

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

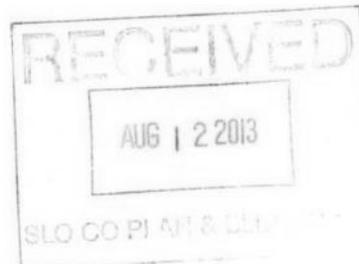
Thank you again for the opportunity to comment on the proposed project. If you have any questions regarding these comments or wish to discuss the project further, please contact me at 427-4863.

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.

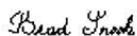
Signed,



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> | CCAC-2 |
| <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) <u>vs.</u> east side- along Studio Dr.? Bluff definition E.I.R. 4.3.1.3 "legal term"</p> | CCAC-3 |
| <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> | CCAC-4 |
| <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> | CCAC-5 |
| <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> | CCAC-6 |
| <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> | CCAC-7 |
| <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> | CCAC-8 |

- | | |
|---|----------------|
| 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	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.
CCAC-4	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.
CCAC-5	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.
CCAC-6	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.

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.

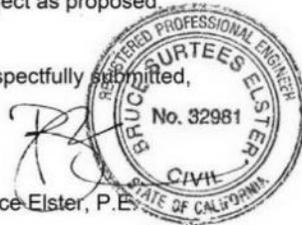
SE-8
(continued)

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

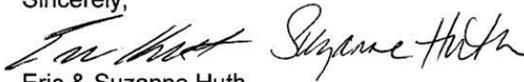
This proposed house is inconsistent with any other house on the central coast and would destroy the public view from the beach as well as from the road. We would surely think that the County of San Luis Obispo would have some regard as to what this beautiful city should look like.

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>

Karen Adams
5502 Ironwood Street
Rancho Palos Verdes, CA

RECEIVED

AUG 9 2013

PLANNING & BUILDING

August 5, 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 future Cayucos property owners we have several issues and areas of concern that the D-EIR has not adequately addressed or provided adequate mitigation measures.

KA-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.

KA-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.

KA-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.

KA-4

4. Although lateral access is discussed in the D-EIR, it seems that access is not being 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. **KA-5**
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. **KA-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. **KA-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 offer sufficient mitigation. 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. **KA-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. **KA-9**
9. We are also upset about the lack of sufficient public outreach conducted related to this EIR. 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 **KA-10**

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.

**KA-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.

KA-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.

KA-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.

KA-13

We appreciate your considered review and analysis of these comments.

Sincerely,



Karen Adams

9.4.10 Response to Letter from Karen Adams

Comment No.	Response
KA-1	Please refer to specific responses to comments, as noted below.
KA-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
KA-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
KA-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
KA-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
KA-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
KA-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
KA-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
KA-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
KA-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
KA-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
KA-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
KA-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

Bill Beltz
2327 Hickory Street
San Diego, CA 92103

August 5, 2013

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

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 a visitor to the Central Coast I have several concerns that the D-EIR has not adequately addressed.

BB-1

They are:

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. If allowed to proceed as it is proposed it will set a detrimental precedent for future development not only in Cayucos but throughout many areas of the California coast. The design will also impact **everyone** who visits Morro Strand State Beach. The visual impact is startling.
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. I believe the property is definitely part of the coastal bluff. The toe of the bluff is clearly within the property and is routinely subject to marine erosion.
3. My understanding is that the concrete reinforced seaward facing basement wall is essentially a seawall (shoreline protective device) that 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.
4. Although lateral access is discussed in the D-EIR, it seems that access is not being 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

BB-2

BB-3

BB-4

BB-5

- | | |
|--|------------------------------------|
| <p>periods of high tide. The project plans show the cantilevered deck encroaching 10 feet into the proposed lateral access area. The arguments presented to support the access as proposed do not meet legal requirements. Lateral access is not available from the mean high tide to the toe of the bluff and be free of encroachment by the residence's cantilevered deck.</p> | <p>BB-5
(continued)</p> |
| <p>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. This is simply not true. 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. I don't understand why the D-EIR would compare the proposed development to this one house built long before the California Coastal Commission was established and the associated rules to protect the coast were enacted. Walk along the beach one mile in either direction and you will see no homes cantilevered over the beach! 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 very significant visual impact on scenic resources. The house should be reduced in size, not allowed to cantilever over the sand, and should be setback an appropriate distance.</p> | <p>BB-6</p> |
| <p>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, the proposed house should be considered to be about 180% of the usable lot size and therefore is much too large.</p> | <p>BB-7</p> |
| <p>7. The D-EIR propose project alternatives but none of them are sufficient. An alternative must be developed to further mitigate all of the environmental impacts.</p> | <p>BB-8</p> |
| <p>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.</p> | <p>BB-9</p> |
| <p>9. I am very upset about the lack of sufficient public outreach conducted related to this EIR. There was no scoping meeting held as required by the California Environmental Quality Act (CEQA). My understanding is that the D-EIR falsely claimed that a scoping meeting was held. What is going on here? 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 and no scoping meeting. 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.</p> | <p>BB-10</p> |

The D-EIR recommends the project as proposed. I 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 land forms, protection of views from public vantage points and scenic areas, and public access. The bluff should be defined as a coastal bluff.

BB-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.

BB-12

Sincerely,



Bill Beltz

9.4.11 Response to Letter from Bill Beltz

Comment No.	Response
BB-1	Please refer to specific responses to comments, as noted below.
BB-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
BB-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
BB-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
BB-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
BB-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
BB-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
BB-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
BB-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
BB-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
BB-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
BB-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.

Victoria Diaz
 5114 Marlborough Drive
 San Diego, CA 92108

August 5, 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 a frequent visitor to the Central Coast and Cayucos I have several issues and concerns that the D-EIR has not adequately addressed.

VD-1

They include the following:

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. If allowed to proceed as it is proposed it will set a detrimental precedent for future development not only in Cayucos but throughout many areas of the California coast. The design will also impact **everyone** who visits Morro Strand State Beach. The visual impact is startling.
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. I believe the property is definitely part of the coastal bluff. The toe of the bluff is clearly within the property and is routinely subject to marine erosion.
3. My understanding is that the concrete reinforced seaward facing basement wall is essentially a seawall (shoreline protective device) that 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.
4. Although lateral access is discussed in the D-EIR, it seems that access is not being dedicated as required by the Estero Area Plan (CZLUO 23.04.420) and other policies. The lateral

VD-2

VD-3

VD-4

VD-5

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 arguments presented to support the access as proposed do not meet legal requirements. Lateral access is not available from the mean high tide to the toe of the bluff and be free of encroachment by the residence's cantilevered deck.

**VD-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. This is simply not true. 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. I don't understand why the D-EIR would compare the proposed development to this one house built long before the California Coastal Commission was established and the associated rules to protect the coast were enacted. Walk along the beach one mile in either direction and you will see no homes cantilevered over the beach! 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 very significant visual impact on scenic resources. The house should be reduced in size, not allowed to cantilever over the sand, and should be setback an appropriate distance.

VD-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, the proposed house should be considered to be about 180% of the usable lot size and therefore is much too large.

VD-7

7. The D-EIR propose project alternatives but none of them are sufficient. An alternative must be developed to further mitigate all of the environmental impacts.

VD-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.

VD-9

9. I am very upset about the lack of sufficient public outreach conducted related to this EIR. There was no scoping meeting held as required by the California Environmental Quality Act (CEQA). My understanding is that the D-EIR falsely claimed that a scoping meeting was held. What is going on here? 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 and no scoping meeting. 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.

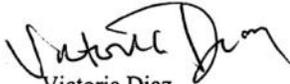
VD-10

The D-EIR recommends the project as proposed. I 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 land forms, protection of views from public vantage points and scenic areas, and public access. The bluff should be defined as a coastal bluff. **VD-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. **VD-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. **VD-13**

Thank you,


Victoria Diaz

9.4.12 Response to Letter from Victoria Diaz

Comment No.	Response
VD-1	Please refer to specific responses to comments, as noted below.
VD-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
VD-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
VD-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
VD-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
VD-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
VD-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
VD-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
VD-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
VD-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
VD-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
VD-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
VD-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

August 5, 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 we have several issues and areas of concern that the D-EIR has not adequately addressed or provided adequate mitigation measures.

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

LD-2

LD-3

LD-4

LD-5

- | | |
|--|---|
| <p>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.</p> | <p>LD-5
(continued)</p> |
| <p>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.</p> | <p>LD-6</p> |
| <p>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.</p> | <p>LD-7</p> |
| <p>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 offer 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.</p> | <p>LD-8</p> |
| <p>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.</p> | <p>LD-9</p> |
| <p>9. We are also upset about the lack of sufficient public outreach conducted related to this EIR. 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</p> | <p>LD-10</p> |

Manager failed to attend a Land Use Committee (LUC) meeting to discuss the proposed development as requested by the CCAC.

LD-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.

LD-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.

LD-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.

LD-13

We appreciate your considered review and analysis of these comments.

Sincerely,

Keslie Dufan
California Home Owner

9.4.13 Response to Letter from Leslie Dufour

Comment No.	Response
LD-1	Please refer to specific responses to comments, as noted below.
LD-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
LD-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
LD-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
LD-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
LD-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
LD-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
LD-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
LD-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
LD-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
LD-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
LD-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
LD-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

Scott Garman
1032 S Weymouth Ave
San Pedro, CA

August 5, 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:

San Luis Obispo is near and dear to my heart. I have friends and family in the area and I hope you will 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.

SG-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.

SG-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.

SG-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.

SG-4

The D-EIR understates the impact and potential damage to the other properties.	SG-4 (continued)
4. Although lateral access is discussed in the D-EIR, it seems that access is not being 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.	SG-5
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.	SG-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.	SG-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 offer sufficient mitigation. 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.	SG-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.	SG-9
9. We are also upset about the lack of sufficient public outreach conducted related to this EIR. 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	SG-10

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.

**SG-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.

SG-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.

SG-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.

SG-13

We appreciate your considered review and analysis of these comments.

Sincerely,



9.4.14 Response to Letter from Scott Garman

Comment No.	Response
SG-1	Please refer to specific responses to comments, as noted below.
SG-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
SG-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
SG-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
SG-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
SG-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
SG-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
SG-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
SG-	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
SG-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
SG-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
SG-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
SG-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

August 5, 2013

Ryan Hostetter, Project Manager

County Planning and Building Dept.

976 Osos St., Room 300

San Luis Obispo, CA, 93408-2040

Re: Loperena Minor Use Permit Draft Environmental Impact Report

Dear Ms. Hostetter,

We have reviewed the plans for the proposed building on the vacant lot north of 2612 Studio Dr. We are concerned that a building of this type would be allowed in that area. It is not the type of structure that is consistent with other dwellings along the coast in that neighborhood. We don't believe that anything should be built that extends out over the beach in this manner. That fact is that no matter how it's worded, this is a two story building with a solid wall that extends down to the beach. The impact of this is very concerning both visually and environmentally. People we've spoken to in that area are not even aware that this is being proposed. Most people believe that this is State Park property. When informed of the plans they are against this type of building in that location. We were under the impression that along this section of coastline homes had to stay 25 ft. back from the bluff line. We don't feel that this home should be allowed to extend out over the beach. Other homes are not allowed to do that along this area. The one house that does do this was built in the 1960's, and rules were passed to prevent this from happening again.

RTH-1

RTH-2

We were there when the large flags for the EIR report were set up and this proposed building has a very negative impact not only visually on the beach, but on the homes south of the proposed building site. It seemed wrong that there would be structures built into the sand to support a deck above. Isn't that part of the beach? We have seen the tide water go all the way into the proposed building area many times over the years. That means the basement wall would be acting as a seawall to keep these high tides out. That's another negative point of this proposed structure. By allowing this type of structure, it would mean that others along that stretch of beach would also be allowed to build out over the beach and build seawalls. Isn't that why the California Coastal Act of 1976 was passed? To protect our coastline from buildings such as this one proposed?

RTH-3

RTH-4

This area of the State Beach is a unique treasure enjoyed by many people, locally and visitors from around the world. To change the entire look of this beach and twist building rules for one family's use is wrong. We need to enforce protecting the coastline from structures such as the one being proposed.

RTH-5

It is a shame that this small lot was not purchased by the State Parks or the Land Conservatory because that would have had the least impact on this beach area. We are respectfully requesting that this building permit is denied. We see it as having a very negative impact on our beach and community.

RTH-6

Thank you,

Tracy Hermann
Richard Hermann

Tracy and Richard Hermann

1153 Las Tunas St.

Morro Bay, CA 93442

9.4.15 Response to Letter from Richard and Tracy Hermann

Comment No.	Response
RTH-1	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. 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.
RTH-2	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary. 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 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.
RTH-3	Please refer to EIR Section 4.1 (Aesthetic Resources). Pursuant to CEQA, the environmental analysis includes public views, such as views from Highway 1, Studio Drive, and Morro Strand State Beach. Based on the EIR 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. No changes to the EIR are necessary.
RTH-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. Therefore, no changes to the EIR are necessary.
RTH-5	Please refer to response to comment RTH-3, and Table 3-1 Consistency with Plans and Policies (refer to Chapter 3 Environmental Setting). The project appears to be consistent with all relevant policies and regulations. The County decision makers (i.e. Board of Supervisors, Planning Commission) will make a determination regarding consistency upon consideration of the project and EIR. No changes to the EIR are necessary.
RTH-6	Comment noted. No changes to the EIR are necessary.

John Edward (Jack) Joy
2400 Summit View Drive
Bedford, Texas 76021

August 5, 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 a friend and colleague of one of the adjacent property owners, you may automatically assume that I am taking sides based on this friendship. Although this friendship is how I came to know the facts about this case, my stance is not based on this friendship. It is based on what is right and wrong, and basically everything about the applicant's proposal is wrong.

JEJ-1

The following are some of my 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.
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. The toe of the bluff is clearly within the property and is routinely subject to marine erosion.
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.

JEJ-2

JEJ-3

JEJ-4

- | | |
|--|---------------------|
| <p>4. Although lateral access is discussed in the D-EIR, it seems that access is not being 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.</p> | <p>SJ-5</p> |
| <p>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.</p> | <p>SJ-6</p> |
| <p>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.</p> | <p>SJ-7</p> |
| <p>7. The D-EIR failed to propose adequate project alternatives as required by CEQA. 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.</p> | <p>SJ-8</p> |
| <p>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.</p> | <p>SJ-9</p> |
| <p>9. 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</p> | <p>SJ-10</p> |

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.

**JEJ-10
(continued)**

The D-EIR recommends the project as proposed. However, I propose that the County Planning Commission and Board of Supervisors should 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.

JEJ-11

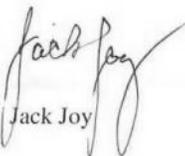
If the Applicant desires to continue pursuing development of the property, the County should require development of a new "eco-friendly house" alternative that can meet the requirements necessary to build on this coastal bluff property. It is recommended that the new alternative be designed to provide 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.

JEJ-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.

JEJ-13

Sincerely,


Jack Joy

9.4.16 Response to Letter from John Edward (Jack) Joy

Comment No.	Response
JEJ-1	Please refer to specific responses to comments, as noted below.
JEJ-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
JEJ-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
JEJ-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
JEJ-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
JEJ-	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
JEJ-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
JEJ-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
JEJ-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
JEJ-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
JEJ-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
JEJ-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
JEJ-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

Jenny Larios
12841 Dunas Road
Santa Ana, CA 92705

August 5, 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 California property owners we have several issues and areas of concern that the D-EIR has not adequately addressed or provided adequate mitigation measures.

JL-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.*
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.**
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.**

JL-2

JL-3

JL-4

4. Although lateral access is discussed in the D-EIR, it seems that **access is not being 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.** JL-5
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:** JL-6
- *reduced in size,*
 - *not be allowed to cantilever over the sand, and*
 - *should be setback an appropriate distance.*
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. JL-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 offer sufficient mitigation. 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. JL-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. JL-9
9. We are also upset about the lack of sufficient public outreach conducted related to this EIR. **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 JL-10

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.

JL-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.*

JL-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.

JL-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.

JL-13

We appreciate your considered review and analysis of these comments. As a long-time visitor of Morro Strand State Beach and California property owner, **I hope that this agency and all responsible parties will abide by CZLUO, County Policies, County General Plan Safety Element, and California Environmental Quality Act (CEQA) and err in the favor of protecting our precious coastal resources for generations to come, rather than illegally benefit one particular homeowner.**

JL-14

Sincerely,



Jenny Larios

9.4.17 Response to Letter from Jenny Larios

Comment No.	Response
JL-1	Please refer to specific responses to comments, as noted below.
JL-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
JL-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
JL-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
JL-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
JL-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
JL-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
JL-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
JL-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
JL-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
JL-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
JL-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
JL-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.
JL-14	Please refer to Table 3-1 Consistency with Plans and Policies (refer to Chapter 3 Environmental Setting). The project appears to be consistent with all relevant policies and regulations. The County decision makers (i.e. Board of Supervisors, Planning Commission) will make a determination regarding consistency upon consideration of the project and EIR. No changes to the EIR are necessary.

**Dr. Shelly Long &
Mr. Steven Huth
5719 W. Elowin Drive
Visalia, CA 93291**

August 5, 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 a Cayucos property owner we have several issues and areas of concern that the D-EIR has not adequately addressed or provided adequate mitigation measures.

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.
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.
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.

SL-1

SL-2

SL-3

SL-4

- | | |
|--|---------------------|
| <p>4. Although lateral access is discussed in the D-EIR, it seems that access is not being 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.</p> | <p>SL-5</p> |
| <p>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.</p> | <p>SL-6</p> |
| <p>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.</p> | <p>SL-7</p> |
| <p>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 offer sufficient mitigation. 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.</p> | <p>SL-8</p> |
| <p>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.</p> | <p>SL-9</p> |
| <p>9. We are also upset about the lack of sufficient public outreach conducted related to this EIR. 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</p> | <p>SL-10</p> |

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.

**SL-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.

SL-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.

SL-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.

SL-13

We appreciate your considered review and analysis of these comments.

Sincerely,



Dr. Shelly Long
Mr. Steven Huth

9.4.18 Response to Letter from Dr. Shelly Long and Steven Huth

Comment No.	Response
SL-1	Please refer to specific responses to comments, as noted below.
SL-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
SL-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
SL-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
SL-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
SL-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
SL-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
SL-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
SL-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
SL-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
SL-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
SL-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
SL-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

Robert Lum
P.O Box 1389
Davidson, NC 28036

August 5, 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:

As a former resident and native born Californian, I send this letter to you and the San Luis Obispo County, Planning and Building Department, in hopes that further review and consideration take place to preserve the California coastal lands

RL-1

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.

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RL-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.

RL-3

- | | |
|--|-------|
| <p>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.</p> | RL-4 |
| <p>4. Although lateral access is discussed in the D-EIR, it seems that access is not being 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.</p> | RL-5 |
| <p>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.</p> | RL-6 |
| <p>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.</p> | RL-7 |
| <p>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 offer sufficient mitigation. 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.</p> | RL-8 |
| <p>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.</p> | RL-9 |
| <p>9. We are also upset about the lack of sufficient public outreach conducted related to this EIR. There was no scoping meeting held as required by the California Environmental Quality Act</p> | RL-10 |

(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.

**RL-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.

RL-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.

RL-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.

RL-13

We appreciate your considered review and analysis of these comments.

Sincerely,



Robert Lum

9.4.19 Response to Letter from Robert Lum

Comment No.	Response
RL-1	Please refer to specific responses to comments, as noted below.
RL-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
RL-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
RL-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
RL-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
RL-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
RL-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
RL-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
RL-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
RL-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
RL-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
RL-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
RL-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

Grace Medina-Chow
357 St. Martin Drive
Redwood City, CA, 94065

August 5, 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.

GMC-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.

GMC-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.

GMC-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.

GMC-4

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

GMC-5

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.

GMC-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.

GMC-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 offer sufficient mitigation. 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.

GMC-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.

GMC-9

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

GMC-10

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.

**GMC-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.

GMC-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.

GMC-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.

GMC-13

We appreciate your considered review and analysis of these comments.

Sincerely,



Grace Medina-Chow

9.4.20 Response to Letter from Grace Medina-Chow

Comment No.	Response
GMC-1	Please refer to specific responses to comments, as noted below.
GMC-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
GMC-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
GMC-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
GMC-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
GMC-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
GMC-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
GMC-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
GMC-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
GMC-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
GMC-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
GMC-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
GMC-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

Prof. James E. Moore, II
USC Price School of Public Policy
KER 204 MC 7725 USC
734 West Adams Blvd.
Los Angeles, CA 90089

August 5, 2013

Ms. 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 an urban planning academic, I have several issues and areas of concern that the D-EIR has not adequately addressed or provided adequate mitigation measures.

JEM-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.
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. I 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.

JEM-2

JEM-3

Ms. Ryan Hostetter
 August 5 2013
 Page 2

- | | |
|---|---------------------|
| <p>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.</p> | <p>JEM-4</p> |
| <p>4. Although lateral access is discussed in the D-EIR, it seems that access is not being 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. Rather, 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.</p> | <p>JEM-5</p> |
| <p>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 strange and inconsistent for the D-EIR to compare the proposed development to this aging structure 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.</p> | <p>JEM-6</p> |
| <p>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, I estimate that the proposed house should be considered to be about 180% of the usable lot size and therefore is much too large.</p> | <p>JEM-7</p> |
| <p>7. The D-EIR failed to propose adequate project alternatives as required by CEQA. There are several alternatives described, but I think none of them offer sufficient mitigation. 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.</p> | <p>JEM-8</p> |
| <p>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</p> | <p>JEM-9</p> |

Ms. Ryan Hostetter
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Page 3

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.

**JEM-9
(continued)**

9. I am surprised by the lack of sufficient public outreach conducted related to this EIR. There was no scoping meeting held as required by the California Environmental Quality Act (CEQA), though the D-EIR incorrectly reports 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 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.

JEM-10

The D-EIR recommends the project as proposed. However, I 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, which it is.

JEM-11

If the Applicant desires development of the property, the County should require development of an alternative that can meet the requirements necessary to build on this coastal bluff property. I recommend 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.

JEM-12

Additionally, I recommend 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.

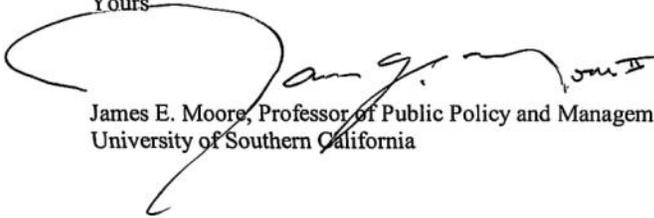
JEM-13

Ms. Ryan Hostetter
August 5 2013
Page 4

I appreciate your considered review and analysis of these comments.

JEM-13
(continued)

Yours

A handwritten signature in black ink, appearing to read "James E. Moore", is written over the word "Yours". The signature is fluid and cursive, with a large loop at the beginning.

James E. Moore, Professor of Public Policy and Management
University of Southern California

9.4.21 Response to Letter from Professor James E. Moore, II

Comment No.	Response
JEM-1	Please refer to specific responses to comments, as noted below.
JEM-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
JEM-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
JEM-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
JEM-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
JEM-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
JEM-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
JEM-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
JEM-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
JEM-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
JEM-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
JEM-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
JEM-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

Julie Pludow
2327 Hickory Street
San Diego, CA 92103

August 5, 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 a frequent visitor to Cayucos I have several issues and concerns that the D-EIR has not adequately addressed or provided adequate mitigation measures.

JP-1

They include the following:

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. If allowed to proceed as it is currently proposed it will set a detrimental precedent for future development not only in Cayucos and San Luis Obispo County but throughout many areas of the California coast. The design will also impact everyone who visits Morro Strand State Beach. It looks as though a wall has been constructed on the side of the lot.
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. I believe the property is definitely part of the coastal bluff. The toe of the bluff is clearly within the property and is routinely subject to marine erosion.
3. My understanding is that the concrete reinforced seaward facing basement wall is essentially a seawall (shoreline protective device) that 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.

JP-2

JP-3

JP-4

- | | |
|---|--------------|
| <p>4. Although lateral access is discussed in the D-EIR, it seems that access is not being 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 arguments presented to support the access as proposed do not meet legal requirements. Lateral access is not available from the mean high tide to the toe of the bluff and be free of encroachment by the residence's cantilevered deck.</p> | JP-5 |
| <p>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. This is simply not true. 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. I don't understand why the D-EIR would compare the proposed development to this one house built long before the California Coastal Commission was established and the associated rules to protect the coast were enacted. Walk along the beach one mile in either direction and you will see no homes cantilevered over the beach! 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 allowed to cantilever over the sand, and should be setback an appropriate distance.</p> | JP-6 |
| <p>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, the proposed house should be considered to be about 180% of the usable lot size and therefore is much too large.</p> | JP-7 |
| <p>7. The D-EIR propose project alternatives but none of them are sufficient. An alternative must be developed to further mitigate all of the environmental impacts.</p> | JP-8 |
| <p>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.</p> | JP-9 |
| <p>9. I am very upset about the lack of sufficient public outreach conducted related to this EIR. There was no scoping meeting held as required by the California Environmental Quality Act (CEQA). My understanding is that the D-EIR falsely claimed that a scoping meeting was held. What is going on here? 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 and no scoping meeting. 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</p> | JP-10 |

(CCAC), and the Project Manager failed to attend a Land Use Committee (LUC) meeting to discuss the proposed development as requested by the CCAC.

**JP-10
(continued)**

The D-EIR recommends the project as proposed. I 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.

JP-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.

JP-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.

JP-13

Thank you for your time and consideration,


Julie Pludow

9.4.22 Response to Letter from Julie Pludow

Comment No.	Response
JP-1	Please refer to specific responses to comments, as noted below.
JP-2	Please refer to response to comment SJ-2. As noted in EIR Section 4.1 (Aesthetics), 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. No changes to the EIR are necessary.
JP-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
JP-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
JP-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
JP-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
JP-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
JP-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
JP-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
JP-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
JP-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
JP-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
JP-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

Raymond Pludow D.V.M.
35335 Hwy 41
Coarsegold, CA 93614

August 5, 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.

RP-1

The following are some of our issues and concerns.

- 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.
- 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.

RP-2

RP-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.

RP-4

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

RP-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.

RP-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.

RP-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 offer sufficient mitigation. Another alternative should be developed to further mitigate all of the environmental impacts. Visualizations of all alternatives should be provided for

RP-8

comparison to the proposed project.

**RP-8
(continued)**

- 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.

RP-9

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

RP-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.

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.

RP-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.

RP-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.

RP-13

We appreciate your considered review and analysis of these comments.

Sincerely,

A handwritten signature in cursive script that reads "RB Pludow DVM".

RB Pludow DVM

9.4.23 Response to Letter from Raymond Pludow, D.V.M.

Comment No.	Response
RP-1	Please refer to specific responses to comments, as noted below.
RP-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
RP-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
RP-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
RP-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
RP-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
RP-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
RP-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
RP-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
RP-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
RP-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
RP-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
RP-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

WARREN A. SINSHEIMER III
DAVID A. JUHNKE
JUNE R. McIVOR
HERBERT A. STROH
DAVID S. HAMILTON
KEVIN D. ELDER
N. ELLEN DREWS



SINSHEIMER JUHNKE McIVOR & STROH, III
ATTORNEYS AT LAW

Of Counsel:
ROBERT K. SCHIEBELHUT
K. ROBIN BAGGETT

E-Mail:
KElder@sjmslaw.com

Client: 3203.003

August 5, 2013

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

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

Dear Ms. Hostetter:

On behalf of Ethel Pludow and Cynthia R. Sugimoto, 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).

SJMS-1

Doreen Liberto-Blanck, AICP, MDR, of Earth Design, Inc. was engaged to assist in analyzing the D-EIR and preparing these comments. Ms. Liberto-Blanck has over 25 years of experience in a range of land use planning, environmental planning and public policy making.

John Kasunich G.E., and Mark Foxx, C.E.G., of Haro, Kasunich and Associates, Inc., ("HKA") were engaged to review and analyze the D-EIR in respect to the geology, soils, and geotechnical engineering issues. John Kasunich is a Professional Engineer in Civil Engineering and a Geotechnical Engineer with over 30 years of experience in coastal engineering. Mr. Foxx is a Certified Engineering Geologist with more than 30 years of experience in coastal geology. Mr. Kasunich and Mr. Foxx have worked on numerous projects requiring the interpretation of the California Coastal Act, as well as local coastal plans and ordinances. Mr. Kasunich and Mr. Foxx have worked extensively with government agencies, including the California Coastal Commission, and their work is known to both the Executive Director and Deputy Director of the California Coastal Commission.

The results of their analysis are set forth in their report dated August 1, 2013, and attached as Exhibit A (the "HKA Report").

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 (the "Project").

The County's initial review of the Project resulted in the issuance of a Mitigated Negative

1010 Peach St., P.O. Box 31, San Luis Obispo, CA 93406 ph: 805.541.2800 fax: 805.541.2802 mail@sjmslaw.com www.sjmslaw.com

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Declaration (the "MND") dated April 9, 2007. A Request for Review was filed challenging aspects of the MND. The MND was amended in response to the 2007 Request for Review, and the Amended Mitigated Negative Declaration was issued on April 2, 2009 (the "Amended MND"). A request for review of the Amended MND was filed on April 16, 2009. In response, the Applicant voluntarily decided to prepare an Environmental Impact Report for the Project.

**SJMS-1
 (continued)**

The D-EIR has not adequately addressed or provided mitigation measures for several issues raised in the prior requests for review, and has raised new areas of concern. The following are some of the issues and concerns that will be addressed in these comments.

SJMS-2

- The bluff upon which the Project would be constructed is a coastal bluff. The D-EIR incorrectly determines that the bluff is a fluvial bluff, with its associated lack of set-back from the bluff edge, and with no limitation (other than the property line) on how far the Project can cantilever over the sandy beach.

SJMS-3

- Although lateral access is discussed in the D-EIR, it seems that access is not being dedicated as required by the Estero Area Plan (CZLUO 23.04.420) and other policies. The lateral access should be provided as required and be free of encroachment by the Project's cantilevered deck.

SJMS-4

- The D-EIR failed to propose adequate project alternatives as required by the California Environmental Quality Act ("CEQA").

SJMS-5

- The reinforced concrete seaward facing basement wall is a seawall, and seawalls are not allowed. The San Luis Obispo LCP Hazard Policy 1 requires that new development shall be designed so any shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, not be needed for the life of a structure.

SJMS-6

- The D-EIR failed to apply current ordinances.

SJMS-7

- The visual impact of the Project will be significant, yet the D-EIR glosses over the issue, finding there will be little impact to the existing visual condition along Studio Drive.

SJMS-8

- The County failed to hold a scoping meeting as required by CEQA. In fact, the County's public outreach has been lackluster at best, in addition to failing to meet CEQA requirements.

SJMS-9

It is recommended 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

SJMS-10

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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 and several of the environmental issues have not adequately been addressed. The bluff should be defined as a coastal bluff. Based on our analysis, there are significant adverse impacts that cannot be mitigated, and therefore, Statements of Overriding Consideration would be needed to approve the Project.

**SJMS-10
(continued)**

If the Applicant desires to continue pursuing development of the property, the County should require development of a new “eco-friendly house” alternative that will meet the requirements necessary to build on this coastal bluff property. It is recommended that an “eco-friendly house” development is necessary in order 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 project for consideration.

SJMS-11

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

SJMS-12

1. Determination that the Property is not a Coastal Bluff and Related Geotechnical Issues.

SJMS-13

HKA determined that the County's EIR consultants, Cotton Shires and Associates (the “EIR Consultants”) incorrectly defined the bluff as a fluvial bluff.

In summary, the HKA Report (Exhibit A) finds that the EIR Consultants' use of an obscure determination of what constitutes a bluff edge led the EIR Consultants to incorrectly find that the bluff is a fluvial bluff rather than a coastal bluff. The HKA report describes how the bluff is subject to wave run-up, subject to marine erosion, and under applicable law should properly be defined as a coastal bluff. It includes several figures and photographs that clearly show the exposed bedrock coastal bluff on the property and the “active beach” at the base of the bluff.

The HKA Report identifies that the methodology used by the EIR Consultants to assess the termini of the bluff differs from California Coastal Commission (CCC) guidelines. It is requested that a revised bluff termini diagram be prepared on a surveyed map that follows the CCC guidelines.

SJMS-14

As part of their analysis, HKA notes that a story pole study was conducted for the Project. The D-EIR states that the locations of the story poles were used to prepare visual photo simulations of the Project, however, no pictures of the story poles are included in the D-EIR.

SJMS-15

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We obtained a photo from the story pole study, as well as other photos of the Project taken while the flags were in place. The visual impression created by these photos paints a clear picture of how the bluff edge is oriented toward the ocean. Further, while the D-EIR includes the methodology of how the story poles were used to create visual photo simulations, it doesn't describe or include the story poles study.

SJMS-16

The story poles study is an important tool in determining how the Project will be situated on the bluff, and how it will impact environmental conditions. Therefore, the entire story poles study should have been included in the D-EIR.

SJMS-17

The HKA Report also addresses the inconsistencies in the EIR Consultants' wave run-up calculations, and how the inconsistencies affect how wave run-up will affect the Project.

SJMS-18

The HKA Report also finds that the basement wall is a seawall, which is prohibited for this type of development. If allowed, it will deflect wave run-up towards the neighboring properties and adversely impact them. They also believe the impact related to beach sand scour and coastal erosion are under estimated in the D-EIR and will be significant.

SJMS-19

They also raise a concern about the potential for the borehole drilling and excavations for the shoring to encroach on the neighboring properties or damage those properties.

SJMS-20

The HKA Report's analysis concludes that the Project site should be considered a coastal bluff and appropriate set-backs required.

SJMS-21

2. 25-Foot Lateral Beach Access Easement; Encroachment by Covered Deck.

SJMS-22

2.1 Required 25-Foot Lateral Beach Access Easement.

The Coastal Zone Land Use Ordinance ("CZLUO") Section 23.04.420d(3) requires that all new development provide a lateral access dedication of at least 25 feet of dry sandy beach, as noted on page 3-14 of the D-EIR. The D-EIR should clearly show where the project will be sited on the property, and how the lateral access easement will be accommodated by the location of the project. There is no verifiable depiction (such as a survey) showing exactly where the structure will be located on the lot.

Therefore, it is impossible to confirm that the project as designed can be sited on the lot and still comply with the requirement to provide a lateral beach access easement of at least 25 feet of dry sandy beach.

The D-EIR should note in relation to the lateral access easement that wave run-up is expected to hit the basement. Therefore, there will be times when no dry sandy beach is available. Several

SJMS-23

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photos showing the coastal bluff and beach portion of the property during a typical high tide in 2007 are shown in Exhibit B.

SJMS-23
(continued)

Section 23.04.420d(3) of the CZLUO states, "Lateral access dedication: 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 access ways is appropriate. This consideration would help maximize public access consistent with the LCP and the California Coastal Act."

SJMS-24

Has the Applicant agreed to provide the 25-foot lateral access dedication in the location shown on the site plan in the D-EIR or anywhere else on the property? If the Project is approved, the requirement to dedicate the easement should be a mitigation measure, and included in the mitigation and monitoring report.

The D-EIR should have shown how the requirement of a 25-foot lateral beach access easement will be met.

SJMS-25

2.2 Covered Deck Encroaches onto Lateral Beach Access Easement.

SJMS-26

The design of the project includes a 180 square foot covered deck. The deck will encroach on about 10 linear feet of the 25foot lateral easement, as noted on page 3-8 of the D-EIR. The County should not allow the Applicant to encroach upon the required lateral access easement.

To address the encroachment, the D-EIR rationalizes that the encroachment is acceptable because the public will have plenty of lateral access, as there is dry sandy beach between the project and the mean high tide line.

CZLUO Section 23.04.420d(3) requires that new development provide a 25-foot lateral access easement. The ordinance does not condition that requirement on whether other access is available or not. Therefore, it is inappropriate for the D-EIR to rationalize the encroachment of 40% of the lateral access easement by the deck with a statement that other access will be available.

The encroachment of the access easement by the deck is certain to chill if not eliminate the public's use of the easement, as almost everyone will think that the sand beneath the deck is private. If the Applicant puts out furniture or landscaping near or under the deck, no one will think they have beach access across the easement.

The problem of lateral beach access will be particularly acute during periods of wave run-up,

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where even now there are frequently times when there is no dry beach to access the beach laterally.

The D-EIR notes that wave run-up will occasionally hit the house. Therefore, the D-EIR confirms that at times there is no dry sandy beach, and therefore the requirements of CZLUO Section 23.04.420d(3) will not be met.

In fact, the second sentence of CZLUO Section 23.04.420d(3) states that 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."

Therefore, the D-EIR should consider whether the lateral beach access easement should extend to the toe of the bluff, and not just 25 feet from the property line. At the very least, the deck should be removed from the project due to its encroachment of 40% of the easement area.

2.3 Failure to Address Estero Area Plan Lateral Access Requirements.

San Luis Obispo County Parks Department expressed concerns in its September 9, 2009, Memorandum from Shaun Cooper to Ryan Hostetter about the cantilevered design. The memo also states that State Parks should be notified about the design.

County Parks also requested plans showing the toe and top of the bluff. The D-EIR does not state whether any of County Parks' issues were addressed.

In particular, note that County Parks cites the Estero Area Plan, Land Use Element/Local Coastal Plan, San Luis Obispo County Plan, Chapter 8, page 8-11 (now page 8-6).

The section states:

New development located between the sea and the first public road shall be required to make an offer of dedication of lateral access extending from the toe of the bluff to mean high tide, or where applicable, to the inland boundary of the public beach. (Chapter 7: V., Cayucos Urban Area Standards, Combining Designations, B., LCP) (underline added).

The D-EIR should address why the Applicant is not required to dedicate access from the mean high tide line to the toe of the bluff, rather than just 25 feet from the property line. No exceptions to the requirement are provided, thus the unique nature of the site should not have any bearing on where and what type of easement should be required.

The County should use the standard set forth in the Estero Area Plan to determine the type and location of the lateral beach access easement.

**SJMS-26
 (continued)**

SJMS-27

SJMS-28

SJMS-29

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3. Failure to Provide Required Project Alternatives.

CEQA requires that an EIR provide alternative designs to the proposed project in order to determine whether alternatives would further mitigate any environmental impacts. The D-EIR should analyze such alternatives and determine which is the Environmentally Superior Alternative.

SJMS-30

In the D-EIR, the County determined that the Environmentally Superior Alternative is the Project. However, this determination does not have validity in the reality of the impacts. The proposal will impact the coastal beach, cause potential surface and subsurface drainage issues, impact scenic coastal views and is proposed to be built on a historic coastal bluff. The Environmentally Superior Alternative should be no project. A substantially reduced scale structure built on pilings and located with adequate set-back (a minimum of 25-feet, to withstand bluff erosion and wave action for a period of 100-years of erosion) from the edge of the bluff would still have impacts, but those impacts would be considerably reduced from those of the subject proposal.

CEQA states there should be a reasonable range of alternatives based on project objectives. The proposed alternatives proposed in the D-EIR are similar and do not provide sufficient variation. On page ES-4, the Applicant's project objectives are outlined, including: *reducing visual impacts by design, avoiding development on sandy beach and minimizing site grading and disruption of the natural contours and, incorporation of green building considerations into the design and maximize exposure for solar panels.*

SJMS-31

Based on these objectives, one of the alternatives should include an eco-friendly small house. The eco-friendly small house could possibly be placed to allow for a 100-year setback with no structures encroaching on the sandy beach. Additionally, the reduced size and scale of the project would provide a better transition with the open space nature of the adjacent Morro Strand State Beach.

Visualization of each alternative should be provided for comparison to the proposed project.

4. Failure to Apply Current Ordinances.

SJMS-32

The D-EIR, Section 8.1.4.11 cites the 2010 CZLUO, and the 2007 Coastal Plan Policies – Local Coastal Program Policy Document ("Policies"), as the ordinances used to analyze land use issues addressed in the D-EIR.

Both the CZLUO and the Policies were updated in 2011.

A permit applicant's rights to proceed under a MUP or CUP do not vest until the permit is issued, and the applicant has in good faith commenced construction on the site. Since the permit has not been issued, outdated versions of the CZLUO and the Policies were improperly used as a basis

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for land use analysis issues.

The D-EIR must review the project using the current versions of the ordinances.

**SJMS-32
 (continued)**

5. Safety Element of the General Plan

SJMS-33

County Coastal Policy S-23 requires that development shall not be permitted near the top of eroding coastal bluffs.

County Coastal Program S-63 requires coastal bluff erosion studies to determine the rate of erosion and the resulting safe distance from the top of the bluff for development. The D-EIR should address how the policy and program are impacted by the Project.

6. Scoping Meeting Required; Incorrect Claim Scoping Meeting Held

SJMS-34

Executive Summary item F on page ES-14 and Section 1.2 of the D-EIR state that a scoping meeting was held at the Cayucos Veteran's Hall. This is incorrect. No scoping meeting was held.

Further, Section 1.3, page 1-1, states that the "scope of the EIR includes issues identified by the lead agency during the preparation of the NOP for the proposed project, *as well as environmental issues raised by agencies and the general public in response to the NOP and at the scoping meeting.*"

CEQA Guidelines Section 15082(c)(1) states that for "projects of statewide, regional or areawide significance pursuant to Section 15206, the lead agency shall conduct at least one scoping meeting." A D-EIR is mandated to be sent to the State Clearinghouse when the project meets the criteria for "statewide, regional or area wide significance." (PRC 21082.1; CCR 15205 and 15206).

CEQA Guidelines Section 15206(b)(4)(C) states that if an EIR is prepared for a project, the project is located in the California Coastal Zone, and the project would have a substantial impact on the environment, then the lead agency must determine that the project is of statewide, regional or areawide significance.

Here, an EIR has been prepared, and the project is located in the Coastal Zone. Further, the Loperena MUP/CUP was sent to the State Clearing House.

Therefore, based on the County's action of submitting the D-EIR to the State Clearinghouse and due to the project being located within the Coastal Zone, a scoping meeting should have been conducted.

We disagree with the County's determination that there will be no substantial environmental

SJMS-35

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impact.

This project, which proposes to redefine the term “coastal bluff,” in order to evade the bluff top setback requirement, includes a seawall, cantilevers over the beach, and encroaches on the required lateral access. If allowed to proceed, the Project will set a precedent for all future coastal development and is thereby a project of statewide, regional and area-wide significance.

Therefore, the project will have a substantial environmental impact, satisfying the third prong of the Guidelines and requiring a scoping meeting. The County failed to do so, despite its claim of a meeting in the D-EIR.

A scoping meeting must be held before the D-EIR review process goes any further, to avoid violation of CEQA.

7. County's Limited Public Outreach Efforts

The County's efforts to reach out to the public have fallen short. The County seemed to think that because the project is just a single family residence, there would be little public interest. This view is clearly wrong as shown by the important organizations interested in the project.

Thanks to groups such as the Cayucos Citizens Advisory Council ("CCAC"), the Sierra Club – Santa Lucia Chapter, the Surfrider Foundation – San Luis Obispo Chapter, ECOSLO and Coastkeeper, along with many individuals, word of the project has gotten out. Clearly the County underestimated public interest in the project.

The general public is very interested in the project due to the dangerous precedents it would set. The precedents include:

- (i) Building on a coastal bluff without adhering to coastal bluff setback requirements.
- (ii) Allowing a cantilevered structure over the beach.
- (iii) Allowing construction of a seawall (the basement wall is really a shoreline protection device).

One specific example of the County's failure to properly notify the public about the project and the availability of the D-EIR for public review is reflected in the June 2013 minutes of the CCAC. The June minutes show that the County liaison to the CCAC made no report to the CCAC informing them that the D-EIR was expected to be released soon. Further, the County's liaison's input at the July CCAC's Land Use Committee and CCAC meetings on July 8 and 10 respectively, was uninformed and minimal. Following release of the D-EIR, a CCAC request for a presentation or at least attendance by the SLO Project Manager to answer questions was ignored or dismissed.

**SJMS-35
(continued)**

SJMS-36

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No copy of the D-EIR was provided to the Cayucos Library. Also, no property owners or residents from the project vicinity were notified of the availability of the D-EIR, except for one property owner that expressly asked to be notified.

**SJMS-36
 (continued)**

It is unclear why the County would fail to provide those with a stated interest in the project with even informal notice of the pendency of the release of the D-EIR when such interest is widely known. The County seems to be happy meeting the minimum notice requirements, when in fact there is widespread interest in the project.

The County's unwillingness to provide outreach beyond the bare minimum required will certainly result in a significant number of people being left out of the process. We don't want this to become one of those projects where many people say they just didn't know, and therefore were prevented from participating in the review process.

8. Visual and Scenic Resources, Policy 2

SJMS-37

The D-EIR inadequately discusses the impact of the Project on views. None of the photos included in the D-EIR clearly illustrate the loss of view. Attached photo/graphic Exhibit C illustrates the estimated impact on public scenic coast views. The lot is on the edge of an expansive area of public scenic coastal view and adjacent to Morro Strand State Beach. The Project will further erode the public's view of sandy beach and ocean waves. The Project will hover over the sandy beach and obstruct views along the beach and from Highway 1 to the ocean. This is a significant adverse impact that has not been properly analyzed.

The D-EIR falsely states that the Project is consistent with the current conditions. Most of the residences are set-back on the bluff, and none are cantilevered over the sand. The nearby residence shown in Figure 4.1-14 and 4.1-15, which is built to the edge of the bluff, was built in 1964, prior to establishment of the CCC and associated rules protecting bluffs. It is not appropriate to compare the Project to it. None of the residences have a 31-foot high structure visible from the ocean side.

SJMS-38

The size of the Project should be reduced and not allowed to cantilever over the sandy beach. If it is not reduced in size and prohibited from cantilevering over the beach, the D-EIR should then identify the Project as having a significant adverse impact on the environment based on visual scenic resources and being inconsistent with the County Policy 2.

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The project is in a prominent location, adjacent to a Morro Strand State Beach and open to Highway 1. On page 4.1-8, the EIR Consultant states:

SJMS-40

"The project would result in a significant impact if it had substantial adverse effect on a scenic resource as seen from Highway 1. A scenic resource would be a specific feature or element with a high degree of memorability or landmark characteristics that contributed to the high visual quality of the corridor. From along Highway 1 in the project vicinity, Morro Rock, the Pacific Ocean, and the Cayucos Pier are considered Scenic Resources. The project would result in a significant impact if it were to have a substantial negative effect on views of any of those resources, from public vantage points."

The Project will have "a substantial negative effect on views" as clearly shown in the photograph attached as Exhibit C. Therefore, the EIR Consultants should have concluded that the Project would result in a significant impact on visual scenic resources.

The structure is not consistent with Visual and Scenic Resources Policy 10: Development on Beaches and Sand Dunes. The Project appears to be two-stories from beach view and is inconsistent with the appearance of other houses.

SJMS-41

9. Cayucos Small Scale Neighborhood Standards of the Estero Area Plan

SJMS-42

The Project does not meet the Cayucos Small Scale Neighborhood design standards and other communitywide standards, and is inconsistent with the character and intent of the Cayucos community small scale design neighborhood for some of the following reasons:

- 9.1 The 3,097 square foot modern structure gives the appearance of a massive box on a 3,445 square foot lot. The expansive building facades should be broken up by various elements to avoid the box appearance from the public. The structure is eighteen or nineteen feet (18'-19') wide and ninety-five feet (95') long. The elongated structure, with concrete walls does not present a small-scale project and is out of character with other structures in the area. The building mass as seen from streets and public recreational areas does not incorporate design features, such as variations in wall planes, roof lines, or materials that promote a small scale appearance, as required in the Estero Area Plan.

As correctly stated in the 2009 Draft Mitigated Negative Declaration and attached as Appendix A of the D-EIR, "... the design and style with the cantilevered deck area is different than neighboring residences as it proposes a much more modern design."

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- 9.2 The Community Small Scale Design Neighborhoods standards require, “The site design to incorporate landscaping materials that help reduce the scale of the proposed structure through proper selection and placement of trees, shrubs and other vegetation capable of screening portions of the structure from public viewpoints.” Only two-hundred and thirty-eight square feet (238’), or seven percent (7%) of the lot is proposed to be landscaped. This includes hardscape and private walkways along the northern side of the residence. The Applicant proposes potted plants along the walkways and front entry. (Reference page 2-5 of D-EIR.)

SJMS-43

The limited landscape, including hardscape, and potted plants will not reduce the scale and size of the modern structure from public viewpoints, as required by the Estero Area Plan.

- 9.3 The D-EIR Executive Summary (page ES-4) describes the Project as having one main floor and a basement. However, it also includes what is called a mezzanine. There is no definition in the Estero Area Plan for mezzanine, and it isn’t specifically excluded as a story in the definition for “story” in the Estero Area Plan. We question whether this “mezzanine” should actually be considered as a second story. If it was considered a second story, then the Gross Structural Area (GSA) requirements included in the Estero Area Plan (section 7.V.D.3.d(2) and Table 7-3 page 7-71) should apply. Table 7-3 requires that lots between 2,900-4,999 square feet have a maximum gross structural area of 55% of usable lot, not to exceed 2,500 square feet. Since a good portion of the 3,445 square foot lot is sandy beach and therefore not usable, the usable lot area is much smaller. The proposed 3,094 square foot residence is about 90% of the lot size, and an even higher percentage of the usable lot size. If the mezzanine is determined to be a second story, then the Project is too large and should be reduced in size to meet the Estero Area Plan GSA requirements.

SJMS-44

There also seems to be some uncertainty in the D-EIR regarding whether the Project sits atop the bluff or not. It is important that the location is clearly defined as it directly impacts the determination of the usable lot size, and therefore the allowable size of the residence.

SJMS-45

The architecture, materials and building mass are not consistent with the Residential Development Design Concepts found in the Cayucos Urban Design Standards of the Estero Area Plan. The structure does not provide articulated rooflines, small scale building mass, or meet the other standards illustrated in Figure 7.37.

SJMS-46

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Page 13

In conclusion, for the reasons stated in this letter, the Project should not be approved.

SJMS-47

We appreciate your considered review and analysis of these comments.

Sincerely,

SINSHEIMER JUHNKE McIVOR & STROH, LLP



KEVIN D. ELDER

KDE:ggf
K:\PludowE\003 Loperena\Ltr\17HostetterEIRComment-080513-2.doc

cc: Cynthia R. Sugimoto

Exhibit A

August 1, 2013 Haro, Kasunich and Associates Report

(see attached)

HARO, KASUNICH AND ASSOCIATES, INC.

CONSULTING GEOTECHNICAL & COASTAL ENGINEERS

Project No. SLO9515
1 August 2013

To: Ms. Ryan Hostetter
County of San Luis Obispo
Department of Planning and Building County
Government Center Room 200
San Luis Obispo, CA 93408-2040

From: Mark Foxx, CEG 1493
John E. Kasunich, G.E 455

Subject: June 2013 Draft EIR Comments

Reference: Loperena Minor Use Permit/Coastal Development
Permit DRC 2005-00216
SCH No. 2007081044

Dear Ms. Hostetter:

We have reviewed Section 4.3 of the referenced D-EIR (Geology and Soils), as well as referenced documents in Appendix C of the D-EIR by Cotton Shires and Associates Inc. dated May 31, 2011, August 21, 2012, October 31, 2012, and May 17, 2013; documents by GeoSoils Inc. dated March 14, 2011 and April 10, 2013, documents by Cleath-Harris Geologists Inc. dated June 25, 2012, September 19, 2012; and GSI Soils Inc. dated December 27, 2011.

We provide the following comments:

1. Incorrect Finding that Property is Not a Coastal Bluff

Cotton Shires and Associates Inc. (the EIR consultant who addressed the presence or lack of a coastal bluff at the site) interprets that a coastal bluff does not exist at the Loperena property. We disagree. The bluff fronting the project site faces the Pacific Ocean, and there is an active beach at the base of this bluff. The bluff is subject to severe wave run-up on occasion and resultant coastal erosion. California Code of Regulations, Title 14, Section 13577(h)(1) defines coastal bluffs as those where the toe of which is now or was historically (generally **within** the last 200 years) subject to marine erosion. **There can be no doubt that the toe of the bluff on the seaward portion of the Loperena property, is now and was historically (within the last 200 years) subject to marine erosion.** Unfortunately, there is no mention of this definition in the Cotton Shires reports.

Instead they focus on a more obscure determination of bluff edge termination, based on criteria involving geologic history and fail to consider the present geologic and oceanographic conditions at the site. Cotton Shires makes their finding based primarily on conditions shown on an aerial photo taken more than 75 years ago. We believe that present conditions must be considered when evaluating the presence of coastal bluffs or lack thereof. For more than 50 years a coastal bluff has extended hundreds of feet upcoast from the Loperena property. Much of that coastal bluff consists entirely of fill, but that is not solely the case at the Loperena property. The bluff at the Loperena property has bedrock exposed across the full width of the property.

Cotton Shires and Associates Inc. asserts that the seaward slope on the Loperena property consists of a fillslope and therefore it is not part of the coastal bluff. That is not

HKA-1

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supported by the geologic maps, cross sections and boring logs prepared by the applicant's geologist (Cleath-Harris). Exposed bedrock extends across the full width of the Loperena property.

**HKA-1
(continued)**

In our opinion the present conditions matter, and can and should not be ignored. The property should be considered a coastal bluff and appropriate setbacks should be required.

HKA-2

We support this, in part, from review of the geologic maps and cross sections in the Cleath-Harris Geology reports dated 6-25-2012 and 9-19-2012 as well as the Cotton Shires report dated 5-31-2011; all of which are contained in Appendix C of the Draft EIR. The Cotton Shires Engineering Geologic Map Plate 1 (originally prepared by Shoreline Engineering in 2006) is missing from Appendix C, but is included at a reduced scale as Figure 4.3-3 in the Draft EIR.

Several Figures and photographs are presented below to support our position that the property includes a coastal bluff and to counter the DEIR finding that it doesn't.

Figure 1 shows Cleath-Harris's Geologic Map of the site that clearly shows exposed bedrock (Franciscan Assemblage Graywacke sandstone) across the entire width of the property along the coastal bluff face, with Beach Deposits seaward of the bedrock.

Figure 2 shows Cleath-Harris's Cross Section D-D'. The applicant's geologist (Cleath) terminated this cross section at elevation 16 and did not extend it down the near vertical bedrock coastal bluff face down to the beach. This cross section shows a thin mantle of fill covering the bedrock on the inland portion of the lot. We have sketched an extended portion of the cross section below elevation 16, to show the coastal bluff face and beach that exists there.

Figure 3 shows Cleath-Harris's Cross Section C-C'. Cross Section C, which is located at the upcoast property boundary, shows that the bluff face is composed of exposed Franciscan Assemblage Bedrock from the sandy beach up to about Elevation 17. The bedrock is mantled by 3 to 4 feet of fill. In fact, as depicted by the applicant's geologist, the bedrock under the fill extends up to elevation 22, and one could argue that the fill is covering what was once the coastal bluff face between elevation 17 and 22. We have labeled the cross section to show the coastal bluff face and beach that exists there.

Photograph 1 is a 2002 Aerial Photo from www.CaliforniaCoastline.org that clearly shows the exposed bedrock face along the coastal bluff, as correctly mapped by the applicant's geologist (Cleath-Harris) and the EIR geologist (Cotton Shires).

Photograph 2 was taken at the site and shows the coastal bluff on the Loperena property, the beach at the base of the bluff, and the Pacific Ocean. We have outlined the portion of the coastal bluff face where bedrock is exposed on Photograph 2.

Photograph 3 is a 2002 Aerial Photo showing the coastal bluff on the Loperena property, the beach at the base of the bluff, the Pacific Ocean wave action on the beach, and a sketch of the Loperena property boundaries. The property boundaries shown are not to scale because of parallax and foreshortening in this oblique photo, but are in approximately the right positions. Most of the Loperena property is only 25 feet wide. The seaward portion of the Loperena property (below the coastal bluff) is a sandy beach.

2

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Photograph 4 is a site photo taken from the downcoast neighbor's property that shows the coastal bluff on the Loperena property, the beach at the base of the bluff, and Pacific Ocean wave action on the beach.

**HKA-2
(continued)**

Figure 4 is Cotton Shires Geologic Cross Section which shows the proposed Loperena residence projecting (cantilevered) out over the coastal bluff and what they depict as an "Active Beach". The area between the Active Beach and the landward portion of the residence is the coastal bluff, as defined by the California Coastal Commission.

Figure 5 is a figure from Cotton Shires & Associates report dated May 31, 2011. It is a portion of a 1937 aerial photo that they have interpreted to show an inland bluff line that was formed by Old Creek. This bluff line pre-dates the bluff line that exists since Highway One was constructed in its present alignment circa 1960.

In 1937 (the date of aerial photograph Cotton Shires used in their analysis) the bluff turned inland just north of the bedrock outcrop. Between 1937 and 1972 (when the Coastal Act Initiative was passed by the voters and the Coastal Commission was created) State Highway 1 was constructed (circa 1960). In 1972 and 1976 (when the Coastal Act was passed) the bluff at the landward edge of the beach north of the Loperena property followed the fill slope seaward of Highway 1. The Cotton Shires premise that whether a coastal bluff exists is determined only by where a bluff was during historical geologic conditions (in 1937) and not where the coastal bluff existed at the time the Coastal Commission was created (in 1972) or where a bluff exists today, is inappropriate.

The toe of the bluff on the seaward side of the Loperena property has historically been subject to marine erosion and is subject to ocean wave run-up and coastal erosion today.

Regardless of the conditions at the Loperena property before Highway 1 was built, those conditions do not determine there is not a coastal bluff there today, which has been there for the last 50 years, and in fact has been there ever since the Coastal Act was passed.

Figure 6 is a figure from Cotton Shires & Associates report dated May 31, 2011. It interprets which portion of the bluff at the Loperena property is a coastal bluff and which portion is an inland bluff. An inland bluff might be defined as a creek bank or river bank not subject to marine erosion. The Cotton Shires methodology for assessing the transition point from a coastal bluff to an inland bluff differs from the California Coastal Commission (CCC) guidelines for determination of bluff termini. Public Resources Code Section 13577 states "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." For some reason, Cotton Shires diagram, ignores the 500 foot requirement and instead uses a minimum length of the bluff line of 300 feet. It is requested that a revised diagram be prepared and included in the Final EIR that follows the CCC guidelines including the 500 ft. requirement.

HKA-3

Based on the conditions depicted on the geologic maps and cross sections and on the photographs in this letter, we believe the bluff on the Loperena property is a coastal bluff. We believe it is inappropriate to solely define the existence of coastal bluffs based on

HKA-4

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photographs from 75 years ago or geologic conditions from more than 50 years ago. We believe that current geologic and oceanographic conditions must be considered, in order to accurately define the existence of coastal bluffs. The interpretation by Cotton Shires & Associates relies on conditions depicted in photographs from 75 years ago and geologic and geomorphic conditions from more than 50 years ago. We believe their interpretation is erroneous. California Code of Regulations, Title 14, Section 13577(h)(1) defines coastal bluffs as those where the toe of which is now or was historically (generally **within** the last 200 years) subject to marine erosion. That includes those bluffs that have had marine erosion at their toe for 50 years. This regulation does not say that if there has not been marine erosion at the toe of the bluff **continuously** for the last 200 years it is not a coastal bluff. In our opinion the present conditions matter, and can and should not be ignored.

HKA-4
(continued)

Because the Loperena property is only 25 feet wide, slight variations in geologic mapping have great impact. The Cotton Shires maps (Figures 5 and 6) that they use to delineate their interpretation of the coastal bluff are presented in their report at a scale of 1 inch equals 300 feet, such that the Loperena property is less than a tenth of an inch wide. It is our opinion that precise location of the coastal bluff terminus relative to property boundaries based on stereoscopic aerial photograph interpretation is not possible and that mapping and consideration of site specific conditions is required.

HKA-5

Fortunately, site specific mapping of the bluff was done in 1955. Figure 7 is a 1955 State Of California Acquisition Map for Morro Strand State Beach. This map shows the Loperena property and the bluff configuration at that time. Cotton Shires and Cleath-Harris make no reference to this map (included in this report) in their reports.

Figure 8 is an enlarged portion of State of California Acquisition Map from 1955 showing the toe of bluff that existed then on the Loperena property. The Loperena property was impacted by both the ocean and creek before Highway 1 was built, and now is primarily impacted by the ocean because the creek's alignment was altered. The map depicts that in 1955 (before Highway 1 was constructed in its present day alignment) it might be considered as a "corner lot", which is within a transition area that is part coastal bluff and part inland bluff. If it was partly a coastal bluff then, and is impacted by coastal processes such as marine erosion, ocean wave run-up, and wave impact today, it should be considered a coastal bluff.

D-EIR 4.1.4.1 discusses a "story-poles" or flag study used to assess visual impacts of the project, however no photos with the flags are provided in the D-EIR. It is requested that the photographs from this flag study be included in the Final EIR. In the absence of official flag study photographs, we have reviewed Photographs 5 and 6, which are unofficial photographs of the flag study for the Loperena residence. Per D-EIR 4.1.4.1 these flags represent the proposed building corners. It says that "Locations of critical structure elements were identified based on site plan information and architectural elevations provided by the project applicant. These critical project features were surveyed and staked in the field, and corresponding horizontal and vertical location data was developed. Poles and reference flags were positioned at each critical point."

HKA-6

Photograph 5 clearly shows the building extending past the coastal bluff over the beach. The exposed bedrock coastal bluff is shown on the photo. Marine erosion is the process which has exposed the bedrock on the bluff face. The project plans by James Maul-Architect, upon which the plans by C. P. Parker –Architect are based, show that the seaward edge of the home is 14.81 feet from the seaward property line and overhangs the bedrock coastal bluff and the beach. These plans are consistent with the position of

HKA-7

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the main floor shown in D-EIR Figure ES-4a; which shows the main floor extending approximately 10 feet into the Access Easement on the beach..

Photograph 6 shows another view of the position of the corners of the proposed residence relative to the coastal bluff face and the beach. Note that the proposed house corners extend over the beach.

The Cotton Shires studies argue that the bedrock bluff at the back edge of the beach shown in Photographs 1, 2, 3, 4, 5, and 6 is an inland facing bluff. The Cotton Shires studies ignore the presence of an active beach that is subject to wave run-up, wave impact and marine (coastal) erosion within the building envelope of the proposed structure.

**HKA-7
(continued)**

2. Wave Run-up Calculations: Inconsistencies

We have reviewed the Geosoils Inc. report dated April 10, 2013 that calculates wave runup to an elevation of 20.1 NAVD88 (Still water elevation of 10.1 Feet NAVD88 plus Wave Runup R of 10.0 Feet). It predicts that at an elevation of +17 NAVD88 one cubic foot per second of ocean water will impact the seaward portion of the proposed home for each foot of the width of the home during oceanographic conditions expected over the life of the development.

There are internal inconsistencies in the wave run-up calculations between 2011 and 2013. In 2011, GeoSoils used a scour elevation of 0.6 feet NAVD88 at the toe of the bedrock, with 9 feet of water depth and a 1% nearshore slope in their analysis which resulted in a still water level of 9.6 feet NAVD88 and generated 12.6 feet of run-up using 7.0 foot high waves. In 2013, when considering greater sea level rise to a still water elevation of 9.6 feet NAVD88, GeoSoils used a scour elevation of 3.1 feet NAVD88 at the toe of the bedrock (2 ½ feet higher than the 2011 analysis), with 7 feet of water depth and a 2% nearshore slope in their analysis which generated 10.0 feet of run-up using 5.5 foot high waves.

This analysis is not plausible. Greater sea level rise will result in higher still water levels, which will result in larger breaking waves. They do not justify using the 2 ½ foot higher scour level in 2013 compared the 2011 analysis, other than the depth of the bedrock below the beach sand estimated and depicted by Cotton Shires on their 2011 Cross Section 1-1' (Figure 9). The depth of bedrock shown on the Cotton Shires Cross Section 1-1' is not substantiated; it is queried due to uncertainty. Greater scour will cause higher wave runup. In any case, the wave runup analysis indicates that ocean wave runup will reach much higher than the basement floor elevation and will reach the basement windows depicted on the Rear Elevation in D-EIR Figure ES-5.

HKA-8

3. Basement Wall is a Seawall

The March 14, 2011 Geosoils Inc. report defines that this wave run-up will reach the basement wall, but indicates (because the basement walls will be constructed of reinforced concrete) that the wave run-up will not adversely impact the proposed residence. It is therefore functioning as a seawall. The San Luis Obispo LCP Hazard Policy 1 requires that new development shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure; yet the proposed residence design incorporates a foundation system including a reinforced concrete wall that will be impacted by wave run-up and is

HKA-9

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nearly the full width of the property. Therefore the basement and associated seawall should not be allowed.

HKA-9
(continued)

If allowed, the reinforced concrete seaward facing basement wall will deflect wave run-up towards the neighboring properties and adversely impact them. This deflected wave run-up will increase erosion on the neighbor's bluff. D-EIR GS Impact 5 indicates that beach sand scour caused by heavy surf may create unstable slopes adjacent to the proposed residence and finds that this impact is less than significant. We believe this impact will be significant because the exacerbated impact from deflected wave runup that results from the construction of the proposed Loperena residence will extend onto the neighboring properties.

HKA-10

4. Erosion Rate is Underestimated

We disagree with GeoSoils that coastal erosion at the Loperena property is not a significant hazard over the next 100 years. The reason that bedrock is exposed along the full width of the Loperena property at the landward edge of the beach sand is because of active marine (coastal) erosion processes acting there. Sea level rise will result in increased future erosion rates compared to the historical erosion rates.

HKA-11

5. Potential Shoring and Construction Impacts Not Evaluated

The project Plans by James Maul- Architect (Sheets 1 and 2 of 4) show the exterior walls of the proposed residence with 3 foot side yard setbacks from the property lines. No property lines are depicted on the Elevation or Section (Sheets 3 and 4 of 4). The proposed residence foundation width is depicted as 19 feet. The plans in the D-EIR (Figures ES-4a, Es-4b and ES-5 by C. P. Parker (Architect) indicate they are based on the plans by James Maul, but lack setback dimensions on the floor plans and property lines on the Elevations. The Site Plan in the D-EIR (Figure ES-3) also lacks setback dimensions and does not show the main floor that cantilevers over the Public Access Easement on the seaward part of the property. The D-EIR does not address what impact to the Access Easement will occur during construction. We have reviewed the December 27, 2011 Updated Geotechnical Investigation report from GSI and 20 September 2012 letter from Shoreline Engineering including Shoring Details SL-1 and SL-2 (D-EIR Figures ES-7a and ES-7b). Given the 2 foot diameter boreholes necessary for the shoring pilings and the 25 foot lot width, we are concerned whether the shoring can be installed without any impact on the neighboring properties. It appears that there is the potential for the borehole drilling or excavations for the shoring to encroach on the neighboring properties or damage those neighboring properties.

HKA-12

HKA-13

In conclusion:

We disagree with the Cotton Shires interpretation which terminates the coastal bluff at the Loperena property based on the bisector they drew, which was solely based on conditions before Highway 1 was built, and classifies the bluff on the Loperena property as an inland bluff. We believe it is wrong for them not to consider present day conditions. The present day conditions include the presence of an active beach seaward of the property and Pacific Ocean waves directly impact the bluff on the property. Fluvial processes and creek or river bank conditions are not present at the Loperena property today. **As a result the bluff on the property should be considered a coastal bluff and appropriate setbacks should be required.**

HKA-14

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The proposed reinforced concrete seaward facing basement wall is a seawall and should not be allowed. If allowed, it will deflect wave run-up towards the neighboring properties and adversely impact them. D-EIR GS Impact 5 indicates that beach sand scour caused by heavy surf may create unstable slopes adjacent to the proposed residence and finds that this impact is less than significant. We believe this impact will be significant because the exacerbated impact from deflected wave runup that results from the construction of the proposed Loperena residence will extend onto the neighboring properties.

HKA-15

The wave run-up calculations indicate that ocean wave runup will exceed the basement floor level and reach the basement windows. The calculations have inconsistencies and require additional detailed review to determine the appropriate floor levels and structural requirements.

HKA-16

We disagree with GeoSoils that coastal erosion at the Loperena property is not a significant hazard over the next 100 years. The reason that bedrock is exposed along the full width of the Loperena property at the landward edge of the beach sand is because of active marine (coastal) erosion processes acting there. Sea level rise will result in increased future erosion rates compared to the historical erosion rates.

HKA-17

The D-EIR does not address what impact to the Access Easement will occur during construction.

HKA-18

Given the 2 foot diameter boreholes necessary for the shoring pilings and the 25 foot lot width, we are concerned whether the shoring can be installed without any impact on the neighboring properties. It appears that there is the potential for the borehole drilling or excavations for the shoring to encroach on the neighboring properties or damage those neighboring properties.

HKA-19

Please call us to discuss these plans and this project if you have any questions.

Very truly yours,

HARO, KASUNICH AND ASSOCIATES, INC.

John E. Kasunich
G.E. 455



Mark Foxx
C. E. G. 1493

MF/JEK/dk



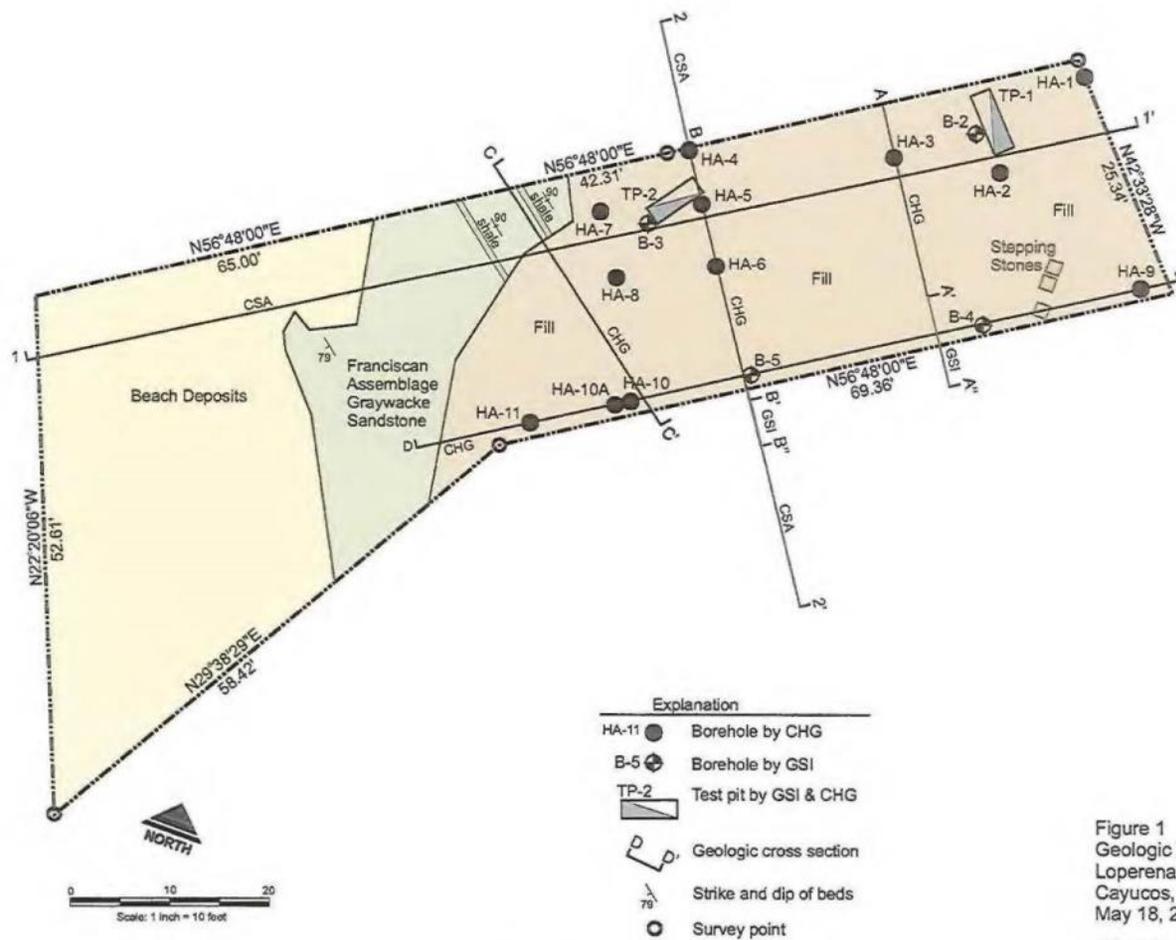
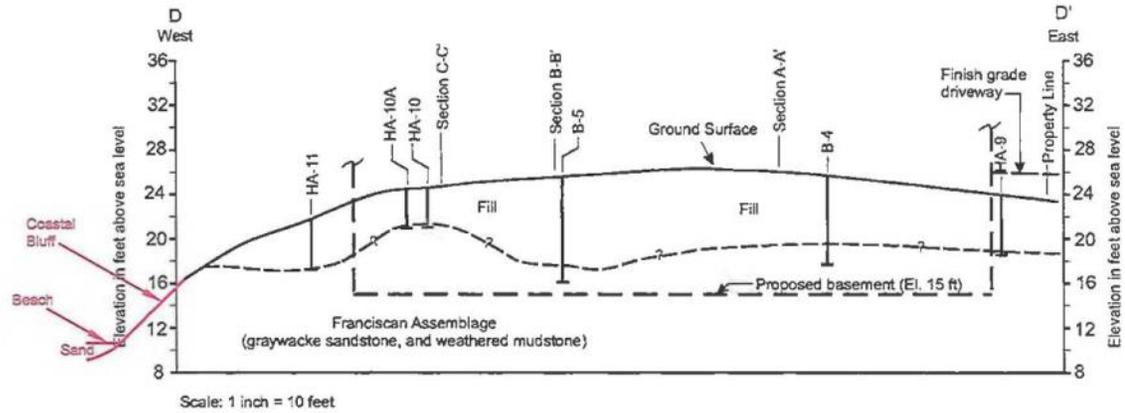


Figure 1: Cleath-Harris Geologic Map

Figure 1
 Geologic Map
 Loperena Property, Studio Drive
 Cayucos, California
 May 18, 2012
 Cleath-Harris Geologists

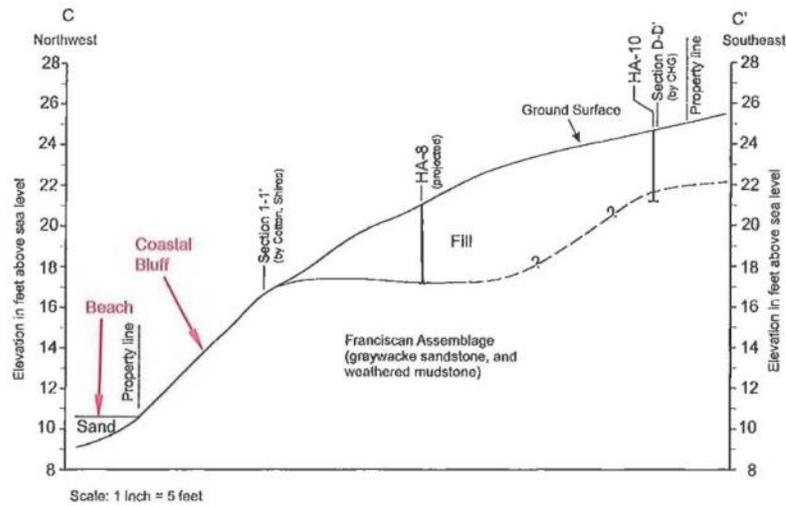


Explanation	
HA-11	Hand auger boring location (by CHG)
B-5	Power auger boring location (by GSI)
---	Geologic contact, queried and dashed where inferred

Figure 2
Cross Sections D-D'
Loperena Property, Studio Drive
Cayucos, California
May 18, 2012

Cleath-Harris Geologists

Figure 2: Cleath-Harris Geologic Cross Section D-D' Modified to Show Coastal Bluff and Beach

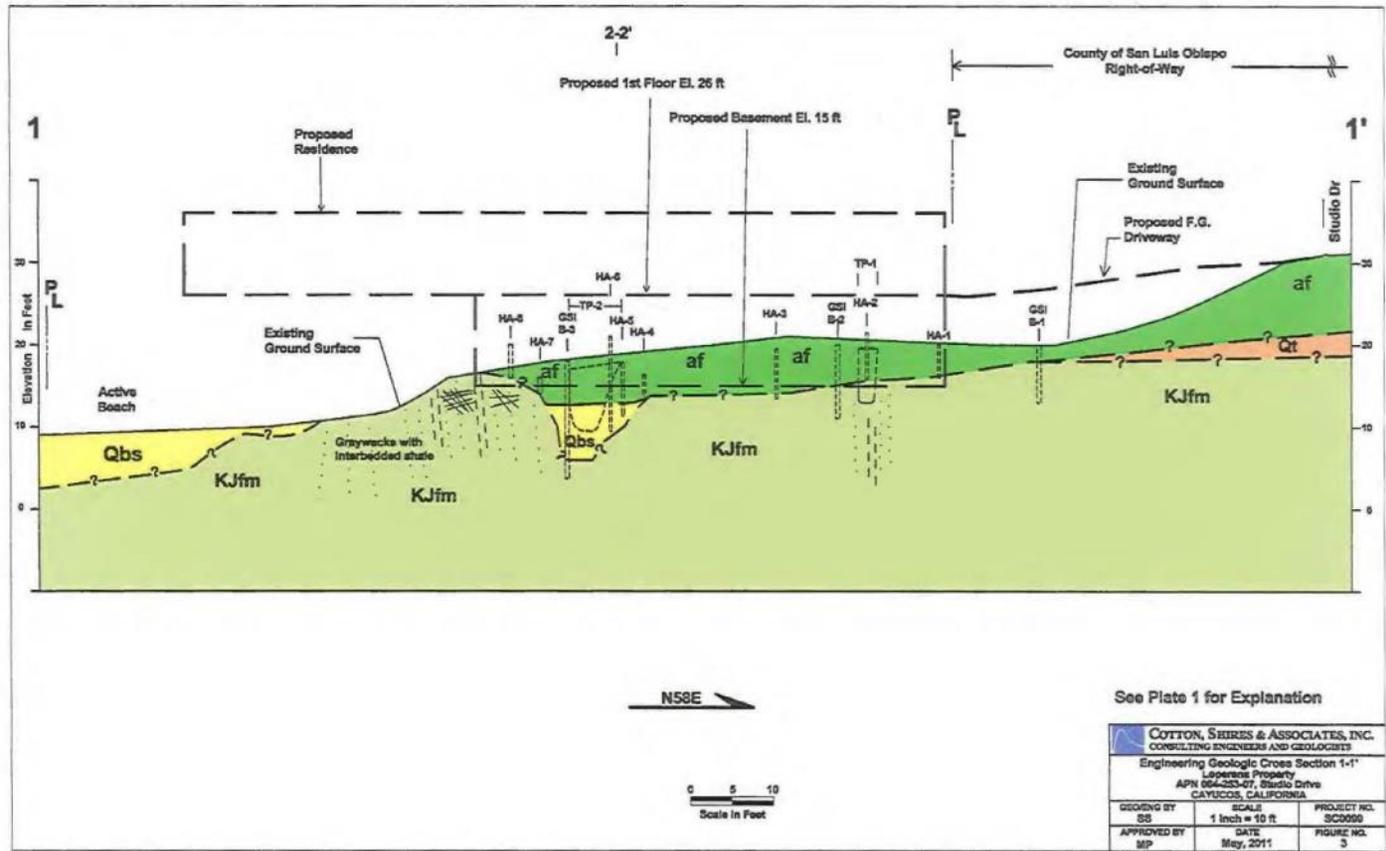


Explanation	
HA-10	Hand auger boring location
---	Geologic contact, queried and dashed where inferred

Figure 3
Revised Cross Section C-C'
Loperena Property, Studio Drive
Cayucos, California
May 18, 2012

Cleath-Harris Geologists

Figure 3: Cleath-Harris Geologic Cross Section C-C' Modified to Show Coastal Bluff and Beach



HKA-20
(continued)

Figure 4: Cotton Shires Geologic Cross Section 1-1' Showing Proposed Home Extending Over Coastal Bluff and Beach

HKA-20
(continued)

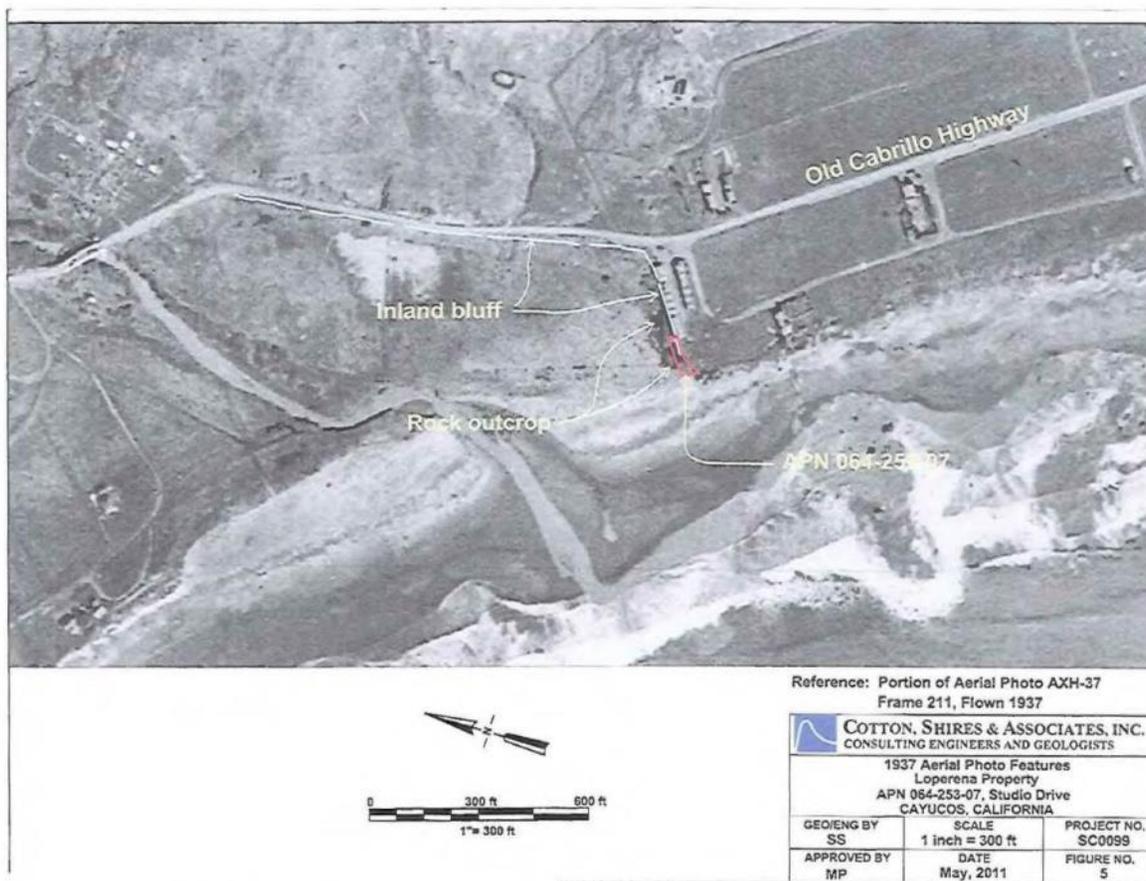


Figure 5: Cotton Shires 1937 Aerial Photo Features. Their Interpretation of Coastal Bluff.



Figure 6: Cotton Shires Bluff Edge Delineation. Their Interpretation of Bluff Termini.

HKA-20
(continued)

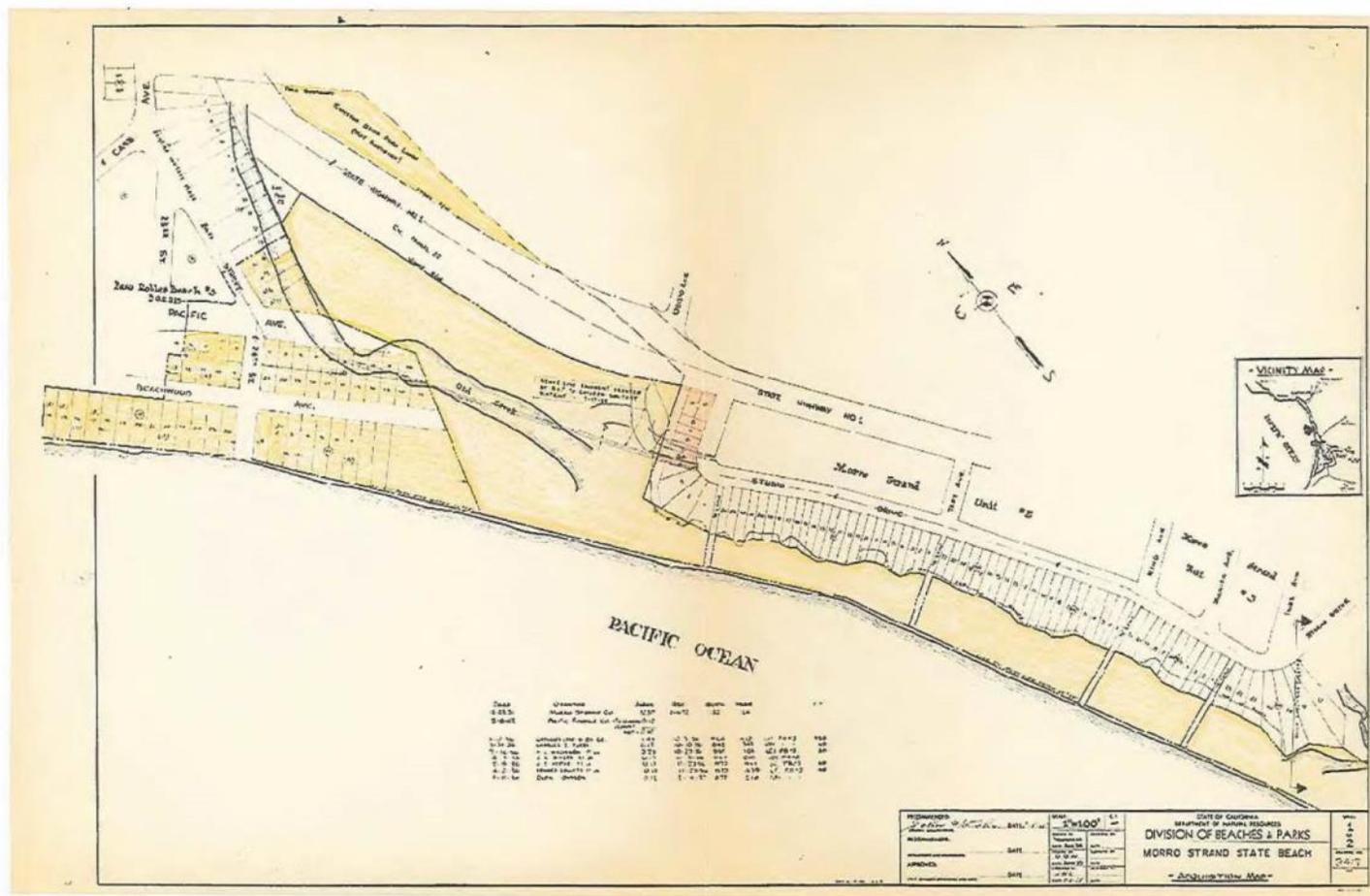
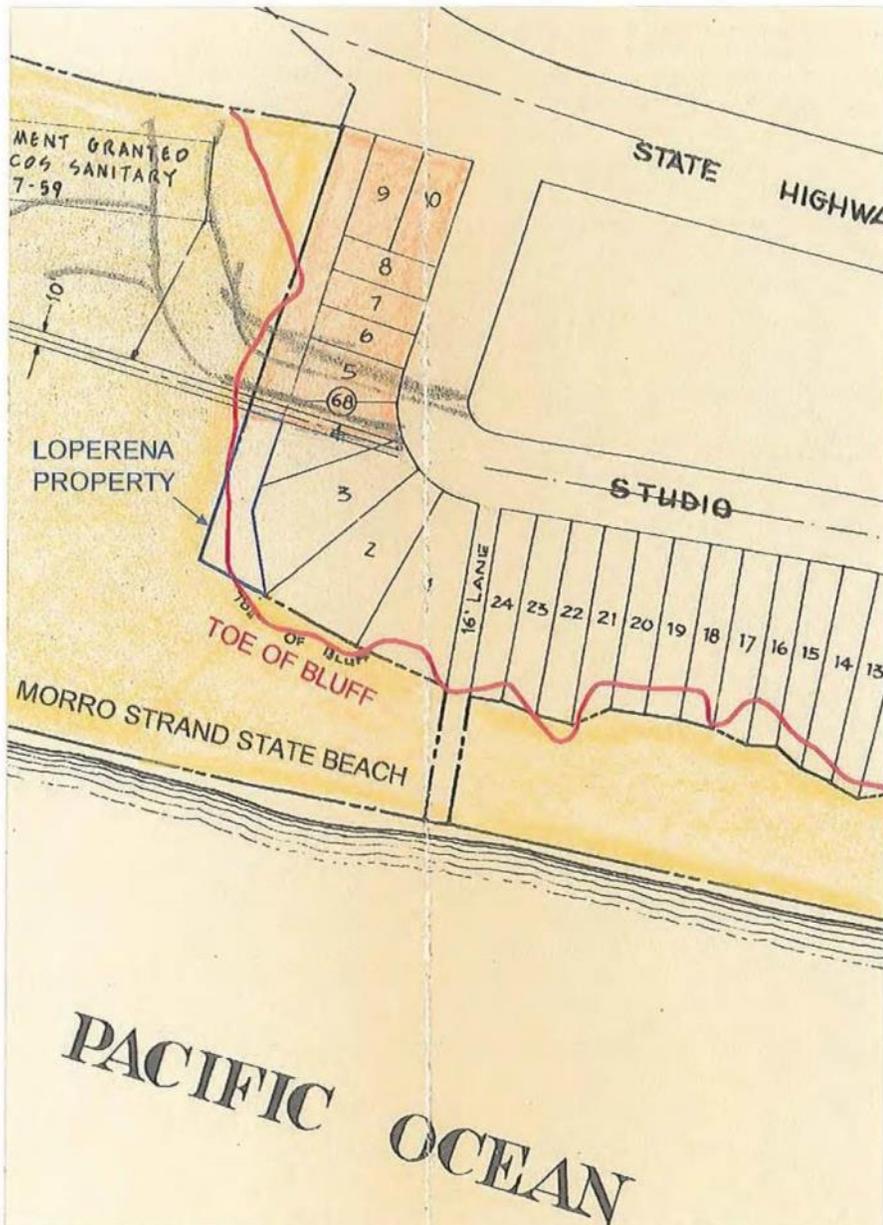


Figure 7: State of California Acquisition Map from 1955 showing the Toe of Bluff that existed on the Loperena property in 1955



HKA-20
(continued)

Figure 8: Enlarged Portion of State of California Acquisition Map from 1955 showing the Toe of Bluff that existed on the Loperena property in 1955



**HKA-20
(continued)**

Photograph 1: 2002 Aerial Photograph from www.CaliforniaCoastline.org



HKA-20
(continued)

Photograph 2: Site photograph showing the Pacific Ocean, beach and portion of the coastal bluff face where bedrock is exposed

HKA-20
(continued)



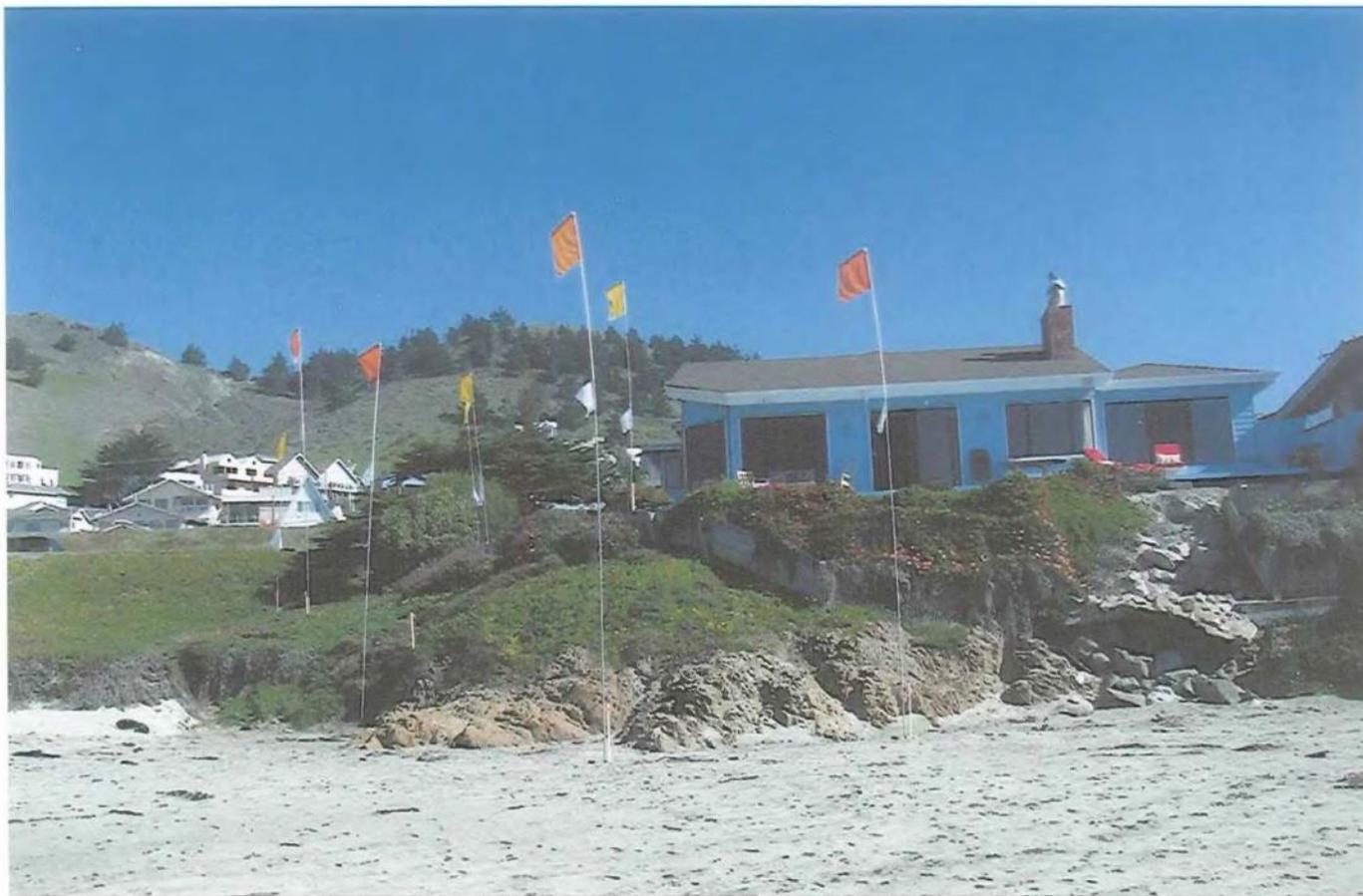
Photograph 3: 2002 Aerial Photograph showing the coastal bluff on the Loperena property, the beach at the base of the bluff, the Pacific Ocean wave action on the beach, and a sketch of the Loperena property boundaries



HKA-20
(continued)

Photograph 4: Shows the coastal bluff on the Loperena property, the beach at the base of the bluff, and Pacific Ocean wave action on the beach

**HKA-20
(continued)**



Photograph 5: Photograph of Flag Study showing Beach and Coastal Bluff

Exhibit B
Photographs of Property and Ocean at Typical High Tide

HKA-20
(continued)

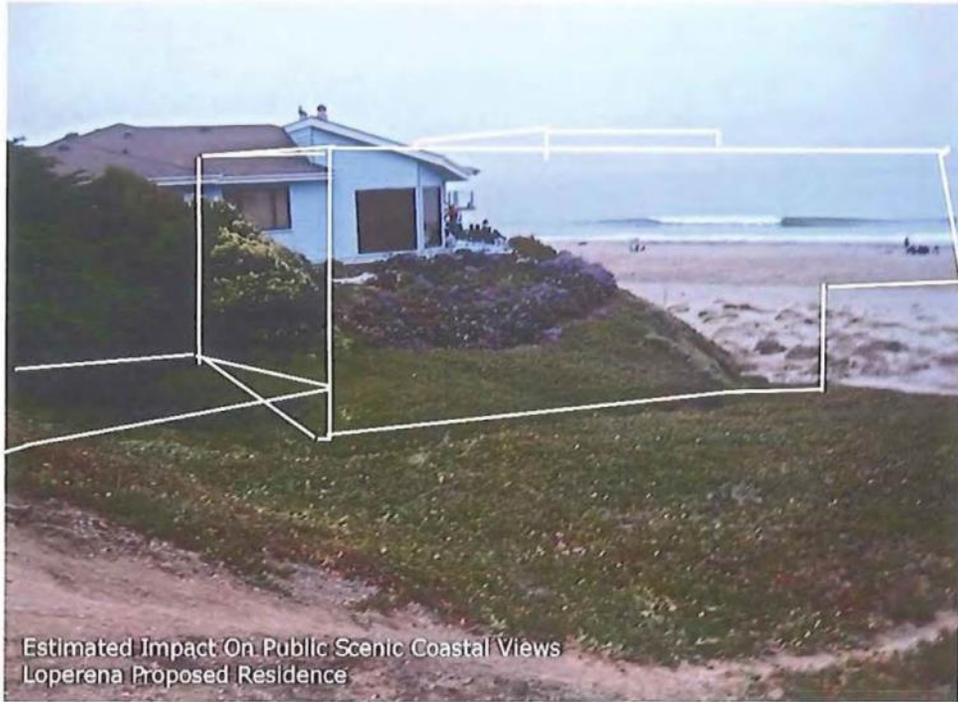


**HKA-20
(continued)**



Exhibit C
Photo Graphic Showing Effect of Project on View of Ocean

HKA-20
(continued)



9.4.24 Response to Letter from Sinsheimer Juhnke McIvor & Stroh, LLP, on behalf of Ethel Pludow and Cynthia R. Sugimoto

Comment No.	Response
SJMS-1	Comment noted.
SJMS-2	Comment noted. Please refer to responses to specific comments below.
SJMS-3	Please refer to response to comment CCC-4, which summarizes the assessment in the EIR and Appendix, and supports the EIR's determination that the project site is not located on a coastal bluff. No changes to the EIR are necessary.
SJMS-4	Please refer to response to comment CCAC-2, which addresses lateral access, and refers the reader to Table 3-1 Consistency with Plans and Policies. The project would provide 25 feet of lateral access within the parcel, on the sandy beach. The EIR also discloses that the structure would extend overhead for approximately 10 feet within the lateral access. If the decision makers recommend a reduced alternative, there will be additional area included in the lateral access easement. No changes to the EIR are necessary.
SJMS-5	Please refer to response to comment SSSE-9 and EIR Chapter 5 Alternatives Analysis. No changes to the EIR are necessary.
SJMS-6	The proposed project does not include a shoreline protective device. Please refer to response to comment CCC-5, which includes a response to the California Coastal Commission regarding the basement wall and purpose of reinforced materials. No changes to the EIR are necessary.
SJMS-7	Please refer to response to comment SJMS-32. Noted clarifications do not change the analysis or impact determinations identified in the EIR.
SJMS-8	Please refer to response to comment CCC-3 regarding impacts to visual resources. No changes to the EIR are necessary.
SJMS-9	<p>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).</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). This clarification does not change the analysis or findings of the EIR.</p>
SJMS-10	Comment noted. Please refer to responses to specific concerns regarding policy consistency and environmental impact analysis. Please refer to response to comment CCC-4 regarding the determination and supportive evidence related to the bluff determination. No significant, unavoidable, adverse impacts were identified, and no Statement of Overriding Considerations

Comment No.	Response
	would be required. No changes to the EIR are necessary.
SJMS-11	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 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.
SJMS-12	The County complied with all noticing requirements identified in the California Environmental Quality Act. In addition, the public was able to provide comments during public circulation of the Initial Study for the project, during the Notice of Preparation period, and circulation of the Draft EIR. Additional opportunities for public review and comment include availability of the Final EIR and public hearing process to consider the use permit and certification of the Final EIR. The project hearing will be noticed pursuant to existing regulations. All commenters on the EIR will be added to the public notice list. No changes to the EIR are necessary.
SJMS-13	Please refer to response to comments HKA-1, HKA-2, and HKA-3 related to the bluff interpretation. No changes to the EIR are necessary.
SJMS-14	Please refer to response to comments HKA -1 and HKA-3 regarding the California Coastal Commission guidance regarding the definition of a coastal bluff. No changes to the EIR are necessary.
SJMS-15	Photographs of the story poles used to conduct the visual analysis are not printed in the EIR; however, the photos are available for review in the County file. No changes to the EIR are necessary.
SJMS-16	The story poles were used for the visual analysis, and were not part of the geology and soils and coastal hazards analysis. The photo is available for review in the County file, and is included in the Final EIR (refer to Figure 4.1-8 Story Poles). Provision of this photograph does not affect the analysis or conclusions presented in the Draft EIR.
SJMS-17	Please refer to EIR Section 4.1.4.1 Aesthetic Resources, Impact Assessment and Methodology, Analysis and Methodology, which explains the use of the story poles during the visual analysis. A stand-alone study was not conducted; the full analysis is presented in the EIR section itself. The photograph of the story poles is included in the project file for public review, and is included in the Final EIR (refer to Figure 4.1-8 Story Poles). Provision of this photograph does not affect the analysis or conclusions presented in the Draft EIR.
SJMS-18	Please refer to response to comment Hka-8 regarding the wave runup analysis. No changes to the EIR are necessary.
SJMS-19	Please refer to response to comments HKA-9 and HKA-10 regarding the basement wall and wave refraction and deflection. No changes to the EIR are necessary.
SJMS-20	Please refer to response to comment HKA-13. The noted clarification will further enforce the determination that potential short-term effects would be less than significant. This clarification does not affect the analysis or conclusions presented in the Draft EIR.

Comment No.	Response
SJMS-21	Please refer to response to comments CCC-5, HKA-1, HKA-2, HKA-3, HKA-11 regarding the bluff interpretation and applicability of the setback standard. No changes to the EIR are necessary.
SJMS-22	The EIR has been clarified to include plans including surveyed corners and boundaries of development (Shoreline Engineering, James Maul, May 4, 2006) (please refer to Figures ES-8 and 2-8). As shown on the plans, the basement will not extend into the 25-foot lateral easement. Construction of the cantilevered element would result in an extension of the floor above the ground, leaving approximately 16 feet of open space (from the ground up), and approximately 10 feet of the easement would be located under the extended floor. As noted, this will allow for persons to walk on the sand under the residence, if necessary, potentially meeting the intent of the lateral easement.
SJMS-23	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. 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.
SJMS-24	The lateral access requirement is identified in existing regulations (Coastal Zone Land Use Ordinance), and will be included as a condition of approval. No changes to the EIR are necessary.
SJMS-25	Please refer to Figure 2-4a Project Floor Plans, which identifies the approximate location of the 25-foot lateral access easement. No changes to the EIR are necessary.
SJMS-26	Please refer to response to comments SJMS-22 and SJMS-23 above, which address the lateral access and wave run-up. The intent of the standard is to maximize public access, which will occur under typical (mean high tide) situations. There will be no physical barrier that would obstruct persons from walking along the lateral access. The County acknowledges that persons using the beach typically use portions of the beach that are located farther from existing residences, and a majority of people are more likely to use the greater expanse of beach area between the mean high tide line and property; however, this assumption does not eliminate the need for the access easement, and would provide legal protection for public use of this portion of the applicant's property. No changes to the EIR are necessary.
SJMS-27	The intent of the standard requiring a lateral access easement from the mean high tide line to the toe of the bluff is to address situations where the mean high tide line encroaches on the property. The mean high tide line does not encroach on the property, and the 25-foot lateral access easement would extend to the approximate edge of the existing rock outcrop. As identified in the EIR and responses above (refer to SJMS-23 and SJMS-26), the easement requirement meets the intent of the Coastal Zone Land Use Ordinance. No changes to the EIR are necessary.
SJMS-28	The Draft EIR addressed County Parks' concerns by including exhibits showing the underlying geology of the site, and edge of the coastal bluff to the south, and buried fluvial bluff (please refer to Section 4.3 Geology and Soils, and Appendix C, Geology and Soils Background Information). Regarding lateral access, as noted in response to comment SJMS-27, 25 feet of unobstructed lateral access would be provided on the sandy beach. The County decision makers will review this issue, including consideration of identified alternatives presented in EIR Chapter 5 (Alternatives Analysis), which includes an alternative that does not include a cantilevered element. No changes to the EIR are necessary.

Comment No.	Response
SJMS-29	As noted in Table 3-1 Consistency with Plans and Policies, lateral access would be provided extending from the mean high tide line to the property line (off-site, on the public beach) and an additional 25 feet into the property up to the exposed rock. It should be noted that the easement would only apply to the property itself; the easement would not extend onto State Parks property. As proposed, the project would be consistent with this standard. No changes to the EIR are necessary.
SJMS-30	As documented in the EIR, the project would not result in any significant, unavoidable, adverse impacts. The purpose of Alternatives evaluation in an EIR is to identify alternatives to the project that would avoid or reduce identified significant effects. The alternatives identified in EIR Chapter 5 Alternatives Analysis address potential impacts identified in the respective EIR sections, and also extend consideration of visual impacts in response to documented community concerns. While the No Project Alternative would avoid all environmental effects, it is not consistent with the objectives of the project, which include developing a residence. No changes to the EIR are necessary.
SJMS-31	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. 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. 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.
SJMS-32	<p>The Coastal Plan Policies were last updated by the County in 2007, as documented in the EIR. The 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.</p> <p>Noted changes and updates in the November 2011 CZLUO include: updated Table of Contents; Section 23.04.090 Affordable Housing Density Bonus; Section 23.04.094 Housing Affordability Standards; Section 23.04.097 Affordable Housing Density Bonus and Development Standard Modifications-Requirements), Section 23.04.166 Required Number of Parking Spaces [note two per dwelling for single-family residences, no change from 2010 CZLUO]; and Chapter 8 Special Uses.</p> <p>No changes to the cited and applicable 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>
SJMS-33	EIR Section 4.3.5.8 Geology and Soils, County's Safety Element Consistency has been amended to include noted Policy S-23 and associated Program 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.
SJMS-34	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

Comment No.	Response
	<p>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).</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 was submitted to the State Clearinghouse because it is located within the Coastal Appealable Zone, which does not by itself result in a determination by the lead agency that the project is of statewide, regional, or areawide significance. The clarification regarding the scoping meeting does not change the analysis or findings of the EIR.</p>
SJMS-35	<p>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. No changes to the EIR are necessary.</p>
SJMS-36	<p>The commenter’s statement that the project would set a precedent 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>
SJMS-37	<p>Please refer to response to comments SJMS-34 and SJMS-36. The County considered the comments and concerns identified during public review of the Initial Study and initiated an EIR, which documents further technical analysis of the issues and concerns raised by the public. All notices were posted throughout the process pursuant to CEQA, and information was available that the County Department of Planning and Building for review. In addition to review and response to the Draft EIR, the public will be able to review the Final EIR and provide comments at the public hearing. Prior to the public hearing, the County will meet all project hearing noticing requirements. The county met all statutory requirements, and no changes to the EIR are necessary.</p>
SJMS-38	<p>As noted in EIR Section 4.1.4.1 Aesthetic Resources, Analysis Methodology “representative viewpoints were determined for further analysis, based on dominance of the site within the view, duration of views, and expected sensitivity of the viewer group. Of those representative viewpoints, Key Viewing Areas were selected which best would illustrate the visual changes proposed by the project.” The photo shown in Exhibit C appears to be taken from a point immediately north of the project site. The EIR analysis includes a similar, more common view, located on Studio Drive, as the road curves southeast into the existing neighborhood. Potential impacts are analyzed as seen from this location. Additional representative viewpoints are identified in the EIR, which include areas frequented by the public including Highway 1, Studio Drive, Morro Strand State Beach, and the Morro Strand parking area. The EIR properly analyzes the impact resulting from construction of the project, and the subsequent effect on the scenic view. The EIR identifies a less than significant impact based on the identified thresholds of significance, and the analysis considers the condition of the environmental baseline (existing residential development), what scenic views would be obstructed, and the extent of the effect, including duration. In addition, the project would not exceed 15 feet in height above the centerline of Studio Drive, which is consistent with required planning area standards. No changes to the EIR are necessary.</p>

Comment No.	Response
SJMS-39	<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, 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 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.</p>
SJMS-40	<p>Please refer to response to comment SJMS-39 above. In addition, as noted in Table 3-1 Consistency with Plans and Policies County of San Luis Obispo Coastal Plan Policies, Visual and Scenic Resources Policy 2 states that “Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors.” The project site is located within an existing developed neighborhood, and would not significantly block views of the ocean or other scenic landscapes. Therefore, the project appears to be consistent with this policy. 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>
SJMS-41	<p>Please refer to response to comment SJMS-38 and SJMS-40 regarding determination of impact severity and commenter’s submitted Exhibit C. No changes to the EIR are necessary.</p>
SJMS-42	<p>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, the project would be in line with the existing development, and would not include structural development on the sandy portion of the lot. The project generally is compatible with the eclectic visual character of the area, and appears to be consistent with this policy. No changes to the EIR are necessary.</p>
SJMS-43	<p>The design of the proposed residence is unique, and modern, and complies with the Small Scale Neighborhood design standards and guidelines for new construction in this area, including limitations on scale and mass (please refer to EIR Table 3-1 Consistency with Plans and Policies, Estero Area Plan, Planning Area Standards V. Cayucos Urban Area Standards, D. Community Small Scale Design Neighborhoods, 3. Standards. No changes to the EIR are necessary.</p>
SJMS-44	<p>The EIR recognizes that architectural preference is subjective, including the appearance of massing and overall consistency with the neighborhood character, and identifies alternatives to the project for consideration by the County decision makers (i.e., Planning Commission, Board of Supervisors) including recommendations for visual articulation (refer to EIR Chapter 5 Alternatives Analysis). The decision makers may consider a project that appears more in line with community expectations for coastal residential development. No changes to the EIR are necessary.</p>
SJMS-45	<p>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’) do 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.” Regarding the comment related to the mezzanine, the County does not consider this as a second story because a portion of the mezzanine would be open, and would share the ceiling with the “main floor”. The project would</p>

Comment No.	Response
	not exceed 15 feet in height above the centerline of Studio Drive. The proposed project is consistent with this standard, and no changes to the EIR are necessary.
SJMS-46	As noted in the EIR, the project would be located on the remnants of a fluvial bluff. Please refer to response to comment SJMS-45 regarding the applicability of Estero Area Plan Planning Area Standards. No changes to the EIR are necessary.
SJMS-47	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.
SJMS-48	Comment noted. Please refer to responses to specific comments above.

Responses to the Haro, Kasunich and Associates, Inc. attachment are provided in the table below.

9.4.24.1 Response to Haro, Kasunich and Associates, Inc. Attachment

Comment No.	Response
HKA-1	<p>Preparation of the EIR included review of information provided by the public, in addition to an independent assessment of the bluff interpretation. The methodology and analysis is summarized in EIR Section 4.3 (Geology and Soils) and the appended Technical Report (Cotton Shires and Associates 2011). A detailed analysis of the site terrain, development history, geologic setting, surface conditions, and interpretation of coastal bluff were provided (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). In addition, the EIR addresses differing opinions regarding the bluff determination, and presents the assessment in Section 4.3.1.3 Coastal Bluff Interpretation Alternate Interpretation. Following review of additional information presented in the response to the EIR, the determination identified in the EIR and Technical Report (Appendix C) remains the same.</p> <p>The response to the EIR includes additional information and comment, partially in support of the commenter's opinion that coastal bluffs and inland bluffs can consist of artificial fill slopes, and that the crest of fill slopes graded for roadway (Studio Drive) and highway (Highway 1) across an alluvial river valley should now be considered coastal bluff or inland bluff. The coastal bluff interpretation presented in the EIR Technical Report (Appendix C) 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 (a PowerPoint presentation) prepared by, and received from, California Coastal Commission geologist Mark Johnson in a personal communication from April, 2011. HKA refers to this as "an obscure determination of bluff edge termination"; however, these materials were received from the CCC and presented in our report just over three years ago and are considered current. 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>Therefore, it is 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 features.</p> <p>No changes to the EIR are necessary.</p>
HKA-2	<p>Please refer to response to comment HKA-1 above. In addition, the Technical Report (Cotton Shires and Associates 2011) included in Appendix C, and incorporated by reference in EIR Section 4.3 (Geology and Soils) 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, regardless of the subdivision map indicating the site as a "corner lot". 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. No changes to the EIR are necessary.</p>
HKA-3	<p>Based on the analysis presented in EIR Section 4.3 (Geology and Soils) and Appendix C (Geology and Soils Background Information, Technical Report), the buried fluvial bluff underlying the project site is clearly oriented perpendicular to the general trend of the coastal bluff along Studio Drive. The commenter notes that 300-foot general trend was used for the inland bluff</p>

Comment No.	Response
	<p>component of the analysis. The logic for this approach is explained in detail (please refer to the EIR Appendix C, Technical Report [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. The report notes that 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-foot 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 oceanward 300-foot long segment of fluvial/inland bluff that is perpendicular to the coast is considered, 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. Therefore, no changes to the EIR are necessary.</p>
HKA-4	<p>Please refer to response to comments HKA-1 and HKA-2 above. No changes to the EIR are necessary.</p>
HKA-5	<p>Please refer to response to comment HKA-2 above. No changes to the EIR are necessary.</p>
HKA-6	<p>Photographs of the story poles used to conduct the visual analysis are not printed in the EIR; however, the photos are available for review in the County file. No changes to the EIR are necessary.</p>
HKA-7	<p>As noted above (please refer to HKA-2), the Technical Report (Cotton Shires and Associates 2011) included in Appendix C, and incorporated by reference in EIR Section 4.3 (Geology and Soils) clearly acknowledges and represents that there is an active beach on the property, adjacent to a bedrock outcropping that faces partially southwest (oceanward). The Technical Report and EIR analysis also assess potential impacts related to coastal hazards including erosion and wave run-up (please refer to EIR Section 4.3.5.10 Geology and Soils, Coastal Hazards). No changes to the EIR are necessary.</p>
HKA-8	<p>The Coastal Hazard Study (GSI Soils, Inc. 2011) and EIR analysis (Section 4.3 Geology and Soils) meet the current standard of practice for coastal engineering and wave run up analysis. The methods are from the United States Army Corps of Engineers Coastal Engineering Manual.</p> <p>As noted in the Coastal Hazard Study, the analysis included review of available regional and site-specific oceanographic and geotechnical reports and aerial photographs. The shore platform along this section of coastline is typical of coastlines of this tectonic setting, and the shore platform slopes from 1 to 2 degrees. There is ample visual evidence of this in the Coastal Records aerial photograph collection. These photos show rocks outcroppings in the surf zone and broad low tide terraces. If the platform slope was steeper there would not be any visible low tide terrace as is seen in the photos. In addition, the design still water elevation chosen for the analysis was 2.5 feet greater than the highest recorded water elevation in the area. The base of the slope at the back of the beach fronting the site is a visible rock outcropping. Therefore, the scour depth at the base of the site of about + 3 feet NAVD88 is reasonable.</p> <p>The wave run up analysis was conducted to determine if waves would overtop the rock outcrop, and if construction of the project would result in a significant adverse impact resulting from exposure to the overtopping waves. The calculated overtopping wave converted to a height of water and a velocity using empirical formulas. These formulas have a factor of safety incorporated into them. For an overtopping rate of about 1.0 ft³/s-ft the height of water overtopping the revetment is about 0.5 feet and the velocity is 3.2 feet per second. The actual water height and velocity is less than reported in the EIR, which presents a more conservative number. The EIR are supporting analysis and conclusions are conservative and clearly meet the current standard of practice. No changes to the EIR are necessary.</p>

Comment No.	Response
HKA-9	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.
HKA-10	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.
HKA-11	In addition EIR Section 4.3 (Geology and Soils), the Additional Geotechnical and Coastal Engineering Review (Cotton Shires and Associates 2013) provide technical information supporting the conclusion that potential impacts related to erosion, including consideration of sea level rise over the next 100 years, would be less than significant. No changes to the EIR are necessary.
HKA-12	The lateral access easement would be established following construction of the project. General public access within the project site would be limited by building and construction materials; however, the lot is currently private property and the easement to be established, would allow for legal lateral access. No changes to the EIR are necessary.
HKA-13	Construction of the project would occur pursuant to existing regulations, including the California Building Code. The shoring plan was prepared in response to comments and questions identified during peer review of the technical reports prepared by the project applicant (please refer to EIR Appendix C, Geology and Soils Background Information), including concerns that construction of the project may adversely affect the neighboring structure. In addition to compliance with existing regulations and building inspections, which will require detailed engineering and construction plans, mitigation measure GS/mm-3 has been clarified to require further verification in the plans that construction of the project would not compromise the neighboring structure and require daily monitoring reports to be submitted to the County, prepared by the project Engineer. This clarification will further enforce the determination that potential short-term effects would be less than significant. This clarification does not affect the analysis or conclusions presented in the Draft EIR.
HKA-14	Please refer to responses to comments HKA-1 through HKA-3 above regarding the bluff interpretation. No changes to the EIR are necessary.
HKA-15	Please refer to responses to comments HKA-8 through HKA-10 above regarding the basement, wave runup, scour, and wave deflection. No changes to the EIR are necessary.
HKA-16	Please refer to response to comments HKA-8 and HKA-9 regarding wave runup. No changes to the EIR are necessary.
HKA-17	Please refer to response to comment HKA-11 regarding erosion and sea level rise. No changes to the EIR are necessary.
HKA-18	Please refer to response to comment HKA-12 regarding impacts to the access easement. No changes to the EIR are necessary.

Comment No.	Response
HKA-19	Please refer to response to comment HKA-13 regarding potential impacts during construction of shoring elements. As noted, mitigation measures GS/mm-3 has been clarified to further mitigate the potential impact. This clarification does not affect the analysis or conclusions presented in the Draft EIR.
HKA-20	Please note that attachments including figures are identified in the commenter's text, and are addressed accordingly in the response to comments.

Shawna Scott

From: rhostetter@co.slo.ca.us
Sent: Tuesday, August 06, 2013 5:24 PM
To: Shawna Scott
Subject: Fw: Comments to Draft Environmental Impact Report for Loperena Minor Use Permit/Coastal Development Permit (DRC2005-00216)

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 05:23 PM

From: Beatrice Pludow <BntheBoys@cox.net>
To: rhostetter@co.slo.ca.us
Date: 08/06/2013 04:58 PM
Subject: Comments to Draft Environmental Impact Report for Loperena Minor Use Permit/Coastal Development Permit (DRC2005-00216)

August 5, 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 California property owners we have several issues and areas of concern that the D-EIR has not adequately addressed or provided adequate mitigation measures.

The following are some of our issues and concerns.

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

BP-1

BP-2

precedent for future development throughout many areas of the California coast.

**BP-2
(continued)**

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.

BP-3

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.

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.

BP-4

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

BP-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.

BP-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.

BP-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 offer 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.

BP-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.

BP-9

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

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.

BP-10

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.

BP-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.

BP-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.

BP-13

We appreciate your considered review and analysis of these comments.

Sincerely,
Beatrice Pludow
1408 Bermuda Lane
El Cajon Ca, 92021

Bea Pludow, Canine Behavior Specialist
619-938-2918
www.SDCanineBehaviorSpecialist.com
K9sbehave@cox.net

9.4.25 Response to Letter from Beatrice Pludow

Comment No.	Response
BP-1	Please refer to specific responses to comments, as noted below.
BP-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
BP-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
BP-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
BP-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
BP-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
BP-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
BP-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
BP-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
BP-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
BP-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
BP-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
BP-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

Michele Jacobson, AICP
Temporarily at:
1043 Cecil Place NW
Washington, DC 20007

August 7, 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 on 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 the 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 a second generation California native who fell in love with the central coast while attending Cal Poly in SLO, I am deeply distressed that the pressure to build in that precious and delicate part of the world appears to be overcoming good common sense.

MJ-1

The D-EIR recommends the project be built as proposed but the D-EIR has not adequately addressed the impacts or provided adequate mitigation measures. The analysis was flawed, the legally required processes were not followed and I join others in strongly urging the County Planning Commission and Board of Supervisors to deny the Project as proposed. 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.

MJ-2

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. Cantilever!? Are they going for the look of pre-built beach erosion? Not only will this cause a major reduction in the view from Highway 1, it also impacts everyone who visits Morro Strand State Beach – a beautiful place. If allowed to proceed as proposed it will set a detrimental precedent for future development throughout many areas of the California coast. This was not adequately addressed in the D-EIR.

MJ-3

2. The D-EIR states 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. I strongly disagree and believe the property is

MJ-4

- | | |
|---|-----------------------------|
| obviously part of the coastal bluff. The toe of the bluff is clearly within the property and is routinely subject to marine erosion. | MJ-4
(continued) |
| 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. | MJ-5 |
| 4. Although lateral access is discussed in the D-EIR, it seems that access is not being 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. | MJ-6 |
| 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. | MJ-7 |
| 6. The Floor Area Ratio is not appropriate for the lot and does not fit within the character of the community or the intent of Studio Drive's small-scale neighborhood requirements. Since about half the lot is sandy beach, the proposed house should be considered to be about 180% of the usable lot size and therefore is much too large. | MJ-8 |
| 7. The D-EIR fails to propose adequate project alternatives as required by CEQA. There are several alternatives described, but we feel none of them offer sufficient mitigations. An alternative should be developed to mitigate all of the environmental impacts. Visualizations of all alternatives should be provided for comparison to the proposed project. | MJ-9 |
| 8. The D-EIR applies outdated versions of the CZLUO and other County Policies for the basis for the land use analysis. It fails 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 fails to address applicable sections of the County's | MJ-10 |

General Plan Safety Element related to coastal bluffs. These sections should be addressed in an amended D-EIR.

**MJ-10
(continued)**

9. Public outreach was insufficient. There was no scoping meeting held as required by the California Environmental Quality Act (CEQA), and the D-EIR falsely reports 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 national, 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.

MJ-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 visualizations of the new alternative from several angles.

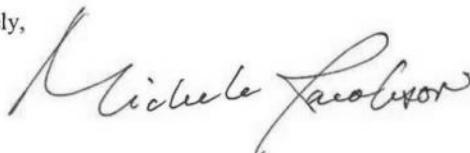
MJ-12

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

MJ-13

I appreciate your considered review and analysis of these comments.

Sincerely,



9.4.26 Response to Letter from Michele Jacobson, AICP

Comment No.	Response
MJ-1	Please refer to specific responses to comments, as noted below.
MJ-2	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
MJ-3	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
MJ-4	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
MJ-5	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
MJ-6	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
MJ-7	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
MJ-8	Please refer to response to comment SJ-7. The usable lot percentages and floor area ratio standards are not applicable to this lot. No changes to the EIR are necessary.
MJ-9	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
MJ-10	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
MJ-11	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
MJ-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
MJ-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

Jane Osborne
42444 Meadow Sage Drive
Ashburn VA 20148

August 15, 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 beach lover we have several issues and areas of concern that the D-EIR has not adequately addressed or provided adequate mitigation measures.

JO-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.
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.
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.

JO-2

JO-3

JO-4

- | | |
|--|---------------------|
| <p>4. Although lateral access is discussed in the D-EIR, it seems that access is not being 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.</p> | <p>JO-5</p> |
| <p>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.</p> | <p>JO-6</p> |
| <p>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.</p> | <p>JO-7</p> |
| <p>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 offer 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.</p> | <p>JO-8</p> |
| <p>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.</p> | <p>JO-9</p> |
| <p>9. We are also upset about the lack of sufficient public outreach conducted related to this EIR. 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</p> | <p>JO-10</p> |

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.

**JO-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.

JO-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.

JO-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.

JO-13

We appreciate your considered review and analysis of these comments.

Sincerely,



Jane Osborne

9.4.27 Response to Letter from Jane Osborne

Comment No.	Response
JO-1	Please refer to specific responses to comments, as noted below.
JO-2	Please refer to response to comment SJ-2. No changes to the EIR are necessary.
JO-3	Please refer to detailed responses to comments CCC-4, HKA-1, and JJ-2. No changes to the EIR are necessary.
JO-4	Please refer to response to comment SJ-4. No changes to the EIR are necessary.
JO-5	Please refer to response to comment SJ-5. No changes to the EIR are necessary.
JO-6	Please refer to response to comment SJ-6. No changes to the EIR are necessary.
JO-7	Please refer to response to comment SJ-7. No changes to the EIR are necessary.
JO-8	Please refer to response to comment SJ-8. No changes to the EIR are necessary.
JO-9	Please refer to response to comment SJ-9. The additional clarification does not change the analysis or determinations presented in the EIR.
JO-10	Please refer to response to comment SJ-10. The additional clarification does not change the analysis or determinations presented in the EIR.
JO-11	Please refer to response to comment SJ-11. No changes to the EIR are necessary.
JO-12	Please refer to response to comment SJ-12. No changes to the EIR are necessary.
JO-13	Please refer to response to comment SJ-13. The additional clarification does not change the analysis or determinations presented in the EIR.

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