



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

Tentative Notice of Action

MEETING DATE October 3, 2014	CONTACT/PHONE Schani Siong (805) 781-4374 ssiong@co.slo.ca.us	APPLICANT Lee and Alexandra Chamberlain	FILE NO. DRC2013-00104
EFFECTIVE DATE October 17, 2014			

SUBJECT
Hearing to consider a request by **Lee and Alexandra Chamberlain** for a Minor Use Permit to modify the 250 foot maximum distance standard for a secondary dwelling to the primary residence pursuant to County Land Use Ordinance Section 22.30.470(F). Due to steep topography and mature oak trees on-site, the 1,200 square foot secondary dwelling will be located approximately 1,100 feet from the primary single family residence on an approximately 29.73 acre parcel. The proposed project is within the Residential Rural land use category and is located at 1761 Horizon Lane, approximately 1.3 mile southwest of the Vineyard Drive and Santa Rita Road intersection and 1,000 feet south of the Templeton urban reserve line. The site is in the rural Salinas River sub area of the North County Planning Area.

RECOMMENDED ACTION
Approve Minor Use Permit DRC2013-00104 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION
A Class 3 Categorical Exemption was issued on September 8, 2014 (ED14-061)

LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION Not Applicable	ASSESSOR PARCEL NUMBER 039-261-014	SUPERVISOR DISTRICT(S): 1
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PLANNING AREA STANDARDS:
Does the project meet applicable Planning Area Standards: Not applicable

LAND USE ORDINANCE STANDARDS:
Section 22.06.030 – Table 2-2 Allowable Land Uses and Permit Requirements
Section 22.10.060 – Exterior Lighting
Section 22.10.090(C) – Height Limits
Section 22.10.130 – Residential Density
Section 22.30.470 – Residential Secondary Dwelling
Does the project conform to the Land Use Ordinance Standards: Yes - see discussion

FINAL ACTION
This tentative decision will become final action on the project, effective on the 15th day following the administrative hearing, or on October 17, 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:
Single-family Residence

SURROUNDING LAND USE CATEGORIES AND USES:
North: Residential Rural / Single Family Residence
East: Residential Rural / Single Family Residence
South: Residential Rural / Single Family Residence
West: Agriculture / Single Family Residence with Dry Grazing

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, Environmental Health, Cal Fire, Templeton Area Advisory Group	
TOPOGRAPHY: Moderate to steep slopes	VEGETATION: Oaks
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: August 27, 2014

DISCUSSION

The property is owned by Lee and Alexandra Chamberlain. The primary residence is 1940 square feet and is located on top of a hill at the south eastern part of the property. The parcel is approximately 29.73 acre and surrounded by parcels designated Residential Rural. Surrounding properties include single family residences, secondary residences, grazing, and dry farming. The site includes an existing residence, an attached garage, storage shed and a barn near the primary residence. The existing residence is built atop a hill surrounded by mature oak trees.

The primary residence was built in 1973. In 1975, the previous owners built a second home with its own 16 foot wide driveway off Santa Rita Road on the northwest area of the property. This residence was permitted and equipped with utilities, including a power pole, septic system and a concrete pad for propane. This secondary residence was used for 34 years and removed in late 2009, when the current owners bought the property.

The Chamberlains would like to build a secondary home and a new barn for their aging parents at the same location where the previous secondary had existed for 34 years. This previously disturbed, flat area will require no additional grading and no removal of trees. The applicants will improve the existing septic system to current standards. Due to the existing site topography and oak woodlands on the property, locating the secondary dwelling within 250 feet, as required by Section 22.30.470, will result in extensive grading on steep slopes and significant impacts to mature oak trees on the site. The location proposed for the secondary dwelling and the barn is within a clear, graded pad near an existing driveway in close proximity to the main access road, Santa Rita Road.

LAND USE ORDINANCE STANDARDS

Section 22.06.030 – Table 2-2 Allowable Land Uses and Permit Requirements

Residential Secondary Dwellings are allowed under Section 22.06.030 of the Land Use Ordinance on properties within the Residential Rural land use category.

Staff Response: The proposed development complies with this standard because it is an allowed use in the Residential Rural land use category.

Section 22.10.060 – Exterior Lighting

- A. **Illumination only.** Outdoor lighting shall be used for the purpose of illumination only, and shall not be designed for or used as an advertising display.
- B. **Light directed onto lot.** Light sources shall be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant.

- C. **Minimization of light intensity.** No light or glare shall be transmitted or reflected in a concentration or intensity that is detrimental or harmful to persons, or that interferes with the use of surrounding properties or streets.
- D. **Light sources to be shielded.**
1. Ground illuminated lights and elevated feature illumination.
- E. **Height of light fixtures.** Free-standing outdoor lighting fixtures shall not exceed the height of the tallest building on the site.

Staff Response: The proposed project is conditioned to meet this standard. At the time of construction permit application, the applicant shall provide details on any proposed exterior lighting.

Section 22.10.090(C) – Height Limits

The maximum height for new structures in the Residential Rural land use category is 35 feet, except where other height limits are established by planning area standards of Chapter 22.09 (Community Planning Standards).

Staff response: The proposed development complies with this standard. The proposed secondary dwelling is a single level house not exceeding 35 feet in height.

Section 22.10.130(A)(2) – Residential Density

In land use categories where Section 22.06.030 (Allowable Land Uses and Permit Requirements) identifies single family dwellings as permitted or conditional uses, the number of dwellings allowed on a single lot is as follows:

- 2. Residential land use categories:** One for each legal parcel, except as follows:
- d. *Secondary dwellings.* A secondary dwelling may be established in addition to the unit authorized by this Section, if allowed by Section 22.30.470 (Residential Secondary Dwellings).

Staff response: The property is within the Residential Rural land use category, which allows for one single family dwelling and one secondary dwelling. The property is one legal parcel and there is one single family residence located on the site.

Section 22.30.470- Residential Secondary Dwellings

A second permanent dwelling may be allowed in addition to the first dwelling on a site, provided the site and the existing primary dwelling comply with all other applicable provisions of this Title.

The following describes the project's compliance with applicable with subsections:

B. Limitation on use.

1. **Accessory unit only.** A secondary dwelling shall be accessory to a primary dwelling and shall not be established on any site containing a guesthouse or more than one dwelling unit, except where a guesthouse is proposed to be converted to a secondary unit in compliance with this Section.

Staff response: The project complies with this standard. The proposed secondary dwelling will be accessory to the primary dwelling and the site does not contain a guesthouse.

2. **Occupancy of primary and secondary units restricted.** No secondary dwelling shall be approved in compliance with this Section unless an owner of the site agrees to occupy one unit on the site as his or her primary residence. Prior to final building inspection, the applicant for a secondary unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the County in compliance with Section 22.10.

Staff response: The project will be conditioned to comply with this standard. The applicant (owners of the site) is occupying the existing single family residence as their primary residence and will continue to reside at their primary residence after the completion of the secondary dwelling.

E. Minimum site area. A secondary dwelling may be allowed only on sites with the following minimum areas:

1. One acre (net) where on-site water supply and sewage disposal systems are proposed on an existing parcel, provided that all applicable requirements for separation between the existing septic system, new septic system for the secondary dwelling and any on-site and off-site water wells are satisfied, as well as all other applicable provisions of Title 19 of this Code for septic system design and performance.

Staff Response: The project complies with this standard. The property is approximately 29.73 acres with on-site water supply and an existing sewage disposal system. The proposed secondary dwelling will be subject to all applicable provisions of Title 19 (Building Code) for septic system design and performance, which includes adequate separation between the existing and proposed septic system for the secondary dwelling.

F. Design Standards.

1. The following apply to all land use categories where secondary dwellings are allowed.

SIZE OF LOT	MAXIMUM SIZE OF UNIT(1)	TYPE OF ROAD SURFACE(2)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sq. ft. - 1 acre	800 square feet	Paved	50 feet
> 1 acre - 2 acres	800 square feet	Chip seal(3)	50 feet
> 2 acres	1,200 square feet	Chip seal(3)	250 feet

Staff Response: The project seeks modification to the maximum distance (250 feet) from the primary unit, as shown highlighted above. The location proposed for the secondary dwelling is within a clear, flat pad located with an existing driveway off the main access road, approximately 1,100 feet away from the main house. The proposed location will negate the need for extensive site disturbance and grading needed because the existing primary home is nestled amongst mature oak trees at a hilltop. The proposed secondary dwelling unit is 1,198 square feet and complies with the maximum size allowable.

- 2. Driveways.** The driveways serving the primary and secondary dwelling shall be combined where possible.

Staff Response: The project complies with this standard. The proposed secondary residence will be located at the end of an existing driveway off the main access road to the primary residence.

- 3. Exceptions to design standards.** The maximum distance from the primary unit may be modified only where the Review Authority first finds the following:

- a. Locating the secondary dwelling within the distance as set forth in Subsection F.1. would necessitate the removal of, or impact to, any of the following:
 - i. Existing improvements, such as swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.
 - ii. Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.
 - iii. Significant topographic features (steep slopes, ridgelines, bluffs), water courses, wetlands, lakes or ponds, or rocky outcrops.
 - iv. Archeological resources

Staff Response: The project complies with this standard. The existing residence is built atop a hill surrounded by mature oak trees. All other site improvements; the attached garage and an existing barn are located in close proximity to the existing residence. Due to the existing configuration, locating the secondary dwelling within the maximum allowable 250 feet will require extensive grading on steep slopes and removal of trees. The location proposed for the secondary dwelling is on a clear, graded pad located near an existing driveway off the main access road, approximately 1,100 feet away from the main house and will result in no grading nor impacts to the trees.

- 4. Parking.** A secondary dwelling shall be provided one off-street parking space per bedroom to a maximum of two spaces, in addition to those required for the primary residence per Chapter 22.18 (Required Parking Spaces - Residential Uses). The parking space shall be located, designed and constructed in compliance with Chapter 22.18.

Staff Response: The proposed project complies with this standard because it is located on a 29.73 acre site with adequate space for additional on-site parking. The project is conditioned to show the location of these parking spaces on a revised site plan.

- 5. Garage / Workshop.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling. Where the secondary dwelling is constructed on the second floor of the primary dwelling's detached garage, no additional attached or detached garage / workshop shall be permitted.

Staff Response: The project complies with this standard because it does include a new barn for tractor equipment storage. The proposed barn is approximately 500 square feet and complies with the allowable area.

COMMUNITY ADVISORY COUNCIL

The Templeton Area Advisory Group unanimously supported the project on August 21, 2014 and the following comments were received:

1. An asphalt apron should be added to the base of the driveway connecting to Santa Rita Road;
2. The secondary residence and barn should use the approved color palate to blend in with the natural surroundings and be shielded from view of Santa Rita Road using native, drought tolerant landscaping;
3. Any outside lighting should be consistent with the Templeton Community Design Plan (TCDP) including down-casted and shielded from light trespass beyond the site. Any security lighting must be on timers and turn off in a short, reasonable time.

Staff Response: The project is conditioned to include the driveway apron and meet the color palate and lighting standards of the Templeton Community Design Plan.

AGENCY REVIEW

Public Works – No concerns. (June 20, 2014)

Building Division – The following comments were received:

1. The project is subject to a construction permit (for each structure) as well as the newly adopted 2013 California Codes.
2. It may be necessary for you to employ the services of a California registered architect or engineer for the design of portions of the project that do not meet "conventional construction" as defined by our current building code.
3. The project will require a full soils report for the design of all building foundations at the time of construction permit application submittal.
4. The project is subject to the California State Title 24 energy laws.
5. Whether or not a grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.
6. A fire sprinkler system will be required for the secondary dwelling.

Cal Fire – Supports the request for a distance waiver. (June 19, 2014)

Environmental Health Department – No concerns. (July 23, 2014)

LEGAL LOT STATUS

The one existing parcel was legally created by a recorded map, Parcel Map CO-71-16, Parcel #C (Book 10, Page 28 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Schani Siong and reviewed by Airlin Singewald.