

## 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

W19b



**Prepared August 19, 2009 (for September 9, 2009 Hearing)**

**To:** Coastal Commissioners and Interested Persons

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

**Subject:** **Appeal A-3-SLO-09-035 (Beeger SFD Addition)** Appeal by Drs. Ann and Walter Picker, and Barbara Seely of San Luis Obispo County decision granting a coastal development permit with conditions to Cynthia Beeger to construct a 1,450 square-foot third story addition to an existing 3,350 square-foot two-story single-family residence located at 4812 Windsor Drive in Cambria, San Luis Obispo County (APN 013-324-002). Appeal Filed: July 27, 2009. 49th Day: September 14, 2009.

#### Recommendation

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which appeal A-3-SLO-09-035 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-09-035 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 June 9, 2009, San Luis Obispo County approved a CDP authorizing construction of a 1,450 square-foot third story addition to an existing 3,350 square-foot two-story single-family residence located at 4812 Windsor Drive in Cambria (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)(2), this approval is appealable to the Commission because it is located within 300 feet of the top of the seaward face of a coastal bluff.

The Appellants contend that the County's approval is inconsistent with San Luis Obispo County LCP standards addressing the size, scale, and character of the third story addition relative to the surrounding single-family neighborhood. The Appellants also raise various issues with the use, operation, management, and enforcement of the residence as a vacation rental (see full appeal document in Exhibit 2).



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.<sup>1</sup> Commission staff has analyzed the County’s Final Local Action Notice for the development (Exhibit 1), the Appellants’ contentions (Exhibit 2), relevant requirements of the LCP (Exhibit 3), photos of residences in the surrounding neighborhood (Exhibit 4), and other correspondence received (Exhibit 5). The appeal raises no substantial issue with respect to the LCP as follows:

The Appellants contend that the third story addition is inconsistent with the established size and scale of the residential neighborhood. The Appellants cite general LCP goals and descriptions of the single-family residential land use category in making this allegation, but do not include the applicable development standards related to height, footprint, gross structural area, and setbacks. As detailed in the County CDP approval, the proposed addition meets all of the planning area standards in the LCP. The following table summarizes the applicable LCP residential building size and design standards applicable to the project:

<b>Project Element</b>	<b>Allowable</b>	<b>Existing</b>	<b>Proposed</b>	<b>Consistency Status</b>
Height (Feet)	28’	20’-6”	26’-8”	<b>OK</b>
Footprint (Square Feet)	Not limited	2,624 s.f.	2,624 s.f.	<b>OK</b>
Gross Structural Area (Square Feet)	Not limited	3,350 s.f.	4,452 s.f.	<b>OK</b>
Deck (Square Feet)	Not limited	655 s.f.	883 s.f.	<b>OK</b>
Front Setback	10’	25’	25’	<b>OK</b>
Rear Setback	10’	29’-5”	29’-5”	<b>OK</b>
Side Setback	5’ (12’ combined)	19’-9”(n); 10’-3” (s); 30’(c)	19’-9” (n); 10’-3” (s)	<b>OK</b>

The proposed project is located within the Seacliff Estates Tract, which is not subject to limits on footprint or gross structural area, but is limited to a height of 28 feet. The proposed addition would increase the height to 26’-8”, still below the maximum allowable height for this neighborhood. In this case, the proposed addition adds mass over the existing building footprint and is layered or “stepped-up” towards the rear of the property to lessen the apparent mass of the new addition to the fronting street. A review of photographs and design details of other residences in the neighborhood show that three stories are not uncommon along this stretch of coast and that many of the residences in this neighborhood are comparable in terms of overall height, square footage, and site coverage (see Exhibit 4). In short, the

---

<sup>1</sup> 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.



County-approved project is consistent with the LCP with respect to its mass, bulk and design character, and these contentions do not raise a substantial issue.

In addition to issues of size and scale, the Appellants also contend that the addition will expand the use of the residence as a vacation rental and therefore is inconsistent with the LCP's neighborhood character requirements in this respect too.<sup>2</sup> Specifically, the Appellants contend that the project is inconsistent with the LCP because of "the probability of undesirable impact on neighbors and on the character of the community as a result of continued improper use by transients and inappropriate operation by management." In this case, the County appropriately found that the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development. It is important to note that vacation rentals are not held to different LCP design standards than other single-family residences. Vacation rental permits are required to establish a vacation rental in the County, and the County notes that the vacation rental permit for this site was appropriately issued on November 26, 2003, and is up-to-date. While not required under the LCP, the County also attempted to address some of the Appellants concerns related to noise and disturbance to neighbors by requiring the applicant to relocate the hot tub, remove the deck on the south-east side of the house, limit occupancy to eight (8) people, and prohibit smoking anywhere on the property (see Exhibit 1 – County Conditions of Approval). The County-approved project is consistent with LCP vacation rental requirements to the extent they apply, and thus the contentions related to improper use by renters and/or inappropriate operation by management of the property do not raise a substantial issue.

The Appellants further contends that the project will exacerbate vacation rental enforcement problems.<sup>3</sup> In making this claim, the Appellants cite numerous bad experiences that they have had with vacation renters in the past. The Appellants (and neighboring property owners) may have valid concerns in this respect, but the way in which vacation rentals are managed in the County or in Cambria 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 third story addition to an existing single-family residence, not an evaluation of vacation rentals in general or compliance of this particular residence with the vacation rental ordinance of the LCP. Again, these vacation rental issues are not directly related to the proposed development, and issues pertaining thereto are more appropriately pursued through separate local processes, including any potential proposed changes to the vacation rental ordinance, and handled through local ordinance enforcement. Thus, issues related to the way that the County has or has not enforced its vacation rental ordinance 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 no significant coastal resources affected by the decision, and no adverse precedent will be set for future

---

<sup>2</sup> The Appellants cite Coastal Zone Land Use Ordinance (CZLUO) Sections 23.06.040 and 23.08.165(j) related to noise in making this allegation.

<sup>3</sup> The Appellants cite CZLUO Section 23.08.165(k)(2) related to enforcement in making this allegation.



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-09-035 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

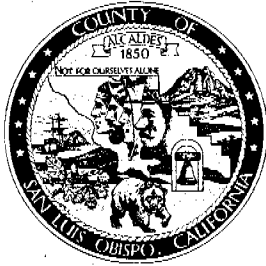
Exhibit 2: Appeal of San Luis Obispo County's CDP decision

Exhibit 3: San Luis Obispo County LCP Policies

Exhibit 4: Photos of neighborhood residences

Exhibit 5: Correspondence





SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

Cynthia Beeger  
1543 Laural Place  
Menlo Park, CA 94025

JUL 9 2009  
**FINAL LOCAL  
ACTION NOTICE**  
REFERENCE # 3-SLO-09-207  
APPEAL PERIOD 7/14 - 7/27/09

**RECEIVED**

JUL 13 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: June 9, 2009  
SUBJECT: County File No. – DRC 2008-00067  
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.

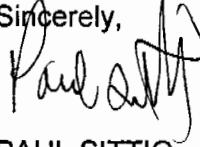
Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their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

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six (6) months, or conditions have not been complied with, such Permit approval shall become void.

If you have questions regarding your project, please contact me at (805) 781-4374.

Sincerely,



PAUL SITTIG  
Coastal Planning and Permitting

cc: California Coastal Commission,  
725 Front Street, Suite 300, Santa Cruz, California 95060  
Ann and Walter Picker, 4800 Windsor Blvd. Cambria, CA 93428

---

(Planning Department Use Only – for California Coastal Commission)

Date NOFA copy mailed to Coastal Commission: July 9, 2009

Enclosed:              X   Staff Report  
                           X   Resolution with Findings and Conditions

P. Smith

RECEIVED

JUL 13 2009

BOARD OF SUPERVISORS  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
CALIFORNIA COASTAL COMMISSION  
CENTRAL COAST AREA

Tuesday, June 9, 2009

**PRESENT:** Supervisors Frank Mecham, Adam Hill, K.H. 'Katcho' Achadjian, James R. Patterson, and Chairperson Bruce S. Gibson

**ABSENT:** None

In the matter of an appeal by Ann and Walter Picker and **RESOLUTION NO. 2009-187:**

This is the time set for hearing to consider an appeal by Ann and Walter Picker of the Planning Department Hearing Officer's approval of a Minor Use Permit/Coastal Development Permit for Cynthia Beeger to construct a 1,450 square foot third story addition to an existing 3,350 square foot, two story single family residence located at 4812 Windsor Drive in Cambria; 2nd District.

**Chairperson Gibson:** opens the floor to public comment.

**Dr. Ann Picker:** speaks.

**A motion by Chairperson Bruce S. Gibson, seconded by Supervisor K.H. 'Katcho' Achadjian, the Board partially denies the appeal and affirms the decision of the Hearing Officer with conditions as amended by staff, is discussed.**

**Mr. Tim McNulty:** Deputy County Counsel, discusses the changes that would need to be made to the resolution with the motion on the floor, **with motion maker and second amending their motion to affirm the decision of the Hearing Officer and conditionally approve the application of Cynthia Beeger as amended.**

**Thereafter, on motion of Supervisor Chairperson Bruce S. Gibson, seconded by Supervisor K.H. 'Katcho' Achadjian, and on the following roll call vote:**

**AYES:** Supervisors: Chairperson Bruce S. Gibson, K.H. 'Katcho' Achadjian, Frank Mecham, Adam Hill, James R. Patterson,

**NOES:** None

**ABSENT:** None

the Board denies the appeal and amends the Conditions of Approval as follows: At the end of Condition 3, by adding "The site plan shall be revised as follows: a. Relocate the hot tub to a location that minimizes noise and aesthetic impacts to adjacent residences; b. Remove the deck on the south-east side of the house."; adds a new Condition 23 as follows: "As long as the home is used as a vacation rental, the contract with any vacation renters shall include: a. Occupancy shall be limited to eight (8) people; b. No smoking is allowed anywhere on the property, either indoors or outdoors, with the remaining Conditions being renumbered sequentially; and **RESOLUTION NO. 2009-187, resolution affirming the decision of the Hearing Officer and conditionally approving the application of Cynthia Beeger for Minor Use Permit/Coastal Development Permit DRC2008-000067, adopted as amended.**

STATE OF CALIFORNIA )

)

ss.

County of San Luis Obispo )

06/24/09 ar

cc: Planning(2)

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

**WITNESS** my hand and the seal of the said Board of Supervisors, affixed this 24th day of June, 2009.

**JULIE L. RODEWALD**

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

(SEAL)

By: *Anneth Ruff*

Deputy Clerk

Planning  
P. Sittig

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

June 9, 2009

PRESENT: Supervisors Frank Macham, Adam Hill, K.H. 'Katcho' Achadjian,  
James R. Patterson and Chairperson Bruce S. Gibson

ABSENT: None

RESOLUTION NO. 2009-187

RESOLUTION AFFIRMING THE DECISION OF THE  
HEARING OFFICER AND CONDITIONALLY APPROVING  
THE APPLICATION OF CYNTHIA BEEGER  
FOR MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT DRC2008-00067

The following resolution is now offered and read:

WHEREAS, on February 20, 2009, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of Cynthia Beeger for Minor Use Permit/Coastal Development Permit DRC2008-00067; and

WHEREAS, Ann & Walter Picker have appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 9, 2009, and a determination and decision was made on June 9, 2009; and

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

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.



3. That this project is found to be categorically exempt from the provisions of the California Code of Regulations, title 14, section 15303 (class 3).

4. That the appeal filed by Ann & Walter Pieker is hereby denied and the decision of the Hearing Officer is affirmed that the application of Cynthia Beeger for Minor Use Permit/Coastal Development Permit DRC2008-00067 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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

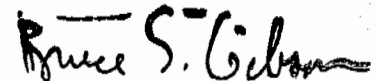
AYES: Supervisors Chairperson Gibson, Achadjian, Mecham, Hill, Patterson

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.



Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD

Clerk of the Board of Supervisors

By:  Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN  
County Counsel

By:   
Deputy County Counsel

Dated: May 28, 2009

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

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

WITNESS my hand and the seal of said Board of Supervisors, affixed this 25th day of June, 2009.

JULIE L. RODEWALD  
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By: *Shirley Romig*  
Deputy Clerk

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the proposed project is the construction of a third story on an existing two-story single family residence, located on a legal lot of record within the Residential Single Family land use category within the Urban Reserve Line of the community of Cambria.

### *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 demolition of the existing residence and construction of a similar new residence 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 construction of a third story on an existing two-story single family residence 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 Windsor 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.

### *Archeological Sensitive Area*

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is conditioned to include specific measures if archaeological resources are discovered during construction.

## EXHIBIT B - CONDITIONS OF APPROVAL

### **Approved Development**

1. This approval authorizes a Minor Use Permit/ Coastal Development Permit to allow the construction of a 1,450 square foot third story addition to an existing 3,350 square foot, two-story single family residence. The project will result in no ground disturbance on an 11,044 square foot parcel.
2. Maximum height is 28 feet (as measured from average natural grade).

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

3. **Prior to request for construction permits**, the applicant shall provide the Planning and Building Department a condition compliance package that verifies how the conditions of approval have been completed or will be completed. The site plan shall be revised as follows:
  - a. Relocate the hot tub to a location that minimizes noise and aesthetic impacts to adjacent residences;
  - b. Remove the deck on the south-east side of the house.
4. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans.

### **Site Development**

5. **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.
6. **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.

### **Fire Safety**

7. **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 dated December 15, 2008, to be prepared at the time of application for construction permits by the Cambria Fire Department for this proposed project.

### **Services**

8. **At the time of application for construction permits**, the applicant shall provide a letter from Cambria Community Services District stating they are willing and able to service the property.

***Grading, Drainage, Sedimentation and Erosion Control***

9. 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.
10. **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.
11. **At the time of application for construction permits**, the applicant shall comply with all conditions and requirements from the Building and Public Works departments.

**Conditions to be completed prior to issuance of a construction permit**

***Fees***

12. **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***

13. The maximum height of the project is 28 feet (as measured from average natural grade). **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

***Archaeology***

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

**Conditions to be completed prior to occupancy or final building inspection**

15. **Prior to occupancy or final inspection**, 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.

16. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire/life safety measures.
17. **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.

***Drainage, Sedimentation and Erosion Control***

18. 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.
19. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
20. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
21. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
22. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.

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

23. As long as the home is used as a vacation rental, the contract with any vacation renters shall include:
  - a. Occupancy shall be limited to eight (8) people;
  - b. No smoking is allowed anywhere on the property, either indoors or outdoors.
24. 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.
25. 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.

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

**RECEIVED**

JUL 13 2009

(1) DEPARTMENT Planning and Building		(2) MEETING DATE June 9, 2009		(3) CONTACT/PHONE Paul Sittig, Current Planning (805) 781-4374		CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA	
(4) SUBJECT Hearing to consider an appeal by Ann & Walter Picker of the Planning Department Hearing Officer's approval of a Minor Use Permit/Coastal Development Permit for Cynthia Beeger to construct a 1,450 square foot third story addition to an existing 3,350 square foot, two-story single family residence. The proposed project is located at 4812 Windsor Drive, in the Residential Single Family land use category, within the community of Cambria. Supervisorial District #2							
(5) SUMMARY OF REQUEST An appeal request by Ann & Walter Picker of the Planning Department Hearing Officer's decision to approve Minor Use Permit/Coastal Development Permit DRC2008-00067 because the proposed project will expand an existing vacation rental, which will not be in character for Seacliff Estates, and would set a precedent for vacation rentals to increase in size through Cambria. The proposed project is within the Residential Single Family land use category and is located at 4812 Windsor Drive, within the community of Cambria. The site is in the North Coast planning area.							
(6) RECOMMENDED ACTION Adopt the resolution affirming the decision of the Hearing Officer and conditionally approving the application by Cynthia Beeger for a Minor Use Permit/Coastal Development Permit DRC2008-00067 based on the findings in Exhibit A and the conditions in Exhibit B.							
(7) FUNDING SOURCE(S) Department Budget		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A		(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): North County Advisory Council, County Counsel, and the California Coastal Commission							
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____							
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input checked="" type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All				(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board	
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 60 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)				(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A			
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A				(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A			
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____				(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____	
(23) ADMINISTRATIVE OFFICE REVIEW OK <i>Geoff Oliver</i>							



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

TO: BOARD OF SUPERVISORS  
FROM: PAUL SITTIG, CURRENT PLANNING  
VIA: WARREN HOAG, AICP, DIVISION MANAGER, CURRENT PLANNING  
DATE: JUNE 9, 2009

SUBJECT: HEARING TO CONSIDER AN APPEAL BY ANN & WALTER PICKER OF THE PLANNING DEPARTMENT HEARING OFFICER'S APPROVAL OF A MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT FOR CYNTHIA BEEGER TO CONSTRUCT A 1,450 SQUARE FOOT THIRD STORY ADDITION TO AN EXISTING 3,350 SQUARE FOOT, TWO-STORY SINGLE FAMILY RESIDENCE. THE PROPOSED PROJECT IS LOCATED AT 4812 WINDSOR DRIVE, IN THE RESIDENTIAL SINGLE FAMILY LAND USE CATEGORY, WITHIN THE COMMUNITY OF CAMBRIA. SUPERVISORIAL DISTRICT #2

### RECOMMENDATION

Adopt the resolution affirming the decision of the Hearing Officer and conditionally approving the application by Cynthia Beeger for a Minor Use Permit/Coastal Development Permit DRG2008-00067 based on the findings in Exhibit A and the conditions in Exhibit B.

### DISCUSSION

On February 20, 2009, a Minor Use Permit/Coastal Development Permit was approved to allow the construction of a 1,450 square foot third story addition to an existing 3,350 square foot, two-story single family residence, at 4812 Windsor Drive in the community of Cambria, in the North Coast Planning Area (see attached Planning Department Hearing report). On March 6, 2009, the Planning Department received an appeal of this decision by Ann & Walter Picker. The following discusses the issues raised in the appeal:

Appeal Issue 1 – "The principal issue at stake is the undesirability of granting approval to greatly expand the existing capacity of this vacation rental. It calls for construction of a so-called 'master suite' of 1,450 square feet as a third story on top of the present 3,350 square foot house that already contains four bedrooms and three bathrooms. Assuming that this 'master suite' is not subsequently subdivided into further lodging

CCC Exhibit 1

976 OSOS STREET, ROOM 300

SAN LUIS OBISPO

CALIFORNIA 93408

(805) 781-5600

EMAIL: [planning@co.slo.ca.us](mailto:planning@co.slo.ca.us)

FAX: (805) 781-1242

WEBSITE: <http://www.sloplanning.org>

June 9, 2009

(page 12 of 47 pages) C-2

2



facilities, the result would become a vacation rental house of 4,800 square feet having five bedrooms and four bathrooms.”

Staff Response – *The County does not provide separate architectural design guidelines or standards for vacation rentals and single family residences, except those in Coastal Zone Land Use Ordinance (CZLUO) Section 23.08.165 - Residential Vacation Rentals. As such, the proposed expansion complies with all applicable building size limitations. The project is located within the Seacliff Estates tract, which is not subject to limits on footprint or gross structural area, but is limited to a height of 28 feet, as measured from average natural grade (ANG). The existing development is 20'-6" from ANG, and the proposed addition would increase the height to 26'-8", still below the maximum allowable height. Furthermore, the proposed addition is designed to add mass over the existing footprint, keeping well within the front, rear and side setbacks. The proposed addition is to be located towards the rear of the property to lessen the apparent mass of the addition.*

*CZLOU Section 23.08.165 provides limits to vacation rental tenancy, number of occupants allowed, traffic, on-site parking required, and noise.*

- Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days, and no additional occupancy (with the exception of the property owner) shall occur within that seven day period.*
- Occupancy is limited to available on-site parking, and shall not exceed two persons per bedroom plus two additional persons. For the existing residence, this would be a maximum of 10 people, from 4 bedrooms. The addition would create a 5<sup>th</sup> bedroom, for a maximum of 12 people.*
- All parking associated with a Residential Vacation Rental shall be entirely on-site, in the garage, driveway or otherwise out of the roadway. The existing development includes a 3-car garage, and the driveway has sufficient space for tandem parking of approximately 10 additional vehicles.*
- Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. For purposes of this section, normal residential traffic volume means up to 10 trips per day.*
- All residential vacation rentals shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings.*

Appeal Issue 2 – “It is also not in character with Seacliff Estates which is designed as a single family neighborhood.”

Staff Response – *The existing residence and proposed addition are with the general design and scale of the neighborhood, and vacation rentals are allowed within residential single family neighborhoods.*

Appeal Issue 3 – “This sets a wholly undesirable precedent which, if unchecked, would open the gate for a comparable expansion of other vacation rentals in Cambria.”

Staff Response – *Vacation rentals are not held to different architectural design standards than other single family residences, and as such, the expansion of a residence that is permitted to be used as a vacation rental is subject to the same land use and building plan standards as other single family residences.*

Appeal Issue 4 – “Because the site is operated as a vacation rental, it is incumbent on the County to only allow development that minimizes such concerns as noise, traffic, parking, odors, and inappropriate loss of privacy. Rather than minimizing these concerns, permitting construction of a new 1,450 square foot third story to achieve additional occupancy increases these concerns.”

Staff Response – *Windsor Drive is operating at acceptable levels, and vacation rentals are not allowed to create impacts unlike other single family residences. The proposed third story deck is to be located on the north side of the property, on the opposite side of the residence from the Pickers' residence, and separated from the other neighboring residence by a distance of approximately 40 feet, with tall bushes between the residences. This has the effect of potentially focusing outdoor activities in a more screened location.*

#### **OTHER AGENCY INVOLVEMENT**

Referrals were sent to the following agencies:

North Coast Advisory Council, Public Works, Building Department, Cambria Community Services District (Water/Sewer), Cambria CSD (Fire), Regional Water Quality Control Board, California Department of Transportation, and the California Coastal Commission.

Responses from the following were received and are summarized here:

Public Works – No comment (reply dated 12-3-2008)

**Building Department – from comments dated 11-20-2008:**

1. All plans and engineering shall be by a California State licensed Architect or Engineer of Record (per 2007 CBC "Professional in Charge").
2. Project is subject to a construction permit as well as the newly adopted 2007 California Codes (CBC).
3. Minimum sideyard set back to unprotected construction shall be by the 2007 California Building Code.
4. Need a full soils report for the design of all building foundations per the department soils investigation policy at the time of construction permit application submittal.
5. If applicable - will need to apply for a separate grading permit that shall conform to the "National Pollutant Discharge Elimination System" *storm water management program regulations*.
6. All site drainage (regardless of a grading permit) shall conform to "National Pollutant Discharge Elimination System" *storm water management program regulations*.
7. Need local fire department and services district approval before issuance of a construction permit.

**Cambria Community Services District (Water/Septic) –** The project is authorized with conditions, per letter dated 11-25-2008.

**Cambria Community Services District (Fire) –** Fire Plan Review, dated 12-15-2008, notes that the project is in a high fire risk zone, and a residential fire sprinkler system is required to be retrofitted in the existing and installed in the new portions of the residence.

**North Coast Advisory Council –** *From the Land Use/Project Review Committee Report, dated January 5, 2009, the project is listed as recommended for approval with the following comments:* Located on the east side of Windsor in Seaclift Estates, this renovation/addition is in keeping with the character of the neighborhood and is compatible with the Cambria Design Plan guidelines - right up to the limit in most cases.

**County Counsel –** request the addition of the standard indemnification condition clause be added to the Exhibit B – Conditions of Approval.

**FINANCIAL CONSIDERATIONS**

The required appeal fee was waived because the appeal listed inconsistencies with our Local Coastal Program as one of the issues of appeal (pursuant to our adopted policy and procedure).

## RESULTS

Denial of the appeal and approval of Minor Use permit/Coastal Development Permit DRC2008-00067, will allow for the project to go forward and be constructed as a 1,450 square foot third story addition to an existing 3,350 square foot, two-story single family residence.

Upholding the appeal and denial of Minor Use Permit/Coastal Development Permit DRC2008-00067 would mean that the project could not be constructed as proposed.

## ATTACHMENTS

1. Appeal letter
2. Staff report from the February 20, 2009 Planning Department Hearing

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

June 9, 2009

**PRESENT:** Supervisors

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AFFIRMING THE DECISION OF THE  
HEARING OFFICER AND CONDITIONALLY APPROVING  
THE APPLICATION OF CYNTHIA BEEGER  
FOR MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT DRC2008-00067**

The following resolution is now offered and read:

WHEREAS, on February 20, 2009, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of Cynthia Beeger for Minor Use Permit/Coastal Development Permit DRC2008-00067; and

WHEREAS, Ann & Walter Picker have appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 9, 2009, and a determination and decision was made on June 9, 2009; and

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

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

**CCC Exhibit 1**  
**(page 17 of 47 pages)**

C-2  
7

June 9, 2009

3. That this project is found to be categorically exempt from the provisions of the California Code of Regulations, title 14, section 15303 (class 3).

4. That the appeal filed by Ann & Walter Picker is hereby denied and the decision of the Hearing Officer is affirmed that the application of Cynthia Beeger for Minor Use Permit/Coastal Development Permit DRC2008-00067 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: May 28, 2009

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

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

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

(SEAL)

By: \_\_\_\_\_  
Deputy Clerk

#767 /

# COASTAL APPEAL FORM

San Luis Obispo County Department of Planning and Building

7/25/08

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

PROJECT INFORMATION Name: CYNTHIA BEGGER File Number: DRC2008-00067

Type of permit being appealed:

- Plot Plan
- Site Plan
- Minor Use Permit
- Development Plan/Conditional Use Permit
- Variance
- Land Division
- Lot Line Adjustment
- Other: \_\_\_\_\_

The decision was made by:

- Planning Director (Staff)
- Building Official
- Planning Department Hearing
- Subdivision Review Board
- Planning Commission
- Other \_\_\_\_\_

Date the application was acted on: 2/20/09

The decision is appealed to:

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

### BASIS FOR APPEAL

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

SEE ATTACHED PAGES 2-6

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

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

### APPELLANT INFORMATION

Print name: ANN & WALTER PICKER  
 Address: 4800 WINDSOR BLVD. CAMBRIA, CA 93428  
 Phone Number (daytime): 805-927-1387 OR 805-927-0564

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

Ann Picker Walter Picker  
 Signature Date 3-5-09

2009 MAR -5 AM 11:1  
 SLO COUNTY  
 PLANNING/BUILDING  
 DEPT

OFFICE USE ONLY  
 Date Received: 3/6/09  
 Amount Paid: 0

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

CCC Exhibit 1  
 (page 20 of 47 pages)





**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

2

**Tentative Notice of Action**

Promoting the wise use of land  
Helping build great communities

MEETING DATE February 20, 2009	CONTACT/PHONE Paul Sittig, Project Planner (805) 781-4374	APPLICANT Cynthia Beeger	FILE NO. DRC2008-00067
LOCAL EFFECTIVE DATE March 6, 2009			
APPROX FINAL EFFECTIVE DATE March 26, 2009			
SUBJECT Hearing to consider a request by Cynthia Beeger for a Minor Use Permit/Coastal Development Permit to allow the construction of a 1,450 square foot third story addition to an existing 3,350 square foot, two-story single family residence. The project will result in no ground disturbance on an 11,044 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 4812 Windsor Drive, in the community of Cambria. The site is in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2008-00067 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on 1/15/2009 (ED08-128).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Archaeological Sensitive Area, Local Coastal Plan, Coastal Appealable Zone, Geologic Study Area	ASSESSOR PARCEL NUMBER 013-324-002	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Geologic Study Area, Setbacks, Height, Residential Design Standards, Erosion Control, Landscaping, Cambria Community Services District Review, Cambria Fire Department Review, and Archaeological Resource Protection <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS: Coastal Appealable Zone, Local Coastal Program, and Archaeologically Sensitive Area <i>Does the project conform to the Land Use Ordinance Standards: Yes – see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

Drs. Ann and Walter Picker  
4800 Windsor Blvd.  
Cambria, CA 93428  
805-927-0564

**Background Problems:**

It is not possible to ignore the Vacation Rental next door. We routinely see, hear, and smell it.

We see the overflow of vehicles parked in front of our home and the occasional trucks blocking the street. We see and hear the traffic caused by the many transient occupants.

We hear the drunks late at night carousing in the hot tub and the loud conversations [sometimes vulgar] from the front deck - which is directly adjacent to our home.

The interior of the house has a "no smoking policy" - so all too often we smell the cigar and cigarette smoke from individuals and groups that congregate outdoors on the front deck. That deck also contains an outdoor cooking grill with its typical creation of unwanted odors. We have even had fireworks set off from the deck next door.

Importantly, as a result of the above, we have suffered an inappropriate and serious loss of privacy.

These conditions can only worsen with increased occupancy resulting from any expansion of the house.

In brief, having a nearby Vacation Rental is a major neighborhood nuisance. We have had to call the police on numerous occasions to get relief from next-door transients who refuse to respond to polite requests to desist. Unfortunately, we often have encountered an attitude from transients to the effect that they are on vacation and are entitled to make as much disturbance as they choose.

In an effort to cope with the many problems we have experienced, we contacted the owner's agent frequently. In brief, the agent has been uncooperative with respect to corrective action and dismissive of our concerns. The agent has indicated that we should cease requesting corrections.

As a consequence, we have resorted to simply calling the police when things like noisy parties get out of hand.

4

Having to involve the police to deal with intrusive and sometimes hostile transients who are unknown strangers has caused us to be concerned about our personal security.

Seacliff Estates is a quiet, upscale single family residence neighborhood on Windsor Boulevard directly adjacent to the ocean front. Unfortunately, ten of these houses already are vacation rentals [almost 20 percent of the total]. Two of these Seacliff Vacation Rentals have Beeger ownership.

Cambria currently has 354 vacation rentals [staff report]. This is an exponential increase of 48 percent in the past four years and represents a very significant and increasing percentage of the total homes in Cambria. These vacation rentals reflect the same difficulties as we continue to have with the one next door.

Public Hearing:

Vacation rentals are defined as "non-principally permitted use" everywhere in the Coastal Zone. "Non-principally permitted uses" requires a public hearing to determine whether a permit request should be denied or accepted.

Like most other owners of private homes located near Vacation Rentals in Cambria, we find that the conversion of existing dwellings into commercial businesses has had a highly objectionable impact.

Currently, we are having to deal with something considerably more objectionable. The owner of the next-door vacation rental is requesting a minor use permit for new construction of a major expansion to the already existing facility.

In response, we are appealing – and are urging each individual Supervisor to exercise independent judgment. The principal issue at stake is the undesirability of granting approval to greatly expand the existing capacity of this vacation rental.

If granted, the permit would result in an increase of the square footage of the existing building by over 40 percent.

It calls for construction of a so-called "master suite" of 1,450 square feet as a third story on top of the present 3,350 square foot house that already contains four bedrooms and three baths.

Assuming that this "master suite" is not subsequently subdivided into further lodging facilities, the result would become a vacation rental house of 4,800 square feet having five bedrooms and four bathrooms.

A review has been made of all the dwellings on all the roads directly adjacent to the ocean front from Leffingwell Landing in the far north of Cambria down to the far south end of the Marine Terrace.

If permitted, the resulting vacation rental would be the only dwelling in the review area to have three full stories of living quarters. The result would be a significant alteration of the established scale of the neighborhood.

It also is not in character with Seacliff Estates which is designated as a single family neighborhood.

This sets a wholly undesirable precedent which, if unchecked, would open the gate for a comparable expansion of other vacation rentals in Cambria.

No doubt the owner will claim that the "master suite" is for personal use. But the owner is not now [and has never been] a resident of Cambria. And, it is undeniable that, once the addition is completed, there is nothing to bar its use for transient occupants.

It is bad enough to have a commercial business operating in the house next-door. But it would be far worse for approval to be given to adding another 40 percent to the capacity of the building.

We recognize that, in a situation like this, the Planning Department was limited in its authority to exercise judgment and comment on the actual desirability of the proposed expansion of this vacation rental.

Consequently, we are asking each individual Supervisor now evaluating the merits of our appeal to exercise their personal judgment and to deny the request for a permit to expand the existing vacation rental house – on the basis that constructing a 1,450 square foot third floor is excessive, unwarranted, and would set an undesirable precedent. Additionally, the proposed development is not consistent with the established scale and character of the surrounding neighborhood.

Because the site is operated as a vacation rental, it is incumbent on the County to only allow development that minimizes such concerns as noise, traffic, parking, odors, and inappropriate loss of privacy. Rather than minimizing these concerns, permitting construction of a new 1,450 square foot third story to achieve additional occupancy increases these concerns.

Finally, due to the reasons stated above, we feel that the proposed development is not consistent with the Local Coastal Program.

The request for a minor use permit should be denied.



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

Promoting the wise use of land  
Helping build great communities

MEETING DATE February 20, 2009 LOCAL EFFECTIVE DATE March 6, 2009 APPROX FINAL EFFECTIVE DATE March 26, 2009	CONTACT/PHONE Paul Sittig, Project Planner (805) 781-4374	APPLICANT Cynthia Beeger	FILE NO. DRC2008-00067
<b>SUBJECT</b> Hearing to consider a request by Cynthia Beeger for a Minor Use Permit/Coastal Development Permit to allow the construction of a 1,450 square foot third story addition to an existing 3,350 square foot, two-story single family residence. The project will result in no ground disturbance on an 11,044 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 4812 Windsor Drive, in the community of Cambria. The site is in the North Coast planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2008-00067 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption was issued on 1/15/2009 (ED08-128).			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Archaeological Sensitive Area, Local Coastal Plan, Coastal Appealable Zone, Geologic Study Area	<b>ASSESSOR PARCEL NUMBER</b> 013-324-002	<b>SUPERVISOR DISTRICT</b> 2
<b>PLANNING AREA STANDARDS:</b> Geologic Study Area, Setbacks, Height, Residential Design Standards, Erosion Control, Landscaping, Cambria Community Services District Review, Cambria Fire Department Review, and Archaeological Resource Protection <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Coastal Appealable Zone, Local Coastal Program, and Archaeologically Sensitive Area <i>Does the project conform to the Land Use Ordinance Standards: Yes – see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

EXISTING USES: Two-story single family residence.	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/ residences <i>East:</i> Open Space/ undeveloped <i>South:</i> Residential Single Family/ residences <i>West:</i> Residential Single Family/ residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Building Department, Cambria Community Services District (Water/Sewer), Cambria CSD (Fire), Regional Water Quality Control Board, California Department of Transportation, and the California Coastal Commission.	
TOPOGRAPHY: Level to gently sloping	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Cambria Community Services District Sewage Disposal: Cambria Community Services District Fire Protection: Cambria Community Services District (Fire)	ACCEPTANCE DATE: January 5, 2009

**DISCUSSION**

**PROJECT HISTORY:**

The proposed project is located in Tract 159, Seacrest Estates, and is not subject to the North Coast Area Plan Residential Single Family Table 7-1, which limits the size of single family residences throughout much of Cambria. Tract 159 was recorded with front and rear setbacks, but no side setbacks. With that, the side setbacks are determined from the North Coast Area Plan, as noted below. Additionally, Tract 159 is outside of the areas mapped Monterey Pine Terrestrial Habitat/Environmentally Sensitive Habitat.

**PLANNING AREA STANDARDS:**

Lot Size: 5,250 square feet

Area: Tract 159

PROJECT REVIEW	ALLOWABLE	EXISTING	PROPOSED	STATUS
HEIGHT (FEET)	28'	20'-6"	26'-8"	OK
FOOTPRINT (SQUARE FEET)	Not limited	2,624 sf	2,624 sf	OK
GROSS STRUCTURAL AREA (SF)	Not limited	3,350 sf	4,452 sf	OK
DECK (SQUARE FEET)	Not limited	655 sf	883 sf	OK
SETBACKS (FEET)				
FRONT	10'	25'	25'	OK
REAR	10'	29'-5"	29'-5"	OK
SIDES	5' (12' combined)	19'-9" (n); 10'-3" (s); 30' (c)	19'-9" (n); 10'-3" (s)	OK

**Community Wide  
 Limitation on Development**

Water Conservation Requirements. Water usage increases from the new master bath suite shall be offset in coordination with Cambria Community Service District (CCSD). *The proposed project is conditioned to comply with this standard.*

**Cambria Community Services District Review**

Prior to application acceptance, land use and building permit applications shall include a written verification of water and sewer service from the Cambria Community Services District (CCSD). A water and sewer service condition compliance letter from the CCSD shall be provided to the Department of Planning and Building prior to final building inspection. *The project complies with the standard because the applicant submitted a confirmation of water and sewer availability letter, dated November 25, 2008, for the proposed addition. The project is conditioned to require a water and sewer service condition compliance letter prior to final inspection.*

**Cambria Fire Department Review**

All new development shall comply with applicable state and local Cambria fire codes. Prior to application acceptance, land use and building permit applications shall include a Fire Plan Review from the Cambria Fire Department. *The project complies with this standard because the applicant submitted a Fire Plan Review letter, dated December 15, 2008, from the Cambria Fire Department. The project is conditioned to comply with all requirements of the Fire Plan Review, and must receive a final inspection from the Cambria Fire Department.*

**Erosion Control**

All runoff from impervious surfaces such as roofs, driveways, walks, patios, and/or decks, shall be collected and retained on-site to the greatest extent possible. Run-off not able to be retained on-site shall be passed through an effective erosion control device or filtration system approved by the Public Works Department. *The proposed project is conditioned to comply with this standard.*

**Landscaping**

All areas of the site disturbed by project construction shall be revegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. *The proposed project is conditioned to comply with this standard.*

**Exterior Lighting**

The project is conditioned to provide lighting details to the County at the time of application for construction permits. *The proposed project is conditioned to comply with this standard.*

**Archaeological Resource Protection**

Though the project site is in a mapped Archaeologically Sensitive Area of Cambria, the proposed addition consists of internal reconfigurations and a new third story. With this, there will be no ground disturbance, and no possibility for disturbing archaeological resources.

**Residential Design Standards**

The North Coast Area Plan contains discretionary design criteria for single-family residential development in Cambria. *As described below, the proposed addition is consistent with applicable design criteria.*

**Impermeable Surfaces** – The proposed project is a third-story addition to an existing two-story single family residence, which will not increase the footprint. The project is conditioned to comply with Erosion Control section of Area Plan standards, and the Drainage and Sedimentation Plan shall be reviewed and approved by Public Works.

**Parking Drives and Garages** – The existing residence includes a two-car garage located in the rear of the residence, and a driveway with sufficient space for additional parking.

**Topography** – The subject parcel topography is gently to moderately sloping. The proposed addition will be attached to the existing residence, located in areas of less than 20% slope.

**Drainage** – The project is conditioned to provide Public Works with a drainage plan, consistent with the Planning Area Standards.

**Building Design Standards** – The existing residence and proposed addition includes articulation to break up the bulk of the structure, compatible in design and colors with the neighborhood design patterns. The site is currently landscaped with non-native vegetation.

**LAND USE ORDINANCE STANDARDS:**

**Section 23.01.043c.(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone)**  
The project is appealable to the Coastal Commission because the subject parcel is located within 300 feet of the top of a coastal bluff.

**Section 23.07.104 b: Archaeologically Sensitive Areas - Preliminary site survey required**  
The project site is located within a mapped Archaeologically Sensitive Area. The proposed development consists of internal reconfigurations and a third-story addition, with no possibility for disturbing archaeological resources.

**Section 23.07.120: Local Coastal Program**  
The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

**COASTAL PLAN POLICIES:**

- Shoreline Access: N/A
- Recreation and Visitor Serving: N/A
- Energy and Industrial Development: N/A
- Commercial Fishing, Recreational Boating and Port Facilities: N/A
- Environmentally Sensitive Habitats: N/A
- Agriculture: N/A
- Public Works:  Policy No(s): 1
- Coastal Watersheds:  Policy No(s): 7 through 11
- Visual and Scenic Resources:  Policy No(s): 1 and 7
- Hazards:  Policy No(s): 1 and 2
- Archeology:  Policy No(s): 4
- Air Quality: N/A

*Does the project meet applicable Coastal Plan Policies: Yes, as conditioned*

**COASTAL PLAN POLICY DISCUSSION:**

**Public Works**

*Policy 1: Availability of Service Capacity applies to the project: New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development. The proposed project is conditioned to comply with this policy because the applicant submitted a confirmation of water and sewer availability letter*



*from the Cambria Community Service District, dated November 25, 2008, for the proposed addition. The project is conditioned to require a water and sewer service condition compliance letter prior to final inspection.*

### **Coastal Watersheds**

**Policy 7: Siting of New Development:** Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent, with exceptions. *The proposed project complies with this policy as the proposed project will be located on an existing lot of record in the Residential Single Family category and the proposed additions are located on slopes of less than 20%.*

**Policy 8: Timing of new construction:** Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. *The proposed project complies with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

**Policy 9: Techniques for Minimizing Sedimentation:** Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation. *The proposed project is conditioned to comply with this policy as the applicant shall apply Best Management Practices in the selection and implementation of site maintenance, as conditioned in Exhibit B.*

**Policy 10: Drainage Provisions:** Site design shall ensure that drainage does not increase erosion. *The proposed project is conditioned to comply with this policy because the project is required to have a drainage plan that shows the construction of the residential addition will not increase erosion or runoff.*

**Policy 11: Preserving Groundwater Recharge:** In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats. *The proposed project complies with this policy as the project shall retain groundwater on-site to the extent feasible.*

### **Visual and Scenic Resources**

**Policy 1: Protection of Visual and Scenic Resources:** 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. *The proposed project complies with this policy as the proposed residential addition is within an existing developed section of Cambria and shall be in character and scale with the surrounding neighborhood.*

**Policy 7: Preservation of Trees and Native Vegetation:** The location and design of new development shall minimize the need for tree removal. *The proposed project is conditioned to comply with this policy as the native vegetation and trees shall be protected from impacts during construction, as conditioned in Exhibit B.*

### **Hazards**

**Policy 1: New Development:** All new development proposed within areas subject to natural hazards from geologic or flood conditions shall be located and designed to minimize risks to human life and property. *The proposed project complies with this policy because it is located and designed to minimize risks to human life and property.*

**Policy 2: Erosion and Geologic Stability:** New development shall ensure structural stability while not creating or contributing to erosion or geological instability. *The proposed project complies with this policy because the structure is required to be designed to ensure structural stability while not creating or contributing to erosion of geological instability.*

**Archaeology**

**Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas:** The County shall provide for the protection of both known and potential archaeological resources. *The project site is in a mapped Archaeologically Sensitive Area of Cambria, and the project is conditioned to include specific measures if archaeological resources are discovered during construction.*

**COMMUNITY ADVISORY GROUP COMMENTS:**

*From the Land Use/Project Review Committee Report, dated January 5, 2009, the project is listed as recommended for approval with the following comments: Located on the east side of Windsor in Seacliff Estates, this renovation/addition is in keeping with the character of the neighborhood and is compatible with the Cambria Design Plan guidelines - right up to the limit in most cases.*

**AGENCY REVIEW:**

Public Works – No comment (reply dated 12-3-2008)

Building Department – from comments dated 11-20-2008:

1. All plans and engineering shall be by a California State licensed Architect or Engineer of Record (per 2007 CBC "Professional in Charge").
2. Project is subject to a construction permit as well as the newly adopted 2007 California Codes (CBC).
3. Minimum backyard set back to unprotected construction shall be by the 2007 California Building Code.
4. Need a full soils report for the design of all building foundations per the department soils investigation policy at the time of construction permit application submittal.
5. If applicable - will need to apply for a separate grading permit that shall conform to the "National Pollutant Discharge Elimination System" *storm water management program regulations*.
6. All site drainage (regardless of a grading permit) shall conform to "National Pollutant Discharge Elimination System" *storm water management program regulations*.
7. Need local fire department and services district approval before issuance of a construction permit.

Cambria Community Services District (Water/Septic) – The project is authorized with conditions, per letter dated 11-25-2008.

Cambria Community Services District (Fire) – Fire Plan Review, dated 12-15-2008, notes that the project is in a high fire risk zone, and a residential fire sprinkler system is required to be retrofitted in the existing and installed in the new portions of the residence.

Regional Water Quality Control Board – *No comments submitted prior to February 15, 2009.*

California Department of Transportation – *No comments submitted prior to February 15, 2009.*

California Coastal Commission – *No comments submitted prior to February 15, 2009.*

**LEGAL LOT STATUS:**

The single lot was legally created by a recorded map (Tract 159) at a time when that was a legal method of creating lots.

Staff report prepared by Paul Sittig and reviewed by Ryan Hostetter.

### EXHIBIT A - FINDINGS

#### *CEQA Exemption*

- A. The project qualifies for a **Categorical Exemption (Class 3)** pursuant to CEQA Guidelines Section 15303 because the proposed project is the construction of a third story on an existing two-story single family residence, located on a legal lot of record within the Residential Single Family land use category within the Urban Reserve Line of the community of Cambria.

#### *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 demolition of the existing residence and construction of a similar new residence 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 construction of a third story on an existing two-story single family residence 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 Windsor 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.

#### *Archeological Sensitive Area*

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is conditioned to include specific measures if archaeological resources are discovered during construction.

## EXHIBIT B - CONDITIONS OF APPROVAL

### Approved Development

1. This approval authorizes a Minor Use Permit/ Coastal Development Permit to allow the construction of a 1,450 square foot third story addition to an existing 3,350 square foot, two-story single family residence. The project will result in no ground disturbance on an 11,044 square foot parcel.
2. Maximum height is 28 feet (as measured from average natural grade).

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

3. **Prior to request for construction permits, the applicant shall provide the Planning and Building Department a condition compliance package that verifies how the conditions of approval have been completed or will be completed.**
4. **At the time of application for construction permits, all project conditions shall be clearly printed on the plans.**

### Site Development

5. **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.**
6. **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.**

### Fire Safety

7. **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 dated December 15, 2008, to be prepared at the time of application for construction permits by the Cambria Fire Department for this proposed project.**

### Services

8. **At the time of application for construction permits, the applicant shall provide a letter from Cambria Community Services District stating they are willing and able to service the property.**

### Grading, Drainage, Sedimentation and Erosion Control

9. **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.**
10. **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.**

11. **At the time of application for construction permits**, the applicant shall comply with all conditions and requirements from the Building and Public Works departments.

**Conditions to be completed prior to issuance of a construction permit**

***Fees***

12. **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***

13. The maximum height of the project is 28 feet (as measured from average natural grade). **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

***Archaeology***

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

**Conditions to be completed prior to occupancy or final building inspection**

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

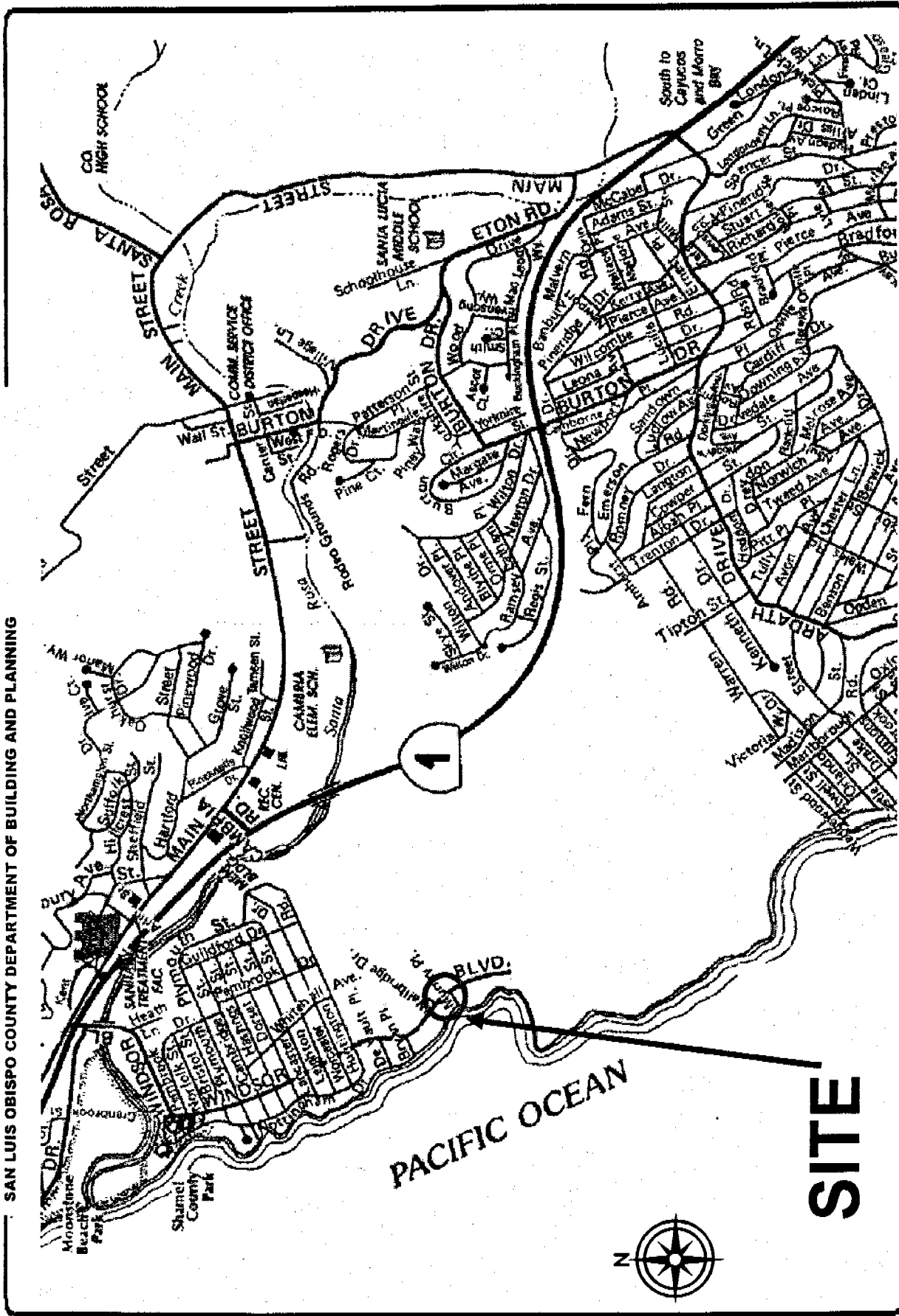
17. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

***Drainage, Sedimentation and Erosion Control***

18. 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.
19. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
20. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
21. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
22. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.

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

23. 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.
24. 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.



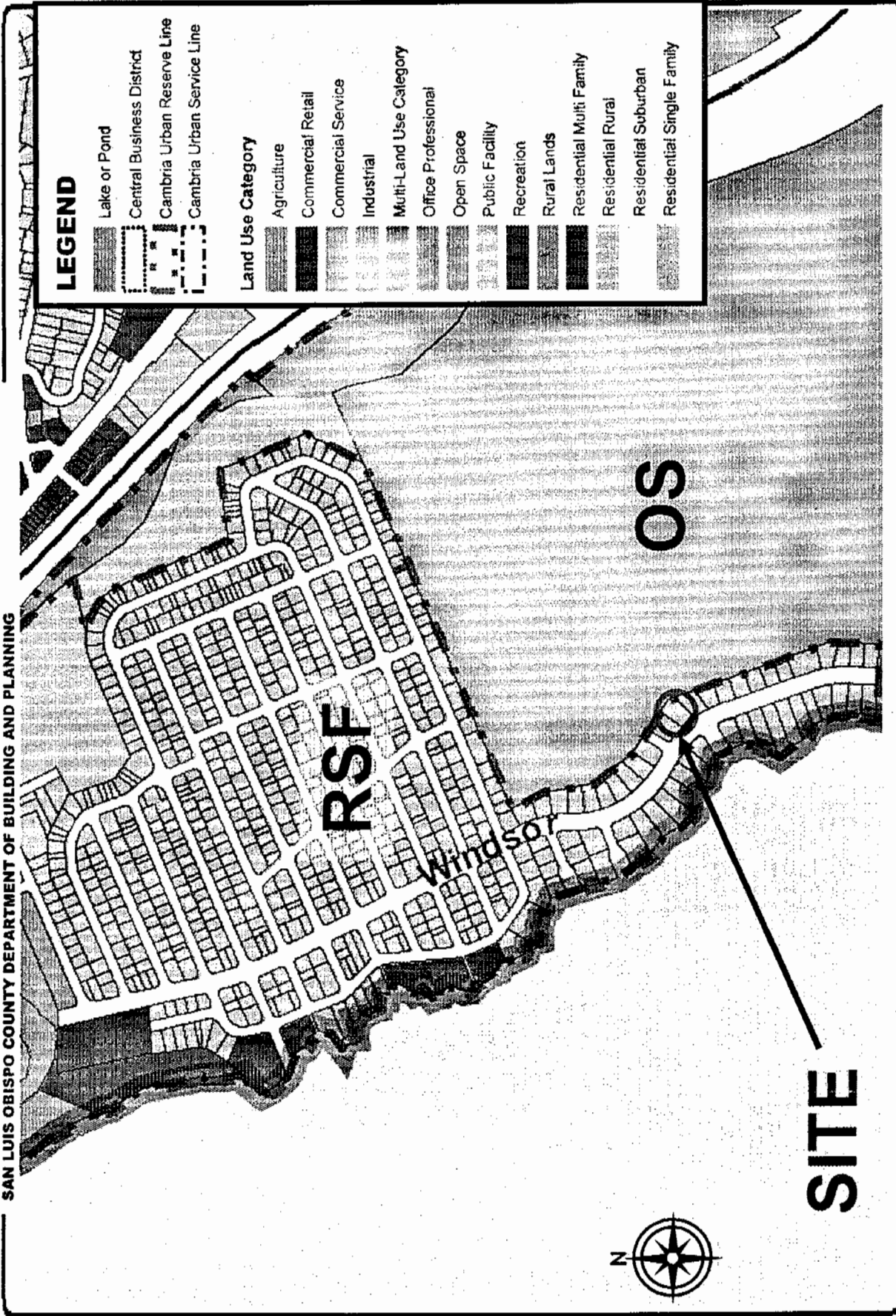
EXHIBIT

Vicinity Map



PROJECT  
 Minor Use Permit/Coastal Development Permit  
 Beeger DRC2008-00067

**SITE**



EXHIBIT

Land Use Category Map



PROJECT

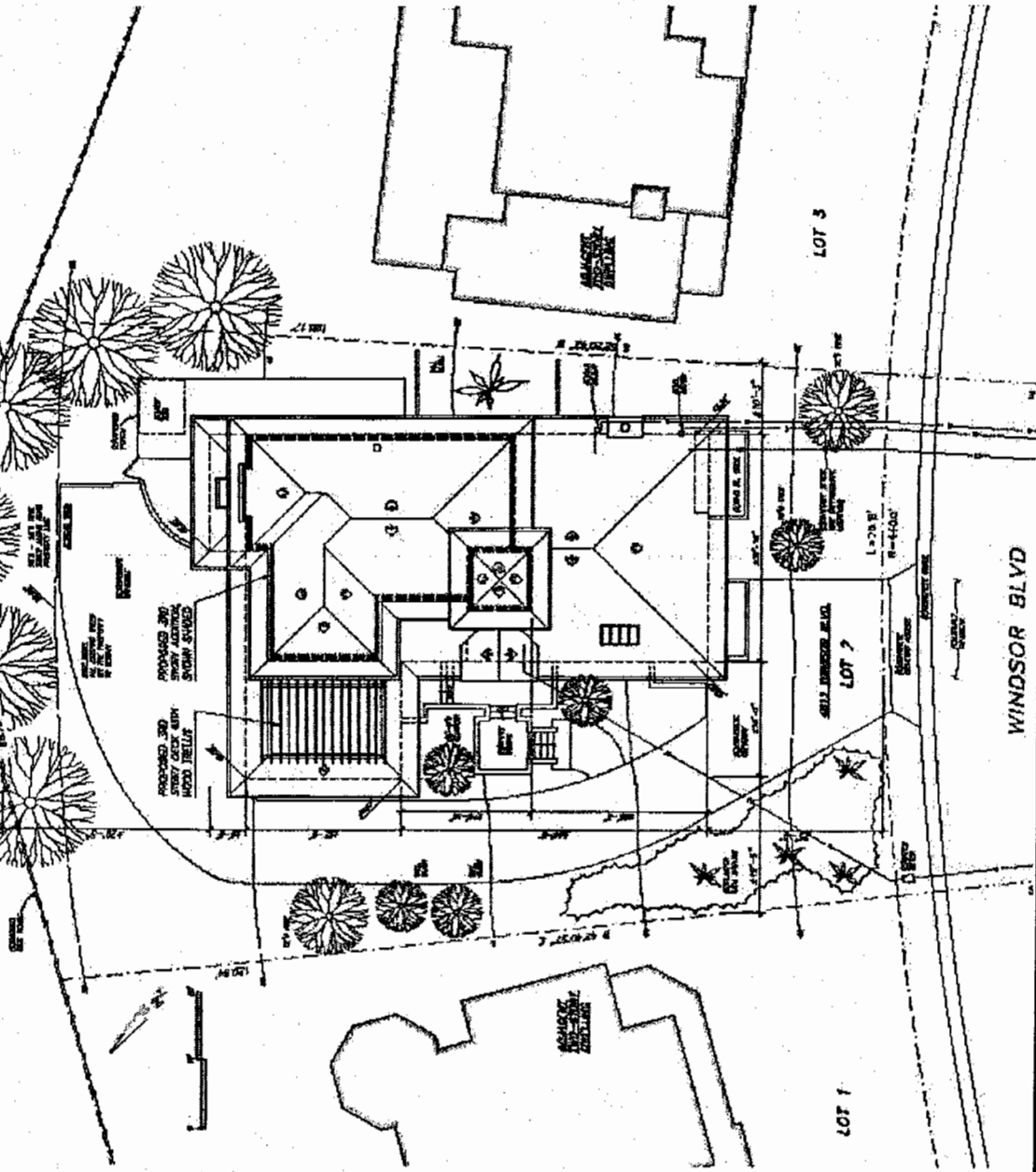
Minor Use Permit/Coastal Development Permit  
Beeger DRC2008-00067



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

Open Ranch Land

Open Ranch Land



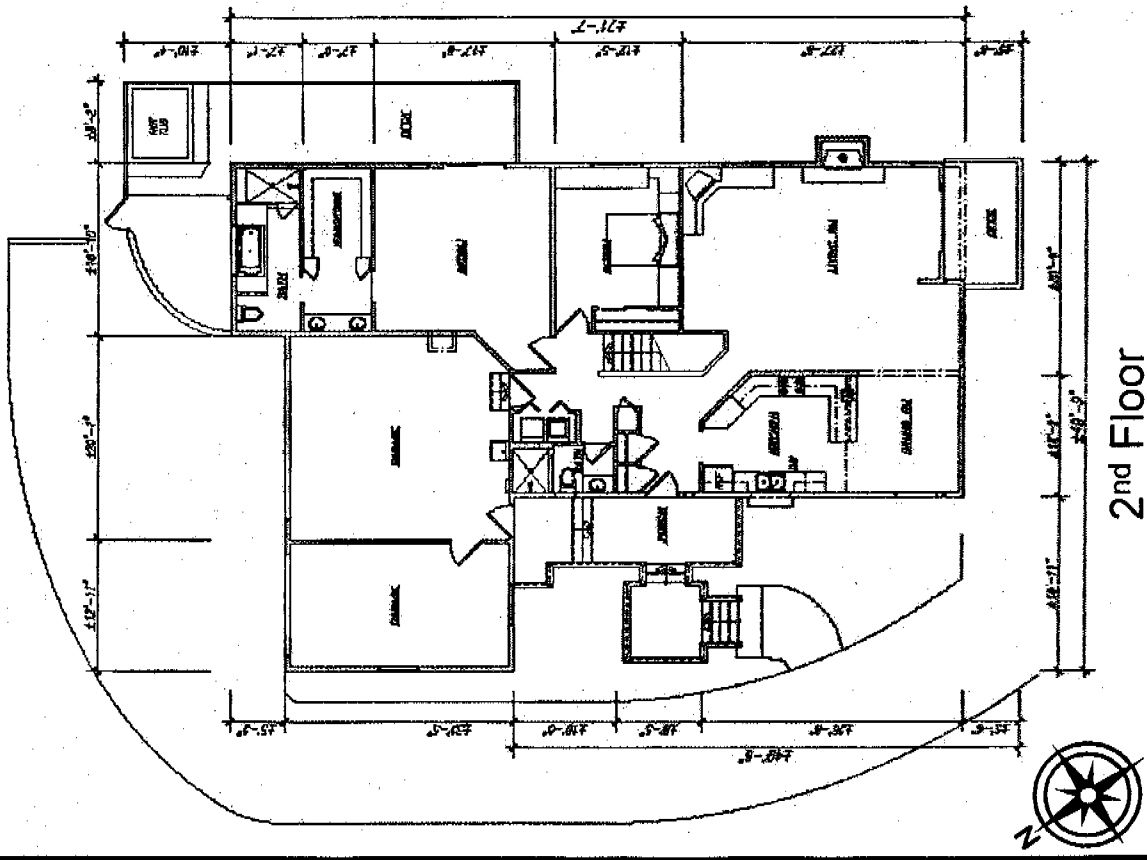
PROJECT

Minor Use Permit/Coastal Development Permit  
Beeger DRC2008-00067

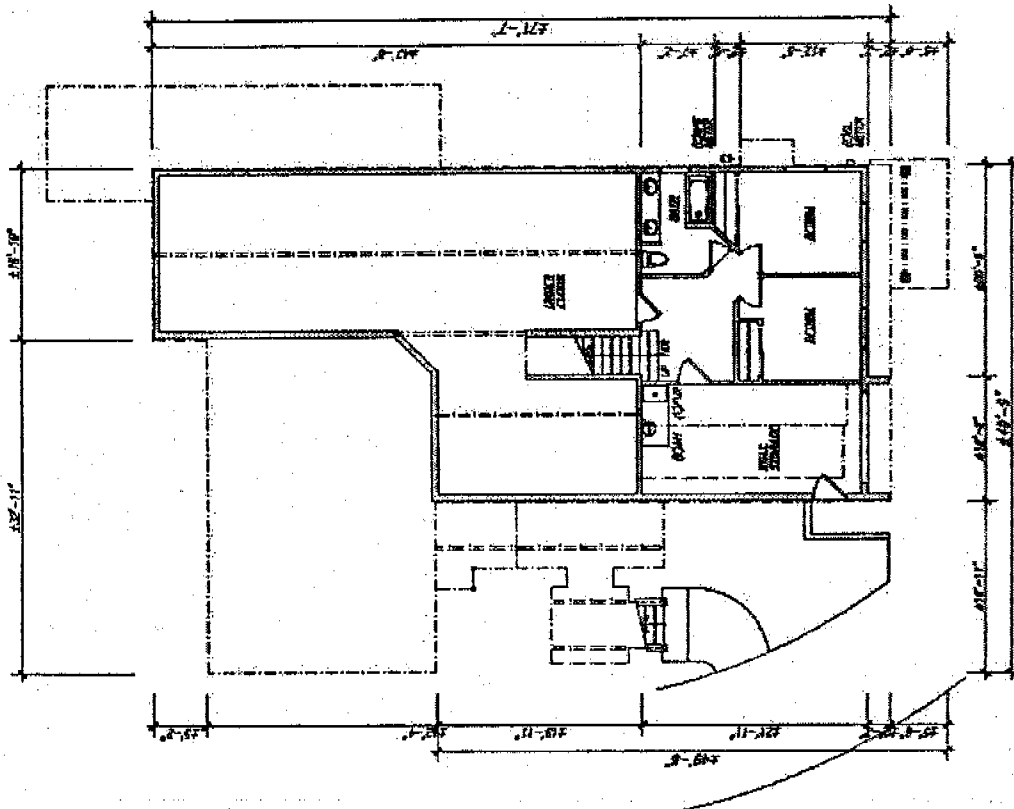
EXHIBIT

Site Plan





2nd Floor



1st Floor

PROJECT

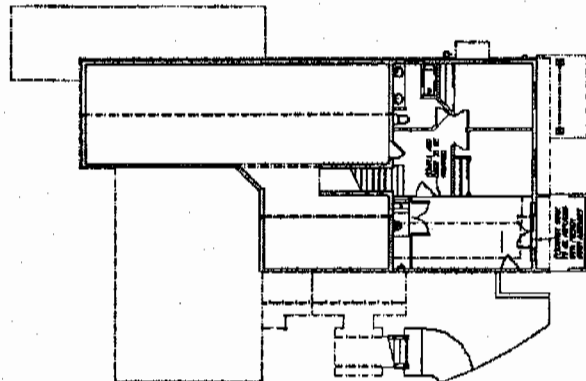
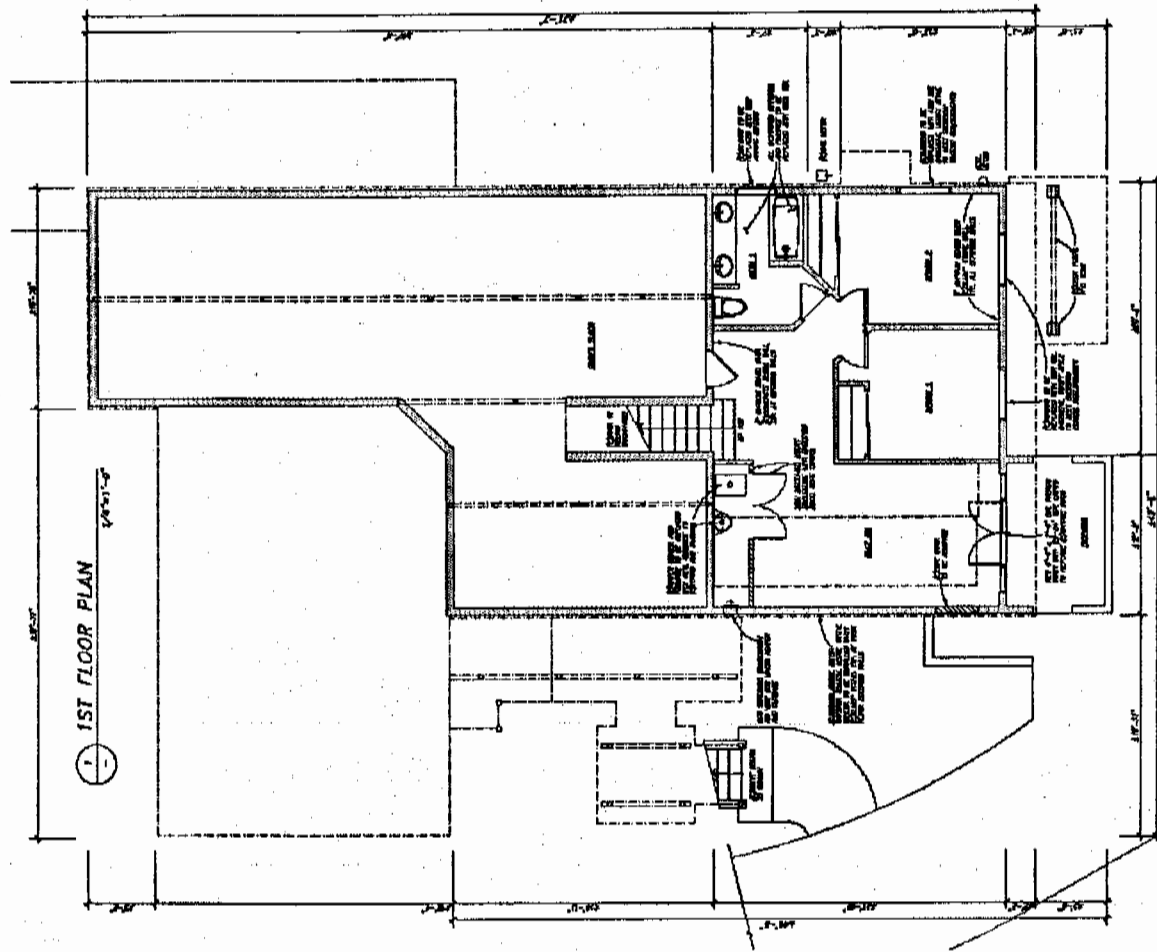
Minor Use Permit/Coastal Development Permit  
Beeger DRC2008-00067

EXHIBIT

Existing 1st and 2nd Floor Plans



1 1ST FLOOR PLAN



2 1ST FLOOR DEMOLITION



EXHIBIT

Proposed 1st Floor Plan



PROJECT

Minor Use Permit/Coastal Development Permit  
Beeger DRC2008-00067

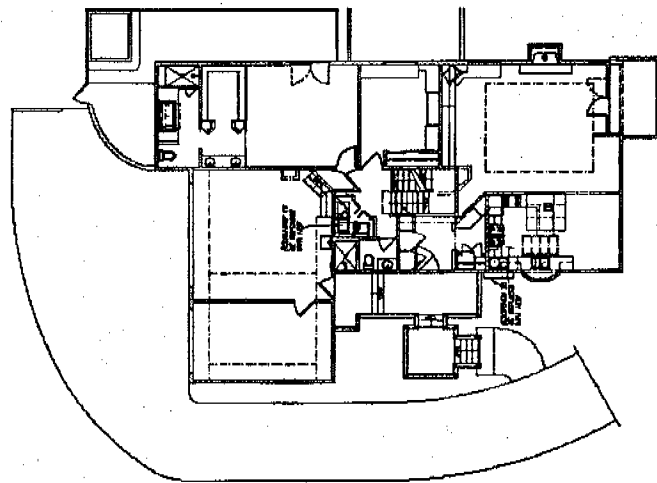
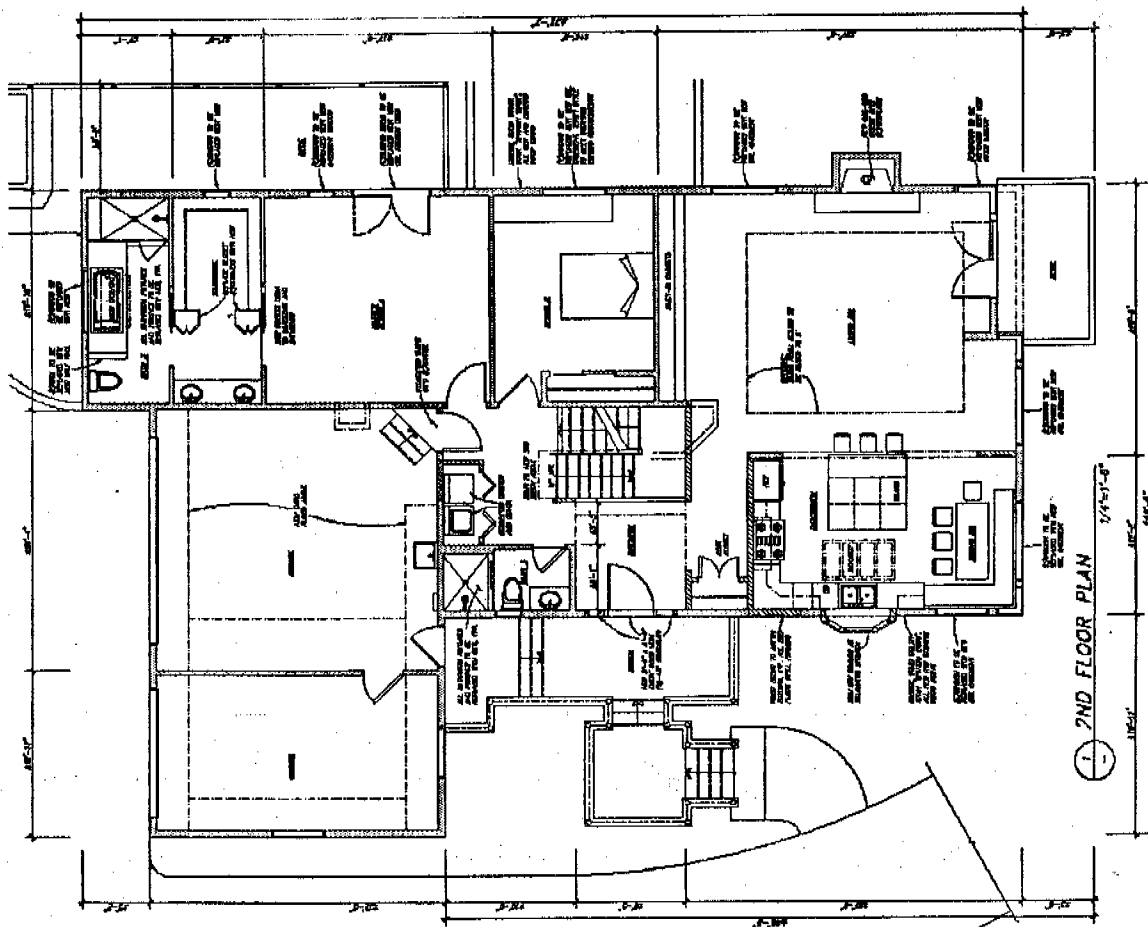


EXHIBIT  
Proposed 2nd Floor Plan

PROJECT  
Minor Use Permit/Coastal Development Permit  
Beeger DRC2008-00067

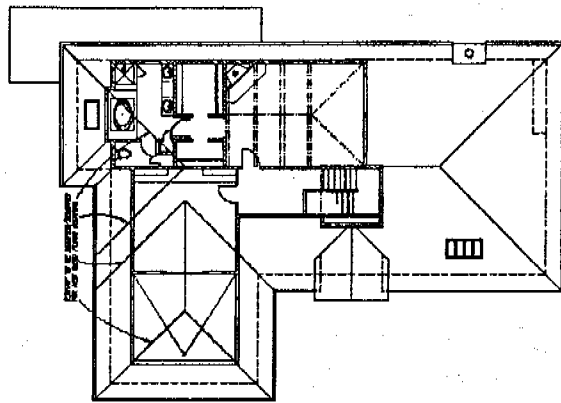
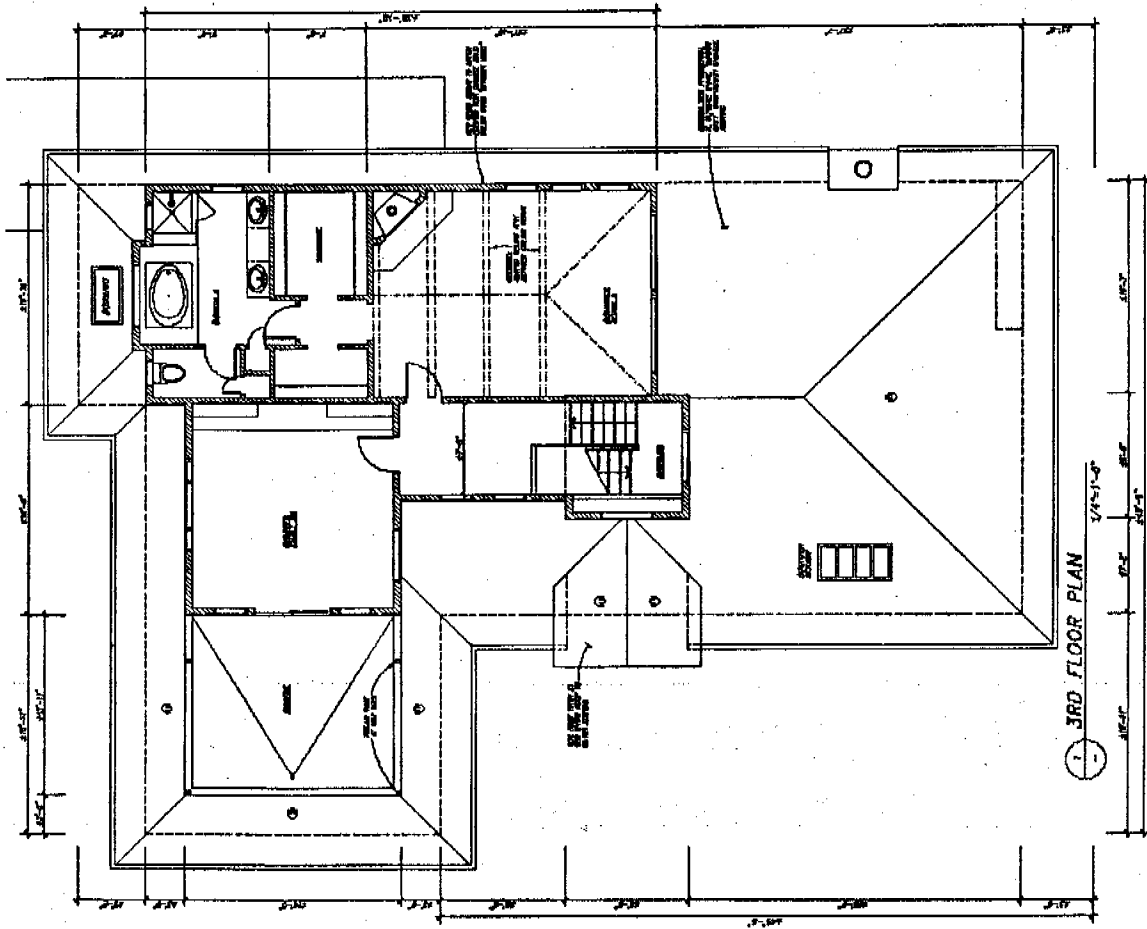
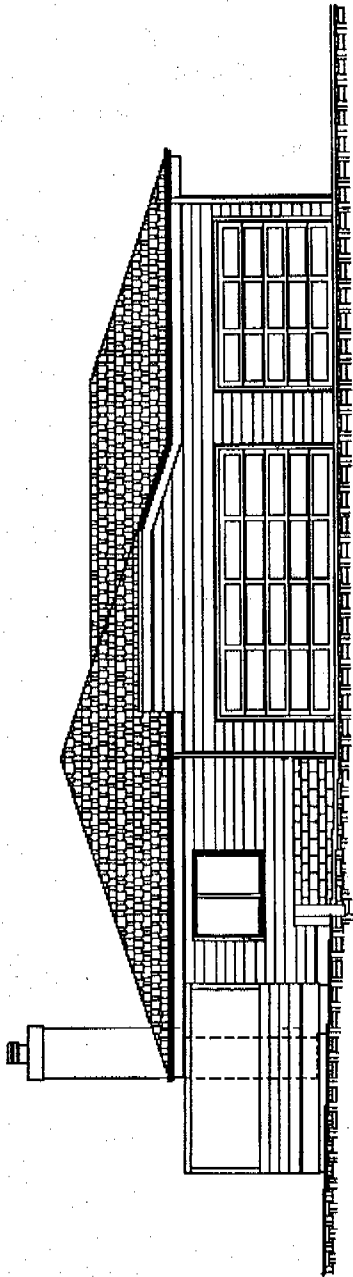


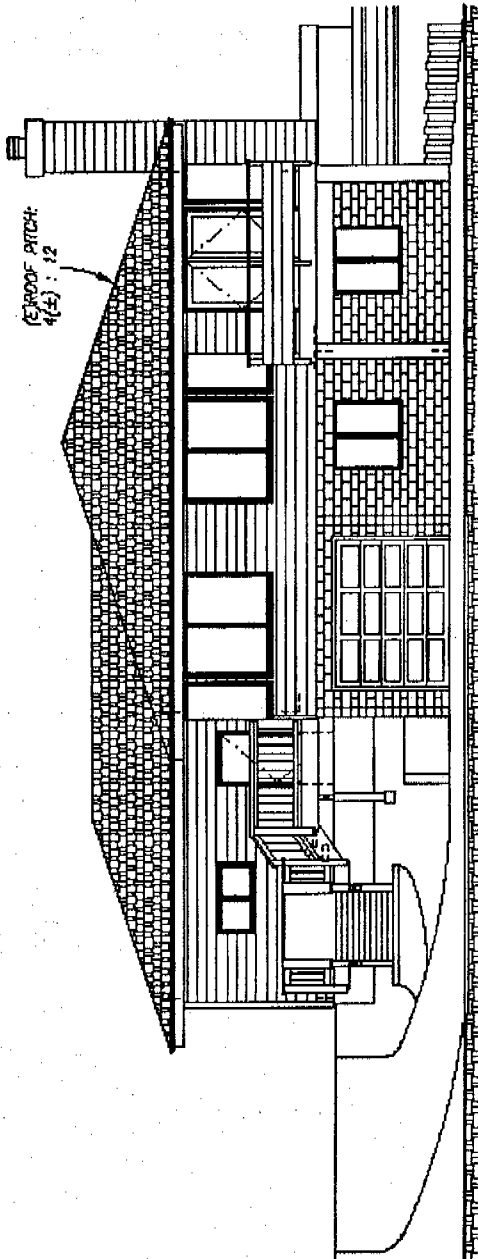
EXHIBIT Proposed 3rd Floor Plan



PROJECT Minor Use Permit/Coastal Development Permit  
Beeger DRC2008-00067



East Elevation



West Elevation (Windsor)

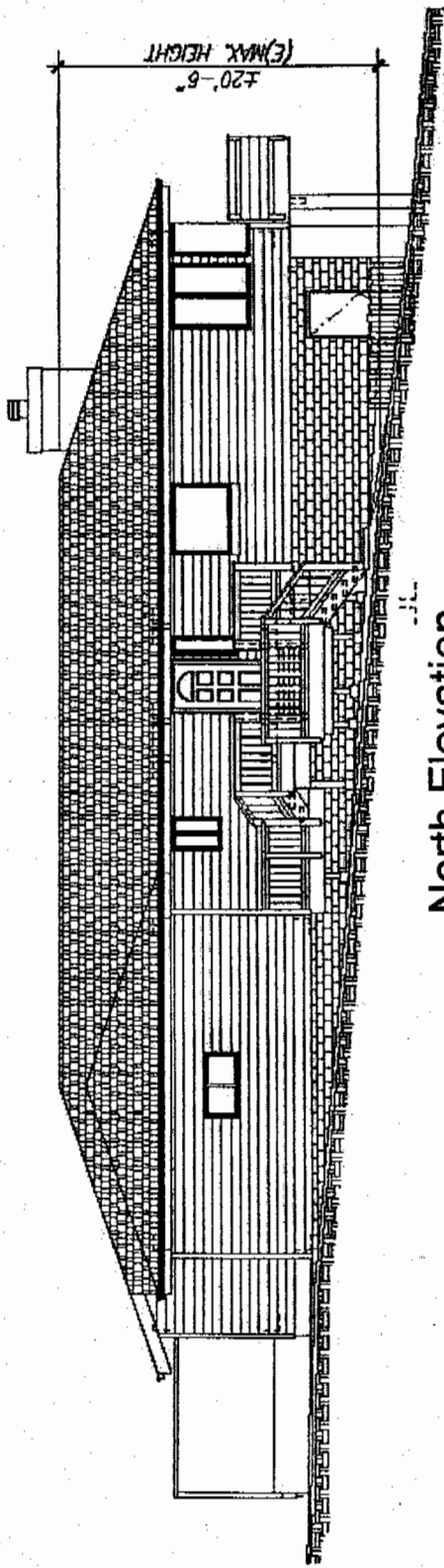
EXHIBIT

Existing Elevations (East & West)

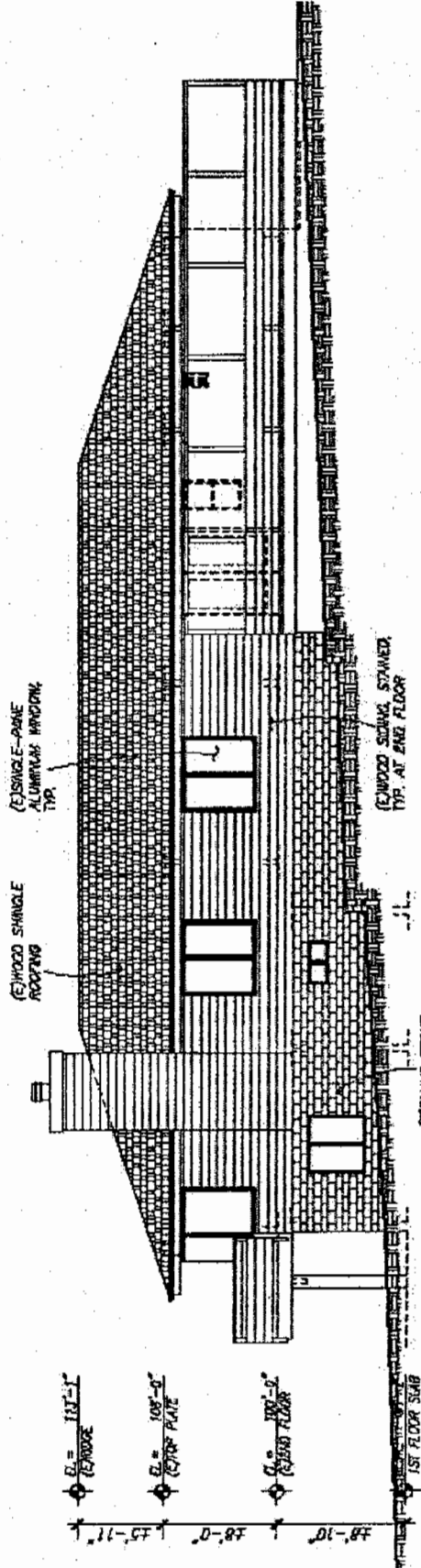


PROJECT

Minor Use Permit/Coastal Development Permit  
Beeger DRC2008-00067



North Elevation



South Elevation

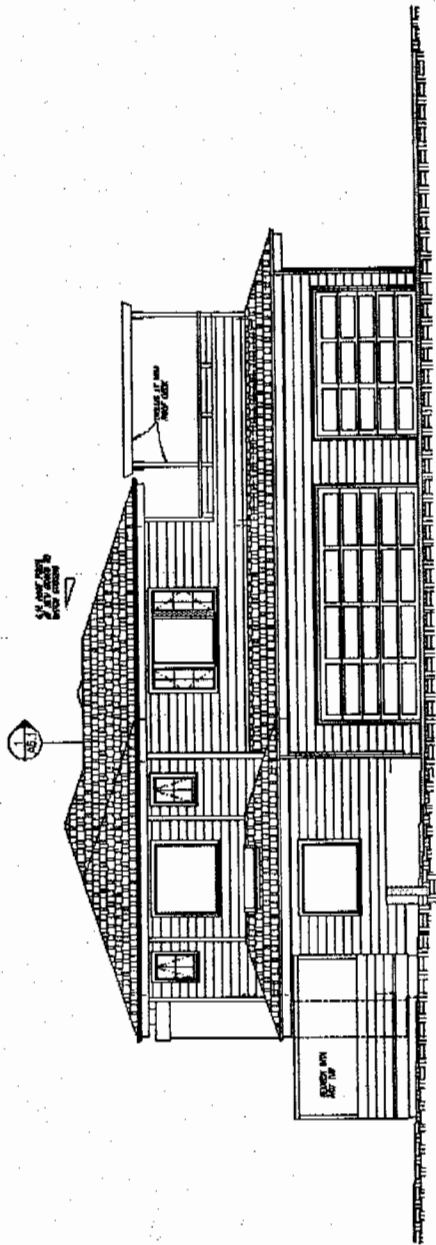
EXHIBIT

Existing Elevations (North & South)

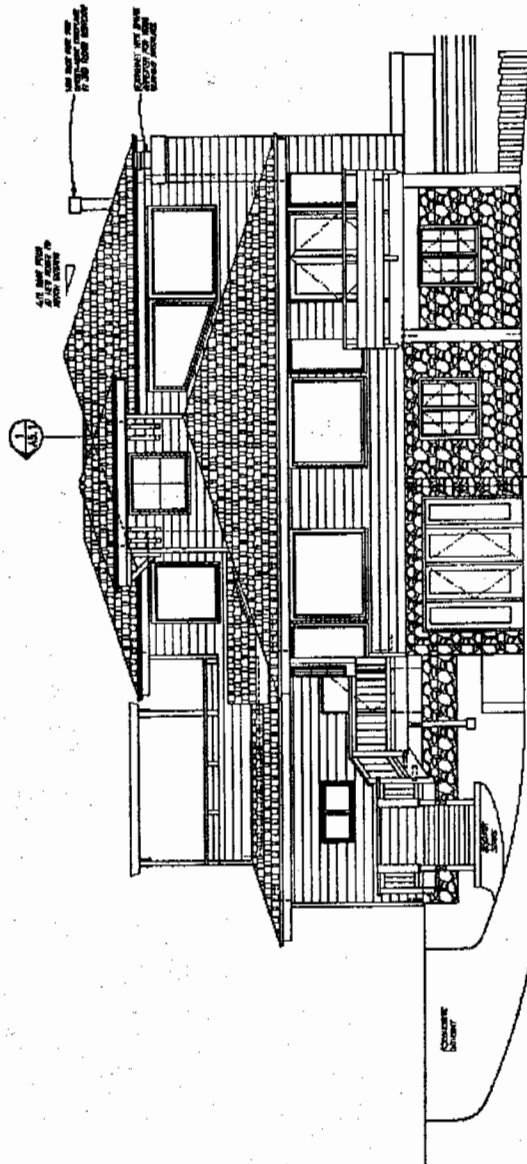


PROJECT

Minor Use Permit/Coastal Development Permit  
Beeger DRC2008-00067



East Elevation



West Elevation (Windsor)

EXHIBIT

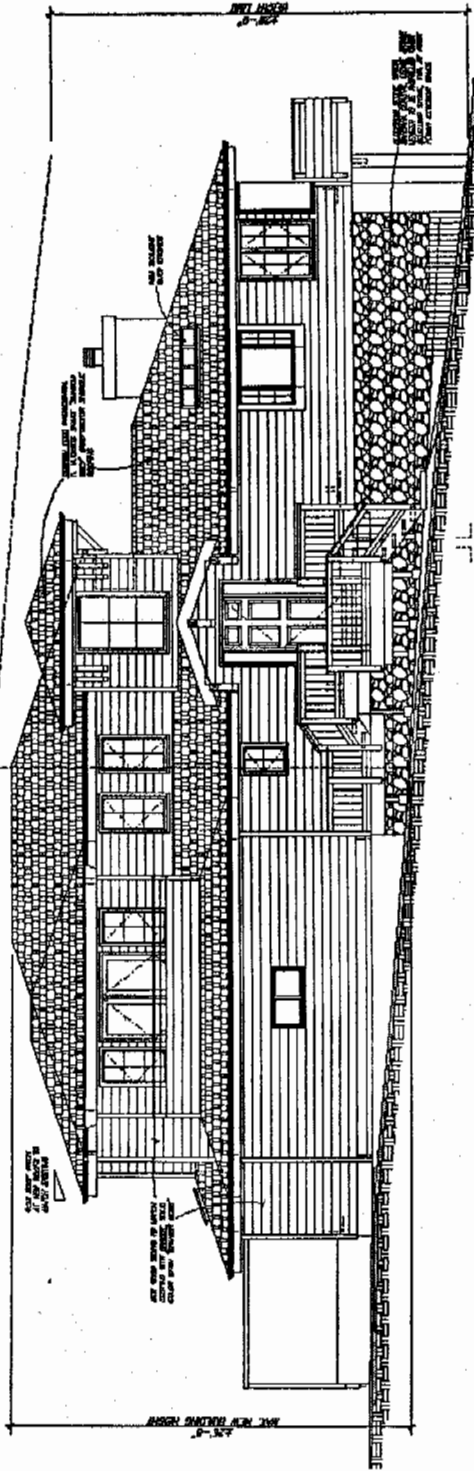
Proposed Elevations (East & West)



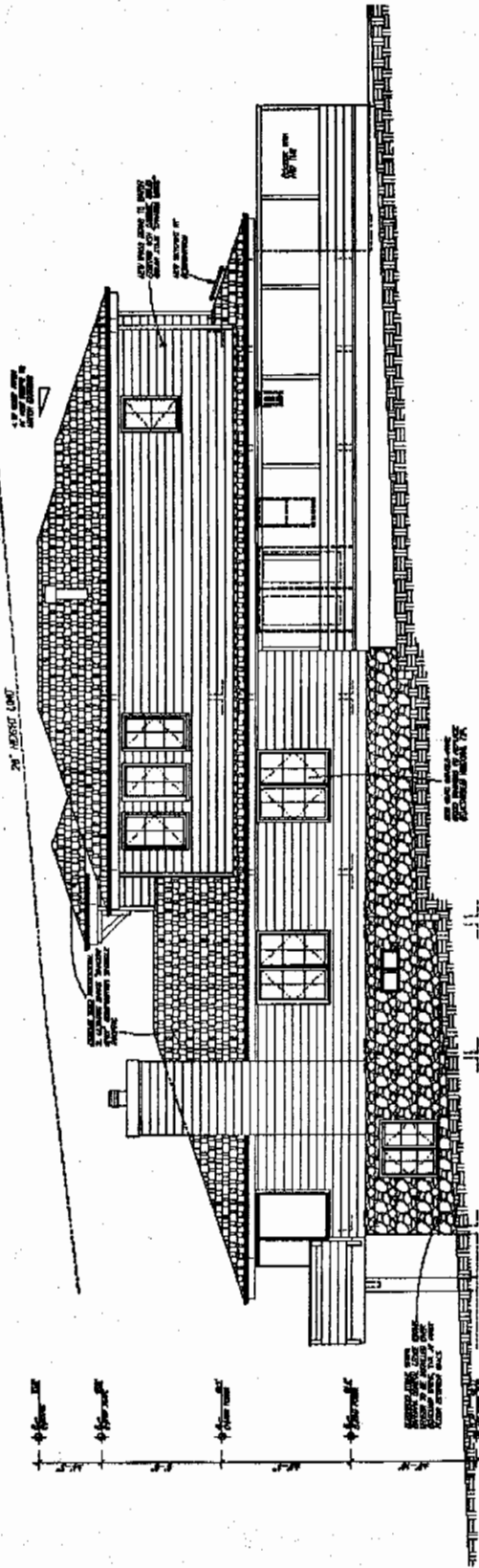
PROJECT

Minor Use Permit/Coastal Development Permit  
Beeger DRC2008-00067





North Elevation



South Elevation

PROJECT

Minor Use Permit/Coastal Development Permit  
Beeger DRC2008-00067

EXHIBIT

Proposed Elevations (North & South)







EXHIBIT

Aerial Photograph



PROJECT

Minor Use Permit/Coastal Development Permit  
 Beeger DRC2008-00067

RECEIVED

ARNOLD SCHWARZENEGGER, Governor

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

JUL 27 2009

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060-4508  
VOICE (831) 427-4888 FAX (831) 427-4877

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Drs. Ann and Walter Picker Barbara Seely  
Mailing Address: 4800 Windsor Blvd. 4774 Windsor Blvd.  
City: Cambria Zip Code: 93428 Phone: 805-927-1387 or 0564

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County Board of Supervisors

2. Brief description of development being appealed:

Cynthia Beeger has requested a Minor Use Permit/Coastal Development Permit to allow a 1,450 sq. ft. third story to be put on top of an existing 3,350 sq. ft. single family residence in Cambria. This house has never been the owner's residence and, instead, has been operated under a business license as a fully active vacation rental for transients.

Despite the owner's claim that the addition is for her personal use, it should be noted that, when questioned by the SLO Supervisors, the owner has admitted that she has no intention of moving to Cambria during the next ten years.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

This vacation rental is located at 4812 Windsor Blvd. in Seacliff Estates [part of the Park Hill neighborhood]. Seacliff Estates is a small community of fifty homes located on a single street [Windsor Blvd.] that is directly adjacent/parallel to the ocean. The Assessors Parcel Number is 013-324-002. Its designation includes "Local Coastal Plan" and "Coastal Appealable Zone."

Our home is at 4800 Windsor Blvd. and is immediately adjacent to this vacation rental.

Of the four homes that are closest to the vacation rental at 4812 Windsor, only 4774 Windsor and 4800 Windsor are occupied by full-time Cambria residents. The other two homes [4824 Windsor and 303 Wallbridge] have absentee owners who are seldom present. Across the street, the owner of 4799 Windsor supports our statements regarding the impact of inappropriate behavior by transient occupants at 4812 Windsor.

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- 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.

CCC Exhibit 2  
(page 1 of 26 pages)

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

726 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060-4508

VOICE (831) 427-4883 FAX (831) 427-1077



<u>TO BE COMPLETED BY COMMISSION:</u>	
APPEAL NO	<u>A-3-540-09-035</u>
DATE FILED	<u>July 27, 2009</u>
DISTRICT	<u>Central Coast</u>

**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: June 9, 2009

7. Local government's file number (if any): DCR2008-00067

**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:

Cynthia Beeeger  
1543 Laurel Place  
Menlo Park, CA 94025

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) Testified:

Walter Picker  
4800 Windsor Blvd.  
Cambria, CA 93428

Ann Picker  
4800 Windsor Blvd.  
Cambria, CA 93428

Barbara Seely  
4774 Windsor Blvd.  
Cambria, CA 93428

(2) For a listing of names and addresses of 57 "other interested parties" see Attachment 1 - "OTHER INTERESTED PERSONS LIST"

(3)

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

### SECTION IV. Reasons Supporting This Appeal

#### PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

#### Section IV: Reasons Supporting This Appeal

The following [see 1-4 below] are our reasons for stating that the proposed development is not consistent with the Local Coastal Program.

1.0. The proposed development is not consistent with the established scale and use of the surrounding neighborhood.

As described below, adding a large third story to this existing large house should be considered particularly excessive since it involves the major expansion of a business-licensed building in an ocean-front single family residential area.

It should be noted that, in addition to the proposed third story, this expansion also involves the conversion of a garage to first floor living quarters and an outside deck on the third level.

We are dealing here with issues of [1] LCP noncompliance and, if the minor use permit is approved, [2] the creation of two substantially harmful precedents whose effect reaches well beyond this single vacation rental.

1.1. Within the San Luis Obispo County LCP, the Coastal Zone Framework for Planning [page 6-16 Item g.] defines the "Character" of a "Residential Single Family Area" as an "Area where residential structures generally should not exceed two stories in height".

Both [1] the usual 28 foot height limit requirement and [2] the two story limit in single family residence areas [referenced above] should apply to this requested permit. However, in the case of this permit requesting the construction of a third story, the County has disregarded the LCP regarding its intent to have a two story limit in Residential Single Family Areas.

1.2. It should be noted that approval of this permit to construct a third story would open the door and would create a substantially harmful precedent that will be cited to facilitate future large scale expansions of other vacation rentals in ocean-front areas.

1.3. Within the LCP, the North Coast Area Plan [in Section 8.D.2. on page 1-5] deals with "Residential Design in Cambria" and, specifically, "Building Height and Floor Area." Item 2 states "The height and size of a house should be reflective of its site and the character of the community." The reference to "Size" in this context clearly refers to "Floor Area."

The issue here is the scale of "Floor Area" of this vacation rental relative to nearby homes in the community. Within the LCP [as described in Section 6.c. "Residential Land Uses"], the "CZ Framework for Planning" states that the quality of residential areas is accomplished by "preserving desirable neighborhood characteristics such as ... sense of scale." [page 1-4].

If approved, the floor area of this vacation rental would become 4,800 sq. ft. For comparative purposes, this is sixty [60] percent larger than the floor area of the nearest neighboring residence [3,000 sq. ft.]. This obviously is excessive in sense of scale and not reflective of neighboring character.

1.4. Within the LCP, [as described in Section 8.B. on page 1-5], the North Coast Area Plan deals with "Residential Design in Cambria" and states "Keep the physical scale of proposed buildings and site design consistent with the site constraints and resources."

If approved, the resulting vacation rental would become the only residence in Cambria, on all roads directly adjacent to the oceanfront, to have three full floors of living quarters. This is excessive in scale and is unprecedented.

1.5. In addition to the precedent mentioned in 1.2. above [regarding expected future expansion of other vacation rentals], if a permit to construct a third story is approved, a second substantially harmful precedent would be established that will be cited to facilitate future large scale expansions of existing private residences in ocean-front areas.

1.6. Overall, our view is that [1] noncompliance with the LCP is not justifiable for this particular vacation rental and [2] the creation of two substantially harmful precedents for the major expansion of existing dwellings in oceanfront areas should not be acceptable to members of the Coastal Commission.

2.0. The proposed development is out of character with the surrounding single family neighborhood. This involves issues of [1] reasonable expectation of privacy and [2] character of the neighborhood.

The character of this small oceanfront community [Seacliff Estates within the Park Hill neighborhood of Cambria] is - - the homes are expensive; the neighborhood is characteristically quiet 24/7, and the neighbors are private and seclusive.

2.1. San Luis Obispo County has provided the Coastal Commission with documentation regarding Coastal Development Permit DCR2008-00067 - Exhibit A Findings.

In an effort to justify approval of the minor use permit, County Exhibit A. Item E. states as follows: "The proposed project or use will not be inconsistent with the character of the neighborhood or contrary to its orderly development because the construction of the third story on an existing two story single family residence is similar to, and will not conflict with, the surrounding lands and uses."



The County's reliance solely on "similar construction" as their justification for approving the applicant's request for a minor use permit has disregarded consideration of the "use" of the building.

When dealing jointly with the topics of [1] "use" and [2] "consistency with the character of the community", reliance on similar style of construction becomes irrelevant.

The real issue here is "use." Specifically, the probability of undesirable impact on neighbors and on the character of the community as a result of continued improper use by transients and inappropriate operation by management.

Actually, the use of the building at 4812 Windsor already has been shown to be inconsistent with the character of the neighborhood. There is a documented history of intrusive impact on the privacy of adjacent neighbors and the character of the community. This is amply demonstrated by the SLO County Supervisors Board decision on June 9, 2009 to institute a number of Special Conditions on this project to at least partially mitigate this intrusive impact.

2.2. This particular vacation rental has a long history of problems resulting from [1] its use by occupants and [2] its operation by ownership. These frequently intrusive problems clearly have resulted in serious loss of privacy by adjacent neighbors and damage to the character of the neighborhood [see 3.0. below and Attachment 3 for details].

During the June 9th Supervisor's hearing in San Luis Obispo, we provided evidence of these continuing problems with this vacation rental and the impact of those problems on the privacy of adjacent neighbors.

As a direct result of our June 9th presentation, at that meeting the County Supervisors inserted a number of Special Conditions into their conditional approval of the minor use permit. The purpose of these Special Conditions was to mitigate some of the negative impacts caused by this vacation rental. [For more details see Attachment 2 - SPECIAL CONDITIONS]

2.3. However, these Special Conditions, while welcome, fail to fully remedy [1] the recurring problems of inappropriate behavior during use by ever-changing transients and [2] the owner's continued inability [or unwillingness] during operation of the facility to effectively correct recurring problems.

Since the Special Conditions only partially corrected the recurring problems, we will continue to experience impacts to our privacy and damage to the character of our neighborhood. The nature of these remaining problems continue to involve [1] noise, odor, and traffic problems generated by the transient occupants and [2] the already demonstrated inadequacy of the individuals responsible for operation of the vacation rental.

2.4. Noise from the transient occupants of this vacation rental represents a particularly difficult and frequently recurring problem for adjacent neighbors. Within the LCP, Section 23.06.040 "Noise Standards" of the "Operational Standards" on page 6-2 of the CZLUO states that "These standards are intended to protect persons from excessive noise levels... because they can interfere with sleep, communication, relaxation, and the full enjoyment of one's property."

Within the LCP, Section 23.08.165 "Residential Vacation Rentals" Section j. of the CZLUO refers to these operational standards. Unfortunately, these existing standards fail to deal with the typical noise problems from vacation rentals. By far, most of these noise problems come from [1] loud talking and shouting of transient occupants on outside decks and in hot tubs and [2] the noises generated by their numerous automobiles and motorcycles. Such noises are seriously invasive of the privacy of neighbors and are the major sources of complaints about vacation rentals. However, despite the general comments about protecting persons from excessive noise levels, these types of noise are not covered in Section 23.06.040 et seq.

2.5. If approved, expansion of this vacation rental will increase the overall capacity of the building. Consequently, the result will be an increase in the number of occupants [the current limit of transients – plus members of the owner's family].

With that expansion and the resulting increase in occupants, the already substantial impact of this vacation rental on the privacy of the neighbors and the character of the neighborhood can only worsen.

3.0. Because the site is operated as a vacation rental, it is incumbent on the County to allow development that clearly minimizes noise, odors, and traffic. It also is incumbent on the County to ensure that vacation rentals are operated in the public interest.

This brings up issues of correction and enforcement.

3.1. As one of the County Supervisors emphasized during the June 9th hearing of our appeal: "This is a problem of enforcement." He was referring to [1] the lack of effective enforcement by the County and [2] the lack of consequences for inappropriate operation and management of vacation rentals throughout the county.

In this connection, it is important to realize that despite all the complaints about the use and operation of vacation rentals, San Luis Obispo County has never revoked a single vacation rental license.

The problems presented by this particular vacation rental are representative of a larger situation with which the San Luis Obispo County Supervisors are fully aware. Their awareness of inadequacies in oversight and enforcement is clearly evidenced by the current hearings conducted by the Supervisors in an effort to at least partially correct the County's deficiencies in dealing with detrimental transient occupant behavior and inappropriate management by owners and their agents.

3.2. Regarding correction and enforcement, it should be noted that until about 2006, we made a number of phone calls to the owner's local agent requesting correction of the frequent problems that impacted our privacy. These calls were ignored and no corrections resulted.

Our frequent requests for corrective action resulted in the owner and local agent disingenuously accusing us of harassment – and, in fact, they even indicated that we should cease requesting corrections. It is important to note that their accusing us of harassment unwittingly confirms our statement that many intrusive incidents actually have occurred.

3.3. In addition to the many phone calls made to the local agent until about 2006, a number of letters documenting examples of the more intrusive problems that impacted our privacy were sent to the agent and the owner.

As evidence of typical problems generated on a frequently recurring basis by this vacation rental, copies of some of those letters are attached to this appeal. [see Attachment 3: "LETTERS TO OWNER AND OWNER'S AGENT"].

We received no responses to any of these letters.

3.4. In the absence of any response or corrective action by the owner's agent, since 2006 we have given up on contacting the agent as a waste of time. Instead of phone calls and letters to the unresponsive individuals responsible for this vacation rental, we have resorted to requesting help directly from the Sheriff.

This decision to seek assistance directly from the police is in accordance with the LCP [Ref. CZLUO 23.08.165 Section k.2.] which states that "if the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office."

3.5. Approval by the Coastal Commission of this proposed development would, in effect, be rewarding the applicant despite a well-documented history of substantially unacceptable past performance that has resulted in a serious neighborhood nuisance that continues to remain uncorrected.

3.6. Approval of this permit would create a substantially harmful precedent that can be cited in any situation having a dispute involving the inappropriate use and operation of any vacation rental. The precedent would support a claim by a vacation rental whose actual unsatisfactory use and operation performance is purported to be no worse than the unsatisfactory performance issues documented in this appeal. Furthermore, the documented unsatisfactory performance on record from this appeal would be characterized as having been judged to be acceptable by competent authority at both the state and county levels. This precedent sets an exceedingly low standard for vacation rental performance.

4.0. We consider that our assertions about the issues addressed in sections 1-3 [above] are valid. The Coastal Commission now needs to make a summary judgment of these issues to determine the degree to which they are substantial.

As background, we emphasize that this specific vacation rental has a long documented history of [1] recurrent inappropriate behavior during use by transient occupants and [2] irresponsible operation by ownership.

And yet, instead of receiving correction via official enforcement, the owner seeks to be rewarded by permission to greatly expand the facility.

This specific vacation rental is a poster child for an undesirable business operation in a single family residential neighborhood.

However, in this appeal against the proposed expansion of a single vacation rental, please recognize that we are presenting the Coastal Commission with a test case that has implications that extend far beyond this particularly egregious example.

The following summarizes the issues that justify this appeal as substantial:

- 4.1. The proposed expansion construction violates the intent of the LCP regarding issues of [1] two story limit and [2] size that is clearly out of scale with the neighbors. Both of these are substantial issues.
- 4.2. In considering our appeal, it is critical to pay attention to "use and operation" issues. Such issues typically involve intrusive impact on privacy of neighbors and damage to character of the neighborhood. These are judgement issues that are not easy for administrators to deal with.

However, these are substantial issues and must be considered because of the following:

- 4.2.1. Problems resulting from "use and operation" are considered to constitute most of the vacation rental complaints heard from permanent residents throughout the state.
- 4.2.2. Typical "use" problems consist primarily of intrusive things you can see, hear, and smell [excessive noise, toxic odors (e.g. smoke), and overflow parking] and are caused by transients.
- 4.2.3. Typical "operation" problems consist primarily of the failure of owners to [1] respond to complaints and [2] eliminate continually recurring problems.
- 4.2.4. In this appeal, all of these types of "use and operation" problems have been demonstrated to consistently reoccur in this specific vacation rental.

4.3. That the SLO County Supervisors have considered our appeal to be substantial is evidenced by the fact that, following our presentation, they took the exceptional action of imposing four "Special Conditions" on this permit – all of these dealt with mitigating "use and operation" problems [involving occupancy limits, noise, and toxic odor issues].

4.4. In dealing with the question of the degree to which this appeal raises substantial issues, special attention must be paid to concerns that extend well beyond this single vacation rental. This appeal poses a test case for the Coastal Commission to consider in a broader-than-local context.

This broader-than-local comment refers to three substantially harmful precedents that would be established as a direct result of denying our appeal. These precedents are considered harmful since they could be widely cited in the future [1] by other permit applicants and [2] in cases involving disputes over the inappropriate use and operation of vacation rentals.

4.4.1. Approval of this permit would create a substantially harmful precedent that can be cited to support future requests for large scale expansions of other existing vacation rentals in state-wide ocean zone areas.

4.4.2. Approval of this permit would create a substantially harmful precedent that can be cited to support future requests for large scale expansions of existing private residences in state-wide ocean zone areas.



**Attachment 2. - SPECIAL CONDITIONS:**

During our appeal to the San Luis Obispo Board of Supervisors on June 9, 2009, immediately following our presentation the Supervisors unanimously approved the addition of a number of special conditions to be applied to the owner's request for permit approval.

The SLO document conditioning "Minor Use Permit/Coastal Development Permit DRC2008/00067 / Beege" subsequently recorded these decisions of the Board of Supervisors as the following additions:

**Under Exhibit B - Conditions of Approval**

3.a. Relocate the hot tub to a location that minimizes noise and aesthetic impacts to adjacent residences.

3.b. Remove the deck on the south-east side of the house.

23. As long as the house is used as a vacation rental, the contract with any vacation renters shall include:

23.a. Occupancy shall be limited to eight (8) persons

23.b. No smoking is allowed anywhere on the property, either indoors or outdoors.

The above information relates to Section II.4 of the California Coastal Commission form "Appeal From Coastal Permit Decision of Local Government" which identifies the decision being appealed as "Approval with Special Conditions."

In our appeal to the Coastal Commission [same form], we have referred to these special conditions in Sections IV.2.1, IV.2.2 and IV.4.2

**RECEIVED**

JUL 27 2009

**Attachment 3. - LETTERS TO OWNER AND OWNER'S AGENT**CALIFORNIA  
COASTAL COMMISSION

This attachment contains some examples of letters sent to the owner's local agent and, in one instance to the owner, up to about 2006. The letters provide evidence of the types of incidents that substantially impact our privacy and the character of the neighborhood.

Copies of these letters also were given to Bruce Gibson [SLO County Supervisor - District 2]. During the June 9, 2009 Supervisors Board Meeting, he requested the County Clerk to enter them into the records of the hearing of our Appeal.

These letters were in addition to many telephone calls to the local agent during that period - all of which dealt with requests to eliminate recurring problems that were [and continue to be] clearly invasive of our privacy.

There were no responses to any of these communications other than one letter from the agent stating that all such incidents were "normal."

Additionally, in that letter, the agent [and, subsequently, the owner] characterized our requests for correction of problems as "harassment." The agent indicated that we should cease contacting her with these matters.

Since about 2006, due to the failure of the individuals responsible for the operation of this vacation rental to provide any corrective action, we finally have given up on contacting them. We now are forced to deal with the continuing problems by directly contacting the police instead.

This decision to seek assistance directly from the police is in accordance with the LCP [Ref. CZLUO 23.08.165 Section k.2.] which states that "if the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office."

Currently, we continue to deal with recurring problems.

As an example, most recently we were awakened from a sound sleep by loud noises from a group of transient occupants on the vacation rental front deck that is located about five yards from our bedroom. It was 1:00 AM. This is a frequent problem.

In another serious instance, several weeks ago a resident neighbor called the local fire department to report a fire on that deck. Apparently the transient occupants were grilling, but left the grill unattended and without a lid. The neighbor reported to the fire department that the flames were reaching toward the eaves of the wooden roof.

**CCC Exhibit 2**  
**(page 13 of 26 pages)**

**FILE****WILLIAM R. RAVER**  
ATTORNEY AT LAWTelephone (805) 927-3611  
FAX (805) 927-3699  
E-mail bill@wraver.com

January 25, 2001

Donald Hackett  
Cynthia Beeger  
1543 Laurel Place  
Menlo Park, CA 94025re: 4812 Windsor Blvd., Cambria

Dear Mr. Hackett and Ms. Beeger:

This office represents Ann and Walter Picker, who are your neighbors at 4800 Windsor Blvd. in Cambria. They have asked me to write to you about a nuisance situation which has developed at the home you own adjacent to theirs on Windsor Blvd.

Since the time you began making your home available to the public as a short-term vacation rental unit, the Pickers have had many instances where their privacy and the peaceful nature of the neighborhood have been disturbed by occupants of the vacation rental unit. Such disturbances include loud parties, use of the exterior decks and the hot tub late into the evening, excessive numbers of people apparently using the unit, and blockage of the street by vehicles belonging to occupants of the vacation rental unit.

As I am sure you are aware, Seacliff Estates is a small and exclusive neighborhood in Cambria which is prized by the residents there for its privacy, seclusion and the ability to quietly enjoy the beautiful ocean front setting. The Declaration of Conditions, Restrictions and Reservations for Seacliff Estates expressly restricts use of the properties there to single family residential only. I am sure that you were attracted to, and considered these qualities essential when you purchased the home at 4812 Windsor Blvd.

During the past year, the Pickers have attempted to communicate with your property manager when bothersome situations exist at your property. Numerous telephone calls to Janet Huff have not have the courtesy of a response; letters have been written detailing problems which have occurred without any acknowledgment or response from the property manager. Copies of some of these letters are enclosed so that you may be fully informed of the seriousness of the situation.

The Pickers pride themselves on being good neighbors, and we trust that you do, as well. I am sorry to have to contact you directly, but it is the Pickers' hope that you will be able to do what your property manager has apparently been unable to do: establish some rules and exercise some control over the use of your property as a short term rental unit so that it does not continue to create an actionable nuisance in the neighborhood.



Daniel Hackett & Cynthia Beeger  
January 25, 2001  
page 2

I would respectfully suggest that you take all of the following steps:

- ✓ Limit the occupancy of the home to no more than two persons per bedroom.
- ✓ Establish rules regarding noise, parties, and consideration of the neighbors.
- ✓ Establish time parameters for use of the exterior decks and hot tub; i.e., not later than 10:00 p.m. nor earlier than 8:30 a.m.
- ✓ Have the property manager provide each renter with a copy of the rules and regulations and post an additional copy in the home where it is easily visible.
- ✓ Request your renters to avoid blocking the street with their vehicles.
- ✓ Require your property manager to personally investigate all complaints from neighbors and to respond to such complaints by advising what action has or will be taken.
- ✓ Refuse to rent to those persons who have previously engaged in activities which resulted in a complaint to your property manager, whether that activity took place at your rental or another managed by the same company.

I believe that if you took the steps outlined above, you would be able to continue to rent your home out on an occasional short-term basis without creating a nuisance or disturbing the neighbors. As you probably know, the County of San Luis Obispo is currently reviewing the ordinance governing short-term vacation rentals in single family neighborhoods in Cayucos and Cambria. Problems such as those which have arisen at your property are being investigated and may result in the banning of such rentals altogether.

For now, we will assume that you have been simply unaware of the problem. I hope that you will take steps to resolve the problems which have occurred in the past and prevent such activity in the future. I would encourage you to contact my clients directly to discuss their concerns and work together with them to avoid the escalation which will surely occur if no action is taken and the residents of Seacliff Estates have to resort to legal action to enjoin the violation of the recorded restrictions and the resultant nuisance which has arisen.

You may reach Mr. and Mrs. Picker at (805) 927-0564.

Very truly yours,

William R. Raver

encl. (4)

cc: Ann & Walter Picker

Dr. Ann Picker  
Dr. Walter Picker  
4800 Windsor Blvd.  
Cambria, CA 93428

June 6, 2002

Dear Ms. Huff,

This is in response to your letter of May 8, 2002.

As the rental agent, you are considered by both the County and the Seacliff Estates neighbors to be responsible for the transient vacation rental house located next to our home. That responsibility includes ensuring that the house does not become a neighborhood nuisance due to its use as a rental property.

Since you have become the rental agent, we have suffered from such things as loud voices late at night, noisy parties, visiting children ringing our doorbell and running through our landscaping, trucks and cars parked in front of our residence, a truck completely blocking the right-of-way on Windsor, cursing by renters, motorcycles revving up, dogs barking on a continuous basis. etc, etc.

You have characterized all these intrusive events as "normal." Perhaps [although we doubt it] they are normal occurrences in your neighborhood. It is not true in ours.

Seacliff Estates is a quiet neighborhood restricted to single-family residents. Certainly the many problems we have suffered with the transient vacation rental next door are not "normal" problems that homeowners in our area expect to encounter with full-time owners as neighbors.

You have complained that we are harassing you by informing you about the many problems. It seems to us that, by your failure to take any corrective actions and by your claim of harassment, you simply are trying to avoid fulfilling your responsibilities.

We fully expect that you will instruct renters to behave appropriately. In addition, we certainly intend to continue to notify you of problems as they occur and we expect you to correct them. This clearly is your responsibility as the rental agent.

Finally, your letter of May 8, 2002 indicates that you have provided potential transient renters with our names in a very negative context. Transients are people about whom neither you nor we have any substantial background information. We consider this provision of our name in a negative context to such people to be a dangerous practice on your part. It is one more example of your indifference to the potential negative effects of placing unknown transient people into a single-family residential neighborhood.

Sincerely,

Ann M. Picker

Walter J. Picker

January 10, 2001

Ms Janet Huff  
Cambria Vacation Rentals  
784 Main Street  
Cambria, CA 93428

Dear Ms Huff:

The purpose of this letter is to inform you of further disturbances that have occurred recently at the transient rental property at 4812 Windsor Blvd., Cambria, CA.

During the weekend of January 6, 7, 8, 2001 a large group of young men (8 to 10) rented the residence. They parked numerous trucks, vehicles and a large moving van at the property. Several times the street was completely blocked (see enclosed photos). In addition, the group left bottles and cans in front of the house. They made a great deal of noise and, in general, disturbed the neighborhood. Although these disturbances were reported to you there has been, to date, no response.

During the weekend of December 30, 31 the renters were very noisy, particularly at night. At midnight on December 31 they were on the deck yelling and using noisemakers. We can assure you there was no other such disturbance in our quiet neighborhood.

We remind you, once again, that Seaclift is zoned as a SINGLE-FAMILY RESIDENCY area and should not be rented as a transient rental property.

Sincerely,

Ann and Walter Picker  
4800 Windsor Blvd.  
Cambria, CA

JULY 22, 2004

Janet Huff  
Cambria Vacation Rentals  
784 Main Street  
Cambria, CA 93428

Dear Ms Huff:

The purpose of this letter is to report to you yet another incidence of disturbance of the peace that occurred at the transient rental property located at 4812 Windsor Blvd. in Seaclift Estates.

On Saturday night, July 17, 2004 there was loud and on-going screaming coming from the Jacuzzi tub on the property. The sheriff had to be called in order to take care of the problem. During this week there were four cars parked at the property and, at least, 20 people on the premises.

The on-going problems that occur at this transient rental are of deep concern to homeowners. Rental of this property to transients is a violation of the Property and Deed Restrictions for Seaclift Estates. Only SINGLE FAMILY RESIDENCES are allowed.

Sincerely,

Ann and Walter Picker  
4800 Windsor Blvd.  
Cambria, CA 93428

(4)

June 5, 2000

Ms Janet Huff  
Cambria Vacation Rentals  
784 Main Street  
Cambria, CA 93428

Dear Ms Huff:

The purpose of this letter is to inform you of yet another disturbance of the peace that occurred on June 4, 2000 on the transient rental property at 4812 Windsor Blvd., Cambria, CA.

My husband and I were awakened by loud talking and shouting at 11:00 P.M on the evening of June 4. It was obvious that a party was going on in the hot tub area that is on the outside of the building, adjacent to our home.

We have informed the Sheriff's Office of this latest nuisance and the on going problems related to this rental property.

Sincerely,

Ann and Walter Picker  
4800 Windsor Blvd.  
Cambria, CA

Cc:  
Shirley Bianchi, Supervisor District #2  
Victor Holanda, County Director of Planning  
Kami Griffin, Senior Planner

May 6, 2002

Ms Janet Huff  
Cambria Vacation Rentals  
784 Main Street  
Cambria, CA 93428

Dear Ms Huff:

MAY 6 → The purpose of this letter is to inform you of further disturbances that have occurred recently at the transient rental property at 4812 Windsor Blvd., Cambria, CA.

This past weekend we were disturbed by a dog barking on the deck. On the weekend of April 13 we were disturbed by four VERY LOUD motorcycles roaring in and out of the property.

We remind you, once again, that Seaclift is zoned as a SINGLE-FAMILY RESIDENCY area and should not be rented as a transient rental property.

Sincerely,

Ann and Walter Picker  
4800 Windsor Blvd.  
Cambria, CA

March 20, 2002

Ms Janet Huff  
Cambria Vacation Rentals  
784 Main Street  
Cambria, CA 93428

Dear Ms Huff:

The purpose of this letter is to inform you of further disturbances that have occurred recently at the transient rental property at 4812 Windsor Blvd., Cambria, CA.

During the evening of March 17, 2002 there was a great deal of yelling coming from the Jacuzzi area. The noise was so loud that our son-in-law had to get dressed and go next door in order to ask the people to be quiet. Our granddaughter was sound asleep and was awakened by the loud noise.

We remind you, once again, that Seaclift is zoned as a SINGLE-FAMILY RESIDENCY area and should not be rented as a transient rental property.

Sincerely,

Ann and Walter Picker  
4800 Windsor Blvd.  
Cambria, CA



October 6, 2005

Ms Janet Huff  
Cambria Vacation Rentals  
784 Main Street  
Cambria, CA 93428

Dear Ms Huff:

The purpose of this letter is to inform you of further disturbances that have occurred recently at the transient rental property at 4812 Windsor Blvd., Cambria, CA.

This past weekend, Saturday, October 1, we were disturbed by a loud party on the front deck at 11:30 p.m. The sheriff was called.

We remind you, once again, that Seaclift is zoned as a SINGLE-FAMILY RESIDENCY area and should not be rented as a transient rental property.

Sincerely,

Ann and Walter Picker  
4800 Windsor Blvd.  
Cambria, CA

JULY 15, 2000

Janet Huff  
Cambria Vacation Rentals  
784 Main Street  
Cambria, CA 93428

Dear Ms Huff:

The purpose of this letter is to report to you yet another incident of disturbance of the peace that occurred at the transient rental property located at 4812 Windsor Blvd. in Seaclift Estates.

On Friday, July 14 at 8:15 P.M. the doorbell rang. A small child (about 5 years of age) rang the bell, than ran through and trampled the plants in our front yard. I immediately reported this to the parents, who were apologetic.

The on-going problems that occur at this transient rental are of deep concern to homeowners. Rental of this property to transients is a violation of the Property and Deed Restrictions for Seaclift Estates. Only SINGLE FAMILY RESIDENCES are allowed.

Sincerely,

Ann and Walter Picker  
4800 Windsor Blvd.  
Cambria, CA 93428

December 15, 2000

Ms Janet Huff  
Cambria Vacation Rentals  
784 Main Street  
Cambria, CA 93428

Dear Ms Huff:

The purpose of this letter is to inform you of yet another disturbance of the peace that occurred on Friday, December 8, 2000 on the transient rental property at 4812 Windsor Blvd., Cambria, CA.

My husband and I were awakened by loud talking and shouting at 11:35 P.M. on the evening of December 8. It was obvious that a party was going on in the hot tub area that is on the outside of the building, adjacent to our home.

We called the police who had to come to the residence in order to stop this nuisance.

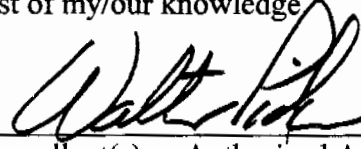
Sincerely,

Ann and Walter Picker  
4800 Windsor Blvd.  
Cambria, CA

**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: \_\_\_\_\_

7-20-09

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

**Section VI. Agent Authorization**

I/We hereby authorize \_\_\_\_\_

to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

## LCP POLICIES

### I. LCP Policies Cited in the Appeal

#### Coastal Zone Framework for Planning

##### *B. DESCRIPTION OF LAND USE CATEGORIES*

##### *RESIDENTIAL SINGLE-FAMILY*

##### *Character:*

- g. Areas where residential structures generally should not exceed two stories in height or cover more than 60% of the site.*

#### North Coast Area Plan

##### *CAMBRIA AND SAN SIMEON ACRES COMMUNITY PLAN*

##### *B. GENERAL GOALS FOR CAMBRIA AND SAN SIMEON ACRES*

##### *8. Residential Design in Cambria.*

- B. Keep the physical scale of proposed buildings and site design consistent with site constraints and resources.*

##### *D. Building Height and Floor Area*

- 1. Reflect the site context and the surrounding natural environment with building forms.*
- 2. The height and size of a house should be reflective of its site and the character of the community.*

#### Coastal Zone Land Use Ordinance (CZLUO)

##### *CZLUO Section 23.06.040 – Noise Standards*

*Sections 23.06.044-050 establish standards for acceptable exterior noise levels and describe how noise is to be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and the full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property. It is the intent of this chapter to protect persons from excessive levels of noise within or near various residential development and other specified noise-sensitive land uses.*

##### *CZLUO Section 23.08.165(j) - Noise*

*All residential vacation rentals shall comply with the standards of Section 23.04.060 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor, or vibration detrimental to occupation of adjoining dwellings.*

##### *CZLUO Section 23.08.165(k) – Local Contact Person*

*(2) If the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office. The Sheriff will attempt to reach the local contact person. In cases where the Sheriff was unable to reach the local contact person, the penalties as set forth in Subsection n shall apply.*

## II. LCP Policies

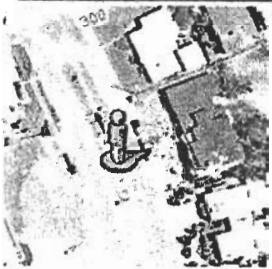
### North Coast Area Plan

#### **PLANNING AREA STANDARDS**

Lot Size: 5,250 square feet

Area: Tract 159

<b>Project Element</b>	<b>Allowable</b>	<b>Existing</b>	<b>Proposed</b>	<b>Consistency Status</b>
Height (Feet)	28'	20'-6"	26'-8"	OK
Footprint (Square Feet)	Not limited	2,624 s.f.	2,624 s.f.	OK
Gross Structural Area (Square Feet)	Not limited	3,350 s.f.	4,452 s.f.	OK
Deck (Square Feet)	Not limited	655 s.f.	883 s.f.	OK
Setbacks (Feet)				
Front	10'	25'	25'	OK
Rear	10'	29'-5"	29'-5"	OK
Sides	5' (12' combined)	19'-9"(n); 10'-3" (s); 30'(c)	19'-9" (n); 10'-3" (s)	OK



# 4978 Windsor

Other 3-Story Residences

CCC Exhibit 4  
(page 1 of 3 pages)



**4766 Windsor**

Other 3-Story Residences

**CCC Exhibit 4**  
**(page 2 of 3 pages)**





# 4620 Windsor



Other 3-Story Residences

**CCC Exhibit 4**  
**(page 3 of 3 pages)**

August 6, 2009

California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**RECEIVED**

AUG 10 2009

Attention: Jonathan Bishop

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Subject: Appeal No. A-3-SLO-09-035  
APN 013-324-002  
4812 Windsor Blvd.  
Cambria, California

Dear Mr. Bishop,

We are requesting that the California Coastal Commission review the subject appeal and deny the permit for an addition to an existing vacation rental in Cambria, California. We have read the appeal document.

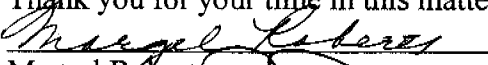
This permit to add an unusually large third story to an existing residence used solely for the purpose of renting it as a vacation rental located in a single family residential area of Cambria is out of character with the neighborhood. The 1450 square foot addition will set a precedent for future properties to add large additions impacting the quality and character of their neighborhoods wherever they are located. The owner of the residence has never lived in the property and states that she does not intend to occupy the residence during the next ten years. We are suspect that this addition will be used by the transient renters despite what the owner states.

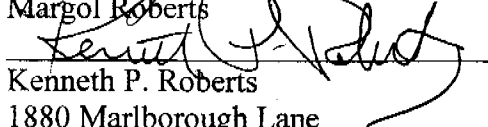
Our experience with vacation rentals in the Marine Terrace area of Cambria where we live, has had an adverse affect on our lives. We are full time residents moving here to retire to a quiet and peaceful community. We live next door to a rental and have approximately 14 others within 300 feet of our property. Our objection is a result of continued problems with rentals and no solution. We have experienced noise created by an excessive number of tenants, cars parked in front of our home, parties, trash left in plastic bags for animals to get into, lights left on during the entire visit and not adhering to the seven day tenancy code. These rentals are a public nuisance and directly affect the character of the neighborhood.

Neighborhood character was addressed in the original county ordnance code but has been left unchecked by county code enforcement. Rental agencies and owners of these rentals frequently side with the tenants when called regarding a problem.

Therefore, we the undersigned request that you deny this permit as it will definitely change the character of the residential neighborhood and set a precedent for future vacation rentals to expand at the expense of the permanent residents.

Thank you for your time in this matter.

  
Margol Roberts

  
Kenneth P. Roberts  
1880 Marlborough Lane  
Cambria, CA 93428  
805 927-0841  
kenandmargol@charter.net

**CCC Exhibit 5**  
**(page 1 of 13 pages)**

**Jonathan Bishop**

---

**From:** IGOCAMBRIA@aol.com  
**Sent:** Saturday, August 08, 2009 7:50 PM  
**To:** Jonathan Bishop  
**Subject:** Re: Appeal No. A-3-SLO-09-035

Dear Mr. Bishop, Regarding Appeal No. A-3-SLO-09-035

We would like the California Coastal Commission to reject the Beeger's request for a minor use permit. We believe it to be in noncompliance with the Local Coastal Plan and we think it will establish an undesirable precedent if this appeal is denied. We think adding a third story to this existing large house would be particularly excessive in this single family residential area.

Sincerely yours,  
Lloyd and Gayle Oksen  
220 Emmons Road  
Cambria, CA 93428

**CCC Exhibit 5**  
**(page 2 of 13 pages)**

8/10/2009

William Hughes  
434 Plymouth Street  
Cambria, CA 93428  
[wmhughes@charter.net](mailto:wmhughes@charter.net)

August 10, 2009

Jonathan Bishop  
California Coastal Commission  
725 Front Street – Suite 300  
Santa Cruz, CA 95060  
[jbishop@coastal.ca.gov](mailto:jbishop@coastal.ca.gov)

**RE: Appeal No. A-3-SLO-09-035**

Dear Mr. Bishop:

I encourage you to list the above appeal on the agenda of the California Coastal Commission. I have read the appeal and strongly support it. The proposal to add an additional floor to this existing vacation rental is extremely overboard. It will add additional people, additional vehicles, additional traffic and additional noise to the surrounding R-1 neighborhood. It is very similar to adding an addition Vacation Rental unit to the existing property.

A common premise of a vacation rental in this community is that the use of a vacation rental allows someone who otherwise could not afford a second home to be able to afford one. This premise cannot be used as this addition will be highly expensive and will add 1/3 more additional footage to the existing square footage of the property for the sole purpose of a larger Vacation Rental.

The California Coastal Commission has already determined that Vacation Rentals are deleterious to existing residential neighborhoods as stated in the San Luis Obispo Vacation Rental Ordinance for Cambria and Cayucos. Increasing the existing square footage by 33% is the same as adding another Vacation Rental within the 200 foot spacing requirement as mandated by the Ordinance.

The impact of increasing the density of this Vacation Rental will adversely affect the character of the existing R-1 neighborhood. Please put this appeal on the agenda of the California Coastal Commission.

Thank you for your consideration of this request.

Sent via e-mail

Elizabeth Bettenhausen  
345 Plymouth Street  
Cambria, California 93428  
[elizabethbettenhausen@gmail.com](mailto:elizabethbettenhausen@gmail.com)

10 August 2009

Jonathan Bishop  
California Coastal Commission  
725 Front Street – Suite 300  
Santa Cruz, CA 95060  
[jbishop@coastal.ca.gov](mailto:jbishop@coastal.ca.gov)

RE: Appeal No. A-3-SLO-09-035

Dear Mr. Bishop:

Please put the appeal listed above on the agenda of the California Coastal Commission. I have read the appeal and strongly support it. I am a full-time resident of Cambria, California. Before moving here my family stayed in vacation rental homes in Cambria. We have also rented one for an extended family gathering this December. In principle, vacation rentals serve a useful purpose for many visitors to the coast.

However, the proposed expansion of this vacation rental house is a prime case of a substantial issue on the coast. What limitations should be put on residential zoning to meet the demand for transient occupancy business licenses for property in the residential zones? Why does profit-making for a business in a residential zone carry more weight than peace and quiet for the residents of the neighborhood and more weight than official enforcement of the Local Coastal Program?

The issue entails another question. What specific obligations do residents in residentially zoned neighborhoods have to make sure the public has access to the coast? Standards for residential well-being and success of transient occupancy vacation rentals often conflict.

The decision by the Board of Supervisors of San Luis Obispo County enforces the expansion of business rights in residential zones. The proposed enlarging of the vacation rental definitely violates the LCP (see the Appeal for details). My home is within 300 feet of 14 vacation rental business licensed homes. The precedent of a third floor addition to vacation rentals in Cambria may be welcomed by contractors, management firms, second home owners, and those collecting fees and property taxes. However, the decline in the quality of life in the neighborhoods could not be mitigated.

**CCC Exhibit 5**  
**(page 4 of 13 pages)**

Visitors find the Pacific coast in Cambria a pleasure. Access to it is abundant here in town, and many local residents, including myself, volunteer to keep the beaches and parks clean. However, if residents' rights continue to be reduced by profitable business ventures in residential neighborhoods, the charm of California's coast will be speedily eroded. Please put this appeal on the agenda of the Coastal Commission.

Thank you for your attention to this appeal.

**Jonathan Bishop**

---

**From:** Martin Verhaegh [verhae@charter.net]  
**Sent:** Monday, August 10, 2009 10:43 AM  
**To:** Jonathan Bishop  
**Subject:** Appeal No. A-3-SLO-09-035

Cambria, 08-10-09

**Ref: Appeal No. A-3-SLO-09-035.**

To: Jonathan Bishop  
 California Coastal Commission  
 725 Front Street – Suite 300  
 Santa Cruz, CA 95060

Dear Sir,

We, Martin and Joan Verhaegh, are responding to you in support of the referenced appeal. We have read the appeal and are in full agreement with its objectives and conclusions.

To assure you of our competency and commitment to comment on the appeal, we are summarizing some of our past activities towards formulation of the LCP, section 23-XX, the Vacation Rental Ordinance for Cambria and Cayucos:

1996, Protest letters to the SLO County Planning Director regarding non-licensed Cambria rental activity.

1997, Filing a Grand Jury complaint to initiate the formulation of a County Vacation Rental Ordinance.

1998, following the directions of the Grand Jury to SLO County, submitted protest letters detailing the Grand Jury findings in practical terms. The protest letters were signed by more than 500 residents from Cambria and Cayucos.

1998-2003, Attending numerous County and Coastal Commission meetings, together with a multitude of Cambria and Cayucos residents. We always appreciated the courtesy of the Commission to hear and understand our pleadings. And to appreciate our goals for the Attainment and Protection of the Character and Life Quality of our Residential Neighborhoods.

From 1996 and on, we have experienced many transgressions from the presence of vacation rentals in our direct neighborhood, and we support the appeal. We also were privy to many complaints from residents asking for advice on follow-up. We attended many local County Advisory meetings to assure inclusion of alleviating residential vacation rental ordinance provisions into the applicable County directives.

We would like to draw your attention to the many vacation rental locations which were Grand-fathered into the ordinance over vehement protests of the residents. This in deviation of its written rules and the Character Protection of our residential neighborhoods. The third story addition to the existing large size residence similarly is entirely in conflict with the intent of the ordinance, and the practical aspects of meaningful enforcement.

While the special conditions for the appealed limits the residence to 8 persons, the volume and size are an obvious invitation for additional friends and acquaintances to visit, as well as stay over. A virtual nightmare to enforce. A precedence which is highly objectionable for the residents.

**CCC Exhibit 5**  
**(page 6 of 13 pages)**

8/10/2009

On behalf of the residents of Cambria and Cayucos who are living with some 450 vacation rentals, bed-and-breakfasts, and home-stays in their small residential communities, we are pleading with you. Urging for your acceptance of the appeal and denial of the conversion.

Sincerely,  
Martin and Joan Verhaegh  
551 Dorset Street, Cambria, CA 93428

**CCC Exhibit 5**  
**(page 7 of 13 pages)**

8/10/2009



## Jonathan Bishop

---

**From:** Electrostatic Applications [electro@electrostatic.com]  
**Sent:** Monday, August 10, 2009 8:43 PM  
**To:** Jonathan Bishop  
**Cc:** w7x9@charter.net  
**Subject:** Appeal No. A-3-SLO-09-035

Jonathan Bishop  
California Coastal Commission  
725 Front Street - Suite 300  
Santa Cruz, CA 95060

Dear Sir:

I am in support of Appeal No. A-3-SLO-09-035 and request you hear the appeal.

I support the appeal's reasons as I am a full time Cambrian resident who lives next door to a frequently occupied Vacation Rental home. This home is rented almost every week and I can attest to the fact that this use does not exhibit the character definition of a residential zoned neighborhood. We have excessive traffic on a narrow, hillside street that cars cannot pass each other in the standard manner. Even to the point that my car was hit by the renter when he attempted to back his truck into the street. When you have new renters every 4 to 7 days, each occupancy repeats the issues and problems.

The county has no ability to enforce the Ordinance. This will continue to be the operational standard regardless of what changes the Board of Supervisors makes to the Ordinance. The Ordinance simply is not enforceable in Cambria. The agencies bend the rules to suit their business model. For example, there is a 7-day tenancy rule in the Ordinance. County enforcement has already admitted this cannot be enforced as the agencies have a creative method for counting 7 days. At the July Board of Supervisors' Ordinance review public comment period, a comment was made that "7-day tenancy" will not allow agencies and owners to make the most revenue from their business venture and this does not seem fair. This "business venture" is in a residential neighborhood that the Ordinance is trying to protect. I believe the good intent of the Coastal Commission and the Ordinance is being forsaken for the sake of the vacation rental business and increased sale prices of these vacation homes when they are resold.

If the Ordinance is not enforceable as written or amended, be realistic and mitigate these problems by not permitting them to expand with a Minor Use Permit. Expansion will certainly exacerbate the problem as other vacation rental homeowners will decide to attempt to expand for increased revenues.

Thank you for reading my letter in support to hear the appeal.

1

Barbara Crowley

**CCC Exhibit 5**  
**(page 8 of 13 pages)**

**JOHN LAMB**

**P.O. BOX 80 P CAMBRIA, CA 93428 P (805) 927-4640 P JOJOBAAH@SBCGLOBAL.NET**

August 11, 2009

Via e-mail

Jonathan Bishop  
California Coastal Commission  
725 Front Street  
Santa Cruz, CA 95060

Re: Commission Appeal No. A-3-SLO-09-035 – Support for Appeal

Dear Mr. Bishop:

I urge the Commission to find that the appellants raise a substantial issue regarding conformity with the Coastal Act's public access policies and to hear the appeal.

The appellants appeal the approval of a large addition to a vacation rental next door to them. The Commission has viewed vacation rentals as a way to provide public access to coastal resources, but also has recognized that they can adversely impact the character and integrity of residential neighborhoods. (*E.g.*, SLO LCPA 1-01, Staff Report, May 5, 2003.) Public Resources Code § 30210, part of the Coastal Act's public access provisions, balances public access rights with the rights of private property owners. The appellants here describe a situation where access rights have overwhelmed their rights as private property owners.

The appellants describe how the vacation rental next door to them has seriously interfered with their rights as private property owners. For example, the appellants describe how the vacation rental causes noise, odor, traffic, loss of privacy and damage to the character of the neighborhood. They also describe how these conditions have been allowed to continue despite their complaints to the owners and SLO's Code Enforcement Unit. (Appeal ¶¶ 2.2, 2.3, 2.4, 3.1, 3.2, 3.3, 3.4, 4.0, 4.2, 4.5.)

As the appellants point out, allowing the requested expansion of the vacation rental will increase its capacity and number of occupants, and likely worsen its impact on their and their neighbors' private property rights. (Appeal ¶ 2.5.) This would further skew the balance against appellants' private property rights.

Since the Commission's 2003 approval of the SLO Residential Vacation Rental Ordinance (SLO CZLUO § 23.08.165), the Commission seems to have become more sensitive to the effect that vacation rentals have on the rights of surrounding private property owners. In 2007, the Commission approved the update to Cambria's portion of the North Coast Area Plan. There, the Commission and the SLO Board of Supervisors approved the following goal:

"Preserve and enhance the quality of residential areas by ... Protecting residential areas from incompatible land uses and protecting the residential character of single-family areas." (2007 North Coast Area Plan, Page 1-4.)

**CCC Exhibit 5**  
**(page 9 of 13 pages)**

Jonathan Bishop  
August 11, 2009  
page 2

Vacation rentals are inherently incompatible with residential neighborhoods. First, they are commercial uses in residential areas. Second, transient renters have no connection to the community or the neighborhood, and often show little respect for their residential surroundings. Common complaints of residents who live near vacation rentals include disturbances of the peace, overcrowding of rentals, parking that impedes access by emergency vehicles, overflowing garbage that gets strewn about, and leaving bright outside lights on all night and after departure. The appellants state many of these complaints.

The Board of Supervisors recognized this incompatibility when it adopted the Vacation Rental Ordinance: “[T]he Board of Supervisors find that residential vacation rentals have the potential to be incompatible with surrounding residential uses, especially where several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full time residents.” (§ 23.08.165(a).)

The appellants describe how the vacation rental next door to them is incompatible with the surrounding residential area and how approving the proposed addition would further degrade the residential character of the area. These effects seriously interfere with their rights as private property owners.

This vacation rental cannot be considered a lower cost facility that is protected under Public Resources Code § 30213 because its rates range from \$250-400 per night. (See [www.cambriavacationrentals.com/Windsor\\_4812.html](http://www.cambriavacationrentals.com/Windsor_4812.html).)

The Commission should find that the appellants raise a substantial issue regarding conformity with the Coastal Act’s public access policies and should hear the appeal.

Thank you for your attention and consideration of my views.

Sincerely,

/s/ John Lamb

JOHN LAMB

August 11, 2009

Mr. Jonathan Bishop  
California Coastal Commission  
725 Front Street – Suite 300  
Santa Cruz, CA 95060

**RECEIVED**

AUG 17 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Mr. Bishop,

Seaclift Estates, within the Park Hill neighborhood of Cambria, is a small community of oceanfront single family residences. It is not substantially different from many other coastal communities, and the decisions made regarding the developments that occur within it could significantly impact other oceanfront neighborhoods in the state.

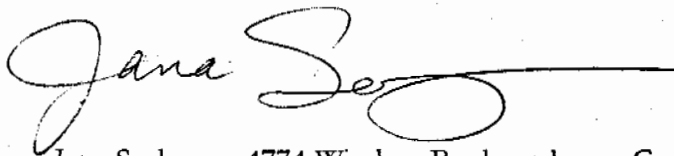
The Appeal from Coastal Permit Decision of Local Government (Appeal No. A-3-SLO-09-035) that addresses proposed expansion of the vacation rental at 4812 Windsor Boulevard, details compelling reasons why the Minor Use Permit/Coastal Development Permit requested by the owner should be denied. The reasons listed in Section 4.0 of the appeal highlight concerns that focus not only on Seaclift Estates, but also on other coastal communities that may one day be affected by precedents set in Cambria. I wholeheartedly support the Appeal.

As stated in the Appeal document, the property in question is a vacation rental. The owner is seeking permission to greatly expand the size of the structure (including height). The proposed structure would be disproportionate to residences in the neighborhood and would not be consistent with the Local Coastal Program.

Commercial use of the property has already produced numerous problems in the neighborhood as described in the Appeal document. As a nearby resident, I can attest that the transient occupants of the rental property at 4812 Windsor Boulevard have repeatedly disturbed the neighborhood with excessive noise and traffic problems. To increase the size of the structure will increase the overall occupant capacity of the building, adding to the already existing problem.

While this may be perceived as a local issue, its scope, in fact, is much broader. It addresses a statewide concern faced by all residents of coastal communities: the frequently negative impact of transient occupants in neighborhoods of full-time California residents. Like the other residents of Seaclift Estates, I am convinced that the issue of vacation rentals is a substantial concern, one that warrants review by the Coastal Commission.

Thank you for your attention to this matter,



Jana Seely

4774 Windsor Boulevard

Cambria, CA 93428

Appeal No. A-3-SLO-09-035

**RECEIVED**

AUG 17 2009

Barbara L. Seely  
4774 Windsor Boulevard  
Cambria, CA 93428

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

August 12, 2009

Jonathan Bishop  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Dear Mr. Bishop,

This letter is in regards to the appeal to deny the proposed expansion of the vacation rental at 4812 Windsor Boulevard, Cambria (Appeal No. A-3-SLO-09-035). There are numerous reasons why the Minor Use Permit/Coastal Development Permit requested by the property owner should be denied.

Commercial use of this property as a vacation rental has already caused many problems in the neighborhood. These have been specifically referenced in the appeal document; increasing the size of the structure to accommodate more occupants can only make the situation worse. And while the appeal document targets a local matter, the implications have the potential for affecting a far greater area than the neighborhood, or even San Luis Obispo County. The decision made will doubtless affect other California coastal communities which face the challenge of having transient occupants in single family residential neighborhoods.

I am one of the many Seacliff Estates residents who has experienced countless incidents of excessive noise, traffic, and smoke (cigarette and barbeque) from vacationers at 4812 Windsor Boulevard. In one instance, I witnessed a situation that posed a threat to the entire neighborhood—maybe the town—when I approached my home one evening to see flames rising from the small wooden deck at the front of the rental. I saw that a fire had been kindled in a kettle-type barbeque grill, and had been left unattended, with the lid off. Flames, fanned by the breeze off the ocean, were licking almost to the eaves. I immediately called the fire department from my home, and was told that they were unable to respond because it involved a barbeque grill on a deck; since there were people in the rental house, the fire could not be considered “unattended.”

**CCC Exhibit 5**  
**(page 12 of 13 pages)**

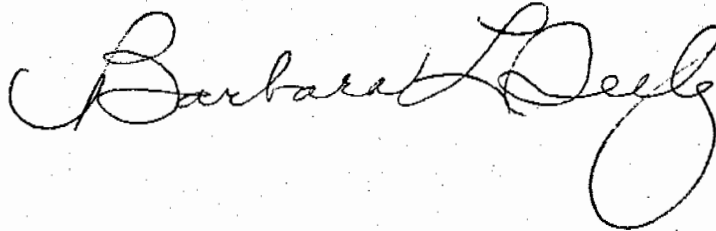
Disaster was avoided when one of the renters eventually arrived to take charge of the fire, but the incident spotlighted for me one of the key difficulties in having transient residents in a coastal neighborhood: They do not understand the nature of the area. In Cambria, there are sensitive issues regarding the extreme fire hazard, the water shortage, and the danger of potential contamination of the ocean (trash, pet waste, cigarette butts). Visitors are rarely aware of these critical issues.

I believe that the negative impact of transient occupants in this Cambria residential neighborhood is a matter that concerns coastal communities statewide. I emphatically support the appeal, as do many of my neighbors, and I am convinced that this is an issue that merits careful review by the Coastal Commission.

Thank you for your consideration of this matter.

Sincerely,

Barbara L. Seely

A handwritten signature in cursive script that reads "Barbara L. Seely". The signature is fluid and elegant, with a large loop at the end of the last name.