



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

**Tentative Notice of Action**

Promoting the wise use of

MEETING DATE <b>November 20, 2015</b> LOCAL EFFECTIVE DATE <b>December 4, 2015</b> APPROX. FINAL EFFECTIVE DATE <b>December 25, 2015</b>	CONTACT/PHONE <b>Brandi Cummings</b> <b>Project Manager (805)781-1006</b>	APPLICANT <b>Jacob Thoene</b>	FILE NO. <b>DRC2014-00034</b>
<b>SUBJECT</b> A request by <b>JACOB THOENE</b> for a Minor Use Permit/Coastal Development Permit (DRC2014-00034) to allow for the construction of a two-story, 3,400 square-foot single-family dwelling with an attached two-car garage, on a vacant parcel. The project will result in the disturbance of the entire 6,100 square-foot parcel. The proposed project is within the Residential Multi-Family land use category and is located at 365 Juanita Ave., approximately 0.3 mile southwest of the Highway 1 and Pier Avenue intersection, in the community of Oceano. The site is in the San Luis Bay (coastal) planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit/Coastal Development Permit DRC2014-00034 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption was issued on October 6, 2015 (ED15-071).			
<b>LAND USE CATEGORY</b> Residential Multi-Family	<b>COMBINING DESIGNATION</b> Local Coastal Plan, Coastal Appealable Zone, Archaeologically Sensitive Area, Flood Hazard, Small Scale Neighborhood, Airport Review Area	<b>ASSESSOR PARCEL NUMBER</b> 061-021-057	<b>SUPERVISOR DISTRICT(S)</b> 4
<b>PLANNING AREA STANDARDS:</b> Airport Review Area, Oceano Beach - Building Height <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Coastal Appealable Zone, Local Coastal Plan, Archaeologically Sensitive Area, Small Scale Neighborhood, Setbacks, Flood Hazard, Airport Review <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<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.			
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: Vacant lot	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family/residences <span style="float: right;"><i>East:</i> Residential Multi-Family/residences</span> <i>South:</i> Recreation / wetlands, Meadow Creek <span style="float: right;"><i>West:</i> Residential Multi-Family/residences</span>	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Airport (Oceano), Oceano CSD and Fire, Ca. Fish and Wildlife, California Coastal Commission, Oceano/Halcyon Advisory Council, Native American Heritage Commission	
TOPOGRAPHY: Nearly level	VEGETATION: Grass
PROPOSED SERVICES: Water supply: Oceano CSD Sewage Disposal: Oceano CSD Fire Protection: Five Cities Fire Authority	ACCEPTANCE DATE: September 8, 2015

**DISCUSSION**

PLANNING AREA STANDARDS

The proposed project is located within the San Luis Bay Planning area and is subject to the following standards.

**Airport Review.** Allowable uses are limited to those designated as “compatible” or “conditionally approvable” by the adopted Oceano County Airport Land Use Plan. All permit applications for sites within the boundary of the adopted Oceano County Airport Land Use Plan are subject to the development standards set forth in that plan.

Staff comments: The proposed project complies with this standard. Per Notice of Airport Land Use Commission Action dated March 18, 2015, the proposed project was found consistent with the Oceano County Airport Land Use Plan.

**Oceano Beach.** Structures shall not exceed 25 feet.

Staff comments: The proposed project is 25 feet in height and complies with this standard.

LAND USE ORDINANCE STANDARDS

**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 23.01.043(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 23.04.100: Setbacks.** Front setbacks shall be 25 feet from the front property line. The side setbacks shall be 10 percent of the lot width, to a maximum of five feet on sites less than one acre in net area. The rear setback shall be 10 feet from the rear property line.

Staff comments: The width of the lot is 60 feet; therefore the side setbacks shall be 5 feet. The proposed side setbacks are 5 feet, the front setback is 25 feet, and the proposed rear setback is 10 feet, and therefore the project complies with this standard.

**Section 23.04.160 Parking.** Two parking spaces are required to single family dwellings. Required parking spaces may not be located within the required front setback, except in a Residential Multi-Family category qualifying for medium- or high-intensity development.

Staff comments: This project complies with this standard. The proposed project includes a two-car garage, and parking area in the driveway, outside the front setback.

**Section 23.04.180 Landscape, Screening, and Fencing.** The purpose of landscape, screening and fencing standards are to: provide areas which can absorb rainfall to assist in reducing storm water runoff; control erosion; preserve natural resources; promote, preserve and enhance native plant species; reduce glare and noise; enhance the appearance of structures and property; and to provide visual privacy, while recognizing the need to use water resources as efficiently as possible.

Staff comments: This project has been conditioned to comply with this standard.

**Section 23.05.106 Curbs, Gutters and Sidewalks.** Curb Gutter and Sidewalk is required with any project in the Residential Multi-Family category within the urban reserve line.

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

## COMBINING DESIGNATIONS

**Airport Review Area.** The Airport Review combining designation is applied to specific parcels by the Official Maps (Part III) of the Land Use Element, to recognize areas around airports where certain land uses and site development characteristics may conflict with aircraft maneuvers or with the safe and functional use of the airport. The standards of these sections regulate objects affecting navigable airspace, consistent with federal regulations.

Staff comments: The proposed project complies with these standards.

**Flood Hazard Area.** The purpose of this designation is to prevent hazards to life and property from possible inundation by a 100 year flood and to minimize the effects of development on drainage ways and watercourses. Section 22.14.060 requires drainage plan approval where any portion of the proposed site is located within a Flood Hazard combining designation.

Staff comments: This project is conditioned to comply with these standards.

**Archaeologically Sensitive Area.** Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator.

Staff comments: An archaeological surface survey was submitted for this project. The survey produced negative results, and was recommended that no further archaeological studies should be required during development or lot line adjustments (Conway, 2003).

**Small Scale Neighborhoods.** This classification is for neighborhoods that have primary use by residents and secondary use by the general public using accessways to scenic shoreline areas and include the Multi-Family categories west of Highway 1 in Oceano.

#### COMMUNITY ADVISORY GROUP COMMENTS

This project was referred to the Oceano Advisory Council. No response has been received as of yet.

#### AGENCY REVIEW

Building Division – per response dated November 7, 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 may 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.

Public Works – per response dated November 3, 2014

1. The proposed project triggers Curb Gutter and Sidewalk requirements per 23.05.106. Improvement plans must be submitted to Public Works for review and approval. Prior to building permit issuance the owner must post a performance bond in accordance with the ordinance.
2. The proposed project is within a flood hazard area. A Flood Hazard Plan is required to be reviewed at the time of Building Permit submittal by Public Works. The applicant should review the Land Use Ordinance prior to future submittal of development permits.
3. The project meets the applicability criteria for Stormwater Management. Therefore, the project is required to submit a Stormwater Control Plan Application and Coversheet. The Storm Water Control Plan application and template can be found at:

[http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new\\_stormwater/SWCP+Application+Pkg.pdf](http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new_stormwater/SWCP+Application+Pkg.pdf) .

The Post Construction Requirement (PCR) Handbook can be found at:

[http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new\\_stormwater/PCR+Handbook+1.1.pdf](http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new_stormwater/PCR+Handbook+1.1.pdf)

Cal Fire – No response.

Airport (Oceano) – per response dated November 11, 2014

Based on the attached referral, the property identified is approximately 1000 feet from the end of the Oceano Airport runway. It is also almost directly under the extended center line of the runway. This means the property will experience overflight of aircraft and will experience the noise effects from those aircraft. If not already in place, this parcel should have an Avigation easement in place. In addition, even though there is existing development on the neighboring parcels, the project should be referred to the FAA for review through the 7460 process. Below is a link to the FAA website to complete this process.

Staff comments: The response received from the FFA is that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided that FFA Form 7460-2 be e-filed 5 days after construction reaches its greatest height. This project is conditioned to require an avigation easement.

Oceano CSD and Fire – per response dated October 21, 2014

The applicant will need to apply for a will-serve letter from the OCSD. A building permit should not be issued by the County until after receiving a final will-serve letter from OCSD.

Ca. Fish and Wildlife – No response.

California Coastal Commission – No response.

Oceano/Halcyon Advisory Council – No response.

Native Heritage Commission – No response.

#### LEGAL LOT STATUS

The one legal parcel consists of portions of historical lot 8 and 9 of Block 41 of the map for Oceano Beach No. 2.

Staff report prepared by Brandi Cummings and reviewed by Airlin Singewald.