

Cayucos Citizen's Advisory Council Minutes June 2, 2010 Vet's Hall

Meeting called to order by President John Carsel - 7:05 PM approx. 20 in public attendance

Present: John Carsel, Carol Baptiste, Arley Robinson, Paul Choucalas, Bill Shea, Roland Hutchison, Margaret Ambrosavage, Steve Beightler, DeAnne Harland, Marie Jaqua, Chris Pope, and Larry Fishman. Cyndi Malmen, Jim Christiansen, Greg Bettencourt and Clay Selkirk were absent and excused.

Minutes Motion to approve the minutes by Steve Beightler, seconded by Bill Shea. Verbal approval unanimous.

Treasurer's Report: balance \$1,560.70 .

Announcements:

Nothing.

Correspondence:

Nothing.

Public Comments: use the microphone, state name and residence, 3 minute limit.

Donna Dawson, Orville Avenue: Thank you for helping to get the dog park open. Everything is going great. If anyone has spare time, there are rakes and shovels there for maintenance.

DeAnne Harland: On Bakersfield and Fresno Avenues, we have a pair of peacocks. Sometimes they are in the street. Please watch out for them. I left my door open for the dog and one came in the house. I have some photos of them if you would like to see them.

Public Agencies

County Sheriff: Commander Ben Hall, Coastal Patrol Division

This last month there have been 95 calls and 19 reports. Last year at this time there were 122 calls. Some bikes were stolen and found a few weeks later. Some one was stealing chile peppers. There was a rash of thefts. Jewelry on Pacific Ave. and some tools out of an unlocked vehicle. When there are thefts close together like that, we think someone is passing through.

DeAnne Harland: What is the legality/non legality of golf carts in the streets. The CHP would say you can't drive them.

Ben Hall: If they are licensed, you can drive them on the street.

John Carsel: I'm on the "anti gang task force". Do we have gang activity here?

Ben Hall: Los Osos, 14,000 people, briefly. Along the coastal area here, the single answer is "no". Cambria and San Simeon might be more inclined to have gang activity due to the make up of the population there.

Paul Choucalas: How many people does it take to make a "gang"?

Ben Hall: We're not talking about Spanky and his gang. We are talking about organized criminal activity.

Paul Choucalas: What about motorcycle gangs?

Ben Hall: Motorcycle gangs aren't usually claiming territory. Latino gangs tend to claim territory.

CHP -

No report.

Parks -

No report.

Co. Planning - Paul Sittig

I do not have anything new. Are there any questions?

Co. Public Works - Jeremy Ghent

Nothing.

Chamber of Commerce - Bill Shea

May madness was a success. We made enough money to pay for the fireworks, we will be having fireworks. On June 15, The Way Station will have a mixer. The regularly scheduled Chamber of Commerce meeting will be June 16 in the Vet's Hall annex.

County Supervisor - Bruce Gibson

Cherie Aispuro: Bruce is in Sacramento. I have a gift for you from Supervisor Gibson. This is a copy of the draft budget. The Supervisors need to bridge a \$17 million gap.

Our office hours are now the first Weds. of the month from 4:00 to 5:00 at the new library at Cayucos Elementary.

The swing set is gone temporarily. It is out for refurbishing. There are a couple of vacancies on the Health Commission. Call 781-4211 if you are interested.

I have been getting calls from Cayucos and Cambria about speeding. In Cayucos, it is Pacific Ave. and Richard Ave.. I have contacted the CHP. People are asking for speed bumps. That does not always work out to be the best answer.

Committee Reports**Land Use** - Larry Fishman

I would like to make a motion that we move New Business item B. (709 Lucerne - Variance for House Construction) to now. Bill Shea, I second the motion. The voice vote is unanimous.

John Carsel: New Business, item B. is moved to now.

Kerry Brown: The project on Lucerne Rd. is the little yellow house at the end of Lucerne that used to be The Gull Cottage. They are proposing to replace the house. There are issues. There is increased bluff setbacks of 30' on the South and 40' on the North. There is a water tank that has been determined to be of historic significance from the Cass family. The applicant is proposing that the water tank be relocated to the Cass House property. They are requesting variance for the set backs.

The proposed house is two story with an underground basement that would be a garage. The driveway does not encroach on the set back.

Larry Fishman: I have the plans here.

Kerry Brown: We would like for the CCAC to review and make recommendations.

Bill Shea: What is the setback?

Kerry Brown: We can go to a 10' setback. They are asking for a 5' setback.

They are proposing a 2,400 sq. ft. garage below ground and a 5,000 sq. ft. house above ground.

John Carsel: This has gone before the Land Use Committee.

David Dabritz: How can you go above a 15' setback on a bluff?

Kerry Brown: The limit is 15' on Studio Dr. but it is 20' on Lucerne.

Laurie Niblock: I live on Lucerne and we just have a crawl space under our house and we have to use a sump pump to drain water out of there.

Kerry Brown: I believe they will need a sump pump.

Larry Fishman: We, the Land Use Committee, met on this yesterday. We felt it was necessary to come to some conclusions. I have a list of concerns. I have a print out listing the concerns.

They are:

Soils stability, geological hazards, bedrock depth and casings, setbacks (request for variance from 10' to 5'), cliff stability, community standards, water tower - historical and cultural issues, zoning - (multiple family zone, single family use proposed, prior retail use of property), character of Cayucos, garage - location of driveway/drive-cut, Under-grounding of garage and impact on soil noise fumes, drainage - impact on adjacent retaining wall to the south, ecosystem disturbance, need for a full EIR not "mitigated negative declaration", size and height of house, aesthetics of building, job trailer during construction and

housing of workers, placement of the house on the site, Mr. and Mrs. Black's letter with pictures dated January 10, 2010, danger to existing water supply and hydrostatic control, proposed gazebo, patio, walkways behind house (on ocean side), the row of cypress trees along the street frontage (drip line), still need section of garage/coastal bluff and section of driveway, protection of coastal resources, located in a flood hazard area but outside of FEMA maps, community aspects/standards, protection of coastal bluffs.

We had an interesting and spirited discussion yesterday. There were four overall approaches. We could make a motion to approve as presented or to support the project with changes or to not support the project or to reject the project but indicate conditions that might make it acceptable. No one at the LUC meeting yesterday wanted to make a motion to support the project.

So we went on to other options. The vote was 4 - 0 for a straight rejection of the project. We then discussed which areas were of the most concern. The applicant was not able to be there yesterday. If we, as a council, reject this, I feel we should send along our concerns.

Larry Fishman:

I propose a motion, from the Land Use Committee, that the Cayucos Citizens Advisory Council recommends that the proposed variance request for 709 Lucerne Rd., Cayucos, Ca. be denied. A list of concerns and issues are attached hereto.

The CCAC states that should the Planning Commission, or on appeal any other governmental bodies, support this variance then we indicate we could recommend for this project if and only if the following issues are resolved:

1. The number 1 issue is the underground garage. Turn the entry and construct above ground only.
2. The water tank which is a significant cultural resource for the community remains at it's current location and be maintained by applicant, Dr. Marshall Lewis, or be moved to The Cass House or similar location and properly sited and maintained.
3. A properly scaled (square footage) home be constructed. 7,400 sq. ft., 3 levels is too large. We recommend that the new structure be no more than 2 levels above grade level (not below), 20' maximum height, and total sq. footage not to exceed 150% of existing structure.
4. That because of the lengthiness and significance of the list of issues on this property, that a focused EIR be conducted on geological, hydrological, drainage and retaining walls, ecosystem-wildlife, cliff, and other issues.
5. That application be conditioned on Not housing construction workers on site (or in the trailers on the property) or place job shack/trailers so as to unreasonably disrupt the neighbors or to place the temporary fencing in the public right of way or along the south property line so as not to disturb street traffic or the fragile ecosystem.
6. That the cypress trees along the street be protected during construction and integrated into the project.
7. That coastal bluffs be properly protected, in light of the history of storms and high tides.

Larry Fishman: I would like to put this out for discussion.

John Carsel: I would like to hear from the architect, Mr Lewis.

Marshall Lewis: I am the architect not to be confused with the owner who is also Marshall Lewis but he is a doctor. With regard to the plans, we are abiding by all county codes. The 5' variance request is the same as the neighbor. Putting the garage underground improves the look of the house. Communities prefer garage doors that do not face the street. As to the other issues, basement and garage, neighbors were concerned the underground structure would create vibration. We cleared it with the county geologist and our geologist. The size of the house. It's a two story, not any more than anyone else. It is pretty wide. It is 8' wider than the existing house but it is two story. We came in on both sides with a single story to make it more architecturally pleasing. The square footage came up. The piece of property is 22,000 sq. ft. The foot print of the house is in proper ratio. The condos on the street are that size or bigger. I live in Cambria. I've been a licensed architect in California since 1975. This house is purely California design. It is definitely designed for this area with stone, redwood and copper. I can't see why anyone would find anything wrong with that. It's definitely American and it's definitely California. It's a gateway to Cayucos. I am proud of it.

Marie Jaqua: How far is the driveway.

Marshall Lewis: The driveway would be about 15'. You won't see much of the driveway.

John Carsel: Mr. Lewis, I'm curious about the water tower.

Marshall Lewis: Would you like for me to give you a history?

John Carsel: Has anyone contacted The Cass House?

Marshall Lewis: The Cass House has expressed an interest and would pay to move it. It will be salvaged.

John Carsel: Has there been a written agreement?

Marshall Lewis: No.

Larry Fishman. This needs to be discussed. It should not be demolished.

Marshall Lewis: It is in the setback area.

Bill Shea: Is the setback in the front of 5' going to affect the trees?

Marshall Lewis: No.

Bill Shea: Are any of the trees going to be removed?

Marshall Lewis: After the last storm, we had some limbs down. I brought in a tree guy from Cambria. He recommended removal of a couple of trees.

Margaret Ambrosavage: The rule of thumb for how far a building should be set back from existing trees to keep construction from killing them is that the building footprint should not intrude into the drip line of the tree canopy - this building will most definitely intrude into the drip line of the existing trees, and while the project may not be removing the trees, it will kill them.

Marie Jaqua: If this is in compliance with county codes, why are we here? One of my grave concerns is basements. I know it's allowed by the county but we have made it clear that we do not want this in Cayucos. This project is a gateway to our town. Is a 5,000 sq. ft. house in keeping with the character of our town? Keeping Cayucos "Cayucos" is part of our concern. We are not trying to be obstinate or mean. We are just trying to do what is best for our town.

Marshall Lewis: Cayucos doesn't have design guidelines for this area.

Margaret Ambrosavage: The existing property is small, quaint, historic and helps define the character of Cayucos.

Marshall Lewis: There is no quaintness on Lucerne.

Margaret Ambrosavage: This property is in an extremely visible location next to open space at the very north of town. The change from the existing property to what you are proposing would have a huge visual impact and degrade the visual resources of the community. The Coastal Plan Policies call for the county to protect the visual and scenic resources of our coast.

Larry Fishman: We are amenable to meet and resolve some issues. We have tried to discuss and resolve issues. Every time we have addressed this, we only get back from you that you are meeting county standards. Our communities approach is that we are going to take some qualitative approach.

Marshall Lewis: If you had the guidelines in writing, I could work with it.

Larry Fishman: We, several times, offered suggestions. All we got back from you was "we're entitled to this".

Bill Shea: I am on record, several times, as being opposed to basements. I like the list of concerns put together by the Land Use Committee. In Cayucos, we are on the coast. Our ground is different. Once you start digging in this town, you jeopardize everyone around you.

Laurie Niblock: I live on Lucerne and I would like for you to see how many people park on the street instead of in their garage because it is too steep.

Marshall Lewis: It is not too steep.

John Carsel: I'm still concerned about the water tank since there is not a written agreement. You have how many square feet?

Marshall Lewis: 5,000 sq. ft. livable and 2,500 sq. ft. garage.

Kerry Brown: 5,000 or 6,000 above and 2,500 underground.

John Carsel: In the list of concerns, #4., a focused EIR.

Larry Fishman: Water in the garage, where is it going? Bedrock is how far down? Some say this, some other have other concerns. On the bluff it could lead to problems.

Bill Shea: Would this go before The Coastal Commission?

Kerry Brown: It wouldn't automatically go before The Coastal Commission but it could. It will go before the Board. If it is appealed, it could go before The Coastal Commission.

Larry Fishman: Have there been any appeals before The Coastal Commission regarding basements?

Kerry Brown: Not in Cayucos. The ramp is not in the setback, the driveway is in the setback.

Marshall Lewis: Somewhere the driveway has to start. The driveway is basically flat. It starts going down at the garage door.

Paul Choucalas: Is the ramp contained within the structure?

Kerry Brown: Yes.

Margaret Ambrosavage: I would like to move that we adopt the motion proposed by the LUC.

Marie Jaqua: I second the motion.

Roll Call Vote: The vote is unanimous.

Larry Fishman: I would like to thank the architect, Marshall Lewis. And I would like to thank Chris Pope for walking the Lucerne neighborhood to advise people of this meeting.

Break.

Committee Reports:

Land Use - Larry Fishman

Continued:

Larry Fishman: A cell tower at the Boradori garage is being revised for better screening. A small shed on the property will house air conditioning equipment.

A house at 42 19th St., I stepped down, it was approved with a few tweaks.

Jim Christiansen's house has been approved by the planning department.

Schooner's Wharf has been purchased by a man named Noah. He came in for an informal discussion. They want to do some changes to the interior and on the second floor. They want to significantly enlarge the upstairs deck area and there are problems with the roof. There could be a parking issue. The other stuff seems fairly routine. They weren't going to change the outside if I understand correctly.

Paul Choucalas: The guy from Schooner's came to the LUC and that was cool. Can a person bypass the LUC and go to the Planning Dept.?

Paul Sittig: Land Use Committee reviews usually involve setbacks, bluff issues, environment issues, downtown development, creeks, slopes, inland etc.

Bill Shea: Speaking of Schooner's Wharf. The storage loft became the bar. Steve Henneigh has a storage loft and they said, "Why can't I?"

Public Safety - DeAnne Harland

Weed abatement is due by June 12th. I was hoping Public Works would be here to talk about sidewalks.

Paul Sittig: I'll talk to Jeremy to see if he can come by.

DeAnne Harland: The street sweeper apparently has trouble getting up any hills.

I am hoping for more box tops for the schools. Some came in tonight. Thank you.

Paul Choucalas: I talked to Public Works about access to the hillsides. There will be a combination lock for property owners to have access.

Recreational planning - Greg Bettencourt

Greg Bettencourt is absent and excused.

Bill Shea: With regard to July 4th, we will have one more meeting and we are on track.

Utilities - Margaret Ambrosavage

We had a meeting and we are going to be looking into opportunities for underground utilities.

Community Design - Margaret Ambrosavage

John Carsel: Margaret, you are hereby appointed to be chairperson to Community Design.

Margaret Ambrosavage: There is no report at this time.

CSA 10-A

Nothing.

By-Laws - Arley Robinson

No Report.

Traffic - Margaret Ambrosavage

They are planning on doing the colored bike lanes for two blocks near 13th St.. The goal is to have it finished by the 4th of July weekend.

Old Business

a. CSA 10-A Water Tank/Lines.

Nothing new.

b. Our Pool.

Everything is okay.

New Business

a. Cayucos to Morro Bay Connecting Trail.

Cherie Aispuro: This item will go before the Board of Supervisors in August.

The contact person for your comments now is Jeff Oliviera of County Parks.

John Carsel: We emailed the address to see the EIR for the Cayucos to Morro Bay Connecting Trail to everyone on the CCAC email list.

David Dabritz: They did not extend the time limit of June 3rd for comments.

John Carsel: I think the question before us is does the EIR address the issues.

There will be plenty of time to choose sides. Once we have reviewed it, then we can talk to our constituents.

Bill Shea: Is it a bike path or a walk path?

John Carsel: Bike. I liked the idea of a parking lot at the Chevron property with the proposed underpass at that location. That would involve a lot of agencies.

Cherie Aispuro: You will be commenting to the Board of Supervisors.

Bill Shea: I think a bike path should be on the ocean.

John Carsel: We do need to look at where it meets Studio Dr. When they have a road, they are going to use a road.

Paul Choucalas: So it's either Studio Dr. or Ocean Blvd.?

John Carsel: Yes.

David Dabritz: Without reading the 2008 FIRMA report by Boyle Engineering, you could not understand this report. The cost on the ocean side is \$2 million, the cost on the East side is \$1.2 million. It is environmentally more destructive to go on the ocean (West) side.

Sean Cooper is the new person at the Parks Dept. Dick Moon from Cayucos of District 3 was on the committee. This was discussed twice between 2005 and 2008.

Carol Baptiste: This connecting trail requires culverts, bridges, retaining walls and fences. The EIR that is on the Parks Dept. website has all of the details and extensive photos of what this would look like. I would prefer the option that has the least impact on the environment. The narrow piece of undisturbed ocean front property between S. Studio Dr. and Toro Creek should not be subjected to a lot of construction.

David Dabritz: There are frogs on both sides but there are more on the bluff side.

Paul Sittig: Planning was leaning toward the ocean side because The Coastal Commission would prefer interaction with the ocean side.

Margaret Ambrosavage: I would prefer the option that has the least impact on the environment.

John Carsel: I wanted to get thoughts and we haven't had enough time to study the EIR draft. There will be opportunities for public comment.

Larry Fishman: The next Land Use Committee meeting will be July 6th.

Good of the Order

Next meeting of the CCAC will be July 7, 2010.

Set up and refreshments will be precincts 3&4.

John Carsel: Meeting adjourned.

Respectfully Submitted: Carol Baptiste

June 2, 2010