



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

*Promoting the wise use of land
Helping build great communities*

Tentative Notice of Action

MEETING DATE November 1, 2019	CONTACT/PHONE Cody Scheel, Project Planner (805) 781-5157 cscheel@co.slo.ca.us	APPLICANT Justin Carey	FILE NO. DRC2019-00021
LOCAL EFFECTIVE DATE November 15, 2019			
APPROX. FINAL EFFECTIVE DATE December 6, 2019			
SUBJECT A request by Justin Carey for a Minor Use Permit (DRC2019-00021) to allow for the construction of two (2) two-story single-family dwellings each located on adjacent 3,000-square-foot lots. Each residence consists of 2,175 square feet of living area, a 428-square-foot attached garage, 310 square feet of balcony space, and a 258-square-foot roof deck. The project will result in the disturbance of the entirety of each lot through development, landscaping and associated improvements. The proposed project is within the Residential Multi-Family land use category and is located on the northeast side of Security Court, approximately 100 feet northwest of the intersection of Maui Circle and Security Court, in the community of Oceano. The site is in the San Luis Bay Coastal Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2019-00021 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption is proposed for this project (August 27, 2019, ED19-246).			
LAND USE CATEGORY: Residential Multi-Family	COMBINING DESIGNATION Local Coastal Program Area, Coastal Appealable Zone, Flood Hazard Area, Archaeological Sensitive Area, Airport Review Area	ASSESSOR PARCEL NUMBER 061-082-025 & 026	SUPERVISOR DISTRICT 4
PLANNING AREA STANDARDS: Airport Review Area, Height Limitation <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS: Appeals to the Coastal Commission, Setbacks, Parking, Landscape, Screening, and Fencing, Curbs, Gutters and Sidewalks, Flood Hazard Area, Archeologically Sensitive Area, Local Coastal Program Area <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.			
<p align="center">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</p>			

EXISTING USES: Undeveloped lots	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family / residences <i>South:</i> Residential Multi-Family / residence <i>East:</i> Residential Multi-Family / residences <i>West:</i> Residential Multi-Family / undeveloped	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Building Division, Public Works, Oceano Community Services District (fire/water/sewer), Environmental Health, Oceano Airport, California Coastal Commission, California Department of Fish & Wildlife, Oceano Advisory Council	
TOPOGRAPHY: Nearly level	VEGETATION: Ruderal grasses and weeds
PROPOSED SERVICES: Water supply: Community System / Oceano CSD Sewage Disposal: Community System / Oceano CSD Fire Protection: Five Cities Fire Authority	ACCEPTANCE DATE: August 27, 2019

PROJECT DESCRIPTION

The applicant, Justin Carey is proposing construction of two (2) two-story single-family dwellings each located on adjacent 3,000-square-foot lots (Assessor Parcel Numbers 061-082-025 & 061-082-026). Each residence consists of 2,175 square feet of living area, a 428-square-foot garage, 310 square feet of balcony space, and a 258-square-foot roof deck. The project will result in the disturbance of the entirety of each lot through development.

The subject lots are located in the Coastal Zone within a mapped area of Coastal Original Jurisdiction. Per correspondence with the California Coastal Commission (CCC) it was noted that because the project is located within the Coastal Original Jurisdiction, the CCC is required to process the Coastal Development Permit, and the applicant is required to secure any other local (County) approvals prior to submittal to the CCC. The local (County) approval requires a Minor Use Permit to be processed.

PLANNING AREA STANDARDS

Airport Review Area

Limitation on uses within Airport Review Area. Allowable uses are limited to those designated as "compatible" or "conditionally approvable" by the adopted Oceano County Airport Land Use Plan (ALUP). All permit applications for sites within the boundary of the adopted Oceano County Airport Land Use Plan are subject to the development standards set forth in that plan.

Staff comments: The project was referred to the Airport Land Use Committee. The Federal Aviation Administration (FAA) also reviewed the project. A Notice of Actual Construction or Alteration is required any time the project is abandoned, or within 5 days after the construction reaches its greatest height. The project is conditioned to obtain an Avigation easement to meet the applicable standards of the Oceano Airport Land Use Plan and is also conditioned to meet the FAA requirement. (Airport Land Use Committee review, October 16, 2019; FAA review, July 9, 2019 and August 6, 2019).

Oceano Beach

Height. Structures shall not exceed 25 feet.

Staff comments: The proposed single-family dwelling does not exceed the maximum structure height standard, as it is proposed to be approximately 24 feet in height.

COASTAL ZONE LAND USE ORDINANCE STANDARDS

Section 23.01.043(c)(1) – Appeals to the Coastal Commission (Coastal Appealable Zone)

As set forth in Public Resources Code Section 30603(a), and Title 23, an action by the County on a permit application, including any Variance, Exception or Adjustment granted may be appealed to the California Coastal Commission: Developments approved between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach.

Staff comments: The proposed project is appealable to the California Coastal Commission because the proposed development is between the sea and the first public road paralleling the sea.

Section 23.04.100 – Setbacks

Front setbacks shall be a minimum of 25 feet from the nearest point on the front property line. Side setbacks shall be 10 percent of the lot width, to a maximum of five feet on sites less than one acre in net area, but not less than three feet. The rear setback shall be 10 feet from the rear property line.

Staff comments: The proposed front setbacks are 25 feet from the nearest point on the front property line. The width of the lot is 30 feet; therefore, the side setbacks shall be 3 feet. The proposed project has 3-foot side setbacks, and the rear setbacks are 10 feet from the rear property line. The project complies with the required setbacks.

Section 23.04.160 – Parking

Two parking spaces are required for single family dwellings. Required parking spaces may not be located within the required front setback, except in a Residential Multi-Family category qualifying for medium or high-intensity development.

Staff comments: The proposed project includes a two-car garage for each proposed residence and therefore complies with this standard.

Section 23.04.180 – Landscape, Screening, and Fencing

The purpose of landscape, screening and fencing standards are to: provide areas which can absorb rainfall to assist in reducing storm water runoff; control erosion; preserve natural resources; promote, preserve and enhance native plant species; reduce glare and noise; enhance the appearance of structures and property; and to provide visual privacy, while recognizing the need to use water resources as efficiently as possible.

Staff comments: This project has been conditioned to comply with this standard.

Section 23.05.106 – Curbs, Gutters and Sidewalks

Curb Gutter and Sidewalk is required with any project in the Residential Multi-Family category within the urban reserve line.

Staff comments: The proposed project triggers Curb Gutter and Sidewalk requirements for Security Court. The project is conditioned to require the installation of concrete curb, gutters, and sidewalks in accordance with Section 23.05.106 along the entire street frontage of the project site.

Section 23.07.065 Flood Hazard Area – New Development in Flood Hazard Area

New Structural development, including expansions, additions and improvements to existing development, shall be located outside of the flood hazard areas to the maximum extent feasible. All new structural development located in a flood hazard area, including expansions, additions, improvements and repairs to existing development, shall be constructed consistent with the standards set forth in Section 23.07.060, in addition to all other permits required by County Code, state and federal law.

Staff comments: The project has been conditioned to comply with this standard.

Section 23.07.104 – Archeologically Sensitive Area

The proposed project is within the Archeologically Sensitive combining designation as delineated by the official maps of the Land Use Element. Before issuance of a land use or construction permit for development within an archeologically sensitive area, a preliminary site survey shall be required.

Staff comments: An archaeological surface survey was submitted for this project (Padre Associates, Inc., January 2019). The survey identified no cultural resources and recommended that no further archaeological studies are required. The project is conditioned to cease all construction in the event archeological resources are discovered.

Section 23.07.120 – Local Coastal Program Area

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

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

Visual and Scenic Resources:

Policy No(s): 2 & 6

Hazards:

Policy No(s): 1 & 2

Archeology:
Air Quality: N/A

Policy No(s): 1, 4, & 6

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

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 project is consistent with this policy because the proposed project will be served by the Oceano Community Services District (CSD), the applicant has submitted an Intent to Serve letter from the CSD, and the project is conditioned to submit evidence from Oceano CSD that there is adequate water and sewer service to serve the proposal.

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 comments: The proposed project complies with this policy as the development will take place on existing lots of record in the Residential Multi-Family land use category and the development will be situated on sites that are nearly level.

Policy 8: Timing of new 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.

Staff comments: The project is consistent with this policy because the proposed project is conditioned to submit complete drainage plans to address erosion and sedimentation control plan where grading is conducted or left in an unfinished state during the rainy season.

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 comments: 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 comments: 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 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.

Staff comments: The proposed project is consistent with this policy because the proposed single-family dwellings will not disturb views to and along the ocean and scenic coastal areas. In addition, the proposed single-family dwellings are not visible from major public view corridors.

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 comments: The proposed project is consistent with this policy, as the project is located within the community of Oceano coastal area and is designed and sited to complement and be visually compatible with existing characteristics of the community.

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 comments: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property. The project has been conditioned to submit drainage and flood hazard plans to comply with County flood hazard construction standards.

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geologic instability.

Staff comments: 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.

Archaeology

Policy 1: Protection of Archeological Resources. The County shall provide for the protection of both known and potential archeological resources.

Staff comments: The project is consistent with this policy because an Archeological Surface Survey was conducted by a qualified archeologist and no resources were found on the subject sites (Padre Associates, Inc., January 2019).

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas. Development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project.

Staff comments: The proposed project is consistent with this policy because an archaeological surface survey was submitted (Padre Associates, Inc., January 2019). The survey produced negative results, and recommended that no further archaeological studies. In addition, the project is conditioned to cease all construction in the event archeological resources are discovered.

Policy 6: Archeological Resources Discovered during Construction or through Other Activities.
Where substantial archeological resources are discovered during construction of new development, or through non-permit related activities, all activities shall cease until a qualified archeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

Staff comments: The project is conditioned to ensure that cultural resources are protected if encountered during project construction.

COMMUNITY ADVISORY GROUP COMMENTS:

The Oceano Advisory Council reviewed the proposed project on March 21, 2019 and did not have any comments or issues with the project.

AGENCY REVIEW:

Building Division – Per attached referral response (Stoker, March 11, 2019), the project shall comply with current codes adopted by the County of San Luis Obispo (2016 California Building Standards Codes and Title 19 of the SLO County Codes).

Public Works – Per attached referral response (Davis, March 18, 2019), recommend approval with conditions.

Oceano Community Services District (fire/water/sewer) – The CSD issued an Intent to Serve letter dated June 19, 2019, and a Fire Plan Review letter dated May 8, 2019.

Environmental Health – No response.

California Coastal Commission (CCC) – Per correspondence with the CCC (Brian O'Neill, March 22, 2019), because the project is located within the Coastal Original Jurisdiction, the CCC is required to process the Coastal Development Permit, and the applicant is required to secure any other local (County) approvals prior to submittal to the CCC.

California Department of Fish & Wildlife – No response.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Cody Scheel and reviewed by Kerry Brown.