



**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 May 6, 2016 LOCAL EFFECTIVE DATE May 20, 2016 APPROX FINAL EFFECTIVE DATE June 10, 2016	CONTACT/PHONE Schani Siong, Project Planner (805) 781-4374	APPLICANT Jeffrey Brown	FILE NO. DRC2015-00063
SUBJECT A request by JEFFRY BROWN for a Minor Use Permit/Coastal Development Permit (DRC2015-00063) to allow the construction of a 300 square-foot conforming garage to replace an existing 530 square-foot non-conforming garage, and the addition of 400 square feet of living area to an existing 1,910 square-foot single family residence. The proposed project will disturb approximately 1,200 square feet of the 3,000 square foot parcel. The property is within the Residential Single Family land use category, within the Small Scale Design neighborhood, and is located at 3266 Studio Drive, west of Studio Drive and Coronado Avenue intersection, in the community of Cayucos. The site is located in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/ Coastal Development Permit DRC2015-00063 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 March 10, 2016 (ED15-209)			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Small Scale Neighborhood, Local Coastal Plan Area, Geologically Study Area	ASSESSOR PARCEL NUMBER 064-417-001	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Small Scale Design Neighborhoods, Setbacks, Coastal Access and Recreation, Shoreline Development, Resource Capacity and Service Availability <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Geologically Study Area, 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 Single Family/residences <i>East:</i> Residential Single Family/residences <i>South:</i> Residential Single Family/residences <i>West:</i> Recreation/ Pacific Ocean	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Community Advisory Council, Public Works, Building Division, Cayucos Fire, Cayucos Sanitary District, County Service Area No.10, and the California Coastal Commission.	
TOPOGRAPHY: Nearly level to moderately sloping	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Paso Robles Beach Water Association Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Protection District	ACCEPTANCE DATE: January 27, 2016

DISCUSSION

The applicant is proposing to construct a 300 square-foot garage to replace an existing 530 square-foot garage, and add 400 square feet of living area to an existing 1,910 square-foot single family residence. The subject property has several non-conformities that will be rectified through this remodel (Figure 1). The existing garage is located at the front of the property and does not conform to the side setback standard. This garage will be demolished and replaced with a new single car garage. The applicant is also removing a portion of a non-conforming solid wall along the southern property line, which abuts an existing coastal access. The residence was operated as a duplex and the applicant will be removing second kitchen on the lower floor. The proposed project will remove all the non-conforming elements and revert the use of the property as a single family residence.

Approximately 12 feet of the western portion of the residence (rear) is in the bluff setback. No structural work is proposed in the rear of the residence (remaining of house). The new garage and addition are single story not exceeding the 15 foot height limit pursuant to the Small Scale Neighborhood guidelines in the Estero Area Planning Standards.

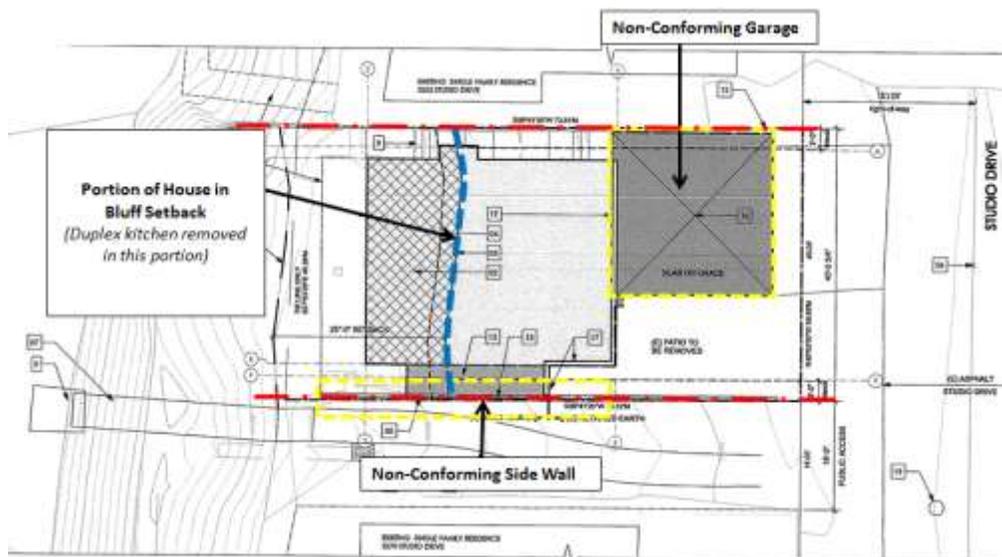


Figure 1. Existing residence with non-conforming elements onsite

PLANNING AREA STANDARDS

Estero Areawide Standards

- E. Coastal Access and Recreation.** Opportunities for public access to and along the coast shall be maximized as follows:
1. New development shall be required to provide public access and improvements to and along the coast, and shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization.

Staff Comments: The project is consistent with this standard; vertical access exists north and south of the site within a 0.1 mile distance. Lateral access will not be required as the western property boundary is located approximately at the top of bluff and the beach is located on property to the west owned by State Parks.

- G. Cayucos Planning Impact Area.** Within the planning impact area shown in Figure 7-5 of the Estero Area Plan, applications for land divisions, general plan amendments, minor use permits, and development plans shall be referred to the Cayucos Citizen Advisory Council or its successor for review and comment.

Staff comments: This project was referred to the Cayucos Citizen Advisory Council Land Use Committee and the committee supported the project on December 12, 2015.

- H. Light and Glare.** At the time of application for any land division, land use permit or coastal development permit, the applicant shall provide details on any proposed exterior lighting, if applicable. Except as necessary to support agricultural operations, all lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

Staff Comments: The project will be conditioned to meet this standard.

- I. Shoreline Development.** New development or expansion of existing uses proposed to be located on or adjacent to a beach or coastal bluff is subject to the following standards:

3. Application Content:

- a. An analysis of beach erosion, wave run-up, inundation and flood hazards prepared by a licensed civil engineer with expertise in coastal engineering and a slope stability analysis, prepared by a licensed Certified Engineering Geologist and/or Geotechnical Engineer or Registered Civil Engineer with expertise in soils, in accordance with the procedures detailed by Appendix G of the Estero Area Plan. The report shall include an alternatives analysis to avoid or minimize impacts to public access.

Staff comments: The applicant provided a Geologic Coastal Bluff Evaluation and Addendum (GeoSolutions Inc., September 12, 2014, January 29, 2016) prepared for the project site, which included evaluation of all the above-specified hazards. The report and

addendum were reviewed and approved by the County Geologist (Landset Engineering Inc., January 2, 2016 and March 10, 2016).

- b. On lots with a legally established shoreline protective device, the analysis shall describe the condition of the existing seawall; identify any impacts it may be having on public access and recreation, scenic views, sand supplies, and other coastal resources; and evaluate opportunities to modify or replace the existing armoring device in a manner that would eliminate or reduce these impacts. The analysis shall also evaluate whether the development, as proposed or modified, could be safely established on the property for a one hundred year period without a shoreline protective device.

Staff comment: There is a low rip rap seawall located on the western boundary of this site. The seawall is located on the adjacent parcel owned by State Parks. Due to the lack of permitting of this seawall, it is not accounted for in the bluff top retreat analysis.

- c. Measurements for the form, mass, scale, and roofing and yard features (such as fencing). To the maximum extent feasible, new development shall be compatible with the character of the surrounding neighborhood.

Staff comments: The project complies with this standard. The proposed development is consistent with the Small Scale Neighborhood standards and is compatible with the existing homes in the neighborhood.

- d. Surveyed location of all property lines and the mean high tide line by a licensed surveyor along with written evidence of full consent of any underlying land owner, including, but not limited to the County, State Parks, and State Lands. If application materials indicate that development may impact or encroach on tidelands or public trust lands, the County shall consult with Coastal Commission staff regarding the potential need for a Coastal Development Permit from the Coastal Commission.

Staff comment: The project complies with this standard, as the project is designed within the confines of the parcel owned by the applicant. The proposed project will not impact the County, State Parks, or State Lands.

- e. A preliminary drainage, erosion, and sedimentation plan which demonstrates that no stockpiling of dirt or construction materials will occur on the beach; erosion, runoff, and sedimentation measures to be implemented at the end of each day's work; all construction debris will be removed from the beach daily and at the completion of development; and no machinery will be allowed in the intertidal zone. If there is no feasible way to keep machinery out of the intertidal zone, authorization from the Coastal Commission is required.

Staff comment: The project is conditioned to meet this requirement.

- 4. Bluff Setbacks.** The bluff setback is to be determined by the engineering geology analysis required in I.3.a. above and should be adequate to withstand bluff erosion

and wave action for a period of 100 years. In no case shall bluff setbacks be less than 25 feet. Alteration or additions to existing development that is non-conforming with respect to bluff setbacks that equals or exceeds 50 percent of the size of the existing structure, on a cumulative basis beginning July 10, 2008, shall not be authorized unless the entire structure is brought into conformance with this setback requirement and all other policies and standards of the LCP. On parcels with legally established shoreline protective devices, the setback distance may account for the additional stability provided by the permitted seawall, based on its existing design, condition, and routine repair and maintenance that maintain the seawall's approved design life. Expansion and/or other alteration to the seawall shall not be factored into setback calculations.

Staff comments: The Geologic Coastal Bluff Evaluation performed by GeoSolutions Inc. found the maximum bluff erosion retreat during the last 100 years was 12.5 feet, which occurred along the defined western bluff edge of the lot. This maximum bluff erosion retreat distance of 12.5 feet is equal to an erosion rate of 1.50 inches per year. The geologic report found that the site is geologically suitable for the proposed development. An existing seawall on the western boundary of this site is located on an adjacent parcel owned by the State Parks and is not accounted for in the bluff erosion study. The County Geologist found the report adequately addressed the analysis required and determined adequate bluff setback to be 25 feet.

With a defined bluff top setback, approximately 12 feet of the western portion of the residence (rear) is in this setback. There were no alterations to the house since 2008 and the proposed addition (garage and living space) does not exceed 50% of the existing structure. Furthermore, the addition and remodel are located at the front of the property, outside the bluff setback. This proposed project complies with this standard.

5. Seawall Prohibition. Shoreline and bluff protection structures shall not be permitted to protect new development. All permits for development on bluff top or shoreline lots that do not have a legally established shoreline protection structure shall be conditioned to require that prior to issuance of any grading or construction permits, the property owner record a deed restriction against the property that ensures that no shoreline protection structure shall be proposed or constructed to protect the development, and which expressly waives any future right to construct such devices that may exist pursuant to Public Resources Code Section 30235 and the San Luis Obispo County certified LCP.

Staff comments: The existing seawall immediately on the western boundary of the site is located on States Parks property (beach). The Brown's property does not have shoreline or bluff protection structures that are legally established on-site. Therefore, this project will be conditioned to record a deed restriction ensuring that no shoreline protection structure will be constructed on the property in the future.

6. Liability. As a condition of approval of development on a beach or shoreline which is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes these risks

and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.

Staff comment: The project is conditioned to meet this requirement.

Cayucos Urban Area Standards

Communitywide

- A. Resource Capacity and Service Availability.** Application 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.

Staff comment: This project is conditioned to meet these approvals.

Small Scale Neighborhood Design Standards

Front Setback: The ground level floor shall have setbacks as provided in Cayucos Communitywide Standard and at no point shall a lower story wall exceed 12 feet in height including its above ground foundation. The second floor of proposed two-story construction shall have an additional front setback of at least 3 feet from the front of the lower wall, except open rail, uncovered decks are excluded from this additional setback and may extend to the lower front wall.

Staff comments: The proposed design is consistent with this standard. The proposed garage and addition at the front of the property is single story and does not exceed 12 feet in height. Though not a full upper story construction, the central portions of the added living space have a higher volume ceiling and the raised walls and roofs in these sections are setback 8 feet (north) and 26 feet (south) from the front walls.

Side Setbacks: For single-story construction, the minimum side setback for the lower floor is 3 feet. On corner lots the street-side setback is 5 feet. For the second floor side setbacks, a minimum of 2 ½ feet greater than the lower floor setback is required. Thirty percent of the upper story sidewall may align with the lower floor wall provided it is within the rear two-thirds of the structure.

Staff comments: This project meets this standard.

Rear Setback: For bluff top parcels, the minimum bluff setback shall be 25 feet.

Staff comments: This project complies with this standard as the proposed remodel and addition will occur at the front of the property, outside the bluff setback.

Height: Heights shall be measured from the center line of the fronting street at a point midway between the two side property lines projected to the street center line, to the highest point of the roof. For ocean front lots, maximum height shall be 15 feet.

Staff comments: This project complies with this standard as the proposed height of the residence is 15 feet

Gross Structural Area: All development on bluff top sites is limited to a maximum gross structural area including the area of all garages, of 3,500 square feet.

Staff comments: The total development is proposed at 2,600 square feet. The project is consistent with this standard.

Deck Rail Height: Rail heights for decks above the ground floor shall not exceed 36 inches. A maximum additional height of 36 inches of untinted, transparent material with minimal support members is allowable.

Staff comments: No new decks are proposed.

Parking: At least one off-street parking space shall be enclosed with an interior space a minimum size of 10 feet by 20 feet, and a maximum of one required off-street parking space may be located in the driveway within the required front yard setback area. However, the minimum front yard setback from the property line to the garage is 20 feet if this design is used.

Staff comments: The project complies with this standard. The proposed residence includes a single car garage and an outdoor parking space on site.

Driveway Widths: Driveway widths may not exceed 18 feet.

Staff comment: The project complies with this standard.

Streetscape Plan: A scale drawing showing the front exterior elevation (view) of the proposed project, and the front elevations of the adjacent buildings, is required as part of the application submittal.

Staff comment: The applicant submitted a streetscape plan, which is included in the file.

Topographic Map: A topographic map including the elevation of the fronting street, site contours, and existing and proposed drainage patterns is required as part of the application submittal.

Staff comment: The applicant submitted a topographic map, which is included in the file.

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 between the sea and the first public road paralleling the sea.

Section 23.04.420: Coastal Access Required

Development within the Coastal Zone between the first public road and the tidelands shall protect and/or provide coastal access as required by this section. The intent of these standards is to assure public rights of access to the coast are protected as guaranteed by the California

Constitution. Coastal access standards are also established by this section to satisfy the intent of the California Coastal Act.

Staff comments: The project is consistent with this standard; vertical access exists north and south of the site within a 0.1 mile distance.

Section 23.07.080: Geologic Study Area (GSA)

A Geologic Study Area combining designation is applied by the Official Maps (Part III) of the Land Use Element, to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. These standards are applied where the following conditions exist:

- d. **Erosion and stability hazard - coastal bluffs.** Areas along the coast with coastal bluffs and cliffs greater than 10 feet in vertical relief that are identified in the Coastal Erosion Atlas, prepared by the California State Department of Navigation and Ocean Development (1977), in accordance with Hazards Policy No. 7 of the Local Coastal Plan.

Staff comments: A Geologic Coastal Bluff Evaluation and Addendum were prepared by GeoSolutions Inc. for the project site (September 12, 2014 and January 29, 2016), which included evaluation of potential geologic hazards, and found the site to be suitable for the proposed development. These reports were reviewed and approved by the County Geologist (January 22, 2016 and March 10, 2016).

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: <input checked="" type="checkbox"/>	Policy No(s): 2
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: <input checked="" type="checkbox"/>	Policy No(s): 1
Coastal Watersheds: <input checked="" type="checkbox"/>	Policy No(s): 7, 8, 9 and 10
Visual and Scenic Resources: <input checked="" type="checkbox"/>	Policy No(s): 1,2, 6 and 7
Hazards: <input checked="" type="checkbox"/>	Policy No(s): 1, 2, and 6
Archeology:	N/A
Air Quality: <input checked="" type="checkbox"/>	Policy No(s): 1

Shoreline Access

Policy 2: New Development. Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development. Exceptions may occur where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby, or; (3) agriculture would be adversely affected. Such access can be lateral and/or vertical.

Staff comments: The proposed project complies with this policy. There are two vertical accesses from Studio Drive approximately 330 feet north and 7 feet south of the project site (immediately south of the property). The existing rip rap seawall immediately on the western boundary of the property, is located on the State Park's property (beach). There is no dry sand between the property and the beach due to the presence of the existing seawall. Therefore, the applicant is not subject to record an offer of dedication for lateral access.

Public Works

Policy 1: Availability of Service Capacity. New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff comments: The proposed project would replace an existing garage and add 400 square foot of living space to an existing single family residence. It is conditioned to obtain a water and sewer service condition compliance letter prior to final inspection.

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.

Staff comment: The proposed project complies with this policy as the proposed project will take place on an existing lot of record in the Residential Single Family category and development is situated on slopes of less than 20 percent.

Policy 8: Timing of 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. All slope and erosion control measures should be in place before the start of the rainy

season. Soil exposure should be kept to the smallest area and the shortest feasible period.

Staff comment: The proposed project is consistent with this policy because it's conditioned to require an erosion and sedimentation control plan when grading is conducted or left in an unfinished state during the period from October 15 through April 15.

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.

Staff comment: The proposed project is consistent with this policy because the applicant is conditioned to apply Best Management Practices in the selection and implementation of site maintenance.

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.

Staff comment: The proposed project is conditioned to comply with this policy by meeting all drainage plan and erosion control measures required by the San Luis Obispo County Public Works department.

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.

Staff comment: The proposed project complies with this policy because it complies with the Small Scale Design Neighborhood standards, is in character and scale with the surrounding neighborhood, and will not 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.

Staff comment: The proposed project is consistent with this policy because the proposed addition to the existing residence is located within an existing developed section of Cayucos.

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.

Staff comment: The proposed project is consistent with this policy because it complies with all the standards for Cayucos Small Scale Design Neighborhoods.

Policy 7: Preservation of Trees and Native Vegetation. The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard,

the site is to be replanted with similar species or other species which are reflective of the community character.

Staff comment: The proposed project complies with this policy as there shall be no removal of trees or native vegetation.

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.
Staff comments: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property, including evaluation of coastal bluff erosion.

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability.
Staff comment: The proposed project is consistent with this policy because the structure is required to be designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Policy 6: Bluff Setbacks. New development or expansion of existing uses on blufftops shall be designed and set back adequately to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection structures which would require substantial alterations to the natural landforms along bluffs and cliffs. A site stability evaluation report shall be prepared and submitted by a certified engineering geologist based upon an on-site evaluation that indicates that the bluff setback is adequate to allow for bluff erosion over the 75 year period. Specific standards for the content of geologic reports are contained in the Coastal Zone Land Use Ordinance.
Staff comments: The proposed project complies with this standard. The Geologic Coastal Bluff Evaluation performed by GeoSolutions Inc. found the maximum bluff erosion retreat during the last 100 years was 12.5 feet, which occurred along the western bluff edge of the lot. This maximum bluff erosion retreat distance of 12.5 feet is equal to an erosion rate of 1.5 inches per year. The seawall on the western boundary of this site is located on an adjacent parcel owned by the State Parks and is not accounted for in the bluff erosion study. The County Geologist found the report adequately addressed the analysis required and determined adequate bluff setback to be 25 feet. The geologic report found that the site is geologically suitable for the proposed development. The remodel and addition to the existing residence is located at the front of the property, outside the bluff setback.

Air Quality

Policy 1: The County will provide adequate administration and enforcement of air quality programs and regulations to be consistent with the county's Air Pollution Control District and the State Air Resources Control Board.

Staff comment: This project involves the demolition of a pre-1978 structure and is conditioned to contact APCD to determine the applicability of federal asbestos regulations.

COMMUNITY ADVISORY GROUP COMMENTS

The project was referred to the Cayucos Citizens Advisory Council. The Land Use Committee reviewed and supported the project on December 9, 2015.

AGENCY REVIEW

Public Works – *per referral comments dated December 11, 2015.*

- 1. Project is located in Stormwater Management (MS4) area. It is considered a regulated project and required to submit a Stormwater Control Plan Application and Coversheet.*
- 2. Drainage plan is and will be reviewed at the time of Building Permit submittal by Public Works.*

Cayucos Fire – *No comments (Darrin Carlson, December 9, 2015)*

Building Department – *per referral comments on file dated December 14, 2015.*

California Coastal Commission – *No comments.*

LEGAL LOT STATUS

The parcel was legally created at a time when that was a legal method of creating lots.

Staff report prepared by Kacey Hass and reviewed by Schani Siong and Steve McMasters, Supervising Planner.