

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
EMAIL: CENTRALCOAST@COASTAL.CA.GOV
WEB: WWW.COASTAL.CA.GOV



F14a

Appeal Filed: 7/30/2025
Action Deadline: 10/8/2025
Staff: Sarah MacGregor - SC
Staff Report: 8/22/2025
Hearing Date: 9/12/2025

STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-3-SLO-25-0027

Applicant: Uriah Donaldson

Appellants: Vicki Tamoush, Harley Dubois, and Ann Sturges

Local Government: San Luis Obispo County

Local Decision: Coastal development permit application number C-DRC2023-00044 approved by the San Luis Obispo County Board of Supervisors (on local appeal) on July 8, 2025.

Location: Vacant parcel on South Ocean Avenue in the northern portion of the unincorporated community of Cayucos in northern San Luis Obispo County (APN 064-119-036).

Project Description: Construction of a two-story roughly 4,200 square-foot mixed-use project including two motel guest units, one residential unit, and seven standard parking spaces.

Staff Recommendation: No Substantial Issue

IMPORTANT HEARING PROCEDURAL NOTE

Please note that this is a substantial issue only hearing, and testimony will be taken only on the question of whether the appeal raises a substantial issue. Such testimony is generally limited to three minutes total per side (although the Commission's Chair has the discretion to modify these time limits), so please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government, the local government, and their proxies/representatives are allowed to testify during this substantial issue phase of the hearing. Other interested parties may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, then the Commission takes jurisdiction over the underlying coastal development permit (CDP)

application and will then review that application at a future Commission meeting, at which time all persons are invited to testify. If the Commission finds that the appeal does not raise a substantial issue, then the local government CDP decision stands, and is thus final and effective.

SUMMARY OF STAFF RECOMMENDATION

San Luis Obispo County approved a CDP for the construction of a two-story, approximately 4,200 square-foot mixed-use building consisting of two motel units, one residential unit, and seven standard parking spaces on a vacant infill parcel several blocks inland from the shore on South Ocean Avenue in the primary visitor-serving neighborhood of the unincorporated community of Cayucos in northern San Luis Obispo County. The Appellants contend that the County's approval of the project is inconsistent with County LCP provisions related to parking requirements and standards, stormwater runoff and drainage, and previous approvals at the site. After reviewing the local record, staff recommends that the Commission find that the County's CDP approval does not raise a substantial issue with respect to the project's conformance with the County LCP.

With regard to parking requirements and standards, the proposed development does not appear to raise any significant LCP inconsistencies related to parking that would impact coastal resources, including in relation to the total number of parking spaces required (the LCP requires, and the proposed project provides, seven spaces, one of which is ADA parking and one of which provides EV charging) and their required design standards. In terms of the contentions related to stormwater runoff and drainage, the County approved project is conditioned to provide drainage plans and a Stormwater Control Plan at the time of application for construction permits, where such plans are required to comply with County standards regarding flooding and drainage. And finally, there was a prior CDP approval at this site which also included the two sites immediately to the north, but that CDP expired, the project was never constructed, and the subject parcel remains vacant.¹ Thus, any prior CDP provisions do not apply to this development.

In sum, the project is located several blocks inland from the ocean in an urban infill area, and does not raise any sort of adverse coastal resource impacts. Additionally, the County-approved project is consistent with County and statewide efforts to increase housing stock by providing for a residential unit and broadly meets Coastal Act goals of providing overnight visitor accommodations along the coast. As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP (and/or Coastal Act access, to the extent applicable) conformance issue, and that the Commission decline to take jurisdiction over the CDP application for this project. The single motion necessary to implement this recommendation is found on **page 4** below.

¹ CDP A-3-SLO-99-060, approved by the Commission in 2000, that authorized a 30-unit motel then known as the Victorian Inn.

TABLE OF CONTENTS

- 1. MOTION AND RESOLUTION 4
- 2. FINDINGS AND DECLARATIONS 4
 - A. Project Description and Location 4
 - B. San Luis Obispo County CDP Approval 4
 - C. Appeal Procedures 5
 - D. Summary of Appeal Contentions 7
 - E. Substantial Issue Determination 7
 - F. Conclusion..... 10
- 1. APPENDICES 11
 - A. Substantive File Documents 11
 - B. Staff Contacts with Agencies and Groups 11

EXHIBITS

- Exhibit 1 – Project Site Map
- Exhibit 2 – Project Area Photos
- Exhibit 3 – County-Approved Project Plans
- Exhibit 4 – County Final Local CDP Action Notice
- Exhibit 5 – Appeal Contentions

1. MOTION AND RESOLUTION

Staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission would not take jurisdiction over the underlying CDP application for the proposed project and would not conduct further hearings on this matter, and that the local government CDP decision stands and is thus final and effective. To implement this recommendation, staff recommends a yes vote on the following motion which, if passed, will result in the recommended no substantial issue finding. If the motion fails, then the Commission will have instead found a substantial issue and will instead take jurisdiction over the subject CDP application for future hearing and action. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission determine that Appeal Number A-3-SLO-25-0027 **raises no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603, and I recommend a **yes** vote.*

Resolution to Find No Substantial Issue. *The Commission finds that Appeal Number A-3-SLO-25-0027 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.*

2. FINDINGS AND DECLARATIONS

A. Project Description and Location

The County-approved project is located on a vacant parcel on South Ocean Avenue near its intersection with E Street within the primary visitor-serving neighborhood of unincorporated Cayucos in northern San Luis Obispo County. The parcel is designated in the LCP as Commercial Retail. The undeveloped parcel totals approximately 7,500 square feet and is located two blocks inland from Cayucos State Beach, and approximately a quarter-mile south of Cayucos Pier.

The Applicant proposes to construct a two-story, approximately 4,200 square-foot mixed-use project. The project will include two two-bedroom motel units totaling approximately 2,200 square feet and one three-bedroom approximately 1,200 square-foot residential unit where each unit will have a deck facing towards Ocean Avenue. The project will also include a 750 square-foot common area on the second floor reserved for motel guests and occupants of the residential unit. The County-approved project will provide seven standard size off-street parking spaces with a landscaping buffer.

See **Exhibit 1** for a location map, **Exhibit 2** for site area photos, and **Exhibit 3** for the County-approved project plans.

B. San Luis Obispo County CDP Approval

On October 4, 2024 the San Luis Obispo County Planning Department Hearing Officer approved a CDP for the proposed project. The Hearing Officer's approval was appealed

by the same Appellants to the Board of Supervisors which, after deliberation, upheld the approval, as modified by the Applicant, and denied the appeal on July 8, 2025, thus finalizing the CDP decision as the County's final decision.² The County's Final Local CDP Action Notice (see **Exhibit 4**) was received in the Coastal Commission's Central Coast District Office on July 16, 2025, and the Coastal Commission's ten-working-day appeal period for this action began on July 17, 2025 and concluded at 5 p.m. on June 31, 2025. Three valid appeals (discussed below) were received during the appeal period.

C. Appeal Procedures

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This County CDP decision is appealable to the Commission because the project does not constitute the singular principal permitted use under the LCP for this site and the site is located within an area that constitutes a sensitive coastal resource area under the LCP.

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP and/or to Coastal Act public access provisions. For appeals of a CDP denial, where allowed (i.e., such appeals are only allowed in extremely limited circumstances – see description of appealable actions, above), the grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions.

The Commission's consideration of appeals is a two-step process. The first step is determining whether the appeal raises a substantial issue that the Commission, in the exercise of its discretion, finds to be significant enough to warrant the Commission taking jurisdiction over the CDP application. This step is often referred to as the "substantial issue" phase of an appeal. The Commission is required to begin its hearing on an appeal, addressing at least the substantial issue question, within 49-working days of the filing of the appeal unless the applicant has waived that requirement, in which case there is no deadline. In this case, the Applicant has not waived the 49-working day requirement, and the 49-working day deadline is October 8, 2025, meaning that the

² The project was originally placed on the County Board of Supervisors agenda for April 29, 2025 but was continued to July 8, 2025. In the time between the Board of Supervisors hearings, the Applicant revised the application with the goal to address concerns raised by Appellants as discussed in more detail in this report, where such revised project was approved by the Board of Supervisors.

Commission must take action on the substantial issue question at either the September 2025 Commission meeting in Fort Bragg or the first day of the October meeting in Redondo Beach in order to meet this deadline.

The Coastal Act and the Commission's implementing regulations are structured such that there is a presumption of a substantial issue when the Commission acts on this question, and the Commission generally considers a number of factors in making that determination.³ At this stage, the Commission may only consider issues brought up by the appeal. At the substantial issue hearing, staff will make a recommendation for the Commission to find either substantial issue or no substantial issue. If staff makes the former recommendation, the Commission will not take testimony at the hearing on the substantial issue recommendation unless at least three Commissioners request it, and, if no such hearing is requested, a substantial issue is automatically found. In both cases, when the Commission does take testimony, it is generally (and at the discretion of the Commission Chair) limited to three minutes total per side, and only the Applicant, persons who opposed the application before the local government, the local government, and their proxies/representatives are allowed to testify, while others may submit comments in writing.

If, following testimony and a public hearing, the Commission determines that the appeal does not raise a substantial issue, then the first step is the only step, and the local government's CDP decision stands. However, if the Commission finds a substantial issue, the Commission takes jurisdiction over the underlying CDP application for the proposed project, and the appeal heads to the second phase of the hearing on the appeal.

In the second phase of the appeal, the Commission must determine whether the proposed development is consistent with the applicable LCP (and in certain circumstances the Coastal Act's public access and recreation provisions). This step is often referred to as the "de novo" review phase of an appeal, and it entails reviewing the proposed project in total. There is no legal deadline for the Commission to act on the de novo phase of an appeal. Staff will make a CDP decision recommendation to the Commission, and the Commission will conduct a public hearing to decide whether to approve, approve with conditions, or deny the subject CDP. Any person may testify during the de novo phase of an appeal hearing (if applicable).

³ The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no substantial issue..." (California Code of Regulations, Title 14, Section 13115(b)). Section 13115(c) of the Commission regulations provides, along with past Commission practice, that the Commission may consider the following five factors when determining if a local action raises a significant issue: (1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and the Coastal Act's public access provisions; (2) the extent and scope of the development; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

D. Summary of Appeal Contentions

The Appellants contend that the County’s CDP approval raises LCP consistency questions relating to parking requirements and standards. Specifically, the Appellants contend that the approved project would violate applicable LCP provisions because: 1) the project does not provide adequate parking; 2) the lack of wheel stop blocks will allow cars to encroach into the landscaping buffer; 3) the length of the driveway easement requires a turnaround area; and 4) the width of the isle in the parking lot will reduce access. The Appellants also contend that stormwater runoff has not been adequately addressed, and that previous CDP approvals at the project site affect the proposed project but were not adequately taken into consideration in the County’s approval.

Please see **Exhibit 5** for the appeal contentions.

E. Substantial Issue Determination

Applicable LCP Provisions

The LCP’s Land Use Plan (LUP) is comprised of three components: the Framework for Planning document, which serves as a type of “roadmap” describing the County’s coastal zone and how the rest of the LCP functionally works to regulate development; the Coastal Plan Policies document, which identifies the overarching coastal resource protection provisions governing development throughout the coastal zone; and four area plans that identify additional provisions specific to each of the LCP’s four geographic areas (i.e., North Coast, Estero, San Luis Bay, and South County Area Plans), where Cayucos is subject to the LUP’s Estero Area Plan (NCAP). In addition to the LUP, the Coastal Zone Land Use Ordinance (CZLUO), also known as the LCP’s Implementation Plan (IP), is also a part of the LCP and provides additional details to carry out certain LUP requirements.

In this case, the Appellants specifically site the following LCP provisions in support of their appeal contentions:⁴

CZLUO 23.04.164 – Parking Design Standards. *All off-street parking areas are to be designed and improved as set forth in this section. A) Parking space and aisle dimensions. All off-street automobile parking spaces are to be a minimum of nine by 18 feet in size. ...*

Parking Space Dimensions

<i>KEY TO DISTANCES IN CHART</i>				
<i>Angle</i>	<i>Space Width (a)</i>	<i>Space to Curb (b)</i>	<i>Aisle (c)</i>	<i>Tier Width (d)</i>
<i>90°</i>	<i>10'-0"</i>	<i>18'-0"</i>	<i>22'-0"</i>	<i>58'-0"</i>

⁴ The Appellants actually cite to provisions in the County’s inland area Land Use Ordinance (Title 22), which serves as the zoning code for the inland portion of the County outside the coastal zone. However, Title 22 is not part of the LCP, and thus Title 22 consistency does not represent a valid appeal contention. However, there are equivalent provisions within the LCP’s Coastal Zone Land Use Ordinance (Title 23), and the Commission herein is evaluating the Appellants’ substantive concerns in relation to applicable Title 23 provisions.

CZLUO 23.05.104(d) – Driveway Design and Construction. *Proposed driveways shall be designed and constructed as follows....*

Required Driveway Width in Feet

<i>LENGTH (IN FEET)</i>	<i>REQUIRED WIDTH</i>
<i>Less than 50</i>	<i>10</i>
<i>50-200</i>	<i>12^[*]</i>
<i>Greater than 200</i>	<i>16</i>

** A turnout, as defined in Chapter 23.11 (Definitions - Turnout), shall be provided near the midpoint.*

CZLUO 23.11.030 Definitions – Turnout. *A widening in the road to allow vehicles to pass. Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25 foot taper on each end.*

CZLUO 23.04.168(c) – Wheel Stops. *Wheel stops or continuous concrete or asphalt curbing are required in all parking lots to define the perimeter of the parking area and to protect landscaping from vehicle encroachment.... (1) Materials and installation: Wheel stops are to be constructed of concrete, continuous concrete curbing, asphalt, timber, or other durable material not less than six inches in height.*

The Appellants also reference the following Estero Area Plan text:

There is a shortage of parking in the central business district, especially on holidays, weekends, and during the summer. [page 5-5] ... The county should support provision of more parking for downtown, beach and recreation areas... [page 5-14]

Analysis

The Appellants make a myriad of contentions related to parking requirements and standards. By way of background and importantly, the project as approved by the County Hearing Officer was originally proposed to be 4,910 square feet with three motel guest units and one residential unit, where four of the seven parking spaces were proposed to be compact, and the current Appellants appealed that approval based on an allegation that the project had inadequate parking (i.e., a project of this nature would require eight off-street parking spaces, not seven).⁵ At the April 29, 2025 Board of Supervisors hearing, the Board voted to continue the item and directed the Applicant to work with staff to reduce the number of motel/residential units or to provide more parking. The Applicant then revised the project proposal in accordance with the Board’s recommendation, where the building’s footprint was reduced to 4,210 square feet with two motel units and one residential unit, in which case the project’s seven off-street parking spaces would satisfy the LCP’s parking requirements (i.e., four spaces for the

⁵ The County LCP requires two off-street parking spaces for a hotel/motel use plus one space per unit, and a three-bedroom residence requires two spaces plus one guest space. Thus, a three-unit motel would require five spaces, and a three-bedroom residence would require three spaces, for a total of eight parking spaces.

motel units, and three spaces for the residence). Furthermore, all seven parking spaces would be standard size (where one space would provide ADA parking and one space would provide EV charging⁶), where the only modification to LCP parking standards would be to allow for a reduced landscaping buffer on the east side of the parking lot to accommodate the standard sized parking spaces (where a 2'8" landscaping buffer was approved and a five-foot buffer would otherwise be required.)⁷ Thus, the Applicant modified the project to address the Appellants' concerns and to satisfy LCP parking requirements, and the Board approved that version of the project. As approved, the project is consistent with the LCP number of required spaces, and thus the claim of inadequate parking does not raise a substantial issue.

The Appellants also make contentions regarding wheel stops in the parking lot, where the County-approved project provides a six-inch concrete curb wheel stop along the western side of the parking lot, consistent with CZLUO 23.04.168(c), and a four-foot-tall retaining wall along the eastern side of the parking lot, between the parking spaces and landscape buffer, which will also provide a buffer between the parking lot and the adjacent residences to the east. These requirements are all LCP compliant, and thus these contentions do not raise a substantial issue under the County's LCP.

In terms of the specific design of the parking lot, the parking spaces are proposed to be constructed at 90-degree angles, as opposed to angled spaces, where CZLUO 23.04.164 requires such spaces to be ten feet wide by 18 feet long with a 22-foot-wide access isle. The County approved project meets these specifications, including because the reduced landscape buffer will allow for the parking spaces to be standard size as opposed to compact spaces. In terms of access to the parking lot, vehicular access to the site is provided from E Street via a 20-foot-wide shared private reciprocal access easement where such access easement crosses the two properties to the north of the subject site. The Appellants contend that the access easement is required to provide a driveway turnout, where CZLUO 23.05.104(d) requires a turnout for driveways over 50 feet long. In this case, the access easement is approximately 100 feet long and although the County approval does not explicitly address the requirement for a turnout, the County approval requires the Applicant to coordinate with the adjacent property owner on the improvements required for through access to the site via the easement. Thus, including because the adjacent site is undeveloped, it seems likely that a driveway turnout could be provided along the access easement, and these contentions do not raise a substantial issue either.

The Appellants also make contentions regarding stormwater runoff and drainage. The County approval was conditioned for the Applicant to provide drainage plans and a Stormwater Control Plan at the time of application for construction permits, where such

⁶ Although not a requirement under the LCP, the California Green Building Standards Code (CGBSC; Title 24, Part 11, Section A4.106.8.2.1) provides various standards for electric vehicle chargers for new multifamily dwellings and motels, and the County-approved single vehicle charger meets these requirements.

⁷ Such modification was approved per CZLUO 23.04.162(h) which allows for modifications to parking standards given site characteristics, where the County found such modification appropriate and necessary given the site access constraints.

plans are required to be reviewed and certified by the County for compliance with applicable standards. The Appellants suggest that the Applicant should contribute a development fee to the County for stormwater improvement projects, however, it appears that no such program exists at this time, and the Applicant is not required to mitigate for existing stormwater impacts, they are only required to mitigate for those impacts that are generated by their proposed project, which they are doing. Thus, the proposed project does not raise a substantial issue in terms of stormwater runoff.

Finally, the Appellants also contend that a prior CDP approval for a motel development at this site is applicable to the proposed development.⁸ Although it is true that a CDP was approved in 2000 for the construction of a motel on this site and on the two sites immediately to the north, the CDP ultimately expired since the project was not actively pursued for over twenty years, and the project was never constructed. Thus, any prior CDP provisions do not apply to this development, and these contentions do not raise a substantial issue.

In sum, the County's approval provides for an important overnight accommodation and residential use and does not raise any significant coastal resource impacts or LCP compliance issues.

F. Conclusion

When considering a project on appeal, the Commission must first determine whether the project raises a substantial issue related to conformance with the LCP and/or the public access provisions of the Coastal Act such that the Commission should assert jurisdiction over the CDP application for such development. At this stage, the Commission has the discretion to find that the project does or does not raise a substantial issue of Coastal Act public access and/or LCP conformance. Section 13115(c) of the Commission regulations provides that the Commission may consider the following five factors when determining if a local action raises a significant issue: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

Regarding the first factor (the degree of factual and legal support for the County's decision), the County based its CDP decisions on facts and evidence, including through application of site design standards. Such facts and evidence support the County's ultimate findings, conclusion, and decision, and this factor suggests a finding of no substantial issue.

When considering the second factor (the extent and scope of the development as approved by the County), the extent/scope of the County's approval is relatively minor

⁸ CDP A-3-SLO-99-060, approved by the Commission in 2000, that authorized a 30-unit motel then known as the Victorian Inn.

since the project is limited to a modestly sized mixed-used building containing two motel units and one residential unit on an infill, existing lot of record within an already developed urban area. As discussed, the proposed development includes adequate parking to serve the proposed uses, including where the Applicant agreed to reduce the size of the project to meet parking requirements, thus this factor suggests a finding of no substantial issue.

Regarding the third factor (the significance of coastal resources affected by the decision), while ensuring development includes adequate parking so as to not negatively impact surrounding public coastal access is a Coastal Act priority, the County-approved project includes adequate parking for the proposed uses and is not expected to result in negative impacts on parking and access in the vicinity of the project site. Perhaps most importantly, the County appropriately applied the LCP to these issues. The third factor suggests no substantial issue.

Regarding the fourth factor (the precedential value of the County's approval), although any one case is decided on its specific facts and merits, there is the potential that the County (and/or potential future applicants) might see the County's action as precedential. In this case, as discussed and repeated above, the proposed development provides adequate parking onsite and does not appear to raise any significant LCP inconsistencies that would impact coastal resources and thus only creates a precedent of the County correctly interpreting LCP standards. The fourth factor also suggests no substantial issue.

Finally, regarding the fifth factor (whether the appeal raises only local, or regional or statewide, issues of significance), again, the project is modestly sized, provides adequate parking onsite and meets all other parking standards and thus will not result in issues of significance on any scale. This too suggests a finding of no substantial issue.

Thus, for the reasons stated above, the Commission finds that Appeal Number A-3-SLO-25-0027 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

3. APPENDICES

A. Substantive File Documents⁹

- San Luis Obispo County CDP/Minor Use Permit File C-DRC2023-00044
- CDP Appeal A-3-SLO-25-0027
- CDP A-3-SLO-99-060

B. Staff Contacts with Agencies and Groups

- San Luis Obispo County Department of Planning and Building

⁹ These documents are available for review from the Commission's Central Coast District office.