

CHAPTER 9

RESPONSE TO COMMENTS

The Response to Comments chapter of the EIR includes comment letters for the Loperena Minor Use Permit/Coastal Development Permit Environmental Impact Report (EIR). These comment letters were received from entities including federal and state agencies, non-agency organizations, and the general public. In accordance with California Environmental Quality Act (CEQA) Guidelines §15132(d), this Final EIR presents the County of San Luis Obispo's (County's) response to comments submitted during the Draft EIR review and consultation process.

The letters of comment are in chronological order with the responses following the individual letters. Letters of comment are reproduced in total, and numerical annotation has been added as appropriate to delineate and reference the responses to those comments.

9.1 AGENCY COMMENT LETTERS AND RESPONSES

The following agencies have submitted comments on the Draft EIR.

Respondent	Code	Contact Information	Page
State of California Office of Planning and Research State Clearinghouse and Planning Unit Letter dated: August 5, 2013	SCH	1400 10th Street Sacramento, CA 95812 www.ceqanet.ca.gov	9-2
Federal Emergency Management Agency Letter dated: June 20, 2013	FEMA	FEMA Region IX 1111 Broadway, Suite 1200 Oakland, CA 94607-4052 <i>Contact: Gregor Blackburn, CFM, Branch Chief, Floodplain Management and Insurance Branch</i>	9-5
California Coastal Commission Letter dated: August 5, 2013 Email dated: August 8, 2013	CCC	Central Coast District Office 725 Front Street, Suite 300 Santa Cruz, CA 95060 <i>Contact: Daniel Robinson, Coastal Planner</i>	9-8



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

August 5, 2013

Ryan Hostetter
San Luis Obispo County
976 Osos Street, Rm 300
San Luis Obispo, CA 93408-2040

Subject: Loperena Minor Use Permit / Coastal Development Permit DRC2005-00216; ED06-317
SCH#: 2007081044

Dear Ryan Hostetter:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 2, 2013, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

SCH-1

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2007081044
Project Title Loperena Minor Use Permit / Coastal Development Permit DRC2005-00216; ED06-317
Lead Agency San Luis Obispo County

Type EIR Draft EIR
Description Request by Jack Loperena for a Minor Use Permit/Coastal Development Permit to allow for the construction of a 2,396 square foot single family residence with a 217 square foot upper floor deck on the west side of the house. The proposed home is a single story (with basement) and a proposed maximum height of 15 feet above the centerline elevation of Studio Drive. The project will result in the disturbance of approximately 3,000 square feet of a 3,445 square foot parcel. The proposed project is within the Residential Single Family land use category and is located on the west side of Studio Drive, adjacent to the State Parks property on the northern end of Studio Drive, approximately 250 feet south of the intersection of Studio Drive and Highway 1. The site is in the Estero planning area.

Lead Agency Contact

Name Ryan Hostetter
Agency San Luis Obispo County
Phone (805) 788-2351 **Fax**
email
Address 976 Osos Street, Rm 300
City San Luis Obispo **State** CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City
Region
Lat / Long
Cross Streets South of the intersection of Studio Drive and Highway 1
Parcel No. 064-253-007
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 1
Airports
Railways
Waterways Pacific Ocean, Old Creek
Schools
Land Use Currently Vacant / Residential Single Family / Residential Single Family

Project Issues Archaeologic-Historic; Geologic/Seismic; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Public Services; Other Issues; Aesthetic/Visual

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 06/19/2013 **Start of Review** 06/19/2013 **End of Review** 08/02/2013

9.1.1 Response to State Clearinghouse Notice of Distribution

Comment No.	Response
SCH-1	Standard notice of agency distribution from State Clearinghouse. No changes to the EIR are necessary.



U.S. Department of Homeland Security
 FEMA Region IX
 1111 Broadway, Suite 1200
 Oakland, CA. 94607-4052



FEMA

June 20, 2013

Ryan Hostetter, Project Manager
 County Planning & Building Department
 976 Osos St., Rm. 300
 San Luis Obispo, California 93408-2040

Dear Mr. Hosteller:

This is in response to your request for comments on the Loperena – Notice of Availability of Draft Environmental Impact Report (EIR) (DRC2005-00216) in San Luis Obispo County, California.

FEMA-1

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of San Luis Obispo (Community Number 060304), Maps revised November 16, 2012. Please note that the County of San Luis Obispo, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

FEMA-2

FEMA-3

www.fema.gov

Ryan Hostetter, Project Manager
Page 2
June 20, 2013



- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

FEMA-4

FEMA-5

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The San Luis Obispo County floodplain manager can be reached by calling Tim Tomlinson, Floodplain Manager, at (805) 781-5271.

FEMA-6

If you have any questions or concerns, please do not hesitate to call Jane Hopkins of the Mitigation staff at (510) 627-7183.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

- Tim Tomlinson, Floodplain Manager, San Luis Obispo County
- Ed Perez/Amanda Peisch, State of California, Department of Water Resources
- Jane Hopkins, NFIP Planner, DHS/FEMA Region IX
- Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

www.fema.gov

9.1.2 Response to Letter from Federal Emergency Management Agency

Comment No.	Response
FEMA-1	The Flood Insurance Rate Map (FIRM) for the project site was reviewed as part of the EIR analysis. Based on review of the maps, the project site is located just outside of Flood Zone X (Pacific Ocean), and is not located within Flood Zones A, AO, AH, AE, or AI through A30 as delineated on the FIRM. No changes to the EIR are necessary.
FEMA-2	Please refer to response to comment FEMA-1 above. Based on the FIRM, the project is not located within a riverine floodplain. No changes to the EIR are necessary.
FEMA-3	Based on the FIRM, the project is not located within a Regulatory Floodway. No changes to the EIR are necessary.
FEMA-4	Based on the FIRM, the project is not located within a "V" Flood Zone. No changes to the EIR are necessary.
FEMA-5	The project site is not located within a Special Flood Hazard Area. No changes to the EIR are necessary.
FEMA-6	The project was reviewed by the County of San Luis Obispo Public Works Department (Tim Tomlinson, floodplain manager), as documented in the Initial Study for the project and associated correspondence. No changes to the EIR are necessary.



RE: Draft EIR for Loperena

Robinson, Daniel@Coastal to: rhostetter@co.slo.ca.us

08/05/2013 05:39 PM

From: "Robinson, Daniel@Coastal" <Daniel.Robinson@coastal.ca.gov>

To: "rhostetter@co.slo.ca.us" <rhostetter@co.slo.ca.us>

1 attachment



Loperena SFD (Draft EIR) 8 5 2012.pdf

Hi Ryan, here are our comments, in spite of our limited resources. huge hearing in Santa Cruz this month so we are swamped!

Unfortunately we didn't have the time to get into all the aspects of this project that raise concerns, but we seem to have hit the big ones. Please let me know if you have questions. A hard copy will be mailed to you and the Clearinghouse tomorrow.

Daniel

-----Original Message-----

From: rhostetter@co.slo.ca.us [mailto:rhostetter@co.slo.ca.us]

Sent: Monday, August 05, 2013 2:49 PM

To: Robinson, Daniel@Coastal

Subject: RE: Draft EIR for Loperena

Yes, of course COB is fine. Sorry about that!

Thanks!

Ryan Hostetter, LEED AP
County of San Luis Obispo
Current Planning and Permitting
(805) 788-2351

From: "Robinson, Daniel@Coastal" <Daniel.Robinson@coastal.ca.gov>

To: "rhostetter@co.slo.ca.us" <rhostetter@co.slo.ca.us>

Date: 08/05/2013 02:46 PM

Subject: RE: Draft EIR for Loperena

Oh, ok :)

Can I have till end of COB today at least? When is the latest?

Daniel

-----Original Message-----

From: rhostetter@co.slo.ca.us [mailto:rhostetter@co.slo.ca.us]

Sent: Monday, August 05, 2013 2:43 PM

To: Robinson, Daniel@Coastal

Subject: Re: Draft EIR for Loperena

CCC-1

HI Daniel,

We have been pretty strict with the comments for the DEIR and I am out of the office later this week... you can always comment on the project up until the hearing however (but those may not be analyzed in the FEIR). Sorry... but our policy is to treat everyone alike and ask that comments be turned in on time which is what I have been telling others on this project.

Thank You,

Ryan Hostetter, LEED AP
County of San Luis Obispo
Current Planning and Permitting
(805) 788-2351

From: "Robinson, Daniel@Coastal"
<Daniel.Robinson@coastal.ca.gov>
To: "rhostetter@co.slo.ca.us" <rhostetter@co.slo.ca.us>
Date: 08/05/2013 02:39 PM
Subject: Draft EIR for Loperena

Hi Ryan,

I'm working on the draft EIR comments for this SFD in Cayucos and wondered if it would still work for your review if we could provide comments on this sometime this week? Mark Johnsson sent me some comments on the bluff situation and how we would interpret bluff setbacks in this situation, and I need a bit of time to incorporate it all. There are also significant visual concerns and hazards section that we will need to flush out.

Thanks,
Daniel

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CCC-1

CALIFORNIA COASTAL COMMISSION

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



August 5, 2013

Ryan Hostetter, Project Manager
 County Planning and Building Dept.
 976 Osos St., Rm. 300
 San Luis Obispo, CA 93408-2040

Subject: *Draft Environmental Impact Report (DEIR) for the Loperena SFD*

Dear Ms. Hostetter:

Thank you for the opportunity to review the above-referenced DEIR. The proposed project consists of construction of a single-family residence on a bluff-top lot at the north end of Studio Drive in the unincorporated community of Cayucos, San Luis Obispo County. We have the following comments:

CCC-1

1. **Visual Resources.** The proposed project is located in a visually sensitive area adjacent to State Parks property (Morro Strand State Beach) at the north end of Studio Drive. Morro Strand State Beach is a popular public beach in the area and includes a scenic overlook/parking lot that is located just to the north of the project site. The project site is also highly visible from Highway 1, a designated state scenic highway and National Scenic Byway. The LCP includes a suite of visual and scenic resource protection policies for development within unincorporated San Luis Obispo County. Per the LCP, new development must be sited to protect scenic views and vistas, minimize visibility from public view corridors, minimize grading and earthmoving, and minimize visual intrusion on adjacent sandy beaches (including LCP Visual and Scenic Resources Policies 1, 2, 5, and 11 and corresponding LCP Coastal Zone Land Use Ordinance (CZLUO) Sections.

CCC-2

In addition, the project is located within the Cayucos Community Small Scale Design Neighborhood (Studio Drive Neighborhood), which requires new development to be designed and sited to complement and be visually compatible with existing characteristics of the community. LCP Visual and Scenic Resources Policy 6 requires that the scale and architecture of new structures add to the overall attractiveness of the community and be compatible with natural features. Further, other policies, such as those found within the Estero Area Plan provide for enhanced protections for new developments along the shoreline. The project appears inconsistent with all of the above requirements because the modern-style, cantilevered, residential development would be highly prominent in a highly scenic public view (including from Highway 1) in a way that will degrade the character of this significant scenic viewshed.

CCC-3

2. **Bluff Setbacks.** The DEIR asserts that the bluff located north of the project site consists of fill. The DEIR also has determined that the project site is not located on a coastal bluff but rather a “river” or inland facing bluff. Thus, the DEIR concludes that the LCP’s coastal bluff

CCC-4

Ryan Hostetter
County Planning and Building Dept.
August 5, 2013
Page 2

policies, including required bluff setback distances for development, do not apply. However, in this case, it appears the line that was used in this analysis on the river bluff side is only 300 feet long, as opposed to the minimum 500-foot-long line that should have been used to determine the point at which the coastal and canyon bluffs converge. Understanding the DEIR's contentions about the limits of the 500-foot rule in this case, the final EIR should analyze the proposed project's location (and thus corresponding policy requirements) using the 500-foot line minimum. This may significantly alter the project. It should be noted in addition, that if the LCP's coastal bluff policies (including Areawide Standard I-4, Hazards Policy 6, or CZLUO Section 23.04.118) are in fact triggered by this proposed project (i.e. if it is determined that this is a coastal bluff significant revisions) to the project (i.e. an LCP-consistent bluff-top setback) would need to be made.

CCC-4
(continued)

3. **Sea Level Rise and Coastal Hazards.** The proposed project is located within an LCP-mapped Geologic Study Area (combining designation) and fronts Morro Strand State Beach. This site is on a steep slope and in an area known for overall geologic instability (including due to wave run-up, unconsolidated soils, erosion, tsunamis, etc.). The LCP requires that new development ensure structural stability while not creating or contributing to erosion or geological instability (including LCP Hazards Policies 1 and 2, and CZLUO Section 23.07.086). The project includes substantial areas of cut and fill and substantial retaining walls, including basement walls reinforced with steel (themselves raising questions of shoreline protection). It is not clear if the project can ensure safety from, and not contribute to, geologic hazards, and it appears to raise (at the least) LCP hazard avoidance and minimization issues as well. Additionally, it is unclear how projected sea level rise rates in this area may influence expected coastal hazards over the project's lifetime.

CCC-5

CCC-6

CCC-7

In short, it does not appear that the proposed project is consistent with the LCP's Visual and Scenic Resources protection policies, Hazards policies, and other related requirements.

CCC-8

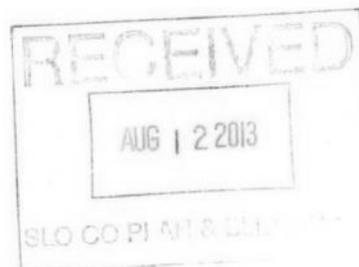
Thank you again for the opportunity to comment on the proposed project. If you have any questions regarding these comments or wish to discuss the project further, please contact me at 427-4863.

Sincerely,



Daniel Robinson
Coastal Planner
Central Coast District Office

CC: State Clearinghouse



From: rhostetter@co.slo.ca.us
To: [Shawna Scott](#)
Subject: Fw: Draft EIR for Loperena
Date: Wednesday, August 14, 2013 9:34:08 AM

Lets count these as additional comments from Coastal Commission below:

Ryan Hostetter, LEED AP
County of San Luis Obispo
Current Planning and Permitting
(805) 788-2351
----- Forwarded by Ryan Hostetter/Planning/COSLO on 08/14/2013 09:32 AM

From: "Robinson, Daniel@Coastal" <Daniel.Robinson@coastal.ca.gov>
To: "rhostetter@co.slo.ca.us" <rhostetter@co.slo.ca.us>
Date: 08/08/2013 12:38 PM
Subject: RE: Draft EIR for Loperena

Hi Ryan - yes we will provide. We may be more definitive that this is a coastal bluff after further review as well. Not exactly positive what LCP policy this corresponds to, if any, but Coastal act Section 13577 defines coastal bluffs:

(h) Coastal Bluffs. Measure 300 feet both landward and seaward from the bluff line or edge. Coastal bluff shall mean:

- (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and
- (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

CCC-9

So you really don't even get to the second part about 500 feet lines, etc. if the site is or has been impacted by marine erosion within the past 200 years or so. This is certainly the case here. So it appears that coastal bluff policies would apply, and with appropriate setbacks, the project as proposed is severely flawed. (and of course this is even bracketing the severe visual impacts in this highly scenic area).

Hope this helps,
Daniel

-----Original Message-----

From: rhostetter@co.slo.ca.us [<mailto:rhostetter@co.slo.ca.us>]
Sent: Tuesday, August 06, 2013 8:09 AM
To: Robinson, Daniel@Coastal
Subject: RE: Draft EIR for Loperena

Hi Daniel,

We would like your full comments if possible before the hearing.... I think they will be really helpful for everyone. We have not scheduled a hearing yet, but maybe a follow up letter from your office within the next 30 days or so will be ok.... does that work for your schedule?

Thanks again,

Ryan Hostetter, LEED AP
County of San Luis Obispo
Current Planning and Permitting
(805) 788-2351

[Scanned @co.slo.ca.us]

CCC-10

9.1.3 Response to Letter and Email from California Coastal Commission

Comment No.	Response
CCC-1	Please refer to attached letter and specific responses to comments below.
CCC-2	Based on review of the LCP policies and corresponding CZLUO sections, the project is potentially consistent with these policies. A site specific visual analysis was conducted as part of the EIR analysis, which included an assessment of views from Highway 1, Studio Drive, and the open beach area (please refer to EIR Section 4.1, Aesthetic Resources). Table 3-1 Consistency with Plans and Policies, County of San Luis Obispo Coastal Plan Policies, has been expanded to include noted Visual and Scenic Resources Policies 1, 3, and 5 (please refer to the Final EIR). Based on review of these policies, the project appears consistent with the County General Plan and LCP.
CCC-3	<p>The existing environmental setting consists of a residential neighborhood, with a variety of architectural styles and designs, providing an eclectic visual character. As noted in the EIR, the design of the proposed residence is unique and modern. There are no ordinances or policies that limit modern design in this area and the project appears to be consistent with the Estero Area Plan Small Scale Neighborhood standards. The EIR notes that the project would be visible from several public viewing areas, including Highway 1, and assesses the potential impact based on identified thresholds of significance (please refer to Section 4.1 Aesthetic Resources). Based on this analysis, the project would not significantly degrade the character of the scenic viewshed because it will appear as an extension of an existing residential neighborhood, would not substantially block significant views of the Pacific Ocean (or Morro Rock and the Cayucos Pier), and would contribute to the eclectic character of the beachfront residential neighborhood present in Cayucos. The EIR recognizes that architectural preference is subjective, and identifies alternatives to the project for consideration by the County decision makers (i.e., Planning Commission, Board of Supervisors), including a reduced design that eliminates the cantilevered portion, a reduced design that eliminates the basement, and recommendations for visual articulation.</p> <p>Therefore, based on the CEQA analysis, the project would not result in a significant, adverse, and unavoidable impact to visual resources; however, the decision makers may review the project and identified alternatives and either deny the project application or approve a project that appears more in line with community expectations for coastal residential development.</p>
CCC-4	<p>The issue regarding the coastal bluff interpretation is addressed in the Technical Report appended to the EIR (Cotton Shires and Associates, May 31, 2011), and is summarized in Section 4.3 Geology and Soils A detailed analysis of the site terrain, development history, geologic setting, surface conditions, and interpretation of coastal bluff was provided in the Draft EIR and Appendices (see CSA, 2011, Section 2.1 Terrain, 2.2 Development History, 2.3 Geologic Setting, 3.1 Surface Conditions, and 3.4 Coastal Bluff Interpretation). The coastal bluff interpretation presented in CSA's 2011 report is based on strict application of the definition of bluff edges and coastal bluff termini contained in the California Code of Regulations, along with guidelines prepared by, and received from, California Coastal Commission geologist Mark Johnson in a personal communication from April, 2011. Those guidelines state the following important items:</p> <ul style="list-style-type: none"> • A bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. • A bluff edge line is the locus of points defining bluff edge in profile • Fill adjacent to a bluff edge does not change a bluff edge • Fill on a bluff face does not alter the position of the bluff edge • Grading resulting in fill generally does not alter a bluff edge <p>Based on this, it appears inappropriate to consider that manmade features such as artificial fill prisms graded for roadway developments comprise "bluffs". An analysis to determine the terminus of a natural feature, such as a coastal bluff, should not be based upon manmade topographic</p>

Comment No.	Response
	<p>features.</p> <p>CSA's 2011 report clearly acknowledges and represents that there is an active beach on the property, adjacent to a bedrock outcropping that faces partially southwest (oceanward). This outcropping is capped by fill soils placed circa 1960. The outcropping (identified as "Toe Of Bluff") is shown in the 1955 State of California Acquisition Map for Morro Strand State Beach produced by HKA (2013) and is very consistent with the location of outcropping mapped by Cleath (2006) and CSA (2011), the latter using the project survey and topography prepared by Volbrecht. The position of the top of the bedrock outcrop, mapped on a topographic survey map of the property, is consistent with the bluff edge line (blue line) presented on CSA Figure 6 (2011). Therefore, notwithstanding the scale used in the analysis, it is of sufficient accuracy to determine that the project site is located immediately north of the coastal bluff terminus.</p> <p>The buried fluvial bluff underlying the Loperena property is clearly oriented perpendicular to the general trend of the coastal bluff along Studio Drive. A 300-foot general trend was used for the inland bluff component of the analysis. The logic for this approach was explained in detail (see CSA, 2011, Section 3.4, page 17). Beyond 300 feet, the inland bluff turns to a N15W trend on the east side of the Old Creek drainage, and any reasonable interpretation of a general trend for the inland bluff will result in a determination of the coastal bluff terminus being located southeast of the project site. If an additional 200 feet long segment of inland/fluvial bluff trending N15W is considered to establish the general trend of the inland bluff, the coastal bluff terminus would plot hundreds of feet south of the project site. In another example, if the analysis considers the oceanward 300-foot long segment of fluvial/inland bluff that is perpendicular to the coast, plus a 200 foot long segment of fluvial/inland bluff that trends N15W up Old Creek, the resultant vector between the endpoints of these segments trends approximately N30E, and the coastal bluff terminus still plots southeast of the project site.</p> <p>In summary, based on the evidence summarized above and provided in detail in the EIR, the project site is not located on a coastal bluff. Therefore, no changes to the EIR are necessary.</p>
CCC-5	<p>Please refer to Table 3-1 Consistency with Plans and Policies, County of San Luis Obispo Coastal Plan Policies, Hazards, Policy 6: Bluff Setbacks. As noted above in response to comment CCC-4, the project site is not located on a coastal bluff.</p> <p>Regardless of the bluff determination, consistent with this policy, technical reports including a geotechnical and coastal hazards review and wave run-up analysis were prepared (refer to the Geology and Soils section of the EIR and EIR Appendices). As noted in Table 3-1 the project does not include, or require, the construction of protection structures. Based on the wave run-up analysis, the structure may be exposed to spray and splash from waves striking and overtopping an existing rock outcropping, and would be constructed with steel reinforced concrete to withstand potential weathering. The depth of the water reaching the basement wall under these conditions would be 0.14 foot. The EIR analysis and supportive technical reports determined that based on the location of the basement wall, geology of surrounding landforms, and analysis of wave run-up and storm surge, the project would not cause off-site erosion. Based on the location and design, no shoreline protection structures would be required over the next 100 years, which exceeds the 75-year standards identified in the policy. Therefore, no changes to the EIR are necessary.</p>
CCC-6	<p>Please refer to response to comment CCC-4. In addition, EIR and Technical Report appended to the EIR (Cotton Shires and Associates, May 31, 2011) includes an assessment of slope stability (short and long-term), underlying soils, erosion potential, exposure to tsunami, wave run-up, and sea level rise. Based on the design of the project and technical review by the project applicants, and peer review and independent assessment of potential coastal hazards, the proposed development would ensure structural stability and would not create or contribute to erosion or geologic instability. Please note that many of these issues were raised during preparation of the EIR and during the peer review of the applicant's initially-submitted technical reports. The applicant responded with additional information and technical study, all which was peer reviewed by Cotton Shires and Associates, and documented in writing (refer to the EIR and EIR Appendices).</p>

Comment No.	Response
	Please refer to Table 3-1 Consistency with Plans and Policies, County of San Luis Obispo Coastal Plan Policies, Hazards, Policy 1: New Development and Hazards, Policy 2: Erosion and Geologic Stability. This section summarizes the conclusions of the EIR Geology and Soils section and referenced technical appendices. Based on the EIR analysis, the project appears to be consistent with these policies, and no changes to the EIR are necessary.
CCC-7	Please refer to response to comments CCC-4 through CCC-6. As noted above, the use of steel reinforced concrete is to ensure protection from weathering resulting from wave splash and spray. Please also refer to EIR Section 4.3 Geology and Soils and Appendix C (Geology and Soils Background Information). The project would not contribute to or cause safety or geologic hazards. The EIR section and reports included in Appendix C include an assessment of sea level rise, and assume a worst case scenario including an extreme storm, wave run-up, and sea level rise. The existing analysis addresses the noted concerns, and no changes to the EIR are necessary.
CCC-8	Please refer to response to comments CCC-1 through CCC-6 above. No changes to the EIR are necessary.
CCC-9	Please refer to response to comment CCC-4 above. No changes to the EIR are necessary.
CCC-10	Please refer to response comment CCC-1 through CCC-7 above. In addition, as noted in the EIR analysis (4.3.3.2 Local Regulations, County of San Luis Obispo Estero Area Plan), the intent of the bluff setback is to ensure that a proposed structure could withstand bluff erosion for a minimum timeframe of 100 years without shoreline protection. Based on the EIR analysis which incorporates the analysis and findings contained in the appended reports (Appendix C), the project would not require shoreline protection, and would not result in or be exposed to significant geologic or safety hazards. Therefore, no changes to the EIR are necessary.

9.2 NON-AGENCY ORGANIZATIONS COMMENT LETTERS AND RESPONSES

The following non-agency organizations have submitted comments on the Draft EIR.

Respondent	Code	Contact Information	Page
<p>Sierra Club, Santa Lucia Chapter San Luis Obispo CoastKeeper Surfrider Foundation, San Luis Obispo Chapter Environmental Center of San Luis Obispo Letter dated: August 2, 2013</p>	SSSE	<p>Sierra Club, Santa Lucia Chapter 974 Santa Rosa Street San Luis Obispo, CA 93401 <i>Contact: Andrew Christie, Director</i></p> <p>San Luis Obispo CoastKeeper 1013 Monterey Street, Suite 202 San Luis Obispo, CA 93401 <i>Contact: Gordon Hensley</i></p> <p>Surfrider Foundation, San Luis Obispo Chapter P.O. Box 13222 San Luis Obispo, CA 93406 <i>Contact: Brad Snook, President</i></p> <p>Environmental Center of San Luis Obispo P.O. Box 1014 San Luis Obispo, CA 93406 <i>Contact: Sandra Marshall, Chair</i></p>	9-18
<p>Cayucos Citizen's Advisory Council and Land Use Committee Email dated: August 5, 2013</p>	CCAC	<p>P.O. Box 781 Cayucos, CA 93430 <i>Contact: Larry Fishman, LUC Chairman, CCAC Vice President</i></p>	9-24



SIERRA CLUB
SANTA LUCIA CHAPTER



San Luis Obispo COASTKEEPER*



August 2, 2013

Ryan Hostetter, Project Manager
County Planning & Building Dept.
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

RE: Loperena Minor Use Permit Draft Environmental Impact Report

Dear Mr. Hostetter,

We are concerned that this project and its environmental review, originally proposed via a Negative Declaration, seems to take little account of the changes in the nature of coastal planning and permissible coastal development that came about with the passage of the California Coastal Act in 1976.

SSSE-1

A residence cantilevered 28 feet over a public beach and the visual impacts such a structure presents cannot be justified as a style of architecture seen regularly in the Studio Drive neighborhood (4.1-14). There is no such structure in the neighborhood. By virtue of this overhang and overall design – a two-story structure with a footprint of 3097 square feet occupying a 3445 square foot lot, approximately 90% of the lot size -- the structure would be out of character with the neighborhood. (Figure 4.1-14 is essentially an optical illusion: The existing residence shown in the foreground -- built in 1964, prior to establishment of the California Coastal Act and associated rules protecting bluffs -- appears to extend beyond the seaward edge of the computer simulation of the proposed residence in the background, but in fact it extends only to the toe of the bluff; the proposed structure extends beyond the bluff.)

SSSE-2

SSSE-3

The structure would not be consistent with Visual and Scenic Resources Policy 10: Development on Beaches and Sand Dunes. The DEIR's reasoning in finding consistency with Policy 10 ("The residence would generally be in line with existing development; therefore the site is not considered to be a component of the open sandy beach located to the immediate west, northwest, and southwest" 3-11), seems to employ circular logic. In extending 28 feet over the beach, the site is a component of the open sandy beach.

SSSE-4

Public views from the Morro Strand State Beach parking lot and the intervening public beach would be effectively blocked by the structure. The DEIR contends that from this vantage point, approximately 300 feet from the project, the proposed residence would be seen almost directly from the side and "the silhouette of the new building would mostly fit within the silhouette of the existing residences behind it to the south. As a result the project would not block views of coastal resources as seen from this public parking area" (4.1-12). The new building -- built as designed,

SSSE-5

extending beyond the bluff with no setbacks applied as otherwise required for coastal bluff development -- when seen almost directly from the side from the vantage point of the parking lot and intervening beach would, in fact, block public views, including the view of the southern end of Estero Bay from Key Viewing Area 1, as shown in Figure 4.1-11. The lower slopes of the coastal hills behind it would be blocked from Key Viewing Area 5, as shown in Figure 4.1-15. The DEIR concedes that Figure 4.1-14 and Figure 4.1-15 show that “the upper portion of the new building would block a portion of the hillside to the northeast” and “from some closer viewpoints, the residence would block brief views of the ridgeline as well,” but elects to classify these impacts as “minor,” and does not define the phrase “brief views.”

**SSSE-5
(continued)**

The finding that the structure would be consistent with the development patterns throughout Cayucos, and would not be an unexpected visual Feature (ES-20) is incorrect. No other structure in the area extends 28 feet over the beach, encroaching on its 25-foot lateral access dedication that, for all other such structures, extends from the mean high tide line to the toe of the bluff, as required by Section 23.04.420 (d) (3) (Coastal Access Requirement) of Title 23 (Coastal Zone Land Use Ordinance).

SSSE-6

The project’s claimed exemption from Coastal Plan Policy 6, Hazards: Bluff Setbacks is based on the contention that the bluff top lot and proposed project are not located on a coastal bluff. The geotechnical review supplied in support of this contention may be of interest to geologists, but it is not relevant to the definition of a coastal bluff provided in the California Code of Regulations as used by the California Coastal Commission. Per Title 14, Section 13577(h), coastal bluffs are:

SSSE-7

- 1/ Those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and
- 2/ those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resource Code Section 30603(a)(1) or (a)(2) [the appealable zone].

The Draft EIR should use the correct terminology when referring to the seaward wall of the proposed basement. This structure is clearly designed to act as a seawall; it will perform every function of a seawall and have the same environmental impacts. The statement “The project does not include, or require, the construction of protection structures; however, the proposed basement wall will be constructed of steel reinforced concrete to withstand spray and splash from wave run-up striking an existing rock outcropping” (3-13) begs the point. The basement’s function as a seawall should be analyzed as such in the EIR, and discussed in the context of Section 30253 of the Coastal Act and its requirement that new development shall not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

SSSE-8

The Draft EIR’s alternatives analysis is deficient. CEQA is not satisfied by a listing of several alternatives that are all more or less the same. The Final EIR should include an analysis of a structure with, in various combinations, a smaller footprint, no basement/seawall and no upper story cantilevered 28’ over the beach, with accompanying visualizations to allow for direct comparison of visual impacts to those of the proposed project.

SSSE-9

The issue of the location of the border of Morro Strand State Beach should be addressed and established in the Final EIR. State Parks should be consulted as to how they measure the boundary line for the State Beach, what portion of the beach is considered to be State Park land, and whether the structure as proposed would extend over and encroach upon a State Beach.

SSSE-10

We are concerned by the lack of a public scoping meeting for this project and by the Draft EIR's false assertion that a scoping meeting was held. Pursuant to CEQA §15082, at least one scoping meeting is required for projects of statewide, regional or area-wide significance. We submit that a project which proposes to redefine the term "coastal bluff," evade the bluff top setback requirement, include a seawall in new development and encroach on sandy beach and its required lateral access -- all in contradiction of long established coastal planning policies and the standard practice of the Coastal Commission -- would set a precedent for all future coastal development and is thereby a project of statewide, regional and area-wide significance. The failure to hold a scoping meeting for this project is thus a direct violation of the requirements of CEQA.

SSSE-11

Thank you for your attention to these concerns.

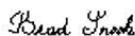
Signed,



Andrew Christie, Director
Sierra Club, Santa Lucia Chapter



Gordon Hensley
San Luis Obispo CoastKeeper



Brad Snook, President
Surfrider Foundation, San Luis Obispo Chapter



Sandra Marshall, Chair
Environmental Center of San Luis Obispo

9.2.1 Response to Letter from Sierra Club, Santa Lucia Chapter; San Luis Obispo CoastKeeper; Surfrider Foundation, San Luis Obispo Chapter; and Environmental Center of San Luis Obispo

Comment No.	Response
SSSE-1	Please refer to specific responses to comments below.
SSSE-2	<p>The existing environmental setting consists of a residential neighborhood, with a variety of architectural styles and designs, providing an eclectic visual character. As noted in the EIR, the design of the proposed residence is unique and modern. The EIR recognizes that architectural preference is subjective, and identifies alternatives to the project for consideration by the County decision makers (i.e., Planning Commission, Board of Supervisors), including a reduced design that eliminates the cantilevered portion, a reduced design that eliminates the basement, and recommendations for visual articulation.</p> <p>Therefore, based on the CEQA analysis, the project would not result in a significant, adverse, and unavoidable impact to visual resources; however, the decision makers may review the project and identified alternatives and either deny the project application or approve a project that appears more in line with community expectations for coastal residential development. No changes to the EIR are necessary.</p>
SSSE-3	Figure 4.1-14 is an actual photo taken from the sandy beach, and represents the viewpoint from that location. While the existing residence was built prior to the Coastal Act, it is part of the environmental baseline setting. No changes to the EIR are necessary.
SSSE-4	As noted in Table 3-1, Consistency with Plans and Policies, County of San Luis Obispo Coastal Plan Policies, Visual and Scenic Resources, Policy 10: Development on Beaches and Sand Dunes, a portion of the project would cantilever over the open sand. The footprint of the structure would not be located on the sandy beach. Therefore, the project appears consistent with this policy, and no changes to the EIR are necessary.
SSSE-5	<p>As noted in the comment, the EIR describes how the proposed residence would affect existing views of noted resources including the ocean and hillsides as seen from a variety of potential vantage points and viewshed corridors. The EIR analysis considers the County's adopted thresholds of significance, and identified an environmental impact associated within this potential change. Please refer to EIR Section 4.1.5.2, Aesthetic Resources, Introduce a Use within a Scenic View Open to Public View. As noted in the lead up to the quoted excerpt: "Viewpoints from the beach toward the project would be generally oriented inland and away from the ocean. From these viewing areas, scenic coastal resources such as the hills east of the highway are somewhat compromised by existing residential areas as well as the highway. The uppermost portions of the hills however are undeveloped and can be seen from much of the beach area. Because of the existing homes along the Studio Drive bluff, public viewers closer to the base of the bluff can see less of the hills across the highway to the east. From most beach viewpoints northwest of the project, the proposed residence would not extend beyond the visual silhouette of the adjacent development behind it (refer to Figure 4.1-15). As seen from certain viewpoints directly west and southwest of the project, the upper portion of the new building would block a portion of the hillside to the northeast. From some closer viewpoints, the residence would block brief views of the ridgeline as well (refer to Figure 4.1-14)." The descriptor "brief" is used because a portion of the ridgeline is currently blocked by existing development and the visual blockage would occur when persons are looking directly towards the residence. The section continues with: "Although a portion of the hillside views would be blocked by the project, the overall effect on the scenic vista would be minor." The effect is minor because "views to the hills would not be blocked as seen from the majority of the beach area. No unique rock outcroppings or other memorable features are present within affected hillside areas. In addition, other hillside views would remain in the viewshed. The project and its subsequent effect on hillside views would appear to most viewers as an extension of the existing visual condition." As noted in the EIR, based on the location of the project and type of project development, the impact would be less than significant. The impacts</p>

Comment No.	Response
	are minor because of the presence of existing residences along the coastline that currently block views of the ocean and short duration of time that the public would experience the view blockage (ranging from one to 11 seconds from prominent viewing areas). No changes to the EIR are necessary.
SSSE-6	Based on the EIR analysis (Section 4-1 Aesthetic Resources) the structure does have a “distinctly modern-style architecture and form.” The structure is not unexpected because it is a residence located within a residential neighborhood, within a community that has demonstrated varying architectural elements and features, including eclectic designs and cantilevered elements. The upper portion of the structure would extend above a portion of the 25-foot lateral easement within the project lot, as noted in the EIR; however, this feature would not result in a significant, unavoidable, adverse visual impact because the structure would appear to be in-line with the row of existing residences. As noted, the EIR considers thresholds of significance to determine the severity of environmental effects; however, the decision makers may also consider the alternative design elements and comments provided in response of the EIR when making a discretionary decision regarding a proposed project. No changes to the EIR are necessary.
SSSE-7	Please refer to response to comments CCC-4 through CCC-6. No changes to the EIR are necessary.
SSSE-8	Please refer to response to comments CCC-4 through CCC-7. The EIR analysis (Section 4.3 Geology and Soils, and supportive technical documentation in Appendix C) concluded that the structure would be exposed to splash and spray from waves hitting and overtopping the existing rock outcrop. This may occur during a storm resulting in wave run-up, and heightened sea levels over the next 100 years. As noted in the analysis, due to the depth of the water (0.14 foot) and velocity of the water (0.27 cubic feet per second-foot), and resulting effects, such as erosion, would be less than significant. Aside from the use of structural materials that would withstand the effects of coastal environs, no protective devices, such as a sea wall, are proposed. No changes to the EIR are necessary.
SSSE-9	The potential range of feasible alternatives is limited by the size and location of the project, and limitations in allowable uses. Therefore, the Alternatives Chapter of the EIR includes two alternatives that include a smaller footprint (Design Alternative A and Design Alternative B) and no basement (Design Alternative A), no upperstory/cantilever (Design Alternative B), all which are consistent with recommendations made by the public. Additional photo-simulations are not provided; however, the public and decision-makers can apply the wording of the alternatives to the photographs and simulations that provided in the EIR to make a reasonable determination regarding the visual appearance of the potential design options. No changes to the EIR are necessary.
SSSE-10	The lot is a private lot, no development is proposed outside of the lot except for the driveway approach and utilities within the County right-of-way (Studio Drive). No action would occur on State lands. No changes to the EIR are necessary.
SSSE-11	The EIR has been clarified to note that an NOP scoping meeting was not held (please refer to Executive Summary Section F Scoping and Notice of Preparation Process and Section 1.2 Introduction, Scoping and Notice of Preparation Process). Based on review of CEQA Guidelines Section 15206(b), the County determined that the project was not of statewide, regional, or areawide significance because: it is not a proposed local general plan, element, or amendment (criteria 1); the project does not have the potential to cause significant effects on the environment extending beyond the county limits (criteria 2); the project is one residence, which does not meet the criteria of 500 dwelling units (criteria 2A); the project would not result in the cancellation of an open space contract (criteria 3); the project would not substantially impact the California Coastal Zone (criteria 4C); the project would not substantially affect sensitive wildlife habitat (criteria 5); the project would not interfere with attainment of regional water quality standards (criteria 6); and,

Comment No.	Response
	<p>the project would not provide housing, jobs, or occupancy for 500 or more people (criteria 7).</p> <p>However, the County did provide several opportunities for public comment, including review of the proposed Initial Study, the posting of the Notice of Preparation, and the Draft EIR. Additional opportunities include posting and review of the Final EIR, and public hearings for consideration of the use permit and EIR (forthcoming). The EIR analysis applies existing definitions of "coastal bluff" and does not include new language regarding this definition. As noted, the project does not include a seawall, and the proposed expansion of an upper floor into the lateral access setback is clearly disclosed in the EIR and all information available to the public for comment.</p>

Shawna Scott

From: rhostetter@co.slo.ca.us
Sent: Tuesday, August 06, 2013 1:36 PM
To: Shawna Scott
Subject: Fw: CCAC/LUC Comments on Loperena Draft E.I.R. Sch#2007081044
Attachments: Loperena EIR Comments.pdf

Ryan Hostetter, LEED AP
County of San Luis Obispo
Current Planning and Permitting
(805) 788-2351
----- Forwarded by Ryan Hostetter/Planning/COSLO on 08/06/2013 01:36 PM

From: Fishman Investments <fishman.investments@gmail.com>
To: rhostetter@co.slo.ca.us
Cc: JCarsel@aol.com, bgibson@co.slo.ca.us
Date: 08/05/2013 01:33 PM
Subject: CCAC/LUC Comments on Loperena Draft E.I.R. Sch#2007081044

Ryan,
I am attaching the comments of the Land Use Committee and the CCAC (unanimously passed) in regards to the draft E.I.R. Please feel free to contact me with any questions you may have.

CCAC-1

Thanks,
Larry N Fishman
Chairman, Land Use Committee
Vice-President, Cayucos Citizens Advisory Council
805-995-0007 Direct
805-995-0008 Direct Fax(See attached file: Loperena EIR Comments.pdf)

[Scanned @co.slo.ca.us]

Loperena EIR Comments

Potential issues in Draft EIR Loperena Property from CCAC & LUC

- | | |
|--|----------------------|
| <p>1) Property line Setbacks- Front property line zero feet shown- Eight inch gas line prohibits moving building closer to street (Studio Dr.)
 -Per applicants representative
 Rear Setback- Twenty five feet requirement from mean high tide. Applicant's representative says rear property line to mean high tide is two hundred feet. (see Google maps)
 Re: Adjacent house to South (Sugimoto)
 Cantilever-renderings show forward of neighbors to South. Owner's representative claims it sits behind neighbors to South. Is this correct?</p> | <p>CCAC-2</p> |
| <p>2) Bluff Definition- E.I.R. page4.3.1.3 says its not a bluff (Is this a correct Interpretation?) BUT does it act like a bluff or not? Several important issues tie to slope of property regardless of bluff definition.
 Re: drainage/ tidal action, erosion, ebb and flow of water, sand movement, storm water surges, water table, water intrusion- How is this different from neighbors? Bluff on south side (adjacent to Sugimoto) vs. east side- along Studio Dr.? Bluff definition E.I.R. 4.3.1.3 "legal term"</p> | <p>CCAC-3</p> |
| <p>3) Basement and Structure Flooding
 Attempt to mitigate flooding by constructing a marine standard basement-that is lower level floors, doors, windows would be suitable for a marine setting PLUS walls will be "robust, concrete walls" Per owner's representative. Many people think flooding is a serious issue on this lot. The footings will be placed on new imported dirt. 1960's highway construction debris will be trucked out and fresh dirt imported and compacted. Therefore, per owner's representative ,they are not building on sand and not building on a bluff and not building on uncompacted fill.
 Look of basement-clearly very visible and massive from beach, Ocean and Studio Dr. (Out of scale?)</p> | <p>CCAC-4</p> |
| <p>4) Which set of standards to be used? Land Use Ordinance vs. Land Use Element vs. Coastal zone Land Use Local Area Plan vs. Estero Plan (latest version). Conflicts. Also varied interpretations. E.I.R. tries to address this but do all parties agree?</p> | <p>CCAC-5</p> |
| <p>5) Building Heights- All seem to agree its twelve feet from average natural grade of center line on Studio Dr. Yet ground floor level (basement) wall may exceed twelve feet including its above ground foundation. Again-interpretation. Is wall articulation or setback possible?</p> | <p>CCAC-6</p> |
| <p>6) Geotechnical Issues- Clearly different opinions-Sugimoto geotechnical expert vs. county and land owners experts. We can't really judge, except to note lack of agreement.</p> | <p>CCAC-7</p> |
| <p>6) Geotechnical Issues- Clearly different opinions-Sugimoto geotechnical expert vs. county and land owners experts. We can't really judge, except to note lack of agreement.</p> | <p>CCAC-8</p> |

- | | |
|---|----------------|
| 7) Cantilever- Seems to be allowable under codes <u>but</u> the massiveness and placement. re: neighbors could be an issue. | CCAC-9 |
| 8) Does this meet the intent of the Small Scale Neighborhood standards? Sensitivity to beach, ocean, slopes, neighbors? What are positions of neighbors to the north, including State Parks? | CCAC-10 |
| 9) Could other alternatives be presented- i.e. more sensitive to scale, flooding, beach, etc. be presented? Applicant says they've tried, let's get on with this. Neighbor to South and past L.U.C. discussions still question this. | CCAC-11 |
| 10) Involvement of Coastal Commission Staff, so far- Only in the strictest legal sense-that is, as items like draft E.I.R. went out Coastal Commission was copied. Perhaps planning staff can discuss this more directly with Coastal Commission staff. | CCAC-12 |
| 11) CCAC feels Loperena has the right to build; however, serious questions remain as to the size, scale (mass), placement and safety (flooding) of the project, as proposed. | CCAC-13 |

Cc: Supervisor Gibson
John Carsel

9.2.2 Response to Letter from Cayucos Citizen’s Advisory Council and Land Use Committee

Comment No.	Response
CCAC-1	Please refer to specific responses to comments below.
CCAC-2	<p>Please refer to Table 3-1 Consistency with Plans and Policies, County of San Luis Obispo Estero Area Plan (Revised January 2009), Planning Area Standards, V. Cayucos Urban Area Standards, D. Community Small Scale Design Neighborhoods, 3. Standards), which also references Cayucos Community Standard G. The required minimum front setback is 0 feet; therefore, the front setback can be greater, but not less. Regarding the rear setback, a 25-foot lateral easement is identified in the Coastal Zone Land Use Ordinance, Site Design Standards, Section 23.04.420 Coastal Access Required (refer to Table 3-1). The language states that “all new development shall provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year. Where topography limits the dry sandy beach to less than 25 feet, lateral access shall extend from the mean high tide to the toe of the bluff. Where the area between the mean high tide line (MHTL) and the toe of the bluff is constrained by rocky shoreline or other limitations, the County shall evaluate the safety and other constraints and whether alternative siting of accessways is appropriate. This consideration would help maximize public access consistent with the Local Coastal Program and the California Coastal Act.” As proposed, the project would provide lateral access on the sandy beach.</p> <p>The lot itself extends in front of the property to the immediate south. The structure would extend alongside and partially in front of the neighbor’s house, as shown in the photo-simulations (please refer to Chapter 4.1 Aesthetics, Figure 4.1-14 Key Viewing Area 4 Morro Strand State Beach Looking Northeast). No changes to the EIR are necessary.</p>
CCAC-3	<p>Please refer to response to comments CCC-4 through CCC-7, and response to comment SSSE-8. In addition to these responses, please refer to EIR Section 4.3 (Geology and Soils) and Appendix C (Geology and Soils Background Information) to the EIR, including the technical reports that are incorporated by reference into the EIR analysis. The EIR and technical analysis provides evidence regarding the determination that the project site does not meet the California Coastal Commission’s definition of a coastal bluff, and includes an analysis of potential environmental impacts related to coastal hazards including storm surge, wave run-up, sea level rise, wave refraction, sand scour, and erosion, which also incorporates conditions including drainage and tidal action, ebb and flow of water, sand movement, water table, and water intrusion. Please refer to EIR Section 4.3 (Geology and Soils) Figures 4.3-6 1937 Aerial Photo Features and Figure 4.3-7 Bluff Edge Delineation, which include a delineation of the coastal bluff. EIR Section 4.3 and Appendix C include descriptions of the local and regional geology of the area, which explain and describe the general trend of the coastal bluff along Studio Drive. No changes to the EIR are necessary.</p>
CCAC-4	<p>As noted in the EIR analysis, which includes a coastal hazards analysis, the project would not be exposed to flooding, but rather splashes from ocean waves. Please refer to response to comments CCC-4 through CCC-7 and response to comment SSSE-8 for further explanation, in addition to EIR Section 4.3 (Geology and Soils). No changes to the EIR are necessary.</p>
CCAC-5	<p>As noted in EIR Section 4-1 (Aesthetics), the project would be visible from several locations including but not limited to Studio Drive, Highway 1, and Morro Strand State Beach. Based on the analysis, the structure would not be significantly out of scale compared to the baseline setting, which includes the existing residences along Studio Drive. No changes to the EIR are necessary.</p>
CCAC-6	<p>The Coastal Zone Land Use Ordinance (CZLUO) is the regulatory document. The project must also demonstrate consistency with the County General Plan and Local Coastal Plan, subject to interpretation by the County decision makers (i.e., Planning Commission, Board of Supervisors). No changes to the EIR are necessary.</p>

Comment No.	Response
CCAC-7	Please refer to EIR Chapter 5 Alternatives Analysis, which includes design alternatives for consideration by the decision makers. These alternatives include a residence that does not include a basement (Design Alternative A – Reduced Project, Pilings), a more traditional design (Design Alternative B – Reduced Project, Traditional Design), and an option that includes additional visual articulation (Design Alternative C – Vegetation and Articulation). No changes to the EIR are necessary.
CCAC-8	Comment noted. No changes to the EIR are necessary.
CCAC-9	Comment noted. Please refer to specific responses to this issue. Also, please note response to comment CCAC-7. No changes to the EIR are necessary.
CCAC-10	The project appears to meet the Small Scale Neighborhood standards (please refer to Table 3-1 Consistency with Plans and Policies, County of San Luis Obispo Estero Area Plan (Revised January 2009), Planning Area Standards, V. Cayucos Urban Area Standards, D. Community Small Scale Design Neighborhoods, 3. Standards). The EIR analysis presented in Chapter 4 (Environmental Impact Analysis) addresses potential environmental impacts related to the ocean (i.e. coastal hazards), geology and soils, aesthetics, and biological resources (i.e., beach, ocean, and slopes). Community comments and neighbor comments are included and addressed in this Final EIR. In addition to preliminary consultation with State Parks during the County's preparation of the Initial Study, the Notice of Preparation and Draft EIR were sent to State Parks. No comments were received.
CCAC-11	Please refer to Chapter 5, Alternatives Analysis, in the EIR, which includes design options for consideration that address these issues.
CCAC-12	Comment noted. Please refer to response to comments CCC-1 through CCC-7. No changes to the EIR are necessary.
CCAC-13	Please refer to specific responses to comments addressing these issues. The EIR addresses this issues (size, scale, mass, placement, safety, and flooding) and no significant, adverse, and unavoidable impacts were identified. No changes to the EIR are necessary.

9.3 APPLICANT/AGENT COMMENT LETTERS AND RESPONSES

The following members of the general public have submitted comments on the Draft EIR.

Respondent	Code	Contact Information	Page
Shoreline Engineering Letter dated: August 1, 2013	SE	505 Harbor Street Morro Bay, CA 93442 <i>Contact: Bruce Elster, P.E.</i>	9-30



505 Harbor Street
Morro Bay, CA 93442
805-772-6466

August 1, 2013

County of San Luis Obispo Department of Planning and Building
Attn. Ryan Hostetter, Project Manager
County Government Center, Room 200
San Luis Obispo, CA 93408-2040

RE: Response to Draft Environmental Report – Loperena (DRC2005-00216)

Dear Ms. Hostetter,

In general, the applicant believes the Draft Environmental Impact Report (DEIR) for the proposed single family residence located on Studio Drive, Cayucos surpasses all the requirements of CEQA and is entirely legally adequate.

Originally, a Mitigated Negative Declaration was prepared and was overreaching in an effort to fully comply with CEQA. Subsequently, the applicant requested and voluntarily submitted to the preparation of an EIR for this single family residence even though a categorical exemption would apply to the project.

SE-1

In order to simply clarify certain minor aspects of the DEIR, the following clarifications are submitted for inclusion and response by the County.

1. Table 3-1. Consistency with Plans & Policies. Visual & Scenic Resources, Policy 10, page 3-11.

SE-2

Proposed Action (5th line): "...is located westward of the coastal bluff and extends..."

Comment. The reference to the coastal bluff is confusing in that the coastal bluff is easterly of the site, potentially creating a contradiction with the evaluation made in §4.3.1.3 Coastal Bluff Interpretation, and §4.3.2.2 Local Regulations. In order to make the statement clear, the word "terminus" should be added after the word bluff, making the statement read, in part, "...is located westward fo the coastal bluff **terminus** and extends..."

2. Table 3-1. Consistency with Plans & Policies. Archaeology, Policy 6, page 3-13.

SE-3

6th line states, in part: "...knowledgeable in the Chumash culture..."

Comment. §4.2.1.1 Pre-Historic (Archaeological) Resources identifies that both Chumash and Salinan peoples lived in the northern portions of San Luis Obispo County. The reference in Policy 6 should be modified to read, in part, "knowledgeable in the **Native American** cultures..."

Loperena Residence, Cayucos
August 1, 2013
#293-02

3. Table 3-1. Consistency with Plans & Policies. Planning Area Standards, V.D.3., page 3-21. **SE-4**

Subsection e: *"Deck Rail Height. Rail heights for decks above the ground floor shall not exceed 36 inches...."*

Proposed Action (5th paragraph): *"Deck rails shall be no taller than 36 inches."*

Comment. The California Building Code §1013.2 requires that guard rails shall not be less than 42 inches high, as measured vertically above the adjacent walking surface. This section needs to be modified to reflect Code requirements.

4. §4.1.5.2 Introduce a Use within a Scenic View Open to Public View, page 4.1-14, 1st paragraph. **SE-5**

The first line reads, in part: *"Because of its location on the ocean bluff, the project..."*

Comment. §4.3.1.3 and §4.3.2.2 make it clear that the project is not located on an ocean bluff. The reference should be deleted. Suggest modifying the phrase to state, *"Because of its location on Studio Drive, the project..."*

5. §4.1.5.5 Impact Unique Geological or Physical Features. page 4.1-17. **SE-6**

5th line states, in part, *"...continuous rock face extending east along the bluffs."*

Comment. The paragraph is clear in its reference to the residential beach neighborhood. As a result, the rock face extends south along the beach bluff. The reference to east (or landward) is incorrect, and should be corrected. Suggest modifying the statement to read, *"continuous rock face extending south along the bluffs."*

6. §4.4.3.1 Biological Resources, Existing Conditions, page 4.4-16. **SE-7**

2nd line states, in part: *"...lands west of Highway 1 consist of disturbed coastal bluffs that..."*

Comment. The description does not accurately describe lands in the area of the project. The area in which the project is situated is described in §4.3.1.1 as the broad mouth and alluvial valley of Old Creek", and in §3.1.1 as sandy beach. Suggest modifying the statement to read, *"... lands west of Highway 1 consist of disturbed coastal bluffs, sandy beach, and alluvial valley features. that.."*

In addition, various studies, reports and information have been submitted by the applicant which should be included in the final Environmental Impact Report. These documents are as follows: **SE-8 (continued)**

1. Cleath & Associates - Geological conditions at the Loperena property, Studio Drive, Cayucos, California Assessors Parcel Number 064-253-07, dated May 2, 2006.
2. Cleath & Associates - Response to Comments prepared by Mr. Michael Jenks on Loperena Engineering Geology Report, dated September 26, 2007.
3. Central Coast Archeology - Response to the Request for Review of the Environmental Document - Loperena Project MUP/CDP DRC2005-00216, dated September 26, 2007

Loperena Residence, Cayucos
August 1, 2013
#293-02

4. Volbrecht Surveys - DRC2005-00216 / APN 064-253-007 North end of Studio Drive, Cayucos, dated July 20, 2008
5. Cathy Novak Consulting - Response letter to the request for additional materials and information for the Environmental Impact Report with attachments, dated August 26, 2010
6. Shoreline Engineering – Mean High Water Line Exhibit, Lot 41 Studio Drive, dated August 16, 2007.

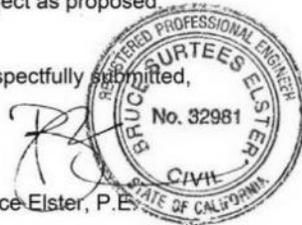
SE-8
(continued)

In closing, all the documentation in the way of reports, studies, additional information and peer reviewed analysis of the reports provided to the County supports the DEIR conclusions of the project as proposed.

SE-9

Respectfully submitted,

Bruce Elster, P.E.



cc: Mr. Jack Loperena
Ms. Cathy Novak

Attachments:

1. Cleath & Associates - Geological conditions at the Loperena property, Studio Drive, Cayucos, California Assessors Parcel Number 064-253-07, dated May 2, 2006.
2. Cleath & Associates - Response to Comments prepared by Mr. Michael Jenks on Loperena Engineering Geology Report, dated September 26, 2007.
3. Central Coast Archeology - Response to the Request for Review of the Environmental Document - Loperena Project MUP/CDP DRC2005-00216, dated September 26, 2007
4. Volbrecht Surveys - DRC2005-00216 / APN 064-253-007 North end of Studio Drive, Cayucos, dated July 20, 2008
5. Cathy Novak Consulting - Response letter to the request for additional materials and information for the Environmental Impact Report with attachments, dated August 26, 2010
6. Shoreline Engineering – Mean High Water Line Exhibit, Lot 41 Studio Drive, dated August 16, 2007



9.3.1 Response to Letter from Shoreline Engineering

Comment No.	Response
SE-1	Comment noted. Please refer to specific responses to comments below.
SE-2	Table 3-1 Consistency with Plans and Policies, County of San Luis Obispo Coastal Plan Policies, Visual and Scenic Resources, Policy 10 has been revised to clarify that the project site is not located on a “coastal bluff” by eliminating the word “coastal”. This clarification does not affect the preliminary consistency determination identified in the EIR.
SE-3	Please note this excerpt is a direct quote of Archaeology, Policy 6, and this will not be modified in Table 3-1. No changes to the EIR are necessary.
SE-4	Please note this standard is required pursuant to the Estero Area Plan. The standard notes that an additional “36 inches of untinted transparent material with minimal support members is allowable” unless otherwise restricted by the Coastal Zone Land Use Ordinance and Estero Area Plan. No changes to the EIR are necessary.
SE-5	Under EIR Section 4.1.5.2, Aesthetics, Introduce a Use within a Scenic View Open to Public View, the word “coastal” has been deleted to clarify that the project is not located on a coastal bluff. This clarification does not change the analysis or determination of effect.
SE-6	Under EIR Section 4.1.5.5, Aesthetics, Impact Unique Geological or Physical Features, the word “east” has been deleted and replaced with the word “north-south” to reflect the physical trend of the continuous rock face that parallels Studio Drive. This clarification does not change the analysis or determination of effect.
SE-7	EIR Section 4.4.3.1 Biological Resources, Existing Conditions also includes the statement that “sand dunes and the beach are located just below the bluffs”, which generally describes the area. The section continues with a more specific description of the project site. No changes to the EIR are necessary.
SE-8	Please refer to EIR Chapter 8 References and Report Preparation. The list of reports identified in this comment is referenced in the EIR where applicable, incorporated by reference where noted, and were peer reviewed by the EIR consultant team as noted. These reports are also available for public review at the County Planning and Building Department, as noted. No changes to the EIR are necessary.
SE-9	Comment noted; no changes to the EIR are necessary.

9.4 GENERAL PUBLIC COMMENT LETTERS AND RESPONSES

The following members of the general public have submitted comments on the Draft EIR.

Respondent	Code	Contact Information	Page
Jacob Johnson Letter dated: July 11, 2013	JJ	1500 Nipomo Street San Luis Obispo, CA 93401	9-36
Hailey Leurck Letter dated: July 12, 2013	HL	2600 Main Street Morro Bay, CA 93442	9-38
Greg and Susan Wilson Letter dated: July 14, 2013	GSW	1165 Las Tunas Street Morro Bay, CA 93442	9-40
Zen Raynor Letter dated: July 18, 2013	ZR	1478 5 th Street Los Osos, CA 93402	9-42
Alice Hermann Letter dated: July 21, 2013	AH	1153 Las Tunas Street Morro Bay, CA 93442	9-44
Tania Rivera Letter dated: July 21, 2013	TR	1386 6 th Street Los Osos, CA 93402	9-46
Shannon Rising Letter dated: July 27, 2013	SR	507 Foothill Boulevard San Luis Obispo, CA 93405	9-48
Eric and Suzanne Huth Letter dated: August 1, 2013	ESH	560 North Crestview Circle Porterville, CA 93257	9-50
Sandy Jensen Letter dated: August 4, 2013	SJ	16339 Tenaya Road Apple Valley, CA 92307	9-53
Karen Adams Letter dated: August 5, 2013	KA	5502 Ironwood Street Rancho Palos Verdes, CA 90275	9-59
Bill Beltz Letter dated: August 5, 2013	BB	2327 Hickory Street San Diego, CA 92103	9-63
Victoria Diaz Letter dated: August 5, 2013	VD	5114 Marlborough Drive San Diego, CA 92108	9-67
Leslie Dufour Letter dated: August 5, 2013	LD	<i>[address not provided]</i>	9-71
Scott Garman Letter dated: August 5, 2013	SG	1032 S Weymouth Avenue San Pedro, CA 90732	9-75
Richard and Tracy Hermann Letter dated: August 5, 2013	RTH	1153 Las Tunas Street Morro Bay, CA 93442	9-79
John Edward (Jack) Joy Letter dated: August 5, 2013	JEJ	2400 Summit View Drive Bedford, TX 76021	9-82
Jenny Larios Letter dated: August 5, 2013	JL	12841 Dunas Road Santa Ana, CA 92705	9-86

Respondent	Code	Contact Information	Page
Dr. Shelly Long & Steven Huth Letter dated: August 5, 2013	SL	5719 West Elowin Drive Visalia, CA 93291	9-90
Robert Lum Letter dated: August 5, 2013	RL	P.O. Box 1389 Davidson, NC 28036	9-94
Grace Medina-Chow Letter dated: August 5, 2013	GMC	357 St. Martin Drive Redwood City, CA 94065	9-98
Professor James E. Moore, II Letter dated: August 5, 2013	JEM	USC Price School of Public Policy KER 204 MC 7725 USC 734 West Adams Boulevard Los Angeles, CA 90089	9-102
Julie Pludow Letter dated: August 5, 2013	JP	2327 Hickory Street San Diego, CA 92103	9-107
Raymond Pludow, D.V.M. Letter dated: August 5, 2013	RP	35335 Highway 41 Coarsegold, CA 93614	9-111
Sinsheimer Juhnke McIvor & Stroh, LLP, on behalf of Ethel Pludow and Cynthia R. Sugimoto Letter dated: August 5, 2013	SJMS	1010 Peach Street P.O. Box 31 San Luis Obispo, CA 93406 <i>Contact: Kevin D. Elder</i>	9-116
Beatrice Pludow Letter dated: August 6, 2013	BP	1408 Bermuda Lane El Cajon CA 92021	9-164
Michele Jacobson, AICP Letter dated: August 7, 2013	MJ	1043 Cecil Place NW Washington, DC 20007	9-168
Jane Osborne Letter dated: August 15, 2013	JO	42444 Meadow Sage Drive Ashburn, VA 20148	9-172

To: San Luis Obispo County
Planning and Building Dept.
re: Vacant Lot North of 2612 Studio Dr., Cayucos
Assessor Parcel No: 064-253-007
County File NO: DRC 2005-00216

July 11, 2013

Ms. Hostetter,

Studio Drive, Cayucos- harming/altering the environment, violating building regulations, and being prone to different types of erosion are all things this housing plan represent. The environment and the wildlife are going to have to adjust to the conditions of this two story building. The familiar regulation to this area says there needs to be a 25ft setback. These plans do not follow this regulation. A home built on this shoreline is going to be exposed to storm surges and natural erosion. These few things alone put this property at risk for a lot of damage. This is not the proper location for a home with these designs. We strongly request that this design be rejected.

JJ-1

JJ-2

JJ-3

JJ-4

Sincerely,



Jacob Johnson
1500 Nipomo Street
San Luis Obispo, Ca
93401

9.4.1 Response to Letter from Jacob Johnson

Comment No.	Response
JJ-1	Based on the EIR analysis, the proposed project would not result in a significant, unavoidable, adverse impact to the environment, including erosion and biological resources. The project is located in a residential neighborhood and would not exceed the County's identified height limit.
JJ-2	Please refer to detailed responses to comments CCC-4 and HKA-1 (see Section 9.4.24.1 further on in this response to comments chapter), EIR Section 4.3 (Geology and Soils), and supportive technical report (Cotton Shires and Associates, May 31, 2011), which include substantial evidence that the project site is located on a fluvial bluff. As noted in EIR Section 4.3.2.2 (Geology and Soils, Local Regulations), the County of San Luis Obispo Estero Area Plan requires a minimum 25-foot bluff setback, or as determined by an engineering geology analysis that demonstrates how the structure would withstand bluff erosion and wave action for a period of 100 years (Bluff Setbacks, Areawide Standard I-4). Regardless of the bluff determination, consistent with this policy, technical reports including a geotechnical and coastal hazards review and wave run-up analysis were prepared (refer to the Geology and Soils section of the EIR and EIR Appendices). As noted in Section 4.3 (Geology and Soils), the project would not be adversely affected by, or cause, erosion for a period of 100 years. Regarding parking, the development is required to provide "at least one off-street parking space", which "shall be enclosed within an interior space a minimum size of 10 feet by 20 feet, or the off-street parking may be located in the driveway, if a minimum 20-foot front yard setback is provided from the property line to the garage (Estero Area Plan, Cayucos Urban Area Standards, 2009). Based on the topography of the site, which slopes down from Studio Drive, off-street parking would be located in the lower portion of the structure. No changes to the EIR are necessary.
JJ-3	Please refer to Section 4.3 Geology and Soils, which addresses coastal hazard impacts including storm surges and erosion, including an assessment of conditions including sea level rise over the next 100 years. No significant, unavoidable, adverse impacts were identified, and no significant safety issues related to coastal hazards including storm surges and erosion were identified. No changes to the EIR are necessary.
JJ-4	The EIR recognizes that architectural preference is subjective, and identifies alternatives to the project for consideration by the County decision makers (i.e., Planning Commission, Board of Supervisors), including a reduced design that eliminates the cantilevered portion, a reduced design that eliminates the basement, and recommendations for visual articulation. The decision makers may review the project and identified alternatives and either deny the project application or approve a project that appears more in line with community expectations for coastal residential development. No changes to the EIR are necessary.

July 12, 2013

To: San Luis Obispo County
Planning and Building Dept.

Re: Assessor Parcel NO. 064-253-007
County File NO. DRC 2005-00216

Ms. Hostetter,

In regards to the housing design on Studio Drive in Cayucos, we have concerns. One of those would be the fact that this house is supposed to extend over the beach. Naturally the shoreline will erode and wash more away. This could cause serious damage to the home. Another concern with us was that there was a plan to have parking underneath the house. Essentially this would mean a two story home would be built, partially out over the beach. This type of home is not something we would want to encourage in this area.

HL-1

HL-2

Sincerely,



Hailey Leurck
2600 Main Street
Morro Bay, Ca
93442

9.4.2 Response to Letter from Hailey Leurck

Comment No.	Response
HL-1	Please refer to EIR Section 4.3.5.3 Geology and Soils, Soil Erosion, Topographic Changes, Loss of Topsoil, and Instability, which addresses potential impacts related to erosion. Based on the analysis, the project would not create any changes that would result in significant soil erosion. No changes to the EIR are necessary.
HL-2	Comment noted. No changes to the EIR are necessary.

To: Ms. Ryan Hostetter, Project Manager

July 14, 2013

County of San Luis Obispo

County Planning and Building Department

Ms. Hostetter,

We have just become aware of the proposed building to be done on the north end of Studio Drive in Cayucos. (Assesor's Parcel Number 064-253-007), owner by the Loperenas. We are very concerned that this type of structure would be built in this sensitive coastal area. We do not believe that it is appropriate for a home to be built and allowed to be extended out over the beach in this manner. It is not in keeping with previous regulation that homes built in this area are to have a 25 ft setback. We are very familiar with this section of beach and the homes built along it. There is one house that did this type of projecting out over the beach but it was built back in the 1960's before sensible regulations were established to prevent houses from extending out over the beach. Image what the coastline in this area would look like if all the homes that are currently being re-modeled on Studio Drive were allowed to cantilever out over the beach to such an extent. We were surprised that home with parking underneath (in essence a two story building) would even be an option on this particular lot. To build up and over the beach is just not the type of structure that should be allowed along this section of beach.

GSW-1

GSW-2

We are respectfully urging the San Luis Obispo County Planning and Building Department to reject this request for building this house as it is now designed.

Sincerely,



Greg and Susan Wilson
1165 LAS TUNAS ST.
MORRO BAY, CA
93442

9.4.3 Response to Letter from Greg and Susan Wilson

Comment No.	Response
GSW-1	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
GSW-2	Please refer to EIR Section 4.1 (Aesthetics). The existing environmental setting consists of a residential neighborhood, with a variety of architectural styles and designs, providing an eclectic visual character. As noted in the EIR, the design of the proposed residence is unique and modern. The EIR recognizes that architectural preference is subjective, and identifies alternatives to the project for consideration by the County decision makers (i.e., Planning Commission, Board of Supervisors), including a reduced design that eliminates the cantilevered portion, a reduced design that eliminates the basement, and recommendations for visual articulation (refer to response to comment JJ-4). Therefore, based on the CEQA analysis, the project would not result in a significant, adverse, and unavoidable impact to visual resources; however, the decision makers may review the project and identified alternatives and either deny the project application or approve a project that appears more in line with community expectations for coastal residential development. Regarding parking, the development is required to provide “at least one off-street parking space”, which “shall be enclosed within an interior space a minimum size of 10 feet by 20 feet, or the off-street parking may be located in the driveway, if a minimum 20-foot front yard setback is provided from the property line to the garage (Estero Area Plan, Cayucos Urban Area Standards, 2009). Based on the topography of the site, which slopes down from Studio Drive, off-street parking would be located in the lower portion of the structure. No changes to the EIR are necessary.

July 18, 2013

To: San Luis Obispo County
Planning and Building Dept.
Re: Assessor Parcel NO. 064-253-007
County File Number DRC 2005-00216

Ms. Hostetter,

We are concerned with the designs for the house on Studio Drive in Cayucos. One of our biggest concerns is the fact that this house will be built out over the beach. This area does experience quite a few storm surges, putting this house at a risk for storm related damages. This plan would also be violating a building regulation in this area that says there needs to be a 25ft setback. Building on the shoreline will cause damage to the environment and also to the wildlife in that area. We are also really concerned that if this house were built, more houses would be built similar to this plan.

ZR-1

ZR-2

ZR-3

Sincerely,



Zen Raynor
1478 5th Street
Los Osos, California
93402

9.4.4 Response to Letter from Zen Raynor

Comment No.	Response
ZR-1	Please refer to EIR Section 4.3.5.10 Geology and Soils, Coastal Hazards, which addresses the potential for storm surge. Based on the EIR analysis and supporting documentation presented in EIR Appendix C (Geology and Soils Background Information) the project would not result in a significant impact related to storm surge. No changes to the EIR are necessary.
ZR-2	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. Potential impacts to the environment and wildlife are addressed in the EIR, and no significant, adverse, unavoidable impacts were identified. No changes to the EIR are necessary.
ZR-3	Based on the analysis and consideration of thresholds of significance, no significant, adverse, unavoidable impacts were identified. The EIR recognizes that visual preferences are subjective and includes alternatives for the decision makers' consideration, including modifications to the size and design of the structure in response to public comments. No changes to the EIR are necessary.

To: Planning and Building Dept.
of San Luis Obispo County
2005-00216
Re: County file No. ~~064-253-007~~
Assessor Parcel No. 064-253-007
Vacant Lot North of 2612 Studio Dr.
Cayucos

July 21, 2013

Ms. Hostetter,

After reviewing the designs for Studio Drive in Cayucos, we have a few concerns we would like to express. Our first concern is that there is supposed to be parking underneath the house. This worries us because that means a two story home will be built over the beach. This brings us to our second concern; there is a regulation that says there must be a 25ft setback. These plans would be violating that regulation. Although we have quite a few concerns the last one I will mention is how this building is going to alter the coast lands. The location of this home is right on a shoreline there are many potential damages that could occur. It will be altering the shoreline.

AH-1

AH-2

AH-3

Sincerely,



Alice Hermann
1153 Las Tunas St.
Morro Bay, Ca
93442

9.4.5 Response to Letter from Alice Hermann

Comment No.	Response
AH-1	Please refer to response to comment JJ-2. Regardless of the bluff determination, consistent with the Estero Area Plan, technical reports including a geotechnical and coastal hazards review and wave run-up analysis were prepared (refer to the Geology and Soils section of the EIR and EIR Appendices). As noted in Section 4.3 (Geology and Soils), the project would not be adversely affected by, or cause, erosion for a period of 100 years, and would meet the intention of the noted 25-foot bluff setback. The applicant's intention with the project design is to allow for residential construction of a residence on a lot that extends onto the beach, while complying with the 25-foot access easement. No changes to the EIR are necessary.
AH-2	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. Potential impacts to the environment and wildlife are addressed in the EIR, and no significant, adverse, unavoidable impacts were identified. No changes to the EIR are necessary.
AH-3	Please refer to Section 4.3 Geology and Soils, which addresses coastal hazard impacts including storm surges and erosion, including an assessment of conditions including sea level rise over the next 100 years. No significant, unavoidable, adverse impacts were identified, and no significant safety issues related to coastal hazards were identified. No changes to the EIR are necessary.

To: San Luis Obispo County
Planning and Building Dept.

July 21, 2013

regarding: Assessor Parcel No. 064-253-007
County File No: DRC 2005-00216
vacant lot North of 2612 Studio Dr. Cayucos

Ms. Hostetter,

Looking at the current design plans for the home on Studio Drive in Cayucos I do not feel that this should be allowed. There are regulations that state homes in that area are supposed to have a 25ft setback. Having a home built out over the beach is a concern, not only to us, but to our coastline as well. I am also shocked to hear the designs include parking underneath the house. This would mean a two story home would be built hanging over the beach. We strongly feel that this plan should be rejected.

TR-1

TR-2

Sincerely,



Tania Rivera
1386 6th Street
Los Osos, California
93102

9.4.6 Response to Letter from Tania Rivera

Comment No.	Response
TR-1	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. Potential impacts to the coastline are addressed in the EIR, and no significant, adverse, unavoidable impacts were identified. No changes to the EIR are necessary.
TR-2	Based on the analysis and consideration of thresholds of significance, no significant, adverse, unavoidable impacts were identified. The EIR recognizes that visual preferences are subjective and includes alternatives for the decision makers' consideration, including modifications to the size and design of the structure in response to public comments. No changes to the EIR are necessary.

To: County Planning and building Dept.
San Luis Obispo County
Regarding: County File no. DRC 2005-00216
Assessor Parcel Number 064-253-007

July 27, 2013

Ms. Hostetter,

Recently we have found out that there are plans to build a home that extends over the beach on Studio Drive in Cayucos. This is a concern to me because of the changes this will cause to the wildlife and the beach. This plan would not be meeting the regulations of homes being built were to have a 25ft setback. I do not believe that this current design would be appropriate with it extending over the beach.

SR-1

SR-2

Sincerely,

Shannon Rising



507 Foothill Blvd
San Luis Obispo, Ca
93405

9.4.7 Response to Letter from Shannon Rising

Comment No.	Response
SR-1	The proposed project is located within an existing residential neighborhood, and would not result in any significant long-term adverse impacts to wildlife or the active beach area, as documented in the EIR. No changes to the EIR are necessary.
SR-2	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. The EIR recognizes that visual preferences are subjective and includes alternatives for the decision makers' consideration, including modifications to the size and design of the structure in response to public comments. No changes to the EIR are necessary.



**Loperena Minor Use Permit / Coastal Development Permit DRC
2005-00216**

Eric Huth to: Ms. Ryan Hostetter, Project Manager

08/01/2013 02:14 PM

From: Eric Huth <ehuth@technoflo.com>

To: "Ms. Ryan Hostetter, Project Manager" <rhostetter@co.slo.ca.us>

1 attachment



LoperenaMinorUsePermit080113.pdf

Dear Ms. Ryan Hostetter

Please see attached letter in reference to the Loperena Minor Use Permit / Coastal Development Permit DRC 2005-00216. The original is being mailed to you today.

ESH-1

Thanks & Best Regards,

Eric Huth
560 N Crestview Circle
Porterville, CA 93257
(559) 781-8719

RECEIVED

AUG 5 2013

Eric & Suzanne Huth
560 N. Crestview Circle • Porterville, CA 93257
(Hm) 559-781-8719 • (Wk) 559-783-1207
(Fax) 559-783-1209

PLANNING & BUILDING

August 1, 2013

Ms. Ryan Hostetter, Project Manager
County of San Luis Obispo
County Planning and Building Department
976 Osos St. Rm. 300
San Luis Obispo, CA 93408-2040

Subject: Loperena Minor Use Permit / Coastal Development Permit DRC 2005-00216

Dear Ms. Hostetter

We would like to voice our extreme disapproval of the proposed Loperena residence in Cayucos, CA on Studio Drive. We are shocked that the construction of this home was even a consideration in the first place let alone still under consideration. Existing beach front houses are not allowed to build retaining walls and it is nearly impossible to obtain approval for repair of existing retaining walls. This home it being built on the sand using the basement wall as a retaining wall. That seems like a red flag right there. Beach front houses are required to follow a 25' setback from the bluff. Why then would this home be any different?

ESH-1

ESH-2

ESH-3

This proposed house does not follow any current protocol for coastal properties in the county. There is a cantilevered portion that extends 28' over the sand and the house is 26' above sea level. In the event of a major storm this house would more than likely suffer severe damage which would be very difficult and costly to repair. Let's not forget this house is being built on sand.

ESH-4

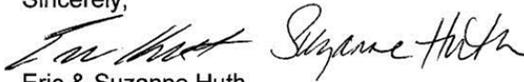
This proposed house is inconsistent with any other house on the central coast and would destroy the public view from the beach as well as from the road. We would surely think that the County of San Luis Obispo would have some regard as to what this beautiful city should look like.

ESH-5

Public parking spaces on the street will also be lost due to this house. This building proposal is obviously not in the best interest of Cayucos, the general public, the environment and will destroy the aesthetic views of the area.

ESH-6

Sincerely,


Eric & Suzanne Huth

9.4.8 Response to Letter from Eric and Suzanne Huth

Comment No.	Response
ESH-1	Please refer to specific responses to comments below.
ESH-2	Please refer to EIR 4.3.5.10 Geology and Soils, Coastal Hazards, and supportive documentation in EIR Appendix C including the Coastal Hazards Analysis. Based on the wave run-up analysis, the structure may be exposed to spray and splash from waves striking and overtopping an existing rock outcropping, and would be constructed with steel reinforced concrete to withstand potential weathering. The depth of the water reaching the basement wall under these conditions would be 0.14 foot. Based on the location and design, no shoreline protection structures would be required over the next 100 years, which exceeds the 75-year standards identified in the policy. Therefore, no changes to the EIR are necessary.
ESH-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
ESH-4	Please refer to EIR Section 4.3 Geology and Soils and supportive documentation in EIR Appendix C, Geology and Soils Background Information. The analysis considered conditions over the next 100 years including sea level rise, scour, wave run up, erosion, and storm surge. No significant, unavoidable, adverse impacts were identified. No changes to the EIR are necessary.
ESH-5	Please refer to EIR Section 4.1 Aesthetic Resources. Based on the analysis and consideration of thresholds of significance, no significant, adverse, unavoidable impacts were identified. The EIR recognizes that visual preferences are subjective and includes alternatives for the decision makers' consideration, including modifications to the size and design of the structure in response to public comments. No changes to the EIR are necessary.
ESH-6	The proposed project would be constructed on private lot, and would not result in the significant loss of public parking areas in the area. Onsite parking is included in the project design. No changes to the EIR are necessary.

Sandy Jensen
16339 Tenaya Rd.
Apple Valley, CA 92307

August 4, 2013

Ryan Hostetter, Project Manager
San Luis Obispo County
Planning and Building Department
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Subject: Comments to Draft Environmental Impact Report for Loperena Minor Use Permit/Coastal Development Permit (DRC2005-00216)

Dear Ms. Hostetter:

Please accept these comments to the June 2013 Draft Environmental Impact Report ("D-EIR") for the Loperena Minor Use Permit/Coastal Development Permit (DRC2005-00216). The D-EIR was prepared in response to applicant Jack Loperena's ("Applicant") proposal to build a 3,097 square foot residence on a 3,445 square foot lot on Studio Drive in Cayucos California (the "Project"). As Cayucos property owners we have several issues and areas of concern that the D-EIR has not adequately addressed or provided adequate mitigation measures. As a concerned citizen I ask that you to review these issues and take them into consideration before approving the permit for this project. This project has many detrimental aspects that affect the exiting property owners and citizens that frequent the Morro Strand State Beach.

SJ-1

The following are some of our issues and concerns.

1. The proposed residence is designed with its structure up to the toe of the bluff with no setback and cantilevers part of the house and a covered deck 28 feet over the sand. Not only will this cause a major reduction in the view from Highway 1, it also impacts everyone who visits Morro Strand State Beach. If allowed to proceed as proposed it will set a detrimental precedent for future development throughout many areas of the California coast.

SJ-2

2. The SLO County's D-EIR state that this property is not on a coastal bluff, but instead finds it is a fluvial bluff caused by the nearby Old Creek. Therefore the coastal bluff requirements are not being applied to this property. This includes the requirement for bluff setback, which is intended to protect the house on a bluff for 100 years of erosion, and the limitation on cantilever to three (3) feet beyond the setback line. We strongly disagree and believe the property is obviously part of the coastal bluff. The toe of the bluff is clearly within the property and is routinely subject to marine erosion.

SJ-3

3. The concrete reinforced seaward facing basement wall is essentially a seawall or shoreline protective device that should not be permitted because it violates several County policies. If allowed, it will deflect waves toward the neighboring properties and adversely impact them. The D-EIR understates the impact and potential damage to the other properties.

SJ-4

4. Although lateral access is discussed in the D-EIR, it seems that access is not being

SJ-5

dedicated as required by the Estero Area Plan (CZLUO 23.04.420) and other policies. The lateral access is supposed to be available at all times of the year, and therefore would include periods of high tide. The project plans show the cantilevered deck encroaching 10 feet into the proposed lateral access area. The various rationalizations for allowing the access as proposed are not appropriate. The lateral access should be provided as required from the mean high tide to the toe of the bluff and be free of encroachment by the residence's cantilevered deck.

**SJ-5
(continued)**

5. The D-EIR states that the visual impact is not significant because it is similar to the existing residences along Studio Drive in Cayucos. However, the proposed development is not at all similar to the existing conditions. None of the existing houses are cantilevered over the beach. One nearby house, which was built in 1964, is built out to the edge of the bluff. It is wrong for the D-EIR to compare the proposed development to this old house built long before the California Coastal Commission was established and the associated rules to protect the coast were enacted. Additionally, none of the existing houses have 31 feet high structures visible from the public beach, as this proposed residence is designed. The proposed residence causes significant visual impact on scenic resources. The house should be reduced in size, not be allowed to cantilever over the sand, and should be setback an appropriate distance.

SJ-6

6. The 3,097 sf size of the proposed residence including the basement is not appropriate for a 3,445 sf lot and does not fit within the character of the community or the intent of Studio Drive small-scale neighborhood requirements. Since about half the lot is sandy beach, we believe the proposed house should be considered to be about 180% of the usable lot size and therefore is much too large.

SJ-7

7. The D-EIR failed to propose adequate project alternatives as required by CEQA. There are several alternatives described, but we feel none of them are sufficient. Another alternative should be developed to further mitigate all of the environmental impacts. Visualizations of all alternatives should be provided for comparison to the proposed project.

SJ-8

8. The D-EIR applied outdated versions of the CZLUO and other County Policies for the basis for the land use analysis. It failed to apply the current versions of ordinances. The D-EIR should be amended to properly review the project using the current versions of all ordinances. Additionally, the D-EIR failed to address applicable sections of the County's General Plan Safety Element related to coastal bluffs. These sections should be addressed in an amended D-EIR.

SJ-9

9. We are also upset about the lack of sufficient public outreach conducted related to this EIR.

SJ-10

There was no scoping meeting held as required by the California Environmental Quality Act (CEQA), and the D-EIR falsely reported that a scoping meeting was held. This project, which proposes to evade the bluff top setback requirement, includes a seawall, cantilevers over the beach, and encroaches on the required lateral access is clearly a project of statewide, regional and area-wide significance. A scoping meeting should have been held. Written notification of the D-EIR was only sent to one property owner in the vicinity of the project who requested notification; none of the other nearby property owners or residents were notified. SLO County provided the notification to some, but not all interested organizations and agencies. A copy was not even

provided to the local library. SLO County provided minimal information to the Cayucos Citizens Advisory Council (CCAC), and the Project Manager failed to attend a Land Use Committee (LUC) meeting to discuss the proposed development as requested by the CCAC.

**SJ-10
(continued)**

The D-EIR recommends the project as proposed. However, we recommend that the County Planning Commission and Board of Supervisors deny the Project as proposed because it is inconsistent with several provisions of the certified Local Coastal Plan related to bluff top setbacks, geologic hazards, alteration of natural landforms, protection of views from public vantage points and scenic areas, and public access. The bluff should be defined as a coastal bluff.

SJ-11

If the Applicant desires to continue pursuing development of the property, the County should require development of a new "eco-friendly house" alternative that can meet the requirements necessary to build on this coastal bluff property. It is recommended that the new alternative be designed to provide adequate set-back (minimum 25 feet, and to withstand bluff erosion and wave action for a period of 100 years of erosion) from the bluff edge; limit cantilever to 3 feet beyond set-back line; forego inclusion of a basement and associated seawall; provide unobstructed 25-foot lateral access easement dedication from toe of bluff; and provide a visualization of the new alternative for consideration.

SJ-12

Additionally, it is recommended that the County Planning Commission and Board of Supervisors require the County Planning Department staff to hold a well-advertised county-wide scoping meeting on the new alternative, and send written notices of an amended D-EIR and public hearings to all Cayucos property owners and residents.

SJ-13

We appreciate your considered review and analysis of these comments.

Sincerely,

Sandy Jensen

9.4.9 Response to Letter from Sandy Jensen

Comment No.	Response
SJ-1	Please refer to responses to comments below.
SJ-2	Please refer to EIR Section 4.1.4 (Aesthetic Resources, Impact Assessment and Methodology), which includes an assessment of potential visual impacts as seen from Highway 1 and Morro Stand State Beach. The existing environmental setting consists of a residential neighborhood, with a variety of architectural styles and designs, providing an eclectic visual character. As noted in EIR Section 4.1 (Aesthetic Resources), the design of the proposed residence is unique and modern; however, its construction would not significantly degrade the scenic landscape, which is the defined threshold of significance. Due to the duration of visibility, location of the project, and presence of existing development along Studio Drive, implementation of the project would not result in a significant adverse visual impact. The EIR recognizes that architectural preference is subjective, and identifies alternatives to the project for consideration by the County decision makers (i.e., Planning Commission, Board of Supervisors), including a reduced design that eliminates the cantilevered portion, a reduced design that eliminates the basement, and recommendations for visual articulation. No changes to the EIR are necessary.
SJ-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
SJ-4	The project does not include, or require, the construction of protection structures. Based on the wave run-up analysis, the structure may be exposed to spray and splash from waves striking and overtopping an existing rock outcropping, and would be constructed with steel reinforced concrete to withstand potential weathering. The depth of the water reaching the wall would be 0.14 feet. The EIR analysis and supportive technical reports determined that based on the location of the basement wall, geology of surrounding landforms, and analysis of wave run-up and storm surge, the project would not cause off-site erosion. Based on the location and design, no shoreline protection structures would be required over the next 100 years, which exceeds the 75-year standards identified in the policy. Therefore, no changes to the EIR are necessary. Please refer to EIR Section 4.3.5.10 Geology and Soils Coastal Hazards, Wave Runup Hazard. This section of the EIR addresses the potential for wave deflection and scour. Based on the low overtopping rate, low water height, and low velocity, the project would not result in a significant impact on the neighboring property. No changes to the EIR are necessary.
SJ-5	As noted in the EIR (Table 3-1 Consistency with Plans and Policies, Coastal Zone Land Use Ordinance), wave run-up is expected to occur over the lifetime of the project (assumed to be 100 years), which would extend into the proposed lateral access easement. Under typical situations, dry sand would be available along the toe of the bluff, and there will be approximately 200 feet of dry sand between the project and the mean high tide line. No obstructions would be present within the lateral access easement. When storm surge and high tides result in wave run up splashing over the exposed rock this would limit the sandy beach not only on the project site but along the beach to the south, although the depth of the water on the project site would be very shallow (approximately 0.5 feet prior to hitting the exposed rock, and 0.14 feet deep at the point it reaches the basement wall). Therefore, the proposed 25-foot lateral easement appears to meet the intent of the measure by maximizing public access, consistent with the LCP and California Coastal Act. No changes to the EIR are necessary.
SJ-6	The existing environmental setting consists of a residential neighborhood, with a variety of architectural styles and designs, providing an eclectic visual character. As noted in the EIR, the design of the proposed residence is unique and modern, and due to its location as the last residence on the northern end of the row of houses, the north-facing wall is clearly visible; however, its construction would not significantly degrade the scenic landscape, which is the defined threshold of significance. Regarding the existing residence to the south, while the existing residence was built prior to the Coastal Act, it is part of the environmental baseline setting. The EIR recognizes that architectural preference is subjective, and identifies alternatives to the project

Comment No.	Response
	for consideration by the County decision makers (i.e., Planning Commission, Board of Supervisors), including a reduced design that eliminates the cantilevered portion, a reduced design that eliminates the basement, and recommendations for visual articulation. No changes to the EIR are necessary.
SJ-7	Pursuant to the Estero Area Plan, the standards identified in Planning Area Standard 7.V.D.3.d.2 and referenced Table 7-3 (Maximum Gross Structural Area, Non-Bluff-Top Sites Greater Than One Story or 15') regarding usable lot percentages does not apply to the project site, because they apply to non-bluff-top sites. The standard applicable to the project is Planning Area Standard 7.V.D.3.d.1: "One-story development, and all development on bluff top sites, is limited to a maximum gross structural area, including the area of all garages, of 3,500 square feet." The proposed project is consistent with this standard. The Residential Development Design Concepts included as guidelines in the Estero Area Plan (Figure 7.37) were considered upon review of the proposed project. The project meets some, but not all of the recommended concepts. Please refer to EIR Chapter 5 Alternatives Analysis, which includes design alternatives for consideration by the decision makers. These alternatives include a residence that does not include a basement (Design Alternative A – Reduced Project, Pilings), a more traditional design (Design Alternative B – Reduced Project, Traditional Design), and an option that includes additional visual articulation (Design Alternative C – Vegetation and Articulation). No changes to the EIR are necessary.
SJ-8	There are some limitations to the reasonable range of alternatives considered for this residential parcel; however, EIR Chapter 5 Alternatives Analysis includes two alternatives that propose a smaller footprint (Design Alternative A and Design Alternative B) and no basement (Design Alternative A), and no upperstory/cantilever (Design Alternative B), all which are consistent with recommendations made by the public. Additional photo-simulations are not provided; however, the public and decision-makers can apply the wording of the alternatives to the photographs and simulations that provided in the EIR to make a reasonable determination regarding the visual appearance of the potential design options. No changes to the EIR are necessary.
SJ-9	<p>Coastal Zone Land Use Ordinance standards identified in the EIR, including Table 3-1 Consistency with Plans and Policies, were reviewed to verify that language had not changed since initiation of the EIR and adoption of the most recent versions of the documents. No changes to the cited language occurred; therefore, the language identified in the EIR is consistent with the most current language. EIR Chapter 8 References has been amended to reflect the most current version of the CZLUO (November 2011) at the time this Final EIR. These clarifications do not change the analysis or findings identified in the EIR.</p> <p>EIR Section 4.3.5.8 Geology and Soils, County's Safety Element Consistency has been amended to include noted policies S-23 and S-63. Please note that based on the analysis presented in the EIR, the project site is not located on an "eroding coastal bluff" and the analysis summarized in EIR Section 4.3 (Geology and Soils) and EIR Appendix C (Geology and Soils Background Information) includes an assessment of potential erosion. The additional clarification does not change the analysis or determinations presented in the EIR.</p>
SJ-10	The EIR has been clarified to note that a NOP scoping meeting was not held (please refer to Executive Summary Section F Scoping and Notice of Preparation Process and Section 1.2 Introduction, Scoping and Notice of Preparation Process). Based on review of CEQA Guidelines Section 15206(b), the County determined that the project was not of statewide, regional, or areawide significance because: it is not a proposed local general plan, element, or amendment (criteria 1); the project does not have the potential to cause significant effects on the environment extending beyond the county limits (criteria 2); the project is one residence, which does not meet the criteria of 500 dwelling units (criteria 2A); the project would not result in the cancellation of an open space contract (criteria 3); the project would not substantially impact the California Coastal Zone (criteria 4C); the project would not substantially affect sensitive wildlife habitat (criteria 5); the project would not interfere with attainment of regional water quality standards (criteria 6); and, the project would not provide housing, jobs, or occupancy for 500 or more people (criteria 7).

Comment No.	Response
	<p>However, the County did provide several opportunities for public comment, including review of the proposed Initial Study, the posting of the Notice of Preparation and the Draft EIR. Additional opportunities include posting and review of the Final EIR, and public hearings for consideration of the use permit and EIR (forthcoming). Prior to the public hearing, the County will provide public notice and mailings pursuant to existing regulations. The commenter's statement regarding potential impacts and project features does not by itself elevate the project to a status that mandates a public meeting. The intention of the standard is to allow public review and comment on the proposed project, which has been achieved through the process of project review, including CEQA, as noted above in response to comment SJMS-34. The County met all statutory requirements, and no changes to the EIR are necessary.</p> <p>This clarification does not change the analysis or findings of the EIR.</p>
SJ-11	<p>Please refer to Table 3-1 Consistency with Plans and Policies, within EIR Chapter 3 (Environmental Setting). Based on the analysis and substantial evidence presented in the EIR and technical appendix, the project appears to be consistent with the policies identified in the LCP. The decision makers (i.e., Board of Supervisors, Planning Commission) will review the evidence in the whole of the record and make a determination regarding consistency. No changes to the EIR are necessary.</p>
SJ-12	<p>EIR Chapter 5 Alternatives Analysis includes two alternatives that propose a smaller footprint (Design Alternative A and Design Alternative B) and no basement (Design Alternative A), and no upperstory/cantilever (Design Alternative B), all which are consistent with recommendations made by the public. As noted in EIR Section 4.3 (Geology and Soils), the project as proposed would withstand erosion and wave action for a period of 100 years, including consideration of scour and sea level rise. As noted, the project would provide a 25-foot lateral access on the sand; Design Alternative B does not include a cantilevered section, which would allow the 25-foot lateral access to be clear from the ground up. Additional photo-simulations are not provided; however, the public and decision-makers can apply the wording of the alternatives to the photographs and simulations that provided in the EIR to make a reasonable determination regarding the visual appearance of the potential design options. No changes to the EIR are necessary.</p>
SJ-13	<p>Please refer to response to comment SJ-10. The County will comply with all legal requirements for notice of the public hearing and Final EIR. No changes to the EIR are necessary, aside from the previously-noted clarification regarding the NOP.</p>