

Tuesday, August 09, 2016

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.

Consent Agenda – Review and Approval:

1-23. This is the time set for consideration of the consent agenda.

Chairperson Compton: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 23 on the following vote is indicated for each item.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Items: Set for Hearing:

1. Introduction of amendments to the Public Facilities Fee Ordinance, Title 18 of the San Luis Obispo County Code to remove an exemption listed within Section 18.03.020 (10) of the Muni Code regarding collection of certain public facility fees for specific community services districts and fire protection districts. Hearing set for September 13, 2016. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

2. Receive and file the responses of the District Attorney and Sheriff-Coroner to the Grand Jury Report “Keeping Suspects in Custody: When is Scheduled Bail Not Enough?” All Districts.

The Board approves as recommended by the County Administrative Officer.

3. Request to approve a Memorandum of Understanding between the County of San Luis Obispo and the Lucia Mar Unified School District designating a portion of the Central Coast New Tech High School / Nipomo High School campus as an Evacuee Monitoring and Decontamination and Reception Center. All Districts

Dr. C. Hite; Ms. Jane Swanson – Mothers for Peace; Mr. Eric Greening; Ms. Linde Owen; Ms. Linda Seeley – Mothers for Peace; and Ms. Kathy Oliver: speak.

Mr. Dan Buckshi - County Administrative Officer and Emergency Services Director: discusses the reasons for this request, with Board Members responding.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

4. Submittal of resolutions honoring the 2016 CattleWoman of the Year, the 2016 Cattleman of the Year, and the 2016 Agriculturalist of the Year in San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2016-198, 2016-199 and 2016-200, adopted.

5. Request to approve the reappointment of Paulla Ufferheide to the Commission on the Status of Women. District 2.

The Board approves as recommended by the County Administrative Officer.

6. Request to formalize the name change from Estrella Cemetery District to Pleasant Valley Estrella Cemetery District. District 1.

The Board approves as recommended by the County Administrative Officer.

7. Request to approve an agreement with the Central Coast Aquarium allocating \$5,000 from District Three Community Project Funds – Fund Center #106 to be used for expenses associated with holding the annual "Catch of the Sea" fundraiser on September 10, 2016. District 3.

Ms. Julie Tacker: speak.

The Board approves as recommended by the County Administrative Officer.

8. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3 (d). District 2.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Central Services Items:

9. Request to approve a Master Lease between the County of San Luis Obispo and San Luis Coastal Unified School District to allow for the County Fire Department's continued operation of a training and education facility in the unincorporated community of Los Osos, for up to 12 additional years and seven months. District 2.

Ms. Linde Owen: speaks.

The Board approves as recommended by the County Administrative Officer.

10. Request to approve a First Amendment to Lease with San Luis Obispo Coastal Unified School District for 4,800 square feet of modular office space at 1981 Vicente Drive, Building "A" in San Luis Obispo for the County Health Agency, Behavioral Health Department, Mental Health Division to continue its San Luis Obispo Outpatient Youth Services Program and Day Treatment Program, for up to ten (10) additional years. District 3.

Ms. Suzi Cain – County Fire: corrects the meeting date listed on the agenda item transmittal.

Dr. C. Hite: speaks.

This item is amended by correcting meeting date listed on the agenda item transmittal to read "08/09/2016" not "07/26/2016". Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - County Fire Items:

11. Request to approve the FY 2016-17 renewal agreement for cooperative fire protection services with California Department of Forestry and Fire Protection in the amount of \$17,935,764. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

12. Request to approve five FY 2016-17 renewal contracts, with the option to renew for two additional years, in the cumulative amount not to exceed \$513,170 per year with five group home facilities to provide residential board and care and social support services for youth and adolescents with severe emotional and mental health issues. All Districts.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer.

13. Request to approve a FY 2016-17 Standard Agreement Performance Contract (Clerk's File) with the State Department of Health Care Services delegating responsibility for establishing community mental health services to the County related to the Mental Health Services Act, Projects for Assistance in Transition from Homelessness (PATH), and the Community Mental Health Services Grant programs. All Districts.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer.

14. Request to approve a three-year renewal agreement (Clerk's File) with the California Department of Public Health to conduct Supplemental Nutrition Assistance Program Education (SNAP-ED) services for Federal FY 2016-17 through Federal FY 2019-20 in a total amount not to exceed of \$1,361,448. All Districts.

Mr. Jeff Hamm – Health Agency Director: corrects a typographical error to the Federal Fiscal Years listed in the subject line.

Dr. C. Hite: speaks.

This item is amended by correcting a typographical error to the Federal Fiscal Years listed in the subject line to read “2016-17 through 2018-19” not “2016-17 through 2019-20”. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

15. Request to approve four FY 2016-17 renewal contracts, with the option to renew for two additional years, with four Prevention and Early Intervention providers in the cumulative amount not to exceed \$432,951 to provide prevention and early intervention behavioral health services to individuals throughout the County as part of the Mental Health Services Act. All Districts.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

16. Request to Authorize the use of Alternative Publication Procedures for the Summer General Plan Amendment Cycle. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

17. Request to approve a grant of extension of time to commence collection of food waste as a recyclable

material for the Solid Waste Collection Franchise Agreement with Mid-State Solid Waste and Recycling Services, Inc. Districts 1 and 5.

The Board approves as recommended by the County Administrative Officer.

18. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the 2015-16 Chip Seal Various County Roads, San Luis Obispo County. Districts 1, 4, and 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-201, adopted.

19. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of 2015-16 Surface Treatment Various County Roads, San Luis Obispo County. Districts 1, 4 and 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-202, adopted.

20. Request to approve a contract with Fraser Seiple Architects, in the amount of \$115,745 for master planning design consultant services for the County Operations Center. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Sitting as Flood Control District:

21. Request to 1) approve the Amended and Restated Nacimiento Water Project Wheeling Contract (Contract) with Heritage Ranch Community Services District (HRCSD); 2) authorize the Director of Public Works to execute a one (1) year extension with the HRCSD as provided for in the Contract; and 3) find that project exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). All Districts.

The Board approves as recommended by the County Administrative Officer.

22. Request to approve an amendment to the reimbursement agreement between the San Luis Obispo County Flood Control and Water Conservation District (District) and County of San Luis Obispo on behalf of County Service Area 16 (County) for the construction of the Shandon Turnout Project; and authorize a budget adjustment in the amount of \$20,000 from District reserves to complete funding for the County Service Area 16 (CSA 16) State Water Turnout; and authorize an additional \$20,000 loan from the District to align the total loan with CSA 16 (\$180,000 total loan). District 1.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

23. Request to approve a FY 2016-17 new service contract (Clerk's File) for California Work Opportunity and Responsibility to Kids (CalWORKs) Expanded Subsidized Employment (ESE) with Eckerd Youth Alternatives, Inc. (Eckerd), in the amount of \$562,606. All Districts.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

24. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Ms. Elaina Cano – Assistant Clerk-Recorder: announces August 12th is nomination period deadline for the upcoming election. Further, states the deadline will be extended to August 17th if an incumbent chooses not file for a particular office.

Dr. C. Hite: addresses her concerns regarding the failures of civility at Board meetings (video).

Mr. Eric Greening: speaks to Item No. 3; the public not having access to view the item online; and the need to take a comprehensive look at emergency evacuations.

Mr. Ben DiFatta: comments on the Los Osos Community Services District's General Manager employment history; and drug problems in the county.

Ms. Julie Tacker and Ms. Linde Owen: discuss various issues concerning the Basin Management Committee and their efforts on the Basin Plan. Additionally, Ms Tacker suggests an update on the Los Osos Wastewater Project; Ms. Owen states conservation funds should be used for repurposing septic tanks; and announces the South Bay Community Center will be celebrating their 30 years of existence on August 13th.

Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): questions the county's policy regarding intervening on PG&E's joint proposal to close Diablo Canyon Power Plant. **No action taken.**

Board Business:

25. Request: 1) to receive and file a plan (Clerk's File) regarding participation in California's Drug Medi-Cal Organized Delivery System (DMC-ODS); 2) approval to implement the DMC-ODS plan in San Luis Obispo County, should the Board choose to effectuate the plan; 3) approval of a resolution amending the Position Allocation List to add a total of 26.50 FTE positions to Fund Center 166 – Behavioral Health; 4) authorization of a budget adjustment in the amount of \$2,071,405 from unanticipated revenue to FC 166-Behavioral Health to fund services associated with the Drug Medi-Cal Organized Delivery System. All Districts.

(This item is amended, per the addendum to the agenda, by attaching the Clerk's File Coversheet that was inadvertently omitted. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Ms. Anne Robin – Behavioral Health Administrator and Dr. Star Graber – Health Agency: provide the staff presentation (powerpoint).

Board Members: discuss the plan's future funding; performance measures; and coordinating referrals with other systems of care, with Ms. Robin, Dr. Graber, and Mr. Dan Buckshi - County Administrative Officer responding.

Chairperson Compton: opens the floor to public comment.

Chief Probation Officer Jim Salio; Ms. Sue Warren - North County Connection; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); and Dr. C. Hite: speak.

Chairperson Compton: opens the floor to public comment on a matter not related to this item.

Mr. John Rinaldi: suggests the weed abatement ordinance be amended to require a 100 feet clearance from property lines (letter).

The Board: 1) receives and files the plan regarding the implementation of the Drug Medi-Cal Organized Delivery System (DMC-ODS); 2) approves the request to implement the DMC-ODS plan; 3) **RESOLUTION NO. 2016-203** a resolution amending the Position Allocation List resolution for Fiscal Year 2016-17, adopted. The adopted resolution adds a total of 26.50 Full Time Employee (FTE) positions to Fund Center 166 – Behavioral Health, including 2.00 FTE Administrative Services Officer I/II, 1.00 FTE Accountant I/II, 1.00 FTE Mental Health Program Supervisor, 2.00 FTE Licensed Psychiatric Technicians I/II/III, 8.00 FTE Mental Health Therapist I/II/III/IV, 3.00 FTE Drug and Alcohol Specialist I/II/III/IV, 2.00 FTE Drug and Alcohol Worker I/II, 1.50 FTE Health Information Technician I/II/III, and 6.00 FTE Administrative Assistant I/II/III; and 4) authorizes a Fiscal Year 2016-17 budget adjustment in the amount of \$2,071,405 from unanticipated revenue to FC 166-Behavioral Health for the DMC-ODS.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Direction is provided to staff to return with an update one (1) year after the plan is implemented .

- 26. Request to receive and file a project update for the Women’s Jail Expansion, authorize a budget adjustment in the amount of \$1,100,000 from Capital Project Savings and Facilities Planning Reserve Designation to the Women’s Jail Expansion project budget, and direct staff to extend consultant services contracts. Project located at 1585 Kansas Avenue, San Luis Obispo. All Districts.

Mr. Dave Flynn – Public Works Director and Chief Deputy Sheriff Rob Reid: provide the staff presentation (powerpoint).

Chairperson Compton: opens the floor to public comment without response.

The Board: 1) receives and files the report on the current status of the Women’s Jail Expansion project at 1585 Kansas Avenue in San Luis Obispo; 2) authorizes a budget adjustment in the amount of \$1,100,000 from Capital Project Savings and Facilities Planning Reserve Designation to the Women’s Jail Expansion project budget for extension of consultant services contracts; and 3) directs staff to extend consultant services contracts with Construction Manager, ARCADIS US, Inc.; Inspector of Record, 4LEAF, Inc.; Architect/Engineer; and AECOM, Technical Services, Inc. and bring back at a later date.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

- 27. Hearing to consider a request from the Land Conservancy of San Luis Obispo County to waive permit processing fees for construction permits associated with an agricultural museum and event space with associated support features proposed for the historic Octagon Barn, south of the City of San Luis Obispo. District 3.

Ms. Ellen Carroll – Planning and Building: speaks to the request and recommendation.

Supervisor: questions if this in the City’s Sphere of Influence, with Ms Carroll responding.

Mr. Brian Pedrotti – Planning and Building: provides the staff presentation (powerpoint).

Chairperson Compton: opens the floor to public comment without response.

RESOLUTION NO. 2016-204, a resolution approving the request by the Land Conservancy of San Luis Obispo County for a waiver of permit processing fees for various construction permits associated with an agricultural museum and event space with associated support features proposed for the historic Octagon Barn on South Higuera Street, adjacent to the City of San Luis Obispo, adopted and based upon the findings in “Exhibit A”.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

28. The Board announces they will be going into Closed Session regarding:

(Added Closed Session, per the addendum to the agenda: "CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (16) California Water Impact Network v. County of San Luis Obispo, et al." Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Three.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) PG&E's 2017 General Rate Case A. 15-09-001; (4) Edmond Paul Price v. County of San Luis Obispo, et al.;

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (5) San Luis Obispo Government Attorney's Union (SLOGAU); (6) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (7) Deputy County Counsel's Association (DCCA); (8) Sheriffs' Management; (9) San Luis Obispo County Probation Peace Officers' Association (SLOCPPOA); (10) Deputy Sheriff's Association (DSA); (11) District Attorney Investigators' Association (DAIA); (12) San Luis Obispo County Probation Managers' Peace Officers' Association (SLOCPMPOA); (13) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (14) Unrepresented Management and Confidential Employees; and (15) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

Chairperson Compton: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Presentations:

29. Submittal of a resolution proclaiming August 2016 as "Child Support Awareness Month" in San Luis Obispo County. All Districts.

Ms. Julie Paik – Child Support Services Director; Ms. Alisha Griffin - Child Support State Director; and Mr. George Chance – State Regional Administrator: speak.

Chairperson Compton: opens the floor to public comment without response.

RESOLUTION NO. 2016-205, a resolution proclaiming August as “Child Support Awareness Month” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Business:

- 30.** Submittal of a resolution authorizing: 1) the surplus and sale by public auction of County-owned real property at 790 and 800 Cornwall Street in Cambria; and 2) a budget adjustment to repay the Cambria Friends of the Library and pay the Library Department's Facilities Planning Reserve Fund Center 1205, by the amount of the net proceeds of sale less costs of sale, by 4/5 vote. District 2.

Ms. Shauna Dragomir – Real Property Manager: announces no written bids were received by the deadline of 5:00 PM on August 8, 2016 and without receiving any written bids, an oral auction cannot be conducted at this time. Additionally, states on behalf of the Library Director, recommends the Board not reschedule the auction; allow staff to evaluate alternatives with the Library Department for the selling property; and return to the Board next year with a request for a new auction date.

Chairperson Compton: opens the floor to public comment without response.

The Board directs staff to postpone rescheduling another auction on the Cornwall Street property while staff continues to perform further analysis and return to the Board at a later date.

Motion by: Bruce S. Gibson

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

- 31.** Hearing to consider a request by Grid Alternatives to extend the time within which it may use the remainder of the previously-approved waiver of building permit fees to include an additional five year period (2016-2021) for individual affordable residential photovoltaic system installations. All Districts.

Mr. Tony Navarro – Planning and Building: presents the item.

Chairperson Compton: opens the floor to public comment.

Ms. Barby Wunsch - Grid Alternatives, Development Officer: requests an amendment to their request to include the Multi-Family Affordable Solar Homes (MASH) program, with Mr. Matt Janssen – Planning and Building stating the resolution can be amended to reflect her request.

The Board amends the resolution to include the Multi-Family Affordable Solar Homes (MASH) program. Furthermore, RESOLUTION NO. 2016-206, a resolution approving a request by Grid Alternatives to extend the time within which it may use the remainder of the previously-approved waiver of building permit fees to include an additional five year period (2016-2021) for individual and multi-family affordable residential photovoltaic system installations countywide, adopted as

amended.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

- 32.** Hearing to consider a resolution adopting the updated 2015-16 County Bikeways Plan; and find the project to be exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). All Districts.

Ms. Michelle Matson – Public Works, Bicycle Advisory Committee Secretary: provides the staff presentation (powerpoint).

Chairperson Compton: opens the floor to public comment.

Ms. Esmeralda Barragan; Ms. Kelly Knox; Ms. Joy Sherrick; Ms. Lea Brooks – Bike SLO County; Mr. Griffin Paul; Mr. Richard Riedl; Mr. Ken Price; Mr. David Coburn; Mr. Tim Jonet; Mr. Dave Abrecht - SLO Bicycle Club President (photographs); Mr. Dale Sutliff –Bicycle Advisory Committee; Mr. Myron Amerine - Bicycle Advisory Committee; Mr. Robert - Davis Bicycle Advisory Committee; Mr. Jeff Brubaker – San Luis Obispo Council of Governments (SLOCOG); Mr. Eric Greening; and Ms. Anne Wyatt: speak.

RESOLUTION NO. 2016-207, a resolution adopting the updated 2015/16 County Bikeways Plan and finding the project exempt from Section 21000 et seq. of the California Public Resources Code California Environmental Quality Act (CEQA), adopted.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

- 33.** Continued hearing to consider an appeal by 1736PAC, LLC of the Planning Department Hearing Officer’s denial of a request for a Minor Use Permit / Coastal Development Permit (DRC2015-00073) to waive the 100-foot distance requirement and allow an existing 4-bedroom single family residence, located at 1736 Pacific Avenue in Cayucos, to be used as a residential vacation rental; exempt from CEQA. District 2.

Board Members: report their ex-parte communications relating to this hearing.

Mr. Airlin Singewald – Planning and Building: provides the staff presentation (powerpoint).

Board Member: address not being able to obtain the total number of licenses held that are actually being used as vacation rentals, with Mr. Singewald and Mr. Justin Cooley – Auditor-Controller, Treasurer, Tax Collector, Public Administrator’s Office responding.

Mr. Jeff Edwards – Appellant’s Agent: provides his powerpoint presentation, findings and conditions of approval.

Chairperson Compton: opens the floor to public comment.

Ms. Camron Taylor-Brown and Mr. Hutton Taylor - Appellants; Mr. Steve Beightler; Ms. Carol

Baptiste – Cayucos Citizens Advisory Council and Cayucos Land Use Committee (letter); Ms. Marie Jaqua – Cayucos Citizens Advisory Council and Cayucos Land Use Committee; Ms. Louisa Smith (handout and photographs); Mr. Stuart Selkirk; Mr. Kenneth Wright; Ms. Sandra Wright (letter); Ms. Cindy Walton; Mr. James Prange; Mr. Mark Walton (letter); Mr. Richard Watkins; Ms. Jan Lewis; and Ms. Wendy Hinsdale: speak.

Mr. Edwards: provides closing remarks and letters of support for the record.

Supervisors Mecham, Arnold, and Chairperson Compton: address the uniqueness of the property and that it is suitable for a vacation rental, with Supervisors Hill and Gibson responding.

On motion by Supervisor Gibson, seconded by Supervisor Hill, to deny the appeal and uphold the decision of the Planning Department Hearing Officer, is discussed.

Supervisor Gibson: states the Board was not presented with evidence to establish the house as unique; and would violate two ordinance distance standards, with Supervisor Mecham responding.

The Board denies the appeal by 1736PAC, LLC and upholds the decision of the Planning Department Hearing Officer.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)		x		
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)		x		
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)		x		

The motion on the floor fails.

Mr. Singewald: presents new findings and conditions of approval to support upholding the appeal.

On motion by Supervisor Mecham, seconded by Chairperson Compton, to uphold the appeal based on the findings and conditions of approval presented by staff, is discussed.

Supervisor Gibson: states he is not going to support the motion on the floor; the findings are weak; E.1, the homes are just as close as the other homes on the beachfront and the open courtyard could create more noise; E.2 is incorrect; the one (1) photograph presented by the Appellant’s Agent is not adequate evidence to support E.2; E.3 will allow anyone with a home of a substantial size and what they consider a unique architectural design to make the same case; and approval of this will open up over development of vacation rentals in Cayucos.

The Board upholds the appeal by 1736PAC, LLC for a Minor Use Permit / Coastal Development Permit (DRC2015-00073) to waive the 100-foot distance requirement and allow an existing 4-bedroom single family residence, located at 1736 Pacific Avenue in Cayucos, to be used as a residential vacation rental based on the following findings and conditions: Findings – Exhibit A: CEQA Exemption: A. The project qualifies for a Categorical Exemption (Class 1, ED15-225) pursuant to State CEQA Guidelines Section 15301 because the project consists of the operation and leasing of the existing residence as a residential vacation rental, involving negligible or no expansion of the use beyond that existing at the time of the Lead Agency's determination; Minor Use Permit/Coastal Development Permit: B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General 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 proposed residential vacation rental does not generate activity that presents a potential threat to the surrounding property and buildings. The operational standards for vacation rentals as set forth in Coastal Zone Land Use Ordinance section 23.08.165

have been added as conditions to this project. Because these standards further limit-parking requirements, number of occupants and require the designation of a 24-hour property manager contact, potential impacts to surrounding property owners will be minimized. The proposed conditions of approval have routinely been added to other minor use permits for establishment of vacation rentals. 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 existing residence will not change and, as conditioned, the residential vacation rental will not conflict with the surrounding lands and uses because: I. Outdoor activities associated with the use of the existing residence as a residential vacation rental would occur in an interior courtyard, which would help to reduce noise impacts on neighboring homes; II. Based on evidence submitted in the record, the existing residence is one of only four in the neighborhood that is located on a rocky point and that projects over a bluff-top; III. The existing residence is approximately 2,500 square feet in size and has unique architectural design; 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 Pacific Avenue, and no additional traffic is anticipated with the project because it is using an existing approved residence as a residential vacation rental. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day. Additionally, the proposed residential vacation rental will include a condition that all parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway; and 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 will not inhibit access to the coastal waters and recreation areas. Conditions of Approval – Exhibit B: Authorized Use: 1. This Minor Use Permit / Coastal Development Permit authorizes the use of an existing single-family residence as a residential vacation rental; Residential Vacation Rental Operational Conditions: 2. Rental of the single-family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, home stay) shall be allowed on the site; 3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or 10 persons total; 4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas; 5. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking. Any and all advertising for this vacation rental shall be consistent with these conditions of approval; 6. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day; 7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time; 8. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property; 9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply: a. A notice shall be submitted to the

Department of Planning and Building, the local Sheriff Substation, the main county Sheriff’s Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Business License and Transient Occupancy Tax Certificate for the residential vacation rental; b. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts; 10. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental; 11. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include: a. Failure to notify County staff when the contact person, or contact information, changes; b. Violation of the residential vacation rental tenancy standards; c. Violation of the residential vacation rental maximum occupancy, parking and noise requirements; d. The inability of County staff or the Sheriff’s Dispatch to reach a contact person; e. Failure of the local contact person, or property owner, to respond to a complaint. Three verified violations, as determined by a County Planning and Building staff person, within any consecutive six-month period, shall be grounds for revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Signed affidavits by members of the community may be used to verify violations. Revocation of the Minor Use Permit, Zoning Clearance and/or Business License shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing; and On-going conditions of approval (valid for the life of the project): 12. The land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once proof of Transient Occupancy Tax payment to the County Tax Collector is submitted to the Department of Planning and Building within 24 months of approval; and 13. 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 Coastal Zone Land Use Ordinance.

Motion by: Frank R. Mecham

Second by: Lynn Compton

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)		x		
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)		x		
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for

which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, August 09, 2016, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: August 15, 2016