



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

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

<p>MEETING DATE August 5, 2016</p> <p>LOCAL EFFECTIVE DATE August 19, 2016</p> <p>APPROX FINAL EFFECTIVE DATE September 23, 2016</p>	<p>CONTACT/PHONE Brandi Cummings, Project Manager</p> <p>805-781-1006</p> <p>bcummings@co.slo.ca.us</p>	<p>APPLICANT Danny Sullivan</p>	<p>FILE NO. DRC2015-00081</p>
<p>SUBJECT A request by DANNY SULLIVAN for a Minor Use Permit/Coastal Development Permit (DRC2015-00081) to allow for grading on slopes over 20 percent for two (2) single-family residences of 2,317 sq. ft. and 2,545 sq. ft. located on three (3) adjacent lots. Also requested are two (2) residential vacation rentals and modification to the 50 foot distance requirement between residential vacation rentals. The project will result in 3,626 square-feet of permanent site disturbance on an 11,370 square-foot project site. The project is located in the Residential Multi-Family land use category and is located at 260 and 264 San Miguel Street, at the intersection of San Miguel Street and Avila Beach Drive, in the community of Avila Beach. The project is located in the San Luis Bay (Coastal) planning area.</p>			
<p>RECOMMENDED ACTION Approve Minor Use Permit DRC2015-00081 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.</p>			
<p>ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on June 3, 2016.</p>			
<p>LAND USE CATEGORY Residential Multi-Family</p>	<p>COMBINING DESIGNATION Archaeological Study Area, Local Coastal Plan, Coastal Appealable Zone</p>	<p>ASSESSOR PARCEL NUMBER 076-201-071 (portion)</p>	<p>SUPERVISOR DISTRICT(S) 3</p>
<p>PLANNING AREA STANDARDS: Water Authorization, Avila Beach Specific Plan, View Protection, Storm Drainage <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i></p>			
<p>LAND USE ORDINANCE STANDARDS: Minimum Site Area, Multi-Family Dwellings, Archaeologically Sensitive Area, Setbacks, Vacation Rentals <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i></p>			
<p>FINAL ACTION 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.</p> <p>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.</p>			
<p>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</p>			

EXISTING USES: Vacant lot	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Recreation / Avila Beach Resort Golf Course <i>East:</i> Residential Multi-Family / Residences <i>South:</i> Residential Multi-Family / Residences <i>West:</i> Residential Multi-Family / Residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Avila Valley Advisory Council, Public Works, Building Division, Cal Fire, Avila Beach Community Services District, California Coastal Commission	
TOPOGRAPHY: Nearly level to steeply sloping	VEGETATION: Grasses, oaks
PROPOSED SERVICES: Water supply: Avila Beach Community Services District Sewage Disposal: Avila Beach Community Services District Fire Protection: Cal Fire	ACCEPTANCE DATE: May 24, 2016

DISCUSSION

PLANNING AREA STANDARDS:

Community-Wide.

Water Authorization Required. Submittal of a "will-serve" letter from the Avila Water District is required prior to issuance of any building permits for construction proposed to have water service.

Staff comments: The applicant has provided a Preliminary Intent to Serve Letter from the Avila Beach Community Service District, dated November 11, 2015. The letter addressed the applicant's original project of 3 single-family residences. The applicant will be required to provide an updated Intent to Serve letter prior to issuance of construction permits.

Avila Beach Specific Plan Included by Reference. The Avila Beach Specific Plan, and any amendments made thereto, is hereby incorporated into this Land Use Element as though it were fully set forth here. All development within the Avila Beach Specific Plan planning area (Figure 8-3) is to be in conformity with the adopted Specific Plan, as well as all other applicable LCP standards. In the event of any conflict between the provisions of the San Luis Bay Area Plan and the Specific Plan, the Specific Plan shall control.

Density. Allowable density shall be low density (up to 15 units to the acre).

Staff comments: The project site (Lots 1, 2, and 3) is 13,700 square feet (0.31 acres) and is allowed up to four units. The proposed project is for two units and complies with this standard.

Setbacks. To achieve conformance with existing development patterns, front setback requirements should be consistent with adjacent parcels.

Staff comments: The proposed project has a vacant lot to the south, the golf course to the north, apartments to the east, and the vacant colony lots to the west. The apartments are setback approximately 30 feet in the front. Residences along San Miguel Street sit on their front property lines. The two residences are proposed to be setback 5 feet from the front property line. Staff finds this consistent with the existing residences along San Miguel Street.

Allowable Building Heights. In order to provide for roof variety, allowable building height shall be up to a maximum of 25' provided that one or more of the following conditions are met. All buildings may be 20' in height. A building may be up to 25' tall provided that: a) it would result in no greater obstruction of public views and no greater limitation of solar access to adjacent properties than a 20' building; and b) the building has a pitched roof with a slope greater than 2.5 in 12, and the additional height above 20' is used to achieve this pitched roof.

Staff comments: The proposed residences will be 24'-6" and 22'-0" in height with proposed roof pitches of 3.5 in 12. The proposed project meets this standard.

Parking Requirements. Single-family dwellings are required to have 2 parking spaces per dwelling. To reduce visual impacts, required parking spaces shall not be located in the front setback.

Staff comments: Both of the proposed residences provide for a two-car garage. Additional off-street parking is available in the driveway, outside the proposed 5' front setback.

Development Standards for Oak Woodland Preservation Areas. In the oak woodland areas on the south side of Avila Beach Drive between San Miguel and San Luis Streets, and on the vacant lot on San Rafael Street, the following development standards shall be met to preserve the natural setting and entry into Avila Beach: a) new construction shall be setback a minimum of 5 feet from the dripline of any native tree to be preserved; b) no grading or construction activities may occur within the area defined by the dripline of any native tree to be preserved; c) a limited number of native trees may be permitted if it would not reduce the area of the canopy by more than 15%, all trees removed shall be replaced at a 4:1 ratio and be located so they will become part of the continuous tree canopy.

Staff comments: The applicant proposes to remove one 36" Oak tree. As shown on the landscaping plan, the applicant will replant four new Coast Live Oaks onsite. The proposed project meets this standard.

Residential.

View Protection. All new residential development shall be designed to protect public view corridors to the beach and ocean.

Staff comments: The proposed development does not hinder views to the ocean or beach, and therefore meets this standard.

Storm Drainage. All new residential development shall provide Best Management Practices (BMPs) to address polluted runoff. BMPs shall be sized and developed to meet the requirements of the California Storm Water Best Management Practices Handbook (Municipal). Such measures shall include, but not be limited to: minimizing the use of impervious surfaces (e.g., install pervious driveways and walkways); directing runoff from roofs and drives to vegetative strips before it leaves the site; and/or managing runoff on site (e.g., percolation basin). The installation of vegetated roadside drainage swales shall be encouraged and, if used, calculated into BMP requirements. The combined set of BMPs shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event.

Staff comments: The proposed project is conditioned to comply with this standard. A drainage plan is required for review and approval prior to construction permit issuance.

LAND USE ORDINANCE STANDARDS:

Local Coastal Program. The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Appeals to the Coastal Commission (Coastal Appealable Zone). The project is appealable to the Coastal Commission because the subject parcel is located in the Avila Beach Specific Plan and all development is subject to Coastal Commission appeals.

Minimum Site Area. The minimum site area for dwellings in the Multi-Family land use category is 6,000 square-feet per two units.

Staff comments: The proposed project site for the two residences is 13,700 square-feet and meets this standard.

Multi-Family Dwellings. Density for this lot is limited to 15 units per acre (low intensity). The maximum floor area allowed, not including garages or carports, is 35% of the total site area. Minimum open space required (including required setbacks) is 55% of the total site area.

Staff comments: The proposed project is 13,700 square feet (0.31 acres) and is allowed up to four units. The maximum allowable floor area is 4,795 square-feet, and the minimum required open space is 7,535 square-feet. The proposed floor area for both residences is 4,862 square-feet, which is 67 square-feet over the allowed floor area. However, this project is conditioned to revise the floor plans to reduce the floor area to meet the allowed square footage. The total lot coverage for the project will be 3,626 square-feet, which is 36.5% of the total site area. This figure is over the minimum required open area of 55%. As conditioned, the proposed project meets this standard.

Setbacks. Side setbacks in urban areas on lots less than one acre are required at 10 percent of the lot width, to a maximum of five feet, but not less than three feet. Rear setbacks are required at 10 feet for lots less than one acre.

Staff comments: The side setbacks for both residences are proposed at 5 feet. The rear setback of Residence 1 is proposed at 13 feet, and the rear setback of Residence 2 is proposed at 54 feet. The project complies with this standard.

Archaeologically Sensitive Areas. Before issuance of a land use permit or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required.

Staff comments: Applicant submitted a Cultural Resource Survey (Applied EarthWorks, Inc.) for this project. Research found that several prehistoric and historic sites are present in the general area. A field survey revealed no visible archaeological deposits on the proposed project site. The project is conditioned to cease construction in the event archaeological/cultural resources are discovered during ground-disturbing activities.

Residential Vacation Rentals. In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or visitor-serving accommodation. This location standard may be modified through a Minor Use Permit approval. Rental of a residence shall not exceed four individual tenancies per calendar month. Occupancy is limited to two persons per bedroom plus two additional persons. All parking shall be entirely onsite, in the garage or driveway.

Staff comments: The applicant requests vacation rentals for both of the proposed residences. Lots 1, 2, and 3 are not within 50 feet of an existing vacation rental. Residence 1 and Residence 2 are within 50 feet of each other. A single vacation rental request on this property would not require Minor Use Permit approval. Based on current saturation of vacation rentals in the community, and the limited residential resources in the Multi-Family land use category, staff recommends only one vacation rental be approved for this site. The applicant shall declare at time of business license approval which residence will be designated as the vacation rental.

COASTAL PLAN POLICIES:

Shoreline Access: N/A
Recreation and Visitor Serving: N/A
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: Policy No: 1
Coastal Watersheds: Policy No(s): 7, 8, 10
Visual and Scenic Resources: N/A
Hazards: N/A
Archeology: Policy No(s): 4, 6
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Public Works

Policy 1 - Availability of Service Capacity. New development shall demonstrate that adequate public or private service capacities are available to serve the new development.

Staff comments: The applicant has provided a Preliminary Intent to Serve Letter from the Avila Beach Community Service District, dated November 11, 2015. The letter addressed the applicant's original project of 3 single-family residences. The applicant will be required to provide an updated Intent to Serve letter prior to issuance of construction permits.

Coastal Watersheds

Policy 7 – Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent, except the County may approve development on slopes between 20 and 30 percent through a Minor Use Permit.

Staff comments: This Minor Use Permit will authorize grading on slopes between 20 and 30 percent. Though a majority of the development will take place on slopes of less than 20 percent, a small portion of both residences will required grading on slopes over 20 percent.

Policy 8 – Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures shall be in place before the start of any rainy season.

Staff comments: The proposed project is conditioned to comply with this policy as the project shall have an erosion and sedimentation control plan where grading is conducted or left in an unfinished state during the period from October 15 through April 15.

Policy 10 – Drainage Provisions. Site design shall ensure that drainage does not increase erosion.

Staff comments: The proposed project is conditioned to comply with this standard. A drainage plan is required for review and approval prior to construction permit issuance.

Archaeology

Policy 4 – Preliminary Site Survey for Development within Archaeologically Sensitive Areas. Development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project.

Staff comments: Applicant submitted a Cultural Resource Survey (Applied EarthWorks, Inc.) for this project. Research found that several prehistoric and historic sites are present in the general area. A field survey revealed no visible archaeological deposits on the proposed project site. The project is conditioned to cease construction in the event archaeological/cultural resources are discovered during ground-disturbing activities.

Policy 6 – Archaeological Resources Discovered during Construction or through Other Activities. Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities, all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

Staff comments: Applicant submitted a Cultural Resource Survey (Applied EarthWorks, Inc.) for this project. Research found that several prehistoric and historic sites are present in the general area. A field survey revealed no visible archaeological deposits on the proposed project site. The project is conditioned to cease construction in the event archaeological/cultural resources are discovered during ground-disturbing activities.

COMMUNITY ADVISORY GROUP COMMENTS:

This project was referred to the Avila Valley Advisory Council (AVAC). The Avila Beach Land Use Committee reviewed this project at their March 9, 2016 and June 8, 2016 meetings. At the March meeting the committee reviewed the original proposal, which included three residences on four lots. The Committee had questions regarding parking, lot merger, and the possibility of seeing photo simulations. The Committee revisited the project at their June meeting and reviewed the applicant's proposed changes, which included reducing the scope of work to two residences on three lots, and vacation rental requests for both residences. The Committee requested verification that the underlying lots are legal, the referral response from Public Works, and a color board for the two residences. The Committee also asked for a landscaping plan, parking requirement clarification, and a revised site plan. The Committee scheduled the project on their July 6, 2016 meeting to re-discuss pending the requested information. Staff provided the Committee with the legal lot status for the three underlying lots, the clarification on the parking requirements for the residences and vacation rental, and the Public Works referral response for this project. Staff also re-sent the revised plans which included a landscape plan and revised site plan. Staff forwarded to the applicant the Committee's request to have a color board for this project, but staff did not require this as part of the Minor Use Permit. Because of the multiple continuances at the Land Use Committee level, the proposed project will not make it to the full AVAC committee in time for their actions to be included with this staff report.

AGENCY REVIEW:

Public Works – Per attached response (Tomlinson, May 23, 2016), the project triggers Curb, Gutter, Sidewalk improvements, Avila Road fees, a drainage plan, and a Storm Water Control Plan Application.

Building Division – Per attached response (Stoker, February 2, 2016), project shall comply with all applicable building and safety codes.

Cal Fire – Per attached response (Byrnes, June 5, 2016), fire safety plan attached.

Avila Beach Community Services District – No response. Will serve letter provided.

California Coastal Commission – No response.

LEGAL LOT STATUS:

The three existing lots were legally created by deeds at a time when that was a legal method of creating lots.

Staff report prepared by Brandi Cummings and reviewed by James Caruso.