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



Promoting the wise use of land  
Helping build great communities

**Tentative Notice of Action**

MEETING DATE October 5, 2012	CONTACT/PHONE Cody Scheel	APPLICANT Andrew Graham	FILE NO. DRC2012-00012
LOCAL EFFECTIVE DATE October 19, 2012	Project Manager		
APPROX FINAL EFFECTIVE DATE November 9, 2012	(805) 781-5157 cscheel@co.slo.ca.us		
<b>SUBJECT</b> Hearing to consider a request by Andrew Graham for a Minor Use Permit / Coastal Development Permit to allow an existing single family residence to be used as a residential vacation rental. The proposed project is within the Residential Multi-Family land use category and is located at 194 San Luis Street Parkway, between Laurel Street and Lucas Lane, in the community of Avila Beach. The site is in the San Luis Bay Coastal planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit / Coastal Development Permit DRC2012-00012 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption was issued on August 8, 2012 (ED12-028)			
<b>LAND USE CATEGORY</b> Residential Multi-Family	<b>COMBINING DESIGNATION</b> Coastal Appealable Zone, Archaeologically Sensitive Area, Local Coastal Program	<b>ASSESSOR PARCEL NUMBER</b> 076-201-082	<b>SUPERVISOR DISTRICT(S)</b> 3
<b>PLANNING AREA STANDARDS:</b> None applicable <i>Does the project meet applicable Planning Area Standards: N/A</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Coastal Zone Land Use Ordinance Sections 23.08.165 Residential Vacation Rentals <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
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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EXISTING USES: Residential / Commercial Retail	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family/Residences <i>East:</i> Residential Multi-Family/Residences <i>South:</i> Residential Multi-Family/Residences <i>West:</i> Residential Multi-Family/Residences	
TOPOGRAPHY: Nearly level	VEGETATION: N/A
PROPOSED SERVICES: Water supply: Community system, Avila CSD Sewage Disposal: Community system, Avila CSD Fire Protection: Cal Fire – CDF County Fire	ACCEPTANCE DATE: August 30, 2012

LAND USE ORDINANCE STANDARDS:

*Section 23.08.165 Residential Vacation Rentals –*

The development of a new structure intended for use as a Residential Vacation Rental shall comply with all standards applicable to the construction of a residence within the land use category that the Residential Vacation Rental is proposed. Coastal Zone Land Use Ordinance section 23.08.165 governs the establishment of residential vacation rentals in the coastal zone. *However, the standards set forth in this section only apply to the urban areas of Cambria and Cayucos. Additionally, this is an existing residence.*

Combining Designations

*Section 23.07.120 Local Coastal Plan*

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan. Decisions by the Planning Department, Planning Commission or Board of Supervisors on projects within the Coastal Zone may be appealed to the California Coastal Commission. *Residential Vacation Rentals are listed as a special use ("S" use under Table O), and when located within a site that is in the coastal appealable area the special use requires a land use permit (CZLUO 23.08.014). This Minor Use Permit (MUP) satisfies this requirement.*

*Section 23.07.104 Archaeologically Sensitive Area*

The provisions of this section are intended to protect and preserve archaeological resources. This designation is to ensure that new development will not have significant effects on existing, known or suspected archaeological resources. *This project does not propose any new development and is therefore consistent with the intent of this combining designation.*

COASTAL PLAN POLICIES:

Shoreline Access: N/A  
 Recreation and Visitor Serving: (See discussion)  
 Energy and Industrial Development: N/A  
 Commercial Fishing, Recreational Boating and Port Facilities: N/A  
 Environmentally Sensitive Habitats: N/A  
 Agriculture: N/A  
 Public Works: N/A  
 Coastal Watersheds: N/A  
 Visual and Scenic Resources: N/A  
 Hazards: N/A

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Archeology: N/A

Air Quality: N/A

***Does the project meet applicable Coastal Plan Policies: Yes*****COASTAL PLAN POLICY DISCUSSION:**

The Coastal Plan policies for Recreation and Visitor serving uses are focused primarily on commercial recreational uses and commercial lodging facilities such as hotels, motels, bed and breakfast establishments and recreational vehicle parks. These are all classified as transient lodging in Coastal Zone Framework for Planning, Table "O". Residential Vacation Rentals are single family residences by design (or occasionally multi-family residences) and are listed in the Residential use group in Table "O". Although they do serve visitors they are sometimes rented by the month or not rented at all subject to the desire of the property owner. While Coastal Plan Policies generally encourage visitor serving facilities in certain circumstances, residential vacation rentals are not discussed.

**STAFF COMMENTS:**

The operational standards set forth in Coastal Zone Land Use Ordinance section 23.08.165 have been added as conditions to this project. While those standards only apply to Zoning Clearances issued in Cambria and Cayucos, they can be added to a discretionary permit if appropriate. Staff's position is that the standards will help to minimize any potential impacts to surrounding property owners. The proposed conditions of approval have routinely been added to other minor use permits for establishment of vacation rentals.

A two hundred foot distance limitation is not required outside of urban reserve lines by the Coastal Zone Land Use Ordinance, but it could be added to this permit for similar reasons that the operational standards were added. However, staff is not recommending the two hundred foot distance limitation be imposed on this project since the nearest parcel with a vacation rental to the applicant's parcel is approximately 450 feet to the northwest, in a residential subdivision within the Avila Beach Urban Reserve Line.

**COMMUNITY ADVISORY GROUP COMMENTS:**

On September 10, 2012 the Planning Department Community Liaison for Avila Beach attended the Avila Valley Advisory Council meeting. Concerns about nuisance and noise were discussed, as well as concerns about inadequate parking for the proposed vacation rental. AVAC recommended denial of the proposed project.

**STAFF RESPONSE:**

The AVAC recommendation has been taken into consideration and operational conditions have been associated to the project to address noise standards and specific parking requirements. The project has also been conditioned to designate a local property manager or contact person who shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns.

**AGENCY REVIEW:**

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Public Works – No comment  
Avila CSD – No comment  
Avila Fire – None received  
California Coastal Commission – No comment

**LEGAL LOT STATUS:**

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

Staff report prepared by Cody Scheel and reviewed by Bill Robeson.

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**EXHIBIT A - FINDINGS***CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303.

*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 23 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 proposed vacation rental 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 existing residence will not change and, as conditioned, the vacation rental use 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 off San Luis Street Parkway, and no additional traffic is associated with the project because it is using an existing approved residence as a residential vacation rental. Additionally, this vacation rental will have a condition of approval that will limit the number of cars associated with the vacation rental to two cars per rental period and require the two cars to park inside the existing 2 car garage.

*Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not directly adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

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**EXHIBIT B - CONDITIONS OF APPROVAL****Authorized Use**

1. This approval authorizes a Minor Use Permit to allow the existing residence to be used as residential vacation rental.

**Operational Conditions**

2. Availability of the residence as a rental to the public shall not be advertised on site.
3. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day. For purposes of this vacation rental, no more than two vehicles shall be used and all parking associated with the vacation rental shall be located in the attached 2 car garage.
4. All parking associated with the residential vacation rental shall be entirely on-site, in the garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time. A lease to the tenants of the Vacation Rental shall contain these parking requirements.
5. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons.
6. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.
7. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings.
8. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:
  - (a) The name, address and telephone number(s) of the local contact person shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency and supplied to the property owners within a 300 foot radius. The name, address and telephone number(s) of the local contact person shall be

## Planning Department Hearing

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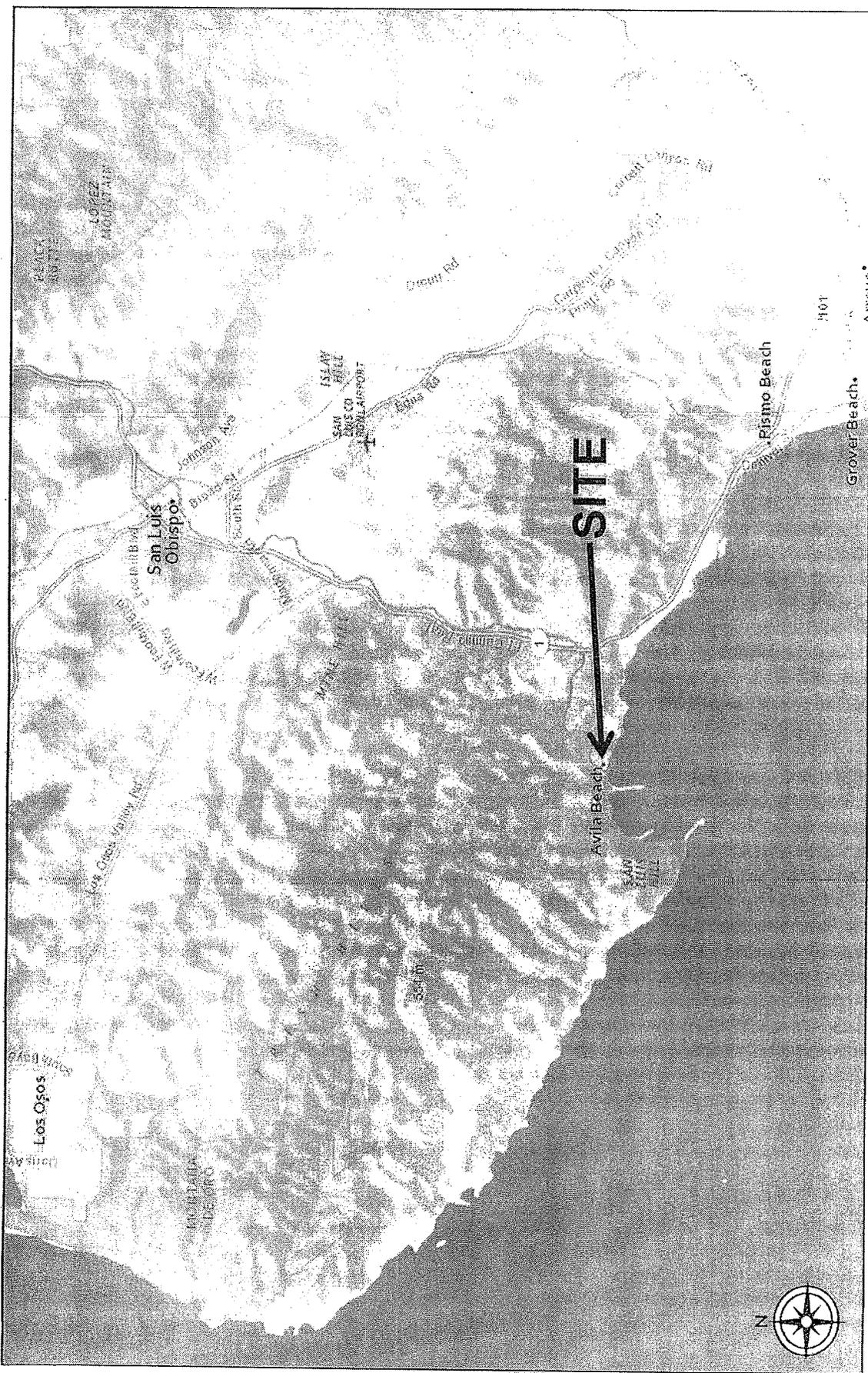
Page 7

permanently posted in the residence in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

(b) If the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office. The Sheriff will attempt to reach the local contact person. In cases where the Sheriff was unable to reach the local contact person, the penalties as set forth in 23.08.165 Subsection n shall apply.

9. Rental of the residence shall not exceed one individual tenancy within seven consecutive calendar days. No additional occupancy (with the exception of the property owner) shall occur within that seven day period. The residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
10. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax to the County Tax Collector for each residential vacation rental.
11. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit and Business License. If a local contact person is not able to be reached by the Sheriff more than three times in any consecutive six month period, this shall be grounds for revocation of the Business License consistent with Title 6 of the County Code.
12. 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 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once proof of Transient Occupancy Tax payment to the County Tax Collector is submitted to the Department of Planning and Building within 24 months of approval.
13. 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 23.10.160 of the Coastal Zone Land Use Ordinance.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Graham Minor Use Permit / Coastal Development Permit  
DRC2012-00012

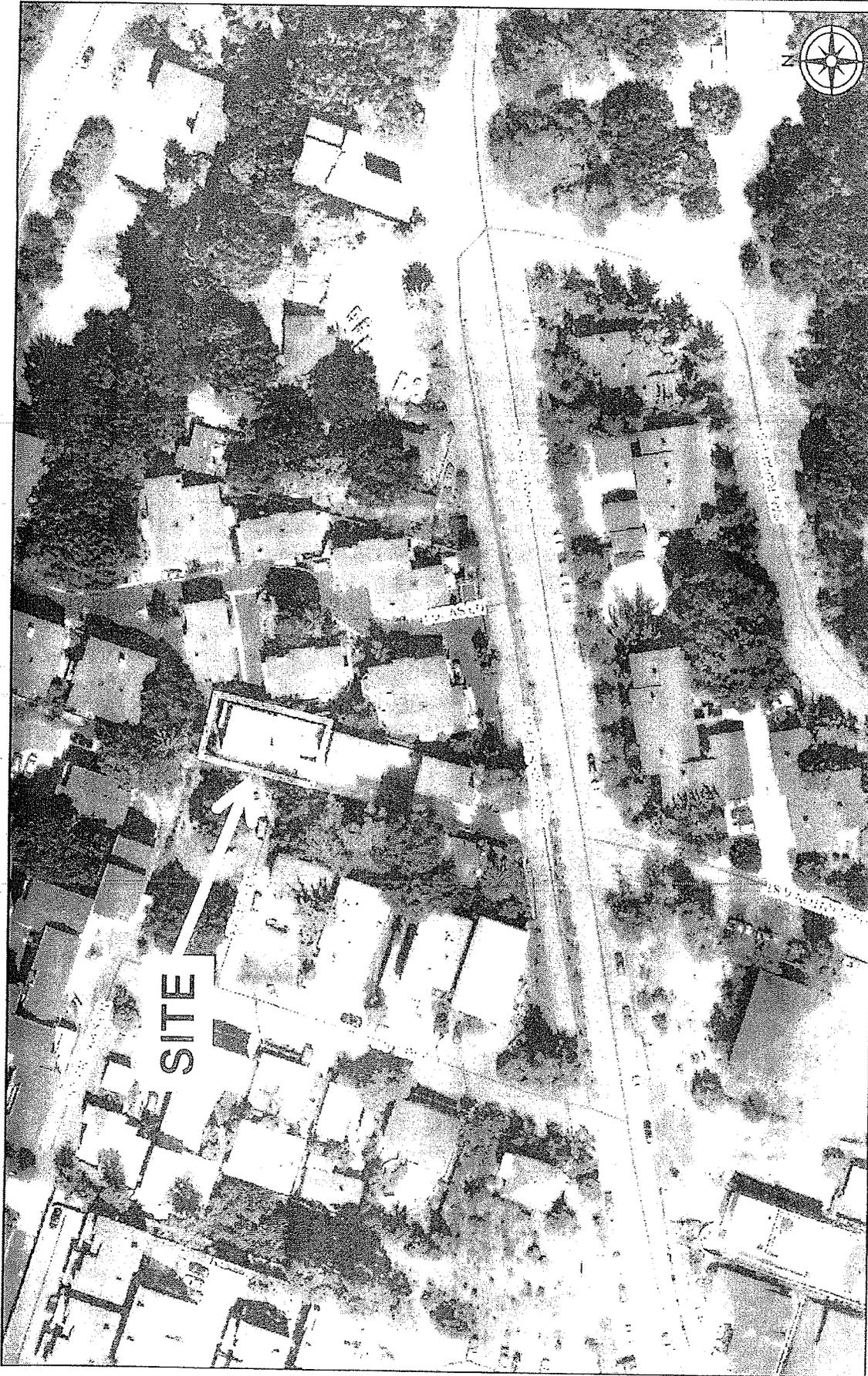


EXHIBIT

Vicinity Map



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

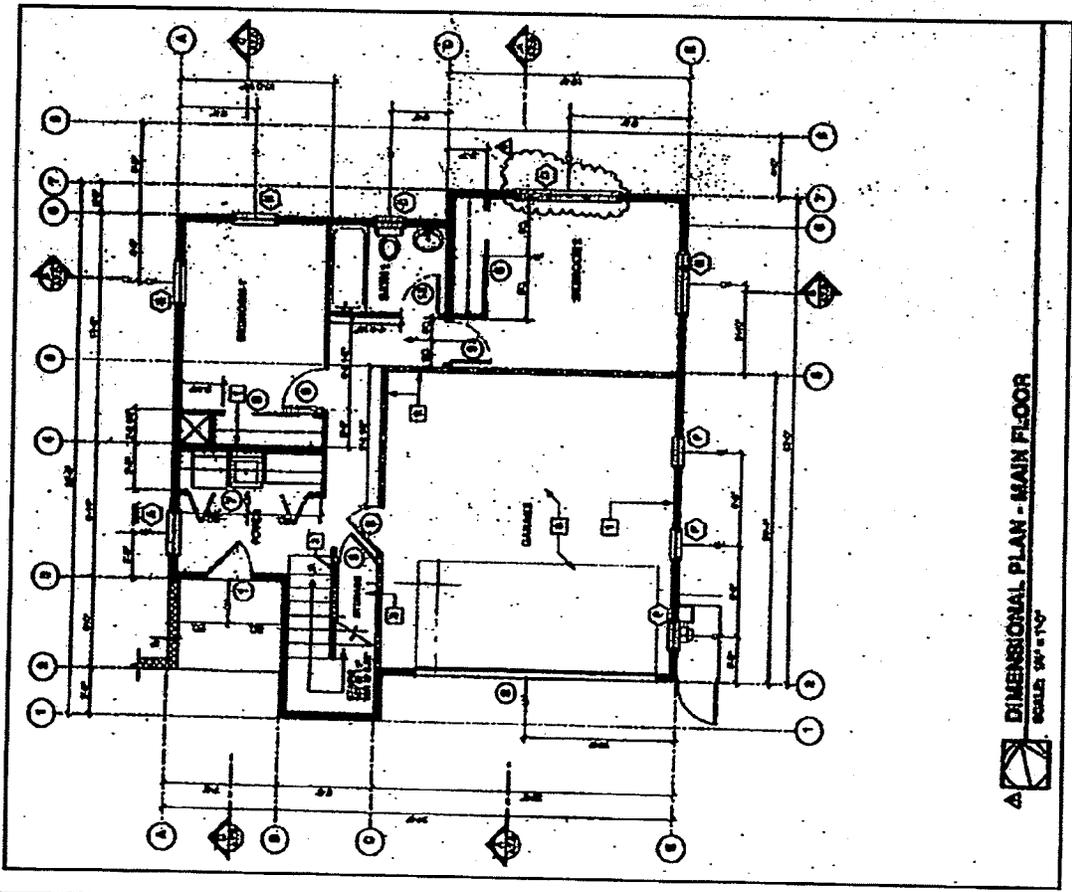
Graham Minor Use Permit / Coastal Development Permit  
DRC2012-00012

EXHIBIT

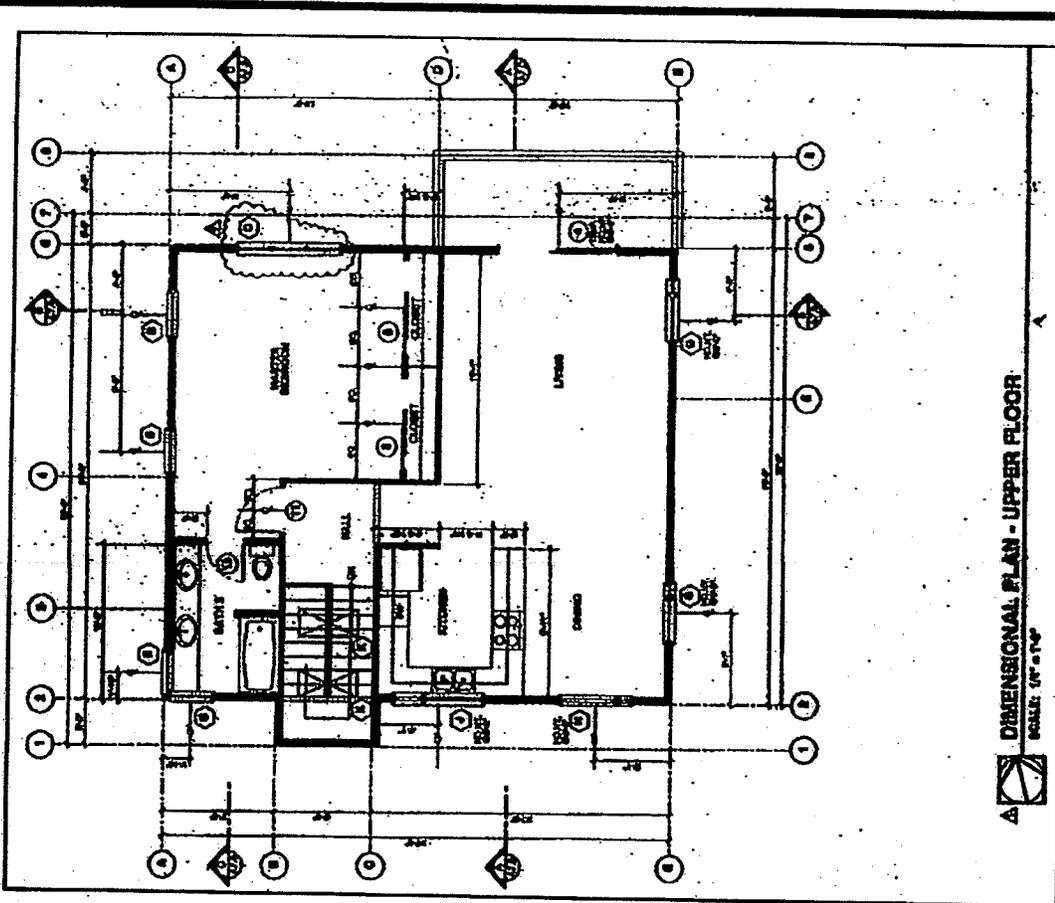
Aerial View



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



**DIMENSIONAL PLAN - MAIN FLOOR**  
SCALE: 1/4" = 1'-0"



**DIMENSIONAL PLAN - UPPER FLOOR**  
SCALE: 1/4" = 1'-0"



**PROJECT**  
Graham Minor Use Permit / Coastal Development Permit  
DRC2012-00012

**EXHIBIT**  
Floor Plan

1-12



*cm 2*

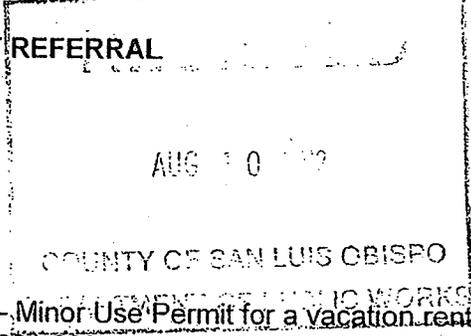
SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 8/9/2012

FR TO: *PW*



TO FROM: Cody Scheel, Coastal Team

PROJECT DESCRIPTION: DRC2012-00012 ANDREW- Minor Use Permit for a vacation rental. Site located off San Luis Street in Avila Beach. APN: 076-201-082.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

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

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

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 SO INDICATE, OR CALL.

*No comment*

*8.17.12*  
Date

*[Signature]*  
Name

*5271*  
Phone



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

**THIS IS A NEW PROJECT REFERRAL**

DATE: 8/9/2012

TO: Avila Beach CSD

FROM: Cody Scheel, Coastal Team

PROJECT DESCRIPTION: DRC2012-00012 ANDREW- Minor Use Permit for a vacation rental. Site located off San Luis Street in Avila Beach. APN: 076-201-082.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

**PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?**

YES  
 NO

(Please go on to PART II.)  
(Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

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

YES  
 NO

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)  
(Please go on to PART III)

**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 SO INDICATE, OR CALL.

No comment

Date 8/9/12

Name John Wallace

Phone 595-2664

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RE: DRC2012-00012 ANDREW, Coastal E-Referral, (MUP, Avila Beach)  
Robinson, Daniel@Coastal to: 'cscheel@co.slo.ca.us' 08/27/2012 02:22 PM

From: "Robinson, Daniel@Coastal" <Daniel.Robinson@coastal.ca.gov>  
To: "'cscheel@co.slo.ca.us'" <cscheel@co.slo.ca.us>

Thank you Cody.

CCC has no comments on this vacation rental app.

Cheers,  
Daniel

From: cscheel@co.slo.ca.us [mailto:cscheel@co.slo.ca.us]  
Sent: Monday, August 27, 2012 11:47 AM  
To: Robinson, Daniel@Coastal  
Subject: RE: DRC2012-00012 ANDREW, Coastal E-Referral, (MUP, Avila Beach)

Please see attached.

Cody Scheel  
Planner - Current Planning

County of San Luis Obispo  
Department of Planning & Building  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408  
(805) 781-5157  
cscheel@co.slo.ca.us

From: "Robinson, Daniel@Coastal" <Daniel.Robinson@coastal.ca.gov>  
To: "'cscheel@co.slo.ca.us'" <cscheel@co.slo.ca.us>  
Date: 08/27/2012 11:05 AM  
Subject: RE: DRC2012-00012 ANDREW, Coastal E-Referral, (MUP, Avila Beach)

Thanks for trying. Still giving me an error (404).

Daniel

From: cscheel@co.slo.ca.us [mailto:cscheel@co.slo.ca.us]  
Sent: Monday, August 27, 2012 11:03 AM

**1-15**

August 29<sup>th</sup>, 2012

To whom it may concern,

This letter is written on behalf of the residents of the Avila Cove Condominium Owners Association. Our association would like to express our deep concern over the potential of utilizing the unit/and or units adjacent to our property as resort rentals. Avila Cove COA has a specific policy that forbids short term rental of any property in the complex. We have this policy because we recognize the shortage of parking for all units located on San Luis Parkway and San Luis Street. Additionally, we make every effort to maintain a peaceful living community that respects the rights of all Avila residents. We believe adding additional rental units will compromise this effort and complicate the already dense parking issues associated with San Luis Parkway and San Luis Street.

Avila Beach has an adequate supply of rental properties located in town and adding additional rentals will not serve to improve the Avila Community. We have a finite amount of city resources to police and manage community needs, so we respectfully request that you keep those resources focused on our current residents and prevent any new unit(s) from being utilized as a resort rental property.

Respectfully,

Avila Cove Condominium Association

August 30, 2012

Dear Cody Scheel and the San Luis Planning and Building Department:

We are writing in response to the letter from the Avila Cove Condo Association. While we are NOT part of Avila Cove Condo Association, we are NOT bound to their rules and regulations. We do understand their concerns, and believe that it will not be an issue for our house. Our house provides 4 car parking spots, two inside the garage and 2 outside. For one family to stay at the house, this will provide more than adequate space.

During the summer months, visitors park their cars on San Luis Parkway up all the way on Avila Beach Dr to walk into town. This is clearly already happening with or without summer homes being rented. In a recent article from Mary Richert Foppiano (executive director of the Avila Beach Civic Association) she states there isn't enough rental homes in a town that only houses 350 residents, and they welcome additional tourist and vacation rental in order to accommodate the needs of Avila Beach as a resort town. We experienced that first hand as we have often had problems finding good home rentals (there are only 20-30 that is publically known) before purchasing our home. I believe that this will serve the community of Avila Beach very well.

While we understand their concern for peaceful living, we do not want to disrupt that balance as well. We love Avila Beach, as we got engaged on that beach and my husband has been coming there since his college years. This community has become our home. We would just like the opportunity to share it with family and friends and therefore going through the formal process of getting the permit.

Sincerely Yours,

The Grahams

**1-17**

**Vacational Rental For 194 San Luis Parkway Avila Beach**  
 Penni Tidwell to: cscheel, annemb, Pete Kelley

09/10/2012 10:20 AM

From: Penni Tidwell <pennitidwell@live.com>  
 To: <cscheel@co.slo.ca.us>, <annemb@sbcglobal.net>, Pete Kelley <pedrokelly@gmail.com>

**To Whom it May Concer:**

We are writing this letter in regards to the proposed vaction rental request of 194 San Luis Parkway Avila Beach. As owners of 198 San Luis Parkway Avila Beach we have concerns with this being approved because of parking, nuisances, noise, and property value loss.

In regards to the major concern being parking: We ourselves had 194 San Luis Parkway in escrow but because of the difficulty in parking we decided to buy the top unit. Even though these are deemed as two car garages it is impossible to park two vehicles in the garges because of the entrance sharing the common space with the two 9X18 Ft. "Guest Parking". When there are cars in the guest parking spots it makes it impossible to enter gargage straight, therefore you must enter at a 90 degree angle and park at a angle preventing another car to enter garage. Any person(s) renting this unit will find it much easier to violate the rules and park in the guest parking, in front of garage or in front of said unit therefore preventing access to others along with being a Safety and Fire Hazard issue.

The second concern is Nuisances: As stated in the CC&Rs 2.3 Nothing shall be done on any parcel or withing the reciprocal easement area that may be of may become an annoyance or nuisance to the residents of any Parcel or that in any way interferes with the quiet enjoyment of the other occupants of the property of use of the reciprocal easement area. We believe that we along with other residence of the property will having to constently "Police" said vacation renters on how and where to park. CC&Rs also state in Restrictions 2.1 Land use states all parcels shall be used for residential purposes only. Once this property is approved for Vacation Rental it then becomes commercial which violates the CC&Rs.

Third concern is the noise that it will create having Vacation renters in such a small space. All vehicles must pass by first two units using a very narrow and steep driveway therefore causing a negative impact in the privacy and security of our residence.

Lastly we also feel that having a Vacation Rental within our complex will cause a decrease in our property value. Avila Beach already has plenty of Vacation Rentals that should be utilized before more are added.

We would request that Mary Matakovich read this letter tonight Sept. 10th 2012 at meeting on our behalf since we will not be able to attend.

Please feel free to contact us at 209.529.9922 or by email.

We hope that you will take all things considered in this matter,

Sincerely,

Greg and Penni Tidwell



**FW: Avila court**

Penni Tidwell to: cscheel, annemb, Pete Kelley

09/10/2012 03:45 PM

From: Penni Tidwell <pennitidwell@live.com>

To: <cscheel@co.slo.ca.us>, <annemb@sbcglobal.net>, Pete Kelley <pedrokelly@gmail.com>

To Whom it May Concern:

Please see attached email from Craig Smith who was the Architect of the 194 San Luis Parkway Avila Beach. These are his concerns in regards to the said property requesting to become a Vacation Rental.

Regards,

Greg and Penni Tidwell

Owners of 198 San Luis Parkway Avila Beach

From: pennitidwell@live.com

To: pennitidwell@live.com

Subject: FW: Avila court

Date: Mon, 10 Sep 2012 15:39:51 -0700

Please forward

Subject: Fwd: Avila court

From: GTidwell@tidwellenterprises.com

Date: Mon, 10 Sep 2012 12:20:08 -0700

To: pennitidwell@live.com

Sent from my iPhone

Greg,

I looked into the situation regarding the rental of the unit and there are a couple of things you can do. One is the fact that the existing use permit was not set up for renting a unit out. This is a PUD, not a stand-alone SFR, so there are more "teeth" in the existing conditions of approval. If there is no provision for this, it will have to be applied for. The biggest impact is the parking, or potential lack of it for renting. The parking calc was for occupancy, not renting, therefore this will have to be dealt when they apply for a MUP to rent out the unit.

CRSA Architecture

Craig R. Smith, AIA, CEO/Principal Architect

890 Monterey Street, Suite A

San Luis Obispo, CA 93401

Phone: 1 (805) 544-3380 x 202

Fax: 1 (805) 544-8625

Email: crsa@craigsmithaia.com

Web: www.craigsmithaia.com

**1-19**

**AVILA VALLEY ADVISORY COUNCIL**

San Luis Obispo County, California  
P.O. Box 65, Avila Beach, CA 93424  
[www.AvilaValley.org](http://www.AvilaValley.org)

Tuesday, September 11, 2012

Cody Scheel, Planner  
[cscheel@co.slo.ca.us](mailto:cscheel@co.slo.ca.us)

Hello Cody:

At last night's meeting of AVAC, the Minor Use Permit for a Vacation Rental at 194 Parkway was discussed.

After lengthy discussion and input from nearby neighbors (Avila Cove Condominium Association, the Tidwells who live on the property and Mary Matakovich whose home is next door west of this property, AVAC voted unanimously to: **recommend to Planning that the MUP be DENIED on the basis of limited and difficult parking, the potential for noise and the restriction 2.1 Land Use in the 3-house CC&Rs.**

These parties will be informed of the Hearing on October 5, 2012 if they wish to attend.

Thank you for your continuing attempt to protect Avila's current residents.

Sincerely,

Anne M. Brown, Chair

**1-20**

Sept 12, 2012

To the San Luis Building and Planning Committee;

Thank you for taking the time to review this file and help us navigate this process.

We are writing this letter in response to the neighborhood concerns. In regards to the parking situation, the requirement states a property should have enough parking spaces to accommodate the people allowed. Our home is a 1590 square feet with three bedrooms, allowing for two people per bedroom. A two car garage is ample space required for six people. The building is suited for two regular sized vehicles easily as shown in the building plans we submitted. The two extra spaces outside are a bonus for two other cars, welcomed to anyone within the three homes. I understand that there may be some concerns that the tenants will "violate" unwritten rules of parking but we don't foresee that being a problem as we will only be renting to one family at a time and will make sure they understand they will only be parking in our garage or allotted spaces.

We did review the CCR's prior to purchasing our home with the real estate agent that listed the three homes. They are standard, and we are within our rights to use this home as a part time vacation rental as these properties are free standing homes with no association or HOA only a driveway easement. We will attach the CC&R's upon request.

This proposed vacation rental is a single family rental, we as owners would want the renters to respect our beautiful home as we would. While we understand the neighbors concern, the impact would be the same or less, as if we were there. We have a zero tolerance policy and anyone that does not respect this, will be asked to leave immediately. There will be no need for "policing." This community is mixed with senior homes, families and partying college students less than 200 ft away. It welcomes beach goers everyday that park on San Luis Parkway and around the streets. These are the daily exposures we have as owners in this beach community.

We hope this addresses any concerns of the neighboring residents and eases them knowing we are extremely concerned with maintaining a peaceful living situation and greatly respect the privacy of our fellow homes owners.

Sincerely,

The Grahams