

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

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 12/15/2015	(3) CONTACT/PHONE Megan Martin, Project Planner / (805)781-4163	
(4) SUBJECT Hearing to consider an appeal by Sherri Danoff of the Planning Department Hearing Officer's approval of a request by Creekside Lofts L.P. for a Minor Use Permit/Coastal Development Permit to allow the construction of a new two-story, 5,058 square foot single family residence to be used as a vacation rental located on Colony Lane within the community of Avila Beach, and consideration of the previously adopted Mitigated Negative Declaration. District 3.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution denying the appeal by Sherri Danoff and affirm the decision of the Planning Department Hearing Officer's approval.			
(6) FUNDING SOURCE(S) Department allocated general fund support	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>60 min.</u> ) <input type="checkbox"/> Board Business (Time Est. <u>    </u> )			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR): N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? N/A	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A   Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 3			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Megan Martin, Project Planner

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 12/15/2015

SUBJECT: Hearing to consider an appeal by Sherri Danoff of the Planning Department Hearing Officer's approval of a request by Creekside Lofts L.P. for a Minor Use Permit/Coastal Development Permit to allow the construction of a new two-story, 5,058 square foot single family residence to be used as a vacation rental located on Colony Lane within the community of Avila Beach, and consideration of the previously adopted Mitigated Negative Declaration. District 3.

## **RECOMMENDATION**

It is recommended that the Board adopt the resolution denying the appeal by Sherri Danoff and affirm the decision of the Planning Department Hearing Officer's approval.

## **DISCUSSION**

### **Background**

On September 18, 2015, the Planning Department Hearing Officer heard a proposal by Creekside Lofts L.P. for a Minor Use Permit/Coastal Development Permit to allow the construction of a new, two-story, 5,058 square foot, four (4) bedroom, single family residence that can be used as a Vacation Rental in Avila Beach.

During the hearing, public comment was received from Ms. Sherri Danoff (appellant) and Mr. Robert Pusanik who discussed issues with the development that included the mass of the building, inadequate street side setback, use of the residence as a Vacation Rental, and limited parking to support the Vacation Rental. The Hearing Officer conditionally approved the project and limited the tenancy of the Vacation Rental to two persons per bedroom to alleviate the potential for parking issues. Standard conditions of approval for Vacation Rentals allow two persons per bedroom plus an additional two persons. A timely appeal of the Hearing Officer's decision was filed by Sherri Danoff on October 2, 2015.

The proposed project includes development of a two-story, 25 foot tall (measured from the highest point of the lot) residence that can be used as a Vacation Rental. The residence will have an attached garage, outdoor pool, and outdoor barbeque and patio area. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the south side of Avila Beach Drive on Colony Lane, within the community of Avila Beach, in the San Luis Coastal planning area.

### **Appeal Issues**

**Appeal Issue 1. Inadequate parking for the Vacation Rental use.** The appellant considers the proposed number of parking spaces to be insufficient to accommodate the proposed residence and Vacation Rental and that Avila Beach has a severe parking shortage which the proposed project would exacerbate. The appellant would like the Board to consider onsite parking of one space per three persons indicating the need for five spaces.

Staff Response: The proposed Vacation Rental is conditioned for parking using residential operational standards (2 parking spaces required,) as required by the Coastal Zone Land Use Ordinance (CZLUO). The proposed conditions of approval have routinely been added to other Minor Use Permits that are requesting the establishment of residential Vacation Rentals.

The single family residence includes a two-car garage, and an additional two parking spaces in the driveway off of Colony Lane. In addition, as part of the conditions of approval, the Hearing Officer limited the tenancy of the Vacation Rental to two persons per bedroom (8 people total) to reduce any additional need for parking spaces. The proposed project complies with the CZLUO Section 23.04.160 – Parking. There is sufficient space to accommodate all necessary parking on site and the project complies with the ordinance requirements for parking.

**Appeal Issue 2. Inadequate side setback.** The appellant considers the proposed zero (0) foot street side setback insufficient for a corner lot at the signalized Avila Beach entrance. The appellant is proposing a 25 foot street side setback to be compatible with existing development and potential future use of the public right-of-way for street improvements.

Staff Response: The project site is located just southeast of the intersection of Avila Beach Drive and First Street within the Central Business District, and is considered a corner lot. CZLUO Section 23.07.100 allows for a zero (0) foot side setback from the street side corner if within a Central Business District; the residence, as proposed, is approximately five (5) feet from the street side property line. The proposed project complies and exceeds the required standards for setbacks of CZLUO Section 23.07.100. Staff finds the five (5) foot setback appropriate based on the unique site characteristics (approximately 75 linear feet of public right-of-way between side property line and the intersection of Avila Beach Drive and First Street), as shown on the site plan. Staff finds the 25 foot street side setback to be unnecessary for the proposed use. In addition, there remains adequate public right of way for any necessary transportation improvements along Avila Beach Drive and First Streets according to County Public Works.

**Appeal Issue 3. Building massive.** The appellant believes the proposed single family residence to be 40% larger than other Colony Lane development.

Staff Response: Development of the project site is limited by the required setbacks and height limits of the CZLUO. The proposed project complies with those standards and requirements. The following table shows a comparison between the proposed (Lot 1) and approved development on Colony Lane.

<b>Beach Colony Lane Development Comparison</b>					
<b>Lot</b>	<b>LUC*</b>	<b>Lot Size (sq. ft.)</b>	<b>Residence (sq. ft.)</b>	<b>GSA**</b>	<b>Footprint (sq. ft.)***</b>
1	REC	9,379	5,058 (appealed)	53%	2,891 (30%)
3	REC	6,000	3,504 (approved)	58%	1,634 (27%)
5	REC	6,000	3,033 (proposed)	50%	2,154 (36%)
6	REC	6,000	3,187 (proposed)	53%	1,878 (31%)
7	REC	6,000	3,089 (approved)	51%	2,270 (37%)
11A	RMF	3,000	1,983 (approved)	66%	1,250 (41%)
11B	RMF	3,000	1,917 (approved)	63%	1,250 (41%)

\* Land Use Category

\*\* Gross Structural Area (GSA)

\*\*\* Percent lot coverage

Lot 1 (the subject lot) has the second largest area of the 14 colony lots at approximately 9,379 square feet, and therefore has the area to accommodate development of a larger single family residence. As noted in the above table, the project is well within the range of other Colony Lane projects (both proposed and approved) in both Gross Structural Area (GSA) and footprint. Based on the size of the lot, proposed height and setbacks, the proposed project is consistent with the surrounding development at 5,058 square feet on a 9,379 square foot lot.

**OTHER AGENCY INVOLVEMENT/IMPACT**

The project was referred to: Public Works, Building Division, Cal Fire, HEAL SLO, Avila Community Services District, and the California Coastal Commission. No concerns were received for the proposed project.

The project was also referred to the Avila Valley Advisory Council. A referral response was received dated May 20, 2015 with the following concerns: Insufficient parking for the proposed Vacation Rental, inadequate street side setback, noise associated with a Vacation Rental may be a nuisance to existing Avila development, and the height of the proposed residence should not exceed 25 feet above average natural grade.

In addition, County Counsel has reviewed and approved the attached Resolution with findings and conditions.

### **FINANCIAL CONSIDERATIONS**

This project is in the coastal zone and is not subject to an appeal fee. This appeal was processed using department allocated general fund support.

### **RESULTS**

Affirming the Hearing Officer's decision and denying the appeal will mean the Development Plan/Coastal Development Permit DRC2014-00096 is approved.

Upholding the appeal would mean the Hearing Officer's approval of the Development Plan/Coastal Development Permit DRC2014-00096 would be overturned and result in the project being denied.

This hearing is consistent with communitywide results of encouraging a safe, healthy, and livable community.

### **ATTACHMENTS**

1. Attachment 1 - Board of Supervisors Resolution with findings and conditions
2. Attachment 2 - Coastal Appeal Letter, October 2, 2015
3. Attachment 3 - Minutes, from the September 18, 2015 Planning Department Hearing
4. Attachment 4 - Staff Report, from the September 18, 2015 Planning Department hearing
5. Attachment 5 - Letter from the applicant, October 29, 2015