

## **CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
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# Th14b

### **A-3-SLO-22-0024 (CAMBRIA CHRISTMAS MARKET) JULY 14, 2022 HEARING EXHIBITS**

#### **Table of Contents**

- Exhibit 1: Project Site Maps**
- Exhibit 2: Project Site Image**
- Exhibit 3: Approved Project Conditions**
- Exhibit 4: County Final Local CDP Action Notice**
- Exhibit 5: Appeal of County CDP Decision**
- Exhibit 6: LCP Table 'O'**
- Exhibit 7: ESHA Map**
- Exhibit 8: Noise Study**
- Exhibit 9: County Letter re: Hearing Notice**



San Simeon

Pacific Ocean

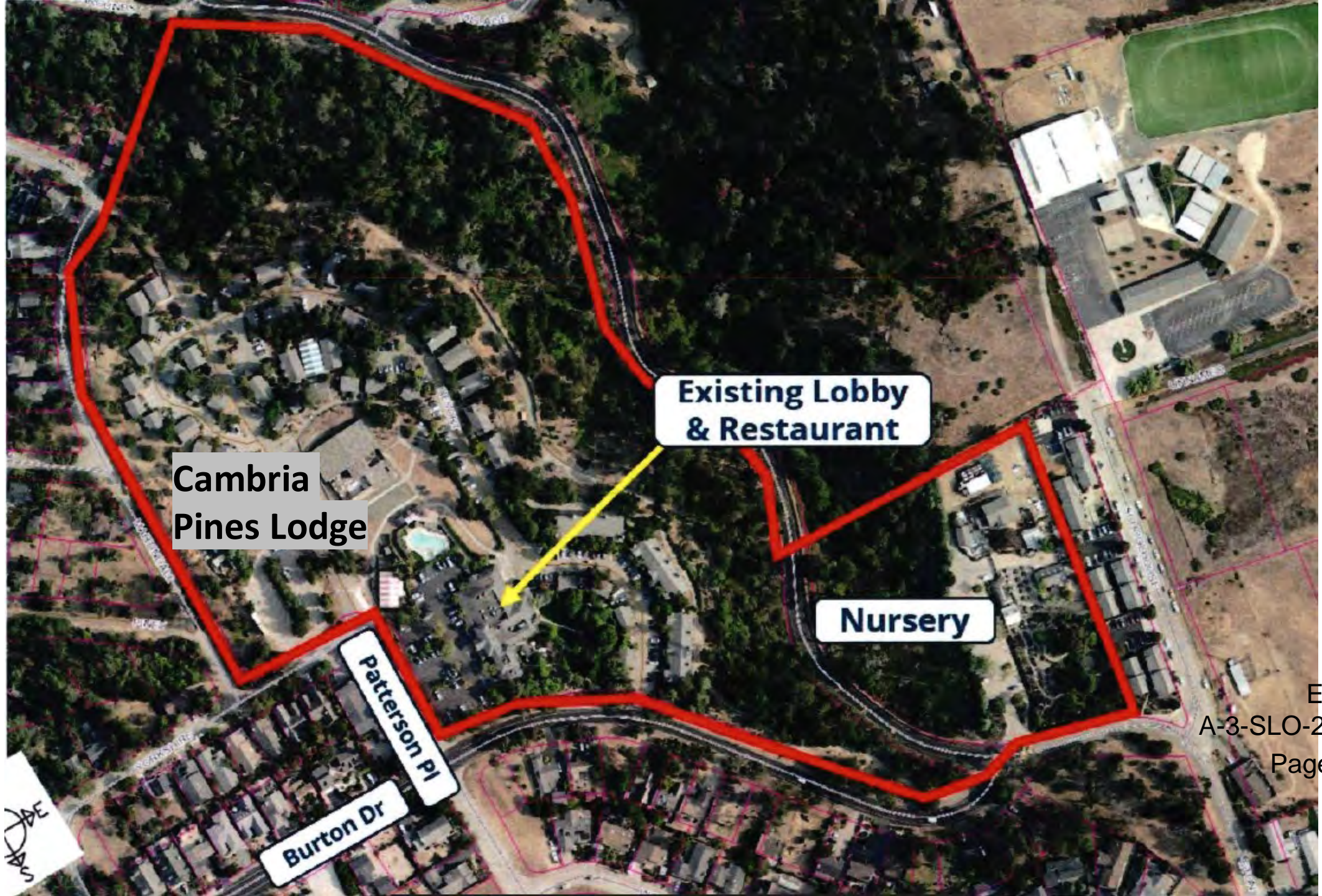
Christmas  
Market  
location

Cayucos

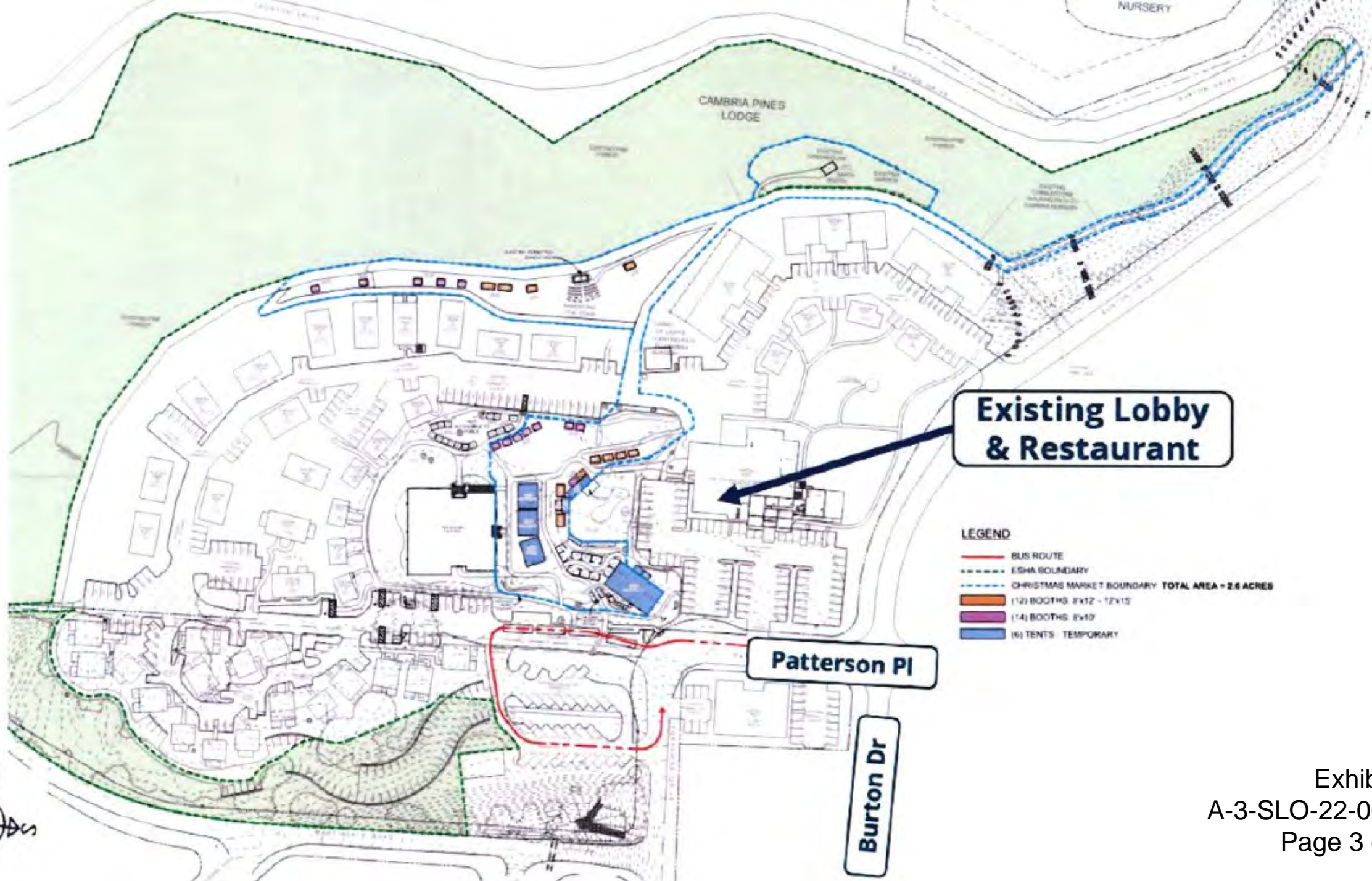
Cambria

Cambria Pines Lodge



















## **EXHIBIT B – REVISED CONDITIONS OF APPROVAL**

### **Development Plan / Coastal Development Permit DRC2021-00042 Pacific Cambria, LLC**

#### **Approved Development**

1. This Development Plan / Coastal Development Permit authorizes the Cambria Christmas Market to operate as a temporary event at the Cambria Pines Lodge as follows:
  - a. This permit is valid for the following years: 2016, 2017, 2018, 2019, 2022, and 2023 holiday seasons. Temporary events occurring after 2023 will require separate approval.
  - b. Following completion of the final approval period and satisfaction of the project conditions and Notice of Violation requirements, the Cambria Christmas Market may occur Wednesday through Sunday (and all of Christmas week) from 5 pm to 9 pm each evening (for a period not to exceed four weeks).
  - c. The Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, Pedestrian and Traffic Safety Plan, and the updated site plan approved on October 7, 2021, (spaced-out layout for maximum 26 vendor booths).
  - d. Shuttle buses shall only use Burton Drive, Patterson Place, Highway One, Santa Rosa Creek Road, and Main Street.
  - e. The maximum attendance on any given night shall not exceed 3,000 guests. The applicant shall utilize a ticket-based system or the equivalent to limit the number of individuals who enter the Cambria Christmas Market per day. Upon request, the applicant shall provide the County with evidence of all daily ticket sales with back-up data. Exceedance of the daily maximum attendance or failure to implement a ticket-based system (or equivalent) shall be grounds for permit revocation.
  - f. The required 1,000-foot setback for temporary events from the RSF land use category is hereby modified to allow the event as proposed.
  - g. No permanent construction, grading, or site disturbance is authorized.
  - h. The applicant shall provide annual reports to the Department of Planning and Building and interested parties including daily attendance statistics for each annual market.
2. Related activities and seasonal displays may occur at the adjacent Cambria Nursery consistent with the visitor-serving and retail use of that site.
3. Prior to each annual Christmas Market, the applicant shall submit to the Department of Planning and Building a fire safety and evacuation plan that has been reviewed and approved by the Cambria CSD Fire Department.
4. Prior to each annual Christmas Market, the applicant shall comply with all permit



requirements and standards of Chapter 6.56 of the County Code (Temporary Commercial Outdoor Entertainment Licenses).

#### ***Temporary Vendor Booths***

5. This approval authorizes a maximum of 26 temporary vendor booths, with a maximum footprint of 8 feet by 10 feet and a maximum height of 9 feet.
6. Prior to each annual Christmas Market, the applicant shall contact the Building Division to obtain any necessary construction and/or electrical permits for the temporary vendor booths.
7. Within 30 days of the conclusion of each annual Christmas Market, all 26 temporary vendor booths shall be dismantled and removed to an offsite location or stored onsite within an existing approved building.

#### ***Offsite Parking***

8. Prior to each annual Christmas Market, the applicant shall submit evidence of authorization to use each identified offsite parking lot.

#### ***Temporary Lighting***

9. All temporary lighting associated with the Cambria Christmas Market shall be turned off every night when the market closes at 9 pm.
10. Temporary lighting shall remain on the trunk and lowest branches only of at least every other tree.
11. No standalone light displays or lighting mats are permitted in ESHA areas (as identified in 2003 CDP for the lodge expansion) except within the garden/greenhouse area.
12. Temporary lighting shall comply with Section 23.04.320 (Outdoor Lights).

#### ***Archaeology***

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

#### ***Access***

14. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit (including an event traffic control plan) and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public

Improvement Standards. The plan is to include, as applicable:

- a. Street plan for widening Burton Drive to provide a minimum 6-foot (4-foot minimum where constrained) wide aggregate base shoulder along the property frontage between Burton Drive and the first project driveway, and within necessary dedicated right-of-way easements.
  - b. Construct a new site access driveway on Yorkshire Drive in accordance with B-1 rural driveway standards and A-5 sight distance standards.
15. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the applicant shall submit an application to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to provide event traffic control within the public right-of-way in accordance with County Public Improvement Standards and the California Manual of Uniform Traffic Control Devices (CA-MUTCD). The application is to include a traffic control plan prepared by a licensed civil engineer that, at a minimum, includes:
- a. Restricts event parking on the following County roads:
    - ii. Burton Drive
    - iii. Eton Road
    - iv. Martindale Street
    - v. Patterson Place
    - vi. Rogers Street
    - vii. Yorkshire Street
    - viii. Wood Drive
  - b. Restricts parking on the vacant lots on the southeast corner of Patterson Place and Burton Drive.
  - c. Restricts pedestrian travel along Burton Drive
  - d. Contracts with the California Highway Patrol (CHP) to provide:
    - i. Traffic direction at the following intersections:
      - a. Burton Drive at Eton Road
    - ii. Vehicle code traffic enforcement in the neighborhoods surrounding the event site.
  - e. Defines event site access restrictions/requirements for guests registered at the Cambria Pines Lodge.
  - f. Limits bus shuttle traffic to Arterial and Collector roads (e.g. State Route 1, Burton Drive Eton Road, Main Street, and Santa Rosa Creek Road).
  - g. Establishes an event coordinator and posts their contact information (e.g. website, community flyers, etc.). The event coordinator will be responsible for responding to all complaints in a timely manner.
  - h. Establishes an event pre-notification process to be provided to all emergency responders (police, fire, ambulance, etc.)
  - i. Concurrent traffic control plan approval from:
    - i. Cambria Fire Department
    - ii. County Sheriff and California Highway Patrol



16. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
17. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the following encroachment conditions must be completed to the satisfaction of the Director of Public Works:
  - a. The Burton Drive shoulder widening improvements have been either constructed or bonded. If bonded, the fronting property owner must have executed an agreement with the Director of Public Works, in a form acceptable to County Counsel, to install the improvements and must have posted a faithful performance bond for the construction of the improvements.
  - b. The Yorkshire Drive site access driveway improvements have been constructed.
  - c. An encroachment permit has been issued for the event traffic control plan.
18. **On-going condition of approval (valid for the life of the project),** and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works.
19. **On-going condition of approval (valid for the life of the project),** the property owner shall be responsible for operation and maintenance of public road frontage landscaping, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

#### ***Recycling***

20. **On-going condition of approval (valid for the life of the project),** the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

#### ***Fire Protection***

21. **Prior to commencement of event or final inspection,** whichever occurs first, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire and life safety measures.

#### ***Public Works Review***

22. **Prior to commencement of event or final inspection,** whichever occurs first, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

#### ***Access***

23. **Prior to commencement of event or final inspection,** whichever occurs first, a

Registered Civil Engineer must certify to the Department of Public Works that the public improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

**Development Review Inspection**

24. **Prior to commencement of event**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
25. All conditions of this approval shall be strictly adhered to, within the timeframes specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

**Condition Compliance Monitoring**

26. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the applicant shall sign a Condition Compliance Monitoring (CCM) Agreement. Condition Compliance Monitoring includes but is not limited to no-notice site inspection(s) to ensure ongoing compliance.
27. The applicant shall schedule an inspection with Code Enforcement no later than 30 days after the conclusion of the event so that the County can ensure condition compliance, including, but not limited to, removal of all temporary structures.
28. The applicant shall submit a letter from the Cambria Community Services District (CCSD) Fire Department confirming they have inspected the event site at the conclusion of the event and that all temporary electrical has been removed.

**As Built Electrical Permitting**

29. All as-built electrical work shall be inspected and permitted (finaled) by the Building Department prior to commencement of event.

**Environmental Health Permits**

30. Vendors providing food shall obtain appropriate health permits from the County Environmental Health Department prior to commencement of event.

**Indemnification**

31. The applicant shall, as a condition of approval of this land use permit application, defend, hold harmless and indemnify, at his or her sole expense (including attorney's fees, with Counsel approved by the County), 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 land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to approval or implementation of this land use permit. The applicant shall reimburse the County for any court costs and attorney fees that 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. Upon request of the County, the applicant shall also enter into a separate agreement with the County (the "Indemnity Agreement"), in a form approved by County Counsel, agreeing to defend, indemnify, save and hold harmless the County, its present or former officers, agents,





COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING & BUILDING  
TREVOR KEITH, DIRECTOR

RECEIVED

May 12, 2022

Pacific Cambria Inc.  
Attn: Dirk Winter & Mike Arnold  
2905 Burton Dr.  
Cambria, CA 93428-4001

MAY 16 2022

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**NOTICE OF FINAL COUNTY ACTION**



HEARING DATE: May 3, 2022  
SUBJECT: **County File Number: DRC2021-00042**  
Pacific Cambria, LLC

LOCATED WITHIN COASTAL ZONE: YES  
COASTAL APPEALABLE: Yes

On May 3, 2022, the Board of Supervisors denied the appeal of Claudia Harmen Worthen, Russel Read and Joseph Mark Hough and affirming the decision of the Planning Commission and approving the application of Pacific Cambria, LLC for a Development Plan/Coastal Development Permit amendment DRC2021-00042. This application is subject to the findings and conditions set forth by the Board of Supervisors Resolution Number 2022-109, which are enclosed for your records.

This Notice of Final Action is being mailed to you pursuant to the Land Use Ordinance Section 23.02.036(a).

This action is appealable to the California Coastal Commission, pursuant to regulations contain 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 appeal must be made directly to the California Coastal Commission. For further information on their appeal procedures, contact the Commissions Santa Cruz Office at (831) 427-4863.

Additionally, county Coastal Zone Land Use Ordinance Section 23.01-043 and applicable sections of the Coastal Act provide the California Coastal Commission ten (10) working days to appeal the County's Final Action. This means the Applicant and County cannot act on this decision, including but not limited to, the request or issuance of a building permit, until the Coastal Commission Appeal period has expired without an appeal being filed.



**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING & BUILDING**  
**TREVOR KEITH, DIRECTOR**

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An aggrieved party may obtain judicial review of this action by filing a petition for writ of mandate pursuant to California Code of Civil Procedure Section 1094.5 within the time specified in California Code of Civil Procedure Section 1094.6.

If you have questions regarding your project, please contact me at (805) 788-2085.

Sincerely,

*Katie Martin*

Katie Martin  
Executive Assistant, Planning & Building

cc: California Coastal Commission  
Claudia Harmen Worthen, Appellant  
Russel Read, Appellant  
Joseph Mark Hough, Appellant





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

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 5/3/2022	(3) CONTACT/PHONE Nicole Ellis, Senior Planner (805) 781-5157  Xzandrea Fowler, Division Manager (805) 781-5028	
(4) SUBJECT Hearing to consider an appeal (APPL2021-00018) by Claudia Harmen Worthen, Russel Read and Mark Hough of the Planning Commission's approval of Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit for one year from permit expiration. Extension will carry through the end of the 2022 holiday season due to the timing of appeal action. The hours of operation are Wednesday through Sunday (and all of Christmas week) from 5:00 p.m. to 9:00 p.m. The market would include temporary lighting, seasonal displays, and concession stands. Twenty-six temporary booths would be erected for the event and would be dismantled and removed at the conclusion of the event. Several new conditions and minor clarifications to previously approved conditions are included for hearing consideration. The market is located within the interior of the Cambria Pines Lodge grounds and at the adjacent Cambria Nursery. The proposed project is within the Recreation land use category; and is located at 2905 Burton Drive, in the community of Cambria. The site is in the North Coast Planning Area. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution to deny the appeal of Claudia Harmen Worthen, Russel Read and Mark Hough, and uphold the decision of the Planning Commission to approve an amendment to Development Plan / Coastal Development Permit (DRC2021-00042).			
(6) FUNDING SOURCE(S) Department of Planning and Building General Fund Support	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 30 Minutes) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? Yes	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A   Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Rebecca Campbell			
(18) SUPERVISOR DISTRICT(S) District 2			



## COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building / Nicole Ellis, Senior Planner

VIA: Xzandrea Fowler, Division Manager

DATE: May 3, 2022

SUBJECT: Hearing to consider an appeal (APPL2021-00018) by Claudia Harmen Worthen, Russel Read and Mark Hough of the Planning Commission's approval of Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit for one year from permit expiration. Extension will carry through the end of the 2022 holiday season due to the timing of appeal action. The hours of operation are Wednesday through Sunday (and all of Christmas week) from 5:00 p.m. to 9:00 p.m. The market would include temporary lighting, seasonal displays, and concession stands. Twenty-six temporary booths would be erected for the event and would be dismantled and removed at the conclusion of the event. Several new conditions and minor clarifications to previously approved conditions are included for hearing consideration. The market is located within the interior of the Cambria Pines Lodge grounds and at the adjacent Cambria Nursery. The proposed project is within the Recreation land use category; and is located at 2905 Burton Drive, in the community of Cambria. The site is in the North Coast Planning Area. District 2.

### **RECOMMENDATION**

It is recommended that the Board adopt the resolution to deny the appeal of Claudia Harmen Worthen, Russel Read and Mark Hough, and uphold the decision of the Planning Commission to approve an amendment to Development Plan / Coastal Development Permit (DRC2021-00042).

### **DISCUSSION**

#### **Background**

The land use permit amendment application (DRC2021-00042) was initially scheduled to be considered at the October 7, 2021, Planning Commission hearing. During the scheduled hearing, the County experienced technical issues with the hearing's live stream audio. Therefore, the item was continued to the special meeting of Friday October 22, 2021, in order to provide a hearing where sufficient public comment could be made in compliance with the Brown Act and County Ordinance.



# **IN THE BOARD OF SUPERVISORS**

County of San Luis Obispo, State of California

Tuesday, May 3, 2022

**PRESENT:** Supervisors John Peschong, Dawn Ortiz-Legg, Lynn Compton,  
Debbie Arnold and Chairperson Bruce S. Gibson

**ABSENT:** None

## **RESOLUTION NO. 2022-109**

**RESOLUTION DENYING THE APPEAL OF CLAUDIA HARMEN WORTHEN, RUSSEL READ  
AND JOSEPH MARK HOUGH AND AFFIRMING THE DECISION OF THE PLANNING  
COMMISSION AND APPROVING THE APPLICATION OF PACIFIC CAMBRIA, LLC FOR A  
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT AMENDMENT DRC2021-00042**

The following resolution is hereby offered and read:

**WHEREAS**, on October 7, 2021, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") was initially scheduled to consider the land use permit amendment application (DRC2021-00042). During the scheduled hearing, the County experienced technical issues with the live stream audio for the hearing. Therefore, the item was continued to the special meeting of Friday October 22, 2021, in order to provide for a hearing where sufficient public comment could be made in compliance with the Brown Act and County Ordinance.

**WHEREAS**, during the Special Meeting of October 22, 2021, the Planning Commission duly considered and conditionally approved the application of Pacific Cambria, LLC, for a Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, extending the Cambria Christmas Market temporary event permit for one year from expiration through the end of the 2021 holiday season.

**WHEREAS**, Claudia Harmen Worthen, Russel Read and Joseph Mark Hough appealed the Planning Commission 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 May 3, 2022; 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 Planning Commission should be affirmed, and that the application (DRC2021-00042) should be approved subject to the findings and revised conditions of approval set forth below and attached hereto as Exhibits A and B, respectively. The permit extension shall carry through the end of the 2023 holiday season, due to the timing of this appeal action.

**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. The proposed Development Plan / Coastal Development Permit amendment (DRC2021-00042) to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) qualifies for a Categorical Exemption (Class 3, 4, and 11) pursuant to CEQA Guidelines



Section 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15311 (Accessory Structures) because the project consists of a temporary event and would not involve permanent construction or site disturbance. The project involves placement of seasonal or temporary use items (accessory/appurtenant structures) such as vendor booths, mobile food units, portable restrooms or similar items in generally the same locations from time to time in facilities designed for temporary public use. The project will utilize electrical/utility extensions to serve the temporary facilities. The project consists of minor temporary use of land having negligible or no permanent effects on the environment.

3. That the appeal filed by Claudia Harmen Worthen, Russel Read and Joseph Mark Hough is denied, that the decision of the Planning Commission is affirmed, and that the application of Pacific Cambria, LLC, for a Development Plan / Coastal Development Permit (DRC2021-00042) for an amendment to Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season is hereby approved for the reasons described in the findings set forth below in Exhibit A and subject to the revised conditions of approval in Exhibit B.

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

AYES:	Supervisors Arnold, Peschong, Oritz-Legg, Compton and Chairperson Gibson
NOES:	None
ABSENT:	None
ABSTAINING:	None

the foregoing resolution is hereby adopted on the 3rd day of May, 2022.

Bruce S. Gibson  
Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON  
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin  
Deputy Clerk

[SEAL]

RITA L. NEAL  
County Counsel

By: /s/ Jon Ansolabehere  
Assistant County Counsel

Dated: May 4, 2022

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

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

Witness, my hand and seal of said Board of Supervisors on May 4, 2022.

WADE HORTON,  
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin  
Deputy Clerk



## **EXHIBIT A – REVISED FINDINGS**

### **Development Plan / Coastal Development Permit DRC2021-00042 Pacific Cambria, LLC**

#### ***Environmental Determination***

- A. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) qualifies for a Categorical Exemption (Class 3, 4, and 11) pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15311 (Accessory Structures) because the project consists of a temporary event and would not involve permanent construction or site disturbance. The project involves placement of seasonal or temporary use items (accessory/appurtenant structures) such as vendor booths, mobile food units, portable restrooms or similar items in generally the same locations from time to time in facilities designed for temporary public use. The project will utilize electrical/utility extensions to serve the temporary facilities. The project consists of minor temporary use of land having negligible or no permanent effects on the environment.

#### ***Development Plan/Coastal Development Permit***

- B. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) 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 amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the 2023 holiday season) 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 previously approved Cambria Christmas Market, as conditioned, will not generate activity that presents a potential threat to the surrounding property and buildings. The Cambria Christmas Market has operated under the previously approved event permit (DRC2015-00096) since 2016 with some neighborhood compatibility impacts and condition compliance concerns. The previously approved event DRC2015-00096 provides Conditions of Approval requiring that the Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, and Pedestrian and Traffic Safety Plan. The previously approved event is also restricted to a maximum attendance of 3,000 guests on any given night. The applicant shall also submit an application to the Department of Public Works to secure an Encroachment Permit (condition modified for inclusion of an event traffic control plan) and the project is conditioned to require the site be inspected by the Department of Planning and Building to have the site inspected for compliance with the conditions of approval. The amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) provides new Conditions of Approval requiring a Condition Compliance Monitoring case be submitted to the Department of Planning and Building for review, including but is not limited to no-notice site inspection(s) to ensure ongoing compliance, an inspection with Code Enforcement at the conclusion of the event

so that the County can ensure condition compliance, including, but not limited to, removal of all temporary structures, and inspection and verification from the Cambria Community Services District (CCSD) Fire Department confirming, at the conclusion of the event, that all conditions have been met and that all temporary electrical has been removed. The preceding conditions are incorporated and required to facilitate neighborhood compatibility. The approved event, as amended, is also subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

- E. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the previously approved project, as amended, is ancillary to the existing Cambria Pines Lodge and, as conditioned, will not conflict with the surrounding lands and uses.
- F. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) 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 previously approved project because the project is located on Burton Drive, an arterial road constructed to a level able to handle any additional traffic associated with the project.

***Coastal Access***

- G. The proposed amended project is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act because the previously approved project is not adjacent to the coast and will not inhibit access to the coastal waters and recreation areas.



## **EXHIBIT B – REVISED CONDITIONS OF APPROVAL**

### **Development Plan / Coastal Development Permit DRC2021-00042 Pacific Cambria, LLC**

#### **Approved Development**

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  - a. This permit is valid for the following years: 2016, 2017, 2018, 2019, 2022, and 2023 holiday seasons. Temporary events occurring after 2023 will require separate approval.
  - b. Following completion of the final approval period and satisfaction of the project conditions and Notice of Violation requirements, the Cambria Christmas Market may occur Wednesday through Sunday (and all of Christmas week) from 5 pm to 9 pm each evening (for a period not to exceed four weeks).
  - c. The Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, Pedestrian and Traffic Safety Plan, and the updated site plan approved on October 7, 2021, (spaced-out layout for maximum 26 vendor booths).
  - d. Shuttle buses shall only use Burton Drive, Patterson Place, Highway One, Santa Rosa Creek Road, and Main Street.
  - e. The maximum attendance on any given night shall not exceed 3,000 guests. The applicant shall utilize a ticket-based system or the equivalent to limit the number of individuals who enter the Cambria Christmas Market per day. Upon request, the applicant shall provide the County with evidence of all daily ticket sales with back-up data. Exceedance of the daily maximum attendance or failure to implement a ticket-based system (or equivalent) shall be grounds for permit revocation.
  - f. The required 1,000-foot setback for temporary events from the RSF land use category is hereby modified to allow the event as proposed.
  - g. No permanent construction, grading, or site disturbance is authorized.
  - h. The applicant shall provide annual reports to the Department of Planning and Building and interested parties including daily attendance statistics for each annual market.
2. Related activities and seasonal displays may occur at the adjacent Cambria Nursery consistent with the visitor-serving and retail use of that site.
3. Prior to each annual Christmas Market, the applicant shall submit to the Department of Planning and Building a fire safety and evacuation plan that has been reviewed and approved by the Cambria CSD Fire Department.
4. Prior to each annual Christmas Market, the applicant shall comply with all permit

requirements and standards of Chapter 6.56 of the County Code (Temporary Commercial Outdoor Entertainment Licenses).

#### ***Temporary Vendor Booths***

5. This approval authorizes a maximum of 26 temporary vendor booths, with a maximum footprint of 8 feet by 10 feet and a maximum height of 9 feet.
6. Prior to each annual Christmas Market, the applicant shall contact the Building Division to obtain any necessary construction and/or electrical permits for the temporary vendor booths.
7. Within 30 days of the conclusion of each annual Christmas Market, all 26 temporary vendor booths shall be dismantled and removed to an offsite location or stored onsite within an existing approved building.

#### ***Offsite Parking***

8. Prior to each annual Christmas Market, the applicant shall submit evidence of authorization to use each identified offsite parking lot.

#### ***Temporary Lighting***

9. All temporary lighting associated with the Cambria Christmas Market shall be turned off every night when the market closes at 9 pm.
10. Temporary lighting shall remain on the trunk and lowest branches only of at least every other tree.
11. No standalone light displays or lighting mats are permitted in ESHA areas (as identified in 2003 CDP for the lodge expansion) except within the garden/greenhouse area.
12. Temporary lighting shall comply with Section 23.04.320 (Outdoor Lights).

#### ***Archaeology***

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

#### ***Access***

14. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit (including an event traffic control plan) and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public



Improvement Standards. The plan is to include, as applicable:

- a. Street plan for widening Burton Drive to provide a minimum 6-foot (4-foot minimum where constrained) wide aggregate base shoulder along the property frontage between Burton Drive and the first project driveway, and within necessary dedicated right-of-way easements.
  - b. Construct a new site access driveway on Yorkshire Drive in accordance with B-1 rural driveway standards and A-5 sight distance standards.
15. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the applicant shall submit an application to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to provide event traffic control within the public right-of-way in accordance with County Public Improvement Standards and the California Manual of Uniform Traffic Control Devices (CA-MUTCD). The application is to include a traffic control plan prepared by a licensed civil engineer that, at a minimum, includes:
- a. Restricts event parking on the following County roads:
    - ii. Burton Drive
    - iii. Eton Road
    - iv. Martindale Street
    - v. Patterson Place
    - vi. Rogers Street
    - vii. Yorkshire Street
    - viii. Wood Drive
  - b. Restricts parking on the vacant lots on the southeast corner of Patterson Place and Burton Drive.
  - c. Restricts pedestrian travel along Burton Drive
  - d. Contracts with the California Highway Patrol (CHP) to provide:
    - i. Traffic direction at the following intersections:
      - a. Burton Drive at Eton Road
    - ii. Vehicle code traffic enforcement in the neighborhoods surrounding the event site.
  - e. Defines event site access restrictions/requirements for guests registered at the Cambria Pines Lodge.
  - f. Limits bus shuttle traffic to Arterial and Collector roads (e.g. State Route 1, Burton Drive Eton Road, Main Street, and Santa Rosa Creek Road).
  - g. Establishes an event coordinator and posts their contact information (e.g. website, community flyers, etc.). The event coordinator will be responsible for responding to all complaints in a timely manner.
  - h. Establishes an event pre-notification process to be provided to all emergency responders (police, fire, ambulance, etc.)
  - i. Concurrent traffic control plan approval from:
    - i. Cambria Fire Department
    - ii. County Sheriff and California Highway Patrol

16. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
17. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the following encroachment conditions must be completed to the satisfaction of the Director of Public Works:
  - a. The Burton Drive shoulder widening improvements have been either constructed or bonded. If bonded, the fronting property owner must have executed an agreement with the Director of Public Works, in a form acceptable to County Counsel, to install the improvements and must have posted a faithful performance bond for the construction of the improvements.
  - b. The Yorkshire Drive site access driveway improvements have been constructed.
  - c. An encroachment permit has been issued for the event traffic control plan.
18. **On-going condition of approval (valid for the life of the project),** and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works.
19. **On-going condition of approval (valid for the life of the project),** the property owner shall be responsible for operation and maintenance of public road frontage landscaping, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

#### ***Recycling***

20. **On-going condition of approval (valid for the life of the project),** the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

#### ***Fire Protection***

21. **Prior to commencement of event or final inspection,** whichever occurs first, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire and life safety measures.

#### ***Public Works Review***

22. **Prior to commencement of event or final inspection,** whichever occurs first, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

#### ***Access***

23. **Prior to commencement of event or final inspection,** whichever occurs first, a



Registered Civil Engineer must certify to the Department of Public Works that the public improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

**Development Review Inspection**

24. **Prior to commencement of event**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
25. All conditions of this approval shall be strictly adhered to, within the timeframes specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

**Condition Compliance Monitoring**

26. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the applicant shall sign a Condition Compliance Monitoring (CCM) Agreement. Condition Compliance Monitoring includes but is not limited to no-notice site inspection(s) to ensure ongoing compliance.
27. The applicant shall schedule an inspection with Code Enforcement no later than 30 days after the conclusion of the event so that the County can ensure condition compliance, including, but not limited to, removal of all temporary structures.
28. The applicant shall submit a letter from the Cambria Community Services District (CCSD) Fire Department confirming they have inspected the event site at the conclusion of the event and that all temporary electrical has been removed.

**As Built Electrical Permitting**

29. All as-built electrical work shall be inspected and permitted (finaled) by the Building Department prior to commencement of event.

**Environmental Health Permits**

30. Vendors providing food shall obtain appropriate health permits from the County Environmental Health Department prior to commencement of event.

**Indemnification**

31. The applicant shall, as a condition of approval of this land use permit application, defend, hold harmless and indemnify, at his or her sole expense (including attorney's fees, with Counsel approved by the County), 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 land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to approval or implementation of this land use permit. The applicant shall reimburse the County for any court costs and attorney fees that 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. Upon request of the County, the applicant shall also enter into a separate agreement with the County (the "Indemnity Agreement"), in a form approved by County Counsel, agreeing to defend, indemnify, save and hold harmless the County, its present or former officers, agents,





or employees, against actions by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to or arising out of the approval or implementation of this land use permit. The agreement shall provide that the applicant will indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition or the agreement. The applicant shall also provide sufficient guarantees for the obligations hereunder as determined by County Counsel. Any violation of this condition, including the applicant's failure to execute the Indemnity Agreement or breach thereof, or failure to provide sufficient guarantees, is grounds for the County to rescind and/or revoke its approval of this land use permit. These defense and indemnity obligations shall survive any rescission, revocation and/or set aside of this land use permit.







## **BOARD OF SUPERVISORS AGENDA**

**John Peschong** *Vice-Chairperson, District One*

**Bruce Gibson** *Chairperson, District Two*

**Dawn Ortiz-Legg** *District Three*

**Lynn Compton** *District Four*

**Debbie Arnold** *District Five*

**Wade Horton** County Administrator

### **AGENDA**

**Tuesday, May 3, 2022**

**County Government Center**

**Board of Supervisors Chambers**

1055 Monterey Street | San Luis Obispo, CA 93408

Tuesday, May 3, 2022

CONSENT AGENDA

9:00 AM

REVIEW AND APPROVAL

PRESENTATIONS

PUBLIC COMMENT PERIOD

BOARD BUSINESS

HEARINGS

CLOSED SESSION

RECESS

REPORT ON CLOSED SESSION

ADJOURNMENT

5:00 PM

- The Board of Supervisors' weekly agenda and staff reports are available at the following website: [www.slocounty.ca.gov](http://www.slocounty.ca.gov). Packets are also available at the County Government Center and may be viewed on-line at the Atascadero, Arroyo Grande, Paso Robles, Nipomo, Morro Bay, SLO City/County Libraries and the SLO Law Library.
- All persons desiring to speak on any Board item, including the Consent agenda, Closed Session or during the general public comment period are asked to fill out a "Board Appearance Request Form" and submit to the Clerk of the Board *prior* to the start of the Board item. Each individual speaker is limited to a MAXIMUM of three (3) minutes.
- Person(s) who wish to submit written correspondence to the Board of Supervisors regarding an agenda item may send it to [Boardofsup@co.slo.ca.us](mailto:Boardofsup@co.slo.ca.us). Please indicate in the subject line the agenda item number (e.g. Item No. 9) on which you are commenting. All correspondence is distributed to each Board of Supervisor and will become part of the official record of the board meeting.
- In compliance with the Americans with Disabilities Act (ADA), the meeting room is equipped to accommodate persons with visual, audio or mobility impairments. Person(s) requiring accommodation should notify the Clerk of the Board's Office 72 hours prior to the meeting at (805) 781-5011.
- Please refer to the information brochure located in the back and outside of the Board Chambers for additional information regarding accommodations under the Americans with Disabilities Act, supplemental correspondence, and general rules of procedure.

**9:00 FLAG SALUTE**

**CONSENT AGENDA – REVIEW AND APPROVAL**

The items listed on this portion of the agenda are scheduled for consideration as a group. The staff recommendations will be approved as outlined within the staff report. Any Supervisor may request an item be withdrawn from the Consent Agenda to permit discussion or change the recommended course of action for an item.

**Items Set for Hearing:**

- 1 Set a public hearing to consider collecting existing service charges on the Fiscal Year 2022-23 County property tax bills for County Service Area Nos. 1 (Old Galaxy and Tract 1690, Nipomo); 1-A (Galaxy Park and Tract 1898, Nipomo); 1-F (New Galaxy, Nipomo); 7-A (Oak Shores); 18 (San Luis Obispo Country Club Estates); and 21 (Cambria). Hearing date set for May 17, 2022. Districts 1, 2, 3, and 4.

**Consent Agenda - Administrative Office Items:**

- 2 Request to 1) approve an updated grant agreement with Cuesta College Foundation in the amount of up to \$500,000 for FY 2021-22 and FY 2022-23 to develop a new aviation technical training program and 2) authorize the County Administrative Officer of the County of San Luis Obispo the authority to extend the Agreement. All Districts.
- 3 Request for the Chair of the Board to sign the letter from the Diablo Canyon Power Plant MOU stakeholder group regarding reuse opportunities at the Diablo Canyon Power Plant site. All Districts.
- 4 Submittal of a notice to commence negotiations and a resolution accepting the negotiated exchange of property tax revenue and annual tax increment between the County of San Luis Obispo and County Service Area 18 (Country Club) for Annexation No. 12 – Windmill Way. District 3.

**Consent Agenda - Board of Supervisors Items:**

- 5 Request to approve an agreement with the Estero Bay Kindness Coalition allocating a total of \$2,500 from Districts Two and Three Community Project Funds - Fund Center #106 to be used for expenses associated with the Bags of Love food delivery program in 2022. Districts 2 and 3.
- 6 Request to approve an agreement with the San Luis Obispo Community Fire Safe Council Inc., allocating a total of \$2,000 from Districts One, Two and Three Community Project Funds - Fund Center 106 to be used for expenses associated with the Wildfire Preparedness Event on May 7, 2022. District 1. District 2. District 3.

**Consent Agenda - Health Agency Items:**

- 7 Request to: 1) approve the purchase of a NuAire BioSafety Cabinet using Epidemiology and Laboratory Capacity (ELC) Strengthening Public Health Laboratory Preparedness through Enhancing Detection Expansion Advanced Molecular Detection Supplemental Funding for Major Construction to expand the Public Health

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Laboratory's molecular detection, analysis, and reporting of SARS-CoV-2 and other pathogens of public health importance; and 2) amend the fixed asset list for FC 160-Public Health to include the NuAire BioSafety Cabinet in the total amount of \$12,362. All Districts.

- 8 Request to: 1) approve a three-year renewal contract with the State Department of Rehabilitation (DOR) to provide vocational rehabilitative services to individuals with severe psychiatric disabilities for Fiscal Year (FY) 2022-23 through FY 2024-25 in the total amount not to exceed \$226,269 cash match; 2) instruct the Chairperson to sign the Contractor Certification Clauses for reimbursement of expenses; and 3) delegate authority to the Health Agency Director or his or her designee to sign any amendments to the State Department of Rehabilitation contract. All Districts.

Consent Agenda - Human Resources Items:

- 9 Submittal of a resolution approving 1) the January 1, 2022 through December 31, 2024 Memorandum of Understanding between the County of San Luis Obispo and the Sworn Deputy Sheriffs' Association Sworn Law Enforcement Unit, and 2) the January 1, 2022 through December 31, 2024 Memorandum of Understanding between the County of San Luis Obispo and the Sworn Deputy Sheriffs' Association Sworn Law Enforcement Supervisory Unit. All Districts.

Consent Agenda - Parks & Recreation Items:

- 10 Request to approve an Assignment and Assumption of Concession Contract for the management of the Lake Lopez Marina and Store from Jon R. Van Otterloo to Todd and Megan McKinley, by 4/5 vote. District 4.

Consent Agenda - Public Works Items:

- 11 Request to authorize the Director of Public Works, or designee, to apply to the San Luis Obispo Council of Governments Community Betterments Grant Program for multiple transportation projects. All Districts.

Consent Agenda - Public Works Items: Board Sitting as Flood Control District:

- 12 Request to appoint Matt Cook and Dolores Howard to the Water Resources Advisory Committee of the San Luis Obispo County Flood Control and Water Conservation District. All Districts.

Presentations:

- 13 Submittal of a resolution recognizing May as "National Foster Care Month" in San Luis Obispo County. All Districts.
- 14 Submittal of a resolution proclaiming May 1-7, 2022, as "National Correctional Officers and Employees Week." All Districts.



Public Comment Period:

- 15 The general public comment period is intended to provide an opportunity for members of the public to address the Board on matters within the Board's purview that are not scheduled on the current agenda. Individuals interested in speaking are asked to fill out a "Board Appearance Request Form" and submit to the Clerk of the Board prior to general public comment. When recognized by the Chair, each individual speaker may address the Board and is limited to a MAXIMUM of three (3) minutes or a reasonable period of time as determined by the Board Chairperson.

Board Business:

- 16 Request to discuss and appoint one (1) regular member and three (3) alternate members to the Assessment Appeals Board. All Districts.

Hearings:

- 17 Hearing to consider an appeal (APPL2021-00018) by Claudia Harmen Worthen, Russel Read and Mark Hough of the Planning Commission's approval of Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit for one year from permit expiration. Extension will carry through the end of the 2022 holiday season due to the timing of appeal action. The hours of operation are Wednesday through Sunday (and all of Christmas week) from 5:00 p.m. to 9:00 p.m. The market would include temporary lighting, seasonal displays, and concession stands. Twenty-six temporary booths would be erected for the event and would be dismantled and removed at the conclusion of the event. Several new conditions and minor clarifications to previously approved conditions are included for hearing consideration. The market is located within the interior of the Cambria Pines Lodge grounds and at the adjacent Cambria Nursery. The proposed project is within the Recreation land use category; and is located at 2905 Burton Drive, in the community of Cambria. The site is in the North Coast Planning Area. District 2.
- 18 Hearing to consider an appeal (APPL2020-00022) by Christina Maldonado of the Planning Department Hearing Officer's approval of a Minor Use Permit (DRC2018-00228) for SLO BF Inc. to establish a multi-phased project that includes 2.63 acres of outdoor cannabis cultivation canopy; 22,000 square feet (SF) of indoor cannabis cultivation canopy; 10,800 SF of indoor ancillary nursery; 6,000 SF of ancillary indoor cannabis processing; and approximately 25,000 SF of related site improvements. A fencing modification is requested to allow a 6 to 8-foot-tall open-wire fence instead of solid fence around the indoor cannabis activities. A parking modification is requested to reduce the required number of parking spaces from 131 to 21. The project would result in approximately 6.5 acres of disturbance including 4,000 cubic yards of cut and fill on an approximately 54-acre site located at 1255 Penman Springs Road, approximately 1.25 miles east of the City of Paso Robles. The project site is within the Agriculture land use category and within the North County Planning Area, El Pomar-Estrella Sub Area. A Mitigated Negative Declaration has been prepared for CEQA compliance. District 1 and 5.

Closed Session Items:

- 19 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Four; and (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Four.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.): (3) Application Filed by PG&E in the 2021 Nuclear Cost Triennial Proceeding (U39E A.21-12-007); and (4) SLO County Citizens for Good Government, Inc., Gomez, Maruska, Villa v. County of Luis Obispo Board of Supervisors, San Luis Obispo County Superior Court, Case No. 22CVP-0007.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (5) SLO Prosecutors' Association (SLOPA); (6) SLO County Employees Association-Trades and Crafts (SLOCEA-T&C); (7) Deputy County Counsels' Association (DCCA); (8) Sheriffs' Management; (9) SLO County Probation Managers' Peace Officers' Association (SLOCPPOA); (10) Deputy Sheriff's Association (DSA); (11) District Attorney Investigators' Association (DAIA); (12) SLO County Probation Managers' Peace Officers' Association (SLOCPMPOA); (13) SLO County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (14) Unrepresented Management and Confidential Employees; (15) Sworn Deputy Sheriffs' Association (SDSA); and (16) United Domestic Workers of America (UDWA).

**REPORT ON CLOSED SESSION**

- ND Report of Environmental Documents Available for Review (Courtesy Notice)

The San Luis Obispo County Department of Planning and Building compiles a report, referred to as a "[Courtesy Notice](#)", that summarizes the most recent determinations made by the County's Environmental Coordinator.

The purpose of this report is to notify the public of pending actions, which may affect the environment of San Luis Obispo County. You are invited to participate in this process by reviewing these reports and the documents referenced therein, and providing comments on the recommendations of the Environmental Coordinator.

**Courtesy Notices and Environmental Documents can be accessed any of the following ways:**

- <https://www.slocounty.ca.gov/CourtesyNotice.aspx>
- In person at the Department of Planning and Building (address below)
- By direct request at (805) 781-5600

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Your comments/responses should be in writing and should be delivered to:

**Environmental Coordinator, Department of Planning and Building**  
**976 Osos Street, Room 300**  
**San Luis Obispo, CA**  
**93408-2040**

For more information about the environmental review process, please visit:

<http://www.slocounty.ca.gov/EnvironmentalReview.aspx>



At the special meeting of October 22, 2021, the Planning Commission heard and approved the request by Pacific Cambria, LLC, for a Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season. The event was proposed to begin Friday, November 26, 2021, and last through December 24, 2021. The proposed hours of operation were Wednesday through Sunday (and all of Christmas week) from 5:00 p.m. to 9:00 p.m. The market would include temporary lighting, seasonal displays, and concession stands. Twenty-six temporary booths would be erected for the event and would be dismantled and removed at the conclusion of the event. Several new conditions and minor clarifications to previously approved conditions were included for hearing consideration. The market is located within the interior of the Cambria Pines Lodge grounds and at the adjacent Cambria Nursery.

The previously approved event permit and the proposed amendment to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season, were found consistent with standards set forth in the County Code Title 23 - Coastal Zone Land Use Ordinance (CZLUO) and the North Coast Area Plan (NCAP). Refer to the Planning Commission Hearing staff report and attachments (Attachment 6) for more detailed project analysis.

The County has received many public comment letters both in support and opposed to the amendment request. Public testimony was also heard at the October 22, 2021, Planning Commission special hearing.

Concerns raised have been primarily related to:

- (1) Code and event permit violations
- (2) Neighborhood compatibility concerns
  - Congestion from parking, traffic and pedestrians
  - Noise and amplified music
  - Lighting and nighttime glare
  - Event overflow and event capacity
  - Competition with other local businesses
- (3) Public safety
  - Fire hazards related to event structures, propane heaters, and electrical work
  - Navigation concerns such as signage and way finding and trip hazards
  - And public health concerns related to the spread of the COVID-19 virus
- (4) Water supply shortage and potential demand from the event

Comments received in support of the project have been primarily related to the event being a family-friendly community event, the event helping increase local business during the slower winter months and the event helping to increase employment opportunities for vendors and locals.

Due to the continuance, staff recommended condition of approval 1.b. be revised to remove reference to the original event start date of "the last Friday in November" which would have been November 26, 2021 (refer to attached Notice of Final Action of Planning Commission Hearing). The Planning Commission unanimously approved the project incorporating the staff recommended revision to Condition of Approval 1.b. shown below.

### **REVISION- CONDITION 1.b.**

Following completion of the final approval period and satisfaction of the project conditions and Notice of Violation requirements, the Cambria Christmas Market may occur Wednesday through Sunday (and all of Christmas week) from 5 pm to 9 pm each evening (for a period not to exceed four weeks), for a maximum of four weeks beginning the last Friday in November.

The condition revision, which was approved by Planning Commission, allows additional time, if needed, for pre-event inspections to occur by Code Enforcement, Building and Cambria Fire, and for the applicant to obtain electrical permits from the Building Division, an encroachment permit from the Public Works Department, and vendor licenses from Environmental Health and to satisfy other applicable conditions of approval and Notice of Violation requirements.

Pursuant to the County Coastal Zone Land Use Ordinance (CZLUO) Section 23.01.042, the action/decision by the Planning Commission is subject to appeal to the Board of Supervisors within 14 calendar days after the date of the action.

As of November 10, 2021, three appeals (appeal by Claudia Harmen Worthen, Russel Read and Joseph Mark Hough) were received requesting reconsideration of the Planning Commission's action to tentatively approve the request by Pacific Cambria, LLC to extend the Cambria Christmas Market through the end of the 2021 holiday season.

Due to required scheduling lead time and lack of sufficient processing time to bring the appeals before the Board of Supervisors for reconsideration, the appeals could not be added to an upcoming BOS meeting agenda in time for the applicant's intended 2021 holiday market. The applicant then had a significantly reduced Christmas event for the 2021 holiday season which was commensurate with existing approvals for the lodge. More specifically, the applicant did not have any third-party vendors and instead, put up lights and allowed resort patrons to experience the lighting and other holiday amenities. Daily capacity was limited to the existing occupancy capacity of the lodge taking into consideration the different restaurant, gift shop and conference space. The applicant desires to continue with the one-year project and underlying appeal to allow for a full event for 2022.

The Cambria Pines Lodge is a permitted hotel with an onsite restaurant, gift shop and a nearby retail nursery. Without an approved event permit, the facility can offer seasonal light displays to their hotel and restaurant guests only. Any live music or noise-inducing event is required to comply with County noise standards. The Lodge has a small retail/ gift shop and retail nursery as part of their ongoing hotel and nursery operation. These are the only permitted retail venues at the Lodge at this time. A ticketed public event such as the Christmas Market with onsite retail vendors is considered separate from the ongoing hotel and restaurant operations and cannot occur on the site without a valid temporary event permit.

### Analysis of Appeal Issues

Appeal Issues:

#### **1. Code and event permit violations**

Appellants state that the temporary event permit does not conform to the Local Coastal Program, California Fire Code and the Coastal Zone Land Use Ordinance and temporary event is an inappropriate use of land,



a public nuisance, and has violated the conditions of approval. Violations listed by the appellants include exceedance of the permitted number of vendor booths, unpermitted electrical work, improvements and structures, unpermitted food booths operating on long term basis, sale and consumption of alcohol in public spaces (such as County sidewalks), vendors not obtaining necessary permits, exceedance of allowable attendees, lack of quality traffic control (such as non-professionals serving as traffic guards, as opposed to CHP), parking impacts (such as overflow onto residential streets), expanded event locations, exceedance of time limits and noise levels (such as loud music and excessive noise), outdoor lighting nuisance and extended night-time glare, lack of trash/solid waste collection and clean-up following each event and waste collection within public streets and sidewalks and on surrounding residential properties, air pollution impacts from guest vehicles and shuttle buses, light pollution and noise from holiday decorations and crowds (1,000-foot separation standard between temporary event site and Residential Single-Family land use parcels was waived with previous entitlement), excessive and unsafe signage, lack of fencing/screening, out of compliance with the definition of commercial entertainment, lack of monitoring and post event meetings with residents, and lack of capacity to respond to reported complaints.

Appellants provided photos showing views of the property and temporary event structures to illustrate the lack of screening and illumination impacts on the surrounding area. A petition signed by over 200 individuals to stop the market and comments opposing the market gathered from social media (Nextdoor.com) were provided to the County.

Staff Response:

Code and event permit violations have been resolved and confirmed by Code Enforcement staff which addressed unpermitted structures, electrical work and fire and trip hazards. To address concerns with overall ongoing compliance, five new conditions, (COA Nos. 26-30) have been added to require site inspections before and after the event and to obtain proper vendor permits from Environmental Health.

The applicant will retain and be subject to the original 2015 approved plans, event scale, number of vendors and locations, and conditions of approval (with the exception of the update to Condition No. 1.a., to extend the event permit duration for one year from expiration, now carried through the end of the 2022 holiday season, and the revision to Condition No. 1.b. to remove reference to the original event start date of "the last Friday in November" which would have been November 26, 2021). Provided below is background information related to previous code violations associated with the Notice of Violation letter issued by County Code Enforcement on July 7, 2021, which have since been resolved.

*Background- Resolved Code and Event Permit Violations*

On May 18, 2021, staff received a complaint alleging the temporary structures for past Cambria Christmas Market events had never been removed and additional structures, beyond the 26 vendor booths authorized through DRC2015-00096 had been constructed for future Christmas Markets. The complaint also alleged that permanent electrical work was installed without building permits and the temporary electrical wiring were never removed from the site from prior events.<sup>1</sup> The

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<sup>1</sup> In 2021, the Department also received complaints alleging a number of other allegations that the Department was unable to independently verify. This includes, allegedly selling more than the daily 3000 tickets that were allowed under DRC2015-00096 and exceeding daily capacity during all of the prior Cambria Christmas Market temporary events. Condition of approval (No. 1.e. has been supplemented to require the applicant utilize a ticket-based system or the equivalent to limit the number of individuals who enter the Cambria Christmas Market per day to not exceed 3,000 guests and to allow the County to audit/verify daily ticket sales.



complaint reported two kitchens were installed, and one was currently operating as an outdoor commercial restaurant with a pizza oven, all without permits.

Code Enforcement staff inspected the site on May 25, 2021, and independently verified all the complaints discussed above. After a second site inspection with a building official and the property owner on June 17, 2021, and another meeting with the property owner and Planning & Building staff on June 24, 2021, a Notice of Violation was sent to the property owner for the following violations with a compliance date of September 6, 2021:

1. Removal of the extension cords and flexible cords (e.g. Romex);
2. All unpermitted permanent electrical must be removed or permitted;
3. Immediate discontinuance of use of commercial pizza kitchen and related temporary booths and outdoor dining and drinking areas until all required permits are obtained;
4. Removal of unpermitted structures that were intended to be temporary.

On July 7, 2021, staff from Code Enforcement, Planning Division and Building Division met the property owner and agent, who confirmed they would be applying for a Development Plan /Coastal Development Permit to amend DRC2015-00096 Cambria Christmas Market temporary event permit and requesting one year extension to the end of the 2021 holiday season (DRC2021-00042).

On August 11, 2021, Code Enforcement staff recommended compliance monitoring to be conditioned on the project to ensure full compliance with all conditions set forth in the original 2015 permit. Condition compliance conditions have been added to this land use permit (see COA # 26 - 28 on Ex. B).

On September 7, 2021, Code Enforcement staff inspected the site and confirmed the property owner had brought the event site into compliance per the NOV citation, and on September 8, 2021, the applicant submitted as-built plans to permit the permanent electrical work with the Building Department per the NOV citation. All electrical work must still be finished prior to the event (see COA # 29 on Ex. B).

*New Conditions of Approval (COA) which were supported by Planning Commission*

As requested by the North Coast Advisory Council (NCAC) and County Departments (Code Enforcement and Building), the project has been conditioned to require additional compliance inspections and to obtain an as-built electrical permit. These new requirements are reflected on COA No. 26 to 29 on Exhibit. B.

**2. Neighborhood compatibility concerns**

- Congestion from parking, traffic and pedestrians
- Noise and amplified music
- Lighting and nighttime glare
- Event overflow and event capacity
- Competition with other local businesses

Appellants state that the event will result in pedestrian safety issues as well as added traffic and congestion to the community (such as traffic "spill over" impacts to Main Street and Moonstone Beach Drive) with reference to three shuttle bus pick-up and drop-off locations along Moonstone Beach Drive. Appellants state that traffic guards block access to public roads, and that guest vehicles and shuttle buses create delays and add to congestion in the community.

Letters state a lack of quality traffic control (such as non-professional traffic guards, as opposed to CHP), parking impacts (such as overflow onto residential streets), exceedance of noise levels, exceedance of market time limits, and lack of compliance with outdoor lighting resulting in nighttime glare. Letters reference that the events has expanded over time and exceed the permitted 3,000 persons limit and crowd control is an issue. According to the letters, the applicant also intends to expand event operations to the J. Patrick House across the street in the future. Appellants also report that the Christmas Market results in competition with other local businesses, damaging local retailers and that event attendees are a captured audience. Appellants also provided photos showing lights on structures and trees as evidence these remain on beyond allowable time limits.

Staff Response:

*Congestion from parking, traffic, and pedestrians*

To address the concerns regarding congestion and concentration of event attendees: COA No. 1.c. has been updated to account for the updated and more spaced-out site plan layout containing the same amount of 26 vendor booths. The Planning Commission was supportive of the refined layout whereby the more spaced-out vendor booths better encourage physical distancing and reduces crowding of people around the market during the COVID-19 pandemic.

The project will continue adhering to the previously approved on and off-site parking and shuttle program, pedestrian and traffic safety program, plans and conditions of approval (original and amended). During market hours, on-site parking (supply of 355 spaces) will be exclusively reserved for resort guests, disabled attendees, resort employees and market vendors. All other attendees will be required to use the previously approved off-site parking program with 562 parking spaces provided in 6 locations.

The shuttle bus routes will remain limited to exclusively use Burton Drive, Patterson Place, Highway One, Santa Rosa Creek Road, and Main Street and shuttles will use the existing lodge parking lot as the turnaround.

The pedestrian and traffic safety plan identifies several safety measures including and not limited to, no parking zones, shuttle on-site return loop to the Burton Drive exit, shuttle drop-off and pick-up location with attendants, locations of on-site access attendants and nursery attendant at crosswalk with CHP, A-frame signs prohibiting parking on Burton Drive during market hours.

*Related Conditions of Approval:*

- COA 1c.- The Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, and Pedestrian and Traffic Safety Plan.
- COA 1.d - Shuttle buses shall only use Burton Drive, Patterson Place, Highway One, Santa Rosa Creek Road, and Main Street.

- COA 1.e - The maximum attendance on any given night shall not exceed 3,000 guests. Exceedance of the daily maximum attendance shall be grounds for permit revocation. *(COA 1.e. has been supplemented to require the applicant utilize a ticket-based system or the equivalent to limit the number of individuals who enter the Cambria Christmas Market per day to not exceed 3,000 guests and to allow the County to audit/verify daily ticket sales).*
- COA 1.h - The applicant shall provide annual reports to the Department of Planning and Building and interested parties including daily attendance statistics for each annual market.

#### Offsite Parking

- COA 8. Prior to each annual Christmas Market, the applicant shall submit evidence of authorization to use each identified offsite parking lot.

#### Access

There are a number of conditions of approval which address the on and off-site parking and shuttle program, pedestrian and traffic safety which are summarized as follows: The applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit (including an event traffic control plan), improvements<sup>2</sup> must be verified to be consistent with County Public Improvement Standards, conditions of approval, and plans and to the satisfaction of the County Public Works Inspector, the property owner shall be responsible for operation and maintenance of public road frontage landscaping, and pedestrian amenities in a viable condition.

#### Noise and amplified music

In response to noise concerns, all noise levels must comply with the County's noise ordinance.

#### Lighting and nighttime glare

This amendment request will retain the previously approved seasonal lighting displays. To protect trees and minimize impacts to the night sky, the previously approved lighting plan and conditions of approval (original and amended) are as follows:

#### Temporary Lighting Conditions of Approval

- COA 1.c - The Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, and Pedestrian and Traffic Safety Plan
- COA 10 - The lights shall remain on the trunk and lowest branches only of at least every other tree
- COA 9 - The lights shall be turned off every night when the market closes at 9 pm
- COA 11 - No stand-alone light displays or lighting mats are permitted in Environmentally Sensitive Habitat Areas except within the garden/greenhouse area
- COA 12 - Temporary lighting shall comply with Section 23.04.320 (Outdoor Lights)

#### Event overflow and event capacity

In response to event overflow and capacity concerns, the applicant provided head counts for 2016 through 2019.<sup>3</sup> Based on the headcount data provided, the daily attendance did not exceed the 3,000-person maximum as the event is conditioned.

<sup>2</sup> Circulation improvements and previously required/conditioned driveway to Yorkshire Drive were made in 2016.

<sup>3</sup> An event was not held in 2020 due to the shutdowns associated with the Covid-19 pandemic.



COA 1.e states that "The maximum attendance on any given night shall not exceed 3,000 guests. Exceedance of the daily maximum attendance shall be grounds for permit revocation." Approved by the Planning Commission, COA 1.e. has been supplemented to require the applicant utilize a ticket-based system or the equivalent to limit the number of individuals who enter the Cambria Christmas Market per day to not exceed 3,000 guests and to allow the County to audit/verify daily ticket sales.

To address the statement that the event has expanded and growing with references that the applicant wants to expand event operations to the J Patrick House across the street in the future, is not a part of the temporary event amendment scope, and any increase or modification from the previously approved event scope will require a new and separate land use permit application in the future.

#### Competition with other local businesses

In response to claims of the Christmas Market resulting in competition with other local businesses, these claims cannot be verified without a market study.

It should also be acknowledged that comments received in support of the project indicate that the event helps increase local business during the slower winter months and the event helps increase employment opportunities for vendors and locals. These favorable claims also cannot be verified without a market study.

### **3. Public safety**

- Fire hazards related to event structures, propane heaters, and electrical work
- Navigation concerns such as signage and way finding and trip hazards
- Public health concerns related to the spread of the COVID-19 virus

Appellants called out unpermitted electrical work, improvements and structures onsite, expressed state pedestrian safety concerns primarily along Burton Drive (such as lack of sidewalks, poor lighting on sidewalks, and trip hazards from extension cords), and navigation concerns such as excessive and/or lack of signage and way finding. Appellants also state that the temporary event will be a danger to public health and that the Christmas Market will become a super-spreader event, particularly worrisome as the market events will occur during the winter season (height of COVID spread) and that the applicant proposes no preventative or health safety measures.

#### Staff Response:

Code and event permit violations have been resolved and confirmed by Code Enforcement staff which addressed unpermitted structures, electrical work, fire and trip hazards from outdoor wires. To address the overall compliance concerns, five new conditions, (COA Nos. 26-30) have been added to require site inspections before and after the event and to obtain proper vendor permits from Environmental Health.

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An event was also not held in 2021 due to receipt of appeals of the Planning Commission tentative approval to extend the Cambria Christmas Market through the end of the 2021 holiday season. Due to required scheduling lead times, and lack of sufficient processing time to bring the item before the Board of Supervisors for reconsideration, the request could not be added to an upcoming BOS meeting agenda in time for the applicant's intended 2021 holiday market. Therefore, the applicant proceeded with scaled back seasonal activities at the Cambria Pines Lodge over the 2021 holiday season for hotel and restaurant patrons only, until a final action could be taken by the Board of Supervisors on the appeal.

All electrical installation on site (including seasonal lighting and decor) must continue to abide by Building Code requirements and the Lodge owner must obtain proper permit clearance(s) and subject to compliance inspections prior to showing.

Portable fire extinguishers and other life safety requirements will be met pursuant to Cambria Fire's approval of the event each year. The Christmas Market is subject to fire protection Conditions of Approval 21 and 28 shown below.

**Fire Protection**

21. Prior to commencement of event or final inspection, whichever occurs first, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire and life safety measures.

**Condition Compliance Monitoring**

28. The applicant shall submit a letter from the Cambria Community Services District (CCSD) Fire Department confirming they have inspected the event site at the conclusion of the event and that all temporary electrical has been removed.

The applicant will retain and be subject to the original permitted 2015 plans, scale of the event and conditions of approval (with the exception of the update to Condition No. 1.a., and the revision to Condition No. 1.b.). The previously approved pedestrian and traffic safety plan identifies no parking zones, shuttle on-site return loop to the Burton Drive exit, shuttle drop-off and pick-up location with attendant, locations of on-site access attendants and nursery attendant at crosswalk with CHP, A-frame signs prohibiting parking on Burton Drive during market, as well as other safety measures.

The applicant must abide by local, county and state guidance on public gatherings and had proposed several safety measures i.e. hand sanitizing stations, provision of masks, etc. at the Planning Commission hearing.

**4. Water supply shortage and potential demand from the event**

Appellants state that the event permit is inconsistent with Cambria's water emergency (stage 4 water emergency) and that crowds will need toilets, drinking water, bar service, restaurant service, and will increase water demand at the Lodge and restaurant and other establishments in Cambria. Appellants claim that the applicant's stated daily water use of 10-20 gallons is inaccurate and requests supporting water evidence.

Staff Response:

Facilities are to be provided as required by the Health Department. Portable restroom facilities would be located within the Market area and would include hand washing sinks. Portable restroom facilities consisting of water closets and hand wash stations will be located within the market area. There are two hand wash sinks in the Cambria Pines Lodge food booths which are connected to the hotel water supply. All food preparation is done in the hotel kitchen for food provided at the food booths. Utensils used for serving at the food booths are returned to the kitchen for cleaning. All other food from outside vendors is brought to the site fully packaged and/or prepared with no on-site water use. All food is served on paper products that are disposed of or recycled.

Potable water will be provided to guests by caterers and outside vendors including methods such as individual water bottles or mobile water dispenser units. Portable restroom facilities will be brought in for the event. The number of portable restroom facilities will depend on the number of attendees. For the following reasons, there will be no substantial increase to the on-site water use associated with the temporary event. Solid waste generated from the events will be recycled and/or disposed of into a dump trailer and brought to the County

In conclusion, staff and the Planning Commission have found the project, as conditioned, consistent with the San Luis Obispo County General Plan and Local Coastal Plan. The event is temporary and is a special use in the Recreation land use category, subject to special use standards. The previously approved event permit (DRC2015-00096) and the requested amendment (DRC2021-00042) to extend the Cambria Christmas Market temporary event permit for one year from expiration, now carried through the end of the 2022 holiday season, as conditioned and as tentatively approved by the Planning Commission, is in compliance with the San Luis Obispo County General Plan and Local Coastal Plan and appeal issues have been adequately addressed through the analysis above and through project conditions of approval.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

The project was referred to the 2nd District Legislative Assistant, North Coast Advisory Council, Building Division, Environmental Health Department, Public Works Department, Code Enforcement Division, County Sheriff, Cambria Community Services District (water/sewer/fire), and California Coastal Commission. A summary of the comments received is contained in the attached Planning Department Hearing staff report. County Counsel has reviewed and approved as to form and legal effect the attached Resolution with Findings and Conditions.

#### **BUSINESS IMPACT STATEMENT**

Denial of this appeal would mean the Planning Commission's approval of this project would stand. As a result, the applicant would be allowed to operate the Cambria Christmas Market temporary event permit, as amended, for one year since permit expiration. Due to the timing taken to act on this appeal, the one-year extension shall carry through the end of the 2022 holiday season.

#### **FINANCIAL CONSIDERATIONS**

This project is in the Coastal Zone and is not subject to an appeal fee. The cost to process the appeal is covered by the General Fund. While the Department is typically able to absorb these costs by using existing budget, costs exceeding this amount may require Board approval for an increase in General Fund support. The Department will return to the Board later in FY 2021-22 should an additional adjustment be necessary.

#### **RESULTS**

Denial of this appeal would mean the Planning Commission's tentative approval of the Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit for one year from permit expiration, would stand. The original application requested one year extension from the expiration of the temporary event permit in 2020. However, due to the time lapsed to process this appeal, the one-year extension request will carry through the 2022 holiday



season. This action would be consistent with communitywide results of encouraging a safe, healthy, and livable community.

Upholding the appeal would deny the Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit for one year from permit expiration.

#### **ATTACHMENTS**

- 1 PowerPoint Presentation
- 2 Resolution Denying the Appeal with Findings
- 3 Appeal Forms
- 4 Notice of Final Action of Planning Commission Continued Hearing of October 22, 2021
- 5 Minutes from Planning Commission Continued Hearing of October 22, 2021
- 6 Staff Reports and Attachments from Planning Commission Hearings of October 7, 2021 and October 22, 2021
- 7 Graphics and Location Map



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Page 1 of 19

# **Board of Supervisors May 3, 2022**

Appeal of Pacific Cambria, LLC  
Development Plan/ Coastal Development Permit  
APPL2021-00018/DRC2021-00042



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## PROJECT HISTORY

- Cambria Christmas Market has operated since 2012
- 2016 County approved event permit DRC2015-00096-
- 5-year term through 2020 holiday season



## PROJECT HISTORY CONTINUED

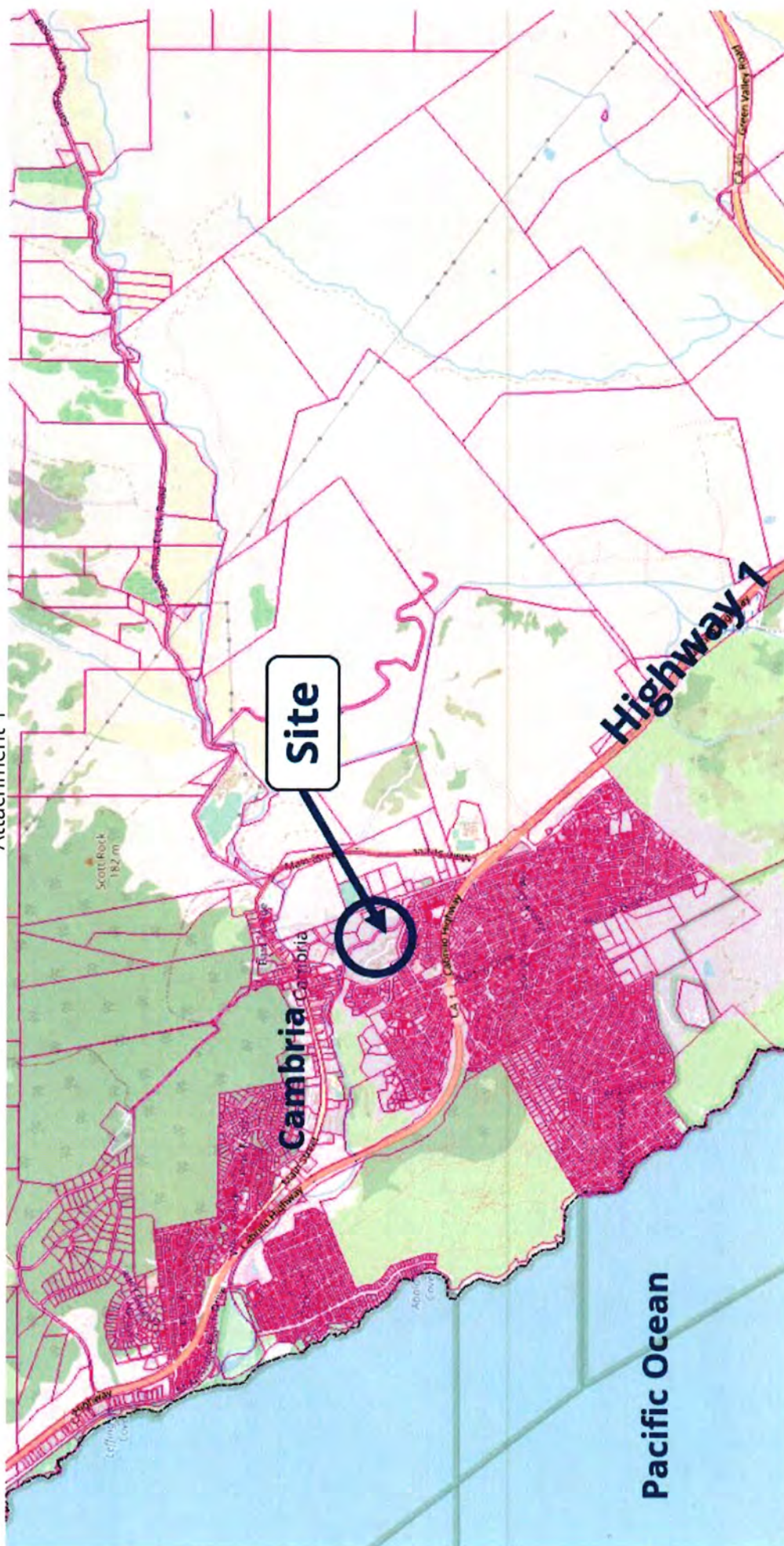
- October 7, 2021- Planning Commission Hearing
  - Item continued
- October 22, 2021- Special Planning Commission hearing
  - Approved request to extend through 2021 holiday season
- As of November 10, 2021, three appeals received



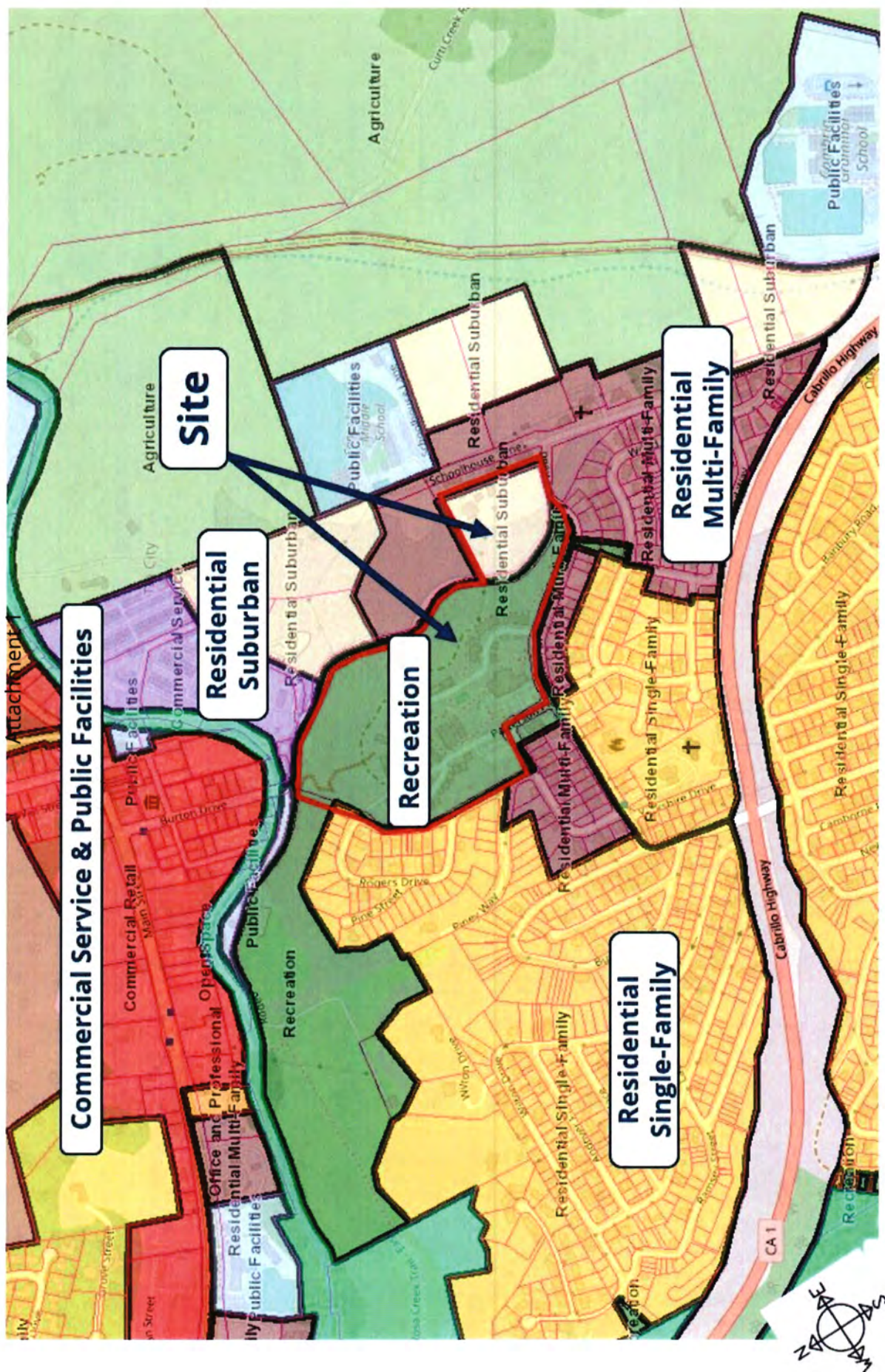
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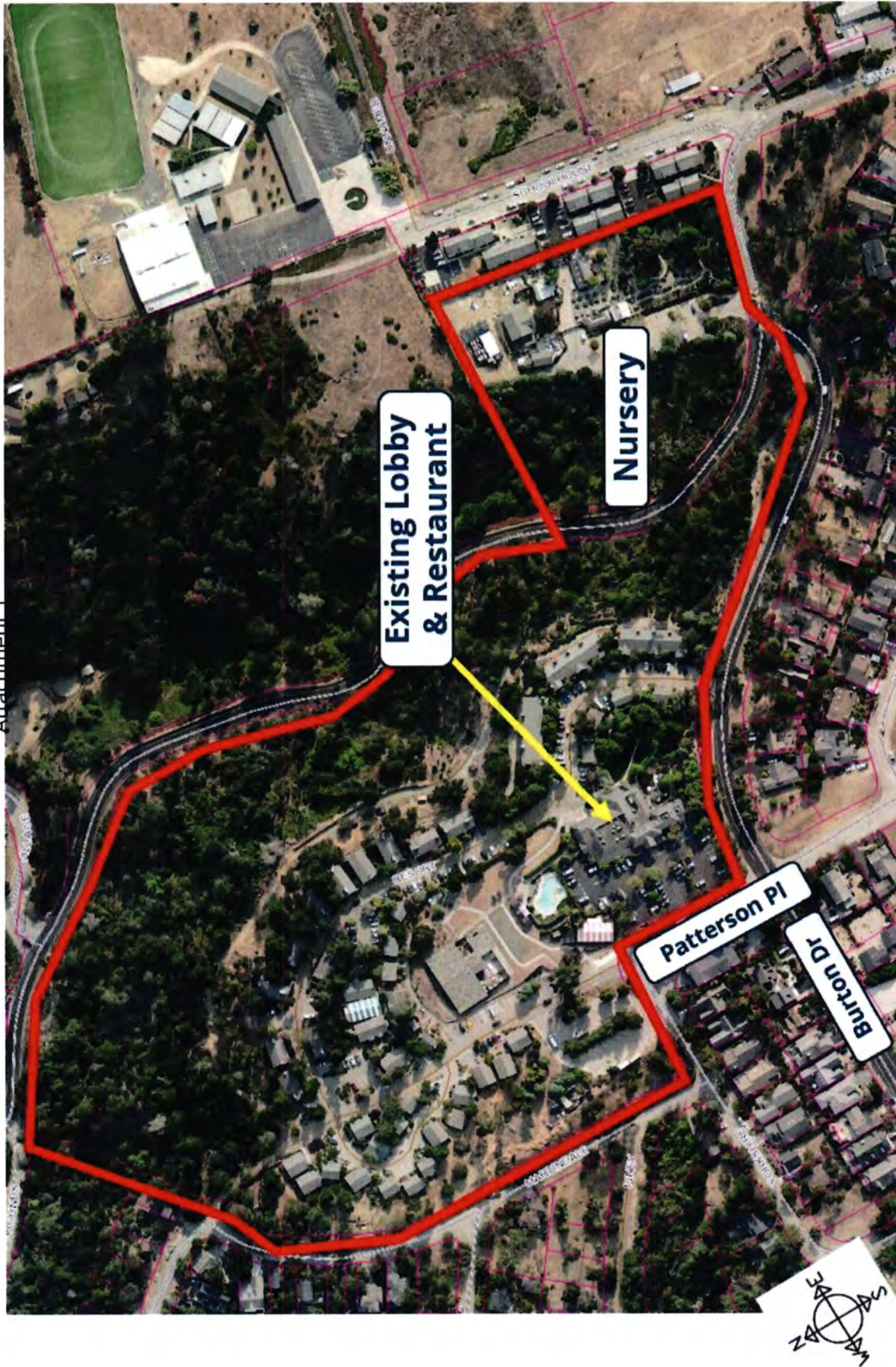




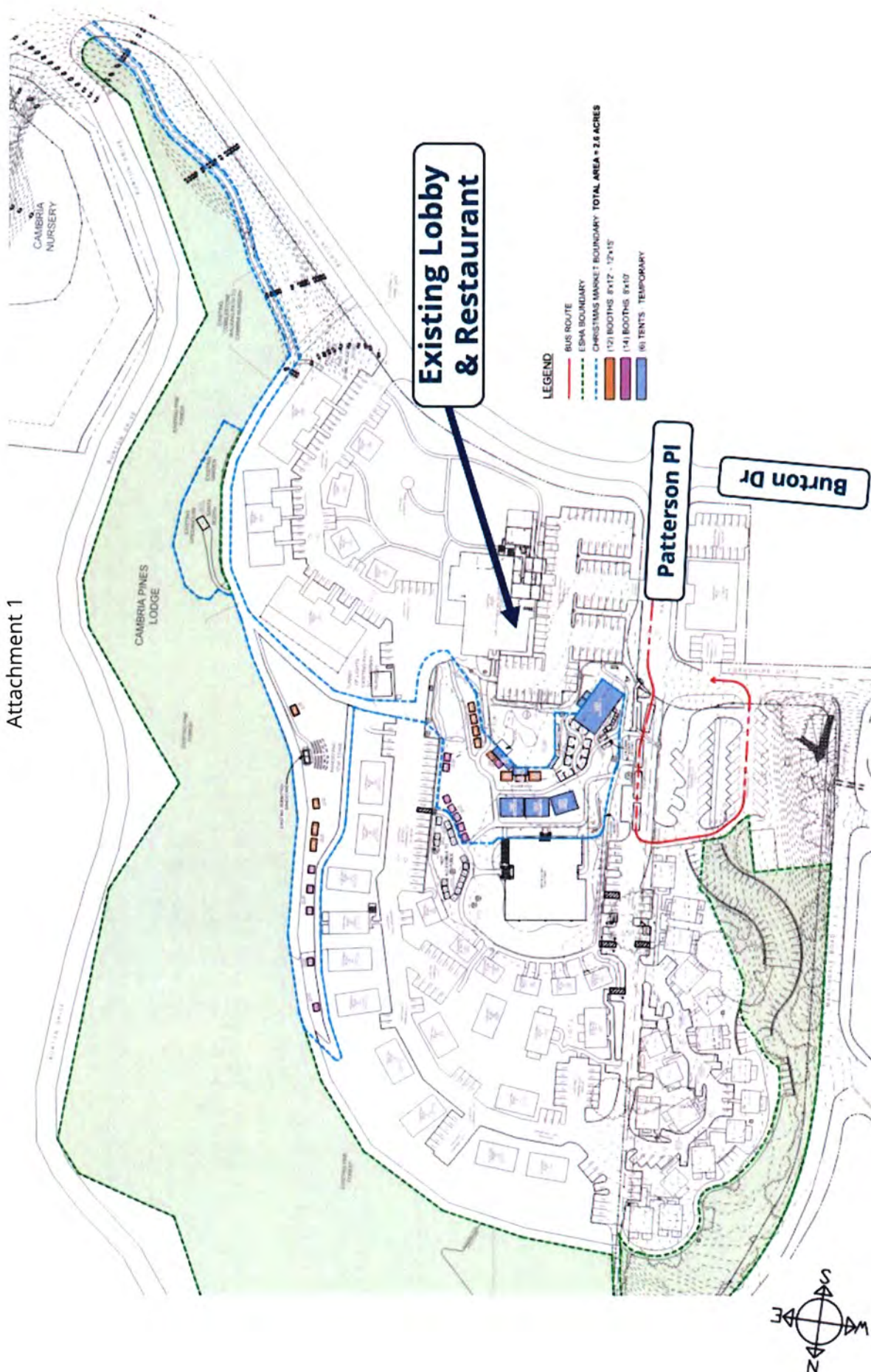














# PROJECT DESCRIPTION

- DP/ CDP (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, to:
  - Extend permit 1-year from expiration (through 2022 holiday season)
- Operation: Wednesday - Sunday (and all of Christmas week) 5:00 p.m. - 9:00 p.m.
- Temporary lighting, seasonal displays, and concession stands
- 26 temporary booths



# Planning Commission Hearing- Public Comments

## Concerns raised:

- Code and event permit violations
- Neighborhood compatibility
- Public safety and
- Water supply / demand

## Statements of support:

- Family-friendly community event
- Increases local business
- Increases employment opportunities



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## **Appeal Issues- Summary**

- Code and event permit violations
- Neighborhood compatibility concerns
- Public safety and
- Water supply shortage and potential demand from the event



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# Appeal Issue 1- Code and event permit violations

Attachment 1

## Appellants affirm the temporary event permit:

- Does not conform to codes and policies
- Inappropriate use of land, public nuisance; violated conditions

## Staff Response

- Code and event permit violations- resolved
- 5 conditions to address compliance
- Applicant subject to original 2015 approval



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# Appeal Issue 2- Neighborhood Compatibility

- Congestion from parking, traffic and pedestrians

## Staff Response

- Spaced-out site plan layout (26 booths)
- Parking, shuttle, pedestrian and traffic safety programs/plans
- Retain shuttle bus routes (no expansion)
- Noise and amplified music- **Staff Response-** Noise Ordinance
- Lighting and nighttime glare- **Staff Response-** Lighting plan and conditions
- Event overflow and event capacity- **Staff Response-** Head counts, ticket-based system
- Competition with other local businesses- **Staff Response-** Market study



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# Appeal Issue 3- Public Safety

- Fire hazards
- Navigation
- Public health

## Staff Response

- Code and event permit violations- resolved
- Conditions- address compliance and require permits
- Building Code Compliance (permit clearance and inspections)
- Cambria Fire Approval
- Subject to original 2015 approval
- Abide by local, county and state guidance on public gatherings





# Appeal Issue 4- Water Supply / Demand

## Appellants affirm

- Event permit inconsistent with Stage 4 water emergency; and
- Crowds increase water demand

Appellants request supporting water evidence

## Staff Response

- Facilities provided per Health Department
- Portable restroom facilities and hand washing sinks
- Potable water (individual water bottles and/or mobile water dispenser units)
- No substantial increase to on-site water use



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# SUMMARY

- The project, as conditioned, is consistent with the San Luis Obispo County General Plan and Local Coastal Plan;
- The event is temporary (special use) subject to special use standards; and
- Appeal issues have been adequately addressed (staff report analysis and project conditions of approval)





## RECOMMENDATION

- Adopt the resolution to deny the appeal (APPL2021-00018) and uphold the decision of the Planning Commission to approve amendment to DP/ CDP (DRC2021-00042).
- One-year extension will carry through the end of 2022 holiday season.
- Determine that this amendment is categorically exempt from CEQA.



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## COUNTY OF SAN LUIS OBISPO

# IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_

PRESENT: Supervisors

ABSENT:

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

**RESOLUTION DENYING THE APPEAL OF CLAUDIA HARMEN WORTHEN, RUSSEL READ AND JOSEPH MARK HOUGH AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION AND APPROVING THE APPLICATION OF PACIFIC CAMBRIA, LLC FOR A DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT AMENDMENT DRC2021-00042**

The following resolution is hereby offered and read:

**WHEREAS**, on October 7, 2021, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") was initially scheduled to consider the land use permit amendment application (DRC2021-00042). During the scheduled hearing, the County experienced technical issues with the live stream audio for the hearing. Therefore, the item was continued to the special meeting of Friday October 22, 2021, in order to provide for a hearing where sufficient public comment could be made in compliance with the Brown Act and County Ordinance.

**WHEREAS**, during the Special Meeting of October 22, 2021, the Planning Commission duly considered and conditionally approved the application of Pacific Cambria, LLC, for a Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, extending the Cambria Christmas Market temporary event permit for one year from expiration through the end of the 2021 holiday season.

**WHEREAS**, Claudia Harmen Worthen, Russel Read and Joseph Mark Hough appealed the Planning Commission 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 May 3, 2022; 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 Planning Commission should be affirmed, and that the application (DRC2021-00042) should be approved subject to the findings and revised conditions of approval set forth below and attached hereto as Exhibits A and B, respectively. The one-year permit extension shall carry through the end of the 2022 holiday season, due to the timing of this appeal action.

**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. The proposed Development Plan / Coastal Development Permit amendment (DRC2021-00042) to the previously approved project (to extend the Cambria Christmas Market temporary event permit for one year from expiration, now carried through the end of the 2022 holiday season) qualifies for a Categorical Exemption (Class 3, 4, and 11) pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15311 (Accessory Structures) because the project consists of a temporary event and would not involve permanent construction or site disturbance. The project involves placement of seasonal or temporary use items (accessory/appurtenant structures) such as vendor booths, mobile food units, portable restrooms or similar items in generally the same locations from time to time in facilities designed for temporary public use. The project will utilize electrical/utility extensions to serve the temporary facilities. The project consists of minor temporary use of land having negligible or no permanent effects on the environment.
3. That the appeal filed by Claudia Harmen Worthen, Russel Read and Joseph Mark Hough is denied, that the decision of the Planning Commission is affirmed, and that the application of Pacific Cambria, LLC, for a Development Plan / Coastal Development



Permit (DRC2021-00042) for an amendment to Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit for one year from expiration, now carried through the end of the 2022 holiday season is hereby approved for the reasons described in the findings set forth below in Exhibit A and subject to the revised conditions of approval in Exhibit B.

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

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

ATTEST:

WADE HORTON  
Ex-Officio Clerk of the Board of Supervisors

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

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By: \_\_\_\_\_  
Assistant County Counsel

Dated: April 20, 2022

## EXHIBIT A – FINDINGS

### Development Plan / Coastal Development Permit DRC2021-00042 Pacific Cambria, LLC

#### **Environmental Determination**

- A. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season) qualifies for a Categorical Exemption (Class 3, 4, and 11) pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15311 (Accessory Structures) because the project consists of a temporary event and would not involve permanent construction or site disturbance. The project involves placement of seasonal or temporary use items (accessory/appurtenant structures) such as vendor booths, mobile food units, portable restrooms or similar items in generally the same locations from time to time in facilities designed for temporary public use. The project will utilize electrical/utility extensions to serve the temporary facilities. The project consists of minor temporary use of land having negligible or no permanent effects on the environment.

#### **Development Plan/Coastal Development Permit**

- B. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season) 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 amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the 2021 holiday season) 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 previously approved Cambria Christmas Market, as conditioned, will not generate activity that presents a potential threat to the surrounding property and buildings. The Cambria Christmas Market has operated under the previously approved event permit (DRC2015-00096) since 2016 with some neighborhood compatibility impacts and condition compliance concerns. The previously approved event DRC2015-00096 provides Conditions of Approval requiring that the Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, and Pedestrian and Traffic Safety Plan. The previously approved event is also restricted to a maximum attendance of 3,000 guests on any given night. The applicant shall also submit an application to the Department of Public Works to secure an Encroachment Permit (condition modified for inclusion of an event traffic control plan) and the project is conditioned to require the site be inspected by the Department of Planning and Building to have the site inspected for compliance with the conditions of approval. The amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season) provides new Conditions of Approval requiring a Condition Compliance Monitoring case be submitted to the Department of Planning and Building for review, including but is not limited to no-notice site inspection(s) to ensure ongoing compliance, an inspection with Code Enforcement at the conclusion of the event so that the County can ensure condition compliance, including, but not limited to, removal of all temporary structures, and inspection and verification from the Cambria Community Services District (CCSD) Fire Department confirming, at the conclusion of the event, that all conditions have been met and that all temporary electrical has been removed. The preceding conditions are incorporated and required to facilitate neighborhood compatibility. The approved event, as amended, is also subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season) will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the previously approved project, as amended, is

ancillary to the existing Cambria Pines Lodge and, as conditioned, will not conflict with the surrounding lands and uses.

- F. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season) 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 previously approved project because the project is located on Burton Drive, an arterial road constructed to a level able to handle any additional traffic associated with the project.

**Coastal Access**

- G. The proposed amended project is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act because the previously approved project is not adjacent to the coast and will not inhibit access to the coastal waters and recreation areas.



## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Development Plan / Coastal Development Permit DRC2021-00042 Pacific Cambria, LLC**

#### **Approved Development**

1. This Development Plan / Coastal Development Permit authorizes the Cambria Christmas Market to operate as a temporary event at the Cambria Pines Lodge as follows:
  - a. This permit is valid for a period of six years, including the 2016, 2017, 2018, 2019, 2020 and 2021 holiday seasons. Temporary events occurring after 2021 will require separate approval.
  - b. Following completion of the final approval period and satisfaction of the project conditions and Notice of Violation requirements, the Cambria Christmas Market may occur Wednesday through Sunday (and all of Christmas week) from 5 pm to 9 pm each evening (for a period not to exceed four weeks).
  - c. The Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, Pedestrian and Traffic Safety Plan, and the updated site plan approved on October 7, 2021, (spaced-out layout for maximum 26 vendor booths).
  - d. Shuttle buses shall only use Burton Drive, Patterson Place, Highway One, Santa Rosa Creek Road, and Main Street.
  - e. The maximum attendance on any given night shall not exceed 3,000 guests. The applicant shall utilize a ticket-based system or the equivalent to limit the number of individuals who enter the Cambria Christmas Market per day. Upon request, the applicant shall provide the County with evidence of all daily ticket sales with back-up data. Exceedance of the daily maximum attendance or failure to implement a ticket-based system (or equivalent) shall be grounds for permit revocation.
  - f. The required 1,000-foot setback for temporary events from the RSF land use category is hereby modified to allow the event as proposed.
  - g. No permanent construction, grading, or site disturbance is authorized.
  - h. The applicant shall provide annual reports to the Department of Planning and Building and interested parties including daily attendance statistics for each annual market.
2. Related activities and seasonal displays may occur at the adjacent Cambria Nursery consistent with the visitor-serving and retail use of that site.
3. Prior to each annual Christmas Market, the applicant shall submit to the Department of Planning and Building a fire safety and evacuation plan that has been reviewed and approved by the Cambria CSD Fire Department.
4. Prior to each annual Christmas Market, the applicant shall comply with all permit requirements and standards of Chapter 6.56 of the County Code (Temporary Commercial Outdoor Entertainment Licenses).

#### **Temporary Vendor Booths**

5. This approval authorizes a maximum of 26 temporary vendor booths, with a maximum footprint of 8 feet by 10 feet and a maximum height of 9 feet.
6. Prior to each annual Christmas Market, the applicant shall contact the Building Division to obtain any necessary construction and/or electrical permits for the temporary vendor booths.

7. Within 30 days of the conclusion of each annual Christmas Market, all 26 temporary vendor booths shall be dismantled and removed to an offsite location or stored onsite within an existing approved building.

**Offsite Parking**

8. Prior to each annual Christmas Market, the applicant shall submit evidence of authorization to use each identified offsite parking lot.

**Temporary Lighting**

9. All temporary lighting associated with the Cambria Christmas Market shall be turned off every night when the market closes at 9 pm.
10. Temporary lighting shall remain on the trunk and lowest branches only of at least every other tree.
11. No standalone light displays or lighting mats are permitted in ESHA areas (as identified in 2003 CDP for the lodge expansion) except within the garden/greenhouse area.
12. Temporary lighting shall comply with Section 23.04.320 (Outdoor Lights).

**Archaeology**

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

**Access**

14. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit (including an event traffic control plan) and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
  - a. Street plan for widening Burton Drive to provide a minimum 6-foot (4-foot minimum where constrained) wide aggregate base shoulder along the property frontage between Burton Drive and the first project driveway, and within necessary dedicated right-of-way easements.
  - b. Construct a new site access driveway on Yorkshire Drive in accordance with B-1 rural driveway standards and A-5 sight distance standards.
15. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the applicant shall submit an application to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to provide event traffic control within the public right-of-way in accordance with County Public Improvement Standards and the California Manual of Uniform Traffic Control Devices (CA-MUTCD). The application is to include a traffic control plan prepared by a licensed civil engineer that, at a minimum, includes:
  - a. Restricts event parking on the following County roads:
    - ii. Burton Drive
    - iii. Eton Road
    - iv. Martindale Street
    - v. Patterson Place
    - vi. Rogers Street
    - vii. Yorkshire Street
    - viii. Wood Drive

- b. Restricts parking on the vacant lots on the southeast corner of Patterson Place and Burton Drive.
  - c. Restricts pedestrian travel along Burton Drive
  - d. Contracts with the California Highway Patrol (CHP) to provide:
    - i. Traffic direction at the following intersections:
      - a. Burton Drive at Eton Road
    - ii. Vehicle code traffic enforcement in the neighborhoods surrounding the event site.
  - e. Defines event site access restrictions/requirements for guests registered at the Cambria Pines Lodge.
  - f. Limits bus shuttle traffic to Arterial and Collector roads (e.g. State Route 1, Burton Drive Eton Road, Main Street, and Santa Rosa Creek Road).
  - g. Establishes an event coordinator and posts their contact information (e.g. website, community flyers, etc.). The event coordinator will be responsible for responding to all complaints in a timely manner.
  - h. Establishes an event pre-notification process to be provided to all emergency responders (police, fire, ambulance, etc.)
  - i. Concurrent traffic control plan approval from:
    - i. Cambria Fire Department
    - ii. County Sheriff and California Highway Patrol
16. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
17. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the following encroachment conditions must be completed to the satisfaction of the Director of Public Works:
- a. The Burton Drive shoulder widening improvements have been either constructed or bonded. If bonded, the fronting property owner must have executed an agreement with the Director of Public Works, in a form acceptable to County Counsel, to install the improvements and must have posted a faithful performance bond for the construction of the improvements.
  - b. The Yorkshire Drive site access driveway improvements have been constructed.
  - c. An encroachment permit has been issued for the event traffic control plan.
18. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works.
19. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage landscaping, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

#### **Recycling**

20. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).



***Fire Protection***

21. **Prior to commencement of event or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire and life safety measures.

***Public Works Review***

22. **Prior to commencement of event or final inspection**, whichever occurs first, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

***Access***

23. **Prior to commencement of event or final inspection**, whichever occurs first, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

***Development Review Inspection***

24. **Prior to commencement of event**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
25. All conditions of this approval shall be strictly adhered to, within the timeframes specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

***Condition Compliance Monitoring***

26. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the applicant shall submit a Condition Compliance Monitoring (CCM) case to the Department of Planning and Building for review. Condition Compliance Monitoring includes but is not limited to no-notice site inspection(s) to ensure ongoing compliance.
27. The applicant shall schedule an inspection with Code Enforcement no later than 30 days after the conclusion of the event so that the County can ensure condition compliance, including, but not limited to, removal of all temporary structures.
28. The applicant shall submit a letter from the Cambria Community Services District (CCSD) Fire Department confirming they have inspected the event site at the conclusion of the event and that all temporary electrical has been removed.

***As Built Electrical Permitting***

29. All as-built electrical work shall be inspected and permitted (finaled) by the Building Department prior to commencement of event.

***Environmental Health Permits***

30. Vendors providing food shall obtain appropriate health permits from the County Environmental Health Department prior to commencement of event.



# COASTAL APPEALABLE FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

*Promoting the Wise Use of Land • Helping to Build Great Communities*

Many actions taken by the Department of Planning and Building staff, Building Official may be appealed. Actions by the Planning Department Hearing Officer, Subdivision Review Board, or Planning Commission, to approve or deny a permit application, may be appealed by the applicant or member of the public. In the Coastal Zone, many actions can also be appealed to the California Coastal Commission.

If you wish to appeal a decision, a signed appeal form must be completed and received by the Records Management Division accompanied by the required fee no later than 14 calendar days after the action, or 7 calendar days after the approval of a "Site Plan" type of land use permit.

Please state the reasons for your appeal as clearly as possible, setting out all of the facts, conditions, and considerations concerning your case under the section entitled "Basis for Appeal" on the form. You may, if you wish, submit a more detailed letter in addition to the required form.

After an appeal has been filed, staff will prepare a response and schedule an appeal hearing. The hearing will be held by the Planning Commission, Board of Supervisors or other Review Authority whichever is so specified under the appropriate Ordinance. You will be notified by mail of the date, time and place of the hearing. It is best that you attend the scheduled appeal hearing so that you may answer any questions that may arise concerning the application and the appeal.

If you are filing an appeal in the Coastal Zone on development not appealable to the California Coastal Commission or on appealable development that is not based upon specific Coastal Act grounds please use the **Coastal Appeal Form**. If however you wish to appeal an appealable coastal project based upon Coastal Zone grounds then you must use the form entitled **Coastal Appealable Form**.

## FEES

When an appeal is requested the following fees apply, depending on which Review Authority you are before, and what type of application you are processing. The fees cover the cost of advertising and mailing, as well as staff evaluation of the appeal and staff report preparation.

Pursuant to Department policy and Footnote 6 of the Department Fee Schedule, the appeal fee is waived for appeals of appealable coastal projects that are based on Coastal Zone grounds.

APPEALED FROM	APPEALED TO	FEE
<b>Staff</b> Curb, Gutter & Sidewalk Waiver- \$ If waiver is denied	<b>Board of Supervisors</b>	\$ 386.00
<b>Planning Director</b> Interpretation	<b>Planning Commission</b>	\$ 850.00
<b>Planning Director</b> Public Facilities Fees	<b>Board of Supervisors</b>	\$ 850.00
<b>Planning Director</b> Growth Management Ordinance	<b>Planning Commission</b>	\$ 850.00 + RTB
<b>Building Official</b>	<b>Board of Construction Appeals</b> <b>Board of Handicapped Access</b>	\$ 850.00
<b>Subdivision Review Board</b>	<b>Board of Supervisors</b>	\$ 850.00
<b>Hearing Officer</b>	<b>Board of Supervisors</b>	\$ 850.00
<b>Planning Commission</b>	<b>Board of Supervisors</b>	\$ 850.00

\* RTB means the applicant will be billed for costs in excess of fees collected



If you have any questions, please contact the Records Management Division at (805) 781-5600.



## COASTAL APPEALABLE FORM

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*Promoting the Wise Use of Land • Helping to Build Great Communities*

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

### PROJECT INFORMATION

Name: Lodge Christmas Market

File Number: DRC2021-00042

#### Type of permit being appealed:

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

#### The decision was made by:

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

Date the application was acted on: October 22, 2021

#### The decision is appealed to:

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

### BASIS FOR APPEAL

☒ **INCOMPATIBLE WITH THE LCP.** The development does not conform to the standards set forth in the Certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: See attached notes:

☐ **INCOMPATIBLE WITH PUBLIC ACCESS POLICIES.** The development does not conform to the public access policies of the California Coastal Act – Section 30210 et seq of the Public Resource Code (attach additional sheets if necessary).

Explain: \_\_\_\_\_

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

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

### APPELLANT INFORMATION

Print name: Claudia Harmon Worthen

Address: 416 Dorset St.

Cambria, CA 93428

Phone Number (daytime): 805 927-1934

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Signature \_\_\_\_\_

10. 25.21

Date

### OFFICE USE ONLY

Date Received: \_\_\_\_\_ By: \_\_\_\_\_





## COASTAL APPEAL FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
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*Promoting the Wise Use of Land • Helping to Build Great Communities*

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

### PROJECT INFORMATION

Name: \_\_\_\_\_

File Number: \_\_\_\_\_

#### Type of permit being appealed:

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

#### The decision was made by:

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

Date the application was acted on: \_\_\_\_\_

#### The decision is appealed to:

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

### BASIS FOR APPEAL

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

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

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

### APPELLANT INFORMATION

Print name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number (daytime): \_\_\_\_\_

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

Signature \_\_\_\_\_

Date \_\_\_\_\_

### OFFICE USE ONLY

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Amount Paid: \_\_\_\_\_ Receipt No. (if applicable): \_\_\_\_\_

**LCP Appeal:**

Five years of repeated LCP, fire code and CZLUO violations. Below is just one letter with several comments by concerned parties. In 2020, the event extended until the end of January 2021.

LCP Permit violations: 1. 35 vendor booths not 26,  
2. Booths not removed after event.  
3. Illegal electrical work with code enforcement case infractions. Neighbor's witnessed electrical lines buried and hidden from inspection. Employees told to keep the infractions secret or they would be fired.  
4. Three unpermitted food booths operating year round.  
5. Repeatedly more attendees than permitted as many as 6,000 counted by lodge employees,  
6. Unpermitted lights in trees and tall structures a fire hazard and within ESHA.  
7. Unpermitted structures, roads built. Amphitheater permitted after built.  
8. Non-professionals directing traffic such as house keeping staff, see ad on Lodge website  
9. Parking on residential streets and non permitted parking lots.  
10. Loud band music, excessive noise and air pollution from automobiles and 52 passenger buses on residential streets.

**Notes from other residents:**

**DSR2021-00042 Permit application** Application is not fully filled out. Such as no archeological survey completed yet the applications says there are no artifacts. A new application needs all information filled out, not a reference to a five year old CDP or ref. CCSD hookup.

Commercial / industrial project needs to be filled out. This is a huge commercial project. Like number of employees, traffic issues. Number of employee trips, number of guest trips.

CCSD provides sewer and water for 152 rooms plus the 3000-6000 tourists per night during the season 2020/2021 season market open for three (3) months

States in CDP there are no changes proposed yet a 'Chapel has been constructed and three unpermitted kitchens, pizza oven, gas cook top and deep fryer. And one more for desserts?

Tree cut down to make room for 50 mini stores.

Residential states south and west also needs to include north

There needs to be energy conservation disclosed. However, how is there energy conservation with 2 million lights and 3000-4000 extra visitors using lights, toilets and gas and more

Shuttle used to discourage people from parking in undesignated locations, but no provision to insure this happens.

Lighting is very dark except the entrances which are blinding for cars and pedestrians. Violates CZLUO Lighting code 23.04.320. Light trespass.

Market is in the middle of ESHA, never should have been allowed.

Permits for 2013, 14, 15 okayed by CCC. States that the county has full authority to approve CDP, not when project is in ESHA and a residential neighborhood

Dirk asked for 10 years and the 'County gave him 20!!!!

Gave dirk 7 days a week from day after Thanksgiving to Christmas Eve. Used to be Dec. 23.

Added moonstone beach drive for shuttle busses. Not acceptable for residents. More than 3,000 attendees will revoke permit. Exceeded this number as stated by George Marshcall 60,000 means some nights were well over 3,000.

Should not waive 1,000 set back from residential properties.

Count allowing 50 stores (vendor booths) 8' x 10' by 9 feet tall, larger than original vendor booths

No permits for food and kitchen booths,

Offsite parking lots not indicated

Lighting of trees of trunks only, violation and more the every other tree.

Market visitor must walk in the dark on Burton. Dangerous

**No "CHP" used for traffic control.**

No one available for complaints.

2014 Christmas market plan is inaccurate and out of date. Why is it included in a 2021 application?



Fire plan review outdated, 2016  
Defensible space will be difficult with 50 booth.  
Local businesses will suffer from lack of business

DRC 2015-00096 approved development permit used with the additions of 50 booths. Moonstone beach drive added to old permit. Lots of redundancy  
Poorly written and edited. Confusing

Noise restriction not in conformance. 'Week days not before 7:00am, or after 9:00  
Weekends before 8:00 pm and after 5:00pm. Doesn't make sense? Noise at 7:00am is unacceptable.

One part of applications say CHP to be used for traffic, public works document state lodge staff can be trained to direct traffic. It's been very confusing and dangerous at past events. I've talked to these employees.

Temporary closeup of roads authorized by county during the entire event. What roads?  
No alcohol to be served on County right of way. Violated!!!

A post event meeting was never conducted with the affected residents

Public works permit signed by Glenn Marshall who no longer works in Public Works

Permit paperwork old and still states operation to be Wednesday to Sunday and dates from November 25 December 23 in another part of the permit it states the End of November. Big difference.

All public and school Parking lots will be allowed to fill prohibits businesses from night time operations and the schools from night time educational events and parent meetings.

Sawhorse event signs gage shall be 4' to 10' into the right of way and has been placed in front of homes. Tacky signs stuck in landscaping without permission of owners prohibits residents from having guests. During the holiday season event document with Rick Engineering signed by George. Marschall who is no longer managing gathering market.

Christmas market extend. Far beyond what is indicated in the 11/10//16 drawing. Presbyterian church indicated but no longer an allowed parking lot

Project description from 2016. State Chamber as event coordinator. Not any longer.

States up to 26 booths. But not in other parts of application

According to the project hold letter, the Christmas Market plan is a sloppy mess.



Sharif Traylor, Code Enforcement  
California Coastal Commission  
725 Front Street, suite 300  
Santa Cruz, CA 95060

January 3, 2020

Hello Sharif,

Thank you again for looking into the Cambria Pines Lodge Christmas Market fiasco. I saw the attached thread on Nextdoor.com social media site from 12.18.19 and took screen shots. It shows the strong feelings people have about the Christmas Market. The residents are subjected to air, noise and light pollution. The quality of life is adversely affected. Nerves are frazzled and the only one truly benefiting is Dirk Winter and possibly hotel bookings. We have whole

Amtrak train loads and buses dumping thousands of people into our little town. This event has taken over our town. With the amount of large and small bus loads of people and the extended parking, the 3,000 maximum number must have increased. I drove around town see where people are parking. Attendees filled up all three school parking lots and lodge employees were directing people to park at a public lot at Arlington and Main Street. People are parking all over downtown and on Moonstone Beach Drive where there are now three pick up spots. The Lodge is supposed to report the amount of attendees each night. We should request those reports.

The wildlife that used to call the lodge forest home have been chased away. Probably to never return.

The Lodge stated on it's website that the paths were widened to accommodate more people. Attendees have told me that the event has spread to an even larger area of the lodge grounds. I attached a photo below of the back part of the event.

I went to the Lodge on December 29th. I was told I could buy a ticket at the entrance to the Christmas Market and use it any night. I was given a map of the event with the location of the entrance. I'm assuming the price was \$10.00 because the 30 vendors were closed. Again, as it was last year, the light show was open through December 31st. I went there tonight, the event lights were off, but the lodge was still lit up like "Christmas". Photo below. Attached is a thread of emails from a website called: Next Door, Lodge Hill (Nextdoor.com). It has more than two thousand members. It's a bit long, but if you can take the time to scan through the notes, you'll see a pattern of misbehavior by Dirk Winter and his employees and the displeasure with the Christmas Market. Dirk does not use professional traffic control or highway patrol officers. One employee told me the limit of attendees is 6,000 people.

Thank you for reading this letter and working to solve the problem. Most of the residents of Cambria would be happy if the market was shut down. It truly has morphed out of control.

Best wishes for this new year,

**Claudia Harmon Worthen**

416 Dorset St. Cambria, CA 93428. [Claudiamharmon@yahoo.com](mailto:Claudiamharmon@yahoo.com). 805.927-1934



Giant santa train tunnel, cars in foreground for scale



Two story wall of lights

**Additional photos are at the end of this letter and to be sent in separate email.**

**[Meeshell Block](#), Lodge Hill**



The Parking Jerks at Cambria Pines Lodge

I have never ever had such a horrible experience at Cambria Pines Lodge in over 38 years as I did last night! I got dropped off at the door by my Lyft driver/friend w/no problems. I was meeting my good girlfriend (a resident (who lives a few blocks away for 34 yrs from the lodge but was staying in a hotel while her house is under construction) for her early bday dinner/Xmas at the bar. I ordered us each a glass of wine while waiting for her & put in cheese plate-charcuterie order & entree order but asked my server to hold off w/the (\$\$\$ entree) until she arrived. He brought entree almost immediately out after cheese platter. She calls me from outside & the parking guys who got hired (from LA apparently?) for the Xmas market event wouldn't let her park. They screamed at her to leave, I heard it. I put her on phone w/my server & he told her to come around again & went out to tell the guys to let her park. She comes up again and this time gets screamed & cussed out so loud I can hear it. The same guy lied to her & I couldn't believe he was name calling her when she never raised her voice! I had all the cold now food packed up had to leave the wine & I walked into the manager's office by the front desk, she shooed me away. I asked the parking manager about the problem nice & calmly & he screamed at me, used the F word screaming so loud at least 60 guests witnessed it! I got his name. It ruined our night! I paid over \$100 for this crap?! I had to walk in pitch black freezing cold 3 blocks for her to pick me up. We were so appalled by his disgusting behavior & I've heard crazy stories like this from a ton of people! Like they won't let handicap people in either!! Good grief! I'm sick about it! I feel like suing them!

Matthew Jochim, Lodge Hill

If Dirk's management doesn't know how to treat patrons, then he deserves to be sued; he should have learned something about training employees after his experience with Phil

John Russo, East Main/Eton

A traffic control security guard screamed that he was going to ticket me for not paying attention to the other traffic control guy who was just standing there wiggling his flashlight. I rolled down my window and told Mr. Screaming Security Guard that wiggling a flashlight meant nothing to me. I had stopped and proceeded as I had the right of way thru the intersection. I am a retired peace officer. If the wiggling flashlight security guard wanted me to stop, get your other hand out your pocket and show me your out stretched hand, palm out or carry a STOP sign. I went off to my church destination.

Shelly Becker, Lodge Hill

I agree this Xmas market is too big for this small town. I'm with you, something needs to change.

Jeremy Main, Happy Hill



So much time wasted being jerked around. Not worth the breath to detail the lack of any appreciation over time.

Sherry Stuckey, Lodge Hill

Its a pretty nice event, and I think that we are lucky to have it as an option for fun holiday times. If I operated it, I would let the township people who lived within a one mile radius, have two people who could attend for free, and include the people who rent, too. That might take the bite out of the traffic situation. We live right next to it, and find it to be a mild change. We just go down Eton instead of up Burton for access. This year, we discovered that the Tenants didn't receive the two free per household, and we think that they should be given that too. Regarding the other folks, it might be a good idea to sell a fixed number of tickets and reduce the number of people on the grounds. We went last year, and it seemed hazardous. It would have been nicer if there were room to maneuver.

TL Skeoch, Happy Hill

It's just a huge money maker for Dirk and he obviously doesn't really give a damn about the locals. Anyone trying to go to dinner or shop in town over these last weekends has had a really difficult time even finding a place to park. The Lodge makes a ton of money on this stupid thing. You'd think they would be more accommodating. You should at least demand a refund for what you spent on the food, and demand an apology from Dirk and his managers/employees who were involved.

I like the food at the Lodge, but it is almost impossible these days to just walk in, even mid-week, and get a table. They are somehow always "fully booked" even at, say, 5:30 on a Wednesday. It's getting to be much more trouble than it is worth.

Donald Archer, Lodge Hill

The traffic generated by the event is A REAL PROBLEM. On Wednesday evening I had to drive down to Morro Bay. It was almost solid traffic going north. When I returned at about 9:00 it was one vehicle after another going south. I've never seen it like this---particularly not on a weekend.

This event is obviously bringing in a great deal of money but I'm afraid much of the traffic and inconvenience is without benefit or consideration for the community. I'm concerned about what might happen if there is an emergency without these people and all of this traffic. Chaos, I'm afraid.

I think thought should be given regarding whether this is a type of activity we want to continue to grow uncontrollably, encourage and support---with very little benefit for the residents at large.

Laura Daniels, East Main/Eton

The local businesses DON'T benefit from this Christmas Market. The business's were also given the opportunity to sit down East/West side with Dirk, and the West side

businesses (only 2 businesses ) showed up. Same thing we need to pressure the School Board in demanding to be paid for Dirk to use ALL 3 Schools parking lots. Dirk makes well over \$7Million Dollars..until people hold him to the fire, NOTHING will change.

[Jeremy Main](#), Happy Hill

I am so glad to hear of the opportunities of and methods to drink at a bar while inconvenienced in parking options resulting in the myriad of ways to sue my neighbors and then bitch and gripe about what other people say in anger due to lack of customer service while millions of dollars flow though a gluttonous light show carnival for children celebrating in the name of the baby jesus. Amen.  
no wait, I meant Hail Satan!

[Kathleen Bracamonte](#), Happy Hill

Wow. I am taking my mom tomorrow night. I am now nervous.

[Shari Silvers](#), Lodge Hill [New](#)

Hey John Russo! Id give my eye teeth to watch you give that guy a lesson or two about traffic control... you always could keep your cool though. Its been difficult to call the lodge anything real positive ever since he lost the Mrs. Now every December the traffic clog there along with the attitude and the hassle , i guess my questions this, why and what for? So that the lodge can make more money? Just what Dirk needs...more money

[Shari Silvers](#), Lodge Hill [New](#)

Its a shame that you had to suffer that treatment and on a special evening at that. I worked for Dirk and Lauren back when they began to rebuild after the fire. There was a different type atmosphere back then. Locals were treated better i recall.

[Sherry Stuckey](#), Lodge Hill

It isn't very fun to go out anymore. The food is usually gross, the environment is usually gross, and it usually costs about \$50 per person. The abuse that is common these days comes along with it. At least you didn't see a roach too. I wish that you two had more fun. You sound like a wonderful friend.

[Meeshell Block](#), Lodge Hill

So upsetting after having such a good HaPpY day! Yes, I totally agree Sherry!

[Kathy Smith](#), Lodge Hill

We went there for dinner with our family from out of town a couple of years ago. When we called about dinner they told us that because we were having dinner we would be



allowed to park at the lodge. You certainly ordered food and drink.....the whole experience is like a zoo now. Sorry for your experience. Merry Christmas.

Meeshell Block, Lodge Hill

I have stayed there at least 15 times in past 3 years, I had my entire wedding party & all my out of town guests stay there (100 people) and have always had best experience! I listen to music there often too & dance! This made me literally throw up from stress

Teresa Lees, Lodge Hill

I've been to the Cambria Christmas Market 3 times in the past two weeks and the parking attendants have been very nice and kind and helpful. Right now it is "all about the Christmas Market. It all depends on what time you are arriving. I asked the guys tonight and they said if you want to go the Lodge for food or drinks it is okay after 8:30pm. They are on strict orders not to allow anyone to enter the parking lot, unless of course you are staying at the Lodge. But for food and drinks you have to wait till after 8:30pm because that is when they close the entrance to the Christmas Market.

Meeshell Block, Lodge Hill

No one told me that at all but they gladly took my order at the bar & I told them prior to ordering what I was there for, etc...

Sheron Williams, Lodge Hill

So locals or restaurant bar patrons are SH\_T out of luck until 8:30? And in the past the restaurant closed at 9pm...Well at least The Lodge is making mega-bucks from the extremely crowded Christmas Mart..It was a zoo when it started and is unbelievably crowded now! I worked in the hot chocolate booth in the 2-3rd years and the line went out forever...a crowd of eager faces as far as I could see most of the time...every night was like going to war! But the lights are really spectacular!!! Just be prepared to stroll slowly along..

Kathy Smith, Lodge Hill

Our family would never have gone there for dinner at 8:30, when we went a few years ago, because we had our grandchildren with us. I might add that if I was there and heard employees using that kind of language and yelling...I would NEVER go back or recommend.

Matthew Jochim, Lodge Hill

If Dirk's management doesn't know how to treat patrons, then he deserves to be sued; he should have learned something about training employees after his experience with Phil

3 days ago [Thank](#)

[John Russo](#), East Main/Eton

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[Cambria Pines Lodge](#)Untag

[Debbie Moreno](#), East Main/Eton

I'm so sorry about this Meeshell. I too have recently been wronged by the cambria pines lodge event staff. We had our wedding reception there in October--had a great time. We were assured that we were on budget and I called to make sure we were squared away a week after the event. I received no response. Then 2 months later in mid-December I got an email and a call stating we owed \$1,600.00 +. Before I could call them to take care of it they charged our debit card without our knowledge or permission. I had no idea we owed them more money. I asked if I could pay another way and to please reverse the charges but instead said that they tried contacting me -- which I have proof they never did--and that they wouldn't work with me. We are locals who wanted to stay local but I guess that doesn't matter to these callus people. Their communication skills are very, very poor and they put us in a financial bind right before Christmas! I would never duck out on a bill that I owe but I had no idea I owed it until mid-December. Charging our card without our knowledge or permission is just not right. I will never do business with them again. Shotty communication on their end.

BEWARE!!

[Cambria Pines Lodge](#)Untag

[Jeremy Main](#), Happy Hill

Ms. Moreno, I need to prove that I never received contact as well. How can I do as you have done?

[Kathleen Baker](#), Lodge Hill

So sorry for you. I won't ever go there.

[Maggie Teeples](#), Lodge Hill

So my husband is one of those "parking jerks" you are writing about, and no, we are not from "LA" (which looks like that is where you are from) but actually live right here in beautiful Cambria. Let's just keep in mind that safety for everyone is their main concern. There are more than 1000 people from all over to visit the Christmas market each night. Therefore, many people are wanting to enter the market through the shuttles that are provided. When there are instances where local residents want to enter the lodge parking area without reservations at the restaurant, the parking crew is not allowed to let anyone in to that area. Also, keep in mind, when there are cars holding things up, those shuttles with all those people, from all over, have to wait until the hold



up is cleared. Living in Cambria is wonderful but that does not mean we are entitled to do whatever we want. Also, there are 2 sides to every story, so please don't write something did not happen. We both know what really happened.  
And also, the crew directing traffic on the streets are from the LA area and they do event parking all over California, which also include some retired police and sheriff personal. The parking staff at the lodge actually work at the lodge year round. When someone holds and or waves a lighted wand in front of your car, please stop. It means, do not go any further.  
Have a Merry Christmas and a pleasant New Year.  
2 days ago [Thank](#)

[Meeshell Block](#), Lodge Hill

The ONLY parking jerks who have dropping F bombs & cussing out people are allegedly NOT CAMBRIA residents. My old tenant who works there told me a lot of guys were hired from LA. I'm from LA & just got back from working 2 huge Xmas parties in a row & have been in the Hospitality business for 35 years, a graduate w/honors from Cordon Bleu HRMP program & have NEVER EVER seen or heard anyone's behavior so appalling & aggressive in ALL my experiences! The jerks I witnessed & survived last Wednesday night make LA road ragers look like saints!

[BK Morrow](#), Lodge Hill

I have been trying to stay out of this but...

Here is something that all locals should be made aware of.  
Local artist spend all year in some cases to make custom items and pay \$1400 for a space to sell their items at the Christmas market.

Its been brought to my attention the person ////////////////÷÷÷÷÷÷÷÷÷÷÷÷/ in charge has paid close atten. tion to ÷÷÷÷÷÷÷÷÷÷÷÷÷÷÷÷ what people are making and selling.

\\\\\\\\\\

[Meeshell Block](#), Lodge Hill

I must add that one older man/employee who told me who to speak to before I got cussed out out of nowhere was a very nice calm gentleman who seemed to be embarrassed by the edgy non-local jerk's behavior. I also witnessed a Sheriff getting balled out by one of these jerks too & spoke to him right after seeing & hearing it. He was stunned himself!

[Maggie Teeples](#), Lodge Hill

Out of all the wonderful eating establishments in our town, why would you chose to go to the Lodge knowing that the Christmas market was happening.

[Meeshell Block](#), Lodge Hill

it was the bday girl's choice! The gluten free scallop option, wine, fireplace, music, comfort & distance from our homes. Why can't I go anywhere I want without BEING CURSED OUT!?!?! The point is CUSTOMER SERVICE!!!! NO ONE SHOULD be scolded, cussed at, mistreated ever! Especially when they have done NOT ONE THING WRONG!! Btw, the elderly local white haired bearded-mustache traffic controller screamed and cussed at my Lyft friend driver 3-4 times when he was dropping off hotel guests! I DON'T understand why on Earth you think this awful disgusting behavior is acceptable! Happy Holidays 🍷

[Cambria Pines Lodge](#)Untag

[Mindy May](#), Lodge Hill

Are these guys from the Lodge or the Christmas market? I think it makes a difference.

[Sue Jones](#), Happy Hill

Aren't the market guys hired by the Lodge? This makes the Lodge responsible for their behavior. Either way, abusing your customers is really not a great tactic!

[Jules Carcanague](#), East Main/Eton

I had a similar experience last week. While I was chaperoning a bunch of kids one of the parking jerks was using extremely foul language and I explained to him not to use those words in the presence of children. He responded with more foul language, and being the peaceful child advocate that I am, I explained the laws to him in regards to this and with other patron support he was reprimanded by one of the kids. He was humiliated and stormed away.

[Jeremy Main](#), Happy Hill

You know that is a very poignant suggestion Barry and BK. I would even venture to state that if a protest effort were mounted, then there would be even more disruption resulting from the event therefore creating more discord and paradoxically creating greater potential for the problem to be rectified. If anyone questions, please let them know I will be incommunicado from now on in dedicated effort to this cause #OccupyPinesLodge #OperationCantPossiblyFail

[Mindy May](#), Lodge Hill

Just an FYI locals and people from LA can both be nice and/or be jerks. Its not one or the other. Lolololol

[Jules Carcanague](#), East Main/Eton



Only 3 local businesses down town have showed profits the last few years on nights the Christmas market is in operation. Chevron, Mozzis and Bob & Jans. That is a fact.

Jules Carcanague, East Main/Eton

The school lots were accidentally rented out to him for \$10 a day per lot.

Jules Carcanague, East Main/Eton

If you read the county permit contract paperwork you will read every other tree can have lights and only on the trunks.

Jules Carcanague, East Main/Eton

In the county paperwork you will also read the daily limitations in regards to patrons.

Jules Carcanague, East Main/Eton

There is also the limit of a certain amount of shacks or booths, whichever you prefer.

Jules Carcanague, East Main/Eton

Let's not forget that by 9:01pm all the lights must be off.

Jules Carcanague, East Main/Eton

The section that deals with the booths gets very precise with height, width, depth and even the deadline of when they need to be dismantled by.

Jules Carcanague, East Main/Eton

Quite an interesting read.

Jules Carcanague, East Main/Eton

I've taken up too much space here, so I will just relax now until it's time for the Lodge to renew the permit for next year.

Jules Carcanague, East Main/Eton

Anyone interested in facts and fairness for all of Cambria message me after the holidays and in the subject line just put, STOP THE B. S.

Sandy Anthony, Happy Hill

I am very sorry to hear about this. How very disturbing. Let me know how I can support you in this issue, please! This could happen to any one of us!

Debbie Stevens, Lodge Hill

To add my two cents...I think if a business owner has treated you poorly, it is appropriate to let the owner know how they have failed you. If said owner then does not make sufficient amends, then do boycott the restaurant, hotel or light show. Dirk "wins" in a sense if you/we just don't show up, but if he knows why, then he can make changes. Wishing for a satisfactory outcome for all!



**Comment thread December 18- December 27, 2019.** I added the yellow highlighting.



Christmas lights as seen from Burton Drive. The lights used to be inside the property and mostly hidden from traffic. It's very distracting on a main boulevard, creating a traffic hazard. December 20, 2019



Lights on December 28<sup>th</sup> seen from the road. Light show still on after Dec. 23



Lights in the trees and very close together December 29th.  
Should have been off after the 23rd of Dec.



Photo of front of the lodge, January 1, 2020. Event lights finally off. Lights in tree canopy. Permit says the lights are only to be on the trunks of trees.



If you have any questions, please contact the Records Management Division at (805) 781-5600.



## COASTAL APPEALABLE FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

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

### PROJECT INFORMATION

Name: 2021 CAMBRIDGE CHRISTMAS MARKET

File Number: DRC2021-00042

#### Type of permit being appealed:

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

#### The decision was made by:

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

Date the application was acted on: 10/22/2021

#### The decision is appealed to:

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

### BASIS FOR APPEAL

☒ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the Certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)  
Explain: See Letter

☐ INCOMPATIBLE WITH PUBLIC ACCESS POLICIES. The development does not conform to the public access policies of the California Coastal Act – Section 30210 et seq of the Public Resource Code (attach additional sheets if necessary).  
Explain: \_\_\_\_\_

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

Condition Number 2, 3, 5, 6, 8, 9-12, 15, 18 Reason for appeal (attach additional sheets if necessary) See Attached Letter

### APPELLANT INFORMATION

Print name: Russell Red

Address: 3120 Ridge Dr, CAMBRIDGE CA 93422

Phone Number (daytime): 805-927-2344

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Signature: [Signature]

Date: 11/1/2021

OFFICE USE ONLY  
Date Received: \_\_\_\_\_

By: \_\_\_\_\_



**RUSSELL S. READ**

*Attorney & Counselor*

3120 Rogers Dr.

Cambria, CA 93428

Tel: (805) 927-2344

*rscottread@gmail.com*

10/28/2021

County of San Luis Obispo  
Records Management Division

Re: DRC2021-00042; 2021 Cambria Christmas Market  
Appeal of Planning Commission Decision; 10/22/2021

Dear Ms. or Sir:

This letter accompanies and supplements the Coastal Appeal Form enclosed with this letter. Because the Market is located in the Coastal Zone, I believe there is no required filing fee but, just in case I'm wrong, I enclose my check in the amount of \$850.00. Please return if there is no filing fee.

**GROUND'S FOR APPEAL**

In approving the permit, the Planning Commission failed to protect the Coastal Zone from a project that does not conform to the Coastal Zone Land Use Ordinance ("CZLU") as stated herein. It also failed to protect the health and welfare of the County's residence.

The Market is located in the protected, sensitive Coastal Zone. This is not the appropriate location for an event which will attract over 60,000 visitors to small-town Cambria at a time when the community is in the midst of a Stage 4 Water Emergency and a pandemic. The purpose of the CZLU is to (in pertinent part) promote the public's "health, safety and welfare, and more particularly . . . to minimize **adverse effect on the public** resulting from **inappropriate** creation, use or design of building sites . . . **land uses**, parking areas..." and to "**protect and enhance the significant natural**, historic, archeological and scenic resources." This Market is not a natural scenic resource. It is an glitzy, artificially produced entertainment event that threatens the natural beauty and sustainability of the Coastal Zone and is a aggravation to many of its neighbors.

Contrary to Applicant's assertions, this Appeal is not anti-Christmas. It is a joy to witness the wonder in children's eyes when they see Christmas lights. But they can find this experience many different—and more appropriate—places within the County. The Market is an inappropriate land use in the Coastal Zone. Denial of this permit will not interfere with anybody's celebration of the holiday. Indeed, denial will protect the well-being of local residents. Denial of the permit will protect public health and welfare, especially for children and local residents. Applicant admits that its motel will be full even if the Market is prohibited so denying the permit will not seriously jeopardize the Applicant's financial status.

Despite this appeal process, the Applicant is already widely advertising and selling tickets for this event. It acts as if the approval process is simply a rubber stamp. It acts as if the Board of Supervisors will simply ignore the negative impacts on the local community and Coastal Zone. As indicated below, the



Applicant has violated past conditions of approval. The Board should not reward Applicant for its arrogant and reckless behavior. I ask the Board of Supervisors to protect the health and welfare of the public by denying this permit.

The Market is inconsistent with the surrounding residential neighborhood and the following provisions of the CZLU:

1. Holiday Decorations. 23.04.306b(6) requires holiday decorations to be removed after 90 days. The Lodge never removes many displays, outdoor electrical connections, and holiday booths built, all built and used for the Christmas Market. I attach several three recent photographs to underscore my point. Exhibits A-C. The failure to remove the decorations is a violation of the 2016 permit and good cause to deny the current and any future permit application.
2. Parking. Outdoor Retail Sales. 23.08.142a(3) requires "employee and customer parking" to be on sight or on adjoining property." Applicant uses multiple parking facilities remote from the Lodge which results in serious traffic congestion, air and sound pollution, and delays for local residents. Applicant's parking plan violates the CZLU.
3. Location. 23.08.248c requires event to be 1,000 feet from Residential Family Land. The Planning Commission arbitrarily waived this requirement without the consent of the nearby residents. This is good cause to deny the current and any future permit application.
4. Time Limit. 23.08.248b sets a time limit for temporary events as either 12 consecutive days or 4 consecutive weekends. The Permit allows the Market to operate both week days and weekends. This is not allowed by the CZLU. The Planning Commission arbitrarily waived this requirement to the detriment of the local community. The schedule violates the CZLU.
5. Noise Level. 23.06.044a prohibits noise levels at the Market during the night from exceeding 45dB. Many neighbors have complained about the noise from the event. This noise pollution damages the natural beauty of the Coastal Zone. If the Permit is allowed, it should require the Lodge to properly measure and report nightly on noise levels as they impact nearby residents.
6. Outdoor Lights. 23.04.320. The Permit states that the Applicant will comply with the Outdoor Lights provisions of the CZLU. This is clearly impossible for this Project. The illuminated Christmas Tree appears as tall as its main building and lit to its very top. It is visible from my home on Rogers Dr. and from other local residences. The light display violates the provisions requiring outdoor lights to be for "illumination only," screened from residences and streets, minimized intensity, shielding, and height. In past years, the Market has violated the light display standards. See 2016 Conditions of Approval #12. The Board should not reward Applicant for flaunting the conditions of approval and regulate the light pollution. The Market's lighting violates the CZLU
7. Trash/Solid Waste. Many neighbors complain about the trash thrown into streets and yards by Market attendees. The Lodge should be required to inspect the neighborhood after each night and appropriately collect and dispose of all trash.
8. Signs. Outdoor Retail Sales. 23.08.142a(5) allows signs but does not expressly permit the many, many "NO PARKING" unsightly barricades which the Lodge spreads around the residential streets. This damages the natural scenic beauty of the Coastal Zone. They are visual pollution. Many barricades are not removed on days the Market is not in session. Additionally, it is not clear that these barricades are enforceable. In the past local residents (including me) have reported illegal parking which was not resolved by the Lodge or by the CHP. The Permit should



clarify the timing, legality and enforceability of the barricades and provide a workable method of enforcing the no parking prohibitions. The Market's signs violated the CZLU.

9. Fencing/Screening. 23.04.190. The Lodge's outdoor storage and storage of mechanical equipment is clearly visible from Yorkshire Rd. and Patterson Pl. When the Applicant built an additional vehicle access to Yorkshire, it removed a portion of the screening. Moreover, the tall hedge (well over 6') at the corner of Yorkshire and Martindale is a traffic danger because it is impossible for drivers turning north on Martindale to see around the corner. Applicant should be required to properly and safely screen the storage area.
10. Traffic Control. The Permit requires the Applicant to contract with the CHP to provide "traffic direction" at Eaton Road and Burton Drive but does not require traffic control at the Burton and Patterson intersection, the main bus and vehicle entrance to the event, or at Highway 1 and Burton Drive which is a primary way for Applicant's busses to reach the Lodge. Both of these intersections are highly congested during the event. If the Market is allowed, the Applicant should be required to contract with the CHP for traffic control at these other locations.
11. Commercial Entertainment. 23.08.248a(2). In view of the multiple defects in the Permit, it is inconsistent with Chapter 6.56 of the County Code.
12. Water Use/Covid. See discussion below.

**A. THE MARKET IS INAPPROPRIATE FOR THE COASTAL ZONE AND THE RESIDENTIAL NEIGHBORHOOD.**

The Cambria Lodge is surrounded on 3 sides by single-family residents. Many are closer than 1,000 feet from the Market. The streets in the area have few street lights and few (if any) permanent "No-Parking" signs. The absence of urban lights is one of the natural assets of the North Coast. Because the Lodge is in the Coastal Zone (not in an urban setting such as Cal-Poly) the negative impacts of the Market are more keenly felt by local residents, many of whom have chosen to live in Cambria because of its natural beauty. Among other negative impacts, the Market generates noise, light pollution, traffic congestion, unsightly No-Parking barricades (which are often not taken down during the duration of the Market), unchecked water use, and solid waste. The Market is a danger to both pedestrians (especially those walking Burton Drive or along Yorkshire Road from the Presbyterian Church parking lot or crossing Burton from the nursery.) There are virtually no sidewalks in the area. Vehicle drivers can be easily blinded by all the headlights and waiving flashlights along the roads and intersections. At night during the Market, Burton Drive is unsafe at any speed.

The Lodge's Christmas celebration has been historically modest. This drastically changed in 2016. By approving this Application, the County invited over 60,000 visitors to this sensitive residential neighborhood in the Coastal Zone. The impact on local residents has been staggering: the Lodge's hired guards stop local residents from entering and exiting their homes *via* the intersection of Patterson and Burton. They stand in the middle of the Yorkshire and force locals to stop, justify their presence, and prevent them from reaching Burton Drive. The Market's many buses cause frustration and delays to local residents. They generate traffic congestion on Burton Drive near the Lodge's main entrance, at the intersection of Highway 1 and Burton Drive, and throughout the east-end of Cambria. Applicant claims its traffic controls have eliminated any traffic jam associated with the Market, but this is simply false as



many local residents will testify. In short, the Market is a public nuisance and an inappropriate land use in the sensitive Coastal Zone.

Applicant plans to further damage the sensitive area by expanding both the duration and scope of the Market next year. It also intends to expand the Market site to include the J. Patrick House across the street to the Lodge which Dirk Winters acquired in 2020. It is already advertising accommodations to 2021 Market visitors at the J. Patrick House at 2990 Burton Dr. It has applied for a liquor license to serve wine and beer at the J. Patrick House from 6:00 am to 9:00 pm. See Exhibits "D" and "E." Applicant has shown callous indifference to natural resources in the area.

It is especially noteworthy that the event primarily financially benefits the Applicant and, to a lesser degree, the merchants who pay the Applicant for a Market booth. Applicant busses visitors to and from the Lodge from off-sight parking. Market visitors rarely shop in other Cambria retailers. Market visitors are a captive audience. Unlike a Cal-Poly event, the Market does not benefit any students or school. Unlike a Farmer's Market, it does not serve the local agricultural community. It is not a natural resource. It certainly does not serve other retailers or the general Cambria population. For local residents, it makes a Hell of the Holy Season.

#### **B. THE MARKET IS COVID SUPER SPREADER EVENT.**

One thing is certain--the Market generates crowds jammed together both at the Lodge and in its many busses. Applicant argues that because the event is outside it will not require any Covid mitigation measures. Applicant claims it is not required to enforce a mask mandate, social distancing, proof of a negative Covid test or proof of vaccination. The Market constitutes a clear and severe danger to public health and welfare.

The pandemic is far from over. For the seven-day period that ended today, there was an average of 6,068 cases per day in California--an increase of 10% over the prior week. The statewide test positivity rate over that same seven-day period rose to 2.8% up from 2.1% a week ago and COVID-19 hospitalizations increased 4%. Last week the Los Angeles County Public Health Director warned that COVID is seasonal, spreading more easily in the winter months as proven by last year's holiday season which ushered a ferocious coronavirus wave that pummeled California.

According to the CDC, most of California remains in the two worst categories on the transmission scale. This week San Luis Obispo County was moved from "substantial" to high in terms of transmission rates. The Market will undoubtedly attract many individuals from areas where the Covid case rates are much higher (e.g., Fresno, Tulare, Bakersfield.) It will attract many children who will not be vaccinated, and, as is well known, children can be vectors for transmitting the virus to others. The Market opens in the winter-time, when COVID is at its worst. The 2021 Market is a health danger to the public.

#### **C. CAMBRIA'S CCSD HAS DECLARED A STAGE 4 WATER EMERGENCY. THE MARKET IS A DANGER TO LOCAL WATER SUPPLY.**

As of July 15, 2021, Cambria entered into a Stage 4 Water Emergency pursuant to which Cambrians were asked to reduce their usage by 40% or suffer financial penalties. The drought demands sacrifice by all Cambrians. Why is the Applicant exempt from this sacrifice? The Applicant claims that the daily demand for water will be only 10-20 gallons. This seems absurd on its face. Given (i) the huge crowd expected who will be needing toilet facilities, drinking water, bar service, restaurant service, and make additional demands on our local water supply, (ii) increased water demand at the Applicant's motel and restaurant and (iii) the sacrifices being made by our community to save water, the Market poses an unreasonable and unfair demand on our limited water supply. The 2021 Market poses dangerous risks to local water resources, risks which did not exist in 2016, and constitute sufficient reason to deny the Application.

The record in this matter contains **zero** credible evidence of the Market's water demand. Applicant claims it will use only 10-20 gallons daily of additional water because it will sell visitors bottled water and provide porta-potties. But this is not evidence of actual water use. The Applicant could easily provide proof of actual water use during past markets but has failed or refused to do so. The Applicant should be required to provide evidence to support its claims of limited water use.

Along with the Cambrian's who endorse this appeal and the over 200 individuals who signed the petition to stop the 2021 Market--urge the Board not to reward Applicant's violations of the past permits and protect community health and the our invaluable natural and scenic resources.

Respectfully Submitted,

Russell S. Read





Attachment 3



Exhibit 4  
A-3-SLO-22-0024











SAN LUIS OBISPO, CA 93401  
(805) 543-7183

October 25, 2021

To whom it may concern:

A request for an expansion has been made for a license to sell alcoholic beverages near you. They have requested the entire back house located on the property. The applicant is:

**TERRABILL LLC**  
Applicant(s) Name(s)

**L. PATRICK HOUSE**  
Doing Business As

**2990 BURTON DR, CAMBRIA, CA 93428-4002**

Premises Address

Type of Business:

☐ Restaurant

☐ Mini Mart

☒ Other: Bed and Breakfast Inn

☐ Bar/Tavern

☐ Liquor Store

☐ Deli

☐ Gas Station

Entertainment:

☒ Yes

☐ No

**Recorded Music**

Type of Entertainment

Proposed hours of alcoholic beverage sales/service:

6:00 AM to 9:00 PM

(Hours and entertainment are decided by the business owner and may change.)

Type(s) of alcoholic beverages to be sold:

☐ Beer

☒ Wine

☐ Beer & Wine

☐ All Types

(Beer, Wine and Distilled Spirits)

If you have any questions or require additional information concerning the issuance of the license, please contact me on or before NOVEMBER 15, 2021.

Sincerely,

*Patrick House*





Secretary of State  
Statement of Information  
(Limited Liability Company)

Attachment 3  
LLC-12

20-A25299  
**E FILED**

In the office of the Secretary of State  
of the State of California

JAN 16, 2020

This Space For Office Use Only

**IMPORTANT** — Read instructions **before** completing this form.

**Filing Fee** — \$20.00

**Copy Fees** — First page \$1.00; each attachment page \$0.50;  
Certification Fee — \$5.00 plus copy fees

**1. Limited Liability Company Name** (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.)

TTERRAB LLC

**2. 12-Digit Secretary of State File Number**  
201936410164

**3. State, Foreign Country or Place of Organization** (only if formed outside of California)  
CALIFORNIA

**4. Business Addresses**

a. Street Address of Principal Office - Do not list a P.O. Box 2905 Burton Drive	City (no abbreviations) Cambria	State CA	Zip Code 93428
b. Mailing Address of LLC, if different than Item 4a 2905 Burton Drive	City (no abbreviations) Cambria	State CA	Zip Code 93428
c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box 2905 Burton Drive	City (no abbreviations) Cambria	State CA	Zip Code 93428

**5. Manager(s) or Member(s)**

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).

a. First Name, if an individual - Do not complete Item 5b Dirk	Middle Name	Last Name Winter	Suffix
b. Entity Name - Do not complete Item 5a			
c. Address 2905 Burton Drive	City (no abbreviations) Cambria	State CA	Zip Code 93428

**6. Service of Process** (Must provide either Individual OR Corporation.)

**INDIVIDUAL** — Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) J.	Middle Name Christopher	Last Name Toews	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 1212 Marsh Street, Suite 3	City (no abbreviations) San Luis Obispo	State CA	Zip Code 93401

**CORPORATION** — Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) — Do not complete Item 6a or 6b

**7. Type of Business**

a. Describe the type of business or services of the Limited Liability Company  
Real Estate Leasing and Management

**Chief Executive Officer, if elected or appointed**

a. First Name Dirk	Middle Name	Last Name Winter	Suffix
b. Address 2905 Burton Drive	City (no abbreviations) Cambria	State CA	Zip Code 93428

**9. The information contained herein, including any attachments, is true and correct.**

01/16/2020

J. Christopher Toews

Attorney

Date

Type or Print Name of Person Completing the Form

Title

Signature

**Return Address (Optional)** (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

Name:

Company:

Address:

City/State/Zip:

**RUSSELL S. READ**

*Attorney & Counselor*

3120 Rogers Dr.

Cambria, CA 93428

Tel: (805) 927-2344

*rscottread@gmail.com*

11/3/2021

County of San Luis Obispo  
Records Management Division

Re: DRC2021-00042; 2021 Cambria Christmas Market  
Appeal of Planning Commission Decision; 10/22/2021

Dear Ms. or Sir:

This letter and attachments supplement my appeal letter in this matter.

With apologies for their quality, I attach 5 photos of the Lodge which shows how poorly his storage/equipment is screened. This violates CZLU 23.04.320. Why doesn't the County enforce these regulations?

I attach one photo taken at the intersection of Burton and the nursery entrance of a giant illuminated Santa Clause erected in the October, more than a month before Thanksgiving. This violates CZLU 23.04.320 and 23.08.248c. Why doesn't the County enforce these regulations?

I attach a copy of the "Stop The 2021 Cambria Christmas Market" signed by over 200 people. More are signing every day. I expect many more will sign when more Cambrians become aware of the Applicant's expansion plans.

Regarding Applicant's expansion plans: I have just discovered Bram Winter bought 2976 Burton Dr. as well as 2990. These homes are adjacent and across Burton from the Lodge. Liquor will be served at the properties. Applicant intends to expand the Market across Burton Dr. to include these properties.

This project is becoming a monstrous disaster for Cambria.

Respectfully Submitted,

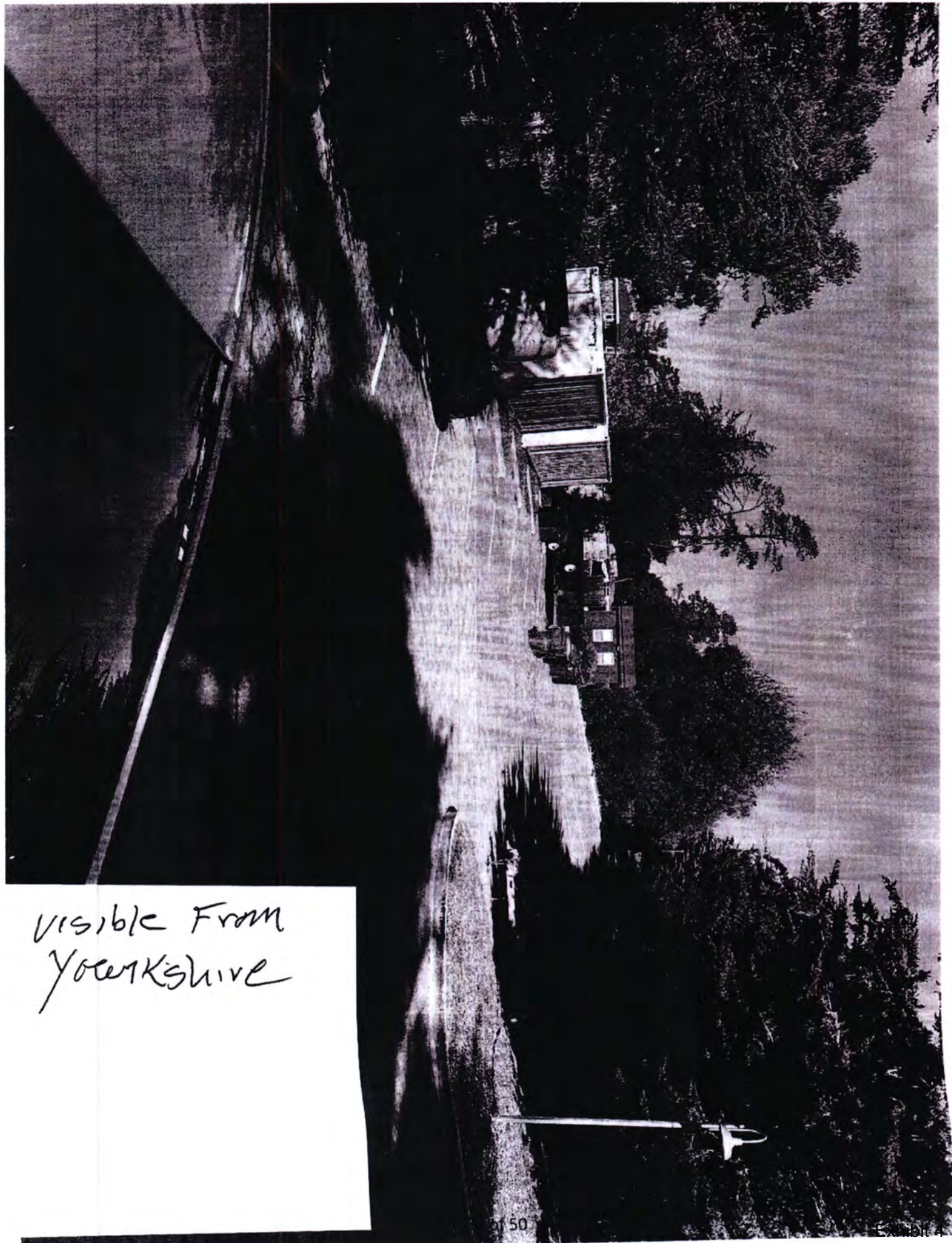
Russell S. Read





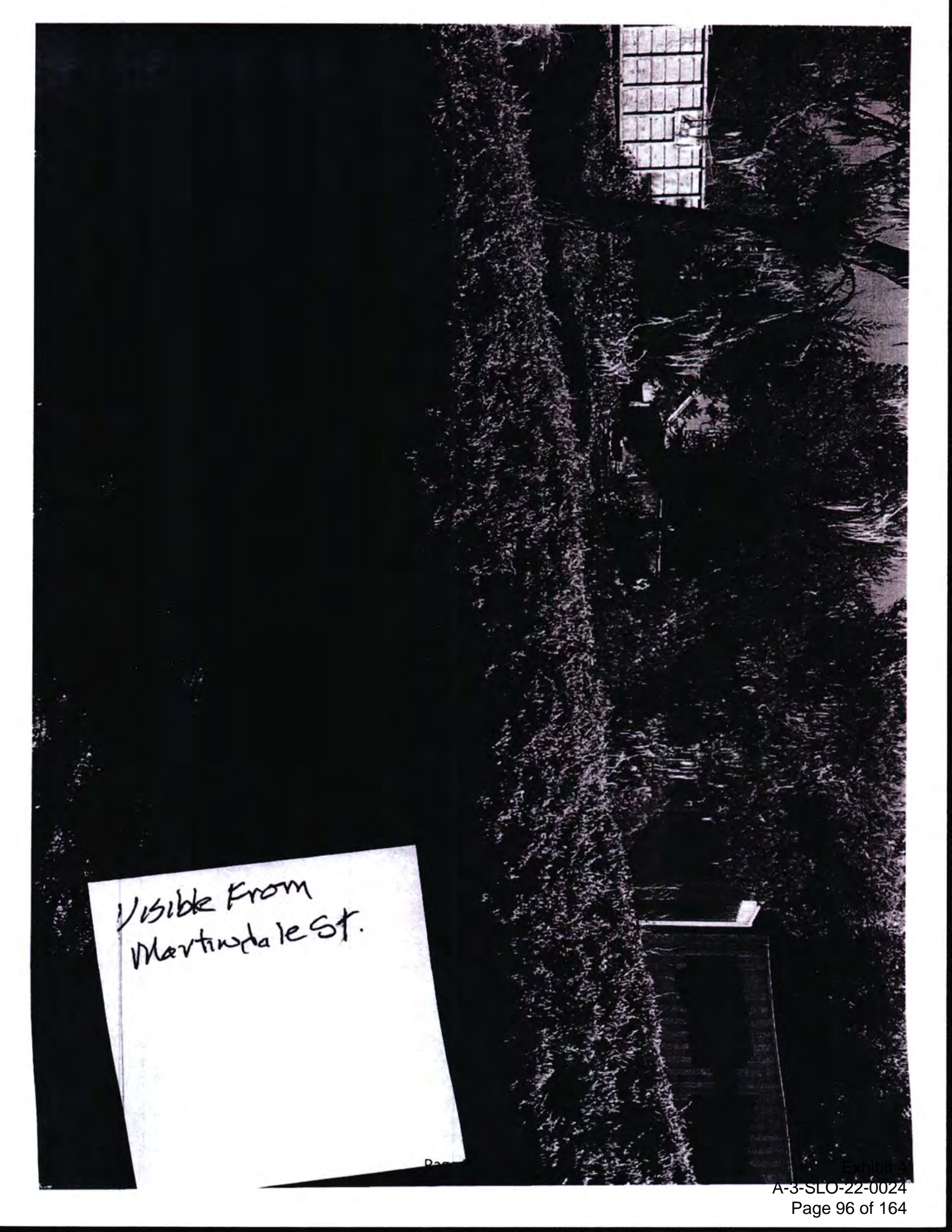
GIANT SANTA  
ILLUMINATED  
Facing street  
@ nursery  
erected 10/2021





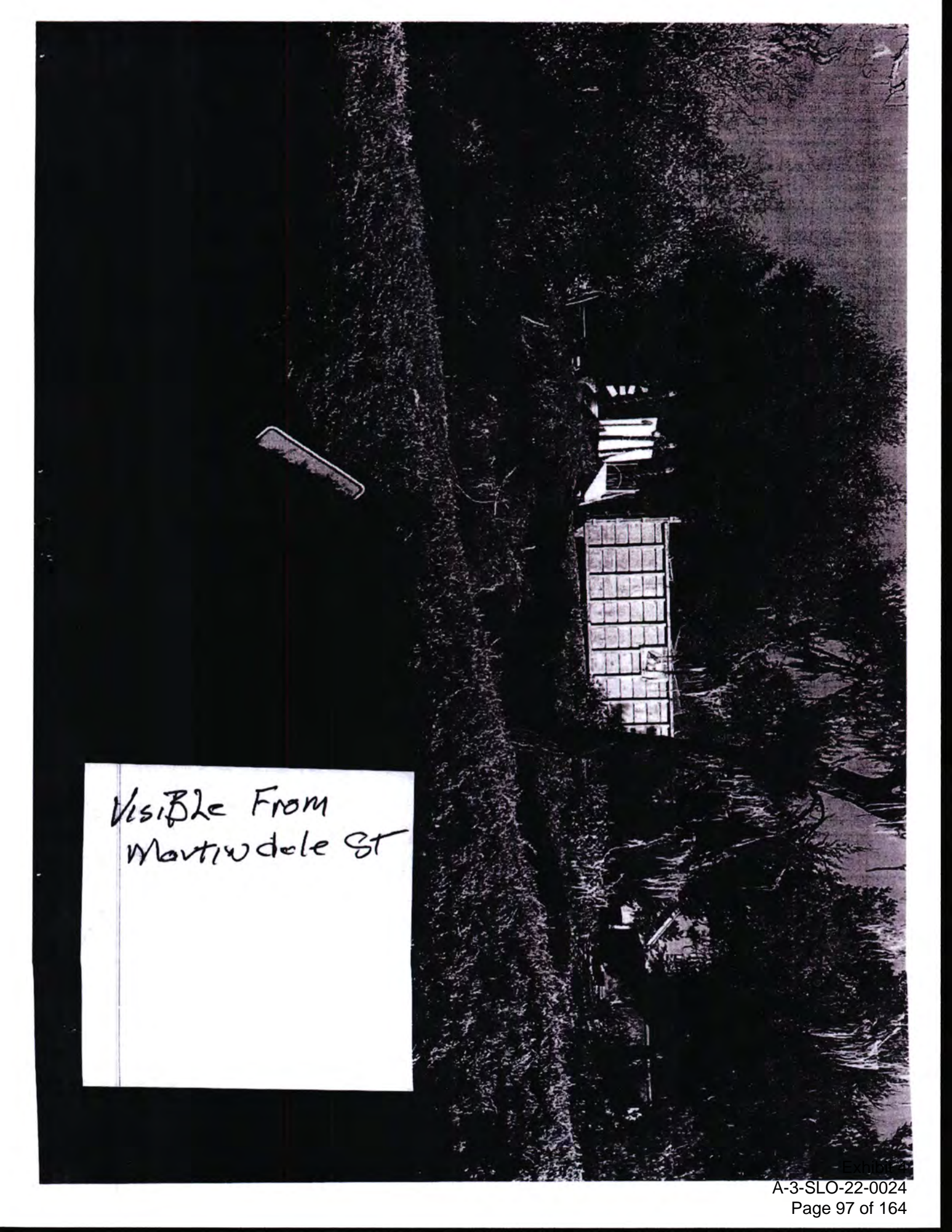
visible From  
Yorkshire





Visible From  
Martindale St.



An aerial photograph showing a dark, wooded area. A small, light-colored building with a gabled roof is visible in the center-right. A road or path runs vertically through the left side of the image. A small, light-colored rectangular object is visible on the road. The image is dark and grainy, with a high-contrast, almost black-and-white appearance.

Visible From  
Martindale St



VISIBLE FROM MARTINDALE



Visible From  
Marthasville





## STOP 2021 CAMBRIA LODGE CHRISTMAS MARKET



**NO MARKET** started this petition to Cambria Community and 1 other

**The Market will be a Covid Superspreader** endangering the public, especially the residents of Cambria. Event will attract many unvaccinated Covid spreaders. Applicant proposes **ZERO** Covid mediation measures. It advertises event to out-of-county residents and provides a fleet of buses to transport them. Applicant wants attendees to be crowded shoulder to shoulder. This is a perfect environment for the spread of Covid, not only among attendees (especially children) but also to our Cambria community. July 4 and Pinderado were cancelled for health reasons. The event is a danger to public health.

**The Market is Inconsistent with Cambria's Water Emergency.** As of July 15, 2021 Cambria entered into a Stage 4 Water Emergency pursuant to which Cambrians were asked to reduce their usage by 40%. The drought demands sacrifice by all Cambrians. Applicant claims daily water use will be only 10-20 gallons. The huge crowd will need toilets and drinking water and will increase water demand at the

Applicant's motel and restaurant (as well as other motels and restaurants.) In view of the sacrifices by our community to preserve water, the Market poses an unreasonable and unfair demand on our limited water supply.

**The Market Damages Other Local Retailers.** Because attendees typically spend money only at the Applicant's property, the Market hurts other local retailers. By design, Attendees are a captured audience. Due to the various shutdowns caused by Covid, 2021 has been a difficult year for many local retailers. Reducing their Christmas sales while at the same time giving the Applicant a free pass to capture tourist dollars is unfair and inequitable.

**The Market will cause Traffic Congestion, Air Pollution, Noise, Trash, and other Negative Impacts for the Neighborhood.** Anybody who has driven in East downtown Cambria or on East Burton Drive during past Markets has experienced the traffic noise, delays and congestion caused by vehicles (especially Applicant's busses) roaring through downtown, waiting to enter parking lots or waiting at the stop light to turn on Highway 1, to say nothing of the risk of hitting pedestrians along Burton. Local residents wishing to reach Burton via Yorkshire confront Applicant's rude and threatening guards who block them from the public road. Running this gauntlet is the extreme opposite of Christmas spirit. Locals must also must deal with noise and trash left in Market's wake.



## Attachment 3

Name	City	State	Postal Code	Country	Signed On
Green Elf				US	#####
Danny Wei Markdale			N0C1H0	Canada	#####
Lisa Tanzm Cambria	CA		93428	US	#####
Barbara Ro Cambria	CA		93428	US	#####
steven win albuquerq	NM		87111	US	#####
Linda Fishb Los Angele	CA		90034	US	#####
Karen Sper Clovis	CA		93611	US	#####
Lori Klass Oak Park	CA		91377	US	#####
9757 Braur San Antoni	TX		78251	US	#####
Sandy Mer Santa Mon	CA		90405	US	#####
Margaret ( Cambria	CA		93428	US	#####
russell reac Morro Bay	CA		93442	US	#####
Phylliss Tori Cambria	CA		93428	US	#####
Joe Berkm Paso Roble	CA		93446	US	#####
Randy Davi Cambria	CA		93428	US	#####
Claudia Cal Cambria	CA		93428	US	#####
Roger Robi Cambria	CA		93428	US	#####
Walter Fitz Los Osos	CA		93402	US	#####
Jennifer Pit Cambria	CA		93428	US	#####
Thomas Ha Cambria	CA		93428	US	#####
John Menk Cambria	CA		93428	US	#####
May Poppi Los Osos	CA		93402	US	#####
Kelly Cann Cambria	CA		93428	US	#####
Elly Cannor Cambria	CA		93428	US	#####
Diane Felg Cambria	CA		93402	US	#####
Doreen Lib Cambria	CA		93428	US	#####
Eugene Bla Cambria	CA		93428	US	#####
Elizabeth B Cambra	CA		93428	US	#####
Angel Russell				US	#####
Jim Covellc Cambria	CA		93428	US	#####
Elaine Mer Los Angele	CA		90015	US	#####
Donald Ber Cambria	CA		93428	US	#####
Deanne To Los Osos	CA		93402	US	#####
Richard Da Cambria	CA		93428	US	#####
Geno Santi Los Osos	CA		93402	US	#####
Teri O'Rou Cambria	CA		93428	US	#####
Glenn Bald San Luis Ot	CA		93401	US	#####
Jan Moon Los Osos	CA		93402	US	#####
Arthur Cha Cambria	CA		93428	US	#####
Lissa McCo Cambria	CA		93428	US	#####
Calico Hau Los Osos	CA		93402	US	#####
Leslie Rich Arroyo Gra	CA		93420	US	#####
Sheri Baldv Cambriash	CA		93428	US	#####
Christine H Cambria	CA		93428	US	#####
Ben Cronki Morro Bay	CA		93442	US	#####
Vikki Hanse Cambria	CA		93428	US	#####

## Attachment 3

Ted Key	Cambria	CA	93428	US	#####
Jennifer Gr	Antioch	CA	94531	US	#####
Jason Turtc	Los Osos	CA	93402	US	#####
Deborah Bc	Cambria	CA	93428	US	#####
John Eskeli	Los Osos	CA	93402	US	#####
Ashlyn Tayl	Cambria	CA	93428	US	#####
Robert Mal	Cambria	CA	93428	US	#####
Sarah Smitl	Arroyo Gra	CA	93420	US	#####
Iain MacAd	Cambria	CA	93428	US	#####
Michelle W	Harmony	CA	93435	US	#####
Kristina Go	San Luis Ot	CA	93401	US	#####
Ariel B	Cambria	CA	93428	US	#####
Samir Bout	Tracy	CA	95391	US	#####
Londa Man	Los Osos	CA	93402	US	#####
Kim gill	Atascaderc	CA	93422	US	#####
Steve Desp	Cambria	CA	93428	US	#####
Kay Ubben,	Los Osos	CA	93402	US	#####
yvette casa	cambria	CA	93428	US	#####
cika cook	Salinas	CA	93901	US	#####
bert maxte	Los Osos	CA	93402	US	#####
Lois Garney	Arroyo Gra	CA	93420	US	#####
Fox Garney	Arroyo Gra	CA	93420	US	#####
Rebecca Hc	Cambria	CA	93428	US	#####
virginia tay	Big Bear	CA	92314	US	#####
Constance	Washingto	DC	20016	US	#####
Sonja Runy	Claremont	CA	91711	US	#####
John Gorm	Los Osos	CA	93402	US	#####
Kathlene H	Cambria	CA	93428	US	#####
Melane Lar	Los Angele:	CA	90009	US	#####
Deborah G	Los Osos	CA	93402	US	#####
Danielle Bc	Cambria	CA	93428	US	#####
Erica D	Santee	CA	92071	US	#####
Debby Bou	Cambria	CA	93428	US	#####
Michael Mi	Cambria	CA	93428	US	#####
Phillip Ehor	Salinas	CA	93906	US	#####
Paraces Cle	Fort Lauderdale		33311	US	#####
Rebecca Hc	Los Angele:	CA	90045	US	#####
Crystal Nur	San Simeor	CA	93452	US	#####
D G	Memphis		38106	US	#####
Thomas Pa	Pismo Bear	CA	93449	US	#####
Patricia Ste	Cambria	CA	93402	US	#####
Karen Gart	Morro Bay	CA	93442	US	#####
Kathleen P	Cambria	CA	93428	US	#####
Tracey Hat:	San Luis Ot	CA	93401	US	#####
mark bruns	Cambria	CA	93428	US	#####
Robert Mo	Los Angele:	CA	90059	US	#####
Jennifer Br	Cambria	CA	93428	US	#####



## Attachment 3

Mark Merr Cambria	CA	93428 US	#####
Bill Boothb Los Osos	CA	93402 US	#####
Kolynn You Morro Bay	CA	93442 US	#####
Mark Dektr Cambria	CA	93402 US	#####
Sara Blair-F Cambria	CA	93428 US	#####
Alex Covell North High	CA	95660 US	#####
Sarah Cove Vallejo	CA	94590 US	#####
Susan Coyl Gonzales		93926 US	#####
jody carlso Cambria	CA	93428 US	#####
Elizabeth S Cambria	CA	93428 US	#####
Madie Grac Los Osos	CA	93402 US	#####
Kaylie Carl Lake Steve	WA	98258 US	#####
Christine Q Cambria	CA	93428 US	#####
Fiona Dunc Cambria	CA	93428 US	#####
Claudia Ari Los Osos	CA	93402 US	#####
Sandi Brocl Cambria	CA	93428 US	#####
Margaret L Cambria	CA	93428 US	#####
Ann Olson Lake Osweg	OR	97034 US	#####
Aileen Keel Cambria	CA	93428 US	#####
Terri Skeoc Cambria	CA	93428 US	#####
Teresa Finij Cambria	CA	93442 US	#####
Janeth Gar Cambria	CA	93428 US	#####
Erika Reddi Cambria	CA	93428 US	#####
Julie Galas Cambria	CA	93428 US	#####
Helen Hans Valencia	CA	91355 US	#####
kevin mulh San Luis Ot	CA	93401 US	#####
Paula Galle Glendale	CA	91208 US	#####
MARC POP Salinas	CA	93905 US	#####
Julia Stane Cambria	CA	93402 US	#####
William Scf Sevierville	TN	37876 US	#####
Elizabeth H West Jorda	UT	84081 US	#####
Carol Waltr Los Osos	CA	93402 US	#####
Adrienne Ji Los Angele	CA	90026 US	#####
Diana Nov San Simeor	CA	93452 US	#####
Natalie Bur Houston	TX	77059 US	#####
Danny Sieg Cambria	CA	93428 US	#####
Nancy McL Cambria	CA	93428 US	#####
Alejandra S San Luis Ot	CA	93401 US	#####
Jax Morale San Luis Ot	CA	93401 US	#####
William Tra Kalispell	MT	59901 US	#####
Helen Pitto Cambria	CA	93428 US	#####
Arthur Gar Morro Bay	CA	93442 US	#####
Debra Soto Cayucos	CA	93430 US	#####
Gail Steven Cambria	CA	93428 US	#####
ROBERT FC Morro Bay	CA	93442 US	#####
Tina Dickas Los Osos	CA	93402 US	#####
Claudia Wc Cambria	CA	93428 US	#####

## Attachment 3

Ali Covello Los Osos CA	93402 US	#####
Maya Hern Cambria CA	93905 US	#####
Laura Shak Los Osos CA	93402 US	#####
Matt McGl Atascaderc CA	93422 US	#####
Vicki Bergh Morro Bay CA	93442 US	#####
Monica Me Los Osos CA	93402 US	#####
Ali Hart-Co Los Osos CA	93402 US	#####
Colleen Jua Cambria CA	93428 US	#####
Brooke Dre Los Osos CA	93402 US	#####
Debra Jone Cambria CA	93428 US	#####
Veronica H Cambria CA	93428 US	#####
Camila Her Hayward CA	94545 US	#####
michael ba San Luis Ot CA	93401 US	#####
Stephanie I Santa Rosa CA	95404 US	#####
Mary Webl Cambria CA	93428 US	#####
Diane De N Cambria CA	93428 US	#####
Karen Pear Los Osos CA	93402 US	#####
Brad Seek Los Osos CA	93402 US	#####
Anne Winb Baywood CA	93402 US	#####
Barbara Wi Cambria CA	93428 US	#####
Donald Arc Paso Roble CA	93446 US	#####
Judith Holli San Simeor CA	93452 US	#####
Tom Cochr Los Osos CA	93402 US	#####
Barbara Cri Cambria CA	93428 US	#####
James Pittc Cambria CA	93428 US	#####
Jean Matul Cambria CA	93428 US	#####
Stephen Sa Fresno CA	93704 US	#####
Margaret S Cambria CA	93402 US	#####
christy heit Cambria CA	93402 US	#####
Stephanie / Salinas CA	93905 US	#####
Terral Kers Los Osos CA	93402 US	#####
Karina Bain Los Osos CA	93402 US	#####
Patricia Kei Los Osos CA	93402 US	#####
April Benh: Cambria CA	93428 US	#####
Margaret M Meridian ID	83646 US	#####
Patty Fox Cambria CA	93428 US	#####
Tamara Co Cambria CA	93428 US	#####
Margaret P Cambria CA	92348 US	#####
Susan Glitc Cambria CA	93428 US	#####
Chris Corbe Morro Bay CA	93442 US	#####
Hetty Pear: Morro Bay CA	93442 US	#####
nayeon entsan juan	US	#####
Susan Aten Los Osos CA	93402 US	#####
Nancy McP North Fork CA	93643 US	#####
Lorie Kniffe Morro Bay CA	93442 US	#####
Deidre Basi Cambria CA	93428 US	#####
Tom Burde Cambria CA	93428 US	#####



## Attachment 3

Joel Germc Cayucos	CA	93430 US	#####
Toni Edwar Los Osos	CA	93420 US	#####
Barbara Mi Los Osos	CA	93402 US	#####
Michael W: Cambria	CA	93428 US	#####
Sandra Wo morro bay	CA	93422 US	#####
Jay Mueller Los Osos	CA	93402 US	#####
Mary Ellis Cambria	CA	93428 US	#####
Ann Newla Los Osos	CA	93402 US	#####
Heidi Irwin Cambria	CA	93402 US	#####
Elaine Eism Pismo Beach	CA	93449 US	#####
Kathleen L: San Jose	CA	95129 US	#####
Reagan Kni Cambria	CA	93428 US	#####
Ramiro Gai Los Angeles	CA	90037 US	#####
Berenice C: Cambria	CA	93428 US	#####
Karen Dun Morro Bay	CA	93442 US	#####
Stanley Cor Cambria	CA	93428 US	#####
Gabe Garn Winnipeg	R3R Canada		#####
Steven Mo Los Osos		93042 US	#####
Ali Alreshe Anaheim		92801 US	#####
Kathy Barn Cambria	CA	93428 US	#####
ellie zacks cambria	CA	9328 US	#####
Ayalew Dai Cottage Grove		55016 US	#####
Jennifer R Des Moines		50310 US	#####
Corey Mey Lakeland		33809 US	#####
Maribel M: New York		11106 US	#####
Susannah F Cambria	CA	93428 US	#####

If you have any questions, please contact the Records Management Division at (805) 781-5600.



## COASTAL APPEALABLE FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

*Promoting the Wise Use of Land • Helping to Build Great Communities*

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

### PROJECT INFORMATION

Name: Lodge Christmas

File Number: DRC2021-00042

#### Type of permit being appealed:

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

#### The decision was made by:

☐ Planning Director (Staff)    ☐ Building Official    ☐ Planning Department Hearing Officer  
☐ Subdivision Review Board    ☒ Planning Commission    ☐ Other: \_\_\_\_\_

Date the application was acted on: October 22, 2021

#### The decision is appealed to:

☐ Board of Construction Appeals    ☐ Board of Handicapped Access  
☐ Planning Commission    ☒ Board of Supervisors

### BASIS FOR APPEAL

☒ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the Certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: See attached letter.

☐ INCOMPATIBLE WITH PUBLIC ACCESS POLICIES. The development does not conform to the public access policies of the California Coastal Act – Section 30210 et seq of the Public Resource Code (attach additional sheets if necessary).

Explain: \_\_\_\_\_

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

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

### APPELLANT INFORMATION

Print name: Joseph Mark Hough

Address: 2985 Wood Drive, Cambria, CA 92428

Phone Number (daytime): \_\_\_\_\_

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Signature: [Signature]

Date: 11/04/2021

### OFFICE USE ONLY

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

By: \_\_\_\_\_

COASTAL APPEAL FORM  
 SAN LUIS OBISPO COUNTY PLANNING & BUILDING  
 SLOPLANNING.ORG

PAGE 2 OF 3  
 APRIL 23, 2015  
 PLANNING@CO.SLO.CA.US



**J. Mark Hough**

2985 Wood Drive

Cambria, CA 93428

Tel: (805) 203-8116

[jmark1961@aol.com](mailto:jmark1961@aol.com)

11/04/2021

County of San Luis Obispo Records Management Division

**Re: DRC2021-00042; 2021**

**Cambria Christmas Market Appeal of Planning Commission Decision;  
10/22/2021**

This letter is provided in support to the Coastal Appealable Form enclosed with this letter

**GROUND'S FOR APPEAL**

The Planning Commission's approval of the permit application in connection with the above referenced matter should be rescinded and the permit revoked on the grounds that granting the permit fails to protect the Coastal Zone from a project that does not conform to the Coastal Zone Land Use Ordinance ("CZLO") as stated herein, and poses a risk to the health, safety, and welfare of the residence of San Luis Obispo County (including Cambria).

The Christmas Market is located in the protected, sensitive Coastal Zone. This is not the appropriate location for an event which will attract over 60,000 visitors to small-town Cambria at a time when the community is in the midst of a Stage 4 Water Emergency and a pandemic. The Applicant claims that this event will only use only 10-20 gallons of additional water above normal consumption levels but has failed to provide any records from past markets that support this position. Applicant should provide written consent to the Board of Supervisors authorizing them to independently obtain Applicant's water usage records for the past four years to validate Applicant's water usage claims. The purpose of the CZLO is to (in pertinent part) promote the public's "health, safety and welfare, and more particularly ... to minimize adverse effect on the public resulting from inappropriate creation, use or design of building sites ... land uses, parking areas..." and to "protect and enhance the significant natural, historic, archeological and scenic resources." This Market is not a natural scenic resource. It is non-organic, artificially produced entertainment event that threatens the natural beauty and sustainability of the Coastal Zone and is a health and safety concern and aggravation to many of its neighbors (See discussion below on Negative Impact of Christmas Market on Residential Neighborhood).

The Applicant has attempted to characterize an opposition to his efforts to profit from the commercialization of the Christmas holiday as "anti-Christmas." This characterization is a red herring and ignores the fact that the true spirit of Christmas is not the commercial gain of a select few, but rather, the joy and goodwill that accompany the season. There are many places where those who wish to shop for Christmas can go that do not require the inappropriate use of land in the Coastal Zone. In fact, denial of this permit will not interfere with anybody's celebration of the holiday. Instead, denial avoids the increased potential for threats to the public health and welfare that the Christmas Market poses to local residents and attendees. Applicant admits that its motel will be full even if the Market is prohibited so denying the permit will not seriously jeopardize the Applicant's financial status which should not be a consideration when evaluating the impact to the Coastal Zone and human health and safety. Applicant is already advertising and selling tickets for this event on different platforms including the internet as if approval was a forgone conclusion. Applicant's actions also could

be viewed by an independent observer as evidence that he believes the Board of Supervisors has already made a decision in his favor. A decision by the Board of Supervisors in Applicants favor would be a disservice to the community, the Coastal Zone and would ignore the past actions of Applicant including the following violations of the CZLO:

1. Holiday Decorations. 23.04.306b(6) requires holiday decorations to be removed after 90 days. The Lodge never removes many displays, outdoor electrical connections, and holiday booths built, all built and used for the Christmas Market. I attach several three recent photographs to underscore my point. Exhibits A-C. The failure to remove the decorations is a violation of the 2016 permit and good cause to deny the current and any future permit application.
2. Parking. Outdoor Retail Sales. 23.08.142a(3) requires "employee and customer parking" to be on sight or on adjoining property." Applicant uses multiple parking facilities remote from the Lodge which results in serious traffic congestion, air and sound pollution, and delays for local residents. Applicant's parking plan violates the CZLO.
3. Location. 23.08.248c requires event to be 1,000 feet from Residential Family Land. The Planning Commission arbitrarily waived this requirement without the consent of the nearby residents. This is good cause to deny the current and any future permit application.
4. Time Limit. 23.08.248b sets a time limit for temporary events as either 12 consecutive days or 4 consecutive weekends. The Permit allows the Market to operate both week days and weekends. This is not allowed by the CZLO. The Planning Commission arbitrarily waived this requirement to the detriment of the local community. The schedule violates the CZLO.
5. Noise Level. 23.06.044a prohibits noise levels at the Market during the night from exceeding 45dB. Many neighbors have complained about the noise from the event. This noise pollution damages the natural beauty of the Coastal Zone and disturbs the quiet enjoyment of the residents in the area. If the Permit is allowed, it should require the Lodge to properly measure and report nightly on noise levels as they impact nearby residents.
6. Outdoor Lights. 23.04.320. The Permit states that the Applicant will comply with the Outdoor Lights provisions of the CZLO. This is clearly impossible for this Project, resulting in the Market's lighting violating the CZLO. The illuminated Christmas Tree appears as tall as its main building and lit to its very top. It is visible to many nearby residences. The light display violates the provisions requiring outdoor lights to be for "illumination only," screened from residences and streets, minimized intensity, shielding, and height. In past years, the Market has violated the light display standards. See 2016 Conditions of Approval #12. The Board should not reward Applicant for flaunting the conditions of approval and regulate the light pollution.
7. Trash/Solid Waste. Many neighbors complain about the trash thrown into streets and yards by Market attendees which they have to pick up themselves. The Lodge should be required to inspect the neighborhood after each night and appropriately collect and dispose of all trash.



8. Signs. Outdoor Retail Sales. 23.08.142a(S) allows signs but does not expressly permit the numerous "NO PARKING" signs and unsightly barricades which the Lodge spreads around the residential streets that damage the natural scenic beauty of the Coastal Zone. They are visual pollution. Many barricades are not removed on days the Market is not in session and often residents cannot park in their own driveways or in front of their houses as a result of cars being parked in the streets as a result of the limited parking. Additionally, it is not clear that these barricades are enforceable. In the past local residents have reported illegal parking which was not resolved by the Lodge or by the CHP. The Permit should clarify the timing, legality and enforceability of the barricades and provide a workable method of enforcing the no parking prohibitions. The Market's signs violated the CZLO.
9. Fencing/Screening. 23.04.190. The Lodge's outdoor storage and storage of mechanical equipment is clearly visible from Yorkshire Rd. and Patterson Pl. When the Applicant built an additional vehicle access to Yorkshire, it removed a portion of the screening. Moreover, the tall hedge (well over 6') at the corner of Yorkshire and Martindale is a traffic danger because it is impossible for drivers turning north on Martindale to see around the corner. Applicant should be required to properly and safely screen the storage area.
10. Traffic Control. The Permit requires the Applicant to contract with the CHP to provide "traffic direction" at Eaton Road and Burton Drive but does not require traffic control at the Burton and Patterson intersection, the main bus and vehicle entrance to the event, or at Highway 1 and Burton Drive which is a primary way for Applicant's busses to reach the Lodge. Both of these intersections are highly congested during the event and it can take Lodge Hill residents 20 minutes to get from Hwy 1 to Lodge Hill via Burton Drive. If the Market is allowed, the Applicant should be required to contract with the CHP for an adequate number of officers to effectively control traffic at these other locations.
11. Commercial Entertainment. 23.08.248a(2). In view of the multiple defects in the Permit, it is inconsistent with Chapter 6.56 of the County Code.
12. Negative Impact on Community/COVID Risk. See discussion below.

## DISCUSSION

The Cambria Lodge is surrounded on 3 sides by single-family residents. Many are closer than 1,000 feet from the Market. The streets in the area have few streetlights and few (if any) permanent "No-Parking" signs. The absence of urban lights is one of the natural assets of the North Coast. Because the Lodge is in the Coastal Zone (not in an urban setting such as Cal-Poly) the negative impacts of the Market are more keenly felt by local residents, many of whom have chosen to live in Cambria because of its natural beauty. Among other negative impacts, the Market generates noise, light pollution, traffic congestion, unsightly No-Parking barricades (which are often not taken down during the duration of the Market), unchecked water use, and solid waste. The Market is a danger to both pedestrians (especially those walking Burton Drive or along Yorkshire Road from the Presbyterian Church parking lot or crossing Burton from the nursery.) There are virtually no sidewalks in the area. Vehicle drivers can be easily blinded by all the headlights and waiving flashlights along the roads and intersections. At night during the Market, Burton Drive is unsafe at any speed.

Initially, the Lodge's Christmas celebration was a modest event, but in 2016, the Commission, by approving Applicant's application drastically changed the scope and nature of the market. Approval was an invitation to the general public that led to this residential neighborhood in a town with a population of 5,647 that is located in the Coastal Zone being overrun by over 60,000 visitors. The impact on local residents has been staggering: the Lodge's hired guards stop local residents from entering and exiting their homes via the intersection of Patterson and Burton. They stand in the middle of the Yorkshire and force locals to stop, justify their presence, and prevent them from reaching Burton Drive. The Market's many buses cause frustration and delays to local residents. They generate traffic congestion on Burton Drive near the Lodge's main entrance, at the intersection of Highway 1 and Burton Drive, and throughout the east-end of Cambria. Applicant claims its traffic controls have eliminated any traffic jam associated with the Market, but this is simply false as many local residents will testify. In short, the Market is a public nuisance and an inappropriate land use in the sensitive Coastal Zone.

Applicant plans to further damage the sensitive area by expanding both the duration and scope of the Market next year. It also intends to expand the Market site to include the J. Patrick House across the street to the Lodge which Dirk Winters acquired in 2020. This is in spite of the fact this area is not zoned for short-term rentals. It is already advertising accommodations to 2021 Market visitors at the J. Patrick House at 2990 Burton Dr. It has applied for a liquor license to serve wine and beer at the J. Patrick House from 6:00 am to 9:00 pm and play music showing a callous indifference to natural resources in the area and the residents.

It is especially noteworthy that the event primarily financially benefits the Applicant and, to a lesser degree, the merchants who pay the Applicant for a Market booth. Applicant busses visitors to and from the Lodge from off-sight parking. Market visitors rarely shop in other Cambria retailers. Market visitors are a captive audience. Unlike other events such as a Cal-Poly event or the farmer's market, (which benefit the school and local community) the only serves a few individuals and not the majority of local retailers or the general Cambria population.

An event that draws 60,000 people will lead to increased risk of the spread of Covid. Even if a mask mandate, social distancing, proof of a negative Covid test, or proof of vaccination are required and/or enforced, this huge influx of people into a small area constitutes a clear and severe danger to public health and welfare.

According to the CDC, most of California remains in the two worst categories on the transmission scale. This week San Luis Obispo County was moved from "substantial" to high in terms of transmission rates. The Market will undoubtedly attract many individuals from areas where the Covid case rates are much higher (e.g., Fresno, Tulare, Bakersfield.) It will attract many children who will not be vaccinated. The Market opens in the wintertime, when COVID is at its worst. As such, the 2021 Market is a health danger to the public.

Sincerely,



J. Mark Hough





**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING & BUILDING  
TREVOR KEITH, *DIRECTOR***

---

October 28, 2021

Pacific Cambria Inc.  
Attn: Dirk Winter & Mike Arnold  
2905 Burton Dr.  
Cambria, CA 93428-4001

RRM Design Group  
Attn: Victor Montgomery  
3765 South Higuera St. Unit 102  
San Luis Obispo, CA 93401

**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: October 22, 2021  
SUBJECT: **County File Number: DRC2021-00042**  
Pacific Cambria and Dirk Winter

LOCATED WITHIN COASTAL ZONE: YES  
COASTAL APPEALABLE: Yes

On the special meeting of October 22, 2021 (continued from October 7, 2021, the above referenced application was approved by the Planning Commission based on the approved Findings, and subject to the approved Conditions both attached for your records.

If you disagree with this action, pursuant to the County Coastal Zone Land Use Ordinance (CZLUO) Section 23.01.042, and in the manner described therein, you have the right to appeal this decision, or a portion of this decision, to the Board of Supervisors within 14 calendar days after the date of the action.

The appeal must be submitted to the Director of the Department of Planning and Building on the proper Department appeal form, as provided on the County website. The appeal form must be submitted with an original signature; a facsimile will not be accepted.

If the appeal is consistent with the standards set forth in CZLUO Section 23.01.043d, there is no fee to file an appeal. If the appeal is not consistent with CZLUO Section 23.01.043.d, a fee, set by the current

fee schedule, will be required and must be submitted with the appeal form at time of filing. If the County requires that an appellant submit a fee to file an appeal, the action may potentially be directly appealable to the California Coastal Commission pursuant to the CZLUO Section 23.01.043, and in the manner contained therein, precluding the need to exhaust local administrative appeals.

Additionally, CZLUO Section 23.01.043 and applicable sections of the Coastal Act provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the County's Final Action. This means the Applicant cannot commence development and the County cannot take any further administrative actions for the proposed development, including but not limited to, the request or issuance of a building permit, until the County appeal period and the Coastal Commission Appeal period have expired without an appeal being filed, and the County's notice of final action that it submitted to the Coastal Commission has been accepted by Commission staff as compliant with Title 14 CCR Section 13571.

Additionally, if the County approves this application, that action is appealable to the California Coastal Commission, pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The appeal must be made directly to the California Coastal Commission. For further information on their appeal procedures, contact the Commission's Santa Cruz Office at (831) 427 4863.

Please note that exhaustion of local appeals at the County level is almost always required prior to appealing the matter to the California Coastal Commission. Three exceptions apply to this requirement as provided in CZLUO Section 23.01.043b.(1) (3).

If you have any questions regarding your project, please contact the Project Manager, Nicole Ellis at [nellis@co.slo.ca.us](mailto:nellis@co.slo.ca.us)

Sincerely,

Ramona Hedges

*R. Hedges*, Secretary

County of San Luis Obispo

Department of Planning & Building



## EXHIBIT A – FINDINGS

### Development Plan / Coastal Development Permit DRC2021-00042 Pacific Cambria, LLC

#### ***Environmental Determination***

- A. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season) qualifies for a Categorical Exemption (Class 3, 4, and 11) pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15311 (Accessory Structures) because the project consists of a temporary event and would not involve permanent construction or site disturbance. The project involves placement of seasonal or temporary use items (accessory/appurtenant structures) such as vendor booths, mobile food units, portable restrooms or similar items in generally the same locations from time to time in facilities designed for temporary public use. The project will utilize electrical/utility extensions to serve the temporary facilities. The project consists of minor temporary use of land having negligible or no permanent effects on the environment.

#### ***Development Plan/Coastal Development Permit***

- B. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season) 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 amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the 2021 holiday season) 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 previously approved Cambria Christmas Market, as conditioned, will not generate activity that presents a potential threat to the surrounding property and buildings. The Cambria Christmas Market has operated under the previously approved event permit (DRC2015-00096) since 2016 with some neighborhood compatibility impacts and condition compliance concerns. The previously approved event DRC2015-00096 provides Conditions of Approval requiring that the Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, and Pedestrian and Traffic Safety Plan. The previously approved event is also restricted to a maximum attendance of 3,000 guests on any given night. The applicant shall also submit an application to the Department of Public Works to secure an Encroachment Permit (condition modified for inclusion of an event traffic control plan) and the project is conditioned to require the site be inspected by the Department of Planning and Building to have the site inspected for compliance with the conditions of approval. The amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season) provides new Conditions of Approval requiring a Condition Compliance Monitoring case be submitted to the Department of Planning and Building for review, including but is not limited to no-notice site inspection(s) to ensure ongoing compliance, an inspection with Code Enforcement at the conclusion of the event so that the County can ensure condition compliance, including, but not limited to, removal of all temporary structures, and inspection and verification from the Cambria

Community Services District (CCSD) Fire Department confirming, at the conclusion of the event, that all conditions have been met and that all temporary electrical has been removed. The preceding conditions are incorporated and required to facilitate neighborhood compatibility. The approved event, as amended, is also subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

- E. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season) will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the previously approved project, as amended, is ancillary to the existing Cambria Pines Lodge and, as conditioned, will not conflict with the surrounding lands and uses.
- F. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season) 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 previously approved project because the project is located on Burton Drive, an arterial road constructed to a level able to handle any additional traffic associated with the project.

***Coastal Access***

- G. The proposed amended project is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act because the previously approved project is not adjacent to the coast and will not inhibit access to the coastal waters and recreation areas.



## EXHIBIT B - CONDITIONS OF APPROVAL

### Development Plan / Coastal Development Permit DRC2021-00042 Pacific Cambria, LLC

#### Approved Development

1. This Development Plan / Coastal Development Permit authorizes the Cambria Christmas Market to operate as a temporary event at the Cambria Pines Lodge as follows:
  - a. This permit is valid for a period of six years, including the 2016, 2017, 2018, 2019, 2020 and 2021 holiday seasons. Temporary events occurring after 2021 will require separate approval.
  - b. Following completion of the final approval period and satisfaction of the project conditions and Notice of Violation requirements, the Cambria Christmas Market may occur Wednesday through Sunday (and all of Christmas week) from 5 pm to 9 pm each evening (for a period not to exceed four weeks).
  - c. The Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, Pedestrian and Traffic Safety Plan, and the updated site plan approved on October 7, 2021, (spaced-out layout for maximum 26 vendor booths).
  - d. Shuttle buses shall only use Burton Drive, Patterson Place, Highway One, Santa Rosa Creek Road, and Main Street.
  - e. The maximum attendance on any given night shall not exceed 3,000 guests. The applicant shall utilize a ticket-based system or the equivalent to limit the number of individuals who enter the Cambria Christmas Market per day. Upon request, the applicant shall provide the County with evidence of all daily ticket sales with back-up data. Exceedance of the daily maximum attendance or failure to implement a ticket-based system (or equivalent) shall be grounds for permit revocation.
  - f. The required 1,000-foot setback for temporary events from the RSF land use category is hereby modified to allow the event as proposed.
  - g. No permanent construction, grading, or site disturbance is authorized.
  - h. The applicant shall provide annual reports to the Department of Planning and Building and interested parties including daily attendance statistics for each annual market.
2. Related activities and seasonal displays may occur at the adjacent Cambria Nursery consistent with the visitor-serving and retail use of that site.
3. Prior to each annual Christmas Market, the applicant shall submit to the Department of Planning and Building a fire safety and evacuation plan that has been reviewed and approved by the Cambria CSD Fire Department.

4. Prior to each annual Christmas Market, the applicant shall comply with all permit requirements and standards of Chapter 6.56 of the County Code (Temporary Commercial Outdoor Entertainment Licenses).

**Temporary Vendor Booths**

5. This approval authorizes a maximum of 26 temporary vendor booths, with a maximum footprint of 8 feet by 10 feet and a maximum height of 9 feet.
6. Prior to each annual Christmas Market, the applicant shall contact the Building Division to obtain any necessary construction and/or electrical permits for the temporary vendor booths.
7. Within 30 days of the conclusion of each annual Christmas Market, all 26 temporary vendor booths shall be dismantled and removed to an offsite location or stored onsite within an existing approved building.

**Offsite Parking**

8. Prior to each annual Christmas Market, the applicant shall submit evidence of authorization to use each identified offsite parking lot.

**Temporary Lighting**

9. All temporary lighting associated with the Cambria Christmas Market shall be turned off every night when the market closes at 9 pm.
10. Temporary lighting shall remain on the trunk and lowest branches only of at least every other tree.
11. No standalone light displays or lighting mats are permitted in ESHA areas (as identified in 2003 CDP for the lodge expansion) except within the garden/greenhouse area.
12. Temporary lighting shall comply with Section 23.04.320 (Outdoor Lights).

**Archaeology**

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

**Access**

14. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit (including an event traffic control plan) and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
  - a. Street plan for widening Burton Drive to provide a minimum 6-foot (4-foot minimum where constrained) wide aggregate base shoulder along the property frontage



between Burton Drive and the first project driveway, and within necessary dedicated right-of-way easements.

- b. Construct a new site access driveway on Yorkshire Drive in accordance with B-1 rural driveway standards and A-5 sight distance standards.
15. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the applicant shall submit an application to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to provide event traffic control within the public right-of-way in accordance with County Public Improvement Standards and the California Manual of Uniform Traffic Control Devices (CA-MUTCD). The application is to include a traffic control plan prepared by a licensed civil engineer that, at a minimum, includes:
- a. Restricts event parking on the following County roads:
    - ii. Burton Drive
    - iii. Eton Road
    - iv. Martindale Street
    - v. Patterson Place
    - vi. Rogers Street
    - vii. Yorkshire Street
    - viii. Wood Drive
  - b. Restricts parking on the vacant lots on the southeast corner of Patterson Place and Burton Drive.
  - c. Restricts pedestrian travel along Burton Drive
  - d. Contracts with the California Highway Patrol (CHP) to provide:
    - i. Traffic direction at the following intersections:
      - a. Burton Drive at Eton Road
    - ii. Vehicle code traffic enforcement in the neighborhoods surrounding the event site.
  - e. Defines event site access restrictions/requirements for guests registered at the Cambria Pines Lodge.
  - f. Limits bus shuttle traffic to Arterial and Collector roads (e.g. State Route 1, Burton Drive Eton Road, Main Street, and Santa Rosa Creek Road).
  - g. Establishes an event coordinator and posts their contact information (e.g. website, community flyers, etc.). The event coordinator will be responsible for responding to all complaints in a timely manner.
  - h. Establishes an event pre-notification process to be provided to all emergency responders (police, fire, ambulance, etc.)
  - i. Concurrent traffic control plan approval from:
    - i. Cambria Fire Department
    - ii. County Sheriff and California Highway Patrol
16. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement

retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

17. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the following encroachment conditions must be completed to the satisfaction of the Director of Public Works:
  - a. The Burton Drive shoulder widening improvements have been either constructed or bonded. If bonded, the fronting property owner must have executed an agreement with the Director of Public Works, in a form acceptable to County Counsel, to install the improvements and must have posted a faithful performance bond for the construction of the improvements.
  - b. The Yorkshire Drive site access driveway improvements have been constructed.
  - c. An encroachment permit has been issued for the event traffic control plan.
18. **On-going condition of approval (valid for the life of the project),** and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
19. **On-going condition of approval (valid for the life of the project),** the property owner shall be responsible for operation and maintenance of public road frontage landscaping, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

#### ***Recycling***

20. **On-going condition of approval (valid for the life of the project),** the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

#### ***Fire Protection***

21. **Prior to commencement of event or final inspection,** whichever occurs first, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire and life safety measures.

#### ***Public Works Review***

22. **Prior to commencement of event or final inspection,** whichever occurs first, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

#### ***Access***

23. **Prior to commencement of event or final inspection,** whichever occurs first, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

#### ***Development Review Inspection***

24. **Prior to commencement of event,** the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.



25. All conditions of this approval shall be strictly adhered to, within the timeframes specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

**Condition Compliance Monitoring**

26. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the applicant shall submit a Condition Compliance Monitoring (CCM) case to the Department of Planning and Building for review. Condition Compliance Monitoring includes but is not limited to no-notice site inspection(s) to ensure ongoing compliance.
27. The applicant shall schedule an inspection with Code Enforcement no later than 30 days after the conclusion of the event so that the County can ensure condition compliance, including, but not limited to, removal of all temporary structures.
28. The applicant shall submit a letter from the Cambria Community Services District (CCSD) Fire Department confirming they have inspected the event site at the conclusion of the event and that all temporary electrical has been removed.

**As Built Electrical Permitting**

29. All as-built electrical work shall be inspected and permitted (finaled) by the Building Department prior to commencement of event.

**Environmental Health Permits**

30. Vendors providing food shall obtain appropriate health permits from the County Environmental Health Department prior to commencement of event.

Friday, October 22, 2021

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

**ROLL CALL:**

**PRESENT:** Michael Multari; Kristina Simpson-Spearman; Philip Henry, III; and Don Campbell

**ABSENT:** Alex Villicana

**PUBLIC COMMENT PERIOD**

- Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.

Don Campbell: opens Public Comment.

Russell Read: speaks.

**PLANNING STAFF UPDATES**

- Briefing on Planning Commission Schedule and Appeals.

Xzandrea Fowler, Environmental Coordinator: updates commissioners on their near term schedules and Board of Supervisor determinations on appeals.

**CONSENT AGENDA:**

- August 12, 2021 draft Planning Commission minutes
- September 23, 2021 draft Planning Commission minutes
- September 30, 2021 draft Planning Commission minutes.

**The Commission approves Consent Items 3, 4, and 5.**

**Motion by:** Philip Henry

**Second by:** Kristina Simpson-Spearman, and on the following vote:

<b>Commissioners:</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSE</b>
Alex Villicana			X	
Michael Multari	X			
Kristina Simpson-Spearman,	X			



Philip Henry	X			
Don Campbell	X			

**HEARINGS: (ADVERTISED FOR 9:00 A.M.)**

6. A continued hearing (from July 22, 2021), to consider a request by **Flint, a General Partnership**, for Conditional Use Permits covering two adjacent project sites, an apartment project (DRC2021-00140) and a Vesting Tentative Tract Map (Tract Map 3056/SUB2019-00092). The project site consists of two existing legal parcels. The Conditional Use Permit (covered under SUB2019-00092) will authorize smaller lot sizes as a planned development and allow for the construction of twelve detached single-family residences of 1,654 square feet each on the south side of Flint Place (APN 092-575-001). The Conditional Use Permit (covered under DRC2021-00140) will authorize 24 one-bedroom apartment units of 651 square feet each on the north side of Flint Place (APN 092-576-005). The project will include off-site road improvements to Flint Place and project-related infrastructure. The project will result in the disturbance of the entire approximately two-acre site. Adjustments to the access and improvement design standards pursuant to Title 21 are also included in the request. The project sites are within the Commercial Retail and Residential Multi-Family land use categories and are located at 651 West Tefft Street in the community of Nipomo. The site is in the South County Sub-Area of the South County planning area. Also to be considered at the continued hearing will be adoption of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 28, 2021 for this project. Mitigation measures are proposed to address Air Quality and Biological Resources and are included as conditions of approval. The Environmental Document is available for public review at the Department of Planning and Building, at the below address. A copy of the Environmental Document is also available on the Planning and Building Department website at [www.sloplanning.org](http://www.sloplanning.org). Anyone interested in commenting on the proposed Environmental Document should submit a written statement and/or speak at the public hearing. Comments will be accepted up until completion of the public hearing(s).

**County File Numbers: SUB2019-00092/DRC2021-00140**

Assessor Parcel Numbers: 092-575-001 and 092-576-005

Supervisorial District 4

Date Accepted: April 24, 2020

**Project Manager: Nicole Ellis****Recommendation: Approval**

Commissioners: disclose their ex-parte contacts.

Nicole Ellis, Project Manager: displays a Power Point presentation of the staff report.

Matt Cebulla, Agent: speaks.

Commissioners: deliberate.

**The Commission approves Conditional Use Permit DRC2021-00140 and Vesting Tentative Tract Map 3056/SUB2019-00092 based on the conditions listed in Attachments 1 and 3 and subject to the conditions listed in Attachments 2 and 4. Adopted.**

**Motion by:** Philip Henry

**Second by:** Kristina Simpson-Spearman, and on the following vote:

<b>Commissioners:</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSE</b>
Alex Villicana			X	
Michael Multari	X			
Kristina Simpson-Spearman,	X			
Philip Henry	X			
Don Campbell	X			

7. Hearing to consider a request by **Pacific Cambria, LLC**, (DRC2021-00042) for a Development Plan / Coastal Development Permit to amend Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season. The event would begin Friday, November 26, 2021 and last through December 24, 2021. The hours of operation are Wednesday through Sunday (and all of Christmas week) from 5:00 p.m. to 9:00 p.m. The market would include temporary lighting, seasonal displays, and concession stands. Twenty-six temporary booths would be erected for the event and would be dismantled and removed at the conclusion of the event. Several new conditions and minor clarifications to previously approved conditions are included for hearing consideration. The market is located within the interior of the Cambria Pines Lodge grounds and at the adjacent Cambria Nursery. The proposed project is within the Recreation land use category; and is located at 2905 Burton Drive, in the community of Cambria. The site is in the North Coast Planning Area. Also to be considered is the determination that this project is categorically exempt from environmental review under CEQA.

**County File Number:** DRC2021-00042

Assessor Parcel Numbers: 023-431-003 and 013-151-035

Supervisory District: 2

Date Accepted: August 20, 2021

**Project Manager:** Nicole Ellis

**Recommendation:** Approval

Nicole Ellis, Project Manager: displays a Power Point presentation of the staff report.

Commissioners: ask questions of staff.

Victor Montgomery, Agent: speaks.

Commissioners: ask questions of the Agent.

Don Campbell: opens Public Comment.

Claudia Harmon-Worthen and Russell Read: speak. No pre-recorded messages received.

Commissioners: deliberate.

**The Commission approves Development Plan/Coastal Development Permit to amend Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit through the end of the 2021 holiday season, based on the Findings in Exhibit A and the Conditions listed in Exhibit B, and determines this project to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA); changing Condition 1.a. to read: This permit is valid for a period of six years, including the 2016, 2017, 2018, 2019, 2020 and 2021 holiday seasons. Temporary events occurring after 2021 will require separate approval. Changing Condition 1.b. to read: Following completion of the final approval period and satisfaction of the project conditions**



and Notice of Violation requirements, the Cambria Christmas Market may occur Wednesday through Sunday (and all of Christmas week) from 5 pm to 9 pm each evening (for a period not to exceed four weeks). Changing Condition 1.c. to read: The Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, Pedestrian and Traffic Safety Plan, and the updated site plan approved on October 7, 2021, (spaced-out layout for maximum 26 vendor booths). Changing Condition 1.e. to read: The maximum attendance on any given night shall not exceed 3,000 guests. The applicant shall utilize a ticket-based system or the equivalent to limit the number of individuals who enter the Cambria Christmas Market per day. Upon request, the applicant shall provide the County with evidence of all daily ticket sales with back-up data. Exceedance of the daily maximum attendance or failure to implement a ticket-based system (or equivalent) shall be grounds for permit revocation. Changing Condition 14 to read: The maximum attendance on any given night shall not exceed 3,000 guests. The applicant shall utilize a ticket-based system or the equivalent to limit the number of individuals who enter the Cambria Christmas Market per day. Upon request, the applicant shall provide the County with evidence of all daily ticket sales with back-up data. Exceedance of the daily maximum attendance or failure to implement a ticket-based system (or equivalent) shall be grounds for permit revocation. Changing Condition 16 to read: Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works. Changing Condition 17 to read: Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first, the following encroachment conditions must be completed to the satisfaction of the Director of Public Works. Changing Condition 21 to read: Prior to commencement of event or final inspection, whichever occurs first, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire and life safety measures. Changing Condition 22 to read: Prior to commencement of event or final inspection, whichever occurs first, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector. Changing Condition 23 to read: Prior to commencement of event or final inspection, whichever occurs first, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure. Changing Condition 24 to read: Prior to commencement of event, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval. And adding Conditions 26, 27, 28, 29 and 30 to read: Condition Compliance Monitoring Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first, the applicant shall submit a Condition Compliance Monitoring (CCM) case to the Department of Planning and Building for review. Condition Compliance Monitoring includes but is not limited to no-notice site inspection(s) to ensure ongoing compliance. 27. The applicant shall schedule an inspection with Code Enforcement no later than 30 days after the conclusion of the event so that the County can ensure condition compliance, including, but not limited to, removal of all temporary structures. 28. The applicant shall submit a letter from the Cambria Community Services District (CCSD) Fire Department confirming they have inspected the event site at the conclusion of the event and that all temporary electrical has been removed. As Built Electrical Permitting 29. All as-built electrical work shall be inspected and permitted (finalized) by the Building Department prior to commencement of event. 30. Environmental Health Permits\_Vendors providing food shall obtain

**appropriate health permits from the County Environmental Health Department prior to commencement of event. Adopted.**

**Motion by:** Michael Multari

**Second by:** Philip Henry, and on the following vote:

<b>Commissioners:</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSE</b>
Alex Villicana			X	
Michael Multari	X			
Kristina Simpson-Spearman,	X			
Philip Henry	X			
Don Campbell	X			

### **COMMISSION BUSINESS**

8. Submittal of a Resolution to the Planning Commission for a vote to authorize the Planning Commission to hold teleconferenced public meetings pursuant to AB-361.

Xzandrea Fowler, Environmental Coordinator: presents and explains Resolution and AB-361 in regards to teleconferenced public meetings.

Commissioners: deliberate.

**The Commission accepts Resolution 21-002 authorizing the Planning Commission to hold teleconferenced public meetings pursuant to AB-361 for the next 30 days.**

**Motion by:** Michael Multari

**Second by:** Kristina Simpson-Spearman, and on the following vote:

<b>Commissioners:</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSE</b>
Alex Villicana			X	
Michael Multari	X			
Kristina Simpson-Spearman,	X			
Philip Henry	X			
Don Campbell	X			

**The Commission accepts all testimony and correspondence entered into the record.**

**Motion by:** Michael Multari

**Second by:** Philip Henry, and on the following vote:

<b>Commissioners:</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSE</b>
Alex Villicana			X	
Michael Multari	X			
Kristina Simpson-Spearman,	X			



Philip Henry	X			
Don Campbell	X			

**The Commission adjourns to the next regularly scheduled meeting on November 4, 2021.**

**Motion by:** Michael Multari

**Second by:** Philip Henry, and on the following vote:

<b>Commissioners:</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSE</b>
Alex Villicana			X	
Michael Multari	X			
Kristina Simpson-Spearman,	X			
Philip Henry	X			
Don Campbell	X			

**ADJOURNMENT: 11:06 AM**

Respectfully submitted,  
Ramona Hedges, Secretary  
San Luis Obispo County Planning Commission

**Staff Reports and Attachments from  
Planning Commission Hearings of October 7, 2021, and October 22, 2021**

**Planning Commission Hearing of October 7, 2021**

**IMPORTANT NOTICE:** This land use permit application (DRC2021-00042) was initially scheduled to be considered at the October 7, 2021, Planning Commission hearing. During the scheduled hearing, the County experienced technical issues with the hearing's live stream audio. Therefore, the item was continued to the special meeting of Friday October 22, 2021, in order to provide a hearing where sufficient public comment could be made in compliance with the Brown Act and County Ordinance.

**\*\*No Planning Staff PowerPoint presentation was made during the October 7, 2021, hearing and the following materials were carried over to the continued hearing of October 22, 2021.**

- Link to Planning Commission hearing agenda (Refer to Hearing Item 7) DRC2021-00042  
[Meeting details - Provox IIP \(ca.gov\)](#)
- Link to Staff Report  
[136579 \(ca.gov\)](#)
- Link to Attachments  
[Agenda item details - Provox IIP \(ca.gov\)](#)

For public correspondence received for the October 7, 2021, hearing please refer to the following attachment materials

- Refer to PDF titled "Attachment 12 – Public Correspondence. Pdf 1 MB"  
[136589 \(ca.gov\)](#)

AND

- Refer to PDF titled "Correspondence taken into the record at the 10/7/21 meeting. Pdf 92 kB" [137219 \(ca.gov\)](#)

AND

- Refer to pages 1 through 47 of PDF titled "Correspondence received pdf 12 MB" [137440 \(ca.gov\)](#)



**Planning Commission Continued Hearing of October 22, 2021**

- Link to Planning Commission continued hearing agenda (Refer to Hearing Item 7)  
DRC2021-00042  
[Meeting details - Provox IIP \(ca.gov\)](#)
- Link to Staff Report (same as October 7, 2021, staff report)  
[136579 \(ca.gov\)](#)
- Link to Attachments (includes same attachments from October 7, 2021, hearing, noting the additional public correspondence listed below)  
[Agenda item details - Provox IIP \(ca.gov\)](#)

For public correspondence received between hearings of October 7, 2021, and October 22, 2021, please refer to the following materials

- Refer to Pages 48 through 52 of PDF titled "Correspondence received pdf 12 MB" contains correspondence received following the October 7, 2021 hearing) [137440 \(ca.gov\)](#)

AND

- Refer to PDF titled "Correspondence Received - October 21, 2021 pdf 4 MB" [137505 \(ca.gov\)](#)

# **Planning Commission Hearing October 22, 2021**

Continued Hearing from October 7, 2021



**Pacific Cambria, LLC (Cambria Pines Lodge)  
Amendment to Development Plan/Coastal Development  
Permit (DRC2015-00096)  
DRC2021-00042**



# Project Description

- Request to amend COA 1.a. to extend temporary event permit for Cambria Christmas Market through 2021 holiday season
- Previous approved scope remains unchanged
  - 26 vendor booths
  - Operation hours and period

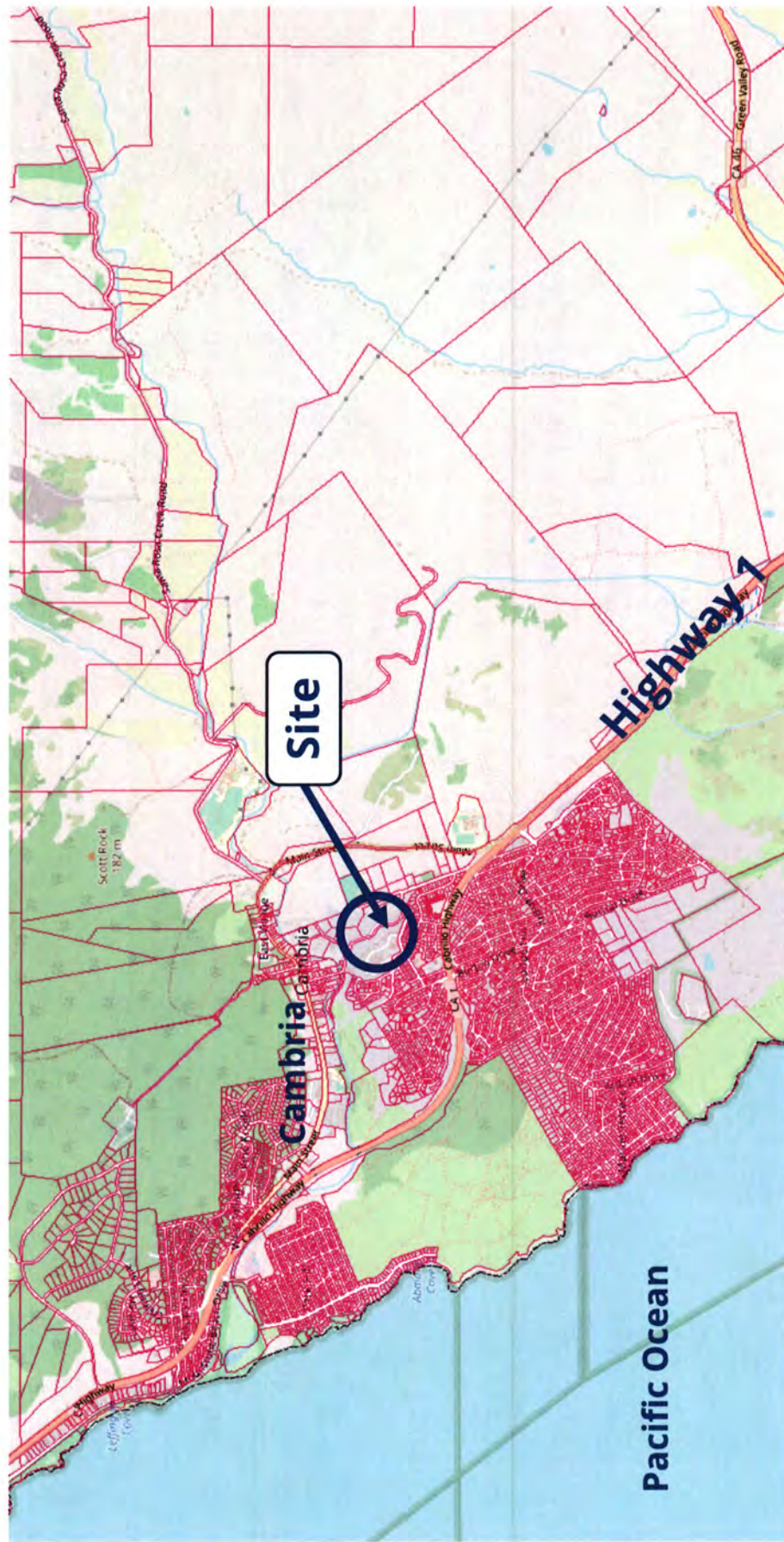


# Background

- First event held in 2012
- In 2016, Coastal Commission authorized County to process multi-year permit
- August 11, 2016, Planning Commission approved DRC2015-00096- Development Plan/ CDP (event permit through 2020 season)







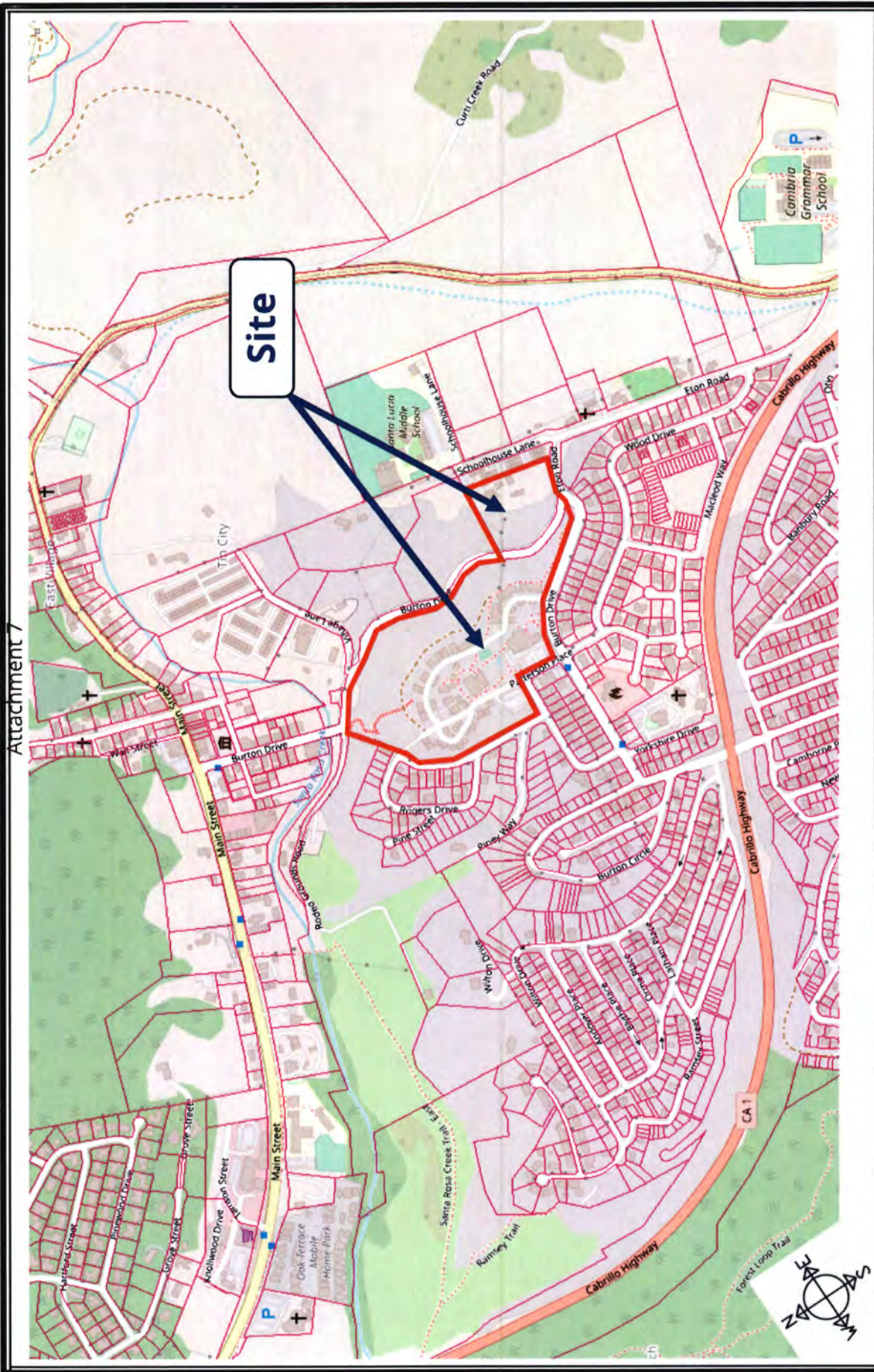
**Vicinity Map**  
**DRC2021-00042**

**COUNTY OF SAN LUIS OBISPO**

Page 4 of 18





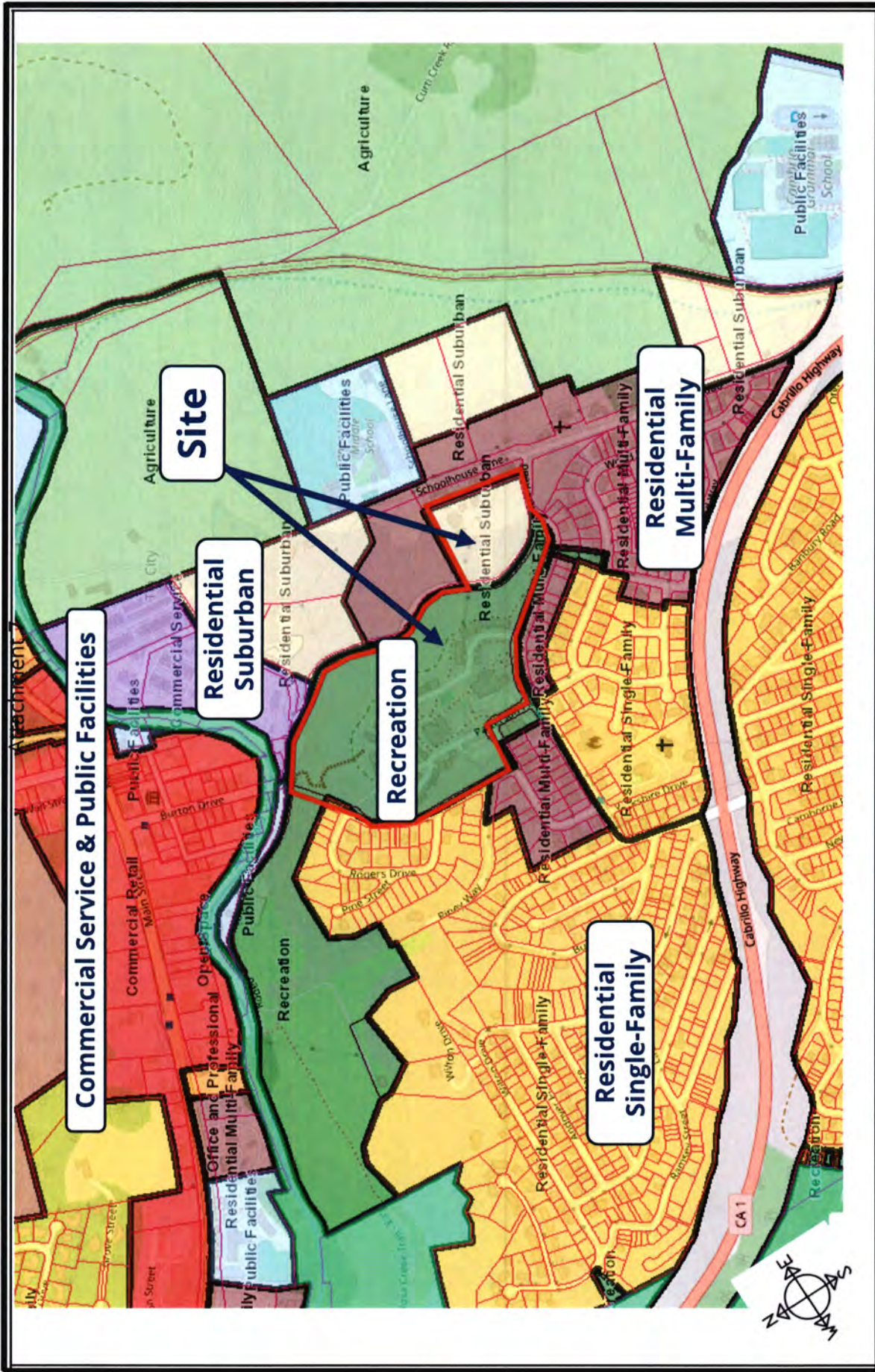


# Enlarged Vicinity Map DRC2021-00042

COUNTY OF SAN LUIS OBISPO







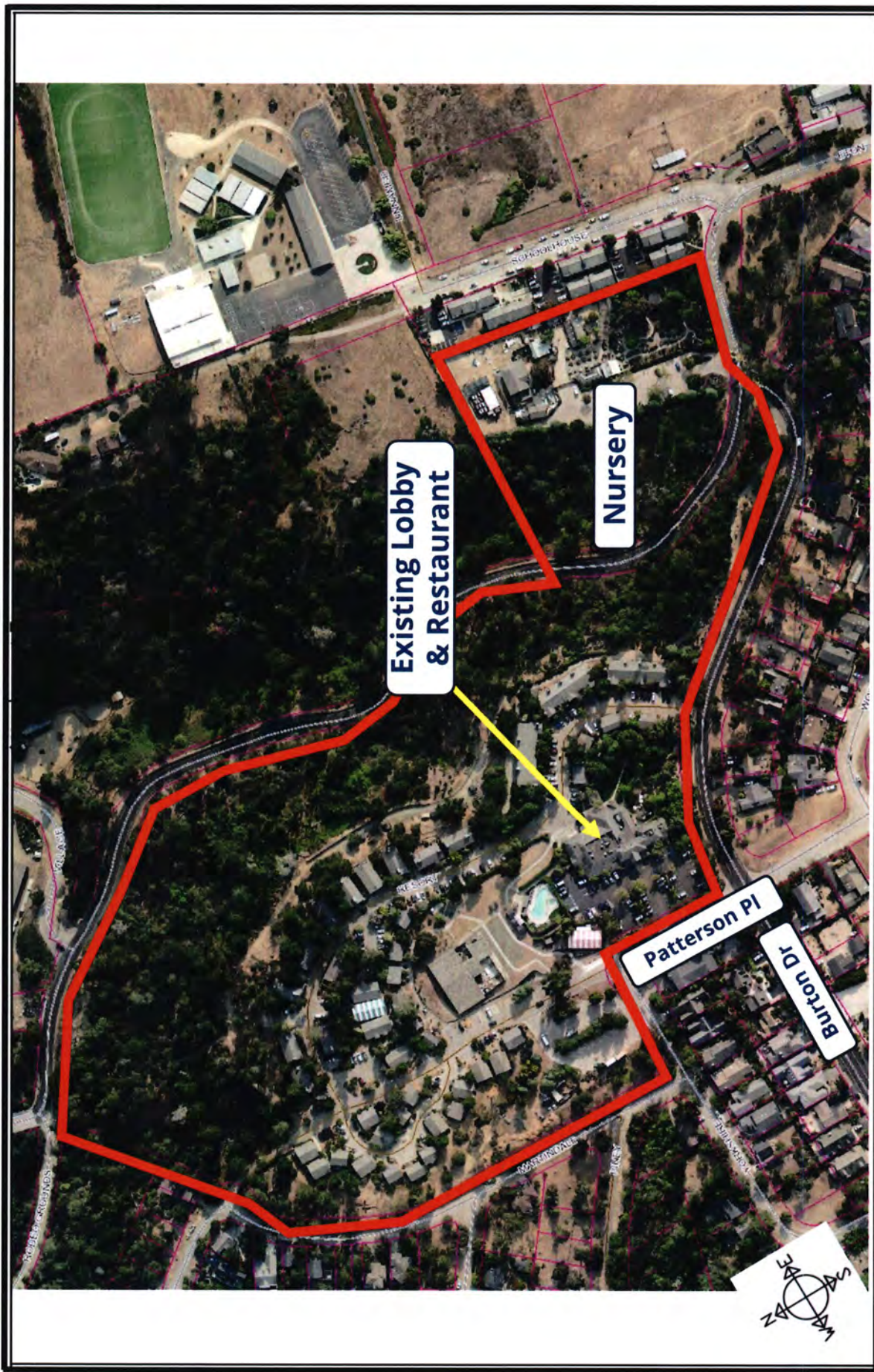
# Land Use Category Map DRC2021-00042

COUNTY OF SAN LUIS OBISPO

Page 6 of 18







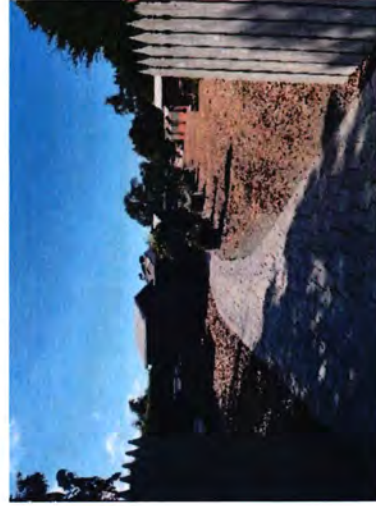
**Aerial**  
**DRC2021-00042**

**COUNTY OF SAN LUIS OBISPO**

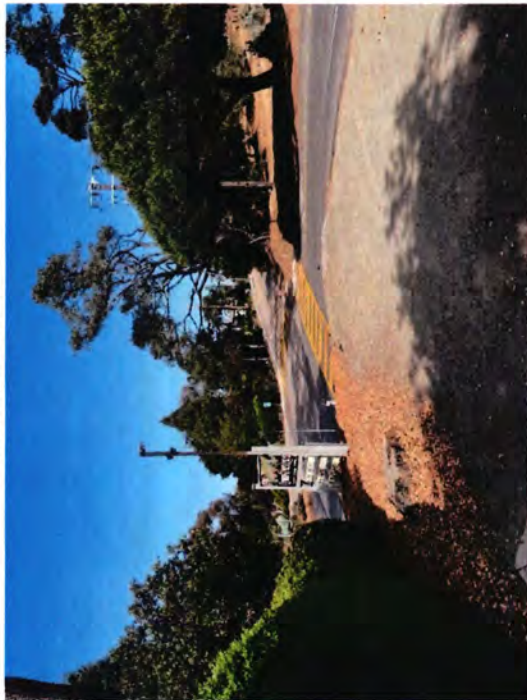
Page 7 of 18











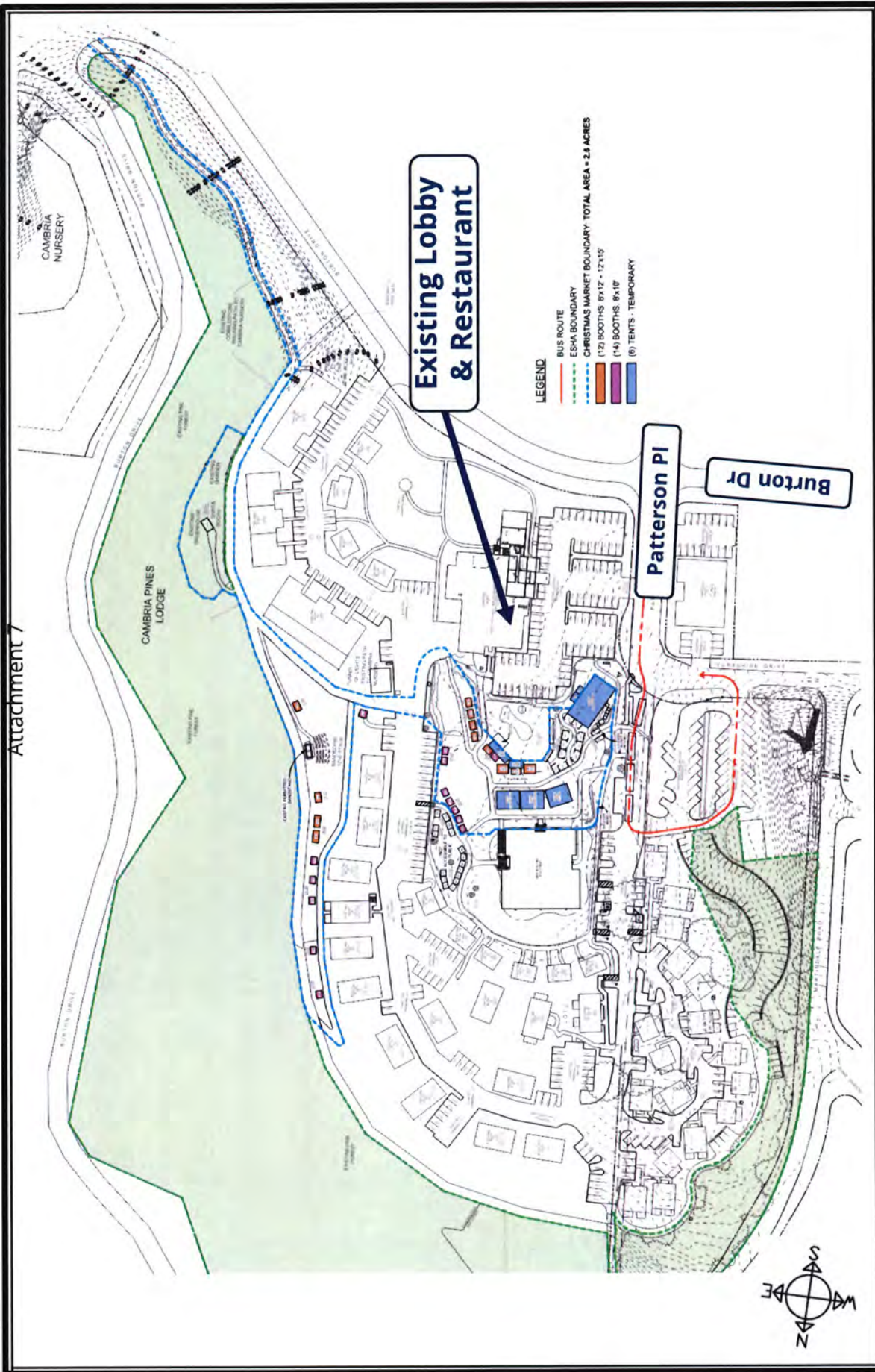
Site Photos  
DRC2021-00042

COUNTY OF SAN LUIS OBISPO

Page 9 of 18







**Site Plan**  
**DRC2021-00042**

**COUNTY OF SAN LUIS OBISPO**

Page 10 of 18



# Code Enforcement

- May 18, 2021, Code Enforcement complaint filed
- June 24, 2021, County issued NOV
- July 7, 2021, Applicant reduced request
- September 7, 2021, Code Enforcement inspected site and verified NOV items addressed
- September 8, 2021, as-built electrical plans submitted





# New Compliance Conditions

- Code Enforcement staff and NCAC recommended compliance monitoring conditions to ensure full compliance with original 2015 permit.
- Added COA Nos. 26-29
- All electrical work must be finalized prior to the event



# Public Correspondence

## Concerns Raised

- Code and event permit violations
- Neighborhood compatibility
- Public safety
- Water supply and demand





# Public Correspondence

## Comments in Support

- Family-friendly community event
- Increased business during slower winter months
- Employment opportunities for vendors



# Public Correspondence

## Response

- Event subject to original 2015 scope
- Updates to COA Nos.:
  - 1.a., extend duration through 2021
  - 1.c. spaced out site plan (26 vendor booths)
  - 1.e. ticket-based system to limit attendance
- New COA Nos.:
  - 26-29 to address code enforcement and NCAC concerns
  - 30 to require food vendor permits





# Recommended Revised Condition 1.b.

Due to the continuance, the effective approval date had implications to the original event timing.

- 1.b. Following completion of the final approval period and satisfaction of the project conditions and Notice of Violation requirements, tThe Cambria Christmas Market may occur Wednesday through Sunday (and all of Christmas week) from 5 pm to 9 pm each evening (for a period not to exceed four weeks). ~~for a maximum of four weeks beginning the last Friday in November.~~



# Recommendation

1. Approval of Development Plan / CDP based on the Findings listed in Exhibit A and the Conditions listed in Exhibit B, and
2. Determine the project is categorically exempt from environmental review under CEQA.





## Questions?



COUNTY OF SAN LUIS OBISPO

**FW: [EXT]May 3, 2022 Agenda Item #17 - Support Letter for Cambria Christmas Market Temporary Permit Extension**

Board of Supervisors <Boardofsups@co.slo.ca.us>

Fri 4/29/2022 04:08 PM

To: Blake Fixler <bfixler@co.slo.ca.us>; District 4 <district4@co.slo.ca.us>; **BOS\_District 5\_Web Contact** <district5@co.slo.ca.us>; Sarah Sartain <ssartain@co.slo.ca.us>; Vicki Janssen <vjanssen@co.slo.ca.us>

Cc: AD-Board-Clerk <ad\_board\_clerk@co.slo.ca.us>

📎 1 attachments (1 MB)

Cambria Christmas Market Support Letter Final 2022.04.29.docx;

For your review. This is a District 3 constituent. This has been sent to the Clerk. Thank you.

Sincerely,  
Crystal Tompkins  
Secretary-Confidential  
Board of Supervisors  
[www.slocounty.ca.gov](http://www.slocounty.ca.gov)  
Direct Line: (805)781-4335

**From:** Tracy Campbell <tracy@slocal.com>  
**Sent:** Friday, April 29, 2022 3:17 PM  
**To:** Board of Supervisors <Boardofsups@co.slo.ca.us>  
**Subject:** [EXT]May 3, 2022 Agenda Item #17 - Support Letter for Cambria Christmas Market Temporary Permit Extension

**ATTENTION:** This email originated from outside the County's network. Use caution when opening attachments or links.

April 29, 2022

To the Honorable Board of Supervisors, San Luis Obispo County,

I am submitting the attached letter of support for the Cambria Christmas Market event permit extension, set for hearing on the May 3, 2022, agenda (Item 17). All code and event permit violations have been resolved, thus we respectfully request that the Board of Supervisors approve the one-year permit extension through the 2022 holiday season.

We are here to assist you in mitigating concerns that may be created by the market.

Sincerely,

Tracy Campbell



**Tracy Campbell** | VP, Community Engagement & Advocacy

Visit SLO CAL

[tracy@slocal.com](mailto:tracy@slocal.com)

SLOCAL.com





The Cambria Christmas Market has operated within the Recreation land use category and adhered to county permit regulations. That is why the Christmas Market has been approved and allowed to operate for more than a decade. This iconic holiday event is an economic boost to District Two and the entire San Luis Obispo region. It receives recognition in regional and national press and that awareness leads to additional trips to SLO CAL throughout the year.

We respectfully ask the Board of Supervisors to approve a temporary one-year permit extension of the Cambria Christmas Market. We are here to assist you in mitigating concerns that may be created by the market. We thank you in advance for your time and consideration of this matter. Please do not hesitate to contact our staff with questions.

Sincerely,

Chuck Davison  
President & CEO  
Visit SLO CAL

**Item #17- FW: Contact Form Topic: Board of Supervisors meetings/business**

Crystal Tompkins <ctompkins@co.slo.ca.us>

Fri 4/29/2022 04:09 PM

To: AD-Board-Clerk <ad\_board\_clerk@co.slo.ca.us>

For your review. This has been sent to the Board. Thank you.

Sincerely,

Crystal Tompkins

Secretary-Confidential

Board of Supervisors

[www.slocounty.ca.gov](http://www.slocounty.ca.gov)

Direct Line: (805)781-4335

**From:** Board of Supervisors

**Sent:** Thursday, April 28, 2022 1:24 PM

**To:** BOS\_Legislative Assistants Only <BOS\_Legislative-Assistants-Only@co.slo.ca.us>

**Subject:** FW: Contact Form Topic: Board of Supervisors meetings/business

For your review. This is a District 2 constituent. Thank you.

Sincerely,

Crystal Tompkins

Secretary-Confidential

Board of Supervisors

[www.slocounty.ca.gov](http://www.slocounty.ca.gov)

Direct Line: (805)781-4335

**From:** Web Notifications <[webnotifications@co.slo.ca.us](mailto:webnotifications@co.slo.ca.us)>

**Sent:** Thursday, April 28, 2022 1:11 PM

**To:** Board of Supervisors <[Boardofsup@co.slo.ca.us](mailto:Boardofsup@co.slo.ca.us)>

**Subject:** Contact Form Topic: Board of Supervisors meetings/business

Topic: Board of Supervisors meetings/business

Your Name: Christine Heinrichs

Your Email: [christine.heinrichs@gmail.com](mailto:christine.heinrichs@gmail.com)

U.S. phone number:

Message: San Luis Obispo County Board of Supervisors 1055 Monterey Street Suite D430 San Luis Obispo, CA 93408 Re: Cambria Christmas Market To the Board: Cambria Pines Lodge Christmas Market has raised many issues over the years. It's time to bring this project to a conclusion, or pare it down substantially. Its legal status is questionable. The permit application was incomplete, not properly filled out. Will this be remedied before the next market in November? What dates will be allowed? In the past, various health and safety violations went uncorrected. The haphazard temporary electrical lines are a fire hazard. How would Cambria Fire Department fight a fire with thousands of visitors, most unfamiliar with Cambria, trampling each other to escape? This issue alone is a high priority. Neighbors are affected by noise, shuttle buses on their streets, and traffic congestion. Local residents do not want this in Cambria. Most recently, the Coastal Commission has issued a Notice of Violation to Cambria regarding the damage excessive water withdrawals from the creeks are doing. This situation is so serious that the Commission is threatening fines if the District does not comply. The County is complicit in

Agenda Item No. 17  
Meeting Date: 05/03/2022

Exhibit A  
A-3-SLO-22-0024  
Page 1 of 2  
Page 149 of 164



this water situation. From page 7 of Violation File No.: V-3-21-0105: The County, as the initial CDP decision-making body for CDP applications that include new water use in Cambria, needs to consider these perhaps inconvenient facts, and stop approving or even considering such projects unless and until measurable steps are taken that improve water supply issues in Cambria. The County should not be even accepting applications for development in Cambria that cannot show evidence of an adequate water supply. A will-serve letter does not provide such evidence, and the County under the LCP is required to make its own finding that an adequate water supply is available to serve a proposed development, and cannot abrogate that responsibility to the CCSD. The County is giving applicants a sense of 'false hope' when it does, and is doing a disservice to these applicants and the broader community. It is also leading to a significant number of appeals to, and subsequent CDP denials by, the Commission, each of which require an expenditure of scarce public resources to process. The District should be required to show, with historical water record documentation, the amount of increase during previous Christmas Markets. This additional burden on Cambria's water supply cannot be justified. Cambria already provide around 30 percent of its water to vistiro-serving uses, more than the 20 percent required. Please enforce the code requirements at this market, and either end it entirely or reduce its effects, on the community and the water supply, significantly. Thank you. Christine Heinrichs 1800 Downing Ave. Cambria, CA 93428

Public Records Notice: True

Security Check: 475095

BoardOfSupervisorsID: 3183

Form inserted: 4/28/2022 1:09:58 PM

Form updated: 4/28/2022 1:09:58 PM

**From:** [Vcarr32126](#)  
**To:** [Nicole Ellis; AD-Board-Clerk](#)  
**Subject:** Re: [EXT]Cambria Pines Lodge  
**Date:** Friday, April 29, 2022 5:19:08 PM  
**Attachments:** [image003.png](#)  
[image002.png](#)

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Dear Board of Supervisors,

We are the residents of 2974 Burton Drive Blake and Valarie Carr. We purchased our home in 2020 so that we could retire here.

In 2020 the Christmas Market was cancelled due to Covid. However, in 2021 as homeowners on Burton we got to experience the full impact of the Christmas Market. Blake and I were under the impression it was cancelled as they did not have a permit. Not only was the Lodge allowed to operate a full Christmas Market event ,but they extended it through January!

As homeowners in a residential neighborhood we feel the county has an obligation to protect our rights as homeowners and our expectations of a quiet residential neighborhood setting. The Cambria Pines Lodge does not reciprocate these beliefs. They openly professed on social media they sold over 60,000 tickets.

Here are some of the issues we experienced:

1. TRAFFIC and busses running nonstop. Burton is a very small and winding street. As buses and cars turned right onto Burton FROM Eton we had car headlights shining directly into our bedroom window. There was no peace and quiet in our home due to the constant traffic.
2. Hundreds if not thousands of people crossing the street to the Cambria Pines Nursery daily and nightly.
3. Trash
4. light pollution and Christmas music coming out of all the speakers hung up in the trees. This was insanity. I was informed that there is a light intrusion ordinance in Cambria due to our Dark Skies designation. Why isn't this a cause to cancel such a huge event?
5. Cars constantly parked in front of our home.
6. The Cambria Pines Lodge was so successful they decided to "keep going due to overwhelming demand" through late January. All you needed to do was buy a "refreshment" at their unlicensed snack bar set up at the Cambria Pines Nursery for admission. I did not see a health inspectors certificate at the snack bar. Hot food was served.

I am not exactly sure why the Board of Supervisors are meeting in regards to the 2021 permit as this event has come and gone. I would really like the Board to address what will be done this year 2022.

Blake and I would like to express our strongest protest to this event going forward as the owners of the Cambria Pines Lodge seem to "flout" the rules and blaze their own trail when it comes to these events!

We appeal to the Board and the Coastal Commission to PLEASE stop this event in this residential neighborhood as we feel it is a direct violation of the Land Use Permits.

Thank you for your time Blake and Valarie Carr

-----Original Message-----

From: Nicole Ellis <nellis@co.slo.ca.us>  
To: Vcarr32126 <vcarr32126@aol.com>



Cc: glus@charter.net <glus@charter.net>; Daniela Chavez <dchavez@co.slo.ca.us>; Jill Coomer <jcoomer@co.slo.ca.us>; Hannah Miller <hmillier@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Schani Siong <ssiong@co.slo.ca.us>  
Sent: Fri, Apr 29, 2022 3:08 pm  
Subject: RE: [EXT]Cambria Pines Lodge

Good afternoon Valerie and it was nice speaking with you on the phone this afternoon regarding all things "Cambria Lodge."

As discussed, you are definitely able to provide public comment related to the appeal hearing next Tuesday before the Board of Supervisors which is limited to the one year time extension for the Cambria Christmas Market temporary event permit (as defined in the mailed public notice). Highlighted below is the method we discussed this afternoon for you to have your written comments included in the public record and to be considered by the Board of Supervisors.

All participation from the board, staff and members of the public shall be in-person and no teleconferencing option is available. An alternative option is to have someone attend the meeting and read a letter during Public Comment on your behalf (if you are not able to attend in person). In addition, testimony can be submitted via written correspondence to the BOS Board Clerk ([ad\\_board\\_clerk@co.slo.ca.us](mailto:ad_board_clerk@co.slo.ca.us)) to be posted to the county website and routed to the board for their review and consideration.

The BOS meeting will be live streamed on the [county website](#) for public viewing.

I hope you find this information helpful and please let Daniela and or Katie, copied to this email, know if you have further questions about methods to participate.

Also, to reiterate, please do not hesitate to contact me regarding the pool renovation permit scope and related County corrections.

Thank you Valerie!

**Nicole Ellis**  
Senior Planner

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

[Website](#) | [Facebook](#) | [Map](#)



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

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Item No. 17  
Meeting Date: May 3, 2022  
Posted: May 2, 2022

Exhibit 4  
A23-SLO-22-0024  
Page 152 of 164

transmission. Please contact the sender of this email at the above e-mail address and permanently delete the message and any attachments from your system.

**From:** Hannah Miller <hmill@co.slo.ca.us>

**Sent:** Monday, April 18, 2022 10:05 AM

**To:** Vcarr32126 <vcarr32126@aol.com>; Blake Fixler <bfixler@co.slo.ca.us>

**Cc:** glus@charter.net; Nicole Ellis <nellis@co.slo.ca.us>; Daniela Chavez <dchavez@co.slo.ca.us>; Jill Coomer <jcoomer@co.slo.ca.us>

**Subject:** RE: [EXT]Cambria Pines Lodge

Hi Valarie,

Hope you are well. I've copied our Records Management Unit on this email, to pass on your Public Records Act request for copies of permits. I've also copied the Nicole Ellis, who is the Planner taking the appeal of the Cambria Christmas Market extension MUP to the Board of Supervisor.

Thank you,

**Hannah Miller**

**Resource Protection Specialist**



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

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**From:** Vcarr32126 <[vcarr32126@aol.com](mailto:vcarr32126@aol.com)>

**Sent:** Monday, April 18, 2022 8:40 AM

**To:** Hannah Miller <[hmill@co.slo.ca.us](mailto:hmill@co.slo.ca.us)>; Blake Fixler <[bfixler@co.slo.ca.us](mailto:bfixler@co.slo.ca.us)>

**Cc:** [glus@charter.net](mailto:glus@charter.net)

**Subject:** [EXT]Cambria Pines Lodge

**ATTENTION:** This email originated from outside the County's network. Use caution when opening attachments or links.

Good morning Hannah,

You should be getting the email and videos from Laura Walters today regarding the unsafe practices at the lodge.



My concern is that I am now hearing from multiple people that they are planning to demolish the Sojourn Spa and multiple other buildings to expand the wedding venue at the lodge. They also own several other tracts of land surrounding the lodge that they are planning to expand this business. Is their liquor license expanded for these larger gatherings too?

Can you check the original permits or current permits that are allowing this demolition and construction to go forward? I would also like to see the environmental impact report that is allowing this big of an expansion into a residential neighborhood. I know the county does not monitor the very loud music and drunken guests, but surely they can address the traffic impact? The fire safety plan would be good to know too!

I plan to bring this up at the NCAC meeting on Wednesday so I am just trying to give you a chance to look at this issue. As a residential homeowner I would be VERY opposed an expansion of a wedding venue. I also would like to see the permit allowing them to currently conduct these large gatherings like the wedding they had this past Saturday.

Lastly, I am hearing that they have applied for new permits for the Christmas Market. Can you address the validity of this claim?

Thanks Hannah! Valarie Carr

**From:** [Mark Hough](#)  
**To:** [AD-Board-Clerk](#)  
**Cc:** [Nicole Ellis](#)  
**Subject:** [EXT]May 3, 2022 Public Hearing DCR2021-00042; 2021  
**Date:** Friday, April 29, 2022 6:09:37 PM  
**Attachments:** [Appeal Letter \(050322\).pdf](#)  
[Attachment A.pdf](#)

---

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Please find attached, a letter and materials I wish to submit in connection with the above referenced matter. I am one of the parties filing an appeal, but will be unable to attend on the 3rd due to my being out the state on that date.

Please let me know if you have any questions or require additional information.

J. Mark Hough



## J. Mark Hough

Cambria, CA 93428

Tel:

[jmark1961@aol.com](mailto:jmark1961@aol.com)

April 29, 2022

Ms. Nicole Ellis  
County Planning and Building

**Re: DRC2021-00042; 2021  
Cambria Christmas Market  
Appeal Hearing May 3, 2022**

Ms. Ellis,

Please make this letter and attachment part of the official file and record for the above referenced matter. I will be out of the state on May 3, 2022, and unable to attend the hearing (information I conveyed to you some time ago). As such, I request that this letter and the attached materials (Attachment A) to be considered by the Board at the public hearing.

I am puzzled and troubled by the fact that this hearing is taking place so long after the matter was first raised, effectively making this hearing a form over substance event since the injury caused to Cambria residents residing near the lodge cannot be undone. It should be noted that the market was extended into January without any approval of which I am aware and in violation of the Coastal Zone Act. I will be interested to hear if the Board proposes any action to prevent these types of violations from occurring in the future. In my opinion, the failure of the Board to act in December amounts to rubber stamping the Christmas Market's continued operation in violation of its permit.

I have attached my original appeal to insure it is included in the record and to prevent any attempt by the Board to limit my right to challenge the Board's decision in court if I believe it is incorrect or made in bad faith.

Sincerely,



J. Mark Hough

# ATTACHMENT A

If you have any questions, please contact the Records Management Division at (805) 781-5600.



## COASTAL APPEALABLE FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

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

**PROJECT INFORMATION** Name: Lodge Christmas File Number: DRC2021-00042

### Type of permit being appealed:

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

### The decision was made by:

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

Date the application was acted on: October 22, 2021

### The decision is appealed to:

☐ Board of Construction Appeals ☐ Board of Handicapped Access  
☐ Planning Commission ☒ Board of Supervisors

### BASIS FOR APPEAL

☒ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the Certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: See attached letter.

☐ INCOMPATIBLE WITH PUBLIC ACCESS POLICIES. The development does not conform to the public access policies of the California Coastal Act – Section 30210 et seq of the Public Resource Code (attach additional sheets if necessary).

Explain: \_\_\_\_\_

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

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

### APPELLANT INFORMATION

Print name: Joseph Mark Hough  
Address: 2985 Wood Drive, Cambria, CA 92428 Phone Number (daytime): \_\_\_\_\_

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Signature: [Signature] Date: 11/04/2021

### OFFICE USE ONLY

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

COASTAL APPEAL FORM  
SAN LUIS OBISPO COUNTY PLANNING & BUILDING  
SLOPLANNING.ORG

PAGE 2 OF 3  
APRIL 23, 2015  
PLANNING@CO.SLO.CA.US

Item No. 17  
Meeting Date: May 3, 2022  
Posted: May 2, 2022

Exhibit 4  
A73-SLO-22-0024  
Page 157 of 164



## J. Mark Hough

Cambria, CA 93428

Tel:

[jmark1961@aol.com](mailto:jmark1961@aol.com)

11/04/2021

County of San Luis Obispo Records Management Division

**Re: DRC2021-00042; 2021  
Cambria Christmas Market Appeal of Planning Commission Decision;  
10/22/2021**

This letter is provided in support to the Coastal Appealable Form enclosed with this letter

### GROUND'S FOR APPEAL

The Planning Commission's approval of the permit application in connection with the above referenced matter should be rescinded and the permit revoked on the grounds that granting the permit fails to protect the Coastal Zone from a project that does not conform to the Coastal Zone Land Use Ordinance ("CZLO") as stated herein, and poses a risk to the health, safety, and welfare of the residence of San Luis Obispo County (including Cambria).

The Christmas Market is located in the protected, sensitive Coastal Zone. This is not the appropriate location for an event which will attract over 60,000 visitors to small-town Cambria at a time when the community is in the midst of a Stage 4 Water Emergency and a pandemic. The Applicant claims that this event will only use only 10-20 gallons of additional water above normal consumption levels but has failed to provide any records from past markets that support this position. Applicant should provide written consent to the Board of Supervisors authorizing them to independently obtain Applicant's water usage records for the past four years to validate Applicant's water usage claims. The purpose of the CZLO is to (in pertinent part) promote the public's "health, safety and welfare, and more particularly ... to minimize adverse effect on the public resulting from inappropriate creation, use or design of building sites ... land uses, parking areas..." and to "protect and enhance the significant natural, historic, archeological and scenic resources." This Market is not a natural scenic resource. It is non-organic, artificially produced entertainment event that threatens the natural beauty and sustainability of the Coastal Zone and is a health and safety concern and aggravation to many of its neighbors (See discussion below on Negative Impact of Christmas Market on Residential Neighborhood).

The Applicant has attempted to characterize an opposition to his efforts to profit from the commercialization of the Christmas holiday as "anti-Christmas." This characterization is a red herring and ignores the fact that the true spirit of Christmas is not the commercial gain of a select few, but rather, the joy and goodwill that accompany the season. There are many places where those who wish to shop for Christmas can go that do not require the inappropriate use of land in the Coastal Zone. In fact, denial of this permit will not interfere with anybody's celebration of the holiday. Instead, denial avoids the increased potential for threats to the public health and welfare that the Christmas Market poses to local residents and attendees. Applicant admits that its motel will be full even if the Market is prohibited so denying the permit will not seriously jeopardize the Applicant's financial status which should not be a consideration when evaluating the impact to the Coastal Zone and human health and safety. Applicant is already advertising and selling tickets for this event on different platforms including the internet as if approval was a forgone conclusion. Applicant's actions also could

Item No. 17

Meeting Date: May 3, 2022

Posted: May 2, 2022

Exhibit 4

A-3-SLO-22-0024

Page 158 of 164

be viewed by an independent observer as evidence that he believes the Board of Supervisors has already made a decision in his favor. A decision by the Board of Supervisors in Applicants favor would be a disservice to the community, the Coastal Zone and would ignore the past actions of Applicant including the following violations of the CZLO:

1. Holiday Decorations. 23.04.306b(6) requires holiday decorations to be removed after 90 days. The Lodge never removes many displays, outdoor electrical connections, and holiday booths built, all built and used for the Christmas Market. I attach several three recent photographs to underscore my point. Exhibits A-C. The failure to remove the decorations is a violation of the 2016 permit and good cause to deny the current and any future permit application.
2. Parking. Outdoor Retail Sales. 23.08.142a(3) requires "employee and customer parking" to be on sight or on adjoining property." Applicant uses multiple parking facilities remote from the Lodge which results in serious traffic congestion, air and sound pollution, and delays for local residents. Applicant's parking plan violates the CZLO.
3. Location. 23.08.248c requires event to be 1,000 feet from Residential Family Land. The Planning Commission arbitrarily waived this requirement without the consent of the nearby residents. This is good cause to deny the current and any future permit application.
4. Time Limit. 23.08.248b sets a time limit for temporary events as either 12 consecutive days or 4 consecutive weekends. The Permit allows the Market to operate both week days and weekends. This is not allowed by the CZLO. The Planning Commission arbitrarily waived this requirement to the detriment of the local community. The schedule violates the CZLO.
5. Noise Level. 23.06.044a prohibits noise levels at the Market during the night from exceeding 45dB. Many neighbors have complained about the noise from the event. This noise pollution damages the natural beauty of the Coastal Zone and disturbs the quiet enjoyment of the residents in the area. If the Permit is allowed, it should require the Lodge to properly measure and report nightly on noise levels as they impact nearby residents.
6. Outdoor Lights. 23.04.320. The Permit states that the Applicant will comply with the Outdoor Lights provisions of the CZLO. This is clearly impossible for this Project, resulting in the Market's lighting violating the CZLO. The illuminated Christmas Tree appears as tall as its main building and lit to its very top. It is visible to many nearby residences. The light display violates the provisions requiring outdoor lights to be for "illumination only," screened from residences and streets, minimized intensity, shielding, and height. In past years, the Market has violated the light display standards. See 2016 Conditions of Approval #12. The Board should not reward Applicant for flaunting the conditions of approval and regulate the light pollution.
7. Trash/Solid Waste. Many neighbors complain about the trash thrown into streets and yards by Market attendees which they have to pick up themselves. The Lodge should be required to inspect the neighborhood after each night and appropriately collect and dispose of all trash.



8. Signs. Outdoor Retail Sales. 23.08.142a(S) allows signs but does not expressly permit the numerous "NO PARKING" signs and unsightly barricades which the Lodge spreads around the residential streets that damage the natural scenic beauty of the Coastal Zone. They are visual pollution. Many barricades are not removed on days the Market is not in session and often residents cannot park in their own driveways or in front of their houses as a result of cars being parked in the streets as a result of the limited parking. Additionally, it is not clear that these barricades are enforceable. In the past local residents have reported illegal parking which was not resolved by the Lodge or by the CHP. The Permit should clarify the timing, legality and enforceability of the barricades and provide a workable method of enforcing the no parking prohibitions. The Market's signs violated the CZLO.
9. Fencing/Screening. 23.04.190. The Lodge's outdoor storage and storage of mechanical equipment is clearly visible from Yorkshire Rd. and Patterson Pl. When the Applicant built an additional vehicle access to Yorkshire, it removed a portion of the screening. Moreover, the tall hedge (well over 6') at the corner of Yorkshire and Martindale is a traffic danger because it is impossible for drivers turning north on Martindale to see around the corner. Applicant should be required to properly and safely screen the storage area.
10. Traffic Control. The Permit requires the Applicant to contract with the CHP to provide "traffic direction" at Eaton Road and Burton Drive but does not require traffic control at the Burton and Patterson intersection, the main bus and vehicle entrance to the event, or at Highway 1 and Burton Drive which is a primary way for Applicant's busses to reach the Lodge. Both of these intersections are highly congested during the event and it can take Lodge Hill residents 20 minutes to get from Hwy 1 to Lodge Hill via Burton Drive. If the Market is allowed, the Applicant should be required to contract with the CHP for an adequate number of officers to effectively control traffic at these other locations.
11. Commercial Entertainment. 23.08.248a(2). In view of the multiple defects in the Permit, it is inconsistent with Chapter 6.56 of the County Code.
12. Negative Impact on Community/COVID Risk. See discussion below.

## DISCUSSION

The Cambria Lodge is surrounded on 3 sides by single-family residents. Many are closer than 1,000 feet from the Market. The streets in the area have few streetlights and few (if any) permanent "No-Parking" signs. The absence of urban lights is one of the natural assets of the North Coast. Because the Lodge is in the Coastal Zone (not in an urban setting such as Cal-Poly) the negative impacts of the Market are more keenly felt by local residents, many of whom have chosen to live in Cambria because of its natural beauty. Among other negative impacts, the Market generates noise, light pollution, traffic congestion, unsightly No-Parking barricades (which are often not taken down during the duration of the Market), unchecked water use, and solid waste. The Market is a danger to both pedestrians (especially those walking Burton Drive or along Yorkshire Road from the Presbyterian Church parking lot or crossing Burton from the nursery.) There are virtually no sidewalks in the area. Vehicle drivers can be easily blinded by all the headlights and waiving flashlights along the roads and intersections. At night during the Market, Burton Drive is unsafe at any speed.

Initially, the Lodge's Christmas celebration was a modest event, but in 2016, the Commission, by approving Applicant's application drastically changed the scope and nature of the market. Approval was an invitation to the general public that led to this residential neighborhood in a town with a population of 5,647 that is located in the Coastal Zone being overrun by over 60,000 visitors. The impact on local residents has been staggering: the Lodge's hired guards stop local residents from entering and exiting their homes via the intersection of Patterson and Burton. They stand in the middle of the Yorkshire and force locals to stop, justify their presence, and prevent them from reaching Burton Drive. The Market's many buses cause frustration and delays to local residents. They generate traffic congestion on Burton Drive near the Lodge's main entrance, at the intersection of Highway 1 and Burton Drive, and throughout the east-end of Cambria. Applicant claims its traffic controls have eliminated any traffic jam associated with the Market, but this is simply false as many local residents will testify. In short, the Market is a public nuisance and an inappropriate land use in the sensitive Coastal Zone.

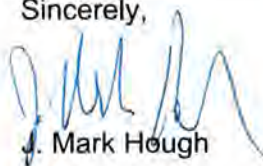
Applicant plans to further damage the sensitive area by expanding both the duration and scope of the Market next year. It also intends to expand the Market site to include the J. Patrick House across the street to the Lodge which Dirk Winters acquired in 2020. This is in spite of the fact this area is not zoned for short-term rentals. It is already advertising accommodations to 2021 Market visitors at the J. Patrick House at 2990 Burton Dr. It has applied for a liquor license to serve wine and beer at the J. Patrick House from 6:00 am to 9:00 pm and play music showing a callous indifference to natural resources in the area and the residents.

It is especially noteworthy that the event primarily financially benefits the Applicant and, to a lesser degree, the merchants who pay the Applicant for a Market booth. Applicant busses visitors to and from the Lodge from off-sight parking. Market visitors rarely shop in other Cambria retailers. Market visitors are a captive audience. Unlike other events such as a Cal-Poly event or the farmer's market, (which benefit the school and local community) the only serves a few individuals and not the majority of local retailers or the general Cambria population.

An event that draws 60,000 people will lead to increased risk of the spread of Covid. Even if a mask mandate, social distancing, proof of a negative Covid test, or proof of vaccination are required and/or enforced, this huge influx of people into a small area constitutes a clear and severe danger to public health and welfare.

According to the CDC, most of California remains in the two worst categories on the transmission scale. This week San Luis Obispo County was moved from "substantial" to high in terms of transmission rates. The Market will undoubtedly attract many individuals from areas where the Covid case rates are much higher (e.g., Fresno, Tulare, Bakersfield.) It will attract many children who will not be vaccinated. The Market opens in the wintertime, when COVID is at its worst. As such, the 2021 Market is a health danger to the public.

Sincerely,



J. Mark Hough



**From:** [Nicole Ellis](#)  
**To:** [R Read](#)  
**Cc:** [AD-Board-Clerk](#)  
**Subject:** RE: [EXT]Christmas Market Hearing 5/3/2022  
**Date:** Monday, May 2, 2022 12:06:10 PM  
**Attachments:** [xmasmarket4292022\\_000004.pdf](#)  
[image001.png](#)  
**Importance:** High

---

Good morning Russel and thank you for your email with attached letter responding to tomorrow's Board of Supervisor reconsideration hearing related to the Cambria Christmas Market appeal item.

I have copied the meeting clerk to this email so that they may post this letter to the BOS agenda for Hearing item 17- Cambria Christmas Market appeal.

We ask that future correspondence for Board Items be provided to the Board of Supervisor's Meeting Clerk via the instructions below. The hearing notice which was distributed in the mail provides the following email address to provide information direct to the Board of Supervisor's Meeting Clerk for posting.

"Testimony can be submitted via written correspondence to the BOS Board Clerk ([ad\\_board\\_clerk@co.slo.ca.us](mailto:ad_board_clerk@co.slo.ca.us)) to be posted to the county website and routed to the board for their review and consideration."

Thank you Russel!

**Nicole Ellis**  
Senior Planner

[nellis@co.slo.ca.us](mailto:nellis@co.slo.ca.us)  
[Website](#) | [Facebook](#) | [Map](#)



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

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**From:** R Read <[rscottread@gmail.com](mailto:rscottread@gmail.com)>  
**Sent:** Friday, April 29, 2022 9:24 AM  
**To:** Nicole Ellis <[nellis@co.slo.ca.us](mailto:nellis@co.slo.ca.us)>

Item No. 17  
Meeting Date: May 3, 2022  
Posted: May 2, 2022

Exhibit 4  
A-3-SLO-22-0024  
Page 162 of 164

**Subject:** [EXT]Christmas Market Hearing 5/3/2022

**ATTENTION:** This email originated from outside the County's network. Use caution when opening attachments or links.

Please make the attached letter part of the record in this matter.

--

Russell S. Read

Cambria, CA 93428

[rscottread@gmail.com](mailto:rscottread@gmail.com)

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**RUSSELL S. READ**

*Attorney & Counselor*

Cambria, CA 93428

Tel:

*rscottread@gmail.com*

4/29/2022

Re: DRC2021-00042; 2021 Cambria Christmas Market  
Appeal Hearing 5/3/2022

Ms. Nicole Ellis  
County Planning and Building

Dear Ms. Ellis:

Please make this letter and attachments part of the official file in this matter.

The appeal hearing scheduled for 5/3/2022 is a blatant sham and denial of the appellants' right to due process. The subject of our appeal was the Cambria Christmas Market of 2021. The application was strictly limited to the 2021 market which occurred 5 months ago and which the County Supervisors allowed to proceed without a proper land use permit and in defiance of the Coastal Zone Act.

The Board refused to enter a final order, and to do so now only emphasizes its bad faith. There is no legitimate purpose for this hearing. The Board's simply wishes to flaunt its authoritarian indifference to the rights of its voters and perhaps establish a precedent in order to repeat this travesty in the future.

Very Truly Yours,

Russell S. Read

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT ST., SUITE 300  
SANTA CRUZ, CA 95060-4508  
(831) 427-4863  
CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-SLO-22-0024Date Filed: May 17, 2022Appellant Name(s): Joseph Hough**RECEIVED****MAY 17 2022****CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA****APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the Central Coast district office, the email address is [CentralCoast@coastal.ca.gov](mailto:CentralCoast@coastal.ca.gov). An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.



## Appeal of local CDP decision

### Page 2

#### 1. Appellant information<sup>1</sup>

Name: Joseph Hough  
Mailing address: 2985 Wood Drive, Cambria, CA 93428  
Phone number: (805) 225-3065  
Email address: jmark1961@aol.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate    ☒ Submitted comment    ☐ Testified at hearing    ☐ Other

Describe: I prepared an appeal, but was unable to attend the hearing due to my being out of state on business. The short  
notice given by the county did not allow me to alter my plans so i submitted comments for the hearing in lieu of  
a live appearance.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: I, along with two other appellants, timely filed an appeal to the County's decision to  
grant a permit for the Winter Market to operate outside the terms  
of the permit granted by the planning commission.

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

## Appeal of local CDP decision

Page 3

### 2. Local CDP decision being appealed<sup>2</sup>

Local government name: San Luis Obispo County  
Local government approval body: Board of Supervisor  
Local government CDP application number: DRC 2021-00042  
Local government CDP decision: ☐ CDP approval ☒ CDP denial<sup>3</sup>  
Date of local government CDP decision: May 12, 2022

Please identify the location and description of the development that was approved or denied by the local government.

Describe: See accompanying letter.

\_\_\_\_\_

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<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.



## Appeal of local CDP decision

### Page 4

#### 3. Applicant information

Applicant name(s):

Pacific Cambria, inc.

Applicant Address:

2905 Burton Drive.

Cambria, CA 93428

#### 4. Grounds for this appeal<sup>4</sup>

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See accompanying letter.

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

## Appeal of local CDP decision

### Page 5

#### 5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.



Interested persons identified and provided on a separate attached sheet

#### 6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Joseph M. Hough

  
Signature

Date of Signature May 16, 2022

#### 7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.



I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.



**CALIFORNIA COASTAL COMMISSION**

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name \_\_\_\_\_

CDP Application or Appeal Number \_\_\_\_\_

Lead Representative

Name \_\_\_\_\_

Title \_\_\_\_\_

Street Address. \_\_\_\_\_

City \_\_\_\_\_

State, Zip \_\_\_\_\_

Email Address \_\_\_\_\_

Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

Additional Representatives (as necessary)

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
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State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_



Interested Parties

Russel Read

Claudia Harmen Worthen

**J. Mark Hough**  
2985 Wood Drive  
Cambria, CA 93428  
Tel: (805) 225-3065  
*jmark1961@aol.com*

May 16, 2022

California Coastal Commission  
North Coast District Office  
1385 Eighth St., Suite 130  
Arcata, CA 95521

Re: DRC2021-00042; 2021 Cambria Christmas Market (The "Market")  
Applicant: Pacific Cambria, Inc.  
Location of Project: 2905 Burton Drive and 2801 Eaton Dr., Cambria, CA

To the Commission:

This letter accompanies and supplements the California Coastal Commission ("CCC") Appeal Form enclosed with this letter.

**PROCEDURAL STATUS OF APPEAL**

I filed an appeal on this Development Permit to the CCC after the Board of Supervisors ("BOS") allowed the Market to proceed in 2021 without adopting any formal notice of final action. I was joined by two other interested parties. Instead of addressing the appeal, the CCC elected to treat the matter as an investigation. The purported reason for this decision was that there had been no notice of final action issued. As a result, the Market proceeded in 2021 without any notice of final action by the BOS and in violation of its LCP. The CCC did not provide the appellants with any information with respect to the scope of the investigation, timing, or the outcome of its investigation. The market was allowed to continue and went through December into January 2022, well beyond the permitted period of time. Residents near the market continued to suffer through loud levels of noise, difficulty with ingress and egress into their homes as a result of the use of the nursery for sales and parking, encroachment of their quiet enjoyment of their homes due to the event being allowed to occur less than 1,000 feet from homes and unlawful outdoor lighting. These events are documented in my appeal letter dated November 30, 2021, which I include as a



supplement to this letter.

**THE BOARD OF SUPERVISOR NEGLECT IGNORED THE THREAT FAILED TO  
CAMBRIA'S WATER SUPPLY POSED BY THE MARKET**

Among the numerous grounds for this appeal, the most significant is the BOS's total failure to assess the threat posed by the Market to the water supply of Cambria or to take action to protect it.

The BOS finally heard our 2021 appeal on May 3, 2022 (over four months after the 2021 Christmas Market was supposed to end. I was unable to testify at the hearing due to my being out of state on the date of the hearing, but I submitted written materials in lieu of my appearance (the only option provided to me by the BOS). In the materials presented to the BOS, I reiterated the concerns I had expressed earlier in my appeal letter with respect to the threat posed by the Winter Market to Cambria's water supply (The Applicant had represented, but without any documented support of which I was made aware, that the Market only caused an additional 10-20 gallons of water consumption per day). The BOS chose not to address this concern and instead, denied our appeal and granted the Applicant a permit to conduct the Market through 2023. The BOS took this action in spite of representing in writing to me and the other appellants that the only matter for consideration by the BOS was our appeal. This blatant disregard for the rules and regulations governing the administration of such meetings is a violation of law and raises serious questions about the fairness and impartiality of the BOS with respect to issues where business interests' conflict with those of the voting public.

**Summary and Conclusion**

The BOS failed to address Applicant's multiple violations of the LCP and in so doing has posed an unnecessary risk to the water supply of Cambria. The BOS claims that it conducted an investigation but, if true, did so in a non-transparent manner. There has been no evidence presented by the BOS that

they did address the multiple violations of the LCP by Applicant or that any serious consideration was given to the impact of the Market on the supply of water to the residents of Cambria. The actions of the BOS, the County aided and abetted the Applicant in violating the LCP. The BOS completely ignored its responsibility to ensure that the Market will not worsen Cambria's water shortage. Unless the CCC acts to enforce the CZLUO the violations will continue and as the drought continues become even more severe and cause great harm to sensitive coastal resources but also to the residents and businesses in Cambria. As stated by the CCC in the Notice of Violation: The County should not be even accepting applications for development in Cambria that cannot show evidence of an adequate water supply. The BOS breached its duty in issuing this CDP.

Respectfully Submitted,



J. Mark Hough



## JOSEPH HOUGH

Cambria, CA 93428  
Tel: (805) 203-8116  
*raleighncgc@gmail.com*

11/30/2021

California Coastal Commission  
North Coast District Office  
1385 Eighth St., Suite 130  
Arcata, CA 95521  
Email: CentralCoast@coastal.ca.gov

Re: DRC2021-00042; 2021 Cambria Christmas Market  
Applicant: Pacific Cambria, Inc.  
Location of Project: 2905 Burton Drive and 2801 Eaton Dr., Cambria, CA

Dear Ms. or Sir:

This letter supports and supplements the California Coastal Commission ("CCC") Appeal Form included with this letter. This appeal concerns the 2021 Cambria Christmas Market, but it should be noted that the Christmas Market operated from 2016-2019 in violation of the same provisions of the Coastal Zone Land Use Ordinance ("CZLUO") as does the 2021 Market. The Market is located in a sensitive coastal resource area and the CCC should take note that the Applicant plans to expand the Market both in terms of duration and number of ticket sales. This expansion will certainly cause more of the same violations and they will more likely be on a larger scale. This should clearly illustrate that the Market presents ongoing violations of the Coastal Zone Land Use Ordinance ("CZLUO"). What makes this matter even more troubling is that the County, through its failure to act, has aided and abetted the Applicant by allowing him to operate the Market in 2021 under a 2001 permit which dealt only with the expansion of the Cambria Pines Lodge and stated specifically, "No temporary events are allowed on the site without first obtaining the required land use permit for the specific temporary event proposed." See "Operations" section 2e in County's "Notice of Final Approval" dated 11/28/2001 on application number 3-SLO-01-613 (hereafter the "2001 Permit.") (Note the 2001 Permit was subject to an appeal to the CCC: Coastal Commission's Determination on A-3-SLO-122 adopted 12/14/2003 on the 2001 Permit.)

### I.

#### PROCEDURAL BACKGROUND

On 10/22/2021, the San Luis Obispo Planning Commission (the "Commission") approved the Applicant's development permit to hold a Christmas Market at the above stated locations. I appealed the decision to

the Board of Supervisors ("BOS") on 11/04/2021. There were two other appeals filed around the same time. In spite of the multiple appeals, the Commission failed to issue a final notice following its review of the appeals filed in opposition to the approval of the Applicant's permit, choosing instead to stand by as Applicant moved forward with his plans to open the Christmas Market to the public. My appeal identified the Market as a threat to public health and safety as well as listing numerous ways the Market would be in violation of the Coastal Zone Land Use Ordinance "CZLUO" if it were allowed to go forward as planned. As I explain in Section II below, the Market, as it is now operating, violates numerous sections of the Ordinance, including the following:

1. The Market violates 23.01.010 because the purpose of the CZLUO is to (in pertinent part) promote the public's "health, safety and welfare, and more particularly . . . to minimize **adverse effect on the public** resulting from **inappropriate** creation, use or design of building sites . . . **land uses**, parking areas..." and to "**protect and enhance the significant natural**, historic, archeological and scenic resources." The Market threatens the beauty, peace, and resources of our sensitive coastal resource area
2. Water Use. As of July 15, 2021, Cambria entered into a Stage 4 Water Emergency pursuant to which Cambrians were asked to reduce their usage by 40% or suffer financial penalties. In its application, the Applicant claimed the Market would increase water use by 10-20 gallons per day. This is patently absurd given that over 60,000 visitors would be allowed under the proposed permit. Applicant offered no proof of its claim and the Planning Commission didn't demand any proof by the Applicant. The failure by the County to investigate or monitor the Market's water use is contrary to the Coastal Commission's long held concern over the Cambria's limited water resources as well as the certified LCP.
3. Holiday Decorations. 23.04.306b(6) requires holiday decorations to be removed after 90 days. After the 2016 through 2019 markets, the Lodge never removed many displays, outdoor electrical connections, or holiday booths built, all built and used for the Christmas Market. The failure to remove the decorations is a violation of the prior 2016 permit and good cause to deny any future permit application.
4. Parking. Outdoor Retail Sales. 23.08.142a(3) requires "employee and customer parking" to be on sight or on adjoining property." Applicant uses multiple parking facilities remote from the Lodge which results in serious traffic congestion, air and sound pollution, and delays for local residents. Applicant's parking plan violates the CZLUO.
5. Location. 23.08.248c requires event to be 1,000 feet from Residential Family Land. The Planning Commission **arbitrarily waived** this requirement without the consent of the nearby residents. This is good cause to deny the current and any future permit application.



6. Time Limit. 23.08.248b sets a time limit for temporary events as either 12 consecutive days or 4 consecutive weekends. The Permit allows the Market to operate both week days and weekends. This is not allowed by the CZLUO. The Planning Commission **arbitrarily waived** this requirement to the detriment of the local community. The schedule violates the CZLUO.
7. Noise Level. 23.06.044a prohibits noise levels at the Market during the night from exceeding 45dB. Many neighbors have complained about the noise from the event. This noise pollution damages the natural beauty of the Coastal Zone. If the Permit is allowed, it should require the Lodge to properly measure and report nightly on noise levels as they impact nearby residents.
8. Outdoor Lights. 23.04.320. The Permit states that the Applicant will comply with the Outdoor Lights provisions of the CZLUO. This is clearly impossible for this Project. The illuminated Christmas Tree appears as tall as its main building and lit to its very top. It is visible from my home on Rogers Dr. and from other local residences. The light display violates the provisions requiring outdoor lights to be for "illumination only," screened from residences and streets, minimized intensity, shielding, and height. In past years, the Market has violated the light display standards. See 2016 Conditions of Approval #12.
9. Trash/Solid Waste. Many neighbors complain about the trash thrown into streets and yards by Market attendees. *The Lodge should be required to inspect the neighborhood after each night and appropriately collect and dispose of all trash.*
10. Signs. Outdoor Retail Sales. 23.08.142a(5) allows signs but does not expressly permit the many, many "NO PARKING" unsightly barricades which the Lodge spreads around the residential streets. This damages the natural scenic beauty of the Coastal Zone. They are visual pollution. Many barricades are not removed on days the Market is not in session. Additionally, it is not clear that these barricades are enforceable. In the past local residents (including me) have reported illegal parking which was not resolved by the Lodge or by the CHP. The Permit should clarify the timing, legality and enforceability of the barricades and provide a workable method of enforcing the no parking prohibitions. The Market's signs violated the CZLUO.
11. Fencing/Screening. 23.04.190. The Lodge's outdoor storage and storage of mechanical equipment is clearly visible from Yorkshire Rd. and Patterson Pl. When the Applicant built an additional vehicle access to Yorkshire, it removed a portion of the screening. Moreover, the tall hedge (well over 6') at the corner of Yorkshire and Martindale is a traffic danger because it is impossible for drivers turning north on Martindale to see around the corner. Applicant should be required to properly and safely screen the storage area.

Rather than confront these serious violations at an open BOS hearing, the Applicant covertly asked the BOS for permission to conduct a diminished Market under the 2001 Permit despite the existing violations and despite the express provision in the 2001 Permit that "No temporary events are allowed on the site without first obtaining the required land use permit for the specific temporary event proposed." After much confusion and delay County Planning finally issued an informal letter on 11/18/2021 (included with the application) outlining partial parameters for 2021 Market. It never provided me a copy of that letter. I received it from another interested member of the public. The County never issued a formal "Notice of Final County Action." Its "final" action was to allow the Market to commence on 11/26/2021. Following my appeal, the County conspired with the Applicant to covertly, without any public notice or opportunity to be heard, to allow a "diminished" Market which would permit over 1,000 Market visitors per night. Until the first day of the Market's operation on 11/26/2021, I and other appellants were unable to know the exact parameters of Market's actual operation because the County never issued a formal final action. The County decision to allow the Market under the 2001 permit was a *de facto* decision which became evident only after the Market opened.

## II.

### GROUNDS FOR APPEAL

In spite of the fact that the Commission failed to provide any formal decision with respect to the appeals that were filed in opposition to Applicant's permit, Market operations commenced 11/26/21. The failure of the Commission to issue a final decision amounts to a *de facto* approval of Applicant's permit. As such, my appeal is timely and in conformity with the requirements for filing an appeal before the CCC. As it is now operating, the Market violates all the Sections of the CZLUO listed in the appeal I submitted to the BOS, *except it is not erecting "No Parking" signs in the residential neighborhood.* In addition, the BOS has allowed the Market to expand into the Cambria Nursery which raises additional violations:

1. Outdoor Retail Sales. The Market operates at night. 23.08.142 limits outdoor retail sales to daylight hours. Night hours are allowed only when specifically authorized through an approved Development Plan. The Market starts at sunset and continues until approximately 10:00 pm in violation of this provision. Nothing in the 2001 Permit allows night outdoor retail sales.
2. Parking. 23.08.142a(3) requires adequate parking for employees and customers either on the site or on "adjoining property, entirely outside public right-of-way other than designated parking spaces." Parking for the Market is accommodated at the Presbyterian Church and Brambles parking lot. Neither of these adjoin the Nursery or the Lodge. The Lodge runs shuttles to the Lodge from these off-site parking lots.



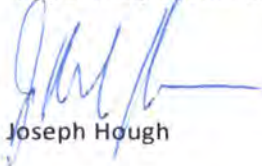
Moreover, employees from the Lodge are stopping vehicles on both Burton Drive and Eaton Road in order to shepherd visitors from the Lodge grounds and nursery grounds. No encroachment permit has been issued. The 2021 Permit does not permit off-site parking. The stoppage of vehicles on the public roads is not permitted by the CZLUO.

3. Season Sales. Clearly, a "Christmas Market" is a seasonal sale. The Nursery sells Christmas trees, wreathes, ornaments, etc. Food products are also being sold on the Nursery. 23.08.142f provides that seasonal sales be conducted "outside any public road right-of-way unless an encroachment permit has been issued for the activity." Employees from the Lodge are stopping cars on both Burton Drive and Eaton Road in order to shepherd visitors from the Lodge grounds and nursery grounds. No encroachment permit has been issued. The 2021 Permit does not permit seasonal sales. The stoppage of vehicles on the public roads is not permitted by the CZLUO.
4. Outdoor Lights. 23.04.320. The nursery and the Lodge are now both violating this provision.

#### Summary and Conclusion

Despite multiple obvious violations of the CZLO, the County has failed to take any meaningful action and allowed the Applicant to continue to operate in violation of the Ordinance and the LCP, choosing instead to put forward the disingenuous position that they could rely on the 2001 Permit. This refusal to follow the required process was exacerbated by the County's refusal to communicate or inform the public of any final determination which gives the appearance of an attempt to circumvent the rules and regulations put in place to protect the coastal region. Unless the CCC acts to enforce the CZLUO the violations will continue and grow even more severe and cause harm to our sensitive coastal resource area.

Respectfully Submitted,



Joseph Hough

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT ST., SUITE 300  
SANTA CRUZ, CA 95060-4508  
(831) 427-4863  
CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM**

Appeal of Local Government Coastal Development Permit

**Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-SLO-22-0024

Date Filed: May 18, 2022

Appellant Name(s): Russell S. Read

**RECEIVED****MAY 18 2022**

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the Central Coast district office, the email address is CentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.



**Appeal of local CDP decision**  
**Page 2**

**1. Appellant information:**

Name: Russell S. Read  
Mailing address: 3120 Rogers Dr., Cambria, CA 93428  
Phone number: 805-927-2344  
Email address: rscottread@yahoo.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate    ☐ Submitted comment    ☒ Testified at hearing    ☐ Other

Describe: I appealed decision by County Planning on 10/22/2021 to Board of Supervisors.

I testified at BOS hearing on 5/3/2022. The appeal was denied on 5/12/2022.

The Notice of Final Action was dated 3/12/2022.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: See attach letter  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1 If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

**Appeal of local CDP decision**  
**Page 3**

**2. Local CDP decision being appealed<sup>2</sup>**

Local government name: San Luis Obispo County  
Local government approval body: Board of Supervisors  
Local government CDP application number: DRC 2021-00042  
Local government CDP decision: ☒ CDP approval ☒ CDP denial<sup>3</sup> *of appeal*  
Date of local government CDP decision: 5/12/2022 *of CDP*

Please identify the location and description of the development that was approved or denied by the local government.

Describe: My appeal from the Planning Department decision to allow the Cambria Christmas Market was denied.

See company letter.

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.



**Appeal of local CDP decision**  
**Page 4**

**3. Applicant information**

Applicant name(s):

Pacific Cambria, Inc.

2905 Burton Dr.

Applicant Address:

Cambria, CA 93428

**4. Grounds for this appeal<sup>4</sup>**

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See accompanying letter.

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

## Appeal of local CDP decision

Page 5

### 5. Identification of interested persons

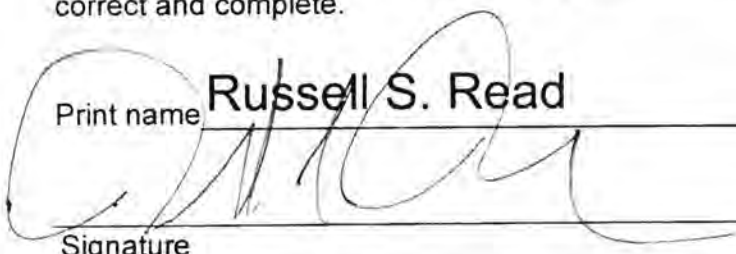
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

### 6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Russell S. Read

Signature 

Date of Signature 5/16/2022

### 7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.



**CALIFORNIA COASTAL COMMISSION**

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name \_\_\_\_\_

CDP Application or Appeal Number \_\_\_\_\_

**Lead Representative**

Name \_\_\_\_\_

Title \_\_\_\_\_

Street Address. \_\_\_\_\_

City \_\_\_\_\_

State, Zip \_\_\_\_\_

Email Address \_\_\_\_\_

Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

Additional Representatives (as necessary)

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_



## **RUSSELL S. READ**

*Attorney & Counselor*

3120 Rogers Dr.

Cambria, CA 93428

Tel: (805) 927-2344

*rscottread@gmail.com*

5/16/2022

California Coastal Commission  
North Coast District Office  
1385 Eighth St., Suite 130  
Arcata, CA 95521

Re: DRC2021-00042; 2021 Cambria Christmas Market  
Applicant: Pacific Cambria, Inc.  
Location of Project: 2905 Burton Drive and 2801 Eaton Dr., Cambria, CA

Dear Ms. or Sir:

This letter accompanies and supplements the California Coastal Commission ("CCC") Appeal Form enclosed with this letter.

### **PROCEDURAL STATUS OF APPEAL**

In November of 2021, I (along with two other Cambrians) filed an appeal on this Development Permit to the CCC after the Board of Supervisors ("BOS") allowed the Market to proceed in 2021 without adopting any formal notice of final action. Due to the lack of a notice of final action, the CCC treated our appeals as an investigation. The Market proceeded in 2021 without any notice of final action by the BOS and in violation of its LCP. The CCC did not inform appellants of the outcome of its investigation. Rumor has it that the Applicant did make some minor corrections, but the exact nature of such corrections was never disclosed to these appellants. I believe many of the violations specified in my earlier appeal letter continue and many of these same violations occurred during the unlawful 2021 Market, including, without limitation, several noise violations, unpermitted use of the nursery for sales and parking, location of the event less than 1,000 feet from residential homes, encroachment into the public road without a permit, and unlawful outdoor lighting. Accordingly, I supplement this letter with the enclosed copy of my appeal letter dated 11/29/2021.

### **THE BOARD OF SUPERVISOR FAILED TO PROTECT CAMBRIA'S WATER SUPPLY.**

Perhaps the most significant ground for this appeal is the BOS's abrogation of its duty to protect the water supply in Cambria.

The BOS finally heard our 2021 appeal on May 3, 2022—4 months after the 2021 Christmas Market. I testified at the BOS hearing asking the Board (among other things) to investigate the Applicant's unverified claim that it caused only 10-20 gallons more of water each day of the Market. The BOS not only denied our appeal for the 2021 Market but, in violation of the Brown Act, granted a permit to the Applicant to conduct the market in 2023, despite that fact that the BOS agenda and notice to appellants contained zero mention of the possibility of granting a permit for 2023.

I testified that given the worsening drought in the region and the fact that Cambria was already in a Stage 4 Water Emergency, the BOS should at the very least verify Applicant's claims that bringing 65,000 guests into the town would only cause increased usage of water of only 10-20 gallons per day, which I believe is a patently irrational and absurd claim when one considers the increase demand in local hotels and restaurants. The BOS failed in its duty to verify that the Market would not further endanger Cambria's water supply. LCP CZLUO Section 23.04.430.

As of July 15, 2021, Cambria entered a Stage 4 Water Emergency pursuant to which Cambrian residents were asked to reduce their usage by 40% or suffer financial penalties. In April 2022, the CCC acknowledged Cambria's endangered water supply in its Notice of Violation provide to the CCSD. The CCC noted that under the County's LCP, the County's should not even accept any CDP application "unless or until measurable steps are taken that improve" Cambria's water supply:

The County, as the initial CDP decision-making body for CDP applications that include new water use in Cambria, needs to consider these perhaps inconvenient facts, and stop approving or even considering such projects unless and until measurable steps are taken that improve water supply issues in Cambria. The County should not be even accepting applications for development in Cambria that cannot show evidence of an adequate water supply. A will-serve letter does not provide such evidence, and the County under the LCP is required to make its own finding that an adequate water supply is available to serve a proposed development and cannot abrogate that responsibility to the CCSD.

In granting the CDP for the Market through 2023, the BOS took no steps to investigate the increase in water demand caused by 65,000 Market visitors. It completely ignored my request that the Applicant show there was sufficient water supply. This is a clear abrogation of its responsibilities under the LCP. LCP CZLUO Section 23.04.430.

Proof of an adequate supply prior to the issuance of a CDP is critically important to residents and businesses in Cambria. As noted by the CCSD in its statement on 11/3/2014 "{T}he community stands a real chance of literally running out of water, forcing Cambrians to shut businesses and possibly leave



homes." The BOS totally ignored this very real threat. It appeared to be concerned only about the possible loss of tax revenue (the vast majority of which does not benefit Cambria) than the welfare of Cambrians and the threat of natural resources. Not only did it refuse to investigate the Market's water use, but it also failed to take any steps to mitigate the issue, such as directing more tax revenue back to Cambria in order that it improve its water supply. The BOS not only refused to investigate and blindly endorsed the Applicant's unproven claims but also failed to take one single step to mitigate increased water use by using revenues from the Market to mitigate Cambria's water issues.

#### Summary and Conclusion

In the face of multiple violations of the LCP, the County aided and abetted the Applicant in violating the LCP. The BOS completely ignored its responsibility to ensure that the Market will not worsen Cambria's water shortage. Unless the CCC acts to enforce the CZLUO the violations will continue and as the drought continues become even more severe and cause great harm to sensitive coastal resources but also to the residents and businesses in Cambria. As stated by the CCC in the Notice of Violation: The County should not be even accepting applications for development in Cambria that cannot show evidence of an adequate water supply. The BOS breached its duty in issuing this CDP.

Respectfully Submitted,



Russell S. Read

## **RUSSELL S. READ**

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11/29/2021

California Coastal Commission  
North Coast District Office  
1385 Eighth St., Suite 130  
Arcata, CA 95521

Re: DRC2021-00042; 2021 Cambria Christmas Market  
Applicant: Pacific Cambria, Inc.  
Location of Project: 2905 Burton Drive and 2801 Eaton Dr., Cambria, CA

Dear Ms. or Sir:

This letter accompanies and supplements the California Coastal Commission ("CCC") Appeal Form enclosed with this letter. Although this appeal concerns the 2021 Cambria Christmas Market, it is important for the Commission to recognize that the Christmas Market's operation in 2016-2019 violated the same provisions of the Coastal Zone Land Use Ordinance ("CZLUO") as does the 2021 Market. The Market is located in a sensitive coastal resource area. The CCC should take note that the Applicant plans to expand the Market both in terms of duration and number of ticket sales and such expansion will also cause more of the same violations. Accordingly, the Market presents ongoing violations of the Coastal Zone Land Use Ordinance ("CZLUO") which the County has aided and abetted by allowing it to operate in 2021 under a 2001 permit which dealt only with the expansion of the Cambria Pines Lodge and stated specifically, "No temporary events are allowed on the site without first obtaining the required land use permit for the specific temporary event proposed." See "Operations" section 2e in County's "Notice of Final Approval" dated 11/28/2001 on application number 3-SLO-01-613 (hereafter the "2001 Permit.") (Note the 2001 Permit was subject to an appeal to the CCC: Coastal Commission's Determination on A-3-SLO-122 adopted 12/14/2003 on the 2001 Permit.)

### **I.**

#### **PROCEDURAL BACKGROUND**

On 10/22/2021, the San Luis Obispo Planning Commission approved the Applicant's development permit to hold a Christmas Market at the above stated locations. I (and 2 other appellants) appealed



7. Noise Level. 23.06.044a prohibits noise levels at the Market during the night from exceeding 45dB. Many neighbors have complained about the noise from the event. This noise pollution damages the natural beauty of the Coastal Zone. If the Permit is allowed, it should require the Lodge to properly measure and report nightly on noise levels as they impact nearby residents.
8. Outdoor Lights. 23.04.320. The Permit states that the Applicant will comply with the Outdoor Lights provisions of the CZLUO. This is clearly impossible for this Project. The illuminated Christmas Tree appears as tall as its main building and lit to its very top. It is visible from my home on Rogers Dr. and from other local residences. The light display violates the provisions requiring outdoor lights to be for "illumination only," screened from residences and streets, minimized intensity, shielding, and height. In past years, the Market has violated the light display standards. See 2016 Conditions of Approval #12.
9. Trash/Solid Waste. Many neighbors complain about the trash thrown into streets and yards by Market attendees. The Lodge should be required to inspect the neighborhood after each night and appropriately collect and dispose of all trash.
10. Signs. Outdoor Retail Sales. 23.08.142a(5) allows signs but does not expressly permit the many, many "NO PARKING" unsightly barricades which the Lodge spreads around the residential streets. This damages the natural scenic beauty of the Coastal Zone. They are visual pollution. Many barricades are not removed on days the Market is not in session. Additionally, it is not clear that these barricades are enforceable. In the past local residents (including me) have reported illegal parking which was not resolved by the Lodge or by the CHP. The Permit should clarify the timing, legality and enforceability of the barricades and provide a workable method of enforcing the no parking prohibitions. The Market's signs violated the CZLUO.
11. Fencing/Screening. 23.04.190. The Lodge's outdoor storage and storage of mechanical equipment is clearly visible from Yorkshire Rd. and Patterson Pl. When the Applicant built an additional vehicle access to Yorkshire, it removed a portion of the screening. Moreover, the tall hedge (well over 6') at the corner of Yorkshire and Martindale is a traffic danger because it is impossible for drivers turning north on Martindale to see around the corner. Applicant should be required to properly and safely screen the storage area.

Rather than confront these serious violations at an open BOS hearing, the Applicant covertly asked the BOS for permission to conduct a diminished Market under the 2001 Permit despite the existing violations and despite the express provision in the 2001 Permit that "No temporary events are allowed on the site without first obtaining the required land use permit for the specific temporary event proposed." After much confusion and delay County Planning finally issued an informal letter on


been issued for the activity.” Employees from the Lodge are stopping cars on both Burton Drive and Eaton Road in order to shepherd visitors from the Lodge grounds and nursery grounds. No encroachment permit has been issued. The 2021 Permit does not permit seasonal sales. The stoppage of vehicles on the public roads is not permitted by the CZLUO.

4. Outdoor Lights. 23.04.320. The nursery and the Lodge are now both violating this provision.

#### Summary and Conclusion

Despite multiple obvious violations of the CZLO, the County has aided and abetted the Applicant in violating the Ordinance and the LCP as demonstrated by its absurd reliance on the 2001 Permit and its refusal to communicate or inform the public of any final determination. Unless the CCC acts to enforce the CZLUO the violations will continue and grow even more severe and cause harm to our sensitive coastal resource area.

Respectfully Submitted,



Russell S. Read





**RUSSELL S. READ**

*Attorney & Counselor*

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Tel: (805) 927-2344

*rscottread@gmail.com*

**RECEIVED**

**MAY 23 2022**

**CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA**

5/5/2022

California Coastal Commission  
North Coast District Office  
1385 Eighth St., Suite 130  
Arcata, CA 95521

Re: DRC2021-00042; 2021 Cambria Christmas Market  
Applicant: Pacific Cambria, Inc.  
Location of Project: 2905 Burton Drive and 2801 Eaton Dr., Cambria, CA

Dear Ms. or Sir:

This letter supplements my appeal form in this matter.

I transmit as two separate attachments copies of the Notice of Final Action (the "NFA") by the County on this CDP and a letter from County Counsel dated 5/18/2022. I direct your attention to Finding C on Exhibit A of the NFA where the County states that the Development satisfies all applicable provisions on Title 23 of the County Code. Contrary to the finding, the BOS failed to conduct any investigation of whether or not there was an adequate and sustainable water supply for the Market. They denied my request that they do so at the hearing of 5/3/2022. The BOS simply rubber stamped the Applicants representation that the Market would only cause increased water use of 10-20 gallons per night. This is patently absurd. For example, if visitors take ten-minute showers and you assume that the average flow might be 2.1 gallons per minute then 17.2 gallons would be used for one shower. So the BOS is taking the position that an event which might bring over ten times (10x) the number of visitors to Cambria than its entire population would cause only one shower's-worth of increased water use.

I also direct your attention to the last sentence in the penultimate paragraph of County Counsel's letter wherein the County "kicks-the-can" on the water supply issue to the Cambria Community Services District.

Section 23.04.430 of the County's LCP requires that the BOS find that there is an adequate water supply before approving any CDP:

"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."

The NFA states only a summary conclusion with respect to Title 23 because the BOS rejected all requests to make the required investigation and determination with respect to water supply. Indeed, it would have been impossible to make any honest finding of adequate supply due to the Stage IV water emergency and with the unprecedented drought in California. In its hunger for the \$500,000.00 in tax revenue from the event (none of which goes to mitigate Cambria's water shortage) the BOS's decision will only make the supply issue that much worse. Any event that promises to bring in ten times (10X) the population of our small town during the drought while Cambria is in a Stage 4 crisis is clearly and obviously one that requires a honest finding that there is adequate water. The BOS failed once again to protect our Coastal Resources.

Respectfully Submitted,

Russell S. Read



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING & BUILDING  
TREVOR KEITH, *DIRECTOR*

May 12, 2022

Pacific Cambria Inc.  
Attn: Dirk Winter & Mike Arnold  
2905 Burton Dr.  
Cambria, CA 93428-4001

**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: May 3, 2022  
SUBJECT: **County File Number: DRC2021-00042**  
Pacific Cambria, LLC

LOCATED WITHIN COASTAL ZONE: YES  
COASTAL APPEALABLE: Yes

On May 3, 2022, the Board of Supervisors denied the appeal of Claudia Harmen Worthen, Russel Read and Joseph Mark Hough and affirming the decision of the Planning Commission and approving the application of Pacific Cambria, LLC for a Development Plan/Coastal Development Permit amendment DRC2021-00042. This application is subject to the findings and conditions set forth by the Board of Supervisors Resolution Number 2022-109, which are enclosed for your records.

This Notice of Final Action is being mailed to you pursuant to the Land Use Ordinance Section 23.02.036(a).

This action is appealable to the California Coastal Commission, pursuant to regulations contain 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 appeal must be made directly to the California Coastal Commission. For further information on their appeal procedures, contact the Commissions Santa Cruz Office at (831) 427-4863.

Additionally, county Coastal Zone Land Use Ordinance Section 23.01-043 and applicable sections of the Coastal Act provide the California Coastal Commission ten (10) working days to appeal the County's Final Action. This means the Applicant and County cannot act on this decision, including but not limited to, the request or issuance of a building permit, until the Coastal Commission Appeal period has expired without an appeal being filed.



# IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

Tuesday, May 3, 2022

**PRESENT:** Supervisors John Peschong, Dawn Ortiz-Legg, Lynn Compton,  
Debbie Arnold and Chairperson Bruce S. Gibson

**ABSENT:** None

## **RESOLUTION NO. 2022-109**

**RESOLUTION DENYING THE APPEAL OF CLAUDIA HARMEN WORTHEN, RUSSEL READ  
AND JOSEPH MARK HOUGH AND AFFIRMING THE DECISION OF THE PLANNING  
COMMISSION AND APPROVING THE APPLICATION OF PACIFIC CAMBRIA, LLC FOR A  
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT AMENDMENT DRC2021-00042**

The following resolution is hereby offered and read:

**WHEREAS**, on October 7, 2021, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") was initially scheduled to consider the land use permit amendment application (DRC2021-00042). During the scheduled hearing, the County experienced technical issues with the live stream audio for the hearing. Therefore, the item was continued to the special meeting of Friday October 22, 2021, in order to provide for a hearing where sufficient public comment could be made in compliance with the Brown Act and County Ordinance.

**WHEREAS**, during the Special Meeting of October 22, 2021, the Planning Commission duly considered and conditionally approved the application of Pacific Cambria, LLC, for a Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, extending the Cambria Christmas Market temporary event permit for one year from expiration through the end of the 2021 holiday season.

**WHEREAS**, Claudia Harmen Worthen, Russel Read and Joseph Mark Hough appealed the Planning Commission 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 May 3, 2022; 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 Planning Commission should be affirmed, and that the application (DRC2021-00042) should be approved subject to the findings and revised conditions of approval set forth below and attached hereto as Exhibits A and B, respectively. The permit extension shall carry through the end of the 2023 holiday season, due to the timing of this appeal action.

**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. The proposed Development Plan / Coastal Development Permit amendment (DRC2021-00042) to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) qualifies for a Categorical Exemption (Class 3, 4, and 11) pursuant to CEQA Guidelines



Section 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15311 (Accessory Structures) because the project consists of a temporary event and would not involve permanent construction or site disturbance. The project involves placement of seasonal or temporary use items (accessory/appurtenant structures) such as vendor booths, mobile food units, portable restrooms or similar items in generally the same locations from time to time in facilities designed for temporary public use. The project will utilize electrical/utility extensions to serve the temporary facilities. The project consists of minor temporary use of land having negligible or no permanent effects on the environment.

3. That the appeal filed by Claudia Harmen Worthen, Russel Read and Joseph Mark Hough is denied, that the decision of the Planning Commission is affirmed, and that the application of Pacific Cambria, LLC, for a Development Plan / Coastal Development Permit (DRC2021-00042) for an amendment to Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season is hereby approved for the reasons described in the findings set forth below in Exhibit A and subject to the revised conditions of approval in Exhibit B.

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

AYES:	Supervisors Arnold, Peschong, Oritz-Legg, Compton and Chairperson Gibson
NOES:	None
ABSENT:	None
ABSTAINING:	None

the foregoing resolution is hereby adopted on the 3rd day of May, 2022.

Bruce S. Gibson  
Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON  
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin  
Deputy Clerk

[SEAL]

RITA L. NEAL  
County Counsel

By: /s/ Jon Ansolabehere  
Assistant County Counsel

Dated: May 4, 2022

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

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

Witness, my hand and seal of said Board of Supervisors on May 4, 2022.

WADE HORTON,  
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin  
Deputy Clerk



## EXHIBIT A – REVISED FINDINGS

### Development Plan / Coastal Development Permit DRC2021-00042 Pacific Cambria, LLC

#### ***Environmental Determination***

- A. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) qualifies for a Categorical Exemption (Class 3, 4, and 11) pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15311 (Accessory Structures) because the project consists of a temporary event and would not involve permanent construction or site disturbance. The project involves placement of seasonal or temporary use items (accessory/appurtenant structures) such as vendor booths, mobile food units, portable restrooms or similar items in generally the same locations from time to time in facilities designed for temporary public use. The project will utilize electrical/utility extensions to serve the temporary facilities. The project consists of minor temporary use of land having negligible or no permanent effects on the environment.

#### ***Development Plan/Coastal Development Permit***

- B. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) 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 amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the 2023 holiday season) 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 previously approved Cambria Christmas Market, as conditioned, will not generate activity that presents a potential threat to the surrounding property and buildings. The Cambria Christmas Market has operated under the previously approved event permit (DRC2015-00096) since 2016 with some neighborhood compatibility impacts and condition compliance concerns. The previously approved event DRC2015-00096 provides Conditions of Approval requiring that the Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, and Pedestrian and Traffic Safety Plan. The previously approved event is also restricted to a maximum attendance of 3,000 guests on any given night. The applicant shall also submit an application to the Department of Public Works to secure an Encroachment Permit (condition modified for inclusion of an event traffic control plan) and the project is conditioned to require the site be inspected by the Department of Planning and Building to have the site inspected for compliance with the conditions of approval. The amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) provides new Conditions of Approval requiring a Condition Compliance Monitoring case be submitted to the Department of Planning and Building for review, including but is not limited to no-notice site inspection(s) to ensure ongoing compliance, an inspection with Code Enforcement at the conclusion of the event

## EXHIBIT B – REVISED CONDITIONS OF APPROVAL

### Development Plan / Coastal Development Permit DRC2021-00042 Pacific Cambria, LLC

#### Approved Development

1. This Development Plan / Coastal Development Permit authorizes the Cambria Christmas Market to operate as a temporary event at the Cambria Pines Lodge as follows:
  - a. This permit is valid for the following years: 2016, 2017, 2018, 2019, 2022, and 2023 holiday seasons. Temporary events occurring after 2023 will require separate approval.
  - b. Following completion of the final approval period and satisfaction of the project conditions and Notice of Violation requirements, the Cambria Christmas Market may occur Wednesday through Sunday (and all of Christmas week) from 5 pm to 9 pm each evening (for a period not to exceed four weeks).
  - c. The Cambria Christmas Market shall operate consistent with the approved On-Site Parking Plan, Offsite Parking and Shuttle Plan, Lighting Plan, Pedestrian and Traffic Safety Plan, and the updated site plan approved on October 7, 2021, (spaced-out layout for maximum 26 vendor booths).
  - d. Shuttle buses shall only use Burton Drive, Patterson Place, Highway One, Santa Rosa Creek Road, and Main Street.
  - e. The maximum attendance on any given night shall not exceed 3,000 guests. The applicant shall utilize a ticket-based system or the equivalent to limit the number of individuals who enter the Cambria Christmas Market per day. Upon request, the applicant shall provide the County with evidence of all daily ticket sales with back-up data. Exceedance of the daily maximum attendance or failure to implement a ticket-based system (or equivalent) shall be grounds for permit revocation.
  - f. The required 1,000-foot setback for temporary events from the RSF land use category is hereby modified to allow the event as proposed.
  - g. No permanent construction, grading, or site disturbance is authorized.
  - h. The applicant shall provide annual reports to the Department of Planning and Building and interested parties including daily attendance statistics for each annual market.
2. Related activities and seasonal displays may occur at the adjacent Cambria Nursery consistent with the visitor-serving and retail use of that site.
3. Prior to each annual Christmas Market, the applicant shall submit to the Department of Planning and Building a fire safety and evacuation plan that has been reviewed and approved by the Cambria CSD Fire Department.
4. Prior to each annual Christmas Market, the applicant shall comply with all permit



so that the County can ensure condition compliance, including, but not limited to, removal of all temporary structures, and inspection and verification from the Cambria Community Services District (CCSD) Fire Department confirming, at the conclusion of the event, that all conditions have been met and that all temporary electrical has been removed. The preceding conditions are incorporated and required to facilitate neighborhood compatibility. The approved event, as amended, is also subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

- E. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the previously approved project, as amended, is ancillary to the existing Cambria Pines Lodge and, as conditioned, will not conflict with the surrounding lands and uses.
- F. The proposed amendment to the previously approved project (to extend the Cambria Christmas Market temporary event permit through the end of the 2023 holiday season) 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 previously approved project because the project is located on Burton Drive, an arterial road constructed to a level able to handle any additional traffic associated with the project.

**Coastal Access**

- G. The proposed amended project is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act because the previously approved project is not adjacent to the coast and will not inhibit access to the coastal waters and recreation areas.

requirements and standards of Chapter 6.56 of the County Code (Temporary Commercial Outdoor Entertainment Licenses).

#### ***Temporary Vendor Booths***

5. This approval authorizes a maximum of 26 temporary vendor booths, with a maximum footprint of 8 feet by 10 feet and a maximum height of 9 feet.
6. Prior to each annual Christmas Market, the applicant shall contact the Building Division to obtain any necessary construction and/or electrical permits for the temporary vendor booths.
7. Within 30 days of the conclusion of each annual Christmas Market, all 26 temporary vendor booths shall be dismantled and removed to an offsite location or stored onsite within an existing approved building.

#### ***Offsite Parking***

8. Prior to each annual Christmas Market, the applicant shall submit evidence of authorization to use each identified offsite parking lot.

#### ***Temporary Lighting***

9. All temporary lighting associated with the Cambria Christmas Market shall be turned off every night when the market closes at 9 pm.
10. Temporary lighting shall remain on the trunk and lowest branches only of at least every other tree.
11. No standalone light displays or lighting mats are permitted in ESHA areas (as identified in 2003 CDP for the lodge expansion) except within the garden/greenhouse area.
12. Temporary lighting shall comply with Section 23.04.320 (Outdoor Lights).

#### ***Archaeology***

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

#### ***Access***

14. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit (including an event traffic control plan) and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public



Improvement Standards. The plan is to include, as applicable:

- a. Street plan for widening Burton Drive to provide a minimum 6-foot (4-foot minimum where constrained) wide aggregate base shoulder along the property frontage between Burton Drive and the first project driveway, and within necessary dedicated right-of-way easements.
- b. Construct a new site access driveway on Yorkshire Drive in accordance with B-1 rural driveway standards and A-5 sight distance standards.

15. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first,** the applicant shall submit an application to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to provide event traffic control within the public right-of-way in accordance with County Public Improvement Standards and the California Manual of Uniform Traffic Control Devices (CA-MUTCD). The application is to include a traffic control plan prepared by a licensed civil engineer that, at a minimum, includes:

- a. Restricts event parking on the following County roads:
  - ii. Burton Drive
  - iii. Eton Road
  - iv. Martindale Street
  - v. Patterson Place
  - vi. Rogers Street
  - vii. Yorkshire Street
  - viii. Wood Drive
- b. Restricts parking on the vacant lots on the southeast corner of Patterson Place and Burton Drive.
- c. Restricts pedestrian travel along Burton Drive
- d. Contracts with the California Highway Patrol (CHP) to provide:
  - i. Traffic direction at the following intersections:
    - a. Burton Drive at Eton Road
  - ii. Vehicle code traffic enforcement in the neighborhoods surrounding the event site.
- e. Defines event site access restrictions/requirements for guests registered at the Cambria Pines Lodge.
- f. Limits bus shuttle traffic to Arterial and Collector roads (e.g. State Route 1, Burton Drive Eton Road, Main Street, and Santa Rosa Creek Road).
- g. Establishes an event coordinator and posts their contact information (e.g. website, community flyers, etc.). The event coordinator will be responsible for responding to all complaints in a timely manner.
- h. Establishes an event pre-notification process to be provided to all emergency responders (police, fire, ambulance, etc.)
- i. Concurrent traffic control plan approval from:
  - i. Cambria Fire Department
  - ii. County Sheriff and California Highway Patrol

16. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
17. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the following encroachment conditions must be completed to the satisfaction of the Director of Public Works:
- a. The Burton Drive shoulder widening improvements have been either constructed or bonded. If bonded, the fronting property owner must have executed an agreement with the Director of Public Works, in a form acceptable to County Counsel, to install the improvements and must have posted a faithful performance bond for the construction of the improvements.
  - b. The Yorkshire Drive site access driveway improvements have been constructed.
  - c. An encroachment permit has been issued for the event traffic control plan.
18. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works.
19. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage landscaping, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

#### ***Recycling***

20. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

#### ***Fire Protection***

21. **Prior to commencement of event or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire and life safety measures.

#### ***Public Works Review***

22. **Prior to commencement of event or final inspection**, whichever occurs first, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

#### ***Access***

23. **Prior to commencement of event or final inspection**, whichever occurs first, a



Registered Civil Engineer must certify to the Department of Public Works that the public improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

**Development Review Inspection**

24. **Prior to commencement of event**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
25. All conditions of this approval shall be strictly adhered to, within the timeframes specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

**Condition Compliance Monitoring**

26. **Within 30 days of permit approval, and/or at least 15 days prior to the event, whichever date occurs first**, the applicant shall sign a Condition Compliance Monitoring (CCM) Agreement. Condition Compliance Monitoring includes but is not limited to no-notice site inspection(s) to ensure ongoing compliance.
27. The applicant shall schedule an inspection with Code Enforcement no later than 30 days after the conclusion of the event so that the County can ensure condition compliance, including, but not limited to, removal of all temporary structures.
28. The applicant shall submit a letter from the Cambria Community Services District (CCSD) Fire Department confirming they have inspected the event site at the conclusion of the event and that all temporary electrical has been removed.

**As Built Electrical Permitting**

29. All as-built electrical work shall be inspected and permitted (finalized) by the Building Department prior to commencement of event.

**Environmental Health Permits**

30. Vendors providing food shall obtain appropriate health permits from the County Environmental Health Department prior to commencement of event.

**Indemnification**

31. The applicant shall, as a condition of approval of this land use permit application, defend, hold harmless and indemnify, at his or her sole expense (including attorney's fees, with Counsel approved by the County), 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 land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to approval or implementation of this land use permit. The applicant shall reimburse the County for any court costs and attorney fees that 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. Upon request of the County, the applicant shall also enter into a separate agreement with the County (the "Indemnity Agreement"), in a form approved by County Counsel, agreeing to defend, indemnify, save and hold harmless the County, its present or former officers, agents,



OFFICE OF THE  
**COUNTY COUNSEL**  
COUNTY OF SAN LUIS OBISPO  
COUNTY GOVERNMENT CENTER, ROOM D320  
SAN LUIS OBISPO, CA 93408  
TELEPHONE (805) 781-5400  
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NICHOLAS W. QUINCY  
CIBELSEA K. KUINS  
DANIEL J. TATICK  
DANIEL P. SOLISH  
VALERIE A. JAMIEL

May 18, 2022

Via U.S. Mail and E-Mail  
(rscottread@gmail.com)

Russell S. Read  
3120 Rogers Rd.  
Cambria, CA 93423

**Re: Cambria Pines Lodge  
(Appeal No. APPL 2021-00018)**

Dear Mr. Read,

Your letter dated May 17, 2022, regarding the above referenced matter was forwarded to our office for a response. In your letter, you allege that the County of San Luis Obispo (County) violated the Brown Act when it considered the above appeal for the Cambria Christmas Market extension, Development Plan/ Coastal Development Permit No. DRC 2021-00042. Specifically, you state "...the Agenda and Notice of this meeting did not contain any reference to the possibility of extending the permit to the year 2023 [and that] [t]his is a violation of Section 54954.2(a)(3) of the Brown Act..." As quoted in your letter, Gov. Code § 54954.2(a)(3) states, in pertinent part: "No action or discussion shall be undertaken on any item not appearing on the posted agenda..."

Here, as admitted in your letter, the appeal hearing and what the Board of Supervisors (Board") was going to consider was clearly identified in the Board's agenda. The exact agenda description was as follows:

*Hearings:*

*17: Hearing to consider an appeal (APPL2021-00018) by Claudia Harmen Worthen, Russel Read and Mark Hough of the Planning Commission's approval of Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit for one year from permit expiration. Extension will carry through the end of the 2022 holiday season due to the timing of appeal action. The hours of operation are Wednesday through Sunday (and all of Christmas week) from 5:00 p.m. to 9:00 p.m. The market would include temporary lighting, seasonal displays, and concession stands. Twenty-six temporary booths would be erected for the event and would be dismantled and removed at the conclusion of the event. Several new conditions and minor clarifications to previously approved conditions are included for hearing consideration. The market is located within the interior of*



Russell S. Read  
Re: Cambria Pine Lodge  
May 18, 2022

*the Cambria Pines Lodge grounds and at the adjacent Cambria Nursery. The proposed project is within the Recreation land use category; and is located at 2905 Burton Drive, in the community of Cambria. The site is in the North Coast Planning Area. District 2.*

All that is required under the Brown Act is for the agenda to contain "...a brief general description of each item of business to be transacted or discussed at the meeting." Gov. Code § 54954.2(a)(1). The Brown Act goes on to say that "[a] brief general description of an item generally need not exceed 20 words." *Id.* Courts interpreting this provision of the Brown Act have determined that agencies need only "substantially comply" and all that is required is for the agenda description to "communicate the essential nature of board action." *Olson v. Hornbrook Community Services Dist.*, (2019) 33 Cal. App. 5<sup>th</sup> 502, 519.1

Here, the agenda description clearly communicated that the Board was going to consider an appeal of a temporary event permit for the Cambria Christmas Market. The agenda description included the nature of the permit that was being appealed, it included the location and described the different components of what the event would include. The fact that the agenda description identified the permit being extended for one additional year doesn't nullify the Board's ability to approve modifications to the underlying permit that it was considering. The Board's action on the permit is discretionary in nature and the Board can use its discretion to make modifications to a permit's conditions of approval. See generally County Code § 23.02.034. Using your logic, the Board could not make any modifications whatsoever to the project if those components were identified in the agenda description (i.e. hours of operation, number of booths, etc.). This logic and legal theory is antithetical to and inconsistent with the discretionary nature of the land use permit process. The Brown Act and its agenda description requirements do not "lock in" the Board's ability to make changes to the project or its conditions of approval. All that is required is that the agenda notify the public the essential nature of what the Board was going to consider, which it did. What the Board cannot do is abuse its discretion pursuant to Code of Civil Procedure § 1094.5. Your letter confuses these concepts and as was explained at the hearing, the Board did not abuse its discretion under Code of Civil Procedure § 1094.5 by allowing the Christmas Market permit to be extended for one additional year.

---

1 See also *San Diegans for Open Government v. City of Oceanside*, (2016) 4 Cal. App. 5<sup>th</sup> 637, 643 [Under the Brown Act's requirement of "a brief general description of each item of business to be transacted or discussed" at a public meeting, so long as notice of the essential nature of the matter an agency will consider has been disclosed in the agency's agenda, technical errors or immaterial omissions will not prevent an agency from acting.]; *Martis Camp Community Association v. County of Placer* (Cal. App. 3 Dist. 2020) 2020 WL 4745089 [Any change in conditions of residential subdivision project approval arising from proposed abandonment of public easement over emergency access road was a component of project approval, not a distinct item of county business, and, thus, meeting agenda issued by county board of supervisors, which listed topics of proposed abandonment and project approval as items of business, provided adequate notice that change in conditions would be discussed at meeting, as required by Ralph M. Brown Act.]



**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING & BUILDING**  
**TREVOR KEITH, DIRECTOR**

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An aggrieved party may obtain judicial review of this action by filing a petition for writ of mandate pursuant to California Code of Civil Procedure Section 1094.5 within the time specified in California Code of Civil Procedure Section 1094.6.

If you have questions regarding your project, please contact me at (805) 788-2085.

Sincerely,

*Katie Martin*

Katie Martin  
Executive Assistant, Planning & Building

cc: California Coastal Commission  
Claudia Harmen Worthen, Appellant  
Russel Read, Appellant  
Joseph Mark Hough, Appellant




or employees, against actions by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to or arising out of the approval or implementation of this land use permit. The agreement shall provide that the applicant will indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition or the agreement. The applicant shall also provide sufficient guarantees for the obligations hereunder as determined by County Counsel. Any violation of this condition, including the applicant's failure to execute the Indemnity Agreement or breach thereof, or failure to provide sufficient guarantees, is grounds for the County to rescind and/or revoke its approval of this land use permit. These defense and indemnity obligations shall survive any rescission, revocation and/or set aside of this land use permit.

Russell S. Read  
Re: Cambria Pine Lodge  
May 18, 2022

Regarding your comments about water, that issue was discussed at length in the staff report for this item. See Section 4 under the "Discussion" item of the staff report. The fact that the California Coastal Commission (CCC) issued the Notice of Violation you reference in your letter does not automatically mean that the project is inconsistent with the County's approved Local Coastal Plan. The Cambria Pines lodge is an existing customer of the Cambria Community Services District (CCSD) and has been hosting the Cambria Christmas Market for years. The Board's findings recognized this. See Finding D in Exhibit A in the Resolution denying the appeal. If water consumption reductions are needed, then the Cambria Pines Lodge owner would be responsible for making the necessary reductions as would any other customer within the CCSD's service area consistent with the rules and regulations of the CCSD.

Let me know if you have any questions or comments.

Sincerely,  
RITA NEAL, County Counsel



Jon Ansolabehere,  
Assistant County Counsel

Cc: Bruce Gibson, Chair of the Board  
Rita Neal, County Counsel  
Dan Dow, District Attorney  
Trevor Keith, Planning Director

JA:bf  
14bfltr  
220478



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT ST., SUITE 300  
SANTA CRUZ, CA 95060-4508  
(831) 427-4863  
CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)****RECEIVED**

District Office: Central Coast

Appeal Number: A-3-SLO-22-0024Date Filed: May 31, 2022Appellant Name(s): Claudia Worthen

MAY 31 2022

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA**APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#!/>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the Central Coast district office, the email address is CentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#!/>.

## Appeal of local CDP decision

### Page 2

#### 1. Appellant information<sup>1</sup>

Name: Claudia Harmon Worthen

Mailing address: 416 Dorset Street, Cambria, CA 93428

Phone number: 805. 927.1934

Email address: Claudiamharmon@yahoo.com

How did you participate in the local CDP application and decision-making process?

Did not participate      Submitted comment      Testified at hearing      Other

Describe: Written appeal to SLO Planning commission, testified at  
Appeal hearing.

May 3, 2022 Sent appeal to SLO Board of Supervisors and asked that it  
be read Into the record.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.



**Appeal of local CDP decision**  
**Page 3**

## 2. Local CDP decision being appealed2

Local government name:	<u>County of San Luis Obispo</u>
Local government approval body:	<u>County board of supervisors</u> (DRC2021-00042) to amend Condition 1.a. of
Local government CDP application number:	<u>DRC2015-00096.</u>
Local government CDP decision:	✓ CDP approval CDP denial3
Date of local government CDP decision:	<u>May 3, 2022</u>

Please identify the location and description of the development that was approved or denied by the local government.

**Describe:**

**See attached sheets**

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

**Appeal of local CDP decision**  
**Page 4**

**3. Applicant information**

Applicant name(s):

Pacifica Cambria, LLC, Dirk Winter  
Mike Arnold

Applicant Address:

2905 Burton Dr  
Cambria, Ca 93428

**4. Grounds for this appeal<sup>4</sup>**

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: Does not conform to the LCP and Coastal Act.

See attached document.

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.



## Appeal of local CDP decision

### Page 5

#### 5. Identification of interested persons

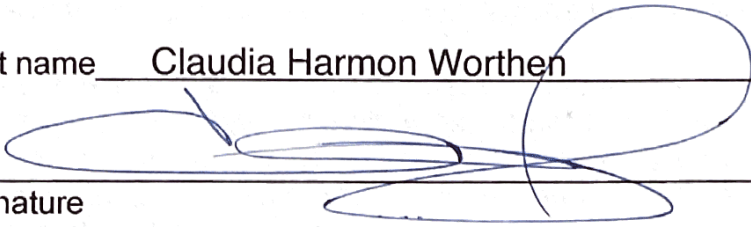
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

Interested persons identified and provided on a separate attached sheet

#### 6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Claudia Harmon Worthen

Signature 

Date of Signature May 27, 2022

#### 7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

**CALIFORNIA COASTAL COMMISSION**

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name \_\_\_\_\_

CDP Application or Appeal Number \_\_\_\_\_

**Lead Representative**

Name \_\_\_\_\_

Title \_\_\_\_\_

Street Address. \_\_\_\_\_

City \_\_\_\_\_

State, Zip \_\_\_\_\_

Email Address \_\_\_\_\_

Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

Additional Representatives (as necessary)

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_



*Claudia Harmon Worthen*, LEED AP, CAPS, CID Emerita  
[Claudiamharmon@yahoo.com](mailto:Claudiamharmon@yahoo.com) 805. 927•1934

May 27, 2022

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

Re: Cambria Christmas Market appeal  
DRC2021-00042. 3-SLO-22-0372. Apn:06079-023-431-003  
Dirk Winter Mike Arnold, Pacific Cambria, Inc.  
2905 Burton Dr, Cambria, Ca 93428 San Luis Obispo County

Honorable Commissioners,

This letter is in regards to the SLO Planning Commission's approval of Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit for one year from permit expiration #APPL2021-00018, for the Cambria Christmas Market and subsequent approval by the San Luis Obispo County Board of Supervisors on May 3, 2022. However, without notice to the public, chair Bruce Gibson used a de Novo ruling to change the CDP to two years, extending into 2024 without proper notice to the public.

It is of utmost importance to address the extensive use of water in our already over drawn aquifer. It is very plausible this year will bring even more attendees to the Christmas Market, as our heads-in-beds count, according to the Cambria Tourism Board, is substantially higher than past years. The draw down of our potable ground water will affect human health, ESHA, endangered species and fire fighting ability.

George Marschall, former manger of the Christmas Market, reported at a 2021 Cambria Tourism Board meeting that the lodge counted 60,000+ market visitors before the Covid cut back. There were many nights that exceeded the 3,000 attendees allowed in the previous CDP.

I support the recent CCC Notice of Violation to Cambria Community Services District and the County of SLO, regarding the damage of excessive water withdrawals from the creeks. This situation is so serious, fines are being threatened if the District does not comply. Both the County and CCSD District Manager, John Weigold, have denied culpability although the water levels should have us in a stage 5 drought condition.

From page 7 of Violation **File No.: V-3-21-0105:**

*The County, as the initial CDP decision-making body for CDP applications that include new water use in Cambria, needs to consider these perhaps inconvenient facts, and stop approving or even considering such projects unless and until measurable steps are taken that improve water supply issues in Cambria. The County should not be even accepting applications for development in Cambria that cannot show evidence of an adequate water supply. A will-serve letter does not provide such evidence, and the County under the LCP is required to make its own finding that an adequate water supply is available to serve a proposed development, and cannot abrogate that responsibility to the CCSD. The County is giving applicants a sense of 'false hope' when it does, and is doing a disservice to these applicants and the broader community. It is also leading to a significant number of appeals to, and subsequent CDP denials by, the Commission, each of which require an expenditure of scarce public resources to process.*

**Coastal Act, Chapter 3, Section 30231** provides that the biological productivity of coastal waters, streams, wetlands, estuaries, and lakes must be maintained and, where feasible, restored. This is to be achieved by, among other means: minimizing adverse effects of wastewater discharges and entrainment; controlling runoff; **preventing depletion of groundwater supplies and substantial interference with surface water flow;**...

The BoS appeal states that the Christmas Market increase in water usage will only be 15-20 gallons per day. The average American shower uses 17.2 gallons and lasts for 8.2 minutes at average flow rate of 2.1 gallons per minute. Tourists generally take longer showers than Cambria residents. A conservative estimate will deplete over one million gallons of potable water during the market.

At a Cambria Tourism Board meeting in fall of 2020, Bram Winter, son of Dirk Winter, told the attendees that *all* Cambria hotel rooms are full during the Christmas Market. See attached photo below from the current Cambria Pines Lodge website, advertising “restrooms • more vendor booths • food/beverage”. So, Market attendees have the option of water intensive restrooms in lieu of portable toilets. The water increase will not be mitigated with event portepotties and washing stations.

The lodge added a 900 person German dinner to the attractions in 2021/22 season. These guests, more than 1,800 with two seatings, used hotel water for restrooms, hand washing, dishwashing and cleaning. The dinner was a condition for tickets to the Market. Most of these attendees would be additional water users over the normal occupancy. This information was not disclosed in the application or appeal.

In a **February 24, 2003 Cambria Pines Lodge Appeal**, a letter by Gary Michael Swauger, Pacific Cambria architect, states: “...with the proposed addition of 26 units [rooms]...the water usage will be... estimated to use 6,882,688 gallons of water per year. The lodge should disclose how much water they are using in 2022 as this estimated usage was before the huge increase in tourism and the Christmas Market.

The Community Services District, so far, has refused to provide historical water record documentation and the amount of increase during previous Christmas Markets. This additional burden on Cambria's water supply cannot be justified. Cambria already provides 37% of its water to visitors, 17% more than the 20% allowed. The residents of Cambria continue to be told to cut back to allow for more and more tourists.

## **CZLUO Violations**

### **23.04.306**

(17) Safety and directional signing: Parking lot and other private traffic directional signs... are to be limited to guidance of pedestrian or vehicular traffic within the premises on which they are located. ....NOT off site.

### **23.04.320 - Outdoor Lights:**

(1)...lowest edge of the light source a distance sufficient to block the light source from the view of any residential use within 1,000 feet of the light fixture. Blue white LED Lights at lodge property entrances are directed into traffic creating a driving and pedestrian hazard. Over two million lights affect the right of Cambria residents to enjoy the night sky. The Christmas lights were to be contained inside the lodge property. The hedges have been cut and now the lights shine onto two arterial roads and nearby homes. This is a driving hazard.

County Code enforcement documented many health and safety violations during the Market, not all of which were corrected November 2021 through January of 2022. The haphazard temporary electrical lines were a fire hazard. A fire at the very wooded lodge property could cause a catastrophic fire for all of Cambria. Below is a photo of just one section of extension cords on the ground underfoot.

### **CZLUO. 23.06.044 - 046**

Daytime sound to not to exceed, Hourly Equivalent Sound Level (Leq, dB) 50dB or Maximum level, 70 dB. An MP3 Player or karaoke sound system at full volume is 100dB

The code enforcers would show up most nights during the market and the music would be turned down. As soon as they left, the music was cranked up again. The photo I attached was taken at the nursery during the December 2021 Market.

### **CZLUO. 23.08.070 Outdoor Sports and Recreation**

- (1) Limitation on use. An amusement park is not to be located in a residential category.
- (2) Permit requirement. Development Plan approval.
- (3) Location. On a collector or arterial roadway; not closer than 1,000 feet to a residential category.

The Christmas Market had turned into an "Amusement Park" with a train ride, greater than two million lights, vendors, food/drink, music, shuttle busses and high activity. The Market is not just a light show and as such falls into the amusement or recreation category.

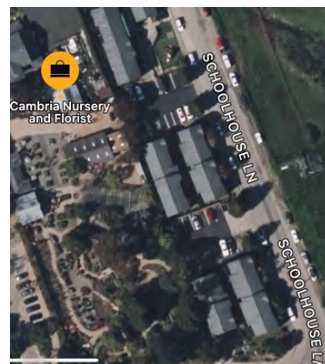
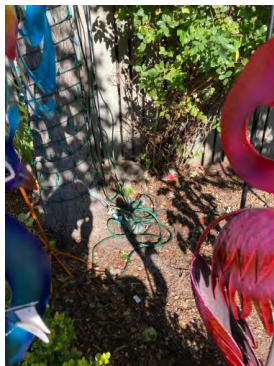


As such, the market should not be allowed in a (1) residential neighborhood. (3) The event should not be closer than 1,000' to residences. Homes near the nursery are less than 100' from lights and music. Surrounding homes are well within the 1,000 foot buffer. (gray roofs on Schoolhouse Lane seen in the photo below). The waiver of the set back code is arbitrary and capricious. The applicant has not proved the need to encroach on the setback.

### **23.08.142 - Outdoor Retail Sales:**

This section sets standards for the conduct of temporary outdoor retail sales activities including farmers' markets, home sales, sales from individual vehicles, *seasonal sales* and sidewalk sales. The Christmas Market is a seasonal event with seasonal sales and as such should not be allowed to operate at night.

(2) Hours of operation. Daylight hours only, with all sales facilities, signs and any related vehicles removed from the site at the close of daily business. Except where otherwise provided by this section, night operations are allowed only when specifically authorized through Development Plan approval. Night time sales should not be allowed.



**D980113D, Nov 5, 2001 building permit** used for 2021/22 Christmas Market. Under Conditions of Approval: #M and #2(e) state that No temporary events are allowed without first obtaining the required land use permit for the specific temporary event. No permit was approved in 2021, The Lodge used the 2001 permit that allowed events at the Nursery part of the property. In December of 2021, Hannah Miller, the County code enforcer, told me that with this type of operation, "There are very few rules we can enforce".

Original GDP Approval

**CDP A-3-SLO-01-122** was originally approved by the Coastal Commission on August 6, 2003, NOTICE OF PROPOSED PERMIT AMENDMENT. Date: October 30, 2013  
Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The temporary Christmas Market would be located in an existing developed area within the footprint of the Lodge. All twenty-six booth structures, consisting of 4 wall panels and 2 roof panels, would be set up directly before the event and removed directly after the event to the Cambria Nursery for storage, and the site cleaned and restored to its existing state. All water will be trucked in through the use of portable self-contained hand wash sinks and sanitation facilities. In terms of parking, in addition to temporary on-site parking spaces allotted for the event and approximately 50 spaces at the Cambria Nursery next door, the event will have two 9 person ADA accessible shuttle vans and one 15 person bus to shuttle individuals back and forth from locations such as the Nursery, the Cambria Vet's Hall, the Cambria Medical Building, the former Bank of America, and the Cambria Clinic. This will reduce the amount of parking needed on site and avoid any potential parking and overcrowding concerns in the neighborhood.

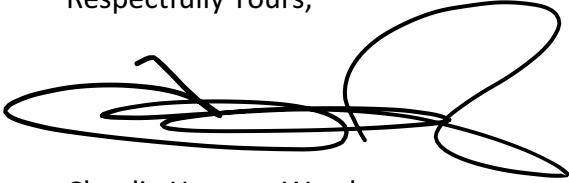
**CDP A-3-SLO-01-122- A4** would be amended to allow a temporary Christmas Market to occur 5 evenings per week starting on Friday, November 29th 2013 and ending Sunday, December 22nd 2013 within the interior area of the project site (defined as the area inside of the Lodge's primary vehicle ingress/egress roadway). Twenty-six temporary booths would be constructed for the event, and would be dismantled and removed to an off-site location at the conclusion of the event. Temporary fencing, parking, and a shuttle service to and from the event are also included. ... In addition, all components of the event are designed to avoid coastal resource impacts...

**D980113D Pacific Cambria, Inc. Nov.6, 2001 CDP A-3-SLO-01-122 and 2019 LCP Permit violations:**

1. 35 vendor booths not 26,
2. Booths not removed after events until 2021. I sent repeated notices with photos to CCC code enforcement.
3. Illegal electrical work with code enforcement case infractions. Neighbor's witnessed electrical lines buried and hidden from inspection. Extension cords across walkways and connections in landscaping. Employees reported after leaving lodge employment that they were told to keep the infractions secret or they would be fired.
4. Three unpermitted food booths operating year round on lodge grounds and one unpermitted café at the nursery
5. Repeatedly more attendees per night than permitted. Original intent was to have 1,000 attendees per night.
6. Unpermitted lights in trees and tall structures a fire hazard and within ESHA.
7. Unpermitted structures, roads built. Amphitheater permitted after built.
8. The small shuttle service morphed into 42+ passenger buses.
9. Event days of operation extended from the approved day after Thanksgiving to Dec. 22 to Dec. 23<sup>rd</sup> and for the last three years extended to the end of January.

As with new construction MUPs, the Christmas Market should be denied until a sustainable water source is consistently available. Thank you for doing the right thing for the people and wildlife of Cambria by protecting our health, safety and dark skies.

Respectfully Yours,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke.

Claudia Harmon Worthen  
36 year resident in Cambria



**COASTAL ZONE TABLE O**  
**EXCERPTED FROM COASTAL ZONE FRAMEWORK FOR PLANNING**  
**PART 1 OF THE LAND USE ELEMENT / LOCAL COASTAL PLAN**

**ALLOWABLE LAND USES IN THE COASTAL ZONE**

The following charts (Coastal Table O) list uses of land that may be established in the land use categories shown by the LUE area plans in the coastal zone. After determining what land use category and combining designation applies to a particular property, the chart can be used to find what uses are allowable. The chart will also show where to look in the Coastal Zone Land Use Ordinance to find the standards that apply to the planning and development of such land uses, as well as what permit is needed before a use can be established.

**IMPORTANT:** When determining the land use category and combining designation (if any) applicable to a particular property, also check the planning area standards and any policies from the Coastal Plan Policies Document that may apply to the property. (Planning area standards can be found in the LUE area plan that covers the part of the county containing the property in question. The LCP Policy Document may include additional requirements or standards affecting the type of development proposed.) Those standards may limit the uses allowed by the following charts, or set special permit requirements for a particular land use category, community or area of the county.

The column headings at the top of the charts are the land use categories, and the left column lists land uses, grouped under general headings. When the proposed land use is known, reading across the columns will show where the use is allowable. If a proposed use doesn't seem to fit the general land use headings, the definitions of uses in Section D of this chapter can help determine the proper group of uses to look for. A particular use of land need not be listed in the use definitions to be allowable. If a proposed use is not specifically mentioned, the planning director will, upon request, review a proposed use and identify the listed use it is equivalent to, as described in Chapter 2 of this document.

The letter "A" on the chart means that the corresponding use in the left column is "Allowed" in that land use category, if consistent with the LUE, LCP and other applicable regulations. Though some uses with an "A" in various categories (such as crop production) are identified in the Coastal Zone Land Use Ordinance as requiring no permit, in most cases the "A" means a use can be established with a plot plan approval as part of a building permit (or more intensive permit process if required by the CZLUO based on the size of the use), subject to the Coastal Zone Land Use Ordinance standards that must be considered in planning and developing a use.

The letter "S" means that a use is allowable in a particular land use category only when special standards or permit procedures are followed. The number after the "S" refers to the key following the charts, which explains where to look in the Coastal Zone Land Use Ordinance to find the special standards. A "P" means that the use is principally permitted and encouraged over non-principally permitted uses. A "PP" means the same as a "P" where found in the text. A blank space in a land use category column means the corresponding use on the left side of the chart is not allowable in that land use category.

## KEY TO COASTAL TABLE O

USE STATUS	DEFINITION
------------	------------

- |   |  |
|---|--|
| A | Allowed use, unless otherwise limited by a specific planning area standard. Coastal Zone Land Use Ordinance Chapter 23.03 ("Required Level of Processing") determines the permit necessary to establish an "A" use, and Chapters 23.04 through 23.06 determine the site design, site development, and operational standards that affect the use. See also the "Planning Area Standards" sections of the Land Use Element Area Plans and the LCP Policy Document to find any standards that may apply to a project in a particular community or area. |
| S | Special use, allowable subject to special standards and/or processing requirements, unless otherwise limited by a specific planning area standard. The following list shows where in the Coastal Zone Land Use Ordinance to find the special standards that apply to particular uses.  |
| P | Principally permitted use, a use to be encouraged and that has priority over non-principally permitted uses, but not over agriculture or coastal dependent uses.   |

"S" NUMBER	APPLICABLE COASTAL ZONE LAND USE ORDINANCE SECTION AND/OR LAND USE ELEMENT REQUIREMENT
------------	--

- |    |   |
|----|---|
| 1  | 23.08.120 b MISCELLANEOUS USES  |
| 2  | 23.08.120 a MISCELLANEOUS USES  |
| 3  | 23.08.040 AGRICULTURAL USES   |
| 4  | 23.08.060 CULTURAL, EDUCATIONAL & RECREATIONAL USES   |
| 5  | 23.08.080 INDUSTRIAL USES are allowable subject to the special standards found in Section 23.08.080. For new or expanded uses within the Petroleum Refining and Related Industries and Marine Terminals and Piers use groups, a specific plan is required prior to acceptance of land use permit(s) subject to the standards as set forth in Section 23.08.094. |
| 6  | 23.08.100 MEDICAL & SOCIAL CARE FACILITIES  |
| 7  | 23.08.140 OUTDOOR COMMERCIAL USES   |
| 8  | 23.08.160 RESIDENTIAL USES  |
| 9  | 23.08.170 RESOURCE EXTRACTION   |
| 10 | 23.08.200 RETAIL TRADE  |
| 11 | 23.08.220 SERVICES  |
| 12 | 23.08.260 TRANSIENT LODGINGS  |
| 13 | 23.08.280 TRANSPORTATION, UTILITIES & COMMUNICATION   |

<b>"S" NUMBER</b>	<b>APPLICABLE COASTAL ZONE LAND USE ORDINANCE SECTION AND/OR LAND USE ELEMENT REQUIREMENT</b>
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- |    |  |
|----|--|
| 14 | Uses are allowable in the Open Space land use category on privately-owned land subject to Coastal Zone Land Use Ordinance Section 23.08.120a in addition to the special standards in Chapter 23.08, only when authorized by a recorded open space agreement executed between the property owner and the county. On public lands, uses designated are allowable subject to Coastal Zone Land Use Ordinance Section 23.08.120b, in addition to the special standards found in Chapter 23.08. |
| 15 | Listed processing activities are allowable in the Rural Lands and Agriculture land use categories only when they use materials extracted on-site pursuant to Coastal Zone Land Use Ordinance Section 23.08.120a, or when applicable, the Coastal Zone Land Use Ordinance Surface Mining Standards, Section 23.08.180 et. seq.  |
| 16 | 23.08.020      ACCESSORY USES  |
| 17 | 23.08.240      TEMPORARY USES  |
| 18 | 23.08.050      INTERIM AGRICULTURAL USES   |
| 19 | 23.08.400      WHOLESALE TRADE   |
| 20 | 23.08.300      ELECTRIC GENERATING PLANTS  |



# ALLOWABLE USES

## LAND USE CATEGORY

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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PAGE NUMBER  
OF USE

## USE GROUP

A) AGRICULTURE	
Ag Accessory Structures	1
Ag Processing	2
Animal Raising & Keeping	3
Aquaculture	4
Crop Production & Grazing	5
Farm Equipment & Supplies	6
Nursery Specialties - Soil Dependent	8
Nursery Specialties - Non-Soil Dependent	9
Specialized Animal Facilities	10

6-39  
6-39  
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6-52  
6-58

S-3-P	S-3-P	S-3-P	S-3	S-3	S-3					S-3	S-3	S-3	S-14
S-3	S-3	S-3		S-3						S-3	A		
S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3	S-3
	S-3	S-3		S-3						S-3-P	S-3-P		
P	P	P	A	A	S-18	S-18	S-18	S-18	S-18	S-18	A	A	A
	S-3	S-3		S-3						A	A		
S-3-P	S-3-P	S-3		S-3	S-3					S-3	S-3	S-3	
	S-3	S-3		S-3	S-3					S-3	S-3	S-3	
S-3	S-3-P	S-3	S-3	S-3	S-3	S-3		S-3	S-3	S-3	S-3	S-3	

B) COMMUNICATIONS	
Broadcasting Studios	1
Communications Facilities	2

6-41  
6-43

								P	A	P	A	A	
	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13-P	S-13-P	S-13-P	S-13

## LAND USE CATEGORY

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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PAGE NUMBER  
OF USE

## USE GROUP

C) CULTURAL, EDUCATION & RECREATION	
Cemeteries & Columbariums	1
Churches	2
Coastal Accessways	3
Drive-In Theaters	4
Indoor Amusements & Recreation	5
Libraries & Museums	6
Marinas	7
Mbrship. Organization Facilities	8
Off-Road Vehicle Courses	9
Outdoor Sports & Recreation	10
Passive Recreation	11
Public Assembly & Entertain.	12
Rural Recreation & Camping	13
Schools - Specialized Education & Training	14
Schools - College & University	15
Schools - Pre to Secondary	16
Social Service Organizations	17
Sports Assembly	18
Temporary Events	19

6-42  
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P	P	P	P	P	P	P	P	P	P	P	P	P	P
										S-4	S-4		
			S-4-P					S-4	S-4-P	S-4		S-4-P	
			S-2-P	S-2				P	P			P	
			S-1-P							S-1		S-1-P	
			S-2				S-1	A	A	A	A	A	
		S-1	S-1										
			S-4-P	S-4	S-4	S-4	S-4		S-4	S-4		S-4-P	
	A	P	P	P	P	P	P	P	P	P	P	P	P
			A					P	P	P		P	
	S-4	S-4	S-4-P	S-4	S-4							S-4	S-14
		S-4	S-4	S-4	S-4			P	P	P	S-4-P	S-4	
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		S-4	S-4	S-4	S-4-P	S-4-P	S-4-P	S-4-P				S-4-P	
								P	A	A	S-2	S-2-P	
			S-1							S-1	S-1	S-1	
	S-17	S-17	S-17	S-17				S-17	S-17	S-17	S-17	S-17	

## LAND USE CATEGORY

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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PAGE NUMBER  
OF USE

## USE GROUP

<b>D) MANUFACTURING &amp; PROCESSING</b>	
Apparel Products	1
Chemical Products	2
Concrete, Gyps. & Plaster Prods.	3
Electric Generating Plants	4
Electrical Equipment, Electronic & Scientific Instruments	5
Food & Kindred Products	6
Furniture & Fixture Products	7
Glass Products	8
Lumber & Wood Products	9
Machinery Manufacturing	10
Metal Industries, Fabricated	11
Metal Industries, Primary	12
Motor Vehicles & Transportation Equipment	13
Paper Products	14
Paving Materials	15
Petroleum Refining & Related Industries	16
Plastics & Rubber Products	17
Printing & Publishing	18
Recycling Collection Stations	19
Recycling & Scrap	20

6-40  
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												S-5-P		
		S-15									S-1-P	P		
	S-20	S-20	S-20	S-20							S-20	S-20-P	S-20-P	
											P	P		
	S-5	S-5									S-5-P	P	P	
											P	P		
												P		
												P		
											A	P		
												S-1-P		
												S-1-P		
												A		
	S-15	S-15										P		
												S-5-P		
												S-1-P		
											S-11-P	P	P	
	S-5	S-5	S-5	S-5	S-5		S-5	S-5	S-5-P	S-5-P	S-5-P	S-5-P	S-5	
											S-5	S-5-P	S-5	

Exhibit 6  
A-3-SLO-22-0024



## LAND USE CATEGORY

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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PAGE NUMBER  
OF USE

## USE GROUP

<b>D) MANUFACTURING &amp; PROCESSING (CONTINUED)</b>	
Small Scale Manufacturing	21
Stone & Cut Stone Products	22
Structural Clay & Pottery - Related Production	23
Textile Products	24

6-58  
6-58  
6-59  
6-59

										P	P		
	S-15	S-15								P	P		
		S-15									P		
											P		

<b>E) RESIDENTIAL USES</b>	
Caretaker Residence	1
Farm Support Quarters	2
Home Occupations	3
Mobilehome Parks	4
Mobilehomes	5
Multi-Family Dwellings	6
Nursing & Personal Care	7
Organizational Houses	8
Residential Accessory Uses	9
Residential Care	10
Secondary Dwelling	11
Single-Family Dwellings	12
Temporary Dwelling	13

6-42  
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6-59

S-8	S-8	S-8-P	S-8-P	S-8-P	S-8-P			S-8	S-8	S-8	S-8	S-8	S-14
S-16	S-16-P	S-16-P											
S-16-P	S-16-P	S-16-P	S-16	S-16-P	S-16-P	S-16-P	S-16-P	S-16	S-16	S-16	S-16	S-16	
			S-8	S-8	S-8	S-8-P	S-8-P						
S-8	S-8-P	S-8-P	S-8-P	S-8-P	S-8-P	S-8-P	S-8-P	S-8	S-8			S-8	
			S-8				P	S-8	S-8				
					S-6		S-6	P	S-6-P			A	
		S-8		S-8	S-8		S-8	S-8	S-8	S-8			
S-16-P	S-16-P	S-16-P	S-16-P	S-16-P	S-16-P	S-16-P	S-16-P	S-16-P	S-16-P	S-16-P	S-16-P	S-16-P	S-14
		S-6		S-6	S-6	S-6	S-6	S-6				S-6	
				S-8	S-8	S-8							
S-16	S-16-P	P	S-2-P	P	P	P	P	S-8	S-8				
S-17-P	S-17-P	S-17-P	S-17-P	S-17-P	S-17-P	S-17-P	S-17-P	S-17-P	S-17-P	S-17-P	S-17-P	S-17-P	

## LAND USE CATEGORY

PAGE NUMBER  
OF USE

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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## USE GROUP

<i>F) RESOURCE EXTRACTION</i>	
Fisheries & Game Preserves	1
Forestry	2
Mining	3
Petroleum Extraction	4
Water Wells & Impoundments	5

6-46  
6-46  
6-51  
6-54  
6-61

	A	A	A	A									S-14
	A	A	A	A	A								
	S-9	S-9										S-9	S-14
	S-9	S-9		S-9	S-9						S-9	S-9	S-9
S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P	S-9-P

<i>G) RETAIL TRADE</i>	
Auto, Mobilehome & Vehicle Dealers & Supplies	1
Building Materials & Hardware	2
Eating & Drinking Places	3
Food & Beverage Retail Sales	4
Fuel & Ice Dealers	5
Furniture, Home Furnishings & Equipment	6
General Merchandise Stores	7
Mail Order & Vending	8
Outdoor Retail Sales	9
Roadside Stands	10
Service Stations	11

6-40  
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									S-10-P	P	A		
	S-10		S-10-P	S-10	S-10			A	P	A	S-2		
			S-10-P	S-10	S-10	S-10	S-10	S-10	P	A	S-2		
										S-5	S-5-P		
									P	A			
			S-1-P						P	A			
									P	P	A		
	S-7	S-7	S-7	S-7				S-7	S-7	S-7	S-7	S-7	
	S-3	S-3	S-3	S-3	S-3								
			S-10						S-10-P	S-10-P	S-10		

## LAND USE CATEGORY

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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PAGE NUMBER  
OF USE

## USE GROUP

<i>H) SERVICES</i>	
Auto & Vehicle Repair & Service	1
Business Support Services	2
Construction Contractors	3
Consumer Repair Services	4
Correctional Institutions	5
Financial Services	6
Health Care Services	7
Laundries & Dry Cleaning Plants	8
Offices	9
Offices, Temporary	10
Personal Services	11
Public Safety Facilities	12
Storage, Accessory	13
Storage Yards & Sales Lots	14
Temporary Construction Yards	15
Waste Disposal Sites	16

6-40  
6-41  
6-43  
6-43  
6-44  
6-46  
6-47  
6-49  
6-52  
6-52  
6-54  
6-55  
6-58  
6-59  
6-59  
6-60

										S-11-P	S-11		
										P	A		
										P	A		
										S-11	P	A	
												S-1-P	
			S-2						P	P			
			S-1						P	A		A	
										P	P		
									P	A	A	A	A
			S-17	S-17	S-17	S-17	S-17	S-17-P	S-17	S-17	S-17	S-17	
			S-1			S-11	S-11	A	P	P			
	S-2	S-2	S-2	S-2	S-2	S-2	S-2	S-2	P	P	P	P	
	A	S-16	S-16	S-16	S-16	S-16	S-16	S-16	S-16	S-16	S-16	S-16	S-14
										S-7	S-7	S-7	
	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	
	S-1	S-1									S-1	S-1-P	



## LAND USE CATEGORY

### USE GROUP

PAGE NUMBER  
OF USE

Open Space	Public Facilities	Industrial	Commercial Service	Commercial Retail	Office & Professional	Residential Multi-Family	Residential Single-Family	Residential Suburban	Residential Rural	Recreation	Rural Lands	Agriculture - Non-Prime Soils	Agriculture - Prime Soils
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<b>I) TRANSIENT LODGINGS</b>	
Bed & Breakfast Facilities	1
Homestays	5
Hotels, Motels	2
Recreational Vehicle Parks	3
Temporary Const. Trailer Park	4

6-41  
6-48  
6-48  
6-55  
6-59

	S-12	S-12-P	S-12-P	S-12-P	S-12-P		S-12	S-12	S-12-P	S-12		S-12	
					S-12	S-12							
			S-12-P					S-12	S-12-P	S-12		S-12	
			S-12-P							S-12	S-12		S-1
	S-12	S-12		S-12							S-12		

<b>J) TRANSPORTATION</b>	
Airfields & Landing Strips	1
Harbors	2
Marine Terminals & Piers	3
Pipelines & Transmission Lines	4
Public Utility Facilities	5
Transit Stations & Terminals	6
Truck Stops	7
Vehicle & Freight Terminals	8
Vehicle Storage	9

6-40  
6-47  
6-50  
6-54  
6-55  
6-60  
6-60  
6-60  
6-60

S-13	S-13	S-13	S-13	S-13				S-13		S-13	S-13	S-13-P	
												S-1-P	
			S-5							S-5	S-5	S-5-P	
S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-14
S-13	S-13	S-13		S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	P	
			S-2					S-2	S-2	S-2	A	A	
										A	A		
										A	A		
			S-13					S-13	S-13	P	A	A	

<b>K) WHOLESALE TRADE</b>	
Warehousing	1
Wholesaling & Distribution	2

6-60  
6-61

	S-19	S-19					S-19			P	A	A	
	S-19	S-19								P	A		

Exhibit 6

A-3-SLO-22-0024

Page 10 of 27

## **LAND USE DEFINITIONS**

This section contains definitions of the land uses that can be established under the Land Use Element for the area of the county which lies in the coastal zone. The uses defined here are allowed in the various land use categories as determined by the preceding charts. The definitions are intended only to list the various land uses included under each general heading, and do not explain what permit requirements or performance standards may be applicable to a given use. Standards and review procedures for establishing land uses are contained in the Coastal Zone Land Use Ordinance.

The following definitions are correlated wherever possible with the use definitions of the Standard Industrial Classification Manual (SIC), published by the Executive Office of the President, Office of Management and Budget (1987). The SIC is referenced wherever appropriate.

### **Agricultural Accessory Structure [A1]**

An uninhabited structure or building designed and built to store farm animals, implements, supplies or products (not including commercial greenhouses which are included under "Nursery Specialties," or buildings for agricultural processing activities) that contains no residential use and is not open to the public. Also includes greenhouses engaged in agricultural research as the primary use. Agricultural Accessory Structures can also include but not be limited to wind and solar powered devices used for direct climate control, and water pumping or other conversion of wind or solar energy to mechanical or thermal power used on-site. Wind energy conversion machines for electric power generation are included under "Electric Generating Plants." Includes barns, grain elevators, silos, and other similar buildings and structures. [Amended 1995, Ord. 2740]

### **Ag Processing [A2]**

Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables; tree nut hulling and shelling; cotton ginning; wineries, alcohol fuel production; and receiving and processing of green material, other than that produced on-site (Commercial Composting). Green material is any wastes which are derived from plant material, including but not limited to leaves, grass clippings, weeds, tree trimmings or shrubbery cuttings. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings (with the exception of receiving and processing of green material) are included under "Crop Production and Grazing." (SIC: 0723, 0724) [Amended 1995, Ord. 2740]

### **Airfields and Landing Strips [J1]**

Transportation uses including any area of land or water used for the landing and take-off of aircraft as well as any appurtenant areas used for airport buildings, aircraft operations and related facilities. Public airports may include aircraft sales and car rental establishments, eating and drinking places, hotels and motels, restaurants, cocktail lounges, gift shops, newsstands, beauty and barber shops, and other similar commercial uses serving the air-traveling public and airport employees. Also includes agricultural, personal, restricted and public use landing strips, and heliports.

### **Animal Raising and Keeping [A3]**

The keeping, feeding or raising of animals as a commercial agricultural venture, avocation, hobby or school project, either as a principal land use or subordinate to a residential use. Includes the keeping of common farm animals, small-animal specialties such as rabbit farms and other fur-bearing animals; bee farms; aviaries; worm farms; household pets, etc. This definition does not include grazing, which involved the keeping of grazing animals at densities less than two animals per acre, and is instead included under the definition-of "crop production and grazing". See also "Specialized Animal Facilities."

**Apparel Products [D1]**

Manufacturing establishments, known as the cutting-up and needle trades, producing clothing and fabricating products by cutting and sewing purchased woven or knit textile fabrics, and related materials such as leather, rubberized fabrics, plastics and furs. Included in the apparel industries are three types of establishments: (1) "regular" or inside factories; (2) contract factories; and (3) apparel jobbers. Regular factories perform all of the usual manufacturing functions within their own plant; the contract factories manufacture apparel from materials owned by others; and apparel jobbers perform the entrepreneurial functions of a manufacturing company, such as buying raw materials, designing and preparing samples, arranging for the manufacture of the garments from their materials and selling of the finished apparel. Also includes leather and leather products, tanning finished products. Custom tailors and dressmakers not operating as a factory are not included. (SIC: Group 23)

**Aquaculture [A4]**

The culture and husbandry of aquatic organisms including but not limited to shellfish, mollusks, crustaceans, kelp and algae. (See "Fisheries and Game Preserves" for activities related to fish.)

**Auto, Mobilehome and Vehicle Dealers and Supplies [G1]**

Retail trade establishments selling new and used automobiles, boats, vans, campers, trucks, mobilehomes, recreational and utility trailers, motorized farm equipment, motorcycles, golf carts, snowmobile and jet-skis (except bicycles and mopeds, which are included under "General Merchandise"). Such dealerships include any sales of vehicles by an individual when more than six (6) vehicles are sold in one (1) calendar year. Also includes establishments selling new automobile parts, tires and accessories (including tire recapping establishments), as well as establishments dealing in used automobiles exclusively. Does not include establishments dealing exclusively in used parts, which are included under "Recycling and Scrap." Includes automobile repair shops only when maintained by an establishment selling new vehicles on the same site. Does not include "Service Stations," which are separately defined. (SIC: Group 55)

**Auto and Vehicle Repair and Services [H1]**

Commercial Service establishments engaged in repair, alteration, restoration, towing, painting, cleaning or finishing of automobiles, trucks, recreational vehicles, boats and 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"). (SIC: Groups 751, 753, 754)

**Bed and Breakfast Facilities [I1]**

Residential structures with one family in permanent residence where bedrooms without individual cooking facilities are rented for overnight lodging, where meals may be provided subject to applicable county Health Department regulations. Does not include "Homestays" and "Hotels, Motels", and "Residential Vacation Rentals" which are defined separately; rooming and boarding houses (included under "Multi-Family Dwellings"); or the rental of an entire residence for more than 30 days. [Amended 1995, Ord. 2740; 2003, Ord. 2933]

**Broadcasting Studios [B1]**

Commercial and public communications uses including telegraph, telephone, radio and television broadcasting and receiving stations and studios, and motion picture studios, with facilities entirely within buildings. Transmission and receiving apparatus, such as towers, lines, reflectors and antennas are included under the definition for "Communications Facilities."



**Building Materials and Hardware [G2]**

Retail trade establishments primarily engaged in selling lumber and other building materials including paint, wallpaper, glass, hardware, nursery stock, lawn and garden supplies. Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Also includes incidental retail ready-mix concrete operations. Establishments primarily selling plumbing, heating, and air conditioning equipment and electrical supplies are classified in "Wholesale Trade." (SIC: Group 52)

**Business Support Services [H2]**

Service establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also including: outdoor advertising services; mail advertising services (reproduction and shipping); blueprinting, photocopying, photofinishing, commercial art and design (production); film processing laboratories; services to structures such as window cleaning, exterminators, janitorial services; heavy equipment and business equipment repair services including welding repair and armature rewinding and repair (except vehicle repair which is included under "Auto and Vehicle Repair and Service"; computer related services (rental, repair, and maintenance); research and development laboratories, including testing facilities; soils and materials testing laboratories; protective services (other than office related); equipment rental businesses that are entirely within buildings (equipment rental yards are included under "Storage Yards and Sales Lots"), including leasing tools, machinery and other business items except vehicles; trading stamp services; and other business services of a "heavy service" nature. (SIC: GROUP 73)

**Caretaker Residence [E1]**

A permanent residence that is secondary or accessory to the primary use of the property. A caretaker dwelling is used for housing a caretaker employed on the site of any non-residential use where a caretaker is needed for security purposes or to provide 24 hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

**Cemeteries and Columbariums [C1]**

Interment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery real estate operations; cemetery associations; cemetery, mausoleum and columbarium operations, including funeral parlors accessory to a cemetery or columbarium. Funeral parlors and related facilities as a principal use are listed under "Personal Services."

**Chemical Products [D2]**

Manufacturing establishments producing basic chemicals and establishments creating products predominantly by chemical processes. Establishments classified in this major group manufacture three general classes of products: (1) basic chemicals such as acids, alkalies, salts, and organic chemicals; (2) chemical products to be used in further manufacture such as synthetic fibers, plastic materials, dry colors, and pigments; and (3) finished chemical products to be used for ultimate consumption such as drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries such as paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above in other than one of the uses incurred in the retail trade group on Coastal Table O. (Sic: Group 28, 5161)

**Churches [C2]**

Religious organization facilities operated for worship or promotion of religious activities, including churches and religious Sunday-type schools and monasteries, convents and religious residential retreats. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially-related operations (such as a recreational camp) are classified according to their respective activities. [Amended 1995, Ord. 2686]

**Coastal Accessways [C3]**

Land areas, pathways and improvements that may be used for access to the shoreline or other coastal resource such as a stream. They may include pathways, trails, overlooks and may be improved or unimproved. Typical improvements may include parking, lighting, structural improvements such as retaining walls, stairs, signs, picnic tables and restrooms.

**Communications Facilities [B2]**

Public, commercial and private electromagnetic and photoelectrical transmission, repeater and receiving stations for radio, television, telegraph, telephone, data network and other microwave applications; includes earth stations for satellite-based communications. Does not include home broadcasting and receiving antennas, which are included under "Residential Accessory Uses," or telephone, telegraph and cable television transmission facilities utilizing direct connections which are instead included under "Pipelines and Transmission Lines." (See also "Broadcasting Studios".)

**Concrete, Gypsum, and Plaster Products [D3]**

Manufacturing establishments producing concrete building block, brick and all types of precast and prefab concrete products. Also includes ready-mix concrete batchplants, lime manufacturing, and the manufacture of gypsum products, such as plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet or an equipment rental yard is defined under "Building Materials and Hardware" when in conjunction with a building materials outlet and under "Storage Yards and Sales Lots" when in conjunction with an equipment rental yard. (SIC: Groups 326, 327)

**Construction Contractors [H3]**

Service establishments primarily engaged in construction, including new work, additions, alterations, and repairs. Construction activities are generally administered or managed from a relatively fixed place of business, but actual construction work is performed at one or more different sites that may be dispersed geographically. Three broad types of construction activities are covered: (1) building construction by general contractors or by operative builders; (2) other construction by general contractors; and (3) construction by special trade contractors such as electrical, air conditioning and plumbing contractors, or others such as well drilling services. The installation of prefabricated buildings and equipment is also included. Business offices for such establishments which are not on the same site as work crew dispatching, equipment, vehicle or material storage for the establishment may also be considered under the definition of offices. An outdoor storage yard in conjunction with a contract construction service is defined under "Storage Yards and Sales Lots" or "Temporary Construction Yards," and is also subject to all applicable CZLUO standards for such uses. (SIC: Groups 15, 16, 17).

**Consumer Repair Services [H4]**

Service establishments where repair of consumer products is the principal business activity, including: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; re-upholstery and furniture repair. Does not include shoe repair (included under "Personal Services"). Does not include repair or services incidental and accessory to retail sales. Does not include businesses serving the repair needs of heavy equipment, which are included under "Business Support Services." (SIC: Group 76)

**Correctional Institutions [H5]**

Institutions for confinement and correction of offenders sentenced by a court. Halfway houses and homes for delinquents, or other facilities not under court order, are classified in "Social and Service Organizations." (SIC: Group 9223)

### **Crop Production and Grazing [A5]**

Agricultural uses including production of grains, field crops, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Specialized Animal Facilities". The distinction between feedlots and grazing operations is established by the Coastal Zone Land Use Ordinance Section 23.08. See also "Animal Raising and Keeping".

### **Drive-In Theaters [C4]**

Facilities for outdoor presentation of motion pictures for viewing from vehicles, which may include subordinate eating places. Secondary outdoor uses sometimes associated with drive-in theaters (such as swap meets) are classified under "Storage Yards and Sales Lots."

### **Eating and Drinking Places [G3]**

Restaurants, bars and other establishments selling prepared foods and drinks for on-premise consumption, as well as facilities for dancing and other entertainment that are secondary and subordinate to the principal use of the establishment as an eating and drinking place. Also includes drive-in restaurants, lunch counters and refreshment stands selling prepared goods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places operated as subordinate service facilities within other establishments are not included here unless they are operated as leased departments by outside operators. (SIC: Group 58)

### **Electric Generating Plants [D4] [Amended 1995, Ord. 2740]**

Facilities engaged in the generation and distribution of electrical energy for sale. The electricity may be generated from oil, gas, coal or nuclear fuels or from "alternative" sources including but not limited to water, wind, the sun, bio-gas, municipal or agricultural wastes. This includes "cogeneration," which means the sequential use of energy for the production of electrical and useful thermal energy. The sequence can be thermal use followed by electric power production or the reverse.

"Wind Energy Conservation System" (WECS) means any device which converts wind energy to a form of usable energy. WECS producing electricity are included here; those used for direct climate control, water pumping or other conversion to mechanical or thermal power, are included under "Agricultural Accessory Structures." Transmission lines located off the site of the power plant are included under "Pipelines and Transmission Lines." Electrical substations are included under "Public Utility Facilities."

Electric Generating Plants include but are not limited to electrical power plants; thermal electric power plants with a generating capacity of greater than 50 megawatts and related facilities cannot be sited within designated areas of the Coastal Zone which have been identified pursuant to Public Resources Code Section 30413. (SIC: Group 49)

### **Electrical Equipment, Electronic and Scientific Instruments [D5]**

Establishments engaged in manufacturing machinery, apparatus and supplies for the generation, storage, transmission, transformation and utilization of electrical energy, including: electrical transmission and distribution equipment such as transformers, switch gear and switchboard apparatus; electrical industrial apparatus such as motors and generators, industrial controls, electrical welding apparatus; household appliances such as cooking equipment, refrigerators, home and farm freezers, household laundry equipment, electric housewares and fans, vacuum cleaners, sewing machines; electrical lighting and wiring equipment such as electric lamps, wiring devices, lighting fixtures, vehicular lighting equipment; radio and television receiving equipment such as television and radio sets, phonograph records and pre-recorded magnetic tape, telephone and telegraph apparatus; electronic components and accessories such as radio and TV receiving type electron tubes, cathode ray TV tubes, semiconductors and related devices; miscellaneous electrical machinery, equipment and supplies such as storage and primary batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines. Also includes: manufacturing establishments producing instruments (including professional and scientific) for measurement, testing, analysis and control, and their associated sensors and accessories; optical instruments and lenses; surveying and drafting instruments; surgical, medical, and dental



instruments, equipment, and supplies; ophthalmic goods; photographic equipment and supplies; watches and clocks; avionics; electronic instruments, components and equipment including but not limited to integrated circuits, semiconductors, calculators and computers. Does not include testing laboratories (research and development, soils and materials testing, etc.), which are defined under "Business Support Services." (SIC: Group 36 and 38)

### **Farm Equipment and Supplies [A6]**

Establishments primarily engaged in sale, rental or repair of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the planting and harvesting of crops, and other operations and processes pertaining to work on the farm; also dairy and other livestock equipment. Includes agricultural machinery (except the sale of trailers, tractors and other motorized, self-propelled farm vehicles, which are included under "Auto, Mobilehome and Vehicle Dealers and Supplies"), dairy farm machinery and equipment, irrigation equipment, poultry equipment and frost protection equipment; hay, grain and feed sales; retail sales of prepackaged fertilizer and agricultural sprays. Sales may include the final assembly of farm machinery, implements or equipment from component parts received from the manufacturer in a partially assembled state, but not the creation of such components from raw materials.

### **Farm Support Quarters [E2]**

Includes residences, rooming and boarding houses with mess halls for farm workers employed on and near land owned by the owner of the building site on which the quarters are located.

### **Financial Services [H6]**

Service establishments primarily engaged in the field of finance, including: banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; and other investment companies; vehicle finance (equity) leasing agencies. (SIC: Groups 60, 61, 62, 67)

### **Fisheries and Game Preserves [F1]**

Resource extraction operations engaged in commercial fishing (including marine-related animals, mammals, etc.), and the operation of fish hatcheries, fish and game preserves, and game propagation. (See "Aquaculture" for shellfish, kelp, algae, etc.) (SIC: Group 09)

### **Food and Beverage Retail Sales [G4]**

Retail trade establishments primarily engaged in selling food for home preparation and consumption, as well as the retail sale of packaged alcoholic beverages for consumption off the premises, including wine tasting facilities which are not on the same site as the winery. Establishments (except for wine tasting facilities) may include no more than two gas pumps as an accessory use. (SIC: Groups 54, 592)

### **Food and Kindred Products [D6]**

Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products. Includes: (1) meat, poultry and seafood products (slaughtering, canning, and curing and by-product processing); (2) dairy products processing; (3) canned and preserved fruit and vegetables and related processing; (4) grain mill products and by-products; (5) bakery products, sugar and confectionery products; (6) fats and oil products, including rendering plants; (7) beverages and liquors (except wineries, which are included under "Ag Processing"); (8) and miscellaneous food preparation from raw products. (Operations on crops subsequent to their harvest are included under "Ag Processing"). (SIC: Group 20)

### **Forestry [F2]**

Establishments primarily engaged in operation of timber tracts, tree farms, forest nurseries, and related activities such as reforestation services; also the gathering of gums barks, sap, moss and other forest products; also includes logging camps and sawmills (except for mills producing finished lumber, which are included under "Lumber and Wood Products"). (SIC: Groups 08, 241)

**Fuel and Ice Dealers [G5]**

Retail trade establishments primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use. (SIC: Group 598)

**Furniture and Fixtures Products [D7]**

Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops. (SIC: Group 25)

**Furniture, Home Furnishings and Equipment [G6]**

Retail trade establishments primarily engaged in selling home furnishings such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, other household electrical and gas appliances including televisions and home sound systems and outdoor furniture such as lawn furniture, movable spas and hot tubs. Establishments selling electrical and gas appliances are included only if the major part of their sales consist of articles for home use. Also includes the retail sale of office furniture and large musical instruments. (SIC: Group 57)

**General Merchandise Stores [G7]**

Retail trade establishments including department stores, variety stores, drug and discount stores, general stores, etc., engaged in retail sales of many lines of new and used merchandise, including: dry goods; apparel and accessories; small wares; sporting goods and equipment; bicycles and mopeds, musical instruments, parts and accessories. Also includes sales of miscellaneous shopping goods such as: books; stationery; jewelry; hobby materials, toys and games; cameras and photographic supplies; gifts, novelties and souvenirs; luggage and leather goods; fabrics and sewing supplies; florists and houseplant stores; cigar and newsstands; artists supplies; orthopedic supplies; religious goods; handcrafted items (stores for which may include space for crafting operations when such area is subordinate to retail sales); and other miscellaneous retail shopping goods. (SIC: Groups 53, 56, 591-594)

**Glass Products [D8]**

Manufacturing establishments producing flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations, which are listed under "Small Scale Manufacturing." (SIC: Groups 321, 323)

**Harbors [J2]**

Establishments providing a full range of services relating to commercial and recreational water-based activities such as: commercial and recreational fishing; fisheries and hatcheries; seafood processing; ship and boat building and repair; marine hardware sales and service; yachting and rowing clubs; petroleum storage and handling; eating and drinking places; food and beverage retail sales; sporting goods and clothing stores; personal services; service stations; vehicle and freight terminals; hotels and motels; recreational vehicle parks; boat storage and miscellaneous storage facilities. Also includes all uses listed under "Marinas" and "Marine Terminals and Piers."

**Health Care Services [H7]**

Service establishments primarily engaged in furnishing medical, mental health, surgical and other personal health services including: medical, dental and psychiatric offices (mental health-related services including various types of counseling practiced by licensed individuals other than medical doctors or psychiatrists, or unlicensed individuals, are included under Offices); medical and dental laboratories; out-patient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Also includes hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. Nursing homes and similar long-term personal care facilities are classified in "Residential Care". (SIC: Group 80)

**Home Occupations [E3]**

The gainful employment of the occupant of a dwelling, with such employment activity being subordinate to the residential use of the property, and there is no display, no stock in trade, or commodity sold on the premises except as provided by the Coastal Zone Land Use Ordinance, and no persons employed other than residents of the dwelling.

**Homestays [I5]**

Residential structures in Residential Single Family and Residential Suburban neighborhoods with a family in permanent residence where no more than two bedrooms without cooking facilities are rented for overnight lodging. Does not include provision of meals. This definition does not include "Bed and Breakfast Facilities", "Hotels, Motels", and "Residential Vacation Rentals" which are defined separately; rooming and boarding houses (included under "Multi-Family Dwellings"); or rental of an entire structure for more than 30 days. [Added 1995, Ord. 2740, Amended 2003, Ord. 2933]

**Hotels, Motels [I2]**

Commercial transient lodging establishments including hotels, motor-hotels, motels, tourist courts or cabins, primarily engaged in providing overnight or otherwise temporary lodging, with or without meals, for the general public. Includes the preceding lodging establishments where developed as planned developments or condominiums in accordance with Section 23.08.264 of the Coastal Zone Land Use Ordinance. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, etc. and accessory meeting and conference facilities. (SIC: Group 701)

**Indoor Amusements and Recreation [C5]**

Establishments providing indoor amusement or entertainment for a fee or admission charge, such as: arcades containing coin operated amusements and/or electronic games (five or more such games or coin-operated amusements in any establishment constitutes an arcade pursuant to this definition, four or less are not considered a land use separate from the primary use of the site); card rooms, billiard and pool halls; bowling alleys; ice skating and roller skating; dance halls, clubs and ballrooms which are principal uses rather than being subordinate to an eating or drinking place; gymnasiums, reducing salons, health and athletic clubs including indoor sauna, spa or hot tub facilities; tennis, handball, racquetball, indoor archery and shooting ranges and other indoor sports activities.

**Laundries and Dry Cleaning Plants [H8]**

Service establishments primarily engaged in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment, which are classified in "Personal Services." (SIC: Group 72)

**Libraries and Museums [C6]**

Permanent public or quasi-public facilities generally of a noncommercial nature such as libraries, museums, art exhibitions, planetariums, aquariums, botanical gardens, and arboretums. (Zoos are included under "Specialized Animal Facilities".) Also includes historic sites and exhibits. (SIC: Group 84).

**Lumber and Wood Products [D9]**

Manufacturing and processing uses including merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, plywood and veneer mills engaged in producing lumber and basic wood products; together with the wholesale and retail sale of such products and establishments engaged in manufacturing finished articles made entirely or mainly of wood or wood substitutes, including wood and cabinet shops. Also included are: truss and structural beam assembly; wood containers, pallets and skids; wood preserving; particle board assembly; turning and shaping wood and wood products on a manufacturing basis; mobilehome and modular home assembly. Logging camps are included in "Forestry"; wood and cabinet shops are included in "Furniture and Fixtures"; craft-type shops are included in "Small Scale Manufacturing". The sale of building materials other than wood products and the sale of construction tools and equipment is included under "Building Materials and Hardware". (SIC: Groups 242, 245, 249)



**Machinery Manufacturing [D10]**

Establishments engaged in manufacturing machinery and equipment such as: engines and turbines; farm and garden machinery and equipment (except for secondary assembly of such products which is included under Farm Equipment and Supplies); construction, mining and materials handling machinery and equipment such as bulldozers, cranes, dredging machinery, mining equipment, oil field equipment, passenger and freight elevators, conveyors, industrial trucks and tractors; machine tools such as gear cutting machines, die casting machines, dies, jigs, industrial molds, power driven hand tools; machinery for use in the food products, textile, woodworking, paper or printing industries; general machinery and equipment such as pumps, roller bearings, industrial furnaces and ovens; office, computing and accounting machines such as typewriters, computers, dictating machines; machinery for refrigeration and service industries such as commercial laundry and dry cleaning equipment, heating, ventilating and air conditioning equipment, commercial cooking and food warming equipment; miscellaneous machinery such as carburetors, pistons and valves. (SIC: Group 35)

**Mail Order and Vending [G8]**

Establishments primarily engaged in retail sale of products by catalog and mail order. Also includes vending machine distributorships and suppliers. Does not include product manufacturing, which is included under the applicable manufacturing use. (SIC: Group 596)

**Marinas [C7]**

Establishments providing water-oriented services such as: yachting and rowing clubs, boat rental, storage and launching facilities; sport fishing activities, excursion boat and sight-seeing facilities, and other marine-related activities, including but not limited to fuel sales, boat and engine repair and sales. Boat storage and launching facilities accessory to a camping facility are also included under the definition of "Rural Recreation and Camping."

**Marine Terminals and Piers [J3]**

Establishments providing freight, petroleum production and equipment and passenger transportation on water, including support services, facilities and terminals. Also includes towing and tugboat services, marine cargo handling, including operation and maintenance buildings, ship cleaning, salvaging, dismantling, boat building, warehouses and repair. Includes petroleum and petroleum product transportation and storage facilities as well as support services including ballast processing facilities and oil spill cleanup and recovery equipment, but does not include refineries or petroleum storage tank farms. (Amended 1982, Ord. 2106)

**Membership Organization Facilities [C8]**

Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; professional membership organizations; labor unions and similar organizations; grange and farm centers (not including sales activities, which are included under "Farm Equipment and Supplies"); civic, social and fraternal organizations (not including lodging, which is under "Organizational Houses"); political organizations and other membership organizations. Does not include country clubs in conjunction with golf courses, which are included under "Outdoor Sports and Recreation". (SIC: Group 86, except religious organizations which are defined under "Churches".)

**Metal Industries, Fabricated [I1]**

Manufacturing establishments engaged in assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops and boiler shops, which produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

**Metal Industries, Primary [I2]**

Manufacturing establishments engaged in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; in the rolling, drawing, and alloying of ferrous and nonferrous metals; in the manufacture of castings, forgings, stampings, extrusions and other basic products of ferrous and nonferrous metals; and in the manufacture of nails, spikes, and insulated wire and cable. Merchant blast furnaces and by-product or beehive coke ovens are also included. (SIC: Group 33)

**Mining [F3]**

Resource extraction establishments primarily engaged in mining, developing mines or exploring for metallic minerals (ores), coal and nonmetallic minerals (except fuels), or surface mines extracting crushed and broken stone, dimension stone or sand and gravel. (See also "Stone and Cut Stone Products"). (SIC: Groups 10, 11, 12, 14)

**Mobilehome Park [E4]**

Any area or tract of land where two or more mobilehome lots or spaces are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobilehomes used for human habitation. The rental paid for a manufactured home or mobilehome shall be deemed to include rental for the lot it occupies. Does not include an area or tract of land in the Agriculture or Rural Lands land use categories where two or more mobilehome lots or spaces are rented or leased to accommodate manufactured homes or mobilehomes for the purpose of housing less than five agricultural employees, which is included under "farm support quarters."

**Mobilehomes [E5]**

A structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. As defined, mobile homes do not include recreational vehicles, commercial coaches, or factory-built housing (which is included under the definition of "Single-Family Dwelling").

**Motor Vehicles and Transportation Equipment [D13]**

Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobilehome and modular home assembly (listed under "Lumber and Wood Products"). (SIC: Group 37)

**Multi-Family Dwellings [E6]**

Includes a building or a portion of a building used and/or designed as a residence for two or more families living independently of each other. Includes: duplexes, triplexes and apartments; attached ownership units such as condominiums and townhouses; and rooming and boarding houses (a residential structure where rooms are rented for short or long-term lodging where at least one meal daily is shared in common dining facilities, with 10 or fewer beds for rent).

**Nursery Specialties - Soil Dependent [A8]**

Agricultural establishments primarily engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. These are uses which require location on prime soils in order to obtain a growing medium and do not involve the use of impervious surfaces to cover prime soil (e.g., concrete, asphalt, wood) or otherwise render soils unusable after discontinuance of use. Also includes establishments engaged in the sale of such products (e.g., wholesale and retail nurseries) and commercial scale greenhouses (home greenhouses are included under "Residential Accessory Uses").

**Nursery Specialties - Non-Soil Dependent [A9]**

Agricultural establishments primarily engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Also includes establishments engaged in the sale of such products (e.g., wholesale and retail nurseries) and commercial scale greenhouses (home greenhouses are included under "Residential Accessory Uses").

Non-soil dependent nurseries are those uses which do not require location on prime soils.

**Nursing and Personal Care [E7]**

Residential establishments providing nursing and health related care as a principal use with in-patient beds, including: skilled nursing care facilities; extended care facilities; convalescent and rest homes; board and care homes. (SIC: Group 805)

**Offices [H9]**

Professional or government offices including: engineering, architectural and surveying services; real estate agencies; non-commercial educational, scientific and research organizations; accounting, auditing and bookkeeping services; writers and artists; advertising agencies; photography and commercial art studios; employment, stenographic, secretarial and word processing services; quick printing, copying and blueprinting services; reporting services; data processing and computer services; management, public relations and consulting services; detective agencies and similar professional services; attorneys; and counseling services (other than licensed psychiatrists which are included under "Health Care Services"); and government offices including agency and administrative office facilities, and local post offices when located in facilities developed by private parties for occupancy by the postal service or other operator (does not include bulk mailing distribution centers, which are included under "Vehicle and Freight Terminals"). Does not include medical offices (which are allowed under "Health Care Service") or offices that are incidental and accessory to another business of sales activity which is the principal use. Incidental offices are allowed in any land use category as part of an approved principal use. [Amended 1995, Ord. 2740]

**Offices, Temporary [H10]**

A mobilehome, recreational vehicle or modular unit used as: a temporary business or construction office during construction of permanent facilities on the same site or as an office on the site of a temporary off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

**Off-Road Vehicle Courses [C9]**

Rural areas set aside for the use of off-road vehicle enthusiasts including dirt bike, enduro, hill climbing or other off-road motorcycle courses; also, rural areas for competitive events utilizing four-wheel drive vehicles. Does not include sports assembly facilities, or simple access roads which are usable by only four-wheel drive vehicles.

**Organizational Houses [E8]**

Residential lodging houses operated by membership organizations for their constituents and not open to the general public. Includes fraternity and sorority residential houses. [Amended 1995, Ord. 2686]

**Outdoor Retail Sales [G9]**

Temporary retail trade establishments including: farmer's markets; sidewalk sales; seasonal sales involving Christmas trees, pumpkins or other seasonal items; semiannual sales of art or handcrafted items in conjunction with community festivals or art shows; and retail sales of various products from individual motor vehicles in temporary locations outside the public right-of-way, not including bakery, ice cream and similar vending vehicles that conduct all sales within the right-of-way and do not stop in any location except on customer demand. Does not include flea markets or swap meets, which are included under "Storage Yards and Sales Lots".

**Outdoor Sports and Recreation [C10]**

Facilities for various outdoor sports and recreation, including: amusement, theme and kiddie parks; golf courses, (including country clubs and accessory on-site sales of golfing equipment as in a "pro shop", including golf carts), golf driving ranges and miniature golf courses; skateboard parks and water slides; go-cart and miniature auto race tracks; recreation equipment rental (e.g. ATC's and other non-highway motor vehicles, roller skates, surf and beach equipment); health and athletic clubs with predominately outdoor facilities; tennis courts, swim and tennis clubs; play lots, playgrounds and athletic fields (non-professional); recreation and community centers.



**Paper Products [D14]**

Manufacture of pulps from wood, other cellulose fibers and from rags; the manufacture of paper and paperboard; and the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes, and envelopes. Also includes building paper and building board mills. (SIC: Group 26)

**Passive Recreation [C11]**

Non-intensive recreational activities such as riding and hiking trails, nature study, and which requires no more than limited structural improvements such as steps, fences, signs.

**Paving Materials [D15]**

Manufacturing establishments producing various common paving and roofing materials, including paving blocks made of asphalt, creosoted wood and various compositions of asphalt and tar. (SIC: Group 295)

**Personal Services [H11]**

Establishments primarily engaged in providing non-medically related services generally involving the care of persons including beauty and barber shops; shoe repair shops; saunas and hot tubs; laundromats (self-service laundries); dry cleaning pick-up stores and small-scale dry cleaners without pick-up and delivery services; clothing rental; dating and escort services; funeral parlors and related facilities. These uses may also include accessory retail sales of products related to the services provided.

**Petroleum Extraction [F4]**

Resource extraction establishments primarily engaged in: producing crude petroleum and natural gas; recovering oil from oil sands and shales; and producing natural gasoline and cycle condensate. Activities include exploration, drilling, oil and gas well operation and maintenance, operation of natural gas and cycle plants, the mining and extraction of oil from oil sands and shales, and on-site processing only to the extent necessary to permit extraction (e.g. enhanced recovery techniques including the use of steam generators), or to conform on-site extracted crude to pipeline requirements. (SIC: Group 13)

**Petroleum Refining and Related Industries [D16]**

Establishments primarily engaged in petroleum refining and compounding lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, manufacture of petroleum coke and fuel briquettes; tank farms; and gas compression plants and partial processing facilities to process offshore-derived petroleum resources to pipeline quality oil and gas products. Does not include petroleum bulk stations, surge tanks and pump stations, which are included in "Pipelines and Transmission Lines." (Petroleum and petroleum products distributors are included in "Wholesaling and Distribution".) (SIC: Group 291, 299)

**Pipelines and Transmission Lines [J4]**

Transportation facilities primarily engaged in the pipeline transportation of crude petroleum; refined products of petroleum such as gasoline and fuel oils; natural gas; mixed, manufactured or liquefied petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Power transmission includes facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (classified in "Offices"), equipment and material storage yards (classified under "Storage Yards and Sales Lots"), distribution substations (classified under "Public Utility Facilities"), or power plants (classified under "Electric Generating Plants"). (SIC: Groups 461, 491).

**Plastics and Rubber Products [D17]**

Establishments producing rubber products such as: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and rubber sundries from natural, synthetic or reclaimed rubber, gutta percha, balata, or gutta siak. Also includes establishments primarily manufacturing tires (establishments primarily recapping and retreading automobile tires are classified in "Auto, Mobilehome and Vehicle Dealers and Supplies"). Also includes establishments engaged in molding primary plastics for the trade, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application service. (SIC: Group 30)

**Printing and Publishing [D18]**

Establishments engaged in printing by letterpress, lithography, gravure, screen, offset or other common process including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This group also includes establishments that publish newspapers, books and periodicals, whether or not they do their own printing; and establishments manufacturing business forms and binding devices. (SIC: Group 27)

**Public Assembly and Entertainment [C12]**

Facilities for public assembly and group entertainment such as: public and semi-public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands and orchestras; motion picture theaters; amphitheaters; meeting halls for rent and similar public assembly uses.

**Public Safety Facilities [H12]**

Facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities (not including jails, which are defined under "Correctional Institutions").

**Public Utility Facilities [J5]**

Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities: electrical substations and switching stations; telephone switching facilities; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; and community wastewater treatment plants, settling ponds and disposal fields. Nothing in this definition is intended to require a land use permit where Government Code Section 53091 would exempt local agencies from permit requirements, except in the coastal zone where permitting requirements are as set forth in the Local Coastal Plan. These uses do not include those uses that are not directly and immediately used for the production, generation, storage, or transmission of water, wastewater or electrical power such as office or customer service centers (classified in "Offices"), or equipment and material storage yards (classified in Storage Yards and Sales Lots). [Amended 1995, Ord. 2740]

**Recreational Vehicle Parks [I3]**

Transient lodging establishments primarily engaged in renting, leasing or otherwise providing overnight or short-term sites for motorhomes, trailers, campers or tents, with or without individual utility hookups, but with other facilities such as public restrooms. May include accessory food and beverage retail sales where such sales are clearly incidental and intended to serve RV park patrons only. Does not include incidental camping areas, which are included under "Rural Recreation and Camping."

**Recycling Collection Stations [D19]**

Facilities for temporary accumulation and storage of recyclable discarded materials, which are subsequently transported to recycling centers or solid waste disposal sites for further processing. Includes sites for implementing the California Beverage Container Recycling Act (AB 2020). (Does not include automobile wrecking yards or any recycling processing facilities, which are listed under Recycling and Scrap; does not include temporary storage of toxic or radio-active waste materials).

**Recycling and Scrap [D20]**

Establishments primarily engaged in assembling, breaking up, sorting, temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap. Also includes any storage of such materials in an area larger than 200 square feet or higher than six feet. Does not include terminal waste disposal sites, which are separately defined. Does not include temporary storage of toxic or radioactive waste materials.

**Residential Accessory Uses [E9]**

Includes any use that is customarily part of a residence and is clearly incidental and secondary to a residence and does not change the character of the residential use. Residential accessory uses include the storage of vehicles and other personal property, and accessory structures including swimming pools, workshops, studios, greenhouses, garages, and guesthouses (without cooking or kitchen facilities). Includes non-commercial TV and radio broadcasting and receiving antennas, including equipment for satellite broadcast reception.

**Residential Care [E10]**

Establishments primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self-care, but where medical care is not a major element. Includes: children's homes; halfway houses; orphanages; rehabilitation centers; self-help group homes. (SIC: Group 836)

**Residential Vacation Rentals [E00]**

A Residential Vacation Rental is the use of an existing residence, or a new residential structure that has been constructed in conformance with all standards applicable to residential development, as a rental for transient use. Rental shall not exceed one individual tenancy within seven consecutive calendar days. This definition does not include the one time rental of a residence for 14 consecutive days or less in any calendar year, "Bed & Breakfast Facilities", "Homestays", and "Hotel, Motels" which are defined separately; and rooming and boarding houses (included under "Multi-Family Dwellings") or rental of an entire structure for 30 days or longer. [Added 2003, Ord 2933]

**Roadside Stands [G10]**

Open structures for the retail sale of agricultural products (except hay, grain and feed sales--included under "Farm Equipment and Supplies"), located on the site or in the area of the property where the products being sold were grown. Does not include field sales or agricultural products, which is included under "Crop Production and Grazing."

**Rural Recreation and Camping [C13]**

Facilities for special group activities such as: outdoor archery, pistol, rifle, and skeet clubs and facilities (indoor shooting facilities are included under the definition of "Indoor Amusements and Recreation"); dude and guest ranches; health resorts including but not limited to outdoor hot spring or hot tub facilities; hunting and fishing clubs; recreational camps (including incidental RV camping but not RV parks); group or organized camps; incidental seasonal camping areas without facilities. Equestrian facilities including riding academies and schools, boarding stables and exhibition facilities are included under the definition of "Specialized Animal Facilities". Camping facilities may include accessory boat storage and launching facilities where approved pursuant to Section 23.08.072 of the Coastal Zone Land Use Ordinance.

**Schools - Specialized Education and Training [C14]**

Business, secretarial schools and vocational schools offering specialized trade and commercial courses. Includes specialized non-degree granting schools such as: music schools; dramatic schools; language schools; driver education schools; ballet and other dance studios; seminaries and other establishments exclusively engaged in training for religious ministries; and establishments furnishing educational courses by mail. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications, and management, as examples). (SIC: Groups 834, 829)



**Schools - College and University [C15]**

Junior colleges, colleges, universities and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees and requiring for admission at least a high school diploma or equivalent general academic training. (SIC: Group 822)

**Schools - Preschool to Secondary [C16]**

Pre-school, day-care centers, elementary and secondary schools serving grades 1 through 12, including denominational and sectarian. Kindergartens and military academies are also included. (SIC: Group 821)

**Secondary Dwellings [E11] [Amended 1995, Ord. 2740]**

A second permanent dwelling allowed on a site pursuant to Section 23.08.036 of the Coastal Zone Land Use Ordinance .

**Service Stations [G11]**

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 storage of wrecked or abandoned vehicles, paint spraying body and fender work. Does not include the retail sale of gasoline as a subordinate service to food and beverage retail sales when limited to not more than two pumps. (SIC: Group 554)

**Single-Family Dwelling [E12]**

A building designed for and/or occupied exclusively by one family. Also includes attached ownership units using common wall development or airspace condominium ownership, where a proposed site qualifies for planned development through designation by planning area standard or through compliance with any planned development or cluster division standards of the Coastal Zone Land Use Ordinance.

**Small Scale Manufacturing [D21]**

Manufacturing establishments not classified in another major manufacturing group, including: jewelry, silverware and plated ware; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries. Also included are artisan and craftsman-type operations which are not home occupations, and which are not secondary to on-site retail sales. Also includes small-scale blacksmith and welding services when accessory to another use. (SIC: Group 39)

**Social Service Organizations [C17]**

Public or quasi-public establishments providing social services and rehabilitation services, counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies, serving persons with social or personal problems requiring special services and the handicapped and the disadvantaged. Includes organizations soliciting funds to be used directly for these and related services. Also includes establishments engaged in community improvement and neighborhood development. (Does not include child day-care services such as pre-schools which are classified under "Schools - Preschool to Secondary," or "Residential Care", which is separately defined). (SIC: Group 83)

**Specialized Animal Facilities [A10]**

Intensive agricultural and other animal care or keeping establishments including: hog ranches, dairies, dairy and beef cattle feedlots (the distinction between a grazing operation and a feedlot is established by the Land Use Ordinance or the Coastal Zone Land Use Ordinance and by the definition of "Animal Raising and Keeping"); livestock auction, sales building and sales lot facilities; chicken, turkey and other poultry ranches; riding academies, equestrian exhibition facilities and large scale horse ranches; veterinary medical facilities and services, animal hospitals and kennels; zoos. See also "Animal Raising and Keeping," "Crop Production and Grazing."

**Sports Assembly [C18]**

Facilities for spectator-oriented specialized group sports assembly that include: stadiums and coliseums; arenas and field houses; race tracks (auto and animals); motorcycle racing and drag strips; and other sports considered commercial. (SIC: Group 794)

**Stone and Cut Stone Products [D22]**

Manufacturing establishments primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments primarily engaged in buying or selling partly finished monuments and tombstones. (SIC: Group 328)

**Storage, Accessory [H13]**

The indoor or outdoor storage of various materials on the same site as a principal building or land use which is other than storage, which supports the activities or conduct of the principal use.

**Storage Yards and Sales Lots [H14]**

Service establishments primarily engaged in the outdoor storage of motor vehicles, construction equipment, materials or supplies, farm machinery or industrial supplies on a lot or portion of a lot greater than 200 square feet in area. Sales lots consist of any outdoor sales area for permanent display of motor vehicles, recreational vehicles, mobilehomes, construction equipment, farm machinery or other heavy equipment; outdoor equipment rental yards (not including recreational equipment rental, which is included under "Outdoor Sports and Recreation"); large scale temporary or permanent outdoor sales activities such as swap meets and flea markets; or livestock auctions and sales. Also includes retail ready-mix concrete operations which are incidental to an outdoor equipment rental yard.

**Structural Clay and Pottery-Related Products [D23]**

Manufacturing establishments primarily producing brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain electrical supplies and parts. Artist/craftsman uses are included in "Small Scale Manufacturing" or "Home Occupations." (SIC: Groups 325, 326)

**Temporary Construction Trailer Park [I4]**

A temporary recreational vehicle park provided by the developer of a major construction project to provide short-term construction employees the opportunity to use recreational vehicles for housing during project construction as authorized by Section 23.08.268 of the CZLUO.

**Temporary Construction Yards [H15]**

A storage yard for construction supplies, materials or equipment, located on a site other than the construction site itself or immediately adjacent to it, for use only during the actual construction of a project.

**Temporary Dwelling [E13]**

Includes the temporary use of a mobilehome or recreational vehicle as a dwelling unit, following the issuance of a building permit for a permanent residence while the permanent residence is under construction.

**Temporary Events [C19]**

Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include but are not limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts.

**Textile Products [D24]**

Manufacturing establishments engaged in performing any of the following operations: Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage; manufacturing woven fabric and carpets and rugs from yarn; dyeing and finishing fiber, yarn, fabric, and knit apparel; coating, waterproofing, or otherwise treating fabric; the integrated manufacture of knit apparel and other finished products from yarn; and the manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles. (SIC: Group 22)

**Transit Stations and Terminals [J6]**

Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, subway, etc. (SIC: Group 41)

**Truck Stops [J7]**

Service establishments primarily engaged in the sale of diesel fuel and gasoline to commercial trucks in transit. Such establishments may also include vehicle services incidental to fuel sales including mechanical repair, lubrication, oil change and tune-up, as well as accessory towing services and accessory trailer rental, but does not include the storage of wrecked or abandoned vehicles. May also include driver services such as small convenience store, a restaurant or coffee shop, showers and lockers.

**Vehicle and Freight Terminals [J8]**

Transportation establishments furnishing services incidental to transportation including: freight forwarding services; transportation arrangement services; packing, crating, inspection and weighing services; freight terminal facilities; joint terminal and service facilities; trucking facilities, including transfer and storage; and postal service bulk mailing distribution centers. Includes rail, air and motor freight transportation. This definition does not include sites for the storage or transfer of hazardous waste materials. (SIC: Groups 40, 42)

**Vehicle Storage [J9]**

Service establishments primarily engaged in the business of storing operative cars, buses and other motor vehicles. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. Does not include wrecking yards (classified in "Recycling and Scrap") or farm equipment storage (classified in "Storage Yards and Sales Lots"). (SIC: Group 752)

**Warehousing [K1]**

Establishments primarily engaged in the storage of farm products, furniture, household goods, or other commercial goods of any nature for later distribution to wholesalers and retailers. Does not include warehouse facilities where the primary purpose of storage is for goods for wholesale distribution. Does not include terminal facilities for handling freight (classified in "Vehicle and Freight Terminals"). Also includes warehouse, storage or mini-storage facilities offered for rent or lease to the general public.

**Waste Disposal Sites [H16]**

County-approved or operated refuse dumps, sanitary landfills and other solid waste disposal facilities of a terminal nature, where garbage, trash or other unwanted materials are abandoned, buried or otherwise discarded with no intention of re-use. This definition does not include disposal sites for hazardous waste materials.

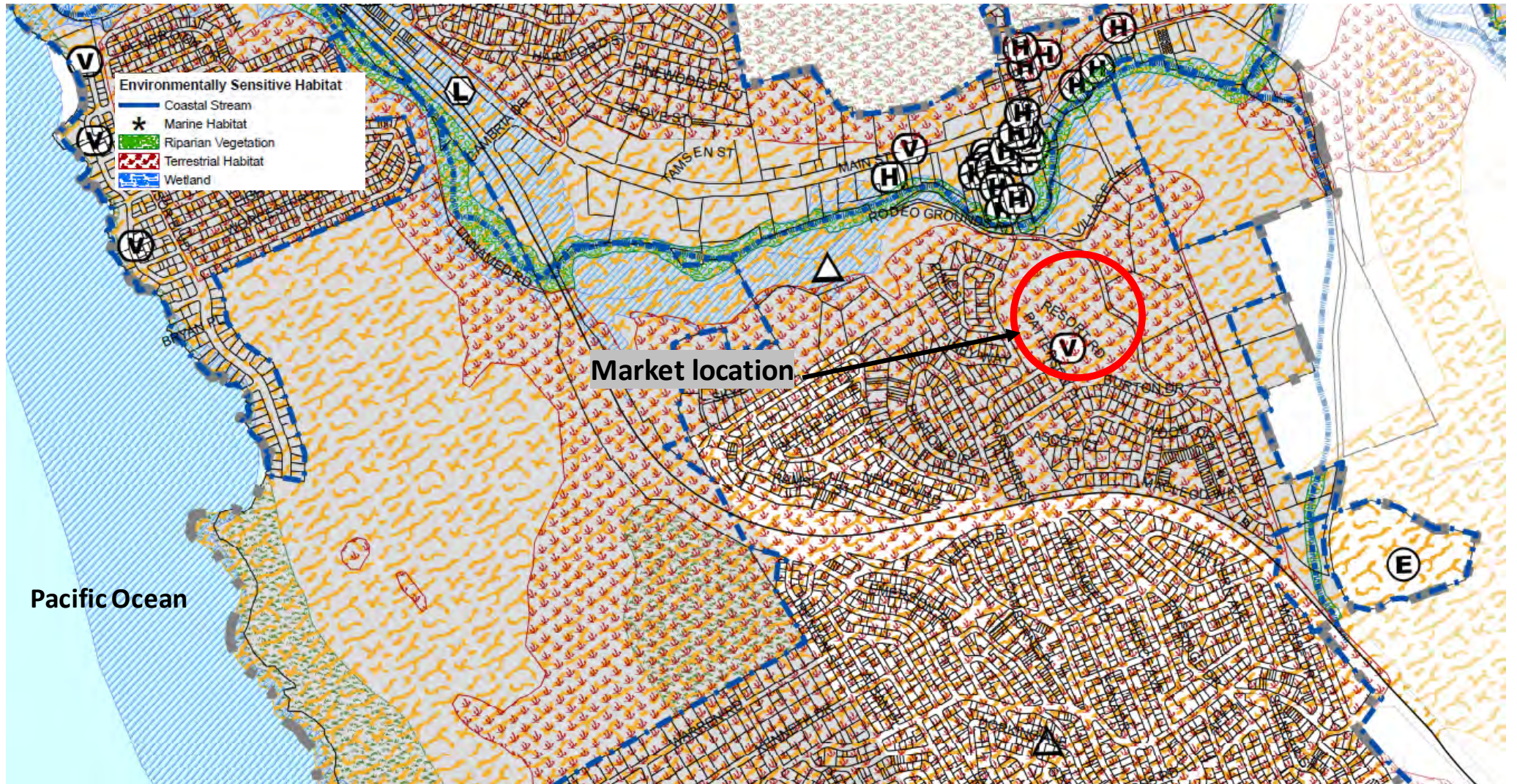
**Water Wells and Impoundments [F5]**

Water extraction uses or structures for small scale domestic or agricultural use including wells, ponds, water tanks and distribution facilities.

**Wholesaling and Distribution [K2]**

Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products. (SIC: Group 50, 511-516, 518, 519)







## 4 5 d B Acoustics

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December 22, 2016

**Project 1685**

RE:

Cambria Christmas Market  
Cambria, CA  
David Watson,

Requested by :

David Watson, AICP  
Watson Planning Consultants  
Pismo Beach, CA

### Summary Letter

This letter summarizes 45dB Acoustics' findings for existing, measured sound levels for the Cambria Christmas Market (CCM). Measurements were taken during the active evening hours of the CCM on December 21, 2016.

The three measurement locations previous, as defined by David Dubbink Associates<sup>1</sup>, are identified in the Google Earth picture below. Site 1 is located in an residential intersection surrounded by mature trees at the southeast corner of Martindale Road and Patterson Place. Site 2 is in a bare, undeveloped lot at the southeast corner of Burton Drive and Patterson Place. Site 3 is a paved parking area surrounded by trees, just south of the Rigdon House hotel (at 4022 Burton Drive). The market area is shown in orange, and the amphitheater is on the downward slope to the northeast of the market.

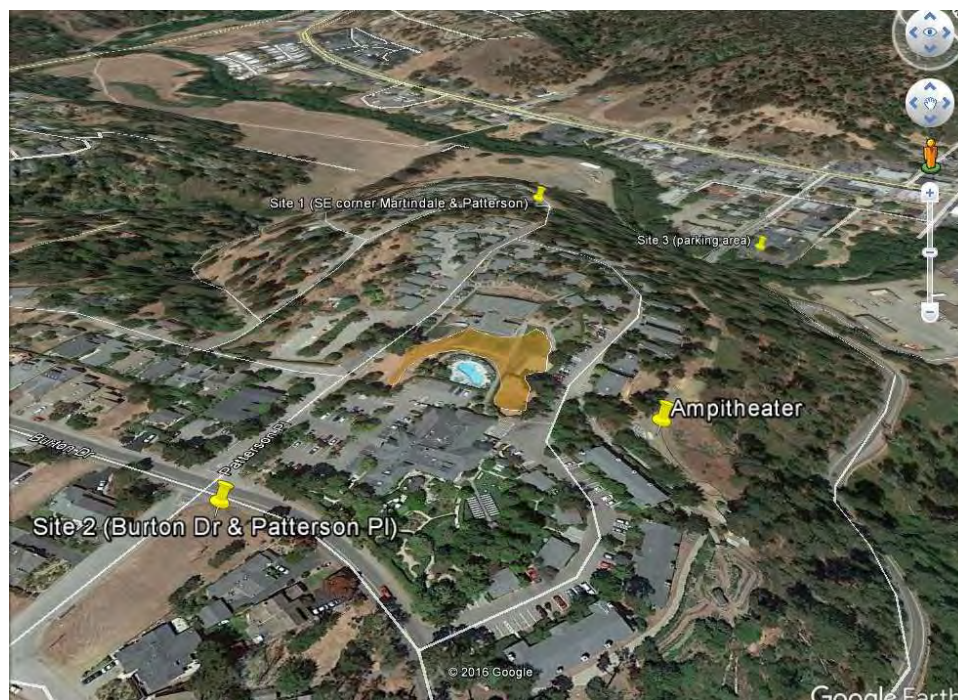


Figure 1: Phase 2 Measurement Locations

<sup>1</sup> "Sound Study for the Cambria Lodge Christmas Market", dated October 31, 2016. Filename: *CPL Noise 2016-Oct Cambria\_Report\_Phase\_1.pdf*

A pre- and post-test calibrated, type 1 sound level meter (Nor150) and calibrator (Nor1251) were utilized for these measurements. Fifteen-minute averaged measurements were taken at a 5-foot level at each of the three sites. Results are shown in Table 1. A-weighted decibels (dBA) were utilized to compare to the County Code.

Location: Coordinates	Background Noise Leq from Phase 1 Report <sup>1</sup>	Phase 2 Measurement Start Time (hh:mm)	Phase 2 Measured Leq (dBA)	Increase in Noise Level (dB)
Site 1: Martindale Rd & Patterson Pl	38	18:22	44.3	6
Site 2: Burton Dr & Patterson Pl	68 with cars 48 few cars	18:47	53.6	none
Site 3: Burton Inn on Burton Dr	51	19:19	55.4	4

*Table 1: Leq Readings at Christmas Market*

The County Code does not include a general standard for temporary events, however the Code does include a noise standard for temporary winery events. It specifies that sounds heard at the property line of a neighboring noise sensitive use (such as a residence) are not to exceed 65 decibels. Phase 2 measurements confirmed that noise levels did not exceed 65 decibels (A-weighted) at any of the three measured locations. Up to 6 decibels of increase was measured. We conclude that neighbors may notice an increase in noise level at some locations due to the Cambria Christmas Market, and the market does comply with the County Code.

Site 1 is a residential intersection. Zero cars passed through this intersection during the measurement and the site does not have transportation noise to mask other noises present. Due to the low local background noise level, it was observed that the market-related sounds were identified as the dominant noises at this location. The increase of 6 dBA at Site 1 can be attributed to the CCM. Since 3dB is considered barely noticeable, and 5 dB is clearly noticeable, 6 dB is a discernable difference which is potentially noticeable to neighbors.

Site 2 is at the intersection where cars, buses, and shuttle buses were turning in to Cambria Pines Lodge (CPL) to park regularly throughout the measurement. Parking attendants were communicating with one another to ensure traffic continued to move; that, along with the cars were the dominant noises in this area. The measurement location was in the empty lot on the southeast corner of the intersection. As the Phase 1 readings at Site 2 ranged from 48 to 68 dBA, and the Phase 2 average was 54 dBA, we conclude that there is no discernible difference in noise level attributable to the activities of the CCM at Site 2.

Site 3 is the parking area for the Rigdon House hotel, within the commercial area “East Village” of Cambria. Across the street from this area is the pick-up location for the shuttle buses to periodically pick up passengers throughout the measurement. The dominating noise sources at this site were the many voices of people waiting for the bus ride; therefore, the increase of 4 dBA over the Phase 1 measurement is attributed to the CCM activities. This is a barely discernable difference and is not expected to have a significant negative effect on neighbors at this location.

Sincerely,



Sarah Taubitz, MSME, INCE

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May 18, 2022

Via U.S. Mail and E-Mail  
(rscottread@gmail.com)

Russell S. Read  
3120 Rogers Rd.  
Cambria, CA 93423

**Re: Cambria Pines Lodge  
(Appeal No. APPL 2021-00018)**

Dear Mr. Read,

Your letter dated May 17, 2022, regarding the above referenced matter was forwarded to our office for a response. In your letter, you allege that the County of San Luis Obispo (County) violated the Brown Act when it considered the above appeal for the Cambria Christmas Market extension, Development Plan/ Coastal Development Permit No. DRC 2021-00042. Specifically, you state "...the Agenda and Notice of this meeting did not contain any reference to the possibility of extending the permit to the year 2023 [and that] [t]his is a violation of Section 54954.2(a)(3) of the Brown Act..." As quoted in your letter, Gov. Code § 54954.2(a)(3) states, in pertinent part: "No action or discussion shall be undertaken on any item not appearing on the posted agenda..."

Here, as admitted in your letter, the appeal hearing and what the Board of Supervisors (Board") was going to consider was clearly identified in the Board's agenda. The exact agenda description was as follows:

*Hearings:*

*17: Hearing to consider an appeal (APPL2021-00018) by Claudia Harmen Worthen, Russel Read and Mark Hough of the Planning Commission's approval of Development Plan / Coastal Development Permit (DRC2021-00042) to amend Condition 1.a. of DRC2015-00096, to extend the Cambria Christmas Market temporary event permit for one year from permit expiration. Extension will carry through the end of the 2022 holiday season due to the timing of appeal action. The hours of operation are Wednesday through Sunday (and all of Christmas week) from 5:00 p.m. to 9:00 p.m. The market would include temporary lighting, seasonal displays, and concession stands. Twenty-six temporary booths would be erected for the event and would be dismantled and removed at the conclusion of the event. Several new conditions and minor clarifications to previously approved conditions are included for hearing consideration. The market is located within the interior of*

Russell S. Read  
Re: Cambria Pine Lodge  
May 18, 2022

*the Cambria Pines Lodge grounds and at the adjacent Cambria Nursery. The proposed project is within the Recreation land use category; and is located at 2905 Burton Drive, in the community of Cambria. The site is in the North Coast Planning Area. District 2.*

All that is required under the Brown Act is for the agenda to contain "...a brief general description of each item of business to be transacted or discussed at the meeting." Gov. Code § 54954.2(a)(1). The Brown Act goes on to say that "[a] brief general description of an item generally need not exceed 20 words." *Id.* Courts interpreting this provision of the Brown Act have determined that agencies need only "substantially comply" and all that is required is for the agenda description to "communicate the essential nature of board action." *Olson v. Hornbrook Community Services Dist.*, (2019) 33 Cal. App. 5<sup>th</sup> 502, 519.1

Here, the agenda description clearly communicated that the Board was going to consider an appeal of a temporary event permit for the Cambria Christmas Market. The agenda description included the nature of the permit that was being appealed, it included the location and described the different components of what the event would include. The fact that the agenda description identified the permit being extended for one additional year doesn't nullify the Board's ability to approve modifications to the underlying permit that it was considering. The Board's action on the permit is discretionary in nature and the Board can use its discretion to make modifications to a permit's conditions of approval. See generally County Code § 23.02.034. Using your logic, the Board could not make any modifications whatsoever to the project if those components were identified in the agenda description (i.e. hours of operation, number of booths, etc.). This logic and legal theory is antithetical to and inconsistent with the discretionary nature of the land use permit process. The Brown Act and its agenda description requirements do not "lock in" the Board's ability to make changes to the project or its conditions of approval. All that is required is that the agenda notify the public the essential nature of what the Board was going to consider, which it did. What the Board cannot do is abuse its discretion pursuant to Code of Civil Procedure § 1094.5. Your letter confuses these concepts and as was explained at the hearing, the Board did not abuse its discretion under Code of Civil Procedure § 1094.5 by allowing the Christmas Market permit to be extended for one additional year.

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1 See also *San Diegans for Open Government v. City of Oceanside*, (2016) 4 Cal. App. 5<sup>th</sup> 637, 643 [Under the Brown Act's requirement of "a brief general description of each item of business to be transacted or discussed" at a public meeting, so long as notice of the essential nature of the matter an agency will consider has been disclosed in the agency's agenda, technical errors or immaterial omissions will not prevent an agency from acting.]; *Martis Camp Community Association v. County of Placer* (Cal. App. 3 Dist. 2020) 2020 WL 4745089 [Any change in conditions of residential subdivision project approval arising from proposed abandonment of public easement over emergency access road was a component of project approval, not a distinct item of county business, and, thus, meeting agenda issued by county board of supervisors, which listed topics of proposed abandonment and project approval as items of business, provided adequate notice that change in conditions would be discussed at meeting, as required by Ralph M. Brown Act.]



**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING & BUILDING**  
**TREVOR KEITH, DIRECTOR**

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An aggrieved party may obtain judicial review of this action by filing a petition for writ of mandate pursuant to California Code of Civil Procedure Section 1094.5 within the time specified in California Code of Civil Procedure Section 1094.6.

If you have questions regarding your project, please contact me at (805) 788-2085.

Sincerely,

*Katie Martin*

Katie Martin  
Executive Assistant, Planning & Building

cc: California Coastal Commission  
Claudia Harmen Worthen, Appellant  
Russel Read, Appellant  
Joseph Mark Hough, Appellant



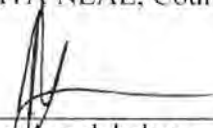
or employees, against actions by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to or arising out of the approval or implementation of this land use permit. The agreement shall provide that the applicant will indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition or the agreement. The applicant shall also provide sufficient guarantees for the obligations hereunder as determined by County Counsel. Any violation of this condition, including the applicant's failure to execute the Indemnity Agreement or breach thereof, or failure to provide sufficient guarantees, is grounds for the County to rescind and/or revoke its approval of this land use permit. These defense and indemnity obligations shall survive any rescission, revocation and/or set aside of this land use permit.

Russell S. Read  
Re: Cambria Pine Lodge  
May 18, 2022

Regarding your comments about water, that issue was discussed at length in the staff report for this item. See Section 4 under the "Discussion" item of the staff report. The fact that the California Coastal Commission (CCC) issued the Notice of Violation you reference in your letter does not automatically mean that the project is inconsistent with the County's approved Local Coastal Plan. The Cambria Pines lodge is an existing customer of the Cambria Community Services District (CCSD) and has been hosting the Cambria Christmas Market for years. The Board's findings recognized this. See Finding D in Exhibit A in the Resolution denying the appeal. If water consumption reductions are needed, then the Cambria Pines Lodge owner would be responsible for making the necessary reductions as would any other customer within the CCSD's service area consistent with the rules and regulations of the CCSD.

Let me know if you have any questions or comments.

Sincerely,  
RITA NEAL, County Counsel

  
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Jon Ansolabehere,  
Assistant County Counsel

Cc: Bruce Gibson, Chair of the Board  
Rita Neal, County Counsel  
Dan Dow, District Attorney  
Trevor Keith, Planning Director

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