



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land

MEETING DATE February 21, 2014 LOCAL EFFECTIVE DATE March 7, 2014 APPROX FINAL EFFECTIVE DATE March 28, 2014	CONTACT/PHONE Schani Siong, Project Manager (805) 781-4374 ssiong@co.slo.ca.us	APPLICANT Denny and Linda Kay McAllister	FILE NO. DRC2013-00041
SUBJECT Hearing to consider a request by DENNY & LINDA KAY MCALLISTER for a Minor Use Permit/Coastal Development Permit to allow the addition of a 211 square-foot unconditioned workshop to an existing single family residence. The project will result in the disturbance of approximately 560 square feet on a 4,688 square-foot residential parcel. The proposed project is within the Residential Single Family land use category and is located at 1199 5 th Street, on the northwest corner of 5 th Street and Santa Ysabel Avenue, in the community of Los Osos. The site is located in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/ Coastal Development Permit DRC2013-00041 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption (Sections 15301) was issued on January 23, 2014 (ED13-142)			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 038-031-024	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Drainage, On-Site Wastewater Disposal, Setbacks, Height Limitations and Lot Coverage. <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Archaeological Sensitive Areas, Local Coastal Program <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
EXISTING USES: Single Family Residential			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family/ residences East: Residential Single Family/ residences South: Residential Single Family/ Residences West: Residential Single Family/ residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Los Osos Community Services District, California Department of Forestry and Fire Protection, Regional Water Quality Control Board, Los Osos Community Advisory Council, and the California Coastal Commission.			

TOPOGRAPHY: Nearly Level	VEGETATION: Ornamental grasses, trees
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic Fire Protection: Cal Fire	ACCEPTANCE DATE: December 3, 2013
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	

DISCUSSION

The applicant is proposing to add 211 square-foot unconditioned workshop in the backyard area of the property and at the rear of an existing single family residence. The project site is located at 1199 5th Street, in the community of Los Osos. The proposed project is consistent with the local height and lot coverage standards for El Morro Area as well as applicable Coastal Zone Land Use Ordinance standards and general plan policies.

PLANNING AREA STANDARDS:

On-Site Wastewater Disposal. New development using on-site wastewater disposal systems shall protect coastal water quality and meet the requirements of the Regional Water Quality Control Board.

Staff Comments: In 1988, the California Regional Water Quality Control Board imposed a moratorium on new sources of sewage discharge in most of the community of Los Osos. This parcel is not included within the moratorium area and is not subjected to this standard because the proposed addition is an unconditioned workshop with no water or sewer hook-ups.

Los Osos Lowland Areas – Drainage Plan Requirement. In areas designated in Figure 7-40, all land use permit applications for new structures or additions to the ground floor of existing structures shall require drainage plan approval pursuant to Coastal Zone Land Use Ordinance Sections 23.05.040 et seq. unless the County Engineer determines that the individual project site is not subject to or will not create drainage problems.

Staff Comments: The project is located in the area which requires preparation of a drainage plan. The project will be required to submit a drainage plan prior to issuance of building permits.

Residential Single Family – El Morro Area In areas designated in Figure 7-42, developments are limited to 14’ max height. Lot coverage permitted on a single 25 foot lot is 60% excluding patios, driveway, walkways, etc.

Staff Comments: The subject property is located in the areas shown in Figure 7-42. The height of the addition is proposed at 12’ 4” feet and total lot coverage is approximately 46%. The project is complies with this standard.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.04.100 – Setbacks. Required setbacks for single family residences are as follows: front – 25 feet; side – 5 feet; and rear – 10 feet.

Staff Comments: The project meets these required setbacks.

Section 23.07.104 - Archaeologically Sensitive Areas. The project site is within a mapped Archaeologically Sensitive Area.

Staff Comments: The proposed addition is less than 10% of the existing floor area, the 211 foot area where the foundation for the addition is located has been previously disturbed during the original construction of the residence and the property is located on an already urbanized residential area. Therefore, this project is exempted from the requirements of this standard. In the event of archeological resources are unearthed or discovered during construction phase, the project shall be subjected to Condition 10 in Exhibit B.

Section 23.07.120 - Local Coastal Program. The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan, see below for consistency discussion.

COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: N/A
Recreation and Visitor Serving: N/A
Energy and Industrial Development: N/A
Commercial Fishing, Recreational Boating and Port Facilities: N/A
Environmentally Sensitive Habitats: N/A
Agriculture: N/A
Public Works: Policy No(s): 1
Coastal Watersheds: Policy No(s): 8 and 9
Visual and Scenic Resources: Policy No(s): 7
Hazards: N/A
Archaeology: Policy No(s): 1
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION

Public Works

Policy 1: Availability of Service Capacity. New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff comments: The proposed project complies with this policy because the site has an existing residential use that is already being served and the proposed addition is an unconditioned workshop with no sewer or water hook-ups.

Coastal Watersheds

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

Staff comments: The proposed project is consistent with this policy because it's conditioned to require an erosion and sedimentation control plan when grading is conducted or left in an unfinished state during the period from October 15 through April 15.

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation.

Staff comments: The proposed project is consistent with this policy because, as conditioned, the applicant shall apply Best Management Practices in the selection and implementation of site maintenance.

Visual and Scenic Resources:

Policy 7: Preservation of Tree and Native Vegetation. The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character.

Staff Comments: The proposed project is consistent with this policy because no native trees are proposed for removal. The project is conditioned to install protective fencing around existing trees during construction work on the right of way.

Archeology

Policy 1: Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archeological or paleontological resources, adequate mitigation shall be required.

Staff comments: The project is exempted from requiring an archeological survey due to the small addition area within an already developed area. In the event of archeological resources are unearthed or discovered during construction phase, the project shall be subjected to Condition 10 in Exhibit B.

Other Issues

Staff comments: The subject site is located in Los Osos where the Morro Shoulderband Snail, a federally listed endangered species, is known to exist. The Morro Shoulderband Snail normally thrives in coastal dune, coastal dune scrub, and maritime chaparral habitats in and around the community of Los Osos and the Morro Bay Estuary (Service 2001). The subject site currently

has an occupied single family residence on it. The proposed addition will be located at the rear of the existing residence, an area with minimal landscaping and grasses or scrubs that are conducive habitat for the Morro Shoulderband Snail. Therefore, staff has determined that the site needs no be further evaluation for potential Morro Shoulderband Snail presence.

COMMUNITY ADVISORY GROUP COMMENTS:

Los Osos Community Advisory Council (LOCAC) reviewed and supported the proposed project on December 20, 2013.

AGENCY REVIEW:

Public Works – Encroachment permit will be required with the building permit for the driveway widening in the road right of way (Tim Tomlinson, November 27, 2013)

Building Division – per referral comments dated December 5, 2013

1. The project is subject to a construction permit as well as the currently adopted California Codes at the time of plan submittal
2. It may be necessary to employ the services of a California registered Architect of Engineer for the design portions of the project that do not meet “conventional construction” as defined by current building code.
3. Whether or not a grading permit is required, the project shall conform to the “National Pollutant Discharge Elimination System” storm water management program regulations.

Los Osos Community Services District – No response.

California Coastal Commission – No response.

LEGAL LOT STATUS:

The one existing parcel was legally created by the recordation of a map for Lot Line Adjustment COAL 75-212, Parcel #B (Book 19, Page 21 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Schani Siong and reviewed by Bill Robeson.