

ATTACHMENT 1

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

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO DENY THE APPEAL OF ROLAND SOUCIE AND AFFIRM THE DECISION OF THE PLANNING COMMISSION AND TO CONDITIONALLY APPROVE THE APPLICATION OF PACIFIC CAMBRIA INC. FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT DRC2015-00096

The following resolution is now offered and read:

WHEREAS, on August 11, 2016, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the Planning Commission) duly considered and conditionally approved the application of Pacific Cambria, Inc. for Development Plan/Coastal Development Permit DRC2015-00096; and

WHEREAS, Roland Soucie has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on September 13, 2016, and a determination and decision was made on September 13, 2016; and

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WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission should be affirmed, and that the application (DRC2015-00096) should be approved subject to the findings and conditions set forth below.

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. That the recitals set forth hereinabove are true, correct and valid.
2. That this project is found to be categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Sections 15303 (Class 3), 15304 (Class 4), and 15311 (Class 11).
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
4. That the appeal filed by Roland Soucie is hereby denied and the decision of the Planning Commission is affirmed, and that the application of Pacific Cambria, Inc. for Development Plan / Coastal Development Permit DRC2015-00096 is hereby approved subject to the conditions of approval set forth in Exhibit B, attached hereto and incorporated by reference herein as though set forth in full.

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

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: August 26, 2016

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STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20__

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

(SEAL)

By _____
Deputy Clerk.

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EXHIBIT A – FINDINGS

**Development Plan / Coastal Development Permit DRC2015-00096
Pacific Cambria, Inc.**

Environmental Determination

- A. The project qualifies for a Categorical Exemption (Class 3, 4, and 11) pursuant to CEQA Guidelines Section 15303, 15304, and 15311 because it is for a temporary event and would not involve permanent construction or site disturbance.

Development Plan/Coastal Development Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the Cambria Christmas Market will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed use is ancillary to the existing Cambria Pines Lodge and, as conditioned, will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Burton Drive, an arterial road constructed to a level able to handle any additional traffic associated with the project.

Use of Nursery Site for Market Activities

- G. The market activities and lighting displays that would occur at the nursery would be consistent with the historic visitor-serving and retail use of the nursery during the holiday season.

Terrestrial Habitat

- H. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because no tree removal is proposed.

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- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the proposed temporary vendor booths would be located within the existing developed footprint of the Cambria Pines Lodge and would not require removal of Monterey pines or other native vegetation.
- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation, and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff.
- L. There will be no significant negative impact to the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because the project is for a temporary event that will not involve permanent construction or tree removal.
- M. The project or use will not significantly disrupt the habitat because it for a temporary event that will not involve permanent construction or tree removal.

Archaeology

- N. The project design and development incorporates adequate measures to ensure protection of significant archaeological resources because no permanent construction or site disturbance is proposed.

Coastal Access

- O. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Temporary Events Ordinance – Location Standard

- P. The location standard for temporary events (Section 23.08.248.c) is hereby modified to allow the Cambria Christmas Market to operate closer than 1,000 feet from the RSF land use category. The nearest market use area to the RSF category would be the parking lot on Patterson Place where the shuttle buses would turn around. This area is located about 100 feet from the RSF category. This modification is appropriate for this particular project for the following reasons:
 - i. The proposed market would be held at the Cambria Pines Lodge, which has been in existence since 1927, and is generally consistent with the historical visitor-serving use of the lodge.
 - ii. The main market area would be located in the center of the 23-acre parcel and buffered from neighboring homes by the pine forest and existing motel rooms at the lodge.
 - iii. The lighting would be located mostly on the eastern portion of the property, which is located further from homes in the RSF category.
 - iv. The market would be temporary, operating from 5 p.m. to 9 p.m. for about four weeks out of the year.

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- v. The project includes a pedestrian and traffic safety plan, an off-site parking and shuttle plan, and a lighting plan which will help ensure public safety and minimize impacts on neighboring homes.
- vi. The market has operated since 2012 with some neighborhood compatibility impacts. The most significant complaint received has been in regards to bus traffic and parking in the surrounding residential neighborhoods. The project includes a pedestrian and traffic safety plan and will be required to prepare and implement a traffic control plan to mitigate these impacts.

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EXHIBIT B - CONDITIONS OF APPROVAL

**Development Plan / Coastal Development Permit DRC2015-00096
Pacific Cambria, Inc.**

Approved Development

1. This Development Plan / Coastal Development Permit authorizes the Cambria Christmas Market to operate as a temporary event at the Cambria Pines Lodge as follows:
 - a. This permit is valid for a period of five years, including the 2016, 2017, 2018, 2019, and 2020 holiday seasons. Temporary events occurring after 2020 will require separate approval.
 - b. The Cambria Christmas Market may occur Wednesday through Sunday (and all of Christmas week) from 5 pm to 9 pm each evening for a maximum of four weeks beginning the last Friday in November.
 - c. The Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, and Pedestrian and Traffic Safety Plan.
 - d. Shuttle buses shall only use Burton Drive, Patterson Place, Highway One, Santa Rosa Creek Road, and Main Street.
 - e. The maximum attendance on any given night shall not exceed 3,000 guests. Exceedance of the daily maximum attendance shall be grounds for permit revocation.
 - f. The required 1,000-foot setback for temporary events from the RSF land use category is hereby modified to allow the event as proposed.
 - g. No permanent construction, grading, or site disturbance is authorized.
 - h. The applicant shall provide annual reports to the Department of Planning and Building and interested parties including daily attendance statistics for each annual market.
2. Related activities and seasonal displays may occur at the adjacent Cambria Nursery consistent with the visitor-serving and retail use of that site.
3. Prior to each annual Christmas Market, the applicant shall submit to the Department of Planning and Building a fire safety and evacuation plan that has been reviewed and approved by the Cambria CSD Fire Department.
4. Prior to each annual Christmas Market, the applicant shall comply with all permit requirements and standards of Chapter 6.56 of the County Code (Temporary Commercial Outdoor Entertainment Licenses).

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Temporary Vendor Booths

5. This approval authorizes a maximum of 26 temporary vendor booths, with a maximum footprint of 8 feet by 10 feet and a maximum height of 9 feet.
6. Prior to each annual Christmas Market, the applicant shall contact the Building Division to obtain any necessary construction and/or electrical permits for the temporary vendor booths.
7. Within 30 days of the conclusion of each annual Christmas Market, all 26 temporary vendor booths shall be dismantled and removed to an offsite location or stored onsite within an existing approved building.

Offsite Parking

8. Prior to each annual Christmas Market, the applicant shall submit evidence of authorization to use each identified offsite parking lot.

Temporary Lighting

9. All temporary lighting associated with the Cambria Christmas Market shall be turned off every night when the market closes at 9 pm.
10. Temporary lighting shall remain on the trunk and lowest branches only of at least every other tree.
11. No standalone light displays or lighting mats are permitted in ESHA areas (as identified in 2003 CDP for the lodge expansion) except within the garden/greenhouse area.
12. Temporary lighting shall comply with Section 23.04.320 (Outdoor Lights).

Archaeology

13. In the event archaeological resources are unearthed or discovered during any temporary construction activities, the following standards apply:
 - a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Access

14. **Within 60 days of permit approval**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:

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- a. Street plan for widening Burton Drive to provide a minimum 6-foot (4-foot minimum where constrained) wide aggregate base shoulder along the property frontage between Burton Drive and the first project driveway, and within necessary dedicated right-of-way easements.
 - b. Construct a new site access driveway on Yorkshire Drive in accordance with B-1 rural driveway standards and A-5 sight distance standards.
15. **Within 60 days of permit approval**, the applicant shall submit an application to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to provide event traffic control within the public right-of-way in accordance with County Public Improvement Standards and the California Manual of Uniform Traffic Control Devices (CA-MUTCD). The application is to include a traffic control plan prepared by a licensed civil engineer that, at a minimum, includes:
- a. Restricts event parking on the following County roads:
 - i. Burton Drive
 - ii. Eton Road
 - iii. Martindale Street
 - iv. Patterson Place
 - v. Rogers Street
 - vi. Yorkshire Street
 - vii. Wood Drive
 - b. Restricts parking on the vacant lots on the southeast corner of Patterson Place and Burton Drive.
 - c. Restricts pedestrian travel along Burton Drive
 - d. Contracts with the California Highway Patrol (CHP) to provide:
 - i. Traffic direction at the following intersections:
 - a. Burton Drive at Eton Road
 - ii. Vehicle code traffic enforcement in the neighborhoods surrounding the event site.
 - e. Defines event site access restrictions/requirements for guests registered at the Cambria Pines Lodge.
 - f. Limits bus shuttle traffic to Arterial and Collector roads (e.g. State Route 1, Burton Drive Eton Road, Main Street, and Santa Rosa Creek Road).
 - g. Establishes an event coordinator and posts their contact information (e.g. website, community flyers, etc.). The event coordinator will be responsible for responding to all complaints in a timely manner.
 - h. Establishes an event pre-notification process to be provided to all emergency responders (police, fire, ambulance, etc.)
 - i. Concurrent traffic control plan approval from:

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- i. Cambria Fire Department
 - ii. County Sheriff and California Highway Patrol
16. **Within 60 days of permit approval**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
17. **Prior to the first permitted event**, the following encroachment conditions must be completed to the satisfaction of the Director of Public Works:
 - a. The Burton Drive shoulder widening improvements have been either constructed or bonded. If bonded, the fronting property owner must have executed an agreement with the Director of Public Works, in a form acceptable to County Counsel, to install the improvements and must have posted a faithful performance bond for the construction of the improvements.
 - b. The Yorkshire Drive site access driveway improvements have been constructed.
 - c. An encroachment permit has been issued for the event traffic control plan.
18. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
19. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage landscaping, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Recycling

20. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

Fire Protection

21. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire and life safety measures.

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Public Works Review

22. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

Access

23. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Development Review Inspection

24. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
25. All conditions of this approval shall be strictly adhered to, within the timeframes specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.