

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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12/14/99**RECORD PACKET COPY**

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Opened and Continued	07/14/99

**STAFF REPORT:
SUBSTANTIAL ISSUE DETERMINATION**

LOCAL GOVERNMENT: San Luis Obispo County

DECISION: Approved with conditions, 5/25/99

APPEAL NO.: A-3-SLO-99-040

APPLICANT: Petrocam, Attn: John Hallvik

APPELLANTS: Doug Buckmaster; Claudia Harmon

PROJECT LOCATION: 589 Main Street (West Village), Cambria (San Luis Obispo County)
(APN(s) 022-072-31, 022-072-32)DESCRIPTION: Expansion of an existing gas station/mini-mart and related remodeling;
construction of a detached drive-through car wash; modification to sign
standards; and landscaping and parking lot improvements.FILE DOCUMENTS: San Luis Obispo County Certified Local Coastal Program; Final Local
Action Notice 3-SLO-99-083 and attached materials; Coastal
Commission Staff Report on San Luis Obispo County's proposed North
Coast Update Adopted by the Commission in January, 1999

EXECUTIVE SUMMARY

Staff recommends that the project raises no substantial issue with respect to conformance with the certified San Luis Obispo County LCP. The applicant proposes to remodel and expand an existing service station/mini-mart located at the intersection of Highway One and Main Street, in the West Village of Cambria, North Coast Planning Area, San Luis Obispo County. The project site, like

much of the Cambria Village, is designated by the LCP as a Flood Hazard Area due to flooding problems associated with the nearby Santa Rosa Creek.

Approximately 1,026 square feet will be added to the existing mini-mart, which will be refaced and remodeled to improve its visual appearance and enhance its compatibility with the character of the West Village. The new car wash will have a footprint of 845 square feet, and is designed to match the architectural style of the remodeled mini-mart. Additional landscaping and parking lot improvements are also included as part of the project.

The existing service station includes an "Exxon" sign that currently extends to a height of 62 feet, and is about 180 square feet in size. As part of the service station expansion/remodel approved by the County, the existing sign will be reduced to a height of 42 feet, and reduced in size to 140 square feet. The reduced sign exceeds the height limit of 20 feet, and size limit of 60 square feet established by Section 23.08.202 of the San Luis Obispo Coastal Zone Land Use Ordinance. Although there is some question as to project consistency with the nonconforming use ordinances, overall there is no substantial issue with respect to visual resources because the sign will be lowered and will not be visible from the public beach.

The development is proposed to take place in a known flood area. The construction of the new car wash and expansion of the existing structure will reduce the area available to accommodate flood flows and the increase in the intensity of use on the site will potentially expose more people to flooding risks. However, the project is within an assessment district created to address the flooding issue, and the applicant has made a fair share contribution to the development and implementation of a County comprehensive flood management program. In addition, the project has been designed consistent with existing LCP standards regarding construction within a Flood Hazard area, attached as Exhibit 8. Therefore, no substantial issue is raised by this impact of the project.

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I. SUMMARY OF APPELLANTS' CONTENTIONS

Please see Exhibit 3 for the full texts of the appeals.

The appellants contend that expansion of the gas station, the construction of a detached drive-through car wash, and modification of sign standards, is inconsistent with the provisions of the LCP for the following reasons:

- The ordinance regarding allowable uses in the Commercial Retail land use category was interpreted too liberally because car washes are not specified as an allowable use within this land use category;
- The approved project will increase traffic on Highway 1, adversely impacting coastal access;
- The non-conforming sign adversely impacts the Highway 1 viewshed and is not consistent with the small scale character of West Village;
- Special use standards for gas stations require that the existing sign be brought into conformance; and
- The project will greatly affect the health and safety of residents and visitors.

II. LOCAL GOVERNMENT ACTION

On January 29, 1999, the San Luis Obispo County Planning Commission conditionally approved Development Plan/Coastal Development Permit D960295D for expansion of the existing mini-mart, construction of an automated drive-through car wash, replacement of the existing freeway sign with a lower and smaller sign, removal and replacement of other attached signs, landscaping and parking lot improvements, and remodeling and refacing of the existing gas station building. The local approval of the lower and smaller freeway sign involved a modification of Chapter 8 special use standards because the replacement sign did not achieve compliance with LCP requirements for new signs. This decision was appealed to the Board of Supervisors, where on May, 25 1999, the appeal was denied and the Planning Commission's conditional approval was upheld.

III. STANDARD OF REVIEW FOR APPEALS

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This

project is appealable because the proposed carwash is not a principally permitted use in the Commercial Retail Land Use category.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not located between the first public road and the sea.

IV. STAFF RECOMMENDATION

MOTION: *I move that the Commission determine that Appeal No. A-3-SLO-99-40 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application *de novo* and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-3-SLO-99-40 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. SUBSTANTIAL ISSUE FINDINGS AND DECLARATIONS

A. Project Background/Description

On January 29, 1999, the San Luis Obispo County Planning Commission conditionally approved Development Plan/Coastal Development Permit D960295D for the expansion of an existing mini-mart by 1,026 square feet, and construction of a detached 845 square foot automated drive-through car wash. The project also includes the removal and replacement of existing signs on the site, including an existing freeway sign. This sign, which currently extends to a height of 62 feet and is about 180 square feet in size, will be lowered to a height of 42 feet, and reduced in size to 140 square feet. This required a modification of Chapter 8 special use standards which establish a 20 foot height limit for service station signs. Other elements of the approved project include landscaping and parking lot improvements, and remodeling and refacing of the existing gas station building. The conditions of the County's approval are attached as Exhibit 4.

This decision was appealed to the Board of Supervisors, where on May, 25 1999, the appeal was denied and the Planning Commission's conditional approval was upheld.

B. Project Location

The project is located at 589 Main Street, at the intersection of Main Street and Highway One, in the West Village of Cambria, North Coast Planning Area of San Luis Obispo County. The parcel is approximately 20,753 square feet (total site), is designated for Commercial Retail land uses, and identified by the LCP as a Flood Hazard and Archaeological Sensitive Area. Surrounding uses include single family residences on the hillside to the north, Highway One to the south, and commercial retail and office uses to the east and west.

C. Consistency with Allowable Land Uses

The appellants contend that the project is not consistent with the allowed uses in the Commercial Retail Land Use category, as set forth by Table "O" (Allowable Uses) in the LCP. The project site is designated as Commercial Retail.

The LCP defines "Service Stations", on page 6-57 of the Framework for Planning, as follows:

Retail trade establishments primarily engaged in the sale of gasoline, which may also provide lubrication, oil change and tune-up services and the sale of automotive products incidental to gasoline sales. May also include accessory towing, mechanical repair services and trailer rental, but does not include the storage of wrecked or abandoned vehicle, paint spraying body and fender work. Does not include the retail sale of gasoline as a subordinate service to food and beverage sales when limited to not more than two pumps.

The LCP defines Auto and Vehicle Repairs and Service, on page 6-40 of the Framework for Planning, as follows:

Commercial service establishments engaged in repair, alteration, restoration, towing, painting, cleaning or finishing of automobiles, trucks, recreational vehicles, boats or other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. May also include rental of cars, trucks or trailers; leasing of cars and trucks, except finance (equity) leasing which is included under "Financial Services." Does not include: automobile parking (classified in "Transportation"); repair shops subordinate to and maintained by a vehicle dealership which are included under "Auto, Mobilehome and Vehicle Dealers and Supplies;" service stations (which are separately defined); or automobile wrecking yards (which are included under "Recycling and Scrap).

Section 23.08.222 of the Coastal Zone Land Use Ordinance (CZLUO) provides standards for Auto and Vehicle Repair and Service uses that apply to "Self-service car washes."

The appeal by Doug Buckmaster contends that a carwash is not an allowable use within the Commercial Retail Land Use Category, as vehicle cleaning services are specifically identified in the LCP's definition of Auto and Vehicle Repair and Service, a use that is only allowed within areas designated as Commercial Service or Industrial. The project site is designated as Commercial Retail, in which Service Stations are allowed, but Auto and Vehicle Repair and Services are not.

According to Coastal Zone Table O (on pages 6-35 and 6-36 of the Framework for Planning), Service Stations are permitted uses within the Commercial Retail Land Use Category; however, Auto and Vehicle Repair and Service uses are only permitted within the Commercial Service and Industrial Land Use Categories. Those uses specifically addressed within the Auto and Vehicle Repair and Service category (CZLUO Section 23.08.222) are auto repair and services activities and self-service car washes (i.e., those having individually coin operated hoses for washing and vacuuming). These types of activities tend to result in an intense use of the land and have a potential to adversely impact the visual resources of an area. Therefore, these uses are distinctly separated from those permitted in the Commercial Retail land use category, and are intended for Commercial Service and Industrial land use categories.

Table O does not specifically address the type of car wash proposed here – an automatic carwash typically associated with service stations. Because the car wash proposed as part of this project is not self-service, is related to the sale of gasoline at the existing service station, and will not visually degrade the existing development or the surrounding area, staff has determined that it is an acceptable use within the Commercial Retail Category, under the definition of a Service Station cited above. Overall, the proposed car wash will function *as a component of* a service station, consistent with the types of uses allowed within the Commercial Retail land use category, without adverse land use impacts. Thus, no substantial issue is raised by the appeal in this regard.

D. Traffic

The appellants contend that the project will adversely affect coastal access by increasing traffic on Main Street and Highway 1, both important transportation corridors in terms of coastal access and recreation. Although not specifically referenced by the appeal, applicable LCP standards with respect to this issue are cited below.

Policy 1 for Shoreline Access, which states in part:

...Development shall not interfere with the public's right of access to the sea where acquired through historic use or legislative authorization....

Policy 1 for Recreational and Visitor-Serving Facilities, which provides in relevant part:

Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged, and where feasible provided by both public and private means....

The majority of traffic associated with this type of development is considered "pass-by" traffic, or vehicles that are already using the nearby streets which make a quick stop at this site. Therefore, the concern is not with the overall increase of traffic, but rather with the operational aspects of vehicles turning into and out of the site. The County Engineering Department conducted an evaluation related to this concern and found that the most significant potential impact created by the project is that of vehicles queuing to make left turns into the site. In order to address this issue and ensure that the project would not adversely impact traffic and circulation in the area, the County conditioned the coastal development permit as follows:

Prior to issuance of occupancy permits the property owner agrees to improve Main Street, fronting the property, to include a center turn lane for access to the site's driveways. The turn lane shall be installed to the satisfaction of the County Engineer. If the roadway is wide enough so that the turn lane can be installed with re-striping only, the applicant agrees to chip seal Main Street, fronting the property, so that the new striping can be installed.

The turn lane is expected to provide adequate space to allow for maneuvers by vehicles entering and exiting the site and reduce conflicts for all users of the project and drivers on Main Street. Secondly, it will improve conditions for vehicles turning into the eastern end of Kent Street, accessing the Main Street Grill.

In conclusion, the traffic report states that, as conditioned, there will be "no impact expected to the operation of Highway 1 or its intersection with Windsor Boulevard and Main Street." Thus, the

project will not impede coastal access and recreation opportunities, consistent with the above LCP standards. Thus, no substantial issue is raised by the appeal in this regard.

E. Sign Requirements/Visual Resources

The appeals contend that the project is inconsistent with the following LCP Policy protecting visual resources. Although not specifically referenced by the appellants, applicable LCP standards with respect to this issue are cited below.

Policy 1 for 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.

Policy 6 for Visual and Scenic Resources:

Within the urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community.

CZLUO Section 23.09.012 states in relevant part:

Nonconforming use includes any of the following that were lawfully established before the effective date of this title, or amendment to this title that caused the use to become nonconforming:

...

b. Nonconforming building, structure, or site development

(1) A building or structure that was established or is conducted in a manner which does not conform with standards or permit requirements of this title relating to setback requirements, height limitations or sign requirements; or

(2) ...

(3) A site that is developed and/or laid out in a manner that does not conform with standards of this title relating to site access location, parking and loading, landscaping, screening, fencing, signs, solid waste collection and disposal, exterior lighting, fire safety or underground utilities [emphasis added].

The existing pole sign is currently 62 feet in height and was installed prior to the adoption of the standard requiring the sign to be no more than 20 feet in height. Thus, under CZLUO Section 23.09.012(b), the existing sign is a nonconforming structure, and the project site is as a whole is nonconforming. Section 23.09.030 addresses continued use of nonconforming buildings, structures, and site developments (the full text of these standards is attached as Exhibit 5). This section requires a nonconforming building or structure to be brought into conformance if the buildings or structures are to be expanded or altered. In this case, buildings on the site will be expanded, and the nonconforming sign will be decreased in size, albeit not sufficiently to bring it into conformance with the ordinance. Although this would appear to conflict with 23.09.030, there is also a competing ordinance (23.09.032) specifically addressing nonconforming signs. This ordinance states that the use of the legal nonconforming sign may be continued unless it is proposed to be expanded, moved, or is otherwise a public nuisance. In short, the LCP standards applicable to the expansion or alteration of a site with a nonconforming use are somewhat contradictory.

Given this conflict between ordinances, the application of LCP Visual Policies 1 and 6 provide guidance in the evaluation of the sign's impact to visual resources. The interpretation of the ordinances most consistent with the LCP policies and objectives of the Coastal Act is that a nonconforming sign associated with new site development must be brought into conformance under 23.09.012. In this view, 23.09.032 is merely stating that the use of a nonconforming sign need not be discontinued (as long as there is no proposed expansion, alteration, etc.), not that there is a right to keep a nonconforming sign if a nonconforming site is proposed to be expanded or altered.

It is not necessary to resolve this question because as proposed by the applicant, no *substantial* issue is raised by the proposed project with respect to visual resources. Policies 1 and 6 for Visual and Scenic Resources address the importance of protecting scenic vistas and siting new development in such a way that is visually compatible with the surrounding environment. The view of the existing sign from scenic Highway 1 and public beaches was a major concern in evaluating the revised height for the new freestanding sign (please see photos in Exhibit 6). The existing sign is visible from the public beach. Staff has analyzed the view of the 42-foot sign as approved by the County from public beaches, and it does not appear to be visible from the public beach. In addition, the lowered sign reduces its impact on public viewsheds within the community, and improves the compatibility with the existing environment. Thus, the sign's impact to visual resources will be improved by the proposed project, and it complies with LCP policies related to visual and scenic resources and CZLUO standards regarding nonconforming uses and sign requirements. Therefore, no substantial issue is raised by the appeal in this regard.

F. Health and Safety Issues

The appeals contend that the proposed development will greatly affect the health and safety of residents and visitors.

Flood Hazards

One of the main hazards related to this development is the potential for flooding in the West Village. Applicable policies related to the hazards of flooding are cited below.

Coastal Plan Policy 1 for Hazards states in relevant part:

All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property.

Coastal Plan Policy 3 for Hazards:

The County shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. Residential, commercial and industrial development shall be prohibited within the 100 year floodplain (1% chance of inundation in any year) as delineated in the Flood Hazard combining designation except for those areas within an urban reserve line.

The mapped flood hazard area in Cambria includes portions of the East Village adjacent to Santa Rosa Creek and all of the commercial area of the West Village (see Exhibit 7). Even though the creek is on the opposite side of Highway One from the West Village, flood waters overtopping the creek banks upstream of the Highway One bridge can flow across the Mid-State Bank property and into the West Village. In the last thirty years, the West Village has flooded seven times. On average, this indicates that the West Village has been flooded by Santa Rosa Creek about once every four to five years, although in some years there may have been multiple flooding episodes.

The proposed development of the site will incrementally exacerbate this flooding problem by constructing a new structure and expanding an existing structure, thereby reducing the area available to accommodate flood flows. In addition, the new development will intensify the use of the site, thereby exposing more people and property to flooding risks.

The Commission has expressed its concerns regarding additional development in this known flood hazard area when acting on the County's proposed North Coast Update. Suggested modifications number 21 and 110 to the North Coast Area Plan adopted by the Commission in January 1998, prohibit new development within the flood hazard area until a comprehensive flood analysis and management plan is incorporated into the LCP and implemented. The County is currently developing such a flood management plan for Cambria, intended to limit flooding in the West

Village by addressing the flooding issues surrounding Santa Rosa Creek and the watershed as a whole. An assessment district to fund this program has been established, and the development of plans to implement the program is underway.

The County addressed Hazards Policy 3 by requiring the applicant to submit final construction documents to the County Engineering Department for review and approval pursuant to CZLUO Section 23.07.064. This section requires that new structures, or existing structures expanded by 65% or more in square footage, must be designed and sited to prevent additional impediments to the flow of water in the event of a flood (full text of this section is attached as Exhibit 8).

The County's condition does not directly address the fact that the increased development on the site will incrementally reduce the overall area in which flood waters can be contained, as well as result in an intensified use of the site that will expose more people and property to flooding risks. Nonetheless, the applicant has contributed approximately \$25,000 through the assessment district to support the comprehensive flood management plan that is currently being developed and that the Commission has emphasized in its North Coast Area Plan review. In light of this contribution to the comprehensive program, as well as County required flood control modifications, no substantial issue is raised by the project's expansion within the flood hazard zone.

Availability of Water

Another public health and safety issue in Cambria concerns the availability of water. Additional water demanded by this project is related to the car wash and not the expansion of the mini-mart. However, because the car wash will be capable of recycling the car wash wastewater, thereby minimizing the amount of additional water demand, the related extraction from Cambria's water supply will not be substantial. In any event, due to Cambria's limited water supply, a brief discussion of the project's conformance with applicable policies is appropriate.

Coastal Plan Policy 1 for Public Works, states in relevant part:

New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if it can be serviced by adequate private on-site water and waste disposal systems. ...

Cambria Communitywide Planning Area Standard 2, provides:

To allow for continued growth of visitor-serving facilities, 20% of the water and sewer capacity shall be reserved for visitor-serving and commercial uses.

Coastal Zone Land Use Ordinance 23.04.430, which requires, in relevant part:

A land use permit for new development that requires water or disposal of sewage shall not be approved unless the applicable approval body determines that there is adequate water and sewage disposal capacity available to serve the proposed development, as provided by this section. Subsections a. and b. of this section give priority to infilling development within the urban service line over development proposed between the USL and URL. ...

This project is within the Urban Service Line (USL) for Cambria, and according to the Cambria Community Services District (CCSD), is eligible for water that is currently being reserved by the CCSD for commercial uses, as directed by Planning Area Standard 2 identified above. Based on the CCSD's indication that there is adequate commercial water to serve the project, the County approved the project with a condition that requires the applicant to submit a current letter from the CCSD confirming that it will serve the project, prior to the issuance of building permits.

The project is within the Urban Services Line, and the CCSD has indicated that there is adequate water available to serve it, consistent with existing LCP requirements. It is recognized, however, that the overall water management and allocation system currently being utilized for the Cambria Urban Area requires further study to ensure that it is adequately protecting Coastal Resources. The Commission has elected to pursue such studies, and whatever modifications may be necessary to the current water allocation and management program, through a programmatic and comprehensive planning approach, rather than calling for an immediate halt to new individual developments. Forthcoming steps in this effort include the review of upcoming LCP amendments being developed by the County in-lieu of their acceptance of the suggested modifications to the North Coast Update adopted by the Commission, and the current periodic review of the LCP. In light of this, and the relatively minimal impact of the project on water supplies, no substantial issue is raised by the project.

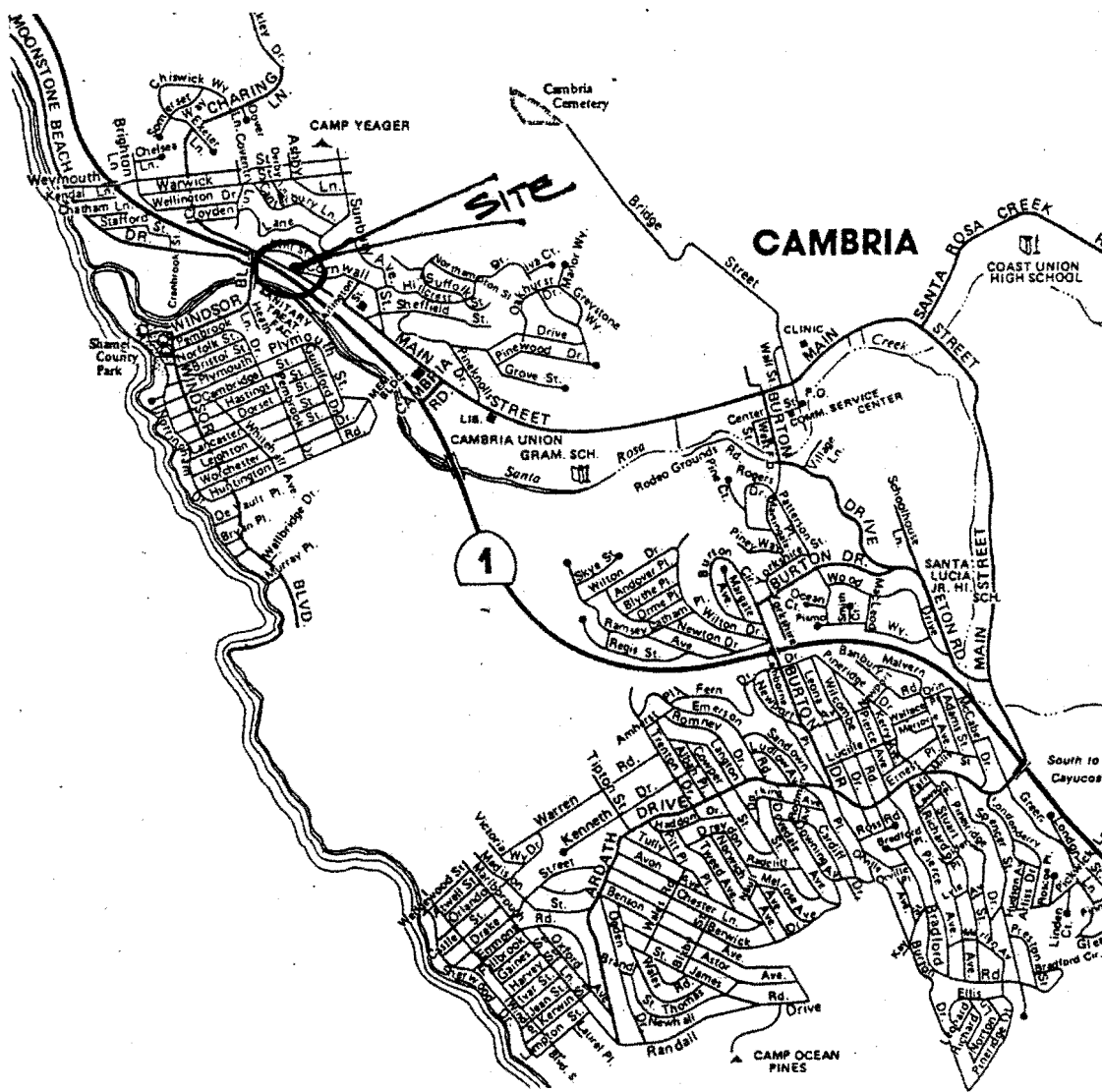
VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible

mitigation measures that would substantially lessen any significant adverse effect that the project may have on the environment.

San Luis Obispo County certified a Negative Declaration for the project on May 8, 1998; however, revised project plans were submitted on September 9, 1998. The revised project was re-evaluated and the previous Negative Declaration was re-issued on October 28, 1998. The applicant's statement includes mitigation measures addressing traffic circulation, flood control, noise and water supply.

As detailed in the findings of this staff report, the Commission has not identified any substantial adverse environmental impacts of the project that were not effectively addressed by the certified Negative Declaration. Accordingly, the Commission finds that as conditioned and approved by the County, the proposed project will not have any significant adverse impacts on the environment within the meaning of CEQA.



PROJECT

PETROCAM
D960295D

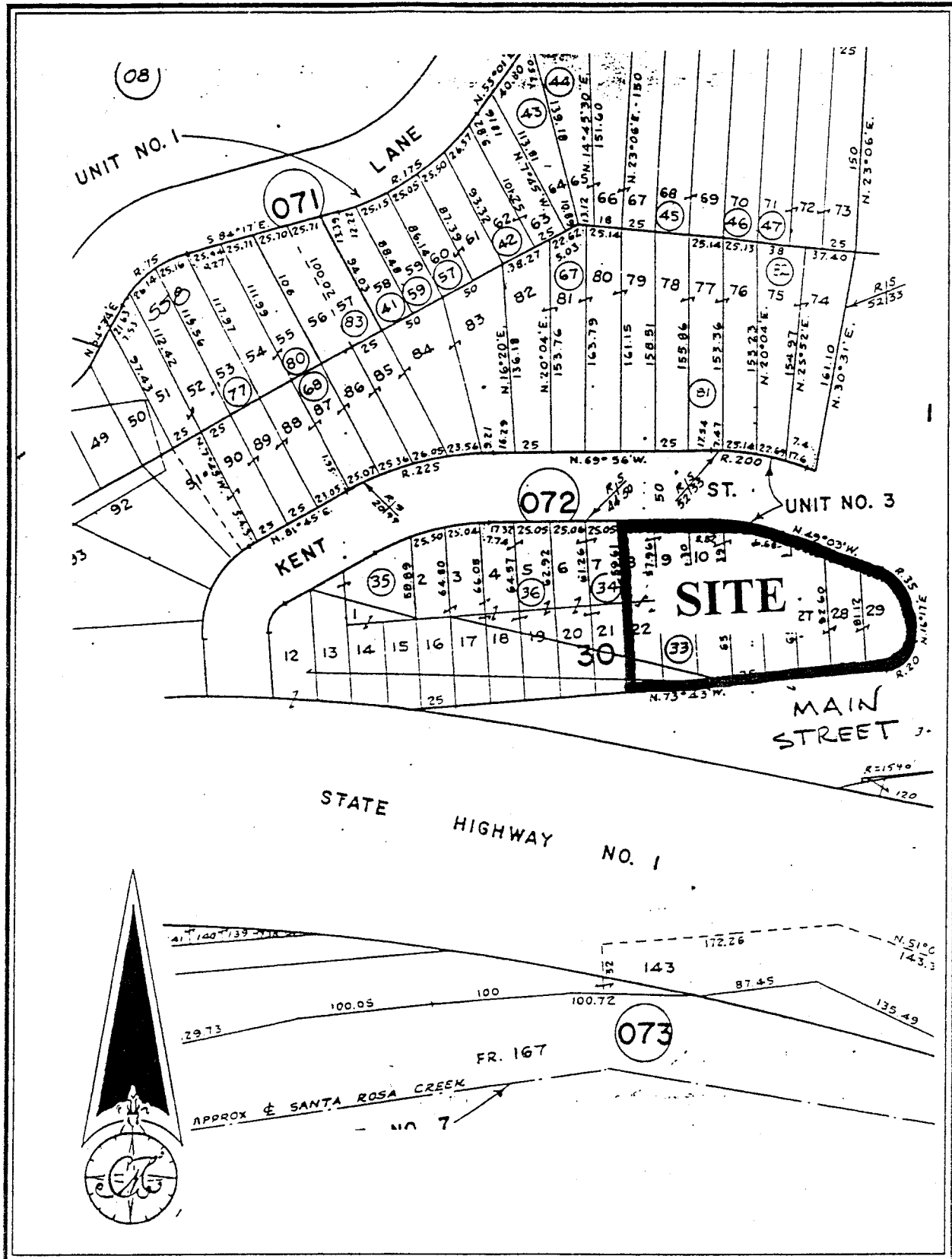


EXHIBIT

VICINITY MAP

Exhibit 1
(1 of 2)

A-3-SLO-99-040



VICINITY MAP #2

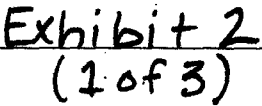
Exhibit 1

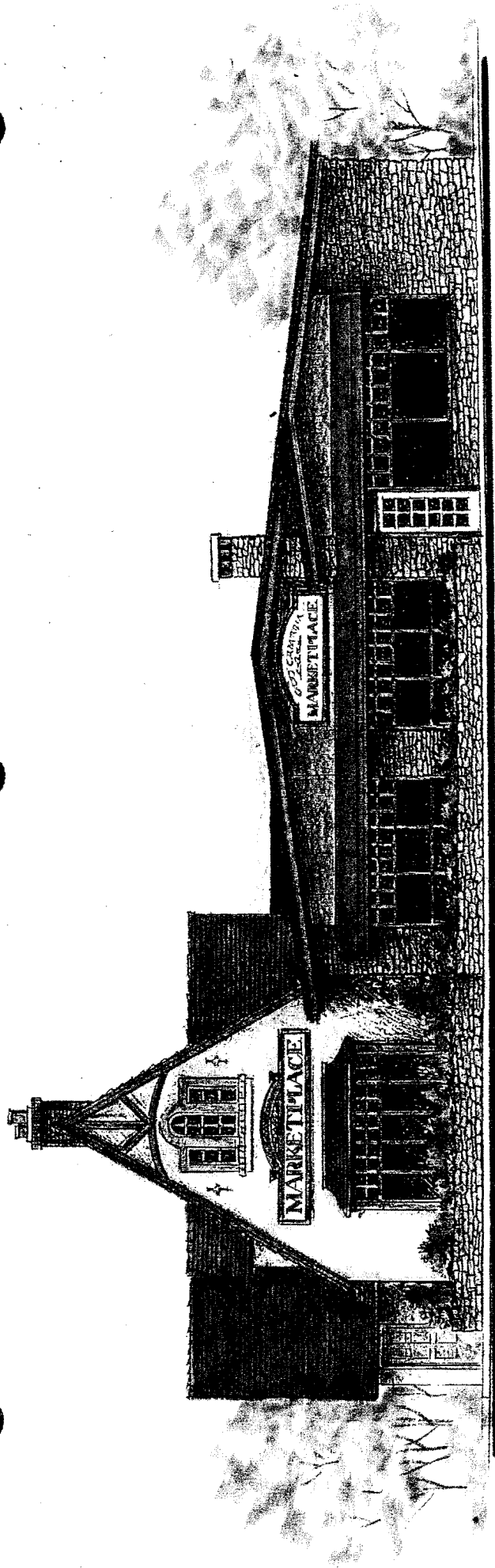
(2 of 2)

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the personal architect & associates

REVISIONS	BY





Front Elevation

Scale: 1/8" = 1'-0"

EXHIBIT NO. 2

APPLICATION NO.

A-3-SLO-99-40

(2 of 3)

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

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.)

1. APPROVED NON-CONFORMING SIGN ADVERSELY IMPACTS
HWY 1 VIEWSHED. TOO HIGH, TOO LARGE, TOO BRIGHT.
2. INCREASED TRAFFIC FROM EXPANDED MINI-MART
AND ADDED CARWASH WILL ADVERSELY IMPACT
HIGHWAY 1. CALTRANS NEVER WAS CONSULTED; MOST
DANGEROUS - SEVERAL FATALITIES - INTERSECTION IN TOWN.
3. THE COUNTY MADE A TOO LIBERAL INTERPRETATION OF
LCP, ALLOWING CARWASH (COMMERCIAL SERVICE/INDUSTRIAL
USE) IN A RETAIL/COMMERCIAL ZONING AREA.

Note: The above description 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 V. Certification

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

Doug Buckmaster
Signature of Appellant(s) or
Authorized Agent

Date JUNE 7, 1999

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.

Exhibit 3

Signature of Appellant(s)

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

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.)

- SPECIAL USE STANDARDS FOR GAS STATIONS REQUIRES THAT THE EXXON SIGN BE BROUGHT INTO CONFORMANCE TO 20 FEET.
- THE CONFLICTING TRAFFIC MOVEMENT WILL GREATLY IMPACT COASTAL ACCESS. CUMULATIVE TRAFFIC WILL CREATE GRIDLOCK.
- 42 FOOT POLE SIGN IS NOT CONSISTANT WITH THE SMALL SCALE CHARACTER OF WEST VILLAGE & SINGLE FAMILY HOMES (AS STATED IN LCP.)
- PROJECT WILL GREATLY EFFECT THE HEALTH AND SAFETY OF RESIDENTS AND VISITORS.
- TRAFFIC IMPACTS WILL DIRECTLY IMPAIR COASTAL ACCESS.

Note: The above description 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 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 6-5-99

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.

Exhibit 3
(2 of 2)

Signature of Appellant(s)

Exhibit B
D960295D - Conditions

Approved Development

1. This approval authorizes the expansion of an existing mini-mart by 1,026 square feet, an automated drive-through car wash, reduction in freestanding sign height, removal and replacement of attached signs, landscaping fencing and parking lot improvements as well as remodeling and refacing of the existing gas station building.
 - a. The request includes modification to the design standards of Chapter 8 of the Coastal Zone Land Use Ordinance to bring the existing pre-LCP structures into conformance with current standards, as allowed by the CZLUO.
 - b. The existing buildings shall be brought into compliance by with Title 19, the Uniform Building Code, Sections 23.05.080 et seq., 23.06.010 et seq., and Section 23.07 as it pertains to Flood Hazard as required by Section 23.09.030b(I) for expansion of non-conforming buildings in conjunction with the building permits for the expanded market and car wash.
 - c. At the time of application for construction permits, the applicant shall provide an exterior lighting proposal. The proposal shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible. Light hoods shall be dark colored, and use low sodium fixtures.

Landscape/Fencing Plan

2. **Prior to the issuance of any construction permits**, submit final landscape, irrigation and landscape maintenance plans in accordance with Section 23.04.180 through 23.04.186 of the Coastal Zone Land Use Ordinance to the Development Review Section of the Planning and Building Department for review and approval. Plans shall include location, species and container size of all proposed plant materials and method of irrigation. All proposed plant material shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. The landscape plan shall include the following:
 - a. utilize native-type plants, as specified by the CZLUO.
 - b. provide parking lot trees in accordance with Section 23.04.168f
 - c. indicate the location of all existing trees to remain (if any)
 - d. location of required bicycle racks
 - e. landscape planters to be consistent with the approved site plan.
 - f. Landscaping to screen parking areas as required by Commercial Retail Planning

Area Standard 2.b.

3. Landscaping in accordance with the approved plans shall be installed or bonded for **prior to final building inspection**. If bonded for, landscaping shall be installed within 90 days after final inspection, or for a time interval specified by the Planning Director if special circumstances prevail, and thereafter maintained in a viable condition on a continuing basis.

Grading Permit

4. **Prior to issuance of building permits** submit grading, sedimentation and erosion control plans in accordance with CZLUO Section 23.05.034 through 23.05.050, as required by the Building Division.

Signs

5. **Prior to the issuance of any construction permits** the applicant shall prepare a comprehensive sign plan indicating the location and size of all proposed signs for review and approval of the Planning Department. The sign plan total shall not exceed 233 square feet including directional signs. The sign plan shall further comply with the following provisions:
 - a. The existing pole sign shall be reduced in height to 42 feet and a surface area not to exceed 140 square feet.
 - b. The Market signs attached to building faces not to exceed 65 square feet total.
 - c. The Car Wash sign not to exceed 28 square feet

Agency Approval

6. **Prior to the issuance of any construction permits** the applicant shall provide verification the following agencies have reviewed and approved the proposed project:
 - a. County Engineer
 - b. Cambria Fire Department (fire safety)
 - c. Cambria Community Services District (final will serve letters for water and sewer service)
 - d. Building Division for Uniform Building Code and Title 19 compliance (existing and proposed buildings)
 - e. Environmental Health Department (market expansion and hazardous material business plan issues).

Drainage

13. The applicant agrees that the car wash and vacuum shall not be used between the hours of 9 p.m. and 8 a.m.

Water

14. Prior to issuance of any building permit for the car wash or the market expansion, the property owner shall submit a copy of the current "will serve" letter from the Cambria Community services District (CCSD) which shows that water and sewer service is available and will be provided for the new car wash and expanded commercial building. A copy of the CCSD letter shall be submitted to the Department of Planning and Building.
15. Prior to the issuance of any grading or construction permits, the applicant shall execute and record a covenant and agreement restricting use of property, in a form approved by County Counsel, agreeing to the use of the entire property as a 'single site' and restricting the conveyance thereof under Title 23 of the San Luis Obispo County Code.

CHAPTER 9: NONCONFORMING USES

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23.09.010 - Purpose:

The purpose of these regulations is to control, improve or terminate uses that do not conform to the Land Use Ordinance.

23.09.012 - Nonconforming Use Defined:

Nonconforming use includes any of the following that were lawfully established before the effective date of this title, or amendment to this title that caused the use to become nonconforming:

a. Nonconforming use of land:

- (1) A use of land established where such use is not identified as an allowed, special use or principally permitted use ("A" or "S" or "P" use) by Table O, Part I of the Land Use Element.
- (2) A use of land that is identified as an allowed or special use by Table O, Part I of the Land Use Element, but:

23.09.012 - 020

- (i) Is not allowable on the particular site because of planning area standards of the Land Use Element; or
 - (ii) Was lawfully established without the land use permit now required by this title; or
 - (iii) Is operated or conducted in a manner that does not now conform with standards of this title relating to minimum site area, limitations on use, or location criteria.
- (3) A residential use which exceeds the number of dwelling units allowed on the site by this title.

b. Nonconforming building, structure or site development:

- (1) A building or structure that was established or is conducted in a manner which does not conform with standards or permit requirements of this title relating to setback requirements, height limitations or sign requirements; or
- (2) A building or structure that does not conform with one or more standards of Title 19 of this code (the Building and Construction Ordinance).
- (3) A site that is developed and/or laid out in a manner that does not conform with standards of this title relating to site access location, parking and loading, landscaping, screening, fencing, signs, solid waste collection and disposal, exterior lighting, fire safety or underground utilities.

[Amended 1993, Ord. 2649]

23.09.020 - Right to Continue a Nonconforming Use:

A nonconforming use as defined by Section 23.09.012, which was established before the effective date of this title or before any subsequent amendment which creates such nonconformity, may be continued and maintained as allowed by Sections 23.09.026 (Nonconforming Uses of Land) and 23.09.030 (Nonconforming Buildings, Structures or Site Development). Continuation of a nonconforming use may include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged.

23.09.022 - Issued Building Permit:

Nothing in this title shall be deemed to require any change in the plans, construction, or designated use of any building for which a building permit has been issued and for which substantial site work (Section 23.02.042) was lawfully completed before the effective date of any amendment to this title which creates a nonconformity.

23.09.026 - Nonconforming Uses of Land:

Any nonconforming use of land (Section 23.09.012a) may be continued as follows, except as provided by Section 23.09.033 (Destroyed Structures and Signs):

- a. Expansion of existing use:** The use may not be enlarged, increased, or extended to occupy a greater area of land than was occupied by the use on the effective date of this title or amendment to this title which created a nonconformity, except as otherwise provided by this section. No land use, identified by Coastal Table O, Part I of the Land Use Element, shall be established on the site in addition to the nonconforming use of land, except:
- (1) Where the nonconforming use is first brought into conformity with all applicable provisions of this title and Title 19 of this code prior to application for a new conforming use; or
 - (2) Where Development Plan approval authorizes a new use to be established subject to:
 - (i) Conditions of approval which require that the nonconforming use be brought into conformity within a specific time to be determined by the Planning Commission, not to exceed three years; or
 - (ii) Findings by the Planning Commission that the proposed new use is independent from the nonconforming use and will not act to prolong the nonconforming use.
- b. Maintenance, repair and alteration.** A building or structure that constitutes a nonconforming use of land may undergo necessary repairs and maintenance consistent with the provisions of Section 23.09.033 (Destroyed Structures and Signs), but shall not be altered except for non-structural changes in the appearance of the building. Structural changes shall occur only where needed to correct conditions that have been determined by the building official to be hazards to the health or safety of users of the building or structure.

- c. **Discontinued use:** If a nonconforming use of land is discontinued for a period of six months or more, or a nonconforming use of land in a building designed exclusively for the use (e.g., a service station) is discontinued for 12 months or more, any following use shall be in conformity with all applicable requirements of this title, except as provided by Section 23.09.036 (Nonconforming Parking).
- d. **Single-family dwelling:** A detached single-family dwelling existing as a principal use, and any accompanying residential accessory uses (as defined by Chapter 7, Part I of the Land Use Element), may be continued as residential uses subject to subsection b. of this section, and may be altered, provided that no increase in the number of dwelling units, or aggregate increase greater than 25 percent in the usable floor area occurs. Additional residential accessory uses may also be established on the site as part of the allowed 25 percent expansion. Any expansion pursuant to this standard shall be in accordance with all applicable provisions of Chapter 23.04, 23.05, 23.07 and 23.08 of this title.
- e. **Destroyed structure:** When a structure that constitutes a nonconforming use of land is destroyed or partially destroyed, its restoration is subject to Section 23.09.033 (Destroyed Structures and Signs).
- f. **Nonconformity due to lack of land use permit:** Any nonconforming use which is nonconforming only because of the absence of a land use permit shall not be enlarged, altered or extended to occupy a greater land area without first securing approval of the required land use permit. The use shall be deemed a conforming use upon securing the approval of such permit. Proposals for farm support quarters pursuant to Section 23.08.167 of this title shall not be deemed an enlargement, alteration or extension of the existing use for purposes of this subsection.
- g. **Nonconforming Use of land in a conforming building or structure:** The use of a building which is in conformity with the provisions of this title for a nonconforming use of land may be continued and may be extended throughout the building provided no structural alterations to the building are made except those required by law.

[Amended 1992, Ord. 2540; 1992, Ord. 2547; 1995, Ord. 2715]

23.09.030 - Nonconforming Buildings, Structures or Site Development:

Any nonconforming building, structure or site development as defined by Section 23.09.012b may continue to be used as provided by this section (and Section 23.09.032 in the case of

nonconforming signs) where the structure was established and has been maintained in a lawful manner and condition.

a. Nonconforming buildings or structures - Expansion or alteration. The floor area or the footprint of a nonconforming building or structure shall not be increased, nor shall any structural alteration occur, except:

- (1) Proposed alterations or expansions consistent with all applicable provisions of this title, when accompanied by any additional alterations necessary to bring the entire building or structure into conformity with all applicable provisions of Title 19 of this code.
- (2) Minor alterations which are determined by the building official to be necessary to improve or maintain the health and/or safety of the occupants, or are required by law.
- (3) Restoration of destroyed or partially destroyed nonconforming buildings or structures, subject to Section 23.09.033 (Destroyed Structures and Signs).

The establishment of additional conforming buildings, structures or uses on the site may be allowed as provided by subsection b. of this section.

b. Additional buildings, structures or uses. Separate conforming buildings, structures and uses of land may be established on the same site as a nonconforming building or structure, as follows:

- (1) **Permit requirement:** Minor Use Permit for all uses except farm support quarters, unless this title would otherwise require Development Plan approval for the proposed additional building, structure or use. Site Plan approval for farm support quarters unless this title would otherwise require Development Plan or Minor Use Permit approval.
- (2) **Criteria for approval.** The approval body shall not grant a Minor Use Permit pursuant to this section unless it first determines that the existing building or structure satisfies the following requirements, or will be modified to meet such requirements as a result of conditions of approval.
 - (i) The existing building or structure shall be brought into conformity with all applicable provisions of Sections 23.05.080 et seq. (Fire Safety), Chapter 23.06 (Operational Standards), and provisions of Chapter

23.07 of this title relating to Airport Review, Flood Hazard and Geologic Study Areas.

- (ii) The building or structure shall conform with all applicable provisions of Title 19 of this code and the Uniform Building Code regarding the location of buildings on property and the fire resistiveness of exterior walls, parapets and roofs.

The approval body may also require through conditions of approval that the nonconforming building or structure be brought into compliance with any applicable provisions of this code if they find that such correction is necessary to enable making the findings required for the approval of a Minor Use Permit or Development Plan by Sections 23.02.034c(4)(iii) through (v) of this title, or to avoid other anticipated problems with the new proposed use.

c. Substitution of use: A use of land on a site with a nonconforming building or structure or nonconforming site development may be replaced with another use only as follows:

- (1) Substitution shall occur only when the new use is identified as an allowable (an "A", "S" or "PP" use) by Coastal Table O, Part I of the Land Use Element; and
- (2) The new use is established pursuant to the permit requirements and all other applicable provisions of this title, except:
 - (i) Modifications or alterations to the building may occur as provided by Section 23.09.030a; and
 - (ii) Where the building or site does not conform with the parking standards of Section 23.04.160 et seq. (Parking), substitution shall satisfy the provisions of Section 23.09.036 (Nonconforming Parking) instead of Sections 23.04.160 et seq.

[Amended 1992, Ord. 2540; Amended 1992, Ord. 2547]

23.09.032 - Nonconforming Signs:

The use of a legal nonconforming sign may be continued as follows, except as otherwise provided by Section 23.09.030c (Substitution of Use):

- a. **Expansion - free standing sign:** Shall not be increased in area or lighting intensity; or moved from its location on the effective date of this title or amendment to this title which created a nonconformity, unless relocated pursuant to this title.
- b. **Attached sign:** A nonconforming sign affixed to a structure shall not be:
 - (1) Increased in area;
 - (2) Moved from its location on the effective date of this title unless required by law or pursuant to this title;
 - (3) Be provided with increased or intensified lighting;
 - (4) Changed to an advertisement for a business not occupying the premises or a product not sold on the premises.
- c. **Sign copy:** The advertising copy on a nonconforming sign may be changed, except as provided by subsections b., d. and e. of this section.
- d. **Discontinued use:** If the use of a building or land associated with a nonconforming sign is discontinued, any signs except for an off-premise sign shall thereafter conform to Section 23.04.300 et seq. (Signing). Once a nonconforming off-premise sign is removed from a site, it shall not be reconstructed or replaced.
- e. **Public nuisance:** Any nonconforming sign that is found to present a danger to the public or becomes unsightly because of disrepair or lack of proper maintenance may be declared a public nuisance by the Planning Commission and abated as set forth in Chapter 23.10 (Enforcement).
- f. **Destroyed sign.** Restoration of a destroyed or partially destroyed nonconforming sign is subject to Section 23.09.033 (Destroyed Structures and Signs).

23.09.033 - Destroyed Nonconforming Structures and Signs:

The replacement of a destroyed nonconforming building, structure or sign shall occur only as allowed by this section.

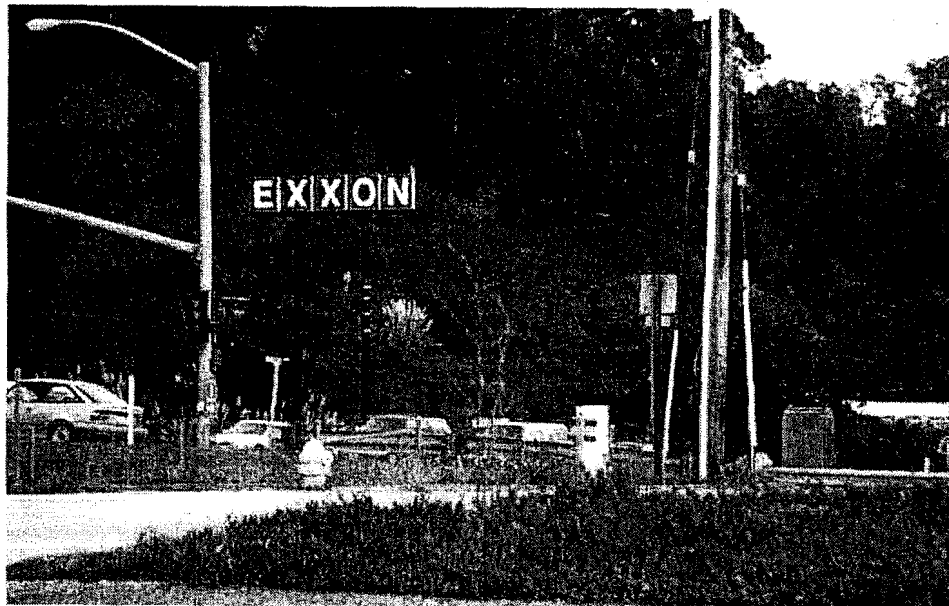
- a. **Replacement of destroyed non-residential structures:**



Existing Sign & Site of Car Wash (Mini-Mart in Background)



Existing Pole Sign (Looking East)



Existing Pole Sign (Looking Northeast across Windsor Blvd)



Existing Site (Looking West across Main Street to Hwy 1)

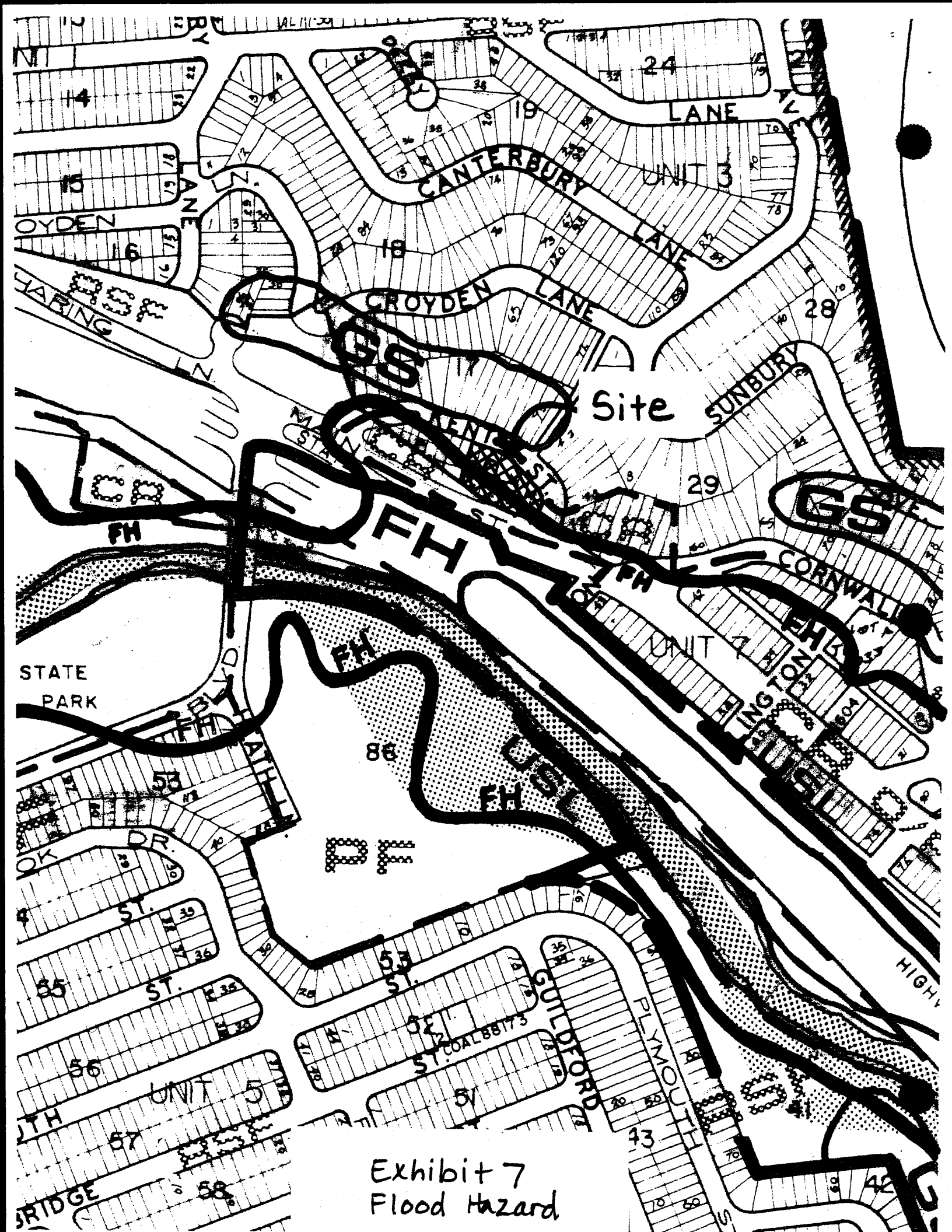


Exhibit 7
Flood Hazard

- (4) Any previously determined flood data available from any state, federal or other source.

23.07.066 - Construction Standards:

New structures or an increase of 65 percent in the square footage of any existing structures (including manufactured homes) or other construction activities within a Flood Hazard Area combining designation are subject to the following:

a. Construction, general:

- (1) No construction or grading is to limit the capacity of the floodway or increase flood heights on existing structures unless the adverse effect of the increase is rectified to the satisfaction of the County Engineer. In no case shall flood heights be increased above that allowed under the Federal Flood Insurance Program.
- (2) Structures shall be anchored to prevent collapse, lateral movement or flotation that could result in damage to other structures or restriction of bridge openings and narrow sections of the stream or river.
- (3) Service facilities such as electrical and heating equipment are to be floodproofed or constructed at minimum of one-foot above the 100-year storm flood profile level for the site.
- (4) Water supply and sanitary sewage systems shall be designed to minimize infiltration of flood waters into the system and discharge from systems into flood waters.
- (5) On-site waste disposal systems shall be located to avoid their being impaired or contaminated during flooding.
- (6) All buildings or structures shall be located landward of mean high tide.
- (7) Residential, commercial and industrial development shall be prohibited outside of urban and village reserve lines.
- (8) Whenever a watercourse is to be altered or relocated, the Department of Planning and Building shall notify adjacent communities and the California Department of Water Resources and evidence of such notification shall be sent to the Federal Insurance Administration.

- (9) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- (10) On the basis of structural plans and the depth analysis, the ground floor of all structures is to be constructed at a minimum of one-foot above the 100-year storm flood profile level. Within any AO zone on the Flood Insurance Rate maps, this elevation shall be determined by adding one foot to the depth number specified. If no depth is specified, structures shall be elevated a minimum of two feet above adjacent natural grade.
- (11) Non-residential construction shall either be elevated in conformance with Section 23.07.066a(10) above, or together with attendant utility and sanitary facilities, be elevated a minimum of two feet above the highest adjacent grade and be floodproofed to a minimum of one-foot above the 100-year storm flood profile level. Examples of floodproofing include, but are not limited to:
- (i) Installation of watertight doors, bulkheads, and shutters.
 - (ii) Reinforcement of walls to resist water pressure.
 - (iii) Use of paints, membranes, or mortars to reduce seepage through walls.
 - (iv) Addition of mass or weight to structure to resist flotation.
 - (v) Armor protection of all fill materials from scour and/or erosion.

23.07.062 - 064

- b. Emergency work:** Emergency work may be undertaken where necessary to preserve life or property. Within 48 hours after commencement of such work, the County Engineer is to be notified and an application filed with the Planning Department in compliance with the provisions of Section 23.07.064.
- c. Existing uses:** The continuance, operation, repair, or maintenance of any lawful use of land existing on the effective date of this title is permitted. Any expansion or alteration of an existing structure or use, or grading of a site, shall be conducted in accordance with all applicable provisions of this title.

23.07.064 - Flood Hazard Area Permit and Processing Requirements:

Drainage plan approval is required where any portion of the proposed site is located within a Flood Hazard combining designation, in addition to all other permits required by this title, state and federal law. In addition to the information called for in Section 23.05.042 (drainage plan required) the drainage plan shall include:

- a.** Federal Insurance Administration flood data, including base flood elevations, flood hazard areas and floodway locations.
- b.** In areas where water surface elevation data has not been provided by the Federal Insurance Administration, a normal depth analysis or other equivalent engineering analysis that identifies the location of the floodway and demonstrates to the satisfaction of the County Engineer that the structure will not be located within the floodway or be subject to inundation by a 100-year storm. The following information is required to determine the location of flood elevation and the floodway, except where waived or modified by the County Engineer:
 - (1)** Plans drawn to scale showing the location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the floodway.
 - (2)** Typical valley cross-sections showing the normal channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sections of areas to be occupied by the proposed development, and high-water information sufficient to define the 100-year storm flood profile level.
 - (3)** A profile showing the slope of the bottom of the channel or flow line of the stream.

