Promoting the wise use of land
Helping build great communities

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

Tentative Notice of Action

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
March 17, 2006 EFFECTIVE DATE March 31, 2006	Stephanie Fuhs (805) 781-5721	Christopher and Brittany Crompe	DRC2005-00006

SUBJECT
Hearing to consider a request by Christopher and Brittany Crompe for a Minor Use Permit to allow modification of the limitation the distance an existing 800 square foot secondary dwelling can be located to a primary residence from 50 feet to approximately 120 feet on a 1.08 acre parcel. The proposed project is within the Residential Suburban land use category and is located at 873 Calimex Place, approximately one mile north of the community of Nipomo. The site is in the South County (Inland) planning area.

RECOMMENDED ACTION
Approve Minor Use Permit DRC2005-00006 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION
A Class One Categorical Exemption was issued on January 30, 2006.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Residential Suburban	None	091,322,053	4

PLANNING AREA STANDARDS:
None applicable
Does the project meet applicable Planning Area Standards: Not applicable

LAND USE ORDINANCE STANDARDS:
22.10.090 - Height Measurements, 22.10.140 – Setbacks, 22.30.470 – Residential – Secondary Dwellings
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 March 31, 2006, 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 residence, secondary dwelling, detached garage

SURROUNDING LAND USE CATEGORIES AND USES:
North: Residential Suburban/Residences
South: Residential Suburban/Residences
East: Residential Rural/Undeveloped
West: Residential Suburban/Residences

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:
The project was referred to: Nipomo Community Advisory Council, Public Works, CDF

TOPOGRAPHY:	VEGETATION:
Mostly level	Grasses, forbs, ornamentals

PROPOSED SERVICES:	ACCEPTANCE DATE:
Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: CDF	November 30, 2005

DISCUSSION

PROJECT HISTORY
The project is to legalize an existing 800 square foot mobile home that is located approximately 120 feet from an existing primary residence on a 1.08 acre parcel.

LAND USE ORDINANCE STANDARDS:
22.10.090 - Height Measurements: Maximum Height for a residence is 35 feet. As proposed and conditioned, the project meets this standard.
22.10.140 - Setbacks: Setbacks for the project site are 25 feet in the front and 30 feet on the sides and rear of the property. As proposed, the project meets this standard.
22.30.470 - Secondary Dwellings: This section of the Land Use Ordinance states that on sites of less than five acres (net), the maximum square footage of the secondary dwelling is 800 square feet and that the secondary unit be located within 50 feet of the primary residence. This section also allows the Review Authority to approve exceptions to design standards to allow that a secondary dwelling be located farther than 50 feet from the primary residence.

COMMUNITY ADVISORY GROUP COMMENTS: The Nipomo Community Advisory Council recommended denial of the Minor Use Permit based on recommendations of the secondary dwelling committee at their August 22, 2005 meeting (see discussion below).

AGENCY REVIEW:
Public Works – Question regarding access requirement for secondary dwelling because the site has access from both a County maintained road and a private easement
Building Division - Need to demonstrate "particularly favorable" conditions due to less than one acre per dwelling
Nipomo Community Services District - Water service approved for the unit

STAFF COMMENTS:
Neighborhood Compatibility: The area is zoned Residential Suburban and consists of primarily of one to two acre parcels. There are several lots in the immediate vicinity with single family residences and secondary units. There is a wide variety of newer, large homes and older, farm house styles within 1/4 mile of the property.
Distance Waiver Request: The project site is 1.08 acres. Development within the vicinity of this site is similar to the structures on this particular site (i.e., primary residence, detached garage or workshop and secondary dwelling). The project proposes an approximately 120 foot separation between the primary and secondary dwelling. The policy regarding distance waiver requests relate to vegetation removal, site disturbance and drainage and sedimentation issues. Since the secondary dwelling is an existing structure, no vegetation removal is necessary, no additional site disturbance is proposed, and there will be no increase in drainage run-off and Public Works did not indicate any drainage concerns.

In response to the community advisory council recommendation for denial of the project, the plans that were submitted showed a mobile home with dimensions of 40 x 80 which is incorrect. The actual dimensions are 20 x 40 (or 800 square feet)(per construction permit PMT 2002-12211). This complies with the secondary dwelling standards for both the Land Use Ordinance and the advisory group's recommendations. Distance requirement recommendations from the advisory group remain the same as current Land Use Ordinance standards.

With regard to the Public Works referral response, the project site has frontage on both Calimex Road, which is County maintained, and Hetrick Road, which is a non-maintained dirt road. Although the secondary dwelling currently takes access off Hetrick Road, the site can be accessed from Calimex Road and therefore complies with the standards in the Land Use Ordinance.

LEGAL LOT STATUS:
The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Kami Griffin, Supervising Planner

EXHIBIT A - FINDINGS

CEQA Exemption

A. The project qualifies for a Categorical Exemption (Class One) pursuant to CEQA Guidelines Section 15303 because the project is for an existing secondary dwelling located within an urbanized area that does not contain significant fish or wildlife habitat.

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 all applicable 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 secondary 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 secondary 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 Calimex Road, a local road constructed to a level able to handle any additional traffic associated with the project.

Secondary Dwelling Adjustments

G. Modification of the distance a secondary dwelling can be located from a primary dwelling from 50 feet to allow a secondary dwelling to be located approximately 120 feet from the primary dwelling is justified because there are specific conditions of the site that make the standard unnecessary. These conditions are that the secondary dwelling is an existing structure and there is an existing detached garage between the primary residence and secondary dwelling.

EXHIBIT B - CONDITIONS OF APPROVAL
DRC2005-00006 (Crompe)

Approved Development

1. This approval authorizes

   a. modification of the limitation the distance an existing secondary dwelling can be located to a primary residence from 50 feet to approximately 120 feet on a 1.08 acre parcel.

   b. maximum height is approximately 16 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 and architectural elevations. The site plan shall include the use of a shared driveway taking access from Calimex Road for both structures.

Fire Safety

3. **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.

Services

4. **At the time of application for construction permits,** the applicant shall provide a letter from the Nipomo Community Services District stating they are willing and able to service the property.

5. **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. This includes demonstration of particularly favorable conditions due to the parcel size of less than one acre per dwelling.

Conditions to be completed prior to issuance of a construction permit

Fees

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

Owner Occupancy Requirement

7. **Prior to issuance of a construction permit,** the applicant for the 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 pursuant to Chapter 22.74 of this title. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence.

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.

9. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

10. 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.

11. 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.

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

JUL 25 2005

THIS IS A NEW PROJECT REFERRAL

DATE: 7/22/05

FROM PW

CROMPE

FROM: South Co. Team
(Please direct response to the above)

DRC2005-00006
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNER

PROJECT DESCRIPTION: MUP/ secondary dwelling, waive size & distance requirements. Secondary dwelling will be a doublewide mobile home. Located on 1.08 acres off Calimex Place in Nipomo. APN: 091-322-053

Return this letter with your comments attached no later than: 8/8/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES
____ NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

✓ NO (Please go on to Part III)
____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III **INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE**

Recommend Approval – This lot takes access off Hetrick and off Calimex. Calimex is a Co Maint. Paved Road, Hetrick is a non-maint dirt road and this is the access the 2nd dwelling appears to use. Do they need to pave/chip seal Hetrick or does Calimex satisfy the requirements of 22.30.470 C.2.?

15 AUG 2005
Date

GOODWIN
Name

5252
Phone

Revised 4/4/03

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COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.slocoplanbldg.com

SEF

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SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

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TO: Bldg. Div.

FROM: South Co. Team
(Please direct response to the above)

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NEED TO DEMONSTRATE PARTICULARLY FAVORABLE because < 1 ACRE PER DWELLING.

Date _____ Name _____ Phone _____

M:\PI-Forms\Project Referral - #216 Word.doc Revised 4/4/03

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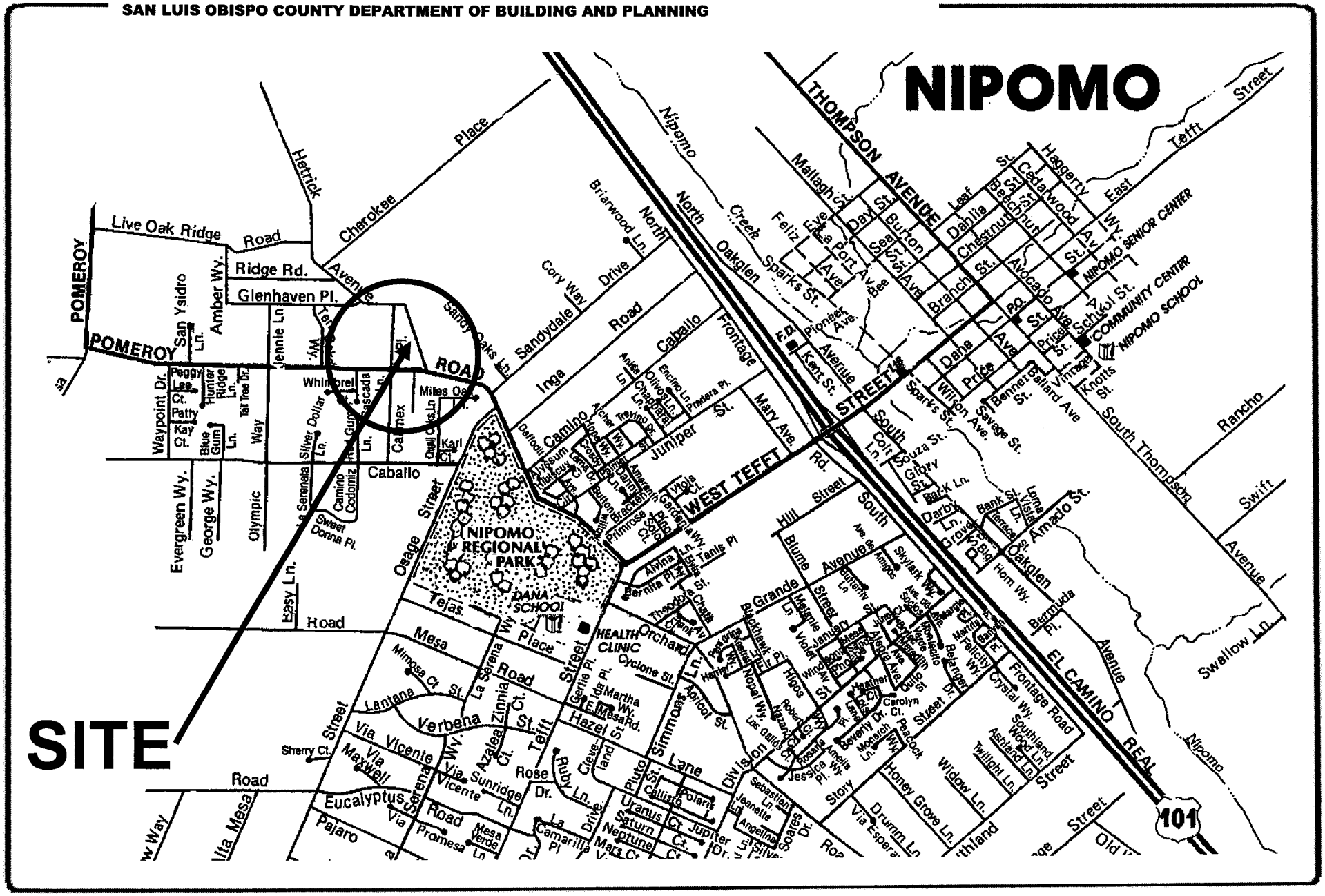


PROJECT

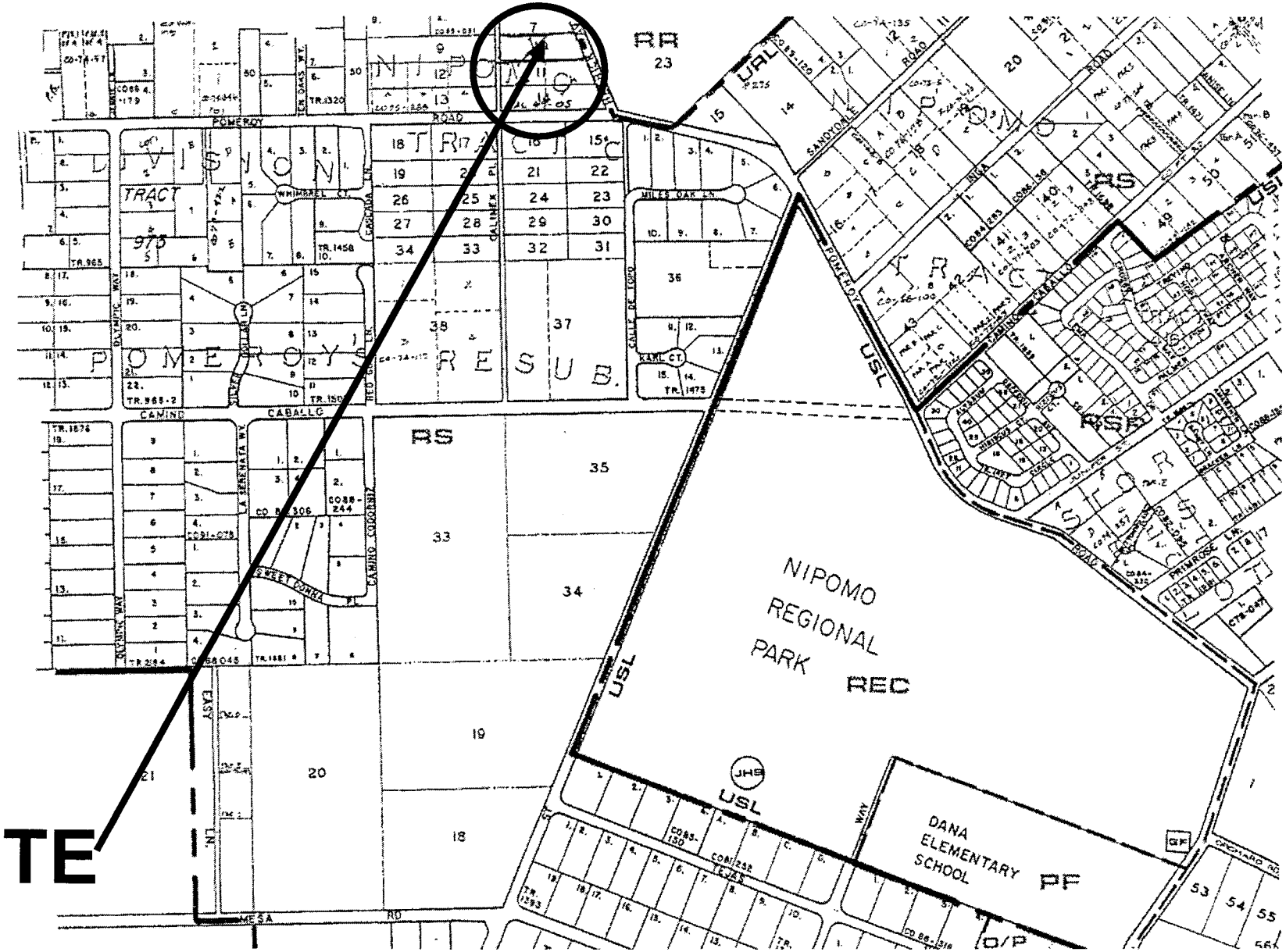
Minor Use Permit

Crompe DRC2005-00006

EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit

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EXHIBIT

Land Use Category

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

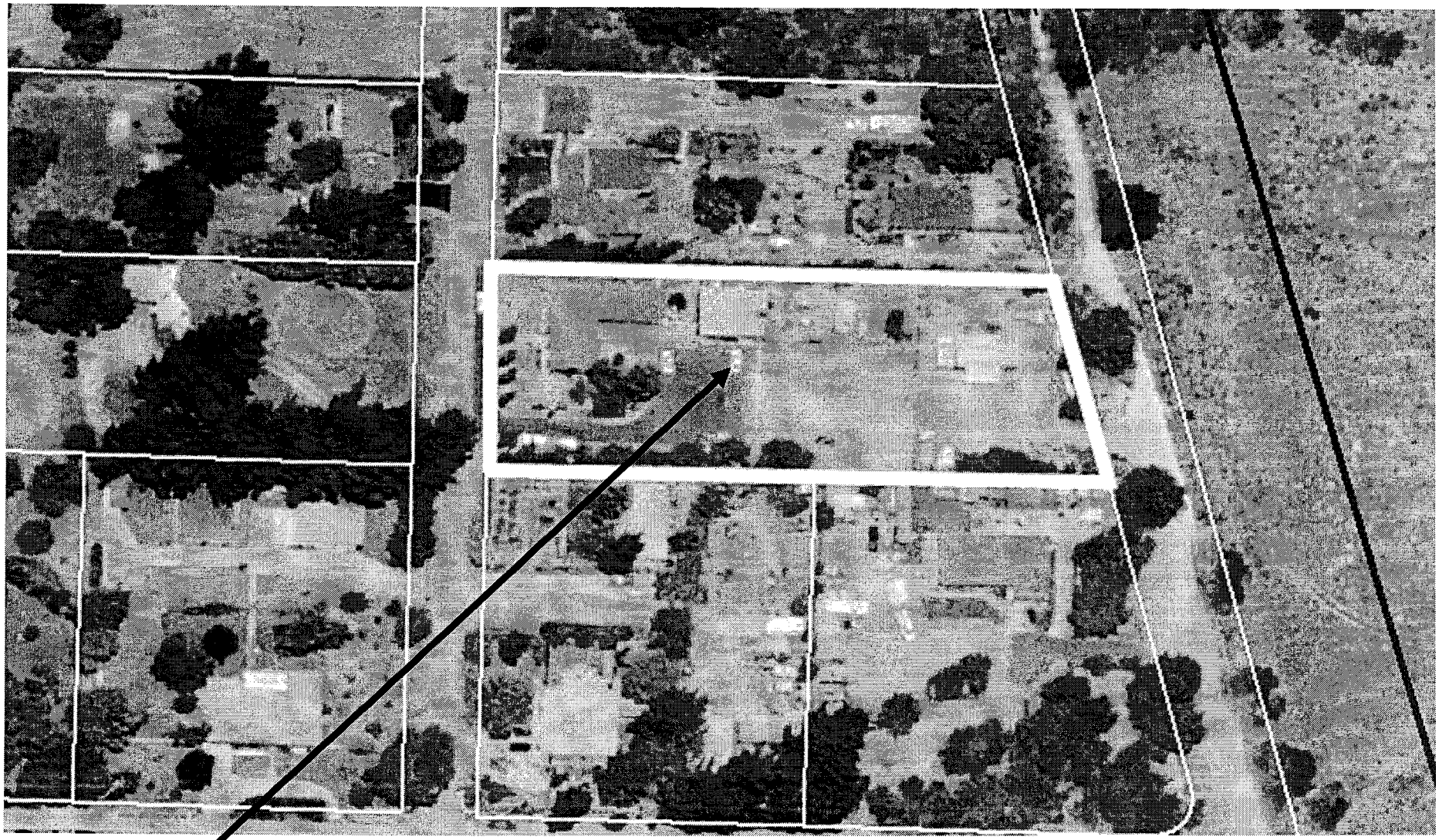

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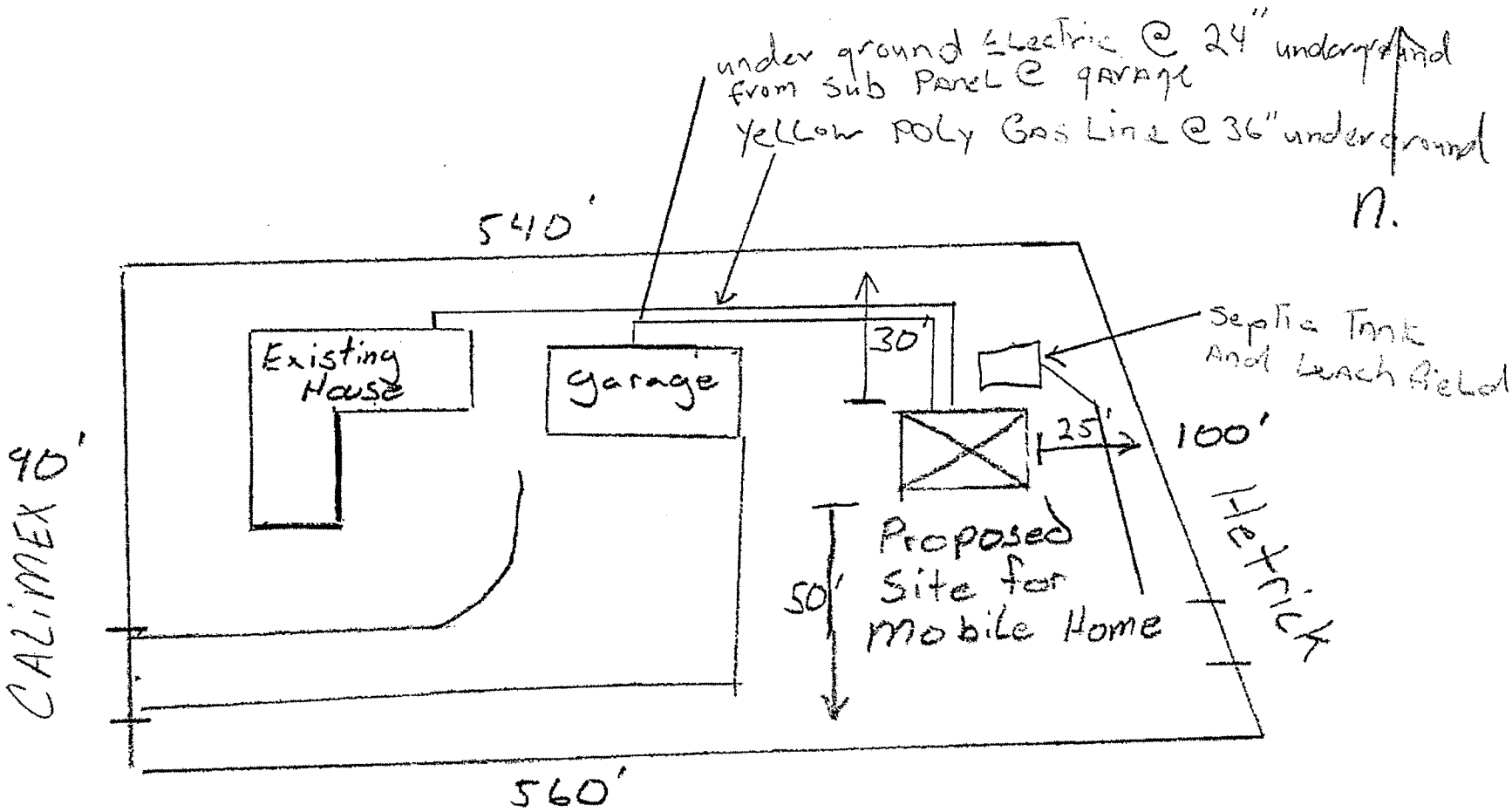
EXHIBIT

Aerial



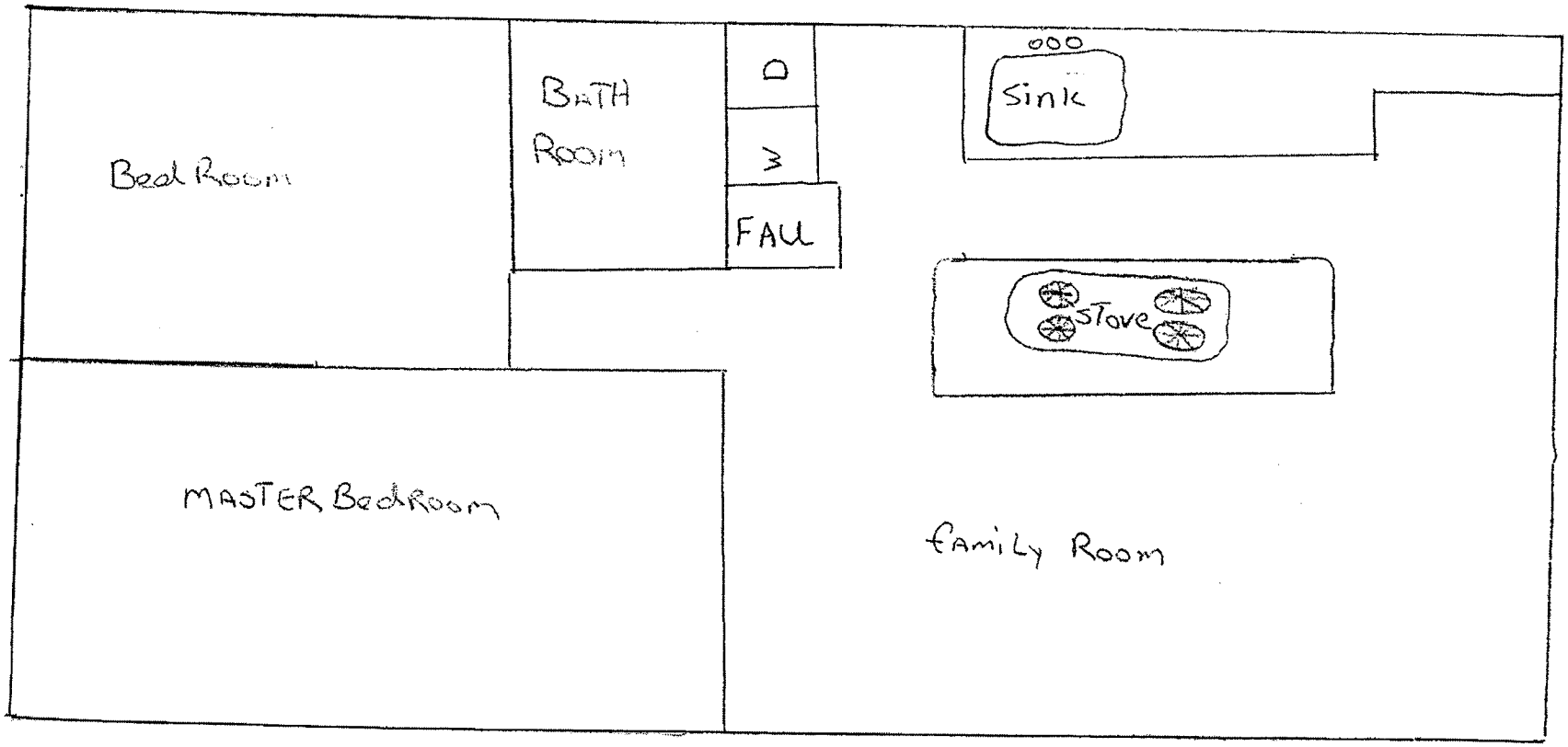
PROJECT

Minor Use Permit

Crompe DRC2005-00006

EXHIBIT

Site Plan



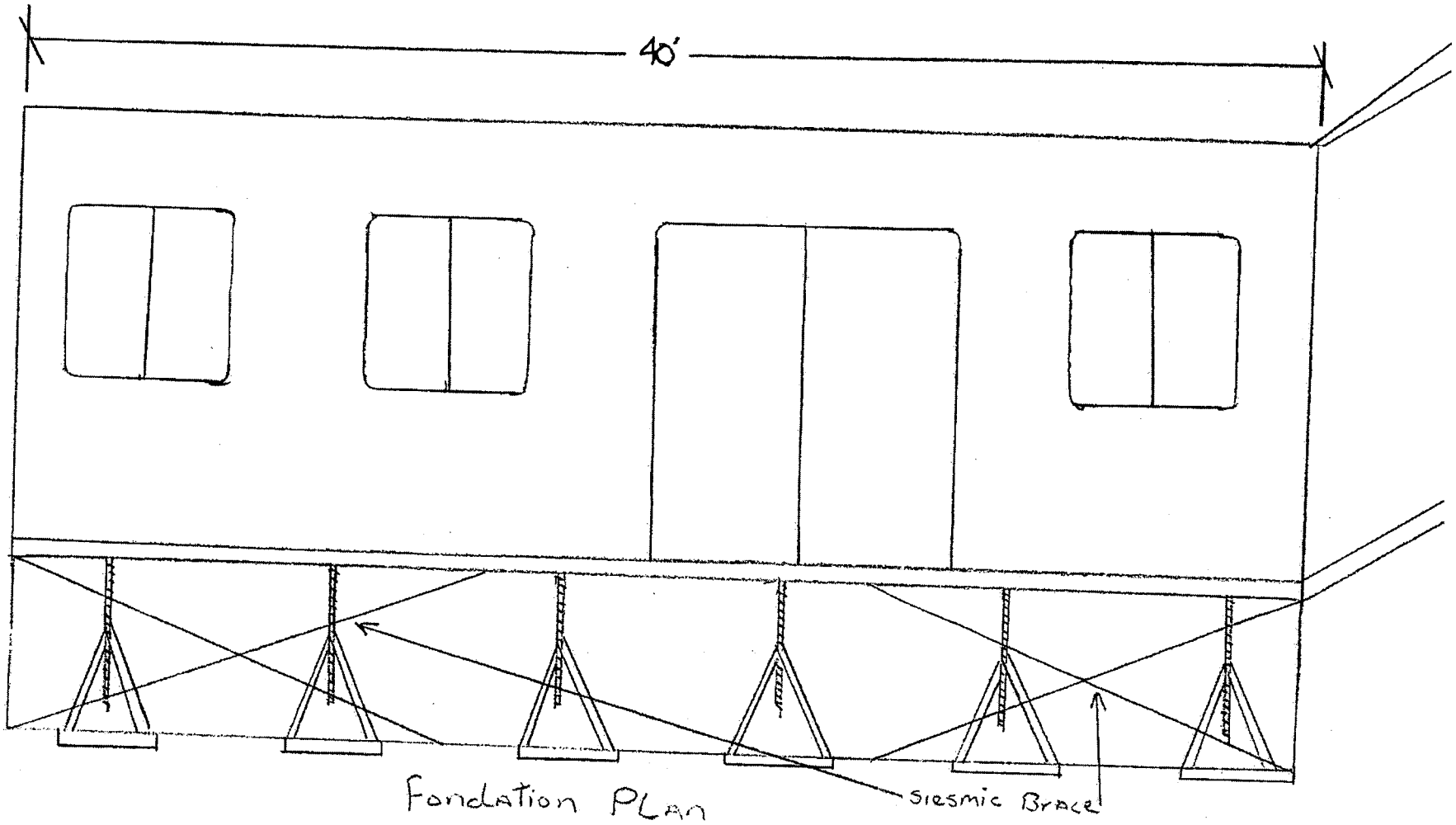
PROJECT

Minor Use Permit

Crompe DRC2005-00006

EXHIBIT

Floor Plan



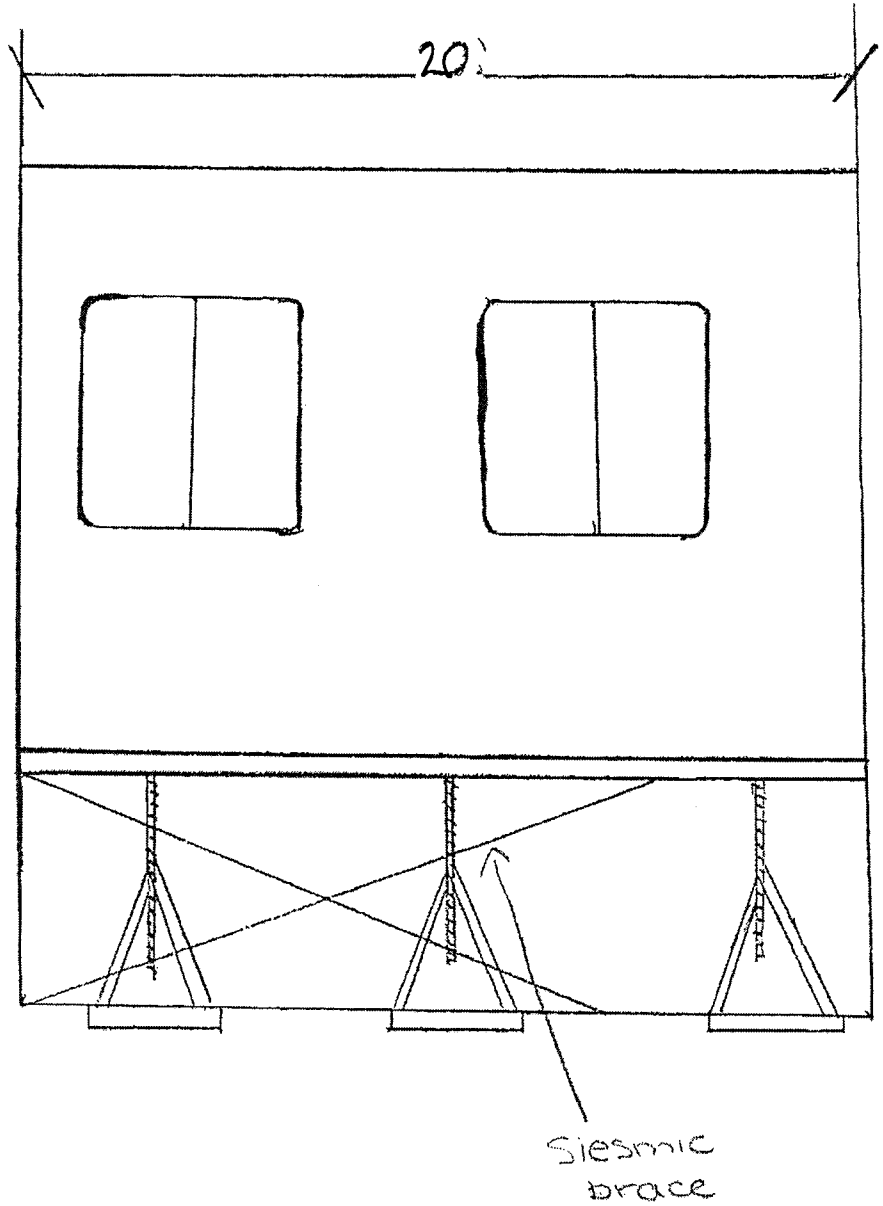
PROJECT

Minor Use Permit

Crompe DRC2005-00006

EXHIBIT

Elevation



PROJECT

Minor Use Permit

Crompe DRC2005-00006

EXHIBIT

Elevation