



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 4/23/2019	(3) CONTACT/PHONE Airlin Singewald, Supervising Planner / (805) 781-5198 Theresa Braden, Secretary / (805) 781-1392	
(4) SUBJECT Hearing to consider appeals by Mary Webb and Christine Heinrichs of the Planning Commission's approval of a request by Peoples' Self-Help Housing for a Development Plan/Coastal Development Permit (DRC2012-00052) to allow the construction of a 33-unit affordable housing apartment complex on the north side of Schoolhouse Lane across from Santa Lucia Middle School, approximately 0.65 mile north of the Highway 1/Main Street intersection, in the community of Cambria. District: 2.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Adopt the resolution denying the appeals of Mary Webb and Christine Heinrichs and upholding the decision of the Planning Commission to approve Development Plan/Coastal Development Permit (DRC2012-00052) based on the Findings and Conditions set forth in Attachment 2 - Exhibit A and Exhibit B, respectively; and 2. Adopt the mitigated negative declaration (ED17-280) pursuant to Section 21000 et seq., of the California Public Resources Code (CEQA). 			
(6) FUNDING SOURCE(S) Planning Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 75 minutes) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Zachary A. Lute			
(18) SUPERVISOR DISTRICT(S) District 2			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building / Airlin Singewald, Supervising Planner

VIA: Trevor Keith, Director

DATE: 4/23/2019

SUBJECT: Hearing to consider appeals by Mary Webb and Christine Heinrichs of the Planning Commission's approval of a request by Peoples' Self-Help Housing for a Development Plan/Coastal Development Permit (DRC2012-00052) to allow the construction of a 33-unit affordable housing apartment complex on the north side of Schoolhouse Lane across from Santa Lucia Middle School, approximately 0.65 mile north of the Highway 1/Main Street intersection, in the community of Cambria. District: 2.

RECOMMENDATION

It is recommended that the Board:

1. Adopt the resolution denying the appeals of Mary Webb and Christine Heinrichs and upholding the decision of the Planning Commission to approve Development Plan/Coastal Development Permit (DRC2012-00052) based on the Findings and Conditions set forth in Attachment 2 - Exhibit A and Exhibit B, respectively; and
2. Adopt the mitigated negative declaration (ED17-280) pursuant to Section 21000 et seq., of the California Public Resources Code (CEQA).

DISCUSSION

Background

On January 10, 2019, the Planning Commission approved a request by Peoples' Self-Help Housing (PSHH) for a Development Plan/Coastal Development Permit (DRC2012-00052). On January 23, 2019, Mary Webb appealed the decision (APPL2019-00002) and on January 24, 2019, Christine Heinrichs appealed the decision (APPL2019-00003).

Project Description

The project is located on a 5.88-acre parcel on the north side of Schoolhouse Lane in the community of Cambria. The subject property is currently undeveloped. The project consists of a Development Plan/Coastal Development Permit to allow for development of the Cambria Pines Apartments. Of the 33 apartments, 32 would be rent restricted for low-income persons and one would be a manager's unit.

The project consists of:

- Thirty-three (33) apartments in eight two-story buildings. The buildings have footprints from 2,263 to 2,880 square feet. The 33 units are configured as follows: 4 one-bedroom, 19 two-bedrooms, and 10 three-bedrooms. Surrounding land uses consist of the Santa Lucia Middle School immediately to the east, a single-family residence to the north, apartments and the Cambria Nursery to the south, and dedicated open space to the west.
- A 2,880-square-foot common building at the northeast portion of the lot. The common building includes laundry facilities, meeting spaces, kitchen area, restrooms, a manager's unit and office, counselor office, and maintenance storage. The manager's unit is on the second story of this building.
- A 61-space parking lot within the center of the property and surrounding the common building.
- Pedestrian walkways throughout the property and along the project frontage.

The project will remove 5 Monterey pines and 3 oak trees, which will be replaced at the County approved ratio.

As described in the Planning Commission staff report (Attachment 4), the proposed project is consistent with all applicable Coastal Zone Land Use Ordinance (CZLUO) standards and Coastal Plan policies.

Appeal Issues and Staff Response

Two appeals of the Planning Commission's decision were filed: one by Mary Webb on January 23, 2019, and the second by Christine Heinrichs on January 24, 2019. The appeals are centered on water availability concerns and related impacts to biological resources dependent on Cambria's water supplies, Santa Rosa and San Simeon creek aquifers. The appeals also raise concerns related to traffic safety and evacuation during an emergency.

The specific appeal issues and staff's responses are provided below:

Issue #1: The proposed project is inconsistent with various provisions of the County's Local Coastal Plan (LCP) that require new development to provide evidence of water supply availability.

Staff Response: The Cambria Community Services District (CCSD) declared a moratorium on new water connections in 2001; however, this moratorium included an exemption for affordable housing development projects.

Exempting affordable housing from the moratorium is consistent with the County's Local Coastal Plan (LCP) and the County's Growth Management Ordinance, which also include allowances for affordable housing.

The LCP's North Coast Area Plan directs the CCSD to reserve water and sewer capacity for affordable housing:

Prior to issuance of any further water will-serve letters, the District shall propose to the County a program to

accommodate a limited number of affordable housing units each year. The program shall be consistent with definitions of affordable housing in the County Housing Element. The exact number shall be determined based on unmet housing needs and availability of water. Cambria Community Wide Planning Area Standard #2.

To implement this standard, the CCSD applies its retrofit program to reserve water capacity for affordable housing developments. This project would utilize the available service capacity created by the retrofit program. In addition, the proposed project is consistent with applicable County LCP policies regarding water supply because the project has an intent-to-serve letter from the CCSD and paid retrofit credits in accordance with the CCSD's retrofit program, per Cambria Community Wide Planning Area Standard #2.

Per the above LCP standard, the proposed project is consistent with Cambria's unmet housing needs. The past two Housing Element cycles (2009 through 2019) identified a need for 1,400 low and very low income housing units in the unincorporated County. Despite the high need for affordable housing in Cambria to support the tourism industry, no low income housing units were constructed in Cambria during this timeframe.

Issue #2: The project conflicts with language in the North Coast Area Plan that indicates new development shall assure no adverse impacts to Santa Rosa and San Simeon Creeks.

Staff Response: Community Wide Planning Area Standard 4A of the North Coast Area Plan reads as follows:

Water Service in Cambria. Until such time as may be otherwise authorized through a coastal development permit approving a major public works project involving new potable water sources for Cambria, new development not using CCSD connections or water service commitments existing as of November 15, 2001 (including those recognized as "pipeline projects" by the Coastal Commission on December 12, 2002 in coastal development permits A-3-SLO-02-050 and A-3-SLO-02-073), shall assure no adverse impacts to Santa Rosa and San Simeon Creeks.

This standard allows for new development other than pipeline projects provided the development is able to assure no adverse impacts on Santa Rosa and San Simeon Creeks. The proposed project is not a pipeline project and is therefore subject to this standard. As described above, the project would utilize reserve capacities specifically for affordable housing developments that were created through the retrofit program. CCSD issued an intent-to-serve letter for the proposed project pursuant to provisions in CCSD's moratorium and the LCP that allow for new affordable housing developments in Cambria. The CCSD has implemented a retrofit program to reserve service capacity for affordable housing without impacting Santa Rosa or San Simeon Creeks, and the proposed project has paid into the retrofit program. Thus, the project would not impact Santa Rosa or San Simeon Creeks.

Issue #3: The County acknowledged Cambria's water limits in its Growth Management Ordinance and issuance of an Emergency Permit to construct an Emergency Water Supply Project in 2014. That permit specifies that the water produced be used "to serve existing authorized water connections only (to abate the emergency), within the CCSD's service area."

Staff Response: The proposed project is consistent with the terms and conditions of the Emergency Water Supply Project (EWSP). The project paid retrofit credits and the CCSD will serve the project using its service capacity reserved for affordable housing development, consistent with the CCSD's moratorium, the County's LCP, and the Growth Management Ordinance.

Issue #4: The idea that the increased demand of 3,364 gallons per day will be offset by retrofits that reduce community use by 6,092 gallons per day is “paper water.” Adding these users will strain Cambria’s water resources further and reduces the flexibility existing residents have for coping with water restrictions in the future.

Staff Response: The CCSD will serve the proposed project using its reserved service capacity for affordable housing as directed by the LCP. This reserved capacity is not paper water but the result of retrofits that have been completed within the CCSD’s water service area, which thereby created real water reserves for affordable housing developments. The applicant has provided seven pages of documentation identifying the address and type (e.g. high efficiency washer, toilet, etc.) of each retrofit. This included retrofitting all plumbing fixtures within the neighboring Schoolhouse Lane apartments.

Issue #5: The proposed project should be denied because it’s like the Kingston Bay Senior Housing development recommended for denial by Coastal Commission staff.

Staff Response: The proposed project differs from Kingston Bay because it is an affordable housing apartment project, which is recognized as an allowable use under the CCSD’s moratorium and the LCP, provided retrofits are implemented to achieve no net increase in water demand.

Kingston Bay was not an affordable housing project and received an intent-to-serve letter as a pipeline project. However, California Coastal Commission (Commission) staff challenged Kingston Bay’s pipeline status since the original pipeline project was sold to a new developer and modified. Commission staff’s analysis also relied on LCP provisions that require the CCSD to reserve service capacities for Priority Uses, defined by Cambria Community Wide Planning Area Standard #2 as: A) Visitor-Serving Uses, and B) Affordable Housing.

Issue #6: The proposed project will exacerbate already congested traffic conditions on Schoolhouse Lane at Santa Lucia Middle School. This would be especially concerning under stressful conditions such as a fire evacuation.

Staff Response: The project’s traffic study determined that the Eton/Burton Drive and Eton Road/Schoolhouse Lane intersections are operating at Level of Service (LOS) A or LOS B during peak hour traffic. The project would add 217 new average daily trips including 15 AM peak hour trips and 19 PM peak hour trips. The traffic study determined this additional traffic would not degrade LOS.

Cambria Fire Department has reviewed the project and provided no comments concerning traffic congestion during a fire evacuation. The proposed project will comply with all conditions of its Fire Plan Review dated September 20, 2018. This includes but is not limited to installing fire sprinkler systems in all buildings and three new fire hydrants.

The topic of evacuation was raised at the Planning Commission hearing, and the Commission modified Condition #41 to indicate the project’s Fire Safety Plan shall address how the project would be evacuated in the event of an emergency consistent with applicable fire safety regulations and best practices.

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to the Building Division of the Department of Planning and Building, Public Works, Cambria

Community Services District, California Coastal Commission, and North Coast Advisory Council. A summary of the comments received is contained in the attached January 10, 2019 Planning Commission Hearing staff report. County Counsel has reviewed and approved the attached Resolution with Findings and Conditions as to form and legal effect.

FINANCIAL CONSIDERATIONS

This project is in the Coastal Zone and is not subject to an appeal fee. This appeal was processed using department allocated General Fund support.

RESULTS

Denial of these appeals would mean the Planning Commission's approval of the Development Plan/Coastal Development Permit would stand. This action would be consistent with the County's goals of promoting safe, healthy, and livable communities.

Alternatively, upholding the appeal would deny the Development Plan/Coastal Development Permit.

ATTACHMENTS

- 1 Attachment 1 - PowerPoint Presentation
- 2 Attachment 2 - Resolution Denying Appeals with Findings and Conditions of Approval
- 3 Attachment 3 - Appeals
- 4 Attachment 4 - Link to January 10, 2019 Planning Commission Staff Report and Supporting Documents
- 5 Attachment 5 - January 10, 2019 Planning Commission Draft Minutes