SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

7-1

DATE: JANUARY 26, 2006

TO: PLANNING COMMISSION

FROM: MARTHA NEDER, AICP, PLANNER

SUBJECT: THIRD TIME EXTENSION FOR DEVEAU MINOR USE PERMIT//VARIANCE/COASTAL DEVELOPMENT PERMIT (D990363P/D990364V)

SUMMARY

The applicant is requesting a third time extension of Minor Use Permit/Variance/Coastal Development Permit (D990363P/D990364V); a request by Michael Deveau to allow construction of a single family residence, detached garage, and driveway on slopes exceeding 30%. The project is within the Residential Single Family land use category and located at 449 Old Creek Road, approximately 1/4 mile east of Highway One, in the community of Cayucos.

RECOMMENDATION

Approve the third time extension to be good for one year from the effective date of the third time extension approval for this Minor Use Permit/Variance/Coastal Development Permit based on findings in Exhibit A that carry over the original findings and conditions outlined in the attached staff report.

DISCUSSION

The Minor Use Permit/Variance/Coastal Development Permit (D990363P/D990364V) was approved by the Board of Supervisor's and became effective on December 18, 2001. It remained in effect for two years. The first and second one-year time extensions were authorized by the Planning Director and extended the life of the permit to December 18, 2005. The applicant submitted the request for a third time extension on November 22, 2005. Planning Commission approval is required for this third and final one-year time extension (pursuant to the Coastal Zone Land Use Ordinance Section 23.02.050). If substantial site work has not occurred by the end of the third extension, the use permit will become void.

PROJECT HISTORY

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The project has a long history with the first project approval dating back to May 11, 1995. The following is a short chronology of permit processing and events associated with the project:

May 11, 1995 - D940014P and D940015V approved with 10 conditions of approval.

May 26, 2000 - Mr. Deveau re-applies for a Minor Use Permit and Variance because the land use permits were about to expire, new permit numbers are D990363P and D990364V.

May 28, 2000 - D940014P and D940015V expire. Previously issued building permits C0147, C0148, and C0149 suspended until a new land use permit and variance are issued.

July 27, 2000 - First Planning Commission hearing for D990363P and D990364V. The item is continued to have the Geotechnical and Geologic reports reviewed by a third independent party.

January 9, 2001 - Bing Yen & Associates performs the third party independent review and makes recommendations to be addressed by the applicant's geologists.

March 26, 2001 - Earth Systems Pacific addresses Bing Yen & Associates comments #'s 1& 2 regarding depth to competent metavolcanic bedrock and adjacent slope failure.

April 19, 2001 - Mid-Coast Geotechnical addressed remaining comments.

August 23, 2001 - Second Planning Commission hearing for D990363P and D990364V is approved with 18 conditions of approval.

September 4, 2001 - Dorothy and Harold Fones appeal the Planning Commission's decision.

November 6, 2001 - First Board of Supervisors hearing. Item is continued to December 18, 2001 so the Cayucos Citizens Advisory Council (CCAC) and staff can provide answers to questions regarding setbacks, fire hydrant pressure, access, and retaining wall foundation.

December 18, 2001 - Additional review by Cayucos Fire and CCAC results in staff recommendation to add conditions #19 and #20. Board of Supervisors approves D990363P and D990364V with 21 conditions of approval. The Board of Supervisors amends conditions #20 and adds a new condition #21.

May 13, 2002 - Lew Rosenberg, Certified Engineering Geologist, hired by County.

July 3, 2002 - Date of letter from Richard Gorman, Certified Engineering Geologist accepted as satisfying condition #21.

August 24, 2004 - Building permits C0147, C0148, and C0149 reactivated.

August 2004 - April 2005 Rainy Season - Mr. Deveau refrains from site disturbance just before and during due to sensitivity of site.

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April 2005 - Site disturbance begins.

THIRD TIME EXTENSION

Coastal Zone Land Use Ordinance (CZLUO) Section 23.02.050 specifies that the Planning Commission may grant a third one-year time extension if the following three findings can be made:

1. That substantial site work could not be completed as set forth in CZLUO Section 23.02.042 because of the circumstances beyond the control of the applicant.

   The applicant has stated that substantial site work has not been completed due to circumstances beyond his control. A number of conditions were required to be complied with prior to building permit reactivation. These conditions required traffic control plan review and approval, an updated fire plan, a driveway maintenance agreement, and geologic information. Further, due to the geologic sensitivity of the site, numerous special inspections by various licensed professionals are required throughout construction. These special inspections and site specific characteristics make site preparation and foundation pouring a more time intensive process as compared to typical construction on a flat lot. Further, due to the geologic sensitivity of the site and potential for erosion, the applicant refrained from beginning construction prior to the rainy season and delayed site disturbance until the rainy season ended, thereby losing approximately 7 months of construction time. These reasons prevented the completion of substantial site work.

   Staff has determined that this finding can be made based on the information provided by the applicant.

2. That the original findings justifying the first two time extensions can still be made:

   a. There have been no changes to provisions of the Land Use Element and Local Coastal Plan or Coastal Zone Land Use Ordinance applicable to the project since the approval of the land use permit.

   b. There have been no changes in the character of the site or its surroundings that affect how the standards of the Land Use Element and Local Coastal Plan or Coastal Zone Land Use Ordinance apply to the project.

   c. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools such that there is no longer sufficient remaining capacity to serve the project.

Staff has determined that these findings can be made at this time. The project is consistent with the provisions of the Land Use Element, Local Coastal Plan and the Coastal Zone Land Use Ordinance. There have been no changes in the character of the site or its surroundings that affect how the standards of the Land Use Element and Local Coastal Plan or Coastal Zone Land Use Ordinance apply to the project. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools such that there is no longer sufficient remaining capacity to serve the project.

3. That the original findings used to justify the initial approval of this permit can still be made pursuant to Coastal Zone Land Use Ordinance Sections 23.02.033c and 23.02.034c(4).

   Staff has determined that these original permit findings can still be made. These findings are outlined in Attachment 3 - Final Findings and Conditions.

CONDITIONS OF APPROVAL

Since site disturbance began in April 2005, neighbors have raised condition compliance concerns. Specifically, concern has been raised with how the Department of Planning and Building determined that Condition 21 had been met prior to reactivation of the building permits.

Condition 21 reads:

> ***Prior to re-activation of the building permits,*** *the Certified Engineering Geologist of record shall determine the depth to competent metavolcanic bedrock under the proposed residence and garage. The depth to competent bedrock shall be clearly depicted on the foundation plans. If the Certified Engineering Geologist of record determines due to the depth to competent bedrock, the building of the proposed single family residence and detached garage is infeasible, the building permits will not be reactivated.*

In a Drilled Bore Hole Observation, dated July 3, 2002, Richard Gorman, Certified Engineering Geologist, Earth Systems Pacific, wrote "On June 24, 2002 two borings were drilled on site in the vicinity of the proposed garage retaining wall." "In Boring 1, refusal was encountered at 11 feet on a hard boulder. Moderately fractured, weathered metavolcanic rock was encountered at 22 feet in Boring 2; this material is considered to be competent rock."

This letter was reviewed along with the Geologic Hazard Report (Earth Systems Consultants Northern California; July 7, 1998), building and foundation plans, and other geologic and geotechnical information prior to re-activiation of the building permits. It was with this information that staff concluded that depth to competent bedrock was determined and condition # 21 had been met.

Further, in response to community concern, Mr. Gorman verified in a letter dated August 22, 2005 that depth to bedrock has been determined by field exploration performed for the Geologic Hazard Report and the Drilled Bore Hole Observations (see exhibit C).

Special inspections are required to ensure that appropriate professionals are involved at all stages of design and construction. Drilling and excavation work is monitored during construction by the Engineer of Record and reports are submitted to the county for review and approval.

ATTACHMENTS: 7-6

A. Exhibit A - Findings
B. Final Findings and Conditions
C. Response to County Comments; August 22, 2005; Earth Systems Pacific
D. Drilled Bore Hole Observations; July 3, 2002; Earth Systems Pacific
E. December 18, 2001 Board of Supervisor's Resolution and Minutes
F. December 18, 2001 Staff Report Package
   1. Board Resolution D990364V
      Exhibit A - Findings D990364V
      Exhibit B - Conditions of Approval D990363P/D990364V
   2. Board Resolution D990363P
      Exhibit A - Findings D990363P
      Exhibit B - Conditions of Approval D990363P/D990364V
   3. Cayucos Citizens Advisory Council letter (November 13, 2001)
   4. Cayucos Fire Protection District letter (November 19, 2001)
   5. Department of Public Works memorandum (November 20, 2001)
   6. November 6, 2001 Board of Supervisors meeting minutes
G. November 6, 2001 Staff Report Package
   1. Board Resolution D990364V
      Exhibit A - Findings D990364V
      Exhibit B - Conditions of Approval D990363P/D990364V
   2. Board Resolution D990363P
      Exhibit A - Findings D990363P
      Exhibit B - Conditions of Approval D990363P/D990364V
   3. Appeal
   4. Revised Negative Declaration
   5. CCAC letter (July 6, 2000)
   6. Correspondence
   7. August 23, 2001 Planning Commission Minutes
   8. Planning Commission Resolution D990363P
   9. Planning Commission Resolution D990364V
   10. August 23, 2001 Staff Report Package
      A. Findings - D990363P, Exhibit A
      B. Findings - D990364V, Exhibit B
      C. Conditions of Approval, Exhibit C
      D. Bing Yen & Associates Review
      E. Earth Systems Pacific review response dated March 26, 2001
      F. Mid-Coast Geotechnical review response dated April 19, 2001
      G. Mid-Coast Geotechnical letter dated June 22, 2001
      H. July 27, 2001 Staff Report Package
      I. Geologic Hazards Report
      J. Geotechnical Engineering Report
      K. Planning Commission Resolution
      L. May 11, 1995 Staff Report

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ATTACHMENT A

Exhibit A - Findings

Exhibit A 7-8
(D990363P/D990364V) - Findings for Third Time Extension

A. Substantial site work has not yet occurred.

B. Substantial site work could not be completed as set forth in section 23.02.042 of the County Code because of circumstances beyond the control of the applicant. A number of conditions were required to be complied with prior to building permit reactivation. These conditions required traffic control plan review and approval, an updated fire plan, a driveway maintenance agreement, and geologic information. Further, due to the geologic sensitivity of the site, numerous special inspections by various licensed professionals are required throughout construction. These special inspections and site specific characteristics make site preparation and foundation pouring a more time intensive process as compared to typical construction on a flat lot. Further, due to the geologic sensitivity of the site and potential for erosion, the applicant refrained from beginning construction prior to the rainy season and delayed site disturbance until the rainy season ended, thereby losing approximately 7 months of construction time. These reasons prevented the completion of substantial site work.

C. There have been no changes to the provisions of the Land Use Element and Local Coastal Plan or Coastal Zone Land Use Ordinance applicable to the project since the approval of the land use permit. The project is consistent with the provisions of the Land Use Element, Local Coastal Plan and the Coastal Zone Land Use Ordinance.

D. There have been no changes in the character of the site or its surroundings that affect how the standards of the Land Use Element and Local Coastal Plan or Coastal Zone Land Use Ordinance apply to the project.

E. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools such that there is no longer sufficient remaining capacity to serve the project.

F. The original findings for approval of the Minor Use Permit/Coastal Development Permit **((D990363P/D990364V)** can still be made and the original conditions of approval are still adequate to ensure the project's consistency with the General Plan and applicable zoning and building ordinances.

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ATTACHMENT B

Final Findings and Conditions

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EXHIBIT A
Findings - D990364V

A. As conditioned the proposed project is consistent with the Local Coastal Program and the Land Use Element of the general plan because single family dwellings are a principally permitted use in the Residential Single Family land use category. The use is consistent with all other elements of the general plan.

B. As conditioned, the project or use satisfies all applicable provisions of Title 23 of the San Luis Obispo County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in this particular case, be detrimental to the health, safety or welfare of the general working public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.

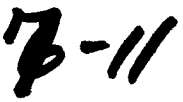
D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is the construction of a single family residence in the midst of a residential neighborhood.

E. The project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because Old Creek Road, an arterial street, is constructed to a level to be able to handle any additional traffic associated with the project.

F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because of the project's distance to marine resources, it will not inhibit access to coastal waters and recreation areas

G. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which the project is located because the single family dwellings are principally permitted uses, the project meets height requirements, adjacent sites with steep slopes are similarly developed and because the residence could not be located on less steeply sloping areas because none exist on site.

H. There are special circumstances applicable to the property, related only to size, shape,



topography, location, or surrounding, and because of these circumstances, the strict application of Title 23 would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use, because the project is located on site that is almost entirely on slopes in excess of 30 percent and the site would be not accommodate development without disturbing steep slopes and the reduction of the front setback minimizes site disturbance.

I. The variance does not authorize a use that is not otherwise authorized in the land use category because single family dwellings and principally permitted in the residential single family land use category.

J. The variance is consistent with the provisions of the Local Coastal Program because the project, since no alternative locations for the building site exist that would result in less disturbance than the current proposed location, and, as designed, incorporates adequate measures to ensure to control erosion and sedimentation.

K. The granting of the application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to pubic health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements, because all grading will be engineered to ensure required standards of stability for all earthwork, and drainage improvements are required by the conditions of approval to ensure that the project does not increase or redirect runoff that would worsen existing conditions in the area.

L. Based on the initial study and all comments received there is no evidence that the project will have a significant effect on the environment.

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EXHIBIT A
Findings - D990363P

A. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and is consistent with all of the General Plan policies.

B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied to this particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to properties in the vicinity because the installation and operation of such a facility does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

D. As conditioned, the proposed project or use will not be inconsistent with the character of the immediate area or contrary to the orderly development because the proposed use will not conflict with the surrounding lands and uses.

E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Old Creek Road, an arterial road constructed to a level able to handle any additional traffic associated with the project.

F. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

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

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EXHIBIT B
Conditions of Approval - D990363P/D990364V

Approved Development

1. This approval authorizes a variance for the construction of an approximately 1,600 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. The garage is authorized to be constructed with a zero front setback. This project also authorizes the construction of a driveway on slopes exceeding 30% which provides access to the homesite. This approval does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the site plan, floor plans and architectural elevations.

3. **Prior to activation of building permit,** the engineering geologist shall verify that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the subject property or adjacent parcels.

Building Height

4. Building height shall not exceed 28 feet as measured from average natural grade. Prior to setting forms and foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. The control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Construction Material

5. **Prior to activation of building permit,** the applicant shall submit architectural elevations showing exterior finish materials and colors of all proposed structures (including exterior stairways) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

6. Retaining walls and under stories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Old Creek Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

Site Specific and Cumulative Geologic Impacts

7. **Prior to any site disturbance**, the following conditions shall be included on all building plans and grading plans:

   a. A Certified Engineering Geologist shall review, approve and stamp grading and construction plans, including all plans for site grading and soil excavation for building foundations. The Certified Engineering Geologist shall review all soil excavation with respect to conformance with the recommendations of the engineering geology report.
   b. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
   c. The Certified Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
   d. Should the services of the Certified Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
   e. A final report prepared by a Geotechnical Engineer and/or Civil Engineer shall be submitted to the County's building official stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
   f. The applicant shall implement all recommendations in Observation and Testing Programs prepared by project Civil Engineer(s), Geotechnical Engineer(s), and /or Certified Engineering Geologist(s). The Observation and Testing Program may include, but not be limited to any of the following tasks:

      Review of Final Project Plans
      Review of stripping and clearing of vegetation
      Review of cut and fill slopes

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Review of preparation of soil to receive fill
Review of fill placement and compaction
Review of subsurface drainage control
Review of footing excavations
Review of premoistening of subslab soils
Review of erosion control measures

8. **During project construction/ground disturbing activities,** the applicant shall retain a Certified Engineering Geologist of record and shall provide the Engineering Geologist's written *certification of adequacy of the proposed site development for its intended use* to the Department of Planning and Building

9. **Prior to occupancy or final inspection, whichever occurs first,** the Engineering Geologist shall verify that the report's recommendations have been incorporated into the final design and construction . This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

10. **Prior to occupancy or final inspection, whichever occurs first,** the Geotechnical Engineer shall verify that the Report's recommendations have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

Site Specific and Cumulative Drainage Impacts

11. **Prior to any site disturbance**, the applicant shall submit a Sedimentation and Erosion Control Plan, prepared and signed by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures. The plan shall include but not be limited to the following measures:

    a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas left in an unfinished state during the period from October 15 through April 15. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
    c. **Final erosion control measures:** During the period from October 15 through April

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15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion within 30 days after completion of grading, unless the graded areas are covered with impervious or other improved surfaces authorized by approved plans.

d. **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on other properties.

12. **Prior to any site disturbance,** the applicant shall submit to the County a Drainage Plan, prepared by a Registered Civil Engineer, that evaluates: 1) the effects of the project's projected runoff on other properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

13. **Prior to occupancy or final inspection, whichever occurs first,** the Registered Civil Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building and County Engineering for review and approval. If required by the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be inspected and approved before a certificate of occupancy is issued.

Archaeology

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

a. Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may by accomplished in accordance with state and federal law.

b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Fire Safety Plan

15. **Prior to final inspection**, the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

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Miscellaneous

16. **Prior to activation of building permit**, a Traffic Control Plan must be submitted to and approved by the County Engineering and Planning and Building Departments.

17. Prior to activation of the building permit, the applicant shall require an easement verifying access to neighbor's property to the west to the satisfaction of County Counsel.

Indemnification of County by Applicant

18. The applicant shall as a condition of approval of this variance/minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this variance/minor use permit or the manner in which the County is interpreting or enforcing the conditions of this variance/minor use permit, or any other action by a third party relating to approval or implementation of this variance/minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

Fire Agency Approval

19. **Prior to activation of the building permits**, the applicant shall submit to the County a fire plan approved by the Cayucos Fire Protection District after November 19, 2001.

Driveway Maintenance

20. **Prior to activation of the building permits,** the applicant shall enter into a maintenance agreement approved by the County in which the applicant assumes full liability and maintenance responsibility for the driveway and retaining walls.

21. **Prior to re-activation of the building permits,** the Certified Engineering Geologist of record shall determine the depth to competent metavolcanic bedrock under the proposed residence and garage. The depth to competent bedrock shall be clearly depicted on the foundation plans. If the Certified Engineering Geologist of record determines due to the depth to competent bedrock, the building of the proposed single family residence and detached garage is infeasible, the building permits will not be reactivated.

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ATTACHMENT C

Response to County Comments:

August 22, 2005

Earth Systems Pacific

Earth Systems Pacific
4378 Santa Fe Road
San Luis Obispo, CA 93401-8116
(805) 544-3276 • FAX (805) 544-1786
E-mail: esc@earthsys.com

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August 22, 2005

FILE NO.: SL-11019-TA

Mr. Michael DeVeau
P.O. Box 1792
Morro Bay, CA 93443

PROJECT: DEVEAU RESIDENCE
449 OLD CREEK ROAD
CAYUCOS, CALIFORNIA

SUBJECT: Response to County Comments

REF.:
1) Fax Correspondence from Cheryl Journey, Chief Building Official, San Luis Obispo County Department of Planning and Building, Re: Board of Supervisors, December 18, 2001, Fones Appeal of D990363P/D990364V – DeVeau, Item No. 21, dated August 19, 2005
2) Geologic Hazard Report, DeVeau Residence, APN 64-211-76, Old Creek Road, Cayucos, California, by Earth Systems Consultants Northern California, Doc. No. 9807-007.RPT, dated July 7, 1998
3) Drilled Bore Hole Observations, DeVeau Residence, 449 Old Creek Road, Cayucos, California, by Earth Systems Pacific, Doc. No. 0207-019.LTR, dated July 3, 2002

Dear Mr. DeVeau:

In response to your request, this letter has been prepared to address the issues discussed in our meeting with Ms. Cheryl Journey, Chief Building Official for the County of San Luis Obispo on August 10, 2005. The purpose of our meeting was to establish the most efficient way to address Item No. 21 (Ref. No. 1). Item No. 21 states that "the Certified Engineering Geologist of record shall determine the depth to competent metavolcanic bedrock under the proposed residence and garage." The depth to bedrock has previously been determined by field exploration performed for Ref. Nos. 2 and 3.

In order to confirm these earlier findings, we propose to have the Certified Engineering Geologist (CEG) observe the caisson excavations during drilling operations. The CEG will verify in the field the depth to the competent metavolcanic rock. The CEG will not, however, determine the embedment into the bedrock, as that issue is the responsibility of the geotechnical/structural engineer of record.

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AUG 23 2
Planning & Bldg

We appreciate the opportunity to have been of service. If there are any questions concerning this letter please do not hesitate to contact the undersigned.

Sincerely,

Earth Systems Pacific

Richard T. Gorman, P.G., C.E.G.

PROFESSIONAL GEOLOGIST
RICHARD T. GORMAN
No. CEG 1325
CERTIFIED ENGINEERING GEOLOGIST
STATE OF CALIFORNIA

Date signed: 8-22-05

Copy to: Ms. Cheryl Journey, Chief Building Official, San Luis Obispo County

Doc. No.: 0508-115.LTR/jc

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ATTACHMENT D

Drilled Bore Hold Observations

July 3, 2002

Earth Systems Pacific

Earth Systems Pacific

4378 Santa Fe Road
San Luis Obispo, CA 93401-8116
(805) 544-3276 • FAX (805) 544-1786
E-mail: esc@earthsys.com

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SAVE

3.

July 3, 2002

FILE NO.: SL-11019-GD

Mr. Michael Deveau
P.O. Box 1792
Morro Bay, CA 93443

PROJECT: DEVEAU RESIDENCE
449 OLD CREEK ROAD
CAYUCOS, CALIFORNIA

SUBJECT: Drilled Bore Hole Observations

Dear Mr. Deveau:

On June 24, 2002 two borings were drilled on site in the vicinity of the proposed garage retaining wall. The borings were drilled with a Track Drill EZ120, using a 24-inch outside diameter solid stem auger. Boring 1 was at the west end of the proposed wall, and Boring 2 was at the east end. Logs of borings are attached.

The borings encountered approximately 3 feet of clayey sand topsoil that was underlain by sandy lean clay residual soil. In Boring 1, refusal was encountered at 11 feet on a hard boulder. Moderately fractured, weathered metavolcanic rock was encountered at 22 feet in Boring 2; this material is considered to be competent rock.

If you have any questions, please call this office at your convenience.

Sincerely,

Earth Systems Pacific

REGISTERED GEOLOGIST
RICHARD T. GORMAN
No. CEG 1325
CERTIFIED ENGINEERING GEOLOGIST
STATE OF CALIFORNIA

Richard T. Gorman, C.E.G. No. 1325
Date Signed: 7/5/02

Attachment: Logs of Borings

Doc. No.: 0207-019.LTR/cm

Earth Systems Pacific

LOGGED BY: R. Gorman
DRILL RIG: EZ 120 Track Drill
AUGER TYPE: 24" Flight Auger

Boring No. 1
PAGE 1 OF 1
JOB NO.: SL-11019-GD
DATE: 06/24/02

DEVEAU RESIDENCE
APN 064-211-076
449 Old Creek Road
Cayucos, California

DEPTH (feet)	USCS CLASS	SYMBOL	SOIL DESCRIPTION	SAMPLE DATA: INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
0	SC		CLAYEY SAND: dark brown, moist, loose (topsoil)					
3	CL		SANDY LEAN CLAY: light red-brown to olive, moist, stiff, severely weathered (residual soil)					
10			refusal on boulder					
11			End of Boring @ 11.0' No subsurface water encountered					

LEGEND: Ring Sample ◯ Grab Sample ▭ Shelby Tube Sample ● SPT

NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.

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Earth Systems Pacific

Boring No. 2
PAGE 1 OF 1

LOGGED BY: R. Gorman
DRILL RIG: EZ 120 Track Drill
AUGER TYPE: 24" Flight Auger

JOB NO.: SL-11019-GD
DATE: 06/24/02

DEVEAU RESIDENCE
APN 064-211-076
449 Old Creek Road
Cayucos, California

DEPTH (feet)	USCS CLASS	SYMBOL	SOIL DESCRIPTION	SAMPLE DATA: INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
0	SC		CLAYEY SAND: dark brown, moist, loose (topsoil)					
3	CL		SANDY LEAN CLAY: light red-brown to olive, moist, stiff, severely weathered (residual soil)					
22			METAVOLCANIC ROCK: dark olive to grey, moderately fractured and weathered					
23			End of Boring @ 22.5'					
			No subsurface water encountered					

LEGEND: Ring Sample ◯ Grab Sample ▭ Shelby Tube Sample ● SPT

NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.

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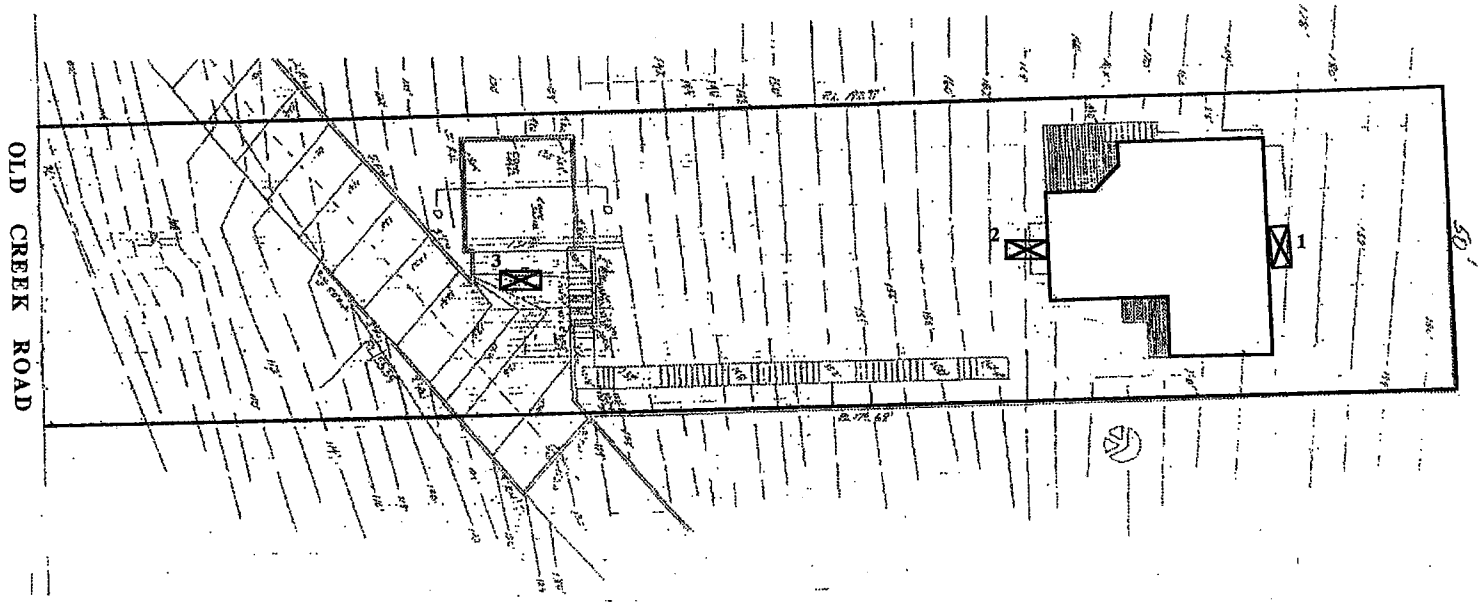

LEGEND

3 ⊠ Test Pit Locations

NOT TO SCALE

TRENCH LOCATION MAP

DEVEAU RESIDENCE
Old Creek Road
Cayucos, California

Earth Systems Consultants
Northern California
4378 Santa Fe Road, San Luis Obispo, CA 93401
(805) 544-3276 (805) 544-1786 FAX

July 6, 1998 LR NGG11019-01

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EARTH SYSTEMS CONSULTANTS
NORTHERN CALIFORNIA

Trench No. 1

LOGGED BY: Rick Gorman
EQUIPMENT: 101 Kubota

JOB NO.: NGS 11019-01
DATE: June 16, 1998

Deveau Residence
Old Creek Road, APN064-2110-026
Cayucos, California

DEPTH (in feet)	USCS CLASS	SYMBOL	SOIL DESCRIPTION	SAMPLE DATA: INTERVAL	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
0	SC		CLAYEY SAND, dark brown, moist, loose (topsoil)					
3			METAVOLCANIC ROCK, severely fractured to decomposed, no discernable structure, weathered					
9			Discernable rock structure, moderately to severely fractured					
10			TERMINATED DRILLING @ 9.5'.					

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LEGEND: ■ Ring Sample ○ Grab Sample ▭ Shelby Tube Sample ● SPT

Note: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.

EARTH SYSTEMS CONSULTANTS
NORTHERN CALIFORNIA

Trench No. 2

LOGGED BY: Rick Gorman
EQUIPMENT: 101 Kubota

PAGE 1 of 1
JOB NO.: NGS 11019-01
DATE: June 16, 1998

Deveau Residence
Old Creek Road, APN064-2110-026
Cayucos, California

DEPTH (in feet)	USCS CLASS	SYMBOL	SOIL DESCRIPTION	SAMPLE DATA: INTERVAL	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
0	SC		CLAYEY SAND, dark brown, moist, loose (topsoil)					
2	CL		LEAN CLAY, light reddish brown, stiff, moist, caliche deposits along partings, decomposed metavolcanic rock					
6			SANDY LEAN CLAY, light reddish brown, very stiff, moist, with metavolcanic gravel (decomposed metavolcanic rock)					
8			Caliche deposits					
9			METAVOLCANIC ROCK, light olive, friable, root holes, porous, soft, fractured and weathered					
12			TERMINATED DRILLING @ 12.5'.					
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								

LEGEND: ■ Ring Sample ○ Grab Sample ▭ Shelby Tube Sample ● SPT

Note: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.

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EARTH SYSTEMS CONSULTANTS
NORTHERN CALIFORNIA

Trench No. 3

LOGGED BY: Rick Gorman
EQUIPMENT: 101 Kubota

JOB NO.: NGS 11019-01
DATE: June 16, 1998

Deveau Residence
Old Creek Road, APN064-2110-026
Cayucos, California

DEPTH (in feet)	USCS CLASS	SYMBOL	SOIL DESCRIPTION	SAMPLE DATA: INTERVAL	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
0	SC		CLAYEY SAND, dark brown, moist, loose (topsoil)					
2	CL		CLAY, light reddish brown, stiff, moist, caliche deposits along partings (decomposed metavolcanic rock)					
7			SANDY LEAN CLAY, mottled olive and reddish brown, moist, stiff, severely fractured (decomposed metavolcanic rock)					
11.5			TERMINATED DRILLING @ 11.5'.					

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LEGEND: Ring Sample; Grab Sample; Shelby Tube Sample; SPT

Note: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.

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ATTACHMENT E

December 18, 2001
Board of Supervisor's
Resolution and Minutes

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day December 18, 2001

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Peg Pinard, Michael P. Ryan and Chairperson K.H. "Katcho" Achadjian

ABSENT: None

RESOLUTION NO. 2001-547

RESOLUTION AFFIRMING AND MODIFYING THE DECISION OF PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF MICHAEL DEVEAU FOR VARIANCE/ COASTAL DEVELOPMENT PERMIT D990364V

The following resolution is now offered and read:

WHEREAS, on July 27, 2000 and August 23, 2001, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of Michael Deveau for Variance/ Coastal Development Permit D990364V; and

WHEREAS, Harold and Dorothy Fones have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on November 6, 2001 and the matter was continued to and determination and decision was made on December 18, 2001; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Planning Commission should be affirmed and modified subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

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3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Harold and Dorothy Fones is hereby denied and the decision of the Planning Commission is affirmed and modified and that the application of Michael Deveau for Variance/ Coastal Development Permit D990364V is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Bianchi, seconded by Supervisor Ovitt, and on the following roll call vote, to wit:

AYES: Supervisors Bianchi, Ovitt, Pinard, Ryan, Chairperson Achadjian

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

By: _____ Deputy Clerk

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Date: November 27, 2001

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 12/20/2001

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors

By C M Christensen
Deputy Clerk

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EXHIBIT A
Findings - D990364V

A. As conditioned the proposed project is consistent with the Local Coastal Program and the Land Use Element of the general plan because single family dwellings are a principally permitted use in the Residential Single Family land use category. The use is consistent with all other elements of the general plan.

B. As conditioned, the project or use satisfies all applicable provisions of Title 23 of the San Luis Obispo County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in this particular case, be detrimental to the health, safety or welfare of the general working public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.

D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is the construction of a single family residence in the midst of a residential neighborhood.

E. The project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because Old Creek Road, an arterial street, is constructed to a level to be able to handle any additional traffic associated with the project.

F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because of the project's distance to marine resources, it will not inhibit access to coastal waters and recreation areas

G. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which the project is located because the single family dwellings are principally permitted uses, the project meets height requirements, adjacent sites with steep slopes are similarly developed and because the residence could not be located on less steeply sloping areas because none exist on site.

H. There are special circumstances applicable to the property, related only to size, shape,

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topography, location, or surrounding, and because of these circumstances, the strict application of Title 23 would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use, because the project is located on site that is almost entirely on slopes in excess of 30 percent and the site would be not accommodate development without disturbing steep slopes and the reduction of the front setback minimizes site disturbance.

I. The variance does not authorize a use that is not otherwise authorized in the land use category because single family dwellings and principally permitted in the residential single family land use category.

J. The variance is consistent with the provisions of the Local Coastal Program because the project, since no alternative locations for the building site exist that would result in less disturbance than the current proposed location, and, as designed, incorporates adequate measures to ensure to control erosion and sedimentation.

K. The granting of the application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to pubic health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements, because all grading will be engineered to ensure required standards of stability for all earthwork, and drainage improvements are required by the conditions of approval to ensure that the project does not increase or redirect runoff that would worsen existing conditions in the area.

L. Based on the initial study and all comments received there is no evidence that the project will have a significant effect on the environment.

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EXHIBIT B
Conditions of Approval - D990363P/D990364V

Approved Development

1. This approval authorizes a variance for the construction of an approximately 1,600 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. The garage is authorized to be constructed with a zero front setback. This project also authorizes the construction of a driveway on slopes exceeding 30% which provides access to the homesite. This approval does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the site plan, floor plans and architectural elevations.

3. **Prior to activation of building permit,** the engineering geologist shall verify that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the subject property or adjacent parcels.

Building Height

4. Building height shall not exceed 28 feet as measured from average natural grade. Prior to setting forms and foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. The control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Construction Material

5. **Prior to activation of building permit,** the applicant shall submit architectural elevations showing exterior finish materials and colors of all proposed structures (including exterior stairways) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

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6. Retaining walls and under stories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Old Creek Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

Site Specific and Cumulative Geologic Impacts

7. **Prior to any site disturbance**, the following conditions shall be included on all building plans and grading plans:

   a. A Certified Engineering Geologist shall review, approve and stamp grading and construction plans, including all plans for site grading and soil excavation for building foundations. The Certified Engineering Geologist shall review all soil excavation with respect to conformance with the recommendations of the engineering geology report.
   b. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
   c. The Certified Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
   d. Should the services of the Certified Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
   e. A final report prepared by a Geotechnical Engineer and/or Civil Engineer shall be submitted to the County's building official stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
   f. The applicant shall implement all recommendations in Observation and Testing Programs prepared by project Civil Engineer(s), Geotechnical Engineer(s), and /or Certified Engineering Geologist(s). The Observation and Testing Program may include, but not be limited to any of the following tasks:

      Review of Final Project Plans
      Review of stripping and clearing of vegetation
      Review of cut and fill slopes

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Review of preparation of soil to receive fill
Review of fill placement and compaction
Review of subsurface drainage control
Review of footing excavations
Review of premoistening of subslab soils
Review of erosion control measures

8. **During project construction/ground disturbing activities,** the applicant shall retain a Certified Engineering Geologist of record and shall provide the Engineering Geologist's written *certification of adequacy of the proposed site development for its intended use* to the Department of Planning and Building

9. **Prior to occupancy or final inspection, whichever occurs first,** the Engineering Geologist shall verify that the report's recommendations have been incorporated into the final design and construction . This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

10. **Prior to occupancy or final inspection, whichever occurs first,** the Geotechnical Engineer shall verify that the Report's recommendations have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

Site Specific and Cumulative Drainage Impacts

11. **Prior to any site disturbance,** the applicant shall submit a Sedimentation and Erosion Control Plan, prepared and signed by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures. The plan shall include but not be limited to the following measures:

    a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas left in an unfinished state during the period from October 15 through April 15. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
    c. **Final erosion control measures:** During the period from October 15 through April

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15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion within 30 days after completion of grading, unless the graded areas are covered with impervious or other improved surfaces authorized by approved plans.

d. **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on other properties.

12. **Prior to any site disturbance,** the applicant shall submit to the County a Drainage Plan, prepared by a Registered Civil Engineer, that evaluates: 1) the effects of the project's projected runoff on other properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

13. **Prior to occupancy or final inspection, whichever occurs first,** the Registered Civil Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building and County Engineering for review and approval. If required by the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be inspected and approved before a certificate of occupancy is issued.

Archaeology

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

    a. Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may by accomplished in accordance with state and federal law.

    b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Fire Safety Plan

15. **Prior to final inspection,** the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

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Miscellaneous

16. **Prior to activation of building permit**, a Traffic Control Plan must be submitted to and approved by the County Engineering and Planning and Building Departments.

17. Prior to activation of the building permit, the applicant shall require an easement verifying access to neighbor's property to the west to the satisfaction of County Counsel.

Indemnification of County by Applicant

18. The applicant shall as a condition of approval of this variance/minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this variance/minor use permit or the manner in which the County is interpreting or enforcing the conditions of this variance/minor use permit, or any other action by a third party relating to approval or implementation of this variance/minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

Fire Agency Approval

19. **Prior to activation of the building permits**, the applicant shall submit to the County a fire plan approved by the Cayucos Fire Protection District after November 19, 2001.

Driveway Maintenance

20. **Prior to activation of the building permits,** the applicant shall enter into a maintenance agreement approved by the County in which the applicant assumes full liability and maintenance responsibility for the driveway and retaining walls.

21. **Prior to re-activation of the building permits,** the Certified Engineering Geologist of record shall determine the depth to competent metavolcanic bedrock under the proposed residence and garage. The depth to competent bedrock shall be clearly depicted on the foundation plans. If the Certified Engineering Geologist of record determines due to the depth to competent bedrock, the building of the proposed single family residence and detached garage is infeasible, the building permits will not be reactivated.

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IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, December 18, 2001

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Peg Pinard, Michael P. Ryan, Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

In the matter of **RESOLUTION NO. 2001-547:**

This is the time set for continued hearing (continued from November 6, 2001) to consider an appeal by Harold and Dorothy Fones of the Planning Commission's approval of a Variance and Minor Use Permit/Coastal Development Permit, to allow construction of a single family residence, located on the north side of Old Creek Road, approximately 1/4 mile east of Highway One in the community of Cayucos; 2nd District.

Ms. Martha Neder: Planning, presents the staff report; indicates this item was continued from November 6, 2001 at the direction of the Board to allow the Cayucos Citizens Advisory Council (CCAC) to discuss this project one more time; the CCAC did review it again and submitted their response and staff has responded with changes to some of the conditions; presents Condition #21 which addresses the issue of the depth to competent metavolcanic bedrock under the proposed residence and garage and asks that it be added.

Ms. Dorothy Fones: Appellant, states she appreciates the work of CCAC and supports their recommendations; speaks regarding the driveway and wanting to see it built in a way that will address future development of the neighboring lots; presents photographs with examples of what she believes are dwellings that were approved one way and changed after final approval was given.

Mr. Harold Fones: Appellant, states this has been an interesting process; feels the Planning Department has conditioned this project so that they can live with approval of the same.

Mr. Leon Chaulet: representing the Applicant, addresses their concern to adding a condition regarding the bedrock depth; discusses Section AA and shows a graphic of this section; discusses the sprinkler (fire) system for the house.

Mr. Michael Deveau: Applicant, addresses his request; feels the additional conditions are extreme.

Mr. Bruce Gibson: representing CCAC, addresses changes/additions to Conditions 19, 20 and 21; outlines the concerns that were raised by the CCAC; discusses access.

Mr. Jim Orton: Deputy County Counsel, requests that Condition #20 be amended and gives the proposed language change.

Mr. Deveau: gives his closing comments; addresses his concern to the condition requiring a maintenance agreement for the driveway; comments on the current setbacks as they relate to the creek.

Mr. Fones: gives their closing comments; addresses the geologist that was used and he found out at the State level that this person is not licensed.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and on the following roll call vote:

AYES: **Supervisors Bianchi, Ovitt, Pinard, Ryan, Chairperson Achadjian**
NOES: **None**
ABSENT: **None**

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the Board denies the appeal; amends Condition #20 as follows: "Prior to activation of the building permits, the applicant shall enter into a maintenance agreement ~~with~~ approved by the County in which the applicant assumes full liability and maintenance responsibility for the driveway and retaining walls."; and Condition #21 is added to read: "Prior to re-activation of the building permits, the Certified Engineering Geologist of record shall determine the depth to competent metavolcanic bedrock under the proposed residence and garage. The depth to competent bedrock shall be clearly depicted on the foundation plans. If the Certified Engineering Geologist of record determines due to the depth to competent bedrock, the building of the proposed single family residence and detached garage is infeasible, the building permits will not be reactivated."; and, RESOLUTION NO. 2001-547, resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of Michael Deveau for Variance/Coastal Development Permit D990364V, adopted as amended. Further, the Board adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

cc: Planning (2)
12/24/01 vms

STATE OF CALIFORNIA)
) ss.
County of San Luis Obispo)

I, **JULIE L. RODEWALD**, County Clerk and Ex-Officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 24th day of December, 2001.

JULIE L. RODEWALD
(SEAL) County Clerk and Ex-Officio Clerk of the Board of Supervisors

By Vicki Maneely
Deputy Clerk

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

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Tues day December 18, 2001

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Peg Pinard, Michael P. Ryan and Chairperson K.H. "Katcho" Achadjian

ABSENT: None

RESOLUTION NO. 2001-548

RESOLUTION AFFIRMING AND MODIFYING THE DECISION OF PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF MICHAEL DEVEAU FOR MINOR USE PERMIT/ COASTAL DEVELOPMENT PERMIT D990363P

The following resolution is now offered and read:

WHEREAS, on July 27, 2000 and August 23, 2001, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of Michael Deveau for Minor Use Permit/ Coastal Development Permit D990363P; and

WHEREAS, Harold and Dorothy Fones have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on November 6, 2001 and the matter was continued to and determination and decision was made on December 18, 2001; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Planning Commission should be affirmed and modified subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

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4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Harold and Dorothy Fones is hereby denied and the decision of the Planning Commission is affirmed and modified and that the application of Michael Deveau for Minor Use Permit/ Coastal Development Permit D990363P is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Bianchi, seconded by Supervisor Ovitt, and on the following roll call vote, to wit:

AYES: Supervisors Bianchi, Ovitt, Ryan, Pinard, Chairperson Achadjian

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

K.H. ACHADJIAN
Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors
By: C.M. CHRISTENSEN Deputy Clerk
(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel
By: James B. Lindholm
Deputy County Counsel
Date: December 27, 2001

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 12/20/2001

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
By C.M. Christensen
Deputy Clerk

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EXHIBIT A
Findings - D990363P

A. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and is consistent with all of the General Plan policies.

B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied to this particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to properties in the vicinity because the installation and operation of such a facility does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

D. As conditioned, the proposed project or use will not be inconsistent with the character of the immediate area or contrary to the orderly development because the proposed use will not conflict with the surrounding lands and uses.

E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Old Creek Road, an arterial road constructed to a level able to handle any additional traffic associated with the project.

F. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

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

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EXHIBIT B
Conditions of Approval - D990363P/D990364V

Approved Development

1. This approval authorizes a variance for the construction of an approximately 1,600 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. The garage is authorized to be constructed with a zero front setback. This project also authorizes the construction of a driveway on slopes exceeding 30% which provides access to the homesite. This approval does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the site plan, floor plans and architectural elevations.

3. **Prior to activation of building permit,** the engineering geologist shall verify that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the subject property or adjacent parcels.

Building Height

4. Building height shall not exceed 28 feet as measured from average natural grade. Prior to setting forms and foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. The control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Construction Material

5. **Prior to activation of building permit,** the applicant shall submit architectural elevations showing exterior finish materials and colors of all proposed structures (including exterior stairways) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

6. Retaining walls and under stories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Old Creek Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

Site Specific and Cumulative Geologic Impacts

7. **Prior to any site disturbance**, the following conditions shall be included on all building plans and grading plans:

   a. A Certified Engineering Geologist shall review, approve and stamp grading and construction plans, including all plans for site grading and soil excavation for building foundations. The Certified Engineering Geologist shall review all soil excavation with respect to conformance with the recommendations of the engineering geology report.
   b. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
   c. The Certified Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
   d. Should the services of the Certified Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
   e. A final report prepared by a Geotechnical Engineer and/or Civil Engineer shall be submitted to the County's building official stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
   f. The applicant shall implement all recommendations in Observation and Testing Programs prepared by project Civil Engineer(s), Geotechnical Engineer(s), and /or Certified Engineering Geologist(s). The Observation and Testing Program may include, but not be limited to any of the following tasks:

      Review of Final Project Plans
      Review of stripping and clearing of vegetation
      Review of cut and fill slopes

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Review of preparation of soil to receive fill
Review of fill placement and compaction
Review of subsurface drainage control
Review of footing excavations
Review of premoistening of subslab soils
Review of erosion control measures

8. **During project construction/ground disturbing activities,** the applicant shall retain a Certified Engineering Geologist of record and shall provide the Engineering Geologist's written *certification of adequacy of the proposed site development for its intended use* to the Department of Planning and Building

9. **Prior to occupancy or final inspection, whichever occurs first,** the Engineering Geologist shall verify that the report's recommendations have been incorporated into the final design and construction . This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

10. **Prior to occupancy or final inspection, whichever occurs first,** the Geotechnical Engineer shall verify that the Report's recommendations have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

Site Specific and Cumulative Drainage Impacts

11. **Prior to any site disturbance**, the applicant shall submit a Sedimentation and Erosion Control Plan, prepared and signed by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures. The plan shall include but not be limited to the following measures:

    a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas left in an unfinished state during the period from October 15 through April 15. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
    c. **Final erosion control measures:** During the period from October 15 through April

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15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion within 30 days after completion of grading, unless the graded areas are covered with impervious or other improved surfaces authorized by approved plans.

d. **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on other properties.

12. **Prior to any site disturbance,** the applicant shall submit to the County a Drainage Plan, prepared by a Registered Civil Engineer, that evaluates: 1) the effects of the project's projected runoff on other properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

13. **Prior to occupancy or final inspection, whichever occurs first,** the Registered Civil Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building and County Engineering for review and approval. If required by the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be inspected and approved before a certificate of occupancy is issued.

Archaeology

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

    a. Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may by accomplished in accordance with state and federal law.

    b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Fire Safety Plan

15. **Prior to final inspection,** the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

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Miscellaneous

16. **Prior to activation of building permit**, a Traffic Control Plan must be submitted to and approved by the County Engineering and Planning and Building Departments.

17. Prior to activation of the building permit, the applicant shall require an easement verifying access to neighbor's property to the west to the satisfaction of County Counsel.

Indemnification of County by Applicant

18. The applicant shall as a condition of approval of this variance/minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this variance/minor use permit or the manner in which the County is interpreting or enforcing the conditions of this variance/minor use permit, or any other action by a third party relating to approval or implementation of this variance/minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

Fire Agency Approval

19. **Prior to activation of the building permits**, the applicant shall submit to the County a fire plan approved by the Cayucos Fire Protection District after November 19, 2001.

Driveway Maintenance

20. **Prior to activation of the building permits,** the applicant shall enter into a maintenance agreement approved by the County in which the applicant assumes full liability and maintenance responsibility for the driveway and retaining walls.

21. **Prior to re-activation of the building permits,** the Certified Engineering Geologist of record shall determine the depth to competent metavolcanic bedrock under the proposed residence and garage. The depth to competent bedrock shall be clearly depicted on the foundation plans. If the Certified Engineering Geologist of record determines due to the depth to competent bedrock, the building of the proposed single family residence and detached garage is infeasible, the building permits will not be reactivated.

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, December 18, 2001

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Peg Pinard, Michael P. Ryan, Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

In the matter of **RESOLUTION NO. 2001-548:**

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and on the following roll call vote:

AYES: Supervisors Bianchi, Ovitt, Pinard, Ryan, Chairperson Achadjian
NOES: None
ABSENT: None

the Board amends Condition #20 as follows: "Prior to activation of the building permits, the applicant shall enter into a maintenance agreement ~~with~~ approved by the County in which the applicant assumes full liability and maintenance responsibility for the driveway and retaining walls."; and Condition #21 is added to read: "Prior to re-activation of the building permits, the Certified Engineering Geologist of record shall determine the depth to competent metavolcanic bedrock under the proposed residence and garage. The depth to competent bedrock shall be clearly depicted on the foundation plans. If the Certified Engineering Geologist of record determines due to the depth to competent bedrock, the building of the proposed single family residence and detached garage is infeasible, the building permits will not be reactivated."; and, RESOLUTION NO. 2001-548, resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of Michael Deveau for Minor Use Permit/Coastal Development Permit D990363V, adopted as amended. Further, the Board adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

cc: Planning (2)
12/24/01 vms

STATE OF CALIFORNIA)
) ss.
County of San Luis Obispo)

I, **JULIE L. RODEWALD**, County Clerk and Ex-Officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 24th day of December, 2001.

JULIE L. RODEWALD
(SEAL) County Clerk and Ex-Officio Clerk of the Board of Supervisors

By Vicki M Melby
Deputy Clerk

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ATTACHMENT F

December 18, 2001
Board of Supervisor's
Staff Report Package

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL 73-54

(1) DEPARTMENT	(2) MEETING DATE	(3) CONTACT/PHONE
Planning and Building	December 18, 2001	Martha Neder, County Planning (805) 781-5716

(4) SUBJECT

Continued hearing on appeal by Harold and Dorothy Fones of the Planning Commission's approval of a Variance and Minor Use Permit/Coastal Development Permit D990363P/D990364V: a request by Michael Deveau to allow construction of a single family residence, detached garage, and driveway on slopes exceeding 30%. **Supervisorial District No. 2**

(5) SUMMARY OF REQUEST

On August 23, 2001, a Variance and Minor Use Permit/ Coastal Development Permit was approved to allow the construction of an approximately 1,600 square foot single family residence and approximately 650 square foot detached garage on slopes of more than 30%. The subject site is located on the north side of Old Creek Road, approximately 1/4 mile east of Highway One, in the community of Cayucos. Harold and Dorothy Fones appealed that decision based on incompatibility with the Local Coastal Plan, slope is greater than 30%, hillside stability and erosion, zero setback of garage, and fire and traffic danger. This item was continued from the November 6th Board of Supervisors meeting to allow the Cayucos Citizens Advisory Council and staff address issues regarding: 1) setbacks; 2) fire hydrant pressure; 3) access; and 4) retaining wall foundation.

(6) RECOMMENDED ACTION

Adopt the resolutions denying the appeal and approving the Variance and Minor Use Permit/Coastal Development Permit based on the findings in Exhibits A and the conditions in Exhibits B (as revised) and adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

(7) FUNDING SOURCE(S)	(8) CURRENT YEAR COST	(9) ANNUAL COST	(10) BUDGETED?
General Fund	Approximately $500	N/A	☐ YES ☒ N/A ☐ NO

(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):

County Public Works, Cayucos Fire Department, & Cayucos Citizens Advisory Council

(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? ☒ No ☐ Yes, How Many? _____
☐ Permanent _____ ☐ Limited Term _____ ☐ Contract _____ ☐ Temporary Help _____

(13) SUPERVISOR DISTRICT(S) 2nd	(14) LOCATION MAP ☒ Attached ☐ N/A
(15) AGENDA PLACEMENT ☐ Consent ☒ Hearing (Time Est. 30 min ☐ Presentation ☐ Board Business (Time Est._____)	(16) EXECUTED DOCUMENTS ☒ Resolutions (Orig + 4 copies) ☐ Contracts (Orig + 4 copies) ☐ Ordinances (Orig + 4 copies) ☐ N/A
(17) NEED EXTRA EXECUTED COPIES? ☐ Number: _____ ☐ Attached ☒ N/A	(18) APPROPRIATION TRANSFER REQUIRED? ☐ Submitted ☐ 4/5th's Vote Required ☒ N/A

(19) ADMINISTRATIVE OFFICE REVIEW

NR C3 12-18-01

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

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DATE: December 18, 2001

TO: Board of Supervisors

FROM: Martha Neder, Current Planning

VIA: Bryce Tingle, Assistant Director

SUBJECT: Continued hearing on an appeal by Harold and Dorothy Fones of the Planning Commission's approval of a Variance and Minor Use Permit/Coastal Development Permit D990363P/D990364V: a request by Michael Deveau to allow construction of a single family residence, detached garage, and driveway on slopes exceeding 30%. **Supervisorial District No. 2**

RECOMMENDATION

Adopt the resolutions denying the appeal and approving the Variance and Minor Use Permit/Coastal Development Permit based on the findings in Exhibits A and the conditions in Exhibits B (as revised) and adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

DISCUSSION

The Deveau Variance and Minor Use Permit/Coastal Development Permit is a request to construct a single family dwelling, detached garage, and driveway on slopes exceeding 30%. This item was continued from the November 6, 2001 Board of Supervisors meeting to allow the Cayucos Citizens Advisory Council (CCAC) to discuss the project at least one more time (see Attachment 3). This Board packet should be used in conjunction with the November 6, 2001 Board packet.

Revisions have been made to the Conditions of Approval (D990363P/D990364V). Conditions 17 and 18, approved by the Planning Commission on August 23, 2001 but not included in the Conditions of Approval in the November 6, 2001 Board packet, have been added. In addition, Condition 19 has been added to address driveway design concerns raised by the Cayucos Fire Protection District and Condition 20 has been added to address driveway maintenance concerns raised by the CCAC.

ISSUES OF CONTINUANCE

At the November 6, 2001 hearing, the Board of Supervisors decided to continue this item so that the CCAC and County staff can address issues regarding: 1) setbacks; 2) fire hydrant pressure not being

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EMAIL: ipcoplng@slonet.org • FAX: (805)781-1242 • WEBSITE: http://www.slonet.org/vv/ipcoplng

adequate; 3) access to the proposed home; and 4) retaining wall foundation being adequate. The following is a summary of the issues raised by the Board and CCAC and a brief response from staff to those issues:

Issue 1: Setbacks

CCAC Recommendation: The garage should be setback 5 feet from the front property line.

Staff Response: The intent of this recommendation is to ensure a proper setback from a public road. The project site is steep and the edge of pavement on Old Creek Road is approximately 40 feet from the front property line. Portions of the driveway are within the road right of way and the location of the garage at the front property line reduces the amount of site disturbance. In other words, the project as designed meets the intent of the recommendation. Moving the garage the 5 feet from the front property line would substantially increase the amount of grading and difficulty of providing vehicular access to the site.

Issue 2: Fire hydrant pressure not being adequate

CCAC Recommendation: The Cayucos Fire Department should confirm its approval of the project as currently proposed, specifically in regard to width, curvature, and length of driveway and adequacy of the fire hydrant water supply.

Staff Response: In their subsequent review (see Attachment 4), the Cayucos Fire Protection District found that the current driveway design prevents access to the garage by the District's large engine. Based on the Fire Protection District's recommendation, Condition 19 has been added. Condition 19 requires the applicant to submit a fire plan, approved by the Fire Protection District after Nov. 19, 2001, prior to activation of the building permits.

The Fire Protection District also stated that no driveway turnaround is required and the hydrant at Old Creek Road and Richard Avenue meets uniform fire code requirements for the project.

Issue 3: Access to the proposed home

CCAC Recommendation: A detailed study should confirm that the line of sight distance for the driveway clearly meets county standards. The driveway should be built to county road standards. The project description should be

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revised to reflect that the driveway is intended to serve three other parcels. An agreement detailing maintenance and liability for the driveway and retaining walls should be completed.

Staff Response: Public Works staff reviewed and approved the driveway design, including sight distance. The design includes the use of a retaining wall to hold back the existing embankment on the northerly side of the road, specifically to provide greater site distance to the east than the existing condition. The sight distance to the west is satisfactory.

County policy provides that up to five lots may take access from a private driveway. Building the driveway to road standards would substantially increase the width and therefore the amount of grading.

Due to the slope of the project site, it is infeasible to construct a driveway perpendicular to Old Creek Road to serve only the project site. Therefore, the driveway, at a minimum, must encroach upon the two adjoining parcels. The applicant does not own the adjoining parcels, nor is there any development currently proposed on those parcels. The driveway, as designed, is designed to serve the proposed development. If and when additional development is proposed, those applicants will be responsible for providing access which meets County and Cayucos Fire Protection District standards.

There is no logical nexus between the development of the subject parcel and the potential for development on other parcels nearby. Therefore, it is infeasible to condition this project to provide adequate access for development that is not reasonably foreseeable.

If and when another residence is proposed to take access from the private driveway, a new maintenance agreement ~~should~~ shall be required which would establish maintenance liability between the property owners using the access. Until such time, the maintenance and liability for this driveway ~~will be the~~ sole responsibility of this applicant. Condition 20 has been added to require an agreement between the County and the applicant in which the applicant assumes full liability and maintenance responsibility for the driveway and retaining walls.

Issue 4: Retaining wall foundation being adequate

CCAC Recommendation: CCAC continued the discussion of geotechnical issues of the project to their December 5, 2001 meeting. This report was completed prior

to commencement of that meeting.

Staff Response: The purpose of the Geotechnical Engineering Report (Mid-Coast Geotechnical; July 29, 1998) is to "determine the geotechnical properties of the surface and subsurface soils in order to provide recommendations for general site grading and to design a suitable foundation for the proposed structure." The report provides recommendations for retaining wall design and those recommendations have been incorporated into the Conditions of Approval. The report also states that the recommendations shall be confirmed or modified, if necessary, after grading operations are completed. Conditions of Approval require the applicant to retain a Certified Engineering Geologist of record, provide the engineering geologist's written certification of adequacy of the proposed site development, and provide verification from the Geotechnical Engineer that and Certified Engineering Geologist that the reports' recommendations have been incorporated into the final design and construction.

FINANCIAL CONSIDERATIONS

The cost of processing this appeal will be approximately $500.00. No appeal fees were paid because part of the appeal is based on Coastal Act issues.

RESULTS

Should the Board of Supervisors adopt the staff's recommendation and deny the appeal, the suspended building permits would be reactivated and the applicant could begin construction on the project.

ATTACHMENTS:

1. Board Resolution D990364V
   - Exhibit A - Findings D990364V
   - Exhibit B - Conditions of Approval D990363P/D990364V
2. Board Resolution D990363P
   - Exhibit A - Findings D990363P
   - Exhibit B - Conditions of Approval D990363P/D990364V
3. Cayucos Citizens Advisory Council letter (November 13, 2001)
4. Cayucos Fire Protection District letter (November 19, 2001)
5. Department of Public Works memorandum (November 20, 2001)
6. November 6, 2001 Board of Supervisors meeting minutes

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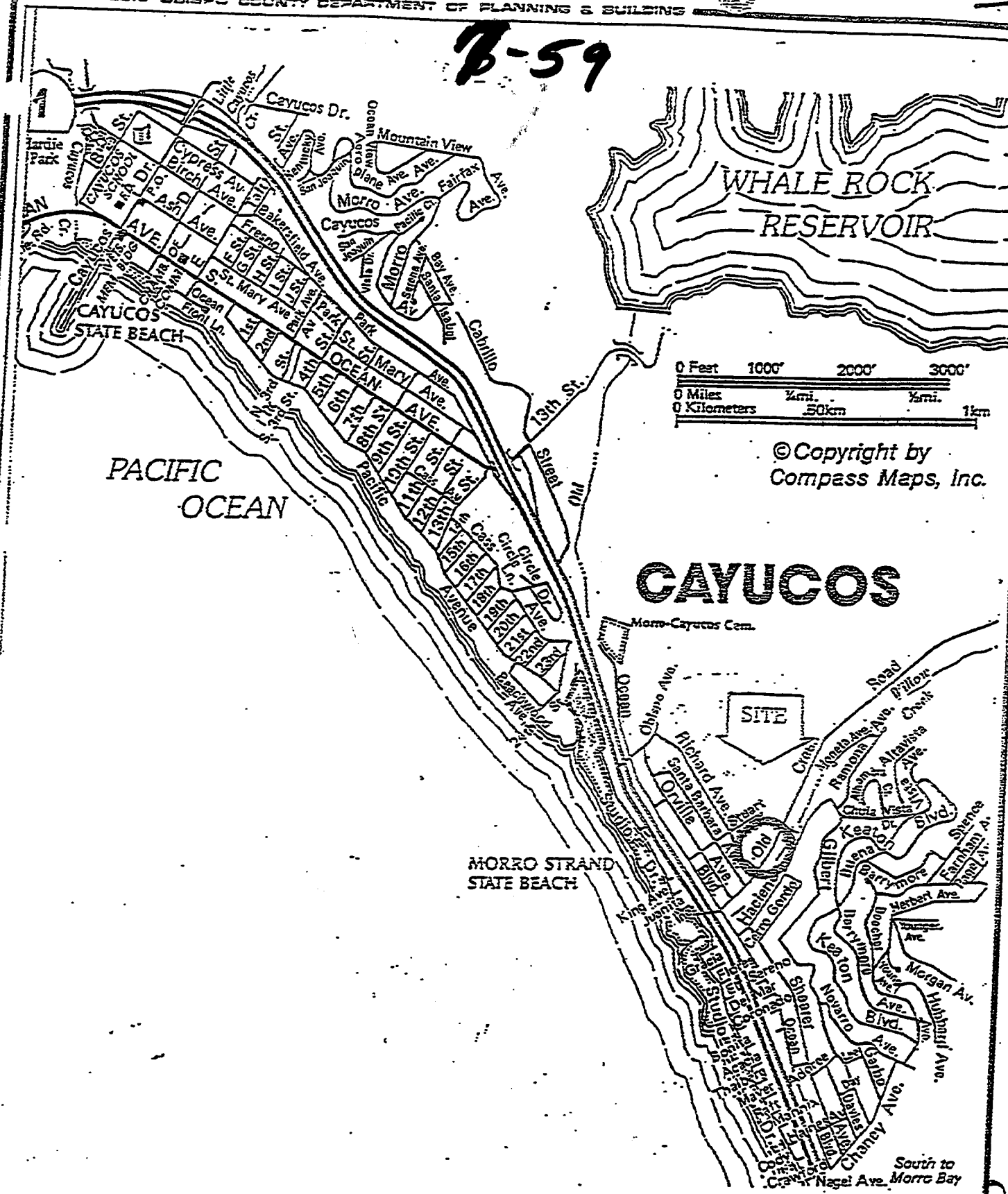

PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

VICINITY MAP

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Attachment 1:
Board Resolution D990364V

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IN THE BOARD OF SUPERVISORS 7-62
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2001

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.___

RESOLUTION AFFIRMING AND MODIFYING THE DECISION OF PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF MICHAEL DEVEAU FOR VARIANCE/ COASTAL DEVELOPMENT PERMIT D990364V

The following resolution is now offered and read:

WHEREAS, on July 27, 2000 and August 23, 2001, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of Michael Deveau for Variance/ Coastal Development Permit D990364V; and

WHEREAS, Harold and Dorothy Fones have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on November 6, 2001 and the matter was continued to and determination and decision was made on December 18, 2001; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Planning Commission should be affirmed and modified subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

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3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Harold and Dorothy Fones is hereby denied and the decision of the Planning Commission is affirmed and modified and that the application of Michael Deveau for Variance/ Coastal Development Permit D990364V is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

_____
Chairperson of the Board of Supervisors

ATTEST:

_____
Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Date: November 27, 2001

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EXHIBIT A
Findings - D990364V

A. As conditioned the proposed project is consistent with the Local Coastal Program and the Land Use Element of the general plan because single family dwellings are a principally permitted use in the Residential Single Family land use category. The use is consistent with all other elements of the general plan.

B. As conditioned, the project or use satisfies all applicable provisions of Title 23 of the San Luis Obispo County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in this particular case, be detrimental to the health, safety or welfare of the general working public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.

D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is the construction of a single family residence in the midst of a residential neighborhood.

E. The project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because Old Creek Road, an arterial street, is constructed to a level to be able to handle any additional traffic associated with the project.

F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because of the project's distance to marine resources, it will not inhibit access to coastal waters and recreation areas

G. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which the project is located because the single family dwellings are principally permitted uses, the project meets height requirements, adjacent sites with steep slopes are similarly developed and because the residence could not be located on less steeply sloping areas because none exist on site.

H. There are special circumstances applicable to the property, related only to size, shape,

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topography, location, or surrounding, and because of these circumstances, the strict application of Title 23 would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use, because the project is located on site that is almost entirely on slopes in excess of 30 percent and the site would be not accommodate development without disturbing steep slopes and the reduction of the front setback minimizes site disturbance.

I. The variance does not authorize a use that is not otherwise authorized in the land use category because single family dwellings and principally permitted in the residential single family land use category.

J. The variance is consistent with the provisions of the Local Coastal Program because the project, since no alternative locations for the building site exist that would result in less disturbance than the current proposed location, and, as designed, incorporates adequate measures to ensure to control erosion and sedimentation.

K. The granting of the application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to pubic health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements, because all grading will be engineered to ensure required standards of stability for all earthwork, and drainage improvements are required by the conditions of approval to ensure that the project does not increase or redirect runoff that would worsen existing conditions in the area.

L. Based on the initial study and all comments received there is no evidence that the project will have a significant effect on the environment.

EXHIBIT B
Conditions of Approval - D990363P/D990364V

Approved Development

1. This approval authorizes a variance for the construction of an approximately 1,600 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. The garage is authorized to be constructed with a zero front setback. This project also authorizes the construction of a driveway on slopes exceeding 30% which provides access to the homesite. This approval does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the site plan, floor plans and architectural elevations.

3. **Prior to activation of building permit,** the engineering geologist shall verify that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the subject property or adjacent parcels.

Building Height

4. Building height shall not exceed 28 feet as measured from average natural grade. Prior to setting forms and foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. The control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Construction Material

5. **Prior to activation of building permit,** the applicant shall submit architectural elevations showing exterior finish materials and colors of all proposed structures (including exterior stairways) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

B-67

6. Retaining walls and under stories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Old Creek Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

Site Specific and Cumulative Geologic Impacts

7. **Prior to any site disturbance**, the following conditions shall be included on all building plans and grading plans:

   a. A Certified Engineering Geologist shall review, approve and stamp grading and construction plans, including all plans for site grading and soil excavation for building foundations. The Certified Engineering Geologist shall review all soil excavation with respect to conformance with the recommendations of the engineering geology report.
   b. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
   c. The Certified Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
   d. Should the services of the Certified Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
   e. A final report prepared by a Geotechnical Engineer and/or Civil Engineer shall be submitted to the County's building official stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
   f. The applicant shall implement all recommendations in Observation and Testing Programs prepared by project Civil Engineer(s), Geotechnical Engineer(s), and /or Certified Engineering Geologist(s). The Observation and Testing Program may include, but not be limited to any of the following tasks:

      Review of Final Project Plans
      Review of stripping and clearing of vegetation
      Review of cut and fill slopes

3
B

Review of preparation of soil to receive fill
Review of fill placement and compaction
Review of subsurface drainage control
Review of footing excavations
Review of premoistening of subslab soils
Review of erosion control measures

8. **During project construction/ground disturbing activities,** the applicant shall retain a Certified Engineering Geologist of record and shall provide the Engineering Geologist's written *certification of adequacy of the proposed site development for its intended use* to the Department of Planning and Building

9. **Prior to occupancy or final inspection, whichever occurs first,** the Engineering Geologist shall verify that the report's recommendations have been incorporated into the final design and construction . This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

10. **Prior to occupancy or final inspection, whichever occurs first,** the Geotechnical Engineer shall verify that the Report's recommendations have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

Site Specific and Cumulative Drainage Impacts

11. **Prior to any site disturbance**, the applicant shall submit a Sedimentation and Erosion Control Plan, prepared and signed by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures. The plan shall include but not be limited to the following measures:

    a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas left in an unfinished state during the period from October 15 through April 15. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
    c. **Final erosion control measures:** During the period from October 15 through April

B-69

15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion within 30 days after completion of grading, unless the graded areas are covered with impervious or other improved surfaces authorized by approved plans.

d. **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on other properties.

12. **Prior to any site disturbance,** the applicant shall submit to the County a Drainage Plan, prepared by a Registered Civil Engineer, that evaluates: 1) the effects of the project's projected runoff on other properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

13. **Prior to occupancy or final inspection, whichever occurs first,** the Registered Civil Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building and County Engineering for review and approval. If required by the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be inspected and approved before a certificate of occupancy is issued.

Archaeology

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

a. Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may by accomplished in accordance with state and federal law.

b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Fire Safety Plan

15. **Prior to final inspection,** the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

C-36

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Miscellaneous

16. **Prior to activation of building permit**, a Traffic Control Plan must be submitted to and approved by the County Engineering and Planning and Building Departments.

17. Prior to activation of the building permit, the applicant shall require an easement verifying access to neighbor's property to the west to the satisfaction of County Counsel.

Indemnification of County by Applicant

18. The applicant shall as a condition of approval of this variance/minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this variance/minor use permit or the manner in which the County is interpreting or enforcing the conditions of this variance/minor use permit, or any other action by a third party relating to approval or implementation of this variance/minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

Fire Agency Approval

19. **Prior to activation of the building permits**, the applicant shall submit to the County a fire plan approved by the Cayucos Fire Protection District after November 19, 2001.

Driveway Maintenance

20. **Prior to activation of the building permits**, the applicant shall enter into a maintenance agreement with the County in which the applicant assumes full liability and maintenance responsibility for the driveway and retaining walls.

7-71

Attachment 2:
Board Resolution D990363P

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

B-72

_____ day _____, 2001

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.___

RESOLUTION AFFIRMING AND MODIFYING THE DECISION OF PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF MICHAEL DEVEAU FOR MINOR USE PERMIT/ COASTAL DEVELOPMENT PERMIT D990363P

The following resolution is now offered and read:

WHEREAS, on July 27, 2000 and August 23, 2001, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of Michael Deveau for Minor Use Permit/ Coastal Development Permit D990363P; and

WHEREAS, Harold and Dorothy Fones have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on November 6, 2001 and the matter was continued to and determination and decision was made on December 18, 2001; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Planning Commission should be affirmed and modified subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

C-38

3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Harold and Dorothy Fones is hereby denied and the decision of the Planning Commission is affirmed and modified and that the application of Michael Deveau for Minor Use Permit/ Coastal Development Permit D990363P is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

_____
Chairperson of the Board of Supervisors

ATTEST:

_____
Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Date: December 27, 2001

Board of Supervisors December 18, 2001
Fones Appeal of D990363P/D990364V- Deveau

B-74

EXHIBIT A
Findings - D990363P

A. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and is consistent with all of the General Plan policies.

B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied to this particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to properties in the vicinity because the installation and operation of such a facility does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

D. As conditioned, the proposed project or use will not be inconsistent with the character of the immediate area or contrary to the orderly development because the proposed use will not conflict with the surrounding lands and uses.

E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Old Creek Road, an arterial road constructed to a level able to handle any additional traffic associated with the project.

F. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

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

C2

Board of Supervisors December 18, 2001
Fones Appeal of D990363P/D990364V- Deveau

7-75

EXHIBIT B
Conditions of Approval - D990363P/D990364V

Approved Development

1. This approval authorizes a variance for the construction of an approximately 1,600 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. The garage is authorized to be constructed with a zero front setback. This project also authorizes the construction of a driveway on slopes exceeding 30% which provides access to the homesite. This approval does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the site plan, floor plans and architectural elevations.

3. **Prior to activation of building permit**, the engineering geologist shall verify that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the subject property or adjacent parcels.

Building Height

4. Building height shall not exceed 28 feet as measured from average natural grade. Prior to setting forms and foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. The control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Construction Material

5. **Prior to activation of building permit,** the applicant shall submit architectural elevations showing exterior finish materials and colors of all proposed structures (including exterior stairways) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

7-76

6. Retaining walls and under stories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Old Creek Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

Site Specific and Cumulative Geologic Impacts

7. **Prior to any site disturbance**, the following conditions shall be included on all building plans and grading plans:

   a. A Certified Engineering Geologist shall review, approve and stamp grading and construction plans, including all plans for site grading and soil excavation for building foundations. The Certified Engineering Geologist shall review all soil excavation with respect to conformance with the recommendations of the engineering geology report.
   b. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
   c. The Certified Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
   d. Should the services of the Certified Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
   e. A final report prepared by a Geotechnical Engineer and/or Civil Engineer shall be submitted to the County's building official stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
   f. The applicant shall implement all recommendations in Observation and Testing Programs prepared by project Civil Engineer(s), Geotechnical Engineer(s), and /or Certified Engineering Geologist(s). The Observation and Testing Program may include, but not be limited to any of the following tasks:

      Review of Final Project Plans
      Review of stripping and clearing of vegetation
      Review of cut and fill slopes

Review of preparation of soil to receive fill
Review of fill placement and compaction
Review of subsurface drainage control
Review of footing excavations
Review of premoistening of subslab soils
Review of erosion control measures

8. **During project construction/ground disturbing activities,** the applicant shall retain a Certified Engineering Geologist of record and shall provide the Engineering Geologist's written *certification of adequacy of the proposed site development for its intended use* to the Department of Planning and Building

9. **Prior to occupancy or final inspection, whichever occurs first,** the Engineering Geologist shall verify that the report's recommendations have been incorporated into the final design and construction . This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

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    a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas left in an unfinished state during the period from October 15 through April 15. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
    c. **Final erosion control measures:** During the period from October 15 through April

B-78

15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion within 30 days after completion of grading, unless the graded areas are covered with impervious or other improved surfaces authorized by approved plans.

d. **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on other properties.

12. **Prior to any site disturbance,** the applicant shall submit to the County a Drainage Plan, prepared by a Registered Civil Engineer, that evaluates: 1) the effects of the project's projected runoff on other properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

13. **Prior to occupancy or final inspection, whichever occurs first,** the Registered Civil Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building and County Engineering for review and approval. If required by the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be inspected and approved before a certificate of occupancy is issued.

Archaeology

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

a. Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may by accomplished in accordance with state and federal law.

b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Fire Safety Plan

15. **Prior to final inspection**, the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

7-79

Miscellaneous

16. **Prior to activation of building permit**, a Traffic Control Plan must be submitted to and approved by the County Engineering and Planning and Building Departments.

17. Prior to activation of the building permit, the applicant shall require an easement verifying access to neighbor's property to the west to the satisfaction of County Counsel.

Indemnification of County by Applicant

18. The applicant shall as a condition of approval of this variance/minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this variance/minor use permit or the manner in which the County is interpreting or enforcing the conditions of this variance/minor use permit, or any other action by a third party relating to approval or implementation of this variance/minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

Fire Agency Approval

19. **Prior to activation of the building permits**, the applicant shall submit to the County a fire plan approved by the Cayucos Fire Protection District after November 19, 2001.

Driveway Maintenance

20. **Prior to activation of the building permits**, the applicant shall enter into a maintenance agreement ~~with the~~ County in which the applicant assumes full liability and maintenance responsibility approved by the for the driveway and retaining walls.

C-32

B-80

7B-81

Attachment 3:
CCAC Letter

C3

Cayucos B-82

CITIZENS ADVISORY COUNCIL
P.O. BOX 781 • CAYUCOS, CA 93430

RECEIVED
NOV 1 5 2001
Planning & Bldg

November 13, 2001

Ms. Martha Neder
Dept. of Planning and Building
County Government Center
San Luis Obispo, CA 93408

RE: DeVeau appeal (D990363P/D990364V)

Dear Martha:

At our meeting of November 7, the Advisory Council considered the appeal of the DeVeau project referenced above. After public discussion, the Council recommends the following:

Traffic safety. Before the Minor Use Permit/Coastal Development Permit (MUP/CDP) is issued, a detailed study should confirm that the line of sight distance for the driveway clearly meets county standards. Photographs taken by the appellants suggest that the line of sight may be marginal with the driveway in its proposed location. (Passed unanimously.)

Driveway design. The applicant indicates that the driveway is also intended to serve three other parcels near his property. The Council believes the project description should be revised to reflect that intent and the project reviewed accordingly. The Council also recommends that this driveway (proposed on the county right of way and serving multiple lots) should be built to county road standards in order to provide adequate access. (Passed: 7 for, 5 against, 1 abstain.)

Garage setback. The garage should be set back 5 ft. from the front property line (8 for, 4 against, 1 abstain). A motion to recommend the Estero Area Plan 10 ft. front set back was defeated (5 for, 7 against, 1 abstain).

Maintenance agreement. Before the MUP/CDP is issued, an agreement detailing maintenance and liability for the driveway and retaining walls should be completed.

Fire safety. The Cayucos Fire Dept. should confirm its approval of the project as currently proposed. In particular, the Fire Dept. should review the width, curvature, and length of the driveway and the adequacy of fire hydrant water supply for this site.

B-83

The Council will consider the geotechnical issues of the project at our December 5 meeting and forward any recommendations to you. Given the recommendations above, the Council does not support the project as approved by the Planning Commission. If you have any questions, please don't hesitate to contact me at 995-3059. Thank you.

Sincerely yours,

Bruce S. Gibson

Bruce S. Gibson
President, Pro Tem

CC: Supervisor Shirley Bianchi
Terry Wahler, County Planning Dept.
Cayucos Fire Dept.

C-28

7-84

7-85

Attachment 4:
Cayucos Fire Protection District Letter

CAYUCOS FIRE PROTECTION DISTRICT
201 CAYUCOS DRIVE
P.O. BOX 707 CAYUCOS, CA 93430
PH: (805) 995-3372 FX: (805) 995-0953

B-86

November 19, 2001

RECEIVED
NOV 21 2001
Planning & Bldg

Martha Neder
SLO Co. Planning & Building Dept
County Government Center
San Luis Obispo, CA 93408

Re: Michael Deveau Project (B96-09551-001)

Dear Martha,

As you are aware the Cayucos Advisory Council has asked us to re-review this project, particularly in regards to driveway width, curvature, length and the adequacy of fire hydrants serving the site.

As a result of our re-review we have identified one additional concern, which we feel should be included as an additional condition. As the driveway is now designed it would be virtually impossible, to get our (or a Mutual Aids') large engine to the garage area elevation to provide Life-Safety services.

Our additional condition is that the driveway be designed so that a maximum legal width truck 30 feet long may safely access and exit the garage area landing. Insofar as the driveway length is less than 150 ft. no turn-around is required.

In regard to the fire hydrant adequacy, the hydrant at Old Creek Rd. & Richard Ave. meets uniform fire code requirements for this project.

Thanks for taking the time to come out for last week's meeting. Please let me know if you have any further questions.

Sincerely,

Bill Radke, Fire Chief
Cayucos Fire Protection District

Cc: Michael Deveau, Cayucos Advisory Council

C-2
3D

B-87

Attachment 5:
Public Works Memorandum

37
31

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229
email address: engr@co.slo.ca.us

B-88

November 20, 2001

MEMORANDUM

TO: Martha Neder, Current Planning

FROM: Richard Marshall, Development Services Engineer

SUBJECT: Deveau Minor Use Permit/Variance - D990363P/D990364V

Thank you for the opportunity to review the response from the Cayucos Citizens' Advisory Council, dated November 13, 2001. I offer the following information regarding the Public Works aspects of this project and their comments:

1. Public Works staff reviewed and approved the driveway design, including the sight distance, for compliance with applicable County standards. The design includes the use of a retaining wall to hold back the existing embankment on the northerly side of the road, specifically to provide greater sight distance to the east than the existing condition. The sight distance to the west is satisfactory.

2. Our review of the driveway design indicates that it encroaches upon (and therefore will need easements from) two adjoining properties – one on each side. It is our policy that any access way which serves five or fewer lots may be served by a private driveway, rather than a road. We would not recommend that this driveway be redesigned to road standards, as that would substantially increase its width, and therefore the amount of grading involved. I should reiterate that the design as proposed does need to comply with "road" standards in one sense – the required driveway sight distance is a function of our standards for all encroachments onto County roads.

3. The Board of Supervisors could elect to require an agreement between the County and the developer, which states that the developer will assume full liability and maintenance responsibility for the driveway and retaining walls. We would make this a condition upon the encroachment permit for the driveway.

Please call me at 781-5280 if you have questions or need additional information.

File: Planned Developments - General

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B-89

Attachment 6:
November 6 Board of Supervisors Meeting Minutes

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33

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

B-90

Tuesday, November 6, 2001

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Peg Pinard, Michael P. Ryan, Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

In the matter of Appeal by H. and D. Fones:

This is the time set for hearing to consider an appeal by Harold and Dorothy Fones of the Planning Commission's approval of a Variance and Minor Use Permit/Coastal Development Permit, to allow construction of a single family residence, located on the north side of Old Creek Road, approximately 1/4 mile east of Highway One in the community of Cayucos; 2nd District.

Mr. Matt Janssen: Planning, introduces Ms. Martha Neder, Planning.

Ms. Neder: presents the staff report and photos of the area; explains the issues of the appeal include: slope, hillside stability, hillside erosion, zero set back of garage, fire danger and traffic; hands the Board two added Conditions: 17. Requiring an easement verifying access and 18. Indemnification of County by the Applicant.

Mr. Janssen: indicates staff is requesting the Board deny the appeal based on the findings and conditions.

Supervisor Bianchi: states she has a problem with this project; indicates it has not gone before the Cayucos Citizens Advisory Committee (CCAC) and is on their agenda for tomorrow night; addresses a letter sent to staff from Bing Yen and Associates, Inc. regarding their review of the reports, calculations, and plans done on the project; feels Bing Yen and Associates, Inc. did not investigate thoroughly; questions the slope and the health and safety issues relating to it; feels there needs to be a lot more information.

Ms. Dorothy Fones: Appellant, presents a brief history of the project; states her concern for the project site relating to the slope; addresses the erosion problem in this area; refers to a memorandum dated August 24, 2001, from CCAC addressing their standard recommendations for variances, exceptions or waivers (VEW's); indicates CCAC also has concerns with the driveway; states her concern for the driveway site distance; speaks to the geological reports; states the site should remain below the 155-foot contour level as originally conditioned; addresses the risk of fire damage to the surrounding properties; presents a timeline of correspondence with the County regarding the location of the home site.

Mr. Harold Fones: Appellant, presents pictures describing the site distance, where the driveway enters Old Creek Road; explains Table 405.1A relating to the site distance standards the County uses for their safety standards; speaks to the safety of the neighbors in case of fire.

C-2, 34

Ms. Fones: ; urges the Board to require: 1) the site to be repositioned below the 155-foot contour as originally conditioned to ensure the safety of the neighborhood and minimize the disturbance of the hillside; 2) depth of the foundation to be established prior to disturbing the hillside; 3) the driveway to be engineered to improve the site distance; and, 4) a maintenance agreement for the proposed driveway be in place prior to the start construction.

Mr. Michael Deveau: Applicant, states he would like to address the facts relating to his project; indicates the project has been reviewed by a civil engineer; states the slope is closer to 33% than 40%; indicates the project was reviewed by CCAC last year; feels there is no reason to postpone this hearing; states he bought the lot in 1980 and has done everything he was told to do; addresses the setbacks and the stability issues; states the retaining wall will help the erosion problem and be a benefit to the County; describes the proposed home indicating it will be fire safe; states the project has been approved; indicates he has the funding and the experience to complete the project.

Ms. Helen C. Bailey: states she attended the Planning Commission meeting and raised her concerns; requests the Board weigh on the side of caution and choose the lower elevation for the home site.

Mr. Scott Rebstock: states his concern for fire safety; indicates the fire hydrant in that area is inadequate for a closed garage; urges the Board to move the site location below the 155-foot contour level.

Ms. Mary Ann Carnegie: Cayucos Citizens Advisory Council, states their concerns include road right-of-way and if there are projects with variances, exceptions, or waivers that they have to follow the strictest standards at all times; questions findings relating to soil testing; addresses her concern regarding this project setting a precedent.

Mr. Ed Carnegie: states there has been controversy regarding this project every step of the way; addresses his concern relating to the setback; believes every stage of this project has barely passed.

Mr. Deveau: addresses the setbacks; indicates there will be no interruption of the appellants view; states they have passed every test with flying colors.

Mr. Leon: presents his personal background; states reports are prepared based on statistics; addresses the type of soil and conditions of the land; indicates when the piles are being drilled they will be monitored and will benefit the overall stability of the project.

Ms. Fones: states she was of the understanding that the project was approved below the 155-foot contour level; questions when the site plan changed; addresses environmental issues regarding: repositioning of the site; depth of the foundation; driveway site distance; the maintenance agreement for the retaining wall.

Mr. Fones: believes a North/East approach to the seven lots would be a better way to access the lots; states the

slope is approximately 40%; feels more soil testing needs to be done; indicates the applicant didn't show at the Land Use Committee meeting last week; states there is no report that shows a better site location than the one below the 155-foot contour level; states they are not against the project it just needs further study.

Supervisor Bianchi: states she wants this item referred to the CCAC to have questions answered relating to: 1) setbacks; 2) fire hydrant not being adequate; 3) access to the proposed home; and, 4) the retaining wall foundation; indicates there are six lots on that side of Old Creek Road and questions need to be carefully answered before anything is built.

Board Members: discuss various issues, comments and concerns regarding: changes made at the Planning Commission meeting; issues that were already mitigated; the depth of the grading; if a "fatal error" is found while grading, what happens to the project; the sprinkler system required to conform with the conditions of approval, with staff responding.

A motion by Supervisor Bianchi to continue this item to a date certain so CCAC and staff can provide answers to questions regarding: 1) setbacks; 2) fire hydrant pressure not being adequate; 3) access to the proposed home; and, 4) the retaining wall foundation being adequate, is discussed.

Mr. Bruce Gibson: CCAC, states if this is referred back to the CCAC they would like to know what issues the Board would like their advise on; addresses the standard recommendations; basically this project is the same project they reviewed a year ago and their recommendation will be the same, that Old Creek Road be safe and that the Board hold strictly to the County criteria on line of sight relating to the driveway.

Supervisor Pinard: seconds the motion because she would like to honor the CCAC so they can see this item in its' final form.

Supervisor Bianchi: indicates she would like to continue this item to December 18, 2001, with the Supervisor Pinard concurring.

Supervisor Ryan: states he does not support the motion; feels the Board should make a decision.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Pinard and on the following roll call vote:

AYES:	**Supervisors Bianchi, Pinard, Chairperson Achadjian**
NOES:	**Supervisors Ovitt, Ryan**
ABSENT:	**None**

the Board continues this item to December 18, 2001 at 9:00 a.m. so that the Advisory Council and staff can get answers to questions regarding: 1) setbacks; 2) fire hydrant pressure not being adequate; 3) access to the proposed home; and, 4) the retaining wall foundation being adequate.

cc: Planning 2 11/09/2001 cla

B-92

C-3
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ATTACHMENT G

November 6, 2001
Board of Supervisor's
Staff Report Package

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL 7-94

(1) DEPARTMENT	(2) MEETING DATE	(3) CONTACT/PHONE
Planning and Building	November 6, 2001	Martha Neder, County Planning (805) 781-5716

(4) SUBJECT

Hearing on appeal by Harold and Dorothy Fones of the Planning Commission's approval of a Variance and Minor Use Permit/Coastal Development Permit D990363P/D990364V: a request by Michael Deveau to allow construction of a single family residence, detached garage, and driveway on slopes exceeding 30%. **Supervisorial District No. 2**

(5) SUMMARY OF REQUEST

On August 23, 2001, a Variance and Minor Use Permit/ Coastal Development Permit was approved to allow the construction of an approximately 1,600 square foot single family residence and approximately 650 square foot detached garage on slopes of more than 30%. The subject site is located on the north side of Old Creek Road, approximately 1/4 mile east of Highway One, in the community of Cayucos. Harold and Dorothy Fones appealed that decision based on incompatibility with the Local Coastal Plan, slope is greater than 30%, hillside stability and erosion, zero setback of garage, and fire and traffic danger.

(6) RECOMMENDED ACTION

Adopt the resolutions denying the appeal and approving the Variance and Minor Use Permit/Coastal Development Permit based on the findings in Exhibits A and the conditions in Exhibits B and adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

(7) FUNDING SOURCE(S)	(8) CURRENT YEAR COST	(9) ANNUAL COST	(10) BUDGETED?
General Fund	Approximately $500	N/A	☐ YES ☒ N/A ☐ NO

(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):

County Public Works, Cayucos Fire Department, & Cayucos Citizens Advisory Council

(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? ☒ No ☐ Yes, How Many? _____
☐ Permanent _____ ☐ Limited Term ____ ☐ Contract _____ ☐ Temporary Help _____

(13) SUPERVISOR DISTRICT(S) 2nd	(14) LOCATION MAP ☒ Attached ☐ N/A
(15) AGENDA PLACEMENT ☐ Consent ☒ Hearing (Time Est. 30 min) ☐ Presentation ☐ Board Business (Time Est._____)	(16) EXECUTED DOCUMENTS ☒ Resolutions (Orig + 4 copies) ☐ Contracts (Orig + 4 copies) ☐ Ordinances (Orig + 4 copies) ☐ N/A
(17) NEED EXTRA EXECUTED COPIES? ☐ Number: _____ ☐ Attached ☒ N/A	(18) APPROPRIATION TRANSFER REQUIRED? ☐ Submitted ☐ 4/5th's Vote Required ☒ N/A

(19) ADMINISTRATIVE OFFICE REVIEW

hp

C-3
11-6-01

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

B-95

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

DATE: November 6, 2001

TO: Board of Supervisors

FROM: Martha Neder, Current Planning

VIA: Bryce Tingle, Assistant Director

SUBJECT: Hearing on appeal by Harold and Dorothy Fones of the Planning Commission's approval of a Variance and Minor Use Permit/Coastal Development Permit D990363P/D990364V: a request by Michael Deveau to allow construction of a single family residence, detached garage, and driveway on slopes exceeding 30%. **Supervisorial District No. 2**

RECOMMENDATION

Adopt the resolutions denying the appeal and approving the Variance and Minor Use Permit/Coastal Development Permit based on the findings in Exhibits A and the conditions in Exhibits B and adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

DISCUSSION

The Deveau Variance and Minor Use Permit/Coastal Development Permit is a request to construct a single family dwelling, detached garage, and driveway on slopes exceeding 30%. This project was originally approved on May 11, 1995 (D940014P and D940015V). Since then, three time extensions were granted and the land use permits expired on May 28, 2000. Prior to the expiration of the land use permits, building permits C0147, C0148, and C0149 where issued for the project. These building permits were suspended as of May 28, 2000 until new land use permits can be issued.

At the July 27, 2000 hearing, the Planning Commission decided to continue this item off calendar and have the Geotechnical and Geologic reports reviewed by an independent party. Bing Yen and Associates performed the independent third party review requested by the Planning Commission and recommended the comments in their review letter (January 9, 2001) be addressed by the applicant's geologists prior to approval of the project. Earth Systems Pacific (March 26, 2001) addressed comments 1 and 2 and Mid-Coast Geotechnical (April 19, 2001) addressed the remaining comments. County staff evaluated both the third party review and the subsequent responses.

County staff feels the responses from Earth Systems Pacific and Mid-Coast Geotechnical adequately address Bing Yen and Associates' comments. Further, the conditions of approval require the

applicant to retain a Certified Engineering Geologist of record, provide the engineering geologist's written certification of adequacy of the proposed site development for its intended use, and provide verification from the Geotechnical Engineer and Certified Engineering Geologist that the reports' recommendations have been incorporated into the final design and construction.

At the August 23, 2001 hearing, the Planning Commission approved the construction of an approximately 1,600 square foot single family residence and approximately 650 square foot detached garage on slopes exceeding 30%. On September 4, 2001, Dorothy and Harold Fones appealed the project. The following is a summary of the concerns raised by the appellant and brief response from staff to those concerns.

ISSUES OF APPEAL

The following is a summary of the issues raised by the appellant and brief response from staff to those issues:

Issue 1. The slope is greater than 30%

Staff Response:

The entire project site is located on a steep (approximately 40%) hillside adjacent to Old Creek Road in Cayucos. A variance is required to authorize grading on slopes greater than 30%. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity. Strict application of Title 23 would deprive the property of privileges enjoyed by other property because single family dwellings are principally permitted uses in the Residential Single Family land use category, the project meets height requirements, adjacent sites with steep slopes are similarly developed, and the residence could not be located on less steeply sloping areas because none exist on site.

Issue 2. Hillside Stability

Staff Response:

A Geologic Hazard Report (Earth Systems Consultants Northern California; July 7, 1998) and a Geotechnical Engineering Report (Mid-Coast Geotechnical; July 29, 1998) were prepared for the project. Bing Yen and Associates performed an independent review of the reports and subsequent correspondence and additional stability analysis were provided to address the review comments.

The purpose of the Geotechnical Engineering Report is to "determine the geotechnical properties of the surface and subsurface soils in order to provide recommendations for general site grading and to design a suitable foundation for the proposed structure." The report recognizes that the site, from

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a geotechnical standpoint, is difficult and provides recommendations for grading and foundation design to mitigate possible impacts.

The Geologic Hazard Report states that non-seismic gross slope failure has the potential of occurring along Old Creek Road. However, the report concludes "that geologic conditions would not preclude construction of the proposed residence at the site." The Geologic Hazard Report also contains recommendations to assist in the planning and construction of the proposed project. The recommendations of the reports have been incorporated into the conditions of approval.

The applicant has hired engineers and geologists with the required credentials and the comments from Bing Yen and Associates, the independent review party, did not question the science or integrity of the geology and engineering analyses. County staff feels the responses from Earth Systems Pacific and Mid-Coast Geotechnical adequately address Bing Yen and Associates' comments. Some of the comments were addressed with clarifications or modifications. Other comments related to things that need to be and are determined during stages that occur after land use approval (such as final foundation design, after preliminary grading, etc).

Issue 3. Hillside Erosion

Staff Response:

The applicant is required to submit both a Sedimentation and Erosion Control Plan and a Drainage Plan, prepared and signed by a Registered Civil Engineer. The plans will address temporary and long term sedimentation and erosion control measures, the effects of the project's projected runoff on other properties and existing drainage facilities and systems, and estimates existing and increased runoff from the proposed improvements. Finally, the Registered Civil Engineer shall verify that the recommendations of the plans have been incorporated into the final design and construction (see conditions 11, 12 & 13).

Issue 4: Zero Set Back of Garage

Staff Response:

The project site is steep and the edge of pavement on Old Creek Road is approximately 40 feet from the front property line. Portions of the driveway are within the road right of way and the location of the garage at the front property line reduces the amount of site disturbance. Moving the garage the required 25 feet from the front property line would substantially increase the amount of grading and difficulty of providing vehicular access to the site.

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Issue 5: Fire Danger to Surrounding Neighborhood

Staff Response:

The project has received clearance form the Cayucos Fire Protection District prior to the issuance of the construction permits. The fire plan does have conditions based on access. These conditions require the house to be sprinklered, a flow alarm must be installed with remote monitoring, the driveway must be engineered to support an imposed load of 20 tons at 25 mph, and any portion of the driveway in excess of 16% grade must be concrete with a non-slip surface. In addition, the project has been conditioned for the applicant to provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District prior to final inspection.

Issue 6: Traffic Danger

Staff Response:

The Public Works Department stated that the driveway as proposed could potentially provide access to two (and possibly three) lots. County standards require that up to five lots may take access from a private driveway, so the Public Works Department did not require the driveway be designed to County road standards. At some point in the future when another residence is proposed to take access from the private driveway, a maintenance agreement should be required which would establish maintenance liability. Until such time, the maintenance and liability for this driveway will be the sole responsibility of this applicant.

The proposed driveway is consistent with established policies for encroachments on County roads. Although site distance on Old Creek Road does not exceed County standards by a wide margin, it does meet the standards. The Public Works Department will review the plans for the driveway to assure compliance with County standards for site distance, maximum grade, etc. Further, a Traffic Control Plan, to be reviewed and approved by the Public Works Department, is required to address traffic safety during construction.

OTHER AGENCY INVOLVEMENT

Involvement of the Cayucos Fire Protection District and County Public Works Department is described above. The Cayucos Citizens Advisory Council (CCAC) reviewed the proposed project in July, 2000. Project design has not changed since their review, however additional information has been gathered to address the recommendations made in their letter dated July 6, 2000 (please see attached letter). The following is a summary of the recommendations made by the CCAC and brief response from staff to those recommendations:

Recommendation 1: Proposals to develop on slopes greater than 30% should receive the most

C5

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stringent review, including independent professional review when appropriate.

Staff response:

Bing Yen & Associates performed the independent professional review, please see **DISCUSSION** on page 1.

Recommendation 2: A registered engineer should approve the design and supervise construction of the foundation and retaining walls.

Staff Response:

This recommendation is incorporated in the conditions of approval (conditions 7, 8, 9, & 10).

Recommendation 3: The engineering geologist should verify that construction of the garage, driveway and retaining walls are acceptable at the lower elevations.

Staff Response:

The project has been conditioned to receive verification from the engineering geologist that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the property or adjacent parcels (condition 3).

Recommendation 4: The zero setback for the garage be reviewed.

Staff Response:

Moving the garage the required 25 feet from the front property line would substantially increase the amount of grading and difficulty of providing vehicular access to the site. Please see the previous discussion in **Issue 4: Zero Setback of Garage.**

Recommendation 5: The Fire Department should sign off on the road design.

Staff Response:

The project has received clearance form the Cayucos Fire Protection District. The project has also been conditioned for the applicant to provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District prior to final inspection. Please see the previous discussion in

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7-100

Issue 5: Fire Danger to Surrounding Neighborhood.

Recommendation 6: The County should confirm driveway encroachment is consistent with established policies and traffic safety issue of ingress/egress should be assessed.

Staff Response:

The driveway as proposed is consistent with established policies for encroachments on County roads. Site distance on Old Creek Road does meet the standards. A Traffic Control Plan is required to address traffic safety during construction. Please see the previous discussion in **Issue 6: Traffic Danger**.

Recommendation 7: The access road should be built to county road standards and maintenance responsibility be specified.

Staff Response:

County standards allow that up to five lots may take access from a private driveway, so the Public Works Department would not recommend that the driveway be designed to County road standards. At whatever point in time another residence is proposed to take access from the private driveway, a maintenance agreement should be required which would establish maintenance liability. Until such time, the maintenance and liability for this driveway will be the sole responsibility of this applicant. Please see the previous discussion in **Issue 6: Traffic Danger**.

FINANCIAL CONSIDERATIONS

The cost of processing this appeal will be approximately $500.00. No appeal fees were paid because part of the appeal is based on Coastal Act issues.

RESULTS

Should the Board of Supervisors adopt the staff's recommendation and deny the appeal, the suspended building permits would be reactivated and the applicant could begin construction on the project.

ATTACHMENTS:
1. Board Resolution D990364V
   - Exhibit A - Findings D990364V
   - Exhibit B - Conditions of Approval D990363P/D990364V
2. Board Resolution D990363P

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Exhibit A - Findings D990363P
Exhibit B - Conditions of Approval D990363P/D990364V

3. Appeal
4. Revised Negative Declaration
5. CCAC letter (July 6, 2000)
6. Correspondence
7. August 23, 2001 Planning Commission Minutes
8. Planning Commission Resolution D990363P
9. Planning Commission Resolution D990364V
10. August 23, 2001 Staff Report Package
    A. Findings - D990363P, Exhibit A
    B. Findings - D990364V, Exhibit B
    C. Conditions of Approval, Exhibit C
    D. Bing Yen & Associates Review
    E. Earth Systems Pacific review response dated March 26, 2001
    F. Mid-Coast Geotechnical review response dated April 19, 2001
    G. Mid-Coast Geotechnical letter dated June 22, 2001
    H. July 27, 2001 Staff Report Package
    I. Geologic Hazards Report
    J. Geotechnical Engineering Report
    K. Planning Commission Resolution
    L. May 11, 1995 Staff Report

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING & BUILDING

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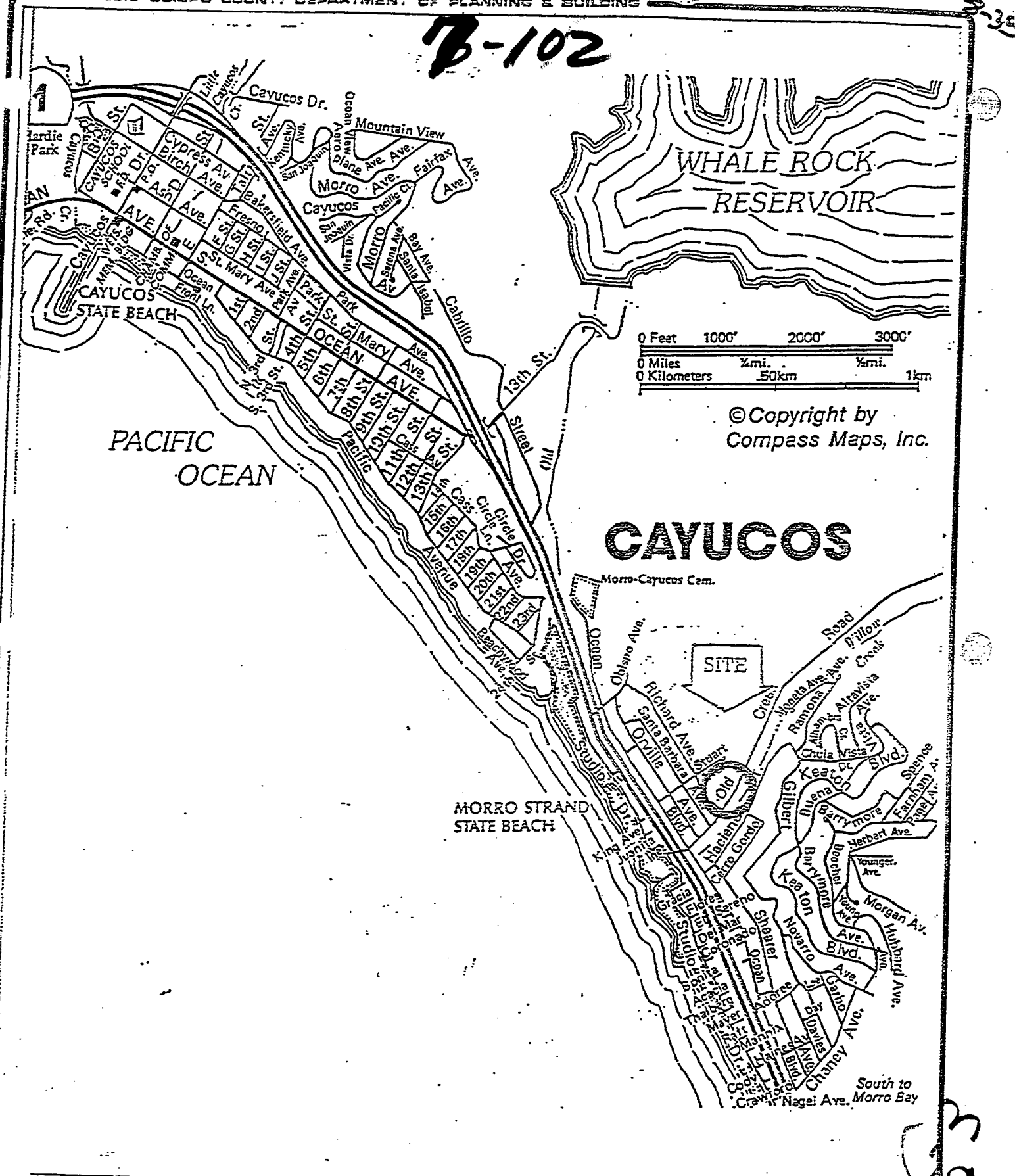

PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

VICINITY MAP

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING & BUILDING

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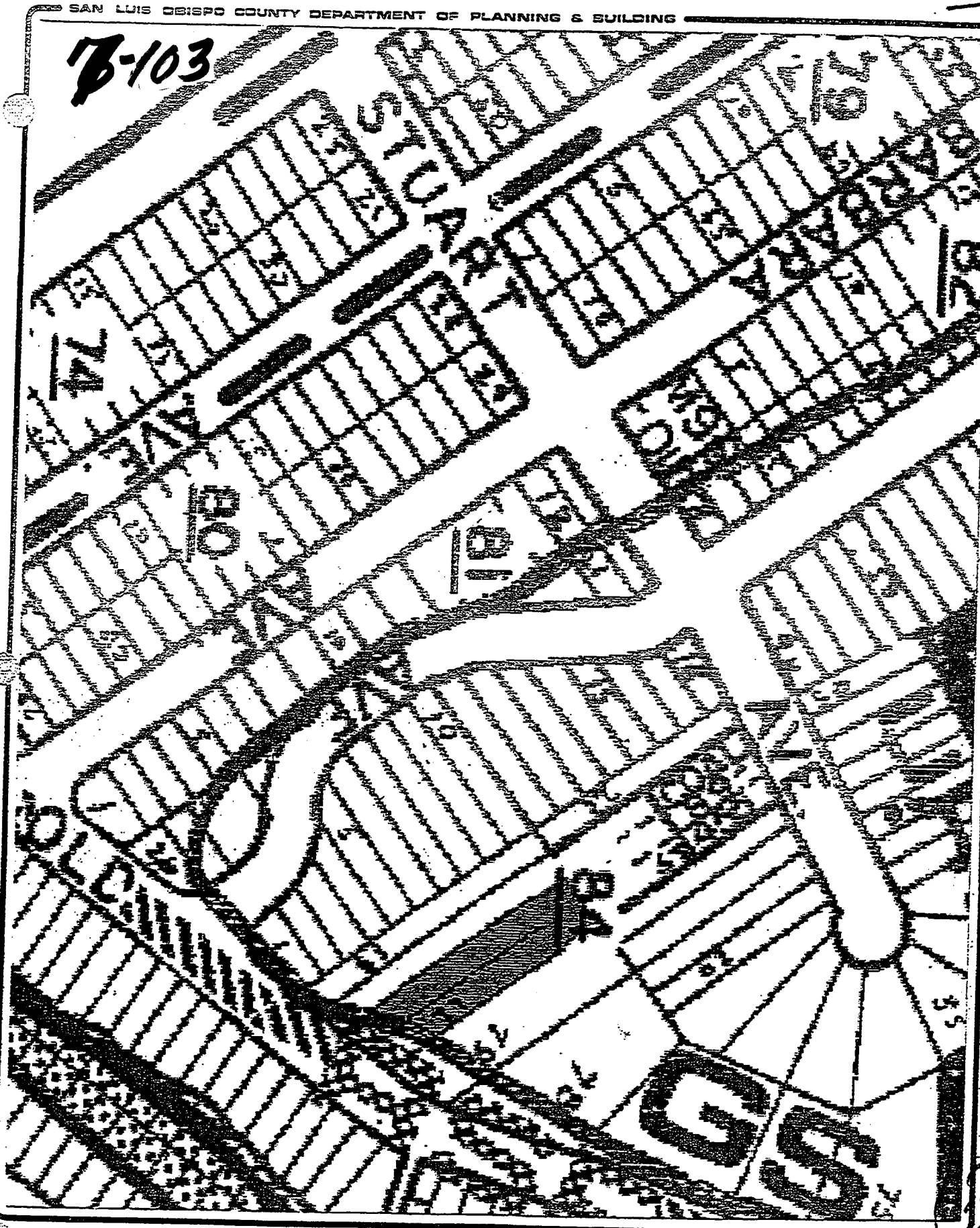

PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

Land Use Category Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING & BUILDING

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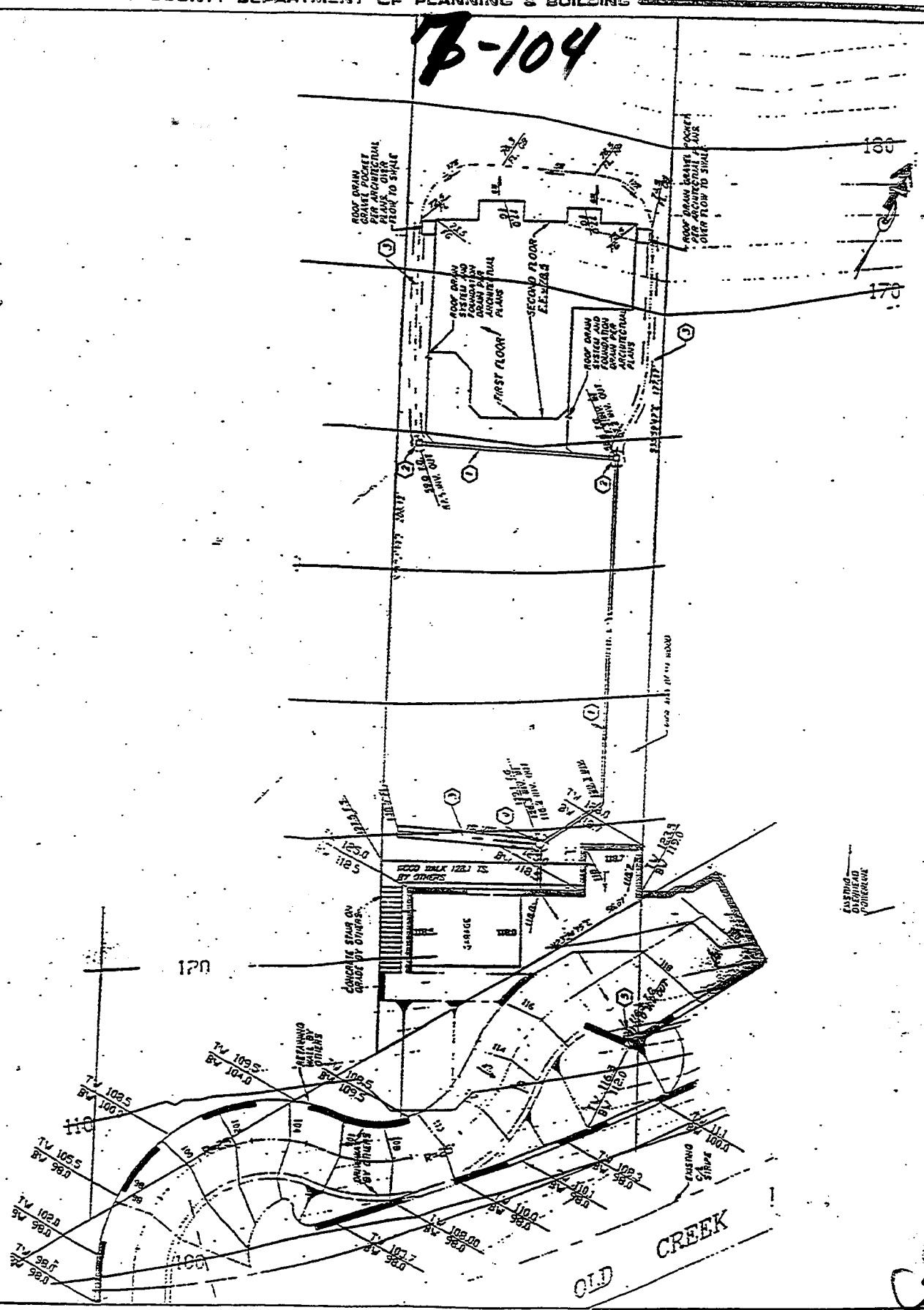

PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

Site Plan

8-38

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING & BUILDING

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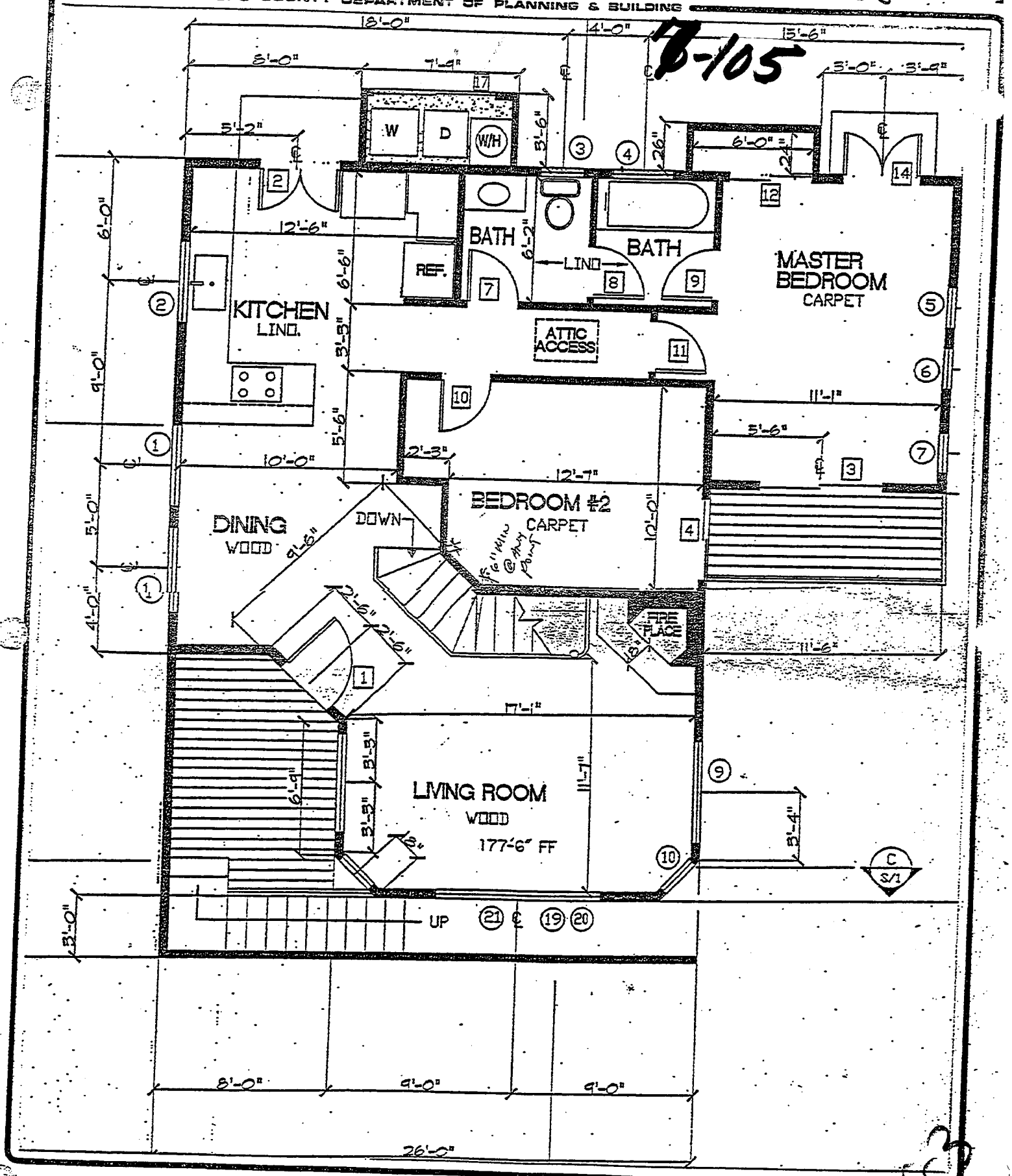

PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

Floor Plans

839

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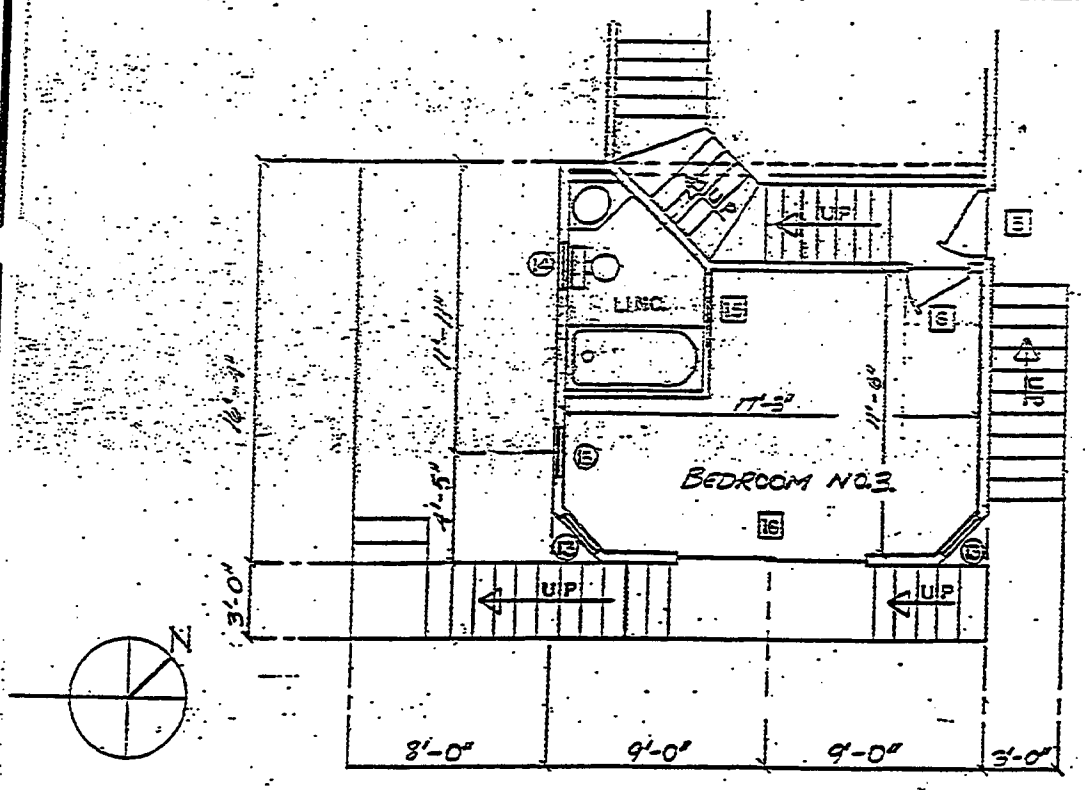

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

GROUND FLOOR

PREVIOUSLY STAMPED ONLY

PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

First Floor Plan

8-40 54

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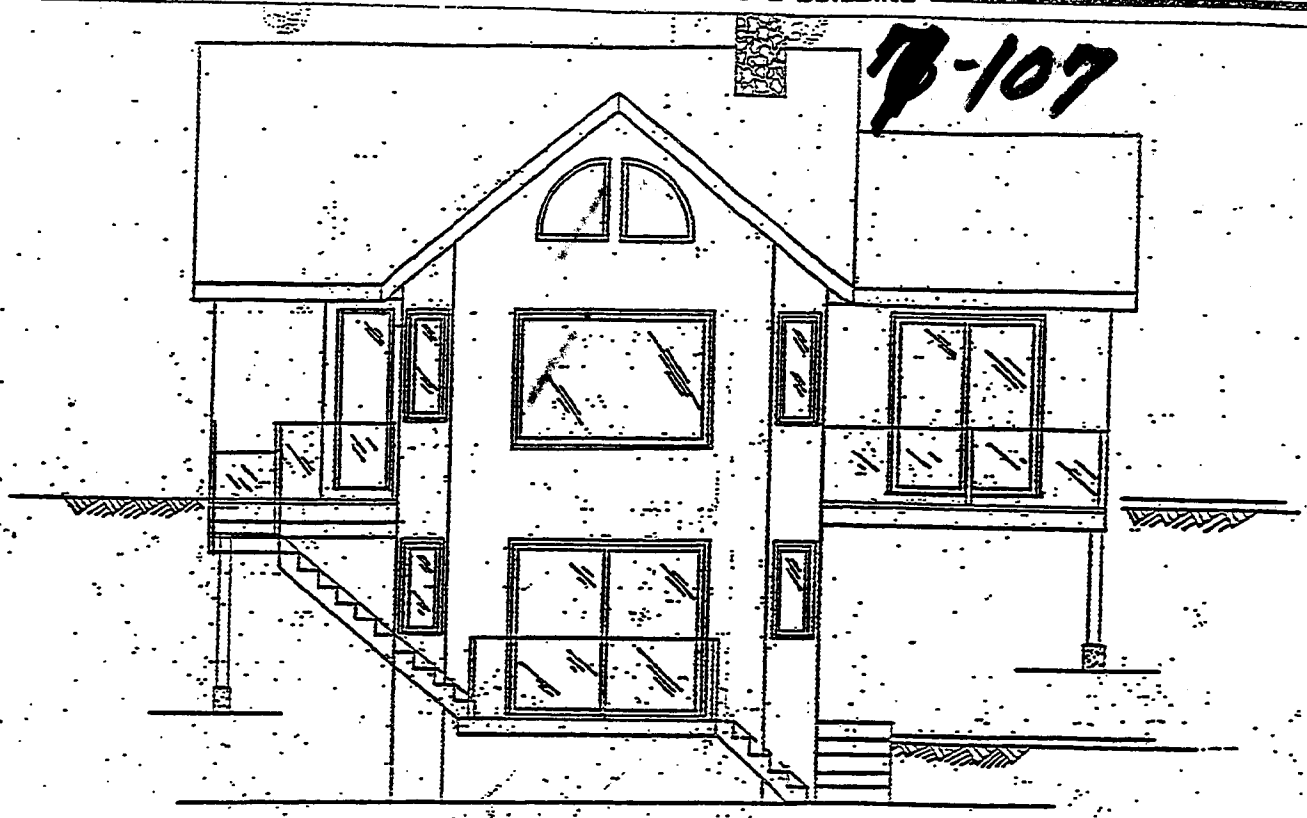
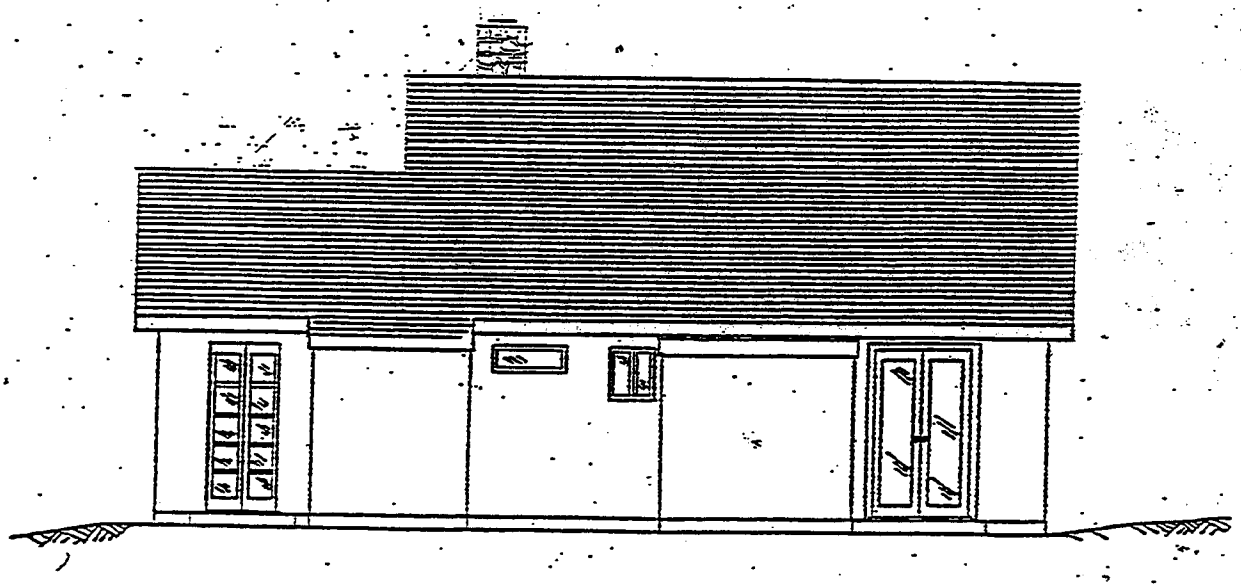


SOUTH ELEVATION



NORTH ELEVATION

PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

North and South Elevations

8-41 ~~5-18~~

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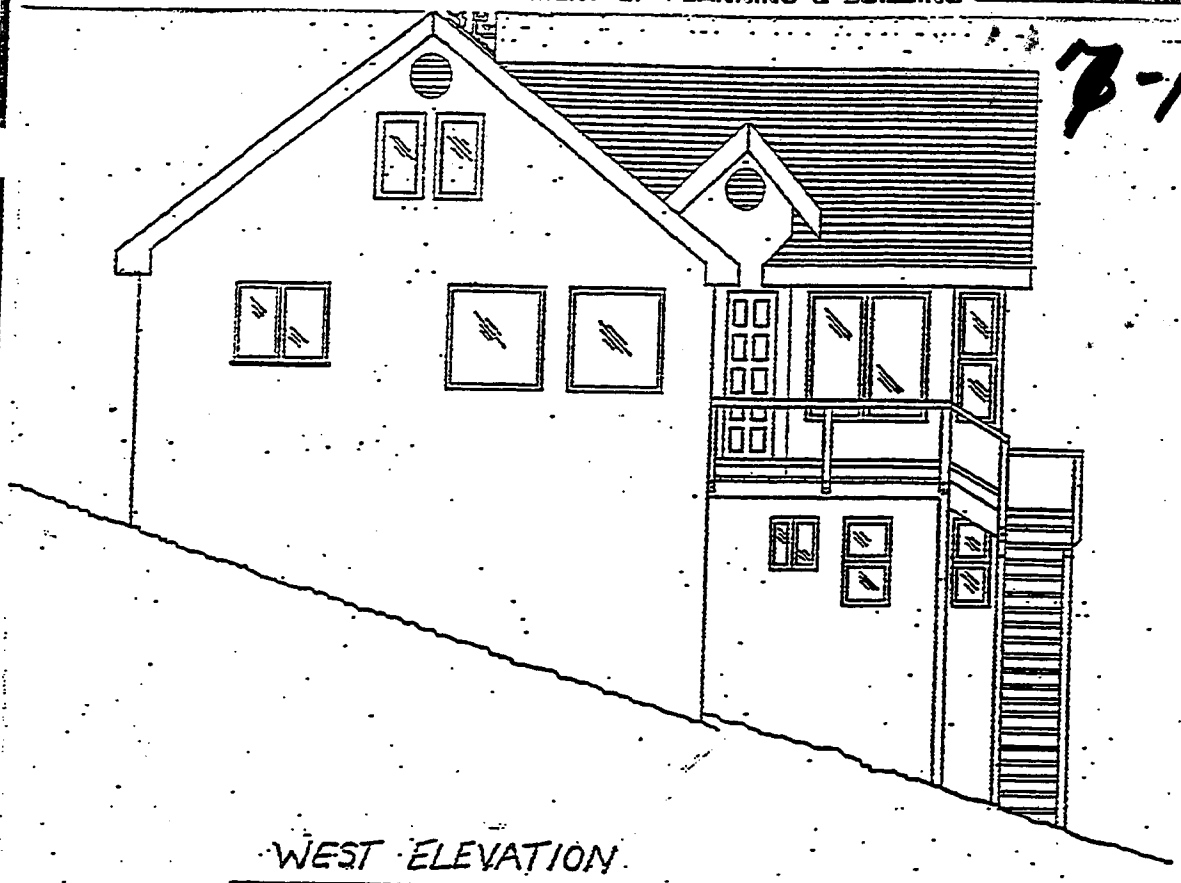
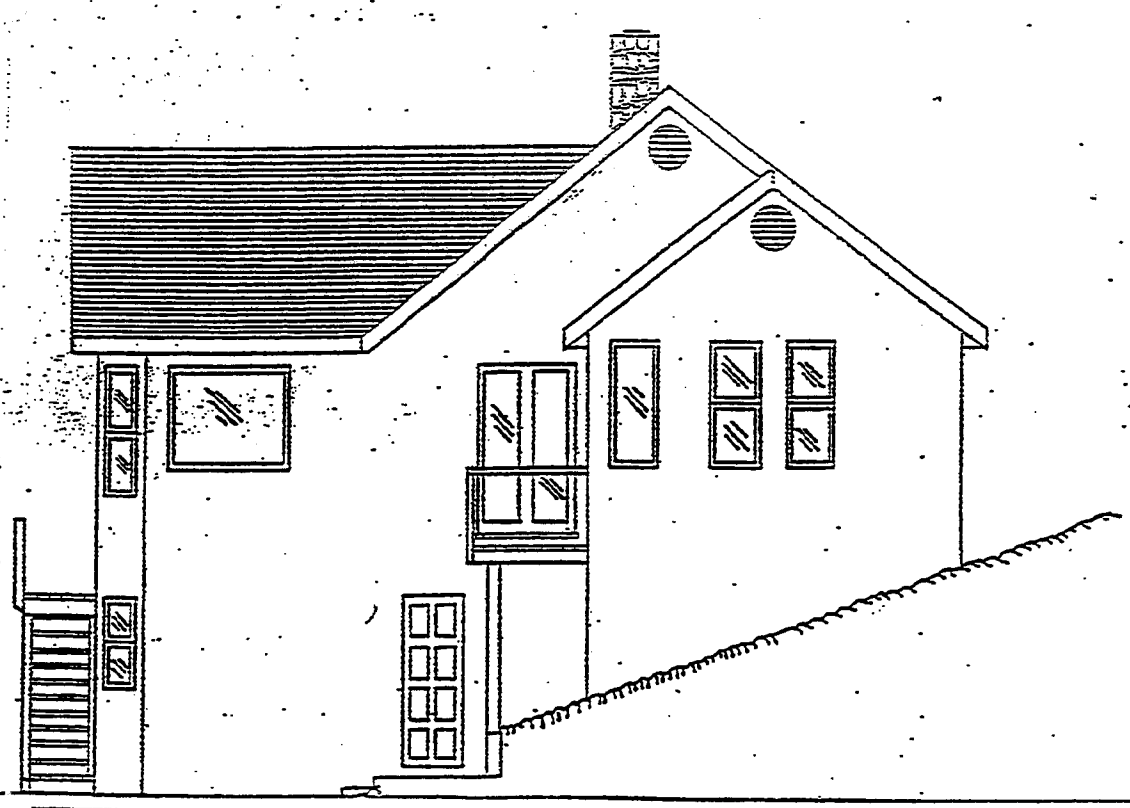


WEST ELEVATION

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



PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

East and West Elevations

15

8-42 ~~54~~

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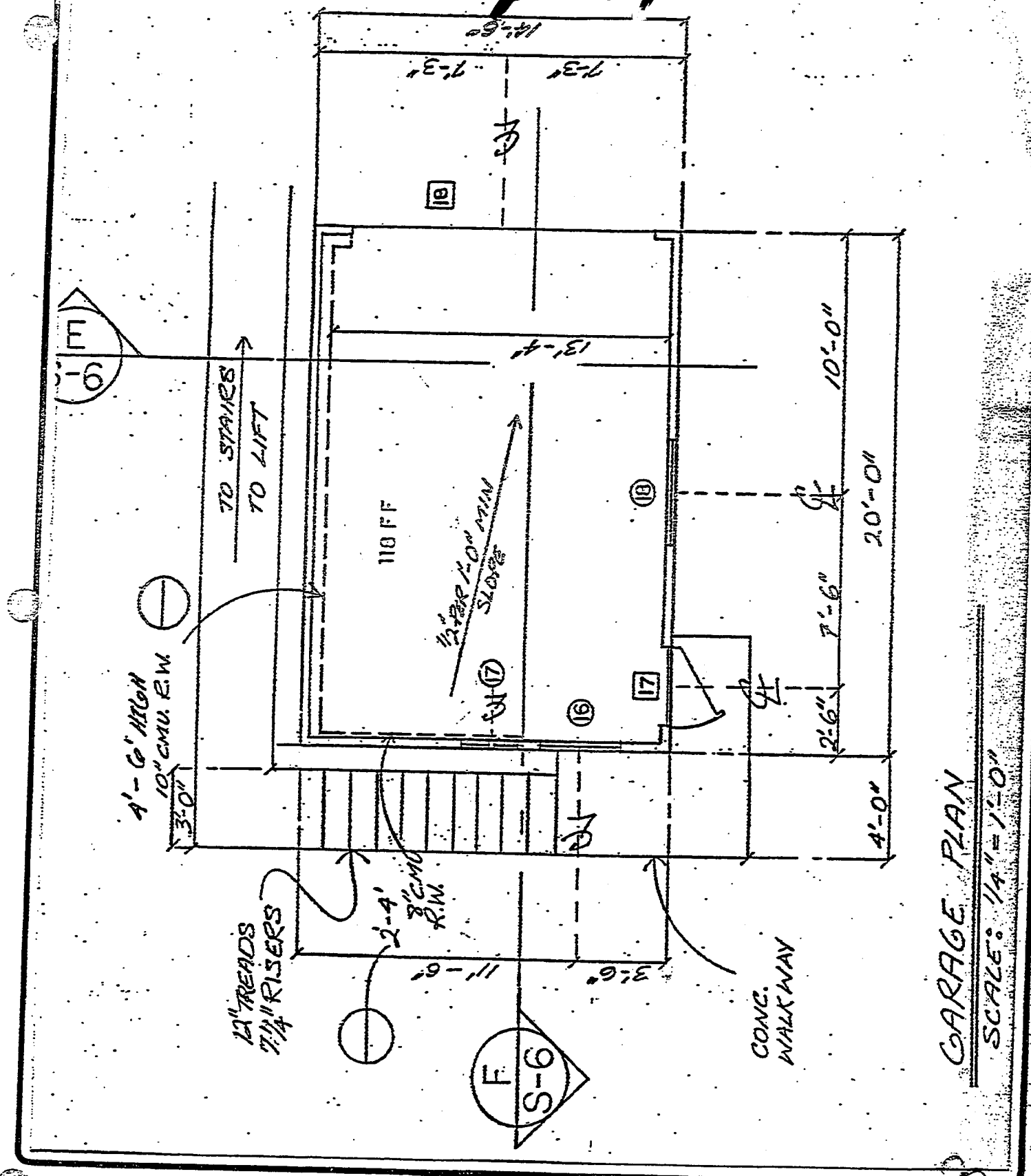

GARAGE PLAN
SCALE: 1/4" = 1'-0"

8-43

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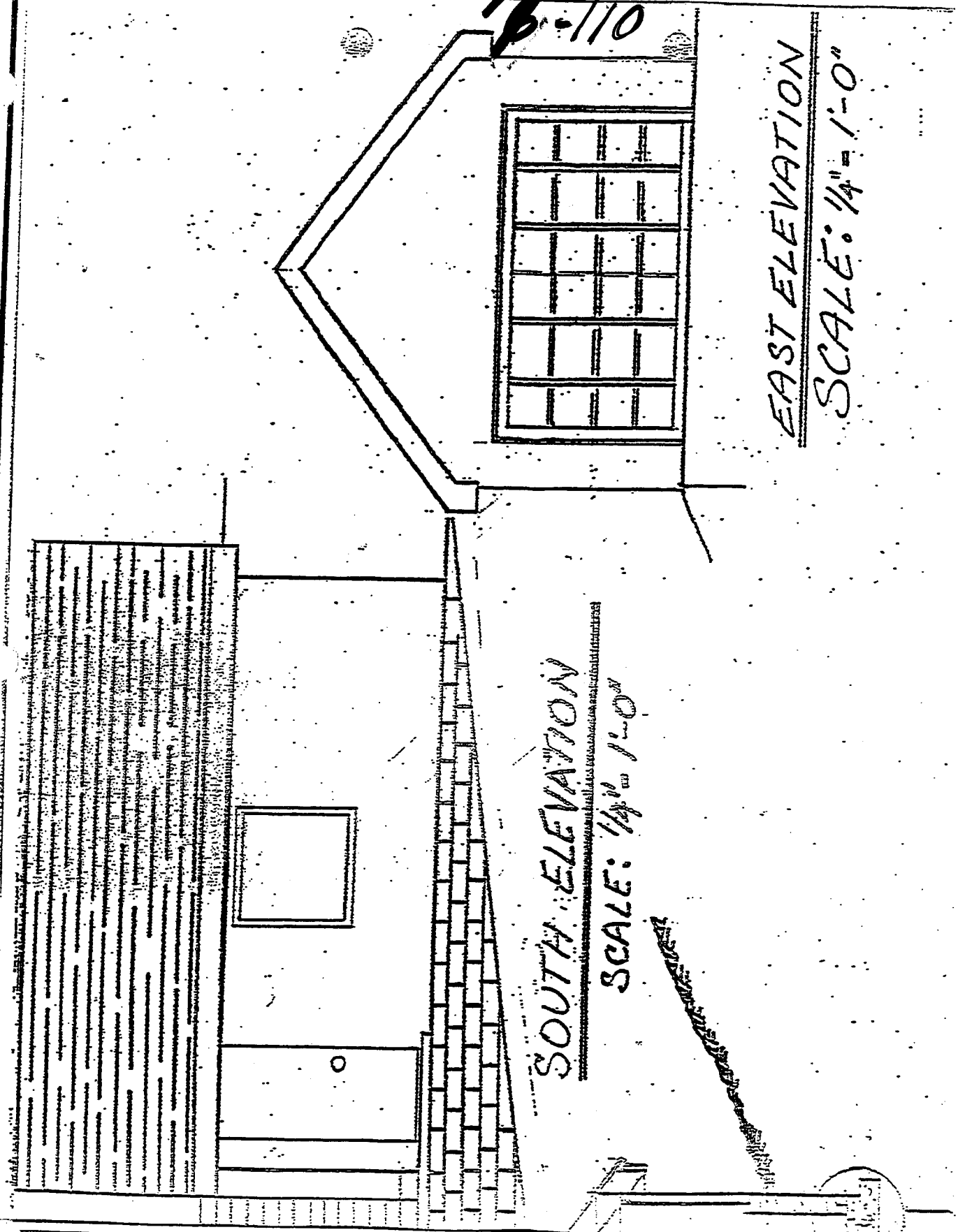

PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

East and South Garage Elevations

17

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ATTACHMENT #1

Board Resolution D990364V

C-18

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2001

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.___

RESOLUTION AFFIRMING THE DECISION OF PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF MICHAEL DEVEAU FOR VARIANCE/ COASTAL DEVELOPMENT PERMIT D990364V

The following resolution is now offered and read:

WHEREAS, on July 27, 2000 and August 23, 2001, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of Michael Deveau for Variance/ Coastal Development Permit D990364V; and

WHEREAS, Harold and Dorothy Fones have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on November 6, 2001, and determination and decision was made on November 6, 2001; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Planning Commission should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

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3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Harold and Dorothy Fones is hereby denied and the decision of the Planning Commission is affirmed and that the application of Michael Deveau for Variance/ Coastal Development Permit D990364V is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

_____
Chairperson of the Board of Supervisors

ATTEST:

_____
Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Date: October 15, 2001

EXHIBIT A
Findings - D990364V 7-114

A. As conditioned the proposed project is consistent with the Local Coastal Program and the Land Use Element of the general plan because single family dwellings are a principally permitted use in the Residential Single Family land use category. The use is consistent with all other elements of the general plan.

B. As conditioned, the project or use satisfies all applicable provisions of Title 23 of the San Luis Obispo County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in this particular case, be detrimental to the health, safety or welfare of the general working public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.

D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is the construction of a single family residence in the midst of a residential neighborhood.

E. The project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because Old Creek Road, an arterial street, is constructed to a level to be able to handle any additional traffic associated with the project.

F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because of the project's distance to marine resources, it will not inhibit access to coastal waters and recreation areas

G. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which the project is located because the single family dwellings are principally permitted uses, the project meets height requirements, adjacent sites with steep slopes are similarly developed and because the residence could not be located on less steeply sloping areas because none exist on site.

H. There are special circumstances applicable to the property, related only to size, shape, topography, location, or surrounding, and because of these circumstances, the strict application of Title 23 would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use, because the project is located on site that is almost entirely on slopes in excess of 30 percent and the site would be not accommodate development without disturbing steep slopes and the reduction of the front setback minimizes site disturbance..

I. The variance does not authorize a use that is not otherwise authorized in the land use category because single family dwellings and principally permitted in the residential single family land use category.

J. The variance is consistent with the provisions of the Local Coastal Program because the project, since no alternative locations for the building site exist that would result in less disturbance than the current proposed location, and, as designed, incorporates adequate measures to ensure to control erosion and sedimentation.

K. The granting of the application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to pubic health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements, because all grading will be engineered to ensure required standards of stability for all earthwork, and drainage improvements are required by the conditions of approval to ensure that the project does not increase or redirect runoff that would worsen existing conditions in the area.

L. Based on the initial study and all comments received there is no evidence that the project will have a significant effect on the environment.

EXHIBIT B B-116

Conditions of Approval - D990363P/D990364V

Approved Development

1. This approval authorizes a variance for the construction of an approximately 1600 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. The garage is authorized to be constructed with a zero front setback. This project also authorizes the construction of a driveway on slopes exceeding 30 % which provides access to the homesite, but does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the site plan, floor plans and architectural elevations.

3. **Prior to activation of building permit,** the engineering geologist shall verifiy that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the subject property or adjacent parcels.

Building Height

4. Building height shall not exceed 28 feet as measured from average natural grade. Prior to setting forms and foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. The control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Construction Material

5. **Prior to activation of building permit,** the applicant shall submit architectural elevations showing exterior finish materials and colors of all proposed structures (including exterior stairways) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

6. Retaining walls and under stories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Old Creek Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

7. **Prior to any site disturbance**, the following conditions shall be included on all building plans and grading plans:

   a. A Certified Engineering Geologist shall review, approve and stamp grading and construction plans, including all plans for site grading and soil excavation for building foundations. The Certified Engineering Geologist shall review all soil excavation with respect to conformance with the recommendations of the engineering geology report.
   b. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
   c. The Certified Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
   d. Should the services of the Certified Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
   e. A final report prepared by a Geotechnical Engineer and/or Civil Engineer shall be submitted to the County's building official stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
   f. The applicant shall implement all recommendations in Observation and Testing Programs prepared by project Civil Engineer(s), Geotechnical Engineer(s), and /or Certified Engineering Geologist(s). The Observation and Testing Program may include, but not be limited to any of the following tasks:

      Review of Final Project Plans
      Review of stripping and clearing of vegetation
      Review of cut and fill slopes
      Review of preparation of soil to receive fill
      Review of fill placement and compaction
      Review of subsurface drainage control
      Review of footing excavations
      Review of premoistening of subslab soils
      Review of erosion control measures

8. **During project construction/ground disturbing activities,** the applicant shall retain a Certified Engineering Geologist of record and shall provide the Engineering Geologist's written *certification of adequacy of the proposed site development for its intended use* to the Department of Planning and Building

9. **Prior to occupancy or final inspection, whichever occurs first,** the Engineering

Geologist shall verify that the report's recommendations have been incorporated into the final design and construction . This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

10. **Prior to occupancy or final inspection, whichever occurs first,** the Geotechnical Engineer shall verify that the Report's recommendations have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

Site Specific and Cumulative Drainage Impacts

11. **Prior to any site disturbance,** the applicant shall submit a Sedimentation and Erosion Control Plan, prepared and signed by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures. The plan shall include but not be limited to the following measures:

    a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas left in an unfinished state during the period from October 15 through April 15. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
    c. **Final erosion control measures:** During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion within 30 days after completion of grading, unless the graded areas are covered with impervious or other improved surfaces authorized by approved plans.
    d. **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on other properties.

12. **Prior to any site disturbance,** the applicant shall submit to the County a Drainage Plan, prepared by a Registered Civil Engineer, that evaluates: 1) the effects of the project's projected runoff on other properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

13. **Prior to occupancy or final inspection, whichever occurs first,** the Registered Civil Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building and County Engineering for review and approval. If required by the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be

inspected and approved before a certificate of occupancy is issued.

B-119.

Archaeology

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

    a. Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may by accomplished in accordance with state and federal law.
    b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Fire Safety Plan

15. **Prior to final inspection,** the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

Miscellaneous

16. **Prior to activation of building permit,** a Traffic Control Plan must be submitted to and approved by the County Engineering and Planning and Building Departments.

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ATTACHMENT #2

Board Resolution D990363P

7-122

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2001

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.___

RESOLUTION AFFIRMING THE DECISION OF PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF MICHAEL DEVEAU FOR MINOR USE PERMIT/ COASTAL DEVELOPMENT PERMIT D990363P

The following resolution is now offered and read:

WHEREAS, on July 27, 2000 and August 23, 2001, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of Michael Deveau for Minor Use Permit/ Coastal Development Permit D990363P; and

WHEREAS, Harold and Dorothy Fones have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on November 6, 2001, and determination and decision was made on November 6, 2001; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Planning Commission should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

7-123

3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Harold and Dorothy Fones is hereby denied and the decision of the Planning Commission is affirmed and that the application of Michael Deveau for Minor Use Permit/ Coastal Development Permit D990363P is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

_____
Chairperson of the Board of Supervisors

ATTEST:

_____
Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Date: October 15, 2001

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EXHIBIT A
Findings - D990363P B-124

A. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and is consistent with all of the General Plan policies.

B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied to this particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to properties in the vicinity because the installation and operation of such a facility does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

D. As conditioned, the proposed project or use will not be inconsistent with the character of the immediate area or contrary to the orderly development because the proposed use will not conflict with the surrounding lands and uses.

E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Old Creek Road, an aerterial road constructed to a level able to handle any additional traffic associated with the project.

F. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

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

C-30

EXHIBIT B 7-125

Conditions of Approval - D990363P/D990364V

Approved Development

1. This approval authorizes a variance for the construction of an approximately 1600 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. The garage is authorized to be constructed with a zero front setback. This project also authorizes the construction of a driveway on slopes exceeding 30 % which provides access to the homesite, but does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the site plan, floor plans and architectural elevations.

3. **Prior to activation of building permit**, the engineering geologist shall verifiy that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the subject property or adjacent parcels.

Building Height

4. Building height shall not exceed 28 feet as measured from average natural grade. Prior to setting forms and foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. The control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Construction Material

5. **Prior to activation of building permit,** the applicant shall submit architectural elevations showing exterior finish materials and colors of all proposed structures (including exterior stairways) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

6. Retaining walls and under stories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Old Creek Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

7. **Prior to any site disturbance**, the following conditions shall be included on all building plans and grading plans:

   a. A Certified Engineering Geologist shall review, approve and stamp grading and construction plans, including all plans for site grading and soil excavation for building foundations. The Certified Engineering Geologist shall review all soil excavation with respect to conformance with the recommendations of the engineering geology report.
   b. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
   c. The Certified Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
   d. Should the services of the Certified Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
   e. A final report prepared by a Geotechnical Engineer and/or Civil Engineer shall be submitted to the County's building official stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
   f. The applicant shall implement all recommendations in Observation and Testing Programs prepared by project Civil Engineer(s), Geotechnical Engineer(s), and /or Certified Engineering Geologist(s). The Observation and Testing Program may include, but not be limited to any of the following tasks:

      Review of Final Project Plans
      Review of stripping and clearing of vegetation
      Review of cut and fill slopes
      Review of preparation of soil to receive fill
      Review of fill placement and compaction
      Review of subsurface drainage control
      Review of footing excavations
      Review of premoistening of subslab soils
      Review of erosion control measures

8. **During project construction/ground disturbing activities,** the applicant shall retain a Certified Engineering Geologist of record and shall provide the Engineering Geologist's written *certification of adequacy of the proposed site development for its intended use* to the Department of Planning and Building

9. **Prior to occupancy or final inspection, whichever occurs first,** the Engineering

Geologist shall verify that the report's recommendations have been incorporated into the final design and construction . This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

10. **Prior to occupancy or final inspection, whichever occurs first,** the Geotechnical Engineer shall verify that the Report's recommendations have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

Site Specific and Cumulative Drainage Impacts

11. **Prior to any site disturbance,** the applicant shall submit a Sedimentation and Erosion Control Plan, prepared and signed by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures. The plan shall include but not be limited to the following measures:

    a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas left in an unfinished state during the period from October 15 through April 15. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
    c. **Final erosion control measures:** During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion within 30 days after completion of grading, unless the graded areas are covered with impervious or other improved surfaces authorized by approved plans.
    d. **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on other properties.

12. **Prior to any site disturbance,** the applicant shall submit to the County a Drainage Plan, prepared by a Registered Civil Engineer, that evaluates: 1) the effects of the project's projected runoff on other properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

13. **Prior to occupancy or final inspection, whichever occurs first,** the Registered Civil Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building and County Engineering for review and approval. If required by the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be

inspected and approved before a certificate of occupancy is issued.

7-128

Archaeology

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

    a. Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may by accomplished in accordance with state and federal law.
    b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Fire Safety Plan

15. **Prior to final inspection,** the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

Miscellaneous

16. **Prior to activation of building permit,** a Traffic Control Plan must be submitted to and approved by the County Engineering and Planning and Building Departments.

B-129

ATTACHMENT #3

Appeal

35

Nov 6 Dec 20 – Feb 5 out of town

Coastal Zone Appeal Application

San Luis Obispo County Department of Planning and Building

NOTE: To appeal a Board of Supervisors decision you will need to obtain appeal forms from the Calif Coastal Commission - 725 Front Street, Suite 300 - Santa Cruz - (j408) 427-4863.

B-130

PROJECT INFORMATION

Type of permit being appealed:

☐ Plot Plan ☑ Minor Use Permit ☑ Development Plan ☑ Variance ☐ Land Division

☐ Lot Line Adjustment ☐ Other _____ File Number: D990363P / D990364V

The decision was made by:

☐ Planning Director ☐ Building Official ☐ Administrative Hearing Officer ☐ Subdivision Review Board

☑ Planning Commission ☐ Other _____ Date the application was acted on 8/23/2001

The decision is appealed to:

☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☑ Board of Supervisors

BASIS FOR APPEAL

Please note: An appeal must be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

☑ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the certified Local Coastal Program of the county for the following reasons (*attach additional sheets if necessary*)

Explain: See attached

☐ INCOMPATIBLE WITH PUBLIC ACCESS POLIES: The development does not conform to the public access policies of the California Coastal Act - Section30210 et seq. Of the Public Resource Code (*attach additional sheets if necessary*)

Explain: _____

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (*attach additional sheets if necessary*)
1	See attached
2	"

APPELLANT INFORMATION

Print name: Harold and Dorothy Fones

Address: 440 Stuart St. Cayucos, CA 93430 Phone Number (daytime) (805) 995-1771

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the following grounds, as specified in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Harold M Fones Dorothy L Fones

Signature

9/4/2001

Date

OFFICE USE ONLY
Date Received: _____ By: _____
Amount Paid: _____ Receipt No. (if applicable): _____ Revised 7/31/01/ep

September 4, 2001

7-131

To: San Luis Obispo County
Department of Planning and Building

Re: 449 Old Creek Road
APN # 064-211-076
File Number D990363P/D990364V

Concerning Resolution No. 2001-77, relative to the granting of a Minor Use Permit/Coastal Development Permit and Variance to Mike DeVeau, I would like to appeal the decision of the Planning Commission.

It is our belief that the project does not conform to the standards set forth in the certified Local Coastal Program of the county for the following reasons:

The slope is greater than 30%
Hillside stability
Hillside erosion
Zero set back of garage
Fire danger to surrounding neighborhood
Traffic danger.

The specific Conditions that we wish to appeal are Condition #1 and #2 that authorizes a variance for construction of a residence and garage on the site. Due to the concerns of the issues listed above, we feel this approval should not have been granted.

Harold M Fones Dorothy Fones

Harold and Dorothy Fones
440 Stuart Street
Cayucos, CA 93430

C35

B-132

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ATTACHMENT #4

Revised Negative Declaration

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B-134

COUNTY OF SAN LUIS OBISPO
NOTICE OF DETERMINATION AND
NEGATIVE DECLARATION

For Official Use Only (mn)

ENVIRONMENTAL DETERMINATION NO. ED94-253, -254 DATE: February 17, 1995
REVISED: ED99-675 DATE: August 1, 2001

PROJECT DESCRIPTION

APPLICANT/ENTITLEMENT: Deveau Minor Use Permit and Variance; D940014P, D940015V, D990363P, D990364V
PLANNING AREA: Estero, Cayucos (Coastal Zone)
LAND USE CATEGORY: Residential Single Family
PARCEL SIZE: 10,000 square feet
TOTAL AREA OF DISTURBANCE: Approximately 5,000 square feet
LOCATION: On the north side of Old Creek Road, approximately 1/4 mile east of Highway 1, in the community of Cayucos
PROPOSED USES/INTENT: A request for a coastal development permit to construct a single-family residence and garage
APPLICANT: Michael Deveau; La Jolla, CA

ENVIRONMENTAL SETTING

TOPOGRAPHY:	Very steeply sloping
VEGETATION:	Grasses; forbs; coastal scrub
SOIL TYPE:	Los Osos Diablo complex
SOIL CHARACTERISTICS:	Not well drained; moderate erodibility; moderate shrink-swell potential
GEOLOGIC HAZARDS:	Low landslide potential; negligible liquefaction potential
FIRE HAZARD:	Moderate
WATER:	To be provided by County Waterworks District #8
SEWAGE DISPOSAL:	To be provided by Cayucos Sanitary District
EXISTING USES:	Undeveloped
SURROUNDING USES:	Single family residences

ADDITIONAL INFORMATION

Additional information pertaining to this environmental determination may be obtained by contacting the Department of Planning and Building - Environmental Division, County Government Center, Room 310, San Luis Obispo, CA 93408-2040, (805) 781-5600.

STATEMENT OF FINDINGS

The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Sections 21108, 21151 & 21167) is proposed.

ACTION TAKEN

On _____, 20___, the San Luis Obispo County Board of Supervisors/Planning Commission/Staff, having considered the Environmental Coordinator's action, approved/denied this project.

A copy of the Negative Declaration is available for review from the San Luis Obispo County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040.

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B-135

California Department of Fish and Game

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

PROJECT TITLE & NUMBER: Deveau Minor Use Permit/Variance (D990363P/D990364V)

ED99-675

Project Applicant

Name: Michael Deveau
Address: 8425 Ave De Las Ondas
City, State, Zip Code: La Jolla, CA 92037
Telephone #: (619) 627-8503

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

( ) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.

( ) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.

(X) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.

( ) The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____.

( ) Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Martha Neder for

Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: 8/27/01

G:\CURRENT\GEO TEAMS\Coastal Team\Martha\Environmental\Deveau.wpd(12/96)

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COUNTY OF SAN LUIS OBISPO 7-136
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Deveau Minor Use Permit/Variance (D990363P/D990364V) ED99-675

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project. Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

Initial Study Reference and Agency Contacts: The following reference materials are used in the environmental review for each project and are hereby incorporated by reference into the Initial Study.

- Project File for the Subject Application
- County General Plan (Inland & Coastal, including all maps & elements)
- County Land Use Ordinance
- Area of Critical Concerns Map
- Fire Hazard Severity Map
- Natural Species Diversity Database
- Areas of Special Biological Importance Map
- Archaeological Resources Map
- Natural Resources Conservation Service Soil Survey for San Luis Obispo County
- Flood Hazard Maps
- Airport Land Use Plans
- Other special studies, reports and existing EIRs as appropriate

In addition to the above, the County Planning or Environmental Division have contacted responsible and trustee agencies for their comments on the proposed project. With respect to the subject application, the following agencies have been contacted (marked with an "X") or have responded (marked with "XX"):

XX County Engineering Department
___ County Environmental Health Division
___ County Planning Division
___ County Agricultural Commissioner's Office
___ County Airport Manager
___ Airport Land Use Commission
___ Air Pollution Control District
___ County Sheriff's Department
___ CA Department of Fish and Game
___ CA Department of Forestry
___ CA Department of Transportation
___ Regional Water Quality Control Board
___ CA Coastal Commission
XX Other Cayucos Water District
XX Other Cayucos Citizens Advisory Council
XX Other Cayucos Fire Protection District

Checklist Identification of Mitigations for Potential Impacts: The checklist provides the identification and summary of the project's potential environmental impacts. Where potential impacts require mitigation, the following list of mitigations explains how the identified potential environmental impacts can and will be avoided or substantially lessened:

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A. The project has been changed to avoid or substantially lessen environmental impacts. Where changes require explanation, the change(s) will be discussed in the Special Environmental Considerations section or attached material following the checklist.

B. The project is subject to standards and requirements of the Land Use Element/Land Use Ordinance and/or other County ordinances that include provisions to avoid or substantially lessen environmental impacts. These provisions are requirements that must be incorporated into the project.

C. The project is subject to state and/or federal regulations, laws and/or requirements that include provisions to avoid or substantially lessen environmental impacts. The project must incorporate the above provisions in order to be in compliance with Federal or State law.

D. A special mitigation plan to avoid or lessen environmental impacts has been agreed to by the applicant. This will be noted on the checklist and, if necessary, discussed in an attachment to the checklist.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

	Potentially Significant Impact	Impact Can & Will be Mitigated	Insignificant Impact	Not Applicable
I. BIOLOGICAL RESOURCES				
A. Wildlife	( )	( )	(X)	( )
B. Vegetation	( )	( )	(X)	( )
C. Habitat Area	( )	( )	(X)	( )
D. Rare and/or Endangered Species	( )	( )	( )	(X)
E. Unique or Fragile Biotic Community	( )	( )	( )	(X)
F. State Area of Special Biological Importance	( )	( )	( )	(X)
G. Riparian/Wetland Area	( )	( )	( )	(X)
H. Other: _____	( )	( )	( )	( )

Mitigation: A___ B___ C___ D___

( ) See attached exhibits: ( )Developer's Statement; ( )Agency Response _____
( )Revised Plans; ( )Designated Bldg Sites

( ) See Special Environmental Considerations

( ) See Document in file _____

	Potentially Significant Impact	Impact Can & Will be Mitigated	Insignificant Impact	Not Applicable
II. DRAINAGE, EROSION AND SEDIMENTATION				
A. Increased Storm Water Runoff	( )	( )	(X)	( )
* B. Erodible Soils/Erosion	( )	(X)	( )	( )
C. Poorly Drained Soils	( )	( )	(X)	( )
* D. Sedimentation	( )	(X)	( )	( )
E. Contributes to Existing Drainage Problem	( )	( )	(X)	( )
F. Alters Existing Drainage Course or Waterway	( )	( )	( )	(X)
G. Other: _____	( )	( )	( )	( )

* **Mitigation:** A___ B X [see LUO sec.22.05.036(CZLUO 23.05.036); C___ D X 22.05.040(CZLUO 23.05.040)]

( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( )Sedimentation & Erosion Control/Drainage Plan

( ) See Special Environmental Considerations

( ) See Document in file _____

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	Potentially Significant Impact	Impact Can & Will be Mitigated	Insignificant Impact	Not Applicable

III. GEOLOGICAL HAZARDS/SITE ALTERATION

* A.	Landslide Hazard	( )	(X)	( )	( )
* B.	Seismic Hazard	( )	(X)	( )	( )
* C.	Topographic Alteration; Grading for Building X, Driveways X, Roads__, Other __	( )	(X)	( )	( )
* D.	Soil Expansion	( )	(X)	( )	( )
* E.	Steep Slopes	( )	(X)	( )	( )
F.	Other:_____	( )	( )	( )	( )

* **Mitigation:** A ___ B ___ C ___ D X
* (X) See attached exhibit(s): (X)Developer's Statement; ( )Agency Response_____
( ) Sed./Erosion Control Plan; ( )Revised Plans; ( ) Designated Bldg Sites
( ) See Special Environmental Considerations
* (X) See Document in file Geologic Hazard Report (July 7, 1998); Geotechnical Engineering Report (July 29, 1998)

IV. WATER RESOURCES

A.	Groundwater Quantity	( )	( )	(X)	( )
B.	Groundwater Quality	( )	( )	(X)	( )
C.	Surface Water Quantity	( )	( )	(X)	( )
D.	Surface Water Quality	( )	( )	(X)	( )
E.	Stream Flow Change	( )	( )	( )	(X)
F.	Change to Estuarine Environment	( )	( )	( )	(X)
G.	Other:_____	( )	( )	( )	( )

Mitigation: A ___ B ___ C ___ D ___
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( )Hydrology Report
( ) See Special Environmental Considerations
( ) See Document in file _____

V. POLLUTION

A.	Hazardous Materials	( )	( )	(X)	( )
B.	Groundwater Pollution	( )	( )	(X)	( )
C.	Surface Water Pollution	( )	( )	(X)	( )
D.	Increase in Existing Noise Levels	( )	( )	(X)	( )
E.	Exposure of People to Severe Noise Levels	( )	( )	(X)	( )
F.	Substantial Air Emissions	( )	( )	(X)	( )
G.	Deterioration of Ambient Air Quality	( )	( )	(X)	( )
H.	Creation of Objectionable Odors	( )	( )	(X)	( )
I.	Other:_____	( )	( )	( )	( )

Mitigation: A ___ B ___ C ___ D ___
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( )Hydrology/Noise Study
( ) See Special Environmental Considerations
( ) See Document in file _____

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	Potentially Significant Impact	Impact Can & Will be Mitigated	Insignificant Impact	Not Applicable
VI. TRAFFIC				
A. Increase in Vehicle Trips	( )	( )	(X)	( )
B. Reduced Levels of Service on Existing Public Roadways	( )	( )	(X)	( )
C. Limited or Unsafe Access	( )	( )	(X)	( )
D. Creates Unsafe Conditions on Public Roadways	( )	( )	(X)	( )
E. Areawide Traffic Circulation	( )	( )	(X)	( )
F. Internal Traffic Circulation	( )	( )	(X)	( )
G. Other:_____	( )	( )	( )	( )

Mitigation: A ___ B ___ [see Co. Code Title 13.01.010-.060; __ Circulation Fee]; C ___ D ___
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response _____
( )Traffic Study
( ) See Special Environmental Considerations
( ) See Document in file _____

VII. PUBLIC SERVICES				
A. Fire Protection Services	( )	( )	(X)	( )
B. Police/Sheriff Services	( )	( )	(X)	( )
C. Schools	( )	( )	(X)	( )
D. Community Wastewater	( )	( )	(X)	( )
E. Community Water Supply	( )	( )	(X)	( )
F. Solid Waste Disposal	( )	( )	(X)	( )
G. Onsite Wastewater	( )	( )	(X)	( )
H. Onsite Water	( )	( )	( )	(X)
I. Other:_____	( )	( )	( )	(X)
	( )	( )	( )	( )

Mitigation: A ___ B ___ (School Fee, Countywide Fee) C ___ D ___
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response _____
( ) See Special Environmental Considerations
( ) See Document in file _____

VIII. AESTHETIC/CULTURAL RESOURCES				
A. Visual Impact from Public Roadway	( )	( )	(X)	( )
B. Increased Light or Glare	( )	( )	(X)	( )
C. Alters Important Scenic Vista	( )	( )	(X)	( )
D. Archaeological Resources	( )	( )	(X)	( )
E. Historic Resources	( )	( )	( )	(X)
F. Other:_____	( )	( )	( )	( )

Mitigation: A ___ B ___ C ___ D ___
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( )Visual Analysis; ( )Revised Plans; ( )Landscape Plan; ( ) Designated Bldg Sites
( ) See Special Environmental Considerations
( ) Document in file _____

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	Potentially Significant Impact	Impact Can & Will be Mitigated	Insignificant Impact	Not Applicable
IX. HOUSING AND ENERGY				
A. Creates Substantial Demand for Housing	( )	( )	(X)	( )
B. Uses Substantial Amount of Fuel or Energy	( )	( )	(X)	( )
C. Encourages Growth Beyond Resource Capacities	( )	( )	(X)	( )
D. Other: _____	( )	( )	( )	( )

Mitigation: A __ B __ C __ D __
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( ) See Special Environmental Considerations
( ) See Document in file _____

X. AGRICULTURAL/MINERAL RESOURCES				
A. Eliminates Valuable Mineral Resources	( )	( )	( )	(X)
B. Prime Agricultural Soils	( )	( )	( )	(X)
C. Conflicts with Existing Agricultural Area	( )	( )	( )	(X)
D. Change from Agriculture to Other Uses	( )	( )	( )	(X)
E. Other: _____	( )	( )	( )	( )

Mitigation: A __ B __ C __ D __
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( ) See Special Environmental Considerations
( ) See Document in file _____

XI. GROWTH INDUCING/CUMULATIVE EFFECTS				
A. Growth Inducing Effects	( )	( )	(X)	( )
B. Precedent for Change in Area Land Use	( )	( )	(X)	( )
C. Cumulative Effects: _____	( )	( )	(X)	( )
_____	( )	( )	( )	( )
_____	( )	( )	( )	( )
_____	( )	( )	( )	( )
D. Other: _____	( )	( )	( )	( )

Mitigation: A __ B__ (School Fee, Countywide Fee) C __ D __
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( ) See Special Environmental Considerations
( ) See Document in file _____

INITIAL STUDY PREPARATION

Prepared by: Name Martha Neder Signature Martha Neder Date 8/27/01

Reviewed by: Name John Nall Signature John Nall Date 8/27/01

G:\CURRENT\GEO TEAMS\Coastal Team\Martha\Environmental\Deveau.wpd(11/98)

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ATTACHMENT #5

CCAC Letter (July 6, 2000)

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Cayucos 7-142

RECEIVED JUL 10 2000 S.L.O. 8-45

CITIZENS ADVISORY COUNCIL
P.O. BOX 731 • CAYUCOS, CA 93430

July 6, 2000

Ms. Lauren Lajoie
Dept. of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Dear Lauren:

At our meeting of July 5, the Council held public discussion of the DeVeau project proposed for 449 Old Creek Road. Our discussion revealed a number of issues that should be addressed before this project be to allowed to proceed. The Council as a standing recommendation relevant to this project and voted unanimously to make other specific recommendations listed below.

1. *Standing recommendation on steep slope development.* The Council recommends that the technical reports for any proposal to develop on slopes greater the 30% should receive the most stringent review, including independent professional review when appropriate. Foundation design should be approved by a registered engineer, who should also supervise excavation and installation. The retaining walls of this project should be subject to the same conditions.

2. *Earth Systems Pacific report.* The report by Earth Systems Pacific dated May 24, 2000, indicates the residence should not be built on the unstable lower portion of the lot. If the garage, driveway, and retaining walls are to build on this part of the lot, the engineers' report should demonstrate sufficient earth stability for these structures and that the existence of these structures will not compromise the stability of the upper lot.

3. *Fire protection.* The overall fire safety of this project should have the explicit approval of the Cayucos Fire Dept.

4. *Driveway access.* The driveway as proposed would be built on county road right of way. The County should confirm that this encroachment is consistent with established policies. The County should also assess the traffic safety issue of ingress/egress at this point on Old Creek Rd.

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8-4

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5. *Road standards and maintenance*. Since the driveway would also provide access to future development on adjacent lots, the road should be built to County Standard A-1 (Rural). The project should also detail maintenance responsibility and liability if the road or retaining walls should fail.

6. *Garage setback*. The proposed garage appears to be have no setback from the front property line.

Please feel free to contact me at 995-3059 if you have any questions. Thank you.
Sincerely yours,

Bruce S. Gibson

Bruce S. Gibson
Chairman, Land Use Committee

CC: Supervisor Shirley Bianchi
Pat Beck, Planning Dept.

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C 8
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ATTACHMENT #6

Correspondence

3
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CAYUCOS FIRE PROTECTION DISTRICT
201 CAYUCOS DRIVE
P.O. BOX 707
CAYUCOS, CA 93430
(805) 995-3372

B-146

PROJECT FIRE PLAN REVIEW

TO: COUNTY SAN LUIS OBISPO PLANNING DEPARTMENT

OWNER'S NAME: MICHAEL P. DEVEAU

PROJECT ADDRESS 449 OLD CR. ROAD (APN 064-211-076)

BUILDING PERMIT NUMBER B96-09551-001

REMODEL (NEW) CONSTRUCTION 1600 ☒ SFD

NEAREST FIRE HYDRANT: Location OLD CREEK @ RICHARD

Distance to Project 135'

Flow 1000+ GPM

SECONDARY FIRE HYDRANT: Location

Distance to Project N/A

Flow

FINDING: We (will)/~~will~~ ~~not~~ be able to provide fire and life protection ~~to~~ this project as planned. CONDITIONAL

REASON(S) FOR ~~NON-APPROVAL~~: CONDITIONS

____ Setbacks (Exposures)

____ Hydrant (Distance, Fireflow)

____ Height

____ (Access)

____ Other (See Comments)

ADJUSTMENTS ~~COMMENTS~~: PROJECT TO BE SPRINKLERED TO MEET NFPA 13D STANDARDS. IN ADDITION A FLOW ALARM MUST BE INSTALLED WITH REMOTE MONITORING. THE DRIVEWAY MUST BE ENGINEERED TO SUPPORT AN IMPOSED LOAD OF 20 TONS AT 25 MPH. DRIVEWAY IN EXCESS OF 16% GRADE SHALL BE CONCRETE WITH NON-SLIP SURFACE. FUEL MODIFICATION 10 FEET EACH SIDE OF DRIVEWAY REQUIRED.

SIGNED Bill DATE 4-28-00

NAME Bill Radke

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J. Norman Dawe
432 Stuart Avenue
Cayucos, CA 93430

August 21, 2001

SLO County Commissioners

Subject: Proposed Deveau Construction Variance Request
APN #064-211-076

Ladies and Gentlemen,

My wife and I own the property which is contiguous with the North boundary of the subject parcel and we are of the opinion that your granting of a variance for the proposed development on the subject parcel could be deliterious to our existing homesite. That lot is a very precipitous hill and to undertake major excavation thereon, as is proposed, could cause a landslide.

I have read, and re-read, the associated geological and other technical reports on which your staff seem to be predicating their approval of this variance. By my reading and interpretation, none of these reports from these experts unequivocally recommends approval to building a home on this lot. Rather, each report summary suggests that there are numerous special contingency measures which must be implemented during construction in order to compensate for the shortcomings of the location, so as to meet and satisfy the numerous government code requirements.

C3
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Subject: Proposed Deveau Construction Variance Request
APN #064-211-076 B-148

In simplistic terms, the lot is too steep and unstable to be a suitable site for conventional residential construction. It takes no particular genius to figure that out. I know it is probably beyond the scope of your, and your staffs' duties, to personally view the lot, but I would invite you to come look at the subject property from my back yard, or you could drive a little ways up Old Creek road and see for yourself.

I recognize that the variance process is certainly a judgment call. And while it would be convenient for you to forego the matter of general liability here in order to accommodate this individuals' special request, your obligations extend to all of us, and I think if you examine the facts in this case I believe you'll agree you would be remiss in carrying out your responsibilities as Commissioners if you were to approve this variance.

Very Truly Yours,

J. Norman Dawe

J. Norman Dawe

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7-149

Kat Kennedy
454 Old Creek Rd
Cayucos, CA 93430

RECEIVED
AUG 17 2001
Planning & Bldg

August 15, 2001

Re: DeVeau Property
County File No. D990363P/D990364V

Martha Neder, Planner
SLO Co Planning Department
County Government Center
San Luis Obispo, CA 93408

Dear Ms. Neder:

I have received notification that the above listed property will be on the August 23, 2001 agenda. I have concerns about the building of this house and garage and would like to take this opportunity to list them.

One concern is the slope of the property. My house is directly across the street and I am worried that in any given year with measurable rainfall, I could find Mr. DeVeau's house in my front yard. Also, the drainage of the property concerns me. Where will the water go? Down to the creek? Through my property to get to the creek?

My other concern is fire vehicle access. I understand there is no access from Stuart Ave. I'd be interested in knowing how the fire safety personnel will access his property from Old Creek Rd. in case on an emergency.

When all of these problems are worked out and Mr. DeVeau is able to build his house and garage, I am concerned about the safety of everyone in the area while the construction is going on. Traffic moves very swiftly on Old Creek Rd and if there are any vehicles blocking any portion of this road, the potential for injury is great. My suggestions would be to have flagmen on both sides of the construction side. I am also wondering where the residents and any visitors will park during construction and once it is completed.

I am unable to attend this meeting because of the vacation schedules of my co-employees but hope that my concerns will be addressed.

Sincerely,

Kat Kennedy

Kat Kennedy

cc: Matt Janssen, Environmental Specialist
SLO Co Board of Supervisors

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

August 21, 2001

Kat Kennedy
454 Old Creek Rd
Cayucos, CA 93430

Subject: Deveau D990363P/D990364V

Dear Ms. Kennedy:

Thank you for letter dated August 15, 2001 regarding the Deveau Variance/Minor Use Permit. I tried to call you to address your concerns, but there was no answer or answering machine.

Concerns identified in your letter include traffic, drainage, and fire vehicle access. The project is required to have a traffic control plan approved by Public Works. The project is also required to submit a drainage plan, prepared by a Registered Civil Engineer and approved by Public Works. The drainage plan is required to evaluate the effects of projected runoff on other properties and drainage facilities as well as estimates of existing and increased runoff from proposed improvements. The applicant is required to incorporate recommendations of the drainage plan in the final design and construction.

The project has received clearance from the Cayucos Fire Department. The fire plan does have conditions based on the access issue. These conditions require the house to have fire sprinklers and the driveway to be constructed to fire department standards. In addition, the project has been conditioned to provide proof of compliance with the fire safety plan prior to final inspection.

If you have questions or need additional information, please do not hesitate to contact me at 781-5716.

Sincerely,

Martha Neder

Martha Neder,
Development Review

Earth Systems Pacific

4378 Santa Fe Road
San Luis Obispo, CA 93401-8116
(805) 544-3276 • FAX (805) 544-1786
E-mail: esc@earthsys.com

7-151

August 29, 2000

FILE NO.: SL-11019-GB

Pat Beck
San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, California 93408

PROJECT: DEVEAU RESIDENCE
OLD CREEK ROAD, CAYUCOS, CALIFORNIA

SUBJECT: Site Stability

REF.:

1) Letter from the San Luis Obispo County Department of Planning and Building, subject: Deveau (D990363P & D990364V), by Pat Beck, Principal Planner, dated August 7, 2000

2) Grading/Drainage Plan Review, APN 64-211-76, Old Creek Road, Cayucos, California, prepared by Earth Systems Pacific, dated May 24, 2000, Doc. No.: 0005-344.LTR

3) Grading and Drainage Plan (DRAFT) for: APN 64-211-76, Old Creek Road, Cayucos, California, prepared by Triad/Holmes Associates, dated May 22, 2000

4) Geologic Hazard Report, DeVeau Residence, APN 64-211-76, Old Creek Road, Cayucos, California, prepared by Earth Systems Consultants Northern California, dated July 7, 1998, Doc. No.: 9807-007-RPT

Dear Ms. Beck:

In accordance with your request in the above letter (Reference No. 1), I have provided geologic information herein regarding the stability of the site. We understand that the Planning Commission and neighbor's upslope of the site are concerned about the impact the proposed development would have on the stability of the site. The attached cross section A-A' depicts the existing and proposed topographic profile of the site, as well as the location of the proposed structures. The cross section was drawn from topographic

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and proposed building information presented on the Grading and Drainage Plan (Reference No. 3).

The site for the residence was proposed by Mr. DeVeau. My comment regarding the elevation of the residence was meant to recommend that the residence location be limited to the area above elevation 162 feet because that was a stable portion of the site with relatively shallow rock in which to found the residence. It may be possible to build the residence elsewhere on the site but other building sites were not investigated and it is anticipated that construction in other areas would be considerably more expensive and problematic. Due to the presence of shallow rock in the proposed residence area and our understanding that there would be no significant grading and the building would be built above ground level with only foundations penetrating the ground surface, the proposed residence construction would have no effect on the stability of residences upslope.

The geologic hazard report (Reference No. 4) indicates that the proposed garage and driveway site is unstable and that retaining structures for all cuts and for the hillside above Old Creek road would be necessary. An existing landslide adjacent to the site near the bottom of the slope is evidence of the potential for the type of slope instability that could occur along the lower part of the site. The geologic hazard report also states that, "there is a potential for gross slope failure to occur on the face of the hillside along Old Creek Road and in the vicinity of the planned garage area." It is not within the scope of a geology report to address the possible methods of retaining those slopes or to investigate the foundation requirements for any of the potential retaining structures or methods.

If you have any questions, or if we can be of service in any way, please call this office at your convenience.

Sincerely,

Earth Systems Pacific

Richard T. Gorman, Engineering Geologist

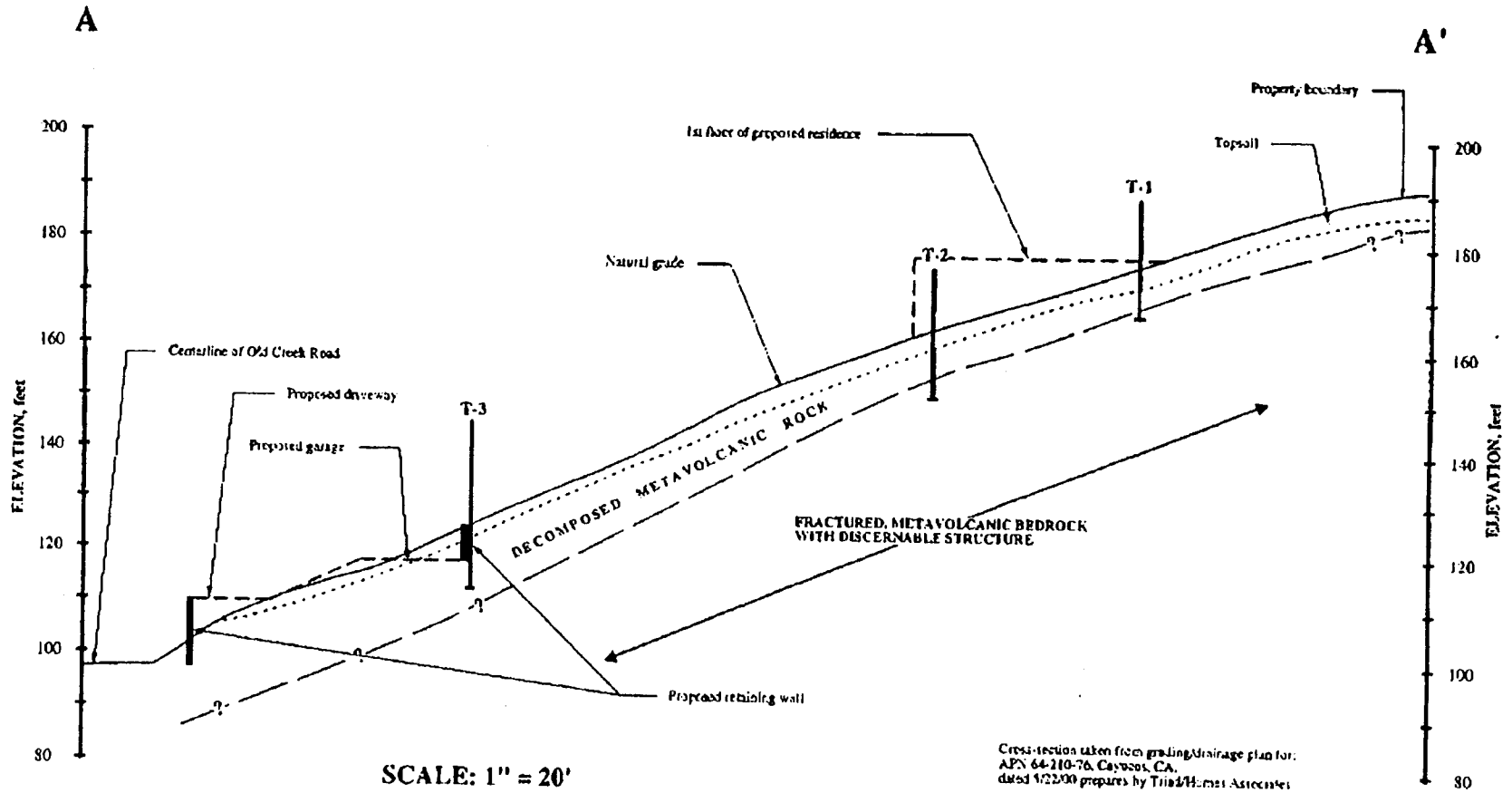
REGISTERED GEOLOGIST
RICHARD T. GORMAN
No. CEG 1325
CERTIFIED ENGINEERING GEOLOGIST
STATE OF CALIFORNIA

mr

Attachment: Cross Section A-A'

Copy to: Mid-Coast Geotechnical, Inc. Attn: Paul Carter
Michael DeVeau

Doc. No.: 0008-384.LTR



SECTION A-A'

DEVEAU RESIDENCE
Old Creek Road
Cayucos, California

Earth Systems Consultants
Northern California
4378 Santa Fe Road, San Luis Obispo, CA 93401
(805) 544-3276 (805) 544-1786 FAX

August 11, 2000 LR SL-11019-GB

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ATTACHMENT #7

August 23, 2001
Planning Commission Minutes

3 of 5

8. This being the time set for hearing the proposal by MICHAEL DEVEAU for a Minor Use Permit/Coastal Development Permit and Variance/Coastal Development Permit to allow construction of a single family dwelling, detached garage, and driveway on slopes exceeding 30 percent, in the Residential Single Family Land Use Category. The property is located in the county on the north side of Old Creek Road, approximately 1/4 mile east of Highway One, in the community of Cayucos, APN: 064-211-076, in the Estero Planning Area. County File Number: D990363P/D990364V. Martha Neder, staff, presents the report. Commissioner Roos asks question on road right of way and driveways to the lots. Richard Marshall comments that driveways are on the road right of way up to the point of connection to each private lot. Leon Chaulet, engineer representing Mr. Deveau, comments on design of the slope, steel beams will be put in for stability, goes over soil types. Mary Ann Carnegie, Cayucos, reads letter from Janet Dawes opposed to this development. Harold Fones states he is opposed to building on this slope. Dorothy Fones feels this is dangerous building site, could cause landslides, they can't ever get to their back yard without going through the house. Helen Bailey states she feels this is a dangerous slope. Leon Chaulet, engineer, answers questions from the neighbors, feels grading down below and steel piles in the soil will make it more stable than it is now. Commissioner Boche asks about fire access to the site. Martha Neder states the Fire Department has cleared access, house needs to be sprinklered. Commissioner Mehlschau asks about traffic coming out on Old Creek Road. Richard Marshall states it would be hard to say this lot is the cause for problems on Old Creek Road in and of itself. Matt Janssen, staff, states there are new geology reports in the file. Thereafter, on motion of Commissioner Roos, seconded by Commissioner Mehlschau, and carried, with Commissioner Boche voting no, in the absence of Commissioner Liberto-Blanck, the negative declaration in accordance with CEQA guidelines, and RESOLUTION NO. 2001-76 granting a Variance/Coastal Development Permit to MIKE DEVEAU for the above referenced matter, based on Findings A through L and Conditions 1 through 17, with Condition 1 "950 square foot" changed to "1600 square foot", and 17 added to read: "Prior to activation of the building permit, the applicant shall ~~provide~~ require an easement verifying access to neighbors property to the west to the satisfaction of County Counsel"; and 18 the words "development plan" corrected to "minor use permit/variance", and RESOLUTION NO. 2001-77 granting a Minor Use Permit/Coastal Development Permit to MIKE DEVEAU for the above referenced matter, based on Findings A through G, and Conditions 1 through 17, with the same changes as noted above, adopted.

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ATTACHMENT #8

Planning Commission Resolution D990363P

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PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, August 23, 2001

PRESENT: Commissioners Cynthia Boche, Eugene Mehlschau, Bob Roos, Chairman Wayne Cooper

ABSENT: Commissioner Doreen Liberto-Blanck

RESOLUTION NO. 2001-76
RESOLUTION RELATIVE TO THE APPROVAL OF A
VARIANCE/COASTAL DEVELOPMENT PERMIT

WHEREAS, The County Planning Commission of the County of San Luis Obispo, State of California, did on the 23rd of August, grant a Variance and Minor Use Permit/Coastal Development Permit to MIKE DEVEAU to allow construction of a single family dwelling, detached garage, and driveway on slopes exceeding 30 percent, in the Residential Single Family Land Use Category. The property is located in the county on the north side of Old Creek Road, approximately 1/4 mile east of Highway One, in the community of Cayucos, APN: 064-211-076, in the Estero Planning Area. County File Number: D990363P/D990364V.

WHEREAS, The Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Findings listed in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 23rd day of August, 2001, does hereby grant the aforesaid Permit No. D990363P/D990364V.

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If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the County Ordinance.

If the use authorized by this Permit, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six months (6) or conditions have not been complied with, such this Permit shall become void.

On motion of Commissioner Roos, seconded by Commissioner Mehlschau, and on the following roll call vote, to wit:

AYES: Commissioners Roos, Mehlschau, Chairman Cooper

NOES: Commissioner Boche

ABSENT: Commissioner Liberto-Blanck

the foregoing resolution is hereby adopted.

/s/ Wayne Cooper
Chairman of the Planning Commission

ATTEST:

/s/ Diane Tingle
Secretary Planning Commission

EXHIBIT A
Findings - D950270V

A. As conditioned the proposed project is consistent with the Local Coastal Program and the Land Use Element of the general plan because single family dwellings are a principally permitted use in the Residential Single Family land use category. The use is consistent with all other elements of the general plan.

B. As conditioned, the project or use satisfies all applicable provisions of Title 23 of the San Luis Obispo County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in this particular case, be detrimental to the health, safety or welfare of the general working public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.

D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is the construction of a single family residence in the midst of a residential neighborhood.

E. The project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because Old Creek Road, an arterial street, is constructed to a level to be able to handle any additional traffic associated with the project.

F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because of the project's distance to marine resources, it will not inhibit access to coastal waters and recreation areas

G. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which the project is located because the single family dwellings are principally permitted uses, the project meets height requirements, adjacent sites with steep slopes are similarly developed and because the residence could not be located on less steeply sloping areas because none exist on site.

H. There are special circumstances applicable to the property, related only to size, shape, topography, location, or surrounding, and because of these circumstances, the strict application of Title 23 would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use, because the project is located on site that is almost entirely on slopes in excess of 30 percent and the site would be not accommodate development without disturbing steep slopes and the reduction of the front setback minimizes site disturbance..

I. The variance does not authorize a use that is not otherwise authorized in the land use category because single family dwellings and principally permitted in the residential single family land use category.

J. The variance is consistent with the provisions of the Local Coastal Program because the project, since no alternative locations for the building site exist that would result in less disturbance than the current proposed location, and, as designed, incorporates adequate measures to ensure to control erosion and sedimentation.

K. The granting of the application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to pubic health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements, because all grading will be engineered to ensure required standards of stability for all earthwork, and drainage improvements are required by the conditions of approval to ensure that the project does not increase or redirect runoff that would worsen existing conditions in the area.

L. Based on the initial study and all comments received there is no evidence that the project will have a significant effect on the environment.

EXHIBIT B
Conditions of Approval - D990363P/D990364V

Approved Development

1. This approval authorizes a variance for the construction of an approximately 1600 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. The garage is authorized to be constructed with a zero front setback. This project also authorizes the construction of a driveway on slopes exceeding 30 % which provides access to the homesite, but does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the site plan, floor plans and architectural elevations.

3. **Prior to activation of building permit,** the engineering geologist shall verifiy that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the subject property or adjacent parcels.

Building Height

4. Building height shall not exceed 28 feet as measured from average natural grade. Prior to setting forms and foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. The control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Construction Material

5. **Prior to activation of building permit,** the applicant shall submit architectural elevations showing exterior finish materials and colors of all proposed structures (including exterior stairways) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

6. Retaining walls and under stories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Old Creek Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

Site Specific and Cumulative Geologic Impacts

7. **Prior to any site disturbance**, the following conditions shall be included on all building plans and grading plans:

   a. A Certified Engineering Geologist shall review, approve and stamp grading and construction plans, including all plans for site grading and soil excavation for building foundations. The Certified Engineering Geologist shall review all soil excavation with respect to conformance with the recommendations of the engineering geology report.
   b. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
   c. The Certified Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
   d. Should the services of the Certified Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
   e. A final report prepared by a Geotechnical Engineer and/or Civil Engineer shall be submitted to the County's building official stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
   f. The applicant shall implement all recommendations in Observation and Testing Programs prepared by project Civil Engineer(s), Geotechnical Engineer(s), and /or Certified Engineering Geologist(s). The Observation and Testing Program may include, but not be limited to any of the following tasks:

      Review of Final Project Plans
      Review of stripping and clearing of vegetation
      Review of cut and fill slopes
      Review of preparation of soil to receive fill
      Review of fill placement and compaction
      Review of subsurface drainage control
      Review of footing excavations
      Review of premoistening of subslab soils
      Review of erosion control measures

8. **During project construction/ground disturbing activities,** the applicant shall retain a Certified Engineering Geologist of record and shall provide the Engineering Geologist's written *certification of adequacy of the proposed site development for its intended use* to the Department of Planning and Building

9. **Prior to occupancy or final inspection, whichever occurs first,** the Engineering Geologist shall verify that the report's recommendations have been incorporated into the final design and construction . This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

10. **Prior to occupancy or final inspection, whichever occurs first,** the Geotechnical Engineer shall verify that the Report's recommendations have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

Site Specific and Cumulative Drainage Impacts

11. **Prior to any site disturbance,** the applicant shall submit a Sedimentation and Erosion Control Plan, prepared and signed by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures. The plan shall include but not be limited to the following measures:

    a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas left in an unfinished state during the period from October 15 through April 15. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
    c. **Final erosion control measures:** During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion within 30 days after completion of grading, unless the graded areas are covered with impervious or other improved surfaces authorized by approved plans.
    d. **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on other properties.

12. **Prior to any site disturbance,** the applicant shall submit to the County a Drainage Plan, prepared by a Registered Civil Engineer, that evaluates: 1) the effects of the project's projected runoff on other properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

13. **Prior to occupancy or final inspection, whichever occurs first,** the Registered Civil Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building and County Engineering for review and approval. If required by

the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be inspected and approved before a certificate of occupancy is issued.

Archaeology

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

    a. Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may by accomplished in accordance with state and federal law.

    b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Fire Safety Plan

15. **Prior to final inspection**, the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

Miscellaneous

16. **Prior to activation of building permit**, a Traffic Control Plan must be submitted to and approved by the County Engineering and Planning and Building Departments.

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ATTACHMENT #9

Planning Commission Resolution D990364V

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PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, August 23, 2001

PRESENT: Commissioners Cynthia Boche, Eugene Mehlschau, Bob Roos, Chairman Wayne Cooper

ABSENT: Commissioner Doreen Liberto-Blanck

RESOLUTION NO. 2001-77
RESOLUTION RELATIVE TO THE GRANTING
OF A MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT

WHEREAS, The County Planning Commission of the County of San Luis Obispo, State of California, did, on the 23rd of August, 2001, grant a Minor Use Permit/Coastal Development Permit and Variance to MIKE DEVEAU to allow construction of a single family dwelling, detached garage, and driveway on slopes exceeding 30 percent, in the Residential Single Family Land Use Category. The property is located in the county on the north side of Old Creek Road, approximately 1/4 mile east of Highway One, in the community of Cayucos, APN: 064-211-076, in the Estero Planning Area. County File Number: D990363P/D990364V.

WHEREAS, The Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 23rd day of August, 2001, does hereby grant the aforesaid Permit No. D990363P/D990364V.

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If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six months (6) or conditions have not been complied with, such Permit approval shall become void.

On motion of Commissioner Roos, seconded by Commissioner Mehlschau, and on the following roll call vote, to-wit:

AYES: Commissioners Roos, Mehlschau, Chairman Cooper

NOES: Commissioner Boche

ABSENT: Commission Liberto-Blanck

the foregoing resolution is hereby adopted.

/s/ Wayne Cooper
Chairman of the Planning Commission

ATTEST:

/s/ Diane Tingle
Secretary, County Planning Commission

EXHIBIT A
Findings - D990363P

A. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and is consistent with all of the General Plan policies.

B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied to this particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to properties in the vicinity because the installation and operation of such a facility does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

D. As conditioned, the proposed project or use will not be inconsistent with the character of the immediate area or contrary to the orderly development because the proposed use will not conflict with the surrounding lands and uses.

E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Old Creek Road, an aerterial road constructed to a level able to handle any additional traffic associated with the project.

F. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

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

EXHIBIT B
Conditions of Approval - D990363P/D990364V

Approved Development

1. This approval authorizes a variance for the construction of an approximately 1600 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. The garage is authorized to be constructed with a zero front setback. This project also authorizes the construction of a driveway on slopes exceeding 30 % which provides access to the homesite, but does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the site plan, floor plans and architectural elevations.

3. **Prior to activation of building permit,** the engineering geologist shall verifiy that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the subject property or adjacent parcels.

Building Height

4. Building height shall not exceed 28 feet as measured from average natural grade. Prior to setting forms and foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. The control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Construction Material

5. **Prior to activation of building permit,** the applicant shall submit architectural elevations showing exterior finish materials and colors of all proposed structures (including exterior stairways) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

6. Retaining walls and under stories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Old Creek Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

Site Specific and Cumulative Geologic Impacts

7. **Prior to any site disturbance,** the following conditions shall be included on all building plans and grading plans:

   a. A Certified Engineering Geologist shall review, approve and stamp grading and construction plans, including all plans for site grading and soil excavation for building foundations. The Certified Engineering Geologist shall review all soil excavation with respect to conformance with the recommendations of the engineering geology report.
   b. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
   c. The Certified Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
   d. Should the services of the Certified Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
   e. A final report prepared by a Geotechnical Engineer and/or Civil Engineer shall be submitted to the County's building official stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
   f. The applicant shall implement all recommendations in Observation and Testing Programs prepared by project Civil Engineer(s), Geotechnical Engineer(s), and /or Certified Engineering Geologist(s). The Observation and Testing Program may include, but not be limited to any of the following tasks:

      Review of Final Project Plans
      Review of stripping and clearing of vegetation
      Review of cut and fill slopes
      Review of preparation of soil to receive fill
      Review of fill placement and compaction
      Review of subsurface drainage control
      Review of footing excavations
      Review of premoistening of subslab soils
      Review of erosion control measures

8. **During project construction/ground disturbing activities,** the applicant shall retain a Certified Engineering Geologist of record and shall provide the Engineering Geologist's written *certification of adequacy of the proposed site development for its intended use* to the Department of Planning and Building

9. **Prior to occupancy or final inspection, whichever occurs first,** the Engineering Geologist shall verify that the report's recommendations have been incorporated into the final design and construction . This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

10. **Prior to occupancy or final inspection, whichever occurs first,** the Geotechnical Engineer shall verify that the Report's recommendations have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

Site Specific and Cumulative Drainage Impacts

11. **Prior to any site disturbance**, the applicant shall submit a Sedimentation and Erosion Control Plan, prepared and signed by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures. The plan shall include but not be limited to the following measures:

    a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas left in an unfinished state during the period from October 15 through April 15. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
    c. **Final erosion control measures:** During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion within 30 days after completion of grading, unless the graded areas are covered with impervious or other improved surfaces authorized by approved plans.
    d. **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on other properties.

12. **Prior to any site disturbance,** the applicant shall submit to the County a Drainage Plan, prepared by a Registered Civil Engineer, that evaluates: 1) the effects of the project's projected runoff on other properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

13. **Prior to occupancy or final inspection, whichever occurs first,** the Registered Civil Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building and County Engineering for review and approval. If required by

the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be inspected and approved before a certificate of occupancy is issued.

Archaeology

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

    a. Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may by accomplished in accordance with state and federal law.

    b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Fire Safety Plan

15. **Prior to final inspection**, the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

Miscellaneous

16. **Prior to activation of building permit**, a Traffic Control Plan must be submitted to and approved by the County Engineering and Planning and Building Departments.

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ATTACHMENT #10

August 23, 2001
Staff Report Package

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Staff Report

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San Luis Obispo County Department of Planning and Building

DATE: August 23, 2001

TO: Planning Commission

FROM: Martha Neder, Planner I

SUBJECT: Deveau/ Variance Application/Coastal Development Permit (D990363P/D990364V)

ATTACHMENTS:

1. Exhibit A - Findings D990363P
2. Exhibit B - Findings D990364V
3. Exhibit C - Conditions
4. Graphics
5. Bing Yen & Associates Geological Review
6. Earth Systems Pacific response to comments 1 & 2
7. Mid-Coast Geotechnical response to comments 3-15
8. Correspondence
9. July 27, 2000 Staff Report
   A. Geologic Hazards Report pp.5-31 through 5-45
   B. Geotechnical Engineering Report pp.5-46 through 5-62

SUMMARY

This is a request by Michael Deveau to construct a single family dwelling, detached garage and driveway on slopes exceeding 30%. At the July 27, 2000 hearing, the Planning Commission decided to continue this item off calendar and have the Geotechnical and Geologic reports reviewed by a third independent party. Please refer to the attached July 27, 2000 Staff Report.
Supervisorial District No. 2

RECOMMENDATION

Adopt the resolution approving this variance/coastal development permit based on the findings listed in Exhibits A and B and conditions listed in Exhibit C and adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

PROJECT DESCRIPTION

Location: The proposed project is located at on the north side of Old Creek Road, approximately 1/4 mile east of Highway One, in the community of Cayucos. (APN 064-211-076) Estero Planning Area.

General Plan: Residential Single Family/Local Coastal Plan/Geologic Study Area

Area Standards: Maximum height is 28 feet

ENVIRONMENTAL SETTING

Existing Uses and Improvements: Vacant

Surrounding Zoning and Uses:

North:	Residential
South:	Residential
East:	Vacant
West:	Residential

Parcel Size: Approximately 5,000 square feet

Topography: Steeply sloping

Vegetation: Grasses, forbs, coastal scrub

Water: CSA 10A

Sewage Disposal: Cayucos Sanitary District

Fire Protection: Cayucos Fire

Acceptance Date: June 7, 2000

ENVIRONMENTAL DETERMINATION

Consistent with previous Negative Declaration issued February 17, 1995 (ED99-675).

DISCUSSION

Bing Yen & Associates performed the third independent party review requested by the Planning Commission and recommended the comments in their review letter (January 9, 2001) be addressed by the applicant's geologist's prior to approval of the project. Earth Systems Pacific (March 26, 2001) addressed comments 1 & 2 and Mid-Coast Geotechnical (April 19, 2001) addressed the remaining comments. Staff evaluated both the third party review and the subsequent responses.

The third party independent reviewer's comments were addressed in one of three ways by the consultants:

1. Original recommendations were clarified, modified, and/or supported with additional information. (Comments 2, 3, 7, 9, 10, 11, 12)

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2. Additional testing was performed. (Comment 4)

3. Comments were considered "not in the scope of work" of the original analysis and the "answers" would come during either design of the foundation, after preliminary grading, or from an engineer responsible for the final design of the foundation and the required retaining structures. (Comments 1, 5, 6, 8, 13, 14, 15)

County staff feels the responses from Earth Systems Pacific and Mid-Coast Geotechnical adequately address Bing Yen and Associates' comments. Further, in regard to #3 above, the conditions of approval require the applicant to retain a Certified Engineering Geologist of record, provide the engineering geologist's written certification of adequacy of the proposed site development for its intended use, and provide verification from the Geotechnical Engineer and Certified Engineering Geologist that the reports' recommendations have been incorporated into the final design and construction.

EXHIBIT A
Findings - D990363P

A. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and is consistent with all of the General Plan policies.

B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied to this particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to properties in the vicinity because the installation and operation of such a facility does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

D. As conditioned, the proposed project or use will not be inconsistent with the character of the immediate area or contrary to the orderly development because the proposed use will not conflict with the surrounding lands and uses.

E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Old Creek Road, an arterial road constructed to a level able to handle any additional traffic associated with the project.

F. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

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

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EXHIBIT B 7-180
Findings - D990364V

A. As conditioned the proposed project is consistent with the Local Coastal Program and the Land Use Element of the general plan because single family dwellings are a principally permitted use in the Residential Single Family land use category. The use is consistent with all other elements of the general plan.

B. As conditioned, the project or use satisfies all applicable provisions of Title 23 of the San Luis Obispo County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in this particular case, be detrimental to the health, safety or welfare of the general working public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.

D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is the construction of a single family residence in the midst of a residential neighborhood.

E. The project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because Old Creek Road, an arterial street, is constructed to a level to be able to handle any additional traffic associated with the project.

F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because of the project's distance to marine resources, it will not inhibit access to coastal waters and recreation areas

G. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which the project is located because the single family dwellings are principally permitted uses, the project meets height requirements, adjacent sites with steep slopes are similarly developed and because the residence could not be located on less steeply sloping areas because none exist on site.

H. There are special circumstances applicable to the property, related only to size, shape, topography, location, or surrounding, and because of these circumstances, the strict application of Title 23 would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use, because the project is located on site that is almost entirely on slopes in excess of 30 percent and the site would be not accommodate development without disturbing steep slopes and the reduction of the front setback minimizes site disturbance..

I. The variance does not authorize a use that is not otherwise authorized in the land use

category because single family dwellings and principally permitted in the residential single family land use category.

J. The variance is consistent with the provisions of the Local Coastal Program because the project, since no alternative locations for the building site exist that would result in less disturbance than the current proposed location, and, as designed, incorporates adequate measures to ensure to control erosion and sedimentation.

K. The granting of the application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to pubic health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements, because all grading will be engineered to ensure required standards of stability for all earthwork, and drainage improvements are required by the conditions of approval to ensure that the project does not increase or redirect runoff that would worsen existing conditions in the area.

L. Based on the initial study and all comments received there is no evidence that the project will have a significant effect on the environment.

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EMAIL: ipcopln@slonet.org • FAX: (805) 781-1242 OR 5624 • WEBSITE: http://www.slonet.org/vv/ipcopln

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EXHIBIT C
Conditions of Approval - D990363P/D990364V

Approved Development

1. This approval authorizes a variance for the construction of an approximately 950 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. The garage is authorized to be constructed with a zero front setback. This project also authorizes the construction of a driveway on slopes exceeding 30% which provides access to the homesite. This approval does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the site plan, floor plans and architectural elevations.

3. **Prior to activation of building permit**, the engineering geologist shall verifiy that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the subject property or adjacent parcels.

Building Height

4. Building height shall not exceed 28 feet as measured from average natural grade. Prior to setting forms and foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. The control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Construction Material

5. **Prior to activation of building permit,** the applicant shall submit architectural elevations showing exterior finish materials and colors of all proposed structures (including exterior stairways) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

6. Retaining walls and under stories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Old Creek Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

Site Specific and Cumulative Geologic Impacts 7-183

7. **Prior to any site disturbance**, the following conditions shall be included on all building plans and grading plans:

   a. A Certified Engineering Geologist shall review, approve and stamp grading and construction plans, including all plans for site grading and soil excavation for building foundations. The Certified Engineering Geologist shall review all soil excavation with respect to conformance with the recommendations of the engineering geology report.
   b. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
   c. The Certified Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
   d. Should the services of the Certified Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
   e. A final report prepared by a Geotechnical Engineer and/or Civil Engineer shall be submitted to the County's building official stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
   f. The applicant shall implement all recommendations in Observation and Testing Programs prepared by project Civil Engineer(s), Geotechnical Engineer(s), and /or Certified Engineering Geologist(s). The Observation and Testing Program may include, but not be limited to any of the following tasks:

      Review of Final Project Plans
      Review of stripping and clearing of vegetation
      Review of cut and fill slopes
      Review of preparation of soil to receive fill
      Review of fill placement and compaction
      Review of subsurface drainage control
      Review of footing excavations
      Review of premoistening of subslab soils
      Review of erosion control measures

8. **During project construction/ground disturbing activities,** the applicant shall retain a Certified Engineering Geologist of record and shall provide the Engineering Geologist's written *certification of adequacy of the proposed site development for its intended use* to the Department of Planning and Building

9. **Prior to occupancy or final inspection, whichever occurs first,** the Engineering

Geologist shall verify that the report's recommendations have been incorporated into the final design and construction . This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

10. **Prior to occupancy or final inspection, whichever occurs first,** the Geotechnical Engineer shall verify that the Report's recommendations have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

Site Specific and Cumulative Drainage Impacts

11. **Prior to any site disturbance**, the applicant shall submit a Sedimentation and Erosion Control Plan, prepared and signed by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures. The plan shall include but not be limited to the following measures:

    a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas left in an unfinished state during the period from October 15 through April 15. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
    c. **Final erosion control measures:** During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion within 30 days after completion of grading, unless the graded areas are covered with impervious or other improved surfaces authorized by approved plans.
    d. **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on other properties.

12. **Prior to any site disturbance,** the applicant shall submit to the County a Drainage Plan, prepared by a Registered Civil Engineer, that evaluates: 1) the effects of the project's projected runoff on other properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

13. **Prior to occupancy or final inspection, whichever occurs first,** the Registered Civil Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building and County Engineering for review and approval. If required by the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be inspected and approved before a certificate of occupancy is issued.

Archaeology

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

    a. Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may by accomplished in accordance with state and federal law.
    b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Fire Safety Plan

15. **Prior to final inspection**, the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

Miscellaneous

16. **Prior to activation of building permit**, a Traffic Control Plan must be submitted to and approved by the County Engineering and Planning and Building Departments.

Indemnification of County by Applicant

18. The applicant shall as a condition of approval of this ~~development plan~~ defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this development plan or the manner in which the County is interpreting or enforcing the conditions of this development plan, or any other action by a third party relating to approval or implementation of this development plan. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

BING YEN & ASSOCIATES, INC.
Geotechnical & Environmental Consultants, Established 1979

January 9, 2001

BYA Project No: 49.25666.0001

Ms. Martha Neder
SAN LUIS OBISPO COUNTY
County Government Center
San Luis Obispo, California 93408

SUBJECT: Geotechnical Engineering and Engineering Geological Review of Proposed Single-Family Residence and Detached Garage, Retaining Walls, and Grading, 449 Old Creek Road, Cayucos, San Luis Obispo County, California

REFERENCES:

1. Mid-Coast Geotechnical, Inc. "*APN 064-211-076, Old Creek Road, Cayucos*", File No. 98-3235, Report No. 7269, Dated September 19, 2000.

2. Earth Systems Pacific, "*Site Stability, Deveau Residence, Old Creek Road, Cayucos, California* ", File No. SL-11019-GB, Dated August 29, 2000.

3. Earth Systems Pacific, "*Grading/Drainage Plan Review, Deveau Residence, Old Creek Road, Cayucos, California*", File No. SL-11019-GB, Dated May 24, 2000.

4. Mid-Coast Geotechnical, Inc., "*Memo, Old Creek Road, Cayucos*", File No. 98-3235, Report No. 6985, Dated May 17, 2000.

5. Structural Analysis of Retaining walls, 449 Old Creek Road, Cayucos, CA, Prepared by Timothy J. Graves, P. E., Dated 5-16-2000.

6. Architectural Plans Prepared by M. Deveau and L. Singer, Dated 3-24-2000.

7. Structural Plans Prepared by Timothy J. Graves, P. E., Undated.

8. Retaining wall and Grading Plans Prepared by Graves Engineering, Inc., Undated.

9. Mid-Coast Geotechnical, Inc., "*Geotechnical Engineering Report, Proposed Single-Family Residence, APN 064-211-076, Old Creek Road, Cayucos, CA*", File No. 98-3235, Report No. 5793, Dated July 29, 1998.

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10. Earth Systems Consultants, Northern California, "*Geologic Hazard Report, Deveau Residence, APN 064-211-076, Old Creek Road, Cayucos, California*", File No. NGG 11019-01, Dated July 7, 1998.

Dear Ms. Neder:

At your request, we have reviewed the above reports, calculations, and plans from a geotechnical engineering and engineering geological perspective. Based on our review, we recommend that the following comments be addressed prior to approval of the project:

1. The Project Engineering Geologist in his report dated July 7, 1998 describes the proposed residential site as having 3 to 7.5 feet of soil and decomposed metavolcanic rock overlying weathered and fractured metavolcanic bedrock and the proposed garage site as having 2 feet of soil over decomposed metavolcanic rock to the depth explored (11.5 feet). The Project Engineering Geologist should clearly depict the depth to competent metavolcanic bedrock under the proposed residential and garage sites on Cross-Section A-A', and clearly depict the depth to competent bedrock on the foundation plans.

2. The reviewers observed a significant slope failure approximately 150 feet north of the site. This failure is approximately 3 to 5 feet deep, 80 feet wide and extends from about the same elevation as the upper wall of the proposed garage to the road cut. The failure is not visible in aerial photographs taken in 1996. When did this failure occur? What caused the failure? The Project Geotechnical Consultants should discuss the implications of this failure with respect to the proposed development, and provide mitigation measures as necessary. Retaining wall foundations bearing in soil as recommended by Mid-Coast Geotechnical in their July 29, 1998 report may not be adequate, based on the observed depths of the failure.

3. The Project Geotechnical/Civil Engineer should provide a summary of slope stability analyses performed, a map showing the locations of the cross-sections analyzed, geologic cross-sections showing critical failure surfaces, and backup laboratory testing data for shear strength parameters showing sample and soil type analyzed.

4. The Project Engineering Geologist states that there is the potential for seismically-induced landslides on the site. The Project Geotechnical/Civil Engineer should provide pseudo-static slope stability analyses for all proposed grades.

5. The Project Geotechnical/Civil Engineer provided an equivalent fluid pressure design parameter of 60 psf per foot for creep prone soils on a 4:1 slope. However, the slopes are steeper than 4:1 and the project geotechnical consultant states that additional active pressure should be added for surcharge condition due to sloping ground, vehicular traffic, or adjacent structures. What are these additional pressures?

6. Expansion Index testing data indicates an EI range of 42 to 61. Confirmation Expansion Index testing should be performed on finished grades at the end of grading and final foundation design should be based on this testing.

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7. Mid-Coast Geotechnical provides apparently conflicting recommendations for the garage foundation in their July 29, 1998 report. The consultant states that the garage requires deep foundations. However, in the following section, the consultant states that retaining walls for the garage structure shall bear into the gray subsurface soil, approximately 3 to 4 feet below grade. Considering the deep soil profile in this area, and the existing failure north of the site, the reviewers are concerned about the stability of the retaining walls (up to 9+ feet high) in the garage area. Please provide stability calculations that address this concern, and revise foundation recommendations as appropriate.

8. The Project Geotechnical/Civil Engineer recommends several types of foundations, including continuous footings, friction piles and end bearing caissons. Additionally, the Project Geotechnical/Civil Engineer states in Section 5.2 of the report that, *"The entire area below the lot will need first to be retained with a structure on Old Creek Road."* There are several structures proposed for this site: a new residence, detached garage, and driveway retaining walls. Please clarify the recommended foundation for each structure on the site shown on the building plans.

9. The Project Geotechnical Consultant states continuous footings should be embedded a minimum of 12 inches into bedrock (p.6, Mid-Coast 7/29/98); however, bearing capacities are based on a minimum 15 inches embedment. Please clarify, and revise the recommendations as appropriate.

10. Please indicate whether the foundation design bearing and frictional capacities are allowable or ultimate.

11. Please provide lateral force design parameters for soil creep loads on piles.

12. The Project Geotechnical Consultants should provide seismic design parameters in accordance with the 1997 UBC.

13. Foundation setbacks from descending slopes must be in conformance with Section 1806.5 of the 1997 UBC. The foundation plans should depict the Code-required minimum foundation setbacks.

14. The foundation plans should include the following note: *"The Project Engineering Geologist must approve all foundation excavations prior to placement of reinforcing steel."*

15. The Project Geotechnical/Civil Engineer and Project Engineering Geologist shall review, wet-stamp and sign the final grading, drainage, retaining wall, and foundation plans.

This review has been conducted as part of the County's planning and permit process. If you have any questions regarding this review, please contact our office.

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Sincerely,

BING YEN AND ASSOCIATES, INC.

Lauren J. Doyel, MSCE
Geotechnical Engineering Reviewer

Christopher Dean, CEG
Engineering Geologic Reviewer
CEG # 1751, Exp. 9/30/02

Reviewed by:

Ali Abdel-Haq, GE
Geotechnical Engineering Reviewer
GE # 2308, Exp. 12/31/03

Earth Systems Pacific

4378 Santa Fe Road
San Luis Obispo, CA 93401-8116
(805) 544-3276 • FAX (805) 544-1786
E-mail: esc@earthsys.com

COPY 7-MO

March 26, 2001

FILE NO.: SL-11019-GC

Michael P. DeVeau
P.O. Box 1792
Morro Bay, CA 93443

PROJECT: 449 OLD CREEK ROAD
CAYUCOS, CALIFORNIA

SUBJECT: Response to Review Letter

REF.: 1) Geotechnical Engineering and Engineering Geological Review of Proposed Single-Family Residence and Detached Garage, Retaining Walls, and Grading, 449 Old Creek Road, Cayucos, San Luis Obispo County, California, by Bing Yen & Associates, Inc., dated January 9, 2001. (BYA Project No.: 49.25666.0001)
2) Earth Systems Pacific, *"Site Stability DeVeau Residence, APN 064-211-076, Old Creek Road, Cayucos, California"*, File No.: SL 11019-GB, Dated August 29, 2000
3) Earth Systems Consultants Northern California, *"Geologic Hazard Report", DeVeau Residence, APN 064-211-076, Old Creek Road, Cayucos, California"*, File No.: NGG 11019-01, Dated July 7, 1998

Dear Mr. DeVeau:

This letter presents Earth Systems Pacific's response to Item Nos. 1 and 2, of Reference No. 1, review document prepared by Bing Yen & Associates for your residence at 449 Old Creek Road, Cayucos, California. Reference No. 1 is attached with this letter. Earth Systems Pacific's geologic responses are as follows:

Item No. 1:

Trenches 1 and 2 excavated in the area of the residence indicated that approximately 3.0 to 7.5 feet of soil and decomposed metavolcanic rock overlie a weathered and fractured metavolcanic rock. Based on the site geology, the characteristics of the metavolcanic rock in the site area, and the limited depth of the exploration trenches on site, it is difficult to accurately depict the depth of competent rock on Cross-Section A-A' presented in Reference No. 2, Site Stability Report. Based on our field observations, it appears that the metavolcanic rock becomes less fractured and weathered with depth. Therefore, we estimate that the depth to competent rock may be 15 to 17 feet below the existing ground surface. Because metavolcanic rock was not encountered in Trench 3, excavated in the garage area, it is speculated that competent rock may be more than 20

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feet below the existing ground surface. However, the actual depth to competent rock should be determined by an engineering geologist during the drilling phase of the proposed building foundation piers.

Item No. 2

We believe that the landslide occurred during the winter of 1997. The landslide probably occurred due to the high precipitation experienced during the 1997 winter coupled with an existing relatively high steeply inclined cut slope with a steep ascending natural upslope condition. In addition, the cut slope consisted of soft and inherently weak soil/rock conditions. The cut slope along Old Creek Road at the DeVeau site has a considerably lower cut slope height, flatter inclination, as well as a flatter ascending upslope condition which may provide greater stability. However, the cut slope on the site along Old Creek Road does have a potential to fail due to the unfavorable soil/rock conditions in the slope. If the slope does fail, it could impact the proposed garage area. To mitigate this potential slope hazard on the subject site, it was recommended in the referenced Geologic Hazard Report that this slope be retained. To the best of our knowledge, the soils engineer and the structural engineer have designed a retaining wall to support the cut slope.

If there are any questions concerning this matter, please do not hesitate call.

Sincerely,

Earth Systems Pacific

REGISTERED GEOLOGIST RICHARD T. GORMAN No. CEG 1325 CERTIFIED ENGINEERING GEOLOGIST STATE OF CALIFORNIA

Richard T. Gorman, Engineering Geologist

3/28/01
Date Signed

mr

Attachment: Review document by Bing Yen & Associates dated January 9, 2001

Doc. No.: 0103-139.LTR

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MID-COAST GEOTECHNICAL, INC.

Geotechnical Engineering Services

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April 19, 2001
File No. 98-3235
Report No. 7582

MIKE DEVEAU
8425 Ave De Las Ondas
La Jolla, CA 92037

SUBJECT: Deveau Residence, APN: 064-211-076, Old Creek Road, Cayucos

REFERENCE:
1) Our Geotechnical Engineering Report, dated July 29, 1998
2) Our Review & Subsequent Stability Analysis Report, dated September 19, 2000
3) Earth Systems Pacific, Geologic Hazard Report, dated July 7, 1998
4) Earth Systems Pacific, Site Stability Letter, dated Aug. 29, 2000
5) Bing Yen & Associates Review Letter to SLOC, dated January 9, 2001

Dear Mr. Deveau:

This letter has been provided to respond to the review questions noted in reference No. 5. A copy of reference No. 5 is attached for your convenience. The responses below are numbered according to the review question numbers. It is our understanding that the geologic concerns noted in questions 1 and 2 will be addressed under a separate cover by Earth Systems Pacific.

3) The map, section location, and geologic section are presented in reference No. 4 prepared by Earth Systems Pacific. The critical failure surfaces are plotted on the sections in Reference No. 2 with the stability analysis. The Laboratory data for the weathered bedrock material is located in Reference No. 1. The nature of the underlying bedrock doesn't allow for a suitable undisturbed sample for testing. We have assumed conservative strength parameters for the sake of the stability analysis.

4) We are in the process of rerunning the stability analysis including seismic considerations. We will submit the results under a separate cover.

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Bus. (805)237-1462 • FAX (805)237-1483 • Santa Maria (805)922-4299

5) Reference No. 1 section 5.8, first paragraph should be modified to read: ...."creep prone soil on the existing slope of nearly 40 percent". The additional loads other than for slope are beyond the scope of work we have been contracted to provide and will need to be determined by the engineer who is designing the walls.

6) If needed we can provide additional expansion index tests after grading.

7 & 8) The recommendation regarding conventional footings for the garage retaining wall should be deleted from Reference No. 1. The garage structure and driveway walls need to be designed with deep footings extended into competent bedrock material. The proximity of the bedrock material may be close enough to the pad surface at the residence to allow for extended conventional footings. Otherwise a pier and grade-beam foundation system may be used. The bedrock determination will be made by the project engineering geologist.

9) We anticipate that the bedrock will be greater than 15 inches below the finish grade at the building area for the residence. The footing depth shall be at least 15 inch below adjacent grade and at least 12 inches into bedrock.

10) The foundation design parameters presented are ultimate but can be increased by 1/3 for wind, seismic, or other short term live loads.

11) Deep foundation shafts should be designed for a lateral load of 1000 pounds per linear foot for each foot of shaft exposed to fill, soil, and weathered bedrock.

12) We have reviewed the available information regarding the site locations and soil type. The purpose of our review was to determine the appropriate seismic factors for the UBC 97' Section 16 requirements.

The site is located more than 5 km from the nearest active fault zone according to The International Conference of Building Officials "Maps of Known Active Fault Near-Source Zones in California and

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Adjacent Portions of Nevada." The Hosgri and Los Osos faults are "Type B" faults which refers to a 6.5 to 7.0 magnitude earthquake and a slip rate between 2 to 5 mm/year. Other active faults in the area, particularly the San Andreas fault, may result in significant seismic events during the life of the proposed structure. Further seismic information is beyond the scope of this report but can be provided upon your request.

The site is underlain with firm weathered bedrock material within approximately 15 feet of the existing grade according to the logs available from the area. Density of the soil with respect to blow counts, shear strength, or shear wave velocities to a depth of 100 feet, has not been determined. However, we recommend that a S_C soil profile type be used for the various tables in the building code.

13 & 14) The setback requirements per the UBC for the foundations and note regarding inspection should be noted on the foundation plans.

15) We will review the final plans prior to final county approval.

REGISTERED PROFESSIONAL ENGINEER
PAUL G. CARTER
46539
Exp. 6/30/03
CIVIL
STATE OF CALIFORNIA

Respectfully submitted,
MID-COAST Geotechnical, Inc.

Paul G. Carter, RCE 46539
Expiration date, 6-30-2003

PGC:lp
Deveau (5)

C3
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BING YEN & ASSOCIATES, INC.
Geotechnical & Environmental Consultants, Established 1979

January 9, 2001

BYA Project No: 49.25666.0001

Ms. Martha Neder
SAN LUIS OBISPO COUNTY
County Government Center
San Luis Obispo, California 93408

SUBJECT: Geotechnical Engineering and Engineering Geological Review of Proposed Single-Family Residence and Detached Garage, Retaining Walls, and Grading, 449 Old Creek Road, Cayucos, San Luis Obispo County, California

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7. Structural Plans Prepared by Timothy J. Graves, P. E., Undated.

8. Retaining wall and Grading Plans Prepared by Graves Engineering, Inc., Undated.

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10. Earth Systems Consultants, Northern California, "*Geologic Hazard Report, Deveau Residence, APN 064-211-076, Old Creek Road, Cayucos, California*", File No. NGG 11019-01, Dated July 7, 1998.

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6. Expansion Index testing data indicates an EI range of 42 to 61. Confirmation Expansion Index testing should be performed on finished grades at the end of grading and final foundation design should be based on this testing.

7-197

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9. The Project Geotechnical Consultant states continuous footings should be embedded a minimum of 12 inches into bedrock (p.6, Mid-Coast 7/29/98); however, bearing capacities are based on a minimum 15 inches embedment. Please clarify, and revise the recommendations as appropriate.

10. Please indicate whether the foundation design bearing and frictional capacities are allowable or ultimate.

11. Please provide lateral force design parameters for soil creep loads on piles.

12. The Project Geotechnical Consultants should provide seismic design parameters in accordance with the 1997 UBC.

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15. The Project Geotechnical/Civil Engineer and Project Engineering Geologist shall review, wet-stamp and sign the final grading, drainage, retaining wall, and foundation plans.

This review has been conducted as part of the County's planning and permit process. If you have any questions regarding this review, please contact our office.

MID-COAST GEOTECHNICAL, INC.

Geotechnical Engineering Services

7-198

June 22, 2001
File No. 98-3235
Report No. 7737

MIKE DEVEAU
PO Box 1792
Morro Bay, CA 93443

SUBJECT: Deveau Residence, APN: 064-211-076, Old Creek Road, Cayucos

REFERENCE:
1) Our Geotechnical Engineering Report, dated July 29, 1998
2) Our Review & Subsequent Stability Analysis Report, dated September 19, 2000
3) Earth Systems Pacific, Geologic Hazard Report, dated July 7, 1998
4) Earth Systems Pacific, Site Stability Letter, dated Aug. 29, 2000
5) Bing Yen & Associates Review Letter to SLOC, dated January 9, 2001
6) Our Response to Review Letter Report, dated April 19, 2001

Dear Mr. Deveau:
This letter has been provided to respond to the review question No. 4 noted in reference No. 5. A copy of reference No. 5 is attached to our previous response letter, reference No. 6.

The Analysis regarding the site stability with earthquake loads were conducted on the data files previously run for static conditions on the lot in reference No. 2. The random or irregular failure surface was found to be the most critical condition as was the case in the static analysis. The output file of the existing and proposed slopes are attached for your review. The results show a minimum temporary factor of safety for either case to be greater than 1.14.

Please contact us if you have further questions.

Respectfully submitted,
MID-COAST Geotechnical, Inc.

Paul G. Carter, RCE 46539
Expiration date, 6-30-2003

PGC:lp
Deveau (5)

P.O. Box 3125 • 1030 Railroad St., Suite 103 • Paso Robles, CA 93447-3125
Bus. (805)237-1462 • FAX (805)237-1483 • Santa Maria (805)922-4299

Staff Report

San Luis Obispo County Department of Planning and Building

7-199

HEARING DATE: JULY 27, 2000

TO: PLANNING COMMISSION

FROM: LAUREN LAJOIE, ASSOCIATE PLANNER
MATT JANSSEN, ENVIRONMENTAL SPECIALIST

SUBJECT: MICHAEL DEVEAU/MINOR USE PERMIT/ VARIANCE/COASTAL DEVELOPMENT PERMIT (D990363P/D990364V)

ATTACHMENTS

1. Findings - D990363P, Exhibit A
2. Findings - D990364V, Exhibit B
3. Conditions of Approval, Exhibit C
4. Graphics
5. Correspondence
6. Geologic Hazards Report
7. Geotechnical Engineering Report
8. Planning Commission Resolution
9. May 11, 1995 Staff Report

SUMMARY

A request by Michael Deveau to construct a single family dwelling, detached garage and driveway on slopes exceeding 30%. This project is a re-application for previously approved permits D940014P and D940015V, which expired on May 28, 2000. The major issues for this project continues to be the extreme slope of the property.

RECOMMENDATION

Adopt the resolution approving this development plan/coastal development permit based on the findings for D990363P listed in Exhibit A, findings for D990364V listed in Exhibit B and conditions listed in Exhibit C and approve the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

PROJECT DESCRIPTION

Location: The proposed project is located on the north side of Old Creek Road, approximately 1/4 mile east of Highway One in the community of Cayucos. (APN 064-211-076) Estero Planning

Area. **Supervisorial District #2**

General Plan: Residential Single Family/Local Coastal Plan/Geologic Study Area

Area Standards: Residential Single Family: Height Limitation: 28 feet

ENVIRONMENTAL SETTING

Existing Uses and Improvements: Undeveloped

Surrounding Zoning and Uses:

North:	Residential
South:	Residential
East:	Undeveloped
West:	Residential

Parcel Size: Approximately 5,000 square feet

Topography: Slopes over 30%

Vegetation: Grasses, forbes, coastal scrub

Water: CSA 10A

Sewage Disposal: Cayucos Sanitary District

Fire Protection: Cayucos Fire

Acceptance Date: June 7, 2000

Env. Determination: Consistent with previous Negative Declaration (ED99-675)

DISCUSSION/ORDINANCE COMPLIANCE

This project was originally approved on May 11, 1995 (D940014P and D940015V) Since then, three time extensions were granted and then project expired on May 28, 2000. The proposed project is similar to the project previously approved.

Prior to the expiration of the original development permit, building permits C0147, C0148, and C0149 were issued for the project. These permits were suspended as of the May 28, 2000, until new land use permit and variance can be issued.

The applicant is requesting a variance to construct a single family dwelling, detached garage, retaining walls and driveway on slopes that exceed 30%. The Coastal Zone Land Use Ordinance (CZLUO) states that site disturbance, including grading and vegetation removal should be minimized. The conditions of approval for the original project called for the house to be

relocated below the 155 foot contour line unless an engineering geologist report indicates a higher elevation is safer than the lower one. A letter dated May 24, 2000, from Richard Gorman, certified engineering geologist, states that after review of the grading and drainage plan, it would be potentially hazardous to locate the residence below the 162 foot contour line because there is a potential for slope instability downslope of the residence.

The driveway for the project was is also an issue due to the instability of the hillside and the topography of the site. The applicant was previously asked to consider alternative routes to the site, but this proved financially infeasible. The Engineering department raised several concerns about the driveway proposal during the previous land use permit process. During the review of the building permits the Engineering Department issued an encroachment permit for the proposed driveway which incorporated their previous concerns.

A number of issues were identified during the public discussion period of the July 5, 2000 Cayucos Citizens Advisory Council meeting. The Council voted unanimously to make recommendations that the engineering geologist should verify that construction of the garage, driveway and retaining walls are acceptable at the lower elevations, the access road should be built to county road standards and maintenance responsibility be specified, the Fire Department should sign off on the road design, and the zero side setback for the garage be reviewed.

In response to the concerns raised by the CCAC, the project has been conditioned to receive verification from the engineering geologist that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the property or adjacent parcels (condition 3).

The Engineering Department reviewed the CCAC letter and responded that the driveway as proposed could potentially provide access to two (possibly three) lots. County standards require that up to five lots may take access from a private driveway, so the Engineering Department would not recommend that the driveway be designed to County road standards. At whatever point in time another residence is proposed to take access from the private driveway, a maintenance agreement should be required which would establish maintenance liability. Until such time, the maintenance and liability for this driveway will be the sole responsibility of the applicant.

The proposed project received clearance from the Cayucos Fire Protection District prior to the issuance of the construction permits. In addition, the project has been conditioned for the applicant to provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District prior to final inspection. The final issue raised in the CCAC letter involved the front setback. The project site is extremely steep and the edge of pavement on Old Creek Road is approximately 40 feet from the front property line. Portions of the driveway are within the road right of way and the location of the garage at the front property line reduces the amount of site disturbance. Moving the garage the required 25 feet from the front property line would have substantially increased the difficulty of providing vehicular access to the site.

Kat Kennedy, who lives directly across the street from the project site, identified concerns regarding slope, drainage and traffic. Slope and drainage concerns are addressed in conditions 9 through 13. In response to the concern of construction impacts on traffic, staff proposes an additional condition (condition 16) that requires a Traffic Control Plan.

The project is located in a Geologic Study Area and on slopes exceeding 30%. The applicant was required to submit a geologic report for the site. There are several conditions on the project to ensure that the plans are prepared by a qualified engineering geologist, and that the structures are constructed in accordance with the recommendations of the geology report.

The project is located within 100 feet of a coastal stream, but Old Creek Road is located between the stream and the property. As conditioned, the project will not impact the hydrological system and ecological functions of the coastal stream.

EXHIBIT A
Findings - D990363P

A. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and is consistent with all of the General Plan policies.

B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied to this particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to properties in the vicinity because the installation and operation of such a facility does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

D. As conditioned, the proposed project or use will not be inconsistent with the character of the immediate area or contrary to the orderly development because the proposed use will not conflict with the surrounding lands and uses.

E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Old Creek Road, an aerterialroad constructed to a level able to handle any additional traffic associated with the project.

F. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

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

EXHIBIT B
Findings - D950270V

A. As conditioned the proposed project is consistent with the Local Coastal Program and the Land Use Element of the general plan because single family dwellings are a principally permitted use in the Residential Single Family land use category. The use is consistent with all other elements of the general plan.

B. As conditioned, the project or use satisfies all applicable provisions of Title 23 of the San Luis Obispo County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in this particular case, be detrimental to the health, safety or welfare of the general working public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.

D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is the construction of a single family residence in the midst of a residential neighborhood.

E. The project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because Old Creek Road, an arterial street, is constructed to a level to be able to handle any additional traffic associated with the project.

F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because of the project's distance to marine resources, it will not inhibit access to coastal waters and recreation areas

G. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which the project is located because the single family dwellings are principally permitted uses, the project meets height requirements, adjacent sites with steep slopes are similarly developed and because the residence could not be located on less steeply sloping areas because none exist on site.

H. There are special circumstances applicable to the property, related only to size, shape, topography, location, or surrounding, and because of these circumstances, the strict application of Title 23 would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use, because the project is located on site that is almost entirely on slopes in excess of 30 percent and the site would be not accommodate development without disturbing steep slopes and the reduction of the front setback

minimizes site disturbance..

I. The variance does not authorize a use that is not otherwise authorized in the land use category because single family dwellings and principally permitted in the residential single family land use category.

J. The variance is consistent with the provisions of the Local Coastal Program because the project, since no alternative locations for the building site exist that would result in less disturbance than the current proposed location, and, as designed, incorporates adequate measures to ensure to control erosion and sedimentation.

K. The granting of the application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to pubic health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements, because all grading will be engineered to ensure required standards of stability for all earthwork, and drainage improvements are required by the conditions of approval to ensure that the project does not increase or redirect runoff that would worsen existing conditions in the area.

L. Based on the initial study and all comments received there is no evidence that the project will have a significant effect on the environment.

EXHIBIT C
Conditions of Approval - D990363P/D990364V

Approved Development

1. This approval authorizes a variance for the construction of an approximately 950 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. The garage is authorized to be constructed with a zero front setback. This project also authorizes the construction of a driveway on slopes exceeding 30 % which provides access to the homesite, but does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the site plan, floor plans and architectural elevations.

3. **Prior to activation of building permit**, the engineering geologist shall verifiy that there is sufficient earth stability for the proposed construction of the garage, driveway and retaining wall and that the existence of these structures will not compromise the stability of the subject property or adjacent parcels.

Building Height

4. Building height shall not exceed 28 feet as measured from average natural grade. Prior to setting forms and foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. The control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Construction Material

5. **Prior to activation of building permit,** the applicant shall submit architectural elevations showing exterior finish materials and colors of all proposed structures (including exterior stairways) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

6. Retaining walls and under stories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Old Creek Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of

occupancy, whichever occurs first.

Site Specific and Cumulative Geologic Impacts

7. **Prior to any site disturbance**, the following conditions shall be included on all building plans and grading plans:

   a. A Certified Engineering Geologist shall review, approve and stamp grading and construction plans, including all plans for site grading and soil excavation for building foundations. The Certified Engineering Geologist shall review all soil excavation with respect to conformance with the recommendations of the engineering geology report.
   b. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
   c. The Certified Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
   d. Should the services of the Certified Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
   e. A final report prepared by a Geotechnical Engineer and/or Civil Engineer shall be submitted to the County's building official stating that all work performed is suitable to support the intended structure. Such report shall include any field reports, compaction data, etc.
   f. The applicant shall implement all recommendations in Observation and Testing Programs prepared by project Civil Engineer(s), Geotechnical Engineer(s), and /or Certified Engineering Geologist(s). The Observation and Testing Program may include, but not be limited to any of the following tasks:

      Review of Final Project Plans
      Review of stripping and clearing of vegetation
      Review of cut and fill slopes
      Review of preparation of soil to receive fill
      Review of fill placement and compaction
      Review of subsurface drainage control
      Review of footing excavations
      Review of premoistening of subslab soils
      Review of erosion control measures

8. **During project construction/ground disturbing activities,** the applicant shall retain a Certified Engineering Geologist of record and shall provide the Engineering Geologist's

written *certification of adequacy of the proposed site development for its intended use* to the Department of Planning and Building

9. **Prior to occupancy or final inspection, whichever occurs first,** the Engineering Geologist shall verify that the report's recommendations have been incorporated into the final design and construction . This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

10. **Prior to occupancy or final inspection, whichever occurs first,** the Geotechnical Engineer shall verify that the Report's recommendations have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.

Site Specific and Cumulative Drainage Impacts

11. **Prior to any site disturbance,** the applicant shall submit a Sedimentation and Erosion Control Plan, prepared and signed by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures. The plan shall include but not be limited to the following measures:

    a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect exposed erodible areas left in an unfinished state during the period from October 15 through April 15. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
    c. **Final erosion control measures:** During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion within 30 days after completion of grading, unless the graded areas are covered with impervious or other improved surfaces authorized by approved plans.
    d. **Control of off-site effects:** All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on other properties.

12. **Prior to any site disturbance,** the applicant shall submit to the County a Drainage Plan, prepared by a Registered Civil Engineer, that evaluates: 1) the effects of the project's projected runoff on other properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

13. **Prior to occupancy or final inspection, whichever occurs first,** the Registered Civil

Engineer shall verify that the recommendations of the Drainage Plan and the Sedimentation and Erosion Control Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building and County Engineering for review and approval. If required by the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage, sedimentation and erosion control facilities can be inspected and approved before a certificate of occupancy is issued.

Archaeology

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

    a. Construction activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may by accomplished in accordance with state and federal law.
    b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Fire Safety Plan

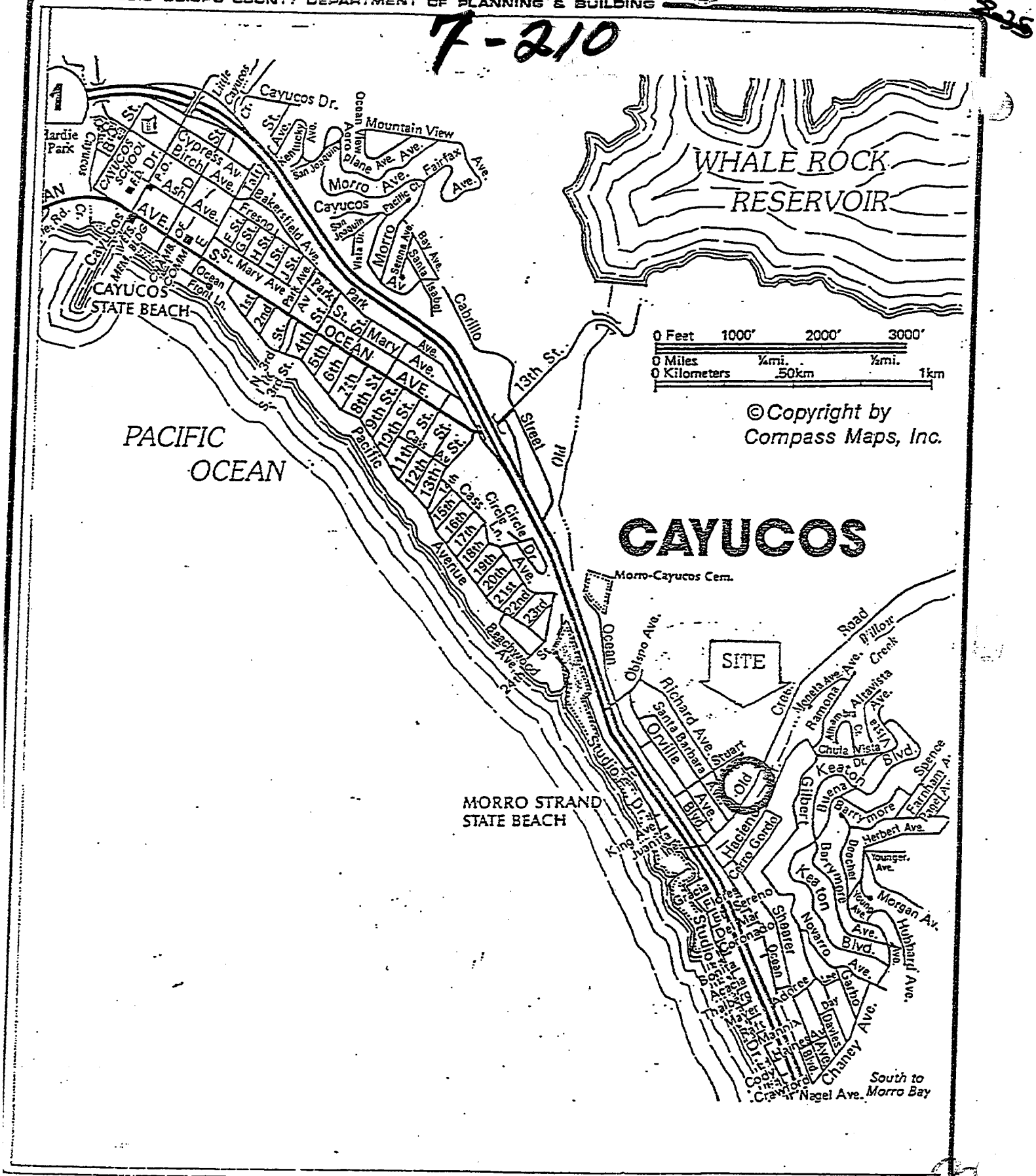
15. **Prior to final inspection**, the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

Miscellaneous

16. **Prior to activation of building permit**, a Traffic Control Plan must be submitted to and approved by the County Engineering and Planning and Building Departments.

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING & BUILDING

7-210



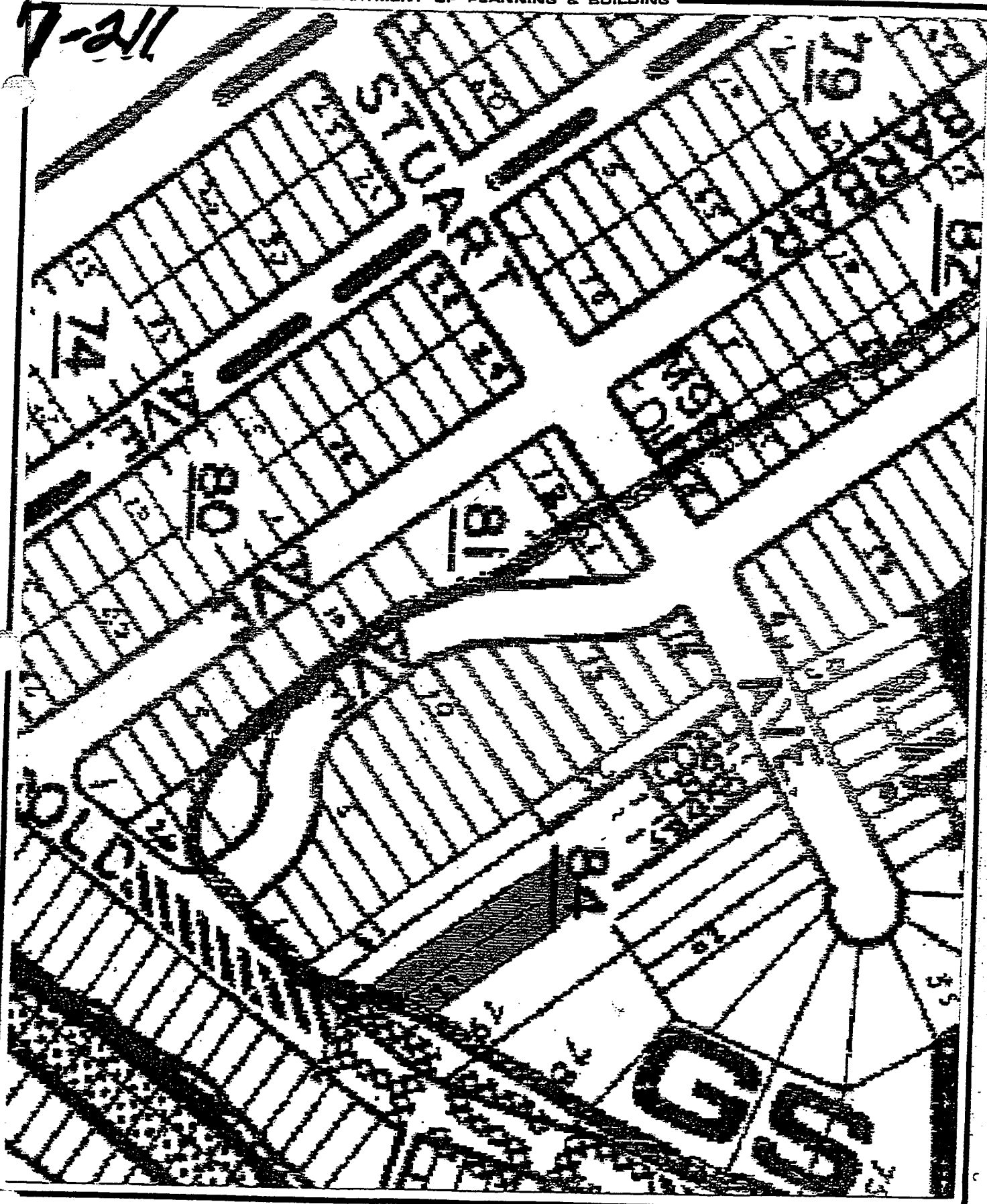
PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

VICINITY MAP

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING & BUILDING



PROJECT

Planning Commission
Deveau – D990363P/D990364V

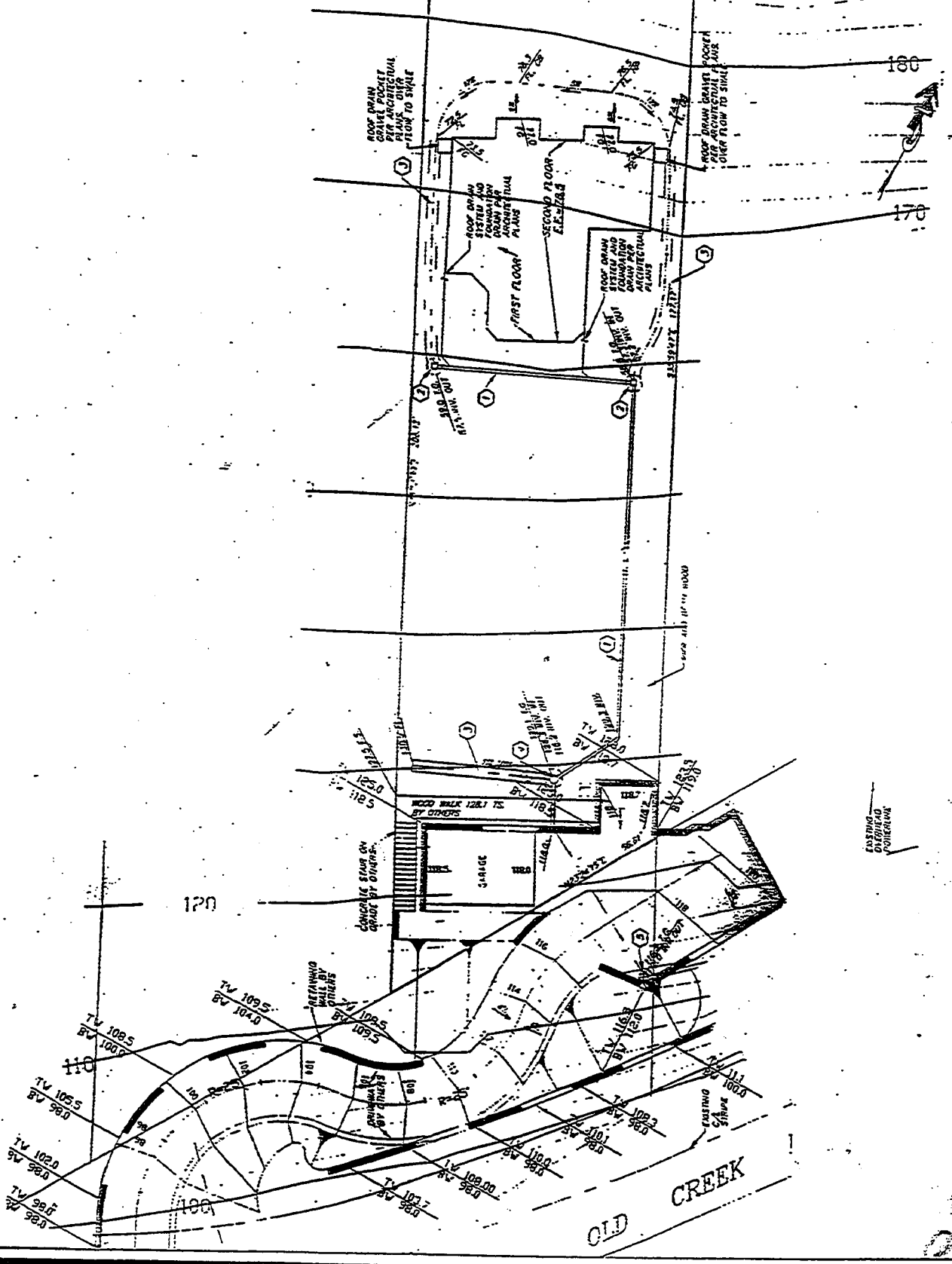
EXHIBIT

Land Use Category Map

8-37

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING & BUILDING

7-212

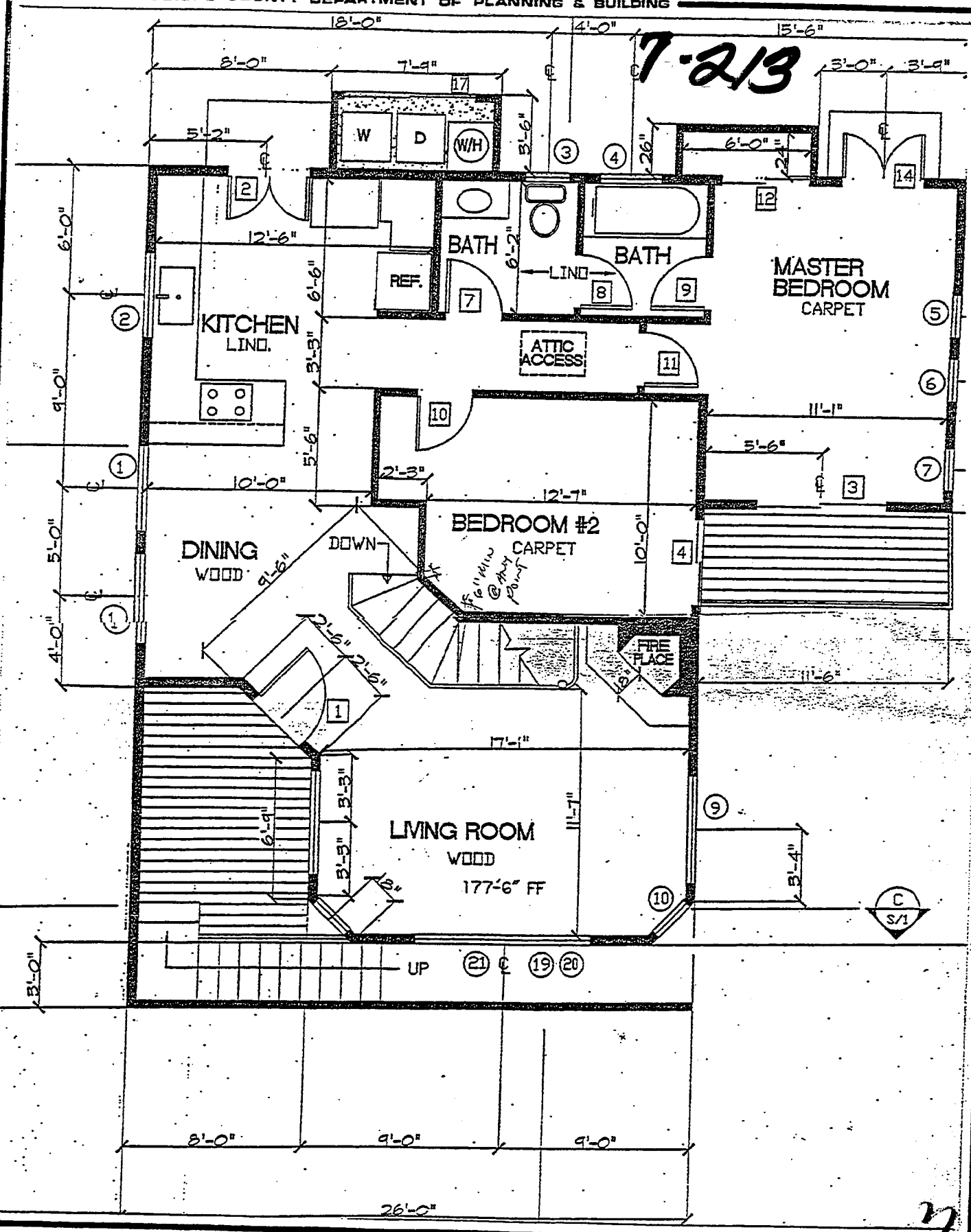


PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

Site Plan



PROJECT

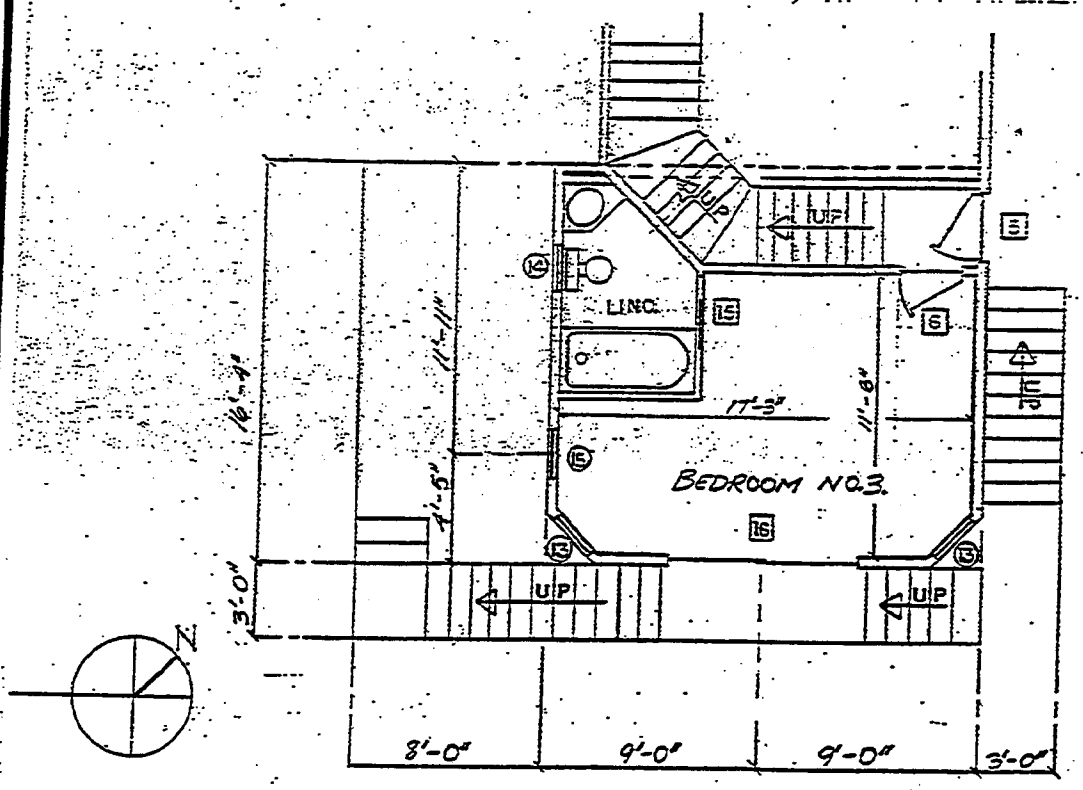
Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

Floor Plans

~~839~~ ~~5~~

7-214



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

GROUND FLOOR

PREVIOUSLY STORAGE ONLY

PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

First Floor Plan

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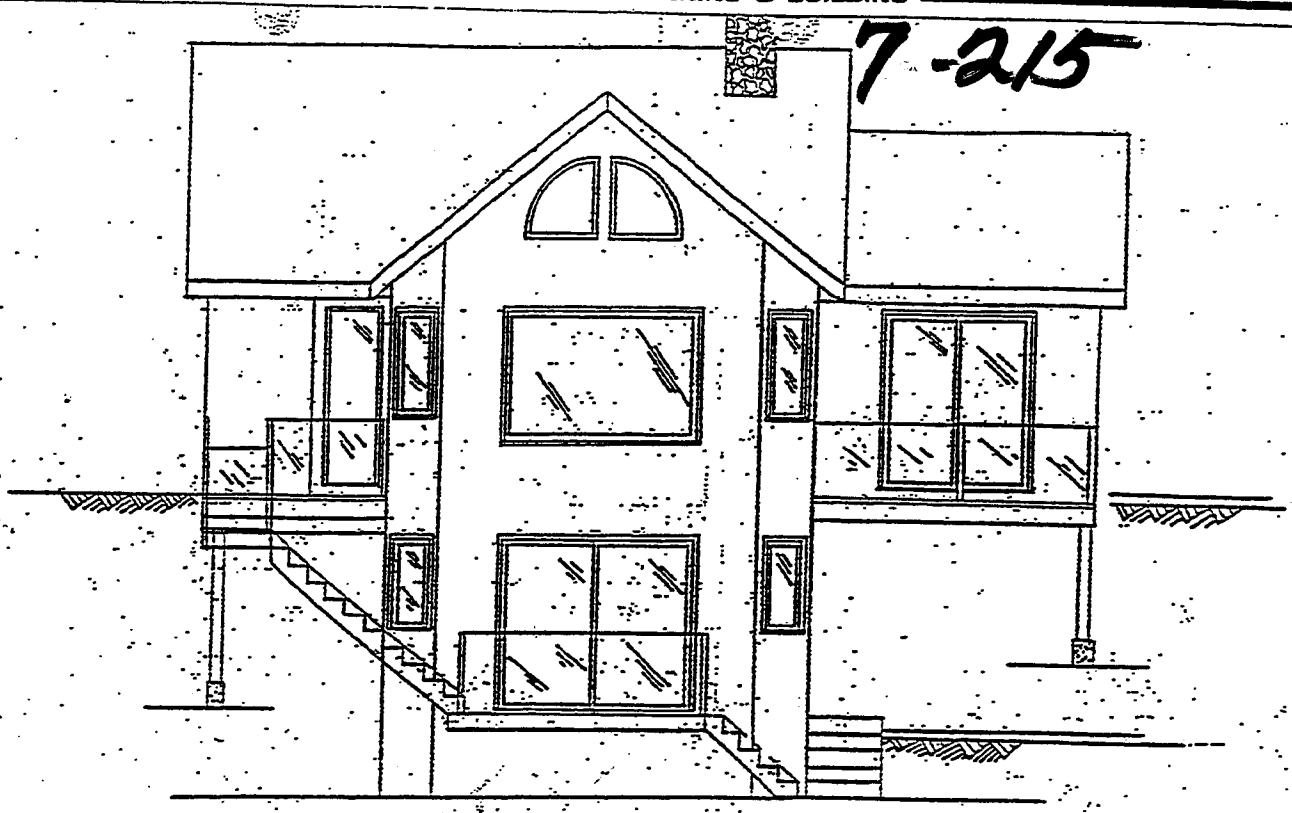
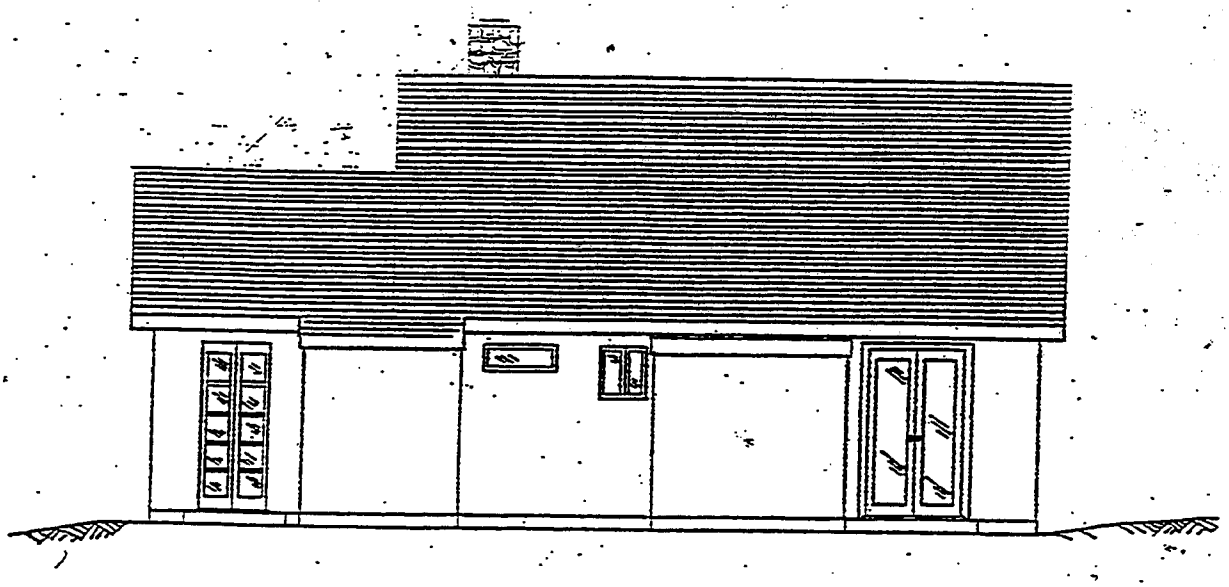


SOUTH ELEVATION



NORTH ELEVATION

PROJECT

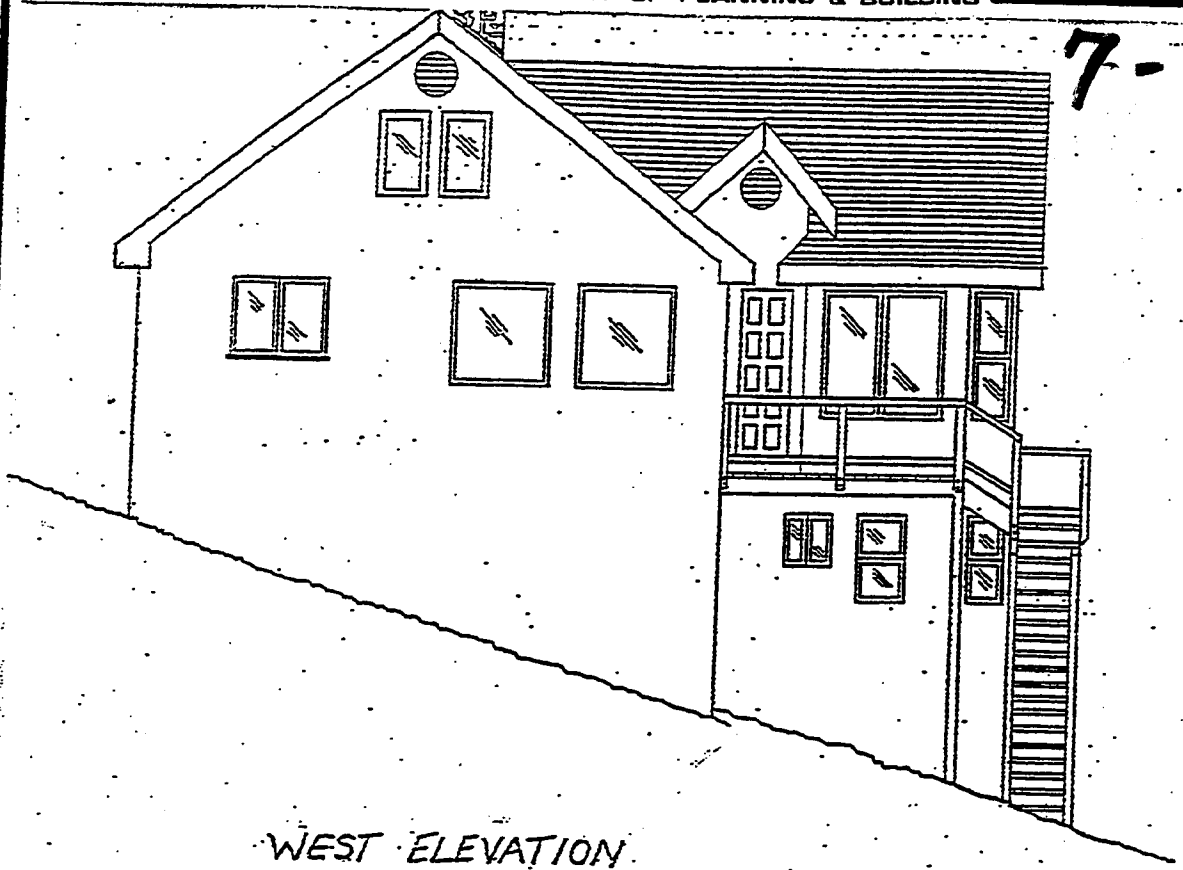
Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

North and South Elevations

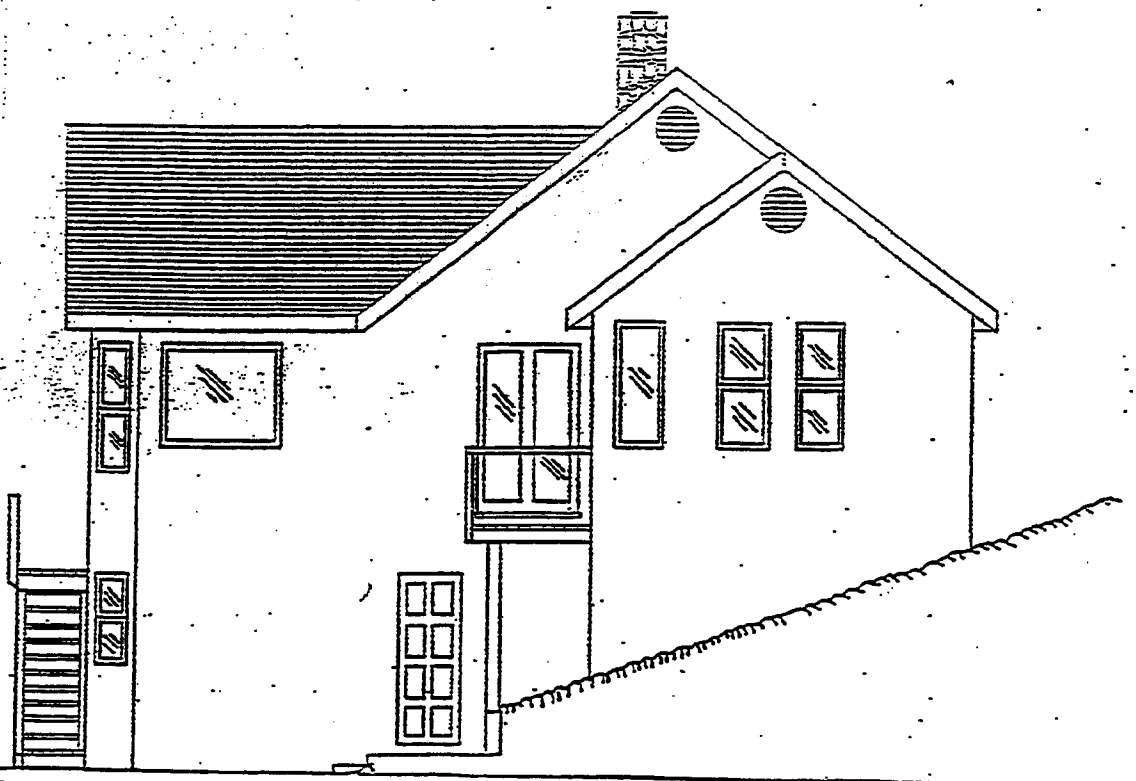
~~2-44~~ 5-18

7-216



WEST ELEVATION

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

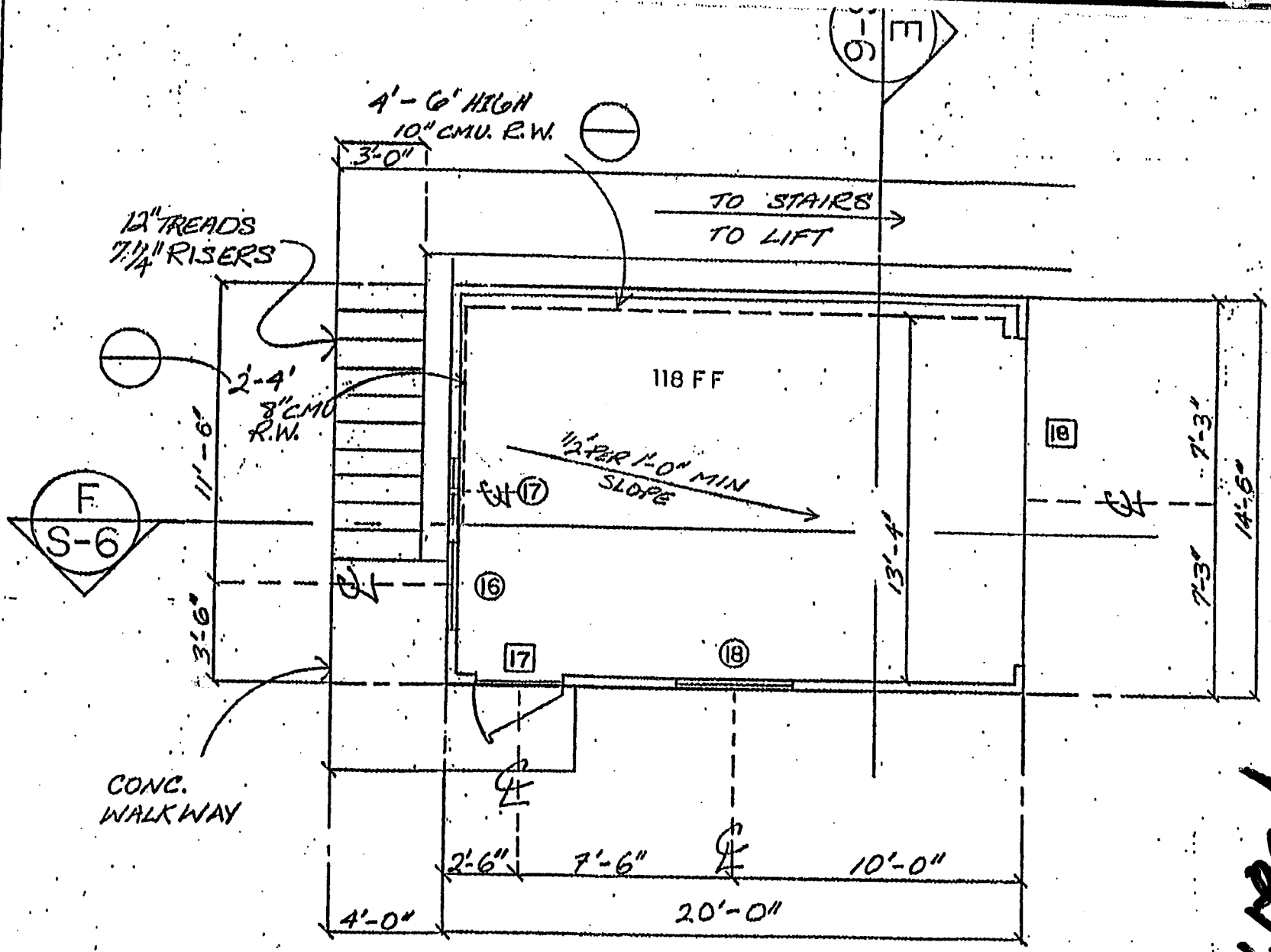


PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

East and West Elevations



GARAGE PLAN

SCALE: 1/4" = 1'-0"

7-217

PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

Garage Plans

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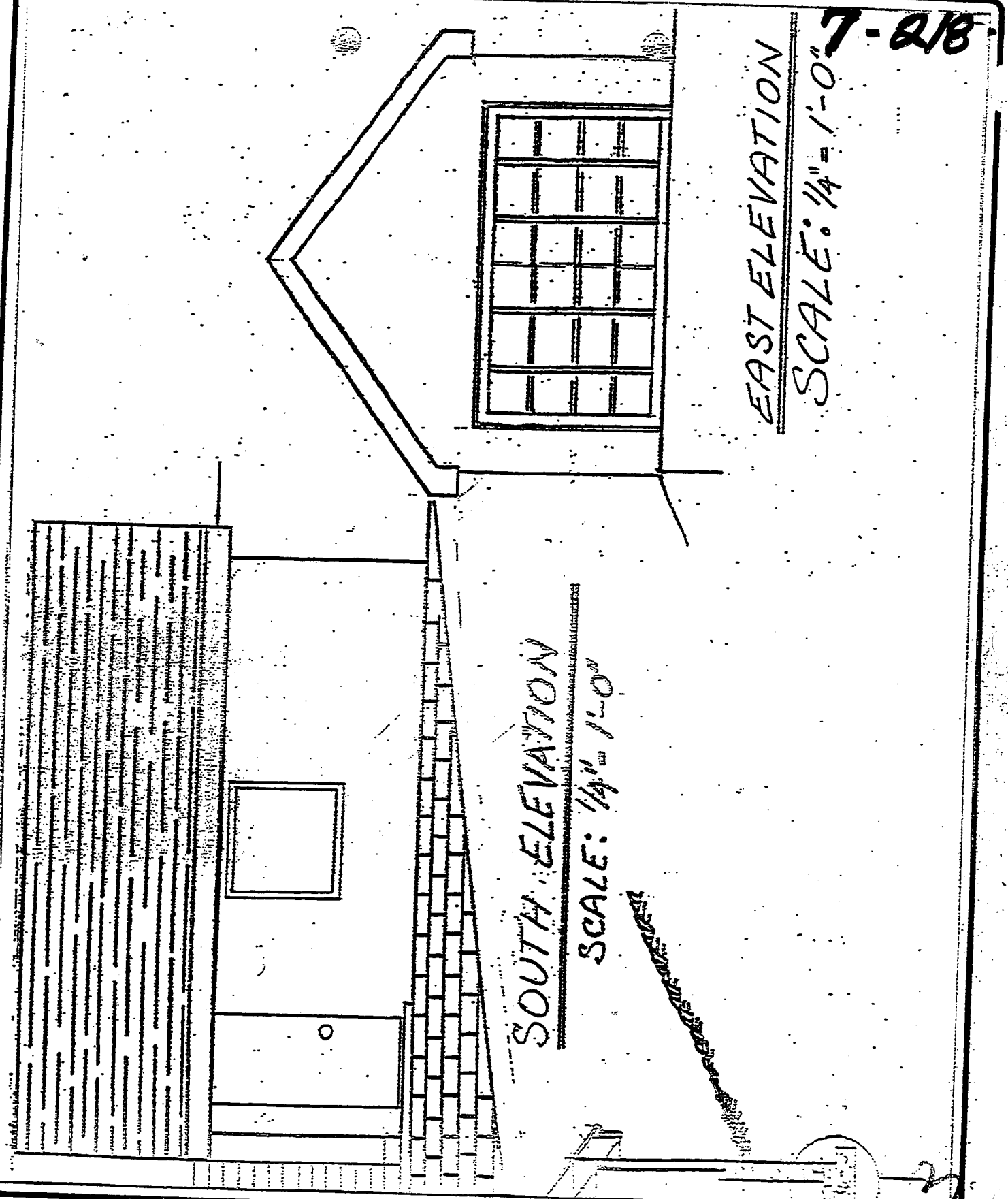

PROJECT

Planning Commission
Deveau – D990363P/D990364V

EXHIBIT

East and South Garage Elevations

SAN LUIS OBISPO COUNTY ENGINEERING DEPARTMENT

COUNTY GOVERNMENT CENTER • ROOM 207 • SAN LUIS OBISPO, CALIFORNIA 93408

PHONE (805) 781-5252 • FAX (805) 781-1229

TIMOTHY P. NANSON
COUNTY ENGINEER
GLEN L. PRIDDY
DEPUTY COUNTY ENGINEER
ENGINEERING SERVICES
NOEL KING
DEPUTY COUNTY ENGINEER
ADMINISTRATION

7-219

ROADS
SOLID WASTE
FRANCHISE ADMINISTRATION
WATER RESOURCES
COUNTY SURVEYOR
SPECIAL DISTRICTS

July 11, 2000

MEMORANDUM

TO: Lauren Lajoie, Associate Planner

FROM: Richard Marshall, Development Services Engineer RM

SUBJECT: Deveau Minor Use Permit D990363P

Thank you for the opportunity to review and comment on the letter from the Cayucos Citizens Advisory Council. I offer the following responses:

1. The driveway as proposed is consistent with established policies for encroachments on County roads. We will review the plans for the driveway to assure compliance with our standards for sight distance, maximum grade, etc. We are also concerned about sight distance at this location, and will be watching this closely.

2. The driveway as proposed could potentially provide access to two (possibly three) adjacent lots. County standards require that up to five lots may take access from a private driveway, so we would not recommend that it be designed to County road standards.

3. I would recommend that at whatever point in time another residence is proposed to take access from this private driveway, a maintenance agreement be required which would establish maintenance and liability responsibilities. Until such time, the maintenance and liability for this driveway will be the sole responsibility of the applicant.

Please call me at 781-5280 if you have questions or need additional information.

cc: Shirley Bianchi, Supervisor District 2
Pat Beck, Planning

File: Planned Developments - General

L:\DEVELOP\Jul00\lajoie.mmo.wpd.LND.REM

Cayucos

CITIZENS ADVISORY COUNCIL
P.O. BOX 731 • CAYUCOS, CA 93430

JUL 10 2000
S.L.O.

7-220

July 6, 2000

Ms. Lauren Lajoie
Dept. of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Dear Lauren:

At our meeting of July 5, the Council held public discussion of the DeVeau project proposed for 449 Old Creek Road. Our discussion revealed a number of issues that should be addressed before this project be to allowed to proceed. The Council as a standing recommendation relevant to this project and voted unanimously to make other specific recommendations listed below.

1. *Standing recommendation on steep slope development.* The Council recommends that the technical reports for any proposal to develop on slopes greater the 30% should receive the most stringent review, including independent professional review when appropriate. Foundation design should be approved by a registered engineer, who should also supervise excavation and installation. The retaining walls of this project should be subject to the same conditions.

2. *Earth Systems Pacific report.* The report by Earth Systems Pacific dated May 24, 2000, indicates the residence should not be built on the unstable lower portion of the lot. If the garage, driveway, and retaining walls are to build on this part of the lot, the engineers' report should demonstrate sufficient earth stability for these structures and that the existence of these structures will not compromise the stability of the upper lot.

3. *Fire protection.* The overall fire safety of this project should have the explicit approval of the Cayucos Fire Dept.

4. *Driveway access.* The driveway as proposed would be built on county road right of way. The County should confirm that this encroachment is consistent with established policies. The County should also assess the traffic safety issue of ingress/egress at this point on Old Creek Rd.

7-221

5. *Road standards and maintenance*. Since the driveway would also provide access to future development on adjacent lots, the road should be built to County Standard A-1 (Rural). The project should also detail maintenance responsibility and liability if the road or retaining walls should fail.

6. *Garage setback*. The proposed garage appears to be have no setback from the front property line.

Please feel free to contact me at 995-3059 if you have any questions. Thank you.
Sincerely yours,

Bruce S. Gibson

Bruce S. Gibson
Chairman, Land Use Committee

CC: Supervisor Shirley Bianchi
Pat Beck, Planning Dept.

JUL - 7 2000
S.L.

7-222

Kat Kennedy
454 Old Creek Rd
Cayucos, CA 93430

July 6, 2000

Re: DeVeau Property

D990363P/D990364V

Lauren Lajoie
SLO Co Planning Department
County Government Center
San Luis Obispo, CA 93408

Dear Ms. Lajoie:

I have received notification that the above listed property will be on the July 27, 2000 agenda. I have concerns about the building of this house and would like to take this opportunity to list them.

My first concern is the slope. My house is directly across the street and I am worried that in any given year with measurable rainfall, I could find Mr. DeVeau's house in my front yard. I am also concerned about the drainage. Where will the water go? Down to the creek? Through my property to get to the creek?

When all of those problems are worked out and Mr. DeVeau is able to build his house, I am concerned about the safety of everyone in the area while the house is being built. Traffic moves very swiftly on Old Creek Rd and if there are any vehicles blocking any portion of this road, the potential for injury is great. My suggestion would be to have flagmen on both sides of the construction site.

I am also wondering where the residents and any visitors will park once it is completed.

I plan to attend the meeting on July 27, 2000 and appreciate the opportunity to express my concerns.

Sincerely,

Kat Kennedy

Kat Kennedy

Cc: SLO Co Board of Supervisors

LL ~~5-7~~ ~~8-18~~

2887 Richard Avenue
Cayucos, CA. 93430
July 10, 2000

7-223

RECEIVED
JUL 13 2000
S.L.

Planning and Building Dept.
County of San Luis Obispo
County Government Center
San Luis Obispo, CA. 93408

Subject: Proposed DeVeau Residence
449 Old Creek Rd.
Cayucos, CA.

Gentlemen:

It has come to our attention that the owner of property east of us has applied for a Minor Use Permit and Variance in order to build (APN 064-211-076).

We urge you to carefully consider adjoining or nearby owners' concerns that:

1. The hillside is very unstable and any construction could put other homes at risk.

2. An Earth Systems Pacific, 4378 Santa Fe Rd, SLO report dated May 24, 2000, states "Slope instability in the immediate site vicinity is evident by the large landslide present along the lower part of the hillside, adjacent to the site and Old Creek Road."

   If a garage and driveway are placed at the bottom of the property (the south side), this being the most unstable portion of the property, in the event of a fire the fire department personnel would have to climb over 100 feet up the hill to reach the residence. This time factor could create an additional risk to the neighboring owners

Sincerely,

Larry Tindall

Eula Tindall

(P. S. Please give very careful consideration to the above at your July 27 hearing. Thank you.)

Erik C. Larsen
Elizabeth L. Larsen
408 Stuart Ave.
Cayucos, Ca. 93430

7-224

RECEIVED
JUL 17 2000
S.L.

County of San Luis Obispo
Planning and Building Department
County Government Center
San Luis Obispo, Ca. 93430

July 13, 2000

Re: Michael de Veau
Land use permits D940014P and D940015V
for property at 449 Old Creek Road, Cayucos.

Gentlemen:

We received your notice regarding application for a Minor Use Permit and Variance to allow construction of a single family dwelling on the above property.

Since our home is located about 25 feet from the above lot we are very concerned that the hillside is too unstable for any construction, which would put not only our home at risk but also our neighbors homes.

A geological report by Earth System Pacific dated May 24, 2000 states "Slope instability in the immediate site vicinity is evident by the large landslide present along the lower part of the hillside, adjacent to the site and Old Creek Road."

Due to the steep hillside it would also be impossible for the fire department to reach the proposed home, thus creating an additional risk to our home and the homes of our neighbors on Stuart Avenue.

Your consideration in this matter would be greatly appreciated.

Sincerely yours,

Erik C. Larsen Elizabeth L. Larsen

c.c. Supervisor Shirley Bianchi

~~8-50~~ ~~5-2~~

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

7-225

VICTOR HOLANDA, AICP
DIRECTOR
BRYCE TINGLE, AICP
ASSISTANT DIRECTOR
ELLEN CARROLL
ENVIRONMENTAL COORDINATOR
BARNEY MCCAY
CHIEF BUILDING OFFICIAL
PATRICK BRUN
ADMINISTRATIVE SERVICE OFFICER

JUN - 9 2000
COUNTY OF SAN LUIS OBISPO

THIS IS A NEW PROJECT REFERRAL

DATE: 6/9/00

TO: Eng

Deveau / D990363P &
Project Name and Number D990364V

FROM: Lauren Lajoie
Development Review Section (Phone: 781- 5716) ( )

PROJECT DESCRIPTION: Rerun of expired projects D940015V and D940014P for 1800 SF single family dwelling

Return this letter with your comments attached no later than: 6/23/00

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X YES (Please go on to Part II)

___ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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

X NO (Please go on to PART III)

___ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.
IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL

Engineered Drainage Plan Required.

cc. [signature] 5271
Name Phone

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

7-226

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

BARNEY MCCAY
CHIEF BUILDING OFFICIAL

PATRICK BRUN
ADMINISTRATIVE SERVICE OFFICER

May 31, 2000

Michael De Veau
640 Genter Street
La Jolla, CA 92037

Re: Building Permits C0147, C0148 & C0149

Dear Mr. De Veau:

I have been informed by Lauren Lajoie, Coastal Planner, that the land use permit for your project at 449 Old Creek Road in Cayucos has expired. Lauren has also said that you intend to pursue getting a new land use permit to allow this project to be constructed.

Based on this information, I have suspended the above building permits until such time as a new land use permit has been issued or until you notify me that you would like to withdraw the building permits. This means that no construction work may be started on this project until the land use permit issue has been resolved and the building permits have been reinstated.

If you have any questions, please call me at (805) 781-5604.

Sincerely,

Forrest Wermuth
Chief Building Official

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600 • 1-800-834-4636
EMAIL: lpcoping@slonet.org • FAX: (805)781-1242 • WEBSITE: http://www.slonet.org/vv/lpcoping

Earth Systems Pacific

4378 Santa Fe Road
San Luis Obispo, CA 93401-8116
(805) 544-3276 • FAX (805) 544-1786
E-mail: esc@earthsys.com

7-227

B9609553-1 to 3

May 24, 2000

FILE NO.: SL-11019-GB

Mr. Michael DeVeau
8425 Avenida De Las Ondas
La Jolla, CA 92037

PROJECT: DEVEAU RESIDENCE
OLD CREEK ROAD, CAYUCOS, CALIFORNIA

SUBJECT: Grading/Drainage Plan Review

REF.:

1) Grading and Drainage Plan (DRAFT) for: APN 64-211-76, Cayucos, CA., prepared by Triad/Holmes Associates, dated May 22, 2000.

2) Geologic Hazard Report, DeVeau Residence, APN 064-211-076, Old Creek Road, Cayucos, California, prepared by Earth Systems Consultants Northern California, dated July 7, 1998, File No.: NGG-11019-01m, Doc. No. 9807-007.rpt.

2000 MAY 25 AM 11:55
SLO CNTY
PLANNING/BUILDING
DEPT

Dear Mr. DeVeau:

In accordance with your request, we have reviewed the grading and drainage plan (Reference 1) for the proposed development at the project site.

The grading and drainage plan shows the downslope edge of the residence at elevation 162 feet. In the geologic hazard report (Reference 2), the downslope edge of the residence is at elevation 164 feet, however, Test Pit 2 does extend to elevation 162 feet. Because there is a potential for slope instability downslope of the residence, we recommend that the residence be constructed no lower than the 162-elevation shown. The location of the residence on the hillside is critical because depth to firm, stable bedrock increases downslope. The subsurface conditions presented in the geologic hazard report indicate that the bedrock becomes soft and decomposed downslope. The soft and decomposed bedrock also increases in thickness downslope and is considered to have a high potential for instability. Slope instability in the immediate site vicinity is evident by the large landslide present along the lower part of the hillside, adjacent to the site and Old Creek Road.

7-228

The grading and drainage plan depicts drainage devices to collect surface drainage around the residence. These devices should help to control surface water runoff within the site and also help to reduce the potential for erosion.

The grading and drainage plan appears to be in substantial conformance with the geologic recommendation presented in the referenced report. This review was strictly with respect to engineering geologic issues; issues related to architecture, civil or structural engineering or other disciplines are beyond the scope of this review.

If there are any questions concerning this plan review, please do not hesitate to contact the undersigned.

Sincerely,

Earth Systems Pacific

Richard T. Gorman, Engineering Geologist

REGISTERED GEOLOGIST
RICHARD T. GORMAN
No. CEG 1325
CERTIFIED ENGINEERING GEOLOGIST
STATE OF CALIFORNIA

ls

Doc.No.: 0005-344.LTR

7-229
County Copy

~~5-3~~
~~8-54~~

SAVE

DEVEAU RESIDENCE
APN 064-211-076, OLD CREEK ROAD
CAYUCOS, CALIFORNIA

July 7, 1998

Prepared for

Mr. Michael Deveau

Prepared by

Earth Systems Consultants Northern California
4378 Santa Fe Road
San Luis Obispo, CA 93401-8116

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Earth Systems Consultants
Northern California

4378 Santa Fe Road
San Luis Obispo, CA 93401
(805) 544-3276
FAX (805) 544-1786

7-230

5-32
855

July 7, 1998

FILE NO.: NGG 11019-01

Mr. Michael Deveau
8425 Avenida De Las Ondas
La Jolla, CA 92037

PROJECT: DEVEAU RESIDENCE
APN 064-211-076, OLD CREEK ROAD
CAYUCOS, CALIFORNIA

SUBJECT: Geologic Hazard Report

REF: Proposal for Geologic Hazard Report, by Earth Systems Consultants Northern California, dated December 10, 1996

Dear Mr. Deveau:

In accordance with your authorization of the above-referenced proposal, this geologic hazard report has been prepared for use in the development of plans and specifications for your proposed residence on Old Creek Road, in Cayucos, California. This report describes the results of our field work, research, site stability analysis and seismic analysis, and discusses the seismic conditions of the site. It also includes recommendations that will assist in the planning and construction of the proposed residence. Five copies of this report are being furnished for your use and submittal to others.

We appreciate the opportunity to have provided services for this project. If there are any questions concerning this report, please do not hesitate to contact the undersigned.

Sincerely,

Earth Systems Consultants Northern California

Richard T. Gorman, C.E.G.

REGISTERED GEOLOGIST
RICHARD T. GORMAN
No. CEG 1325
CERTIFIED
ENGINEERING
GEOLOGIST
STATE OF CALIFORNIA

dm

Doc. No.: 9807-007.RPT

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132

Earth Systems Consultants
Northern California

4378 Santa Fe Road
San Luis Obispo, CA 93401
(805) 544-3276
FAX (805) 544-1786

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APPENDIX A

Trench Location Map

Trench Logs

Deveau Residence

July 7, 1998

1.0 INTRODUCTION

The construction of the Deveau residence is proposed for APN 064-211-076 on Old Creek Road in Cayucos, California. According to preliminary information provided by the client, the single-family residence will be two stories, of wood-frame construction, with a detached garage. We understand that the garage will be constructed near Old Creek Road, while the residence will be approximately 100 feet up the slope. Retaining walls will be used to support all cuts.

2.0 SCOPE OF SERVICES

The scope of work for the report included a general site reconnaissance, excavation of exploratory trenches, and research, review and evaluation of the data from geologic reports and maps pertaining to the site and vicinity.

Analyses of the soil for corrosive potential, radioisotopes, hydrocarbons, or other chemical properties are beyond the scope of this report. Ancillary structures such as access roads, fences, flag poles, signage, and nonstructural fills are not within our scope and are also not addressed.

In the event that there are any changes in the nature, design, or location of improvements, or if any assumptions used in the preparation of this report prove to be incorrect, the conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and the conclusions of this report modified or verified in writing. The criteria presented in this report are considered preliminary until such time as they are modified or verified by the engineering geologist in the field during construction.

3.0 SITE SETTING

The subject property is on the north side of Old Creek Road in the community of Cayucos, California. The adjacent lots to the east and west are undeveloped. The subject property is situated on a southwest facing hillside that has an approximate slope angle of 3.5:1 (horizontal:vertical). The hillside has an estimated total relief of approximately 110 feet. At the time of our investigation, the subject lot was undeveloped and sparsely vegetated with grasses and weeds. A 15 tall high cut slope is present along Old Creek Road. Minor soil slumps were observed in the slope face.

4.0 GEOLOGY

Regional Geologic Setting

The site is on the western flank of the Coast Range Geomorphic Province of California. This province is characterized with a system of longitudinal mountain ranges separated by valleys. The mountains generally range in elevation from 2,000 to 4,000 feet, and occasionally to 6,000 feet, above sea level. This range extends in a southeasterly direction from the south end of Monterey Bay, between the Pacific Ocean and the Salinas Valley, and continues beyond the head waters of the Salinas River to the Cuyama River. The range consists of basement rocks of the Franciscan melange, a tectonic unit of probable late Jurassic age (145 million years before present). Overlying the basement rocks are thrust faulted plates of serpentinite and an intrusive complex of ultramafic rocks, mafic volcanic rocks with chert and late Jurassic to late Cretaceous (100 million years before present) age sedimentary rocks of the Great Valley Sequence. The Great Valley Sequence consists of a group of sedimentary rock formations predominantly of sandstone and conglomerate that were deposited during Cretaceous time (135 million years before present).

Deveau Residence

July 7, 1998

Local Geologic Setting

According to a geologic map prepared by Hall and Prior (1975), the site is underlain by Jurassic-Cretaceous age metavolcanic rock. The metavolcanic rock was initially extruded 130 to 160 million years ago as basalt during a volcanic eruption. During geologic time, the basalt was buried deeply below the ground surface and subjected to heat and pressure. These processes metamorphosed the rock from basalt to greenstone, hence, the term "metavolcanic." The subsurface exploration indicated that the planned residence site area is underlain by 3 to 7.5 feet of topsoil and decomposed metavolcanic rock which overlies weathered and fractured metavolcanic rock. The garage area is underlain by 2 feet of topsoil and decomposed metavolcanic rock to the maximum depth explored (Appendix A, Trench Logs). No free subsurface water was encountered in any of the trenches.

Faulting

According to the geologic map by Hall and Prior (1975), the Cambria fault trends in a northwest direction approximately 200 feet northeast of the eastern lot boundary. The Cambria fault is a northwest trending reverse fault that extends from San Simeon Creek to the north shore of Estero Bay. The Cambria fault breaks late Pliocene (2 million years old) strata east of Cambria, but there is no known offset of Holocene (11,000 years old) age sediments by the system (Chipping, 1987). Weber (1983) noted that 120,000-year old marine terrace deposits north of Cayucos, near Ellysly Creek, may have been offset by the Cambria fault. However, to our knowledge, Weber's observation has never been confirmed by field exploration. In the vicinity of the site, the Cambria fault offsets Franciscan metavolcanic rocks on the east side of the fault from rocks of the Franciscan melange on the west side (Hall and Prior, 1975).

The Hosgri fault is located approximately 3.5 miles west of the site and is the closest known active fault. This fault system extends from San Simeon to an ocean shelf 2 miles east of Point Buchon, and then trends toward the Point Sal area. The San Simeon-Hosgri fault is a northwest trending strike-slip fault which is considered active by the U.S. Geological Survey, based on

Hall's claims of recent offset terrace deposits along San Simeon Cove and also by a relocation of the 1927 "Lompoc" earthquake to the southern end of the fault (Hall, 1974, 1975, 1976, 1977). In addition, PG&E (1988) suggested that the Hosgri fault is active after reviewing seismic reflection survey data.

5.0 SEISMICITY

The site is in a region of generally high seismicity, as is all of Central and Southern California. It also lies in Uniform Building Code (1997 edition) Seismic Zone 4, the most active seismic zone rated. During the design life of the proposed structure, the site is expected to experience ground shaking from earthquakes on regional and/or local faults. The maximum ground acceleration is one of the basic parameters describing ground shaking, and has been the one most often used in determining the earthquake hazard for buildings and other man-made structures.

Using the Boore and others (1993) method, a 0.49g mean peak ground acceleration was estimated for a 7.3 maximum moment earthquake magnitude occurring on the Hosgri fault. This estimate was based on the earthquake occurring on the point of the fault that is closest to the site.

Ground shaking can cause other seismic hazards that may affect the site, such as seismically-induced landsliding. The lower part of the site, in the vicinity of the planned garage area and along Old Creek Road, has the potential for seismicaly- induced landsliding to occur, particularly during the winter months of the year, due to the relativity deep decomposed metavolcanic soils that are present, and due to the unsupported cut slope along Old Creek Road. Other seismic hazards, such as seismically-induced settlement, tsunami, seiches and liquefaction will not have an impact on the site.

6.0 SLOPE STABILITY

The planned residence area on site is stable from a slope stability standpoint, due to the presence of shallow metavolcanic rock underlying the planned building area. However, non-seismic gross slope failure has the potential of occurring along Old Creek Road, due to the relativity deep decomposed metavolcanic soils present in the lower part of the site, and due to the unsupported cut slope along Old Creek Road.

7.0 FIELD INVESTIGATION

On June 16, 1998, three trenches were excavated at the site using a backhoe. The approximate locations of the trenches are shown on the Trench Location Map in Appendix A. Soils encountered in the trenches were categorized and logged in general accordance with the Unified Soil Classification System and ASTM D 2488-93. Logs of the trenches can also be found in Appendix A.

8.0 CONCLUSIONS AND RECOMMENDATIONS

It is our opinion that the existing local and regional geologic conditions would not preclude construction of the proposed residence at the site. The following conclusions are based on the data acquired and analyzed during the course of this geologic study. General recommendations presented herein are intended to assist in the planning and construction of the proposed residence.

Seismic Hazards

There are no known regional or site-specific seismic hazards present that would impact the proposed development. However, the site is located within the seismically active Central

California area, and moderate to severe ground shaking can be expected during the life of the proposed residence. The seismic analysis indicated that the site could experience a 0.49g mean ground acceleration from the Hosgri-San Simeon fault. The potential for liquefaction and seismically-induced settlement is considered to be nonexistent. There is a potential for seismically-induced landsliding to occur along Old Creek Road and in the vicinity of the planned garage area (see the following Slope Stability section).

Fault Activity

There are no known active faults that cross the site, therefore, the potential for ground rupture at the site is considered to be low. The site is not located in a state Earthquake Fault Zone. The closest known *active* fault to the site is the Hosgri-San Simeon fault, located approximately 3.5 miles west.

Slope Stability

There is a potential for gross slope failures to occur on the face of the hillside along Old Creek Road and in the vicinity of the planned garage area. To mitigate the potential for landsliding in the lower part of the site, we recommend that the existing cut slope along Old Creek Road, as well as all proposed cut slopes, be retained.

9.0 CLOSURE

This report is valid for conditions as they exist at this time for the type of development described herein. Our intent was to perform this study in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the locality of this project under similar conditions. No representation, warranty, or guarantee, either expressed or implied, is made.

If changes with respect to development type or location become necessary, if items not addressed in this report are incorporated into plans, or if any of the assumptions stated in this report are not correct, this firm should be notified for modifications to this report. Any items not specifically addressed in this report should comply to the Uniform Building Code and the requirements of the governing jurisdiction.

This document, the data, conclusions, and recommendations contained herein are the property of Earth Systems Consultants Northern California. This report shall be used in its entirety, with no individual sections reproduced or used out of context. Copies may be made only by Earth Systems Consultants Northern California, the client, and his authorized agents for use exclusively on the subject project. Any other use is subject to federal copyright laws and the written approval of Earth Systems Consultants Northern California.

Thank you for this opportunity to have been of service. If you have any questions or if discussion of alternate concepts is desired, please feel free to contact this office at your convenience.

End of Text

7-239

Deveau Residence

July 7, 1998

REFERENCES

C. A. Hall, "Geologic Map of the Cambria Region, San Luis Obispo County, California", *United States Geological Survey (Map MF-599)*, 1974.

C. A. Hall, Jr., and S. W. Prior, "Geologic Map, Cayucos-San Luis Obispo Region, California," *United States Geological Survey (Map MF-68)*, 1975.

C. A. Hall, "San Simeon-Hosgri Fault System, Coastal Central California: Economic and Environmental Implications," *Abstracts with Programs*, Vol. 8, p 38, Geological Society of America, 1976.

C. A. Hall, "Origin and Development of Lompoc-Santa Maria Pull-Apart Basin and Its Relation to the San Simeon-Hosgri Fault, California (abstract)," Abstracts with Programs, Vol. 9, No. 4, p. 428, Geological Society of America, 1977.

D. H. Chipping, *The Geology of San Luis Obispo County*, Cal Poly State University, San Luis Obispo, California, 1987.

G. E. Weber, "Geologic Investigations of the Marine Terraces of the San Simeon Region and Pleistocene Activity of the San Simeon Fault Zone, San Luis Obispo County, California," *United States Geologic Survey Technical Report*, 1983.

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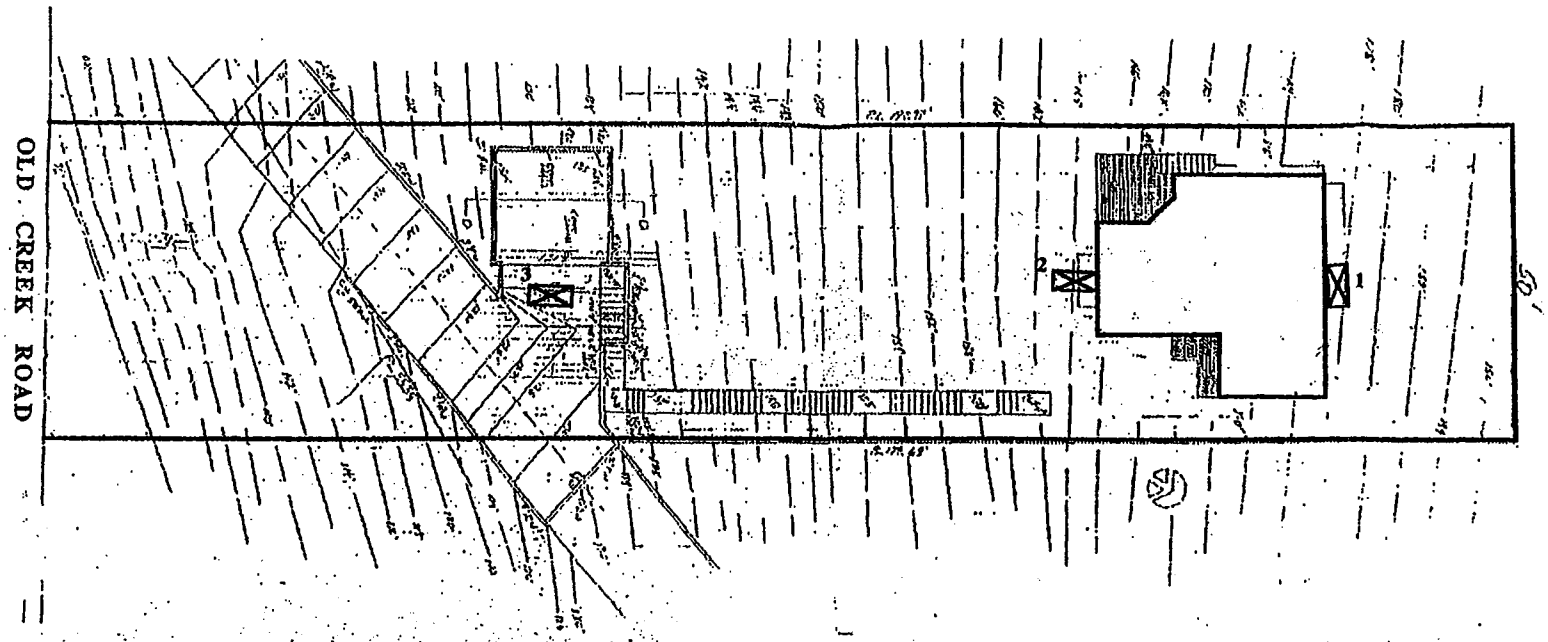
D. M. Boore, and others, "Estimation of Response Spectra and Peak Accelerations from Western North American Earthquakes: An Interim Report," *United States Geological Survey Open File Report, 93-509*, 1993.

7-240



LEGEND

3 ⊠ Test Pit Locations

NOT TO SCALE

TRENCH LOCATION MAP

DEVEAU RESIDENCE
Old Creek Road
Cayucos, California

Earth Systems Consultants
Northern California
4378 Santa Fe Road, San Luis Obispo, CA 93401
(805) 544-3276 (805) 544-1786 FAX

July 6, 1998

LR

NGG11019-01

EARTH SYSTEMS CONSULTANTS
NORTHERN CALIFORNIA

Trench No. 3

7-241

LOGGED BY: Rick Gorman
EQUIPMENT: 101 Kubota

JOB NO.: NGS 11019-01
DATE: June 16, 1998

Deveau Residence
Old Creek Road, APN064-2110-026
Cayucos, California

DEPTH (in feet)	USCS CLASS	SYMBOL	SOIL DESCRIPTION	SAMPLE DATA: INTERVAL	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
0	SC		CLAYEY SAND, dark brown, moist, loose (topsoil)					
2	CL		CLAY, light reddish brown, stiff, moist, caliche deposits along partings (decomposed metavolcanic rock)					
7			SANDY LEAN CLAY, mottled olive and reddish brown, moist, stiff, severely fractured (decomposed metavolcanic rock)					
12			TERMINATED DRILLING @ 11.5'.					

LEGEND: Ring Sample, Grab Sample, Shelby Tube Sample, SPT

Note: This log of subsurface conditions is a simplification of actual conditi...

EARTH SYSTEMS CONSULTANTS
NORTHERN CALIFORNIA

Trench No. 2

7-242

LOGGED BY: Rick Gorman
EQUIPMENT: 101 Kubota

JOB NO.: NGS 11019-01
DATE: June 16, 1998

Deveau Residence
Old Creek Road, APN064-2110-026
Cayucos, California

DEPTH (in feet)	USCS CLASS	SYMBOL	SOIL DESCRIPTION	SAMPLE DATA: INTERVAL	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
0	SC		CLAYEY SAND, dark brown, moist, loose (topsoil)					
1								
2								
3	CL		LEAN CLAY, light reddish brown, stiff, moist, caliche deposits along partings, decomposed metavolcanic rock					
4								
5								
6								
7			SANDY LEAN CLAY, light reddish brown, very stiff, moist, with metavolcanic gravel (decomposed metavolcanic rock)					
8			Caliche deposits					
9								
10			METAVOLCANIC ROCK, light olive, friable, root holes, porous, soft, fractured and weathered					
11								
12								
13			TERMINATED DRILLING @ 12.5'.					
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								

C3

5-45

~~8-48~~

EARTH SYSTEMS CONSULTANTS NORTHERN CALIFORNIA

7-243

Trench No. 1

LOGGED BY: Rick Gorman
EQUIPMENT: 101 Kubota

JOB NO.: NGS 11019-01
DATE: June 16, 1998

Deveau Residence
Old Creek Road, APN064-2110-026
Cayucos, California

DEPTH (in feet)	USCS CLASS	SYMBOL	SOIL DESCRIPTION	SAMPLE DATA: INTERVAL	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
0	SC		CLAYEY SAND, dark brown, moist, loose (topsoil)					
3			METAVOLCANIC ROCK, severely fractured to decomposed, no discernable structure, weathered					
9			Discernable rock structure, moderately to severely fractured					
10			TERMINATED DRILLING @ 9.5'.					

LEGEND

7-244 County Copy

MID-COAST GEOTECHNICAL, INC.

Geotechnical Engineering Services

GEOTECHNICAL ENGINEERING REPORT

Proposed Single-Family Residence
APN 064-211-076, Old Creek Road
Cayucos, CA

SAVE

for:

Mike Deveau
8425 Ave de Los Ondas
La Jolla, CA 92037

Date: July 29, 1998
Report No. 5793
File No. 98-3235

(805) 237-1462
: (805) 237-1483

P.O. Box 3125
1030 Railroad Street, Suite 102

Santa Maria: (805) 922-4

7-245

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Mike Deveau

File No. 98-3235/Report No. 579

Reference: Earth Systems Consultants, Geologic Hazard Report, dated July 7, 1998

1. INTRODUCTION

This report presents the results of our geotechnical investigation performed at the site of the proposed single-family residence located on Old Creek Road in the Cayucos area of San Luis Obispo County.

The principal purpose of this investigation was to determine the geotechnical properties of the surface and subsurface soils in order to provide recommendations for general site grading and to design a suitable foundation for the proposed structure. From a geotechnical stand point the site is difficult and will require significant mitigation, particularly on the bottom half of the lot.

Research and exploratory work was conducted in accordance with presently accepted procedures consistent with the scope of this development. No warranty regarding the uniformity of subsurface conditions is implied.

2. SCOPE OF THE GEOTECHNICAL INVESTIGATION

The scope of our geotechnical investigation consisted of the following:

a. Three backhoe pits extended to depths of 9.5 to 11.5 feet. The location and identification of the excavations are shown on the attached drawings. The excavations were backfilled using available equipment with some compactive effort; however, some settlement is likely in these areas. The owner and/or developer is responsible for further settlement and backfill of potential subsiding areas. Where encountered in grading areas, further processing and recompaction of these backfilled areas may be necessary.

b. Observing existing man-made and natural field conditions.
c. Obtaining and testing representative bulk and undisturbed soil samples and logging the formations encountered.
d. Analysis of the field observations and laboratory testing.

3. SUMMARY OF FINDINGS

3.1. SITE DESCRIPTION

The site is a steep uphill lot located north of old creek road and approximately 150 feet east of the Richard Avenue and Old Creek Road intersection. The lot is a 25 x 125 foot lot and the slope varies from approximately 15 percent at the top to 50 percent or steeper closer to the road. An existing residence is located north of the lot and vacant lots are located east and west of the lot. The site is covered with low weeds and grass.

3.2. EXPANSIVE NATURE OF THE SOIL

The surface soils are a non-expansive clayey material and underlain with low expansive clayey and silty soils.

3.3. EXISTING SOIL CONDITIONS

The loose surface soils were encountered to 2 to 3 feet below grade and are underlain with weathered bedrock. Fractured bedrock was found to underlie the upper portion of the lot at 8.5 feet. Fractured, decomposed bedrock was encountered at 10.5 to 11.5 feet on the lower portion of the site.

3.4. GROUND WATER CONDITION

At the time of our investigation no free ground water was encountered in the excavations. Fluctuation in the level of the ground water may occur due to variation in rainfall, temperature, or other factors.

4. GRADING RECOMMENDATIONS

The following recommendations are made based on your representations that a single-family residence will be constructed on the site. due to the nature of the site it is anticipated that the structures will be supported on deep foundations and that a significant retaining structure will be constructed to support the existing cut slope on Old Creek Road. Excavations of the driveway are expected but little or no fill is anticipated to be placed. It is your responsibility to notify the geotechnical engineer of any changes to the proposed development. If changes occur, the recommendations contained in this report will be reviewed and may need to be revised.

4.1. GENERAL GRADING RECOMMENDATIONS

a. All grading work should be done in a professional manner and in conformance with the current local jurisdiction's grading ordinances and per the grading recommendations stated herein. In addition, all grading work shall be observed by the geotechnical consultants or their representatives.

b. All wall and footing excavations shall be observed by the representative of the geotechnical engineer and geologist before any backfill or steel reinforcement is placed. It is your responsibility to notify MID-COAST Geotechnical Engineering when grading operations or construction begins so that the required observations can be made.

c. All surface vegetation and debris shall be removed from the site as grading operations begin.

d. A careful search shall be made for subsurface debris and abandoned water wells, septic tanks, etc., during grading operations. If any such subsurface cavities are encountered, they shall be removed down to the firm underlying soil and properly backfilled and compacted as directed by the geotechnical engineers representative.

4.2. PLACEMENT OF FILL

All fill, if any, shall be placed in layers approximately 8 inches in depth, brought to within 4 percent optimum moisture content, and compacted to a minimum of 90 percent relative compaction up to final pad subgrade. Fill compacted at high moisture content may be subject to yielding. Yielding or pumping grades will not be approved by this office.

The more expansive surface soils (if any) shall be placed near the bottom of the fills when practicable. Material placed as certified fill shall be free of debris and rocks greater than six (6) inches in width across the widest point.

4.3. FILL SLOPE CONSTRUCTION

Fill material may be used into the development of the driveway if it is properly incorporated into the design of the lower retaining structure on Old Creek Road. The areas to receive fill should have at least 2 feet of surface soil removed prior to placing fill. The exposed soils at the bottom of the removal areas shall then be properly prepared and brought to near optimum moisture content before any fill is replaced. As the fill is replaced, it shall be properly benched into the existing slopes. A typical detail, Plate E, is provided as an enclosure of this report.

We recommend that the resulting fill slopes be overfilled and trimmed back in order to ensure proper compaction at the face of the slope. Alternatively, the slope faces may be compacted by backing compaction equipment over the slope at frequent vertical intervals. All fill slopes shall be constructed at a maximum 2:1 ratio and in compliance with the recommendations contained herein and with the local jurisdiction's requirements.

4.4. CUT SLOPE CONSTRUCTION

Cut slopes may be constructed at maximum 2:1 gradient and a maximum vertical height of 10 feet. The cut slope shall be observed by a representative from our office during excavation. Any loose or raveling material left on the cut slope after grading should be removed.

4.5. EROSION CONTROL

Cut slopes and fill slopes should be planted with a deep-rooted, light-weight ground cover. This ground cover should be maintained to control surficial and larger-scale erosion and surficial stability of the slopes.

4.6. SITE DRAINAGE

Final grading shall provide a positive drainage away from the footings and from the lot in compliance with the local jurisdictions grading requirements. All pad and roof drainage should be collected and transferred away from the buildings and slopes in non-erosive devices. Proper drainage shall also be provided away from the building footings and from the lot during construction. This is especially important when construction takes place during the rainy season.

5. FOUNDATION DESIGN RECOMMENDATIONS

The foundation design recommended below shall be confirmed or modified, if necessary, after grading operations are completed, depending upon the nature of the soils resulting on the surface of the graded building pad. The upper site may be able to be developed with deep conventional footings extended 12 inches into the underlying fractured bedrock. Depending on the height of the cut behind the residence the depth of the footings may vary from 18 inches to 10 feet below grade. The garage structure will need to be supported on deep foundations.

5.1. COMPLIANCE WITH THE EXPANSION INDEX TABLE

If conventional footings are used for the residence, the foundation shall be designed to comply with the minimum requirement summarized on the attached Expansion Index Table for construction on soils in the expansion index range of 21 to 50. All footings shall be observed by a representative of the geotechnical engineer before any steel reinforcement or concrete is placed. Moisture verifications for footings and slabs should be performed in accordance with the Expansion Index Table.

5.2. BEARING CAPACITY: CONTINUOUS FOOTINGS

Continuous footings supported on firm natural material are adequate for foundation support of the proposed structure and may be designed using a bearing pressure of 2500 psf. The footing dimensions should be extended a minimum of 12 inches into the underlying fractured bedrock and comply with the minimum requirements specified in the Expansion Index Table. The recommended bearing values are based on an assumed embedment of a minimum of 15 inches into firm natural material and be a minimum of 12 inches wide. A 5 percent increase of bearing pressure values is allowable for each additional 6-inch increment of width or depth up to a maximum value of 4000 psf.

Retaining walls on the garage unit on the lower portion of the site can be designed for a bearing pressure of 1500 psf with a 5 percent increase as noted above to a maximum value of 3000 psf. The walls shall bear into the gray sub surface soil approximately 3 to 4 feet below existing grade. The entire area below the lot will need to first be retained with a structure on Old Creek Road.

5.3. BEARING CAPACITY: INDEPENDENT FOOTINGS

Independent footings for the residence supported on firm natural material may be designed using a bearing pressure of 3000 psf. They shall be extended 12 inches into the underlying fractured bedrock and be a minimum of 12 inches in width A 5 percent increase is allowable for each additional 6-inch increment of width and/or depth up to a maximum value of 5000 psf.

5.4. DEEP FOUNDATION: FRICTION PILES

Friction piles may be used to support the proposed structures. Piles should be a minimum of 12 inches in diameter and a minimum of 5 feet into bedrock. Piles may be assumed fixed at 5 feet into competent bedrock or 10 feet below grade whichever comes first. The piles may be designed for a skin friction of 550 psf for that portion of pile below the bedrock contact. All piles should be tied horizontally with grade beams.

5.5. DEEP FOUNDATION: END BEARING CAISSONS

A caisson and grade beam foundation system may be used to support the proposed structures. Caissons should be a minimum of 5 feet into competent bedrock and 30 inches in diameter to facilitate cleanout. The caisson shaft may be assumed fixed at 5 feet into competent bedrock or 10 feet below grade whichever comes first.

Caissons may be designed for a bearing pressure of 6500 psf. The base and entire bell of all caisson excavations should be cleaned of all loose material. All caissons should be tied horizontally with grade beams.

less than 18 inches at the surface, the use of crushed aggregate base material or No. 4 gravel is allowed without testing if thoroughly compacted to the satisfaction of the geotechnical engineer.

In order to reduce the migration of water behind the wall, the surface of the gravel backfill should be sealed by pavement or covered by 18 inches of compacted soil. The surface water drainage shall be directed away from the wall and shall meet the requirements of the current local jurisdiction's building code.

Where weep holes are not used at the base of the retaining wall, a perforated pipe shall be placed within a 12" x 12" bed of approved rock at the base of the retaining wall and shall be drained to discharge into an approved drainage course.

5.9. **ESTIMATED SETTLEMENT**

Based upon test results, field observations, and compliance with these recommendations, a total settlement of less than 3/4 inch and differential settlement of less than 1/4 inch is expected in a distance of 20 feet.

6. OBSERVATIONS AND TESTING

All foundation excavations should be approved by this firm prior to placing concrete or any steel reinforcement. All removal excavation bottoms shall be observed and approved by a geotechnical engineer or his representative prior to placement of backfill. Any fill placed for engineering purposes should be tested and certified.

Temporary wall excavations should be observed by a representative of this firm. It is your responsibility to notify MID-COAST

Geotechnical, Inc. at each stage of the excavations so that observations can be made. If the examination reveals any hazard, appropriate treatment will be recommended. Please advise this office at least 24 hours prior to any required observations.

7. **LIMITS AND LIABILITY**

Please be aware that our contract fee for our services to prepare this report do not include additional work which may be required such as grading observation and testing, footing observations, presaturation observations, etc. Since the extent of grading and the amount of involvement of our services varies for each project, our services are normally billed on an hourly rate or per-test basis.

This report provides recommendations and comments in accordance with currently accepted practice applicable to the scope of your project. Further requirements may be imposed by the reviewing agency or necessary as a result of changes to your building or grading plans. Where additional services are requested or required, you will be billed for any equipment costs and on an hourly basis for consultation or analysis.

All documents, including maps, plans, drawings, specification and test results which we prepare or furnish or which are prepared or furnished by our independent professional associates and consultants pursuant to this agreement are considered instruments of service with respect to the project, and we will retain an ownership and property interest therein, whether or not the project is completed. Without limiting the foregoing, we reserve the right to make use of all information obtained in the performance of our services in projects for other clients, including without limitation, the right to use all test results and reports in performing services for future owners of your property.

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Mike Deveau

File No. 98-3235/Report No. 5793

The limits of our liability for data contained in this report and our warranty are presented on the following page.

This report is issued with the understanding that it is the responsibility of the owner, or his representative, to assure that the information and recommendations contained herein are called to the attention of the designers and builders for the project.

Respectfully submitted,
MID-COAST Geotechnical, Inc.

Paul G. Carter, RCE 46539
Expiration date, 6-30-99

PGC:lp
(5) Mike Deveau

REGISTERED PROFESSIONAL ENGINEER
PAUL G. CARTER
No. 46539
Exp. 6-30-99
CIVIL
STATE OF CALIFORNIA

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APPENDIX

(Laboratory results, maps, and logs)

9. LABORATORY TEST RESULTS

9.1. MOISTURE-DENSITY DETERMINATIONS

Maximum Density-Optimum Moisture data were determined in the laboratory from soil samples using the ASTM D-1557-78 Method of Compaction.

SOIL TYPE	SOIL DESCRIPTION	MAXIMUM DRY DENSITY (lbs/cu.ft)	OPTIMUM MOISTURE (%)
S3	Dark brown clayey sand	111.0	18.0
M2	Gray sandy elastic silt	116.5	15.0
S4	Gray weathered bedrock	117.5	14.0

9.2. FIELD DENSITY SUMMARY (Ring Density Method)

TEST NO.	DEPTH (FT)	SOIL TYPE	FIELD MOISTURE CONTENT (%)	DRY DENSITY (lbs/cu.ft)	% OF MAX. DRY DENSITY
T1	1.5	M1	10.9	81.9	74
T1	4	S1	9.2	-	-
T1	9.5	S2	6.0	-	-
T2	3	M2	16.8	106.4	91
T2	4.5	M2	15.4	-	-
T2	10	S4	14.8	-	-
T3	2.5	M2	15.6	108.0	93
T3	7	M2	9.0	-	-
T3	11.5	S4	9.0	-	-

9.3. HYDROMETER ANALYSES

	T - 1 @ 3-9'	T - 2 @ 0-2'	T - 2 @ 2.5-8.5'	T - 2 @ 8.5-12.5'	T - 3 @ 0-2'
SOIL TYPE	S1	S3	M2	S4	M3
% GRAVEL	47	0	2	4	0
% SAND	46	54	30	66	42
% SILT	7	20	37	26	34
% CLAY	0	26	31	4	24
DESCRIPTION	Sandy gravel	Clayey sand	Sandy silt	Silty sand	Sandy silt

EXPANSION INDEX TABLE

MINIMUM FOUNDATION REQUIREMENTS*
(1) (10)

WEIGHTED EXPANSION INDEX	FOUNDATIONS FOR SLAB & RAISED FLOOR SYSTEMS (2)(5)(7)							CONCRETE SLABS 3-1/2" MINIMUM THICKNESS		PREMOISTENING CONTROL FOR SOILS UNDER FOOTINGS, PIERS AND SLABS (5)(6)	PIERS UNDER RAISED FLOORS
	NUMBER OF STORIES	STEM THICKNESS	FOOTING WIDTH	FOOTING THICKNESS	ALL PERIMETER FOOTINGS (6)	INTERIOR FOOTINGS FOR SLAB AND RAISED FLOORS (6)	REINFORCEMENT FOR CONTINUOUS FOUNDATIONS (3) (8)	REINFORCEMENT (4)	TOTAL THICKNESS OF SAND		
		INCHES			DEPTH BELOW NATURAL SURFACE OF GROUND AND FINISH GRADE						
0 - 20 VERY LOW (NON-EXPANSIVE)	1 2 3	6 9 10	12 15 18	6 7 8	12 18 24	12 18 24	NONE REQUIRED	6X6-10/10 WWF	2"	MOISTENING OF GROUND PRIOR TO PLACING CONCRETE RECOMMENDED	PIERS ALLOWED FOR SINGLE FLOOR LOADS ONLY
21 - 50 LOW	1 2 3	6 8 10	12 15 18	6 7 8	15 18 24	12 18 24	1-#4 TOP AND BOTTOM	6X6-10/10 WWF	4"	120% OF OPTIMUM MOISTURE CONTENT TO A DEPTH OF 21" BELOW LOWEST ADJACENT GRADE TESTING REQUIRED	PIERS ALLOWED FOR SINGLE FLOOR LOADS ONLY
51 - 90 MEDIUM	1 2 3	6 8 10	12 12 15	6 8 8	21 21 24	12 18 24	1-#4 TOP AND BOTTOM #3 BARS @24" IN EXT. FOOTING & BENT 3' INTO SLAB (9)	6X6-6/6WWF OR #3@24" E.W.	4"	130% OF OPTIMUM MOISTURE CONTENT TO A DEPTH OF 27" BELOW LOWEST ADJACENT GRADE TESTING REQUIRED	PIERS NOT ALLOWED
91 - 130 HIGH	1 2 3	6 8 10	12 12 15	8 8 8	27 27 27	12 18 24	1-#5 TOP AND BOTTOM #3 BARS @24" IN EXT. FOOTING & BENT 3' INTO SLAB (9)	6X6-6/6WWF OR #3@24" E.W.	4"	140% OF OPTIMUM MOISTURE CONTENT TO A DEPTH OF 33" BELOW LOWEST ADJACENT GRADE TESTING REQUIRED	PIERS NOT ALLOWED
ABOVE 130 VERY HIGH		SPECIAL DESIGN BY LICENSED ENGINEER/ARCHITECT									

*REFER TO NEXT PAGE FOR FOOTNOTES (1) THROUGH (10)

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FOOTNOTES TO EXPANSION INDEX TABLE

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1. Premoistening is required where specified in Table 29-A in order to achieve maximum and uniform expansion of the soil prior to construction and thus limit structural distress caused by uneven expansion and shrinkage. Other systems which do not include premoistening may be approved by the Building Official when such alternatives are shown to provide equivalent safeguards against the adverse effects of expansive soil.

2. Underfloor access crawl holes shall be provided with curbs extending not less than six (6) inches above adjacent grade to prevent surface water from entering the foundation area.

3. Reinforcement for continuous foundations shall be placed not less than three (3) inches above the bottom of the footing and not less than three (3) inches below the top of the stem.

4. Reinforcement shall be placed at mid-depth of slab _____.

5. After premoistening, the specified moisture content of soils shall be maintained until concrete is placed. Required moisture content shall be verified by an approved testing laboratory not more than 24 hours prior to placement of concrete.

6. Crawl spaces under raised floors need not be premoistened except under interior footings. Interior footings which are not enclosed by a continuous perimeter foundation system or equivalent concrete or masonry moisture barrier complying with Section UBC 2907(b) in this ordinance shall be designed and constructed as specified for perimeter footings in Table UBC 29-A.

7. A grade beam not less than 12" x 12" in cross section, reinforcement as specified for continuous foundations in Table UBC 29-A, shall be provided at garage door openings.

8. Foundation stem walls which exceed a height of three times the stem thickness above lowest adjacent grade shall be reinforced in accordance with Sections 2418 and 2614 in the UBC or as required by engineering design, whichever is more restrictive.

9. Bent reinforcing bars between exterior footing and slab shall be omitted when floor is designed as an independent, "floating" slab.

10. Fireplace footings shall be reinforced with a horizontal grid located three (3) inches above the bottom of the footing and consisting of not less than No. 4 bars at twelve (12) inches on center each way. Vertical chimney reinforcing bars shall be hooked under the grid.

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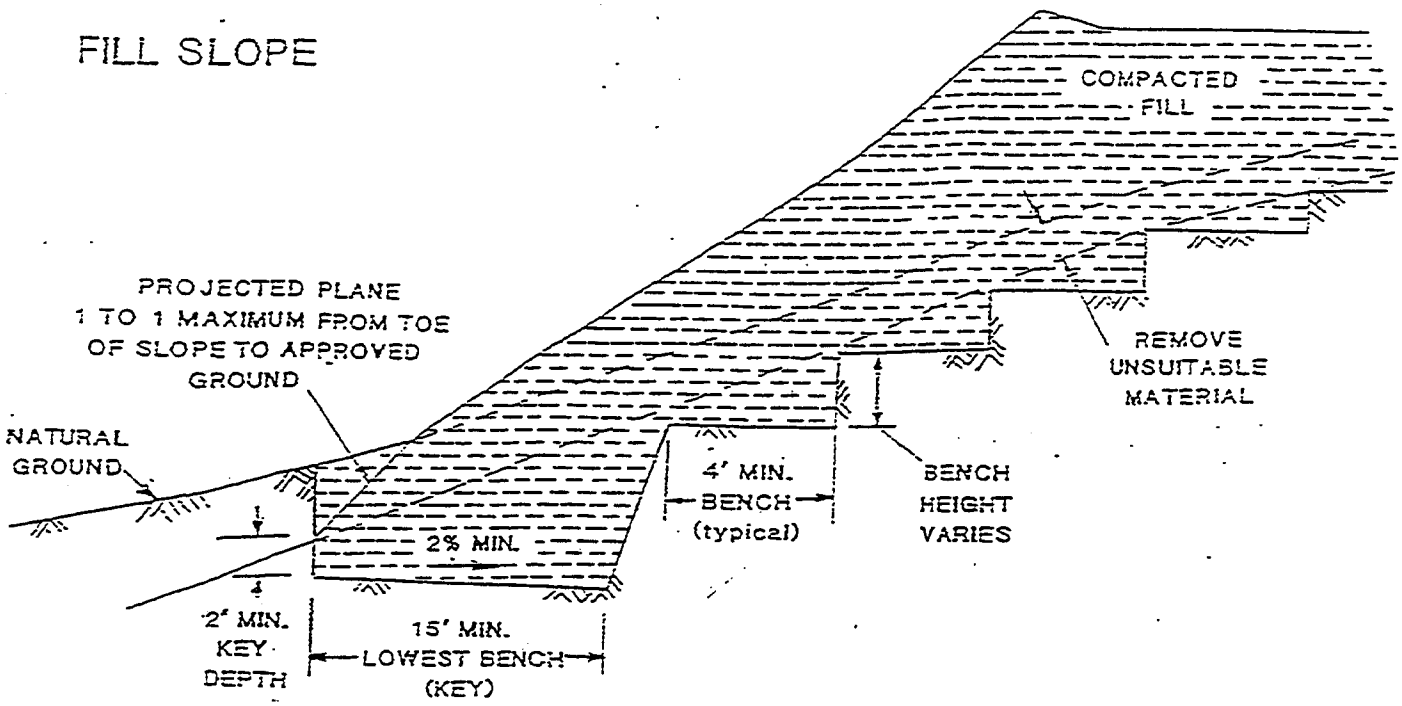
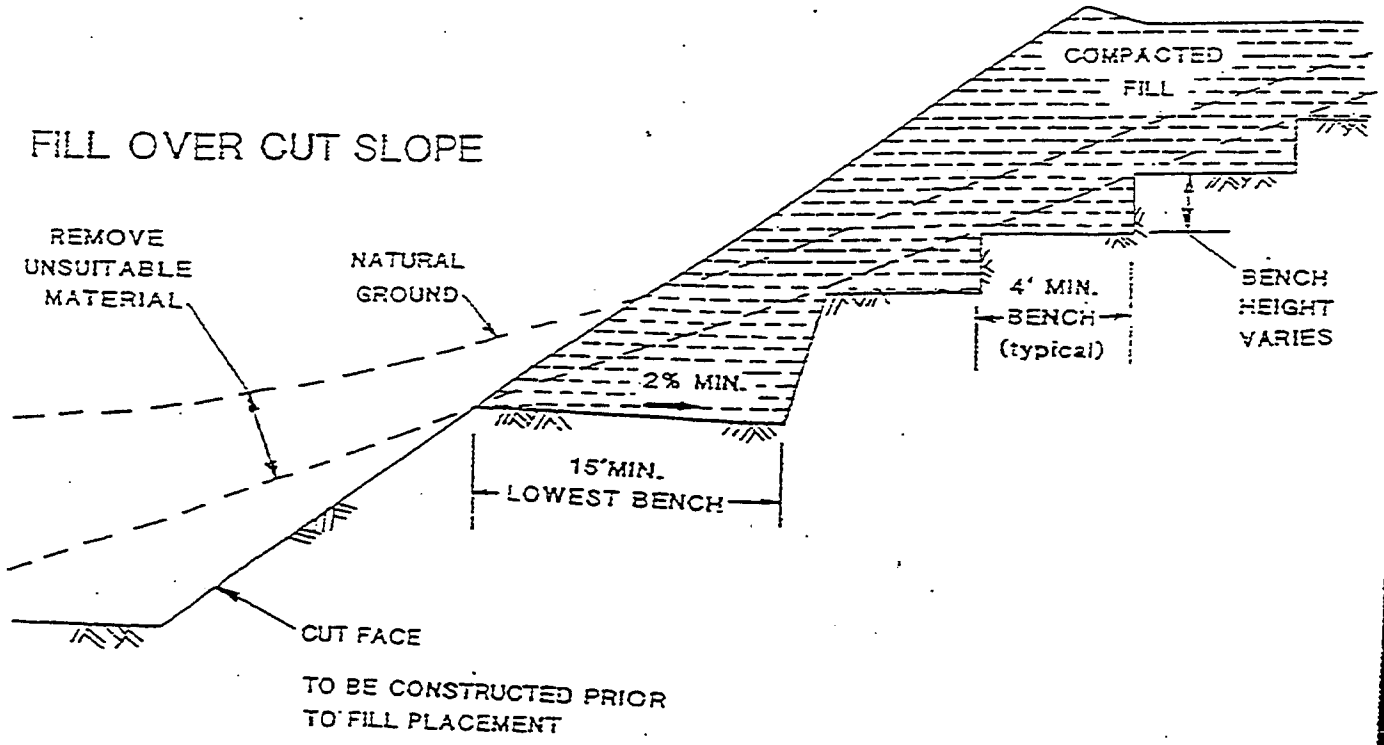
FILL SLOPE



FILL OVER CUT SLOPE



MID-COAST OTECHNICAL	BENCHING DETAILS	Plate E

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PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

May 11, 1995

PRESENT: Commissioners Shirley Bianchi, Charmaine Gallagher, Don Keefer, Ken Schwartz, Chairman Susan Ostrov

ABSENT: None

RESOLUTION NO. 95-45
RESOLUTION RELATIVE TO THE GRANTING
OF A MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT

WHEREAS, The County Planning Commission of the County of San Luis Obispo, State of California, did, on the 11th day of May, 1995, grant a Minor Use Permit/Coastal Development Permit to MICHAEL DE VEAU to allow grading of driveway (on slopes exceeding 30%) and construct single family dwelling on slopes exceeding 30%, in the Residential Single Family Land Use Category. The property is located on the north side of Old Creek Road, approximately 1/4 mile east of Highway 1 in the community of Cayucos, APN: 064-211-076, in the Estero Planning Area. County File Number: D940014P.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit subject to the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 11th day of May, 1995, does hereby grant the aforesaid Permit, No. D940014P.

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If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six months (6) or conditions have not been complied with, such Permit approval shall become void.

On motion of Commissioner Bianchi, seconded by Commissioner Gallagher, and on the following roll call vote, to-wit:

AYES: Commissioners Bianchi, Gallagher, Keefer, Schwartz, Chairman Ostrov

NOES: None

ABSENT: None

the foregoing resolution is hereby adopted.

/s/ Susan Ostrov
Chairman of the Planning Commission

ATTEST:

/s/ Diane Tingle
Secretary, Planning Commission

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Exhibit B
Minor Use Permit - D940014P
Findings

A. The proposed project or use as conditioned is consistent with the Local Coastal Program and the Land Use Element of the General Plan because single family residences are allowed uses within the Residential Single Family land use category. With the conditions of approval, the use is consistent with other elements of the General Plan.

B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied to this particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to properties in the vicinity because the project is subject to Ordinance and Building Code requirements designed to address additional health, safety and welfare concerns.

D. As conditioned, the proposed project or use will not be inconsistent with the character of the immediate area or contrary to the orderly development because the project consists of a single family residence in a residential neighborhood.

E. As conditioned, the proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the single family residence will not generate significant additional traffic. The traffic that will be generated by this use will be handled by Old Creek Road, an arterial street capable of dealing with the traffic associated with the project.

F. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

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Exhibit C
D940015V and D940014P
Conditions

Approved Development

1. This approval authorizes a variance for the construction of an approximately 950 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. This project also authorizes the construction of a driveway on slopes exceeding 30% which provides access to the homesite, but does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the revised site plan, floor plans and architectural elevations.

Plans

3. **Prior to review of construction plans for construction permits**, the applicant shall submit revised architectural plans and elevations to the Development Review Section of the Department of Planning and Building for review and approval which show the residence relocated below the 155 foot contour line as shown on the site plan, unless an engineering geologist report indicates a higher elevation is safer than the lower one, and final approval be by the Planning and Building Department.

4. **Prior to review of construction plans for construction permits**, the applicant shall submit revised plans for review and approval prepared by a registered engineering geologist that incorporate the geology report recommendations. The revised plans shall include the following:
   (1) the driveway intersecting Old Creek Road at close to a right angle.
   (2) the grade starting at about six feet from the existing edge of pavement.
   (3) driveway to be 18 feet in width, unless waived by the Fire Department or Fire Appeals Board.
   (4) proposed residence relocated below the 155 foot contour line.

5. **Prior to the issuance of any permit**, a sedimentation and erosion control plan prepared by a qualified individual that complies with Section 23.05.036 of the CZLUO shall be submitted for review and approval to the Engineering Department.

6. **Prior to issuance of any permit**, the applicant shall submit to the Engineering Department for review and approval a driveway profile from the centerline of the fronting street right-of-way to the garage floor.

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Encroachment Permit

7. **Prior to the issuance of any permit**, the applicant will secure an approved encroachment permit.

Fire Safety Plan

8. **Prior to final inspection**, the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

County Waterworks District #8

9. **Prior to the issuance of any permit**, the applicant shall submit a letter from County Waterworks District #8 stating that they are willing and able to serve the property.

Cayucos Sanitary District

10. **Prior to the issuance of any permit**, the applicant shall submit a letter from Cayucos Sanitary District stating that the project will meet their requirements.

Staff Report

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San Luis Obispo County Department of Planning and Building

DATE: MAY 11, 1995

TO: PLANNING COMMISSION

FROM: LAUREN LAJOIE, ASSOCIATE PLANNER
MATT JANSSEN, ENVIRONMENTAL SPECIALIST

SUBJECT: MICHAEL DEVEAU VARIANCE (D940015V) AND MINOR USE PERMIT (D940014P) TO CONSTRUCT A SINGLE FAMILY DWELLING, DETACHED GARAGE AND DRIVEWAY ON SLOPES OVER 30%.

ATTACHMENT:
1. Findings - Exhibit A
2. Conditions of Approval - Exhibit B

APPENDIX:
A. Graphics
B. Negative Declaration
C. Consent of Landowner

SUMMARY

The proposed project consists of the construction of a single family dwelling, detached garage and driveway on slopes exceeding 30%. The proposed driveway is intended to serve two residences. The major issue surrounding this application is the extreme slope of the property and the driveway serving the site.

RECOMMENDATION

Adopt the resolution approving the Variance and Minor Use Permit applications based on the revised project, the findings listed in Exhibit A and B and conditions listed in Exhibit C and approve the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

PROJECT DESCRIPTION

Location: The project is located on the north side of Old Creek Road, approximately 1/4 mile east of Highway One, in the

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community of Cayucos. (064-211-076) Estero planning area. **Supervisorial District No. 2**

General Plan: Residential Single Family/Local Coastal Plan/Geologic Study Area

Area Standards: **Communitywide:** (Page 8-8) Cayucos Sanitary District Authorization Required. **Combining Designations:** (Page 8-11) Geologic Study Areas (GSA) - Geologic Report Required.

ENVIRONMENTAL SETTING

Existing Uses and Improvements: Undeveloped

Surrounding Zoning and Uses:

North:	Residential
South:	Residential
East:	Undeveloped
West:	Undeveloped

Parcel Size: Approximate 5,000 square feet

Topography: Very steeply sloping

Vegetation: Grasses, forbes, coastal scrub

Water: County Waterworks District #8

Sewage Disposal: Cayucos Sanitary District

Fire Protection: Cayucos Fire Protection District

Acceptance Date: December 9, 1994

ENVIRONMENTAL DETERMINATION

During the initial study process no potentially significant impacts were identified. The potential on-site and cumulative impacts associated with the request are not considered significant. Therefore, a Negative Declaration is appropriate under the California Environmental Quality Act.

DISCUSSION/BACKGROUND

Variance

The applicant is requesting a variance to construct a single family dwelling, detached garage and a common driveway serving at least two properties on slopes that exceed 30% with slopes of 100% at the road cut on Old Creek Road. The entire project site is located on a steep (approximately 40%) relatively undeveloped hillside adjacent to Old Creek Road in Cayucos. The Coastal Zone Land Use Ordinance (CZLUO) specifies that grading, vegetation removal and other landform alterations shall be minimized. The proposed project includes a detached garage located in close proximity to the driveway, however the residence is located approximately 100 feet up the hill and is accessed by a series of stairs. The proposed single family dwelling will need to be relocated so as to minimize site disturbance.

Utilizing the same structure that is currently proposed the revised project would disturb the site to approximately the 155 foot contour line as shown on the plans provided by the applicant. The project has been conditioned to relocate the house below the 155 foot contour line.

The proposed driveway location has raised a number of concerns associated with site distance on Old Creek Road, landslides in the area and the topography of the site. The applicant was asked to consider alternative routes to the site, possibly off of Richard Avenue. Due to financial considerations this option proved infeasible.

ORDINANCE COMPLIANCE

Because the project is located in a Geologic Study Area and on slopes exceeding 30% the applicant was required to submit a geologic report for the site. The applicant will need to have plans prepared by a registered engineer that incorporate the geology report recommendations.

Although this project is located within 100 feet of a coastal stream, Old Creek Road runs between the property and the stream. As conditioned the project will not impact the natural hydrological system and ecological functions of the coastal stream.

OTHER AGENCY REVIEW

The Engineering Department reviewed the driveway proposal and found it of some concern. Three issues were identified as areas of concern:

(1) the driveway must intersect Old Creek Road at close to a right angle.

(2) the grade must start at about six feet from the existing edge of pavement.
(3) the driveway will serve at least one other residence which will require the driveway to be 18 feet in width.

The project has been conditioned to satisfy the concerns identified by the Engineering Department

Exhibit A
Variance - D940015V
Findings

A. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the land use category in which it is situated because a single family residence is an allowed use in the Residential Single Family land use category and there is no area on the site where building on slopes of more than 30% could be avoided.

B. There are special circumstances applicable to the property, including size and topography and because of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other properties in the vicinity and in the same land use category. These circumstances are that slopes on the entire site exceed 30% and there is no area on which to build a residence on slopes of less than 30%.

C. The variance does not authorize a use that is not otherwise authorized in the land use category because single family residences are allowed uses in the Residential Single Family category.

D. The variance is consistent with the provisions of the Local Coastal Program.

E. The granting of such application does not, under the circumstances and conditions applied in this particular case, adversely affect public health or safety. is not materially detrimental to the public welfare, not injurious to nearby property or improvements as the plans will be prepared by a registered engineer and will incorporate the geologic report recommendations.

Exhibit B
Minor Use Permit - D940014P
Findings

A. The proposed project or use as conditioned is consistent with the Local Coastal Program and the Land Use Element of the General Plan because single family residences are allowed uses within the Residential Single Family land use category. With the conditions of approval, the use is consistent with other elements of the General Plan.

B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied to this particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to properties in the vicinity because the project is subject to Ordinance and Building Code requirements designed to address additional health, safety and welfare concerns.

D. As conditioned, the proposed project or use will not be inconsistent with the character of the immediate area or contrary to the orderly development because the project consists of a single family residence in a residential neighborhood.

E. As conditioned, the proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the single family residence will not generate significant additional traffic. The traffic that will be generated by this use will be handled by Old Creek Road, an arterial street capable of dealing with the traffic associated with the project.

F. On the basis of the Initial Study and all comments received there is no substantial evidence that the project will have a significant effect on the environment.

Staff report prepared by Lauren Lajoie, Associate Planner
and reviewed by Michael Draze, Supervising Planner

Exhibit C
D940015V and D940014P
Conditions

Approved Development

1. This approval authorizes a variance for the construction of an approximately 950 square foot single family dwelling and an approximately 650 square foot detached garage on slopes of more than 30%. This project also authorizes the construction of a driveway on slopes exceeding 30% which provides access to the homesite, but does not authorize driveway improvements that extend more than 20 feet beyond the northern property line.

2. Site development shall be consistent with the revised site plan, floor plans and architectural elevations.

Plans

3. **Prior to review of construction plans for construction permits**, the applicant shall submit revised architectural elevations to the Development Review Section of the Department of Planning and Building for review and approval which show the residence relocated below the 155 foot contour line as shown on the site plan.

4. **Prior to review of construction plans for construction permits**, the applicant shall submit revised plans for review and approval prepared by a registered engineer that incorporate the geology report recommendations. The revised plans shall include the following:
   (1) the driveway intersecting Old Creek Road at close to a right angle.
   (2) the grade starting at about six feet from the existing edge of pavement.
   (3) driveway to be 18 feet in width.
   (4) proposed residence relocated below the 155 foot contour line.

5. **Prior to the issuance of any permit**, a sedimentation and erosion control plan prepared by a qualified individual that complies with Section 23.05.036 of the CZLUO shall be submitted for review and approval to the Engineering Department.

6. **Prior to issuance of any permit**, the applicant shall submit to the Engineering Department for review and approval a driveway profile from the centerline of the fronting street right-of-way to the garage floor.

Encroachment Permit

7. **Prior to the issuance of any permit**, the applicant will secure an approved encroachment permit.

Fire Safety Plan

8. **Prior to final inspection**, the applicant shall provide proof of compliance with an approved safety plan from the Cayucos Fire Protection District.

County Waterworks District #8

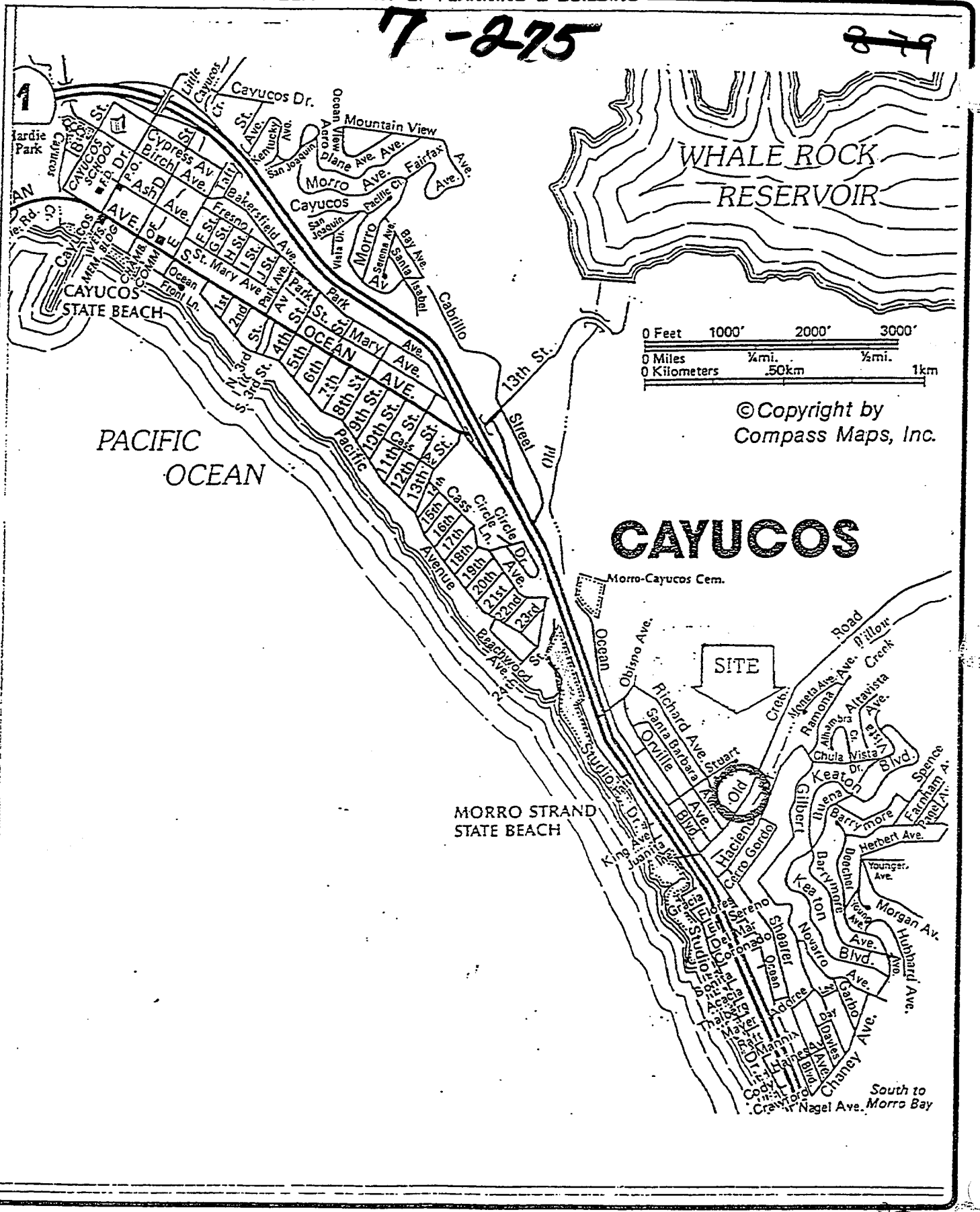
9. **Prior to the issuance of any permit**, the applicant shall submit a letter from County Waterworks District #8 stating that they are willing and able to serve the property.

Cayucos Sanitary District

10. **Prior to the issuance of any permit**, the applicant shall submit a letter from Cayucos Sanitary District stating that the project will meet their requirements.

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING & BUILDING

T-275



PROJECT

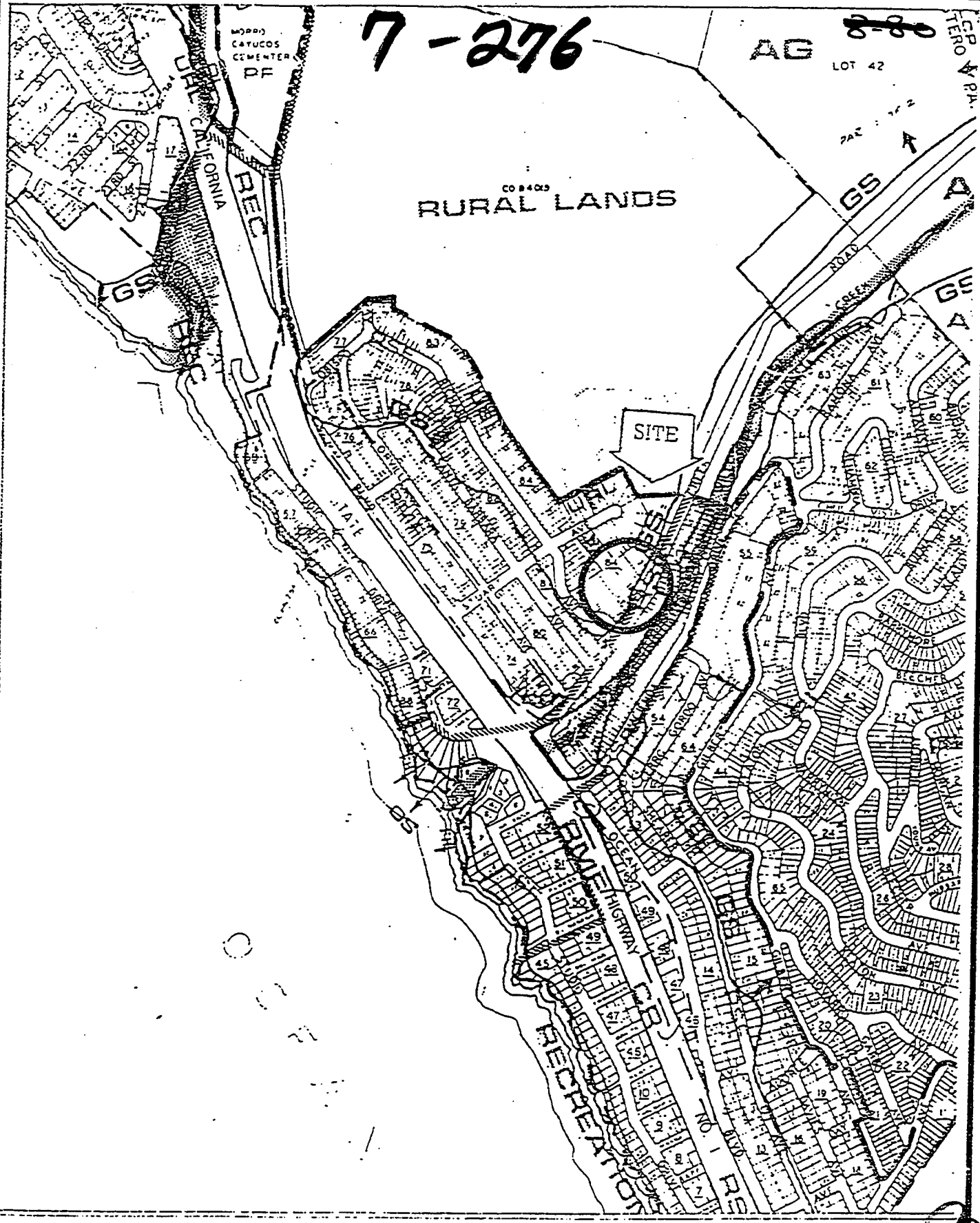
PLANNING COMMISSION HEARING
DEVEAU/D940015V AND D940014P

EXHIBIT

VICINITY MAP

~~5773~~

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING & BUILDING



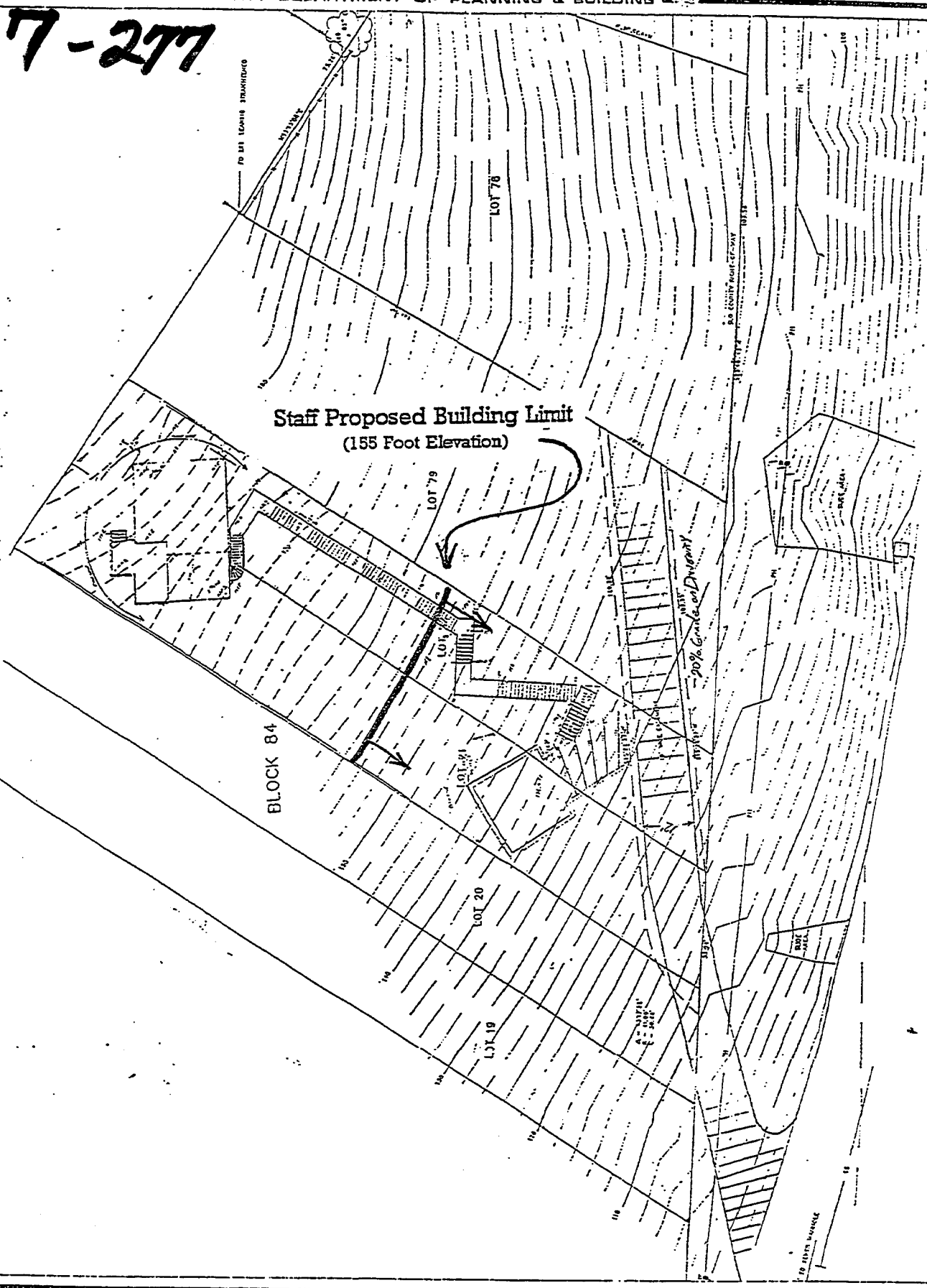
PROJECT

PLANNING COMMISSION HEARING
DEVEAU/D940015V AND D940014P

EXHIBIT

LAND USE CATEGORY MAP

7-277



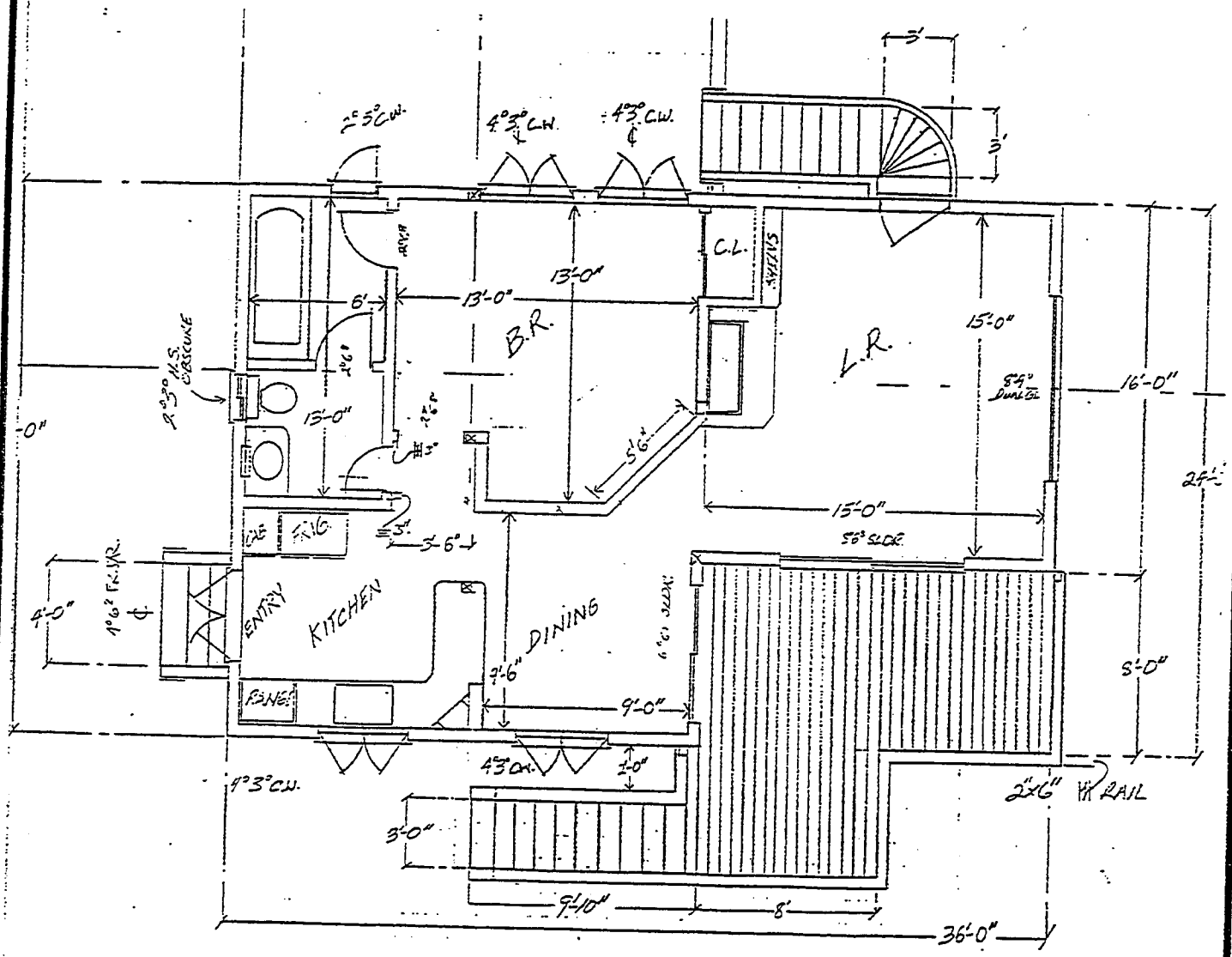
PROJECT

PLANNING COMMISSION HEARING
DEVEAU/D940015V AND D940014P

EXHIBIT

SITE PLAN

7-278



FLOOR PLAN

SCALE: 1/4" = 1'-0"

PROJECT

PLANNING COMMISSION HEARING
DEVEAU/D940015V AND D940014P

EXHIBIT

FLOOR PLAN

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING & BUILDING

~~5-80-313~~

7-279

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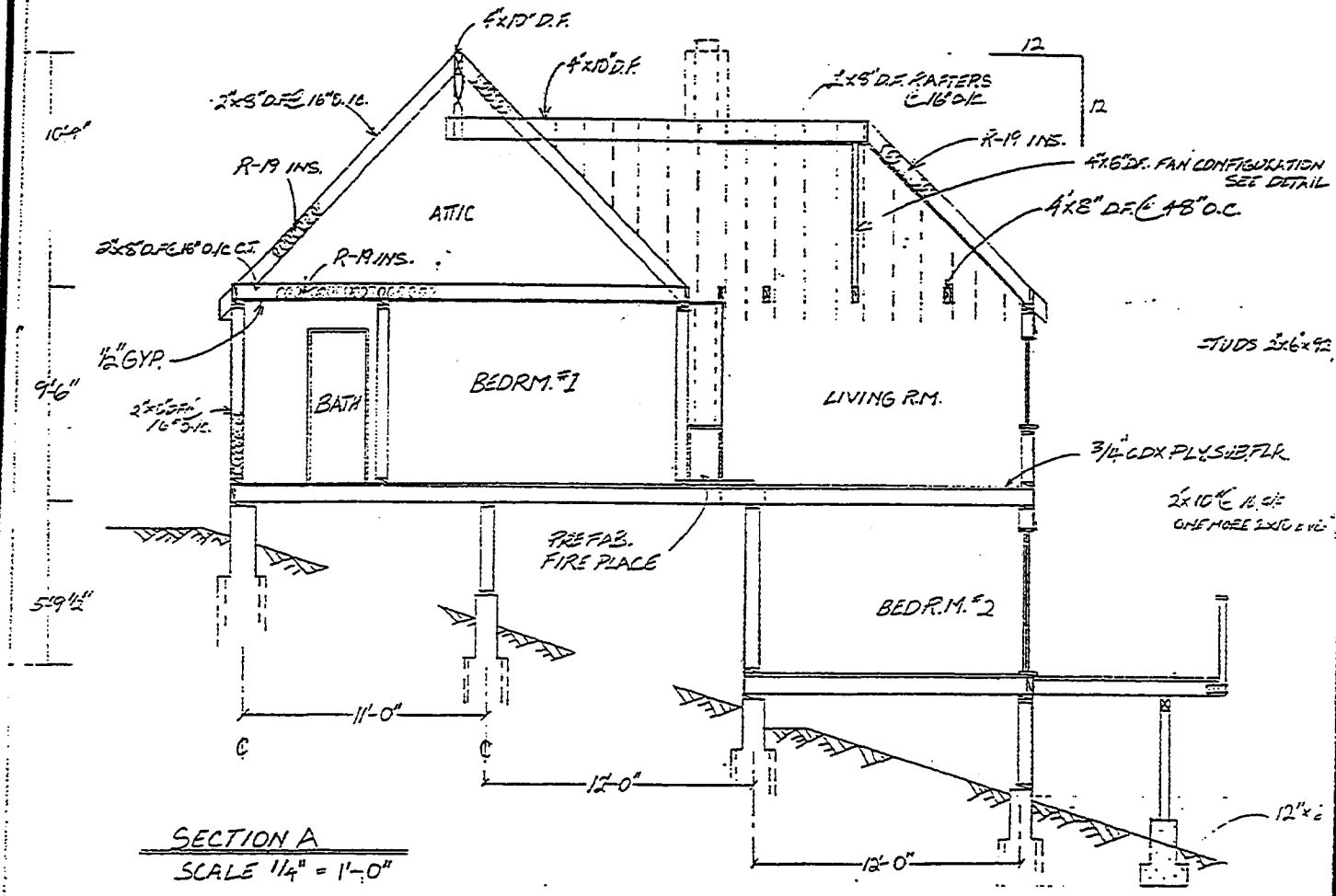

SECTION A
SCALE 1/4" = 1'-0"

PROJECT

PLANNING COMMISSION HEARING
DEVEAU/D940015V AND D940014P

EXHIBIT

CROSS SECTIONS

22

180

7-280 (nhr/mj) FOR OFFICIAL USE ONLY

COUNTY OF SAN LUIS OBISPO
NOTICE OF DETERMINATION AND
NEGATIVE DECLARATION

ENVIRONMENTAL DETERMINATION NO. ED94-253, -254 DATE: FEBRUARY 17, 1995

PROJECT DESCRIPTION

APPLICANT/ENTITLEMENT: Deveau Minor Use Permit and Variance; D940014P, D940015V
PLANNING AREA: Estero/Cayucos (Coastal Zone)
LAND USE CATEGORY: Residential Single Family
PARCEL SIZE: 10,000 square feet
TOTAL AREA OF DISTURBANCE: Approximately 5,000 square feet
LOCATION: On the north side of Old Creek Road, approximately 1/4 mile east of Highway 1, in the community of Cayucos
PROPOSED USES/INTENT: A request for a coastal development permit to construct a single-family residence and garage
APPLICANT: Michael Deveau; La Jolla, CA

ENVIRONMENTAL SETTING

TOPOGRAPHY:	Very steeply sloping
VEGETATION:	Grasses; forbs; coastal scrub
SOIL TYPE:	Los Osos-Diablo complex
SOIL CHARACTERISTICS:	Not well drained; moderate erodibility; moderate shrink-swell potential
GEOLOGIC HAZARDS:	Low landslide potential; negligible liquefaction potential
FIRE HAZARD:	Moderate
WATER:	To be provided by County Waterworks District #8
SEWAGE DISPOSAL:	To be provided by Cayucos Sanitary District
EXISTING USES:	Undeveloped
SURROUNDING USES:	Single-family residences

ADDITIONAL INFORMATION

Additional information pertaining to this environmental determination may be obtained by contacting the Department of Planning and Building - Environmental Division, County Government Center, Room 310, San Luis Obispo, CA 93408-2040, (805) 781-5600.

STATEMENT OF FINDINGS

The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Sections 21108, 21151 & 21167) is proposed.

ACTION TAKEN

On _____19____, the San Luis Obispo County Board of Supervisors/Planning Commission/Staff, having considered the Environmental Coordinator's action, approved/denied this project.

A copy of the Negative Declaration is available for review from the San Luis Obispo County Clerk, Room 385, County Government Center, San Luis Obispo, CA 93408-2040.

California Department of Fish and Game

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

7-281

PROJECT TITLE & NUMBER: DEVEAU MINOR USE PERMIT & VARIANCE: ED94-253, 254 / (D940014P) & (D940015V)

Project Applicant

Name: MICHAEL P. DEVEAU

Address: 8425 AVE DE LAS ONDAS

City, State, Zip Code: LA JOLLA, CA 92037

Telephone #: (619) 627-8503

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

( ) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.

( ) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.

(✓) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.

( ) The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____

( ) Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

FOR **Ellen Carroll**
Environmental Coordinator
County of San Luis Obispo

Date FEB. 17, 1995

7-282

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. DEVEAU MINOR USE PERMIT & VARIANCE; ED 94-253, 254 / (D940014P) & (D940015V)

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project. Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 318, County Government Center, San Luis Obispo, CA, 93408 or call (805) 781-5600.

Initial Study Reference and Agency Contacts: The following reference materials are used in the environmental review for each project and are hereby incorporated by reference into the Initial Study.

- Project File for the Subject Application
- County General Plan (Inland & Coastal, including all maps & elements)
- County Land Use Ordinance
- Area of Critical Concerns Map
- Fire Hazard Severity Map
- Natural Species Diversity Database
- Areas of Special Biological Importance Map
- Archaeological Resources Map
- U.S. Soil Conservation Service Soil Survey for SLO County
- Flood Hazard Maps
- Other special studies, reports and existing EIRs as appropriate
- Airport Land Use Plans

In addition to the above, the County Planning or Environmental Division have contacted responsible and trustee agencies for their comments on the proposed project. With respect to the subject application, the following agencies have been contacted (marked with an "X") or have responded (marked with "XX"):

XX County Engineering Department
__ County Environmental Health Division
X County Planning Division
__ County Agricultural Commissioner's Office
__ County Airport Manager
__ Airport Land Use Commission
__ Air Pollution Control District
__ County Sheriff's Department
__ CA Department of Fish and Game
__ CA Department of Forestry
__ CA Department of Transportation
__ Regional Water Quality Control Board
__ CA Coastal Commission
__ _____ Community Service District
XX Other CAYUCOS WATER DISTRICT

Checklist Identification of Mitigations for Potential Impacts: The checklist provides the identification and summary of the project's potential environmental impacts. Where potential impacts require mitigation, the following list of mitigations explains how the identified potential environmental impacts can and will be avoided or substantially lessened:

7-283 ~~8-87~~ 3-17 ~~5-84~~

A. The project has been changed to avoid or substantially lessen environmental impacts. Where changes require explanation, the change(s) will be discussed in the Special Environmental Considerations section or attached material following the checklist.

B. The project is subject to standards and requirements of the Land Use Element/Land Use Ordinance and/or other County ordinances that include provisions to avoid or substantially lessen environmental impacts. These provisions are requirements that must be incorporated into the project.

C. The project is subject to state and/or federal regulations, laws and/or requirements that include provisions to avoid or substantially lessen environmental impacts. The project must incorporate the above provisions in order to be in compliance with Federal or State law.

D. A special mitigation plan to avoid or lessen environmental impacts has been agreed to by the applicant. This will be noted on the checklist and, if necessary, discussed in an attachment to the checklist.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1=Potentially Significant Impact
2=Impact Can & Will be Mitigated
3=Insignificant Impact
4=Not Applicable

I. BIOLOGICAL RESOURCES

		1	2	3	4
A.	Wildlife	( )	( )	(✓)	( )
B.	Vegetation	( )	( )	(✓)	( )
C.	Habitat Area	( )	( )	(✓)	( )
D.	Rare and/or Endangered Species	( )	( )	( )	(✓)
E.	Unique or Fragile Biotic Community	( )	( )	( )	(✓)
F.	State Area of Special Biological Importance	( )	( )	( )	(✓)
G.	Riparian/Wetland Area	( )	( )	( )	(✓)
H.	Other:_____	( )	( )	( )	( )

Mitigation: A__ B__ C__ D__
( ) See attached exhibits: ( )Developer's Statement; ( )Agency Response _____
( )Revised Plans; ( )Designated Bldg Sites
( ) See Special Environmental Considerations
( ) See Document in file _____

II. DRAINAGE, EROSION AND SEDIMENTATION

		1	2	3	4
A.	Increased Storm Water Runoff	( )	( )	(✓)	( )
* B.	Erodible Soils/Erosion	( )	(✓)	( )	( )
C.	Poorly Drained Soils	( )	( )	(✓)	( )
* D.	Sedimentation	( )	(✓)	( )	( )
E.	Contributes to Existing Drainage Problem	( )	( )	(✓)	( )
F.	Alters Existing Drainage Course or Waterway	( )	( )	( )	(✓)
G.	Other:_____	( )	( )	( )	( )

* Mitigation: A__ B ✓ [see LUO sec.22.05.036(CZLUO 23.05.036); 22.05.040(CZLUO 23.05.040)] C__ D__
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( )Sedimentation & Erosion Control/Drainage Plan
( ) See Special Environmental Considerations
( ) See Document in file _____

C3 184

7-284

1=Potentially Significant Impact
2=Impact Can & Will be Mitigated
3=Insignificant Impact
4=Not Applicable

III. GEOLOGICAL HAZARDS/SITE ALTERATION

		1	2	3	4
A.	Landslide Hazard	( )	( )	(✓)	( )
B.	Seismic Hazard	( )	( )	(✓)	( )
C.	Topographic Alteration; Grading for Building X, Driveways X, Roads__, Other __	( )	( )	(✓)	( )
D.	Soil Expansion	( )	( )	(✓)	( )
E.	Steep Slopes	( )	( )	(✓)	( )
F.	Other:_____	( )	( )	( )	( )

Mitigation: A __ B __ C __ D __.
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( ) Sed./Erosion Control Plan; ( )Revised Plans; ( ) Designated Bldg Sites
( ) See Special Environmental Considerations
( ) See Document in file _____

IV. WATER RESOURCES

		1	2	3	4
A.	Groundwater Quantity	( )	( )	(✓)	( )
B.	Groundwater Quality	( )	( )	(✓)	( )
C.	Surface Water Quantity	( )	( )	(✓)	( )
D.	Surface Water Quality	( )	( )	(✓)	( )
E.	Stream Flow Change	( )	( )	(✓)	( )
F.	Change to Estuarine Environment	( )	( )	( )	(✓)
G.	Other:_____	( )	( )	( )	(✓)

Mitigation: A __ B __ C __ D __
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( )Hydrology Report
( ) See Special Environmental Considerations
( ) See Document in file _____

V. POLLUTION

		1	2	3	4
A.	Hazardous Materials	( )	( )	(✓)	( )
B.	Groundwater Pollution	( )	( )	(✓)	( )
C.	Surface Water Pollution	( )	( )	(✓)	( )
D.	Increase in Existing Noise Levels	( )	( )	(✓)	( )
E.	Exposure of People to Severe Noise Levels	( )	( )	(✓)	( )
F.	Substantial Air Emissions	( )	( )	(✓)	( )
G.	Deterioration of Ambient Air Quality	( )	( )	(✓)	( )
H.	Creation of Objectionable Odors	( )	( )	(✓)	( )
I.	Other:_____	( )	( )	( )	( )

Mitigation: A __ B __ C __ D __
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( )Hydrology/Noise Study
( ) See Special Environmental Considerations
( ) See Document in file _____

7-285

1=Potentially Significant Impact
2=Impact Can & Will be Mitigated
3=Insignificant Impact
4=Not Applicable

VI. TRAFFIC

	1	2	3	4
A. Increase in Vehicle Trips	( )	( )	(✓)	( )
B. Reduced Levels of Service on Existing Public Roadways	( )	( )	(✓)	( )
C. Limited or Unsafe Access	( )	( )	(✓)	( )
D. Creates Unsafe Conditions on Public Roadways	( )	( )	(✓)	( )
E. Areawide Traffic Circulation	( )	( )	(✓)	( )
F. Internal Traffic Circulation	( )	( )	(✓)	( )
G. Other:_____	( )	( )	(✓)	( )
	( )	( )	( )	( )

Mitigation: A ___ B ___[see Co. Code Title 13.01.010-.060; _____Circulation Fee] C ___ D ___

( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response _____
( )Traffic Study

( ) See Special Environmental Considerations

( ) See Document in file _____

VII. PUBLIC SERVICES

	1	2	3	4
A. Fire Protection Services	( )	( )	(✓)	( )
B. Police/Sheriff Services	( )	( )	(✓)	( )
C. Schools	( )	( )	(✓)	( )
D. Community Wastewater	( )	( )	(✓)	( )
E. Community Water Supply	( )	( )	(✓)	( )
F. Solid Waste Disposal	( )	( )	(✓)	( )
G. Onsite Wastewater	( )	( )	(✓)	( )
H. Onsite Water	( )	( )	( )	(✓)
I. Other:_____	( )	( )	( )	(✓)
	( )	( )	( )	( )

Mitigation: A ___ B ___(School Fee, Countywide Fee) C ___ D ___

( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response _____
( )Hydrology Report

( ) See Special Environmental Considerations

( ) See Document in file _____

VIII. AESTHETIC/CULTURAL RESOURCES

	1	2	3	4
A. Visual Impact from Public Roadway	( )	( )	(✓)	( )
B. Increased Light or Glare	( )	( )	(✓)	( )
C. Alters Important Scenic Vista	( )	( )	(✓)	( )
D. Archaeological Resources	( )	( )	(✓)	( )
E. Historic Resources	( )	( )	(✓)	( )
F. Other:_____	( )	( )	( )	(✓)
	( )	( )	( )	( )

Mitigation: A ___ B ___ C ___ D ___

( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( )Visual Analysis; ( )Revised Plans; ( )Landscape Plan; ( ) Designated Bldg Sites

( ) See Special Environmental Considerations

( ) Document in file _____

7-286

1=Potentially Significant Impact
2=Impact Can & Will be Mitigated
3=Insignificant Impact
4=Not Applicable

IX. HOUSING AND ENERGY

		1	2	3	4
A.	Creates Substantial Demand for Housing	( )	( )	(✓)	( )
B.	Uses Substantial Amount of Fuel or Energy	( )	( )	(✓)	( )
C.	Encourages Growth Beyond Resource Capacities	( )	( )	(✓)	( )
D.	Other:_____	( )	( )	( )	( )

Mitigation: A___ B___ C___ D___
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( ) See Special Environmental Considerations
( ) See Document in file _____

X. AGRICULTURAL/MINERAL RESOURCES

A.	Eliminates Valuable Mineral Resources	( )	( )	( )	(✓)
B.	Prime Agricultural Soils	( )	( )	( )	(✓)
C.	Conflicts with Existing Agricultural Area	( )	( )	( )	(✓)
D.	Change from Agriculture to Other Uses	( )	( )	( )	(✓)
E.	Other:_____	( )	( )	( )	( )

Mitigation: A___ B___ C___ D___
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( ) See Special Environmental Considerations
( ) See Document in file _____

XI. GROWTH INDUCING/CUMULATIVE EFFECTS

A.	Growth Inducing Effects	( )	( )	(✓)	( )
B.	Precedent for Change in Area Land Use	( )	( )	(✓)	( )
C.	Cumulative Effects: _____	( )	( )	(✓)	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
D.	Other:_____	( )	( )	( )	( )

Mitigation: A___ B___ (School Fee, Countywide Fee) C___ D___
( ) See attached exhibit(s): ( )Developer's Statement; ( )Agency Response_____
( ) See Special Environmental Considerations
( ) See Document in file _____

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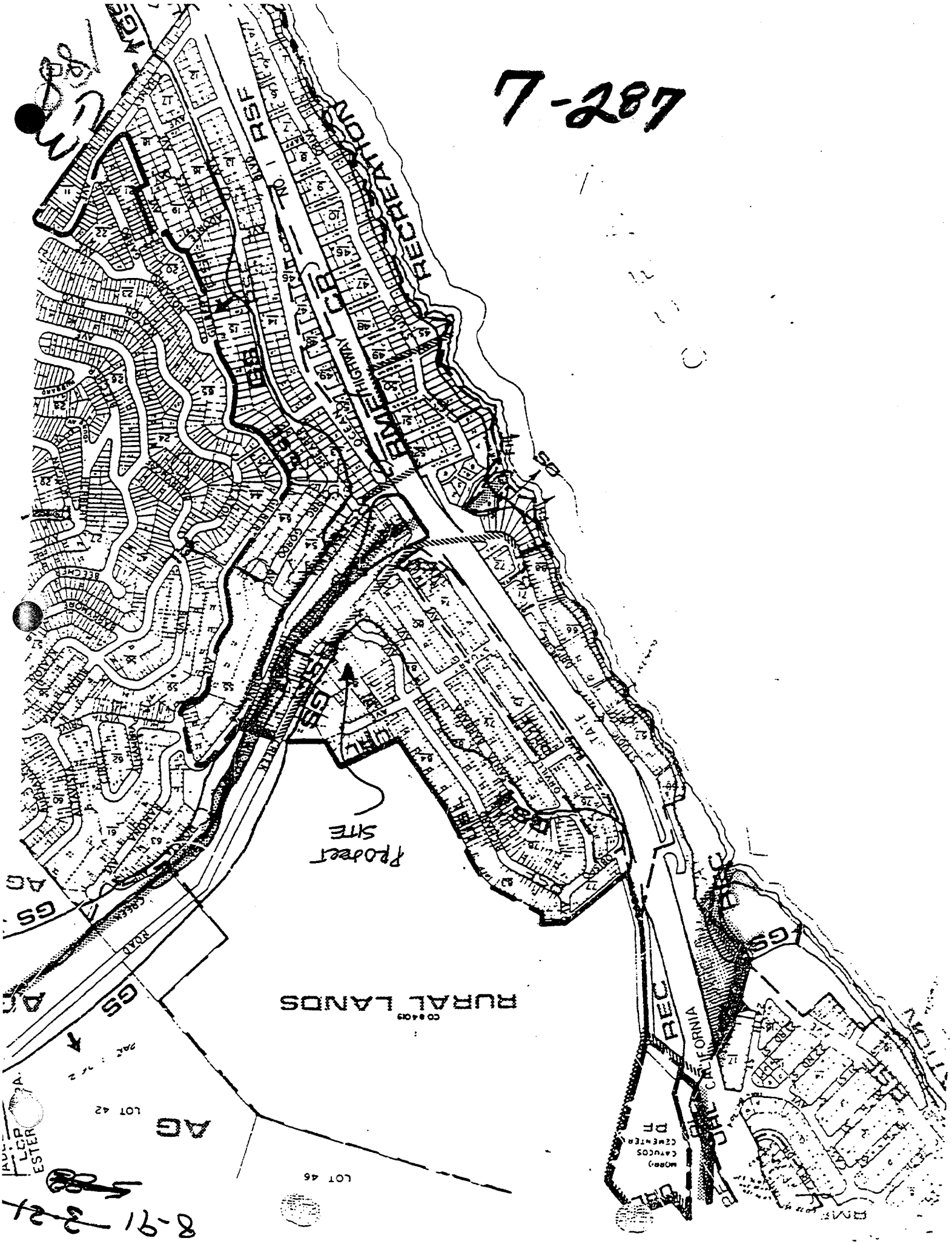

RURAL LANDS
Project SITE
RECREATION
HIGHWAY
OCEAN
CALIFORNIA
LOT 42
LOT 46
AG
GS
REC

8-91 3-21

7-288

Consent of Landowner

8-92

RECEIVED
NOV 21 1994
S.L.O. COUNTY
PLANNING DEPT

November 10, 1994

Lauren Lajoie
Department of Planning and Building
San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408

Dear Lauren;

I am the owner of lots 19 & 20 on Old Creek Road in Cayucos. I have received the enclosed copy of Mr. Deveau's driveway plan, and I give my consent for the construction of a driveway as illustrated.

Sincerely,

Sharon Campbell

Signature of Landowner
formerly - Sharon (Freitas Pohlman)
3802 Cape Cod Drive
Stockton, CA 95209
209-477-3812

I have remarried and my name since 1991 is Sharon Camp
Generally speaking any access road should help all the landowners somewhat. For me the higher the better.
Thank you for asking for my consent.

Sharon Campbell

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