

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 3/17/2015	(3) CONTACT/PHONE Cody Scheel, Project Manager	
(4) SUBJECT Hearing to consider an appeal by Andre, Morris & Buttery on behalf of the appellants of the Planning Department Hearing Officer's decision to approve a request for a Minor Use Permit / Coastal Development Permit DRC2014-00005 to establish a residential vacation rental at 1492 Valley View Lane, in the community of Los Osos. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt and instruct the Chairperson to sign the resolution affirming the decision of the Planning Department Hearing Officer and approving the request by John Avrea for a Minor Use Permit / Coastal Development Permit (DRC2014-00005) to establish a residential vacation rental at 1492 Valley View Lane, in the community of Los Osos, based on the findings listed in Exhibit "A" of attachment 1, and the revised conditions listed in Exhibit "B" of attachment 1 (Board of Supervisors Resolution with Findings and Conditions).			
(6) FUNDING SOURCE(S) Current Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation { X } Hearing (Time Est. <u>60 min.</u>) { } Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS { X } Resolutions { } Contracts { } Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5 Vote Required { X } N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { X } N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa Howe			
(18) SUPERVISOR DISTRICT(S) District 2			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Cody Scheel, Project Manager / (805) 781-5157

DATE: 3/17/2015

SUBJECT: Hearing to consider an appeal by Andre, Morris & Buttery on behalf of the appellants of the Planning Department Hearing Officer's decision to approve a request for a Minor Use Permit / Coastal Development Permit DRC2014-00005 to establish a residential vacation rental at 1492 Valley View Lane, in the community of Los Osos. District 2.

RECOMMENDATION

It is recommended that the Board adopt and instruct the Chairperson to sign the resolution affirming the decision of the Planning Department Hearing Officer and approving the request by John Avrea for a Minor Use Permit / Coastal Development Permit (DRC2014-00005) to establish a residential vacation rental at 1492 Valley View Lane, in the community of Los Osos, based on the findings listed in Exhibit "A" of attachment 1, and the revised conditions listed in Exhibit "B" of attachment 1 (Board of Supervisors Resolution with Findings and Conditions).

DISCUSSION

At the Planning Department Hearing on October 3, 2014, the Hearing Officer reviewed the information, heard public comment and approved a proposal by John Avrea to allow an existing residence to be used as a residential vacation rental. The existing residence is located at 1492 Valley View Lane, in the community of Los Osos. No expansion of the existing residence or other improvements is proposed with the project.

At the Planning Department Hearing (PDH) numerous individuals from the neighborhood spoke against the project and additional letters were presented to the Hearing Officer. The comments from residents concentrated on zoning requirements, noise, parking, traffic, the potential for overcrowding and the feeling that the use was generally inappropriate for the physical location and the neighborhood. There was also concern expressed that the County's ability to conduct enforcement of existing vacation rental standards will not be successful. There are currently at least 15 other licensed vacation rentals in the community of Los Osos. To date there have been no issues with the existing vacation rentals in Los Osos.

The Planning Department Hearing Officer considered the staff recommendation and the comments and letters received and decided to adopt findings and conditions of approval. These are set forth in Exhibits "A" and "B" of attachment 3 (Planning Department Hearing Staff Report; October 3, 2014). The appellants have appealed the decision by the Planning Department Hearing Officer to allow the residence to be used as a residential vacation rental.

Appeal Issues

The following outlines each issue raised by the appellants:

Issue 1. The appellants stated that the residence on the property was not constructed in conformance with the standards applicable to residential development, including, but not limited to, zoning and permitting.

Staff Response: The existing lot was legally created by a recorded map (CO 95-055) at a time when that was a legal method of creating lots. The lot is located in the Residential Suburban land use category, and under the Coastal Zone Land Use Ordinance (Coastal Table O) single family residences are an allowed principally permitted use in this land use category. The existing single family residence was permitted under Minor Use Permit / Coastal Development Permit (D010161P), and was required to go through the building permit process. Building Permit PMT2005-02363 was applied for in February of 2006 and a final inspection was completed in August of 2007.

Issue 2. The appellants stated that the use of the property as a vacation rental is incompatible with the surrounding residential uses, and the incompatibility is not fully addressed by the conditions.

Staff Response: The existing residence is a permitted single family residence, which is compatible with the surrounding single family residences. The proposed residential vacation rental is considered a residential use, and is not to operate differently than a full time occupied single family residence; therefore conditions for operational standards have been added to the permit. Because these standards limit the number of individual tenancies per month, set parking requirements, limit the number of occupants, limit the number of vehicle trips, set noise standards and designate a 24-hour property manager contact, potential incompatible impacts can be avoided.

Issue 3. The appellants stated that no evidence of notice to the water provider, or that the water provider has adequate capacity, has been demonstrated.

Staff Response: The existing single family residence was required to go through the building permit process which requires adequate water and sewage service capacity for the single family residential use. The residence is currently being served by Golden State Water Company and utilizes an on-site septic system. The proposed residential vacation rental is considered a residential use, and is not to operate differently than a full time occupied single family residence; therefore no increase in water or sewage service capacity is anticipated.

Issue 4. The appellants stated that adequate on-site parking has not been demonstrated, and there is no limitation on the number of vehicles that may be at the property at any given time.

*Staff Response: The existing single family residence has a four vehicle garage and an approximately 1,900 square foot driveway. A total of four vehicles can park in the existing garage, and approximately eight to nine (based on a 9' x 18' parking space) vehicles can park in the existing driveway, for a total of 12-13 parking spaces. A condition of approval has been applied requiring that all parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time. There is also a condition of approval that 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, or **ten** persons total (a total of four bedrooms within the existing residence). Two to five cars are anticipated to be associated with a typical guest load at this location (2 or more person per vehicle).*

Issue 5. The appellants stated that there will likely be access issues as a result of vehicles entering and exiting the property from a private driveway easement shared with two (2) other properties. (See staff response below)

Issue 6. The appellants stated that there has been insufficient evidence showing that normal residential traffic volume will not increase if the property is used as a vacation rental. (See staff response below)

Issue 7. The appellants stated that increased traffic volume at the property will be particularly problematic because it is, as stated above, accessed from a private driveway easement shared with two (2) other properties, and because it is located on a dead end road that narrows and becomes a private road just past the property. (See staff response below)

Issue 8. The appellants stated that the property is located in a fire zone, and increased traffic volume will likely present issues for emergency vehicle access in the event of a fire. (See staff response below)

Staff Response (for issues 5, 6, 7 & 8):

The existing single family residence is accessed off Star Court, an approximately 25 foot wide and 70 feet long private access road. This private road also serves as access to one other residence and an open space easement lot. This private access is wide enough to accommodate two-way traffic.

Single family residences can vary in occupant number to due to several factors such as family size. The proposed residential vacation rental is not to operate differently than a full time occupied single family residence; and no additional traffic is anticipated with the project because it is using an existing approved residence as a residential vacation rental. The project is conditioned to allow a maximum number of ten occupants, and 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.

The land use permit for the existing residence was referred to Cal Fire and during the building permit process a fire safety plan was approved by the South Bay Fire Department for all required fire/life safety measures. The residence remains a single family residential use therefore; no revision to Cal Fire's initial evaluation is needed.

Updates

Since the October 3, 2014 Planning Department Hearing, staff has added Condition of Approval number 16 (see attachment 1, Exhibit B – Revised Conditions of Approval) that indemnifies the County from future litigation regarding any decision made on this project.

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to: The Public Works Department, California Coastal Commission, and the Los Osos Community Advisory Council.

FINANCIAL CONSIDERATIONS

The appellants were not charged for the appeal because it involves a Coastal Development Permit.

RESULTS

Denying the appeal and upholding the Planning Department Hearing Officer's decision will result in the establishment of a residential vacation rental at 1492 Valley View Lane, in the community of Los Osos. Upholding the appeal would mean the Planning Department Hearing Officer's decision to approve Minor Use Permit / Coastal Development Permit (DRC2014-00005) is denied.

ATTACHMENTS

1. Resolution with Findings and Conditions
2. Coastal Appeal Form and Attachments
3. Planning Department Hearing Staff Report, October 3, 2014
4. Correspondence submitted at the Planning Department Hearing on October 3, 2014
5. Letters from interested parties
6. Planning Department Hearing Minutes from October 3, 2014