



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

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Tentative Notice of Action

MEETING DATE November 1st, 2019	CONTACT/PHONE Melina Smith Project Manager (805) 781 – 1006 mmsmith@co.slo.ca.us	APPLICANT Larry Freeman	FILE NO. DRC2019-00181
EFFECTIVE DATE November 15th, 2019			
SUBJECT A request by Larry Freeman for a Minor Use Permit (DRC2019-00181) to allow for a distance waiver request to allow for the construction of a 600-square-foot guesthouse and a 1,405-square-foot attached garage/workshop located 120 feet from the primary residence. The proposed project will result in the disturbance of approximately 2,005 square feet on a 26-acre parcel. The project is within the Rural Lands land use category and is located at 11130 Nacimiento Lake Drive, in the community of Bradley. The project is within the Nacimiento Sub Area of the North County Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2019-00181 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption (ED#) was issued on August 28, 2019.			
LAND USE CATEGORY Rural Lands	COMBINING DESIGNATION Sensitive Resource Area (portion of the property is located within this area)	ASSESSOR PARCEL NUMBER 080-041-020	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: 22.94.070 - Nacimiento Sub-area <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: 22.30.410 – Residential – Accessory Uses 22.30.470 – Exceptions to Design Standards <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 on November 1 st , 2019, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: <i>Residence</i>			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North: Rural Lands/Residence East: Rural Lands/Vacant</i> <i>South: Rural Lands/Residence West: Rural Lands/Residence</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			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: <i>Public Works, Cal Fire/County Fire Department, Building Division</i>	
TOPOGRAPHY: <i>Flat to moderately sloping</i>	VEGETATION: <i>Scattered oaks, ornamental landscaping</i>
PROPOSED SERVICES: Water supply: <i>On-site well</i> Sewage Disposal: <i>Individual on-site septic</i> Fire Protection: <i>Cal Fire/County Fire Department</i>	ACCEPTANCE DATE: August 19, 2019

DISCUSSION

PROJECT HISTORY

The primary dwelling and AG accessory building was permitted for construction in 2005 (PMT2005-03116) and completed in 2007. In 2017, the property received a permit (PMTR2017-01957) for the demolition of an existing mobile home. The project site is located in a clearing to the south-east of the site.

COMBINING DESIGNATIONS
22.14.110- Sensitive Resource Area (SRA)

The standards of this Section apply to all uses requiring a land use permit that are located within the SRA combining designation.

Staff Response: The location of the proposed project and related site disturbance is not within the SRA therefore these standards are not applicable to the project.

PLANNING AREA STANDARDS
22.94.070 - Nacimiento Sub-area A B C and -E.

All development and new land uses in the Nacimiento Sub Area, shall comply with the following standards, where applicable.

- A. Finished floor elevations.** Within the Lake Nacimiento watershed, the first floor of a building used for habitation shall not be constructed below the 825-foot elevation, except that habitable structures destroyed in the 2016 Chimney Fire may be reconstructed upon prior authorization by Monterey County Water Resources Agency and Issuance of a construction permit. Reconstruction shall be limited to the footprint and height of the destroyed structure.
- B. Sewage disposal.**
 - 1. Individual sewage disposal systems.** Individual sewage disposal systems are not permitted:
 - i. On lots below an elevation of 825 feet above mean sea level;
 - ii. On slopes of 30 percent or greater.
 - 2. Substandard sewage disposal systems.** Substandard sewage disposal systems that do not meet the requirements of the building code or the Regional

Water Quality Control Board shall be replaced in conjunction with any new development.

C. Density Calculations – Usable area. In the Lake Nacimiento watershed only land above the 800-foot elevations shall be used when computing density or minimum building site area.

E. Easterly of the Santa Lucia Range. The following standards apply only to the area east of the Santa Lucia Range corresponding to the pre-1990 boundaries of the Nacimiento Planning Area as shown in figure 94-29.

1. **Open space preservation.** Approval of an application for land division, Site Plan, Minor Use Permit, or Conditional Use Permit is contingent upon the applicant executing an agreement with the County to maintain portions of the site not intended for development in open space use. Guarantees of open space preservation may be in the form of agreements, easements, contracts or other appropriate instrument, provided that such guarantees are not to grant public access unless desired by the property owner.

Staff Response: The proposed project is conditioned to meet this standard.

D. Site selection criteria. New development shall be located to not be visible from Highway 1, as follows:

1. Sites shall be selected where hills and slopes would shield development, unless no alternative location exists or the new development provides visitor-serving facilities;
2. New development shall be located so that no portion extends above the highest horizon line of ridgelines as seen from Highway 1.

Staff Response: The proposed project is located on the lowest part of the site, behind an area of the site with the highest slopes.

Staff Response: The proposed guesthouse and garage/workshop is not visible from Highway 1.

LAND USE ORDINANCE STANDARDS

22.30.410 – Residential – Accessory Uses

A. Guesthouses and home offices. A guesthouse or home office (sleeping or home 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:
 - i. May contain a 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;
 - ii. 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;

- iii. Shall not be allowed on any site containing a secondary dwelling established in compliance with Section 22.30.470
- iv. Shall not be provided an electric meter separate from the principle residence.

Staff Response: The proposed guesthouse complies with these standards for the following reasons: the proposed guesthouse includes a living area, one bedroom, a wet bar with a single sink and one bathroom, there will be no accommodations for cooking or laundry facilities, it will be used for occupancy in conjunction with the principle residence, and it will not be rented. Furthermore, the site does not have a secondary dwelling, and the guesthouse will not be provided with an electric meter separate from the principle 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.

Staff Response: The proposed project includes a distance waiver request to be located 120 feet away from the primary residence in order to avoid grading and tree removal. It will not be located within a required setback area.

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 primary residence is 3,200 square feet and the proposed guesthouse is 600 square feet, which is less than 40 percent of the habitable floor area of the main residence.

- B. **Garages.** A detached accessory garage may occupy not more than 1,000 square feet per dwelling unit, unless authorized by a Minor 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 the garage is included in determining conformance with this standard.

Staff Response: The proposed project will include a 1,405 square foot garage/workshop. The garage use will be conditioned to occupy 1,000 square feet or less of the space, and the workshop will occupy the remaining space. Per ordinance standard 22.30.410, workshop size shall not occupy more than 40% of the primary residence. The primary residence is 3,200 square feet, therefore the workshop can be up to 1,280 square feet.

- C. **Workshops or Studios.** Any accessory structure intended solely or primarily for engaging in artwork, crafts, light and manufacturing, mechanical work, etc. is subject to the following standards when located in a residential category.

1. **Limits on use.** An accessory structure may be constructed or used as a workshop or studio in any residential category solely for non-commercial hobbies or amusements; for maintenance of the principle structure or yards; for artistic endeavors such as paintings, photography or sculpture; maintenance or mechanical work on vehicles owned or operated by the occupants; or for other similar purposes. Any use of accessory workshops for any commercial activity shall meet the standards for home occupations.

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

2. **Floor area.** A workshop shall not occupy an area greater than 40 percent of the floor area of the principal structure.

Staff Response: The proposed guesthouse and garage/workshop complies with this standard because per ordinance standard 22.30.41 a garage shall not be more than 1,000 square feet and a workshop shall not be more than 40% of the principle structure. The project is a combined workshop/garage allotting it the square footage of the garage (1,000 square feet) and the workshop (1,280 square feet). The proposed workshop/garage is proposed to be 1,405 square feet.

22.30.470 – Exceptions to Design Standards

The review authority may approve alternatives to the design standards of Subsection F in compliance with Section 22.62.050, but shall not approve alternatives to any other provisions of this Section. The maximum distance from the primary unit may be modified only where the Review Authority first finds the following:

1. 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. Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.

Staff Response: The distance waiver from 50 feet to 120 feet for the proposed guesthouse is requested in order to avoid the removal of oak trees and grading. Therefore, the exception to the 50 foot distance design standard will be accommodated to protect native vegetation.

COMMUNITY ADVISORY GROUP COMMENTS:

The project is not located within an Advisory Group's purview.

AGENCY REVIEW:

Public Works- A referral response was received from Public Works on September 13, 2019 which recommended approval and indicated that there were "no concerns." (David Grim, September 13, 2019)

Cal Fire/County Fire Department- The project was referred to the Cal Fire / County Fire on September 11, 2019; and on September 11, 2019, they responded stating "no fire or life safety concerns." (Clint Bullard, September 11, 2019). The project has been conditioned to meet Cal Fire / County Fire Department access requirements.

Building Department – A referral response was received from the Building Department on September 13, 2019. No issues or concerns; building permit required for the construction of the guesthouse and garage/workshop. (Mike Stoker, September 13, 2019)

LEGAL LOT STATUS:

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

Staff report prepared by Melina Smith and reviewed by Holly Phipps.