



**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 April 4, 2014	CONTACT/PHONE Holly Phipps / 781-1162 / hhipps@co.slo.ca.us	APPLICANT Jeff and Susan Pickard	FILE NO. DRC2012-00092
EFFECTIVE DATE April 19, 2014			
SUBJECT A request by Jeff and Susan Pickard for a Minor Use Permit that will allow an as-built unpermitted guesthouse to achieve compliance with the County Land Use Ordinance (LUO) and remain on the property. To the achieve compliance, the current 858 square foot guesthouse will be reduced to 600 square feet of habitable space. Modification of the location standard of section 22.30.410 E.2. of Title 22, Land Use Ordinance, requires a guest house be located within 50 feet from the primary residence, is required. The applicant is requesting instead, to allow the as-built guesthouse to be located approximately 83 feet from the primary residence. The applicant has also requested a side setback adjustment from 30 feet to 10 feet. The proposed project is within the Residential Suburban land use category, on a 6.25 acre parcel, located on the east side of Salinas Drive (at 12805 Salinas Drive), approximately ½ mile south of the City of Atascadero. The site is in the Salinas planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2012-00092 on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption (ED13-157) was issued on February 13, 2014.			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 059-111-023	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: <i>Does the project meet applicable Planning Area Standards: Not applicable</i>			
LAND USE ORDINANCE STANDARDS: Section 22.30.410 E. Residential – Accessory Uses -Guesthouses and home offices. Section 22.30.470.C.1.a. Secondary Dwellings, Limitations on locations. <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on April 19, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Primary single-family residence, agricultural accessory structures, unpermitted guesthouse			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban / Residences <i>East:</i> Residential Suburban / Residences <i>South:</i> Residential Suburban / Residences <i>West:</i> Residential Suburban / 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: Public Works, Building Division, Regional Water Quality Control Board, and CAL FIRE	
TOPOGRAPHY: Gently sloping	VEGETATION: Ornamental landscape
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: December 19, 2013

DISCUSSION

PROJECT HISTORY:

December 11, 2012, a code enforcement case was opened that required an unpermitted guesthouse with full kitchen to be permitted in compliance with Title 22 Land Use Ordinance standards. The evaluation of the code enforcement case resulted in the requirement for this Minor Use Permit that mainly addresses the modification of the 50 foot maximum distance between a guesthouse and primary dwelling. In addition, to allow for full compliance with the guesthouse standards in the Land Use Ordinance, a decrease in square footage from the current 858 square feet down to the allowable 600 square feet of habitable space is required. The removal of the kitchen facilities and an adjustment to the side setback is also required.

PLANNING AREA STANDARDS:

Non-applicable

LAND USE ORDINANCE STANDARDS:

Section 22.30.410 E: Guesthouses and home offices

A guesthouse or home office (sleeping or home office facilities without indoor connection to the living area of a principle residence) may be established as a use accessory to a residence as follows:

1. **Limitation on use.** A guesthouse or home office:
 - a. May contain living area, a maximum of two bedrooms and one bathroom. The living area may include a wet bar, limited to a single sink and an under-the-counter refrigerator that are not located in a separate room;
 - b. Shall not be designed to contain or accommodate cooking or laundry facilities, and shall not be used for residential occupancy independent form the principal residence or as a dwelling unit for rental;
 - c. Shall not be allowed on any site containing a secondary dwelling established in compliance with Section 22.30.470;
 - d. In the Residential Multi-Family land use category, shall satisfy the residential density provisions of Section 22.10.130 (Multi-Family Dwellings); and
 - e. Shall not be provided an electric meter separate from the principal residence.

Staff Response: A guesthouse is a permitted use in the Residential Suburban land use category. A guesthouse and with a full size kitchen is prohibited as established with Section 22.30.410. Secondary dwellings not allowed south of an Urban Reserve Line when located with Residential Suburban land use category except when parcels have direct access to El Camino

Real. The parcel does not have direct access to El Camino Real therefore the applicant cannot have a secondary dwelling.

2. Location. A guesthouse shall not be located more than 50 feet from the principal residence, or as otherwise approved through Minor Use Permit, and shall not be located within any required setback.

Staff Response: As proposed, the guesthouse will be located approximately 83 feet from the primary residence. To construct a new guesthouse at a new location would require substantial site disturbance. The existing structure and proposed existing guesthouse meet the required setbacks from rear and front property lines as required in Section 22.10.140. The structure does not meet required 30 foot setback from the east side setback to property line. The applicant has requested a side setback adjustment from 30 feet to 10 feet.

Side Setback Adjustment

The applicant is requesting an adjustment to the side setback to allow the existing guesthouse to be located 10 feet from the property (east side) line. A smaller setback may be granted using an adjustment provided in Section 22.54.020.F. where mitigated practices are approved by the fire inspection authority.

CAL FIRE conducted an onsite review and has found the reduced setback acceptable. CAL FIRE will require reduction of vegetation between the structure and the property line, and will require that there is no storage of flammable or combustible materials between the structure and the property line.

Therefore, staff recommends approval of the Minor Use Permit to modify the standard to allow the guesthouse to be located approximately 83 feet from the primary residence and to allow an adjustment to the side setback to allow the existing guesthouse to be located 10 feet from the property (side) line.

3. Floor area limitation. The maximum floor area allowed for a guesthouse is 40 percent of the habitable floor area of the main residence, up to a maximum of 600 square feet.

Staff Response: The existing habitable floor area of the principal residence is 2,637 square feet. Forty percent of 2,637 square feet is 1,054 square feet. However, the maximum floor area allowed for a guesthouse is 600 square feet. The existing unpermitted guesthouse is approximately 858 square feet. The applicant is proposing to block out 258 square feet of habitable space and convert this space into storage that will be accessible from the exterior of the building thereby satisfying the maximum floor area requirement of 600 square feet for a guesthouse.

COMMUNITY ADVISORY GROUP COMMENTS:

The property is located within the Santa Margarita Area Advisory Council. No referral responses received.

AGENCY REVIEW:

Public Works – No concerns per referral response dated June 7, 2013;

CAL FIRE – Recommended conditions of approval- reduction of vegetation between the structure and the property line, and no storage of flammable or combustible materials between the structure and the property line will be allowed; referral response dated December 19, 2013;

Building Division – Project subject to construction permits prepared by California Licensed Architect of Record unless exempt, referral response dated September 20, 2013:

Regional Water Quality Control Board – No response was submitted.

LEGAL LOT STATUS:

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

Staff report prepared by Holly Phipps and reviewed by Bill Robeson.