



**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 August 19, 2016 LOCAL EFFECTIVE DATE September 2, 2016 APPROX FINAL EFFECTIVE DATE September 26, 2016	CONTACT/PHONE Brandi Cummings, Project Planner (805) 781-1006	APPLICANT John Tenbroeck	FILE NO. DRC2015-00079
SUBJECT <p>A request by JOHN TENBROECK for a Minor Use Permit/Coastal Development Permit (DRC2015-00079) to allow grading of a site with slopes over 20% for a 2,019 square-foot single-family residence with a 378 square-foot attached garage. The project will result in approximately 1,100 square-feet of site disturbance on the 1,750 square-foot parcel. The proposed parcel is within the Residential Single Family land use category and is located at 2788 Richard Avenue, approximately 975 feet northeast from the Highway 1 and Old Creek Road intersection, in the community of Cayucos. The site is located in the Estero Planning Area.</p>			
RECOMMENDED ACTION <p>Approve Minor Use Permit/ Coastal Development Permit DRC2015-00079 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.</p>			
ENVIRONMENTAL DETERMINATION <p>A Class 3 Categorical Exemption is proposed for this project.</p>			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan, Geologic Study Area	ASSESSOR PARCEL NUMBER 064-204-032	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Resource Capacity and Service Availability, Building Height, Setbacks, Lot Coverage <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Grading Adjustment <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION <p>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.</p> <p>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.</p>			
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 Single Family/residences <i>East:</i> Residential Single Family/vacant parcel <i>South:</i> Residential Single Family/residences <i>West:</i> Residential Single Family/residences	
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 10 (Cayucos Water), and the California Coastal Commission.	
TOPOGRAPHY: Moderately sloping	VEGETATION: Grasses
PROPOSED SERVICES: Water supply: County Service Area 10 (Cayucos Water) Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire	ACCEPTANCE DATE: May 5, 2016

DISCUSSION

The applicant is proposing to build a 2,019 square-foot, three-level single family residence with a 378 square-foot attached garage and approximately 228 square-feet of deck area. The property is currently vacant and is surrounded by single family residences. The project is located at 2788 Richard Avenue, in the community of Cayucos. As outlined below, the proposed project is consistent with the Cayucos Urban Area Standards of the Estero Area Plan as well as applicable Coastal Zone Land Use Ordinance standards and general plan policies.

PLANNING AREA STANDARDS

Communitywide

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 complies with this standard because the applicant submitted intent-to-serve letter from the County Service Area 10 (Cayucos Water), dated November 12, 2015, and a will serve letter from Cayucos Sanitary District, dated February 4, 2016.

Setbacks. The following special setbacks apply in the Morro Strand area: front setback - 10 feet, side setback – 3 feet, rear setback – 5 feet. Consistent with CZLUO Section 23.04.116, an outside stairway may be located in a required side setback provided it does not extend into the side setback more than allowed by the Uniform Building Code.

Staff comments: As conditioned, this project complies, with setbacks as follows: 10 feet (front), 3 feet (sides), and 20 feet (rear). The outside stairs will comply with the Uniform Building Code and will be required to be fire-rated.

Combining Designations

Geologic Study Area. A geologic report prepared by a certified engineering geologist is required for hillside development.

Staff comment: This project complies with this standard because applicant submitted an Engineering Geologic Investigation (GeoSolutions, Inc.) dated December 30, 2015, as well as a Soils Engineering Report (GeoSolutions, Inc.) dated January 11, 2016.

Residential Single Family

Height Limitation. New development shall not exceed 28 feet (above average natural grade) unless a more restrictive height limitation is specified.

Staff comment: This project complies with this standard. The overall residence is proposed at 28 feet high, above average natural grade.

Building Face Height and Setback. The maximum height of the front and rear building faces (including decks and balconies), as measured from the finished grade, shall be as shown in the following table, and the minimum setback from that building face to the next higher story shall be six feet.

Average Slope of Lot Prior to Grading (Percent)	Maximum Height of Front and Rear Building Face From Finished Grade (Ft.)
Less Than 20	22
20 and Greater	24

Staff comments: This project complies with this standard. The average slope of the lot is 22%; therefore, the allowable maximum building face height is 24 feet from finished grade. The proposed residence has a solid front building face of 22 feet above the finished grade, and a solid rear building face of 17 feet above the finished grade.

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

Staff comments: The project complies with this standard. The proposed lot coverage is 875 square feet (50 percent) of the 1,750 square foot lot.

COASTAL ZONE 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 23.05.034(b)(3): Grading Adjustment

Grading on slopes between 20% and 30% may occur by Minor Use Permit or Development Plan approval subject to the following:

- (i) The applicable review body has considered the specific characteristics of the site and surrounding area including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood

- drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation.
- (ii) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment.
 - (iii) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.
 - (iv) It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.

Staff comments: Construction of the proposed residence would necessitate grading on slopes between 20% and 30%. The proposed project complies with this standard because it is not located in close proximity to streams or wetlands and, as conditioned, the applicant will be required to submit grading, drainage, and sedimentation and erosion control plans for review and approval before issuance of construction and/or grading permits. The parcel does not contain a feasible building site on slopes less than 20%.

Section 23.07.084: Geologic Study Area Combining Designation

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.

Staff comment: This project complies with this standard because applicant submitted an Engineering Geologic Investigation (GeoSolutions, Inc.) dated December 30, 2015, as well as a Soils Engineering Report (GeoSolutions, Inc.) dated January 11, 2016.

COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific 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: N/A

Agriculture: N/A

Public Works:

Policy No(s): 1

Coastal Watersheds:

Policy No(s): 7, 8, 9, 10 and 11

Visual and Scenic Resources:

Policy No(s): 2

Hazards:

Policy No(s): 1 and 2

Archeology: N/A

Air Quality: N/A

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 comment: This project complies with this standard because the applicant submitted intent-to-serve letter from the County Service Area 10 (Cayucos Water), dated November 12, 2015, and a will serve letter from Cayucos Sanitary District, dated February 4, 2016.

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.

Staff comment: The proposed project complies with this policy because the site has a uniform slope with an average of 22% and does not contain a feasible building site or adequate building areas where slopes less than 20%.

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 is 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 the San Luis Obispo County Public Works department.

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.

Staff comment: The proposed project is consistent with this policy because site grading has been designed to retain groundwater on-site to the extent feasible.

Visual and Scenic Resources

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. Wherever, possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created 'pockets' to shield development and minimum visual instruction.

Staff comment: This project complies with this standard because the project does not significantly affect the visual quality as seen from major public corridors due to the viewing distances from public roads, including Highway 1.

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.

Staff comment: The project complies with this standard because it is located and designed to minimize risks to human life and property.

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 project complies with this standard because the structure is required to be designed to ensure structural stability while not creating or contributing to erosion or geological instability. The applicant submitted an Engineering Geologic Investigation (GeoSolutions, Inc.) dated December 30, 2015, as well as a Soils Engineering Report (GeoSolutions, Inc.) dated January 11, 2016.

COMMUNITY ADVISORY GROUP COMMENTS:

Cayucos Citizens Advisory Council (CCAC) – The CCAC Land Use Committee reviewed and supported the project during their meeting in June 2016.

AGENCY REVIEW:

Public Works – Per attached referral response (Tomlinson, January 29, 2016), the project shall submit a drainage plan at time of construction permit application.

Cayucos Fire – No comment.

California Coastal Commission – No response.

Cayucos Sanitary District – No response.

Building Department – Per attached response (Stoker, February 17, 2016), the project shall comply with all applicable building and safety codes.

LEGAL LOT STATUS:

The one existing parcel is Lot 54 in Block 82 of Morro Strand Unit No. 5 according to map recorded March 5, 1935 in Book 5, Page 11 of Maps.

Staff report prepared by Brandi Cummings and reviewed by Kerry Brown.