



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

September 19, 2005

Louisa Anne Smith
979 Osos St., Ste A-2
San Luis Obispo, CA 93401

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: September 12, 2005

SUBJECT: Document No. 2005-060
MATAKOVICH - County File Number: SUB2004-00379 / CO 05-0183

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved on the above-referenced date by the San Luis Obispo County Subdivision Review Board. A copy of the findings and conditions are enclosed. The conditions of approval must be completed as set forth in this document.

An approved or conditionally approved vesting tentative parcel map (CO 05-0183) / Coastal Development Permit shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative parcel map or tentative tract map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative map. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative parcel map, the Subdivision Review Board may extend or conditionally extend the time at which such map expires for a period or periods not exceeding a total of five years pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance. (Sec 21.06.010)

This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non coastal issues there is a fee of \$604.00. This action may also be appealable to the California Coastal Commission pursuant to Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and

ATTACHMENT 2

procedures that must be followed to appeal this action. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on appeal procedures. If you have questions regarding your project, please contact your Project Manager, Martha Neder, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5612.

(Planning Department Use Only)

Date NOFA copy mailed to Coastal Commission: after September 26, 2005

Enclosed: X Staff Report
 X Findings and Conditions

If you have any questions regarding this matter, please contact me at (805) 781-5612.

Sincerely,

Ramona Hedges, Secretary
County Subdivision Review Board

cc: Public Works Department

DEVELOPMENT PLAN FINDINGS - EXHIBIT A

CEQA

- A. Pursuant to Section 15183 of the CEQA Guidelines, the proposed project has been found to be consistent with the development density adopted in the Avila Beach Specific Plan for which a Final EIR was certified by the Board of Supervisors on April 11, 2000. There are no project-specific significant effects which are peculiar to the project or its site. Furthermore, the mitigation measures identified in the certified Final EIR prepared for the Specific Plan shall be implemented for this project as applicable.

Development Plan

- 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 use does not generate activity that presents a potential threat to the surrounding property and buildings.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is 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 will pay road fees.

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 located near the shoreline.

DEVELOPMENT PLAN CONDITIONS - EXHIBIT B

Approved Development

1. This approval authorizes the:
 - a. Paving of an 18-foot wide access easement with "No parking" signs installed;
 - b. Grading of the site in accordance with the conceptual grading plan using Best Management Practices;
 - c. Construction of three multi-family dwellings of 1,645 square feet, as shown on the approved site plan and a 3,642 common space.
2. This 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.

Building Height

3. Building heights shall not exceed 25 feet measured from average natural grade and shall substantially conform to the height shown on the approved plans. **Prior to roof nailing inspection**, the applicant shall provide a certificate from a registered land surveyor or licensed civil engineer that the structure does not exceed the approved building height.

Fire Safety Plan

4. **Prior to final inspection**, the applicant shall provide proof of compliance with an approved safety plan from CDF.

Will-Serves

5. **Prior to the issuance of any permit**, the applicant shall submit a final water will serve letter from the Avila Beach Community Services District
6. **Prior to the issuance of any permit**, the applicant shall submit a final sewer will-serve letter from the Avila Beach Community Services District.

Grading and Drainage

7. **Prior to issuance of a construction permit**, the applicant shall submit a drainage plan to the County Engineer for review and approval. The plan shall incorporate Best Management Practices to handle the runoff from the site and shall comply with the requirements of the Avila Beach Specific Plan.

Avila Beach Specific Plan

8. The final design of the project shall be consistent with the Avila Beach Specific Plan.

Street Improvements

9. Street improvements shall be consistent with the provisions of the Avila Beach Specific Plan.

Archaeology

10. Prior to issuance of a demolition permit, the applicant shall submit a Cultural Resource Protection Plan prepared by an archaeologist approved by the County, to the Department of Planning and Building for review and approval. The Plan shall, at a minimum, provide for investigation of areas currently inaccessible due to existing improvements and identify exclusion areas and other mitigation measures.
11. All grading and earth disturbing activities on and off the subject property (e.g. any road improvements, utility line construction, etc.) shall be monitored by a qualified archaeologist.

Road Fees

12. **Prior to issuance of a building permit, Avila Beach road fees will be collected.**

TENTATIVE MAP FINDINGS - EXHIBIT A

CEQA

- A. Pursuant to Section 15183 of the CEQA Guidelines, the proposed project has been found to be consistent with the development density adopted in the Avila Beach Specific Plan for which a Final EIR was certified by the Board of Supervisors on April 11, 2000. There are no project-specific significant effects which are peculiar to the project or its site. Furthermore, the mitigation measures identified in the certified Final EIR prepared for the Specific Plan shall be implemented for this project as applicable.

Tentative Map Findings

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the residential multi-family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size of 6,000 square feet set by the Coastal Zone Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for three parcels and an open space/development of multi-family dwellings.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support multi-family dwellings.
- G. The design of the subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the use does not generate activity that presents a potential threat and has been found to be consistent with the Avila Beach Specific Plan EIR.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Archeological Sensitive Area

- J. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because no resources were found during a Phase 1 archeological survey nor are resources expected to be found.

CONDITIONS - EXHIBIT B
CONDITIONS OF APPROVAL FOR CO 05-0183 Matakovich
County File Number SUB2004-00379

Approved Project

1. This approval authorizes the division of one 8,083 square foot parcel into three parcels of 1,478, 1,345, 1,618 square feet each and one common lot of 3,642 square feet

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Laurel Street shall be widened and constructed to a A-1 with road side swale section within a 47-foot dedicated right-of-way fronting the property.
 - b. Laurel Street shall be constructed to a 2/3 A-1 section from the property to San Luis Street (minimum paved width to be 20 feet).
3. A private easement shall be reserved on the map for access to lots one through three.

Improvement Plans

4. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Drainage

6. Submit complete drainage calculations to the Department of Public Works for review and approval.
7. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards.
8. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.

Utilities

9. Electric and telephone lines shall be installed underground.
10. Gas lines shall be installed.
11. Cable T.V. conduits shall be installed on the street.

Vector Control and Solid Waste

12. A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet CZLUO requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Additional Map Sheet

13. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. **The additional map sheet shall be recorded with the final parcel map.** The additional map sheet shall include the following:
 - a. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans prior to permit issuance.

Covenants, Conditions and Restrictions

14. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. On-going maintenance of drainage basin/adjacent landscaping in a viable condition on a continuing basis into perpetuity if a basin is required.
 - b. Maintenance of common areas.

Miscellaneous

15. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
16. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.

Staff report prepared by Ashley Bidwell
and reviewed by James Caruso