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

Tentative Notice of Action

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
July 15, 2005	Nick Forester	Alex Villicana	DRC2004-00098
EFFECTIVE DATE	781-1163		
July 15, 2005			

SUBJECT

Request by **Alex Villicana** for a Minor Use Permit to allow the demolition and replacement of an existing barn and attached guesthouse. The applicant is requesting a waiver of the requirement that a guesthouse be located within 50 feet of the primary dwelling. The applicant is proposing to place the guesthouse approximately 100 feet from the primary residence. The proposed project is within the Rural Lands land use category and is located at 2735 Adelaida Road approximately two miles west of the city of Paso Robles. The site is in the Adelaida planning area.

RECOMMENDED ACTION

Approve Minor Use Permit DRC2004-00098 based on the findings listed in Exhibit A and the conditions listed in Exhibit B

ENVIRONMENTAL DETERMINATION

A Class Two Categorical Exemption was issued on June 1, 2005

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Rural Lands	None	026-231-043	1

PLANNING AREA STANDARDS:

None applicable to this project

Does the project meet applicable Planning Area Standards: Not applicable

LAND USE ORDINANCE STANDARDS:

Residential- Accessory Uses, Guesthouses and home offices

Does the project conform to the Land Use Ordinance Standards: 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 July 15, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.

EXISTING USES:

Residence, barn and guesthouse (existing barn and guest house to be removed and replaced)

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture/abandoned orchard
South: Rural Lands/residential uses
East: Rural Lands/residential uses
West: Rural Lands/residential uses

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ✦ SAN LUIS OBISPO ✦ CALIFORNIA 93408 ✦ (805) 781-5600 ✦ FAX: (805) 781-1242

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, CDF, APCD, RWQCB, City of Paso Robles	
TOPOGRAPHY: Gentle to steep slopes	VEGETATION: Oak trees and native brush
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: December 9, 2004

DISCUSSION:

PLANNING AREA STANDARDS: None applicable to this project.

LAND USE ORDINANCE STANDARDS:
Land Use Ordinance Section 22.30.410E Residential Accessory Uses, Guesthouses and Home Offices: The project as conditioned complies with the ordinance requirements, except the requirement that the guesthouse be located within fifty feet of the primary dwelling. The request is being made based on specific site characteristics. The proposed location is previously disturbed and sloping site topography is such that allowing the distance waiver will minimize grading and site disturbance. The guesthouse will still be close enough to the main dwelling to function in conjunction with the main dwelling as a guesthouse.

COMMUNITY ADVISORY GROUP COMMENTS:

AGENCY REVIEW:
Public Works- Recommends approval. No concerns.
Environmental Health- Recommends approval. Well and soils testing required.
Ag Commissioner- No response received.
CDF – Issued fire letter dated March 15, 2005.
APCD – No response received.
RWQCB- No response received.
City of Paso Robles- No response received.

LEGAL LOT STATUS: (always include)
The lot was legally created by a recorded map (CO73-134) at a time when that was a legal method of creating lots.

Staff report prepared by Nick Forester and reviewed by Kami Griffin

EXHIBIT A - FINDINGS

CEQA Exemption

A. The project qualifies for a Categorical Exemption (Class **2** pursuant to CEQA Guidelines Section 15303) because the project involves the replacement of an existing structure with a similar size structure with the same use as the existing structure.

Minor Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies provisions of Title 22 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the construction and use of the guest house at a distance of approximately 100 feet from the existing single family dwelling does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the construction of the guest house at a distance of approximately 100 feet from the existing single family dwelling is similar to, and will not conflict with, the surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Adelaida Road, a road constructed to a level able to handle any additional traffic associated with the project.

G. Modification of the distance a guest house can be located from a primary dwelling from 50 feet to allow a secondary dwelling to be located 100 feet from the primary dwelling is justified because the proposed guesthouse will replace an existing guesthouse and the sloping topography of the site is such that allowing the distance waiver will minimize grading and site disturbance.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes

   a. A request by Alex Villicana for a Minor Use Permit to allow the demolition and replacement of an existing barn and attached guesthouse. The applicant is requesting a waiver of the requirement that a guesthouse be located within 50 feet of the primary dwelling. The applicant is proposing to place the guesthouse approximately 100 feet from the primary residence.

   b. Maximum height is 35 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. At the time of application for construction permits plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

3. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. At the time of application for construction permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated March 15, 2005.

Services

5. At the time of application for construction permits, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.

6. At the time of application for construction permits, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

7. Prior to issuance of a construction permit, the applicant shall pay all applicable school and public facilities fees.

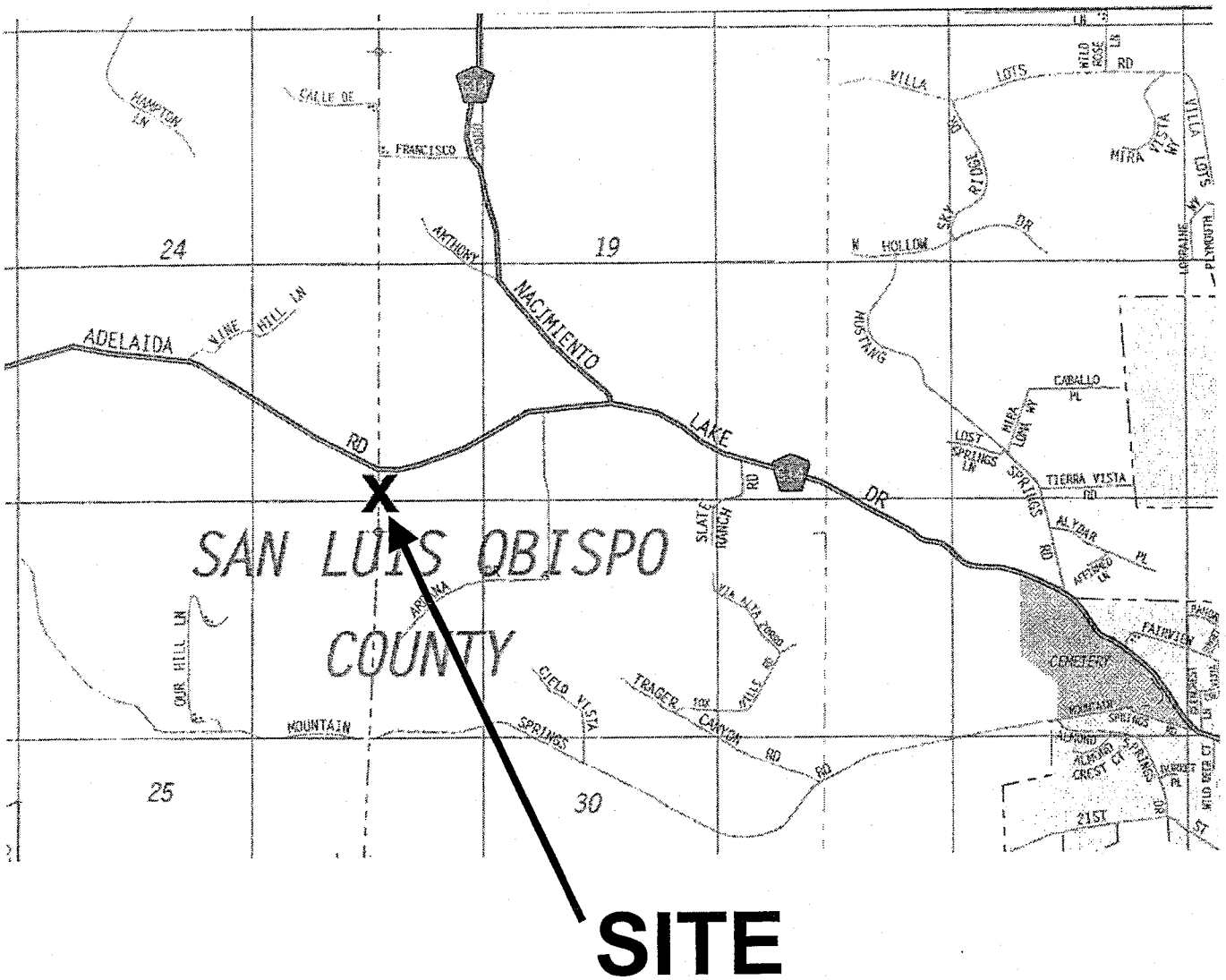
Conditions to be completed prior to occupancy or final building inspection /establishment of the use

8. Prior to occupancy or final inspection, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

On-going conditions of approval (valid for the life of the project)

9. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

10. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



SITE

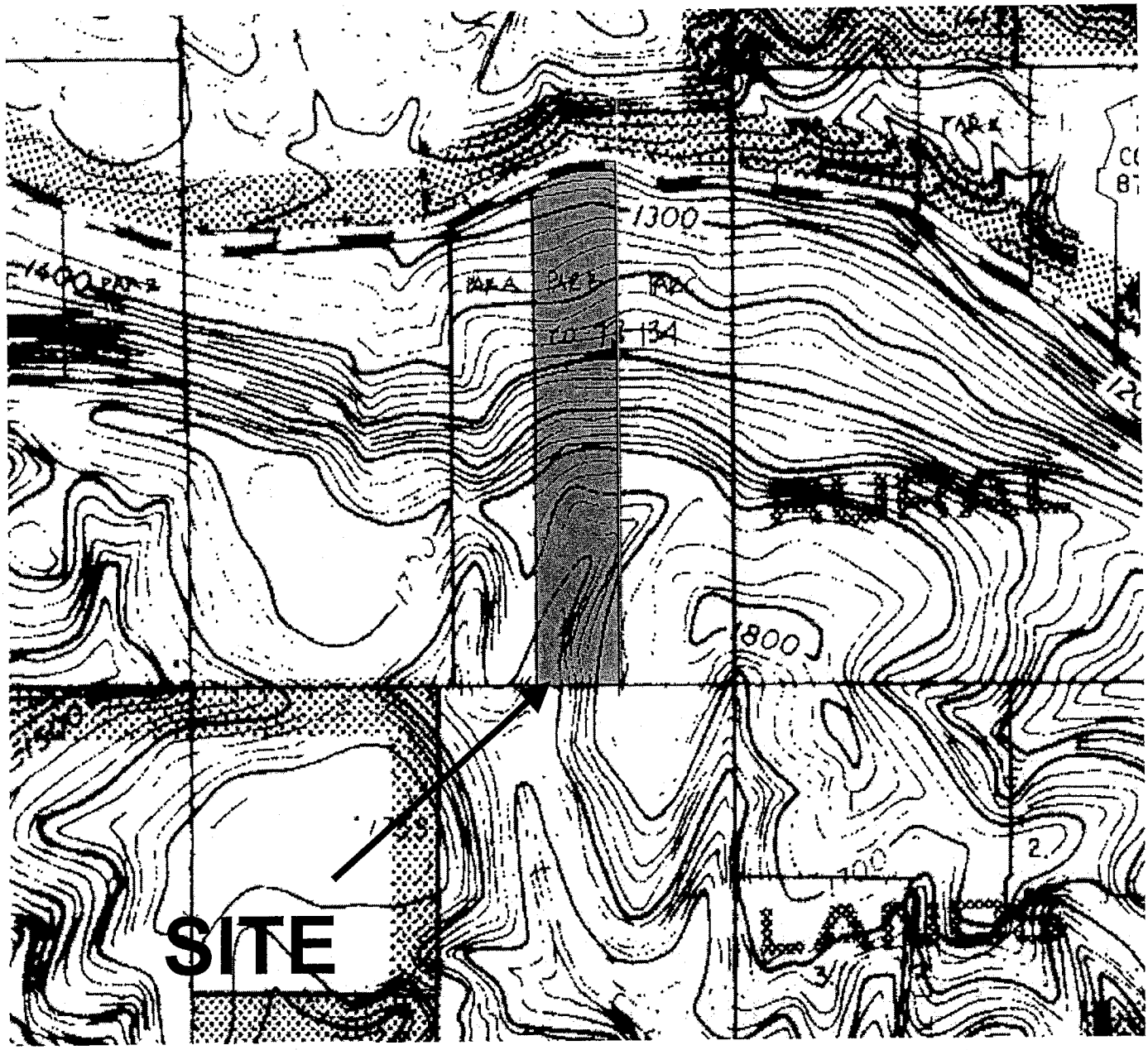
PROJECT

Minor Use Permit
Villicana DRC2004-00098

EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

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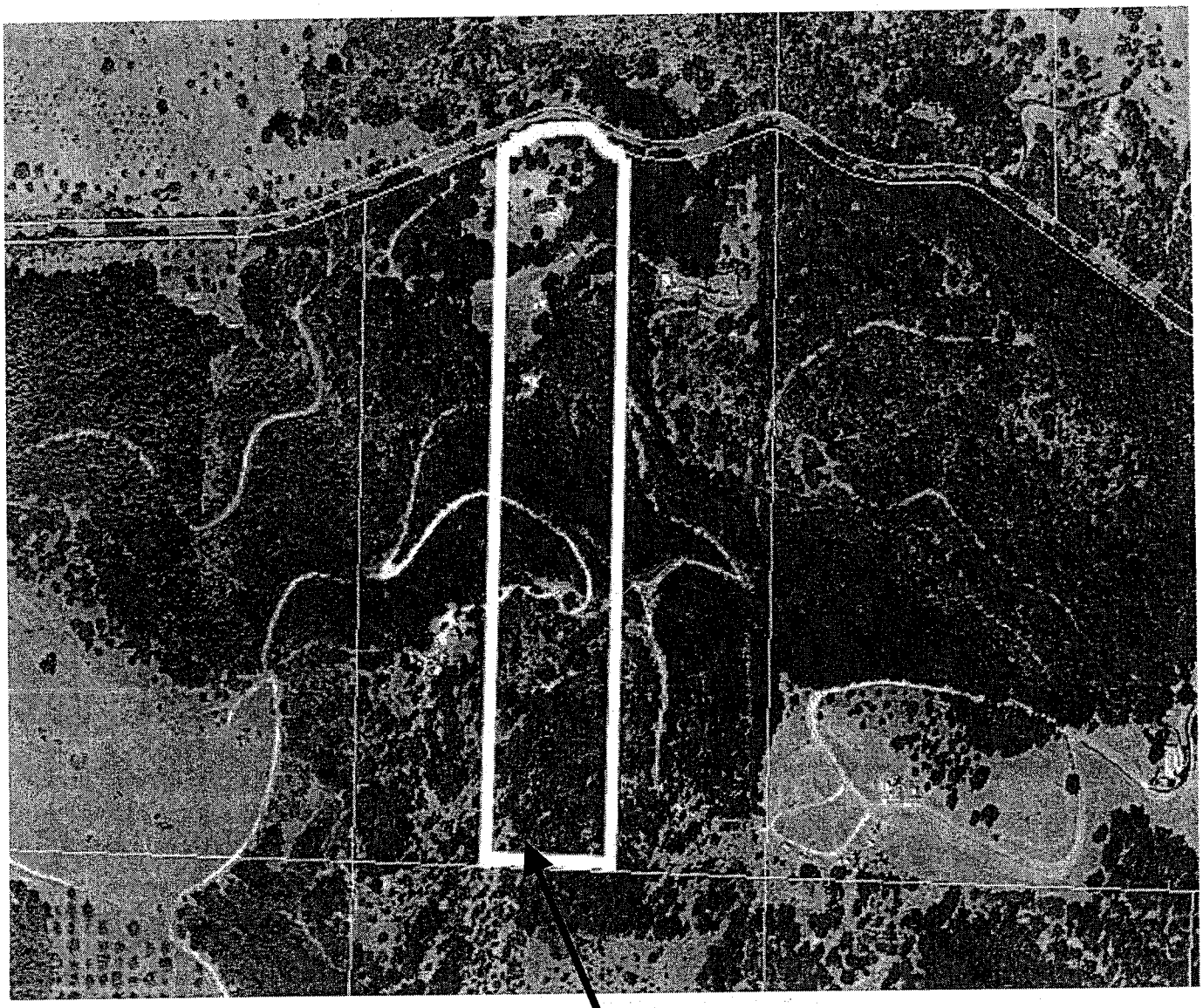
EXHIBIT

Land Use Category Map



PROJECT

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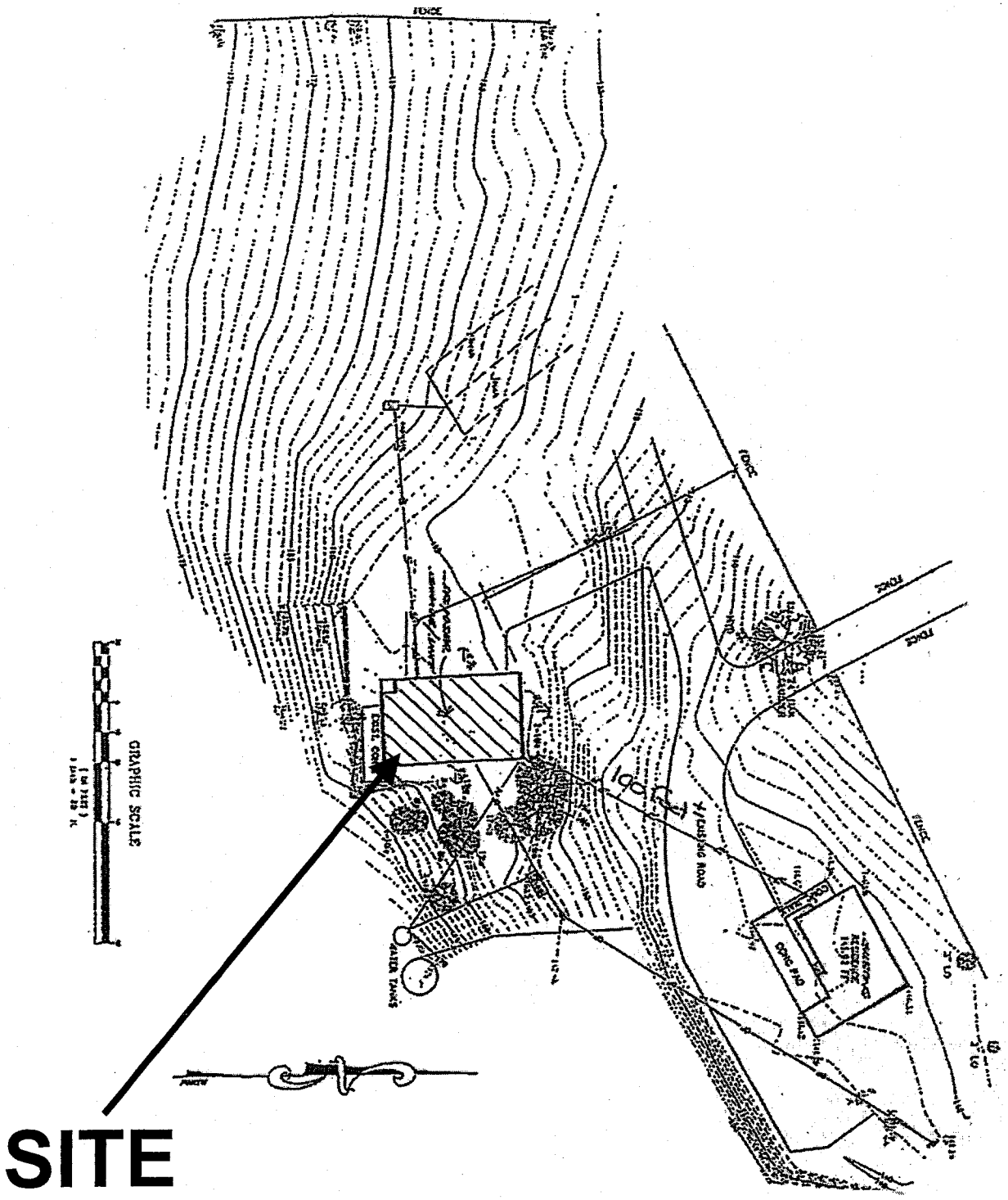
EXHIBIT

Aerial Photo



PROJECT

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EXHIBIT

Site Plan