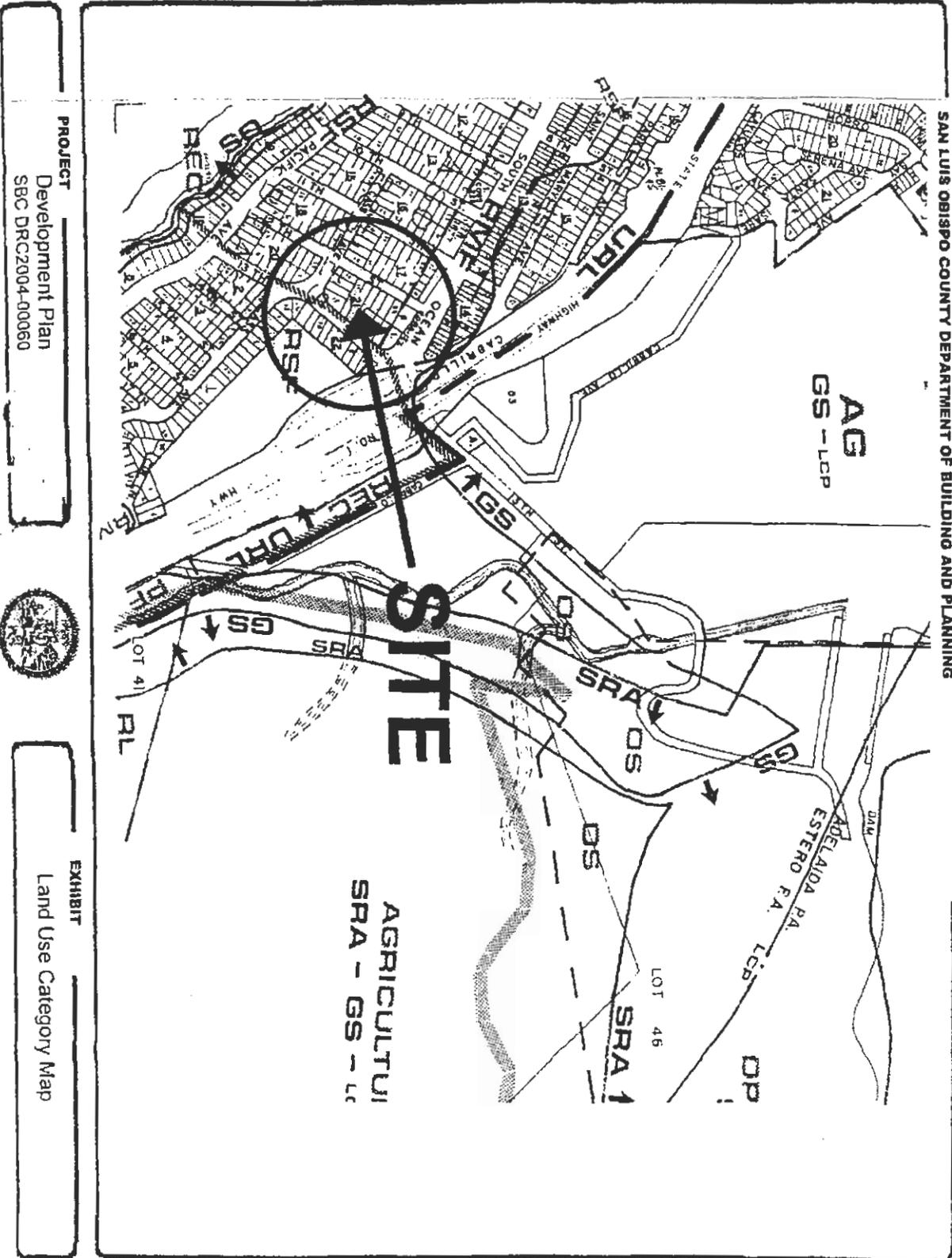


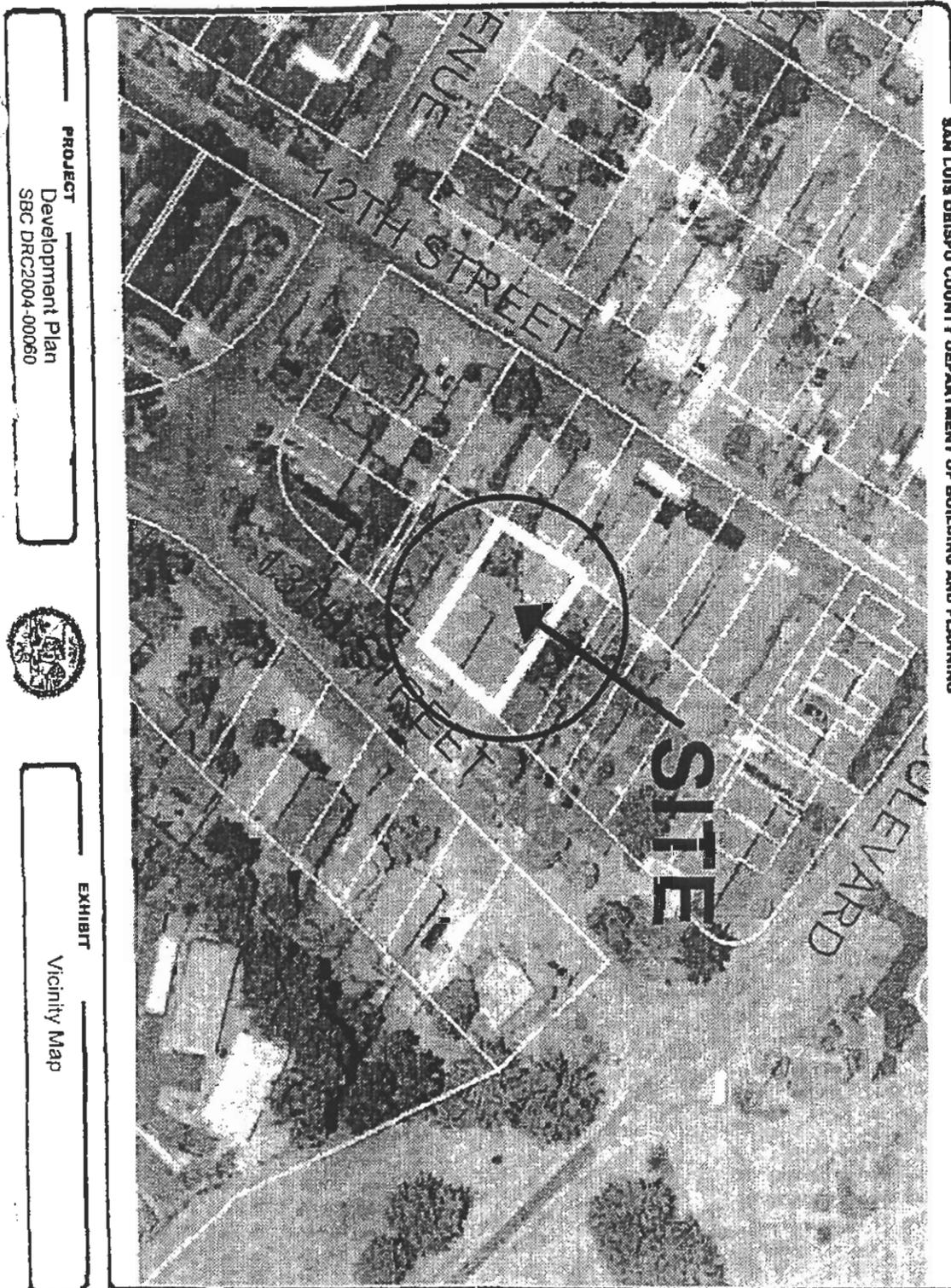
SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



California Coastal Commission

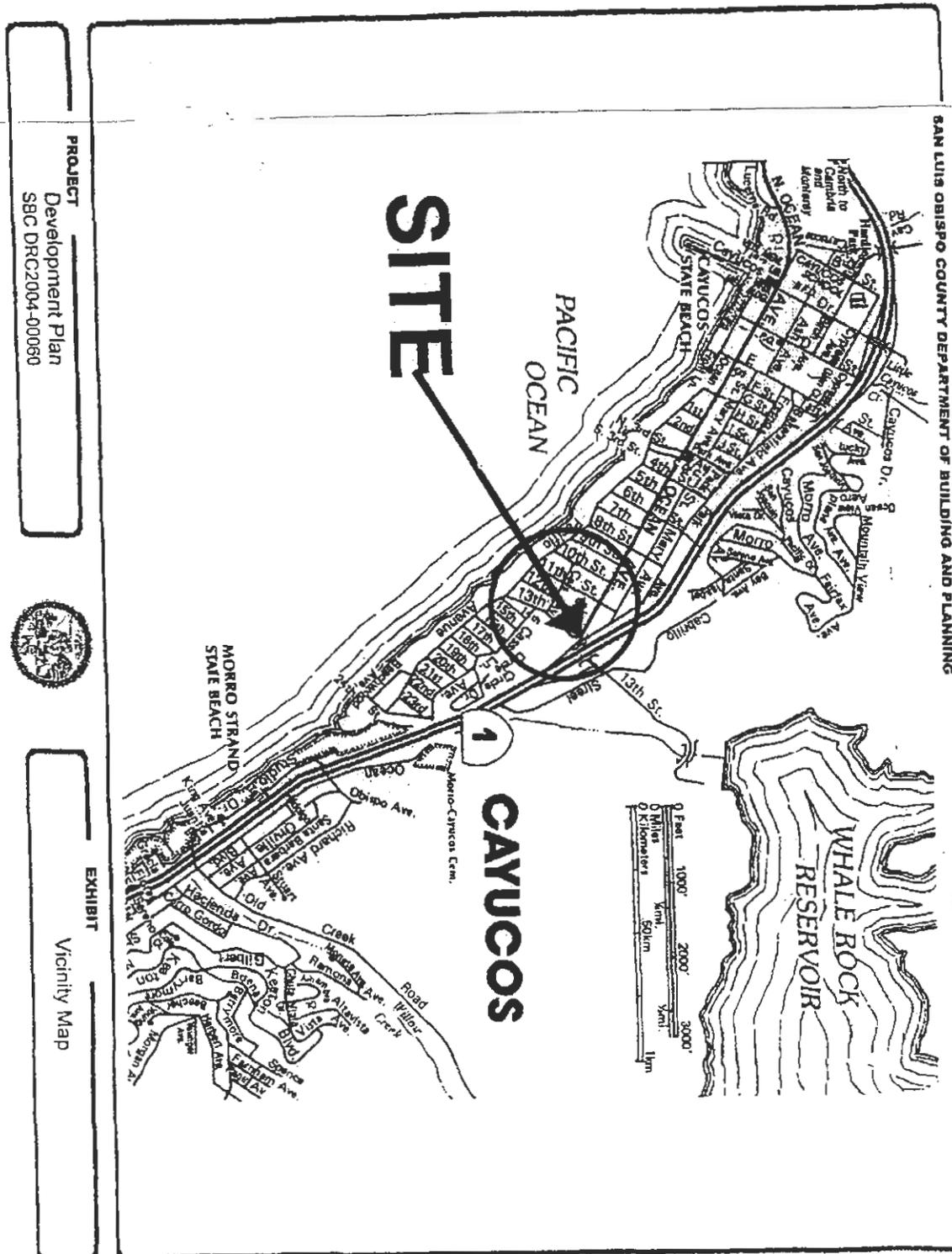
Exhibit A (1 of 3)
Location Map: Cayucos
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



California Coastal Commission

Exhibit A (2 of 3)
Location Map: Cayucos
A-3-SLO-06-016



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

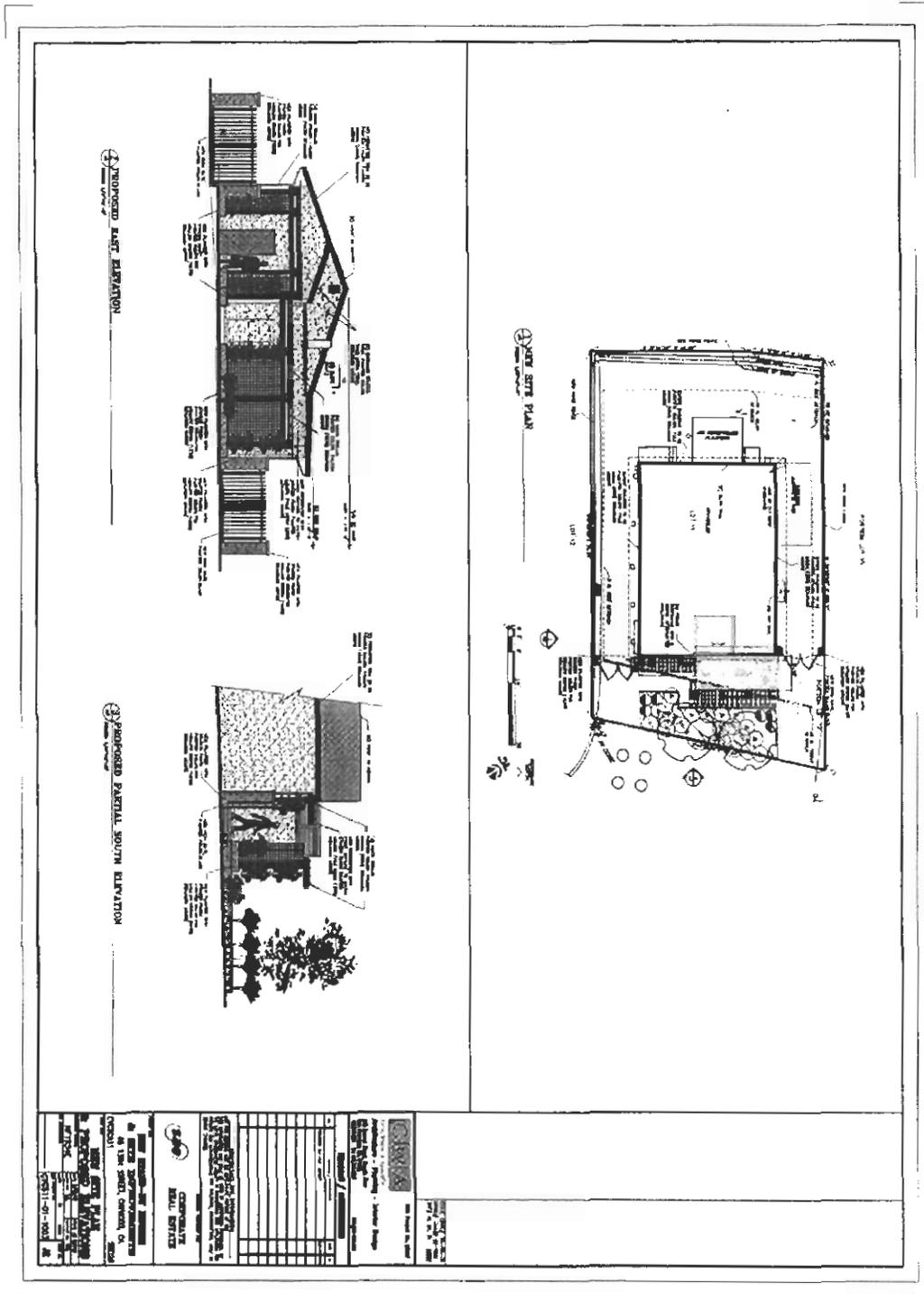
PROJECT
Development Plan
SBC DRC2004-00060



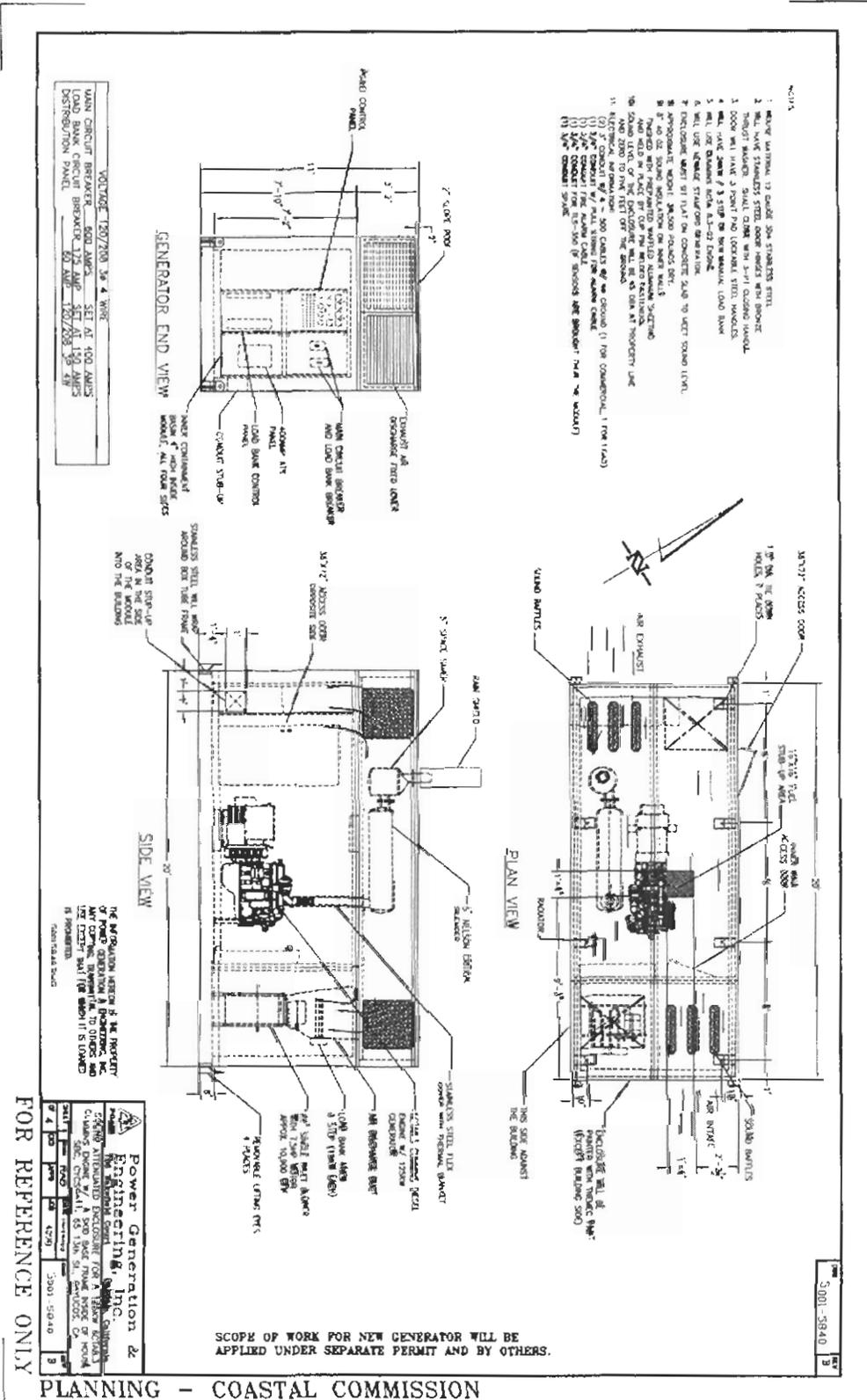
EXHIBIT
Vicinity Map



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

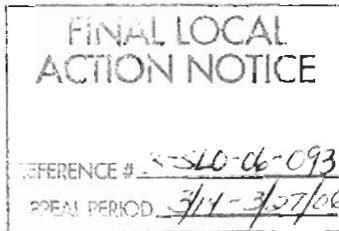


March 8, 2006

GWA
David E. Wagner, Jeffrey Runnels
143 Second St., 4th Floor
San Francisco, CA 94105

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR



RECEIVED

MAR 13 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: JANUARY 24, 2006

SUBJECT: DRC2004-00060, DRC2005-00041 SBC
PROPOSED STANDBY ENGINE

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the San Luis Obispo County Planning Commission on the hearing date shown. A copy of the Resolution of approval, with final findings and conditions attached, is enclosed. The conditions of approval must be carried out as set forth in that document.

This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non-coastal issues there is a fee of \$604.00. An appeal to the Board of Supervisors must be made to the Planning Commission Secretary, Department of Planning and Building.

This 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 regulations provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless

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

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>



California Coastal Commission

Exhibit C (1 of 13)
Final Local Action Notice
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six (6) months or conditions have not been complied with, such Permit approval shall become void.

If you have any questions regarding these procedures, please contact me at (805) 781-5600. If you have questions regarding your project, please contact your planner at (805) 781-5600.

Sincerely,

TARYN JAMISON, GEO-TEAM SECRETARY
CURRENT PLANNING DIVISION

(Planning Department Use Only)

Date NOFA copy mailed to Coastal Commission: 3-8-06

Enclosed: Staff Report
 Resolution/ Findings and Conditions



California Coastal Commission

Exhibit C (2 of 13)
Final Local Action Notice
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

RECEIVED

MAR 13 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST AREA

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

Tuesday, January 24, 2006

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

ABSENT: None

In the matter of an appeal by C. Gillem and **RESOLUTION NO. 2006-42:**

This is the time set for bearing to consider an appeal by Charles R. Gillem of the Planning Commission's decision to approve the application of SBC for a Development Plan/Variance/Coastal Development Permit, located at 65 13th Street in the community of Cayucos; 2nd District.

Ms. Kerry Brown: Planning, presents the staff report; discusses the alternative placement for the generator; outlines the actions of the Cayucos Advisory Committee; addresses the appeal issues.

Board Members: discuss changes to Condition #18 to address concerns regarding the operation and testing of the generator.

Mr. Charles Gillem: Appellant, addresses the issues of his appeal; expresses his concern with the placement, size and noise impacts of the generator on his home and neighborhood; states the project is an eye sore and hazardous materials are on the property; urges the Board to stop this project.

Mr. David Wagner: representing SBC, highlights the purpose of the project; outlines the appearance and noise improvements made to the site; states the new generator is not small enough to go into the existing building.

Chairperson Achadjian: questions if a natural gas or propane generator could be used.

Mr. Jerry Rogers: Power Generation Systems, highlights the differences between the clean up, emissions, noise and size of a natural gas or propane generator versus the proposed generator.

Supervisor Bianchi: questions why the location of this site cannot be moved to a more isolated area, with Mr. Jeffrey Reynolds, SBC, responding to the major modifications and interruptions that would occur if the location of the site was moved.

(SUPERVISOR JERRY LENTHALL IS NOW ABSENT.)

Supervisor Bianchi: discusses the Advisory Council meetings that occurred regarding this project and the steps SBC has taken to address public concerns.

(SUPERVISOR JERRY LENTHALL IS NOW PRESENT.)

A motion by Supervisor Bianchi, seconded by Supervisor Lenthall to approve the staff recommendation, is discussed.

Ms. Brown: amends Condition #18 to read as follows: "The emergency generator will only be operated for emergency purposes and testing will occur once a month for one hour and once a year, for five hours, for annual maintenance and run, at a time between 8 a.m. and 5 p.m. coordinated with the adjacent neighbors."

Thereafter, on motion of Supervisor Bianchi, seconded by Lenthall and on the following roll call vote:

AYES: Supervisors Bianchi, Lenthall, Ovitt, Patterson, Chairperson Achadjian
NOES: None
ABSENT: None



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

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

Tues day January 24 ,20 06

PRESENT: Supervisors Harry L. Ovittr, Shirley Bianchi, Jerry Lenthall,
James R. Fatterson and Chairperson K.H. 'Karcho' Achadjian

ABSENT: None

RESOLUTION NO. 2006-42

RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF SBC FOR DEVELOPMENT PLAN / VARIANCE / COASTAL DEVELOPMENT PERMIT DRC2004-00060 / DRC2005-00061

The following resolution is now offered and read:

WHEREAS, on November 30 ,2005, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of SBC for Development Plan / Variance / Conditional Use Permit DRC2004-00060 / DRC2005-00061; and

WHEREAS, Charles R. Gillem has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on January 24, 2006, and a determination and decision was made on January 24, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A and B and are attached hereto and incorporated by reference herein as though set forth in full.



California Coastal Commission

Exhibit C (5 of 13)
Final Local Action Notice
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the mitigated negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Charles R. Gillem is hereby denied and the decision of the Planning Commission is affirmed that the application of SBC for Development Plan/ Variance / Coastal Development Permit DRC2004-00060 / DRC2005-00041 is hereby approved subject to the conditions of approval set forth in Exhibit C attached hereto and incorporated by reference herein as though set forth in full.

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

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

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

K.H. ACHADJIAN
Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors
By: C.M. CHRISTENSEN Deputy Clerk
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: [Signature]
Deputy County Counsel

Dated: January 11, 2006



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

STATE OF CALIFORNIA,)
)
County of San Luis Obispo)

ss

I, JULIE L. ROEWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 24th day of February, 2006.

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

(SEAL)

By: CM Christensen
Deputy Clerk



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

FINDINGS - EXHIBIT A

Environmental Determination

- A. 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 Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 20, 2005 for this project. Mitigation measures are proposed to address aesthetics, air quality, hazards/hazardous materials, and noise and are included as conditions of approval.

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 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 telephone switching facility with the proposed new emergency generator will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the telephone switching facility with the proposed new emergency generator will be designed to be similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the telephone switching facility with the proposed new emergency generator is located on 13th Street a local road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The project site is not located between the first public road and the ocean. The project site is within an urban reserve line (Cayucos) and an existing coastal access point exists 5000 feet from the project site, therefore, the proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act.

Small Scale Neighborhood

- H. The proposed project meets the community small scale neighborhood design standards and is therefore consistent with the character and intent of the Cayucos community small scale design neighborhood.



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

- i. The proposed project will not block public view of the ocean from Highway One and the views from the respective neighborhood are not being further limited.



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

FINDINGS - EXHIBIT B

Variance

- A. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which it is situated because the proposed Variance is to allow for an emergency generator 2.5 feet in the front setback. This emergency generator is necessary to provide telephone service in the event of an emergency. There is sufficient space in the rear or side of the property, however these locations will have a greater impact on the adjacent neighbors.
- B. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, and because of the absence of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity and in the same land use category. This property is unique in that it is a telephone switching facility located in the middle of residential neighborhood. Without the variance the emergency generator could be located on the side or rear of the property however these locations would greatly impact the neighboring properties.
- C. The variance does not authorize a use that is not otherwise authorized in the land use category because Public Utility Facility are allowed uses in the Residential Single Family land use category.
- D. The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, and is not injurious to nearby property or improvements, because the Environmental Determination has determined that the proposed project will not have a significant impact on the environment.
- E. The variance is consistent with the San Luis Obispo County General Plan because the proposed location within the front setback best mitigates the placement of a public utility facility in a residential neighborhood.



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

EXHIBIT C CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:
 - a. A new replacement emergency generator to be located in the front setback. The generator is needed to support an existing telephone switching facility. The project will result in the disturbance of approximately 200 square feet of a 6,000 square feet parcel.
 - b. A maximum height of 18 feet (as measured from average natural grade).

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

Site Development

2. The applicant shall submit plans that show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. The applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, the applicant shall submit a drainage plan for the entire site that shall show removal of impervious surfaces to the maximum extent feasible for review and approval by the County Public Works Department

Environmental Mitigations

5. The project will be consistent with the landscape plan and elevations dated July 27, 2005.
6. The applicant shall obtain an Authority to Construct permit from the APCD and be consistent with all conditions required by the permit.
7. The applicant shall update and maintain a hazardous material plans thru the Department of Environmental Health.

Environmental Quality Assurance

8. An environmental quality assurance program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all conditions required by the Development Plan.

Fire Safety

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

Services

10. The applicant shall provide a letter from Cayucos Sanitary District stating they are willing and able to service the property.
11. The applicant shall provide a letter from Paso Robles Beach Water Association stating they are willing and able to service the property.



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

Conditions to be completed prior to issuance of a construction permit

Fees

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

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

Landscaping

13. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection / establishment of the use**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

14. The applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Development Review Inspection

15. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Environmental Mitigations

16. Prior to testing and/or operation of the generator, the applicant shall provide evidence (as prepared by a qualified acoustical engineer) that the proposed emergency generator meets the standards of the Ordinance and does not increase the ambient noise level (daytime and nighttime) more than 1 dBA. If it cannot be demonstrated that the project meets the above condition the applicant shall provide a list of additional mitigation measures for review and approval by the Department of Planning and Building

On-going conditions of approval (valid for the life of the project)

Environmental Mitigations

17. The emergency generator will be enclosed by a sound attenuation module that will reduce the noise level (daytime and nighttime) of the generator to no more than 1 dBA above the ambient noise level.
18. The emergency generator will only be operated for emergency purposes and testing will occur once a month for one hour and once a year, for five hours, for annual maintenance and run, between the hours of 8 am and 5 pm at a time coordinated with the adjacent neighbors.

General Conditions

19. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
20. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

21. The applicant shall post emergency and non-emergency phone numbers on the SBC building.

Indemnification

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



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

STATE OF CALIFORNIA THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

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



COMMISSION NOTIFICATION OF APPEAL

DATE: March 30, 2006
TO: Matt Janssen, Permit Chief
County of San Luis Obispo, Planning & Building Department
1050 Monterey St., Rm. 310, County Government Center
San Luis Obispo, CA 93408
FROM: Steve Monowitz, District Manager
RE: **Commission Appeal No. A-3-SLO-06-016**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: DRC2004-000690; DRC2005-00041
Applicant(s): S B C, Attn: David Wagner
Description: Installation of a new replacement emergency generator to be located in front setback. Generator will support existing telephone switching facility.
Location: 65 - 13th Street, Cayucos (San Luis Obispo County)
Local Decision: Approved w/ Conditions
Appellant(s): Charles R. Gillen
Date Appeal Filed: 3/27/2006

The Commission appeal number assigned to this appeal is A-3-SLO-06-016. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of San Luis Obispo's consideration of this coastal development permit must be delivered to the Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Jonathan Bishop at the Central Coast District office.

cc: S B C, Attn: David Wagner

 CALIFORNIA COASTAL COMMISSION



California Coastal Commission

Exhibit D (1 of 37)
Appeal Contentions
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: *Charles R. Gillem*

Mailing Address: *P.O. Box 579*

City: *Cayucos, Ca.*

Zip Code: *93430*

Phone: *805-995-3143*

SECTION II. Decision Being Appealed

1. Name of local/port government: *San Luis Obispo Co. Board of Supervisors*

2. Brief description of development being appealed: *DRC-2004-00060 & DRC-2005-00041
SBC generator project.*

3. Development's location (street address, assessor's parcel no., cross street, etc.):
65 13th St. Cayucos, Ca. Cross Str. of Ocean Ave & Cass St.

4. Description of decision being appealed (check one):

- Approval; no special conditions
- Approval with special conditions: *Several Conditions described in
S.L.O. Co. Department of Planning and building
Staff report.*
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:	
APPEAL NO:	<i>A-3-SLO-06-016</i> RECEIVED
DATE FILED:	<i>3/27/06</i> MAR 27 2006
DISTRICT:	<i>Central Coast</i> CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA



California Coastal Commission

Exhibit D (2 of 37)
Appeal Contentions
A-3-SLO-06-016

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 1-24-2006

7. Local government's file number (if any): DRC 2004-000604 + DRC 2005-00041

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant: SBC Attn: David Wagner
143 Second St.
SAN FRANCISCO, Ca. 94105

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(d) Charles R. Gillem
Po Box 579

(2) Cayucos, Ca 93430

(3)

(4)



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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

I am the homeowner and resident of 21 yes. at the property directly adjacent to the east of the proposed SBC generator project. As Supplements to this Appeal, I have included the following:

- 1. My letter of appeal to the SLO Co. board of Supervisors,*
- 2. My letter of appeal to the SLO Co. Planning Commission,*
- 3. Petitions of protest from Area residents.*
- 4. Letters of protest from Area residents.*
- 5. Photographs of SBC deceptions, indiscretions and inaccuracies as labeled.*

SBC's plans to decimate the health and financial welfare of my neighborhood have been sailing through the SLO Co. bureaucratic protocols with little resistance. I have asked the Co. board of Supervisors, the planning Commission and the Citizens Advisory Committee to ENSURE the following:

- 1. That SBC in fact needs the proposed monstrosity to adequately maintain the existing facility.*
- 2. That the noise levels as well as other health issues will be unintrusive to our welfare.*
- 3. The eyesore of this up and coming industrial project coupled with all other repercussions will not turn a quiet coastal residential neighborhood into an industrial zone.*

The results of these requests has been a visionless acceptance of SBC reasoning, even in light of lies regarding the presence of hazardous waste, deceptions of noise level measurements, double talk about aesthetics and admission of upgrades intended for future growth, plans not the requested "emergency" operation of existing facilities!

This Neighborhood is poised to sacrifice the existing quiet residential status purely for SBC profits and unbridled County growth at the hands of our elected officials and public employees.

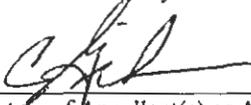


SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date: 3-23-06

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

Appeal to San Luis Obispo County Board of Supervisors

This memorandum is to accompany a Coastal Zone appeal application along with various supporting documents and photographs. Pursuant to county file numbers DRC 2004-00060 and DRC 2005-00041.

Back in May of 2004, I embarked on a frustrating battle to prevent a 9' wide by 21' long by 11' high, 125 kilowatt diesel powered generator from being placed along side my home within 42 inches of my property line. This battle turned from prevention to removal as SBC, in all their arrogance and total disregard for the community, proceeded right along despite complaints from residents and a stop work order from the county. Only upon the intervention of S.L.O. Co. Chief Code Enforcer, Art Trinidad, did I experience any support. Mr. Trinidad assured me not to worry. He stated, "This (the SBC Generator) is totally out of compliance, the generator is supposed to be inside the building". Mr. Trinidad conducted an immediate stop of on the project and the generator was removed the next day.

Now, here I am, along with my neighbors, still fighting this project over a year and a half later. My issues and basis for appeal to the planning commission decision to allow SBC to go ahead with this project are numerous and disconcerting.

Area residents and my self have endured four Cayucos Advisory Committee meetings, one Planning Commission meeting, signed petitions, wrote letters and made telephone calls all outlining legitimate issues of protest. The complaints and protests are not being heard and I have to ask myself, why do we have these protocols.

I fear that the concerns and protests of area residents have not received due respect and our health, safety and financial welfare is to be sacrificed in the name of potential growth and SBC profits.

SBC has demonstrated an unwillingness to compromise or make a genuine effort in addressing alternative locations or downsizing options. SBC's reasoning has been accepted by the planning Commission as gospel in the name of preferential treatment to utility companies. The S.L.O. Co. Planning Commission has allowed SBC unhampered expansion albeit past practice has been a total disregard for the welfare of the taxpaying residents of this community.

The proposed upgrade of the facilities existing "emergency" power system is extreme considering the previous system, the local environment and space limitations.

1. The "emergency" power system in place for the past several years was composed of a significantly smaller generator located entirely inside of the existing SBC building.
2. The application for a variance in the front setback is, in itself, an indication of the inappropriate size and location of this project. Specifically, this project would be in close proximity to family residents on all sides. This is not a rural neighborhood, lots are generally narrow with homes in close proximity to property lines.



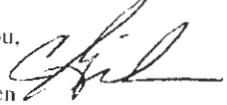
SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

3. The proposed generator and enclosure would be approximately fifteen feet from my living room.
4. SBC's methodology of collecting environmental data specifically, ambient noise levels, are deceitful and self serving.

Included with this appeal is as follows:

- A. Letter of protest to the S.L.O. Co. Planning Commission.
- B. Petition of protest by area residents.
- C. Photographs as referenced by letter of protest.

Thank You,


C.R. Gillen
Property owner and resident
75 13th St. Cayucos, CA





Coastal Zone Appeal Application

San Luis Obispo County Department of Planning and Building

NOTE: To appeal a Board of Supervisors decision you will need to obtain appeal forms from the California Coastal Commission - 725 Front Street, Suite 300 - Santa Cruz, CA (408) 427-4863.

#618

PROJECT INFORMATION

Type of permit being appealed:

- Plot Plan
 Minor Use Permit
 Development Plan
 Variance
 Land Division
 Lot Line Adjustment
 Other _____
 File Number: DEC-2004-00060
DEC 2005-00041

The decision was made by:

- Planning Director
 Building Official
 Administrative Hearing Officer
 Subdivision Review Board
 Planning Commission
 Other _____
 Date the application was acted on 11-30-05

The decision is appealed to:

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

BASIS FOR APPEAL Please note: An appeal must be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

- 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 memorandums
 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: _____

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (attach additional sheets if necessary)
	<u>Request for Variance is obvious indication that it is totally inappropriate location (see attached)</u>

APPELLANT INFORMATION

Print name: Charles R. Gillem
 Address: PO Box 579 Cayucos, Ca 93430 Phone Number (daytime): 996-3143

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 following grounds, as specified 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: 12-12-05

RECEIVED

OFFICE USE ONLY
 Date Received: DEC 14 2005
 Amount Paid: Planning & Bldg By: MLV
4:36 pm Receipt No. (if applicable): pending? Revised 5/05/04/LF



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

To: Eleanor Porter, San Luis Obispo Planning Commission

This letter is my formal notification of opposition to the proposed SBC generator project at 65 13th Street, Cayucos, CA. County File Number: DRC2004-00060 and DRC 2005-00041.

I received notice of Public hearing for the aforementioned project on 10-24-05. On 10-25-05 I contacted project manager Kerry Brown with a request for a change of hearing date and time to accommodate attendance for the working citizens residing in the area of the proposed project. The hearing date is scheduled for November 30, 2005 (Wednesday) at 8:45 am. A weekday morning during the holidays is suspiciously non-accommodating to the residents who may wish to attend in opposition. Furthermore, I advised Ms Brown, that I have a pre scheduled engagement out of state at that time and would not be able to attend. I am the homeowner and resident of 21 years, at 75 13th Street, directly adjacent to the proposed project. This request was denied due to an apparent lack of schedule openings and the fact that "SBC wants to get the project done."

The following is the basis of my protest of the proposed project:

HEALTH, SAFETY AND FINANCIAL WELFARE

13th Street and surrounding neighborhoods are extremely quiet and tranquil family neighborhoods not an industrial or commercial zone. The current SBC structure at the 65 13th St. site, once a non-assuming building, has been deceptively expanding over recent years. This monstrosity, a 20' long x 9' wide x 11' high, 125-kilowatt diesel powered generator, will without question adversely impact the Health, Safety, and financial welfare of area residents within a significant circumference of the proposed project.

NOISE POLLUTION

SBC has stated, that San Luis Obispo County Codes would allow them to install a generator which functions at a noise/loudness level of one decibel (db) over ambient levels. Ambient defined is, surrounding atmosphere. SBC took it upon themselves to measure "ambient" noise levels at 65 13th, on a Tuesday, garbage pickup day. On Tuesday's two very large diesel trucks, one for garbage pickup and one for recycle pickup; will be stopped at each corner of the proposed site property for up to five minutes each, going through their various mechanical processes. While in the vicinity of my home the loudness of these truck literally shakes my house. In the absence of these trucks, the loudest thing on 13th St. is SBC trucks. It is not curious that SBC would choose this day (Tuesday) to measure the ambient noise level of 13th St. It is downright deceitful.



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

NOXIOUS FUMES

SBC states, that fumes/emissions from their proposed diesel power plant would meet "strict" EPA guidelines. SBC attempts to give the impression that the diesel fumes from a diesel engine the size of a freight train will be insignificant. Diesel trucks driving down the highway also meet "strict" EPA guidelines. However, if one of these trucks was running in your driveway for three hours, it would be an obnoxious health risk.

EYE SORE

This generator comes enclosed in a 21' x 9' x 11' metal box resembling a seatrain used to transport goods across the ocean. This box is an obvious eyesore, which cannot be disguised by trellises and vines as proposed.

TOXINS

Consider a 1500-gallon underground diesel fuel tank located less than 4' from my property line. Consider the two black 55-gallon drums labeled, Hazardous waste! These drums were left at the site for several months and SBC flat out denies they ever existed. Photographs of these drums are part of my collection.

SBC DECEPTIONS AND INACCURACIES

SBC apparently cannot keep track of their alibis. When construction first started I was told that this generator was needed as emergency power in case of an earthquake. Two things to keep in mind: one, the SBC building is a single story concrete slab building; two there has been an existing generator inside of the building for several years. The existing generator was the size of a medium refrigerator.

Secondly, I was told the generator is needed in case terrorist attack in lieu of the 911 attacks in New York City. SBC quickly abandoned this course.

Thirdly, I was told that the generator is required by Federal Law/mandate. This was apparently difficult to support.

SBC pulled all of the stops at the 8-3-05 Cayucos Advisory Committee when they announced that the generator is to be installed for future growth and development and the generator is above and beyond what is needed. Furthermore, the extra power would be needed to ensure a supply to other telecommunication companies wishing to lease space from SBC. SBC, no doubt, train employees in the skill of deception. In the instant offense the deception would have been need for a 125-kilowatt diesel powered generator smack dab in the middle of a quiet coastal, strictly residential neighborhood. The crew SBC sent obviously missed too many training days. The reason SBC is striving to decimate our neighborhood is purely and simply for profit and the detriment of area residents.



SITE COMPARISONS

Kerry Brown gave me locations of three other SBC generator sites. Per. SBC these sites were comparable and commensurate to the proposed 13th St. project. I personally inspected and photographed these locations. Description, comparisons, and approximate dimensions are as follows:

Note: the proposed generator for the 13th St. location is approximately 20' long x 9' wide x 11' high with a volume of approximately 1980 cubic feet.

1. 133 San Rafael, Avila Beach.

The generator at this site is significantly smaller than that proposed for 13th St. it is 15' x 8' x 10' = 1200 Cubic feet. The generator is tucked away on a sloping lot below the grade of the roadway. The generator is completely surrounded by the SBC structure and thick bushes/trees. This site is very non-assuming and is 15 to 20 yards from the nearest dwelling.

2. 960 Doliver St. Pismo

The generator at this site is similar in size to the Avila Beach generator. The generator fronts on the heavy traffic street of Doliver in a business district. The generator is located on the side of the SBC building opposite the nearest resident at over 30 yards away.

3. 226 W. Dana St. Nipomo

This generator is also significantly smaller, 15' x 8' x 10', and is essentially located in a melon field with no other structures within the vicinity on three sides. The generator is located on the side of the SBC building opposite the nearest residence over 30 yards away.

The generator proposed for the 13th St. site is approximately 65% larger than all three generators at these "comparable" SBC sites. Furthermore, the proposed 13th St. generator site is 16 feet from my living room!

ALTERNATIVES

Alternatives suggested to SBC were snubbed and not considered. Recommendations of a smaller inside generator as was the previous situation and/or relocation to an alternate rural or commercial zone were explained away with SBC double talk.

I will not argue SBC's need to remain abreast of technology nor the need for reliable utilities. However, Yahoo! DSL, Dish Networks, and Video telephones are not conveniences, which stir me to extreme sacrifice. 13th St. is not the place for SBC to plan it's future. I do not sympathize with SBC's lack of insight regarding the growth plans of this conglomerate.



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

The SBC structure on 13th St. has definitely out lived its utility given the surrounding environment.

APATHY

There is a growing and distributing trend of apathy towards fighting for your property rights in this County. SBC is attempting to feed off of this apathy. This feeling of indifference is due to the fact that area residents have voiced their objections to this project at four different Cayucos Advisory Committee meetings. Why did we need more than one? The residents develop a feeling of dread when they are fighting SBC and S.L.O. County government. There is a growing feeling that corporate America is steamrolling over individual rights. Is it true that we have no say! The people are not being heard! Is our only recourse to cut our losses and accept SBC's version of an 'aesthetically pleasing" factory in our backyard? If this County is going to practice socialism, why don't you just confiscate our property and be done with it!

SBC's corporation approach towards dealing with the citizenry consistently reinforces the negativity portrayed towards them, which they so magnificently deserve.

SUMMARY

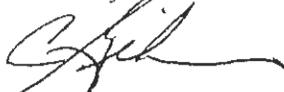
I have fought dearly to keep this home over the past 21 years. I do not live high on the hog. My home and its value is the cornerstone of my financial welfare and retirement security.

I will not let this issue rest! Make no mistake; it infuriates me that our elected officials and paid public employees have not done their jobs to protect the welfare, property rights and the will of the people of this community. I have done your research now do your jobs!

I steadfastly oppose this project! I will additionally supply a petition documenting area residents, who could not attend the 11-30-05 meeting, who are opposed to this project.

The San Luis Obispo County Planning Commission, the area residents, and foremost SBC all know this project is wrong. Do the right thing!

Thank you,



Mr. Chuck Gillem 11/17/05
75 13th St. Cayucos
P.O. Box 579 Cayucos, Ca. 93430



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

**CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR
PROJECT AT 65 13TH ST. CAYUCOS, CALIFORNIA**

This petition is the voice of the citizens of the Cayucos, California who are in opposition to the SBC generator project at 65 13th St. in the community of Cayucos. Specifically, by signing the following petition, I object and oppose the installation of a 125 Kilowatt diesel generator (measuring approximately 21 foot long x 9 foot wide x 11 foot high). Signing of this petition is a declaration of my opposition in lieu of my presence at the 11-30-05, San Luis Obispo Planning Commission, public hearing, County File Nos: DRC 2004-00060 and DRC 2005-00041. SBC has demonstrated total disregard for our community by intending to inflict an adverse effect upon the health, safety, and financial welfare of the inhabitants of this Community. This neighborhood is not an industrial zone. The SBC facility at 65 13th St. has outlived it's utility given the surrounding environment.

Print Name	Signature	Date	Resident Address	Phone # (optional)
1. JAN LEWIS	<i>Jan Lewis</i>	11/19/05	84 13 th St. Cayucos	995-1255
2. HANK LEWIS	<i>Hank Lewis</i>	11/19/05	84 13 th St. "	995-1255
3. Katie Lewis	<i>Katie Lewis</i>	11/19/05	84 13 th St Cayucos	995-1255
4. Trip Moss	<i>Trip Moss</i>	11/24/05	99 13 th Cayucos	995-0655
5. BLOLE JACKSON	<i>Blole Jackson</i>	11/24/05	91 - 13 th CAYUCOS	995-1380
6. T. Kalani Jackson	<i>T. Kalani Jackson</i>	11/24/05	91 - 13 th CAYUCOS	995-1380
7. Esperanza L.	<i>Esperanza L.</i>	11/24/05	76 - 13 th Cayucos	995-1635
8. Donna Piercefield	<i>Donna Piercefield</i>	11/25/05	63 - 13 th Cayucos	995-3417
9. Donna Piercefield	<i>Donna Piercefield</i>	11/24/05	63 13 th St Cayucos	995-3417
10. Chuck Gilman	<i>Chuck Gilman</i>	11/24/05	75 - 13 th St Cayucos	995-3143
11. David Livingston	<i>David Livingston</i>	11/24/05	15297 Cass Ave, Cayucos	995-1594
12. Deborah Wyle	<i>Deborah Wyle</i>	11/24/05	58 12 St Cayucos	995-3405
13. Dan Freeh	<i>Dan Freeh</i>	11/27/05	80 13th St Cayucos	995-0933
14. Tara Freeh	<i>Tara Freeh</i>	11/27/05	80 13 th St Cayucos	995-0933
15.				
16.				
17.				
18.				



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR PROJECT AT 65 13TH ST. CAYUCOS, CALIFORNIA

This petition is the voice of the citizens of the Cayucos, California who are in opposition to the SBC generator project at 65 13th St. in the community of Cayucos. Specifically, by signing the following petition, I object and oppose the installation of a 125 Kilowatt diesel generator (measuring approximately 21 foot long x 9 foot wide x 11 foot high). Signing of this petition is a declaration of my opposition in lieu of my presence at the 11-30-05, San Luis Obispo Planning Commission, public hearing, County File Nos: DRC 2004-00060 and DRC 2005-00041. SBC has demonstrated total disregard for our community by intending to inflict an adverse effect upon the health, safety, and financial welfare of the inhabitants of this Community. This neighborhood is not an industrial zone. The SBC facility at 65 13th St. has outlived it's utility given the surrounding environment.

ABSENTEE PETITION

Please return this absentee petition by sliding it through the window into the cab of my blue Ford pick-up located at 75 13th Street, or mail it to Chuck Gillem at PO Box 579, Cayucos, CA 93430.

Print Name	Signature	Date	Resident Address	Phone # (optional)
1. FRANK SORRENTI	<i>Frank Sorrenti</i>	11/25/05	55 12 th St. Cayucos	
2. GEORGINA SORRENTI	<i>Georgina Sorrenti</i>	11/25/05	55 12 th St. Cayucos	559-291-5947

CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR PROJECT AT 65 13TH ST. CAYUCOS, CALIFORNIA

This petition is the voice of the citizens of the Cayucos, California who are in opposition to the SBC generator project at 65 13th St. in the community of Cayucos. Specifically, by signing the following petition, I object and oppose the installation of a 125 Kilowatt diesel generator (measuring approximately 21 foot long x 9 foot wide x 11 foot high). Signing of this petition is a declaration of my opposition in lieu of my presence at the 11-30-05, San Luis Obispo Planning Commission, public hearing, County File Nos: DRC 2004-00060 and DRC 2005-00041. SBC has demonstrated total disregard for our community by intending to inflict an adverse effect upon the health, safety, and financial welfare of the inhabitants of this Community. This neighborhood is not an industrial zone. The SBC facility at 65 13th St. has outlived it's utility given the surrounding environment.

ABSENTEE PETITION

Please return this absentee petition by sliding it through the window into the cab of my blue Ford pick-up located at 75 13th Street, or mail it to Chuck Gillem at PO Box 579, Cayucos, CA 93430.

Print Name	Signature	Date	Resident Address	Phone # (optional)
1. ROBERT L. HOEL	<i>Robert L. Hoel</i>	11-28-05	54- 13th St. Cayucos	995-3585
2. HELEN HOEL	<i>Helen Hoel</i>	11-28-05	54- 13th St. Cayucos	995-3585



**CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR
PROJECT AT 65 13TH ST. CAYUCOS, CALIFORNIA**

This petition is the voice of the citizens of the Cayucos, California who are in opposition to the SBC generator project at 65 13th St. in the community of Cayucos. Specifically, by signing the following petition, I object and oppose the installation of a 125 Kilowatt diesel generator (measuring approximately 21 foot long x 9 foot wide x 11 foot high). Signing of this petition is a declaration of my opposition in lieu of my presence at the 11-30-05, San Luis Obispo Planning Commission, public hearing, County File Nos: DRC 2004-00060 and DRC 2005-00041. SBC has demonstrated total disregard for our community by intending to inflict an adverse effect upon the health, safety, and financial welfare of the inhabitants of this Community. This neighborhood is not an industrial zone. The SBC facility at 65 13th St. has outlived it's utility given the surrounding environment.

ABSENTEE PETITION

Please return this absentee petition by sliding it through the window into the cab of my blue Ford pick-up located at 75 13th Street, or mail it to Chuck Gillem at PO Box 579, Cayucos, CA 93430.

Print Name	Signature	Date	Resident Address	Phone # (optional)
1. Sheila Lebed	Sheila Lebed	11-26-05	non home @ 70-13th St 40-11th St.	995-3751

**CAYUCOS RESIDENTS IN OPPOSITION TO THE SBC GENERATOR
PROJECT AT 65 13TH ST. CAYUCOS, CALIFORNIA**

This petition is the voice of the citizens of the Cayucos, California who are in opposition to the SBC generator project at 65 13th St. in the community of Cayucos. Specifically, by signing the following petition, I object and oppose the installation of a 125 Kilowatt diesel generator (measuring approximately 21 foot long x 9 foot wide x 11 foot high). Signing of this petition is a declaration of my opposition in lieu of my presence at the 11-30-05, San Luis Obispo Planning Commission, public hearing, County File Nos: DRC 2004-00060 and DRC 2005-00041. SBC has demonstrated total disregard for our community by intending to inflict an adverse effect upon the health, safety, and financial welfare of the inhabitants of this Community. This neighborhood is not an industrial zone. The SBC facility at 65 13th St. has outlived it's utility given the surrounding environment.

ABSENTEE PETITION

Please return this absentee petition by sliding it through the window into the cab of my blue Ford pick-up located at 75 13th Street, or mail it to Chuck Gillem at PO Box 579, Cayucos, CA 93430.

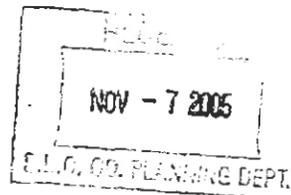
Print Name	Signature	Date	Resident Address	Phone # (optional)
1. MARIANNE	E. FRANKLIN			NOV-24, 2005
2. Marianne E. Franklin				
3. 90 12TH ST.	ST. CAYUCOS, CA		93430	

 Marianne Franklin
90 12th St.
Cayucos, CA 93430-1369



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

HARRY M. HUMPHREY
TRUSTEE OF THE MARSHALL TRUST
835 SPRING DRIVE
MILL VALLEY, CA 94941



November 2, 2005

Ms. Kerry Brown
Project Manager
San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

RE: County File Nos. DRC2004-00-060 & DRC2005-00041
Parcel No. 064163016

Dear Ms. Brown:

Thank you for the notice of the upcoming public hearing relative to a variance at 65 13th Street, Cayucos, which apparently is owned by SBC. I am the trustee for the adjacent piece of property located at 62 12th Street. The subject property has always been a bit of a mystery to me as to the ownership, which was not readily identifiable.

As I live in Marin County, it may not be possible for me to appear in person on the Wednesday after Thanksgiving, but I will try. In the event I cannot appear, I would like to strongly object to the granting of this variance.

I have several reasons which are as follows:

1. Noise. Emergency generators are extremely noisy as we have found in Marin County where we are frequently without power. Many of my neighbors have generators.
2. Air Pollution. Internal combustion engines give out carbon dioxide which will smell up the neighborhood.
3. Bad Neighbor. Apparently, for years, water has been deliberately diverted from SBC's back parking lot onto our property. My Aunt Lucile bought our property in 1968. It was used strictly as a summer vacation spot by my aunt and other members of our family. Last year, my aunt passed away and I became the

CH
140



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

saying SBC is not responsible for damage to my property. The damaged cost me over \$2,000. Again in 1991, I did have rain water damage to the apartment, another loss.

I have home owner's insurance with State Farm however my property is not covered with flood insurance.

I will try to be at the public hearing November 30, 2005.

Sincerely yours,

Eldora Simas Trigueiro
Eldora Simas Trigueiro

Parcel No. 064-163-009
Telephone 559-584-7857

Enclosures

C-4
139



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

Mr. Kerry Brown
November 2, 2005
Page 2

2-25

successor trustee and responsible for the wellbeing of this property. While at the memorial service for my aunt at the Cayucos cemetery, a heavy rain occurred with resultant flooding in our back yard, jeopardizing the foundations of our house. Upon investigating the source of this water, I discovered that the SBC building has paved over all of the land including the back yard but left a trough across the back property line next to their fence. This trough takes all the run-off and diverts it into our back yard at #62 and into the backyard of #68.

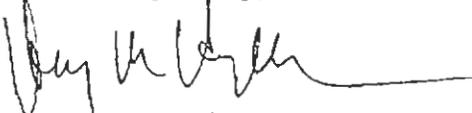
To exemplify this I have included several photographs. Photograph #1 shows the water from SBC's trench and puddling in the corner that flows into our property. Picture #2 is our backyard with water from SBC's property lapping at the foundations. Picture #3 is the backup of water occurring at #68 which is directly in back of the SBC building. Pictures #4 and #5 are the same gully when it is not raining.

Until your letter I had no idea who owned that building and who to complain to. While I realize this may not be germane to the granting of the variance, I think it is important that the attitude of a property owner towards its adjacent neighbors should be taken into consideration. This is an ugly building in the middle of a residential area; there has been absolutely no attempt to try to beautify the building with landscaping or a wood fence or anything to try to make it more attractive.

I am not sure why a telephone switching building is located in the middle of a residential area instead of a strip mall where it belongs. I am sure there is some historical reason for that. It seems to me with the price of real estate in Cayucos these days, that SBC would be better off tearing the building down and selling the lot. It would certainly provide enough capital to relocate to a more appropriate neighborhood.

Once again, thanks for calling this to my attention and I hope to attend the public hearing.

Yours very truly,

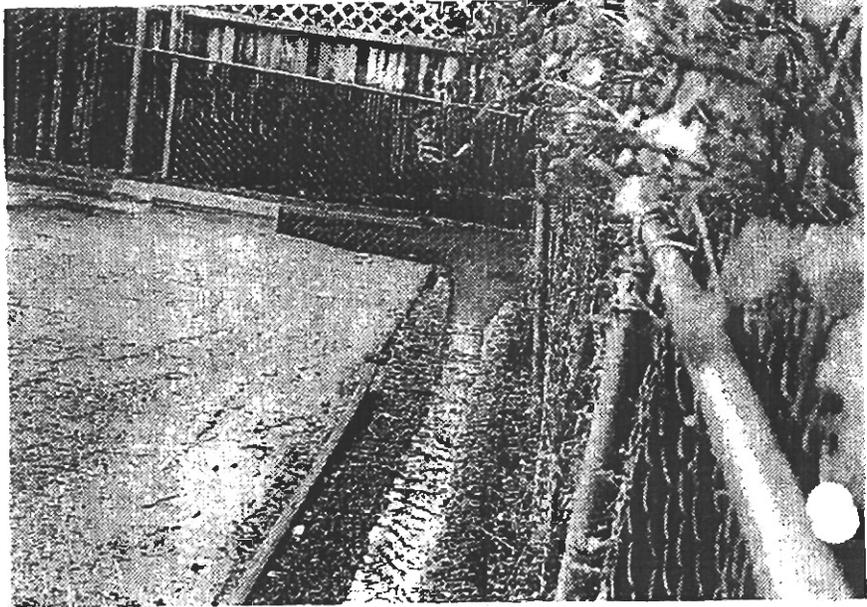

Harry M. Humphrey

C-4
61



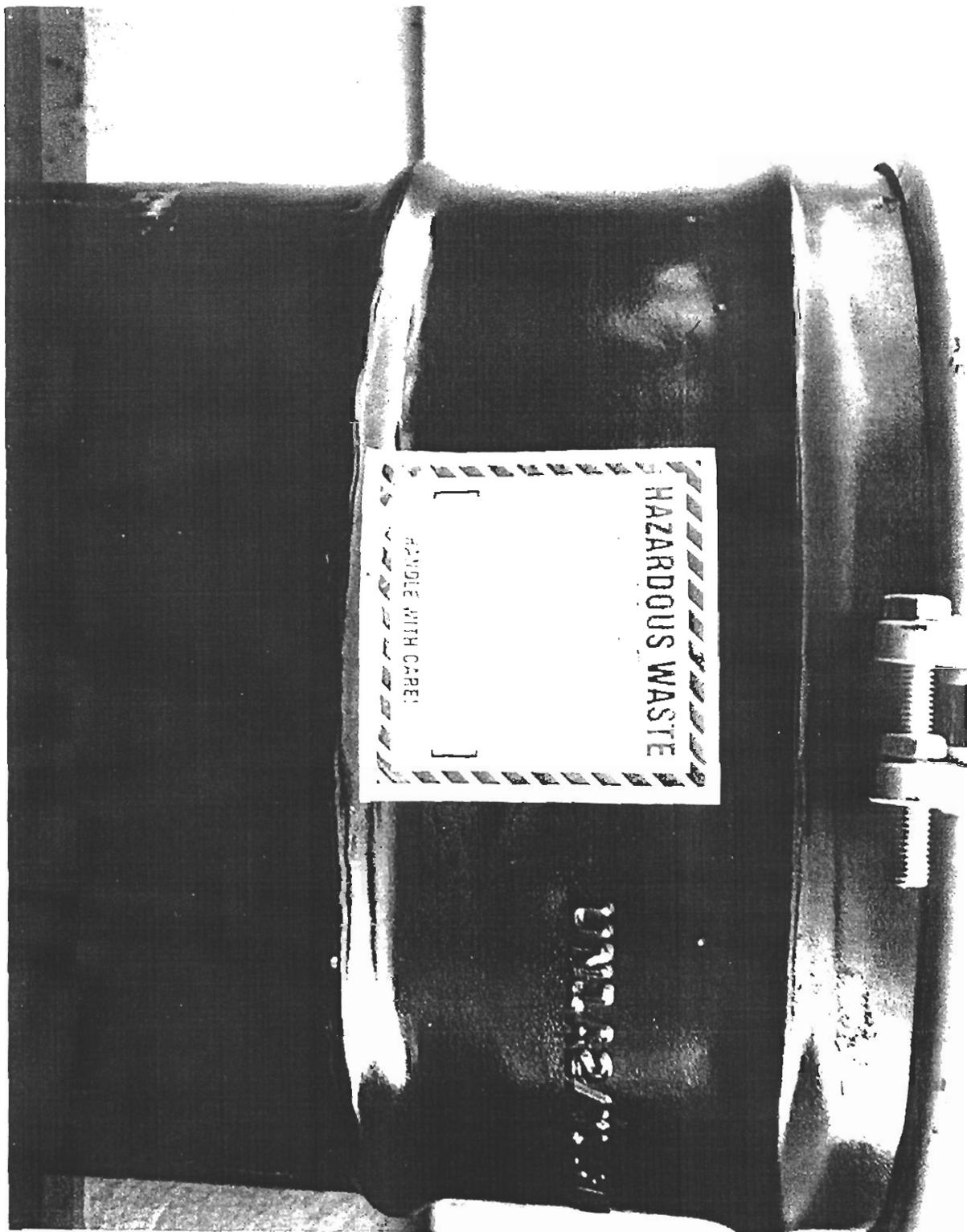
2-26

#1



C4
62





One of the "non-existent" Hazardous waste barrels

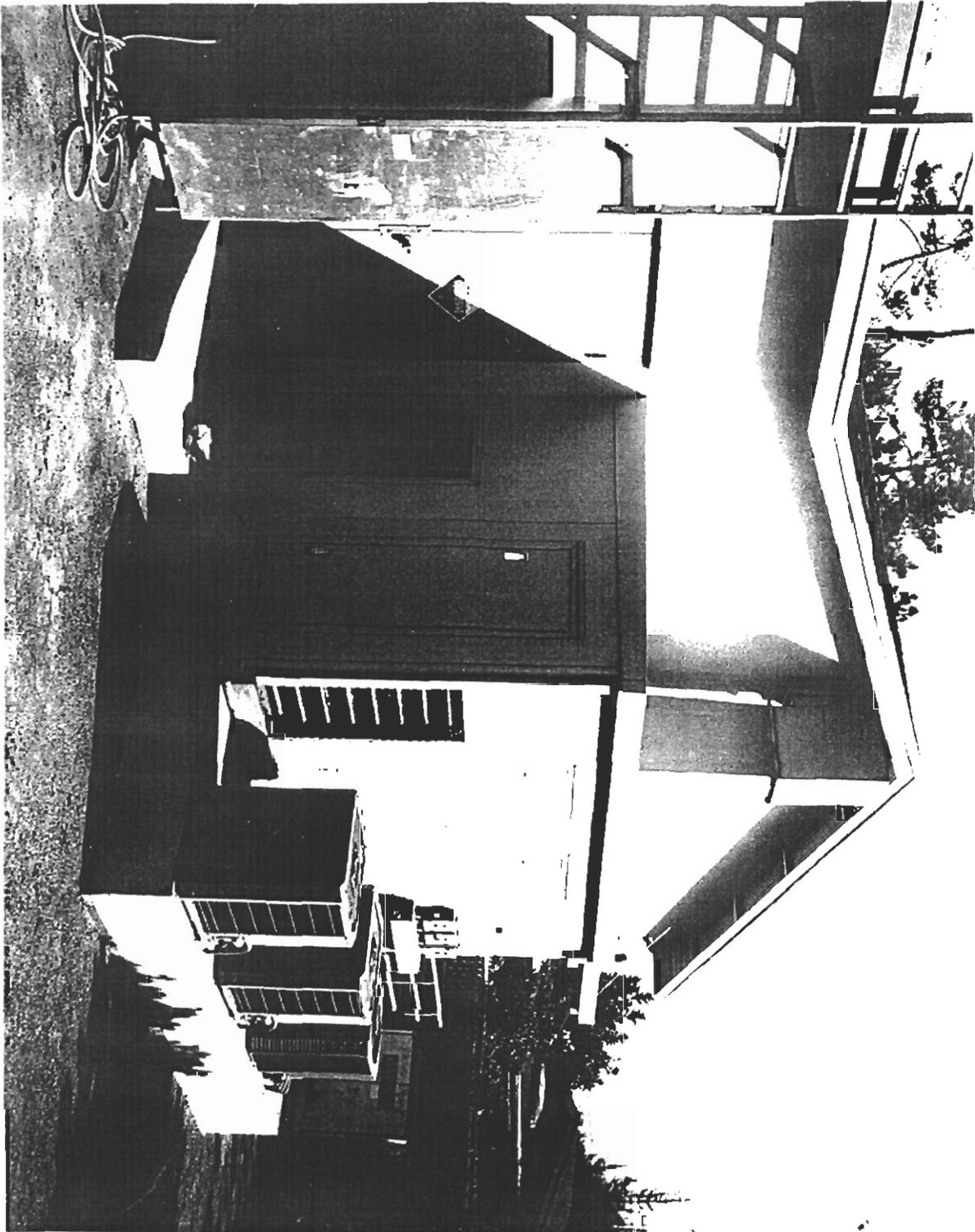




neighborhood decorations / Aesthetic



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



Generator industrial building - back of C&D Parcel



California Coastal Commission

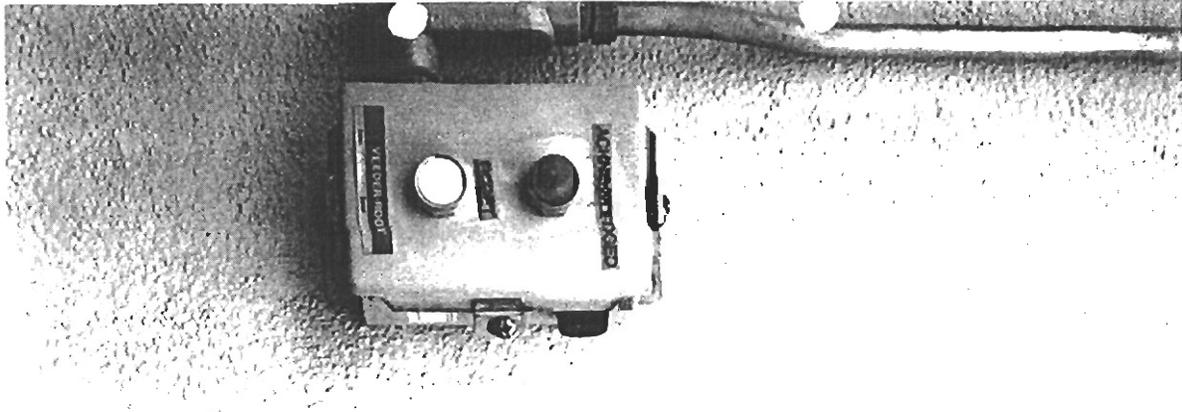
Exhibit D (22 of 37)
Appeal Contentions
A-3-SLO-06-016



Line marked, work on diesel tanks



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



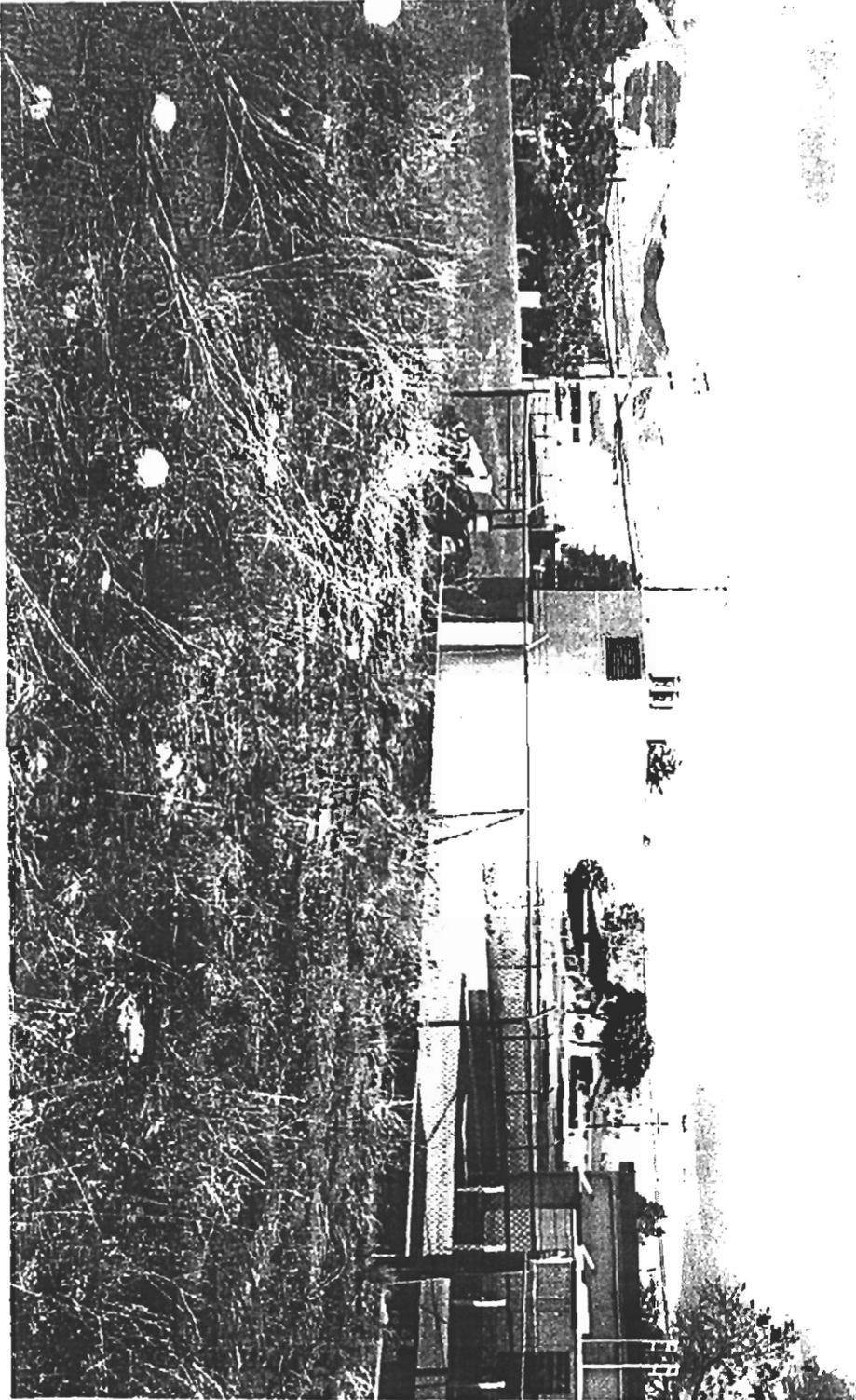
more Aesthetics



California Coastal Commission

Exhibit D (24 of 37)
Appeal Contentions
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



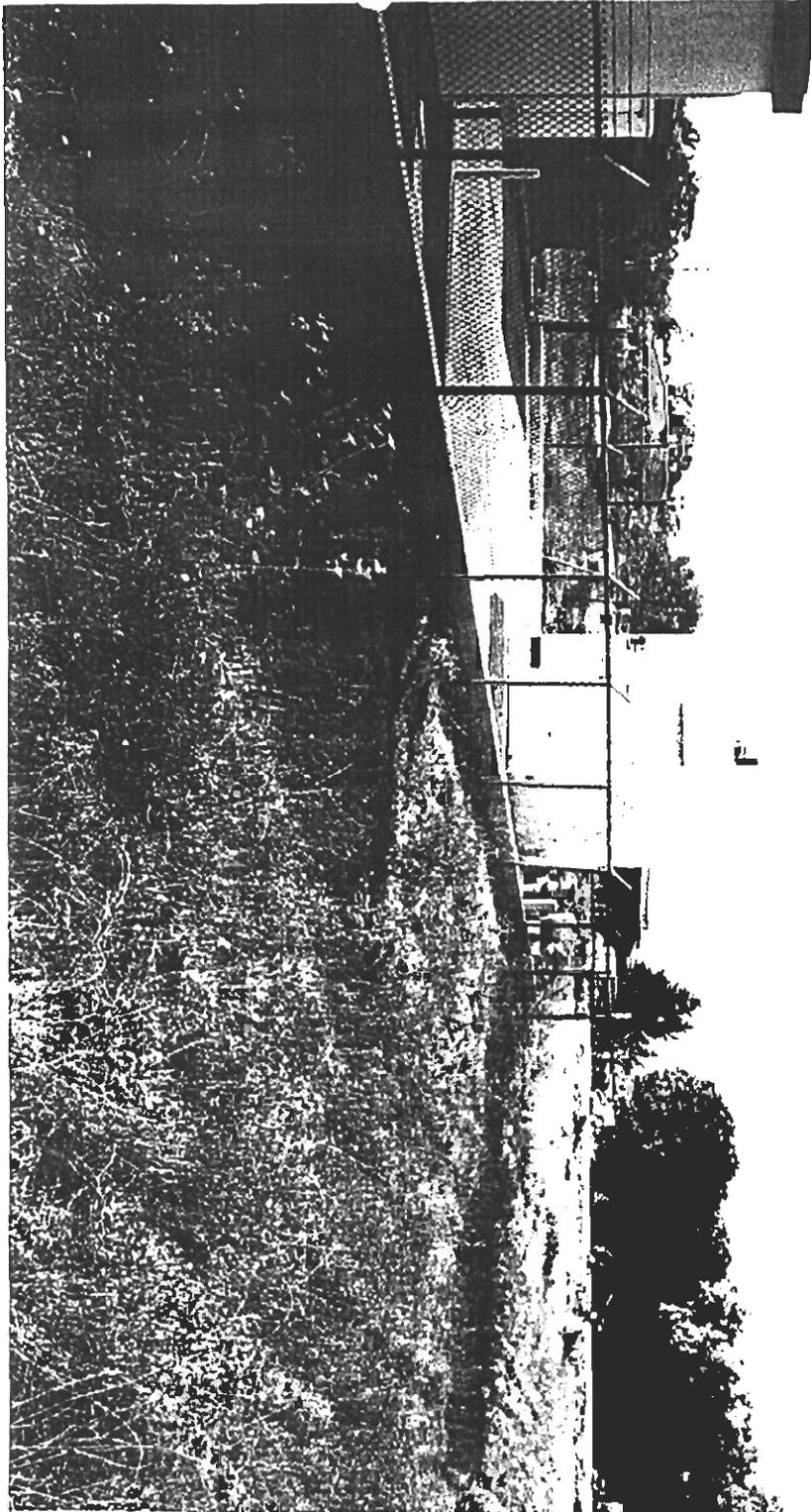
"Comparable" Widened Site



California Coastal Commission

Exhibit D (25 of 37)
Appeal Contentions
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

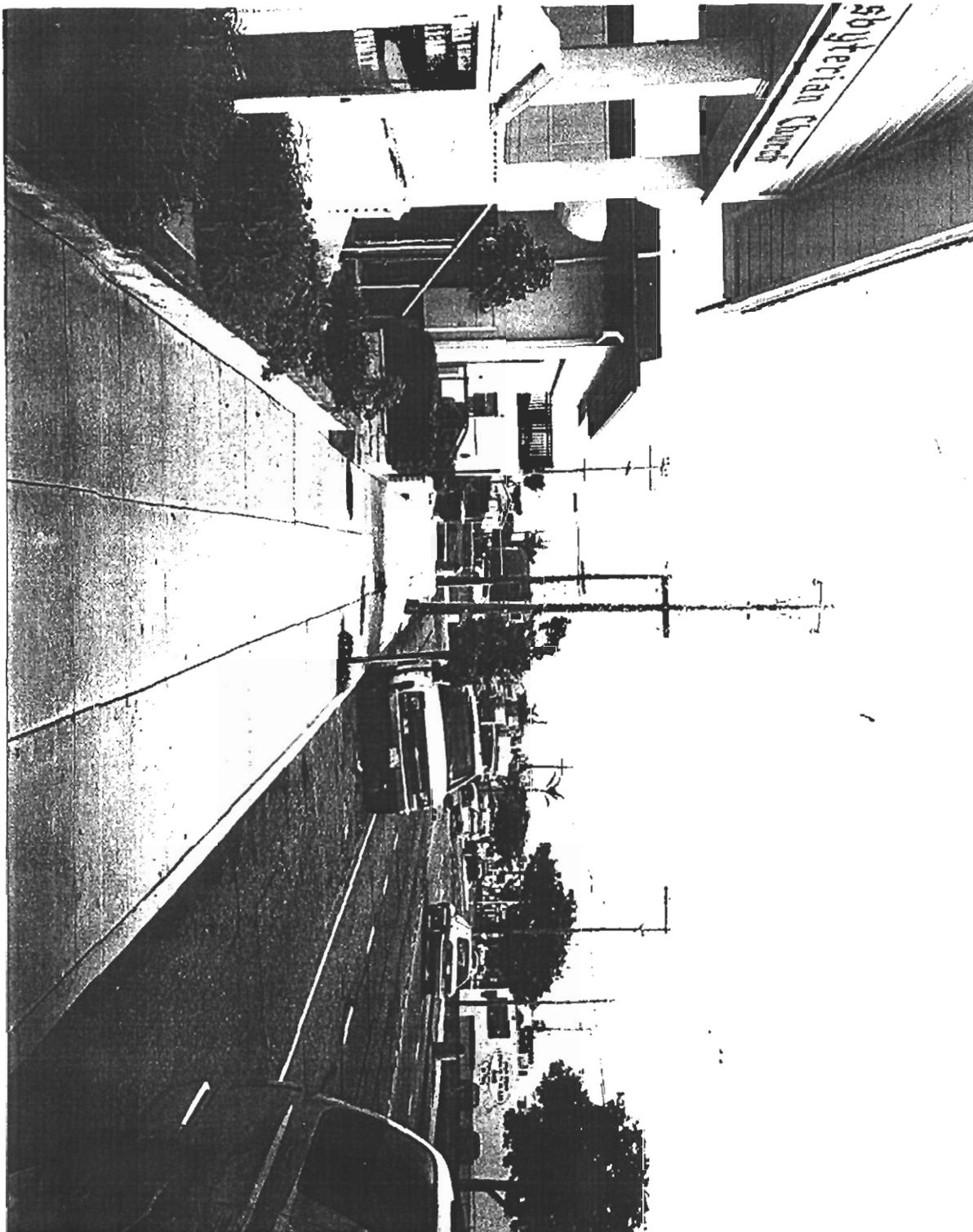


"Comparable" View Site



California Coastal Commission

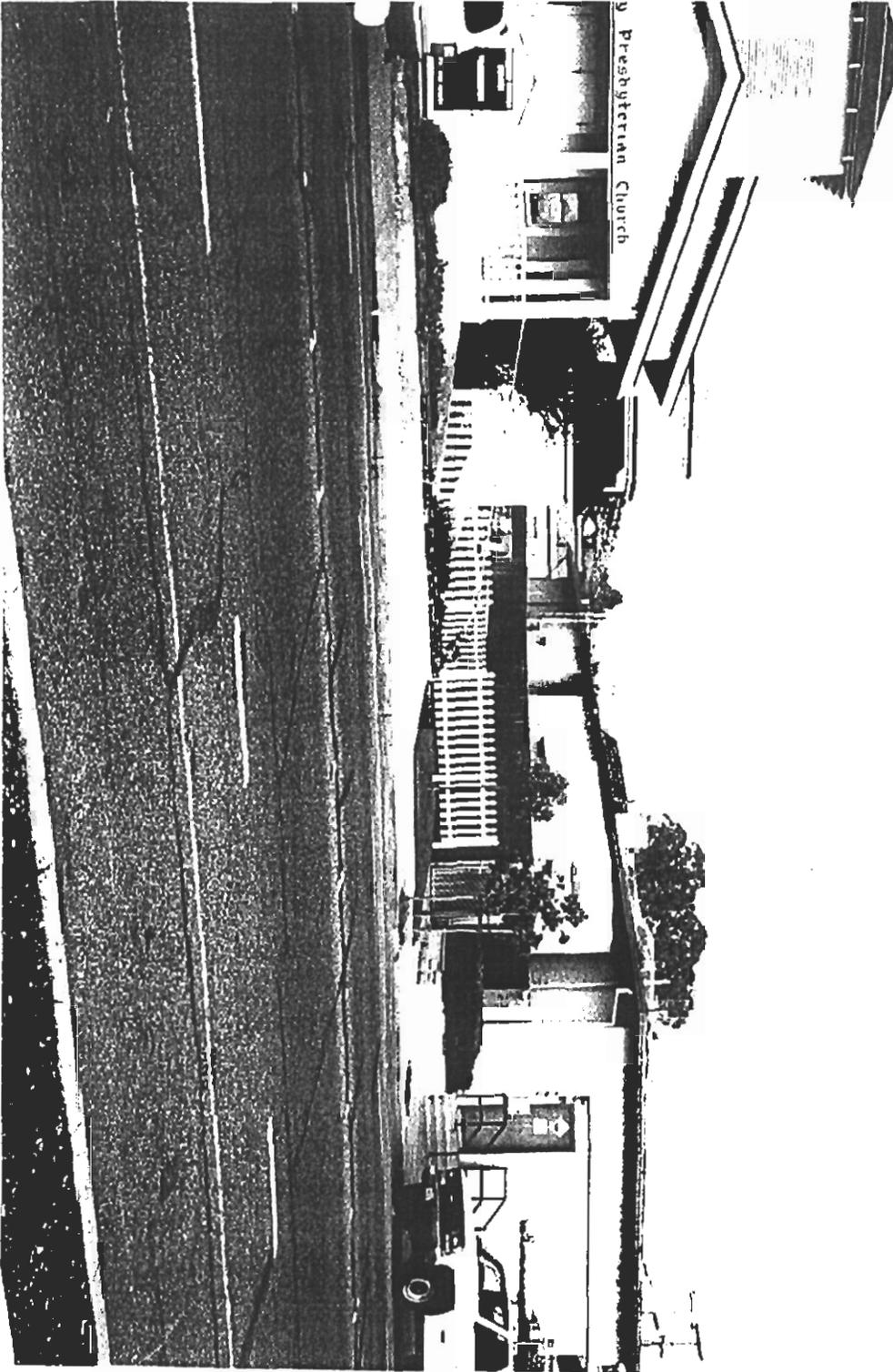
Exhibit D (26 of 37)
Appeal Contentions
A-3-SLO-06-016



Campanile & Pina City



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



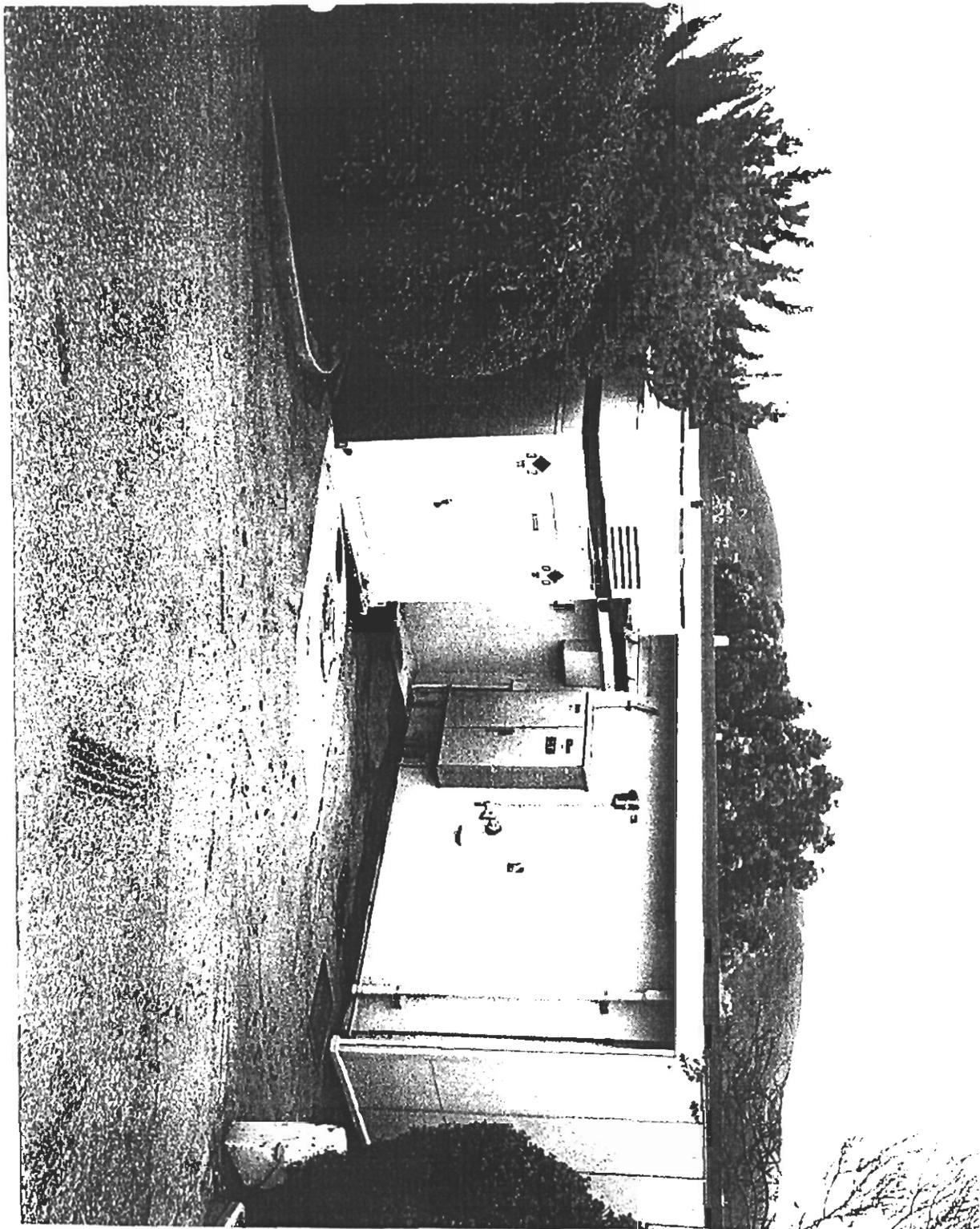
"Comparable" Demo Site



California Coastal Commission

Exhibit D (28 of 37)
Appeal Contentions
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



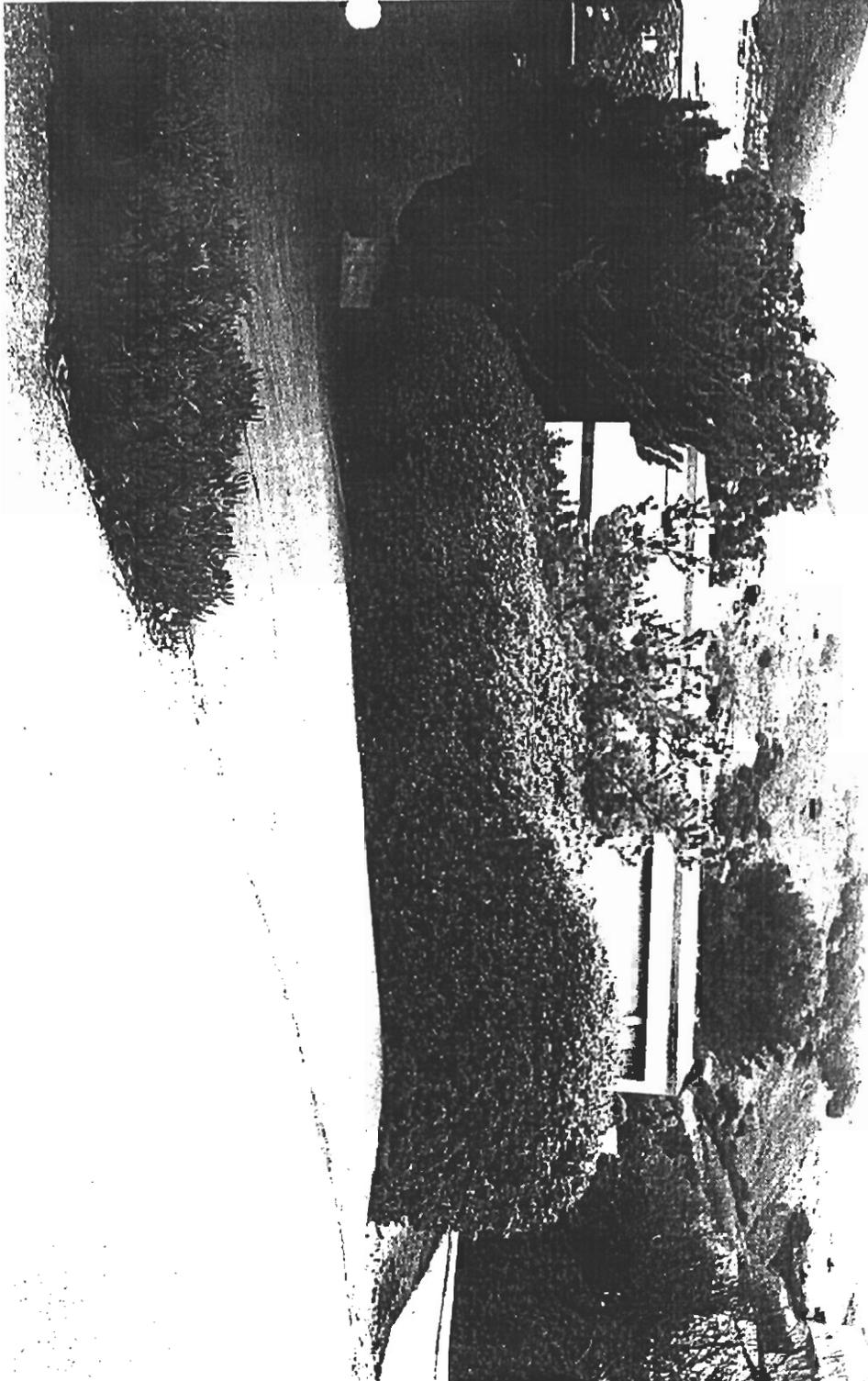
"Generator" Airt. P.1 City



California Coastal Commission

Exhibit D (29 of 37)
Appeal Contentions
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

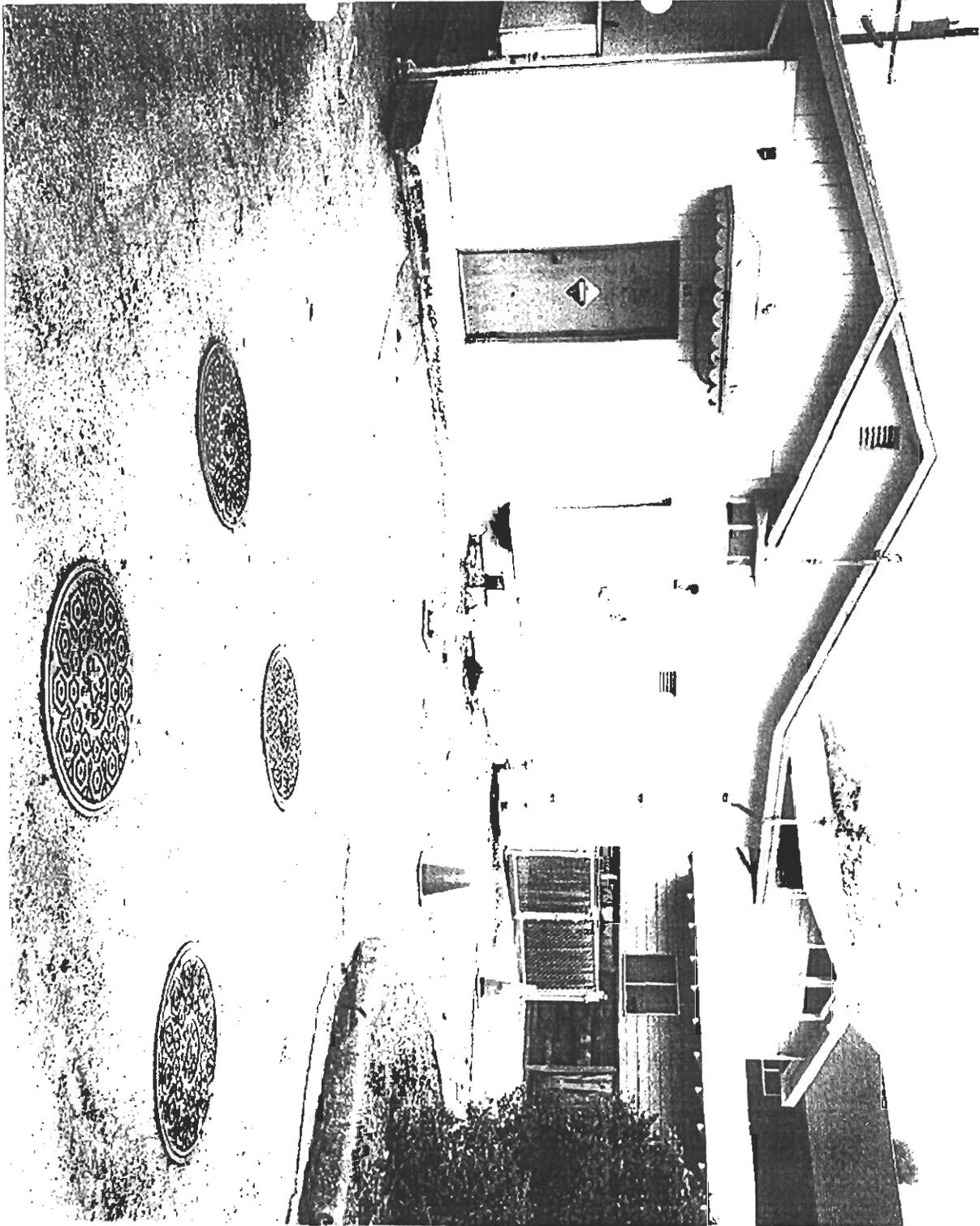


"Conceivable" Avila Rd. Site



California Coastal Commission

Exhibit D (30 of 37)
Appeal Contentions
A-3-SLO-06-016



Current Neighbor's behavior



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



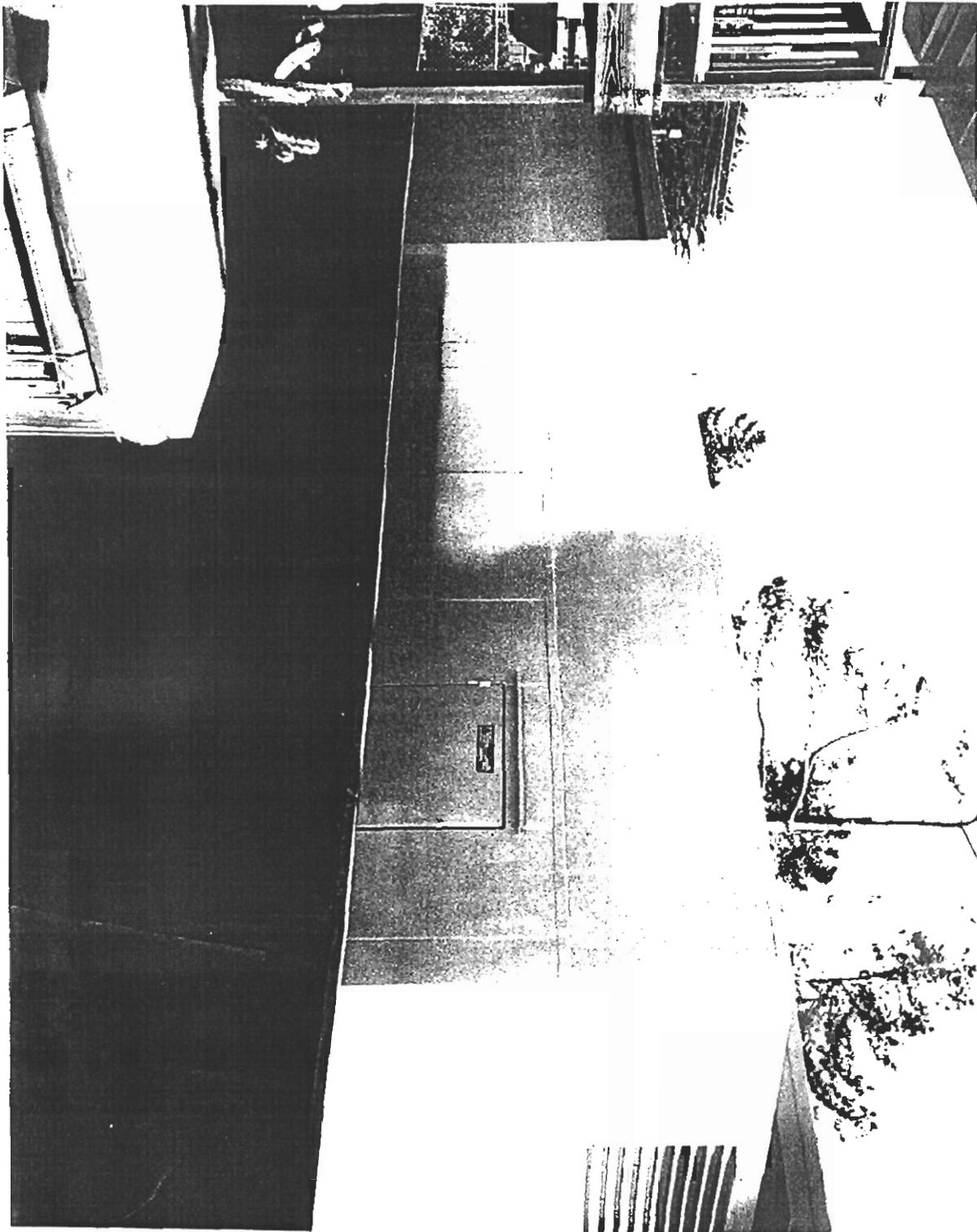
Current neighbor's behavior



California Coastal Commission

Exhibit D (32 of 37)
Appeal Contentions
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



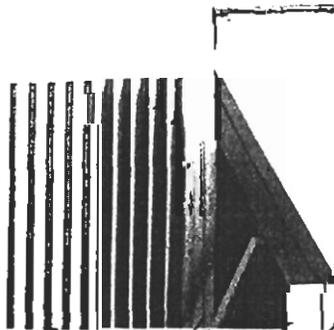
Phot. Practice Generator installed without permit



California Coastal Commission

Exhibit D (33 of 37)
Appeal Contentions
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



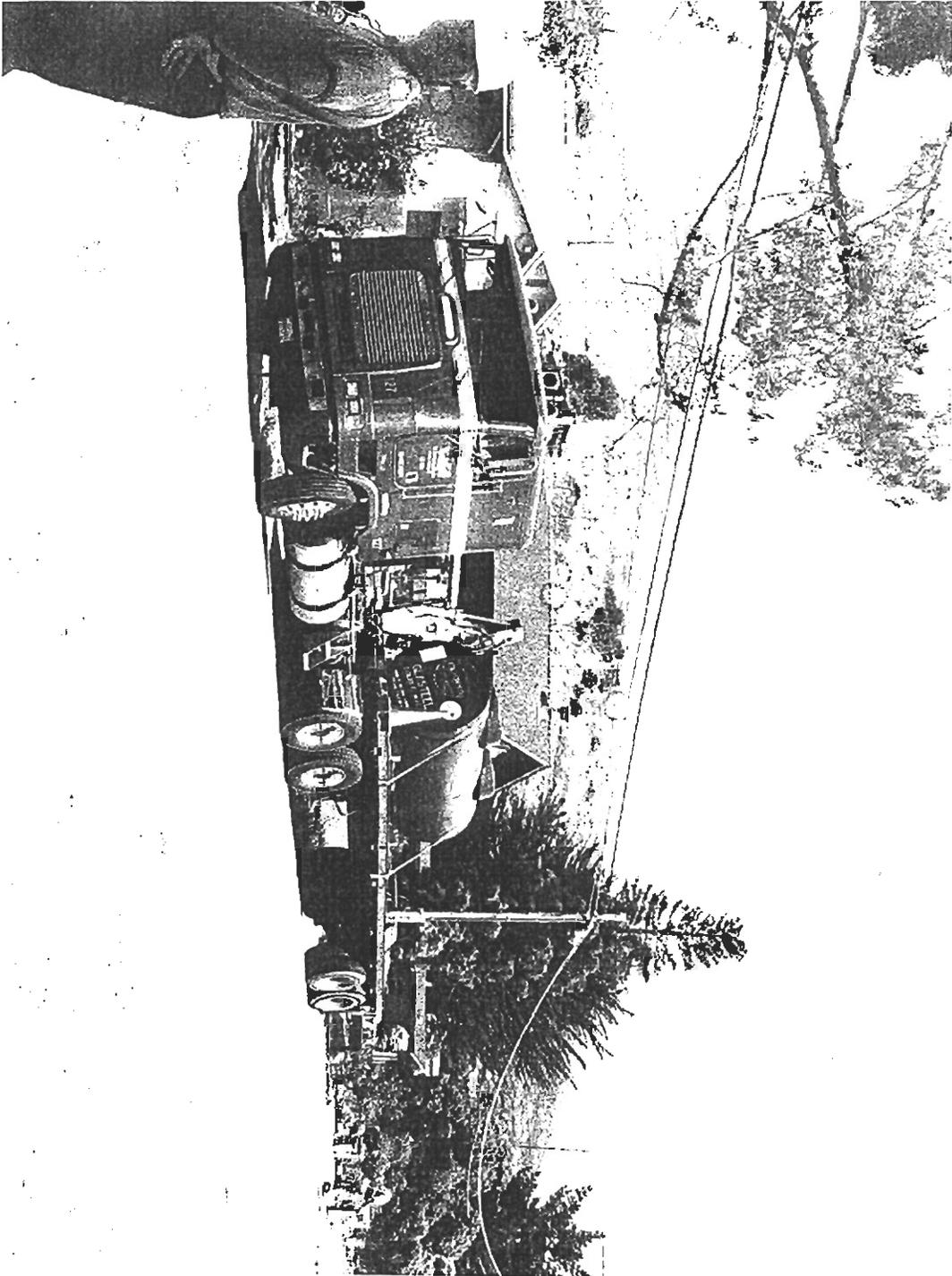
California Coastal Commission



California Coastal Commission

Exhibit D (34 of 37)
Appeal Contentions
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



1500 gallon Diesel Fuel Tank. Installed!



California Coastal Commission

Exhibit D (35 of 37)
Appeal Contentions
A-3-SLO-06-016

SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

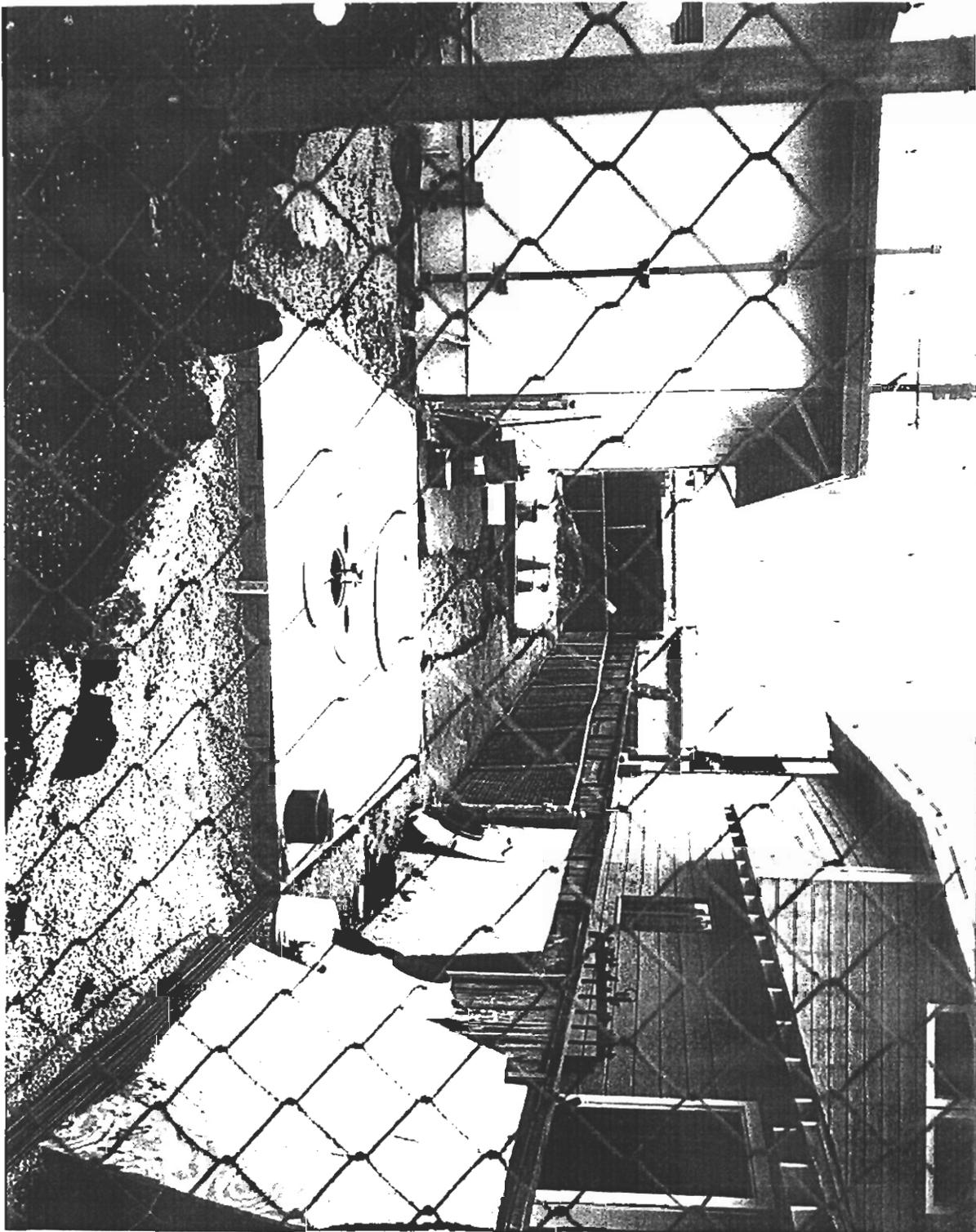


1500 gal Diesel fuel tank off base present line



California Coastal Commission

Exhibit D (36 of 37)
Appeal Contentions
A-3-SLO-06-016



A Residential Neighborhood!



SBC/AT&T Standby Power Generator (A-3-SLO-06-016)



Garcia/Wagner & Associates

Architecture • Planning • Interior Design

RECEIVED

MAY 31 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

May 30, 2006

Architects
David E. Wagner
Felix A. Rodriguez
Scott C. Brady

Alleza R. Bircher
Antonio Castillo
Vincent N. Hoffmann
Maria Cecilia Juliáno
Johnny Leong
Jennifer D. Mastrogiorgio
Cyndi Murray
Kristin Ringer
Nathaniel A. Romábles
Lynn Silva

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Attention: Jonathan Bishop

Reference: SBC/AT&T
New Stand-By Engine
65 13th St.
Cayucos, CA
GWA Project No. 03197
Coastal Commission
Appeal No. A-3-SLO-06-016

Dear Jonathan:

In response to your request, I'm pleased to provide you with the following information to assist with your review of this appeal.

1. Property Line Set Back-Reconsideration of Requirement for Variance

You asked whether it would be possible to re-engineer the proposed engine enclosure so that we could avoid the necessity of seeking a variance to accommodate the small portion (\pm 9 square feet) of area which overstepped the setback line. I have been working with Power Generation & Engineering, Inc. (PGEI), the manufacturer of the engine and its acoustical enclosure, to evaluate the feasibility of accomplishing this.

PGEI has just confirmed with me that they can re-design the shape of the enclosure to accommodate this, while still providing the required interior equipment and clearances.

Therefore, we are able to agree to the deletion of the necessity of a set-back variance, if you believe that this is a critical issue.

143 Second Street, 4th Floor
San Francisco, CA 94105

(415) 777-4811
FAX (415) 777-4523

www.gwa-arch.com
gwa@gwa-arch.com



California Coastal Commission

Exhibit E (1 of 3)
Correspondence
A-3-SLO-06-016

Page Two
Jonathan Bishop
May 30, 2006

2. Permits for Underground Tank

You requested from AT&T evidence that the necessary permits had been obtained for the 2004 installation of the underground fuel tank, with specific emphasis on a "Coastal Permit".

We contacted RHL (Aaron Newman and Jim Southward) the tank design engineering firm, Tait Environmental Systems (Gary Nygren) the tank installation contractor, Roebelen Contracting, the General Contractor, and we researched our own records. Here is what we have found:

- A. On 4/19/06 Gary Nygren of Tait Environmental Systems faxed to you copies of permit documentation from the San Luis Obispo County Health Department, which dated from 3/11/04. Within that packet of information was a copy of an e-mail dated 5/6/04 from Jim Southward of RHL to this office stating that Mr. Bob Durenza, Chief Building Official, had informed RHL on two occasions that no building permit was required.
- B. Nonetheless, this office (GWA) submitted full sets of construction documents for the overall project (generator, tank, house service panel) to the County Building Department, and on 11/25/03 we were notified that Permit #2003-01851 was ready to issue.
- C. Tank construction work was started on 4/8/04. The tank location was relocated due to on-site construction considerations, and on 4/20/04 GWA re-submitted revised drawings to County Building showing these revisions. I am enclosing a copy of Drawing A-1, dated 11/21/03 (original design), and Drawing A-1, dated revised on 4/20/04 (showing the revised tank location.) Both editions respected the 3'-0" side yard set-back approved by County Building.
- D. Also enclosed is a copy of GWA's receipt for the payment of fees to the San Luis Obispo County Department of Planning and Building for this project.

Hopefully this additional information will serve to assure that all required permitting was sought and obtained for the installation of the tank.



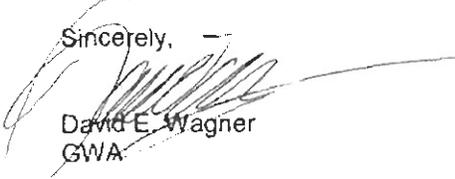
SBC/AT&T Standby Power Generator (A-3-SLO-06-016)

Page Three
Jonathan Bishop
May 30, 2006

At this time we are not aware of any additional information that has been requested by you. Nonetheless, we remain at your disposal to support your review process in any way we can. We will be happy to provide you with any additional background information that you need, or to meet with you in person to review the project.

Thank you for your assistance.

Sincerely,



David E. Wagner
GWA

Enclosure

cc: Jeffrey Runels (AT&T)
Farshad Arfaa (AT&T)
Jerry Rogers (PGEI)

DEW/ccm 3197 Ltr J.Bishop 5-30-06

