

## **CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
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# **F12c**

### **A-3-SLO-21-0019 (BEAN STORAGE YARD) APRIL 15, 2021 HEARING EXHIBITS**

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- Exhibit 1: Project Location Maps**
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# Project Location



# Project Location







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

February 9, 2020

Sandy Bean  
PO Box 1888  
Morro Bay, CA 93441

**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: February 2, 2021  
SUBJECT: **County File Number: DRC2016-00112**  
Bean Development Plan / Coastal Development Permit

LOCATED WITHIN COASTAL ZONE: YES  
COASTAL APPEALABLE: Yes

On February 2, 2021, the Board of Supervisors partially denied the appeal of Cecile Sutrock, and affirming the decision of the Planning Department Hearing Officer, and the application of Sandy Bean for a Coastal Development Permit (DRC2016-00112) is approved subject to the findings and conditions set forth by the Board of Supervisors Resolution Number 2021-029 which are enclosed for your records.

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

This action is appealable to the California Coastal Commission, pursuant to regulations contain in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01-043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The appeal must be made directly to the California Coastal Commission. For further information on their appeal procedures, contact the Commissions Santa Cruz Office at (831) 427-4863.

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

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

**RECEIVED**

**FEB 17 2021**

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**FINAL LOCAL  
ACTION NOTICE**

REFERENCE # 3-SLO-21-0151  
APPEAL PERIOD 2/18/21 - 3/3/21



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

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If you have questions regarding your project, please contact Kerry Brown at [kbrown@co.slo.ca.us](mailto:kbrown@co.slo.ca.us).

Sincerely,

*Mia Trevelyan*

Mia Trevelyan, Secretary  
Department of Planning and Building

c: California Coastal Commission, 725 Front Street #300, Santa Cruz, CA 95060, Att: Brian O'Neill  
J.H. Edwards Company, PO Box 6070, Los Osos, CA 93402  
Cecile Surbeck, 2040 Fairchild Way, Los Osos, CA 93402

# IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

Tuesday, February 2, 2021

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

ABSENT: None

## **RESOLUTION NO. 2021-029**

### **RESOLUTION PARTIALLY DENYING THE APPEAL OF CECILE SURBECK AND AFFIRMING THE DECISION OF THE PLANNING DEPARTMENT HEARING OFFICER AND APPROVING THE APPLICATION OF SANDY BEAN FOR DEVELOPMENT PLAN / COASTAL DEVELOPMENT PERMIT DRC2016-00112.**

The following resolution is now offered and read:

**WHEREAS**, on September 18, 2020, the Planning Department Hearing Officer of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered the application of Sandy Bean for Minor Use Permit / Coastal Development Permit DRC2016-00112 to allow the establishment of a temporary off-site construction storage yard to be used for unidentified local projects and vehicle storage. The proposal includes the following components: (1) site disturbance of approximately 1.17 acres- including drainage areas; and (2) temporary establishment of a construction storage yard and vehicle storage; and

**WHEREAS**, Cecile Surbeck appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of

Supervisors”) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

**WHEREAS**, a public hearing was duly noticed and conducted by the Board of Supervisors on February 2, 2021; 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 partially denied and the decision of the Hearing Officer should be affirmed, and that the application (DRC2016-00112) should be approved subject to the revised findings and revised conditions of approval set forth below and attached hereto as Exhibits A and B.

**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 mitigated 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.

3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A and Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

4. That the appeal filed by Cecile Surbeck is partially denied, that the decision of the Hearing Officer is affirmed, and that the application of Sandy Bean for Development Plan / Coastal Development Permit DRC2016-00112, as revised, is hereby approved for the reasons described in the findings set forth below.

Upon motion of Supervisor Gibson, seconded by Supervisor Ortiz-Legg, and on the following roll call vote, to-wit:

AYES: Supervisors Gibson, Ortiz-Legg, Peschong, Arnold and Chairperson Compton

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted on the 2<sup>nd</sup> day of February, 2021.

Lynn Compton

Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON

Ex-Officio Clerk of the Board of Supervisors

By: T'Ana Christiansen

Deputy Clerk

[SEAL]



APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By: /s/ Brian J. Stack  
Deputy County Counsel

Dated: January 5, 2021

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

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

Witness, my hand and seal of said Board of Supervisors on February 4, 2021.

**WADE HORTON,**

Ex-Officio Clerk of the Board of Supervisors

By: 

Deputy Clerk

**DRC2016-00112 BEAN  
EXHIBIT A - FINDINGS**

*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 Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 7, 2020 for this project. Mitigation measures are proposed to address biological resources, cultural resources, and tribal cultural 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 and Local Coastal Plan because the project as conditioned will be consistent with all of the General Plan and Local Coastal 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 temporary construction yard and vehicle storage 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 temporary off-site construction yard and vehicle storage is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Los Olivos Avenue, a local road, constructed to a level able to handle any additional traffic associated with the project.

*Coastal Access*

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

*Modification of Chapter 8 Standards*

- H. The proposed project is temporary and limited to three years in duration. Requiring chip seal, asphalt or concrete surfacing for the vehicle storage portion of the project pursuant to 23.08.290 and 23.04.168 would be an excessive improvement for the temporary use on the subject site which is predominately level and bordered on one side by a similar vehicle storage use. The project is conditioned to comply with biological resources, cultural resources, and tribal cultural mitigation measures, and to install a permeable crushed rock surface and subsequently restore the site after use permit expiration. Because of the specific conditions of the site and vicinity, and because the project is temporary and will require site restoration, the development standards of 23.08.290 which would otherwise require chip seal, asphalt, or concrete surfacing under 23.04.168 are unnecessary and ineffective for the proposed use of the site for temporary vehicle storage.

**DRC2016-00112 BEAN  
EXHIBIT B - CONDITIONS OF APPROVAL**

**Approved Development**

1. This approval authorizes a temporary off-site construction yard and vehicle storage with the following:
  - a. Screening with six-foot solid wood, painted metal, masonry, or alternative material (subject to approval by the Planning Department) fencing along the perimeter of the property. Unless determined that screening requirements are ineffective due to the site characteristics.
  - b. Placement of six-inches of permeable crushed rock surface.
  - c. No trenching is allowed.
  - d. No construction of any structures is allowed.
  - e. The drainage areas delineated on the site plan shall be fenced and remain undisturbed, in natural state and used for drainage. The final design of the drainage areas will be dictated by the approved drainage plan.
  - f. Trucks within the construction storage area are limited to 1 ton or less.
  - g. Hours of operation are limited to 8:00 AM to 5:00 PM Monday thru Saturday.

**Conditions required to be completed at the time of application for a Notice to Proceed**

**Site Development**

2. **At the time of application for a Notice to Proceed**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

**Fire Safety**

3. **At the time of application for a Notice to Proceed**, 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 CalFire/County Fire Department for this proposed project and dated May 26, 2017.

**Access**

4. Access to the site shall be from Los Olivos only.

**Drainage & Flood Hazard**

5. **At the time of application for a Notice to Proceed**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan if

one is required, and shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 of the Land Use Ordinance.

#### **Stormwater Pollution Prevention Plan (SWPPP)**

6. **At the time of application for a Notice to Proceed**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

#### **Stormwater Control Plan (SWCP):**

7. **At the time of application for a Notice to Proceed**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
  - a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
  - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;
    1. Structural Control Measure Description (Exhibit B)
    2. Stormwater System Contact Information
    3. Stormwater System Plans and Manuals
  - c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.
8. **Prior to acceptance of the improvements (if applicable)**, the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

#### **Conditions to be completed prior to establishment of the use**

##### **Fees**

9. **Prior to issuance establishment of the use**, the applicant shall pay any applicable school and public facilities fees.



### **Fencing and Screening**

10. Prior to establishment of the use, the site shall be screened from public view on all sides by solid wood, painted metal, masonry fence, or an alternative material (subject to approval by the Planning Department) with a minimum height of six feet along the property lines of the site.
11. During use as a temporary construction site and vehicle storage, the site shall be maintained in the following condition:
  - a. All materials shall be screened (material behind fence), no blowing plastic or other materials off-site.
  - b. No weeds.
  - c. Apply dust control measures as necessary, pursuant to a Dust Control Plan (reviewed and approved by the Planning and Building Director or designee).
  - d. Control of stormwater.

### **Environmental Mitigations**

12. (BR-1) **Prior to the start of site preparation**, all areas of the subject parcel where disturbances will occur, and that have Kellogg's horkelia (e.g. within setbacks), shall be protected to ensure that all Kellogg's horkelia within these locations are not impacted. This should include installation of protective fencing prior to site preparation activities.
13. (BR-2) **Prior to the start of site preparation**, all Kellogg's horkelia located within the proposed project disturbance area shall be transplanted within the proposed 30-foot setback along the northern property boundary or at a suitable off-site location that contains suitable soils and habitat (to be approved by the Department of Planning and Building). The replanting shall be done by a qualified biologist and be conducted in early winter (late November to December) when winter rains have commenced. All replanting will be done in undisturbed native topsoil, and to ensure success, all transplanted Kellogg's horkelia should be hand watered once weekly for the first twelve (12) weeks to increase survival rates.
14. (BIO-3) Prior to the start of site preparation and prior to transplanting, a qualified biologist should collect seed from the Kellogg's horkelia onsite and disperse the seeds within the transplant area during early winter (late November to December) when winter rains have commenced.
15. (BIO-4) All seed collection, seed dispersal, and transplanting efforts should be summarized in a memo and provided to the County of San Luis Obispo.
16. (BIO-5) Transplanted Kellogg's horkelia should have a minimum 80% survival rate after five years and after five years the plantings should be self-maintaining and in good health with ample green foliage, with no signs of stress from drought, damage from insects or herbivorous animals, and free from disease and fungus.
17. (CR-1) **Prior to establishing the use**, the applicant shall install approximately six inches of permeable crushed rock surface over the entire site.
18. (CR-2) **Prior to site disturbance**, the applicant shall submit a monitoring plan, prepared

by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

- List of personnel involved in the monitoring activities;
  - Description of how the monitoring shall occur;
  - Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  - Description of what resources are expected to be encountered;
  - Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
  - Description of procedures for halting work on the site and notification procedures; and
  - Description of monitoring reporting procedures.
19. (CR-3) **Prior to ground disturbing activities**, all labor crews shall be trained on the identification of archaeological remains and instructed in the proper steps to take in the event archaeological remains are exposed. The training shall be conducted by a qualified archaeologist.
20. **Prior to installation of fill**, the location of the archaeological site shall be surveyed and documented.
21. The removal of fill shall be subject to condition 18 (archaeological monitoring).
22. The applicant shall establish a monitoring program to ensure the vehicles and/or storage units on site do not support human habitation.

#### **Conditions to be completed once the temporary use has ceased**

##### **Site Restoration**

23. The site shall be restored to its original vegetative state within 30 days after the use of the site as a temporary construction yard and vehicle storage has concluded.

##### **Time Frame**

24. The use of the site as a temporary construction yard and vehicle storage is limited to 3 years and no extensions shall be granted for this permit

##### **CalFire/County Fire**

25. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CalFire / County Fire of all required fire/life safety measures.

##### **Development Review**

26. **Prior to establishment of the use**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

27. **On-going condition of approval (valid for the life of the project):** In accordance with 8.68.130 (Article III), non-stormwater discharges into the county storm drain system shall require an encroachment permit as described in Chapter 13.08 of the County Code. Permits shall only be issued when applicant successfully demonstrates compliance with all requirements of Article III.
28. 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.
29. The applicant shall as a condition of approval of this permit defend (at their sole expense and with counsel approved by the County), indemnify and hold County harmless, from and against 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/Coastal Development Permit or the manner in which the County is interpreting or enforcing the conditions of this Development Plan/Coastal Development Permit, or any other action by a third party relating to approval or implementation of this Development Plan/Coastal Development Permit. The applicant shall indemnify the County for any costs, attorney's fees, or damages which the County incurs or pays as a result of such action. The County's participation or non-participation in any such action shall not relieve the applicant of his or her obligations under this condition.



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

(1) DEPARTMENT Planning and Building		(2) MEETING DATE 2/2/2021		(3) CONTACT/PHONE Kerry Brown Senior Planner (805) 781-5713	
(4) SUBJECT Hearing to consider an appeal (APPL2020-00014) by Cecile Surbeck of the Planning Department Hearing Officer's approval of a request for a Minor Use Permit-Coastal Development Permit (DRC2016-00112) to allow the establishment of a temporary off-site construction storage yard to be used for unidentified local projects and vehicle storage, located at the northeast corner of Los Olivos Avenue and Fairchild Way, in the community of Los Osos, District 2.					
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution to deny the appeal of Cecile Surbeck and uphold the decision of the Planning Department Hearing Officer to approve a Development Plan-Coastal Development Permit (DRC2016-00112).					
(6) FUNDING SOURCE(S) Planning Department Budget		(7) CURRENT YEAR FINANCIAL IMPACT \$0.00		(8) ANNUAL FINANCIAL IMPACT \$0.00	
(9) BUDGETED? Yes					
(10) AGENDA PLACEMENT { } Consent    { } Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 60 minutes)    { } Board Business (Time Est. ____)					
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions    { } Contracts    { } Ordinances    { } N/A					
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A				(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached		(15) BUSINESS IMPACT STATEMENT? Yes		(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe					
(18) SUPERVISOR DISTRICT(S) District 2					



## COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building  
Kerry Brown, Senior Planner

VIA: Xzandrea Fowler, Environmental Coordinator

DATE: February 2, 2021

SUBJECT: Hearing to consider an appeal (APPL2020-00014) by Cecile Surbeck of the Planning Department Hearing Officer's approval of a request for a Minor Use Permit-Coastal Development Permit (DRC2016-00112) to allow the establishment of a temporary off-site construction storage yard to be used for unidentified local projects and vehicle storage, located at the northeast corner of Los Olivos Avenue and Fairchild Way, in the community of Los Osos. District 2.

### **RECOMMENDATION**

It is recommended that the Board adopt the resolution to deny the appeal of Cecile Surbeck and uphold the decision of the Planning Department Hearing Officer to approve a Development Plan-Coastal Development Permit (DRC2016-00112).

### **DISCUSSION**

#### *Project Background/Overview*

On May 2, 2017, Ms. Sandy Bean applied for Minor Use Permit-Coastal Development Permit DRC2016-00112 for a temporary construction storage yard. The proposed project is temporary and will not continue after 3 years. The proposed project site is 51,400 square feet and within the Office and Professional land use category. On April 19, 2019, the Planning Department Hearing Officer (Hearing Officer) heard the request by Sandy Bean for a Minor Use Permit-Coastal Development Permit to allow the use of the site as a temporary construction storage yard. Public testimony at the hearing raised concerns about potential environmental issues at the site. The hearing officer continued the item to allow the applicant to prepare a Botanical Report for the site, and staff to prepare an Initial Study (the project was continued twice to allow time for additional biological resource evaluation on the site, first to July 19, 2019 and then to August 16, 2019 and then off calendar).

In August 2019, the Los Osos Community Advisory Council voted to recommend denial of DRC2016-00112 due to concerns regarding dust, noise, hours of operation, access, and the definition of temporary.



The applicant modified the project description (in response to comments received) to reduce the construction storage yard component and include vehicle storage in the northern section of the site. The project was considered by the Hearing Officer at the September 18, 2020 Planning Department Hearing. Public testimony at the hearing raised concerns about potential conflicts with neighboring residences. The Hearing Officer approved the project with additional conditions to limit the type of trucks (using the site) and limit the hours of operation.

After the appeal was filed, staff determined that a Development Plan is necessary to waive the surfacing requirements for vehicle storage. Due to the temporary nature of the project, staff supports modifying the surfacing requirements to allow crushed rock instead of concrete, asphalt, or chip seal (see Attachment 2 finding H). Although the permit was processed and approved as a Minor Use Permit, a Development Plan is now being considered.

County Code Title 23 - Coastal Zone Land Use Ordinance (CZLUO) and the Estero Area Plan (EAP) establish regulations to ensure that proposed development complies with all applicable ordinance sections and planning area standards. The proposed project is consistent with all applicable ordinances and standards set forth in CZLUO and EAP. Refer to the Planning Department Hearing staff report (Attachment 4) for more detailed project analysis. In approving the project, the Hearing Officer based the decision on the fact that the project is temporary (3 years maximum) and that the conditions will adequately address potential impacts by neighboring properties.

#### *Appeal*

On September 24, 2020 Cecile Surbeck appealed the Planning Department Hearing decision to the Board of Supervisors. The appeal is centered on the following issues: consistency with Sections of the Coastal Zone Land Use Ordinance, community character, environmental concerns, and alleged violations of the Brown Act. The specific appeal issues and staff responses are provided below:

Appeal Issue #1: The project is inconsistent with provisions of the CZLUO. The appellate states that Section 23.08.244 is not applicable to the project and the project would violate Section 23.08.268. Temporary construction yards are for use only during an actual construction project.

Staff Response: Section 23.08.244 is applicable to storage yards for construction supplies, materials, or equipment for temporary use during a construction project, on a site not adjacent to the construction site. This section is applicable to this project. Section 23.08.268 provides standards for temporary construction trailer parks. A temporary construction trailer park is temporary housing in the form of trailers and recreational vehicles for housing during a construction project. Section 23.08.268 does not apply to this project. Although the project has not designated a 'construction project', staff determined that allowing a temporary construction yard for unidentified construction projects in the community is acceptable given the need for this type of facility in the community.

In addition, the appellant states that the project violates Section 23.08.024a, which is applicable to Accessory Storage, because it is accessory storage. However, the applicant is not proposing accessory storage, the storage of construction materials is the principal use, not an accessory use. Section 23.08.024a

is not applicable to the project. Section 23.08.244 references Section 23.08.146 (Storage Yards) to provide site design standards for temporary construction yards. The project is consistent with both Section 23.08.244 and site design standards under Section 23.08.146. All Coastal Zone Land Use Ordinance standards referenced are included in Attachment 8.

Appeal Issue #2: Any application for a temporary use should include the permanent future use, otherwise it is considered piecemealing.

Staff Response: Future development of the site is dependent on several factors; preparing plans and applying for permits for a future permanent use is premature at this time. Before the site can be developed the following actions need to occur: the Los Osos Community Plan needs to be approved (by the Coastal Commission including the land use category change from Office and Professional to Residential Multi Family for this site), the water purveyors need to complete implementation of Phase 1 Basin Plan programs, the Board needs to adopt a resolution certifying that the Phase 1 Basin Plan programs are complete, the applicant needs to prepare plans and required reports, and the applicant needs to submit an application to the County for review and approval. It is not known how long it will take to complete these actions. Due to this uncertainty, staff does not recommend the applicant apply for future development of the site.

Appeal Issue #3: Approving this application would change the character of the neighborhood. Allowing this development introduces a commercial element to the residential area west of Fairchild.

Staff Response: The site as well as a portion of the area west of Fairchild are both located within the Office and Professional land use category. Commercial and office uses are allowed within the Office and Professional land use category. The area is characterized by a mix of single family residential, multi-family residential, vehicle storage, and other commercial uses. The project will not change the character of the area. In addition, the use is temporary and will not continue after 3 years.

Appeal Issue #4: Aesthetics. The project would have a negative aesthetic impact on the community.

Staff Response: The location of the site is within the Central Business District of Los Osos and the area is characterized by single family residential, multi-family residential, vehicle storage, and other commercial uses. Directly west of the site is the Commercial Service land use category. The site is required to be screened from public view. The proposed use of the site as a temporary construction storage yard and vehicle storage is consistent with the character of the area.

Appeal Issue #5: Air Quality. The project has the potential to contribute to adverse effects on human health, disproportionately affecting individuals with respiratory conditions such as asthma, cold, and Covid19.

Staff Response: The project is required to be surfaced with permeable crushed rock and maintained in a dust-free condition. No construction activity can occur on site, the site is to be used exclusively for storage of construction materials and equipment and vehicle storage. The project will not contribute to adverse effects on human health.

Appeal Issue #6: Noise from truck engines, vehicles driving in and out, moving equipment, would be audible to nearby residents.

Staff Response: The project site is located in the Central Business District of Los Osos with many commercial businesses in the surrounding area. Noise from truck engines, vehicles entering and exiting the site, and equipment being moved will be limited to the hours of 8:00 am to 5:00 pm Monday through Saturday. The noise associated with the use of the site will not be significant and will be required to be consistent with the County's Noise Ordinance.

Appeal Issue #7: The project will increase traffic in the neighborhood.

Staff Response: The proposed project will provide parking for nearby residents and businesses and a construction storage yard for local contractors. These uses are not expected to increase traffic significantly in the neighborhood. Existing businesses in the area have insufficient parking to accommodate their employees, which is significantly impacting on-street parking on Los Olivos Avenue. The project will provide needed parking. Access to the site will be provided on Los Olivos Avenue only, no access will be provided on Fairchild Way. The project site is located in the Central Business District and the level of traffic associated with these uses is not significant.

Appeal Issue #8: The project will cause erosion and further damage Fairchild Way.

Staff Response: A road maintenance agreement for Fairchild Way is required as part of the project's conditions of approval. Access to the site will be provided on Los Olivos Avenue. The project will not cause erosion.

Appeal Issue #9: The project has the potential to contaminate groundwater in the event of fuel or chemical spill.

Staff Response: The project is required to follow all Federal, State, and local regulations to prevent the contamination of the groundwater basin.

Appeal Issue #10: What is the expected survival rate of the transplanted Kellogg's horkelia?

Staff Response: It is not possible to determine the survival rate of Kellogg's horkelia, however if the plants do not survive the applicant will be required to propagate Kellogg's horkelia to mitigate for the impact to this sensitive species, this is required as a condition of approval.

Appeal Issue #11: At the September 18, 2020 hearing, pre-recorded phone messages were not played, denying due process for those that called and left messages.

Staff Response: At the September 18, 2020 Planning Department Hearing, the Department had technical difficulties and it was discovered after the hearing closed that there were pre-recorded messages received but which were not played during the hearing. The pre-recorded messages have been included as part of the record as reflected in the Planning Department Hearing minutes. The notice of temporary procedures expressly disclaim that technical issues may prevent comments from being included. In addition, there was

significant amount of written comment received in addition to the live comment provided at the hearing in opposition to project similar in nature to comments of the appeal.

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

The project was referred to the Department of Public Works, Los Osos Community Services District, California Coastal Commission, and Los Osos Community Advisory Council. A summary of the comments received is contained in the attached Planning Department Hearing staff report.

County Counsel has reviewed and approved the attached resolution with findings and conditions as to form and legal effect.

#### **BUSINESS IMPACT STATEMENT**

Denial of this appeal would mean the Planning Department Hearing Officer's approval of this project would stand. As a result, the applicant would be allowed to prepare the site and establish a temporary construction storage yard and vehicle storage at the site.

#### **FINANCIAL CONSIDERATIONS**

This project is in the Coastal Zone and is not subject to an appeal fee. This appeal was processed using Department allocated General Fund support.

#### **RESULTS**

Denial of this appeal would mean the Planning Department Hearing Officer's approval of the Development Plan-Coastal Development Permit would stand. This action would be consistent with communitywide results of encouraging a safe, healthy, and livable community.

Upholding the appeal would deny the Development Plan-Coastal Development Permit.

#### **ATTACHMENTS**

- 1 PowerPoint Presentation
- 2 Resolution Denying the Appeal of Cecile Surbeck And Affirming the Decision of The Planning Department Hearing Officer and Approving the Application Of Sandy Bean For Development Plan / Coastal Development Permit Drc2016-00112.
- 3 Appeal Form
- 4 Applicant's response to Appeal
- 5 Notice of Final Action of Planning Department Hearing of September 18, 2020
- 6 Minutes from Planning Department Hearing of September 18, 2020
- 7 Staff Report from Planning Department Hearing of September 18, 2020 and Supporting Documentation
- 8 Graphics and Location Map
- 9 Coastal Zone Land Use Ordinance Sections



## COUNTY OF SAN LUIS OBISPO

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# **Board of Supervisors February 2, 2021**

## **Appeal of Bean Development Plan / Coastal Development Permit DRC2016-00112**



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## PROJECT DESCRIPTION

### Temporary off-site construction yard and vehicle storage

- Limited to 3 years – duration
- Restoration of the site required



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# APPEAL

## Appeal Issue #1

- Inconsistent with County's Coastal Zone Land Use Ordinance

## Staff Response

- Section 23.08.268 provides standards for temporary construction trailer parks
- Section 23.08.244 is applicable



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# **APPEAL**

## **Appeal Issue #2**

- Application for a temporary use should include the permanent future use, otherwise it is considered piecemealing

## **Staff Response**

- Permits for a future permanent use is premature at this time



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# **APPEAL**

## **Appeal Issue #3**

- Approving this application would change the character of the neighborhood

## **Staff Response**

- The area is characterized by a mix of single family residential, multi-family residential, vehicle storage, and other commercial uses
- The use is temporary and will not continue after 3 years



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## **APPEAL**

### **Appeal Issue #4**

- The project would have a negative aesthetic impact on the community

### **Staff Response**

- The location of the site is within the Central Business District
- The site is required to be screened from public view



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# **APPEAL**

## **Appeal Issue #5**

- The project would have a negative aesthetic impact on the community

## **Staff Response**

- The location of the site is within the Central Business District
- The site is required to be screened from public view



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# APPEAL

## Appeal Issue #6

- o Noise from truck engines, vehicles driving in and out, moving equipment, would be audible to nearby residents

## Staff Response

- o Noise will be limited to the hours of 8:00 am to 5:00 pm Monday thru Saturday
- o Required to be consistent with the County's Noise Ordinance



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# **APPEAL**

## **Appeal Issue #7**

- o The project will increase traffic in the neighborhood

## **Staff Response**

- o Provides parking for nearby residents and businesses and a construction storage yard for local contractors
- o Access provided on Los Olivos only
- o The project site is located in the Central Business District and the level of traffic associated with these uses is not significant



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# **APPEAL**

## **Appeal Issue #8**

- o The project will cause erosion and further damage Fairchild Way

## **Staff Response**

- o A road maintenance agreement for Fairchild Way is required
- o Access to the site will be provided on Los Olivos



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# **APPEAL**

## **Appeal Issue #9**

- The project has the potential to contaminate groundwater in the event of fuel or chemical spill

## **Staff Response**

- Required to follow all Federal, State and local regulations to prevent the contamination of the groundwater basin



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# **APPEAL**

## **Appeal Issue #10**

- o Expected survival rate of the transplanted Kellogg's horkelia

## **Staff Response**

- o If plants do not survive the applicant will be required to propagate Kellogg's horkelia as part of the required mitigation



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# APPEAL

## Appeal Issue #11

- o At the September 18, 2020 hearing, pre-recorded phone messages were not played, denying due process for those that called and left messages

## Staff Response

- o The notice of temporary procedures expressly disclaim that technical issues may prevent comments from being included
- o Significant written comment and live comment provided at the hearing in opposition to project



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## RECOMMENDATION

- Adopt the resolution to deny the appeal and uphold the decision of the Hearing Officer to approve a Development Plan / Coastal Development Permit (DRC2016-00112).



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# QUESTIONS



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## IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

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

PRESENT: Supervisors

ABSENT:

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

**RESOLUTION DENYING THE APPEAL OF CECILE SURBECK AND  
AFFIRMING THE DECISION OF THE PLANNING DEPARTMENT HEARING OFFICER AND  
APPROVING THE APPLICATION OF SANDY BEAN FOR DEVELOPMENT PLAN / COASTAL  
DEVELOPMENT PERMIT DRC2016-00112.**

The following resolution is now offered and read:

**WHEREAS**, on September 18, 2020, the Planning Department Hearing Officer of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered the application of Sandy Bean for Minor Use Permit / Coastal Development Permit DRC2016-00112 to allow the establishment of a temporary off-site construction storage yard to be used for unidentified local projects and vehicle storage. The proposal includes the following components: (1) site disturbance of approximately 1.17 acres- including drainage areas; and (2) temporary establishment of a construction storage yard and vehicle storage; and

**WHEREAS**, Cecile Surbeck appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of

Supervisors”) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

**WHEREAS**, a public hearing was duly noticed and conducted by the Board of Supervisors on February 2, 2021; and

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

**WHEREAS**, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be affirmed, and that the application (DRC2016-00112) should be approved subject to the revised findings and revised conditions of approval set forth below and attached hereto as Exhibits A and B.

**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 mitigated 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.

3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A and Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

4. That the appeal filed by Cecile Surbeck is denied, that the decision of the Hearing Officer is affirmed, and that the application of Sandy Bean for Development Plan / Coastal Development Permit DRC2016-00112, as revised, is hereby approved for the reasons described in the findings set forth below.

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

AYES:

NOES:

ABSENT:

ABSTAINING:

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

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

ATTEST:

WADE HORTON  
Ex-Officio Clerk of the Board of Supervisors

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

[SEAL]



APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: January 5, 2021

**DRC2016-00112 BEAN  
EXHIBIT A - FINDINGS**

*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 Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 7, 2020 for this project. Mitigation measures are proposed to address biological resources, cultural resources, and tribal cultural 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 and Local Coastal Plan because the project as conditioned will be consistent with all of the General Plan and Local Coastal 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 temporary construction yard and vehicle storage 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 temporary off-site construction yard and vehicle storage is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Los Olivos Avenue, a local road, constructed to a level able to handle any additional traffic associated with the project.

*Coastal Access*

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

*Modification of Chapter 8 Standards*

- H. The proposed project is temporary and limited to three years in duration. Requiring chip seal, asphalt or concrete surfacing for the vehicle storage portion of the project pursuant to 23.08.290 and 23.04.168 would be an excessive improvement for the temporary use on the subject site which is predominately level and bordered on one side by a similar vehicle storage use. The project is conditioned to comply with biological resources, cultural resources, and tribal cultural mitigation measures, and to install a permeable crushed rock surface and subsequently restore the site after use permit expiration. Because of the specific conditions of the site and vicinity, and because the project is temporary and will require site restoration, the development standards of 23.08.290 which would otherwise require chip seal, asphalt, or concrete surfacing under 23.04.168 are unnecessary and ineffective for the proposed use of the site for temporary vehicle storage.

**DRC2016-00112 BEAN  
EXHIBIT B - CONDITIONS OF APPROVAL**

**Approved Development**

1. This approval authorizes a temporary off-site construction yard and vehicle storage with the following:
  - a. Screening with six-foot solid wood, painted metal, masonry, or alternative material (subject to approval by the Planning Department) fencing along the perimeter of the property. Unless determined that screening requirements are ineffective due to the site characteristics.
  - b. Placement of six-inches of permeable crushed rock surface.
  - c. No trenching is allowed.
  - d. No construction of any structures is allowed.
  - e. The drainage areas delineated on the site plan shall be fenced and remain undisturbed, in natural state and used for drainage. The final design of the drainage areas will be dictated by the approved drainage plan.
  - f. Trucks within the construction storage area are limited to 1 ton or less.
  - g. Hours of operation are limited to 8:00 AM to 5:00 PM Monday thru Saturday.

**Conditions required to be completed at the time of application for a Notice to Proceed**

**Site Development**

2. **At the time of application for a Notice to Proceed**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

**Fire Safety**

3. **At the time of application for a Notice to Proceed**, 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 CalFire/County Fire Department for this proposed project and dated May 26, 2017.

**Access**

4. **At the time of application for a Notice to Proceed**, the applicant shall submit evidence to the Department of Planning and Building of a road maintenance agreement for Fairchild Way if access is proposed to be taken there. The agreement shall establish an organized and perpetual mechanism to ensure adequate maintenance of the shared access roads in a form acceptable to the County. The road maintenance agreement shall be signed by the owners of all properties which have shared access rights or be fully assumed by the applicant for the full width across their property frontage and back to the nearest county

maintained road; be binding upon their heirs and assigns; and be recorded with the County Clerk on each of the effected properties.

#### **Drainage & Flood Hazard**

5. **At the time of application for a Notice to Proceed**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan if one is required, and shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 of the Land Use Ordinance.

#### **Stormwater Pollution Prevention Plan (SWPPP)**

6. **At the time of application for a Notice to Proceed**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

#### **Stormwater Control Plan (SWCP):**

7. **At the time of application for a Notice to Proceed**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
  - a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
  - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;
    1. Structural Control Measure Description (Exhibit B)
    2. Stormwater System Contact Information
    3. Stormwater System Plans and Manuals
  - c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.
8. **Prior to acceptance of the improvements (if applicable)**, the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

**Conditions to be completed prior to establishment of the use**

**Fees**

9. **Prior to issuance establishment of the use**, the applicant shall pay any applicable school and public facilities fees.

**Fencing and Screening**

10. Prior to establishment of the use, the site shall be screened from public view on all sides by solid wood, painted metal, masonry fence, or an alternative material (subject to approval by the Planning Department) with a minimum height of six feet along the property lines of the site.
11. During use as a temporary construction site and vehicle storage, the site shall be maintained in the following condition:
- a. All materials shall be screened (material behind fence), no blowing plastic or other materials off-site.
  - b. No weeds.
  - c. Apply dust control measures as necessary.
  - d. Control of stormwater.

**Environmental Mitigations**

12. (BR-1) **Prior to the start of site preparation**, all areas of the subject parcel where disturbances will occur, and that have Kellogg's horkelia (e.g. within setbacks), shall be protected to ensure that all Kellogg's horkelia within these locations are not impacted. This should include installation of protective fencing prior to site preparation activities.
13. (BR-2) **Prior to the start of site preparation**, all Kellogg's horkelia located within the proposed project disturbance area shall be transplanted within the proposed 30-foot setback along the northern property boundary or at a suitable off-site location that contains suitable soils and habitat (to be approved by the Department of Planning and Building). The replanting shall be done by a qualified biologist and be conducted in early winter (late November to December) when winter rains have commenced. All replanting will be done in undisturbed native topsoil, and to ensure success, all transplanted Kellogg's horkelia should be hand watered once weekly for the first twelve (12) weeks to increase survival rates.
14. (BIO-3) Prior to the start of site preparation and prior to transplanting, a qualified biologist should collect seed from the Kellogg's horkelia onsite and disperse the seeds within the transplant area during early winter (late November to December) when winter rains have commenced.
15. (BIO-4) All seed collection, seed dispersal, and transplanting efforts should be summarized in a memo and provided to the County of San Luis Obispo.
16. (BIO-5) Transplanted Kellogg's horkelia should have a minimum 80% survival rate after five years and after five years the plantings should be self-maintaining and in good health

with ample green foliage, with no signs of stress from drought, damage from insects or herbivorous animals, and free from disease and fungus.

17. (CR-1) **Prior to establishing the use**, the applicant shall install approximately six inches of permeable crushed rock surface over the entire site.
18. (CR-2) **Prior to site disturbance**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
  - List of personnel involved in the monitoring activities;
  - Description of how the monitoring shall occur;
  - Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  - Description of what resources are expected to be encountered;
  - Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
  - Description of procedures for halting work on the site and notification procedures; and
  - Description of monitoring reporting procedures.
19. (CR-3) **Prior to ground disturbing activities**, all labor crews shall be trained on the identification of archaeological remains and instructed in the proper steps to take in the event archaeological remains are exposed. The training shall be conducted by a qualified archaeologist.
20. **Prior to installation of fill**, the location of the archaeological site shall be surveyed and documented.
21. The removal of fill shall be subject to condition 18 (archaeological monitoring).

**Conditions to be completed once the temporary use has ceased**

**Site Restoration**

22. The site shall be restored to its original vegetative state within 30 days after the use of the site as a temporary construction yard has concluded (at the end of the 3-year permit time frame).

**Time Frame**

23. The use of the site as a temporary construction yard and vehicle storage is limited to 3 years and no extensions shall be granted for this permit

**CalFire/County Fire**

24. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CalFire / County Fire of all required fire/life safety measures.

***Development Review***

25. **Prior to establishment of the use**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

26. **On-going condition of approval (valid for the life of the project):** In accordance with 8.68.130 (Article III), non-stormwater discharges into the county storm drain system shall require an encroachment permit as described in Chapter 13.08 of the County Code. Permits shall only be issued when applicant successfully demonstrates compliance with all requirements of Article III.
27. 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.
28. The applicant shall as a condition of approval of this permit defend (at their sole expense and with counsel approved by the County), indemnify and hold County harmless, from and against 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/Coastal Development Permit or the manner in which the County is interpreting or enforcing the conditions of this Development Plan/Coastal Development Permit, or any other action by a third party relating to approval or implementation of this Development Plan/Coastal Development Permit. The applicant shall indemnify the County for any costs, attorney's fees, or damages which the County incurs or pays as a result of such action. The County's participation or non-participation in any such action shall not relieve the applicant of his or her obligations under this condition.







Attachment 3

APPL2020-00014

**COASTAL APPEALABLE FORM #999**

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

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

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

**PROJECT INFORMATION**

Name: Sandy Bean Temp. Construction Yard

File Number: DR 2016-0012 Bean

Type of permit being appealed:

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

The decision was made by:

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

Date the application was acted on: Sept 18, 2020

The decision is appealed to:

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

**BASIS FOR APPEAL**

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

Explain: Violation of CZLUO, Violation title 23 Temporary Construction Yard 23.08.244  
23.08.268, 23.08.024, 23.08.241 - SEE Attached

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

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

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

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

**APPELLANT INFORMATION**

Print name: Cecile Surbeck

Address: 2040 Fairchild Way Los Osos Phone Number (daytime): 805-438-2768

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

Signature Cecile Surbeck

Date Sept 21, 2020

**OFFICE USE ONLY**

Date Received: 09/24/2020

By: Received by mail

Amount Paid: N/A - Coastal

Receipt No. (if applicable): N/A - Coastal

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

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

Page 1 of 7

September 21, 2020

To: Board of Supervisors  
Bruce Gibson  
John Peschong  
Lynn Compton  
Debbie Arnold

We are appealing on the decision of the hearing debated September 18, 2020, county file # doc 2016-00112, 1230 Los olivos, Los osos, ca. 93402, assessor parcel# 074-293-915 based in the following:

1. Approval of a temporary construction yard would be a violation of title 23, land use ordinance and the CZLUO Estero Area Plan. The project would damage community character of surrounding homes and neighborhood.
2. The lot is surrounded on 3 sides by homes. See attached map  
Violation of CZLUO- The language for a temporary construction yard 23.08.244 is not applicable to this project. This project approval would violate section 23.08.268 of the CZLUO. According to appendix D Estero Area Plan (P D-24) Temporary construction yards are for use only during the actual construction project.

Section 23.08.268 of the CZLUO- temporary construction yards (H15) a storage yard for construction supplies materials of equipment, located on a site other than the construction site itself or immediately adjacent to it, for use only during the actual construction of a project.

The project violates 23.08.024.a accessory storage. Accessory storage is accessory to some other use on the site. Temporary storage of construction materials is an accessory use whether or not the site is adjacent.

Temporary storage of construction materials on a site not adjacent to the construction is subject to section 23.08.244. We could find nothing extenuating in accessory uses that allowed for a temporary construction site a scent a construction project. Temporary storage of construction materials is an accessory use to a construction project whether or not the site is adjacent.

Section 23.08.241 General standards again reinforces the necessity for a conjunctive construction project with an approved land use permit.

Section 23.08.241 General standards temporary uses may include construction of permanent structures, grading or other alteration of a site except the cutting of grasses or weeds only when the temporary use occurs in conjunction with a construction project authorized by an approved land use or grading permit.

Letter from applicant dated June 25, 2020 to LOCAC, the applicant appears to tie the sun setting of the temporary permit to the acquisition of a permit for a permanent use. The applicant seems to be suggesting there are imminent plans for a permanent use, then the temporary permitting must be accompanied by the application for the final construction, otherwise the applicant is attempting to piecemeal the project. Issuance of a permit for a temporary construction yard absent an application for a permanent use is a violation of CZLUO Estero Area Plan and title 23 LUO.

#### Community Character

Looking at the area map (see enclosed), we see the project would be introducing commercial into the Los Olivos/Fairchild way/Santa Ynez quadrant. The nearby (across the street) existing business (west of lot in the business district) does not front on Fairchild but is walled off from Fairchild and ingress and egress is not on Fairchild way but only on Los Olivos. This creates a buffer from commercial to residential. Such buffering is desirable and necessary in mixed use areas and helps retain neighborhood character even in an urban setting. Approval of this project would damage the residential neighborhood character.

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**Zoning:** The project owner attempted to have the lot rezoned commercial to facilitate the construction yard plan but this was denied as it would have a negative impact on our neighborhood. The FEIR and LOCP now have the lot rezoned to multi family residential which fits our neighborhood.

**Ground Water:** Project activities (since none are specified) have potential to contaminate groundwater under the site in the event of a fuel or other chemical spills. Baywood fine sands are characterized as "well drained" but are considered potentially unsuited for septic system due to "Poor filtering" section IX (b) in the IS (under hazards and hazardous materials) states that relevant safety laws around the handling of hazardous chemicals would be observed and best management practices would be implemented but the IS does not directly address the potential for ground water contamination from a hazmat spill on this soil.

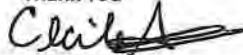
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What is the expected survival rate if transplanted?

The hearing on Sept 18, 2020 did not play any of the prerecorded messages from the residents. For some reason all of the messages were gone. I know Karen Surbeck left one as I was sitting right next to her when she left the message. How was SLO Planning able to make a fair decision without hearing us? We were denied due process at this hearing.

We believe the plan for apn 074-293-015 is incompatible with surrounding residential homes and has the potential to harm human health and well being, violates several CZLUO. Please deny this project and protect our homes from commercial/industrial business.

Thank You

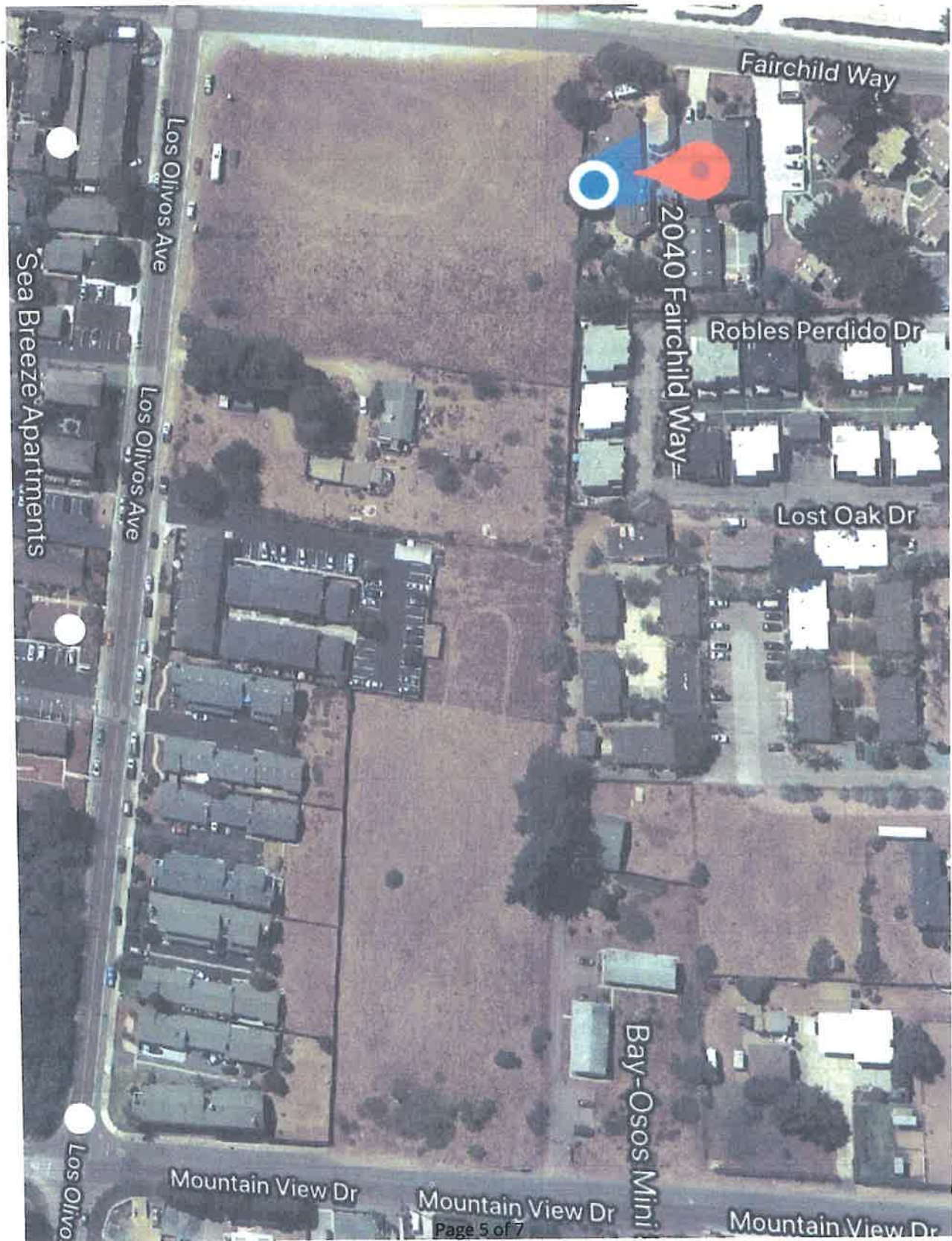


Cecile Surbeck



Karen Surbeck





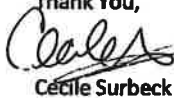
September 26, 2020

To: Board of Supervisors  
Bruce Gibson  
John Peschong  
Lynn Compton  
Debbie Arnold

I am submitting the following addendum to appeal dated September 21, 2020 county file # doc 2926-00112, 1230 Los a olivos, Los Osos, CA. 93402, assessor parcel # 074-293-915.

The appellant was deprived of due process in the decision reached on September 18, 2020 in violation of the Brown Act requiring the opportunity for public comment before a decision is rendered. Recorded comments were lost by San Luis Obispo County and therefore not considered in the decision to approve the project.

Thank You,

  
Cecile Surbeck

  
Karen Surbeck

9966. 11-16-67

21. 10/1/57

CONFIDENTIAL - This report contains information which is confidential to the Department of Defense and is not to be distributed outside the Department of Defense without prior approval of the Department of Defense. This information is to be controlled in accordance with the provisions of the Department of Defense Policy on the Control of Information, and is to be handled in accordance with the provisions of the Department of Defense Policy on the Control of Information.

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Attachment 4 - Applicants Response to Appeal

**APPEAL SUBMITTED September 21, 2020 by Cecile Surbeck, RE: SLO County File #2016-00112 DOES NOT QUALIFY to appeal under CZLUO or Code Section 30603**

Approval of a temporary **OFF Site** Construction Yard, RV & Vehicle Storage, SLO County File #2016-00112, as mentioned in the Staff Report, **DOES comply with Local Coastal Zone Land Use Ordinances** (CZLUO), and IS consistent with the neighborhood.

Ms. Surbeck's Appeal names only one section which applies to this Permit. Quoted by Staff within the Staff Report is 23.08.244 (Attached, as exhibit A)

Allowed under O&P zoning, Temporary OFF-Site Construction Yards are for the use of storage for materials and equipment during a construction project. Although a local contractor can provide the address of a construction project, stating which Construction Project **is not a written condition of this Section**, unless This Project is authorized by a Development Plan approval. This Project is permitted through a Minor Use Permit, allowing use per this section, **subject to all conditions**, provided the Construction Project is OFF-site and temporary in nature. This Project Permit is Temporary in Nature, limited to 36 months, and ALL work done is required to be OFF-Site

**All other sections quoted** in Ms. Surbeck's Appeal, such as 23.08.241, 23.08.024.a, 23.08.268, were not mentioned by Staff because they **do not apply to this Permit**.

NO work OR vehicle parking will be done as an accessory to anything. Vehicle Parking as permitted will be done according to vehicle storage criteria within CZLUO, as allowed on Properties zoned O&P, per CZLUO Section 23.08.290.

**Additionally:** The Zoning of Subject & Appellant's properties is Office & Professional (O&P). Both properties are situated directly across the street to Commercial Service Zoning (CS) West, O&P North & South, Multi Family East. **See Exhibit B.**

**The Aerial included in Ms. Surbeck's Appeal is partial.** Two aerials showing the complete portion of Subject's Area, are attached as **Exhibits C&D.**

O&P zoning may change to RMF to meet CA housing needs. Due to Community needs, **CS zone will remain as is, in the CBD, directly across the street, from Subject & Surbeck.**

**O&P zoning characteristics and standards within CZLUO, satisfy needs of adjacent commercial AND residential zones.** For the Use requested, this Project not only complies, but has been amended according to suggestions by County Planner and by Los Osos Advisory Council, to further mitigate concerns from adjacent residences, **BEYOND CZLUO requirements.**

Unless Appellant is confused (Construction ON vs. OFF Site can be confusing), Appellant's popular **description of an ON Site Temporary Contractor's Yard** for this Project has been inaccurate, creates negative connotations and could be considered intentionally designed to cause Public disturbance, concern and complaints. **'OFF Site' Temporary Contractor's Yards, are opposite in description and character, as contracting work is only done OFF site.** This difference, adding RV & Vehicle parking sections (as the adjacent neighbor on the SW corner of Los Olivos & Fairchild Way), **renders most Public complaints on record, inapplicable.**

**Public Support without confusion of Use:** Several Los Osos residents, and **Property Owners covering over 5 acres in areas within or directly adjacent to the Los Osos Central Business District, (Subject Project Area) have written in favor of this Project.** One of these is the adjacent neighbor to the East of the Subject Property, owning apx. 1.2 acres of RMF-zoned property. Two other residents directly across the street to the South, on Los Olivos, have also written with their support. **Use of this property benefits the Community.**

**Appellant's willful intent has been to prevent ANY use of the Subject Property, since February 28, 2019, the date of purchase of 2040 Fairchild Way, by Karen Surbeck.**

ANY use (residential or otherwise) will require site preparation and a period of discomfort to adjacent neighbors. Larger multi family unit developments, or the newer Commercial Service Complex across the street, have and will cause noise and dust during development.

ANY eventual use of adjacent properties will also result in added noise and loss of privacy to existing developed properties. Such is expected and will NOT render a legal vacant property adjacent to another already developed, useless.

**The Subject Property is NOT zoned Vacant.**

Wrongful intent to obstruct or hinder temporary OR perpetual use as is protected by Private Property Laws, or Willful Aim towards creating unnecessary/unreasonable expenses targeted to stop or impede fair use of one's property, will be considered a direct cause of an illegal taking.

Sincerely,

Sandra Bean

5 Enclosures: Exhibits A, B, C, D plus Surbeck Appeal

[sandy@sandybean.net](mailto:sandy@sandybean.net) / PO Box 1888, Morro Bay, CA 93443/ 805-528-3475

## Exhibit A

LosOlivosSeptStaffReport.1.pdf (page 3 of 172)

### LAND USE ORDINANCE STANDARDS

The subject parcel is designated Office and Professional (OP) in the Central Business District. A temporary off-site construction yard is a special use (S-17) in the Office and professional land use category.

#### **Section 23.08.244 – Temporary Off-site Construction Yards**

A storage yard for construction supplies, materials, or equipment for temporary use during a construction project is allowable on a site not adjacent to the construction site subject to these standards.

- A. Permit requirements. A temporary construction yard may be authorized by the same Development Plan approval which allows the project being served by the construction yard; or through Minor Use Permit approval in all cases.
- B. Site design standards. To be determined through review and approval process for either the project Development Plan proposals, or through Minor Use Permit review and approval process, in addition to the site design standards as set forth in Section 23.08.146c (Storage Yards Site Design Standards).
- C. Site restoration required. The site of temporary construction yard shall be restored to its original vegetative and topographic state within 30 days after completion of construction. Proper site restoration within another

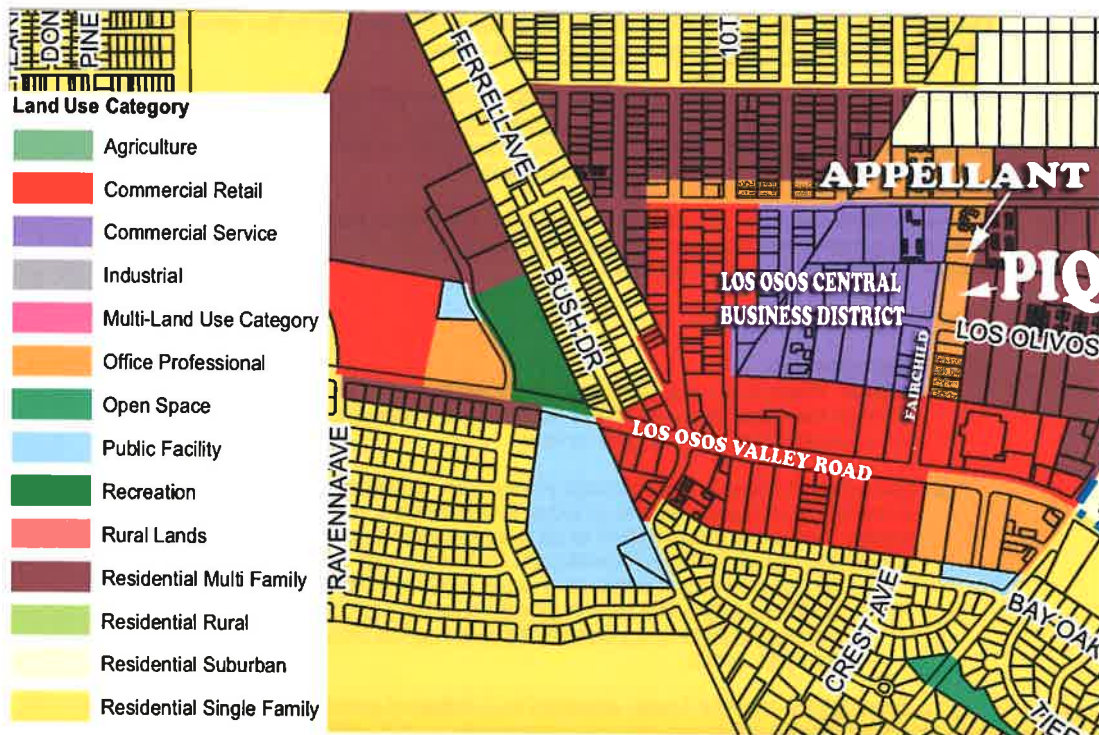
#### **Section 23.08.146 – Storage Yards**

- A. Site Design standards.
  - 1. Access. There is to be only one access point to a storage yard for each 300 feet of street frontage. Such access point is to be a maximum width of 20 feet and is to be provided with a solid gate or door.
  - 2. Screening. A storage yard (except a temporary off-site construction yard) is to be screened from public view on all sides by solid wood, painted metal or masonry fencing, with a minimum height of six feet; provided that this requirement may be waived through Adjustment (Section 23.01.044), when:
    - (i) The side of a storage yard abuts a railroad right-of-way; or
    - (ii) The surrounding terrain would make fencing ineffective or unnecessary for the purpose of screening the storage yard from the view of public roads.
  - 3. Parking requirement. None, provided that sufficient usable area is available to

#### **Construction Contractors [H3]**

Service establishments primarily engaged in construction, including new work, additions, alterations, and repairs. Construction activities are generally administered or managed from a relatively fixed place of business, but actual construction work is performed at one or more different sites that may be dispersed geographically. Three broad types of construction activities are covered: (1) building construction by general contractors or by operative builders; (2) other construction by general contractors; and (3) construction by special trade contractors such as electrical, air conditioning and plumbing contractors, or others such as well drilling services. The installation of prefabricated buildings and equipment is also included. Business offices for such establishments which are not on the same site as work crew dispatching, equipment, vehicle or material storage for the establishment may also be considered under the definition of offices. An outdoor storage yard in conjunction with a contract construction service is defined under "Storage Yards and Sales Lots" or "Temporary Construction Yards," and is also subject to all applicable CZLUO standards for such uses. (SIC: Groups 15, 16, 17)

## Exhibit B



# Exhibit C

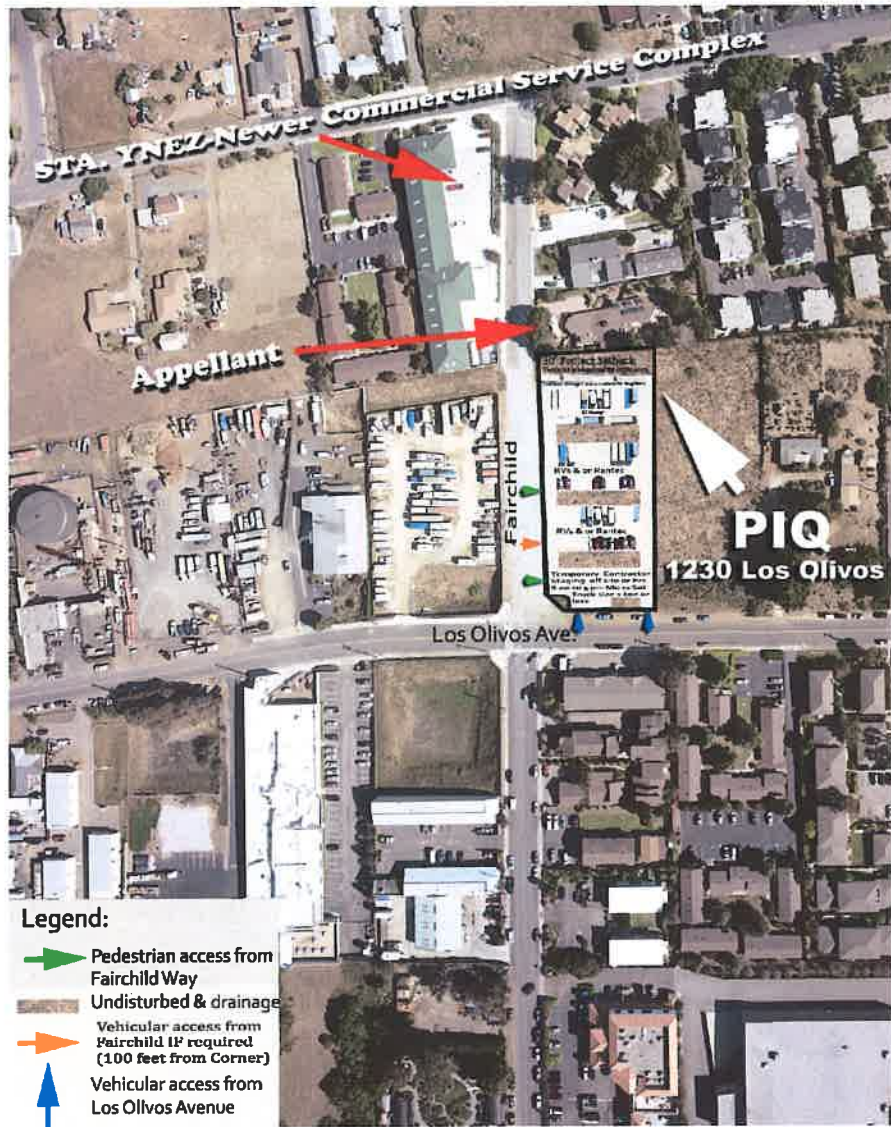




Exhibit D





# COASTAL APPEALABLE FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5800

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

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

## PROJECT INFORMATION

Name: Sandy Bean Temp. Construction Yard

File Number: DR 2016-0012 Bean

### Type of permit being appealed:

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

### The decision was made by:

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

Date the application was acted on: Sept 18, 2020

### The decision is appealed to:

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

## BASIS FOR APPEAL

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

Explain: Violation of CZLUO, Violation title 23 Temporary Construction Yard 23.08.244 23.08.268, 23.08.024, 23.08.241 - SEE Attached

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

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

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

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

## APPELLANT INFORMATION

Print name: Rebecca Surbeck

Address: 2040 Fairchild Way Los Osos Phone Number (daytime): 805-438-2768

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code/Section 30803 and have completed this form accurately and declare all statements made here are true.

Signature

Date

## OFFICE USE ONLY

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

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

Amount Paid: \_\_\_\_\_

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

COASTAL APPEAL FORM  
SAN LUIS OBISPO COUNTY PLANNING & BUILDING  
SLO PLANNING 006

Page 7 of 11

APRIL 23, 2015



September 21, 2020

To: Board of Supervisors  
Bruce Gibson  
John Peschong  
Lynn Compton  
Debbie Arnold

We are appealing on the decision of the hearing debated September 18, 2020, county file # doc 2016-00112, 1230 Los olivos, Los osos, ca. 93402, assessor parcel# 074-293-915 based in the following:

1. Approval of a temporary construction yard would be a violation of title 23, land use ordinance and the CZLUO Estero Area Plan. The project would damage community character of surrounding homes and neighborhood.
2. The lot is surrounded on 3 sides by homes. See attached map  
Violation of CZLUO- The language for a temporary construction yard 23.08.244 is not applicable to this project. This project approval would violate section 23.08.268 of the CZLUO. According to appendix D Estero Area Plan (P D-24) Temporary construction yards are for use only during the actual construction project.

Section 23.08.268 of the CZLUO- temporary construction yards (H15) a storage yard for construction supplies materials of equipment, located on a site other than the construction site itself or immediately adjacent to it, for use only during the actual construction of a project.

The project violates 23.08.024.a accessory storage. Accessory storage is accessory to some other use on the site. Temporary storage of construction materials is an accessory use whether or not the site is adjacent.

Temporary storage of construction materials on a site not adjacent to the construction is subject to section 23.08.244. We could find nothing extenuating in accessory uses that allowed for a temporary construction site a scent a construction project. Temporary storage of construction materials is an accessory use to a construction project whether or not the site is adjacent.

Section 23.08.241 General standards again reinforces the necessity for a conjunctive construction project with an approved land use permit.

Section 23.08.241 General standards temporary uses may include construction of permanent structures, grading or other alteration of a site except the cutting of grasses or weeds only when the temporary use occurs in conjunction with a construction project authorized by an approved land use or grading permit.

Letter from applicant dated June 25, 2020 to LOCAC, the applicant appears to tie the sun setting of the temporary permit to the acquisition of a permit for a permanent use. The applicant seems to be suggesting there are imminent plans for a permanent use, then the temporary permitting must be accompanied by the application for the final construction, otherwise the applicant is attempting to piecemeal the project. Issuance of a permit for a temporary construction yard absent an application for a permanent use is a violation of CZLUO Estero Area Plan and title 23 LUO.

#### Community Character

Looking at the area map (see enclosed), we see the project would be introducing commercial into the Los Olivos/Fairchild way/Santa Ynez quadrant. The nearby (across the street) existing business (west of lot in the business district) does not front on Fairchild but is walled off from Fairchild and ingress and egress is not on Fairchild way but only on Los Olivos. This creates a buffer from commercial to residential. Such buffering is desirable and necessary in mixed use areas and helps retain neighborhood character even in an urban setting. Approval of this project would damage the residential neighborhood character.

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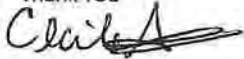
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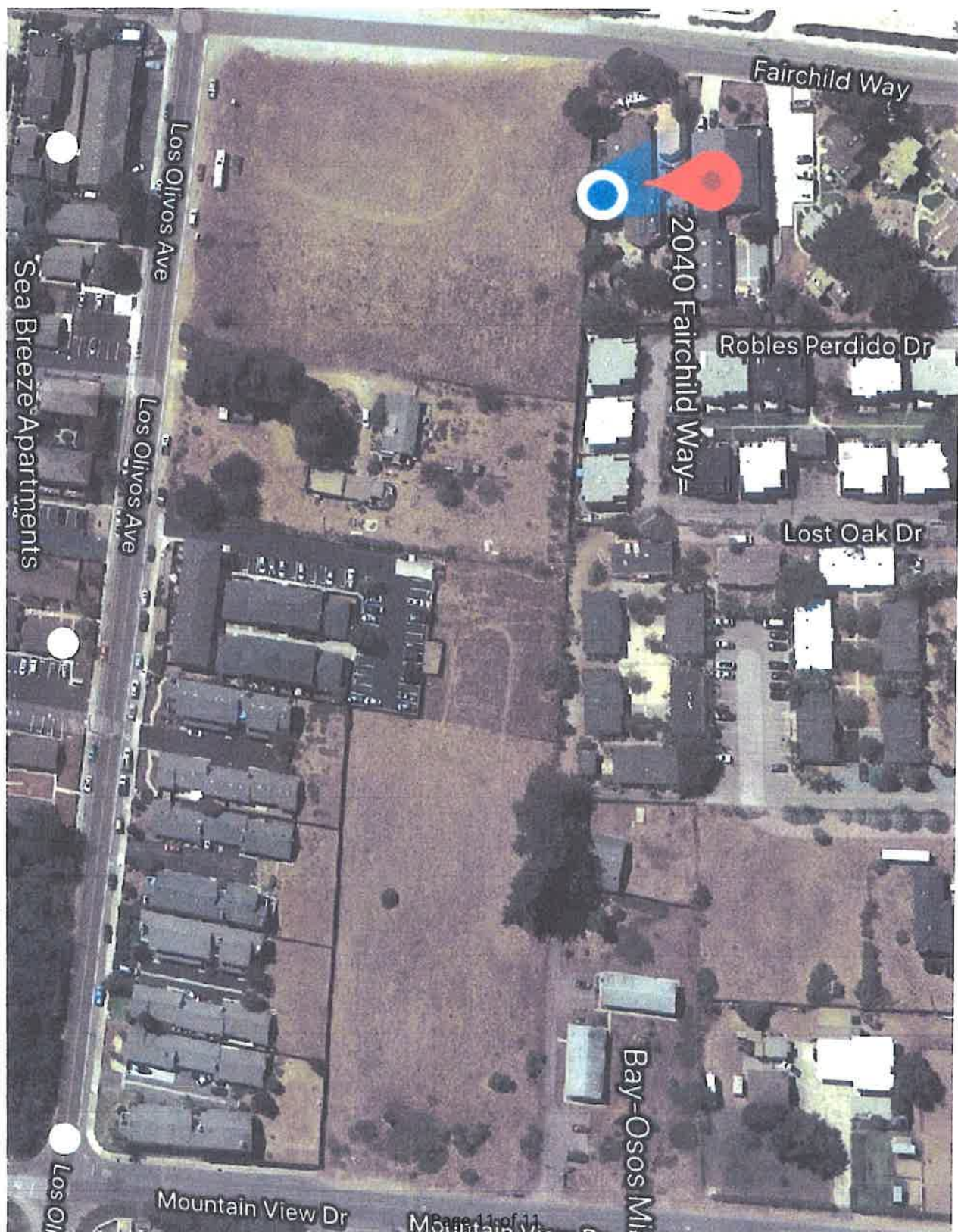
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We believe the plan for apn 074-293-015 is incompatible with surrounding residential homes and has the potential to harm human health and well being, violates several CZLUO. Please deny this project and protect our homes from commercial/industrial business.

Thank You

  
Cecile Surbeck

  
Karen Surbeck





Attachment 5



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

September 23, 2020

J.H. Edwards Company  
PO Box 6070  
Los Osos, CA 93402

**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: September 18, 2020  
SUBJECT: **County File Number: DRC2016-00112**  
Minor Use Permit / Coastal Development Permit

LOCATED WITHIN COASTAL ZONE: YES  
COASTAL APPEALABLE: YES

On **September 18, 2020**, the above referenced application was approved by the **Planning Department Hearing** based on the approved Findings, and subject to the approved Conditions, which are both enclosed for your records.

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

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

If the appeal is consistent with the standards set forth in CZLUO Section 23.01.043.d, there is no fee to file an appeal. If the appeal is not consistent with CZLUO Section 23.01.043.d, a fee, set by the current fee schedule, will be required and must be submitted with the appeal form at time of filing. If the County requires that an appellant submit a fee to file an appeal, the action may be directly appealable to the California Coastal Commission pursuant to the CZLUO Section 23.01.043, and in the manner contained therein, precluding the need to exhaust local administrative appeals.

Additionally, CZLUO Section 23.01.043 and applicable sections of the Coastal Act provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the County's Final Action. This means the Applicant cannot commence development and the County

cannot take any further administrative actions for the proposed development, including but not limited to, the request or issuance of a building permit, until the County appeal period and the Coastal Commission Appeal period, including any suspension of the appeal period by the Coastal Commission pursuant to CZLUO 23.02.039, have expired without an appeal being filed.

Additionally, should a local appeal be filed, and the County approves the application on appeal, that action would 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. An appellant may include any of the following: an applicant, an aggrieved person as defined in CZLUO 23.01.043 and any two California Coastal Commissioners. CZLUO Section 23.01.043 and applicable sections of the Coastal Act provide ten (10) working days for an appellant to appeal the County's Final Action. The County Coastal Zone Land Use Ordinance and Coastal Act contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The appeal must be made directly to the California Coastal Commission. For further information on their appeal procedures, contact the Commission's Santa Cruz Office at (831) 427-4863.

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

If you have any questions regarding your project, please contact Project Manager, Kerry Brown at 805-781-5600.

Sincerely,

*Daniela Chavez*

Daniela Chavez, Secretary  
County of San Luis Obispo  
Department of Planning & Building

cc: Sandy Bean  
PO Box 1888  
Morro Bay, CA 93441



**EXHIBIT A - FINDINGS**  
**BEAN (DRC2016-00112)**

*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 Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 7, 2020 for this project. Mitigation measures are proposed to address biological resources, cultural resources, and tribal cultural and are included as conditions of approval.

*Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the project as conditioned will be consistent with all of the General Plan and Local Coastal 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 temporary construction yard 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 temporary off-site construction yard is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Los Olivos Avenue, a local road, constructed to a level able to handle any additional traffic associated with the project.

*Coastal Access*

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



**EXHIBIT B - CONDITIONS OF APPROVAL  
BEAN (DRC2016-00112)**

**Approved Development**

1. This approval authorizes a temporary off-site construction yard and vehicle storage with the following:
  - a. Screening with six-foot solid wood, painted metal, masonry, or alternative material (subject to approval by the Planning Department) fencing along the perimeter of the property.
  - b. Placement of six-inches of permeable crushed rock surface.
  - c. No trenching is allowed.
  - d. No construction of any structures is allowed.
  - e. The drainage areas delineated on the site plan shall be fenced and remain undisturbed, in natural state and used for drainage. The final design of the drainage areas will be dictated by the approved drainage plan.
  - f. Trucks within the construction storage area are limited to 1 ton or less.
  - g. Hours of operation are limited to 8:00 AM to 5:00 PM Monday thru Saturday.

**Conditions required to be completed at the time of application for a Notice to Proceed**

**Site Development**

2. **At the time of application for a Notice to Proceed**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

**Fire Safety**

3. **At the time of application for a Notice to Proceed**, 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 CalFire/County Fire Department for this proposed project and dated May 26, 2017.

**Access**

4. **At the time of application for a Notice to Proceed**, the applicant shall submit evidence to the Department of Planning and Building of a road maintenance agreement for Fairchild Way if access is proposed to be taken there. The agreement shall establish an organized and perpetual mechanism to ensure adequate maintenance of the shared access roads in a form acceptable to the County. The road maintenance agreement shall be signed by the owners of all properties which have shared access rights or be fully assumed by the applicant for the full width across their property frontage and back to the nearest county maintained road; be binding upon their heirs and assigns; and be recorded with the County Clerk on each of the effected properties.

**Drainage & Flood Hazard**

5. **At the time of application for a Notice to Proceed**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan

if one is required, and shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 of the Land Use Ordinance.

**Stormwater Pollution Prevention Plan (SWPPP)**

6. **At the time of application for a Notice to Proceed**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

**Stormwater Control Plan (SWCP):**

7. **At the time of application for a Notice to Proceed**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
  - a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
  - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;
    1. Structural Control Measure Description (Exhibit B)
    2. Stormwater System Contact Information
    3. Stormwater System Plans and Manuals
  - c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.
8. **Prior to acceptance of the improvements (if applicable)**, the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

**Conditions to be completed prior to establishment of the use**

**Fees**

9. **Prior to issuance establishment of the use**, the applicant shall pay any applicable school and public facilities fees.

**Fencing and Screening**

10. Prior to establishment of the use, the site shall be screened from public view on all sides by solid wood, painted metal, masonry fence, or an alternative material (subject to approval by the Planning Department) with a minimum height of six feet along the property lines of the site.
11. During use as a temporary construction site and vehicle storage, the site shall be maintained in the following condition:

- a. All materials shall be screened (material behind fence), no blowing plastic or other materials off-site.
- b. No weeds.
- c. Apply dust control measures as necessary.
- d. Control of stormwater.

#### **Environmental Mitigations**

12. (BR-1) **Prior to the start of site preparation**, all areas of the subject parcel where disturbances will occur, and that have Kellogg's horkelia (e.g. within setbacks), shall be protected to ensure that all Kellogg's horkelia within these locations are not impacted. This should include installation of protective fencing prior to site preparation activities.
13. (BR-2) **Prior to the start of site preparation**, all Kellogg's horkelia located within the proposed project disturbance area shall be transplanted within the proposed 30-foot setback along the northern property boundary or at a suitable off-site location that contains suitable soils and habitat (to be approved by the Department of Planning and Building). The replanting shall be done by a qualified biologist and be conducted in early winter (late November to December) when winter rains have commenced. All replanting will be done in undisturbed native topsoil, and to ensure success, all transplanted Kellogg's horkelia should be hand watered once weekly for the first twelve (12) weeks to increase survival rates.
14. (BIO-3) Prior to the start of site preparation and prior to transplanting, a qualified biologist should collect seed from the Kellogg's horkelia onsite and disperse the seeds within the transplant area during early winter (late November to December) when winter rains have commenced.
15. (BIO-4) All seed collection, seed dispersal, and transplanting efforts should be summarized in a memo and provided to the County of San Luis Obispo.
16. (BIO-5) Transplanted Kellogg's horkelia should have a minimum 80% survival rate after five years and after five years the plantings should be self-maintaining and in good health with ample green foliage, with no signs of stress from drought, damage from insects or herbivorous animals, and free from disease and fungus.
17. (CR-1) **Prior to establishing the use**, the applicant shall install approximately six inches of permeable crushed rock surface over the entire site.
18. (CR-2) **Prior to site disturbance**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
  - List of personnel involved in the monitoring activities;
  - Description of how the monitoring shall occur;
  - Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  - Description of what resources are expected to be encountered;
  - Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
  - Description of procedures for halting work on the site and notification procedures; and
  - Description of monitoring reporting procedures.

19. (CR-3) **Prior to ground disturbing activities**, all labor crews shall be trained on the identification of archaeological remains and instructed in the proper steps to take in the event archaeological remains are exposed. The training shall be conducted by a qualified archaeologist.
20. **Prior to installation of fill**, the location of the archaeological site shall be surveyed and documented.
21. The removal of fill shall be subject to condition 25 (archaeological monitoring).

**Conditions to be completed once the temporary use has ceased**

**Site Restoration**

22. The site shall be restored to its original vegetative state within 30 days after the use of the site as a temporary construction yard has concluded (at the end of the 3-year permit time frame).

**Time Frame**

23. The use of the site as a temporary construction yard and vehicle storage is limited to 3 years and no extensions shall be granted for this permit

**CalFire/County Fire**

24. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CalFire / County Fire of all required fire/life safety measures.

**Development Review**

25. **Prior to establishment of the use**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

26. **On-going condition of approval (valid for the life of the project):** In accordance with 8.68.130 (Article III), non-stormwater discharges into the county storm drain system shall require an encroachment permit as described in Chapter 13.08 of the County Code. Permits shall only be issued when applicant successfully demonstrates compliance with all requirements of Article III.
27. 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.



**Friday, September 18, 2020**

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

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

**HEARING OFFICER: Matt Janssen**

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

Hearing to consider a request by **Sandy Bean** for a Minor Use Permit/Coastal Development Permit (DRC2016-00112) to allow the establishment of a temporary off-site construction storage yard to be used for unidentified local projects and vehicle storage. The project will result in the disturbance of approximately 60,500 square-feet of the 74,052 square foot site. The proposed project is within the Office and Professional land use category and is located at the northeast corner of Los Olivos Avenue and Fairchild Way, in the community of Los Osos, in the Estero Planning area. Also to be considered at the hearing will be adoption of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 7, 2020 for this project. Mitigation measures are proposed to address biological resources, cultural resources, and tribal cultural and are included as conditions of approval.

<b>County File Number:</b> DRC2016-00112	<b>Assessor Parcel Number:</b> 074-293-015
<b>Supervisory District:</b> 2	<b>Date Accepted:</b> February 15, 2019
<b>Project Manager:</b> Kerry Brown	<b>Recommendation:</b> Approval

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Kerry Brown, Project Manager: presents Staff Report via PowerPoint.

Jeff Edwards, Agent: speaks.

Matt Janssen, Hearing Officer: opens public comment.

Carole Menzer, Donna Archer, Cecile Surbeck, Beverly Boyd, Gilbert Stones, Linde Owen, Colleen Craig, Emily Miggins, Gene Baltazar, Vita Miller, Patrick McGibney, Joni Gold, Dave Bolas: speak.

Sandy Bean, Applicant and Jeff Edwards, Agent: provide closing comments.

Matt Janssen, Hearing Officer: closes public comment.

**Thereafter, on motion of the hearing officer, the request by City of Pismo Beach for a Minor Use Permit/Coastal Development Permit (DRC2020-00050) is granted based on the Findings A. through G. in Exhibit A and subject to the Revised Conditions 1 through 27 in Exhibit B.**

Clerk's Note: Pre-recorded messages received for this item from Karen Surbeck, Sue Morgen Tayler, Ryan Hancock, Patrick McGibney, Julie Stahl, Virginia Jensen, Judy West, Cliff Ware, Vito Miller, and Lisa Danker were inadvertently omitted due to a technical issue.

Respectfully submitted,  
Daniela Chavez, Planning Department Hearing Secretary



Attachment 7

**Attachment 7**

September 18, 2020

Planning Department Hearing staff report

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/12347>

For questions, please contact the Project Manager:

**Kerry Brown**

**Senior Planner**

Planning & Building, County of San Luis Obispo

Tel: (805) 781-5713

kbrown@co.slo.ca.us



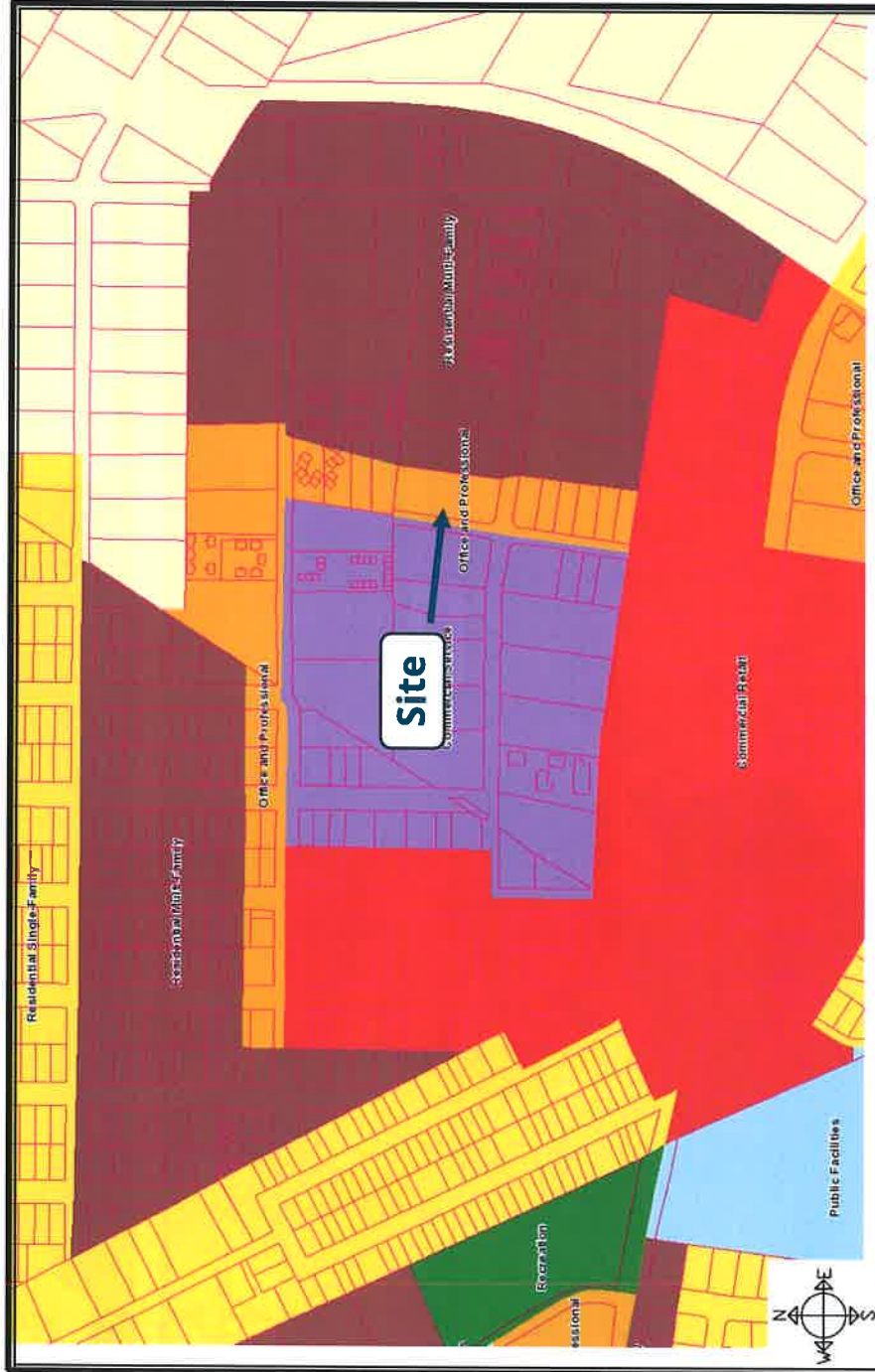


Attachment 8 - Graphics and Location Map



COUNTY OF SAN LUIS OBISPO

**Vicinity Map**  
**DRC2016-00112**



## Land Use Category Map DRC2016-00112

COUNTY OF SAN LUIS OBISPO



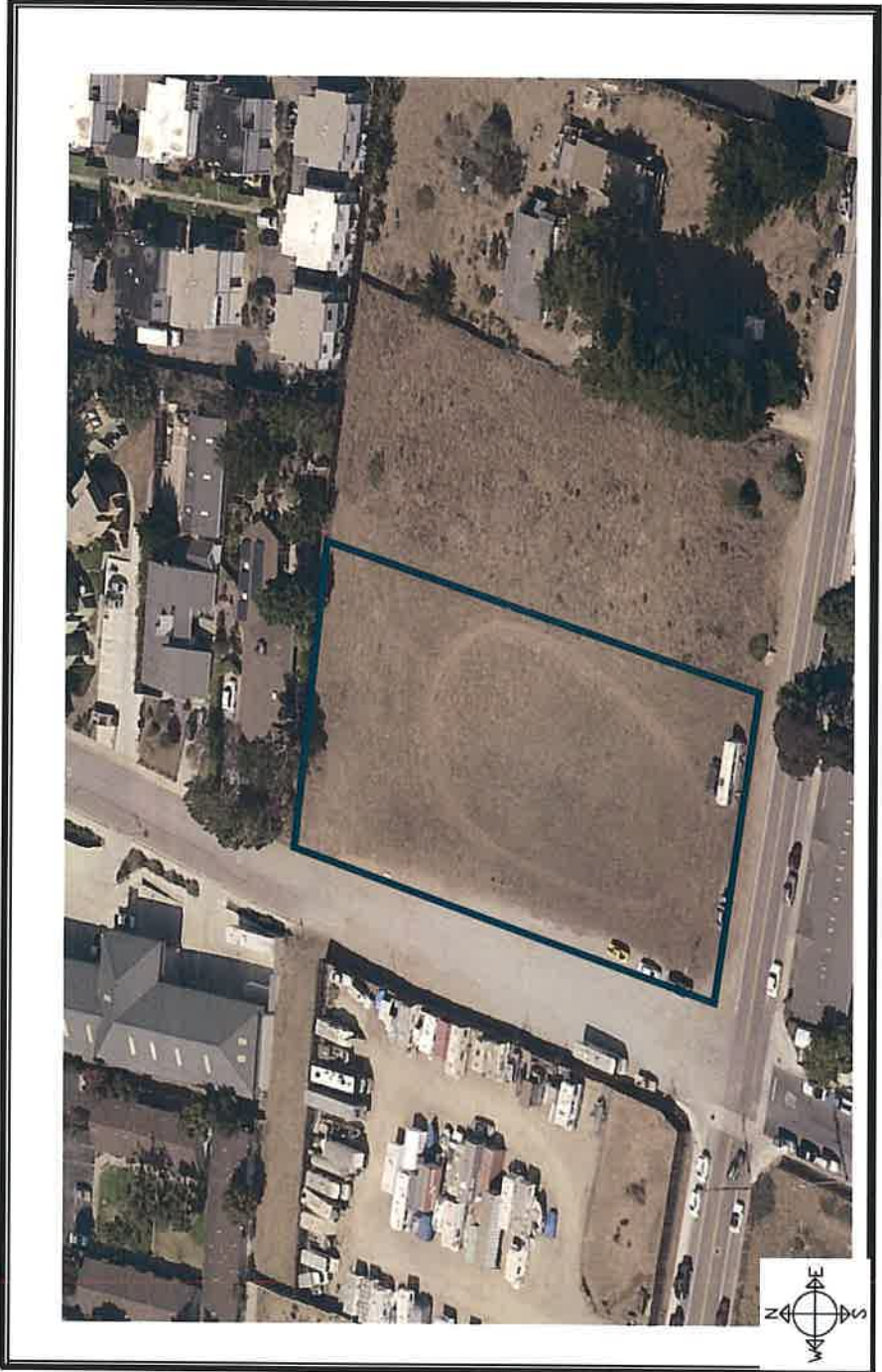




**Aerial**  
**DRC2016-00112**

COUNTY OF SAN LUIS OBISPO





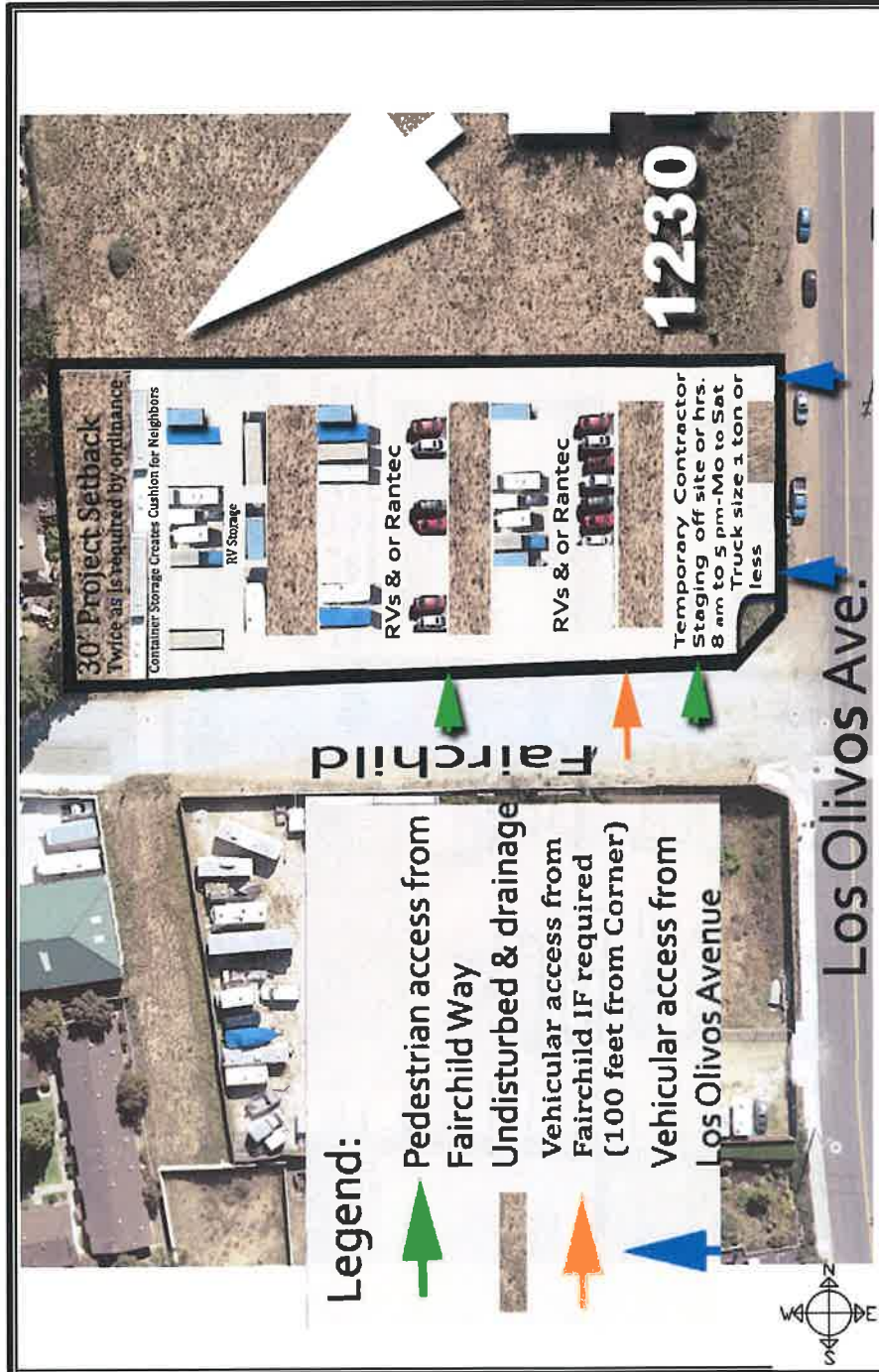
**Aerial**  
**DRC2016-00112**

COUNTY OF SAN LUIS OBISPO



Page 4 of 6





COUNTY OF SAN LUIS OBISPO

**Site Plan**  
**DRC2016-00112**



**23.08.024 - Accessory Storage**

Where the principal building or use on a site is some use other than storage, and storage accessory to that use is also located on the site, the accessory storage is subject to the following standards (see also Section 23.08.146, Storage Yards). A land use permit is not required to establish accessory storage except when subsections a. through f. of this section require a permit for a specific type of storage, or the storage involves construction of a new structure or alteration of an existing structure.

- a. Building materials and equipment. Building materials and equipment being used in a construction project on the same or adjacent site may be stored on or adjacent to the construction site as long as a valid building permit is in effect for construction on the premises. Building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations. When storage is proposed on a lot adjacent to the construction site, the land use permit application for the project is to also describe the storage site. Temporary storage of construction materials on a site not adjacent to the construction is subject to Section 23.08.244 (Temporary Construction Yards).
- b. Commercial vehicles. This subsection applies to the accessory storage and incidental parking of vehicles and/or self-propelled equipment used for shipping, delivery of freight and products or other purposes in support of a business. Storage means parking a vehicle longer than two consecutive nights. The storage of vehicles as a principal use is subject to the standards of Section 23.08.290 (Vehicle Storage).
  - (1) Within a residential area, commercial vehicles other than a standard passenger car, pickup truck or van less than 20 feet in length, shall not be stored or parked for any time longer than necessary for a pickup or delivery at the site, except for moving vans which may be parked for a single night at a site in a residential area where the contents of a dwelling are being moved.
  - (2) Commercial vehicles are to be stored in the Commercial Retail land use category in an enclosed building, screened parking or loading area, except as provided in items (3) and (4) below.
  - (3) Commercial or agricultural vehicles may be stored in the Commercial Service and Industrial categories without regulation other than the standards of Section 23.04.160 (Parking).
  - (4) Agricultural vehicles may be stored outdoors in Commercial, Recreational and Residential categories when agricultural activities occur on site, and only within the buildable area of a site with a gross area of five acres or more. (This requirement does not apply to farm vehicle dealerships.) The storage of agricultural vehicles in the Agriculture and Rural Lands categories is unrestricted.
- c. Non-commercial and inoperative vehicles. The storage or keeping of operative non-commercial and inoperative vehicles is subject to the following, in addition to Chapter 8.24 of the County Code (Inoperative Vehicles). Storage means parking a vehicle longer than two consecutive nights. Nothing in this title shall be construed as preventing the abatement of an inoperative vehicle which is found to be a nuisance pursuant to Chapter 8.24.



- (1) Vehicles under commercial repair. The repair of vehicles is allowed only in the Commercial or Industrial categories as provided by the Land Use Element, except for repair of a personal vehicle by the vehicle owner, on a site owned or rented by the vehicle owner. The storage of inoperative vehicles in a Commercial or Industrial category for the purposes of repair, alteration, painting, impoundment or temporary storage by a towing service is subject to Section 23.08.222 (Auto and Vehicle Repair and Services).
  - (2) Wrecked and abandoned vehicle dismantling or storage. Any area greater than 300 square feet used for the dismantling of inoperative vehicles, or for the storage of wrecked or abandoned vehicles not being dismantled or repaired, is subject to Section 23.08.097 (Recycling and Scrap).
  - (3) Automobiles stored accessory to a residential use. The storage of operative or inoperative vehicles accessory to a residential use for the purposes of maintaining a personal collection, or for personal repair, alteration, restoration or painting for hobby or other personal use is limited to two vehicles when stored outdoors, with a maximum storage area of 300 square feet. Such storage may be located only where it is not visible from the public street. Storage of such vehicles within an approved accessory building (Section 23.08.032c) is not subject to limitation on the number of vehicles.
- d. Fuel and explosives. See Section 23.06.120 (Toxic and Hazardous Materials).
- e. Recreational vehicles and RV equipment. The accessory storage of recreational vehicles (RVs) or dependent trailers, RV equipment (camper shells, etc.) airplanes, boats, or parts of such vehicles is subject to the following standards (the storage of such vehicles as a principal or commercial use is subject to Section 23.08.290 (Vehicle Storage); the storage of Mobilehomes is subject to Section 23.08.163f):
- (1) Number of vehicles allowed. The number of RVs that may be stored accessory to a residential use is as follows:
    - (i) Recreation, Residential, Office and Professional, Commercial, and Industrial categories: One self-propelled highway vehicle (e.g. a motorhome or camper) or one trailer or other dependent vehicle may be stored outdoors on a site. There is no limitation on the number of RVs, RV equipment or other vehicles listed in this subsection when stored within a closed building.
    - (ii) Rural Lands and Residential Rural Categories: No more than 10 RVs may be stored when such vehicles are the personal property of residents of the site.
  - (2) Location of storage. Recreational vehicles are not to be stored in the required front setback area, except for one self-propelled highway vehicle in the driveway. (Vehicles parked on public streets are regulated by Section 15.64.010 (Time Limits) of this Code.)
  - (3) Use. Stored vehicles are to be solely for the personal use of the property owner or residents of the site intended for accessory storage. Recreational vehicles are not to be used for living, sleeping or housekeeping purposes when stored on a residential lot, or in any location not approved for such use.

- (4) Residential project group storage. Planned development, mobile home park or multi-family residential projects may include an area set aside for group RV storage for project residents subject to authorization granted as part of the approval of the overall project, or the same type of permit required for the overall project if the storage area is in addition to a previously approved project. Such storage areas shall include no more than one storage space per residential unit in the project and shall comply with the site design standards of Section 23.08.164e. Such storage areas shall not be made available to or used by persons who do not reside in the residential project.
- f. Stockpiled materials, scrap and junk. The storage of miscellaneous materials, articles, equipment, scrap or junk in support of ongoing work and projects or accessory to another use is subject to the following requirements. The storage of scrap and junk as a principal use is subject to the standards of Section 23.08.097 (Recycling and Scrap).
- (1) Area occupied by stored materials. Shall be limited to a maximum area as follows, based upon the size of the parcel where the storage is located, except that where such storage is entirely within a single building, no area limitation shall apply:

<b>AREA OCCUPIED FOR STORED MATERIALS</b>	
Parcel Size	Maximum Allowed Areas of Storage
Less than 10,000 sq. ft.	300 sq. ft.
10,000 sq. ft. to one acre	500 sq. ft.
One acre or larger	1,000 sq. ft.

Stored materials may occupy an area larger than allowed by this subsection if the method of storage complies instead with the provisions of Section 23.08.146 of this chapter (Storage Yards) and the site is within a land use category where storage yards are allowable.

- (2) Maximum height of materials stored outdoors. Five feet.
- (3) Fencing required. The accessory storage outdoors of scrap, junk or miscellaneous materials pursuant to this section shall be enclosed within a six-foot high solid wood or masonry fence. This requirement may be waived through adjustment (Section 23.01.044) where the Planning Director determines that the proposed storage area is not visible from the public road or any adjoining parcel, and that the size of the storage area is in compliance with subsection f(1) of this section. The outdoor storage of neatly-stacked, cut firewood for on-site domestic use only is not required to be fenced.
- (4) Location of storage. Stored materials shall not be located within required front setback areas; or within required side setback areas within a Residential land use category.

#### **Section 23.08.146 – Storage Yards**

Outdoor storage yards, including the storage of vehicles in other than a day use parking lot or garage, are allowed in the Commercial Service, Industrial and Public Facilities categories subject to the provisions of this section. The storage of vehicles in a public or commercial parking lot or garage is subject to Section 23.04.160 (Parking); the storage of wrecked or abandoned vehicles, or vehicles being dismantled, is subject to Section 23.08.097 (Recycling and Scrap), in addition to this section.

- a. Permit requirement. As established by Chapter 23.03 (Permit Requirements) for outdoor storage uses.
- b. Site Design standards.
  1. Access. There is to be only one access point to a storage yard for each 300 feet of street frontage. Such access point is to be a maximum width of 20 feet and is to be provided with a solid gate or door.
  2. Screening. A storage yard (except a temporary off-site construction yard) is to be screened from public view on all sides by solid wood, painted metal or masonry fencing, with a minimum height of six feet; provided that this requirement may be waived through Adjustment (Section 23.01.044), when:
    - (i) The side of a storage yard abuts a railroad right- of-way; or
    - (ii) The surrounding terrain would make fencing ineffective or unnecessary for the purpose of screening the storage yard from the view of public roads.
  3. Parking requirement. None, provided that sufficient usable area is available to accommodate all employee and user parking needs entirely on-site.
  4. Site surfacing. A storage yard is to be surfaced with concrete, asphalt paving, crushed rock, or oiled earth, maintained in a dust-free condition.
  5. Office facilities. When no buildings exist or are proposed on a storage yard site, one commercial coach may be utilized for an office, provided that such vehicle is equipped with skirting and installed pursuant to the permit requirements of Title 19 of the County Code (the Building and Construction Ordinance).
- c. Operation. Materials within a storage yard shall not be stacked or stored higher than six feet, except where:
  - (1) Materials stored are vehicles, freestanding equipment, or materials that are of a single piece that is higher than six feet; or
  - (2) The storage yard site is an interior lot within an Industrial land use category that is not visible from a collector or arterial or from outside the Industrial category; or
  - (3) Screening requirements have been waived or modified pursuant to subsection b(2)(ii) of this section; or

- (4) A higher wall or fence is constructed at the required setback line under an approved building permit and materials stored are not higher than the fence.

#### **Section 23.08.244 – Temporary Off-site Construction Yards**

A storage yard for construction supplies, materials, or equipment for temporary use during a construction project is allowable on a site not adjacent to the construction site subject to these standards.

- A. Permit requirements. A temporary construction yard may be authorized by the same Development Plan approval which allows the project being served by the construction yard; or through Minor Use Permit approval in all cases.
- B. Site design standards. To be determined through review and approval process for either the project Development Plan proposals, or through Minor Use Permit review and approval process, in addition to the site design standards as set forth in Section 23.08.146c (Storage Yards Site Design Standards).
- C. Site restoration required. The site of temporary construction yard shall be restored to its original vegetative and topographic state within 30 days after completion of construction, Proper site restoration within another

### **23.08.268 - Temporary Construction Trailer Parks**

This section may allow the developer of a major rural area construction project to provide short-term construction employees the opportunity to use trailers and other recreational vehicles for housing during project construction, provided that such vehicles are located in a special occupancy park approved pursuant to this section.

- a. Definitions. The following terms are defined for the purposes of this section:
  - (1) Major rural area construction project means a development occurring outside of an urban or village reserve line that will employ 50 or more full-time construction workers during construction. Such projects include but are not limited to energy production, extraction or transmission facilities, pipelines and other land uses requiring development plan approval.
  - (2) Recreational vehicle space means a lot or defined area inside a temporary construction trailer park, within which a single occupied travel trailer, motor home, truck-mounted camper or other vehicle used for temporary housing purposes may be accommodated.
  - (3) Title 25 means Title 25 of the California Administrative Code.
- b. Permit requirement. Development Plan approval, which may occur in conjunction with development plan approval for the construction project itself, in addition to all authorizations required by the California Department of Housing and Community Development pursuant to Title 25 of the California Administrative Code.
- c. Application requirements. The Development Plan application shall be filed only by the applicant for the project the park is intended to support, or an independent contractor engaged by the construction project applicant.
- d. Limitation on duration of park.
  - (1) Time for removal. Except as otherwise provided by subsection d(2) of this section, a temporary construction trailer park shall be removed from the approved site and the site shall be restored to its pre-park state, or other condition or use consistent with the provisions of this title, within one year from the date of its approval, or within 60 days after completion of the construction project the park supports, whichever comes first.
  - (2) Extensions of time. Operation of an approved park may continue beyond the period prescribed by subsection d(1) of this section, if extended by the Planning Commission through approval of a request for extension from the applicant before the expiration of one year; or if extended through the approval of another Development Plan authorizing use of the park to support another approved major rural area construction project. Extensions of time without additional development plan approval may be granted by the Planning Commission for a maximum of one year each, and shall not exceed a total of three years.
  - (3) Guarantee of removal and restoration required. In order to ensure proper termination, removal and site restoration of a temporary construction trailer park as required by this section, the applicant shall provide the county a performance guarantee pursuant to section 23.02.060 Of this title before establishment of the park, in an amount to be determined through condition approval of the Development Plan.
- e. Location criteria.

- (1) A Temporary Construction Trailer Park shall not be located closer than 1500 feet from any dwelling on other than the site of the park.
  - (2) The park shall not be visible from a public road unless the Planning Commission finds that:
    - i. The location of a park near a remote rural area construction project will significantly reduce the length of vehicle trips generated by the construction project; and
    - ii. There is not a site with suitably limited visibility within a reasonable distance of the construction project.
- f. Minimum site area. Five acres.
- g. Site design and development standards. The design and development of a Temporary Construction Trailer Park shall be in accordance with the provisions of title 25 of the California Administrative Code for special occupancy parks, sections 2000 et seq., and the following:
- (1) Maximum park density. 10 recreational vehicle spaces per acre.
  - (2) Site coverage. The occupied area of the site shall not exceed 75% of the total site area.
  - (3) Setbacks. No part of a recreational vehicle shall be located closer than 50 feet to any street property line, and no closer than 30 feet to any interior property line; provided that the Planning Commission may reduce the street property line setback where it finds that site topography or other natural features eliminate the need for the screening or buffering provided by such setbacks.
  - (4) Security fencing. A solid wood fence or chain link fence with slates is the minimum requirement for security fencing, which shall be located on all interior property lines and street setbacks.
  - (5) Parking. Each recreational vehicle space shall be provided sufficient area to accommodate the parking of one passenger vehicle in addition to the recreational vehicle.
  - (6) Roads. Interior park roads may be constructed to the county gravel standard structural section, at the widths provided by section 2408 of Title 25, provided that such roads shall be maintained in a dust-free condition as required by Title 25.
  - (7) Utilities.
    - i. Water supply. Domestic water facilities are not required at each recreational vehicle space but shall be provided as required by Title 25 and shall be constructed pursuant to a permit from the health department.
    - ii. Restrooms and sewage disposal. Restroom facilities shall be provided as required by Title 25. Sewage disposal facilities shall be approved by the planning and health departments and regional water quality control board. A holding tank dump shall be provided as required by Title 25.
    - iii. Power. Electrical hookups shall be provided at each recreational vehicle space.
  - (8) Fire protection facilities. Shall be provided as required by the county fire department.

- (9) Trash collection. The park shall be provided at least one central trash collection area and the applicant shall arrange for weekly removal of trash from the park to an approved disposal site.





Fw: [EXT]Upcoming hearing, Feb 2, Appeal by Cecile Surbeck (APPL2020-00014)

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

Wed 1/27/2021 04:30 PM

To: Vicki Janssen <vjanssen@co.slo.ca.us>; Micki Olinger <molingerchavez@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

Correspondence received.

Sincerely,

Clerk of the Board Team

Administrative Office, County of San Luis Obispo

1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408

Tel: (805) 781-1045 | Fax: (805) 781-5023

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From: Julie <1writegirl@gmail.com>

Sent: Tuesday, January 26, 2021 10:44 PM

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

Subject: [EXT]Upcoming hearing, Feb 2, Appeal by Cecile Surbeck (APPL2020-00014)

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

To Whom It May Concern,

I live in the Lost Oak Condominium complex, kitty corner from the lot owned by Sandy Bean on the corner of Fairchild Way and Los Olivos in Los Osos. I want it to be known that I strenuously object to the approval of Sandy Bean's request to use that lot as a temporary off-site construction storage yard. A commercial/industrial project of that nature has no place in the quiet residential community that is this neighborhood. My neighbors and I have repeatedly attended hearings, written letters, and made phone calls stating clearly and unequivocally our objections to this project. We have enumerated our concerns and explained in great detail and with ample written evidence why a project of this kind is not in keeping with the nature and well-being of our neighborhood. The Planning Department's decision to approve Sandy Bean's request is unacceptable to us, and it is time the Planning Department recognizes the testimony of those who live in close proximity of this lot. We as a community and as individual residents stand to lose a great deal in terms of quality of life if this project moves forward. We stand behind Cecile Surbeck 100 percent in her appeal of the Planning Department's approval of this project.

Thank you for your consideration.

Sincerely,

Julie Stahl

Agenda Item No. 14  
Meeting Date: February 2, 2021  
Presented By: Clerk of the Board Office  
Received and Posted: January 28, 2021  
Page 1 of 5

**Fw: [EXT]Board Of Supervisors Feb 2 meeting Item #14, Bean offsite construction storage yard appeal**

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

Wed 1/27/2021 04:30 PM

To: Vicki Janssen <vjanssen@co.slo.ca.us>; Micki Olinger <molingerchavez@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

Correspondence received.

Sincerely,

**Clerk of the Board Team**

Administrative Office, County of San Luis Obispo

1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408

Tel: (805) 781-1045 | Fax: (805) 781-5023

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**From:** Susan Morgenthaler <smrgnthlr@gmail.com>

**Sent:** Tuesday, January 26, 2021 05:56 PM

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

**Subject:** [EXT]Board Of Supervisors Feb 2 meeting Item #14, Bean offsite construction storage yard appeal

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

For the Board of Supervisors meeting February 2nd, Item #14 appeal hearing for the Bean offsite construction storage yard:

Dear Supervisors,

During the past several years I have become involved in supporting Los Osos as a community, and I've found that our Planning Dept seems driven to do everything possible to enable someone to get permit approval on their projects, whatever the consequences to a community might be. I think it is wrong to destroy a neighborhood just because you can.

Each case I get involved with, I struggle to understand why the rights and concerns of the homeowners and the community always take a back seat when it comes to discussing land uses in their neighborhoods.

Los Osos is an unincorporated town. We have no one looking out for us. By default, you are the ones who have to start the process of caring what happens to us as a community. Please think about and understand the ramifications of this. You can't just do mitigations to make something conform to county regulations and let the chips fall where they may. Every decision has consequences. I wish you would think about us as human beings.

With this project you have an opportunity to care about what happens to a neighborhood, not just sign off on something because that is what you do. In December when you approved the Los Osos Community Plan, you approved rezoning this specific neighborhood to multi family residential. The lot we are discussing today is already bordered on 3 sides by residences. There is a community of real people, residents of Los Osos, who live here and are proud to call it their home. This is no place for 14 hour days, 6 days a week, construction traffic through this neighborhood. One of the roads is dirt, none have sidewalks.

Please think about the day to day consequences these people will have to endure and the right they have to fight to preserve their quality of life. The residents are speaking loudly, asking you not to allow this intrusion to take place.

They are giving you many valid reasons to deny this project.

Please do not just dismiss them. Listen to them and hear what they have to say.

Thank you, Sue Morgenthaler, Los Osos resident


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**Fw: [EXT]Storage yard violations #14**

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

Thu 1/28/2021 09:12 AM

To: Vicki Janssen <vjanssen@co.slo.ca.us>; Micki Olinger <molingerchavez@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

 1 attachments (15 KB)

Storage yard violations .pdf;

Correspondence received.

**Sincerely,**

**Clerk of the Board Team**

Administrative Office, County of San Luis Obispo

1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408

Tel: (805) 781-1045 | Fax: (805) 781-5023

---

**From:** Patrick McGibney <patindi@aol.com>

**Sent:** Thursday, January 28, 2021 08:52 AM

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

**Subject:** [EXT]Storage yard violations

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

Agenda Item No. 14  
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February 2, 2021  
Agenda #14

Honorable Board,

I am writing in opposition to the approval of the storage yard sited on the corner of Los Olivos and Fairchild in Los Osos. The current zoning for this parcel is Business/Professional, and it's slated to become Multiple Family Residential. An industrial use is not in accordance with County codes or the harmony of a residential neighborhood. That's why the County has ordinances which prohibit this kind of use.

The County's Coastal Zone Land Use Ordinance that addresses and controls temporary off-site storage yards is ordinance 23.08.244, which states the yard can be used for: "construction supplies, materials or equipment for temporary use DURING a construction project. . ." or as section 23.08.241 states: "only when the temporary use occurs in CONJUNCTION with a construction project." Since Ms. Bean has NO identified local projects this use would not qualify.

Ms. Bean would also like to use her proposed storage site for "vehicle storage", which does not fall within the guidelines of a temporary storage yard. Approval of this project would be in violation of Title 23, Land Use Ordinance and of the Coastal Zone Land Use Ordinance Estero Area Plan. The conditions for approval of this project are massive and include removal of ALL vegetative growth, including trees, widening the roads, and completing pedestrian easements, sidewalks, curbs and driveways, all required for commercial and industrial sites, though this is in a residential neighborhood.

When this was first approved by the Building and Planning Dept., the project manager's comment was that County Ordinances are not written in stone but are flexible and interpretive. I disagree, they're written for the protection and wellbeing of the community and the environment.

Approval of this project would degrade and destroy the character and tranquility of this neighborhood. The Los Osos Community Advisory Council does not approve of this project, neither should you.

Patrick McGibney

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Los Osos

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Fw: [EXT]Supervisors Board Meeting , February 2, 2021

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

Thu 1/28/2021 02:19 PM

To: Vicki Janssen <vjanssen@co.slo.ca.us>; Micki Olinger <molingerchavez@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

1 attachments (15 KB)

Fairchild PropertySupervisors.docx;

Correspondence received.

Sincerely,

Clerk of the Board Team

Administrative Office, County of San Luis Obispo

1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408

Tel: (805) 781-1045 | Fax: (805) 781-5023

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From: bboyd <bboyd2002@earthlink.net>

Sent: Thursday, January 28, 2021 01:07 PM

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

Subject: [EXT]Supervisors Board Meeting , February 2, 2021

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

Dear Clerk,

Will you be so kind as to forward my attached letter to each Supervisor? It relates to item #14 on next week's agenda.

Thank you,

Beverly Boyd

Agenda Item No. 14  
Meeting Date: February 2, 2021  
Presented By: Beverly Boyd  
Received and Posted: January 28, 2021  
Page 1 of 2



**To: San Luis Obispo Board of Supervisors**  
**Re: #14 Agenda Item for APPL 2020-00014, an appeal to deny DRC 2016-0012.**  
(Fairchild/Los Olivos, Area 27, APN 074-293-015)

Thank you, Supervisors, for having approved the Los Osos Community Plan on December 15, 2020. One feature of that plan was to rezone a property located at 1230 Los Olivos in Los Osos as Residential/Multi-Family. Within walking distance of the business district, it's a perfect location for more housing. Even more important, the property is surrounded on three sides by residences, single family and multi-family, and should not be used in a way that would affect this community adversely.

On September 18, 2020, however, a Planning Department Hearing Officer approved a "temporary use permit" to allow the property owner to use the lot for three years as a staging ground for construction crews, as a parking lot for employees of a nearby company, and as a storage area for vehicles. Such uses would pollute air quality with diesel fumes, create noise six days a week, increase traffic and dust in an area, especially with Fairchild, on the west side of the property, unpaved and pockmarked with deep ruts. In addition, the narrow, paved streets, used by pedestrians and bicyclists, are not prepared to bear more traffic. With the arrivals and departures of construction vehicles and the use of the property as a parking lot, such traffic would be especially prevalent during hours when children of the many families living nearby are departing for or returning from school.

The Hearing Officer approved a three-year permit for "temporary use" of the property. Will such use really end in three years? According to a County Planning and Building Department employee, when that permit ends, the owner need only apply for another permit. Is "temporary" truly temporary? Contrary to the rezoning designation, the use of the property as an offsite construction storage yard forces residents to the north, east, and south to suffer negative impacts for years.

In addition, the Planning Department hearing on September 18 did not allow everyone who tried to voice an opinion to be heard. Many residents phoned in earlier, leaving messages that were "lost." Consequently, the hearing officer made his decision without receiving the input of those citizens. Furthermore, the Hearing Officer ignored the decision by the Los Osos County Advisory Council to reject this use of the property. What is the purpose of a community advisory council if its advice on a quality-of-life issue is simply ignored?

To protect the surrounding community and to be consistent with your approval of the re-zoning of APN 074-293-015 on Los Olivos, please vote to deny the permit.

Sincerely,

Beverly Boyd  
Los Osos Resident

Agenda Item No. 14  
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Presented By: Beverly Boyd  
Received and Posted: January 28, 2021  
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**Fw: [EXT]Appeal APPL2020-00014 by Cecile Surbeck**

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

Fri 1/29/2021 11:21 AM

**To:** Vicki Janssen <vjanssen@co.slo.ca.us>; Micki Olinger <molingerchavez@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

Correspondence received.

**Sincerely,**

**Clerk of the Board Team**

Administrative Office, County of San Luis Obispo  
1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408  
Tel: (805) 781-1045 | Fax: (805) 781-5023

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**From:** Vee Bee <vmbrown4@yahoo.com>

**Sent:** Friday, January 29, 2021 09:44 AM

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

**Subject:** [EXT]Appeal APPL2020-00014 by Cecile Surbeck

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

Public Hearing February 2, 2021

Appeal APPL2020-00014 by Cecile Surbeck

Regarding County File DRC2016-00112

Dear SLO County Board of Supervisors,

Regarding Construction yard and maintenance of Fairchild and allowing "temporary" operating permits in areas zoned now for residential is setting the precedent for all undeveloped properties to use these properties in residential areas for storage and construction maintenance yards.

This is a mistake for homeowners/renters adjacent across from or in the vicinity or neighborhood, and for the future of Los Osos. Zoning is in place to avoid this kind of incompatibility.

The amount of time and resources developing and the destruction of area and biology is inexcusable when the particular property is to be rezoned multi-family residential and there is a neighborhood of people who object.

The sharp increase in human needs for housing in Los Osos that is affordable seems to me to be a priority.

The unpaved section of Fairchild washboard rutted with dozens of deep potholes and hazards, almost impassable for low profile vehicles, increased traffic of construction vehicles will further damage this unmaintained road.

The permit for this project has the residents of the neighborhood very disturbed and incredulous of the decision to allow it to go forward. There have been many efforts to notify the County including several recorded phone comments during the September 2020 hearing held during Matt Jansen's retirement party were erased and never heard or recovered. Certainly there is a back up system for this type of insecure situation in telephony.

Overall the project can be characterized as a threat/insult to the quality of life in the neighborhood, certainly in regard to health, appearance and serenity and aesthetics. There is confusion caused by vague description of the use of the property and failure be accurate about times of operation or the nature of the new tenants.

This project does not have the neighborhood's best interest in mind in regard to air quality, diesel noise, dust and fumes, road hazards and maintenance, and mostly incompatibility with residential life.

Vic Brown  
Los Osos, California

Agenda Item No. 14  
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**FW: [EXT]Surbeck appeal of Bean Project(appeal 2020-00014) item 14**

Micki Olinger Chavez <molingerchavez@co.slo.ca.us>

Fri 1/29/2021 02:49 PM

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

Correspondence received.

Sincerely,  
Micki Olinger Chavez  
Legislative Assistant  
5th District Supervisor Debbie Arnold  
(p) 805-781-4339  
(f) 805-781-1350  
molinger@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO  
BOARD OF SUPERVISORS

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

From: Cecile Surbeck <cecilesurbeck@gmail.com>

Sent: Friday, January 29, 2021 2:47 PM

To: Kerry Brown <kbrown@co.slo.ca.us>

Cc: John Peschong <jpeschong@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>; District 4 <district4@co.slo.ca.us>; BOS\_District 5\_Web Contact <district5@co.slo.ca.us>; Crystal Tompkins <ctompkins@co.slo.ca.us>; Colleen C Craig <colleencraig@gmail.com>; Patrick McGibney <patindi@aol.com>; Sue <smrgnthlr@gmail.com>; Cliff Ward <cliffw@att.net>; Julie Stahl <1writegirl@gmail.com>; Vic Toria <vmbrown4@yahoo.com>  
Subject: [EXT]Surbeck appeal of Bean Project(appeal 2020-00014) item 14

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

Kerry,

After reviewing your staff report , page 3, paragraph 2 "After the appeal was filed, staff determined that a development plan is necessary to waive the surfacing requirements for vehicle storage".

Issue of a development plan is a new item and per title 23 waivers must be reviewed by the subdivision review board or the planning commission. Also, Public Works issued conditions of approval. Access 4. At the time of application for a notice to proceed the plans were to proceed:  
Item A. Street plan and profile for widening Los Olivos Avenue to complete the project side to an A-3b commercial street section fronting property.

Item B. A new Los Olivos Avenue site access shall be constructed in accordance with B-3a rural driveway approach and A-5 sight distance standards.

Item C. Pedestrian easement as necessary to contain all sidewalk, driveway and driveway improvements that extend beyond the existing right of way. Offers are to be recorded by separate documents.

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County Clerk upon review and approval by Public Works.  
Title 23-02.34c(2)(v)

We believe the land use permit approval was issued in error and is invalid. We strongly urge you to pull this item from the Board of Supervisors Agenda and the project should start over with a development plan.

It is our position that this project needs a development plan before any permit or any requirements can be waived or considered.

It appears the proper reviewing authority for a development plan is the Planning Commission, Subdivision Review Board. Title 23, section 23.02.034c(2)(v).

Thank You for your time,  
Karen Surbeck  
Cecile Surbeck  
Appellants

Sent from my iPad

Agenda Item No. 14  
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Presented By: Clerk of the Board Office  
Received and Posted: January 29, 2021  
Page 3 of 3



**[EXT]Item 14 Appeal of Temporary Construction Yard**

susan@ifsusan.com <susan@ifsusan.com>

Sun 1/31/2021 08:14 PM

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

 1 attachments (1 MB)

SC ltr BoS LO temp construction site DRC2016-00112 2-2-21.pdf;

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

Dear Supervisors – Please find attached the Santa Lucia Chapter comments on Item 14, hearing date 2-2-21.

Regards,  
Susan Harvey, Chair  
Santa Lucia Chapter Conservation Committee

Susan A. Harvey  


"Pay attention. Someday, you'll be the last one who remembers."

Virginia Trimble, Astrophysicist

Agenda Item No. 14  
Meeting Date: February 2, 2021  
Presented By: Clerk of the Board Office  
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Board of Supervisors  
County of San Luis Obispo  
San Luis Obispo, CA 93406  
Sent via EMAIL: [ad\\_board\\_clerk@co.slo.ca.us](mailto:ad_board_clerk@co.slo.ca.us) [BoardOfSupps@co.slo.ca.us](mailto:BoardOfSupps@co.slo.ca.us)

January 29, 2021

RE: Item 14 Appeal of approval of MUP DRC2016-00112BEAN- Temporary Construction Yard,  
hearing date 2-2-21

Dear Chair Compton and Supervisors,

The Santa Lucia Chapter of the Sierra Club represents the Sierra Club's 2,500 members and supporters in San Luis Obispo County. We request that you uphold the Surbeck appeal and deny the permitting of a temporary off-site construction storage yard MUP DRC2016-00112BEAN.

Uphold the appeal and deny the permit for the following reasons:

- Staff has determined that the Project requires a Development Plan in order to waive surface requirements for the project. This project has been processed as a Minor Use Permit. If a Development Plan is required, project should be denied or placed off calendar and reheard after a Development Plan is submitted.

Under Table 3-A 23.03.042 Permit Requirements for Development Plan, a Development Plan is required for an Outdoor Project site of 40,000 sq.ft. The project before you is 51,400. Outdoor Project category is footnoted "OUTDOOR STORAGE[4]. Foot note:

[4] Includes all uses listed under the Manufacturing & Processing and Wholesale Trade land use groups by Coastal Table O, Part I of the Land Use Element, and the specific use identified by Coastal Table O as Storage Yards and Sales Lots.

- The permit is not consistent with 23.08.241 - General Standards - Temporary uses may include alterations of a site only when the temporary use occurs in conjunction with a construction project authorized by an approved land use or grading permit.
- The permit is not consistent with CZ Framework for Planning: Temporary Construction Yards [H15] A storage yard for construction supplies, materials or equipment, located on

Santa Lucia Chapter of the Sierra Club  
MUP DRC2016-00112BEAN Agenda Item 14 February 2, 2021

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a site other than the construction site itself or immediately adjacent to it, for use only during the actual construction of a project.

Under Table O, Storage Yards are not an allowed use in Office and Professional. Accessory Storage is limited to a maximum of 1,000 sf. Ft. of area for 1 acre or more.

Under Table O, Vehicle Storage is allowed in the Office and Professional zone subject to special standards under 23.08.290 - Vehicle Storage. This project is not consistent with 23.08.290 which limits use to temporary parking of automobiles, buses, and self propelled recreational vehicles:

This section applies to commercial parking lots, garage and other establishments engaged in the storage of vehicles for a fee or without fee as a principal use, whether owned and operated publicly or privately. (The storage of vehicles for sale is subject to Section 23.08.144 (Sales Lots).)

**a. Limitation on use.** Vehicle storage establishments in the Commercial Retail and Office and Professional categories are to be limited to the temporary parking of automobiles, busses and self-propelled recreational vehicles.

**b. Permit requirements.** Minor Use Permit approval.

**c. Minimum site area.** 10,000 square feet.

**d. Access.** From a local street or greater.

**e. Development standards.** The design and development of parking areas is to be in accordance with Sections 23.04.160 et seq. (Parking), except that indoor parking facilities where all parking maneuvers are performed by attendants may use tandem parking.

We noted in our comments submitted for the September hearing that the Project introduces commercial into the Los Olivos, Fairchild, Santa Inez quadrant. The nearby (across the street) existing business does not front on Fairchild but is walled off from Fairchild and ingress/egress is not onto Fairchild but onto Los Olivos west of the intersection of Fairchild and Los Olivos. The fact that the current nearby enterprise has Los Olivos access (rather than Fairchild access) presents a very different zoning atmosphere for the Fairchild, Santa Inez, Los Olivos quadrant buffering the transition from commercial to residential. Such buffering is always desirable in mixed use areas and helps retain neighborhood character even in an urban setting. Approval of this project would damage the residential neighborhood character.

This area is currently being re-zoned to multi-family in the Los Osos Community Plan because the area is an excellent fit for the "Purpose" and "Character" of multifamily dwellings as described in the Estero Area Plan Appendix D.

Currently the property is zoned Office and Professional and multifamily use could be considered compatible use in "Purpose" and "Character" as described in Appendix D for that zoning. The



project property location is not a compatible use for a Construction Storage or a Storage Yard as defined in "Purpose" and "Character" of Commercial Service as described in Appendix D.

Even under a temporary permit, this project would be a poor precedent, is inconsistent with language in guiding documents, and damaging to neighborhood character.

Please uphold the Appeal and deny the project.

Thank you for your consideration of our comments.



Sue Harvey, Conservation Chair  
Santa Lucia Chapter of the Sierra Club

**Fw: [EXT]BOS Hearing Feb 2, Appeal by Cecile Surbeck (APPL2020-00014)**

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

Mon 2/1/2021 02:47 PM

**To:** Vicki Janssen <vjanssen@co.slo.ca.us>; Micki Olinger <molingerchavez@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

 1 attachments (153 KB)

Feb2Agenda333031.Chauvet.pdf;

Correspondence received.

**Sincerely,**

**Clerk of the Board Team**

Administrative Office, County of San Luis Obispo  
1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408  
Tel: (805) 781-1045 | Fax: (805) 781-5023

---

**From:** sandy bean <sandybeanemail@gmail.com>

**Sent:** Monday, February 1, 2021 12:13 PM

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

**Subject:** [EXT]BOS Hearing Feb 2, Appeal by Cecile Surbeck (APPL2020-00014)

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

Please post the attachment and email to BOS, regarding agenda number: 33/2021

Thank you!

Agenda Item No. 14  
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Presented By: Clerk of the Board Office  
Received and Posted: February 1, 2021  
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**RE: BOS Meeting Feb.2 Item #14- Please Deny Appeal by Cecile Surbeck  
(APPL2020-00014)**

Honorable Board of Supervisors,

I ask you to please Deny the Appeal by Cecile Surbeck. The Project was originally described to the Los Osos Advisory Council as an ON site Contractor's Yard. The description was inaccurate. It was opposite to the Project, as this project is an OFF Site Project. I attended the meeting, I saw this. It reminded me of a lynch mob.

The Los Osos Advisory Council made suggestions. The Project was amended to comply, in behalf of residential neighbors. This is the reason why SLO County Planning Approved the Project in September 2020.

The Community of Los Osos is not limited to these residential neighbors who call themselves 'the Community', and 'The Neighborhood'. This project is in the Central Business District. The 'Community' includes Licensed Contractors, like myself, who are struggling to make a living so we can provide these residential neighbors with services they need and want. We need this Project approved. There is nowhere else to go, except to park on the streets in front of their houses in this area, and all over Los Osos, already.

I have one truck and three trailers. My trailers are currently parked in a yard in San Luis Obispo. Due to this, I prefer to do work for San Luis Obispo residents, as it is too expensive and time restrictive to drive a trailer back and forth so I can install a window or fix someone's plumbing.

Two Questions:

- 1) Why are my truck and trailer a health hazard and a disturbance when it is parked at this location on Los Olivos at night, and not a health hazard when it is parked on a home's driveway during the day while I use my power tools to fix a leak in plumbing or replace a window?
- 2) Why is the Appellant saying in Social Media: "I don't want a construction yard backed up to my living room", when she has a trailer, which looks like one of mine, parked in front of her house? That trailer has been there since they moved in, February 2019. This lady's driveway is in front of The Los Osos Commercial Service Zoning, which is all ON SITE work, and will be, forever.

Small businesses like mine can't exist if our needs are not considered, and certainly can't survive if home owners call themselves, exclusively, 'THE Community'.

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The use applied for on this Project is an OFF SITE use. I will be working at these people's homes, next to their neighbors, not ON this property.

If you don't Deny Cecile Surbeck's appeal, you will deny my services, these home owners will have no one to call for repairs, and the current cars, trucks and RVs parked all over THEIR neighborhood will continue to be parked there as they have ALWAYS been. The homeless will move back against the wooden fence too.

I have lived in Los Osos for many years. I have seen this too. Los Olivos and Fairchild is what it is. This Project will be an improvement, for the home owners there, and for us, the contractors who service them at their home sites. To force this property to remain vacant is against the needs of 'The Community' of Los Osos, and against the private property rights of the owner.

Steve B. Chauvet / General Contractor and Licensed Plumbing Contractor Lic#640761  
slosbc@hotmail.com



[EXT]Comments to item 14: appeal (APPL2020-00014)

Yael Korin <ykorin@g.ucla.edu>

Mon 2/1/2021 12:26 PM

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

Cc: Yael Korin <ykorin@g.ucla.edu>; paul hershfield <paulhershfield@gmail.com>

February 1, 2021

SLO County Board of Supervisors:

You unanimously approved The Los Osos Community Plan (LOCP) on 12.15.20. Thank you for helping Los Osos to move forward. We appreciate that the Supervisors recognize the need for affordable housing in the county, and more specifically in Los Osos.

The LOCP include rezoning of the area around the parcel on Fairchild and Los Olivos from Office Professional to that of Residential Multi-Family. The parcel in question is surrounded on three sides by residential uses, consisting of both multi- and single family dwellings. Unfortunately, on September 18, 2020, Planning Department staff approved MUP DRC2016-00112, which would allow the establishment of a temporary, off-site construction storage yard, for the duration of three years, modifying this property to a disruptive Commercial Services use. This would not be compatible with the surrounding residential uses, and could potentially bring excessive noise, dust and pollution to an otherwise quiet neighborhood. In keeping with the new LOCP, and out of respect for the residential neighbors, this area should not be used, even temporarily, in a non-residential manner.

As you know, the cost of housing in Los Osos has increased significantly over a very short period of time. The parcel is a perfect location for an affordable multifamily housing project.

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owned and operated by a true low-income housing organization. While we understand the constraints that water supply place on new construction, the need for affordable workforce housing in Los Osos is critical. Many essential workers in Los Osos, including supermarket employees and home-health service providers, cannot afford to live where they work. In addition, there are dozens of families with schoolchildren that must crowd into shared rentals with other families, sometimes “couch-surfing” from one residence to another. Los Osos also has undeveloped land that is not available in the unincorporated coastal communities, nor in the City of San Luis Obispo. The county needs affordable housing, and Los Osos can provide it.

Protect the residential character of the neighborhood by opposing MUP DRC2016-00112, and support the development of affordable housing in Los Osos.

Sincerely,


Yael Korin and Paul Hershfield  
Los Osos residents and LOCAC and LUC members

**Fw: [EXT]Comments to item 14: appeal (APPL2020-00014)**

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

Mon 2/1/2021 02:46 PM

**To:** Vicki Janssen <vjanssen@co.slo.ca.us>; Micki Olinger <molingerchavez@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

 1 attachments (43 KB)

[EXT]Comments to item 14: appeal (APPL2020-00014);

Correspondence received.

**Sincerely,**

**Clerk of the Board Team**

Administrative Office, County of San Luis Obispo  
1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408  
Tel: (805) 781-1045 | Fax: (805) 781-5023

---

**From:** Yael Korin <ykorin@g.ucla.edu>

**Sent:** Monday, February 1, 2021 12:26 PM

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

**Cc:** Yael Korin <ykorin@g.ucla.edu>; paul hershfield <paulhershfield@gmail.com>

**Subject:** [EXT]Comments to item 14: appeal (APPL2020-00014)

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

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FW: [EXT]Item 14 Hearing for Feb.2 Board of Supervisors

Debbie Arnold <darnold@co.slo.ca.us>

Mon 2/1/2021 01:21 PM

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

Correspondence for item 14.

Sincerely,

**Micki Olinger Chavez**  
**Legislative Assistant**  
**5th District Supervisor Debbie Arnold**  
(p) 805-781-4339  
(f) 805-781-1350  
[molinger@co.slo.ca.us](mailto:molinger@co.slo.ca.us)



**COUNTY OF SAN LUIS OBISPO**  
**BOARD OF SUPERVISORS**

**From:** Linde Owen <lindeaowen@gmail.com>

**Sent:** Monday, February 1, 2021 1:10 PM

**To:** John Peschong <john@johnpeschong.com>; Bruce Gibson <bgibson@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

**Cc:** Kerry Brown <kbrown@co.slo.ca.us>; Wade Horton <whorton@co.slo.ca.us>

**Subject:** [EXT]Item 14 Hearing for Feb.2 Board of Supervisors

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

Dear Planning Dept and Board of Supervisors, etc,

The appeal before you has big questions I hope you will consider this 'loop hole' that 500 other undeveloped lot property owners don't have. This small parcel is slated to become Residential Multi Family when the Community Plan is approved by the Coastal Commission. **When it is, the temporary construction yard will not be allowed.**

The appeal is because **the 'temporary' construction yard is a blight** to the surrounding homes on three sides, you have received many neighborhood comments from neighbors who oppose it. You have heard from LOCAC who opposes it.

1) The Planning Commission hearing was celebrating Matt Jansen's retirement and was distracted from a normal review. Appellant and the public's comments were barely heard.

2) The appeal arose over the approval by the Planning Dept to allow a property owner to make 3 yr use use of their future re-zoned lot to make profit on a container, vehicle storage, and materials storage yard. Because of the slope, most of this cannot be hidden behind fencing (a visual eye-sore) and will create noise and activity commotion that the neighbors do not currently suffer.

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3) The appeal is centered on the following issues: consistency with Sections of the Coastal Zone Land Use Ordinance, community character, environmental concerns, and alleged violations of the Brown Act and should focus on the proposed land use category change from Office and Professional to Residential Multi Family for this site.

4) 3 years of neighborhood intrusion should be denied because the Community Plan will likely be approved by the Coastal Commission in the next year and would never allow this type of temporary permit.

5) There are 500 property owners who have not been able to build or use their lots because of the years of Sewer Moratorium, now extended due to the Basin water crisis. The Community Plan has a noticeable lack of zoning for these kinds of activities, approving this temporary use in a residential zone is precedent-setting.

6) Allowing this temporary rezoning does little to address the extra requirements that would be demanded for a permanently zoned construction yard activity. Los Olivos is already a busy street. Fairchild is un-paved and will add additional dust pollution with any added traffic use.

Please note the concerns from neighbors and LOCAC and the unusual request to use the current 'loop-hole' before other Office/Professional property owners are allowed to. County staff has gone to extremes to find ways to approve this permit application but should listen to the public on this one.

Thankyou,

Linde Owen  
Los Osos

**Fw: [EXT]RE: BOS Meeting Feb.2 Item #14- Please Deny Appeal by Cecile Surbeck (APPL2020-00014)**

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

Mon 2/1/2021 02:34 PM

**To:** Vicki Janssen <vjanssen@co.slo.ca.us>; Micki Olinger <molingerchavez@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

Correspondence received.

**Sincerely,**

**Clerk of the Board Team**

Administrative Office, County of San Luis Obispo  
1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408  
Tel: (805) 781-1045 | Fax: (805) 781-5023

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**From:** Per Christiansen <interpave@msn.com>

**Sent:** Monday, February 1, 2021 02:10 PM

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

**Subject:** [EXT]RE: BOS Meeting Feb.2 Item #14- Please Deny Appeal by Cecile Surbeck (APPL2020-00014)

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

**RE: BOS Meeting Feb.2 Item #14- Please Deny Appeal by Cecile Surbeck (APPL2020-00014)**

To Country of San Luis Obispo.

Ref: Sandy Bean # DRC 2016-0012

I own residential property near the referenced project.

It appears that the County has processed the permit application diligently and has approved the permits appropriately.

I have seen this many times before that there has been opposition to permits issued.

The parties opposing the permit had their opportunity to present evidence at prior hearings. I trust that such evidence was properly processed by the County.

The proposed use is a lot better than an empty lot with homeless and debris.

An appeal is no more than an abuse of the system and denying the property owners of their rights.

I strongly recommend that the County does NOT withdraw the permit.

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Respectfully

Per Christiansen  
interpave@msn.com

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Fw: [EXT]Agenda number. 33/2021. Feb.2, 2021

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

Mon 2/1/2021 04:45 PM

To: Vicki Janssen <vjanssen@co.slo.ca.us>; Micki Olinger <molingerchavez@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

1 attachments (15 KB)

Los Osos Ms Bean.docx

Correspondence received. (#14)

Sincerely,

Clerk of the Board Team

Administrative Office, County of San Luis Obispo

1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408

Tel: (805) 781-1045 | Fax: (805) 781-5023

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From: Scott VanDerripe <sdv150@mac.com>

Sent: Monday, February 1, 2021 03:48 PM

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

Cc: Sandy Bean <sandy@sandybean.net>

Subject: [EXT]Agenda number. 33/2021. Feb.2, 2021

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

Hi,

Could you please attach this letter to the Board of Supervisors meeting on February 2, 2021. This is Agenda number 33/2021.

Thank You,

Scott VanDerripe

TO: Board of Supervisors

FROM: Scott VanDerripe

Date: Feb.1, 2021

RE: Denying APPL2020-00014. AGENDA# 33/2021

Dear Board of Supervisors,

I am writing to deny the appeal (APPL202-00014) and to uphold the decision of the Planning Department Hearing Officer to approve the Application of Sandy Bean for Development Plan / Coastal Development Permit (DRC2016-00112).

We own the Property located at 1250 Los Olivos Ave, directly East of Ms. Bean's property and we share a long property line. We understand the zoning of these properties and the entitlement of its owners. Ms. Bean's property is located in the Central Business District and is not a residential lot, therefore different regulations may apply. Ms. Bean has taken the proper course of action in order to apply for a Development Plan / Coastal Development Permit to which she is entitled. She is the owner of the property, and I am in support of her exercising her right to utilize her property appropriately.

As I stated in my prior letter in support of Ms. Bean's permit application (DRC2016-00112), these lots have been abused over the years as a junk dump site, RV parking, and a homeless hangout. The temporary use within a gated containment will serve to minimize unpermitted activity on her vacant lot. The proposed project will provide a beneficial Off-Site location to local contractors to better enable them to perform their work throughout the community. As opposed to On-Site commercial use that exists throughout most of the Central Business District. While I can appreciate neighbors voicing their opinion against this temporary use permit for their own personal reasons, they need to understand that they purchased property or, are renting property that is within or neighboring the Central Business District. Perhaps some due diligence would be advised prior to moving within a Central Business District if one is not in favor of daily business related activity.

Best Regards,

Scott VanDerripe

Agenda Item No. 14  
Meeting Date: February 2, 2021  
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TO: Board of Supervisors  
FROM: Scott VanDerripe  
Date: Feb.1, 2021  
RE: Denying APPL2020-00014. AGENDA# 33/2021

Dear Board of Supervisors,

I am writing to deny the appeal (APPL202-00014) and to uphold the decision of the Planning Department Hearing Officer to approve the Application of Sandy Bean for Development Plan / Coastal Development Permit (DRC2016-00112).

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While I can appreciate neighbors voicing their opinion against this temporary use permit for their own personal reasons, they need to understand that they purchased property or, are renting property that is within or neighboring the Central Business District. Perhaps some due diligence would be advised prior to moving within a Central Business District if one is not in favor of daily business related activity.

Best Regards,  
Scott VanDerripe

Agenda Item No. 14  
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**Fw: [EXT]Uphold appeal of approval of MUP DRC2016-00112Bean-temporary construction yard**

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

Mon 2/1/2021 04:46 PM

To: Vicki Janssen <vjanssen@co.slo.ca.us>; Micki Olinger <molingerchavez@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

Correspondence received.

**Sincerely,**

**Clerk of the Board Team**

Administrative Office, County of San Luis Obispo  
1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408  
Tel: (805) 781-1045 | Fax: (805) 781-5023

**From:** Eve Gruntfest <evegruntfest@icloud.com>

**Sent:** Monday, February 1, 2021 04:11 PM

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

**Cc:** cecilesurbeck@gmail.com <cecilesurbeck@gmail.com>

**Subject:** [EXT]Uphold appeal of approval of MUP DRC2016-00112Bean-temporary construction yard

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

Board of Supervisors  
County of San Luis Obispo San Luis Obispo, CA 93406  
Sent via [EMAIL: ad\\_board\\_clerk@co.slo.ca.us](mailto:ad_board_clerk@co.slo.ca.us) [BoardOfSup@co.slo.ca.us](mailto:BoardOfSup@co.slo.ca.us)

February 1, 2021

RE: Item 14 Uphold Appeal of approval of MUP DRC2016-00112BEAN- Temporary Construction Yard, 1230 Los Olivos Ave. in Los Osos; hearing date 2-2-21

Dear Chair Compton and Supervisors,

I live in Los Osos and I cherish the peace and quiet of living in a residential area without industrial noise, ruckus, and pollution.

I support the Surbeck appeal and hope you will deny the permitting of a temporary off-site construction storage yard MUP DRC2016- 00112BEAN.

If you have visited the neighborhood you know that it supports a range of housing options. This is the kind of multi family/ single family / commercial character that you encourage when you support affordable housing and mixed use developments.

The industrial uses do not belong in this neighborhood. I wonder why you have more sympathy for the one landholder than you do for all the landowners and renters who are going to be negatively impacted by this industrial usage.

Applying for temporary status for the project shows that it is a sham. Everyone who has the means to leave the neighborhood will do so and Los Osos overall will lose some fine citizens who prefer (of course) to live in a residential rather than an industrial zone.

Please do not destroy the lively neighborhood character for the Fairchild neighborhood. As the Sierra Club and others have mentioned: "Approval of this project would damage the residential neighborhood character."

The County Board of Supervisors is on the record recognizing the need for affordable multi-family residential use neighborhoods. Well, Los Osos has a thriving one. Please approve this appeal because you support the need for multi-family neighborhoods. The neighbors deserve a quality of peace and quiet that will be undermined by the approval of this inappropriate noisy project. It does not belong in the neighborhood.

The people who live in the Fairchild neighborhood will move away if they can because of the threat from this project. The people who will be forced to live next to the industrial site will suffer health consequences and will change the friendly interactive neighborhood. Please allow the neighbors to continue to enjoy their quality of life in this dynamic vibrant neighborhood. The land can be used in ways that support the existing neighborhood and neighbors in other suitable ways.

Sincerely,

Eve Gruntfest

Agenda Item No. 14  
Meeting Date: February 2, 2021  
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Fw: [EXT]APPL2020-00014 hearing scheduled Tuesday, February 2, 2021 at 9:00 a.m.

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

Mon 2/1/2021 04:46 PM

To: Vicki Janssen <vjanssen@co.slo.ca.us>; Micki Olinger <molingerchavez@co.slo.ca.us>; Caleb Mott <cmott@co.slo.ca.us>; Blake Fixler <bfixler@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>; Bruce Gibson <bgibson@co.slo.ca.us>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Aidan Beals <abeals@co.slo.ca.us>

Correspondence received.

Sincerely,

Clerk of the Board Team

Administrative Office, County of San Luis Obispo

1055 Monterey St., Ste. D430 | San Luis Obispo, CA 93408

Tel: (805) 781-1045 | Fax: (805) 781-5023

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From: Cheryl Coulter <chercoulter@gmail.com>

Sent: Monday, February 1, 2021 04:44 PM

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

Subject: [EXT]APPL2020-00014 hearing scheduled Tuesday, February 2, 2021 at 9:00 a.m.

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

February 1, 2021

RE: Agenda item #14

Dear Sirs/Madam:

We are private owners and residents of a property on Santa Ynez Avenue (within Santa Ynez Condominiums) and just wanted to voice a couple of concerns with regard to the pending appeal for the temporary off-site construction storage yard a block from our property.

The area identified for use is surrounded by residential areas as well as a few, sparse commercial businesses.

Our main concerns are:

Noise (Will there be "quiet hours" or will construction access the site at all hours similar to CalTrans? What are the hours of operation)

Traffic Impact on Los Olivos road leading to Los Osos Boulevard (an already heavily traveled thoroughway).

Finally, there is also no specified timeline offered for this temporary request which is a little tenuous.

I thank you for your time and consideration.

Respectfully submitted,

Cheryl and Sean Coulter

[Redacted Signature]

Agenda Item No. 14  
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Received and Posted: February 1, 2021  
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**CALIFORNIA COASTAL COMMISSION**

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

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

District Office: Central Coast

Appeal Number: A-3-SLO-21-0019Date Filed: 3/3/21Appellant Name(s): Cecile Surbeck**RECEIVED****MAR 03 2021****CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA****APPELLANTS**

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

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



## Appeal of local CDP decision

### Page 2

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

Name: Cecile Surbeck, chair of Protect Los Osos Neighborhoods and Habitats  
Mailing address: 1124 Nipomo Street, Suite C  
Phone number: (805) 593-0926  
Email address: babaknaficy@sbcglobal.net

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

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

Describe: We participated in various public meetings, created a neighborhood petition, and requested a hearing for the CDP project under SLO County Municipal Code 23.02.033(b)(4)(ii), which was held 9/18/20.

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

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

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

Describe: Following the 9/18/20 Planning Department hearing, we appealed the permit approval to the SLO County Board of Supervisors. The appeal was denied on 2/2/21.

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



## Appeal of local CDP decision

### Page 4

#### 3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

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

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

Describe: Please see attached

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

**Appeal of local CDP decision**  
**Page 5**

**5. Appellant certification<sup>5</sup>**

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Cecile Surbeck, chair of Protect Los Osos Neighborhoods and Habitat

*Cecile Surbeck*

Signature

Date of Signature 3/3/2021

**5. Representative authorization<sup>6</sup>**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.



I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

## LOCATION AND DESCRIPTION OF THE DEVELOPMENT

The proposed project (Project) is a Development Plan<sup>1</sup>/Coastal Development Permit for what is described as a Temporary Off-site Construction Yard and Vehicle Storage. The Project site is located at 1230 Los Olivos Ave in Los Osos, an unincorporated area of San Luis Obispo County (County). The assessor's parcel number for the project location is 074-293-015 and the County development application number is DRC2016-00112. The 1.18-acre vacant lot is currently zoned "Office and Professional" but has been changed to "Residential Multi Family" in the recent Los Osos Community Plan Update (now in review after adoption by the County Board of Supervisors). Sandra Bean (Applicant) is the property owner and Project applicant.

Applicant submitted a General Application Form to the County Department of Planning and Building on April 26, 2017. Preparation of the Initial Study began in April 2019. It found that the Project could have potentially significant impacts on biological resources, cultural resources, and tribal cultural resources.

Specifically, a July 2019 Biological Resources Survey found two special status plants at the Project site: Kellogg's horkelia (CNPS 1B, 3-3-3) and Sand Almond (CNPS 4.3). The Initial Study also relied on an April 2104 biological survey that found no Morro Shoulderband snails (a federal endangered species known to inhabit the area) or empty shells on site.

A Phase I Cultural Resource Inventory in 2001 and a Phase II Surface Survey in 2003 identified a previously recorded archaeological resource (CA-SLO-714) within and immediately adjacent to the project site. A

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<sup>1</sup> The Project was first approved by the Planning Department as a Minor Use Permit but, as explained in the Ground for the Appeal, it changed to a Development Plan when it was approved at the February 2, 2021 Board of Supervisors hearing.

## LOCATION AND DESCRIPTION OF THE DEVELOPMENT

2018 Phase II Evaluation determined that the materials found on site—described as “moderate sized lithic debitage and flaked tool scatter with sparse amounts of marine shell and faunal bone”—met the criteria for importance under the California Environmental Quality Act (CEQA). Tribal Consultation was conducted in July 2019 and the Salinan Tribal Counsel reviewed the archaeological reports and requested Mitigation Measure CR-1 (“Prior to establishing the use, the applicant shall install approximately six inches of permeable crushed rock surface over the entire site.”).

The County prepared a mitigated negative declaration on August 7, 2020. The Conditions of Approval include eight mitigation measures: the first five focus on protection and restoration of disturbed clumps of Kellogg’s horkelia; the remaining three mitigations are designed to prevent the Project from disturbing archaeological resources known to be on the site.

Discussions of the Project were conducted at the Los Osos Community Advisory Council (LOCAC) meetings in 2017 and again in 2019. At the August 22, 2019 meeting, Applicant clarified that she was seeking an economically viable use for her property during the ongoing Los Osos Community Plan update. At that time, no contractors were yet committed to renting space at the Project, but Applicant mentioned a landscaper who was interested in storing his truck, trailer, and other equipment there. Applicant explained that she wanted to operate the Project for as long as the County would permit her to. After public comment largely opposing the Project, LOCAC voted to deny the permit approval, pending further discussions between Applicant and neighbors to resolve issues including restricting the hours of operation and mitigations for noise, dust, and aesthetic concerns.

## LOCATION AND DESCRIPTION OF THE DEVELOPMENT

The Project was noticed for a County Planning Department hearing on September 18, 2020 after Appellant requested one under SLO County Coastal Land Use Zoning Ordinance (CLUZO) 23.02.033(b)(4)(ii). The published notice states that the construction yard would support “unidentified local projects and vehicle storage.” However, the narrative accompanying Applicant’s General Application Form submitted to the County on April 26, 2017 states that the Project will be used to store equipment associated with “1) completion of sewer connections, 2) completion of landscaping needs as required after sewer project, [and] 3) local roof gutter and water conservation systems.” This inconsistency in the project description is a serious CEQA violation. Cty. of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185, 193 (“A curtailed, enigmatic or unstable project description draws a red herring across the path of public input.”).

Given Applicant’s statements at the LOCAC hearing that her goal is to find a use for her property for “whatever [period of time] the County feels I should have,” it becomes clear that the project description has been left purposefully undefined in order to give Applicant flexibility in who she rents space to and for which projects, construction or otherwise. However, “An accurate, stable and finite project description is the Sine qua non of an informative and legally sufficient EIR.” Id., at 198.

The County Planning Department hearing endorsed the findings of the environmental coordinator in the Mitigated Negative Declaration and Initial Study (MND/IS) that there was no substantial evidence that Project would have no significant environmental impact with recommended mitigations. It found that the Project as conditioned was consistent with the Local Coastal Plan (LCP) and San Luis Obispo County General Plan,

Law Office of Babak Naficy

**Coastal Commission Appeal of CDP CCC Post-Cert No. 3-SLO-21-0151**

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## LOCATION AND DESCRIPTION OF THE DEVELOPMENT

applicable local code sections, the character of the immediate neighborhood, and Coastal Act coastal access policies.

Appellant filed an appeal with the County of San Luis Obispo Board of Supervisors, citing inconsistency with the County's LCP and challenging the Planning Department's findings that the Project would not damage the character of the surrounding neighborhood. A public hearing was conducted on February 2, 2021. The appeal was denied, the Planning Department hearing was affirmed, and, as discussed more fully in the Grounds for the Appeal, a Development Plan/Coastal Development Permit was approved for a revised version of the project along with updated Conditions of Approval. Local Action Notice was received by the Coastal Commission on February 17, 2021.



## IDENTIFICATION OF INTERESTED PARTIES

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## GROUND FOR THIS APPEAL

### APPEAL OF SAN LUIS OBISPO COUNTY'S DENIAL OF THE APPEAL OF CECILE SURBECK AFFIRMING THE DECISION OF THE PLANNING DEPARTMENT HEARING OFFICER AND APPROVING THE APPLICATION OF SANDY BEAN FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT DRC2016-00112

#### I. INTRODUCTION

Cecile Surbeck and Protect Los Osos Neighborhoods and Habitats<sup>1</sup> appeal San Luis Obispo County's approval of the Coastal Development Permit (CDP) DRC2016-00112 and the County Board of Supervisors' denial of her appeal from the Planning Commission approval of same.

This appeal concerns a Development Plan<sup>2</sup>/Coastal Development Permit (CDP) for a temporary construction yard and vehicle and equipment storage (and other unspecified construction-related activities) in Los Osos, in the Office and Professional land use category. The site is surrounded by residential and office uses that are not compatible with the proposed storage yard.

Recognizing that vehicle/equipment storage is not an allowable use in this land use category, the County attempted to shoe-horn a commercial use into the office/professional site by improperly characterizing the Project as a "Temporary Off-site Construction Yard" (CZLUO 23.08.146). In order to justify characterizing

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<sup>1</sup> Protect Los Osos Neighborhoods and Habitats is a grassroot unincorporated association of local residents, including Cecile Surbeck, who participated in the appeal of CDP 3-SLO-21-0151

<sup>2</sup> The project was originally processed as a minor use permit, but after the project was appealed to the Board of Supervisors, Planning Staff changed course and decided the Project would be processed as a development plan in order to accommodate the applicant's decision to use the site for vehicle storage. Processing the application as a Development Plan allows the County to waive the Code requirement that the applicant lay down a concrete or asphalt surface to accommodate vehicle storage. See, February 2, 2021 Staff Report at 3 ("a Development Plan is necessary to waive the surfacing requirements for vehicle storage.")

## GROUND FOR THIS APPEAL

the project as “temporary”, the County arbitrarily limited the CDP to three years, knowing full well that the applicant could well apply for a new permit before the expiration of the current CDP.

As described in the Application and at hearings before Los Osos Community Advisory Council (LOCAC), the Project is more accurately described as a “Storage Yard” (CZLUO 23.08.146) and vehicle storage yard. However, the County and the Applicant eschewed this description presumably because “Storage Yard” is not a permitted use in the “Office and Professional” land use designation and would be incompatible with the surrounding properties which are primarily single and multi-family residences.

As set forth below, the Project cannot properly be described as a Temporary Off-site Construction Yard because the Project is not in fact associated with any construction project. In fact, the record shows that it is not conditioned to be used as a construction yard and there are no current or future construction projects that the Project is intended to serve.

Likewise, the Project cannot serve as a vehicle storage yard because the County has not set any limit on the types of vehicle that can be stored on the lot. Pursuant to the San Luis Obispo Coastal Zone Land Use Ordinance (CZLUO), the type of vehicles that can be stored in vehicle yards in the Office/Professional designated parcels are limited to automobiles, busses and self-propelled recreational vehicles (CZLUO 23.08.290).

Finally, the County’s approval must be set aside also because the Mitigated Negative Declaration (“MND/IS”) does not include a stable and accurate project description and relies on unfounded assumptions that even if they would normally be true of an actual Temporary Off-site Construction Yard, are not necessarily true for this Project. Accordingly, the Initial Study fails to serve its essential function as an informational document underlying the County’s finding of a Mitigated Negative

## GROUND FOR THIS APPEAL

Declaration. The MND's failure to adequately analyze the project has undermined its analysis of Project impacts on air quality, biological resources, and noise.

### II. ARGUMENT

It is important to note at the outset that the Applicant's stated goal has never been to establish a Temporary Off-site Construction Yard to support a particular construction project, or any construction at all. Rather, the applicant's goal is to find ANY viable income-generating use for the property while waiting for the Los Osos Community Plan (LOCP) to be approved. A regular Storage Yard at this site, even if limited to three years, would be inconsistent with the LCP and the CZLUO. Accordingly, in order to take an advantage of an apparent loophole in the Code, presumably with the County's guidance, the applicant repackaged the Project as a temporary construction yard in order to get the proverbial camel's nose in the tent. There is no evidence that the site would ever be used as a storage yard for an actual construction project, and more likely, would be used for storing miscellaneous vehicles and equipment. Moreover, the County has failed to adequately analyze the Project's potentially significant environmental impacts or the inconsistency with and the potential to unduly harm to the adjacent and neighboring residential properties.

#### **A. The Project is an impermissible use within the Office and Professional zoning designation because it cannot reasonably be described as a "temporary construction yard."**

The County's CZLUO section 23.08.140 defines "Outdoor Commercial Uses" as "[s]ales and storage activities that are primarily of an outdoor nature," including "Storage Yards," which are subject to the further restrictions of section 2.08.146. CZLUO 23.08.146 restricts "[o]utdoor storage yards, including the storage of vehicles" to three zoning designations: "Commercial Service, Industrial and Public

## GROUND FOR THIS APPEAL

Facilities.” CZLUO 23.08.146(a) states that a permit (CZLUO 23.03) is required to establish a Storage Yard. Because the site is designated for Office and Professional, it could not be lawfully used for any outdoor commercial use, including as a storage yard.

To get around this restriction, the applicant and the County Staff hatched a plan to describe the project as a “Temporary Off-site Construction Yard” (CZLUO 23.08.244), which are allowed in all zoning designation in order to store “construction supplies, materials, or equipment **for temporary use during a construction project**” (emphasis added). The problem is that the Project is neither “temporary” nor associated with any “construction project.”

Temporary Off-Site Construction Yards are “for construction supplies, materials or equipment for temporary use during a construction on a site not adjacent to the construction site subject to the provisions of this section.” The plain language of CZLUO 23.08.244 makes it clear that using an offsite location as a construction yard is allowed only in conjunction with an actual construction project. This is evident, for example, because the CSLUO provides that a Construction Yard “may be authorized by the same Development Plan approval which allows the project being served by the construction yard; . . . .” Moreover, General Standards for Temporary Uses (CZLUO 23.08.241) explains that temporary use “may include . . . alteration of a site . . . **only when the temporary use occurs in conjunction with a construction project** authorized by an approved land use or grading permit” (emphasis added). There is no provision in the CZLUO that would permit a temporary construction yard where the applicant has not identified an actual construction project that would actually use the yard.

Accordingly, the Project is inconsistent with the plain language of CZLUO 23.08.244 because it is not associated with any construction project. The Staff Report attempts to get around this inconsistency by claiming that “although the project has not designated a ‘construction project,’ staff **determined** that allowing a

## GROUNDS FOR THIS APPEAL

temporary construction yard for unidentified construction projects in the community is acceptable given the need for this type of facility in the community.” Staff Report at 3. Staff exceeded its authority when it “determined” that ignoring the plain and mandatory language of the regulation is acceptable because of an alleged need in the community. Staff’s determination is simply not an acceptable and lawful interpretation of the regulation because it essentially reduces the requirement that a temporary off-site construction yard be associated with an actual construction project to a nullity. Staff’s interpretation unlawfully rewrites Section CZLUO23.08.244 in a way that would allow a temporary storage yard in any zone every time Staff determines there is an undefined “need” for storage.

Staff’s contention that there is a “need for this type of project in the community” is not supported by any evidence in the record. To the contrary, it would appear that there is no such need in the community because the applicant admitted to the Los Osos Community Advisory Counsel (LOCAC) that in the 4 years since she initiated the application, she has been unable to find an actual construction project that wants to use the site for storage. In fact, the applicant admitted that a professional landscaper **might** be interested in storing his truck, trailer, and storage box there. Taken as a whole, this evidence shows that contrary to the Staff’s bald assertion, there is currently no community need for an offsite construction yard at this location.

The evidence, including the applicant’s statement about a landscaper’s interest in the site demonstrates that the most likely use of the site would be for generic storage of vehicles, materials, and equipment. This is reflected in the to the final conditions of approval (COA), which allow the site to be used for vehicle storage. This use is governed by CZLUO 23.08.290 - Vehicle Storage, which applies to “commercial parking lots, garage and other establishments engaged in the storage of vehicles for a fee or without fee as a principal use, whether owned and operated publicly or privately.” Subsection (a) limits vehicle storage in the

## **GROUNDNS FOR THIS APPEAL**

Commercial Retail and Office and Professional categories “to the temporary parking of automobiles, busses and self-propelled recreational vehicles” only.

The foregoing demonstrates that the Project, as approved, is also inconsistent with CZLUO section 23.08.290 because the County has not set any limits on the type of vehicles that can be stored on site. In fact, the applicant’s lease of the parcel to a landscaper would be inconsistent with this provision.

### **B. THE PROJECT IS NOT TEMPORARY**

Staff unconvincingly claims the Project is “temporary” merely because the CDP is valid for three years. This time limit, however, does not mean that the applicant could not ask for another 3-year permit, or 10, before the expiration of the current permit. Temporary means limited in duration. Examples of a temporary use include a construction project, which has a recognized beginning and end. A construction yard associated with an actual construction project therefore is necessarily “temporary” because the construction project, like all construction projects, will end. Vehicle storage yards, on the other hand, do not have an end date; they could be used to store vehicles indefinitely. As such, the fact that the County issued a 3-year permit does not make the Project “temporary” because use of the project for storage could be renewed by the County indefinitely.

The fact that the County has conditioned the permit to allow no extensions does not alter this conclusion. While the applicant may not be able to extent the current permit, nothing would stop her from asking for a new permit before the expiration of the current permit.

### **C. THE DESCRIPTION OF THE PROJECT HAS BEEN INCONSISTENT AND EVOLVING**

One of the problems with the County’s review and approval of this Project stems from the fact that the written and oral descriptions of the Project, as provided

## GROUNDS FOR THIS APPEAL

by Applicant and the County Staff during public hearings, have been inconsistent, confusing, and conflicting. The one conclusion that clearly emerges from the approval process is that this Project is designed to generate income from an otherwise vacant lot<sup>3</sup> by renting out space to store vehicles and construction equipment. In the addendum to the Project application submitted on April 26, 2017, Applicant explained that she was seeking a permit to install “movable Contractor Offices & Storage of Equipment for: 1) completion of sewer connections, 2) completion of landscaping needs as required after sewer project, [and] 3) local roof gutter and water conservation systems” for “Temporary Use to end when Contractor needs are satisfied, or Los Osos Community Plan is adopted, and property use is more beneficial to the Community of Los Osos as Multi Family . . .” However, as set forth above, there is no evidence in the record to show the site would be used for any of these purposes.

A February 2, 2021 Staff Report explains that in response to comments from the public and LOCAC, the applicant reduced the construction yard component and will include a vehicle storage yard in the northern section of the site. In fact, to allow truck storage, the applicant has been allowed to use crushed rocks instead of the required concrete, asphalt or chip seal. See County Final Resolution, Finding H.

At the LOCAC meeting on August 22, 2019, Applicant did not even attempt to conceal the fact that the Project was artfully designed to use the loophole created by CZLUO 23.08.244 that would allow her to avoid the limitations of the Project site’s Office and Professional Zoning. She admitted that because no construction projects have expressed interest in the site, she was in negotiations with a professional landscaper who would use the site to store his truck, trailer, and storage box there.

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<sup>3</sup> Public correspondence received by the County during the approval process claims that the Project site has been used for unauthorized vehicle storage in the past including storage of an inoperable bus. There is a documented history of code violations associated with the parcel in recent years.



## **GROUND FOR THIS APPEAL**

The February 2, 2021 Staff Report that was submitted to the Board of Supervisors in connection with the appeal added yet another twist to the project description by claiming that the Project “will provide parking for nearby residents and businesses and a construction storage yard for local contractors.” See Staff Report at 5. The MND/IS, however, never considered the potential impacts associated with vehicle storage or a parking lot at this location. The County, moreover, never considered whether a parking lot would be consistent with any applicable CZLUO regulations.

### **D. LOCAC DISAPPROVED THE PROJECT BECAUSE IT IS INCONSISTENT WITH THE LARGELY RESIDENTIAL SETTING**

LOCAC voted to deny the permit as presented on August 22, 2019, citing unresolved concerns about hours of operation, noise, dust, and other impacts on the surrounding properties. As detailed below, neither the MND/IS or COA for the Project adequately deal with these issues.

The Office and Professional zone in this location was intended to serve as a buffer between Commercial Service area to the west and Residential Multi-Family properties to the east. The LOCP, which was recently updated and approved by the County of San Luis Obispo Board of Supervisors and is now undergoing review of the Coastal Commission, rezoned the Project site Residential Multi Family, which would be clearly incompatible with a storage yard.

This Project is inconsistent with the character of the surrounding neighborhood by introducing a noisy, dusty, and unsightly use in the middle of a quiet professional neighborhood, adjacent to a residential zone. In its current configuration, this neighborhood acts as a buffer between the noisier commercial district and the more quiet and peaceful residential neighborhood to the east. The Project will permanently upset this balance by introducing an incompatible use.

Law Office of Babak Naficy

**Coastal Commission Appeal of CDP DRC2016-00112**

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## GROUND FOR THIS APPEAL

The fact that the current permit is for three years does not ameliorate this impact because in those three years, this Project could permanently alter the environmental baseline in this area from a relatively quiet professional district to a noisy and dusty commercial zone.

### **E. The Initial Study improperly relies on unwarranted assumptions about the Project**

The MND/IS describes the Project as a Temporary Off-site Construction Yard and makes assumptions regarding the Project's operation based on a typical conception of that use. However, because the Project will likely not be used for temporary construction storage and is intended to serve a variety of rental customers there is no evidence to show the MND/IS's underlying assumptions accurately reflect the Project's impacts. As set forth above, the Project has been inconsistently described as a construction yard, a vehicle storage yard, and more recently a parking lot. This shifting description is based more on the type of Project the County is willing to approve, rather than what the Applicant intends to do.

#### **1. Air Quality**

The Initial Study states that the "project would not result in substantial air pollutant concentrations within close proximity to a sensitive receptor" because "construction activities will not occur on site." However, because the COA does not explicitly restrict the activities that may occur on the site, it is impossible to know whether Project activities might have air quality impacts. Certainly, storing and transporting soil, rocks, sand, and the like is capable of creating dust. Moreover, use of the project as parking for various types of vehicles, or as a parking lot, may also result in generating dust, especially since the County has allowed the applicant to use crushed rock on the surface of the lot instead of concrete or asphalt.

## GROUNDNS FOR THIS APPEAL

### 2. *Noise*

The Initial Study speculated that “[t]he primary noise sources would be gasoline-powered construction vehicles and equipment.” Based on this speculation, the MND/IS concluded that once established, noise generated by the Project “will be within the noise ordinance standards” and therefore it will have no significant impact on the surrounding residences. However, without a COA restricting the activities that may occur on site, there is no way to guarantee that the noise impacts will not be significant. Additionally, the Initial Study does not consider whether even the anticipated activities of moving equipment in and out of the storage area from 8:00 am to 5:00 pm, Monday through Saturday will generate a substantial “increase in ambient noise levels . . . in excess of standards.”

### 3. *Transportation/Traffic*

The Initial Study seems to presume that because the Project will provide a “needed site for commercial service storage,” it will have a less than significant traffic impact under CEQA Guidelines 15064.3(b)(2). However, without an identified construction project that intends to use the Project, there is no evidence that there actually is a need for commercial service storage in this location. Even if the Project were to be used in connection with an actual construction project, the location of the site would determine the Project’s impact on traffic. There is no COA that would limit the location of any construction project that might theoretically be interested in suing the site.

Additionally, the Initial Study fails to consider whether locating a single Off-site Construction Yard at the Project site to serve projects throughout the Los Osos community rather than establishing yards adjacent to or in the vicinity of each construction project will increase “vehicle miles traveled.” Cal. Code Regs. tit. 14 § 15064.3.

## GROUNDS FOR THIS APPEAL

### III. CONCLUSION

By limiting the Project approval to a three-year period, the County attempts to justify its categorization of the Project as merely a Temporary Off-site Construction Yard, a use that is allowed in any zoning designation as part of the Development Plan it will serve or with a Minor Use Permit. In so doing, the County ignores the letter, not to mention the purpose and justification of its own ordinance. More importantly, the County's approval of this Project contravenes the safeguards built into the code section to ensure that the burden of a Temporary Off-site Construction Yard does not fall unfairly on the immediately surrounding property owners and occupiers nor cause permanent environmental or aesthetic harm to the site. Finally, there is nothing in the Conditions of Approval to require that the Applicant actually use the Project as a Temporary Off-site Construction Yard, nor to prevent Applicant from applying for another Minor Use Permit after the initial three years have elapsed.

For the reasons stated above, the County's decision to approve a Coastal Development Permit for the Project should be overturned.

**CALIFORNIA COASTAL COMMISSION**

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**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Cecil Surbeck, chair of Protect Los Osos Neighborhoods and Habitats

CDP Application or Appeal Number 3-SLO-21-0151

**Lead Representative**

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Date of Signature 3/3/21

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Your Signature Cecile Surbeck

Date of Signature 3/3/21

