

Tuesday, October 04, 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:

1-16. 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 12 on the following vote is indicated for each item.

Motion by: Frank R. Mecham

Second by: Debbie Arnold

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			

Consent Agenda - Administrative Office Items:

1. Request for approval to apply for Fire Management Assistance Subgrant and approval of related administrative documents. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-245, adopted.

2. Thirty-day update on current drought conditions and related management actions for the Board’s review of the continuing need for the March 11, 2014 proclamation of local emergency pursuant to Government Code section 8630. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

3. Request to approve an agreement with the Creston Community Association allocating \$5,000 from District Five Community Project Funds – Fund Center #106 to be used for expenses associated with running the Creston Pool. District 5.

The Board approves as recommended by the County Administrative Officer.

4. Submittal of a resolution proclaiming October 2016 as "Filipino American History Month" in San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-246, adopted.

Consent Agenda - Central Services Items:

5. Submittal of a resolution authorizing the surplus and sale of County-owned vacant real property at 1027 El Moro Avenue in the unincorporated area of Los Osos. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-247, adopted.

Consent Agenda - County Counsel Items:

6. Request to amend the FY 2016-17 Fixed Asset List for Fund Center 111 - County Counsel to add one multifunction copier/printer/scanner at a cost of \$7,000. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

7. Request to approve a FY 2016-17 renewal contract, with an option to renew for two additional years, with San Luis Obispo County Special Education Local Planning Area in an amount not to exceed \$773,212 for County Behavioral Health to continue providing educationally related mental health services for eligible children throughout the County. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

8. Request to approve an amendment to the August 11, 2015 - June 30, 2018 contract with Software Solutions Team to add a provision for annual compensation increases not to exceed 2.5% each year and to delegate authority to the Human Resources Director to amend the contract within limits set by the County's Contracting for Services Policy. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

9. Submittal of a bid opening report for Job Order Contract (JOC), JOC 16-1 to award an additional contract to Kinyon Construction, the second lowest responsive, responsible and eligible bidder for JOC 16-1. All Districts.

The Board approves as recommended by the County Administrative Officer.

10. Submittal of resolutions authorizing the Director of Public Works and the Deputy Director of Public Works to execute notices of completion for District and County construction contracts. All Districts.

Ms. Linde Owen: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2016-248 and 2106-249, adopted.

11. Request to ratify approval of Contract Change Order No. 2, in the amount of \$69,809 for the 2015-16 Chip Seal Various Roads Project. District 1, 4 and 5.

The Board approves as recommended by the County Administrative Officer.

12. Request to approve a Cooperative Agreement with California Department of Transportation to provide project oversight for the interchange at US Highway 101 and Avila Beach Drive, Avila. District 3.

The Board approves as recommended by the County Administrative Officer.

Presentations:

13. Submittal of a resolution recognizing October 2-8, 2016 as "National 4-H Week". All Districts.

Ms. Analisa Cavaletto; Ms. Amanda Weddle; and Mr. Mark Loda – 4-H All Stars: speak.

Chairperson Compton: opens the floor to public comment without response and states the 4-H flag will fly at the County Government Building during October 2-8, 2016.

RESOLUTION NO. 2016-250, resolution proclaiming October 2-8, 2016 as National 4-H Week, 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			

14. Presentation from SLO Regional Rideshare and acknowledgement of the pledge to make a smart commute choice during "Rideshare Week", October 3-7, 2016. All Districts.

Mr. Peter Williamson – San Luis Obispo Council of Governments (SLOCOG) Rideshare Employer Outreach Coordinator (powerpoint): speaks.

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

The Board receives the presentation from SLO Regional Rideshare acknowledging the pledge to make a smart commute choice during "Rideshare Week" October 3-7, 2016.

15. Submittal of a resolution requesting that the Board proclaim the month of October 2016, "San Luis Obispo County Intimate Partner Violence Awareness Month." All Districts.

Mr. Lee Cunningham - Assistant District Attorney and Ms. Beth Raub – Victim Witness Assistant Director: speak.

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

RESOLUTION NO. 2016-251, a resolution designating October 2016 as San Luis Obispo County Intimate Partner Violence Awareness Month, adopted.

Motion by: Adam Hill

Second by: Debbie Arnold

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			

Public Comment Period:

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

Mr. Eric Greening: speaks to the upcoming Phillips 66 hearing going before the Planning Commission and concerns regarding the difficulty getting related correspondence into the record.

Mr. Ben DiFatta: comments on contributions to a Supervisor’s campaign.

Dr. C. Hite: presents a video titled "This could be us".

Ms. Lucia Casalnuovo: displays photographs showing the conditions of Pier Avenue surrounding the entrance to the Oceano Dunes State Vehicular Recreation Area (ODSVRA); and comments on upcoming special events in that area.

Ms. Linde Owen: addresses concerns relating to water supply in Los Osos.

Mr. Gary Kirkland: provides his opinion on global warming.

Mr. Heinz Huebner – Hope’s Village San Luis Obispo Advisor: suggests modifying the building code requirements to construct tiny homes. **No action taken.**

Board Business:

17. Request to Terminate the Proclamation of Local Emergency related to the Chimney Fire. All Districts.

Mr. Ron Alsop – Office of Emergency Services Manager: presents the item.

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

RESOLUTION NO. 2016-252, a resolution proclaiming the termination of local emergency related to the 2016 Chimney Fire, 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			

18. Request to receive and file an update on affordable housing in San Luis Obispo County. All Districts.

Ms. Lisa Howe – Administration Office; Mr. James Bergman – Planning and Building Director; and Ms. Ryan Hostetter – Planning and Building: provide the staff presentation (powerpoint).

Board Members: comment on housing needs and the potential policy options presented by staff.

Chairperson Compton: opens the floor to public comment.

Ms. Charlene Rosales – San Luis Obispo Chambers of Commerce, Government Affairs Director; Mr. Leonard Grant - Economic Vitality Corporation (EVC), Building, Design and Construction (BD&C) Cluster Co-Chairperson and RRM Design Group Principal; Mr. Mike Cannon; Mr. Kris Vardas – EVC, Economic Strategy Project Chairperson; Ms. Julia Ogden – Habitat for Humanity Chief Executive Officer (CEO); Ms. Natalie Marinelli; Ms. Maria Kelly; Mr. Jerry Rioux - San Luis Obispo County Housing Trust Fund Executive Director; Ms. Patricia Wilmore – Paso Robles Wine Country Alliance Government Affairs Coordinator; Mr. Chuck Davison - Visit San Luis Obispo County President; Ms. Courtney Kienow - Cal Poly Community Relations Director; Dr. Martin Meltz; Ms. Anne Wyatt; Ms. Dee Torres – San Luis Obispo Housing Connection (photographs-not included); Ms. Marci Alter; and Mr. Paul Embry: speak.

Chairperson Compton: tables this hearing to the afternoon session following the report out on Closed Session.

Closed Session Items:

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

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) Application Filed by PG&E for Retirement of Diablo Canyon Power Plant A: 16-08-006; (5) Bay Area/Diablo Petroleum Co. dba Golden Gate Petroleum v. San Luis Obispo County, et al.; (6) Jane Doe 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: (7) San Luis Obispo Government Attorney's Union (SLOGAU); (8) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (9) Deputy County Counsel's Association (DCCA); (10) Sheriffs' Management; (11) San Luis Obispo County Probation Peace Officers' Association (SLOCPPOA); (12) Deputy Sheriff's Association (DSA); (13) District Attorney Investigators' Association (DAIA); (14) San Luis Obispo County Probation Managers' Peace Officers' Association (SLOCPMPOA); (15) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (16) Unrepresented Management and Confidential Employees; and (17) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code section 54956.8.) It is the intention of the Board to meet in closed session to have a conference with its real property negotiator concerning the following: (18) Property Description: San Luis Obispo Botanical Garden, 3450 Dairy Creek Road; Party with Whom Negotiating: Dallas Mosier; Instructions to County Negotiator Nick Franco: Lease Terms and Conditions.

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.

Board Business:

18. Request to receive and file an update on affordable housing in San Luis Obispo County. All Districts, is brought back.

Chairperson Compton: continues public comment.

Mr. Scott Smith – Housing Authority of San Luis Obispo (HASLO) Executive Director; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Ms. Susan Warren; Mr. James Worthley – San Luis Obispo Council of Governments (SLOCOG) Planning Division Chief; Ms. Melissa James – Economic Vitality Corporation (EVC); Mr. Ty Safreno; Mr. Jeff Eckles – Home Builders Association of the Central Coast Executive Director; Mr. Gary Kirkland; Dr. C. Hite; and Ms. Joy Sullivan: speak.

(Clerk's Note: Ms. Lynda Merrill; Ms. Rachel Kovesdi; Mr. Brad Brechwald; Ms. Leslie Bloom; Mr. Stephen Peck; Mr. Michael Specchierla; Mr. Kevin Hauber; Mr. Farid Shadid Ms. Kathleen Bellefontaine; and Ms. Dori Stone submitted speaker slips but were not present to speak.)

Board Members: discuss their view points on affordable housing and California Environmental Quality Act (CEQA) reform.

The Board reviews and straw votes (support-oppose) on the recommended potential policy solution items for facilitating and developing affordable housing under the following categories: County Permitting processing: matrix for discretionary vs. ministerial for ease of use by developers (5-0); Zoning and Land Use: designate additional land for residential uses (5-0, stating direction was previously provided to staff on this matter); create a new mobile home park land use category (5-0, making it the lowest priority under the Zoning and Land Use category); expand multi-family residential zoning (5-0, stating this should be placed above the creation of a new mobile home park land use category); management of short-term vacation rentals (5-0, assess impacts of short term rentals on the long term vacation rental market, middle of list); Fees: reduce, waive and defer fees for affordable housing/fees scale to unit size (5-0, including an analysis of revenue neutrality); regional approach to infrastructure funding (5-0, have further discussions with San Luis Obispo Council of Governments (SLOCOG)); Density and Unit Size: accessory/secondary dwelling units allowed in more zoning districts and flexible standards (5-0); Special Needs Housing Type: review existing ordinances for possible amendments to Farm Support Quarters, group homes (residential care facilities) and senior-friendly communities (5-0); Other: Napa County Proximity Housing Homebuyers Assistance Program/First Time Homebuyer Program (5-0); and Golden State Financing Authority (expand awareness) (5-0, ask staff to bring back more information on this matter). Furthermore, the Board removes the following items from the following categories: Zoning and Land Use: add housing in the business park and industrial properties (5-0); Sphere of Influence Expansion (5-0 stating this is a City issue); fully Implementing the County's Inclusionary Housing Ordinance for affordable housing (3-2 support to remove from list by Supervisors Mecham, Arnold and Chairperson Compton); Under Density and Unit Size: the Increased density within multi-family districts/require minimum density (5-0); and Under the Other: Increase Sales Tax or Transient Occupancy Tax for affordable housing, (3-2 support to remove from list by Supervisors Mecham, Arnold, and Chairperson Compton).

Supervisors Mecham, Arnold, and Chairperson Compton: address concerns with the Administrative Draft Environmental Impact Report (EIR) process; and request an analysis on releasing Administrative Draft EIRs, with Mr. James Bergman – Planning and Building Director and Ms. Ryan Hostetter – Planning and Building responding.

The board receives and files the update on affordable housing with the direction provided above to staff.

On motion of Supervisor Gibson, seconded by Supervisor Mecham, the Board unanimously agrees to continue the meeting past 5:00 P.M

Hearing:

20. Hearing to consider adoption of the 2015-2020 Analysis of Impediments to Fair Housing Choice / Fair Housing Plan of the County of San Luis Obispo ("Fair Housing Plan"). All Districts.

Mr. Ted Bench – Planning and Building: presents the item.

Chairperson Compton: opens the floor to public comment.

Dr. C. Hite; Ms. Susan Warren; Mr. James Patterson; and Mr. Mike Brown – Coalition of Labor, Agriculture and Business: speak.

(Clerk's Note: Mr. Gary Kirkland and Ms. Sheryl Flores submitted speaker slips but were not present to speak.)

Supervisor Arnold: recommends removing the following Action Steps from Section 3 of the Fair Housing Plan that refers to inclusionary housing shown on page 3 of 4 of the staff report, the third bullet under Action Step 2 and the first bullet under Action Step 4.

Supervisors Hill and Gibson: comment on the Board's lack of commitment to affordable housing by removing the inclusionary housing references from the plan.

The Board amends the Action Steps from Section 3 of the Fair Housing Plan listed on Page 3 of 4 of the staff report by removing the third bullet under Action Step 2 and removing the first bullet under Action Step 4. Furthermore, RESOLUTION NO. 2016-253, a resolution adopting the 2015-2020

analysis of impediments to Fair Housing Choice/Fair Housing Plan of the County of San Luis Obispo, adopted.

Motion by: Debbie Arnold

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			

Board Business:

21. Provide direction regarding the future use of El Chorro Regional Park within available water resources, including a plan for implementing immediate revenue producing features and long term master planning; and discussion and direction regarding the San Luis Obispo (SLO) Botanical Garden. District 2.

Mr. Nick Franco – Parks and Recreation Director: provides the staff presentation (powerpoint).

Board Members: address water supply sustainability for a smaller golf facility; the contracts regarding the use of water from the California Men’s Colony; and event site operations, with Mr. Franco responding.

Supervisor Arnold: suggests staff further explore all sources of water and exhaust all the alternatives, with Board Members responding.

Mr. Paul Ready (documents); Dr. Ping Tsao; and Ms. Madeline Moore - San Luis Obispo Botanical Garden: speak.

Chairperson Compton: opens the floor to public comment.

Ms. Julie Rodewald - Dairy Creek Women’s Golf Club; Mr. Zach Wasil; Mr. Bill Thoming – Ecolearn, LLC; Mr. Scott Schirmer – Ecolearn, LCC; Ms. Amy Fordyce – Vista Lago Adventure Park; Mr. Adam Corob; Mr. Peter Christiansen; Ms. Tanny Koeppl – Dairy Creek Women’s Golf Club; Ms. Phyllis Sheets – Dairy Creek Women’s Golf Club; Ms. Judy Burley – Dairy Creek Women’s Golf Club; Ms. Mary Pollock – Dairy Creek Women’s Golf Club; Mr. Ian Watt; Mr. Ken Haley; Mr. Bill McCann; Dr. Ping Tsao - San Luis Obispo Botanical Garden; Mr. David Clew; Ms. Madeline Moore - San Luis Obispo Botanical Garden; Mr. James Patterson; Mr. Paul Ready - San Luis Obispo Botanical Garden; and Mr. Ken Levine - San Luis Obispo Botanical Garden: speak.

(Clerk’s Note: Mr. Joe Furino; Ms. Susan Warren; Mr. Eric Johnson; and Ms. Carol Jean Attoe submitted speaker slips but were not present to speak.)

On motion by Supervisor Arnold, seconded by Chairperson Compton, to approve staff’s Recommendation No. 2, removing the consideration of the San Luis Obispo Botanical Garden’s Master Plan and zip line proposal; and direct staff to bring back a discussion regarding the El Chorro Park and golf course in January, further exploring all water options and getting further public input, is discussed.

Board Members: discuss the difficulty of sustaining an 18 hole golf course; various water supply concerns; the standing direction to staff not to seek potable water; and short-term measures to maintain the area, with Mr. Franco and Mr. Dan Buckshi - County Administrative Officer responding.

Upon discussion regarding the timing, the motion maker clarifies her motion is to bring back an update when staff determines appropriate.

The Board amends Recommendation No. 2 by removing the consideration of the San Luis Obispo Botanical Garden’s Master Plan and zip line proposal; and Recommendation No. 2, directing staff to develop a Master Plan for El Chorro Regional Park that considers the entire park, includes input from the community and stakeholders, analyzes the areas of opportunity combined with a business case

for alternatives, and includes the specific issues of water limitations, approved as amended. Furthermore, directs staff to bring back an update when staff determines appropriate.

Motion by: Debbie Arnold

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 by Supervisor Arnold, seconded by Supervisor Mecham, to consider a sublease and direct staff to pursue the five required actions that need to occur prior to the Board’s final approval of the sublease listed on page 6 of 8 of the staff report, is discussed.

The motion maker and second withdraw the motion on the floor for further discussions.

Supervisors Gibson and Hill: state they do not support issuing a sublease to the San Luis Obispo Botanical Garden; that this was poor public process, not pursuing an Request for Proposal (RFP); and that the San Luis Obispo Botanical Garden has failed to perform on previous projects.

Supervisors Mecham, Arnold, and Chairperson Compton: speak to their support of the San Luis Obispo Botanical Garden’s Plan and sublease.

On motion by Supervisor Arnold, seconded by Chairperson Compton, to direct staff to pursue the five required actions that need to occur to approve the sublease listed on page 6 of 8 of the staff report; allow the San Luis Obispo Botanical Garden to negotiate with the Department of Interior as they suggested; and work with the Parks and Recreation Department to fulfill the other requirements, is discussed.

Mr. Franco: states the County is the Grantee of the property and is the only entity allowed to negotiate with the Department of Interior.

The motion maker amends the motion to direct staff to pursue the five required actions listed on page 6 of 8 of the staff report, with the second concurring.

Supervisor Gibson: addresses concerns regarding staff’s time to pursue the five required actions when a four-fifths vote heard today to approve the sublease is not supported; the San Luis Obispo Botanical Garden’s long term viability; and financial and institutional capability to complete this project given their past failure to perform on the Hardscape Project.

Ms. Rita Neal – County Counsel: asks for clarification on the motion regarding the four-fifth vote requirement to approve the fifth action which is approving the sublease, with the motion maker clarifying her motion is to direct staff to pursue the five required actions listed on page 6 of 8 of the staff report and return to the board on a future date for approval of the final sublease, with Mr. Dan Buckshi - County Administrative Officer responding.

Mr. Franco: based on the above discussions, asks if he is preparing a master plan that excludes or includes the San Luis Obispo Botanical Garden, with the motion maker responding.

The Board directs staff to pursue the following five required actions listed on page 6 of 8 of the staff report: 1) request and receive approval from the Department of the Interior to allow a sublease of the property currently leased to the Botanical Garden; 2) request and receive approval from the Department of the Interior to allow a zip line and associated recreational activities on the property; 3) approve a revised Botanical Garden Master Plan that allows for active recreation; 4) Board approval of the use of County leased property for commercial purposes; and 5) Board approval of the sublet of the property, which is to be returned to the Board for final approval on a future date.

Motion by: Debbie Arnold

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			

Hearings:

- 22.** Hearing to consider an appeal by Eileen Roach of the Planning Commission's approval of a request by Campbell-Sheppard/Dan Lloyd for a Tentative Tract Map and Development Plan/Coastal Development Permit to allow the following: 1) demolition of a single family dwelling; 2) subdivision of a 0.68 acre site into 7 residential parcels (2,432 to 3,311 square feet) and one open space parcel (21,090 square feet); 3) construction of 7 single family residences (2,013 to 2449 square feet); 4) abandonment of a portion of Cypress Glen Court; 5) adjustment to the Real Property Division Ordinance (section 21.03.010) to allow more than five lots to be accessed from a private easement and adoption of the proposed Mitigated Negative Declaration. District 2.

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

Mr. James Caruso – Planning and Building: provides the staff presentation (powerpoint). Additionally, states an inclusionary housing condition has been added to the Conditions of Approval.

Mr. Roy Ogden –Appellant's Representative: speaks.

Mr. Dan Lloyd – Applicant and Mr. Andrew Henderson – Applicant's Attorney: speak.

Chairperson Compton: opens the floor to public comment.

Mr. David Stevens (letter); Ms. Carol Baptiste; and Ms. Kerry Friend: speak.

Mr. Lloyd; Mr. Henderson; and Mr. Odgen: provide their closing remarks.

On motion by Supervisor Gibson, seconded by Supervisor Mecham, to deny the appeal and uphold the Planning Commission's decision; assure the typical indemnity condition is included; add the inclusionary housing condition; and add a condition that the units shall not be permitted as vacation rentals, is discussed.

Mr. Caruso: reads into the record the inclusionary housing condition language that is added to Exhibit B as a new Condition No. 73 and Exhibit D as a new Condition No. 29; the vacation rental condition language that is added to Exhibit B as a new Condition No. 74; Exhibit D, Condition No. 22, as a new Subsection O, and Condition No. 23, as a new Subsection N.

The Board adds the following language to Exhibit B as a new Condition No. 73 and Exhibit D as a new Condition No. 29 that reads: "Prior to filing the final parcel map or tract map (or prior to issuance of any construction permit for structure), the applicant shall enter into an inclusionary housing agreement to ensure the construction of inclusionary housing unit(s), in conformance with Section 23.04.096. As an alternative, the applicant may pay the residential in-lieu fee pursuant to Section 23.04.096.c(2)(ii), or defer in-lieu fee payment pursuant to Section 23.04.096.j(4)(iii)."; and adds the following language to Exhibit B as a new Condition No. 74; Exhibit D, Condition No. 22, as a new Subsection O and Condition No. 23, as a new Subsection N that reads "No residential units of this project may be used as a residential vacation rental as defined in the Coastal Zone Land Use Ordinance." Furthermore, RESOLUTION NO. 2016-254, a resolution denying the appeal by Eileen Roach and affirming the decision of the Planning Commission and conditionally approving the application of Campbell-Sheppard/Dan Lloyd for Tentative Tract Map 3074 and Development Plan/Coastal Development Permit SUB2015-00001, adopted as amended.

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			

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, October 04, 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: October 19, 2016