



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

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Tentative Notice of Action

MEETING DATE November 4, 2016 LOCAL EFFECTIVE DATE November 18, 2016 APPROX. FINAL EFFECTIVE DATE December 6, 2016	CONTACT/PHONE Terry Wahler, Project Planner (805) 781-5621 twahler@co.slo.ca.us	APPLICANT Claude Laval	FILE NO. DRC2015-00135
SUBJECT A request by CLAUDE LAVAL for a Minor Use Permit/Coastal Development Permit (DRC2015-00135) to allow the remodeling of an existing garage including framing for a new gable roof and new recessed garage door. The project will result in minor site disturbance including new footings for the recessed garage door wall. The proposed project is within the Residential Single Family land use category, within the Small Scale Design neighborhood, and is located at 702 Pacific Avenue, southwest of the Pacific Avenue and 7th Street intersection, in the community of Cayucos. The site is located in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit / Coastal Development Permit DRC2015-00135 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 1 (Sec. 15301) Categorical Exemption (ED16-072) is proposed for this project.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Geologically Sensitive Area, Small Scale Neighborhood, Local Coastal Plan Area	ASSESSOR PARCEL NUMBER 064-149-007	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Small Scale Design Neighborhoods, Setbacks, Coastal Access and Recreation, Shoreline Development, Resource Capacity and Service Availability Does the project meet applicable Planning Area Standards: Yes - see discussion			
LAND USE ORDINANCE STANDARDS: Geologically Sensitive Area, Local Coastal Program Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			
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.			

EXISTING USES: Single Family Residence and detached garage	
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/Morro Strand State Beach	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Community Advisory Council, Public Works, Cayucos Fire, Cayucos Sanitary District, Paso Robles Beach Water Association (Cayucos), and the California Coastal Commission	
TOPOGRAPHY: Level to steeply sloping at the bluff	VEGETATION: None
PROPOSED SERVICES: Water supply: Paso Robles Beach Water Association (Cayucos) Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Protection District	ACCEPTANCE DATE: September 2, 2016

DISCUSSION

The landowner Claude Laval is proposing to remodel an existing two car garage on his bluff top lot. The remodeling involves removing and reframing the existing flat roof and re-framing it as a gable roof. Also proposed is reframing the front wall facing the road (garage door wall) to inset the garage door and change it from a two door opening to a single two car garage door. Excavation for new footings at this wall will be necessary.

LEVEL OF PERMIT REQUIRED

A Minor Use Permit/Coastal Development Permit is required because the project is appealable to the Coastal Commission. Although limited in scope, the project involves increasing the height of the garage.

PLANNING AREA 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 0.25 mile distance.

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 July 14, 2016.

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 is not required to provide a Geologic Coastal Bluff Evaluation for the project site evaluating the above-specified hazards. The project is limited to the minor remodeling of an existing garage roof and door and will not involve any earthwork or foundation work near the bluff. No construction activities will occur any closer than 100 feet from the bluff edge.

- 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: A seawall analysis is not required for the project because the proposed construction activities will occur no closer than 100 feet from the bluff edge and no grading is involved.

- 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 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: No work is proposed on the beach.

- 4. Bluff Setbacks.** The bluff setback is to be determined by the engineering geology analysis required in I.3.a. above 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 proposed project complies with this standard since no increase in floor area of the garage is involved. All construction activities will occur well outside the minimum 25 foot bluff setback area and no grading will be required for the project.

- 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: Although the lot borders State Parks property the lot's westernmost boundary is at the bluff edge and does not extend into the beach. Therefore the project will not 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 limited to minor garage remodeling. The garage is located in excess of 100 feet from the bluff. The proposed project does not involve new development that could be threatened by hazards associated with the coastal bluff. No condition has been imposed on the project because there is little or no likelihood of bluff hazard to the proposed project.

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 comply with this planning area standard.

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 roof design of the garage at the front of the property does not exceed 12 feet in height.

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 proposed project complies with 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 project will occur outside the bluff setback (no closer than 100 feet).

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 remodeled garage roof is 10 feet and 2 inches.

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 proposed project will not change the existing gross structural area of the site.

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: The proposed project does not include the construction of a deck. This standard is not applicable.

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 project is limited to the remodeling of an existing two car garage door and roof.

Driveway Widths: Driveway widths may not exceed 18 feet.

Staff comment: The existing driveway of the subject parcel has a width of 17 feet and 6 inches which will remain unchanged upon completion of the proposed project. The driveway is in compliance with the Small Scale Design 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 project is in conformance with this standard.

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 project will be conditioned to meet this 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 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 0.25 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: The applicant is not required to provide a Geologic Coastal Bluff Evaluation for the project site evaluating all the above-specified hazards. The project consists of a roof remodel to an existing garage and all construction activities will occur no closer than 100 feet from the bluff edge.

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 Pacific Avenue approximately 340 feet north and 315 feet south of the project site

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 is limited to the remodeling of a garage. It is conditioned to obtain clearance letters from water and sewer purveyors at the building permit stage (for existing service connections and facilities, however no new water or sewer service is involved).

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 and the existing garage 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 public 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 project does not involve new development since it is limited to the remodeling of an existing garage and is located within an existing developed area 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 will 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 designed to minimize risks to human life and property, including evaluation of coastal bluff erosion through drainage plan review.

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 bluff tops 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 applicant is not required to provide a Geologic Coastal Bluff Evaluation for the project site evaluating all the above-specified hazards. The project is limited to minor remodeling of an existing garage and will not require any grading. The proposed project activities will occur well outside the minimum setback of 25 feet. All construction activities to the existing garage will occur no closer than 100 feet from the bluff edge.

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 remodel of an existing garage roof 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 July 14, 2016.

AGENCY REVIEW:

Public Works - *Referral comments dated June 2, 2016: No concerns. Any work done in the public right-of-way will require an encroachment permit issued by Public Works.*

Cayucos Fire – *Per referral response received June 16, 2016: No Comment.*

Cayucos Sanitary District – *Referral response dated June 9, 2016: Will continue service – no conditions required at this time.*

Paso Robles Beach Water Association - *No response received*

California Coastal Commission – *No response received*

LEGAL LOT STATUS:

The parcel is Lot 7 in Block II of Paso Robles Beach No. 1 and was legally created by a recorded map at a time when that was a legal method of creating parcels.

Staff report prepared by Kacey Hass and reviewed by Terry Wahler and Kerry Brown