



To: Board of Supervisors/BOS/COSLO@Wings, cr_board_clerk Clerk
Recorder/ClerkRec/COSLO@Wings,
Cc:
Bcc:
Subject: Fw: Appeal of DRC2013-00028
From: Frank Mecham/BOS/COSLO - Monday 07/06/2015 03:29 PM
Sent by: Vicki Shelby/BOS/COSLO

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 03:28 PM -----

From: Tessa Cain <tessa.cain@earthlink.net>
To: "fmecham@co.slo.ca.us" <fmecham@co.slo.ca.us>
Date: 07/06/2015 03:18 PM
Subject: Appeal of DRC2013-00028

I wish this letter to be on the record.
Thank you very much for allowing my dissenting opinion to be heard.

I am writing to express my support of the *appeal* of DRC 2013-00028.
The approval of the Minor Use Permit should be overturned.

Here's why I think so.

* I have lived in the area of Willow Creek, in fact my address is, indeed ON Willow, Creek Rd.
My husband and I moved here in 1979. That was 36 years ago!
We have observed much change since then and much of it is related to the wine business. And much of it is not.
Much of it has become a travesty, a cheap failed imitation of Napa Valley. It's not too late. Commercial enterprises should not be allowed in Ag/Rural residential zoning. The charm and character of the atmosphere in which I live has been irrevocably impacted by the corporization and commercialization of an area which is zoned Agricultural Rural Residential.

I think a permit for the demolition of this barn should be denied, as well, for that is a vital part of the charm and history of the Adelaide area, an original pioneer area. The barn is one of only two remaining which evidence the dairy farm origins of our beautiful SLO County.

I specially feel it should NOT be replaced with a 'barnlike structure/event center' And here is why.

*We don't need another event center in Paso Robles, especially in the Adelaide.

*The location is in a dangerous stretch of road, narrowly winding for 10 miles through the area. This road is populated by a mix of local people, farm equipment, too many bicyclists, and way too many tourists, many of them inebriated, late, lost, or just plain rude, all sharing the narrow winding road.

It is unsafe and the road cannot support the volume of tourists.

*This is not an Ag related use. This is for an entertainment and retail commercial venue. There is a lot of noise pollution attendant to these events and it is very disruptive to my lifestyle. I do have a valid expectation of peace, quiet, calm, and tranquility living as far from town as I do. I feel that all the peace and tranquility of our quiet community is becoming subsumed into a combo of a little wine and a lot of show business. Every place is becoming an event center. There are enough; in fact, there are already too many.

*Many of these places operate on a Thursday through Sunday only calendar. That does not indicate a real winery, a real owner operated business. An owner operated paso robles business. This indicates a party zone. There are several in the area and they are unpleasantly loud and audible from very far away. The owners are often corporations and usually there is nobody who actually lives there all the time.

*The incidental use requested for this event center is bound to stretch over and fudge the lines they are agreeing to. Places have no enforcement and often not fined for violations discovered after the fact. Slip ups become routine.

*Please let's not repeat the mistakes which have become so evident with the operation of Opolo. In addition to the disruption of the neighborhood with noise and traffic, they actually serve food from a commercial kitchen and operate a gift shop. There have been vehicle accidents and extremely loud patrons and parties.

Don't do this anymore. It is wrong for where you want it and sets a dangerous and bad precedent. Do not allow DRC 2013-00028 to go forth.

Thank you very much for placing this on the record. I am a tax paying citizen and a resident of rural agricultural Paso Robles for over 36 years and my voice deserves to be heard.

Tessa M. Cain

Paso Robles, CA 93446

*Please do not allow the passage of DRC2013-00028.

*Please do not allow the passage of DRC2014-00083 either.

Sent from my iPad
July 6, 2015



Fw: Pasolivo

Frank Mecham to: cr_board_clerk Clerk Recorder, Board of Supervisors

07/06/2015 03:30 PM

Sent by: **Vicki Shelby**

Frank R. Mecham
District 1 Supervisor
1055 Monterey St. Rm. D430
San Luis Obispo, CA 93408
(805) 781-5450

FMecham@co.slo.ca.us

----- Forwarded by Vicki Shelby/BOS/COSLO on 07/06/2015 03:30 PM -----

From: Neil Collins <neil@lonemadrone.com>
To: "fmecham@co.slo.ca.us" <fmecham@co.slo.ca.us>
Date: 07/06/2015 12:51 PM
Subject: Pasolivo

I suggest that these people be allowed to go about their business. It seems that they will only enhance our neighborhood. Neil..

Sent from my I



Annette Ramirez to: cr_board_clerk Clerk Recorder

07/06/2015 03:39 PM

----- Forwarded by Tommy Gong/ClerkRec/COSLO on 07/06/2015 03:04 PM -----

From: "Newman, Virna" <virna.newman@dentons.com>
To: "darnold@co.slo.ca.us" <darnold@co.slo.ca.us>, "fmecham@co.slo.ca.us" <fmecham@co.slo.ca.us>, "bgibson@co.slo.ca.us" <bgibson@co.slo.ca.us>, "ahill@co.slo.ca.us" <ahill@co.slo.ca.us>, "lcompton@co.slo.ca.us" <lcompton@co.slo.ca.us>
Cc: "hphipp@co.slo.ca.us" <hphipp@co.slo.ca.us>, "tgong@co.slo.ca.us" <tgong@co.slo.ca.us>, "Fish, Brian" <brian.fish@dentons.com>
Date: 07/06/2015 03:02 PM
Subject: July 7 Board Meeting/Item 32 [Appeal Hearing of Willow Creek NewCo, LLC Minor Use Permit (DRC 2013-00028)]

******THE ATTACHED IS BEING SENT TO YOU ON BEHALF OF BRIAN FISH******

Attached please find correspondence regarding the above matter.

DENTONS

Virna Newman

Legal Secretary

Assistant To: Michael T. Andrew, Brian C. Fish, Randal J. Lejuwaan, Steven S. Wall

virna.newman@dentons.com

[Website](#)

Dentons US LLP

Salans FMC SNR Denton McKenna Long

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2015 07 06 Letter.pdf

July 6, 2015

BY E-MAIL

Chairperson Arnold and Members of the Board
Board of Supervisors
County of San Luis Obispo

San Luis Obispo, CA 93408

Re: July 7 Board Meeting/Item 32 [Appeal Hearing of Willow Creek NewCo, LLC Minor Use Permit (DRC 2013-00028)]

Dear Chairperson Arnold and Members of the Board:

This letter concerns the proposed expansion plans for the Pasolivo property ("Project") on Vineyard Road that you will review on July 7, 2015. Dentons US, LLP represents Leon and Sandra Fairbanks, homeowners who live in the vicinity of the Pasolivo property at 6670 Vineyard Road. Mr. and Mrs. Fairbanks wish to express their concerns regarding, and their support for those who are opposed to, the Project.

Letters submitted on behalf of Wilton and Helen Webster and Save Adelaida raise a number of significant concerns about County staff's recommendation that the Board approve the Project. The issues raised by the Project opponents range from traffic, to Williamson Act, to historic resources and California Environmental Quality Act ("CEQA") compliance. I hereby incorporate by this reference the prior Project opposition correspondence, including, without limitation, the letters from Wittwer/Parkin dated July 2, 2015, June 1, 2015 and May 29, 2015.

I will not repeat all of the Project deficiencies identified to date. However, I have summarized below a few key areas of concern that Mr. and Mrs. Fairbanks would like to bring to your attention.

Fair Argument/Battle of the Experts. If the record shows a reasonable possibility that a significant environmental impact will occur, such that a "fair argument" exists that a project "may" have a significant effect on the environment, the County must prepare an EIR. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83-84.) The fair argument standard sets a low threshold test for requiring the preparation of an EIR, and the County must resolve all doubts in favor of additional environmental review. (*Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872' 880; *Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1110; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1317-1318; *County Sanitation District No. 2 of Los Angeles v. County of Kern* (2005) 127 Cal.App.4th 1544, 1579.)

Of importance here, "[i]f there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." (CEQA Guidelines, § 15064(g).) As to the traffic and historic resource issues, the County has received expert testimony from Pang Engineers Inc., Christopher McMorris and Jack Hanauer that the Project will have potentially significant impacts. Under these circumstances, the County cannot ignore or disregard that evidence. Contrary evidence about the potential significance of an impact will not support a decision to prepare a mitigated negative declaration as the expert testimony is proof that it could be fairly argued that the project may have a significant effect on the environment. (*Brentwood Association for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 503.)

Traffic. As raised by the experts at Pang Engineers Inc. and others, the Project will have significant impacts not adequately analyzed in the Project's MND. The record identifies concerns about issues such as traffic safety, the underestimations of trip generation rates and the lack of enforcement mechanisms to support the assumptions underlying the Project's traffic analysis. In addition, my client has asked me how the Project will impact road maintenance, bicycle safety along Vineyard Road, the number of tour bus operations in the area and traffic on Vineyard Road south of the Project. The record does not provide clear answers to those questions and the important traffic related issues raised by others. Thus, the Board should require preparation of an environmental impact report so that the Project proponent and staff can more fully address the Project's potentially significant impacts.

Historical Resources. The record reflects that the Project proposes to demolish a barn built as early as 1900 that at least two experts have identified as potentially eligible for designation on California Register of Historical Resources. As discussed above, the County cannot summarily dismiss the testimony of those experts. Under CEQA, and notwithstanding potentially contrary evidence in the record, the County must prepare an EIR to evaluate the potential significance of the Project's proposal to demolish the barn.

In short, Mr. and Mrs. Fairbanks ask that the Board put this Project on hold. Significant questions and issues exist. As required by CEQA and for the good of the community at large, the Board should demand that the Project applicant prepare an EIR. Anything less would deprive the Board and the public at large of valuable information and analysis needed to make an informed decision.



BCF

cc: Mr. Tommy Gong, Clerk of the Board
Ms. Holly Phipps, Planner III County of SLO
Leon and Sandra Fairbanks