



Promoting the wise use of land

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

Tentative Notice of Action

MEETING DATE January 15, 2016 LOCAL EFFECTIVE DATE January 30, 2016 APPROX. FINAL EFFECTIVE DATE February 19, 2016	CONTACT/PHONE Brandi Cummings, Project Manager (805) 781-1006 bcummings@co.slo.ca.us	APPLICANT Michelle Tharp	FILE NO. DRC2015-00023
SUBJECT A request by MICHELLE THARP for a Minor Use Permit/Coastal Development Permit (DRC2015-00023) to allow for the construction of a 225 square-foot deck addition on the west side of an existing residence, and an 80 square-foot deck addition on the south side of the residence. The project will result in the permanent disturbance of approximately 300 square-feet of an 8,712 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 698 Drake Street, within the community of Cambria. The site is in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2015-00023 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 November 30, 2015 (ED15-074).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan, Archaeological Study Area, Terrestrial Habitat, Geologic Study Area	ASSESSOR PARCEL NUMBERS 023-067-002	SUPERVISOR DISTRICT 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, Archaeological 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, Local Coastal Program, Environmentally Sensitive Habitat (ESH), and Terrestrial Habitat Protection, Geologic Study Area, Archaeological Study Area, <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>South:</i> Residential Single Family/ residences <i>East:</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, North Coast Advisory Council, and Cambria Community Liaison Airlin Singewald.	
TOPOGRAPHY: Moderate slopes	VEGETATION: Grasses, ornamental landscaping
PROPOSED SERVICES: Water Supply: Cambria Community Services District Sewage Disposal: Cambria Community Services District Fire Protection: Cambria Community Services District	ACCEPTANCE DATE: October 27, 2015

DISCUSSION

The applicant is proposing to construct a 225 square-foot deck addition on the west side of an existing residence, and an 80 square-foot deck addition on the south side of the residence. The project will result in the permanent disturbance of approximately 300 square-feet of an 8,712 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 698 Drake Street, within the community of Cambria. The site is in the North Coast planning area.

PLANNING AREA STANDARDS

As described below, the project complies with applicable Combining 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: There are four existing pine trees onsite, and two oak trees. No trees are proposed for removal and no native vegetation is proposed for removal.

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 proposed deck addition does not include plumbing fixtures, and would not increase water demands in Cambria. Therefore, the project complies with this standard.

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 proposed deck addition does not include new plumbing fixtures, and would not increase water or sewer demands in Cambria. Therefore, the project complies with this standard.

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 has been conditioned to comply with this standard.

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 revegetated 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 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.

Archaeological Resource Protection

New development projects that have the potential to impact archaeological resources shall be referred to the affected Native American tribe. In the event archaeological resources are unearthed or discovered during any construction activities, construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist in consultation with appropriate Native American representatives and reviewed and approved by the Planning Director, is completed and implemented. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Planning Director prior to occupancy or final inspection, whichever occurs first. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Staff comments: The proposed project is consistent with this standard because it is a minor deck addition in a previously disturbed area. Additionally, the project is conditioned to protect any archaeological resources that are discovered during ground disturbing activities. Therefore, the project is not anticipated to impact archaeological resources.

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: 8,712 square feet
 Area: Forested Lot
 Oversized lot adjustment: 1.66

Slope: approximately 18%
 Number of trees to be removed: 0
 Base: 5,250 SF Footprint

PROJECT REVIEW	ALLOWABLE	TOTAL PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	2,657	2,438 (existing)	OK
GSA (SQUARE FEET)	3,985	2,694 (existing)	OK
HEIGHT (FEET)	28'	20' (existing)	OK
DECKS (SQUARE FEET)			
PERMEABLE	797	774	OK
SOLID	266	0	OK
SETBACKS (FEET)			
FRONT AND REAR COMBINED	25'	20' (existing)	OK*
FRONT	10'	15' (existing)	OK
REAR	10'	5	OK*
SIDE	5'	13' (right, existing) 7'6" (left, existing)	OK
SIDES COMBINED (FOR LOTS W/50 FEET OR GREATER FRONTAGE)	12'	20'6" (existing)	OK

*The existing residence (garage) has a legal non-conforming rear setback of 5 feet. The proposed deck addition is setback 11 feet in the rear, which meets the required rear setback standard and the front and rear combined setback standard. The existing non-conforming setbacks are not proposed to be altered.

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 existing residence has two off-street parking spaces located in the detached garage, and additional off-street parking located outside the front setback in the driveway. The proposed deck addition will realign the driveway approach, but will not alter or eliminate the off-street parking

Residential Design Criteria

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

- A. **Impermeable Surfaces.** The project will result in approximately 305 square feet of new impermeable area. The project does not meet the applicability criteria for a Stormwater Management Plan.
- B. **Parking Drives and Garages.** The proposed project provides for a two-car garage, driveway, and approach. The garage is not visible from the street, and does not dominate the design of the residence.
- C. **Topography.** The subject parcel is moderately sloping, with an average slope of 18%. The proposed project will not result in abrupt grade changes.
- D. **Drainage.** The project complies with this guideline as it will be designed and constructed to retain water on-site, and the project is conditioned to provide a drainage plan, consistent with the North Coast planning area standards, to Public Works for review and approval.
- E. **Building Design Standards.** The proposed deck additions include articulation to break up the bulk of the structure, compatible in design and materials with the neighborhood design patterns.

Staff comments: The proposed project complies with this standard as the applicant submitted a statement of compliance with the residential design criteria standard.

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 23.07.080: Geologic Study Area

The project site is located within the Geologic Study Area combining designation, and is subject to the provisions of the CZULO. All land use permit applications for projects located within a Geologic Study Area (except those exempted by Section 23.07.082) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate. The report shall identify, describe and illustrate, where applicable, potential hazard of surface fault rupture, seismic shaking, liquefaction or landslide, as provided by this section.

Staff comments: Per Section 23.07.082, this project is exempt from the Geologic Study Area standard because the value of the deck additions is less than 50% of the assessed value of the structure.

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 deck additions are in a previously disturbed area lacking native ground cover. In the event archaeological resources are encountered during ground disturbing activities, the project is conditioned so that construction will cease so disposition of artifacts can be accomplished in accordance with state and federal law.

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 23.07.170.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 project will not inhibit the continuance of the forest because no pine trees are proposed for removal. The deck additions are to the existing single family residence, which is a principally permitted use in the Residential Single Family land use category.

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 revegetation 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. No pine trees or oak 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: <input checked="" type="checkbox"/>	Policy No(s): 1
Coastal Watersheds: <input checked="" type="checkbox"/>	Policy No(s): 8 through 11
Visual and Scenic Resources: <input checked="" type="checkbox"/>	Policy No(s): 1 and 2
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 are proposed for removal.*

Policy 3: Habitat Restoration: *The proposed project is consistent with this policy because the proposed project would not result in the removal of Monterey pine trees or other native vegetation. The proposed deck additions are located in previously disturbed areas 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 residential deck addition 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.*

Public Works:

Policy 1: Availability of Service Capacity. *The proposed deck additions do not include new plumbing fixtures, and would not increase water demands in Cambria. Therefore, the project complies with this standard.*

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.*

Policy 11: Preserving Groundwater Recharge. *The proposed project is consistent with this policy as the project, which is a permeable deck, shall retain groundwater on-site to the extent feasible.*

Visual and Scenic Resources:

Policy 1: Protection of Visual and Scenic Resources. *The proposed project complies with this policy, as the project will be developed on an existing residential lot. The lot is within a developed section of Cambria 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. *The proposed project complies with this standard, as the proposed residential deck additions will be developed on an existing residential lot, and the development will not block existing public views.*

Archaeology:

Policy 1: Protection of Archaeological Resources. *The proposed deck additions are in a previously disturbed area lacking native ground cover. In the event archaeological resources are encountered during ground disturbing activities, the project is conditioned so that construction will cease so disposition of artifacts can be accomplished in accordance with state and federal law.*

COMMUNITY ADVISORY GROUP COMMENTS

The proposed project was referred to the North Coast Advisory Council (NCAC) and reviewed the by Council's Land Use Committee. The NCAC met on November 18, 2015 and voted unanimously to recommend approval of the project.

AGENCY REVIEW

Public Works – Per referral dated August 17, 2015 by Tim Tomlinson

The proposed project is within a drainage review area. Drainage plan is required and it will be reviewed at the time of Building Permit submittal by Public Works. The applicant

should review Chapter 23.05.040 of the Land Use Ordinance prior to future submittal of development permits.

The project appears to not meet the applicability criteria for a Stormwater Management (it creates or replaces less than 2500 sf of impervious area). Therefore no Stormwater Control Plan is required.

Building Division – Per attached referral response (Stoker; August 19, 2015), project will be required to comply with all applicable building codes.

Cambria Community Services District (Water/Sewer) – *No response.*

Cambria Community Services District (Fire) – *No response.*

LEGAL LOT STATUS

The one existing parcels is Lot 2 of Block 3 of Tract 61 (Sunset View), according to map recorded October 3, 1951, in Book 5, Page 78 of Maps.

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