

**ATTACHMENT 8**

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



*Promoting the wise use of land*

*Helping build great communities*

**PLANNING COMMISSION**

MEETING DATE March 24, 2016	CONTACT/PHONE James Caruso / 781-5702 / jcaruso@co.slo.ca.us	APPLICANT Campbell-Sheppa/ Daniel Lloyd	FILE NO. SUB2015-00001 Tract 3074
SUBJECT A request by Campbell-Sheppa/Daniel R. Lloyd for a Vesting Tentative Tract Map (Tract 3074) and Development Plan/Coastal Development Permit approval to subdivide a 0.68 acre site into 7 residential parcels ranging in size from 2,432 to 5,405 square feet each for the purpose of sale and/or development, one open space parcel of 14,089 square feet, construction of seven (7) residential units ranging in size from 2013 sq. ft. to 2449 sq. ft. and demolition of an existing structure. The project is located at 399 E Street at the corner of Cypress Glen Court in the community of Cayucos. The project is within the Residential Multi Family and Recreation land use categories and within the Estero planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract Map and Conditional Use Permit SUB2015-00001 (Tract 3074) based on the Findings listed in A and C and the Conditions listed in Exhibit B & D			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 2, 2016 for this project. Mitigation measures are proposed to address biological resources, public services/utilities, transportation/circulation, wastewater and water/drainage and are included as conditions of approval.			
LAND USE CATEGORY Residential Multi-Family & Recreation	COMBINING DESIGNATION Local Coastal Plan, Flood Hazard, Environmentally Sensitive Habitat Areas (ESHA), Streams and Riparian Vegetation (SRV)	ASSESSOR PARCEL NUMBER 064-034-007	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: <i>Section III Areawide: Resource Protection, Light &amp; Glare, Section V. Cayucos Urban Area Standards: Communitywide, Residential Multi Family, Building Height &amp; Setbacks, Combining Designation: (SRA) Coastal Streams Setbacks. Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS Section 23.07.120 - Local Coastal Program Area, Section 23.07.160 - Sensitive Resource Area, Section 23.07.170 Environmentally Sensitive Habitat, Section 23.07.174 – Streams and Riparian Vegetation, 23.07.104 Archaeologically Sensitive Areas 23.04.166 Number of Parking Spaces Required, <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			

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FINAL ACTION	
This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the Planning Commission hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the Planning Commission hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.	
EXISTING USES: Single family residence/ephemeral creek	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-family/Single family Residences <i>East:</i> Residential Single Family/ Single Family Residences <i>South:</i> Residential Multi-Family/Single family residences <i>West:</i> Residential Multi-Family/Creek and single family residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, APCD, Cayucos Sanitary District, Cayucos Fire Dept, Morro Rock Mutual Water Co, Regional Water Quality Control Board, Cayucos School District, California Coastal Commission and the Cayucos Citizens Advisory Committee	
TOPOGRAPHY: Gently sloping	VEGETATION: Ruderal ornamental landscaping and riparian.
PROPOSED SERVICES: Water supply: Morro Rock MWC Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Dept	ACCEPTANCE DATE: November 24, 2015
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER SAN LUIS OBISPO γ CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242	

**PROJECT DESCRIPTION**

The project proposes a Vesting Tentative Tract Map (Tract 3074) and Development Plan/Coastal Development Plan to subdivide a 0.68 acre site into 7 residential parcels ranging in size from 2,432 to 5,405 square feet, plus one open space parcel of 14,089 square feet. The project will be developed as a *planned development* in accordance with Section 66427 et seq. of the Subdivision Map Act and will construct seven residential units ranging in size from 2013 sq. ft. to 2449 sq. ft. The planned development regulations provide flexibility for applicants when applying development standards as a way to encourage creative design. Such standards may include: reduced minimum lot sizes and common area, improved design qualities, more effective design responses to site features, compatibility with land uses on adjoining properties, more effective and attractive pedestrian orientation, enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources. Modifications from applicable development standards are discussed below.

Coastal Zone Land Use Ordinance Section 23.04.028(D) states that a planned development must be accompanied by a Development Plan at the time of tentative map approval. Therefore, the Development Plan and tentative map must be considered together.

Table 1 provides a summary of proposed development:

<b>Table 1 -- Tract 3074 Project Summary</b>								
<b>Project Components</b>	<b>Lot 1</b>	<b>Lot 2</b>	<b>Lot 3</b>	<b>Lot 4</b>	<b>Lot 5</b>	<b>Lot 6</b>	<b>Lot 7</b>	<b>Lot 8</b>
Lot Area	2,508	2,432	2,432	2,432	2,432	4,961	5,405	14,089
Dwellings Floor Area								
Living Space	2,449	2,449	2,197	2,197	2,197	2,170	2,013	--
Garage	571	571	593	593	593	440	440	--
Carport	519	519	516	516	516	0	0	--
Decks and Porches	335	335	443	443	443	41	44	--
Total:	3,874	3,874	3,749	3,749	3,749	2,651	2,497	--

### **Vesting Tentative Map**

The tentative map shows the seven residential lots arranged in two, north-south rows. Dwellings on parcels 1 through 5 will face E Street with parcel sizes ranging from 2,508 on the corner of Cypress Glen Court to 2,432 on the interior. Parcels 6 and 7 will back up to Little Cayucos Creek and are somewhat larger (4,961 and 5,405 square feet). An open space parcel (Parcel 8) of 14,089 square feet surrounds parcels 6 and 7 and extends westward over a portion of Little Cayucos Creek. A drainage and landscape easement extends over the westerly portions of parcels 6 and 7 under the drip line of existing riparian vegetation, as well as the entirety of parcel 8. The residences on lots 6 and 7 are setback 20 feet from the edge of riparian vegetation as required by Planning Area standards.

Street frontage improvements are shown along the project's E Street and Cypress Glen Court frontages. Cypress Glen Court (formerly Cypress Avenue) is a private roadway that serves 4 existing residences. The project proposes to abandon the portion of the right-of-way that abuts the project site and to add the 7,000 square feet of abandoned right-of-way to the project site for purposes of calculating the base residential density.

### **Development Plan**

#### **Figure 1 -- Site Plan**



Residential Density

At the north end of E Street where the project is located, the majority of parcels are between 5,500 square feet to over 10,000 square feet, each with a single family dwelling. However, lot widths, street yard setbacks, building orientation, and building height (single story and multi-story) vary considerably for properties in both the Residential Multi-Family and Residential Single Family land use categories (Figure 2).

**Figure 2 – Land Use Designation and Development Pattern in the Project Vicinity**



The project site and the adjacent parcel to the south could be considered 'underdeveloped' in

that each is over 18,000 square feet (at least 0.4 acres) and contains a single family residence. The Cayucos Urban Area Standards allow up to 10 dwellings per acre in the Residential Multi-Family land use designation, and up to 15 units per acre if the review authority makes the finding that there is sufficient sewer capacity and supplemental water to serve such development plus existing development, and all vacant parcels at buildout, assuming a density of 15 units per acre in the RMF category. Applying these standards to the project site, with the abandonment of the Cypress Glen Court right-of-way, would yield the following:

30,000 sq.ft. parcel + 7,000 sq.ft. ROW = 37,000 sq.ft. X 10 DU/AC = 8 units.

30,000 sq.ft. parcel + 7,000 sq.ft. ROW = 37,000 sq.ft. X 15 DU/AC = 13 units.

Thus, the project density is less than allowed, but greater than surrounding residential development in either the RMF or RSF land use categories. The Area Plan states that multi-family development should be designed to be sensitive to existing single-family homes. Construction of moderate-income housing is encouraged in order to replace the loss of affordable housing due to conversion of older, smaller housing stock into higher-priced homes.

#### Architecture

Building elevations, colors and materials have been provided for three product types. Each will be multi-story, 3 and 4 bedroom units with gable roof and colored wall shingles. Parking is provided for each unit in attached garages and carports under the main living areas; additional parking is provided for guests. The dwellings on parcels 1 through 5 will face E Street with the entrance facing the street behind a covered porch. Building elevations incorporate elements to break up the mass and linearity of the building walls, including:

- Second-story balconies;
- Extensive windows and window trim;
- Wall projections with gable ends;
- Changes in the roof line;

**Figure 3 – Typical Building Elevations Facing E Street**



#### Access and Parking

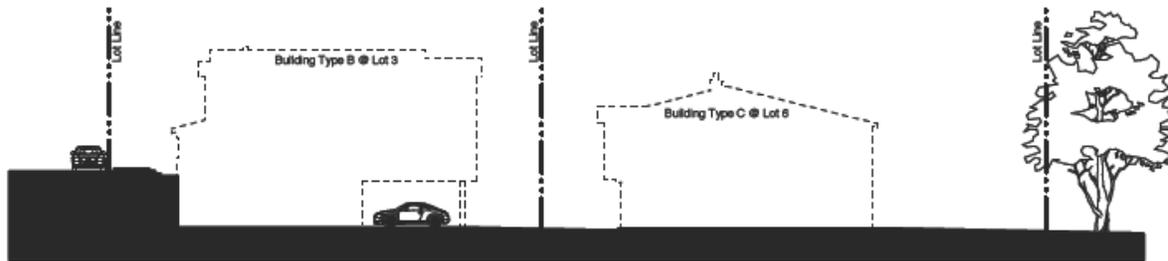
Access will be provided by a private access drive/easement extending south from Cypress Glen Court, centered over the common property lines. A turnaround area for emergency vehicles is also provided. Each dwelling fronting E Street is provided with a two car garage plus a two-car

carport for guests with access from the common access drive. Lots 6 and 7 each have 2-car garages. Two additional guest spaces are provided at the south end of the access drive.

Preliminary Grading and Drainage Plan

The preliminary grading plan shows the site will be excavated along E Street to accommodate parking under the first floor living spaces for parcels 1 through 5.

**Figure 4 – East/West Section Through Project**



**Site Section A**

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

No grading is proposed within the drip line of the riparian vegetation along Little Cayucos Creek. The project will result in the disturbance of approximately 26,910 square feet. Earthwork will involve 2,135 cubic yard of cut and 291 yard of fill with a net 1,844 cubic yard to be removed.

The project incorporates Low Impact Development (LID) drainage features in which runoff will be collected in a “bio-swale” where it will be pre-treated before being discharged to Little Cayucos Creek.

Preliminary Landscaping Plan

The landscaping plan shows a ‘riparian enhancement area’ along the creek with plant varieties informed by the biological assessment prepared for the project (Althouse and Meade, November 2015). Native plant varieties are shown for the areas that border the riparian corridor. Street trees and foundation planting will be provided along Cypress Glen Court to screen the dwellings and soften the transition from the street. Street trees and shrubs are shown in a narrow landscaping strip provided along the project’s E Street frontage.

**PLANNING AREA STANDARDS**

**Estero Areawide Standards**

**A. Resource Protection**

1. **Clustered or Concentrated Development.** Wherever standards for clustering or concentrating development to protect identified sensitive features, the following standards apply:
  - a. **Reports.** Biological report(s) that addresses identified sensitive feature(s) shall be required.

- b. **Development Location.** Development shall be located away from identified sensitive features on and adjacent to the site, and in areas most suitable for development. Development shall result in no adverse impacts to environmentally and other sensitive areas, including avoidance of the required setback, buffers and fuel modification zones.
  - c. **Setbacks.** Development shall include sufficient setbacks/buffers to protect environmentally sensitive areas; at a minimum, setbacks as required in the Estero area plan and in the Chapter 23.07 of the CZLUO, as applicable
  - d. **Extent, Intensity of Development.** The number of units/development intensity and site coverage shall be consistent with protection of identified sensitive features on and adjacent to the site.
  - e. **Protection of Sensitive Features.** Identified sensitive features shall be protected through building controls, mitigation agreements, easements, or other means, consistent with applicable legal requirements to allow reasonable use of the site.
  - f. **Arrangement of Open Space.** Where feasible, open space areas shall consist of larger, contiguous areas rather than smaller, disconnected pockets of open space.
2. **Environmentally Sensitive Areas- Clustered Development and Habitat Protection Required.**
- a. Cluster or concentrate development on the least sensitive portions of the site in order to protect and sustain environmentally sensitive areas and the following sensitive features:
    - i. Sensitive Resource Areas and Environmentally Sensitive Habitats as defined in the Land Use Element and Local Coastal Plan.
    - ii. All riparian habitat corridors.
    - iii. Rare, endangered or threatened species as listed by deferral or state agencies or in the State CEQA guidelines
    - iv. Other significant stands of vegetation, such as eucalyptus - whether or not identified as SRA combining designation that do not need to be removed due to hazardous condition or restoration and enhancement of native habitat.
  - b. All development within 100 feet of the preceding sensitive features shall comply with the applicable standards for ESH in the Coastal Plan Policies and Chapter 23.07 of the CZLUO, except otherwise stated in this plan.
  - c. Development shall not significantly disrupt or cause significant adverse environmental impacts to the preceding sensitive features, and shall not diminish the long-term sustainability of the biological resources.
  - d. Development of all proposed building sites shall result in no adverse impacts to environmentally and other sensitive areas, including avoidance of the required setbacks, buffers and fuel modification zones.

*Staff Comments: The project is consistent with these standards. The site plan was informed by a biological assessment of the project site. As a result, development is concentrated on the eastern portion of the project site and will not impact sensitive resources along Little Cayucos Creek. The open space lot encloses the riparian*

*resources on the project site. The proposed residences are setback a minimum of 20 feet from the upland edge of riparian vegetation as required by the Estero Plan.*

- G. Cayucos Planning Impact Area.** Within the planning impact area shown in Figure 7- 5, applications for land divisions, general plan amendments, Minor Use Permits, and Development Plans shall be referred to the Cayucos Citizen Advisory Council (CCAC) its successor for review and comment.

*Staff comments: This project was referred to the CCAC. See CCAC discussion below:*

- H. Light and Glare.** The applicant shall provide details on any proposed exterior lighting, if applicable. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

*Staff comments: The project is conditioned to meet this standard.*

### **Cayucos Urban Area Standards**

#### **Communitywide**

- A. Resource Capacity and Service Availability.** Application for new land divisions and land use permits for new development shall be accompanied by letters from the applicable water purveyor and the Cayucos Sanitary District stating their intent to serve the proposed project.

*Staff comments: This project complies with this standard because the applicant submitted a recent intent-to-serve letter from the Morro Rock Mutual Water Company and the Cayucos Sanitary District issued a Conditional Will Serve letter for the project. The project is conditioned to meet all applicable requirements of the Cayucos Sanitary District Conditional Will Serve prior to the issuance of construction permit(s).*

- B. Setbacks.** The project is being developed as a planned development which allows the relaxation of certain development standards, including setbacks. For a planned development, front setbacks may be determined through Development Plan approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code. The side yard within urban and village areas is 10 percent of the lot width, to a maximum of five feet on sites less than one acre in net area, but not less than three feet.

*Staff comments: If the Development Plan for the planned development is approved, the project complies with this standard. The front setback for lots 6 and 7 is shown at 14 feet and 12 feet for the dwellings facing E Street. Project plans show a minimum side yards of three feet for the dwellings facing E Street, and 4 - 5 feet for lots 6 and 7.*

#### **Residential Design Guidelines Outside of Community Small-Scale Design Neighborhoods: Wall Articulation and Relief.**

The following guidelines apply to all new residential development outside of Community Small-scale Design Neighborhoods in order to create visual relief and interest.

- *Avoid long, uninterrupted exterior walls on all structures*
- *Provide detail and articulation on all sides of residences through measures such as:*
  - *Using relief elements and changes in plane*
  - *Off-setting the wall plane to express interior spaces and provide outdoor spaces*
  - *Creating an interesting blend of shadows, in-sets, varied materials and textures*
  - *Using design measures and elements such as the following:*
    - *wall bays with relief at least every 20 feet;*
    - *pop-out, bay windows;*
    - *in-set windows;*
    - *window trim;*
    - *trellises;*
    - *arcades or verandas;*
    - *changes in materials*

*Staff Comments: Overall the project complies with this guideline. Building elevations incorporate elements to break up the mass and linearity of the building walls. These elements include:*

- *Second-story balconies;*
- *Extensive windows and window trim;*
- *Wall projections with gable ends;*
- *Changes in the roof line;*

### **Residential Multi-Family -**

**Height Limitations.** Maximum allowable building height shall be 28 feet.

*Staff comment: This project complies with this standard. Proposed height is 28 feet*

### **Combining Designation**

**Sensitive Resource Area (SRA).** Setbacks from Coastal Streams. Development shall be setback a minimum of 20 feet from Little Cayucos Creek. Riparian setbacks shall be measured from the upland edge of riparian vegetation top of stream back where no riparian vegetation exists.

*Staff comment: The project is located 20 feet from the upland edge of riparian vegetation in compliance with this standard.*

### **COASTAL ZONE LAND USE ORDINANCE STANDARDS:**

**Section 23.01.043c(1) - Appeals to the Coastal Commission.** The project is appealable to the Coastal Commission because the project is proposed development within 100 feet of Little Cayucos Creek (a mapped coastal stream).

**Section 23.04.084 – Multifamily Dwellings.** The number of multiple family dwellings allowed on a single lot or adjoining lots, floor area and open area are based upon the "intensity factor" of the site. In this case, the medium intensity factor allows:

	<b>Maximum units/acre</b>	<b>Maximum floor area</b>	<b>Minimum open area</b>
<b>Allowed</b>	26 units	48%	45%
<b>Proposed</b>	10 units	45%	72%

*Staff Comments: The project complies with the multifamily dwelling requirements for density, floor area and open area.*

**Section 23.07.120 - Local Coastal Program**

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

**Section 23.04.166 - Number of Parking Spaces Required**

The project site is located within the Residential Multi-Family land use category that requires 2 parking spaces per residence with three or more bedrooms, plus 1 guest parking space, plus 1 additional guest space for each 4 units or fraction thereof.

*Staff comments: The parking requirement for 7 dwellings is: 7 x 2 = 14 spaces, plus 1 guest space, plus 1 guest space per four units = 17 spaces. Each dwelling fronting E Street is provided with a two car garage plus a two car carport for guests. Lots 6 and 7 each have 2-car garages. Two additional guest spaces are provided at the south end of the access drive. A total of 26 parking spaces are provided on the site in garages, carports and open parking. The project meets the standard and provides excess parking.*

**Section 23.05.034 (c) - Grading Adjacent to Environmentally Sensitive Habitats**

Grading shall not occur within 100 feet of any Environmentally Sensitive Habitat as shown in the Land Use Element except:

- (1) Where a setback adjustment has been granted as set forth in Sections 23.07.172d(2) (Wetlands) or 23.07.17 4d (2) (Streams and Riparian Vegetation) of this title; or
- (2) Within an urban service line when grading is necessary to locate a principally permitted use and where the approval body can find that the application of the 100-foot setback would render the site physically unsuitable for a principally permitted use. In such cases, the 100-foot setback shall only be reduced to a point where the principally-permitted use, as modified as much as practical from a design standpoint, can be located on the site. In no case shall grading occur closer than 50 feet from the Environmentally Sensitive Habitat or as allowed by planning area standard, whichever is greater.

*Staff comments: The Estero planning area standard establishing a 20 foot setback from Little Cayucos Creek takes precedence over this section of the Coastal Zone Land Use*

*Ordinance<sup>1</sup>. As described above, the proposed project meets the 20 foot setback requirement from Little Cayucos Creek.*

## **Combining Designations**

### **Section 23.07.060 Flood Hazard Area.**

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

*Staff comments: A small portion of the project site lies within the 100-year floodplain of Little Cayucos Creek. However, no structures or other improvements are proposed in this area. The project is conditioned to show the 100-year flood plain and all structures shall be located outside of this area. The limit of the flood hazard will be shown on the final map as a building restriction.*

### **Section 23.07.160 - Sensitive Resource Area (SRA)**

The Sensitive Resource Area combining designation is applied by the Official Maps (Part III) of the Land Use Element to identify areas with special environmental qualities, or areas containing unique or endangered vegetation or habitat resources. The purpose of these combining designation standards is to require that proposed uses be designed with consideration of the identified sensitive resources, and the need for their protection, and, where applicable, to satisfy the requirements of the California Coastal Act.

- e. **Required findings:** Any land use permit application within a Sensitive Resource Area shall be approved only where the Review Authority can make the following required findings:
- (1) The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.
  - (2) Natural features and topography have been considered in the design and siting of all proposed physical improvements.
  - (3) Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
  - (4) The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.

### **Section 23.07.170 - Environmentally Sensitive Habitat Area (ESHA)**

The riparian area crossing the project site is considered an environmentally sensitive habitat area (ESHA). Applications for development within an ESHA must include a biological assessment to evaluate the project's impact on ESHA and whether the development will be consistent with the biological continuance of the habitat.

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<sup>1</sup> CZLUO Section 23.01.034(d) states: "If conflicts occur between a Land Use Element planning area standard and other provisions of this title, the Land Use Element planning area standard shall prevail..."

- (1) Approval of a land use permit for a project within or adjacent to an ESHA shall not occur unless the applicable review body first finds that:
  - a. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
  - b. The proposed use will not significantly disrupt the habitat.

*Staff comments: The SRA designation is applied to the riparian corridor for Little Cayucos Creek. The project design was informed by a biological assessment prepared by Althouse and Meade (November, 2015) regarding the sensitivity of resources on the project. As a result, the project is designed to meet the 20 foot setback from Little Cayucos Creek in order to protect the natural features and topography. The project limit (disturbance) area is the minimum necessary to achieve safe and viable construction of the residences, as a principally permitted use on the site. Conditions such as construction timing, exterior lighting, construction BMPs, an open space conservation easement, and Landscape Restoration and Enhancement Plan have been applied to the project to ensure biological continuance of, and no significant negative impacts to, the sensitive habitats.*

**Section 23.07.174 - Streams and Riparian Vegetation (SRV)**

Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

**a. Development adjacent to a coastal stream.**

Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.

- b. **Riparian setbacks:** New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this setback shall be a minimum of 50 feet. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration.

- (1) **Permitted uses within the setback:** Permitted uses are limited to those specified in Section 23.07.172(d) (1) (for wetland setbacks), provided that the findings required by that section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses.

All permitted development in or adjacent to streams, wetlands, and other aquatic habitats shall be designed and/or conditioned to prevent loss or disruption of the habitat, protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures to be provided include, but are not limited to:

- i. Flood control and other necessary instream work should be implemented in a manner that minimizes disturbance of natural drainage courses and vegetation.
- ii. Drainage control methods should be incorporated into projects in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.

## ATTACHMENT 8

*Staff Comments: A Biological Assessment, prepared by Althouse and Meade (November, 2015) concluded that no listed plant species were found on the project site and no suitable habitat was found. However, the project site has the potential to provide habitat for listed animal species that include Cooper's hawk, California red-legged frog, Monarch butterfly, Nuttall's woodpecker, Oak titmouse, Pallid bat, Silvery legless lizard, Steelhead, Tidewater goby, Two-striped garter snake, Western pond turtle, and Yellow warbler. The study concluded that suitable habitat for California red-legged frog, Steelhead, Tidewater goby, Two-striped garter snake, and Western pond turtle is not present on the project site. Pre-construction surveys are recommended for Cooper's hawk, Nuttall's woodpecker, Oak titmouse, Silvery legless lizard, and Yellow warbler.*

*With regard to the riparian setback, Little Cayucos Creek is mapped by the ESHA Coastal Act Section 30107.5 and designated as such in the Estero Area Plan, Cayucos Urban Area Standards Chapter 7, V.C.1. and Table 7-2, as a Sensitive Resource Area (SRA). The edge of riparian is shown and the SRA is shown on Figure 5.*

**Figure 5 – Habitat Types on the Project Site**



*On the project site Little Cayucos Creek is swale-like without erosion and shallow. Riparian trees, mostly arroyo willow (*Salix lasiolepis*), California sycamore (*Platanus racemosa*) and coast live oak (*Quercus agrifolia*) comprise the canopy of the riparian habitat along with a few pittosporum and myoporum non-native shrubs. Periwinkle (*Vinca major*), garden nasturtium (*Tropaeolum majus*), and kikuyu grass (*Pennisetum clandestinum*) are dominant species in the understory. Coast live oak is found only on the far bank of the creek away from the project area (Figure 5). The creek channel substrate consists of gravels and coarse soil particles. The channel area could qualify as State wetland per Coward in methodology (FACW willows, hydrology).*

*However, the Estero Area Plan requires a minimum 20 feet from coastal streams (Little Cayucos Creek). When there are conflicting standards between the CZLUO and the Area Plan, the LCP allows for the standards of the Area Plan to prevail. In this case the project incorporates the following elements to protect riparian resources:*

- The bulk of riparian resources present on the project site will be within a designated open space parcel in which no development will be allowed. No outfall structures or other uses of the riparian area are proposed.*
- All development will observe a minimum 20-foot setback from the edge of riparian resources, as required by the LCP. The top of bank of Little Cayucos Creek is entirely within the riparian canopy edge.*
- Restoration of the riparian habitat is proposed and has been approved by the California Department of Fish and Wildlife as a separate Project that removes non-native plants, installs native riparian plants, and protects riparian trees and shrubs (LSAA No. 1600-2015-0141-R4). This restoration project will result in an enhancement to the existing riparian habitat.*

*Accordingly, the coastal stream and riparian area will be preserved because the structures and other improvements are setback adequately from riparian vegetation. With adequate setback and conditions requiring BMPs for grading, erosion, sedimentation, and drainage plan, the proposed project will not degrade the riparian area and will be compatible with the continuance of the habitat. As proposed and conditioned, the project complies with this standard.*

### **Section 23.07.176 - Terrestrial Habitat Protection**

The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.

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

*Staff Comments: The project is consistent with this standard. The project site is bordered by Little Cayucos creek and its surrounding riparian vegetation. The riparian vegetation is mapped ESHA and could provide roosting, nesting and/or foraging areas for Cooper's hawk, Nuttall's woodpecker, Yellow warbler and Pallid bat. Sensitive habitat for these species will be protected by the elements discussed above under CZLUO Section 23.07.172.*

*Based on the Biological Assessment prepared for the project site, the quality of vegetation outside the riparian corridor is significantly degraded and anthropogenic.*

**Section 23.07.104 - Archaeologically Sensitive Areas**

The project is not located in a designated Archaeologically Sensitive combining designation area; however the location on the banks of a creek and in close proximity to the ocean is considered culturally sensitive and archaeology resources are known to exist in the area.

*Staff Comments: A Phase I study of the project site (Heritage Discoveries Inc., 2015) found no surface evidence of archaeological resources on the project site. However, due to the size, proximity and richness of the known adjacent archaeological site, a Phase II study was performed for the project site in August, 2015 (Heritage Discoveries Inc., 2015). The Phase II study consisted of additional surface as well as sub-surface investigations. A total of 15 shovel pits were excavated and the excavated soils were sifted for the presence of resources. The analysis revealed the presence of some modern artifacts, such as a glass marble, bottle fragments and nails. One large mammal bone was recovered which appeared to be of historical origin. Marine shellfish fragments were discovered, but were most likely of historic origin as well. Overall, the Phase II investigation found no surface or sub-surface evidence of significant historical or archaeological resources on the project site.*

**Section 23.07.174 (d) - Streams and Riparian Vegetation Setback**

The Estero Area Plan requires a minimum 20 feet from coastal streams (Little Cayucos Creek). The dwellings on Parcels 6 and 7 are set back 20 feet from the edge of existing riparian vegetation, and 25 – 40 feet from the top of bank as required by the Area Plan.

**Section 23.04.036 - Front Setback.**

CZLUO states that the front setbacks for a planned development may be determined through Development Plan approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code. Project plans show a 12-foot setback from the front property line for the units fronting on E Street, and on lots 6-8 the front setback is 14 feet.

**COASTAL PLAN POLICIES:**

Shoreline Access:	N/A
Recreation and Visitor Serving:	N/A
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating & Port Facilities:	N/A

Environmentally Sensitive Habitats:	Policy	No(s):
	1,2,20,21,28,29,35	
Agriculture:	N/A	
Public Works:	Policy No(s): 1	
Coastal Watersheds:	Policy No(s): 8,9,10	
Visual and Scenic Resources	N/A	
Hazards:	N/A	
Archaeology:	Policy No(s): 1, 5,6	
Air Quality:	N/A	

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

**Environmentally Sensitive Habitats (ESHAs)**

**Policy 1: Land Uses within or adjacent to Environmentally Sensitive Habitats.** New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.

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

*Staff comments: The project is consistent with these policies. The protection of ESHA is discussed above under CZLUO Section 23.07.172.*

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

*Staff comments: The project is consistent with this policy because it incorporates a riparian restoration plan and is conditioned to implement the plan.*

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

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

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

**Policy 29: Protection of Terrestrial Habitats.** Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site. Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

*Staff comments: The project is consistent with these policies, as discussed above under CZLUI Section 23.07.172.*

**Policy 35: Protection of Vegetation.** Vegetation which is rare or endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat.

*Staff comments: The proposed project is consistent with this policy because it includes conditions prohibiting tree and vegetation removal, except as allowed to implement the riparian restoration plan. Implementation of this plan will help protect the existing sensitive riparian habitats against significant disruption of habitat value.*

#### **Public Works**

**Policy 1: Availability of Service Capacity.** New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

*Staff comments: The project complies with this standard. Conditional will serve letters (water and sewer) were submitted for the proposed development.*

#### **Coastal Watersheds**

**Policy 8: Timing of Construction and Grading.** Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

*Staff comments: This project will comply with this standard because construction activities will be limited by conditions of approval.*

**Policy 9: Techniques for Minimizing Sedimentation.** Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation.

**Policy 10: Drainage Provisions.** Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

*Staff comments: The project complies with Policies 9 and 10 because it incorporates drainage components to protect water quality consistent with Low Impact Development. In addition, prior to issuance of grading/ or construction permits, the project shall demonstrate compliance with water quality protection regulations. Conditions requiring implementation of BMPs in grading, erosion and sedimentation control and drainage will minimize harmful impacts to ESHA that may result from increased run-off, erosion or sedimentation during construction activities.*

### **Archaeological Resources**

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

**Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction**

Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:

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

**Policy 6: Archaeological Resources Discovered during Construction or through Other Activities.** Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified

archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

*Staff comments: The project is consistent with these policies and conditions have been included to assure that significant impacts to archeological resources within the project area will be adequately mitigated based on the recommendations outlined in the Phase I and Phase II studies prepared for the project site.*

## **TENTATIVE TRACT MAP**

The proposed project site is located in the Recreation (REC) and Residential Multi-family (RMF) land use categories. CZLUO section 23.04.028d establishes the minimum standards for parcels in the RMF category and CZLUO section 23.04.032 establishes minimum standards for parcels in the Recreation land use category.

Section 23.04028d requires the common ownership parcel to be a minimum of 6,000 sq. ft. and that the RMF subdivisions comply with density of Section 23.04.084. The Recreation land use category requires a 6,000 sq. ft. parcel. Lot 8 is the open space parcel and is approximately 14,000 sq. ft. in size.

*Staff Comments: The project site is greater than 6,000 sq. ft. and so complies with CZLUO sections 23.04.028 and 032 and the proposed project complies with CZLUO section 23.04.084 residential density standards (see Page 4 of this staff report for a full analysis of residential density).*

## **Abandonment of a Portion of Cypress Glen Ct**

The tentative map proposes to abandon a portion of Cypress Glen Ct. The abandonment of the public right to use a right of way can occur either through the Streets and Highways Code or through the tentative subdivision map. The proposed subdivision (see attachment 6) seeks to abandon a 35 foot wide strip of Cypress Glen Ct fronting the project site. A street abandonment extinguishes the public's right to use the road. Property owners retain the right to access properties through the underlying easement that stays in place.

In this case, the portion of Cypress Glen Ct north of Little Cayucos Creek has already been abandoned (see Figure 6). The owners of several properties on Cypress Glen Ct have applied to abandon other portions of Cypress Glen Ct under the Street and Highways Code process. Both abandonment processes can proceed concurrently.

**Figure 6 – Abandonment of a Portion of Cypress Glen Ct**



Cypress Glen Court is not part of the County’s road maintenance system and currently acts as a private drive to the existing residences. Since Cypress Glen Court serves private residences and provides no existing or future public circulation benefit, Public Works supports the proposed abandonment.

**Title 21 Adjustment**

Real Property Division Ordinance section 21.03.010d7 states:

- 7. Private easements, if approved by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.

There are five existing parcels that use Cypress Glen Ct for access. The proposed project will add seven developable parcels. This total of 11 parcels using Cypress Glen for access cannot use a private easement but instead must use an access with an offer of dedication. The applicant has submitted a request of for an adjustment to this standard. In order to approve an adjustment to the design provisions of Section 21.03.010, the Planning Commission must find:

- 1. That there special circumstances or conditions affecting the subdivision; and
- 2. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision; and

3. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision. (Ord. 1986 §2 (part), 1979)

The findings are provided in Attachment 3.

## **ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration has been prepared for this project. The findings and recommendations of the MND are summarized below.

**Biological Resources.** The Biological Assessment concludes that riparian resources present on the project site will be adequately protected by observing the required 20 foot minimum setback and by the design of the project which avoids sensitive resources. The proposed project also includes a riparian corridor restoration plan to restore the degraded riparian habitat on the site.

**Cultural Resources.** The project is not located in a designated Archaeologically Sensitive combining designation area; however the location on the banks of a creek and in close proximity to the ocean is considered culturally sensitive and archaeology resources are known to exist in the area. A Phase I and Phase II study of the project site did not reveal the presence of significant archaeological resources.

**Public Services and Utilities.** According to the 2015 Resource Summary Report, there are no levels of severity recommended for water supply, wastewater collection and treatment, or schools. Will-serve letters have been issues for the project by the Morro Rock MWD and the Cayucos Sanitary District.

**Traffic.** The project proposes to vacate a portion of Cypress Glen Court along the project frontage. There is a recorded Road Maintenance agreement that covers the maintenance responsibilities of Cypress Glen Court that serves four private residences. The right-of-way was never improved or maintained by the County between D and E Streets, and portions of the right of way have been abandoned to the adjoining properties. The project proposes to abandon the portion of the right-of-way that abuts the project site and to add the 7,000 square feet of abandoned right-of-way to the project site for purposes of calculating the base residential density. Cypress Glen Court is not part of the County's road maintenance system and currently acts as a private drive to the existing residences. Since Cypress Glen Court serves private residences and provides no existing or future public circulation benefit, Public Works is supporting the proposed abandonment. No other significant traffic-related concerns were identified.

**Hydrology – Water Quality.** A Stormwater Control Plan and Stormwater Site Design Analysis has been prepared for the project which provides a summary of elements incorporated into the design of the project to protect water quality. These elements include:

- A bioretention area to treat stormwater from impermeable surfaces.
- Maintaining a 20 foot setback from Little Cayucos Creek.
- Impervious surfaces are minimized.

**COMMUNITY ADVISORY GROUP COMMENTS**

Cayucos Community Advisory Council (CCAC) - The CCAC met in December to discuss the project. In addition, the land use committee met twice to discuss the project. The Council took the following action at the December 2015 meeting:

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

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

Roll Call Vote: Five yes. Six no.

John Carsel: The motion fails. Is there another motion? Seeing none, enjoy the holidays.

**AGENCY REVIEW**

**Public Works** - *The project meets the applicability criteria for Storm Water Management and shall comply with applicable requirements. Abandonment of Cypress Glen Court is supported.*

**Cayucos Sanitary District** – *The proposed project received a conditional Sewer Intent to Serve from the Cayucos Sanitary District on May 6, 2015.*

**Morro Rock Mutual Water Company** – *The proposed project has received a Notification of Eligibility to Receive a Water Will Serve Letter issued on July 15, 2015.*

**Cayucos Fire Department** – *The Fire Protection District Project commented on the need for a turnaround at the end of the driveway.*

**California Coastal Commission** – *The Commission comments focus on the riparian setback and restoration plan.*

**LEGAL LOT STATUS**

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

**ATTACHMENTS:**

1. Exhibit A – Development Plan Findings
2. Exhibit B – Development Plan Conditions of Approval
3. Exhibit C – Tentative Tract Map Findings
4. Exhibit D – Tentative Tract Map Conditions of Approval
5. Real Property Division Ordinance Adjustment Request
6. Proposed Negative Declaration and Project Graphics
7. Correspondence

Staff Report prepared by James Caruso, Senior Planner and Reviewed by Karen Nall, Supervising Planner.

## ATTACHMENT 8

### Attachment 1

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

##### *Environmental Determination*

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

##### *Development Plan/Coastal Development Permit*

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

##### *Minimum Parcel Size*

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

##### *Coastal Access*

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

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### Attachment 1

#### *Sensitive Resource Area*

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

#### *Streams and Riparian Vegetation*

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

#### *Archaeology*

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

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

**Approved Development**

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

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

- g. Parcel sizes and setbacks as follows:

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

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

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

***Site Development***

2. At the time of application for grading and/or construction permit(s), the applicant shall submit final site plans to the Department of Planning and Building for review and approval. The final site plans shall show the following:
  - a. **Little Cayucos Creek Setback.** Other than habitat restoration related development, all development including but not limited to cut and fill slopes, retaining walls, drainage features, fencing, decking, and parking areas, shall be set back a minimum distance of 20 feet from the upland edge of Little Cayucos Creek riparian vegetation.
  - b. **Approved Development Envelope.** All areas of the site outside of the Little Cayucos Creek Riparian Habitat Area and its required setback shall be demarked as the Approved Development Envelope.
  - c. **Little Cayucos Creek Riparian Habitat Area.** The area of the site outside the Approved Development Envelope shall be demarked as the Little Cayucos Creek Riparian Habitat Area, where development and uses shall be limited to restoration, enhancement, protection, and interpretation of the Little Cayucos Creek riparian habitat.
  - d. **Site Access.** All access to the residential units from E Street shall be clearly identified on the final site plans, and shall include:
    - i. Verification that access has been reviewed and approved by the Department of Public Works with respect to improvements in the E Street right-of-way;
    - ii. Verification that access has been reviewed and approved by the Cayucos Fire Department in respects to fire safety regulations;
  - e. **Project Limit Area.** The final plans shall clearly identify specific locations of construction, areas for staging and storage, and construction access corridors. Such areas shall be minimized to the maximum extent feasible to minimize impacts on the creek habitat area. Silt fences, or equivalent shall be installed at the perimeter of allowable construction area to prevent runoff and/or sediment from entering the riparian habitat area.
  - f. **Construction Plan Notes.** The final plans shall include a final construction schedule and erosion control/water quality BMPs (and locations). The following required criteria must be shown on the Plan Notes:
    - i. All work shall take place during daylight hours. Lighting of the creek and riparian area is prohibited.
    - ii. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside the defined construction, staging, and storage areas.
    - iii. Construction shall only occur during the dry between April 15 to October 1.
3. Prior to issuance of construction permits for the residences, the applicant shall submit a color and materials board to the Department of Planning and Building for review and approval.

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***Fire Safety***

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

***Services***

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

***Exterior Lighting***

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

***Access & Access Easement***

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

***Water***

11. **Prior to issuance of construction permits**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping (turf areas) shall not exceed 500

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square feet with remaining landscaping being drought tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.

12. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans **prior to permit issuance**.

***Quit Claim Deed***

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

***Fees***

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

***Grading, Drainage, Sedimentation and Erosion Control***

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

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

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- b. **Permanent Drainage and Erosion Control Plan.** The Plan shall include and clearly identify all permanent measures to control and direct all site runoff and a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltrations, and/or habitat enhancement, and/or directed to off-site storm drain systems. The Plan shall be prepared by a licensed engineer and incorporate structure and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater and other run-off associated with the development. The Plan shall include required calculations and documentations for all BMPs proposed and shall, at the minimum provide for:
- i. Drainage system designed to filter and treat the volume of runoff produced from irrigation and storm event up to and including the 85th percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1 hour runoff event (with an appropriate safety factor) for flow-based BMPs, prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating mechanism shall be clearly identified, and supporting technical information shall be provided.
  - ii. Runoff from the roofs, driveways, parking lots, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site;
  - iii. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions;
  - iv. All runoff shall be directed away from the creek/riparian habitat area unless proven appropriate for habitat enhancement process;
  - v. All drainage system elements shall be permanently operated and maintained.

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

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

***Stormwater Pollution Prevention***

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

19. Prior to initiation of tract improvements, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). As applicable, all construction-related protection measures specified in the SWPPP shall be installed prior to work beginning

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20. At the time of application for construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
21. Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

***Biological Resources***

22. Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
23. Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be 14,089 square feet and include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
- a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
  - b. Public interpretive access improvements approved by a coastal development permit.
24. **As a part of a second sheet of the tract map and included as a part of any individual construction permit application**, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment.
25. Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.

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

**Conditions to be completed prior to ground disturbance or construction activities**

***Air Quality***

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

***Biological Resources***

30. **(BR-1) Within one week of ground disturbance or tree removal/trimming activities**, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Buffers may be reduced if a qualified ornithologist determines that project activities will not affect the nesting birds. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

31. **(BR-2) Prior to ground disturbance**, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Wildlife to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:

- a. Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.

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

***Site Development***

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

**Conditions To Be Completed During Project Construction**

***Air Quality***

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

- a. Reduce the amount of disturbed area where possible,

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

***Biological Resources***

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

***Cultural Resources***

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

**Conditions to Be Completed Prior To Occupancy Or Final Inspection**

***Landscape Restoration and Enhancement Plan***

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

***Access Drive and Fire Lane Signage***

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

***Cultural Resources***

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

***Biological Resources***

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

***Landscape***

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

***Fire Safety***

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

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***Development Review Inspection***

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

***Grading, Drainage, Sedimentation and Erosion Control***

55. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices. Devices must be installed in conjunction with any grading and must effectively control siltation.
56. Prior to final inspection of construction permits, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to 2" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

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

***Landscape Restoration and Enhancement Plan***

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

***Landscaping***

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

***Permit Vesting***

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

***General***

60. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.
61. **Prior to approval of tract improvement plans**, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure

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compliance with County Conditions of Approval and Mitigated Negative Declaration measures relating to tract improvements. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

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

**Public Works Conditions**

***Road Improvements***

63. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
- a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
  - b. Cypress Glen Court shall be widened to complete the project frontage to Cayucos Fire Department access road standards. An attached all-weather sidewalk shall be constructed from the project driveway to E Street as shown on the Vesting Tentative Map.
  - c. The onsite access road shall be constructed to Cayucos Fire Department road and turnaround standards.

***Drainage***

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

***Stormwater Control Plan***

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

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

#### *Environmental Determination*

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

#### *Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Commercial Retail land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of mixed-use commercial and live-work residential units.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support mixed-use commercial and live-work units.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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- J. That there special circumstances or conditions affecting the subdivision:
1. the site slopes downward from E Street toward Little Cayucos Creek and drops off at the E Street right of way very steeply resulting in less developable area for new residences once a driveway would reach natural grade after applying customary design criteria; and
  2. Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking where currently none exists; and
  3. the centerline of the internal drive court that serves all seven proposed residences is 75 feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Ct for direct access (their parking or garages are beyond the proposed access point from the new project; and
  4. the ordinance setback requirements from the riparian vegetation significantly reduces the developable area of the property; and
  5. the addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street.
- K. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision:
1. utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests and emergency vehicles; and
  2. having one point of access as opposed to multiple points of access onto E Street is safer and more predictable for existing residents and other vehicles; and
  3. trash collection within the drive court will keep Cypress Glen Ct more accessible to the existing four residences, thus eliminating inconvenience; and
  4. the provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking; and
  5. the amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate.
- L. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision:
1. the construction of the residences will enhance the character of the neighborhood since they are all single family homes and not attached apartments or condos; and
  2. public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists; and
  3. having one point of access via Cypress Glen Ct will provide a streetscape that de-emphasizes the vehicle as a focus of neighborhood character;
  4. the project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate potential safety risk from downed power lines in the event of storms or acts of nature; and

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5. Cypress Glen Ct will be widened to 24 feet of width past the drive court and a pedestrian path will be provided along its edge; and
  6. Parking requirements for multifamily zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structure, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning.
- M. Cypress Glen Court is approximately 200 feet long and connects to E Street. The road currently acts as a private drive to the existing residences and is not in the County maintained system. Located on the properties served by Cypress Glen Court are single family residences and accessory structures. The abandonment removes the encumbrance of the platted road to the adjoining property owners. Since the road serves private residential properties and provides no existing or future public circulation benefit, the request to vacate a portion of Cypress Glen Court as shown on the vesting tentative map is appropriate.

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

##### *Environmental Determination*

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

##### *Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Recreation and Residential Multifamily land use categories.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential units outside flood hazard areas and riparian setbacks.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support seven residential units and a required riparian setback.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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

- J. That there special circumstances or conditions affecting the subdivision:
1. the site slopes downward from E Street toward Little Cayucos Creek and drops off at the E Street right of way very steeply resulting in less developable area for new residences once a driveway would reach natural grade after applying customary design criteria; and
  2. Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking where currently none exists; and
  3. the centerline of the internal drive court that serves all seven proposed residences is 75 feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Ct for direct access (their parking or garages are beyond the proposed access point from the new project; and
  4. the ordinance setback requirements from the riparian vegetation significantly reduces the developable area of the property; and
  5. the addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street.
- K. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision:
1. utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests and emergency vehicles; and
  2. having one point of access as opposed to multiple points of access onto E Street is safer and more predictable for existing residents and other vehicles; and
  3. trash collection within the drive court will keep Cypress Glen Ct more accessible to the existing four residences, thus eliminating inconvenience; and
  4. the provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking; and
  5. the amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate.
- L. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision:
1. the construction of the residences will enhance the character of the neighborhood since they are all single family homes and not attached apartments or condos; and
  2. public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists; and
  3. having one point of access via Cypress Glen Ct will provide a streetscape that de-emphasizes the vehicle as a focus of neighborhood character;
  4. the project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate

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potential safety risk from downed power lines in the event of storms or acts of nature; and

5. Cypress Glen Ct will be widened to 24 feet of width past the drive court and a pedestrian path will be provided along its edge; and
  6. Parking requirements for multifamily zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structure, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning.
- M. Cypress Glen Court is approximately 200 feet long and connects to E Street. The road currently acts as a private drive to the existing residences and is not in the County maintained system. Located on the properties served by Cypress Glen Court are single family residences and accessory structures. The abandonment removes the encumbrance of the platted road to the adjoining property owners. Since the road serves private residential properties and provides no existing or future public circulation benefit, the request to vacate a portion of Cypress Glen Court as shown on the vesting tentative map is appropriate.

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

#### **Approved Project**

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

#### **Road Improvements**

2. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
  - a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
  - b. Cypress Glen Court shall be widened to complete the project frontage to Cayucos Fire Department access road standards. An attached all-weather sidewalk shall be constructed from the project driveway to E Street as shown on the Vesting Tentative Map.
  - c. The onsite access road shall be constructed to Cayucos Fire Department road and turnaround standards.

#### **Offers, Easements and Restrictions**

3. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
  - a. For road improvement purposes 1-foot along E Street to be described as 36-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
  - b. For pedestrian access purposes 6-feet along E Street to be described as 42-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
  - c. A 20- foot radius road right-of-way along the property line returns at the intersection of E Street and Cypress Glen Court.

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- d. A public utility easement along E Street to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
  - e. Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.
4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
    - a. A minimum 22-foot shared private access and utility easement in favor of Parcels through 8 with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
    - b. A reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).
  5. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.

#### ***Improvement Maintenance:***

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

#### ***Improvement Plans***

8. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

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

#### ***Drainage***

15. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basins is/are to be maintained in perpetuity.
16. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.

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17. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
18. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

#### ***Stormwater Control Plan***

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

#### ***Additional Map Sheet***

22. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

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

#### ***Covenants, Conditions and Restrictions***

23. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval, and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate. The CC&R shall provide at a minimum the following provisions:
  - a. Maintenance of Cypress Glen Court along the project frontage and onsite private access roads in perpetuity.
  - b. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
  - c. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
  - d. If storm water treatment facilities are required, on-going maintenance of said facilities in a viable condition on a continuing basis into perpetuity.
  - e. Maintenance of all common areas within the subdivision in perpetuity.

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

#### **Open Space Easement**

24. **Prior to recordation of the final map**, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be 14,089 square feet and include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
  - a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
  - b. Public interpretive access improvements approved by a coastal development permit.

#### **Miscellaneous**

25. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final tract map. The date and person who prepared the report are to be noted on the map.
26. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
27. All timeframes on approved tentative maps for filing of parcel or final tract maps are measured from the date the Review Authority approves the tentative map as required by the Subdivision Map Act.

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

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

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



*Governmental Affairs Consulting*

February 8, 2016

James Caruso  
Department of Planning and Building  
County Government Center  
976 Osos Street, Rm 300  
San Luis Obispo, CA 93408

**Re: VTTM 3074; Request for Adjustment to Title 21.03.010(d)(7), Access and Circulation Design**

Dear Mr. Caruso,

In order to accommodate a design that most adequately meets and facilitates the General Plan goals and policies related to development of 399 E Street in Cayucos, I would like to request an Adjustment to Real Property Division Ordinance **Section 21.03.010(d)(7) Access and circulation design**.

This section states:

*(d) The following standards shall be applicable to property proposed for division to promote adequate access and circulation:*

**21.03.010(d)(7)**

*Private easements, if approved by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.*

**ADJUSTMENT REQUEST**

Title 21, the County's Real Property Division Ordinance provides for adjustments to be made to design standards contained within that ordinance at **Section 21.03.020(c)**.

My request is to allow the private easement known as Cypress Glen Court that currently serves four (4) existing residences, to serve as the primary access to my proposed seven (7) lot planned residential development (PD) project. This would result in Cypress Glen Court, a private access easement, serving a total of eleven (11) single family residences.

**BACKGROUND and HISTORY**

The name "Cypress Glen Court" is a name that I gave to this private road easement back in 1996 when I built three of the four residences utilizing this access. The road improvements that I constructed followed the existing roadbed that had served the single residence for more than half a century. It was a dirt road when I built the three new homes in 1996 and I crafted and recorded a Common Driveway

The name "Cypress Glen Court" is a name that I gave to this private road easement back in 1996 when I built three of the four residences utilizing this access. The road improvements that I constructed followed the existing roadbed that had served the single residence for more than half a century. It was a dirt road when I built the three new homes in 1996 and I crafted and recorded a Common Driveway Maintenance Agreement to define the responsibilities of the three parcels I created through a lot line adjustment. That agreement is in effect today, however, I did not include the single residence that is now utilized by the owner of 24 Cypress Glen Court as a courtesy to the former owner of the property.

The improved road that is in place today was located where it is as a practical solution to accommodate the street runoff that comes down E Street. That runoff is collected in a drain pipe that comes under the road and deposits the water in a swale runs adjacent to the paved access. This was a convenient solution at the time to direct the water to Little Cayucos Creek. That water, to this day, still follows that swale that runs to the creek. In terms of beneficial use, the swale provides a cleansing function for the street runoff.

The real Property Division Ordinance defines a process for the review body to approve an Adjustment.

**21.03.020(c) - Adjustments**

Neither the planning commission nor the subdivision review board shall approve any adjustment request to the standards set forth in **Section 21.03.010** of this title or for required offers of dedication unless it makes each of the following findings:

- (1) That there special circumstances or conditions affecting the subdivision; and
- (2) That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision; and
- (3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision. (Ord. 1986 §2 (part), 1979)

**RESPOCE TO REQUIRED FINDINGS**

***(1) That there special circumstances or conditions affecting the subdivision;***

- The site slopes downward from E Street toward Little Cayucos Creek and drops off at the E Street right of way very steeply resulting in less developable area for new residences once a driveway would reach natural grade after applying customary design criteria.
- Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking, where currently none exists.
- The proposed centerline of the internal drive court that serves all seven residences is 75-feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Court for direct access (their parking or garages are beyond the proposed access point for the new project).

one floor below a garage), or the size of the units would be reduced significantly because of height limitations.

- The ordinance setback requirement from the riparian vegetation significantly reduces the developable area of the property.
- The addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street.

***(2) That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision;***

- Utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests, and emergency service vehicles.
- Having one point of access as opposed to multiple points of access onto E Street is safer and more predictable for existing residents and other visitors.
- Trash collection within the drive court will keep Cypress Glen more accessible to the existing four residences, thus eliminating inconvenience.
- The provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking.
- The amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate.

***(3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision. (Ord. 1986 §2 (part), 1979)***

- The construction of these residences will enhance the character of the neighborhood since they are single family homes and not attached apartments or condos.
- Public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists.
- Having one point of access via Cypress Glen will provide a streetscape that de-emphasizes the vehicle as a focus of neighborhood character.
- The project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate potential safety risk from downed power lines in the event of storms or acts of nature.
- Cypress Glen Court will be widened to 24-feet of width past the drive court and a pedestrian path will be provided along its edge.

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- Parking requirements for the multi-family zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structures, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning.

Please consider the granting of this adjustment as a means to implement a thoughtfully conceived and attractive urban infill project that complies with the spirit and intent of the Coastal Zone Ordinance and the Estero Area Plan.

Sincerely,



Daniel R. Lloyd

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Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED15-023

DATE: 01/29/16

PROJECT/ENTITLEMENT: Campbell-Shep Tract Map; SUB2015-00001

APPLICANT NAME: Daniel R. Lloyd
ADDRESS: PO Box 378 Cayucos, CA 93430
CONTACT PERSON: Daniel R. Lloyd
2454

Telephone: 805-441-

PROPOSED USES/INTENT: A request by Campbell-Sheppard/Dan Lloyd for a Vesting Tentative Map (Tract 3074) and Development Plan to subdivide a 0.68 acre site into 7 residential parcels ranging in size from 2,432 to 5,405 square feet each for the purpose of sale and/or development and one open space parcel of 14,089 square feet. The project includes off-site road improvements and on and off site drainage improvements. The project will result in the disturbance of approximately 26,910 square feet of a 30,000 square foot parcel. The request also includes an adjustment to the standards of Real Property Division Ordinance section 21.03.010 to allow more than five lots to be accessed from a private easement. The project is located at 399 E Street at the corner of Cypress Glen Court in the community of Cayucos. The project is within the Residential Multi Family and Recreation land use categories and within the Estero planning area .

LOCATION: 399 E Street, Cayucos, CA 93430

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: http://www.sloplanning.org

STATE CLEARINGHOUSE REVIEW: YES [X] NO [ ]

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Wildlife

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination State Clearinghouse No.
This is to advise that the San Luis Obispo County as [ ] Lead Agency [ ] Responsible Agency approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:
The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.
This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.
James Caruso County of San Luis Obispo
Signature Project Manager Name Date Public Agency

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Initial Study Summary – Environmental Checklist

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

(ver 5.8) Using Form

Project Title & No. Campbell-Sheppard Tract Map ED15-023 SUB2015-00001

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

Table with 3 columns of environmental factors and checkboxes. Checked items include: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Recreation, and Public Services/Utilities.

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- List of five options for environmental determination, with the second option checked: 'Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.'

Signature line for Dave Moran, Prepared by (Print), Signature, Date 1-25-16

Signature line for James Caruso (Reviewed by) and Ellen Carroll (Environmental Coordinator), Signature, Date 1-26-16

**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** A request by Campbell-Sheppard/Daniel R. Lloyd for a Vesting Tentative Map (Tract 3074) and Development Plan to subdivide a 0.68 acre site into 7 residential parcels ranging in size from 2,432 to 5,405 square feet each for the purpose of sale and/or development and one open space parcel of 14,089 square feet. A portion of Cypress Glen Ct is proposed to be abandoned raising the site area from 29, 820 sq. ft. to 36,772 sq. ft. The request also includes an adjustment to the standards of Real Property Division Ordinance section 21.03.010 to allow more than five lots to be accessed from a private easement. The project is located at 399 E Street at the corner of Cypress Glen Court in the community of Cayucos. The project is within the Residential Multi Family and Recreation land use categories and within the Estero planning area.

Project plans show the residential lots arranged in two, north-south rows divided by a private access drive extending south from Cypress Glen Court through an access easement. Dwellings on parcels 1 through 5 will face E Street with parcel sizes ranging from 2,508 on the corner of Cypress Glen Court to 2,432 for the interior parcels. Parcels 6 and 7 will back up to Little Cayucos Creek and are somewhat larger (4,961 and 5,405 square feet). An open space parcel of 14,089 square feet surrounds parcels 6 and 7 and extends westward over a portion of Little Cayucos Creek. The dwellings on Parcels 6 and 7 are set back 20 feet from the edge of existing riparian vegetation, and 25 – 40 feet from the top of bank as required by the Cayucos Urban Area standards of the Estero Area Plan.

Table 1 provides a summary of the project:

<b>Project Components</b>	<b>Lot 1</b>	<b>Lot 2</b>	<b>Lot 3</b>	<b>Lot 4</b>	<b>Lot 5</b>	<b>Lot 6</b>	<b>Lot 7</b>	<b>Lot 8</b>
Lot Area	2,508	2,432	2,432	2,432	2,432	4,961	5,405	14,089
Living Space	2,449	2,449	2,197	2,197	2,197	2,170	2,013	--
Garage	571	571	593	593	593	440	440	--
Carport	519	519	516	516	516	0	0	--
Decks and Porches	335	335	443	443	443	41	44	--
<b>Total</b>	<b>3,874</b>	<b>3,874</b>	<b>3,749</b>	<b>3,749</b>	<b>3,749</b>	<b>2,651</b>	<b>2,497</b>	<b>--</b>

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Street frontage improvements are proposed along the project's E Street and Cypress Glen Court frontages. Cypress Glen Court (formerly Cypress Avenue) is a private roadway that serves 4 existing residences. The project proposes to abandon the portion of the right-of-way that abuts the project site and to add the 7,000 square feet of abandoned right-of-way to the project site for purposes of calculating the base residential density.

**County File No.:** SUB2015-00001  
**Supervisory District:** 2  
**Coastal Development Permit?** Yes

**Assessor Parcel No.:** 064-034-007  
**Date accepted:** November 25, 2015

**ASSESSOR PARCEL NUMBER(S):** 064-034-007

Latitude: 35 degrees 27' 2.6784 " N Longitude: -120 degrees 54' 4.8126" W

**SUPERVISORIAL DISTRICT # 2**

**B. EXISTING SETTING**

**PLAN AREA:** Estero                      **SUB:**                                      **COMM:** Cayucos

**LAND USE CATEGORY:** Residential Multi-Family Recreation

**COMB. DESIGNATION:** Flood Hazard Geologic Study

**PARCEL SIZE:** .59 acres

**TOPOGRAPHY:** Gently sloping

**VEGETATION:** Wetland Urban-built up

**EXISTING USES:** Single-family residence(s)

**SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Residential Multi-Family;	<i>East:</i> Residential Multi-Family;
<i>South:</i> Public Facilities; multi-family residences	<i>West:</i> Recreation; blue line creek

**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, at least one issue was identified as having a potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.



**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY CHECKLIST**

<b>1. AESTHETICS</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
<i>Will the project:</i>				
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located on a dead end local street (E Street). Traffic volumes on E Street are low, reflecting the small number of houses being served (a total of 11). The surrounding neighborhood consists of single-story and two-story single family residences on lots ranging in size from 2,200 square feet to over 10,000 square feet. Topography of the project site and vicinity slopes gently to the west toward the creek, affording relatively unobstructed views from the east (up-slope) through and over the project site toward the creek and the coastal hills beyond.

The present view from E Street toward and through the site consists of the one existing residence and a longer view of the riparian woodland along Little Cayucos Creek. Views from Cypress Glen Court are partially blocked by existing vegetation along the northerly property line. A short cul-de-sac extending north from Cypress Glen Court affords views to the south along the creek.

**Impact.** The project will be visible from E Street and Cypress Glen Court. However, project impacts to views currently enjoyed from public streets is considered less than significant because:

- The project will not be visible from any major public roadways or silhouette against any ridgelines as viewed from public roadways.
- State Route 1 (a State designated Scenic Highway and All American Road) is located about 270 feet to the north and at an elevation that varies between 60 - 80 feet above the project site. Although the area landward of SR 1 between Cambria and the City of Morro Bay (including the community of Cayucos) is subject to view protection standards of the

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Conservation and Open Space Elements, views of the coastline from SR 1 will be unaffected by the project.

- As discussed in the setting, views of the project site from E Street and Cypress Glen Court are currently partially blocked by the existing single family residence and existing vegetation.
- Assuming 11 vehicle trips during the morning peak hour on E Street, an average of one vehicle every 5 minutes will pass by the project site. Thus, the number and frequency with which the public currently experience views of the project site is fairly small.
- The project site is surrounded by single family residences. The dwellings proposed for the project site will be consistent with, and complement, the character of surrounding development.

In addition, the project will result in new sources of light and glare. Standard county regulations require exterior lighting to be shielded to minimize glare. The project will be conditioned to provide an exterior lighting plan prior to building permit issuance to ensure the project will not create off-site glare.

**Mitigation/Conclusion.** No significant impacts are identified and no mitigation measures are necessary.

**2. AGRICULTURAL RESOURCES**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting. Project Elements.** The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Urban Built-Up, Recreation

Historic/Existing Commercial Crops: None

State Classification: Prime Farmland if irrigated

In Agricultural Preserve? Yes, Cayucos AG Preserve Area

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Cropley clay (2 - 9 % slope). This gently sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential

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septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class II when irrigated.

**Impact.** The project is located within the Cayucos urban area surrounded by urban development. No agricultural activities are occurring on the project site or in the vicinity. No significant impacts to agricultural resources are anticipated.

**Mitigation/Conclusion.** No significant impacts are identified and no mitigation measures are necessary.

**3. AIR QUALITY**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**GREENHOUSE GASES**

f) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).



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**Greenhouse Gas (GHG) Emissions** are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. **Qualitative GHG Reduction Strategies** (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. **Bright-Line Threshold**: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. **Efficiency-Based Threshold**: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO<sub>2</sub>/year (MT CO<sub>2</sub>e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO<sub>2</sub>e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

The project proposes to disturb soils that have been given a wind erodibility rating of #4, which is considered "moderate".

**Impact.** The project would result in the construction of seven single family residences. As proposed, the project will result in the disturbance of approximately 29,618 square feet. Grading will result in

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2,135 cubic yards of cut and fill. Subdivision improvements and development on the individual lots will have short-term construction and long-term emission impacts. Construction activities will generate exhaust emissions from construction equipment and vehicles, and particulate matter (fugitive dust) from earth disturbance. In addition, the emission of ozone precursors (NO<sub>x</sub> and ROG) associated with these activities would contribute to periodic high ozone levels in the southern portion of the County. Lastly, earth disturbing activities have the potential to release naturally occurring asbestos.

The project was referred to the Air Pollution Control District (APCD) for review of potential air quality impacts and consistency with the Clean Air Plan (CAP). Per APCD's response (see attached), the following issues were identified: the potential for the presence of naturally occurring asbestos on the project site; compliance with relevant regulations associated with the removal or renovation of existing buildings and utility pipes; potential impacts to sensitive receptors from fugitive dust and emissions associated with idling diesel engines. The project was found to generate operational emissions that fall below the APCD's thresholds of significance.

To mitigate for short-term construction impacts, the District recommended the following measures be incorporated into the project: comply with APCD's standard construction dust control and diesel idling restrictions and the prohibition of developmental burning.

The project will accommodate a level of development for the site that was anticipated by the Clean Air Plan. As discussed above, motor vehicle trips associated with operation of the project are expected to generate emissions that fall below the APCD threshold for operational impacts. With regard to greenhouse gas emissions, using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

According to the APCD web map, the project is located in a candidate area for the potential presence of naturally occurring asbestos (NOA). Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation will be prepared to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

**Mitigation/Conclusion.** The project will be required to comply with the following standard construction or operational mitigation measures, as described in APCD's response or CEQA Air Quality Handbook: construction measures such as: reducing area of disturbance, use of water or establishing vegetation for dust suppression, limiting construction vehicle speeds, covering haul vehicles during material transport; incorporate operational emission reductions by including several measures to increase efficiency above minimum state requirements and/or provide for alternative transportation modes. In addition, developmental burning will not be allowed as part of development of the project site. Lastly, a geologic investigation of the project site will be required prior to any earth disturbing activities to determine the presence of naturally occurring asbestos. Implementation of mitigation measures identified by the San Luis Obispo APCD and included in Exhibit B would reduce the quarterly emissions to a less than significant level.

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**4. BIOLOGICAL RESOURCES**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species* or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish &amp; Wildlife or U.S. Fish &amp; Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* Species – as defined in Section 15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.

**Setting.** A description of the project and the project site is provided on page 2. A biological report for the project site was completed by Althouse and Meade, Inc., November 9, 2015. The following discussion and analysis of impacts is a summary of the findings of that report.

On-site Vegetation: Little Cayucos Creek, an intermittent ephemeral drainage, crosses the western boundary of the project site. The remainder of the project site consists of a single family residence, driveway and ornamental landscaping, with intermittent and sparse shrubs, annual grasses and ruderal species.

The eastern portion of the project site contains several large fruit trees including apple (*Malus pumila*), avocado (*Persia americana*), and citrus. Shrubs such as coyote bush (*Baccharis pilularis*), annual grasses such as wild oats (*Avena fatua*), and ruderal species such as redstem filaree (*Erodium cicutarium*) are present in the understory of these trees.

Little Cayucos Creek flows along the western boundary of the Study Area. At this location the creek is swale-like with kikuyu grass (*Pennisetum clandestinum*) and periwinkle (*Vinca major*) on the creek bed. Native riparian trees, including Arroyo willow (*Salix lasiolepis*) and California sycamore (*Platanus racemosa*), are the dominant canopy species. No rocks or pool habitat occur in this reach of the creek, and no indication of stream flow was observed during site visits in 2014 and 2015. Immediately north of the project site, vegetation along Little Cayucos Creek thins with reduced tree canopy and open areas. About 240 feet north of the Study Area the creek flow path exits from an approximately 360-foot concrete box culvert under Highway 1.

Name and distance from blue line creek(s): Little Cayucos Creek is within the boundaries of the proposed project.

Habitat(s) and Sensitive Communities: Habitats include anthropogenic (approx. 0.5 acres) and



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riparian (approx. 0.2 acres). The CNDDDB reports eight sensitive natural communities in Cayucos, Morro Bay South, Morro Bay North, Cambria, Cypress Mountain, and York Mountain quadrangles. Riparian habitat in Cayucos is an Environmentally Sensitive Habitat Area (ESHA). No other sensitive natural communities are present.

Site's tree canopy coverage: Approximately 10%.

Special-Status Plant Species. According to the California Natural Diversity Database (CNDDDB) a total of 77 special-status plant species have been documented within a 5-mile radius of the project site. Of these, none were found on the project site and no suitable habitat was found. Residential uses and landscape plants dominate the anthropogenic habitat, and potential habitat is not present for special status plant species. The riparian habitat understory in the Study Area is dominated by non-native plant species. Several special status plant species, including Blochman's dudleya, are known from the vicinity, but do not occur onsite. These species depend on natural habitat and specialized soil conditions, and do not occur in heavily disturbed areas. No special status plant species were detected in the Study Area during botanical surveys conducted in 2014 and 2015.

Special Status Wildlife Species. According to the California Natural Diversity Database (CNDDDB) a total of 33 special-status animal species have been documented within a 5-mile radius of the project site.

**Impact.** Direct impacts to plants and wildlife could result from take (e.g., injury, death) via construction-related disturbances such as trampling or crushing from equipment or construction workers. Indirect impacts to wildlife species could result from noise, harassment or other disruption during construction activities or through modifications to the species' habitat.

Potential Impacts to Special-Status Animal Species. No listed plant species were found on the project site and no suitable habitat was found. However, the project site could adversely impact habitat for listed animal species, as discussed below.

**Cooper's Hawk (*Accipiter cooperii*)** is a CDFW Special Animal that occurs regularly in San Luis Obispo County during the winter months and during spring and fall migration. It is generally regarded as a regular but uncommon nesting species in San Luis Obispo County. Cooper's hawks frequent oak and riparian woodland habitats, and increasingly urban areas, where they prey primarily upon small birds. Moderately appropriate tree canopy is present in the Study Area for nesting Cooper's hawks. There are no reports in the CNDDDB of Cooper's hawks nesting in the Cayucos area and Cooper's hawks were not observed in the Study Area during our surveys. Preconstruction surveys are recommended prior to activities that affect trees in the Study Area.

**California Red-legged Frog (*Rana draytonii*)** is a federally listed Threatened species. It occurs in lowland and foothills in or near permanent sources of deep water with dense shrubby or emergent riparian vegetation (CNDDDB). California red-legged frogs have been reported from Cayucos Creek approximately one-quarter mile from Little Cayucos Creek across the urban area of Cayucos, but have not been reported in Little Cayucos Creek. California red-legged frog was not observed on the Project during biological surveys. Suitable pool habitat is not present on the Project site. Substrate in the channel is gravel and coarse soil particles and the channel bottom is covered with non-native grass and vines.

**Monarch Butterfly (*Danaus plexippus*) aggregation sites.** Monarch butterfly is a cosmopolitan species that occurs across North America and around the world. In California, Monarch butterfly aggregation sites are on the CNDDDB Special Animals List for overwintering population. Individual monarch butterflies are not found on any list of protected species in California. The California Endangered Species Acts does not list insects. The San Luis Obispo Local Coastal Plan does not specifically designate monarch butterfly aggregation sites as

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Environmentally Sensitive Habitat Areas (Wold et al. 2012). California Assembly Bill No. 559, approved by the Governor on October 4, 2015, recognizes that monarch butterfly populations have declined and provides opportunity for voluntary agreements with landowners to improve habitat. The proposed restoration of riparian habitat at this location would be consistent with this goal (AB 559, 2015, Sec. 2.(c)). The CNDDDB lists a report from 1960 of monarch butterflies in a group of Cypress trees at an unspecified location east of Highway 1. In 1985 an observer said the Cypress trees were gone, but butterflies were seen by Ocean Ave. between D and E streets, although the coordinates provided place the location in a driveway at 381 D Street. The 1985 observation was of flyers not an aggregation, but the observer said that the number of flyers indicates a cluster present. They did not locate the cluster. There have been no reports to the CNDDDB since 1985. On October 23, 2015, Dan Meade conducted a survey for monarch butterflies in the Project vicinity. The morning was sunny and calm, conditions conducive to monarch butterfly flight. In one hour of observation in the Study Area, Dr. Meade counted 3 monarch butterflies in the Study Area. One was nectaring on cape ivy blooms, and two were traversing the location. No roosting monarch butterflies were present and there is no suitable monarch butterfly aggregation habitat in the Study Area.

Further investigation in the vicinity of the Project located a monarch butterfly aggregation area with approximately 250 monarch butterflies in clusters. The aggregation site is more than 400 feet downstream from the Project Study Area directly over Little Cayucos Creek at coordinates 35.450077 N and 120.902694 W. The aggregation occurs in eucalyptus and Monterey cypress that are in very poor condition. This aggregation site is likely the previously undescribed aggregation attributed to the vicinity of Little Cayucos Creek. Approximately 160 feet further downstream, near the Ash Street Bridge, an additional 40 to 50 nectaring butterflies were observed on Algerian ivy growing over tree trunks on the creek bank and on ivy just east of the bridge on Ash Street. Both of these nectaring locations are more than 550 feet from the Study Area. Inspections of other eucalyptus trees and possible monarch butterfly habitat in the area found no other aggregation along the Little Cayucos Creek corridor or elsewhere in the neighborhood. The Project would not affect the aggregation site.

**Nuttall's Woodpecker** (*Picoides nuttallii*) is a CDFW Special Animal due to statewide reduction in preferred oak woodland habitats. Although there is a place holder in the CNDDDB for Nuttall's woodpecker, the CDFW is currently not accepting reports for this species and no reports are present in the October 2015 edition of the CNDDDB. Nuttall's woodpeckers remain fairly common residents in oak woodland habitats throughout Santa Barbara and San Luis Obispo Counties. A Nuttall's woodpecker was observed in riparian habitat in the Study Area in July 2014 but was determined to not be nesting. Preconstruction surveys are recommended prior to activities that affect trees in the Study Area.

**Oak Titmouse** (*Baeolophus inornatus*) is a CDFW Special Animal that is an oak woodland obligate, nesting in cavities in oak trees. It is a common species in oak woodlands on the central coast, but is tracked by the CDFW due to state-wide losses of oak woodland habitat. Oak Titmouse was not observed during our surveys, but could occur. Preconstruction surveys are recommended prior to activities that affect trees in the Study Area.

**Pallid Bat** (*Antrozous pallidus*) is a CDFW Species of Special Concern. This is a large, long-eared bat occurring throughout the state from deserts to moist forests. *Antrozous pallidus* is primarily a crevice roosting species and selects roosts where they can retreat from view. They frequently occur in oak woodlands where they roost in tree cavities. These roosts are generally day or night roosts for one or a few bats. Attics may be used as roosts and during hot days they may emerge from crevices and roost on open rafters. Communal wintering or maternity colonies are more common in rock crevices and caves. The closest reported occurrence is 5.25

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miles to the west at Villa Creek Road Bridge, about 4 miles from Cayucos. Pallid bat was not observed during our surveys in but could roost occasionally in oak tree cavities in Study Area. A maternity colony is unlikely to be present. There are no large trees with cavities in the Project work area that would be removed. Several large avocado trees, other fruit trees and pittosporum hedges would be removed. Although there is no indication that bats roost in the existing structures in the Study Area, an inspection for bats prior to demolition of the house is recommended.

**Silvery Legless Lizard (*Anniella pulchra pulchra*)** is a CDFW Species of Special Concern that inhabits friable soils in a variety of habitats from coastal dunes to oak woodlands and chaparral. The sandy soils and leaf litter found under the planted and native trees in the Study Area are moderately suitable for silvery legless lizard. The closest reported occurrence is from anthropogenic habitat about 9.4 miles southeast of the Study Area in a backyard at the intersection of Santa Ysabel Avenue and 17th Street in Los Osos. Silvery legless lizard was not detected in the Study Area during our surveys, but could occur in leaf litter beneath the oak and fruit trees in the Study Area. Oak trees, including their canopies and critical root zones are completely outside of the Project work area and will not be affected. Focused surveys for legless lizard were not conducted as part of the biological study. Preconstruction surveys are recommended prior to activities that affect soil and leaf litter beneath trees in Project areas subject to soil disturbance.

**Steelhead - South/Central California Coast ESU (*Oncorhynchus mykiss irideus*)** is a federally listed threatened species in this area of California. Steelhead are known to occur in coastal streams and rivers in San Luis Obispo County. However, Little Cayucos Creek terminates on the beach and steelhead are not likely able to access the creek except during storms. In addition, Little Cayucos Creek is a small watershed with no perennial water flow, a 360-foot long concrete box culvert under Highway 1, no pool habitat above Ash Avenue, and no reports of steelhead. There is no appropriate spawning or rearing habitat in Little Cayucos Creek. Perennial water is only found in Little Cayucos Creek near Ocean Avenue. No water was present in the creek during any site visits.

**Tidewater Goby (*Eucyclogobius newberryi*)** is a federally listed endangered species found in shallow lagoons and lower stream reaches along the California coast. This species has been proposed for reclassifying from Endangered to Threatened. The Project site is at an elevation of approximately 40 feet and is well above potential habitat for tidewater goby. Tidewater goby could occur near Ocean Avenue approximately 900 feet downstream from the Study Area. Tidewater goby cannot occur in Little Cayucos Creek in the Study area.

**Two-striped Garter Snake (*Thamnophis hammondi*)** is a California Species of Special Concern that occurs along the coast from Monterey County south to San Diego County. Its range extends throughout the Transverse and Peninsular Ranges, including desert localities near Victorville, and also on Catalina Island. Two-striped garter snakes are an aquatic species that feeds primarily on fish, amphibians and their larvae. There are no reports of two-striped garter snakes from Little Cayucos Creek, and no pool habitat in the Study Area that would support it. If ever present, it would be as a transient along the riparian corridor.

**Western Pond Turtle (*Actinemys marmorata*, [= *Emys marmorata*])** is a California Species of Special Concern that inhabits ponds, lakes, reservoirs, marshes, brackish lagoons, and slow moving streams with adequate pools. In colder environments these pond turtles are active February to November, but in warmer water, they have been observed active year round if water is present. In areas where surface water dries out during summer months, pond turtles can aestivate in wooded areas. Mating is in the spring, eggs are laid in shallowly dug nests near water during the summer, and hatchlings emerge in the fall or overwinter in the nest.

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Some habitat in Little Cayucos Creek near Ocean Avenue could be suitable for western pond turtles with riparian wooded area for aestivation. However, pond or pool habitat is not present on the Project site, western pond turtle has not been reported from Little Cayucos Creek, and the creek is surrounded by urban development. Western pond turtle was not observed on the Project during biological surveys.

**Yellow Warbler** (*Dendroica petechia brewsteri*) is a CDFW Species of Special Concern with a restricted breeding range in Central and Southern California. The status of this subspecies of yellow warbler is described by the CNDDDB as “restricted range, rare”. They frequent riparian habitats, nesting in sycamores, cottonwoods, willows, and other riparian trees. There are no breeding records in the CNDDDB for yellow warbler in SLO County; however yellow warbler is a regular spring and fall migrant that will breed in the County. California sycamore and coast live oak trees associated with the creek channel along the western boundary of the Study Area are suitable for nesting yellow warblers. This species was not observed on or near the Study Area during our surveys, but could occur seasonally. Preconstruction surveys are recommended prior to activities that affect trees in the Study Area

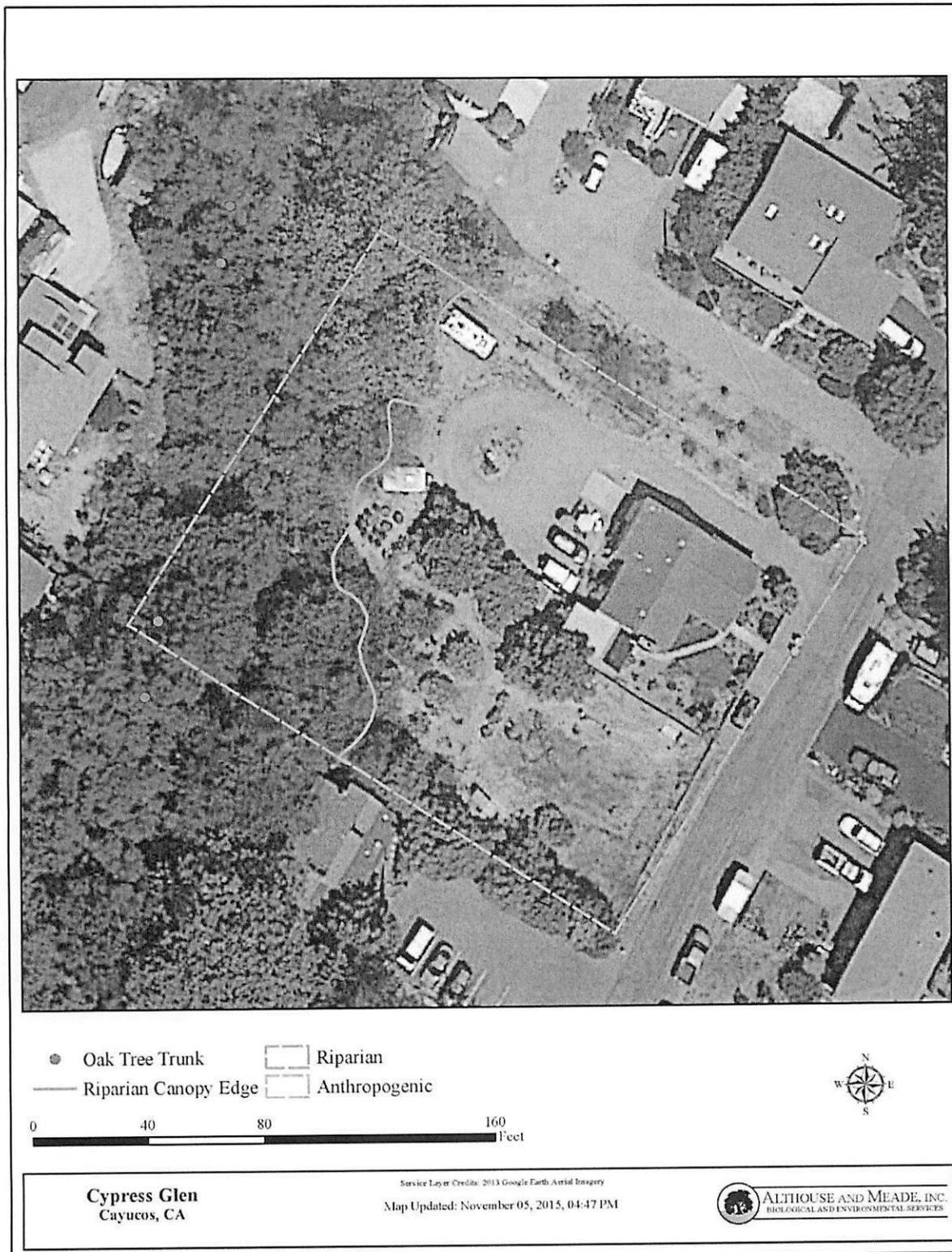
**Potential Impacts to Sensitive Natural Communities.** As discussed in the setting, the CNDDDB revealed no sensitive natural communities on the project site. However, Little Cayucos Creek is mapped by the ESHA Coastal Act Section 30107.5 and designated as such in the Estero Area Plan, Cayucos Urban Area Standards Chapter 7, V.C.1. and Table 7-2, as a Sensitive Resource Area (SRA). The edge of riparian is shown and the SRA is shown on Figure 1. In the Study Area, Little Cayucos Creek is swale-like without erosion and shallow. Riparian trees, mostly arroyo willow (*Salix lasiolepis*), California sycamore (*Platanus racemosa*) and coast live oak (*Quercus agrifolia*) comprise the canopy of the riparian habitat along with a few pittosporum and myoporum non-native shrubs. Periwinkle (*Vinca major*), garden nasturtium (*Tropaeolum majus*), and kikuyu grass (*Pennisetum clandestinum*) are dominant species in the understory. Coast live oak is found only on the far bank of the creek away from the project area (Figure 1). The creek channel substrate consists of gravels and coarse soil particles. The channel area could qualify as State wetland per Coward in methodology (FACW willows, hydrology). The project incorporates the following elements to protect riparian resources:

- The bulk of riparian resources present on the project site will be within a designated open space parcel in which no development will be allowed. No outfall structures or other uses of the riparian area are proposed.
- All development is located outside the 20' riparian setback
- Restoration of the riparian habitat is proposed and has been approved by the California Department of Fish and Wildlife as a separate Project that removes non-native plants, installs native riparian plants, and protects riparian trees and shrubs (LSAA No. 1600-2015-0141-R4). This restoration project will result in an enhancement to the existing riparian habitat.

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Figure 1 – Habitats On the Project Site



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**Mitigation/Conclusion.** Potential impacts to biological resources are considered less than significant with incorporation of mitigation measures to address at least the following:

- Recordation of the final map with the open space lot easement as shown on the project plans.
- Pre-construction surveys to protect sensitive plant and animal species.
- Compliance with relevant regulatory requirements of the USACE and CDFW for development impacting wetlands/jurisdictional waters.
- Monitoring to ensure compliance.

The applicant is required to obtain all necessary permits and authorizations from CDFW, USACE, and the Regional Water Quality Control Board. Pre-construction surveys will be conducted if grading and construction occurs during the nesting bird season. The full extent of these measures is presented in Exhibit B. The implementation of the above measures will mitigate biological impacts to a level of insignificance.

**5. CULTURAL RESOURCES**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Cause a substantial adverse change to a Tribal Cultural Resource?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area.

**Impact.** The project is not located in a designated Archaeologically Sensitive combining designation area, however the location on the banks of a creek and in close proximity to the ocean is considered culturally sensitive and archaeology resources are known to exist in the area. Accordingly, a Phase I archaeological survey of the project site was prepared in January 2015 (Heritage Discoveries Inc., 2015). The study was conducted by a qualified archaeologist consistent with County guidelines and includes a cultural resources records search, a Native American sacred Lands File search, an archaeological survey of the project site, and the preparation of a technical report documenting the results.

A records search from the Central Coast Information Center (CCIC), located at the University of California, Santa Barbara indicates several cultural resources sites and historical properties have been identified within a 0.25-mile radius of the project site, including immediately southwest of the project site consisting of a Chumash settlement.

The Phase I study found no surface evidence of archaeological resources on the project site. However, due to the size, proximity and richness of the known adjacent archaeological site, a Phase II study was performed for the project site in August, 2015 (Heritage Discoveries Inc., 2015). The Phase II study consisted of additional surface as well as sub-surface investigations. A total of 15 shovel pits were excavated and the excavated soils were sifted for the presence of resources. The analysis revealed the presence of some modern artifacts, such as a glass marble, bottle fragments and nails.



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One large mammal bone was recovered which appeared to be of historical origin. Marine shellfish fragments were discovered, but were most likely of historic origin as well. Overall, the Phase II investigation found no surface or sub-surface evidence of significant historical or archaeological resources on the project site.

**Mitigation/Conclusion.** No archaeological monitoring is recommended during grading activities unless previously undiscovered cultural materials are unearthed. Per County of San Luis Obispo Land Use Ordinance Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area should halt until they can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur and no additional mitigation measures are necessary.

**6. GEOLOGY AND SOILS**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* Per Division of Mines and Geology Special Publication #42

**Setting.** The following relates to the project's geologic aspects or conditions:

- Topography: Gently sloping
- Within County's Geologic Study Area?: No
- Landslide Risk Potential: Low to high
- Liquefaction Potential: Low to moderate



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Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: Yes

Shrink/Swell potential of soil: High

Other notable geologic features? None

#### Setting.

**GEOLOGY** - The topography of the project slopes gently downward toward Little Cayucos Creek from east to west. The project site lies outside of the Geologic Study Area designation. However, the landslide risk considered high for most of the project site. Liquefaction potential during a ground-shaking event is considered low to moderate near the creek. The project is within an area known to contain serpentine or ultramafic rock or soils.

**DRAINAGE** - Portions of the subject property are within the 100-year Flood Hazard designation, however the residential lots do not appear to be within the 100 year flood hazard area. The closest creek from the proposed development (Little Cayucos Creek) runs along the western portion of the property. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows,

**SEDIMENTATION AND EROSION** - The soil type is Cropley clay, (2 - 9 % slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and high shrink-swell characteristics. When highly erosive conditions exist, a sedimentation and erosion control plan is required (CZLUO Sec. 23.05.042 to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

**Impact.** Grading activities and construction of the private roadway are subject to the provisions of the California Building Code and County standards for grading and road construction. Therefore, no significant impacts associated with unstable earth conditions, earthquakes or ground failure are expected to occur. All of the proposed residential parcels are located outside the 100-year floodplain for Little Cayucos Creek. The project site is not located within extractive zone, and no mineral resources are known to be present within the project site.

Improvement of the access road, including grading activities, may also result in erosion and down-gradient sedimentation. The construction of dwellings will increase the amount of impervious surfaces which in turn will increase the volume and velocity of runoff generated by the site compared with existing conditions. As discussed in the project description, the project will result in the disturbance of approximately 0.68 acres. Based on NRCS soil survey, soils covering the project site exhibit a moderate susceptibility for erosion. The topography of the project site will necessitate grading to create the private roadway and building sites. According to the preliminary grading plan for the project, the finish grades will result in manufactured slopes that would be subject to erosion. Compliance with relevant provisions of the Building Code and Land Use Ordinance (described in the Setting, above) will address potential impacts to erosion.



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Because the project involves disturbance of less than 1 acre, a SWPPP is not required. Compliance with existing regulations will ensure potential impacts associated with erosion and sedimentation will be mitigated to a less than significant level.

**Mitigation/Conclusion.** A drainage, sedimentation and erosion control plan is required per the CZLUO, and additional review and provisions are required as part of the mitigation for biological impacts (see Biological Resources section). The measures will be enforced through the building permit process in addition to being monitored and enforced through the monitoring plan required as part of the Biological Resource mitigations.

<b>7. HAZARDS &amp; HAZARDOUS MATERIALS - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impair implementation or physically interfere with an adopted emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be within a 'very high' fire hazard severity zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**7. HAZARDS & HAZARDOUS MATERIALS - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) <i>Be within an area classified as a 'state responsibility' area as defined by CalFire?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The State of California Hazardous Waste and Substances Site List (also known as the "Cortese List") is a planning document used by state and local agencies and developers to comply with the siting requirements prescribed by federal, State, and local regulations relating to hazardous materials sites. A search of the Cortese database conducted in January, 2016 revealed no active sites in the vicinity, including the project site.

The project is not within an Airport Review area.

According to the CalFire map of fire hazard severity zones for San Luis Obispo County, the project site is located in an area where the fire risk is not determined because it is within an urban area. It will take approximately 5 minutes to respond to a call regarding fire or life safety from the Cayucos Fire Station (No. 11) located at 108 Chaney Street. The Cayucos Fire Department maintains a station south of the site on Cayucos Drive Refer to the Public Services section for further discussion on Fire Safety impacts.

**Impact.** Construction activities may involve the use of oils, fuels and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by the Department of Toxic Substances Control (DTSC) (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations.

The project has been reviewed by the Cayucos Fire Department for code requirements relating to fire protection; their comments will be incorporated into conditions of project approval. Based on their review, the plans as submitted meet Cayucos Fire Department standards. In addition, the project is required to comply with the California Building Code. Cayucos Fire Department will review tract improvements prior to their completion for installation of adequate fire safety measures (e.g., adequate road width and road grade). As proposed, road grades and widths appear to meet fire requirements.

Regarding road impacts, the project has been reviewed by County Public Works, which is discussed further in the Transportation section.

The project is not expected to conflict with any regional emergency response or evacuation plan.

**Mitigation/Conclusion.** The project meets Cayucos Fire Department standards. No additional mitigation measures are required.

Compliance with existing regulations and code requirements will ensure potential impacts associated with hazards and hazardous materials impacts will be less than significant.



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**8. NOISE**

<i>Will the project:</i>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate permanent increases in the ambient noise levels in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Cause a temporary or periodic increase in ambient noise in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is located in a urban area where single family residences on individual lots is the prevailing land use. Consequently, noise levels on the project site and in the vicinity are low; State Route is located about 270 feet to the north. However, there are no other sources of loud noises beyond those associated with home ownership. Sensitive receptors in the vicinity of the project site include single family residences on lots ranging in size from 2,200 to over 10,000 square feet.

The Noise Element includes projections for future noise levels from known stationary and vehicle-generated noise sources. According to the Noise Element, the project lies within an area where future noise levels are expected to remain within an acceptable threshold. The project site is bounded by E Street and Cypress Glen Court which are a minor source of transportation-related noise due to the low traffic volumes on each roadway.

The Noise Element establishes a threshold for acceptable exterior noise levels for sensitive uses (such as residences) of 60 decibels<sup>a</sup> along transportation noise sources and provides an estimate of the distance from certain roadways where noise levels will exceed those levels. According to the Noise Element Appendix A, parcels on E Street and Cypress Glen Court are outside the 60 dB contour.

**Impact.**

**Construction Impacts.** Construction activities may involve the use of heavy equipment for grading and for the delivery and movement of materials on the project site. The use of construction machinery will also be a source of noise. Construction-related noise impacts would be temporary and localized. The nearest dwellings are located across Cypress Glen Court (50 feet) and E Street (50 – 70 feet).

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<sup>a</sup> The sound level obtained by using the A-weighting filter of a sound level meter, expressed in decibels (dB). All sound levels referred to in this policy document are in Aweighted decibels. A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighting, as it provides a high degree of correlation which human annoyance and health effects.

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Therefore, construction activities could result in temporary adverse noise impacts to surrounding residences. County regulations limit the hours of construction to day time hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

**Operational Impacts.** With regard to transportation-related noise sources, all roads serving the project site are expected to continue to carry low traffic volumes. The project site lies outside the projected 60 decibel contour for SR 1. Potential impacts of noise exposure from transportation sources is considered less than significant.

Following construction, noise generated by the project would be comparable to the background noise generated by surrounding rural residences.

**Mitigation/Conclusion.** Compliance with County standards for the management of construction noise will ensure impacts to surrounding residences will be less than significant. No additional mitigation measures are recommended.

**9. POPULATION/HOUSING**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires the provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

**Impact.** Based on the project description (a residential subdivision), the project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing affordable housing unit(s) either on-site and/or by payment of the in-lieu fee (residential projects). No additional mitigation measures are necessary.



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Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

**11. RECREATION**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Community parks serving the project site include Hardie Park, Paul Andrew Park and Norma Rose Park.

The County has adopted a Trails Plan for the purpose of establishing a trail system serving the unincorporated areas of the County. The Trails Plan does not show any trails affecting the project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

**Impact.** As discussed in Section 9, Population and Housing, no additional population is expected to be attracted to the county as a result of the project. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources. However, the project will accommodate additional population in the community of Cayucos which in turn will increase the demand for parks.

According to the 2015 Resource Summary Report, Cayucos is under a level of severity II for community parks, which means that the community has between 1.0 to 2.0 acres of community parkland per 1,000 persons where the target is 5.0 acres per 1,000. As discussed in Section 10. Public Services, new development is charged development impact fees proportional to the incremental demand for a particular facility needed to serve such development, including parks (the "Quimby" fee). Although the Quimby fee will mitigate the project's individual and cumulative impacts on the demand for parks, it may not be used to address the existing shortfall of community park acreage in Cayucos.

**Mitigation/Conclusion.** The "Quimby" fee will adequately mitigate the project's cumulative impact on recreational facilities. No significant recreation impacts are anticipated, and no other mitigation measures are necessary.

**12. TRANSPORTATION/CIRCULATION**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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<b>12. TRANSPORTATION/CIRCULATION</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
<i>Will the project:</i>				
b) <i>Reduce existing "Level of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The County has established the acceptable Level of Service (LOS) on roads serving urban areas of the unincorporated county. The existing road network serving the project and surrounding neighborhood include E Street, Cypress Glen Court and Ocean Avenue are operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

Referrals were sent to County Public Works. The project proposes to vacate a portion of Cypress Glen Court along the project frontage. There is a recorded Road Maintenance agreement that covers the maintenance responsibilities of Cypress Glen Court that serves four private residences. The right-of-way was never improved or maintained by the County between D and E Streets, and portions of the right of way have been abandoned to the adjoining properties. The project proposes to abandon the portion of the right-of-way that abuts the project site and to add the 7,000 square feet of abandoned right-of-way to the project site for purposes of calculating the base residential density. Cypress Glen Court is not part of the County's road maintenance system and currently acts as a private drive to the existing residences. Since Cypress Glen Court serves private residences and provides no existing or future public circulation benefit, Public Works is supporting the proposed abandonment. No other significant traffic-related concerns were identified.

**Impact.**

**Construction Impacts.** Construction related traffic will increase during the morning and afternoon peak hours on E Street and surrounding roads serving the project site. Based on the project application materials, it is expected that as many as 10 workers may be arriving and leaving the project site on a

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typical construction work day. The temporary increase in traffic is not expected to reduce the currently-acceptable level of service.

**Operational Impacts.** Project plans show a private driveway extending south from Cypress Glen Court providing access to the parking spaces for individual units, as well as guest parking and a turning area for emergency vehicles.

The project is estimated to generate a net increase of about 57 trips per day (about 6 during the peak hour) based on the Institute of Traffic Engineer’s manual of 9.57 trips per residential unit. This amount of additional traffic is not expected to result in a significant change to the existing road service levels.

The project does not conflict with adopted policies, plans and programs on transportation.

**Mitigation/Conclusion.** Construction of roadway improvements included in the project plans will ensure traffic impacts remain less than significant. The recommendations of the Public Works Department will be included as conditions of approval.

**13. WASTEWATER**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project will be served by Cayucos Sanitation District for wastewater collection and disposal.

**Impact.** According to the 2015 Resource Summary Report, the District is currently (2014) operating at about 41% of its allotted treatment capacity in the Morro Bay wastewater treatment plant. The collection system is currently operating at acceptable levels.

**Mitigation/Conclusion.** Given that the system is currently operating at acceptable levels and that it has the capacity to support existing commitments in addition to the proposed project, no mitigation measures are necessary.



**14. WATER & HYDROLOGY**

*Will the project:*

**QUALITY**

a) *Violate any water quality standards?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) *Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) *Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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e) *Change rates of soil absorption, or amount or direction of surface runoff?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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f) *Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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g) *Involve activities within the 100-year flood zone?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**QUANTITY**

h) *Change the quantity or movement of available surface or ground water?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

i) *Adversely affect community water service provider?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

j) *Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

k) *Other:* \_\_\_\_\_

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Setting.**

**WATER SUPPLY.** The project is within the service area of the Morro Rock Mutual Water Company (MRMWC). Cayucos Valley and Old Valley Basins are the primary sources of water for the three different water purveyors (including the MRMWC, Paso Robles Beach Water Association, and County Service Area 10 serving Cayucos with domestic water. Whale Rock Reservoir, the community's primary source, is within the Old Valley watershed. CSA 10 also contracts for water (25 AFY) from the Nacimiento Water project.

The topography of the project is gently sloping. The closest creek from the proposed development is on the western portion of the parcel. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

**DRAINAGE** – The following relates to the project’s drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? Little Cayucos Creel Distance? Approximately 0 feet

Soil drainage characteristics: Very poorly drained

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County’s Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110 or CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project’s soil types and descriptions are listed in the previous Agriculture section under “Setting”. As described in the NRCS Soil Survey, the project’s soil erodibility is as follows:

Soil erodibility: Low

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

A Stormwater Control Plan and Stormwater Site Design Analysis has been prepared for the project which provides a summary of elements incorporated into the design of the project to protect water quality.

**Impact – Water Quality/Hydrology**

With regards to project impacts on water quality the following conditions apply

- ✓ Approximately 29,618 square feet of site disturbance is proposed and the movement of approximately 2,135 cubic yards of material;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project will not be disturbing over an acre and will not be required to prepare a SWPPP;
- ✓ The project is not on highly erodible soils, nor on moderate to steep slopes;
- ✓ A small portion of the project is within a 100-year Flood Hazard designation;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Parking area drainage inlets will be fitted with hydrocarbon filters;
- ✓ Bioswales will be installed as a part of the drainage plan;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;

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- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur;

A Stormwater Control Plan and Stormwater Site Design Analysis has been prepared for the project which provides a summary of elements incorporated into the design of the project to protect water quality. These elements include:

- A bioretention area to treat stormwater from impermeable surfaces.
- Maintaining a 20 foot setback from Little Cayucos Creek.
- Impervious surfaces are minimized.

### Impact -- Water Quantity

Based on the project description, as shown below, a reasonable estimate of the net increased indoor water usage would likely be about 5.1 acre feet/year (AFY):

*7 residential lots with 6 additional residences:  $6 \times 0.85 \text{ afy} = 5.1 \text{ afy}$*

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

Based on the 2015 Resource Summary Report, the project's water source is adequate to provide for the project's water needs. There are no known constraints to prevent the project from obtaining its water demands.

**Mitigation/Conclusion.** As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect water quality.

Based on the proposed amount of water to be use and the water source, no significant impacts from water use are anticipated.



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**15. LAND USE**

*Will the project:*

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., Cayucos Fire Department for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used)

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent with the surrounding uses (being single family residences on lots ranging in size from 2,200 to over 10,000 square feet) as summarized on page 2 of the Initial Study.

**Mitigation/conclusion.** No significant inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.



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**16. MANDATORY FINDINGS OF SIGNIFICANCE**

Potentially Significant

Impact can & will be mitigated

Insignificant Impact

Not Applicable

*Will the project:*

- a) **Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?**
  
- b) **Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)**
  
- c) **Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

For further information on CEQA or the County's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Information", or the California Environmental Resources Evaluation System at: [http://www.ceres.ca.gov/topic/env\\_law/ceqa/guidelines](http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines) for information about the California Environmental Quality Act.

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	In File**
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	In File**
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	None
<input type="checkbox"/>	CA Department of Forestry (Cal Fire)	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Caycos Fire Department</u>	In File**
<input type="checkbox"/>	Other _____	Not Applicable

\*\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Project File for the Subject Application  | <input type="checkbox"/> Design Plan  |
| <u>County documents</u>   | <input type="checkbox"/> Specific Plan  |
| <input checked="" type="checkbox"/> Coastal Plan Policies   | <input checked="" type="checkbox"/> Annual Resource Summary Report                                    |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)   | <input type="checkbox"/> Circulation Study  |
| <input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements: | <u>Other documents</u>  |
| <input checked="" type="checkbox"/> Agriculture Element   | <input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook                                      |
| <input checked="" type="checkbox"/> Conservation & Open Space Element   | <input checked="" type="checkbox"/> Regional Transportation Plan                                      |
| <input type="checkbox"/> Economic Element   | <input checked="" type="checkbox"/> Uniform Fire Code   |
| <input checked="" type="checkbox"/> Housing Element   | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)       |
| <input checked="" type="checkbox"/> Noise Element   | <input checked="" type="checkbox"/> Archaeological Resources Map                                      |
| <input type="checkbox"/> Parks & Recreation Element/Project List  | <input checked="" type="checkbox"/> Area of Critical Concerns Map                                     |
| <input checked="" type="checkbox"/> Safety Element  | <input checked="" type="checkbox"/> Special Biological Importance Map                                 |
| <input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)   | <input checked="" type="checkbox"/> CA Natural Species Diversity Database                             |
| <input checked="" type="checkbox"/> Building and Construction Ordinance   | <input checked="" type="checkbox"/> Fire Hazard Severity Map  |
| <input checked="" type="checkbox"/> Public Facilities Fee Ordinance   | <input checked="" type="checkbox"/> Flood Hazard Maps   |
| <input checked="" type="checkbox"/> Real Property Division Ordinance  | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input checked="" type="checkbox"/> Affordable Housing Fund   | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)       |
| <input type="checkbox"/> Airport Land Use Plan  | <input type="checkbox"/> Other  |
| <input type="checkbox"/> Energy Wise Plan   |   |
| <input checked="" type="checkbox"/> Estero Area Plan and Update EIR   |   |

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Althouse And Meade, Inc. Biological And Environmental Services, Wildlife Assessment for Cypress Glenn 399 E-Street Cayucos, CA, July, 2015

Althouse And Meade, Inc. Biological And Environmental Services, Biological Report for Cypress Glenn 399 E-Street Cayucos, CA, July, 2015

Althouse And Meade, Inc. Biological And Environmental Services, Biological Report for Cypress Glenn 399 E-Street Cayucos, CA, November, 2015

Althouse and Meade, Inc. Biological And Environmental Services, Riparian Restoration and Landscape Enhancement Plan for Cypress Glenn 399 E-Street Cayucos, CA, January, 2016

GeoSolutions, Inc., Soils Engineering Report for 399 E Street, Catucos, September 22, 2014

Heritage Discoveries Inc., Archaeological Surface Survey at 399 E Street, Cayucos, January 6, 2015

Heritage Discoveries Inc., Phase II Archaeological Sub-Surface Testing at 399 E Street, Cayucos, August 21, 2015

Stormwater Control Plan Application and Stormwater Site Design Analysis, September 16, 2015

## Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

### Air Quality

**AQ-1 During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

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

**AQ-2** No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

**AQ-3** "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). **Prior to final inspection or occupancy, whichever occurs first**, when naturally-occurring asbestos is

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encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

#### **Biological Resources**

- BR-1 Prior to issuance of grading and/or construction permits**, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
- BR-2 Prior to issuance of a grading permit**, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be 14,089 square feet and include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
- a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
  - b. Public interpretive access improvements approved by a coastal development permit.
- BR-3 As a part of a second sheet of the tract map and included as a part of any individual construction permit application**, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan described below.
- BR-4 Little Cayucos Creek Setback.** Little Cayucos Creek Setback. Other than habitat restoration related to development, all development including but not limited to cut and fill slopes, retaining walls, drainage features, decking, and parking areas, shall be setback a minimum distance of 20 feet from the upland edge of little Cayucos Creek riparian vegetation. Solid wood or rail fencing is permitted as follows: 6-foot high solid wood fence along the Cypress Glen frontage of Lot 7 a distance not to exceed 25- feet from the rear of the new residence on Lot 7; a solid 6-foot high solid wood fence between Lots 6 and 7 no further than 25-feet from the rear of the new residence on Lot 7; a 42-inch high rail fence with wire mesh along the rear on Lots 6 and 7, and along the southwest property line of Lot 6; and a 6-foot high solid wood fence on the southwest property line of Lot 6, extending no further than 10-feet from the rear of the new residence on Lot 6. Development of rear yards on lots 6 and 7 will be consistent with the Riparian Restoration and Landscape Enhancement Plan and will include only landscaping compatible with the adjacent riparian area such as native plants.

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- BR-5 Prior to issuance of grading and/or construction permit(s)**, the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.
- BR-6 Prior to issuance of grading and/or construction permit(s)**, the applicant shall submit the Landscape Restoration and Enhancement Plan (LREP) to the Department of Planning and Building for review and approval. The LREP shall provide for riparian corridor landscape restoration and enhancement in the Little Cayucos Creek Riparian Habitat Area, with the goal of enhancing and restoring this area to self-sustaining and high resource value natural habitat state. The LREP shall be prepared by a qualified restoration ecologist, and shall incorporate specific conditions of the site (including soil, exposure, temperature, moisture, wind, etc), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:
- a. A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area;
  - b. A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and this condition be maintained in perpetuity.
  - c. Removal of invasive and non-native plant species;
  - d. Planting of native species of local stock appropriate to the Little Cayucos Creek riparian corridor, including provision of fall and winter-flowering nectar sources for Monarch butterflies at appropriate locations. Non-native and/or invasive plant species shall be prohibited;
  - e. Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved;
  - f. Provision of submission of annual reports of monitoring results to the Department of Planning and Building, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the plan, and shall make recommendations (if any) on changes necessary to achieve success.
- BR-7 Within one week of ground disturbance or tree removal/trimming activities**, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Buffers may be reduced if a qualified ornithologist determines that project activities will not affect the nesting birds. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring

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requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

- BR-8 Prior to ground disturbance**, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Wildlife to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:
- a. Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
  - b. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.
- BR-9 Prior to construction**, occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within a 100 foot buffer for songbirds and 300 for nesting raptors while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
- BR-10 Prior to construction**, occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.
- BR-11 Prior to removal of any trees over 20 inches DBH**, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming, or if any structures proposed for removal harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Game, will install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed.
- BR-12 At the time of application for subdivision improvement plans, grading permits, and construction permits**, the applicant shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be

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constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

**BR-13 Upon submittal of tract improvement plans**, all measures provided in the Mitigation Monitoring and Reporting Plan shall be shown on applicable plans relating to restoration of sensitive plants impacted. Should any measures conflict with conditions of approval, conditions of approval shall be considered superior. These measures shall be completed prior to recordation of final map.

### Cultural Resources

**CR-1** If unanticipated paleontological or cultural resources are encountered during construction, all work must halt within 50 feet until the finding has been evaluated by a San Luis Obispo County approved paleontologist or archeologist (depending on the nature of the discovery).

### Geology and Soils

**GEO-1 Prior to issuance of construction and/or grading permits**, the applicant shall submit a complete drainage, erosion, and sedimentation control plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. The plan shall use sediment control measures to protect Little Cayucos Creek. Installation of erosion and sedimentation control devices shall be installed around the perimeter of the construction zone. No flows shall be directed to Cayucos Creek without NPDES permit. The plan shall include the following:

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

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site storm drain systems. The Plan shall be prepared by a licensed engineer and incorporate structure and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater and other run-off associated with the development. The Plan shall include required calculations and documentations for all BMPs proposed and shall, at the minimum provide for:

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

**GEO-2** At the time of application for grading and/or construction permit(s), the applicant shall show the limits of the 100 year floodway on the site plan and all development located outside of the floodway and submit to Public Works for approval.

**GEO-3** Prior to initiation of tract improvements, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). As applicable, all construction-related protection measures specified in the SWPPP shall be installed prior to work beginning.

**GEO-4** All disturbed areas shall be restored as soon as possible. If the area is within close proximity of a sensitive habitat, a compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

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January 26, 2016

### DEVELOPER'S STATEMENT FOR CAMPBELL-SHEPPARD/DAN LLOYD TENTATIVE TRACT MAP AND DEVELOPMENT PLAN ED15-023/SUB2015-00001

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

#### Air Quality

**AQ-1 During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

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

**AQ-2** No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application

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shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

- AQ-3 "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.php>). **Prior to final inspection or occupancy, whichever occurs first**, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

**Monitoring:** Required at the time of application for construction permits. Compliance will be verified by the Air Pollution Control District and County Department of Planning and Building.

### **Biological Resources**

- BR-1 Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
- BR-2 Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be 14,089 square feet and include a formal legal description and graphic

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depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:

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

**BR-3** As a part of a second sheet of the tract map and included as a part of any individual construction permit application, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan described below.

**BR-4** Little Cayucos Creek Setback. Other than habitat restoration related to development, all development including but not limited to cut and fill slopes, retaining walls, drainage features, decking, and parking areas, shall be setback a minimum distance of 20 feet from the upland edge of little Cayucos Creek riparian vegetation. Solid wood or rail fencing is permitted as follows: 6-foot high solid wood fence along the Cypress Glen frontage of Lot 7 a distance not to exceed 25- feet from the rear of the new residence on Lot 7; a solid 6-foot high solid wood fence between Lots 6 and 7 no further than 25-feet from the rear of the new residence on Lot 7; a 42-inch high rail fence with wire mesh along the rear on Lots 6 and 7, and along the southwest property line of Lot 6; and a 6-foot high solid wood fence on the southwest property line of Lot 6, extending no further than 10-feet from the rear of the new residence on Lot 6. Development of rear yards on lots 6 and 7 will be consistent with the Riparian Restoration and Landscape Enhancement Plan and will include only landscaping compatible with the adjacent riparian area such as native plants.

**BR-5** Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to

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naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.

**BR-6** Prior to issuance of grading and/or construction permit(s), the applicant shall submit the Landscape Restoration and Enhancement Plan (LREP) to the Department of Planning and Building for review and approval. The LREP shall provide for riparian corridor landscape restoration and enhancement in the Little Cayucos Creek Riparian Habitat Area, with the goal of enhancing and restoring this area to self-sustaining and high resource value natural habitat state. The LREP shall be prepared by a qualified restoration ecologist, and shall incorporate specific conditions of the site (including soil, exposure, temperature, moisture, wind, etc), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:

- a. A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area;
- b. A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and this condition be maintained in perpetuity.
- c. Removal of invasive and non-native plant species;
- d. Planting of native species of local stock appropriate to the Little Cayucos Creek riparian corridor, including provision of fall and winter-flowering nectar sources for Monarch butterflies at appropriate locations. Non-native and/or invasive plant species shall be prohibited;
- e. Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved;
- f. Provision of submission of annual reports of monitoring results to the Department of Planning and Building, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the plan, and shall make recommendations (if any) on changes necessary to achieve success.

**BR-7** Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Buffers may be reduced if

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a qualified ornithologist determines that project activities will not affect the nesting birds. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

**BR-8** Prior to ground disturbance, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Wildlife to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:

- a. Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
- b. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.

**BR-9** Prior to construction, occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within a 100 foot buffer for songbirds and 300 for nesting raptors while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.

**BR-10** Prior to construction, occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.

**BR-11** Prior to removal of any trees over 20 inches DBH, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming, or if any structures proposed for removal harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Game, will install one-way valves or other appropriate passive relocation method. For each occupied

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roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed.

BR-12 At the time of application for subdivision improvement plans, grading permits, and construction permits, the applicant shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

BR-13 Upon submittal of tract improvement plans, all measures provided in the Mitigation Monitoring and Reporting Plan shall be shown on applicable plans relating to restoration of sensitive plants impacted. Should any measures conflict with conditions of approval, conditions of approval shall be considered superior. These measures shall be completed prior to recordation of final map.

**Monitoring:** Required at the time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

### Cultural Resources

CR-1 If unanticipated paleontological or cultural resources are encountered during construction, all work must halt within 50 feet until the finding has been evaluated by a San Luis Obispo County approved paleontologist or archeologist (depending on the nature of the discovery).

**Monitoring:** Required during grading and construction activities. Compliance will be verified by the County Department of Planning and Building.

### Geology and Soils

GEO-1 Prior to issuance of construction and/or grading permits, the applicant shall submit a complete drainage, erosion, and sedimentation control plan for review

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and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. The plan shall use sediment control measures to protect Little Cayucos Creek. Installation of erosion and sedimentation control devices shall be installed around the perimeter of the construction zone. No flows shall be directed to Cayucos Creek without NPDES permit. The plan shall include the following:

- a. **Implementation of Best Management Practices during Construction.** The Plan shall identify the types and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants in the Little Cayucos Creek during construction. These measures shall be designed in accordance to the California Storm Water Best Management Practices Handbook and the San Luis Obispo County Resources Conservation District, as such:
  - i. Limit the extent of land disturbance to the minimum amount necessary to construct the project;
  - ii. Designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which must be covered on a daily basis;
  - iii. Provide installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpiled areas;
  - iv. Provide hydro seeding (with native plants) of disturbed areas immediately upon conclusion of construction activities;
  - v. Good construction measures such as the use of dry cleanup measures whenever possible, collecting and filtering cleanup water when dry cleanup methods are not feasible, cleaning and refueling construction equipment at designated off site maintenance areas, and immediate cleanup of any leaks or spills.
  
- b. **Permanent Drainage and Erosion Control Plan.** The Plan shall include and clearly identify all permanent measures to control and direct all site runoff and a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltrations, and/or habitat enhancement, and/or directed to off-site storm drain systems. The Plan shall be prepared by a licensed engineer and incorporate structure and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater and other run-off associated with the development. The Plan shall include required calculations and documentations for all BMPs proposed and shall, at the minimum provide for:
  - i. Drainage system designed to filter and treat the volume of runoff produced from irrigation and storm event up to and including the as" percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1 hour runoff event (with an appropriate safety factor) for flow-based BMPs , prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating

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- mechanism shall be clearly identified, and supporting technical information shall be provided.
- ii. Runoff from the roofs, driveways, parking lots, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site;
- iii. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions;
- iv. All runoff shall be directed away from the creek/riparian habitat area unless proven appropriate for habitat enhancement process;
- v. All drainage system elements shall be permanently operated and maintained.

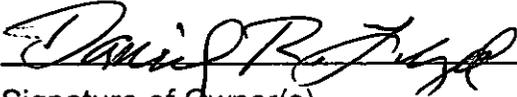
**GEO-2 At the time of application for grading and/or construction permit(s)**, the applicant shall show the limits of the 100 year floodway on the site plan and all development located outside of the floodway and submit to Public Works for approval.

**GEO-3 Prior to initiation of tract improvements**, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). As applicable, all construction-related protection measures specified in the SWPPP shall be installed prior to work beginning.

**GEO-4** All disturbed areas shall be restored as soon as possible. If the area is within close proximity of a sensitive habitat, a compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

**Monitoring:** Required during grading and construction activities. Compliance will be verified by the County Department of Planning and Building.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

  
\_\_\_\_\_  
Signature of Owner(s)

1-27-16  
Date

DANIEL R. LLOYD  
\_\_\_\_\_  
Name (Print)



# Public Health Department

Jeff Hamm  
Health Agency Director

Penny Borenstein, M.D., M.P.H.  
Health Officer



**Public Health**  
Prevent. Promote. Protect.

July 2, 2015

Landsite Incorporated  
P.O. Box 378  
Cayucos, CA 93430-0378

**Attn: Dan Lloyd**  
**Re: Tentative Map Tract 3074 (8 lots)**  
**APN: 064-034-007, 399 E. Street Cayucos**

### Water Supply

This office is in receipt of a **preliminary** evidence of water (*Notification of Eligibility to Receive a Water Will Serve Letter*) from the Morro Rock Mutual Water Co. Inc. (dated July 1, 2015) to provide water to the above referenced project.

Be advised that a final "will serve" letter from the water company shall be obtained and submitted to this office for review and approval stating there are operable water facilities immediately available for connection to each of the parcels created prior to recordation of the final map. Water main extensions and related facilities may be bonded for, subject to the approval of County Public Works and Environmental Health Services. This bond must be reviewed and approved by County Public Works prior to recordation of the map.

### Wastewater Disposal

This office is in receipt of a conditional Sewer Intent to Serve from the Cayucos Sanitary District (dated May 6, 2015) to provide wastewater service to the above referenced project.

Be advised that a final "will serve" letter from the waste water company shall be obtained and submitted to this office for review and approval stating there are operable sewer facilities immediately available for connection to each of the parcels created prior to recordation of the final map. Sewer main extensions and related facilities may be bonded for, subject to the approval of County Public Works and Environmental Health Services. This bond must be reviewed and approved by County Public Works prior to recordation of the map.

Tentative Map Tract 3074 is approved for Health Agency subdivision map processing.

LESLIE A TERRY, R.E.H.S.  
Environmental Health Specialist  
Land Use Section

c: Morro Rock Mutual  
Cayucos Sanitary District



DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 7/9/2015

TO: Cayucos Fire Protection District

FROM: James Caruso (805-781-5702 or jcaruso@co.slo.ca.us)
Coastal Team / Development Review

PROJECT DESCRIPTION: SUB2015-00001 TR3074 CAMPBELL-SHEPPA - Proposed tract map for an eight-lot single family detached subdivision (planned unit development). Site location is 399 E St, Cayucos. APN: 064-034-007

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - 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 10 days in which we must obtain comments from outside agencies.)

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

- YES (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.

See attached turn around Recommendations

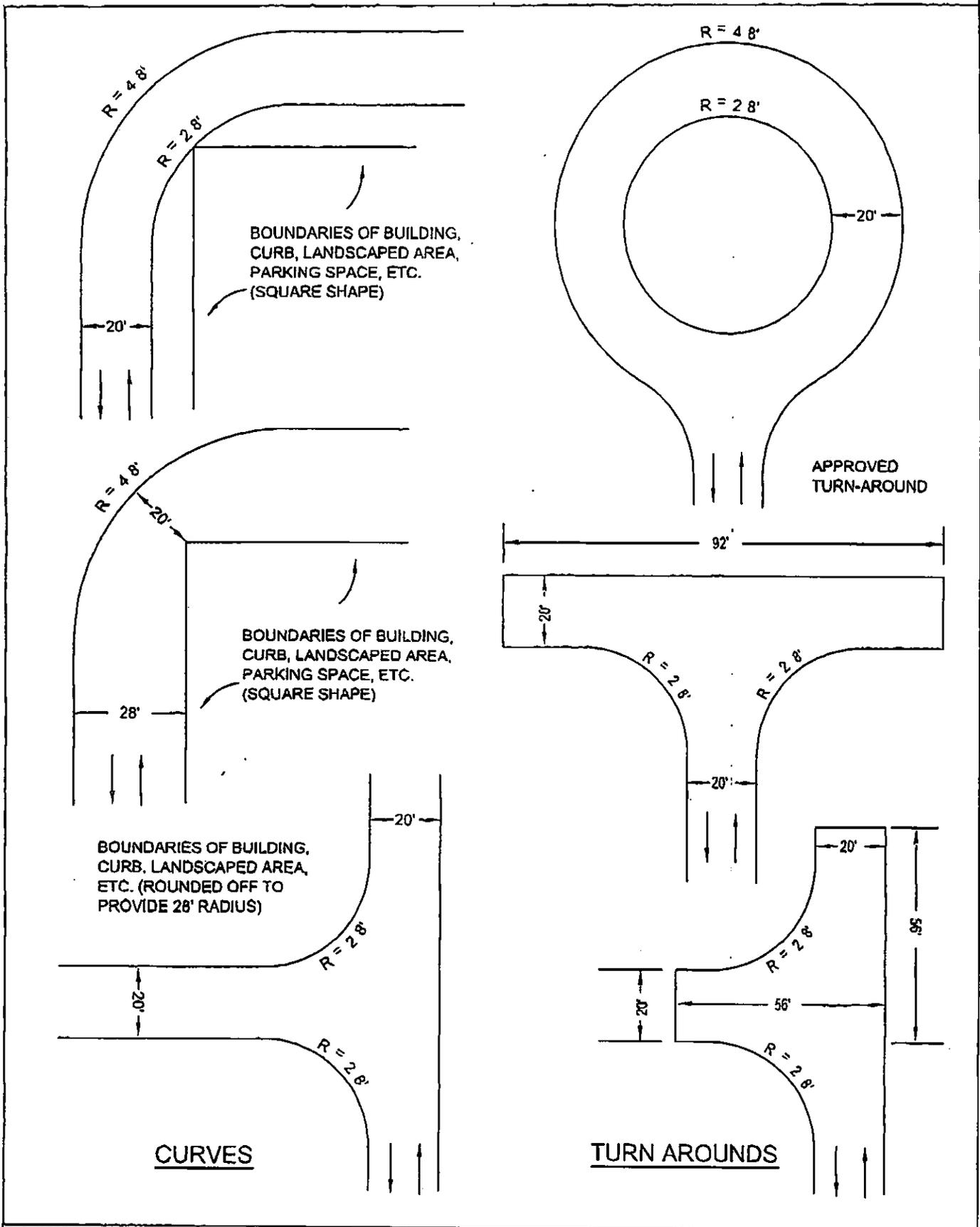
7/11/15
Date

Doreen Gibson
Name

805-995-3372
Phone

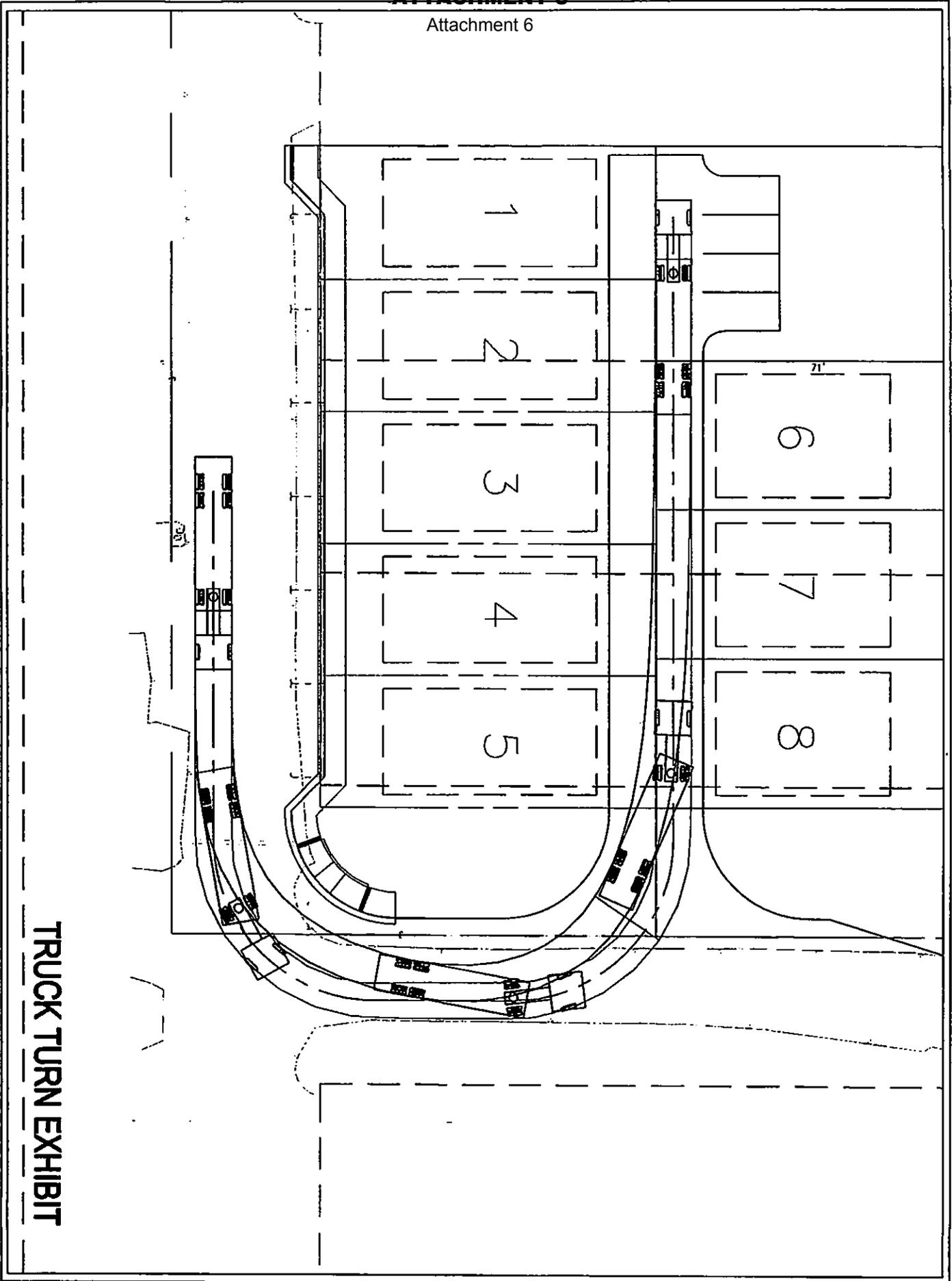
# ATTACHMENT 8

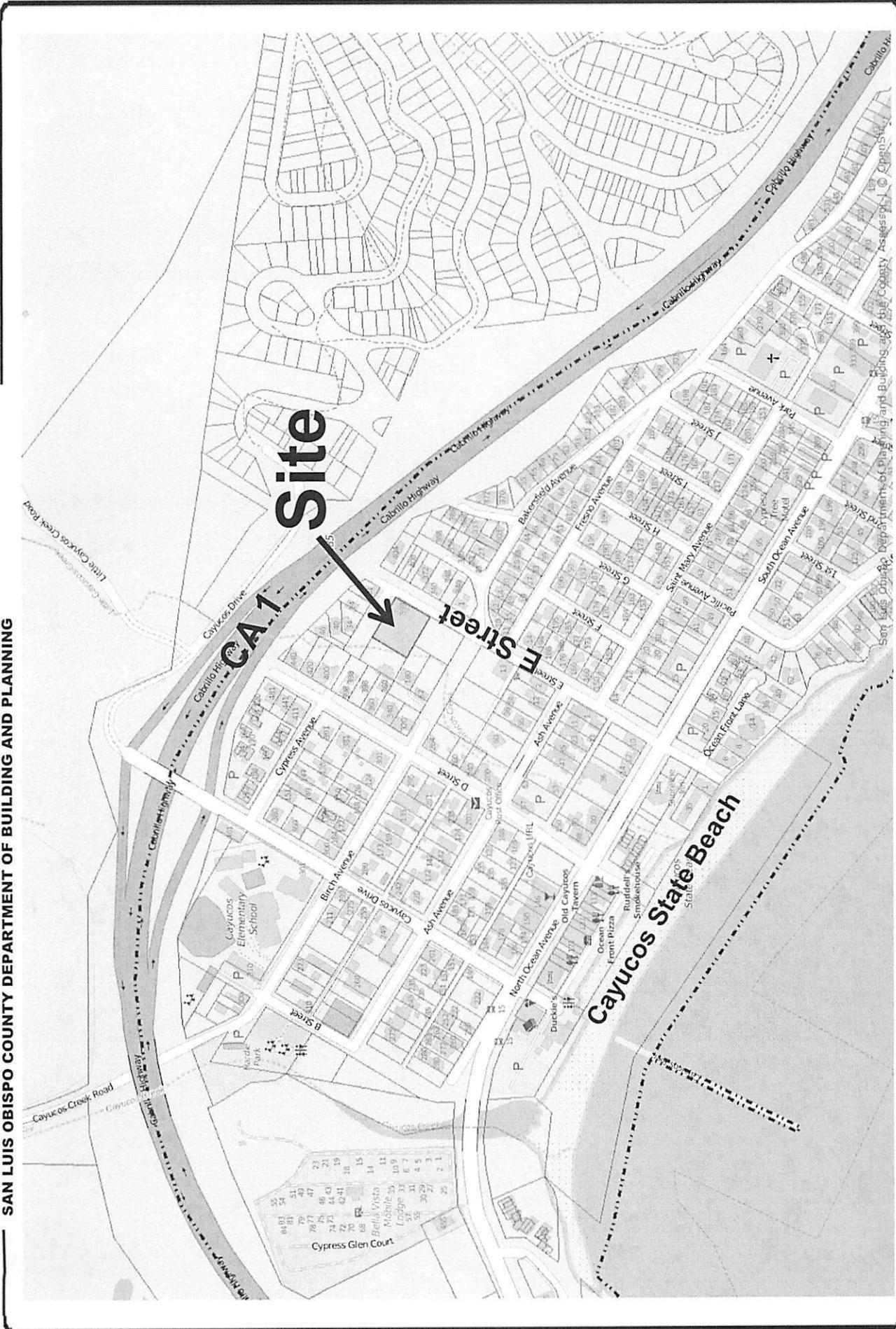
Attachment 6



**ATTACHMENT 8**

Attachment 6





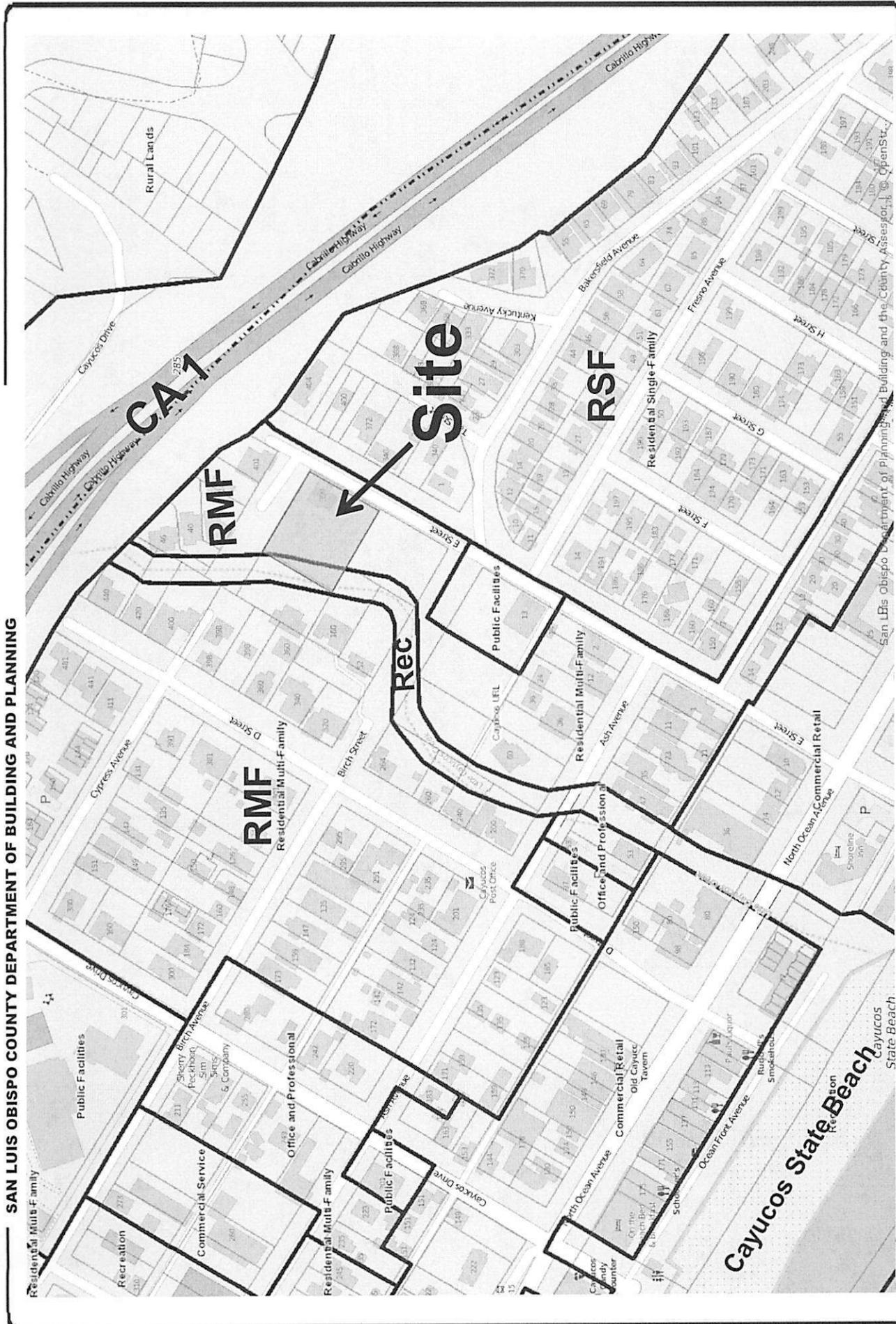
PROJECT

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

EXHIBIT

Vicinity Map





SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

EXHIBIT

Land Use Category Map



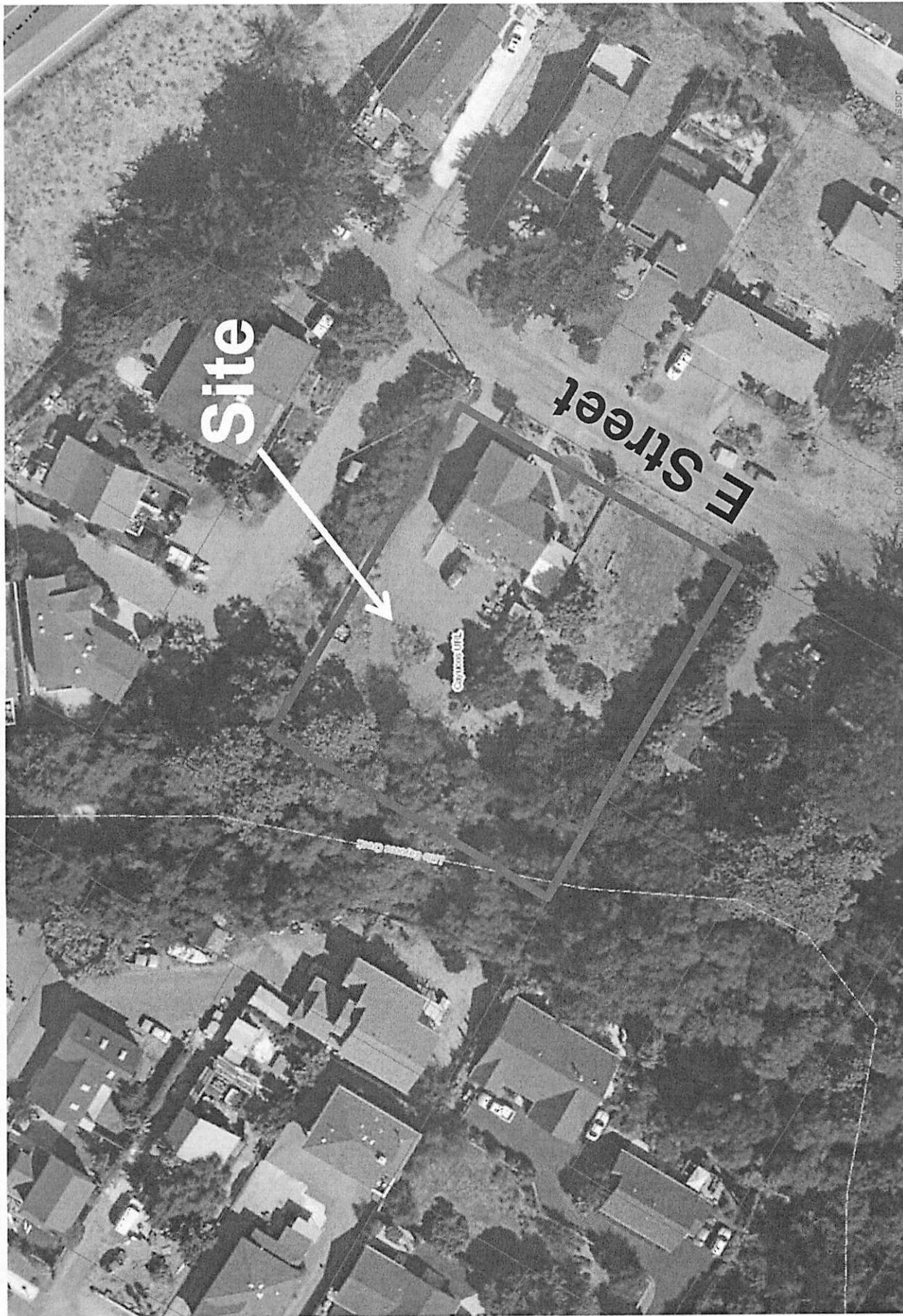
PROJECT

Tentative Tract Map  
 7 Unit Single Family Detached / SUB2015-00001

**ATTACHMENT 8**

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**EXHIBIT**

Aerial Photograph



**PROJECT**

Tentative Tract Map

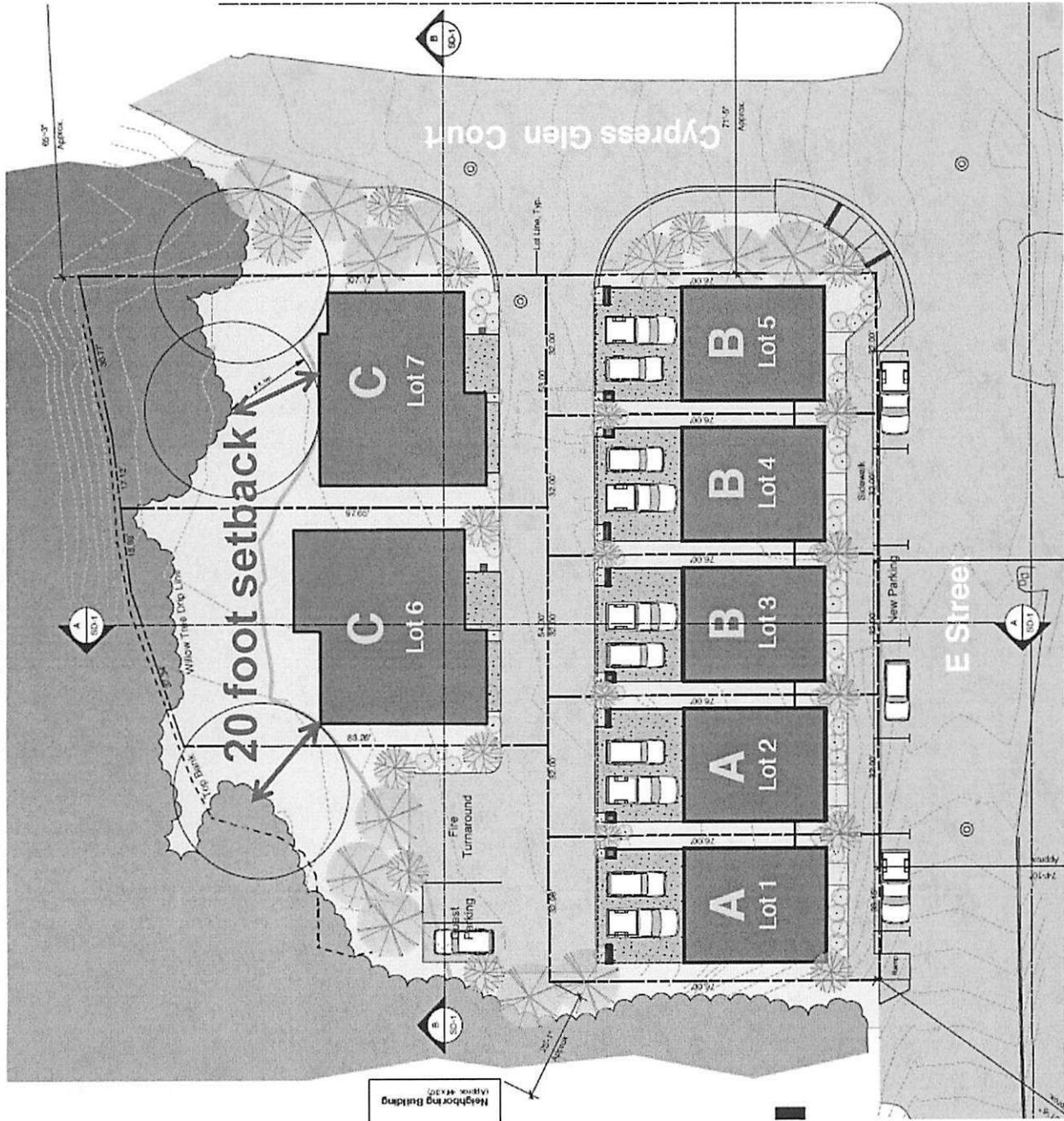
7 Unit Single Family Detached / SUB2015-00001



ATTACHMENT 8

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EXHIBIT

Site Plan

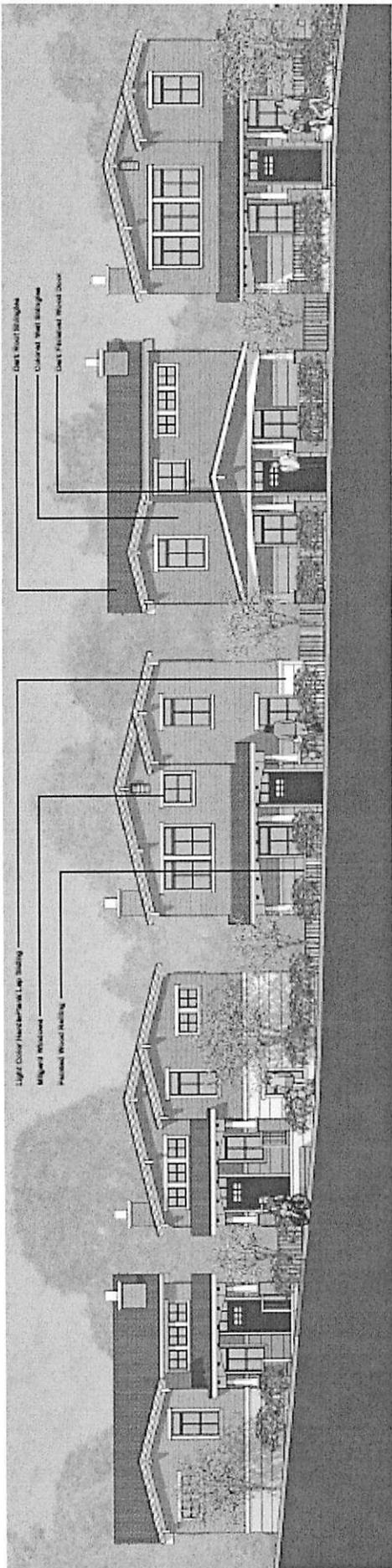


PROJECT

Tentative Tract Map  
 7 Unit Single Family Detached / SUB2015-00001

**ATTACHMENT 8**

Attachment 6



**EXHIBIT**

View from E Street

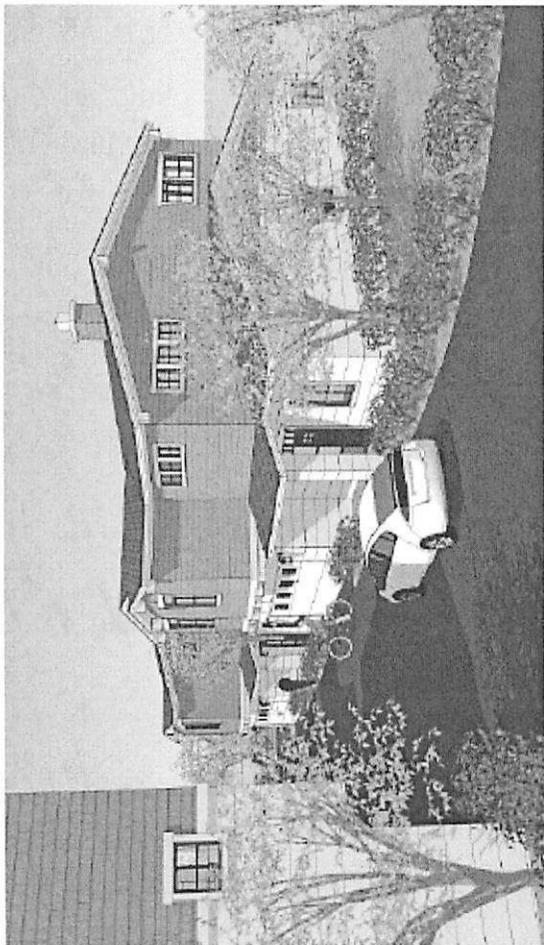
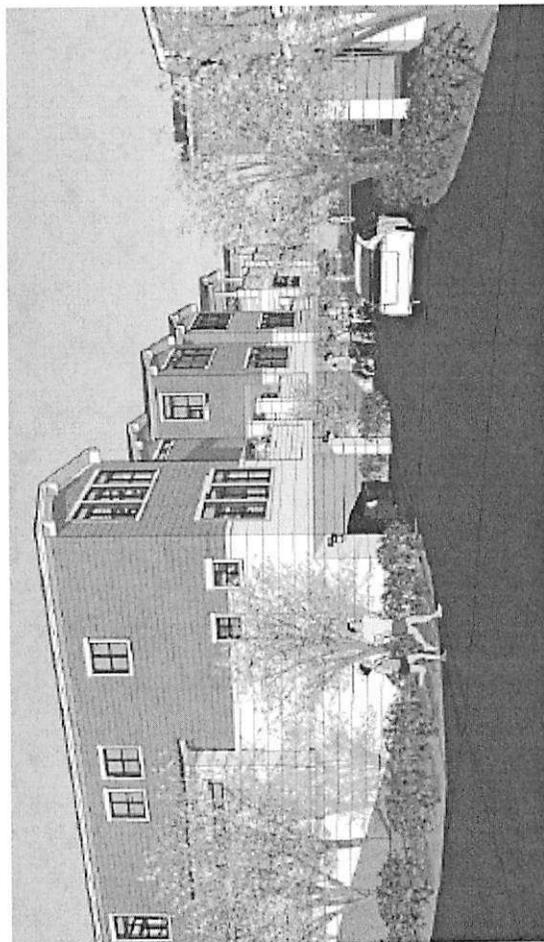


**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**ATTACHMENT 8**

Attachment 6



**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**EXHIBIT**

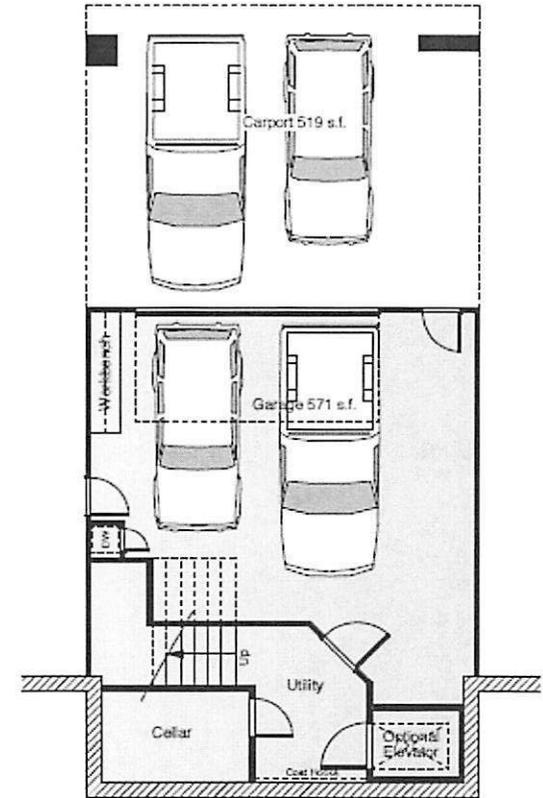
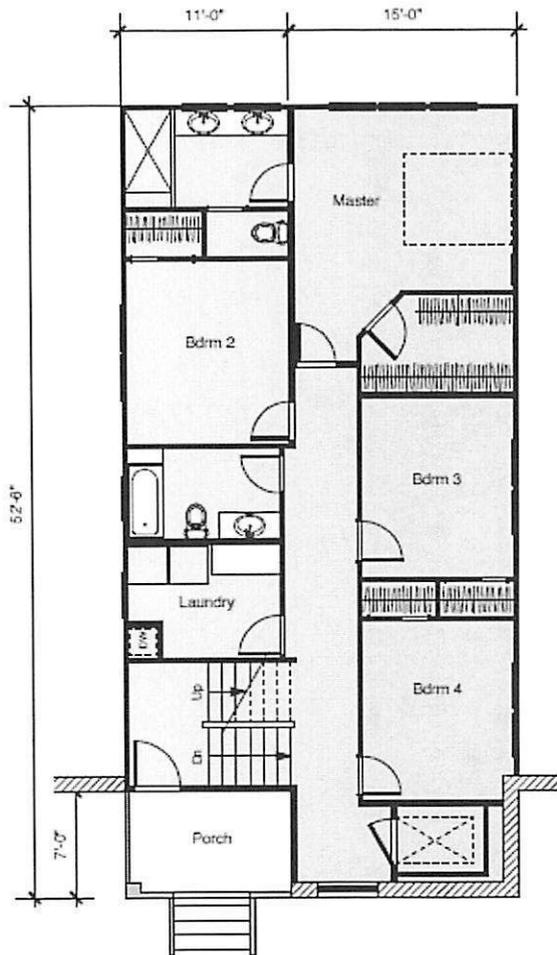
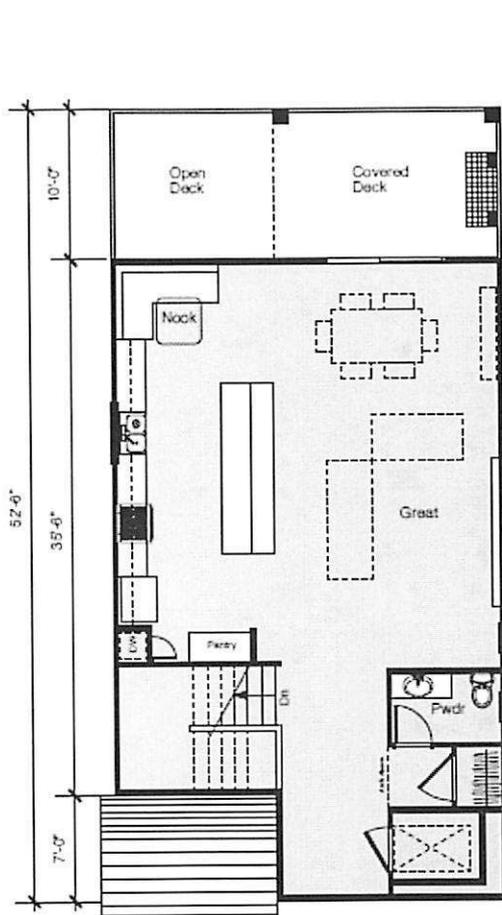
View from Cypress Glen Court



**ATTACHMENT 8**

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

Attachment 6



Plan North



**Upper Floor Plan**

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

**Mid Floor Plan**

**Lower Floor Plan**

Windows will be adjusted to protect privacy

**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001



**EXHIBIT**

Building Type A Floor Plan

**ATTACHMENT 8**

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**South Elevation**

**EXHIBIT**

Building Type A South Elevation



**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001



North Elevation

EXHIBIT

Building Type A North Elevation



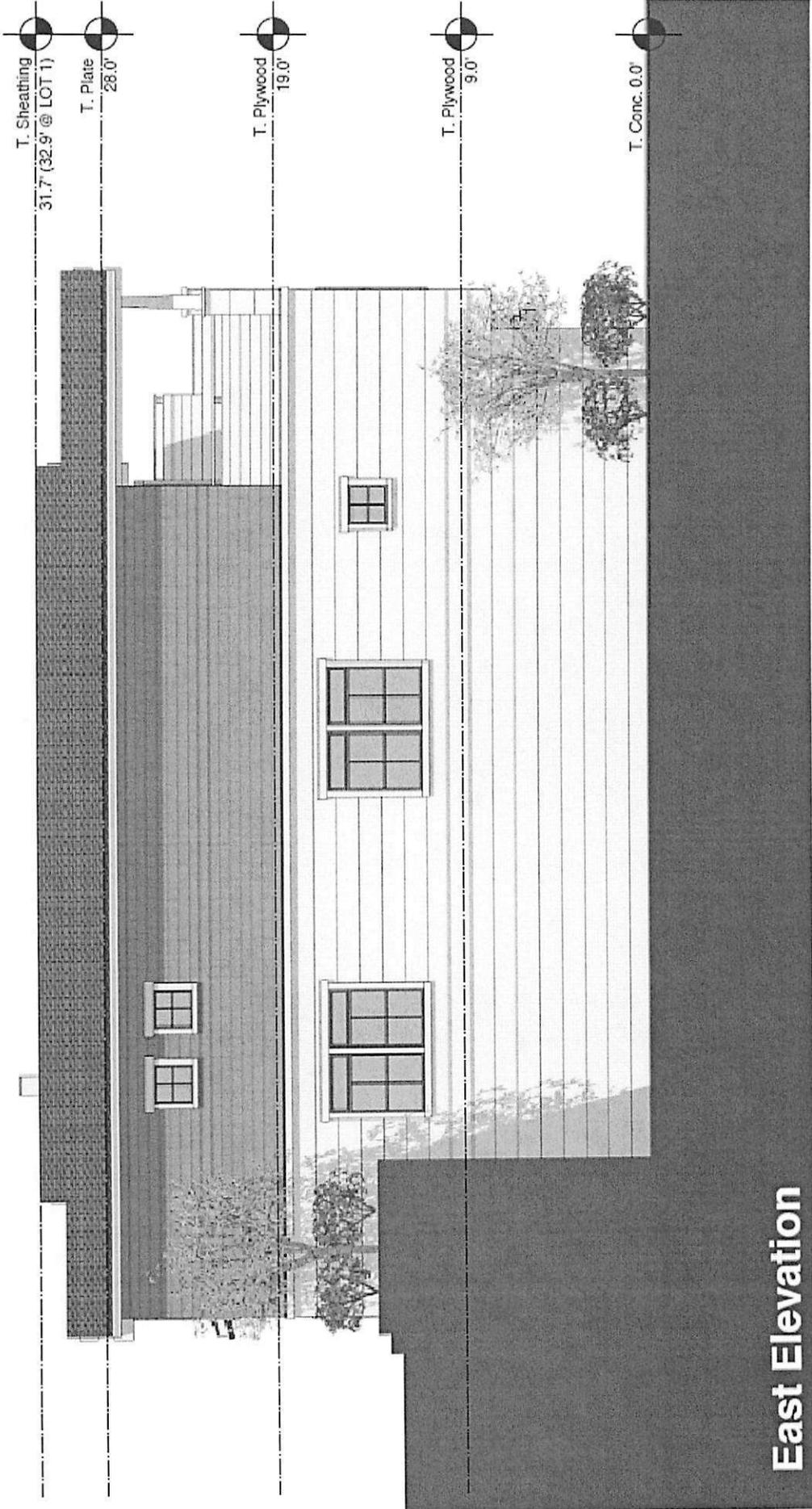
PROJECT

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**ATTACHMENT 8**

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**EXHIBIT**

Building Type A East Elevation



**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**ATTACHMENT 8**

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**West Elevation**

**EXHIBIT**

Building Type A West Elevation



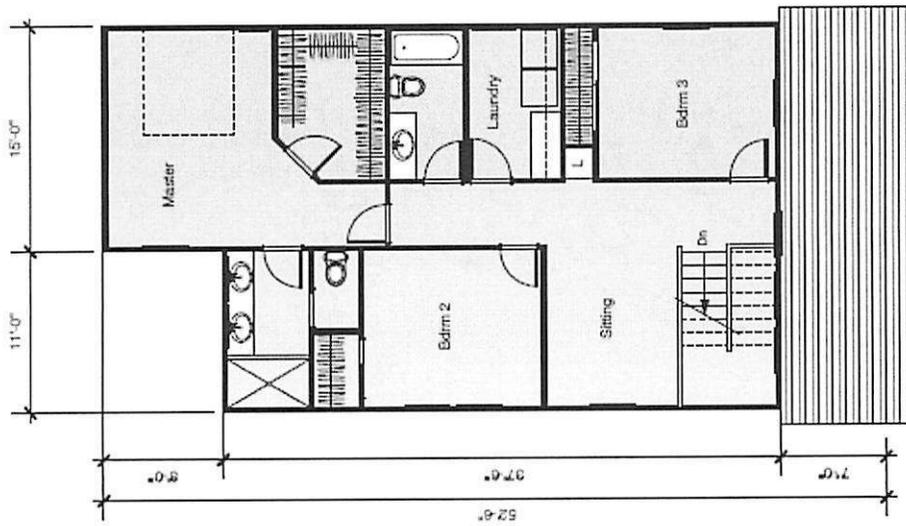
**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**ATTACHMENT 8**

Attachment 6

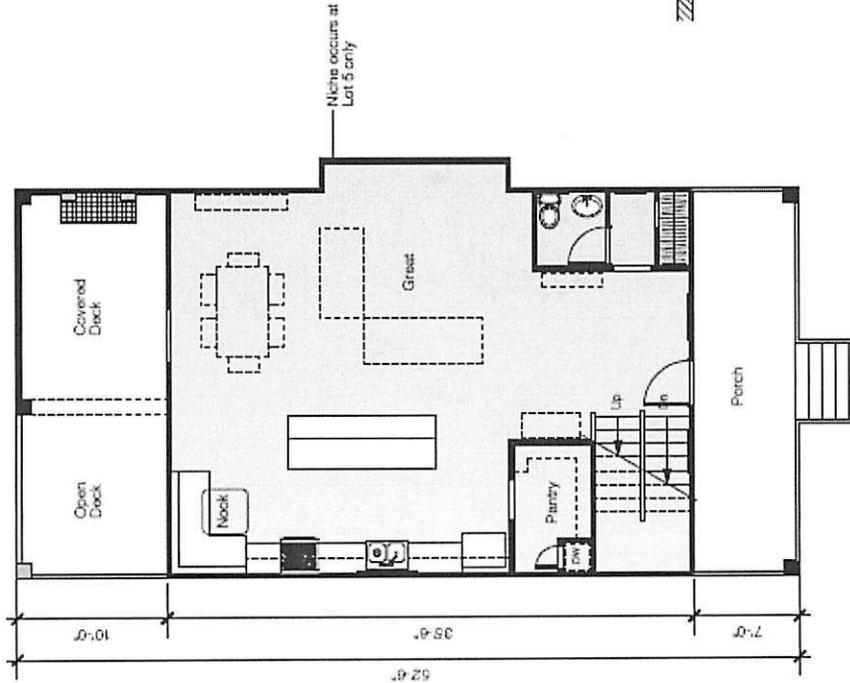
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



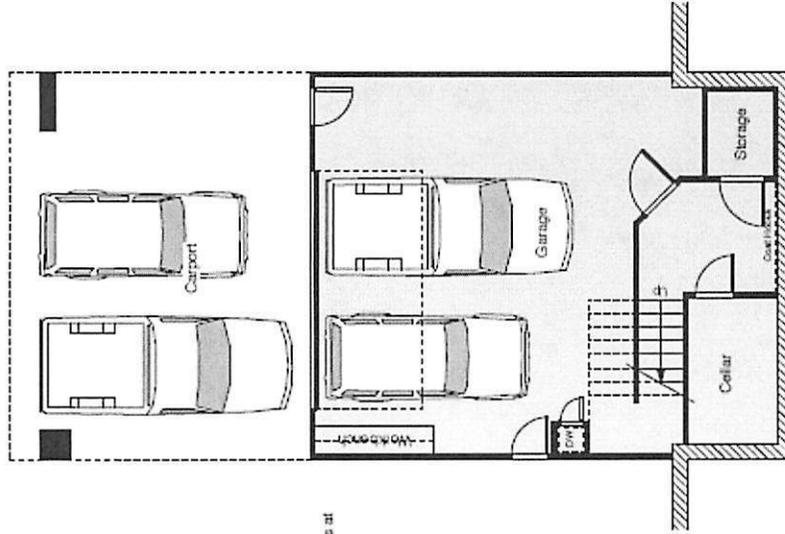
Plan North

**Upper Floor Plan**

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



**Mid Floor Plan**



**Lower Floor Plan**

Windows will be adjusted to protect privacy



**EXHIBIT**

Building Type B Floor Plans

**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**ATTACHMENT 8**

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

Attachment 6



**South Elevation**

**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001



**EXHIBIT**

Building Type B South Elevation

**ATTACHMENT 8**

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**North Elevation**

**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**EXHIBIT**

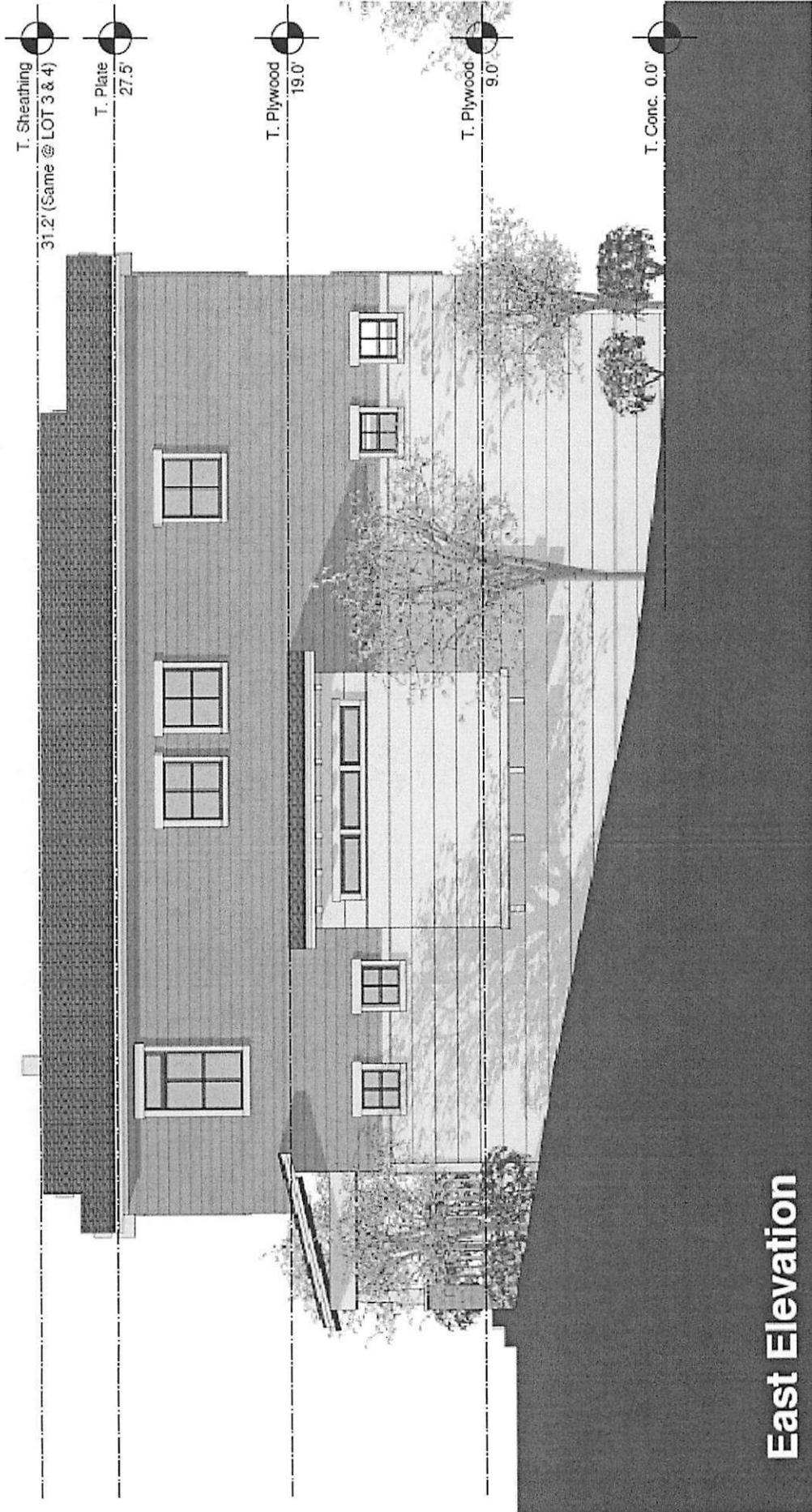
Building Type B North Elevation



**ATTACHMENT 8**

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**East Elevation**

**EXHIBIT**

Building Type B East Elevation



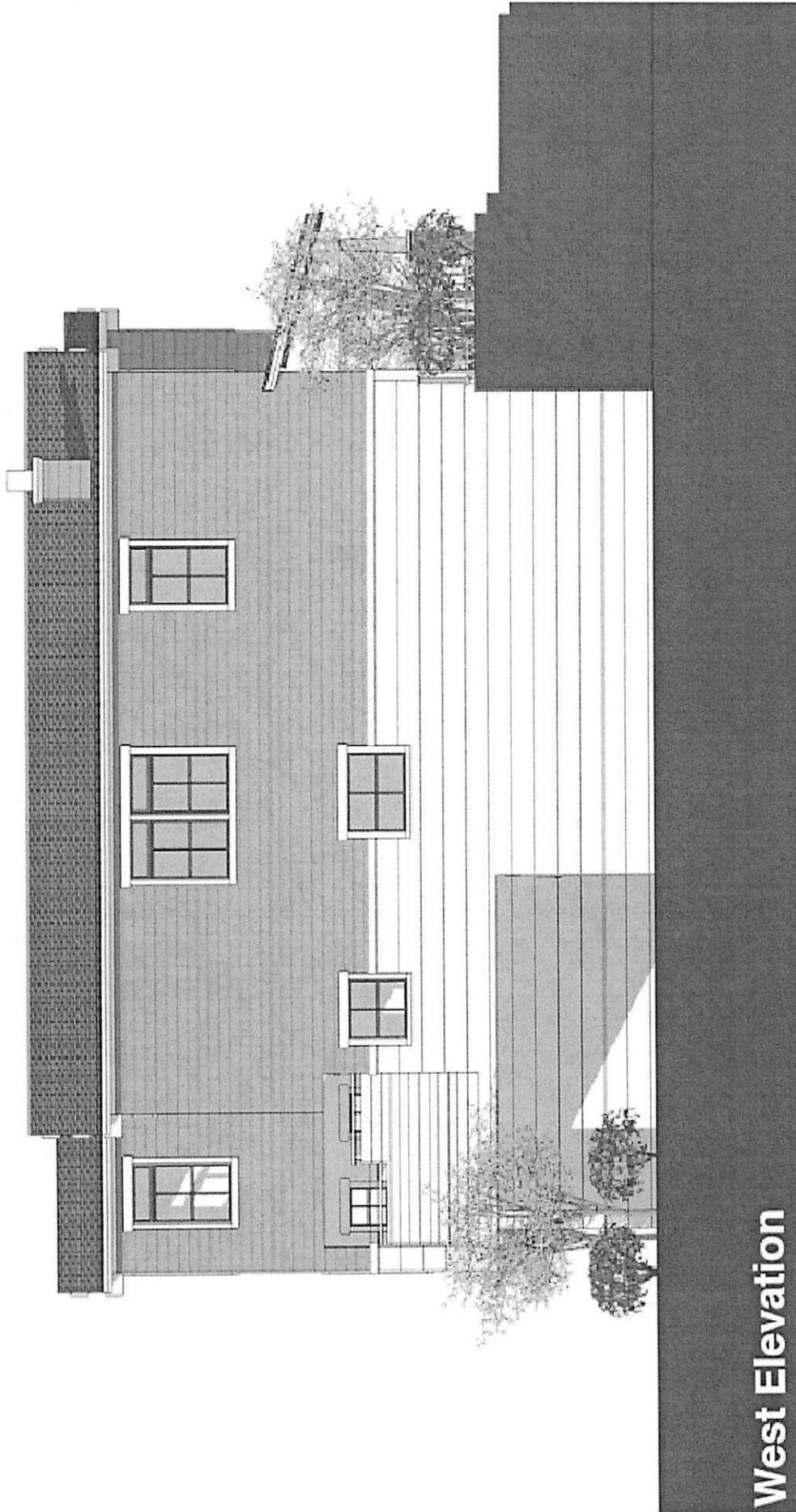
**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**ATTACHMENT 8**

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**West Elevation**

**EXHIBIT**

Building Type B West Elevation



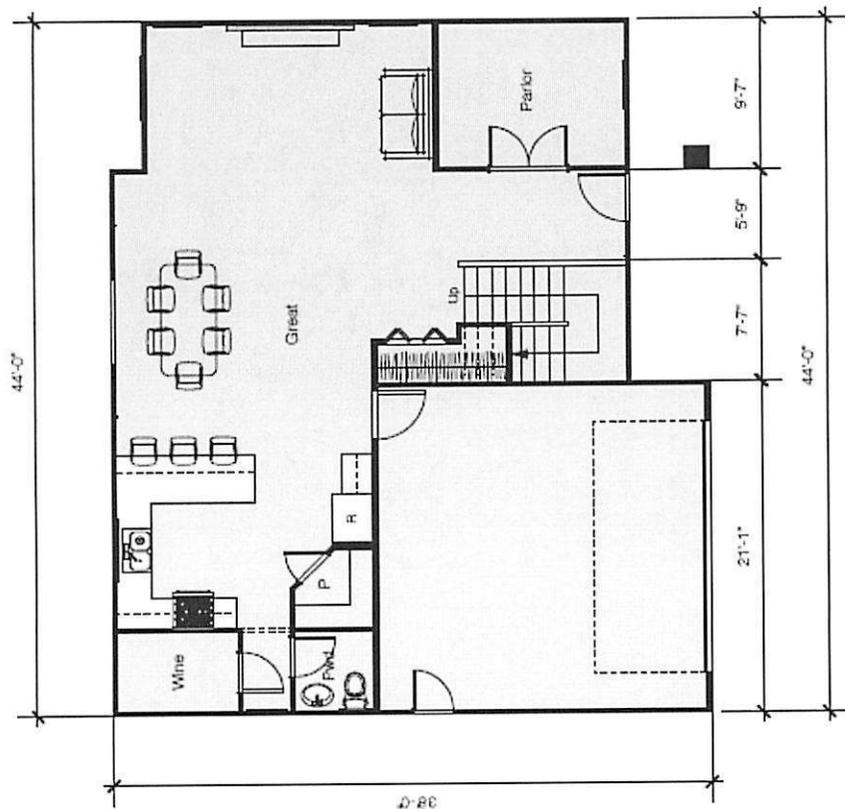
**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**ATTACHMENT 8**

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



True North

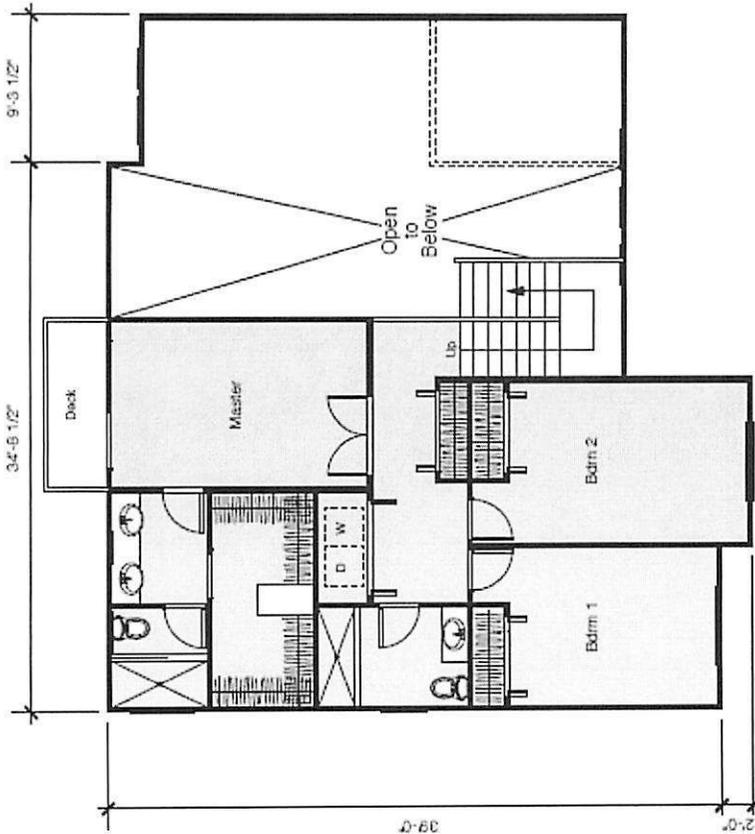


Plan North



**Upper Floor Plan**

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



**Lower Floor Plan**

Windows will be adjusted to protect privacy

**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**EXHIBIT**

Building Type C Floor Plans



**ATTACHMENT 8**

Attachment 6



**South Elevation**

**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

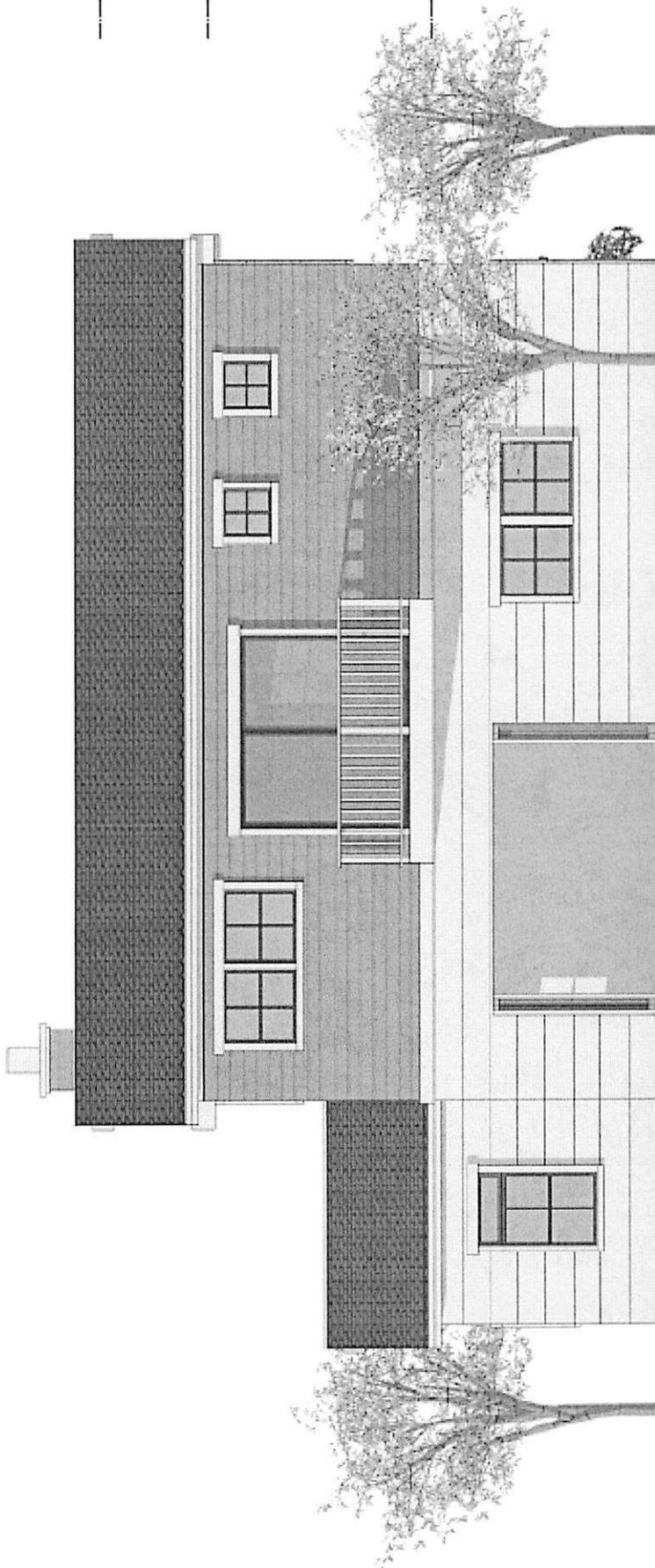
**EXHIBIT**

Building Type C South Elevation



**ATTACHMENT 8**

Attachment 6



**North Elevation**

**EXHIBIT**

Building Type C North Elevation



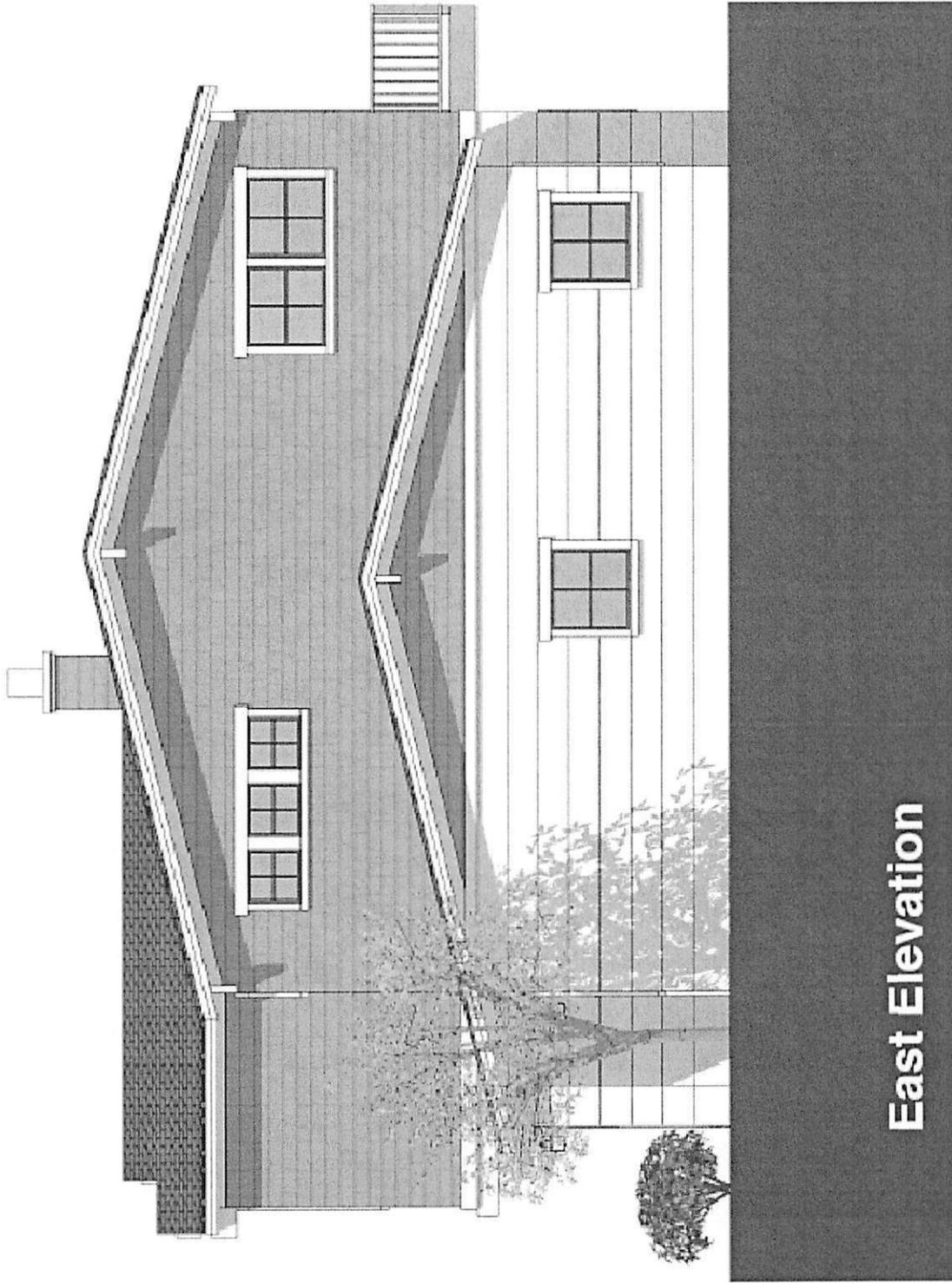
**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**ATTACHMENT 8**

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**East Elevation**

**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

**EXHIBIT**

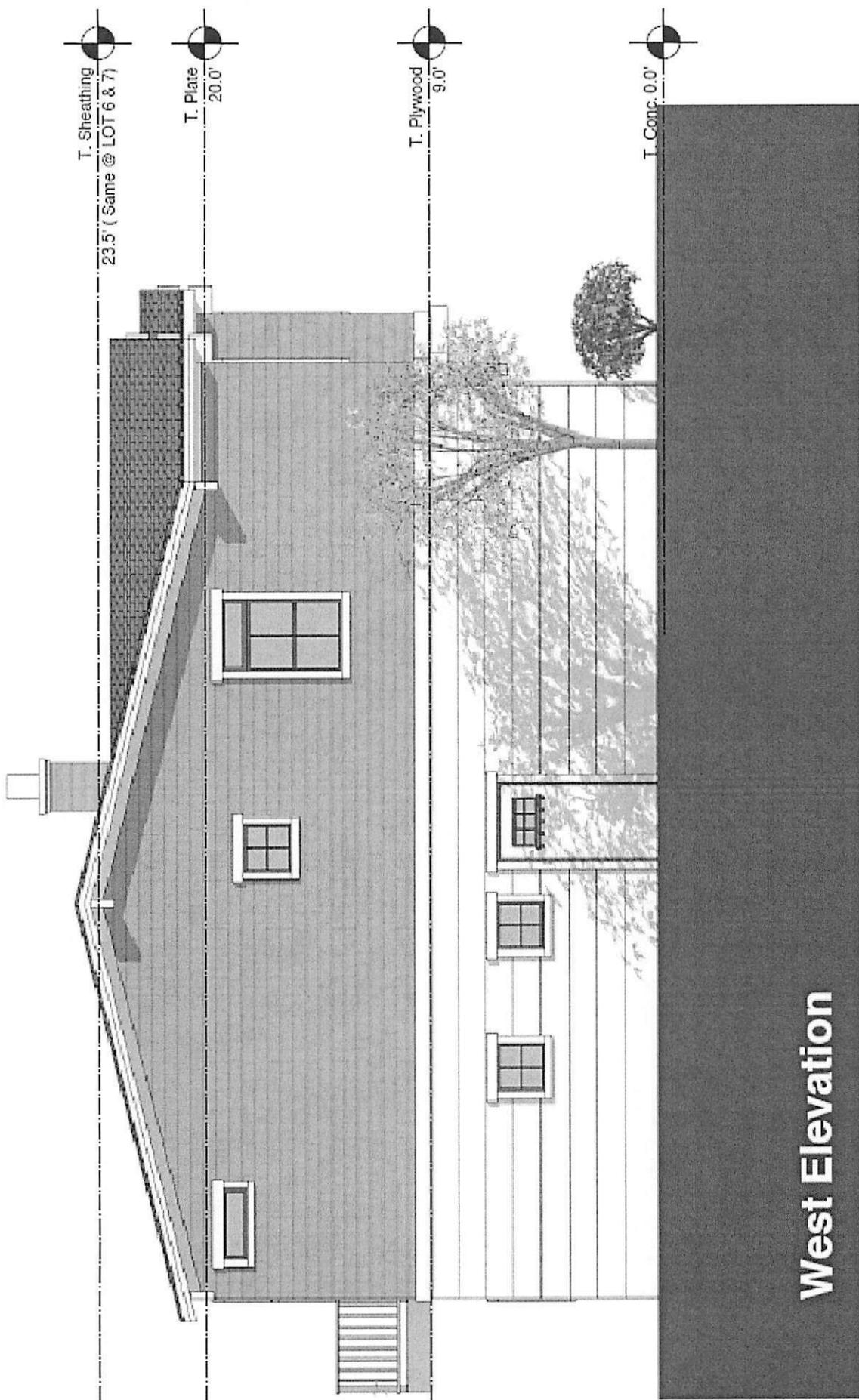
Building Type C East Elevation



**ATTACHMENT 8**

Attachment 6

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**EXHIBIT**

Building Type C West Elevation



**PROJECT**

Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001

OUT/F111 Summary

DATE	DESCRIPTION	BY	REVISION
03-28-15	ISSUE FOR PERMIT	...	1
03-28-15	ISSUE FOR PERMIT	...	2
03-28-15	ISSUE FOR PERMIT	...	3
03-28-15	ISSUE FOR PERMIT	...	4
03-28-15	ISSUE FOR PERMIT	...	5
03-28-15	ISSUE FOR PERMIT	...	6
03-28-15	ISSUE FOR PERMIT	...	7
03-28-15	ISSUE FOR PERMIT	...	8

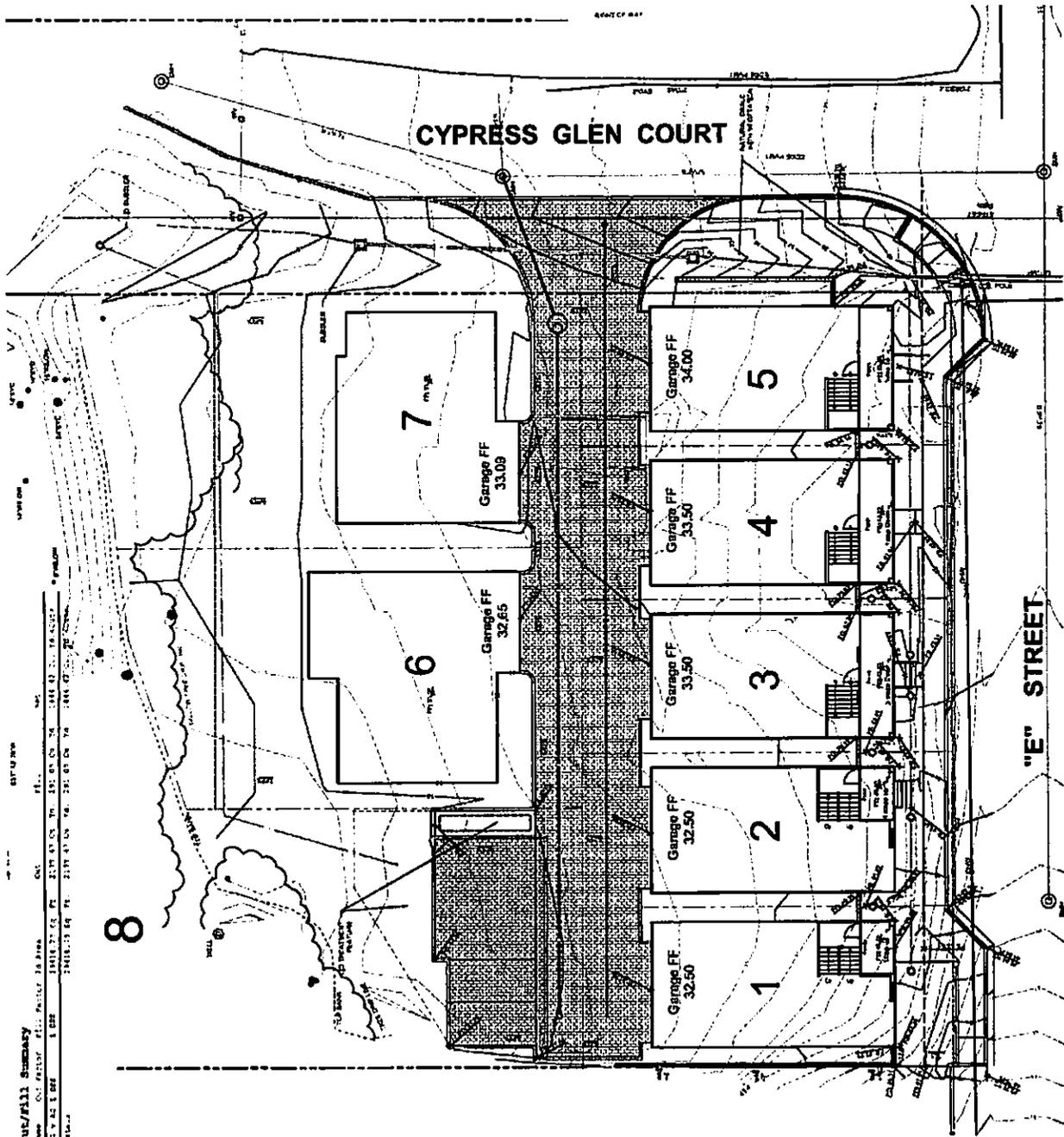


EXHIBIT Grading and Drainage

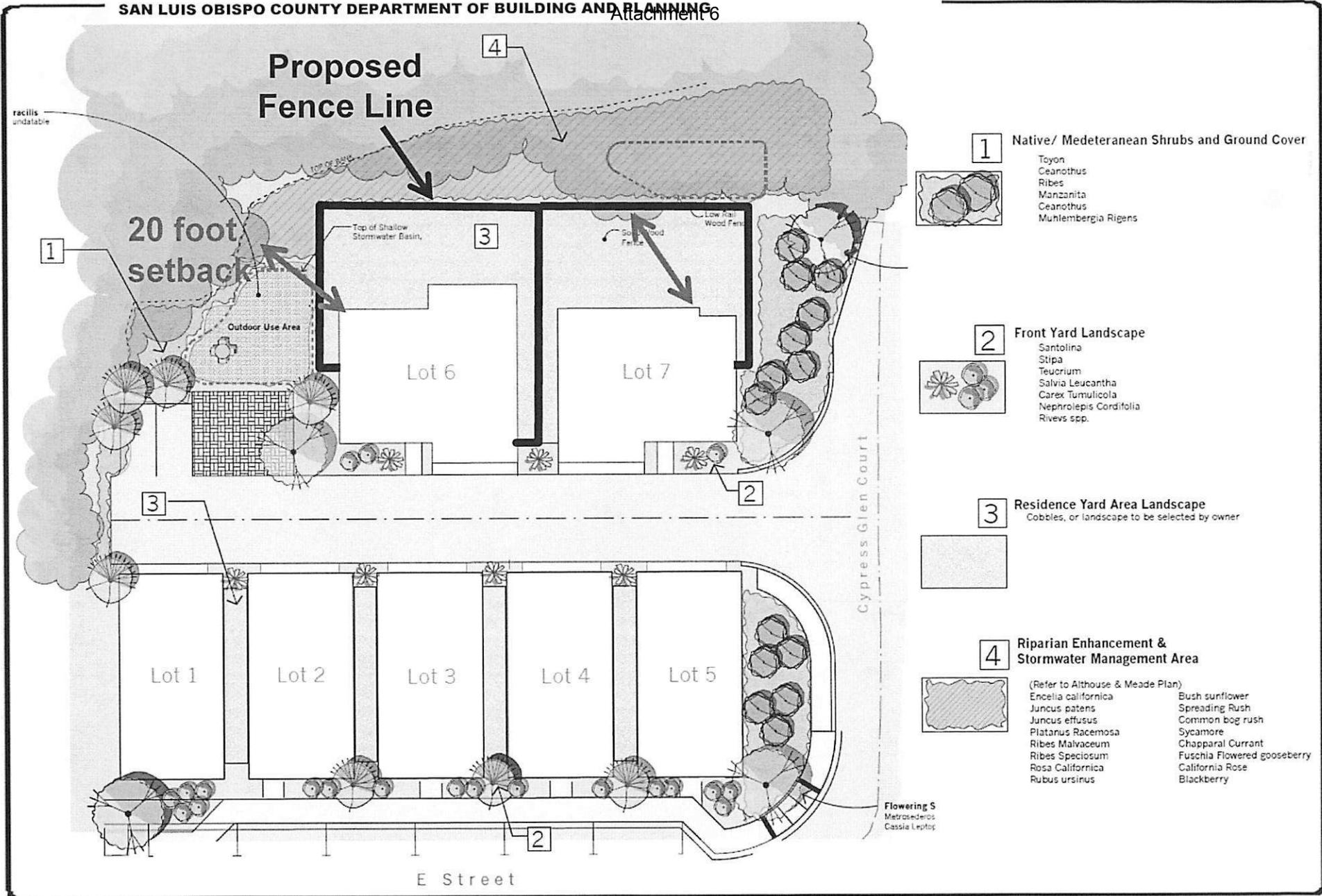


PROJECT Tentative Tract Map 7 Unit Single Family Detached / SUB2015-00001

**ATTACHMENT 8**

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

Attachment 6



**PROJECT**  
Tentative Tract Map  
7 Unit Single Family Detached / SUB2015-00001



**EXHIBIT**  
Landscaping Plan

## **ATTACHMENT 8**

### **Attachment 7**

Hello James,

I got a blue hearing card in the mail. File # SB2015-00001

I live adjacent to these 4 lots across "Little Cayucos Creek". North of the site. So I was concerned what was to be built on these 4 lots. I consulted the neighbors and they gave me the plan for 7 condos on the 4 lots. In which does not fit the neighborhood at all.

I would like to present this MAP I made and present it to the hearing on March 24th. Or present it to you now ? I do not know the procedure?

I did some checking and came up with my calculations, the proposed map is off measurement.

See attachment, the green part is the original 4 lots on top of the proposed development. The 4 lots are 50' x 150' that make a square 150' x 150' Lots #9, 13, 14, 15. The north side of the lot#9 is in the middle of Little Cayucos Creek, as you can see in the drawing. When I built a single family home on lots 7 and 8, you were to be 20' from the bank of the creek. Is this the same ordinance for building today? The building must be 20' from the bank or edge of the riparian growth? Also the plan it 161.5' (11.5" over the lot line of 150')

Also what upsets me is, that approx. one year ago, a tree trimming company came to these lots and started chipping willow trees near the creek's edge at 4:30PM. I thought at the time, boy these guys are getting a late start. Well the brush grinding continued to about 8:00 PM, it started to get dark about 1/2 hour they started, they kept trimming the willows until about 8PM. I remember eating dinner hearing this racket. Working with lamps to see what they were doing. Very odd. My wife, me and 2 daughters heard it all.

The next day I saw a few stakes in the creek with flourescent orange ribbons that got my attention and a clear view all the way through to E Street. One stake was in the center of the creek. This is the correct location for the edge of the lot line, as to the surveyor we hired back in 2007.

I learned the same builder built the 3 condos just east of the proposed condo project, lot #23, 26, 27 All 3 decks are right at the edge of the creek and when it floods the water laps against their decks at times. The creek is slowly filling in and runs underground most of the year, except winter rains. A long time neighbor, Jack Vaughn who has lived on D Street for 30 years, said they cut all the willows out before they built the 3 condos this builder did 10 years ago.

I rather see single family homes on these 4 lots. One home on the corner Merle Molinari built in the 60's a nice home that the relatives rent now. That home will be scraped. such a shame. Here I felt guilty building one home on 2 lots, Lot 8 is 100% creek bed and riparian grown for the birds and butterflies, the green area gives us oxygen to breathe. It would be a shame to see these lots turn into 7 condos and 14 cars, no yards, no free space. Also the builder will not live here to endure the close neighbors, all for the \$\$\$\$ and no feelings at all for the neighbors here already.

Thanks for your time reading this letter. Thank you. I have never done a protest on a building, in my life (57)

Sincerely,

## ATTACHMENT 8

### Attachment 7

Mr. Andrew 7 Martha Batty  
396 D Street  
Cayucos, CA 93430  
(805) 995-4809.

Residence of Cayucos since 1979.

[Hydrogen Garage](#)

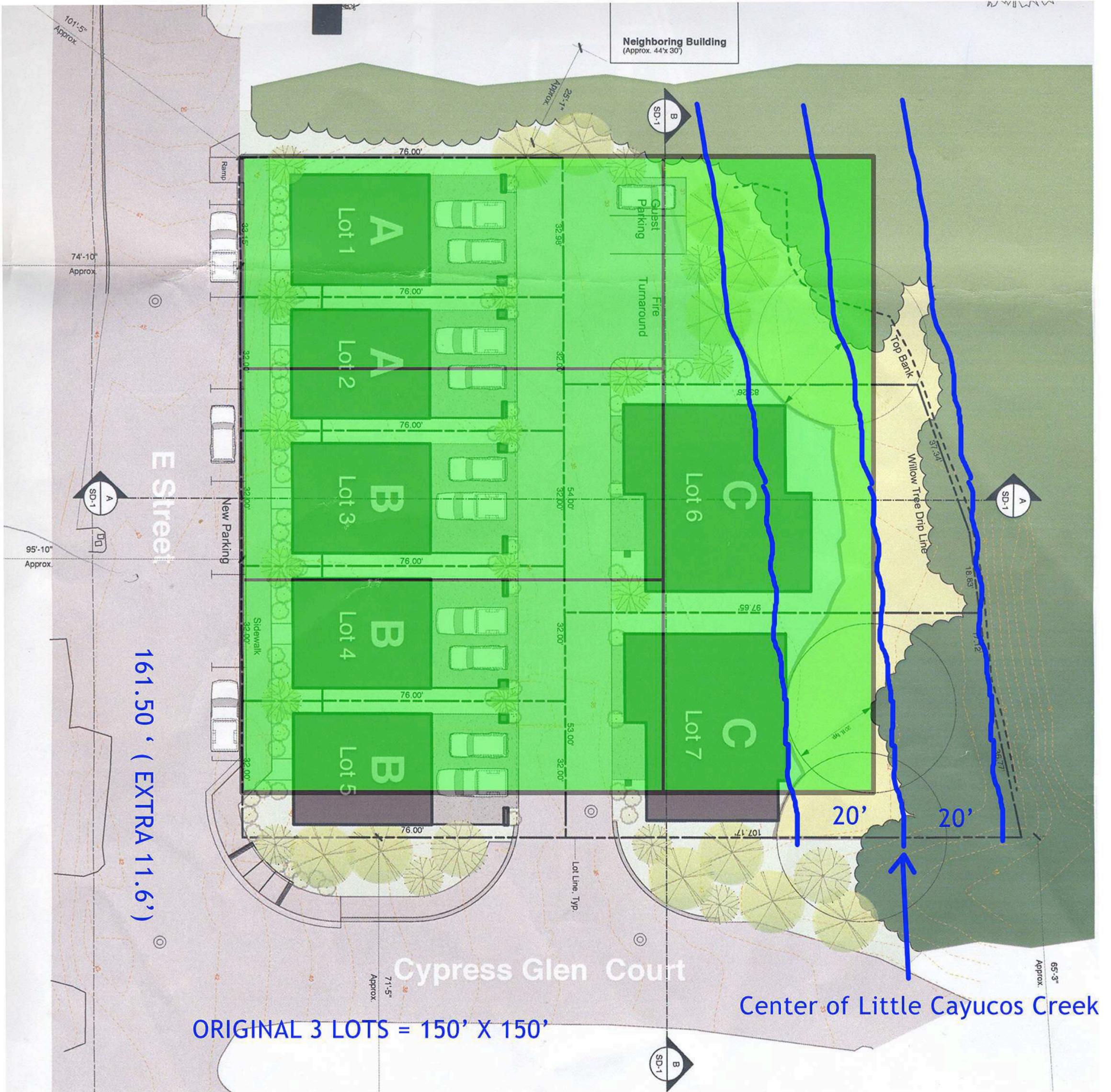
[HydrogenTrucker](#)

97 Ash Ave. #554

Cayucos, California • 93430 • USA

(805) 995-4809 • (805) 900-5295

(805) 801-2252 • PST (M-F) 9 to 5



**ATTACHMENT 8**

**Attachment 7**

February 27, 2016

James Caruso  
County of San Luis Obispo Planning & Building Dept  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

I am writing to express my opposition to the project as proposed at 399 E Street. The subdivision is completely out of character with the surrounding neighborhood. This project looks like something you would see in San Luis Obispo, not Cayucos.

The density is too high for the infrastructure - traffic, parking and noise impact are unacceptable and cannot be sufficiently mitigated, particularly since E Street and Cypress Glen Court are both dead end streets.

This project as proposed, without requiring the road to be moved to the true center of the roadway, gives an unfair financial advantage to the developer. It is not acceptable to essentially give land to the developer that truly belongs to the current adjoining homeowners; especially since the homeowners are asking for the road to be moved to the true center so they can use their land.

Lastly, the requirement that a private road provides access to no more than 5 houses should be upheld. Allowing an adjustment would definitely have an adverse affect upon the safety of the bicycle and pedestrian traffic of those residing in the neighborhood, and would be financially detrimental to my property since it is undesirable to live right across the street from the entrance to a subdivision.

I would not be opposed to a more appropriate lower density project.

Thank you for your time.

Sincerely,

  
Eileen

Eileen Roach  
24 Cypress Glen Ct.  
Cayucos, CA

**ATTACHMENT 8**

**Attachment 7**

February 27, 2016

James Caruso  
County of San Luis Obispo Planning & Building Dept  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

I am writing to express my opposition to the project as proposed at 399 E Street.

The density is too high for the infrastructure - traffic, parking and noise impact are unacceptable and cannot be sufficiently mitigated. This would increase the traffic in the area by over 100%.

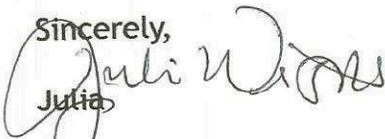
In addition, no wetland delineation for Little Cayucos Creek as been prepared for the project; without a wetland delineation, it is difficult, if not impossible, to determine the appropriate wetland setback.

Lastly, this project as proposed, without requiring the road to be moved to the true center of the roadway, gives an unfair financial advantage to the developer. It is not acceptable to essentially give land to the developer that truly belongs to the current adjoining homeowners.

I would not be opposed to a more appropriate lower density project.

Thank you for your time.

Sincerely,



Julia

Julia Wright  
2702 Santa Barbara  
Cayucos, CA

**ATTACHMENT 8**

Attachment 7

February 28, 2016

James Caruso  
County of San Luis Obispo Planning & Building Dept  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

I am writing to express my opposition to the project as proposed at 399 E Street.

The density is too high for the infrastructure - traffic, parking and noise impacts are unacceptable and cannot be sufficiently mitigated; especially with E Street and Cypress Glen Court which are both dead end streets. This large of an increase in traffic affects the safety of pedestrians and bicycles, disrupts the quiet enjoyment of our neighborhood, and decreases our property values.

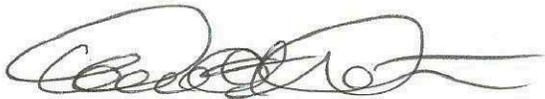
In addition, there is a blind hill going down E street where the road from berm to berm is only 23' wide, not 70'.

Lastly, there is no fire turn-a-round within the project that would actually work. How can this be acceptable?

I would not be opposed to a more appropriate, lower density project.

Thank you for your time.

Sincerely,



Dave

Dave Stevens  
186 E Street

Caruso

**ATTACHMENT 8**

Attachment 7

February 28, 2016

James Caruso  
County of San Luis Obispo Planning & Building Dept  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

I am writing to express my opposition to the project as proposed at 399 E Street.

I am very concerned about the impact to Little Cayucos Creek. It is important to protect our remaining creeks from this exact type of over development.

Another, just as important issue, is traffic. Already people taking their kids to school whip around E street and barrel down Ash... there will be potentially 28 more cars careening around the neighborhood several times each day. This is a quiet neighborhood where kids walk in groups to school and to downtown via Ash. This is not an acceptable level of increase in traffic for this neighborhood.

I would not be opposed to a more appropriate, lower density project.

Thank you for your time.

Sincerely,



Kate

Kate Stulberg  
23 Ash Ave.  
Cayucos, CA

**ATTACHMENT 8**

Attachment 7

February 28, 2016

James Caruso  
County of San Luis Obispo Planning & Building Dept  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

I am writing to express my opposition to the project as proposed at 399 E Street.

This project has a total of 4 lots, with one being unusable due to the creek. The developer should only be allowed to build 3 houses, 4 at most. Keep in mind that the reason this project is in Coastal Commission appeal area is due to Little Cayucos Creek, and while the rules may allow for more houses, the environment will be negatively impacted. We need to protect our environment including creeks.

I would not be opposed to a more appropriate, lower density project.

Thank you for your time.

Sincerely,



Brandi

Brandi Lykes  
P.O. Box 372  
Cayucos, CA

## **ATTACHMENT 8**

### **Attachment 7**

## **PINNACLE TRAFFIC ENGINEERING**

5662 Calle Real, #241  
Goleta, California 93117  
(805) 644-9260 • (831) 638-9260  
PinnacleTE.com

February 29, 2016

Jeff Edwards  
J.H. Edwards Company  
P.O. Box 6070  
Los Osos, CA 93412

RE: Cypress Glen Tentative Map (Tract 3074) Project; San Luis Obispo County, California  
Evaluation of Project Trip Generation and Access

Dear Mr. Edwards,

Pinnacle Traffic Engineering (PTE) is pleased to present the following material regarding the Cypress Glen Tentative Map (TM) project in the unincorporated Town of Cayucos in San Luis Obispo County. The project site is located on the west side of E Street south of Cypress Glen Court and currently occupied with one (1) single family detached dwelling unit (SFDU). The project includes removal of the existing dwelling and construction of seven (7) new SFDU. Each new SFDU will have a 2 car enclosed garage plus a carport for 2 additional vehicles. Primary access for the 7 SFDU will be provided via a private drive connection to Cypress Glen Court. The private drive will extend approximately 180' south of Cypress Glen Court. On-street parking will also be provided for six (6) vehicles along the project frontage of E Street. The project will construct roadway frontage improvements on E Street and Cypress Glen Court. A copy of the Cypress Glen TM is attached.

### Local Roadway Conditions

Cypress Glen Court is a private road that currently provides access for four (4) existing SFDU. Cypress Glen Court just west of E Street has an existing roadway width of approximately 17'. The Cypress Glen TM project will widen the south side of Cypress Glen Court by approximately 7'. Based on a review of the project plans, the proposed Cypress Glen Court widening improvements appear to comply with the County Public Works (2014) and Cal Fire (2014) minimum width standards.

A memorandum provided by the County Public Works Department (Oct. 13, 2015) indicates that the onsite access driveway for the Cypress Glen TM project shall be constructed to Cayucos Fire Department road standards. It is my understanding that the local fire department requirements defer to the Cal Fire standards. The Cal Fire standards indicate a minimum width of 24' is required for two-way traffic on a residential access road (2-10' lanes plus 2-2' shoulders). Based on the

Cal Fire standards, the Cypress Glen TM project’s private drive extending south of Cypress Glen Court may not classify as a driveway since it would technically serve more than one legal parcel and 3 dwelling units. Therefore, the proposed 22’ width for the project’s private drive may not comply with the Cal Fire standards. The Cal Fire standards also require a driveway exceeding 300’ and dead-end access roads to provide a turnaround area. A copy of the Cal Fire turnaround standards (bulbout and hammer head) are included with the Attachment Material. Even though 5 of the 7 lots associated with the Cypress Glen TM project have frontage on E Street, Cal Fire could require access to the west of side of these structures via the private drive. It is also noted that Cal Fire requires a 10’ horizontal “fuel modification” zone from the roadway edge. The Cal Fire standards illustrate the “vegetation clearance” requirements (included with Attachment Material), but do not indicate if the standards should also apply to structures. Based on my review of the project plans and Cal Fire Standards, it is unclear if the Cypress Glen TM project will comply with all Cal Fire Standards. Therefore, it is recommended that Cal Fire conduct a detailed review of the Cypress Glen TM project and proposed improvements.

Residential Trip Generation

The number of vehicle trips associated with the existing SFDU and 7 proposed SFDU have been estimated using the trip rate data in the Institute of Transportation Engineers (ITE) Trip Generation Manual (9<sup>th</sup> Edition). The ITE trip generation rates associated with the “Single-Family Detached Housing” category (ITE #210) are presented in Table 1.

Table 1 - ITE Trip Generation Rates

ITE Code - Land Use	Number of Vehicle Trips				Daily
	AM Peak Hr.		PM Peak Hr.		
	In	Out	In	Out	
#210 - Single Family Detached (a)	0.19	0.56	0.63	0.37	9.52

(a) Number of vehicle trips per residential dwelling unit

The trip generation estimates associated with the existing homes which currently have access on Cypress Glen Court and the project site SFDU (existing and proposed) are presented in Table 2.

The data in Table 2 indicates that the existing 4 homes with access on Cypress Glen Court currently generate approximately 38 daily trips (two-way trip ends), with 3 trips during the AM peak hour (1 inbound and 2 outbound) and 4 trips during the PM peak hour (3 inbound and 1 outbound). Development of the Cypress Glen TM Project will generate a total of approximately 66 daily trips, with a “net” increase of 56 daily trips. Since the existing SFDU on the project site (to be removed) currently has access on E Street the majority of new traffic associated with the proposed 7 SFDU will use Cypress Glen Court for access to and from E Street. As previously stated, the Cypress Glen TM project will provide a 2 car garage and a 2 vehicle carport for each new SFDU. Therefore, the ITE rates may under estimate the number of new vehicle trips associated with each SFDU and additional traffic generated on Cypress Glen Court.

Table 2 - Project Site Trip Generation Estimates

Project Components	Number of Vehicle Trips				
	AM Peak Hour		PM Peak Hour		Daily
	In	Out	In	Out	
Existing 4 SFDU (Access on Cypress Glen Ct.)	1	2	3	1	38
<u>Cypress Glen Project Site:</u>					
Existing SFDU (to be removed) -	0	1	1	0	10
Proposed 7 SFDU -	1	4	4	3	66
Project Site "Net" Increase (Prop. minus Ex.):	+1	+3	+3	+3	+56

Residential Traffic Volumes

The existing and existing plus project traffic volumes are illustrated on Figure 1 (included with Attachment Material). The daily traffic volumes associated with the existing homes having access on E Street (5 SFDU near the project site) are also included on Figure 1. The volume data on Figure 1 demonstrates that development of the Cypress Glen TM Project will almost triple the amount of daily traffic on Cypress Glen Court west of E Street (2.74 times existing). Based on information provided by your office, it is my understanding that your client would prefer that access for the lots fronting E Street be provided via direct driveway connections to E Street. This would minimize the amount of new traffic generated on Cypress Glen Court and maintain the current level of safety for existing pedestrian and bicycle traffic.

Access Evaluation

The evaluation of access includes a review of fire truck turning templates. Dimensions for local fire trucks were obtained from the Cayucos Fire Department. The department operates two (2) size trucks (23' and 29' long). The Cal Fire standards require that roadways be designed to facilitate the San Luis Obispo County Fire Department Fire Truck Design Template (copy included with the Attachment Material). The turning templates for the Cal Fire standard fire truck (length of 30'-4") were evaluated using the AutoCAD and AutoTURN software. The turning template maneuvers were performed for fire trucks accessing the project's private drive via E Street and Cypress Glen Court. At the southerly end of the project's private drive there is a designated "turnaround" area for emergency service vehicles. A turning template was also performed for a fire truck using the "turnaround" area. The fire truck turning templates are illustrated on Figure 2 (included with the Attachment Material).

The turning templates on Figure 2 demonstrate that a Cal Fire truck (design template) will be able to access the project's private driveway within the existing and proposed roadway widths. However, the designated "turnaround" area will not be adequate to accommodate the maneuvers associated with turning a fire truck around. Therefore, as previously stated it is unclear if the Cypress Glen TM Project will comply with all Cal Fire Standards. It also should be noted that the Cypress Glen R01R

**ATTACHMENT 8**

**Attachment 7**

Cypress Glen TM Project

Jeff Edwards  
February 29, 2016  
Page 4 of 4

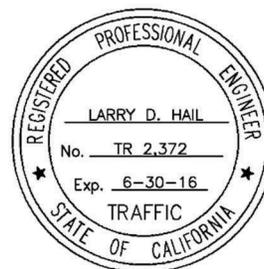
Cayucos Fire Department provided a turning template for a semi-truck (i.e. a moving truck), which demonstrated that a large truck would be able to access project’s private drive (copy attached). However, it will be difficult to back a large truck out of the project’s private drive and Cypress Glen Court which could create a public safety hazard to residencies living on Cypress Glen Court and E Street (vehicular, pedestrian, bicycle and emergency services traffic).

Please contact my office if you have any questions regarding the evaluation of trip generation or access for the Cypress Glen Project (Tract 3074).

Pinnacle Traffic Engineering



Larry D. Hail, CE, TE, PTOE  
President



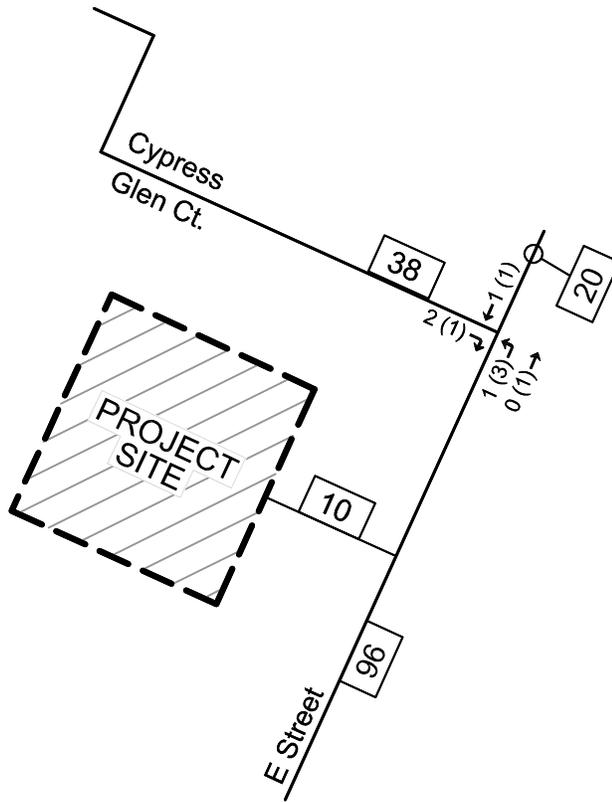
ldh:msw

- Attachment Material:
- Figure 1 - Traffic Volumes (Existing and Existing Plus Project)
  - Figure 2 - Fire Truck Turning Templates
  - Cypress Glen Project (Tract 3074) - Tentative Map
  - Cal Fire - Fire Truck Design Template (FS-3.2)
  - Cal Fire - Turnaround-Bulbout (FS-4)
  - Cal Fire - Turnaround-Hammerhead (FS-4.1)
  - Cal Fire - Vegetation Clearance Requirements (FS-5)
  - Semi-Truck Turning Template

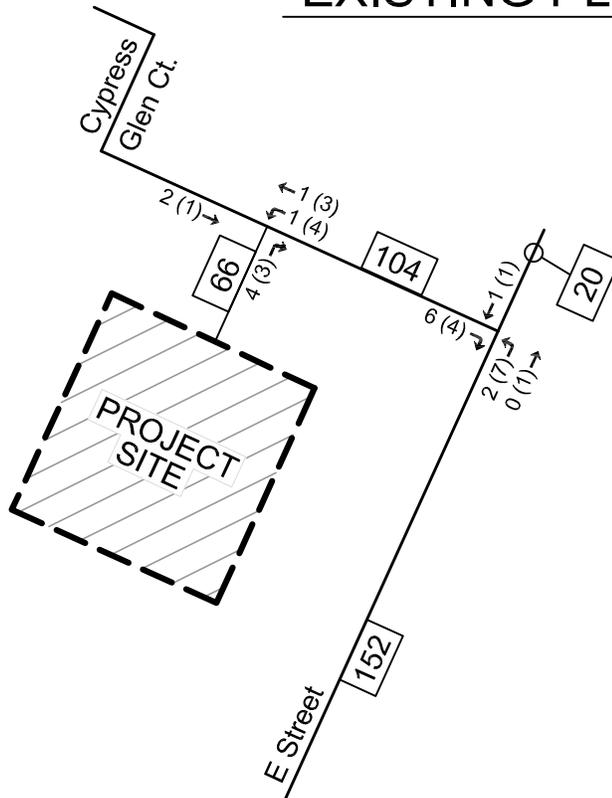
ATTACHMENT 8

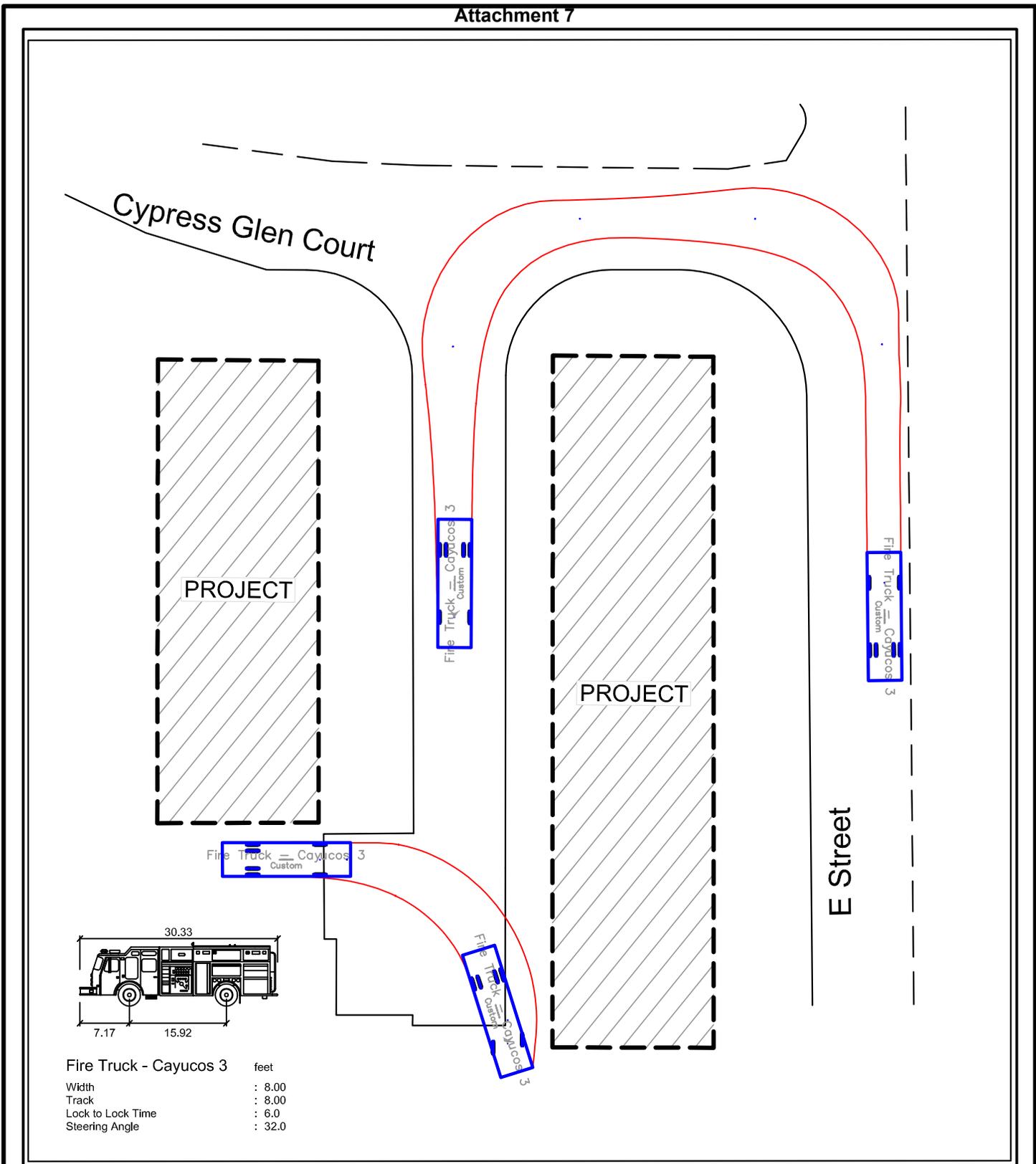
Attachment 7

"EXISTING"



"EXISTING PLUS PROJECT"



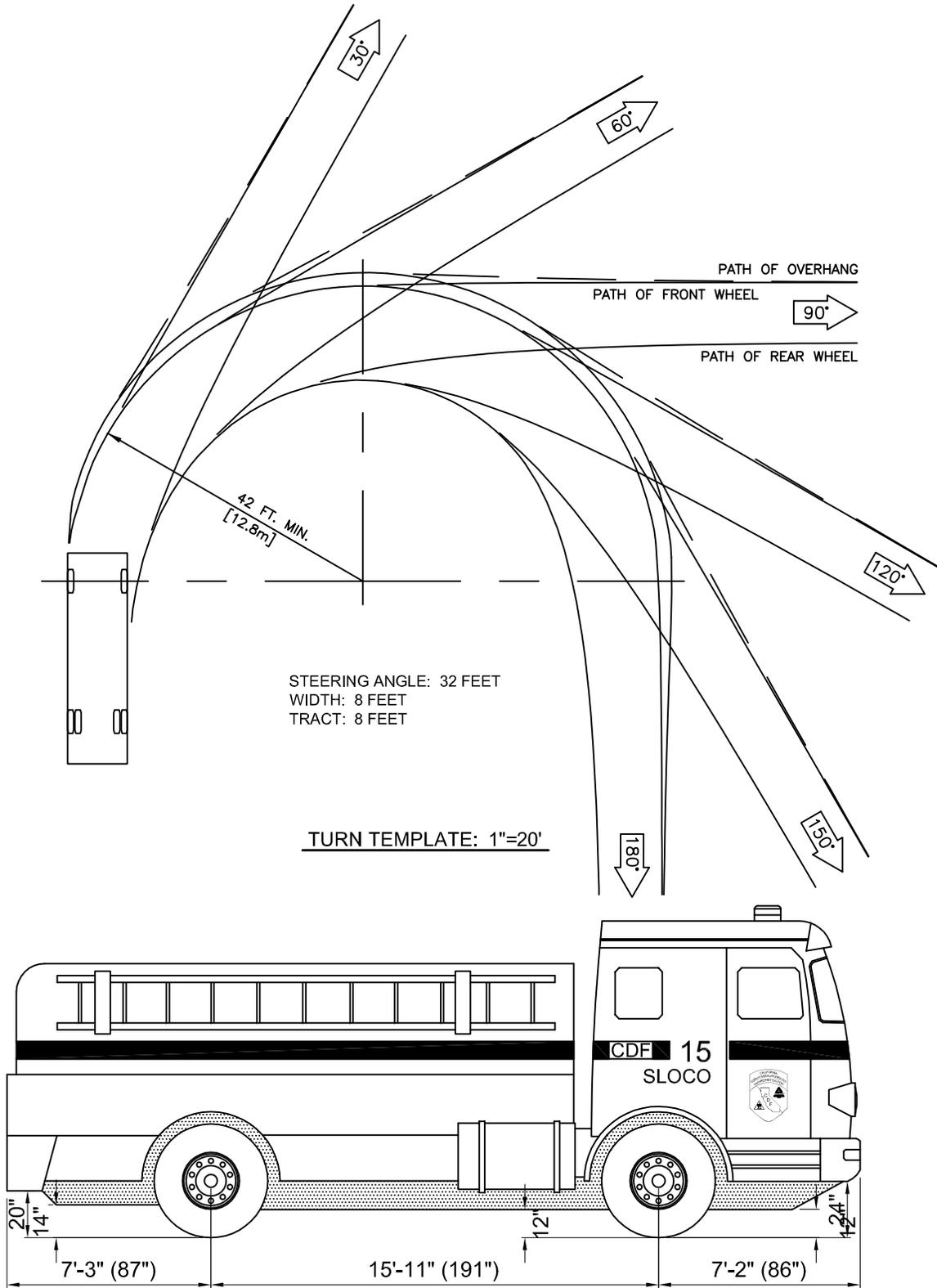




# ATTACHMENT 8

Revisions

Description	Approved	Attachment 1 Description	Approved	Date



SAN LUIS OBISPO COUNTY FIRE DEPARTMENT

## FIRE TRUCK DESIGN TEMPLATE

Page 16 of 20

147 of 221

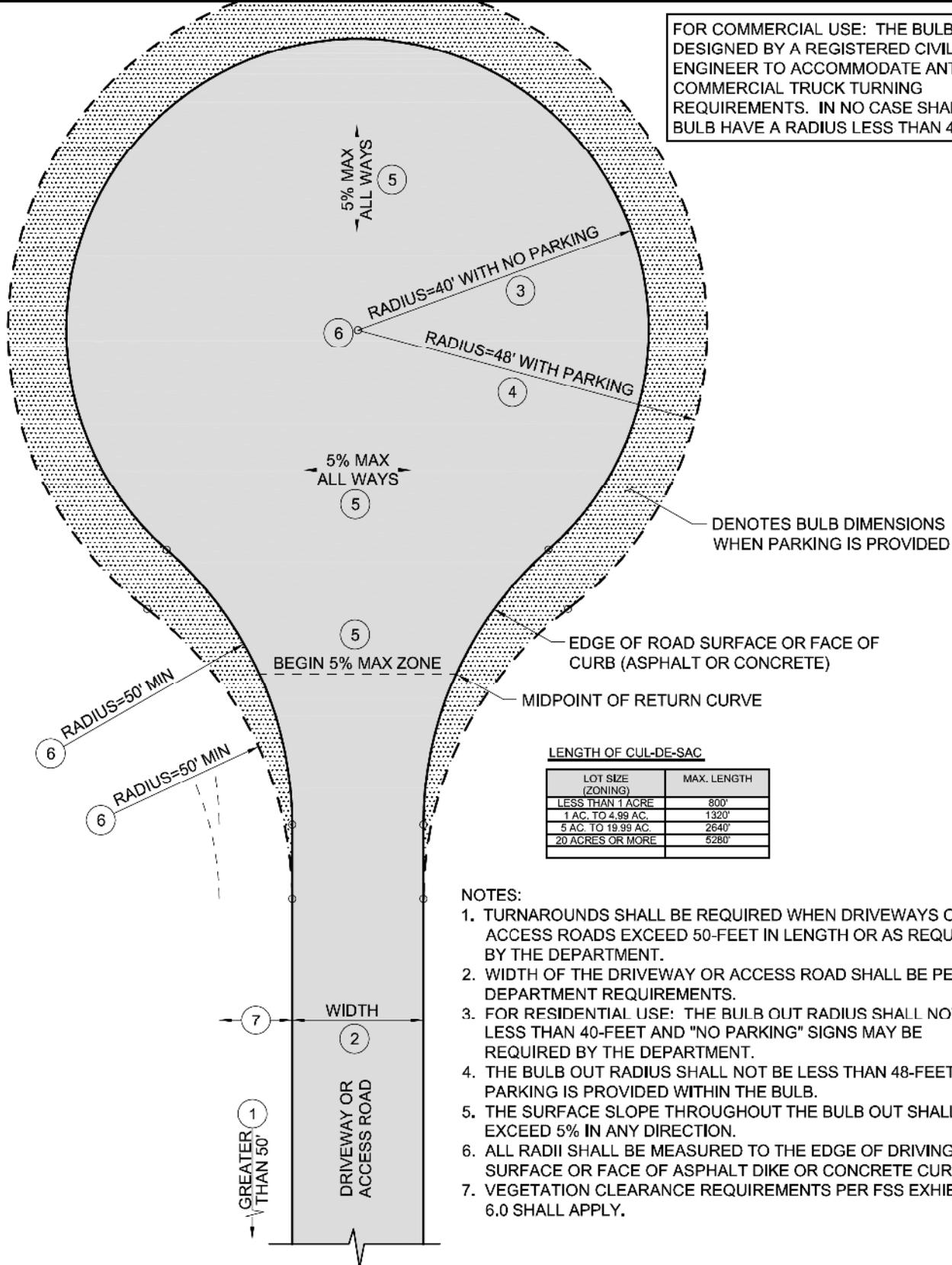
Scale: AS SHOWN	Adopted: AUG 2014
Fire Safe Drawing No: <b>FS-3.2</b>	
Sheet No:	3 OF 3

# ATTACHMENT 8

Revisions

Description	Approved	Attachment Description	Approved	Date

FOR COMMERCIAL USE: THE BULB SHALL BE DESIGNED BY A REGISTERED CIVIL ENGINEER TO ACCOMMODATE ANTICIPATED COMMERCIAL TRUCK TURNING REQUIREMENTS. IN NO CASE SHALL THE BULB HAVE A RADIUS LESS THAN 48-FEET.



**NOTES:**

1. TURNAROUNDS SHALL BE REQUIRED WHEN DRIVEWAYS OR ACCESS ROADS EXCEED 50-FEET IN LENGTH OR AS REQUIRED BY THE DEPARTMENT.
2. WIDTH OF THE DRIVEWAY OR ACCESS ROAD SHALL BE PER DEPARTMENT REQUIREMENTS.
3. FOR RESIDENTIAL USE: THE BULB OUT RADIUS SHALL NOT BE LESS THAN 40-FEET AND "NO PARKING" SIGNS MAY BE REQUIRED BY THE DEPARTMENT.
4. THE BULB OUT RADIUS SHALL NOT BE LESS THAN 48-FEET WHEN PARKING IS PROVIDED WITHIN THE BULB.
5. THE SURFACE SLOPE THROUGHOUT THE BULB OUT SHALL NOT EXCEED 5% IN ANY DIRECTION.
6. ALL RADII SHALL BE MEASURED TO THE EDGE OF DRIVING SURFACE OR FACE OF ASPHALT DIKE OR CONCRETE CURB.
7. VEGETATION CLEARANCE REQUIREMENTS PER FSS EXHIBIT No. 6.0 SHALL APPLY.



## SAN LUIS OBISPO COUNTY FIRE DEPARTMENT PRIVATE DRIVEWAY & ACCESS ROAD TURNAROUND BULBOUT

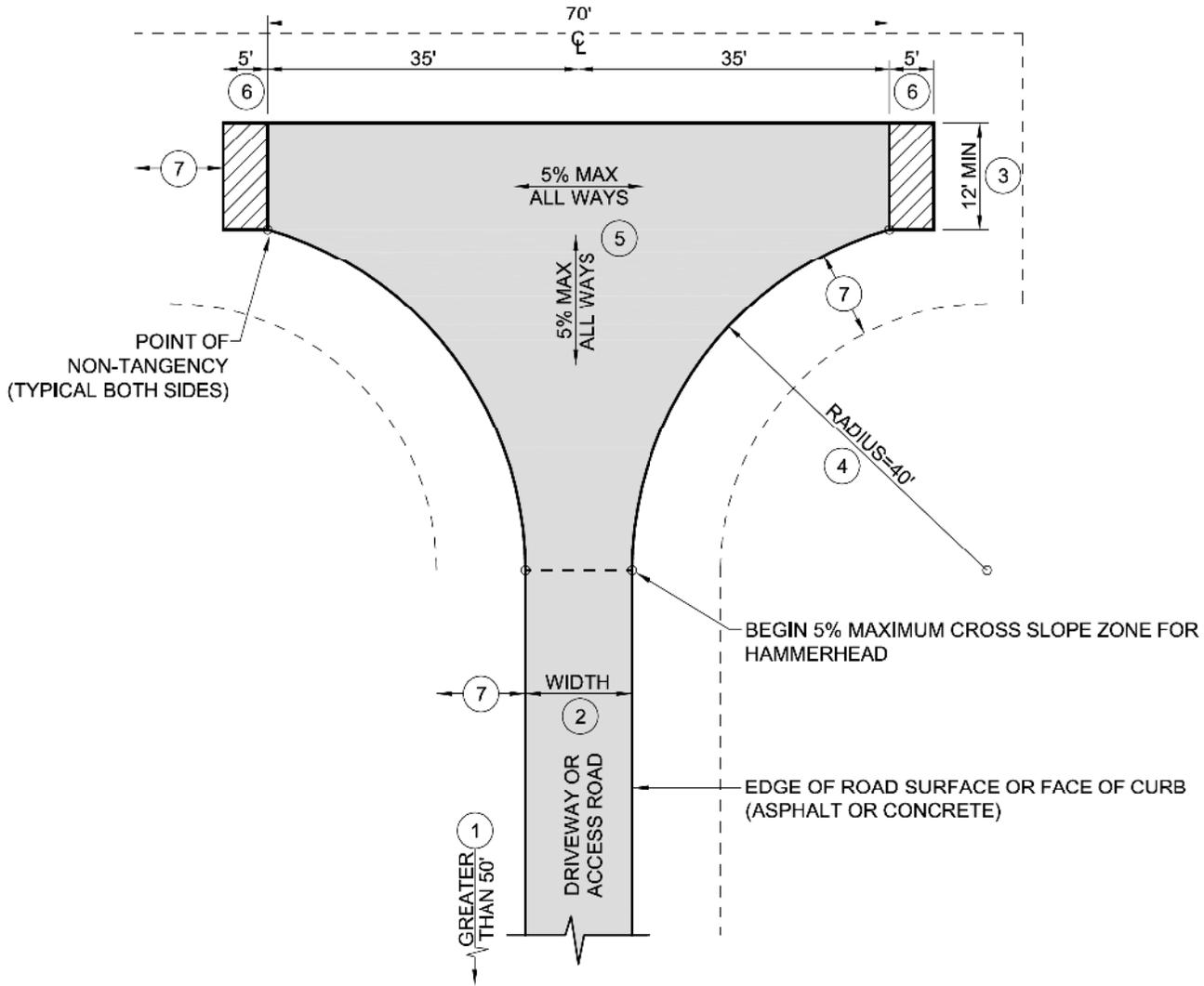
Scale: 1"=20'	Adopted: AUG 2014
Fire Safe Drawing No: <b>FS-4</b>	
Sheet No:	1 OF 3

# ATTACHMENT 8

Revisions

Description	Approved	Attachment Description	Approved	Date

COMMERCIAL USE: HAMMERHEADS SHALL NOT BE USED FOR COMMERCIAL PROJECTS



**NOTES:**

1. TURNAROUNDS SHALL BE REQUIRED WHEN DRIVEWAYS OR ACCESS ROADS EXCEED 50-FEET IN LENGTH OR AS REQUIRED BY THE DEPARTMENT.
2. WIDTH OF THE DRIVEWAY OR ACCESS ROAD SHALL BE PER DEPARTMENT REQUIREMENTS.
3. WIDTH SHALL BE WIDTH OF DRIVEWAY OR ACCESS ROAD BUT 12-FEET MINIMUM IS REQUIRED.
4. ALL RADII SHALL BE MEASURED TO THE EDGE OF DRIVING SURFACE OR FACE OF ASPHALT DIKE OR CONCRETE CURB.
5. MAXIMUM CROSS SLOPE THROUGHOUT THE TURNOUT SHALL NOT EXCEED 5% IN ANY DIRECTION.
6. OPTIONAL: VEHICLE OVERHANG LIMITS, DRIVING SURFACE IN THIS AREA IS NOT REQUIRED HOWEVER SURFACE SHALL BE CLEAR OF OBSTRUCTIONS AND HAVE A LEVEL SURFACE.
7. VEGETATION CLEARANCE REQUIREMENTS PER FSS EXHIBIT No. 6.0 SHALL APPLY.



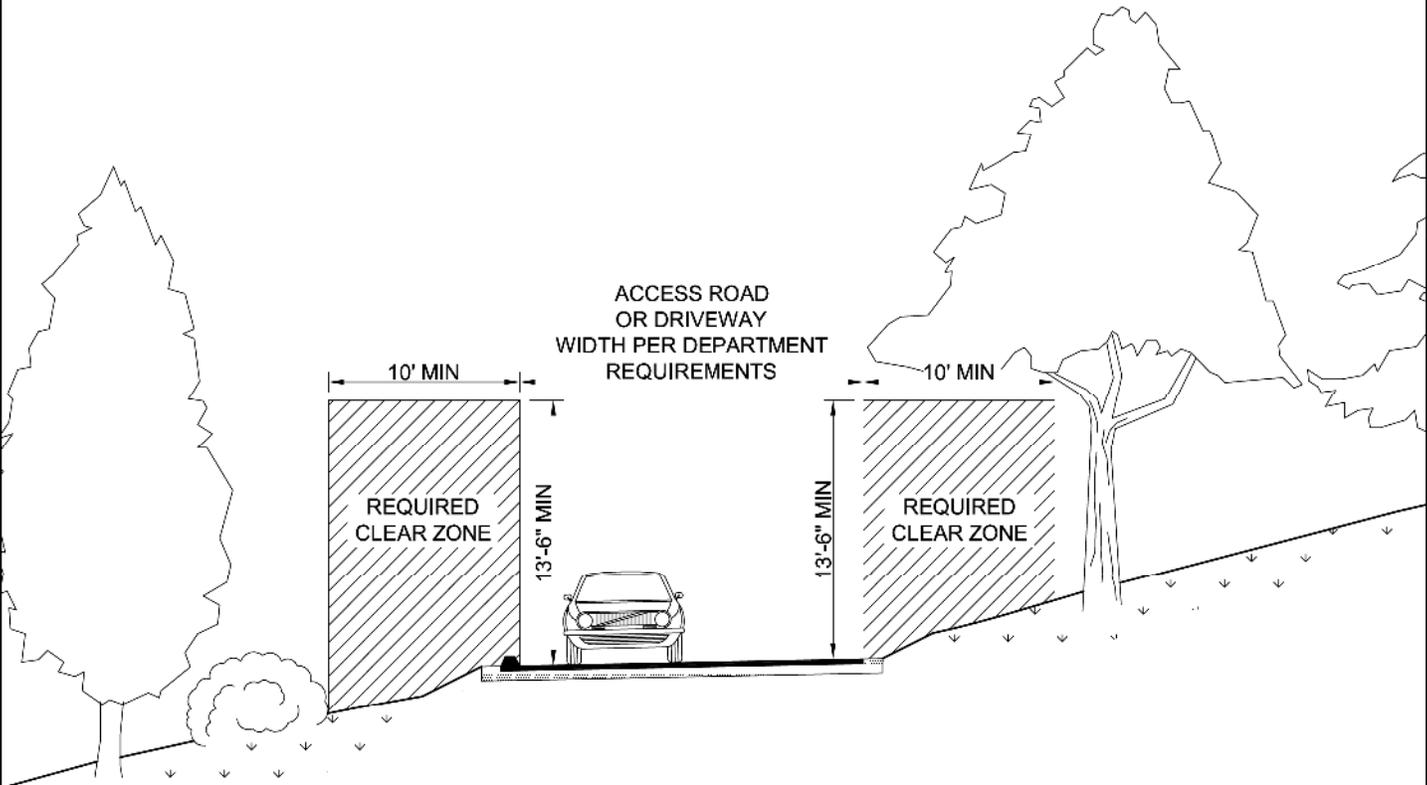
**SAN LUIS OBISPO COUNTY FIRE DEPARTMENT**  
**PRIVATE DRIVEWAY & ACCESS ROAD**  
**TURNAROUND-HAMMERHEAD**

Scale: 1"=20'	Adopted: AUG 2014
Fire Safe Drawing No: <b>FS-4.1</b>	
Sheet No:	2 OF 3

# ATTACHMENT 8

Revisions

Description	Approved	Description	Approved	Date



VERTICAL CLEARANCE TO FLAMMABLE VEGETATION:  
13'-6" MINIMUM ABOVE ROAD SURFACE

HORIZONTAL CLEARANCE TO FLAMMABLE VEGETATION:  
10' MINIMUM FROM EDGE OF ROADWAY

**NOTES:**

1. VEGETATION CLEARANCE REQUIREMENTS PER CALIFORNIA FIRE CODE, SECTION 902.2.2.1.
2. VEGETATION CLEARANCE ZONE APPLIES TO DRIVEWAYS, ACCESS ROADS, TURNOUTS, CUL-DE-SACS, HAMMERHEADS, AND ALL OTHER SITE ACCESS IMPROVEMENTS.
3. DRIVEWAY AND ACCESS ROAD WIDTHS SHALL BE PER DEPARTMENT REQUIREMENTS.



**SAN LUIS OBISPO COUNTY FIRE DEPARTMENT**

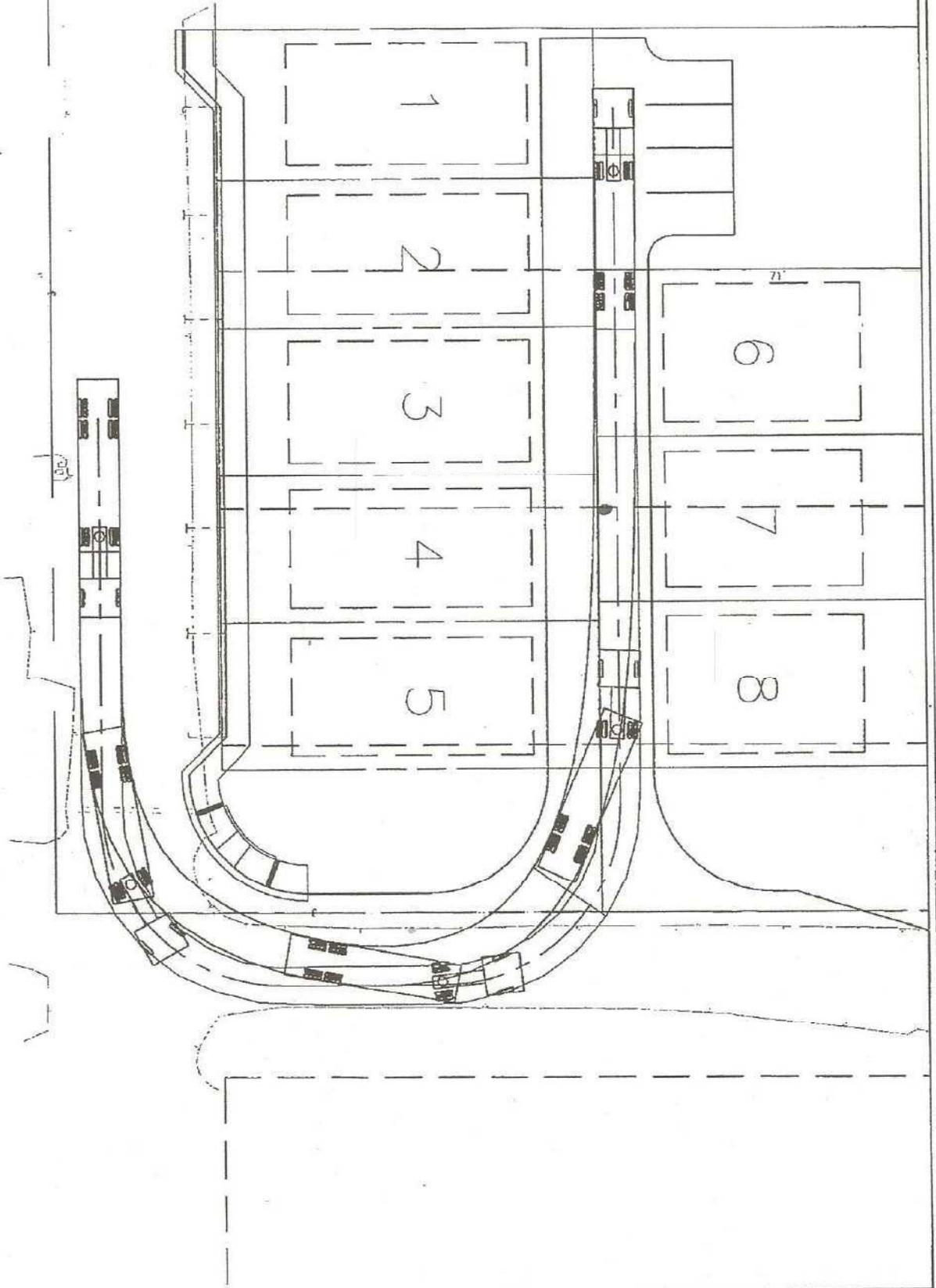
## VEGETATION CLEARANCE REQUIREMENTS

Page 19 of 20

**150 of 221**

Scale: 1"=10'	Adopted: AUG 2014
Fire Safe Drawing No: <b>FS-5</b>	
Sheet No:	1 OF 1

TRUCK TURN EXHIBIT



**ATTACHMENT 8**

CLERK OF THE  
PLANNING/BUILDING  
DEPT

March 17, 2016

2016 MAR 18 AM 9:27

Mr. James Caruso  
County of San Luis Obispo Planning & Building Dept.  
976 Osos St., Room 300  
San Luis Obispo, CA 93408

Dear Mr. Carusco,

I am writing this letter in support of Mr. Dan Lloyd's proposed project for 399 E Street in Cayucos, CA. I am a Cayucos resident and not a business associate of Mr. Lloyd's.

I believe Mr. Lloyd's proposal of building seven single-family residences would be a welcomed addition to the surrounding neighborhood, as opposed to multi-family rental buildings. The neighborhood is a mixture of single-family homes along with a huge storage garage for school buses on E street. Single-family residences would be attractive for the area. I have seen the drawings for the houses and find that they are aesthetically designed with a craftsman bungalow look which would be a good look for that location. And, there seemed to be a concern for the total appearance of the neighborhood – in that the houses did not have a "cookie cutter" look and were very much individual in design, while being compatible. Placing the garages in the rears of the houses which would face E Street is a clever idea because it beautifies the visual appearance of the houses from the street view since passersbys don't have to look at garages and cars parked in driveways. I also liked the addition of the extra parking spaces along E Street which are recessed back from the street and looked very useable while being attractive, instead of having cars randomly parked every which way in the neighborhood. Having the electrical and telephone lines underground would also improve the appearance of the neighborhood.

In conclusion, I am wholeheartedly supporting Mr. Lloyd's proposed project for 339 E Street. In my opinion, these thoughtfully designed single-family homes will benefit the neighborhood along with all the parking considerations.

Sincerely,

Anonymous neighbor

P.S. I chose to sign as "Anonymous" because I have friends on both sides of this issue and I want to keep them as my friends. Thank you for your consideration.

**ATTACHMENT 8**

Kathleen Oliver

24 Cypress Glen Ct. Cayucos CA 93430

805 710-1031

James Caruso, Senior Planner

San Luis Obispo Co Dept. of Planning and Building

796 Osos St. Room 200, San Luis Obispo 93408

Re: Campbell-Sheppard Tract Map ED15-063 SUB 2015-00001

Dear Mr. Caruso,

I have examined the preliminary staff report for the above project and note 2 exceptions:

a) The project size is almost exactly the same (29,820 vs 30,000) as neighboring project DRC2015-00022 on Birch Stet which was appealed to the Costal Commission and approved by both bodies with 3 houses vs the proposed 7 houses on the above Tract. The precedent was established with both your commission and the planning commission by the Birch Street project. This proposal is 4 houses above that precedent. I request that you recommend reduction of the number of residences in the proposed application to match precedent.

b) The biological report for the above Tract Map concludes that there is no suitable aggregation site for the monarch butterfly within the area although one was found approx. 400 ft. downstream in Little Cayucos Creek. However, page 12-13 of the costal commission report (attached) for the adjunct Birch St project declared that aggregation area as a **substantial issue** because overwintering habitat is rare and important to the butterfly ecosystem. It said that this historic overwintering site has been subject to the pressure of development and is degraded. I believe that these findings would be applied to the current proposal by the costal commission upon appeal.

Please consider my exceptions in your final report.

Sincerely,



Kathleen Oliver

0-11-10 10:00 AM (continued from page 10)

to be held in accordance with the provisions of the Act. The Board shall have the authority to suspend or terminate the license of any person who is found to be in violation of the provisions of the Act. The Board shall also have the authority to impose any penalty provided for in the Act.

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by CZLUO 23.07.174.d.2 (i); or that the adjustment is necessary to allow a principal permitted use of the property CZLUO 23.07.174.d.2 (iii). Therefore, a substantial issue is raised with respect to conformance with the CZLUO riparian setback adjustment requirements. Finally, as discussed in more detail in the de novo findings (incorporated herein by reference), it appears that there are alternative routes and project designs that would provide for a principally permitted use and that would better protect riparian ESHA on the site. Therefore, the project raises substantial issues with respect to LCP policies and standards that protect riparian ESHAs.

### **Monarch Butterfly Habitat**

Monarch butterfly habitat is located on Lots 3 & 4 of the site and directly adjacent to the project site. It is comprised of several large eucalyptus and cypress trees that are a component of the riparian habitat discussed above. Although Monarchs are not globally threatened their range is restricted in California. Monarch overwintering habitat is listed at a G4S3 level in the California Natural Diversity Database (CNDDDB) maintained by the Department of Fish and Game. The S3 designation is defined as “restricted range, rare” habitat area statewide; further defined as 3,000 – 10,000 individuals or 10,000 – 50,000 acres of occupied habitat (DFG, 2006). Further, in 1984, the International Union for Conservation of Nature and Natural Resources classified the Monarch migration and the overwintering behavior of the Monarch butterfly a “threatened phenomenon.”

Monarch experts are increasingly concerned about the impacts of development and changing ecosystem dynamics on historic overwintering sites. Many formally large sites have slowly deteriorated due to a lack of protection from human influences. Monarchs have highly specific habitat requirements that include the need for wind-protection, buffered temperatures, high humidity, filtered sunlight, proximity to water and nectar sources and habitat heterogeneity (Bell, 2002). These specific requirements make Monarch habitat extremely sensitive to human induced habitat alterations.

Monarch butterfly overwintering habitat in California is listed as “rare” by the CNDDDB and it is important to the ecosystem because it provides important feeding and resting opportunities for butterflies during a migratory stage of their life cycle. In addition, the habitat is documented to be extremely sensitive to disturbance or degradation caused by human activities and development. Monarch habitat meets the general LCP definition of ESHA. The Commission also has generally protected significant Monarch sites as ESHA. Further discussion of Monarch habitat as ESHA can be found in the de novo findings below (incorporated herein by reference).

The historic overwintering site adjacent to the proposed project site has been subject to the pressures of development and, because of inadequate protection for the habitat in the past, is degraded. In past years new residential developments have removed trees from along the outer grove boundary, altering the wind dynamics and thus disturbing the microclimate that the overwintering Monarchs had previously relied on. Before these developments, populations ranged from 20,000 to 60,000 butterflies per season, placing the site among the largest in California. The population has significantly declined due to these human activities. In 2002, Dr. Kingston Leong, a Monarch specialist and professor of biology at California Polytechnic, State University, conducted a study of the site and obtained data that showed



10-10-2014 10:10:10 AM



that the site, while no longer suitable as an overwintering site, was still a valuable site for autumnal Monarch roosting. Richard Little, a consulting project biologist and Monarch expert, reviewed Dr. Leong's study and concurred that "the site is still used by Monarchs and should be protected (Little, 2003)."

Based on biologist recommendations a sufficient setback that protects the driplines of the habitat trees and the surrounding ecosystem is necessary for Monarch protection. The approved project allows development within 10 ft of the dripline of the largest eucalyptus tree, based on an adjustment of the minimum setback of 20 feet for this riparian area. This minimal setback endangers the ESHA and is inconsistent with LCP policies that are intended to protect terrestrial habitat and therefore raises a substantial issue.

### 3. Substantial Issue Conclusion

As discussed above, the project as proposed raises substantial issue concerning compliance with the LCP policies and standards to protect riparian and other ESHA resources. As approved, it allows a riparian setback adjustment without the proper findings and lacks adequate protection of Monarch habitat by allowing insufficient buffers. The Commission finds that the proposed project **raises substantial issue** because it lacks provisions to ensure there will be no significant impact on ESHA at the project site. Further, as detailed above, the project as approved lacks adequate protection measures for the ESHA located on and adjacent to the project site and is inconsistent with the specific policies applicable to these areas requiring setbacks. Lack of adequate setbacks could result in the further degradation and disturbance of the site.

## VI. De Novo Findings and Declarations

Because the Commission has found that the project raises a substantial issue with respect to conformance with the certified LCP, the California Coastal Commission takes jurisdiction over the coastal development permit for the proposed project. The standard of review remains the certified LCP and the public access policies of the Coastal Act.

### A. Project Location and Description

SLO Land Corporation applied to the County for a Minor Use Permit/Coastal Development Permit to allow the construction of three new two-story single family residences on four legal parcels (APN(s) 064-112-020 & 064-112-021). The project site is located in the town of Cayucos, west of Highway 1 in San Luis Obispo County, adjacent to and south of Little Cayucos Creek. The project included: a 2,656 sq ft single family residence with a 550 sq ft garage on merged Lots 3 & 4<sup>1</sup>; a 2965 sq ft single family residence with a 528 sq ft garage on Lot 5; a 3102 sq ft single family residence with a 540 sq ft garage on Lot 6; access improvements on Birch Ave; grading with a total disturbance area of 15,691 sq ft and

---

<sup>1</sup> Lots 3 & 4 were merged by a voluntary merger document on March 5, 2005 (Exhibit N).



## **ATTACHMENT 8**

**J. H. EDWARDS COMPANY**  
A REAL PROPERTY CONCERN  
*Specializing in Water Neutral Development*

March 18, 2016

San Luis Obispo County Planning and Building Department  
County Government Center, Room 200  
San Luis Obispo, CA 93408  
Attention: Planning Commission

RE: CAMPBELL-SHEPPA/DANIEL R. LLOYD for a Vesting Tentative Tract Map  
(Tract 3074) and Development Plan/Coastal Development Permit

Dear Chairman and Commissioners,

By way of introduction, my name is Jeff Edwards and my firm represents two neighbors of the above referenced proposed development. My clients reside on Cypress Glen Court and oppose the project as currently configured. They reside at 24 Cypress Glen Court and 401 E Street on the northwest corner of E Street and Cypress Glen Court. They are the Roach and Main families respectively. These families are likely the most affected neighbors by the proposed project during construction and following completion.

On their behalf, I have reviewed the staff report for the project and wish to share with the Commission their concerns and requests in an effort to strike a balance between the rights of existing homeowners and the applicant. If the neighbor requests are incorporated into the conditions of a project approval by your Commission, my clients would withdraw their opposition to the project.

In general, the concerns fall into the following categories:

- a. Traffic and circulation (triple dead end/induced traffic)
- b. Noise and Safety
- c. Future improvements to Cypress Glen Court (realign to true centerline)
- d. Mass and Scale (project design)
- e. Little Cayucos Creek Setback (no yards in setback)
- f. Overall neighborhood compatibility (blends in or sticks out?)
- g. Reduction in property values
- h. Diminution of quiet enjoyment
- i. Significant grading and land form alteration

In summary, the above referenced concerns may be addressed with the following action:

1. Allow only two (2) homes within Tract 3074 to gain access via Cypress Glen Court.

P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 [jhedwardscompany@gmail.com](mailto:jhedwardscompany@gmail.com)  
ACQUISITION    MARKETING    LAND USE    REDEVELOPMENT

## **ATTACHMENT 8**

### **J. H. EDWARDS COMPANY**

**A REAL PROPERTY CONCERN**

*Specializing in Water Neutral Development*

2. Condition improvements to be made to Cypress Glen Court that would realign the new roadway to the true centerline of the 70' wide right-of-way.
3. Ensure no parking or driveway blockage impacts on neighbors from subcontractors during all phases of construction.
4. Two-story maximum (i.e. no 3-story structures).
5. No portion of yard area to be within 20 ft. wetland setback. Please note typical riparian setback in urban area is 50 ft. The entire riparian area and setback should be included in the open-space parcel with only allowed uses to be permitted.
6. Require amended easement and road maintenance agreement including all parcels to be served by Cypress Glen Court.

Please consider an important procedural matter that poses the question, of whether, or not, this application is properly before this Commission. The Real Property Division Ordinance (RPDO) under Section 21.03.010 (d) (7) which expressly limits the use of a private easement to serve no more than five (5) parcels at full build out. Cypress Glen Court is a private easement and presently provides access to four (4) parcels. The proposed project intends to use Cypress Glen Court exclusively for all access (residential and emergency vehicle) adding seven (7) new parcels to a private driveway. Please see the Pinnacle Traffic Engineering letter dated February 29, 2016, Attachment 7, page 11 of 20, Table 2-Project Site Trip Generation Estimates. As such, the proposal before you is inconsistent with the applicable section of the RPDO.

An applicant may request an adjustment to the above referenced RPDO section in accordance with Section 21.03.020. However, the applicant has failed to conform to the provisions of the section in two important ways. One, Section 21.03.020 (a) authorizes your Commission to consider Adjustments "in cases where an undue hardship would result from the application of the regulation established in this title, ..." To date, the applicant has not made a showing of undue hardship or in any way demonstrated or even addressed a hardship. Secondly, and more perplexing is the fact that Subsection (b) requires "Requests for adjustment to the standards set forth in Section 21.03.010 of this title shall be submitted in writing to the planning department at the time the applicant submits the application for land division." The application was filed in July of 2015 and the applicant submitted the response to the deficiency is dated February 8, 2016. The most problematic aspect of this is that when the primary public discourse occurred for this proposal before the Cayucos Community Advisory Council (CCAC) in late 2015, the inconsistency with Section 23.030.010 was not known and consequently, neither CCAC nor the public had any opportunity to comment on the inconsistency with the RPDO or the adjustment that is required. The most appropriate remedy is to send the application back to CCAC for further consideration. Since CCAC did not take an action when the

## **ATTACHMENT 8**

### **J. H. EDWARDS COMPANY**

A REAL PROPERTY CONCERN  
*Specializing in Water Neutral Development*

matter was considered in December, continuing the Planning Commission hearing would allow the entire project to be more fully vetted by the public on all of the salient issues.

Neither staff nor this commission is responsible or obligated to address the inconsistency with the RPDO, the applicant must perform and make the case in accordance with all applicable sections of the RPDO, and to date has failed to do so. Until the applicant makes the case for an “undue hardship”, I submit it is premature for your Commission to consider the required findings that must be made pursuant to Section 21.03.020 (c) (1) (2) (3). The applicant did submit proposed findings on February 8, 2016 as referenced above and included in the staff report as Attachment 5. Unfortunately, the suggested findings are superficial at best and appear to make the case that any benefits from more unrequired parking on E Street outweigh the significant impacts to the neighbor’s quiet enjoyment from increased vehicular traffic nearly three (3) times current conditions. Creative site design and planning should not be realized at the expense of the existing residential neighborhood. My clients strongly object to the applicant prepared findings in connection with Section 21.03.010 that have been incorporated into Exhibit C, Tract Map Findings J., K. and L by staff as shown in Attachment 3.

Please see the following proposed modifications to the findings conditions to address General Plan, Local Coastal Plan and CEQA issues that are outstanding and inconsistencies.

**Exhibit A** shown as Attachment 1 in the staff report for Development Plan/CDP Findings.

My clients disagree with a number of the findings, however particular exception is taken to findings D., E. and F. The use of Cypress Glen Court to serve the entire project will likely “be detrimental to the health, safety or welfare” of persons residing in the neighborhood and particularly those on Cypress Glen Court. Please see Attachment 7, a letter from a traffic engineer discussing the traffic and circulation limitations of the proposed project. Furthermore, the design of the project, specifically the homes fronting E Street, have garages and tandem carports facing my client’s property in a three-story configuration. The location of the garages induces the unwanted traffic and creates a visual appearance of the proposed project that is clearly inconsistent with the existing predominately single-family residential neighborhood.

**Exhibit B** shown as Attachment 2 in the staff report for Development Plan/CDP Conditions of Approval.

Condition 2. Require final site plans to remove any unpermitted uses within the Little Cayucos Creek setback areas such as private yards, storage areas or parking.

Condition 8. Appears to be an impossible condition to satisfy in that my clients refuse to provide the needed modification to accommodate the project as proposed.

## **ATTACHMENT 8**

**J. H. EDWARDS COMPANY**  
A REAL PROPERTY CONCERN  
*Specializing in Water Neutral Development*

Condition 63. (b.) Request language be added requiring Cypress Glen Court to be constructed along the true centerline of the right-of-way

Please add a condition to limit all structures to two-story.

**Exhibit C** shown as Attachment 3 in the staff report for Tentative Tract Map Findings.

As stated above, particular exception is taken to findings J., K. and L. as provided by the applicant. The applicant makes a number of conclusionary statements in his proposed findings, however they are not substantiated with any traffic analysis or expert opinion. For example, it is common sense, that taking access to the parcels in the project fronting E Street would be safe considering E Street has limited traffic being a dead end road. This assertion would have merit if access were taken from a collector or arterial road, which is not the case. Also, how important is providing excess on-street parking along E Street when the cost is an inordinate amount of traffic, noise and disruption of my clients' quiet enjoyment of their property. Overall the proposed findings are either irrelevant or lack a factual basis to make such a claim. I respectfully request that your Commission reject these findings on their face.

**Exhibit D** shown as Attachment 4 in the staff report for Tentative Tract Map Conditions of Approval.

Condition 2 (b.) Request road improvements to be made to Cypress Glen Court follow the true centerline of the right-of-way.

Please add a condition to limit access to the project from Cypress Glen Court to two (2) single-family residences.

On behalf of my clients, I respectfully request a continuance of the hearing for the proposal before you until several key issues can be addressed.

1. Properly address RPDO Section 21.03.010.
2. Determine the legal ramifications of securing proper easements for access and the right to use Cypress Glen Court and to what extent by the proposed project.
3. Confirm locations of edge of riparian vegetation and resulting setback and verify the applicant's ability to remove any unpermitted uses within the setback area.
4. Re-refer the proposal to the CCAC for further review and a decision.
5. Verify with Cal Fire, the appropriate requirements for the project. It appears the local Cayucos Fire Department may not have reviewed the project in sufficient detail and/or had the benefit of understanding all of the applicable requirements.

## **ATTACHMENT 8**

### **J. H. EDWARDS COMPANY**

**A REAL PROPERTY CONCERN**

*Specializing in Water Neutral Development*

In conclusion, one of the fundamental precepts of the planned development regulations is to achieve “compatibility with land uses on adjoining properties” in allowing flexible and creative designs of projects. I respectfully submit, the current proposal has requested the attendant flexibility, however has failed to demonstrate how neighborhood compatibility has been achieved. Quite to the contrary, the proposal as presented does not blend in with the residential surroundings and has concentrated vehicle traffic in a manner that especially burdens my clients. Please continue the matter following public testimony and direct staff to review the points raised in this letter and other issues as your Commission deems appropriate.

Sincerely,

Jeff Edwards

c- Eileen Roach  
Kevin and Kathi Main

## ATTACHMENT 8

Mr. James Caruso  
Senior Planner  
County of San Luis Obispo

March 19, 2016

Dear James:

I'm writing to add my name to the list of local Cayucos residents in favor of the proposed Cypress Glen development.

My wife, two boys and I moved to town two years ago. We have been renting (63 Pacific Avenue) while looking for housing to buy. Our preference is to purchase something near the downtown area. So far, the options have been limited. Currently there is only one property for sale in the downtown area for under \$1 million -- a \$925,000 teardown on Ash.

I have attended the community hearings about the development and am encouraged by what I've learned to-date. I especially like the location and overall design of this development, the fact that it will be single-family homes instead of apartments, as well as the open space and creek restoration efforts.

I think it's important that the county and our community support developments of this type to encourage more families and full-time residents to move and remain here. Cayucos is a special place, and the county and town have done a good job of supporting developments that fit and enhance the unique character here. It's why we moved here in the first place and why we plan to stay.

Thank you in advance for taking my views into consideration.

Sincerely,

Franz Wisner  
63 Pacific Avenue  
Cayucos, CA 93430  
[frwisner@yahoo.com](mailto:frwisner@yahoo.com)

## ATTACHMENT 8



**Fw: Development of 399 E Street, Cayucos CA**  
**James Caruso** to: Ramona Hedges

03/21/2016 08:17 AM

Ramona:

For Item 4 on March 24th

James Caruso  
San Luis Obispo County  
Department of Planning and Building  
Senior Planner  
(805) 781-5702  
www.sloplanning.org

----- Forwarded by James Caruso/Planning/COSLO on 03/21/2016 08:16 AM -----

From: James Cromis <bluecromison@yahoo.com>  
To: "jcaruso@co.slo.ca.us" <jcaruso@co.slo.ca.us>  
Date: 03/21/2016 08:11 AM  
Subject: Development of 399 E Street, Cayucos CA

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Hello Mr. Caruso,

My name is James Cromis and I am a 10 year year long resident at 321 E street in Cayucos. This home of mine is the property directly west of the proposed 7 building, 3 story development at 399 E street. That being said, I am writing this evening to plead with you to consider the diminutization or outright decommissioning of this proposal. There are larger questions that this kind of development raises, much larger than simply the code or legality of the matter. How much of our character-as one of the last quaint beachtowns in this state; is being destroyed by this kind of precedent? Is it fitting to add 7 buildings to a dead end street that hardly has 7 homes in this part of the community already? I would like to also point out a sacred place in my heart: which is the unimaginable beauty of Little Cayucos Creek (picture attached). This creekside is home to many wondrous species of birds and wildlife, that of which I cannot begin to describe. Many even say an endangered green tree frog lives in there! However emotional this is to my life and many other community members is beside the main focus of my argument; which is the fact that this is a unfitting example of a healthy model of development for our street. And furthermore a bad example going forward for our town! The traffic that speeds over this blind hill has already presented me with concern, as many small children live in this community. It will certainly increase drastically, with the potential of this property to house more of the population that already resides here. I am trying to present some facts to you, but the simple truth is my heart takes over on this matter of home ground. This is not the right choice for the property at 399 E street. I know this by observing all of the vacant vacation homes and ugly new unsold condominiums that I see on my daily bike rides. Many say new development will raise community standards and hence real estate prices. I doubt this is accomplished when the surrounding community is diminished by 7 buildings with 3 stories each, a small metropolis by E street standards. Do the people of this community want this town to look like Orange County in

## **ATTACHMENT 8**

10 years? There are plenty of places in CA that already mirror this sprawl mart model. Those who do want this dynamic..well they don't usually live here as year round residents, and they see dollar signs in their eyes when seeing a vacant lot in Cayucos.

In concluding Mr. Caruso, I want to thank you for your time. I would have loved to be at the meeting to voice my concern, but this letter will have to suffice. If allowed to build I simply ask that it be a building considerably less aggressive and intrusive to the creekside community that is being developed. My peaceful porch setting will undoubtedly be altered regardless of whatever construction is approved and proceeds. But I more selflessly petition for the rights of the land, the status quo of the community, the health of the wildlife, of Little Cayucos Creek, and the serenity, the peace of mind that these ever disappearing open spaces bring.

Sincerely, James Cromis

## ATTACHMENT 8

Dear Mr. Caruso,

I am a Cayucos resident writing in response to the proposed project at Tract 3074.

I disagree with Development Plan/Coastal Development Findings Exhibit A states that the project is consistent with immediate neighborhood. The proposed project is completely inconsistent with the immediate neighborhood:

- 1) This project is a subdivision with a common driveway while all other homes on Cypress Glen Court and E street have individual driveways.
- 2) This project includes 5 three story homes while all other homes on Cypress Glen Court and E street are a maximum of two story homes.
- 3). This project does not include any open space/set backs between each home as all other houses do in the immediate area.

I also disagree with many of the the findings of the Negative Declaration. Here are some of my concerns:

- 4) This project creates a significant aesthetically incompatible public view for the immediate neighbors.
- 5) As the report states, red-legged tree frogs have been reported 1/4 mile from the area.
- 6) A Monarch butterfly aggregation area exists less than 100 feet down Little Cayucos Creek.

A full Environmental Impact Report is required based on these issues alone.

In addition, this project would significantly increase traffic and noise on a private road which would disrupt the current quiet enjoyment of the neighborhood.

This project is not compatible with the neighborhood and needs to be re-designed accordingly!

Sincerely,

Dave Scholl  
P.O. Box 354  
Cayucos

**ATTACHMENT 8**

James Caruso  
County of San Luis Obispo Planning & Building Dept  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

RE: CAMPBELL-SHEPPARD/DAN LLOYD E Street Project

Dear Mr. Caruso,

My name is Kathi Main and my husband and I have lived at 401 E Street in Cayucos since 1981.

I am writing to express my opposition to the project as proposed at 399 E Street. The density of the subdivision is completely out of character with the surrounding neighborhood which, if visited you would know, are unique in appearance and have significant set backs from each other.

I was quite disappointed to see the number of “insignificant impacts” noted on the Negative Declaration and Notice of Determination Report.

In particular, #12 Transportation/Circulation is of grave concern to me because the substantial increase of vehicles will make ingress and egress increasingly difficult; and #8 Noise, the increase in noise will echo in what a southerner would refer to as a “hollar” and greatly impact the quality of living in our neighborhood.

This project as proposed, without requiring the road to be

## ATTACHMENT 8

moved to the true center of the roadway, gives an unfair financial advantage to the developer. It is not acceptable to essentially give land to the developer that truly belongs to the current adjoining homeowners; especially since the homeowners are asking for the road to be moved to the true center so they can use their land.

Lastly, the requirement that a private road provides access to no more than 5 houses should be upheld. Allowing an adjustment would definitely have an adverse affect upon the safety of the bicycle and pedestrian traffic of those residing in the neighborhood, and would be financially detrimental to my property since it is undesirable to live right across the street from the entrance to a subdivision.

I would not be opposed to a more appropriate lower density project.

Thank you for your time.

Kathi and Kevin Main  
401 E Street  
Cayucos, CA 93430

(T) 805-995-1394  
(C) 805-471-7831

March 17, 2016

James Caruso  
Department of Planning and Building  
County Government Center  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408



Re: CAMPBELL-SHEPPARD/ DAN LLOYD E-Street Project

Dear Mr. Caruso:

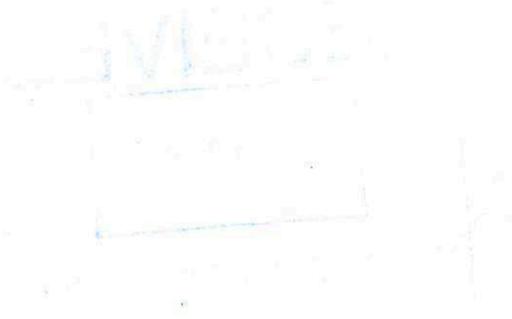
I am writing this letter in support of the project at 399E Street, Cayucos. The project meets all of the requirements, and is recommended for approval by your staff.

I have followed this project with some interest. My wife and I lived in the adjacent project designed by George Nagano, some 35 years ago. We came to know the adjacent land owner, Mr. Merl Molinari and his Mother, and remember his garden and house. This is the site for the proposed project. Although we might all like to go back to those simpler times, the past decades have seen several multi-unit projects in the area, and the proposed project fits. Indeed, newer requirements have brought forth this project which provides enhanced features of access, parking, safety, environmental awareness.

I urge the approval of this project per your staff report.

Thank you

Jeffrey C. Barker  
PO Box 223  
Cayucos, CA 93430



1. The first part of the document is a...

2. The second part of the document is a...

3. The third part of the document is a...

The following information is provided for your reference. It is intended to provide a clear and concise summary of the key findings of the study. The data presented here is based on a thorough analysis of the collected information and is intended to provide a clear and concise summary of the key findings of the study.



1. The first part of the document is a...

2. The second part of the document is a...

3. The third part of the document is a...

## ATTACHMENT 8



Fw: Comments for the Planning Commission Hearing : File No.  
**SUB2015-00001, March 24, 2016; Campbell-Sheppa/Daniel Lloyd**

**James Caruso** to: Ramona Hedges

03/23/2016 08:08 AM

Ramona:

For Item 4 on March 24th

James Caruso  
San Luis Obispo County  
Department of Planning and Building  
Senior Planner  
(805) 781-5702  
www.sloplanning.org

----- Forwarded by James Caruso/Planning/COSLO on 03/23/2016 08:08 AM -----

From: "William S. Walter" <wwalter@tcsn.net>  
To: <jcaruso@co.slo.ca.us>  
Cc: <walterassistant@tcsn.net>  
Date: 03/22/2016 06:53 PM  
Subject: Comments for the Planning Commission Hearing : File No. SUB2015-00001, March 24, 2016; Campbell-Sheppa/Daniel Lloyd

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Dear Planning Commissioners:

I am writing as a property owner in Cayucos since 1988, who has followed many projects both as an owner and as an owner representative. I would like to be present at your hearing, but "Spring Break" means that we travel as a family with young kids.

I am not sure that I can remember a "cleaner" project than this one after following Cayucos land use issues after more than 30 years. The environmental review raises no concerns that are not mitigated. The Staff Report addresses the policy issues in great detail and seems to me to demonstrate no policy conflicts.

To me these things indicate a project that has been conceived in a thoughtful, considerate, and reflective manner by the owners to minimize impacts, enhance design qualities which will benefit the community, compliment the neighborhood while creating compatible homes for new neighbors, and reduce the allowable density to levels which strike the right balance.

Personally, I am impressed by the following:

- The density is less than allowed. Up to 13 units would be allowed, and the 7 lots are less than the ten dwelling units per acre standard. The owner is being considerate and not greedy.
- The units are not attached, but single family homes on small lots. This is the Cayucos tradition and pattern of development.
- There are no garages facing the street, but are instead by design in the rear of the lots accessed by a drive court. This creates a pleasing design and is a concept to be emulated in the future by others.
- The project also provides 6 new parking spaces on the street -- where none now exist. The owners' concept proposes more parking than is otherwise required.
- 70% of the Site is open space. When a regulatory agency can get that much open space, it is the

## **ATTACHMENT 8**

type of development which should embraced.

- My reading indicates that the project meets all of the CZLUO and Estero Plan standards for the property.
- The project creates homes which reflect the neighborhood's single family character. I would think that it benefits the existing home values.
- The Creek restoration plan is a real plus -- the things I read indicate that it enhances the habitat qualities of what seems to be a degraded riparian zone.

A project which is consistent with certified LCP standards, including the Estero Area Plan standards, and has this type of administrative record should be affirmed.

When good development proposals come along, they should be embraced and praised in order to set examples for others to follow. Besides, it's the right thing to do.

Thank you for considering my comments.

Bill Walter

4

20. At the time of application for construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
21. Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

**Biological Resources**

22. Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
23. Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be 14,089 square feet and include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
  - a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
  - b. Public interpretive access improvements approved by a coastal development permit.
24. **As a part of a second sheet of the tract map and included as a part of any individual construction permit application**, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment.
25. Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.

compliance with County Conditions of Approval and Mitigated Negative Declaration measures relating to tract improvements. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

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

### **Public Works Conditions**

#### ***Road Improvements***

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

- a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
- b. Cypress Glen Court shall be widened to complete the project frontage to Cayucos Fire Department access road standards. An attached all-weather sidewalk shall be constructed from the project driveway to E Street as shown on the Vesting Tentative Map.
- c. The onsite access road shall be constructed to Cayucos Fire Department road and turnaround standards and shall include "no parking" fire lane signage.

#### ***Drainage***

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

#### ***Stormwater Control Plan***

## ATTACHMENT 8

### Attachment 4

- d. A public utility easement along E Street to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
  - e. Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.
4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
- a. A minimum 22-foot shared private access and utility easement in favor of Parcels through 8 with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
  - b. A reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).
5. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.

#### ***Improvement Maintenance:***

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

#### ***Improvement Plans***

8. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

## ATTACHMENT 8

### Attachment 4

- a. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained, indicating the proposed maintenance mechanism.
- b. If a fenced drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
- c. If a drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
- d. The limits of inundation from a 100 year Hood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to Hooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
- f. The applicant shall demonstrate that the project construction plans are in conformance with the applicant's Stormwater Control Plan Application.
- g. For Stormwater management purposes, an impervious area ceiling must be determined for each lot and noted as a building restriction.
- h. Stormwater treatment facilities shall be maintained and inspected in perpetuity as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
- i. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- j. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
- k. Notification to prospective buyers that a development plan/coastal development permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.
- l. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- m. No parking is allowed in the access drive and signs shall be installed pursuant to these conditions.
- n.

#### ***Covenants, Conditions and Restrictions***

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

## ATTACHMENT 8

### Attachment 4

- a. Maintenance of Cypress Glen Court along the project frontage and onsite private access roads in perpetuity.
- b. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
- c. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- d. If storm water treatment facilities are required, on-going maintenance of said facilities in a viable condition on a continuing basis into perpetuity.
- e. Maintenance of all common areas within the subdivision in perpetuity.
- f. Operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- g. The limits of inundation from a 100 year flood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to flooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- h. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.
- i. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
- j. Notification to prospective buyers that a development plan/coastal development permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.
- k. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- l. No parking is allowed in the access drive and signs shall be installed pursuant to these conditions.

#### Open Space Easement

24. **Prior to recordation of the final map**, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall be ~~14,089 square feet and include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area.~~ Development shall be prohibited in the open space area except for:
  - a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
  - b. Public interpretive access improvements approved by a coastal development permit.

SAN LUIS OBISPO COUNTY PLANNING COMMISSION

Re: COUNTY FILE# SUB2015-00001 Additional Concerns to be included with PowerPoint Presentation submitted and further noted for the record on 03/24/2016.

Concerns as to Negative Declaration/Attachment 1 Exhibit C/Attachment 3 Exhibit C Map 3074 Findings

Attachment one-exhibit A under environmental determination, it states that there is no substantial evidence that the project may have a significant effect on the environment. This is absolutely incorrect. The area was deemed a monarch butterfly sanctuary some 18 years ago. Why would no Environmental Impact Report be required when considering a major disturbance to a creek side setting?

The statement that the proposed project will not generate a volume of traffic beyond the safety capacity of all roads providing access to the project is also absolutely incorrect.

The statement says the project will not create significant adverse effects on the identified sensitive resource. This statement should be clarified?

Why are the standards of the real property division ordinance section 21.03.010, that does not allow more than five lots to be accessed from a private easement being overlooked and disregarded?

Why, in the environmental checklist, is the box "circulation" not checked? It appears the County believes there are no traffic issues at all associated with this project. Also, the negative declaration lists an incorrect site size.

Under "aesthetics" it states there will be no impact of the visual character of the area and the project will have an "insignificant" impact.

The biological and environmental services company used in the environmental assessment of this project lists a host of incorrect assumptions. They are numerous. I base that observation on my play on the site as a child and living next to the site for 66 years.

The truck turnaround exhibit is voyage into Fantasyland. NO CURRENT FIRST RESPONSE FIRE TRUCKS WILL BE ABLE TO TURN AROUND INSIDE THE PROJECT IF EVEN ONE CAR IS PARKED OUT IN THE DRIVE WAY. It even states in attachment three, exhibit C, that this project will "improve" safety.

Written in 2009. Cayucos-Based on an analysis of roadway capacities, all the major streets in Cayucos currently operate at acceptable levels of service. Some deficiencies have been identified by the community, but they cannot be measured against an engineering standard. Instead, they are based on people's perceptions, which affect how people make their transportation choices. Those deficiencies also need to be addressed, and include the following. 1. Narrow Streets. Efficient circulation is hindered by on-street parking on some narrow streets.

Parcels 6 & 7 improvements are not 20 feet from existing riparian vegetation.

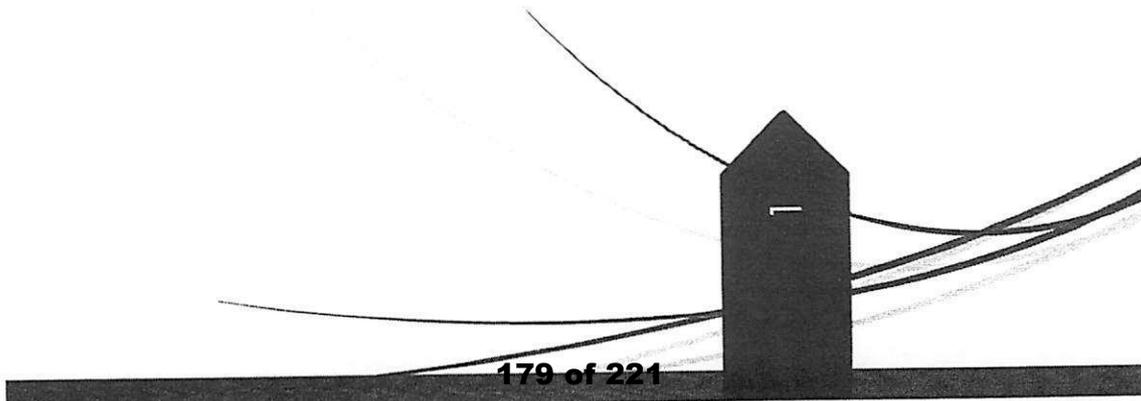
Negative Declaration also states subject is not visible from a major Public Highway. The statement is also incorrect.

3/24/16

#4

# 399 E Street Development

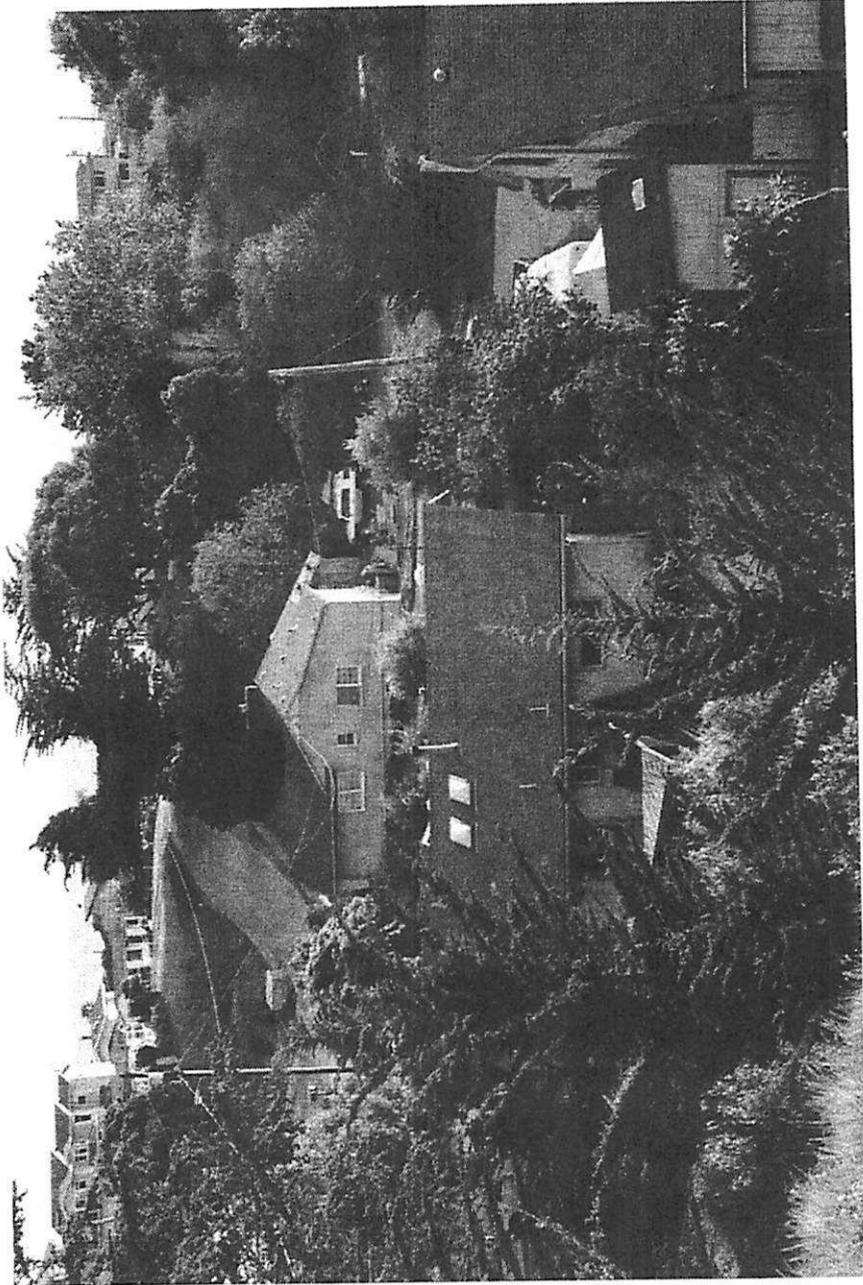
More Over-Development Pressure in Cayucos  
Campbell-Sheppard/Dan Lloyd Subdivision



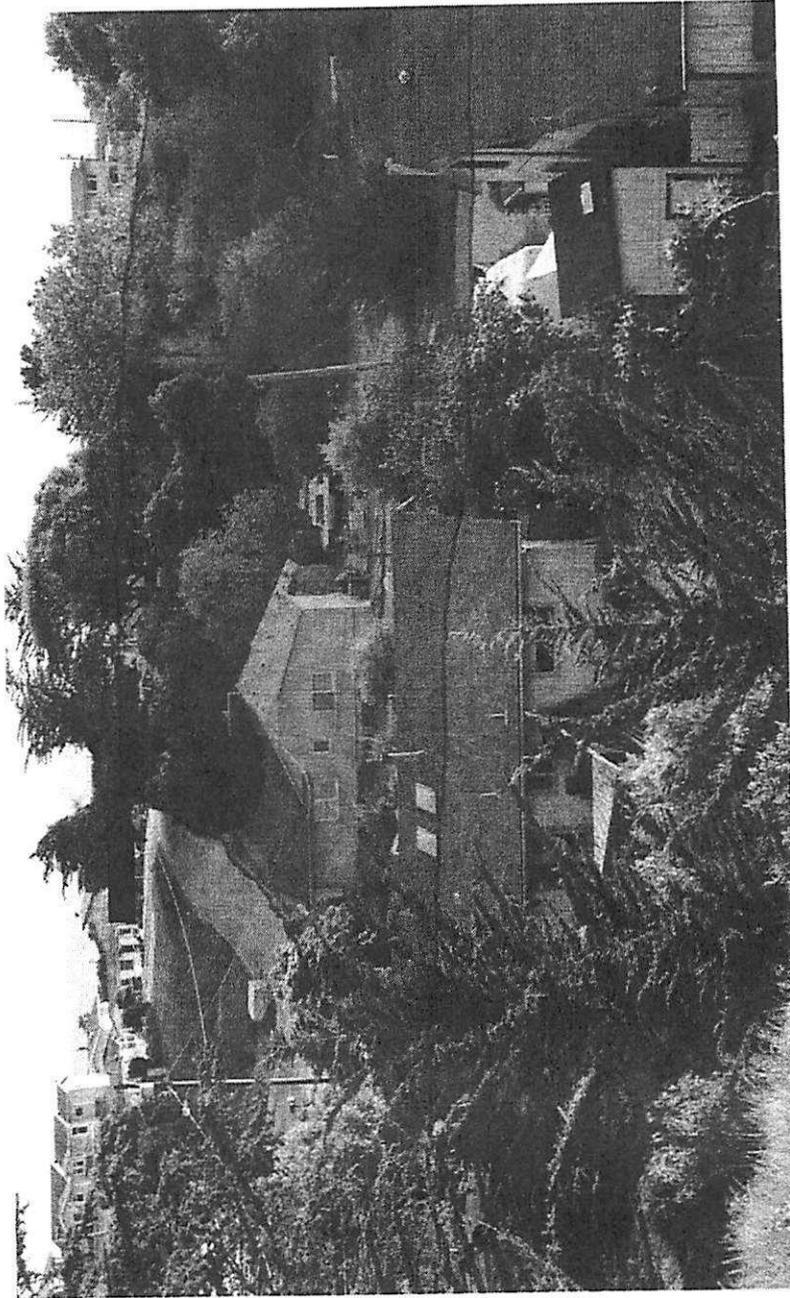
# Partial List of Issues

- ▶ **Limited Access to Site. (blind access & dead end street)**
- ▶ **No Traffic Impact Plan. (E street currently over-impacted)**
- ▶ **Disturbances to Little Cayucos Creek (Monarch over-wintering site)**
- ▶ **Potential blockage of View Corridor (per Coastal Act)**
- ▶ **County forfeiting Public Rights to Facilitate an over-development**
- ▶ **County respecting Cayucos Advisory Council rejection of this project**

Subject Site as seen from Freeway On-Ramp

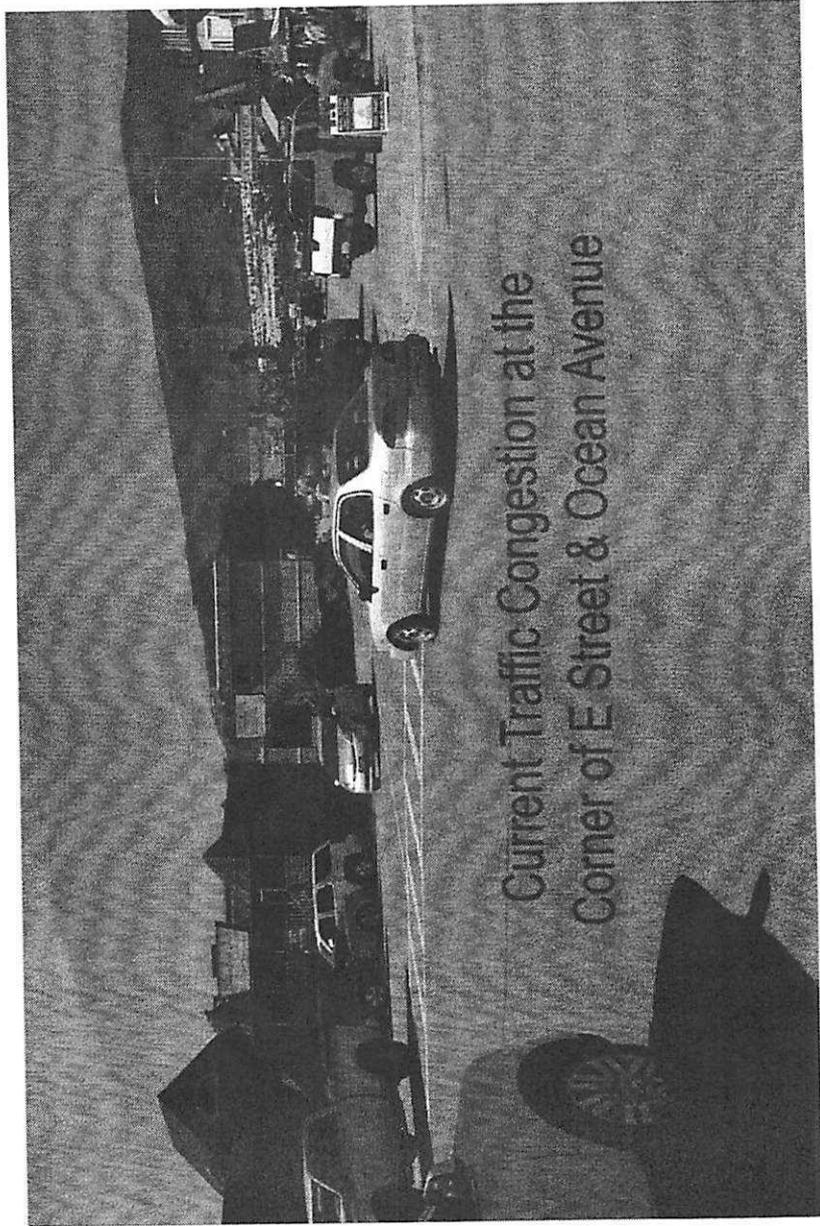


**Red Over-Lay showing Actual Size of Project**

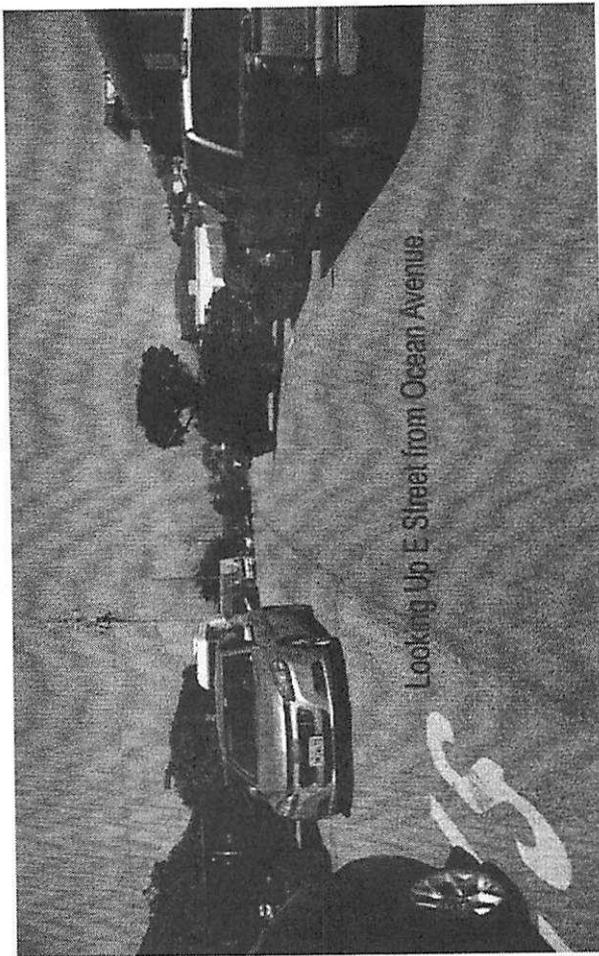


**It appears that the Proposed 28' Home facing E & furthest to the West, will  
Block Ocean Views from the Highway forever**

**Corner of E Street & Ocean Avenue  
Facing North**



# View East Up E Street on Weekend

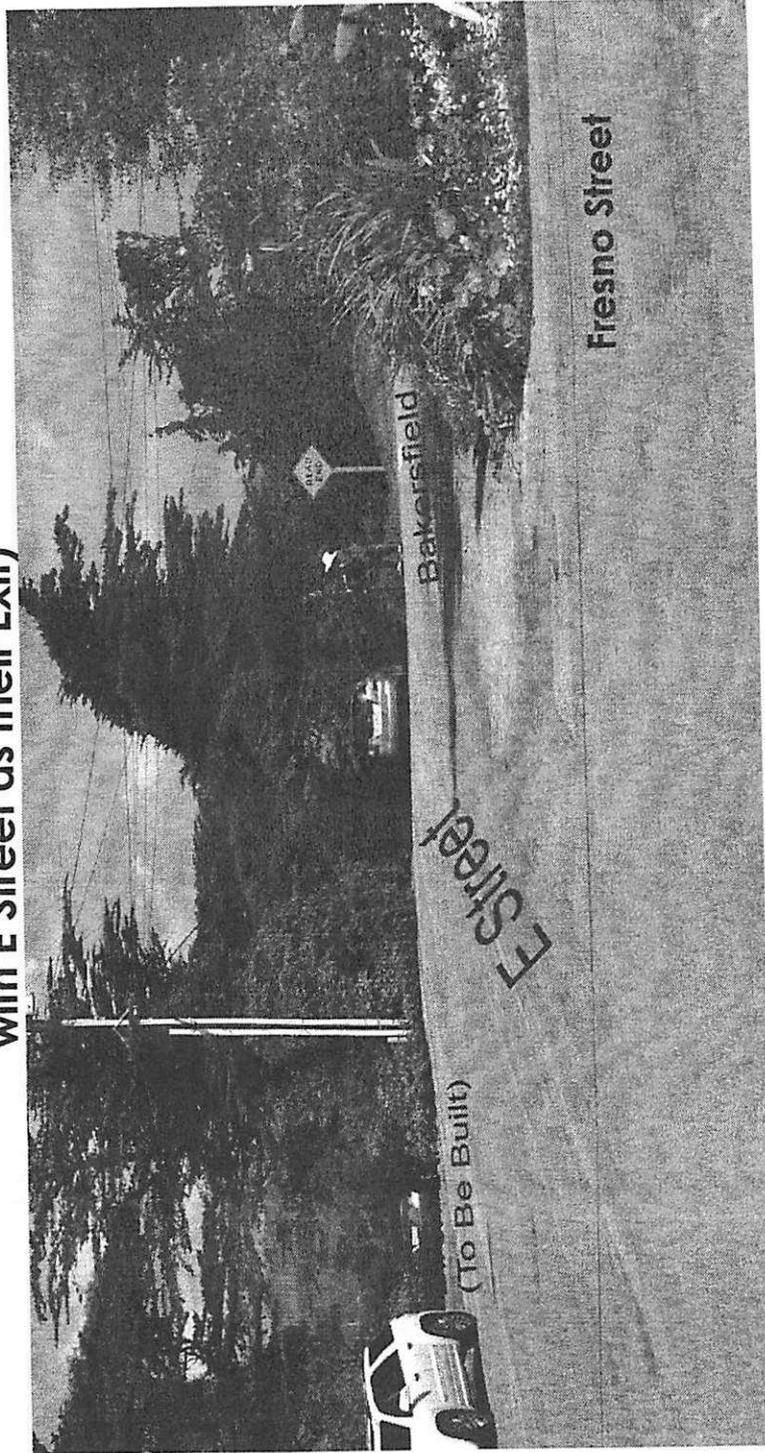


Looking Up E Street from Ocean Avenue.

County Planning states only 11 Vehicle per hours use E Street during Peak Times

E Street will become the Boulevard to Nowhere

Corner of E Street & Bakersfield taken from Fresno Street  
(Birch Street to be built soon which will add another 16 cars  
with E Street as their Exit)

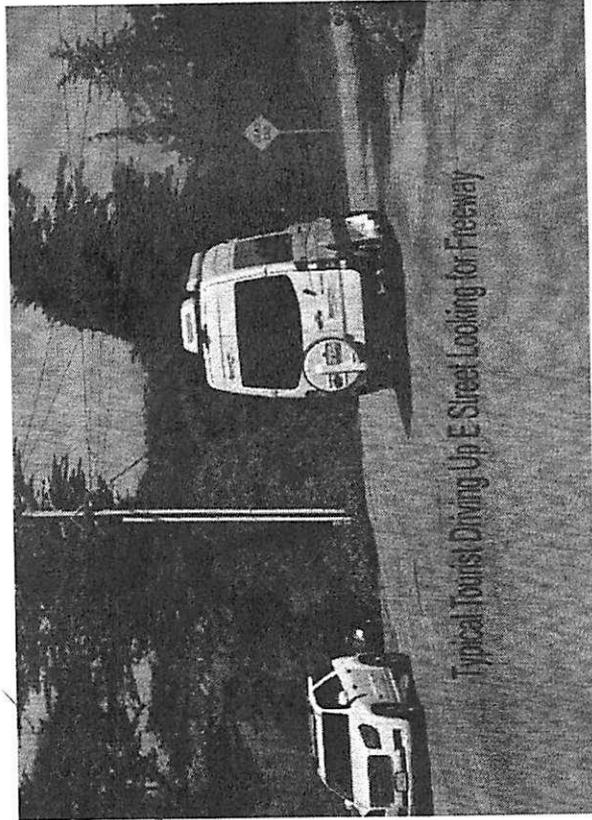


# Typical E street and Bakersfield intersection confusion that goes on every day.

After trying to climb Bakersfield Avenue, back they come.

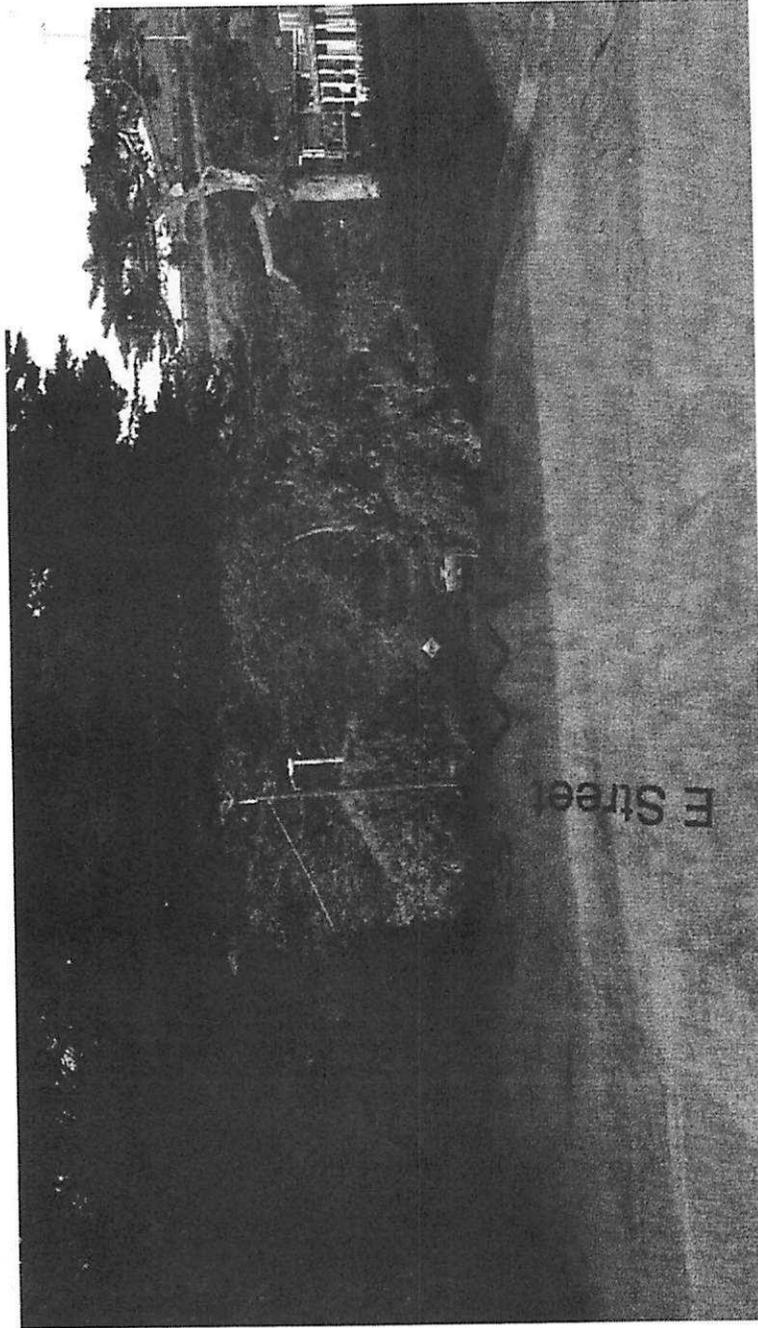


Tourists going down Ocean Avenue think E Street is a freeway entrance.



## Blind Entrance to Site/Dead End

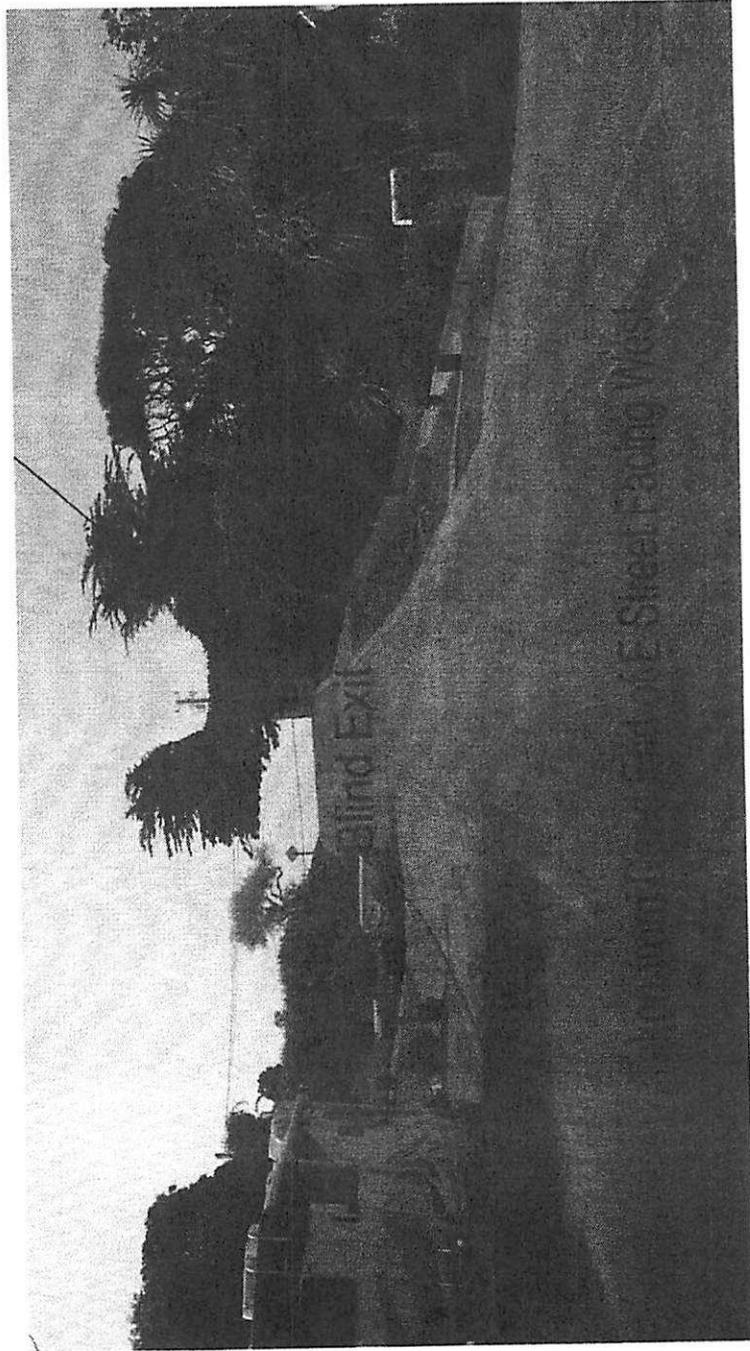
Single Entrance Road is 23' wide, not 70' as per Assessors Plat Map



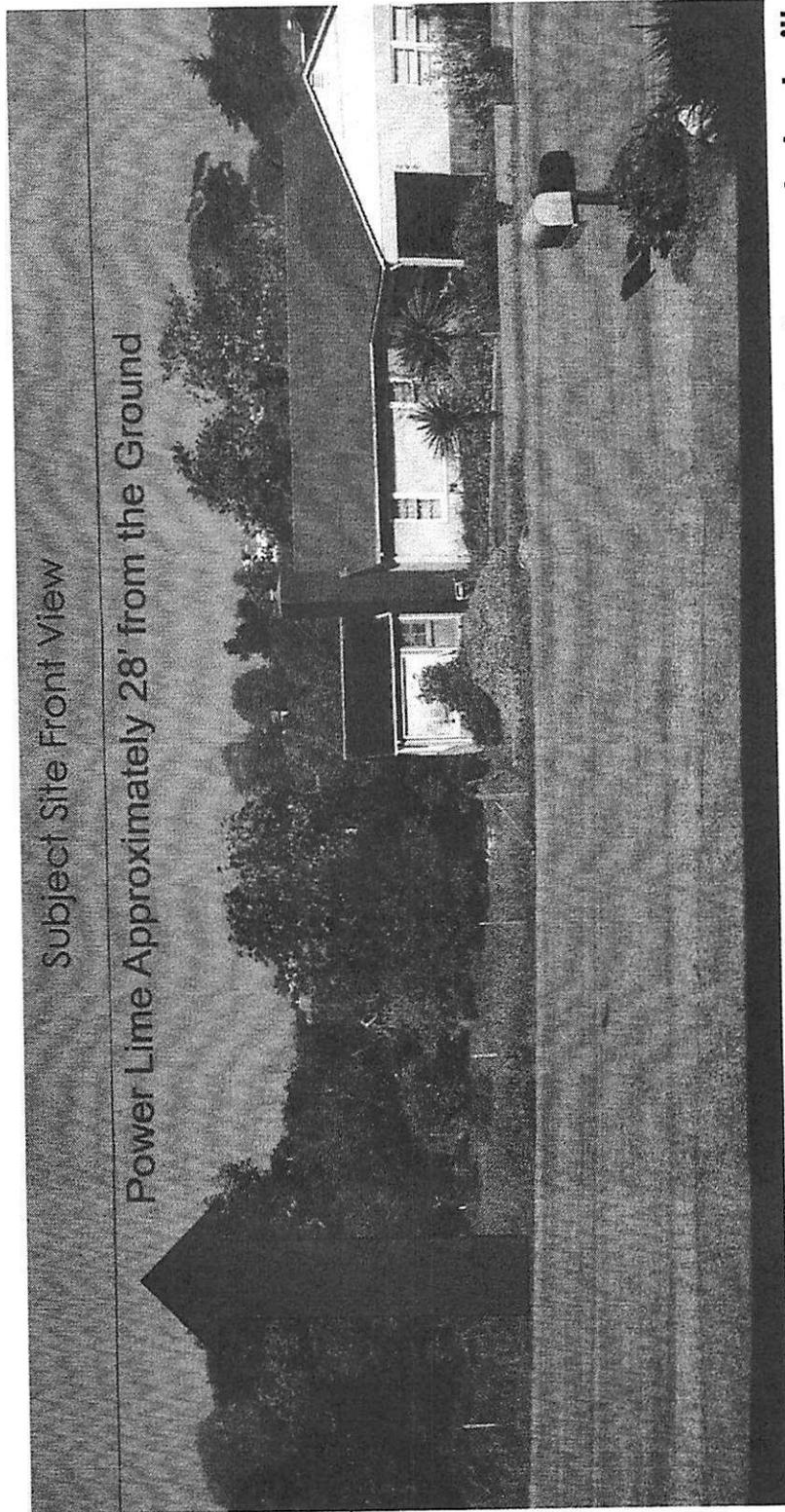
Planning states the proposed project will not cause any traffic problems

## View from Dead End Facing West

NOTE: Oncoming Traffic can not be seen when Exiting Subject Site



**Line showing the Approximate Top (28')  
of 5 Proposed Row Houses Facing E Street**



**This final Slide shows the true approximate Mass of the five houses to be built  
(Each with a 3' Side-Yard)**

2/6/16

**399 E Street Planned Unit Development  
(RESPONSE TO DEVELOPER STATEMENTS AND OMISSIONS)**

**This is a partial Non-Compliance Issues Analysis**

**PROJECT OVER-REACH:**

The developer's "Complete" analysis disseminated to members of the Cayucos Advisory Council is not complete, and the analysis is based solely on the developer's premise that the developer is given 1/2 of a private road to build upon previously dedicated to the county that serves 4 other residences.

No consideration is mentioned by the developer as to the significant additional traffic impacts and noise this project will create on E Street.

Numerous housing set-back requirements are asked to be over-looked and reduced.

Cayucos Land Policy clearly states it is based on maintaining a "Single Family Residential Character", not San Francisco Style Row Housing units twenty-eight feet tall and three feet apart.

It is also believed to be a faulty premise for a developer to be allowed to use total site area in potential building size calculations when a portion of the site area is in the middle of a creek with a flood zone of AE (this is a complete flood way) which is the worst designation given to only the most flood prone areas. Should a developer be able to use the entire site size in housing density calculations when a significant portion of the site in is completely unusable and in a flood plain?

**PROJECT DETAILS/COMMENTS:**

A thoughtful review of the developer's "Policy Review" and "Ordinance Compliance" is like a ride through Fantasyland. The entire analysis is based on the premise that the developer will be deeded 1/2 of a private road at no charge in which a host of entities have claims, including San Luis Obispo county taxpayers. This is a veiled attempt to retake land already required to be donated to the county to meet the requirements so the developer can over- build. Should anyone be allowed to use the same dedicated road twice in calculations for 2 different projects in an attempt to circumvent the rules as written? Recent California law seems to clearly say no. (SEE CALIFORNIA LAW REVIEW 2015: DEDICATION OF LAND IN CALIFORNIA.) <http://scholarship.law.berkeley.edu/californialawreview>

The developer wants to build five of the homes facing E street 28' feet high with 3' feet separating each unit's property line. Each unit site width is 32' except one which is 33'. This equals 161' of frontage for five of the units when the total front property line is 150'. The developer wants to be deeded special rights by the county which will allow building out into the existing already-dedicated roadway.

E Street is ALREADY being impacted by traffic well beyond many safety considerations. Many people use the bottom of E Street as a means of accessing the Post Office. With the development of the "Plaza" at the bottom of E (E & Ocean) most trucks now park at the bottom of E Street (blocking one lane

Please let it be known that a host of residences of E Street are completely against this over-development on a tiny dead end residential street with the east end of the street blind to on-coming traffic. We do not believe the impacts can be mitigated. We hope that the Cayucos residence in general will support these real concerns. Do not be afraid of developer threats such as "I'll just build apartments" that was publicly stated. This new proposed "Community" might be the most creative yet in an attempt to over-impact Cayucos's infrastructure, and lead us just one step further down the road to destroying the way of life so many of us have enjoyed in Cayucos for a very long time, some for generations. You might be next. Who knows, perhaps some other "development" folks originating from the southland might want to build 40 homes just above your house on some of the most geologically unstable ground in Cayucos.

Also, the depicted floodway boundaries are also in question at this time as to actual top of the bank set-back calculations as well as and true tree drip lines and vegetation makeup.

FURTHER QUESTIONS: It is difficult to analyze the proposal in depth due to the various errors and assertions in the documents that were offered by the developer. Most residents of E Street and surrounding areas do have additional concerns. If even one car is parked in the interior drive-way, a CDF vehicle will not be able to enter the project. Based on the proposal drawings the interior road appears to be as wide as the 405, but in reality is only 22' wide with a turn-a-round spot to be 21' X 25'. The fire truck that the CDF will use on calls (if our fire department is dis-banded) is 24' in length and will not be able to turn around. The Cayucos Fire department current first response fire call truck is huge at 28" long.

A Streambed Permit issued by Fish & Game means nothing. It is a disingenuous implication that the issuance of such a permit means anything, much less any type of project approval. It is basically a gardener's permit, based on what the applicant states is accurate as to vegetation.

E Street is also a Dead End street, so not only is there only one way in and one way out (which in reality nearly doubles the impact), the access to 399 E Street is also over a huge drop (hill) where you cannot see on-coming traffic. Also note that on paper (Plat Map) E street is 70' wide. In reality, the area of E street that feeds the site is only 23' wide, berm to berm with no way to expand unless the developer plans on removing everyone's drive-way too.

additional 42 cars using the street?

rentals that use the street, E Street is ALREADY dangerous as to traffic. Do we want yet another all the folks that fly up and down E Street that live on Bakerfield and Fresno streets and the 6 vacation and that does not include everyone that has a single family home on E Street. When you couple this will When you add in parking for this new proposed development, the E Street impact will be over 74 cars, spaces and another already approved development behind the bus barn has been granted another 14. Street (right next door to this proposed development, built by this same developer) required 12 more complex at the corner of E Street and Bakerfield requires 24 spaces, the 4 unit complex at the end of E mean an additional onslaught of cars will be traveling up and down the street. The 10 unit apartment impact the bottom of E Street even further. Required parking space called for in this project will also (barn) at the bottom of E Street, with two more large commercial enterprises to be built next to it. That will completely) when making deliveries throughout each day. There is also the new development (big red

# San Luis Obispo County Planning Commission

March 24th, 2016

## Cypress Glenn Project, Cayucos, California

A request by Campbell-Sheppa/Daniel R Lloyd for a  
Vesting Tentative Tract Map (Tract 3074)  
and Development Plan/Coastal Development Permit

PLANNING COMMISSION

AGENDA ITEM: \_\_\_\_\_

DATE: \_\_\_\_\_

4  
3/24/16

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## Contentions

- ◆ The project is over parked by almost 60%. Seventeen spaces are required and 26 are proposed, not including the 6 much touted E. Street parking spaces.
- ◆ The project concentrates traffic on Cypress Glen Court in violation of the Real Property Ordinance (Title 21).
- ◆ Cypress Glen Court is horizontally misaligned.
- ◆ The proposed residences fronting E. Street are three-story and out of character with the neighborhood.
- ◆ Unpermitted uses are included in the riparian open space setback area.



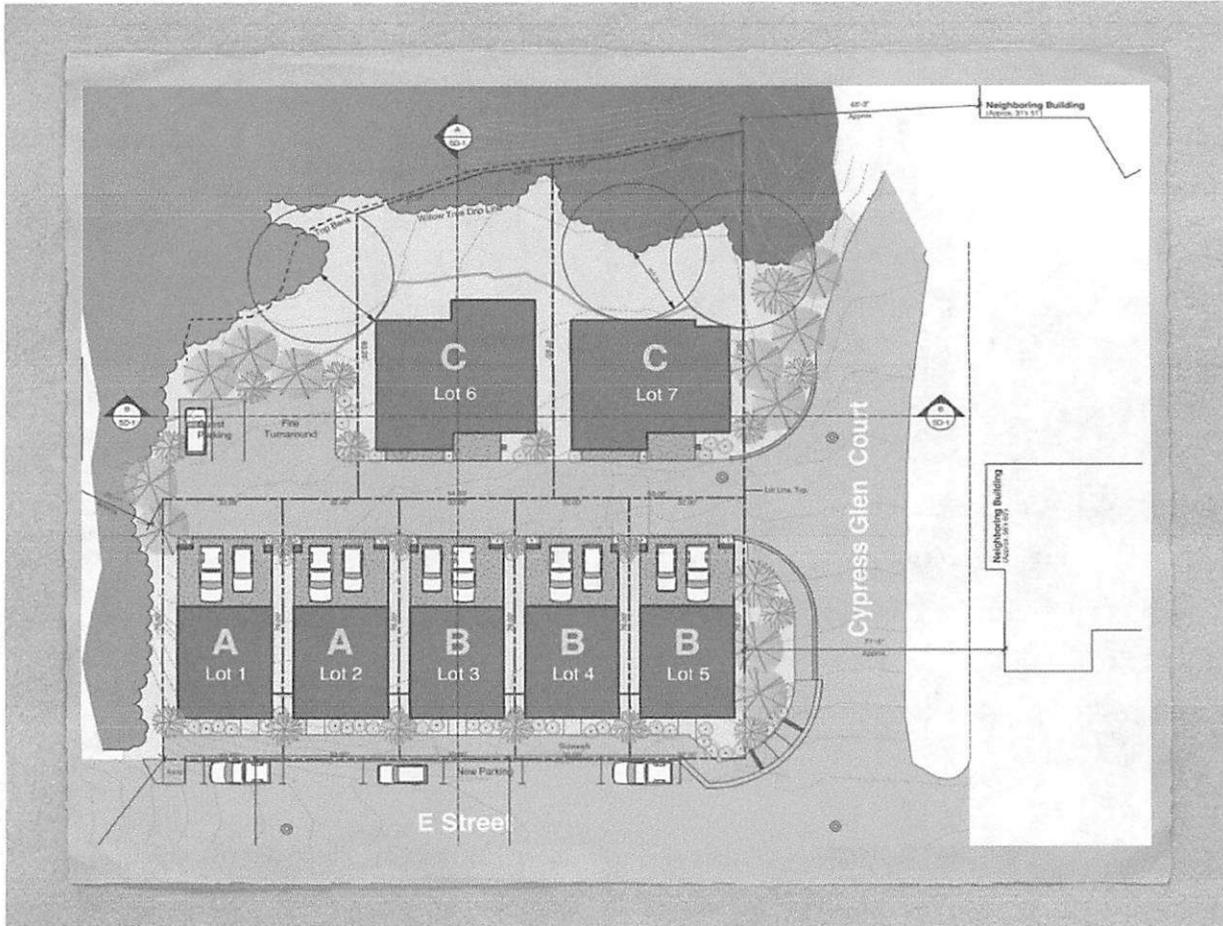
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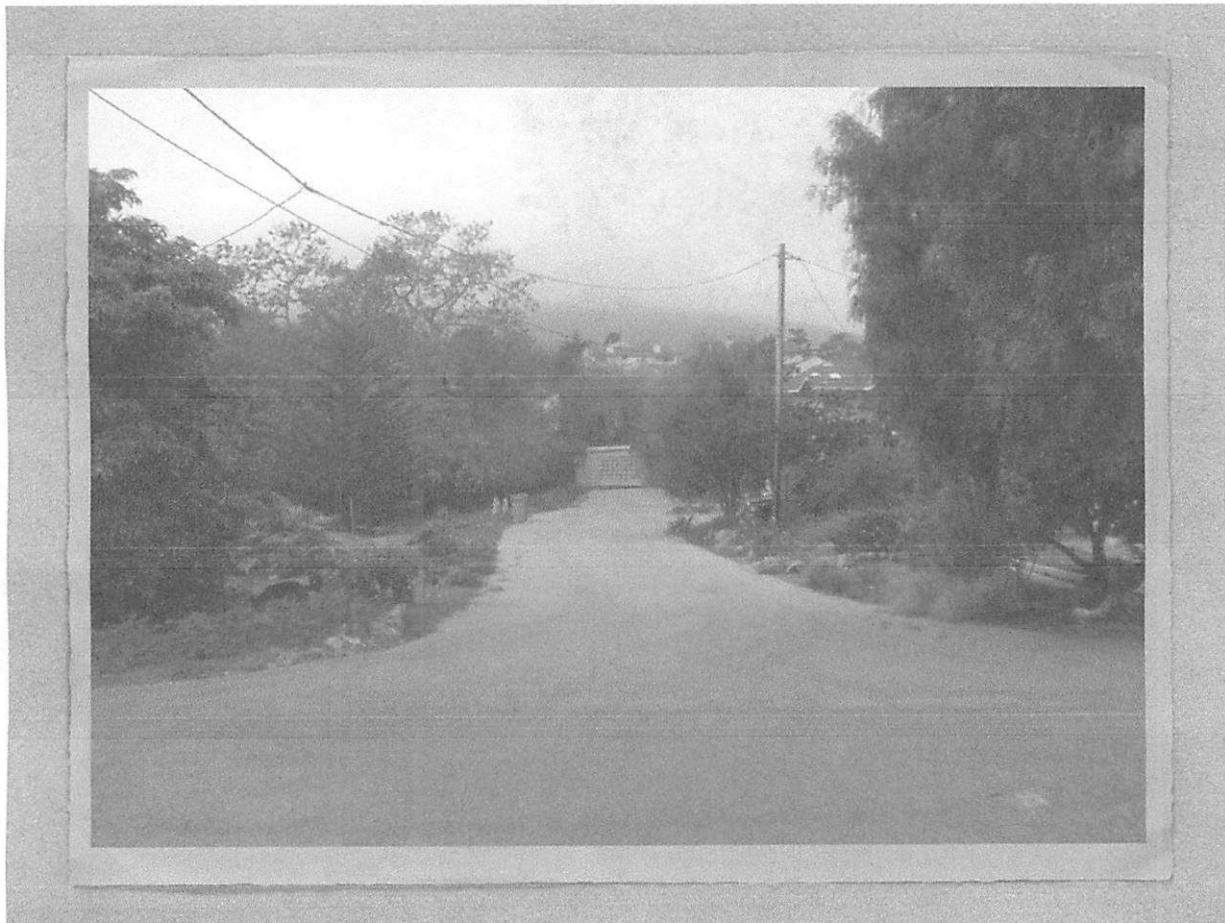
(5) Residential Uses:

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Single-Family Dwellings (Including mobilehomes, on individual lots.)	2 per dwelling	Low	N.A.
Multi-Family Dwellings (Including for the purpose of parking calculation, condominiums & other attached ownership dwellings.)	<u>Resident Parking:</u> 1 per one bedroom or studio unit, 1.5 per two bedroom unit, 2 per three or more bedrooms, plus <u>Guest Parking:</u> 1 space, plus 1 for each 4 units, or fraction thereof beyond the first four	Low	N.A.
Nursing and Personal Care	1 per 4 beds	N.A.	N.A.
Group Quarters (Including boarding houses, rooming houses, dormitories, and organizational houses).	1 per bed, plus 1 per 8 beds	Low	N.A.

**ATTACHMENT 8**



**ATTACHMENT 8**



Jeff Edwards,  
February 29, 2016  
Page 3 of 4

Attachment 7  
Cypress Glen TM Project

Table 2 - Project Site Trip Generation Estimates

Project Components	Number of Vehicle Trips					
	AM Peak Hour		PM Peak Hour		Daily	
	In	Out	In	Out	In	Out
Existing 4 SFDU (Access on Cypress Glen Ct.)	1	2	3	1	38	
Cypress Glen Project Site:						
Existing SFDU (to be removed) -	0	1	1	0	10	
Proposed 7 SFDU -	1	4	4	3	66	
Project Site "Net" Increase (Prop. minus Ex.):	+1	+3	+3	+3	+56	

Residential Traffic Volumes

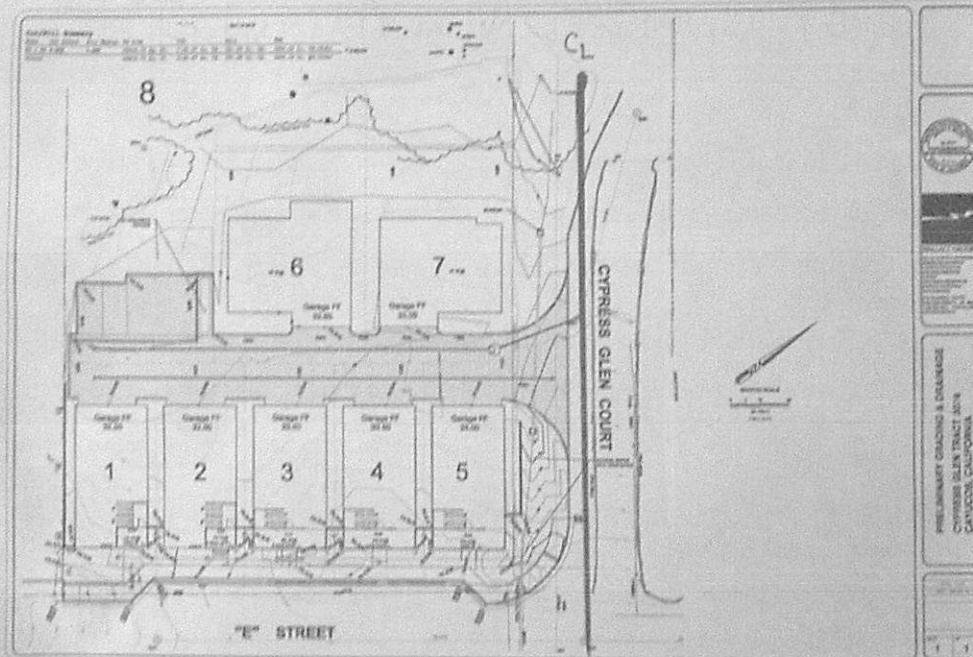
The existing and existing plus project traffic volumes are illustrated on Figure 1 (included with Attachment Material). The daily traffic volumes associated with the existing homes having access on E Street (5 SFDU near the project site) are also included on Figure 1. The volume data on Figure 1 demonstrates that development of the Cypress Glen TM Project will almost triple the amount of daily traffic on Cypress Glen Court west of E Street (2.74 times existing). Based on information provided by your office, it is my understanding that your client would prefer that access for the lots fronting E Street be provided via direct driveway connections to E Street. This would minimize the amount of new traffic generated on Cypress Glen Court and maintain the current level of safety for existing pedestrian and bicycle traffic.

# Real Property Division Ordinance

- ◆ Section 21.03.010(d)(7) states "Private easements, if approved by the planning commission or subdivision review board, may serve as access to NO MORE THAN an ultimate of FIVE PARCELS, including parcels not owned by the divider."
- ◆ Currently Cypress Glen Court served four parcels. The proposed project adds access to seven parcels from Cypress Glen Court for a total of eleven, thus exceeding the limitation by 6 parcels.
- ◆ An adjustment to the above section is available under Section 21.03.020(a)(b)(c).
- ◆ To date the applicant has failed to file a timely adjustment request and has not demonstrated UNDUE HARSHSHIP as required.

# Cypress Glen Court

- ◆ The project proposes the abandonment of the southerly half of Cypress Glen Court by Tract 3074.
- ◆ The neighbors have requested an abandonment of the northerly half of Cypress Glen Court in accordance with the California Streets and Highways Code.
- ◆ Your Planning Commission will consider a General Plan Conformity Report for each of these requests.
- ◆ The future horizontal alignment of Cypress Glen Court should be realigned to conform with the true centerline of the 70 foot right-of-way.





## Conclusion

- ◆ On behalf of my clients, I respectfully request a continuance of the hearing for the proposal before you until a number of key issues may be addressed.
- ◆ Property address RPDO Section 21.03.010
- ◆ Determine the legal ramifications of securing proper easements for access and the right to use Cypress Glen Court and to what extent by the proposed project
- ◆ Confirm locations of the edge of riparian vegetation and resulting setback and verify the applicant's ability to remove and unpermitted uses within the setback area.
- ◆ Re-refer the proposal to the CCAC for further review and a decision.
- ◆ Verify with Cal Fire, the appropriate requirements for the project. It appears the local Cayucos Fire Department may not have reviewed the project in sufficient detail and/or had the benefit of understanding of all the applicable requirements.



### Petition to Save E Street

The following petitioners ask the Planning Commission Members to reduce the proposed project at 399 E Street in Cayucos, otherwise known as the Campbell-Sheppard/Dan Lloyd Tract 3074.

- This project would cause a 300% increase traffic and noise directly impacting pedestrian and bicycle safety in an area where small children play and elderly walk.
- This proposal is completely out of character for the neighborhood.
- This land is immediately on the creek; the project seriously threatens environmentally sensitive Little Cayucos Creek.
- Other impacts are disruption of quiet enjoyment and diminution of property values.
- We would support a lower density non subdivision project in this location.

Questions contact Kathy Oliver 995-1965 or Eileen Roach 995-1733

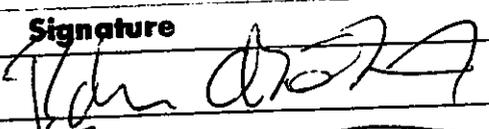
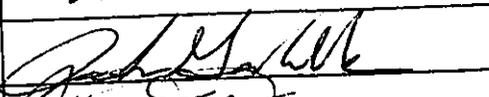
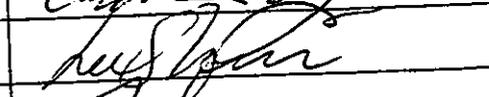
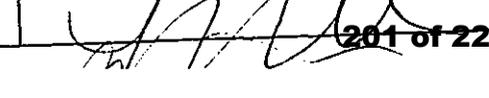
Printed Name	Signature	Street Address	City
David Villers	<i>[Signature]</i>	62 St. Mary Ave	Cayucos
RANDY KENNEY	<i>[Signature]</i>	43 PACIFIC AVE	Cayucos
MARIA LIBERONI	<i>[Signature]</i>	51 S. OCEAN AVE	Cayucos
Chie Koepke	<i>[Signature]</i>	193 G St. Cayucos, CA	Cayucos
M. PAZ AGUIRRE	<i>[Signature]</i>	168 I St. Cayucos, CA	Cayucos
Kelli Fraga	<i>[Signature]</i>	165 Park Ave Cayucos	Cayucos
Patricia A. Cook	<i>[Signature]</i>	57 SO. OCEAN #B Cayucos Ca 93430	Cayucos
Camellica Maramba	<i>[Signature]</i>	20 Saint Mary, Cayucos CA 93430	Cayucos
Navarino Wilkison	<i>[Signature]</i>	43 Pacific Ave 93430	Cayucos
Naomi Wilkison	<i>[Signature]</i>	21 6th ST B C 93430	Cayucos
Derek Kenney	<i>[Signature]</i>	43 Pacific Ave 93430	Cayucos

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Printed Name	Signature	Street Address	City
BALIN Abendroth		20 ST. MARY'S Ave.	Cayucos
B. REST KENNEY		413 PACIFIC	Cayucos
Sarah W. Wilkinson		21 6 <sup>th</sup> Street "B"	Cayucos
John Gunderlock		P.O. Box 413 Cayucos	Cayucos
MIKI TOKÉ		527 Saint Mary	Cayucos
Caitlin Gavin		196 6 G STREET CAYUCOS	Cayucos
Laura Skinnmann		2784 Orville Ave	Cayucos
Trapper SHANNON		100 S. OCEAN	Cayucos
Casey Moss		222 Old Creek rd	Cayucos
Cale Moore		222 Old Creek rd	Cayucos
Lauren Barber		441 murclara	Cayucos
		222 Old Creek rd	Cay.

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23

Printed Name	Signature	Street Address	City
Susan Mathias	Susan Mathias	2898 Sandalwood Ave. Morro Bay CA	Cayucos
Carmy Stuart Williams	[Signature]	19 Ocean Front Ln	Cayucos
Bailey Kelley	Bailey Kelley	19 OCEAN FRONT LANE	Cayucos
ESTUARY	[Signature]	2107 Santa Barbara Ave	Cayucos
John Schott	J. Schott	17 OCEAN AVE CA	Cayucos
Penicilia A Cook	[Signature]	51 50. Ocean Ave Cayucos	Cayucos
Lorene Taylor	Lorene Taylor	60 5th Street	Cayucos
RYAN BANDERET	[Signature]	186 F STREET	Cayucos
Katherine Mann	[Signature]	401 E St	Cayucos
Julie Kelly	[Signature]	630 Avalon St Morro Bay	Cayucos
LYNN GLANZER	[Signature]	2145 OLD CREEK RD	Cayucos

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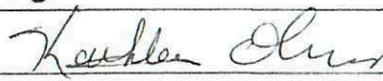
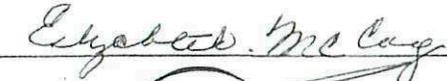
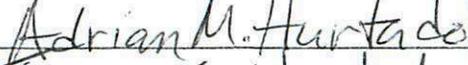
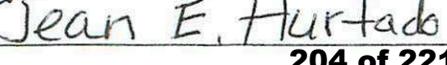
Printed Name	Signature	Street Address	City
TERRY PAAR		12 BAKERSFIELD AVE	Cayucos
Charlene Paris		12 Bakersfield Ave	Cayucos
WILL COSTA		348 TART AVE	Cayucos
Carol Braun		38 Bakersfield Ave	Cayucos
JARED HOWARD		358 TART AVE.	Cayucos
Melissa Howard		358 TART AVENUE	Cayucos
Jason Hodges		321 E. ST.	Cayucos
Joseph R White		1675 Cass Ave #13	Cayucos
Robert Menecke		169th ST	Cayucos
ANTOINETTE MERRER		169th St	Cayucos
Diana M. Loughlin		49 17th St	Cayucos

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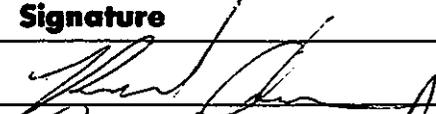
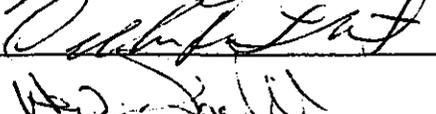
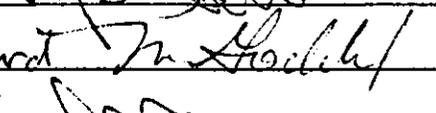
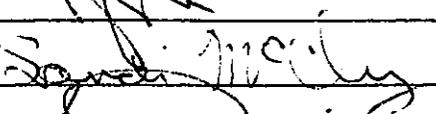
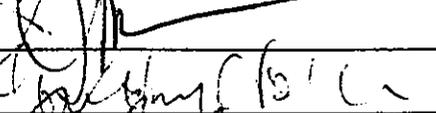
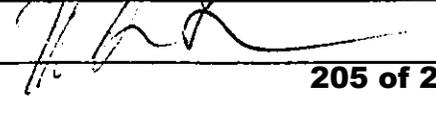
Printed Name	Signature	Street Address	City
Kathleen Oliver		24 Cypress Glen Ct.	Cayucos
ELIZABETH McCay		46 Cypress Glen Ct	Cayucos
Charlie Lykes		372 E. Street	Cayucos
Brandi Lykes		372 E. Street	Cayucos
Greg Hoag		14 Fresno Ave	Cayucos
Dave Stearns		186 E St	Cayucos
Paula Stevens		186 E St	Cayucos
Greg Battencourt		490 D St	Cayucos
Vera Gould		491 D St	Cayucos
Adrian M. Hurtado		411 D St	Cayucos
Jean E. Hurtado		411 D St	Cayucos

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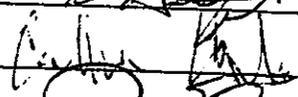
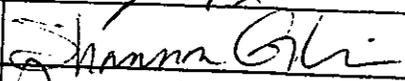
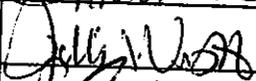
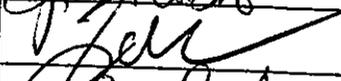
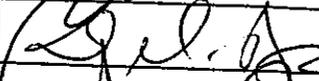
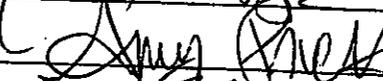
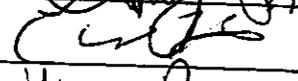
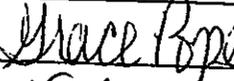
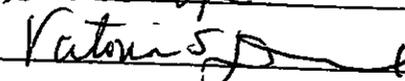
Printed Name	Signature	Street Address	City
Richard Galvan		2702 Santa Barbara	Cayucos
Della Flint		10918 Sycamore Dr.	Cayucos
Jose Salvo		1250 Pacific Ave	Cayucos
Mary Margaret Gaddard		3167 Shearer Ave	Cayucos
James A. Gaddard		3167 Shearer Ave	Cayucos
Dandi McClung		195 E Street	Cayucos
Kristal Ramirez		2784 Orville Avenue	Cayucos ✓
Steve Mennucci		350 N. Ocean #61 Cayucos	Cayucos ✓
Shel BLM		2018 C Street Cayucos	Cayucos
Courtney Volhaus		1366 4th St LOS OSBS	Cayucos
Hunter Serene		151 Cypress Ave Cayucos Ca	Cayucos

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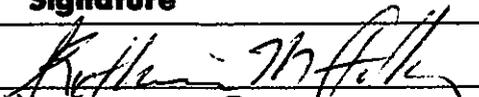
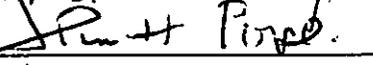
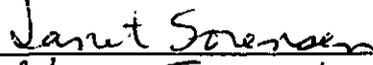
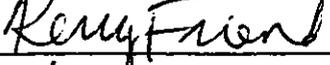
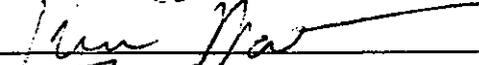
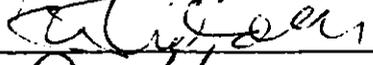
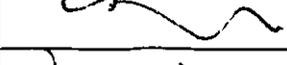
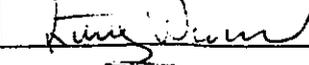
Printed Name	Signature	Street Address	City
ERIC TODD HANFT		15 FRESNO AVE. CAYUCOS CA.	Cayucos
Colleen Costello		349 TATE AVE	Cayucos
Jim Glinn		1025 Pacific	Cayucos
Shannon Glinn		1025 Pacific AVE	Cayucos
JULIA WELCH		2702 SLOAN BARBER	Cayucos
ZEKE DELLAMAS		101 FRESNO AVE	Cayucos
Raquel dellamas		101 Fresno Ave	Cayucos
Amy Pruett		2730 Richard Ave Cayucos	Cayucos
Chris Hight		47 Ash Ave, Cayucos	Cayucos
Grace Pope		12 Ash St. Cayucos	Cayucos
Victoria Dandurand		38 Studio Drive, Cayucos	Cayucos

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Printed Name	Signature	Street Address	City
KATHERINE Stulberg		23 ASH AVE, CAYUCOS, CALIF. 93430	Cayucos
CHRIS H. Pope		12 ASH AVE CAYUCOS, CA 93430	Cayucos
Janet Sorensen		24 Ash Ave Cayucos, CA 93430	Cayucos
Kerry Friend		340 EST,	Cayucos
Anna Zavala		399 E ST	Cayucos
KEVIN MAIN		481 E St Cayucos - 93430	Cayucos
Patrick Riddell		404 E St, Cayucos, CA 93430	Cayucos
SCOTT NAIRNE		176 E St Cayucos CA 93430	Cayucos
LONNIE ZAVALA		399 EST CAYUCOS CA 93430	Cayucos
STACKY NAIRNE		176 E St. Cayucos CA 93430	Cayucos
KATHY WIRNS		7 SAINT MARY AVE. Cayucos CA	Cayucos

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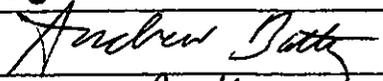
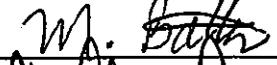
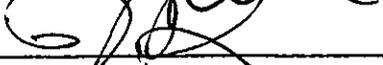
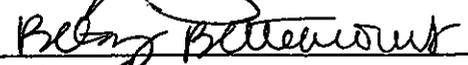
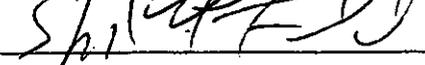
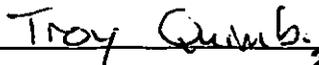
Printed Name	Signature	Street Address	City
Eileen Roach		24 Cypress Glen Ct.	Cayucos
DARIO LUIS		40 Cypress Glen Ct.	Cayucos
JoAnna Riddell		404 E St	Cayucos
SCOTT RIEN		340 E ST	Cayucos
James Cronin		321 E St #6	Cayucos
Jennifer Newton		17 Fresno	Cayucos
MAVIS HARTZELL		#2 ASH AVE	Cayucos
Rebecca Wyatt		150 'E' ST.	Cayucos
Steve Wyatt		150 E St.	Cayucos
Charlene Minetti		1 Ash St Cayucos, CA	Cayucos
Jeffrey Stulberg		23 ASH AVE. Cay. 93430 PO BOX 408	Cayucos

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Printed Name	Signature	Street Address	City
Andrew Batty		396 'D' Street	Cayucos
Martha Batty		396 'D' Street	Cayucos
Molly Brindley		360 D Street	Cayucos
Joseph Brindley		360 D Street	Cayucos
Betsy Buttencourt		398 D St	Cayucos
Gwenn Krossa		201 D St	Cayucos
John Mezzapesa		240 D St	Cayucos
Steve Mezzapesa		240 D St	Cayucos
Stephen Poland		301 D St.	Cayucos
Jessy Buttencourt		398 D St.	Cayucos
Troy Quimb...		2440 Peachio	Cayucos

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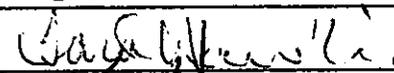
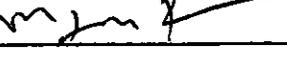
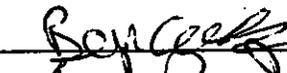
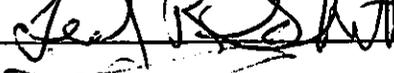
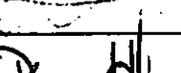
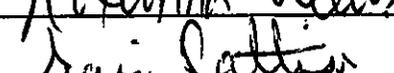
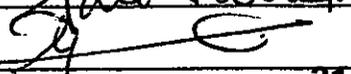
Printed Name	Signature	Street Address	City
Ronald Roach	<i>Ronald Roach</i>	1773 9th St	Los Angeles
Amanda Roach	<i>Amanda Roach</i>	1773 9th St	Los Angeles
David Schell	<i>David Schell</i>	P O BOX 354 Cayucos	Cayucos
Catherine Cascadden	<i>Catherine Cascadden</i>	2214 Alban Pl	Cambridge
EARLE L. CASCADNEY	<i>Earle L. Cascadney</i>	2214 Alban Place	Cambridge
Lauren Pell	<i>Lauren Pell</i>	205 Landfair Ave, Los Angeles CA	Los Angeles
Joseph Gostinell	<i>Joseph Gostinell</i>	Landfair Ave., Los Angeles, CA	LA
Darlene Pell	<i>Darlene Pell</i>	10882 Rose Ave Los Angeles CA	LA
Mark Levine	<i>Mark Levine</i>	10882 Rose Ave Los Angeles	LA
Ellen Lodge	<i>Ellen Lodge</i>	1481 15th St Los Angeles	
Reva Requino	<i>Reva Requino</i>	3569 Deane Ave Cayucos	Cayucos

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Printed Name	Signature	Street Address	City
TARA HAWKINS		P.O. BOX 8555	Cayucos
Kevin James		1716 14 <sup>th</sup> Street	Cayucos
Rick McEllie		273 Bissett Ave	Cayucos
MICHA MATSON		350 MOUNTAIN VIEW	Cayucos
BEN CALHOONER		172 D Street	Cayucos
TED SCHOTT		21 OCEAN FRONT LN	Cayucos
ADAM POELMAN		1876. CIRCLE LN	Cayucos
Denise Hallmeyer		2135 Orville	Cayucos
Kayanna Villers		62 St. Mary Ave	Cayucos
Graci Patton		581 Park Ave. apt. A.	Cayucos
George Chikha		90 12 <sup>th</sup> ST	Cayucos

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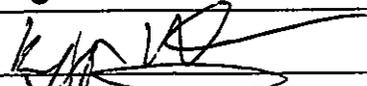
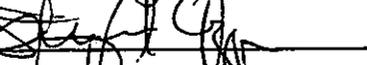
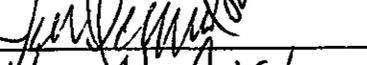
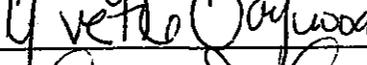
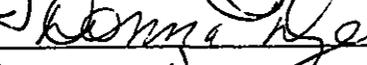
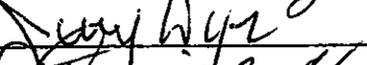
Printed Name	Signature	Street Address	City
Judi Jackson	Judi Jackson	350 N OCEAN AV #79 93430	Cayucos
R. D. Kelly Sr	Robert D. Kelly	1173 CASS AVE 93430	Cayucos
Lwi Sanchez	[Signature]	1173 CASS AVE	Cayucos
Jim Ruzicka	[Signature]	107 D ST. 93430	Cayucos
Carol Chubb	Carol Chubb	210 St Mary Ave 93430	Cayucos
Susan Swendsen	[Signature]	69 11th St. 93430	Cayucos
Dennis Takahashi	[Signature]	177 F ST 93430	Cayucos
Carole B Toerge	[Signature]	15 12th St. 93430	Cayucos
Sheryl McGill	Sheryl McGill	43 12th St 93430	Cayucos
JAN Schmalzma	[Signature]	42 12th St 93430	Cayucos
Bonnie O'Donnell	Bonnie O'Donnell	42 12th St 93430	Cayucos

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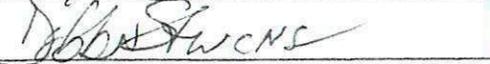
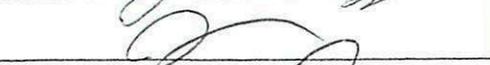
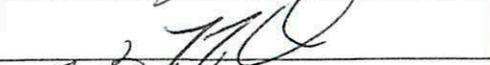
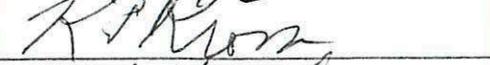
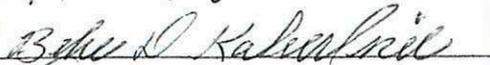
Printed Name	Signature	Street Address	City
KYLE NEEDHAM		10 BAKERSFIELD	Cayucos
VERONICA NEEDHAM		10 BAKERSFIELD	Cayucos
Alice Tomasin		58 Bakersfield Ave	Cayucos
Stacy Caniza		65 Bakersfield Ave	Cayucos
Jon Hamrick		74 BAKERSFIELD AVE.	Cayucos
Yvette Caywood		74 Bakersfield Ave.	Cayucos
Donna Dye		83 Bakersfield Ave	Cayucos
JERRY DYE		83 BAKERSFIELD	Cayucos
David Hammack		187 Bakersfield Ave	Cayucos
Julia Hammack		187 Bakersfield Ave	Cayucos
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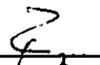
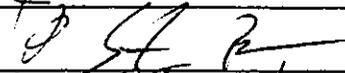
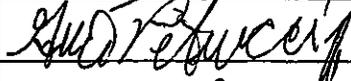
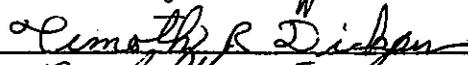
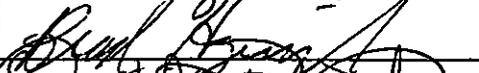
Printed Name	Signature	Street Address	City
David Leaty		391 D ST.	Cayucos
George Schachtell		167 I ST. CAYUCOS CA	Cayucos
Debbi Swens		9155 Santa Rita Cayucos, Ca	Cayucos
Craig Barclay		332 Old Creek Rd	Cayucos
REBECCA BARCLAY		332 OLD CREEK RD	Cayucos
LANCE UMBERTS		260 D ST. CAYUCOS CA.	Cayucos
Kenneth Krossa		220 D ST Cayucos	Cayucos
KENNETH KABERLINE KABERLINE		264 D ST CAYUCOS	Cayucos
REBE DARLENE		264 "D" ST CAYUCOS	Cayucos
Sylvia Simms		26 Birch St Cayucos	Cayucos
			Cayucos

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Questions contact Kathy Oliver 995-1965 or Eileen Roach 995-1733

Printed Name	Signature	Street Address	City
RICHARD SHAW		56 ST ALBERT	Cayucos
STEVE BUCKNER		170 F ST	Cayucos
GINO PETRUCCI JR		55 ST. MARY	Cayucos
TIMOTHY R DICKERSON		163 G <sup>ST</sup>	Cayucos
BRAD HEIZENRATH		187 G <sup>ST</sup>	Cayucos
CYNTHIA BUNTING		171 F. ST.	Cayucos
CLOYCE BUNTING		171 F ST.	Cayucos
			Cayucos

## Petition to Save E Street

The following petitioners ask the Planning Commission Members to reduce the proposed project at 399 E Street in Cayucos, otherwise known as the Campbell-Sheppard/Dan Lloyd Tract 3074.

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Printed Name	Signature	Street Address	City
Dirk Langer	<i>Dirk Langer</i>	1173 S. Ocean Ave	Cayucos
Francie Farinet	<i>Francie Farinet</i>	83 12th St	Cayucos
Sandra Talbot	<i>Sandra Talbot</i>	94 12th St	Cayucos
Giovanni Grillonzoni	<i>G. Grillonzoni</i>	824 Main St. Cambria	<del>Cayucos</del>
Mary Summers	<i>Mary Summers</i>		<del>Cayucos</del>
AMES ANDERSON	<i>A. Anderson</i>	2295 RONNEY DR. CAMBRIA	<del>Cayucos</del>
			Cayucos

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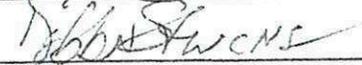
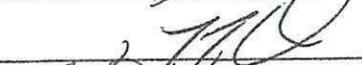
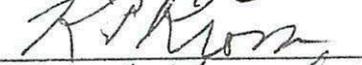
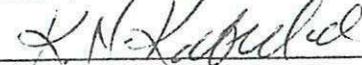
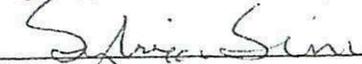
Printed Name	Signature	Street Address	City
Kathryn Wilcutt	<i>Kathryn Wilcutt</i>	2789 S Ocean Blvd.	Cayucos
Katelyn Mangold	<i>Katelyn Mangold</i>	2789 S. Ocean Blvd.	Cayucos
Logan Wilcutt	<i>Logan Wilcutt</i>	2789 S Ocean Blvd.	Cayucos
Colle Wilcutt	<i>Colle Wilcutt</i>	2789 S. Ocean Blvd	Cayucos
LINDA FARNUM	<i>Linda Farnum</i>	177 F. ST.	Cayucos
CLIFFORD A. BAINES	<i>Clifford A. Baines</i>	166 E St.	Cayucos
Francine Esposito	<i>Francine Esposito</i>	3130 Studio Dr. Cayucos, Ca.	Cayucos
Vicara Esposito	<i>Vicara Esposito</i>	431 Mindoro St M.B Ca. 93442	Cayucos
			Cayucos
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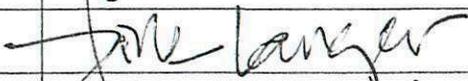
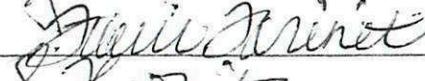
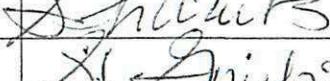
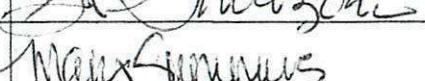
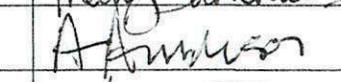
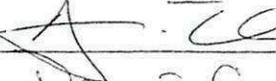
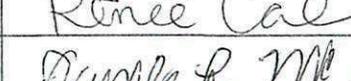
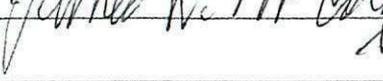
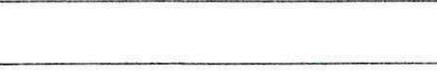
Printed Name	Signature	Street Address	City
David Leaty		391 D ST.	Cayucos
George Schuchell		167 I ST. CAYUCOS CA	Cayucos
Debra Swens		9155 Santa Rita Cayucos, Ca	Cayucos
Craig Barclay		332 Old Creek Rd	Cayucos
REBECCA BARCLAY		332 OLD CREEK RD	Cayucos
LANCE UMBERTS		260 D ST. CAYUCOS cit.	Cayucos
Kenneth Krossa		220 D ST Cayucos	Cayucos
KENNETH KABERLINE		264 D ST CAYUCOS	Cayucos
REBE DARRLINE KABERLINE		264 "D" ST CAYUCOS	Cayucos
Sylvia Simms		26 Birch St Cayucos	Cayucos
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Sandra Talaks		94 12th St	Cayucos
Giovanni Grillanzoni		824 Main St Cambria	<del>Cayucos</del>
Mary Summers		Cambria	<del>Cayucos</del>
AMES ANDERSON		2205 RONNEY DR. CAMBRIA	<del>Cayucos</del>
BRENT CALVIN		34 CYPRESS CT	Cayucos
Renee Calvin		34 Cypress Glen Ct.	Cayucos
James R Mc Coy		46 Cypress Glen	Cayucos
			Cayucos

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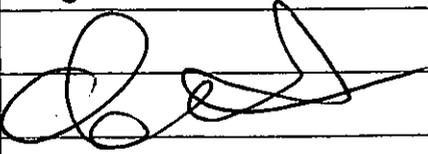
Printed Name	Signature	Street Address	City
Kate Brown	<i>Kate Brown</i>	101 Bakersfield Ave	Cayucos
<i>[Signature]</i>	James Brown	101 Bakersfield Ave	Cayucos
Linda Van Fleet	<i>Linda Van Fleet</i>	949 Pacific Ave, <del>6</del>	Cayucos
JERRY VAN FLEET	<i>Jerry Van Fleet</i>	949 PACIFIC AVE	Cayucos
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Printed Name	Signature	Street Address	City
Anthony Cirocoster		100 So. Ocean Ave. #8	Cayucos