

CALIFORNIA COASTAL COMMISSION

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W20a

Prepared June 18, 2015 for July 8, 2015 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, District Manager
Kevin Kahn, District Supervisor

Subject: San Luis Obispo County LCP Amendment Number LCP-3-SLO-15-0013-1 Part A (Former Santa Rosa Schoolhouse Parcel Redesignation)

SUMMARY OF STAFF RECOMMENDATION

San Luis Obispo County proposes to amend the Land Use Plan's land use category map to change the land use designation of an approximately 0.18 acre (7,650 square-foot) portion of a 0.5 acre parcel located at 880 Main Street (APN 022-251-018) in Cambria from Public Facilities (PF) to Commercial Retail (CR). The impetus behind the proposed amendment is to both eliminate the parcel's split land use designation (portions of it are currently designated CR) and to remove the Public Facilities designation given that the site is currently owned by a private entity.

The parcel contains the former Santa Rosa Schoolhouse, a one-room school built in 1881 that now houses a private art gallery. The proposed amendment would eliminate the parcel's existing Public Facilities designation, an appropriate objective since the designation is to solely apply to land owned by public agencies. The new CR designation would eliminate the parcel's existing split land use designation by instead having a single CR designation across its entirety, and would allow for continued commercial use on the site, similar to the uses on adjacent parcels within the existing urbanized downtown core of Cambria. Re-designating the site from PF to CR is consistent with applicable Coastal Act policies because the site is located within the Cambria urban area, an existing urbanized area that already predominantly contains a CR land use designation. Therefore, the re-designation of this parcel would expand opportunities for visitor-serving commercial uses within an existing developed community, both of which are Coastal Act objectives.

In conclusion, staff recommends that the Commission find the proposed amendment consistent with and adequate to carry out the policies of the Coastal Act, and that the Commission **approve** the amendment as submitted. The required motion and resolution are on page 3.

LCP-3-SLO-15-0013-1 Part A (Former Santa Rosa Schoolhouse Parcel Redesignation)

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on June 16, 2015. The proposed amendment affects the LCP’s Land Use Plan (LUP) and the 90-day action deadline is September 14, 2015. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until September 14, 2015 to take a final action on this LCP amendment.

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EXHIBITS

Exhibit 1: Proposed Land Use Category Map Amendment

LCP-3-SLO-15-0013-1 Part A (Former Santa Rosa Schoolhouse Parcel Redesignation)

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment as submitted. The Commission needs to make one motion in order to act on this recommendation.

A. Certify the LUP Amendment As Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in certification of the LUP amendment as submitted and the adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

***Motion:** I move that the Commission **certify** Land Use Plan Amendment LCP-3-SLO-15-0013-1 Part A as submitted by San Luis Obispo County, and I recommend a yes vote.*

***Resolution:** The Commission hereby certifies Land Use Plan Major Amendment LCP-3-SLO-15-0013-1 Part A as submitted by San Luis Obispo County and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.*

II. FINDINGS AND DECLARATIONS

A. DESCRIPTION OF PROPOSED LCP AMENDMENT

The proposed amendment would amend the Land Use Plan's land use category map to change the land use designation¹ of an approximately 0.18 acre (7,650 square-foot) portion of a 0.5 acre parcel located at 880 Main Street in Cambria (APN 022-251-018) from Public Facilities (PF) to Commercial Retail (CR). The impetus behind the proposed amendment is to both eliminate the parcel's split land use designation (portions of it are currently designated CR) and to remove the Public Facilities designation given that the site is currently owned by a private entity.

The PF land use category is intended to be applied only to lands owned by public agencies. In the event that land designated as PF no longer contains a public facility (such as a fire station, a school, a hospital, a library, etc.), the LUP directs the County to initiate an amendment to change the land use designation for the site. The parcel contains the former Santa Rosa Schoolhouse, a one-room school built in 1881 that now houses an art gallery and is owned by a private entity.

Please see Exhibit 1 for the proposed LUP map amendment.

¹ The San Luis Obispo County LCP does not contain zoning designations

B. CONSISTENCY ANALYSIS

Standard of Review

The proposed amendment affects the LUP components of the San Luis Obispo County LCP. The standard of review for LUP amendments is that they must be consistent with the policies of Chapter 3 of the California Coastal Act.

LUP Amendment Consistency Analysis

Commercial visitor-serving uses are a high priority land use under the Coastal Act. In addition, the Coastal Act contains policies requiring that development be located contiguous to, in, or in close proximity to already developed areas:

Section 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30250(a). (a) New residential, commercial or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

Section 30252(2). The location and amount of new development should maintain and enhance public access to the coast by ... (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

The proposed amendment would re-designate an approximately 0.18 acre (7,650 square-foot) portion of a 0.5 acre parcel located from Public Facilities (PF) to Commercial Retail (CR). The site is located in downtown Cambria (an area within the LCP-defined Urban Services Line). Changing the site's designation to CR would be consistent with nearby designations and land uses in Cambria's West Village commercial district. The proposed amendment is consistent with Coastal Act requirements because it would facilitate commercial visitor-serving opportunities for the public (a priority use under Coastal Act Section 30222) in an existing developed area suitable and able to accommodate such uses (consistent with Coastal Act Section 30250).

Furthermore, this minimal reduction in PF-designated land would not compromise the provision of public services in downtown Cambria because new public facilities are allowed as a conditional use within the CR land use category. Therefore, the ability of the County to provide for public facility uses is not compromised by this proposed amendment.

For the reasons discussed above, the proposed LUP amendment can be found consistent with and adequate to carry out Coastal Act Sections 30222, 30250(a), and 30252(2).

LCP-3-SLO-15-0013-1 Part A (Former Santa Rosa Schoolhouse Parcel Redesignation)

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The County, acting as lead CEQA agency, determined that the proposed LCP amendments were categorically exempt from the requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Specifically, Section 21080.9 of the California Public Resources Code – within CEQA – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program amendment. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. The Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP amendment.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with certain CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. (CEQA Guidelines Sections 13542(a), 13540(f), and 13555(b)).

The County's LCP Amendment consists of a Land Use Plan (LUP) amendment. The Commission incorporates its findings on Coastal Act conformity into this CEQA finding as if it is set forth in full. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Thus, the proposed amendment is consistent with CEQA Section 21080.5(d)(2)(A).

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

Tuesday, December 16, 2014

PRESENT: Supervisors Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold, and
Chairperson Bruce S. Gibson

ABSENT: None

RESOLUTION NO. 2014 - 384

RESOLUTION TO AMEND THE SAN LUIS OBISPO COUNTY GENERAL PLAN, INLAND AND COASTAL FRAMEWORK FOR PLANNING, PART I OF THE LAND USE AND CIRCULATION ELEMENTS; LOCAL COASTAL PROGRAM; LAND USE ELEMENT/LOCAL COASTAL PLAN (NORTH COAST AREA PLAN); THE REAL PROPERTY DIVISION ORDINANCE, TITLE 21 OF THE COUNTY CODE; AND THE LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE AND TO APPROVE ENVIRONMENTAL DOCUMENTS

The following resolution is now hereby offered and read:

WHEREAS, state law requires that a general plan be adopted; and

WHEREAS, the Land Use and Circulation Element of the San Luis Obispo General Plan was adopted by the Board of Supervisors on September 22, 1980; and

WHEREAS, on March 1, 1988, the San Luis Obispo County Board of Supervisors adopted the Local Coastal Program as amendments and additions to the Land Use Element of the San Luis Obispo County General Plan, specifically incorporating the Land Use Plan of the Local Coastal Program into the Land Use Element of the General Plan hereinafter referred to as the "Land Use Element and Local Coastal Plan", and to the San Luis Obispo County Code Titles 19, 21, and 23; and

WHEREAS, state law, public necessity, convenience and general welfare requires that general and specific plans be amended from time to time; and

WHEREAS, the Planning Commission of the County of San Luis Obispo after noticed public hearings did recommend amendments to the General Plan – Chapter 3, Resource Management System, Inland and Coastal Framework for Planning Documents, Part I of the Land Use and Circulation Elements; Local Coastal Program; Land Use Element/Local Coastal Plan (North Coast Area Plan); The Real Property Division Ordinance, Title 21 of the County Code; and The Land Use Ordinance, Title 22 Of The County Code; or otherwise took action recommending said amendments.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the sixteenth day of December, 2014, that the County General Plan – Chapter 3, Resource Management System, Inland and Coastal Framework for Planning Documents, Part I of the Land Use and Circulation Elements; Local Coastal Program; Land Use Element/Local Coastal Plan (North Coast Area Plan); The Real Property

Attachment 1 – Resolution

Division Ordinance, Title 21 of the County Code; and The Land Use Ordinance, and Title 22 Of The County Code; be amended as follows:

1. Amend the San Luis Obispo County General Plan, Land Use and Circulation Element, official maps, by changing the designation for the parcel shown on Exhibit LRP2013-00015(b):B, attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize submittal to the California Coastal Commission for consideration and certification.
2. Amend the San Luis Obispo County General Plan – Chapter 3, Resource Management System, Inland Framework for Planning Document, Part I of the Land Use and Circulation Elements, as such amendment appears on Exhibit LRP2008-00013:B, attached hereto and incorporated herein as though fully set forth. [This document was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]
3. Amend the San Luis Obispo County General Plan – Chapter 3, Resource Management System, Coastal Framework for Planning Document, Part I of the Land Use and Circulation Elements, as such amendment appears on Exhibit LRP2008-00013:C, attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize submittal to the California Coastal Commission for consideration and certification.
4. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign “An Ordinance amending Title 21 of the San Luis Obispo County Code, the Real Property Division Ordinance, Sections 21.02.048(a)(15) and 21.09.040” as such amendment appears on Exhibit LRP20014-00002:B, which is attached hereto and incorporated herein as though fully set forth.. . [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]
5. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Sections 22.06.030, 22.12.080, 22.30.060 and Chapters 22.10 and 22.52", as such amendment appears on Exhibit LRP2014-00002:C which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]
6. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending Specific Sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code and the Coastal Zone Land Use Ordinance, Title 23 of the County Code" which is attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that the environmental documents for the above enacted amendments be approved as follows:

1. Regarding the amendments that were processed on the basis of a General Rule Exemptions (Cambria Lions Club, Resource Management System, and Ordinance clean up amendments), the Board of Supervisors finds that the activity is covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

BE IT FURTHER RESOLVED AND ORDERED that this resolution with respect to Exhibits LRP2013-00015(b):B and LRP2008-00013:C shall become operative automatically, pursuant to 14

Attachment 1 – Resolution

California Code of Regulations §13551(b)(1), upon the certification without any modifications or amendments to said amendments by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission’s resolution of certification pursuant to 14 California Code of Regulations §13544. In the event that the California Coastal Commission recommends modifications to said amendments, the amendments with modification shall be processed in accordance with Government Code § 65350 et seq., before final local government adoption of the amendments with the modifications suggested by Coastal Commission pursuant to 14 California Code of Regulations §13551(b)(2), or before the Board of Supervisors resubmits, pursuant to Public Resources Code Section 30512 and 30513, any additional amendments to satisfy the Commission's recommended changes.

BE IT FURTHER RESOLVED AND ORDERED that the local coastal program is intended to be carried out in a manner fully in conformity with the Coastal Act.

BE IT FURTHER RESOLVED AND ORDERED that in accordance with Government Code Section 25131, after reading of the title of the ordinances, further reading of the ordinances in full is waived.

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective on the same date as Ordinance Nos. 3281, 3282, and 3283, said date being January 14, 2015.

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

- AYES: Supervisors Ray, Hill, Mecham, Arnold, and Chairperson Gibson
- NOES: None
- ABSENT: None
- ABSTAINING: None

The foregoing resolution is hereby adopted.

Bruce S. Gibson
Chairperson of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors,
County of San Luis Obispo,
State of California

By: _____
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Timothy McNulty
Assistant County Counsel

Dated: December 3, 2014

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss.

I, **TOMMY GONG**, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 27th day of April, 2015.

TOMMY GONG,
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: 
Deputy Clerk

ORDINANCE NO. 3283

**AN ORDINANCE AMENDING SPECIFIC SECTIONS OF THE
SAN LUIS OBISPO COUNTY LAND USE ORDINANCE,
TITLE 22 OF THE COUNTY CODE, AND THE SAN LUIS OBISPO
COUNTY COASTAL ZONE LAND USE ORDINANCE,
TITLE 23 OF THE COUNTY CODE**

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: The amendments to the text of Parts I and II of the Land Use Element of the San Luis Obispo County General Plan and the amendments to the official Land Use Element maps adopted by Board of Supervisors Resolution No. 2014 - 384 are hereby adopted and included as part of this ordinance and Section 22.01.030 of the Land Use Ordinance as though they were fully set forth herein.

SECTION 2: The amendments to the text of Parts I and II of the Land Use Element of the San Luis Obispo County General Plan and the amendments to the official Land Use Element maps adopted by Board of Supervisors Resolution No. 2014 - 384 are hereby adopted and included as part of this ordinance and Section 23.01.022 of the Coastal Zone Land Use Ordinance as though they were fully set forth herein.

SECTION 3: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one of more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4. In accordance with Government Code Section 25131, after reading of the title of the ordinance, further reading of the ordinance in full is waived.

SECTION 5: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

SECTION 6: Section 2 of this ordinance shall become operative immediately only upon approval by the California Coastal Commission and upon acknowledgment by the San Luis Obispo Board of Supervisors of receipt of the Commission's resolution of certification.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 16th day of December, 2014, by the following roll call vote, to wit:

AYES: Supervisors Caren Ray, Adam Hill, Frank R. Mecham, Debbie Arnold, and
Chairperson Bruce S. Gibson

NOES: None

ABSENT: None

ABSTAINING: None

Bruce S. Gibson
Chairperson of the Board of Supervisors of the
County of San Luis Obispo, State of California

ATTEST:

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors,
County of San Luis Obispo, State of California

By: Annette Ramirez
Deputy Clerk

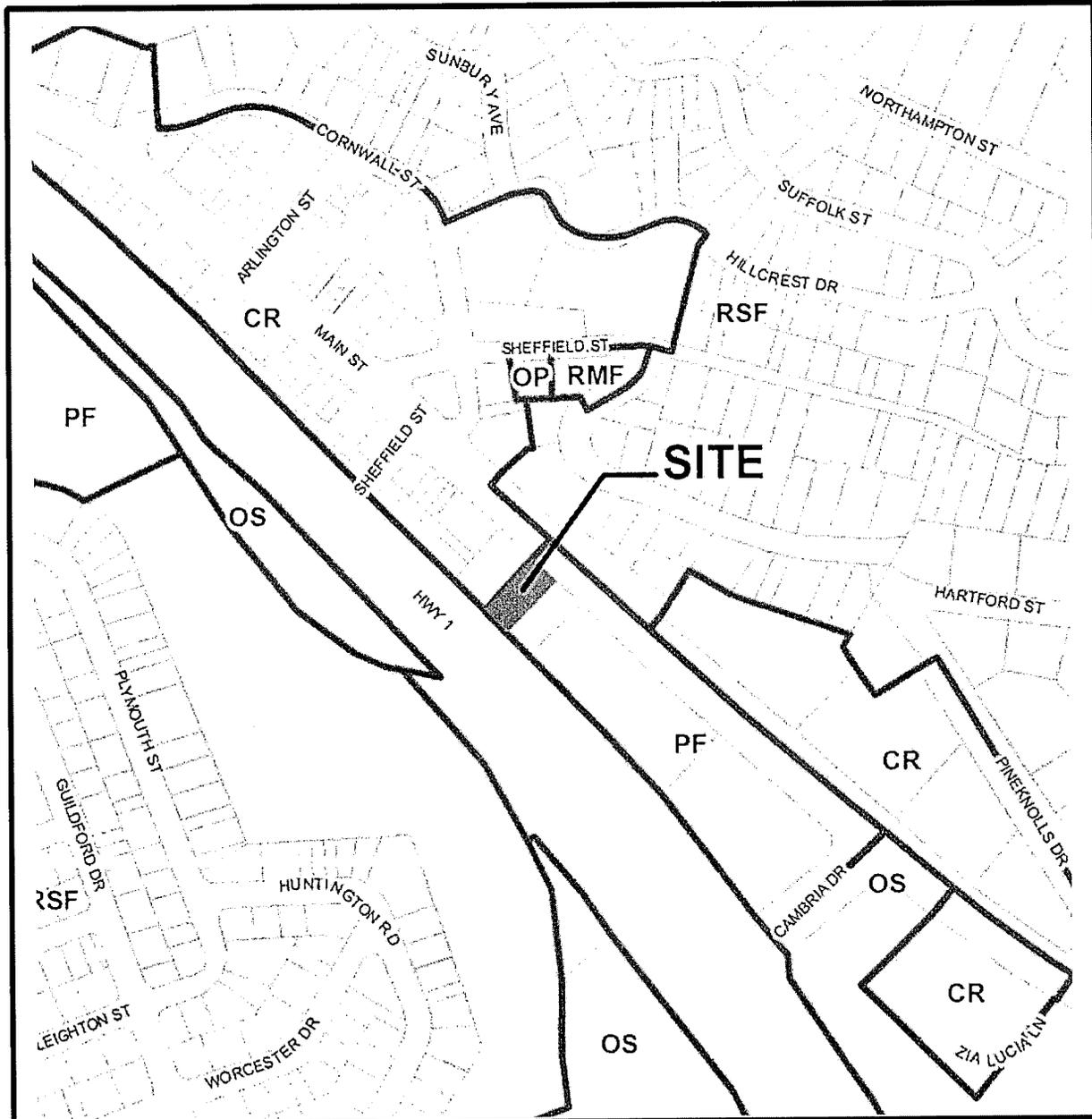


EXHIBIT LRP2013-00015b:B

INITIATING A PRECISE LAND
USE DESIGNATION AS SHOWN
ON OFFICIAL LAND USE
CATEGORY MAP ON FILE IN THE
DEPT. OF PLANNING AND
BUILDING

CHANGE FROM PF TO CR

COUNTY OF SAN LUIS
OBISPO GENERAL PLAN
AMENDMENT