

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV

W6c



**Prepared May 21, 2009 (for June 10, 2009 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, District Manager  
Jonathan Bishop, Coastal Planner

**Subject:** **Appeal A-3-SLO-09-022 (Adams and Boland)** Appeal by Al Brill and Richard Perry of a San Luis Obispo County decision granting a coastal development permit with conditions to Scott Adams and Kathryn Boland to construct a 88,127 square foot mini storage facility, a 1,900 square foot self serve car wash, a 1,200 square foot caretaker's unit, and related landscaping and drainage improvements at 750 Willow Road in the village of Callendar-Garrett in south San Luis Obispo County (APN 091-192-032). Appeal Filed: May 11, 2009. 49th Day: June 29, 2009.

#### Recommendation

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which appeal A-3-SLO-09-022 was filed. Staff recommends a **YES** vote on the following motion and resolution:

**Motion and Resolution.** I move that the Commission determine and resolve that Appeal Number A-3-SLO-09-022 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Coastal Act Section 30603 regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.

Passage of this motion and resolution will result in a finding of no substantial issue and adoption of the following findings. By such action, the Coastal Commission declines to take jurisdiction over the coastal development permit (CDP) for this project, the County's action becomes final and effective, and any terms and conditions of the County's decision remain unchanged. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present

#### Findings

On March 24, 2009, San Luis Obispo County approved a CDP authorizing construction of a 88,127 square foot mini storage facility, a 1,900 square foot self serve car wash, a 1,200 square foot caretaker's unit, and related landscaping and drainage improvements at 750 Willow Road in the village of Callendar-Garrett in south San Luis Obispo County (see notice of County's action in Exhibit 1). Pursuant to Coastal Act Section 30603 and LCP Section 23.01.043(c)(4), this approval is appealable to the Commission because the approved development is not the principal permitted use in the Industrial land use category that applies to the site. The Appellants contend that the County's approval is inconsistent with San Luis Obispo County Local Coastal Program (LCP) standards for self-service car washes, as well as standards related to noise, traffic, water quality, and public access (see full appeal document in Exhibit 2).



Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed.<sup>1</sup> Commission staff has analyzed the County's Final Local Action Notice for the development (Exhibit 1), the Appellants' contentions (Exhibit 2), the Applicants' response to the Appellants' contentions (Exhibit 3), and the relevant requirements of the LCP (Exhibit 4). The appeal raises no substantial issue with respect to the LCP as follows:

#### Self-Service Car Washes

The LCP includes a suite of development standards specific to self-service car washes (LCP Coastal Zone Land Use Ordinance (CZLUO) Section 23.08.222b). They include minimum permit processing requirements and detailed siting and design standards related to location, access, orientation, setbacks, landscaping and fencing. The Appellants contend that the County approved project fails to comply with these provisions. Indeed, the original plans submitted for the coastal permit application at the County are inconsistent with these ordinance requirements. However, in its final approval action, the County conditioned the project to be revised consistent with CZLUO Section 23.08.222b (see County Condition 2(d) in Exhibit 1). Specifically, in order for the project to be consistent with the CZLUO, the County required modifications to re-orient the washing bays so that they don't face Willow Road; to provide additional waiting areas; and to provide space for additional drying spaces. In satisfaction of this County condition, the Applicants have subsequently provided a revised site plan showing how these modifications will be incorporated into the project (see Exhibit 3). With the County condition requiring these project revisions (and the modified project plans provided by the Applicants), the project as approved by the County is consistent with CZLUO Section 23.08.222b.

#### Noise

The Appellants also contend that the approved project is inconsistent with the LCP's noise ordinance (CZLUO Section 23.06.040). Specifically, the Appellants contend that the proposed perimeter retaining wall will reflect traffic related sound and exacerbate noise across Willow Road/Highway One into the residential neighborhood across the street. The Appellants further state that the noise study performed by the Applicants "primarily addressed the noise of the car wash vacuums and did not adequately address the increase noise from traffic."

Based on a noise study conducted for the proposed project (David Dubbink Associates, May 2006), the County found that the operations of the car wash would not exceed the acceptable noise threshold allowed under the LCP. A follow-up report from the Applicants' noise specialist specifically addresses the issue of increased noise due to reverberation off of the perimeter retaining wall and into nearby residential areas (see Exhibit 3). According to the Applicants' noise specialist, the amount of sound

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<sup>1</sup> The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: 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.



level change would be “barely detectable.” Landscaping between the traffic and retaining wall will further absorb or dampen the sound. Thus, sound reverberation coming off of the retaining wall will be relatively minor and will not significantly increase noise levels above existing ambient traffic noise. Additionally, County conditions of approval have been added to limit operation hours of the car wash from 7:00 a.m. to 6:00 p.m., which will help reduce any potential noise disturbance to nearby residences (see County Condition 31). The measures required by the County appropriately address LCP noise issues with the project to the extent required by the LCP.

### Traffic

The Appellants further contend that the project will have adverse cumulative impacts on Willow Road/Highway One traffic and circulation. Although no specific LCP policies or ordinances were cited in the appeal, various issues related to traffic safety (e.g., high traffic speeds, turning lanes, mergers, widening, etc.) are raised. In this case, the County referred the project to the County Public Works Department and to Caltrans for review of potential traffic issues. Based on feedback from Caltrans, a new turn lane is required to be constructed, helping to separate project generated traffic from faster moving Willow Road/Highway One traffic and thus to help alleviate potential traffic congestion and safety issues. Moreover, the County approval requires Willow Road/Highway One improvements to be approved by Caltrans prior to issuance of construction permits, including evidence that an encroachment permit has been obtained for road widening and driveway installation (see County Condition 19). In addition to specific road improvement requirements, the project site is located within South County Traffic Fee Area 2, and the Applicants are additionally required to contribute traffic mitigation fees to the County (see County Condition 20). According to the County, these fees will be used to fund road improvement projects in the area, further addressing traffic and circulation issues into the future. In sum, LCP traffic issues have been adequately addressed by the County.

### Water Quality

With respect to water quality, the Appellants raise concerns about polluted runoff leaving the car wash facility and possibly contaminating groundwater resources. Even though no specific LCP water quality standards were cited in the appeal, general water quality protection provisions of the LCP appear to be adequately addressed in the County approval (see County Special Conditions 17 and 21). First, the Applicant is required to submit final plans for the car wash showing the use of “Best Available Technology” to address potential polluted runoff. According to the Applicants, best available technologies (e.g., instructional signage, use of alternative cleaning agents, oil/water separators, collection sumps, sediments traps, water recycling systems, etc.) will be used in concert with the required drainage system depending on the specific type of car wash system selected. These measures, or some combination of them, should be sufficient to address polluted runoff issues at this location. Furthermore, the County approval is clear that no engine washing is allowed at the facility (see County Condition 2e). This engine washing prohibition will help prevent discharge of pollutants typically associated with auto engines such as chemicals, oils, and heavy metals. Second, the conditions of approval require the County Environmental Health Division to review and approve the water treatment system and specifically “require measures to ensure that wastewater from the car wash does not result in ground water quality impacts.” Third, the Applicants are required to submit a groundwater monitoring



plan for review and approval by County Environmental Health. Fourth, annual inspections and reporting to County Environmental Health are also required. Lastly, the County approval requires submittal of a Stormwater Pollution Prevention Plan (SWPPP) to the Planning Department for review and approval prior to construction.

The Appellants also raise issues regarding the ability of the Applicants to enforce the rules of operation at the car wash. For example, the Appellants assert that the onsite attendant (a County requirement) “may be reluctant to challenge those insisting on violating the policy (e.g. undercarriage and engine washing), and no backup procedures have been formalized.” Such allegations of possible future violations are hypothetical and speculative, and do not alone raise substantial issues with respect to LCP project conformance. Rather, the County has conditioned the project appropriately in terms of addressing water quality impacts, and there is little evidence to suggest that these conditions will be inadequate in this case, or that extraordinary efforts beyond what the County has already done are necessary to protect water quality. Thus, LCP water quality issues have been adequately addressed by the County.

#### Public Access

The Appellants also raise issues regarding potential impacts to public access as a result of improvements to be made to Highway One. Specifically, the Appellants contend that the widening of Highway One will interfere with the 25-foot right-of-way that the County’s Park Element has designated for the De Anza trail adjacent to Highway One. First, the County Parks Element is not part of the certified LCP, and thus cannot be applied to this project as a standard of review. Second, even if the De Anza trail were called out in the LCP for public access (which it is not), there is no information presented showing how widening the right-of-way would negatively impact public access at this location. Finally, there does not appear to be anything in this project approval that would preclude future access trail planning for this area. The County appears to have adequately addressed LCP public access issues.

#### Other Issues

A number of other issues have been raised by the Appellants that are not clearly related to LCP conformance. As a result, these other issues are not valid appeal issues, and thus do not raise a substantial issue. They are, however, summarized and addressed below:

- *“The proposed project is not a coastal dependent use and does not meet the requirements of the CZLUC (23.11.030).”* The Appellants are correct in asserting that the proposed storage and car wash facilities are not coastal dependent. The County did not analyze the project as such, the LCP does not require coastal dependent uses at this location, and there is nothing in the LCP that precludes the approved uses from being developed on the Industrial zoned site. The fact that the project is not coastal dependent is not an LCP conformance question.
- *“Known secondary and cumulative impacts under CEQA were not addressed or considered.”* The Appellants did not cite the “secondary and cumulative impacts” in question, so it is difficult to provide further information in that respect. More importantly, appeal contentions are limited to questions of LCP conformance. Thus, CEQA inconsistencies in and of themselves are not valid



appeal contentions, and thus are not before the Commission in this analysis. Rather, relevant LCP issues and questions related to the Appellants' contentions are discussed in the preceding text; including, presumably, the specific types of impacts referred to in CEQA terms here.

- *“There is an existing pipeline that crosses Highway 1 just north of the Willow Road/Highway One. The widening of Highway 1 will begin immediately north of that location. What precautions will the developer be required to take to insure against causing a catastrophic event such as fracturing that pipeline or other occurrence leading to a disastrous happening with residences so near?”* No evidence has been provided that indicates that the road work approved by the County in this case will lead to “catastrophic” danger to underground utilities, and there is no evidence to indicate that extraordinary precautions are warranted or necessary in that respect. Moreover, as indicated earlier, all development associated with Highway One must be reviewed and approved by Caltrans, and will require a Caltrans encroachment permit. County Public Works will also be involved with signing off on the project pursuant to permits other than the coastal permit. Potential LCP issues, to the extent there are any, are thus addressed through the normal process of building approvals and sign-offs related to Highway One.
- *“Other regulatory agencies (i.e., California Department of Forestry/SLO County Fire Department, SLO County Air Pollution Control District, California Department of Transportation) were not informed about the car wash component of the project during their review of the project.”* It is not clear from the County’s final local action notice whether these agencies were alerted to the car wash component of the project. More importantly, however, there is nothing in the LCP specifically requiring that they be alerted regarding the car wash, nor is there anything particular to a proposed car wash at this location that would require special notice or input of this sort. Rather, the project appears to have run through the County’s normal coastal permit processing review, including that, where necessary, additional review by certain agencies (Caltrans, County Public Works, County Environmental Health, etc.) is part of project implementation by virtue of required reviews per the County’s conditions of approval. Again, potential LCP issues, to the extent there are any, are thus addressed.

Overall, the County has provided adequate factual and legal support for its decision that the approved development would be consistent with the applicable policies in the certified LCP (Exhibit 1). There are no significant coastal resources affected by the decision, and no adverse precedent will be set for future interpretations of the LCP. Finally, the appeal does not raise issues of regional or statewide significance.

For the reasons stated above, the Commission finds that Appeal Number A-3-SLO-09-022 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 LCP and/or the public access policies of the Coastal Act.

Exhibits:



Exhibit 1: San Luis Obispo County CDP decision

Exhibit 2: Appeal of San Luis Obispo County's CDP decision

Exhibit 3: Applicants response to Appeal Contentions

Exhibit 4: Applicable San Luis Obispo County LCP policies





SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

**RECEIVED**

VICTOR HOLANDA, AICP  
DIRECTOR

APR 27 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**FINAL LOCAL  
ACTION NOTICE**

REFERENCE # 3-540-09-110  
APPEAL PERIOD 4/28-5/11/2009

April 17, 2009

CA Coastal Commission  
ATTN: Jonathan Bishop  
725 Front St. # 300  
Santa Cruz, CA 95060

**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: March 24, 2009

SUBJECT: SCOTT ADAMS & CATHY BOLAND / COUNTY FILE NUMBER:  
DRC2005-00144

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the San Luis Obispo County Board of Supervisors 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 may be appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

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

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

**CCC Exhibit 1**  
**(page 1 of 9 pages)**

976 OSOS STREET, ROOM 300

SAN LUIS OBISPO

CALIFORNIA 93408

(805) 781-5600

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

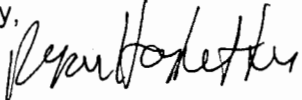
FAX: (805) 781-1242

WEBSITE: <http://www.sloplanning.org>

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) 788-2351. If you have questions regarding your project, please contact your planner at (805) 781-5600.

Sincerely,



RYAN HOSTETTER  
PROJECT PLANNER

CC. EDA Design Professionals  
1998 Santa Barbara St  
San Luis Obispo, CA 93401



**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 9, 2008 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, biological resources, geology and soils, hazards, noise, public services, transportation and water 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 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the mini storage/caretaker/carwash does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed mini storage/caretaker/carwash is similar to, and will not conflict with, the surrounding lands and uses. The proposed project is an industrial use which is allowed by the general plan on this specific site.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Highway 1, a highway constructed to a level able to handle any additional traffic associated with the project. The project also received a referral from Cal Trans requiring road improvements to off-set any traffic impacts from the proposed project which are included as conditions of approval.

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

### **Approved Development**

1. This approval authorizes
  - a. a Development Plan/Coastal Development Permit to allow the construction of an 88,127-square foot mini storage facility and a 1,900-square foot car wash. The proposed project would include the construction of the following components: 16 single-story buildings, a 492 square foot office, 1,200 square foot care-takers unit, 13,750 square feet of landscaping and one stormwater retention basin with 9,560 cubic feet of capacity. Related improvements including: a septic system/leach fields, parking, paving, retaining wall, lighting and perimeter fencing.
  - b. a maximum height for the project of approximately 18 feet from average natural grade.

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

#### ***Site Development***

2. **At the time of application for construction permits**, submit a revised *plan* to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
  - a. Minimum of three on site parking spaces
  - b. Construction plans shall show how noise levels will be reduced for the caretaker unit from the car wash. Such improvements include but are not limited to the following:
    - i. The structure is provided with air conditioning or mechanical ventilation.
    - ii. All exterior doors are solid core with perimeter weather stripping and threshold seals.
    - iii. All fresh air inlets or exhaust vents incorporate sound attenuation and noise baffling.
    - iv. Exterior walls contain of a ½" minimum thickness fiberboard (i.e. soundboard) which can be placed inside the exterior siding.
    - v. All windows shall be dual pane.
  - c. Maximum size of the caretaker unit is 1,200 square feet
  - d. Revised site plan showing car wash in compliance with 23.08.222b of the Coastal Zone Land Use Ordinance.
  - e. Sign plan for review and approval which shall include a notice that no engine washing is allowed within car wash bays
  - f. A metering system for the onsite well that will provide water use information to the Department of Planning and Building and the Division of Environmental Health.

**Fire Safety**

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated February 27, 2006.

**Services**

4. **At the time of application for construction permits**, the applicant shall provide a letter from Woodland Park Mutual Water stating they are willing and able to service the property.

**Mitigation Measures**

5. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.
6. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate well water to serve the proposal, on the site (required for car wash and landscaping or non-potable uses).
7. **At the time of application for construction permits**, the applicant shall submit final architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. Exterior colors shall have a chroma and value of 6 or less.
8. **At the time of application for construction permits**, the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from Highway 1. All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first. Security lighting shall be shielded so as not to create glare when viewed from Highway 1.
9. **At the time of application for construction permits**, the following air quality measures shall be incorporated into the construction phase of the project and shown on all applicable plans prior to construction permit issuance:  

All required PM<sub>10</sub> measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to ensure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to permit issuance.

  - a. Reduce the amount of the disturbed area where possible;
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be

- used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
  - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
  - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
  - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
  - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
  - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
  - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
  - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
  - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
10. **Prior to commencement of construction activities**, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

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

***Fees***

11. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
12. **Prior to issuance of construction permits**, the applicant shall comply with all Public Works requirements.
13. **Prior to issuance of construction permits the applicant shall pay a \$1500.00 in lieu fee to offset water impacts similar to that of the residential in lieu fee in Title 19.**

***Mitigation Measures***

14. **Prior to issuance of grading and construction permits for both road improvements and individual lot development**, the applicant shall submit an exemption request with the APCD due to the absence of naturally occurring asbestos within the project site.
15. **Prior to issuance of construction permits**, the applicant shall clearly delineate the location of high-visibility construction fencing within the project plans. The fencing shall be installed within the boundaries of the construction area in order to limit the use of heavy equipment and vehicles to existing roadways and defined staging areas.

16. **Prior to the issuance of construction permits**, the applicant shall include a measure within the construction plans which prohibits washing of concrete, paint, or equipment and refueling and maintenance of equipment outside of a designated area. Hay bales, sandbags, and sorbent pads shall be available to contain contaminated water and/or spilled fuel (in the event of a leak or spill). Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
17. **Prior to issuance of construction permits** for the first phase of development, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP) to the County Planning Department. The SWPPP shall apply to the project as a whole.
18. **Prior to issuance of construction permits**, the applicant shall submit plans showing the construction of a six-foot, solid noise wall along the property frontage (not within the front setback). The applicant shall implement the proposed colors and materials plan, and proposed landscape plan, which includes shrub and tree plantings on both sides of the noise wall.
19. **Prior to issuance of construction permits**, the applicant shall submit final plans showing roadway improvements to Highway 1, including a two-way-left-turn-lane (TWLTL) which would extend from Highway 1/Sheridan Road to Highway 1/Willow Road intersections. Plans shall be approved by the California Department of Transportation (Caltrans) prior to submittal to the County. The applicant shall obtain an Encroachment Permit from Caltrans for road widening and driveway installation.
20. **Prior to issuance of construction permits** for the first phase of development, the applicant shall contribute to the South County Traffic Fee program.
21. **Prior to issuance of construction permits for the car wash facility**, the applicant shall submit final plans showing the use of a water reclamation system. The water reclamation system shall utilize the "Best Available Technology", and shall reclaim 80% or more of the used wash water. County Division of Environmental Health shall review the treatment system and require measures to ensure that wastewater from the car wash does not result in ground water quality impacts. The applicant shall submit a groundwater monitoring plan for review and approval by County Environmental Health. The applicant shall also have periodic inspections and reports by a qualified individual as determined by County of Environmental Health. Inspection results shall be reviewed annually and approved by Environmental Health for further corrective actions.

**Conditions to be completed during project construction**

***Mitigation Measure***

22. **Prior to implementation of construction activities** the applicant shall consult with the APCD to obtain appropriate approvals and permits for proposed equipment.

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

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

24. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
25. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

***Mitigation Measures***

26. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall implement the proposed landscaping plan, consistent with the preliminary plan shown on the attached Figures. Final plant selection shall include low-water use (drought tolerant) plants only, consistent with the County-approved plant list and drip irrigation shall be used. In conjunction with the implementation of the landscaping plan, the applicant shall submit a letter, prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryperson) to the Department of Planning and Building stating that the planting has been completed.
27. To guarantee the success of the landscaping, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new vegetation until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator.
28. **Prior to final inspection and occupancy**, the applicant shall submit evidence that the conditions and requirements stipulated in the Caltrans Encroachment Permit are completed to the satisfaction of Caltrans.
29. **Prior to final inspection and occupancy**, the applicant shall complete highway improvements identified in the Caltrans Encroachment Permit, including the TWLTL along Highway 1.

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

***Mitigation Measure***

30. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805-781-5912).
31. Operation hours of the car wash shall be limited to 7:00 AM until 6:00 PM to limit noise impacts to surrounding residences (including the caretaker residence and homes across Highway 1).

***Standard on-going conditions of approval***

32. 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.
33. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.
34. An employee shall be on site during business hours of the car wash to ensure the conditions of operation are complied with.

**Indemnification**

35. The applicant shall as a condition of approval of this development plan 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 or the manner in which the County is interpreting or enforcing the conditions of this development plan, or any other action by a third party relating to approval or implementation of this development plan. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

**CALIFORNIA COASTAL COMMISSION**

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



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

**SECTION I. Appellant(s)**

Name: Al Brill Richard Perry  
Mailing Address: 679 Silver Charm Drive 655 Silver Charm Drive  
City: Arroyo Grande Zip Code: 93420 Phone: 805-343-2121

**RECEIVED**

APR 06 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

Board of Supervisors of San Luis Obispo County

2. Brief description of development being appealed:

DRC 2005-00144 Construction of an 88,127 square foot mini-storage facility, a 1,900 square foot self-serve car wash, and 1,200 square foot caretaker's unit.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Assessor's Parcel No: 091-192-032

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

- Approval; no special conditions
- Approval with special conditions:
- Denial

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

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_



**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: 03/24/2009

7. Local government's file number (if any): DRC 2005-00144

**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:

Scott Adams & Kathryn Boland, PO BOX 3106, Shell Beach, CA 93448

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.

(1) Al Brill, 679 Silver Charm Drive, Arroyo Grande, CA 93420  
Richard Perry, 665 Silver Charm Drive, Arroyo Grande, CA 93420  
Lisa Rothrock, 655 Silver Charm Drive, Arroyo Grande, CA 93420

(2) Fred Silverberg, 2155 Idyllwild, Arroyo Grande, CA 93420  
Judy Morris, 656 Silver Charm Drive, Arroyo Grande, CA 93420  
John Ayres, 668 Golden Grove Place, Arroyo Grande, CA 93420

(3) El-Jay Hansson, 2315 Idyllwild, Arroyo Grande, CA 93420  
Mark Rothrock, 655 Silver Charm Drive, Arroyo Grande, CA 93420  
Alice Appel, 679 Silver Charm Drive, Arroyo Grande, CA 93420

(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.

The proposed project is not a coastal dependent use as defined in the Coastal Land Use Ordinance (23.11.030).

The mitigation that the County and the developer have provided is inadequate and lacks the ability to be adequately monitored and enforced.

Known secondary and cumulative impacts under CEQA were not addressed or considered.

The mitigation offered is not sufficient to guarantee that there will be no misuse of the car wash equipment.


The appellants are concerned about the likely contamination of the groundwater.

See attached documents which will follow by USPS.

**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: March 31, 2009

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

Appellant  
Al Brill  
679 Silver Charm Drive  
Arroyo Grande, CA 93420  
(805) 343-2121

Appellant  
Richard Perry  
665 Silver Charm Drive  
Arroyo Grande, CA 93420  
(805) 343-2457

Al Brill  
679 Silver Charm Dr.  
Arroyo Grande, CA  
(805) 343-2121

Richard Perry  
665 Silver Charm Drive  
Arroyo Grande, CA  
(805) 343-2457

Re: San Luis Obispo County # DRC 2005-001-00144

The proposed project is not a coastal dependent use and does not meet the requirements of the County Land Use Ordinance (23.11.030). San Luis Obispo County's Mitigated Negative Declaration (MND) is inadequate.

### TRAFFIC

The proposed project requires the developer to realign traffic on California Highway 1: North of Sheridan Rd. there is a northbound and a southbound lane, while south of Sheridan Rd. there is now a northbound lane, a southbound lane, and a short right-turn/de-escalation lane. Currently, when northbound drivers on Hwy 1 wait to turn west onto Sheridan, through northbound traffic frequently utilizes the right-turn lane to pass and then merges back into traffic. This creates a serious risk for southbound drivers who can't see oncoming vehicles doing this. The developer plans to put in a two-way left-turn lane (TWLTL) from the Hwy 1/Willow Road intersection north to the Hwy 1/Sheridan intersection. This will require converting the existing northbound lane into a new left-turn lane, converting the existing northbound right-turn lane into the new northbound lane, and grading and paving the existing dirt shoulder into a new right-turn lane. Because the new northbound lane south of Sheridan will not be aligned with the existing northbound lane north of Sheridan, northbound traffic this will force to merge very quickly. Traffic currently goes at 55 mph, and merging that quickly will be risky. Further, the stop sign at the Hwy 1/Sheridan intersection will have to be moved back, making it much more difficult for drivers waiting to turn onto Hwy 1 from Sheridan east of Hwy 1 to see oncoming traffic. It will continue the problem for northbound drivers on Hwy 1 who wish to turn east onto Sheridan and will be unable to see northbound drivers who try to use the northbound lane to pass vehicles waiting to turn left.

(See aerial photo attached)

The MND says that implementation of the project would require the applicant to construct the TWLTL. It states that Public Works and Caltrans note further approval of engineered drawings and encroachment permits for the construction of the TWLTL and driveway would be required to construct the road improvements.

How will the construction of the road be monitored?

At what point during the construction process will this be required?

San Luis Obispo County did not fully consider the known secondary and cumulative impacts under CEQA as far as traffic is concerned, especially at the Hwy 1/Sheridan Rd intersection.

While the County has described the widening of Hwy 1 as a mitigation measure, it is really an impact. Clearly, the environmental analysis has not analyzed the full impact of the project.

### NOISE

According to the Mitigated Negative Declaration, traffic on Willow Road currently produces background noise levels in excess of the county standard (Leq 67.8dB, Lmax 83dB). The County's noise element states that in situations where existing background sound levels exceed the limits the standard changes with the background level, a new use is not permitted to increase existing levels by more than 1dB.

*The MND states: To reduce noise-related impacts to the caretaker's residence, the applicant proposes to construct a six-foot tall concrete block retaining wall which would serve as a noise barrier, extending nearly the entire length of the property parallel to Willow Road/Highway 1. It is expected that the retaining wall would result in a considerable reduction in exterior transportation-related noise levels from Willow Road/Highway 1, resulting in potential impacts that are less than significant.*

To deal with increased noise, the developers' plan to put a six-foot retaining wall on the front of the property is being done to lessen the impact of highway noise for the on-site caretaker. There is no mention in the MND of the effect this wall will have as it reflects the exterior transportation-related noise levels from Willow Rd./Hwy. 1. The wall will actually exacerbate the reflection of traffic noise from the highway to the residential neighborhood located east of the highway. Yet

there are no plans for the developers to erect a suitable wall on the opposite side of Hwy 1 to lessen the impact of highway noise for the existing homeowners. This appears to violate the Coastal Zone Land Use Ordinance (Revised January 2009)

:

**23.06.040 - Noise Standards:**

Sections 23.06.044-050 establishes standards for acceptable exterior and interior noise levels and describes how noise is to be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and the full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property. It is the intent of this chapter to protect persons from excessive levels of noise within or near various residential development and other specified noise-sensitive land uses

An

expert hired by the developers primarily addressed the noise of the vacuums and did not adequately address the increased noise from traffic.

WATER

The developers plan to drill and use their own well for the car wash and have agreed to install a meter on their well to monitor usage. There is nothing in the MND to indicate who will read this meter and verify the reading. The developer says they will use the "best available technology" to reclaim 80% of the water the car wash uses. There is nothing in the MND to indicate how this will be verified. More important is the other 20% which is not reclaimed and will go into a septic system. The disposal of hydrocarbons into a septic system can seriously inhibit wastewater treatment and cause the system to fail. More important, chemicals can pass through the system, enter the ground water and pose a serious contamination threat.

The car wash intends to use a coin-operated wand system which will allow the customer to wash not only the exterior of a vehicle but the undercarriage as well. There is nothing to prevent someone from opening the hood of a vehicle and washing the engine, putting oil, gasoline and other hydrocarbons into the ground water. There is no mention of the likelihood that someone might deliberately dump used motor oil or antifreeze down the drain. The cumulative effect of these contaminants poses a serious risk. The developer has agreed to post signs prohibiting washing of undercarriages and engines; we do not believe signs will be effective deterrents. This point was made to the Board of Supervisors and a provision was put in to require an attendant on site during business hours. This would, however, be the same attendant who would be on site to manage the mini-storage facility. The duties of managing the storage facility will preclude close supervision of the car wash operation. Indeed, it may not be feasible for an attendant to supervise the car wash at all while dealing with storage matters. The attached U.S. Environmental Protection Agency document (816-F-01-024, July 2001) strongly recommends that attendants have training in operation and maintenance procedures and proper disposal practices, and should be aware of toxic chemicals with which they may come in contact, and have access to a chemical management plan and an emergency contact list. There is nothing in the MND to indicate that this will be done.

Further, the attendant may be reluctant to challenge those insisting on violating the policy, and no back-up procedures have been formalized.

The developers are investors who will not be involved in day-to-day operation or supervision of the business. As absentee owners/operators, they will be relying on their employees to carry out procedures that safeguard water and environmental quality. This poses additional risks.

The MND does not address the question of who will monitor the quality of the ground water in the immediate area or how frequently this monitoring will be done. What sort of remedial action will occur if contamination is noted? We understand that a third party will be responsible for the removal of contaminated water and solids captured by the waste water filtering system. What is the schedule to ensure that this is accomplished before possible ground water contamination can occur? How will this be verified?

(See aerial photo attached showing the proposed location for the car wash, and locations of current wells in the vicinity)

The California Regional Water Quality Board specifies that California Water Code Section 13260 states that persons discharging or proposing to discharge waste that could affect the quality of the waters of the State, other than into a community sewer system, shall file a ROWD containing information which may be required by the appropriate Regional Water Quality Control Board (RWQCB.) The Mitigated Negative Declaration makes no mention that this has been done.

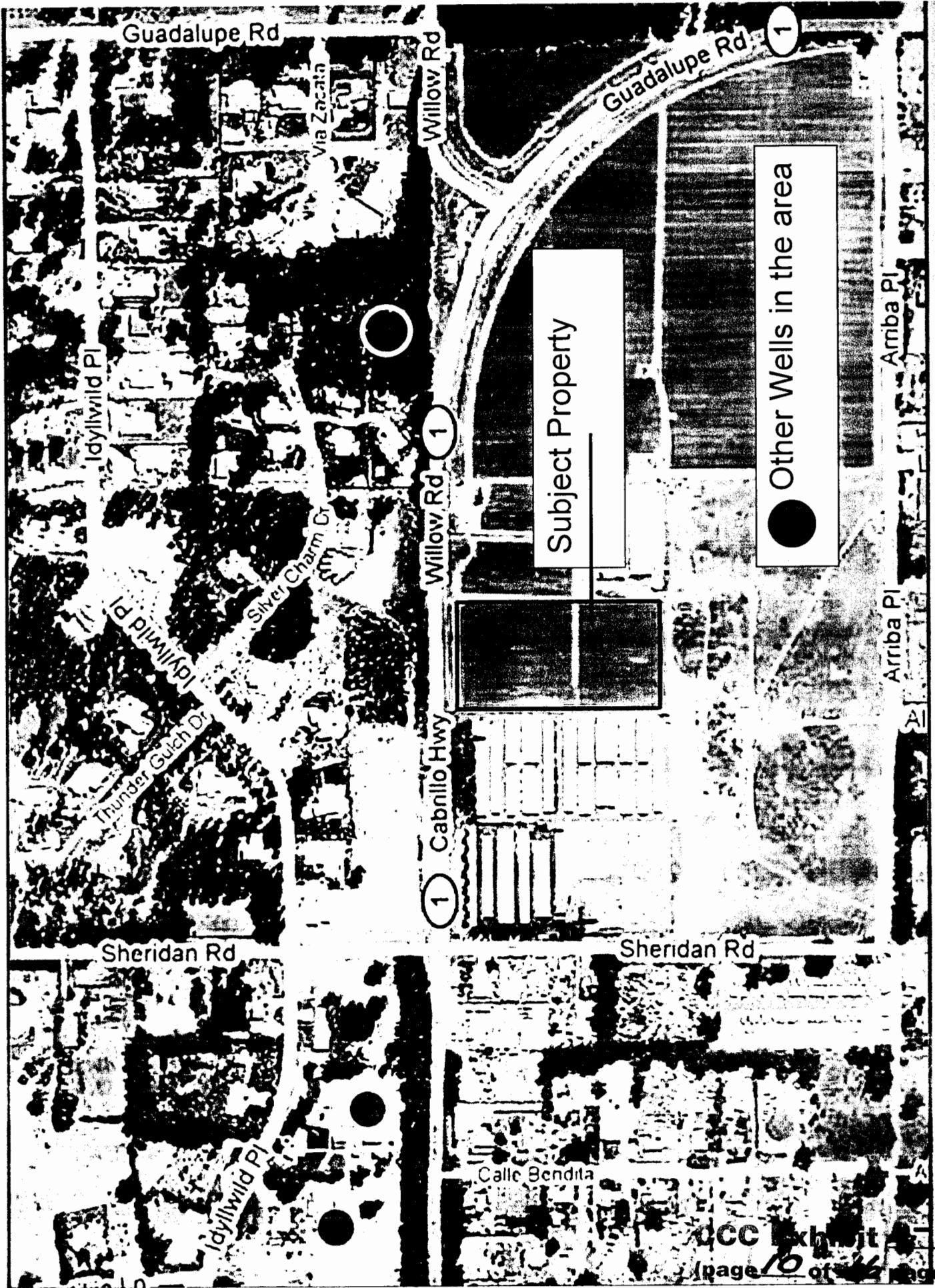
The California Environmental Quality Act (CEQA) is applicable to this project since there are potential significant environmental effects. No environmental impact report was prepared for this; the County believed that the Mitigated Negative Declaration was sufficient. It clearly is not. We believe that the project will have a significant effect on the environment and that an EIR should have been done.

#### PIPELINE

There is an existing pipeline that crosses Hwy 1 just north of the CA-1/Willow intersection. The widening of Hwy 1 will begin immediately north of that location. What precautions will the developer be required to take to insure against causing a catastrophic event such as fracturing that pipeline or other occurrence leading to a disastrous happening with residences so near.

(See aerial photo attached)

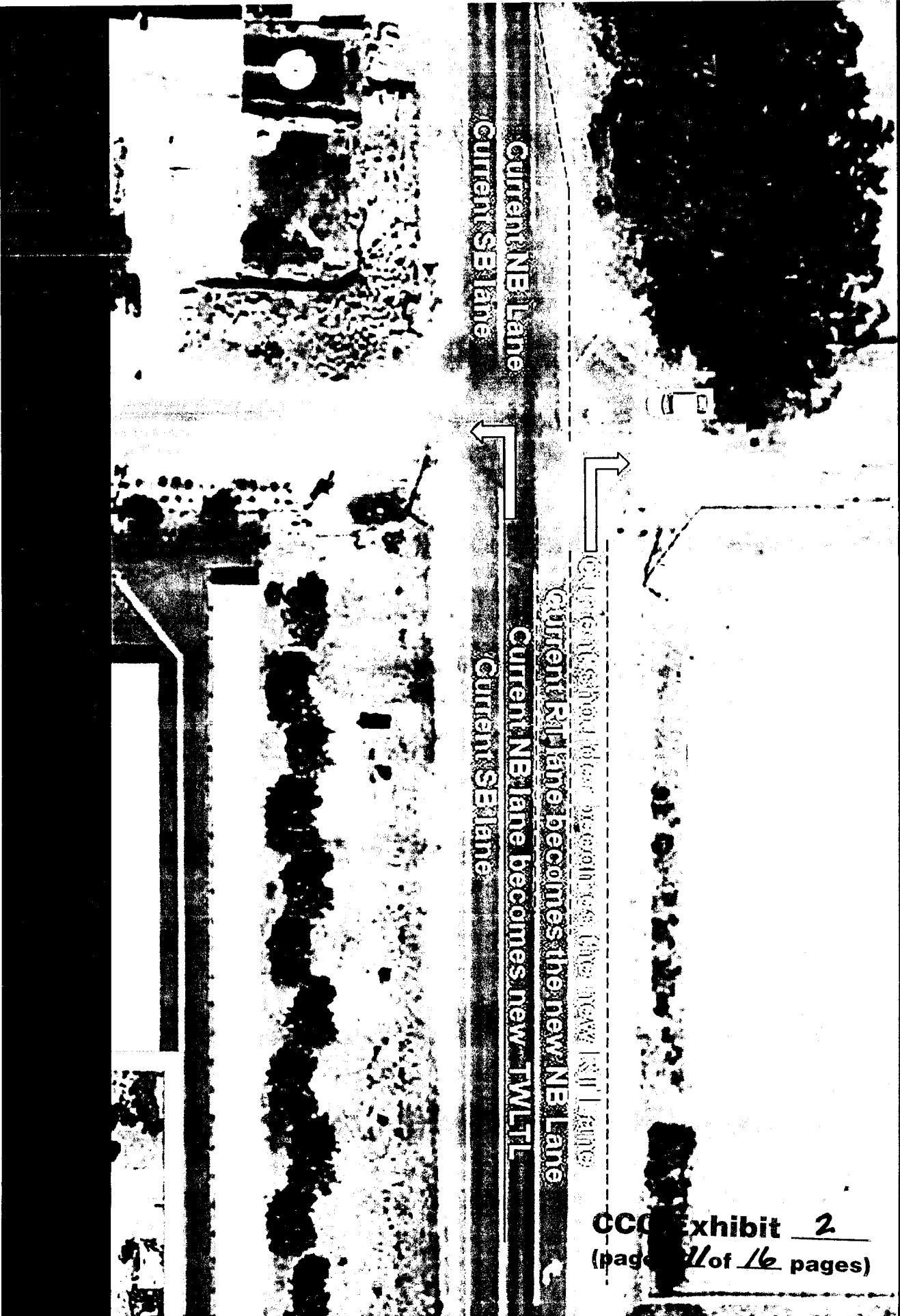




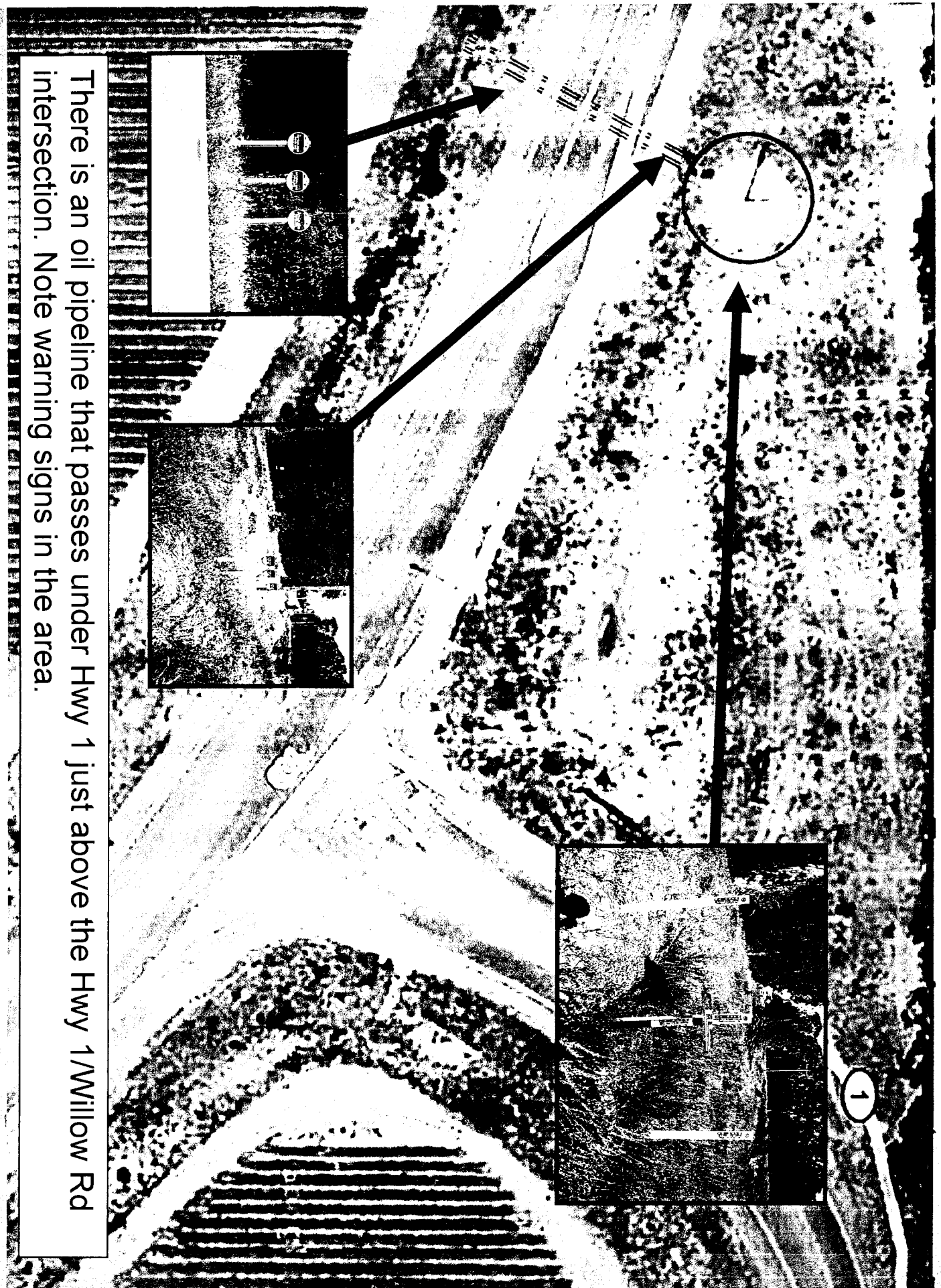
Subject Property

Other Wells in the area

# Proposed



CCO Exhibit 2  
(page 11 of 16 pages)



There is an oil pipeline that passes under Hwy 1 just above the Hwy 1/Willow Rd intersection. Note warning signs in the area.

# Addendum to Appeal from Coastal Permit Decision of Local Government

Appellant  
Mailing Address  
City  
Phone

Al Brill  
679 Silver Charm Drive  
Arroyo Grande, CA 93420  
805-343-2121

Richard Perry  
655 Silver Charm Drive  
Arroyo Grande, CA 93420

## Decision Being Appealed

Board of Supervisors of San Luis Obispo County  
DRC 2005-00144 Construction of an 88,127 square foot mini-storage facility, a 1,900 square foot self-serve car wash, and 1,200 square foot caretaker's unit.

## Development's location

Assessor's Parcel No: 091-192-032

## Description of decision being appealed

Approval with special conditions

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CENTRAL COAST AREA

## ENVIRONMENTAL IMPACT

The original project description from San Luis Obispo County Department of Planning & Building from March 1, 2006, says "Adams CUP for self-storage complex." There is no reference to a car wash.

San Luis Obispo County Department of Planning and Building submitted a Conditional Use Permit (CUP) review request to the California Department of Forestry/SLO County Fire Department in 2006. Their response stated that they had reviewed the CUP for "the self-storage complex project." There was no mention of a car wash. The Fire Department should have been informed that a car wash was being proposed and should have been given an opportunity to review its impact.

Similarly, the SLO County Air Pollution Control District (SLO APCD) was included in the review process in 2006. Their response stated that the project "involves the development of a self-storage complex." Again, there was no mention of a car wash, and again the SLO APCD should have been given an opportunity to review the potential impact of a car wash.

The California Department of Transportation's response to County Planning and Building also refers only to the CUP for a self-storage complex.

## SITE PLANS

According to the South County Coastal Area Plan (Page 4-2), "wherever possible, direct access should not be allowed onto the highway from adjacent properties. Access should be from local and collector streets." This is in reference to California Highway 1. The proposed car wash is in violation of this policy since direct access is directly from California Highway 1.

The proposed car wash does not appear to comply with the conditions of the Coastal Zone Framework for Planning. Auto and Vehicle Repair and Services are designated S-11 for use. The Coastal Zone Land Use Ordinance (LUO) discusses self-service car washes in Section 23.08.222b. According to the developer's plan:

1. The washing bays face Willow Road, in violation of Section 23.08.222(4).
2. The design submitted by the developer does not indicate an appropriate waiting area of 10 by 20 feet provided adjacent to the entrance of each washing bay for a vehicle waiting to use the bay, as required by Section 23.088.022(5)(i).
3. The Coastal Zone Land Use Ordinance requires an area to be provided for drying of vehicles. There must be a ratio of two drying spaces per washing bay, and these drying spaces must each be separate spaces which are a minimum size of 12 by 20 feet (Section 23.08.022(5)(iii)). There is space for only one drying space per washing bay.

The developer has failed to comply with provisions of the Local Coastal Plan (LCP).

The proposed facility will be sited in a basin and will clearly be in the viewshed of residences on the other side of California Highway 1 and of passers-by on Highway 1. Further, Section 23.08.222(a)(2) refers to similar situations.

Section 23.08.222(b)(2) states that "a car wash is not to be located within 100 feet of a Residential Single Family land use category." The proposed car wash will be located directly across California Highway 1 (Willow Road) from property that is zoned Residential and on which homes have already been built and are occupied.

#### TRAFFIC

The environmental analysis done in 2006 of the impacts on widening California Highway 1 is outdated. Since 2006 there have been several developments in the immediate area, including the 1320-home Woodlands project which has yet to be completed.

#### De Anza trail

The proposed widening of California Highway 1 will interfere with the 25-foot right of way that San Luis Obispo County's Park Element has designated for the De Anza trail. This designation was within the last three years, which was after the California Department of Transportation reviewed the proposed project.

## Jonathan Bishop

---

**From:** Al's AT&T [albrill@att.net]  
**Sent:** Tuesday, May 19, 2009 11:29 AM  
**To:** Jonathan Bishop  
**Cc:** Al Brill (At&T)  
**Subject:** Adam/Boland carwash

May 19, 2009

Jonathan,

I've had a couple of conversations with Leslie Terry ((805) 781-5551) of San Luis County Environmental Health regarding the Adam/Boland car wash.

In my conversation with her on May 15th she stated that she said that she did not know there was going to be a car wash at that location until the day before the BOS meeting and I think she was caught unaware that she would need to provide a response regarding any impact the car-wash might have and how to monitor it. It seemed to those of us sitting there, that when she was asked if San Luis County Environmental Health could monitor the run-off she was stuck for an answer and not wanting to disappoint the Supervisors just said "yes" without having any idea as to what the monitoring would be, how the monitoring would be done, or what the resources would be required, and where these resources would come from to do the job.

It is doubtful that the County, today, has sufficient staff to monitor this operation and with the budget cutbacks in staffing it seems that the County will never be able to monitor it.

She said that the monitoring would probably be subcontracted out to the manufacturer of the "system".

It seems to me that leaving the manufacturer as the watchdog of its own product creates a conflict of interest. Do we think they would actually report a failure of their own system?

Further, she said that the system has not yet been specified nor has the engineering been done either by the developer or County and that will not be done until after the California Coastal Commission grants approval because it would be expensive. This seems strange and I think it should be just the other way (specifying the system before approval by the Coastal Commission.)

She reiterated that fact this morning.

Our question is; How can the County commit to monitoring a system that they know nothing about?

Adding to the multiple problems facing the County and its ability to follow through is the status of the County's Chief Administration Official, David Edge, who may well be fired today by our Board of Supervisors and the recent announced retirement of the head of the County's Planning and Building Department on June 12th, leaving that slot open. The departure of Mr. Edge will have a profound negative effect on every County department. The retirement of Mr. Holanda will impact SLO County's Planning and Building department as this project proceeds there.

I think issuing the permit is premature in that we need the details of the system and the monitoring, and that sufficient environmental work as required by the LCP and the Coastal Act has not been done. Equally the carwash is not a coastal dependent business.

I would welcome the opportunity of speaking with you about this.

Al Brill  
(805) 343-2121

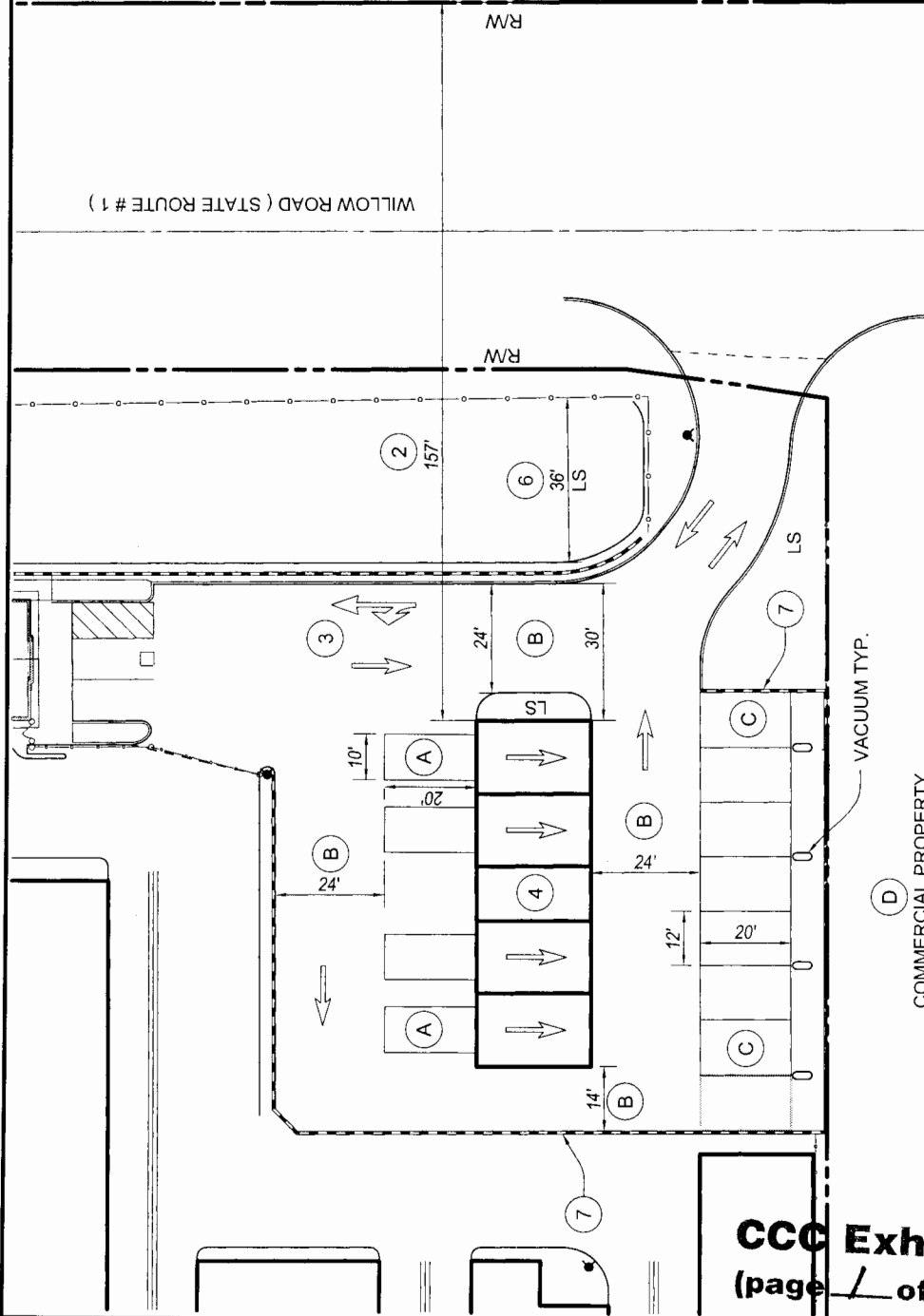
**CCC Exhibit 2**  
**(page 16 of 16 pages)**

5/21/2009

**TITLE 23 REQUIREMENTS**

SECTION 23.08.222(b)

- 1 **PERMIT:**  
CONDITIONAL USE PERMIT APPROVED BY COUNTY BOARD OF SUPERVISORS.
- 2 **LOCATION:**  
CAR WASH LOCATED MORE THAN 100 FEET FROM RSF LAND USE.
- 3 **ACCESS LANES:**  
ACCESS LANES ARE PROVIDED ON COMMON DRIVEWAY.
- 4 **ORIENTATION:**  
WASH BAYS DO NOT FACE THE STREET.
- 5 **SET BACKS:**
  - A 10' X 20, WAITING AREAS ARE PROVIDED.
  - B ONE-WAY CIRCULATION WITH 12' AND 24' DRIVE LANES ARE PROVIDED.
  - C EIGHT 12' X 20' DRYING AREAS ARE PROVIDED (2-FOR EACH BAY).
  - D THE PROJECT IS NOT ADJACENT TO MULTI-FAMILY RESIDENTIAL USES.
- 6 **LANDSCAPING:**  
LANDSCAPE STRIP PROVIDED.
- 7 **FENCING:**  
A MASONRY WALL OR SOLID WOOD FENCE WILL BE PROVIDED ALONG THE INTERIOR LOT LINES.



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CALIFORNIA  
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CENTRAL COAST AREA

**CAR WASH EXHIBIT**  
WILLOW ROAD  
MINI-STORAGE  
5-14-09



SCALE: 1"=40'

**eda**  
design professionals  
civil engineers • land surveyors • land planners  
1998 santa barbara st • san luis obispo, ca 93401  
ph: 805.549-8658 • email: eda@edainc.com

**CCC Exhibit 3**  
(page 1 of 4 pages)



864 Osos Street, Suite D, San Luis Obispo, California 93401 USA  
Tel: (805) 541-5325 Fax: (805) 541-5326 email: dubbink@noisemanagement.com

May 8, 2006

Scott Adams and Kathy Boland  
C/O Kirby Gordon  
PO Box 3106  
Shell Beach, CA 93448

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MAY 21 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Subject: Noise Study, Parcel 091-192-032 (Car Wash and Mini Storage)

Dear Mr. Adams and Ms. Boland:

Several years ago, we prepared an acoustic study for your property at 750 Willow Road. On March 24, 2009, I was asked to present this to the Board of Supervisors who were hearing an appeal made by some project neighbors with homes north of Willow Road. Our report had addressed most of their concerns but a question was raised about sound reflections from the block wall that fronts the mini storage. I commented on this at the hearing (based on estimates I was able to make without benefit of a computer).

The reflection question has been raised again in an appeal to the Coastal Commission the question can be revisited with a full toolkit of computational technologies.

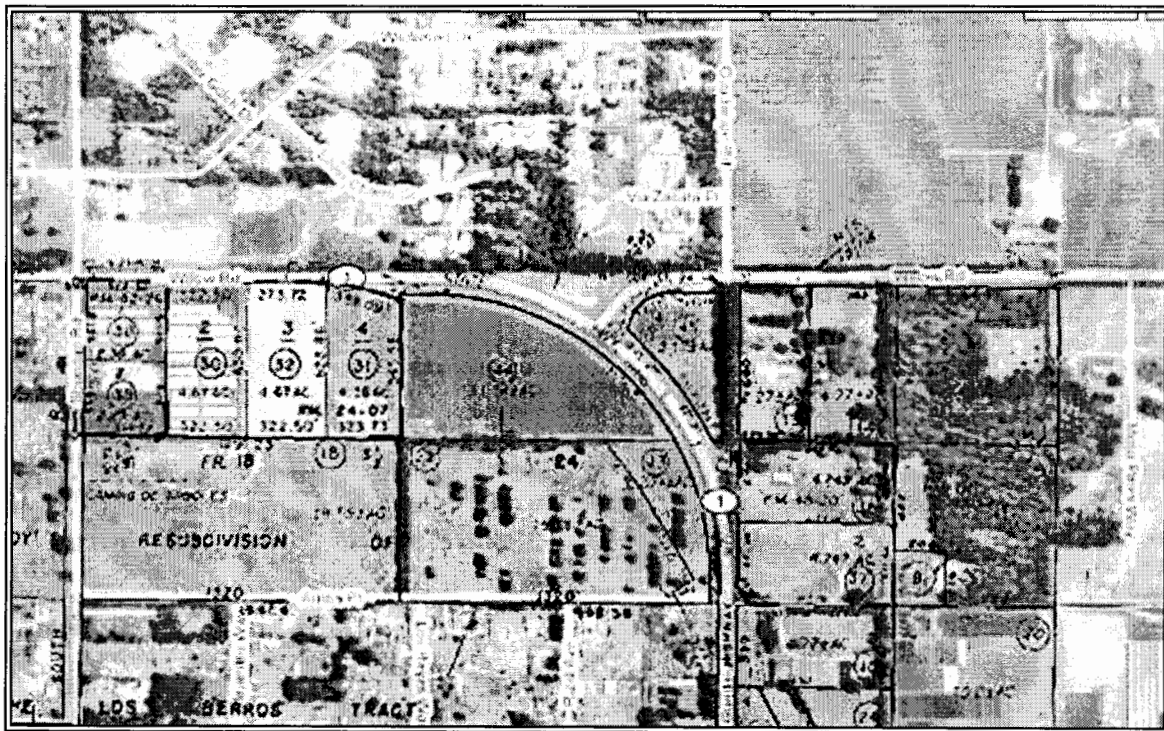


Figure 1: Willow Road and Guadalupe Road (Highway 1) showing the site in blue

## The Noise Issues

Our previous study (May 8, 2006) reviewed multiple noise issues. We studied the noise produced by a self service car wash and estimated the noise exposure for the nearest properties. We also examined the potential compatibility issue in having the manager's residence at the side of the property most exposed to traffic noise from Willow Road. We did not consider the reflected noise issue because it did not appear to be a significant problem. It is useful to explain the reasoning behind this conclusion.

Figure 2 shows an aerial view of the mini storage location and the closest residences. The black lines indicate the locations of the block wall that screen the storage area from view. The wall is 50 feet back from the property line which is an additional 40 feet from the paved roadway. The closest residence to the north is 428 feet from the closest portion of the perimeter wall. The next closest residence is a similar distance at 433 feet. The County's ordinance evaluates noise at the property line of the receiving property which appears to be about 45 feet away from the closest travel of Willow road.



Figure 2: Aerial Showing Wall and Residences

The computational question is how much the reflection of sound from the wall will add to the sound of traffic.

In this example we will consider the sound of an individual passing vehicle. (The County's noise regulations include several metrics but the increment of addition is similar for all of the measurements). Figure 3 shows a cross sectional view of the situation. A medium truck traveling at 55 mph produces a maximum noise of about 76 dB at a 50 foot distance. At the façade of the closest residence a westbound truck, 300 feet away, would produce a maximum passby sound in the range of 60 to 64 dB. This is indicated by Path B in the diagram.

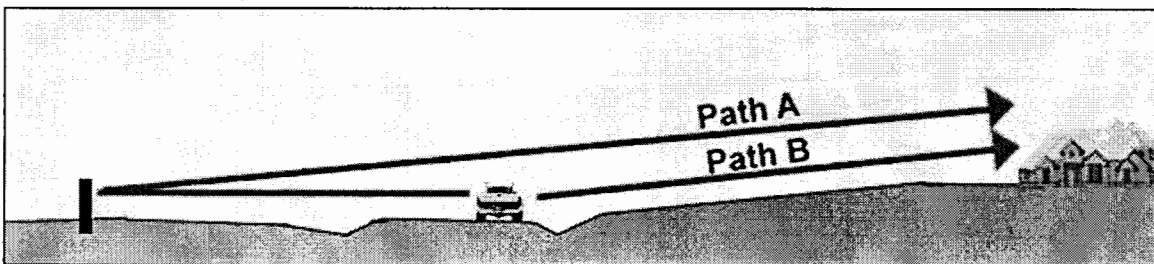


Figure 3: Cross Section Diagram

The sound of the truck that is reflected from the wall follows Path A. The distance from the truck to the wall is 120 feet. From there the distance to the residence is 428 feet for a total distance of 548 feet. At this distance, if the sound of the truck is perfectly reflected by the wall, the sound level would be in the realm of 55 to 60 decibels.

Decibels add logarithmically, so at the low range of the estimate the addition would be the 60 dB following Path B and the reflected sound on Path A at 55 dB. The log addition of these two is 61.2 dB. This is just over a dB more than the direct sound. At the upper range, the Path B and Path A sounds add to 65.5 dB, an increase of 1.5 dB.

A sound level change of 1 decibel is barely detectable. It is generally accepted that a 3 dB change in sound level represents a difference that is "noticeable". The 1.2 to 1.5 changes are not of an order that is considered to be significant. Also, these are certainly worst case estimates since they assume that all sound reaching the wall is reflected. There is also no consideration of sound absorption due to "soft" landscape conditions.

As noted, in the County's noise ordinance, sound is evaluated at the property line of the receiving residence. In this case the arithmetic changes and the acoustic impact is even less. The direct sound from the passing truck is at the 77 dB level at a 45 foot distance. The distance from the truck to the wall and back to the property line is about 300 feet. At this distance the reflected truck sound is in the range of 60 to 64 decibels. Adding the sound from the two paths produces totals that are on the order of 70.5 to 71 decibels. The change of .5 to 1 decibel is virtually undetectable.

It is concluded that reflected sound is not a significant issue for this project in this setting. Moreover, the wall is likely to provide a net benefit to neighbors in that sounds from activities within the mini storage area will be lessened.

Sincerely,



David Dubbink, Ph.D, AICP

**A-3-SLO-09-022 (Adams and Boland)  
Mini Storage and Car Wash**

**Applicable LCP Policies**

Self-service Car Washes

CZLUO Section 23.08.222b – Self-service car washes. The standards of this subsection are applicable to self-service car washes where the vehicle remains stationary during washing.

- (1) Permit requirement. Minor Use Permit approval, except when Section 25.03.042 (Permit Requirements), would require Development Plan.
- (2) Location. A car wash is not to be located within 100 feet of a Residential Single Family land use category.
- (3) Access lanes. Separate on-site access and egress lanes are to be provided, and identified with directional signing. Site access and egress may be from a single driveway, provided that one-way traffic flow is maintained.
- (4) Washing line or bay orientation. Washing bays are to be oriented so that the bay entrances and exits do not face an adjoining street. Access to the bays is to be one-way only.
- (5) Setbacks. Structures are to be set back from site property lines at distances sufficient to provide the following features:
  - (i) Waiting area. An area 10 by 20 feet is to be provided adjacent to the entrance of each washing bay for a vehicle waiting to use the bay.
  - (ii) On-site circulation. The car wash structure, and waiting area described in subsection b(5) above are to be encircled by a one-way driving lane with a minimum width of 24 feet along the washing bays, and 12 feet adjacent to the building ends.
  - (iii) Drying area. An area is to be provided for the drying of vehicles after washing, consisting of separate spaces which are a minimum size of 12 by 20 feet. Drying spaces are to be provided at a ratio of two per washing bay.
  - (iv) Adjacent to multi-family use. A 10-foot landscaped setback is to be provided along the total length of any property line abutting a multi-family residential use.
- (6) Landscaping. A 10-foot landscaping strip is to be provided across any street frontage of the site, exclusive of driveways.
- (7) Fencing. The interior lot lines of a car wash site are to be screened with solid wood or masonry fencing six feet in height, except within 10 feet of street right-of-way, where no fencing is required.

Noise

CZLUO Section 23.06.040 – Noise Standards. Sections 23.06.044-050 establish standards for acceptable exterior and interior noise levels and describe how noise is to be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and the

full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property. It is the intent of this chapter to protect persons from excessive levels of noise within or near various residential development and other specified noise-sensitive land uses.

Water Quality

Policy 1 – Preservation of Groundwater Basins. The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return of retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted.

Policy 3 – Monitoring of Resources. In basins where extractions are approaching groundwater limitations, the county shall require applicants to install monitoring devices and participate in water monitoring management programs.