



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

PLANNING COMMISSION

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

MEETING DATE April 28, 2016	CONTACT/PHONE Cody Scheel, Project Manager (805) 781-5157 / cscheel@co.slo.ca.us	APPLICANT Bill & Becky Allen	FILE NO. DRC2010-00013
SUBJECT Hearing to consider a request by Bill & Becky Allen for a Variance/Coastal Development Permit to allow grading on slopes in excess of 30% for a three level single family residence of approximately 2,734 square feet with an approximately 784 square foot garage on a 6,250 square foot lot. The proposal includes the following components: (1) grading and excavation for the lower level garage, driveway, grade transition to the street and building foundation; (2) site disturbance of approximately 4,200 square feet including on-site drainage improvements; and (3) development of the residence with perimeter landscaping. The proposed project is within the Residential Single Family land use category and is located at 2733 Richard Avenue, in the community of Cayucos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Variance/Coastal Development Permit DRC2010-00013 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A General Rule Exemption (ED15-227) was issued on December 18, 2015.			
LAND USE CATEGORY Residential Single Family (RSF)	COMBINING DESIGNATION Geologic Study Area (GSA)	ASSESSOR PARCEL NUMBER 064-211-041	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Geologic Study Area, Lot Coverage, Building Face Height, Setbacks, Building Height			
LAND USE ORDINANCE STANDARDS: Variance for Grading on slopes over 30%, Sedimentation and erosion control plan, Drainage Plan, Geologic and Soils Report, and Local Coastal Program			
EXISTING USES: Vacant			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family / residences <i>East:</i> Rural lands / undeveloped <i>South:</i> Residential Single Family / residences <i>West:</i> Residential Single Family / residences			
<small>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</small>			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Air Pollution Control District, Cayucos Fire Department, Cayucos Sanitary District, CSA 10, Coastal Commission, Cayucos Advisory Council	
TOPOGRAPHY: Steeply sloping (52%)	VEGETATION: Non-native grasses
PROPOSED SERVICES: Water supply: County Service Area 10a Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Protection District	ACCEPTANCE DATE: December 18, 2015

PROJECT ANALYSIS

The project site is located on lots 65 and 66, Block 84 of the Morro Strand Unit No. 5 subdivision. The topography of this Cayucos neighborhood is generally steeply sloping. The site is upsloping from Richard Avenue. The Coastal Zone Land Use Ordinance (CZLUO) requires a variance for grading on slopes in excess of 30%. The primary planning and environmental issues in this area and for this site are geologic stability, drainage and erosion control, and compliance with relevant Local Coastal Plan policies, planning area standards, and CZLUO development standards.

PLANNING AREA STANDARDS / CAYUCOS URBAN AREA STANDARDS

COMMUNITYWIDE

Resource Capacity and Service Availability

Land Divisions and Land Use Permits: Application Content. All applications for new for new land divisions and land use permits for new development shall be accompanied by letters from the applicable water purveyor and the Cayucos Sanitary District stating their intent to serve the proposed project.

Response: The proposed project complies with this standard, as a conditional will serve letter for water has been issued by Cayucos CSA 10a and the Cayucos Sanitary District was contacted by staff and is processing the service request from the applicant. Final will serve letters are required as conditions of approval prior to issuance of construction permits.

Building Height. Exceptions to height limitations pursuant to Chapter 23.04 of the Coastal Zone Land Use Ordinance shall not apply to any planning area standards that specify maximum building height or building face height.

Response: The proposed project complies with this standard as no height exceptions are being requested.

Setbacks - Communitywide. Unless specified in other Cayucos Urban Area standards, the special setbacks in Table 7-1 apply to the respective neighborhoods shown on Figure 7-17 (of the Estero Area Plan).

Response: The proposed project complies with this standard with a 10 foot front setback, 54 foot rear setback and 3 foot (or greater) side setbacks.

COMBINING DESIGNATIONS

Geologic Study Areas

Morro Bay & Cayucos Hillside. A geologic report prepared by a certified engineering geologist is required for hillside development proposals.

Response: The proposed project complies with this standard, as the applicant has provided an Engineering Geology Investigation, prepared by Geosolutions, Inc. dated April 28, 2010, and a Soils

Engineering Report, prepared by Geosolutions, Inc. dated June 3, 2010 . The County Geologist reviewed the documents and found them to conform with section 23.07.084 of the Coastal Zone Land Use Ordinance, and agrees with the conclusions and recommendations. The recommendations from the Geologic Hazards Report and Soils Engineering Report are included as conditions of approval for the proposed project.

RESIDENTIAL SINGLE FAMILY

Circulation

Road Improvements. All new dwellings on non-county-maintained roads shall be served by a street at least 26 feet wide fronting the site, and at least 20 feet wide from the site back to the nearest county-maintained road. Improvements shall be made to County Standard A-1 (Rural) at a minimum.
Response: Richard Avenue is a county maintained road to the property frontage.

Height Limitation

New development shall not exceed 28 feet, unless a more restrictive height limitation is specified in the following standards.
Response: The proposed height will comply with this standard.

Outside of Community Small-Scale Design Neighborhoods

Building Face Height and Setback. In order to reduce the apparent mass of buildings, the maximum height of the front and rear building faces (including decks and balconies), as measured from the finished grade, shall be 24 feet when the average slope of the lot prior to grading is 20 percent or greater. The minimum setback from that building face to the next higher story shall be six feet. A building face may exceed these heights only if a Minor Use Permit (or higher level land use permit) is approved, the maximum height of the building face is no more than 28 feet as measured from finished grade, and the Review Authority determines that the apparent mass of the building is reduced through use of significant articulation.

Response: The proposed project will comply with this standard with the revisions required by the conditions of approval. The project is conditioned to provide revised plans with design enhancements to increase the articulation and architectural detail of the front face of the building. With these revisions the project will better comply with this standard by reducing the apparent bulk and mass of the building in relation to adjacent residences.

Lot Coverage. The maximum building footprint of all structures, including garages and carports, shall be 50 percent of the total area of the site (see Figure 7-33). All covered decks, and the portions of uncovered decks and balconies that extend into any required setback, shall be included in the building footprint.

Response: The proposed project plans comply with this standard. The conditions of approval require that the construction plans for the residence comply as well.

Summary of Development Criteria from Planning Areas Standards

Lot Size: 6,250 square feet

Slope: 52 percent

Morro Strand Area

PROJECT REVIEW	ALLOWABLE	PROPOSED	STATUS
HEIGHT (FEET)	28'	21'-6"	OK
LOT COVERAGE	50% (3,125 sf)	26% (1,624 sf)	OK
SETBACKS (FEET)			
FRONT	10'	10'	OK
REAR	5'	54'	OK
SIDES	3'	3' or greater	OK

COASTAL ZONE LAND USE ORDINANCE COMPLIANCE

23.01.045 – Variance:

The applicant is requesting a Variance for the proposed single-family dwelling to allow grading on slopes over 30 percent.

Staff supports and is able to recommend that the Planning Commission make the required findings to approve for the requested Variance for the following reasons (please see Exhibit A for the complete findings):

- **There Are Special Circumstances.** There are special circumstances that apply to the property, as steep slopes throughout the site offer no alternative to development on slopes of less than 30 percent. Without this Variance, this legal lot could not be developed.
- **No Special Privileges.** The Variance does not constitute a grant of special privileges in this case, because there is no section of the project site that is less than 30 percent slope, and the site is similar to other sites in the vicinity that have also been granted variances for development on steeply sloping lots. Beyond the need for a variance to grade on steep slopes, the lots conform to current codes and regulations.
- **This is not a Use Variance.** The Variance does not authorize a use not otherwise authorized in the land use category. The proposed single-family dwelling is an allowable use in this Residential Single Family land use category.
- **No Adverse Impact on Health, Safety, Welfare.** The Variance will not adversely affect health or safety, be detrimental to the public welfare, or be injurious to nearby property or improvements for the following reasons:
 - Grading will be engineered to ensure required standards of stability.
 - Grading and construction will be inspected and verified for compliance with requirements by a certified engineering geologist and soils and/or civil engineer.
 - In order to address runoff, a drainage plan, including Best Management Practices (BMPs), will ensure that the project does not increase or redirect runoff that would worsen existing conditions.

- A registered civil engineer will verify that the recommendations of the approved drainage plan, as well as the required sedimentation and erosion control plan, are implemented.

- **General Plan consistency.** The variance is consistent with the San Luis Obispo County General Plan because it will result in compatible “infill” development that minimizes risks to human life and property, and because there are no alternatives to the proposed development location that would reduce site disturbance.

23.05.036 – Sedimentation and Erosion Control:

Sedimentation and erosion control plan required: Submittal of a sedimentation plan for review and approval by the County Engineer is required when land disturbance activities, including the removal of more than one-half acre of native vegetation are conducted in geologically unstable areas, on slopes in excess of 30%, on soils rated as having severe erosion hazard, or within 100 feet of any water course shown on the most current 7-1/2 minute USGS quadrangle map.

23.05.042 – Drainage Plan Required:

No land use or construction permit (as applicable) shall be issued for a project where a drainage plan is required, unless a drainage plan is first approved pursuant to Section 23.05.046. Drainage plans shall be submitted with or be made part any land use, building or grading permit application for a project that involves hillside development on slopes steeper than 10 percent.

Response: The proposed project complies with these standards, as the project has been conditioned to submit an Erosion Control Plan and Drainage Plan prepared by a Registered Civil Engineer, that addresses both temporary and long-term sedimentation and erosion control measures, and that evaluates: 1) the effects of the project's projected runoff on adjacent properties and existing drainage facilities and systems; and 2) estimates of existing and increased runoff resulting from the proposed improvements.

23.07.084 – Application Content - Geologic and Soils Report Required:

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.

Response: The proposed project is consistent with this standard, because as stated above in the planning area standards discussion, and incorporated herein by reference, an Engineering Geology Investigation and Soils Engineering Report were prepared for this project. The recommendations from the reports have been incorporated in the conditions of approval for the project.

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.

Response: The proposed project is consistent with this standard because it has been reviewed under the relevant sections of the Local Coastal Plan.

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
Coastal Watersheds: Policy No(s): 7 through 11
Visual and Scenic Resources: Policy No(s): 1
Hazards: Policy No(s): 1, 2 and 3
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.
Response: The proposed project complies with this policy because the applicant submitted a confirmation of water availability letter from Cayucos CSA 10a and the project is conditioned to provide proof of compliance with water and sewer provider requirements prior to final inspection. Planning Department staff contacted Cayucos Sanitary District and verified that the service request is in process and that they did not have concerns providing service.

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 except: Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent. The county may approve grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the Coastal Zone Land Use Ordinance.

Response: Although the project will be located on an existing lot of record in the Residential Single Family category, the project requires approval of a variance since grading on slopes in excess of 30% are necessary to develop the property.

Policy 8: Timing of new construction: Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season.

Response: The proposed project complies with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 9: Techniques for Minimizing Sedimentation: Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation.

Response: 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, as conditioned in Exhibit B.

Policy 10: Drainage Provisions: Site design shall ensure that drainage does not increase erosion.

Response: The proposed project is conditioned to comply with this policy because the project is required to have a drainage plan that shows the construction of the new residence will not increase erosion or runoff.

Policy 11: Preserving Groundwater Recharge: In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats.

Response: The proposed project complies with this policy as the project shall retain groundwater on-site to the extent feasible.

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, protected, and in visually degraded areas restored where feasible.

Response: The proposed project complies with this policy as the proposed residence is located on an infill site within an existing neighborhood of Cayucos that is largely developed, will not silhouette above the ridge line, and is in keeping with the existing development in the neighborhood.

Hazards

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions shall be located and designed to minimize risks to human life and property.

Response: The proposed project complies with this policy because the residence will be located and designed to minimize risks to human life and property with comprehensive review of geologic and soils conditions and appropriate structural elements to reflect the site's characteristics.

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability.

Response: The proposed project complies with this policy because the structure is required to be designed to ensure structural stability while not creating or contributing to erosion or geological instability. Furthermore, the construction plans will be thoroughly reviewed by plans examiners from the County Building Department and staff from the Public Works Department plan review for compliance with California Building Code and the requirements set forth in the reports provided by GeoSolutions. Building inspectors will ensure the residence is constructed according to approved construction plans and meets all plan requirements.

Policy 3: Development Review in Hazard Areas. The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan.

Response: The proposed project complies with this policy because an Engineering Geology Investigation, prepared by Geosolutions, Inc. dated April 28, 2010, and a Soils Engineering Report, prepared by Geosolutions, Inc. dated June 3, 2010 have been prepared for the project. The County Geologist reviewed the documents and found them to conform with section 23.07.084 of the Coastal Zone Land Use Ordinance, and agrees with the conclusions and recommendations. The recommendations from the Engineering Geology Investigation and Soils Engineering Report are included as conditions of approval for the proposed project and will be incorporated into the construction plans and implemented throughout the building inspection process.

COMMUNITY ADVISORY GROUP COMMENTS:

The Cayucos Community Advisory Council Land Use Committee supported the project subject to compliance with area standards and mitigation of issues through conditions of approval.

AGENCY REVIEW:

Department of Public Works Comments from referral dated 1-22-16 (attached): The project meets the applicability criteria for Storm Water Management. Therefore, the project is required to submit a Storm Water Control Plan Application and Coversheet. Public Works Department recommended conditions of approval are included in Exhibit B – Conditions of Approval. *(Further review will occur at the building permit stage of the review process.)*

Building Division – A building permit is required. 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). *(A comprehensive review of construction plans will occur at the building permit stage of the process.)*

Cayucos Fire Protection District – Indicated no significant concerns. *(Further review will occur at the building permit stage of the review process.)*

Cayucos Sanitary District – *Was contacted by Planning Department staff and did not raise concerns about serving the residence. The District is preparing a will serve letter at this time. Building permits cannot be issued until the final will serve letter has been received. (Plan review will occur at the building permit stage of the review process for connection to the community system.)*

Department of Public Works / County Service Area 10A: Provided a Will Serve letter for water (attached). *(Plan review will occur at the building permit stage of the review process for connection to the community system.)*

California Coastal Commission – No comment provided.

LEGAL LOT STATUS:

The one existing parcel consists of Lots 65 and 66 in Block 84 of Morro Strand Unit No. 5, according to map recorded March 5, 1930 in Book 5, Page 11 of Maps, and was legally created by deed at a time when that was a legal method of creating parcels.

Staff report prepared by Cody Scheel and reviewed by Terry Wahler, Senior Planner.