

# Avila Valley Advisory Council

San Luis Obispo County, California

P.O. Box 65

Avila Beach, CA 93424 [www.avac-avila.org](http://www.avac-avila.org)

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September 15, 2015

To: Jim Bergman, Director, Department of Planning and Building  
[jbergman@co.slo.ca.us](mailto:jbergman@co.slo.ca.us) & [cmacek@co.slo.ca.us](mailto:cmacek@co.slo.ca.us)

Re: Colony Lot 1 APN # 076-196-006  
**PLANNING STAFF HEARING, SEPTEMBER 18, 2015**

Dear Mr. Bergman,

At the September 14 AVAC meeting the Council unanimously approved the following comments from the Avila Beach Committee regarding the above referenced project:

### Project Description

The project site is located at the First Street and San Juan Street intersection with Avila Beach Drive, Avila Beach's primary entrance. The portion of the site along Avila Beach Drive is an elevated former railroad bed. A triangular shaped landscape area at the intersection, which could appear on project plans to be a landscape portion of Colony Lot 1, is actually County road right-of way reserved for intersection expansion.

Proposed is a house with 5,000 sq. ft. of living area, 1,600 sq. ft. decks and 1,300 sq. ft. of garage for two vehicles and cart and a 670 sq. ft. swimming pool. The house is on three levels. It contains four bedrooms and four bathrooms, standard rooms plus, studio, bonus room, sitting room, spa, etc. It is intended for use as a vacation rental.

### Staff Report Analysis

Although this is a *discretionary project*, for which comments were submitted by AVAC detailing impacts on the immediate area and recommending mitigations, staff report analyses are confined entirely to consistency with ordinance standards. (See Attachment 4 for AVAC's letter.)

### Expired 2006 Development Approval for Dwelling on Colony Lot 1

In nine years the area proximate to the project site has undergone substantial changes such that an identical project to that approved earlier for the project site no longer is appropriate. Area changes include: additional businesses and residences; increased use of public facilities, including the aquarium; increased number of concerts at the golf course; increased people, traffic and parking shortage. In addition, the intersection of First Street at Avila Beach Drive is now signalized with a crosswalk across Avila Beach Drive serving the revised terminus of the increasingly popular Bob Jones Pathway (for bicycles and pedestrians). Next to the Pathway terminus is a golf course entrance used for events.

The intersection has become chaotic, with safety compromised. (Noticed have been increased CHP pullovers on Avila Beach Drive proximate to this intersection.)

**Finding Required For Minor Use Permit Approval (See Finding E.):**

**Consistency with the character and orderly development of the immediate neighborhood.**

SIDE SETBACK. The proposed setback from First Street is 4 feet from the water edge of the swimming pool. The building is setback 5 feet. Setback from First Street is insufficient given the prominence of the intersection as the entrance to Avila Beach and the lot's location adjacent to and across from public facility and commercial-retail.

Although this project is *discretionary*, the only staff report analysis for street side setback states consistency with the minimum allowed setback (of 0). (However, the Avila Beach Specific Plan designates the property Recreation for which the Ordinance requires a minimum 5 foot setback for a corner lot, 23.04.110b.2). Regardless of the required minimum, orderly development for this corner lot indicates a greater than minimum setback to be appropriate. A side setback of 25 feet is recommended because:

- The house largely appears to front First Street, which would entail a 25 foot setback.
- At such time as the First Street intersection is widened, the swimming pool could be nearly at the street edge. An unsafe attractive nuisance might result.
- The large size and bulk of the house enabled by insufficient setbacks would visually impose on public uses.
- While the proposed setback is greater than 0, staff could allow a modification for 0 setback unless a larger setback is specified in a condition of approval.
- If the entire road right-of-way along First Street is wanted for intersection improvement, pressure by the homeowner against roadway so near the house and pool could prevail, to public detriment.

HEIGHT. The project's proposed average height is nearly 30 feet. The Specific Plan, which does not provide standards for single family residential development within the Recreation designation, contains no applicable height standard. The applicable Ordinance height maximum is 35 feet.

Although this project is *discretionary*, the only staff report analysis of height is that it meets the ordinance required maximum standard. Recommended is a 25 foot maximum average height, identical to the Specific Plan maximum for residential designations, because:

- A maximum 25 foot height would be more aesthetically consistent with community character.
- The lower height would reduce visual dominance of the house over proximately located public uses.

PARKING. The staff report states that four parking spaces are proposed, two in the garage and two in the driveway. However, only one driveway vehicle could park without being against the other.

Although this project is *discretionary*, the staff report only analyzes compliance with the required minimum number of parking spaces. The proposed size of this house with numerous rooms available for sleeping, coupled with use for vacation rental, indicates inadequate parking. Considering that lodging is required to have one parking space per unit (traditionally, a hotel/motel unit has one room), five usable onsite spaces is recommended because:

- Otherwise the already severe parking shortage in Avila would be exacerbated.
- Parking searches contribute to Avila's frequently jammed traffic, which is a safety issue.

Sincerely,

*Jim Hartig*

Jim Hartig, AVAC Chairperson

Cc: Adam Hill, County Supervisor  
Megan Martin, Case Planner  
AVAC Members