



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**TO:** BOARD OF SUPERVISORS  
**FROM:** MIKE WULKAN, CURRENT PLANNING  
**VIA:** JOHN EUPHRAT, AICP, LONG RANGE PLANNING DIVISION MANAGER  
**DATE:** OCTOBER 19, 2004  
**SUBJECT:** CONTINUED HEARING ON ESTERO AREA PLAN UPDATE: RESPONSE TO COMMENTS ON CHAPTER 7 AND LAND USE CHANGES

On October 5, your Board received public testimony and correspondence regarding Chapter 7 of the Estero Area Plan and proposed land use changes, and directed that staff respond to the testimony and correspondence. The following summarizes the public comments and staff's responses, as well as a standard regarding multi-family density in Cayucos that your Board discussed.

After your Board considers and takes tentative action on Chapter 7 of the Estero Area Plan and the land use changes, the final items to consider will be Chapter 8 and the appendices of the Estero Area Plan, related amendments to the Land Use Ordinance regarding the Adelaida and San Luis Obispo Planning Areas, the package of Coastal Zone Land Use Ordinance changes, and the separate submittal to the Coastal Commission of an amendment to expand the Urban Services Line to include the Monarch Grove subdivision in Los Osos (also included in the Estero update).

**YOUR BOARD:** Why should a multi-family density of 15 units per acre in Cayucos be allowed only after a county-initiated General Plan Amendment is approved? [see page 7-66, standard A2 in the *Planning Commission-Recommended Plan*]

**RESPONSE:** The Planning Commission concluded that a subsequent county-initiated general plan amendment would be preferable to a provision in the area plan that allows the stated buildout of the plan to be exceeded under certain circumstances. A general plan amendment would enable multi-family densities (and plan buildout) to be increased uniformly throughout Cayucos to the level that can be supported by the actual, future water supply. However, **if your Board wishes to build into the area plan the ability to approve an increased multi-family density, staff would suggest revising standard A on page 7-66, and deleting program B8 on page 4-60 as follows:**

- A. Density.** Maximum residential density for new projects, except for senior citizen housing (see the following standard), affordable housing in accordance with the Coastal Zone Land Use Ordinance, and except for development on the 10-acre parcel north of the Locarno Tract (see the standards in Section E, North of Locarno Tract) shall be as follows:
- a. 10 dwelling units per acre; or

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- b. 15 units per acre ~~only after a General Plan Amendment is approved that increases buildout of the community to accommodate the increased development potential; and if the review authority makes the finding that there is sufficient sewer capacity and supplemental water to serve development resulting from the proposed project, existing development (at current rates of water use and occupancy), and all vacant parcels at buildout, assuming the proposed density of up to 15 units per acre in the RMF category.~~

~~8. Residential Multi-Family Density. In the event that Cayucos obtains supplemental water, the county should initiate an amendment to this plan by revising the Residential Multi-Family planning area standard for density to increase the maximum density to a level commensurate with community water supply.~~

COMMENT: Dennis Schmidt: 1) objects to a reduction in development potential from 25 to 12 units on the Donovan property next to the Sweet Springs Marsh in Los Osos; 2) requests that the Los Osos USL be expanded to include the upper, hillside portion of the Morro Bay & Land Co. property for which a subdivision application is being processed; 3) objects to a zoning change in the Morro Shores Mixed-Use Area, because it could affect tentatively approved Tract 1643. [see letters from Central Coast Engineering dated September 24, September 28 and October 1, 2004]

RESPONSE: 1) The development potential under the existing area plan is 14 units, not 25. A mitigation measure in the EIR for the Estero update is to not increase density in this sensitive area. Both the existing and proposed development potential of 14 and 12 units, respectively, are probably unrealistically high, given physical and environmental constraints. If your Board wishes to retain the existing development potential of 14 units, suggested revisions to planning areas standards to accomplish that are shown below. 2) The USL should not be expanded to include the upper hillside, because it is outside of the service area of the water purveyor, and because more intense development at the higher elevations is problematic with regard to visual effects, fire hazard and other concerns, and is contrary to the Los Osos Community Advisory Council's (LOCAC's) recommendation for this property. 3) The proposed standards for the Morro Shores Mixed-Use Area specifically allow future development in accordance with tentatively approved Tract 1643, and do not require that the single-family subdivision be included in a specific plan.

Standard 2b on page 7-161 could be revised as follows to make development potential the same as in the existing area plan for the "West of 4<sup>th</sup> Street" area.

- b. **Residential Density.** Maximum residential development potential shall be 14 seven dwelling units, which includes plus one dwelling per acre transferred from the portion of this parcel included in the Recreation land use category in the eastern portion of the Sweet Springs area, as shown in Figure 7-55 (to the extent that such density in the Recreation category is not otherwise transferred through the communitywide TDC program).

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**COMMENT:** Carole Florence: 1) Maximum Residential Multi-Family density on properties larger than one acre that are outside of the service areas of the water purveyors in Cayucos should be 26 units per acre. 2) A General Plan Amendment should not be required for densities greater than 10 units per acre. 3) What is the reason for changing the land use category to Recreation on the bluff-top property adjacent to Cayucos Creek? [see the letter from Oasis Landscape, Architecture and Planning dated September 28, 2004]

**RESPONSE:** 1) The Planning Commission recommended that the density on the Pollard properties be the same as for other properties in Residential Multi-Family category, as recommended by the Cayucos Citizens Advisory Council (CCAC). The area plan is a 20-year plan that considers water supply for the community as a whole, and the community obtains its water from the same source. 2) See the response starting on the bottom of the first page of this memo. 3) As recommended by the CCAC, staff recommends that the land use category of the 1.8-acre bluff-top property be Recreation with a limitation on allowable uses, so that the Residential Multi-Family uses recommended by the Planning Commission, as well as currently allowable visitor-serving uses could be developed.

**COMMENTS:** Beverley Pratt and William Walter: 1) On the approximately 124-acre site above Cabrillo Estates, the Los Osos USL should be expanded to include two areas of the site up to the 600-foot elevation, including a proposed area of development on the east side of the site. 2) The USL change is needed to satisfy the Coastal Commission. [see letters from William S. Walter and Beverley Pratt dated September 27 and October 1, respectively]

**RESPONSE:** 1) The Los Osos USL should not be expanded to include the area on the west side of the site that is outside of the service areas of the water purveyors. Development is still possible, even if not within the USL. According to information from Southern California Water Co., an area on the east side of the site is within its service area. However, that area should not be included in the USL, because development in that area would raise new habitat and visual concerns, and is contrary to the LOCAC's and the Planning Commission's recommendation for this property, which is to concentrate all development on the western side. 2) Development in accordance with the *Planning Commission-Recommended Plan*, although perhaps not to the maximum allowable density, is possible without expanding the USL.

**COMMENT:** Ned Rogoway: Supports the *Planning Commission-Recommended Plan* and the idea of preparing a site-specific Habitat Conservation Plan (HCP).

**RESPONSE:** Under the *Planning Commission-Recommended Plan*, landowners have the option of preparing a site-specific HCP as an alternative to participating in an approved Los Osos HCP.

**COMMENT:** Teresa McClish: The residential density on the Cuesta Inlet property should be increased to one dwelling unit per acre, consistent with the surrounding Residential Single Family category. [see letter from Teresa McClish dated September 27, 2004, including attachments]

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**RESPONSE:** The Planning Commission recommended retaining the existing Estero Area Plan's maximum development potential of one dwelling unit on this environmentally sensitive and constrained property, and did not find evidence to support an increased density. A mitigation measure in the EIR for the Estero update is to not increase density in this area of sensitive habitat.

**COMMENTS:** Mildred Denham and Mary Pendergast: The height limit for Block 27 in Cuesta-By-The-Sea in Los Osos (bounded by Pine Ave., Ramona Ave., Fearn Ave., and Mitchell Drive) should be 14 feet, as approved by the Board of Supervisors in 1984. There was no notification of a change to the height limit.

**RESPONSE:** To the best of staff's knowledge, the existing height limit of 28 feet on the inland side of Ramona Ave. has been in effect since the Local Coastal Program was adopted and certified in 1988 at noticed public hearings.

**COMMENTS:** Ron Kanzler and Louise Tucker: The Cayucos USL should be extended on the uphill side of Gilbert Avenue between Day and Chaney Avenues, where there are two existing structures (this would also involve extending the Cayucos Urban Reserve Line and changing the land use category from Rural Lands to Residential Single Family). [see correspondence from Ron Kanzler dated September 14, 2004, as well as maps and photos submitted at the October 5 hearing]

**RESPONSE:** It would not be appropriate to expand the Cayucos URL/USL to include five additional potential building sites in the Cayucos hillsides, or to rezone those sites from Rural Lands to Residential Single Family, especially at a time when there is a limited water supply to serve buildout within the existing URL and given the known, potential geologic hazards in this area. This request would be very controversial in the community, and has not been considered by the CCAC.

**COMMENT:** Carole Maurer, LOCAC: 1) In the future, reorganization of the plan should be considered; 2) All concept plans should be included in the area plan's appendix, labeled "draft," and dated. [see letter from Carole Maurer dated September 26, 2004]

**RESPONSE:** 1) Comment noted. 2) Subsequent correspondence from Carole Maurer states that the LOCAC did not recommend restoring the Central Business District Design Concept that was removed by the Planning Commission. **It would be appropriate to label the concept plans "draft,"** although there already is a prominent disclaimer about the conceptual nature of the plans on the first page of Appendix F. It would not be appropriate to date the concept plans, as they will be valid at the time the update is adopted.

**COMMENT:** Jeff Edwards: 1) The Los Osos USL should be expanded to include an approximately 65-acre property on the western fringe of the Los Osos urban area, as it is now within the service area of California Cities Water Company (see letter from Wayne Colmer dated October 4, 2004). 2) Clustering should not be required in "Area 2" of the Morro Sores Mixed Use Area (see Figure 7-59 on page 7-153 of the area plan).

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**RESPONSE:** 1) Staff has verified that this area is now within the service area of California Cities Water Company, and recommends that it be included in the USL, consistent with how other properties within the service area of a water purveyor are being treated in the area plan (an exception is a portion of the Pratt property above Cabrillo Estates; see the preceding response to comments by Beverley Pratt and William Walter). **A map showing the recommended USL is attached to this report.** 2) Development in this area should be clustered or concentrated in accordance with the recommendations of a biological report, because the Morro Shores Mixed Use Area is a large, undeveloped area that contains habitat for endangered species. Such habitat needs to be dealt with, but not to the same extent as properties on the periphery of the community, which are to be subject to more stringent habitat conservation measures.

**COMMENT:** Eric Greening: 1) How are the biological impacts of fuel modification areas (pages 7-12 and 13 in the area plan) dealt with? 2) Proposed standards for the Estero Marine Terminal do not apply within the Adelaida Planning Area (page 7-31 in the area plan)? 3) Why are creek setbacks so small in Cayucos [page 7-52] 4) How is public review afforded to "last-minute" changes to the Final EIR?

**RESPONSE:** 1) The area plan requires that where possible, development be designed so that fuelbreaks and fuel modification areas do not adversely impact sensitive habitat. The Final EIR for the area plan update discusses direct and indirect impacts to biological resources, and fuel modification areas would be included among the activities that contribute to those impacts. However, if your Board wishes, language can be added to the Final EIR to address the impacts of fuel modification areas on biological resources. 2) As part of the Estero update, an amendment is proposed to the Land Use Ordinance for the Adelaida Planning Area that would apply the same standards to the inland portion of Estero Marine Terminal property that are proposed within the coastal zone part of the property. 3) Creek setbacks within Cayucos are generally smaller than normally required by the Coastal Zone Land Use Ordinance to allow reasonable use of the many relatively small lots that abut the creeks. 4) Public comments on the Final EIR are considered by the Board of Supervisors up until certification of the document. Minor changes to the EIR for clarification that do not provide significant new information do not require recirculation of the EIR.

**COMMENT:** Julie Tacker: The Los Osos USL will expand to correspond to the URL, and expansion of the USL is needed for fire protection purposes east of South Bay Blvd.

**RESPONSE:** The USL does not necessarily expand to correspond with the URL; the extent of the USL depends upon existing and planned service capacities and community plans. The area east of South Bay Blvd. is not planned for full urban services that include community sewer service, as is typical for areas within a USL. However, the proposed area plan does include within the USL those areas that are within the service area of California Cities Water Co. While community water service would be desirable for fire protection purposes, extending the USL beyond these areas where community services are not planned could be premature.

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COMMENT: Linde Owen: 1) Traffic impacts of concentrating development in the central part of the community are not addressed. 2) Why is the zoning of the "Bonaire property" (on the south side of Los Osos Valley Road at South Bay Blvd.) being changed?

RESPONSE: 1) Traffic impacts are addressed in the Final EIR, which concludes that unavoidable adverse impacts would occur due to traffic on the rural part of South Bay Blvd., and with regard to emergency evacuation. All other impacts would be less than significant because of improvements proposed in the area plan and the *Los Osos Circulation Study*. 2) The land use category of the "Bonaire property" (Van Beurden) and adjacent property is proposed to be changed from Office and Professional (O/P) to Commercial Retail (CR) as a result of a formal property-owner request that was considered as part of the area plan update and recommended by the LOCAC. The request is appropriate for the following reasons: a) there has historically been little demand for the limited types of uses that are allowable within the O/P category, b) the CR category would allow a wider range of commercial uses within the central business district, where such uses are appropriate and could be compatible with surrounding development, and c) additional CR zoning is needed to serve the future population and reduce "leakage" of taxable sales to other communities.

COMMENT: Bob Semonsen. Sidewalk widths along 2<sup>nd</sup> Street in the Baywood commercial area should be less than what is proposed in the area plan in order to allow a six-foot wide sidewalk if there is four-foot wide parkway.

RESPONSE: Planning and Public Works staff could support this suggestion. **Standard D4 on page 7-130 and 131 could be revised as follows:**

**4. Sidewalks.** Sidewalks on 2nd Street shall be a minimum six feet wide, with a minimum four-foot wide parkway between curb and sidewalk. In all other areas of the Baywood Commercial area, sidewalks shall be a minimum four feet wide, with a minimum four-foot wide parkway between curb and sidewalk. Additional width may need to be provided to accommodate any street furniture that is proposed, so that for example, the minimum clear walking lane is no less than six feet on 2<sup>nd</sup> Street. These requirements for sidewalk or parkway width may be modified at the discretion of the review authority in consultation with the Department of Public Works through a Minor Use Permit (unless a Development Plan is otherwise required), based upon site-specific right-of-way and topographic constraints, and the ability to comply with the requirements of the Americans with Disabilities Act (ADA). Where feasible and where adequate right-of-way exists, sidewalks on 2<sup>nd</sup> Street shall provide a clear walking lane at least eight feet wide, not including any areas needed for street trees, street furniture, newspaper racks, and the curb. In all other areas, provide a clear walking lane at least four feet wide.

COMMENT: Bruce Gibson: A previous CCAC favored a provision in the area plan that would allow multi-family density to be increased from 10 to 15 dwelling units per acre in the event that supplemental water is obtained, without the need for a General Plan Amendment.

RESPONSE: See the response starting on the bottom of the first page of this memo, which includes language that would accomplish this.

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COMMENT: Mary Ann Carnegie: 1) The CCAC supports Recreation zoning on the bluff-top property adjacent to Cayucos Creek (Pollard), as it allows the owners more flexibility. 2) The CCAC supports a standard requiring a minimum lot size of 2,800 square feet and a minimum lot width of 40 feet in Cayucos in order to prevent circumvention of the Lot Consolidation Ordinance. 3) The expansion of the Cayucos URL/USL as requested by Ron Kanzler should be reviewed by the CCAC (see comments by Ron Kanzler and Louise Tucker on page 4 of this memo).

RESPONSE: 1) Staff recommends the Recreation land use category, with a limitation on uses (see response to comment by Carole Florence at the top of page 3 of this memo, and see also the staff-recommended limitation-on-use standard starting at the bottom of page 2 in the October 5, 2004 staff memo to your Board). 2) The Planning Commission concluded that existing Planning Department policy and procedures that apply the strictest possible interpretation of the Lot Consolidation Ordinance, as directed by your Board, are sufficient to prevent circumvention of that ordinance. In addition, staff will be working on an amendment to the Coastal Zone Land Use Ordinance to further implement the Board's policy direction. The CCAC's suggestion would place a burden on many owners of single, legal lots that are less than 2,800 square feet and narrower than 40 feet by requiring them to obtain approval of a Variance application in order to build. 3) See response to comments by Ron Kanzler and Louise Tucker on page 4 of this memo.

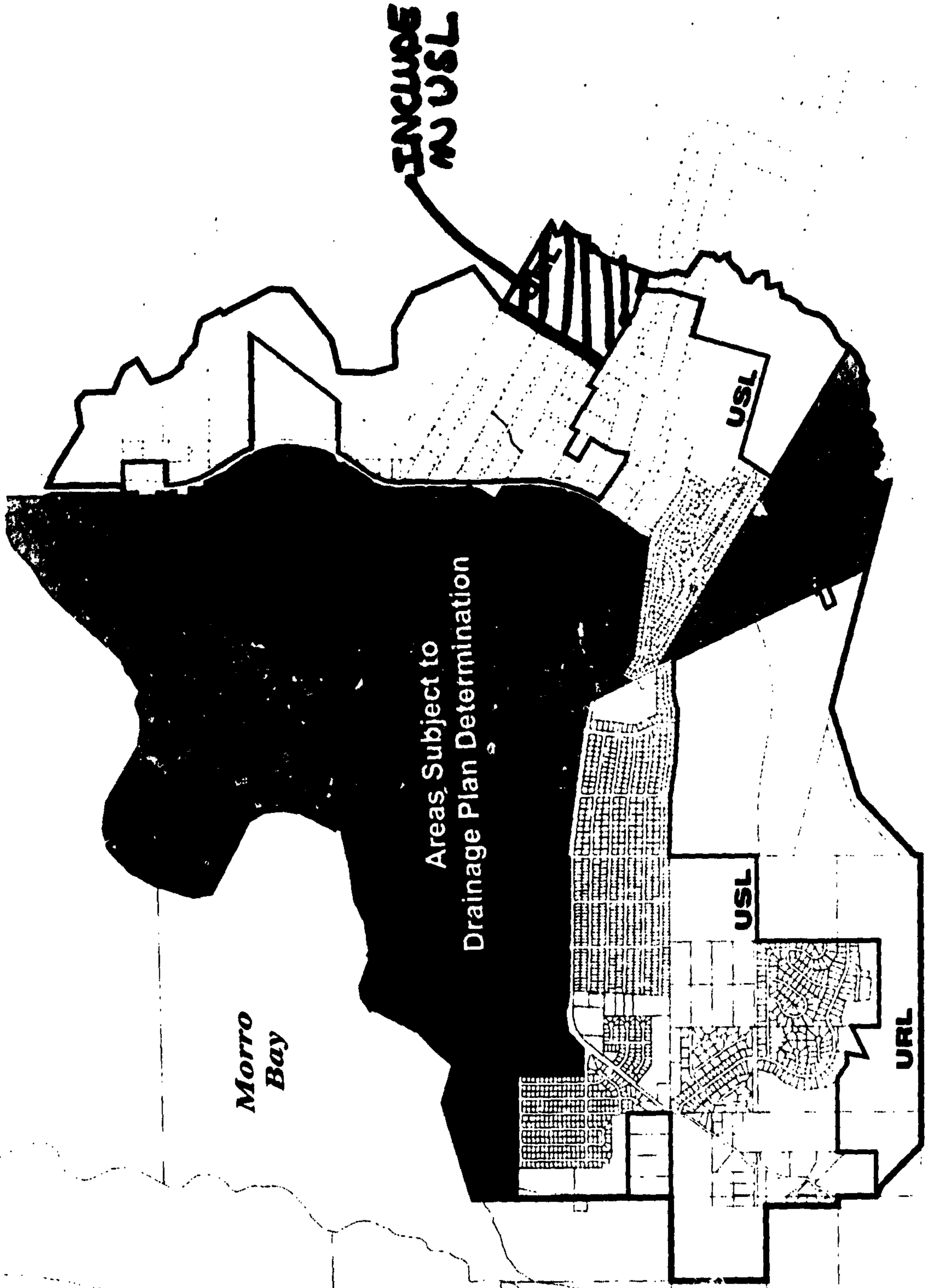
COMMENT: Rick Nyznyk: What are the criteria for the Los Osos Dune Sands Environmentally Sensitive Habitat (ESHA), which appears to be applied everywhere in Los Osos?

RESPONSE: The Los Osos Dune Sands ESHA applies to the area that is mapped in the area plan in Figure 7-47 on page 7-118 (also shown on Map M25A following Chapter 7); it generally applies to the periphery of Los Osos, not the entire community. The Dune Sands ESHA mapping is based on several criteria that were presented to the Planning Commission, including presence of special status species, high quality habitat, and large parcels, and location adjacent to preserved areas and habitat corridors, and other criteria.

COMMENT: Letter from Phil Gray dated September 27, 2004: The development guidelines for the South Bay Blvd. area in Los Osos (west of and adjacent to South Bay Blvd., opposite the Los Osos Middle School) should be deleted (see the italicized language on page 7-167 in the plan).

RESPONSE: Standards M1-4 and the guidelines for the South Bay Blvd. area *apply only in the event that the owner chooses to participate in the voluntary, community-based TDC program for Los Osos*, which could result in much more intensive development in this area than is otherwise allowable. The Planning Commission deleted from the plan all mapped TDC sending and receiving sites, but concluded that these standards and guidelines are appropriate in the event that additional density is transferred to this site. Furthermore, the guidelines are not mandatory.

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