



**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 October 7, 2022 LOCAL EFFECTIVE DATE October 21, 2022 APPROX FINAL EFFECTIVE DATE November 11, 2022	CONTACT/PHONE Kip Morais (805) 781-5136 kmorais@co.slo.ca.us	APPLICANT Anthony Lucero and Kimberly Sokol	FILE NO. DRC2021-00001
SUBJECT A request by Anthony Lucero and Kimberly Sokol for a Minor Use Permit/Coastal Development Permit to allow for the conversion of an existing 500 square-foot detached garage into a 600 square-foot detached guest house with an attached 210 square-foot single-car garage, carport and a 497 square-foot second story deck to an existing 2,397 square-foot residence. The project will result in the disturbance of approximately 800 square feet on a 7,000 square-foot parcel. The proposed project is located in the Residential Single-Family land use category at 1875 Chester Lane in the community of Cambria. The site is in the North Coast Planning Area.			
Recommendation Approve Minor Use Permit DRC2021-00001 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption is proposed for this project (<i>ED22-070, April 12, 2022</i>).			
LAND USE CATEGORY Residential Single-Family	COMBINING DESIGNATION Coastal Zone Terrestrial Habitat Geologic Hazard Area Archaeologically Sensitive Area	ASSESSOR PARCEL NUMBER 023-114-033	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Archaeologically Sensitive Area, Monterey Pine Forest Terrestrial Habitat, Cambria Urban Area Standards (Communitywide), Residential Single-Family Standards <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Coastal Commission Appealable Zone, Local Coastal Program, Environmentally Sensitive Habitat Area (ESHA), and Terrestrial Habitat Protection, Geologic Study Area, Archaeological Study 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. If applicable, 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.			

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:

Residence

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Single-Family / Residences

East: Residential Single-Family / Residences

South: Residential Single-Family / Residences

West: Residential Single-Family / Residences

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Building Division, Public Works, North Coast Advisory Council, Cambria CSD, Coastal Commission, 2nd District Legislative Assistant

TOPOGRAPHY:

Average 11% slope on parcel

VEGETATION:

Pine trees, Coast Live Oak trees

PROPOSED SERVICES:

Water supply: Community system

Sewage Disposal: Community sewage disposal system

Fire Protection: Cambria CSD Fire Department

ACCEPTANCE DATE:

December 3, 2021

DISCUSSION

A request by Anthony Lucero and Kimberly Sokol for a Minor Use Permit/Coastal Development Permit to allow for the conversion of an existing 500 square-foot detached garage into a 600 square-foot detached guest house with an attached 210 square-foot single-car garage, carport and a 497 square-foot second story deck to an existing 2,397 square-foot residence. The project will result in the disturbance of approximately 800 square feet on a 7,000 square-foot parcel. The proposed project is located in the Residential Single-Family land use category at 1875 Chester Lane in the community of Cambria. The site is in the North Coast Planning Area.

NORTH COAST PLANNING AREA STANDARDS

Monterey Pine Forest Habitat (Terrestrial Habitat – TH)

The following standards apply to new development proposed within the Terrestrial Habitat Protection (TH) combining designation:

1. Protection of vegetation. Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.
2. Terrestrial habitat development standards:
 - a) Re-vegetation. Native plants shall be used where vegetation is removed.
 - b) Area of disturbance. The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily identifiable barriers that will protect the surrounding native habitat areas.
3. Plans shall identify all Monterey pine trees and their size when they are six inches or more in diameter at 4.5 feet above ground, and oak trees four inches or more in diameter at 4.5 feet above ground. Plans shall also indicate a project limit area, showing the full extent of proposed site disturbance. Construction plans must also contain various notes indicating

trees to be left undisturbed and special construction practices to avoid impacts to native trees and vegetation.

4. Construction practices to protect Monterey pines, oak trees and significant understory vegetation shall be implemented.
5. Any Monterey pine trees that are six inches or more in diameter 4.5 feet above the ground removed shall be replaced at a 4:1 ratio. Any oak trees that are four inches in diameter 4.5 feet above ground removed shall be replaced at a 6:1 ratio. All open areas of the site disturbed by project construction are to be seeded with native, drought and fire-resistant species that are compatible with the habitat value of the surrounding forest. Replacement vegetation shall be planted in conformance with the criteria set forth in the North Coast Area Plan which includes but is not limited to a replanting plan, specifications for container sizes and species (*Pinus radiata* var. *marocarpa*), and maintenance specifications.

Staff Response: The proposed project complies with the combining designation planning area standards for the Terrestrial Habitat Protection (TH). No Monterey pine trees are proposed for removal. The project has been conditioned to meet the standards for project limit areas for vegetation protection. The project has been conditioned to ensure that trees impacted or removed through project construction are replaced in accordance with the North Coast Area Plan.

Cambria Urban Area Standards – Community Wide

Limitation on Development – Water Conservation Requirements

New development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the Cambria Community Service District's (CCSD) service area, or through other verifiable actions to reduce existing water use in the service area.

Staff Response: The project complies with this standard because the CCSD provided a conditional confirmation of water and sewer availability letter dated July 1, 2021, requiring retrofit of existing water fixtures in compliance with this standard.

Cambria Community Services District Review

Prior to application acceptance, land use and building permit applications shall include a written verification of water and sewer service from the Cambria Community Services District (CCSD). Also, prior to final building inspection the applicant shall submit a water and sewer service condition compliance letter from the CCSD.

Staff Response The project complies with this standard because the CCSD provided a conditional confirmation of water and sewer availability letter dated July 1, 2021.

Cambria Fire Department Review

All new development shall comply with applicable state and local Cambria fire codes. Prior to application acceptance, land use and building permit applications shall include a Fire Plan Review from the Cambria Fire Department.

Staff Response: The project complies with this standard because the applicant provided a Fire Plan Review letter from the Cambria Fire Department dated July 1, 2021.

Erosion Control

In addition to other applicable requirements of the Coastal Zone Land Use Ordinance, all runoff from impervious surfaces such as roofs, driveways, walks, patios, and/or decks shall be collected

and retained on-site to the greatest extent possible. Run-off not able to be retained on-site shall be passed through an effective erosion control device or filtration system approved by the Public Works Department.

Staff Response: The proposed project is conditioned to comply with this standard.

Landscaping

All areas of the site disturbed by project construction shall be re-vegetated with native, drought and fire-resistant species that are compatible with the habitat values of the surrounding forest. Non-native, invasive, fire prone, and water intensive (i.e. turf grass) landscaping shall be prohibited on the entire site.

Staff Response: The proposed project is conditioned to comply with this standard.

Exterior Lighting

All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries source. Particular care is to be taken to assure that direct illumination does not fall onto or across any public or private street or road.

Staff Response: The proposed project is conditioned to comply with this standard.

Archaeological Resource Protection

New development projects that have the potential to impact archaeological resources shall be referred to the affected Native American tribe.

Staff Response: The project site is located in an Archeologically Sensitive Area. An archaeological resource study was not required because project activities will not result in new ground disturbance. Should archaeological resources be discovered during construction, the project is conditioned to cease until addressed by the Environmental Coordinator and Planning Department.

Residential Single-Family Standards

The following table describes the project's compliance with the applicable height, footprint, gross structural area (GSA), deck, and setback standards of the North Coast Area Plan:

Area: Lodge Hill (Typical Lot)

Slope: Approximately 11%

Lot Size: 7,000 square feet

Number of trees to be removed: 0

PROJECT REVIEW	ALLOWABLE	EXISTING	PROPOSED	STATUS
HEIGHT (FEET) ¹	28'	13' 6"	12' 8"	OK
FOOTPRINT (SQUARE FEET)	2,267 sf	1,521 sf	1,840.90 sf	OK
GROSS STRUCTURAL AREA (S.F.)	3,467 sf	2,397.60 sf	2,717.50 sf	OK
DECKS (SQUARE FEET)				
SOLID (10% OF MAX F.P.)	227 sf	0 sf	210.30 sf	OK
PERMEABLE (30% OF MAX F.P.)	680 sf	137.30 sf	413.80 sf	OK
SETBACKS (FEET)				

FRONT	10' minimum	18' 11"	18' 11"	OK
REAR	10' minimum	28' 3 ¾"	28' 3 ¾"	OK
SIDES	5' minimum	Left: 5' 1.25" Right: 4' 7.75"	Left: 18' 3.63" Right: 7' 8.13"	OK

NOTE: 1. Maximum height is measured from average natural grade.

Residential Design Criteria

The North Coast Area Plan contains discretionary design criteria for single-family residential development in Cambria. As described below, the proposed residence is consistent with applicable design criteria.

- A. **Impermeable Surfaces.** The project is located in a Stormwater Management Area (MS4) and will be required to submit a Stormwater Control Plan (SWCP) Application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
- B. **Parking Drives and Garages.** The existing residence includes two garages and two approaches. The first garage, which will remain unchanged, is 360 square feet accessed by the existing driveway on Chester Lane. The second garage, which will be converted to a guest house and single-car garage, is a 490 square-foot garage accessed by the existing driveway on Berwick Drive.
- C. **Topography.** The subject parcel relatively level, with an average slope of 11%. The proposed project will not result in abrupt grade changes.
- D. **Drainage.** The project complies with this guideline as it will be designed and constructed to retain water on-site. The project is conditioned to provide a drainage plan, consistent with the North Coast planning area standards, to Public Works for review and approval.
- E. **Building Design Standards.** The addition will be consistent with the design of the existing residence and compatible in design and materials with the neighborhood design patterns.

Staff Response: The proposed project complies with these standards.

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 in an Environmentally Sensitive Habitat Area (ESHA) for Terrestrial Habitat (TH).

Section 23.07.080: Geologic Study Area

The project site is located within the Geologic Study Area (GSA) combining designation, and is subject to the provisions of the CZLUO. 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 Response: The proposed project complies with this standard because an engineering geology investigation with geologic recommendations was provided by GeoSolutions on June 3, 2021.

Section 23.07.170.e(1-5) Environmentally Sensitive Habitat (ESHA) Development Standards

- (1) New development within or adjacent to the habitat shall not significantly disrupt the resource.
- (2) New development within the habitat shall be limited to those uses that are dependent upon the resource.
- (3) Where feasible, damaged habitats shall be restored as a condition of development approval.
- (4) Development shall be consistent with the biological continuance of the habitat.
- (5) Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034.c (Grading Standards.)

Staff Response: See below.

Section 23.07.176 Terrestrial Habitat Protection

The subject parcel supports a mapped Terrestrial Habitat (TH) combining designation and is subject to Section 23.07.176 Terrestrial Habitat Protection. This section implements development standards for protection of Terrestrial Habitat. Specifically, that revegetation with native plants occurs where vegetation is removed, and that “readily-identifiable barriers that will protect the surrounding native habitat areas” be used to ensure protection during grading and construction.

Staff Response: The project has been designed to minimize potential impacts to ESHA. The design of the project avoids tree removal. Based on information collected on a site visit, the site is surrounded by built residences within an established residential neighborhood. The proposed construction of a separate one-story guest house located to the southwest of the existing residence will result in limited site disturbance as the construction mostly occurs on previously disturbed areas on site. Should any existing vegetation be disturbed during construction, the project is conditioned to revegetate with native, drought and fire-resistant species in a way that is consistent with fire safety standards. The project has been conditioned to ensure that trees impacted or removed through project construction are replaced. Additionally, the project is conditioned to establish a “project limit area” which avoids native habitat areas.

COASTAL PLAN POLICIES

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:	Policies: 1, 2, 29, 30
Agriculture:	N/A
Public Works:	Policy: 1
Coastal Watersheds:	Policies: 8, 9, 10, 11
Visual and Scenic Resources:	N/A
Hazards:	N/A
Archeology:	Policy: 1
Air Quality:	N/A

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

Environmentally Sensitive Habitats

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats

New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource.

Staff Response: The project is located within an area mapped for Environmentally Sensitive Habitats (Terrestrial Habitats). However, the proposed project has been designed to minimize impacts to the habitat. The proposed addition is located at the rear of the existing residence in a previously disturbed area.

Policy 2: Permit Requirement

As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat.

Staff Response: The proposed project is conditioned to avoid impacts to the on-site trees and mitigate for impacted and removed trees. As conditioned, this project is consistent with this policy.

Policy 29: Protection of Terrestrial Habitats

Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.

Staff Response: The project is consistent with this policy because the proposed residential development is a principally permitted use on the site and designed to minimize impacts to the existing habitats and trees. Prior to issuance of a construction permit, the applicant is required to submit a construction plan clearly showing a project limit area, with special construction practices to protect the on-site tree and surrounding native habitat areas and mitigate for any Monterey pine tree removals.

Policy 30: Protection of Native Vegetation

Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed.

Staff Response: The project is consistent with this policy because a project limit area will be designated on all construction documents to ensure all development will not further encroach into any habitat areas on site. All areas of the site disturbed will be revegetated with native plants.

Public Works

Policy 1: Availability of Service Capacity

New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable.

Staff Response:

The proposed project is consistent with Public Works Policy 1: Availability of Service Capacity, as implemented by CZLUO Sections 23.04.021c, 23.04.430 and 23.04.432, because it does not

involve the subdivision of land, is located within the urban services line and does not require any water service extension. Under such circumstances, the sufficiency of service capacities is usually satisfied by evidence of a will-serve letter verifying service capacity from the service provider. The proposed project is an addition to an existing residence which is served by the community water and sewer facilities. The Cambria Community Services District provided a will-serve letter for existing water service dated July 1, 2021. The size and scale of the proposed project is consistent with the existing housing stock in the community and water usage is considered within the expected average range for a single-family residence.

Coastal Watersheds

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 Response: The proposed project is conditioned to comply with this policy. Grading activities and foundation construction shall be avoided between October 15 and 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. Measures should be utilized from the start of site preparation. Selection of appropriate control measures shall be based on evaluation of the development's design, site conditions, predevelopment erosion rates, environmental sensitivity of the adjacent areas and consider costs of on-going maintenance. A site-specific erosion control plan shall be prepared by a qualified soil scientist or other qualified professional. To the extent feasible, non-structural erosion techniques, including the use of native species of plants, shall be preferred to control run-off and reduce increased sedimentation.

Staff Response: The proposed project is conditioned to comply with this policy as the applicant shall 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 Response: The proposed project is conditioned to comply with this policy as the applicant shall provide a drainage plan to San Luis Obispo County Public Works Department for review and approval.

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 Response: The proposed project is consistent with this policy as the project shall retain runoff on-site to the extent feasible.

Archaeology

Policy 1: Protection of Archaeological Resources

The county shall provide for the protection of both known and potential archaeological resources.

Staff Comments: The project site is located in an Archaeologically Sensitive Area. The County ordinance requires that in the event archaeological resources are uncovered, construction activities shall cease. As conditioned, this project is consistent with this policy.

COMMUNITY ADVISORY GROUP COMMENTS

North Coast Advisory Council (NCAC) reviewed the project at their January 19, 2022 meeting and voted to recommend approval of the project with no conditions.

AGENCY REVIEW

Building Division – Conducted preliminary review of plans and stated that a thorough plan review will be conducted when the building permit application package is received. Provided comments for submittal of complete building permit application (Aldana, May 6, 2022).

Public Works – Reviewed by Public Works, comments provided (Beard, December 13, 2021).

Cambria CSD – Cambria CSD provided conditional confirmation of water and sewer availability for the proposed project on July 1, 2021.

Coastal Commission – No response.

LEGAL LOT STATUS

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

Staff report prepared by Kip Morais and reviewed by Schani Siong.