

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2018

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DENYING THE APPEALS OF CHRISTOPHER & LESLEY DOYLE, AFFIRMING THE DECISION OF THE PLANNING DEPARTMENT HEARING OFFICER, AND APPROVING (BASED ON ASSOCIATED CONDITIONS) THE APPLICATION OF CHRISTOPHER & LESLEY DOYLE FOR MINOR USE PERMIT/ COASTAL DEVELOPMENT PERMIT DRC2016-00093. THIS RESOLUTION ALSO AFFIRMS THE DECISION OF THE PLANNING DEPARTMENT HEARING OFFICER TO ADOPT DENIAL FINDINGS FOR THE PROPOSED RESIDENTIAL VACATION RENTAL USE.

The following resolution is now offered and read:

WHEREAS, on November 17, 2017, the Planning Department Hearing Officer of the County of San Luis Obispo (hereinafter referred to as the Hearing Officer) duly considered the application of Christopher & Lesley Doyle for a Minor Use Permit and Coastal Development Permit DRC2016-00093 to allow for the conversion of a non-conforming as-built 623 square foot attached secondary dwelling into a 600 square foot guest house, and to allow for a 1,089 square foot as-built addition to an existing 1,932 square foot single family residence, and to allow the existing residence to be used as a residential vacation rental; and

WHEREAS, Christopher & Lesley Doyle has appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter

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referred to as the “Board of Supervisors”) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on April 3, 2018, and determination and decision was made on April 3, 2018; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be affirmed, and that the application (DRC2016-00093) should be approved for the reasons described in the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Statutory Exemption (14 CCR § 15270) issued for this project represents the independent judgment and analysis of the County as Lead Agency and that it is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

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4. That the appeal filed by Christopher & Lesley Doyle is denied, that the decision of the Hearing Officer is affirmed, and that the application of Christopher & Lesley Doyle for Minor Use Permit and Coastal Development Permit DRC2016-00093 is hereby approved for the reasons described in the findings set forth below.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

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EXHIBIT A – FINDINGS DRC2016-00093 DOYLE

CEQA Exemption

- A. The project qualifies for a Class 3 Categorical Exemption pursuant to State CEQA Guidelines Section 15303 because it involves the construction of a residential addition and small accessory structure, resulting in no site disturbance, on an existing developed lot, within an existing urbanized area. No measures beyond those required by the County's ordinances are necessary to address the potential impacts from proposed project.

Minor Use Permit / Coastal Development Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan and Local Coastal Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed guesthouse and residential as-built addition does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is proposing to convert an existing non-conforming as-built attached secondary dwelling into a legal guesthouse, and to allow for a as-built residential addition. As conditioned, the proposed guesthouse and residential addition will be similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the project is located on Rodman Drive, a local road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

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Residential Vacation Rental Denial Findings

- H. The establishment and subsequent operation or conduct of the use will be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use for the reasons described in more detail below.
- I. The proposed project or use will be inconsistent with the character of the immediate neighborhood or contrary to its orderly development for the reasons described in more detail below.
- J. Site specific findings:
 - 1. The proposed residential vacation rental will utilize an existing residence with a large floor plan that contains four bedrooms, and a proposed attached guesthouse which would include one bedroom and living space. Because of this, the ability to enforce a five bedroom residential vacation rental is questionable, and there is a potential for overcrowding. Overcrowding at this location would conflict with the surrounding lands and uses.
 - 2. There are no sidewalks in the surrounding neighborhood and the street is narrow. If parking cannot be accommodated onsite, additional cars parked on the street will exacerbate public safety concerns, particularly related to pedestrians.
 - 3. The proposed project would be located in an isolated, compact residential neighborhood, away from the center of town, where services are beyond walking distance. The isolated area where the project would be located also increases response times for law enforcement and fire responders, creating a potential public safety impact.
 - 4. Traffic generated by this proposed residential vacation rental, with its potential for overcrowding, could exceed the traffic volume normally generated by a home occupied by a full time resident in this residential neighborhood. In addition, the project is located on top of a hill where the access road (Rodman Drive) curves when approaching the existing driveway and site distance is reduced as you as you come up the hill. Because of this, the existing steeply curved and narrow driveway which continues uphill from Rodman Drive would make it difficult for multiple vehicles to enter and back out of the existing driveway. These conditions would be unfamiliar to renters, which would increase the likelihood of accidents and safety impacts. Additionally, there is only one ingress and egress road into the neighborhood which would result in additional traffic congestion, and the proposed project is located on a very short loop access road with a large concentration of residences, which would add to further traffic congestion.
 - 5. Approval of the proposed project would not preclude other vacation rentals from being permitted in the area, which could lead to cumulative impacts to the neighborhood and increases in the incompatibility, public safety, and traffic impacts described above.

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**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2016-00093 DOYLE**

Authorized Development

1. This approval authorizes the conversion of a non-conforming as-built 623 square foot attached secondary dwelling into a 600 square foot guest house, and to allow for a 1,089 square foot as-built addition to an existing 1,932 square foot single family residence.
2. The existing residence and proposed guesthouse shall not be used as a residential vacation rental unless a land use permit or zoning clearance authorizing the use as a residential vacation rental is approved.

Conditions required to be completed at the time of application for construction permits

Site Development

3. The applicant shall apply for building permits to convert the non-conforming as-built 623 square foot attached secondary dwelling into a 600 square foot guest house, and to permit the 1,089 square foot as-built addition to the existing 1,932 square foot single family residence.
4. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan and architectural elevations. The guesthouse shall not contain a kitchen facility and shall conform to Section 23.08.032 requirements.
5. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance and the requirements of this tract. Those plans shall show that all storm run-off from the structure is routed non-erosively to the curb through under sidewalk drains.

Fire Safety

12. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Services

13. **At the time of application for construction permits**, the applicant shall submit evidence that the existing septic system is adequate to serve the proposed project.

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Conditions to be completed prior to issuance of a construction permit

Water Resources

14. **Prior to issuance of building permits**, the applicant shall submit to the Department of Planning and Building for review and approval evidence to the satisfaction of the Planning Director that the applicant has retrofitted all existing structures on the site as required by Title 19 of the County Code.

Fees

15. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed prior to final building inspection / establishment of the use

16. The applicant shall apply for building permits to convert the non-conforming as-built 623 square foot attached secondary dwelling into a 600 square foot guest house, and to permit the 1,089 square foot as-built addition to the existing 1,932 square foot single family residence.

Fire Safety

17. **Prior to final inspection**, the applicant shall obtain final inspection and approval from the Fire Authority of all required fire/life safety measures.

Limitation on Use

18. **Prior to final building inspection / establishment of use**, the applicant shall execute a covenant and agreement with the county in a form acceptable to the County Counsel, whereby the applicant agrees, on behalf of himself and his successors in interest to restrict the use of the guesthouse such that the building / property will not be used for a secondary dwelling or any other purpose not specifically authorized by this approval.

Development Review

19. **Prior to final inspection**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

Time Frames

20. The land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered valid and in force. Time extensions must be requested in writing prior to the expiration date of the land use permit pursuant to Land Use Ordinance Section 23.02.050. This land use permit is considered to be valid and in force once all final inspections associated to this permit have been completed, and all building permits associated to this permit have been finalized.
21. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval

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have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.