



**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 LOCAL EFFECTIVE DATE July 31, 2015 APPROX. FINAL EFFECTIVE DATE August 21, 2015	CONTACT/PHONE Airlin Singewald, Project Manager (805) 781-5198 asingewald@co.slo.ca.us	APPLICANT Dan and Annamarie Avalos	FILE NO. DRC2014-00110
SUBJECT Hearing to consider a request by DAN AND ANNAMARIE AVALOS for a Minor Use Permit/Coastal Development Permit to allow a 320 square-foot deck addition to an existing 357 square-foot deck on an existing single family residence. The proposed project will result in the permanent disturbance of approximately 320 square feet on a 5,250 square-foot lot. The proposed project is within the Residential Single Family land use category and is located at 1967 Emmons Road, approximately 500 feet north of Oxford Avenue, in the community of Cambria. The site is in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2014-00110 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 1, 2015 (ED14-250).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan, Archeologically Sensitive Area, Terrestrial Habitat, Geologic Study Area	ASSESSOR PARCEL NUMBER 023-095-037	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Local Coastal Program Area (LCP), Monterey Pine Forest Habitat (TH), Water Conservation Requirements, Cambria Community Services District Review, Cambria Fire Department Review, Erosion Control, Landscaping, Exterior Lighting, Archeological Resource Protection, Residential Design Standards, Setback, Height, Footprint, and Gross Structural Area (GSA) Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Coastal Commission Appealable Zone, Geologic Study Area (GSA), Local Coastal Program, Archaeologically Sensitive Area, Environmentally Sensitive Habitat (ESH), and Terrestrial Habitat Protection <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 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), California Coastal Commission, and North Coast Advisory Council.	
TOPOGRAPHY: Moderate slopes	VEGETATION: Grasses, ornamental landscaping
PROPOSED SERVICES: Water supply: Cambria Community Services District (existing residence) Sewage Disposal: Cambria Community Services District (existing residence) Fire Protection: Cambria Community Services District	ACCEPTANCE DATE: May 15, 2015

DISCUSSION

The applicant is proposing to add a 320 square-foot deck to an existing 357 square-foot deck. The project will permanently disturb 320 square-feet of the 5,250 square-foot parcel in the Residential Single Family land use category.

The proposed project is located at 1967 Emmons Road, approximately 500 feet north of Oxford Avenue, in the community of Cambria. The site is located in the North Coast planning area. As conditioned, the proposed project is consistent with the North Coast Area Plan standards as well as applicable Coastal Zone Land Use Ordinance standards and Coastal Plan Policies.

PLANNING AREA STANDARDS

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

Combining Designations

Monterey Pine Forest Terrestrial 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 the following minimum standards:

- A. **Establishment of a ‘project limit area’.** A project limit area shall be established in a manner that avoids Monterey pine forest impacts to the maximum extent feasible, is located on the least sensitive portion of the site, and safeguards the biological continuance of the habitat. The project limit area shall include all areas of the site where vegetation will need to be trimmed or removed for fire safety purposes.

- B. **New Development siting.** Applications for new development within the Monterey pine forest shall demonstrate that no native vegetation outside the “project limit area” shall be removed, except for trees identified as hazardous by a qualified professional.
- C. **Plan Requirements.** All site, construction and grading plans submitted to the County shall identify by species and diameter all Monterey pine trees that are six inches or more in diameter 4.5 feet above ground and oak trees four inches or more in diameter 4.5 feet above ground identified by species and diameter. The plans shall indicate which trees are to be retained and which trees are proposed for removal.
- D. **Construction Practices.** Construction practices to protect Monterey pines, oak trees and significant understory vegetation shall be implemented.
- E. **Replacement of Vegetation.** Any Monterey pine trees that are six inches or more in diameter 4.5 feet above the ground shall be replaced at a 4:1 ratio for each tree removed, and at a 2:1 ratio for each tree impacted but not removed. Any oak trees that are four inches in diameter 4.5 feet above ground shall be replaced at a 6:1 ratio for each tree removed, and at a ratio of 3:1 ratio for each tree impacted but not removed. All open areas of the site disturbed by project construction are to be seeded with native, drought and fire resistant species that are compatible with the habitat value of the surrounding forest.
- F. **Understory Vegetation Removal.** No understory vegetation shall be removed until a permit has been issued or unless an immediate hazardous condition exists. Understory vegetation removal to create, improve, or maintain adequate defensible space and Fire Hazard Fuel Reduction shall be the minimum necessary

Staff comments: The proposed project complies with this standard because the development will be constrained to areas of the property that have been previously developed, and no native vegetation will be removed or disturbed as a result of this project. The one existing pine tree on the site will not be impacted by the proposed project.

Community Wide

Limitation on Development

- A. **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. All coastal development permits authorizing such development shall be conditioned to require applicants to provide to the Planning Director for review and approval prior to construction, written evidence of compliance with CCSD Ordinance 1-98, as approved by the CCSD Board of Directors on January 26, 1998, and modified on November 14, 2002, and as codified in the CCSD Code Chapter 4.20 in 2004. Prior to application acceptance, land use and building permit applications shall include a written verification of water and sewer service from

the CCSD. Also prior to final building inspection the applicant shall submit a water and sewer service condition compliance letter from the CCSD.

Staff comments: The project complies with the above standards because the proposed project (construction of a new deck) will not increase water or sewer demand.

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. A water and sewer service condition compliance letter from the Cambria Community Services District shall be provided to the Department of Planning and Building prior to final building inspection.

Staff comments: The project complies with the above standards because the proposed project (construction of a new deck) will not increase water or sewer demand.

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.

Staff comments: The project complies with this standard because the applicant submitted a Fire Plan Review, dated March 18, 2015, 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. Impermeable surfaces should be minimized in order to maximize the amount of on-site run-off infiltration.

Staff comments: The project is conditioned to comply with this standard as the applicant is required to submit an erosion control plan to the Public Works Department at the time of building permit submittal.

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. All landscaping and construction practices shall work to maintain and regenerate habitat values. Plant materials shall be used to mimic or enhance naturally occurring vegetation. Materials shall be propagated from appropriate native stock to ensure that the gene pool is not diluted for endemic species. This is particularly true for Monterey Pines and

riparian plantings. A list of prohibited plants, such as Pampas grass and Scotch broom, is available from the Department of Planning and Building. Use of plants listed in the California Invasive Plant Council (Cal IPC) Invasive Plant Inventory is prohibited.

Staff comments: The project is conditioned to comply with all landscaping requirements.

Exterior Lighting

Use only the minimum amount necessary to achieve essential illumination. All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases. All light fixtures are required to be fully shielded.

Staff comments: The project is conditioned to comply with all applicable exterior lighting requirements.

Residential Single Family Standards

The following table shows the project's compliance with the applicable setbacks, height, gross structural area (GSA), and footprint standards of the North Coast Area Plan:

Lot Size: 5,250 square feet
 Area: Lodge Hill Neighborhood
 Oversized lot adjustment: N/A

Slope: approximately 15%
 Number of trees to be removed: 0
 Base: 5,250 SF Footprint

PROJECT REVIEW	ALLOWABLE	TOTAL PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	1,600	1,268	OK
GSA (SQUARE FEET)	2,400	2,480	OK (existing non-conforming, no change proposed)
HEIGHT (FEET)	28'	12'	OK
DECKS (SQUARE FEET)			
PERMEABLE	480	677	OK w/ 197 TDCs
SOLID	160	0	OK
SETBACKS (FEET)			
FRONT AND BACK COMBINED	25'	85'	OK
FRONT	10'	68'	OK
REAR	10'	17'	OK (existing)
SIDE	5'	2' (left), 5' (right)	OK ¹

¹Per Section 23.04.116, a deck may extend to the side property line as allowed by the Uniform Building Code.
Parking and Access Standards

Two off-street spaces are required for each single-family dwelling. At least one space shall be covered (garage or carport), and the other space may be located within the front setback.

Staff comments: The proposed project complies with this standard as the existing residence has a two car garage.

Residential Design Criteria

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

- A. **Impermeable Surfaces.** The project will result in no new impermeable areas.
- B. **Parking Drives and Garages.** The existing residence includes a two-car garage, driveway, and approach.
- C. **Topography.** The subject parcel is moderately sloping, with an average slope of 15%. The proposed project will not result in grade changes.
- D. **Drainage.** The project complies with this guideline as it will not alter the site's existing drainage patterns.
- E. **Building Design Standards.** The proposed deck will add articulation to the existing single family residence.

COASTAL ZONE 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 (Terrestrial Habitat).

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) Combining Designation

The proposed project is located within a Geologic Study Area (GSA) combining designation, and is subject to *Section 23.07.080 Geologic Study Area*.

Staff comment: Per section 23.07.082(b), because the value of the deck addition to the structure does not exceed 50% of the assessed value of the structure, the GSA standards do not apply to this project.

Section 23.07.104 – Archaeologically Sensitive Areas

This Section requires development applications within the Archaeologically Sensitive combining designation area to include a preliminary archaeological site survey. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator. If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a plan for mitigation shall be prepared by a qualified archaeologist.

Staff comments: The proposed project is located in a designated archaeologically sensitive area. However, the project involves construction of a deck in a previously disturbed area lacking native ground cover. The location of the proposed deck is in the same location of the existing deck, and has historically been used as a paved driveway. In the event that archaeological resources are discovered during site disturbing activities, the contractor would be required to cease construction and the site would be studied by an archaeologist before construction activities could resume. The proposed project therefore complies with this standard.

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.)

Staff comments: 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. Specifically, the proposed deck addition will not inhibit the continuance of the forest because no pine trees are proposed for removal. The existing residence is a principally permitted use within a developed urban neighborhood.

Section 23.07.176 Terrestrial Habitat Protection

The subject parcel supports a mapped Terrestrial Habitat (TH) combining designation, and is subject to Section 23.07.176 Terrestrial Habitat Protection. This section implements

development standards for protection of Terrestrial Habitat. Specifically, that re-vegetation with native plants occurs where vegetation is removed, and that “readily-identifiable barriers that will protect the surrounding native habitat areas” be used to ensure protection during grading and construction.

Staff comments: This project complies with the TH development standards, as no pine trees are proposed for removal.

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: <input checked="" type="checkbox"/>	Policy No(s): 1, 3, 29, and 30
Agriculture:	N/A
Public Works:	N/A
Coastal Watersheds: <input checked="" type="checkbox"/>	Policy No(s): 8 through 10
Visual and Scenic Resources:	N/A
Hazards:	N/A
Archaeology: <input checked="" type="checkbox"/>	Policy No(s): 1
Air Quality:	N/A

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: *The proposed project is consistent with this policy because it is located on a previously disturbed site, and there are no pine trees to be removed.*

Policy 3: Habitat Restoration: *The proposed project is consistent with this policy because the proposed project would not result in the removal Monterey pine trees or other native vegetation. The proposed deck addition is located in a previously disturbed area (containing a paved driveway) and would not remove nor indirectly impact onsite trees or other native vegetation.*

Policy 29: Protection of Terrestrial Habitats: *The project is consistent with this policy because the proposed deck is a permitted use on the site and is located on a previously disturbed site. The applicant proposes no disturbance to existing trees.*

Policy 30: Protection of Native Vegetation: *The project is consistent with this policy because no native trees or vegetation will be removed.*

Coastal Watersheds:

Policy 8: Timing of Construction and Grading. *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. *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.*

Policy 10: Drainage Provisions. *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 review and approval, and shall implement the approved drainage plan, showing that construction of the addition will not increase erosion or runoff.*

Archeology:

Policy 1: Protection of Archaeological Resources. *The proposed project is located in a designated archaeologically sensitive area. However, the project involves the construction of a deck addition in a previously disturbed area lacking native ground cover. The location of the proposed deck is in the same location of the existing deck, and has historically been used as a paved driveway. In the event that archaeological resources are discovered during site disturbing activities, the contractor would be required to cease construction and the site would be studied by an archaeologist before construction activities could resume. The proposed project therefore complies with this standard.*

COMMUNITY ADVISORY GROUP COMMENTS

The North Coast Advisory Council (NCAC) recommended approval of this project on May 20, 2015.

AGENCY REVIEW

Public Works – *Per referral response dated April 22, 2015 by Glenn Marshall:*

The project requires drainage and sedimentation and erosion control plans at the time of application for construction permits. No stormwater control plan is required, since the project would create less than 2,500 square feet of impervious area.

Building Division – *Per referral dated April 29, 2015 by Mike Stoker:*

While a thorough plan review will be conducted at time of building permit application, the following items are noted to assist design review:

1. Construction shall comply with the 2013 California Residential Code.
2. Provide plans which clearly show the structural design for the proposed deck to verify compliance with the prescriptive requirements of the 2013 California

- Residential Code or any structural element not complying with the prescriptive requirements will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design.
3. The stairs will need to be detailed on the plans to verify compliance with CRC R311.7 for the rise, run, and handrail design.
 4. The guardrail serving the deck will need to be detailed on the plans to verify compliance with R312 for the height, picket spacing, etc.
 5. Provide an electrical plan to show the location of all receptacles, light switches, lights, smoke detectors and carbon monoxide alarms to verify compliance with CRC and CEC. Lighting will need to be provided on the path of travel.

Cambria Community Services District (Fire) – *See attached Fire Plan Review dated March 18, 2015.*

LEGAL LOT STATUS

The one existing parcel is Lots 29, 30, and 31 in Block 178 of Cambria Pines Unit No. 7, according to map recorded July 7, 1930 in Book 5, Page 16 of Maps.

Staff report prepared by Airlin Singewald and reviewed by Bill Robeson.