

ATTACHMENT 2

Issues of primary concern were discussed in the subject staff report. Issues of primary concern included aesthetics, noise, traffic, water supply, and land use. Other issues raised by the appellant include agricultural resources, air quality, biological resources, geology and soils, hazards and hazardous materials, public services, and wastewater. The appellant also raised concerns related to the June 6, 2014 Planning Department Hearing staff report and conditions of approval. These issues are addressed herein.

Agricultural Resources

The appellant states that the proposed project would impair the agricultural uses of other properties, including nearby viticulture operations on Mr. Khaloghli's property. The appellant asserts that additional setbacks of at least 100-feet should be required. The appellant states that the conversion of on-site greenhouses would result in a commercial-only land use in an area dominated by rural lands.

Staff Response: The project meets applicable setback requirements per the land use ordinance. The project does not propose the conversion of greenhouses to commercial uses. Commercial uses, as described in Planning Area Standard 29, are allowed on the project site. The Agriculture Commissioner reviewed the project on May 19, 2014 and has determined that impacts to agricultural resources would not occur and that no additional setbacks are warranted. It should be noted that said viticulture operations approximately 600 feet from the proposed project site.

Air Quality

The appellant states that traffic and airborne dust from the proposed overflow parking area may affect air quality.

Staff Response: The overflow parking area has proposed the use of decomposed granite. Decomposed granite is, in part, intended to minimize dust. In addition, vehicles in the parking lot would not be traveling at high speeds such that dust would be generated. The primary entrance to the site and primary parking areas are paved, thus no dust would be generated. As discussed in the Initial Study, from an operational standpoint, based on Table 1-1 of the APCD's CEQA Air Quality Handbook (2012), the project will not exceed operational thresholds triggering mitigation.

Biological Resources

The appellant states that 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. The appellant states 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, and should be removed from the mitigation language for this category. The appellant states that the Monterey cypress trees on-site should be protected.

Staff Response: Mitigation Measures BIO-2 and BIO-3 in the Mitigation Summary table state that if it is not possible for construction activities to occur outside of the nesting bird season, nesting bird surveys would then be required. The use of the term "possible" does not reduce effectiveness of the mitigation measures in this instance. If construction must occur during the

ATTACHMENT 2

nesting season, the required surveys would identify any nesting birds and require buffers to ensure birds are not impacted. Construction activities may commence in areas containing nesting birds once a biologist has confirmed the young have fledged from the nest, thereby ensuring nesting birds are not impacted.

The project would not impact any healthy, mature Monterey cypress trees. The two trees to be removed are diseased and unhealthy, and do not provide visual screening.

Geology and Soils

The appellant states that given the relative proximity to the San Simeon earthquake epicenter, a geologic hazard report should be required. The appellant states that 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. The appellant states that 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 a Storm Water Pollution Prevention Plan (SWPPP).

Staff Response: The project site is not located within a Geologic Study Area and therefore does not require a geologic report. The project site has a low landslide, shrink-swell, and liquefaction risk potential. The project site is not in close proximity to an active fault. The site does not contain ultramafic rock. The intention of the project is to bring the existing on-site structures up to current Building Code standards. Current Building Code standards are established, in part, to maximize seismic safety. The project does not include any grading that would require a grading permit nor would it disturb an area greater than one acre. However, to ensure no water quality impacts occur, the applicant has voluntarily prepared a SWPPP, which has been reviewed by the County.

Hazards and Hazardous Materials

The appellant states the project site is located in a “very high” fire hazard severity zone and that typical setbacks in this area for properties that exceed one acre are 25 feet in the front, and 30 feet side and rear. The appellant states that setbacks are mandatory to protect both the structures and adjacent properties from increased fire danger.

Staff Response: As disclosed in the Mitigated Negative Declaration, the project is within an area designated “high” severity risk for fire. The remodeling of the structures would improve fire protection, as the remodeled structures would be subject to current Fire Code regulations and a fire plan will be required by Cambria Community Services District to mitigate fire impacts. The project meets applicable setback requirements. There are no specific setback requirements for high fire hazard areas, unless otherwise requested by the applicable fire response department. The Cambria Community Services District Fire Department did not have any concerns with the project.

Public Services

The appellant states that the project is located on a dead end road and that in the event of an emergency, access may be impeded due to public evacuation down the only access road that emergency vehicles are using. The appellant notes that further blocking of emergency vehicles may occur if vehicles are allowed to park on either side of the public right-of-way. The appellant states that visitors to the site may increase the risk of fire due to smoking.

ATTACHMENT 2

Staff Response: The project site is currently accessible from Highway 1 via Exotic Garden Drive. Emergency vehicles would have adequate access to the project site. The project would include the installation of “No Parking” signs along Exotic Garden Drive to ensure that parked vehicles do not minimize access during an emergency situation. The project proposes to prohibit smoking at all locations on the project site.

Wastewater

The appellant states that the approved septic system is oversized and would result in growth inducing impacts.

Staff Response: The septic system was approved ministerially under a permit issued in 2012 and is not considered a component of this project; therefore, it is not analyzed as a part of DRC2012-00119. The system has been installed and is considered an existing structure. Any future development that is proposed and would utilize the septic system would need to undergo subsequent environmental review, and any potential impacts would be addressed accordingly at that time. Please note the septic system is intended to serve the development on the project site only and cannot serve development off-site. In addition, Per Section 15126.2(D) of the CEQA guidelines states that growth inducing impacts would occur when a project “could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” It is not possible for a single septic system intended to strictly serve on-site development to result in growth inducing impacts.

Project Referral, Public Works, Dated June 20, 2013

The appellant makes note of a comment from Public Works regarding diagonal parking in the right-of-way and that an ordinance amendment would be required for the diagonal parking.

Staff Response: The appellant is referencing an outdated project description; the project was modified to remove said diagonal parking arrangement.

Cambria Community Services District (CCSD) Letter

The appellant states the project would increase water demand on-site. The appellant states that the project would include special events that the CCSD did not account for in water demand calculations.

Staff Response: The CCSD has issued a ‘can and will’ serve letter for this project. The project does not include special events. The proposed project would require 15.53 units of water, as calculated by CCSD. The project site has a historic water allocation of 18.46 units of water according to CCSD. Thus, adequate water allocations are available for the project and would not reduce the availability of water. This allocation was reconfirmed on May 20, 2014 by County staff. It should be noted that the project includes several water conservation measures.

North Coast Advisory Council Recommendations

The appellant notes that the North Coast Advisory Council (NCAC) provided 12 suggested Conditions of Approval. The appellant asks why the suggested Conditions of Approval from

ATTACHMENT 2

NCAC were not included as formal Conditions of Approval in the staff report. The appellant notes various Conditions of Approval as suggested by NCAC.

Staff Response: Staff included certain Conditions of Approval as recommended by NCAC, specifically related to lighting and signage along Exotic Gardens Lane. Other recommended Conditions of Approval were not included primarily because the bases for the suggested Conditions of Approval were incorrect. Specifically, the NCAC analysis of the project's consistency of Planning Area Standards 29 and 30 was incorrect. The project is consistent with these standards as discussed in the main body of this staff report and the staff report prepared for the June 6, 2014 Planning Department Hearing. The project does not include special events; therefore conditions related to special events are not applicable. The project meets parking requires of the ordinance; therefore conditions related to parking are not applicable. The proposed surface for the overflow parking area is allowed and preferred by Public Works; therefore conditions related to parking surface are not applicable.

Approved Development – Building 1

The appellant states that the proposed 305 square foot deck at the front of the building is not allowed per Planning Area Standard 29. The appellant states the deck would result in aesthetic impacts and requests a visual study. The appellant notes that the sign at Exotic Gardens Lane and Highway 1 is illegal.

Staff Response: The appellant's interpretation of Planning Area Standard 29 is not applicable. The referenced deck is an existing deck and is consistent with Standard 29 because it associated with the existing restaurant. The deck would be accessible to restaurant patrons but would not be used as a formal seating area, consistent with the original approval. It is not inconsistent with Planning Area Standard 29. No aesthetic impacts would occur. As discussed in the main body of this staff report, the referenced sign is allowed.

Approved Development – Buildings 2 and 3

The appellant states these buildings would be used as a cafe. The appellant notes that the proposed deck associated with Buildings 2 and 3 would be used by patrons for eating and drinking.

Staff Response: Buildings 2 and 3 are proposed to be used as commercial storage and general commercial uses. A café may be one such use. The project description notes that it may be used as a coffee bar. The deck may be used by patrons. These project components were analyzed by the County as a part of the Minor Use Permit process. These uses would be allowed, per Planning Area Standard 30, which allows a change in use with an accompanying Minor Use Permit.

Approved Development – Building 4

The appellant disagrees with the approval of Building 4 as an accessory use to the restaurant and is unclear as to how the structure would be used. The appellant asks whether food items may be served from Building 4.

Staff Response: The project description explicitly states how Building 4 would be used. It is an overflow structure for the restaurant. Food may be served but would not be cooked in Building

ATTACHMENT 2

4, as there is no proposed kitchen. This would be an allowed use consistent with Planning Area Standards 29 and 30.

Approved Development – Buildings 5 and 6

The appellant asserts that Building 6 was never used as a commercial operation. The appellant states the structure would be highly visible from Highway 1. The appellant states this would result in visual clutter.

Staff Response: Building 6 has been used as a commercial enterprise in the past; it was used as a market. Building 6 and the proposed improvements were evaluated by the County. The improvements would improve the visual character of the site. The structure would be screened from Highway 1 by existing vegetation and topography. Architectural renderings of the proposed structure were included in the project description, available in the Planning Department Hearing staff report and attached to this staff report. No signs are proposed.

Approved Development – Buildings 9

The appellant states that the proposed vacation rental is not an allowed use per Table O.

Staff Response: This interpretation is incorrect. Vacation rentals are conditionally permitted use (S-8) subject to specific processing requirements. The proposed vacation rental was evaluated as a part of Minor Use Permit DRC2012-00119.

Approved Development 2

The appellant states the project does not meet applicable parking requirements. The appellant states the overflow parking area is not drawn to scale and would impact emergency service. The appellant speculates that buses will be drawn to the site. The appellant requests that the Centrally Grown branded food truck not be allowed on-site.

Staff Response: As described in the main body of this staff report, the Planning Department Hearing Staff report, and shown in the calculations in the project description, the project meets applicable parking requirements per the ordinance. The overflow parking area is drawn to scale. No concerns regarding emergency service were submitted by Cambria Fire or Public Works. The referenced food truck is not a part of this project. In addition, it has been determined by the County that the food truck is not allowed to be stored on-site.

Items 2 and 3

The appellant states that color boards, lighting plans, signage plans and landscaping plans should be provided prior to approval of the Minor Use Permit.

Staff Response: The project is subject to County ordinance requirements pertaining to lighting and signage. Adequate information was provided to the County to evaluate the project, as per ordinance. Landscaping plans were included in the site plans for the 2012 substantial conformance determination. Color boards are not required.

Item 4

The appellant states that a SWPPP should be required.

ATTACHMENT 2

Staff Response: The project does not include any grading nor would it disturb an area greater than one acre and therefore is not required to prepare a SWPPP. However, to ensure no water quality impacts occur, the applicant has voluntarily prepared a SWPPP and the County has reviewed it.

Item 7

The appellant asks which fire protection authority serves the project site. The appellant express fire hazard related concerns.

Staff Response: The project would be served by Cambria Fire, with mutual aid assistance from CalFire. Please see response above related to fire hazards.

Item 10

The appellant requests submittal of a landscape plan. The appellant notes that contours would be graded on-site to 45 degrees.

Staff Response: A landscape plan was prepared for the project site for the improvements approved in 2012 and is publicly available. No grading would occur on-site.

Item 11

The appellant requests clarification regarding the terms “prior to occupancy or final inspection, whichever occurs first”.

Staff Response: The statement is intended to state that prior to issuance of occupancy permit by the County, the Cambria Fire Department must inspect the site.

Item 13

The appellant notes that Exotic Gardens Lane was referred to as Exotic Garden Drive.

Staff Response: The County intended to state Exotic Gardens Lane.

Attached Exhibits

The appellant states that exhibits should be identified as to reflect the appropriate sheet descriptions and should not be identified as site plans.

Staff Response: The referenced exhibits are site plans and referenced as such.

Attachment 3, Page 18, Plans and Elevations

The appellant speculates as to future uses on the site pertaining to an amphitheater and summarizes issues raised in the appeal letter.

Staff Response: No amphitheater is proposed. If an amphitheater is proposed in the future, it would need to be evaluated accordingly. Please see previous responses for other issues mentioned.