



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

**SUBDIVISION REVIEW BOARD**

Promoting the wise use of land

MEETING DATE June 2, 2014	CONTACT/PHONE Kerry Brown, Project Manager 805-781-5713 kbrown@co.slo.ca.us	APPLICANT Dubbink Family Trust	FILE NO. COAL 13-0100 SUB2011-00054 DRC2011-00100
SUBJECT Hearing to consider a request by the Dubbink Family Trust for a Minor Use Permit/ Coastal Development Permit and Lot Line Adjustment to: allow for a 2,336 square foot addition to an existing single family residence (a studio/gallery of 946 square feet, an office/bedroom of 595 square feet, a 93 square foot addition to the living room, a garage of 306 square feet, and a 396 square foot deck), and adjust the lot lines between two parcels of 27,138 square feet and 23,216 square feet each. The adjustment will result in two parcels of 35,414 square feet and 14,940 square feet each. The project will not result in the creation of any additional parcels. The project will result in a disturbance of 4,000 square feet. The project is located on 1147 and 1161 9 <sup>th</sup> Street, in the community of Los Osos, in the Estero planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration (ED12-211) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Lot Line Adjustment SUB2011-00054 / COAL13-0100 and Minor Use Permit DRC2011-00100 based on the findings listed in Exhibit A and B and the conditions listed in Exhibit C and D.			
ENVIRONMENTAL DETERMINATION 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 Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 24, 2014 for this project. Mitigation measures are proposed to address aesthetics, biological resources, cultural resources, and public services/utilities and are included as conditions of approval.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan, Archaeologically Sensitive Area	ASSESSOR PARCEL NUMBER 038-051-016 and 019	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Septic Tank requirements, Drainage, Bayfront Development: Height, Wetland Setbacks, and Lot Coverage			
LAND USE ORDINANCE STANDARDS: Section 21.02.030 of the Real Property Division Ordinance			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Council, Public Works, CalFire, Los Osos Community Services District and the California Coastal Commission.			
TOPOGRAPHY: Level to gently rolling (0-10% slope)		VEGETATION: Grasses, ornamental landscaping, and oak woodland	
PROPOSED SERVICES: Water supply: Los Osos Community Services District Sewage Disposal: On site septic Fire Protection: CalFire		ACCEPTANCE DATE: February 21, 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			

EXISTING USES: Two single family residences	
SURROUNDING LAND USE CATEGORIES AND USES:	
<i>North:</i> Estero bay	<i>East:</i> Residential Single Family /residences
<i>South:</i> Residential Single Family /residences	<i>West:</i> Residential Single Family /residences

**PROJECT DESCRIPTION**

The applicant, the Dubbink Family Trust is proposing to adjust two existing legal parcels and to allow one of the residences to expand. Both parcels are owned by the Dubbink Family Trust. Both parcels are developed with single family residences. The existing residence on proposed parcel 1(fronting the bay) was built in 1967. The existing residence on proposed parcel 2 was built in 1946. The adjustment is between the two parcels of 27,138 square feet and 23,216 square feet each, and will result in two parcels of 35,414 square feet and 14,940 square feet each. A 2,336 square foot addition is proposed for parcel 1 and consists of: a studio/gallery of 946 square feet, an office/bedroom of 595 square feet, a 93 square foot addition to the living room, a garage of 306 square feet, and a 396 square foot deck.

**ORDINANCE COMPLIANCE**

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

<b>EXISTING LOT SIZES</b>	<b>ADJUSTED PARCEL SIZES</b>
27,138 square feet	35,414 square feet
23,216 square feet	14,940 square feet

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county’s zoning and building ordinances.

The current parcel configuration consists of two lots in the Residential Single Family land use category. Both parcels conform to minimum parcel size (6,000 square foot for both parcels).

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County’s local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Both parcels are developed with residences, the adjustment results in an equal situation since both parcels are conforming and the adjustment will also result in two conforming parcels. Staff has concluded that the adjustment is consistent with both state and local law.

**COASTAL ZONE LAND USE ORDINANCE**

*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.

*Section 23.01.043 – Appeals to the Coastal Commission (Coastal Appealable Zone)*

The project is appealable to the Coastal Commission because the project is proposed development between the ocean and first public road (Santa Ysabel).

*Section 23.04.420 – Coastal Access*

Development within the Coastal Zone between the first public road and the tidelands shall protect and/or provide coastal access as required. All new development shall provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year. Where topography limits the dry sandy beach to less than 25 feet, lateral access shall extend from the mean high tide to the toe of the bluff. Where the area between the mean high tide line (MHTL) and the toe of the bluff is constrained by rocky shoreline or other limitations, the County shall evaluate the safety and other constraints and whether alternative siting of accessways is appropriate. This consideration would help maximize public access consistent with the LCP and the California Coastal Act.

*The project is required (as a condition of approval) to provide a lateral access dedication.*

*Section 23.07.060 - Flood Hazard*

A portion of project site is located within the Flood Hazard combining designation.

*Drainage plan approval is required where any portion of the proposed site is located within the flood hazard combining designation. The existing residence and addition are located outside of the Flood Hazard combining designation. The County Public Works Department will review the drainage plan through the building permit process.*

*Section 23.07.104 - Archaeologically Sensitive Areas*

The project site is within a mapped Archaeologically Sensitive Area. Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required.

*A Phase I surface survey was conducted (Bertrando and Bertrando, 2002), the survey found that the project site is located within a recorded archaeological site. The proposed addition has the potential to impact the resources associated with CA-SLO-458. Data recovery and monitoring are required as part of the project to mitigate any impacts to the resource.*

*Section 23.07.170 - Environmentally Sensitive Habitats (ESHA).*

The project site supports Environmentally Sensitive Habitats as defined by Chapter 23.11 of the LUO. The specific types of ESHA are discussed below:

*Section 23.07.172 – Wetlands.*

The project site is adjacent to Estero bay. Development proposed within or adjacent to (within 100 feet of the upland extent of) a wetland area shown on the Environmentally Sensitive Habitat Maps shall satisfy the requirements of this section to enable issuance of a land use or construction permits.

*The project site is adjacent to Estero bay. The project has been designed to avoid impacts to the bay. The proposed addition to parcel 1 is located 50 feet from the edge of wetland vegetation, as required by the Estero Area Plan.*

## PLANNING AREA STANDARDS

Estero Area Plan; Los Osos Urban Area

**On-site Wastewater Disposal:** New development shall meet the septic tank requirements of the Regional Water Quality Control Board.

*The Regional Water Quality Control Board imposed a prohibition on septic system discharge after November 1, 1988. The proposed addition and lot line adjustment will not create any*

*additional septic system discharge. Both residences will connect to the communitywide sewer system once it's complete.*

**Drainage:** 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.

*The proposed lot line adjustment will not affect drainage at the site. The proposed project is an addition to an existing residence. A drainage plan is required prior to issuance of building permits.*

## **Bayfront Development**

### **1. Height**

Proposed structures are limited to a maximum height of 14 feet (within area mapped in Figure 7-41).

*This project complies with this standard; the height of the proposed addition is approximately 14 feet and conditioned as such.*

## **Combining Designations**

### **Morro Bay SRA – Wetland Setbacks**

Wetland Setbacks. The following setbacks shall be required to provide appropriate separation between development and the wetland vegetation and habitat. Setbacks established here supersede the 100 foot setback requirement by the Coastal Zone Land Use Ordinance.

However, in no case shall a setback be adjusted pursuant to Section 23.07.172 of the CZLUO to less than the following standards. Setbacks are measured between the upland extent of the wetland vegetation and development. For the area east and northeast of Tract 40: 50 feet except where adjusted pursuant to Section 23.07.172d(2) of the CZLUO. In no case shall development occur closer than 25 feet from the mean high tide line.

*The project is consistent with this standard; a wetland boundary survey was completed (SWCA, June 2010) for the project. The new addition is setback 50 feet from the edge of wetland vegetation; therefore the project is consistent with this standard.*

## **Residential Single Family**

### **D. El Moro Area.**

1. Lot Coverage. Maximum lot coverage permitted on a single 25 foot lot is 60%; lots of 6,000 square feet or more are permitted 40% coverage, excluding patios, driveway, walks, etc.

*For proposed parcel 1, the proposed addition to the residence will result in 4,470 square feet of building coverage, resulting in approximately 12.3% coverage (of a 36,090 square feet parcel).*

*For proposed parcel 2, the existing residence and carport are approximately 1200 square feet, with 12.5% coverage (of a 14,940 square foot parcel).*

## **COASTAL PLAN POLICIES:**

Shoreline Access: <input checked="" type="checkbox"/>	Policy No: 2
Recreation and Visitor Serving: N/A	
Energy and Industrial Development: N/A	
Commercial Fishing, Recreational Boating and Port Facilities: N/A	
Environmentally Sensitive Habitats: <input checked="" type="checkbox"/>	Policy No's: 1, 2, 16, and 17
Agriculture: N/A	
Public Works: <input checked="" type="checkbox"/>	Policy No: 1
Coastal Watersheds: <input checked="" type="checkbox"/>	Policy No: 7
Visual and Scenic Resources: <input checked="" type="checkbox"/>	Policy No's : 2 and 7

Hazards:   
Archeology:   
Air Quality: N/A

Policy No's: 1 and 2  
Policy No: 4

This project is in compliance with the Coastal Plan Policies, the most relevant policies are discussed below.

### **Shoreline Access**

*Policy 2: New Development.* Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development.

*The proposed project complies with this policy, as the proposed projects will not interfere with public access to the beach or the ocean. The applicant is required to provide a lateral access dedication.*

### **Environmentally Sensitive Habitats**

*Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats.* New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.

*This project complies with this policy because it will not disrupt resources on the site; the new addition is located 50 feet from the edge of wetland vegetation (as required).*

*Policy 2: Permit Requirement.* As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate.

*The proposed project complies with this policy; the proposed addition is consistent with the continuance of the habitat. The new addition is setback 50 feet from the edge of wetland vegetation and will not disrupt the habitat.*

*Policy 16: Adjacent Development.* Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site.

*The proposed addition is located 50 feet from the edge of wetland vegetation as required.*

*Policy 17: Wetland Buffer.* In new development, a buffer strip shall be required and maintained in natural condition along the periphery of all wetlands. This shall be a minimum of 100 feet in width measured from the upland extent of the wetland unless a more detailed requirement for a greater or lesser amount is included in the LUE or the LUO would allow for adjustment to recognize the constraints which the minimum buffer would impose upon existing subdivided lots. If a project involves substantial improvements or increased human impacts, necessitating a wide buffer area, it shall be limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges, and roads when it can be demonstrated that: a) alternative routes are infeasible or more environmentally damaging, and b) the adverse environmental effects are mitigated to the maximum extent feasible. Access paths and/or fences necessary to protect habitats may also be permitted.

*The Estero Area Plan requires a 50 foot wetland buffer in this location. The applicant initially submitted a proposal with the proposed addition within the 50 foot wetland buffer (setback); the project was revised to meet the wetland setback, consistent with this standard.*

### **Visual and Scenic Resources**

*Policy 2: Site selection for New Development.* Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

*The proposed project complies with this policy; the proposed addition is one story and is required to not exceed 14 feet in height. The residence and the proposed addition on proposed parcel 1 is visible from the bay and potentially from other locations in the community, however the proposal is consistent with the existing character; as residential development occurs along the bay front throughout the community.*

*Policy 7: Preservation of Trees 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.

*The proposed project includes the removal of two oak trees. The removed trees will be replaced at a 4:1 ratio. The eight oaks replaced shall be planted onsite or at an approved location within the community of Los Osos, consistent with this policy.*

### **Archaeology**

*Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas.* Development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project.

*The proposed project complies with this policy, as the applicant has submitted archaeological investigations of the site. The project site is located within a recorded archaeological site. The proposed addition has the potential to impact the resources associated with CA-SLO-458. Data recovery and monitoring are required as part of the project to mitigate any impacts to the resource.*

### **Public Works:**

*Policy 1: Availability of Service Capacity:* New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if:

- a. It can be serviced by adequate private on-site water and waste disposal systems; and
  - b. The proposed development reflects that it is an environmentally preferable alternative.
- The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project. Lack of proper

arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved consistent with available resources.

*The project is within the Los Osos Valley Groundwater Basin. The total basin safe yield is 3250 afy. Total basin demand is currently estimated at approximately 3,400 afy. Therefore, the demand exceeds safe yield with a current deficit of approximately 150 afy. The Board of Supervisors certified a Level of Severity III for the Basin on March 27, 2007. The proposed project is consistent with this policy because the existing residences are already served by community water and the proposed addition will not result in additional water demand. In addition, the existing residence will be subject to Title 19 water conservation measures (retrofit of the existing fixtures).*

**Coastal Watersheds:**

*Policy 7: Siting of new development:*

Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent except...(rest of section not applicable).

*The proposed project is consistent with this policy because the existing residence and addition are both located on slopes of less than 20 percent.*

COMMUNITY ADVISORY GROUP COMMENTS: The Los Osos Community Advisory Council (LOCAC) reviewed the project in July of 2012. LOCAC supported the project and wanted to be kept informed of the environmental studies underway. Staff informed LOCAC of the results of the studies. No additional comments were received from LOCAC.

**AGENCY REVIEW:**

Public Works-Lot Line Adjustment comments - Need Title Report. Lot Line Adjustment map does meet requirements of 21.02.03b3. Minor Use Permit comments - Need to determine if the addition will be commercial. Road fees may be required. Drainage Plan will be required.

*The applicant revised the lot line adjustment map (consistent with Section 21.03.03b3) and provided a current Title Report. The addition is not for commercial use, it is for the use of the property owner.*

CalFire – Fire Plan provide (see attached)

California Coastal Commission – None received.

**LEGAL LOT STATUS:**

The two lots were legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Kerry Brown and reviewed by Steve McMasters.