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

**Planning Commission**

MEETING DATE March 26, 2015	CONTACT/PHONE Megan Martin, Planner II <a href="mailto:mamartin@co.slo.ca.us">mamartin@co.slo.ca.us</a> (805)781-4163	APPLICANT Port San Luis Harbor District	FILE NO. DRC2013-00044
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**SUBJECT**  
 Request by Port San Luis Harbor District for a Development Plan/Coastal Development Permit to develop the 32-acre Harbor Terrace site pursuant to the goals and criteria set forth in the Harbor Terrace Planning Sub-Area of the San Luis Bay Area Plan. The project would include a range of low-cost and moderate-cost overnight accommodations including 80 recreational vehicle (RV) sites, 15 RV/RV cabins, 35 car/tent campsites, 21 walk-in/bike-in campsites, and 31 cabin/bungalow/yurt-type units. The project will also include 16,000 square feet of visitor serving commercial uses, harbor uses (e.g. trailer boat storage, marine gear storage, harbor storage area, harbor building expansion area and 6,000 square feet for future harbor use building), restrooms, and 48,000 square feet of parking. Additional features include on-site paths between parking areas and campsites; an accessible ramp between the commercial use and pool area and a proposed crosswalk across Avila Beach Drive; a check-in station near the primary entrance, and a trash and recycling enclosure. The proposed project is within the Public Facilities land use category, located west of the community of Avila Beach, on the north side of Avila Beach Drive, immediately east of Diablo Canyon Road. The project is within the San Luis Bay Coastal Area Planning Area.

- RECOMMENDED ACTION**
1. Consider and rely on the Final Environmental Impact Report, including the Mitigation Monitoring and Reporting Program, previously certified on January 27, 2015 by the Port San Luis Harbor District.
  2. Approve Development Plan/Coastal Development Permit DRC2013-00044 based on the findings in Exhibit A and C, and conditions listed in Exhibit B.

**ENVIRONMENTAL DETERMINATION**  
 The County, as a Responsible Agency, finds that the Final Environmental Impact Report (FEIR) previously certified by the Port San Luis Harbor District on January 27, 2015, is adequate for the purposes of the County's compliance with CEQA (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) and that there is no substantial evidence that the project would have a significant and unavoidable effect on the environment. The County also finds that no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified. Mitigation measures are proposed to reduce potentially significant impacts to a less than significant level as related to aesthetics, air quality, biology, cultural resources, geology and soils, greenhouse gases, hazards and hazardous materials, and transportation and circulation.

LAND USE CATEGORY Public Facilities	COMBINING DESIGNATION Coastal Appealable Zone, Local Coastal Program, Archaeological Sensitive, Coastal Special Communities, Geologic Study Area, Sensitive Resource Area	ASSESSOR PARCEL NUMBER 076-172-029	SUPERVISOR DISTRICT(S) 3
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**PLANNING AREA STANDARDS:**  
 San Luis Bay Coastal Planning Area  
 Harbor Terrace Planning Sub-Area  
 Does the project meet applicable Planning Area Standards: Yes - see discussion

<p>LAND USE ORDINANCE STANDARDS:          Section 23.01.043: Appeals to the Coastal Commission (Coastal Appealable Zone)          Section 23.07.120: Local Coastal Program          Section 23.04.420: Coastal Access          Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</p>	
<p>EXISTING USES:          Storage area and access roads</p>	
<p>SURROUNDING LAND USE CATEGORIES AND USES:          North: Agriculture / Undeveloped          East: Agriculture / Undeveloped          South: Public Facilities / Old Fisherman's Beach          West: Agriculture / Access control structures to Diablo Canyon</p>	
<p>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:          The project was referred to: Public Works, Environmental Health, Air Pollution Control District, Building Division, Cal Fire, Avila Community Services District, Avila Fire, Cal Trans, Port San Luis Harbor District (Avila), California Coastal Commission, Avila Valley Advisory Council, and Native American Heritage Commission, and County Office of Emergency Services</p>	
<p>TOPOGRAPHY:          Steeply sloping</p>	<p>VEGETATION:          Coastal scrub, valley needle grass, non-native grasses, ornamental trees, ruderal/disturbed areas</p>
<p>PROPOSED SERVICES:          Water supply: Community – SLO County Service Area 12          Sewage Disposal: Community – Avila Beach Community Services District          Fire Protection: Cal Fire</p>	<p>ACCEPTANCE DATE:          April 9, 2014</p>
<p>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:          COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</p>	

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The Local Coastal Plan has extensive standards that apply specifically to the subject site (as standards in the San Luis Bay-Coastal Area Plan). The nature and location of the project also involve a number of Coastal Policies and Coastal Zone Land Use Ordinance (CZLUO) Sections. Due to the need for comprehensive discussion of these Plan and Ordinance provisions, a Table of Contents for the staff report has been prepared to guide the organization and discussion.

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## DISCUSSION

### PROJECT HISTORY

The project is located west of the unincorporated community of Avila Beach, on the north side of Avila Beach Drive, immediately east of Diablo Canyon Road. Originally, the Harbor Terrace site consisted of rolling hills that sloped in a southerly direction. Union Oil Company graded the site in the 1930s for the storage of crude oil in aboveground soil storage tanks. In 1973, the site was graded for the proposed Port San Luis Marina Village, a project that was never completed. The Harbor District purchased 23 acres of the site with funding from the State Department of Boating and Waterways in 1976 to develop uses that could generate additional revenues for the Harbor District and provide needed land for harbor facilities. In 1980, 6 acres were added through a long-term lease agreement. After acquiring additional leases and property, the site became approximately 32 acres and is now owned by the Harbor District.

Historic use of the site included the Port San Luis Trailer Park, which occupied approximately three acres off Babe Lane, and consisted of 41 spaces. In June 2012, the Harbor Commission adopted a resolution directing the Harbor District to close the Port San Luis Trailer Park. At the time, eight of the 41 spaces were occupied by travel trailers or mobile homes. The District subsequently adopted a *Closure and Impact Report and Relocation Plan*, and consistent with the *Report and Plan*, the trailer park has been closed and trailers and mobile homes were removed. The Harbor District has used the remainder of the site for commercial and recreational boat and fishing gear storage, recreational vehicle (RV) camping and Harbor District storage of materials and equipment. Efforts to develop the project site in the 1990s led to an update of the Port Master Plan and a Local Coastal Plan amendment incorporating the features now reflected in the proposed project.

The Port San Luis Harbor District, through the land use authorities, the County, and Coastal Commission, created extensive planning area standards that would guide development of Harbor Terrace. While the Harbor District originally proposed more expensive high end development, the planning area standards for the Harbor Terrace site include goals and implementation criteria to ensure the site developed in a specific way to accommodate a variety of low-cost and moderate-cost visitor services uses. Following approval and acceptance of those standards, the County incorporated the changes into the Local Coastal Plan and the San Luis Bay Coastal Area Plan. The goals and criteria for the Harbor Terrace site are set forth in the Harbor Terrace Planning Sub-Area of the San Luis Bay Coastal Area Plan. Development of the site is intended to be consistent with the standards identified therein. This staff report includes an evaluation of the project based on these standards and criteria.

### PROPOSED PROJECT

The Harbor District is proposing a development plan for the Harbor Terrace site. The project is supported and in part funded by the California Coastal Conservancy. The proposed project stems from the goals and criteria set forth in Harbor Terrace Planning Sub-Area of the San Luis Bay Coastal Area Plan. The proposed project would consist of a range of uses and project components as listed in Table 1. These components include: campground that includes a range of low-cost and moderate-cost overnight accommodations, visitor serving commercial uses, harbor uses, restrooms, and parking areas. Additional features include trails and paths between parking areas and campsites within the project site; an accessible ramp between the commercial use and pool area and the proposed crosswalk across Avila Beach Drive; a check-in station near the primary entrance, and trash and recycling enclosure within a screening wall and swinging doors.

**Table 1: Project Components and Amenities**

<b><i>Amenity</i></b>	<b><i>Size or Unit</i></b>	<b><i>Description</i></b>
<b><i>Overnight Campground Accommodations</i></b>		
RV	80 sites	Vary in size, impervious surface (paved), maximum stay 30 days
RV/RV cabin	15 sites	Vary in size, maximum of 15 feet in height (cabins), improved with gravel or decomposed granite base, maximum stay 30 days
Hotel/motel	31 units	Yurts, cabins, casitas, or bungalows, maximum of 15 feet in height, maximum stay 30 days
Car/tent campsites	35 sites	Vary in size, delineated and unpaved, includes picnic table and fire pit, maximum stay 30 days
Walk-in/bike-in campsites	21 sites	Vary in size, unimproved, includes picnic table and fire pit, maximum stay 30 days
<b><i>Visitor Serving Commercial Uses</i></b>		
Commercial Uses	16,000 square feet	Uses may consist of: retail, restaurant, meeting/conference facilities; office/lobby/reception area; managers residence; storage/restroom/laundry; and picnic/gathering area/courtyard with barbeque; outdoor swimming pool/Jacuzzi and patio, maximum height of 25 feet
<b><i>Harbor Uses</i></b>		
Trailer boat storage	70 spaces	250 square feet (10x25 feet), storage may include commercial and recreational boats and associated trailers
Marine gear storage	20 spaces	800 square feet (20x40 feet), storage may include commercial and recreational marine-related equipment
Harbor storage area	1.05 acres	Storage may include trailers, boats, materials and equipment. May also include limited storage of oils, fuels, and paints. Fenced and gated
Future Harbor Use Building	6,000 square feet (3,000 sf footprint)	No more than two stories, not exceed 25 feet in height, for Harbor District use only
<b><i>Public Parking</i></b>		
Public parking spaces	48,000 square feet (approximately 240 parking spaces 20 feet by 10 feet in size)	Paved (asphalt) and delineated

## PLANNING AREA STANDARDS:

The following is a discussion of applicable Planning Area Standards from the *San Luis Bay Coastal Planning Area Plan*.

### **Chapter 8: B. Avila Beach Urban Area Standards**

**2. Avila Beach Drive and San Luis Bay Drive Level of Service.** Reserve a portion of the Avila Beach Drive road capacity to serve coastal dependent uses and do not subject Avila Beach Drive to traffic levels exceeding Level of Service (LOS) "C" overall. The LOS for Avila Beach Drive and San Luis Bay Drive shall be based on the average hourly weekday two-way 3:00 p.m. to 6:00 p.m. traffic counts to be conducted during the second week in May of each year. Fire access lane requirements will comply with the adopted fire code for the County of San Luis Obispo. Further, significant disruptions to the environmentally-sensitive habitat of San Luis Obispo Creek and its associated riparian habitat areas shall be avoided. Unavoidable impacts shall provide equivalent offset mitigation and enhancement measures.

*Staff Response: The proposed project complies with this standard. A coastal dependent use requires a permanent location on or adjacent to the ocean. The project includes coastal dependent uses including marine-related storage, oceanfront recreational uses and overnight accommodations, restaurants, and parking. While marine-related storage is not visitor-serving, it is a priority, coastal-dependent use and is an identified need of the Harbor District and is consistent with the goals and criteria of the Planning Area standards. Based on the traffic impact analysis (refer to EIR Section 4.11 Transportation and Traffic, and EIR Appendix G), the project would not generate traffic resulting in a deterioration of level of service under specified conditions (second week of May).*

**7. Port San Luis Harbor District Port Master Plan.** Permit approval of facilities under jurisdiction of the Port San Luis Harbor District may be granted only where consistent with the policies of the Harbor Port Master Plan, Appendix J of the Port Master Plan, the Local Coastal Program, the Coastal Act where applicable, and upon prior approval from the Harbor District.

## **PORT SAN LUIS DISTRICTWIDE GOALS AND POLICIES**

Goal: A Harbor with protected, maintained, and enhanced resources that balances the environmental, social, and economic needs of the various user groups.

*Staff Response: The proposed project is consistent with this goal. The proposed project would create visitor-serving facilities including marine-related storage, oceanfront recreational uses and overnight accommodations (including camping), and commercial uses to accommodate a wide variety of user groups.*

- 1. Permit Requirement.** All new development shall obtain Harbor District approval prior to seeking approval from the County of San Luis Obispo or the California Coastal Commission.

*Staff Response: The proposed project complies with this standard. The project is proposed by the Harbor District. The Port San Luis Harbor District found the proposed project to be consistent with the policies of the Harbor Port Master Plan and approved the proposed project and certified the FEIR at a hearing held on January 27, 2015.*

- 3. Mitigation Measures.** New development shall avoid significant adverse impacts to coastal resources. Where significant adverse impacts cannot be avoided, appropriate

mitigation measures shall be implemented. Refer to Appendix J of the Port Master Plan for some examples of mitigation measures.

*Staff Response: The proposed project complies with this standard. All mitigation measures identified in the Port Master Plan and Final Program FEIR are incorporated by reference and into the project and the Harbor Terrace Project FEIR. All prescribed mitigation measures would reduce potential impacts to a less than significant level. The project would not result in any significant and unmitigable impacts.*

### **Priorities, Services, and Facilities**

**1. Priorities for Development of Facilities and Allocation of Service Capacity.** Use priorities and policies of the California Coastal Act when determining the appropriateness of proposed uses and developments and allocating service capacity. Prior to approval of any use that is not coastal dependent, the approval body shall make a finding that adequate resources and services are reserved for coastal dependent uses. Development will reflect the priorities according to the following classifications:

- a. Priority I. The first priority is to meet the needs of uses that derive their viability directly from proximity to the ocean including boating and fishing, Harbor operations, aquaculture and mariculture, beach activities, fish off-loading, and oceanfront recreational uses.
- b. Priority II. The secondary priority is to accommodate uses that relate to but do not require the presence of water including trailer boat storage, equipment rental, and seafood processing, as well as uses that provide for the needs of waterfront visitors and workers, such as overnight accommodations, restaurants, and parking.
- c. Priority III. The third priority is to accommodate those uses that do not otherwise fit into Priority I or Priority II uses, including marine research and education, offices or general retail.

*Staff Response: The proposed project complies with this standard. The proposed project would create visitor-serving facilities including marine-related storage, oceanfront recreational uses and overnight accommodations, restaurants, and parking consistent with these goals. While marine-related storage is not visitor-serving, it is a priority, coastal-dependent use.*

**2. Service Capacity.** Ensure proposed development of projects and related improvements are within the circulation and utility capacity available to the Harbor area or will be provided through a planned program of improvements. The following existing capacity limits are recognized for water and wastewater services, Avila Beach Drive road capacity, and parking:

- a. Water. Usage shall not exceed the existing 100 acre-feet per year (AFY) available to the Harbor District from its Lopez entitlement. The District shall not sell or otherwise dispose of this entitlement to any users except lessees, concessionaires, or other Harbor uses. A 5-acre-foot per year reserve is desired. Water requirements for fire protection shall comply with the adopted fire code for the County of San Luis Obispo.
- b. Wastewater. Wastewater generation shall not exceed available capacity owned by the Harbor District in the Avila Beach Community Services District wastewater treatment plant and/or other such facility as may be constructed to expand wastewater treatment capacity. The District shall not sell or otherwise dispose of this entitlement to any users except lessees, concessionaires, or other Harbor uses.

- c. **Parking.** Maintain adequate parking to accommodate Harbor users and visitors. New development shall provide parking consistent with the County Coastal Zone Land Use Ordinances and the Avila Specific Plan.
- d. **Road Capacity.**

*Staff Response: The proposed project complies with this standard. As addressed in FEIR Section 4.10 (Public Services and Utilities), the proposed project would not result in service or utility demands exceeding allowable limits under both project-specific and cumulative conditions (build-out of the Port San Luis Master Plan). Based on the traffic impact analysis (refer to EIR Section 4.11 Transportation and Traffic, and EIR Appendix G), the project would not generate traffic resulting in a deterioration of level of service under specified conditions (second week of May). The project provides on-site parking and would not generate off-site parking demand.*

- 4. Visitor Serving and Recreational Facilities.** Enhance public enjoyment of the San Luis Obispo Bay waterfront by protecting and where feasible and appropriate, providing a range of opportunities for coastal recreation and visitor serving facilities, including affordable services.

*Staff Response: The proposed project complies with this standard. The project would provide enhanced public enjoyment of San Luis Bay by providing additional opportunities for coast-side camping and other low-cost and moderate-cost visitor serving accommodations.*

- 5. Revenue-Balanced Activities.** Provide a balanced mix of revenue and non-revenue producing uses on Port properties to support the District's public functions and meet the needs of waterfront visitors.

*Staff Response: The proposed project complies with this standard. The project would contribute to revenue generated by the Harbor District, and also includes areas for Harbor District facilities and functions.*

### **Visual and Scenic Resources**

- 1. Waterfront Character.** Protect scenic qualities including the time-honored character of Port San Luis and compatibility with surrounding uses and views.

*Staff Response: The proposed project complies with this standard. As discussed in FEIR Section 4.1 Aesthetic Resources, the project site is located within a highly scenic coastal area. In addition to compliance with Port Master Plan and San Luis Bay Coastal Area Plan standards, mitigation is identified to provide additional visual compatibility, including use of site design, architectural standards, and native landscaping to partially block public views of vehicles, RVs, and structures (refer to EIR Section 4.1 Aesthetic Resources).*

- 2. Bluffs and Hillside.** New development on bluffs and scenic hillsides shall be sited and designed to protect scenic resources and enhance the visual quality of the bluffs and hillsides. Visually degraded areas shall be restored where feasible.

*Staff Response: The proposed project complies with this standard. The project site is located on a historically graded hillside. No natural unique landforms are present onsite, and natural vegetation is limited to the northern and far eastern portions of the site, generally outside of the areas proposed for development and camping. Native landscaping is proposed along the edges of development, and would be contiguous with native vegetation to remain.*

- 4. Long-term Design.** Incorporate visually pleasing design solutions that limit long-term maintenance requirements.

*Staff Response: The proposed project would be constructed with visually compatible materials and architectural designs, and it is the Harbor District's intention that features are soundly built to reduce long-term maintenance requirements. The FEIR contains mitigation measures to further reduce visual impacts, including vegetative screening, reduce massing, and natural colors.*

### **Archaeology**

- 1. Cultural Resources.** Incorporate into decisions implementation measures that conserve cultural and historical resources in development of affected Port properties.

*Staff Response: The proposed project complies with this standard. The proposed project would avoid direct impacts to significant archaeological resources, consistent with this goal. The project would not impact any known archeological resources. The FEIR includes mitigation measures to further ensure that impacts to archeological resources are less than significant. The mitigation measures, in part, include preparation of a monitoring plan during all construction.*

### **Hazards**

- 1. Natural Hazards.** New development within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. All new development shall assure stability and structural integrity, and neither creates nor contributes significantly to erosion and geologic instability. Along the shoreline new development (with exception of coastal-dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers.

*Staff Response: The proposed project complies with this standard. The project site is located within a Geology Study Area (GSA) and adjacent to the 100-year Flood Hazard (FH) zone. As discussed in EIR Section 4.5 Geology and Soils, mass grading of the site is required to remediate landslide and slope stability hazards. Based on compliance with existing regulations including the Uniform Building Code, and compliance with recommendations and mitigation measures, potential hazards would be mitigated to less than significant. The project does not require the construction of shoreline protection measures, due to its location north of Avila Beach Drive. Stormwater management measures are identified such that the project does not create offsite hazards or flooding.*

### **Harbor Terrace Planning Area Standards**

The following goal and policies apply only to the Harbor Terrace Planning Sub-Area. The County of San Luis Obispo administers coastal development permits for Harbor Terrace.

Goal: Harbor Terrace encompasses a mix of uses that enhances the public's enjoyment of the Port, serves the needs of harbor users, and may augment Port income.

- 1. Development Intent.** Development of the Harbor Terrace Planning Sub-Area shall provide a range and mix of uses, with emphasis on coastal related and visitor serving uses, so that the land is financially and physically supportive of Harbor District operations.

*Staff Response: The project would provide a range and mix of uses, with emphasis on coastal related and visitor-serving uses (including low-cost and moderate-cost overnight visitor accommodations), so that the land is financially and physically supportive of Harbor District operations.*

- 2. Harbor Users.** Reserve area on Harbor Terrace to accommodate current and future Harbor District and other user needs including gear storage, trailer boat storage, and other harbor uses.

*Staff Response: The project provides space to accommodate current and future Harbor District and other user needs including gear storage, trailer boat storage, and other harbor uses.*

- 3. Visitor Uses.** Provide visitor-serving retail uses that are complementary to the harbor so that this area may enhance the public's enjoyment in ways that financially and physically support the Harbor District's public functions. Include overnight accommodations and commercial uses according to market demand and feasibility. Overnight accommodations shall include affordable visitor serving facilities.

*Staff Response: The project would provide visitor-serving retail uses that are complementary to the harbor so the project may enhance the public's enjoyment in ways that financially and physically support the Harbor District's public functions. The project program includes overnight accommodations and commercial uses according to market demand and feasibility. Overnight accommodations shall include low-cost and moderate-cost visitor-serving facilities.*

- 4. Environmental Performance.** Encourage new development to integrate site and building design techniques that are environmentally sensitive and energy conserving.

*Staff Response: The Harbor Terrace project would integrate site and building design techniques that are environmentally sensitive and energy conserving.*

- 5. Pedestrian Access.** New visitor serving developments on Harbor Terrace shall incorporate measures to provide safe pedestrian access onsite and coordinate access to the beach and other Port facilities.

*Staff Response: New visitor-serving developments on and adjacent to the project site incorporate measures to provide safe pedestrian access onsite including pedestrian crosswalks to access to the beach and other Port facilities.*

- 6. Limitation on Use.** Allow trailer boat and gear storage, eating and drinking establishments, food and beverage retail sales (e.g., market or commissary), yachting and rowing clubs, paths, trails, scenic overlooks and sightseeing facilities, public parking, picnicking, accessory storage, hotels and motels (camping, bungalows, tent cabins, inns, casitas, bed and breakfast), recreational vehicle parks, meeting facilities, group camping, passive recreation, communication facilities, specialized programs, outdoor retail sales, Harbor Operations (including offices, storage and maintenance yard), public safety facilities, temporary events, interpretive displays and exhibits, shuttle station, aquaculture and mariculture.

*Staff Response: The project includes trailer boat and gear storage, a restaurant and market, paths, trails, scenic overlooks and sightseeing facilities, parking, picnicking, accessory storage, hotels and motels (camping, bungalows, yurts, and casitas), recreational vehicle spaces, meeting facilities, group camping, passive recreation, Harbor Operations (including offices,*

*storage and maintenance yard), signage, and public safety facilities. Temporary events are not currently proposed.*

7. **Trailer Park.** The existing trailer park shall be closed, consolidated, or relocated consistent with the California Harbors and Navigation Code §6086 and Government Code §65863 prior to, or concurrent with, any approved development of the site. The mobile home park shall be consolidated, closed, or relocated, in a manner that maximizes the area available for coastal dependent and coastal related land uses prior to or concurrent with any approved development of the site.

*Staff Response: The trailer park has been closed.*

8. **Parcel Acquisition.** The Harbor District shall pursue acquisition of necessary property adjacent to Harbor Terrace to implement the Port Master Plan Improvements.

*Staff Response: The Harbor District has completed acquisition of nearby property to accommodate the proposed project.*

9. **Service Restriction.** Prohibit extension of roads, infrastructure, services, or other development connections through the Harbor Terrace property to other non-Harbor District properties. This restriction does not preclude trailhead connections.

*Staff Response: The San Luis Bay Coastal Area Plan precludes the project from extending roads, infrastructure, services, or other development connections through the project site to other non-Harbor District properties.*

## **10. Harbor Terrace Planning Criteria**

Development plans for Harbor Terrace shall be evaluated according to the following criteria:

- a. **Priority of Uses:** Proposed uses of the Harbor Terrace site shall include sufficient area for the highest priority coastal-dependent and coastal-related uses. To ensure that future development of the Harbor Terrace provides adequate facilities necessary to serve the highest priority uses and does not reduce opportunities for lower cost visitor serving uses and coastal access and recreation, future development shall provide the following:
  1. **Minimum Required Uses:** A minimum of 70 trailer boat storage spaces, 20 marine gear storage spaces, 48,000 square feet of general public parking (which includes public parking for a possible Harbor Office meeting room), and 10,000 square feet of expansion area that will be reserved to accommodate coastal-dependent and coastal-related uses. These uses shall be located in the western and southwestern portions of the site in order to maximize proximity to the coast and other associated harbor facilities, unless another location is equally sufficient.
  2. **Prescribed Use Ratios:** A minimum of one (1) lower-cost campsite (car or walk-in/bike-in tent campsite) must be provided for every one and a half (1.5) unit of hotel/motel (cabin, bungalow, inn, yurt, casita) development. A minimum of one (1) lower-cost campsite (car or walk-in/bike-in tent campsite) must be provided for every three (3) RV campsites.
  3. **Project Phasing Limitations:** Permits necessary to construct the minimum number of lower-cost campsites (car or walk-in/bike-in tent campsites) must be approved prior to or concurrently with any permit approval for hotel/motel and/or commercial retail development on the Harbor Terrace, and the lower-cost campsites must be

available for use within one year of the opening of the hotel/motel and/or commercial retail development.

4. **Purpose of Commercial Uses:** All commercial uses must serve coastal dependent uses, coastal-related uses and/or provide visitor-serving uses.
5. **Intent of Accommodations:** With the exception of an on-site campground host or campground facilities manager, all overnight accommodations to be developed on the Harbor Terrace shall be exclusively available to the general public for transient occupancy. The establishment or conversion of overnight accommodations to a private or members only use (e.g. timeshares or condominiums), or the implementation of any program to allow extended and exclusive use or occupancy of the facilities by an individual or limited group or segment of the public is prohibited.
6. **Special Events:** Specialized programs and temporary events are subject to land use approval consistent with the LCP. Outdoor events conducted on the site shall be planned and staged so that noise generated by the event, attendees, and traffic is minimized. Temporary events shall not interfere with harbor operations and boating and fishing activities.

*Staff Response: The following uses would be located in the western portion of the project site: 70 spaces for trailer boat storage, 20 spaces for marine gear storage, 1.05 acres of harbor storage, 48,000 square feet of parking, 10,000 square feet of harbor-related uses, add a 6,000-square foot future harbor use building (3,000 square-foot footprint). The project meets required prescribed ratios by including 80 RV sites, 15 RV/RV Cabin sites, 31 hotel/motel units, 35 car/tent campsites, and 21 walk-in campsites. Provision of RV/cabins in the RV/RV-Cabin designation would be subject to the prescribed one campsite per 1.5 hotel/motel unit ratio. Commercial uses would be coastal dependent, and would include visitor-serving uses including a restaurant, market, swimming pool, and patio. All accommodations would be available to the public and no special events are proposed.*

- b. **Building and Site Design Requirements:** New development shall be sited and designed to minimize the visual impacts of the development, including those related to light and glare, in order to preserve the scenic quality of the area as viewed from public viewing areas, adjacent roads, piers, beaches, and the ocean. Special attention shall be given to maintaining character of the Harbor area. This shall be accomplished by:
  1. **Commercial Use Location:** Restricting the development of commercial retail facilities and structures (eating and drinking establishments, food and beverage retail sales, commissary, market, meeting rooms, parking, etc.) to the lower previously graded portions of the site, as depicted in Conceptual Harbor Terrace Plan Figure 8.7 of the San Luis Bay Coastal Area Plan.
  2. **Commercial Use Height Limitations:** Limiting commercial retail facilities/structures and the harbor office/shop to two-stories with a maximum height of 25 feet.
  3. **Hotel Use Height Limitations:** Limiting hotel motel units (yurts, cabins, inns, casitas, bungalows) to single-story with a maximum height of 15 feet.
  4. **Camping Use Location:** Limiting the use of APN 076-171-021 to walk-in/bike-in camping. The small, previously disturbed area on the northwest portion of the parcel adjacent to the existing access road may be used for structures necessary to serve the walk-in/bike-in campsites. No new road development or road improvements shall occur on APN 076-171-021, and vegetation removal shall be minimized. Each walk-in/bike-in site shall be limited to a level area or platform for a tent, a picnic table, a fire ring, and a water spigot.

5. **Aesthetics:** Requiring that all development to be designed, colored, and sited to minimize visibility within the public viewshed. New development shall avoid large, boxy structures by providing variations in height, articulated roof forms and pitch, and open space view corridors. Structures shall blend in with the natural surroundings by using earth toned colors and materials. Reflective materials and finishes are prohibited. Lighting (particularly overhead street lights should they be necessary) shall be minimized in number and shall be shielded to orient lighting downward. All development shall be landscaped with native vegetation appropriate to the site in order to soften the visual prominence of the new development and to restore the visual qualities of the site. Invasive plant species are prohibited.
6. **Landscape and Irrigation Plans:** Requiring that landscape plans and appropriate irrigation plans be submitted with new developments. Plans shall identify revegetation areas necessary to stabilize slopes and planting areas necessary to minimize visual impacts of grading/terracing and the proposed use of the site. Landscape plans shall utilize native plant species appropriate to the site, and shall be designed to minimize the visual impact of all development on the site as viewed from public viewing areas, piers, beaches, and the ocean. Alteration of natural landforms is to be minimized and any areas of cut/grading shall immediately be re-seeded using a native seed mix.
7. **Restroom Location:** Requiring a restroom building or other structures necessary to serve the campsites to be sited in the least visible portions of previously disturbed areas, and designed and landscaped to prevent its visibility from public view.
8. **Water Tank Improvements:** Requiring that any improvements or additions to the existing water tank to be limited to the minimum necessary to provide approved site development with water storage for domestic supply and fire protection purposes; shall be placed underground to the greatest degree feasible; and shall be sited, colored, and landscaped to minimize visibility from public viewing areas (including roads, piers, beaches, and offshore areas).
9. **Visual Analysis:** Requiring at the time of coastal development permit application, or as part of an environmental review document, a detailed visual analysis which demonstrates that the visual and scenic character of the site will be preserved and improved where possible.

*Staff Response: The project is designed to minimize visual impacts to the maximum extent feasible giving the location and topography of the project site. Final landscaping and architectural plans would incorporate existing standards, and additional performance standards identified in mitigation measures (refer to EIR Section 4.1 Aesthetic Resources). Commercial development is limited to the lower elevations of the project site, and structures would not exceed 25 feet in height. Walk-in/bike-in camping would be provided in the eastern portion of the project site, and would not require grading, structural development, or vegetation removal. Comfort stations including restrooms would be provided throughout the site, and would be designed and landscaped to minimize visibility from public areas.*

- c. **Biological Resources:** To protect and enhance sensitive biological resources and habitat areas, including water quality, on and adjacent to the Harbor Terrace site, the following measures shall include, but are not limited to:
  1. **Revegetation:** The revegetation of all cut slopes with native species of local stock appropriate to the site. Invasive plant species are prohibited.
  2. **Tree Replacement:** The replacement of all oak trees in areas adjacent to existing oak woodland habitat, if the removal of such oak trees cannot be avoided. The

number and replacement of trees shall be adequate to ensure that an equal or greater number of oak trees, in comparison to the number of trees removed, will be successfully established. A tree replacement program, including long-term maintenance measures, shall accompany any development plan that involves the removal of existing oak trees. This program will include strategies for improving natural oak recruitment.

3. **Habitat Disturbance:** Designing grading and construction activities to avoid disturbance of habitat (e.g. coastal scrub habitat) and minimize the removal of oak trees.
4. **Setback Zones:** The establishment, management, and maintenance of setback or buffer zones as habitat areas. The width of such setback/buffer areas shall be determined through a project specific biological analysis that identifies the minimum setback/buffer area necessary to protect the biological productivity of sensitive habitat areas. Setback areas necessary for fire safety shall be identified in the development plan and shall be designed to avoid the removal or disturbance of habitat areas. The width of the vegetative buffer area provided for the coastal stream adjacent to Diablo Canyon Road shall be no less than 50 feet.
5. **Guest Education:** Providing information to future guests regarding nature viewing opportunities.
6. **Designated Habitat Areas:** The provision of designated areas for pets so that native habitat areas are avoided.
7. **Grading:** Grading for approved development shall be designed and implemented to minimize sedimentation impacts on adjacent surface water bodies including coastal streams and San Luis Bay. Construction activities such as grading and clearing shall be scheduled to avoid the rainy season.
8. **Storm Water Management:** Minimize impervious surfaces and install post development BMP's to capture, infiltrate, and/or treat storm water runoff. The objective of drainage improvements shall be to avoid any increase in the quantity and intensity of storm water runoff exiting the site. Post construction BMP's shall be designed with adequate capacity to accommodate, at a minimum, the 85th percentile 24-hour runoff event.
9. **Drainage Facilities:** If drainage facilities are proposed to flow into the stream/drainage channel adjacent to Diablo Canyon Road, the stream channel shall be restored to provide both flow capacity and natural habitat.
10. **Drainage Filtration:** Filtering all drainage from parking facilities by using vegetated swales or oil/water separators to limit oil/grease pollution and the intensity of flow commonly associated with parking lots.
11. **Limit Water Quality Impacts:** Use all BMP's possible to limit water quality impacts and eliminate to the greatest degree feasible the need for additional culverts and ocean/beach disposal points.

*Staff Response: The proposed project incorporates the following standards, as required by the San Luis Bay Coastal Area Plan and mitigation measures identified in FEIR Section 4.3 Biological Resources: cut slopes would be vegetated with native species; no oak trees would be removed by project activities and the proposed landscape plan includes oak trees and coastal scrub species; grading and construction activities would avoid coastal scrub habitat to the maximum extent feasible, and proposed landscape plans include enhancement and revegetation of coastal scrub onsite (2:1 ratio required by mitigation measures); a 50-foot coastal stream riparian setback is identified on the project plans, and no structures requiring fire safety clearance are proposed within 100 feet of coastal streams; the project would include educational materials for guests; substantial grading is required for the site, and implementation*

*of an erosion and sedimentation control plan and Stormwater Pollution Prevention Plan is required; stormwater management includes the use of bioswales, filters, Low Impact Development measures, and BMPs consistent with County and RWQCB standards and regulations; and proposed drainage facilities would not discharge into the coastal stream near Diablo Canyon Road. The project has obtained a technical infeasibility exemption because the LCP prohibits on-site detention. The drainage plan is designed to meet stormwater regulations related to run-off and water quality.*

- d. **Cultural Resources:** Potential impacts to cultural resources shall be evaluated by all development proposals on the Harbor Terrace site, and the protection and/or mitigation for any significant resources identified shall be incorporated into the proposed site design in coordination with SHPO and the local Chumash tribe. Archeological field surveys shall be conducted prior to construction activities on the Harbor Terrace. In accordance with Section 23.05.140 of the CZLUO, all construction activities shall cease should resources be identified during construction. In such an event, construction activities shall not recommence until measures protecting and/or mitigating impacts to archaeological resources have been developed and approved by Planning Director, Environmental Coordinator, SHPO, and the Chumash tribe. No development shall occur west of Diablo Canyon Road other than restoration of the existing drainage course, and any cultural/archaeological preservation activities that have been coordinated and approved by the State Historic Preservation Officer and representatives of the appropriate Chumash tribe.

*Staff Response: The cultural resources analysis, including incorporation of surveys conducted on the project site and adjacent areas, is incorporated into EIR Section 4.4 Cultural Resources. The project would not directly affect known archaeological resources. An archaeological monitor shall be onsite during initial ground disturbance, and any discovery shall be mitigated by compliance with a County-approved monitoring plan and the CZLUO.*

- e. **Slope Stability:** To reduce hazards on the Harbor Terrace site, new structures designated for human occupation and use (e.g. hotels, motels, campsites, parking lots, offices, commercial areas) must demonstrate a static factor of safety with respect to slope stability of 1.5 and a pseudostatic factor of safety to 1.1, using a horizontal seismic coefficient of 0.15g. In addition, uses on the Harbor Terrace site or slopes above it that would have a significant potential to saturate the soils and add further slope instability, such as drainage detention basins or septic systems, shall be prohibited.

*Staff Response: Grading and construction plans shall demonstrate compliance with existing standards, and shall incorporate recommendations identified as mitigation measures in EIR Section 4.5 Geology and Soils. No onsite septic or unlined (permeable) basins are proposed.*

*The project is consistent with all the criteria set forth above. The project site includes high priority coastal-dependent and coastal-related uses, including camping facilities, marine storage, and Harbor District storage and uses.*

#### COASTAL ZONE LAND USE ORDINANCE STANDARDS:

##### **Section 23.01.043: Appeals to the Coastal Commission (Coastal Appealable Zone)**

The proposed project is appealable to the Coastal Commission because it is located within 300-feet of the inland extent of a beach.

## CHAPTER 5: SITE DEVELOPMENT STANDARDS

**Section 23.05.034 – Grading Standards.** All excavations and fills, whether or not subject to the permit requirements of this title, shall be conducted in accordance with the provisions of Sections 7009 through 7013 of the Uniform Building Code, and the standards identified in Section 23.05.034.

*Staff Response: The proposed project complies with this requirement. Implementation of the project requires mass grading on existing steep terraced slopes to remediate potential hazards including landslides and soil contamination. Existing conditions onsite include un-natural terraces. Proposed grading would create softened terraces, which would be vegetated with native species to facilitate improved consistency with the surrounding landscape compared to existing conditions. Coastal streams are located onsite or proximate to the project site, and measures are proposed to ensure long-term slope stability, erosion control and protection of water quality during construction and for the life of the project, and maintenance of 50-foot minimum vegetated buffers between the development and coastal streams. The proposed project includes a drainage plan and grading plan including incorporation of LID measures and BMPs to reduce the potential for erosion. The grading and drainage plan has been reviewed by Public Works.*

**23.05.036 – Sedimentation and Erosion Control.** Sedimentation and erosion control plan required: Submittal of a sedimentation and erosion control plan for review and approval by the County Engineer is required.

*Staff Response: The proposed project complies with this requirement. Implementation of the proposed project would require mass grading, and incorporation of erosion and sedimentation control measures both during construction and for the life of the project. Preliminary plans identify erosion control measures, which would be further refined through grading plan review by the County and RWQCB, consistent with existing regulations including the CZLUO. Long-term slope stability would be achieved pursuant to implementation of recommendations and mitigation measures identified in EIR Section 4.5 Geology and Soils.*

**23.05.064 – Tree Removal Standards.** Applications for tree removal shall comply in accordance with Section 23.05.062.

*Staff Response: The proposed project complies with this requirement. Proposed tree removal would be limited to ornamental and pine species and Eucalyptus. All tree removal would occur pursuant to conditions identified by the County through review of the Coastal Development Permit, consistent with CZLUO regulations. Native trees would remain, and the site would be re-vegetated with native trees and other vegetation, which addresses policies related to visual resources and visual character.*

**23.05.086 – Fire Safety Standards.** In areas where fire protection is provided by the San Luis Obispo County Fire Department/California Department of Forestry and Fire Protection, new uses shall comply with applicable provisions of the Uniform Fire Code, 1988 Edition, or such later edition as adopted by an ordinance of San Luis Obispo County. In areas where fire protection is provided by another official agency (e.g., a community services district, etc.), new uses shall comply with such fire safety standards as required by the fire protection agency.

*Staff Response: The proposed project complies with this requirement. The project site is within a high fire hazard area, and the project is subject to review and approval by CalFire, which shall ensure compliance with current regulations. The attached plan set includes a fire safety plan*

*which has been reviewed by CalFire. The applicant will be required to comply with all requirements established by CalFire.*

**23.05.140 – Archeological Resources Discovery.** In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

- a. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- b. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

*Staff Response: All grading and construction activities shall comply with this existing standard. Archaeological monitoring shall occur during ground disturbance, as prescribed by mitigation measures set forth in Section 4.4. Cultural Resources of the FEIR and as conditioned herein.*

## **CHAPTER 7: COMBINING DESIGNATIONS**

**23.07.080 – Geologic Study Area (GSA).** A Geologic Study Area combining designation is applied by the Official Maps (Part III) of the Land Use Element, to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property.

*Staff Response: The project site is located within a Geology Study Area (GSA). As discussed in EIR Section 4.5 Geology and Soils, mass grading of the site is required to remediate landslide, fault, seismic, soils, and slope stability hazards. Based on compliance with existing regulations including the Uniform Building Code, and compliance with recommendations and mitigation measures identified in the FEIR, potential hazards would be mitigated to less than significant.*

**23.07.086 – Geologic Study Area Special Standards:** All uses within a Geologic Study Area are to established and maintained in accordance with the following, as applicable:

- a. Grading: Any grading not otherwise exempted from the permit requirements of Sections 23.05.020 et seq. (Grading) is to be performed as engineered grading under the provisions of those sections.
- b. Seismic hazard areas: As required by California Public Resources Code Sections 2621 et seq. and California Administrative Code Title 14, Sections 3600 et seq., no structure intended for human occupancy shall be located within 50 feet of an active fault trace within an Earthquake Fault Zone.
- c. Erosion and geologic stability: New development shall insure structural stability while not creating or contributing to erosion, sedimentation or geologic instability.

*Staff Response: The proposed project complies with these requirements. The project site is located within a GSA designation, and is subject to the applicable standards identified in the CZLUO. Recommendations identified in the Geology / Geologic Hazards Review (Earth Systems Pacific 2014) are incorporated into the FEIR analysis, and will implemented during development of final grading and construction plans to ensure compliance with the CZLUO (refer to FEIR Section 4.5 Geology and Soils). The recommendations are included as conditions of approval herein.*

**23.07.104 – Archaeologically Sensitive Areas.** To protect and preserve archaeological resources, the following procedures and requirements apply to development within areas of the coastal zone identified as archaeologically sensitive.

*Staff Response: The project site is located within the Archaeologically Sensitive (AS) combining designation overlay. The project site and surrounding areas were surveyed by a qualified archaeologist, and the project was sited to avoid impacts to documented archaeological sites. No impacts to known archeological resources would occur. Mitigation is identified, including monitoring of initial ground disturbance, to ensure proper protection and management of unknown significant resources (refer to FEIR Section 4.4 Cultural Resources). Mitigation measures are included as conditions of approval herein.*

**23.07.160 – Sensitive Resource Area (SRA).** The Sensitive Resource Area combining designation is applied by the Official Maps (Part III) of the Land Use Element to identify areas with special environmental qualities, or areas containing unique or endangered vegetation or habitat resources. The purpose of these combining designation standards is to require that proposed uses be designed with consideration of the identified sensitive resources, and the need for their protection, and, where applicable, to satisfy the requirements of the California Coastal Act.

*Staff Response: The project site is located within the SRA combining designation. ESHA includes an LCP-designated coastal stream west of the western property boundary (east of Diablo Canyon Road) and potentially an undesignated coastal stream within the far eastern portion of the property. Specific standards are addressed below.*

**23.07.166 – Minimum Site Design and Development Standards.** All uses within a Sensitive Resource Area shall conform to the following standards:

- a. Surface mining is not permitted except in areas also included in an Energy and Extractive Resource Area combining designation by the Land Use Element. Where the dual designation exists, surface mining is allowed only after approval of surface mining permit and reclamation plan, approved in accordance with Section 23.08.180.
- b. Shoreline areas shall not be altered by grading, paving, or other development of impervious surfaces for a distance of 100 feet from the mean high tide line, 75 feet from any lakeshore, or 50 feet from any streambank, except where authorized through Development Plan approval. Where the requirements of the California Department of Fish and Game or other public agency having jurisdiction are different, the more restrictive regulations shall apply. Special requirements for setbacks from wetlands, streams, and the coastline are established by Sections 23.07.172 through 23.07.178.
- c. Construction and landscaping activities shall be conducted to not degrade lakes, ponds, wetlands, or perennial watercourses within an SRA through filling, sedimentation, erosion, increased turbidity, or other contamination.
- d. Where an SRA is applied because of prominent geological features visible from off-site (such as rock outcrops), those features are to be protected and remain undisturbed by grading or development activities.
- e. Where an SRA is applied because of specified species of trees, plants or other vegetation, such species shall not be disturbed by construction activities or subsequent operation of the use, except where authorized by Development Plan approval.

*Staff Response: The proposed project incorporates a minimum 50-foot buffer from designated and un-designated coastal streams. Only the perimeter of low-impact, resource-dependent passive camping areas would be located within 50 feet of the eastern coastal stream; no*

*grading or development would occur. The project preserves native oak trees onsite, and would only affect the fringes of coastal scrub. The landscape plan incorporates native trees and vegetation consistent with native habitats in the area, and contiguous with existing habitats to the north and east. Grading and development shall be subject to existing regulations to protect water quality, and additional mitigation measures are proposed to prevent accidental disturbance or pollutant discharges (refer to FEIR Sections 4.1 Aesthetic Resources, 4.3 Biological Resources, 4.5 Geology and Soils, and 4.7 Hydrology and Water Quality). Mitigation measures as prescribed by these sections are included as conditions of approval herein.*

**23.07.170 – Environmentally Sensitive Habitats.** Development standards for environmentally sensitive habitats. All development and land divisions within or adjacent to an Environmentally Sensitive Habitat Area shall be designed and located in a manner which avoids any significant disruption or degradation of habitat values. This standard requires that any project which has the potential to cause significant adverse impacts to an ESHA be redesigned or relocated so as to avoid the impact, or reduce the impact to a less than significant level where complete avoidance is not possible.

*Staff Response: The proposed project would not directly impact ESHA, and would comply with existing standards, including a 50-foot setback and buffer zone between the proposed use and the coastal streams (as discussed in sections 4.3 Biological Resources of the FEIR). Existing habitat between the streams and the project would remain in place, or would be enhanced with native vegetation complimentary to the natural habitat (coastal scrub). The eastern edge of the walk-in campsite would be located within the 50-foot buffer. Low-impact campsites (passive recreation) including tents, picnic tables, and fire pits would be located within the walk-in camp areas, and would not require site alteration to accommodate the use. Such campsites constitute a resource-dependent use. Potentially significant indirect impacts including sediment and pollutant discharge would be mitigated through compliance with existing standards to protect water quality and incorporation of identified mitigation measures including construction monitoring, erosion and sedimentation control measures, and hazards containment and clean-up measures.*

**23.07.174 – Streams and Riparian Vegetation.** Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.

*Staff Response: The proposed project would be located a minimum of 50 feet from identified coastal streams. An LCP-designated coastal stream is located east of Diablo Canyon Road and west of the project property line; this stream flows into a culvert located approximately 350 feet northwest of Avila Beach Drive. The stream flows through riparian coast live oak woodland northwest of the project site, and continues through coastal scrub habitat adjacent to Diablo Canyon Road west of the project site. A second stream is located within the far eastern corner of the project site; this stream is not an LCP-designated coastal stream, but was treated as such during project development and analysis. This stream also flows through riparian coast live oak woodland north of the project site, and proceeds through coastal scrub within the project site. Actions within 100 feet of the coastal stream near Diablo Canyon Road includes grading, improvements and expansion of an existing Harbor District storage area, and native landscaping/restoration. These actions would not disrupt habitat present within the coastal streams because a minimum 50-foot buffer would be maintained, protection measures and biological monitoring would occur during construction (refer to FEIR Section 4.3 Biological Resources), the proposed drainage plan includes the establishment of bioswales to collect and filter stormwater prior to discharge into the existing drainage system, which discharges onto the beach area (refer to EIR Section 4.8 Hydrology and Water Quality). The proposed low-impact,*

*resource-dependent walk-in campsites and landscaping/restoration would be located within 100 feet of the coastal stream in the eastern portion of the project site; development of these campsites would not require grading for establishment, and would not including parking spaces within the camping area; vehicle parking for these uses would be provided to the west, outside of the 100-foot zone. Uses within the low-impact, resource dependent walk-in campsites would be limited to picnic tables, fire pits, and tents, which would not have an adverse effect on the function of the stream. In addition, an improved vegetative buffer would remain between the campsites and the stream. Vegetative trimming of oak trees may occur within the 100-foot zone as a result of CAL FIRE requirements for fuel management; standards are identified to protect the long-term survival of trimmed trees (refer to EIR Section 4.3 Biological Resources).*

## **CHAPTER 8: SPECIAL USES**

### **23.08.262 – Hotels, Motels.**

- a. Limitation on use. Transient lodgings in the Public Facilities category are limited to hotels and motels in conjunction with public airport or port facilities.
- b. Permit requirement.
  - (1) Two to 39 units. Minor Use Permit approval, except that Development Plan approval is required for all hotels and motels in the Recreation category.
  - (2) 40 or more units. Development Plan approval.
- c. Density. The density of a hotel or motel is not limited by this title except that a site for such use shall be designed to accommodate all proposed units while also satisfying all applicable height, setback, parking and other standards of this title and the Land Use Element without the need for modification, adjustment or variance of such standards.
- d. Parking. Hotels and motels shall provide off-street parking as set forth in Section 23.04.166c(9) (Transient Lodgings). In the event that a hotel or motel includes any facilities in addition to overnight units (e.g., restaurant, bar, meeting rooms, etc.), all additional facilities shall be provided off-street parking as required by Section 23.04.166c of this title, in addition to the parking required for the hotel or motel.

*Staff Response: The proposed project includes 31 “motel” units, which would consist of yurts, cabins, casitas, or bungalows. The units would be subject to a 30-day stay limit. These uses would be in conjunction with Port San Luis facilities and consistent with the intended use of the site. Due to the nature of the site, on-site parking is proposed for the facility; off-site parking near Harford Pier and along Avila Beach Drive is currently provided for other existing visitors to the area, who may use the restaurant facility.*

**23.08.266 – Recreational Vehicle (RV) Parks.** The provisions of this section apply to all recreational vehicle parks and commercial campgrounds including any separate designated section of a mobile home park located in the Recreation category. These standards apply in addition to all applicable provisions of Title 25 of the California Administrative Code.

*Staff Response: The proposed project includes 80 RV sites and 15 RV/RV cabins sites. These uses would be in conjunction with Port San Luis facilities and consistent with the intended use of the site. The campground facility, including RV spots, would be visible from Avila Beach Drive. As discussed in EIR Section 4.1 Aesthetic Resources, existing standards identified in the Port Master Plan and San Luis Bay Coastal Area Plan are incorporated into the project, and additional mitigation measures including siting of RV spots and standards for vegetative screening would be incorporated into final construction and landscape plans.*

*The total acreage proposed for the RV and RV/Cabin sites would be approximately 2.7 acres, consistent with the applicable criteria for the site. Individual spaces would comply with CZLUO standards.*

*The total density of RV and RV/Cabin sites would be 105 spaces, which equates to 3.28 spaces per acre, consistent with the criteria for the site.*

*No RV would be located closer than 250 feet from any property line, consistent with the standard. Ten feet of separation between RVs and tents will be provided.*

*The proposed project includes recreational and common open space areas including group gathering areas for picnics, barbeques, and educational purposes, consistent with the standard, including a 16,000-square foot commercial area, swimming pool/Jacuzzi, and internal trails and landscaped areas. The facility does not include a designated playground; however, the site includes many recreational amenities and is located directly across from a public beach area.*

*Internal roads are designed in compliance with County and CAL FIRE standards, including designated parking areas.*

*Water supply would be provided, and would connect to existing service lines for campground users. Final determination of RV hook-ups would be determined through review by the County of San Luis Obispo, including provision of dumpsites.*

*Comfort stations, including restrooms, are provided throughout the project site, and would meet specified setback standards.*

*Based on the topography of the site, solid fencing is not currently proposed. Due to the topography of the site, and existing road cut adjacent to Avila Beach Drive, provision of a wall or fence along the front property line would not provide any visual screening of RVs and other facilities. The existing road cut blocks views of the site from most locations along Avila Beach Drive (an exception is views from eastbound Avila Beach Drive, near Diablo Canyon Road). From identified Key Viewpoints, the RVs would be located in the upper elevations, and would not benefit from property frontage fencing. Landscaping would be installed throughout the project site to mitigate visual impacts as seen from public roadways and recreational areas, consistent with the standard.*

COASTAL PLAN POLICIES:

Shoreline Access: <input checked="" type="checkbox"/>	Policy No(s): 1, 2, 4
Recreation and Visitor Serving: <input checked="" type="checkbox"/>	Policy No(s): 1, 2, 3
Energy and Industrial Development: Commercial Fishing, Recreational Boating and Port Facilities: <input checked="" type="checkbox"/>	N/A
Environmentally Sensitive Habitats: <input checked="" type="checkbox"/>	Policy No(s): 2, 3, 4, 5
Agriculture:	Policy No(s): 1, 2, 20, 21, 28, 30, 31, 35
Public Works: <input checked="" type="checkbox"/>	N/A
Coastal Watersheds: <input checked="" type="checkbox"/>	Policy No(s): 1, 8
Visual and Scenic Resources: <input checked="" type="checkbox"/>	Policy No(s): 1, 7, 9, 10
Hazards: <input checked="" type="checkbox"/>	Policy No(s): 1, 2, 5, 7
Archeology: <input checked="" type="checkbox"/>	Policy No(s): 1, 2, 3, 7, 9
Air Quality: <input checked="" type="checkbox"/>	Policy No(s): 1
	N/A

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

COASTAL PLAN POLICY DISCUSSION:

**SHORELINE ACCESS**

**Policy 1: Protection of existing access.** Public prescriptive rights may exist in certain areas of the county. Development shall not interfere with the public's right of access to the sea where acquired through historic use or legislative authorization.

*Staff Response: The project is consistent with this policy. The proposed project protects existing access to the shoreline, and would provide two crosswalks to provide safer access for pedestrians and bicyclists.*

**Policy 2: New Development.** Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development.

*Staff Response: The project is consistent with this policy. The project site is located north of Avila Beach Drive and would not affect public access to the shoreline. The entire shoreline near the project site is, and will continue to be, accessible to the public via Avila Beach Drive, and ramps and stairways leading from the road to the beach.*

**Policy 4: Provision of Support Facilities and Improvements.** Facilities necessary for public access shall be provided. This may include parking areas, restroom facilities, picnic tables or other such improvements.

*Staff Response: The project is consistent with this policy. The project would include support facilities including comfort stations, laundry facilities, dog washing stations, picnic tables, fire pits, and bicycle, RV, and vehicle parking. Facilities would be maintained by an operator approved by the Harbor District.*

## RECREATION & VISITOR-SERVING FACILITIES

**Policy 1: Recreation Opportunities.** Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means.

*Staff Response: The proposed project is consistent with this policy because it would create low-cost and moderate-cost recreation and visitor-serving facilities ranging from hotel/motel units (e.g., yurts, cabins), to RV and tent camping sites on the coastline. Roadside RV spots removed from Avila Beach Drive would be incorporated into the project, which would improve coastal access and visibility along the Avila Beach Drive roadway.*

**Policy 2: Priority for Visitor-Serving Facilities.** 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.

*Staff Response: The project is consistent with this policy. The proposed project would create visitor-serving facilities within the Avila Urban Services Line and Port San Luis, and would not impair agricultural uses in the area based on the project's location and proposed development area. The project would provide on-site marine-related storage for recreational and commercial boating industries.*

**Policy 3: Low Cost Facilities.** Larger visitor-serving projects shall make provisions for services which are geared to a range of costs, including low cost facilities.

*Staff Response: The project is consistent with this policy. The proposed project would provide a range of overnight visitor accommodation facilities, within a range of costs, including low-cost facilities, such as walk-in and car and tent campsites according to the ratios prescribed in the certified LCP and San Luis Bay Coastal Area Plan.*

## COMMERCIAL FISHING & RECREATIONAL BOATING

**Policy 2: Priorities for Development of Facilities.** Where feasible, oceanfront recreational development should give priority to boat ramps, dry storage and other recreational boating facilities as otherwise consistent with the policies of the Coastal Act.

*Staff Response: The proposed project includes storage areas for recreational and commercial fishing and boating uses, consistent with the approved Port San Luis Master Plan and San Luis Bay Coastal Area Plan.*

**Policy 3: Port San Luis Harbor Master Plan.** New development of facilities under jurisdiction of the Port San Luis Harbor District shall be permitted where consistent with the Local Coastal Program and Chapter 3 of the Harbor Master Plan.

*Staff Response: The project is located within the Harbor Terrace planning area, and the development is consistent with the policies and standards identified in the approved Port San Luis Master Plan and San Luis Bay Coastal Area Plan.*

**Policy 4: Priorities for Development of Facilities and Allocation of Service Capacity.** Priorities for development of the harbor will reflect the goals and priorities as follows:

- Priority I: Coastal-Dependent Uses: Commercial fishing and related mariculture/aquaculture; Sport fishing; Recreational boating and other oceanfront recreational uses; Energy-related facilities.
- Priority II: Coastal-Related Uses: Other visitor-serving retail commercial uses and other coastal-related uses.
- Priority III: Other Uses: Other uses which are neither coastal-dependent or coastal-related. Priorities and policies of the California Coastal Act shall be considered in all harbor development.

Prior to approval of any use which is not coastal-dependent the Harbor District shall make a finding that adequate resources and services have been reserved for all coastal dependent uses proposed in the Master Plan. (PSL Policy G-3)

*Staff Response: The proposed project provides coastal-dependent and visitor-serving uses and facilities that meet the identified priority standards, consistent with conceptual plans and standards identified for the Harbor Terrace planning area. Priority 1 uses include marine-related storage areas and Priority II uses include overnight visitor accommodations (including low-cost facilities such as a variety of campsites) and related facilities and amenities.*

**Policy 5: Port San Luis Service Capacity.** Proposed development of projects and related improvements shall be within the circulation and utility capacity available to the harbor area, or to be guaranteed through a planned program of improvements as specified in the Harbor Master Plan. These capacity limits are recognized for each service as follows:

- a. Water: Usage shall not exceed the 100 acre feet per year available to the Harbor District from its Lopez entitlement. Adequate water pressures for fire suppression shall be maintained in all district water mains at all times.
- b. Sewer: Wastewater generation shall not exceed available capacity owned by the Harbor District in the Avila Beach county water district wastewater treatment plant and/or such other facility as may be constructed.
- c. Traffic: Avila Beach Road shall not be subjected to traffic levels exceeding level of service "C", based on the average hourly weekday two-way 3:00 p.m. to 6:00 p.m. traffic counts to be conducted during the second week in May of each year. [Amended 1995, Ord. 2702]
- d. Parking: All new uses shall be required to provide additional parking consistent with the County Coastal Zone Land Use Ordinance requirements or to provide an in-lieu contribution to a district-wide parking program.

*Staff Response: As addressed in FEIR Section 4.10 (Public Services and Utilities), the proposed project would not result in service or utility demands exceeding allowable limits under both project-specific and cumulative conditions (build-out of the Port San Luis Master Plan). Based on the traffic impact analysis (refer to FEIR Section 4.11 Transportation and Traffic, and FEIR Appendix G), the project would not generate traffic resulting in a deterioration of level of service under specified conditions (second week of May). The project provides on-site parking and would alleviate off-site parking demand. Mitigation measures prescribed by these sections are included as conditions of approval herein.*

## ENVIRONMENTALLY SENSITIVE HABITAT

**Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats.** New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.

*Staff Response: The project is consistent with this policy. The proposed project would be located a minimum of 50 feet from identified environmentally sensitive habitats (ESHAs), including LCP-designated and undesignated coastal streams, consistent with identified setback standards for this ESHA designation (refer to Policy 28 below). An LCP-designated coastal stream is located east of Diablo Canyon Road and west of the project property line; this stream flows into a culvert located approximately 350 feet northwest of Avila Beach Drive. The stream flows through riparian coast live oak woodland northwest of the project site, and continues through coastal scrub habitat adjacent to Diablo Canyon Road west of the project site. A second stream is located within the far eastern corner of the project site; this stream is not an LCP-designated coastal stream, but was treated as such during project development and analysis. This stream also flows through riparian coast live oak woodland north of the project site, and proceeds through coastal scrub within the project site. Actions within 100 feet of the coastal stream near Diablo Canyon Road includes grading, improvements and expansion of an existing Harbor District storage area, and native landscaping/restoration. These actions would not disrupt habitat present within the coastal streams because a minimum 50-foot buffer would be maintained, protection measures and biological monitoring would occur during construction (refer to FEIR Section 4.3 Biological Resources), the proposed drainage plan includes the establishment of bioswales to collect and filter stormwater prior to discharge into the existing drainage system, which discharges onto the beach area (refer to EIR Section 4.8 Hydrology and Water Quality). The proposed walk-in campsites and landscaping/restoration would be located within 100 feet of the undesignated coastal stream in the eastern portion of the project site; development of these campsites would not require grading for establishment, and would not include parking spaces within the camping area; vehicle parking would be provided to the west, outside of the 100-foot zone. These uses constitute low-impact campsites that comprise a resource-dependent use. Uses within the walk-in campsites would be limited to picnic tables, fire pits, and tents, which would not have an adverse effect on the function of the stream. In addition, an improved vegetative buffer would remain between the campsites and the stream. Vegetative trimming of oak trees may occur within the 100-foot zone as a result of California Department of Forestry and Fire Protection (CAL FIRE) requirements for fuel management; standards are identified to protect the long-term survival of trimmed trees (refer to FEIR Section 4.3 Biological Resources).*

**Policy 2: Permit Requirement.** As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate.

*Staff Response: The project is consistent with this policy. Potential adverse impacts to ESHA are addressed in the FEIR (refer to FEIR Sections 4.3 Biological Resources and 4.8 Hydrology and Water Quality). Mitigation and monitoring standards are identified to reduce potential construction and operation-related impacts to less than significant and are included as conditions of approval herein. Based on the location of proposed uses, including coastal-*

*dependent harbor use areas and visitor-serving lodging and campsites, The project would not affect the ecological function or continuance of sensitive habitats, because it would primarily avoid sensitive habitats, preserve native undisturbed habitat within the northern extent of the property, and would incorporate enhancement and restoration of coastal scrub, native grassland, and coast live oak woodland onsite.*

**Policy 20: Coastal Streams and Riparian Vegetation.** Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.

*Staff Response: The project is consistent with this policy. Two coastal streams are delineated onsite (refer to FEIR Section 4.3 Biological Resources).*

**Policy 21: Development in or Adjacent to a Coastal Stream.** Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns.

*Staff Response: The project is consistent with this policy. The proposed project avoids grading and construction within 50 feet of delineated coastal streams. Drainage plans include collection and filtration of stormwater, and erosion control, slope stabilization, and planting of native vegetation between the developed area and the coastal streams would preserve the function and habitat quality of the streams. Based on implementation of the plans as proposed, and incorporation of mitigation measures to avoid inadvertent direct or indirect disturbance or degradation of sensitive habitats, the project would be consistent with this policy.*

**Policy 28: Buffer Zone for Riparian Habitats.** In rural areas (outside the USL) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational or existing nonstructural agricultural developments in accordance with adopted best management practices.

*Staff Response: The proposed project (located within the Avila Urban Services Line) would maintain a 50-foot buffer zone between grading and development and delineated coastal streams. Existing habitat between the streams and the project would remain in place, or would be enhanced with native vegetation complimentary to the natural habitat (coastal scrub). The eastern edge of the walk-in campsite would be located within the 50-foot buffer. These uses constitute low-impact campsites that comprise a resource-dependent use. Passive recreation including tents, picnic tables, and fire pits would be located within the walk-in campsite, and would not require site alteration to accommodate the use.*

**Policy 30: Protection of Native Vegetation.** Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed.

*Staff Response: The project is consistent with this policy. As noted in FEIR Section 4.3 Biological Resources, mitigation is identified that requires protection of native vegetation during construction of the project, and the presence of a biological monitor to ensure compliance. Those measures are included as conditions of approval herein. The proposed landscape plan*

*includes the use of native plants, which will replace any native vegetation removed during project development.*

**Policy 31: Design of Trails In and Adjoining Sensitive Habitats.** San Luis Obispo County, or the appropriate public agency, shall ensure that the design of trails in and adjoining sensitive habitat areas shall minimize adverse impact on these areas.

*Staff Response: The project is consistent with this policy. Proposed trails are limited to the area proposed for development, and to connect campsites within parking areas and other facilities. These trails would not infringe on native habitats.*

**Policy 35: Protection of Vegetation.** Vegetation which is rare or endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat.

*Staff Response: The project is consistent with this policy. Implementation of the project would result in permanent impacts to approximately 0.15 acre of valley needlegrass grassland (including temporary and permanent effects), which was historically introduced to the project site, and do not provide significant habitat value for special-status species. This native grassland type is intermixed with non-native grassland and coastal scrub within the northern portion of the project site, above existing graded terraces. Identified mitigation (as included as conditions of approval) includes enhancement and restoration at a 2:1 ratio onsite, which would improve the overall condition and ecological function of the grassland habitat presently occurring onsite.*

## **PUBLIC WORKS**

**Policy 1: Availability of Service Capacity.** New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable.

*Staff Response: The project is consistent with this policy. The project site is located within the Avila Urban Services Line, and as addressed in FEIR Section 4.10 (Public Services and Utilities), the proposed project would not result in service or utility demands exceeding allowable allocated limits for Port San Luis under both project-specific and cumulative conditions (build-out of the Port San Luis Master Plan). Based on the traffic impact analysis (refer to EIR Section 4.11 Transportation and Traffic, and EIR Appendix G), the project would not generate traffic resulting in a deterioration of level of service under specified conditions (second week of May). The project provides on-site parking and would alleviate off-site parking demand.*

**Policy 8: Priority Development.** Where existing or planned public works facilities can accommodate only a limited amount of new development, the following land uses shall have priority for services in accordance with the Coastal Act and be provided for in the allocation of services in proportion to their recommended land use within the service area.

- a. Uses which require location adjacent to the coast (coastal-dependent uses).

- b. Essential public services and basic industries vital to the economic health of the region, state or nation including agriculture, visitor-serving facilities and recreation.

Priority for development of such uses shall be given to lands within the USL that are already subdivided with services available and then to unsubdivided parcels within the USL with services available.

*Staff Response: The project is consistent with this policy. The proposed project would not generate a demand for public services and utilities exceeding pre-determined allocations. The project includes priority coastal-dependent and visitor-serving and recreational facilities.*

## **COASTAL WATERSHEDS**

**Policy 1: Preservation of Groundwater Basins.** The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted.

*Staff Response: The project is consistent with this policy. The project does not overlie a groundwater basin, and would obtain water via existing allocations provided by CSA 12 (Lopez Lake Reservoir). Therefore, the project would not have an adverse effect on coastal groundwater basins.*

**Policy 7: Siting of New Development.** Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent except: Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent; When grading of an access road or driveway is necessary to provide access to an area of less than 20 percent slope where development is intended to occur, and where there is no less environmentally damaging alternative; The county may approve grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the Coastal Zone Land Use Ordinance. Also in review of proposed land divisions, each new parcel shall locate the building envelope and access road on slopes of less than 20 percent. In allowing grading on slopes between 20 percent and 30 percent the county shall consider the specific characteristics of the site and surrounding area that include but are not limited to: the proximity of nearby streams or wetlands, the erosion potential and slope stability of the site, the amount of grading necessary, neighborhood drainage characteristics and measures proposed by the applicant to reduce potential erosion and sedimentation. The county may also consider approving grading on slopes between 20 percent and 30 percent where it has been demonstrated that there is no other feasible method of establishing an allowable use on the site without grading. Grading and erosion control plans shall be prepared by a registered civil engineer and accompany any request to allow grading on slopes between 20 percent and 30 percent. It shall also be demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.

*Staff Response: Implementation of the project requires mass grading on existing steep terraced slopes to remediate potential hazards including landslides and soil contamination. Coastal streams are located onsite or proximate to the project site, and measures are proposed to ensure long-term slope stability, erosion control and protection of water quality during construction and for the life of the project, and maintenance of 50-foot minimum vegetated buffers between the development and coastal streams (refer to FEIR Chapter 2 and associated*

*project plans and EIR Sections 4.3 Biological Resources, 4.7 Geology and Soils, 4.7 Hazards and Hazardous Materials, and 4.8 Hydrology and Water Quality). Mitigation measures prescribed by these sections are included as conditions of approval herein.*

**Policy 9: Techniques for Minimizing Sedimentation.** Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation.

*Staff Response: The project is consistent with this policy. The proposed project includes erosion and sedimentation control measures identified in the proposed grading and drainage plans. Consistency with this policy would be assured through compliance with the CZLUO and mitigation measures (refer to FEIR Sections 4.5 Geology and Soils and 4.8 Hydrology and Water Quality). Mitigation measures prescribed by these sections are included as conditions of approval herein.*

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

*Staff Response: The project is consistent with this policy. The proposed project includes a preliminary drainage plan including incorporation of Low Impact Development (LID) measures and BMPs to reduce the potential for erosion.*

## **VISUAL AND SCENIC RESOURCES**

**Policy 1: Protection of Visual and Scenic Resources.** Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible.

*Staff Response: The project is consistent with this policy. As discussed in FEIR Section 4.1 Aesthetic Resources, the project site is located within a highly scenic coastal area. No natural unique landforms are present onsite, and natural vegetation is limited to the northern and far eastern portions of the site, generally outside of the areas proposed for development and camping. Native landscaping is proposed along the edges of development, and would be contiguous with native vegetation to remain. Mitigation measures prescribed by the FEIR would reduce potential impacts to a less than significant level. Mitigation measures are included as conditions of approval herein.*

**Policy 2: Site Selection for New Development.** Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas.

*Staff Response: The project is consistent with this policy. The project site is located in a highly visible location north of Avila Beach Drive. The development would be visible from Avila Beach Drive, Fisherman's Beach, Harford Pier, and San Luis Bay. The development would not block views of the ocean, and implementation would include relocation of existing RV parking sites on Avila Beach Drive onto the project site, which would provide additional ocean views currently blocked by RVs. In addition to compliance with Port Master Plan and San Luis Bay Coastal Area Plan standards, mitigation is identified to provide additional visual compatibility, including use of site design, architectural standards, and native landscaping to partially block public views of vehicles, RVs, and structures (refer to FEIR Section 4.1 Aesthetic Resources). Mitigation measures are included as conditions of approval herein.*

**Policy 5: Landform Alterations.** Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Where feasible, contours of the finished surface are to blend with adjacent natural terrain to achieve a consistent grade and natural appearance.

*Staff Response: The project is consistent with this policy. The site has been degraded by previous uses. Existing conditions onsite include un-natural terraces. Proposed grading would create softened terraces, which would be vegetated with native species to facilitate improved consistency with the surrounding landscape compared to existing conditions.*

**Policy 7: Preservation of Trees and Native Vegetation.** The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character.

*Staff Response: The project is consistent with this policy. The proposed project may include the removal of ornamental trees, Eucalyptus, and vegetation near Babe Lane. No mature (over four inches in diameter) coast live oak trees would require removal. The proposed landscape plan incorporates the use of native trees and vegetation throughout the project site, and along the perimeter of the proposed development area.*

## **HAZARDS**

**Policy 1: New Development.** All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development (with the exception of coastal-dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure.

*Staff Response: The project is consistent with this policy. The project site is located within a Geology Study Area (GSA) and adjacent to the 100-year Flood Hazard (FH) zone. As discussed in FEIR Section 4.5 Geology and Soils, mass grading of the site is required to remediate landslide and slope stability hazards. Based on compliance with existing regulations including the Uniform Building Code, and compliance with recommendations and mitigation measures, potential hazards would be mitigated to less than significant. The project does not require the construction of shoreline protection measures, due to its location north of Avila Beach Drive. Stormwater management measures are identified such that the project does not create offsite hazards or flooding. Mitigation measures are included as conditions of approval herein.*

**Policy 2: Erosion and Geologic Stability.** New development shall ensure structural stability while not creating or contributing to erosion or geological instability.

*Staff Response: The project is consistent with this policy. In addition to compliance with the CZLUO, the project includes erosion and geologic stability measures, and additional mitigation identified in the FEIR would be incorporated into final grading and construction plans. These measures would ensure long-term erosion protection and slope stability on and off-site. Mitigation measures are included as conditions of approval herein.*

**Policy 3: Development Review in Hazard Areas.** The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan.

*Staff Response: The project is consistent with this policy. Geologic hazards review has been conducted for the project site, and the results of the review are summarized in EIR Section 4.5 Geology and Soils. All recommendations documented in the geologic hazards review (refer to EIR Appendix E) are identified as mitigation measures. The project site is not located within the 100-year FH zone, and includes stormwater management measures to control runoff such that off-site flooding is not exacerbated by the project. Mitigation measures are included as conditions of approval herein.*

**Policy 7: Geologic Study Area Combining Designation.** The GSA combining designation in coastal areas of the county is amended to include all coastal bluffs and cliffs greater than 10 feet in vertical relief and that are identified in the Assessment and Atlas of Shoreline Erosion (DNOD, 1977) as being critical to future or present development.

*Staff Response: The project is consistent with this policy. The project site is located within a Geology Study Area (GSA). As discussed in EIR Section 4.5 Geology and Soils, mass grading of the site is required to remediate landslide, fault, seismic, soils, and slope stability hazards. The lower elevations of the project site may be affected by a tsunami event; however, no structures are proposed below the 50-foot elevation and short-term evacuation of vehicles and occupants of lower level car/tent campsites is available in the upper slopes of the property above the 50-foot elevation. Based on compliance with existing regulations including the Uniform Building Code, and compliance with recommendations and mitigation measures identified in the FEIR, potential hazards would be mitigated to less than significant. Mitigation measures are included as conditions of approval herein.*

**Policy 9: High Fire Risk Areas.** Fire hazard areas shall be defined as those having potential for catastrophic fire. The county shall designate and show on the Hazards maps those high risk fire areas as delineated by the State Division of Forestry. New residential development in high risk fire areas shall be required to be reviewed and conditioned by the Fire Warden to ensure that building materials, access, brush clearings and water storage capacity are adequate for fire flow and fire protection purposes.

*Staff Response: The project is consistent with this policy. The proposed project is located within a high fire risk area. Based on review by CAL FIRE (2014), several standard measures are required, including access and construction standards, vegetation management, provision of fire suppression equipment and water supply, and approval of Fire Safety and Hazardous Materials storage plans. Based on incorporation of mitigation measures identified in EIR Section 4.7 and compliance with existing regulations, potential fire risk would be mitigated to less than significant. Mitigation measures are included as conditions of approval herein.*

## **ARCHAEOLOGY**

**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, etc., 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 project is consistent with this policy. As discussed in EIR Section 4.4 Cultural Resources, development of the project site would avoid significant cultural resources in the area. Mitigation is identified, including monitoring of initial grading activities to ensure the protection and management of unknown subsurface resources that may be encountered. Due to the historic grading that occurred throughout most of the project site, the potential for unknown resource discovery is low. Mitigation measures are included as conditions of approval herein.*

#### COMMUNITY ADVISORY GROUP COMMENTS:

Avila Valley Advisory Council has provided comments on the EIR. Comments on the EIR included in concerns related to aesthetics, public services, transportation and traffic, biological resources, cultural resources, and geology and soils. The Port San Luis Harbor District, as the Lead Agency for this project, responded to the comments and are included in the FEIR. Subsequent to certification of the EIR by the Harbor District, AVAC provided additional comments on the project via email and those include the following:

- No objections have been voiced to the proposed range of overnight accommodations.
- Members have raised concerns about site use by those not staying overnight because of associated circulation burdens and competition with neighboring businesses.

#### *AVAC has requested the following:*

- Restrict construction truck trips to times of day and days of the week during times of year with few visitors to the Avila area to avoid exacerbating circulation problems.
- Restrict unnecessary RV trips into Avila by advance reservations and posting availability of spaces on changeable message signs at Avila Beach Drive and San Luis Bay Drive entrances to Avila.
- Reduce aesthetic impacts of additional RVs by restriction of large vehicles from daytime parking along Avila Beach Drive.
- Reduce safety impacts of additional traffic to pedestrian and bicyclists by restricting daytime parking of large vehicles along Avila Beach Drive.
- Large vehicles could be parked at the harbor lot.
- Address safety impacts of additional traffic to pedestrians by blinking crosswalk lights and a left turn lane (as described in the EIR), installed before project operation.
- AVAC has objected to project design being prior to geotechnical explorations because of potential for deferred decisions on project layout.

*Staff Response: The project has been conditioned to require a construction management plan to minimize construction related traffic impacts. The project includes two pedestrian crosswalks across Avila Beach Drive. The project has been conditioned to include several measures that reduce aesthetics impacts, including screening, terracing, natural coloring, and preparation of a lighting plan. The project has been conditioned to include several measures to reduce geologic hazards. Specific performance standards have been included as conditions of approval to ensure geologic impacts are minimized. The project will be required to meet applicable Building Code regulations.*

#### AGENCY REVIEW:

Public Works – Public Works Comments received December 24, 2013. Comments and conditions have been included, as applicable, as a part of Exhibit B – Conditions of Approval.

Avila Beach CSD – “ABCSD and the Harbor District operate under an agreement for wastewater treatment and disposal – ABCSD will need final calculations on wastewater flow and strength to assist in modifying the agreement.” (John Wallace, December 20, 2013)

Air Pollution Control District – APCD submitted a referral response on April 11, 2014. Comments involving construction phase impacts and operational phase impacts have been included in the discussion of the Initial Study and were addressed further in the Final Environmental Impact Report. Applicable mitigation measures have been included in Exhibit B – Conditions of Approval.

Cal Fire – “The project is located within a HIGH fire hazard severity zone with a minimum 5-10 minute response time...The project applicant shall comply with the 2013 California Fire Code (CFC), the 2013 California Building Code (CBC), and the Public Resources Code (PRC), and any other applicable fire laws.” (Laurie Donnelly, no date)

County Office of Emergency Services – “...While the evacuation procedures for a Diablo Canyon emergency do not reference utilizing this route for nuclear power plant emergency planning purposes, such a consideration for other emergencies has been discussed and that route is indeed considered a potential evacuation passage that could be used depending on the type of emergency and related circumstances. PG&E is aware of this potential use.” (Ron Alsop, June 17, 2014.)

#### LEGAL LOT STATUS:

The one existing parcel was legally created by approval of Public Lot PL 11-0108 on September 10, 2012 by the San Luis Obispo County Subdivision Review Board and finalized by the recordation of grant deeds (Document Nos. 2013-051113 and 2013-051115) at a time when that was a legal method of creating parcels. The subject parcel is Public Lot PL11-0108, Parcel 1.

#### ATTACHMENTS:

1. Exhibit A – Development Plan/Coastal Development Permit Findings
2. Exhibit B – Conditions of Approval
3. Exhibit C – CEQA Findings
4. Project Graphics
5. Project Referrals (additional agency comments included in the EIR)
6. Additional Correspondence
7. Environmental Impact Report – Submitted under separate cover to Commissioners (Clerk Filed)

Staff report prepared by Megan Martin and reviewed by Rob Fitzroy and Steve McMasters.