



**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 Cody Scheel, Project Planner (805) 781-5157 cscheel@co.slo.ca.us	APPLICANT Patrick Fitzgerald	FILE NO. DRC2014-00114
LOCAL EFFECTIVE DATE July 31, 2015			
APPROX FINAL EFFECTIVE DATE August 21, 2015			
SUBJECT Hearing to consider a request by PATRICK FITZGERALD for a Minor Use Permit / Coastal Development Permit to allow for a new 399 square foot second story master bedroom addition to be constructed over an existing two vehicle garage. The proposed bedroom addition would replace an existing roof deck (constructed above the existing two vehicle garage) attached to an existing 1,703 square foot single family residence, and would bring the total living area to 2,102 square feet. The project does not involve any grading and will not result in further disturbance of the existing 3,000 square foot lot. The proposed project is in the Residential Multi-Family land use category and is located at 325 Surf Avenue, in the community of Oceano. The site is in the San Luis Bay Coastal planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2014-00114 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued on June 16, 2015 (ED14-264).			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Airport Review Area, Small Scale Neighborhood, Coastal Appealable Zone, Local Coastal Program, Archaeologically Sensitive Area	ASSESSOR PARCEL NUMBER 061-061-027	SUPERVISOR DISTRICT 4
PLANNING AREA STANDARDS: Airport Review, Height Limitation <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); Setbacks; Curbs, Gutters and Sidewalks; Archaeologically Sensitive Areas; 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			

EXISTING USES: Single Family Residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family / residences <i>East:</i> Residential Multi-Family / residences <i>South:</i> Residential Multi-Family / residences <i>West:</i> Residential Multi-Family / residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Airport Land Use Commission, Oceano Community Services District (including Fire), Oceano Advisory Council, and the California Coastal Commission	
TOPOGRAPHY: Nearly level	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Oceano Community Services District Sewage Disposal: Oceano Community Services District Fire Protection: Oceano Community Services District	ACCEPTANCE DATE: April 30, 2015

DISCUSSION

PLANNING AREA STANDARDS:

As described below, the project complies with applicable Combining Designations, Oceano Urban Area, and Residential Multi-Family development standards of the San Luis Bay Coastal Area Plan.

Combining Designation:

Airport Review Area (AR). The project is within the Airport Review Area combining designation of the San Luis Bay Coastal Area Plan. Allowable uses in this area are limited to those designated as “compatible” or “conditionally approvable” by the adopted Oceano County Airport Land Use Plan. A recorded avigation easement is required prior to issuance of a building permit.

Staff comments: The project complies with these standards because the proposed residential addition is considered compatible with the Airport Land Use Plan as the addition will not increase the height of the existing structure. The project includes a condition of approval requiring the recordation of an avigation easement prior to issuance of a building permit.

Oceano Beach Standard:

Height. Structures shall not exceed 25 feet.

Staff comments: The project complies with this standard as the existing residence is 22' tall, and will remain 22' tall after the proposed addition.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043c(1) – Appeals to the Coastal Commission (Coastal Appealable Zone)

Appealable Development. As set forth in the Public Resources Code Section 30603(a), and this title, an action by the County on a permit application, including any Variance, Exception or Adjustment granted, for any of the following project may be appealed to the California Coastal Commission:

1. Developments approved between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach.

Staff Comments: The project is appealable to the Coastal Commission because the project is considered development within 300 feet of the inland extent of Pismo State Beach, and between the sea and the first public road according to the official Local Coastal Program Permit and Appeal Jurisdiction map.

Sections 23.04.100: Setbacks

PROJECT REVIEW	ALLOWABLE	EXISTING RESIDENCE	AFTER ADDITION	STATUS
FRONT SETBACK	25'	25.6'	25.6'	OK
SIDE SETBACKS	3'	4.3'	4.3'	OK
REAR SETBACK	10'	14.5'	14.5'	OK

Section 23.05.106: Curbs, Gutters and Sidewalks

The establishment of an approved land use shall include installation of concrete curb, gutters and sidewalks when such improvements do not already exist, and when the value of any new structures or changes to existing structures proposed during a period of 12 months (as indicated by all building permits issued for the site during the 12-month period) exceed 25% of the total of all improvements existing on the site as determined by the assessment roll or a current appraisal.

Staff Comments: The project will not require the installation of curb, gutters and sidewalks because the proposed residential addition is less than 25% of the assessed value of the existing structure. Specifically, the estimated valuation for the proposed second story master bedroom addition is approximately \$24,000, which is equivalent to 14% of the assessed value of property improvements (\$169,323 according to County Assessor records).

Section 23.07.104: Archaeologically Sensitive Areas

Prior to issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The purpose of this preliminary site survey is to examine existing records and to conduct a preliminary surface check of the site to determine the likelihood of the existence of resources.

Staff Comments: Though the project site is located within a mapped Archaeologically Sensitive Area, the project will not impact archaeological resources, as the project is a second-story addition, and will not result in any significant ground disturbance.

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.

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: N/A
- Agriculture: N/A
- Public Works: Policy No(s): 1 & 7
- Coastal Watersheds: Policy No(s): 7, 8, & 10
- Visual and Scenic Resources: Policy No(s): 1, 2 & 6

Hazards:	Policy No(s): 1
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 applies to the project: New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development. *The proposed project complies with this standard, as the residence is currently served by the Oceano Community Services District.*

Policy 7: Permit requirements: A permit is required for projects within the coastal zone. *The applicant is requesting approval of a Minor Use Permit/Coastal Development Permit, consistent with the requirements of this policy.*

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 Multi-Family land use category and development shall be situated on slopes of less than 20 percent.*

Policy 8: Timing of new construction and Grading: 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: 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.*

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, nearly level lot. The lot is within a developed section of Oceano 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 addition is between other two-story residences, and does not block public views.*
- Policy 6: Special Communities and Small-Scale Neighborhoods. Within the urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community. *The proposed project is consistent with this policy, as project is located within the Oceano Small Scale Neighborhood area and is designed and sited to complement and be visually compatible with existing characteristics of the community.*

Hazards

- Policy 1: New Development. 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, groins) 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 it is located and designed to minimize risks to human life and property, and is not located along the shoreline.*

Archaeology

- Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas: The County shall provide for the protection of both known and potential archaeological resources. *Though the project site is located within a mapped Archaeologically Sensitive Area, the project will not impact archaeological resources, as the project is a second-story addition that will not result in any ground disturbance.*

COMMUNITY ADVISORY GROUP COMMENTS:

No comments received.

AGENCY REVIEW:

Public Works – Per referral response dated April 5, 2015, the proposed project may trigger Curb, Gutter and Sidewalk improvements.

Building Department – Per referral response dated April 1, 2015, the project shall comply with current codes adopted by the County of San Luis Obispo (2013 California Building Standards Codes and Title 19 of the SLO County Codes).

Airport Land Use Commission – No Comments received.

Oceano Community Services District – No comments received.

California Coastal Commission – No comments received.

LEGAL LOT STATUS:

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

Staff report prepared by Cody Scheel and reviewed by James Caruso.