



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

June 13, 2014

Khosro Khaloghli
7292 Exotic Garden Drive
Cambria, CA 93428

Centrally Grown
Attn: Dave Robertson
1241 Knollwood Dr. PMB
Cambria, CA 93428

Kirk Consulting
8830 Morro Road
Atascadero, CA 93422

**SUBJECT: APPEAL OF CENTRALLY GROWN. – COUNTY FILE NUMBER: DRC2012-00119
HEARING DATE: JUNE 6, 2014 / PLANNING DEPARTMENT HEARINGS**

We have received your request on the above referenced matter. In accordance with County Real Property Division Ordinance Section 21.04.020, Land Use Ordinance Section 22.70.050, and the County Coastal Zone Land Use Ordinance 23.01.043, the matter will be scheduled for public hearing before the Board of Supervisors. A copy of the appeal is attached.

The public hearing will be held in the Board of Supervisors' Chambers, County Government Center, San Luis Obispo. As soon as we get a firm hearing date and the public notice goes out you will receive a copy of the notice.

Please feel free to telephone me at 781-5718 if you have any questions.

Sincerely,

Nicole Retana, Secretary
County Planning Department

CC: ~~Bob Fitzroy, Project Manager~~
Steve McMasters, Supervisor
Whitney McDonald, County Counsel

976 OSOS STREET, ROOM 300 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600

#885



COASTAL APPEALABLE FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION Name: Centrally Grown File Number: DRC2012-00119

Type of permit being appealed:

- Plot Plan
- Site Plan
- Minor Use Permit
- Development Plan/Conditional Use Permit
- Variance
- Land Division
- Lot Line Adjustment
- Other; also appealing adoption of Mitigated Negative Declaration

The decision was made by:

- Planning Director (Staff)
- Building Official
- Planning Department Hearing Officer
- Subdivision Review Board
- Planning Commission
- Other _____

Date the application was acted on: 6/6/14

The decision is appealed to:

- Board of Construction Appeals
- Board of Handicapped Access
- Planning Commission
- Board of Supervisors

BASIS FOR APPEAL

INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the Certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: Please see attached letter

INCOMPATIBLE WITH PUBLIC ACCESS POLICIES. The development does not conform to the public access policies of the California Coastal Act – Section 30210 et seq of the Public Resource Code (attach additional sheets if necessary).

Explain: _____

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number	Reason for appeal (attach additional sheets if necessary)
_____	_____

APPELLANT INFORMATION

Print name: Khosro Khaloqli

Address: 7292 Exotic Garden Drive, Cambria, CA 93428 Phone Number (daytime): 949-338-4604

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and am/are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Signature: _____

Date: 6/12/14

2014 JUN 11 AM 10:41
COUNTY
PLANNING/BUILDING
DEPT

OFFICE USE ONLY
Date Received: 6/13/14

By: [Signature]

Amount Paid: \$850.00 Receipt No. (if applicable): _____

COASTAL APPEAL FORM
SAN LUIS OBISPO COUNTY PLANNING & BUILDING
SLOPLANNING.ORG

PAGE 2 OF 3
JULY 1, 2010
PLANNING@CO.SLO.CA.US

Castello della Costa d'Oro
CAMBRIA, CALIFORNIA

2014 JUN 13 AM 10:41
SLO COUNTY
PLANNING/BUILDING
DEPT

June 11, 2014

San Luis Obispo County Board of Supervisors
San Luis Obispo, California

DRC2012-00119
7432 Exotic Gardens Drive
Cambria Ca. (Ap No. 013-281-002)
Centrally Grown Minor Use Permit

Mitigated Negative Declaration
ED-13-161

Re: Appeal

This letter details the grounds for my appeal of the approval of the Minor Use Permit for Centrally Grown's change of use and new uses on Parcel No. 013-281-002. I also wish to appeal the adoption of the Mitigated Negative Declaration on this project, ED-13-161. These actions were taken on June 6th, 2014 by the San Luis Obispo County Planning and Building Department, Hearing Officer Mike Wulkan. My Coastal Appealable Form is attached.

I believe the new and expanded uses of the proposed project, even as conditioned for approval, do not conform to the standards set forth in the Coastal Zone Land Use Ordinance, the North Coast Area Plan and the Exotic Gardens Area Plan, and are inconsistent with environmental policy, incompatible with surrounding land uses, will degrade the scenic and natural qualities of the area and work against the common goal of community conservation of valuable natural resources for the enjoyment of residents and visitors.

The project location, at Exotic Garden Drive and State Highway 1, is a highly sensitive scenic site, opposite the northern end of Moonstone Beach Drive. Virtually all visitors to the Cambria area, and all those en route to the Big Sur - Carmel portion of Highway 1, pass by the elevated, highly visible project site. Highway 1 is a State Scenic Highway and National Scenic Byway and is the primary public viewing corridor in the area. The proposed new uses and increase in intensity of use will significantly and negatively impact the environment, public safety and also the scenic qualities of the corridor.

In Chapter 1 of the North Coast Area Plan that specifically discusses the character of Cambria, the goal of keeping a clear division at the urban/rural boundary is stated in 1.3, paragraph A: Maintaining a stable urban/rural boundary and a clear distinction between urban and rural development. 1.4, paragraph A: Encouraging the phasing of urban development in a compact manner, and maintaining the "hard edge".

7292 Exotic Gardens Drive Cambria, CA 93428

While the project site has seen established commercial uses for many years, the Approval of 1980 contained many conditions for keeping development on the site to a minimum, so as not to create an outlying island of urban intensity in the middle of the rural and recreational lands along the scenic corridor.

To begin with land use issues, according to Standard #29 of the North Coast Area Plan for Exotic Gardens, retail and restaurant use are only allowed in the main building. Business licenses should not have been issued for retail use in the non-permitted structures that were built as storage and greenhouses. Only accessory use for storage or greenhouse use was allowed outside the main building.

I think it is important to clarify the project description with respect to what is considered "existing development" and what is considered "new development". The original Development Plan that was approved in 1980 included specific Conditions of Approval that were disregarded, changed or ignored over the past thirty years without the benefit of public review or proper permit processing.

Over time the greenhouses were converted to retail spaces by replacing the existing fiberglass panels with corrugated tin roofs and siding and adding pavers to the dirt floors. In addition, new structures were built and remodeled and illegal signs were added. All were constructed without permits or adherence to SLO County ordinances and were in direct conflict with the original Conditions of Approval. These are now being reviewed as "existing structures and uses" and incorporated into the project description.

Consequently these new buildings and uses will have a much greater impact on the environment than what is apparent on the surface. A closer examination of what was approved with the original Development Plan and what is "existing" should be prepared and reviewed in the context of this Environmental Review and Minor Use Permit. The North Coast Advisory Council agreed and urged that research be undertaken to determine the history of permits on site.

Retail or eating and drinking uses are not legal, established uses in any building on site except the main building. The North Coast Advisory Council agrees.

Now you are approving use changes and tacitly conferring 'allowed use' status for uses in these illegal structures. That removes from public oversight major use changes on a very sensitive site at the heart of Cambria's scenic corridor.

These are the commercial uses that Centrally Grown now proposes, and that the Hearing Officer approved on June 6th.

BUILDING 1-- RESTAURANT UPSTAIRS, WITH FORMAL AND INFORMAL SEATING AREAS, SEATING AT BAR. DOWNSTAIRS: NATURAL FOOD AND PRODUCE MARKET. DELI WITH SEATING.

(Please note that the Developer's statement for the Minor Use Permit inaccurately states there was a Market use on the lower floor of Building One as an existing use. The first floor was in actuality overflow dining, for banquets, and was rarely used.)

BUILDING 2 AND 3-- GENERAL COMMERCIAL, WITH FOOD & BEVERAGE RETAIL SALES, RETAIL SPACES, OUTSIDE DINING DECK

BUILDING 4--ACCESSORY RESTAURANT WITH OUTSIDE DINING DECK, WINE TASTING BAR, MEETING ROOM

BUILDING 6--GENERAL COMMERCIAL RETAIL

BUILDING 9--RESIDENTIAL WITH VACATION RENTAL

The most recent, long-standing commercial uses on site have been one restaurant in the main building, open for lunch and dinner only--very light traffic during limited hours. Even adding the illegal day spa and illegal retail uses of recent years adds just a handful more vehicle trips per day.

Although applicant has not submitted hours of operation, the number of commercial uses and the number of employees projected by applicant (40-60) would indicate that it is highly likely that vehicle trips, intersection traffic, noise levels, and parking issues, in addition to the other environmental factors noted below, would be significantly affected, as the intensity of use on the site would be greatly increased. Limiting hours of operation to 10 a.m. to 9 p.m. in the conditions of approval would be a minimum step to keep impacts within community standards.

My Request for Review of the Mitigated Negative Declaration was cursorily responded to by the Environmental Coordinator. I don't believe that the following concerns were adequately addressed by the response that was posted, nor by the relevant agencies.

The Initial Study Summary checklist noted only two environmental factors that would be potentially affected by the proposed project: "Aesthetics" and "Biological Resources". I disagree that these are the only two factors, and believe that "Agricultural Resources", "Air Quality", "Geology and Soils", "Noise", "Public Services/ Utilities", "Transportation/ Circulation", "Wastewater", "Water/ Hydrology" and "Land Use" Factors also will be significantly impacted by the proposed project.

I also disagree that the project revisions as submitted would adequately mitigate the environmental impacts to the factors of Aesthetics and Biological Resources. Following are the environmental factors that I feel will be affected if the Environmental Determination and Minor Use Permit is approved and the project moves forward as proposed.

AESTHETICS (pg 4)

State Highway 1, as noted in the Setting description, is a State Scenic Highway and National Scenic Byway and is the primary public viewing corridor in the area. The proposed new uses and increase in intensity of use will significantly impact the scenic qualities of the corridor.

The project is within the viewshed of State Highway 1 and directly impacts this highly scenic view corridor. It seems appropriate that a visual study be prepared to address any visual impacts created by a project of this scope.

23.2.035 of the Coastal Zone Land Use Ordinance states: 'for applications that propose development along significant visual corridors, a visual analysis shall be required to be prepared by a qualified individual approved by the Environmental Coordinator.'

The off-site billboard sign located within the Highway 1 and county right of way exceeds the maximum allowed size for the entire parcel, as detailed in the 1980 Approval (20 square feet total). It is therefore illegal and should be removed. The restrictions on signage size, lighting and position in the scenic corridor are crucial to maintain the natural beauty of the area that draws visitors from around the world.

Questions a) through d) should be reviewed more closely, as I believe that the effect upon the aesthetics of this treasured scenic resource will be potentially significant.

a) Will the project create an aesthetically incompatible site open to public view? Yes, the impact could be potentially significant.

The new retail uses could present significant issues of visual clutter with merchandise outside, prominent lighted signage on site and on buildings, visually prominent new second story decks with large groups of visitors visible from highway, increased traffic of cars and buses entering and exiting the property--all these elements have high potential to negatively impact the scenic beauty for which Cambria is known.

b) Will the project introduce a use within a scenic view open to public view? Yes, the impact could be potentially significant. The additional uses in this scenic viewshed are detrimental to the enjoyment of the natural scenic qualities of the corridor. Previous uses were limited by Standards 29 and 30 and the restrictions of use insured that commercial traffic remained light, signage was strictly limited, and any expansion of development on site would require a Minor Use Permit so that all potential effects could be thoroughly studied. This initial study has been inadequate to seriously contemplate the extent of environmental impact such a large scale commercial operation could potentially have in this scenic area.

c) Will the project change the visual character of an area? Yes, the impact could be potentially significant. The permitting of this expansion of uses and new uses on this highly visible site will change the character of the area, and furthermore will set a precedent that commercial development along the Cambria scenic corridor of State Highway 1 is acceptable.

d) Will the project create glare or night lighting and night glare, which may affect surrounding areas? Yes, project impact could be potentially significant. The project proposes new uses on site that will necessitate both permanent and temporary night lighting. Expanding the number of restaurant and retail spaces, adding new parking areas, and adding vacation rental uses to existing structures will bring an immediate need for permanent exterior night lighting for guest safety to assist in navigation between all the new retail, restaurant, event, wine tasting, outdoor

stage and vacation rental areas on the site. Due to the elevated nature of the site from the highway, even downward-aimed light that is to code will create glare, cause distractions for drivers and will reduce the dark sky viewing qualities of the surrounding area. In addition, the proposed project envisions an 'entertainment area' in the garden, i.e., a stage, where temporary night events, concerts, festivals and weddings will be held that will require bright lighting both on the stage and in the surrounding gardens and new decks. These new lighted areas will be highly visible from the many parks, trails and rural residences surrounding the project site. The addition of new lighting for the parking area, and the addition of a new parking area on the north side of the parcel also will increase total ambient light and direct light glare, as the elevation of the site increases visibility of all light from fixtures on site. Even conditioned as they currently are in the approval, lights in the additional new parking area are very likely to be highly visible from the campgrounds, trails and public park areas surrounding the site. In addition, the applicant proposes lighting the buildings. With a total of 9 buildings on the property, these sources of illumination alone will be sufficient to affect night sky viewing and would certainly be visible from the surrounding residences, campgrounds and other visitor areas.

Further study of the potential impacts in the Aesthetic category should be required to explore in more depth the potentially significant impacts posed by the new and changed uses for a project in this sensitive, high visibility location and to require mitigations or project revisions to severely limit impacts.

This category is a vital one, as scenic resources are among the county's most valuable, most fragile and most in need of defending.

AGRICULTURAL RESOURCES pg 6

The proposed project "impairs the agricultural use of other property".

The adjacent property is used viticulture and livestock grazing. Potential impacts include dust on neighboring vineyards from new unpaved areas. Expansion of vineyard acres on the neighboring parcel may be restricted by dust caused by disturbed soil surface on project site. I believe there should be additional setbacks of 100 feet from agricultural uses but that was not addressed. The conversion of greenhouses to retail and restaurant use changes the "transitional" character of the neighborhood. By eliminating the only ag use on the site, there will now be an island of commercial activity within an area of rural lands. The impacts warrant a review by the Agriculture Commissioner.

AIR QUALITY pg 6

Additional traffic and airborne dust from gravel parking may affect air quality.

BIOLOGICAL RESOURCES pg. 9

The mitigation language in Exhibit B, the Mitigation Summary table, effectively renders useless the mitigation requirements for protecting bird species under the Migratory Bird Treaty Act and California Fish and Game Code. To add the phrase 'if possible' to the recommended mitigation

for removal of trees and shrubs only outside the seasonal nesting period provides no protection whatsoever, and should be removed from the mitigation language for this category. Additionally, some shrubs and trees have already been removed from the east side of the property and this activity occurred during the nesting period for protected species.

Also, the Monterey cypress trees along the western boundary of the development provide some measure of visual screening of the project from Highway 1, and these cypress should be protected, enhanced and replaced should any be damaged, now or in the future.

GEOLOGY AND SOILS pg. 12

Given the relative proximity to the San Simeon earthquake epicenter, it seems appropriate to ensure that there are no other active faults nearby. A careful review of the soil disturbances related to construction, such as grading, demolition, foundation work, landscaping, and other surface disruptions should be undertaken as well. Construction of the unpaved parking lot, plus grading in the former garden area, appears to be larger than one acre in size, which should trigger the requirements for the SWPPP report to be prepared and reviewed.

HAZARDS AND HAZARDOUS MATERIALS pg. 13

The site is located in a "very high" fire hazard severity zone. Typical setbacks in this area for properties that exceed one acre are 25 feet in the front, and 30 feet side and rear. It appears that the greenhouses which are to be converted to public retail use do not meet these required setbacks. These setbacks are mandatory to protect both the structures and adjacent properties from increased fire danger.

NOISE pg 15

Items b) and c) in the table of potential impacts for environmental noise should be categorized as potentially significant, in my opinion. I believe the project as proposed will generate permanent increases in the ambient noise levels in the project vicinity, and will cause a temporary or periodic increase in ambient noise in the project vicinity. In addition to the daily ambient noise caused by increased traffic flow to and from the site, (highly likely to include periodic heavy motorcycle traffic, as has developed at Ragged Point and other Highway 1 visitor destinations), holiday periods and any temporary events also have the strong potential to increase noise levels beyond acceptable or allowed limits. Decibel levels of motorcycle traffic are very likely to be above and beyond the Coastal Zone limits of an average of 50 db (day) and 45 db (night) to the property line, however, there is no way to restrict access to motorcycles in order to prevent this non-conformance to noise ordinances, if the project proceeds as approved.

Although the Recreation zoning requires any commercial entertainment events to submit a Minor Use Permit, there are still categories of events that could be undertaken outdoors on the site, with the approval as it is currently conditioned, particularly if the definitions that limit the types of events are excessively ambiguous or not enforced.

Outdoor events 'strictly accessory or subordinate to restaurant use' are permitted. In actual practice, what does this require? 'Free' public events hosted by non-profits of 8 hours or less are also permitted. This too has potential for abuse of definition.

Any outdoor events would likely be amplified, with both voice and music noise carried by the prevailing winds to the neighboring residences, state beaches, hotels and the scenic corridor. Such periodic noise would greatly impact the surrounding rural residences and impair the enjoyment of their property. Previous music events on site were held inside the main building. Amplified music events should not occur outside where noise levels will have a serious impact.

PUBLIC SERVICES/ UTILITIES pg 16

a) Fire Protection. As noted in the remarks for this section, this is a High Fire Hazard area, and the increase in intensity of use, elements of remodeling of buildings (new decks) and congested parking areas with emergency equipment access limited to one ingress and egress, I believe does constitute potentially significant impact.

The reduced setbacks have created an unsafe fire danger. In addition, the project is located on a dead end road. In the event of an emergency, access may be impeded due to public evacuation down the only access road that emergency vehicles are using. Further blocking of emergency vehicles may occur if vehicles are allowed to park on either side of the public right-of-way. This element of the parking plan has been removed at the request of the North Coast Advisory Council, but adequate signage and control measures to ensure public and employee continued compliance will no doubt be required.

An additional fire safety factor will be caused by visitors attending outdoor events, concerts and weddings, and gathering on wooden decks in a densely wooded garden area that is tinder dry much of the year. Applicant has indicated he will post signs to restrict outdoor smoking on the project site, but this vital safety measure should be formalized in the project conditions, as it poses a severe hazard to surrounding property owners, including the State of California and the many hotels of Moonstone Beach.

TRANSPORTATION and CIRCULATION pg. 17

I disagree strongly that the project as proposed will have no impact on traffic and urge a thorough traffic study be undertaken for this project. Planning Dept. has stated that CalTrans has reviewed the minor use permit and does not feel that vehicle trips would be increased nor intersection safety affected by the changes in use, new uses and increased intensity of use on the site. I urge a closer look at historic traffic levels and at the intensity of traffic at similar commercial sites on Highway One, such as Ragged Point, Nepenthe, etc. Visitors driving the Scenic Highway corridor seek opportunities for regular stops for food, rest and shopping. If the Centrally Grown commercial center becomes a regular stop on this visitor route for car and motorcycle traffic, and that is their stated goal, this previously quiet and scenic Cambria natural recreation area will take on a much different character, not at all in keeping with the wishes of the community, nor of the mandate of protection for the scenic corridor.

The intersection of Highway 1, Moonstone Beach Drive and Exotic Gardens Drive is already a dangerous one, with one relatively recent death of a pedestrian. There are no acceleration lanes, no turn lanes, no signals, and limited sight lines. CalTrans stated that they feel the sight lines are adequate for safety. I use this intersection regularly during all times of year and can say from experience that southbound vehicles are frequently traveling faster than the speed limit and the time to safely pull out into traffic from Exotic Gardens Drive, or to cross the highway, can be very brief. The expanded and new uses include some that are categorized as 'high traffic flow' and will cause greatly increased vehicle trips to and from the project. With multiple retail stores, wine tasting, two to three eating and drinking spaces, food market with deli, vacation rental, plus the temporary events that could be occurring on site, as well as a greatly expanded number of employees (40-60 by applicant's estimate), it is obvious that traffic and circulation will be greatly impacted. The vehicular intensity likely to be generated by this project is not in keeping with the character of the scenic coastal corridor and the agricultural and rural residential zoned parcels that surround it.

I disagree with the contention of Public Works that the proposed uses would generate similar traffic levels to the historic uses. The historic use has for decades been one restaurant with limited hours, and minor retail businesses also with limited hours and very light visitor numbers.

My concerns for pedestrian traffic crossing Highway One have been dismissed. The Environmental Coordinator indicated in the response to the request for review that responsibility for the safety of pedestrians crossing the highway to reach the project would be with the pedestrians themselves, however, the project's market may present an 'attractive nuisance' character for visitors (including children) in the State Park and beach areas across the highway that would bring liability on those who allowed the nuisance condition to be created, not to mention the moral and ethical responsibility should any tragic events occur as a result of this development approval.

Internal Circulation and Parking

The applicant's site plan shows parking within the public right of way. Several of the parking areas in front of the retail buildings at the project's west edge encroach into the public roadway, and they also back out into the road, which is a violation of 23.04.164 Title 23 Coastal Zone Land Use Ordinance. A variance would be required to accommodate such a plan. The new unpaved parking area has several issues that could negatively impact the environmental factors under discussion. It does not meet applicable codes in size or layout. Erosion of surface gravel and soils below the gravel in rainy season will likely be significant, and materials will flow onto neighboring properties. Usability of unpaved lot in winter will be likewise unreliable, therefore rendering the project without the required number of spaces for many months of the year.

Parking is a significant issue on the project site, which the applicant acknowledges, but it is my opinion that his mitigations will not adequately address the issues. Nor does this environmental determination address the effects that the large gatherings referred to in the applicant's statement will have on the area.

The proposed mitigations to reduce the requirements for employee parking are strictly voluntary and not mandatory for the employees. There is no mention of the hours of operation of the optional electric shuttle. Should all employees who drive single-occupant vehicles to the site decide not to avail themselves of the electric shuttle or other incentives, many parking spaces will be consumed by employees. Similarly, the vast majority of customers will also likely choose to drive their own vehicles to the project rather than take the shuttle, so 'mitigations' that are of a voluntary nature can not be relied on to adequately address any parking congestion concerns.

The very high number of employees predicted by applicant to work on the property (40-60) will be a significant addition to traffic numbers at the busy intersection of Highway 1 and Moonstone Beach Drive.

Traffic and Parking concerns are very serious. I urge you to consult with the appropriate agencies in more detail and conduct a detailed assessment of parking requirements and a serious review of traffic impacts. If the agencies that were consulted were proceeding under the belief that it is a simple remodeling project with no change of use or intensity of use, that is a very grave misapprehension. The safety issues presented by the proposed project have implications for liability exposures for the approving agencies who are complicit by their approval in creating dangerous conditions at this intersection.

WASTEWATER pg. 18

The applicant replaced the original septic system with a new wastewater system as part of the substantial conformance permit. As a replacement system, the design would not have been increased in size to accommodate the new development associated with this permit. If it was increased in size to handle the additional development proposed in this project, it would have been growth-inducing, and as such should have required a coastal development permit rather than a substantial conformance determination. If that is the case, then the new wastewater system should be included within the scope of this project and addressed along with this environmental review. Please verify it if was designed to accommodate future development and provide more detailed information as to its maximum capacity and potential for additional growth.

WATER AND HYDROLOGY pg. 19

The expansion of water usage for drought-stricken Cambria is a serious environmental concern. Bringing in large numbers of employees and customers, and adding multiple food service areas, with many additional toilets and sinks, will no doubt increase water usage, despite applicant's assertion that water usage will actually decline. A detailed analysis of the original fixtures, replacement and additional fixtures, is warranted. I see a letter from the CCSO that mentions a supplemental letter which doesn't seem to be available for review mentioned in the documents. Can the applicant provide that supplemental letter so that we may comment? A maximum historic allocation use amount was mentioned for the site--what is the date of this water use? I also would like to see detailed information about water storage on site, specifics of graywater

system, provisions for landscape watering during the many months without rainfall, and projected irrigation needs during the period when new landscaping is being established.

23.4.186 of the Coastal Zone Land Use Ordinance requires that: 'Landscape plans are to be reviewed at the same time as the land use permit application which they accompany.' No landscape plan was submitted. It further requires that irrigation plan be submitted at the same time: 'An irrigation plan... shall be submitted as part of the landscape plan.'

LAND USE pg. 21

The Permit Requirements section details the permitted uses for the site under Standards 29 and 30 of the North Coast Area Plan. As previously noted, the Board of Supervisors created these restrictions for the site in 1980 and strictly limited commercial development on the site because they were well aware of their duty to protect the environmental resources, scenic viewsheds and rural character of this area. In restricting restaurant and retail uses to the main building, they made a clear statement that they believed expanded commercial development on this highly visible site was inappropriate, a position shared by the North Coast Advisory Council when they recently reviewed this current Minor Use Permit proposal. It is unfortunate that most of their recommendations were not respected, as they have very good familiarity with the history of the site and the parameters of the approved and non-conforming uses that have obtained there over the years.

This "island of commercial activity" proposed by the applicant is not consistent with the adjacent land use, which is predominantly rural, agricultural and open space. The project presents general commercial uses in an area in which priority is given to coastal recreation uses in visitor serving areas. The conversion of the greenhouses into retail use further isolates the project from its neighbors. The impact to the rural lifestyle is dramatic, given the increase in traffic, noise, lighting, hours of operation and aesthetic degradation of one of Cambria's most treasured scenic areas.

I strongly believe that the information used by the SLO County Planning and Building Department, the Environmental Coordinator, and the other agencies contacted by them to review and approve the Centrally Grown Minor Use Permit application, DRC 2012-0119, was inadequate to properly address the potential environmental impact of a project of this scope. The project is much more than a simple remodel of existing permitted structures with allowed uses.

A mitigated Negative Declaration is not appropriate at this time given the lack of information necessary to make that determination. An EIR would be the logical next step to thoroughly address the environmental impacts of the project and potential mitigations and/ or project revisions to reduce or eliminate them.

A commercial operation such as this would never be allowed to be sited at this location today. To approve the expansion of development on an exposed site in the heart of Cambria's most sensitive scenic area is a step that is not in keeping with policy nor with the demonstrated will of the people.

The remainder of this letter of appeal details my objections to the Minor Use Permit and my contentions that it does not comply with Title 23 or with the North Coast Area Plan, or with the Exotic Gardens specific plan. I also present the Conditions of Approval as suggested by the North Coast Advisory Council, as I agree with all their concerns.

First, Chapter 7 of the North Coast Area Plan states in Item 1 on page 11, **Permit Requirements**, that Development Plan approval is required for all proposed developments in the Recreation Land category, including any proposed expansion of existing facilities. Why was a Development Plan not required for this project?

The following comments generally follow the order of pages in the Staff Report.

1. Page 1, Project Referral, Public Works, dated 6/20/2013

"Diagonal and perpendicular parking will require an ordinance to be written". Where is the new proposed ordinance? Under current statutes, using a public right of way is not allowed, so this should require a variance. Backing out into a public right of way is not allowed. As presented here, the project is not in compliance with the Coastal Zone Land Use Ordinance Title 23 (23.04.164, 23.04.166).

2. Page 2, CCSD letter

The proposed new uses will add many new fixtures to service the two new restaurant areas and expanded retail and will dramatically increase visitor numbers. Has the applicant provided historic water use numbers for the Hamlet restaurant and the illegal non-permitted retail uses that most recently existed on the site so that a comparison can be viewed by CCSD and the public? Have they provided an estimate of the number of weddings, concerts and other public assemblies they plan for the site, the additional water usage that would entail, and when those events will fall in the calendar year, so CCSD can make an informed response to the true potential impact of the development on water use? These are non-permitted uses, but as presented, would certainly have a dramatic impact on water use. Has the applicant provided them with the planned number of employees? Cambria is in a critical drought situation. Current water meter holders are paying high penalties for minimum water unit usage. For CCSD to agree to provide water service for a development of this scope at this time seems very questionable, and unlikely if they are given complete information on which to base their decision.

The North Coast Advisory Council made 12 recommendations of Conditions for Approval of the MUP, all of which I agree with. I list them in detail below:

Page 3, 4, 5 North Coast Advisory Council recommendations

The North Coast Advisory Council recommends twelve Conditions of Approval. The NCAC represents a balanced cross section of the community and we concur with their recommendations. The council has a good grasp of historic uses on the site and the restrictions

of use that were placed on the Hamlet in the 1980 approval (attached). In addition to the conditions of approval, they also recommend that applicant provide documentation and permits of the accessory structures to establish historic uses.

Conditions 1, 2, and 3 would hold the proposed project to the standards of the North Coast Area Plan that were written specifically for that site, Standards #29 and #30, which require restaurant use to be restricted to the main building only. The Planning Department is recommending approval of additional restaurants on site, and a 305 square foot west facing deck that would serve restaurant patrons outside the main building. There are no conditions of approval by the Planning Department noted for this deck on the second story of the main building, despite its highly visible position in the scenic corridor. NCAC, citing Standards #29 and #30, recommends conditioning approval of this deck by prohibiting tables, chairs, food and beverage service. In the absence of such conditions of approval, this new second story deck lined with restaurant patrons will create a visual detraction from the scenic corridor, as well as a distraction for drivers on Highway One.

The NCAC's Conditions of Approval item 3 recommends denying approval for change of use of the existing residence to a vacation rental and cites Land Use Table O and Standard #29. What is the position of the Planning Department on this question, given that vacation rental use is not an allowed or principle use for recreation zoning per Table O?

NCAC's Conditions of Approval item 7 recommends that temporary events should be permitted only in relation to restaurant use and with full analysis of parking and fire code restrictions.

NCAC condition 10 recommends attention to the importance of selecting the appropriate all-weather base for the unpaved overflow parking area, to allow for percolation water runoff and to conform to standards for fire vehicle access. Requiring the submission of a detailed parking plan with accurate space counts and design parameters of the unpaved lot would ensure the parking for the site was in conformance with the parking design standards and requirements in the Coastal Zone Land Use Ordinance 23.04...

NCAC condition 11 requires the project to 'provide adequate on-site parking for all employees and patrons during maximum occupancy times'. Applicant has not estimated seasonal variances in visitor numbers, nor provided information about planned temporary events (not an allowed use on Recreational Zoned parcels, but as presented) so it is unknown how much parking would be required for 'maximum occupancy times'. The site does not support the minimum number of required spaces, so it is likely that parking will be very inadequate during peak occupancy. Due to the nature of surrounding properties, parks and of Highway One, there is no adjacent overflow parking available for patrons.

What were the justifications of the planning department for agreement or disagreement with the North Coast Advisory Council's 12 recommendations, given that they represent a fair cross-section of community goals?

Attachment 2, Exhibit B, Conditions of Approval

Page 1, Approved Development, 1. Building 1

The Planning Department recommends approval of the 305 square foot new second story deck on Building 1. This use does not meet Standard #29 of the North Coast Area Plan, requiring all restaurant uses to be inside of Building 1. In the Developer's Supplementary Statement, applicant states that this west-facing deck in the scenic corridor viewshed would be not be used for 'formal seating'. Whether informal or formal, if patrons are served food or beverages at standing height tables, bars with barstools or standard tables, this highly visible element of the proposed development would have a profound impact on the primary public viewing corridor in the area. Highway One is a State Scenic Highway and National Scenic Byway. Scenic corridors are view areas from popular public roads and highways that have unique or outstanding scenic qualities. Prior to the applicant's remodeling projects on site, the two story Hamlet main building was of dark colored wood, with reflective glass that shielded view of restaurant patrons, and there were no exterior second story decks detracting from the viewshed. The uniform dark appearance, without the eye-attracting movement of a crowd on a deck, blended into the pine and cypress forest unobtrusively.

A visual study with renderings from the primary viewing angles showing a front elevation, with signage, and the west-facing deck with patrons would be a minimum level of oversight on these crucial questions of viewshed integrity. Projects on Moonstone Beach and other scenic corridors are required to submit color boards, landscaping plans, and signage plans with their development application. Until these materials have been submitted for the project, a true assessment of the aesthetic impact to the scenic byway cannot commence.

A complete and careful review of the aesthetics of the proposed development is essential to maintaining the viewshed at the very heart of Cambria's primary public viewing corridor.

Note: The illegal oversized offsite signs for the Hamlet restaurant, a defunct business on the site, are still in place. I request that they be removed immediately. The 1980 Approval states: 'On-site signing shall be limited to an aggregate area of 20 square feet for the entire project site, not to exceed the height of the building. All signing to be reviewed and approved by the Development Review Section of the Planning Department prior to issuance of a building permit or sign permit. Flashing or rotating signs and wind-activated devices are prohibited. Signs on buildings shall be mounted flush with the building face. The free-standing sign at the intersection of the access road and Highway One may remain **but the message on it shall be directional only** with no advertising; area and height of that sign not to exceed 10 square feet and 8 feet respectively.'

In addition, the applicant's large RV/ food truck has a vehicle wrap which constitutes a mobile billboard. A condition limiting where this vehicle can be parked should be added to the minor use permit request, as it constitutes a threat to the scenic character of the view shed.

Page 1, Approved Development, 1. Building 2 and 3

The mixed use retail uses proposed for Buildings 2 and 3 include general retail, food and beverage retail and coffee counter. In practice this will likely function as a cafe with seating. The Minor Use Permit application further proposes adding a 380 square foot deck to this

building, which would add an additional patron serving area with tables and chairs. There are no conditions of approval as stated in Exhibit B to limit the food and beverage serving area in or outside of buildings 2 and 3, so functionally, without strict conditioning of the approval, and after-the-fact enforcement, this area would likely act as an additional stand-alone restaurant on the site, which is in non-compliance with the Exotic Garden Plan standards.

Page 1, Approved Development, 1. Building 4

Planning Department recommends approving the new 'accessory restaurant' use for Building 4, and also recommends approving a 392 square foot deck. What constitutes an 'accessory restaurant'? Will all food items served be delivered from the main restaurant? Any support for this categorization of use by either applicant or the planning department would provide clarity on the actual scope of the proposed project.

If the 'accessory restaurant use' definition is either ambiguous or not enforced, it will result in an immediate increase of intensity of use on the site from one restaurant to three restaurants on a very small site, which is a significant increase in development, not envisioned by the drafters of the 1980 approval, nor viewed with favor by the North Coast Advisory Council.

Page 1, Approved Development, 1. Building 5 and 6

Applicant states on page 9 of his developer's statement that 'Building 6 will remain as commercial retail space'. This building was never permitted for retail use therefore it is a new use and constitutes development, and must comply with all current codes and planning area standards. The planning department approves this demolition and rebuilding of this illegally converted greenhouse without conditions. Building 6 is at the very front of the site, and is highly visible from the scenic corridor. Conditions should be added to restrict retail display to the inside of the store only, and to further restrict size and position of permanent and temporary signs associated with the retail use, whether exterior or interior signs that are visible from outside, including sale signs, lighted signs, banners, flags, posters, neon, rental items such as bicycles, water toys, kayaks, etc. The visual clutter of a tourist retail space would be highly detrimental to the scenic qualities that are mandated official protection.

In the absence of a detailed sign plan with color boards, it is impossible to make a determination if the proposed new retail structure will comply with the requirements of the scenic viewshed.

Page 1, Approved Development, 1. Building 9

The proposed vacation rental use of Building 9 is not an allowed use for recreation zoning per Table O.

Page 1, Approved Development, 2.

Parking plan does not include 75 spaces. Parking spaces are not to code, with required radiuses and clearance for emergency vehicles. Estimates of parking capacity in 'overflow'

unpaved area seem to be unrealistic and not drawn to scale. If laid out as shown in plan, vehicles could not back out and emergency vehicles could not navigate turns. Applicant should provide a detailed parking map of existing spaces that is accurate and if these do not meet code, they should be brought up to code. Numbers of spaces should be recalculated after that process. Until complete information is provided for actual legal parking spaces available on site, no thorough analysis of parking can commence. Applicant should provide details on location of offsite parking they are proposing with shuttle access, so relevant agencies can analyze potential impact on the surrounding neighborhood and the circulation.

In addition, buses are likely to be drawn to this commercial center, and there are no provisions for bus parking or turnarounds on the site. Bus parking would be highly aesthetically destructive, and to park them on nearby Moonstone Beach would also be detrimental to the scenic qualities of the corridor.

The parking of the Centrally Grown branded food truck should be restricted on the site, and a condition so noting be added, as it essentially amounts to a rolling billboard. It would take up multiple parking spaces, would not comply with sign restrictions, and would be an eyesore in the scenic corridor.

Page 1, Site Development

Items 2 and 3

Color boards, lighting plans, signage plans and landscaping plans should be provided with this application, not after Minor Use Permit approval or denial, or an informed decision on environmental impacts of project cannot be made.

Item 4

To determine if the project will conform to the National Pollution Discharge Elimination system or if it requires a SWPPP, an accurate measurement of surface area currently disturbed by the construction onsite, and planned to be disturbed by construction contemplated in the Minor Use Permit application activities, including overflow unpaved parking lot, demolition of four buildings and removal of materials, new foundations for four buildings and construction from the ground up, plus landscaping activities, including hardscape, terracing, construction of play area, construction of play structure, and construction of 'entertainment area' in what was undisturbed exotic garden and established treed and landscaped site, to determine if all areas combine to a total that would require a SWPPP, would be indicated before compliance with the National Pollution Standards can be determined. Some grading and top soil removal has taken place at the site--this disturbed area should be measured and added to the total of areas to be disturbed in conjunction with proposed minor use permit demolition and construction areas. All of those areas appear to add up to more than one acre of disturbed area and thus would trigger the SWPPP.

Page 2, Site Development

Item 7, Fire Safety

The planning department states that the plans shall meet all fire and safety codes and that determination will be made when the plans are submitted for construction permit application. Which agency has jurisdiction— Cal Fire or Cambria Fire Department? Both are mentioned in this report. With drought conditions, fire safety should be a paramount concern with any development project, so a full and complete review of the project's compliance with all required setbacks of buildings from property line and other essential design elements to protect the community from increased fire danger as a result of development should be conducted at the time of the Minor Use Permit application, or an informed decision about the impacts of the project cannot be made.

Item 10

'Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before establishment of the use.' Due to the sensitive nature of the scenic corridor viewshed, the critical drought conditions and the impacts of site disturbance, a detailed landscaping plan should be submitted with the Minor Use Permit application. In addition, one of the elevations shows a 45 degree graded area off the deck. Since the lot is nearly flat, I was surprised to see a steep slope graded on the site. Yet a contour map, as required by Coastal Zone Land Use Ordinance, chapter 2, page 9, item 5, does not seem to be included in the project documents. If that slope shown on the elevation is accurate, a grading plan should be prepared.

Item 11

Wording in this item states that 'prior to occupancy or final inspection, whichever occurs first, applicant shall obtain final inspection from Cambria Fire Department...'. How can occupancy occur before final inspection?

Item 13

Incorrectly designates Exotic Gardens Drive as Exotic Garden Lane. Please confirm identity and location of the public road being referenced.

Attached Exhibits

Official Exhibits on pages 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 are all incorrectly identified as 'Site Plans' and should be re-labeled to reflect the appropriate sheet description.

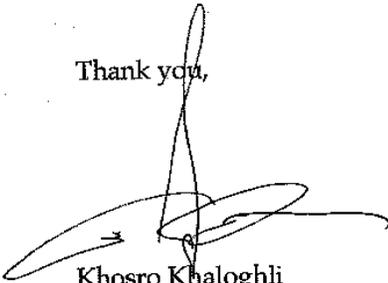
Attachment 3, Page 18, Plans and Elevations

Applicant has stated in the Developer's Statement that the upper and lower gardens will be used for "passive recreation, entertainment areas accessory to the restaurant use, and weddings or other activities what (sic) are accessory to the restaurant activity.' The exhibit on page 18 of

Attachment 3 shows a terraced area with central 'entertainment area' (ie, stage). In the absence of a detailed landscape plan, identifying the size and function of this area is challenging. It appears that this is graded and terraced into an amphitheater form. New decks on Buildings 4 and 3, totaling 697 square feet, overlook this area. Given the potential impact of large events in a scenic corridor on noise, traffic, character of the surrounding area, fire safety and emergency vehicle access, it is vital to request more information from applicant as to the nature, size, location on the site, frequency of any proposed outdoor events and the public address system and amplification he plans to utilize for outdoor events. Due to the orientation of the proposed project, and its proximity to neighboring rural residential properties, outdoor amplified events are likely to severely impair the ability of neighbors to peacefully enjoy their homes without disturbance from commercial activity out of character with the surrounding land and out of step with community goals. The neighboring parks, state beaches, campgrounds and the boardwalk at Moonstone Beach could also be affected by noise, traffic and parking issues caused by temporary events at the site. This is a non-permitted use, but a presented, would create an amphitheater effect that would increase the sound transmission of amplified music and voices much further than simple dissipation calculations would indicate. Residents at a great distance from Cambria venues such as Camp Ocean Pines can clearly hear music and voices, due to the terrain. The Recreation zoning places limits on events, but ambiguity of definition may still tempt the applicant to undertake them on this sensitive site.

Visitors travel here from around the world to enjoy the natural beauty and tranquility of Cambria, and residents find the fulfillment of lifelong dreams to live here. Any commercial development in sensitive, high-visibility areas of our primary scenic corridor must be very carefully weighed by all agencies involved to ensure that they do not result in the loss of what makes Cambria a treasured and unique beach town.

Thank you,



Khosro Khaloghli
7292 Exotic Garden Drive
Cambria, Ca 93428
949-338-4604



6/13/2014
10:47:29AM

San Luis Obispo County Department of Planning and Building

County Government Center San Luis Obispo, California 93408 Telephone: (805) 781-5600

Receipt #: 28201300000000001835

Date: 06/13/2014

Line Items:

Case No	Last Name	Tran Code	Description	Revenue Account No	Amount Paid
		APPEAL	Appeal to Board of Supervisors Fee -	1420000-1000000000-142S23	850.00
				PDA -4350106	
Line Item Total:					\$850.00

Payments:

Method	Payer	Bank No	Account No	Confirm No	How Received	Amount Paid
Check	VANTAGE WINES LLC		1064	DR12-00119	In Person	850.00
Payment Total:						\$850.00

Balance

MEMORANDUM

DATE: June 17, 2014
TO: WHITNEY MCDONALD, COUNTY COUNSEL
FROM: NICOLE RETANA, PLANNING and BUILDING DEPARTMENT
RE: **APPEAL OF CENTRALLY GROWN
COUNTY FILE NUMBER: DRC2012-00119
PLANNING DEPARTMENT HEARINGS – JUNE 6, 2014**

Please find attached copies of associated correspondence which have been forwarded to the Project Manager and Supervisor.