

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

W10c



Prepared September 17, 2009 (for October 7, 2009 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Jonathan Bishop, Coastal Planner

Subject: **Appeal A-3-SLO-09-051 (Community Presbyterian Church of Cambria).** Appeal by Lila Evans of San Luis Obispo County decision granting a coastal development permit with conditions to the Community Presbyterian Church of Cambria to construct a 320 square-foot storage shed on a site currently developed with a church and church facilities. The proposed project is located at 2250 Yorkshire Drive, in the community of Cambria, San Luis Obispo County (APN 023-441-009). Appeal Filed: September 14, 2009. 49th Day: November 2, 2009.

Recommendation

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which appeal A-3-SLO-09-051 was filed. Staff recommends a **YES** vote on the following motion and resolution:

Motion and Resolution. I move that the Commission determine and resolve that Appeal Number A-3-SLO-09-051 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Coastal Act Section 30603 regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.

Passage of this motion and resolution will result in a finding of no substantial issue and adoption of the following findings. By such action, the Coastal Commission declines to take jurisdiction over the coastal development permit (CDP) for this project, the County's action becomes final and effective, and any terms and conditions of the County's decision remain unchanged. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Findings

On July 21, 2009, San Luis Obispo County approved a CDP authorizing construction of a 320 square-foot storage shed on a site currently developed with a church and church facilities. The project will result in the disturbance of roughly 340 square feet of a 3.1-acre parcel located at 2250 Yorkshire Drive, in the community of Cambria, San Luis Obispo County (see notice of County's action in Exhibit 1). Pursuant to Coastal Act Section 30603 and Local Coastal Program (LCP) Section 23.01.043(c)(3)(i), this approval is appealable to the Commission because it is located in an LCP designated Terrestrial Habitat (TH) Environmentally Sensitive Habitat Area (ESHA).



The Appellant contends that the County's approval is inconsistent with San Luis Obispo County LCP standards addressing visual and scenic resources and community character within a Special Community and Small-Scale Neighborhood.¹ The Appellant also raises various issues with the use, operation, management, and enforcement of the church facility (see full appeal document in Exhibit 2). Lastly, following the close of the appeal period, the Appellant supplemented her original appeal contentions with additional concerns citing LCP policies related to tree removal and TH ESHA protection. While not valid appeal contentions,² and not currently in front of the Commission, these additional issues also warrant a brief discussion.

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed.³ Commission staff has analyzed the County's Final Local Action Notice for the development (Exhibit 1), the Appellants' contentions (Exhibit 2), and the relevant requirements of the LCP (Exhibit 3). The appeal raises no substantial issue with respect to the LCP as follows:

First, the Appellant contends that the new storage shed is not visually compatible with the existing characteristics of the residential neighborhood. The Appellant cites LCP Policy 6 for Visual and Scenic Resources in making this allegation, but does not include other applicable design standards related to development in the Residential Single-Family (RSF) land use category. As detailed in the County CDP approval, the project meets all of the planning area design standards in the LCP, including those related to the amount of allowable impermeable surfaces, site topography, drainage, and structural design (North Coast Area Plan Design Criteria). The County approval also includes various measures, such as exterior lighting and landscape screening requirements, to further reduce to possibility of any adverse visual and scenic resource impact from the project.

The proposed project is located within an existing church facility adjacent to Highway One. The proposed storage shed is very small relative to surrounding structures (only 320 s.f.) and is grouped with existing church facilities. A review of photographs of the view from Highway One and the design details of the project in relation to the existing facilities show that the new structure will have minimal visual impact. In short, the County-approved project is consistent with the LCP with respect to its size,

¹ The Appellant cites Land Use Plan (LUP) Policy 6 for Visual and Scenic Resources, and Coastal Zone Land Use Ordinance (CZLUO) Sections 23.01.043(c)(3)(i) and 23.11.030 in making this allegation. However, the project site is not located in an LCP defined highly scenic Sensitive Resource Area (SRA) or Special Community and Small-Scale Neighborhood.

² Appellants are allowed to supplement their appeals following the close of an appeal period, but such supplementing must be in relation to appeal contentions received within the appeal period. For example, if an appellant raises an access issue but not an ESHA issue during the appeal period appeal, they are allowed to supplement their access contentions to better explain them, but they can't make new ESHA contentions unrelated to the original appeal contentions.

³ The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.



setback, and design character, and these contentions do not raise a substantial issue.

Second, the Appellant contends that the project will exacerbate noise and traffic around the church and that inappropriate use and ongoing church operation and enforcement problems will persist. In making this claim, the Appellant cites numerous bad experiences that she has had with church operations in the past. The Appellant (and neighboring property owners) may have valid concerns in this respect, but the way in which the church has operated in the past is not before the Commission. Rather, the question before the Commission is whether the County's decision on this CDP raises substantial LCP conformance issues. The project being analyzed under appeal is a very small storage shed within an existing facility, not an evaluation of church use in general or compliance of this particular church with the LCP. Again, these ongoing operational issues are not directly related to the proposed development, and issues pertaining thereto are more appropriately pursued through local enforcement, and potentially Commission enforcement.⁴ The County-approved storage shed project (as distinguished from potential alleged overall use issues) is consistent with LCP use requirements, and thus the contentions related to its improper use and/or inappropriate operations do not raise a substantial issue.

Lastly, the Appellant raises issues regarding tree removal and impacts to environmentally sensitive habitat areas (ESHAs). Even though these issues were not raised within the appeal period and are not valid appeal contentions, they warrant a brief discussion here. It is clear that the contentions are based on allegations of historic removal of Monterey pine trees from the property. Indeed, the project is located within the area mapped in the LCP as Monterey pine forest terrestrial habitat (TH), which is defined as ESHA under the LCP. In this case, one Monterey pine tree is proposed to be removed to accommodate the new storage shed. However, the mapped TH designation is not definitive, rather, it is resources on the ground that dictate presence or absence of ESHA. The TH mapping provides an indicator that directs that applications in this area need to be analyzed for this possibility, but it is not by itself sufficient to determine ESHA absent supporting case-specific resource data. In fact, nearly all of this area is mapped TH notwithstanding significant residential and commercial development that exists there today. In this case, the County appropriately found that the project would not create significant adverse effects on the natural features of the site, and that the project would preserve and protect such features through site design. Moreover, the County has conditioned the project to follow a comprehensive tree replacement and landscaping program, including using only native Monterey pine trees of local stock so as not to adversely impact any nearby ESHA areas. The goal of these County measures appear to be to buffer the church facility from adjacent residences, while at the same time protect and enhance the surrounding pine forest. The County appropriately addressed ESHA issues, and the ESHA contentions (while not valid) do not raise a substantial issue.

Overall, the County has provided adequate factual and legal support for its decision that the approved development would be consistent with the applicable policies in the certified LCP (Exhibit 1). There are

⁴ In this case, a CDP for church expansion was issued by the Commission in 1999. Thus, certain allegations raised may related to consistency with that CDP. These issues have been forwarded to enforcement staff for further investigation on this point. Overall, though, the church has been in place and operational for many years, and those operational issues appear to be directly in the purview of San Luis Obispo County.



no significant coastal resources affected by the decision, and no adverse precedent will be set for future interpretations of the LCP. Finally, the appeal does not raise issues of regional or statewide significance. For the reasons stated above, the Commission finds that Appeal Number A-3-SLO-09-051 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified LCP and/or the public access policies of the Coastal Act.

Exhibits:

- Exhibit 1: San Luis Obispo County CDP decision
- Exhibit 2: Appeal of San Luis Obispo County's CDP decision
- Exhibit 3: San Luis Obispo County LCP Policies





SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING ACTION NOTICE

VICTOR HOLANDA, AICP
DIRECTOR

REFERENCE # 3-SLO-09-239 August 24, 2009

APPEAL PERIOD 8/31-9/14/09

RECEIVED

AUG 28 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Community Presbyterian Church of Cambria
2250 Yorkshire Drive
Cambria, CA 93428

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: July 21, 2009

SUBJECT: County File No. – DRC 2008-00058
Minor Use Permit/Coastal Development Permit

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Board of Supervisors, based on the approved Findings and Conditions, which are attached for your records. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Land Use Ordinance.

This action is appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission ten (10) working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

If the use authorized by this Permit approval has not been established, or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project is a 320 square foot stand-alone storage structure, to be developed between existing church facilities. This development is to be located on legal lot of record within the Residential Single Family land use category.

Minor Use 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 new detached storage structure does 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 small storage structure will result in development that is similar to, and 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 Yorkshire Drive, a local road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. 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.

Sensitive Resource Area

- H. The development 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 though the proposed project includes the removal of one (1) Monterey Pine, to be replaced with four (4) native Monterey Pines, and there will be no further vegetation removal or impacts to adjacent sensitive resources.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the proposed development is situated between existing structures and the one (1) Monterey Pine to be removed will be replaced with four (4) Monterey Pines of native stock.
- J. The proposed clearing of topsoil, trees, 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, because the proposed detached storage structure is situated in such a way as to minimize disturbance to the existing vegetation. One (1) Monterey Pine will be removed, and the remainder of the vegetation shall be protected, as conditioned in Exhibit B.
- 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, because the project shall include a drainage plan, and an erosion and sedimentation control plan where grading is conducted or left in an unfinished state during the period from October 15 through April 15.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a Minor Use Permit/Coastal Development Permit to allow the construction of a 320 square foot storage structure. The project will result in the disturbance of approximately 340 square feet of a 135,002 square foot (3.1 acre) parcel.
2. Maximum height is 12 feet (as measured from average natural grade).

Conditions required to be completed at the time of application for construction permits

3. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans.

Site Development

4. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
5. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
6. **At the time of application for construction permits**, plans shall include the location(s) of sturdy and highly visible protective fencing to protect vegetation from construction activities. Plan notes shall indicate this fencing shall remain in place during the duration of project construction.
7. **At the time of application for construction permits**, plans shall include the "project limit area," which include all areas of grading (including cut and fill areas, utility trenching and offsite improvements) and vegetation removal, the development footprint (i.e., all structures and/or site disturbance) necessary fire clearances and staging areas for all construction activities, the location of those activities, and areas for equipment and material storage.
8. **At the time of application for construction permits**, plan notes shall indicate native trees and undergrowth outside of the "project limit area" shall be left undisturbed.
9. **At the time of application for construction permits**, drainage plans should be designed to retain water on-site and encourage infiltration when feasible. Natural drainage patterns should be retained and remediated if retention is infeasible on-site.

Grading, Drainage, Sedimentation and Erosion Control

10. If grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.

11. **At the time of application for construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department.
12. **At the time of application for construction permits**, the applicant shall comply with all conditions and requirements from the Building and Public Works departments.

Fire Safety

13. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, to be prepared at the time of application for construction permits by the Cambria CSD Fire Department for this proposed project.

Preservation of Trees and Native Vegetation

14. The following Landscape Plan/ Tree Replacement Requirements apply:
 - a. The applicant shall submit for Planning Director review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site;
 - b. The landscape plan shall clearly show the proposed location of the four (4) Monterey Pine that are required to be replanted to mitigate for the removal of one (1) Monterey Pine. If insufficient area exists to plant all or any of the replacement vegetation on site, then the replanting plan shall identify an appropriate off-site area that is owned or managed by an appropriate government agency or nonprofit organization. Regardless of planting location, the trees shall be planted prior to final inspection.

New trees shall be planted to reinforce the forest character on the site and in the street frontage, and to screen proposed development. If an off-site replanting is chosen, the replanting must occur with the review and approval of the Environmental Coordinator, and shall be verified by submittal of a letter from the appropriate agency or organization to the Environmental Coordinator. All replacement conditions and monitoring measures (e.g., number of trees, maintenance, etc.) shall apply.
15. **At the time of application for construction permits**, plan notes shall indicate a skilled arborist, or accepted arborist's techniques, will be used when removing tree limbs.
16. **At the time of application for construction permits**, plan notes shall indicate no more than one-third of the area of the drip line around any tree to be retained should be disturbed.
17. **At the time of application for construction permits**, plan notes shall indicate wherever soil compaction from construction will occur within driplines that the compacted root zone area shall be aerated by using one of the following techniques:
 - a. Injecting pressurized water.
 - b. Careful shallow ripping that radiates out from the trunk (no cross-root ripping).

- c. Other County-approved techniques.

Conditions to be completed prior to issuance of a construction permit

Fees

18. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed during project construction

Building Height

19. The maximum height of the project is 12 feet (as measured from average natural grade).

Preservation of Trees and Native Vegetation

20. **Prior to, during, and after construction**, materials, including debris and dirt, shall not be stockpiled within 15 feet of any tree, and shall be minimized under tree driplines as required by the land use permit and the Fire Safety Plan. Stockpiled materials shall be removed frequently throughout construction.
21. **During project construction**, practices to protect root systems, trees and other vegetation shall include but not be limited to: methods prescribed in the Cambria Forest Management Plan; avoiding compaction of the root zone; installing orange construction fencing around protected areas shown on the site plan; protecting tree trunks and other vegetation from construction equipment by wood fencing or other barriers or wrapping with heavy materials; disposing of waste, paints, solvents, etc. off-site by approved environmental standards and best practices; and using and storing equipment carefully.
22. **During project construction**, excavation work shall be planned to avoid root systems of all on-site trees and trees on abutting properties. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.
23. **During project construction**, no understory vegetation shall be removed until a permit has been issued or unless an immediate hazardous condition exists. Understory vegetation removal to create, improve, or maintain adequate defensible space and Fire Hazard Fuel Reduction shall be the minimum necessary. Evidence used to determine whether understory vegetation has been removed without a permit will include, but is not limited to, all photo documentation available.

Drainage, Sedimentation and Erosion Control

24. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
25. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
26. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.

27. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
28. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.

Conditions to be completed prior to occupancy or final building inspection

Preservation of Trees and Native Vegetation

29. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection**, including the planting of four (4) Monterey Pines of local stock. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
 - a. All landscaping and construction practices shall work to maintain and regenerate habitat values. Plant materials shall be used to mimic or enhance naturally occurring vegetation. Materials shall be propagated from appropriate native stock to ensure that the gene pool is not diluted for endemic species. This is particularly true for Monterey Pines and riparian plantings.
 - b. Non-native, invasive, fire prone, and water intensive (e.g., turf grass) landscaping shall be **prohibited** on the entire site. A list of prohibited plants, such as Pampas grass and Scotch broom, is available from the Department of Planning and Building. Use of plants listed in the California Invasive Plant Council (Cal IPC) Invasive Plant Inventory is prohibited.
30. **Prior to occupancy or final inspection**, all stockpiled materials shall be removed from the site and disposed of properly.
31. **Prior to occupancy or final inspection**, all open areas of the site disturbed by project construction are to be seeded with native, drought and fire resistant species that are compatible with the habitat value of the surrounding forest. Replacement vegetation shall be planted in conformance with the following measures:
 - a. To prevent or reduce the spread of disease from pine pitch canker, bark beetles or other diseases affecting the forest, the following measures shall be followed:
 - i. Infected or contaminated material shall not be transported to areas that are free of the disease;
 - ii. When cutting or pruning a diseased tree, tools shall be cleaned with a disinfectant before using them on uninfected branches or other trees;
 - iii. Disease and insect buildup shall be avoided by promptly removing and disposing of dead pine material by either burning (where and when allowed), burying, tarping with clear plastic for six months, or chipping. If material is chipped, it should be left as a thin layer on site;
 - iv. Plant material shall be covered or enclosed when it is taken off-site to avoid dispersal of material contaminated with bark beetles.

32. **Prior to final building permit inspection**, the applicant shall provide a letter to the County prepared by a qualified nurseryman or landscape contractor that the revegetation plan has been properly implemented.

Fire Protection

33. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Community Services District Fire Department of all required fire/life safety measures.

Building Review

34. **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.

35. **Prior to occupancy or final inspection**, lighting compliant with Condition #5 shall be installed, and:

- a. All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.
- b. All light fixtures are required to be fully shielded.

On-going conditions of approval (valid for the life of the project)

Preservation of Trees and Native Vegetation

36. All new plants shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
37. Maintenance shall be often enough to keep weeds at least 3 feet away from each planting, provide adequate moisture to all plants, and ensure all other components (e.g., irrigation system, caging) are kept in good working order.
38. The health and maintenance of replacement vegetation shall be monitored at least once a year from the date of final building permit inspection for a period of time no less than three years, or until the vegetation is successfully established, whichever comes later. Monitoring reports shall be prepared by an expert competent in landscape planting and maintenance of the Monterey pine forest, and reports shall be submitted to and approved by the County.

Miscellaneous

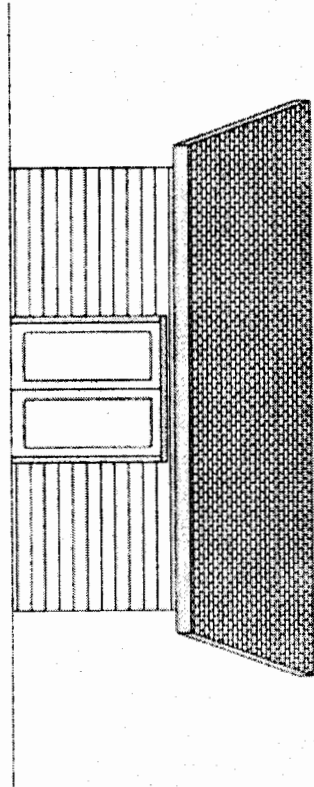
39. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work

progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

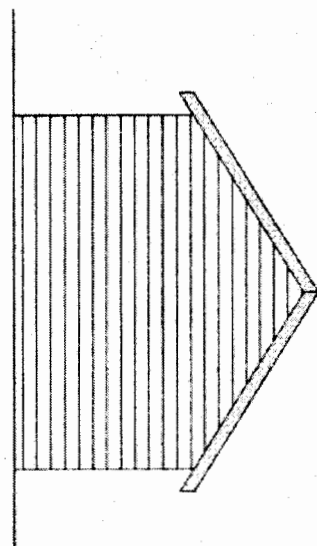
40. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it 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 Land Use Ordinance.
41. The applicant shall as a condition of approval of this Minor Use Permit/Coastal Development Permit defend, at his/her sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this Minor Use Permit/Coastal Development Permit or the manner in which the County is interpreting or enforcing the conditions of this Minor Use Permit/Coastal Development Permit, or any other action by a third party relating to approval or implementation of this Minor Use Permit/Coastal Development Permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his/her obligation under this condition.
42. Prior to issuance of the construction permit, the applicant will hire a landscape professional to design an improved landscape plan along the fence line with adjacent neighbors to visually screen activities, which shall be reviewed and approved by the Department of Planning and Building. Within one (1) year of finalizing the permit, the landscape plan shall be implemented and maintained for the life of the project.

[illegible]

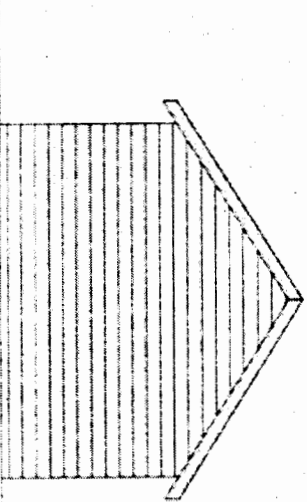
Proposed Shed



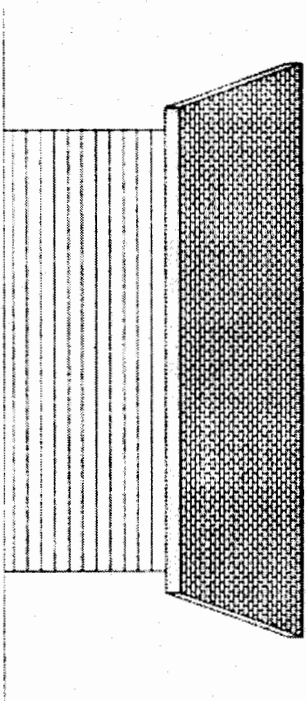
NORTH VIEW



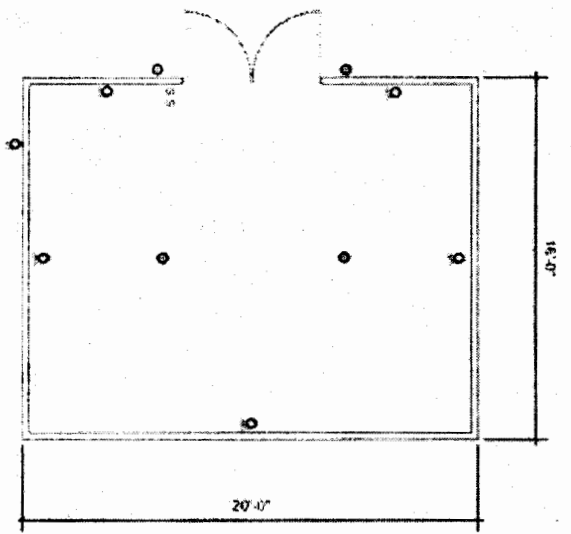
WEST VIEW - FACING FELLOWSHIP HALL



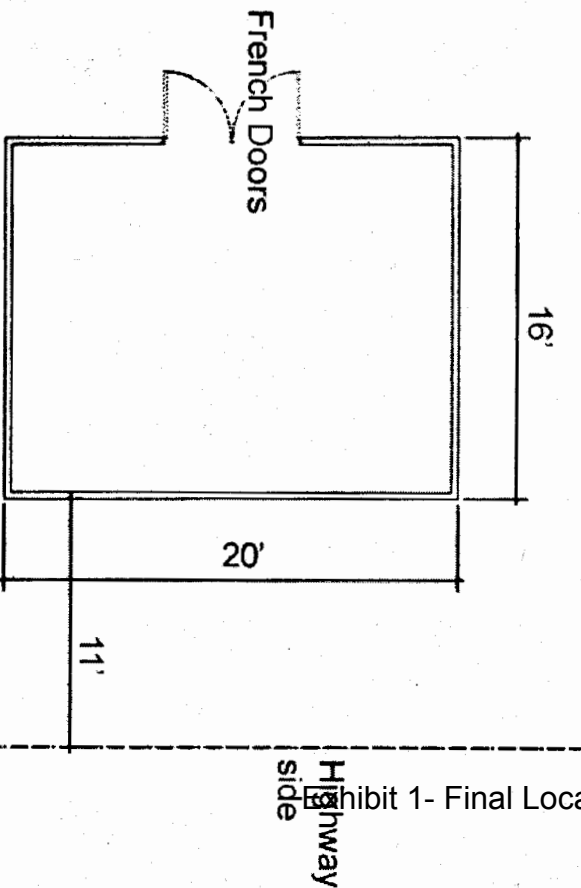
EAST VIEW - FACING THRIFT SHOP



SOUTH VIEW - FACING HIGHWAY 1

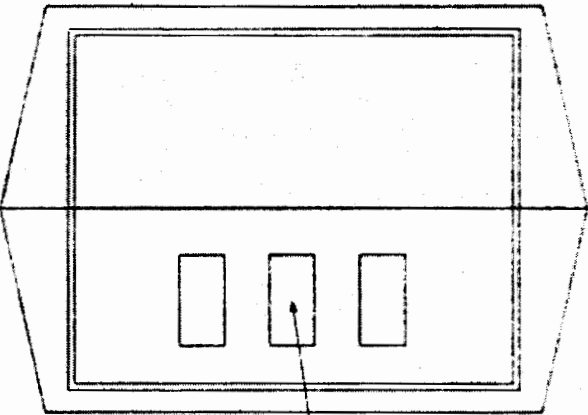


ELECTRICAL/MECHANICAL PLAN



FLOOR PLAN

Roof to match
Fellowship Hall
pitch 7.5/12 with
composition
shingles Class "A"
installation



(3) 2040 Velux
Skylights

ROOF PLAN

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Lila H Evans
Mailing Address: 2862 Buckingham Place
City: Cambria Cal. Zip Code: 93428 Phone: 805 921 2902

SECTION II. Decision Being Appealed

1. Name of local/port government: County of San Luis Obispo, Planning & Building Dept
2. Brief description of development being appealed: DRC 2008 00058
Hearing by CPCC for Minor use Permit / Coastal Development
Permit to construct storage shed within Residential
Single Family land use category in North Coast Planning area.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
Community Presbyterian Church of Cambria
2250 Yorkshire Drive, Cambria Cal. 93428
Parcel # 023-441-009
4. Description of decision being appealed (check one.):
☐ Approval; no special conditions
☒ Approval with special conditions: Conditions relating to former
hearings, and conditions not in
compliance and appealable (2009)
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-09-051

DATE FILED: September 14, 2009

DISTRICT: Central District

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☒ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: Feb 26, 2009 May 12 2009 July 21 2009
7. Local government's file number (if any): DRC 2008-00058

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Community Presbyterian Church of Cambria
2250 Yorkshire Drive, Cambria, Ca. 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) North Coast Advisory Council NCAC
PO Box 533 Cambria Cal 93428
to Marty Main Recording Secretary
- (2) Cambria Forest Committee
CCSD Suite #204 1316 Tamsen Drive
Cambria Ca) 93428 to Rick Hawley
805 927 7303 Vice Chairman
- (3) Greenspace Cambria Land Trust
Email rick @ greenspacecambria.org
805 927 2866
- (4) The Cambrian The Tribune
2442 Main Street
Cambria Cal 93428
to Bert Etling Managing Editor 805 927 8896
betling @ the-tribune-news.com
- (5) continued

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one): Refer to Prior Page

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision:

Refer to Previous Page

7. Local government's file number (if any):

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Community Presbyterian Church of Cambria
2250 Yorkshire Drive, Cambria, Ca. 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(5) Mr. and Mrs. Glenn Bennett
2121 Emmons Rd (Hwy. 1) Buckingham Place
Cambria, Cal. 93428

(805) 927 2652
(2) Gina Verona N Clift
2862 Ascot Court
Cambria, Cal. 93428

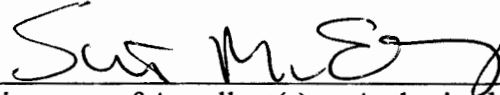
(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

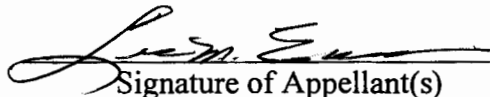
Date:

9/10/09

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize Stuart McElhinney, Attorney at Law
to act as my/our representative and to bind me/us in all matters concerning this appeal.



Signature of Appellant(s)

Date:

August 31 2009

Sep 04 09 04:23p

p. 2

Statement Regarding SLO County # DRC 2008-00058 Action

This appeal to the California Coastal Commission is being appealed under Cal Admin Code Section 13110.2. Substantial issues continue to affect the Single Family Residential Neighborhood, Pine View Tract, Cambria. Numerous conditions documented by Coastal Commission Action in # A-3-SLO-99-029 de Nova hearing are/were in non-compliance and need to be reviewed, rectified or modified. (Open and Continue)

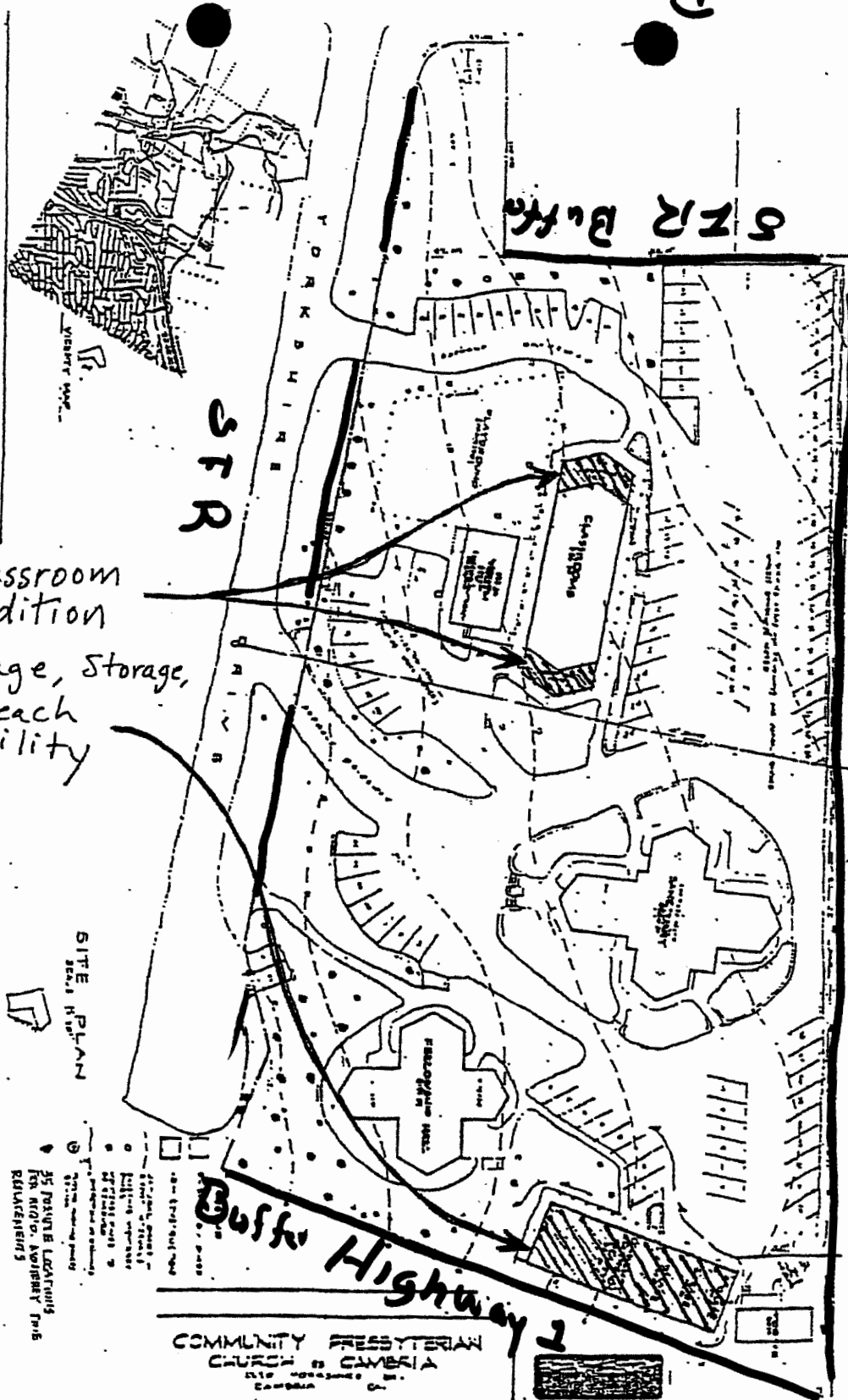
A review of records on file with SLO County and County Planning Department (DRC 2008-00058) include statements entered by Attorney Stuart McElhinney 5/12/2009 in support of the appellant and Pine View Tract Neighborhood Complaint and Appeal filed February 20 and March 6, 2009 portray evidence of inconsistency to Standards and Guidelines defined in CZLUO, LCP, and Land Use Ordinance Standard and Design Criteria. Refer to Section 23.01.043 d iii and Policy 6 Section 23.11.030 CZLUO.

Residents of Pine View Tract would like to propose a "buffer" be established on all sides of the CPCC development, including Scenic Highway 1. Drought tolerant terrestrial plants recommended by the Cambria Forest Committee could be planted and maintained by CPCC with help from the community.

Exhibit 2 - Appeal
Page 5 of 59

Stuart McElhinney Appellant

940 # Classroom Addition
 2900 # Garage, Storage, + Outreach Facility



ST R Burk Zone Residential

COMMUNITY PRESBYTERIAN CHURCH IN CAMBODIA
 1110 HUNTER ST.
 CAMBODIA

PROJECT

ANNING COMMISSION HEARING
 PRESBYTERIAN CHURCH (D970174D)



EXHIBIT

SITE PLAN

EXHIBIT NO. 5

APPLICATION NO.
 A-3-SLO-99-02

Project Plan

ATTACHMENT 2

STATEMENT IN SUPPORT OF LILA EVANS'
APPEAL OF THE SAN LUIS OBISPO
PLANNING DEPARTMENT DECISION
APPROVING THE MINOR USE PERMIT
REQUEST SET FORTH IN COUNTY FILE NO:
DRC2008-00058

Hearing: May 12, 2009

MAY 5, 2009

This statement is submitted to the San Luis Obispo Board of Supervisors on behalf of Mrs. Lila Evans in support of her Appeal in the above matter.

Lila Evans has appealed the approval of a minor use permit for a 320 square foot building to be erected on the grounds of the Community Presbyterian Church of Cambria.

In and of itself, the building is not a significant structure. However, no analysis of this structure, as a part of a continuum of development, has been made. The current permit, issued in the 1999, reflects an intention to conduct an elementary school on the premises. All of the analysis for that permit was done with that school use in mind.

The current uses do not include an elementary school, but do include substantial "Thrift Store" operations which were not contemplated by the original plan. These operations including the collection and storage of contributed "merchandise" to be sold at the thrift store, the sorting and preparation of the merchandise for sale, and the holding of regular sales of the merchandise, and the disposition of the remaining refuse. The merchandise sold at these sales includes clothing, books, personal and household goods, furniture and other items.

The conduct of the foregoing activities results in the production of a substantial amount of refuse, and frequent activities surrounding the disposal of such refuse. Such

activities include placing the refuse in trash bins and barrels and the collection by refuse collection companies, as well as the regular hauling away of materials by private trucks and trailers. The aggregation of the refuse occurs at all times during weekdays. Such collection occurs at least twice per week, usually in the early hours of the day. Such activities, aggregation and collection, are frequently noisy and disruptive.

In addition, items are frequently left in the church parking lot, presumably as anonymous "donations" to the thrift store. The presence of such donations and refuse attracts individuals who sort through the items, apparently looking for things they can either use personally or for sale at other places. These activities generally occur at night and are often noisy.

Complicating all of the foregoing is the refusal of the Church to control its premises during the periods of time when no church activities are taking place. In addition to the people who sift through the refuse, other people come onto the church grounds where they congregate and engage in various activities, including skate boarding (not such a problem since the skateboard park opened), driving cars and motorcycles around the parking lot, sitting around talking loudly, smoking and sometimes committing acts of vandalism.

Representatives of the Church have stated that they have no control of such individuals and that neighbors who are concerned about such activities should call 911 to request assistance from the Sheriff's department. These representatives have stated that to close its parking lot goes against the principle held by the church of open invitation to all. However, it is a basic premise of law that the owner of property is bound to control the activities which occur on the property in such a way as not to negatively affect its

neighbors. The California Civil Code contains an extensive system relating to the definition and remedies related to nuisances. For example, a nuisance is defined at Civil Code §3479 as:

“Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.” (Emphasis added.)

The Civil Code differentiates between private nuisances (those which affect a limited number of people) and public nuisances (those which affect a neighborhood or community). Obviously, resorting to litigation would be divisive as well as expensive. The appellant is pleased that conversations in the neighborhood seem to show the potential for improved communications. However, this stand on the principle of not closing the parking lot taken by the church has been held out by the church as non-negotiable.

The appellant understands and respects the principle of openness espoused by the church, but feels that it is inappropriate for the church to suggest that the public be asked to assume the burden of upholding that principle on behalf of the church by controlling such activities on church property (calling 911, e.g.). Further, since there is a very long response time from the time a call is made to the Sheriff, appellant suggests that such calls would be ineffectual for controlling the problem. Merely limiting access to the

church parking lots at times when there are no church activities, would seem to be the first step in seeking an efficacious, as well as economical approach, while still allowing access to the church itself.

CONCLUSION

As set forth above, the current usage of the premises is not consistent with the permits originally granted. The uses have morphed over the years, and now bear little resemblance to the church's initial intentions. What has happened could be described as "project creep". Little by little, changes have transpired until the whole is no longer consistent with the permits which were granted. Traffic and noise impacts of a school are different than the traffic and noise impacts of a Thrift Store operation. No examination has been made of the traffic, noise and other impacts of the current usage. Such an examination should be made, and appropriate conditions be adopted.

The Appellant also requests that the Church be required to control the use of its premises during times when no church activities are taking place in order to limit the impact of the church on its neighbors.

For the reasons stated above, and based upon the Counties files and records, and the record herein, Appellant requests that her appeal be granted upon such terms and conditions as the Board may deem appropriate under the circumstances.

Respectfully submitted,

Lila Evans

By: Stuart McElhinney, Attorney at Law

ATTACHMENT 3

COMMUNITY PRESBYTERIAN CHURCH OF CAMBRIA
RESPONSE TO LILA EVANS' APPEAL OF
THE SAN LUIS OBISPO PLANNING DEPARTMENT
DECISION APPROVING THE MINOR USE PERMIT
REQUEST SET FORTH IN
COUNTY FILE NO: DRC2008-00058

MAY 6, 2009

In accordance with the Ordinances, Rules and Regulations of San Luis Obispo County, the Community Presbyterian Church of Cambria (the "Church") requested a Minor Use Permit to construct a 320 square foot storage building (the "Proposed Project") adjacent to an existing building on Church property at 2250 Yorkshire Drive in Cambria (See County File No: DRC2008-00058). Ms. Lila Evans requested a public hearing on the Proposed Project. The requested hearing was conducted by the San Luis Obispo Planning Department ("Planning Department") on February 20, 2009. At that hearing, Ms. Evans appeared and voiced several complaints concerning: her personal circumstances, the existence, programs, activities, maintenance and operations of the Church.

At no time during the February 20, 2009 hearing did Ms. Evans mention or even refer to the Proposed Project. The Church objected to Ms. Evans' failure to address the Proposed Project and to the immaterial and irrelevant nature of her presentation (See 2/20/09 Hearing Transcript in DRC2008-00058). At the conclusion of the hearing the Proposed Project was approved. On March 6, 2009, Ms. Evans filed an appeal of the Planning Department's February 20, 2009 decision. The appeal papers filed by Ms. Evans cite, as grounds for the appeal, many different codes, policies, tables and plans. However, the arguments presented and facts alleged in the appeal papers, offer no evidence that the Proposed Project is incompatible with the cited codes, or policies or any other applicable codes or regulations.

On February 20, 2009 following the Planning Department hearing, Ms. Evans presented her list of complaints to the San Luis Obispo County Code Enforcement Office. The Church is informed and, on the basis of reliable information, believes that the Code Enforcement personnel found her allegations and complaints to be without merit.

The Church offers the following
Rebuttal to Ms. Evans'
Arguments on Appeal

Ms. Evans forcefully alleges that The Project is in a designated "Sensitive Resource Area". The Church admits that allegation. Ms. Evans' home is also in that same "Sensitive Resource Area", along with acres and acres of other homes. Therefore, it is obvious that development is not prohibited in such an

area. Section 23.07.166 e (1) of the SLO Coastal Land Use Ordinance clearly states that a proposed development in a Sensitive Resource Area will be approved upon a finding (among other things) that it “will not create significant adverse effects on the natural features of the site. . .” *[emphasis added]*.

Compared to every other building in the immediate neighborhood, including Ms. Evans’ home, the 320 square foot Proposed Project is insignificant in both size and location. Additionally, there are no “natural features” at the Proposed Project site. The natural features of the Proposed Project site were totally changed (disturbed) many, many years ago when California Highway 1 was graded and paved. In its 1999 decision rejecting Ms. Evans’ appeal the Coastal Commission found that: “. . . the site and immediately surrounding properties have been previously developed, and as a result, do not constitute prime forest habitat” (See Coastal Commission Appeal Number A-3-SLO-99-029, Page 5).

Ms. Evans claims that the building and activities of the Church do not “conform to the Local Coast Guidelines and SLO General Plan Policies.” In 1999, Ms. Evans made that very same allegation (See Coastal Commission Appeal Number A-3-SLO-99-029, Page 3) when she appealed the construction of those buildings which are now adjacent to the currently Proposed Project site. In rejecting Ms. Evans’ allegations, the SLO County Board of Supervisors found that the existing buildings (at that time proposed buildings) are “consistent with the San Luis Obispo County General Plan because the uses are allowed uses and the project is consistent with all of the General Plan policies” (See: Final Local Action Notice 3-SLO-99-036). The Coastal Commission, to which Ms. Evans also appealed in 1999, agreed with and adopted the findings of this Board of Supervisors, finding that “NO SUBSTANTIAL ISSUE” was presented by that project or by the appeal (See California Coastal Commission Appeal Number A-3-SLO-99-029, Page 1).

There is a further allegation that the Proposed Project “constitutes an inappropriate addition to an unsightly, unattended entrance to Cambria”. Please note that this is simply a repeat of the same allegation made by Ms. Evans in her 1999 appeal wherein she alleged an adverse impact on “the Highway 1 viewshed” (sic) (See California Coastal Commission Appeal Number A-3-SLO-99-029, Page 3). If, by that allegation, Ms. Evans is asserting that the entrance to Cambria is currently unsightly and unattended and that the Proposed Project is an “inappropriate addition” to that condition; we strongly reject her opinion on both counts. The view of the Church property from California Highway 1 is currently: (i) elevated, graded highway embankment, (ii) fence, (iii) trees and (iv) the backs of buildings. The view of the Church-side of the highway throughout most of the developed area of Cambria is currently (i) elevated or below-elevation, graded highway embankment, (ii) fence, and (iii) the backs of buildings. There is nothing inappropriate, unsightly, or unattended about the current view of the Church from California Highway 1. That view will not be significantly altered by the Proposed Project.

The complaints, charges and allegations rebutted in the above three paragraphs constitute the only "appeal grounds" which relate in any way to the Proposed Project (See 2/20/09 Hearing Transcript in DRC2008-00058). Ms. Evans' remaining "grounds for appeal" (and her entire testimony at the Planning Department Hearing of Feb. 20, 2009 and in this appeal hearing) are totally irrelevant to the Proposed Project and relate solely to her unhappiness with the outcome of her 1999 appeal to this Board of Supervisors and the Coastal Commission. She now wishes to re-litigate the 1999 building approval. She seeks, inappropriately and unfairly, to misuse this proceeding to further restrict the legitimate, normal activities of the Church by way of additional conditions and restrictions beyond those found appropriate by this Board and the Coastal Commission in 1999. We submit that Ms. Evans' misuse of this appeal process is totally inappropriate. If it is allowed, there can never be any finality to the decisions of this Board of Supervisors and there will never be any peace for the Church.

Our buildings are Church Buildings. Our activities are CHURCH ACTIVITIES. We meet, worship, sing, study, pray, and educate our children. Churches typically have offices, libraries, Bible studies, potluck suppers, fundraisers, rummage sales, youth activities, recreation, scouts, bingo and concerts. (See California Coastal Commission Appeal Number A-3-SLO-99-029, Page 2) Churches maintain their grounds, buildings, parking areas and landscaping. All of these are NORMAL CHURCH ACTIVITIES. These normal church activities were anticipated and thoroughly considered when the prior Church buildings were proposed, appealed and approved. In fact there are normally far fewer people present on the Church grounds at any one time than envisioned when the existing buildings and uses were approved. In rejecting Ms. Evans' 1999 appeal, the Board of Supervisors acknowledged the anticipated future uses and operation of the Church and explicitly found that "schools and churches are considered to be consistent with residential uses." [emphasis added] (See California Coastal Commission Appeal Number A-3-SLO-99-029 Exhibit 2, page 1, Paragraph D)

Nevertheless, the Planning Department Hearing record and this Appeal record are now littered with irrelevant and immaterial allegations, charges and complaints. They have all been addressed by this Board before. However we will now address those we believe must at least be acknowledged.

The use of the term "thrift store" is unfortunate. In some people's minds it may denote a commercial store open to the public. That is incorrect and may be intentionally misleading. It is one of the Church's outreach programs. The Church collects unwanted items from people who no longer have a need for them. Our volunteers sometimes clean, repair or re-condition the donated items. We then hold occasional rummage sales where those items are sold at very reasonable prices and the proceeds used for Church and community outreach purposes. This Church program provides several valuable services to the

community. Many, many household items are recycled rather than ending up in a landfill. The very reasonable prices at which we sell the collected items make it possible for members of the community to obtain household items which they might not otherwise be able to afford. The proceeds from these sales are used to help fund numerous worthwhile community projects. This is a valuable and worthwhile activity which was clearly anticipated when the 1999 building project was approved, appealed and finally permitted. (See California Coastal Commission Appeal Number A-3-SLO-99-029, Page 1, "PROJECT DESCRIPTION")

The allegation that the "Thrift Store activities occur all hours, day and night on a 7 day basis" (sic) is clearly hyperbole. The drop off (donation) location is staffed by Church volunteers on most Monday mornings between 8:30 AM and 11:30 AM. Inappropriate "drop off's" are cleared as soon as they are discovered and someone can remove or store them. Signs are posted admonishing people to donate items only when volunteers are present to receive and store them. The donation area is equipped with lights and a security camera to discourage inappropriate dumping. The sale days are not "throughout the year" as alleged. Typically, sales are conducted on one weekend in the months of April, August and December. Additionally, the Proposed Project will not in any way be used in conjunction with or in furtherance of the Church's rummage sales.

The allegations, charges and complaints concerning traffic, parking, noise, commotion, hazard, risk to human life or property are remarkably similar, both in the words used and their portent, to those set forth in Ms. Evans' 1999 appeal documents (See California Coastal Commission Appeal Number A-3-SLO-99-029, Exhibit 1).

A noise analysis and a traffic analysis were undertaken in 1998 to evaluate the "potential" noise and traffic impact of the Church's "future" activities. Based on those studies and findings this Board determined that the Church activities, as anticipated, would "not generate significant noise impacts" and would "not generate a volume of traffic beyond the safe capacity of all roads providing access to the project" (See California Coastal Commission Appeal Number A-3-SLO-99-029, Exhibit 2, Page 1). Current Church activities are in line with those anticipated when the studies were conducted. Construction of the Proposed Project will not change any of those Church activities. In fact, there are far fewer children normally present at the church than anticipated when the studies were conducted. Therefore there are less cars, buses and other activities than envisioned by those forward-looking noise and traffic studies. When the currently existing Church buildings and parking areas were approved, this Board and the Coastal Commission envisioned up to 170 children on the property at one time. They envisioned the operation of an elementary school for as many as 108 children from kindergarten through 6th grade. They anticipated the loading and unloading of school buses and they even envisioned 75 children at a time playing outdoors. (See California Coastal Commission Appeal Number A-3-SLO-99-029,

Exhibit 2, Page 2, Paragraph G). With our current operations, the Church usually has less than 30 children on the property at any time.

Any fair reading of the 1999 appeal documents makes it abundantly clear that both the County and the Coastal Commission findings and decisions were "forward-looking", in that they appropriately took into account the "future" level of activity at the Church. It is also noteworthy that the current classroom space is 940 square feet less than the expansion approved for construction by the County and Coastal Commission decisions in 1999 (See California Coastal Commission Appeal Number A-3-SLO-99-029, Page 1). The, previously approved, 940 square foot classroom space has not been built.

Next, Ms. Evans has carefully observed, recorded and set forth in her appeal, figures which she claims to be the exact number of trash pickups over certain periods of time. We have not kept any records or statistics on the number of trash pickups at the Church and therefore we cannot admit or deny the accuracy of the numbers she has alleged. Trash pickups at the Church and throughout the neighborhood are scheduled and accomplished by the appropriate waste and recycle collection entities according to whatever rules and regulations govern their operations. It cannot be shown that trash pickups at the Church create any more noise than trash pickups throughout the rest of the neighborhood. Furthermore, this matter was considered and disposed of in the 1999 appeal process. This Board, in rejecting Ms. Evans' appeal, specifically found: "The project **WILL NOT** create significant adverse effects on trash collection or disposal because the applicant must comply with Section 23.04.280 of the CZLUO" [emphasis added] (See Final Local Action Notice 3-SLO-99-036).

In conclusion, we submit that the arguments, claims, charges, allegations and complaints included in the appeal documents filed by Ms. Evans in this matter, or presented at the hearing on this Appeal, are (i) without merit, (ii) not relevant to the Proposed Project, (iii) the same matters found to present NO SUBSTANTIAL ISSUE in the 1999 Appeal, and (iv) do not constitute any grounds for this Board of Supervisors to reject, overturn or in any way modify or condition the February 20, 2009 decision of the San Luis Obispo Planning Department with regard to the Proposed Project set forth in County File No: DRC2008-00058.

ATTACHMENT 4

SUPPLEMENTAL STATEMENT IN SUPPORT
OF LILA EVANS' APPEAL OF THE SAN LUIS
OBISPO PLANNING DEPARTMENT DECISION
APPROVING THE MINOR USE PERMIT
REQUEST SET FORTH IN COUNTY FILE NO:
DRC2008-00058

Hearing: May 12, 2009

This supplemental statement is submitted to the San Luis Obispo Board of Supervisors on behalf of Mrs. Lila Evans in support of her Appeal, and in response to the Staff Report and to the Response of the Applicant, Community Presbyterian Church of Cambria, in the above matter.

CZLUO¹ 23.01.031 provides: “no person shall establish, construct, alter or replace any use of land, structure or building without first obtaining all permits required” by Title 23. (Emphasis added.)

CZLUO 23.01.034c provides: “No application for land use permit, construction permit or land division shall be approved where an existing land use, building or parcel is being maintained in violation of any applicable provisions of the Subdivision Map Act, this code or any condition of approval of a land use permit”

The Staff Response to Appellant’s Appeal Issue 3 is interesting in that it recognizes that the use of the premises for a thrift store has limitations. But, staff merely states that “seasonal fundraisers and rummage sales” are included within the allowed special use within the Single Family land use category. The Staff Response goes on to state the limitations: “garage sales and equivalent events are allowed to take place twice a year, for a maximum of two days per sale.” CZLUO 23.08.030 g(1). Notwithstanding its

¹ The San Luis Obispo County Coastal Zone Land Use Ordinance (“CZLUO”)

recognition that there are limitation on the use as a thrift store, no effort or analysis was made as to the Applicant's actual use.

The structure which received a permit for use as a school in 1999, now has a sign prominently identifying it as a "Thrift Store." The church has also posted a sign regarding the prohibition imposed by state law against leaving donations at the "donation site" while it is unattended. This clearly shows that the structure is being used as a Thrift Store, not as a school.

In its Response to Mrs. Evans' appeal, the church, at page 6, describes the term "Thrift Store" as "unfortunate", and disingenuously suggests that Mrs. Evans' is using the term in a deliberately misleading manner. The Applicant itself uses the term "Thrift Store" on its signs and in its description of these activities.

In its Rebuttal Statement, The Church acknowledges that Thrift Store Sales occur on at least 3 weekends per year for at least 2 days per sale. It also acknowledges that on "most Mondays" volunteers receive donations. The church also acknowledges that other activities accompany the holding of the sales and receiving donations. Donations are not only received, they are cleaned, repaired and reconditioned (Applicant Rebuttal pg. 3.).

Appellant's point is not that the Church is engaged in nefarious activities. The point is that the permit issued in 1999, did not evaluate or permit the current activities. The permit issued in 1999 evaluated the use of the permitted structures for school purposes only. Noise, traffic, trash and fire safety were among the issues evaluated in 1999. The Applicant, in its rebuttal, places great reliance on the studies done in 1999, but none of these studies contemplated any use other than as an elementary school.

The use of the premises as a “Thrift Store” more than two times per year violates CZLUO 23.08.030 g(1). Such use falls under the use described as a “Swat Meet” which is allowed only in commercial or industrial zones.

The Applicant has altered the use of its premises without first seeking the approval under CZLUO. In addition the current un-permitted use itself violates the CZLUO. For these reasons, the Applicant’s request for special use permit should be denied until such time as the Applicant has sought a permit for the actual usage of the premises.

For the reasons stated above, and those stated in Appellant’s Statement in Support of her Appeal, and based upon the Counties files and records, and the record herein, Appellant, Lila Evans, requests that her appeal be granted upon such terms and conditions as the Board may deem appropriate under the circumstances.

Respectfully submitted,

Lila Evans

By: Stuart McElhinney, Attorney at Law

ATTACHMENT 5

STATEMENT IN SUPPORT OF LILA EVANS' APPEAL OF
THE SAN LUIS OBISPO PLANNING DEPARTMENT
DECISION APPROVING THE MINOR USE PERMIT
REQUEST SET FORTH IN COUNTY FILE NO: DRC2008-
00058

Hearing: May 12, 2009

Continued Hearing: July 21, 2009

July 17, 2009

Appellant has previously filed her Statement in Support of Lila Evans' Appeal, dated May 5, 2009, and her Supplemental Statement dated May 8, 2009. This third Statement is addressed to the direction given by the Board at the Hearing on May 21, 2009, that the parties seek to resolve the issues through negotiations.

At the May 12, 2009, hearing before the Board of Supervisors, the matter was continued by the Board to July 21, 2009. This continuance was to enable the parties to meet and confer over the issues involved in the Application of the Church, and Mrs. Evans' appeal from the granting of the permit for the project.

Immediately after the hearing, as Appellant's Counsel, I approached Mr. Gene Wagner, the attorney acting for the Church. I suggested that the parties needed to begin the process of working out a mutually acceptable solution. Mr. Wagner stated the he had to consult his committee and would get back to me. To this date, I have not heard from either Mr. Wagner, or any other representative of the Church.

Mr. Don Thomas from the church called Mrs. Evans on May 23, 2009, to request that she meet representatives of the church without her lawyer. Mrs. Evans was unable to meet at that time due to ongoing health issues. Several subsequent attempts have been made by Mrs. Evans to arrange a meeting. Mrs. Evans left a message at the number Mr. Thomas had given her every

Monday at approximately 11:00 A.M. for six weeks. There was no response to these efforts. On July 7, 2009, Mrs. Evans sent a FAX to Paul Sittig of the SLO County Planning Department requesting a meeting with the Planning Department. A copy of Mrs. Evans FAX is attached hereto as Exhibit A.

On July 8, 2009, Mr. Sittig notified Mrs. Evans that a meeting had been scheduled for July 10, 2009, at the Church. Mrs. Evans was expecting a small meeting of church representatives and Mr. Sittig. She wanted to honor the church's previous request that I not attend. Although I had reservations, I agreed that I would not attend the meeting.

Mrs. Evans, and four of her neighbors who share her concerns about the Church, went to the meeting. They were surprised by a large contingent of Church Members. Mr. Sittig estimated that there were between 30 and 40 people from the church present. Mrs. Evans and her neighbors counted over 60 people at the meeting. She was not allowed to sit at the table with the church members and the county representatives, Mr. Sittig and Mr. Robeson. She and her neighbors found themselves separated and seated toward the back of the room. She was not given an opportunity to speak until the end of the meeting. Mrs. Evans is a woman, 87 years of age, with health issues. She has cataracts and is hard of hearing. She was unable to see or hear the proceedings at this meeting. She had no opportunity to engage in any "negotiations". The "event" was scheduled by the Church. Seating was arranged by the Church. The proceedings were conducted by the Church and recorded by a church photographer. The meeting was dominated by church members.

As Mrs. Evans and her neighbors were leaving the meeting, various people made parting comments, such as: "Who are you, and why are you here?" "Who do you think you are?" "If you don't like it here, move."

It is conceivable that the church representatives did not have the intention to intimidate Mrs. Evans; but that certainly was the effect of their behavior. County staff present at the meeting did nothing to protect Mrs. Evans or her neighbors or protest the manner in which the meeting was conducted.

Other events have taken place which also have had the effect of intimidating Mrs. Evans. Ben Hall, a Commander in the County Sheriff's Department, appears to have taken the side of the Applicant. He has come into Mrs. Evans' home, and without obtaining her explicit consent. He pushed his way into her home, read personal documents and examined personal belongings of Mrs. Evans, stating that he likes to get to know about people before he works with them. Mrs. Evans informed Mr. Hall that she was expecting visitors and did not have time to talk to him. Mr. Hall stayed for about 45 minutes, refusing to leave until several requests had been made.

Mr. Hall has yelled across the fence between the Church and Mrs. Evans' property. He has come uninvited to her door and obtained admission to her home by pressuring Mrs. Evans. He has invaded her privacy without her consent and refused to leave upon her request. Commander Hall's demeanor and actions were quite intimidating.

Mrs. Evans does not know the nature of the relationship between Commander Hall and the Church, but he was present at the meeting on July 10, 2009.

On July 9, 2009, Mrs. Evans received a letter from Phillip C. Opperman, dated July 8, 2009. A copy of this letter is attached hereto as Exhibit B. This letter is offensive, and clearly intended to be intimidating. While this letter was probably not authorized by the Church, it is clear that the Church has identified Mrs. Evans as an antagonist and published that antagonism to its members.

This antagonism is also evident in the memorandum to Paul Sittig Paul Sittig, Coastal Planner for the San Luis Obispo Planning Department, a four page memorandum prepared by Lynn M. Azevedo, of Azevedo Planning Services, and an Elder of the Community Presbyterian Church of Cambria. A copy of this memorandum is attached to this Statement as Exhibit C. Neither Appellant nor her Counsel have received a copy from the Church or from Ms. Azevedo. Ms. Azevedo states that sincere efforts were made to satisfy all of Mrs. Evans' complaints, then contrarily contends that not very many complaints were actually received. The obvious, and accurate answer to the small number of complaints by Mrs. Evans is that nobody has ever responded to her complaints. She perceives that her concerns are ignored and there are hostile attitudes toward her from the church. This current matter is only the latest episode.

The most interesting point of Ms. Azevedo's memorandum is that neither the memorandum was never delivered to Mrs. Evans or her attorney until Mr. Sittig gave Mrs. Evans and her attorney a copy on July 15, 2009. The memorandum was never raised in the context of negotiating a solution. It is a unilateral self-serving presentation with no input from either Mrs. Evans, any of the neighbors or Mrs. Evans' attorney.

If this had been presented on June 1, rather than on July 15, 2009, the date Ms. Azevedo's memorandum was received, it is reasonable to believe that substantial steps could have been taken to resolve the issues. Taken together, the complete failure on the part of the Church to communicate; the tardy presentation of this document, with all its self-serving aspects; and the intimidation which has taken place gives good cause to doubt the sincerity of the effort.

Appellant suggests that the Board should deny all applications made by the Church because the Church has failed to comply with the direction of the Board to negotiate with Mrs. Evans, and further because the Church has deliberately engaged in conduct that is intimidating to

Mrs. Evans, and has the apparent goal of discouraging Mrs. Evans and her neighbors from pursuing their rights, and from participating in the matter before this Board. The emotional pressure brought to bear by the Church in the July 10, 2009, "negotiation" is incredible. In addition to the intimidating nature of the applicant's conduct, the arrogance, lack of common courtesy and disrespect shown by the Applicant, are ample grounds for denying the application.

In some jurisdictions, the attempt by an applicant to discourage the legitimate participation of an appellant in any proceeding is grounds for denial of the relief sought by the applicant. The problem with this sort of a result is that it does not achieve any benefit for either party. The applicant wants to build its shed, and seems to have a legitimate need for it. Mrs. Evans has long sought the peace and quiet that comes from an amicable and respectful relationship with her neighbor. Mrs. Evans and her neighbors have sought to comply with the Board's direction to try to resolve these issues through negotiation. Their every effort has been rebuffed by the Applicant. It is clear that the Applicant is not interested in a collaborative, respectful relationship. Appellant and her neighbors appreciate the Boards assistance in resolving the matter.

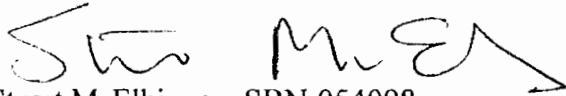
If the Board determines that the permit should be granted, Appellant requests the Board to impose conditions that will protect Mrs. Evans' interests.

The following four conditions would alleviate many of her complaints:

1. Move the location of trash enclosures. The current location of the trash enclosures ensures that the only people affected by the enclosures and the collection of trash are the Church's neighbors. If the trash enclosures were moved to a location away from the neighbors, their impact would be minimized.
2. Mitigate the noise and visual impact by installing a protective landscape planting, as suggested by Ms. Azevedo. It should be noted that an effective planting will take several years to yield its benefits, and will require regular irrigation and maintenance.
3. Limit trash pick-up to the middle of the day. Trash is collected twice a week and involves the collection of trash and recyclables, as well as garden waste. The trucks usually come first thing in the morning resulting in emptying Applicant's commercial dumpsters more than 150 times per year, each of which is noisy and disruptive to the peace and quiet of the neighborhood. Mrs. Evans' bedroom directly faces the trash enclosure by the Thrift Shop.
4. Control access to the Church parking lots during times that they are not being used for church activities. The use of the parking lots by unidentified people at night is of concern. An 87 year old woman living alone cannot help but be worried about the uncontrolled night time use of a large parking lot adjacent to her bedroom. In the past the Church has

flatly refused to consider this issue stating it is "un-church like" because churches are sanctuary. This stance is belied by the fact that all their buildings, including the sanctuary itself, are locked when not in use.

Respectfully submitted.

A handwritten signature in black ink, appearing to read "Stuart McElhinney", with a stylized flourish at the end.

Stuart McElhinney, SBN 054098
Attorney for Lila Evans

EXHIBIT A

FAX FROM LILA EVANS TO PAUL SITTIG, PLANNING AND BUILDING,

DATED JULY 7, 2009

EXHIBIT A

Jul 07 09 12:14p

p. 2

Date July 7, 2009

To Paul Sittig Planning and Building
FAX 781-1242

From: Lila Evans
Fax-Tel 927-2902

Dear Paul Sittig:

The supervisors of the May 12, 2009 hearing advised the planning staff, Cambrian Presbyterian Church representatives and neighborhood residents to meet and discuss an acceptable solution to the issues stated in Mrs. Stuart McElhinney's statements and issues introduced at the February 20 and May 12 board hearings.

We, the neighbors have made several telephone messages in response to Don Thomas, call on May 23 2009. Saturday. We left message on May 27, June 8, June 22, June 29 and July 6, 2009 asking a church member to contact my number 927-2902. He will call again today.

We, the neighbors would like to meet or have a telephone conference with the planning department as soon as possible.



cc: Stuart McElhinney

EXHIBIT B

LETTER FROM PHILLIP C. OPPERMAN, D.D.S. TO LILA EVANS,

DATED JULY 8, 2009

EXHIBIT B

Jul 09 09 09:22p

p. 1

Wednesday, July 08, 2009

Lila Evans
2862 Buckingham Place
Cambria CA 93428-4310

Acts 5:39 if it is from God, you will not be able to stop these men; you will only find yourselves fighting against God." NIV

Dear Lila,

As your former neighbor (I lived at 2962 Buckingham Pl), and fellow Cambrian – I am very disappointed in your constant hassling of my friends at Cambria's Community Presbyterian Church.

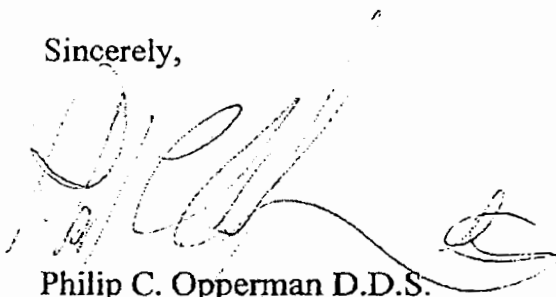
They are doing, and have done, everything in their power to make you happy and be good neighbors. Unfortunately, you have reciprocated only in rebuffs of their considerations and continued harassment.

Please consider a Christian attitude of love, kindness, and forgiveness – and discontinue being a "thorn in the flesh" to these wonderful people.

Remember God's admonition in 1 Chronicles 16:22 and Psalm 105:15
"Do not touch my anointed ones; do my prophets no harm." NIV

You don't want to find yourself fighting God!

Sincerely,

A handwritten signature in dark ink, appearing to read 'P. Opperman', with a long, sweeping horizontal line extending to the right.

Philip C. Opperman D.D.S.
1592 Cardiff Drive
Cambria California

EXHIBIT C

MEMORANDUM FROM LYNN AZEVEDO, AZEVEDO PLANNING SERVICES, TO SAN
LUIS OBISPO COUNTY PLANNING DEPARTMENT,

DATED JULY 14, 2009

EXHIBIT C

Azevedo Planning Services

Lynn M. Azevedo

1755 Stuart Street, Cambria, CA 93428

(805) 909-7567

DATE: July 14, 2009

TO: San Luis Obispo County Planning Department
Bill Robeson, Senior Planner and Paul Sittig, Coastal Planner

FROM: Lynn Azevedo, Azevedo Planning Services
and Community Presbyterian Church of Cambria Elder

RE: Appeal by Lila Evans of DRC2008-00058;
Project Applicant: Community Presbyterian Church of Cambria
Request to construct a 320 square-foot storage building.

POSTION: Request to the Board of Supervisors to deny appeal and uphold Planning
Department approval of DRC2008-00058

Dear Mr. Robeson and Mr. Sittig:

On behalf of the Community Presbyterian Church of Cambria, I want to thank you for your time in facilitating the neighborhood meeting last Friday, July 10th in our Fellowship Hall in relation to our Minor Use Permit currently being processed in your department. Based on recent neighbor concerns and our desire to continue to be a good neighbor to the surrounding residential community, our Church leaders have discussed and prepared a list of ideas and possible solutions to address specifically Ms. Evans' concern about certain activities in the area between our Sanctuary and Outreach/Storage/Thrift Shop Building. We would appreciate your consideration of these suggestions and the opportunity to discuss the pros and cons of each with you.

It's also important to make known to you that the Church has always been concerned with neighbor relations. We have documents and protocols that demonstrate our dedication to this issue. These include:

- a *Permit Compliance and Implementation Plan* (in relation to our 1998 MUP; similar to a mitigation monitoring plan)
- *CPCC Operational Guidelines*, distributed to any group or individual using any portion of the Church campus
- *CPCC Maintenance Protocols* (identifies maintenance schedules & responsibilities)
- *Complaint Log* (identifies any comments/complaints from neighbors, how they were addressed, and in what time frame)

These documents are available to you for review. Please note that with respect to the Complaint Log, complaints have been few in our long Church history (42 years at this location, but 125 years in Cambria), and those that have been received (primarily from Ms. Evans) have been

handled promptly in a sincere effort to satisfy the complainant. We have been able to reach a satisfactory solution in most cases. Our Church office is open Monday through Friday and the majority of what Ms. Evans is now on the record of complaining about has never been brought to our attention either by telephone or by mail. However, based on our records, she surely knows how to contact the Church.

In the spirit of continuing to be good neighbors, we suggest the following responses to Ms. Evans' concerns. We would like to note, however, that we take exception with much of Ms. Evans' accounts. Her recollection of times, events, and resolutions was much different from what is recorded in our complaint log and from collaborated first hand accounts from members of the Church. Ms. Evans and Ms. Gina Verona, at the July 10th meeting, identified two concrete concerns: (1) rummaging occurring in the trash dumpster behind the thrift shop and (2) drop-offs occurring "after hours". They also alluded to "kids smoking behind the building." The particular demographic of these "kids" was not made clear. Ms. Evans made the general request for "peace and quiet" but at the same time acknowledged that this is a Church and that she is aware of what activities occur at churches. She also acknowledged that the storage shed request is not related to her concerns. Ms. Verona, specifically, acknowledged this last point. We also appreciate you clearly noting this fact as well for all those in attendance.

Possible resolutions are listed by "issue area" and include pros and cons commentary. This is not a typical "conditions of approval" type format, but one which I believe will foster further discussion with you.

Trash & Thrift Shop Drop-Offs

Current Situation: The trash dumpster behind the Thrift Shop/Outreach Building is utilized for "cast-offs" from the Thrift Store in addition to "trash" generated by Fellowship Hall. The Thrift Store accepts donations only on Mondays between 8:30-11:30am. The dumpster area is swept out and the general area tidied every Monday. Rummage sales are held only 3 times/year. When the infrequent "drop-offs" have occurred outside of the Monday morning time frame, CPCC members, by way of their daily comings and goings for other activities, have ensured that such illegal drop-offs were put away within 12-24 hours of their occurrence. When the occasional illegal drop-off of Thrift Store donations has occurred, it has typically been placed neatly adjacent to the building. Keeping the premises clean and organized is of great importance to CPCC. CPCC has several signs posted citing County Ordinance and regulations prohibiting drop-offs (i.e. "dumping"). CPCC has also installed a video surveillance system throughout the campus, including in front of the Thrift Shop, to monitor and help deter such activity.

Trash & Drop-Offs

1. CPCC is in contact with Mission Disposal to ascertain their estimated time of pick-up which the church believes is currently 8am or later. CPCC will request a later pick-up if this is acceptable to Mission Disposal.
2. Ms. Evans and Ms. Verona claim dumpster diving is a problem. CPCC will consult with Mission Disposal regarding the placement of locks on the trash dumpster and/or enclosure adjacent to the Outreach/Storage/Thrift Shop Building.

Pros: This should alleviate occasional “dumpster diving” and possibly illegal trash disposal.

Cons: This particular dumpster usually contains cast-offs from the Thrift Store operation on Mondays. There are a few young families in the community that have been observed neatly sorting through these cast-offs, typically on Monday afternoons, as a way of finding clothes or other necessities for their families. The Church does not want to deprive these people of this resource because it is helpful to these families. Also, locking the dumpster does not mean that “illegal” dumping of trash will stop. Although this is an infrequent occurrence, it seems better to have trash in the dumpster rather than being dumped next to it or on top of it.

3. CPCC proposes to install motion detector lights on the buildings adjacent to the trash enclosure to help deter any evening drop-offs.
4. CPCC proposes to add additional signage advising of thrift shop hours and drop-off/dumping prohibitions.

Notes: At the July 10th meeting, you suggested the possibility of chaining off a portion of the parking lot near the Thrift Shop/Outreach building. The thought seems to be that it would prevent those late night drop-offs. While this is physically possible, Church leaders thought long and hard about this possibility and find that this is a highly undesirable option for several reasons. First, taking the chain down on a daily basis and then ensuring it gets put up at night again would be difficult. There are a variety of activities, planned and impromptu, that require the use of this particular parking lot (for parking), and there is not a staff person or even volunteer that could ensure this chain be raised/lowered as needed. CPCC believes that this chain would only cause those infrequent after hour drop-offs to be off-set to the location of the chain. Also, based on its 42 year history at the site, CPCC foresees more than one vehicle damaging or being damaged by the chain regardless of any reflectors and signage posted. This would create a potential liability to the church which it cannot afford. Should public safety personnel and equipment need to respond to this portion of the CPCC campus, they too would have the obstacle of getting past this chain. Lastly, the Crime Prevention Officer from the San Luis Obispo County Sheriff’s Department that visited the CPCC campus in May/June of this year stated that chaining off the parking lot such as this would actually promote vandalism.

Screening

5. CPCC proposes to hire a landscape professional to design an improved landscape plan along the fence line with adjacent neighbors to visually screen CPCC activities and reduce sound from any activities. CPCC would implement this plan immediately.

Safety

Ms. Evans and Ms. Verona claim that “kids” are going behind the corner building and smoking. Those crossing through the CPCC campus are identified by CPCC members as primarily adults who have cut through the adjacent CalTrans fence. CalTrans has been contacted on this fence cutting issue and they have advised the church that they do not have the budget to continue to

repair the chain link fence nor replace it with anything more substantial. Cal Trans has cleared low lying brush to open up visibility to the back of the Church buildings which has helped the situation. If Planning Staff finds that a physical barrier at this traffic area would be an effective deterrent and would improve the situation, CPCC could try the following:

6. Metal gates could be installed between adjacent property lines and the cornermost building in an effort to fence off the back corner of the property from trespassers. Such a gate would need to be (i) difficult to climb, (ii) strong enough to resist force and (iii) "see-through" enough to avoid it becoming a hiding place for clandestine activities.

Note: Consultation with the Sheriff's Department in the past has indicated that this type of fencing would create more of an attractive nuisance rather than a deterrent.

Other

7. CPCC will provide adjacent neighbors, on an annual basis, information about its operations along with contact information in an effort to ensure continued communication in the neighborhood. Neighbors would continue to be encouraged to call the Church office with any concerns.

CPCC strives to serve the Cambria community which includes its immediate neighbors. We have a well-maintained campus along with a track record of caring about our neighbors and responding quickly to any concerns. We invite you to observe any and all of the activities that occur on the premises. We hope that some of these suggestions would further our efforts in maintaining good relations with our neighbors. In turn, we request to be allowed to build this small storage building to accommodate the tables and chairs from our Fellowship Hall, the storage of which was simply displaced by bringing our Fellowship Hall into compliance with ADA regulations. Thank you for the opportunity to present this information to you.

Respectfully,

Lynn M. Azevedo
Azevedo Planning Services
(805) 909-7567
lazevedo@charter.net

ATTACHMENT 6

1. Scenic Highway View 2000
Southern Lot Line Trees Removed

2. Scenic Highway 1 Burton Drive View
Southern Lot Line Trees Removed

3. a Eastern Lot Line Adjacent to SFR
b Eastern Lot Line (to west)
c Eastern Lot Line (to east)
d Eastern Lot Line (to east)

4. a Southern Lot Line Viewshed { from Scenic Highway 1
North

b Southern Lot Line Viewshed { from Scenic Highway 1
South

5. a. Western Lot Line Yorkshire
b. Western Lot Line View from Yorkshire
Commercial Waste Enclosure

c. Western Lot Line Visible from Scenic Highway 1
Tree Red Tagged for Removal

d. Yorkshire Street. Thrift Sale

6. Northern Lot Line
Combination Parking Lot - Playground (April 2009)



Scenic Highway 1 (behind trees being cut down)









3-0

4^a





Scenic Highway 1 south of Barton intersection 4b
Storage Shed to be built on marker.

59



View from Yorkshire Street

5b





Yorkshire Street- adjoining CPCC. 5d







PLANNING COMMISSION HEARING
 PRESBYTERIAN CHURCH (D970174D)



EXHIBIT
 LAND USE C

EXHIBIT NO. 4
 APPLICATION NO.
 A-3-SLD-99-29
 Site Exhibit 2, Appeal
 Page 53 of 59

62

ATTACHMENT 7

Full Sized Project Plans

Available for review in the Central Coast District Office

ATTACHMENT 7

ATTACHMENT 8



PLANNING COMMISSION HEARING
PRESBYTERIAN CHURCH (D970174D)



EXHIBIT
LAND USE C

EXHIBIT NO. 4
APPLICATION NO.
A-3-560-99-29
Site Exhibit 2 / Appeal
Page 56 of 59

ATTACHMENT 9

Full Sized Project Plans

Available for review in the Central Coast District Office

ATTACHMENT 9

9/16/2009

To: Jonathan Bishop
Cal. Coastal Commission
831-427-4877 Fax

RECEIVED

SEP 17 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

From: Lila Evans
805.927.2902 Tel Fax

Re: DRC 2008.00067 page 1-2

Thank you for talking to me Wed. Sept 16 2009.
Please discuss the Policy and Ordinance
listed on the following page 2 with your
supervisor. These were introduced at the
February 20, 2009 SLO Hearings and should
be continued in the Coastal Commission
hearing in October.

Thank you.

Lila Evans

Paul Setty County Planner SLO should have
sent copy of Staff Plans to Commission.
Following Stuart Whelan on I had not
received copy of final staff report as
of yesterday, Tuesday, Sept 15, 2009.

Feb 26 Hearing SLO County
Coastal Zone Land Use Ordinance

23.01.042 CZLUO Appeal on Tentative Notice of
Action.

Section
23.01.043 e i CZLUO located in Environmentally
Sensitive Habitat Area (Terrestrial Habitat)

Section
23.05.064 e Tree Removal Standards
23.07.120 Local Coastal Program
Subject to Provision of LCP

Section
23.07.170 e (1-5) Environmentally Sensitive Habitat
Development Standards

Section
23.07.176 Terrestrial Habitat Protection

Coastal Land Policy

Policy 29 Sensitive Habitat Area to be
protected by entire ecological community

Policy 30 Protection of Native Vegetation

Policy 35 Protection of Vegetation.
Removal of Trees - Replacement

Visual Scenic Resources

Policy 1

Policy 7

A-3-SLO-09-051 (Community Presbyterian Church of Cambria)

Applicable LCP Policies

NCAP Design Criteria for development in the Residential Single-Family land use category

Impermeable Surfaces: Impermeable surfaces should be minimized in order to maintain a sense of open space and to serve specific purposes, such as retaining clusters of trees and the visual quality of public view corridors.

Topography: The site design should follow the natural contours of the site where possible

Drainage: Drainage systems should be designed to retain water on-site and encourage infiltration when feasible.

Building Design Standards: Achieve a small-scale appearance appropriate for the character of the neighborhood, and design buildings to avoid removal of significant vegetation and blend structures into the natural setting to the maximum extent feasible.

Visual Resource Standards

Policy 1 – Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved, protected, and in visually degraded areas restored where feasible.

4. Topographic Standards.

A. Land Alteration Within View Corridors. Land alteration shall be minimized on sites located within areas that are determined by the Planning Director to be public view corridors from collector or arterial roads (per Coastal Zone Land Use Ordinance Section 23.05.034d). These roads are identified on the Circulation map as Highway One, Main Street, Burton Drive, Eton Road, Ardath Drive, Pineridge Drive, Windsor Boulevard, Charing Way, Weymouth Street, Buckley Drive, and Cambria Pines Road.

Combining Designation – Sensitive Resource Area (SRA) (Terrestrial Habitat - TH)

Tree Preservation: Where development requires removal of a Monterey pines greater than six inches in diameter, replacement of native stock will be required
Terrestrial Habitat (TH) Standards

Policy 29 – Protection of Terrestrial Habitats:

Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.

Policy 30 – Protection of Native Vegetation:

Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed.