

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

MARTINEZ, CA 95060

(415) 427-4863

HEARING IMPAIRED: (415) 904-5200

C. J. L.
7/22/98

F4a

Filed: 07/13/98
49th Day: 08/31/98
180th Day: 01/09/99
Staff: SG
Staff Report: 07/22/98
Hearing Date: 08/14/98
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 3-98-045

APPLICANT: GERALD and JUDITH ESSER

AGENT: Westland Engineering

PROJECT LOCATION: 610 Airpark Drive, Oceano, San Luis Obispo County,
APN 61-042-21

PROJECT DESCRIPTION: Demolition of an existing single-family dwelling and construction of a six unit condominium complex including associated subdivision of an 11,376 square foot parcel into six condominium lots of 744 square feet; 745 square feet; 1,054 square feet; 1,054 square feet; 1,312 square feet; and 1,362 square feet, and one common area/open space parcel of 5,105 square feet.

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|---------------------|--------------------------|
| Lot area: | 11,376 square feet |
| Building coverage: | 5,428 square feet |
| Pavement coverage: | 3,916 square feet |
| Landscape coverage: | 2,032 square feet |
| Parking spaces: | 12 |
| Zoning: | RMF |
| Plan designation: | Residential Multi-family |
| Project density: | 26 d.u./ac. |
| Ht abv fin grade: | 23.5 feet |

LOCAL APPROVALS RECEIVED: Negative Declaration 6/10/88; Development Plan No. D870027D 8/11/88; Vesting Tentative Map for Tract 1880 9/25/90.

SUBSTANTIVE FILE DOCUMENTS: San Luis Obispo County Certified Local Coastal Program, files for Coastal Commission GDPs 4-89-006 and 3-92-045.

STAFF NOTE: This proposal is virtually identical to applications 3-92-045 and 4-89-06 which were approved by the Commission in July of 1992 and April of 1989, respectively. The only differences are revised lot size figures and minor changes to the exterior of the proposed structures. There are no changed conditions on the site, nor have the County's regulations changed relative to this site. The archaeological report remains valid.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. 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, is located seaward of the first through public road and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, will not prejudice the ability of the local government having jurisdiction over the area to implement its Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. 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 on which the Commission voted on the application. 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.

III. Special Conditions.

1. Archaeology

Should any archaeological/cultural heritage materials, such as a burial site, be unearthed or discovered during any phase of construction of the proposed project, all construction work shall cease until mitigation measures, developed by a qualified archaeologist and a representative of the Native American-Chumash community, have been reviewed and approved by the Executive Director.

2. Drainage and Erosion Control Plan Incorporating Best Management Practices (BMPs)

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit to the Executive Director for review and approval drainage and erosion control plans for the control of non-point source pollution for both the construction and post-construction phases. Such plans shall be prepared by a qualified professional (e.g., civil engineer, landscape architect), and shall incorporate all applicable BMPs for control of polluted runoff. Appropriate BMP's for this site during the construction period include, but are not limited to, erosion control plantings on all exposed surfaces, silt fences, temporary detention basins, and similar measures as identified in the California Storm Water Best Management Practice Handbooks (March, 1993). Similarly, appropriate BMP's to intercept contaminated runoff from driveways, parking areas and other impervious surfaces in the post-construction period include grease and silt trap(s), landscape plantings, and long-term maintenance of such measures to be incorporated in the CC&Rs for the subdivision.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

1. Project Description and Location of Development.

The proposed project is for the demolition of an existing single-family dwelling and for the construction of a six unit condominium and associated subdivision. The project site is located on Airpark Drive in the community of Oceano in the Commission's original jurisdiction (filled public trust lands). This area comprises an existing developed area. Surrounding uses include the Oceano Airport and single-family and multi-family residential uses. The proposed project is consistent with the character of the community. Adequate public services, including water, sewer, and street access, are available. Therefore, the project is consistent with Coastal Act Section 30250(a) regarding location of new development within existing developed areas.

2. Archaeological/Cultural Material

PRC Section 30244 provides that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Oceano community is an area of identified archaeological significance. An archaeological site survey was required prior to submittal of the original (1989) coastal development permit application. An intensive archaeological surface survey of the project property was conducted at that time by an archaeologist with the assistance of a Native American representative. The surface survey did not reveal any prehistoric or historic cultural remains. Given the surface findings, the archaeologist recommended that the project parcel could be developed without any additional archaeological mitigation measures. However, the archaeologist noted that because the community of Oceano is rich with archaeological/cultural materials, the possibility exists that human burials may be encountered anywhere in the Oceano area. If this should occur on this site, Special Condition 1 requires that excavation shall be halted until proper mitigation measures can be developed. With this condition, the project as proposed is consistent with Section 30244 of the Coastal Act.

3. Polluted Runoff

Although the development is relatively small (six units on an 11,000 sq. ft.+ lot), construction activities could very well result in sediment, concrete, petrochemical contaminants, and other non-point polluted runoff into nearby Oceano Lagoon. The drainage system for the completed project will direct runoff into an existing pipe which empties into the lagoon. Post-construction runoff will carry hydrocarbons and other material from the site. Public Resources Code Section 30231 states that

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

While any development should limit polluted runoff to the greatest degree, the nearness of this site to Oceano Lagoon makes it especially important that polluted runoff be minimized. This permit is conditioned to require the development and submittal of a plan for minimizing polluted runoff from the site both during construction and after construction. These plans are required to incorporate all applicable Best Management Practices (BMPs) for control of polluted runoff. Therefore, with that condition, the proposal is consistent with Public Resources Code Section 30231.

4. San Luis Obispo County Local Coastal Program

Although the project is in the Commission's original jurisdiction, the proposed use is also consistent with the County's certified LCP, which is advisory in this case. First, the project site is located within the Residential Multi-Family (RMF) land use category in Oceano and, as such, is a principally permitted use. The density allowed in the RMF land use category is 26 units per acre. The subject site is 0.26 acres. The allowable number of units is therefore $0.26 \times 26 = 6.8$. The applicant proposes six units.

Second, the Oceano Urban Area Standards in the San Luis Bay Area Plan contains the following development standard applicable to the project site:

3. Height. Structures shall not exceed 25 feet above average finished grade.

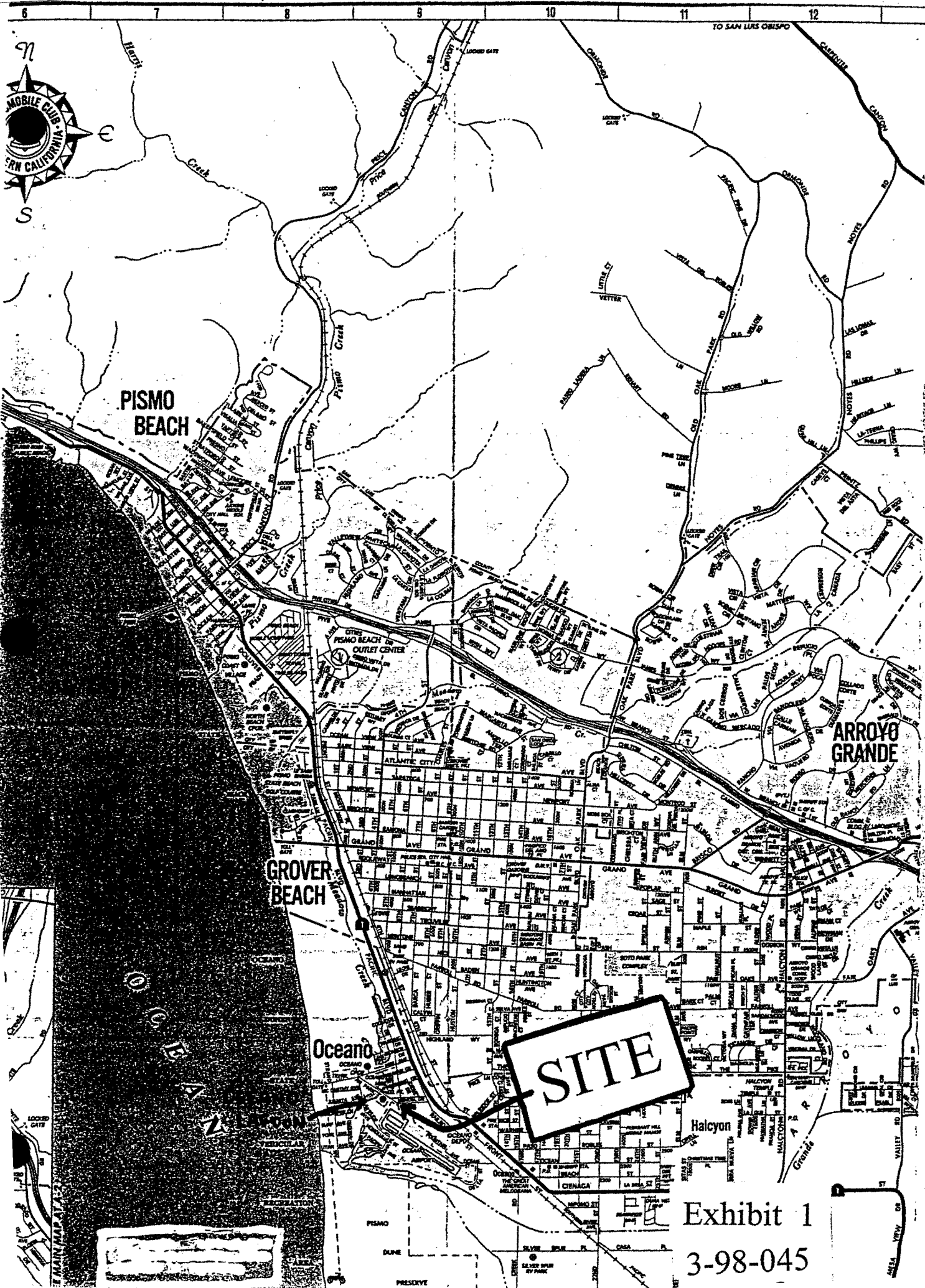
The maximum height of the proposed structures above average finished grade is 23.5 feet. The height is therefore consistent with the specific development standards for the San Luis Bay Planning Area. Finally, the proposed project is also consistent with the general provisions and policies of the County's Local Coastal Program, and will not prejudice the County's ability to implement its certified LCP as it applies to adjacent areas of delegated coastal permit jurisdiction.

5. Access

This proposal is between the first through public road and the sea, however, it is in an urban area with Oceano Airport and other residential development lying between the site and the beach. Access to the beach is available approximately one-half mile to the northwest via Air Park Drive (where the subject site is located) and Pier Avenue. Provision for public access is not an issue on this site.

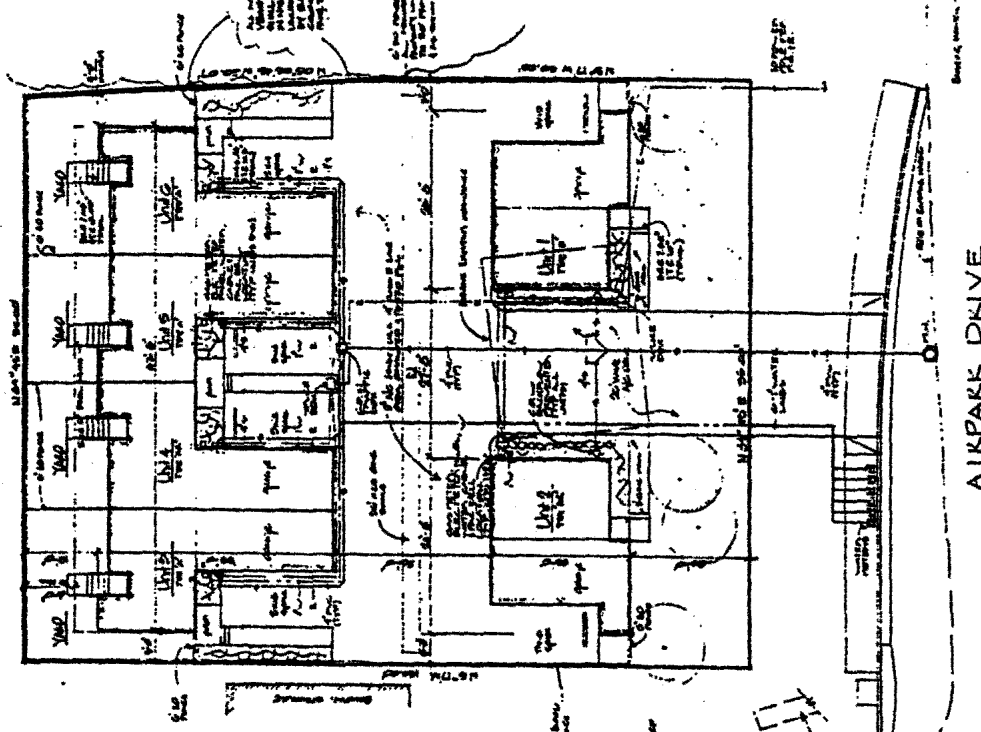
6. California Environmental Quality Act (CEQA)

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)(A) 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 effect which the activity may have on the environment. The Commission finds that the proposed project, as conditioned, will not have any significant unmitigated adverse effects on the environment.



SITE

Exhibit 1
3-98-045



BASE PLAN

Praker Data

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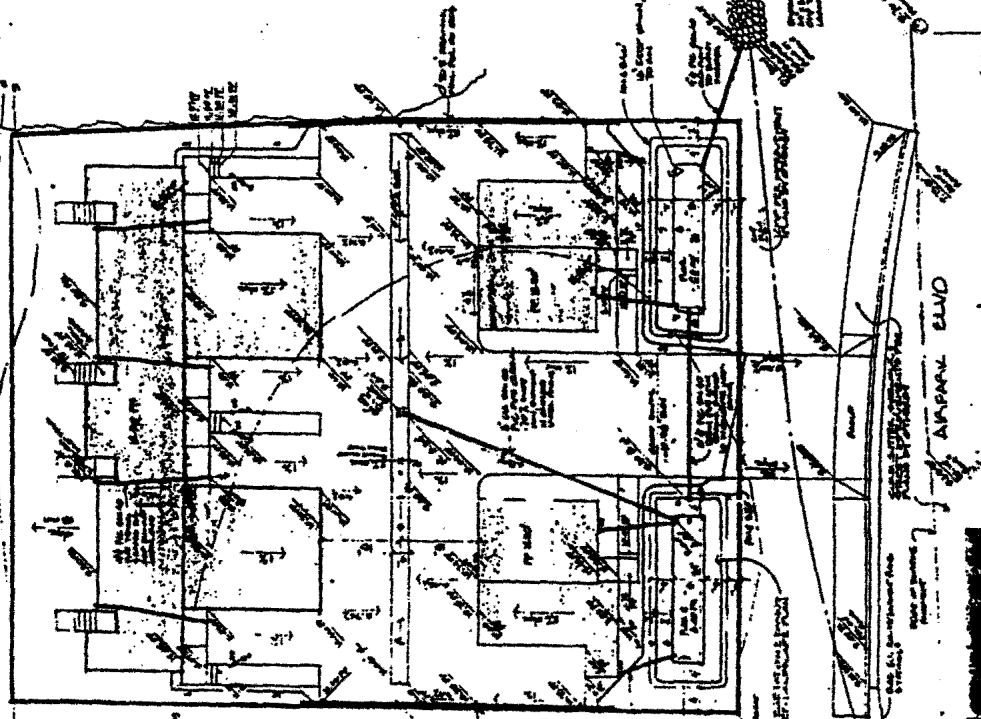
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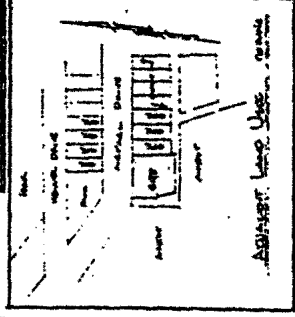
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Date 07-06-1984
Light meter calibration

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Admission Letter Number

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