



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

Tentative Notice of Action

Promoting the wise use of land

MEETING DATE July 18, 2014 LOCAL EFFECTIVE DATE August 2, 2014 APPROX FINAL EFFECTIVE DATE August 22, 2014	CONTACT/PHONE Cody Scheel, Project Planner (805) 781-5157 cscheel@co.slo.ca.us	APPLICANT Mike & Judy Neal	FILE NO. DRC2013-00054
SUBJECT Hearing to consider a request by MIKE & JUDY NEAL for a Minor Use Permit / Coastal Development Permit to allow for the construction of a 188 square foot addition and remodel to an existing kitchen on the ground level of an existing 1,733 square foot two story residence, and 316 square feet of roof deck constructed above the proposed kitchen addition. The proposed kitchen addition and second story deck addition would be attached to the rear (northwest corner) of the existing residence. The permit would also allow for the addition of approximately 50 square feet to the existing second story deck located at the front of the residence (southwest corner). The project requires the purchase of 300 square feet of Transfer of Development Credits (TDCs). The project will result in the disturbance of approximately 375 square feet of a 3,500 square foot lot. The proposed project is within the Residential Single Family land use category and is located at 341 Lancaster Street, in the community of Cambria. The site is in the North Coastal planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2013-00054 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on June 3, 2014 (ED13-249).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Archaeologically Sensitive Area, Terrestrial Habitat, Geologic Study Area & Local Coastal Plan	ASSESSOR PARCEL NUMBER 022-291-012	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Setbacks, Height, Footprint and Gross Structural Area (GSA) Limitations, Residential Design Standards, Erosion Control, Landscaping, Monterey Pine Forest Habitat, Archaeological Resource Protection, Cambria Community Services District Review, Cambria Fire Department Review <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS: Appeals to the Coastal Commission (Coastal Appealable Zone), Local Coastal Program, Geologic Study Area, Environmentally Sensitive Habitats & Terrestrial Habitat <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 residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family / residences <i>East:</i> Residential Single Family / residences <i>South:</i> Residential Single Family / residences <i>West:</i> Residential Single Family / residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cambria Community Services District (Water/Sewer, Fire), North Coast Advisory Council, California Coastal Commission & the Native American Heritage Commission	
TOPOGRAPHY: Gently sloping	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Cambria Community Services District Sewage Disposal: Cambria Community Services District Fire Protection: Cambria CSD Fire Department	ACCEPTANCE DATE: May 9, 2014

DISCUSSION

PLANNING AREA STANDARDS:

As described below, the project complies with applicable Combining Designations, Cambria Urban Area, and Residential Single Family development standards of the North Coast Area Plan.

Combining Designations

Local Coastal Program Area (LCP)

In accordance with CZLUO section 23.07.120 the project is within the California Coastal Zone as determined by the California Coastal Act of 1976.

Monterey Pine Forest Habitat (Terrestrial Habitat – TH)

The following standards apply to new development proposed within the Terrestrial Habitat Protection (TH) combining designation:

1. **Protection of vegetation.** Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.
2. **Terrestrial habitat development standards:**
 - a) **Re-vegetation.** Native plants shall be used where vegetation is removed.
 - b) **Area of disturbance.** The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect the surrounding native habitat areas.

The proposed project complies with the combining designation planning area standards for the Terrestrial Habitat Protection (TH) because the proposed additions are located on a pre-disturbed site with no native vegetation on the project property.

Cambria Urban Area Standards – Community Wide

Limitation on Development – Water Conservation Requirements.

New development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the Cambria Community Service District's service area, or through other verifiable actions to reduce existing water use in the service area. *The proposed project complies with this standard because it would not increase water usage, and no additional toilets, tubs/showers or sinks will be added to the proposed addition and remodel to the existing kitchen.*

Cambria Community Services District Review

Prior to application acceptance, land use and building permit applications shall include a written verification of water and sewer service from the Cambria Community Services District (CCSD). Also, prior to final building inspection the applicant shall submit a water and sewer service condition compliance letter from the CCSD. *The project complies with this standard because*

the applicant provided written verification of water and sewer service for remodel (with conditions) from the CCSD, dated April 1, 2014. No new water or sewer services are proposed, and as conditioned, prior to final building inspection the applicant shall submit a water and sewer service condition compliance letter from the CCSD.

Cambria Fire Department Review

All new development shall comply with applicable state and local Cambria fire codes. Prior to application acceptance, land use and building permit applications shall include a Fire Plan Review from the Cambria Fire Department. *The project complies with this standard because the applicant submitted a Fire Plan Review, dated April 1, 2014, from the Cambria Fire Department and the project is conditioned to comply with all applicable fire safety requirements.*

Erosion Control

In addition to other applicable requirements of the Coastal Zone Land Use Ordinance, all runoff from impervious surfaces such as roofs, driveways, walks, patios, and/or decks shall be collected and retained on-site to the greatest extent possible. Run-off not able to be retained on-site shall be passed through an effective erosion control device or filtration system approved by the Public Works Department. *The proposed project is conditioned to comply with this standard.*

Landscaping

All areas of the site disturbed by project construction shall be re-vegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. Non-native, invasive, fire prone, and water intensive (i.e. turf grass) landscaping shall be prohibited on the entire site. *The proposed project is conditioned to comply with this standard.*

Exterior Lighting

All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries source. Particular care is to be taken to assure that direct illumination does not fall onto or across any public or private street or road. *The proposed project is conditioned to comply with this standard.*

Archaeological Resource Protection

In the event archaeological resources are unearthed or discovered during any construction activities, construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. *The proposed project is conditioned to comply with this standard.*

Residential Development Standards

As described in the table below, the proposed project is consistent with the applicable residential development standards.

Area: Park Hill (Typical Lot, 2 Story Development)
 Lot Size: 3,500 square feet

Slope: Approximately 10%
 Number of trees to be removed: 0

PROJECT REVIEW	ALLOWABLE	EXISTING	PROPOSED	STATUS
HEIGHT (FEET) ¹	28'	23'	23"	OK
FOOTPRINT (SQUARE FEET)	1,300 sf (1,600 sf with TDC's) ²	1,415 square feet	1,600 square feet	OK (with 300 TDC's)
GROSS STRUCTURAL AREA (S.F.)	2,000 sf (2,300 sf with TDC's) ²	2,106 square feet	2,294 square feet	OK (with 294 TDC's)
DECKS (SQUARE FEET)				
SOLID (10% OF MAX F.P.)	160	0	316 sf (roof deck)	OK ³
PERMEABLE (30% OF MAX F.P.)	480	55	105 sf	OK
SETBACKS (FEET)				
FRONT / REAR COMBINED	25' minimum	32'	25'	OK
FRONT	10' minimum	10'	10'	OK
REAR	10' minimum	22'	15'	OK
SIDES (COMBINED)	5' (12')	E: 3'-10" / W: 3'-10" (7'-8")	E: 3'-10" / W: 3'-10" (7'-8")	OK ⁴

- NOTE:
1. Maximum height is measured from average natural grade.
 2. The amount of square feet allowed in both footprint and GSA measurements may be increased through the purchase of Transfer of Development Credits (TDC's), as discussed in the section below.
 3. The applicant has proposed a 316 square foot solid roof deck that spans the proposed 188 square foot kitchen addition, with an additional 128 square feet of decking that cantilevers over the terrace below. Solid exterior decks are limited to 10% of the permitted maximum footprint, which would be 160 square feet. The project complies with this standard because the 188 square feet of roof deck that spans the kitchen addition is considered "roof" footprint square footage, therefore the remaining 128 square feet of cantilevered decking complies with the maximum solid deck footprint of 160 square feet.
 4. Though the existing development does not meet the standard side setbacks, the proposed kitchen addition will comply with this standard because all required setbacks shall be met, and the existing development within the side setbacks will not be altered as part of this project.

Transfer of Development Credits

The Transfer of Development Credit Program (TDC's) may be used to transfer allowable footprint and GSA for lots within certain areas to more suitable sites within Cambria. This project proposes to use 300 square feet of TDC's, which is the maximum amount of TDC's allowed for a lot of this size. *Before issuance of a construction permit, the applicant will be required to provide verification in the form of a receipt from the Land Conservancy that the TDC's were purchased.*

Residential Design Standards

The North Coast Area Plan contains discretionary design criteria for single-family residential development in Cambria. *As described below, the proposed addition is consistent with applicable design criteria.*

Impermeable Surfaces. Impermeable surfaces should be minimized in order to maintain a sense of open space and to serve specific purposes, such as retaining clusters of trees and visual quality of public view corridors. *The proposed project is a 188 square foot addition and remodel to an existing kitchen, 316 square feet of roof deck constructed above the proposed kitchen addition, and approximately 50 (permeable) square feet of additional decking to the front deck. The existing impermeable development covers approximately 2,500 square feet of the lot, or 71% of the total site. The proposed additions will bring the total amount of impermeable development to approximately 2,760 square feet or approximately 79% of the total site. As conditioned, the project will comply with the Erosion Control section of the Areawide Planning Standards, and the Drainage Plan shall be reviewed and approved by Public Works.*

Parking Drives and Garages. Two off-street spaces are required for each single-family dwelling, and at least one space shall be covered. The design criteria for parking drives and garages encourages placement that does not dominate the site or the design of the house. *This project complies with this standard because there is a 373 square foot two car garage attached to the existing residence, and because the garage was designed to integrate with the design and materials of the residence, and therefore does not dominate the design of the residence.*

Topography. The site design should follow the natural contours of the site where possible. *The subject lot has previously been developed and the topography is gently sloping, with an average slope of 10%. The proposed additions will not result in any abrupt changes in grade.*

Drainage. Drainage systems should be designed to retain water on-site and encourage infiltration when feasible. *The project will be designed and constructed to retain water on-site, and the project is conditioned to provide a drainage plan, consistent with the North Coast planning area standards, to Public Works for review and approval.*

Building Design Standards. The design should incorporate architectural details and varied materials to reduce the apparent mass of structures and should achieve an appearance that is appropriate for the character of the neighborhood. *The proposed project includes articulation to break up the bulk of the structure and is designed to integrate with the design and materials of the existing residence which is compatible in design and color with the neighborhood design patterns.*

LAND USE ORDINANCE STANDARDS:

Section 23.01.043c.(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the subject parcel is located in an Environmentally Sensitive Habitat Area, according to official County maps. *The proposed development will occur on a site that is currently developed and will not disrupt any existing habitat. No trees will be removed or impacted as a result of the project.*

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.07.080: Geologic Study Area (GSA)

A Geologic Study Area combining designation is applied by the Official Maps (Part III) of the Land Use Element, to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. This section requires projects located within a GSA to include a report prepared by a certified engineering geologist. The report must identify, describe, and illustrate, where applicable, potential hazards of surface fault rupture, seismic shaking, and liquefaction or landslide. *Under Section 23.07.080(b), the proposed project qualifies for an exemption from this requirement because the valuation of the proposed addition is less than 50% of the assessed value of the existing structure. Specifically, the estimated valuation for the proposed addition is approximately \$24,000, which is equivalent to 11% of the assessed value of property improvements (\$214,000 according to County Assessor records).*

Section 23.07.170.e (1-5) Environmentally Sensitive Habitat (ESH) Development Standards

- (1) New development within or adjacent to the habitat shall not significantly disrupt the resource.
- (2) New development within the habitat shall be limited to those uses that are dependent upon the resource.
- (3) Where feasible, damaged habitats shall be restored as a condition of development approval.
- (4) Development shall be consistent with the biological continuance of the habitat.
- (5) Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034.c (Grading Standards.)

This project is located within a Sensitive Resource Area (SRA) and Environmentally Sensitive Habitat Area (ESHA) due to the Cambria Monterey Pine forest, and complies with ESH development Standards 1-5 above because the proposed project will not remove or impact any native Monterey pine or Coast live oak trees. The residential addition is a principally permitted use within a developed urban neighborhood.

Section 23.07.176 Terrestrial Habitat Protection

The project site is in a mapped Terrestrial Habitat Area and is subject to the provisions of terrestrial habitat development standards in accordance with CZLUO section 23.07.176(b). The intent of that section is to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitat. *The project complies with the Terrestrial Habitat development standards because the residential addition will be constructed over a previously disturbed area and will not impact or remove any rare and endangered species of terrestrial plants and animals.*

COASTAL PLAN POLICIES:

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:

Policy No(s): 1 & 29

Agriculture: N/A

Public Works:

Policy No(s): 1

Coastal Watersheds:

Policy No(s): 7 through 11

Visual and Scenic Resources:
Hazards:
Archeology: N/A
Air Quality: N/A

Policy No(s): 1 & 2
Policy No(s): 1 & 2

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

COASTAL PLAN POLICY DISCUSSION:

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 the residential addition will be constructed over a previously disturbed area and will not disrupt resources on the site or remove any Monterey Pine trees or other native vegetation.

Policy 29: Protection of Terrestrial Habitats. Development adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with continuance of such habitat areas. The proposed project complies with this standard, as the proposed residential addition will be constructed over a previously disturbed area and will not impact any native vegetation on-site.

Public Works

Policy 1: Availability of Service Capacity applies to the project: New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development. The project is consistent with this policy because the applicant submitted a letter, dated April 1, 2014, from the Cambria Community Services District verifying the availability of water and sewer service for the proposed project. The project is conditioned to require a water and sewer service condition compliance letter prior to final inspection.

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. The proposed project complies with this policy as the proposed project will take place on an existing lot of record in the Residential Single Family category and development shall be situated on slopes of less than 20 percent.

Policy 8: Timing of new construction: 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. The proposed project is conditioned to comply with this policy as the project

shall have an erosion and sedimentation control plan where 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. Measures should be utilized from the start of site preparation. The proposed project is conditioned to comply with this policy as the applicant shall apply Best Management Practices in the selection and implementation of site maintenance, as conditioned in Exhibit B.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. The proposed project is conditioned to comply with this policy as the applicant shall provide a drainage plan to San Luis Obispo County Public Works department for approval, and shall implement the approved drainage plan, displaying that construction of the new residential addition will not increase erosion or runoff.

Policy 11: Preserving Groundwater Recharge: In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats. The proposed project is consistent with this policy as the project shall retain groundwater on-site to the extent feasible.

Visual and Scenic Resources

Policy 1: Protection of Visual and Scenic Resources. Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved and protected, and in visually degraded areas restored where feasible. The proposed project complies with this policy as the project will be developed on an existing, gently sloping lot. The lot is within a developed section of Cambria and shall be in character and scale with the surrounding neighborhood, and will not significantly block existing scenic vistas.

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. The proposed project complies with this policy, as the proposed residential addition will be developed on a lot with an existing two-story single family residence located at 341 Lancaster Street, in a neighborhood with similar residential structures. The proposed development will not block or obstruct public views to the ocean or scenic coastal areas, and is sited not to obstruct views from major public view corridors.

Hazards

Policy 1: New Development: All new development proposed within areas subject to natural hazards from geologic or flood conditions shall be located and designed to minimize risks to human life and property. The proposed project complies with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: New development shall ensure structural stability while not creating or contributing to erosion or geological instability. The proposed project complies with this policy because the structure is required to be designed to ensure structural stability while not creating or contributing to erosion or geological instability.

COMMUNITY ADVISORY GROUP COMMENTS:

The North Coast Advisory Council met on February 19, 2014 and voted unanimously to approve the project.

AGENCY REVIEW:

Public Works – Per referral response dated January 19, 2014: Recommend approval.

Building Department – Per referral response dated February 7, 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 currently adopted California Codes.
3. The project may require a full soils report for the design of all building foundations at the time of construction permit application submittal.
4. The project is subject to the California State Title 24 energy laws.
5. Whether or not a grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.

Cambria Community Services District (Water/Sewer) – Per referral response dated April 1, 2014: The project is authorized with conditions.

Cambria Community Services District (Fire) – Per referral response dated April 1, 2014: The project is authorized with conditions.

California Coastal Commission – No comments received.

Native American Heritage Commission – No comments received.

LEGAL LOT STATUS:

The two (2) underlying lots were legally created by recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Cody Scheel and reviewed by Bill Robeson.