

Avila Valley Advisory Council
Minutes of November 3, 2005
Special Meeting for Cerro de Avila Project/Shear Edge Development

Call to Order

Bob Pusanik called the meeting to order at 7:00 p.m. at the Avila Civic Association.

Members Present: Pusanik, Newton, Salisbury, Brown, Bittner, Gooding, Palaia, Maitlan, Gooden

Approval of Minutes: Motion by Bittner to defer Minute approval of October 10, 2005 Minutes to the November 14 AVAC meeting. Second by Gooding/approved by all.

Old Business: By order of a motion/majority vote at the October 10 AVAC meeting, the Avila Beach subcommittee was directed to review the new historical report that was being prepared under contract from community members. Andrew Merriam, AICP, from the MBA Planning Group, completed a review of the 1913 Avila School House. Shear Edge Development, under contract with the San Luis Coastal Unified School District, has proposed demolition of the school house based on a historical report provided by Bertrando and Bertrando. This special meeting will provide recommendation for AVAC action.

Archie McLaren, Chairperson of the Avila Beach Committee, made the following comments, followed by a reading of the letter composed by the committee for AVAC. He noted the following general comments: The subcommittee analyzes new projects for compliance to the Specific Plan. This mandate has required conscientiousness for review and recommendation, and the task is done in all seriousness to expedite projects through the County planning process. The Committee has been concerned for the community fabric; an issue that was discussed prior to the Unocal clean-up, and continues to be of concern as town is rebuilt.

Following is excerpted from the committee letter Nov. 2, to the Board as read by McLaren :

The School District representatives indicated that they were in attendance to show their interest in, sympathy and understanding with, and support of the community of Avila Beach, and to clarify any misconceptions regarding the District's role in the School House property project. It was explained by them that the lease of the property was compelled by the State Education Codes which restrict the manner in which the School District can earn revenues (It cannot sell the property and place the proceeds in its Operating Budget), and it was further stated that, once the lease contract was signed (August, 2005), the developer became fully responsible for the project proposal and the details of its (Cerro de Avila Project's) fruition.

At its meeting of August 8, the Committee had expressed the concerns of the community regarding the demolition of the

Avila School House as a part of the plans presented by the Cerro de Avila Project developers. The community is very desirous of retaining the school house on the property and feels that it has a definitive historic context within the community, contrary to the Bertrando & Bertrando Historic Resource Evaluation Report of January 2004, which concludes that it does not.

Committee members Ann Brown and Robert Martin, as well as CSD Director Tom Guernsey, have commissioned a report from Andrew Merriam of the MBA Planning Group for a second opinion on the historic significance of the School House, and the resultant report of October 20, 2005, is contrary to the opinion stated in the Bertrando & Bertrando report, concluding that *the School House does, indeed, have a historic significance*. In fact, Mr. Merriam concludes that, of the 7 requisite Integrity Criteria for historic preservation, the Avila School House meets every one of them, and that the 2004 Bertrando & Bertrando report "applied the Integrity Criteria too strictly and without benefit of architectural analysis."

Mr. Merriam's qualifications include reports for the Avila Pier, the San Luis Obispo Light Station and Jack House, among others. He prepared the historic evaluations for the Avila Grocery Store and the San Luis Yacht Club. He is also the architect of record for their preservation. He served as Chairman of the San Luis Obispo Cultural heritage Committee when the city's historic resources survey and program was adopted.

The Avila Beach Committee feels that Mr. Merriam's qualifications transcend those of the preparers of the Bertrando & Bertrando report, and that there is a greater nexus between those indicated projects which he analyzed and the Avila Beach School House.

Ryan Hostetter of County Planning incorporated the Bertrando & Bertrando historical analysis of the school house into her project report, and the county issued a negative declaration on the project based on the Bertrando & Bertrando report.

It is the Committee's opinion that the notice of the Bertrando & Bertrando report and the timetable subsequently created by the county for submission of alternatives to the demolition of the School House was inadequate.

Although the Bertrando & Bertrando report was created in January of 2004, County Planning did not receive the report

until July 5, 2005, and the committee did not receive it until August 8, 2005. Ryan contacted Committee member John Salisbury on August 10 and indicated that the following items needed "to be completed in the next two months or so."

- (1) Find a feasible location to place the structure where it can be restored.
- (2) Gather the money to restore it.
- (3) Obtain & Pay for the Minor Use & Building permits.
- (4) Coordinate with the developers, so that the permit to move the building can be completed and the building can be moved by February 2006.
- (5) Provide Planning Staff with a plan showing who will restore the building and what the use of the structure will be.

The Committee feels that these items are, on their face, impossible to achieve in such a short time frame. The Committee also feels that it proceeded with all due diligence, haste and timeliness to meet the perceived deadline, particularly in light of its receipt of the Bertrando & Bertrando at such a late date in the proceedings (August 8, 2005).

Committee member Bob Martin received a title search on August 23, and Committee member Anne Brown commissioned a historic analysis on September 12.

Irrespective of the Committee's actions, a negative declaration for the project was declared on September 29, and the County Planning Staff Report was subsequently made available on October 28, in which it approves the demolition of the School House.

The Committee feels that, whereas there have been fast-track projects in the past that came to fruition in a reasonable fashion, this one contained inherent problems that were not fully anticipated by County Staff, and that, in particular, the School House was one such issue that required much more analysis and deliberation than the Committee, and hence the Avila Valley Advisory Council, were allowed to pursue.

Andrew Merriam, in his report of October 20, in reference to the Bertrando & Bertrando report, states the situation quite plainly as follows:

"In the process of evaluating the 2004 historic report, it became evident that much historic material was not included and may not have been available to the preparers. As such, we believe this report no longer provides an adequate foundation for the mitigated negative declaration and approval of the project. There is adequate information to find the structure historic under CEQA definitions. This in turn means that removal or demolition will create a significant and immitigable negative effect."

The Avila Beach Committee concurs with Mr. Merriam's conclusions and requests that the project Cerro de Avila be reevaluated for purposes of an EIR to evaluate any negative impacts on Avila Beach, its history, and the physical and emotional fabric of the community.

Respectfully submitted,

Archie McClaren
Committee Chair

Archie recapped that virtually all of the residents who were living in the part of the town that was demolished have left and will probably not be returning due to the increased value of real estate here. That loss jeopardizes the continuation of the long-time fabric of the community. The Specific Plan envisioned retaining as much of the old Avila and its evolution and aura as possible. If it is not retained, it will be very psychologically damaging to the residents of Avila Beach. Therefore, if the School House is destroyed, it will have an unmitigable impact on the community.

Comments from Board members:

Salisbury: Archie summarizes the issue well. John knows the structural integrity of the schoolhouse is good and it could be saved.

Motion from Gooding: Recommend to Planning Commission for continuance of discussion on Shear Edge Project and direct staff to perform further environmental analysis and consideration of preparing an Environmental Impact Report. Allow sufficient time for exploration of relocation. Second from Brown.

Discussion: Ryan Hostetter, County Planner, explained variations of potential direction the Planning Commission could take. At this juncture, County Planning would prefer a Continuance to consider the new historical report and conflicting analysis in the two reports.

Public Comment:

John Belcher, attorney for Shear Edge, spoke about design issues addressed at the AVAC meeting. The idea of a continuance to preserve the schoolhouse is not acceptable. His clients entered into an agreement with the School District for a certain sized project. Leaving the schoolhouse on the site will not be acceptable to the developers. On the schoolhouse issue; arguments can be made at the Planning Commission and Board of Supervisors. Moving the school house is an option and could be done; giving the

community time to develop a long term plan. Individuals could provide a lot. Lenthall met with developers and will be available to mediate an acceptable plan.

Mike Hodge, Shear Edge Development, met with Lenthall to discuss all alternatives and options available. They are available for a possible meeting on Monday, November 7, 2005.

Tom Guernsey, Avila Beach resident: Believes no meetings should take place before the Hearing.

N. Maitlan: If moved, who continues maintenance?

Pusanik: Keep options open for negotiating by committee.

VOTE ON MOTION: 7 AYES, 1 ABSTENCIA

Motion passed.

Motion to Adjourn by A. Brown, second by Salisbury: Accepted at 7:45 p.m.

Respectfully submitted

Acting Secretary

Karla Bittner