



**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*

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| MEETING DATE February 5, 2016 EFFECTIVE DATE February 20, 2015 | CONTACT/PHONE Brandi Cummings, Project Manager (805) 781-1006 bcummings@co.slo.ca.us | APPLICANT Sam Robinson | FILE NO. DRC2015-00048 |
| SUBJECT A request by SAM ROBINSON for a Minor Use Permit to (DRC2015-00048) allow construction of a new 1,200 square-foot secondary dwelling with a 600 square-foot attached garage and 208 square-foot deck, and to modify the 250 foot maximum distance standard for a secondary dwelling to the primary residence. The project will result in the permanent disturbance of approximately 2,400 square-feet on a 2.89 acre parcel. The proposed project is within the Residential Suburban land use category and is located at 2890 Kip Lane, approximately 550 feet from the Kip Lane and Highway 1 intersection, in the village of Palo Mesa. The site is in the South County Sub Area of the South County Planning Area. | | | |
| RECOMMENDED ACTION Approve Minor Use Permit DRC2015-00048 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 December 10, 2015 (ED15-111). | | | |
| LAND USE CATEGORY Residential Suburban | COMBINING DESIGNATION N/A | ASSESSOR PARCEL NUMBER 075-281-007 | SUPERVISOR DISTRICT(S) 4 |
| PLANNING AREA STANDARDS: South County Sub-area, Edge of Nipomo Mesa, Paso Mesa Drainage Plan Requirements, Drainage <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i> | | | |
| LAND USE ORDINANCE STANDARDS: Exterior Lighting, Height Measurement and Height Limit Exceptions, Residential Density, Setbacks, Underground Utilities, Secondary Dwellings <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 February 20, 2016, 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 dwelling, vineyards | | | |
| SURROUNDING LAND USE CATEGORIES AND USES: <i>North: Residential Suburban/residences East: Residential Suburban/residences</i> <i>South: Residential Suburban/residences West: Agriculture/irrigated crops</i> | | | |
| 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 | | | |

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| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire, South County Advisory Council | |
| TOPOGRAPHY: Nearly level to steeply sloping | VEGETATION: Ornamental, vineyards, eucalyptus |
| PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire | ACCEPTANCE DATE: November 14, 2015 |

DISCUSSION

PLANNING AREA STANDARDS

South County Sub-Area

Groundwater Recharge Areas. New development shall be located to preserve existing natural drainage areas and aquifer recharge areas and shall incorporate natural drainage systems in new developments to aid in groundwater recharge.

Staff comments: The proposed project complies with this standard as the project is conditioned to submit a drainage plan at time of construction permit application to be reviewed by Public Works.

Edge of Nipomo Mesa. A drainage plan is required and shall identify the point of change to 15 percent slope, in addition to other required drainage plan contents. The plan shall address drainage requirements, erosion concerns, and septic effluent issues.

Staff comments: The proposed project is located on the edge of the Nipomo Mesa and is in the "Bluff Top" drainage review area. The project is conditioned to submit a drainage plan at time of construction permit application. Additionally the construction permit plans will be reviewed by the Department's Environmental Specialist to determine compliance with any septic effluent issues.

Drainage. Development in areas that are found to potentially drain to the edge of the buff shall be designed so that runoff will be contained by natural-appearing retention/recharge basins capable of accommodating a 100-year storm.

Staff comments: The proposed project complies with this standard as the project is conditioned to submit a drainage plan at time of construction permit application to be reviewed by Public Works.

Palo Mesa Village Standards

Drainage Plan Requirement. All land use permit applications shall require drainage plan approval unless the County Engineer determines that the individual project site is not subject to or will not create drainage problems.

Staff comments: The proposed project complies with this standard as the project is conditioned to submit a drainage plan at time of construction permit application to be reviewed by Public Works.

Residential Suburban. Residential properties shall gain access to Highway 1 by way of local streets wherever possible.

Staff comments: The proposed project accesses Highway 1 via Kip Lane, a local street that accesses Highway 1.

LAND USE ORDINANCE STANDARDS

Section 22.10.060: Exterior Lighting

All lighting fixtures, including security lighting, shall be aimed and shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Staff comments: The proposed project is conditioned to comply with this project at the time of application for construction permits.

Section 22.10.090: Height Measurement and Height Limit Exceptions

The maximum allowed height is 35 feet above average natural grade.

Staff comments: The proposed residence is 18 feet and therefore complies with this standard.

Section 22.10.130: Residential Density

The number of dwelling units that may be established on a site is based upon the land use category applied to the site. In Residential land use categories, one primary single-family dwelling for each legal parcel is allowed, and a secondary dwelling may be established in addition to the primary, if authorized by Section 22.30.470.

Staff comments: A secondary dwelling is authorized by this section and Section 22.30.470.

Section 22.10.140: Setbacks

The required front setback for this site is 25 feet. The required side setbacks are 30 feet each, and the required rear setback is 30 feet.

Staff comments: The proposed project is setback 40 feet in the front, 50 feet on the right, 30 feet in the rear, and more than 700 feet from the left property line.

Section 22.10.160: Underground Utilities

Utilities serving new structures shall be installed underground rather than by use of poles and overhead lines.

Staff comments: The proposed project is conditioned to comply with this standard.

Section 22.30.470: 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 subsections:

B. Limitations 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 (Section 22.30.410) 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 comments: The project complies with this standard. The site is developed with one single family home and 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 second 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 Chapter 22.10.

Staff comments: The project is conditioned to comply with this standard.

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

2. 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 comments: The project complies with this standard. During building permit review, the proposed residence and septic system will be required to meet all applicable provisions of Title 19 for septic system design and performance, which includes adequate separation between the existing and proposed septic systems and water wells.

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 comments: The subject parcel is approximately 2.89 acres and is therefore allowed a secondary dwelling up to 1,200 square feet in size, subject to a 250-foot maximum separation requirement from the primary residence. The applicant is requesting an adjustment to the 250 foot distance standard and is proposing to locate the new residence approximately 314 feet from the existing residence. Locating the existing

residence within the 250 feet of the main house would require the removal of vineyards and/or could potentially impact the onsite eucalyptus trees.

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

Staff comments: The proposed access to the new secondary dwelling does not utilize the same driveway as the primary dwelling. The primary dwelling gains access off the terminus of Kip Lane, near the center of the left property line. The secondary dwelling is proposing access from the front boundary of the property, off a private easement that also serves the parcel next door. Additionally, there is an existing driveway and gate entrance already constructed at this location, which the secondary dwelling proposes to use. Given the design of the project and the existing improvements, it is not reasonable to share a single driveway.

3. **Within urban and village reserve lines:**

- a. The secondary dwelling shall employ a design style compatible with the primary dwelling.
- b. No more than 50 percent of the site shall be covered by structures.

Staff comments: The project is within the Palo Mesa Village Reserve Line (VRL). The project complies with this project as less than 50% of the site will be covered by structures, and the proposed design for the secondary dwelling is similar to, and compatible with the primary dwelling and other residences in the area.

4. **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 comments: The applicant is requesting an adjustment to the 250 foot distance standard and is proposing to locate the new residence approximately 314 feet from the existing residence. Locating the existing residence within the 250 feet of the main house would require the removal of vineyards and/or could potentially impact the onsite eucalyptus trees.

5. **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 comments: The proposed project complies with this standard because it will include a new two-car garage.

COMMUNITY ADVISORY GROUP COMMENTS

The South County Advisory Council heard this project at their November 23, 2015 meeting. The Council continued the application until their January meeting. At the time of writing this staff report, the Council had not reconvened to form a recommendation on this project.

AGENCY REVIEW

Public Works – Per attached response (Tomlinson, October 23, 2015), applicant is subject to the South County Area 1 road fee. The project will need to submit a drainage plan for review at time of construction permit application.

Building Division – Per attached referral response (Stoker, October 22, 2015), project is required to comply with all applicable building codes.

Cal Fire – See attached Fire Safety Plan (Craig, October 26, 2015).

LEGAL LOT STATUS

The one existing lot is Parcel A of Parcel Map COAL83-028.

Staff report prepared by Brandi Cummings and reviewed by Airlin Singewald.