



**WEEKLY UPDATE  
MAY 1 - 7, 2022**

**THIS WEEK**

**COLAB WAS RIGHT ALL ALONG!  
GOVERNOR NEWSOME: “KEEP DIABLO OPEN”  
THE SLO BOS SHOULD NOT SURRENDER NOW  
AGENDA ITEM 3 BELOW SHOULD BE REVISED TO CONFIRM POLICY**

**SHERIFF’S DEPUTIES LABOR CONTRACT  
STAYS PRETTY MUCH WITHIN COUNTY BUDGET POLICY**

**WILL CAMBRIA CHRISTMAS MARKET SURVIVE?**

**MAJOR POT FARM APPEAL – EAST OF PASO**

**LAST WEEK**

**NO BOS MEETING  
NEXT MEETING IS SET FOR MAY 2<sup>ND</sup>**

**APCD HEARING BOARD POSTPONED  
DUNES DUST VIOLATIONS CONTINUED TO JUNE 17<sup>th</sup>**

**PLANNING COMMISSION - LITE**

## EMERGENT ISSUES

### COVID LURKS AROUND AT A LOW LEVEL

AGAIN WHERE ARE THE THERAPEUTIC PILLS IF YOU CATCH A BAD CASE?

### SUPERVISOR GIBSON'S CAMPAIGN THREATENS LAWSUIT AGAINST CAL COAST NEWS

*"Special favors benefit SLO County supervisor, anger his neighbors"*<sup>1</sup>

COUNTY COUNSEL DEFIES LOGIC TO DEFEND GIBSON

## COLAB IN DEPTH

SEE PAGE 22

### WATER AND BLOOD IN THE GOLDEN STATE

*Parched citizens and privileged criminal illegal aliens are California's  
model for the country.*

BY LLOYD BILLINGSLEY

### CALIFORNIA'S ONGOING SUICIDE ATTEMPT

BY STEVEN HAYWARD

## THIS WEEK'S HIGHLIGHTS

ALL MEETINGS ARE AT 9:00 AM UNLESS OTHERWISE NOTED

Board of Supervisors Meeting of Tuesday, May 3, 2022 (Scheduled)

Item 3 - It is recommended that the Chair of the Board sign the letter titled, "Our vision for a world-class clean tech innovation park: Cal Poly should lead Diablo Canyon's next chapter," alongside various partners in the Memorandum of Understanding (MOU) stakeholder group on the future of the Diablo Canyon Power Plant site, which the Board joined in March 2021. The

<sup>1</sup> CAL COAST NEWS raises serious questions in April 24, 2022 edition.

item should be rewritten to convey the Board’s preference that the plant remains open. It is currently worded to state that closure is a forgone conclusion.

*Where the soon-retiring Diablo Canyon Power Plant sits on California’s Central Coast, we see a new future as a hub of clean energy innovation. We see a research and development campus where industry and academia can hatch and collaborate on emerging renewable technologies. We see an expansion of existing desalination capabilities, a harbor for blue economy activity, a community center for Chumash heritage education and celebration, and a critical platform for enabling California to harness the wind energy right off our coast.*<sup>2</sup>

The Board should not accept this yet. It works at cross purposes with the stance it took several weeks ago to request that the Governor work to keep the plant open. The message in this letter should be to keep the plan open, but if that fails, then this future use of the site plan would be a fallback.

COLAB has supported retention of the plant ever since the relicensing effort began of a decade ago. Finally, it appears that others are waking up to the real energy and economic facts.

This stance is even more important and feasible now. The Governor announced on Thursday, April 28, 2022, that the State is applying for Federal Nuclear power plant preservation funds and will attempt to assist PG&E in maintaining the operation. PG&E acknowledged that effort and indicated that it was open to alternatives. The LA Times articles below detail the situation:

***GOVERNOR NEWSOME: KEEP DIABLO OPEN***  
***BY SAMMY ROTH, LA TIMES STAFF WRITER***

*With the threat of power shortages looming and the climate crisis worsening, Gov. Gavin Newsom may attempt to delay the long-planned closure of California’s largest electricity source: the Diablo Canyon nuclear plant.*

*Newsom told the L.A. Times editorial board Thursday that the state would seek out a share of \$6 billion in federal funds meant to rescue nuclear reactors facing closure, money the Biden administration [announced](#) this month. Diablo Canyon owner Pacific Gas & Electric is preparing to shutter the plant — which generated 6% of the state’s power last year — by 2025.*

*“The requirement is by May 19 to submit an application, or you miss the opportunity to draw down any federal funds if you want to extend the life of that plant,” Newsom said. “We would be remiss not to put that on the table as an option.”*

*He said state officials could decide later whether to pursue that option. And a spokesperson for the governor clarified that Newsom still wants to see the facility shut down long term. It’s been six years since PG&E agreed to close the plant near San Luis Obispo, rather than invest in expensive environmental and earthquake-safety upgrades.*

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<sup>2</sup> Cal Poly should lead Diablo Canyon’s next chapter - An open letter advancing our vision for a world-class clean tech innovation park document.

*But Newsom's willingness to consider a short-term reprieve reflects a shift in the politics of nuclear power after decades of public opposition fueled by high-profile disasters such as Chernobyl and Three Mile Island, as well as the Cold War.*

*Nuclear plants are America's largest source of climate-friendly power, generating 19% of the country's electricity last year. That's [almost as much](#) as solar panels, wind turbines, hydropower dams and all other zero-carbon energy sources combined.*

Sammy Roth covers energy for the Los Angeles Times and writes the weekly [Boiling Point](#) newsletter. He previously reported for the Desert Sun and USA Today, where he focused on renewable energy, climate change, electric utilities, and public lands. He grew up in Westwood and would very much like to see the Dodgers win the World Series again. This article first appeared in the LA Times of April 29, 2022.

## **PACIFIC GAS & ELECTRIC'S DIABLO CANYON NUCLEAR PLANT IS CALIFORNIA'S LARGEST ELECTRICITY SOURCE** **BY MICHAEL A. MARIANT, ASSOCIATED PRESS**

*Nuclear supporters say closing plants such as Diablo would make it far more difficult to achieve President Biden's goal of 100% clean energy by 2035, and to mostly eliminate planet-warming emissions by midcentury — which is necessary to avert the worst impacts of climate change, including more dangerous heat waves, wildfires and floods, according to scientists.*

*Nuclear plants can produce power around the clock. The [stunning growth of lithium-ion battery storage](#) has made it easier and cheaper for solar panels and wind turbines to do the same, but those renewables still play much less of a role when the sun isn't shining and wind isn't blowing, at least for now.*

*The U.S. Commerce Department, meanwhile, is considering [tariffs on imported solar panels](#), which could hinder construction of clean energy projects that California is counting on to avoid blackouts the next few summers, as Diablo and several gas-fired power plants shut down. Newsom said in a [letter](#) to Commerce Secretary Gina Raimondo this week that her department's tariff inquiry has delayed at least 4,350 megawatts of solar-plus-storage projects — about twice the capacity of Diablo Canyon.*

*He urged Raimondo to “take immediate action to resolve this issue as soon as possible.”*

*“This Department of Commerce tariff issue is one of the biggest stories in the country,” Newsom told The Times' editorial board. “Looking at retroactive 250% tariffs for everything coming out of Malaysia or Vietnam, and Taiwan, elsewhere — this is serious.”*

*The governor said he's been thinking about keeping Diablo open longer since August 2020, when California's main electric grid operator was forced to [implement rolling blackouts](#) during an intense*

heat wave. Temperatures stayed high after sundown, leaving the state without enough electricity to keep air conditioners humming after solar farms stopped producing.

A few hundred thousand homes and businesses lost power over two evenings, none of them for longer than 2½ hours at a time, officials said. The state only narrowly avoided more power shortfalls during another heat storm a few weeks later, highlighting the fragility of an electric grid undergoing a rapid transition from fossil fuels to renewable energy.

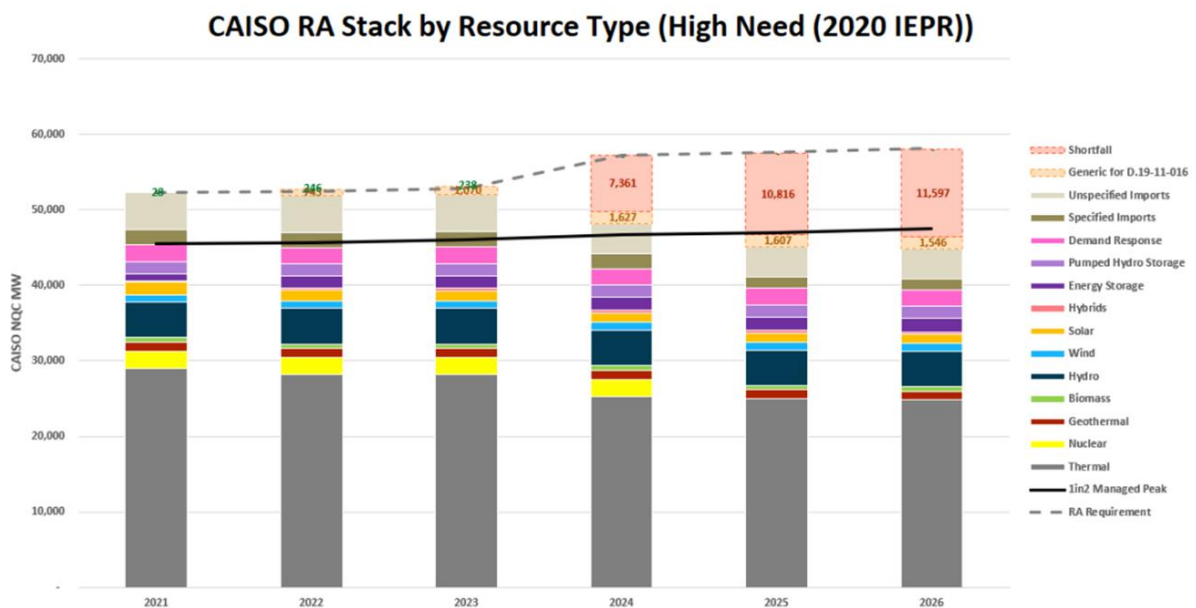
Newsom spokesperson Anthony York said the governor’s decision to reconsider Diablo Canyon’s closure timeline was driven by projections of possible power shortages in the next few years. Those projections, he said, came from the California Independent System Operator, which oversees the electric grid for most of the state.

Anne Gonzales, a spokesperson for the grid operator, couldn’t immediately provide the projections. She said in an email that the agency supports “considering and exploring all options” for keeping the lights on, as doing so gets harder due to climate impacts including more extreme heat waves, more aggressive wildfires and hydropower supplies diminished by drought.

Newsom told the editorial board that reliable electricity is “profoundly important.” He also acknowledged the growing number of scientists, activists and former U.S. energy secretaries who have pressed him to rescue Diablo for climate reasons.<sup>3</sup>

“Some would say it’s the righteous and right climate decision,” Newsom said.

The figure below shows the CPUC staff analysis of available electricity resources that led to the procurement required in the Decision.



<sup>3</sup> COLAB brought this news to you first.

**Item 9 - Submittal of a resolution approving 1) the January 1, 2022 through December 31, 2024 Memorandum of Understanding between the County of San Luis Obispo and the Sworn Deputy Sheriffs' Association Sworn Law Enforcement Unit, and 2) the January 1, 2022 through December 31, 2024 Memorandum of Understanding between the County of San Luis Obispo and the Sworn Deputy Sheriffs' Association Sworn Law Enforcement Supervisory Unit.** The Board is expected to approve a new 2-year contract with the Sworn Deputy Sheriffs Association and the Sworn Deputy Sheriffs Association Law Enforcement Supervisory Unit.

The term of the contract is from January 1, 2022 through December 24, 2024. Basic wage provisions include:

*Retroactive to the pay period including January 1, 2022, wages shall be increased by 2.5%.*

*Effective the pay period including January 1, 2023, wages shall be increased by 2.5%.*

*Effective the pay period including January 1, 2024, an additional salary step shall be added to the salary range at 5% above the pay rate of the current sixth step. Also effective the pay period including January 1, 2024, the current first step will be eliminated, which will keep the number of salary steps at six. Employees in steps two through five shall have their step placement reduced one level, but their hourly rate of pay shall remain unchanged. Employees at step six who do not meet the eligibility for the new additional step shall also have their step reduced one level, but their hourly rate shall remain unchanged.*

The new costs to the County are illustrated below. It is not clear if these include the imputed costs of payments to the retirement seedsmen.

**Table 1.**

Item	Fiscal Year 2021-22	Fiscal Year 2022-23	Fiscal Year 2023-24	Annual Ongoing
Wages	\$373,907	\$1,131,069	\$1,943,323	\$2,372,322
Healthcare	\$14,810	\$147,960	\$246,600	\$284,400
Bilingual Differential	\$2,050	\$12,060	\$12,060	\$12,060
Career Incentive Allowance	\$27,443	\$161,430	\$161,430	\$161,430
Safety Equipment Allowance	\$64,500	\$7,500	\$7,500	\$7,500
Special Assignment Pays	\$3,468	\$20,400	\$20,400	\$20,400
Shift Differential	\$23,767	\$141,551	\$145,096	\$146,894
<b>Total Costs</b>	<b>\$509,945</b>	<b>\$1,621,970</b>	<b>\$2,536,409</b>	<b>\$3,005,006</b>

The impact to the deputies is displayed in the table below:

## 6. SALARIES

### 6.1 Wage Increases

6.1.1 Commencing the pay period including January 1, 2022, wages shall be increased by 2.5%, resulting in the following salary ranges:

BU	Class	Title	Current Range	Current \$ Per Month	2022 Range	2022 \$ Per Month
BU 27	338	Deputy Sheriff	3995	\$6,925-\$8,838	4095	\$7,098-\$9,060
BU 27	340	Sheriff's Senior Deputy	4407	\$7,639-\$9,748	4517	\$7,829-\$9,993

6.1.2 Commencing the pay period including January 1, 2023, wages shall be increased by 2.5%, resulting in the following salary ranges:

BU	Class	Title	Current Range	Current \$ Per Month	2023 Range	2023 \$ Per Month
BU 27	338	Deputy Sheriff	4095	\$7,098-\$9,060	4197	\$7,275-\$9,284
BU 27	340	Sheriff's Senior Deputy	4517	\$7,829-\$9,993	4630	\$8,025-\$10,242

The timing will require a retroactive payment for the period back to January 1, 2022.

A full copy of the contract can be viewed at the link:

[County of San Luis Obispo Contract \(ca.gov\)](#)

The impact on the Supervisory unit members is as follows:

## 6. SALARIES

### 6.1 Wage Increases

6.1.1 Commencing the pay period including January 1, 2022, wages shall be increased by 2.5%, resulting in the following salary ranges:

BU	Class	Title	Current Range	Current \$ Per Month	2022 Range	2022 \$ Per Month
BU 28	336	Sheriff's Sergeant	4851	\$8,408 - \$10,733	4972	\$8,618-\$11,000

6.1.2 Commencing the pay period including January 1, 2023, wages shall be increased by 2.5%, resulting in the following salary ranges:

BU	Class	Title	Current Range	Current \$ Per Month	2023 Range	2023 \$ Per Month
BU 28	336	Sheriff's Sergeant	4972	\$8,618-\$11,000	5096	\$8,833-\$11,275

It has been difficult for the County to recruit and retain deputies because only about 1 in 100 applicants can meet the physical, mental, and prior history (no drugs, etc.) requirements. As police agencies in the state compete for limited candidates, the pressure to raise salaries and benefits is severe.

**Item - 17 Appeal of the Planning Commission Approval of the Extension of the Cambria Christmas Market.** The market is located within the interior of the Cambria Pines Lodge grounds and the adjacent Cambria Nursery. The proposed project is within the Recreation land use category and is located at 2905 Burton Drive, in the community of Cambria. Neighbors who dislike the seasonal traffic, buses, and visitor parking have appealed the Commission's prior approval. The staff recommends that the Board deny the appeal and thereby allow the event to go forward. The reports and documentation are extensive. The event sponsors have been constrained by many conditions, which have accumulated over the years.

The event has many supporters, and in some years the sponsors have had to ration attendance.



The appellants summarize their opposition:

*The Cambria Lodge is surrounded on 3 sides by single-family residents. Many are closer than 1,000 feet from the Market. The streets in the area have few streetlights and few (if any) permanent "No-Parking" signs. The absence of urban lights is one of the natural assets of the North Coast. Because the Lodge is in the Coastal Zone (not in an urban setting such as Cal-Poly) the negative impacts of the Market are more keenly felt by local residents, many of whom have chosen to live in Cambria because of its natural beauty. Among other negative impacts, the Market generates noise, light pollution, traffic congestion, unsightly NoParking barricades (which are often not taken down during the duration of the Market), unchecked water use, and solid waste. The Market is a danger to both pedestrians (especially those walking Burton Drive or along Yorkshire Road from the Presbyterian Church parking lot or crossing Burton from the nursery.) There are virtually no sidewalks in the area. Vehicle drivers can be easily blinded by all the headlights and waiving flashlights along the roads and intersections. At night during the Market, Burton Drive is unsafe at any speed.*

*Initially, the Lodge's Christmas celebration was a modest event, but in 2016, the Commission, by approving Applicant's application drastically changed the scope and nature of the market. Approval was an invitation to the general public that led to this residential neighborhood in a town with a population of 5,647 that is located in the Coastal Zone being overrun by over 60,000 visitors. The impact on local residents has been staggering: the Lodge's hired guards stop local residents from entering and exiting their homes via the intersection of Patterson and Burton. They stand in the middle of the Yorkshire and force locals to stop, justify their presence, and prevent them from reaching Burton Drive. The Market's many buses cause frustration and delays to local residents. They generate traffic congestion on Burton Drive near the Lodge's main entrance, at the intersection of Highway 1 and Burton Drive, and throughout the east-end of Cambria. Applicant claims its traffic controls have eliminated any traffic jam associated with the Market, but this is simply false as many local residents*



will testify. In short, the Market is a public nuisance and an inappropriate land use in the sensitive Coastal Zone

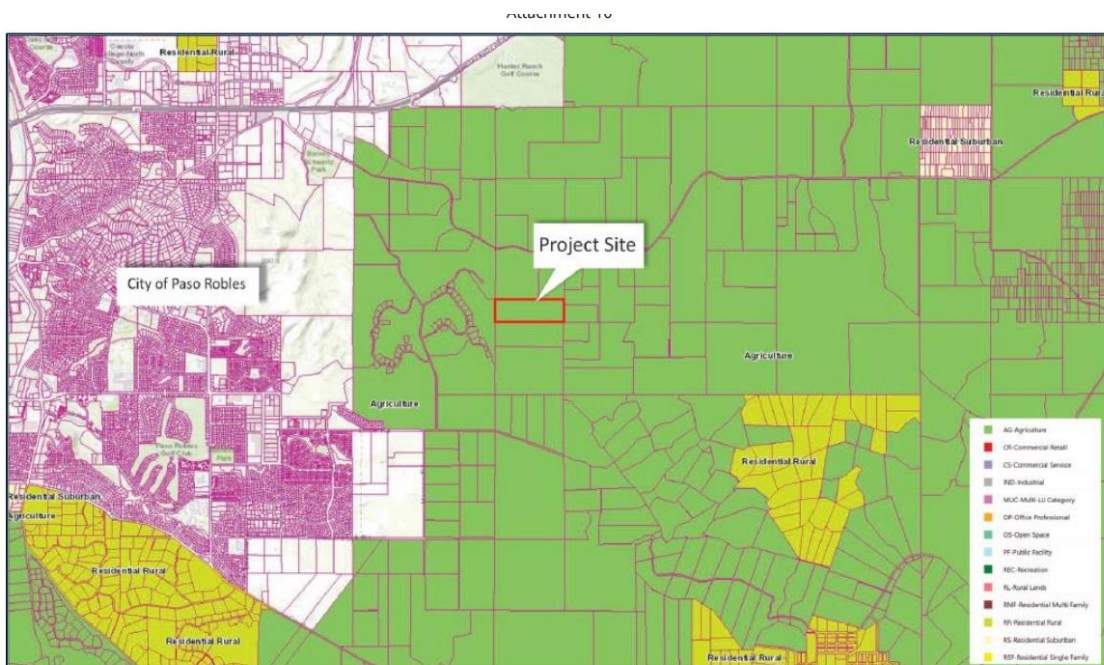
This could be a hard call for the Board and especially Supervisor Gibson in an election year.

**Item 18 - Hearing to consider an appeal (APPL2020-00022) by Christina Maldonado of the Planning Department Hearing Officer's approval of a Minor Use Permit (DRC2018-00228) for SLO BF Inc. to establish a multi-phased project that includes 2.63 acres of outdoor cannabis cultivation canopy; 22,000 square feet (SF) of indoor cannabis cultivation canopy; 10,800 SF of indoor ancillary nursery; 6,000 SF of ancillary indoor cannabis processing; and approximately 25,000 SF of related site improvements.** At this point in the evolution of the cannabis story, the approval of almost every outdoor grow is appealed by neighbors. Odor is the main concern.

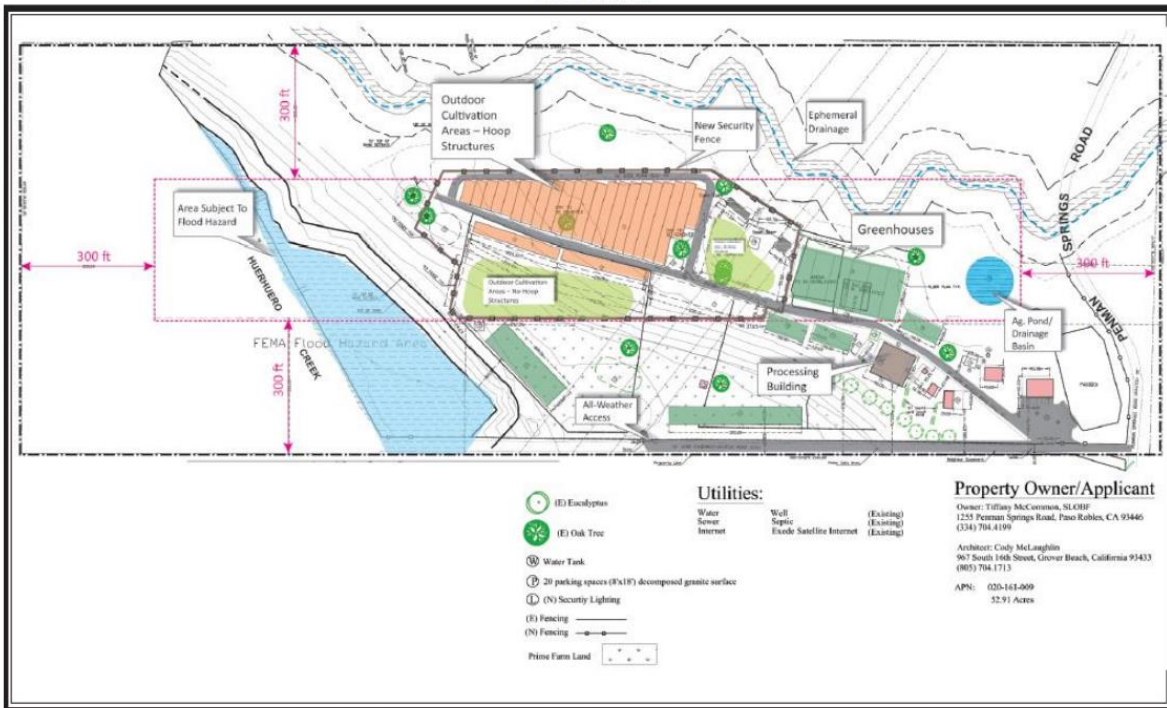
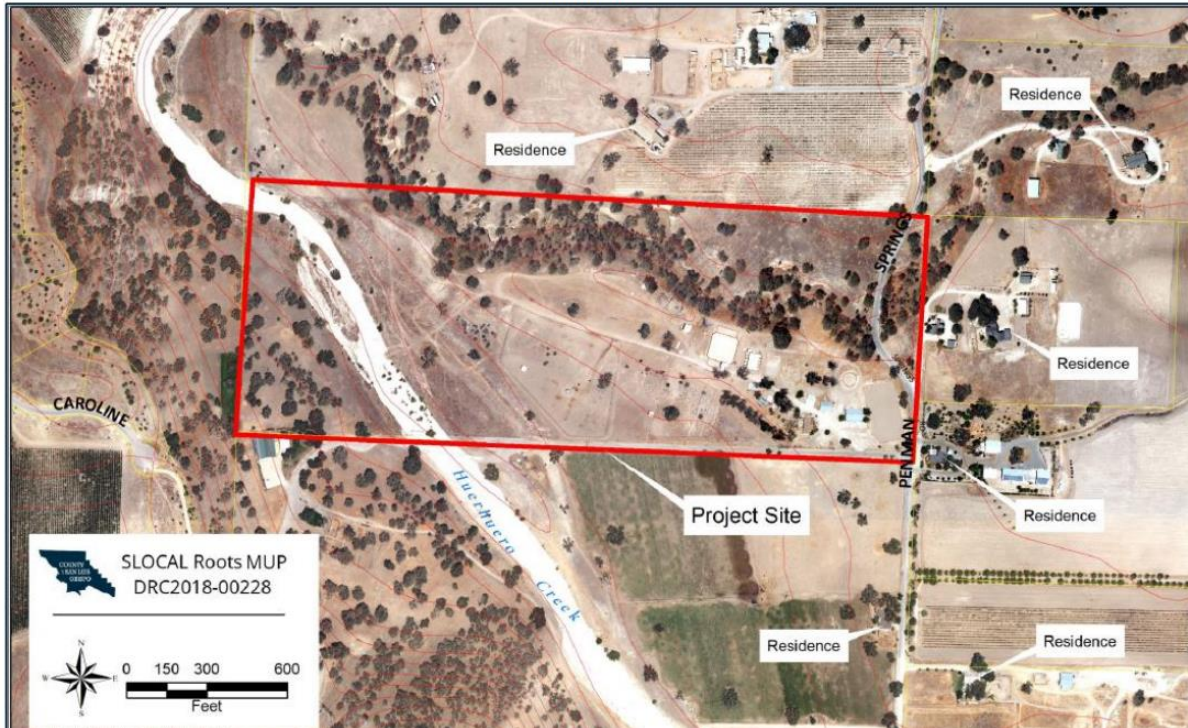
The issue has become a hot potato for the coming supervisorial election. In the 2<sup>nd</sup> District candidate John Whitworth is opposed to cannabis under any circumstance. Candidate Bruce Jones has fought it from the standpoint of his role as member and chairman of the Templeton Community Advisory Group. Candidate Geoff Auslund has stated that cannabis should not interfere with existing neighborhoods. Incumbent Bruce Gibson has generally been pro cannabis. Supervisor Compton basically opposes outdoor grows period. It is not known what her opponent Jimmie Paulding thinks. Supervisor Arnold is now pretty much opposed to cannabis under most circumstances. Supervisor Dawn Ortiz Legg is mainly supportive of cannabis permit applications. Her opponent, Stacey Koresgaden does not seem to be a fan.

The June primary election could impact the issue.

It came before the Board last year but was withdrawn for further modification and addition of conditions. It has been asserted that most cannabis operations in SLO County are actually ultimately backed by Helios Dayspring. It is further asserted that the people who seek the permits are partners or fronts. The Board should ask the question: Is Helios, his spouse, or anyone in his company part of this effort?



The project is partially in District 1 and Partially in District 5.



# LAST WEEK'S HIGHLIGHTS

**No Board of Supervisors Meeting on Tuesday, April 26, 2022 (Not Scheduled)**

The next scheduled meeting is set for Tuesday, May 3, 2022.

**SLO Air Pollution Control District (SLOCOG) Hearing Board Meeting of Tuesday, April 26, 2022 (Continued to June 17, 2022)**

**Note that this is not the APCD policy Board, but a separate unit that reviews appeals from APCD orders and enforcement proceedings.** The next regular APCD Board meeting is set for Wednesday, May 18, 2022. The Hearing Board was to have met this week to consider violations of the Dunes Dust Order.

**Item - Consider modification of the Stipulated Order of Abatement (Case No. 17-01) issued on April 30, 2018 and amended on November 18, 2019, pertaining to continued violations of California Health and Safety Code section 41700 and SLOAPCD Rule 402 – Public Nuisance and continued violation of SLOAPCD Rule 1001 – Coastal Dunes Dust Control Requirements with respect to particulate matter and dust resulting from riding activities at the Oceano Dunes State Vehicular Recreation Area, operated by the California Department of Parks and Recreation Off-Highway Motor Vehicle Division.** For an unexplained reason, the hearing has been continued to Friday June 17, 2022.

**Planning Commission Meeting of Thursday, April 28, 2022 (Completed)**

**No major items:** The meeting agenda was light. It contained only two requests: one for a permit extension and one by a winery to modify its tasting hours. This is the type of opportunity when the Commission could conduct a study session on one of the many issues that relate to long-range planning and the future of the County. Commissioner Campbell recused himself from the permit extension matter (Daou Vineyards), as he sells them grapes. There was no controversy, and both items were approved.

**Special SLO County Integrated Waste Management Board (IWMA) Meeting of Tuesday, May 2, 2022 (Completed)**

**Item 4 - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

**Recommendation: Pursuant to Government Code §54956.9(d)(2): Conference with Legal Counsel – Significant exposure to litigation. Number of potential cases: One (1) Who is suing the IWMA? What is the case about?**

**Item 6 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION – INTERIM EXECUTIVE DIRECTOR Pursuant to Government Code §54957(b)(1): Title: Interim Executive Director.**

This item seems strange in that it continues to appear repeatedly. Former County Public Works

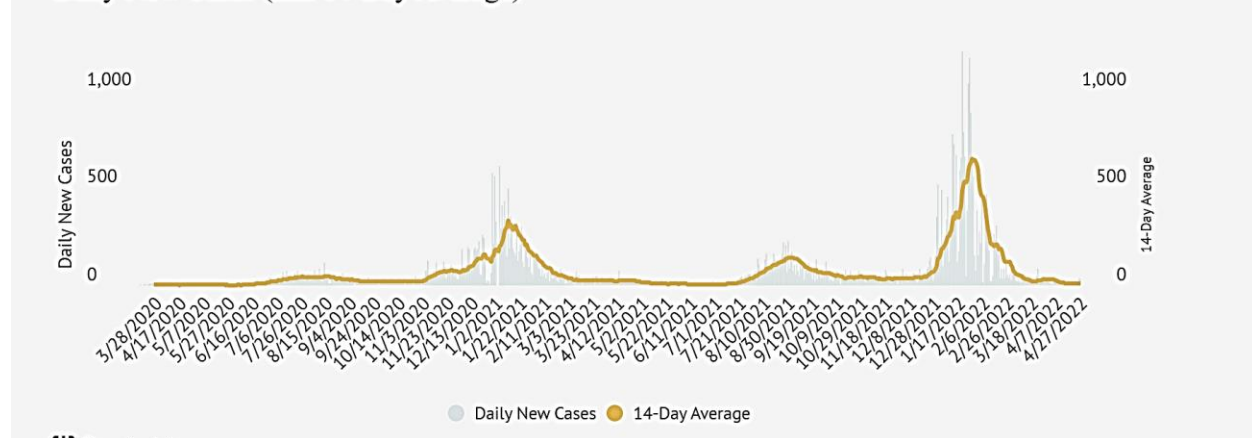
Director Paavo Ogren is the Interim Director. Why would they keep discussing his employment with him over and over again?

## EMERGENT ISSUES

**Item 1 - COVID:** Cases and hospitalizations in SLO remain low, but the disease continues to lurk around. It appears that about 1 person is dying per week. Health experts are concerned that the latest version of the Omicron variant will eventually expand in California. It appears to be a huge problem in China with lockdowns there causing a drag on the world economy.

We are still not seeing anything definitive from public health authorities on how to obtain the therapeutic drugs in advance of catching a severe case. The medical data indicates that a patient must take these drugs early in the course of the disease for them to be effective. It would seem that everyone needs a stash. After all, how can buy all the cannabis you want but not any Paxlovid unless you are sick.

Daily New Cases (and 14-Day Average)



### 5 (0 ICU) SLO County Residents with COVID-19 in Hospital

**Item 2 - Supervisor Gibson's Addition Permit:** The Cal Coast News (see the article on page 19 below) broke the story that Supervisor Gibson received County approval for a major addition on his Cayucos cottage, which is a non-conforming structure due to severe narrow side yards. County staff has clammed up about the matter, except the County Counsel who states that it's all legal and proper.

According to the ordinance, the County should have required Gibson to bring his structure into conformance before approving an expansion. Our observed experience of the past 11 years is that applicants for new structures, expansions, tasting rooms, installation of new bathrooms, lot splits, etc., are always required to correct non-conforming structures before the County will process their permits for the new work. These corrections are repeatedly included in permit conditions.

Generally COLAB is critical of such requirements as being used to block new development and exposing applicants to unnecessary costs. However, it is serious breach of public ethics and the equal application of the law if powerful public officials can skate around such burdens that are placed on the average citizens.

Sadly, and aside from the County Counsel, none of the County managers responsible for the overall operation have spoken on the issue. We have not heard from the staffer who recommended the approval, his supervisor (who is now the LAFCO Executive Director), or the Hearing Officer who approved the permit in the first place. The Planning Director and the County Administrative Officer have not commented on whether they support the issuance of the permit.

Gibson, for his part, is feigning outrage and has threatened a lawsuit against CAL Coast News, which has simply reported the situation and the chain of events leading up to it. Interestingly, it is actually Gibson's Supervisorial campaign that is funding the legal action. Wonder if the suckers who contributed expected their dollars to pay for a private dispute?

The plain language of the key ordinance is cited below. Reportedly, Gibson's addition increased the floor area of the structure by 48 %. Since the existing building is non-conforming, what is staff's rationale? When Cal Coast News requested a copy of the permit file, it was told that it was lost. This seems to include both the paper file and the electronic file from the County's \$2.5 million Planning Permit Management System. When COLAB requested a copy of the actual permit, we were only provided with a floor plan and architectural elevations of the addition.

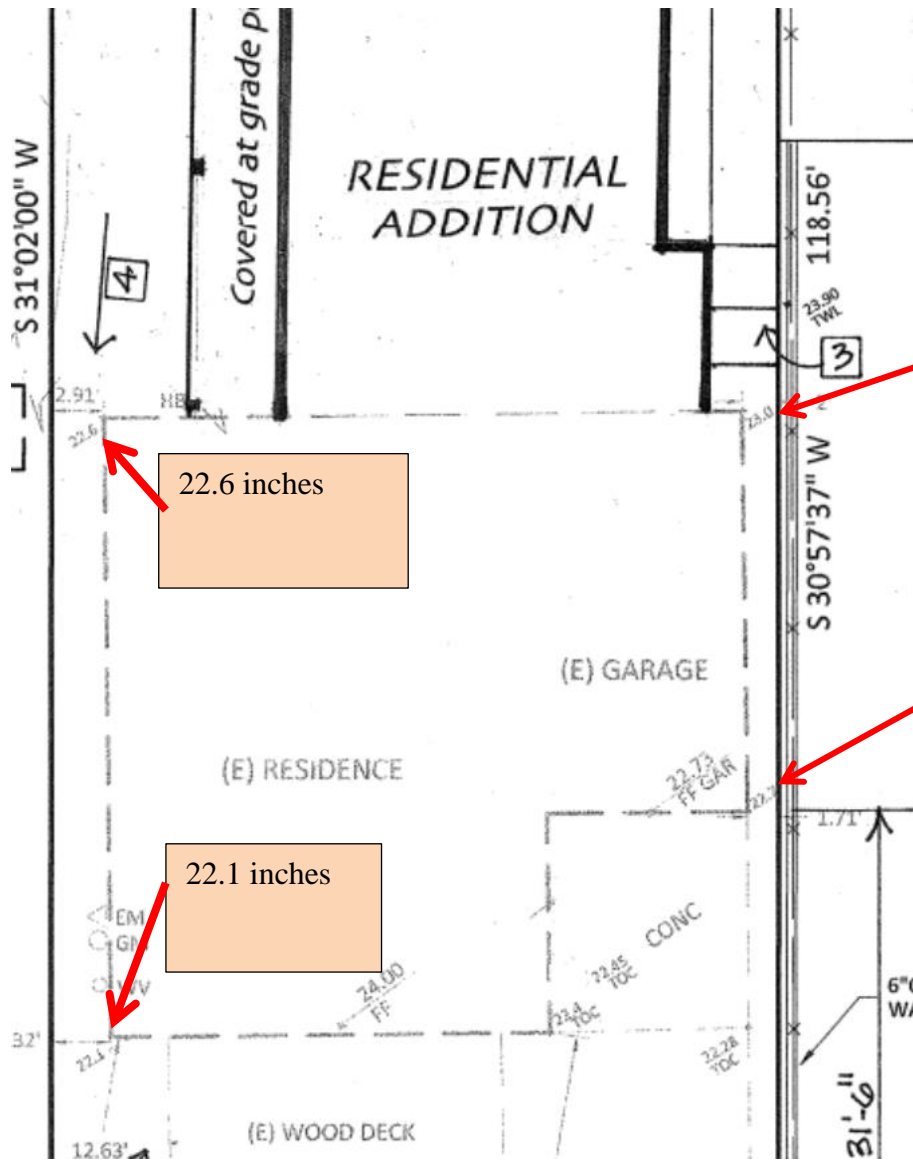
### **23.09.030 - Nonconforming Buildings, Structures Or Site Development**

Any nonconforming building, structure or site development as defined by Section 23.09.012b may continue to be used as provided by this section (and Section 23.09.032 in the case of nonconforming signs) where the structure was established and has been maintained in a lawful manner and condition.

**a. Nonconforming buildings or structures - Expansion or alteration.** The floor area or the footprint of a nonconforming building or structure shall not be increased, nor shall any structural alteration occur, except:

- (1)** Proposed alterations or expansions consistent with all applicable provisions of this title, when accompanied by any additional alterations necessary to bring the entire building or structure into conformity with all applicable provisions of Title 19 of this code.
- (2)** Minor alterations which are determined by the building official to be necessary to improve or maintain the health and/or safety of the occupants, or are required by law.

The normal side yard requirement is for the building to be 3 or 4 feet from the property line, depending on which County document is consulted. The diagram below on the next page shows the existing situation.

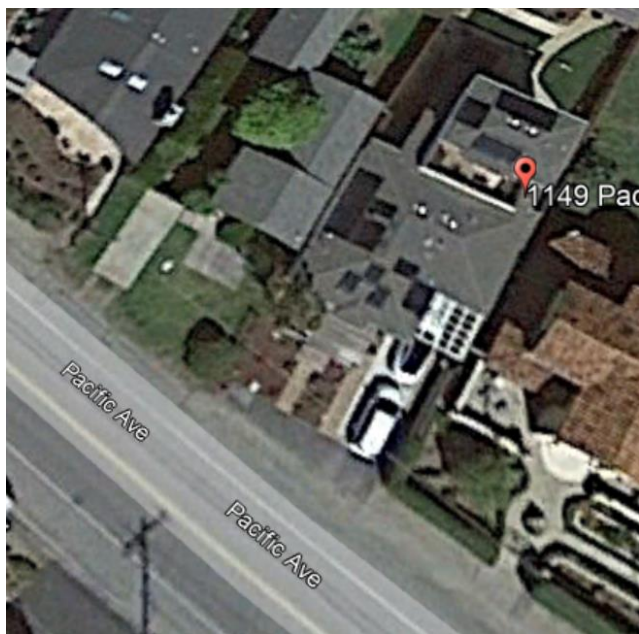


22.6 inches

23.0 inches

22.7 inches

22.1 inches





**Existing cottage. Note - no room for the trash cans in the side yards.**

The building permit summary page is displayed below.

**Permit Number: PMT2017-00362**

[Permit Details](#) | [Tab Elements](#) | [Main Menu](#)

<b>Type:</b>	Residential - Additions/Alterations	<b>Status:</b>	Finald	
<b>IVR Number:</b>	658432	<b>Applied Date:</b>	08/01/2017	<b>Issue Date:</b> 10/13/2017
<b>District:</b>	District 2	<b>Assigned To:</b>		<b>Expire Date:</b> 10/13/2020
		<b>Valuation:</b>	\$95,627.14	<b>Finalized Date:</b> 08/03/2018
<b>Description:</b>	CONDITIONED SPACE ADDITION (727 SF), COVERED PORCH (175 SF), DECK (191 SF), REMODELED AREA (285 SF), INCLUDES DEMO PORTION OF EXISTING DWELLING (189 SF)			

Once permits were issued, the project went forward, construction steps were approved, and final approval was made, per the schedule below on the next page:

✓ Footing/Foundation Inspections - PMTC/PMTR - Approved : 11/14/2017
✓ Insulation Inspections - PMTC/PMTR - Approved : 12/01/2017
✓ Roof and Shear Inspections - PMTC/PMTR - Approved : 01/03/2018
✓ Roof and Shear Inspections - PMTC/PMTR - Approved : 01/29/2018
✓ Temporary Power / E-Tag Inspection - PMTC/PMTR - Approved : 03/15/2018
✓ Rough Inspections - PMTC/PMTR - Approved : 03/28/2018
✓ Stucco / Lath - PMTC/PMTR - Approved : 03/30/2018
✓ Interior Gas Test - PMTC/PMTR - Approved : 04/06/2018
✓ Shower Pan - PMTC/PMTR - Approved : 04/26/2018
✓ Stucco / Lath - PMTC/PMTR - Approved : 04/26/2018
❗ Final Inspections - PMTC/PMTR - Not Ready : 07/30/2018
✓ Final Inspections - PMTC/PMTR - Not Ready : 08/01/2018
✓ Final Inspections - PMTC/PMTR - Approved : 08/03/2018
✓ Send to Scanning - Passed : 01/06/2022
✓ Scanning Return and File Attachment - Passed : 01/06/2022
✓ File Cleaning - Passed : 01/06/2022

**What happened to the scanned files? Why 3.5 years after the project? Why Jan 6, 2022? Who scanned the material?**

**What Happened Here?**

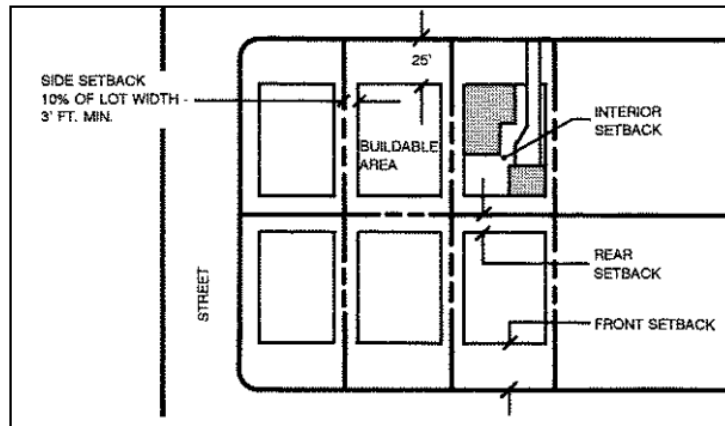
Suspiciously, the last 3 items pertain to the preservation of the permanent record of the building permit. It is not clear if they pertain to the preservation of the minor use permit, which staff said is lost. Why would these last 3 steps all take place on January 6, 2022, 3.5 years after the project was approved and closed out? Coincidentally, it is reported that it was around January 6 when the neighbor who first reported the situation complained to the County. This in itself raises a red flag.

We asked staff for an explanation of what these last 3 entries mean and why they would take place 3.5 years after the project was approved and closed out. They answered that they would have to investigate and get back to us. Given the high profile of this issue and the fact that Gibson is suing Cal Coast News, you would think that they would have gotten right back to us if everything is correct and legal. We explained the situation last Thursday and did not receive a call back until late Friday afternoon.

**Exceptions: It says that side yards must be 3 ft. in this version.**



**Setback.** An open area on a lot between a building or structure and a property line or other site feature specified by this title, unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 23.04.100 (Setbacks). (See Figure 11-6.)



**Figure 11-6: Setbacks & Buildable Area**

**Reasons for granting an exception are listed in the zoning ordinance.**

*Setback, Side.* A primarily open area without principal structures, between the side line of the lot and the nearest line of the building and extending between the required front and rear setbacks

*23.04.104 - Exceptions To Setback Standards* The minimum setback requirements of this chapter apply in all cases except the following, which do not include exceptions to the blufftop setbacks required by Section 23.04.118 of this title (see also Section 23.04.116 - Projections Into Required Setbacks):

- a. Fences, hedges or walls as allowed by Section 23.04.190c (Standards for fencing and screening materials).*
- b. Decks, terraces, steps, earthworks and other similar landscaping or design elements placed directly on finished grade that do not exceed an average height of 30 inches above the surrounding finished grade, provided that no such wood structure shall extend closer than 36 inches to a property line, unless it complies with applicable fire resistive construction requirements of the Uniform Building Code.*
- c. Areas where special setbacks have been established through adoption of building line maps (Section 23.01.022c), tentative or vesting tentative map approval, Development Plan approval for a cluster development, planning area standard, specific plan, or by Chapter 23.08 of this title for a specific use, in which cases the special setbacks apply in place of the setbacks of this chapter.*
- d. Areas where an official plan line for road right-of-way has been established, in which case the front or street-side setbacks required by this title shall be measured from the plan line instead of from the property line that would otherwise be the basis for setback measurement. [Amended 1995, Ord. 2715*

We don't see any exception here.

**County Counsel's Response Defies Logic:** The County Counsel, Rita Neal, sent the Cal Coast News a response that supposedly justifies the County's approval of the permit. However, the plain language (highlighted in yellow below) states that exceptions require that the permit could not be approved unless accompanied by alterations to the existing nonconformity.

***a. Nonconforming buildings or structures - Expansion or alteration. The floor area or the footprint of a nonconforming building or structure shall not be increased, nor shall any structural alteration occur, except:***

***(1) Proposed alterations or expansions consistent with all applicable provisions of this title, when accompanied by any additional alterations necessary to bring the entire building or structure into conformity with all applicable provisions of Title 19 of this code.***

How can the County Counsel read this portion of the ordinance and then reach her conclusion?

RE: [EXT]Media question

Rita L. Neal <rneal@co.slo.ca.us>

Sat 4/23/2022 11:20 AM

To: Karen Velie <velieslo@gmail.com>

Cc: Wade Horton <whorton@co.slo.ca.us>

Ms. Velie,

The original structure is part of a conforming land use and it is principally permitted in the zoning. While the original structure, built in the 1950's, doesn't meet the current setback, Title 23.09.030(a)(1) explicitly allows the permitted expansion.

SLOCC 23.09.030.a says that a legal non-conforming structure can increase the floor area or footprint when the alterations are accompanied by any additional alterations necessary to bring the building or structure into conformity with Title 19. (See below and highlight.) Therefore, the section you cited does in fact allow, without any special exemption, the permitted addition.

**23.09.030 Nonconforming Buildings, Structures or Site Development.**

*Any nonconforming building, structure or site development as defined by Section 23.09.012b may continue to be used as provided by this section (and Section 23.09.032 in the case of nonconforming signs) where the structure was established and has been maintained in a lawful manner and condition.*

***a. Nonconforming buildings or structures - Expansion or alteration. The floor area or the footprint of a nonconforming building or structure shall not be increased, nor shall any structural alteration occur, except:***

***(1) Proposed alterations or expansions consistent with all applicable provisions of this title, when accompanied by any additional alterations necessary to bring the entire building or structure into conformity with all applicable provisions of Title 19 of this code.***

**How can she conclude that it's legal, given the plain language here?**

The permitted addition meets the required setback and all other standards of Title 23.

Your initial public records act request asked the following: "Under the Public Records Act, I am asking for copies of the documents determining the exemption to issue the permit." No documents existed that were responsive to that request.

Your recent request asked for the following documents: "Under the Public Records Act please provide all documents related to DRC 2016-00077 and PMT 2017-0036." Records responsive to this request are attached.

## *Special favors benefit SLO County supervisor, anger his neighbors*

April 24, 2022



*SLO County Supervisor Bruce Gibson*

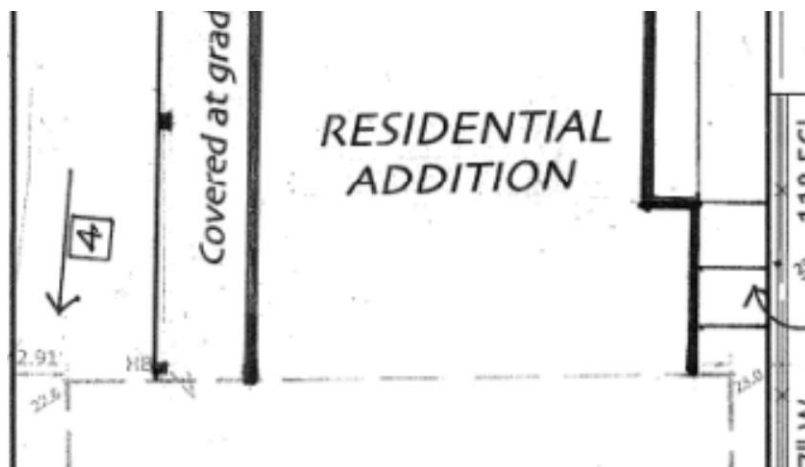
By *KAREN VELIE*

*San Luis Obispo County has a reputation for rigorously enforcing building and land use regulations. But, when it came to Supervisor Bruce Gibson, county staff skirted both planning regulations and state law to allow him to build a 727-square-foot addition and 208-square-foot deck.*

*When the special treatment was uncovered, SLO County staff, (1) took documents from the file offline, (2) said the documents did not exist, (3) said they were not sure where the documents were and could have been lost, and, (4) that there were no documents for property exemptions for the project.*

*When Gibson's home was built decades ago in Cayucos, it was placed less than 2 feet from the property line, which currently makes it a legal non-conforming structure. The minimum set back requirement is 3 feet for a conforming structure, while 4 feet is usually required.*

*During the process of approving the project, county documents showed a 23-inch setback.*



*While Gibson legally can occupy his home, SLO County Title 23.09.030, requires that a non-conforming structure be brought into compliance before it can be altered or increased.*

*Initially, when Gibson decided to add on to his home, he asked his next-door neighbor Jack Keely to let him buy a slice of his property for \$2,000, which would have made Gibson's home a conforming structure. Keely declined the offer, he said.*

*Gibson then threatened to get a lot line adjustment, Keely said.*

*But no lot line adjustment was made, and, in 2016 Gibson applied to the county for a permit for a complete remodel and to add a two-story addition on to the back of his house.*

*That should have resulted in the county mailing notices to all neighbors within 300 feet of Gibson's property. Keely said he never received a notice.*

*After learning Gibson's remodel plan would block her home's view of the Pacific Ocean and Morro Rock, Carol Knapp sought a hearing. She dropped her request after being told that she would likely lose her bid to stop Gibson's project, according to records from the planning hearing on April 21, 2017.*

*Even though it usually takes three to four months to schedule a hearing with the planning department, Gibson's project went in front of the hearing officer in less than six weeks.*

*And while projects are typically listed by the property owner's name, in this case, Gibson's name was not listed on the hearing calendar. Instead, the name listed was "Smith." As a result, no one other than two county staffers attended the SLO County Planning Department hearing.*

*During the April 21, 2017 hearing, Terry Wahler, a county project manager, asked hearing officer Rob Fitzroy to approve Gibson's plan for the 727 square foot addition, a 208 square-foot deck and an interior remodel. He said the project complied with all county regulations.*

*During his slide show, Wahler showed a drawing that lists the side setback next to Keely's home as 23 inches, according to records on the county meeting website.*

*"This is an aerial of the site, and as you can see, it is a little snug on the side setbacks, but there is plenty of room for this addition in the center rear of the project site," Wahler said during his presentation.*

*Saying that the project met all requirements, Fitzroy then moved to approve.*

*The county signed off on the project about a year and a half ago. Gibson then put a shale and concrete walkway that covered part of Keely's property.*

*After Keely ordered Gibson to stop encroaching on his lot, Keely paid for a survey which showed Gibson's encroachment. He tried to hire a lawyer to sue the county supervisor, but four attorneys turned him down noting Gibson's position of power, he said.*

*Recently, Gibson had his walkway cut from Keely's property. Keely is planning to put a fence along the property line to stop Gibson from further encroaching on his property, he said.*



*Jack Keely's home*

*Since the project's approval, all documents related to the project — DRC 2016-00077 — were taken offline while the permit application cover page remains on the county's website. The few documents available, show the project was signed off on even though requirements such as having the addition setback four feet from the property line were not met.*

*According to California law, county planning documents are public records. In response to a request to see the permit file, planning department staffer Deanna Pategue first said the file did not exist, before saying most of the file was missing. She then provided the seven remaining file pages: the findings, conditions of approval and the notice of final county action.*

*"Contact the planner, he would know what he did with the records," Pategue said.*

*Even though the county is legally required to retain planning records, Wahler said he was not sure where he put them, and that he doesn't like people showing up at the desk and asking to see records.*

*"We cannot just find them, we have so many," Wahler said. "What if it is lost and we can't find it."*

*Wahler called back, and said County Counsel Rita Neal said reporters can only get records through her.*

*In response to a Public Records Request for any exemptions the county awarded the project, and questions about the non-conforming home, Neal responded that there were no documents available and that the property was a conforming use.*

*"There are no documents responsive to your request because there was no exemption. The single family house is in residential zoning," Neal wrote in an email. "According to our local coastal program, it is a principally permitted and thus a legal and conforming use."*

*But the home's zoning does not affect its status as a non-conforming structure.*

*Neal also falsely claimed there were no exemptions given to the project, although CalCoastNews had obtained a March 21, 2017, document which showed that Wahler gave Gibson a categorical (CEQA) exemption, according to the county document.*

*Gibson's response to questions about the non-conforming structure and issues with Keely was to forward Neal's email.*

Neal then sent a second email, on Saturday afternoon, saying that her interpretation of Title 23 is that it does allow for adding on to a legal non-conforming structure.

*“Proposed alterations or expansions consistent with all applicable provisions of this title (Title 23), when accompanied by any additional alterations necessary to bring the entire building or structure into conformity with all applicable provisions of Title 19 of this code.”*

*Title 23.09.030 requires 3 feet side setbacks.*

*Even though county officials say there are no issues with the project, about five county planning department employees visited Gibson’s home on Friday, Keely said.*

*Elected in 2006, Gibson is the longest-serving member of the SLO County Board of Supervisors. He is currently running for reelection.*

*Keely recently hung two large banners on his home, asking his neighbors to vote for Bruce Jones, one of Gibson’s opponents, for District 2 supervisor.*

## **COLAB IN DEPTH**

**IN FIGHTING THE TROUBLESOME, LOCAL DAY-TO-DAY ASSAULTS ON OUR FREEDOM AND PROPERTY, IT IS ALSO IMPORTANT TO KEEP IN MIND THE LARGER UNDERLYING IDEOLOGICAL, POLITICAL, AND ECONOMIC CAUSES**

## **CONFLICTING STATE POLICIES HARM US ALL**

### **COLAB NOTE**

The two headlines below, drawn from the LA Times last week are exemplary of the State’s conflicting policies. Read the 2 articles below to see just how out of sync things are.

**Coastal Commission Staff Says Poseidon’s Ocean-To-Tap Water Plant Should Not Be Built**

**6 Million Southern Californians Face Unprecedented Order to Conserve Water**

## **WATER AND BLOOD IN THE GOLDEN STATE**

*Parched citizens and privileged criminal illegal aliens are California’s model for the country.*

**BY LLOYD BILLINGSLEY**

A new California Coastal Commission staff report rejects approval of the Poseidon Water desalination plant in Huntington Beach, the California Globe reports, “potentially depriving Southern California of a major future source of fresh water.”

Arid California desperately needs new water sources, but the people don’t get to make this call. Neither do their elected representatives. The California Coastal Commission decides, and there is a backstory here people everywhere should know.

The Santa Barbara oil spill in January 1969 prompted environmental activist Peter Douglas to author the 1972 Proposition 20, which created a temporary 15-member commission to devise policies aimed at protecting coastal ecosystems. Douglas went on to author the California Coastal Act of 1976, which made the commission permanent.

The following year, Douglas became deputy director of the agency he had conceived and in 1985 became the California Coastal Commission’s executive director. His reign lasted more than 25 years and Douglas and his fellow commissioners never once had to face the voters.

The unelected commission overrode scores of elected city and county governments on land-use issues. Douglas ran roughshod over property rights, and on his watch, the CCC combined regulatory zealotry with high-level corruption. Commissioner Mark Nathanson, for example, extorted payments from Hollywood celebrities and others seeking coastal building permits.

It bothered Douglas that state courts sometimes had the temerity to rule against the CCC, so Douglas pushed for the power to levy fines directly. Despite concern from the state’s nonpartisan Legislative Analyst’s Office, in 2012 the CCC gained the power to bypass the courts and levy fines directly.

In 2019, the commission fined a seaside Ritz-Carlton hotel \$1.6 million, for alleged failure “to display signs informing the public that beaches are free and open to anyone.” The CCC transferred \$1 million of the fine to “a commission fund that provides signs, trails, stairs and other amenities to help the public use state beaches.” For all but the willfully blind, this is taxation without representation.

According to the *Globe*, Poseidon Energy has spent some \$100 million to get the Huntington Beach desalination plant in place. The highly scrutinized project would provide 50 million gallons to arid Southern California and help end the state’s water crisis.

The staff of the unelected commission, apparently unaware of the need for tradeoffs, cites environmental problems and the appointed commissioners rarely vote against the staff. Meanwhile, as the May 12 final commission vote awaits, California’s elected representatives have also rejected a measure addressing public safety.

False-documented illegal David Mora, protected from immigration authorities by state law, murdered his three daughters and their adult chaperone. That prompted Assemblyman Kevin Kiley (R-Rocklin), to author Assembly Bill 1708, to repeal the state’s sanctuary law, fatuously titled the California Values Act.

Democrats killed Kiley’s measure in a 5-2 committee vote last week. California will continue to protect violent criminal illegals such as Gustavo Perez Arriaga, also known as Paulo Virgen Mendoza. In late

2019, the gang-affiliated Mexican national gunned down police officer Ronil “Ron” Singh, a legal immigrant from Fiji.

Thousands of police officers and community members showed up for Singh’s funeral but governor-elect Gavin Newsom was a no-show and failed even to condemn the murder as “gun violence.” California protects illegal aliens, even the criminals among them, for a reason.

When illegals get their driver’s licenses, the Department of Motor Vehicles automatically registers them to vote. The “motor voter” program has produced more than 1 million “new” voters. State Democrats reward the illegal voters with in-state tuition, health care, and other benefits.

An imported electorate needs permanent protection from deportation. For Democrats, the murder of police officers and innocent children is an acceptable tradeoff. On the other hand, when it comes to the basic need of water, environmental trade-offs are not acceptable. Californians who need the water have no say in the matter.

In the Golden State, unelected bureaucrats override the rights of the people and obstruct their most basic needs. The state’s ruling class privileges and protects illegal aliens, but remains indifferent to the lives and safety of citizens, legal residents, and police officers.

This is the model Democrats want for the entire country. In the meantime, to paraphrase Lincoln Steffens, Californians have seen the future and it irks.

Lloyd Billingsley is the author of *Hollywood Party* and other books including *Bill of Writes* and *Barack ‘em Up: A Literary Investigation*. His journalism has appeared in the *Wall Street Journal*, the *Spectator* (London) and many other publications. Billingsley serves as a policy fellow with the Independent Institute.

## **CALIFORNIA’S ONGOING SUICIDE ATTEMPT**

### **BY STEVEN HAYWARD**

When the news was announced a year or two ago that San Francisco would start paying to house the homeless in hotel rooms, you pretty much knew how it would turn out. An indeed it has turned out so predictably that even the **San Francisco Chronicle** has had to [acknowledge reality](#). Start with the subhead:

***San Francisco spends millions of dollars to shelter its most vulnerable residents in dilapidated hotels. With little oversight or support, the results are disastrous.***

*In a complex arrangement, the city’s Department of Homelessness and Supportive Housing, or HSH, pays nonprofit groups to provide rooms and aid to formerly homeless people in about 70 single-room-occupancy hotels, known as SROs, which the nonprofits generally lease from private landlords. The buildings are the cornerstone of a \$160 million program called permanent supportive housing, which is supposed to help people rebuild their lives after time on the streets.*

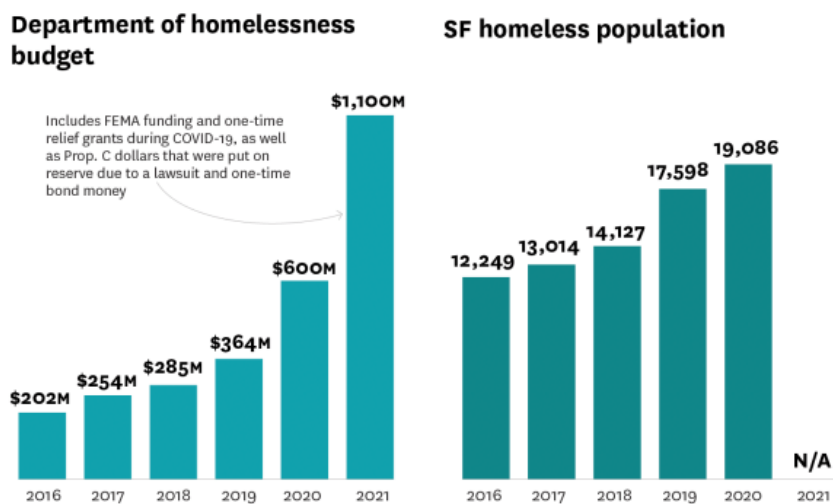


*But because San Francisco leaders have for years neglected the hotels and failed to meaningfully regulate the nonprofits that operate them, many of the buildings — which house roughly 6,000 people — have descended into a pattern of chaos, crime and death, the investigation found. Critically, the homelessness crisis in San Francisco has worsened. . .*

*At least 166 people fatally overdosed in city-funded hotels in 2020 and 2021 — 14% of all confirmed overdose deaths in San Francisco, though the buildings housed less than 1% of the city’s population. The Chronicle compiled its own database of fatal overdoses, cross-referencing records from the medical examiner’s office with supportive housing SRO addresses, because HSH said it did not comprehensively track overdoses in its buildings.*

*Residents have threatened to kill staff members, chased them with metal pipes and lit fires inside rooms, incident reports show. At the Henry Hotel on Sixth Street, a tenant was hospitalized after a neighbor, for a second time, streamed bug spray into their eyes, public records show. Last May, less than a mile away at the Winton Hotel, a resident slashed another tenant’s face with a knife, leaving a trail of blood out of the building. Much of the instability stems from a small group of tenants who do not receive the support they need.*

There’s a lot more in the full story if you want to take in complete account of the failure of urban liberalism. This chart that accompanies the story may convey the real lesson of the scene. As I have asked before, with rising budgets for “homeless services,” does anyone think San Francisco’s political class actually wants to reduce homelessness? Expect the budget to double again over the next year or two, and for more homeless to turn up in San Francisco.



Source: SF Department of Public Health, Mayor London Breed’s office and the Budget and Legislative Analyst’s Office

Chaser—breaking tonight:

[Large fire burning near homeless encampment in Oakland](#)

*A large fire was burning in Oakland, California, Thursday evening. Residents who live nearby took to social media to say it is burning at a [homeless](#) encampment. The video also appeared to show firefighters on the scene. . .*

*One social media user said the encampment had been in the area for at least a year with no action taken to clean it up.*

*Steven Hayward is a nationally syndicated columnist, appears on radio and TV, and is UC Berkeley's token conservative Political Science Professor. He also lectures at the UC Berkeley College of Law. Hayward is a proud resident of San Luis Obispo County.*



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