



LOCAC • Los Osos Community Advisory Council

Meeting Minutes for October 26, 2017

South Bay Community Center

Agenda Item	Discussion/Action/Information						
<p>Call to order/roll call @ 7:02 p.m.</p> <p><u>Chairperson's announcements</u></p> <p><u>County and Local Agency Reports</u></p> <ul style="list-style-type: none"> • Sheriff's Report 	<p>Roll Call - P = present A = absent E = excused</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 33%;"> <p>District One Yael Korin - E, P - late Lynette Tornatzky, <i>Secretary - P</i></p> </td> <td style="vertical-align: top; width: 33%;"> <p>District Two Jan Harper - P Christine Womack, <i>Treasurer - A</i></p> </td> <td style="vertical-align: top; width: 33%;"> <p>District Three Julia Oberhoff, <i>Chairperson E, P - late</i> Larry Bender <i>Vice Chairperson - P</i></p> </td> </tr> <tr> <td style="vertical-align: top;"> <p>District Four David Harris - P Tim Carstairs - P</p> </td> <td style="vertical-align: top;"> <p>Appointed David Hunter - P Margaret Mayfield - P Jim Stanfill - P</p> </td> <td></td> </tr> </table> <p>Vice Chair Larry Bender: Thanks to the South Bay Community Center for hosting our monthly meetings.</p> <p><u>Sheriff Rainer Bodine</u> gave the report from dates 9-28-17 to 10-25-17. Information included: Disturbing the peace calls were significantly higher than other calls; service calls were down, but there were more calls on homelessness, transient issues and disturbing the peace. There are problems not just with street drugs, but abuse with prescription medications too. There have been problems with the library area, the 10th Street market, 10th Street vacancies, and, a great deal of homeless encampments in open space. There are short term and long term plans. The sheriff is partnering with the Community Action Team, which has two deputies. The goal is to contact as many people as possible and get services to them. Some don't want any help. The problem is that there are two deputies to cover 3,300 square miles. They are trying to protect open space. First they are doing a detailed analysis of the large open spaces. They are serving eviction paperwork. They are working with property owners, but property is sometimes held in trusts/groups and the owners are hard to locate. The plan is to get signs put up on private property and work with patrols, neighborhood watches and community neighborhood response teams. They will need the help of the community.</p> <p><u>LOCAC comments:</u> What number to call for issues?</p> <p><u>Sheriff:</u> You can call 911, but the best number is 781-4550 which is Dispatch, a non emergency line.</p> <p><u>Audience comment:</u> Can you get barricades out there to stop motorcycles, trucks, cars; couches are not carried in by themselves.</p>	<p>District One Yael Korin - E, P - late Lynette Tornatzky, <i>Secretary - P</i></p>	<p>District Two Jan Harper - P Christine Womack, <i>Treasurer - A</i></p>	<p>District Three Julia Oberhoff, <i>Chairperson E, P - late</i> Larry Bender <i>Vice Chairperson - P</i></p>	<p>District Four David Harris - P Tim Carstairs - P</p>	<p>Appointed David Hunter - P Margaret Mayfield - P Jim Stanfill - P</p>	
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	<p><u>Sheriff</u>: We are trying to work with the property owners to fence part of it, so vehicles can't get in but people can still get in to enjoy it.</p> <p><u>Audience comment</u>: What about a volunteer program to monitor the spaces, be a presence to discourage loitering.</p> <p><u>Sheriff</u>: That would be a good program, but not sure which organization would start that program. Bring this up with the Sheriff's Auxilliary Volunteer Area Patrol; I'm an advocate if they are willing to do that. It is a hard area to get into. It may be better to have an occasional patrol. Ultimately we want to clear all of the trash out of there. Patrols will ensure that it won't build up.</p> <p><u>Audience comment</u>: Will there be a town hall with Sheriff Parkinson about that?</p> <p><u>Sheriff</u>: It hasn't been brought to my attention; I can ask.</p> <p><u>Audience comment</u>: Are you acting to engage the CERT Team?</p> <p><u>Sheriff</u>: They mainly look for fire issues, areas that are potentials for emergency events. You can reach out to them. They sound like a good fit and expand that with SABPs and neighborhood watch teams.</p> <p><u>Audience comment</u>: The Los Osos Liquor Market on 10th Street - there are scary people. Drug users hang out there (names one - unintelligible due to noise in the room), and at the nearby vacant lot. It is near the bus stop and people are afraid.</p> <p><u>Sheriff</u>: We are trying to find out owns that lot (and others). When we find out and can get their permission to act as their agent, we can do something. With that individual, we contacted him and are going through the process of the nuisance law for safety violations. We don't want to penalize the property owner but we want to try and find a solution, like put signs up or fence it. We sent letters to the owners, but we need responses; then we can cite, arrest, kick the loiterers out for trespassing.</p> <p><u>Audience comment</u>: Are there ordinances that might be assistive?</p> <p><u>Sheriff</u>: One code we are lacking in Los Osos is illegal camping in vehicles. We plan to work with Supervisor Gibson to amend an old code or work on a new code, but that is down the road. We have to use workaround codes now. There is no definitive answer for us.</p> <p><u>LOCAC comment</u>: We will talk about it at our Traffic & Circulation Committee November 14th meeting, 5:30, small meeting room here. Right now we just have 72-hour parking codes and the vehicles just move around town. We talked about this in February and March and the didn't recommend anything to come to LOCAC.</p>

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<ul style="list-style-type: none"> • Highway Patrol Report • County Staff Report • Supervisor Gibson’s Report 	<p><u>Sheriff</u>: In tagging vehicles, we use the Coast Highway Patrol to tag vehicles for 72 hours but they don’t always come back to check. We are now working on our own tagging system so we can tag the vehicles so we can be sure they move.</p> <p><u>Audience comment</u>: Would that program include distributing flyers and would that code apply apply to cars in the library parking lot, Valley Liquor, next to the laundromats, the markets?</p> <p><u>Sheriff</u>: Yes, it should, they are public spaces, but it depends on how it is written. Codes cover county parks but a defined law would help us better. He doesn’t know how long writing a code would take. You can come down to the station and talk to us.</p> <p>There was no Highway Patrol report.</p> <p><u>County Senior Planner Kerry Brown</u> didn’t have much to report. The staff is reviewing all of the comments from US Fish & Wildlife for the Habitat Conservation Plan and the Community Plan, and is hoping that there will be some information by the next meeting.</p> <p><u>Supervisor Gibson</u> reported on his continued work with county staff and US Fish & Wildlife staff to move forward the Habitat Conservation Plan. Its a very frustrating process; they have come back with a huge number of comments. The Basin Management Plan: we are continuing work there to bring the basin back. He took questions on the Community Plan. The Board of Supervisors (BOS) is trying to come up with cannabis regulations, and also to get ready for the next budget year, and asked if you had questions on the \$8 million dollar accounting error.</p> <p><u>LOCAC comments</u>: If LOCAC recommends a No Camping Ordinance, does it go to the Board of Supervisors and how long does that take?</p> <p><u>Supervisor Gibson</u>: It goes to the BOS, but the time will depend on the workload of legal staff and the sheriff’s department. It might be a year. The ordinance won’t, in and of itself, cure the homeless issue. It might be part of a larger program in this area. The eventual goal is to get them housed. Those resistant to services may become a law enforcement concern. The county, state and the nation, has not allocated enough resources to this. He mentioned 40 Prado, which will be a solution piece to the puzzle.</p> <p><u>Audience comment</u>: Linde Owen discussed the new EMF towers. Why did this not go to our Land Use Committee?</p> <p><u>Answer</u>: It did, there were no big issues. It has not yet been approved, and it will go to the Planning Commission.</p> <p><u>Audience comment</u>: Julie Tacker thanks Supervisor Gibson for trying</p>

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<p>• LOCS D Report</p> <p>• LO/BP Chamber Report</p> <p>CONSENT AGENDA: 1. Proposed Minor Use Permit for the addition to garage/ workshop, pool house, and covered patio: DRC2017-00028</p>	<p>to work with Fish & Wildlife. She lists the projects thwarted because of the snail. The news that the HCP has a hiccup, puts the community Plan and all the things we want to do, on hold. She suggests we challenge F&W to take the snail off the Endangered Species List, so we can get the sidewalk, the dog park,</p> <p><u>Supervisor Gibson</u>: Explains how difficult it would be to take the snail off the list, that it would take years of study just to document the snail. We did point out to F&W how there are more than they may have realized.</p> <p><u>Audience comment</u>: Will there be understanding with students coming into town, trying to find a job; will there be some sympathy. Another commenter wonders if many would be students.</p> <p><u>Supervisor Gibson</u>: Explains that this is one example of the complexity of the problem.</p> <p><u>Audience comment</u>: Steve Best’s issue with the Community Plan is parks and trails, bikeways, the ability of families and children to get to one end of town to the other without dealing with traffic. Nothing is continuous. Will the county take the responsibility of parks, etc. or the LOCS D?</p> <p><u>Supervisor Gibson</u>: He explains is a circulation element in the Plan and as funds become available they will be developed. The county does retain the authority for parks and the Community Plan describes the opportunities to expand parks. The LOCS D has taken on a parks power, in addition above and beyond that responsibility the county already has, and we will work cooperatively with them.</p> <p><u>LOCS D Director Lou Tornatzky</u> reported on the LOCS D’s dog park progress and that a 501 (c) (3) will run it.</p> <p>(Council member Korin enters the meeting, 7:45 pm.)</p> <p><u>Steve Vinson</u> reports for the Chamber. This will be the 39th Annual Oktoberfest and 12th annual car show on Sunday. It will be held on 2nd Street in Baywood, admission free. There will be food, arts, crafts, pet and people costume contests. Pancake breakfast at 8:00 am; music starts at 11:00 am. The 39th annual Christmas Parade will be held December 9th. The theme is “Storybook Christmas.” Entries for the parade are being accepted until December 4, entry forms are at the Chamber. See the Chamber office or website for details.</p>

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<p>FERRIERA</p> <p>2. Proposed Minor Use Permit for the addition of back porch (255 SF) at 2180 Inyo Street in Los Osos: DRC2017-00036 BOYDSTUN</p> <p>REGULAR AGENDA ITEMS, INCLUDING PUBLIC COMMENT:</p> <p>1. Discussion of Improvements made to the 1st Street cul-de-sac in Baywood at Santa Maria Avenue</p>	<p><u>Member Stanfill</u> said that he had heard favorable comments from the Land Use Committee.</p> <p>LOCAC voted unanimously to recommend sending letters of approval for the two items on the consent agenda to the Planning Department.</p> <p><u>Bill Lee</u>: States that he would like to explain what we did and why we did it and the feedback received. He gives a quick history. He is the manager of the ownership of the Back Bay Inn, Sloland Investors, LLC. They purchased the Inn in October of 2005. The Inn owns the first eight lots on 1st Street from the bay going north. On the east side, we rent four lots contiguous to those eight lots, on the same side of the street going north, so we own or rent all the lots on the east side of 1st Street street. On the west side of first street they rent three lots, one of which fronts the entire length of 1st Street going south to north. We maintain those lots on the west side since we've owned the property, they were all vacant and had native brush. We have landscaped them and brought them into the aesthetic of the Back Bay Inn. In addition we were active in the Community of Baywood at large, because we realized as owners of the Inn our aesthetic was tied to the Baywood community. At that time there were a lot of vacant buildings and some in poor repair. The entrance to Baywood: We first rented 674 El Moro, cleaned up the yard, and built a community garden. We looked at the walkway along the frontage which we maintain as the county has not taken ownership; we repair the boards. We landscaped the walkway and the property behind the Inn. We realized we had an issue on the lots on the west side of 1st Street. They were not maintained. 1st Street was a sandy road, worn down in the center from car use - the perimeter was soft sand, where cars got stuck. The weeds got 5-6 feet high and was a hangout after the Merrimaker closed. We had a maintenance issue; sand, weeds, trash, a dog run with dogs business. Then we put in a labyrinth, and we got a lot of thank-yous and community acceptance. If the public is going to be there, we needed insurance and we talked to Shirley Otto (owner) to make sure it was acceptable to her. Susequent to that we put in a 6' diameter gazebo and some trails marked by stone and a volleyball court, so the community could come down and use these amenities. In December 2005, three 80', 100-year old cypress trees fell on the hotel's roof - three of 13 that have fallen. We lost seven in January. It took away our privacy. We are required by the county's development permit to maintain trees and vegetation along the property line of 1st Street and the 1st Street right-of-way. We saw the trees on the other lot, stone pines and on the other side there are several cypress, so we wanted to bring the look together. I had never heard of an encroachment permit: you see landscape, or hardscape, or chips right up to the roadway all over the streets in Los Osos. I landscaped 1st Street in a way that I thought the community would appreciate and enjoy. In addition to that, realizing that more</p>

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	<p>people were now coming to the property, and that visitors would parked in the middle of the road to keep from getting stuck in the sand and keeping delivery trucks from going to the end, I put down DG (decomposed granite) and chips and made 15 parallel parking spaces, so the cars wouldn't have to be towed. I got a complaint. The county came down and told me I needed an encroachment permit, and, to go to LOCAC to gain community support. He holds up a poster he has on the property and reads it. He states we denoted a 22' drive lane with a rip-rap border to warn drivers from going into the landscape; provided 15 cars with parallel parking with bumpers and three turnouts; a loading/unloading area adjacent to the trail for kayaks or boats for the beach access; a pet station; two trash enclosures; three benches, a gazebo, a labyrinth, a volleyball court, and access routh to the gardens of the Inn.</p> <p>(Chairperson Oberhoff enters the meeting at 8:00 pm.)</p> <p>We put in solar lighting along the perimeter, the walkway is used all the time at night. That will help keep vagrants away and provide safety for late dog walkers. The shed at 1st and Santa Maria is one foot into the easement area. We will move it. We have received over 200 comments, all supporting the work. (He hands out Xeroxes of the comments to LOCAC members). I've gotten complaints back from the county and I have held meetings so I am aware of some of the complaints. He lists and answers the complaints. Complaint: a land grab; it is a temporary encroachment permit. I did the work because I feel the community is entitled to enjoy the location and we welcome the public to the inn and events - the public is an important ingredient to the success of the Inn. We have put out three picnic tables and have ordered another. Complaint: bay access; they are afraid we are restricting bay access (he lists the three points of access). We have applied to have the bus station to be a loading and unloading location. We'll do whatever we need to do to make them more comfortable, such as removing the iceplant and planting saltgrass to make it easier to access. (He shows pictures) The kayaks there do not belong to the Inn. Complaint: Landscape material is not drough resistant and not native. We don't have any skin in the game, we just want it to be aesthetic and accepted by the community. Complaint: it looks like a parking lot. He explains when it is used as a parking lot for events. Complaint: it appears that it is private. We had signs made - Beach Access, Loading and Unloading. We got a call from the county complaining about the signs. Complaint: trees - we have lost 22 trees along 1st Street. Those old trees had canopys covering the road (blocking the view). We put in 6' trees and we got a complaint about that. I trimmed all those trees, you couldn't even see the water before. We are not here to have a problem with out neighbors. We will do anything reasonable to accommodate. We'll take the tree out. Complaint: that we were using Round-Up. It was seldom used, and 5 years old, so he got rid of it. If you don't like our landscaping, I can</p>

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	<p>move it back.</p> <p><u>LOCAC Comments:</u> A poll is taken from the audience. Pro and Con are about 50% each.</p> <p><u>Member Korin:</u> I have seen the changes and cannot say they are ugly But this was not your piece of land to do that. Just because you can do it, doesn't mean you should be doing it. If your community could have gotten together and and decided what to do there and you support the community, that's the proper way to do it.</p> <p><u>Member Tornatzky:</u> It is not LOCAC's place to punish Bill, that is the County's job. We are here to make our comments heard. Not everybody will agree on what the plants should be. I've heard the road should be 80' wide, but the part that goes past Santa Maria is 22' wide. Why does it need to be 80' where Bill has it? There is a reason for that width. There is another comment for later. If I want native plants I go to Sweet Springs or the Elfin Forest. Plants are a matter of taste, native plants look terrible in the summer. Something cheerful and blooming is nice.</p> <p><u>Vice Chairperson Bender:</u> I went down there and couldn't get in. Before there was parking on both sides. Use 10' of 80' on both sides for parking. The big events are great. I love native plants over ornamentals, we have a conflict on the board. You have a habit of doing things without checking first which is an issue folks have. I have friends who have spent fortunes on snail surveys and you just go ahead and do things. It makes people question. A good neighbor would come up and say 'm going to build a fence - this tall and this color. Get the input. To do it first hand then coming back and asking rubs people the wrong way.</p> <p><u>Chairperson Oberhoff:</u> Ask Kerry Brown if a Coastal Development Permit be required in addition to the Encroachment Permit?</p> <p><u>Planner Brown:</u> Yes.</p> <p><u>Chairperson Oberhoff:</u> Thought that process would something like drought tolerance and our landcape ordinance be reviewed or request that the applicant comply?</p> <p><u>Planner Brown:</u> We'll look at that.</p> <p><u>Supervisor Gibson</u> can't stay and asks <u>Kerry Brown</u> to go through the public process going forward. We have to evaluate whatever changes are made in this piece of Los Osos against the Local Coastal Permit and it will address all of the issues brought up today.</p> <p><u>Planner Brown:</u> Work done will require a Coastal Development Permit, Minor Use Permit, which is in process already and it got pulled. I believe Mr. Lee will amend that permit application to include this work.</p>

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	<p>We notify the neighbors within 300'; we review the project for conformance with our local coastal plan, general plan and ordinances; we do an environment determination, and schedule it for a hearing. You (who do not live in 300') can contact us if you want to be notified. We have a public hearing, anyone can speak for three minutes. The Hearing Officer will evaluate concerns on the project and make a determination. That decision is appealable to the BOS and that decision can be appealed to the California Coastal Commission.</p> <p><u>Member Mayfield:</u> Will the project come before our Land Use Committee?</p> <p><u>Planner Brown:</u> Yes.</p> <p><u>Member Tornatzky:</u> We on LOCAC received many letters of concern. The one that stuck out for me was the fire issue. I called the fire station and spoke to Jim Green who drives the fire truck. He and his chief went to 1st Street and looked. The engine could go down to the end okay. They would back out. More likely they would park on Santa Maria and take the hose down the street. They saw no problem with the area as it is.</p> <p>Public Comment: <u>Paul Hershfield:</u> From 8th Street. Part of Mr. Lee's presentation that I found irritating was I've done these things for the community so why are you bugging me about this, a sort of quid pro quo. It's not a bad thing to do things for the community, I like going to concerts there. All this talk of doing it for the community but they are not part of the process, it doesn't feel like it is for the community. People may wonder is he doing it for a land grab, is he trying to make it look like it is part of the hotel. The planters with the rocks around them, not my aesthetic. You can't just wander into the landscaped areas they do create a barrier even if they are just this high, there aren't paths wandering through it. My ancestors came from Eastern Europe, I am not native, so I don't have a problem with non-native plants. I think a mix and drought tolerant would be appropriate.</p> <p>(<u>Chairperson Oberhof:</u> Reminds the audience to refrain from applause after each speaker.)</p> <p><u>Bob Crizer:</u> I probably have a longer history with 1st Street than anyone in this room, I lived at at 1308 1st Street for six years. It was a dirt street. Plumbers would drive into a parking lot there and do their business. There were weeds and dog crap. They didn't live there and didn't necessarily have a concern for the people that do live there. I launched canoes, kayaks and windsurfers. I'm pretty familiar with that spot. I've watched it over the years being neglected for a long time. Bill Lee built</p>

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	<p>something that is really attractive. (Shows a photo.) Monday, hundreds of people enjoyed that music. The music was not done to make a giant profit. That music was there because a few community members came together to do something for the community, Bill Lee being one of them. He thanks Paul Irving. He refers to the photo - there are 15 cars parked on 1st Street. Before that people would carefully park off to one side or the other, and all three or four or five would fit there, as you couldn't get back out once someone else parked. Presently it is very clean and organized, and the 15 cars there weren't motel guests, they were people enjoying the music at the pier. The idea that we would ask Mr. Bill Lee who has stepped forward to improve a public right-of-way, to ask him to remove it or ask him to go through a permit process - when probably every every third or fourth property in the areas of Los Osos where we do not have sidewalks and curbs and gutters, has encroached into the public right-of-way, so if we ask Bill to take his out, then we all take ours out.</p> <p><u>Mimi Kalland</u>: I live on 7th Street. The first time I encountered Bill Lee, I was pulling weeds on one of the islands on Santa Ysabel, and he stopped and said thank you for doing that. I am so happy that there are so many people who are coming out to this meeting, I wish you would come every month and make your opinions known; it's terrific to participate. I think you crossed the line when you impune his motives, as though he is trying to do something underhanded. He has a great heart and a real concern for this community. If he made some mistakes okay, but let's not now punish him for what he did then, and let's say, how can we resolve this and move forward. Do you really want to take it all out and return it to a dirt road? I don't think any of you do. If want to give him a hard time because he didn't follow the procedures, but lets face it, he has done wonderful things, it looks great, everybody agrees that it looks terrific. So let's move forward with it.</p> <p><u>Bob Rodger</u>: I find it really hard to believe that Mr. Lee did not know that he needed a permit to bring across the street and bring irrigation to the other lot. You have done some good things and you obviously have a lot of friends here, but this is a public street. You did not come to me and say, Bob, I'm going to change the street over here, I am your neighbor. That's my comment, we are talking about public lands that somebody comes in and takes, that's the bottom line -</p> <p><u>Audience member</u>: All over town, Bob, it happens all over town.</p> <p><u>Bob Rodger</u>: Yeah, it happens all over town, you've been on 1st Street, you know that this has been (unintelligible).</p> <p><u>Chairperson Oberhoff</u>: We need to keep the comments organized.</p> <p><u>Suzanne Baker</u>: We have the property that is most affected on the corner of of 1st Street and Santa Maria. You have put up a fence, and everybody is supporting you here, I know, but for me, you have dropped my property</p>

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	<p>values tremendously. You put up a fence without a permit, it's not in the right place and, (to Mr. Lee), isn't your business real estate, isn't that what you're telling me since 2005, and you don't know enough to get a permit? You've got a shack there, you impeded my view, you have dropped my property value, that does not feel like a good neighbor to me. I'm sorry, you go and do things without permission and you then you try to get permission later. I'm sorry that it's not good business practices, I know all these people are supporting him, and he is making it look nice, but why don't you do the process first? It scares me that you have control, you are trying to control the public right of way, we've seen this now with a lot of Coastal Commission things going on. This is being fought all over the place with the ranch up north where people come in and take over and they say they are doing it for the public and then they just control it. People be careful what you wish for, he may be doing all these things to make it aesthetically nice but that is the kind of person that will take over.</p> <p><u>Bill Lee</u>: We did put a fence up on -</p> <p>Crosstalk</p> <p><u>Suzanne Baker</u>: Don't forget the 12' shed, I want people to understand that he has put up a huge fence that has cut off our view of the beautiful bay and also a 12' high shed. And he has totally taken away our view without permission.</p> <p>Crosstalk.</p> <p><u>Chairperson Oberhoff</u>: Excuse me all. I want to just clarify that what we are doing now is we are receiving comments from all of you community members to us the council, because what we need to do, we need to hear those comments and provide a response to the county. This is not meant to be a dialogue back and forth between Bill and yourselves.</p> <p><u>Alfred Barrow</u>: I love the democratic process and the back and forth. We should respect each other's opinions, even if we disagree, and I think that is the wonderful part. I also would like to comment on the process. We are in the coastal zone, we have laws and we have rules and regulations that have been discussed in great detail by many boards, and those are the permits we have to go through to make changes. Now if you remember, Mr. Moresco owned that property about 15-20 years ago and I can recall what it was like then, compared to what it's like now. It's so amazingly much more beautiful and acceptable. The only complaint I have is that we lost our drive down boat ramp when they built the parking lot down there. And that would have been nice to be able to drop boats in, sailboats, off of</p>

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	<p>trailers, and they could go off and park somewhere else. The investment that Mr. Lee has made, and the work crews are just so dedicated, they work so hard to get everything just so. He's got a great, great crew. They spend lots and lots of time. I remember one day at the community garden that you built about ten years ago. The hose was leaking and the faucet wasn't very good, I mentioned that to them, they came over and brought a brand new faucet and a brand new hose. He is very responsive to what people are requesting. We are fortunate to have Bill, and I think Bill could be, maybe like you had said, he could be a little better on getting his permit. Maybe the county could assign him, because he's doing so much change, so much improvement, assign somebody who could help him so he would be in sync with the rules all the time. So that would be my improvement to this process. I came here tonight to thank Mr. Lee for all he has done for the community. I really appreciate all the things he has done. I came here to support Mr. Lee. We can all do better, we can all improve, so let's give him the advice and he said he is willing to go ahead and improve.</p> <p><u>Lou Tornatzky</u>: I'm 77. We moved here to have the best life we could possibly have, not make more money. Bill's not doing this for money, he's is doing it for love; he is doing it for embracing this community. Get out of your bad karma. Once a week I go up and spend three hours around the elephant seals. I freeze. I talk to 110 people, usually kids, and they do magic on them. I ran for this office to try to make our community better, not hating one another, and all this craziness. This is a wonderful thing. As this project rolled out over the last two or three years, I'd go down there to see what's new, what's new, what's new and it is better and better and better. You are making a mistake, some of you.</p> <p><u>Unidentified man</u> : I'm for it. I may have looked at it from a different perspective than you have. My daughter lives here, we've come here many years. I have stayed at the Back Bay Inn more years than I could count. Over the period of time that we've come over here, we've noticed the incremental improvements. From a person that just comes in occasionally, I can really see the difference. I think you folks should applaud this, rather than try and shut it down. I came here so often, I thought, what the heck, I'm gonna move here. I love it, and that's part of the reason I love it.</p> <p><u>Sue Morgenthaler</u>: I hear pros and cons on both sides and I honor everybody's concerns and as far as Mr. Lee's sincerity, I've been coming to LOCAC meetings now and Land Use Committees for a couple of months, and we are very interested on vacation rental issues and to a person everyone who has applied for a permit has been lying through their teeth in a significant portion of what they say to the council. It is difficult for me to understand and to believe someone I don't know, because I fall for it every time, it sounds really good. But if you start researching, it's not always correct. If he is truly not interested in land grabbing, to me the biggest issue is public assess. It's been public access, it should remain public access. I would ask the committee, if</p>

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	<p>you are going to make a response to the county, and Mr. Lee says he is not interested in land grabbing, perhaps you could recommend that this only go forward assuming that that it will always stay public access. There is a California law states that you use someone else’s land for a long enough period of time you can acquire title to it. The Adverse Possession Law. I am not a lawyer, I can’t speak to it clearly, but that could happen. If there are any thoughts of this from going forward, please make it written that it stays public access for all time.</p> <p><u>Chris Van Beveren</u>: I live on Baywood Way. My impression of the aesthetics is very positive. It looks really nice. I am a native plant person myself but I can live plants that aren’t native. The one thing that troubles me is whether or not the encroachment permit is a temporary permit, or whether the law the last speaker mentioned is in effect. It would certainly be to Mr. Lee’s business benefit to eventually have title of that block of 1st Street and should that happen, the worst case would be that a building could be built there, and that would be something that I would not like to see. But, I’m not an expert in this field. A couple of neighbors have told me if you encroach public land for a period of time then you can acquire title. I have a little piece of my front yard that protrudes into Baywood Way, about 9' wide, which is intended by the county to the possibility of someday widening that street. I’m encouraging wildflowers that grow in there and if I put chicken wire around that does it mean that someday I could eventually have that? That’s my contribution.</p> <p><u>Marilyn Rodger</u>: Los Osos. While I hold Bob Crizer in the highest personal regard I will have to disagree with him on this issue. My concern isn’t whether Mr. Lee picks flowers that I like or don’t like. I’m not even really interested in whether Mr. Lee has done improvements to Baywood Park for the community benefit or for benefit of his business concerns or for both. What I’m concerned with is that it remain a public street. Twenty years ago, when Dennis Maresco had the Back Bay Inn and he wanted to improve it, there was quite a hubbub about that. And then Supervisor Bud Laurent got involved and If I remember correctly, I believe that what transpired at that time, the Back Bay Inn was claiming that they could not be a viable business unless they had more rooms to let. And the public was not opposed to giving them more rooms but the public did not want to lose 1st Street as a public access and a community asset. And the Back Bay Inn was allowed to improve their property to increase the viability of their business. And then, Supervisor Budd Laurent made clear, to the community members that were there, that the county would never abandon 1st Street, and that it would remain in the public domain. That’s how I remember it Bob, that’s exactly how I remember it. In addition, I would say, the county did not ever abandon 1st Street because it had an</p>

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	<p>address there and postal service was provided to that address. That is the house where Bob and Beth Crizer lived. Mr. Lee now has either purchased or leased that property so that the driveway is no longer in use and there is no longer postal service to that address. So effectively, the street is no longer being used by the county. And I believe, that if for 12 years, (crosstalk - ten.) a paper street is not used, it can be claimed by quiet title. (Crosstalk - that is not always guaranteed.) Not guaranteed, but certainly that effort could be made. (Did you ask Bill if he ever intended that? Crosstalk interrupted by Vice Chairperson.) My concern is that that street should remain public access for everyone's use. If he wants to plant poppies there, terrific, I think his improvements are attractive. My concern is what his long term plans are.</p> <p><u>Julie Tacker</u>: My first question is to Kerry, has this application been accepted for process?</p> <p><u>Planner Brown</u>: No.</p> <p><u>Julie Tacker</u>: (continues) So we're all here very early. Unfortunately, we're going to have community dissention over this for a much longer period of time than we actually have a permit in front of us with a project description that defines what Mr. Lee has either has done, or wants to do. So I'm really sorry we're here, I'm sorry that this is on the agenda, because this is going to be a lot of consternation among a lot of lovely people. This is the community I love and I've fought long and hard for us to get along, not break apart. We're too early to be fighting about details, when we don't have a project description, something that..it has not been accepted for processing. We don't have a project. (Interruption.) It sounds to me, and I believe that there's a code enforcement action. So whatever code enforcement say, Mr. Lee will have to remove. Whatever is not in compliance with street and highway code, building code, whatever's not in compliance, will be gone. What remains is what we will discuss when a permit comes before us, the details. The LCP would have addressed native plants and drought tolerance, we would not be talking about water. And water is the key for this community. That is the very first thing that bothered me about any of the improvements, improvements are subjective, the improvements to 2nd and 1st Street. The use of water. Had we seen drought tolerant native plants, we would not see a water user. Had Mr. Lee asked for permission first, he would have gone through the snail survey, he would have gone through the process, and I think he would not have been able to do pretty much anything. Because just like I mentioned at the top of the hour, the top of the two hours ago, we don't have a library expansion, we didn't get the skate park where we wanted it, we don't have a dog park because the Habitat Conservation Plan is precluding us from doing the things we do want for the community. I want to see the process, I want to see us as it's noticed, go through the hearings, go through the details. Mr. Lee will have to take some of this out just because it doesn't comply. So even what Lynette said about the Fire Department, Cal Fire has planners that will look at the project too. Please don't fight, it's too early to fight. We've just been through a hell</p>

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	<p>of a fight. It is very pretty Bill. And Happy birthday by the way, that's my birthday too.</p> <p><u>Paul Irvine:</u> I've been a resident of Osos here for approximately 25 years. I know some geezers like Crizer here outdate me by quite some time. But I've been around here for long enough to have watched some change in the town, and not just physically, but also socially. And when first I came to town 25 years ago, socially Los Osos was a very divided community, always bikering about the sewer this, the sewer that, and I really didn't get involved in that discussion too much. But it was a divided town socially. And then, interesting, almost ten years ago to this day, Bill had opened up his event garden at the Back Bay Inn for the first public event that happened back there, that was the Oktoberfest 2007, and ever since then, he has graciously opened up his venues down there for the enjoyment of the community. I can attest that that was his motive, is just to be charitable and hospitable and welcoming to the community. And so what I've done is, for the past 10 years, I've run either Bayfest, Junefest, Oktoberfest, Climatefest, and in addition, 143 consecutive Mondays for Beer-at-the-Pier concerts, which every Monday now, we get two to three hundred of us putting our political difference, our religious differences, putting all of our baggage at the door and simply enjoying each other as community. Which I think we owe a debt of gratitude to Bill for his part in facilitating the healing of our community and bringing us all back together. I have no idea why we're here, is there a problem that we're specifically supposed to be talking about? I know I've heard a lot of opinions back and forth, but what is the problem, is there a specific problem? (Crosstalk.) I saw, yeah, I heard about your fence and your shed. (Crosstalk.) Is there an action that we're supposed to be (Vice Chairperson Bender - no, no, just a comment period for the easement.) What specifically are we supposed to be commenting? (Vice Chairperson Bender - It's about the development on 1st Street.) Is there a specific complaint? (Vice Chairperson Bender - I'm not getting into a debate with you, you asked me what it was, it's about the development that's going on on 1st Street, that's it, we're getting input.) I hear you, but what about the development on 1st Street?</p> <p><u>Audience yells:</u> Is Bill Lee above the law? It's not permitted.</p> <p><u>Vice Chairperson Bender:</u> It's not a discussion, are you finished with your statement? If you are finished with your statement, we have a lot of people.</p> <p><u>Paul Irvine:</u> I think what is happening down in Baywood is wonderful, it looks great, it's brought a lot of people together. I'm sure I could upon request provide hundreds, if not thousands, of</p>

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	<p>supporters.</p> <p><u>Member Stanfill</u>: We've heard the last couple of times, the question whether we have an issue really we ought to be discussing. This is an issue that will come back to us in a more formal process in an application, we don't really have an issue at this time.</p> <p><u>Chairperson Oberhoff</u>: I agree. This was an item that was discussed at Traffic and Circulation and so through that sub-committee it was requested that it be put on LOCAC's agenda for discussion. And since we made that decision and now have it as a discussion item on our agenda this evening, it's transpired that it is in the process with the county for the development permit. We don't need a motion made, it is an agenda item for discussion.</p> <p><u>Roger Carmody</u>: I live at 1598 Pasadena Drive on the corner of 1st and Pasadena. Like the person before me, I look at the butt end of the development at the Back Bay Inn. My concern which I expressed in a written letter to the board, is really about keeping the integrity of 1st Street as a street without any encumbrances, without encroachment. to encroach a public right of way is to encroach on a public right. I think we need to make every effort to make public streets unadorned by landscaping that basically diminishes their width and diminishes to some some extent their length. There was some comment made about the other side of Santa Maria with 1st Street. 1st Street is not 80' wide. We were granted a abandonment of a right of way by the county to make it a 50' width instead of an 80' width. And that was primarily a residential area. This other side of 1st Street is not a residential area, it is a commercial area. Ot I think it is turning into a commercial area. I am not sure what the west side is, maybe something like a park, maybe something else. If it is a commercial area, it should be 80' and it should be unencumbered and that's it.</p> <p><u>Unidentified woman</u>: I live a few blocks west of the 1st Street cul-de-sac that we are talking about, and Bill, we see each other on occasion and I admire your energy and your devotion to all your projects and I think it's clear that you've added so much to our community. But we're here because Public Works is currently working an illegal encroachment case with Sloland investors. The LLC overstepped legal property bounds and altered the county road and closed off to public access to the bayshore. That's to me the heart of this because if you look at our Estero plan there is a plan for coastal and beach front and it says in there, loudly, "retain public access to the coast." And it makes sense to me, there are many coastal battles going on. What makes this one confusing, is we're talking about public land that has been encroached by a private part of business, an LLC, and land investment company. That's really grown, so there are a lot of flags of concern. The thing that I really want to ask LOCAC on this one is, please don't be distracted by the parklike setting, nor is this about coffee or flowers. If we hand over this priceless peice of bayfront property, it could lead to a non-retractable privitization that in</p>

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	<p>similar parts of California has led to re-zoning of residential land to business that has led to closure of shorelines. Our Baywood shoreline is too valuable, 1st Street to me is a line strongly drawn for public use to the bay, into the future.</p> <p><u>Jeff Kreps</u>: I live on 4th Street. This is just a question to Kerry. It's unclear to me how this will work when it's leased property, and he is not truly the property owner. It's really maybe for you in the process as to how you are you going to be able to do this. If I understand it right, if it was approved, each one of those owner's APNs would have to have this recorded as an attachment to each one of their properties. Wouldn't the owner have to be involved in this?</p> <p><u>Planner Brown</u>: He's doing an encroachment permit.</p> <p><u>Jeff Kreps</u>: I understand -</p> <p><u>Planner Brown</u> - He's not trying to take -</p> <p><u>Jeff Kreps</u>: But it's in front of their APN, that's what I'm trying to understand.</p> <p><u>Planner Brown</u> - But it's the public right-of-way.</p> <p><u>Jeff Kreps</u>: Even though it is in front of somebody else's property?</p> <p><u>Planner Brown</u>: Yes.</p> <p><u>Jeff Kreps</u>: So you can do it?</p> <p><u>Planner Brown</u>: If you get an encroachment permit, if it's approved.</p> <p><u>Dave Bowlus</u> : I live on 4th Street. I've been here 22 years. I've been jogging the beach out there two or three times a week for 14 of those years. I've made a side trip up on 1st Street every time I go by, things like to pick up cigarette butts, (shows image) this is the picnic table that used to be there. I'm not the only guy picking up cigarette butts and dog bags that people seem to leave by the side. But I try to set a good example and I try to clean things up and I try to make it so that it looks good, so that other people respect it. I'm not trying to take it away from people. So those of you who support this, I wonder if have you actually seen the permit that we're talking about, the encroachment permit. Here's a wide open piece of landscape (shows image). There was work done. Here's the best he could do (shows image). I spent more time today than he took to fill out this permit. The permit form asks for details, where are you</p>

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	<p>going to put things, what are you going to do? This thing says we have a 22' street and in the picture that's attached to it, it says you can have a boardwalk. Those are the only things that have got specific locations and if he wants to move other stuff around, parking, planting, turnarounds— none of it's in this permit. Maybe there's some other permit that's in the works, and again, we should be having this discussion when there is something real to discuss, not this. Why is there a permit - this is the stuff that's requested on the permit, the very last thing is beautification. (Shows images.) This is an aerial photo taken by Google. This shows the outline of the 80' easement approximately, I don't know exactly where it is, the county hasn't let us know that. This is the 80' easement. If you take the boardwalk and the 22' wide pathway, this is what we're guaranteed afterwards, the rest of it's up to him. He may not be able to own it, that's a long and complicated process, but if he takes possession of it, de facto, it's the same thing. (Shows series of images.) This is the end of the street, this is where I launched boats off of trailers before. This is the place where the picnic table used to be, it's blocked off, he says he'll take out a tree. What about those things you can trip on when you're walking down there? This is the place where it is really great to pose wedding people? I've seen the pictures online. You call this coastal access? This is coastal access with the new design. Finally, here's the wedding tent? No parking on that side of the street now. And here is the sign I asked him to take down, I begged the county, I yelled at the county. This sign said, "Bay Access Somewhere Else. Bay Access, Not At The End Of 1st."</p> <p><u>Linde Owen</u>: I appreciate what everybody's brought forward and everything and I do think Mr. Lee's projects in the area are absolutely improvements that make a big difference. I would have liked to see perennial drought tolerant. When I first saw the water hungry plantings going in, that was a bad signal to me that he wasn't in tune with what our need are, and what our resources are. Basically I guess I want to see, if Mr. Lee had followed the permit applications that we all have to follow, we wouldn't be in this discussion right now. I hope as we go forward, that we come up with something that pleases both sides. But again, you can't just say because its beautiful, it's okay to let it go by. I want to keep that access open too.</p> <p><u>Carol Maurer</u>: 4th Street. I really don't know why we're here either. I looked at the agenda and it said encroachment, and so I followed up a little bit on what was involved, as much as I could, I researched it. And it seemed like we were here for 1st Street, not for all the wonderful, beautiful, aesthetic stuff, in my opinion, that has been done. So much of what he has done has been wonderful, I've enjoyed it, and I totally have to say I approve of all the stuff he has done, except for 1st Street. I went over yesterday and I tried to walk down, and just looked at 1st Street, and my very first impression of it was mulch!—on a street, on a street, it was mulch! I'm thinking that doesn't even invite me to come in, because it makes it feel like private property. Now I know he invites the community, I totally understand and I appreciate all of the stuff that</p>

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	<p>he's done for the community. But when I see a street, that was a street, made of mulch, I don't want to walk on it. Even if it has a sign saying, it would be feeling like I was walking onto a park. And right then, I wasn't ready to walk onto a park. So for me, it is the encroachment, the taking away of the public street that bothered me about it. And to me that's right now, that's the only thing that bothers me about this project, it's the taking away something that is public, and I don't think that we should do that. So as far as I'm concerned its the permitting process which has to go forward and then we can see what the project looks like. But to just give opinions on how much we enjoy on what he has done is not the subject of why we're here.</p> <p><u>Dennis Wormly</u>: I'm a resident of Baywood. We hope LOCAC, that you're listening to the many alarms and concerns of the residents of Baywood and greater Los Osos, regarding the encroachment activities on 1st Street, south of Morro Bay by the Back Bay Inn. LOCAC you are the guardians, the gatekeepers of this precious gift of county road. According to the big black book at the county Public Works, this is road N3157, and 3157 is more than 24,000 square feet of unobstructed public open space corridor with unfettered views of beautiful Morro Bay. But more than that, it is a heavily used corridor from a busy 2nd Street, and more than that, N3157 is heavily used corridor by bicyclists, dog walkers, amblers, baby buggy pushers, landscape painters, birdwatchers, lunch takers, picnic-ers, canoe and kayakers users, and sand castle makers. More than the raw land, the raw land would be worth, what, a million eight? To who knows what half an acre of coastal bay access property is worth? This is a valuable piece of land for all the citizens of Los Osos. More than that N3157 is a priceless community resource best left for our children and our grand children. Let's hear the future visions from our community other than the Back Bay Inn. Thank you LOCAC, and I think we can all do better than this.</p> <p><u>Chairperson Oberhoff</u>: Concludes comments. She questions Kerry Brown on Glenn Marshall's Email stating that Mr. Lee has applied for an encroachment permit to legalize the landscaping improvements. He must recieve a majority support from LOCAC; secure all other required permits. The cart's in front of the horse, in some ways it's good we're getting public comment. What are the next steps; the timeline?</p> <p><u>Planner Brown</u>: Reports that Mr. Lee has a permit in process for the awning and the bathroom, but that he is going to amend that permit to include the improvements on 1st Street. We'll get a revised project description, we'll send a new referral to LOCAC possibly in next month or two.</p>

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<p><u>LOCAC COMMITTEE REPORTS:</u> <u>See all written reports</u></p> <p>(Continuation of Regular Agenda Items:) 2. Minor Use Permit for a Vacation Rental located at 616 Santa Lucia Ave in Los Osos. <u>DRC2017-00039- SHAW</u> <u>LOCAC MEMBER COMMENTS, RECOMMENDATIONS AND BUSINESS ITEMS</u></p>	<p><u>Chairperson Oberhoff:</u> The other Lee agenda item was removed from the first version of the agenda. The second Email with the amended agenda, with that item removed, was not delivered to some as indicted by the audience. The reason for the problem was not known.</p> <p><u>Audience Comment:</u> A request was made to Planner Brown on what the county process was.</p> <p><u>Planner Brown:</u> She does not have a date, but states that the county’s process on 1st Street will be very public with many opportunities for public comment.</p> <p><u>Vice Chairperson Bender:</u> Moves committee reports up after thanking those leaving who attended for the 1st Street item.</p> <p>Committee reports: LOCAC voted unanimously to accept.</p> <p><u>Member Mayfield, Chairperson of the Land Use Committee:</u> Introduces the vacation rental seen at the last Land Use Committee meeting and reports on what Mr. Shaw said. She explains that we have no policy yet on vacation rentals yet, that we are in the process of developing guidelines, so we take all comments and pass them on to the Planning Department with no LOCAC opinion.</p> <p><u>Gary Dove:</u> Says he is a 40+ years member of the Los Osos community and the President of Cabrillo Estates property owners date. The board would like to know the date when the guidelines might be set up.</p> <p><u>Member Mayfield:</u> We don’t have a specific date, I would hope by February.</p> <p><u>Gary Dove:</u> His daughter honeymooned recently at the Back Bay Inn and had a very favorable report, and Mr. Dove is selling Rotary Club baseball pool tickets.</p> <p><u>Sue Morgenthaler:</u> Asks if we can find some questions or criteria to vet vacation rentals that come through as some applicants do not appear to be telling the truth.</p> <p><u>Member Harper:</u> I was understanding we are neutral and we give all comments from the Land Use Committee here to the Planning Department. You can vet them at the Land Use Committee if it feels flakey.</p> <p><u>Member Mayfield:</u> We are volunteers; we don’t have investigative capabilities.</p> <p><u>Vice Chairperson Bender:</u> Asks Planner Brown if in the permit process applicants have to prove they talked to their neighbors?</p>

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	<p><u>Planner Brown</u>: The county notifies the neighbors, and it is noticed in the newspaper. It is documented.</p> <p><u>Vice Chairperson Bender</u>: That's after us.</p> <p><u>Planner Brown</u>: Yes.</p> <p><u>Sue Morgenthaler</u>: That was a concern because at the Planning Commission, on the Crockett Circle project last year, the Planning Commission said, why are you complaining now, LOCAC said it was fine. But we didn't know about the project, we didn't show up to LOCAC, so there is a problem in the policy.</p> <p><u>Vice Chairperson Bender</u>: to Planner Brown - If someone found some issues after LOCAC has given our letter could we submit another letter to the Planning Department?</p> <p><u>Planner Brown</u>: That would be fine, we take comments until a decision is made.</p> <p><u>Member Harper</u>: They can do it themselves. All the comments here are sent. With Crockett Circle we didn't realize how important it was to get vacation rentals (unintelligible). If someone feels it was not vetted well at the Land Use Committee and LOCAC. Let them know, they can submit comments online. Tell your neighbors. your Persistence pays.</p> <p><u>Member Mayfield</u>: We are at the beginning of the process, there is plenty of time to get your comments in.</p> <p><u>Sue Morgenthaler</u>: LOCAC does hold weight with the Planning Commission.</p> <p><u>Steve Best</u>: Mr. Shaw had commitments, he is trying to do this properly, and defends his right to use his home to rent. We don't have the right to interfere with that.</p> <p><u>Various LOCAC members</u>: Point out that this is an incorrect interpretation. We don't make a decision, we just forward all comments taken at the meeting and are neutral on the project. Mr. Shaw will go through the process. We are to come up with guidelines.</p> <p><u>Planner Brown</u>: It is not up to LOCAC.</p> <p><u>Brenda Allman</u>: Around Pasadena Drive and Santa Lucia there are several rentals. Questions vacation rental rules and is worried about fireworks on the beach. She can't get ahold of anyone to help.</p>

