Promoting the wise use of land
Helping build great communities

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

Tentative Notice of Action

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
December 16, 2005 LOCAL EFFECTIVE DATE December 30, 2005 APPROX FINAL EFFECTIVE DATE January 13, 2006	Kerry Brown 781-5713	Casey Kelso	DRC2005-00026

SUBJECT

Hearing to consider a request by Casey Kelso for a Minor Use Permit/Coastal Development Permit to allow an addition of 192 square feet to an existing 1,076 square foot single family residence with a total gross structural area of 1,648 square feet. Construction will be limited to the second floor of the existing structure. The area of disturbance will be limited to the construction staging area of approximately 300 square feet of a 3,000 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 41 19th Street in the community of Cayucos. The site is in the Estero planning area.

RECOMMENDED ACTION

Approve Minor Use Permit/Coastal Development Permit DRC2005-00026 based on the findings listed in Exhibit A and the conditions listed in Exhibit B

ENVIRONMENTAL DETERMINATION

A Class 1 Categorical Exemption was issued on October 31, 2005 (ED05-171).

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Residential Single Family	Local Coastal Plan Area, Archaeological Sensitive Area, Small Scale Neighborhood	064-232-011	2

PLANNING AREA STANDARDS:

Small Scale Neighborhood

Does the project meet applicable Planning Area Standards: Yes - see discussion

LAND USE ORDINANCE STANDARDS:

Local Coastal Plan Area, Archaeological Sensitive Area, and Violations

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	
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: Cayucos Citizens' Advisory Council, Public Works, Cayucos Fire Department, Cayucos Sanitary District, Paso Robles Beach Water Association, and the California Coastal Commission.	
TOPOGRAPHY: Nearly level	VEGETATION: Grasses and ornamentals
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Cayucos Fire Department	ACCEPTANCE DATE: October 27, 2005

DISCUSSION

PLANNING AREA STANDARDS:
Small Scale Neighborhood Design Standards:
Front Setback: For two story construction, the minimum front lower floor setback is 15 feet, the minimum front second floor setback is an additional 3 feet from the lower wall except open rail, uncovered decks are excluded from this additional setback and may extend to the lower floor wall. *The front setback is 15 feet.*

Side Setbacks: For two-story construction, the minimum side setback for the lower floor is 4 feet. On corner lots the street-side setback is 10 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. *The proposed addition does not align with the lower floor wall and is within the rear two-thirds of the structure. The existing first story has 3 foot side setbacks. The area where the addition will occur has 9 and 19 feet second story side setbacks.*

Rear Setback: Minimum rear setback shall be 10 feet. The existing shop was permitted with a 5 foot rear setback because it is less than 12 feet in height and is uninhabited. (Section 23.04.112a). *All new construction meets the 10 foot rear setback.*

Height: The maximum height of structures is 24 feet. Roof height between 18 and 22 feet shall have a roof pitch of at least 4:12. *The proposed height of the building is 22 feet and the roof pitch for the structure is 4:12, therefore the project is in compliance with this standard.*

Gross Structural Area: The lot of the proposed project is 3,000 square feet. For lots size 2900-4999 square feet in area, the percentage of usable lot is 55% making the maximum gross structural area 2500 square feet. The project proposes a total gross structural area of 1,648 square feet. *The project is within the gross structural area standards.*

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. *The existing garage and driveway meet the parking standard requirements.*

Driveway Widths: Driveway widths may not exceed 18 feet. There are no proposed changes to the driveway. *The driveway meets this standard.*

Deck Rail Heights: Rails heights for decks above the group floor shall not exceed 36 inches. A maximum of an additional 36 inches of untinted, transparent material with minimal support members is allowable. *There are no proposed changes to the deck rails and they meet this standard.*

COASTAL ZONE LAND USE ORDINANCE STANDARDS:
Section 23.07.120 - Local Coastal Program
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 Plan.

Section 23.01.034C – Application where violation exists
No application for land use permit, construction permit, or land division shall be approved where an existing land use, building or parcel is maintained in violation of any applicable provisions of the Subdivision Map Act, this code or any condition or approval or a land use permit, except where the application incorporates measures proposed by the applicant to correct the violation, and correction will occur before establishment of the new proposed use. An existing violation on the property (the two story accessory structure) will be corrected (reduced to one-story less than 12 feet in height and not inhabited) prior to issuance of any permits for the new addition (conditions 7 and 8).

Section 23.07.104 - Archaeologically Sensitive Areas
The project site is within a mapped Archaeologically Sensitive Area. Because the addition is located on the second floor, an archaeological report was not required.

COASTAL PLAN POLICIES:

Public Works:
Policy 1: Availability of Service Capacity: The applicant has demonstrated that adequate public service capacities are available to serve the proposed project because services already exist for the structure and will serve letters are required.
Coastal Watersheds:
Policy 7: Siting of new development: *The proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Single Family category on a slope less than 20 percent.*
Policy 8: Timing of new construction: *The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all slope and erosion control measures will be in place before the start of the rainy season.*
Policy 10: Drainage Provisions: *The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new residence will not increase erosion or runoff*
Visual and Scenic Resources:
Policy 1: Site Selection for new development: *The proposed project is consistent with this policy because the development is sited so as to protect views to and along the ocean.*
Policy 6: Special Communities and Small-Scale Neighborhoods: *The proposed project is consistent with this policy because the development has been designed and*

sited to complement and be visually compatible with existing characteristics of the community.

Policy 7: Preservation of Trees and Native Vegetation: *The proposed project is consistent with this policy because no native trees are proposed for removal.*

Archeology:

Policy 4: Preliminary Site Survey for Development within Archeologically Sensitive Areas: A preliminary site survey was not required because the addition will be on the second floor.

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

COMMUNITY ADVISORY GROUP COMMENTS: Cayucos Citizens' Advisory Council: no response as of October 13, 2005

AGENCY REVIEW:
Public Works- recommends approval
Cayucos Fire Department – no comment
Cayucos Sanitary District - no response as of October 13, 2005
Paso Robles Beach Water Association – no comment
California Coastal Commission – no response as of October 13, 2005

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 Valerie Tallerico and reviewed by Mike Wulkan.

EXHIBIT A - FINDINGS

CEQA Exemption

A. The project qualifies for a Categorical Exemption (Class 1) pursuant to CEQA Guidelines Section 15303 because the project is a minor addition or alteration to an existing structure that does not expand the existing use of the structure.

Minor Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on 19th Street, a local road that is constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

G. The project site is not located between the first public road and the ocean. The project site is within an urban reserve line (Cayucos) and an existing coastal access point exists 600 feet from the project site, therefore, the proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act.

Small Scale Neighborhood

H. The proposed project meets the Community Small Scale Neighborhood Design standards and is therefore consistent with the character and intent of the Cayucos Community Small Scale Design Neighborhood.

I. The proposed project will not block public view of the ocean from Highway One and the views from the respective neighborhood are not being further limited.

Archeological Sensitive Area

J. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected, no grading is proposed and any site disturbance will be limited to the construction staging area and all construction will occur on the second story of the existing structure.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:

   a. An addition of 192 square feet to an existing 1,076 square foot single family residence with a total gross structural area of 1,648 square feet.

   b. A maximum height of 22' from the centerline of the fronting street.

Conditions required to be completed at the time of application for construction permits

Site Development

2. Plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.

3. The applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cayucos Fire Department for this proposed project.

Services

5. The applicant shall provide a letter from Paso Robles Beach Water Company stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Fees

6. The applicant shall pay all applicable school and public facilities fees.

Enforcement

7. The enforcement violation on the detached two-story structure shall be corrected. The second story shall be removed and the structure shall not exceed 12 feet in height.

8. The applicant shall demonstrate that the existing detached structure is not inhabited.

Conditions to be completed during project construction

Building Height

9. The maximum height of the project is 22 feet from centerline of the fronting street.

a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).

b. **Prior to approval of the foundation inspection,** the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.

c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

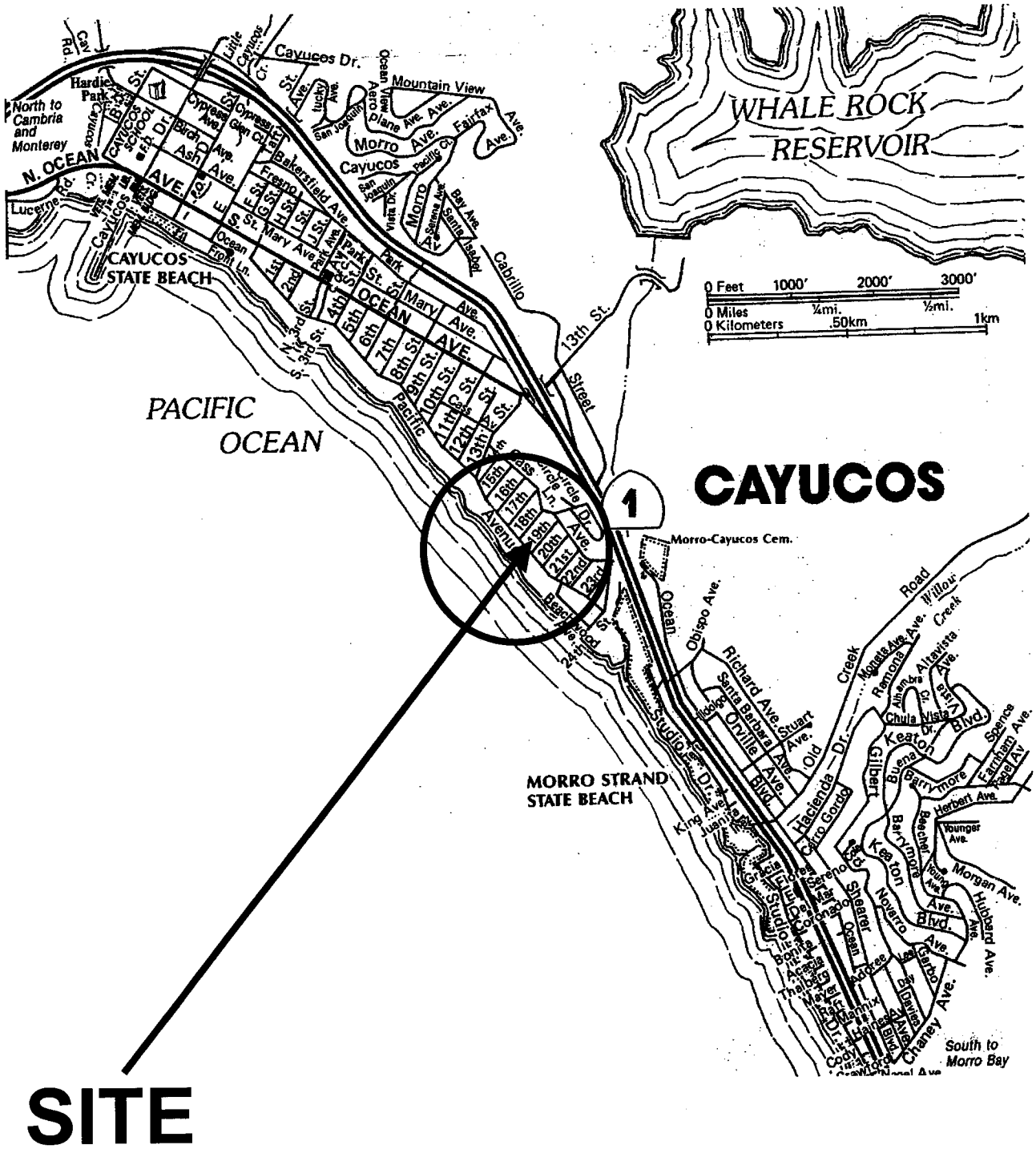
10. The applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

11. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

12. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

13. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

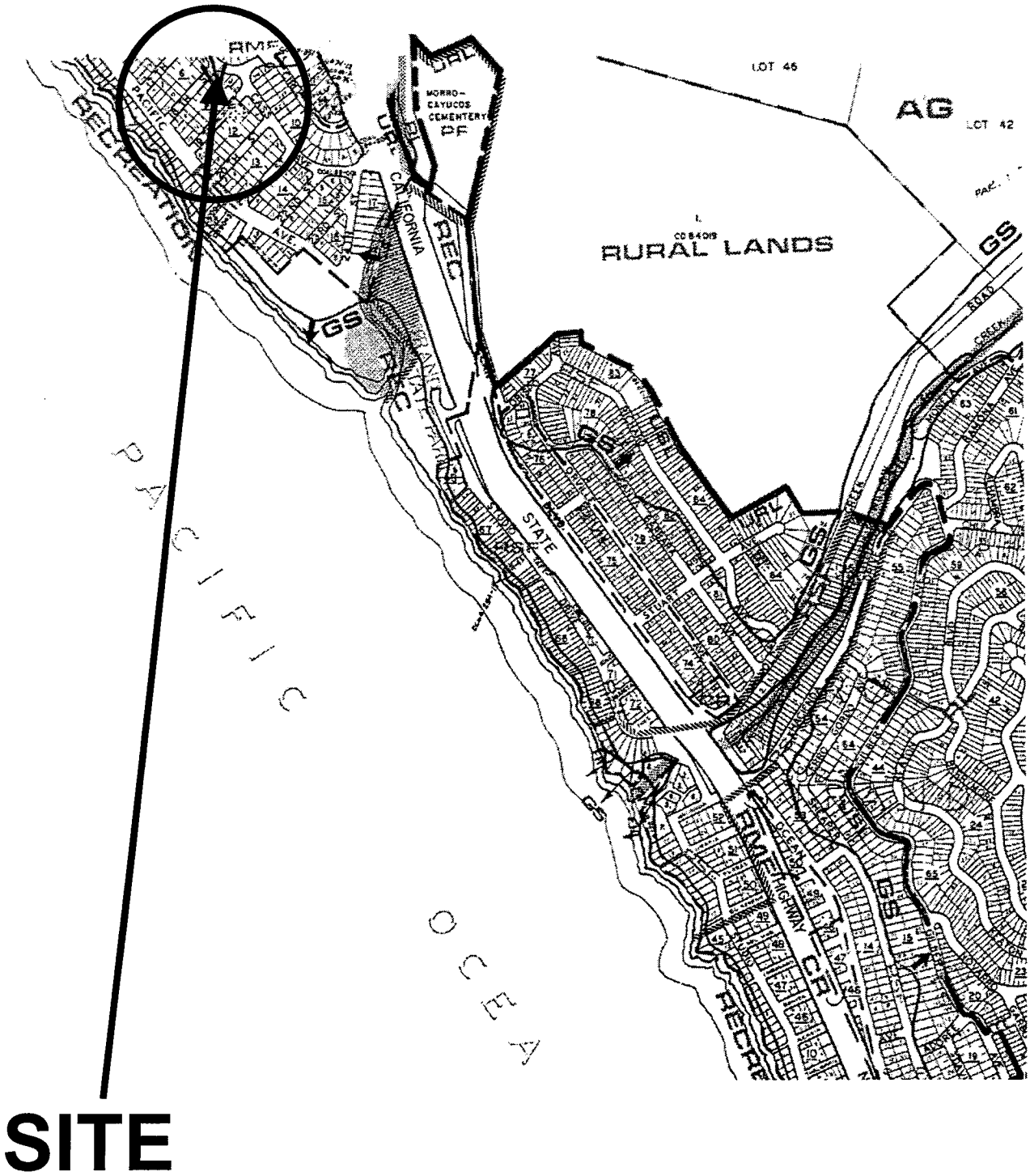


PROJECT

Minor Use Permit
Kelso DRC2005-00026

EXHIBIT

Vicinity

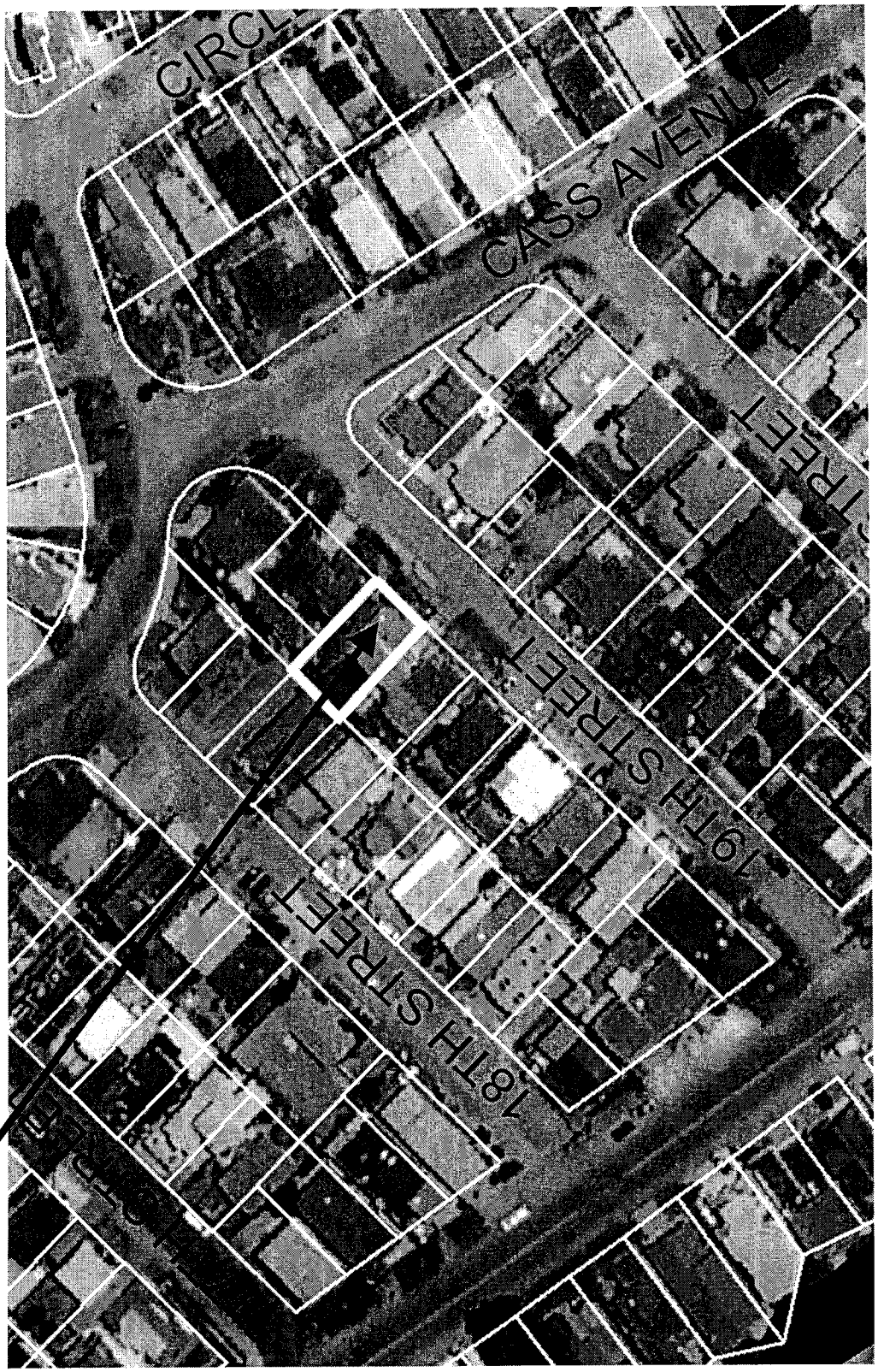


PROJECT

Minor Use Permit
Kelso DRC2005-00026

EXHIBIT

Land Use Category

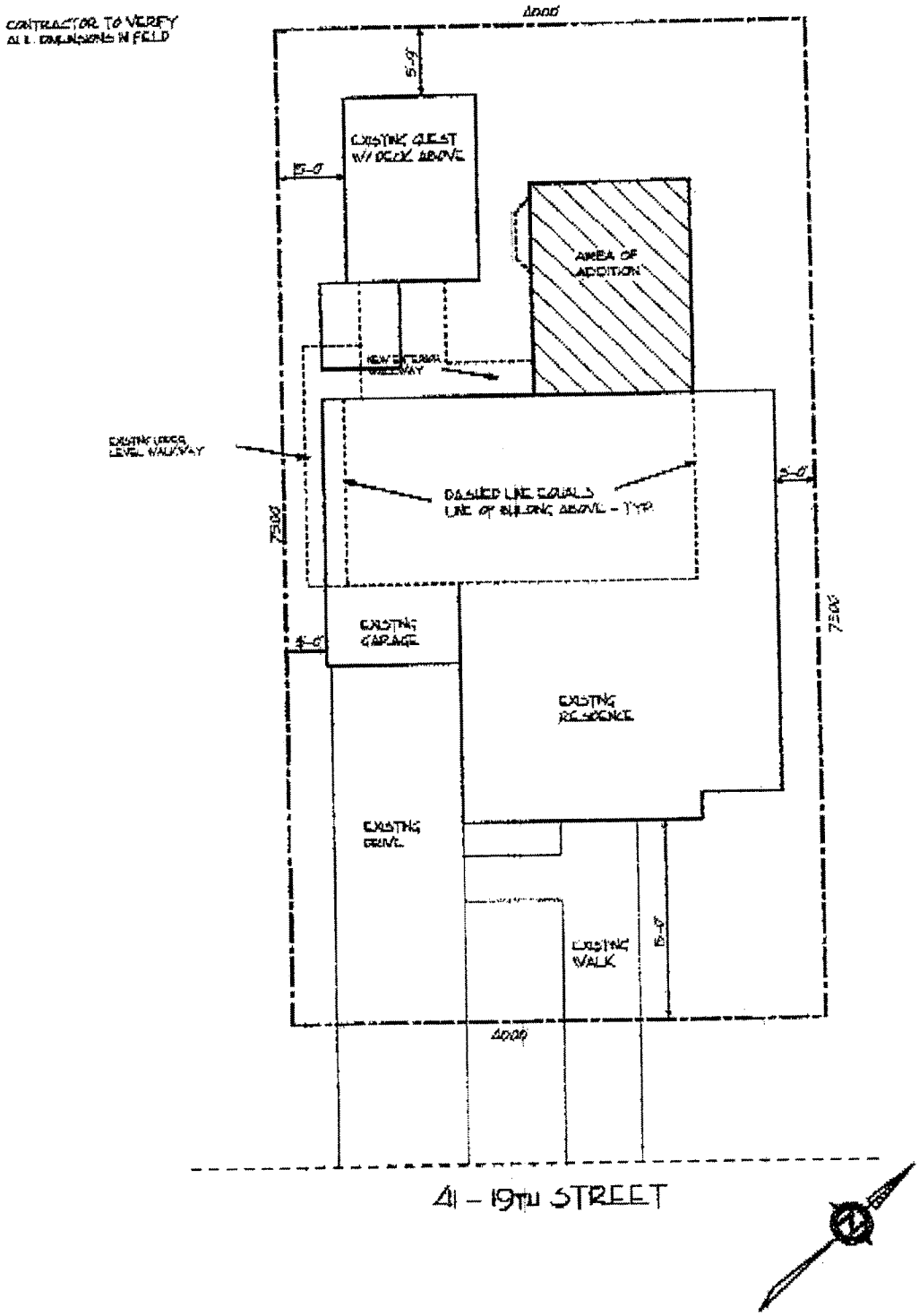


PROJECT

Minor Use Permit
Kelso DRC2005-00026

EXHIBIT

Arial

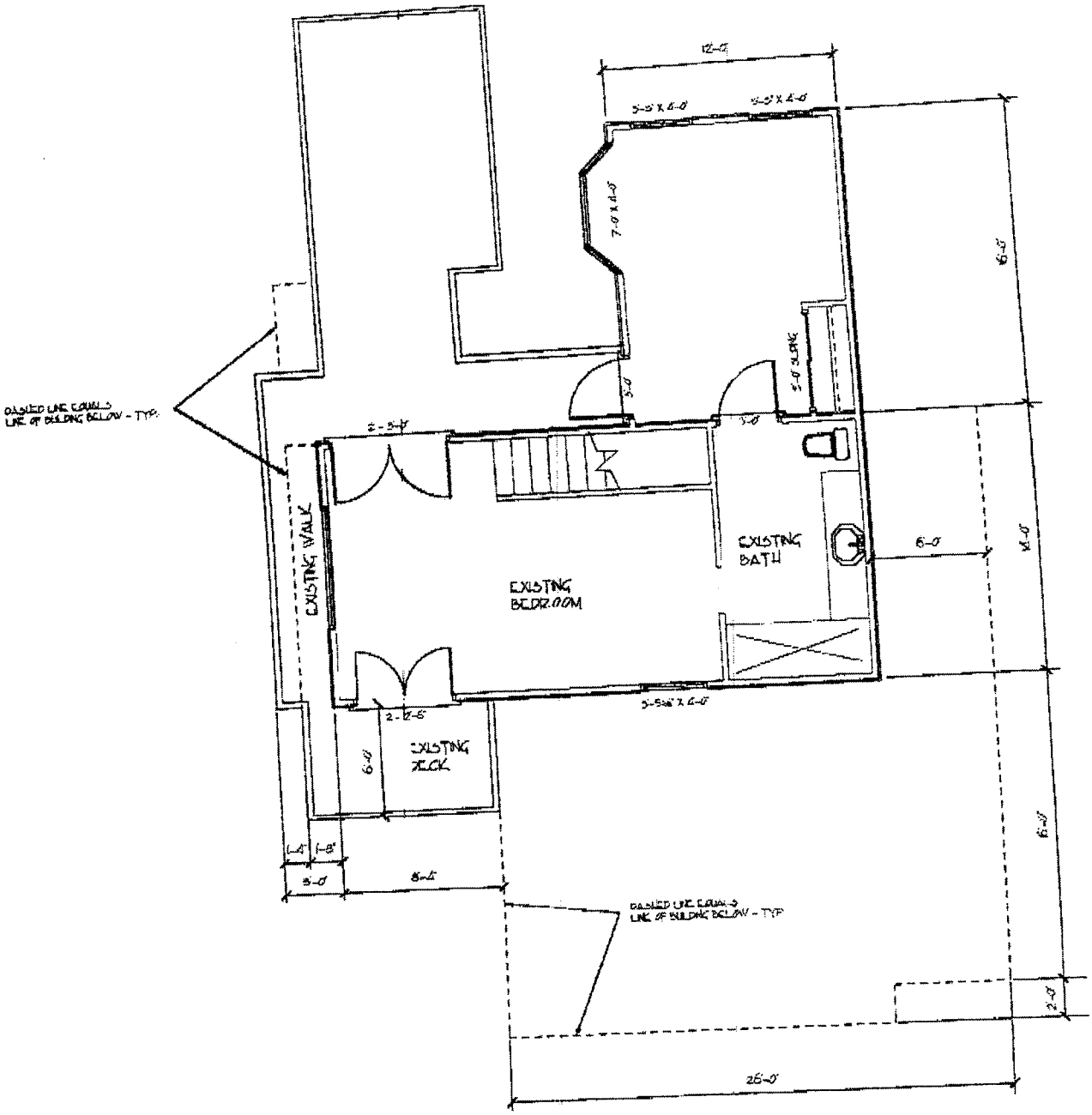


PROJECT

Minor Use Permit
Kelso DRC2005-00026

EXHIBIT

Site Plan

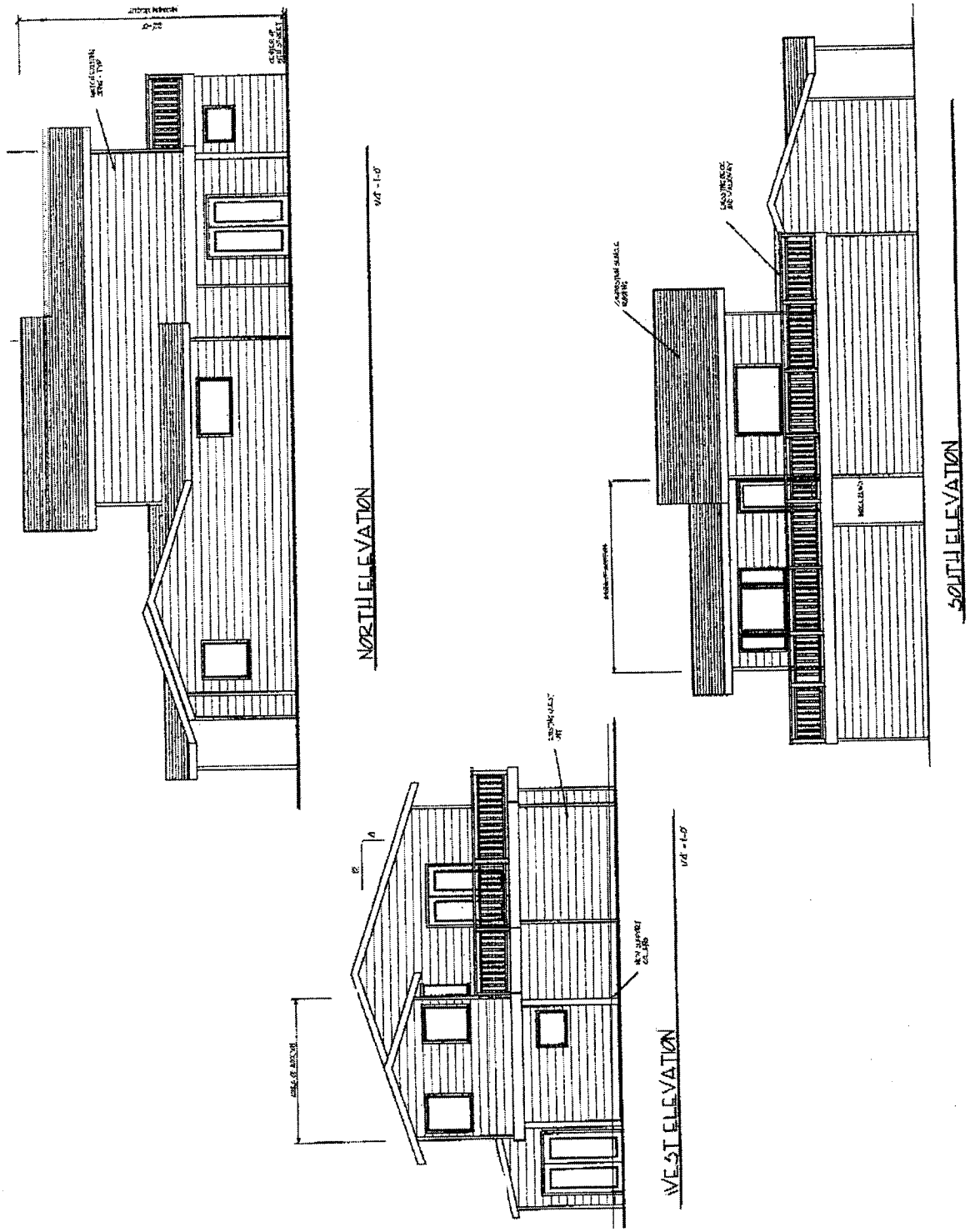


PROJECT

Minor Use Permit
Kelso DRC2005-00026

EXHIBIT

Floor Plan



PROJECT

Minor Use Permit
Kelso DRC2005-00026

EXHIBIT

Elevation