



WEEKLY UPDATE
MAY 8 - 14, 2022

SPECIAL REQUEST TO SLO COUNTY APPLICANTS

CITIZENS WHO HAVE HAD TROUBLE WITH THE COUNTY OVER NON-CONFORMING STRUCTURE SETBACKS & FOOTPRINTS SHOULD FILL OUT THE FORM BELOW – LARGE VERSION AND BACKGROUND ON PAGES 21, 22

COLAB NON CONFORMING STRUCTURE REPORT
INFORMATION WILL BE MAINTAINED AS CONFIDENTIAL & ONLY
PROVIDED TO AGENCIES INVESTIGATING PUBLIC CORRUPTION

1. Name of Owner/ Applicant:

2. Phone Number:

3. Address of County determined non-conforming structure(s)

4. Permit Application Number(s) If any available:

5. Brief Description of the alleged structural non- conformity:

6. What did the County require you to do to fix the non-conformity?

7 What was the cost – prospective or actual?

8. Please attach any other info such as diagrams, County correspondence, etc.

Questions: Call Mike Brown at 805 944-4274

Return form to colabslo@gmail.com or PO Box 13601, SLO CA, 93406

THIS WEEK

NO BOS THIS WEEK

CENTRAL COAST ENERGY AUTHORITY
SOME OF THEIR ENERGY “SUPPLIERS” ABROGATING ON CONTRACTS

CALIFORNIA COASTAL COMMISSION
SUPPORTS RETURN OF PORT SAN LUIS SACRED STONES TO MORRO ROCK
AND IS ABOUT TO REJECT DESALINATION IN HUNTINGTON BEACH
FUTURE LARGE SCALE DESAL DOA IN CALIFORNIA

INTEGRATED WASTE MANAGEMENT AUTHORITY
PRELIMINARY PROPOSED 2022-23 BUDGET

LAST WEEK

COLAB WAS RIGHT ALL ALONG!
GOVERNOR NEWSOME: “KEEP DIABLO OPEN”
SUPERVISORS REAFFIRMED POLICY TO KEEP DIABLO OPEN

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

CAMBRIA CHRISTMAS MKT EXTENDED FOR 2 YEARS

MAJOR POT FARM APPROVED – EAST OF PASO
APPLICANTS DID A GOOD JOB OF JUSTIFYING THE PERMIT

EMERGENT ISSUES

COVID LOW HERE – LEFT WANTS IT TO COME BACK

SUPERVISOR GIBSON'S CAMPAIGN THREATENED LAWSUIT AGAINST CAL COAST NEWS

"Special favors benefit SLO County supervisor, anger his neighbors"¹

COUNTY COUNSEL DEFIES LOGIC TO DEFEND STAFF APPROVAL

**COLAB IN DEPTH
SEE PAGE 28**

THE AGE OF THE ABSURD

In terms of the absurdities our cultural elites believe, and have convinced masses of people to believe, there has never been a time like today.

BY DENNIS PRAGER

THE NEW DISINFORMATIONISTS

We have seven more months before the midterms. Expect more disinformation ministries, censorious czars, and hack grandees to emerge.

BY VICTOR DAVIS HANSON

THIS WEEK'S HIGHLIGHTS

ALL MEETINGS ARE AT 9:00 AM UNLESS OTHERWISE NOTED

No Board of Supervisors Meeting on Tuesday, May 10, 2022 (Not Scheduled)

The next regular meeting is set for Tuesday, May 17, 2022.

Central Coast Community Energy Authority (3CE) Operations Board Meeting of Wednesday, May 11, 2022 - 10:30 AM (Scheduled)

Item 8 - Adopt Resolution No. OB-2022-01 Delegating to the CEO Certain Contract Administration Authority to Resolve Disputes and Potential Delays on Existing Power Purchase

¹ CAL COAST NEWS raised serious questions in its April 24, 2022 edition. See last week's update for the details.

Agreement and to Enter Specialized Legal Services Agreements for Support (3CE Long Term Energy Supply Contracts at Risk). The 3CE business model ultimately relies on the purchase of long term (multi-decade) supply contracts, which would ostensibly allow it to purchase electricity at lower costs than PG&E. Now it appears that some of these suppliers (termed counterparties) have advised 3CE that they cannot meet their delivery obligations in time per the contract requirements. The CEO is requesting a broad delegation of authority from the Board to negotiate with the counterparties to enforce the contracts. He is also requesting a new \$200,000 special counsel contract to assist with this issue.

The Board letter both ominously and vaguely states in part:

BACKGROUND: CCCE entered twelve long term renewable resource contracts to fulfill CCCE's legislative mandate for Renewable Portfolio Standards (RPS) as well as CCCE's own board adopted 100% Clean and Renewable by 2030 goal.

During the past few weeks, CCCE was informed by several counter parties to these long-term agreements that, due to several factors, that the projects will not be ready for commercial operation on the agreed upon starting date.

The counter requested to meet to discuss their hardship and asked that certain changes will be required to the agreement in order for them to proceed forward with project development.

The write-up goes on to state:

PPAs and ESSAs² generally require significant lead time for development, engineering, construction, and commissioning with each of those areas outside of CCCE's control and oversight. Unfortunately, exigent circumstances have arisen that may require deviations to pre-commercial operation contract administration such as assessment of liquidated damages, the re-establishment of construction and commercial start dates, delay of full California Independent System Operator (CAISO) deliverability, repricing pre-contract term energy deliveries, and/or restructuring telemetry and metering configurations.

And

If left unchecked, the market circumstances, delays, and opportunistic behavior could have significant impacts on CCCE regulatory compliance, internal procurement goals, and customer rates. Most significantly, the next RPS compliance period covers from 2021 to 2024 and requires 26% of CCCE's portfolio come from long term agreements and carries a \$50/MWh penalty for non-compliance. Additionally, power scheduled to be delivered in 2022 and 2023 from PPAs and/or ESSAs will be replaced at significantly higher prices from the short-term market.

The item does not state which vendors have a problem, or how many megawatts of supply are at risk in which years. It does not indicate the dollar value of the contracts at risk or the percentage of supply represented. The Board should demand this information prior to taking any action.

As we have been reporting over time, the future of community choice energy (CCE) and 3CE are shaky.

² Power Purchase Agreements and Energy Storage Service Agreements

SLO County Integrated Waste Management Authority (IWMA) Meeting of Wednesday, May 11, 2022 (Scheduled) 1:30 PM

Item 9 - Third Quarter Budget Review and Preliminary Budget for Fiscal Year 2022/2023. The Budget will increase due to the imposition of the wet garbage mandate (SB 1383) by the State. To pay for this increase, the solid waste management fee will increase. The refuse collectors will then pass this through to the citizen customers. Your per can per month rate will jump.

REVENUE WORKSHEET
FISCAL YEAR 2022-2023

Revenues and Other Sources:	2021-22 Budget	YTD @ 03/31/22	Operating Estimates 2021-22	Budget 2022-23	Projected 2023-24	Projected 2024-25
Revenues						
INTEREST	36,000	5,842	23,369	36,000	36,000	36,000
GRANTS	80,000	0	80,000	80,000	80,000	80,000
BILLINGS TO OUTSIDE AGENCIES		14,657	54,657	54,657	54,657	54,657
SOLID WASTE MANAGEMENT FEE	2,042,201	638,498	940,041	3,093,266	3,186,063	3,281,645
LANDFILL TIPPING FEE	1,108,894	444,966	837,919	812,332	812,332	812,332
HAZARDOUS WASTE PROGRAMS	78,700	44,822	54,657	81,061	83,493	85,998
OTHER	1,000	4,946	4,946	1,000	1,000	1,000
	0		0	0	0	0
	0		0	0	0	0
	0		0	0	0	0
	0		0	0	0	0
	0		0	0	0	0
	0		0	0	0	0
Total Revenues and Other Sources	3,346,795	1,153,731	1,995,589	4,103,659	4,198,888	4,296,975

Big increase.

BUDGET SUMMARY
FISCAL YEAR 2022-2023
ANNUALIZATION DATE MARCH 31, 2022

	2021-22 Budget	YTD @ 03/31/22	Operating Estimates 2021-22	Budget 2022-23	Projected 2023-24	Projected 2024-25
Financing Sources						
Fund Balance Available	1,479,606	1,479,606	1,479,606	927,045	989,839	1,282,401
Cancelled Reserves	0	0	200,000	0	0	0
Revenues and Other Sources	3,346,795	1,153,731	1,995,589	4,103,659	4,198,888	4,296,975
Total Financing Sources	4,826,401	2,633,337	3,675,195	5,030,704	5,188,727	5,579,376
Requirements						
Labor and Administrative	1,353,147	855,405	1,200,308	1,331,941	1,371,902	1,413,056
Programs	2,773,388	910,329	1,547,842	2,323,081	2,392,774	2,464,559
Capital Outlay	364,000	0	0	385,843	141,650	44,181
Total Expenditures:	4,490,535	1,765,734	2,748,150	4,040,865	3,906,326	3,921,796
Increase in Reserves:						
Designated	0	0	0	0	0	0
General	0	0	0	0	0	0
Total Increase in Reserves:	0	0	0	0	0	0
Total Requirements	4,490,535	1,765,734	2,748,150	4,040,865	3,906,326	3,921,796
Equity Summary						
Equity - Beginning of Year						
Fund Balance Available	1,479,606	1,479,606	1,479,606	927,045	989,839	1,282,401
Designated Reserves	1,500,000	1,500,000	1,500,000	1,300,000	1,300,000	1,300,000
General Reserves	0	0	0	0	0	0
Equity Total - Beginning of Year	2,979,606	2,979,606	2,979,606	2,227,045	2,289,839	2,582,401
Equity - End of Year						
Fund Balance Available	335,866	867,603	927,045	989,839	1,282,401	1,657,580
Designated Reserves	1,500,000	1,500,000	1,300,000	1,300,000	1,300,000	1,300,000
General Reserves	0	0	0	0	0	0
Equity Total - End of Year	1,835,866	2,367,603	2,227,045	2,289,839	2,582,401	2,957,580

Page | 38

Overall, Interim Executive Director Paavo Ogren has improved the structure and clarity of the Budget presentation immensely from prior year versions.

Item Th8a - U.S. Army Corps of Engineers, Modification to previously concurred with Consistency Determination CD-0002-21 for the Port San Luis Breakwater Repair Project, Port San Luis Harbor Breakwater, San Luis Obispo Count. (Sacred Rock – A Cultural Resource).

The Commission had previously approved replacement of some of the stone at the Port San Luis Breakwater and raising the height of the breakwater. Subsequently, it was discovered that some stone would be removed. This stone originally was quarried from the Morro Rock.

The proposed stone transport project raises a serious Constitutional issue, in that the additional project cost is for a religious purpose as outlined below.

The Morro Rock is considered a sacred site by the Northern Chumash and Salinan Tribes. The write-up states in part:

Following Commission concurrence and finalization of the 2021 Environmental Assessment, the Corps learned that the breakwater repair may result in up to 10,000 tons of displaced existing PSL breakwater stone which may not be able to be reincorporated back into the breakwater structure and would need to be relocated. While some of the existing stone may be re-used and retained within the breakwater, a portion of the stone was found to be too small to meet the current design requirements and maintain the hydraulic stability of the breakwater.

During the Corps' tribal consultation process for the PSL breakwater repair, the yak tityu yak tilhini - Northern Chumash Tribe and the Northern Chumash Tribal Council informed the NE-0001-22 (USACE) Corps that the stone used to build the PSL breakwater was originally taken from Lisamu' (also known as Morro Rock1), a recognized sacred site for the Chumash and Salinan Tribes. The tribes consider the existing breakwater stone as sacred, despite its removal from Lisamu'. To prevent further adverse effects to cultural resources, the consulting tribes requested that the displaced rock be relocated to an area near the PSL Breakwater or near Lisamu', so as to retain the unity of the sacred stone as much as possible. After coordination with tribal groups and resource agencies, the Corps determined that relocating the displaced stone approximately 1,500 feet west of Lisamu' (as shown in Exhibit 2) would avoid adverse impacts to sensitive habitat while maintaining the sacredness of the stone. Note: Why is the Corps qualified or allowed to determine the "sacredness" of the stone? Why is the Coastal Commission allowed to consider such a factor in approving a permit?

As a result, the taxpayers will pay to barge the rock back to Morro Rock.

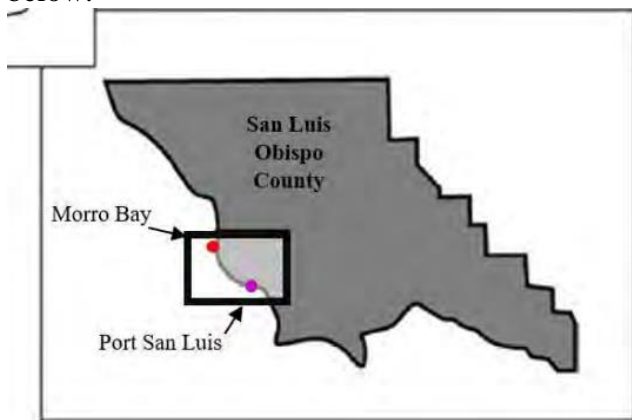
More specifically, during the breakwater repair, a crane-equipped barge would place the displaced stone from the breakwater onto a rock barge for transport to the proposed placement site. Two tugboats would then tow the rock barge with the displaced stone approximately 20 miles upcoast to the placement site offshore of Morro Bay. The rock barge is expected to carry approximately 1,000 tons of stone per trip. An estimated 10 roundtrips would be needed to transport all the displaced stone to the project site. Once the rock barge arrives at the project site, it would be anchored using two anchor stones to hold barge position during placement. Once the barge is accurately positioned using GPS, a track loader located on the barge would use a controlled push off method to place the displaced stone into the proposed module configurations. The stone would then sink through the water column and settle on the sea floor in the designated module locations. Stone would be placed in sets of individual modules to maintain cohesion between all stone placed.

You would think that they would at least place the rock so that it would improve the surf break and generate a wave the breaks from right to left north of the rock.

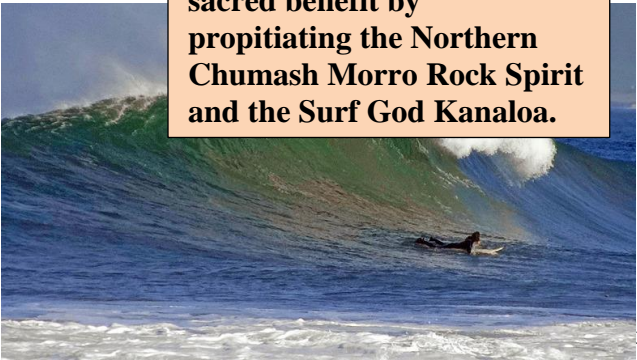
Meanwhile, you can contemplate that the Coastal Commission and US Army Corps of Engineers will honor the religious belief that the stone is spiritually animated and must be returned to its unified state (actually next the Morro Rock). One news article reported that the cost of the overall project was \$4.8 million; however, that was reported before the addition of the rock transport to Morro Bay. Accordingly, the cost the additional work is not known to us.

It appears that the rock transport from Port San Luis to Morro Bay is being required on the basis of a religious belief - the sacred nature of the stone. Is such a sectarian expense legal under our Federal and State Constitutions? What if it were a statue of Saint Junipero Serra instead?

See the related article, **“The Age of the Absurd,”** on page 28 in the **COLAB IN DEPTH** section below.



They should put the stones over here to build a surf reef. Then they would get double sacred benefit by propitiating the Northern Chumash Morro Rock Spirit and the Surf God Kanaloa.



A Sacred Curl at the Rock

³ Kanaloa is the Hawaiian God of the oceans and all that live in those oceans. He is symbolized by the squid or by the octopus and is typically associated with Kāne and there exists a vast amount of popular and mythical lore in which the two gods are named together. Both are invoked by canoe men, Kāne for the canoe building, Kanaloa for its sailing.

Items Th9a and Th10a - will be considered together in one hearing. The decision on the items will have profound impact on the future of ocean desalination in California.

Item Th9a - Appeal by Orange County Coastkeeper, Surfrider Foundation, Residents for Responsible Desalination, and Commissioners Wan and Mirkarimi from decision of City of Huntington Beach granting permit with conditions to Poseidon Water for removal of storage tanks, conduct remediation, and construction and operation of seawater desalination facility within site of Huntington Beach Generating Station, 21730 Newland Ave., Huntington Beach, Orange County. The staff write-up recommending denial and concurring with the appeal is 204 pages long.

Item Th10a - Application of Poseidon Water to construct and operate seawater desalination facility at Huntington Beach Generating Station, 21730 Newland Ave., Huntington Beach, and intake and outfall structures in waters of the Pacific Ocean offshore of Huntington Beach, Orange County. The staff report denying the application is also 204 pages long and is almost a duplicate except for the page which sustains the appeal and denying the project.

Summary: This denial, which is almost certain to kill the project, is extremely dangerous to the future of the State because it contains an all-encompassing list of reasons that could prohibit such projects anywhere in coastal California. While specific to the Huntington Beach site in some ways, most of its reasons for denial could be applied to just about any coastal site, including the San Luis Obispo Diablo site. If the Diablo Power Plant is ultimately demolished, an economic development consortium led by Cal Poly proposes a new vision of the site as a world class Innovation Park. (See page 12 below for details.)

Staff recommends a NO vote. Failure of this motion (to approve) will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution: The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the City of Huntington Beach's certified Local Coastal Program. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

Background: Poseidon Water originally proposed the facility within the City of Huntington Beach in 1998. In 2010 the City approved a conditional use permit (CDP) for the plant. The City's approval was appealed to the Coastal Commission In 2015; the Commission approved a revised plan which contained so many expensive requirements that Poseidon withdrew the application before the final vote. A coalition of environmental groups have maintained their appeal throughout.

The reasons for current denial of the Huntington Beach proposal are summarized below. The implications are devastating. Remember that this is only a summary.

The project: The project killing staff report states in part:

Poseidon Water (Poseidon) proposes to construct and operate a seawater desalination facility on about 12 acres of the approximately 54-acre site of the Huntington Beach Generating Station, in Huntington Beach, Orange County. The facility would use the power plant's soon-to-be retired cooling water

intake to draw in up to 106.7 million gallons per day (mgd) of seawater to produce up to 50 mgd of potable water for purchase by, and delivery to, local water districts. Poseidon would then discharge A-5-HNB-10-225/9-21-0488 (Poseidon Water) 2 approximately 57 mgd of highly saline brine through the power plant's existing outfall pipe, which extends offshore approximately 1500 feet. The project would involve demolition and removal of fuel oil storage tanks and other infrastructure formerly used by the power plant, cleanup of soil and groundwater contamination at the site, and construction and operation of the desalination facility and a water supply reservoir that would serve the facility as well as provide an emergency water supply reservoir for the City. It would also involve installing and operating pipelines to deliver water to the local and regional water distribution systems in Orange County. Poseidon proposes to operate the facility for approximately 50-60 years.

Some of the reasons for denial (remember, 204 pages worth) include:

1. Coastal Hazards: Flooding, Sea Level Rise, Seismic Hazards: Poseidon's proposed facility would be located at a site within a low-lying area of Huntington Beach. Due to the fill placed in the 1950s to accommodate the Huntington Beach Power Plant, the site is slightly higher than the surrounding area. The site is about 1500' inland from the ocean and is adjacent to a flood control channel and within a flood zone and tsunami run-up zone.

2. Marine Life and Water Quality Poseidon's project would also harm marine life and water quality by pulling in about 106.7 million gallons of seawater per day ("mgd") through a screened intake pipe and discharging approximately 57 million gallons of high-salinity brine per day into the ocean using high-velocity diffusers: These diffusers are needed to ensure the brine does not concentrate and sink to the seafloor where it would create a high salinity "dead zone" around the outfall. However, the velocity of the discharge exiting the diffusers is high enough to kill marine life in about 168 million gallons of the receiving waters each day. The facility, in total, would kill marine life in about 100 billion gallons of seawater per year, resulting in substantial losses of marine ecosystem productivity and reduced water quality, all of which would require significant mitigation. The Regional Water Quality Control Board determined that Poseidon's ongoing impacts to marine life would be equal to a loss of productivity from 423 acres of nearshore and estuarine waters each year.

3. Environmental Justice: The Commission's Environmental Justice Policy was created to provide a framework for the agency to consider fair outcomes and include the voices of underserved communities whose households have been historically marginalized in the governmental review process and often disproportionately burdened by industrial development. However, in this case it was not possible to do focused outreach to underserved communities whose water rates may be affected by the project because Poseidon has not yet secured a buyer for the water and does not know where its water would be delivered.

4. Wetlands and Environmentally Sensitive Habitat: Before the project site was developed for a power plant in 1958, it consisted of dunes, tidally influenced wetlands, and freshwater marsh within the floodplain of the Santa Ana River. Of the original approximately 2,900 acres of wetland and marsh in the area, only about 190 acres remain today, including a half-acre wetland area on the project site that is just outside the development footprint and two larger restored wetlands a short distance away. These areas provide habitat for various species of concern, including some listed as endangered or threatened.

5. Coastal-Dependent Override Provision: As discussed above, staff is recommending that the proposed project be found inconsistent with various Coastal Act and LCP provisions. Generally, if a

project is inconsistent with LCP or Coastal Act policies, and the inconsistencies cannot be addressed through mitigation, the Commission must deny a project.

6. Energy costs: *desalination is one of the most energy intensive ways to obtain water, and the project's energy use would hamper state efforts to cut back on energy use and greenhouse gas emissions. The facility would also be in a low-lying, geologically unstable area where sea level rise, flooding, and tsunami and seismic risks are likely to render the site difficult to access or operate in an emergency, or even on a regular basis, in the future.*

7. Violations of the Coastal Act and/or Huntington Beach LCP: *These violations exist on the subject property including, but not limited to, unpermitted clearing of vegetation, disking, grading, and draining of surface waters, all resulting in disturbance/destruction of approximately 3.5 acres of wetland habitat.*

8. State Ocean Plan Amendment to Retire Once-Through Cooling Systems: *Concurrent with many of the events described above, the State Water Resources Control Board ("State Water Board") in 2005 started developing an amendment to the California Ocean Plan meant to reduce the adverse effects of power plant once-through cooling ("OTC") systems like those Poseidon proposed to use for its desalination facilities ("OTC Amendment"). At their peak, the state's coastal power plants collectively could pull in more than 18 billion gallons per day of seawater, killing billions of fish, fish eggs, and larvae each year.*

9. Coastal Commission's 2018 Sea Level Rise Policy Guidance: *In 2018, several of California's resource agencies, including the Commission, adopted updated sea level rise policy guidance documents. This guidance built on the continuing work done by the International Panel on Climate Change ("IPCC") and identified expected sea level rise effects in California based on various projections developed through the IPCC regarding the timing and elevation increases expected over the coming decades.*

10. Coastal Commission's 2021 Critical Infrastructure Guidance: *In 2021 the Commission adopted its Sea Level Rise Planning Guidance for Critical Infrastructure, which describes how certain characteristics of critical infrastructure – such as its size, cross-jurisdictional nature, and the role it plays in providing important public services – make the adaptation planning process different than for other types of development.*

11. Tribal Opposition: *The Tribal representative said Gabrielino-Tongva Tribal Chief Antony Morales does not support the project. The official said he believes Poseidon, as a private company, does not care about the connection between the ocean and the land and only believes in expansion and domination, not in restoration.*

12. Geologic Hazards: *The proposed site of the facility, its offshore intake and outfall, its proposed pipeline route, and areas surrounding these project components are subject to several relatively severe geologic hazards, including surface fault rupture or displacement, ground shaking, liquefaction, and lateral spread. In the time since Poseidon first considered using this site for its facility about two decades ago, significant new information has been developed that demonstrates that these hazards are much more significant than previously realized – for example, the maximum expected magnitude earthquake has increased from about magnitude 6.9 to magnitude 7.5, almost an eight-fold increase in earthquake strength.*

13. Tsunami: Poseidon’s proposed facility would be in an extensive low-lying area of Huntington Beach within the LCP’s designated “Tsunami Runup Zone.” At the time the LCP was developed and certified, expected tsunami runup elevations were about five feet for a 100-year event and 7.5 feet for a 500-year event. Since that time, and during the approximately 20 years Poseidon has been proposing to locate its facility at this site, technical understanding of the area’s tsunami hazards has increased significantly. During that time, expected tsunami runup elevations have about doubled, with some studies indicating the runup could be up to several times higher, which would be at or above much of Poseidon’s existing site.

14. Sea Level Rise: Based on the current best available science on sea level rise projections for the State of California,⁹⁵ Huntington Beach could see as much as 6.4 feet of sea level rise under the H++ scenario for extreme risk aversion, 4.3 feet (medium-high risk aversion scenario), and 2.2 feet (low risk aversion scenario), during Poseidon’s proposed 50- to 60-year operating life. Sea levels will also continue to rise at an increasing rate beyond the operating life of the proposed project, with up to 13.8 feet of sea level rise projected over the next 100 years under the H++ scenario, putting the site and any remaining structures at significantly increasing risk.

15. Marine Life: The primary adverse effects on marine life and water quality resulting from Poseidon’s project would occur due to Poseidon’s use of an intake that would pull in about 106.7 million gallons of seawater per day and its use of diffusers that would eject approximately 57 million gallons of high-salinity discharge per day into the ocean at velocities high enough to kill marine life. This would degrade about 100 billion gallons of seawater per year to produce Poseidon’s proposed 50 million gallons per day of drinking water – about an 18% efficiency rate, far below that of other sources of water supply. The intake screens and outfall diffusers Poseidon is required to install are meant to reduce marine life mortality as compared to what would result from an unscreened intake and an outfall without diffusers; however, the proposed project would still kill every year all the small organisms that make up the base of the ocean’s food web equal to that produced in about 423 acres (about two-thirds of a square mile) of productive ocean and estuarine habitat .

16. Discharge Contaminants: Poseidon’s proposed facility would discharge effluent with salinity levels of up to 65.5 ppt, or roughly twice that of ambient salinity levels in seawater. As detailed during development of the Desal Amendment, these salinity levels are substantially higher than levels shown to cause mortality or harm to many forms of marine life. The proposed discharge would also contain various concentrations of other treatment chemicals, such as chlorine, antiscalents, coagulants, metals, cleaning chemicals, and others that must meet limits for these contaminants established by the Regional Board.

17. Acidification effects: Discharges from reverse osmosis desalination facilities, such as this proposed project, are generally more acidic (i.e., have lower pH) than the ambient ocean water they treat to produce drinking water. These facilities must chemically “buffer” their source water by raising and lowering its pH at different steps in the pretreatment and treatment processes to protect the reverse osmosis membranes and other facility components from damage. The effluent resulting from these treatment methods creates a waste stream that is more acidic than its source water, unless a final treatment step is included to modify the effluent pH.

18. Energy and Global Warming Impacts: Poseidon’s proposed project would use substantial amounts of electricity. While the facility itself would generate few, if any greenhouse gas emissions, its electricity use would result in indirect emissions of about 68,000 tonnes of CO₂ equivalents (“CO₂e”) during its initial years of operation.

Large Scale Desalination DOA in California

As noted at the beginning of this discussion, the precedents established here could render any proposal for large scale desalination within California DOA from the start. Imagine, if one of the proposals for industrial scale desalination at Diablo were subjected to these provisions.

Will the Coastal Commission reject the *World Class Clean Tech Park* proposed for the existing Diablo Plant site?

The economic development not-for-profit REACH summarized the proposal in part:

Where the 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.

Put simply, this unique industrial site offers unrivaled energy assets for pioneering the next chapter of our state and nation's energy independence and resilience. With high-power transmission lines (500 kV and 230 kV) connecting to the state's electricity grid, extensive existing facilities, and proximity to the offshore wind development coming to the waters off our coast, this site can accelerate global clean-energy innovation — all while creating jobs and economic benefit for Central Coast residents and retaining the vast surrounding lands for conservation and tribal stewardship.



Note that the project contains a proposal for desalination as well as the use of the site for the landing of the undersea transmission cables from a proposed large scale offshore wind farm.

LAST WEEK'S HIGHLIGHTS

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

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 item was rewritten to convey the Board’s preference that the plant remains open. It had originally been 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.*⁴

The Board thankfully had them remove “soon retiring” phrase. It would have worked at cross purposes with the stance it took several weeks ago to request that the Governor to keep the plant open. The message should be to keep the plant open, but if that fails, then this future use of the site plan would be a fallback. Actually, the community could work at both efforts in parallel just in case.

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 article below details 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

⁴ Cal Poly should lead Diablo Canyon’s next chapter - An open letter advancing our vision for a world-class clean tech innovation park document.

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.

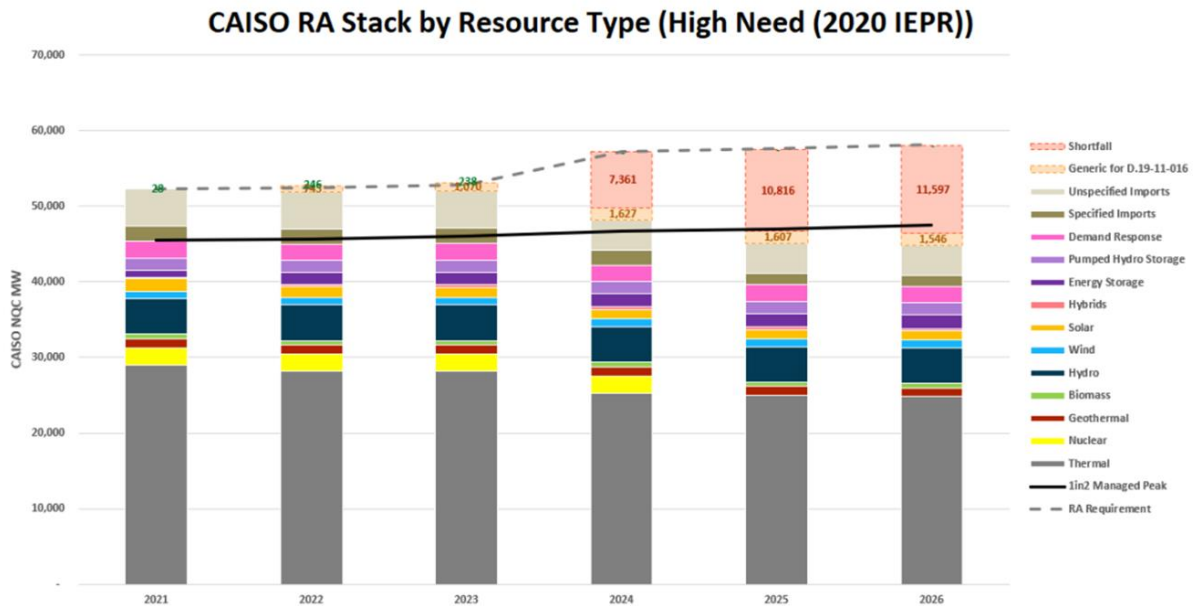
“The requirement is by May 19 to submit an application, or you miss the opportunity to draw down any federal funds if you want to extend the life of that plant,” Newsom said. “We would be remiss not to put that on the table as an option.”

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.

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.

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



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

approved 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
Total Costs	\$509,945	\$1,621,970	\$2,536,409	\$3,005,006

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

6.2 Additional Salary Steps

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

6.2 Additional Salary Steps

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 Board extended the permit for 2 years. Supervisor Gibson preferred 1 year, but in the end voted with the other 4 Supervisors to make the approval unanimous.

Background: 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 recommended 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.

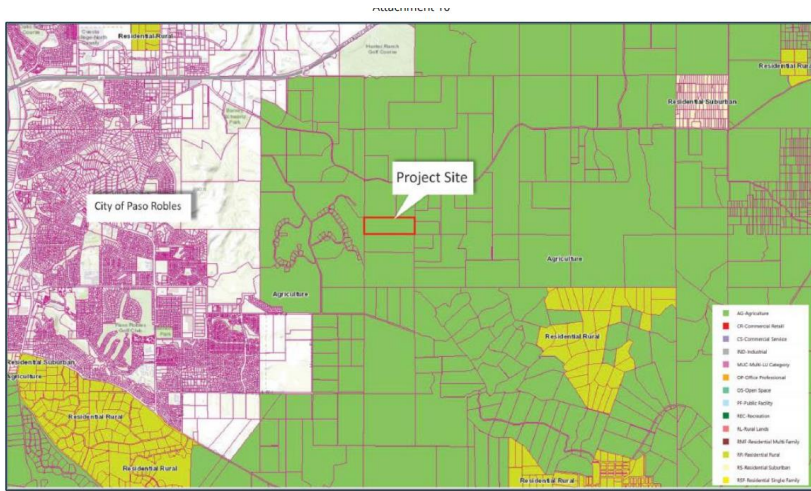
The event has many supporters, and in some years the sponsors have had to ration attendance.



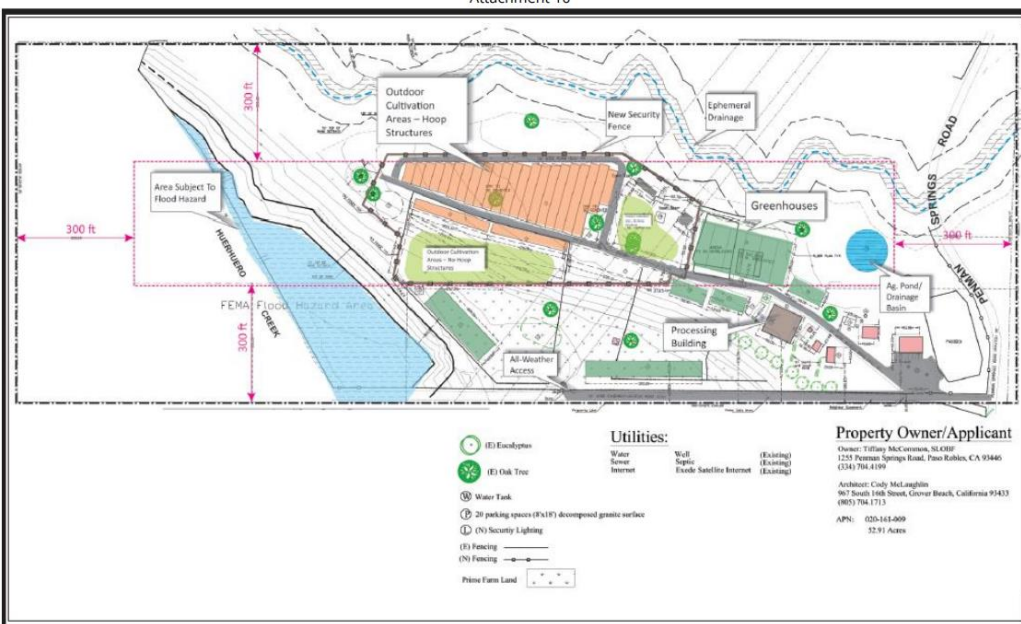
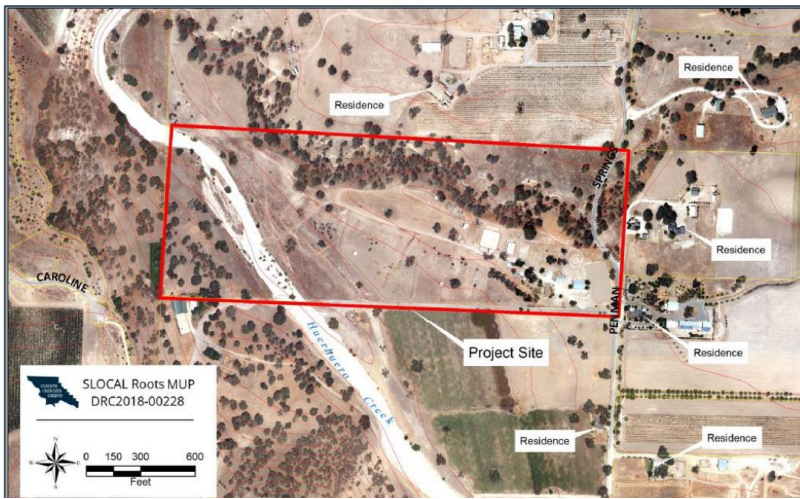
Item 18 - Hearing to consider an appeal (APPL2020-00022) by Christina Maldonado of the Planning Department Hearing Officer's approval of a Minor Use Permit (DRC2018-00228) for SLO BF Inc. to establish a multi-phased project that includes 2.63 acres of outdoor cannabis cultivation canopy; 22,000 square 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. The Board approved the project on a 4/1 vote with Arnold dissenting. It is expected that the opponents will file an action to overturn the approval in the Superior Court. The applicants provided a very solid justification for approval.

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. Interestingly, the applicants claim to have a variety of marijuana plant which is much less pungent than others used to date - less skunk in your punk.

The project 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 have asked 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.

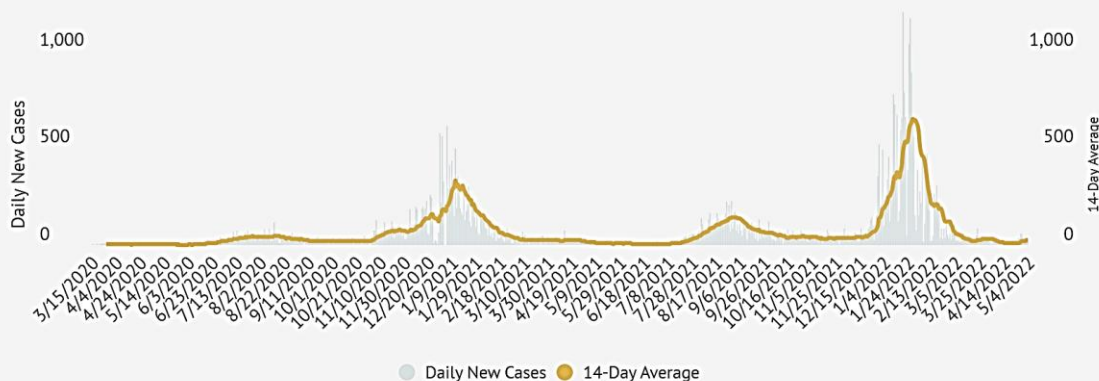


EMERGENT ISSUES

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 you buy all the cannabis you want but not any Paxlovid unless you are sick, when it's too late.

Daily New Cases (and 14-Day Average)



4 (0 ICU) ** SLO County Residents with COVID-19 in Hospital

Item 2 - Supervisor Gibson's Home Addition Permit. The County Counsel Rita Neal rejected COLAB's interpretation of the Ordinance under which Supervisor Gibson's building permit to expand a non-conforming structure was issued. The Board of Supervisors seemed to let the matter rest, even if they disagreed. The relevant ordinance states:

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.

We believe that the clause means what it says: The floor area or the footprint of a nonconforming building or structure shall not be increased, nor shall any structural alteration occur, except: (as provided by a (1), which plainly states that alterations and expansions, **accompanied by any additional alterations necessary to bring the entire structure into conformity** with all applicable provisions of Title 19 (the Building Ordinance), must occur. All means All.

Illogical Path

1. The actual new addition to Gibson’s House does meet the current standards as to the side yard setbacks.
2. However, the original structure to which the addition is being added is not being changed. Thus, the non-conforming side yards still exist
3. County Counsel Neal opined from the dais that the phrase, “... or bring the structure into conformity withal applicable provisions of Title 19” provides the exception.

Neal’s bizarre and self-serving rationale is that since Title 19 does not contain any provisions related to side yards, then by default, the non-conforming side yards are not required to be conformed in line with the zoning ordinance, because they are not mentioned in Title 19, the Building Ordinance. In fact and as noted below, Title 19 sends the reader right back to the primary prohibition contained in Title 29.30.030 of the Zoning Ordinance.

This is like saying, “I’m not guilty of robbing a 711 because the criminal code does not enumerate convenience stores.”

New Info This week: In fact, Title 19 contains a specific reference to Title 23.09.30 (the Zoning Ordinance), which must be read in conjunction with Title 23. 30.030.

19.02.020 - Modifications of chapter 1 division II of the CBC and CRC.

No construction permit shall be issued unless the building official first finds that the proposed land use, site work and construction:)

Comply with **all** applicable provisions of this title; **and**

Comply with all applicable provisions of the Land Use Ordinance and Coastal Zone Land Use Ordinance (Titles 22 and 23 of the San Luis Obispo County Code, respectively), including, but not limited to, Sections 22.1.020, 22.01.060 and 22.01.070 and 23.01.031, Chapter 22.52 and Chapter 23.05; and

The language in Title 19 is perfectly clear and states that a permit cannot be issued unless it complies with Titles 22 and 23.

The culturally incestuous County family sticks together again.

Help us out to help you: If you or someone you know has experienced troublesome regulation by the County related to a non-conforming structure (not a nonconforming lot or use), please fill out the form below and send it back. We will keep it confidential to prevent any retaliation and will only share it with government agencies investigating possible corruption.

COLAB NON CONFORMING STRUCTURE REPORT
INFORMATION WILL BE MAINTAINED AS CONFIDENTIAL & ONLY
PROVIDED TO AGENCIES INVESTIGATING PUBLIC CORRUPTION

1. Name of Owner/ Applicant:

2. Phone Number: _____

3. Address of County determined non-conforming structure(s)

4. Permit Application Number(s) If any available:

5. Brief Description of the alleged structural non- conformity:

6. What did the County require you to do to fix the non-
conformity? _____

7 What was the cost – prospective or actual?

8. Please attach any other info such as diagrams, County correspondence, etc.

Questions: Call Mike Brown at 805 944-4274

Return form to colabslo@gmail.com or PO Box 13601, SLO CA, 93406

Background:

The Cal Coast News 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.

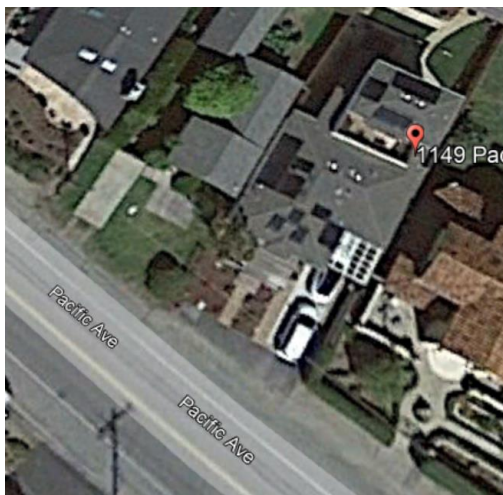
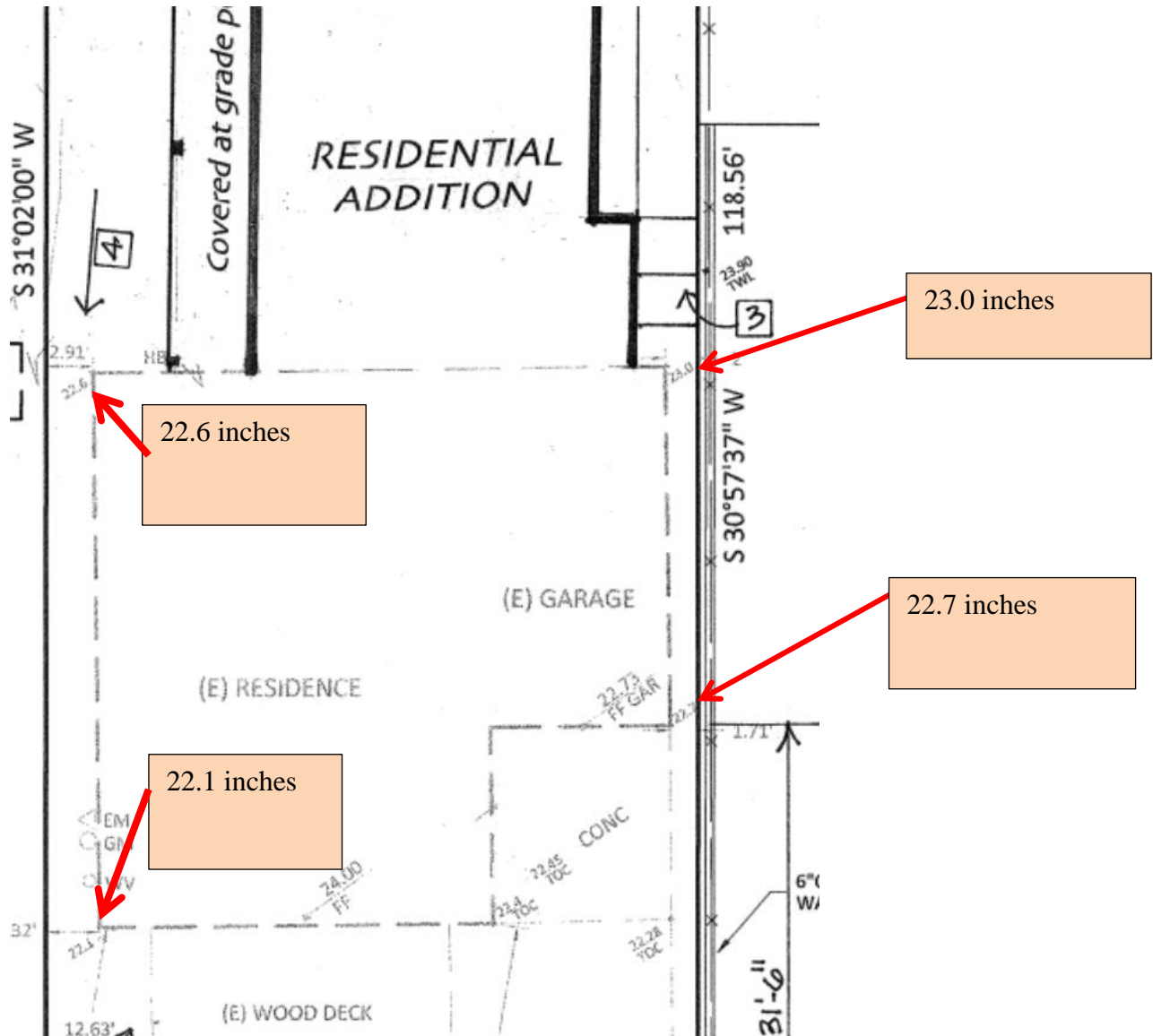
23.09.030 - Nonconforming Buildings, Structures Or Site Development

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.





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](#)

Type:	Residential - Additions/Alterations	Status:	Finalized	
IVR Number:	658432	Applied Date:	08/01/2017	Issue Date: 10/13/2017
District:	District 2	Assigned To:		Expire Date: 10/13/2020
		Valuation:	\$95,627.14	Finalized Date: 08/03/2018
Description:	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. They have never gotten 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 to them back on April 28th.

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.)

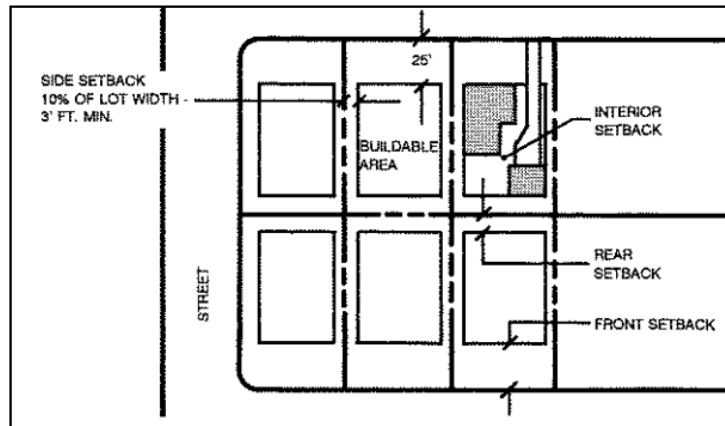


Figure 11-6: Setbacks & Buildable Area

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.

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

THE AGE OF THE ABSURD

In terms of the absurdities our cultural elites believe, and have convinced masses of people to believe, there has never been a time like today.

BY DENNIS PRAGER

The West has gone through many eras—the so-called Dark Ages, the Renaissance, the Age of Reason, the Enlightenment, the Industrial Age, and the Postmodern. The present era is the Age of the Absurd.

In terms of the absurdities the cultural elites believe, and have convinced masses of people to believe, there has never been a time like today.

Here is a list of the most ridiculous that immediately come to mind.

1) Men give birth.

Heading the list has to be the radical redefinition—indeed, denial of—sex and gender, leading to such reality-defying statements as “men give birth,” “men menstruate,” “birthing person” instead of “mother,” and to the Disney theme parks no longer greeting visitors as “ladies and gentlemen” or “boys and girls.”

2) It is fair to allow biological men to compete in women’s sports.

We are supposed to believe that biological men do not have an innate physical advantage in competing against women. This is asserted as truth by every Ivy League university, virtually every other university, most high schools, and by virtually all the elite media.

3) Defund police and crime will decrease.

We are supposed to believe that with fewer police we will have less violent crime. Any 10-year-old recognizes the sentiment as absurd.

4) Racial segregation is antiracist. Opposition to racial segregation is racist.

Columbia University and many other universities have all-black dormitories and all-black graduations. They maintain that race-based segregation is not racist. Opposition to it is.

5) “Latinx.”

Because human sexuality is “not binary,” languages with gendered nouns must be neutered, leading to labeling Latinos “Latinx.” That virtually no one from or living in Latin America uses this absurd word does not faze the *New York Times* or your local university.

6) Your race matters.

One of the least important aspects of human beings is the color of their skin. It is no more important than the color of their shoes.

Its insignificance is easily demonstrated. If you know the color of a person’s skin, do you know anything about the person? The answer, of course, is, no. If I know your race, I know nothing else about you. And if I think I can determine anything about you on the basis of your race, I am a racist.

7) Diversity is strength.

It is an axiom of the woke, the home of the absurd, that “diversity is our greatest strength.” Yet, the *New York Times*, the leading media voice of the Age of the Absurd, featured an opinion piece about the happiest countries in the world. The second paragraph began, “Finland, Norway, Denmark, and Iceland led the 2018 ranking of the World Happiness Report.”

Not once did the *Times* or the writer note that the four “happiest” countries in the world are not at all diverse. In fact, they are among the least diverse countries in the Western world. They are almost entirely white, almost entirely Protestant Christian (or from a Protestant Christian background) and all their citizens speak the same language. America, on the other hand, is by far the most radical experiment in racial, religious, and ethnic diversity.

8) Free speech does not allow for hate speech.

“I’m for free speech, but not for hate speech” is the view of almost half of America’s young people and virtually all its elites. So widespread is belief in the absurd that these people do not understand that the statement is self-contradictory. It renders the words “free speech” meaningless. By definition, free speech allows for hate speech. If it doesn’t, “free speech” means nothing more than speech with which one agrees.

9) You’re not a human being until you’re born.

There is no need to believe in God or in any religion to understand the absurdity of this assertion. If we are not human beings until birth, what are we five minutes—or five months—prior to birth, when we have a heartbeat and brain waves? Nonhuman?

10) Capitalism is evil.

Abject poverty has been the norm for nearly all people throughout history. Yet, in the last century alone, billions of people have been lifted out of poverty. And there is only one reason: capitalism.

11) America is systemically racist.

The manifest absurdity of this claim is easily demonstrated. In the past decades, more than three million black people have immigrated to America from Africa and the Caribbean. And probably tens of millions more would like to. Are all these people fools—choosing to move to a systemically racist country? Are they ignorant—unaware that America is systemically racist?

The non-absurd know the answers: all these blacks are neither fools nor ignorant. They know how lucky they are to move to America—because this country is so tolerant and so overwhelmingly non-racist. People don't move to countries that hate them. No Jews moved to Germany in the 1930s.

We live in the Age of the Absurd. The only question is, why? I think I know the answer and will discuss it in a future column. In the meantime, share these 11 absurdities with friends and relatives, especially with those who actually think they make sense.

Dennis Prager is an American conservative radio talk show host and writer. He is the host of the nationally syndicated radio talk show The Dennis Prager Show. In 2009, he co-founded PragerU, which creates five-minute videos from an American conservative perspective. This article first appeared in the May 3, 2022 edition of American Greatness.

THE NEW DISINFORMATIONISTS

We have seven more months before the midterms. Expect more disinformation ministries, censorious czars, and hack grandees to emerge.

BY VICTOR DAVIS HANSON

The Biden Administration feels that it must now use federal resources to attack “disinformation.” So the Department of Homeland Security recently announced the creation of a “disinformation governance board.”

The board's executive director, Nina Jankowicz, at least has clear qualifications for the post. She previously had spread false rumors on social media that Donald Trump voters would show up at the polls in 2020 armed, and joined the mob's chorus that Hunter Biden's laptop was “Russian disinformation.” Perhaps the idea behind her hiring was “it takes one to know one.”

Although the new board's mandate is unclear, the idea seems to be that Jankowicz and her colleagues will use the federal government's powers to adjudicate what Americans say as either true or false—and to suppress as “disinformation” anything it doesn't find useful.

The new war against “disinformation” follows the narratives of the “insurrection” on January 6, the “democracy dies in darkness” return of Donald Trump, and Vladimir Putin as a mastermind gasoline

price-spiker. Such narratives are intended to distract us from the Biden disaster and the ongoing assault against constitutional freedom.

When things turn south for the administration, Barack Obama—a sagging Netflix’s \$50-million “idea man”—usually emerges from one of his three mansions in Hawaii, Martha’s Vineyard, or Kalorama to lecture clingers and deplorables on various threats they pose to the anointed.

His sermons usually project his own transgressions. Recently, Obama went to Stanford University, in the heart of Silicon Valley, to admonish us that new free speech platforms might tolerate incorrect expression that he and the Left smear as “hate speech.”

But is not Barack Obama ill-suited to lecture *anyone* on disinformation? Do we remember his Obamacare version of disinformation: “You can keep your doctor; you can keep your plan”? Do we recall “shovel-ready jobs”?

Obama was caught secretly promising Russian leader Dmitry Medvedev that the United States would deal away missile defense in Eastern Europe for Vladimir Putin’s good behavior (“but it’s important for him to give me space”) during his 2012 reelection bid. Was this transparency or another example of how, but for a hot mic, “democracy dies in darkness”? Could Eastern Europeans have used such a discarded anti-missile system today?

Who employed the misinformationist Christopher Steele to slander presidential candidate Donald Trump? Was it James Comey’s FBI? Or Hillary Clinton’s campaign? Or the Democratic National Committee? Or the Perkins Coie legal firm? Or Fusion GPS? Or all combined? And which president was briefed regularly on his administration’s disinformation war against Trump?

For that matter, which media company banned any coverage of the Hunter Biden laptop story? Jeff Bezos’ *Washington Post*? Mark Zuckerberg’s Facebook? Jack Dorsey’s Twitter?

Or all of them?

Projection is a left-wing trademark. What it accuses in others reveals what it seeks to hide within itself. So when we hear Homeland Security Secretary Alejandro Mayorkas announcing this war on disinformation, we suspect he is our master disinformationist. Is it not his agency that is airlifting illegal aliens in the dead of night to regional airports rather than transparently, in the light of day? Is that “disinformation dies in darkness”?

What happened to the Biden Administration’s furious charges that the mounted border patrol was “whipping” innocent illegal aliens? When a federal investigation cleared the accused, did Mayorkas correct his own administration’s disinformation and apologize?

Who should we expect next to lecture the nation on the dangers of “disinformation”? A paroled and once-leftist heartthrob Michael Avannetti? Joe Biden himself on his own supposed ignorance of Hunter’s cronies? CNN and MSNBC on Hunter Biden’s “Russian disinformation” laptop?

Will Anthony Fauci weigh in on the nonexistence of federal funding for gain-of-function research at Wuhan? Will Robert Mueller reemerge to restate yet again that he never knew anything of the Steele

dossier? Will James Comey go back under oath to claim another 245 times he cannot remember? Will John Brennan lie a third time under oath before Congress, James Clapper a second time, or Andrew McCabe mislead a fourth federal investigator?

What about those 51 former intelligence officials who convinced voters before the election that Hunter's laptop was "Russian disinformation"? Would Nina Jankowicz rule their letter of expertise "information," "misinformation," or "disinformation"?

Or perhaps we could hear warnings of organized misinformation from those blue-chip "17 Nobel Prize-winning economists" who vouched in a letter that Biden's massive "Build Back Better" plan would not contribute to inflation that was indeed already ignited and beginning to blow up the economy?

Perhaps ex-felon and FBI lawyer Kevin Clinesmith could serve on the disinformation board, considering his keen eye for altered federal documents that advance false narratives. Hillary Clinton would also be a good candidate given her expertise in hiring sleuths like Michael Sussman to conjure phony Alfa-Bank stories?

So what are the catalysts for this sudden assault on free speech? Why is the Left now so worried after holding *all* the reins of power for 15 months? Why their embarrassing new *Nineteen Eighty-Four*-like Ministry of Information and Truth? And again, why now?

First, the looming midterms well may see the greatest repudiation of leftwing politics in the last 100 years. Rarely do hardcore leftists gain the reins of the Senate, House, and presidency. And more rarely are the Democrats foolish enough to go full socialist and emulate failed statist regimes abroad. And yet they have now done both—and have managed to alienate much of the country.

Rarest of all is to have both a president and vice president who are force multipliers of the disasters that ensue from their policies. Joe Biden and Kamala Harris are no JFK, Bill Clinton, or Barack Obama. Instead, they make Jimmy Carter seem Ciceronian in comparison.

The one cognitively diminished, the other blindly confident in her puerile ignorance, only add to the public anger over their disastrous 15 months. Surging crime, a nonexistent border, historic inflation, sky-high energy prices, record deficits and debt, racial polarization and appeasement, war, and humiliation abroad were all self-inflicted catastrophes, the logical bitter fruit of a diseased socialist tree. So fear of not just losing in November but also losing in humiliating fashion has made the Left more desperate than usual.

Second, leftwing politics are the operational face of a much larger social and cultural revolution that has also sickened the public and alienated the majority of voters—and also is about to "circle back" on its creators.

The media, Silicon Valley, CEOs, deep state, Wall Street, academia, Hollywood, and professional sports represent a vision of the future of America that most voters do not want. The scolding faces of the rich and pampered political, corporate deep state, and celebrity progressive crowd—Bill Gates, Mark Zuckerberg, John Kerry, the Disney crowd, George Soros, Anthony Fauci or James Comey, Black Lives Matter, Antifa, LeBron James, and Colin Kaepernick—grow wearisome and bore the public.

This erosion of our culture reflects the growing political discontent in insidious ways: the fall-off of Netflix subscribers, the utter corruption of Black Lives Matter, the humiliation of Disney, the rapid collapse of CNN+, the grassroots revolt against critical race theory and transgender tyranny.

Third, the Democratic Party no longer exists. It is now hard-left, as sanctimonious as it is shrill. Such zealots will not discard their ideology. Rather they would prefer to embrace dogma and stay unpopular than adopt and gain public approval.

Do not expect a suddenly closed border, an abrupt resumption of the Keystone XL Pipeline, or a tough new federal crime bill. *Do* anticipate more wild conspiracy theories, more Russian disinformation, and more *Pravda*-like ministries.

In this context, the emergence of Elon Musk as the Silicon Valley dragon slayer is emblematic of the ongoing left-wing nightmare.

As Musk pulls up the shades at Twitter, what are leftists to say: that billionaires should not become media barons, heretofore the pillars of the progressive movement? That suppressing free speech is more popular with the public than liberating expression? That some censorship is better than others?

We have seven more months before the midterms. As the disinformationists see no way out of their self-created Armageddon, expect more disinformation ministries, censorious czars, and hack grandees to emerge from the shadows.

As good Orwellians, they will try to convince us that high gas prices are welcome; negative growth is good; borders are ossified ideas; unaffordable housing aids the economy; inflation can prove useful; a declining stock market is encouraging; crime is a mere construct in the eye of the beholder.

Anyone who doubts all that will have a rendezvous with Nina Jankowicz.

*Victor Davis Hanson is a distinguished fellow of the Center for American Greatness and the Martin and Illie Anderson Senior Fellow at Stanford University's Hoover Institution. He is an American military historian, columnist, a former classics professor, and scholar of ancient warfare. He has been a visiting professor at Hillsdale College since 2004. Hanson was awarded the National Humanities Medal in 2007 by President George W. Bush. Hanson is also a farmer (growing raisin grapes on a family farm in Selma, California) and a critic of social trends related to farming and agrarianism. He is the author most recently of *The Second World Wars:: How the First Global Conflict Was Fought and Won*, [The Case for Trump](#) and the newly released [The Dying Citizen](#). This article first appeared in the May 1, 2022 edition of *American Greatness*.*



ANNOUNCEMENTS



ANDY CALDWELL SHOW NOW LOCAL IN SLO COUNTY

Now you can listen to THE ANDY CALDWELL SHOW
in *Santa Barbara, Santa Maria & San Luis Obispo Counties!*

We are pleased to announce that The Andy Caldwell Show is now broadcasting out of San Luis Obispo County on FM 98.5 in addition to AM 1290/96.9 Santa Barbara and AM 1240/99.5 Santa Maria



The show now covers the broadcast area from Ventura to Templeton -
THE only show of its kind on the Central Coast covering local, state, national and
international issues!

3:00 – 5:00 PM WEEKDAYS You can also listen to The
Andy Caldwell Show LIVE on the [Tune In Radio App](#) and previously aired shows
at: 3:00 – 5:00 PM WEEKDAYS You can also listen to The Andy Caldwell Show
LIVE on the [Tune In Radio App](#) and
Previously aired shows at:

COUNTY UPDATES OCCUR MONDAYS AT 4:30 PM

**MIKE BROWN IS THE REGULAR MONDAY GUEST AT 4:30
SUPPORT COLAB!**

*A Voice for Reason
3:00 PM to 5:00 PM Monday thru Friday
- Ventura to San Luis Obispo -*

Listen to The Andy Caldwell Show "LIVE"



*The Only Talk Radio Show to Cover
Santa Barbara, Santa Maria & San Luis Obispo !*



**PLEASE COMPLETE THE MEMBERSHIP/DONATION FORM
ON THE LAST PAGE BELOW**



MIKE BROWN ADVOCATES BEFORE THE BOS



VICTOR DAVIS HANSON ADDRESSES A COLAB FORUM



DAN WALTERS EXPLAINS SACTO MACHINATIONS AT A COLAB FORUM



AUTHOR & NATIONALLY SYNDICATED COMMENTATOR BEN SHAPIRO APPEARED AT A COLAB ANNUAL DINNER



NATIONAL RADIO AND TV COMMENTATOR HIGH HEWITT AT COLAB DINNER



MIKE BROWN RALLIES THE FORCES OUTDOORS DURING COVID LOCKDOWN

JOIN OR CONTRIBUTE TO COLAB ON THE NEXT PAGE
Join COLAB or contribute by control clicking at: [COLAB San Luis Obispo County \(colabslo.org\)](https://colabslo.org) or use the form below:

Coalition of Labor, Agriculture and Business
San Luis Obispo County
"Your Property - Your Taxes - Our Future"
PO Box 13601 - San Luis Obispo, CA 93406 / Phone: 805.548-0340
Email: colabslo@gmail.com / Website: colabslo.org

MEMBERSHIP APPLICATION

MEMBERSHIP OPTIONS:

General Member: \$100 - \$249 \$ _____ Voting Member: \$250 - \$5,000 \$ _____

Sustaining Member: \$5,000 + \$ _____

(Sustaining Membership includes a table of 10 at the Annual Fundraiser Dinner)

General members will receive all COLAB updates and newsletters. Voting privileges are limited to Voting Members and Sustainable Members with one vote per membership.

MEMBER INFORMATION:

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

How Did You Hear About COLAB?

Radio Internet Public Hearing Friend

COLAB Member(s) / Sponsor(s): _____

NON MEMBER DONATION/CONTRIBUTION OPTION:

For those who choose not to join as a member but would like to support COLAB via a contribution/donation. I would like to contribute \$ _____ to COLAB and my check or credit card information is enclosed/provided.

Donations/Contributions do not require membership though it is encouraged in order to provide updates and information.
Memberships and donation will be kept confidential if that is your preference.
Confidential Donation/Contribution/Membership

PAYMENT METHOD:

Check Visa MasterCard Discover Amex NOT accepted.

Cardholder Name: _____ Signature: _____

Card Number: _____ Exp Date: ___/___ Billing Zip Code: _____ CVV: _____

TODAY'S DATE: _____