



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

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Tentative Notice of Action

MEETING DATE March 20, 2015 LOCAL EFFECTIVE DATE April 3, 2015	CONTACT/PHONE Megan Martin, Project Planner (805) 781-4163 mamartin@co.slo.ca.us	APPLICANT Mary A. Wunder	FILE NO. DRC2014-00059
SUBJECT Hearing to consider a request by Mary A. Wunder for a Minor Use Permit to construct a new 763 square foot single story secondary dwelling unit and to modify the 50 foot maximum distance standard for a secondary dwelling to the primary residence pursuant to County Land Use Ordinance Section 22.30.470(F). The project consists of an approximately 1 acre lot located within the Residential Suburban land use category at 1446 La Loma Drive, approximately 0.5 miles northeast of the intersection of S. Las Flores Drive and S. Tefft Street within the Community of Nipomo. The project site is located in the South County Sub Area of the South County Planning Area and within the Nipomo urban reserve line.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00059 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 February 2, 2015 (ED14-165).			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION Not applicable	ASSESSOR PARCEL NUMBER 092-447-016	SUPERVISOR DISTRICT(S): 4
PLANNING AREA STANDARDS: None applicable <i>Does the project meet applicable Planning Area Standards:</i> 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 <i>Does the project conform to the Land Use Ordinance Standards:</i> 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 April 3, 2015, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
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			

EXISTING USES: Single Family Residence with attached garage; detached shop building; driveways	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban / Residences and community drainage basin <i>East:</i> Residential Suburban / Residences <i>South:</i> Residential Suburban / Residences <i>West:</i> Residential Suburban / Residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Environmental Health, Cal Fire, and the South County Advisory Council.	
TOPOGRAPHY: Relatively flat	VEGETATION: Ornamental landscaping; mature oak trees, walnut tree
PROPOSED SERVICES: Water supply: Nipomo Community Services District Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: January 2, 2015

DISCUSSION

The property owner would like to construct a secondary dwelling in accordance with Section 22.30.470 of the Land Use ordinance. The 0.95 acre site is located at 1446 La Loma Drive in the community of Nipomo and contains an existing 2,092 square foot residence with attached garage and a 520 square foot metal shop/storage building.

Figure 1 – Project Site



The proposed 763 square foot secondary unit is located behind the existing residence along the southerly property line in an area of sparse vegetation. Vehicular access to La Loma Drive would be provided by a new paved driveway along the southerly property line. Off-street parking is provided for two vehicles next to the new dwelling. The second unit would also have a separate drainage basin to collect runoff from the building, and a new septic system.

Section 22.30.470(F) sets forth design standards for the maximum floor area, required road surface and maximum distance from the primary unit for a secondary dwelling. For a 0.95 acre parcel, the secondary unit must be located within 50 feet of the primary unit. Section 22.30.470(F)(4)(a) authorizes the review authority to approve an increase the maximum distance between the existing dwelling and the secondary dwelling when adherence to the required setback would result in the removal of, or impact to, sensitive or significant vegetation such as native trees or shrubs, or visually prominent trees.

As shown in Figure 1, the property supports several mature trees including a stand of oaks along the southerly property line. Two oak trees and a large walnut tree are located just west of the existing dwelling and within the 50 foot maximum separation area. Therefore, strict adherence to the 50 foot limitation will require the removal of one or more existing large trees, including one or more large oak trees. The proposed location of 70 feet from the primary residence allows for the placement of the driveway, the new septic system, drainage basin and the dwelling where all of the existing trees can be preserved.

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 Suburban land use category.

Staff Response: The proposed development complies with this standard because it is an allowed use in the Residential Suburban 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 comply with 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 Suburban 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 proposed project complies with these standards. The property is within the Residential Suburban 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:

3. One acre (gross) where community water and on-site sewage disposal are proposed on an existing parcel, provided that all applicable provisions of Title 19 of this Code for septic system design and performance are satisfied.

Staff Response: The project complies with this standard. The property is approximately 1 acre with community water supply (Nipomo CSD) and an on-site sewage disposal system. A separate septic system is proposed for the secondary dwelling which 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. The application includes a percolation test demonstrating the feasibility of the proposed septic system.

F. Design Standards.

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

SIZE OF LOT	MAXIMUM SIZE OF UNIT	TYPE OF ROAD SURFACE	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	50 feet
>2 acres	1,200 square feet	Chip seal	250 feet

Staff Response: The project seeks modification to the maximum distance (50 feet) from the primary unit, as highlighted above. The location proposed for the secondary dwelling is within a clear, flat area, approximately 75 feet from the main house. The proposed location will negate the need for the removal of existing oak trees and allow the required separation between the existing and proposed septic systems. The proposed secondary dwelling unit is 763 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 site is served by three driveways to La Loma Drive. The drive proposed to the secondary dwelling branches from the main driveway serving the primary dwelling. The existing shop blocks vehicular access to the rear of the site from the other

driveway. The proposed secondary residence will be located at the end of a new driveway off the main driveway accessing the primary residence. The project complies with this standard.

- 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 developable portion of the site within 50 feet of the existing residence contains several mature oak trees and a large walnut tree. The proposed secondary dwelling will be located approximately 75 feet from the main dwelling on a flat area with sparse vegetation. The proposed location will enable the construction of the driveway, dwelling, drainage basin and septic system without the removal of existing oak 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. Two off-street spaces are proposed for the secondary dwelling, and the existing dwelling is served by a two-car garage.

- 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 not include a new garage or workshop.

AGENCY REVIEW

Public Works -- No concerns (December 18, 2014)

Building Division – The following comments were received and have been included in Exhibit B – Conditions of Approval:

1. The project is subject to a construction permit as well as the currently adopted 2013 California Codes.
2. Whether or not a grading permit is required, the project shall conform to the “National Pollutant Discharge Elimination System” storm water management program regulations.

Cal Fire – “SLO County Fire has no significant concerns with the distance modifications. A fire plan will be completed with the building permit.” (Tony Gomes, February 20, 2015)

Environmental Health Department – No response.

LEGAL LOT STATUS:

The parcel was legally created by Tract 451.

Staff Report prepared by Megan Martin and reviewed by Ryan Hostetter and Steve McMasters.