



Fw: AVAC Letter Regarding Temporary License Application for ForeverNeverLand

Annette Ramirez to: Sandy Currens

06/02/2014 09:46 AM

----- Forwarded by Justin Cooley/TreasTax/COSLO on 05/31/2014 03:13 PM -----

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To: jcooley@co.slo.ca.us
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Date: 05/30/2014 03:32 PM
Subject: AVAC Letter Regarding Temporary License Application for ForeverNeverLand

Mr. Cooley,

Attached please find 2 documents with the Avila Valley Advisory Council comments and recommendations regarding the application for a Temporary Commercial Outdoor Entertainment License Application.

Confirmed receipt would be appreciated. Thank you.

Jim Hartig, AVAC Chairperson



AVAC Letter Re ForeverNeverLand Pg 1.pdf AVAC Letter Re ForeverNeverLand Pg 2.pdf

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San Luis Obispo County, California

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Lynn Walter (alt)

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Denise Allen

Bill Tickell

Liz Johnson (alt)

Squire Canyon

Open (2)

Board of Supervisors

County of San Luis Obispo

Attn: Justin Cooley, Office of Tax Collector:

SUBJECT: June 3 Agenda; Hearing to consider a Temporary Commercial Outdoor Entertainment License Application for Forever Never Land, LLC,

Dear Members of the Board:

AVAC first wants to remind that this proposed event differs substantially from last year's bicycle race which ended in Avila Beach: The proposed event would be on private property and only available to ticketholders- instead of on public land and free to the general public; it would involve two full days of restricted access instead of a partial day; it would be held for two entire days over a summer visitor season weekend (during highest fire hazard season) instead of a few hours during a spring weekday.

Following are AVAC's comments and recommendations:

AVAC fully supports Public Works' requirements concerning access and circulation parking.

ACCESS: The proposed two-day restriction from coastal access to the general public for benefit of private enterprises and paid ticket holders is neither allowed by California law (Public Resources Code, Section 30210), nor by County of San Luis Obispo ordinance (23.04.420). **THE EVENT NEEDS TO ASSURE COASTAL ACCESS TO THE GENERAL PUBLIC.**

CIRCULATION – PARKING: Optional paid shuttle parking and 500 paid onsite spaces are proposed. The number of required event spaces per Ordinance 6.56.150 could not be supplied in Avila Beach which also would experience parking demand from the general public. Event patrons could substantially occupy Avila parking in advance of when most of the public would arrive, thereby depriving coastal access to the general public. Adding to Avila Beach traffic from searches for parking would be the proposed detour of Diablo and harbor traffic through the town. Circulation safety, particularly emergency access, dictates regulating the number of vehicles accessing the Avila area for an event of 8,000 to 10,000 attendees.

Ordinance 6.56.150 requires a planning director approved parking plan. The plan should include:

- **REQUIREMENT FOR EACH EVENT TICKET TO INCLUDE EITHER ONSITE OR SHUTTLE PARKING.**
- **RESTRICTION FROM OBSTRUCTING OR PARKING ON ANY PART OF THE BOB JONES PATHWAY.**
- **REQUIREMENT FOR A DELINEATED AND RESERVED PARKING SPACE IN THE PARKING AREA FOR A FIRE ENGINE, per Ordinance 6.56.190.**
- **RESTRICTION FROM PARKING ON THE BLUE HERON DRIVE EMERGENCY ROUTE.**

FIRE PROTECTION: Avila is designated High Fire Hazard. Yet the website, under "Festival Guidelines", "Items You Can and Cannot Bring into The Festival", allows lighters. Instead, website guidelines need to restrict lighters. THE EVENT SHOULD BE BOTH ADVERTISED AND POSTED "NO SMOKING."

The application states that fire exits are identified on application page 17. However, these maps on page 19 fail to show emergency evacuation routes out of Avila Beach. COUNTY DESIGNATED EVACUATION ROUTES SHOULD BE MAPPED.

Camping continues to be advertised on some event websites and ticket purchasers could intend to camp. 6.56.300 requires firewood and more for event camping. CAMPING SHOULD BE PROHIBITED.

EVENT DAYS & HOURS: Ordinance 6.56.310 states: "The licensee shall operate the outdoor activity only on those days and during the hours specified on the license." According to the website, parking opens at 10 a.m. and event doors at 11 a.m. CLOSING HOURS NEED TO BE SPECIFIED.

CLEANUP: Application page 28 does not include cleanup on Avila Beach Drive. PROVISION FOR STREET CLEAN UP SHOULD BE PROVIDED.

LIGHTING: Application page 47 says the Resort will specify lighting locations, although Ordinance 6.56.270 requires: "The Planning Director must approve an applicant's lighting plan as a prerequisite to issuance of a license pursuant to this chapter." Lighting can affect neighboring properties and area wildlife. A LIGHTING PLAN IS NEEDED.

NOISE: Page 26 of the application states there will be an acoustical engineer present to measure and control amplification to County standards. To assure compliance with standards, although the applicant would pay the engineer, THE ENGINEER NEEDS TO BE SELECTED BY THE COUNTY. For timely response to any decibel non-compliance, THE ENGINEER NEEDS TO BE REQUIRED TO CAUSE IMMEDIATE DECIBEL ADJUSTMENT.

INSURANCE & SECURITY: Avila emergency routes traverse adjacent residential property, which could expose this property to financial liability. The San Luis Bay Estates Homeowners Association should be included in the indemnification and named as an additional insured party. Also, security personnel should be provided to prevent intrusion at the Coffeeberry gate off of Blue Heron Drive and from the Harford Drive gate off of the golf course. INDEMNIFICATION, INSURANCE AGAINST DAMAGES AND SECURITY SHOULD INCLUDE NEIGHBORING PROPERTIES THROUGHOUT THE AVILA VALLEY. Personnel charged with security responsibilities should be well trained, responsible individuals. SECURITY PERSONNEL SHOULD BE BONDED.

DONATION: Ordinance 5.56.030, Charitable Donation Representation, requires: "... advertising or other information to the public must state the minimum dollar amount to be donated, or the amount of each ticket sold to be donated to the charity." This has not occurred, although the Avila Beach Foundation has accepted the donation amount offered. WEBSITE ADVERTISING AND TICKETS NEED TO SPECIFY THAT \$1.00 PER TICKET WILL BE A CHARITABLE DONATION.

Last, **the public hearing for a license needs to be continued** to comply with Ordinance 6.56.150 which requires: "The approval by the planning director of the licensee's parking plans shall be a prerequisite to the issuance of a license for the outdoor activity." Also for compliance with 6.56.270: "The planning director must approve an applicant's lighting plan as a prerequisite to issuance of a license pursuant to this chapter." Deferral of these plans for staff decisions deprives opportunity for public input.

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AVAC appreciates having opportunity for input on a proposed temporary event at the golf course. Gridlock in Avila was again caused by an unregulated Memorial Day event, which compromised public safety. This is preventable. The County needs to adhere to its requirements. These events need permits. Public input and department conditions for events with far fewer attendees than the proposed Forever Never Land event are necessary to adequately provide for the public's safety and welfare.

Thank you for your attention to our comments and recommendations,

cc: AVAC Members



Fw: Heron Crest Forever Never Land Concerns
Annette Ramirez to: Sandy Currens

06/02/2014 09:46 AM

From: Rich Vorie <rkvorie@gmail.com>
To: jcooley@co.slo.ca.us
Cc: "Anna & Neil McLellan" <neile12@hotmail.com>, John Delehant <sailsoonie@mac.com>, Mary Martin Marquardt <mm.martin@charter.net>, Robert Pusanik <Pusanik@charter.net>
Date: 05/31/2014 11:53 AM
Subject: Heron Crest Forever Never Land Concerns

Dear Justin,

I have attached a letter that addresses our Heron Crest Board of Directors and communities concerns pertaining to the Tuesday hearing for the Forever Never Land Festival application for a Business License. Please forward this attachment to the San Luis Obispo County Board of Supervisors so it will be available to them prior to FNL's scheduled hearing on Tuesday morning.

Thank you in advance for your assistance in this matter.

Sincerely,
Rich Vorie, President
Heron Crest HOA



Heron Crest FNL LTR.PDF

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**HERON CREST HOMEOWNERS ASSOCIATION
C/O Goetz Manderley**

May 30, 2014

Board of Supervisors
San Luis Obispo County
C/O Tax Collector's Office
Attention: Mr. Justin Cooley

Subject: Business License: June 3, 2014 Public Hearing-Forever Neverland

Dear Sirs and Mesdames:

The Heron Crest Homeowners Association, consisting of 88 clustered homes and open space is adjacent to the proposed Forever Neverland event site and will be significantly impacted by its activities on September 13th and 14th. The anticipated 8,000 to 10,000 attendees will create a potential hazard to our residential community and wildlife in our open space. If you decide to grant a business license to this Los Angeles promoter, we respectfully request that you consider the following conditions for your approval:

- FIRE is our greatest concern especially during September. The recent fire above the golf course illustrated the vulnerability of our community to this hazard. The promoter of this subject event will allow lighters, matches and cigarettes. As a condition:
 - **Smoking is not allowed; No Smoking signs will be posted and lighters, matches and cigarettes will be confiscated.**
- The application does not specify a closing time for the Saturday and Sunday events. The impression is for the attendees to continue the partying throughout the night after the amplified music and entertainment ceases at 10:00 PM. As a condition:
 - **No music or entertainment after 10:00 PM and venue attendees will be evacuated by 10:30 PM and all event lights extinguished. No camping or loitering after 10:30 PM.**

- The Los Angeles event promoter has accepted a 60 db sound level at the property line. This will be difficult to achieve with the proposed *line array system speakers*, which would have an adverse effect on our residents and wildlife. As a condition:
 - **Sound monitors operated by a third party and hired by the County will have the authority to shut down the music/entertainment if the sound exceeds 60 db. (Cost to be borne by the applicant)**
- Due to its proximity to the event site, the Heron Crest Homeowners Association and its residents are exposed to damages including fire and vandalism. As a condition:
 - **The Event Sponsor must provide a Fifty million dollar (\$50,000,000) property damage, including fire and vandalism insurance policy naming the Heron Crest Homeowners Association and its members as insured.**

Thank you for your careful consideration of our comments.

Sincerely,

Rich Vorie
President Heron Crest HOA

Copied by email: HC HOA Board