



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

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

MEETING DATE July 17, 2015	CONTACT/PHONE Megan Martin	APPLICANT Dave and Nikki Montez	FILE NO. DRC2014-00099
LOCAL EFFECTIVE DATE July 31, 2015	mamartin@co.slo.ca.us		
APPROX. FINAL EFFECTIVE DATE August 14, 2014	(805)781-4163		
<b>SUBJECT</b> Hearing to consider a request by <b>NICOLE MONTEZ</b> for a Minor Use Permit/Coastal Development Permit to allow for the construction of a new 525 square foot second-story deck addition to an existing two-story single family residence. The site is within the Residential Single Family land use category at 731 Cornwall Street in community of Cambria. The site is in the North Coast Planning Area			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit/Coastal Development Permit DRC2014-00099 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 1 Categorical Exemption was issued on May 9, 2014 (ED14-231).			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Geologic Study Area, Archaeologically Sensitive Area, Coastal Zone, Terrestrial Habitat	<b>ASSESSOR PARCEL NUMBER</b> 022-093-037	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> North Coast Planning Area Standards – Cambria Urban Area Standards; Monterey Pine Forest Habitat (SRA)(TH), Site Review, Landscaping, Residential Single Family, Deck Size Limitations, Setbacks Does the project meet applicable Planning Area Standards: Yes - see discussion			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 23.07.080 – Geologic Study Area Section 23.07.104 – Archaeologically Sensitive Area Section 23.07.120 – Local Coastal Program Area Section 23.07.176 – Terrestrial Habitat Protection Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			
<b>FINAL ACTION</b> 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: North: Residential Single Family / Single Family Residences East: Residential Single Family / Single Family Residences South: Commercial Retail / Commercial Uses and Offices West: Residential Single Family / Single Family Residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Cambria Community Services District, Building Division, California Coastal Commission, North Coast Advisory Council	
TOPOGRAPHY: Generally level to steeply sloping	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Cambria Fire	ACCEPTANCE DATE: April 21, 2015
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

### PROJECT HISTORY

The existing two-story single family residence on the property was built in 1979. The lot is 6,534 square feet and defined as a “typical lot” in the Happy Hill neighborhood within the Cambria Urban Reserve Line.

### PROJECT DESCRIPTION

The proposed project includes the construction of a new 525 square foot second story deck. The new deck space will be permeable and extend from the existing 70 square feet of entryway decking.

The project site is located within the Monterey pine forest Terrestrial Habitat combining designation as identified in the Cambria Urban Area Standards and Official Maps (Part III) of the Coastal Zone Land Use Ordinance. As setforth in the Public Resources Code Section 30603(a), and the Coastal Zone Land Use Ordinance, development located in a sensitive coastal resource area (e.g. Terrestrial Habitat) is appealable to the California Coastal Commission (Section 23.01.043(c)). Where a project is appealable to the California Coastal Commission, any use normally required by the Coastal Zone Land Use Ordinance to have Plot Plan approval; which a new 525 square foot deck would normally be required to obtain Plot Plan approval, shall instead require Minor Use Permit approval. The proposed project as such, requires Minor Use Permit approval.

## NORTH COAST PLANNING AREA STANDARDS

### **Cambria Urban Area Standards**

Monterey Pine Forest Habitat (SRA)(TH). The purpose of these standards is to minimize tree removal and avoid impacts to the sensitive Monterey pine forest habitat. All development within Monterey pine forest (TH) shall include a “project limit area” to avoid Monterey pine forest impacts to the maximum extent feasible, shall not remove native vegetation outside the “project limit area”, identify all Monterey pine trees that are six inches or more in diameter 4.5 feet above ground, and implement construction practices to protect Monterey pines and significant understory vegetation.

*Staff Response: The project is located within the Monterey pine forest terrestrial habitat combining designation; however, there are no Monterey pines on the property. The project includes a 525 square foot second-story deck addition to an existing single family residence. No native vegetation or significant understory will be impacted within or outside the “project limit area.”*

Site Review. Based on the results of a site review, all projects determined to have the potential to adversely impact a sensitive resource shall require a biologic assessment report prepared in accordance with Coastal Zone Land Use Ordinance section 23.07.170.

*Staff Response: Following site review, staff determined that because the project site is developed with decorative and ornamental landscaping, is devoid of sensitive resources, and will not impact native vegetation or Monterey pines, a biologic assessment report is not required.*

Landscaping. All areas of the site disturbed by project construction shall be revegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest.

*Staff Response: The area of disturbance includes ornamental landscaping and patio pavers. If the applicant chooses to landscape the area underneath the deck following construction, the project, as conditioned, will be required to plant non-native species. Invasive, fire prone, and water intensive landscaping shall be prohibited on the entire site.*

### Residential Single Family

The following standards apply to all land within the residential single-family land use category.

Deck Size Limitations. Exterior decks shall be located to avoid removal of trees. Solid exterior decks shall be limited to 10 percent of the permitted maximum footprint, while decks of permeable construction (e.g., open wood slats) shall be limited to 30 percent of permitted Maximum Footprint.

*Staff Response: The new 525 square foot deck will extend from an existing 70 square foot front entryway deck. The proposed deck will not involve the removal of any trees and will be made of permeable construction (e.g., open wood slats) and not exceed 30 percent of the permitted maximum footprint.*

Setbacks. Front and Rear Setbacks. For all lots less than one acre in size, front and rear setbacks must total 25 feet, with a minimum of 10 feet in the front and 10 feet in the rear.

*Staff Response: The proposed 525 square foot does not project into the front setback requirement and is set back from the front property line a minimum of 20 feet. The project complies with this requirement.*

## COASTAL ZONE LAND USE ORDINANCE STANDARDS

### Section 23.07.080 – Geologic Study Area (GSA)

The proposed project is within the GSA combining designation as defined and applied by the Official Maps (Part III) of the Land Use Element.

*Staff Response: The standards of Sections 23.07.084 through 23.08.086 do not apply to the project as it involves alterations or additions to the structure, the value of which does not exceed 50% of the assessed value of the structure in any 12-month period.*

### Section 23.07.104 – Archaeologically Sensitive Areas

The project site is within the Archaeologically Sensitive Area combining designation.

*Staff Response: The site is a developed lot with an existing single family residence and ornamental landscaping. It is not anticipated that since the lot is developed, construction will unearth archaeological resources; however, the project will be conditioned to minimize and avoid impacts to resources should they be unearthed.*

### Section 23.07.176 – Terrestrial Habitat Protection

The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats.

*Staff Response: The proposed project is located within the Monterey pine forest terrestrial habitat combining designation. The proposed project has established a “project limit area” as required by the North Coast Area Plan, to illustrate site disturbance and minimize the area of disturbance and impacts to onsite vegetation. The area of the proposed project will not involve the removal of any Monterey pines or native vegetation.*

## 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, 30,

Agriculture: N/A

Public Works: N/A

Coastal Watersheds: N/A

Visual and Scenic Resources:  Policy No(s): 7

Hazards: N/A  
Archeology:   
Air Quality: N/A

Policy No(s): 1

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

## COASTAL PLAN POLICY DISCUSSION

### ***Sensitive Resource Area***

Policy 1, 2: Environmentally sensitive habitat areas are settings in which plant or animal life (or their habitats) are rare or especially valuable due to their special role in an ecosystem. These policies seek to minimize significant disruption to sensitive habitats and their resources as well as demonstrate there will be no significant impact on sensitive habitats and that proposed development will be consistent with the biological continuance of the habitat.

*Staff Response: The proposed project is within the Monterey pine forest Terrestrial Habitat combining designation. Development will occur on a previously developed site and will not significantly disrupt the sensitive habitat or its resources. Refer to the Terrestrial Habitat and Monterey pine forest habitat standards above as well as the Terrestrial Environment policy discussion below.*

### ***Terrestrial Environment***

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.

*Staff Response: The proposed project is within the Monterey pine forest terrestrial habitat. There are no Monterey pines on the property or in the vicinity of where the deck expansion will take place. The area to be disturbed consists of steep slopes, vegetated with ornamental landscaping; there are no sensitive plant species or resources to be impacted. The Monterey pine forest habitat will not be significantly disrupted as a result of the proposed project.*

Policy 29, 30: Protection of Terrestrial Habitat and Protection of Native Vegetation. These policies emphasize protection on the entire ecological community to include native trees and plant cover.

*Staff Response: The proposed project is within the Monterey pine forest terrestrial habitat. There are no Monterey pines on the property and no native vegetation or trees except the ornamental landscaping installed by the homeowner will be impacted and removed as a result of development. To minimize impact, and as a requirement of the Cambria Urban Area Standards, a "project limit area" was placed around the extent of development to avoid impacts to potential sensitive species, plants, or trees.*

### **Visual Resources**

Policy 7: Preservation of Trees and Native Vegetation. The location and design of new development shall minimize the need for tree removal.

*Staff Response: The proposed project complies with this policy. Development will be within the identified "project limit areas" and will not impact any trees onsite. Only ornamental landscaping will be removed; there is no naturally occurring native vegetation onsite.*

### **Archaeological Resources**

Policy 1: Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources.

*Staff Response: The proposed project complies with this policy. The project site is in the Archaeological Sensitive Area combining designation and is previously developed with an existing single family residence. Due to the site being previously developed, it is not anticipated resources will be encountered; however, the project, as conditioned, will be required to stop work and contact the County Planning and Building Department as well as a Native American Representative should any resources be uncovered or discovered during construction.*

### COMMUNITY ADVISORY GROUP COMMENTS

North Coast Advisory Council met on May 20, 2015 and unanimously supported the project.

### AGENCY REVIEW

Public Works: No stormwater control plan is required.  
Cambria Community Services District: No comment.  
Building Division: A building permit is required.  
California Coastal Commission: No comment.

### LEGAL LOT STATUS

The parcel is composed of Lots 3 and 4 in Block 19 of Cambria Pines Unit No. 1 according to map recorded June 20, 1928 in Book 3, Page 106 of Maps, and was legally created by deed at a time when that was a legal method of creating parcels.

Staff report prepared by Megan Martin and reviewed by Airlin M. Singewald and Steve McMasters.