



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

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Helping build great communities*

Tentative Notice of Action

MEETING DATE November 1, 2019 LOCAL EFFECTIVE DATE November 10, 2019 APPROX FINAL EFFECTIVE DATE December 17, 2019	CONTACT/PHONE Melina Smith, Project Manager mmsmith@co.slo.ca.us (805) 781-1006	APPLICANT Rita Brown	FILE NO. DRC2019-00191
SUBJECT A request by Rita Brown for a Minor Use Permit/Coastal Development Permit (DRC2019-00191) to allow one bedroom to be used as a bed and breakfast facility in an existing 1,688 square-foot, three-bedroom single-family residence. The proposed project is within the Residential Multi-Family land use category and is located at 2861 Burton Drive, in the community of Cambria. The project is within the North Coast Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2019-00191 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class I Categorical Exemption is proposed for this project August 19, 2019; ED19-208.			
LAND USE CATEGORY Residential Multi Family	COMBINING DESIGNATION Local Coastal Plan, Geologic Study Area Archaeologically Sensitive Area, Terrestrial Habitat	ASSESSOR PARCEL NUMBER 023-425-047	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: North Coast Planning Area – Cambria Urban Area Standards <i>Does the project meet applicable Planning Area Standards: Yes, see discussion</i>			
LAND USE ORDINANCE STANDARDS: Section 23.01.043 – Appeals to the Coastal Commission Section 23.08.261 – Bed and Breakfast Facilities Section 23.08.030 – Home Occupations <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
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. 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 □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242			

DISCUSSION

PROPOSED PROJECT

The existing, one-story residence was built in 1995 and is approximately 1,688 square feet. It is a three-bedroom, two-bathroom home. The master bedroom and attached bathroom are proposed to be used as a bed and breakfast facility. The proposed project would be subject to operational standards which ensure the bed and breakfast facility would be operated in a manner that is generally consistent with the neighborhood expectations for a residential unit. These standards, such as parking requirements, and limitation of the number of occupants can ensure the project's compatibility with surrounding residential uses. Parking for the bed and breakfast is clearly identified, providing two spaces on the property, one space available in the paved driveway and one is located in the garage.

NORTH COAST PLANNING AREA STANDARDS

As described below, the project complies with applicable Combining Designations, Cambria Urban Area, and Residential Multi-Family development standards of the North Coast Area Plan.

Combining Designations

Local Coastal Program Area (LCP)

In accordance with the Coastal Zone Land Use Ordinance (CZLUO) section 23.07.120 the project is within the California Coastal Zone as determined by the California Coastal Act of 1976.

Terrestrial Habitat – TH

The following standards apply to new development proposed within the Terrestrial Habitat Protection (TH) combining designation:

1. **Protection of vegetation.** Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.
2. **Terrestrial habitat development standards:**
 - a) **Re-vegetation.** Native plants shall be used where vegetation is removed.
 - b) **Area of disturbance.** The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect the surrounding native habitat areas.

Staff Response: The proposed project complies with the combining designation planning area standards for the Terrestrial Habitat Protection (TH) because the proposed bed and breakfast will not result in any vegetation disturbance.

Geologic Study Area (GSA)

The following standards apply to the new development proposed within the Geologic Study Area (GSA) combining designation.

1. **Seismic Hazard.** Areas of seismic (earthquake) hazard are identified through the application of an Earthquake Fault Zone. Earthquake Fault Zones are established by the state geologists as required by Sections 2621 et seq. of the Public Resources Code (the

Alquist-Priolo Earthquake Fault Zones Act), and are identified in the Land Use Element (Part II);

2. **Landslide Hazard.** Areas within urban and village reserve lines, identified by the Seismic Safety Element as being subject to moderately high to high landslide risk, and rural areas subject to high landslide risk;
3. **Liquefaction hazard.** Areas identified by the Seismic Safety Element as being subject to soil liquefaction.
4. **Erosion and Stability Hazard – coastal bluffs.** Areas along the coast with coastal bluffs and cliffs greater than 10 feet in vertical relief that are identified in the Coastal Erosion Atlas, prepared by the California State Department of Navigation and Ocean Development (1977), in accordance with Hazards Policy No. 7 of the Local Coastal Plan.

Staff Response: The proposed project complies with the combining designation planning area standards for the Geologic Study Area because the proposed project will not trigger any of the hazards identified above.

Cambria Urban Area Standards – Community Wide

Limitation on Development – Water Conservation Requirements

New development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the Cambria Community Service District's (CCSD) service area, or through other verifiable actions to reduce existing water use in the service area.

Staff Response: The proposed project complies with the standard as the proposed project will not result in any increased water usage.

Cambria Community Services District Review

Prior to application acceptance, land use and building permit applications shall include a written verification of water and sewer service from the Cambria Community Services District (CCSD). Also, prior to final building inspection the applicant shall submit a water and sewer service condition compliance letter from the CCSD.

Staff Response: The proposed project complies with this standard because the proposed bed and breakfast will only allow for two guests, which does not exceed the amount of people previously living in the home, thus there will be no additional water and sewer services. The compliance letter issued for the existing residence will suffice.

Cambria Fire Department Review

All new development shall comply with applicable state and local Cambria fire codes. Prior to building permit application, the applicant shall include a Fire Plan Review from the Cambria Fire Department.

Staff Response: The proposed project is conditioned to comply with this standard.

Residential Multi-Family Standards

Height Limitation

The maximum height for structures is 28 feet from average natural grade. Development visible from Highway One shall not exceed two stories, or 25 feet in height.

Staff Response: The proposed bed and breakfast will not result in any additional development; thus, it will not trigger any height requirements.

LAND USE ORDINANCE STANDARDS

Section 23.01.043 – Appeals to the Coastal Commission:

The project is appealable to the Coastal Commission because the subject parcel is located in an Environmentally Sensitive Habitat Area (ESHA), according to official County maps. Areas within ESHA are considered appealable based on section 23.01.043c.(3)(i) of the CZLUO.

Staff Response: This Minor Use Permit/ Coastal Development Permit for a proposed bed and breakfast is appealable to the Coastal Commission.

COMBINING DESIGNATIONS:

Section 23.07.084 - Application Content - Geologic and Soils Report Required:

All land use permit applications for projects located within a Geologic Study Area (except those exempted by Section 23.07.082) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate.

Staff Comments: A Geologic and Soils Report is not required because there will be no new construction or development.

SPECIAL USES:

Section 23.08.261 – Bed and breakfast Facilities

The following standards apply to bed and breakfast facilities located in other than the recreation, office and professional and commercial land use categories. The provisions of this section do not apply to the rental of bedrooms in a residence to the same tenant(s) for longer than seven days, although the county tax collector may still require special fees and/or licensing for any residential rental less than 30 days.

Staff Response: The proposed bed and breakfast is located in a single-family home within the Residential Multi-family land use category.

a. Limitation on use.

1. A bed and breakfast shall be established only in an existing single-family dwelling that has been determined by the Review Authority to be of historical or architectural interest except: where the bed and breakfast is located on a

site in Agriculture, Rural Lands, and Residential Rural categories with an existing conforming visitor serving facility, it may be established in one structure, with an exterior design style that is residential or agricultural in appearance, built expressly for a bed and breakfast facility where such facility is approved with a Minor Use Permit.

Staff response: The proposed bed and breakfast has been determined by the review authority to be of architectural interest.

2. A bed and breakfast with three or less guest rooms shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single-family dwelling.

Staff Response: The proposed bed and breakfast will rent out the master bedroom, and the primary use of the residence will remain as a single-family dwelling.

b. Limitation on size. A bed and breakfast shall provide no more than the following number of guest rooms, with the rest of the dwelling being used solely by the family in permanent residence:

1. A bed and breakfast in the Residential Multi-Family categories may be approved with a maximum of eight guest rooms.

Staff Response: The applicant proposes to rent out one of a total of three bedrooms.

d. Expansion of existing building. Physical expansion of a residence to accommodate bed and breakfast facilities or operations shall be limited to 15 percent of the existing floor area, through Minor Use Permit approval where the residence is to contain three or less guest rooms and through Development Plan approval where the residence is to contain four or more guest rooms.

Staff Response: The proposed bed and breakfast will not require any building expansion.

e. Location. Within the Residential Suburban land use category, no bed and breakfast facility shall be located within 500 feet of a parcel on which is located any other bed and breakfast facility

Staff Response: The proposed bed and breakfast is not within the Residential Suburban land use category.

f. Minimum site area.

1. Equal to the minimum parcel size required by sections 23.04.020 et seq. in urban and village areas.

Staff Comments: The property meets the minimum parcel size requirements.

g. Parking required. Two spaces, plus one space per transient lodging unit. Bed and breakfast facilities shall not utilize on-street parking for the bed and breakfast operation or the resident family at any time.

Staff Comments: As clearly identified in the site plan, the bed and breakfast proposes one parking space in the garage and one parking space on the paved driveway for the guest, leaving two additional parking spaces for the primary residence. There will be no use of on-street parking for the bed and breakfast operation.

h. Operation. A bed and breakfast with three or less guest rooms shall be subject to the provisions of section 23.08.030 c, d, e, h, and i of this chapter for home occupations.

Staff Comments: The proposed project shall comply with these standards (see 23.08.030).

23.08.030 Home Occupations

c. Area devoted to a home occupation. The home occupation shall be incidental and subordinate to the principal use of the site as residence.

Staff Response: The proposed bed and breakfast is conditioned to comply with this standard.

d. Employees. No person other than members of the household residing on the premises may be employed and working on the site.

Staff Response: The proposed bed and breakfast is conditioned to comply with this standard.

e. Hours of Operation. House of operation are unrestricted except that home occupations which generate sounds audible from off-site shall be limited to the hours from 7 A.M. to 10 P.M., provided that such home occupation complies with the standards of Section 23.06.040.

Staff Response: The proposed bed and breakfast is conditioned to comply with this standard.

h. Signage. One non-illuminated identification sign with a maximum area of two square feet may be erected pursuant to Section 23.04.300 (Sign Regulations). A commercial vehicle displaying any sign identifying the home occupation and parked on or adjacent to the residential site visible from the public street is included in determining the maximum allowable area of on-site fixed signs.

Staff Response: The proposed bed and breakfast complies with this standard because there is no signage proposed.

i. Parking and traffic. Vehicles used and traffic generated by a home occupation shall not exceed the type of vehicles or traffic volume normally generated by a home in a residential neighborhood. All parking needs of the home occupation shall be met off the street. For purposes of this section, normal residential traffic volume means up to 10 trips per day.

Staff Response: The proposed bed and breakfast is conditioned to comply with this standard.

COASTAL PLAN POLICIES:

Shoreline Access:	N/A
Recreation and Visitor Serving:	Policy No(s): 1.2
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
Archeology:	Policy No(s): 1
Air Quality:	N/A

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

COASTAL PLAN POLICY DISCUSSION:

Recreation Opportunities

Policy 1: Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means. Removal or conversion of existing lower cost facilities and opportunities in areas designated with the "V" Visitor Serving Overlay in the LUE shall be prohibited unless the use will be replaced by a facility offering comparable visitor serving or recreational opportunities. Visitor serving facilities include all lodging establishments included in the definition of Hotels, Motels in Chapter 7 of Framework for Planning of the Land Use Element and Local Coastal Plan.

Staff Response: The proposed bed and breakfast is classified as a visitor serving facility according to the Local Coastal Plan. The existing residence is within close proximity to many recreational opportunities in the community of Cambria. The existing residence is located in close proximity to the beach, Fiscalini Ranch Preserve, and other facilities for recreational uses. This project is consistent with this policy.

Priority for Visitor-Serving Facilities

Policy 1: Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources. The Land Use Plan shall incorporate provisions for areas appropriate for visitor-serving facilities that are adequate for foreseeable demand. Visitor-serving commercial development that involves construction of major facilities should generally be located within urban

areas. Provisions for new facilities or expansion of existing facilities within rural areas shall be confined to selected points of attraction.

Staff Response: The proposed bed and breakfast is conditioned to comply with coastal resource protection. There will be no construction or expansion required for the proposed Bed and Breakfast. The bed and breakfast is located in the Cambria urban area and is consistent with this policy.

Archaeology

The Coastal Plan policies for Archaeologically sensitive areas are focused on ensuring that any proposed development would be designed and located to minimize impacts on archaeological resources. Additionally, the policies ensure that records of archaeological sites maintain intact and adhered to. Though there will be no development or site disturbance with the proposed bed and breakfast, it is located in the archaeologically sensitive resource area, thus the Archaeology Coastal Plan Policies apply.

Policy 1: Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, et., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required.

Staff Response: The proposed bed and breakfast adheres to this policy because the proposed bed and breakfast will be within an existing single-family dwelling and there will be no additional site disturbance related to this project.

COMMUNITY ADVISORY GROUP COMMENTS:

A letter was received from the North Coast Advisory Council on September 19th, 2019 recommending approval.

AGENCY REVIEW:

Public Works - No Comment (Grim, September 3rd, 2019)

Building Division – A Building permit is not required (Michael Stoker, August 22, 2019)

California Coastal Commission – No Response

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 Melina Smith and reviewed by Kerry Brown and Lacey Minnick.