



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

SUBDIVISION REVIEW BOARD

Promoting the wise use of land

Helping build great communities

MEETING DATE December 1, 2014	CONTACT/PHONE Rob Fitzroy 781-5600	APPLICANT / AGENT Fred Kerr / Craig Smith	FILE NO. DRC2014-00025
SUBJECT Hearing to consider a request by FRED KERR (DRC2014-00025) for a conditional use permit to: 1) amend development plan D000195D/ S000136L/COAL00-0292 to shift a designated building envelope by approximately 30 feet to the east, and 2) allow the development of a 1,564 square foot garage and guesthouse within the adjusted building envelope pursuant to Title 22 Section 22.30.410. The existing building envelope was established by the original development plan (D000195D) and included as a condition of approval of the lot line adjustment (as approved by the Subdivision Review Board at that time). The new building envelope will not increase the development potential of the site. The proposed 1,564 square foot structure includes a 1,142 square foot garage and 422 square foot guesthouse, and will be located adjacent to the existing single family residence. The proposed project is within the Rural Lands land use category and is located at 9250 North Forty Road, west of the village of Garden Farms. The project site is in the Salinas River Sub Area of the North County Planning Area.			
RECOMMENDED ACTION Approve DRC2014-00025 to adjust the existing development envelope and to construct a 1,564 square foot garage based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator found that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA for this project.			
LAND USE CATEGORY Rural Lands	COMBINING DESIGNATION N/A	ASSESSOR PARCEL NUMBER 070-112-017	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: N/A			
LAND USE ORDINANCE STANDARDS: 22.30.410 - Residential Accessory Uses, 22.10.140 - Setbacks Residential Uses, 22.10.090 - Height Measurement and Height Limit			
EXISTING USES: Single family residence.			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Rural Lands / Single Family Residence <i>East:</i> Rural Lands / Single Family Residence <i>South:</i> Rural Lands / Single Family Residence <i>West:</i> Rural Lands / Single Family Residence			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Santa Margarita Area Advisory Council, Public Works, Environmental Health, Building Division, and CalFire.			
TOPOGRAPHY: Flat / Gently sloping		VEGETATION: Annual grasses, landscaping	
PROPOSED SERVICES: Water supply: Existing on-site well Sewage Disposal: Existing on-site septic system Fire Protection: CalFire		ACCEPTANCE DATE: September 3, 2014	
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			

BACKGROUND:

A lot line adjustment affecting 36 parcels, including the subject parcel, was approved by the Subdivision Review Board in 2001 (COAL00-0292 / S000136L). A development plan was also approved with that action D000195D that established development envelopes for each of the parcels. A single family residence was constructed on the subject parcel (Parcel 17) within the approved development envelope in 2006. This request would allow the amendment of the original development agreement to adjust the development envelope

PROJECT DESCRIPTION:

The proposed project would adjust the existing development envelope by moving the envelope approximately 30 feet to the east. The project includes construction of a 1,564 square foot garage with guestroom to be located within the adjusted development envelope. The size of the development envelope would not change. The adjustment is being requested so that the proposed garage and guesthouse can be located near the existing garage and driveway. The new proposed 1,564 square foot structure would include a 1,142 square foot garage and 422 square foot guestroom, and would be located approximately 20 feet from the existing single family residence.

ORDINANCE COMPLIANCE:

22.30.410 - Residential - Accessory Uses

C. Garages. A detached accessory garage may occupy not more than 1,000 square feet per dwelling unit, unless authorized by Minor Use Permit (or in this case a Conditional Use Permit). The size of an accessory garage attached by a common wall to a dwelling is not limited, except as may be required by the Uniform Building Code. Workshop or storage space within a garage is included in determining conformance with this standard.

E. Guesthouses and home offices. A guesthouse or home office (sleeping or home office facilities without indoor connection to the living area of a principal 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-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 from 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.
2. Location. A guesthouse shall not be located more than 50 feet from the principal residence, or as otherwise approved through a Minor Use Permit, and shall not be located within any required setback area (see Section 22.10.140 - Setbacks).
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 COMMENTS: The proposed project is consistent with Section 22.30.410. The proposed garage is 1,142 square feet, which exceeds the 1,000 square foot requirement. However, as specified in the ordinance, the project has requested a use permit to construct the garage in excess of 1,000 square feet and therefore the project complies with this section of the ordinance. Guesthouses are an allowed use and the proposed guesthouse would not exceed 600 square feet (the proposed guesthouse is 422 square feet). The proposed guesthouse would be located within 50 feet of the primary residence (the proposed guesthouse is 20 feet of the primary residence).

22.10.140 - Setbacks Residential uses.

This section of the ordinance requires a front yard setback of 25 feet and a side yard setback of 30 feet.

STAFF COMMENTS: The proposed project is consistent with Section 22.10.140 and meets applicable setback requirements. The proposed front yard setback is 70 feet and the side yard setback is 45 feet.

22.10.090 - Height Measurement and Height Limit

This section of the ordinance requires a maximum height of 35 feet.

STAFF COMMENTS: The proposed project is consistent with Section 22.10.090. The proposed height of the structure is 15 feet 8 inches.

COMMUNITY ADVISORY GROUP COMMENTS:
Santa Margarita Area Advisory Council – None received.

AGENCY REVIEW:
Public Works – No concerns as submitted.
Environmental Health – No concerns as submitted.
Building Division – None received. CalFire – No concerns as submitted.

LEGAL LOT STATUS:

The subject lot is a legal lot recognized and reconfigured by COAL00-0292/S000136L.

Staff report prepared by Rob Fitzroy and reviewed by Steve McMasters and Terry Wahler.

ATTACHMENTS:
Exhibit A – Findings
Exhibit B – Conditions
Exhibit C – Graphics