

COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
OFFICE MEMORANDUM

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DATE: October 6, 2014  
TO: Subdivision Review Board  
FROM: Megan Martin, Current Planning  
SUBJECT: Item 3 – October 6, 2014 SRB Hearing – Mavis Tentative Map and Development Plan/ Coastal Development Permit (SUB2013-00054)

**Recommendation to modify Development Plan Conditions of Approval – Exhibit B Condition No. 1 In order to clarify this project is a planned development project and not a condominium. Revised Condition 1 shall read:**

1. This approval authorizes:
  - a. ~~Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.~~

**Recommendation to add the following conditions to Development Plan Conditions of Approval – Exhibit B to include requirements for the Vacation Rental:**

**Residential Vacation Rental Operational Conditions**

2. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total.
4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the

construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

5. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking.
6. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.
7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time.
8. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.
9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:
  - a. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
  - b. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in

the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.

10. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.
11. If the Business License issued for the residential vacation rental expires pursuant to Title 6 of the County Code, a new Zoning Clearance and/or Business License shall be required and shall be subject to all standards as set forth in the Residential Vacation Rental Ordinance (Section 23.08.165).
12. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include:
  - a. Failure to notify County staff when the contact person, or contact information, changes.
  - b. Violation of the residential vacation rental tenancy standards.
  - c. Violation of the residential vacation rental maximum occupancy, parking and noise requirements.
  - d. The inability of County staff or the Sheriff's Dispatch to reach a contact person.
  - e. Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Signed affidavits by members of the community may be used to verify violations. Revocation of the Minor Use Permit, Zoning Clearance and/or Business License shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

**Recommendation to revise Condition No.2 (original) to Condition of Approval – Exhibit B. Staff incorrectly determined average natural grade and the applicant will need to revise the site plan to illustrate the corrected average natural grade.**

#### Site Development

2. **At the time of application for construction permits**, submit a revised ***site plan, floor plan, architectural elevations to detail exterior finish materials, colors, and height above natural grade on all sides of proposed buildings*** to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:

- a. Revised measurement of average natural grade to reflect the lowest point where the structure meets existing grade;
- b. Revised plans to show a pitched roof with a slope greater than 2.5 in 12; and,
- c. Revised height of the residences not to exceed 25 feet above average natural grade.

**Recommendation to modify Tentative Parcel Map Conditions of Approval – Exhibit D Condition No. 1 of Subdivision Review Board Hearing Item No. 2. In order to clarify this is a planned development project and not a condominium. Revised Condition 1 shall read:**

13. This approval authorizes:

- a. ~~Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.~~

**Recommendation to modify Tentative Parcel Map Conditions of Approval – Exhibit D Condition No. 15. Staff recommends the modification to reflect the homeowner’s responsibility to maintain the common use areas through development of a homeowner’s association or maintenance agreement as allowed by the California Civil Code Section 4157.**

**Covenants, Conditions and Restrictions**

15. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall establish a home owners association (or otherwise satisfy the requirements of California Civil Code Section 4157) and provide at a minimum the following provisions:

- a. A site plan showing the common use areas.
- b. Maintenance of landscaping.
- c. Maintenance of common areas.
- d. Maintenance of all driveways.
- e. A common wall or party wall agreement, deed restriction or other enforceable restriction will be recorded.

**Staff report (p.1) shall be modified as follows:**

A request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The residences will be 25 feet in height above natural grade and will each have attached garages. 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 Bay Coastal planning area.

**Staff Report (p.3) paragraph 7 shall be modified as follows:**

*Section 23.04.110(f) – Side setbacks for special development types*

~~The project will consist of common wall development, where~~ Common Wall Development. Any two dwelling units, and/or their accessory garages are constructed on adjoining lots without setbacks between them. This ordinance section applies to existing standard sized lots where the land owners wish to have a common wall but are not proposing a condominium or planned development which would require common use lot or common use area.

**Staff Report (p.4) paragraph 1 shall be modified as follows:**

*Staff Response: As a ~~condominium~~/planned development the proposed project falls under a different ordinance section (23.04.028d - Condominiums). Condominiums and planned developments may have attached common walls by definition. In fact, most condominiums and planned developments have multiple buildings with multiple common walls where side setbacks from adjacent property lines are set by the Coastal Zone Land Use Ordinance as discussed above.*

**Staff Report (p.7) paragraph 2 shall be modified as follows:**

*Staff Response: This proposed ~~condominium~~—project is subject to ordinance section (23.04.028d). Condominiums and planned developments may have attached common walls by definition. Side setbacks from adjacent property lines in the residential multi-family land use category are set by the Land Use Ordinance Section 23.04.100 at 3 feet.*

If you have any questions concerning these requirements, please contact me at (805) 781-4163.



Promoting the wise use of land  
Helping build great communities

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

Field Code Changed

**SUBDIVISION REVIEW BOARD**

MEETING DATE October 6, 2014	CONTACT/PHONE Megan Martin (805) 781-4163 mamartin@co.slo.ca.us	APPLICANT Damien and Katheryne Mavis, Patrick Arnold	FILE NO. CO 14-0021 SUB2013-00054
SUBJECT A request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels <u>as a planned development</u> , 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The residences will be 25 feet in height above natural grade and will each have attached garages. 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 Bay Coastal planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Tentative Parcel Map CO14-0021 and Development Plan/Coastal Development Permit SUB2013-00054 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 21, 2014 for this project. Mitigation measures are proposed to address cultural resources, geology and soils, noise, public services/utilities, recreation, and transportation/circulation and are included as conditions of approval.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Archaeologically Sensitive, Local Coastal Plan Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 076-196-016	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: Avila Beach Specific Plan			
LAND USE ORDINANCE STANDARDS: Minimum Parcel Size			
EXISTING USES: Vacant, undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: North: Recreation / Avila Beach Golf Course East: Residential Multi Family / Vacant South: Residential Multi Family / Residences West: Residential Multi Family / Vacant			
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			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, General Services/Parks, Building Division, Cal Fire, HEAL SLO, Avila Community Services District, California Coastal Commission, Avila Valley Advisory Council.	
TOPOGRAPHY: Site is nearly level with one steep short slope across the northern third of the property.	VEGETATION: Non-native scattered grasses
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Avila Beach Fire	ACCEPTANCE DATE: May 9, 2014

**PROJECT HISTORY:**

The project site is located on an existing legal lot within the "old railroad right of way" along Avila Beach Drive in the community of Avila Beach. The lots within this area were approved by a lot line adjustment in August 1997 and recorded by parcel (final) map at Book 54, Page 73. (This parcel is Parcel 11 of COAL 96-112).

**PROJECT DESCRIPTION:**

The proposed project is a planned development which includes the subdivision of one approximately 6,000 square foot parcel into two parcels, and the subsequent development of two residential units. The proposed parcels will each be approximately 3,000 square feet. One residence will be approximately 1,913 square feet with an attached two car garage, and the second residence will be approximately 1,983 square feet with an attached two car garage. Both residences will be used as separate vacation rentals. Access for the parcels will be off a private easement (Colony Lane) and the lots will not have vehicular access from Avila Beach Drive.

**ORDINANCE COMPLIANCE:**

**TITLE 21 REAL PROPERTY DIVISION ORDINANCE**

*Section 21.09.010 - Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing park or recreational facilities to serve land divisions.

*Staff Response: Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.*

*Section 21.03.010 - Design Criteria: Factors to be considered*

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of Title 21 of the Real Property Division Ordinance. Design standards include but are not limited to compliance with all ordinance and general plan requirements, Subdivision Map Act regulations, landscaping, access and circulation, drainage, water and sewer services, utilities, and any additional coastal requirements.

## TITLE 23 COASTAL ZONE LAND USE ORDINANCE

### *Minimum Parcel Size*

Section 23.04.028 of the Coastal Zone Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Multi-Family land use category. Generally, minimum parcel size standards are determined by a series of tests that include the type of road that provides access to the site, slope, and type of wastewater facility available to the site. However, this project is subject to Section 23.04.028(d) - *Condominiums*, which allows for a smaller parcel size with Development Plan approval, as long as the following can be met:

1. The common ownership external parcel is in compliance with the provisions of this section; and
2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi Family land use category.

*Staff Response: The proposed project meets both of these requirements as the common ownership parcel (i.e. "parent parcel") is 6,000 square feet, which meets the minimum parcel size requirement of 6,000 square feet and is in compliance with the density requirements of Title 23 (Section 23.04.084). The Avila Beach Specific Plan density standards override Section 23.04.084 but in this case are the same. For further discussion on multi-family density, refer to the density section of this staff report under Avila Beach Specific Plan.*

### *Section 23.04.160 - Parking*

Parking requirements for single family dwellings require 2 parking spaces per dwelling. The proposed project includes two spaces for each residence.

*Staff Response: The proposed project complies with this requirement. Each residence will have an attached two-car garage at the lower level.*

### *Section 23.04.100 – Setbacks*

The front property line for the project site is parallel with Avila Beach Drive. For all residential uses, a minimum front setback of 25 feet is required; the rear property line for the site is parallel with Colony Lane. The minimum rear setback is 10 feet on sites of less than one acre in net area. Side setbacks within urban and village reserve areas are to be 10 percent of the lot width, to a maximum of five feet but not less than 3 feet on sites less than one acre in net area.

*Staff Response: The proposed project complies with these requirements. The proposed single family residences will be setback from the front property line approximately 27 feet and setback from the rear property line 10 feet. The proposed side setback from adjacent lots is 3 feet which meets the 10 percent lot width setback requirement.*

### *Section 23.04.110(f) – Side setbacks for special development types*

~~The project will consist of common wall development, where Common Wall Development. Any two dwelling units, and/or their accessory garages are constructed on adjoining lots without setbacks between them. This ordinance section applies to existing standard sized lots where the land owners wish to have a common wall but are not proposing a condominium or planned development which would require common use lot or common use area.~~ The two dwelling units may be constructed as such provided that:

1. The setback has been eliminated through Subdivision Map or Development Plan approval;

2. A common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded; and
3. The side setbacks opposite the common wall property line are not less than two times the minimum width required by this section.
4. Common wall construction is in compliance with the Uniform Building Code.

*Staff Response:* As a ~~condominium~~/planned development the proposed project falls under a different ordinance section (23.04.028d - Condominiums). Condominiums and planned developments may have attached common walls by definition. In fact, most condominiums and planned developments have multiple buildings with multiple common walls where side setbacks from adjacent property lines are set by the Coastal Zone Land Use Ordinance as discussed above.

#### *Section 23.08.165 – Residential Vacation Rentals*

A residential vacation rental is the use of an existing residence as a rental for transient use. This does not include the rental of the entire residence for periods of thirty days or longer. 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 other visitor serving accommodation. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

*Staff Response:* The proposed project does not meet the location standard because it is within 50 feet of an existing vacation rental. The applicant has submitted a request as a part of the project description to modify the location standard to allow for both residences to be used as vacation rentals. This request to modify the location standard is made part of the Development Plan and as such, complies with these requirements as conditioned.

### **PLANNING AREA STANDARDS:**

#### San Luis Bay Area Plan

##### *Avila Beach Specific Plan*

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 planning area (as shown above) 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.

*Residential Standards.* All new residential development shall be designed to protect public view corridors to the beach and ocean.

*Staff Response:* The proposed project does not inhibit any public view corridors. The best public views in this area are through the street corridors which are protected rights of way. This project site contains development adjacent to the south-west (mix of commercial and residential development) which currently block views along Avila Beach Drive in this particular location to the beach and ocean. This project will not further inhibit existing views of the beach and ocean because of existing surrounding development.

*Storm Drainage.* The project is required to incorporate Best Management Practices (BMP's) to address storm water runoff.

*Staff Response: The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event. The proposed project is conditioned to include BMP's in the grading and drainage plans to meet this requirement.*

**AVILA BEACH SPECIFIC PLAN STANDARDS:**

*Density*

Allowable density shall be low density (up to 15 units to the acre), but can be increased up to 38 units to the acre if the following conditions are met (to be determined by the Planning Commission through Development Plan review):

1. There would be no greater obstruction of public views and no greater limitation of solar access to adjacent properties than at 15 units per acre;
2. The bulk, massing and design character of the project would be consistent with that of the surrounding adjacent parcels, and
3. All other design guidelines and standards applicable to Residential Multi Family are met.

*Staff Response: The project as proposed is designed at the high density level relative to the maximum floor area and minimum open area required. The project complies with the criteria for increased density because there is no greater obstruction of public views due to existing development adjacent to the property. There is also no greater solar obstruction to the nearest existing residence which is located approximately 45 feet to the south. The project complies with all ordinance requirements as conditioned.*

*The required base square footages for high density include the following:*

	DENSITY	MAX FLOOR AREA	MIN. OPEN AREA
<i>Allowed</i>	<i>38 units/acre (5 units)</i>	<i>65% (3,900 sq ft)</i>	<i>40% (2,400 sq ft)</i>
<i>Proposed</i>	<i>2 units</i>	<i>3,900 sq ft</i>	<i>3,295 sq ft.</i>

*Setbacks*

To achieve conformance with existing development patterns, front setback requirements should be consistent with adjacent parcels. The proposed project is not located adjacent to any existing structures on Avila Beach Drive, which would affect the front setback requirement. The front setback for the proposed project is 25 feet as per the Coastal Zone Land Use Ordinance.

*Allowable Building Height*

Building height should be 20 feet, however maximum height is 25 feet provided the following are met:

1. Height would result in no greater obstruction of public views and no greater limitation of solar access to adjacent properties than a 20 foot building.
2. The building has a pitched roof with a slope greater than 2.5 in 12, and the additional height above 20 feet is used to achieve this pitched roof. Height shall be measured as specified in the Coastal Zone Land Use Ordinance.

*Staff Response: The project is proposed to be 25 feet as measured from average natural grade. The project would not result in greater obstruction of public views and no greater limitation of solar access to adjacent properties. The building has a pitched roof with a slope of 5 to 12, and the additional height above 20 feet is used to achieve this pitched roof. The proposed project complies with the two height requirements for solar access and roof pitch as proposed.*

*Off-Street Parking requirements and location*

Parking requirements are set forth in the Coastal Zone Land Use Ordinance for the proposed project (see parking under ordinance requirements for specific numbers). To reduce visual impacts, required parking spaces shall not be located in the front setback, except as provided in paragraph 23.04.108 a(2) of the Coastal Zone Land Use Ordinance.

*Staff Response: The proposed project complies with this requirement. Both residences have proposed all off-street spaces (two spaces per residence) to be located within the attached garages.*

*Drainage Requirements*

All new development within the Residential Multi-Family area shall conform to the drainage standards described in the Avila Beach Urban Area Standards in the San Luis Bay Area Plan. *This project complies with this standard as conditioned.*

*Affordable Housing*

CZLUO section 23.04.092 requires new residential developments of more than eleven units set aside 15% of multifamily units for households of low or moderate income. The proposed project includes two residential units and therefore is exempt from this requirement because it is less than 11 units.

Field Code Changed

**COMBINING DESIGNATIONS:**

*Local Coastal Program*

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

*Coastal Appealable Zone*

The project is appealable to the Coastal Commission because the project is between the first public road and the ocean.

**COMMUNITY ADVISORY GROUP COMMENTS:**

Avila Valley Advisory Council Sub-Committee: The Avila Valley Advisory Land Use Committee met on March 27, 2014 to discuss the proposed project. Comments and concerns by the sub-committee were heard by the applicant and staff and it was determined that additional information and a follow-up meeting was necessary prior to the sub-committee submitting its comments to the Avila Valley Advisory Committee. Revised plans were submitted to staff but these plans were not forwarded to the sub-committee and a follow-up meeting was not scheduled. A follow-up meeting has been scheduled for October 1, 2014 where the sub-committee will discuss the revised plans and provide additional comments to the Avila Valley Advisory Committee. The following concerns related to the project were summarized by the sub-committee in electronic mail dated September 7, 2014 and the first meeting held March 27, 2014.

1. Lot Width – Section 23.04.090g.(1) provides for a minimum lot width of 35’.

*Staff Response: Section 23.04.090g(1) provides for a minimum lot width of 35 feet for affordable housing density bonus. The proposed project is not requesting an affordable housing density bonus and therefore is not subject to the standards provided in Section 23.04.090g (1).*

2. Side Setback – Section 23.04.110f.(2)(iii) Common Wall Development provides for side setbacks to be at least twice the setback as established for a Condominium multi-family project, which for this project is 10% of the 30' width or 3'. The required setback is 6'. The applicant has proposed only 3'.

*Staff Response: This proposed ~~condominium~~ project is subject to ordinance section (23.04.028d). Condominiums and planned developments may have attached common walls by definition. Side setbacks from adjacent property lines in the residential multi-family land use category are set by the Land Use Ordinance Section 23.04.100 at 3 feet.*

3. Building Height – Section 23.04.122 illustrates the Measurement of Height to determine the average mean elevation. The applicant has incorrectly determined this average mean elevation resulting in a higher building height than allowed by the Specific Plan.

*Staff Response: Figure A1.1 illustrates "lower finish floor" and "main finish floor" which is not the same as the highest and lowest point where the exterior walls touch the natural grade as required by Section 23.04.122 – Measurement of Height. "Lower finish floor" and "main finish floor" is the surveyed elevation where the residences floors will sit when the site has been graded. Figure C-2 illustrates the existing elevation contours existing across the proposed parcels. The highest point where an exterior wall touches the natural grade is approximately 16 feet; the lowest point where an exterior wall touches the natural grade is approximately 8 feet. The average natural grade is approximately 12 feet. The applicant correctly determined the average natural grade and as conditioned is limited to a maximum height of 25 feet above natural grade. The proposed residence will not exceed 25 feet in height above average natural grade.*

4. The applicants are requesting these residences be used as "vacation rentals". This conflicts with 23.08.165c (Residential vacation rentals) ordinance which states: "within the Avila Beach Community Service District boundaries, in all residential/recreational land use categories, no two (2) contiguous parcels (APN#s) shall be vacation rentals and no two (2) contiguous or adjacent units in a parcel (one APN#) shall have vacation rentals."

*Staff Response: In all Residential and Recreation land use categories within Avila Beach, 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 when a Development Plan is not otherwise required. The applicant has requested the location standard be modified through consideration of the Development plan.*

#### AGENCY REVIEW:

Public Works: Comments and recommended conditions of approval received March 18, 2014 and March 21, 2014 are kept in the file and included as part of Exhibit B – Conditions of Approval. Additionally, Public Works requested the applicant demonstrate whether the project is subject to LUO Section 22.10.155 for Stormwater Management and that a Stormwater Quality Plan be submitted for review and approval.

*Staff Response: The applicant submitted a Stormwater Control Plan application to Public Works. Public Works determined based on the impervious surface values no improvements were needed (T. Tomlinson, 2014). Conditions of approval have been included as part of Exhibit B – Conditions of Approval.*

Environmental Health: "The applicant has not obtained a preliminary health clearance letter and should do so. A valid will serve/intent to serve from ABCSD is needed." (Leslie Terry, April 14, 2014).

*Staff Response: The applicant has obtained a valid intent to serve letter from the ABCSD (K. Richardson, March 13, 2014).*

General Services/Parks: "Pay Quimby Fees." (Elizabeth Kavanaugh, May 6, 2014)

*Staff Response: The project as conditioned is required to pay parkland fees.*

Building Division: Comments included in Exhibit B – Conditions of Approval as applicable.

Cal Fire: Fire Safety Plan received August 24, 2014 (Tony Gomes, August 24, 2014).

HEAL SLO: "Healthy Communities supports the potential resulting effect of adding density to the area □ recommend the provision of future crosswalk infrastructure and appropriate signage at the intersection of Avila Beach Drive and San Miguel Street, which would provide an additional link to the Bob Jones Trail and access to the downtown corridor." (HEAL-SLO, May 8, 2014).

Avila Community Services District: "The applicant will need to meet all conditions of will serve fee water and sewer and pay all applicable fees"; (Kathryn Richardson, March 13, 2014.)

*Staff Response: The applicant is responsible for contacting the Avila Beach Community Services District to confirm water and sewer conditions and all fees have been met.*

Port San Luis Obispo Harbor District: In a letter dated September 4, 2014, the Harbor District requested that the proper Best Management Practices and good housekeeping be implemented during construction. During recent construction activities in close proximity to the planned project site, litter and construction debris accumulated in the area due to poor housekeeping and lack of adequate BMPs. The District requests that sufficient efforts be made to ensure similar incidents to do not occur during the planned construction project. These efforts should entail daily work site housekeeping, proper use of BMPs, and removal of any construction debris that enters the parking lot or stormwater swale.

*Staff Response: The project, as conditioned, is required to incorporate BMPs into construction to address storm water runoff. These measures will be included on the drainage and grading plans and are designed to treat and infiltrate water runoff up to and including the 85<sup>th</sup> percentile storm event. In addition, the project as conditioned will be required to provide good housekeeping practices to ensure construction debris and litter do not accumulate during or after construction.*

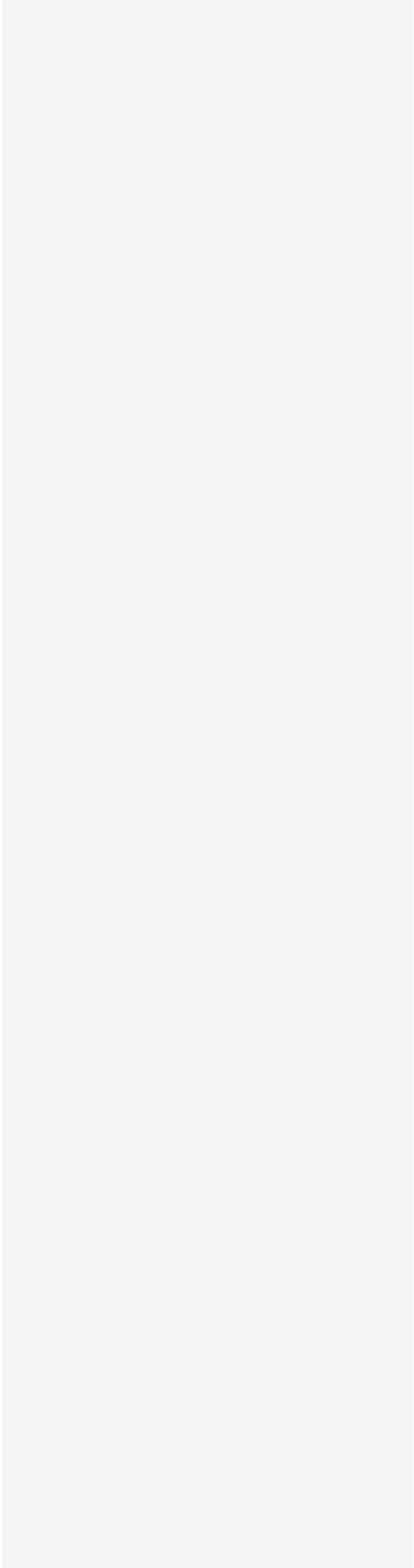
California Coastal Commission: None received.

**LEGAL LOT STATUS:**

The one existing parcel was legally created by the recordation of a map for Lot Line Adjustment COAL 96-112, Parcel #11 (Book 54, Page 73 of Parcel Maps).

Subdivision Review Board  
CO14-0021/Mavis & Arnold  
Page 9

Staff report prepared by Megan Martin and reviewed by Terry Wahler and Steve McMasters.



ATTACHMENT 2

**REVISED CONDITIONS OF APPROVAL - EXHIBIT B  
CONDITIONS FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT**

**Approved Development**

1. This approval authorizes:
  - a. ~~Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.~~ Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.
  - b. The maximum height of the residences shall be 25 feet as measured from average natural grade.

**Residential Vacation Rental Operational Conditions**

2. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total.
4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

ATTACHMENT 2

5. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking.
6. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.
7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time.
8. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.
9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:
  - a. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
  - b. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in

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## ATTACHMENT 2

the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.

10. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.

11. If the Business License issued for the residential vacation rental expires pursuant to Title 6 of the County Code, a new Zoning Clearance and/or Business License shall be required and shall be subject to all standards as set forth in the Residential Vacation Rental Ordinance (Section 23.08.165).

12. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include:

- a. Failure to notify County staff when the contact person, or contact information, changes.
- b. Violation of the residential vacation rental tenancy standards.
- c. Violation of the residential vacation rental maximum occupancy, parking and noise requirements.
- d. The inability of County staff or the Sheriff's Dispatch to reach a contact person.
- e. Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Signed affidavits by members of the community may be used to verify violations. Revocation of the Minor Use Permit, Zoning Clearance and/or Business License shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

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

#### Site Development

13. At the time of application for construction permits, submit a revised **site plan, floor plan, architectural elevations to detail exterior finish materials, colors, and height above natural grade on all sides of proposed buildings** to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:

ATTACHMENT 2

a. Revised measurement of average natural grade to reflect the lowest point where the structure meets existing grade;

b. Revised plans to show a pitched roof with a slope greater than 2.5 in 12; and

~~a-c. Revised height of the residences not to exceed 25 feet above average natural grade. At the time of application for construction permits plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.~~

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~~3-14.~~ **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.

~~4-15.~~ **At the time of application for construction permits**, the applicant shall provide roofing materials which comply with the requirements of the Avila Beach Specific Plan and are non-reflective materials.

*Fire Safety*

~~5-16.~~ **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*

~~6-17.~~ **At the time of application for construction permits**, the applicant shall provide a letter from Avila Beach Community Services District stating they are willing and able to service the property.

**Conditions to be completed prior to issuance of a construction permit**

*Noise*

~~18.7.~~ (N-1) The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:

- a. Air conditioning or a mechanical ventilation system
- b. Solid core exterior doors with perimeter weather stripping and threshold seals
- c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
- d. Roof or attic vents baffled.

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*Fees*

~~8-19.~~ **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

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### *Best Management Practices*

**9-20.** **Prior to issuance of a construction permit**, the construction documents shall show that the project complies with Best Management Practices (BMP's) to address storm water runoff. The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85<sup>th</sup> percentile storm event.

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**40-21.** "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

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### **Conditions to be completed during project construction**

**44-22.** *Fugitive PM10 Mitigation Measures* (All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD **prior to construction/grading permit issuance**)

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**Field Code Changed**

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;

ATTACHMENT 2

- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

*Cultural Resources*

- ~~23.12.~~ (CR-1) **During construction/ground disturbing activities**, the applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied EarthWorks Inc., dated May 2008 and revised December 2008, including retaining a Chumash representative during ground disturbance.
- ~~24.13.~~ (CR-2) Any soil from the embankment that is excavated shall remain on the lot where it originated from or be transported to the approved location as shown on the "Colony Retrieval Site" map dated July 15, 2006. Reburial and relocation of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist who shall also be on site during depositing of materials and/or reburial activities.
- ~~25.14.~~ (CR-3) **Prior to final inspection**, the applicant shall submit the final Phase III monitoring/mitigation report (to be completed by Applied EarthWorks, Inc.) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied EarthWorks, Inc. (May 2008).
- ~~26.15.~~ (CR-4) **During construction/ground disturbing activities**, in the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the department of Planning and Building so proper disposition may be accomplished. If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition and pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (i.e. avoid, rebury).

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*Building Height*

- ~~27.16.~~ The maximum height of the project is 25 feet from average natural grade.

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- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
- b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
- c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

*Geology and Soils*

**28.17.**—(GS-1) The applicant shall comply with the recommendations and requirements, or comparable, listed in the submitted Soils Engineering Report and Engineering Geology Investigation for The Colony, Lots 1 and 11, Avila Beach Drive, Avila Beach, San Luis Obispo County, California, GeoSolutions, Inc., March 18, 2013 to include: preparation of building pads, paved areas, pavement design, mat foundation, post-tensioned slabs, slab-on-grade construction, retaining walls.

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**29.18.**—All applicable geologic mitigation measures from the GeoSolutions Report, March 18, 2013 geologic evaluation will be shown on the grading and building plans. Compliance will be verified by the project engineering geologist with onsite visits during grading, and verification of all construction documents. Any changes to the requirements requested by the project engineering geologist due to unforeseen site conditions shall be reviewed and approved by the Department of Planning and Building and the project engineering geologist, and shall be shown on all construction documents.

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

**30.19.**—Landscaping in accordance with the approved landscaping plan shall be installed before final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

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**31.20.**—**Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.

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**32.21.**—**Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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*Cultural Resources*

ATTACHMENT 2

33.22.—Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

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34.23.—Prior to final inspection, an easement shall be recorded over the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering as to prohibit any future disturbance of the buried cultural materials. Easement language shall be reviewed and approved by the Department of Planning and Building.

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35.24.—Prior to final inspection the applicant shall submit the final Phase III monitoring/mitigation report (completed by Applied Earthworks) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied Earthworks (December 2008).

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

36.25.—This 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 vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

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

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38.27.—Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the county.

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ATTACHMENT 4

**REVISED CONDITIONS OF APPROVAL - EXHIBIT D**  
**CONDITIONS FOR TENTATIVE PARCEL MAP CO14-0021**

**Approved Project**

1. This approval authorizes:
  - a. ~~Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.~~  
~~Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.~~

**Access and Improvements**

2. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

**Common Use Area Easement**

3. Reserve easements on the map for front and rear yard common use areas to comply with condominium/planned development design requirements.

**Improvement Plans**

4. **Prior to map recordation**, electric, telephone and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

## ATTACHMENT 4

### **Improvement Maintenance**

6. **Prior to map recordation** the developer shall submit a proposed Constructive Notice for the subdivision to the county Public Works Department for review and approval. The constructive notice shall provide at a minimum the following provisions:
  - a. The maintenance, within the public road right of way and / or any public pedestrian easement adjacent thereto, of the sidewalks, landscaping, and pedestrian amenities fronting each of the separate lots or parcels within the subdivision in accordance with the county Public Improvement Standards shall be solely responsibility of the owner of each of the separate lots or parcels aforesaid and said owner's heirs, executors, administrators, successors and assigns in perpetuity, or until specifically accepted for maintenance by a public agency.
  - b. After approval the Constructive Notice shall be recorded in the office of the County Recorder and a copy of the recorded document submitted to the Public Works Department.

### **Utilities**

7. Electric and telephone lines shall be installed underground.
8. Cable T.V. conduits shall be installed in the street.
9. Gas lines shall be installed.

### **Vector Control and Solid Waste**

10. **Prior to Recordation** a determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Coastal Zone Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

### **Fire Protection**

11. The applicant shall obtain a fire safety clearance letter from Cal Fire establishing fire safety requirements prior to filing the final parcel or tract map.
12. Designate a fire lane within all the driveway areas. This lane to be a minimum width of twenty (20) feet.

### **Parks and Recreation (Quimby) Fees**

#### ATTACHMENT 4

13. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.

#### **Additional Map Sheet**

14. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
  - a. The additional map sheet shall contain the final conditions of approval for the Development Plan/Coastal Development Permit as they are shown in the Notice of Final Action.
  - b. The additional map sheet shall show the common use areas as an easement across the front and rear yards.
  - c. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Avila Road Improvement Fees for each future building permit in the amount prevailing at the time of payment.
  - d. The applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMPs as identified for project incorporation in the applicant's Stormwater Quality Plan Application for Priority Projects.
  - e. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
  - f. The additional map sheet shall contain the final conditions of approval for the Development Plan as they are shown in the Notice of Final Action.

#### **Covenants, Conditions and Restrictions**

15. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall establish a home owners association (or otherwise satisfy the requirements of California Civil Code Section 4157) and provide at a minimum the following provisions:
  - a. A site plan showing the common use areas.
  - b. Maintenance of landscaping.
  - c. Maintenance of common areas.

ATTACHMENT 4

- d. Maintenance of all driveways.
- e. A common wall or party wall agreement, deed restriction or other enforceable restriction will be recorded.

**Miscellaneous**

- 16. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 17. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary **prior to filing the map.**
- 18. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et seq.
- 19. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

ATTACHMENT 4

STANDARD CONDITIONS OF APPROVAL FOR  
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

Field Code Changed

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.

#### ATTACHMENT 4

10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.