



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

Tentative Notice of Action

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

MEETING DATE September 18, 2015	CONTACT/PHONE Megan Martin, (805)781-4163	APPLICANT Creekside Lofts, L.P.	FILE NO. DRC2014-00096
LOCAL EFFECTIVE DATE October 2, 2015	mamartin@co.slo.ca.us		
APPROX FINAL EFFECTIVE DATE October 16, 2015			
SUBJECT Hearing to consider a request by Creekside Lofts L.P. for a Minor Use Permit/Coastal Development permit to allow the construction of a new two-story, 5,058 square foot single family residence to be used as a vacation rental. The residence will be 25 feet in height above the highest point of the lot and will have an attached garage and outdoor pool. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the south side of Avila Beach Drive on Colony Lane, within the community of Avila Beach, in the San Luis Bay Coastal planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00096 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted.			
LAND USE CATEGORY Recreation	COMBINING DESIGNATION Local Coastal Program, Coastal Appealable Zone, Coastal Special Community, Visitor Serving Area	ASSESSOR PARCEL NUMBER 076-196-006	SUPERVISOR DISTRICT(S): 3
PLANNING AREA STANDARDS: Avila Beach Specific Plan, San Luis Bay Coastal Area Plan Does the project meet applicable Planning Area Standards: <i>Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Coastal Appealable Zone, Setbacks, Parking, Height, Residential Vacation Rentals Does the project conform to the Land Use Ordinance Standards: <i>Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

Planning Department Hearing
 Minor Use Permit DRC2014-00096 / Creekside Lofts, L.P.
 Page 2

EXISTING USES: Site is currently vacant	
SURROUNDING LAND USE CATEGORIES AND USES: North: Recreation; recreation/golf course East: Recreation; undeveloped South: Commercial Retail, commercial West: Recreation; recreation/park	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire, HEAL SLO, Avila CSD, Coastal Commission, Avila Valley Advisory Council, Native American Heritage Commission	
TOPOGRAPHY: Nearly level to steeply sloping (8% average slope)	VEGETATION: Grasses and disturbed soils
PROPOSED SERVICES: Water supply: Avila Community Services District Sewage Disposal: Avila Community Services District Fire Protection: Avila Fire	ACCEPTANCE DATE: May 11, 2015

DISCUSSION

BACKGROUND

The project application is a re-run of an expired permit (DRC2006-00181) which was approved on August 21, 2006 by the Hearing Officer. The project did not begin construction and therefore the permit expired. This application submitted for approval is consistent with the previously approved permit.

AVILA BEACH SPECIFIC PLAN STANDARDS

While the Avila Beach Specific Plan does not contain development standards for the lots within the “Old Railroad Right-of-Way” it does contain discussion on conceptual uses for this site (under Implementation section No. 5 of the Avila Beach Specific Plan). Conceptual uses may include, “expansion of the parking lot or allow for a residential use, and the northern portion would be redesignated as Residential Multi Family (RMF).” The proposed project includes a residential use which is anticipated other than a parking lot as stated above.

These properties within the “Old Railroad Right-of-Way” were approved as a lot line adjustment at the Subdivision Review Board hearing on August 4, 1997 (S960044L; COAL96-112). This lot line adjustment allowed for the reconfiguration of these parcels into 14 lots that range in size from 6,000 to 20,000 square feet each. These smaller lots are required to take access off of a private drive (Beach Colony Lane) which is currently located at the rear of the lots so there will be no new driveways constructed on to Avila Beach Drive. These lots were approved prior to adoption of the Avila Beach Specific Plan in March of 2001.

SAN LUIS BAY PLANNING AREA STANDARDS:

Avila Beach Urban Area Standards

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

Planning Department Hearing
Minor Use Permit DRC2014-00096 / Creekside Lofts, L.P.
Page 3

Staff Response: The proposed project complies with this standard. The applicant received an intent to serve letter from the ABCSD. The project, as conditioned, is required to submit the will-serve letter from the ABCSD prior to issuance of any building permits.

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: The proposed project complies with this standard because the applicant has applied for a Minor Use Permit for the consideration of a new single family dwelling.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043(c)(1): Appeals to the Coastal Commission (Coastal Appealable Zone)
The project is appealable to the Coastal Commission because the subject parcel is located between the sea and the first public road (Avila Beach Drive) paralleling the sea.

Section 23.07.120: Local Coastal Program
The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.04.100: Setbacks
Required setbacks for the front, side and rear portions of the property are 25 feet from the front property line (Avila Beach Drive), 5 feet from the interior side property line, 0 foot setback from the street side corner, and 10 feet from the rear property line.

Staff Response: The proposed project complies with these standards as conditioned.

Section 23.04.160: Parking
The proposed project is a single family residence which must contain at least two off street parking spaces.

Staff Response: The proposed project complies with this standard. The single family residence includes a garage area that contains at least two parking spaces and room for an additional two parking spaces within the driveway.

Section 23.04.120: Height Requirement
Maximum height for structures within the Recreation land use category is 35 feet from average natural grade.

Staff Response: This project is proposed to have a maximum height of 25 feet from the highest point of the lot which complies with the ordinance requirements; approximately 28'-4" from average natural grade.

Section 23.08.165: Residential Vacation Rentals
The Residential Vacation Rental is the use of an existing residence, or a new residential structure that has been constructed in conformance with all standards applicable to residential development. Zoning Clearance, Business License and Transient Occupancy Tax Registration is required for each residential vacation rental. In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental (within Avila Beach) if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor-serving

Planning Department Hearing
Minor Use Permit DRC2014-00096 / Creekside Lofts, L.P.
Page 4

accommodation. The location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

Staff Response: The proposed project includes a request to use the residence as a Residential Vacation Rental. The lot is not within 50 feet of an existing vacation rental or visitor-serving accommodation and a waiver to modify the location standard is not needed at this time. As conditioned, in order to vest the property for the use of a vacation rental, the applicant will be required to apply for a business license within 30 days of receipt of their building permit.

COASTAL PLAN POLICIES:

Shoreline Access: N/A
Recreation and Visitor Serving: N/A
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: Policy No(s): 1
Coastal Watersheds: Policy No(s): 7, 8, 10
Visual and Scenic Resources: Policy No(s): 2
Hazards: Policy No(s): 1, 2
Archeology: Policy No(s): 1
Air Quality: N/A

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

COASTAL PLAN POLICY DISCUSSION:

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.

Staff Response: The previously approved Minor Use Permit DRC2006-00181 received a preliminary "will serve" letter on May 16, 2003. Due to the recent water issues in the area, the applicant will be required to submit an up to date "will serve" letter from the Avila Beach Community Services District prior to building permit issuance. The proposed project, as conditioned, complies with this policy.

Coastal Watersheds:

Policy 7: Siting of new development. *The proposed project is consistent with this policy because the proposed single family residence will be located on an existing lot of record in the Recreation land use category. A portion of the site does exceed 20% in slope through the center of the lot due to construction of the railroad and Avila Beach Drive. There is no place to locate a single family residence without impacting this 20% sloped area which runs through the center of the entire lot.*

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

Planning Department Hearing
Minor Use Permit DRC2014-00096 / Creekside Lofts, L.P.
Page 5

Staff Response: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

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

Staff Response: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the residence will not increase erosion or runoff.

Hazards:

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions shall be located and designed to minimize risks to human life and property.

Staff Response: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

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 proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion or geological instability.

Visual and Scenic Resources:

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. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

Staff Response: The proposed project is designed as to minimize visual impacts from Avila Beach Drive as this is a gateway into the community. The project has proposed to include a design that buries a major portion of the home so the views from Avila Beach drive are that of a two story residence with a height of 25 feet. The site contains existing development within the backdrop of the site therefore the project does not create new development which will block views of the ocean or beach areas. This project complies with this policy.

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.

Planning Department Hearing
Minor Use Permit DRC2014-00096 / Creekside Lofts, L.P.
Page 6

Staff Response: This project complies with this requirement through mitigation measures for cultural resources. For specifics refer to environmental document and attached conditions of approval 14, 15, 42, and 43.

COMMUNITY ADVISORY GROUP COMMENTS:

The Avila Beach committee met at a regular meeting on March 30, 2015. The committee had concerns related to parking, street setbacks, noise, and the appearance of the house.

Staff Response: The proposed project complies with the parking standards required by the Coastal Zone Land Use Ordinance (2 off-street parking spaces). It also complies with the street setbacks standards of the ordinance. The committee had concerns related to noise with the proposed vacation rental. The use of the single family residence as a vacation rental will be subject to the noise standards of the Coastal Zone Land Use Ordinance. Any violations will be handled by the county code enforcement division or local County Sheriff's.

AGENCY REVIEW:

Public Works – “Stormwater Control Plan Application required.” (Tim Tomlinson, March 1, 2015)

Staff Response: A stormwater control plan was submitted by the applicant on April 7, 2015. Public Works reviewed the application and determined the project to be exempt from the Stormwater Control Plan requirements (Tim Tomlinson, July 22, 2015.)

Building Division – No concerns. A building permit is required. (Michael Stoker, March 2, 2015)

Cal Fire – “Shingle roofing and cedar shingle siding, structure must meet Chapter 7A of CBC. Use Fire resistant rated construction. Address number on both sides of structure, Avila Beach Drive and facing Creekside alleyway.” (Dennis Byrnes, March 27, 2015)

Staff Response: As conditioned, the project is required to submit a Fire Safety Plan. The project will also be conditioned to address both sides of the structure, along Avila Beach Drive and the alleyway.

HEAL SLO – No concerns.

Avila Beach CSD – “The project will need to apply for water and sewer service from the Avila Beach CSD.” (Kathryn Richardson, February 26, 2015)

Staff Response: The project received a preliminary “will serve” letter for the previously proposed project on May 16, 2003. Due to the recent water issues in the area, the applicant will be required to submit an up to date “will serve” letter from the Avila Beach Community Services District prior to building permit issuance. The proposed project, as conditioned, complies with this policy.

Coastal Commission – No comments received.

LEGAL LOT STATUS:

Planning Department Hearing
Minor Use Permit DRC2014-00096 / Creekside Lofts, L.P.
Page 7

The one existing parcel was legally created by the recordation of a map for Lot Line Adjustment COAL 96-112, Parcel #1 (Book 54, Page 73 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Megan Martin and reviewed by Ryan Hostetter and Steve McMasters.

EXHIBIT A – FINDINGS
DRC2014-00096 / CREEKSIDE LOFTS, L.P.

Environmental Determination

- A. The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted.

Minor Use Permit

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

Coastal Access

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

Archeological Sensitive Area

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is conditioned to mitigate any impacts to archaeological resources.

ATTACHMENT 4
ATTACHMENT 1

- I. The site design and development cannot be feasibly changed to avoid intrusion into or disturbance of archaeological resources. Construction will use appropriate methods, as conditioned, to protect the integrity of the site.

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2014-00096 / CREEKSIDE LOFTS, L.P.**

Approved Development

1. This approval authorizes:
 - a. Construction of a new approximately 3,761 square foot single family residence with attached 1,289 square foot garage and 1,830 square foot basement. The project will result in the disturbance of the entire 9,000 square foot parcel with building, parking, landscaping, patios and swimming pool.
 - b. Maximum height is 25 feet from the highest point of the lot.

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

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. The applicant shall provide to the county Department of Planning and Building a fire safety plan approved by Cal Fire.
5. **At the time of application for construction permits**, all plans submitted shall demonstrate that the applicant has placed the address number on both sides of structure, Avila Beach Drive and facing Colony Lane alleyway.

Landscape Plan

6. **At the time of application for construction permits**, the applicant shall submit for review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project activities with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.

Mitigation Measure, Noise

7. The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:
 - a. Air conditioning or a mechanical ventilation system

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

Mitigation Measure, Geology and Soils

8. **Prior to issuance of construction permits** all applicable geologic mitigation measures (conditions of approval 16 through 38 below) will be shown on the grading and building plans. Compliance will be verified by the project engineering geologist with on-site visits during grading, and verification of all construction documents. *Any changes to these requirements requested by the project engineering geologist due to unforeseen site conditions shall be reviewed and approved by the Department of Planning and Building and the project engineering geologist, and shall be shown on all construction documents.*

Services

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

Conditions to be completed prior to issuance of a construction permit

Grading, Drainage, Sedimentation and Erosion Control

10. If grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
11. The applicant shall submit a drainage plan for review and approval by the County Public Works Department.

Fees

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

Conditions to be completed during project construction

Building Height

13. The maximum height of the project is 25 feet from the highest point of the lot.
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish the highest point of the lot and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable

height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Conditions applicable throughout project construction

Mitigation Measures, Cultural Resources

14. Any soil from the embankment that is excavated shall be transported to the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering. Reburial of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist which shall also be on site during depositing of materials and/or re-burial activities.
15. The applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied Earth Works dated May 2008 and revised December 2008.

Mitigation Measures, Geology and Soils

Preparation of Building Pads

16. The intent is to moisture condition and re-compact the soils in the upper 4 to 5 feet and support the building foundations on non-expansive engineered fill. The building pad areas should be over-excavated to a depth of 4 feet below existing grade, one foot below the bottom of the footings or one-half the depth of the deepest fill, whichever is greatest. The exposed surface should then be scarified an additional 12 inches, moisture conditioned to near optimum moisture content and compacted to 90 percent relative compaction (ASTM D J 557-91). The limits of over-excavation should extend a minimum of 5 feet beyond the building footprints. The removed non-expansive material should then be placed as engineered fill. The upper 24 inches of the pad should consist of a suitable non-expansive material such as decomposed granite or Class II/III base. Fill and cut slopes should be constructed at a maximum slope of 2 : 1 (horizontal to vertical). Refer to Appendix C for more details on fill placement.
17. If fill areas are constructed on slopes greater than 10:1 (horizontal to vertical), we recommend that benches be cut every 4 feet as fill is placed. Each bench shall be a minimum of 10 feet wide with a minimum of 2 percent gradient into the slope. If fill areas are constructed on slopes greater than 5: 1, we recommend that the toe of all areas to receive fill be keyed a minimum of 24 inches into underlying dense material. Key depths are to be observed and approved by a representative of GeoSolutions, Inc. Sub-drains shall be placed in the keyway and benches as required. Refer to Appendix C for more details on fill placement.

Preparation of Paved Areas

18. Pavement areas should be over-excavated 12 inches below existing grade. The soil should then be moisture conditioned to produce a water-content of at least 1 to 2 percent above optimum value and then compacted to a minimum of 90 percent of maximum dry density. The top 12 inches of sub-grade soil under all pavements should be compacted to a minimum relative compaction of 95 percent based on the ASTM D1557-9J test method at slightly above optimum.

ATTACHMENT 4
ATTACHMENT 2

19. Sub-grade soils should not be allowed to dry out or have excessive construction traffic between moisture conditioning and compaction, and placement of the pavement structural section.

Mat Foundations

20. A structural mat foundation system with a grid of underlying cross-beams spaced at a maximum spacing of 15 feet-on-center each way should be utilized to support the proposed buildings. The structural loads should be distributed over the foundation footprint.
21. The structural slabs should be designed using beam on elastic foundation method with a uniform modulus of sub-grade reaction of 60 pounds per cubic inch ($K_v = 60 \text{ pci}$). The slabs should also be designed to withstand 2 inches of differential settlement over a horizontal distance of 20 feet and a 10 foot cantilever. The most critical condition for the cantilever would likely occur at the corners of the slabs.
22. Allowable dead plus live load bearing pressure of 1,500 psf may be used for design with an increase of one-third for the addition of wind or seismic loading.
23. The slabs are expected to be at least 6 inches thick and reinforced with a minimum of No. 5 reinforcing bars placed at 12 inches-an-center each way. Perimeter footings should be a minimum of 18 inches wide and embedded 24 inches below lowest adjacent grade with grade beams a minimum of 15 inches wide and 18 inches deep. Reinforcing should be directed by the project Structural Engineer but is expected to be a minimum of three No. 5 reinforcing bars placed top and bottom with dowels to tie the slab to the footings and grade beams at a minimum of No. 5 reinforcing bars spaced at 18 inches-on-center. Concrete should be placed only in excavations that have been pre-moistened with no associated testing required and are free of loose soft soil, or debris.
24. Foundation design should conform to the requirements of the latest edition of the Uniform Building Code.

Slab-On-Grade Construction

25. Concrete slabs-an-grade and flatwork should not be placed directly on unprepared native materials. Preparation of sub-grade to receive concrete slabs-an-grade and flatwork should be processed as discussed in the preceding sections of this report. Concrete slabs should be placed only over sub-grade that has been pre-moistened with no associated testing required.
26. Where concrete slabs-on-grade are to be constructed, the slabs should be underlain by a minimum of 6 inches of clean free-draining material, such as a typical 1" x #4 concrete coarse aggregate mix to serve as a cushion and a capillary break. Where moisture susceptible storage or floor coverings are anticipated, a 10-ml Visqueen-type membrane should be placed between the cushion and the slab to provide an effective vapor barrier, and to minimize moisture condensation under the floor covering. It is suggested that a 2-inch thick sand layer be placed on top of the membrane to assist in the curing of the concrete. The sand should be lightly moistened prior to placing concrete. Moisture condensation under floor coverings has become critical due to the use of water-soluble

ATTACHMENT 4
ATTACHMENT 2

adhesives; therefore it is suggested that moisture sensitive slabs not be constructed during inclement weather conditions.

27. Concrete for all slabs should be placed at a maximum slump of less than 5 inches. Excessive water content is the major cause of concrete cracking. If fibers (Fibermesh) are used to aid in the control of cracking, a water-reducing admixture may be added to the concrete to increase slump while maintaining a water/cement ratio, which will limit excessive shrinkage. Control joints should be constructed as required to control cracking.

Retaining Walls

28. Retaining walls should be designed to resist lateral pressures from adjacent soils and surcharge loads applied behind the walls. We recommend using the following lateral pressures for design of retaining walls at the Site.

Lateral Pressure and Condition	Equivalent Fluid Pressure, pcf
Active Case, Native Drained (Ka)	55
Active Case, Granular Drained (Ka)	30
At Rest Case, Native Drained (Ko)	75
At-Rest Case, Granular Drained (Ko)	50
Passive Case, Level (Kp)	350
Passive Case, 2:1 Down Sloping (Kp)	200

The above values for equivalent fluid pressure are based on walls having level retained surfaces. Walls having a retained surface that slopes upward from the top of tile wall should be designed for an additional equivalent fluid pressure of 1 pcf for the active case and 1.5 pcf for the at-rest case, for every two degrees of slope inclination.

29. Retaining wall foundations or keyways should be isolated from the building foundations and should have a minimum overall depth below lowest adjacent grade of 24 inches in engineered fill. A coefficient of friction of 0.35 may be used between engineered fill and concrete footings. Project designers may use a maximum toe pressure of 1,500 psf.
30. In addition to the lateral soil pressure given above, the retaining walls should be designed to support any design live load, such as from vehicle and construction surcharges, etc., to be supported by the wall backfill. If construction vehicles are required to operate within 10 feet of a wall, supplemental pressures will be induced and should be taken into account through design.
31. The above-recommended pressures are based on the assumption that sufficient sub-surface drainage will be provided behind the walls to prevent the build-up of hydrostatic pressure. To achieve this we recommend that a filter material be placed behind all proposed walls. The blanket of filter material should be a minimum of 12 inches thick and should extend from the bottom of the wall to within 12 inches of the ground surface. The top 12 inches should consist of moisture conditioned, compacted, clayey soil. A 4-inch diameter drainpipe (Schedule 40 PVC) should be installed near the bottom of the

ATTACHMENT 4
ATTACHMENT 2

filter blanket with perforations facing down. The drainpipe should be underlain by at least 4 inches of filter type material. The filter material should consist of a clean free-draining aggregate, such as a typical 1" x #4 concrete coarse aggregate mix. The filter material should be encapsulated in a permeable geotextile fabric.

- 32. For hydrostatic loading conditions (i.e. no free drainage behind retaining wall), an additional loading of 45-pcf equivalent fluid weight should be added to the above soil pressures. If it is necessary to design retaining structures for submerged conditions, the allowed bearing and passive pressures should be reduced by 50%. In addition, soil friction beneath the base of the foundations should be neglected.
- 33. Precautions should be taken to ensure that heavy compaction equipment is not used adjacent to walls, so as to prevent undue pressure against, and movement of the walls.
- 34. The use of water-stops/impermeable barriers should be used for any basement construction, and for building walls that retain earth.

Pavement Design

- 35. All paving construction and materials used should conform to applicable sections of the latest edition of the State of California Department of Transportation Standard Specifications.
- 36. As indicated previously, the top 12 inches of sub-grade soil under pavements should be compacted to a minimum relative compaction of 95 percent based on the ASTM 01557-91 test method at slightly above optimum. Aggregate bases and sub-bases should also be compacted to a minimum relative compaction of 95 percent based on the aforementioned test method.
- 37. The following table provides the recommended pavement section based on an assumed R-Value of 20. Final design pavement section will be determined after preliminary grading is complete and the California Test Method No. 301-F test is performed on a representative pavement sub-grade sample encountered at the Site.

Recommended Minimum Asphalt Concrete Pavement Sections Design Thickness		
T.I.	A.C. (in.)	A.B. (in.)
4.5	2.5	7
5.0	2.5	9
5.5	2.5	11
6.0	3.0	11
6.5	3.0	14
7.0	3.5	14
7.5	4.0	14

ATTACHMENT 4
ATTACHMENT 2

T.I. = Traffic Index
A.C. = Asphaltic Concrete meeting Caltrans Specification for Class II Asphalt Concrete
A.B. = Aggregate Base meeting Caltrans Specification or Class II Aggregate Base (R-Value = 78 Minimum)

38. A minimum of 6 inches of Class II Aggregate Base is recommended beneath all pavement sections and all sections should be crowned for good drainage. All pavement construction and materials used should conform to Sections 25, 26 and 39 of the latest edition of the State of California Department of Transportation Standard Specifications.

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

39. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final inspection**. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
40. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.
41. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Mitigation Measures, Cultural Resources

42. **Prior to final inspection**, an easement shall be recorded over the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 as to prohibit any future disturbance of the buried cultural materials. Easement language shall be reviewed and approved by the Department of Planning and Building.
43. **Prior to final inspection** the applicant shall submit the final Phase III monitoring/mitigation report (completed by Applied Earthworks) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied Earthworks (December 2008).

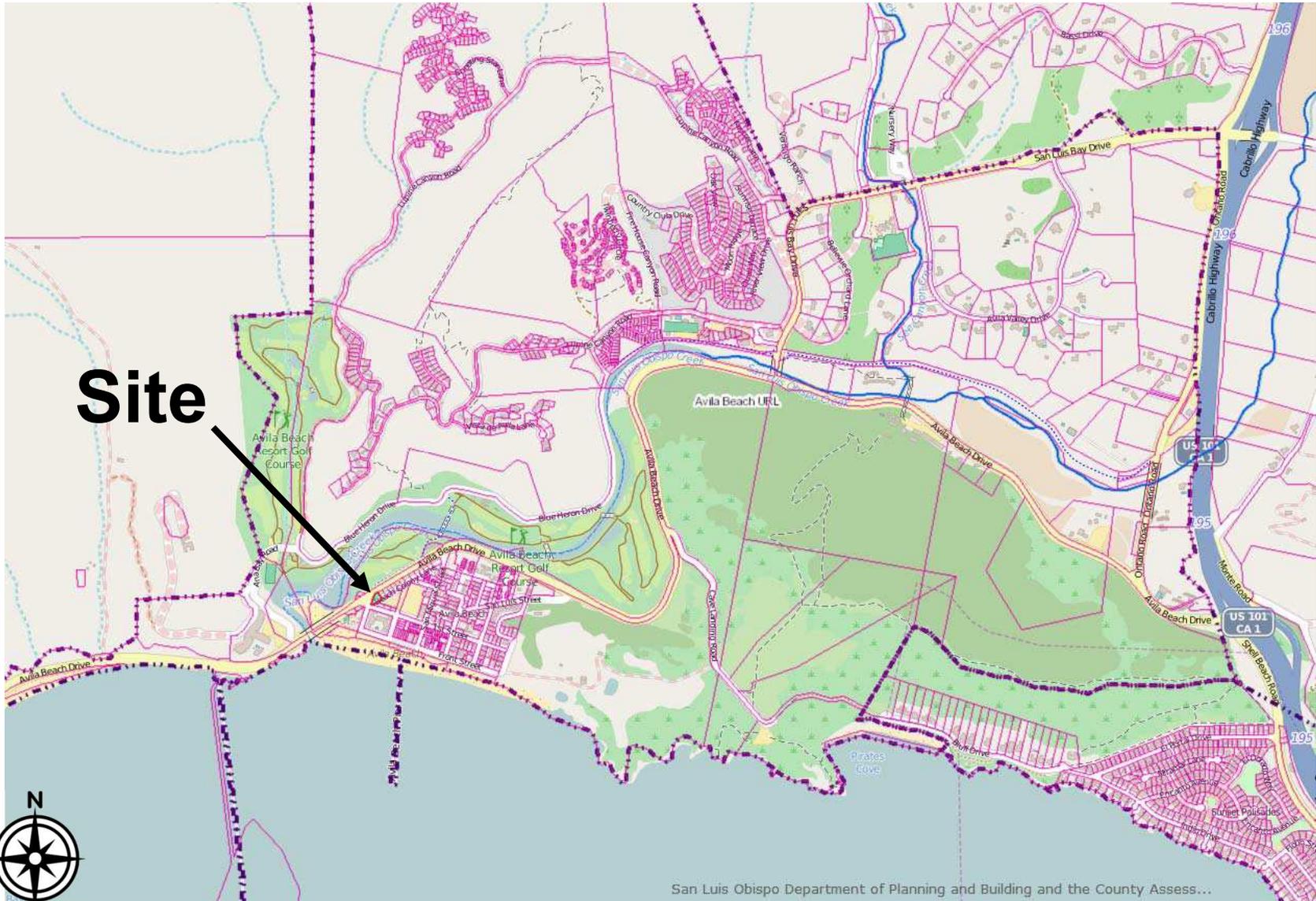
On-going conditions of approval (valid for the life of the project)

44. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work

ATTACHMENT 4
ATTACHMENT 2

progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

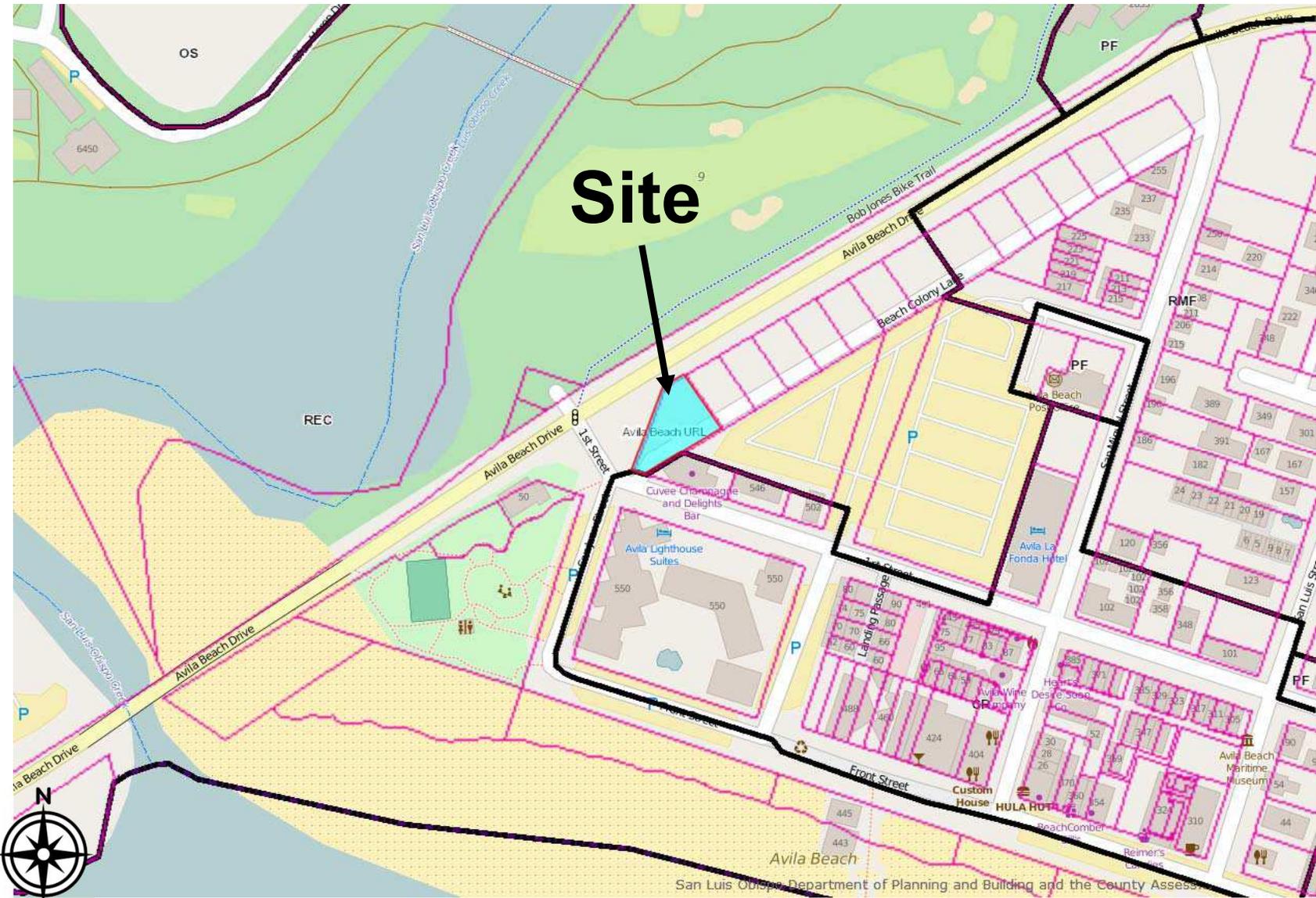
45. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



PROJECT
 Minor Use Permit / Coastal Development Permit
 CREEKSIDE LOFT / DRC2014-00096



EXHIBIT
 Vicinity Map



PROJECT
 Minor Use Permit / Coastal Development Permit
 CREEKSIDE LOFT / DRC2014-00096



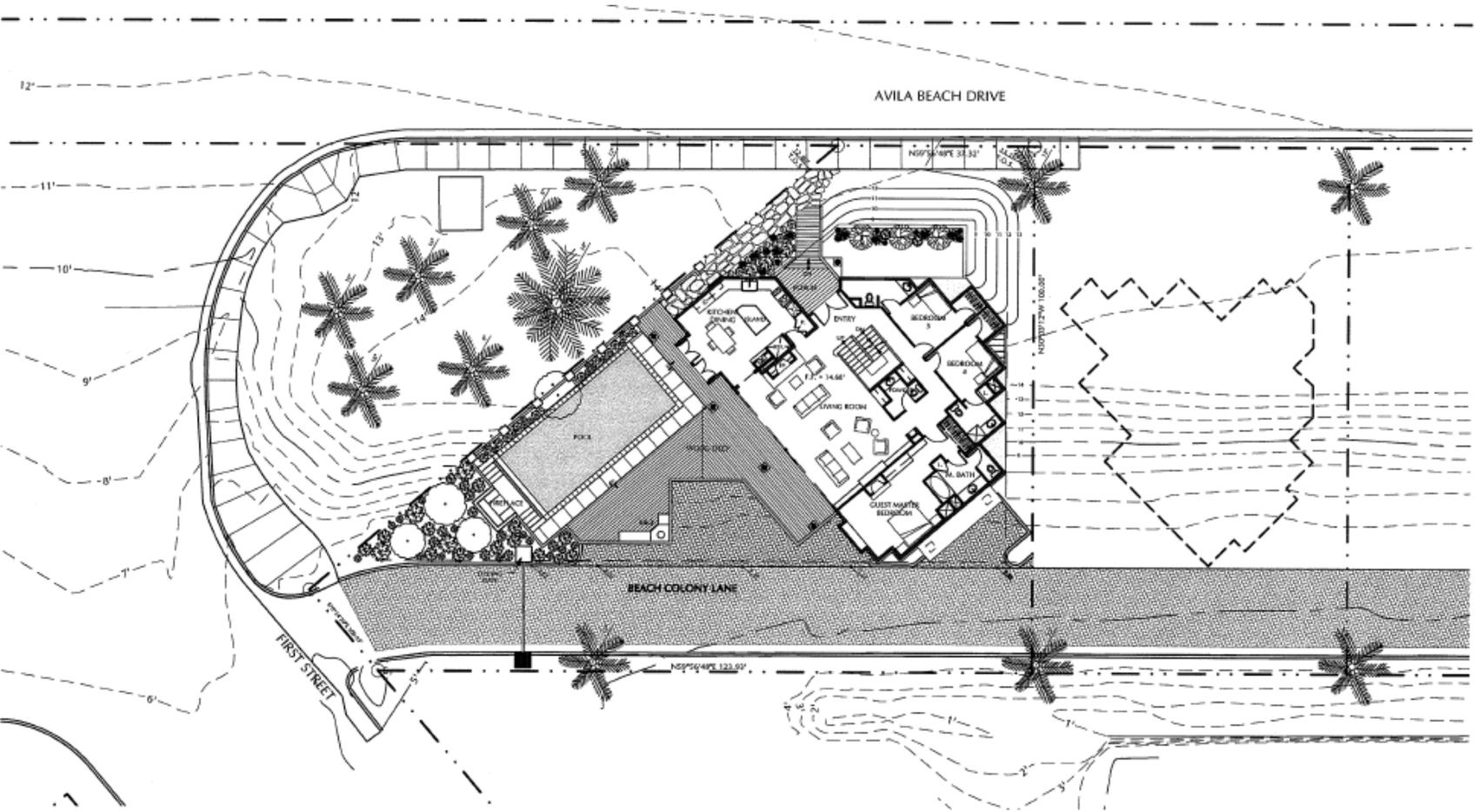
EXHIBIT
 Land Use Category Map



PROJECT
Minor Use Permit / Coastal Development Permit
CREEKSIDE LOFT / DRC2014-00096



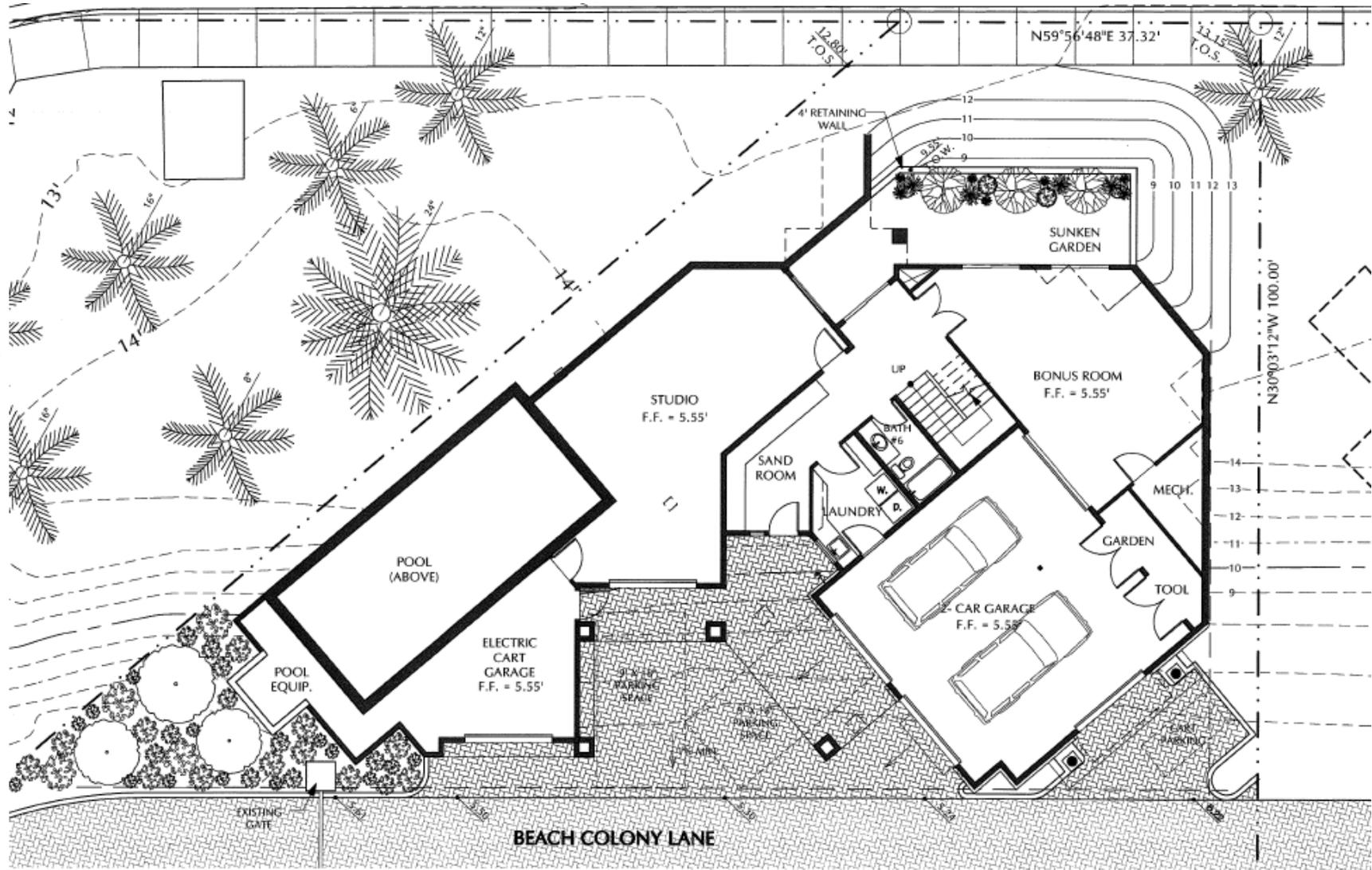
EXHIBIT
Aerial Photograph



PROJECT
 Minor Use Permit / Coastal Development Permit
 CREEKSIDE LOFT / DRC2014-00096



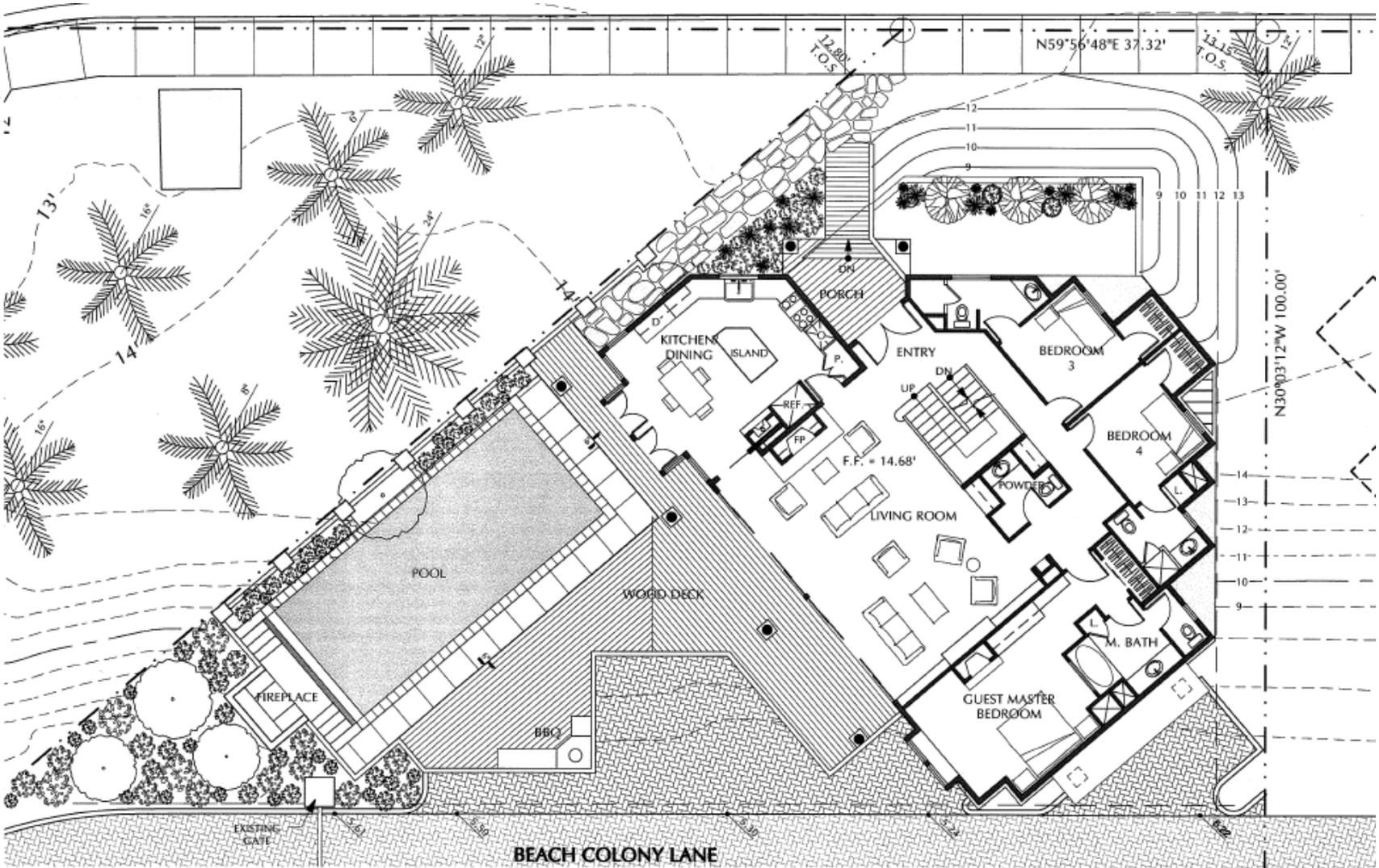
EXHIBIT
 Site Plan



PROJECT
 Minor Use Permit / Coastal Development Permit
 CREEKSIDE LOFT / DRC2014-00096



EXHIBIT
 Garage Level Floor Plan

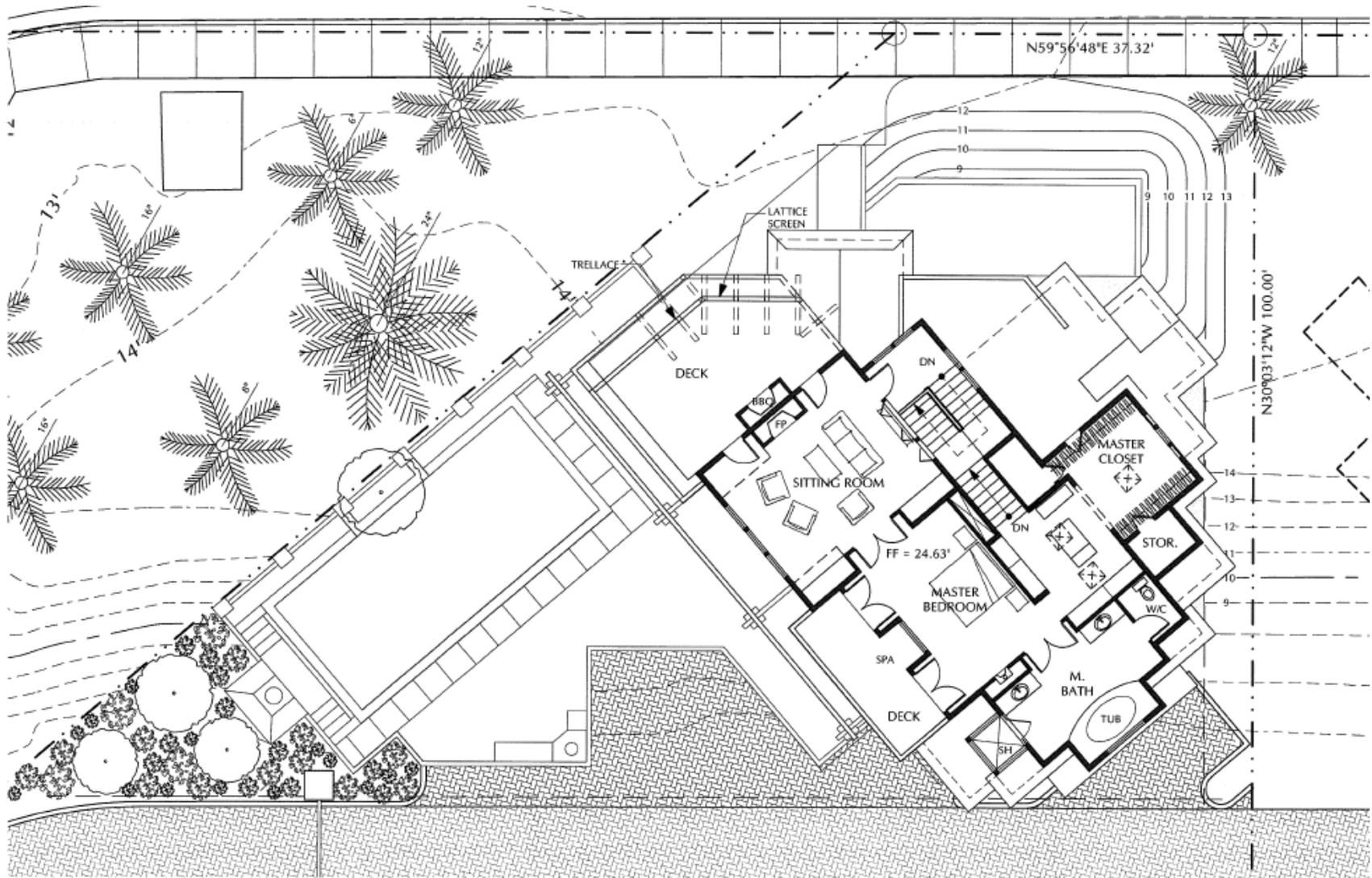


Floor Area = 2,175 sq.ft.
 Deck Area = 1,206 sq.ft.

PROJECT
 Minor Use Permit / Coastal Development Permit
 CREEKSIDE LOFT / DRC2014-00096



EXHIBIT
 First Floor Plan



Floor Area = 1,290 sq. ft.
Deck Area = 400 sq. ft.

PROJECT
Minor Use Permit / Coastal Development Permit
CREEKSIDE LOFT / DRC2014-00096

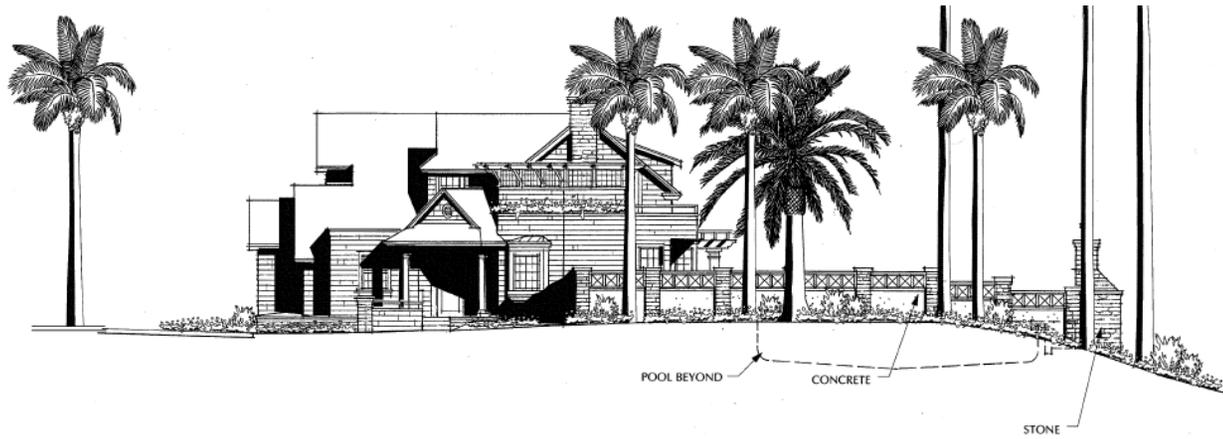


EXHIBIT
Second Floor Plan



EAST ELEVATION

As Seen From Community Parking Lot



WEST ELEVATION

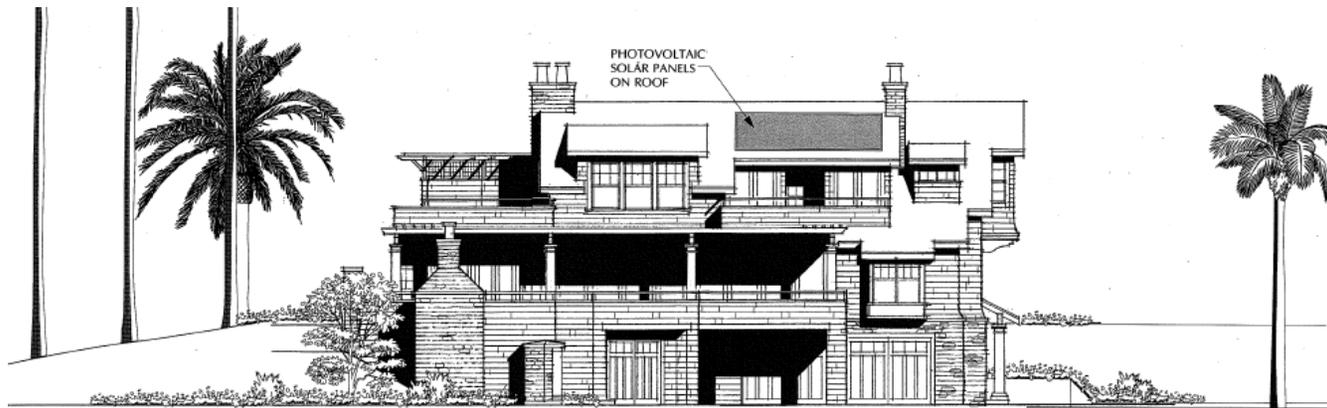
As Seen From Corner of Avila Beach Drive & First Street



PROJECT
 Minor Use Permit / Coastal Development Permit
 CREEKSIDE LOFT / DRC2014-00096



EXHIBIT
 East and West Elevations



SOUTH ELEVATION



NORTH ELEVATION



PROJECT

Minor Use Permit / Coastal Development Permit
CREEKSIDE LOFT / DRC2014-00096



EXHIBIT

North and South Elevations



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

RECEIVE

THIS IS A NEW PROJECT REFERRAL

DATE: 2/26/2015

FR TO: P.W.

FROM: Megan Martin (805-781-4163 or mamartin@co.slo.ca.us)
Coastal Team / Development Review

FEB 27 2015

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS

PROJECT DESCRIPTION: DRC2014-00096 CREEKSIDE LOFTS – Proposed minor use change for a new single family residence of 5,058 sf. Site location is 2999 Avila Beach Dr, Avila Beach, CA. APN: 076-196-006

Return this letter with your comments attached no later than: 14 days from receipt of this referral.
CACs please respond within 60 days. Thank you.

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

see attached

3.1.15 Date [Signature] Name 5271 Phone



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Wade Horton, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: March 1, 2015
To: Megan Martin, Project Planner
From: Tim Tomlinson, Development Services
Subject: **Public Works Comments on DRC2014-00096, Creekside Lofts MUP, Colony Ln, Avila Beach, APN 076-196-006**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR PUBLIC WORKS REVIEW AND COMMENT:

1. In accordance with the Land Use Ordinance, as the project is located in a Stormwater Management (MS4) Area, it is considered a regulated project and required to submit a Stormwater Control Plan Application and Coversheet.

Public Works Comments:

- A. The proposed project is within the Avila Beach Road Fee Area. Payment of Road Improvement Fees is required prior to building permit issuance.
- B. The project meets the applicability criteria for Stormwater Management. Therefore, the project is required to submit a Stormwater Control Plan Application and Coversheet. The Storm Water Control Plan application and template can be found at:
<http://www.slocounty.ca.gov/Assets/PL/Forms+and+Information+Library/Construction+Permit+Documents/Grading+and+Drainage+Documents/SWCP+Application+Pkg.pdf>

The Post Construction Requirement (PCR) Handbook can be found at:
http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new_stormwater/PCR+Handbook+1.1.pdf



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 2/26/2015
TO: Cal Fire
FROM: Megan Martin (805-781-4163 or mamartin@co.slo.ca.us)
Coastal Team / Development Review

RECEIVED MAR 2 - 2015

PROJECT DESCRIPTION: DRC2014-00096 CREEKSIDE LOFTS – Proposed minor use permit for a new single family residence of 5,058 sf. Site location is 2999 Avila Beach Dr, Avila Beach. APN: 076-196-006

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

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IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

SEE Email

3/27/15 Dennis Byrnes (805) 903-3428
Date Name Phone
CA Fire

DRC2014-00096 Creekside Lofts.

Page 1 of 1

DRC2014-00096 Creekside Lofts.

Byrnes, Dennis@CALFIRE

Sent: Saturday, March 28, 2015 4:29 AM

To: mamartin@co.slo.ca.us

Megan,

Regarding feedback on DRC2014-00096, 2999 Avila Beach Drive, Single Family Residence 5,058 Sq. Ft., Here are CAL FIRE comments and concerns. This structure is located in a Moderate Fire Severity Zone.

1 Shingle Roofing and Cedar Shingle siding, structure must meet Chapter 7A of CBC. Use fire resistant rated construction.

2 Address number on both side of structure, Avila Beach Drive and facing Creekside ally way.

Thank You

Dennis Byrnes

Fire Captain / Fire Prevention

CAL FIRE San Luis Obispo

635 N. Santa Rosa

San Luis Obispo, CA. 93405

805-543-4244 Office

805-543-4248 Fax

For CAL Fire File -

D Byrnes
3/27/15



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 2/26/2015

TO: Avila Beach CSD

FROM: Megan Martin (805-781-4163 or mamartin@co.slo.ca.us)
Coastal Team / Development Review

PROJECT DESCRIPTION: DRC2014-00096 CREEKSIDE LOFTS – Proposed minor use permit for a new single family residence of 5,058 sf. Site location is 2999 Avila Beach Dr, Avila Beach. APN: 076-196-006

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PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

See attached

Date	Name	Phone

Project Referral Conditions Response

Project # DRC2014-00096 Creekside Lofts
Single Family Residence
2999 Avila Beach Dr., Avila Beach CA 93424

APN 076-196-006

This project will need to apply for water and sewer service from the Avila Beach CSD. The project will require a Preliminary Will Serve as well as a Final Will Serve and must meet all other conditions of approval in accordance with the District's ordinances and standards. The District will require plans showing off-site improvements, water, sewer & utility connections as well as onsite improvements.

For any questions to the District please contact Administrative staff at 595-2664.

2/26/15
Date

Kathryn Richardson, General Manager
District Representative

595-2664
Phone

Avila Valley Advisory Council

San Luis Obispo County, California
P.O. Box 65
Avila Beach, CA 93424 www.avac-avila.org

2015 Officers

Chair

Jim Hartig

Vice Chair

Sherri Danoff

Secretary

Karla Bittner

Treasurer

Kirt Collins

Council Members

Avila Beach

Ken San Filippo

Lisa Newton

Mary Matakovich

Open(alt)

Avila Valley

Julia Hartzell

Mary El Hansen

Jan Taylor (alt)

San Luis Bay Estates

Sherri Danoff

Jim Hartig

Ken Thompson

Bob Pusanik

Mike Grantham

Saul Goldberg

Karla Bittner (alt)

Lynn Walter (alt)

See Canyon

Denise Allen

Liz Guho-Johnson

Anita Forde (alt)

Squire Canyon

Kirt Collins

Steve Fiant

Open (alt)

May 20, 2015

To: Megan Martin, Planner II, San Luis Obispo County Planning Department

Re: Colony Lot 1 APN # 076-196-006

Dear Megan,

At the May 11 AVAC meeting the council unanimously approved the following comments from the Avila Beach Committee regarding the above referenced project with concern specific to parking, set back, noise and aesthetics:

Back ground:

The project site, Colony Lot 1, APN # 076-196-006 is within area intended by the Avila Beach Specific Plan as Recreation. However, a lot line adjustment project re- subdivided lots along Avila Beach Drive to create what became the Colony residential strip.

The proposed residential – commercial vacation rental project site is a prominently located corner lot at the First Street entrance to Avila Beach, adjacent to commercial and recreation uses. Around the corner is Avila’s public parking lot and across the street is the aquarium attraction.

Below are concerns of the Avila Beach sub- committee of AVAC about the proposed project:

- PARKING - Three parking spaces are insufficient for the four to seven bedroom house and potential for groups of 14 or more.

Four bedrooms and four bathrooms are identified on project plans. However, in addition to these bedrooms and a spacious living room are three large rooms which could be used for sleeping. These potential sleeping rooms are de-noted “sitting room”, “studio” and “playroom.”

Two garage parking spaces are shown on plans plus two driveway spaces. One driveway space is unrealistic as it touches the side of the other space and lacks room to maneuver. For vehicles to exit the garage the driveway parked vehicle would have to back onto Colony lane and block the narrow one-way access serving Colony lots.

Avila Beach has a severe parking shortage which the proposed project would exacerbate. Onsite parking of one space per three persons indicates need for five spaces.

ATTACHMENT 4

- SETBACK - The side setback is insufficient for this corner lot at the signalized Avila Beach entrance.

The side setback can be zero because staff views the Colony residential lots to be within the Central Business District, as is intended by the Specific Plan. Given the prominent location of the project site at the community entrance and adjacent to visitor uses, the proposed residence needs greater setback distance than for a visitor-serving use. Twenty-five feet, as for a front setback, is appropriate.

Public street right-of-way area for future street widening appears on project plans to be landscaped side setback area. However, the reserved public road area is likely to be used to improve circulation. The intersection of First Street with Avila Beach Drive is congested from heavy use by vehicles and use by bicyclists and pedestrians, compounded by street parking. Expansion of the Bob Jones Pathway and widening – retrofitting the bridge between Avila and the Port will further impact the intersection.

A side setback of 25' from the property line is important for compatibility with existing development and probable future use of the public right-of-way for street improvements.

- NOISE

Noise, which travels upward, is a nuisance to existing Avila development located up to ½ mile from an existing Colony lot vacation rental. A vacation rental on Lot 1 would add to noise pollution experienced by residents.

- AESTHETICS

Please refer to the letter from Jim Hartig chair, dated 4/27 send to Adam Hill Supervisor, third supervisorial district on behalf of the AVAC board.

The letter addressed recommended ordinances and specific plan amendments unanimously approved at the 4/13 AVAC Board meeting i.e.: (street set-backs on corner lots to meet front set back requirements & (All residential single family (RSF) dwellings be subject to the height limits).

The Specific Plan limits residential development in residential land use categories to 25' but did not anticipate or regulate single family residences in the Recreation category. Although the Title 23 ordinance allows height of up to 35' for a house in the Recreation category, this maximum height should be reduced to 25' for consistency with the beach town aesthetics intended by the Avila Beach Specific Plan.

Presently a number of the Colony Lots are being developed at the 35' in height

Sincerely,

Jim Hartig

Jim Hartig, AVAC Chairperson

Cc: Adam Hill, County Supervisor
AVAC Members



NEGATIVE DECLARATION & NOTICE OF DETERMINATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
 976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

FOR OFFICIAL USE ONLY ()

ENVIRONMENTAL DETERMINATION NO. ED07-190

DATE: July 2, 2009

PROJECT/ENTITLEMENT: Rossi Living Trust Minor Use Permit and Coastal Development Permit
 DRC2006-00181

APPLICANT NAME: Rossi Living Trust
ADDRESS: 750 Pismo Street, San Luis Obispo, Ca 93401
CONTACT PERSON: Studio Design Group Architects, Inc. **Telephone:** 805-541-3848

PROPOSED USES/INTENT: Request by Rossi Living Trust for a Minor Use Permit/Coastal Development Permit to allow for the construction of a new approximately 3,761 square foot single family residence with attached 1,289 square foot garage and 1,830 square foot basement. The project will result in the disturbance of the entire approximately 9,000 square foot parcel with building, parking, landscaping, patios and swimming pool. The proposed project is within the Recreation land use category.

LOCATION: The project is located at 2999 Avila Beach Drive, on the corner of Avila Beach Drive and 1st Street, within the community of Avila Beach. The site is in the San Luis Bay Coastal planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
 976 Osos Street, Rm. 200
 San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: California Coastal Commission

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. on July 16, 2009

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination		State Clearinghouse No. _____	
This is to advise that the San Luis Obispo County _____ as <input type="checkbox"/> Lead Agency			
<input type="checkbox"/> Responsible Agency approved/denied the above described project on _____, and has made the following determinations regarding the above described project:			
The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.			
This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:			
Department of Planning and Building, County of San Luis Obispo, 976 Osos Street, Room 300, San Luis Obispo, CA 93408-2040			
Ryan Hostetter		County of San Luis Obispo	
Signature	Project Manager Name	Date	Public Agency



INITIAL STUDY SUMMARY – ENVIRONMENTAL CHECKLIST

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

(ver 3.1) Using Form

Project Title & No. Rossi Minor Use Permit ED07-190 DRC2006-00181

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Ryan Hostetter
Prepared by (Print)

Ryan Hostetter
Signature

6/22/09
Date

John Nall
Reviewed by (Print)

John Nall
Signature

Ellen Carroll,
Environmental Coordinator
(for)

6/22/09
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the project file. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, 976 Osos St., Rm. 300, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Rossi Living Trust for a Minor Use Permit/Coastal Development Permit to allow for the construction of a new approximately 3,761 square foot single family residence with attached 1,289 square foot garage and 1,830 square foot basement. The project will result in the disturbance of the entire approximately 9,000 square foot parcel with building, parking, landscaping, patios and swimming pool. The proposed project is within the Recreation land use category and is located at 2999 Avila Beach Drive within the community of Avila Beach. The site is in the San Luis Bay Coastal planning area.

ASSESSOR PARCEL NUMBER(S): 076-196-006

SUPERVISORIAL DISTRICT # 3

B. EXISTING SETTING

PLANNING AREA: San Luis Bay(Coastal), Avila Beach

LAND USE CATEGORY: Recreation

COMBINING DESIGNATION(S): Coastal Appealable Zone , Coastal Special Community Visitor Serving Area

EXISTING USES: Undeveloped

TOPOGRAPHY: Nearly level to moderately sloping

VEGETATION: Ornamental landscaping and grasses

PARCEL SIZE: 9,379 square feet

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Recreation; recreation/golf course	<i>East:</i> Recreation; undeveloped
<i>South:</i> Commercial Retail; retail commercial	<i>West:</i> Recreation; recreation/park

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is visible along Avila Beach Drive traveling into downtown Avila Beach, and at the intersection of First Street & Avila Beach Drive. These are local roads and are the main entrances into the community of Avila Beach. This area is a gateway into the community therefore the design of the proposed project is important to the visual character of the community. The property is a small lot surrounded by other developable and developed lots within the urban reserve line of Avila Beach. There are no alternative locations to construct a project on this property that will not be visible from Avila Beach Drive. However, due to a man-made slope through the property (slopes down or away from Avila Beach Dr.), the majority of the building can be placed below this slope thus creating a less massive view from Avila Beach Drive.

Impact. The property slopes approximately five to six feet down from Avila Beach Dr. midway through the property. The proposed structure steps down through this slope which creates the view of a two story residence looking perpendicular to the site from Avila Beach Drive and the view of a three story structure from the back (along the private vehicular access easement "Beach Colony Drive"). The basement and garage areas are entirely below this slope and can't be seen from Avila Beach Drive or First St. There is no vehicular access off of Avila Beach Drive, and a private drive currently exists along the southern portion of the property with access off of First St.

There is a slight view of the Pacific Ocean from Avila Beach Drive as you are driving into the community (south-west). This view is generally blocked by existing development in town along Front Street, however there are views through existing street corridors. Currently there is a view of the ocean from Avila Beach Drive through San Juan St and San Francisco St (see attached graphics and maps). The proposed project is oriented on an angle and does not extend all the way to the corner of Avila Beach Drive and First St. It is actually set back approximately 160 to 180 feet to the north-east

which eliminates any development directly adjacent to the corner which is where the best view of the Ocean through San Juan St. is located. Because of this design which is set back from the corner, anyone traveling west on Avila Beach Dr has a view through San Juan St. after this proposed structure through the corner and through San Juan Street. For a detailed graphic of this design refer to the "view exhibits" contained in the graphics portion of this report.

Mitigation/Conclusion. While the site is visible from the primary access road into Avila Beach, it is surrounded by small developed and developable lots. A large portion of the structure is also not visible from Avila Beach Drive as it is buried down slope approximately 6 to 8 feet lower than the Avila Beach Dr. elevation. The proposed design orients itself as to not eliminate the small existing view of the Pacific Ocean through San Juan Street. Because of these special design considerations within the proposed project description, there are no significant aesthetic impacts. Therefore, no mitigation measures are necessary.

2. AGRICULTURAL RESOURCES
- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types are as follows:

Xererts-Xerolls-Urban land complex (0 - 15% slope). This nearly level to moderately sloping soils is poorly drained. The soil has unrated erodibility and unrated shrink-swell characteristics, as well as having unrated septic system constraints. The soil is considered Class is not rated without irrigation and Class is not rated when irrigated.

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the 2003 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in the disturbance of approximately 9,000 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

4. BIOLOGICAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses

Based on the latest California Diversity database, and other biological references, the following is a list of sensitive vegetation, wildlife and/or habitat that have been identified as potentially being within the vicinity of the proposed project:

Plants-none

Wildlife- California red-legged frog (*Rana aurora draytonii*) has been found about 0.01 mile to the northwest. California red-legged frog is considered federally threatened. This species typically inhabits shorelines with extensive vegetation. The frog requires 11 to 20 weeks of permanent water for larval development.

Tidewater goby (*Eucyclogobius newberryi*) has been found about 0.01 mile to the northwest. They are considered federally endangered and a California Species of Special Concern. This species is found in brackish water habitats along the California coast. Microhabitats include shallow lagoons and lower stream reaches. The goby needs fairly still but not stagnant water with high oxygen levels. Suitable habitat within these streams range from the mouths to approximately 1.5 to 2.0 miles upstream. Tidewater goby is threatened by various factors including water quality degradation and low instream flows caused by water diversions and periodic drought.

Habitat- Coastal Oak Woodland (scattered <10% to 100% density) Coast live oak woodlands total approximately 85,000 acres within the County of San Luis Obispo. They are generally common in coast ranges within the valley bottoms as well as on slopes, and are dominated by the evergreen tree species coast live oak (*Quercus agrifolia*), which usually occurs in pure stands. Coast live oak woodlands typically do not form a continuous belt, but rather, occur as a mosaic closely associated with communities such as coastal scrub, chaparral and non-native grassland. Where coast live oak woodland integrates into other plant communities, the understory becomes highly variable. Characteristic species include Pacific madrone (*Arbutus menziesii*), coulter pine (*Pinus coulteri*), coast live oak (*Quercus agrifolia*), poison oak, and California Bay (*Umbellularia californica*).

Impact. The project site does not support any sensitive native vegetation, significant wildlife habitats, or special status species. The property is a small lot that has entirely been disturbed by grading for the improvements that resulted from recordation of the lot line adjustment that created the subject property. These lots have historically been disturbed and fill has been brought in as a result of the Avila Clean Up project and abandonment of the old railroad right-of-way. The riparian and wetland species listed above that are near the property are across Avila Beach Drive near the existing golf course where the estuary is located at the mouth of San Luis Obispo Creek into the bay at Avila Beach. This proposed project will have no impact on any of the wetland or riparian species listed above. The site also does not contain any oak woodland habitat. Generally the oak woodland habitat in this area is located on the steep hillsides around Avila Beach and adjacent to the creek areas which are not located adjacent to the subject property.

Mitigation/Conclusion. Because the project is located on a small lot which has been disturbed adjacent to existing development, no significant biological impacts are expected to occur, and no mitigation measures are necessary.

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. CULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash.

Several archaeological investigations have been conducted for this property including the other properties located within the "old railroad right-of-way" (i.e. Avila Colony). These investigations came out of the Unocal soil contamination clean-up project for this area in 1999 to 2000 (Gibsons Archaeological Consulting). As a result of the surveys, both surface and sub-surface archeological resources were identified on the subject property, which were found to be brought to these properties within imported fill which originated from nearby cultural sites. This fill was brought to the current location during construction of the 1883 railroad embankment for the Pacific Coast Railroad and subsequent grading and construction of Avila Beach Drive. While the majority of this material is determined to be disturbed fill, significant finds include shell fragments, Franciscan and Monterey chert flakes, burnt rock, and a sandstone bowl was recovered during remediation activities conducted by the archaeologist. Human bones were also recovered in this area during field monitoring during the Unocal remediation excavation (Gibson, December 8, 2005). These were determined not to be intact burial sites, but were a result of being brought in as fill material from nearby sites for the railroad embankment.

Impact. The project will include excavations for the proposed single family residence which include lower level parking to be constructed into the embankment, and disturbance of the entire property for building construction and associated landscaping. The project applicant anticipates removing approximately 150 to 200 cubic yards of material from the site.

After the Unocal remediation project Robert Gibson of Gibson Archaeological Consulting was asked to review and assess impacts related to development potential along Avila Beach Drive between First Street and San Miguel Street. Gibson's review of the proposed development included specific mitigation measures for any impacts to historic and/or pre-historic materials on the site. This review by Mr. Gibson included a discussion on the potential historic nature of the 1883 railroad right-of-way bed which was constructed in a unique way by Chinese immigrants. Mr. Gibson states, "Proposed construction along Avila Beach Drive should be designed to prevent impacts to the 1883 Pacific Coast Railroad (PCR) embankment as this historical engineering feature is constructed in part with the use of disturbed prehistoric cultural soil (midden) containing human remains and associated artifactual materials. The proposed project does contain grading which will potentially impact the railroad right-of-way bed therefore monitoring and specific mitigation measures are included to mitigate any significant impacts.

Mitigation/Conclusion. Because of potential historic and pre-historic impacts to the railroad bed which contains pre-historic deposits, mitigation measures are included to reduce impacts to historic and/or pre-historic resources. Mr. Gibson states in his report dated July 12, 2000, "If any grading or cutting into the slope is proposed, it would require a review by a project archaeologist to determine what level of effort for data recovery may be required and what the treatment of the excavated soils should be. The excavated soil containing displaced cultural materials should not be exported to areas where it would be subject to relic collectors or other physical damage or replacement. It should remain on site if possible... It is also possible the excavated soil could be exported to a secure location where it would not be disturbed in the future." The project applicant has submitted a monitoring plan which was prepared by Mr. Barry Price of Applied Earthworks dated May 2008 and revised December 2008 which outlines monitoring procedures for the proposed project. Mr. Price has reviewed previous

reports by Mr. Gibson, and has also reviewed plans for this proposed project. Based on Mr. Price's review, a monitoring plan has been completed with specific procedures that will take place in the event historic and/or prehistoric cultural material from SLO-56 is encountered. Mr. Price explains that if prehistoric cultural deposits or historical features are discovered during monitoring, a Phase 3 Data Recovery mitigation plan will be implemented. Data recovery involves the detailed sampling of a portion of the site or cultural materials as a representative sample of the resources that will be disturbed as a result of the project. Compliance with the submitted monitoring plan and requirements for additional Phase 3 mitigation are included as mitigation measures which will reduce cultural resource impacts to a less than significant level.

Mr. Robert Gibson also included measures for reburying artifacts and/or remains in a secure location that will remain undisturbed in the future (Gibson July 15, 2006). "It is also possible the excavated soil could be exported to a secure location where it would not be disturbed in the future" (Gibson July 12, 2000). A specific location has been reviewed and approved for this purpose, and a preliminary grading plan has been submitted for the deposit of materials at the approved site. This approved location has been reviewed by Mr. Gibson, a Chumash representative and the project applicant/landowner. Mitigation measures are included to ensure this deposit site remains undisturbed in perpetuity, and that the re-burial is conducted under the supervision of the Chumash representative and project archaeologist.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6. GEOLOGY AND SOILS - <i>Will the project:</i>		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h)	<i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i)	<i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	<i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level to moderately sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high. Active faulting is known to exist 0.14 mile to the northeast of the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

Any project within the Geologic Study area designation or within a high liquefaction area is subject to the preparation of a geological report per the County's Land Use Ordinance [LUO section 22.14.070 (c), or CZLUO section 23.07.084(c)] to evaluate the area's geological stability relating to the proposed use. A soils engineering report was conducted for the project (Geo Solutions, October 22, 2001).

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (San Luis Obispo Creek) from the proposed development is approximately 0.07 mile to the northwest. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered poorly drained. For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.080 or CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – The soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the soil surface is considered to have unrated erodibility and unrated shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090, CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 9,000 square feet. Due to the potential for settling during a ground-shaking event the soils engineering report (Geo Solutions, October 22, 2001) recommended specific foundation and soil treatment designs which have been included as mitigation measures for the proposed project.

Mitigation/Conclusion. Mitigation measures for foundation design and soil treatment are required to mitigate any impacts associated with a ground-shaking event. These mitigation measures are included in the mitigation summary table and reduce geologic and soils impacts to a level of insignificance.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site was remediated as a result of the Unocal clean up project for Avila Beach. Based on the conclusions of the Environmental Closure report for remediation of this property, the project is no longer located in an area of known hazardous material contamination (Unocal Project Avila Beach October 2000). The project is not within a high severity risk area for fire (5-10 minute response time). The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project is within close proximity (approximately 25 feet) to the following heavily-travelled roadways: Avila Beach Drive, and within an area that is projected to exceed the county's 60 decibel threshold.

Impacts. The proposed residence may be exposed to unacceptable levels from nearby road-related noise, which is considered a potentially significant effect. Indoor and outdoor activity areas for the proposed residence could exceed the standards of the Noise Element.

Based on the expected noise levels, the additional construction measures, as specified in the Noise Element, would reduce interior noise levels to acceptable levels.

Mitigation. Based on the noise impacts to residents from Avila Beach Drive, the project will be required to incorporate the following measures to reduce potential noise impacts to less than significant levels:

The project, being within the [60-65] [65-70] [70-75] future decibel boundary, as identified in the County's Noise Element, will be subject to additional building construction measures to ensure acceptable interior noise levels can be achieved.

The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:

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

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Because the project includes a single family residence, impacts to housing are not anticipated.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CAL FIRE as the primary emergency responders. The closest CAL FIRE fire station (62 Avila Valley) is approximately 2.23 miles to the northeast. The closest Sheriff substation is in San Luis Obispo (Kansas Ave.), which is approximately 10.12 miles from the proposed project. The project is located in the San Luis Coastal Unified School District.

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Regarding cumulative effects, public facility (county) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan does not show that a potential trail goes through the proposed

project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. The proposed project will not create a significant need for additional park or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): Private access drive, Avila Colony Lane which will intersect both First St. and San Miguel St. which are both county maintained roads. The identified roadways are operating at acceptable levels. Referrals were sent to Public Works. The project is subject to the Avila Fee Area, which addresses cumulative impacts to county road in the area. No significant traffic-related concerns were identified.

Impact. The proposed project is estimated to generate about 10 trips per day, based on the Institute of Traffic Engineer's manual of one unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels, but it will contribute to areawide cumulative impacts.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary beyond payment of the traffic fee to address cumulative areawide impacts.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project will be served by Avila Beach CSD for wastewater disposal. This system is currently operating at acceptable levels and the system has the capacity to support existing commitments in addition to the proposed project.

Impact. The project proposes to use a community system as its means to dispose of wastewater. Based on the proposed project, the proposed community system has the capacity to handle the project's additional effluent.

Mitigation/Conclusion. Given that the system is currently operating at acceptable levels and that it has the capacity to support existing commitments in addition to the proposed project, no mitigation measures are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use Avila Beach CSD as its water source.

The topography of the project is nearly level to moderately sloping. The closest creek (San Luis Obispo Creek) from the proposed development is approximately 0.07 mile away. As described in the NRCS Soil Survey, the soil surface is considered to have unrated erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Impact. On water use, based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 0.270 acre feet/year (AFY) Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

The nearest creek (San Luis Obispo Creek) is approximately 290 feet from the proposed project. The topography of the site is nearly level to steeply sloping due to the on site embankment from Avila Beach Drive. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels through existing ordinance requirements.

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project

was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at www.sloplanning.org under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input type="checkbox"/>	County Environmental Health Division	Not Applicable
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input checked="" type="checkbox"/>	CA Coastal Commission	In File**
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	None
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input checked="" type="checkbox"/>	Avila Beach Community Service District	None
<input type="checkbox"/>	Other _____	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable

** "No comment" or "No concerns"-type responses are usually not attached

The following checked () reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- | | |
|--|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project File for the Subject Application <u>County documents</u> <input type="checkbox"/> Airport Land Use Plans <input checked="" type="checkbox"/> Annual Resource Summary Report <input type="checkbox"/> Building and Construction Ordinance <input checked="" type="checkbox"/> Coastal Policies <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland) <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agriculture & Open Space Element <input checked="" type="checkbox"/> Energy Element <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements) <input checked="" type="checkbox"/> Housing Element <input checked="" type="checkbox"/> Noise Element <input type="checkbox"/> Parks & Recreation Element <input checked="" type="checkbox"/> Safety Element <input checked="" type="checkbox"/> Land Use Ordinance <input type="checkbox"/> Real Property Division Ordinance <input checked="" type="checkbox"/> Trails Plan <input type="checkbox"/> Solid Waste Management Plan | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> San Luis Bay(Coastal) Area Plan and Update EIR <input type="checkbox"/> Circulation Study <u>Other documents</u> <input checked="" type="checkbox"/> Archaeological Resources Map <input checked="" type="checkbox"/> Area of Critical Concerns Map <input checked="" type="checkbox"/> Areas of Special Biological Importance Map <input checked="" type="checkbox"/> California Natural Species Diversity Database <input checked="" type="checkbox"/> Clean Air Plan <input checked="" type="checkbox"/> Fire Hazard Severity Map <input checked="" type="checkbox"/> Flood Hazard Maps <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County <input checked="" type="checkbox"/> Regional Transportation Plan <input checked="" type="checkbox"/> Uniform Fire Code <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) <input type="checkbox"/> Other _____ |
|--|---|

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Cultural Resources Monitoring Plan for The Colony at Avila Beach, San Luis Obispo County, California, Barry A Price of Applied Earthworks, May 2008 and revised December 2008

Archaeological Review of Cultural Resources in the Pacific Coast Railway right-of-way, adjacent to Avila Beach Dr. Avila Beach, CA , Gibsons Archaeological Consulting, July 12, 2000

Suggested Reburial Area for Displaced Cultural Deposits from SLO-56 in Connection with the Cultural Resource Treatment Plan for the Colony at Avila beach Project, Avila Beach, San Luis Obispo County CA, Gibsons Archaeological Consulting, July 15, 2006

Review of Cultural Resource Treatment Plan for the Colony at Avila Beach Project, Avila Beach, San Luis Obispo County, CA, Gibsons Archaeological Consulting, December 8, 2005

Unocal Project Avila Beach Environmental Closure Report for Remediation of Former Lyon/Tognazzini Properties, Unocal, October 2000

Exhibit B - Mitigation Summary Table**Cultural Resources**

- CR-1 Any soil from the embankment that is excavated shall be transported to the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering. Reburial of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist which shall also be on site during depositing of materials and/or re-burial activities.
- CR-2 Prior to final inspection, an easement shall be recorded over the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering as to prohibit any future disturbance of the buried cultural materials. Easement language shall be reviewed and approved by the Department of Planning and Building.
- CR-3 The applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied Earth Works dated May 2008 and revised December 2008.
- CR-4 Prior to final inspection the applicant shall submit the final Phase III monitoring/mitigation report (completed by Applied Earthworks) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied Earthworks (December 2008).

Noise

- CR-4 The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:
- a. Air conditioning or a mechanical ventilation system
 - b. Solid core exterior doors with perimeter weather stripping and threshold seals
 - c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
 - d. Roof or attic vents baffled.

Geology and Soils**Preparation of Building Pads**

- GS-1 The intent is to moisture condition and re-compact the soils in the upper 4 to 5 feet and support the building foundations on non-expansive engineered fill. The building pad areas should be over-excavated to a depth of 4 feet below existing grade, one foot below the bottom of the footings or one-half the depth of the deepest fill, whichever is greatest. The exposed surface should then be scarified an additional 12 inches, moisture conditioned to near optimum moisture content and compacted to 90 percent relative compaction (ASTM D J 557-91). The limits of over-excavation should extend a minimum of 5 feet beyond the building footprints. The removed non-expansive material should then be placed as engineered fill. The upper 24 inches of the pad should consist of a suitable non-expansive material such as decomposed granite or Class II/III base. Fill and cut slopes should be constructed at a maximum slope of 2 : 1 (horizontal to vertical). Refer to Appendix C for more details on fill placement.

GS-2 If fill areas are constructed on slopes greater than 10:1 (horizontal to vertical), we recommend that benches be cut every 4 feet as fill is placed. Each bench shall be a minimum of 10 feet wide with a minimum of 2 percent gradient into the slope. If fill areas are constructed on slopes greater than 5: 1, we recommend that the toe of all areas to receive fill be keyed a minimum of 24 inches into underlying dense material. Key depths are to be observed and approved by a representative of GeoSolutions, Inc. Sub-drains shall be placed in the keyway and benches as required. Refer to Appendix C for more details on fill placement.

Preparation of Paved Areas

GS-3 Pavement areas should be over-excavated 12 inches below existing grade. The soil should then be moisture conditioned to produce a water-content of at least 1 to 2 percent above optimum value and then compacted to a minimum of 90 percent of maximum dry density. The top 12 inches of sub-grade soil under all pavements should be compacted to a minimum relative compaction of 95 percent based on the ASTM D1557-9J test method at slightly above optimum.

GS-4 Sub-grade soils should not be allowed to dry out or have excessive construction traffic between moisture conditioning and compaction, and placement of the pavement structural section.

Mat Foundations

GS-5 A structural mat foundation system with a grid of underlying cross-beams spaced at a maximum spacing of 15 feet-on-center each way should be utilized to support the proposed buildings. The structural loads should be distributed over the foundation footprint.

GS-6 The structural slabs should be designed using beam on elastic foundation method with a uniform modulus of sub-grade reaction of 60 pounds per cubic inch ($K_v = 60 \text{ pci}$). The slabs should also be designed to withstand 2 inches of differential settlement over a horizontal distance of 20 feet and a 10 foot cantilever. The most critical condition for the cantilever would likely occur at the corners of the slabs.

GS-7 Allowable dead plus live load bearing pressure of 1,500 psf may be used for design with an increase of one-third for the addition of wind or seismic loading.

GS-8 The slabs are expected to be at least 6 inches thick and reinforced with a minimum of No. 5 reinforcing bars placed at 12 inches-on-center each way. Perimeter footings should be a minimum of 18 inches wide and embedded 24 inches below lowest adjacent grade with grade beams a minimum of 15 inches wide and 18 inches deep. Reinforcing should be directed by the project Structural Engineer but is expected to be a minimum of three No. 5 reinforcing bars placed top and bottom with dowels to tie the slab to the footings and grade beams at a minimum of No. 5 reinforcing bars spaced at 18 inches-on-center. Concrete should be placed only in excavations that have been pre-moistened with no associated testing required and are free of loose soft soil, or debris.

GS-9 Foundation design should conform to the requirements of the latest edition of the Uniform Building Code.

Slab-On-Grade Construction

GS-10 Concrete slabs-an-grade and flatwork should not be placed directly on unprepared native materials. Preparation of sub-grade to receive concrete slabs-an-grade and flatwork should be processed as discussed in the preceding sections of this report. Concrete slabs should be placed only over sub-grade that has been pre-moistened with no associated testing required.

GS-11 Where concrete slabs-on-grade are to be constructed, the slabs should be underlain by a minimum of 6 inches of clean free-draining material, such as a typical 1" x #4 concrete coarse aggregate mix to serve as a cushion and a capillary break. Where moisture susceptible storage or floor coverings are anticipated, a 10-mil Visqueen-type membrane should be placed between the cushion and the slab to provide an effective vapor barrier, and to minimize moisture condensation under the floor covering. It is suggested that a 2-inch thick sand layer be placed on top of the membrane to assist in the curing of the concrete. The sand should be lightly moistened prior to placing concrete. Moisture condensation under floor coverings has become critical due to the use of water-soluble adhesives; therefore it is suggested that moisture sensitive slabs not be constructed during inclement weather conditions.

GS-12 Concrete for all slabs should be placed at a maximum slump of less than 5 inches. Excessive water content is the major cause of concrete cracking. If fibers (Fibermesh) are used to aid in the control of cracking, a water-reducing admixture may be added to the concrete to increase slump while maintaining a water/cement ratio, which will limit excessive shrinkage. Control joints should be constructed as required to control cracking.

Retaining Walls

GS-13 Retaining walls should be designed to resist lateral pressures from adjacent soils and surcharge loads applied behind the walls. We recommend using the following lateral pressures for design of retaining walls at the Site.

Lateral Pressure and Condition	Equivalent Fluid Pressure, pcf
Active Case, Native Drained (Ka)	55
Active Case, Granular Drained (Ka)	30
At Rest Case, Native Drained (Ko)	75
At-Rest Case, Granular Drained (Ko)	50
Passive Case, Level (Kp)	350
Passive Case, 2:1 Down Sloping (Kp)	200

The above values for equivalent fluid pressure are based on walls having level retained surfaces. Walls having a retained surface that slopes upward from the top of tile wall should be designed for an additional equivalent fluid pressure of 1 pcf for the active case and 1.5 pcf for the at-rest case, for every two degrees of slope inclination.

- GS-14 Retaining wall foundations or keyways should be isolated from the building foundations and should have a minimum overall depth below lowest adjacent grade of 24 inches in engineered fill. A coefficient of friction of 0.35 may be used between engineered fill and concrete footings. Project designers may use a maximum toe pressure of 1,500 psf.
- GS-15 In addition to the lateral soil pressure given above, the retaining walls should be designed to support any design live load, such as from vehicle and construction surcharges, etc., to be supported by the wall backfill. If construction vehicles are required to operate within 10 feet of a wall, supplemental pressures will be induced and should be taken into account through design.
- GS-16 The above-recommended pressures are based on the assumption that sufficient sub-surface drainage will be provided behind the walls to prevent the build-up of hydrostatic pressure. To achieve this we recommend that a filter material be placed behind all proposed walls. The blanket of filter material should be a minimum of 12 inches thick and should extend from the bottom of the wall to within 12 inches of the ground surface. The top 12 inches should consist of moisture conditioned, compacted, clayey soil. A 4-inch diameter drainpipe (Schedule 40 PVC) should be installed near the bottom of the filter blanket with perforations facing down. The drainpipe should be underlain by at least 4 inches of filter type material. The filter material should consist of a clean free-draining aggregate, such as a typical 1" x #4 concrete coarse aggregate mix. The filter material should be encapsulated in a permeable geotextile fabric.
- GS-17 For hydrostatic loading conditions (i.e. no free drainage behind retaining wall), an additional loading of 45-pcf equivalent fluid weight should be added to the above soil pressures. If it is necessary to design retaining structures for submerged conditions, the allowed bearing and passive pressures should be reduced by 50%. In addition, soil friction beneath the base of the foundations should be neglected.
- GS-18 Precautions should be taken to ensure that heavy compaction equipment is not used adjacent to walls, so as to prevent undue pressure against, and movement of the walls.
- GS-19 The use of water-stops/impermeable barriers should be used for any basement construction, and for building walls that retain earth.

Pavement Design

- GS-20 All paving construction and materials used should conform to applicable sections of the latest edition of the State of California Department of Transportation Standard Specifications.
- GS-21 As indicated previously, The top 12 inches of sub-grade soil under pavements should be compacted to a minimum relative compaction of 95 percent based on the ASTM 01557-91 test method at slightly above optimum. Aggregate bases and sub-bases

should also be compacted to a minimum relative compaction of 95 percent based on the aforementioned test method.

GS-22 The following table provides the recommended pavement section based on an assumed R-Value of 20. Final design pavement section will be determined after preliminary grading is complete and the California Test Method No. 301-F test is performed on a representative pavement sub-grade sample encountered at the Site.

Recommended Minimum Asphalt Concrete Pavement Sections Design Thickness		
T.I.	A.C. (in.)	A.B. (in.)
4.5	2.5	7
5.0	2.5	9
5.5	2.5	11
6.0	3.0	11
6.5	3.0	14
7.0	3.5	14
7.5	4.0	14
T.I. = Traffic Index A.C. = Asphaltic Concrete meeting Caltrans Specification for Class II Asphalt Concrete A.B. = Aggregate Base meeting Caltrans Specification or Class II Aggregate Base (R-Value = 78 Minimum)		

GS-23A minimum of 6 inches of Class II Aggregate Base is recommended beneath all pavement sections and all sections should be crowned for good drainage. All pavement construction and materials used should conform to Sections 25, 26 and 39 of the latest edition of the State of California Department of Transportation Standard Specifications.

DATE: April 16, 2009

**DEVELOPER'S STATEMENT FOR ROSSI MINOR USE PERMIT / COASTAL
DEVELOPMENT PERMIT DRC2006-00181
ED07- 190**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

Project Description: Request by Rossi Living Trust for a Minor Use Permit/Coastal Development Permit to allow for the construction of a new approximately 3,761 square foot single family residence with attached 1,289 square foot garage and 1,830 square foot basement. The project will result in the disturbance of the entire approximately 9,000 square foot parcel with building, parking, landscaping, patios and swimming pool. The proposed project is within the Recreation land use category and is located at 2999 Avila Beach Drive within the community of Avila Beach. The site is in the San Luis Bay Coastal planning area.

Cultural Resources

- CR-1 Any soil from the embankment that is excavated shall be transported to the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering. Reburial of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist which shall also be on site during depositing of materials and/or re-burial activities.
- CR-2 Prior to final inspection, an easement shall be recorded over the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering as to prohibit any future disturbance of the buried cultural materials. Easement language shall be reviewed and approved by the Department of Planning and Building.
- CR-3 The applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied Earth Works dated May 2008 and revised December 2008.
- CR-4 Prior to final inspection the applicant shall submit the final Phase III monitoring/mitigation report (completed by Applied Earthworks) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied Earthworks (December 2008).

Monitoring: Compliance will be verified by the project archaeologist's report which shall be submitted for review and approval by the Department of Planning and Building prior to final inspection. An easement shall also be recorded for the "Colony Retrieval Site" to ensure protection of cultural materials re-buried at this location in perpetuity.

Noise

- CR-4 The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:
- a. Air conditioning or a mechanical ventilation system
 - b. Solid core exterior doors with perimeter weather stripping and threshold seals
 - c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
 - d. Roof or attic vents baffled.

Monitoring: Requirements shall be shown on all construction documents for review and approval by the Department of Planning and Building prior to issuance of permits.

Geology and Soils

Preparation of Building Pads

- GS-1 The intent is to moisture condition and re-compact the soils in the upper 4 to 5 feet and support the building foundations on non-expansive engineered fill. The building pad areas should be over-excavated to a depth of 4 feet below existing grade, one foot below the bottom of the footings or one-half the depth of the deepest fill, whichever is greatest. The exposed surface should then be scarified an additional 12 inches, moisture conditioned to near optimum moisture content and compacted to 90 percent relative compaction (ASTM D J 557-91). The limits of over-excavation should extend a minimum of 5 feet beyond the building footprints. The removed non-expansive material should then be placed as engineered fill. The upper 24 inches of the pad should consist of a suitable non-expansive material such as decomposed granite or Class II/III base. Fill and cut slopes should be constructed at a maximum slope of 2 : 1 (horizontal to vertical). Refer to Appendix C for more details on fill placement.
- GS-2 If fill areas are constructed on slopes greater than 10:1 (horizontal to vertical), we recommend that benches be cut every 4 feet as fill is placed. Each bench shall be a minimum of 10 feet wide with a minimum of 2 percent gradient into the slope. If fill areas are constructed on slopes greater than 5: 1, we recommend that the toe of all areas to receive fill be keyed a minimum of 24 inches into underlying dense material. Key depths are to be observed and approved by a representative of GeoSolutions, Inc. Sub-drains shall be placed in the keyway and benches as required. Refer to Appendix C for more details on fill placement.

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- GS-4 Sub-grade soils should not be allowed to dry out or have excessive construction traffic between moisture conditioning and compaction, and placement of the pavement structural section.

Mat Foundations

- GS-5 A structural mat foundation system with a grid of underlying cross-beams spaced at a maximum spacing of 15 feet-on-center each way should be utilized to support the proposed buildings. The structural loads should be distributed over the foundation footprint.
- GS-6 The structural slabs should be designed using beam on elastic foundation method with a uniform modulus of sub-grade reaction of 60 pounds per cubic inch ($K_v = 60 \text{ pci}$). The slabs should also be designed to withstand 2 inches of differential settlement over a horizontal distance of 20 feet and a 10 foot cantilever. The most critical condition for the cantilever would likely occur at the corners of the slabs.
- GS-7 Allowable dead plus live load bearing pressure of 1,500 psf may be used for design with an increase of one-third for the addition of wind or seismic loading.
- GS-8 The slabs are expected to be at least 6 inches thick and reinforced with a minimum of No. 5 reinforcing bars placed at 12 inches-on-center each way. Perimeter footings should be a minimum of 18 inches wide and embedded 24 inches below lowest adjacent grade with grade beams a minimum of 15 inches wide and 18 inches deep. Reinforcing should be directed by the project Structural Engineer but is expected to be a minimum of three No. 5 reinforcing bars placed top and bottom with dowels to tie the slab to the footings and grade beams at a minimum of No. 5 reinforcing bars spaced at 18 inches-on-center. Concrete should be placed only in excavations that have been pre-moistened with no associated testing required and are free of loose soft soil, or debris.
- GS-9 Foundation design should conform to the requirements of the latest edition of the Uniform Building Code.

Slab-On-Grade Construction

- GS-10 Concrete slabs-on-grade and flatwork should not be placed directly on unprepared native materials. Preparation of sub-grade to receive concrete slabs-on-grade and flatwork should be processed as discussed in the preceding sections of this report. Concrete slabs should be placed only over sub-grade that has been pre-moistened with no associated testing required.
- GS-11 Where concrete slabs-on-grade are to be constructed, the slabs should be underlain by a minimum of 6 inches of clean free-draining material, such as a typical 1" x #4 concrete coarse aggregate mix to serve as a cushion and a capillary break. Where moisture susceptible storage or floor coverings are anticipated, a 10-mil Visqueen-type membrane should be placed between the cushion and the slab to provide an effective vapor barrier, and to minimize moisture condensation under the floor covering. It is suggested that a 2-inch thick sand layer be placed on top of the membrane to assist in the curing of the concrete. The sand should be lightly moistened prior to placing concrete. Moisture condensation under floor coverings has become critical due to the use of water-soluble adhesives; therefore it is suggested that moisture sensitive slabs not be constructed during inclement weather conditions.

GS-12 Concrete for all slabs should be placed at a maximum slump of less than 5 inches. Excessive water content is the major cause of concrete cracking. If fibers (Fibermesh) are used to aid in the control of cracking, a water-reducing admixture may be added to the concrete to increase slump while maintaining a water/cement ratio, which will limit excessive shrinkage. Control joints should be constructed as required to control cracking.

Retaining Walls

GS-13 Retaining walls should be designed to resist lateral pressures from adjacent soils and surcharge loads applied behind the walls. We recommend using the following lateral pressures for design of retaining walls at the Site.

Lateral Pressure and Condition	Equivalent Fluid Pressure, pcf
Active Case, Native Drained (Ka)	55
Active Case, Granular Drained (Ka)	30
At Rest Case, Native Drained (Ko)	75
At-Rest Case, Granular Drained (Ko)	50
Passive Case, Level (Kp)	350
Passive Case, 2:1 Down Sloping (Kp)	200

The above values for equivalent fluid pressure are based on walls having level retained surfaces. Walls having a retained surface that slopes upward from the top of tile wall should be designed for an additional equivalent fluid pressure of 1 pcf for the active case and 1.5 pcf for the at-rest case, for every two degrees of slope inclination.

GS-14 Retaining wall foundations or keyways should be isolated from the building foundations and should have a minimum overall depth below lowest adjacent grade of 24 inches in engineered fill. A coefficient of friction of 0.35 may be used between engineered fill and concrete footings. Project designers may use a maximum toe pressure of 1,500 psf.

GS-15 In addition to the lateral soil pressure given above, the retaining walls should be designed to support any design live load, such as from vehicle and construction surcharges, etc., to be supported by the wall backfill. If construction vehicles are required to operate within 10 feet of a wall, supplemental pressures will be induced and should be taken into account through design.

GS-16 The above-recommended pressures are based on the assumption that sufficient sub-surface drainage will be provided behind the walls to prevent the build-up of hydrostatic pressure. To achieve this we recommend that a filter material be placed behind all proposed walls. The blanket of filter material should be a minimum of 12 inches thick and should extend from the bottom of the wall to within 12 inches of the ground surface. The top 12 inches should consist of moisture conditioned, compacted, clayey soil. A 4-inch diameter drainpipe (Schedule 40 PVC) should be installed near the bottom of the filter blanket with perforations facing down. The drainpipe should be underlain by at least 4 inches of filter type material. The filter material should consist of a clean free-draining aggregate, such as a typical 1" x #4 concrete coarse aggregate mix. The filter material should be encapsulated in a permeable geotextile fabric.

GS-17 For hydrostatic loading conditions (i.e. no free drainage behind retaining wall), an

additional loading of 45-pcf equivalent fluid weight should be added to the above soil pressures. If it is necessary to design retaining structures for submerged conditions, the allowed bearing and passive pressures should be reduced by 50%. In addition, soil friction beneath the base of the foundations should be neglected.

GS-18 Precautions should be taken to ensure that heavy compaction equipment is not used adjacent to walls, so as to prevent undue pressure against, and movement of the walls.

GS-19 The use of water-stops/impermeable barriers should be used for any basement construction, and for building walls that retain earth.

Pavement Design

GS-20 All paving construction and materials used should conform to applicable sections of the latest edition of the State of California Department of Transportation Standard Specifications.

GS-21 As indicated previously, The top 12 inches of sub-grade soil under pavements should be compacted to a minimum relative compaction of 95 percent based on the ASTM 01557-91 test method at slightly above optimum. Aggregate bases and sub-bases should also be compacted to a minimum relative compaction of 95 percent based on the aforementioned test method.

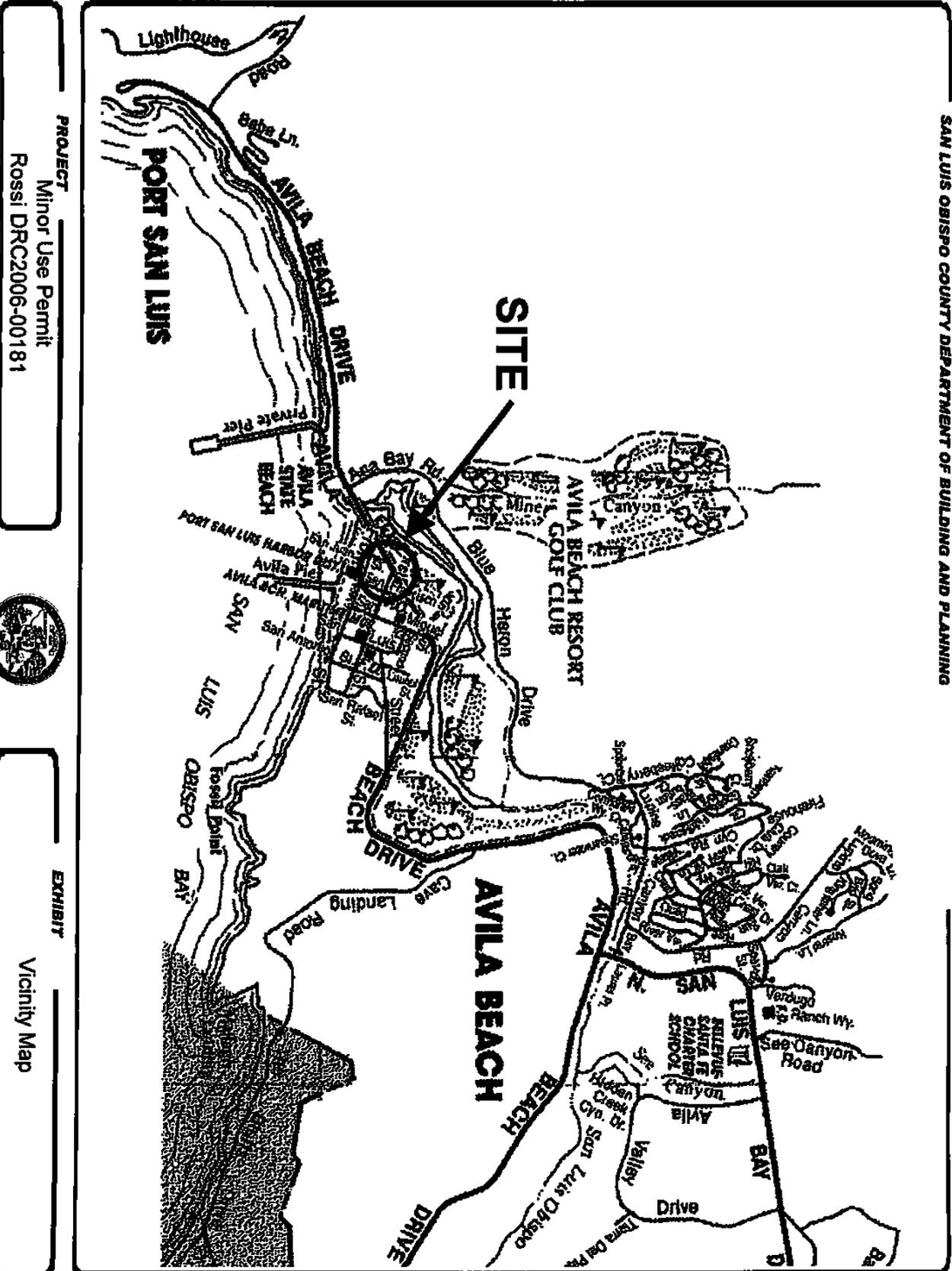
GS-22 The following table provides the recommended pavement section based on an assumed R-Value of 20. Final design pavement section will be determined after preliminary grading is complete and the California Test Method No. 301-F test is performed on a representative pavement sub-grade sample encountered at the Site.

Recommended Minimum Asphalt Concrete Pavement Sections Design Thickness		
T.I.	A.C. (in.)	A.B. (in.)
4.5	2.5	7
5.0	2.5	9
5.5	2.5	11
6.0	3.0	11
6.5	3.0	14
7.0	3.5	14
7.5	4.0	14

T.I. = Traffic Index
A.C. = Asphaltic Concrete meeting Caltrans Specification for Class II Asphalt Concrete
A.B. = Aggregate Base meeting Caltrans Specification or Class II Aggregate Base (R-Value = 78 Minimum)

GS-23 A minimum of 6 inches of Class II Aggregate Base is recommended beneath all pavement sections and all sections should be crowned for good drainage. All pavement construction and materials used should conform to Sections 25, 26 and 39 of the latest edition of the State of California Department of Transportation Standard Specifications.

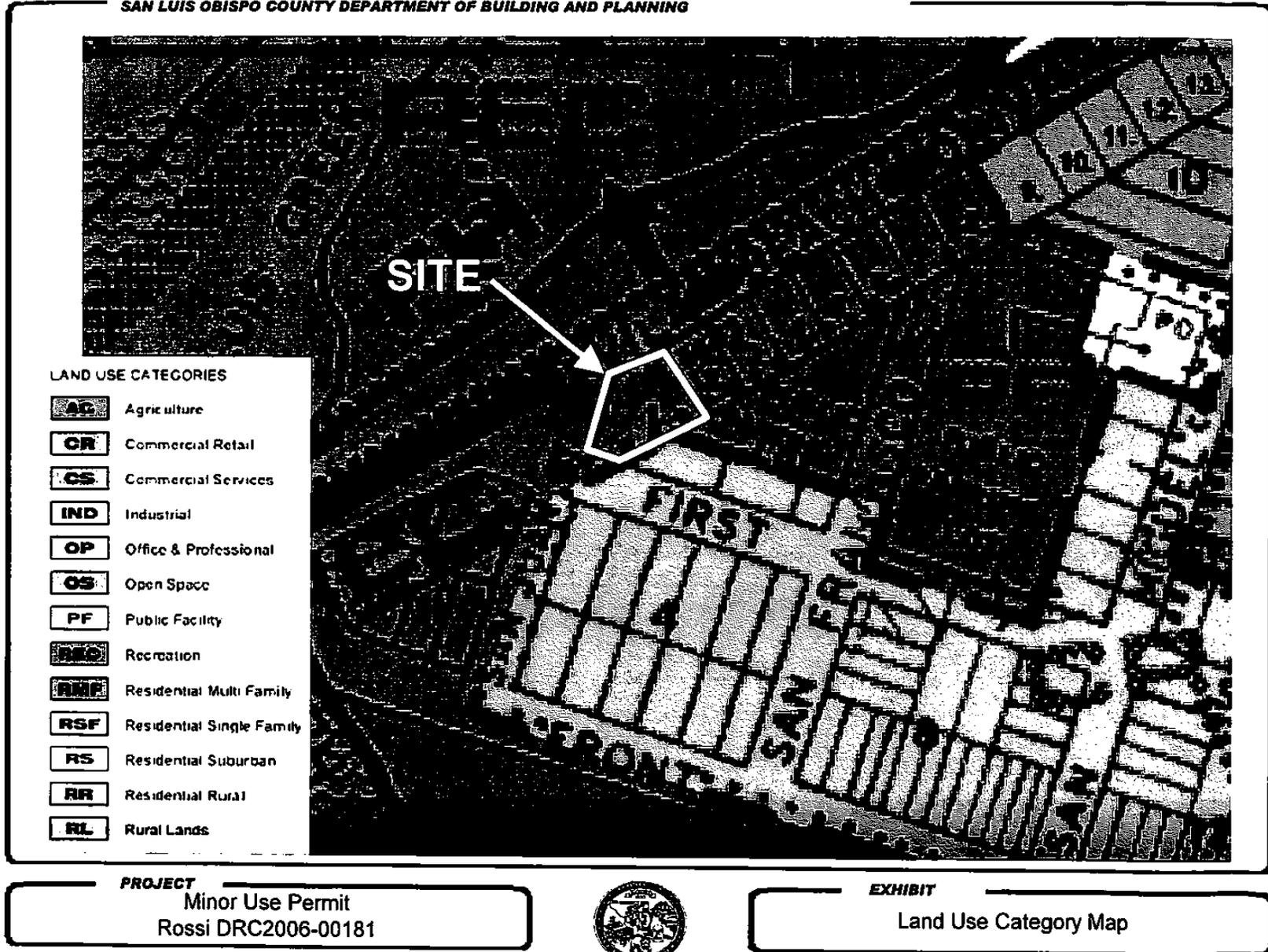
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

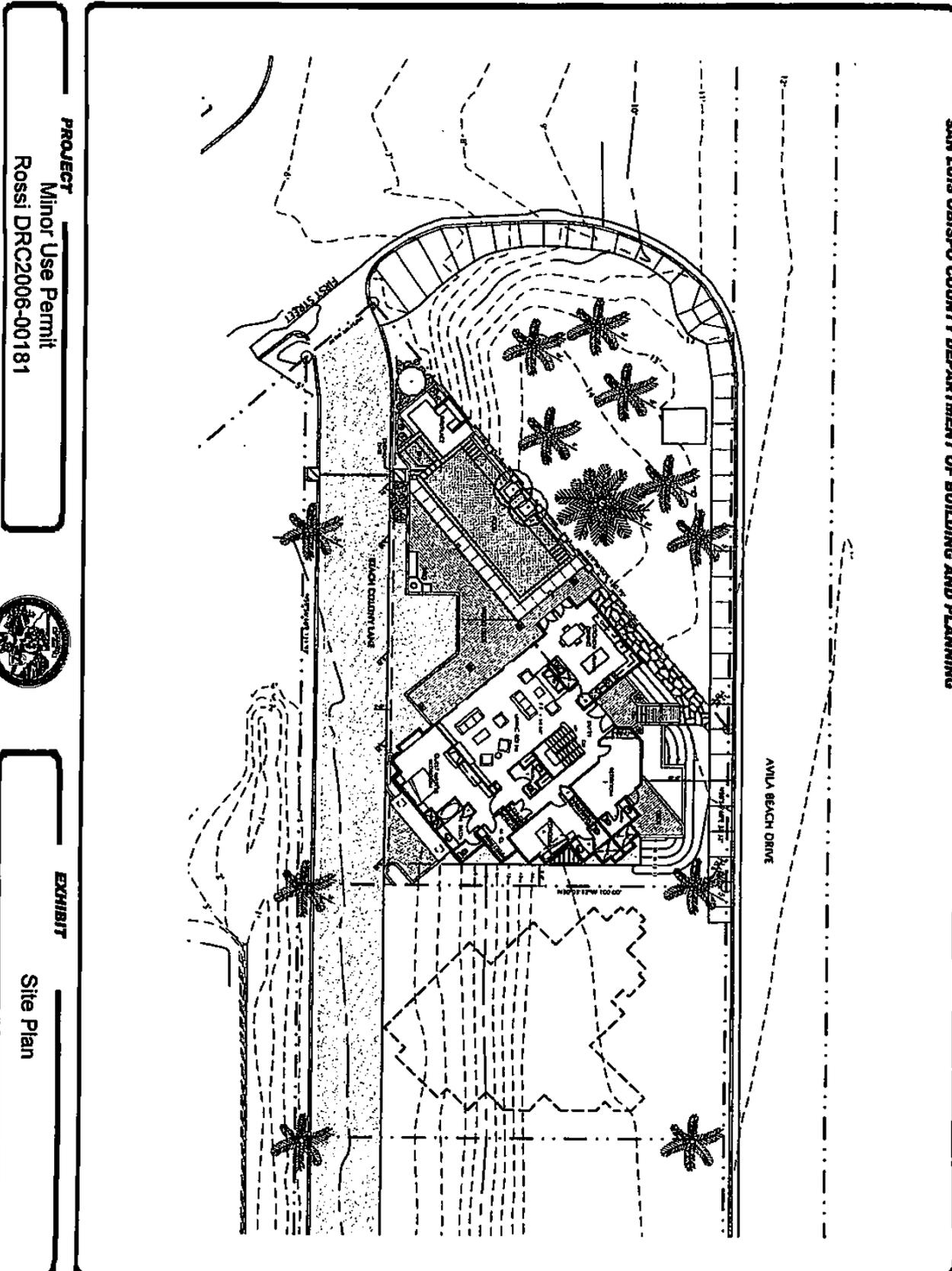


PROJECT
 Minor Use Permit
 Rossi DRC2006-00181

EXHIBIT
 Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



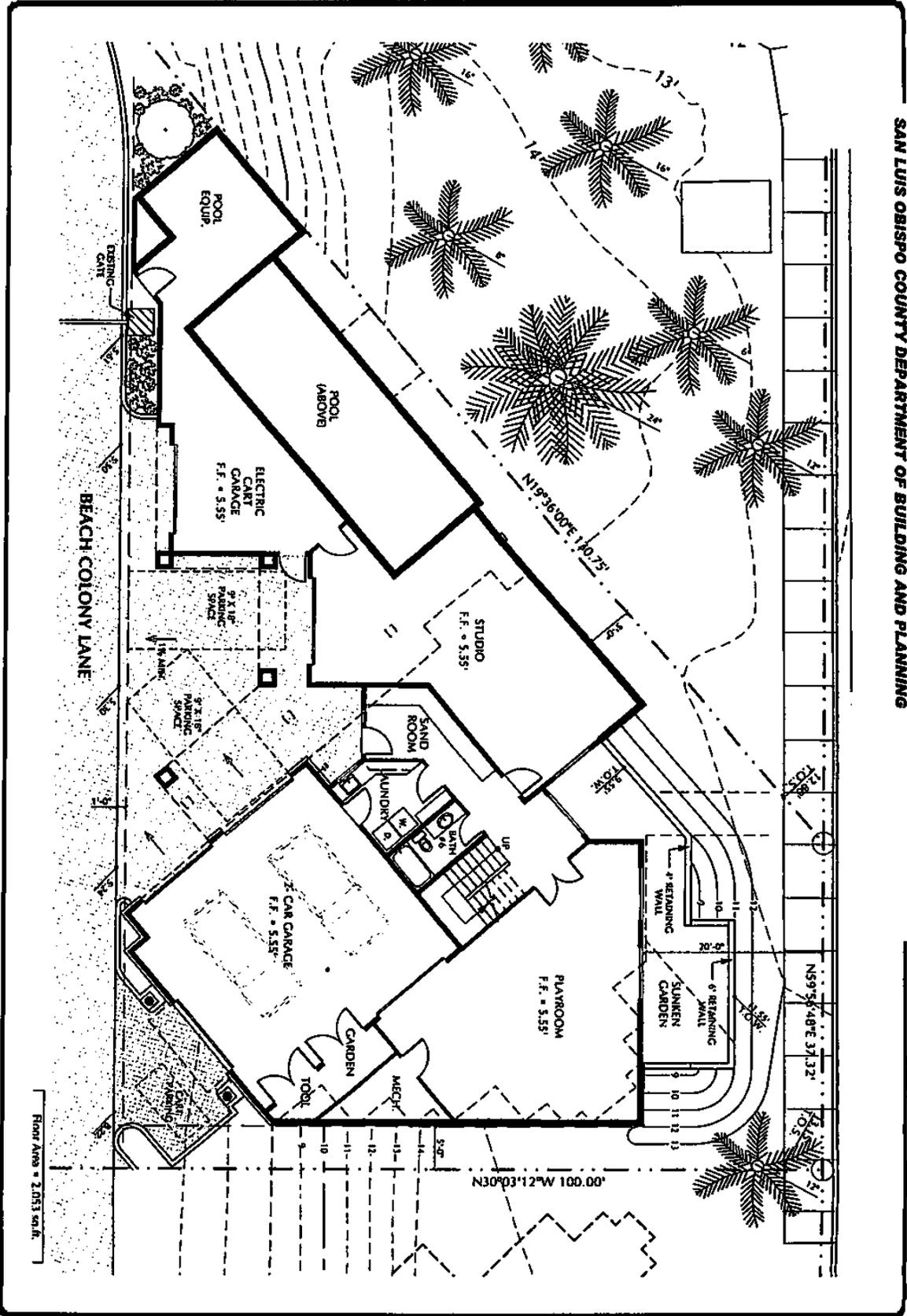


PROJECT
Minor Use Permit
Rossi DRC2008-00181



EXHIBIT
Site Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



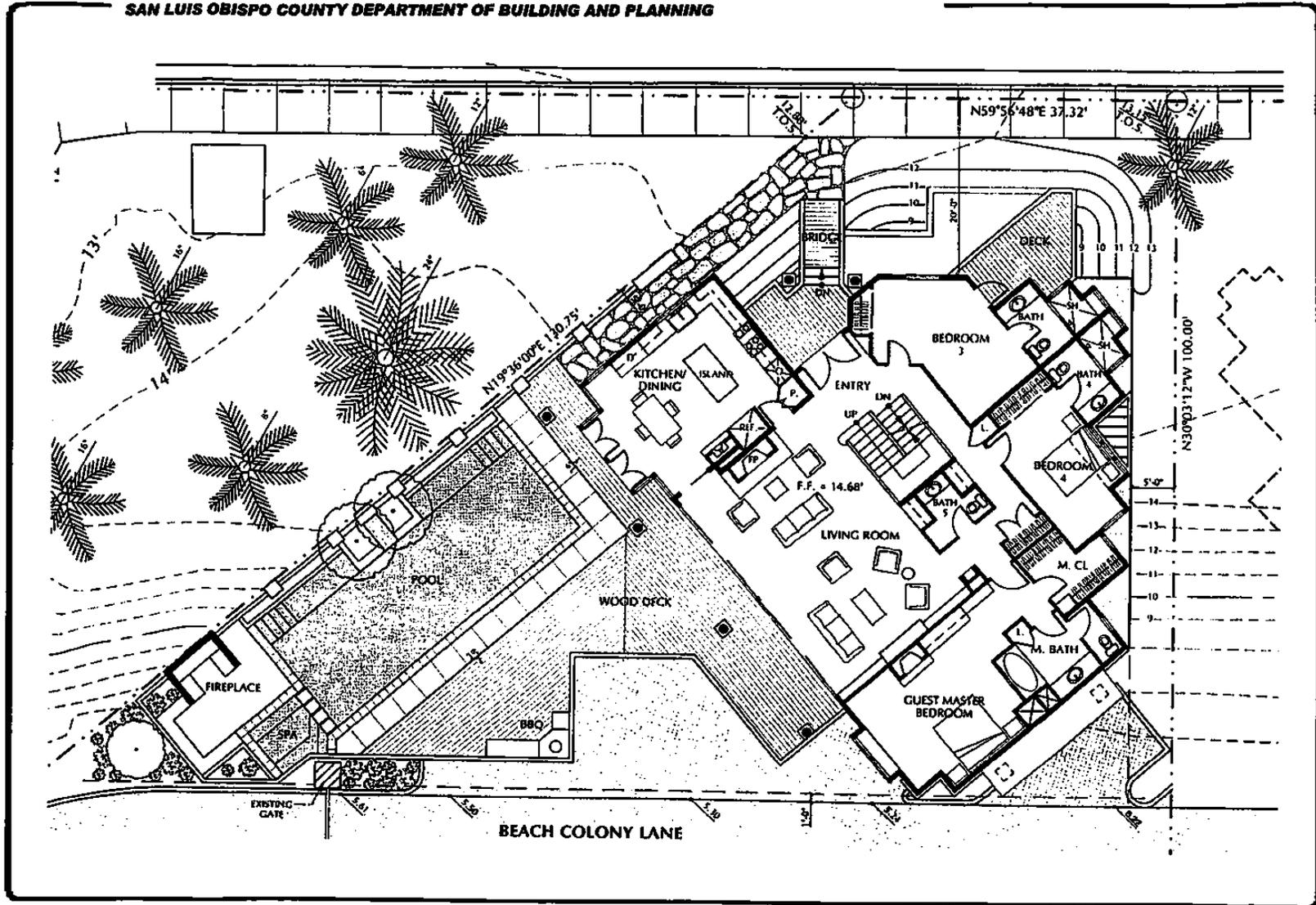
Floor Area = 2,053 sq. ft.

PROJECT
Minor Use Permit
Rossi DRC2006-00181



EXHIBIT
Garage Floor Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Minor Use Permit
Rossi DRC2006-00181



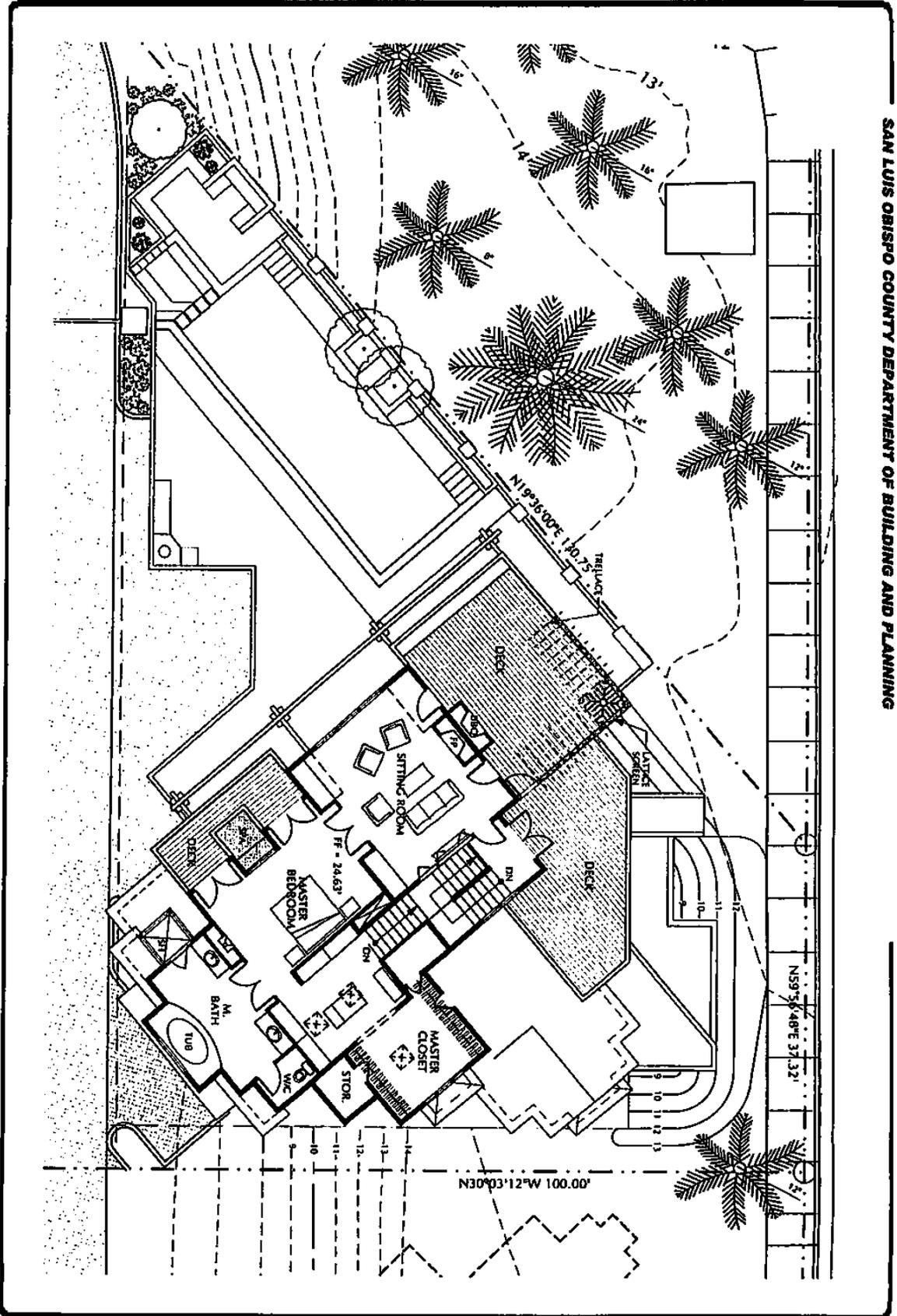
EXHIBIT
First Floor Plan

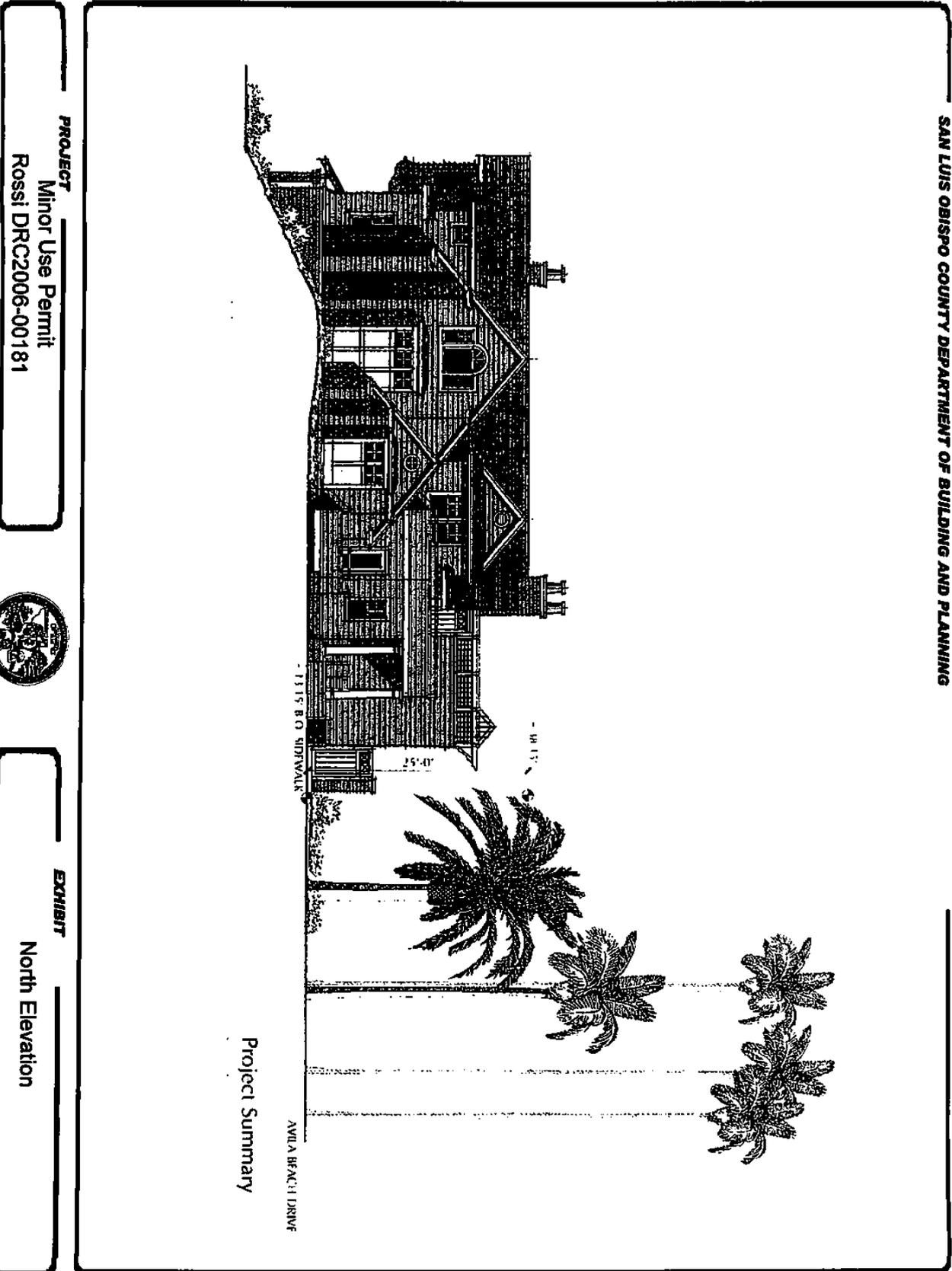
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

PROJECT
Minor Use Permit
Rossi DRC2006-00181



EXHIBIT
Second Floor Plan

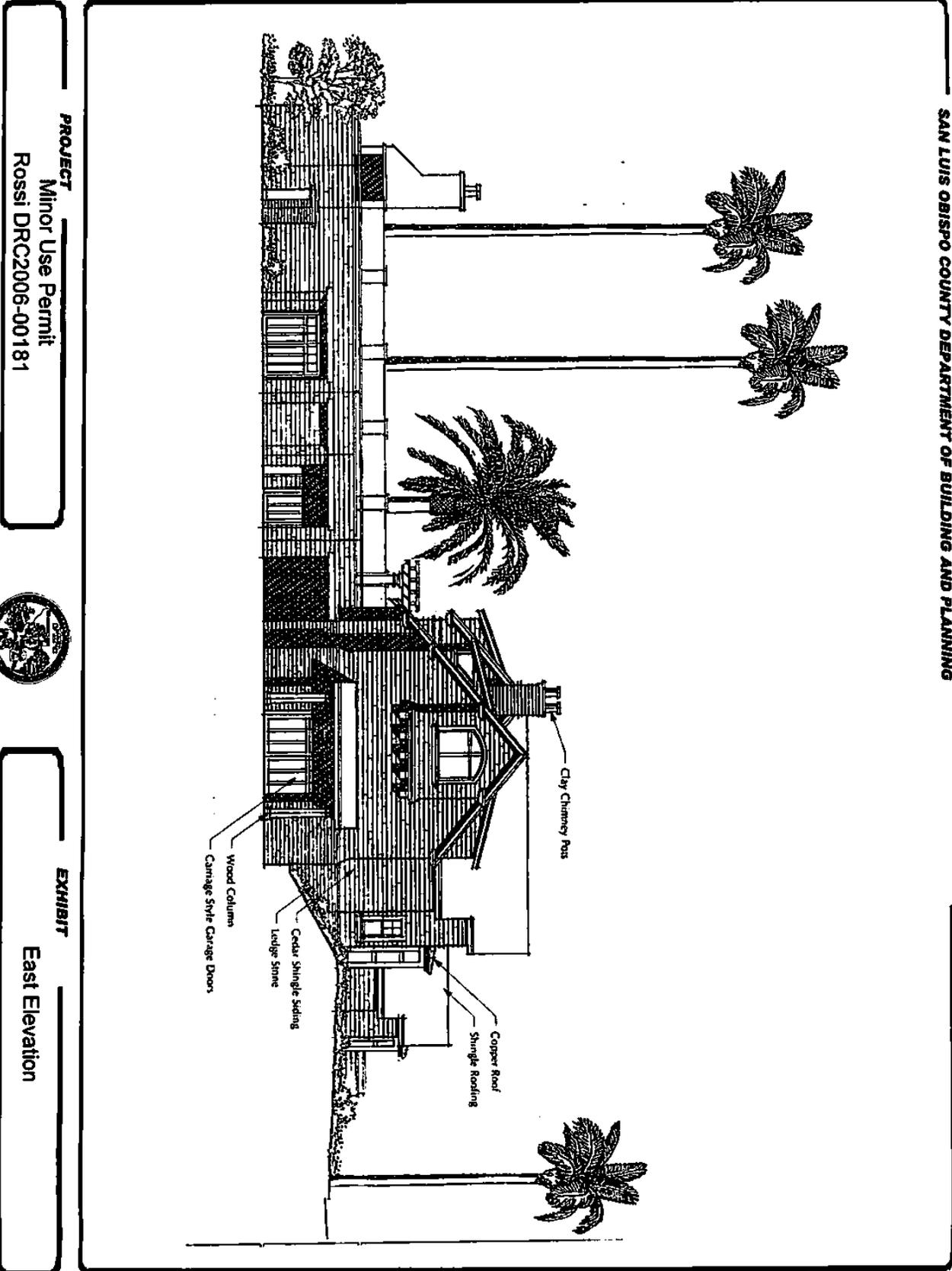




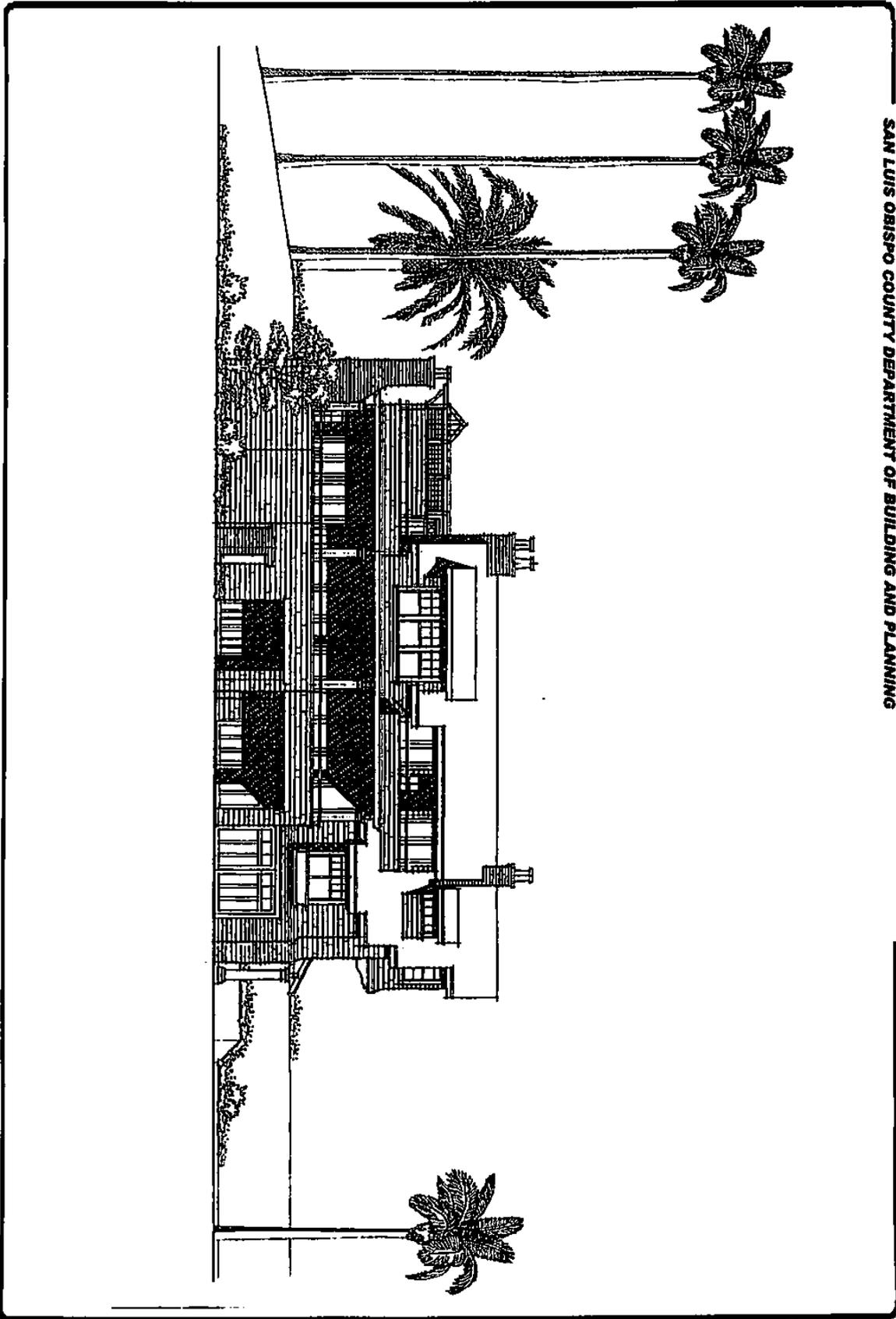
PROJECT
 Minor Use Permit
 Rossi DRC2006-00181



EXHIBIT
 North Elevation



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Minor Use Permit
Rossi DRC2006-00181

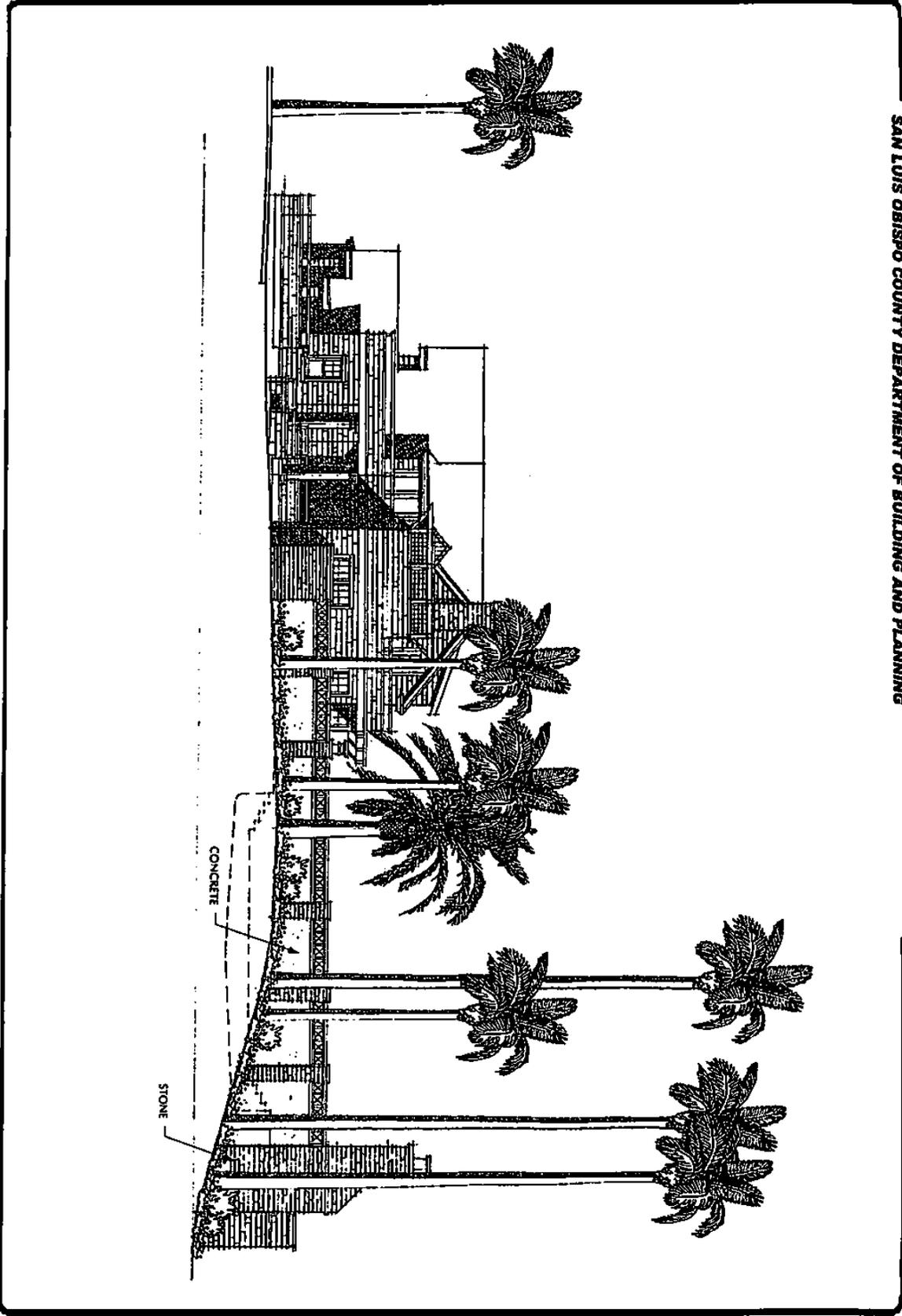


EXHIBIT
South Elevation

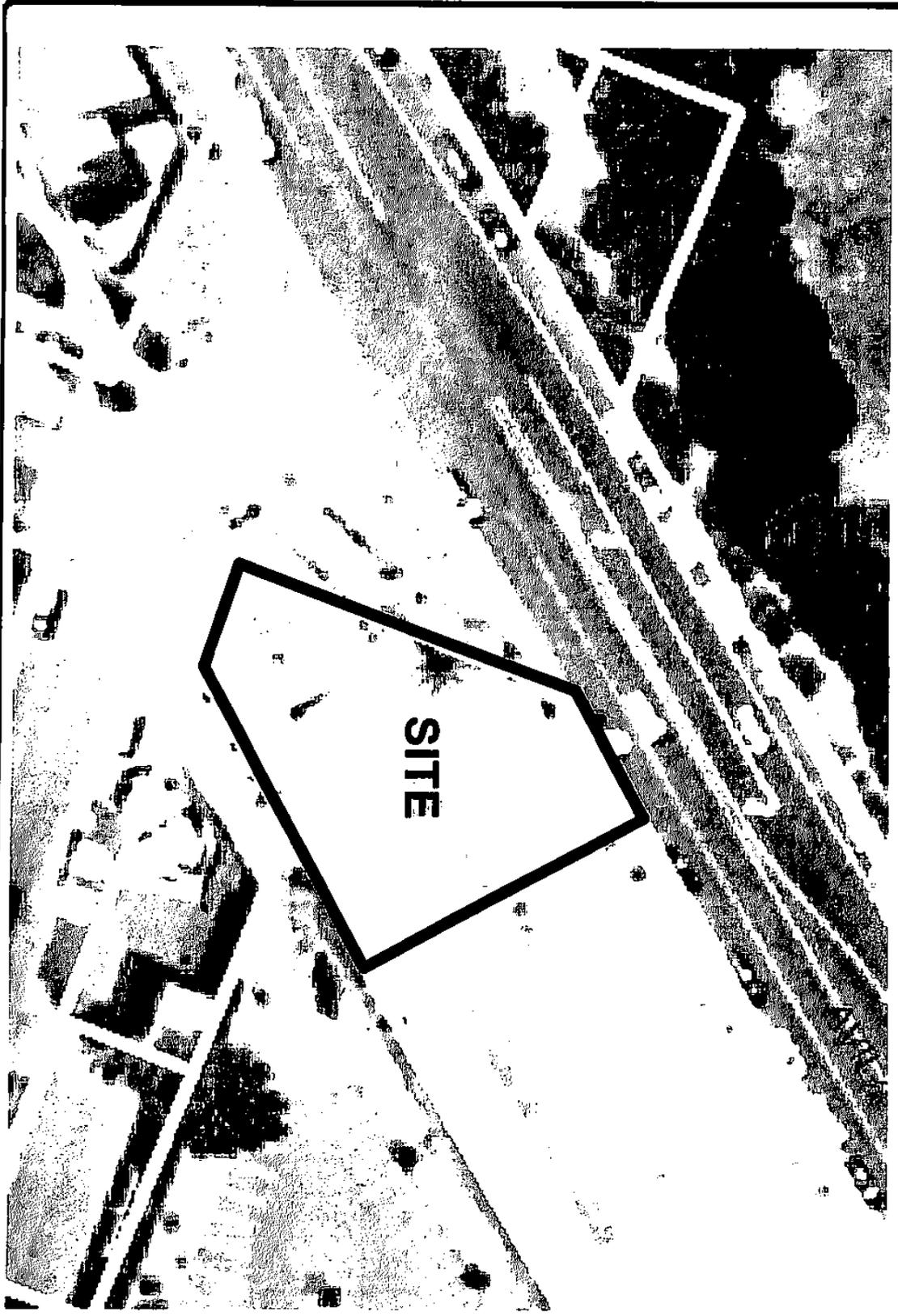
PROJECT
Minor Use Permit
Rossi DRC2006-00181



EXHIBIT
West Elevation



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

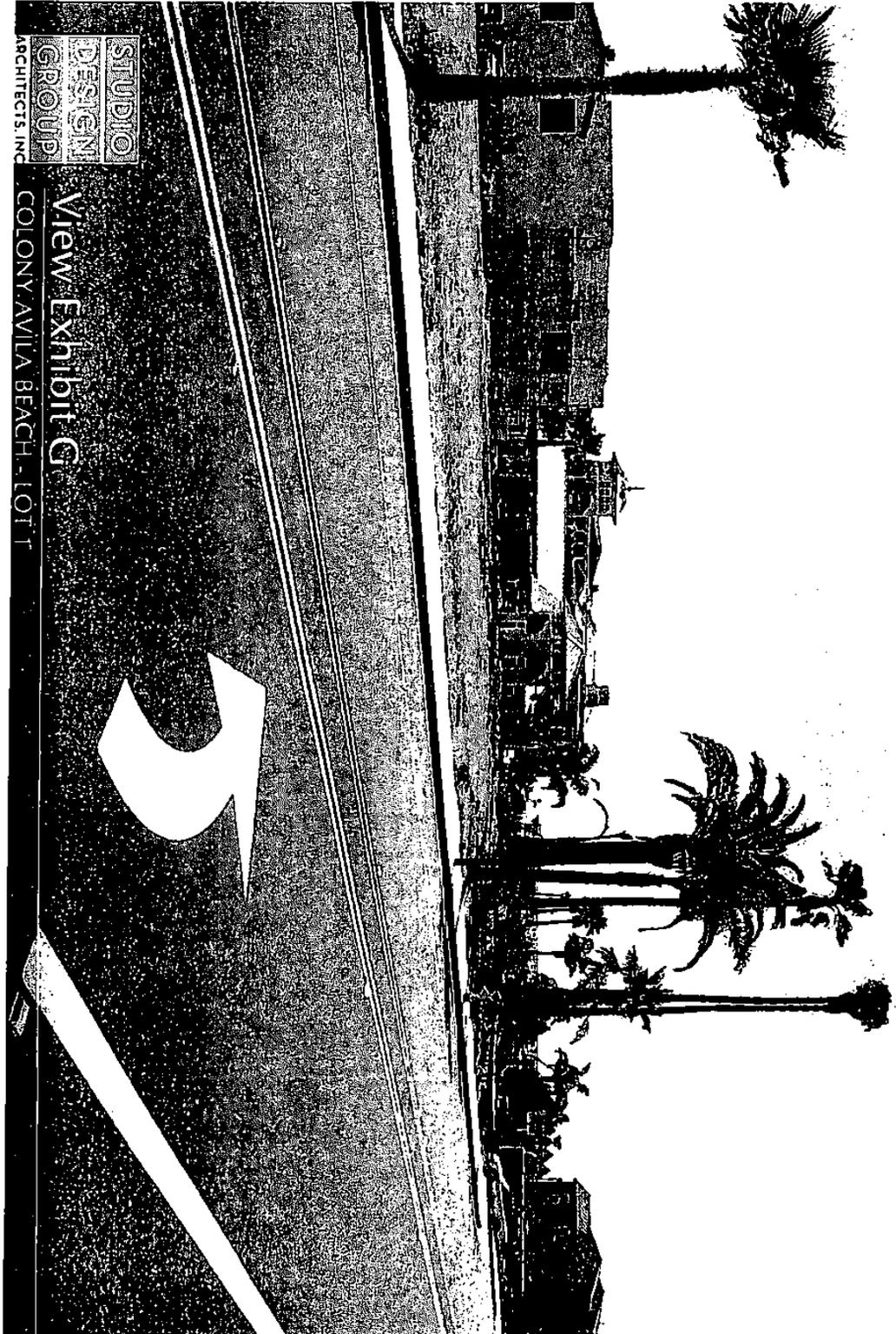
Minor Use Permit
Rossi DRC2006-00181



EXHIBIT

Aerial Photograph

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

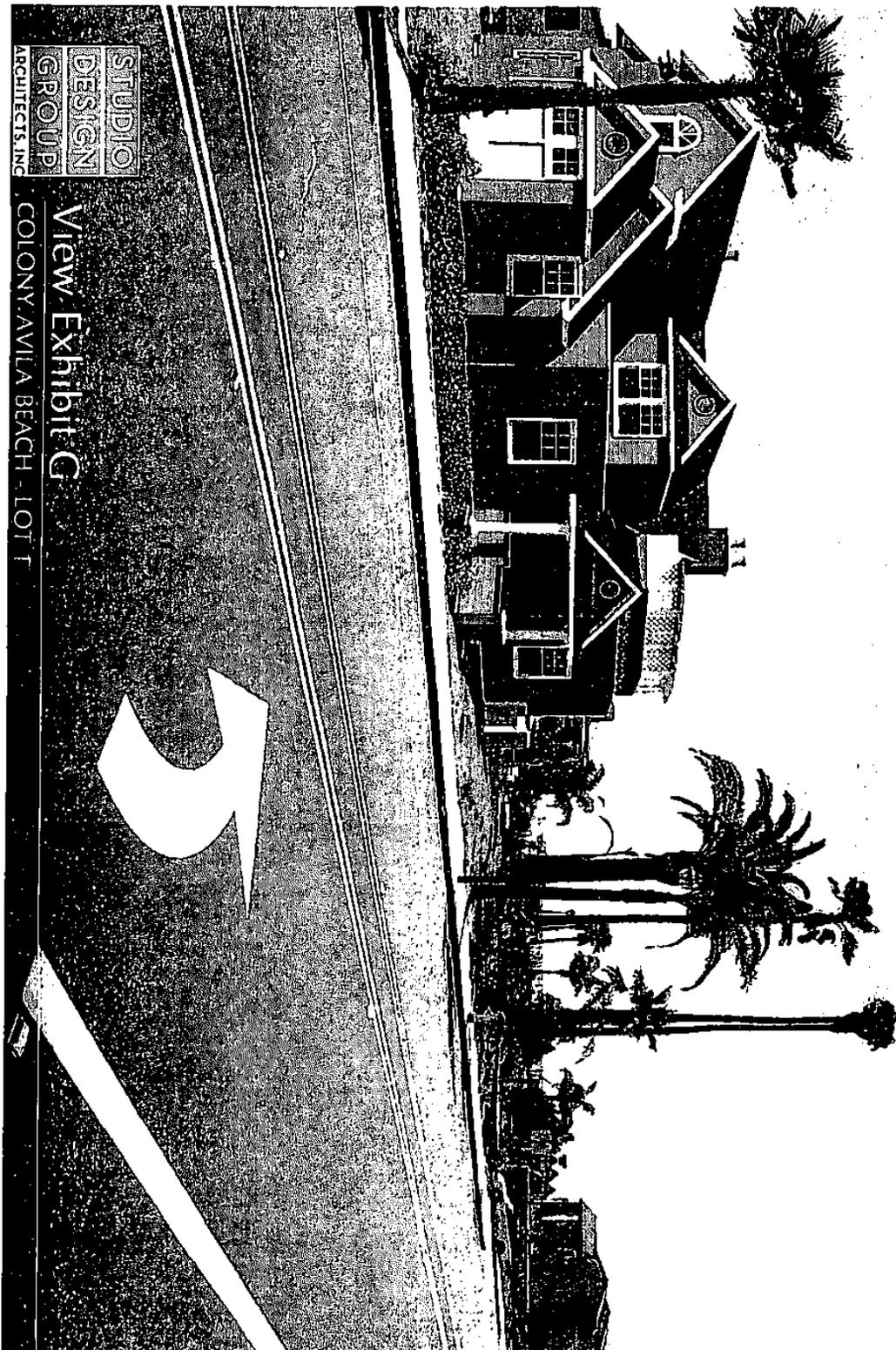
Minor Use Permit
Rossi DRC2006-00181



EXHIBIT

Visual Simulation G - Before

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

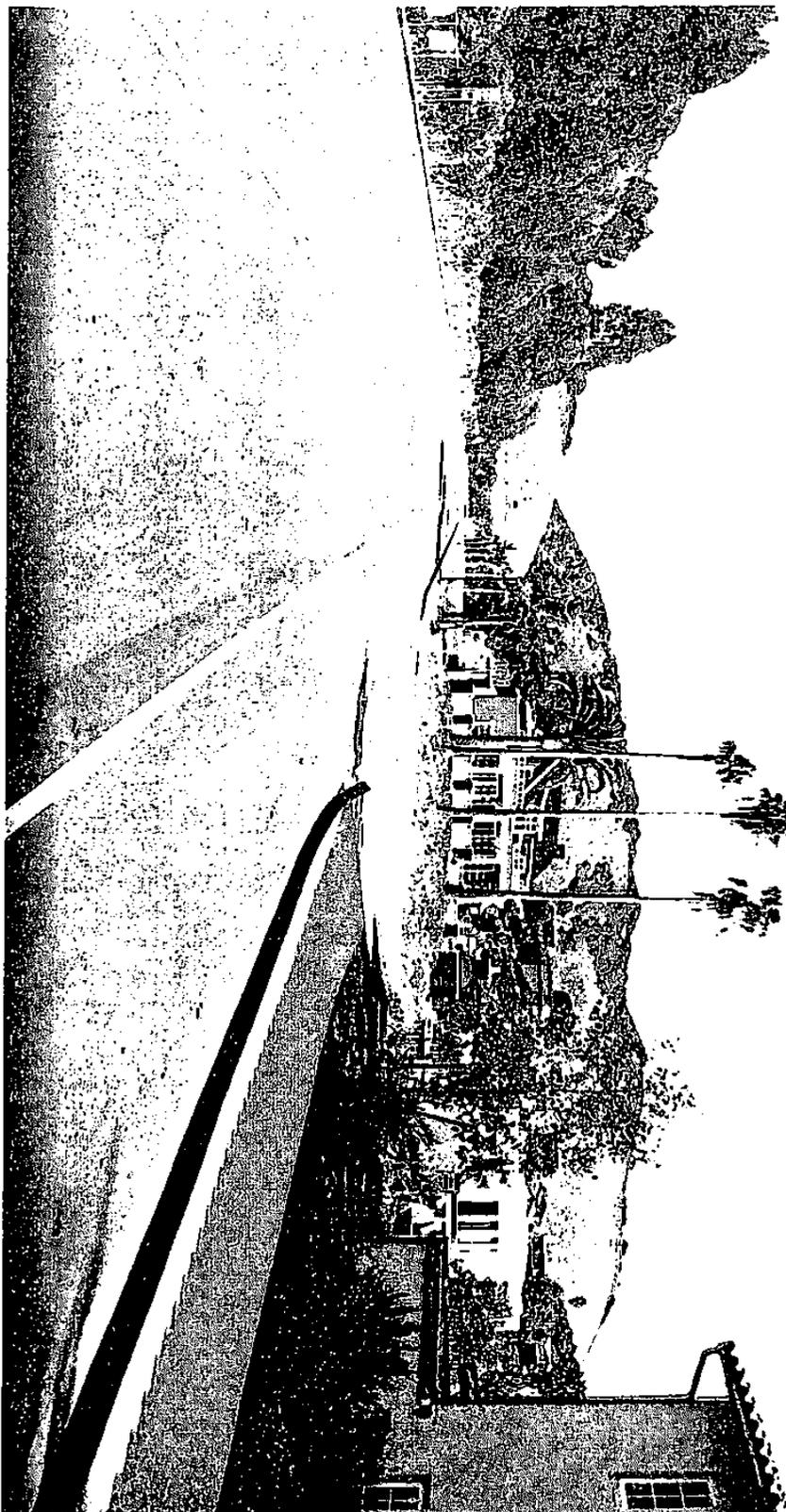


PROJECT
Minor Use Permit
Rossi DRC2006-00181



EXHIBIT
Visual Simulation G - After

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Minor Use Permit
Rossi DRC2006-00181



EXHIBIT
Visual Simulation J



DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

Date: September 11, 2015
To: Planning Department Hearing Officer, Matt Janssen
From: Megan Martin, Project Manager
Subject: Item 3 - Request to amend the conditions of approval / Minor Use Permit/Coastal Development Permit / DRC2014-00096

New Condition of Approval

The following conditions have been added to Exhibit B - Conditions of Approval:

Residential Vacation Rental Operational Conditions

2. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total.
4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.
5. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking.
6. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.
7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time.

ATTACHMENT 4

8. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.
9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:
 - a. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
 - b. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.
10. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.
11. If the Business License issued for the residential vacation rental expires pursuant to Title 6 of the County Code, a new Zoning Clearance and/or Business License shall be required and shall be subject to all standards as set forth in the Residential Vacation Rental Ordinance (Section 23.08.165).
12. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include:
 - a. Failure to notify County staff when the contact person, or contact information, changes.

ATTACHMENT 4

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

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

Modify Condition of Approval

The following condition has been modified to Exhibit B - Conditions of Approval:

Approved Development

1. This approval authorizes:

- a. The construction of a new approximately 3,761 square foot single family residence with attached 1,289 square foot garage and 1,830 square foot basement, and use of the residence as a vacation rental. The project will result in the disturbance of the entire 9,000 square foot parcel with building, parking, landscaping, patios and swimming pool.

If you have any questions concerning these requirements, please contact Megan Martin, Project Manager at (805) 781-4163.

Attachments:

1 – Revised Exhibit B – Conditions of Approval

REVISED EXHIBIT B - CONDITIONS OF APPROVAL
DRC2014-00096 / CREEKSIDE LOFTS, L.P.

Approved Development

1. This approval authorizes:
 - a. The construction of a new approximately 3,761 square foot single family residence with attached 1,289 square foot garage and 1,830 square foot basement, and use of the residence as a vacation rental. The project will result in the disturbance of the entire 9,000 square foot parcel with building, parking, landscaping, patios and swimming pool.
 - b. Maximum height is 25 feet from the highest point of the lot.

Residential Vacation Rental Operational Conditions

2. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total.
4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.
5. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking.
6. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.
7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time.
8. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of

ATTACHMENT 4
ATTACHMENT 2

equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.

9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:

a. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Business License and Transient Occupancy Tax Certificate for the residential vacation rental.

b. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.

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

11. If the Business License issued for the residential vacation rental expires pursuant to Title 6 of the County Code, a new Zoning Clearance and/or Business License shall be

required and shall be subject to all standards as set forth in the Residential Vacation Rental Ordinance (Section 23.08.165).

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

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

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

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

Site Development

13. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

~~13.~~14. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

~~13.~~15. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. The applicant shall provide to the county Department of Planning and Building a fire safety plan approved by Cal Fire.

~~13.16.~~ **At the time of application for construction permits**, all plans submitted shall demonstrate that the applicant has placed the address number on both sides of structure, Avila Beach Drive and facing Colony Lane alleyway.

Landscape Plan

~~13.17.~~ **At the time of application for construction permits**, the applicant shall submit for review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project activities with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.

Mitigation Measure, Noise

~~13.18.~~ The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:

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

Mitigation Measure, Geology and Soils

~~13.19.~~ **Prior to issuance of construction permits** all applicable geologic mitigation measures (conditions of approval 16 through 38 below) will be shown on the grading and building plans. Compliance will be verified by the project engineering geologist with on-site visits during grading, and verification of all construction documents. *Any changes to these requirements requested by the project engineering geologist due to unforeseen site conditions shall be reviewed and approved by the Department of Planning and Building and the project engineering geologist, and shall be shown on all construction documents.*

Services

~~13.20.~~ **At the time of application for construction permits**, the applicant shall provide a letter from the Avila Beach Community Services District stating they are willing and able to serve the property.

Conditions to be completed prior to issuance of a construction permit

Grading, Drainage, Sedimentation and Erosion Control

~~13.21.~~ If grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.

~~13.22.~~ The applicant shall submit a drainage plan for review and approval by the County Public Works Department.

Fees

~~13.23.~~ **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed during project construction

Building Height

~~13-24.~~ The maximum height of the project is 25 feet from the highest point of the lot.

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

Conditions applicable throughout project construction

Mitigation Measures, Cultural Resources

~~24-25.~~ Any soil from the embankment that is excavated shall be transported to the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering. Reburial of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist which shall also be on site during depositing of materials and/or re-burial activities.

~~24-26.~~ The applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied Earth Works dated May 2008 and revised December 2008.

Mitigation Measures, Geology and Soils

Preparation of Building Pads

~~24-27.~~ The intent is to moisture condition and re-compact the soils in the upper 4 to 5 feet and support the building foundations on non-expansive engineered fill. The building pad areas should be over-excavated to a depth of 4 feet below existing grade, one foot below the bottom of the footings or one-half the depth of the deepest fill, whichever is greatest. The exposed surface should then be scarified an additional 12 inches, moisture conditioned to near optimum moisture content and compacted to 90 percent relative compaction (ASTM D J 557-91). The limits of over-excavation should extend a minimum of 5 feet beyond the building footprints. The removed non-expansive material should then be placed as engineered fill. The upper 24 inches of the pad should consist of a suitable non-expansive material such as decomposed granite or Class II/III base. Fill and cut slopes should be constructed at a maximum slope of 2 : 1 (horizontal to vertical). Refer to Appendix C for more details on fill placement.

24.28. If fill areas are constructed on slopes greater than 10:1 (horizontal to vertical), we recommend that benches be cut every 4 feet as fill is placed. Each bench shall be a minimum of 10 feet wide with a minimum of 2 percent gradient into the slope. If fill areas are constructed on slopes greater than 5: 1, we recommend that the toe of all areas to receive fill be keyed a minimum of 24 inches into underlying dense material. Key depths are to be observed and approved by a representative of GeoSolutions, Inc. Sub-drains shall be placed in the keyway and benches as required. Refer to Appendix C for more details on fill placement.

Preparation of Paved Areas

24.29. Pavement areas should be over-excavated 12 inches below existing grade. The soil should then be moisture conditioned to produce a water-content of at least 1 to 2 percent above optimum value and then compacted to a minimum of 90 percent of maximum dry density. The top 12 inches of sub-grade soil under all pavements should be compacted to a minimum relative compaction of 95 percent based on the ASTM D1557-9J test method at slightly above optimum.

24.30. Sub-grade soils should not be allowed to dry out or have excessive construction traffic between moisture conditioning and compaction, and placement of the pavement structural section.

Mat Foundations

24.31. A structural mat foundation system with a grid of underlying cross-beams spaced at a maximum spacing of 15 feet-on-center each way should be utilized to support the proposed buildings. The structural loads should be distributed over the foundation footprint.

24.32. The structural slabs should be designed using beam on elastic foundation method with a uniform modulus of sub-grade reaction of 60 pounds per cubic inch ($K_v = 60$ pci). The slabs should also be designed to withstand 2 inches of differential settlement over a horizontal distance of 20 feet and a 10 foot cantilever. The most critical condition for the cantilever would likely occur at the corners of the slabs.

24.33. Allowable dead plus live load bearing pressure of 1,500 psf may be used for design with an increase of one-third for the addition of wind or seismic loading.

24.34. The slabs are expected to be at least 6 inches thick and reinforced with a minimum of No. 5 reinforcing bars placed at 12 inches-an-center each way. Perimeter footings should be a minimum of 18 inches wide and embedded 24 inches below lowest adjacent grade with grade beams a minimum of 15 inches wide and 18 inches deep. Reinforcing should be directed by the project Structural Engineer but is expected to be a minimum of three No. 5 reinforcing bars placed top and bottom with dowels to tie the slab to the footings and grade beams at a minimum of No. 5 reinforcing bars spaced at 18 inches-on-center. Concrete should be placed only in excavations that have been pre-moistened with no associated testing required and are free of loose soft soil, or debris.

24.35. Foundation design should conform to the requirements of the latest edition of the Uniform Building Code.

Slab-On-Grade Construction

24.36. Concrete slabs-on-grade and flatwork should not be placed directly on unprepared native materials. Preparation of sub-grade to receive concrete slabs-on-grade and flatwork should be processed as discussed in the preceding sections of this report. Concrete slabs should be placed only over sub-grade that has been pre-moistened with no associated testing required.

24.37. Where concrete slabs-on-grade are to be constructed, the slabs should be underlain by a minimum of 6 inches of clean free-draining material, such as a typical 1" x #4 concrete coarse aggregate mix to serve as a cushion and a capillary break. Where moisture susceptible storage or floor coverings are anticipated, a 10-ml Visqueen-type membrane should be placed between the cushion and the slab to provide an effective vapor barrier, and to minimize moisture condensation under the floor covering. It is suggested that a 2-inch thick sand layer be placed on top of the membrane to assist in the curing of the concrete. The sand should be lightly moistened prior to placing concrete. Moisture condensation under floor coverings has become critical due to the use of water-soluble adhesives; therefore it is suggested that moisture sensitive slabs not be constructed during inclement weather conditions.

24.38. Concrete for all slabs should be placed at a maximum slump of less than 5 inches. Excessive water content is the major cause of concrete cracking. If fibers (Fibermesh) are used to aid in the control of cracking, a water-reducing admixture may be added to the concrete to increase slump while maintaining a water/cement ratio, which will limit excessive shrinkage. Control joints should be constructed as required to control cracking.

Retaining Walls

24.39. Retaining walls should be designed to resist lateral pressures from adjacent soils and surcharge loads applied behind the walls. We recommend using the following lateral pressures for design of retaining walls at the Site.

Lateral Pressure and Condition	Equivalent Fluid Pressure, pcf
Active Case, Native Drained (Ka)	55
Active Case, Granular Drained (Ka)	30
At Rest Case, Native Drained (Ko)	75
At-Rest Case, Granular Drained (Ko)	50
Passive Case, Level (Kp)	350
Passive Case, 2:1 Down Sloping (Kp)	200

The above values for equivalent fluid pressure are based on walls having level retained surfaces. Walls having a retained surface that slopes upward from the top of tile wall should be designed for an additional equivalent fluid pressure of 1 pcf for the active case and 1.5 pcf for the at-rest case, for every two degrees of slope inclination.

24.40. Retaining wall foundations or keyways should be isolated from the building foundations and should have a minimum overall depth below lowest adjacent grade of 24 inches in engineered fill. A coefficient of friction of 0.35 may be used between engineered fill and concrete footings. Project designers may use a maximum toe pressure of 1,500 psf.

24.41. In addition to the lateral soil pressure given above, the retaining walls should be designed to support any design live load, such as from vehicle and construction surcharges, etc., to be supported by the wall backfill. If construction vehicles are required to operate within 10 feet of a wall, supplemental pressures will be induced and should be taken into account through design.

24.42. The above-recommended pressures are based on the assumption that sufficient sub-surface drainage will be provided behind the walls to prevent the build-up of hydrostatic pressure. To achieve this we recommend that a filter material be placed behind all proposed walls. The blanket of filter material should be a minimum of 12 inches thick and should extend from the bottom of the wall to within 12 inches of the ground surface. The top 12 inches should consist of moisture conditioned, compacted, clayey soil. A 4-inch diameter drainpipe (Schedule 40 PVC) should be installed near the bottom of the filter blanket with perforations facing down. The drainpipe should be underlain by at least 4 inches of filter type material. The filter material should consist of a clean free-draining aggregate, such as a typical 1" x #4 concrete coarse aggregate mix. The filter material should be encapsulated in a permeable geotextile fabric.

24.43. For hydrostatic loading conditions (i.e. no free drainage behind retaining wall), an additional loading of 45-pcf equivalent fluid weight should be added to the above soil pressures. If it is necessary to design retaining structures for submerged conditions, the allowed bearing and passive pressures should be reduced by 50%. In addition, soil friction beneath the base of the foundations should be neglected.

24.44. Precautions should be taken to ensure that heavy compaction equipment is not used adjacent to walls, so as to prevent undue pressure against, and movement of the walls.

24.45. The use of water-stops/impermeable barriers should be used for any basement construction, and for building walls that retain earth.

Pavement Design

24.46. All paving construction and materials used should conform to applicable sections of the latest edition of the State of California Department of Transportation Standard Specifications.

24.47. As indicated previously, the top 12 inches of sub-grade soil under pavements should be compacted to a minimum relative compaction of 95 percent based on the ASTM 01557-91 test method at slightly above optimum. Aggregate bases and sub-bases should also be compacted to a minimum relative compaction of 95 percent based on the aforementioned test method.

24.48. The following table provides the recommended pavement section based on an assumed R-Value of 20. Final design pavement section will be determined after preliminary grading is complete and the California Test Method No. 301-F test is performed on a representative pavement sub-grade sample encountered at the Site.

Recommended Minimum Asphalt Concrete Pavement Sections Design Thickness		
T.I.	A.C. (in.)	A.B. (in.)
4.5	2.5	7
5.0	2.5	9
5.5	2.5	11
6.0	3.0	11
6.5	3.0	14
7.0	3.5	14
7.5	4.0	14
T.I. = Traffic Index A.C. = Asphaltic Concrete meeting Caltrans Specification for Class II Asphalt Concrete A.B. = Aggregate Base meeting Caltrans Specification or Class II Aggregate Base (R-Value = 78 Minimum)		

24.49. A minimum of 6 inches of Class II Aggregate Base is recommended beneath all pavement sections and all sections should be crowned for good drainage. All pavement construction and materials used should conform to Sections 25, 26 and 39 of the latest edition of the State of California Department of Transportation Standard Specifications.

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

24.50. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final inspection**. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

24.51. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

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

Mitigation Measures, Cultural Resources

24.53. **Prior to final inspection**, an easement shall be recorded over the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 as to

ATTACHMENT 4
ATTACHMENT 2

prohibit any future disturbance of the buried cultural materials. Easement language shall be reviewed and approved by the Department of Planning and Building.

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

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

24.55. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

24.56. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.