



**AVILA BEACH RESORT DEVELOPMENT PLAN / COASTAL DEVELOPMENT PERMIT
DRC2018-00067 – REVISED PROJECT DESCRIPTION
Submittal Date: FEBRUARY 2021**

1.0 Summary of Request

ABR Property L.P. (“Applicant”) is requesting approval of a phased Development Plan/Coastal Development Permit to add hotel and related facilities to the Avila Beach Golf Resort (Resort). These overnight accommodations expand the existing visitor-serving and recreational uses at the Resort, which is located in the coastal community of Avila Beach. The application also includes a request for an exception to allow additional business and access signage area (greater than 100 square feet), and a request to modify the road improvement standards along Avila Beach Drive, given the property’s frontages proximity to San Luis Creek and intervening non-Resort ownerships. The Development Plan application will also concurrently amend and update the San Luis Bay Estates Master Development Plan to provide consistency between the Master Development Plan and the San Luis Bay Coastal Area Plan.

The following narrative describes the proposed additional hospitality facilities and how these components will be incorporated into the existing Resort and surrounding environment and community.

2.0 Setting and Overview

The subject property is identified as APN 076-181-032, APN 076-181-039, APN 076-181-061 and 076-205-001 and is located in Avila Beach on approximately 170 acres. The Resort is situated immediately north of Avila Beach Drive, adjacent to the community of Avila Beach. The property is situated at the edge of San Luis Bay, where San Luis Creek flows into the Pacific Ocean. It is bounded to the north and east by steeper hillsides and residential developments beyond, all part of the San Luis Bay Estates.

Today’s Avila Beach Golf Resort began its business life on February 14, 1967, with the County approval of CUP (Resolution 67-84) by the Board of Supervisors and its subsequent development along with the San Luis Bay Inn. Both were part of the then San Luis Bay Club (please refer to supplemental attachment of “existing conditions”).

In 1981, the two recreational properties were separated and later became independent ownerships. Although separate in ownership, they operated together until 1989. Both properties were constructed in 1968 as a resort with uses approved in the 1967 use permit. Subsequently, the Recreation land use designations were



Figure 1. Aerial View of Project Site

expanded as part of the adoption of the County's Land Use Element in 1980. Today, the Avila Beach Golf Resort property is the single largest, private coastal property in San Luis Obispo County, zoned Recreation with a Visitor Priority overlay.

Several Master Plan changes have occurred over the past 30 years, which make the proposed hotel plan relevant and viable. In 1991, the San Luis Bay Inn hotel became a 144-unit timeshare. With that change, the timeshare property no longer accommodates the Resort's overnight tourist/visitors, once a significant portion of the Resort's customer base.

Today, the Resort's tourist guests stay in the surrounding towns (Pismo Beach, Shell Beach, San Luis Obispo); thus, adding to daily traffic on Avila Beach Drive. This hotel plan allows the Resort to accommodate its "existing customers," who are already daytime guests on property, for overnight stays. The goal of on-site accommodations is to retain guests on the Resort property for overnight and longer stays, thereby reducing existing visitor traffic. Extending guest stays in Avila Beach benefits the community, the Resort, and the visitors/customers.

The Resort property is presently fully improved including a restaurant (Mulligan's), numerous bars, a Beach Club and golf course. The property is currently improved with infrastructure (i.e., utilities, irrigation, reservoirs, building facilities, roads, parking, turf), fully utilized by its guests.

The Resort hosts numerous recreational activities typically associated with a resort, including golf, weddings, banquets, food and beverage service, and commercial entertainment. Portions of the property remain in their natural state (including San Luis Creek, Harford drainage, limited oak woodlands and its sandy beach areas). Most of the Resort is maintained, irrigated turf. Public access is provided through roads and trails from Highway 101 to Avila Beach. The well-established and traveled Bob Jones Trail ends at the Resort's 3000 Avila Beach Drive intersection (established through MUP No. DRC2005-00032).

3.0 Project Objectives

The Applicant's overall objective is to "return" the Resort to its former unique position as a "Classic, Seaside Resort," as initially established in 1968. Loss of Visitor-Serving lodging by the conversion of the San Luis Bay Inn to a timeshare property was impactful. There is currently no opportunity for overnight accommodations at the Resort, as intended by the 1981 Master Development Plan (Master Plan).

This Development Plan/Coastal Development Permit (DP/CDP) is primarily intended to re-establish on-site, overnight accommodations which is the "existing, primary land use" within the adopted Master Plan and listed as the "principally permitted use" in the Local Coastal Plan (LCP) and Area Plan Standards. Hotel uses are consistent with the existing General Plan and encouraged in the LCP. This application will amend the Master Plan to reinstate overnight lodging, consistent with the original vision and visitor-serving uses contemplated in the 1981 Master Plan.

In addition to the re-introduction of overnight lodging on the Resort property, the new facilities also include added recreational and visitor-serving facilities and amenities typically associated with a destination resort. These amenities and facilities will add to the existing facilities to better accommodate Resort guests and encourage longer stays in Avila Beach. The Resort's existing recreational and coastal activities include, but are not limited to, private walking, biking trails, swimming, yoga, golf, kayaking, outrigger canoes, coastal access, water sports, music, and other live entertainment. The golf and driving range will remain a significant aspect of the Resort's business operations.

To accommodate proposed new facilities, while retaining the existing golf and recreational activities, portions of the course will be reconfigured to route an 18-hole revised course design reduced to a +/- 5,000 yard “sport course.” These changes do not require grading or landform modifications. The golf course will continue to be a significant business and recreational feature of the Resort, hosting golf and other recreational activities and ancillary commercial and community events. The improved routing should quicken play, consistent with evolving golf trends. Course modifications will also reduce irrigated turf and existing irrigation demands while preserving the Resort’s position as a premiere destination Coastal golf facility.

The Resort has long been a community gathering place and the proposed new facilities and improvements will better accommodate and support those activities and serve daily visitors to Avila Beach.

4.0 Project Description

To facilitate description and identify the general location of the proposed new facilities, the plan is divided into three (3) distinct project areas:

- *Area 1:* Hospitality Center, Lodge, Spa Facility, Harford Canyon Cottages, and an Outdoor Pavilion with Support Barn
- *Area 2:* Recreation and Beach Adventure Center which includes a Cart Barn and Snack Shop, relocated Pro Shop and Café, additional Parking Facilities, and new two-story driving range
- *Area 3:* The Lake House, Bungalows and Cabins



Figure 2. Project Areas

Existing infrastructure will be upgraded, as necessary, to support the proposed new facilities. These upgrades include site utilities, rebranding of the existing restaurant/bar, adding banquet facilities and creating other recreational space to accommodate uses to serve locals, residents, and visitors alike.

The new facilities may be developed in two (2) phases with Areas 1 and 2 developed as a part of Phase 1 and Area 3 developed as a part of Phase 2. Project phasing will be dependent on market conditions and one or more of the project areas may be prioritized and developed as a part of the initial phase.

4.1 Zoning and Other Designations

The Resort is part of the 1,100-acre San Luis Bay Estates Master Plan area located within the San Luis Bay Coastal Planning Area and within the Urban Reserve Line (URL) of the Avila Community. The Resort property is zoned Recreation (REC) and maintains an LCP Visitor-Serving (V) combining designation. The property is subject to the Limitations on Uses and other standards, as outlined for Recreation lands within the San Luis Bay Estates Master Plan.

In addition, the following Coastal combining designations are indicated on various County maps as being applicable to portions of the property and adjacent areas:

- Archaeological Study Area (ASA)
- Geologic Study Area (GSA)
- Flood Hazard (FH)
- Sensitive Resource Area (SRA) / Unmapped ESHA
- Streambeds and Riparian Vegetation (SRA)

The proposed overnight lodging/hotel use is a “principally permitted use” on recreational (REC) properties within the San Luis Bay Estates. Principally permitted uses are uses which are encouraged over non-principally permitted uses. All existing and proposed uses are listed as allowed uses in the Area Plan and the Master Plan. The proposed Development Plan application will amend the San Luis Bay Estates Master Plan, including text and exhibits, to provide consistency between the documents. A discussion of the proposed Master Plan Amendment is provided in Section 7 below.

4.2 Project Areas – Summary Description

4.2.1 Project Area 1

4.2.1.1 The Hospitality Center

The Hospitality Center area is approximately 2.5 acres in size (including the existing parking areas). It is currently improved with approximately 20,000 square feet of existing structures, including the 5,000 square foot restaurant/bar plus tented outside dining terrace, a 1,600 square foot Pro Shop, and the 14,000 square foot two-story Beach Club. This area is currently improved with irrigated turf and impervious surfaces which includes existing parking areas, cart paths and pedestrian walkways. Vehicular access to the Hospitality Center will continue to be from Avila Beach Drive via Ana Bay Road. There are approximately 58 existing vehicle parking spaces immediately adjacent to the Hospitality Center.

The proposed improvements include expanding the existing Hospitality Center by creating a “welcome center” for both day use visitors and overnight guests. The existing space (5,000 square feet) currently occupied by Mulligan’s restaurant will be reconfigured, renovated and rebranded remaining a full-service dining experience. The restaurant will remain open to the general public. Portions of the existing dining terrace will be enclosed.

The existing Pro Shop building will be transformed into a new 2,235 square foot lobby/check-in area. It will include a new 1,850 square foot ground floor lobby and bar in the Pro Shop footprint. All improvements will occur within the existing footprint currently occupied by Mulligan’s, the Beach Club, Pro Shop and putting green/event lawn.

The existing Beach Club and Cart Barn building (located adjacent to the Hospitality Center) will be remodeled, including adding meeting rooms and a commercial kitchen (previously approved). This commercial kitchen is intended to provide food service for banquets, catered events, and the beach club bar. All other uses within the

existing 14,000 square foot Beach Club, plus its 3,000 square foot addition, will remain the same.

Proposed improvements to the entrance of the Hospitality Center will include a new Arrival Plaza for drop off and valet parking immediately adjacent to Ana Bay Road. Additional parking will be created just north of the Arrival Plaza to support the Hospitality Center and Spa. The lobby/check-in will serve the Lodge and Harford Canyon Cottages. A new 1,880 square foot two-bedroom guest unit will be constructed above the new bar. Two new swimming pools and sun decks are also proposed southeast of the Hospitality Center in the area currently occupied by an existing putting green and event lawn area.



Figure 3. Existing Hospitality Center Site Plan Figure 4. Proposed Hospitality Center Site Plan

The added impervious surfaces proposed at the Hospitality Center is a nominal increase and will not result in a significant increase in stormwater runoff.

Re-creation of the Hospitality Center will result in approximately 0.9 acres of site disturbance, 5,000 square feet of new impervious surface. Earthwork is anticipated to be approximately 300 cubic yards of cut and fill and will balance within the site.

HOSPITALITY CENTER & BEACH CLUB			
Hospitality Center	Description	Existing Square Footage	New Proposed Square Footage
1 st Floor	Kitchen, Restaurant, Dining, Bar	8,775	-
1 st Floor	Entry, lobby/check-in	-	2,235
2 nd Floor	Guest Suite (above bar)	-	1,880
Total Floor Area		8,775	4,115

Beach Club	Description	Existing Square Footage	New Proposed Square Footage
1st Floor	Offices, cart barn, back of house, restrooms, lounge, lobby, snack shop	7,834	-
2 nd Floor	Meeting Rooms, Bar, Storage, Kitchen, Deck	5,929	-
2 nd Floor	Meeting Rooms		2,760
Total Floor Area		13,763	2,760

4.2.1.2 The Spa

The Spa facility is comprised of a new 27,250 square foot, two-story building which includes gym and exercise rooms, classroom areas, men and women’s locker rooms with respective private lounge areas and office support areas.

Outdoor Spa amenities will include adding a new pool and hot tub with surrounding patio and decks, while retaining existing landscaping and irrigated turf/lawn areas. The second level will include a lounge area with spa amenities, restrooms, and beauty



Figure 5. Existing Spa Site Plan



Figure 6. Proposed Spa Site Plan

and health/spa services. The building includes a 3,750 square foot roof deck with gardens.

Development of the Spa will result in approximately 0.9 acres of site disturbance (currently existing golf course turf), including adding 20,000 square feet of impervious surface. Earthwork is estimated to be approximately 400 cubic yards of cut and fill. Earthwork is located outside of the 50-foot setback from Harford Creek. The Spa will be developed over a localized low point adjacent to Harford Creek; however, filling to accommodate the structure will have no impact on the creek flood level, though it will be necessary to reroute the surface water around the proposed structure by grading design or an underground storm drain system (Keith Crowe, March 27, 2020).

SPA – AVILA		
Spa Facility	Description	Proposed Square Footage
1 st Floor	Includes: Lobby, Offices, Lounge, Gym Area (Storage and Rooms), Classroom, Men and Women’s Locker Rooms with Private Lounge/Spa Area	14,000
2 nd Floor	Includes: Lounge Area, Salon (Hair and Nails), Lobby, Spa Services (e.g., Massage), Restrooms	9,500
3 rd Floor	Roof Deck	3,750**
Total Floor Area		23,500

** Not applicable to overall building floor area

4.2.1.3 The Lodge

The new Lodge building is proposed to be located over (above) the existing, paved upper parking lot closest to the Ana Bay Road entry into the Resort. The existing parking lot is currently paved and supports 60 visitor spaces. The existing adjacent, paved parking will remain and provide 18 visitor spaces. Bicycle racks will be provided in convenient areas adjacent to the Lodge.

Creation of the Lodge will include an 18,000 square foot covered parking area which accommodates 55 vehicle spaces.

The new Lodge lobby and lounge will be located on the ground floor. The upper two (2) floors will include a total of 64 hotel suites. The Lodge will also offer amenities to guests including a new pool, hot tub, sun decks and terraces, located adjacent to lobby and lounge.



Figure 7. Existing Lodge Site Plan



Figure 8. Proposed Lodge Site Plan

The Lodge will result in approximately 1.3 acres of site disturbance, including approximately 35,000 square feet of existing and proposed impervious surface. Earthwork is estimated to be approximately 1,600 cubic yards of cut and fill.

THE LODGE		
Lodge Building	Description	Proposed Square Footage
Hotel 1 st Floor	Includes: Lobby, Lounge, Bar and Cafe, Restrooms	4,400
Hotel 2 nd Floor	Includes: 34 Hotel Suites	23,500
Hotel 3 rd Floor	Includes: 30 Hotel Suites	21,150
Hotel 3 rd Floor	Terrace	2,350**
Basement (1 st Floor)	Covered Parking (55 spaces)	18,000**
Total Floor Area		49,050

** Not applicable to overall building floor area

4.2.1.4 Harford Canyon Cottages

The Harford Canyon Cottages (Cottages) will be clustered on approximately 7 acres of the westernmost portion of the existing turf driving range. The Cottages include 36 free standing hotel rooms, each approximately 800 square feet in size. Each cottage will include one (1) bedroom, living room, kitchenette, bathroom, and deck with individual jacuzzi. Parking for the Cottages is designed around a new loop road which connects to existing Harford West Road. Individual bicycle racks will be provided with each unit.

Development of the Harford Canyon Cottages will result in approximately 2.7 acres of site disturbance of previously graded land. Development will include 18,000 square feet of impervious surface and approximately 700 cubic yards of cut and fill located outside of the required 50-foot setback from Harford Creek.



Figure 9. Existing Harford Canyon Cottages Site Plan



Figure 10. Proposed Harford Canyon Cottages Site Plan

HARFORD CANYON COTTAGES		
Harford Cottages	Description	Proposed Square Footage
Cottage Units	Includes: 36, 800 SF 1-Bedroom Cottages	28,800
Total Floor Area		28,800

4.2.1.5 Outdoor Pavilion and Support Barn



Figure 11. Proposed Outdoor Pavilion Site Plan

The Outdoor Pavilion and Support Barn will be located on the upper portion of the existing driving range, located adjacent to the Harford Canyon Cottages. Access to this area will be provided by an existing gravel road to be improved to a 20-foot-wide, as a two-way, private access road connecting from the existing Harford West Road. Additional improvements will be made, including a hammerhead turnaround to support emergency vehicles and shuttle drop-offs. Visitor parking is provided at the Lodge parking lot, Harford Canyon Cottages, or along portions of the golf course entirely within the existing golf turf area.

This Driving Range is a natural “bowl,” currently used for golf, gatherings, and live entertainment, hosting up to 5,000 guests. This area's capacity will be reduced considerably with the addition of the Harford Canyon Cottages. The existing upper slope will be retained as a 6,500 square foot terraced lawn able to accommodate a reduced capacity of up to 1,000 guests. A stage will be placed at the lowest grade of the seating area and be used for various activities currently hosted at the Resort, such as Shakespeare at Night, children's events, Jazz by the Sea and other small, live events.

A new, two-story 9,600 square foot Support Barn will be constructed adjacent to the Outdoor Pavilion. The lower level of 4,800 square feet will house support services, while the 4,800 square foot upper floor will include flex space, catering area (does not include full kitchen), restrooms, and outdoor deck able to accommodate private meetings for up to 50 guests. The Support Barn will be used to host various entertainment activities concurrently with the Outdoor Pavilion activities or to host ongoing private events such as weddings, business meetings/conferences and small parties.

All site disturbance is located within the existing, already graded, irrigated turf Driving Range. Recontouring the existing turf to support the Outdoor Pavilion and new Support Barn will result in approximately 0.7 acres of total site disturbance including 6,000 square feet of impervious surface area and approximately 800 cubic yards of cut and fill. As a result of the project, several ornamental (Cypress) trees will be removed to accommodate for the Support Barn.

OUTDOOR PAVILION & SUPPORT BARN		
Pavilion	Description	Proposed Square Footage
Outdoor Terraced Seating Area	Grass Seating Area, un-fixed	6,500 **
Stage	Outdoor Stage	720 **
Support Barn	Description	Square Footage
1 st Floor	Storage, Mechanical Room, Restrooms, Porch	4,800
2 nd Floor	Event Storage, Catering Kitchen, Restrooms, Outdoor Covered Deck	4,800
Total Floor Area		9,600

** Not applicable to overall building floor area

4.2.2 Project Area 2 – Recreation & Beach Adventure Center

The Recreation and Beach Adventure Center will be located at the Resort’s 3000 Avila Beach Drive existing entry, which is a signalized access at Avila Beach Drive and First Street. The existing access is improved, consistent with DRC2005-00032 and PMT2010-00785.

The Recreation and Beach Adventure Center includes the addition of two (2) buildings. The first building will include the relocated golf cart barn (relocated from the existing Hospitality and Beach Club Center) with parking for 74 carts plus an approximately 1,350 square foot snack bar. These buildings will be adjacent to bicycle rental/parking and an Arrival Court for event activities, driving range and vehicle parking. It also provides vehicle access for Uber or Lyft drop-offs.

The second building, located across the Arrival Court, will house the relocated 1,240 square foot Pro Shop and 2,300 square foot Café with an outdoor dining area. The upper floor will include administrative offices to support the Recreation and Beach Adventure Center.

Located east of the Pro Shop, Cafe and Cart Barn will be a new two-story driving range. The lower level will feature a parking lot able to accommodate 48 vehicle spaces. The driving range will include 18 individual driving bays on each level. The existing turf area located east and northeast of the proposed driving range building will remain unaltered and used to support the driving range.

This area of the Resort will continue to host commercial entertainment, temporary parking and improve operation of the existing Outrigger/Canoe Center. Beach access and canoe rentals as well as Resort access via existing walkways and cart



Figure 12. Proposed Golf & Recreation Center Site Plan

paths will be enhanced. No changes or modifications to accommodate these facilities will impact the existing Bob Jones Trail trailhead at 3000 Avila Beach Drive.

Creation of the Recreation and Beach Adventure Center will result in approximately 1.5 acres of site disturbance. Development will include 18,000 square feet of impervious surface and 3,500 cubic yards of cut and fill.

RECREATION AND BEACH ADVENTURE CENTER		
Snack Bar and Garage	Description	Proposed Square Footage
Snack Bar	Snack Bar, Storage and Back of House	1,350
Multi-Modal Garage (Cart Barn)	Cart Barn, Bicycle, Electric Vehicle Parking	5,700 **
Pro-Shop & Café		Description
Pro-Shop (1 st floor)	Pro-Shop and Storage	1,240
Café (1 st floor)	Café, Outdoor Dining Deck, Restrooms, Storage, Back of House	2,300
2 nd floor	Administrative Offices, Storage, Restrooms	1,450
Total Floor Area		12,040

Driving Range	Description	
Practice Range	Two-Story Structure, 36 Tee Boxes	7,300

** Not applicable to overall building floor area

4.2.3 Project Area 3 – The Lake House, Bungalows and Cabins

The Lake House, Bungalows and Cabins located at 1600 Avila Beach Drive will consist of a new lake house and additional overnight visitor accommodations surrounding a new, 1.4-acre man-made lake. This area will be accessed from a new 20-foot-wide drive located at the intersection of Avila Beach Drive and Cave Landing Road. Site improvements will include a new loop road surrounding the development as well as 101 vehicle parking spaces, pedestrian pathways, public restroom, landscaping, re-aligned golf cart paths, and the existing service/maintenance roads. Individual bicycle racks will be provided at each unit.



Figure 13. Proposed Lake Pavilion & Bungalows Site Plan

The new 6,000 square foot Lake House building will feature a kitchen, banquet and conference space, and restrooms as well as a “library” to serve visitors. These amenities will be private and not be available or open to the general public.

Additional outdoor amenities will feature sundecks and pool. A pier will extend into the man-made lake for canoe access. Guests to the Lake House, Bungalows and Cabins will check-in to the 900 square foot reception/lobby located adjacent to the Lake House building.

Lake House Bungalows and Cabins

Seven (7) two-bedroom 1,050 square foot bungalows, and 24 one-bedroom 560 square-foot bungalows will offer overnight accommodations surrounding the lake. Additionally, three (3) cabins, 800 square feet each, will be situated on the interior of the proposed man-made pond. Individual Bungalows and Cabin units will be accessed by golf carts with vehicle parking centralized in the 101 spaces located east of the proposed development.

THE LAKE HOUSE & BUNGALOWS		
Lake Pavilion	Description	Proposed Square Footage
Lake House Building	Catering Kitchen, Bar, Library, Restrooms, Storage	5,940
Administrative Building	Reception Lobby, Office	900
Lake House Units	Description	Square Footage
Bungalows	24 – 1-bdrm 560 SF Units	13,440
	7 – 2-bdrm 1,050 SF Units	7,350
Cabins	3 – 800 SF Units	2,400
Total Floor Area		51,000

5.0 Site Improvements and Utilities

5.1 Access and Circulation

Primary public access to the Resort will remain both San Luis Bay Drive and Avila Beach Drive from Highway 101. Guests, employees and deliveries to the Resort will continue via the existing entrance from Ana Bay Road. This private Ana Bay Road is improved and meets Cal Fire and SLO County Public Works standards. Primary access to the Beach & Recreation Center will be via the existing entrance at 3000 Avila Beach Drive, which is a signalized intersection at First Street. The Lake House with Cottages and Bungalows will take its primary access via a new 20' drive entrance to be located at 1600 Avila Beach Drive across from Cave Landing Road.

The existing internal circulation and maintenance of the grounds will continue to use a combination of several existing private roads (Ana Bay Road, Harford, and Blue Heron) plus the internal paths. No public or visitor serving traffic will utilize these roads, except in the event of an emergency. A new loop road (Lakeside) is proposed to access the Lake House development and provide emergency access.

Secondary emergency egress is existing via two (2) private routes. Blue Heron Road to Coffeeberry Place and Lupine Canyon Road out to San Luis Bay Drive. Blue Heron Road terminates near the Bob Jones Trail at a gate which leads to Coffeeberry Place. An additional

existing emergency route includes the East Harford Canyon Road to Lupine then out to San Luis Bay Drive. Both routes are currently improved 20' wide and serve as Cal Fire's designated emergency routes. These emergency accesses were established and certified by Cal Fire via the adopted Avila Valley Fire Evacuation Plan (<https://calfireslo.org/wp-content/uploads/2019/03/130904AvilaEvacBro.pdf>). These routes **are not intended nor will they be used for "public" daily use.**

5.2 Utilities

The Resort is currently served by and connected to all existing facilities. San Miguelito Mutual Water Company (SMMWC) presently provides domestic water and sewer service. PG&E and the So Cal Gas Company also currently serve the property. New domestic water and sewer connections to these existing looped mains will occur at various points of connection to support the proposed facilities (see Attachment 6).

The Resort has its own separate and extensive water well and irrigation system, in service for over 50 years. Please refer to the attached Site Plans – Utility and Irrigation Plans for details.

5.3 Signage

The Resort's signage will be retained and upgraded. Additionally, a Master Sign Plan is included as a part of this design to demonstrate the character (i.e., style, tone, material and location) of entrance signs to the property. Additional informational and directional signs will be installed at the interior of the site for wayfinding of visitors and guests. Those signs are exempt from a building permit (i.e., directory, historical markers, prohibition, reader boards, safety and directional signage).



Figure 14. Proposed Signage

New signs proposed will be consistent with the requirements of the Sign Ordinance of the CZLUO (e.g., sign area limitations and lighting) for a maximum proposed area of 50 square feet. Existing signs were approved in 1968 and will be recreated.

A request for an exception to the sign standards to allow a greater area of signing (greater than 100 square feet) to allow for all Resort areas (Spa, Lodge, Lake House, etc.) to have individual signage on the building faces. It is anticipated the 100 square feet will be exceeded.

5.4 Fire Suppression

The SMMWC community domestic water system's capacity and infrastructure meet all requirements for commercial fire pressure, flow and storage. Additional hydrants and/or standpipes will be added as necessary and required by Cal Fire for all new facilities.

5.5 Water and Wastewater Treatment

SMMWC existing community water and wastewater system already provides service to the Resort. The system mains already loop the property. SMMWC's facilities are designed with adequate capacity to serve all proposed new Resort facilities (see SMMWC Will Serve Letter attached).

In the event SMMWC elects to pursue reclamation of its wastewater, the Resort will pursue use of that grey water to supplement its current turf irrigation and landscaping. This could both conserve groundwater and provide “beneficial reuse” of the treated effluent, which has little other use within the Bay Estates.

5.6 Stormwater

All new impervious surfaces, whether at grade or roof structures, are designed to capture and then percolate collected rainwater. This water will either be utilized directly in the surrounding landscaping or directed to existing irrigation reservoirs for reuse on the golf course turf; thus, reducing existing irrigation well demands.

Since the proposed improvements and new facilities are to be constructed within the Resort’s existing turf areas, not only will the new construction be “light on the land,” they are designed to maintain existing grades and surface flows. The existing turf will also continue to function as a significant “bio-filter.” All new facilities are placed a minimum of 50 feet or more from any natural drainage features resulting in a significant turf bio-filter, as is today.

5.7 Grading

A majority of Resort property existing topography is the result of significant past grading in the 1960’s and before. Siting of the three (3) areas for new facilities are designed to minimize additional site disturbance and/or significant grading. A key feature of the proposed new facilities is that new building foundations require minimum excavation and are generally located in previously disturbed areas. New utilities are located in previously altered land, within the existing golf course turf or roads.

No re-contouring of the existing Resort course is proposed or anticipated. All new roads, pathways and paved parking are to be built within areas of existing, already altered terrain and turf. Roads and paths utilize the existing routes; thus, minimizing further grading.

Project Component	Cut (CY)	Fill (CY)	Max Depth of Cut (Feet)	Max Depth of Fill (Feet)	Disturbance Area (Acres)
Hospitality Center	300	300	3	2	0.9
Spa - Avila	400	400	5	1	0.9
The Lodge	400	400	3	1	1.3
Harford Canyon Cottages	700	700	2	1	2.7
Outdoor Pavilion & Support Barn	800	800	15	5	0.7

Beach and Recreation Center	100	3,500	1	4	1.5
The Lake House with Cottages & Cabins	12,000	12,000	5	8	9.0
Project Utility Line Trenching	900	900	5	0	0.6
Total	15,600	19,000			17.60

6.0 Operations and Programming

The proposed new facilities are planned to complement the Resort’s existing business and customers. The Resort, now over 50 years old, currently hosts between 170,000 and 215,000 guests and customers annually (see attached “Existing Conditions”). The Resort presently has a full-time staff of approximately 45. Numerous volunteers and supplemental support staff assist with tournaments, fundraisers, and community activities throughout the year.

As previously described herein, an objective of the new facilities is to "capture the existing Resort customers” by providing the benefit of overnight accommodations for customers already coming to the property for golf, weddings, or concerts/festivals. Capturing these “existing Resort customers” can substantially reduce both traffic impacts and parking demands. The new Lodge, Harford Canyon Cottages and Lake Bungalows vary from one (1) bedroom suites to two (2) bedroom Bungalows. The plan creates two "villages" that can separately accommodate intimate groups (golf, weddings, retreats, business, family celebrations). This flexible design allows for single hotel operational efficiency. It provides dedicated and distinct areas to serve both large and small groups. It is anticipated that the Resort’s new facilities also allow for a private membership club program to allow for non-guests to utilize the Resort’s facilities that would normally be reserved for Resort guests. Members may enjoy access to the indoor and outdoor lounges, dining rooms, spa services, club activities, golf, events, as well as other guest privileges throughout the Resort. Food service and many events will continue to be available to the public.

6.1 Operating Hours

Currently, the Resort is a daily operation typically from 6am-10pm. The Resort hosts a variety of public and private activities, including golf, dining, lounge, banquets, weddings and other ordinary commercial activities. Any non-golf activities held outside will continue to operate between 9am-10pm only.

Proposed new lodging will follow customary hotel check-in (3pm) and check-out (11am). The Resort will develop “windows” for guest arrivals to avoid peak hour access.

6.2 Staffing

The Resort operation will continue to employ the existing 45 full-time staff positions with 30-50 seasonal employees, plus a number of volunteers that assist during the different seasons of the year for charitable fundraisers.

The new accommodation facilities will result in the need to add approximately 150 additional positions with a spectrum of salaries and professional positions. These additional positions vary depending on need, and include management, reception, concierge, security,

housekeeping and maintenance staff. With the Resort's 24-hour operation, employees will work in multiple shifts to maintain full coverage of all hours. All employee parking will be provided onsite.

Maintenance activities will continue to be around the clock, 24 hours a day, 7 days a week.

6.3 Golf and Other Activity Programming

Golf remains a significant business, as well as landscape feature of the Resort. The Resort hosts between 45,000 and 70,000 golf rounds per year. Over 50% of those rounds are golfers who are visitors to the County and currently stay in other, sometimes distant, overnight accommodations. With the addition of the overnight lodging, the Resort will have the ability to accommodate and even require non-local visitors to stay on the property instead of seeking alternative accommodations. This will effectively reduce vehicular trips by extending the Resort customers stay in Avila Beach. Current patrons of golf, weddings and events will be the guests using the new overnight accommodations. The lodging (135 units with 38,000 occupant nights) is anticipated to "capture" well over half of these "existing guests" into room nights. As a result, not adding to traffic but, in lieu, accommodating existing guests. The addition of overnight, longer term visitors in Avila Beach, will also support existing businesses in Avila Beach by adding more visitors throughout the year and after 'beach hours'. The increase in visitors will organically translate to increased commercial activity in the commercial district of Avila Beach.

As a result of the new lodging, course routing will be shorter (5,000 yards) to improve and quicken golf play. The current 10th fairway (closest to 3000 Avila Beach Drive entrance) is used today for golf, commercial events, and temporary parking. The existing driving range will be relocated to hole 10, the new Recreation and Adventure Center. This facility will include the new Pro Shop, Café, Golf Academy, and two-story Driving Range facility. Access will be via the 3000 Avila Beach Drive entry. This public access provides visitors the ability to park and enjoy their golfing experience without entering the hotel area.

In addition to existing facilities, there will be improved and new facilities available for outdoor recreational activities including rentals of bicycles, kayaks and paddleboards. The Resort has long served the local Outrigger Club & Canoe Center.

The new Driving Range (former hole 10) will create an exciting new golf experience that goes beyond the standard instructional and practice range with a fun golf-themed friends and family group activity. This new facility provides 36 driving bays, 18 bays per level, and will be open to the public and include options for a dedicated food and beverage service focused on golf-themed entertainment.

6.4 Food and Beverage Programming

The Resort's existing food and beverage facilities periodically accommodates up to 5,000 attendees for commercial events. The combination of dining experiences will continue to range from casual "grab-and-go" café to full-service elegant dining. The food and beverage services, portable facilities and various existing turf and building venues allow for hosting various sizes of groups and events.

6.5 Banquets and Private Events Programming

The Resort will continue to offer and accommodate private banquet facilities for events such as weddings, banquets, conferences, seminars, and meetings. The additional new indoor and outdoor space through the Resort will allow for increased flexibility and venue options.

6.6 Outdoor Pavilion and Support Barn Programming

The Outdoor Pavilion and Support Barn will be located near the proposed Lodge in the upper portion of the current driving range. This area (driving range) currently hosts up to 5,000 attendees during some commercial entertainment activities. The area will be significantly reduced in size with the addition of the Outdoor Pavilion and Barn, as well as Harford Canyon Cottages. The new Outdoor Pavilion will only host up to 1,000 guests. The Barn would be able to accommodate private meetings for up to 50 people.

The Cove lawn located adjacent to the Hospitality Center and Beach Club, will continue to periodically host various recreational activities (i.e., concerts, private parties, wine tastings, music festivals, weddings). It is envisioned that in addition to private gatherings, this lawn facility will continue with its present host of activities.

6.7 Hospitality Center Programming

The Hospitality Center will be the primary point of check-in for guests staying at the Resort's Harford Lodge and Cottages. This location will also access the two pools dedicated to hotel guests. These pools may be open to the public for a daily fee or by club membership. The existing restaurant and bar facilities will accommodate both Resort guests and public visitors. Facilities can be reserved for private use by hotel guests. Available on-site parking can accommodate all guest and visitor needs and larger ancillary commercial events often utilize Resort turf to accommodate temporary parking needs.

6.8 Lake House Programming

The Lake House has its own, separate reception/lobby area as its primary check-in for guests staying at the Lake House Bungalows and Cabins. Guests staying at this location will also have access to its pool, banquet and conference area, as well as a library. These amenities will not be available or open to the general public. Guests to the Lake House area will enter the site at the new intersection located at Cave Landing and Avila Beach Drive and park in one of the 101 vehicle spaces.

6.9 Spa Facilities Programming

This 22,000 square foot facility will include all traditional spa services and programs available to guests and visitors. Staffing will include full and part-time positions such as front desk, massage therapists, aestheticians and class instructors. Guests will have access to the full spa center facilities including locker rooms, sauna, steam, exercise/yoga studios, boutique, pool, spa, café, lounges, salons, workout room, patios and sun deck. The Spa facilities may be open to the public for a daily fee or by club membership.

6.10 Primary Access

Primary access to the Resort's guest facilities will continue to be provided from Avila Beach Drive. Existing access into the site is provided at two (2) locations, Ana Bay Road and 3000 Avila Beach Drive. Ana Bay Road is a shared access that provides access to the Resort, as well as San Luis Bay Inn and the Cottage site. Resort visitors and guests' access to the Lodge, Spa,

Restaurants, Harford Canyon Bungalows and Cottages is adequate in design and 3000 Avila Beach Drive will continue to provide visitors access to the Beach and Recreation Center.

A new entrance will access 1600 Avila Beach Drive, as recommended by the County Public Works Department, opposite of Cave Landing Road, for Resort guests' direct access to the Lake Pavilion Cottages and Bungalows.

6.11 Economics (Government Tax, Employment & Charitable)

With the addition of the proposed new facilities, the economics of Avila Beach Resort business significantly change, again becoming the "Classic Seaside Resort" originally envisioned and created in the 1960's. The Resort will offer 135 overnight accommodations, plus spa and other recreational facilities/activities and amenities. These added facilities will complement the Resort's existing recreation activities. It is anticipated that the Resort's existing 175,000 customers may increase 10% to approximately 200,000, with its own growth and new facilities. Many of these customers will become overnight guests, extending their stays and play in Avila Beach, and enhancing County and local economics. The result, increased guest coastal access and recreation, greater local employment, and significant increases in local taxes and other economic benefits.

For the more than 50 years that the Resort has existed, its business has evolved, sometimes in conjunction with the San Luis Bay Inn and later on its own, to become a significant, multifaceted recreational resort and venue. As a result, its annual revenues have often hovered around \$3,500,000. The Resort supports a number of local jobs both permanent and part-time. It also offers recreational experiences on the Coast, the intended land use of the property.

The Resort has been an active and engaged party of the community of Avila Beach, often times providing surplus parking for visitors to the beach and during special events sponsored by the community by closing down portions of the Resort in order to provide temporary parking for community activities (i.e., Amgen and Race Across America).

While a comprehensive economic analysis is yet to be completed, we have included a basic comparison of the current business operation compared to what the future may look like with the added facilities. We believe the proposed new facilities will not only enhance business for "Avila Beach Golf Resort" but will also enhance other existing business in Avila Beach due to the longer duration capture of visitors "leaking" to other properties and businesses.

AVILA BY THE SEA			
Avila Beach Resort: Annual Economic Benefits (in 2020 dollars)			
	Present	Future	County/ Community
Jobs/Employment			N/A
Current (staff 40-50)	\$1,300,000/\$1,500,000		
Hotel (staff 250)		\$8,000,000/\$10,000,000	
Occupancy Tax (12% of Room Revenue)			\$1,065,000
Current	\$0.00		
Hotel (135x\$225x365x80%occ. = \$8,900,000)		\$1,065,000	
County Property Taxes			\$650,000
Current	\$35,000		
Hotel		\$650,000	
Food Sales			N/A
Current	\$600,00/\$800,000		
Hotel		\$3,500,000/\$5,000,000	
Beverage Sales			N/A
Current	\$750,000		
Hotel		\$1,750,000	
Sales Tax (7.25%)			\$35,000
Current	\$10,000		
Hotel		\$35,000	
Charitable/Comm. Benefits (cash / in-kind)			\$350,000
Current	\$150,000		
Hotel		\$350,000	
Totals:	\$2,845,000 - \$3,245,000	\$15,350,000 - \$18,850,000	\$2,100,000
Increase in Economic Benefit:	\$12,505,000 - \$15,605,000		

7.0 Master Development Plan Concurrent Amendment

On August 27, 1981, the San Luis Obispo Planning Commission approved an Environmental Impact Report (EIR; ED80-90) and Master Development Plan for the San Luis Bay Estates Development Plan. According to the EIR, the Master Development Plan encompasses 1,187 acres and included phased development of up to 823 dwelling units, in addition to an existing approved 162-unit mobile home park. This approval was preceded by and modified the 1967 CUP for development of 1,000 residential rental units, a hotel, cottages, golf course, and other recreation uses. The hotel, golf course, athletic club plus a 162-unit mobile park were constructed and in operation prior to the County 1980 General Plan of the 1981 Master Plan.

7.1 Master Development Plan Text Amendment. While all existing and proposed uses are listed as allowed uses in the San Luis Bay, Coastal Area Plan Standards and the Master Development Plan, a “clean-up” Master Plan amendment is included as part of this application. The Applicant proposes to amend and update the **text** of the Master Plan to provide consistency between the Master Development Plan and the Limitation of Use text included in the San Luis Bay, Coastal Area Plan. The text change is provided in underline below.

Section C.4 – Golf Course, Clubhouse and Golf Course Maintenance amended as follows:

It is proposed that the Resort’s golf course will continue to be used and operated in its present form, as a privately owned 18-hole public fee golf course with a semi-private club. A number of improvements are anticipated within portions of the Resort’s parcel as noted on the Master Plan Map. These improvements are anticipated to include:

- Internal reorganization of the golf course design. This redesign will be aimed at providing a more useable and efficient course, increasing the quality of the course and upgrading of the infrastructure of the course (i.e., irrigation drainage, maintenance area, etc.).
- Development of a permanent Resort clubhouse in the general area as shown on the Master Plan Map.
- Future development and uses at the golf course shall be allowed and limited to those contemplated in the San Luis Bay Area Plan (Coastal) for the Recreation land use category in the San Luis Bay Estates. Principal permitted uses are limited to: eating and drinking places (not including drive-in restaurants, fast food and refreshment stands); food and beverage retail sales (limited to tourist-oriented supplies); and hotels and motels. Non-principal permitted uses are limited to amusement and recreational services coastal accessways; rural sports and group facilities (excluding equestrian exhibition facilities); participant sports and active recreation; temporary events; caretaker residence; public safety facilities; accessory storage; pipelines and power transmission; and water wells and impoundment. (This is a visitor-serving priority area.)

It is the intent of the applicant that the possible future consideration of these applications be allowed within the approved Master Plan without further modification to the Master Plan.

The golf course as it presently exists and with future modifications, as noted above, is considered a part of the project Master Plan’s open space and given full credit.

Areas within the golf course not specifically used for golf course play and support or principal or non-principal uses will remain as passive open space and uses will be limited to:

- a. Walking and bike trails and maintenance roads
- b. Revegetation, erosion control and maintenance practices
- c. Underground utility system

7.2 Master Plan Proposed Exhibit Amendment: The Applicant proposes to amend the key of Map 3 of the San Luis Bay Estates Master Development Plan to include the following changes:

- Revise table description within the key to rename “Golf Course Club House” as “Avila Resort/Golf Course”
- Allocate 135 hotel units to the Avila Resort/Golf Course for “max number units”
- Assign +/- 17 acres as “Development Areas” for new Resort facilities
- Correct and assign 170 acres to “Total Lot Area”

EXISTING USES	MAX NUMBER UNITS	DEVEL AREA	TOTAL LOT AREA
* INDIAN HILL	162	20	38.3 AC
* HOTEL	75	25	16. AC
* GOLF COURSE	NA	NA	165.8 AC

OTHER USES	MAX NUMBER UNITS	DEVEL AREA	TOTAL LOT AREA
③ SECURITY	NA.	NA.	NA.
GOLF COURSE CLUB HOUSE	NA	12 AC	NA
TOTAL	DO NOT INCLUDE HOTEL 50 COTTAGE	153 AC	1187 AC
* USE ON SEPARATE LEGAL LOT			

8.0 Environmental Considerations

In considering the proposed DP/CDP, key issue areas may require further study and assessment of potential impacts. The Applicant has included proactive design and operational measures with the objective of reducing potential impacts to levels of insignificance. After reviewing the results of the various technical reports cited below, it is not anticipated that there will be any significant adverse impacts (as defined by CEQA) that cannot be effectively mitigated to a level below significance. However, in an abundance of caution and to assure potential impacts are identified and properly analyzed, the Applicant is requesting that the County prepare an EIR to study the impact of these new facilities.

The following reports were prepared on behalf of the applicants and have been submitted with this application:

- Aesthetics (Visual Resources)
- Archaeology

- Biological Resources Assessment
- Traffic
- Geologic Constraints
- Water and Wastewater Capacity Evaluation
- Flood and Drainage Report

A summary discussion and scope of each environmental issue area follows.

8.1 Aesthetics (Visual Resources)

The new facilities are located on approximately 10% of the Resort's 170 acres. The Resort is situated at the edge of San Luis Obispo Bay, where San Luis Creek flows into the Pacific Ocean, on the southern flank of the San Luis Range mountains. Elevations across the Resort range from approximately 6 to 115 feet above sea level. Most of the 170-acre site has been significantly altered from its natural state with development of the existing golf course and facilities. Additionally, the Resort includes extensive areas of irrigated turf associated with the golf course, ornamental plantings and maintained landscaping. In addition to San Luis Obispo Creek, Harford Canyon Creek flows south across a portion of the site, bisecting the golf greens in the western portion of the golf course and connecting into San Luis Creek and the Pacific Ocean.

The Resort is located on the northwest side of Avila Beach Drive. Travelers into and out of the Avila area access the community and beach via Avila Beach Drive and pass by the golf resort in either direction. Predominant views as you travel into the community along Avila Beach Drive are of hillsides covered with oak woodland, riparian habitat following along Avila Beach Drive, and rock outcroppings. Visitors are able to view portions of the golf course, intermittently with views interrupted by ornamental landscaping, woodland, and riparian habitat (oaks, willows, sycamores, other vegetation) along Avila Beach Drive. This impedes direct and prolonged views of the golf course from Avila Beach Drive.

Scaled renderings of the project components delineate what views will be from public view. Preliminary planting palettes and landscaping plans have also been included as part of the project application materials for review. It is expected that further visual analysis may be prepared as a part of the EIR to adequately address the potential aesthetic and visual resource impacts.

8.2 Agricultural Resources

The project site is located within the REC land use category. Surrounding development includes the residential neighborhoods (residential/suburban) of San Luis Bay Estates and the town of Avila Beach. Land designated Agriculture (AG) lies immediately to the west of the Resort and continues as "grazing." Topography places the AG land at a much higher elevation than the Resort and proposed development. The adjacent AG land is predominantly used for grazing, though certain areas are fenced to prevent livestock from grazing freely next to the existing Marre house located off site.

Access and use of the Resort and proposed areas for added facilities will not impact the adjacent agricultural activities, nor will adjacent agricultural activities have an impact on visitors to the Avila Beach Resort. The existing Resort and proposed development would not result in or convert any prime farmland, unique farmland, farmland of statewide or local

importance to a non-agricultural use; it would not convert any existing agricultural resources to a non-agricultural use. The project would not conflict with existing zoning for agricultural use or a Williamson contract. The project does not include or involve any changes to the existing environment that could result in conversion of farmland or agricultural resources to a non-agricultural use.

8.3 Archaeology / Cultural and Tribal Resources

Applied Earthworks, Inc. (AE) prepared a summary memo of archaeological information for the property done over the past decades (October 30, 2019). The summary discusses the existing setting, past site alterations, proposed areas for the new facilities, and a perspective of historical and prehistoric use of the site. The memo describes previous investigations completed on various portions of the property related to the proposed new facilities. The background information on previous landform modification, the history of the area, and prior archaeological studies of the historic property are included.

Several archaeologically sensitive and significant tribal sites may exist on portions of the property and within the immediate vicinity. The new facilities are designed and located to avoid those known areas. Recommendations for each area are discussed in depth within the summary memo and have been included as a part of the project description.

All materials submitted as a part of this project application may need to be further evaluated, peer-reviewed, and supplemented, to include and not limited to, additional tribal inputs from AB52 consultation meetings, adequacy of recommended mitigation measures, development of project alternatives, and additional evaluation of all on and off-site improvements.

8.4 Biological Resources

A Biological Resources Assessment (BRA) report was prepared at the request of the Applicant for designing and siting the proposed new facilities. Terra Verde Environmental Consulting, LLC (Terra Verde) completed a series of surveys within the areas proposed for new facilities between 2016 and 2018. This information was used to inform the design and planning process and allow for proper siting and avoidance. Specifically, Terra Verde staff conducted field surveys on May 23, 25, and 26, 2016, within specific portions of the overall survey area. Identification of sensitive biological resources during those surveys informed modifications to the project design, in order to avoid impacts to sensitive resources. Additional surveys occurred on November 09, 2017, and January 24 and 26, July 20, and September 20 and 21, 2018, within the modified project footprint, which has been reduced substantially to be situated almost entirely within existing golf greens. Surveys included a botanical and wildlife inventory, vegetation community mapping, a habitat assessment focused on the potential for special-status species and sensitive natural communities to occur on site, and an analysis of jurisdictional waters and wetlands.

The proposed new facilities are located and designed to avoid impacts to sensitive biological resources. However, there is potential for indirect and direct impacts to occur during construction due to the potential for special-status species occurrence in other portions of the Resort property and within the work zones during construction. ERTEC wildlife exclusion fencing coupled with monitoring would be an effective measure to mitigate this potential impact. In addition, sensitive habitats and jurisdictional aquatic features, while not directly impacted by the proposed new facilities, may be susceptible during the construction phase.

Mitigation measures have been recommended which are expected to reduce potential impacts to a less than significant level.

For the complete discussion of biological resources at the site and within the project areas as well as a list of avoidance, minimization, and mitigation measures, please refer to the attached revised BRA (Terra Verde, October 2019).

It is anticipated the BRA may be independently peer-reviewed and augmented as needed for the EIR environmental analysis.

The areas of new facilities and the extent of site disturbance for the proposed work are located entirely outside of the required setbacks from both Harford and San Luis Obispo Creek. With implementation of these setbacks as required by the ordinance, as well as best management practices related to sedimentation and erosion control, it is not anticipated the project will result in any direct or indirect impacts to ESHA. Short term and long-term indirect impacts to ESHA will be minimized to the extent feasible. This includes the development of the erosion control plan, long term landscape planting plans for stabilization, shielded lighting away from all creeks/wetlands, and interpretative signage along ESHA corridors to inform guests of sensitive resources, and other measures recommended by the project Biologist. Additionally, Terra Verde in coordination with the applicant has prepared exhibits that demonstrate the extent of mapped and unmapped ESHA along Harford and San Luis Obispo Creek for avoidance.

8.5 Transportation and Traffic

Associated Transportation Engineers (ATE) prepared a revised traffic and circulation study (November 4, 2019) of the proposed project. The study evaluates potential traffic and circulation impacts associated with the project and identifies improvements where required. The revised study addresses the comments submitted by County staff on the original study submitted on the Project (ATE study dated April 26, 2018). A key element of the analysis is the new overnight accommodations are intended to “capture” existing guests and tourists presently staying elsewhere.

The study analyzes existing and future traffic conditions within the study area and evaluates the proposed project’s impacts based on County and Caltrans thresholds. Mitigation measures are outlined for the transportation facilities that are forecast to exceed adopted standards. Please refer to the attached ATE revised study for a complete description and analysis as well as the recommended project mitigation measures/improvement recommendations.

It is anticipated the report will need to be independently peer-reviewed and updated as needed for the EIR environmental analysis (i.e., VMT’s).

8.6 Geology & Soils, Geologic Constraints

On February 22, 2018, Cleath-Harris Geologists, Inc., completed a Geologic Constraints Survey for the Resort. The purpose of the survey is to identify the geologic constraints and provide an initial assessment of the potential hazards that will need to be addressed during planning and design of the project.

It is anticipated the report will need to be independently peer-reviewed and updated as needed for the EIR environmental analysis. In addition, the previous preliminary and final soils engineering reports will need to be updated and expanded.

8.7 Greenhouse Gas and Energy Analysis, Energy, and Air Quality

Based on recent changes to Appendix F of the California Environmental Quality Act (CEQA) Guidelines requiring discussion of potential energy impacts of proposed projects, the applicant requests to defer the Greenhouse Gas, Energy, and Air Quality analysis to the EIR analysis. All existing golf carts are electric, and an increasing amount of equipment will be, as well.

Years ago, the Resort switched from gasoline powered golf carts to a fleet of electric carts and made additional upgrades to the overall electrical system. The Resort is currently working on a plan (separate from CUP) to add solar to offset both its current and future electrical demands; thus, providing a more “green” operational outcome than presently exists.

8.8 Water and Wastewater

A Conditional Will Serve for Water and Sewer Service has been issued by the San Miguelito Mutual Water Company (SMMWC). The conditional will serve includes a number of conditions that will be required to be completed prior to issuance of the final will serve letter. The letter dated 4/17/2020 confirms that SMMWC has the physical capability to provide ample potable water and capacity in its wastewater collection system to meet the project demands.

8.9 Flood and Drainage Reports

A preliminary Drainage Report has been prepared by Above Grade Engineering (11/27/2019). The report addresses pre and post approval construction conditions. The project phases have been designed to drain to retention/treatment basins and/or pavers that will serve as a place for treatment & retention. Bio-retention basins have been sized for the proposed and replaced impervious area and will be constructed along with the phased site improvements. Pervious pavers will also be implemented within the proposed parking stalls to reduce and treat impervious areas.

Base Flood Elevations (BFE) were determined by Mr. Keith Crowe of KVC. KVC prepared a calculation of BFE’s (demonstrates limit of the 100-year flood) for Harford and Lupine Creeks as well as for San Luis Obispo Creek (May 1, 2015,) where they had not been defined by FEMA.

Additional assessment of each project area was conducted by KVC and those memos describe the potential flood level for each of the Project Areas. Areas 1 and 3 have been designed so that the finished floor elevations for the new facilities will be designed at a minimum 1 foot above the 100-year flood elevation. The buildings in Area 2 are non-residential buildings and any portions of the building below the 100 year-year elevation will be flood proofed to a minimum of one foot above the 100-year flood elevation as allowed by the Coastal Zone Land Use Ordinance 23.07.066.a.11.

9.0 Coastal Zone Land Use Ordinance and Planning Area Standards

9.1 San Luis Bay Coastal Area Plan

9.1.1 San Luis Bay Estates

Originally conceived and built in the late 1960's as a "private club," this private development lies north of Avila Road between San Luis Bay Drive on the east and an area west of the mouth of San Luis Obispo Creek, covering approximately 1,050 acres. Only a portion of the development is located within the Coastal Zone. A conditional use permit (original master plan) was granted in 1967 for development of the property with a recreational/residential community with approximately 1,000 rental dwelling units grouped in clusters with neighborhood recreation areas. In addition, the plan called for a "hotel, retail sales and office, golf courses and playgrounds, trailer courts and accessory uses." Facilities constructed by 1980 included the hotel, 18-hole golf course, tennis facilities, private water supply and sewage disposal systems, fire station, private roads, the first unit of a mobile home park and an office area adjacent to the entrance gate on San Luis Bay Drive.

The 1967 Use Permit Master Plan was revised in 1980 after the County adopted its first Land Use Element (1980 LUE). Following the adoption of the 1980 LUE, in 1981 the County approved the San Luis Bay Estates ("SLBE") Master Plan (the "1981 Master Plan"). Preparation of the 1981 Master Plan was a requirement of the 1980 LUE prior to further development within the 1,100-acre SLBE. The 1981 Master Plan provided for up to six (6) residential phases (and allowed individual ownership of the residential properties) and retained and expanded the allowed recreational and recreational uses and focus of the property.

Subsequent various Tracts, Development Plans, and other land use entitlements have been approved for specific development projects with the San Luis Bay Estates as allowed by the Master Development Plan. The Master Development Plan is a living document in that after each project is approved, the Master Development Plan is automatically amended as each project becomes a part of the Master Development Plan when built. Any specific Amendment to the Master Development Plan proposed (i.e., text amendment, exhibit amendments) is amended through this Development Plan (CUP) process.

The following standards currently apply to lands within the San Luis Bay Estates project, not limited to a single land use category:

Permit Requirement – Master Plan. An amendment to the approved Master Development Plan for the entire property is to be prepared for the portions of the site within the Coastal Zone, for county review and approval prior to further development within the Coastal Zone. The Master Development Plan is to include any regulations, conditions and programs needed to implement each element of the county general plan as applicable to the site, and also the following:

- a. **The location of housing, business, open space, agriculture, recreation facilities, educational facilities, churches and related religious facilities,**

public buildings and grounds, solid and liquid waste disposal facilities; height, bulk and setback limits for such buildings and facilities, including the location of areas such as flood plains and excessively steep or unstable terrain where no building is to occur.

Applicant comment: The projects are within the existing, approved Resort and identifies all areas proposed for development of new facilities, as shown on the attached site plan including existing open space and proposed recreational facilities.

- b. The location and extent of existing and proposed streets and roads, proposed widths and standards for construction and maintenance, and the location and standards of construction, maintenance and use of all other transportation facilities, public or private.**

Applicant comment: The new projects identify the location and extent of all existing and proposed roads to support existing and proposed development. A new entrance at Cave Landing Road will be added as a part of this project, and the two (2) existing entrances at Ana Bay Road and 3000 Avila Beach Drive will continue to support the existing Resort. The private, internal roads will be improved, as necessary, to support vehicle and cart access.

- c. Standards for population and building density including lot size, construction types, and provisions for water supply, sewage disposal, storm drainage and solid waste disposal.**

Applicant comment: The proposed new hotel does not include any residential units that would require standards for population and building density. The standard does not apply to this proposed project.

- d. Standards for conservation, development, and utilization of natural resources, including underground and surface waters, vegetation and soils, creeks and streams, fish and wildlife resources. Such standards should include measures for flood control, prevention and control of surface water pollution, land use regulation in stream channels and other areas which may have a significant effect on fish, wildlife and other natural resources of the area, control of soil erosion caused by construction, and the protection of watershed areas.**

Applicant comment: The proposed project has been designed to minimize, if not avoid, impacts to natural resources on the site. All new facilities comply with the required creek and ESHA setbacks and new structures are located on existing developed areas (turf) to minimize impacts to resources. The project will result in a reduction of irrigated turf, which in turn will reduce the existing use of groundwater. A storm water plan has been prepared to ensure the project does not result in, or create, surface water pollution. Potential impacts will be further analyzed and addressed as a part of environmental review for the project.

- e. The location of areas of greatest biological significance shall be identified by a qualified biologist. Uses proposed in the master plan shall be sited consistent with protection of such identified habitat areas.**

Applicant comment: A BRA was completed with prior projects (Tract 2149) and Terra Verde Environmental Consulting, LLC (Terra Verde) completed a series of surveys within the areas proposed for the proposed facilities between 2016 and 2018. This information was used to inform the design and planning process and allow for proper siting and avoidance. Specifically, Terra Verde staff conducted field surveys on May 23, 25, and 26, 2016, within specific portions of the overall survey area. Identification of sensitive biological resources during those surveys informed modifications to the project design, in order to avoid impacts to sensitive resources. Additional surveys occurred on November 09, 2017, and January 24 and 26, July 20, and September 20 and 21, 2018, within the modified project footprint, which has been reduced substantially to be situated almost entirely within existing golf greens. Areas of biological significance, including environmentally sensitive habitat areas (wetland and riparian) have been identified, mapped, and avoided with proper setbacks and protections. Mitigation and minimization measures will be incorporated into the conditions of approval of the land use permit to ensure all new construction and operations are consistent with protection of such identified habitat areas.

- f. All public agencies carrying out or supporting activities outside the Coastal Zone in the Avila area that could have a direct impact on the resources within the Coastal Zone shall consider the effect of such actions on Coastal Zone resources in order to assure that Coastal Act policies are achieved.**

Applicant comment: Standard noted. New facilities, except some of the reconfiguration of the existing golf course, are located entirely within the Coastal Zone.

- g. At such time that the county adopts a PUD ordinance, new residential clusters located within the Coastal Zone shall be developed to those specifications. In the interim, the cluster division provisions in the Coastal Zone Land Use Ordinance shall be used.**

Applicant comment: The project does not include any residential uses. The standard does not apply.

The following standards apply only to lands within the Recreation land use category within the San Luis Bay Estates area:

- 1. Limitation on Use Principal permitted uses are limited to: eating and drinking places (not including drive-in restaurants, fast food and refreshment stands); food and beverage retail sales (limited to tourist-oriented supplies); and hotels and motels. Non-principal permitted uses are**

limited to: amusement and recreational services coastal accessways; rural sports and group facilities (excluding equestrian exhibition facilities); participant sports and active recreation; temporary events; caretaker residence; public safety facilities; accessory storage; pipelines and power transmission; and water wells and impoundment. (This is a visitor-serving priority area.)

Applicant comment: The existing and proposed new facilities, the proposed hotel and added uses including: pool, spa facilities, Outdoor Pavilion and Barn as well as expanded recreational uses (golf course and driving range) are intended to serve existing and future visitors, consistent with the recreation and visitor-serving priority designations and are consistent with all adopted plans.

2. Floodplains. Existing natural floodplain areas are to be preserved in their natural state.

Applicant comment: The proposed new facilities will not alter the ‘natural’ floodplain on the portions of the site within the floodplain. The Resort has been highly modified, and the “natural” floodplain is limited to areas immediately adjacent to San Luis Creek. All new facilities will be sited and located away and outside of all setback requirements from Harford and San Luis Obispo Creek. The creek contains habitats including wetland and riparian vegetation that has been mapped as a part of the BRA. The new facilities are sited to avoid and minimize impacts to these resources.

3. Location Criteria. Active recreation uses are to be confined to the area of the existing 18-hole golf course, tennis facilities and hotel.

Applicant comment: The existing facilities and proposed additions are consistent with this standard. All new facilities will be sited and confined to the area of the existing 18-hole golf course.

4. Trails. New residential and commercial development is to be accompanied by construction of trails adjacent to San Luis Obispo Creek connecting the Avila Valley and Avila Beach recreation areas.

Applicant comment: The trail is existing and complete, today known as the Bob Jones Trail. Additional new facilities include internal cart paths to support private circulation in and around the property. Existing trails (Bob Jones) that exist on portions of Blue Heron will not be impacted or adjusted. The standard has been met.

The new facilities meet the intent and are consistent with the standards applied to lands within the Recreation portion of San Luis Bay Estates (described above). This application includes a request to amend, as may be needed, the Master Development Plan (see proposed text and Exhibit amendment above – Section 7). Further, the added are consistent with the

Master Plan, all being principal permitted and non-principal permitted uses as allowed within the Recreation land use category within the San Luis Bay Estates project area. All existing and proposed active recreation uses (e.g., driving range), are confined to the 18-hole golf course turf.

9.2 Title 23 Coastal Zone Land Use Ordinance

9.2.1 Section 23.01.043 - Appealable Development

Applicant comment: The proposed project is considered appealable development as set forth in Public Resources Code Section 30603(a) because the project site is located within 100 feet of a wetland and stream (San Luis Opispo and Harford Creek), is located in an area possessing significant recreational value, including a Visitor Serving designation. The proposed uses are also considered “Special” uses, any use designated “S” in the Coastal Zone is appealable to the Coastal Commission.

9.2.2 Section 23.04.100 – Setbacks

Applicant comment: The new facilities are sited to meet all setback requirements for front, side, and rear setbacks within the REC land use category.

9.2.3 Section 23.04.124 – Height Limitations

Applicant comment: Permitted height within the REC land use category is a maximum of 35 feet. All proposed structures and development will meet or be below the maximum allowable height for the REC land use category.

Project Area	Sheet Reference	Building Reference	Proposed Height (above avg. natural grade)
1	A8	Hospitality Center	28'-0"
1	A8	Beach Club	34'-0"
1	A14	Spa Facility	35'-0"
1	A20	The Lodge	32'-6"-0"
1	A25	Harford Canyon Cottages	15'-0" – 18'-0"
1	A30 – A31	Support Barn	25'-0"
2	A35	Driving Range	24'-0"
2	A37 – A38	Pro-Shop / Cafe	32'-6"
2	A37 – A38	Cart Barn / Snack Bar	23'-3"
3	A47 – A48	The Lake House	35'-0"
3	A46, A48	Lake House Bungalows	27'-0"

9.2.4 Section 23.04.160 – Parking and Loading

Applicant comment: The proposed project complies with the parking and loading standards of the County of SLO Title 23. The project will utilize and qualifies for the following modifications: Motorcycle/Cart parking and shared on-site parking adjustment (Section 23.04.162.b and d). When a standard of Chapter 23.08 of the Land Use Element identifies specific circumstances under which reduction of the standard is appropriate, an applicant may request an adjustment to the standard. In these cases, the project includes lots with 20 or more spaces and is proposing to include/replace regular vehicle spaces with motorcycle/cart space parking at a ratio of 1:20; and because the proposed uses on a single site are of a nonresidential nature, the number of parking spaces may be reduced up to a maximum of 20%. This reduction is justifiable because the total number of spaces required of the proposed project is not less than required for the use requiring the largest number of spaces.

The Resort provides both permanent and temporary parking areas adequate in size to accommodate, on the site, all parking needs generated by the existing and future uses. For example, a family visiting the Lodge may also find use of the restaurant located in the Hospitality Center and attend an entertainment activity hosted by the Outdoor Pavilion on a weekend throughout the year. Since both guests and visitors to the site will be utilizing all recreational amenities on site during their stay, it is appropriate to utilize the shared parking adjustments provided in Title 23. The proposed parking and uses were considered in the ATE Traffic Report and it is not anticipated that any traffic safety problems would result.

The parking calculations have been provided as a part of the overall site plan attached. Please refer to the below table for land use breakdown and proposed parking for each project area:

PARKING ANALYSIS - Avila Beach Resort Golf Course Expansion						
Land Use	Building Area	Req'd Parking Ratio	Parking Required			
Area 1						
2,800 Restaurant - Kitchen (Employee)	800 sf	1/ 100 cars psf	8 spaces			
Restaurant - Cust. Area (Employee)	2,000 sf	1/ 360 cars psf	6 spaces			
Restaurant - Customer	sf	1/ 60 cars psf	33 spaces			
Guest Suite	1 units	1 per unit	1 spaces			
19,575 Spa Avila (Health Spa)	19,575 sf	1/ 300 cars psf	65 spaces			
The Lodge (Hotels & Motels)	100 units	1 per unit	100 spaces			
Harford Canyon Cottages (Hotels & Motels)		2 for Hotel Employee	2 spaces			
		1 per 10 units	10 spaces			
Golf						
18 Hole Golf Course	18	5 per hole	90 spaces			
Area 2						
1,350 Restaurant - Kitchen (Employee)	400 sf	1/ 100 cars psf	4 spaces			
Restaurant - Cust. Area (Employee)	500 sf	1/ 360 cars psf	1 spaces			
Restaurant - Customer	sf	1/ 60 cars psf	8 spaces			
1,150 Restaurant - Kitchen (Employee)	450 sf	1/ 100 cars psf	5 spaces			
Restaurant - Cust. Area (Employee)	700 sf	1/ 360 cars psf	2 spaces			
Restaurant - Customer	sf	1/ 60 cars psf	12 spaces			
1,240 Retail	740 sf	1/ 300 cars psf	2 spaces			
Storage / Administrative Offices	500 sf	1/ 600 cars psf	1 spaces			
Area 3						
Lake House & Bungalows (Hotels & Motels)	34 units	1 per unit	34 spaces			
		2 for Hotel Employee	2 spaces			
		1 per 10 units	3 spaces			
			Total Required Spaces	389 spaces		
			Title 23 .18.020 (B) Motorcycle/Cart Parking	20 spaces		
			Total Required Spaces	369 spaces		
			20% Shared On-site Reduction	74 spaces		
			Total Required Spaces	295 spaces		
			Parking Provided	423 spaces		
Project Area Breakdown			Additional Parking Provided			
Area 1 Vehicle Spaces Provided		210	Bus Spaces	5		
Area 2 Vehicle Spaces Provided		48	Cart / Motorcycle Spaces	74		
Area 3 Vehicle Spaces Provided		101	Temporary Spaces	2,321		
Additional Vehicle Spaces Provided		64				
Total		423				

9.2.5 Section 23.04.300 – Sign Ordinance

Applicant comment: The Applicant is proposing a Master Sign Plan as a part of the Development Plan approval. Please see the attached conceptual diagram with proposed signage to be located at 3000 Avila Beach Drive and 1600 Avila Beach Drive (across from Cave Landing Road), consistent with the regulations of the County’s Sign Ordinance.

9.2.6 Section 23.05 – Site Development Standards

Applicant comment: The project will be conditioned to meet all requirements related to grading, drainage, tree removal, fire safety, site access and

driveway/access requirements. Additional details are provided in the site plan related to the area and extent of site disturbance (Grading and Utility Plans).

9.2.7 Section 23.07 – Combining Designations

Flood Hazard Area

Applicant comment: Continuance and operation, repair, or maintenance of an existing use of land is not subject to the standards of this section, except, any expansion or alteration of an existing use or grading of a site is to be conducted in accordance with all applicable provisions of Title 23 of the County Land Use Ordinance.

Portions of the Resort property are located within the Flood Hazard combining designation for San Luis Creek and Harford Canyon drainage. This combining designation is applied to certain areas where terrain characteristics could present potential hazards from potential inundation by a one-hundred-year frequency flood. These standards are intended to minimize the effects of potential flooding on new facilities.

Base Flood Elevations (BFE) were determined by Mr. Keith Crowe of KVC. KVC prepared a calculation of BFE's (demonstrates limit of the 100-year flood) for Harford and Lupine Creeks as well as for San Luis Obispo Creek (May 1, 2015,) where they had not been defined by FEMA.

Additional assessment of each project area was conducted by KVC and those memos describe the potential flood level for each of the Project Areas. Areas 1 and 3 have been designed so that the finished floor elevations for the new facilities will be designed at a minimum of 1 foot above the 100-year flood elevation. The buildings in Area 2 are non-residential buildings and any portions of the building below the 100 year-year elevation will be flood proofed to a minimum of one foot above the 100-year flood elevation as allowed by the Coastal Zone Land Use Ordinance 23.07.066.a.11.

Archaeologically Sensitive Area

Applicant comment: Portions of the overall site are identified as archaeologically sensitive. AE completed a summary survey of all existing historical documents and surveys conducted at the site. The summary report is attached to this submittal and includes a review and description of the archaeological investigations and recorded sites relevant to the proposed Avila Beach Golf Resort. Much, if not all, of the site has been highly modified over decades, to the point of significant grading and fills. Creation of the proposed new facilities are designed and located to avoid these sensitive resources. The Applicant will include mitigation measures to help ensure the potential impacts to archaeological and paleontological resources are minimized.

Local Coastal Program Area

Applicant comment: The project site is located within the Coastal Zone as determined by the California Coastal Act of 1976. All existing and proposed facilities and uses are consistent with the adopted LCP.

Sensitive Resource Area

Applicant comment: Portions of the site (westernmost portion) is located within an area designated as a Sensitive Resource Area by the Official Maps (Part III) of the Land Use Element. The Sensitive Resource Area (SRA) combining designation is applied to identify areas with special environmental qualities. Some may contain unique or endangered vegetation or habitat resources, none are to be impacted.

The SRA designation generally follows the higher elevations immediately west of the golf course, and the extent of the woodland that is established on those slopes. It does not appear that this SRA designation affects or applies to any special environmental qualities or unique or endangered vegetation or habitat resources on the golf course, which will continue to be mowed and managed.

9.2.8 Section 23.07.170 - Environmentally Sensitive Habitats

Applicant comment: This section applies within or adjacent to (within 100 feet of the boundary of) an ESHA. Project elements are proposed to be located away from and outside of all required setbacks of San Luis Obispo and Harford Creek. No development will occur within any ESHA.

Wetlands

Applicant comment: All proposed new facilities are located a minimum of 100 feet from all wetlands. Existing golf course activities, improvements, utility lines, pipelines, and drainage on the site will continue to be within, operated and used on an ongoing basis. All existing bridges and road approaches to bridges spanning San Luis Obispo Creek will remain in place and not proposed to be altered as a part of the proposed new facilities.

Decades ago, the Resort, in conjunction with The Land Conservancy, voluntarily established easements and protocols for the banks of San Luis Obispo Creek. These cooperative efforts led to the installation of willow trees and other creekbank stabilization upgrades. A review of historical aerial photography shows a dramatic increase in riparian vegetation along the creekbank that are a result of those efforts.

Streams and Riparian Vegetation

Applicant comment: The proposed new facilities are setback from San Luis Obispo Creek a minimum of 100 feet from the upland edge of riparian vegetation or top of bank in areas absent of vegetation for all areas of new improvements. It is also setback 50 feet from Harford Creek (drainage adjacent to the Spa and Lodge, Harford Canyon Bungalow development). Remodeling of the existing Mulligan's restaurant interior and exterior will not result in any impacts to Harford or San Luis Obispo Creek.

Roads and utilities which serve the existing and proposed new facilities exist, some are within the setback areas and will continue to support services to the proposed new facilities.

9.2.9 Section 23.08.262 – Hotels, Motels

Applicant comment: The proposed new facilities are consistent with the standards identified in Chapter 8 – Special (S) Uses within the Coastal Zone Land Use Ordinance. All lodging, as proposed with this project, is consistent with the density and parking requirements as identified in Section 23.08.262 c. and d. The proposed lodging and visitor serving accommodations includes the Lodge, Harford Canyon Cottages and Bungalows, the Lake House Bungalows and Cottages. All accommodations satisfy applicable height, setback, parking and other standards without the need for modification, adjustment or variance of such standards. All parking can and will be accommodated on-site. Hotels and Motels are encouraged in Visitor Priority Areas and are identified as principal permitted uses in the San Luis Bay Area Plan.

10.0 Coastal Plan Policies

10.1 Shoreline Access

10.1.1 Policy 1: Protection of Existing Access

Applicant comment: The existing Resort and new facilities (Area 1 – Area 3) will not interfere with the public’s right of access to the sea. Visitors and travelers to the area and/or the Resort will maintain existing access to the beach from the golf course.

10.1.2 Policy 2: New Development

Applicant comment: Adequate access exists to the shoreline and along the coast from Avila Beach Drive. The proposed new facilities will not interfere with travelers or visitors to the area. Visitors to the Resort will continue to have access to the shoreline from on-site.

10.1.3 Policy 8: Minimizing conflict with adjacent uses

Applicant comment: Creation of the new facilities will not increase burden on access to the shoreline. The proposed new facilities include one additional driveway entrance along Avila Beach Drive at Cave Landing Road to further reduce congestion along Avila Beach Drive closer to the shoreline. Existing and proposed access to the site is provided in a manner that will not conflict with adjacent uses. The Resort expands and provides ongoing coastal access.

10.2 Recreation and Visitor Serving Facilities

10.2.1 Policy 1: Recreation Opportunities

Applicant comment: The proposed new facilities will introduce additional coastal recreational and visitor-serving facilities along with overnight lodging and accommodations, recreational activities including kayaking, golf, and a new two-

story driving range, as well as ancillary activities typically associated with a resort facility.

10.2.2 Policy 2: Priority for Visitor-Serving Facilities

Applicant comment: The proposed new facilities will introduce additional coastal recreational and visitor-serving facilities to the community of Avila, providing a wide range and variety of visitor accommodations and facilities, including lodging, cabins, bungalows, spa facilities (guests and general public), outdoor pavilion and barn, and new driving range and recreation center.

10.2.3 Policy 3: Low-Cost Facilities

Applicant comment: It is the intention of the Applicant to further improve the existing Resort to offer a wide range of visitor-serving and recreational opportunities and amenities geared toward a range of price points.

**10.3 Environmentally Sensitive Habitats
Sensitive Habitats**

10.3.1 Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats

Applicant comment: The site is situated adjacent to two coastal streams (Harford Creek and San Luis Obispo Creek) which run through the existing Resort property. As identified in the BRA prepared by Terra Verde (October 2019), there is habitat on portions of the site that has the potential to support rare and endangered or threatened species. Portions of the site also supports and contains nesting and foraging habitat for migratory and resident birds. As such, the Applicant recognizes the importance of siting the proposed new improvements 50 feet and 100 feet, respectively, away from these environmentally sensitive habitat areas (Harford and San Luis Obispo Creek, respectively). In addition to siting new facilities away from these sensitive habitats, the Applicant will continue the Resort's stewardship and operating uses in ways that continue to protect the environmentally sensitive habitat areas and the species dependent on these resources.

10.3.2 Policy 2: Permit Requirement

Applicant comment: As a part of the BRA prepared by Terra Verde, an extensive evaluation was prepared by a qualified biologist which provided for the establishment of feasible mitigation measures (where appropriate) to address and avoid potential impacts to sensitive habitats (e.g., wetland and riparian areas). The fact that the Resort has continued its operation for five decades without impact to these resources, is reflected in best management practices. Also included were mitigation measures for pre-construction surveys for sensitive species and to monitor construction activities, if needed.

10.3.3 Policy 3: Habitat Protection

Applicant comment: To avoid temporary impacts to any environmentally sensitive areas by the construction of new facilities, proposed construction methods to fence work areas will be implemented. No work will occur in jurisdictional areas. Revegetation of disturbed turf areas will be done.

Wetlands

10.3.4 Policy 7: Wetlands – Protection of Environmentally Sensitive Habitats

Applicant comment: The proposed new facilities are sited away from all identified wetlands on site as designated in the BRA prepared by Terra Verde. Construction of the proposed project will include measures to protect all wetlands on-site.

10.3.5 Policy 12: Wetlands – State Department of Fish and Game

Applicant comment: The County, as lead agency, will be responsible for referring the proposed project to the California Department of Fish and Wildlife (CDFW) for review. The Applicant, as appropriate, will coordinate with CDFW to ensure appropriate mitigation measures where and if needed, are incorporated into the proposed project to avoid and protect species, wetlands and adjacent areas.

10.3.6 Policy 15: Wetlands – Vehicle Traffic in Wetlands

Applicant comment: Construction of the proposed new facilities prohibits new vehicle traffic in and within the setback areas of the on-site wetlands.

10.3.7 Policy 16: Wetlands – Adjacent Development

Applicant comment: The proposed new facilities are not adjacent to any coastal wetland. The wetlands have been identified, described, and mapped as a part of the BRA prepared by Terra Verde. The proposed new facilities are sited and designed away from the wetlands to prevent impacts to wetlands. It is anticipated these facilities will be conditioned to include measures to control night lighting, sediment, and other possible disturbances that could impact wetlands and associated resources.

10.3.8 Policy 17: Wetlands – Wetland Buffer

Applicant comment: The proposed project is sited at least 100 feet (in width) away from the upland extent of the mapped wetland.

10.3.9 Policy 18: Wetlands – Wetland Buffers less than 100 Feet

Applicant comment: The proposed project areas are sited 50 feet from Harford Creek and 100 feet from San Luis Obispo Creek. There is also a 100-foot buffer from the wetland (unmapped ESHA) features identified along Avila Beach Drive. These buffers will be maintained as fairway or other natural vegetative features to protect water quality of the wetland and riparian features.

Coastal Streams

10.3.10 Policy 20: Coastal Streams and Riparian Vegetation

Applicant comment: The San Luis Obispo and Harford Creeks traverse through the site out to the Pacific from east to west and north to south, respectively. Both creeks are identified as sensitive habitats and are identified as suitable habitat for special-status species. The sites for new facilities are designed with proper setbacks from both coastal streams to ensure the natural hydrological system and ecological function of both streams are protected and preserved. The outward extent of the proposed new facilities will not encroach into the required setbacks and should not result in any direct or indirect impacts to the riparian vegetation or the supporting streams.

10.3.11 Policy 21: Development in or Adjacent to a Coastal Stream

Applicant comment: The areas for new facilities will be setback, as shown on the site plans, 100 feet and 50 feet away from San Luis Obispo Creek and Harford Creek, respectively, to prevent impacts that would degrade the coastal habitat. Plans will also include erosion and sedimentation control measures to ensure sedimentation and runoff impacts are minimized.

10.3.12 Policy 22: Fish and Game Review of Streambed Alteration

Applicant comment: The proposed new facilities do not create any direct impacts on drainages or involve any streambed alterations.

10.3.13 Policy 26: Riparian Vegetation

Applicant comment: Ongoing Resort maintenance activities to support the existing golf course include mowing and cutting of non-native vegetation (i.e., turf grass, ornamental trees (cypress, eucalyptus)) continues. The proposed new facilities siting will not require removal or alteration of any naturally occurring vegetation or impact any riparian habitat in and around Harford and San Luis Obispo Creek.

10.3.14 Policy 28: Buffer Zone for Riparian Habitat

Applicant comment: The site and new facilities are located within the Urban Reserve Line (URL) for Avila Beach. In urban areas, coastal stream buffers are typically a minimum standard of 50 feet. However, based on the mapped extent of the wetland area and environmentally sensitive habitat of the project site, the Applicant has utilized a buffer zone of 100 feet to San Luis Creek and 50 feet from Harford Creek.

10.4 Public Works

10.4.1 Policy 1: Availability of Service Capacity

Applicant comment: The proposed new facilities have obtained a conditional “will-serve” letter from SMMWC. The letter demonstrates that adequate public capacities and sufficient services for water and sewer are available to serve the proposed new facilities.

10.4.2 Policy 10: Encouraging development within the Urban Service Line

Applicant comment: The Resort and the proposed new facilities areas are all located outside of the Urban Services Line (USL) and served by the SMMWC for both water and wastewater. SMMWC has issued an intent to serve letter indicates that adequate public capacities and sufficient services for water and sewer are available to serve the proposed development.

10.5 Coastal Watersheds

10.5.1 Policy 7: Siting of New Development

Applicant comment: The proposed new facilities are sited within the existing Resort golf course turf. Improvements, including paths of travel, access roads, and driveways, are limited to slopes well less than 20 percent and will not result in the removal of any native vegetation or trees. A grading and erosion control

plan will be provided at the time of application for construction permits to further demonstrate the amount of grading necessary, proximity of site improvements to San Luis Creek (with setbacks identified) and provide erosion potential and slope stability of the site. Any measures identified by the engineer will be applied to the areas of new facilities to reduce potential erosion and sedimentation.

10.5.2 Policy 8: Timing of Construction and Grading

Applicant comment: Following issuance of a land use permit and building permits, it is understood grading for the new facilities may not occur between February and April (rainy season) to further prevent opportunity for serious erosion and sedimentation problems. If required, all slope and erosion control measures will be in place prior to the start of the rainy season and soil exposure will be kept to the smallest area and the shortest feasible period.

10.5.3 Policy 9: Techniques for Minimizing Sedimentation

Applicant comment: As identified by the registered engineer, all recommended control measures shall be used to minimize erosion and sedimentation. In addition, the Landscaping Plan will include non-structural erosion techniques, including the use of native turf and plants, which control run-off and reduce increased sedimentation into the adjacent San Luis Creek. The artificial Lake is separated from the Creek with an existing 10' tall berm.

10.5.4 Policy 10: Drainage Provisions

Applicant comment: All areas of proposed new facilities will include bio-retention basins intended to achieve on-site drainage retention. The bio-retention basins are shown on the preliminary grading plans submitted with this application and will be turf within the course.

10.6 Visual and Scenic Resources

10.6.1 Policy 1: Protection of Visual and Scenic Resources

Applicant comment: The project site is located on the existing Resort golf course. The site is fully developed with 18-holes, a restaurant, Beach Club and banquet facilities. The proposed new facilities will occur in previously disturbed areas completely within the existing turf of the golf course. Unique and attractive features of the surrounding landscape, including gentle topography, oak woodlands will be protected. Views to the ocean from existing residences in San Luis Bay Estates will not be blocked.

10.6.2 Policy 2: Site Selection for New Facilities

Applicant comment: Visitors travelling to the Avila Community and Avila Beach area drive westward along Avila Beach Drive toward the Pacific Ocean. Views to and along the ocean and scenic coastal areas will not be impacted by the proposed new facilities. Two of the three project sites are located adjacent to Avila Beach Drive, however they are not in the primary line of sight of travelers on Avila Beach Drive or the town.

10.6.3 Policy 7: Preservation of Trees and Native Vegetation

Applicant comment: The location and design of the proposed new facilities minimize tree removal. If trees are removed, new trees will be replanted with similar species or other species (Landscape Plan) and be reflective of the community character and surrounding golf course and oak woodland.

10.6.4 Policy 8: Utility Lines within View Corridors

Applicant comment: All new utility lines will be located underground.

10.6.5 Policy 9: Signs

Applicant comment: The project does not include any new off-premise commercial signs. All signs will be designed and installed to assist visitors to the Resort with wayfinding. A Master Sign Plan will be developed during preparation of the EIR.

10.7 Hazards

10.7.1 Policy 2: Erosion and Geologic Stability

Applicant comment: A geologic constraints report prepared by Cleath-Harris Geologists, Inc. (February 22, 2018) is included as a part of this resubmittal. The survey report was prepared to identify the geologic constraints of the site and provide an initial assessment for geologic hazards that will need to be addressed during planning and design of the proposed project. Soils engineering reports/preliminary soils engineering/investigative reports have been prepared but may need to be updated and expanded as a part of the EIR process, along with an engineering geology report (per County guidelines), for the proposed project design.

10.7.2 Policy 3: Development Review in Hazard Areas

Applicant comment: A detailed geologic constraints report was prepared by Cleath-Harris Geologists, Inc, a qualified registered certified engineering geologist. The report includes recommendations and conclusions consistent with Coastal Plan Policies and it is included as a part of this resubmittal. It is anticipated that additional review and reports may be needed as a part of the EIR.

10.7.3 Policy 7: Geologic Study Area Combining Designation

Applicant comment: The project site is located within the Geologic Study Area (GSA) combining designation as identified in the County's Land Use Element (combining designation). The northern extremity of the parcel is within a GSA for landslide hazard; however, the area proposed for development is outside of the GSA. Geologic hazards and constraints were described and examined by the constraints report prepared by Cleath-Harris Geologists, Inc and included: seismic ground rupture, ground shaking, liquefaction, tsunami, soils hydrocollapse, expansiveness, erodibility, slope stability/landslides, flooding, shallow groundwater, mineral (asbestos), and hydrocarbon contamination.

10.8 Archaeology

10.8.1 Policy 1: Protection of Archaeological Resources

Applicant comment: An Archaeological Summary prepared by AE includes a review and description of the archaeological investigations and recorded sites relevant to the proposed Avila Beach Golf Resort. Development of the proposed new facilities may impact already disturbed archaeological resources, as such, the Applicant will include mitigation measures to ensure the potential impacts to archaeological and paleontological resources are minimized.

10.8.2 Policy 2: Vandalizing Resources

Applicant comment: The Applicant will contract with a qualified archaeologist and tribal representative during all earthwork and ground disturbing activities, as necessary, to ensure that no activities, other than development, vandalize (i.e., damage, destroy, unauthorized collection of artifacts) any resources that could be found on-site during development.

10.8.3 Policy 3: Identification of Archaeological Sites

Applicant comment: The project site is identified in the County's Land Use Element (combining designation) as an "Archaeologically Sensitive Area." A preliminary archaeological survey was completed by AE, mitigation measures were designed into the plan for new facilities to help minimize impacts to potential archaeological resources. The Applicant will develop a Cultural Resources Management Plan to include provisions for construction monitoring and treatment of archaeological materials; a site evaluation and data recovery plan in the event potentially significant intact deposits are discovered during monitoring; and a reburial plan should human remains be encountered during earthwork activities. Since a majority of the site was significantly graded and filled with materials from off-site, these mitigations reflect an abundance of caution.

10.8.4 Policy 4: Preliminary site survey for New Facilities within Archaeologically Sensitive Areas

Applicant comment: A qualified County archaeologist, such as AE, knowledgeable in the Chumash culture, completed a preliminary site survey and investigation into the archaeological and paleontological significance of the site. This summary is provided as a part of this submittal package, and it is recognized that specific archaeological site information is treated as confidential to protect the known archaeological resources identified at the site. The three areas for new facilities are placed to avoid known resources.

10.8.5 Policy 5: Mitigation techniques for preliminary site survey before construction

Applicant comment: The Applicant will develop a Cultural Resources Management Plan to include provisions for construction monitoring and treatment of archaeological materials; a site evaluation and data recovery plan in the event potentially significant intact deposits are discovered during monitoring; and a reburial plan should human remains be encountered during earthwork activities.

10.8.6 Policy 6: Archaeological resources discovered during construction or through other activities

Applicant comment: It is anticipated the project will be conditioned where if substantial archaeological resources are discovered during construction of new facilities, that all activities in that area shall cease until a qualified archaeologist knowledgeable in the Chumash culture determines the significance of the resource and submits alternative mitigation measures.

10.9 Air Quality

10.9.1 Policy 1: Air Quality

Applicant comment: The proposed new facilities will be referred to the Air Pollution Control District (APCD) and State Air Resources Control Board (CARB). Comments or conditions received will be incorporated into the project design as appropriate and implemented prior to ground disturbance, during development, and following occupancy of new facilities in accordance with the county's APCD and CARB.

APPENDIX A

Avila Beach Resort Establishment and History of Uses

Avila Beach Resort (“ABR” or “Resort”) has worked long and hard to remain a good commercial/recreation neighbor and community member of Avila Beach. Obviously, it would be difficult herein to review over 50 years of ABR’s operating history but, we believe it is important to provide a general overview of that history, which clarifies ABR’s existing business and activities.

HISTORY (LAND USE)

Today's Avila Beach Resort was initially established and built beginning in 1967 as part of the San Luis Bay Club, a private, commercial-recreation resort (CUP Resolution No. 67-84). It was then, and remains today, part of the 1,100-acre private Resort/residential community. The allowed uses listed in 1967 resolution included residences, hotel, retail sales & office, golf courses and playgrounds, trailer courts and accessory uses.

Accessory land uses included, but were not limited to, tennis, swimming, golf and other adjunct activities normally associated with a “resort” community. Business activities included banquets, weddings, and entertainment. Today, numerous additional recreational uses are allowed, as highlighted in the attached Coastal Area Plan excerpt(s).

The 1967 Master Plan was revised in 1980 after the County adopted its first Land Use Element (1980 LUE). Following the adoption of the 1980 LUE, in 1981 the County approved the San Luis Bay Estates (“SLBE”) Master Plan (the “1981 Master Plan”). Preparation of the 1981 Master Plan was a requirement of the 1980 LUE prior to further development within the SLBE. The 1981 Master Plan retained and expanded the allowed recreational uses and focus of the property, while allowing individual ownership of the residential properties.

The 1981 Master Plan and numerous subsequent amendments retained and emphasized the Recreation uses as existing "visitor serving" (VS) priority uses. The current San Luis Bay, Coastal and Land Use Ordinance Title 22 Area Plan standards continue to specifically designate 'priority' to the 'recreation' and 'visitor serving' uses over residential uses.

In 1980, the Recreation (REC) land use zoning was applied to nearly 230 acres mostly within the oceanfront portions of the 1,100-acre SLBE. The REC land use designation was intended to ensure its land use reflected both the current and future Recreation uses.

The following uses were listed as 'allowed uses' in the REC land use category of the San Luis Bay Estates area in the 1980 LUE:

Excerpt 1980 Land Use Element:

Amusement and recreational services, rural sports and group facilities, sports and active recreation, temporary events, caretaker residence, eating and drinking places, food and beverage retail sales, public safety facilities, accessory storage, hotels and motels, pipeline and power transmission.

When the Area Plan language was adopted in 1980 the 'Area Plan' language was structured in

such a way to individually recognize the recreation and visitor serving uses that were occurring on the Resort property. The San Luis Bay Inn (previous hotel use and now the timeshare) was captured under 'hotels and motels', the golf and tennis components were defined as 'participant sports and active recreation', food service was defined as 'eating and drinking places' and the entertainment activities were captured under 'temporary events'.

Further amendment to the San Luis Bay, Coastal, Area Plan, certified by the California Coastal Commission and adopted by the Board of Supervisors in the late 1980's further refined the list of uses and separated them into principally permitted uses and non-principally permitted uses. The list of uses was not expanded under these amendments; however, a distinction was made to identified which of the listed allowed uses had 'priority' and were further encouraged. Priority was given to uses that serve coastal visitors.

Excerpt from Current San Luis Bay, Coastal Area Plan, Page – 8-34

RECREATION: *The following standards apply only to lands within the Recreation land use category.*

Limitation on Use. *Principal permitted uses are limited to: eating and drinking places (not including drive-in restaurants, fast food and refreshment stands); food and beverage retail sales (limited to tourist-oriented supplies); and hotels and motels. Non-principal permitted uses are limited to: amusement and recreational services coastal accessways; rural sports and group facilities (excluding equestrian exhibition facilities); participant sports and active recreation; temporary events; caretaker residence; public safety facilities; accessory storage; pipelines and power transmission; and water wells and impoundment. (This is a visitor-serving priority area.)*

Operating as a Visitor Serving Resort property, the Resort hosts a variety of activities including golf, food and beverage, weddings, banquets, tournaments, fundraisers and commercial entertainment, all part of the overall commercial/recreation activities conducted for over 50 years. This long and well-established history of recreation business and events take place within the established commercial /recreational venue, turf, and buildings. The Area Plan and the Resort's REC zoning clearly identify these established uses as "priority" over the Master Plan's residential uses.

The enclosed ABR schedule of activities reflects a breakdown of ABR annual guests and the related "traffic trips" generated by customers. Commercial entertainment (concerts) constitutes only a fraction of the Resort's annual business in terms of customers and traffic. Obviously, the concert use can have greater, but infrequent, "peak impacts" at the times these guests arrive. Gate openings are managed and timed to avoid Resort traffic adding to the peak public and commercial beach traffic inflows. Resort traffic outflows are typically late in the evening, and do not conflict with beach business or peak hour traffic times. Given these events occur for approximately 4 hours, up to 17 days per year, those traffic impacts annually are nominal.

Music is part of many Resort's history of activities (weddings, banquets, concerts, fundraisers, etc.) Concerts have typically occurred between 12 to 17 times a year; each lasting 3 to 4 hours

in duration. Most concert are planned to “trail behind” beach visitor inflows. The concerts do increase ‘coastal visitors’ by providing additional visitor activities and parking after the ‘typical’ beach peak hours. At the same time, because the Resort accommodates ALL of its parking demands ‘onsite’, an increase in public beach access is achieved, not diminished. In recent years, ABR’s excess parking accommodations have opened to public use (at no cost) on concert days, providing even greater public access.

In 2000, with Unocal's remediation of Avila Beach, and the Resort’s business being affected by the remediation work, as were others, the ABR events were identified, quantified and included in the Unocal EIR to receive economic assistance. Among other things, on of Unocal’s mitigations included help with the acquisition of a larger commercial stage to help ABR continue its entertainment events. The stage arrangements included extending, by a minimum of 20-years, arrangements with the San Luis Obispo Symphony to host its concerts at no cost.

In 2006, the County went further identifying the Resort’s existing Recreational uses (specially including concerts) within its update of the County’s Parks Master Plan (“Parks Plan”), adopted December 19, 2006. The County reinforced the Resorts concerts as existing approved uses and took ‘credit’ for these private recreational activities within the Parks Plan, at page 93.

TABLE A1 - AVILA BEACH (San Luis Bay PA)				
EXISTING Parks, Recreation, & Natural Areas				
Name	Facility Type	Owner/Operator	Provides	See:
West Irish Hills Natural Park South of Montaña de Oro and east of Diablo Canyon	Natural Area	Bureau of Land Management, Nature Conservancy	Habitat protection and potential development of trails. (1,200 acres +).	Not Mapped
Hibbard Preserve	Community Park	SLO Land Conservancy	The preserve is a natural area originally conserved by the Nature Conservancy and is in the middle of the Irish Hills. Children’s play equipment, picnic areas, restrooms, access to the beach and Avila Plaza, and open play area.	A V I L A
Avila Park Front Street, Avila Beach		SLO County Parks		
Avila Plaza Front Street, Avila Beach See Canyon Park San Luis Bay Drive, Avila	Community Plaza Park	SLO County/SLO County Parks SLO County Parks	Pedestrian plaza along a portion of Front Street. Undeveloped parkland. Expand parkland in this area if possible.	M A P
Avila Recreation Center 191 San Miguel Street, Avila	Civic Center Building	Avila Civic Association	An area for indoor recreation.	
Bob Jones Pathway (San Luis Bay Drive to Avila Beach Road), Avila	Bicycle Path & Pedestrian Corridor	Private	County is working on accepting this from the private developer. Currently the path is open to the public. (~2 mile)	
Bob Jones Pathway (Ontario Road to San Luis Bay Drive), Avila		SLO County Parks	Class I bicycle path and pedestrian path, staging area at Ontario Road, and parking.	
Pecho Trail to the Lighthouse (Avila Beach Road and the Lighthouse), Avila	Trail	Pacific Gas & Electric & Port San Luis	Public tours lead by docents. Hiking available if arranged in advance. No general public access without permission by PG&E.	Not Mapped
Avila Beach Coastline Community of Avila, Avila	Beach	Port San Luis	Public parking, restrooms, vendors, boating and swimming. This beach is located within the community of Avila and extends the town to the Port San Luis Pier.	A V I L A
Avila Beach Resort & Golf Course Avila Beach Road, Avila	Golf Course	Private	72 par golf course, pro shop, clubhouse, provides concerts, private club, and other recreation on greater than 100 acres.	A V I L A MAP
Bellevue-Santa Fe ES 1401 San Luis Bay Drive, Avila	School	San Luis Coastal School District	Children’s play equipment, basketball and handball courts, sports fields (grass area with back stops), and school facilities.	

The Resort’s concert activities have clearly been recognized as an ordinary part of its activities, as allowed by its Outdoor Commercial Recreation Venue designation. They are rightfully and appropriately established and operated now for over 50 years as a Coastal outdoor recreation destination, serving both tourists and the community residents, as well.

PARKING

The Resort has the rare coastal ability to accommodate all necessary parking on-site. Temporary parking to accommodate these periodic event increases are easily provided within the resorts expansive turf areas. In fact, the Resort can park not only all guests, and more, including non-resort public visitors, thereby substantially increasing Coastal access. The Open Space Easement, which covers only portions of the Resort property, is a unique easement by its terms, 'reserving to the property owner' all rights to operate, modify and utilize all of the Resort property for its intended Commercial/ Recreation uses, consistent with the Resort's business. It also provides for making ongoing site, use, and building additions and modifications including within the easements area, as may be approved from time to time. As with all golf resort's, outdoor visitor serving activities (i.e., Concours, events and temporary parking) are usual, ordinary, and customary activities.

Further, this open space easement was 'not a part', nor a condition of, any of the Resort's development or uses, but rather the result of an unrelated, residential development, the 117-unit Pelican Point condominium project within the SLBE. That residential project required 1-acre of private "open space easement" for each new residential unit. Since the remainder of the SLBE residential plans had not yet been formulated as of 1986, the then golf course ownership elected to utilize portions of the Resort property to fulfill a portion of this residential requirement. However, in so doing, the easement language specifically reserved and stated it was not intended to restrict nor impact the Resort's uses, present or future. This easement's language provides for "reservations of use by owner" (page 7), clearly reserving all rights to operate, change and add to the Resort property without the easement as a "restriction and/or limitation."

As mentioned before, the Resort concerts and other large events generally avoid peak beach traffic through scheduling and management practices, including the start and ending time of activities. As noted previously the Resort is a unique coastal property in that it provides more than adequate onsite parking which accommodates all Resort attendees, vendors, and staff. The Resort also has two (2) primary entries plus three (3) established routes for 'emergency access' recognized by the County and Cal Fire. The Resort's operational plans were created in cooperation with input from County Sheriff, Cal Fire, CHP and private security, for safe use and unexpected emergencies. The 'North Road' through the Pecho Coast (PG&E – Diablo Canyon Nuclear Plant) will be completed by the 1st quarter of 2021 and will be available for Diablo's and the community's emergency use, thus adding a fourth and distinctly different egress route to and from the north.

On various occasions the Resort property (primarily turf areas), have been used for temporary parking for the benefit of Community events not related to Resort business activities. A few of those uses date back to the 1980's including the 1988 Avila Great Race Across America, Avila 4th fireworks sponsored by Unocal in 1986 and more recently, as part of the AMGEN race for two (2) years as it visited Avila Beach. The Resorts turf is frequently dually used for resort guest parking and free community parking (i.e., during concert events, local parking is made available for those not attending the concerts, at no fee with open access, to the parking areas that are dedicated for a particular event).

During the more than 50 years the Resort has existed, we have provided recreation and entertainment opportunities serving well over 12,000,000 customers. Our hosted "FunRaisers" have generated well over \$3,000,000 in direct contributions and/or in-kind benefits for numerous local causes. The following is a summary of the Resort's existing annual business components and related traffic aspects.

ABR EXISTING AND HISTORICAL USES

The numbers below are pre-2020 numbers and represent past average levels of guest attendance in each existing category of allowed uses.

Avila Beach Resort: Historical Business Summary				
<u>Guests and Visitors</u>				
	Number of Guests	Occupants/ Vehicle	Total Vehicle Trips	Notes
Golf Rounds	45,000 - 70,000	1.1	40,000 - 60,000	SLBE play 2%, Visitors play (local 50%/hotel 50%)
Dinners	35,000	2	17,500	35,000 guest a year
Breakfast/Lunch	12,000	3	4,000	12,000 guests a year
Private Banquets	15,000	2	7,500	50 banquets a year with up to 300 people
ABR Member Gatherings	6,000	2	3,000	500 membership one a month
Weddings	12,000	2	6,000	40-60 / 240 guests
Music Event	30,000 - 50,000	2.75	11,000	10-12 up to 3,000 and 3-5 up to 5,000
Wine & Other Gatherings - Festivals	15,000	2	7,500	5 activities year - up to 3,000 attendees
ABR Guests (annually)	170,000- 215,000	2	96,500 -116,500	Total Guest a year
		(average)		
<u>ABR Employees/Volunteers/Vendors</u>				
Full-Time Staff			16,500	45 employees / 365 days a year
Part-Time Staff			600	15 employees / 40 days a year
Vendors			3,650	10 vendors / 365 days a year
Volunteers			2,000	
Total Employee Vehicle Trips			22,700	

Total Guest and Employee Vehicle Trips: 119,250 -139,250

**In 2004, as the San Luis Obispo Symphony's growth of event annual attendance necessitated requesting a permit to exceed 3,000 attendees. That County business license permit (6.56) was approved and remains in effect today. As the result, the Resort occasionally hosts several events annually with over 3,000 attendees.*

Appendix A Attachments

CUP Resolution No. 67-84

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day February 14, 1967

PRESENT: Supervisors M. Roland Gates, Elston L. Kidwell, Fred C. Kimball,
Hans Heilmann, and Chairman Lyle F. Carpenter

ABSENT: None

RESOLUTION NO. 67-84

RESOLUTION RELATIVE TO THE GRANTING OF A CONDITIONAL USE PERMIT

WHEREAS, The County Planning Commission of the County of San Luis Obispo, State of California, did on the 8th day of February, 1967, consider the application of Bruce E. Moody for a Conditional Use Permit to allow a planned recreational community including the following: residences, hotel, retail sales & office, golf courses and playgrounds, trailer courts and accessory uses, and to permit height of hotel to be 64 feet over-all on Lots 3, 4, 5, 10 & 11, Block 1; Lots 1, 2, 3, 4, 5, 6 & 9, Block 2; Lots 1 through 8, Block 3; Lots 1, 2, 9, 10, 11, 12 & 13, Block 5; Lots 1 through 16, Block 6; Lots 1 through 6, Block 7; Lots 9 through 14, Block 10; Lots 4, 5 & 6, Block 11 and approximately 1200 acres in Rancho San Miguelito, Avila, San Luis Obispo County, California, and

WHEREAS, The Planning Commission, after considering the facts relating to said application, did find that the proposed use would not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience or welfare of persons working or residing in the neighborhood of such use and will not, under the circumstances of the particular case be detrimental to the public welfare or injurious to property or improvements in said neighborhood and therefore did recommend that this Board grant said Use Permit subject to the conditions as hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 14th day of February, 1967, does hereby grant the aforesaid Use Permit subject to the following conditions:

1. Road sections shall have the approval of the County Road Department.
2. A domestic water system and a sewage system shall be installed by the developer in accord with the requirements of the County Standard Specifications and Drawings and subject to the approval

of the County Health Department and subject to compliance with the requirements of the Water Quality Control Board.

3. A drainage system and improvements shall be installed by the developer in accord with the requirements of the County Standard Specifications and Drawings and subject to the approval of the San Luis Obispo County Water Conservation and Flood Control District.
4. Grading shall be in such a manner as to minimize the number and size of cuts and fills, which shall be recontoured to a natural appearance, and shall be subject to the approval of the County Planning Department.
5. Commercial services in the "Village" shall be reviewed by the County Planning Department and approved if found to be in conformance with the general character of the Development Plan.
6. Development of the property shall be subject to site development plan review by the Planning Department in conformance with the proposed Site Development Plan Review Ordinance. (Section 11-488)
7. That this Conditional Use Permit shall be granted subject to the effective date of the proposed "L" zone ordinance.

Regularly passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 14th day of February, 1967, in a regular meeting of said Board by the following roll call vote, to-wit:

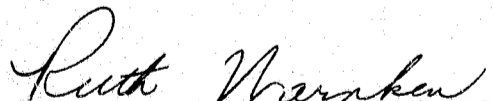
AYES: Supervisors Kimball, Heilmann, Kidwell, Gates, Chairman Carpenter

NOES: None

ABSENT: None


Chairman of the Board of Supervisors

ATTEST:


Clerk of the Board of Supervisors

Excerpt from Current San Luis Bay, Coastal Area Plan

(Revised 2009)

COUNTY OF SAN LUIS OBISPO

THE LAND USE AND CIRCULATION ELEMENTS
OF THE SAN LUIS OBISPO COUNTY GENERAL PLAN

SAN LUIS BAY AREA PLAN

Coastal

Table of Contents

ADOPTED BY
THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS
MARCH 1, 1988 - RESOLUTION 88-115

CERTIFIED BY
THE CALIFORNIA COASTAL COMMISSION
FEBRUARY 25, 1988

Revised August 2009

PIRATES COVE (CAVE LANDING)

The following standards apply only to the Pirates Cove area (see Figure 8-1) to the land use categories or specific areas listed.

RESIDENTIAL RURAL: The following standards apply only to lands within the Residential Rural land use category.

Mallagh Landing.

1. **Permit Requirement.** Development plan approval is required for all uses, except secondary dwellings, to include the following:
 - a. Residential clusters shall be identified in accordance with the sections of the Coastal Zone Land Use Ordinance which identifies cluster densities. At such time as the county adopts a Planned Unit Development (PUD) ordinance, the residential clusters shall be identified in accordance with the PUD ordinance.
 - b. Site selection for the residential clusters totaling 17 units shall be located adjacent to Pismo Beach where the extension of urban services would be appropriate.
 - c. A preliminary archaeological survey shall be required. Mitigation measures and residential site selection shall emphasize the protection of known archaeological sites.
 - d. A geologic report shall be required to indicate areas of landslide risk, bluff erosion, or where engineered foundations may be required. The residential clusters should be located consistent with these identified geologic concerns.
 - e. Appropriate methods for ensuring public access and recreational use of Pirates Cove and the adjacent bluff top shall be identified. (A detailed discussion of public access standards, see Land Use Element combining designation in Chapter 7 of this document.)

[Amended 2006, Ord. 3099]

SAN LUIS BAY ESTATES

The following standards apply only to lands within the San Luis Bay Estates project (see Figure 8-1), to the land use categories or specific areas listed.

AREAWIDE: The following standards apply to lands within the San Luis Bay Estates project which are not limited to a single land use category.

1. **Permit Requirement - Master Plan.** An amendment to the approved Master Development Plan for the entire property is to be prepared for the portions of the site within the coastal zone, for county review and approval prior to further development within the coastal zone. The Master Development Plan is to include any regulations, conditions and programs needed to implement each element of the county general plan as applicable to the site, and also the following:

- a. The location of housing, business, open space, agriculture, recreation facilities, educational facilities, churches and related religious facilities, public buildings and grounds, solid and liquid waste disposal facilities; height, bulk and setback limits for such buildings and facilities, including the location of areas such as flood plains and excessively steep or unstable terrain where no building is to occur.
 - b. The location and extent of existing and proposed streets and roads, proposed widths and standards for construction and maintenance, and the location and standards of construction, maintenance and use of all other transportation facilities, public or private.
 - c. Standards for population and building density including lot size, construction types, and provisions for water supply, sewage disposal, storm drainage and solid waste disposal.
 - d. Standards for conservation, development, and utilization of natural resources, including underground and surface waters, vegetation and soils, creeks and streams, fish and wildlife resources. Such standards should include measures for flood control, prevention and control of surface water pollution, land use regulation in stream channels and other areas which may have a significant effect on fish, wildlife and other natural resources of the area, control of soil erosion caused by construction, and the protection of watershed areas.
 - e. The location of areas of greatest biological significance shall be identified by a qualified biologist. Uses proposed in the master plan shall be sited consistent with protection of such identified habitat areas.
 - f. All public agencies carrying out or supporting activities outside the Coastal Zone in the Avila area that could have a direct impact on the resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that Coastal Act policies are achieved.
 - g. At such time that the county adopts a PUD ordinance, new residential clusters located within the coastal zone shall be developed to those specifications. In the interim, the cluster division provisions in the Coastal Zone Land Use Ordinance shall be used.
2. **Density Limitation.** Net residential density for the entire project area is to be within the range of the Residential Suburban land use category, not to exceed one dwelling unit per acre.
 3. **Lot Sales.** All sales programs are to be administered from the project sales office in the commercial village.
 4. **Open Space Preservation.** Approval of an application for land division, Site Plan or Development Plan approval is contingent upon the applicant executing an agreement with the county to maintain portions of the site not proposed for development in open space use. Guarantees of open space preservation are to be in the form of agreements, easements, contracts or other appropriate instrument.
 5. **Site Planning.** New development is to utilize the cluster division provisions of the Coastal Zone Land Use Ordinance.

OPEN SPACE: The following standards apply only to lands within the Open Space land use category.

1. **Density Calculations.** The parcel lying southerly of Avila Road is to be included in overall project density calculations to determine the required open space acreage for the entire project under the cluster division provisions of the Coastal Zone Land Use Ordinance.

RECREATION: The following standards apply only to lands within the Recreation land use category.

1. **Limitation on Use.** Principal permitted uses are limited to: eating and drinking places (not including drive-in restaurants, fast food and refreshment stands); food and beverage retail sales (limited to tourist-oriented supplies); and hotels and motels. Non-principal permitted uses are limited to: amusement and recreational services coastal accessways; rural sports and group facilities (excluding equestrian exhibition facilities); participant sports and active recreation; temporary events; caretaker residence; public safety facilities; accessory storage; pipelines and power transmission; and water wells and impoundment. (This is a visitor-serving priority area.)
2. **Floodplains.** Existing natural floodplain areas are to be preserved in their natural state.
3. **Location Criteria.** Active recreation uses are to be confined to the area of the existing 18-hole golf course, tennis facilities and hotel.
4. **Trails.** New residential and commercial development is to be accompanied by construction of trails adjacent to San Luis Obispo Creek connecting the Avila Valley and Avila Beach recreation areas.

RESIDENTIAL SUBURBAN: The following standards apply only to lands within the Residential Suburban land use category.

1. **Limitation on Use.** Uses allowed by Coastal Table O, Part I of the Land Use Element as within the residential clusters are limited to: home occupations; residential accessory uses; single family dwellings; temporary dwellings; public safety facilities; public utility centers; participant sports and active recreation (limited to incidental neighborhood recreation facilities); pipelines and power transmission; accessory storage; coastal accessways; and water wells and impoundment. The range of uses allowed within the coastal zone portions of the property is to be further refined through preparation of the project master development plan, so that uses will be compatible with the character of each cluster.
2. **Permit Requirement.** After adoption of the project master plan, Development Plan approval is required for each proposed residential cluster. The Development Plan shall reflect areas designated as biologically significant by a qualified biologist. Application materials submitted are to include details of siting, grading, structure locations, circulation within the cluster and connection to the overall circulation system.
3. **Site Area.** Where dwellings are to be built as multi-family units, the minimum area of buildable lots may be as small as 2,500 square feet.
4. **Recreational Facilities.** Residential clusters may include incidental neighborhood recreational facilities.

1980 Land Use Element

San Luis Bay

Library Copy

Adopted 9/22/80



**SAN LUIS BAY
PLANNING AREA**

The district has also acquired additional property at the northeast corner of Harford Drive and the PG&E access road, which they intend to develop as a supplemental boat storage and parking area to serve future harbor development. A little further east of this site is an existing 41 space trailer park, under separate ownership from any adjacent lands. This use is expected to remain, but should not be expanded beyond its present size.

The Public Facilities category also applies to the county-owned parking lot north of First Street. This should be up-graded and integrated into the future recreational uses along Avila Road, especially the proposed light railway.

Industrial

This land use designation is applied to the Union Oil Company property adjacent to the easterly edge of the townsite, and to the company pier west of San Luis Obispo Creek. The site of approximately 120 acres is located on a large hill overlooking the town and has been used for many years as a site for Union Oil's tank farm for petroleum storage. The location of the terminal facilities at this coastal site was imperative for access for the Union Oil tankers and for the storage and shipment of oil. Tankers presently handle oil cargos at the existing pier located west of town. The pier carries pipelines that connect to the tank farm site. Both refined and crude oil are handled through the tank farm and it is the main supplier to the Union Oil Company refinery located on the Nipomo Mesa. The tank farm is a major visual feature of the community as it overlooks and can be seen from all points of the community.

The storage site is relatively flat, with slopes of 0-15%, but this turns to rather steep cliffs on all sides of the site with over 30% slopes. There are approximately 12 major storage tanks on the flat section of the site with small tanks and accessory buildings (i.e., water tanks, truck loading facilities) scattered throughout. The property is fenced and

access is restricted to Union Oil Company officials. The entire Petroleum Bulk Terminal Facility is recognized as a substantial and historical use. Future utilization of the site, however, should not infringe on the steep wooded slopes along the northern perimeter above Avila Road or damage the bluffs along the waterfront. Union Oil maintains their own sewage disposal system and fire protection facilities, but receives water from the Avila Beach County Water District. If a multi-purpose special district is formed in the future, consideration should be given to the district providing services, since the property is included within the urban services line.

SAN LUIS BAY ESTATES

This private development lies north of Avila Road between San Luis Bay Drive on the east and an area west of the mouth of San Luis Obispo Creek, covering approximately 1,050 acres. A conditional use permit was granted in 1967 for development of the property with a recreational/residential community with approximately 1,000 dwelling units grouped in clusters with neighborhood recreation areas. In addition, the plan called for a "hotel, retail sales and office, golf courses and playgrounds, trailer courts and accessory uses." The ownership also includes a large parcel on the south side of Avila Road not included in the original proposal. This parcel is extremely steep and does not appear to be accessible from any of its frontage along the roadway. The concept proposed and initiated by the developer was to have a private, exclusive residential development. Lots were not to be sold, but were to be developed under long-term leases. The intended lifestyle justified narrow private roads and other deviations from county standards. Facilities constructed by 1980 include the hotel, 18-hole golf course, tennis facilities, private water supply and sewage disposal systems, fire station, private roads, the first unit of a mobile home park and an office area adjacent to the entrance gate on San Luis Bay Drive.

It is expected that this development will remain a residential/residential community. Each phase of the project will require development plan approval. With continuation as a private community, none of the facilities would be maintained or operated by the county. However, the project may proceed under a different concept with a variety of housing types--modular units, "stick-built" single-family homes, or condominiums. An expansion of the existing hotel may be pursued.

When an application is submitted for the next portion of development the proposal should include an overall master development plan for the entire property. The master development plan should establish the development framework for the entire project including the number of units to be allowed, unit locations, the circulation system, how services and utilities would be supplied, etc., as well as assess the project impacts on Avila Valley and Avila Beach. After approval of the master development plan, each phase of the project should be implemented through a development plan application in accordance with the Land Use Ordinance.

Residential Suburban

Development should occur at a net density within the range of the Residential Suburban land use category using the cluster division provisions of the Land Use Ordinance. This will allow smaller individual lot sizes while providing open space to preserve the highly scenic quality of the property. Location of the clusters will be determined by the master development plan and individual clusters will then be designed in detail through a development plan application.

Commercial Retail

Commercial Retail uses are to occur in a "village" adjacent to the entrance road, west of San Luis Bay Drive. These facilities should be aimed at meeting the neighborhood needs of the project residents and nearby residents of Avila Valley and should not be developed as a major commercial center. The high visibility of

the site requires careful attention to building design, siting, landscaping and signing.

Recreation

The Recreation category is applied to San Luis Obispo Creek and to areas containing existing recreational development, including the golf course, tennis courts and hotel facilities. Neighborhood recreation centers could also occur as part of each residential cluster and are not designated in the Recreation category. Even though the property is a private development, the creek bed offers the only area suitable for installing public trails that could connect to both Avila Valley to the east and Avila Beach to the west. The old Pacific Coast Railroad right-of-way also passes through the property and agreements should be worked out that could allow public access to a trail system and also the possible extension of the proposed Pacific Coast Light Railway from Avila Valley to Avila Beach.

Open Space

This category is applied to the parcel lying south of Avila Road. The parcel is extremely steep, heavily brush covered and does not appear to have any reasonable access from either Avila Road or Cave Landing Road. The acreage of this parcel should be considered toward meeting the required amount of open space for development of the total project. After a project master development plan is approved the areas to be preserved in open space should be added into this land use category and the Land Use Element map amended to show those areas. The open space areas should be covered by open space easements or deed restrictions to preserve them in an undeveloped state.

PIRATES COVE (Cave Landing)

This area of approximately 227 acres consists of property encompassing the southerly slopes of Ontario Ridge and the bluffs and beaches surrounding Pirates

Open Space Easement

Granted to the County of San Luis Obispo by
San Luis Bay Estates, Inc.

1986



First American

*my*FirstAm® Recorded Document

The Recorded Document images are displayed in the subsequent pages for the following request:

State: CA
County: San Luis Obispo
Document Type: Document - Book.Page
Book: 2821
Page: 0025

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RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

IN THE BOARD OF SUPERVISORS

CO. CLERK COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day April 8, 19 86

PRESENT: Supervisors Jerry Diefenderfer, William B. Coy, Evelyn Delany,
Carl Hysen and Chairman Ruth Brackett

None

ABSENT:

DOC. NO. **21051**
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CAL

RESOLUTION NO. 86-147

APR 14 1986

RESOLUTION APPROVING AND ACCEPTING AN OPEN-SPACE AGREEMENT
GRANTING AN OPEN-SPACE EASEMENT TO THE
COUNTY OF SAN LUIS OBISPO BY
SAN LUIS BAY ESTATES, INC.

FRANCIS M. COONEY
County Clerk Recorder
TIME 1:40 PM

The following resolution is now offered and read:

WHEREAS, the County of San Luis Obispo has been duly requested to
approve and accept a certain grant and offer to dedicate to the County of
San Luis Obispo as open-space that certain real property described in the
open-space agreement attached hereto and made a part hereof; and

WHEREAS, the Planning Director by letter dated April 8, 1986, has
duly recommended that the Board of Supervisors approve and accept such
offer of dedication to the County of San Luis Obispo, and has further
recommended that such action is consistent with the County's general plan.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of
Supervisors of the County of San Luis Obispo, State of California, as
follows:

1. The Board of Supervisors finds and determines that the
preservation of land offered for dedication to the County of San Luis
Obispo as open-space in the attached agreement is consistent with the
County's general plan; that, except for the Golf Course on the Golf
Course Parcel, the land is essentially unimproved and if retained in its
natural state has scenic value to the public and is valuable as a
watershed, and the offer of dedication contained in said agreement
contains appropriate covenants to that end; that it is in the public
interest that the land be retained as open-space because such land will

add to the amenities of living in neighboring urbanized areas; and that
approval of the above agreement is categorically exempt from the
requirements of the California Environmental Quality Act.

CD-34
CLERK OF COUNTY

2. The Open-Space Agreement Granting An Open-Space Easement To The County of San Luis Obispo, a copy of which is attached hereto as Exhibit A and is incorporated by reference herein as though set forth in full, is hereby approved and the dedication contained therein is hereby accepted by the County of San Luis Obispo and the Chairman of the Board of Supervisors is hereby authorized and directed to execute said agreement on behalf of the County of San Luis Obispo.

3. The County Clerk is hereby authorized and directed to record the above agreement and a certified copy of this resolution in the office of the County Recorder of the County of San Luis Obispo, and file a copy of said agreement and resolution with the County Assessor of the County of San Luis Obispo.

Upon motion of Supervisor Diefenderfer, seconded by Supervisor Delany, and on the following roll call vote, to-wit:

AYES: Supervisors Diefenderfer, Delany, Coy, Hysen,
Chairman Brackett

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Richard E. Brackett

Chairman of the Board of Supervisors

ATTEST:

[Signature]
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: *[Signature]*
Deputy County Counsel

Dated: APRIL 1, 1986

jm/cl/4986-1 [92]

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) SS

I, FRANCIS M. COONEY, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 10th day of April 19 86

FRANCIS M. COONEY
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By *[Signature]*

RECORDING REQUESTED BY:

County of San Luis Obispo

AND WHEN RECORDED MAIL TO:

Planning Director
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

OPEN-SPACE AGREEMENT GRANTING AN OPEN-SPACE EASEMENT
TO THE COUNTY OF SAN LUIS OBISPO

THIS AGREEMENT is made and entered into this 8th day of April, 1986, by and between SAN LUIS BAY ESTATES, INC., a California corporation, hereinafter referred to as "Owner," and the COUNTY OF SAN LUIS OBISPO, a political subdivision of the State of California, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, Owner possesses and is the fee owner of certain real property situated in the County of San Luis Obispo, State of California, hereinafter referred to as the "Subject Property," which is more particularly described in Exhibit A attached hereto and incorporated by reference herein as though set forth in full; and

WHEREAS, pursuant to the conditions of approval for Development Plan D810529:3 approved by Planning Commission Resolution No. 82-2 duly adopted on January 14, 1982 (hereinafter referred to as the "Development Plan") and the conditions of approval of the tentative map for Tract 992, authorizing a

division of real property, a portion of which includes part of the Subject Property, Owner, as subdivider, has prepared a final subdivision map of said real property in the County of San Luis Obispo, entitled Tract 992 (hereinafter referred to as the "Subdivision Map"), for approval by County; and

WHEREAS, as a condition precedent to the approval of said Development Plan and said Subdivision Map by County, Owner is required to enter into an agreement with the County, on behalf of itself and its successors in interest, whereby Owner grants to County an open-space easement over the Subject Property for the benefit of the public and the lots being created within Tract 992 to maintain the portion of the property not intended for development in open-space use; and

WHEREAS, execution of this agreement by Owner and County, and subsequent performance of its obligations by Owner and its successors in interest, will satisfy the open-space preservation requirement imposed by the County's general plan and by condition 32 of the Development Plan and condition 27 of the Subdivision Map referred to above; and

WHEREAS, the Subject Property has certain natural scenic beauty and existing openness, and both Owner and County desire to preserve and conserve for the public benefit the great natural scenic beauty and existing openness, natural condition and present state of use of said property of the Owner; and

WHEREAS, Owner is willing to protect the present scenic beauty and existing openness of the Subject Property by the

restricted use of said property by Owner through the imposition of the conditions hereinafter expressed; and

WHEREAS, both Owner and County intend that the terms, conditions, and restrictions of the open-space easement granted in this agreement are in compliance with Government Code Sections 51070 through 51097, inclusive, hereinafter referred to as the "Open-Space Easement Act of 1974," so as to be an enforceable restriction under the provisions of Revenue and Taxation Code Section 422; and

WHEREAS, Owner has supplied County with a current title company Lot Book Guarantee or Preliminary Title Report listing all trust deed beneficiaries and mortgagees, if any, under prior recorded deeds of trust and mortgages on the Subject Property.

NOW, THEREFORE, in consideration of the premises and in compliance with the provisions of Government Code Sections 51070 through 51097, inclusive, and in further consideration of the mutual promises, covenants, and conditions herein contained and the substantial public benefits to be derived therefrom, the parties hereto agree as follows:

1. Grant of open-space easement. Owner hereby grants to County, for the term specified in paragraph 8 below, an open-space easement in and to the Subject Property described above. The open-space easement granted herein conveys to County an estate and interest in the real property of the nature and character specified in the Open-Space Easement Act of 1974, which is subject to the express conditions and restrictions

imposed herein upon the use of the property by Owner. To that end, and for the purpose of accomplishing the intent of the parties hereto, Owner covenants on behalf of itself, and its successors and assigns with the County, and its successors and assigns to do and refrain from doing, severally and collectively, upon the Subject Property, the various acts hereinafter mentioned.

2. Restrictions on use of the subject property. The restrictions imposed upon the use of the Subject Property by Owner and its successors in interest and the acts which Owner and its successors in interest shall refrain from doing, and permit to be done, upon the Subject Property are as follows:

(a) No buildings, structures, or other improvements shall be placed, constructed, or erected upon the Subject Property except for agriculture accessory buildings and uses, and except as otherwise authorized by the approved Development Plan or Subdivision Map referred to above, and, with respect to the operation of the golf course (hereinafter referred to as the "Golf Course") on the golf course parcel as identified in Exhibit A (hereinafter referred to as the "Golf Course Parcel"), such uses, buildings and improvements as are consistent with Development Plan D810529:1 approved by Planning Commission Resolution No. 81-42 duly adopted on August 27, 1981, and any subsequent approved amendments thereto, (hereinafter collectively referred to as the "Master Plan").

(b) No advertising of any kind or nature shall be located on or within the Subject Property, except advertising of

the sale of units within Tract 992 that complies with Title 22 of the San Luis Obispo County Code.

(c) Owner shall not plant nor permit to be planted any vegetation upon the Subject Property except for crop production, grazing, natural or ornamental landscaping, and as otherwise authorized by the approved Development Plan or Subdivision Map referred to above, and as necessary for erosion control; provided, however, the Golf Course may continue to be so used and maintained, and may be improved by Owner and its successors in interest so long as such improvements and uses are consistent with the Master Plan referred to above.

(d) Except for the construction, alteration, relocation, and maintenance of public roads, private access roads, or driveways, if any, as shown on the approved Development Plan or Subdivision Map referred to above, the general topography of the landscape shall be maintained in its present condition and no grading, excavation, or topographic changes shall be made; provided, however, such grading, excavation and topographic changes shall be permitted as necessary for the operation and maintenance of the Golf Course; and provided, further, such grading, excavation and topographic changes shall be permitted as necessary for the improvement of the Golf Course so long as such improvement is consistent with the Master Plan referred to above.

(e) No use of the Subject Property which will or does materially alter the landscape or other attractive scenic features of the property, other than those specified herein, shall

be done or suffered.

(f) Owner shall not extract natural resources from the Subject Property, except for development of water rights.

(g) Owner shall not cut timber, trees, or other natural growth, except as may be required for agricultural use of the Subject Property and for fire protection, thinning, elimination of diseased growth, and similar protective measures, and except as necessary for development of the property within Tract 992 in accordance with the approved Development Plan and Subdivision Map referred to above and for operation and maintenance of the Golf Course.

(h) Owner shall not use the Subject Property or any portion thereof as a parking lot, storage area, or dump site or otherwise deposit or allow to be deposited on the Subject Property or any portion thereof, temporarily or otherwise, anything whatsoever which is not indigenous or natural to the Subject Property or consistent with the operation and maintenance of the Golf Course.

(i) Owner shall not cover or cause the Subject Property to be covered in whole or in part with any asphalt, stone, concrete, or other material which does not constitute natural cover for the land nor otherwise disturb the natural cover of the land unless otherwise authorized by the provisions of this agreement, except in connection with the operation and maintenance of the Golf Course.

(j) Except as authorized by or consistent with the Master Plan referred to above, no further land division of any legal parcel which includes the Subject Property shall occur without the approval of the County, nor shall Owner or its successors in interest otherwise convey (other than under threat of condemnation) the Subject Property or a portion thereof unless the entire legal parcel of which that property is a part is being conveyed. Any such conveyance or transfer of the Subject Property or portion thereof by Owner or its successors in interest in violation of this subparagraph (j) shall be considered null and void.

3. Reservations of use by Owner. The following property rights in the Subject Property are excepted from the restrictions contained in this agreement and are expressly reserved to Owner:

(a) The right to maintain and replace all existing private roads, bridges, trails, and structures lawfully erected and maintained upon the Subject Property.

(b) The right to construct, develop, and maintain all roads, utilities, structures, and other improvements authorized by the approved Development Plan or Subdivision Map referred to above, and any amendments or modifications thereto which may be approved by the County.

(c) The right to construct, develop, and maintain private water sources and water systems on the Subject Property

for the use and benefit of the Subject Property and the lots authorized to be created by the Subdivision Map.

(d) The right to the use and occupancy of the Subject Property and to undertake any of those uses permitted and approved in the Development Plan or Subdivision Map referred to above, subject to the conditions and restrictions imposed in this agreement.

(e) The right to use, and construct and maintain improvements related to such use, the open space lot of Tract 992 described above for biking, hiking, walking, horse trails and picnic areas for private use only, as authorized in the approved Development Plan or Subdivision Map referred to above.

(f) The right to continue the existing use of the Golf Course on the Golf Course Parcel, and to make improvements to the Golf Course and establish other uses of the Golf Course Parcel that are consistent with the Master Plan referred to above.

4. Compliance with County regulations. Land uses permitted or reserved to Owner in this agreement are subject to all County ordinances and regulations, including those regulating land use.

5. Construction of improvements. Owner shall not construct or permit the construction of any improvements on the Subject Property except as expressly reserved herein or as authorized in the Open-Space Easement Act of 1974. Provided, however, nothing contained in this agreement shall prohibit the construction of either public service facilities installed for the benefit of

the Subject Property or public service facilities installed pursuant to an authorization of the Board of Supervisors of the County or the Public Utilities Commission.

6. No authorization for public trespass. The grant of easement contained herein and its acceptance by the County of San Luis Obispo does not authorize and is not to be construed as authorizing the public or any member thereof to trespass upon or use all or any portion of the Subject Property or as granting to the public or any member thereof any tangible rights in or to the Subject Property or the right to go upon or use or utilize the Subject Property in any manner whatsoever. It is understood that the purpose of this agreement is solely to restrict the uses to which the Subject Property may be put so that said property may be kept as near as possible in its natural condition for the benefit of the public, including the lots created by approval of the Subdivision Map.

7. Effect on prior easements. Nothing contained in this agreement shall limit or affect any easements that are of record and that have been heretofore granted by Owner on, over, under, or across the Subject Property or any portion thereof.

8. Duration of easement. The grant of easement to County contained in this agreement shall be effective when it has been approved and accepted by resolution of the Board of Supervisors in the manner required by law, and it shall remain in effect in perpetuity unless abandoned or otherwise terminated by the Board of Supervisors in accordance with the provisions of the Open-Space Easement Act of 1974.

9. Enforceable restriction. Upon acceptance of the open-space easement granted herein, the Subject Property shall be deemed to be "enforceably restricted" within the meaning of Section 422 of the Revenue and Taxation Code and Section 8 of Article XIII of the Constitution of the State of California.

10. Binding on successors in interest. All provisions of this agreement shall run with the land described herein and shall be binding on the parties hereto and their heirs, assigns, and successors in interest.

11. Effect of waiver. County's waiver of the breach of any one term, covenant, or provision of this agreement shall not be a waiver of a subsequent breach of the same term, covenant, or provision of this agreement or of the breach of any other term, covenant, or provision of this agreement.

12. Judicial enforcement. Enforcement shall be by proceeding at law or in equity, either to restrain a violation or an attempted violation or by suit to recover damages against any person or persons violating or attempting to violate any covenant or restriction contained herein.

13. Law governing and venue. This agreement has been executed and delivered in, and shall be interpreted, construed, and enforced pursuant to and in accordance with the laws of the State of California. All duties and obligations of the parties created hereunder are performable in the County of San Luis Obispo, and such County shall be that venue for any action, or proceeding that may be brought, or arise out of, in connection with or by reason of this agreement.

14. Enforceability. If any term, covenant, condition, or provision of this agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby.

15. Notices. Unless otherwise provided, all notices herein required shall be in writing, and delivered in person or sent by United States first class mail, postage prepaid. Notices required to be given to County shall be addressed as follows: Planning Director, County of San Luis Obispo, County Government Center, San Luis Obispo, California 93408. Notices required to be given to Owner shall be addressed as follows: San Luis Bay Estates, Inc., Attention: Denis Sullivan, President, P.O. Box 279, Avila Beach, California 93424.

Provided that any party may change such address by notice in writing to the other party, and thereafter notices shall be addressed and transmitted to the new address.

16. Subordination. The trust deed beneficiaries and mortgagees, if any, listed on the Lot Book Guarantee or Preliminary Title Report referred to above, and whose signatures are affixed hereto, do hereby assent to this agreement and, further, do hereby subordinate their respective interests to the restrictions and obligations imposed herein.

17. Agreement to be recorded. Owner and County intend and consent to the recordation of this agreement in the office of the County Recorder of the County of San Luis Obispo.

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By *James B. Lindholm, Jr.*
Deputy County Counsel

Dated: MARCH 31, 1986

OWNER

SAN LUIS BAY ESTATES, INC.,
A CALIFORNIA CORPORATION

By *Denis Sullivan*
Denis Sullivan, President

TRUST DEED BENEFICIARIES
and/or MORTGAGEES

By _____
(signature)

(type or print name and title)

ATTEST:

[Signature]
Clerk, Board of Supervisors

[Signature]
Chairman, Board of Supervisors, County of
San Luis Obispo, State of California

Authorized by Board Resolution adopted on APR 08 1986, 19__.

STATE OF CALIFORNIA)
)
COUNTY OF SAN LUIS OBISPO) ss.

On APR 08 1986, 1986, before me, Francis M. Cooney, County Clerk and Ex-Officio Clerk of the Board of Supervisors, County of San Luis Obispo, State of California, personally appeared RUTH E. BRACKETT and FRANCIS M. COONEY, personally known to me to be the Chairman and the Clerk of the Board of Supervisors of the County of San Luis Obispo, State of California, and known to me to be the persons who executed the within instrument on behalf of the said public corporation, agency or political subdivision, and acknowledged to me that such County of San Luis Obispo executed the same.

FRANCIS M. COONEY, County Clerk
and Ex-Officio Clerk of the
Board of Supervisors, County of
San Luis Obispo, State of
California

By Vicki A. Bookless
Deputy County Clerk

[SEAL]

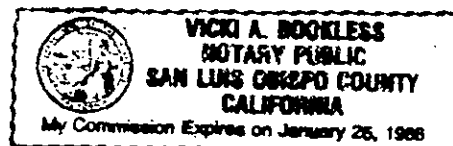
STATE OF CALIFORNIA)
)
COUNTY OF San Luis Obispo) ss.

On this 13th day of march, in the year 1986, before me, the undersigned, a Notary Public in and for said State, personally appeared Denis Sullivan, [personally known to me/~~proved to me on the basis of satisfactory evidence~~] to be the person who executed the within instrument as President on behalf of the corporation therein named and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal.

Vicki A. Bookless

CA105



LEGAL DESCRIPTION APPROVED AS TO FORM:

GEORGE C. PROTOPAPAS
County Engineer

By: *Sl. Z. Pridel*
Office Engineer

Dated: 4-2-86

APPROVED AS TO CONTENT:

PAUL C. CRAWFORD
Planning Director

By: *Larry J. Red*
LARRY J. RED, Supervisor
Subdivision Review Section

Dated: 4/1/86

[NOTE: This Open-Space Agreement will be recorded. All signatures to this agreement must be acknowledged by a notary.]

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

On _____, before me, FRANCIS M. COONEY,
County Clerk and Ex-Officio Clerk of the Board of Supervisors, County
of San Luis Obispo, State of California, personally appeared
 and _____,
personally known to me to be the persons who executed this instrument
as the Chairman and the Clerk of the Board of Supervisors of the
County of San Luis Obispo, State of California, and acknowledged to
me that the County of San Luis Obispo executed it.

FRANCIS M. COONEY, County Clerk
and Ex-Officio Clerk of the
Board of Supervisors, County of
San Luis Obispo, State of California

By: _____
Deputy County Clerk

[SEAL]

3441e

EXHIBIT "A"

That portion of Parcels 3, 4A and 7 as recorded in AL-80-08 and shown on Book 50 of Records of Surveys at Page 42 in the office of the San Luis Obispo County Recorder, State of California, being more particularly described as follows:

PARCEL A "open space lot south of Avila Beach Drive (formerly Avila Road)"

All of Parcel 7 of AL-80-08 as shown on Book 50 of Records of Surveys at Page 42 recorded in said County and State.

Said parcel contains 72.1 acres more or less.

PARCEL B "golf course parcel"

1. Beginning at a found 1/2" rebar pin and cap P.E. 21807 at the northwesterly corner of Parcel 4A, said point being at the westerly terminus of a course labelled South 85° 40' 36" East, 854.45 feet; thence along the westerly line of said Parcel 4A, South 7° 09' 22" East, 237.89 feet to the True Point of Beginning; thence leaving said westerly line, South 85° 40' 36" East, 1,413.68 feet; thence South 5° 29' 60" West, 175.65 feet; thence South 14° 42' 21" West, 175.47 feet; thence South 18° 06' 01" East, 104.39 feet; thence South 55° 25' 51" East, 117.45 feet; thence South 43° 33' 36" East, 116.83 feet; thence South 32° 09' 40" West, 423.43 feet; thence North 89° 41' 51" West, 247.81 feet; thence South 48° 19' 25" West, 113.41 feet; thence South 24° 53' 48" West, 203.12 feet; thence South 7° 54' 18" East, 176.28 feet; thence South 21° 35' 30" West, 205.50 feet; thence South 0° 46' 26" West, 444.00 feet; thence South 6° 28' 14" East, 144.52 feet; thence South 15° 40' 29" West, 237.91 feet; thence North 29° 28' 16" West, 743.59 feet; thence North 68° 30' 47" West, 400.00 feet; thence North 21° 29' 13" East, 1061.35 feet; thence North 44° 34' 26" West, 603.50 feet; North 7° 09' 22" West, 291.66 feet to the True Point of Beginning.

Said parcel contains 43.59 acres more or less.

2. Beginning at the southerly corner of Parcel 4A per Volume 2302 of Official Records at Page 314 and Parcel 2 per Volume 2302 of Official Records at Page 299 as shown on Book 50 of Records of Surveys at Page 42 recorded in the County Recorder's Office of said County and State, said point also being on the northerly right-of-way of Harford Drive, said point being the True Point of Beginning; thence North 23° 23' 55" West, 492.35 feet; thence North 66° 36' 05" East, 512.39 feet; thence North 19° 30' 05" West, 250.00 feet; thence North 49° 24' 45" East, 134.79 feet; thence North 36° 17' 18" East, 94.14 feet; thence North 62° 34'

47" East, 188.61 feet; thence North 49° 42' 30" East, 387.26 feet; thence North 46° 17' 57" East, 231.34 feet; thence North 69° 38' 59" East, 172.84 feet; thence North 87° 58' 50" East, 80.80 feet; thence South 76° 19' 34" East, 127.61 feet; thence North 89° 46' 50" East, 260.52 feet; thence North 72° 06' 31" East, 47.24 feet; thence North 23° 43' 12" East, 166.39 feet; thence North 88° 33' 01" East, 84.67 feet; thence South 85° 13' 16" East, 165.38 feet; thence South 75° 50' 41" East, 411.46 feet; thence South 49° 52' 00" East, 241.35 feet; thence South 57° 39' 00" East, 195.74 feet; thence South 87° 16' 32" East, 95.09 feet; thence North 80° 44' 26" East, 553.00 feet; thence South 9° 15' 34" East, 300.00 feet; thence South 80° 44' 26" West, 411.44 feet; thence South 16° 35' 13" West, 408.26 feet; thence North 73° 24' 47" West, 100.00 feet; thence North 65° 49' 26" West, 550.41 feet; thence North 63° 55' 26" West, 150.80 feet; thence North 68° 28' 43" West, 112.07 feet; thence North 78° 55' 31" West, 113.32 feet; thence South 82° 09' 20" West, 169.13 feet; thence South 69° 42' 08" West, 60.13 feet; thence North 18° 04' 31" East, 24.55 feet; thence North 71° 55' 29" West, 100.00 feet; thence South 78° 43' 03" West, 91.79 feet; thence South 32° 06' 37" West, 82.46 feet; thence South 18° 04' 31" West, 80.50 feet; thence South 32° 39' 59" East, 42.98 feet; thence South 57° 16' 57" West, 242.08 feet; thence South 58° 23' 34" West, 199.77 feet; thence South 60° 25' 08" West, 197.99 feet; thence South 58° 02' 12" West, 216.68 feet; thence North 71° 55' 29" West, 98.48 feet; thence South 18° 04' 31" West, 121.75 feet; thence South 55° 50' 24" West, 229.69 feet; thence North 33° 15' 19" West, 40.00 feet; thence westerly along a 2,070.00 foot radius curve concave southerly, whose radius bears South 33° 1' 19" East, through a central angle of 0° 17' 13", an arc distance of 100.55 feet; thence South 56° 27' 54" West, 391.83 feet to the True Point of Beginning.

Also excepting therefrom that portion of the Rancho San Miguelito described in deeds recorded in Book 510 at Page 69, Book 959 at Page 450, Book 1797 at Page 343 and Book 2115 at Page 818 of Official Records.

Said parcel contains 51.6 acres more or less.

PARCEL C "open space lot of Tract 992"

Beginning at a found 1/2" rebar pin and cap P.E. 21807 at the southwesterly corner of said Parcel 5, said point also being common to said Parcel 3 and 6, said point being the True Point of Beginning of this description; thence westerly along the line common to said Parcels 3 and 6, North 88° 51' 20" West, 205.00 feet; thence North 81° 15' 14" West, 124.42 feet; thence South 71° 42' 10" West, 126.76 feet; thence South 54° 38' 38" West, 120.30 feet; thence South 54° 57' 56" West, 169.54 feet; thence South 45° 12' 25" West, 188.52; thence leaving said common line North 59° 51' 21" West, 420.93 feet; thence North 80° 54' 27" West, 1643.46 feet; thence North 30° 13' 23" East, 1128.53 feet;

thence North 37° 59' 01" East, 387.86 feet; thence North 49° 05' 13" East, 1445.08 feet; thence North 63° 52' 43" East, 362.52 feet to a point on the line common to said Parcels 3 and 5; thence southerly along the common line, South 5° 13' 56" East, 995.04, thence South 18° 46' 25" East, 379.30 feet; thence South 22° 50' 36" East, 611.19 feet; thence South 20° 57' 33" East, 232.63 feet; thence South 6° 49' 40" East, 405.59 feet to the True Point of Beginning.

Excepting therefrom the following described parcel of land:

Beginning at the True Point of Beginning; thence northerly along the line common to said Parcels 3 and 5, North 6° 49' 40" West, 405.59 feet; thence leaving said common line, North 44° 56' 57" West, 238.16 feet to a point hereinafter referred to as "Point A", said point also being the point of beginning of the exception; thence South 7° 42' 59" East, 330.90 feet; thence South 51° 10' 04" West, 195.00 feet; thence North 33° 32' 16" West, 145.00 feet; thence North 21° 35' 51" West, 244.45 feet; thence South 54° 34' 23" West, 156.91 feet; thence South 69° 20' 20" West, 193.08 feet; thence North 81° 03' 18" West, 164.22 feet; thence South 9° 55' 14" West, 113.43 feet; thence North 69° 00' 11" West, 150.00 feet; thence North 0° 32' 51" West, 300.64 feet; thence North 34° 42' 40" West, 181.58 feet; thence North 15° 17' 14" West, 140.00 feet; thence North 16° 20' 48" East, 125.51 feet; thence North 56° 14' 46" East, 296.64 feet; thence North 88° 45' 53" East, 105.00 feet; thence North 50° 51' 10" East, 137.28 feet; thence North 60° 48' 23" East, 262.25 feet; thence South 19° 20' 13" East, 524.93 feet; thence South 3° 27' 23" West, 197.56 feet; thence South 58° 49' 24" East, 195.00 feet to Point "A".

Said parcel of land contains 80.42 acres more or less.