# COASTAL APPEALABLE FORM

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: Harbor Terrace Project File Number: DRC2013-00044

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: March 26, 2015

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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: Lack Adequate Water Supply during drought crises (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: Wrong Traffic Study (see attached)

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

Condition Number Three conditions Reason for appeal (attach additional sheets if necessary)
(See attached)

**APPELLANT INFORMATION**
**Print name:** Micheal Kidd
Address: PO Box 505 Avila Beach CA 93424 Phone Number (daytime): 805-595-2300

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 _____ Date 4/5/2015

OFFICE USE ONLY
Date Received: _____ By: _____
Amount Paid: _____ Receipt No. (if applicable): _____

Harbor Terrace Appeal

April 6, 2015

Dear Board of Supervisors,

We wish to formally appeal the approval of this project by the San Luis Obispo Planning Commission. The appeal finds fault with the Commission is three areas:

First Issue of Appeal:

The State of California and County of San Luis Obispo have both declared the Central coast and area of project in question as severe drought areas. The project states it has adequate amounts of water based on the reserved allotment of Lake Lopez Water District. Based on four years of drought there are serious concerns as to if there will be any water to draw from allotments for existing cities of Pismo Beach, Arroyo Grande and Avila Beach itself.

In March of 2014, Lake Lopez was at 56 percent capacity, a historic low. This occurred after lowest on record winter rainy season and three consecutive years of a drought. It was predicted that by December 2014 Lopez Lake Water District would reach a bench mark of 20,000 acre feet of water which would designate the district to instate the Lake Lopez low reservoir response plan. This plan notifies the districts users that they can no longer satisfy allotments and that they can and likely will be lowered to a point where there is no water.

A year later after the fourth year of drought, Lake Lopez is now at 39 percent capacity after rainy season is nearly complete. As predicted the lake is now at 19,000 acre feet and is now under the Low reservoir reserve plan. The city of Arroyo Grande asked it's director of public works to contact Lake Lopez Water District and came back with a statement reporting a mandatory 10 percent reduction in Arroyo Grande usage to help prolong the existing water for as long as possible.

As your aware this past week, the State of California has issued a mandatory unprecedented 20 percent reduction on all water districts. This action also includes severe penalties against any districts that do not comply with the reductions. For the past year, the Board of Supervisors has warned citizens and cities to reduce water so much so that in March 2014 they issued a state of emergency. They have made strides in Paso Robles and Nipomo but with Lake Lopez now below 20,000 acre feet and dropping daily, the State is mandating a 20 percent reduction backed with severe fines.

We are asking the Board to overturn this project based on the severity of the ongoing drought and mandatory reductions in place. It sets the entirely wrong precedent to approve the largest resort in twenty years in midst of a state mandated water restrictions. At the same time the Board is asking major sacrifice from existing users whose supply of water is likely to run out. Please postpone this project until state restrictions have been lifted and Lake Lopez reaches a substantial level to support its current users.

Port San Luis Harbor Terrace Appeal
TDRC2013 Appeal

Third Issue of Appeal:

One of the most glaring faults of the current plan is the traffic study. For some untenable reasons the existing plan insists that only the only traffic study needing to be done is on Tuesday in May. As anyone familiar with Avila knows that nearly 60 days a year Avila is severely affected by overcrowding due to sunny weather and beach users. Avila is further impacted by 12 to 15 big events such as concerts and bike tours, none of these dates are reflected in the traffic study. Thirty five years ago the county population was about one half of todays. Avila has become primarily the affordable recreation site for families of not only San Luis Obispo County but also Santa Maria, who also view this as their preferred beach. The results do not take in to account that 1/3 of every year Avila is severally congested in inadequate.

The project should not proceed before additional traffic counts take place which will show traffic impacts that are likely to occur during holiday visitor seasons and also weekends. While it would acceptable to base the traffic impact fees on a Tuesday in early May, there should be no pretense that " reasonable worse case" traffic for evaluating and mitigating impacts occur on a Tuesday in early May. This is grossly under estimating traffic which is extremely unsafe.

For the combined three reasons or any one separately, we respectfully ask that you postpone this project.

Sincerely,
Michael Kidd

x_____

Date: 4/5/2015

Port San Luis Harbor Terrace
DRC 2013 Appeal

Second Issue of Appeal:

The subject project is under Avila Community plan which was last updated in 1980, nearly 35 years ago. It is the oldest community plan in the county which has resulted in there being significant inadequacies in addressing a project of this size. Particularly in addressing cumulative effects of several mega resorts, each under an outdated plan which does not take into an account of the impacts of next door resorts. Example include but are not limited to the Chevron Resort which is to include 350 units, a convention center, restaurants, the golf course, and 50 cottages (100 units) project. The Rossi mega resort proposal that consisted of 400 units. The Cherry Canyon project that include 1200 homes. The Board has not had a major hotel resort project in twenty years, now due to availability of financing it will be flooded with mega resorts.

The Avila Community plan must be update before this or any future projects are considered. We are asking the board to overturn the approval based on the fact that the current community plan is inadequate to address the complexities of a project this complex. We ask also that the approval be postponed until a new plan can be put into place. How bad is it? Remember 35 years ago, Diablo Canyon Power Plant was not open, so the largest project in history the County was not fully vetted or the known impact of this resort was not conceived or mega resorts behind it.

Port San Luis Harbor Terrace
DRC2013 Appeal