



TOPOGRAPHY: Nearly level to steeply sloping	VEGETATION: Grasses, oaks, chaparral, riparian
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: On-site septic Fire Protection: Cal Fire	ACCEPTANCE DATE: June 2, 2014
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.	

## DISCUSSION

### PROJECT SITE:

The proposed project is located in the Irish Hills on a 33-acre parcel off Clark Valley Road, approximately 1 mile south of Los Osos Valley Road and 1.3 miles southeast of the Los Osos urban reserve line. The southern portion of the property (approximately 23.5 acres) has moderate to steep slopes and is undeveloped, with a mix of chaparral and scattered oak woodlands. The northern portion of the property (approximately 7.5 acres) is nearly level to gently sloping and contains the proposed existing as-built modular home and the existing as-built substandard residence. There is also an existing approximately 2,300 square-foot storage shed/workshop which abuts the substandard residence. Los Osos creek, which is dominated by central sycamore and cottonwood riparian forest, runs through this portion of the property. Approximately 1.5 acres located northeast of Los Osos Creek is considered prime soils if irrigated, and the remainder located southwest of the creek is considered non-prime soils. Los Osos Creek divides the property between the prime (northeast part) and non-prime soils (southwest part). The existing as-built modular home is located on prime soils approximately 110 feet northeast of the creek bank, and the existing as-built substandard residence and storage shed/workshop is located on non-prime soils approximately 150 feet west of the creek bank.

### PROPOSED PROJECT:

The proposed project is a request to Permit to allow for an existing as-built 1,707 square foot single family residence (modular home), and the conversion of an existing as-built approximately 1,350 square foot substandard residence into storage/workshop. The applicant is requesting to keep the existing as-built modular home on the approximately 1.5 acre prime soils area of the site. This portion of the site is preferred because the prime soils area is small and has limited viability for agriculture. The site is currently not supporting agricultural production because of the very limited area of potential crop production and because of the extreme slopes and dense chaparral/oak woodland that cover 75 percent of the property. Alternative building areas of the site would require a stream bed alteration to include a bridge or other creek crossing structure and significant site grading, which would have a significant environmental impact to the site.

Since the southwest portion of the site is difficult to access during rainy months due to inundation of the creek crossing, and Cal Fire has historically had difficulty providing service to this area, the applicant is requesting to convert the existing as-built substandard residence into storage/workshop in order to eliminate the existing substandard residence and the need for a year round creek crossing/bridge. Because of the parcel configuration, topography, location of the creek and vegetation, alternative routes and building sites are infeasible. No development is proposed within 100 feet of a blue line stream.

### PLANNING AREA STANDARDS:

#### ***Agriculture – Limitation on Use***

This standard applies only to lands that are defined by the Agriculture and Open Space Element as Row Crop Terrain and Soils. The intent of this standard is to limit uses to those that are most directly related to agricultural production on lands that support the most intensive farming

operations. Some allowable uses include agricultural accessory structures; animal raising and keeping; grazing; coastal accessways; farm support quarters; home occupations; mobilehomes and residential accessory uses.

The proposed project complies with this standard because the existing as-built residence is a “mobilehome” which is an allowable use in the Estero Rural Area Standards for the Agriculture land use category.

#### LAND USE ORDINANCE STANDARDS:

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

The project is appealable to the Coastal Commission because the subject parcel is located between the ocean and the first public road paralleling the shoreline.

##### ***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 Combing Designation***

The project is within the Geologic Study Area combining designation and is subject to the preparation of a geologic soils report per Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.084(c) to evaluate the area’s geological suitability for the existing as-built single family residence development.

In accordance with this requirement, the applicant submitted the following geology report:

- Limited Liquefaction Study, 2945 Clark Valley Road – Existing Modular Home, Los Osos, California (GeoSolutions; June 2, 2014).

This report concludes that based on the results of the field investigation, laboratory test results, the consistency and relative density of the in-situ soils, the potential for seismic liquefaction of soils at the site is low. Because the report concludes that the potential for liquefaction at the site is low, no further geologic reports are required to address the geologic suitability for the existing as-built residence.

##### ***Section 23.04.050 – Non-agricultural Uses in the Agriculture Land Use Category***

This section states that a single family dwelling and any accessory buildings supporting the agricultural use shall, where feasible, be located on other than prime soils and shall incorporate mitigation measures necessary to reduce negative impacts on adjacent agricultural uses.

The proposed project complies with this standard because due to parcel configuration, topography, location of the creek and vegetation, alternative building sites are infeasible for the existing as-built modular home. The applicant is requesting to keep the existing as-built modular home on the approximately 1.5 acre prime soils area of the site. This portion of the site is preferred because the prime soils area is small and has limited viability for agriculture, and the site is currently not supporting agricultural production. Alternative building areas of the site would require a stream bed alteration to include a bridge or other creek crossing structure, which would have a significant environmental impact to the site. All other proposed accessory

buildings will be located in areas other than prime soils, and no significant impacts to adjacent agricultural uses are anticipated with the project.

In a referral response, dated March 14, 2005, Lynda Auchinachie from the Department of Agriculture indicates "The project revisions appear to reduce impacts to prime soils. We do not object to the proposal."

The standards in Section 23.04.050(b) (Supplemental Non-agricultural Uses) do not apply to the construction of a single family residence.

### ***Section 23.08.167 – Residential Uses in the Agriculture Land Use Category***

This section allows one single family dwelling and eligible farm support quarters on existing legal parcels in the Agriculture land use category. Farm support quarters are only allowed when they are in direct support of existing agricultural production activities on lands owned or leased by the farm housing owner. The allowed number (density) of farm support units allowed on agricultural parcels varies based on the agricultural use of the property. Since there is currently no agricultural use on the property, a farm support unit would not be allowed in addition to the proposed as-built single family residence.

### ***Section 23.04.120 – Heights***

The maximum height for new structures in the Agriculture land use category is 35 feet. At a height of 12 feet for the proposed as-built modular home, and a height of 12 feet for the proposed as-built storage/workshop conversion, the proposed structures meet this requirement.

### ***Section 23.04.100 – Setbacks***

The minimum setbacks for new structures on parcels in the Agriculture land use category (when over an acre) are as follows: 25 feet in the front and 30 feet on the sides and rear. The nearest parcel boundary to the proposed residence is located about 50 feet to the northeast. Therefore, the proposed project complies with the minimum setback requirements.

### **COASTAL PLAN POLICIES:**

This project is in compliance with applicable Coastal Plan Policies. The most relevant policies are discussed below:

#### ***Agriculture***

***Policy 4: Siting of Structures.*** This policy states that a single family residence and agricultural accessory structures, where possible, shall be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce negative impacts on adjacent agricultural uses. The proposed project complies with this policy because due to parcel configuration, topography, location of the creek and vegetation, alternative building sites are not possible for the existing as-built modular home. The proposed building site is preferred because the prime soils area is small and has limited viability for agriculture, and the site is currently not supporting agricultural production. Alternative building areas of the site would require a stream bed alteration to include a bridge or other creek crossing structure, which would have a significant environmental impact to the site. All other proposed accessory buildings will be located in areas other than prime soils, and no significant impacts to adjacent agricultural uses are anticipated with the project.

### **Visual and Scenic Resources**

*Policy 2: Site Selection for New Development.* This policy states that permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Where ever possible, site selection for new development is to emphasize locations not visible from major public views corridors. *The project is consistent with this policy because the proposed as-built structures would not be visible from views along the ocean, scenic coastal areas or major public views corridors.*

*Policy 4: New Development in Rural Areas.* This policy states that new development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation. *The project is consistent with this policy because it would not be visible from major public viewing corridors and the proposed as-built structures are designed to be subordinate to, and blend with the rural character of the area. The proposed as-built modular home is similar, in style, to other adjacent residences in the area.*

### **Public Works**

*Policy 1: Availability of Service Capacity.* This policy states that 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 project would be served by an existing on-site well and septic system.*

### **Coastal Watersheds**

*Policy 7: Siting of new development.* This policy states that grading for building sites shall be limited to slopes of less than 20 percent, unless no feasible alternative buildings sites exist. *The project complies with this policy because the proposed as-built development will be located on an existing lot of record in the Agriculture land use category on slopes less than 20 percent.*

*Policy 8: Timing of new construction.* This policy states that land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. *The project is consistent with this policy because the project does not propose any land clearing or grading.*

*Policy 10: Drainage Provisions.* This policy states that site design shall ensure that drainage does not increase erosion. *The project is consistent with this policy because the project does not propose any new construction that would increase erosion.*

### **Hazards**

*Policy 1: New Development.* This policy states that all new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. *The proposed project is consistent with this policy because the applicant submitted a Limited Liquefaction*

*Study, 2945 Clark Valley Road– Existing Modular Home, Los Osos, California (GeoSolutions; June 2, 2014). This report concludes that based on the results of the field investigation, laboratory test results, the consistency and relative density of the in-situ soils, the potential for seismic liquefaction of soils at the site is low.*

**Policy 2: Erosion and Geologic Stability.** This policy states that new development shall ensure structural stability while not creating or contributing to erosion or geologic instability. *The proposed project is consistent with this policy because the applicant submitted a Limited Liquefaction Study, 2945 Clark Valley Road– Existing Modular Home, Los Osos, California (GeoSolutions; June 2, 2014). This report concludes that based on the results of the field investigation, laboratory test results, the consistency and relative density of the in-situ soils, the potential for seismic liquefaction of soils at the site is low.*

### **Coastal Access**

**Policy 2: New Development.** The policy states that maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development. *The project complies with this policy because the subject parcel is located over five miles east of the shoreline and would not inhibit access to the coast.*

### COMMUNITY ADVISORY GROUP COMMENTS:

No comments received.

### AGENCY REVIEW:

**Public Works** – Per referral response dated October 20, 2004: Recommend approval and new driveway will require an encroachment permit.

**Agriculture Commissioner** – Per referral response dated March 14, 2005: Do not object to proposal.

**Cal Fire** – Per referral response dated September 2003: The Department finds that all fire/life safety improvements have been satisfied.

**California Coastal Commission** – No comments received.

### LEGAL LOT STATUS:

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

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