



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

Tentative Notice of Action

Promoting the wise use of land

MEETING DATE May 16, 2014 LOCAL EFFECTIVE DATE May 30, 2014 APPROX FINAL EFFECTIVE DATE June 20, 2014	CONTACT/PHONE Schani Siong, Project Manager (805) 781-4374 ssiong@co.slo.ca.us	APPLICANT John and Mary Rau	FILE NO. DRC2013-00072
SUBJECT Hearing to consider a request JOHN AND MARY RAU for a Minor Use Permit/Coastal Development Permit to allow the addition of a 432 square-foot art studio to an existing single family residence. The new art studio is proposed to be constructed over an existing attached garage. The project will result in the disturbance of approximately 100 square feet of a 5,502 square-foot residential parcel. The proposed project is within the Residential Single Family land use category and is located at 392 Woodland Drive, on the northwest corner of Woodland Drive and Doris 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 DRC2013-00072 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 April 18, 2014 (ED13-212)			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Archeological Sensitive Area, Local Coastal Plan Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 074-171-026	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: 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, Building Division, Native American Heritage Commission, Los Osos Community Services District, 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: March 23, 2014
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 an addition of a 432 square-foot art studio to an existing single family residence. The new art studio is proposed to be constructed over an existing attached garage. The project site is located at 392 Woodland Drive, in the community of Los Osos. The proposed project is consistent with the height and setback standards for the Residential Single Family land use category in the Estero Planning 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 art studio with no water or sewer hook-ups.

Residential Single Family –Estero Planning Area. Developments within the Residential Single Family land use category are limited to 28’ max height.

Staff Comments: The subject property is located in the Upland Area within the Estero Planning area, and does a max height limit of 28’. The highest point of the addition is proposed at approximately 19’ above the finished grade. This project complies with this standard.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.08.032(g) – Workshops or Studios. Any accessory structure intended solely or primarily for engaging in artwork, crafts, light hand manufacturing, mechanical work, etc. is subject to the following standards when located in a residential category.

- Limits on Use.** An accessory structure may be constructed or used as a workshop or studio in any residential category solely for non-commercial hobbies or amusements; for maintenance of the principal structure or yards; for artistic endeavors such as paintings, photography or sculpture; maintenance or mechanical work on vehicles owned or operated by the occupants; or for other similar purposes.

Staff Comments: The project meets this standard because the applicant proposed to utilize the addition as a personal, unconditioned art studio.

2. **Floor Area.** A workshop is not to occupy an area greater than 40 percent of the floor area of the principal structure.

Staff Comments: The project meets this standard because the proposed addition is 432 square feet, or approximately 26 percent of the principal structure floor area.

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 located above an existing garage. Site disturbance will be limited to approximately 100 square feet where the new stairs lead to the proposed upper level addition. The project site has been previously disturbed during the original construction of the garage and the property is located in an already urbanized residential area. Therefore, this project is exempt from the requirements of this standard. In the event of archeological resources are unearthed or discovered during construction phase, the applicant will be required to cease construction and notify the County and Environmental Coordinator.

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 art studio 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 trees will be removed or impacted.

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 applicant will be required to cease construction and notify the County and Environmental Coordinator.

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 art studio is an addition to the existing single family residence. The new art studio is proposed to be constructed over the existing garage, 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 March 27, 2014.

AGENCY REVIEW:

Public Works – No concerns noted, February 28, 2014

Building Division – per referral comments dated March 28, 2014

1. All plans and engineering shall be prepared by a California Licensed Architect of Record unless exempted by the Business and Professions Code.
2. The project is subject to a construction permit as well as the newly adopted 2013 California Codes.
3. The project is subject to the California State Title 24 energy laws.
4. 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 is Lot 14 in Block 3 of Redfield Woods according to map recorded January 10, 1925 in Book 3, Page 51 of Maps, and was legally created by issuance of a building permit (permit #48930) at a time when that was a legal method of creating parcels per Section 66499.34 of the Subdivision Map Act.

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