

**EXHIBIT A – FINDINGS  
NOVY MINOR USE PERMIT**

*Environmental Determination*

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project consists of the construction of a new single-family residence as a replacement dwelling from a demolished unit at 2150 Pine Avenue. A wetland setback of 62 feet is requested, the minimum amount necessary to construct a functional and aesthetically appealing three-bedroom residence. The Botanical Resources Survey Report (Ecological Assets Management, LLC; September 15, 2015) provided by the applicant identified only one species during the surveys. California seablite was observed during the surveys but was located out of the parcel boundaries, in a tidally influenced area. The applicant also received a Non-Federal No Take concurrence letter from U.S. Fish and Wildlife Service. The concurrence letter is valid until February 4, 2017, at which time all exterior construction shall be completed or an extension shall be requested.

*Minor Use Permit*

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

*Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because although the project is adjacent to the coast, it will not inhibit access to the coastal waters and recreation areas. Adequate public access exists within 1,000 feet of both the north and south of the project parcel. In addition, the project is conditioned to provide a 30 foot lateral access easement from extending from the inland extent of wetland vegetation.

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### *Adjustments*

- H. An adjustment to the required front setback is justified because it would minimize site alteration and minimize coverage of the site beyond the bluff face because the applicant submitted a Delineation of Environmentally Sensitive Habitat Boundaries and Setback Evaluation (Ecological Assets Management, LLC; September 15, 2015). The report identified the boundary of the wetland on the site. The proposed project is conditioned to increase their front setback to the maximum of 15 feet to reduce the required size of a wetland setback adjustment. With this front setback adjustment, the requested wetland setback adjustment will be 62 feet from the wetland boundary rather than 50 feet.
- I. An adjustment to the required wetland setback is justified because the site would be unusable for the principal permitted use unless the setback is reduced. Without the wetland setback adjustment of 62 feet, it would be infeasible to construct a modestly-sized, aesthetically appealing, three-bedroom residence with sufficient garage and driveway.
- J. An adjustment to the required wetland setback is justified because the reduction is the minimum that would enable a principal permitted use to be established on the site after all practical design modifications have been considered. The reduction is the minimum that would enable the three-bedroom single-family residence to be established on the site after all practical design modifications, including relocating the residence to the maximum allowed to the front setback, have been implemented and still maintain an aesthetically pleasing, practical design.
- K. An adjustment to the required wetland setback would not allow the proposed development to be located closer to the wetland than allowed by using the stringline setback method pursuant to Section 23.04.118a. Section 23.04.118a of this title was revised January 2009 and removed reference to the stringline method. This finding was inadvertently not revised to reflect that revision. However, the proposed residence will be located considerably further back from the adjacent two residences using the stringline setback method formerly set forth in Section 23.04.118a of this title.

### *Sensitive Resource Area*

- L. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the proposed residence is setback 62 feet from the wetland and ESHA boundary.
- M. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the project will be setback 62 feet from the wetland.
- N. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because the project will be setback 62 feet from the wetland.
- O. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because a storm water

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control plan, erosion and sedimentation control plan, and a drainage plan are required at time of construction permit application.

### *Archeological Sensitive Area*

- P. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is conditioned to cease construction in the event archaeological resources are discovered.