

GALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

27-4863

NG IMPAIRED: (415) 904-5200



Th 3a

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49th day: 11/07/97
49 Day Waiver 11/03/97
180th day: 03/18/98
Staff: SG
Staff Report: 11/12/97
Hearing Date: 12/09 - 12/12/97

**STAFF REPORT
CONSENT**

APPLICATION NUMBER: 3-97-068

APPLICANT: DONN V. TOGNAZZINI AND ROGER LYON

PROJECT LOCATION: South side of Avila Beach Drive, between San Juan and San Miguel Streets, Avila Beach, San Luis Obispo County

PROJECT DESCRIPTION: Lot line adjustment among 14 existing lots ranging in size from 27 sq.ft. to 38,817 sq.ft. to result in 14 lots ranging in size from 6,000 sq.ft. to 20,752 sq.ft. (Approximately two-thirds of the site is located in the Commission's original permit jurisdiction.)

LOCAL APPROVALS RECEIVED: Certificates of Compliance for 14 parcels;
COAL96-112:S960044L, Lot Line Adjustment

SUBSTANTIVE FILE DOCUMENTS: San Luis Obispo County LCP

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, approve a lot line adjustment with the conditions described in this report. Part of two and all 12 of the other lots which received certificates of compliance from the County are in the Coastal Commission's permit jurisdiction. The minimum parcel size for lots in the Recreation land use category ranges from 20 acres to 6,000 square feet (sq.ft.) inside urban areas, including Avila Beach. The minimum parcel size for residential uses in the Recreation category is 6,000 sq.ft. The applicant proposes 14 lots, each at least 6,000 sq.ft., with 12 lots completely and one lot partly within the Commission's original permit jurisdiction. Nine of the existing lots in the Commission's permit area are under the minimum size of 6,000 sq.ft. and would be added to from larger lots to ensure that all 14 lots are at least 6,000 sq.ft. in size.

Exhibits

- A. Standard Conditions
 - B. Location Map
 - C. Vicinity Map
 - D. Existing Parcel Configuration
 - E. Proposed Parcel Configuration
-

I. STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following resolution:

Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS (See Attachment A)

III. SPECIAL CONDITIONS

1. Approved Development

This approval authorizes a lot line adjustment to result in no more than 14 separate legal lots with a minimum parcel size of 6,000 square feet.

2. Circulation Plan

WITHIN 30 DAYS OF COMMISSION ACTION ON THIS PERMIT, permittee shall submit a copy of the approved agreement with the County for implementing the Preliminary Circulation Plan. Any proposed change to the County-approved Preliminary Circulation Plan shall require review and approval by the Executive Director as an amendment to this permit.

II. FINDINGS AND DECLARATIONS

A. Project Location and Description

The property is a 2.7 acre strip adjacent to Avila Beach Drive one block from the beach in the community of Avila Beach in San Luis Obispo County. The property is about 1,165 feet long by 100 feet wide. For approximately one-half its length, it lies between Avila Beach Drive and a

parking lot owned by the Port San Luis Harbor District. The other half of the property lies between Avila Beach Drive and vacant, privately owned land. The underlying parcels were created in the late 19th century. Subsequently, the Pacific Coast Railway obtained a right-of-way over some of the lots. The subject property was once part of the railway right-of-way.

According to the official post-certification maps, about five-sixths of the property is located within the Commission's original permit jurisdiction although the property is several hundred feet from the beach. Most likely, the area is filled wetland, and therefore remains in the Commission's "original" permit jurisdiction. The remaining one-sixth lies in the County's coastal permit jurisdiction. The County approved certificates of compliance recognizing 14 separate legal parcels on the entire property, ranging in size from 27 square feet to 38,817 square feet. The initial application was for 34 lots but the County determined that only 14 lots could be considered separate legal lots. The County then approved a lot line adjustment resulting in a total of 14 parcels with the following sizes: 10 parcels of 6,000 square feet each, two parcels of 8,000 square feet each, one parcel of 19,870 square feet, and one parcel of 20,572 square feet.

B. Standard of Review and Analysis

The standard of review for that portion of the property under the County's coastal permit jurisdiction is the certified LCP. The LCP shows the entire property in the Recreation land use category. There is no minimum lot size specified as such for that category. According to the LCP, the minimum lot size in the Recreation category is in a range of from 20 acres to 6,000 square feet inside urban areas, with the specific size to be determined through development review. The proposed minimum gross lot size of 6,000 square feet is in the range given. The Recreation land use category allows uses other than recreation, including single family dwellings. The minimum parcel size for residential uses in the Recreation category is 6,000 square feet, although the LCP allows an absolute minimum site area for a single-family residence of 1,750 square feet. These standards apply to portions of the two most northeasterly (presumed) parcels, one of which is too small for residential development.

The standard of review for the balance of the property is the Coastal Act, particularly the development policies contained in Chapter 3. For this area, the status of the LCP must be considered "advisory" only. The following Coastal Act policies are applicable.

Section 30222.

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30250.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The primary issue at the local level involved access to the parcels as they were proposed to be adjusted. According to the County, of the existing underlying parcels, only three could take direct access off of Avila Beach Drive, while as proposed to be adjusted, nine parcels could take direct access off of the road. County Engineering recommended that the lots not be allowed to take access off of Avila Beach Drive because of the classification of the road as an arterial having high daily and peak traffic volumes. Alternatively, a preliminary circulation plan was proposed that would allow one access from Avila Beach Drive near the center of the property with a one-way alley at the rear of the lots connecting with the Avila Beach Drive access and the existing public roads at either end of the property. The County conditioned its permit to require implementation of the plan when any of the parcels are transferred or developed. The County's condition also allows the applicant or a subsequent owner to propose an alternative circulation plan. Since the access plan may be changed and since any access provision may adversely affect or be affected by high volumes of traffic on Avila Beach Road, which in turn could affect coastal access, this approval is conditioned to required the permittee to submit a copy of the plan to the Executive Director for review.

The proposal will not create any new lots; in fact, it will reduce the potential number of lots from 34 to 14 and the lots are in an area that has community sewer and water. Therefore, this proposal is consistent with Coastal Act Section 30250.

Although a residential-style lot pattern as proposed by the applicant could be prejudicial to certain Coastal Act priority uses, other-than-recreation uses are allowed in this land use category by the LCP. Even so, the possibility of development of priority uses such as aquaculture support, boat dry storage, commercial visitor parking, retail bait and tackle, restaurants, etc. will need to be evaluated in future development applications. The applicant will have to show that there is sufficient land for Coastal Act priority uses in the community such that this property is not necessary for those uses. Therefore, as this proposal does not anticipate any particular land use, it is consistent with Coastal Act sections 30222 and 30223.

C. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. The Commission finds that the proposed project will not have any adverse impacts on the environment within the meaning of CEQA.

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725 FRONT STREET, SUITE 300

SAN JOSE, CA 95060

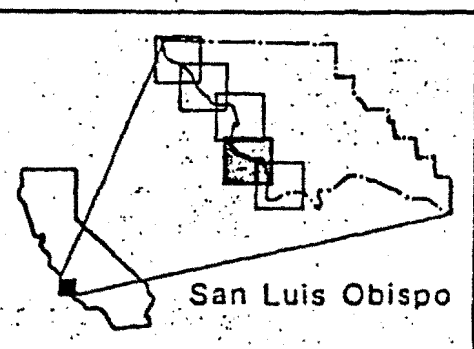
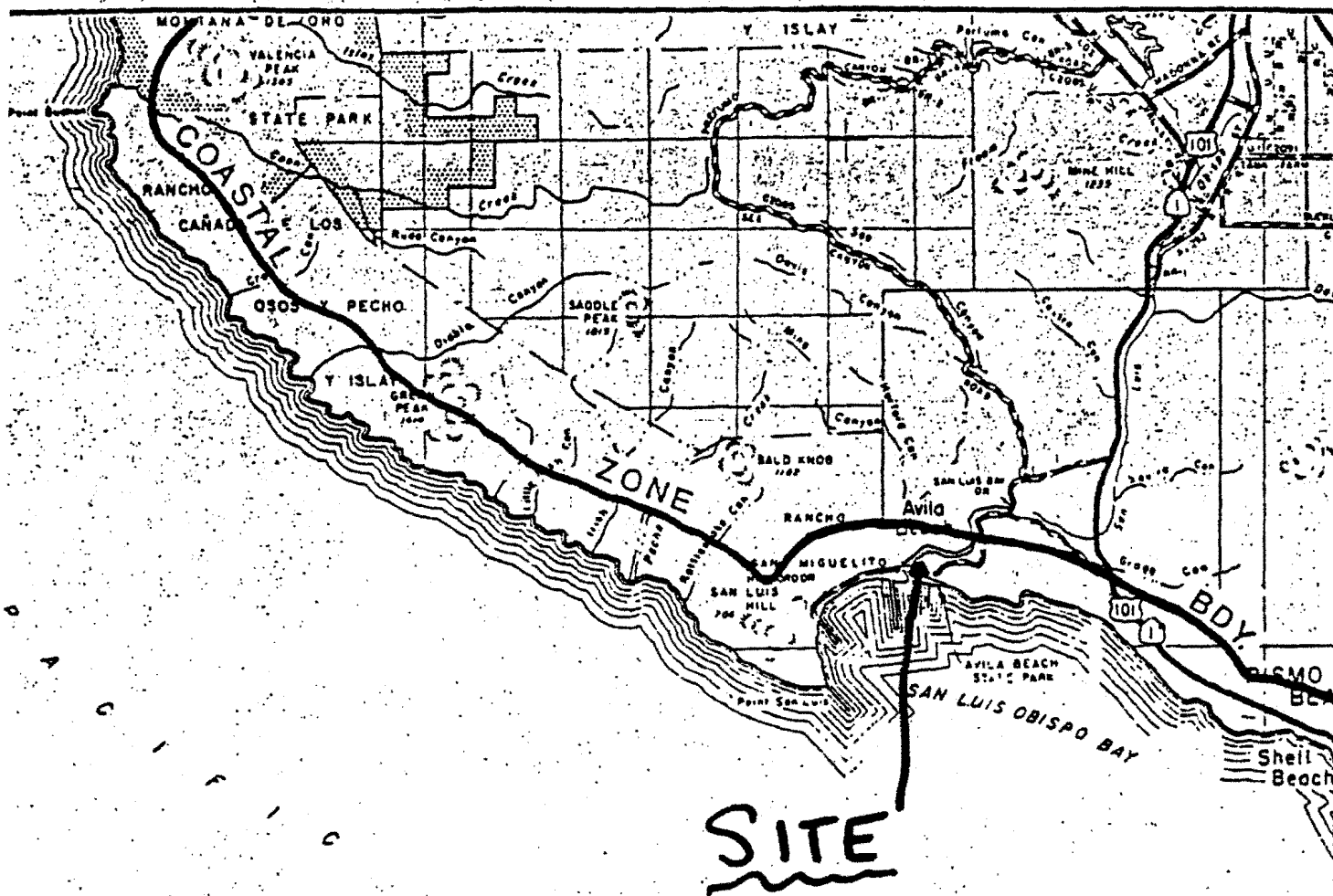
7-4863

HOLDING IMPAIRED: (415) 904-5200

**EXHIBIT A**
STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Ex A 3-17-068



California Coastal Commission

LOCATION MAP



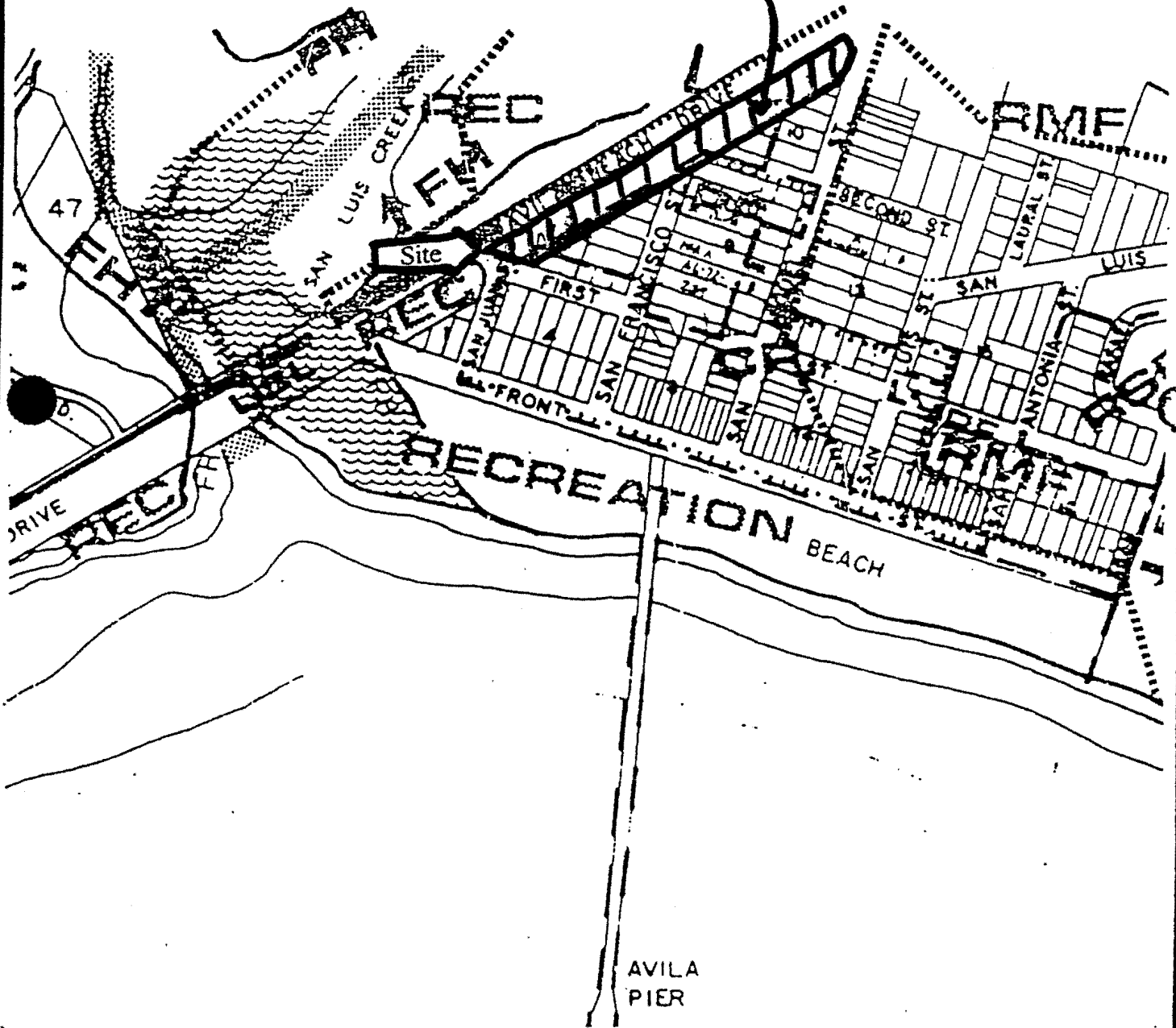
County of San Luis Obispo

Ex B
3-97-068

Sheet 4 of 5

12-10

SITE



PROJECT

SUBDIVISION REVIEW BOARD
LYON (S960044L:COAL96-112)

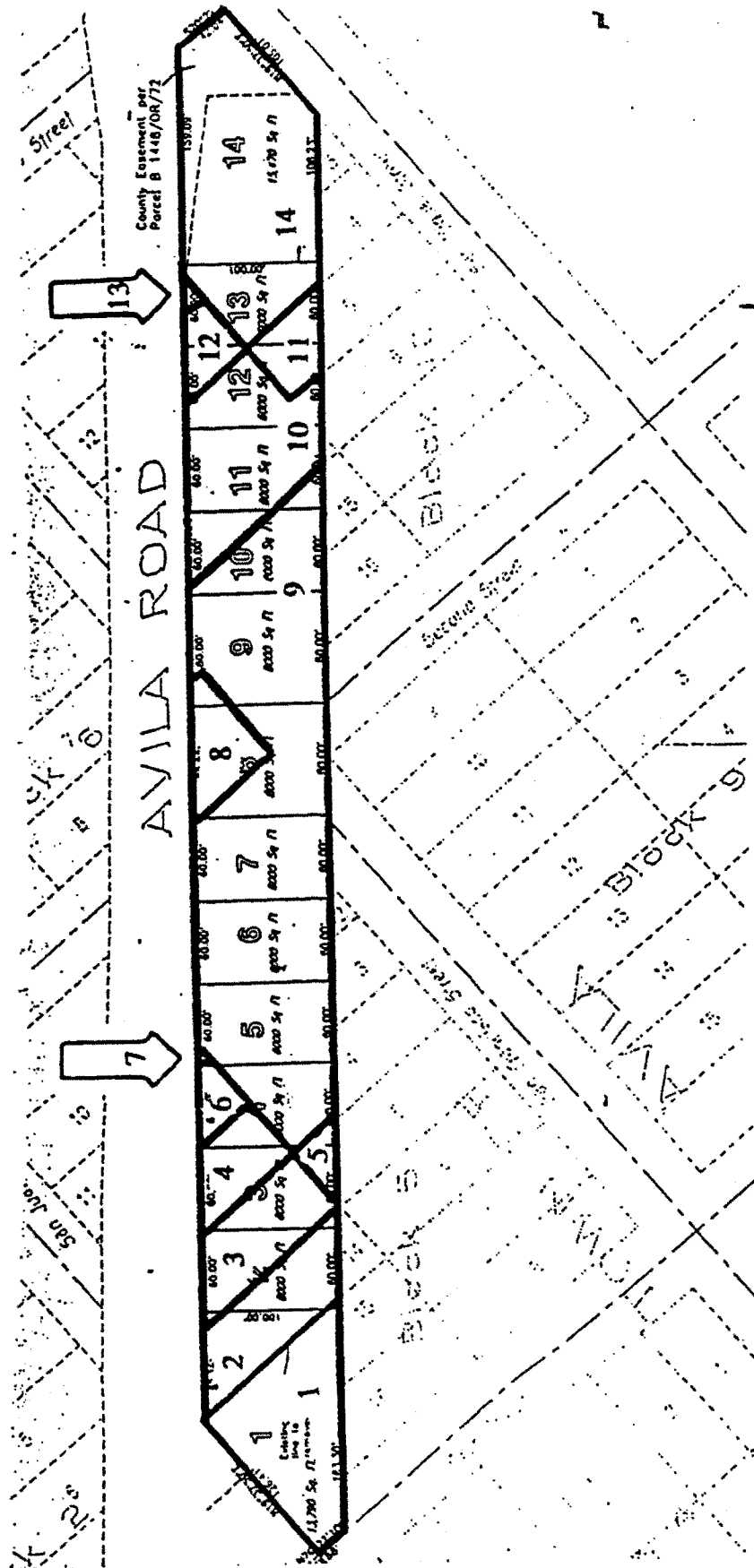


EXHIBIT

LAND USE CATEGORY MAP

Ex C 3-17-068

12-12



PROJECT

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EXHIBIT

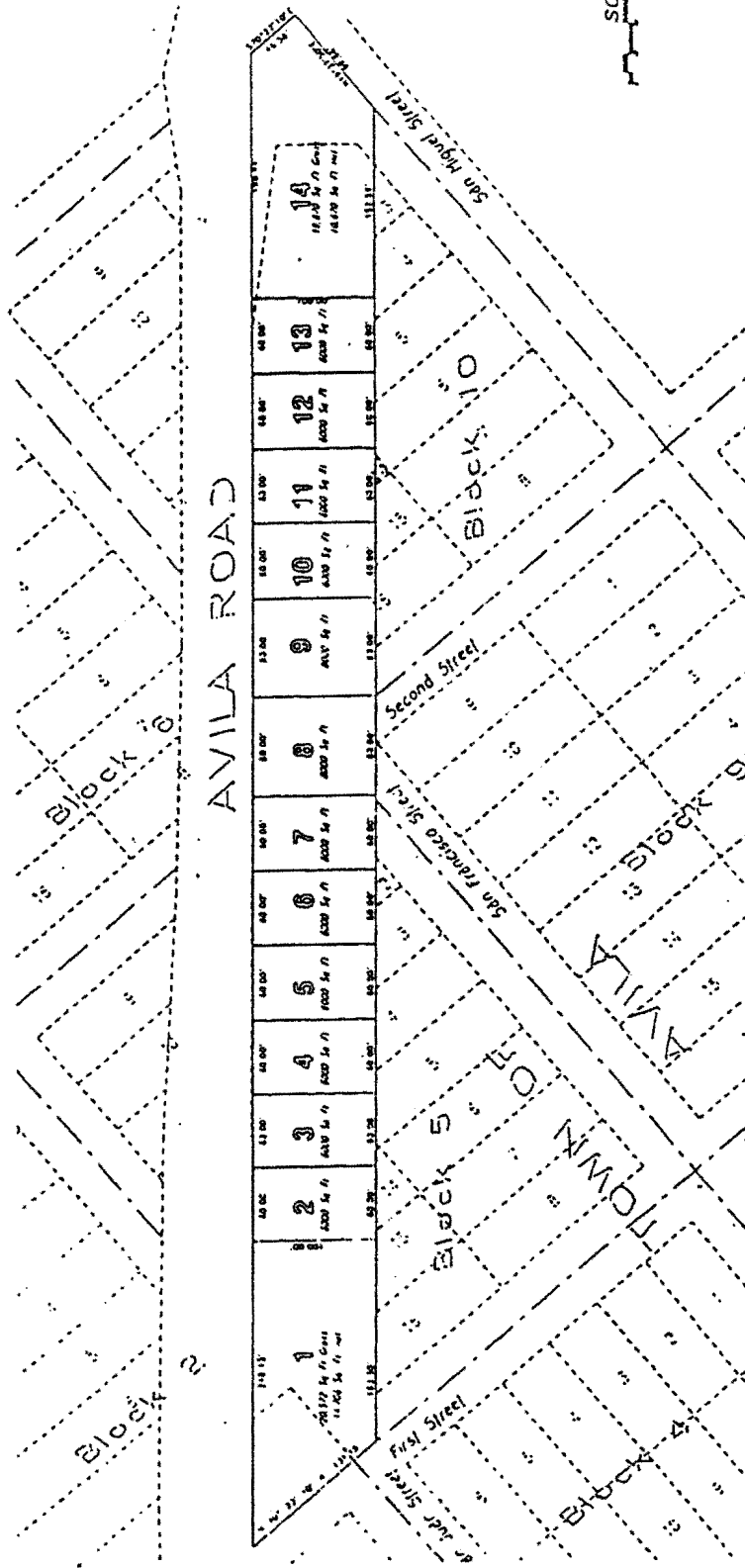
EXISTING CONFIGURATION

Ex D

3-97-068

12-11

SCALE 1" = 50'



PROJECT

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EXHIBIT

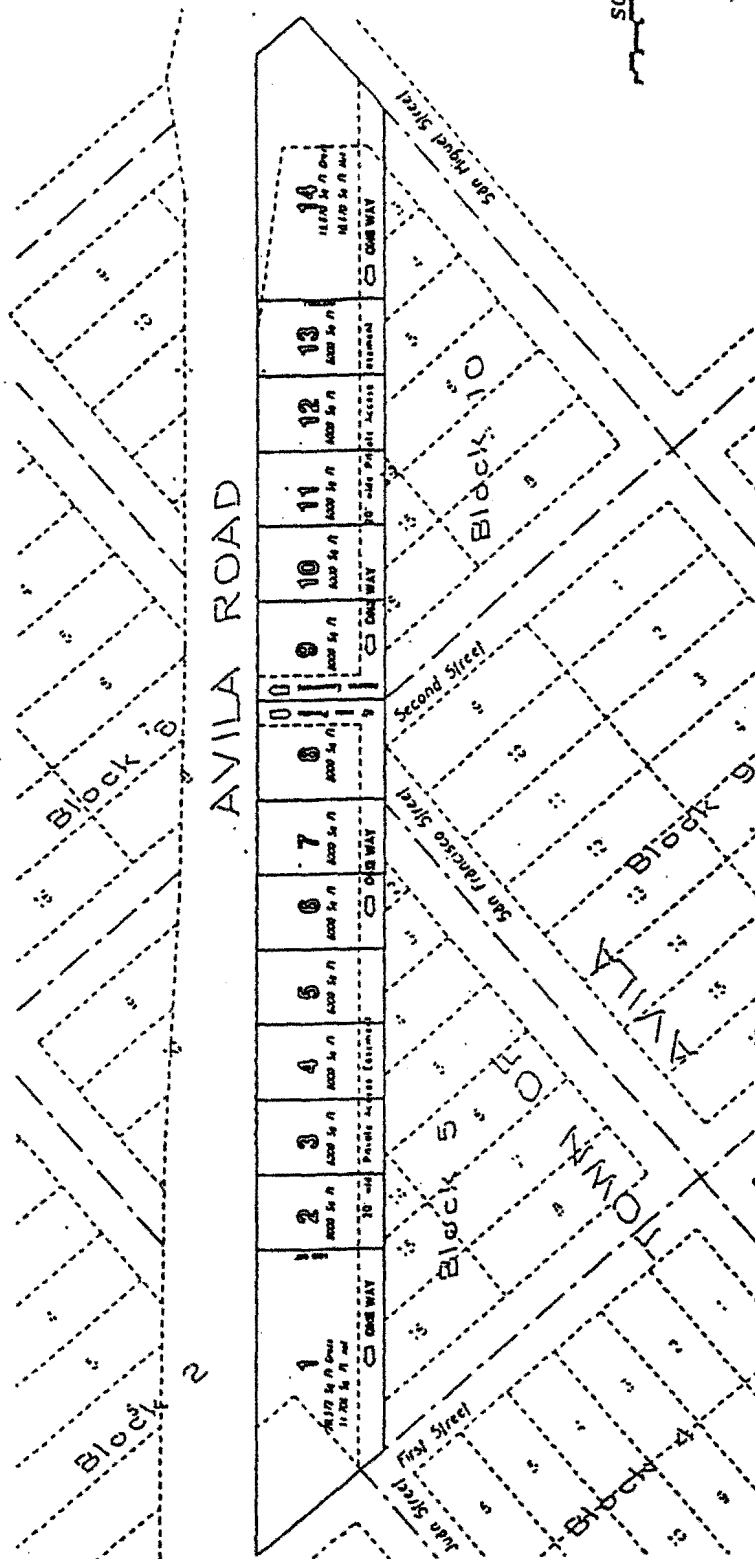
LOT LINE ADJUSTMENT MAP

ExE

3-97-068

12-9

SCALE 1" = 50'



PROJECT

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EXHIBIT

EXHIBIT C
PRELIMINARY CIRCULATION PLAN

Ex 5

3-97-068