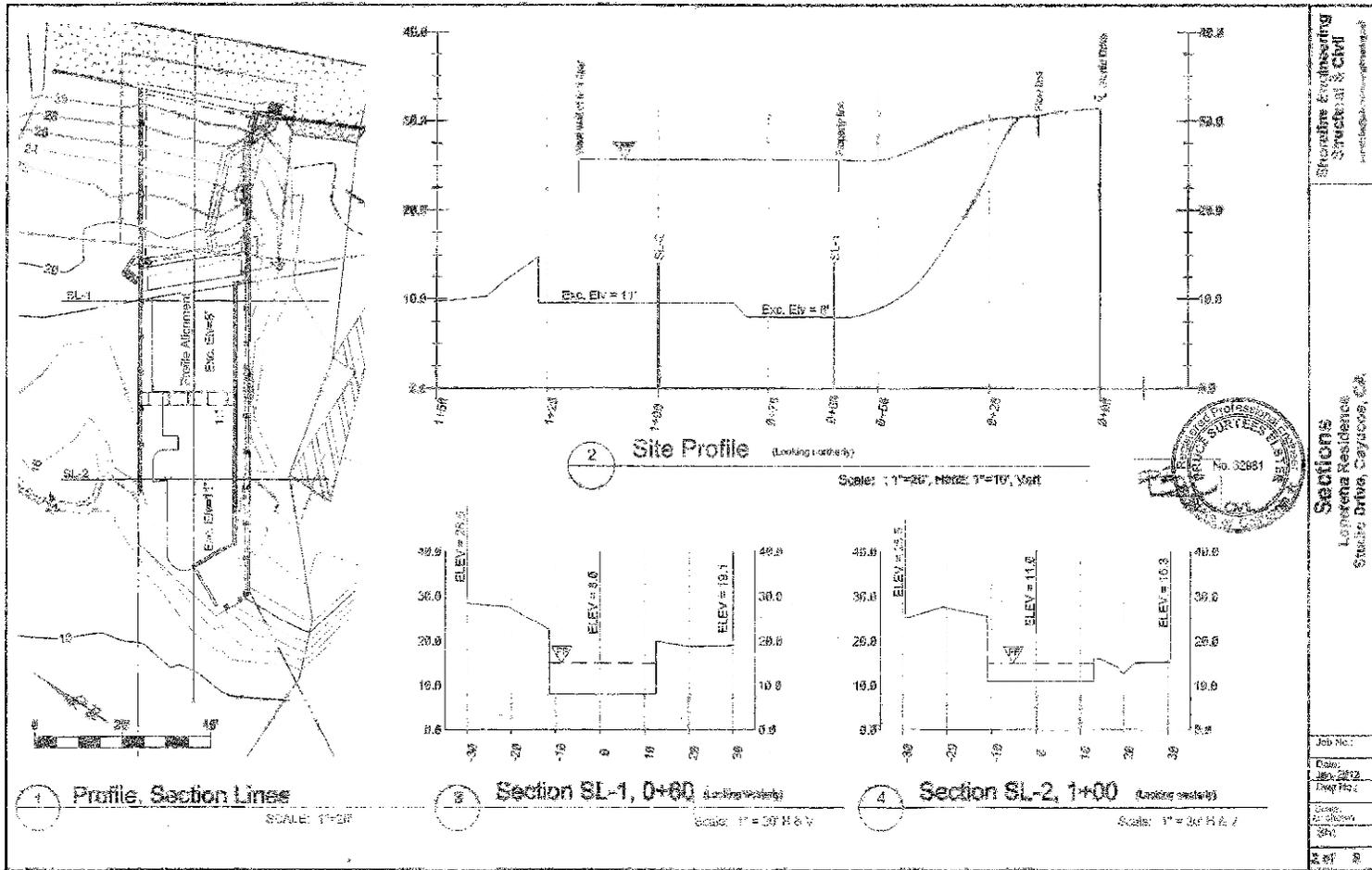
PROJECT
Minor Use Permit / Coastal Development Permit
Loperena DRC2005-0216



EXHIBIT
Elevations

3-74

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Minor Use Permit / Coastal Development Permit
Loperena DRC2005-0216



EXHIBIT
Sections

3-75

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

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Structural & Civil**
505 Harbor Street
Morro Bay, CA 93442
(805) 772-6466 V
(805) 772-6467 F
be@shoreline-engineering.net

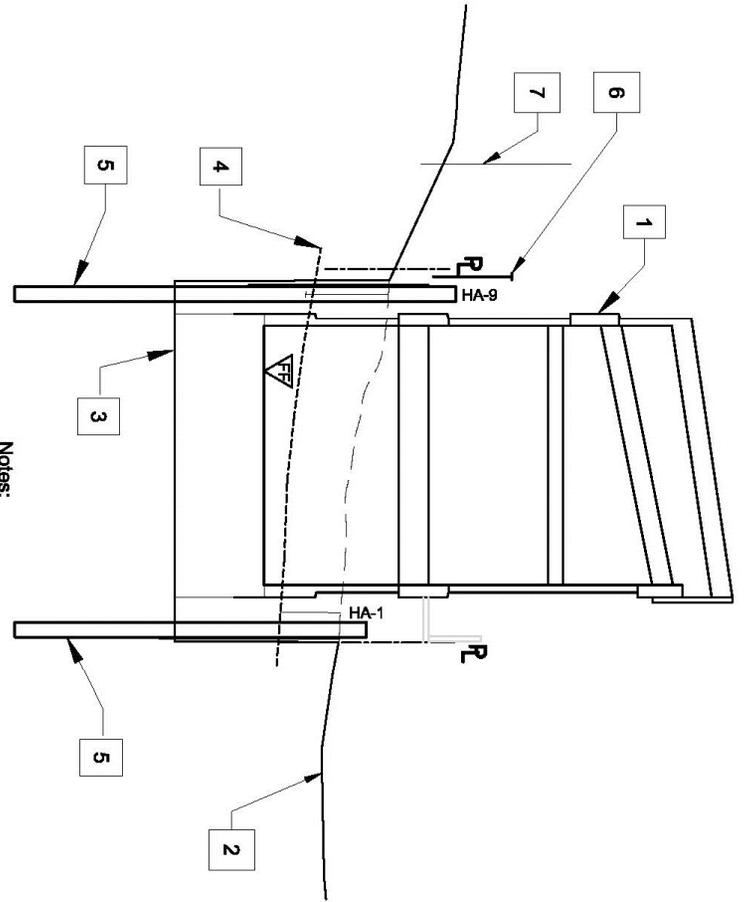
Shoring Detail
Loperena Residence
Studio Drive, Cayucos, CA

Job No.: 293-02	Dwg No.: —	Scale: 1"=10'
Sht 4 of 5		
Date: Jan 2012		

4 **Shoring Detail @ SL-1** (Looking westerly)
Scale: 1"=10'

Explanation:
HA-xx: Borings by CHG

- Notes:**
- Proposed residence, typ.
 - EG @ SL-1.
 - Concrete deadman, 6' deep.
 - Graywacke sandstone level per Cleath & Harris 1/12/2007 & 9/19/2012.
 - Soldier beam shoring system w/ W12x53 @ 8' and steel traffic plate lagging. Layout per plan.
 - Safety fencing.
 - Edge of neighboring residence (e).



PROJECT
Minor Use Permit / Coastal Development Permit
Loperena DRC2005-0216



EXHIBIT
Shoring Detail

3-76

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

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be@shoreline-engineering.net

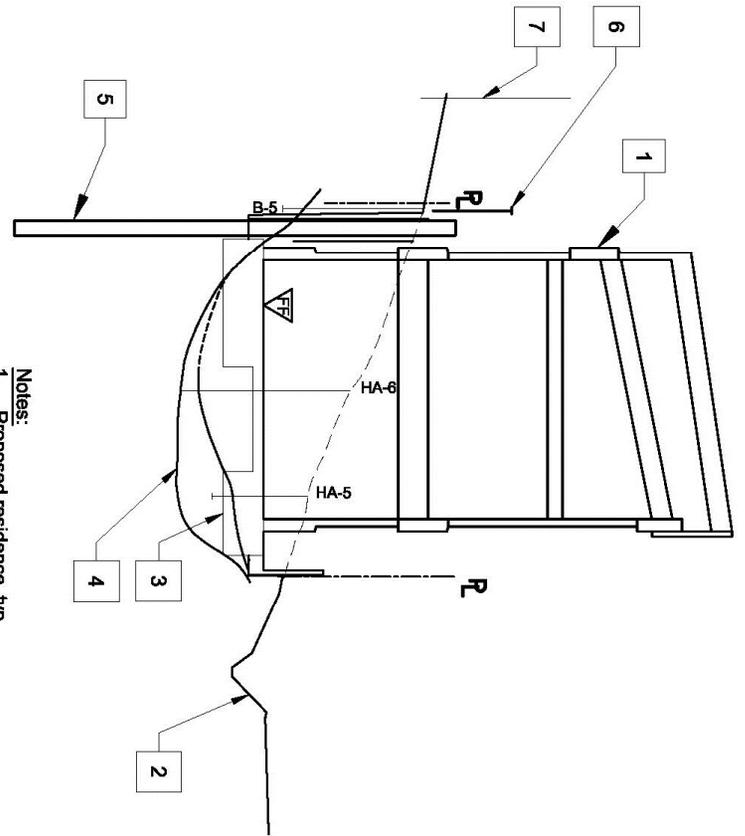
Shoring Detail
Loperena Residence
Studio Drive, Cayucos, CA

Job No.: 293-02	Dwg No.: —	Scale: 1"=10'
Sht 5 of 5		
Date: Jan 2012		

5 Shoring Detail @ SL-2 (Looking westerly)
Scale: 1"=10'

Explanation:
B-xx: Boring by GSI
HA-xx: Boring by CHG
Borings are between 4 ft & 5 ft off axis
easterly of SL-2 in the longitudinal direction,
and are considered representational of
condition below SL-2.

Notes:
1. Proposed residence, typ.
2. EG @ SL-2.
3. Approx. level of construction pad.
4. Graywacke sandstone level per Cleath
& Harris 9/19/2012.
5. Soldier beam shoring system w/
W12x53 @ 8' and steel traffic plate
lagging. Layout per plan.
6. Safety fencing.
7. Edge of neighbouring residence (e).



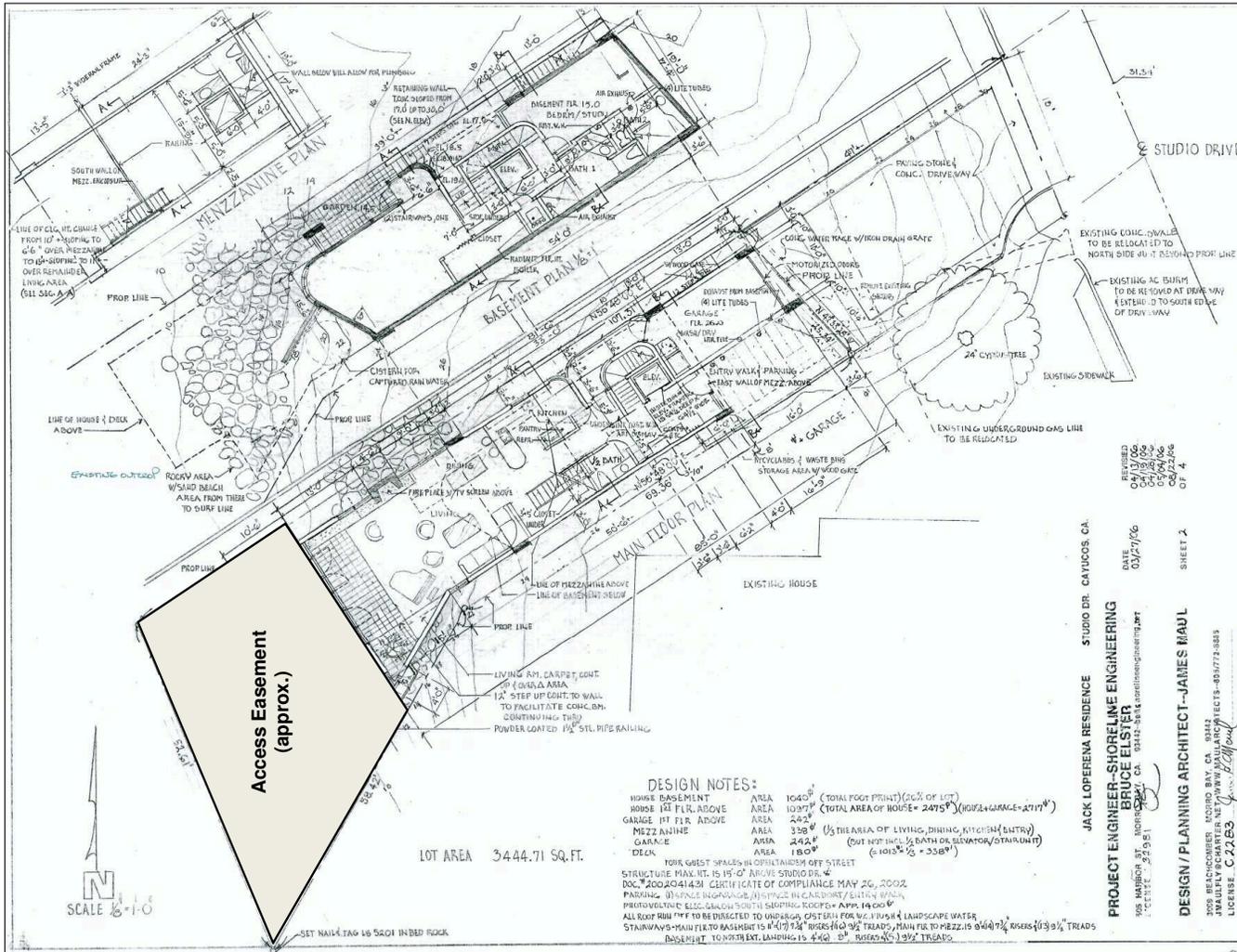
PROJECT
Minor Use Permit / Coastal Development Permit
Loperena DRC2005-0216



EXHIBIT
Shoring Detail

3-77

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
 Minor Use Permit / Coastal Development Permit
 Loperena DRC2005-0216



EXHIBIT
 Access Easement Area

3-78

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit / Coastal Development Permit
Loperena DRC2005-0216



EXHIBIT

Elevations – East and South

3-79

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit / Coastal Development Permit
Loperena DRC2005-0216



EXHIBIT

Elevations – East and South

3-80

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



SITE

PROJECT

Minor Use Permit / Coastal Development Permit
Loperena DRC2005-0216



EXHIBIT

Aerial Photograph

3-81



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

September 21, 2005

312-17072

JACK LOPERENA
2764 W. ATHENS AVE.
FRESNO, CA 93711

SUBJECT: Allocation Selection Under Growth Management Ordinance

Dear Applicant:

On September 20, 2005 the San Luis Obispo County Board of Supervisors approved a resolution to issue water service will-serves for 40 equivalent dwelling units in County Service Area 10A, allowing selection of your allocation request, #312- ~~17072~~ for Assessor Parcel Number ~~0104-253-007~~. Your allocation has been selected effective today, September 21, 2005. You will have 270 calendar days from the date of selection to apply for a building permit. **You must apply for a building permit by June 19, 2006.** Please be advised that no further extensions may be granted under the Growth Management Ordinance. In accordance with water service policies, water service will-serves remain valid only as long as compliance with building permit requirements is maintained.

In accordance with the Land Use Ordinance (Title 23 of the County Code) development of your parcel may require a Minor Use Permit (MUP) or a Variance if your property slopes exceed 20%. A MUP or variance is good for two (2) years from the date of approval. Please contact one of our coastal team planners at (805) 781-5600 to discuss the specifics regarding a variance or a MUP for your property.

When a variance or MUP is required you need to apply for the variance or MUP by the 270 day deadline at a minimum. Also, by the 270 day deadline you need to "apply" for the building permit by submitting a copy of your variance or MUP application package along with conceptual drawings of the residential development. We fully understand that the final variance or MUP approval may include conditions that affect the location of the structure on the property, etc. which would then need to be reflected in the actual detailed construction drawings that would be part of a complete building permit application package. Once your variance or MUP is approved you can prepare the detailed construction drawings to be submitted to the Building department as part of the building permit you started by the 270 day deadline.

If you have any questions regarding allocations please contact me at (805) 781-4660 or email me at jmanson@co.slo.ca.us. Please contact Courtney Howard at (805) 781-1016 for questions about water resources for County Service Area 10A.

Sincerely,

A handwritten signature in cursive script that reads "Jo Manson".

Jo Manson, Planner II
Information Services Division

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.slocoplanbldg.com>

05/11/2006 08:16 FAX 8059953673

CAYUCOS SANITARY DISTRICT

001

3-82



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

RECEIVED MAY 10 2006

VICTOR HOLANDA, AICP DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/5/06

TO: Cayucos Sanitary

FROM: [] - South County Team [] - North County Team [x] - Coastal Team

PROJECT DESCRIPTION: File Number: DRC2005-00216 Applicant: LAPERENA
MMP -> 2,200 sq. ft. SFR on Studio Drive in Cayucos.
APN: 064-253-007.

Return this letter with your comments attached no later than: 5/20/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- [x] YES (Please go on to PART II.)
[] NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- [] YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
[x] NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL

PLEASE SEE WILL SERVE LETTER IN THE FOLLOWING PAGE. THANK YOU

5/11/2006 Date

SUSAN ESTES Name

995 3290 Phone

05/03/2006 11:35 FAX 8059953673

CAYUCOS SANITARY DISTRICT

001

3-83

CAYUCOS SANITARY DISTRICT

R. Enns, President
B. Gibeaut, Vice-President
C. Bell, Jr., Director
H. Fones, Director
N. Raimondo, Director

200 Ash Avenue
P.O. Box 333, Cayucos, California 93430-0333
805-995-3290 Fax 805-995-3673

Conditional Will-Serve Letter

To: San Luis Obispo County Planning Department
From: Cayucos Sanitary District
Date: 5/2/2006

Project Number: TO COME

Applicant Name: JACK LOPERENA
Address: 2764 W ATHENS AVE
City, State, Zip: FRESNO, CA. 93711-0339

Project Address: STUDIO DR
Assessors Parcel Number: 064-253-007 LOT: PTN 41 BLK:66 TRACT: MSS

Project Description: SFR
Date of Issue: 5/2/2006 Expiration Date: 5/1/2007 Extention

We have reviewed the proposed project development and are aware of its potential effect upon the facilities and property (including easements) controlled by the District.

We have reviewed the plans and have determined there are conditions placed on the development as follows:

* WILL-SERVE PERTAINS TO PLANS FINAL DATE STAMPED 4.28.06, RECEIVED BY THE DISTRICT MAY 1/2006 AND TO NO OTHERS. DISTRICT IS REQUIRED TO PROVIDE A NEW SERVICE CONNECTION AS ONE DOES NOT EXIST AT TIME OF APPLICATION. SERVICE WILL BE PROVIDED TO PROPERTY LINE. BACKFLOW AND CLEANOUT ARE REQUIRED TO HAVE ENCLOSURES.

* Installation of sewer backflow prevention device per District standards

* Cleanout at property line

* Other: _____

* All District conditions shall be reflected on the plans.

* A Final Will-Serve Letter shall be issued when all conditions (above) have been met; final will-serve fees have been paid; and physical connection (at owners expense) has been made and inspected by the District. The County shall not allow final occupancy until they have received a Final Will-Serve Letter issued by the District.

We will serve this proposed development with our community sewer system facilities and solid waste disposal services so long as the applicant complies with our conditions (above) and connection requirements, including payment of all applicable sewer will-serve fees in effect at the time of connection. A 48 hour notice requesting sewer inspection by the District is required.

Approved By:


Supervisor, Operations and Maintenance

Date:

5/2/06

3-84

CAYUCOS SANITARY DISTRICT

200 Ash Avenue
PO Box 333, Cayucos, California 93430-0333
805-995-3290

GOVERNING BOARD
R. Enns, President
B. Gibeaut, Vice-President
C. P. Bell, Jr, Director
H. Fones, Director
N. Raimondo, Director

APPLICATION FOR SEWER WILL-SERVE LETTER

(Revised 03/01/2006)

Please fill out and provide all information requested. Failure to complete timely and thoroughly may delay review and processing of your project development will-serve request. There will be no processing of a Will-Serve letter applications for accounts with owing balances in the arrears.

OWNER JACK & JOANNE M. LODERFNA
(Name as it appears on instrument holding title to real property)

PROJECT SITE APN # 064 253 007 (3980 #1)
PHONE 559/430-8219
FAX 555/447-9713
ADDRESS 2764 W. ATHENS
CITY FRESNO
STATE CA ZIP 93711

PROJECT #
PROJECT TYPE SINGLE FAMILY RESIDENCE
APN 064 253 007
LOT# POR. 4) BLOCK# TRACT 2764 W. ATHENS MCDONALD
AGENT JAMES MAUL AND/OR BRUCE ELSTER
AGENT PHONE 772-8885 772-6466

Is this a first time application for District will-serve on your project development? {x} yes { } no

Is this an application for extension of a previously issued District Will-Serve Letter which is due to expire?
{ } yes {x} no

The Conditional Will-Serve is valid for one year from the date of issuance. The District may allow a one-time only, one year extension of the Conditional Will-Serve Letter, subject to review of the renewal application and payment of an extension request fee.

I. FEES—FIRST TIME APPLICATION ONLY:

- A. Is the development project a single family residence without off-site improvements and absent a sewer easement on or adjacent to the building site? {x} yes { } no If yes, then
{x} Cost for issuance of a Conditional Will-Serve Letter shall be \$50.00 and is due and payable at the time of submittal of the application.
B. Is the development project a commercial, multi-family residential, or a single family residence with either off-site improvements and/or a sewer easement on (or adjacent to) the building site? { } yes {x} no If yes, then { } Cost for issuance of a Conditional Will-Serve Letter shall require a \$200.00 deposit and will be offset against the actual cost of administrative processing, plan check, review and inspection, but in no case shall the final be less than \$50.00 per unit. This deposit is due and payable at the time of application. Note: If it is determined that the costs of completing the plan check and review of the proposed development may exceed \$200.00, the additional plan check and review costs shall be paid by the owner, prior to issuance of the Conditional Will-Serve Letter.

TURLED INTO SANITARY DISTRICT 05/02/06 WITH CHK. FOR \$50.00
THEY SAID FINE & THAT THEY WOULD GIVE WILL SERVE LETTER DIRECTLY TO COUNTY NEED SET OF PLANS

3-85

CAYUCOS SANITARY DISTRICT

R. Enns, President
B. Gibeaut, Vice-President
C. Bell, Jr., Director
H. Fones, Director
N. Raimondo, Director

200 Ash Avenue
P.O. Box 333, Cayucos, California 93430-0333
805-995-3290 Fax 805-995-3673

Conditional Will-Serve Letter

To: San Luis Obispo County Planning Department
From: Cayucos Sanitary District
Date: 5/2/2006

Project Number: **TO COME**

Applicant Name: **JACK LOPERENA**
Address: **2764 W ATHENS AVE**
City, State, Zip **FRESNO, CA. 93711-0339**

Project Address: **STUDIO DR**
Assessors Parcel Number: **064-253-007** LOT: **PTN 41** BLK: **66** TRACT: **MS5**
Project Description: **SFR**
Date of Issue: **5/2/2006** Expiration Date: **5/1/2007** Extention

We have reviewed the proposed project development and are aware of its potential effect upon the facilities and property (including easements) controlled by the District.

We have reviewed the plans and have determined there are conditions placed on the development as follows:

* WILL-SERVE PERTAINS TO PLANS FINAL DATE STAMPED 4.28.06, RECEIVED BY THE DISTRICT MAY 1/2006 AND TO NO OTHERS. DISTRICT IS REQUIRED TO PROVIDE A NEW SERVICE CONNECTION AS ONE DOES NOT EXIST AT TIME OF APPLICATION. SERVICE WILL BE PROVIDED TO PROPERTY LINE. BACKFLOW AND CLEANOUT ARE REQUIRED TO HAVE ENCLOSURES.

* Installation of sewer backflow prevention device per District standards

* Cleanout at property line

* Other: _____

* All District conditions shall be reflected on the plans.

* A Final Will-Serve Letter shall be issued when all conditions (above) have been met; final will-serve fees have been paid; and physical connection (at owners expense) has been made and inspected by the District. The County shall not allow final occupancy until they have received a Final Will-Serve Letter issued by the District.

We will serve this proposed development with our community sewer system facilities and solid waste disposal services so long as the applicant complies with our conditions (above) and connection requirements, including payment of all applicable sewer will-serve fees in effect at the time of connection. A 48 hour notice requesting sewer inspection by the District is required.

Approved By: 
Supervisor, Operations and Maintenance

Date: 5/2/06

May 10 06 09:18a

RWQCB Central **3-86**

805 543 0397

p. 2



12

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

VICTOR HOLLANDA, AICP
 STATE OF CALIFORNIA
 CENTRAL COAST WATER BOARD DIRECTOR

Received

MAY 9 2006

895 Aerovista Place, Ste. 101
 San Luis Obispo, CA 93401-7615
 Coastal Team

DATE: 5/5/06

TO: RWQCB

FROM: - South County Team - North County Team

PROJECT DESCRIPTION: File Number: DRC-2005-00216 Applicant: LOPERENA
MAP -> 2,200 sq. ft. SFR on Studio Drive in Cayucos.
ADN: 064-253-007.

Return this letter with your comments attached no later than: 5/20/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

NO WATER QUALITY ISSUES. STORMWATER
CONSTRUCTION PERMIT NEEDED.

5-10-06
Date

Allison Munkonen
Name

549-3882
Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

May.11. 2006 3:47PM 995.0953

3-87

No.5948 P. 3/3
12



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/5/06

TO: Cayucos Fire

FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DRC 2005-00216 Applicant: LOPERENA
MUP -> 2,200 sq. ft. SFR on Studio Drive in Cayucos.
APN: 064-253-007.

Return this letter with your comments attached no later than: 5/20/06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

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- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

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IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Don't force fire problems.

5-11-06 _____ Bill Drake _____ 995-3372
 Date Name Phone

3-88

12



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/5/06

TO: Bldg.

FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DRC2005-00216 Applicant: LAPERENA
MUP -> 2,200 sq. ft. SFR on Studio Drive in Cayucos.
APN: 064-253-007.

Return this letter with your comments attached no later than: 5/20/06

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IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

5.9.06
Date

S. Hicks
Name

5709
Phone



TO: PLANNING ~~3-890~~ ~~By Director~~ 12
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/5/06

TO: CSA #10 -> Cayucos H2O POS

FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DRC2005-00216 Applicant: LAPERENA
MUP -> 2,200 sq. ft. SFR on Studio Drive in Cayucos.
APN: 064-253-007.

Return this letter with your comments attached no later than: 5/20/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

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PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

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IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

applicant has water well - serve for own CSA / OF

5/9/06
Date

[Signature]
Name

781-5116
Phone

3-90

Cayucos

Land Use Committee

Memo

To: Ryan Hostetter
From: Mary Ann Carnegie
CC:

Date: April 4, 2007

Re: Project ID DRC2005-00216

Jack Loperena
address: 000 Studio Drive
APN 064-253-007

this referral was originally received by the Land Use Committee Meeting in May 2006, where several concerns/comments & questions regarding the bluff lot, and proposed project were discussed. During the course of time, along with several additional meetings with neighbors, the project's architect and the Land Use Committee many questions and concerns had been answered, yet many still remain inconclusive.

A major concern centered on what is a basement, how or do they even fit into structures, especially within SSN where GSA and wall setbacks are so important in order to meet Local Estero Area Planning Standards

Additionally, this lot, located on the highly visible side of Ocean and Studio on the west side [ocean side] has apparently not been considered a bluff lot—yet is subject to the same conditions of the immediate neighboring bluff side homes. That is, ocean tides, ebb and flow of water, sand movement, storm water surges, drainage, below ground foundation—water table, water intrusion, possible pumping of water out etc.—yet this particular lot, directly next to bluff sites, is not considered a bluff site for bluff site standards—bluff setback, etc

A major comment was that basements are not defined in the Local Estero Area Plan—BUT specific standards applied to new land uses are, “and must be satisfied for a new land use to be approved, and for a newly-constructed project to be used.” [Local Estero Area Plan—Chapter 8-1] Basements may be silent, but specific standards speak very loudly.

AND then per Title 23 on Compliance with Standards Required:

23.01.034 d. “Conflicts with other requirements. If conflicts occur between a Land Use Element planning area standard and other provisions of this title, the Land Use Element planning area standard shall prevail.”

Also, according to the Land Use Element [LUE] and Land Use Ordinance [LUO] per County Planning “Coastal Zone Land Use Local Area Plan standards **ALWAYS** override the standards and land use permit levels in the LUO.” The standards for the local Estero Area Plan—standards for Cayucos are:

4. Standards A. Front Setbacks/& B. Side setbacks—

“the ground level floor shall have setbacks as provided in Cayucos Communitywide Standard 2 and **AT NO POINT shall a lower story wall exceed 12 ft. in height including its above ground foundation.** The 2nd floor of proposed two-story construction shall have an additional front setback of at least three feet from the front lower wall, except open rail, uncovered decks are excluded from this additional setback and may extend to the lower front wall.”

It was strongly expressed that the proposed project does not meet this standard for the SSN and thus does not fit in with the intent of the SSN as well. Basement or not, it was felt to be a living space, a first floor, and extends above ground foundation. Consequently, Standard B.- Side Setbacks would also be implemented. These two standards would thus allow the proposed structure to follow the local area plan standards and would comply more with the intent of the SSN being met.

3-91

•Additionaly per Special Use Standards: special use standards in Chapter 8 of the LUO always override other LUO standards, but **NOT local area plan standards** [LUE]. Again, this would be the Local Estero Area Plan, and again, **AT NO POINT** shall a lower story wall exceed 12 feet in height including its above ground foundation.

The committee and entire council are currently working with county planning, and public works on trying to provide a better understanding of the concerns with basements. However, based on title 23.01.034d, this should be a non issue since local area standards should prevail of no walls greater than 12 ft..

It is also understood that this could be based on interpretation, but if one recalls the interpretation for the sloping lot line adjustment was questioned and appealed to the BOS in Jan. 2000. The BOS voted and agreed that the Local Estero Area Plan should be followed and no sloping lot line adjust for hillside lots would be granted—the community wide standard of 10ft. for front setbacks would be followed from there on out. This concern for a so-called basement would seem to be somewhat a same circumstance of interpretation to follow the Local Estero Area Plan.

It was generally thought that allowing this proposed structure, with its basement, does not follow the standards of the SSN intent as outlined in standards in the Local Estero Area Plan.

Though the Local Estero Area Plan is silent on basements, it does speak very loudly on walls over 12 ft.—irrespective of what that wall is called, as long as it is exposed and visible.

3-92

Additional concerns/comments expressed for this project were as follows.

- A major concern was expressed when borings that were taken on the lot apparently reached plastic bottles and other refuse at 4'6" and at 7'. It was mentioned that this could have been a fill site. Either way, the concern for a good foundation was questioned and should be met with the strictest safety/engineering requirements. Geotechnical findings of what is actually there for building on, as well as where the bluff terminates would be most helpful to define the lot as bluff site or not
- the total GSA for a 3440 sq. ft. lot is 50% of the total lot size; per the drawings-half of its living area is as a basement—this brought out lots of concerns -- is it a basement when it appears they are not digging down and the designated area is designed with doors, windows, bedroom, bath, etc.—this area adds 1097 sq. ft. which grossly exceeds total GSA allowed by approx 675 sq. ft.; by not being a basement and appearing as a complete second floor then there are no setbacks for the floor above—many comments expressed were that it does not follow SSN standards—this is validated by the comments that walls are not to align for more than 12ft in height and per statements noted above of having Local Area Plan standards prevail
- overall, the entire structure being on a highly visible corner does NOT appear to fit in with the standards, nor the intent of the small scale neighborhood. For instance, the side wall aligns more than 12 ft. in height, flat roofs have usually been discouraged in the past, the northern walls appear very massive, and the south wall appears that it could be highly reflective with photo-voltaics—how will this be minimized for the immediate neighbor and beach side visitors? No other homes will be built on the northern side to diminish its massiveness, it is a big turnoff for Hwy 1 freeway traffic to access the beach and has a large public parking lot adjacent to this side that will be in plain, constant viewing sight.
- A streetscape [which is required per the MUP process] was eventually provided. This is especially important in "seeing" what and how the project would fit. From the front view off of Studio it appears to fit, but the massiveness of the exposed side walls with no articulation to soften this massiveness does not seem to meet the intent—again going back to following standards for SSN within the Local Estero Area Plan.
- plans indicate that utility easements are being re-located? This was explained that the moving of them would make them better than what they currently are, but committee members like to make sure all current agencies involved in the process are notified and proper approvals are met
- originally the cantilevering of the deck out into the set back and beach area was very much questioned as to its validity since it was thought to be a bluff lot with the 25 ft. setback; however upon clarification this apparently is not the case and the cantilevered deck would be allowed—yet again on the northern side the non-articulated wall seems to add to the massive feel. A different design could mitigate and enhance the SSN intent
- the validity of an apparent concrete wall to be installed on the ocean front side for erosion, control, etc., was questioned of being acceptable per Coastal commission guidelines for walls on ocean front properties.
- several members of the committee, that actually live on the bluff side, on either Studio or Pacific streets, questioned how this home would actually fair under high tide, full moon, and storm surge? They questioned the concern for actually flooding, water intrusion—has this even been looked into? It was suggested that a tide plot plan be defined and that the mean high tide land be indicated in relation to the home's proposed location. This too was eventually received and seemed to provide solutions to the concerns brought up.

As you can conclude—there are several unanswered questions to many comments brought up regarding the project, but the main item would center on following the Local Estero Area Plan for small scale neighborhood projects. It would appear that the project would require some modifications to the design of the project in order to meet those standards and the intent of the sensitive small scale neighborhood. As presented, the committee felt the project does not follow the standards of the local Estero Area Plan.

3-93



Land Use

Committee

Memo

QUESTIONS/pre-referral

To: Ryan Hostetter
From: Mary Ann Carnegie
CC:
Date: 5/23/06
Re: Project ID DRC2005-00216

Jack Loperena
address: 000 Studio Drive
APN 064-253-007

this referral was received just prior to the Land Use Committee Meeting of 5/22/06

Upon reviewing the referral, as sent, the committee could NOT clearly read the small 8.5 x 11 set of plans. Since the project would be located in the sensitive small scale neighborhood, is in the coastal appeal zone, and would appear to be in a very highly visible public access area, better plans, with more complete information would be needed in order to make any good, well-informed decisions. Therefore, a readable set of plans are being requested.

Overall questions raised from just looking over the project were as follows:

- is this even a legal/legal size lot? Especially taking into account as a corner lot, on the bluff with setback requirements? Being on the bluff side where is the 25 ft. set back?
- when identifying the site the referral indicates two different locations—the committee concluded that it is on the corner at the end of Studio, next to the state beach & parking; verification of this would be appreciated as it was a bit confusing—if located here is it a part of the state beach area?
- plans indicate utility easements are being re-located? Why?; and has then been reviewed or even approved by the proper agencies?
- no streetscape was sent with the plans to indicate how it fits into the community and surrounding neighborhood, which is required per the MUP process
- the cantilevering of the deck way back out into the set back and beach area was very much questioned as to its validity
- it appears that a concrete wall will be installed on the ocean front?? 75 year bluff erosion, etc. walls are not allowed per the Coastal commission it was thought
- total GSA for a 3440 sq. ft. lot—50% allowed; supposedly claims almost half of its living area as a basement—question if it really is a basement when it appears they are not digging down and it is designed with doors, windows, bedroom, bath, etc.—this adds 1097 sq. ft. which places it way over total GSA allowed by approx 675 sq. ft.; not being a basement and appearing as a complete second floor then there are no setbacks for the floor above—does not follow SSN standards
- overall, the entire structure being on the corner, highly visible appears to NOT fit in with the standards and the intent of the small scale neighborhood. Wall aligns more than 12 ft. in height, flat roofs are discouraged, walls appear massive, and the south wall appears that it could be highly reflective with photo-voltaics—how will this be for the immediate neighbor?
- several members of the committee, that actually live on the bluff side, on either Studio or Pacific streets, question how this home would actually fair under high tide, full moon, and storm surge? They questioned the concern for actually flooding, water intrusion—has this even been looked into?

As you can deduct—there are several unanswered questions that still need to be clarified, and because of receiving this without being able to contact the client and or their representative, we would like to have the opportunity to have more time to review this project with a better set of plans that may provide answers to some of the questions; and we would like to have answers, direction given, or justifications to the concerns raised

Submitted by: Cayucos Land Use Committee;
Concerns are as noted above; it was NOT supported of the Land Use Committee members.

3-94



County of San Luis Obispo General Services Agency

COUNTY PARKS

Janette D. Pell, Director

Curtis Black, Deputy Director

TO: Ryan Hostetter, Department of Planning and Building

FROM: Shaun Cooper, San Luis Obispo County Parks 

DATE: September 9, 2009

RE: **NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LOPERENA MINOR USE PERMIT/ COASTAL DEVELOPMENT PERMIT DRC2005-00216; ED06-317**

This memo is regarding your NOP dated August 7, 2009.

Name of Contact Person: Shaun Cooper,
 1087 Santa Rosa Street, San Luis Obispo, CA 93408
 781-4388
 secooper@co.slo.ca.us

Permit(s) or Approval(s) Authority: Parks, Recreation, & Trails within the County of San Luis Obispo.

Environmental Information: The San Luis Obispo County *Parks and Recreation Element* identifies park, recreation, trail, and open space opportunities within the County.

Permit Stipulations/Conditions: Improvements shall be consistent with the San Luis Obispo County *Parks and Recreation Element*, and County coastal regulations and standards.

Alternatives: None proposed at this time.

Reasonably Foreseeable Projects, Programs or Plans: San Luis Obispo County *Parks and Recreation Element* and San Luis Obispo County *Parks Coastal Access Guide*.

Relevant Information: San Luis Obispo County *Parks and Recreation Element* and San Luis Obispo County *Parks Coastal Access Guide*.



3-95

Further Comments:

Parks has concerns with the cantilever design of the structure encroaching over the lateral access.

State parks should be notified of this project.

Please provide plans showing the toe of bluff and top of bluff.

When reviewing coastal access, the Parks Division considers the following County regulations and standards.

A. Lateral Coastal Access

1) Access is required in new development and subdivisions between the first public road and the shore by the County Coastal Zone Land Use Ordinance (CZLUO) (see County Code, Section 23.04.420.4(c)).

2) Site design standards

a) The minimum lateral access dedication is twenty-five feet of dry sandy beach available at all times during the year or where topography limits the dry sandy beach to less than twenty-five feet, mean high tide to the toe of bluff (see County Code, Section 23.04.420.4 (c)).

b) Where the area between the mean high tide line (MHTL) and the toe of bluff is constrained by rocky shoreline or other limitations, evaluate the safety and other constraints and whether alternative siting of accessways is appropriate (see County Code, Section 23.04.420.4(c)).

c) In Cayucos, development located between the sea and the first public road is required to make an offer of dedication of lateral access extending from the toe of bluff to mean high tide or, where applicable, to the inland boundary of the public beach (see Estero Area Plan, Land Use Element/Local Coastal Plan, San Luis Obispo County General Plan, Chapter 8, p 8-11).

Apr 21 09 11:27a

Cathy Novak

3-96

805-772-9499

p.1

Post office Box 296 Morro Bay, CA 93443
Phone/Fax: (805) 772-9499
Cell: (805) 441-7581
Email: NovakConsulting@charter.net

Cathy Novak
Consulting

Fax

To: Ryan Hostetter	From: Cathy Novak
Fax: 781-1242	Pages: 2
Phone:	Date: April 21, 2009
Re: Water will serve letter	CC:

Urgent **X For Review** **Please Comment** **Please Reply** **Please Recycle**

Ryan,

Attached please find the water will serve letter.

Thanks,

Cathy Novak



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

DISTRICT County Service Area No. 10A IS WILLING AND ABLE TO PROVIDE WATER SERVICE TO ASSESSORS PARCEL NUMBER 064-253-007, Lot 41 (portion), AT Studio Drive LOCATED IN THE COMMUNITY OF Cayucos, SUBJECT TO ALL FEES AND CONDITIONS OF THE RULES AND REGULATIONS OF THE DISTRICT, AND SUBJECT TO AN APPROVED FIRE SAFETY PLAN AND COMPLIANCE WITH UNIFORM FIRE CODE REQUIREMENTS OF THE LOCAL FIRE PROTECTION AGENCY. FEES AND CHARGES IN EFFECT AT TIME OF CONNECTION TO BE PAID IN FULL PRIOR TO INSTALLATION OF WATER METER.



SIGNATURE

HYDRAULIC OPERATIONS ADMINISTRATOR
TITLE

May 4, 2006

DATE

Planning No. B

WPL#

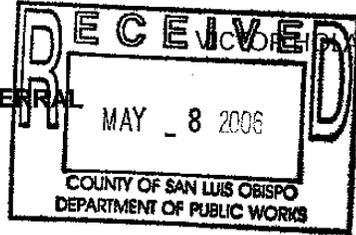
Jack Loperena

3-98

12



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING



VICTORIA PANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/5/06

From TO: JW

To FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DRC 2005-00216 Applicant: LOPERENA
MMP -> 2,200 sq. ft. SFR on Studio Drive in Cayucos.
APN: 064-253-007.

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IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

see attached dit - encroach for drive! Other improvements
-drainage plan

Date 5-23-06

Name [Signature]

Phone 5271

3-99

DRC2005-00216

More detail is required for the drainage scheme at the street. Apparently these plans will call for the removal of an existing overside drain and the construction of a replacement on State Parks property. More detail (flowline grades at a minimum) at the existing and new locations would be required prior to the County considered approving the removal of the existing drain and its replacement. The plan needs to clearly delineate the lot's property line at the road right of way. Permission from State Parks would be required prior to constructing a new overside drain on their property.