



**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 October 24, 2019	CONTACT/PHONE Young Choi, Project Manager (805) 788-2086 ychoi@co.slo.ca.us	APPLICANT Cabrillo Court Construction Company	FILE NO. Tract 3130 SUB2019-00017
SUBJECT Hearing to consider a request by Cabrillo Court Construction Company for a Vesting Tentative Tract Map (Tract 3130) and concurrent Conditional Use Permit (SUB2019-00017) to subdivide an existing 1.23-acre parcel into a 14-lot residential Planned Development of approximately 3,470 to 4,900-square-foot (gross) in size. Each resulting parcel would allow construction of one single-family residence of approximately 1,200 square-feet with an attached two-car garage. The project proposes modifications to the development standards of Planned Development (LUO 22.22.145). The project will result in the disturbance of the entire 1.23-acre parcel. The project is within the Residential Single-Family land use category and is located at 2430 Wilmar Avenue in the community of Oceano. The site is located in San Luis Bay Sub Area of the South County Planning Area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 3130 and Conditional Use Permit (SUB2019-00017) based on the findings listed in Exhibit A and C and the conditions listed in Exhibit B and D.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 3, 2019 for this project. Mitigation measures are proposed to address Air Quality, and Geology & Soils and are included as conditions of approval.			
LAND USE CATEGORY Single Family Residential	COMBINING DESIGNATION Airport Review	ASSESSOR PARCEL NUMBER 062-073-002	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: 22.98.020 – Combining Designation Standards 22.98.050A – San Luis Bay Sub-area Standards 22.108.050 – Oceano Community Standards <i>Does the project meet applicable Planning Area Standards: see discussion</i>			
LAND USE ORDINANCE STANDARDS: Chapter 22.12 - Affordable Housing Incentives 22.22.080 – Residential Single-Family and Multi-Family Categories 22.22.145 – Planned Development <i>Does the project conform to the Land Use Ordinance Standards: see discussion</i>			
EXISTING USES: Single Family Residence and Accessory Structures			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residences <i>South:</i> Residential Single Family/residences <i>East:</i> Residential Single Family/residences <i>West:</i> Residential Single Family/residences			

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	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Oceano County Airport, Airport Land Use Committee, City of Arroyo Grande, City of Grover Beach, Oceano Advisory Council, AB 52, Environmental Health, Public Works, Five Cities Fire, Oceano CSD	
TOPOGRAPHY: Nearly Flat to Gently Sloping	VEGETATION: Urban Build-Up
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: 5 Cities Fire Authority	ACCEPTANCE DATE: August 14, 2019

PROJECT OVERVIEW

Project Description

The project is located within the community of Oceano, approximately 0.20 miles south of the City of Grover Beach and the City of Arroyo Grande. The parcel is in a predominately residential area, characterized by small lots with single family residences. Directly adjacent lots to the North, South, and West contain single family residences on approximately 6,000 square-foot lots. The project parcel is currently developed with a single-family residence and two other accessory structures. The topography of the project parcel varies between nearly flat and gently sloping areas. The applicant is proposing Vesting Tentative Tract Map (Tract 3130) and concurrent Conditional Use Permit (SUB2019-00017) to subdivide an existing 1.23-acre parcel into a 14-lot residential Planned Development of approximately 3,470 to 4,900square feet (gross) in size. Each resulting parcel would allow construction of one single-family residence of approximately 1,200 square-feet with an attached two-car garage.

State Density Bonus Law (California Government Code Section 65915 – 65918) and Affordable Housing Incentives (San Luis Obispo County Land Use Ordinance Chapter 22.12)

The overall intent of State density bonus law, Government Code Section 65915 – 65918 is to create and allow incentives for developers to include affordable housing within their projects by granting increased density and other regulatory incentives (or concessions). The purpose of County Land Use Ordinance (LUO) Chapter 22.12 (Affordable Housing Incentives) is to provide standards and requirements for residential density bonuses in compliance with Government Section 65915. These provisions are intended to encourage developers to provide affordable housing, while retaining good design and neighborhood character.

ORDINANCE COMPLIANCE:

Density Bonus Determination – Land Use Ordinance Section 22.12.040

The purpose of this chapter is to provide standards and requirements for residential density bonuses in compliance with Government Section 65915. These provisions are intended to encourage developers to provide affordable housing, while retaining good design and neighborhood character.

- A. Determining base density.

(2). Residential Single-Family category. The base density for a site in the RSF land use category is equal to the total usable site area divided by the applicable minimum parcel size in compliance.

Project complies – In accordance with San Luis Obispo County Land Use Ordinance (LUO) 22.12.040, Density Bonus Determination is based on total usable site area (55,650 sf) divided by the applicable minimum parcel size (6,000 sf). As referenced to subdivision (f) of Government Code Section 65915, "... calculations resulting in fractional units shall be rounded up to the next whole number." The base density, based on the parcel size was 9.27, which was to be rounded up to the next whole number, which is 10 units total.

B. Eligibility for bonus and allowable density including bonus.

Project complies – proposed project is consistent with LUO Section 22.12.040 (B) because the proposed project is 14-unit residential development, with one (1) unit being deed restricted to Very-Low income and is located within Residential Single-Family land use category. Applicant is proposing 10% of the unit to be deed restricted to very-low income household and will be deed-restricted.

C. Density bonus and other incentives. The developer of a project eligible under this Section shall be granted a density bonus as calculated in Subsection D. or other incentives of equivalent financial value based on land cost per dwelling unit as determined by the Review Authority.

Project complies. – project is eligible under Section 22.12.040 (Density Bonus Determination).

D. Determining allowable density with bonus.

(1). Maximum allowable density. Maximum allowable density is determined by multiplying the base density determined under Subsection A. by a factor of 1.35.

Project complies – Applicant proposes one (1) deed-restricted very low-income unit, out of 10 units, which provides 10% of very low-income units. Based on the table provided in subdivision (f) of Government Code Section 65915, percentage density bonus would be 32.5% (or 35% based on LUO Section 22.12.040 B). This would be additional 3.25 units (or 3.5 units based on LUO Section 22.12.040 B). as a density bonus unit. As explained above, subdivision (f) of Government Code Section 65915 requires that the fractional units to be rounded up. This allows 4 additional bonus unit on this project, bringing the total allowed number of units to 14. Both calculation results in 4 total density bonus units, totaling 14 units.

(2). Minimum parcel size. The minimum parcel size required in RSF land use category may be decreased by the same percentage density may be increased under this Section.

Not Applicable/Project Complies – Applicant proposes planned development, where smaller parcel sizes can be determined by the Review Authority through Conditional Use Permit. In addition, applicant is requesting waiver of minimum parcel size based on California Government Code 65915.

(3). Density bonus. Only one density bonus may be used.

Project complies – proposed project meets LUO 22.12.040 (Density Bonus Determinations) and is not seeking any additional density bonus.

Site Design Standards – Land Use Ordinance Section 22.12.060.

The following minimum site design standards apply to projects consisting of single-family dwellings on individual lots, receiving a density bonus under this Section and located in the RSF or RMF land use categories.

- A. Lot Width. Minimum 35 feet.

Project complies – Project proposes 55-foot ~ 75-foot lot width.

- B. Front setback. Minimum 18 feet.

Modification Requested – Applicant is requesting waivers and/or reductions of development standards pursuant to California Government Code 65915 to the setbacks. Applicant proposes 5-foot setback for residential structure from the private internal drive easement with no varied setbacks. The project is conditioned to delineate “no parking area” within the internal drive aisle in front of all garages. Parking shall be limited to inside of the garages, and the driveway. As conditioned, the project will comply with the intent of this standard.

- C. Side setback. Minimum 10 feet, except for structures sharing common wall.

Not applicable - The proposed design includes common wall development between two units by adjoining garages.

- D. Rear setback. Minimum 10 feet.

Waiver Requested - Applicant is requesting waiver of rear setback standards to meet current 2016 California Building Code (or current version of CBC at the time of construction permit).

- E. Off-street parking.

Project complies - The proposed design includes two-car garage, and a driveway that can accommodate two additional vehicles.

- F. Site coverage. Not to exceed 40% of total area of the parcel.

Not applicable - The proposed design includes common wall development between two units by adjoining two-car garages.

- G. Private open space, minimum of 10% but no less than 400 sf.

Not applicable - The proposed project is a planned development. Under Planned Development ordinance, the requirement for private open space is 175 sf per unit. Proposed project includes 240 sf of private open spaces for each unit, therefore is complies with Planned Development ordinance (22.22.145).

- H. Common open area. Not required for projects receiving density bonus.

Not applicable/Concession requested. - The proposed project is a planned development. Under Planned Development ordinance, the requirement for common open space is 750 sf. Applicant is requesting waivers and/or reductions of development standards pursuant to California Government Code 65915 to the Common Community Gathering Area. Applicant requested that CCGA requirement to be eliminated because such requirement would physically preclude the development from building the project.

Planned Development - Land Use Ordinance Section 22.22.145 B.1

The Planned Development (PD) Ordinance is intended to provide flexibility for applicants when applying development standards to proposed common interest developments or common area maintenance projects consistent with area plans, specific plans, design plans, and design guidelines. The purpose is to allow consideration of innovative and creative site planning and project design that will enable the County to meet its Strategic Growth goals. The following specific standards are meant to incentivize creative design and include: reduced minimum lot sizes and common area, improved design qualities, more effective design responses to site features, compatibility with land uses on adjoining properties, more effective and attractive pedestrian orientation, enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources. Applicant is requesting concessions on Planned Development requirement, based on Government Code 65915.

a. Minimum Lot Size

Project Complies – No minimum required.

b. Parking Design and Location.

(1) Uncovered residential parking spaces shall be screened from public streets and adjacent residential uses by landscaping or architectural screening.

Project Complies – landscape screening is proposed. The project is conditioned to require landscaping in accordance with the approved landscaping plan be installed or bonded for before final building inspection and be maintained to provide the required or better screening in perpetuity.

(2) Shall be located in clusters of not more than six spaces. Each parking bay of six spaces shall be separated by at least a six-foot landscape area unless located under a covered structure, which would allow up to 10 spaces.

Project Complies – two-car garages are provided at each residence, and the driveway to the garage can support two additional spaces.

(3) All detached covered parking shall have a roof design that is consistent with the architecture of the primary structure.

Project Complies – two-car garages have a roof design that is consistent with the architecture of the primary residence.

c. Architectural Design. All residential PDs shall include a list of compliance with the Countywide Design Guidelines and relevant local design plans and provide a list of any proposed modifications.

Project Complies – The proposed project is consistent with all applicable community design guidelines. Refer to Oceano Specific Plan under Planning Area Standards section of this staff report.

d. Front Setbacks. 10 feet minimum for residential structure and 5 feet minimum for covered porches that front on a public street or internal private street. Setbacks for lots along a public or internal private street shall be varied and not all set at the minimum. All individual garages shall be setback a minimum of 16 feet for garages that face a public or internal private street and 10 feet for side loaded garages. Where garages face a terminal drive court or internal drive aisle for the provision of vehicular access, the garage shall be setback a maximum of 5 feet or a minimum of 16 feet (nothing in between).

Modification Requested – Applicant is requesting waivers and/or reductions of development standards pursuant to California Government Code 65915 to the setbacks. Applicant proposes 5-foot setback for residential structure from the private internal drive easement with no varied setbacks. The project is conditioned to delineate “no parking area” within the internal drive aisle in front of all garages. Parking shall be limited to inside of the garages, and the driveway. As conditioned, the project will comply with the intent of this standard.

e. Common Community Gathering Area (CCGA). 750 sq ft

Concession Requested – Applicant is requesting waivers and/or reductions of development standards pursuant to California Government Code 65915 to the Common Community Gathering Area. The applicant requested that CCGA requirement to be eliminated because such requirement would physically preclude the development from building the project. Due to the parcel size constrains, requiring CCGA would physically preclude proposed development. In regard to community spaces, the project site is located within 1,000 feet from Fairgrove Elementary School, and 2,200 feet from Oceano Elementary School, which are both considered as public open space under Planned Development ordinance. In addition, as explained above, common open area is not required for projects receiving a density bonus under LUO 22.12.060 (Site design). The project will comply with the intent of this standard, as there are close public open spaces available to residents.

f. Common Community Gathering Area Landscaping. Requires landscaping and common use amenities including barbeques tables and chairs.

Concession Requested –CCGA is not proposed for the project, therefore does not require landscaping.

g. Private Outdoor Open Space. 175 sq ft minimum per unit is required.

Project Complies – The project proposes 240 sq. ft. of private outdoor space per unit.

h. Community Buildings. If proposed must be incidental.

Not Applicable - No community building is proposed.

i. Fencing. Plants may be substituted for 3-foot-high fencing, no fencing higher than 4 feet within front setback, fencing around the side and rear yards may not exceed 6 feet, no chain link.

Project Complies – Landscaping is proposed within the front and side of each residences. Side and rear yard fences are proposed typical wooden fence and will not exceed 6-feet in height.

Inclusionary Housing Fees - Land Use Ordinance Section 22.12.080

Title 29, the Affordable Housing Fund, establishes an in-lieu fee to create a fund that would help to meet, in part, the housing needs of the County's very low, low, moderate income and workforce households. Section 22.12.080 of Title 22, the Land Use Ordinance, describes the options the applicant may choose to satisfy the requirement.

Not Applicable – The project is exempt from Inclusionary Housing Fees, because each dwelling unit is less than 2,200 square-feet in each size. In addition, one of the 14 residence will be deed-restricted to a very-low income household.

Quimby Fees – Real Property Division Section 21.09.010

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Project Complies – Project is conditioned for payment of the parkland fees (Quimby fees).

Design Criteria – Real Property Division Chapter 21.03

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance. As the project consists of parcels under an acre in size in an urban area served by community water, conditions have been included to satisfy the street tree requirement. The project site has 120 feet of street frontage, and therefore requires five street trees.

Project Complies – Project is conditioned to provide five street trees along the street frontage.

PLANNING AREA STANDARDS – SOUTH COUNTY PLANNING AREA

Airport Review Area – Land Use Ordinance 22.98.020

The proposed project is located in the Airport Review Area for the Oceano County Airport. The project was referred to the Airport Land Use Commission for their review and comments. The project was determined to be consistent with the San Luis Obispo County Airport Land Use Plan (ALUP) by the Airport Land Use Commission (ALUC) on July 17th, 2019. ALUC found that there is no significant inconsistency with project plans and the ALUP. ALUC recommended several conditions of consistency, which are included as project Conditions of Approval.

San Luis Bay Sub-area Standards – Land Use Ordinance 22.98.050

The proposed project is located within the Impact Area "A", which requires application referral to both cities of Grover Beach and Arroyo Grande. Referrals has been sent on February 28, 2019 and sent again on June 24, 2019. No response was received as of September 4, 2019.

Oceano Specific Plan

Development within the Oceano Urban Reserve Line must be in conformity with the Oceano Specific Plan. The Oceano Specific Plan includes a set of infill single-family residential design guidelines which are intended to promote the community's vision for high quality development.

General Principles – Infill residential development should be compatible in scale, siting, detailing, and overall character with adjacent buildings and those in the immediate neighborhood.

Project Complies - The proposed project complies with this standard because the project site is consistent with the characteristics of other small lot residential developments in the vicinity.

Building Design – Infill residential structures should incorporate the traditional architectural characteristics of existing houses in the neighborhood.

Visual Impacts from building height – infill project should be consistent with surrounding residential structures.

Outdoor living areas – The use of balconies, verandahs, porches and courtyards within the building form of infill structure is strongly encouraged.

Exterior finish materials – The design of infill residential structures should incorporate an appropriate mixture of the predominant materials found in the neighborhood. Common materials in Oceano are stucco, wood, horizontal clapboard siding, brick and stones.

Exterior colors – Color schemes for infill structures should consider the colors of existing houses in the neighborhood, to maintain compatibility.

Project Complies - As proposed the project is consistent with the applicable design standards in the Oceano Specific Plan. The proposed residences are one-story, includes individual porches, and is consistent with color and material of Oceano Design Guidelines. In addition, the proposed project is conditioned to provide color and material board to be reviewed by the department.

COMBINING DESIGNATIONS:

Airport Review Area

The proposed project is located in the Airport Review Area for the Oceano County Airport. The project was referred to the Airport Land Use Commission for their review and comments. The project was determined to be consistent with the San Luis Obispo County Airport Land Use Plan by the Airport Land Use Commission (ALUC) on July 17th, 2019. ALUC found that there is no significant inconsistency with project plans and the ALUP. ALUC recommended several conditions of consistency, which are included as project Conditions of Approval.

STAFF COMMENTS:

Proposed project is utilizing County's Affordable Housing Incentives (LUO Chapter 22.12), Planned Development (LUO 22.22.145), and California Government Code Section 65915 (State Bonus Density). County ordinances and Government Code allows developers to include affordable housing within their projects by granting increased density, and other regulatory incentives (or concessions).

Planned Development provides flexibility for developers when applying development standards to proposed common interest developments or common area maintenance projects consistent with specific plans (Oceano), and design guidelines. Planned Development standards allows reduced minimum lot sizes and common area, improved design qualities, more effective design responses to site features, compatibility with land uses on adjoining properties, and more effective and attractive pedestrian orientation, and more efficient use of resources. In addition, as the project qualifies for County's Affordable Housing Incentives, which encourages developers to provide affordable housing, while retaining good design and neighborhood character.

Considering each of the above-mentioned ordinances and code (both combined and individually) not only allow but complement and support good design and neighborhood character that would allow for additional affordable housing units. In total, this project would create 13-additional market-price units (design by affordable) and one Very-Low income, deed-restricted housing for next 30 years.

Summary of requested incentives/concession/waiver.

Parking Ratio

No parking ratio reduction was requested.

Incentives

No incentives were requested.

Concessions

Common Open Space/Common Community Gathering Area (LUO 22.12.060 H & 22.22.145 B.1.e.)

Applicant requested that Common Community Gathering Area (CCGA) requirement to be eliminated because such requirement would physically preclude the development from building the project. The Department agrees with the applicant that CCGA requirement would physically preclude the 14-unit development, due to parcel size constraints. In addition, the project site is located within 950 feet (0.17 mile) away from Fairgrove Elementary School and 2,200 feet (0.42 mile) away from Oceano Elementary School, both which are considered as public open space under LUO 22.22.145 (Planned Development).

Waivers or Reductions of Development Standards

Following development standards are being waived, and reduced:

Setbacks (LUO 22.12.060 C, 22.12.060 D, and 22.22.145 B.1.d.) – the Department is reducing minimum setbacks to meet California Building Code, 2016. Without this waiver, the development would be precluded from building 14-unit residences.

COMMUNITY ADVISORY GROUP COMMENTS:

On March 21, 2019 the Oceano Advisory Council (OAC) reviewed the project. The OAC is pleased to see affordable housing projects and received a public comment from nearby resident who felt that the proposed project would be an upgrade to the area. Additional comments were raised in regarding parking and lighting.

Staff Response - The project proposes two-car garage, and the driveway can accommodate up to two additional cars. In total, each unit will provide parking for up to four cars which exceeds the minimum parking requirement. The lighting will be conditioned to meet Exterior Lighting (LUO 22.10.070).

AGENCY REVIEW:

Public Works – See attached referral response for comments and recommended conditions.

Building Division – Standard building codes will apply.

County Environmental Health Department – Refer to OCSD

Oceano Community Services District - See attached will-serve letter.

Airport Land Use Commission – Requires “conditions of consistency”. See attached ALUC staff report.

Five Cities Fire Authority – No major concerns. See attached referral response.

City of Arroyo Grande – No response.

City of Grover Beach – No response.

LEGAL LOT STATUS

The one existing parcel consists of portion of Lot H according to the map of the subdivisions of property of E.L. Warner at a time (November 9, 1900) when that was a legal method of creating parcels.

Staff report prepared by Young Choi and reviewed by Kate Shea.