

## CALIFORNIA COASTAL COMMISSION

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

Th21b



Filed: 12/18/06  
49th day: 2/5/07  
Staff: JB-SC  
Staff report: 12/28/06  
Hearing date: 1/11/07  
Hearing item number: Th21b

## APPEAL STAFF REPORT - SUBSTANTIAL ISSUE DETERMINATION

**Appeal number** .....A-3-SLO-06-067

**Applicants** .....Emery Vlotho/Stor Max

**Appellants** .....Bill Shea; Robert Maddelein; Rick Roquet; Carol Kramer; Frank Nelson

**Local government** .....San Luis Obispo County

**Local decision** .....Approved with conditions (November 7, 2006).

**Project location** .....49 South Ocean Avenue, Cayucos, San Luis Obispo County.

**Project description** .....After-the-fact demolition of an existing restaurant, construction of a new 1835 square foot restaurant and two hotel units totaling approximately 4,000 square feet, and a waiver of 14 parking spaces.

**File documents**.....San Luis Obispo County Certified Local Coastal Program; County Final Local Action Notice (DRC2006-00014).

**Staff recommendation** ...**No Substantial Issue**

**Summary of staff recommendation:** San Luis Obispo County approved the after-the-fact demolition of an existing restaurant and construction of a new 1835 square foot restaurant and two hotel units totaling approximately 4,000 square feet in the Central Business District (CBD) of Cayucos, San Luis Obispo County. As part of the approval, the County granted a waiver to the standard parking requirements of the certified Local Coastal Program (LCP), which call for the provision of eighteen on-site parking spaces. As approved by the County, four on-site parking spaces will be provided. Section 23.04.162(h) of the Coastal Zone Land Use Ordinance (CZLUO) allows for such adjustments to parking requirements under specific circumstances, such as when the characteristics of the site or its immediate vicinity do not necessitate the required number of parking spaces. In this case, the County concluded that the parking adjustment was warranted because reduced parking at the site already exists, the project is located in the CBD and does not generate a large parking need, and no traffic problems will result from the modification of parking standards.

The only issue raised by the appeal is the County's issuance of a waiver to parking requirements. The appeal contentions do not specify why the appellants believe the waiver should not be granted, or identify a conflict with the LCP. Clearly, the provision of adequate parking within the CBD is an important issue, particularly as it relates to coastal access and recreation opportunities. For example, the



California Coastal Commission

January 2007 Meeting in Long Beach

Staff: J. Bishop Approved by:  
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provision of adequate on-site parking for residential uses is needed to prevent residential parking from consuming public parking spaces needed for coastal access.

The protection of coastal access and recreation opportunities does not always necessitate the provision of significant amounts of on-site parking, however. Limiting the extent of coastal property dedicated to automobile parking may, in some instances, provide opportunities to enhance coastal access and recreation opportunities, by encouraging alternative forms of transportation that minimize traffic, and by providing more room for other uses and amenities that may better serve visitors to the coast. Accordingly, the LCP allows for adjustments to standard parking requirements, but limit such adjustments to a very narrow set of circumstances.

In this case, the Appellant’s contentions do not raise a substantial issue regarding LCP consistency. The County appropriately applied the LCP provisions that allow to modification to parking requirements, and the project meets the criteria for such an approval. The appeal has not presented, and staff has been unable to identify, a basis to conclude that the County’s waiver of on-site parking requirements would result in an adverse impact to coastal resources or access and recreation opportunities that raise conflict with the LCP. The locally approved redevelopment of the site will not result in the loss of any previously available parking spaces, and will add four on-site spaces the did not previously exist. The limited degree to which the small restaurant and hotel use may use some on-street parking spaces will likely be for short periods of time, and will not impede coastal access and recreation opportunities.

For these reasons, Staff recommends that the Commission find that **no substantial issue** exists with respect to this project’s conformance with the certified San Luis Obispo County LCP and decline to take jurisdiction over the coastal development permit for the project.

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## 1. Appeal of San Luis Obispo County Decision

### A. San Luis Obispo County Action

San Luis Obispo County approved this proposed project subject to multiple conditions on November 7, 2006 (see Exhibit C for the County's adopted findings and conditions for the project). The County's approval was by the Board of Supervisors following an appeal of the Planning Commission's original approval. Notice of the Board of Supervisor's action on the coastal development permit (CDP) was received in the Coastal Commission's Central Coast District Office on December 4, 2006. The Coastal Commission's ten-working day appeal period for this action began on December 5, 2006 and concluded at 5pm on December 18th, 2006. One valid appeal was received during the appeal period.

### B. Appeal Procedures

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 it is within a sensitive coastal resource area (Cayucos Special Community) and is not designated as the principal permitted use under the zoning ordinance.

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 LCP 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 3 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 nearest public road and the sea or the shoreline of any body of water located within the coastal zone, and thus this additional finding would not need to be made in a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

### C. Appellants' Contentions

The Appellant's generally contend that the approved project is inconsistent with the LCP's parking standards. While no specific LCP policies or ordinances are cited, the appeal raises issue with the County's waiver of 14 parking spaces. Please see exhibit D for the Appellants' complete appeal document.

## 2. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the County's decision in this matter would be final (conversely, a finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action).

**Motion.** I move that the Commission determine that Appeal Number A-3-SLO-06-067 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 hereby finds that Appeal Number A-3-SLO-06-067 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 Program and/or the public access and recreation policies of the Coastal Act.

## Recommended Findings and Declarations



The Commission finds and declares as follows:

### 3. Project Description

#### A. Project Location

The project is located at the northwest corner of Ocean and Pacific Avenues, in the Central Business District (CBD) of Cayucos. The project is within the Commercial Retail (CR) land use category and is designated as a Visitor Serving Area and Special Community under the certified LCP. Special Communities are areas with unique, visually pleasing characteristics which serve as visitor destination points. Except for the curbs, gutters, and sidewalks already installed by the applicant, the 6,000 square foot parcel is undeveloped as the restaurant and duplex that were once on the project site have been demolished (see Exhibit A for a project location map).

#### B. Project Background

On June 17, 2005, the County approved a Minor Use Permit/Coastal Development Permit (MUP/CDP) for a remodel and 117 square foot addition to the restaurant, the demolition of two attached apartments of 2,782 square feet, and construction of two attached 6,004 square foot two-story motel/vacation rental units. During the remodel and addition the applicant demolished the entire restaurant structure because of issues raised by the County Health Department, Public Works Department, and Building Division.

San Luis Obispo County placed a Stop Work Order on the project because the demolition was not consistent with the previously approved remodel. The applicant then applied for an amendment to the previously approved MUP/CDP to allow for the complete demolition of the restaurant, which was subsequently approved on September 1, 2006. However, the complete demolition of the restaurant triggered the requirement for the new project to meet all development regulations, including parking standards. (The previously approved remodel was exempt from meeting current on-site parking requirements because of the existing structure's non-conforming status, and the limited extent of construction proposed.)

#### C. County Approved Project

The County approved project includes the after-the-fact demolition of the existing restaurant and construction of a new 1835 square foot restaurant and two hotel units totaling approximately 4,000 square feet. In addition, the County approved a waiver of approximately 14 parking spaces finding it consistent with the parking adjustment standards of the LCP. As approved, the project will result in the disturbance of the entire 6,000 square foot parcel. See Exhibit B for the County-approved project plans and Exhibit C for the adopted County findings, and conditions of approval.



## 4. Substantial Issue Findings

### A. Applicable Policies

Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.162(h) provides for the modification of parking requirements.

#### *CZLUO Section 23.04.162*

***h. Modification of parking standards.** The parking standards of this chapter may be modified as follows:*

- (1) **Permit Requirements.** Proposals to reduce the required number of parking spaces, or to modify any of the other parking standards of this chapter may be authorized through Minor Use Permit approval.*
- (2) **Criteria for approval.** Proposed modifications of parking standards shall be approved only where the Director of Planning and Building first determines, based upon specific findings of fact, that:*
  - (i) The characteristics of a use, the site, or its immediate vicinity do not necessitate the number of parking spaces, types of designs, or improvements required by this chapter; and*
  - (ii) Reduced parking or an alternative to the parking design standards of this chapter will be adequate to accommodate on the site all public parking needs generated by the use, or that additional parking is necessary because of specific features of the use, site, or site vicinity; and*
  - (iii) No traffic safety problems will result from the proposed modification of parking standards.*

### B. Analysis of Consistency with Applicable Policies

As detailed below, the appeal does not raise a substantial issue with respect to the project's conformance with the San Luis Obispo County certified LCP.

#### Modification of Parking Standards

The total number of parking spaces required for the project is 18 (16 spaces for the restaurant and 4 spaces for the hotel, less a 2 space shared on-site use adjustment pursuant to CZLUO Section 23.04.162(d)). The County granted a parking waiver of 14 spaces and approved the project with 4 on-site parking spaces (3 enclosed spaces for the hotel units and 1 handicapped space). To find the parking waiver consistent with the certified LCP, two specific standards must be satisfied. As shown in the analysis below, the County approval is consistent with both.



First, the County has the authority under the LCP to modify parking requirements. CZLUO Section 23.04.162(h)(1) requires the parking waiver to be authorized through Minor Use Permit approval. As described, a Minor Use Permit authorizing the parking waiver was granted by the County Board of Supervisors on November 7, 2006. Thus, the County approved MUP is consistent with the permit processing requirement of the LCP.

Second, CZLUO Section 23.04.162(h)(2) establishes three criteria which must be met before a reduction in the number of parking spaces can be approved. The analysis below lists the criteria and discusses each in detail:

**(i) The characteristics of a use, the site, or its immediate vicinity do not necessitate the number of parking spaces.**

The project is located in the Central Business District of Cayucos and does not generate a large on-site parking need. The CBD is within a popular beach destination and generates a large amount of pedestrian “foot-traffic”. The restaurant here is not a destination type use and does not necessitate the same number of on-site spaces typical of restaurants in other settings or locations.

**(ii) Reduced parking will be adequate to accommodate all parking needs generated by the use.**

The proposed project will not increase the size or number of seats in the restaurant beyond existing conditions. Reduced parking at the site currently exists and is adequate to accommodate the parking needs. The restaurant fronts Ocean Avenue and according to the County will retain the existing number of general public parking spaces on the street. It should be noted that the previous duplex in the rear of the restaurant did not provide on-site parking. The County approved project adds 4 parking spaces for the overnight users. Therefore, the County approved project will actually result in a net increase in the number of on-site parking spaces beyond the historic condition. It is also important to note that the wholesale demolition of the restaurant created a unique situation where additional parking regulations were added. Thus, approval of the waiver should not be viewed as a precedent.

**(iii) No traffic safety problems will result from the proposed modification of parking standards.**

As described, the amount of parking will not be reduced beyond existing conditions and currently no traffic problems exist at the site. According to the County record, parking for the entire CBD has not been known problem. The Cayucos Citizen’s Advisory Council reviewed the waiver of 14 parking spaces and voted in favor of the project. In addition, a more complete review of parking within Cayucos will be covered in the future Estero Area Plan Update. While the Commission has in the past addressed parking impacts on higher priority uses, particularly where residential parking has the potential to displace visitor-serving parking and public access, such impacts are not anticipated here. In this case, the level of parking is not reduced beyond previous conditions and the project will provide a priority visitor-serving use.

In sum, the County appropriately applied the LCP’s allowance to modify the parking requirements, and the project meets the criteria for such an approval. Most importantly, the County waiver of 14 parking



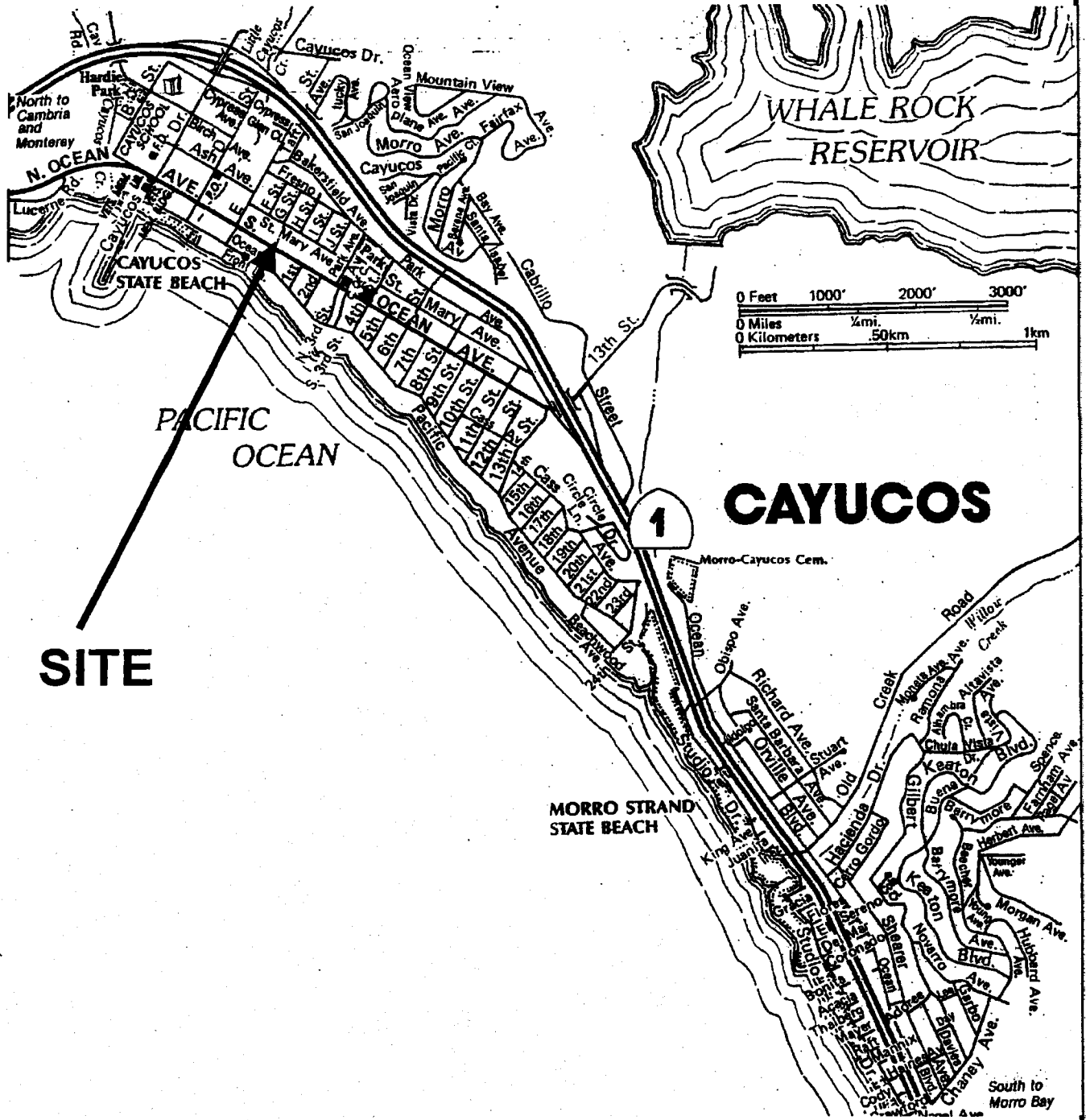
spaces for this project will not have an adverse impact on coastal access and recreation access opportunities within the CBD of Cayucos. The re-establishment of visitor-serving uses on the site will benefit unique visitor-serving nature of the CBD. Thus, the issue of waiving parking requirements on this particular site is not substantial in terms of the project's conformance with the certified LCP.

### C. Substantial Issue Conclusion

The County's waiver of parking requirements is allowed under the LCP and was appropriately processed through Minor Use Permit/Coastal Development Permit approval. Moreover, the project meets the LCP criteria for such a reduction in the number of required parking spaces, will provide visitor-serving uses, and will not impact coastal access and recreation opportunities available to the general public. Thus, Staff recommends that the Commission find that **no substantial issue exists** with respect to this project's conformance with the certified San Luis Obispo County LCP and decline to take jurisdiction over the coastal development permit for the project.







**SITE**

**CAYUCOS**

1

**PROJECT**

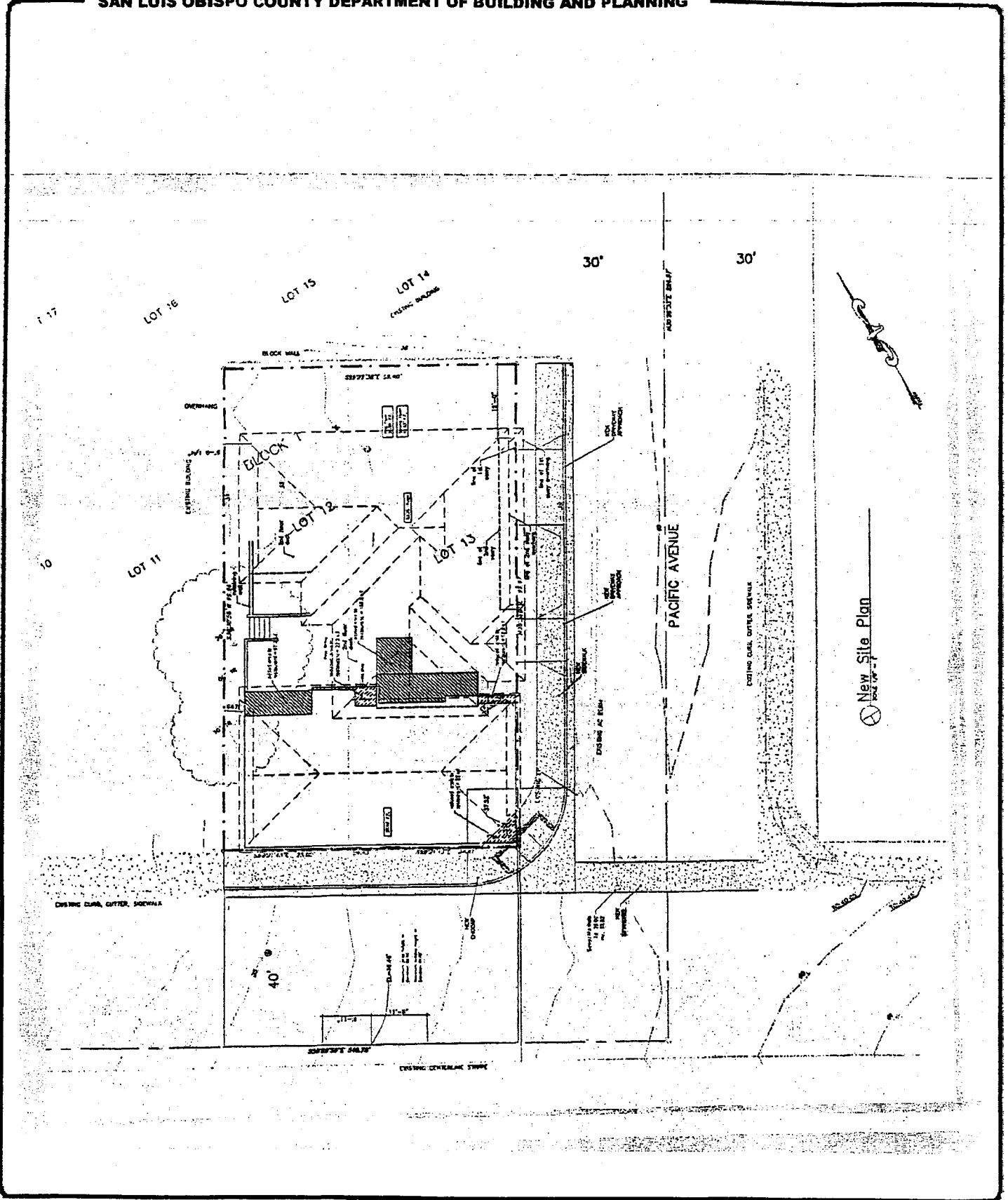
Minor Use Permit  
Stormax DRC2006-00014



**EXHIBIT**

Vicinity Map

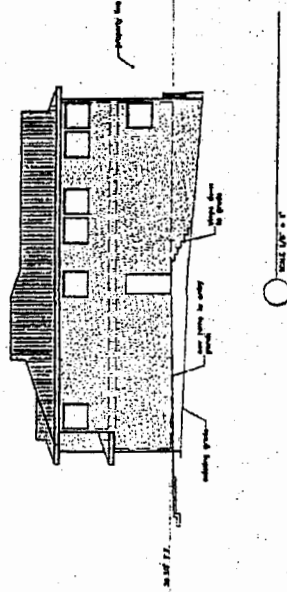
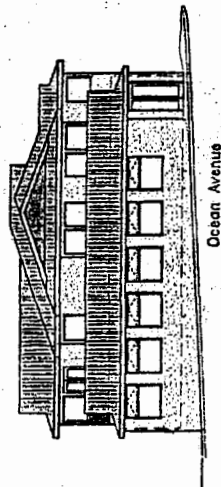
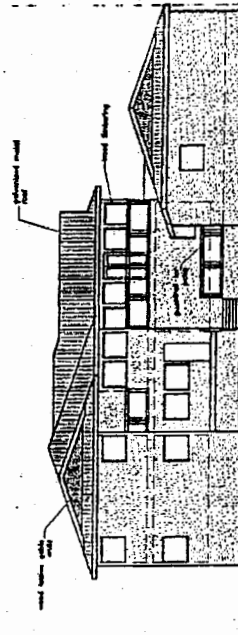
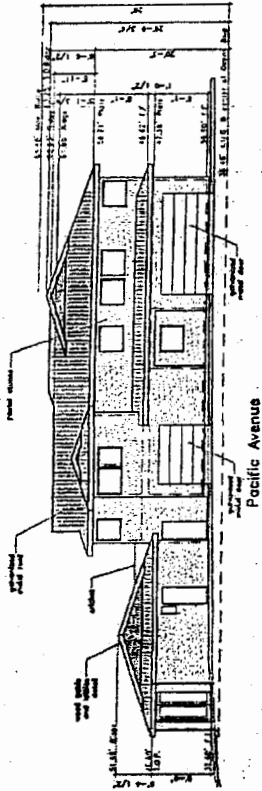




**PROJECT**  
Minor Use Permit  
Stor Max DRC2006-00014



**EXHIBIT**  
Site Plan



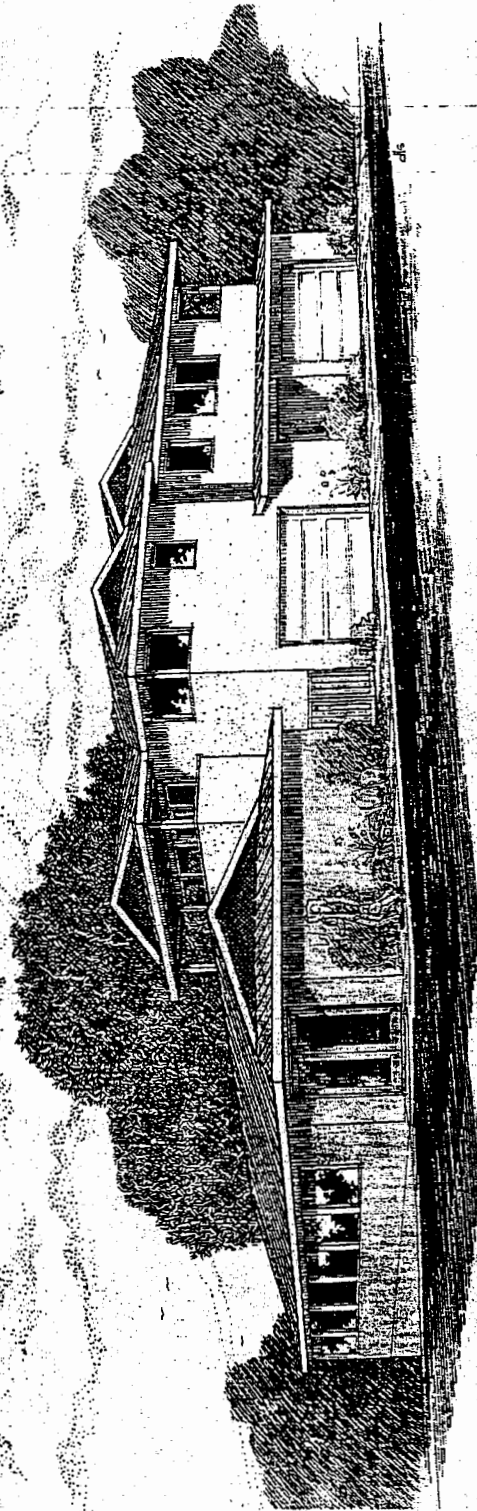
PROJECT

Minor Use Permit  
Stor Max DRC2006-00014



EXHIBIT

Elevations



**PROJECT**

Minor Use Permit  
Stor Max DRC2006-00014



**EXHIBIT**

Elevation

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





SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

FINAL LOCAL  
ACTION NOTICE

VICTOR HOLANDA, AICP  
DIRECTOR

**RECEIVED**

November 30, 2006

REFERENCE # 3-SLO-06-520

DEC 04 2006

Stephen B. Carnes  
333 Fresno Avenue  
Morro Bay, CA 93442

APPEAL PERIOD 12/5-12/18/06

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: November 7, 2006

SUBJECT: County File No. – Vlotho / Stor Max DRC2006-00014  
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 Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non-coastal issues there is a fee of \$578.00. This action may also be 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 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.

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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

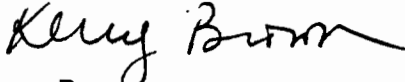
FAX: (805) 781-1242

WEBSITE: <http://www.co.slo.ca.us/planning>

**CCC Exhibit C**  
**(page 1 of 10 pages)**

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) 781-5713.  
Sincerely,



Kerry Brown  
Coastal Planning and Permitting

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(Planning Department Use Only)

Date NOFA copy mailed to Coastal Commission: November 30, 2006

Enclosed:              X   Staff Report  
                           X   Findings and Conditions



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

Tues day November 7, 2006

**PRESENT:** Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall,  
James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

**ABSENT:** None

RESOLUTION NO. 2006-384

RESOLUTION AFFIRMING THE DECISION OF THE  
HEARING OFFICER AND CONDITIONALLY APPROVING  
THE APPLICATION OF EMERY VLOTHO / STOR MAX  
FOR MINOR USE PERMIT / COASTAL DEVELOPMENT PERMIT DRC2006-00014

The following resolution is now offered and read:

WHEREAS, on September 1, 2006, 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 Emery Vlotho / Stor Max for Minor Use Permit / Coastal Development Permit DRC2006-00014; and

WHEREAS, Robert J. Maddelein has 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 November 7, 2006, and a determination and decision was made on November 7, 2006; 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** C  
**(page 3 of 10 pages)**

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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 Robert J. Maddelein is hereby denied and the decision of the Hearing Officer is affirmed that the application of Emery Vlotho / Stor Max for Minor Use Permit / Coastal Development Permit DRC2006-00014 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 Bianchi, seconded by Supervisor Lenthall, and on the following roll call vote, to wit:

AYES: Supervisors Bianchi, Lenthall, Ovitt, Patterson, Chairperson Achadjian

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

K.H. ACHADJIAN

Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD  
Clerk of the Board of Supervisors

[SEAL] By: VICKI M. SHELBY Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By:   
Deputy County Counsel

Dated: October 26, 2006

CCC Exhibit C  
(page 4 of 10 pages)

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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 30th day of November, 2006.

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

(SEAL)

By: [Signature]  
Deputy Clerk

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## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Categorical Exemption Class 2 pursuant to CEQA Guidelines Section 15303 because the proposed project is demolition and reconstruction of a commercial building.

### *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 project 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 project 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 a road constructed to a level able to handle any additional traffic associated with the project.

### *Coastal Access*

- G. The project site is located between the first public road and the ocean. The project site is within an urban reserve line (Cayucos) and an existing coastal access point exists within ¼ mile of the project site, therefore, the proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act.

### *Adjustments*

- H. Modification of parking standards required by Land Use Ordinance Section 23.04.166 is justified because:
- The characteristics of the use do not necessitate the number of parking spaces required by Title 23 because the business currently exists, is located in the central business district and does not generate a large parking need,
  - Reduced parking at the site currently exists and is adequate to accommodate the parking needs generated by the use; and

- c. No traffic problems will result from the proposed modification of parking standards because no traffic problem currently exist at the site.

**EXHIBIT B - CONDITIONS OF APPROVAL**

**Approved Development**

1. This approval authorizes:
  - a. Demolition of the existing restaurant and duplex;
  - b. Reconstruction and addition of 177 square feet to an existing restaurant;
  - c. Construction of two motel units totaling 6,004 square feet;
  - d. Waiver of 14 parking spaces;
  - e. Maximum height is 30 feet as measured from average natural grade.

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

***Site Development***

2. Plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
3. 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 or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

***Fire Safety***

4. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

***Community Water***

5. The applicant shall provide a letter from Morro Rock Mutual Water Company stating they are willing and able to service the property.

***Landscaping***

6. The applicant shall submit a landscape plan to the Planning and Building Department for review and approval.

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

***Fees***

7. The applicant shall pay all applicable school and public facilities fees.

***Sanitary Release***

8. The applicant shall obtain a signed release from the **Cayucos Sanitary District** to ensure that all of their concerns, requirements, fees, and design issues have been addressed. The applicant shall submit the signed release to development review staff prior to requesting building permit issuance.

**Public Works Requirements**

9. The applicant shall meet of all the requirements of the Public Works Department including curb, gutter, and sidewalk improvements consistent with Section 23.05.106.

**Conditions to be completed during project construction**

**Building Height**

10. The maximum height of the project is 30 feet as measured from average natural grade.
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
  - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
  - c. **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.

**Conditions to be completed prior to occupancy or final building inspection / establishment of the use**

11. No construction noise from equipment and machinery shall occur prior to 8:00 am.
12. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
13. The applicant shall obtain final inspection and approval from Cayucos Fire Department of all required fire/life safety measures.
14. The applicant shall install curb, gutter, and sidewalk improvements consistent with Section 23.05.106.
15. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**Miscellaneous**

16. This 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. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').

- 17 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 22.74.160 of the Land Use Ordinance.

***Indemnification***

18. The applicant shall as a condition of approval of this minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to approval or implementation of this minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.



CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Bill Shea  
Mailing Address: 296 S. Ocean  
City: Cayucos

See 2nd page for Appellants

Zip Code: 93430 Phone: 995-3272

SECTION II. Decision Being Appealed

- Name of local/port government:  
San Luis Obispo County Board of Supervisors
- Brief description of development being appealed:  
Project was permitted to be a remodel of Restaurant and 2 motel units, the owner decided to demolish the whole building site without the proper permits, and still wants to consider this project a remodel without parking. Footprint has changed project way to big for lot.
- Development's location (street address, assessor's parcel no., cross street, etc.):  
49 South Ocean      CROSS STREET Pacific AVE  
Cayucos CA. 93430      Parcel # 064-119-026
- 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.

<u>TO BE COMPLETED BY COMMISSION:</u>	
APPEAL NO:	<u>A-3-SLO-06-007</u>
DATE FILED:	<u>December 18, 2006</u>
District:	<u>Central Coast</u>

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COASTAL COMMISSION  
CENTRAL COAST AREA

**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: NOV. 7 2006

7. Local government's file number (if any): DRC 2006-00014

**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:

Emery Ylotho / STOR MAX  
525 W 4th ST  
Hanford Ca. 93230

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. CO APPELLANTS

(1) Robert J maddeleni  
42 SAINT MAXY AVE  
Cayucos Ca. 93430 805/995/0508

(2) Rick Roquet  
42 OCEAN AVE  
CAYUCOS, Ca 93430 805 995-3809

(3) Carol R. Kramer  
29650 Ocean  
Cayucos California 93430 805 995-3272

(4) Frank Nelson  
50 S. Ocean  
Cayucos, Ca.  
93430 805/995-3658

**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.

A Minor Use Permit/Coastal Development Permit (MUP/CDP) was approved for the subject property on June 17, 2005 (D020316P). The project description at that time included "a remodel and a 177 square foot addition to an existing restaurant to allow for handicapped accessibility, the demolition of two attached apartments of 2,782 square feet and construction of two attached 6,004 square foot two story motel/vacation rental units." During the "remodel and addition" to the previously existing restaurant in June of 2006, the applicant made the decision to demolish the entire restaurant structure (for various reasons; some cited below). N

Staff placed a Stop Work Order on the project because the construction occurring at the site was not consistent with the previously approved set of MUP/CDP conditions. The applicant then applied for an amendment to the previously approved MUP/CDP to allow for the complete demolition of the restaurant. The Minor Use/Coastal Development Permit approved on September 1, 2006 authorized the complete demolition of the restaurant after-the-fact. However, when the complete demolition of the restaurant occurred, the applicant triggered the requirement for all new regulations (i.e. the legal nonconforming status of the restaurant was lost at the time of complete demolition). 1-2

The parking requirement for the new restaurant is 18 spaces. The waiver of 14 spaces (77% of the total required) is significant. However, staff supported the waiver because there was no known parking deficiency or problem previously at the site. In addition, and more importantly, parking for the entire Cayucos Central Business District has not been known to be deficient or problematic year round except for a few very busy weekends in the summer (e.g. 4<sup>th</sup> of July). The Cayucos Citizen's Advisory Council reviewed the new MUP/CDP application for the complete demolition of the restaurant and the waiver of 14 parking spaces and voted to approve the project.

**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.

*Robert J. Madaleno*  
*Rich Rogert*  
*Carol R. Kramer*  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

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

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