



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

**Tentative Notice of Action**

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MEETING DATE August 5, 2016	CONTACT/PHONE Cody Scheel, Project Planner (805) 781-5157 cscheel@co.slo.ca.us	APPLICANT Casey & Lynn McLean	FILE NO. DRC2015-00124
EFFECTIVE DATE August 20, 2016			
SUBJECT A request by <b>CASEY &amp; LYNN MCLEAN</b> for a Minor Use Permit (DRC2015-00124) to allow an as-built guesthouse above an existing garage to be located more than 50 feet from a permitted primary residence. The proposed project is located approximately 115 feet from the principal residence in the Agriculture land use category and is located at 4890 Ranchita Vista Way, approximately 1.5 miles northwest of the intersection of Ranchita Canyon Road and Ranchita Vista Way, approximately 8.5 miles northeast of the community of San Miguel. The site is in the El Pomar-Estrella Sub Area of the North County planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2015-00124 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 August 5, 2016 (ED15-318).			
LAND USE CATEGORY: Agriculture	COMBINING DESIGNATION N/A	ASSESSOR PARCEL NUMBER 019-011-046	SUPERVISOR DISTRICT 1
PLANNING AREA STANDARDS: Section 22.94.025.F.2 – Water Offset Requirements (Paso Robles Groundwater Basin) <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS: Section 22.30.410.E. Guesthouses and home offices <i>Does the project conform to the Land Use Ordinance Standards: Yes – see discussion</i>			
EXISTING USES: Single family residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North: Monterey County / undeveloped</i> <i>South: Agriculture / residences</i> <i>East: Agriculture / residences</i> <i>West: Agriculture / residences</i>			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire, & San Miguel Advisory Council			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on August 20, 2016 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			

TOPOGRAPHY: Nearly level to moderately sloping	VEGETATION: Grasses, oaks, shrubs
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: On-site septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: May 24, 2016

**DISCUSSION**

PROJECT HISTORY

The project resulted from a complaint to County Code Enforcement regarding the use of a separate structure as a Bed and Breakfast without the necessary permits. The evaluation of the complaint resulted in the requirement for this Minor Use Permit that addresses the as-built guest house and the waiver of the requirement that a guesthouse be located within 50 feet of the principal residence. The proposed project will not result in any site disturbance since the existing as-built guesthouse is located on top of an existing permitted detached garage.

NORTH COUNTY PLANNING AREA STANDARDS

**Section 22.94.025.F.2 – Water Offset Requirements (Paso Robles Groundwater Basin)**

The project is located within the Paso Robles Ground Water Basin. Per Resolution 2015-288 new water demands shall be offset at a ratio of 2:1 through participation in water conservation programs. Prior to final building permit approval, the applicant will have to provide water calculations to the Planning Department to determine if any water off-sets are required.

*Staff Response: The project has been conditioned to meet this requirement. The proposed project is to permit an existing as-built guesthouse which includes one bathroom, and is an accessory use to the existing residence. Therefore, it is not anticipated that the proposed project will have a significant effect on the environment.*

LAND USE ORDINANCE STANDARDS:

**Section 22.30.410.E – Guesthouses and home offices (Residential Accessory Uses):**

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:

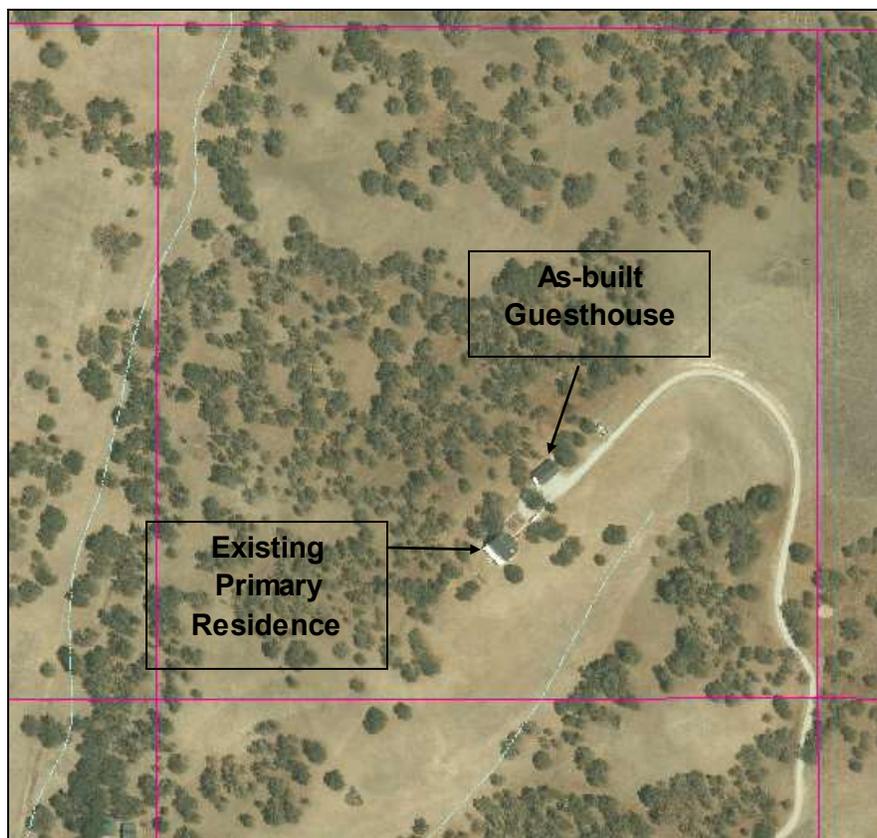
1. Limitation on use. A guesthouse or home office:
  - a. May contain living area, a maximum of two bedrooms and one bathroom. The living area may include a wet bar, limited to a single sink and an under-counter refrigerator that are not located in a separate room;

- 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.

*Staff Response: The proposed as-built guest house complies with all these requirements.*

- 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.

*Staff Response: Guesthouses are allowed in the Agriculture land use category and the applicant is requesting approval of a Minor Use Permit, consistent with the requirements of this standard. The proposed as-built guest house is located on top of an existing permitted garage and therefore will not require any site disturbance.*



*The purpose of the 50 foot standard is to ensure allowed residential density is clustered together on agricultural lands. Wide separations between residential uses will affect agricultural viability of the parcel. However, in this case, the exiting garage and guesthouse are in the same envelope as the primary dwelling (see residence, garage, driveway and parking area in photo above). To situate the proposed guesthouse in other locations would require additional site*

*disturbance, and could possibly diminish the utility of future agricultural uses. Therefore, staff can support this Minor Use Permit to modify the standard to allow the existing as-built guesthouse to be located approximately 115 feet from the principal residence.*

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 project complies with standard because the proposed as-built guest house floor area is approximately 540 square feet.*

COMMUNITY ADVISORY GROUP COMMENTS:

No comments received.

AGENCY REVIEW:

**Public Works** – No concerns, per referral response dated May 9, 2016.

**Building Division** – The project shall comply with applicable building codes, per referral dated May 10, 2016

**Cal Fire** – No comments received.

LEGAL LOT STATUS:

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

Staff report prepared by Cody Scheel and reviewed by James Caruso.