

Meeting called to order by President John Carsel - 7:05 PM

approx. 60 in public attendance

**Present:** John Carsel, Carol Baptiste, Arley Robinson, Paul Choucalas, Bill Shea, Jim Christiansen, Roland Hutchinson, Margaret Ambrosavage, Steve Beightler, DeAnn Harland, Marie Jaqua, Greg Bettencourt, Christopher Pope, Larry Fishman and Clay Selkirk.

**Minutes**

Jim Christiansen moves to approve the minutes of April 6, 2011. Roland Hutchinson seconds the motion. The minutes are unanimously approved.

**Treasurer's Report:** balance \$1,119.37

Roland Hutchinson: We had a beginning balance of \$1,994.37. The ending balance is \$1,119.37.

**Announcements:**

John Carsel:

How many of you are here regarding the Morro Bay to Cayucos Connector?  
Since there are a lot of you, we will need to use speaker slips as they do at the Board of Supervisors meetings. If you would like to speak, please pick up a speaker slip and turn it in. We will then call you by name. You will have three minutes to speak.

The Planning Dept. is going to be offering training for all advisory council members at the SLO Library on May 20th from 8:30 to 12:00. Who would like to attend?

Steve, Larry, Carol and John.

Everyone has attended before at least once.

At the Board of Supervisors meeting on May 10th there will be a hearing re: possible amendments to the Land Use Ordinance.

I sent a letter to the planners for the Lucerne property regarding the sign above the front door containing offensive language. The letter stated that a property rental company had received a complaint from a person renting a house during the summer and that they might cancel their reservation due to the sign and the effect it would have on their children. The letter stated that perhaps the owner may want to take some corrective action due to the negative effect on tourism or, if the owner foresaw this result, the owner may not. Since the sign is still there. The owner has a free speech right to have the sign there, regardless of how it may reflect on the owner.

I have sent a letter to Rabobank telling them I will be down to sign the signature card.

Regarding the proposed project on Cerro Gordo, I sent a letter regarding the action taken by the CCAC to our Planning Commissioner, Ken Topping. I sent a letter restating the position of the CCAC "that because of infrastructure inadequacies as stated in a previous letter to Supervisor Bruce Gibson, the CCAC had voted 12 yes, 1 no, and 1 abstention against the proposed project on Cerro Gordo. And due to the level III Severity Level". I also appeared and spoke before the Planning Commission which denied the project on a 2-2 vote.

The Cerro Gordo applicant will likely appeal.

Larry Fishman: An appeal has been filed and it will go before the Board of Supervisors on June 7th.

**Correspondence:**

Nothing.

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

Jennifer Norton, Fresno St.: I am here to talk about fixing the beach wall. I left a message for Curtis Black. The beach wall is crumbling on top. I would be willing to spearhead a fundraiser to fix this.

Mike Foster, Ash Ave.: I am a member of the Sanitary District Board. We are embarking on a major infrastructure issue with the new WWTP of an unknown cost exceeding \$30 Million. The WWTP has a meeting once a month but no one attends our meetings. The directors then take it for granted that people agree with what they are doing.

How many of you know that we have hired a lobbyist to lobby for a project that has already been thrown out by The Coastal Commission? The lobbyist is getting a big salary for this. We meet once a month, the 2nd Weds. of each month w/ JPA. Right now The Coastal Commission has rejected the preliminary plans. The results of a \$300,000 study will determine the direction that is taken.

The fact that no one shows up at the meetings gives the impression that everything is A OK. The regular Cayucos Sanitary District meetings are at the Sanitary District office the 3rd Thursday at 6:00.

The JPA meeting will be in Morro Bay on May 12th at the Kennedy Center at 6:00. This will be the more important meeting of the two.

Curtis Black: I am the deputy director of County Parks. We support fixing the beach wall. We need to know if Parks has the authority to fix the wall.

Greg Bettencourt: As was demonstrated with the re-hab of the beach swings, Cayucos has great resources to draw upon to get things done.

Carol Baptiste: I visited the CCAC website recently to check for the need for any updates of information, etc.. I reviewed the job description of the CCAC members. The job description states, among other things, that it is the duty and the responsibility of the CCAC members to represent the citizens in their districts. We are here to represent you.

**Public Agencies**

**County Sheriff:** Jason NeFores, Commander, Coastal Patrol Division

Deputy Sheriff Todd Steeb:

This month we had 1 grand theft, 3 petty thefts, 1 runaway juvenile, 2 ID thefts, 6 alarm calls, 7 disturbing the peace, 1 actual fight, and a call about fireworks on 17th St.. The Fire Dept handled the fireworks call. I will be the one working with the Cayucos fireworks plan.

John Carsel: Mr. Bettencourt and Mr. Shea are on the fireworks committee.

Deputy Steeb: Some landscaping tools have been stolen. Unlocked cars and open garages continue to be the main source for thefts.

**CHP - Officer Jim Townsend**

Officer Jim Townsend: This was a quiet month, there was not much activity. We will have more activity when the warm weather brings in more people. We are looking forward to meeting to form a cohesive plan for July 4th.

Dave Dabritz: We had illegal parking at 10:30 PM. Response was at 12:00 and by then it had cleared up. Someone said please check the Cambria, Coast Union High School bus. It has been seen driving 32 mph on Studio Dr..

Officer Townsend: I will let them know. Re: parking, let us know. We tag cars, etc..

May is motorcycle safety month.

Connie Paine: On the weekends the motorcycles rattle the windows.

Officer Townsend: If you see one, let us know. If it's in town, we will try. If it's on the freeway, it's tough for us to measure the decibels. We have some officers who live in Cayucos now who have a vested interest in your city. My telephone number is 593-3300 for traffic related issues.

We did a speed survey. We are going to be doing a "distracted driver" survey.

**Parks -**

No report.

**Co. Planning - Paul Sittig**

Paul Sittig is on medical leave until tomorrow.

**Co. Public Works - Jeremy Ghent**

No report.

**Chamber of Commerce - Bill Shea**

Bill Shea: Our "Big One", May Madness is coming right up! Tickets are \$150 each. This fundraiser pays for the fireworks. I have tickets for sale here and at the Sea Shanty. This is the best dinner you will ever have and a lot of fun. This party raises about \$15,000. It will be May 28th at the Vets Hall. The fireworks are going to cost \$22,000 this year.

**County Supervisor - Bruce Gibson**

Bruce Gibson: It's a pleasure to be here. I will keep my report short. We met with Public Works on Monday to discuss the water delivery system South of town. They have prepared a map showing the real water flows. They have a map showing where pipes and the water tank need to be replaced. They are prepared to come to the CCAC meeting on June 1st. They also have cost estimates. I won't be here June 1. Cherie will be here. I will also be absent for the July meeting.

Larry Fishman: Regarding an additional water tank in South Cayucos, are they looking at the sites with The Coastal Commission in mind?

Bruce Gibson: Yes. The pros and cons and what The Coastal Commission will think. The South end has some benefits with regard to engineering.

John Carsel: Is there a possibility that we can get the plans and maps in advance of the meeting?

Bruce Gibson: Yes and it will help with how you address Cerro Gordo. I am going to tend to side with the Fire Dept and their judgements.

Larry Fishman: Fire protection in South Cayucos is a problem. Are there other areas in Cayucos with similar issues?

Bruce Gibson: There are in Santa Margarita. In Cambria, they are planning to add more water storage. It's a constant struggle all over the county to try to keep up.

John Carsel: South Cayucos has had this problem for twenty years.

Greg Bettencourt: They will come here in June and present information.

Bruce Gibson: What is their policy. Here's where we would like the system to be. What should be done and why? We can proceed from there.

I am interested in the WWTP but I am not involved at this point.

**Committee Reports**

**Land Use - Larry Fishman**

Larry Fishman: Verizon has requested cell tower enhancement at the Boradori Garage. It is not actually cell towers. The cells are in the windows and should not be a visual issue.

Dave Dabritz: What is the address of the Lojacono project on Studio Dr.? 3334 Studio I believe.

Larry Fishman: We were notified Friday of a request for an "off premises" sale of beer and wine at the Sunset Inn. They currently have an on site license. They would like to have champagne tastings and sell champagne.

We took up discussion of noticing for tree removal. Thanks to Cherie, I have a copy of the tree removal ordinance.

The temporary signs at 13th St. and Cayucos Dr. are rather involved and we are still working on it.

The Stennerson house has been falling apart for three years. We raised the issue. John Carsel had requested a report. The applicant had until 5:00 yesterday to renew. He did renew for one more year.

John Carsel: There are some internal mechanisms that can be reviewed.

Linda: I have seen a for sale ad for Stennerson.

John Carsel: We have seen and discussed that. Paul Choucalas notified the real estate agent.

**Public Safety** - DeAnn Harland

DeAnn Harland: We don't have Public Works here. I will be contacting Public Works re: pot holes on Front Street. I'm looking into downtown sidewalks.

Greg Bettencourt: Would you thank them for patching the pot hole under the bridge on 13th St.

**Recreational Planning** - Greg Bettencourt

Greg Bettencourt: No report.

**Utilities** - Margaret Ambrosavage

No report.

**Community Design** - Margaret Ambrosavage

Margaret Ambrosavage: Our next meeting will be next Monday at 4:00 PM, here.

**CSA 10-A**

CSA 10-A was discussed earlier.

**By-Laws** - Arley Robinson

No Report.

**Traffic** - Margaret Ambrosavage

Nothing new.

**Break**

**Old Business**

a. "Meet the Sheriff" Ian Parkinson - Town Hall Meeting May 12, 2011.

Marie Jaqua: Cyndi, Mary and I got together and we're ready. "Meet the Sheriff" will take place here at the Vets Hall at 6:00 May 12th. We will have index cards for people to submit questions.

John Carsel: This is your opportunity to ask questions of the Sheriff.

b. Morro Bay - Cayucos Connector - Which Side of Highway 1 ?????

John Carsel: People will be called to speak from the speaker slips that have been submitted. You may submit a speaker slip at any time. First we will have the presentation from the Parks Department.

Elizabeth Kavanaugh, SLO County Parks: The trail is a multi-use trail, it is not just for bikes. We are requesting a recommendation for the Western alignment or the Eastern alignment. We have been working on this since 2004. We need an alignment recommendation to move forward. The multi-use trail is for non-motorized use. The Morro Bay to Cayucos connector connects bike lanes in Cayucos and Morro Bay. What it does is you can go w/o getting on the highway. It is two miles.

With the Eastern alignment, crossing hwy 1 is a concern. There is less parking available with the Eastern alignment. It starts at The Cloisters and crosses at Yerba Buena. The Eastern alignment requires an additional stop light at Chaney. The parking would be at The Cloisters, Sandalwood, Morro Strand, N. Point Day Use, Pier Landing, Toro Park, Studio Dr. S. and Studio Dr. N..

The Western alignment concerns are: trail erosion along the bluffs and the barrier along highway 1.

Carol Baptiste: Do you have pictures of the 120 foot span bridge over Toro Creek and of the construction process for that and of the retaining walls?

Elizabeth Kavanaugh: No.

Paul Choucalas: We had a meeting a while back about a proposed undercrossing and we were told that an additional stop light would not be allowed.

Elizabeth Kavanaugh: Cal Trans has conflicting answers. There would be two opening along the fences and barriers of the Western alignment. One near pier landing and the other where it is now.

Greg Bettencourt: We have been concerned about the view shed issue. A good friend of mine is a Cal Trans person. Bruce and I got a meeting with the environmental coordinator. We were uncomfortable that we didn't have enough information. During the conversation that Bruce and I had with the Cal Trans managers, they said we have parameters within which we can work. What that will look like is not prescribed. Essentially what they said was, The Coastal Commission will do everything they can to minimize view shed interruption. What I came away with was that there is a willingness to work with the community. They need to meet their own maintenance concerns too.

Paul Choucalas: Does the retaining wall at the North Point to North Toro Creek have hand rails or not?

Dave Dabritz: The Western alignment has three bridges, not one, with hand rails.

Elizabeth Kavanaugh: Three bridges with hand rails.

Marie Jaqua: And the reason we have barriers is why?

Dave Dabritz: There has to be a barrier when the trail is within 30 feet of the white line at the edge of the freeway, the "shoulder line".

Paul Choucalas: The Western alignment has more parking? S. Studio Dr. doesn't have any available parking.

Carol Baptiste: Elizabeth, last month Jim Christiansen asked if Morro Bay had made a recommendation. I believe you said Morro Bay had recommended the Western alignment. Was that the Morro Bay City Council or the Parks and Recreation Commission?

Elizabeth Kavanaugh: It was the Parks and Rec. Commission.

Carol Baptiste: The Parks and Rec Commission is a group of volunteers who make recommendations to the Morro Bay City Council and only to the Morro Bay City Council. If this has not gone before the Morro Bay City Council, there is then, no recommendation from Morro Bay.

Curtis Black: We would love to have a recommendation from the Morro Bay City Council. We like to see what people want so we will go to Morro Bay City Council as well.

Greg Bettencourt: We were all struck about the light at Chaney. Have you explored with Cal Trans if there was a West side alignment?

John Carsel: The most pristine point is on the bluffs.

Curtis Black: The current parking does not expect more need for parking.

Jim Christiansen: Government is not going to go soft on safety and that will require fences and barriers. We would be naive to think that barriers will not be required by Cal Trans.

Curtis Black: It has to be beautiful and useful or it's not going to serve it's purpose.

Dave Dabritz: When will there be an EIR on Studio Dr.? This section was not done.

Elizabeth Kavanaugh: The EIR did not take those areas into consideration because they have existing bike lanes.

Ms. Valasquez, SLOCOG:

We are the N. Coast Scenic Bi-Way agency. I am the Scenic Bi-Way planner. We first received "All American Road" designation for this section of highway 1. It is the highest quality award for scenic view. This area is not only a local concern, it is a State and National priority. This pristine coastline is such a gem, there is national funding available for the connector trail. There would be funding available from the National Scenic Bi-Way program.

Trish Childress.: There are three alignment options aren't there? Where exactly are the barriers?

Elizabeth Kavanaugh: There are two options. East and West. The Advisory Council can formulate whatever they want.

Trish Childress: There is no way that this will not overwhelm Studio Dr. where there is already insufficient parking, there is already problems with bicycle traffic and there are supposedly two way traffic lanes that do not work. There are cars parked everywhere and traffic is already blocked.

Curtis Black: There wouldn't be anymore or any less space. We could only improve signage and striping. We can't make it better with regard to width.

Trish Childress: This would increase the usage and safety is a concern.

George Cowgani: If you do not live on Studio Dr., you probably do not know the way it is. Go with the highway. If Studio Dr. is used, it is very narrow, would not work. I walk Studio Dr. every day.

Dr. Arthur Fenduson.: Studio Dr. is so narrow, it is dangerous to drive at Studio and Old Creek Rd.. You can not see around that curve. Continue it on Hwy 1. Adding a bike path to Studio Dr. would make parking, etc. impossible.

Dan Rivoire, SLO Bike Coalition: This bike path would add value to the community with wellness, home values. Safety is the number 1 barrier to cycling. Highway 1 is currently not safe enough for members of the audience. Bike paths have higher economic impact. I think this is the number 1 reason you should consider it. I ask for approval.

Dave Dabritz: Bob Jones trail is a rail way right of way, this is not.

Margaret Ambrosavage: I have never biked to Morro Bay because I would not feel safe on the highway but with this I would.

Fernie Monreal, Orville Ave.: I would like to see a bike path but I have doubts about which side. Studio Dr. residents are so close together at the South end. I would prefer the East side. There is a traffic congestion problem already at Old Creek Rd.. This should not be on the West Side.

Mary Bettencourt: I'm an avid bicyclist. I usually go North. I don't go South because it is narrow. I would take my grand children if we had a bike path. I want to give a nod to friends on Studio Dr. I know that is an issue. A nicely planned transparent path would be lovely.

Wesley Schweickhard: I have lived at 3199 Ocean Blvd. for ten years. I am a life guard in Cayucos and a junior life guard instructor. I am a graduate student at Cal Poly majoring in Environmental Planning. There would be significant environmental impacts with this project. There would be increased runoffs from the pathway causing increased erosion all along the beach, bluffs and dunes. I ask that you not spoil the natural beauty at the South entrance to Cayucos. There is not sufficient parking on Studio Dr. at this time. I live on Ocean Blvd., there is no parking there either. Financially this would be a burden for generations. We don't need pavement on our bluffs to make them more beautiful. It is not possible to improve on the natural beauty but it is possible to destroy it. The wooden walkway along Moonstone Beach in Cambria would be a better consideration. The proposed project has 10,000 sq. ft. of impervious surface which would cause runoff and erosion along the bluffs and would impact Toro Creek and the ocean. If a stop light was added, the emissions from the cars stopping and starting at the stop light would off set any emissions that might be saved by promoting cycling.

Dom Kerm: We have surfers, a lot of traffic, a lot of vacation rentals. Bikes go down the middle of the street. It is a serious problem right now without an additional bike trail.

Cyndi Malmen: I have resided at Ocean Blvd. and Old Creek Rd. for 35 years. Logically speaking, why not the East alignment. There is a frontage Rd. all the way to Chaney. With re: to the West alignment, I am not ready to sacrifice our view of the beach and dunes for a few people. What about Studio Dr.? It is so packed over there with cars and traffic even in the middle of the week that it is impossible to get through over there. About the "no solid wall". She said there would be "no solid wall". Well I am not so sure about that. Bridges? What are you going to do about 24th St., the most dangerous crossing that we have? With all of these questions in mind, I don't know about this. The Eastern alignment would go right by my house. But the East side still is certainly a better choice. The view on the West side coming in to town is too valuable to sacrifice for a few people.

Dave Dabritz: I'm going to pass out pictures. These are taken from a moving car. It shows you what it looks like from a moving car. The EIR does not mention the significant and unavoidable impact on the beautiful drive where the bluffs and the dunes are. On Studio Dr. there are five places where you can see the ocean. I did a survey on Studio Dr.. I got vacationers, owners, over 80% preferred the East alignment. I did Oceanside and cross streets too.

Jim Christiansen: I received an email from Robert Belmonte that I would like to read. It says: "Hi. Thank you for the opportunity for input re: the connector. I am a 20 yr. resident of Studio Dr.. I understand the parking situation here. Parking would be affected. This area is already a parking nightmare. Why should bicyclists be given preference over surfers and renters and guests?"

John Carsel: I heard Mr. Bettencourt bring up a concept of the West alignment to have a light to cross at Chaney.

Carol Baptiste: I walked my neighborhood handing out my email address and requested input re: the connector. I received 11 emails. All eleven emails were against the West alignment. Three of the eleven

were for the East alignment. Eight emails were pleading for "no project". The content of the "no project" emails was asking that the environmental resources of the one undisturbed natural beach, dunes and bluffs area at the South entrance to Cayucos be saved, and that we all have the responsibility to preserve this pristine area for all people and for the native species, and that it is unconscionable to pursue a plan to destroy it. I heard the term "idiots" quite a bit when I was walking my neighborhood and talking with people about the connector proposal.

Paul Choucalas: I surveyed my neighborhood. 69% were in favor of the trail. 66% were for the West, 34% were for the East and 75% of those who were for it said they would use it. I think crossing at Chaney is something that should be looked into because of the impact on Studio Dr..

Margaret Ambrosavage: I don't think the East alignment makes any sense.

Bill Shea: 100% of the people in my neighborhood that I surveyed said "don't screw with the West side view". If "no project" is not an option, I don't know what we are even doing here.

Margaret Ambrosavage: I think there are a host of design issues. This could be redesigned to reduce the visual impact.

Marie Jaqua: I am concerned with the "ifs". Like do we have assurances from Scenic Bi-Ways. And the money is going to factor into it. We don't have all of the information. There are too many things that are unanswered.

Dave Dabritz: Maybe SLOCOG and Scenic Bi-Ways are committed to the ocean side. We're the only ones who are looking at it. Morro Bay isn't going to look at it with the same concerns that we have.

Roland Hutchison: Speaking for myself, I love to ride bikes but not on freeways. It would bring community out. Occasionally I ride to Morro Bay but I ride on Studio Dr. as long as I can. I would hope the engineers would work this out. I think it's important to promote bicycling. When I ride on Studio Dr. I am very cautious.

John Carsel: I have flip flopped several times on this project. This looks like a viable means for me to walk on the beach when I am 90. So much of what I have heard is related only to bicycles. I think if we excluded Studio Dr., this would be feasible.

Carol Baptiste: I have always felt that there are more than two options. There is the "no project" option, there is an option to work with Cal Trans to improve the existing bike lanes, there is the East alignment and the West alignment. Due to the extremely valuable and irreplaceable environmental resources on the West side, I would like to make a motion that the West alignment be eliminated as an option.

Marie Jaqua: Do you mean regardless of redesign options?

Carol Baptiste: Yes. I mean I feel it is unacceptable to do anything on the West side that would destroy the existing natural resources. I would not want to see any kind of construction intrusion on the West side.

Bill Shea: I second the motion.

Roll Call Vote:

5 Yes

10 No

The motion fails.

Greg Bettencourt: I would like to make a motion to approve the West alignment with making every effort to minimize traffic on Studio Dr. a condition and to minimize impacts on the view shed.

Margaret Ambrosavage: I second the motion.

John Carsel: I would like the motion to include that the connector trail have a push button light at Chaney to transfer from the West to the East at Chaney.

Greg Bettencourt: A signal and alternate parking by the fire station.

John Carsel: Does the second accept the amendments?

Carol Baptiste: The Parks Dept. told us from the beginning that an East/West alignment had been eliminated because of financial concerns.

John Carsel: We are coming up with our own West/East alignment proposal.

Clay Selkirk: I would like to encourage the use of permeable materials for the trail.

John Carsel: Does the motion maker accept that? Does the second accept that?

Greg Bettencourt: We recommend the West alignment to Chaney. And then, across Hwy 1 to Chaney for an Eastern alignment along S. Ocean Blvd.. And that any barriers be no more intrusive than those along La Conchita. And that we encourage the use of permeable materials for the trail.

Larry Fishman: Can we add that in all events, residents of Studio Dr. be given full consideration. The concern is that if for any reason this does not work, that all concerns of the residents of Studio Dr. be considered.

Greg Bettencourt: I don't accept that.

John Carsel: I think we have discussed the concerns of Studio Dr. residents.

Jim Christiansen: We are assuming that Cal Trans will accept crossing the highway at Chaney. What if Cal Trans doesn't accept this?

John Carsel: Lets restate Greg's motion and call for a roll call vote.

Roll Call vote:

5 No

10 Yes

The motion carries.

John Carsel: Lets take a five minute break.

BREAK

John Carsel: Regarding the proposal for modification of the events ordinance.

Larry Fishman: We are still working on that.

With regard to 3rd St. parking, they are studying the width of the street. Within a month or two they will have more information.

## **New Business**

a. 709 Lucerne Rd. - current project.

Larry Fishman: We should begin with the applicants representative who is here to speak.

Jamie Kirk: Hello, I am Jamie Kirk from Kirk Consultants, we are representing Dr. Lewis. Our company came on the team during the Board of Supervisors hearings. We took the Board appeal forward for Dr. Lewis. We were hoping for a new direction from the Board. We went to the November 2nd hearing when the proposal was continued off calendar.

#1 was to bring revision back to the CCAC.

#2 was to come up with a footprint that would not require a variance.

#3 was to reduce the mass of the project.

#4 was about why this proposal is for a single family residence instead of multiple family.

#5 Have the geologist come back re: a possible spring and re: the flow of underground water.

#6 alternative foundation that would not impact the trees.

We have updated to compliance with setbacks and have done away with the need for a variance.

Because the lot is triangular, the length of the building has been decreased reducing the mass. There is now a single garage door and it no longer faces Lucerne.

We have reduced the square footage from 5,300 to 3,500. A bedroom has been eliminated, it is now a three bedroom. The size of the underground garage has been reduced.

The arborists report looked at alternatives to save the Cypress trees by using an alternative foundation.

The arborist said because of the size of the trees and the size of the house, the trees are going to die.

Regarding the spring and the bluff stability. Geosolutions has stated the subterranean base/ the basement, will not impact the stability of the bluffs. There is water seepage after a storm event. Three boring were done and are highlighted on the handout. No ground water was encountered with the three borings.

Paul Choucalas: I know for a fact that there is a spring there that pumps 900 gal. a day. I have seen it. How could the geologist miss it. It's like a water fountain. How can he miss it? I've seen it, I've touched it, I've drank it. It is between the Lewis house and the Black's house. It has been there for years. I worked there ten years ago and drank the water. All of the construction of the Black's house is above the spring. This brings all of the geologists findings into question. I would be willing to bet the Black's would let the geologist go down there to look at it because it is there.

Jim Christiansen: If we build any design, is it going to affect the spring? And is any design going to affect the trees?

Jamie Kirk: We went to the LUC meeting on Monday. The vote was 3 to 1 to "not support" the project. Their concerns continue to be the underground garage and the trees. We want the trees to remain. We understand the concerns of the community. We have eliminated the need for a variance and have reduced the living space.

Larry Fishman: I think we should have Mr. Rarig speak now.

Steve Rarig: I live two houses down from the Lewis project. I totally support the project. This is a tough lot to build on. I know the Lewis's and the Blacks. I'm a contractor. I know how to read soil reports. I am not a geologist. My reason for support is that the new plans show a reduction in linear footage and it no longer requires a variance. We are back here today because the Board wants them back here. We talked about underground parking. We walk out here outside the Vets Hall and we see a beautiful hotel with an underground garage. The copper and redwood and stone are great materials. I'm here to support the project as a neighbor.

John Black: I live at 707 Lucerne Rd. and I am the only neighbor next to the project. We were given a list of concerns when we were at the Board of Supervisors hearing. Let me get this list. Multi-family dwelling, that's down the drain. The variances, one was in the coastal zone anyway and that would never fly.

The reduction in mass is 1%. With regard to the spring, I had the spring verified. It pumps 700 gal. every day in the summer and 900 gal. a day in the winter. A receiver was put in 125 yrs. ago. There is no question that it exists. There were no geologists reports done on this spring. The spring is right where they propose to put a basement. The supervisors said "let's look at an alternative foundation". All I heard was any foundation would kill the trees. My wife and I hired the best arborist. He came up with a plan that would save the trees without the basement. Caissons can be put down between the trees. I have arial photos back to 1935 and the trees were beautiful just like they are today. This winter the Lewis property lost another 12 feet off the bluff due to erosion. If a basement is dug and kill the trees, the roots will rot and that will contribute to major bluff instability. I don't see where the proposed Lewis project has met any of the Board of Supervisors obligations.

Jim Christiansen: You said there is a wall and if the spring gets diverted it's going to wreck the wall.

John Black: Back before us, the previous owner had to build a sea wall. The 1,000 gal. receiver is right beside the wall. The hypostatic pressure from any construction that would divert the spring would cause havoc. The spring originates under the Lewis property. The windmill pumped it up to the water tank. That spring, if it doesn't have the cistern there, the pressure would build up and there is no way of knowing where the water would go. The water is better than any filtered water. We have considered bottling it.

Sue Black: You have heard my husband and I speak several times about this project. We have said from the beginning that we are concerned about these retaining walls. Dr. Lewis is suing us for an unlimited amount of money. We are faced with a major problem here. All we did was try to protect our property.

Dave Dabritz: The bore and the spring are at different places on the lot.

Larry Fishman: This has been going on a long time. I want to thank them for the additional studies.

Whether they are adequate or not is what we are discussing. I'm not sure if the reduction of size is significant enough. Does it fit in with the neighborhood? Although it is better, we don't think it is good enough. The LUC would like to see them work more with the existing structure. The LUC feels this does not meet "blending with the community". They did an excellent job with the variances. We asked to have the geological study expanded to include the spring and the bluff stability. It is not clear. There was a request to take a look at the basement design. In the Davey's report, construction would cause extreme stress on the trees. We got a drawing tonight that does show going down to bedrock. The arborists do not agree. There was a 12 foot section that eroded away this winter.

Paul Choucalas: When we talked about erosion, what about if it gets closer. They would have to remove sections of the house.

Greg Bettencourt: There were no core samples taken where the spring is.

Bill Shea: At the end of the text from GeoSolutions it says the boring sited is the one forthright away from the spring.

Marie Jaqua: Why can't we take the geologist by the hand and lead him to the spring.

John Carsel: That is a good suggestion.

Bruce Gibson: We do have a county geologist and you could point him to this.

Larry Fishman: The LUC did not have any quarrel with the materials. It is the massing and fitting in.

Greg Bettencourt: The hotel with the underground garage across the street has a major problem with pumping water.

Jim Christiansen: If we built on the footprint of the existing home, will it kill the trees?

Carol Baptiste: My issues are with the underground structure, the size of the underground structure, and it's effects on the stability of the bluffs. If the construction process kills the trees and the roots of the trees it may add to the instability of the bluffs, this is a huge issue.

Paul Choucalas: We are not geologists.

Carol Baptiste: If the geologist can't find the spring, how competent can this geologist be?

Larry Fishman: There are various levels of addressing the tree roots and stability of the bluffs. This study does not sufficiently address the issues.

Larry Fishman: I move that the CCAC on May 4, 2011, move for denial of the Dr. Marshall Lewis re-designed project at 709 Lucerne Rd., based on the following things:

1. The geological bluff stability is still somewhat questioned by the CCAC (see below).
2. The mass of the building - see new renderings - specifically lineal footage as well as the conformity to the character of the community remain a very serious concern of the CCAC.
3. The proposed basement parking garage greatly concerns the CCAC. This will kill most of the tree roots and could ultimately weaken bluff stability.
4. The seepage caused by the spring has not been satisfactorily addressed by the applicant.
5. The possible foundation re-design has not been adequately reviewed by appropriate experts. At one point applicant's consultant mentioned a possible caisson footing design to bedrock. The new design needs to be reviewed by appropriate experts. Have County geologist meet on site with Paul Choucalas.
6. Loss of trees - CCAC still not satisfied adequate efforts are being made by the applicant to retain/save as many Cypress trees as possible.

While the applicant has apparently eliminated the need for variances, by setting back the structure and somewhat reducing square footage and by moving the driveway entry into the garage, overall the project still is too massive and has too much actual and potential impact on the environment and the community.

Bill Shea: I second the motion.

Steve Beightler: If the spring pops up and washes the wall out and destroys the neighbors property and stuff turns to mud, do either of those parties have backing from the County or is this a civil matter.

Bruce Gibson: It is a civil matter, loss of property. I would urge us to let the Board of Supervisors and County Council worry about that.

Roll call vote:

2 Abstentions.

4 No.

9 Yes.

The motion carries.

### **Good of the Order.**

Jim Christiansen will be a representative to district three rather than an alternate.

Cyndi Malmen is nominated as an alternate to district two. Cyndi Malmen accepts.

12:01 AM.

### **Next meeting of the CCAC will be June 1, 2011.**

The next Land Use Committee meeting will be May 31 , 2011.

Set up and refreshments will be precincts 1 & 2.

Respectfully Submitted: Carol Baptiste

May 25, 2011

