



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

**SUBDIVISION REVIEW BOARD**

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

<b>MEETING DATE</b> November 2, 2015	<b>CONTACT/PHONE</b> Megan Martin, (805)781-4163 <a href="mailto:mamartin@co.slo.ca.us">mamartin@co.slo.ca.us</a>	<b>APPLICANT</b> Phillip and Sue Portwood	<b>FILE NO.</b> CO13-0092 SUB2013-00038
<b>SUBJECT</b> Hearing to consider a request by the <b>PHILLIP PORTWOOD FAMILY TRUST</b> for a Tentative Parcel Map (CO13-0092) and Development Plan/ Coastal Development Permit to create two airspace condominium units and to allow a mixed-use building to include one 4,841 square foot commercial condominium unit/use at street level and one 4,105 square foot residential condominium unit/use on the second floor with 1,358 square feet of deck space. Development will also include a 1,973 square foot rooftop deck and 4,573 square foot basement (below ground level) for parking and storage for the sole use of the residence. The project will result in disturbance of the entire 6,000 square foot lot. The site is within the Commercial Retail land use category in the Central Business District and is located on Front Street approximately 155 feet southeast from the intersection of Front Street and San Miguel Street in the community of Avila Beach. The site is in the San Luis Bay Coastal Planning Area.			
<b>RECOMMENDED ACTION</b> Approve Tentative Parcel Map CO13-0092 and Development Plan/Coastal Development Permit SUB2013-00038 based on the findings listed in Exhibits A and C; and the conditions listed in Exhibits B and D.			
<b>ENVIRONMENTAL DETERMINATION</b> A General Rule Exemption (ED13-091) was issued on September 30, 2015.			
<b>LAND USE CATEGORY</b> Commercial Retail	<b>COMBINING DESIGNATION</b> Coastal Zone, Archaeologically Sensitive Area, Central Business District, Coastal Special Community, Local Coastal Plan Area	<b>ASSESSOR PARCEL NUMBER</b> 076-218-013	<b>SUPERVISOR DISTRICT(S):</b> 3
<b>PLANNING AREA STANDARDS:</b> <i>Avila Beach Urban Area Standards, Commercial Retail Standards</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 21.09.010 – Quimby Fees Section 21.03.010 – Design Criteria: Factors to be considered Section 23.04.029 – Minimum Parcel Size Section 23.04.160 – Parking and Loading Section 23.04.300 – Signs Section 23.05.020 and 23.05.040 – Grading and Drainage. Section 23.08.162 – Residential Uses in Office and Professional or Commercial Categories Title 29 - Inclusionary Housing Fees Section 23.07.104 – Archaeologically Sensitive Areas Section 23.07.120 – Local Coastal Program Area (LCP)			
<b>EXISTING USES:</b> Vacant, undeveloped			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Commercial Retail / Condominiums      East: Commercial Retail / Commercial & Residential South: Recreation / Pacific Ocean                      West: Commercial Retail / Retail Sales & Duplex (2 units)			
<small>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</small>			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Building Division, Avila Community Services District, Port San Luis Harbor District, California Coastal Commission, Avila Valley Advisory Council	
TOPOGRAPHY: Mostly level to gently sloping	VEGETATION: Vacant, scattered grasses
PROPOSED SERVICES: Water supply: Community system / Avila Community Services District Sewage Disposal: Community system / Avila Community Services District Fire Protection: CAL FIRE	ACCEPTANCE DATE: August 25, 2015

AVILA BEACH SPECIFIC PLAN STANDARDS:

**B. Front Street Commercial District Area Standards**

All uses allowed in the Commercial Retail land use category by the Coastal Framework for Planning (Table “O”) are allowed in the Front Street Commercial District. Single family dwellings are allowable when located on the second floor. Front Street Commercial District shall give priority to visitor-serving uses; however, development on the second floor is encouraged to include conditional residential uses as well as visitor-lodging uses. The intent is to achieve two objectives for second floor uses – residential units to provide surveillance and lodging units to assure an adequate supply of visitor accommodations.

*Staff Response: The proposed project includes a two-story mixed-use development with a commercial retail unit located on the ground floor/street level and a residential single family unit on the second floor. The proposed uses are allowable in the Commercial Retail land use category by Table “O.”*

**B.2 Front Setbacks**

**B.2.a Front Street Setbacks.** Buildings facing Front Street may have variable setbacks up to twenty feet in the interior of a block.

*Staff Response: The proposed project will have a zero foot front setback. The downstairs commercial space will project up to the property line to promote a pedestrian-friendly experience along Front Street.*

**B.2.b Allowable front setback uses.** Allowable uses in the front setbacks are landscaping, retail display area, and café or outdoor seating areas.

*Staff Response: The proposed project does not include any uses within the front setbacks; there is sufficient space in the entryway to allow for a portion to be used for landscaping and/or retail display area.*

**B.3 Side Setbacks**

Side setbacks in all commercial areas shall be zero feet from the property line at the street frontage, in order to create a continuous built edge along the streetscape edge and to further define the front setback outdoor areas.

*Staff Response: The proposed project is consistent with this standard and is proposing a zero foot side setback from both property lines.*

#### **B.4 Rear Setbacks**

Rear setbacks create a transition between uses at the rear of the lot, by allowing some open space and landscaping between buildings. Rear setbacks also create a place for service and parking access, which minimizes pedestrian conflicts with vehicles crossing sidewalks on main commercial streets, and reduces the visual impact of parking areas on the main streetscape.

##### **B.4.a Minimum Rear Setbacks**

In order to minimize visual and noise impacts of commercial uses on adjacent residential properties, rear setbacks in the commercial retail area shall be a minimum of 10 feet from the rear property line.

*Staff Response: The proposed project is consistent with this standard and is proposing an approximately 14 foot setback from the rear property line.*

##### **B.4.b Allowable Rear Setback Uses**

Allowable uses in rear setbacks include landscaping, service access and parking.

*Staff Response: The rear setback area will be used for access to the below ground level parking for the proposed residence only.*

**B.5 Mid-Block Pedestrian Passage Setbacks.** Parcels underlying the proposed mid-block passage are subject to setbacks which will enable implementation of this pedestrian facility, and are required to provide public access to the mid-block passage through offers-to-dedicate such access, through public acquisition or by some other acceptable means.

*Staff Response: This guideline does not apply; the proposed project is not located on the mid-block pedestrian passage.*

#### **B.6 Allowable Building Heights**

To prevent the development of a uniform wall of two story buildings, to help recreate the scale of single-story buildings which characterized old Avila, and to encourage variety in building heights, allowable building heights shall be a maximum of 25 feet above the sidewalk of the "main street frontage" (measured from the back of the sidewalk), provided that one or more of the conditions below are met:

All buildings may be 15 feet tall. A building may be up to 25 feet tall if at least one of the following criteria are met:

- a. Front setback = minimum of 7 feet
- b. Unenclosed second story setback = minimum 10% of parcel depth or 8 feet, whichever is greater.
- c. Project is located on a corner lot.
- d. Project is located on the mid-block passage.

*Staff Response: The proposed building height is consistent with this standard. The proposed building height is 25 feet from the back of the sidewalk and is proposing a 15 foot unenclosed second story setback. The second story setback will be used by the residence as a deck/balcony.*

## **B.7 Building Style and Materials**

**B.7.a Articulation.** All facades shall emphasize three dimensional detailing such as cornices, window moldings, and reveals to cast shadows and create visual interest on the façade. Architectural elements used to provide relief can include awnings and projections, trellises, detailed parapets, and arcades.

**B.7.b Materials.** Building materials can reflect an historic period in time and celebrate the traditional style of the community. Building materials shall be consistent with the materials of pre-clean-up and historic Avila Beach, with emphasis on stucco, painted wood, lap-siding and tile.

**B.7.c Roof type/detailing/materials.** New buildings in Avila Beach shall have parapets with varied shapes in front of their roofs. Small areas such as balconies, overhangs and rooftop enclosures may have sloped roofs or parapets as well. Roof materials shall be non-reflective.

**B.7.d Roof Detailing.** Continuous identical roof lines can be monotonous, just as jutting and large-scaled roofs can be overwhelming. Roof parapets should be simply articulated and adorned for visual interest. Roofline cornices, reveals and detailed eaves should be developed to create interest on the building façade and an interesting skyline.

**B.7.e Roof Materials.** Roof materials shall be non-reflective.

**B.7.f Overhangs.** Overhangs and awnings are encouraged on each building. Balconies are also encouraged and may project up to 5 feet over the sidewalk.

*Staff Response: The proposed building style and materials are consistent with the above standards and guidelines B.7.a through B.7.f. The project includes a 1,973 square foot rooftop deck. To provide relief from a monotonous straight-lined roof as viewed from Front Street, a non-reflective tile overhang will project toward Front Street providing shading and visual interest. Building material will be stucco and will include tile at the Front Street commercial entrance, consistent with the materials of pre-clean-up and historic Avila Beach. The project includes an unenclosed balcony on the second floor. The balcony projects over the sidewalk approximately 4 feet.*

**B.8 Building Scale.** New development should give the appearance of being separate buildings on 25 foot or 50 foot wide lots.

*Staff Response: The proposed development is consistent with this guideline and appears as a separate building from those directly adjacent to it.*

## **B.9 Windows and Openings**

**B.9.a Ground Floor.** Ground floors of buildings along Front Street in the commercial district should include large amounts of glass and other openings to promote visual permeability. Storefront windows should be broken into vertical segments with molding, columns, pilasters, or other three dimensional detailing. Sills shall be no higher than 36” in order to enhance the indoor-outdoor visual connection.

**B.9.b Second Story Windows.** Window openings in upper floors should have vertical elements in their designs, and should appear to be “punched” into solid walls.

**B.9.c Entry/individual business entry.** Building entries shall occur off main streets, and shall be accentuated by molding, lighting, overhangs, or awnings. Building entries should be recessed into entry bays, to create transitional spaces between the street and buildings. Each individual commercial retail establishment should have direct frontage onto a street or the mid-block pedestrian passage.

**B.9.d Individual Business Entries.** To promote a sense of connection between people inside shops and restaurants and those outside on the sidewalk, each individual commercial retail establishment should have direct frontage onto a street or the mid-block pedestrian passage.

*Staff Response: The proposed project complies with these guidelines and standards. The ground floor includes large vertical windows with canvas awnings. The storefront is broken into segments with vertical stained wood posts. The commercial unit would be accessed directly from Front Street (the main street) with the entry bays recessed into the building.*

**B.10 Landscaping.** Landscaping is encouraged to create comfortable outdoor spaces for pedestrians with visual “breaks” from paving and building materials. Landscaping in planters may be of any species that adds color and visual interest to the streetscape.

*Staff Response: The proposed project does not include any landscaping at this time. There is sufficient space within the front entryway of the commercial space to include landscaping in planters.*

**B.11 Signs.** The following standards and guidelines for signs apply:

**B.11.a Sign Materials.** Signs shall be made of hand-painted wood or wood-appearing materials, or painted directly onto the building surface, or may be metal with neon. Signs shall not be constructed of prefabricated letters or of plastic.

**B.11.b Detailing/Style/lettering/colors.** Artistic expression in signing shall be encouraged. Signs should be “funky” and related to the commercial use occupying the building through either form, thematic material, color, icon or motif.

**B.11.c Icons/Shapes.** At least part of the signing should be an “icon” representative of the service, product, activity or name of the business establishment.

*Staff Response: At this time, there are no signs proposed for the commercial space. As conditioned, the applicant will be required to at the time of application for building permits comply with the sign standards and guidelines outlined in the specific plan as well as those required by ordinance.*

**B.12 Lighting.** Building lighting shall be mounted perpendicularly to building facades and shall be comprised of simple fixtures.

*Staff Response: As conditioned, the project complies with this standard.*

**B.13 Off Street Parking & Parking**

**B.13.a. Parking Location.** Off-street parking shall be located at the rear of the lot, with primary access from side streets or access easements. Parking may be located under buildings as grades permit or on surface parking lots.

*Staff Response: Five parking spaces for the proposed residence will be located below ground level within the 4,573 square foot basement. Parking is accessed via San Luis Street by an easement. There will be no commercial parking spaces provided.*

**B.13.b. Parking Access.** Access easements across adjacent lots to the rear or side of a property would be arranged on a voluntary basis between individual property owners.

*Staff Response: There is an existing access easement from San Luis Street to the project site across adjacent lots to rear of the property.*

**B.13.c Residential Buffer.** Parking areas shall be buffered from residential lots with fences, trellises and/or landscaping.

*Staff Response: The parking area for the residence will be below ground level and not visible from the neighboring residential lots.*

**B.13.d Landscaping.** Parking areas shall be shaded with tree cover.

*Staff Response: The parking area will be below ground level; tree cover is not possible in this location. This standard does not apply to the proposed project.*

**B.13.e Parking Requirements.** Uses other than residences or lodging (e.g. retail and restaurant uses) are not required to provide on-site parking, but have the option to pay in-lieu parking fees, in an amount to be determined by the County, for any unbuilt required parking spaces.

*Staff Response: The proposed project will not include commercial parking spaces with the proposed development. The project, as conditioned, will be required to comply with this standard. In-lieu fee estimates approximately \$1,243 per space. Commercial parking spaces required by ordinance is 1 space per 300 square feet. The proposed project includes 4,841 square feet of commercial space. 4,841 square feet of commercial space at 1 space per 300 square feet = 16 spaces at \$1,243 per space = \$19,888.*

## **B.14 Mechanical Equipment**

**B.14.a Building Mounted Utilities.** To minimize visual clutter, building mounted or adjacent utilities shall be hidden from view by enclosures and/or building materials.

**B.14.b. Roof Top Mechanical Equipment.** Rooftop mechanical equipment shall be screened by integral architectural elements such as pitched roofs or ornamental parapets. Rooftop equipment shall not exceed the 25 foot maximum allowable building height unless it complies with paragraph 23.04.125.b(3) of the Coastal Zone Land Use Ordinance.

*Staff Response: The project includes approximately 900 square feet of space for solar panels to be installed and mounted on the roof deck. The solar panels will be hidden by the roofline and will not be visible to surrounding residences or commercial businesses. As proposed, the panels will not exceed the 25 foot maximum allowable building height.*

**B.15 Drainage Requirements.** All new development within the Front Street Commercial Retail District shall conform to the Drainage Standards described in the Avila Beach Urban Area Standards in the San Luis Bay Area Plan (Coastal).

*Staff Response: The project, as conditioned, complies with this standard.*

#### SAN LUIS BAY COASTAL PLANNING AREA STANDARDS:

**B. Avila Beach Urban Area Standards.** The following standards apply within the Avila Beach urban reserve line.

##### **Community Wide**

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

*Staff Response: A preliminary will serve letter was provided by the Avila Beach Community Services District on May 14, 2015 for the proposed project. The project, as conditioned, will be required to submit a final will serve prior to recordation of the final parcel map and at the time of application for construction permits.*

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

**4. Permit Requirement.** Unless otherwise specified in the Avila Beach Specific Plan, Minor Use Permit approval is required for all proposed new uses except secondary dwellings.

*Staff Response: A Development Plan is required by Section 23.04.029 – Commercial and Office Categories minimum parcel sizes to allow for the commercial and residential condominiums. Further discussion on parcel sizes is below in Title 23 Coastal Zone Land Use Ordinance of this report.*

**Commercial Retail.** The following standards apply only to lands within the Commercial Retail land use category (including the Front Street Commercial Retail district).

**1. Priority and Protection of Visitor-Serving Uses.** Priority shall be given to visitor-serving uses throughout the Front Street Commercial District and the Commercial Retail area. Low-cost visitor serving facilities shall be protected, encouraged and, where feasible, provided.

*Staff Response: The proposed project complies with this standard because the project includes approximately 4,841 square feet of commercial space, a visitor-serving use.*

#### ORDINANCE COMPLIANCE:

##### TITLE 21 REAL PROPERTY DIVISION ORDINANCE

**Section 21.09.010 - Quimby Fees.** Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating

existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

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

**Section 21.03.010 – Design Criteria: Factors to be considered.** The proposed parcels are consistent with the design criteria set forth in Chapter 3 of Title 21 of the Real Property Division Ordinance. Design standards include but are not limited to compliance with all ordinance and general plan requirements, Subdivision Map Act regulations, landscaping, access and circulation, drainage, water and sewer services, utilities, and any additional coastal requirements.

#### TITLE 23 COASTAL ZONE LAND USE ORDINANCE

**Minimum Parcel Size.** Section 23.04.029 of the Coastal Zone Land Use Ordinance establishes standards for determining minimum parcel sizes in the Commercial and Office Professional land use categories. Generally, the minimum parcel size standards are determined by the type of sewage and water services will serve the site. However, this project, as a proposed commercial condominium, may use smaller parcel sizes to be determined through Development Plan approval by the Review authority at the same time as tentative map approval.

*Staff Response: The proposed project complies with this standard. The existing lot size is 6,000 square feet. The application includes a development plan and parcel map to create two air-space condominium units with lot sizes less than the minimum. The street level (first/lower floor) will be used for an approximately 4,841 square foot commercial retail space and the upper level (second story) to be used as an approximately 4,105 square foot single family residence.*

**Parking and Loading.** Section 23.04.160 of the Coastal Zone Land Use Ordinance establishes standards for determining the number of parking spaces required for each use. The proposed project requires the following ratio of parking spaces:

	<b>Required number of spaces</b>	<b>Proposed spaces</b>
<b>Single Family Residence</b>	2	5
<b>Commercial</b>	1 per 300 s.f. sales area / 1 per 600 s.f storage space	In-lieu fee required by Avila Beach Specific Plan

*Staff Response: The proposed project complies with the parking requirements of Section 23.04.160 for the single family residence and the requirements of the Avila Beach Specific Plan for parking spaces required for commercial uses.*

**Signs.** Section 23.04.300 of the Coastal Zone Land Use Ordinance establishes sign regulations intended to support the use of signs to aid orientation, identify businesses and activities, express local history and character, or serve other informational purposes.

*Staff Response: The proposed project, as conditioned, will be required to obtain a sign permit (Section 23.04.306) for the proposed business(es). Design, material, and shape of any proposed signs are governed by the Avila Beach Specific Plan. At the time of application for a sign permit, the proposed signage will need to meet all requirements of the Avila Beach Specific Plan and Section 23.04.300 of the Coastal Zone Land Use Ordinance.*

**Grading and Drainage.** Section 23.05.020 and 23.05.040 of the Coastal Zone Land Use Ordinance establish standards for grading and excavation activities to minimize hazards to life and property; protect against erosion and the sedimentation of water courses; and protect the safety, use and stability of public rights-of-way and drainage channels.

*Staff Response: The project, as conditioned, is required to comply with these standards.*

**Residential Uses in Office and Professional or Commercial Categories.** Section 23.08.162 of the Coastal Zone Land Use Ordinance establishes standards for proposed single family and multi-family dwellings uses in the Office and Professional or Commercial Retail categories (except for Caretaker Residences.) Because the Avila Beach Specific Plan contains specific guidelines and standards for single family residences within the Commercial Front Street District, those guidelines and standards apply to the proposed project and the project relies on those standards when considering and guiding development.

#### COMBINING DESIGNATIONS:

**Section 23.07.104 – Archaeologically Sensitive Areas:**

Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator. The County will provide pertinent project information to the Native American tribe(s).

*Staff Response: A portion of the site is located within an archaeologically sensitive area. A preliminary site survey was not required and will not be required because the subject site is within the boundaries of the previous superfund clean-up site conducted by Chevron. As conditioned, in the unlikely event archaeological resources are unearthed or discovered during any construction activities, construction activities will cease until a qualified professional archaeologist is contacted.*

**23.07.120 - Local Coastal Program Area (LCP):**

The Local Coastal Program combining designation identifies areas of San Luis Obispo County that are within the California Coastal Zone as determined by the California Coastal Act of 1976. The provisions of this title apply to all unincorporated portions of the county located within the Coastal Zone, and do not apply to any areas outside of the LCP combining designation.

#### TITLE 29 – AFFORDABLE HOUSING FUND

**Inclusionary Housing Fees.** Title 29, the Affordable Housing Fund, establishes an in-lieu fee to create a fund that would help to meet, in part, the housing needs of the County's very low, low, moderate income and workforce households. Section 23.04.096 of Title 23, the Land Use Ordinance, describes the options the applicant may choose to satisfy the requirement.

#### COASTAL PLAN POLICIES:

Shoreline Access: <input checked="" type="checkbox"/>	N/A
Recreation and Visitor Serving: <input checked="" type="checkbox"/>	Policy No(s): 1
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating and Port Facilities:	N/A
Environmentally Sensitive Habitats:	N/A

Agriculture:	N/A
Public Works: <input checked="" type="checkbox"/>	Policy No(s): 1
Coastal Watersheds: <input checked="" type="checkbox"/>	Policy No(s): 8, 9, 10
Visual and Scenic Resources: <input checked="" type="checkbox"/>	Policy No(s): 1, 6
Hazards:	N/A
Archeology: <input checked="" type="checkbox"/>	Policy No(s): 1
Air Quality: <input checked="" type="checkbox"/>	N/A

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

#### COASTAL PLAN POLICY DISCUSSION:

##### **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 project includes a mixed-use commercial and residential development. The commercial development will be located on the ground floor and will be consistent with the existing visitor-serving commercial opportunities within the Front Street Commercial District.*

##### **Public Works**

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

*Staff Response: The project complies with this policy. A preliminary will-serve letter was issued on May 14, 2015 by the Avila Beach Community Services District. A final will-serve letter will be required at the time of application for construction permits.*

##### **Coastal Watersheds**

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems.

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures shall be used to minimize erosion and sedimentation.

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

*Staff Response: The proposed project complies with Policies 8 through 10 as conditioned.*

##### **Visual and Scenic Resources**

Policy 1: Protection of Visual Resources 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 complies with this policy. The proposed development fronts Front Street and faces the Pacific Ocean. The development will be visible from the beach but will not block visibility from neighboring development as the surrounding Front Street commercial area is completely built out with similar two-story structures.*

Policy 6: Special Communities and Small-Scale Neighborhoods. Within the urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community.

*Staff Response: The proposed project complies with this policy. The project site is located within a "coastal special community" within the Central Business District of Avila Beach. The proposed project is consistent with the design standards and guidelines of the Avila Beach Specific Plan and is visually compatible with the existing characteristics of development along the Front Street Commercial District. For more discussion on the specific standards and guidelines, refer to the Avila Beach Specific Plan section of this staff report.*

### **Archaeology**

Policy 1: Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources.

*Staff Response: The proposed project complies with this policy. A portion of the site is located within an archaeologically sensitive area. A preliminary site survey was not required because the subject site is within the boundaries of a previous superfund clean-up site. As conditioned, in the unlikely event archaeological resources are unearthed or discovered during any construction activities, construction activities will cease until a qualified professional archaeologist is contacted.*

### COMMUNITY ADVISORY GROUP COMMENTS:

The Avila Valley Advisory Council on September 15, 2015 unanimously approved the following comments from the Avila Beach Committee regarding the proposed project:

The committee appreciates the adjustments made specific to the lower floor front wall, building variation, awning and roof facade.

- 1) A commercial store would be at street level and residential on the second floor.
- 2) Residential parking would be underground, accessed from the rear over an established easement.
- 3) In response to earlier comments from the Committees, the front façade was revised per (ELV #2).
- 4) The project includes 2,000 square foot roof deck, since there are no roof top decks on this portion of Front St. businesses - the committee recommends an additional setback from behind the roof top sky lights.
- 5) Per the plans (A3) a roof top solar system is planned that would use 900 sq. ft. of the roof top deck.
- 6) There is no provision for Front Street roof decks in the Avila Beach Specific Plan. However, a roof deck, which is setback behind the skylight, would be outside the Front Street view shed. With this roof deck setback the residential use would not visually dominate the commercial use on the ground level. The Specific Plan does dictate that upper floor residential uses are secondary to lower floor commercial uses.

*Staff Response: The rooftop deck as proposed is setback from the front property line approximately 6 feet. A clay tile overhang will project over the second floor balcony and sidewalk. With the setback and the overhang, the rooftop deck would not be visible from the street-level and would not visually dominate the commercial use on the ground level.*

AGENCY REVIEW:

Public Works – Recommended conditions of approval have been included as part of Exhibit B – Conditions of Approval of this staff report.

Environmental Health – “Stock community water and sewer required.” (Leslie Terry, October 6, 2015)

Building Division – Comments received on July 16, 2015 and attached to this staff report.

CAL FIRE – A commercial fire plan was provided on March 5, 2014. The applicant will need to meet all conditions outlined in the plan.

Avila Beach Community Services District – “Applicant will need to meet all requirements and pay all fees associated with this project.” (John Wallace, December 3, 2013.)

Port San Luis Harbor District – None received.

California Coastal Commission – None received.

LEGAL LOT STATUS:

The one existing parcel consists of Lots 15 and 16 in Block 12 of the Town of Avila according to map recorded August 20, 1875 in Book A, Page 5 of Maps, and was legally created by deed at a time when that was a legal method of creating parcels.

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