



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

Tentative Notice of Action

Promoting the wise use of land

MEETING DATE January 16, 2015 LOCAL EFFECTIVE DATE January 30, 2015 APPROX FINAL EFFECTIVE DATE February 20, 2015	CONTACT/PHONE Brandi Cummings, Project Manager (805) 781-1006 bcummings@co.slo.ca.us	APPLICANT Ken Delfino	FILE NO. DRC2014-00044
SUBJECT A hearing to consider a request by Ken Delfino for a Minor Use Permit/Coastal Development Permit to allow construction of a 2,480 square-foot one-story single family residence with a 663 square-foot attached garage and 295 square-foot deck. The proposed project will result in the disturbance of approximately 5,600 square feet of a 19,417 square foot lot. The proposed project is within the Residential Single Family land use category and is located at 2626 San Ricardo Lane, approximately 620 feet southeast of Pecho Valley Road, in the community of Los Osos. The site is located in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit / Coastal Development Permit DRC2014-00044 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 December 5, 2014 (ED14-131).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 074-483-002	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Septic Tank requirements, Architectural Control Committee, Limitations of Use, Minimum Floor Area, Driveway Construction, Setbacks, and Height Limitations. <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Coastal Appealable Zone, 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.			
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			

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.

Residential Single Family Standards

Highland Area – Cabrillo Estates

1. **Architectural Control Committee.** This standard states that no building permit or grading permit shall be approved until the applicant has filed with the Planning Department certification that the Architectural Control Committee for Cabrillo Estates has reviewed and approved plans and specifications.

Staff comments: The project is conditioned to comply with this standard as the applicant must attain approval from the Architectural Control Committee for Cabrillo Estates before a building permit is issued, unless the Architectural Control Committee does not exist anymore.

2. **Limitations on Use.** This standard specifies that uses are limited to single family dwellings, residential accessory uses, temporary dwellings, home occupations, schools pre through secondary (limited to day care centers) and water wells and impoundments.

Staff comments: The project complies with this standard because the applicant is proposing a single family dwelling and attached garage, all allowable uses.

3. **Minimum Floor Area.** The minimum floor area for a single family residence, excluding garages, carports, porches, patios and basements, is 1200 square feet.

Staff comments: The project complies with this standard because the applicant is proposing a 2,480 square-foot single family residence with a 663 square foot garage.

4. **Driveway Construction.** Each parcel shall be equipped with a concrete driveway measuring at least 9 feet in width and at least 3-1/2 inches thick extending from a concrete approach apron, built in accordance with County Standard Improvement Specifications and Drawings, to the garage door. The driveway is to be in place prior to issuance of an occupancy permit for the residence.

Staff comments: The project is conditioned to comply with this standard.

5. Setbacks. Required setbacks for single family residences are as follows:

Setback Location	Minimum Setbacks (feet) For Dwelling	Minimum Setbacks(feet) For Detached Residential Accessory Uses:
Front	25	25
Side	5	3
Corner Side	10	10
Rear	20	8

Staff comments: The proposed project complies with these setbacks.

6. Height Limitations. The maximum height of all buildings and structures shall be 15 feet above the highest point of the lot when measured from the highest point of the roof.

Staff comments: The project meets this requirement as the proposed project height is 15 feet from the highest point of the lot.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

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 (Los Osos Valley Road).

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.

Other Issues

The subject site is in the range of the Morro shoulderband snail (MSS) a federally listed species. Dwayne Oberhoff, biologist with Ecological Assets Management in Los Osos, conducted seven visits to the project parcel to conduct protocol-level surveys for MSS (Recovery Permit TE-180579-1). Six of the seven site visits were conducted under protocol conditions, either during or immediately after a rain event. No live MSS or empty MSS shells were observed on the project parcel during the surveys, and Mr. Oberhoff is of the opinion that MSS are not present on the project site.

The applicant has included as part of his project, avoidance measures to avoid take of MSS. These measures include the requirements to retain a Fish and Wildlife Service approved biologist to conduct pre-construction training for all on-site personnel, and to conduct a per-activity survey of the project footprint no more than 24 hours prior to the initiation site work. A

qualified biologist will be required to monitor construction activities to ensure that MSS have not moved on the construction site during moist conditions. These voluntary avoidance measures are incorporated as conditions of this project and satisfy these standards.

COASTAL PLAN POLICIES:

Following is a list of the Coastal Plan Policies (discussion of 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: <input checked="" type="checkbox"/>	Policy No: 1
Coastal Watersheds: <input checked="" type="checkbox"/>	Policy No: 7, 8
Visual and Scenic Resources:	N/A
Hazards:	N/A
Archeology:	N/A
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: *The project is within the Los Osos Valley Groundwater Basin. The Board of Supervisors certified a Level of Severity III for the Basin on March 27, 2007. The proposed project is an infill project within an existing subdivided area. In order to be consistent with this policy, the applicant is required to retrofit existing water fixtures to result in a savings of 300 gallon per day (consistent with Title 19). The applicant has submitted a Title 19: Retrofit Certificate, certifying that the applicant has at*

least 900 retrofit credits (sufficient to construct one single family residence) at APN 074-483-002.

Coastal Watersheds

Policy 7: Siting of new development: *The proposed project is consistent with this policy because the new residence will be located on slopes of less than 20 percent.*

Policy 8: Timing of new construction: *The proposed project is consistent with this policy because the project is required to have a Stormwater Management Plan and an erosion and sedimentation control plan, and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

COMMUNITY ADVISORY GROUP COMMENTS:

Los Osos Community Advisory Council: The Land Use Committee of the Los Osos Community Advisory Council (LOCAC) reviewed the proposed project. The Committee recommended approval of the project, and scheduled the project for LOCAC's agenda for the December 18, 2014 meeting. At the December 18, 2014 meeting, there lacked a quorum and the Council was unable to take action.

AGENCY REVIEW:

Public Works – *Per referral dated 11/24/2014*

The project is within the Los Osos Road Fee Area. Payment of Road Improvement Fees is required prior to building permit issuance. The proposed project is within a drainage review area. Drainage plan is required and it will be reviewed at the time of Building Permit submittal by Public Works. The project meets the applicability criteria for Stormwater Management. Therefore, the project is required to submit a Stormwater Control Plan Application and Coversheet. See attached referral response for recommended project conditions of approval.

Building Division – *Per referral dated 11/10/2014*

1. The project is subject to a construction permit as well as the currently adopted 2013 California Codes.
2. It may be necessary for you to employ the services of a California registered architect or engineer for the design of portions of the project that do not meet "conventional construction" as defined by our current building code.
3. The project will 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.
6. A fire sprinkler system will be required.

Planning Department Hearing

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Cal Fire – *Per referral dated 11/10/2014*
See Fire Safety Plan attached.

Los Osos Community Services District – No response.

U.S. Fish and Wildlife – No response.

California Coastal Commission – No response.

LEGAL LOT STATUS

The one existing parcel is Lot 2 of Tract 1342 in Cabrillo Estates, according to map recorded September 7, 1989, in Book 15, Page 37 of Maps.

Staff report prepared by Brandi Cummings and reviewed by Kerry Brown and Airlin M. Singewald.