



Fw: DRC2013-00028

Frank Mecham to: Board of Supervisors, cr\_board\_clerk  
Clerk Recorder

07/06/2015 08:20 AM

Sent by: Vicki Shelby

Frank R. Mecham  
District 1 Supervisor

San Luis Obispo, CA 93408

FMecham@co.slo.ca.us

— Forwarded by Vicki Shelby/BOS/COSLO on 07/06/2015 08:20 AM —

From: Claudia Webster <popbeads13@gmail.com>  
To: fmecham@co.slo.ca.us  
Date: 07/05/2015 10:08 PM  
Subject: DRC2013-00028

---



SUPERVISORS.docx

RE: DRC2013-00028

Alec & Claudia Webster  
E-Mail: alecjw13@gmail.com

July 5, 2015

Dear Supervisors and Legislative Assistants:

We are writing to give a little personal detail to our efforts to stop the Pasolivo expansion. If one looks merely at the massive amount of paperwork that has been generated in this effort, you may miss part of the story we would like to speak to. We got involved on January 1, 2015.

Will Webster, our father (father-in-law), made several attempts to contact your Planning Department (detailed in our attorney's official letter). Some time nearing the holidays, he received a confusing and nearly illegible postcard. He said despite his best efforts, he couldn't understand what it was saying. It was supposedly a notice of a "public hearing" to be held on January 2, 2015, a date when the Planning Department was closed. He asked us to read the postcard, and to attend the public hearing with him. The postcard, which was dated November 24<sup>th</sup>, said that the Mitigated Negative Declaration **had been approved** (our emphasis) on November 26<sup>th</sup>. Since the postcard was of such poor quality, much of the ink had been rubbed off during mailing. Other parts were of such small typeface it made a magnifying glass necessary to read.

At the "hearing," despite a huge sign proclaiming "public comments welcomed," we were told we weren't allowed to speak, that this was just a perfunctory meeting to approve everything. When the hearing officer arrived, we told him we wanted to speak and he said he might allow it, unofficially, after he had approved the Minor Use Permit in question.

At that time, we expressed our dissatisfaction with the noticing (over the holidays, the illegible postcard, and the impossibility of the statement about the MND having already been approved.) We asked for time to review the plans, which were, to us, completely unknowable at the time. We were told we could discuss the project with the Planner Holly Phipps.

After the meeting, Ms. Phipps told us that she "was allowed" to say something had occurred in the future. She also said we could file an Appeal, which would cost \$850 and had to be done in person. BUT, she said, (with a giggle) she thought Planning was closed "today." She said, we could review the MND online, (where it legally should have been posted for 30 days.)

The Planning Department was indeed closed on the 2<sup>nd</sup>, and we were unable to even obtain the form needed there. The Supervisor's office, on the other hand, was very helpful and found a form for us to fill out. (Thank you!)

When we tried to find the MND online over the weekend, we were unable to locate anything. That is when we contacted an attorney we felt could help us. Alison Norton, our attorney, was also unable to find the MND online. On Monday, Ms. Norton, contacted Ms. Phipps, who said she would be happy to "walk" Ms. Norton through the website. When they did this together, Ms. Phipps found the information never to have been posted. We filed an Appeal (in person), paid the \$850, and requested a de Novo hearing.

Suddenly, it became Jamie Kirk's idea to have a new hearing! She said she requested it to avoid a lawsuit. Still, we were happy to have our chance to speak out. There were so many discrepancies in the MND, we felt all we had to do was point these out at the new hearing. We were quite surprised to be very limited in our time and totally denied an ability to rebut. That made it even more disconcerting to hear Matt Janssen, Hearing Officer and Division Manager, repeatedly ask Jamie Kirk what she would "be comfortable with." The "concessions" that were made to the concerns of those of us present at the hearing, turned out to be: 5 fewer events and amplified music only till 9pm. No matter that the sheriff's official statement is that they will NOT come out until after 10pm on a noise violation. As professionals both Mr. Janssen and Ms. Kirk know this.

During the hearing (April 17<sup>th</sup>), Ms. Kirk walked up to the podium and said "We could file for a Demolition Permit today on that barn." Matt Jansen said "I know you could." After the hearing, Mr. Janssen informed us that Pasolivo could NOT demolish the barn while there was an Appeal pending. What we did not know at the time was: a Demolition Permit **HAD ALREADY** been filed by the applicant (March 18, 2015). Are we to believe that neither Janssen nor Kirk, both professionals, did not know this?

Item No. 32  
Meeting Date: July 7, 2015  
Presented by: Claudia Webster  
Rec'd prior to meeting & posted to web on: July 6, 2015

Most surprising of all, the Planning Department approved the Demolition Permit for the barn on Thursday, May 7<sup>th</sup>. May 8<sup>th</sup>, Ms. Kirk told Vicki Fogleman the Demolition had not been approved. Apparently by this time she was aware they had applied for one. According to Pasolivo's attorney, it was their intention to demolish the barn on Friday, May 15<sup>th</sup> **WHILE** two Appeals were in effect. A Temporary Injunction was immediately granted to the Websters preventing the demolition of the barn.

At the second "hearing" we met Ron Jolliffe and Colleen Runyan, direct neighbors to the south of Pasolivo. They had NOT been notified of EITHER hearing, but only came to learn of the hearing because of the Appeal we had filed. Eventually, Planning conceded to Ron and Colleen it was Planning's mistake in failing to notify, and granted them an appeal. When we obtained the labels used for the second notification, we couldn't help but notice that Karen Guth, at her former Pasolivo address (now the property in question), was on the list. (!) Could the county be so inept?

Why is Pasolivo referred to as a "vineyard" when they don't grow grapes? It's an ORCHARD. Why are they permitted "increased wine production" when they have none? The obvious answer is so that they are able to take advantage of the wine events that the county has approved for the wine industry. Apparently, the Planning Department didn't know, doesn't recognize or doesn't care that Pasolivo never produced wine. They simply take the word of the "Applicant."

Why did Planning even consider accepting the applicant's report on noise when it began with "I am writing in support...." These reports are supposed to be scientific and unbiased. Just another box checked!

Why did Planning ignore the county's **own** records concerning the date of the barn construction? Why did Planning ignore the testimony of the contractor who worked on the barn in 2005? Why instead did they accept without question Newco LLC's statement that the barn had sustained heavy damage in the earthquake? Newco LLC didn't own the barn at the time of the earthquake. Why did Planning accept Newco LLC's statement that the barn couldn't even be used for storage when two different sets of photos were produced from 2015 showing it being actively used? Why did Planning accept these assertions when Pasolivo's Facebook page was produced showing the barn being used for a public event just 31 days after they stated it was unsafe and unusable for any purpose?

One must eventually come to one of a few possible conclusions. Either the Planning Department is completely inept and fumbling or they are working inappropriately in concert with the applicant. We have been reminded not to consider it a conspiracy when mere incompetence might be at work. Either way, it is wrong. The law is being subverted.

Which brings me to my final question: if Planning doesn't consider it part of their job to determine if the applicant is conveying the truth, why even have planners? If Planning ignores the local community that calls this home, what is the purpose of public comment? If all there is to it, is to pay your fees, and submit paperwork and have the boxes checked, then so be it! But don't continue on with a charade of public input welcome. That is, unless you want to make the signage read, "Public input welcome, but will be ignored...." The pretense that the public matters when it doesn't is frustrating, hurtful and detrimental to the community. We urge you to make things right. Save what is left of Adelaida and deny DRC2013-00028.

Sincerely,

ALEC & CLAUDIA WEBSTER