



Attachment 2
COASTAL APPEAL FORM

#923

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: CHRISTMAS MARKET
PACIFIC CAMBRIA/NCE File Number: DRC-2015-00096

Type of permit being appealed:

- Plot Plan Site Plan Minor Use Permit Development Plan/Conditional Use Permit
 Variance Land Division Lot Line Adjustment Other: COASTAL DEV. PERMIT

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: _____

The decision is appealed to:

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

BASIS FOR APPEAL

State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary)

INCOMPATIBLE WITH ZELLO 23.08.249 (C); OTHER (SEE ATTACHED)

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

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

APPELLANT INFORMATION

Print name: ROLAND SOUCIE
 Address: 3144 WOOD DRIVE, CAMBRIA CA 93428
 Phone Number (daytime): (805) 927-1108

We have completed this form accurately and declare all statements made here are true.

R. Soucie
 Signature

8/24/2016
 Date

2016 AUG 25 PM 12:29
 SLO COUNTY
 PLANNING/BUILDING
 DEPT

OFFICE USE ONLY

Date Received: 8-25-16
 Amount Paid: N/A

By: NAR
 Receipt No. (if applicable): N/A



Attachment 2 COASTAL APPEALABLE FORM

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PROJECT INFORMATION

Name: CHRISTMAS MARKET Pacific CAMBRIA File Number: DRC 20150096

Type of permit being appealed:

- Plot Plan Site Plan Minor Use Permit Development Plan/Conditional Use Permit
 Variance Land Division Lot Line Adjustment Other: COASTAL DEV. PERMIT

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: August 11, 2016

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: VIOLATION OF CZLUO 23.08.248(C); OTHERS ATTACHED

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)

SPE ATTACHED

APPELLANT INFORMATION

Print name: ROLAND SOUCIE

Address: 3144 WOOD DR., CAMBRIA CA 93428 Phone Number (daytime): (805) 927-1108

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and 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: R. Soucie

Date: 8/24/2016

AUG 25 PM 12: 29
 SLO COUNTY
 PLANNING/BUILDING
 DEPT.

OFFICE USE ONLY

Date Received: 8/25/2016

By: NAR

Amount Paid: N/A

Receipt No. (if applicable): N/A

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Attachment to Appeal Form

Appellant: Roland Soucie

Project: Christmas Market; DRC2015-00096

Request for Waiver of Appeal Fee

Appellant request a waiver of the appeal fee because the appeal is based on substantial legal issues.

Findings

Finding A: This project is not exempt because it involves a new permanent access road off Yorkshire Place.

Finding B, C, D, E, F: The project is not compatible with the surrounding residential neighborhood; does not satisfy Title 23 of the County Code; is inconsistent with the County General Plan; and will generate a volume of traffic beyond the safe capacity of the roads in the area.

None of the above findings is based on sufficient evidence. All are arbitrary and capricious. This neighborhood was never designed to support 45,000 visitors to the lodge. There is no street lighting, roadways are insufficient, off-street parking non-existent. Given the past substantial impacts on the neighborhood, the deficiencies of the proposed conditions, and the likelihood that the market will cause presently unknown future impacts to the community, there is no rational basis to conclude that the impact on the neighborhood is minimal, especially over a 5 year period. It would be grossly unfair to transfer the burden of dealing with these impacts to the neighbors. The applicant should be subject to a public hearing every year and pay for its permit on an annual basis just as any other applicant who wishes a waiver of Code requirements.

Conditions

Condition Ia: The Planning Commission had no legal basis for granting a 5 year permit. Future, nonexistent traffic/pedestrian plans are not a rational basis to extend the permit for 5 years. The past operation of the market has caused disturbances to the residential neighborhood. There is no rational, sufficient basis for the grant of a 5 year permit.

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Condition 1f: The Planning Commission's waiver of the setback requirement relies on "historical visitor-serving use" of the Cambria Lodge. This is not a legally sufficient basis for the waiver. The historical design and use of the Lodge was never intended to serve and (until 2013) had never historically served 48,000 people over 21 days. The street/sidewalk/lighting infrastructure was never intended to support this degree of use. Citing the historical use of the Lodge for its guests in support of the waiver for a project that serves outside visitors is irrational and not based on the evidence.

Exhibit B Condition 14b: The Planning Commission's approval of the construction of a new access driveway off Yorkshire Place is a substantial improvement requiring a prior Environment Review and is not categorically exempt under CEQA.

Attachment 2

MEMORANDUM

DATE: August 25, 2016

TO: BEN DORE, DEPUY COUNTY COUNSEL

FROM: NICOLE RETANA, PLANNING and BUILDING DEPARTMENT

RE: **APPEAL OF PACIFIC CAMBRIA, INC. (CAMBRIA CHRISTMAS MARKET)**
COUNTY FILE NUMBER: DRC2015-00096
PLANNING COMMISSION - AUGUST 11, 2016

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