

County of San Luis Obispo
APPLICATION FOR TEMPORARY COMMERCIAL OUTDOOR
ENTERTAINMENT LICENSE

(See Page 2 for Instructions and Page 3 for Required Accompanying Documents)

APPLICANT INFORMATION

1. Event Name:

Avila Beach Resort, amendment of the 2004 6:56 Commercial Outdoor Entertainment License allowing on-going Non-Profit events over 3,000 attendees to include up to eight (8) For-Profit, Ticketed Events of over 3,000 and up to 5,000 attendees

2. Applicant Name:

ABR Property, L.P. and ABR Enterprises L.P. dba
Avila Beach Resort

3. Applicant Legal Nature:

Each applicant is a Limited Partnership

4. Physical Address of Applicant:

6464 Ana Bay Drive, 2828 Blue Heron, and 3000 Avila Beach Drive, Avila Beach, CA 93424

5. Mailing Address:

750 Pismo Street, San Luis Obispo, CA 93401

EVENT LOCATION INFORMATION

6. Event Location Owner:

ABR Property L.P.

7. Exact Location:

Avila Beach Resort
6464 Ana Bay Drive
2828 Blue Heron
3000 Avila Beach Drive
Avila Beach, CA 93424

8. Legal Description:

Avila Beach Resort – APN# 076-181-039, 076-181-032, 076-181-061, 076-201-062

9. Area of Premises to be Used:

- The Cove Event Lawn
- The Range - Driving Range Event Area
- The Peninsula Event Area
- Mulligans Bar and Grill
- Parking Areas (10th Fairway, 11th Fairway, 17th Fairway, 18th Fairway, Driving Range)
- Designated roadways
- Beach Club

10. City:

Avila Beach

11. State:

California

12. ZIP:

93424

PARKING LOCATION INFORMATION

13. Parking Location Owner:

ABR Property L.P.

14. Exact Location:

Avila Beach Resort
6464 Ana Bay Drive
2828 Blue Heron
3000 Avila Beach Drive
Avila Beach, CA 93424

15. Legal Description:

Avila Beach Resort
APN 076-181-039 – TN Avila PTN
APN 076-181-032 – RHO SAN MIG PTN LT Y
APN 076-181-061 – RHO SAN MIG PTN LT 47
APN 076-201-062

County of San Luis Obispo
APPLICATION FOR TEMPORARY COMMERCIAL OUTDOOR
ENTERTAINMENT LICENSE

(See Page 2 for Instructions and Page 3 for Required Accompanying Documents)

16. Area of Premises to be Used:

Parking Locations– Generally 1st Fairway, 10th Fairway, 11th Fairway, 17th Fairway, 18th Fairway, and Driving Range
 Entertainment Locations: The Cove, The Range and The Peninsula

17. City:

Avila Beach

18. State:

California

19. ZIP:

93424

EVENT DESCRIPTION

20. Date(s) of Event:

TBD

- Eight (8) Outdoor For-Profit Music Events with over 3,000 and up to 5,000 attendees, of which,
- Three (3) of the eight (8) may be up to three (3) day outdoor festivals not to exceed 5,000 attendees per day

Note: This application is regarding operational standards for existing non-profit events over 3,000 attendees and for-profit ticketed events held annually that have grown beyond 3,000 attendees.

21. Hours of Event:

TBD based on specific event. Public notification to be provided to the County and AVAC prior to an applicable scheduled event.

22. Estimate of Minimum and Maximum Number of Customers

Date: TBD – Notification to be provided to the County and AVAC prior to the scheduled event.

January 1, 2019, ongoing

Number of Customers:

Min: 3,000 Max: 5,000 Attendees at For-Profit Ticketed Events

SIGNATURES OF PRESIDENT AND SECRETARY OF CORPORATE APPLICANT

ABR PROPERTY L.P. AND ABR ENTERPRISES L.P.
 BY: AVILA BEACH PARTNERS LLC,
 ITS GENERAL PARTNER

BY: 
 NAME ROBIN L. ROSSI, ITS MANAGER

PRESIDENT, APPLICANT

DATE

SECRETARY, APPLICANT

DATE

County Code Section 6.56.040 –
Temporary Commercial Outdoor Entertainment License
Application – Contents

Section (1) – Commercial Activities

ABR Property L.P.
ABR Enterprises L.P.
dba Avila Beach Resort
6464 Ana Bay Drive
2828 Blue Heron
3000 Avila Beach Drive
Avila Beach, CA 93424
APN 076181-039 – TN AVILA PTN
APN 076-181-032 – RHO SAN MIG PTN LT Y
APN 076-181-061 – RHO SAN MIG PTN LT 47
APN 076-201-062

Section (2) – Parking and other activities

ABR Property L.P.
dba Avila Beach Resort
6464 Ana Bay Drive
2828 Blue Heron
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APN 076-181-061 – RHO SAN MIG PTN LT 47
APN 076-201-062

Section (3)

Date(s) of Event(s): January 1, 2019, ongoing	Hours of Event: TBD – Notification to be provided to the County Tax Collector prior to the applicable scheduled event.
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Section (4)

Estimate of Minimum and Maximum Number of Applicable Event Attendees per event for the CY 2019 - 2020	
Date: January 1, 2019, ongoing	January 1, 2019, ongoing
Number of Customers: TBD	Min: 3,000 Max: 5,000 Note: This application is regarding operational standards for existing for-profit ticketed events held annually that have grown beyond 3,000 attendees.

Section (5)

1. Reservation of Rights/ Purpose of the License Application

The owners of the Avila Beach Resort, and its predecessors, have operated visitor serving uses, including public events and recreational activities on the Resort property since the 1967 Use Permit was first granted. The owners are submitting this Application to amend and augment the Outdoor Commercial Entertainment License (“License”) issued by the Board of Supervisors (“Board”) in August 2004 for events over 3,000 attendees. The August 2004 License approved by the Board gave general and ongoing approval for non-profit groups using the Avila Beach Resort property, including concerts and other recreational activities with over 3,000 and up to 5,000 attendees.

This amended License application is intended to add eight (8) For-Profit ticketed events to the existing and ongoing 6:56 License that covers Non-Profit events over 3,000 attendees. The amended license covers the growth in number of customers attending the existing events. The majority of these For-Profit ticketed events have been occurring on site for decades but have grown in attendance numbers since the existing Entertainment License was issued for Non-Profit activities over 3,000 attendees almost 15 years ago. The County Planning Department concluded in correspondence dated July 5th, 2018, that the Resort’s Temporary Events are allowed and there have been such events prior to the adoption of the Local Coastal Plan, and these activities have been ongoing.

The Local Coastal Plan, in 1984, specifically included temporary events as allowed uses. However, the letter also suggests there has been an increase in the number of large events since 1981. The type, nature and names of events has evolved, changing over time but the overall number of guests served as visitor-serving commercial destination remains relatively the same.

The Resort has and continues to contribute use of its venues and a portion of the proceeds to various charitable causes for many events, including those over 3,000. This amended 6:56 License application is intended to confirm that the operational and performance standards approved by the Board of Supervisor in 2004 for Non-Profit events also are appropriate and applicable to any For-Profit ticketed events over 3,000 attendees.

The eight (8) For-Profit ticketed events of over 3,000 attendees and up to 5,000 attendees are in addition to the on-going uses of the Resort as a commercial/recreational destination. These

activities include, but are not limited to, golf, tournaments, restaurant/bar, weddings, receptions, banquets, Beach Club and other recreational activities under 3,000 attendees. This amendment is specifically tailored to amend and augment the existing Non-Profit commercial outdoor entertainment 6:56 License for over 3,000 authorized by the BOS 2004 to include eight (8) annual For-Profit ticketed events.

Consistent with permanent visitor-serving facilities and improvements, public events and concerts have routinely taken place at the San Luis Bay Club, now Avila Beach Resort, for more than four (4) decades, including such events, but not limited to:

- Over 400 music events and 600 world-renowned entertainers over decades
- KCBX Central Coast Wine Classic
- The John Madden Classic
- Hospice Beer And Blues By The Sea, now Tequila Festival
- Jazz By The Sea
- San Luis Symphony Pops By The Sea
- Cal Poly Fundraisers (E.G. Mike Krukow, Engineering, Agriculture)
- San Luis Obispo Viticulture events
- Capps & other political fundraisers/concerts
- High school special events and graduation parties
- 50-70 weddings per year
- Holiday parties and events
- Corporate events
- City to the Sea and others
- Concours, Vintage autos
- Outdoor recreational & adventure activities

The Resort owners reserve their rights to continue the beneficial and lawful exercise of their property rights as a commercial/recreational property established in 1967 and the additional uses permitted by the 6:56 License in 2004, and to reserve their position that the existing uses are consistent with administrative practice which has recognized the legality of current uses, and reliance upon these uses which estoppes the County from denying their continuation.

A unique Open Space agreement (“Agreement”) covers “portions” of the Avila Beach Resort Property. The Agreement was created in 1986 to satisfy an unrelated condition of approval for an independent project, Tract 992 (Pelican Point). The Agreement has no bearing on the Resort from the standpoint of requirements and/or a limitations on its use(s) and/or future development of the improved portions of the golf course on the golf course parcel. In fact, it specifically allows for past, ongoing/present and future allowed uses on the ABR Property as a Recreation use within the adopted Master Development Plan.

The Agreement recognized that the scenic values the Agreement was intended to protect for the public included the land on the golf course parcel that was ‘essentially unimproved and if retained in its natural state has a scenic value to the public and is valuable as a watershed.....said agreement contains appropriate covenants to that end’. The Agreement was not intended to restrict golf or resort related improvements, activities, events, parking, etc. on the improved portions of the golf

course. Further, the Resorts business including on-going events and parking on the golf course predate the Agreement by almost 20 years.

THE CURRENT APPLICATION IS INTENDED TO APPLY OPERATIONAL STANDARDS FOR THE FOLLOWING EVENTS:

- Eight (8) Outdoor For-Profit Music or similar ticketed events with 3,000 – 5,000 attendees, of which
 - o Generally occurring between 10:00 am and 10:00 pm
- Three (3) of the Eight (8) may be up to three (3) day outdoor festivals not to exceed 5,000 attendees per day
 - o Generally occurring between 10:00 am and 10:00 pm
- The activities are expected to occur between March and November
- Venue shall provide an ongoing calendar to County and AVAC

The activities listed above are in addition to on-going use of the Resort as a commercial/recreational resort destination and are consistent with the ongoing activities related to operation of golf, tournaments, Beach Club, restaurants, weddings, receptions, banquets activities under 3,000 attendees, and any non-profit events over 3,000 attendees.

Access, temporary parking and event areas are in the same areas of the property identified in the August 17, 2004 License approved by the Board of Supervisors. Since the 2004 authorization there has been several refinements and improvements operationally in regard to parking and traffic management.

As of 2017, parking fees are included in the price of admission for ticketed events. Further, on event days, **free public/beach parking**, is also provided on Resort property when the town/beach parking are full. Including the cost of parking in the ticket price and providing free parking to other beach visitors, has reduced both traffic congestion and vehicle stacking on Avila Beach Drive. Further, it helps alleviate parking demand and lessens traffic in the downtown areas.

The access at First Street has been improved with the additional of the controlled intersection (traffic signal) and a wider entry road at 3000 Avila Beach Drive.

It should be recognized that the Resort owner has and continues to comply now with all County health and safety practices (“Operational Standards”) explained later in this Application and approved under the 2004 License.

This request is to amend the existing 2004 6:56 License. The License, when amended, would be ongoing.

Security Protection Plan

Security Staffing

Miller Event Staffing¹ an event security company with many years' experience, provides personnel and coordination for parking, crowd direction, security perimeters, security, and assisting our handicapped guests. Their experience is vast and includes events far larger than those regularly hosted at the Avila Beach Resort. The security staffing varies depending upon the number of attendees, the type and nature of entertainment, and time of day. Miller security guards are licensed through the State of California Bureau of Security & Investigative Services (BSIS) under the State of California Department of Consumer Affairs. Security guards working in the state of California are required by law to be licensed. (MEM) security guards have completed the following requirements:

40 hours of Security Training Including:

- *handling difficult people & situations
- *crowd control
- *parking & traffic operations
- *liability & legal aspects
- *radio communications
- *public relations
- *security observations
- *weapons of mass destruction
- *responsible beverage service/I.D. Checking Training

The specific areas staffed typically depending on event size and venue include:

- Parking Lots
 - o 10th Fairway
 - o 11th Fairway
 - o 17th Fairway
 - o 18th Fairway
 - o Driving Range
- 6464 Ana Bay Drive and 3000 Avila Beach Drive entrances
- Mulligans Bar and Grill
- Beach Club
- Venue Perimeter (including Blue Heron Drive)
- Backstage
- Front of Stage
- Front and Back Ticket Booth
 - o Bag check
 - o ID check
 - o Metal detection, as needed
- Rovers throughout venue

Miller event Staffing operates under Private Patrol Operator License #16909 issued through the Bureau of Security and Investigative Services (BSIS). The BSIS is monitored by the State

¹ 2017 Miller Event Management Statement of Services and Resume provided in Appendix for reference

of California Department of Consumer Affairs. This license is valid for two years and is renewed each time.

The employees of Miller Event Management Inc. hold a current security guard card. This license is valid for two (2) years. Each employee also attends an eight (8) hour course called The Power to Arrest. Upon completion of the course, each employee submits an application to the BSIS. The application process includes a live scan with background checks by the Department of Justice and the FBI. Every year, each employee is required to attend eight (8) hours of ongoing training provided by Miller Event Staffing. In addition to security provided by Miller Event Staffing, the Sherriff² provides 2-4 armed guards inside the event dependent on the attendance of the event.

Age Restrictions

Age restrictions are event specific. Most events are open to all ages. Active younger demographic shows are limited to attendees 18 years and older.

Pets

There are no pets allowed onsite except certified service animals.

On Site Communication

All lead staff, lead contractors, and security personnel have radios for onsite communication, serviced on specified channels. Per Section 6.56.200 Communication system, an emergency communication system is maintained during events.

Overnight Security

Overnight security is provided by Miller Security for events that last multiple days (festivals) where sound equipment is left on stage overnight. Security staff is placed at the stage/equipment area and the other remains roving in the venue proper. Miller event Staffing operates under Private Patrol Operator License #16909 issued through the Bureau of Security and Investigative Services (BSIS). The BSIS is monitored by the State of California Department of Consumer Affairs. This license is valid for two years and is renewed each time.

Water Supply and Facilities

Avila Beach Resort has an existing potable water supply provided from San Miguelito Mutual Water Company³. In addition to their existing potable water supply, they provide supplemental potable water to their guests through a contract with Crystal Springs Water Company⁴. Crystal Springs Water provides 5-gallon water cooler stations throughout the activity area and ARB owns (2) forty (40) gallon water stations that are available for use during the entertainment activities. Drinking fountains are also located throughout the ABR facilities. In addition to the potable water supply onsite beverage service are provided from outside vendors and the on-site restaurant, Mulligans Bar & Grill. Per Section 6.56.130 –

² Sherriff agreement provided in Appendix for reference

³ San Miguelito Mutual Water Company sample invoice provided in Appendix for reference

⁴ Crystal Springs Water Company sample invoice provided in Appendix

Drinking Water, water is provided for employees at a rate of thirty-five gallons per day and for spectators at ten gallons per attendee per day.

The on-site management team monitors the water facilities and stations to ensure ample water is available throughout the activities.

Sanitation Facilities (Sewage and Garbage)

Restrooms – Avila Beach Resort has 20 existing permanent men’s and women’s restrooms (20 stalls each) including ADA accessible facilities. In addition, Avila Beach Resort also contracts with Harvey’s Honey Huts⁵ to provide additional portable restrooms, urinals, and handwashing stations as needed. Per Section 6.56.140 – Sanitary facilities, one toilet is provided for each sex for every forty persons attending the event. Handwashing facilities are located adjacent to the toilet facilities. Potable restrooms are primarily located in the activity area proper with additional facilities in the parking lots and staffing areas. There are attendants onsite daily who monitor sanitary conditions, replenish supplies, and respond to any concerns. Facility placement is indicated on the Avila Beach Resort Event Map.

The event’s waste and recycling program is managed by Guerrilla Gardening Club⁶, specialists in zero-waste management. Trash and recycling stations are provided throughout the activity areas. ABR has on-going (2 times a week) commercial trash service is provided by South County Disposal Service⁷ and commercial roll off service is provided by Coastal Roll Off⁸. All waste receptacles for event guest use are emptied and sanitized the day following a large activity.

Food Supply and Facilities

Food supply is provided by Avila Beach Resort, Mulligans Bar & Grill and other Health Department approved food vendors. There is a commercial kitchen located within Mulligans Bar & Grill and an approved but not yet built commercial kitchen in the Beach Club building. Any restaurant, caterer, or chef using a barbecue or open flame must do so 20’ from any tenting or structure with a cooking unit on a Visqueen wipeable surface and use stanchions to keep the public at a safe distance from the unit. Any food transported from the cooking area to the prep tent must be covered en route. All barbecue areas have an inspected fire extinguisher. Per Section 6.56.250 – Food and beverage all food and beverages provided for the event comply with applicable state and county food and beverage laws and regulations.

Medical and First Aid

Avila Beach Resort provides for medical and first aid services by San Luis Ambulance⁹ and Rock Med¹⁰. A minimum of two EMT’s and ambulance are provided for activities over 1,000 guests. An AED is located in the pro shop by the front entrance. The medical station location is dependent on which event area the activities are occurring. Facility placement is indicated on the Avila Beach Resort Event Map. One (1) main Medical and First Aid station, positioned

⁵ Harvey Honey Huts sample service statement provided in Appendix

⁶ Guerrilla Gardening Club sample agreement provided in Appendix

⁷ South County Disposal Service sample agreement provided in Appendix

⁸ Coastal Roll Off sample invoice provided in Appendix

⁹ San Luis Ambulance sample invoice and standby form provided in Appendix

¹⁰ Rock Medicine Program sample invoice provided in Appendix

in the venue within eye of site of the stage area and easy driving access in and out of the venue. The facility medical and first aid facility is comprised of a 10'x10' tent. The Medical and First Aid station is equipped with water, chairs, tables and general first aid supplies. The EMT and paramedic on SLO Ambulance have a full trauma kit containing BLS supplies for minor injuries, O2 airway kits, and other supplies necessary to treat patients. One EMT is stationed within the medical tent at all times, with a second EMT roaming the venue with a security guard. A stand-by ambulance is positioned adjacent to the facility. The ambulance is contracted through San Luis Ambulance^[11] and have been the ambulance company of record for the past six (6) years. The Medical and First Aid station and ambulances are indicated on the Avila Beach Resort Map.

Dignity Health Arroyo Grande Community Hospital is located at 345 S Halcyon Road in Arroyo Grande, California. Dignity Health French Hospital is located at 1911 Johnson Avenue in San Luis Obispo, California. Sierra Vista Regional Medical Center is located at 1010 Murry Avenue in San Luis Obispo, California.

The Arroyo Grande Community Hospital is eleven (11) miles, French Hospital is twelve (12) miles, and Sierra Vista Regional Medical Center is eleven (11) miles away from the Main Event.

Per ordinance section 6.56.260 – Medical Coverage, a medical tent provides an adequate protected area for the purposes of medical care and area suitable for recovery from reaction to drug abuse. Arrangements are made for emergency medical and surgical care with the existing local hospital facilities. Evacuation of sick event attendees is provided by San Luis Ambulance.

Emergency Planning

Avila Beach Resort has adopted an Emergency Planning Guide¹¹ which is part of their normal commercial operations and is included for review. In the event of an emergency, guests will be corralled to the 10th fairway, driving range or event lawn depending on where the emergency or natural disaster is taking place. The General Manager will make an announcement on stage and/or event security will assist in moving attendees.

An Emergency Response Coordinator and alternate coordinators have been established. The Emergency Response Coordinator at Avila Beach Resort is the General Manager or Manager on duty or designee of the General Manager. A list of Emergency Response Team Members with contact numbers and reporting instructions is posted in the administration office breakroom. The Emergency Response Coordinator is responsible for direction of the Emergency Response Team and responding to and coordinating emergency situations, notifying outside aid and public information, authorizing access to the site. In addition to multiple access points on Avila Beach Drive the resort benefits from emergency access via Blue Heron and Harford Cannon connecting to Lupin Canyon. Additionally the Cal Fire station is located on the bend of San Luis Bay Drive, located within the San Luis Bay Estates.

¹¹ Special Event Emergency Planning Guide provided in Appendix

Radios provide communication between emergency responders while onsite during the events.

Fire Prevention:

The event's infrastructure, including parking areas, is inspected before and during events by SLO County Fire (Cal Fire)¹². Adjustments are made on an as needed basis following routine inspections.

Cal Fire is notified of the upcoming event one month prior and is provided with an overview of the upcoming event. The upcoming event information is sent to the inspector for the County, battalion Chief and Station 62 (Avila). Typically, an inspection is then conducted one hour prior to the event doors opening and adjustments are made as necessary.

There are over twenty-two (22) inspected fire extinguishers which are serviced by Mid-Coast Fire Protection¹³ onsite in the venue proper in tented areas, stages, and barbecue facilities.

Permanent fire extinguishers locations:

- 7 - Maintenance Department
- 1 – Admin Building
- 2 – Mulligans Bar & Grill
- 2 – Beach Club Building
- 1 – Pro Shop Building

Special Event Extinguisher locations:

- 2 - Stage
- 1 – Sound Booth
- 4 – Beverage Tents
- 2- Backstage

In addition to the fire extinguishers provided onsite, each food vendor is required to carry a fire extinguisher. Cal Fire inspects each food truck for presence of a fire extinguisher prior to allowing sale of food.

All backdrops, tenting, and shade structures are made with materials that are Registered Fire Retardant and are rented from Got You Cover'd Inc¹⁴ and inspected by Cal Fire. Per Section 6.56.190, one fire engine with the necessary firemen is required for each one hundred thousand persons or portion thereof for the events.

Parking Plan

There are three distinct and separate temporary parking areas that are utilized for event and other commercial activities. These temporary parking areas can accommodate up to 2,410 vehicles or 9,640 attendees.

- 10th Fairway

¹² Cal Fire agreement and checklist provided in Appendix for reference

¹³ Mid-Coast Fire Protection sample invoice provided in Appendix

¹⁴ Got You Cover'd Inc. sample invoice provided in Appendix

- 11th Fairway
- 17th Fairway
- 18th Fairway
- Driving Range

There are an additional 360 permanent paved parking spaces provided on site.

Per County Code Section 6.56.150 up to 1,250 parking spaces are required for a 5,000 attendee commercial activity. Disabled parking is located onsite and guests with placards enter through the Ana Bay Drive entrance and park in disabled parking next to the main event area.

Attendees access the temporary parking areas at the Avila Beach Resort from either 3000 Avila Beach Drive (10th and 18th Fairways) or 6464 Ana Bay Road (Driving Range). Access to and from the 10th fairway and 18th fairway is from Avila Beach Drive at the First Street signalized intersection. Exiting from the driving range takes place from Ana Bay Road to Avila Beach Drive.

The parking entrances are staffed by Miller Security typically beginning 3 hours before the event. Parking staff is onsite until the event is completed or until the last vehicle is off the grounds.

Traffic control is provided by the California Highway Patrol¹⁵ which is also contracted to provide a patrol officer stationed at the Avila Beach Drive / 1st Street entrance.

As an ongoing policy for events, parking fees are built into the price of the tickets sold. Attendees need only to show their ticket to the event to be allowed admittance to park onsite; thus, encouraging utilization of onsite parking facilities.

Event start times are typically scheduled in the mid-afternoon to early evening to avoid conflicts with the morning beach traffic. With the exception of Friday evening activities, ARB event visitor traffic is arriving into Avila Beach when beach traffic is departing.

Section (6)

There are several stage locations used during activities at the Avila Beach Resort. To ensure noise levels the property line are minimized to the extent feasible, the artists are contractually bound to limit their decibel level to an average of 96 dB and end the music at 10:00 pm.

Section (7)

As mentioned in Section (5) Security Staffing, security personnel are contracted through Miller Event Services, a state licensed Security Firm.

Section (8)

¹⁵ California Highway Patrol sample agreement provided in Appendix

Guests are typically offsite within 1 hour of the end of the activity. Some guests may remain on the property to visit the existing commercial operation if they are open and operating within their normal business hours (Mulligan's Bar and Grill, Driving Range, etc.).

Section (9)

Trash clean-up is provided by staff of Avila Beach Resort and volunteers. Removal from premises is provided by South County Sanitation and Guerilla Gardening Club. Please see Section (5), **Sanitation and Sewage**.

Section (10)

Avila Beach Resort is owned by ABR Property L.P. and operated by ABR Enterprises L.P.

Address:

ABR Property L.P. / ABR Enterprises L.P. DBA Avila Beach Resort

Federal ID #25-2654973

750 Pismo Street

San Luis Obispo, CA 93401

Ph: (805) 545-7788

Section (11)

The Avila Beach Resort admissions gates are closely monitored by staff. Tickets for events are normally pre-sold with a set amount of tickets available for purchase. In no instance will ticket sales exceed 5,000 per day. Security is positioned on-site to prohibit unauthorized entry.

Section (12)

At any time during the course of the event, any peace officer, employee of the planning director, county engineer, sheriff, health officer or any other county officer in the performance of their duties, is granted permission to enter the event.

Section (13)

The mailing address of the applicant is:

ABR Property L.P. / ABR Enterprises L.P. dba Avila Beach Resort

750 Pismo Street

San Luis Obispo, CA 93401

ATTACHMENT A

**APPROVED 6:54 ONGOING OUTDOOR COMMERCIAL ENTERTAINMENT
LICENSE FOR AVILA BEACH RESORT**

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, August 17, 2004

PRESENT: Supervisors Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian, and Chairperson Harry L. Ovitt

ABSENT: Supervisor Michael P. Ryan

In the matter of temporary commercial outdoor entertainment license application for the "San Luis Obispo Symphony Pops By The Sea":

This is the time set for hearing to consider a temporary commercial outdoor entertainment license application for the "San Luis Obispo Symphony Pops By The Sea" event held at the Avila Beach Resort in the community of Avila Beach; 3rd District.

Ms. Bernita D'Ambrosio: Tax Collector's Office, presents the staff report and the options for the Board's consideration. (**SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.**)

Ms. Sandy Segerson: Executive Director for the SLO Symphony, states she is here to answer questions.

Ms. Cyndy Marie Absey: SLO Symphony Board President, addresses their mission, the concert and meeting the needs associated with this event.

Mr. Dan Manion: urges the Board to approve the application for this event and waive the fees.

Ms. Patti Thayer: Assistant Executive Director for the SLO Symphony, addresses the process they had to go through this year versus prior years for the same event; highlights what they have in place to help ensure this event runs smoothly.

Ms. Carla Bittner: Avila Valley Advisory Council (AVAC) Chairperson, presents a letter for the record and highlights the same stating they support the application; addresses their concern that all visitors to Avila Beach still have access to the beach during this event.

Ms. Becky Baer: Arroyo Grande resident, speaks in support of the Symphony and presents a video showing prior events by the Symphony.

Mr. Brendan Morris: Board member for the SLO Symphony, addresses his concern to the process this year; looking at other ways to approve this in the future; concerns to the cost associated with the application process.

Mr. John Cribb: speaks in support of the "Pops"; addresses his concern to the process and the number of County departments this had to go through.

Mr. Carl Dudley: suggests there are many other events in the County that have a larger impact than this one; urges approval of this application.

Ms. Linda Ashworth: Symphony member, speaks to joining the Symphony two years ago and her involvement during that time; speaks in support of how this process was previously handled.

Ms. Ursula Fitzgerald: North County Symphony Guild President, speaks in support of this event.

Ms. Donna Kean: Hospice Director, states they use Avila Resort every year for an event to support Hospice; speaks to the impacts of this type of application process to non-profit groups.

Mr. Archie McLaren: addresses the need for advanced planning and for these types of events to occur in Avila.

Mr. Eric Greening: speaks in support of the application; gives "kudos" to the Symphony for the use of free

public transit for those folks with tickets who are attending the concert.

Mr. Jim Black: speaks in support of the application.

Mr. Rob Rossi: speaks to the application; states that the requirements in the application packet are already the way they have always handled these types of events; urges approval of the request.

Gentleman: speaks stating he is a music instructor and these types of events bring out a lot of children and families and how important it is to promote events that do this.

Supervisor Pinard: states this is a fantastic event; addresses the application process; comments on the issues raised by AVAC, the issues raised today by the public and the level of detail required; suggests this process needs to be looked at and simplified.

Supervisor Ryan: addresses the ordinance that established the rules for this application in 1969; suggests the ordinance may be obsolete; supports the application and will also support direction to staff to bring back an agenda item to abolish the ordinance; suggests the current Land Use Ordinance addresses these issues.

Thereafter, on motion of Supervisor Pinard, seconded by Supervisor Ryan and unanimously carried, the Board approves the application for a Temporary Commercial Outdoor Entertainment License Application for the event "San Luis Obispo Symphony Pops by the Sea" to be held at the Avila Beach Resort on September 5, 2004.

A motion by Supervisor Pinard, seconded by Supervisor Achadjian to direct that this be a general approval to cover all other non-profits that have been traditionally served, is discussed.

Chairperson Ovitt: addresses his concern that this motion is not specific to any organization nor will this ordinance be impacting any applications before it comes back to the Board; suggests there is a need to direct staff to get the ordinance back quickly for the Board's consideration.

Supervisor Pinard: states she wants other applications to be handled under a "general permit" versus having to come to the Board.

The Clerk restates the motion that it is to give general approval of any other applications that come in between now and the time that the ordinance comes back to the Board for any changes, and that these applications are handled at the staff level and not by the Board.

Supervisor Pinard: indicates that is correct with the addition that this is only for non-profits; and explains that the reason is that currently 3,000 attendees is the trigger for this permit and there could be other events with more than 3,000; wants this addressed for the Avila Area which has been challenged and whether or not there is a need to have a general permit to have events here; states she wants this issue to be clear that while the Board is working on the ordinance, the issue of any permit that comes forward will go to AVAC but will be handled at the staff level.

Mr. John Euphrat: Planning, states there is a need to provide direction to staff as it relates to this particular property; this property has had a long and good history; what is unclear is the past permitting history; states the issue today is strictly the business license but would like direction for future administration; addresses this specific property and the number of events that have occurred on this property and believes the Applicant would like to convince the Board that these events are grand fathered in and should not have to go through this process; believes after examining the record there is a case for the non-profit, fund-raising event but is not clear that the same argument can be made for the for-profit, stand-alone concerts.

Mr. James Lindholm: County Counsel, states the way the Board should proceed is to first consider the

ordinance and decide whether or not to repeal it or amend it; and if the Board is concerned about making the rules clear for the Avila Beach Resort, then the Board should set it for a hearing and have the Planning Department report on what the issues are and how the Board would go about assuring that they were allowed to have the particular activities the Board would like them to have.

Supervisor Pinard: addresses the issue further and what she believes needs to occur today.

The Clerk restates the motion indicating that her understanding is that this is specific to Avila Beach Resort property and the non-profit applications associated with it, with Supervisor Pinard concurring.

Matter is further discussed and thereafter, on motion of Supervisor Pinard, seconded by Supervisor Achadjian and on the following roll call vote:

AYES: Supervisors Pinard, Achadjian, Bianchi
NOES: Supervisors Ryan, Chairperson Ovitt
ABSENT: None

the Board directs that staff give general approval, without bringing them back to the Board, of any other applications that come in between now and the time that the ordinance comes back to the Board for any changes, as it relates to non-profit groups using the Avila Beach Resort property.

Supervisor Ryan: states he wants the current ordinance abolished but not before there is a pathway for these folks to come through with their applications.

Matter is further discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan and on the following roll call vote:

AYES: Supervisors Bianchi, Ryan, Pinard, Achadjian, Chairperson Ovitt
NOES: None
ABSENT: None

staff is directed to return to the Board, as soon as reasonably possible, with a report on the options that are available to the Board on this permitting issue (Countywide) and also on the ordinance with recommendations to either eliminate it completely, modify it or create a new ordinance.

Chairperson Ovitt: directs that this matter come back to the Board within the next 90 to 120 days.

cc: Tax Collector (2)
Auditor
Planning
8/26/04 vms

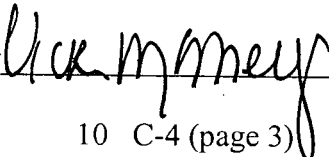
STATE OF CALIFORNIA)
) ss.
County of San Luis Obispo)

I, **JULIE L. RODEWALD**, County Clerk and Ex-Officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 26th day of August, 2004.

(SEAL)

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By 
Deputy Clerk

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Treasurer, Tax Collector, Public Administrator		(2) MEETING DATE August 17, 2004		(3) CONTACT/PHONE Bernita D'Ambrosio, (805) 781-5840 Donna L. Morris, (805) 781-5888	
(4) SUBJECT Public Hearing - Temporary Commercial Outdoor Entertainment License Application for the Event "San Luis Obispo Symphony Pops By the Sea," to be held at the Avila Beach Resort, Applicants: Infinite Horizons, Inc. and San Luis Obispo Symphony					
(5) SUMMARY OF REQUEST In accordance with County Ordinance Title 6, Chapter 6.56, Infinite Horizons, Inc. and San Luis Obispo Symphony provided a Temporary Commercial Outdoor Entertainment License Application and supporting documents to the Tax Collector. Upon determining the application to be complete, the Tax Collector set this hearing for your Honorable Board to consider whether this temporary commercial outdoor entertainment event will be detrimental or injurious to the health, safety or welfare of persons attending, residing, working in the neighborhood or vicinity of the event or the property and improvements in the vicinity of the event.					
(6) RECOMMENDED ACTION The Tax Collector recommends that your Honorable Board review for consideration the Temporary Commercial Outdoor Entertainment License Application for the event, "San Luis Obispo Symphony Pops by the Sea," to be held at the Avila Beach Resort, on September 5, 2004, along with testimony and other evidence and take one of the following actions: 1) Approve application, or 2) Approve the application with conditions, or 3) Deny the application.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST None	
(10) BUDGETED? ☐ YES ☒ N/A ☐ NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Clerk, County Counsel, Health Department, Planning Department, Public Works, and the Sheriff's Office are all involved.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? ☒ No ☐ Yes, How Many? _____ ☐ Permanent _____ ☐ Limited Term _____ ☐ Contract _____ ☐ Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th <u>All</u>			(14) LOCATION MAP ☒ Attached ☐ N/A		
(15) AGENDA PLACEMENT ☐ Consent ☒ Hearing (Time Est. <u>10 min.</u>) ☐ Presentation ☐ Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS ☐ Resolutions (Orig + 4 copies) ☐ Contracts (Orig + 4 copies) ☐ Ordinances (Orig + 4 copies) ☐ N/A		
(17) NEED EXTRA EXECUTED COPIES? ☒ Number: <u>1</u> ☒ Attached See Below Please return this original application to the Tax Collector's Office.			(18) APPROPRIATION TRANSFER REQUIRED? ☐ Submitted ☐ 4/5th's Vote Required ☒ N/A		

(19) ADMINISTRATIVE OFFICE REVIEW

OK - Dan Budzinski

04
8-17-04



**Treasurer
Tax Collector
Public Administrator**
SAN LUIS OBISPO COUNTY

Frank L. Freitas, CPA
Department Head

Donna L. Morris
Assistant

P.O. Box 1149 • Room 200, County Government Center • San Luis Obispo, CA 93406-1149

• Phone 805.781.5842
• Fax 805.781.1079
• Email ttc@co.slo.ca.us

TO: HONORABLE BOARD OF SUPERVISORS

FROM: FRANK L. FREITAS, TREASURER, TAX COLLECTOR, PUBLIC ADMINISTRATOR

DATE: AUGUST 17, 2004

SUBJECT: PUBLIC HEARING - TEMPORARY COMMERCIAL OUTDOOR ENTERTAINMENT
LICENSE APPLICATION FOR THE EVENT "SAN LUIS OBISPO SYMPHONY POPS
BY THE SEA," TO BE HELD AT THE AVILA BEACH RESORT
APPLICANTS: INFINITE HORIZONS, INC. AND SAN LUIS OBISPO SYMPHONY

Recommendation

The Tax Collector recommends that your Honorable Board review for consideration the attached Temporary Commercial Outdoor Entertainment License Application for the event, "San Luis Obispo Symphony Pops by the Sea," to be held at the Avila Beach Resort, on September 5, 2004, along with testimony and other evidence and take one of the following actions:

- Approve application and authorize the Tax Collector to issue the license (or)
- Approve application with conditions and authorize the Tax Collector to issue the license upon proof of compliance (or)
- Deny the application.

Discussion

The applicants originally applied for a business license for this event on May 21, 2004. In reviewing the original business license application, the Planning Department determined that a Temporary Commercial Entertainment License is required. In accordance with Title 6, Chapter 6.56, the applicants, Infinite Horizons, Inc. and the San Luis Obispo Symphony, have provided the attached application and supporting documents to the Tax Collector. (Please see the listing of attachments at the end of the letter.)

The Tax Collector has determined the application to be complete and set this hearing for your Honorable Board's consideration by testimony and other evidence whether this temporary commercial outdoor entertainment event under the circumstances, and in light of any conditions the board may impose, will be detrimental to the health, safety or welfare of persons attending the event or residing or working in the neighborhood or vicinity of the event; whether the event will be injurious to the health, and safety of property and improvements in the vicinity of the event. In making these considerations, the board may consider the general plan and zoning regulations as they relate to the subject properties.

The public hearing was noticed by the County Clerk-Recorder as described in the Other Agency Involvement/Impact section below. This included a notice published in The Tribune on August 6, 2004, and the mailing of a notice to each property owner within 500 feet of the exterior boundaries of parcels identified for the proposed use (parcels 076,201,062; 076,181,032; 076,181,033; 076,181,035; 076,181,039).

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At the conclusion of this hearing, the board may approve, approve with conditions, or deny the application. County Ordinance Title 6, Chapter 6.56.080 requires the board approve the application if they make the following findings in favor of the applicants.

1. That all information required is in the application and all documents and other material required have been filed with the Tax Collector.
2. That the applicants, their employee, agent or any person connected or associated with the applicant has not knowingly made any false, misleading or fraudulent statement or material fact in the application or in any report, record or documents filed with the Tax Collector.
3. That the issuance of this license complies with and meets all of the health, fire and safety requirements and standards and laws of the state and ordinances of this county that are applicable.
4. That the activity authorized by the issuance of the temporary commercial entertainment license will not unduly endanger the property of other persons located in the vicinity of the use.
5. That the activity authorized by the issuance of this temporary license, with the condition set by the Board, will not be detrimental to the health and safety of persons attending, residing or working in the vicinity of the event.
6. That the applicant has submitted adequate evidence that they will comply with the provisions of the following Title 6 sections: 6.56.130 (potable domestic drinking water); 6.56.140 (toilet facilities); 6.56.150 (parking); 6.56.160 (security guards); 6.56.170 (solid waste disposal); 6.56.180 (control of domestic pets); 6.56.190 (fire protection); 6.56.200 (communication system); 6.56.210 (dates and hours); 6.56.220 (number of spectators or participants); 6.56.230 (dust control); 6.56.240 (access ways); 6.56.250 (food and beverages); 6.56.260 (medical coverage); 6.56.270 (lighting). The following departments are responsible for advising your Board in writing as to the applicants' compliance with the applicable requirements: Sheriff's Office, Health Department, Public Works, and the Planning Department.

Other Agency Involvement/Impact

This application and supporting documents have been reviewed by County Counsel as to form. The County Clerk has given written and published notice of the hearing. The County Clerk has also given written notice and copies of the application package to the Sheriff's Office, Health Department, Public Works, and Planning Department. These departments are responsible to investigate the matter and report in writing to your Honorable Board not later than the time set for the hearing on August 17, 2004.

Financial Considerations

The applicants have paid a nonrefundable application fee of one hundred dollars (\$100.00) plus a two hundred and fifty dollars (\$250.00) per day fee for the one day event.

Results

The result of this public hearing is to provide the Board with the testimony and information needed to make the appropriate decision.

Attachments:

- Attachment A: Temporary Commercial Outdoor Entertainment License Application
- A-1 Legal Description
 - A-2 Date and Time - Advertisement
 - A-3 Detailed Explanation of Program – Letter from Infinite Horizons, Inc.
 - A-4 Sound Equipment Description
 - A-5 Security Guard Information
 - A-6 Applicant Information for Infinite Horizons, Inc.
 - A-7 Applicant Information for San Luis Obispo Symphony
- Attachment B: License Application – Accompanying Documents
- B-1 Site Map for Proposed Use, Event Area Only Map, and Stage Picture (prior event)
 - B-2 Assessment Roll List
 - B-3 Attending Doctor and Ambulance Service Agreement
 - B-4 Debris Removal Agreement
 - B-5 Indemnification Agreement
- Attachment C: Letter from San Luis Obispo Symphony Regarding Charitable Donations
- Attachment D: Notice of Public Hearing

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A

Temporary Commercial Outdoor Entertainment License Application

6.56.040 License application

An application for a license for commercial outdoor entertainment activity and the required accompanying documents shall show:

(1) The owner, exact location, legal description, and area of the premises on which it is planned to conduct the commercial outdoor entertainment activity;

Owner: Robin L. Rossi Living Trust, Rob Rossi, Trustee Lessee: Infinite Horizons, Inc. dba Avila Beach Resort, Rob Rossi, President APN# 076-201-062, 076-181-032, 076-181-033, 076-181-035, 076-181-039

(2) The owner, exact location, legal description, and area of all lands to be used for parking or other uses incidental to the commercial outdoor entertainment activity;

Owner: Robin L. Rossi Living Trust Lessee: Infinite Horizons, Inc. dba Avila Beach Resort APN# 076-201-062, 076-181-032, 076-181-033, 076-181-035, 076-181-039

(3) The date or dates and the hours during which the commercial outdoor entertainment activity is to be conducted;

Symphony Pops by the Sea 2004, Sunday, September 5, 2004

*Noon: Orchestra arrives
1:00 PM: Rehearsal
2:30 PM: Gates Open
4:00 PM: Concert begins
6:30 PM: Concert ends
8:00 PM: Clean-up and depart*

(4) An estimate of the minimum and maximum numbers of customers, spectators, participants and other persons expected to attend the commercial outdoor entertainment activity for each day it is conducted.

2,000 - 5,000

(5) A detailed explanation of the applicant's program and plans to supply security protection, water supply and facilities, food supply and facilities, sanitation facilities (including but not limited to sewage, garbage and rubbish), medical and first aid facilities and services, vehicle parking space, vehicle access, on-site traffic control, evacuation plans for sick or injured persons, and to comply with all conditions and regulations set forth in this chapter;

*Security protection: Miller Event Management
*Parking
*Search for Alcohol
*Assist Handicapped
Secure perimeter

Water Supply & Facilities: Avila Beach Resort / San Miguelito Mutual Water Company

Food Supply & Facilities: Avila Beach Resort / Mulligans Bar & Grill

*Sanitation Facilities: Avila Beach Resort – 6 existing restrooms including 2 ADA accessible
Harvey's Honey Huts (including handicapped facilities)
Recycling by Mission College Prep Girls Volleyball
Garbage removal by South County Disposal Service*

*Medical & First Aid: Ambulance – San Luis Ambulance Service, Inc. on site w/ 2 paramedic's
Onsite doctors attending event include Dr. Ron Thielsher/Med Stop and/or Dr. Mazzone/Family Care Center and/or Dr. Ben McAdams (letter attached)
EMT provided by Miller Event Management
Avila Beach Fire Department (on call)*

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Temporary Commercial Outdoor Entertainment License Application

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Vehicle parking: Available parking on-site
Lot off Avila Beach Drive
Lot off Ana Bay Drive

Vehicle Access: From Avila Beach Drive and Ana Bay

On site traffic control: California Highway Patrol, Sgt. Pete Barrera

Evacuation Plan for sick & injured: San Luis Ambulance (on site)
Arroyo Grande Hospital / French Hospital / Sierra Vista Hospital
Two paramedic's with ambulance

(6) All loudspeakers and sound equipment to be used and an estimate of the intensity of the sound, in decibels, at the boundaries of the premises;

See Exhibit A (4 pages) * Renumbered as Attachment A-4

(7) The names and addresses of all persons who will act as security guards during the commercial outdoor entertainment activity, as well as the dates of birth, places of birth, and social security numbers of all such persons;

Miller Event Management (See Exhibit B) * Renumbered as Attachment A-5
109 Del Sur, San Luis Obispo, CA 93405
Professional event security company with many years experience, including the California Mid-State Fair
Business License and resume attached.

(8) If it is proposed or expected that customers, spectators or participants will remain overnight, the arrangements for illuminating the premises and for camping or similar facilities; N/A

(9) Provisions for cleanup of the premises and removal of rubbish after the event has concluded;

Rubbish clean-up by staff of Avila Beach Resort and volunteers and staff of San Luis Symphony. Removal from premises by South County Sanitation, and recycling by Mission College Prep Girls Volleyball.

(10) The name, age, residence, mailing address and telephone number of the applicant, the applicant's legal nature, such as individual, partnership, corporation, or other appropriate legal description. If the application is made by a partnership, the names and addresses of all partners both general and special shall be included. If the applicant is a corporation, the application shall be signed by the president and secretary thereof and shall contain the names and addresses of all corporate officers and a certified copy of the articles of incorporation shall be attached to the application. If the application is by a joint venture, the names and addresses of each member of the joint venture shall be included;

Corporation: Infinite Horizons, Inc. DBA Avila Beach Resort, incorporated 1979
Federal ID #95-3798799

President/Secretary: Rob Rossi
750 Pismo Street, San Luis Obispo, CA 93401
Federal ID #95-3798799

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Vice President-

Administration: Donna Myers

P.O. Box 7034 Los Osos, CA 93412-7034

Non-Profit: San Luis Obispo Symphony, incorporated 1961

A Non-Profit Corporation

1160 Marsh Street, Suite 204

P.O. Box 658

San Luis Obispo, CA 93406

(805) 543-3533

*Corporate Officers (Exhibit D) * Renumbered as Attachment A-7*

(11) A detailed explanation of the applicant's plans in the event more persons attempt to attend the commercial outdoor entertainment activity than is permitted by the particular license involved;

Limited ticket sales and entry. Security on-site to prohibit unauthorized entry.

(12) A consent to the entry at any time in the course of his duties of any peace officer, and any employee of the planning director, county engineer, sheriff, health officer and any other county officer in the performance of this duties, including but not limited to inspection.

Infinite Horizons, Inc and San Luis Obispo Symphony consent to the entry at anytime, in the course of his duties, of any peace officer, and any planning director, county engineer, sheriff, health officer, and any other county officer in the performance of his duties, with regard to this event.

(13) The address of applicant within the state to which all notices and correspondence addressed to applicant shall be directed by the county. Any notice or correspondence addressed and mailed postage prepaid to said address shall be deemed received by applicant.

Patricia F. Thayer

San Luis Obispo Symphony

P.O. Box 654

San Luis Obispo, CA 93406

Rob Rossi, President

Infinite Horizons, Inc.

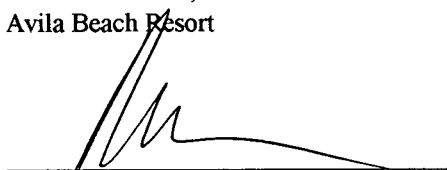
750 Pismo Street

San Luis Obispo, CA 93401

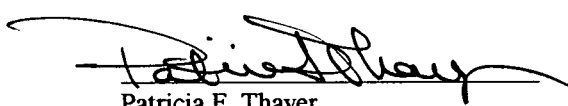
Agreed and submitted:

Infinite Horizons, Inc.

Avila Beach Resort


Rob Rossi, President

San Luis Obispo Symphony


Patricia F. Thayer

(Ord. 1743 § 1 (part), 1977: Ord. 1101 §
2 (part), 1970: prior code § 8-511)

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LEGAL DESCRIPTION

Real property in the City of AVILA BEACH, County of SAN LUIS OBISPO, State of California, described as follows:

5166
PARCEL A: 078-181-032, 033, 035 & 039

A PARCEL OF LAND BEING A PORTION OF LOT 47 OF THE RANCHO SAN MIGUELITO IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN BOOK A, PAGE 38 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND A PORTION OF LOT Y OF "PLAT OF PART OF THE RANCHO SAN MIGUELITO OWNED BY J. HARFORD, SUBDIVIDED BY H.C. WARD, MAY 1880, ACCORDING TO MAP RECORDED IN BOOK B, PAGE 96 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE NORTHERLY RIGHT OF WAY LINE OF HARFORD DRIVE, SAID POINT BEING 70.00 FEET LEFT OF ENGINEERS CENTERLINE STATION 214 + 00.00 AND RUNNING ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH 57°56'10" EAST, 108.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTHERLY AND WESTERLY RIGHT OF WAY LINE OF SAID HARFORD DRIVE THROUGH THE FOLLOWING COURSES: NORTH 57°56'10" EAST, 391.71 FEET; THENCE ON A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 20070.00 FEET, THROUGH A CENTRAL ANGLE OF 00°17'13", FOR AN ARC LENGTH OF 100.51 FEET; THENCE SOUTH 31°46'37" EAST, 40.00 FEET; THENCE NORTH 57°19'06" EAST, 300.59 FEET; THENCE NORTH 59°30'54" EAST, 302.50 FEET; THENCE NORTH 61°58'16" EAST, 198.22 FEET; THENCE NORTH 59°56'51" EAST, 200.00 FEET; THENCE NORTH 58°50'53" EAST, 364.84 FEET; THENCE NORTH 50°29'03" EAST, 95.44 FEET; THENCE NORTH 71°28'13" EAST, 111.32'; THENCE NORTH 83°41'32", 168.68 FEET; THENCE SOUTH 77°23'58" EAST, 113.14 FEET; THENCE SOUTH 66°58'41" EAST, 111.56 FEET; THENCE SOUTH 62°27'26" EAST, 150.68 FEET; THENCE SOUTH 64°21'32" EAST, 550.00 FEET; THENCE SOUTH 71°57'13" EAST, 453.98 FEET; THENCE SOUTH 46°54'42" EAST, 183.44 FEET; THENCE SOUTH 64°21'32" EAST, 375.00 FEET; THENCE NORTH 76°03'43" EAST, 91.03 FEET; THENCE SOUTH 69°00'56" EAST, 144.27 FEET; THENCE SOUTH 81°48'42" EAST, 124.20 FEET; THENCE NORTH 81°54'42" EAST, 127.02 FEET; THENCE SOUTH 66°37'00" EAST, 129.35 FEET; THENCE NORTH 54°42'48" EAST, 110.04 FEET; THENCE ON A CURVE TO THE LEFT, FROM A TANGENT WHICH BEARS NORTH 43°33'31" EAST, HAVING A RADIUS OF 532.00 FEET, THROUGH A CENTRAL ANGLE OF 61°38'33", FOR AN ARC LENGTH OF 572.36 FEET; THENCE NORTH 19°06'32" WEST, 279.52 FEET; THENCE NORTH 18°05'02" WEST, 1150.00 FEET; THENCE NORTH 23°26'20" WEST, 214.31 FEET TO A POINT WHICH IS 93.00 FEET LEFT OF ENGINEERS CENTERLINE STATION 287 + 13.37 BC; THENCE ON A CURVE TO THE RIGHT, FROM A TANGENT WHICH BEARS NORTH 18°05'02" WEST, HAVING A RADIUS OF 693.00 FEET TO ITS INTERSECTION WITH A LINE WHICH BEARS NORTH 89°09'07" EAST FROM A POINT, SAID POINT BEARS SOUTH 73°02'01" WEST, 2365.53 FEET FROM A POINT WHICH IS 40.00 FEET RIGHT OF ENGINEERS CENTERLINE STATION 54 + 21.02 B.C. ON A WESTERLY RIGHT OF WAY LINE OF SAN LUIS BAY DRIVE (V-S.L.O.-FAS 1238 (1)); THENCE LEAVING SAID WESTERLY LINE OF HARFORD DRIVE AND RUNNING SOUTH 89°09'07" WEST TO SAID POINT; THENCE THROUGH THE FOLLOWING COURSES: SOUTH 09°14'42" WEST, 210.49 FEET; SOUTH 17°23'32" EAST, 282.38 FEET; SOUTH 10°54'04" EAST, 395.91 FEET; SOUTH 01°50'27" EAST, 292.12 FEET; SOUTH 15°50'03" WEST, 134.81 FEET; SOUTH 35°44'18" WEST, 163.28 FEET; SOUTH 62°15'14" WEST, 153.33 FEET; SOUTH 80°41'57" WEST, 696.08 FEET; NORTH 87°23'02" WEST, 95.17 FEET; NORTH 57°42'57" WEST, 195.64 FEET; NORTH 49°54'39" WEST, 241.34 FEET; NORTH 75°53'20" WEST, 411.44 FEET; NORTH 85°14'36" WEST, 165.40 FEET; SOUTH

First American Title

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88°33'21" WEST, 84.73 FEET; SOUTH 23°43'32" WEST, 166.50 FEET; SOUTH 72°06'51" WEST, 47.27 FEET; SOUTH 89°43'35" WEST, 260.51 FEET; NORTH 76°20'47" WEST, 127.64 FEET; SOUTH 87°56'05" WEST, 80.81 FEET; SOUTH 69°36'13" WEST, 172.87 FEET; SOUTH 46°15'29" WEST, 231.32 FEET; SOUTH 49°40'08" WEST, 382.17 FEET; SOUTH 62°33'14" WEST, 188.84 FEET; SOUTH 36°17'23" WEST, 94.17 FEET; SOUTH 49°24'22" WEST, 134.73 FEET; SOUTH 76°43'25" WEST, 87.46 FEET; NORTH 69°47'37" WEST, 63.19 FEET; NORTH 31°57'35" WEST, 196.43 FEET; NORTH 15°38'22" EAST, 287.86 FEET; NORTH 06°29'18" WEST, 144.60 FEET; NORTH 0°45'40" EAST, 444.03 FEET; NORTH 21°35'49" EAST, 205.65 FEET; NORTH 07°52'51" WEST, 176.25 FEET; NORTH 24°51'56" EAST, 203.36 FEET; NORTH 48°18'56" EAST, 113.25 FEET; SOUTH 89°38'41" EAST, 247.98 FEET; NORTH 32°07'14" EAST, 423.70 FEET; NORTH 43°32'57" WEST, 116.88 FEET; NORTH 55°26'03" WEST, 117.43 FEET; NORTH 18°06'12" WEST, 104.37 FEET; NORTH 14°42'09" EAST, 175.44 FEET; NORTH 05°29'47" EAST, 175.62 FEET; NORTH 35°50'51" WEST, 224.30 FEET; NORTH 23°54'49" WEST, 123.84 FEET; NORTH 08°48'46" EAST, 173.87 FEET; NORTH 72°45'56" WEST, 208.26 FEET; THENCE WEST IN A DIRECT LINE TO A POINT ON THE AGREED LINE DESCRIBED IN THE DEED TO SAN MIGUELITO PARK COMPANY, RECORDED DECEMBER 14, 1966 IN BOOK 1419, PAGE 265 OF OFFICIAL RECORDS; THENCE SOUTH 01°58'57" LAST ALONG SAID AGREED LINE TO THE EASTERLY TERMINUS OF THE COURSE DESIGNATED AS SOUTH 84°09'21" EAST, 854.45 FEET IN SAID DEED; THENCE FOLLOWING SAID AGREED LINE THROUGH THE FOLLOWING COURSES: NORTH 84°09'21" WEST, 854.45 FEET; SOUTH 05°38'07" EAST, 529.55 FEET; SOUTH 43°03'11" EAST, 603.50 FEET; SOUTH 23°00'28" WEST, 1261.35 FEET; SOUTH 15°26'02" EAST, 815.40 FEET TO THE MOST NORTHERLY CORNER OF PARCEL 1 AS SHOWN ON BOOK 1 OF MISCELLANEOUS MAPS OF PAGE 36; THENCE LEAVING SAID AGREED LINE AND RUNNING SOUTH 65°45'48" EAST, 289.12 FEET TO A POINT; THENCE SOUTH 23°26'16" EAST, 889.43 FEET TO A POINT ON SAID NORTHERLY RIGHT OF WAY LINE OF HARFORD DRIVE AND THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF BLOCKS 10 AND 11 OF THE TOWN OF AVILA DESCRIBED IN DEED TO AVILA SANITARY DISTRICT, RECORDED SEPTEMBER 13, 1968 IN BOOK 1490, PAGE 30 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF BLOCK 2 OF THE TOWN OF AVILA DESCRIBED IN QUITCLAIM DEED TO THE COUNTY OF SAN LUIS OBISPO, RECORDED IN BOOK 1448, PAGE 79 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF BLOCK 2 OF THE TOWN OF AVILA DESCRIBED IN THE DEED TO THE COUNTY OF SAN LUIS OBISPO, RECORDED IN BOOK 1455, PAGE 460 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE RANCHO SAN MIGUELITO DESCRIBED IN DEED RECORDED IN BOOK 510, PAGE 69, BOOK 959, PAGE 450, BOOK 1797, PAGE 343 AND BOOK 2115, PAGE 818 OF OFFICIAL RECORDS.

PARCEL B:

A 50.00 FOOT WIDE EASEMENT FOR ROAD PURPOSES OVER A PORTION OF LOTS 45, 46 AND 47 OF THE SUBDIVISION OF RANCHO SAN MIGUELITO IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN BOOK A, PAGE 38 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THE CENTERLINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAN LUIS BAY DRIVE (V-S.L.O.-FAS 1238 (1)), SAID POINT BEING 43.00 FEET RIGHT OF ENGINEERS CENTERLINE STATION 55 + 76.60 AND RUNNING THROUGH THE FOLLOWING COURSES: NORTH 83°59'06"

First American Title

C-4
C-9

WEST, 152.24 FEET; SOUTH 84°31'06" WEST, 265.71 FEET; NORTH 89°12'24" WEST, 115.33 FEET; NORTH 80°54'44" WEST, 592.23 FEET; SOUTH 89°30'16" WEST, 220.93 FEET; SOUTH 73°30'10" WEST, 249.77 FEET; SOUTH 60°30'39" WEST, 284.94 FEET; SOUTH 47°20'01" WEST, 374.96 FEET; SOUTH 21°46'04" WEST, 176.79 FEET; SOUTH 09°14'42" WEST, 201.83 FEET; SOUTH 17°23'32" EAST, 277.87 FEET; SOUTH 10°54'04" EAST, 399.32 FEET; SOUTH 01°50'27" EAST, 297.99 FEET; SOUTH 15°50'03" WEST, 143.08 FEET; SOUTH 35°44'18" WEST, 173.56 FEET; SOUTH 62°15'14" WEST, 163.28 FEET; SOUTH 80°41'57" WEST, 702.75 FEET; NORTH 87°23'02" WEST, 104.40 FEET; NORTH 57°42'57" WEST, 203.97 FEET; NORTH 49°54'39" WEST, 237.27 FEET; NORTH 75°53'20" WEST, 403.63 FEET; NORTH 85°14'36" WEST, 162.00 FEET; SOUTH 88°33'21" WEST, 67.50 FEET; SOUTH 23°43'32" WEST, 161.86 FEET; SOUTH 72°06'51" WEST, 62.38 FEET; SOUTH 89°43'35" WEST, 267.43 FEET; NORTH 76°20'47" WEST, 127.25 FEET; SOUTH 87°56'05" WEST, 73.32 FEET; SOUTH 69°36'13" WEST, 163.67 FEET; SOUTH 46°15'29" WEST, 226.80 FEET; SOUTH 49°40'08" WEST, 385.75 FEET; SOUTH 62°33'14" WEST, 185.83 FEET; SOUTH 36°17'23" WEST, 91.21 FEET; SOUTH 49°24'22" WEST, 143.68 FEET; SOUTH 76°43'25" WEST, 101.06 FEET; NORTH 69°47'37" WEST, 76.86 FEET; NORTH 42°07'55" WEST, 83.84 FEET; NORTH 57°17'50" WEST, 77.17 FEET; NORTH 77°30'10" WEST, 82.34 FEET; SOUTH 88°06'14" WEST, 194.01 FEET; SOUTH 76°32'39" WEST, 146.58 FEET; SOUTH 25°40'01" WEST, 266.59 FEET; SOUTH 12°09'40" EAST, 139.45 FEET; SOUTH 16°39'54" WEST, 143.96 FEET; SOUTH 34°01'33" EAST, 64.73 FEET; SOUTH 53°30'11" EAST, 84.84 FEET; SOUTH 35°56'56" EAST, 167.48 FEET; SOUTH 59°14'19" EAST, 238.56 FEET; SOUTH 27°30'10" EAST, 93.66 FEET; SOUTH 07°52'45" WEST, 96.45 FEET; SOUTH 06°40'27" EAST, 14.38 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT OF WAY OF HARFORD DRIVE AND TO THE END OF SAID EASEMENT.

EXCEPT THEREFROM ANY PORTION THEREOF LYING WITHIN PARCEL A HEREIN.

PARCEL C: 076-201-062

A PARCEL OF LAND BEING A PORTION OF THE RANCHO SAN MIGUELITO ADJACENT TO THE TOWN OF AVILA IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN BOOK A, PAGE 38 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING BOUNDED ON THE WESTERLY SIDE BY THE EASTERLY LINE OF THE PARCEL OF LAND SHOWN ON MAP RECORDED IN BOOK 25, PAGE 49 OF RECORD OF SURVEYS. BEING BOUNDED ON THE NORTHERLY SIDE AND EASTERLY SIDE BY THE SOUTHERLY RIGHT OF WAY LINE OF HARFORD DRIVE AS DESCRIBED IN DEED RECORDED IN BOOK 1481, PAGE 55 OF OFFICIAL RECORDS BEGINNING AT A POINT IN SAID RIGHT OF WAY 60.00 FEET RIGHT OF ENGINEERS CENTERLINE STATION 246 + 50.00 AND RUNNING SOUTH 59°35'43" EAST, 301.04 FEET; THENCE SOUTH 01°06'00" EAST, 62.51 FEET; THENCE SOUTH 09°10'21" WEST, 65.00 FEET. BEING BOUNDED ON THE SOUTHERLY SIDE BY THE NORTHERLY RIGHT OF WAY LINE OF THE SAN LUIS OBISPO HIGHWAY.

First American Title

C-4
10

SAIL AWAY TO PARADISE WITH THE SAN LUIS OBISPO SYMPHONY

POPS *in Paradise!*

LABOR DAY WEEKEND

Sunday, September 5, 2004

AVILA BEACH RESORT

Gates open at 2:30 pm • Concert begins at 4 pm

*Featuring the music of the islands and hosted by master of ceremonies
Norma Moya of Paso Robles...darn near Paradise!*

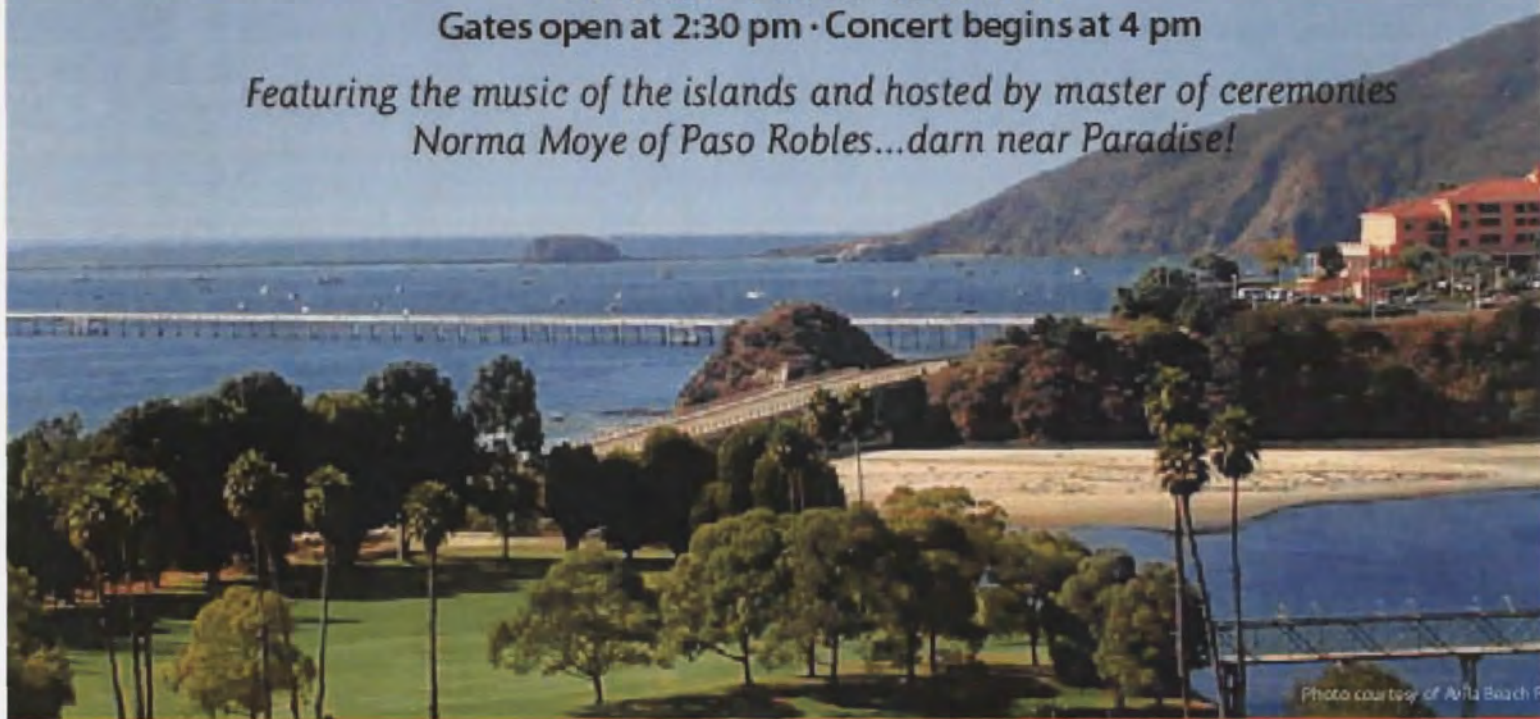


Photo courtesy of Avila Beach

Lawn Seating \$12 • Groups of 10 or more only \$8! • Kids 14 & Under FREE
Party Tables also Available

Call 543-3533 • www.slosymphony.com

CLERT SPONSORS

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COUNTY OF
SAN LUIS OBISPO

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6
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CBS

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NEWS-TALK 920

STING GENERALLY
MAILED BY

Poor
Richard

Infinite Horizons, Inc.
D.b.a. Avila Beach Resort
750 Pismo Street
San Luis Obispo, CA. 93401
Phone: (805) 543-4333 ♦ Fax: (805) 543-4220

July 22, 2004

County of San Luis Obispo
County Tax Collector
County Government Center #203
San Luis Obispo, CA 93408-2060

RE: San Luis Obispo Symphony Pops By The Sea 2004
6.56.040 License Application / Item #5

September 5, 2004, will be the 13th annual San Luis Obispo Symphony's Pops by the Sea, held at the Avila Beach Resort. This event has provided County residents and visitors with top quality music and fun. The success of this event year after year is a testimony to the professional partnership between the Symphony and the Avila Beach Resort. Pops By The Sea is truly one of our treasured events.

Pops By the Sea is a family oriented event and includes guests of all ages. The event has always been organized with the health and safety of our guests in the forefront of our planning. Miller Event Management, an event security company with many years experience, provides personnel and coordination for parking, crowd direction, securing perimeters, security, and assisting our handicapped guests. A copy of their resume has been provided for your review. Their experience is vast and includes events far larger than those regularly hosted at the Avila Beach Resort.

Water fountains located at Avila Beach Resort facilities, as well as water cooler stations located throughout the event area, provide clean drinking water. In addition, personal bottles of water and other beverages, provided by Mulligan's Bar & Grill, can be purchased at stations in the event area.

For our guests wishing to purchase food, our restaurant, Mulligan's Bar & Grill, provides food and picnic baskets for the event. Guests of Pops By The Sea may also bring their own picnic and non-alcoholic beverages to the event.

The Avila Beach Resort has 6 existing restrooms including 2 that are ADA accessible. In addition, Harvey's Honey Huts provide 20 regular restrooms and 2 ADA accessible restrooms. These facilities have always provided our guests with the convenience and use appropriate for this event.

C4
12

July 22, 2004
County of San Luis Obispo
Page 2

Materials suitable for recycling from the event rubbish are collected by the Mission College Prep Girls Volleyball organization. Garbage is removed by South County Disposal Service.

San Luis Ambulance will be on-site from 2:30 to 6:30 with personnel qualified to assist in a medical situation. In addition, we have a first-aid station located at the event area near the putting green. Miller Event Management has staff available with first aid training as well. San Luis Ambulance will evacuate sick or injured guests to the appropriate available hospital.

Parking for the event is provided on-site. Staff, event participants, volunteers, and golf customers, park in the Avila Beach Resort lot located on Ana Bay Drive. The event guests park on the #10 Fairway directly off Avila Beach Drive. Guests will be directed, both entering and exiting, by California Highway Patrol and Miller Event Management staff.

Exhibit A

Sound 1084

Channel Assignments:

Chan	Name	Type	Stand Type (no tripods)	Location
1	Kick	SM58	short, short boom	
2	OH	SM58	tall, long boom, heavy base.	SL
3	EBASS	DI		SL
4	Guit	sm58	short, short boom	SL
5	Key	DI		SL
6	Perc1	SM81	tall, long boom, heavy base.	Rear
7	Perc2	SM81	tall, long boom, heavy base.	Rear
8	Perc3	SM81	tall, long boom, heavy base.	Rear
9	Bass1	S421	short, short boom	Downstage Right
10	Bass2	S421	short, short boom	Downstage Right
11	Bass3	S421	short, short boom	Downstage Right
12	Cello1	SM58	short, short boom	Downstage Right
13	Cello2	SM58	short, short boom	Downstage Right
14	Viola1	SM58	tall, long boom, heavy base.	Midstage center
15	Viola2	SM58	tall, long boom, heavy base.	Midstage center
16	Horn1	M88	standard, boom	Midstage Right
17	Horn2	M88	standard, boom	Midstage Right
18	Horn3	M88	standard, boom	Rear
19	Sax1	S421	standard, boom	Midstage Right
20	Sax2	S421	standard, boom	Midstage Right
21	Wind1	SM58	tall, long boom, heavy base.	Midstage center
22	Wind2	SM58	tall, long boom, heavy base.	Midstage center
23	spare			
24	Wind3	SM58	tall, long boom, heavy base.	Midstage center
25	Wind4	SM58	tall, long boom, heavy base.	Midstage center
26	Wind5	SM58	tall, long boom, heavy base.	Midstage center
27	Bone1	SM58	tall, straight boom	Midstage Left
28	Bone2	SM58	tall, straight	Midstage Left
29	Trump	SM58	tall, straight	Midstage Left
30	Violin1	SM58	tall, long boom, heavy base.	Downstage Center
31	Violin2	SM58	tall, long boom, heavy base.	Downstage Center

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Sound 2 of 4

32	Violin3	SM58	tall, long boom, heavy base.	Downstage Right
33	Violin4	SM58	tall, long boom, heavy base.	Downstage Right
34	SOLO	RE20	standard, boom	Downstage Center
35	MC	SM58-wireless	standard, boom	Downstage Center
36	DIR	SM58	tall, long boom, heavy base	Downstage Center

37 Reverb

38 Reverb

39 Reverb

40 Tlkbck SM58

CD Player on Stereo inputs.

C4
15

44

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
Welcomes Your Comments

In the interest of time, three (3) minutes will be reserved for your presentation. Please submit this completed form to the Clerk of the Board prior to the item.

Public Comment remarks should be directed to the Chairman and the Board as a whole and not to any individual thereof. No person will be permitted to make slanderous, profane or personal remarks against any individual.

NAME: CINDY MARIE ABSEY

AGENDA ITEM: C-4

ISSUE: POPS BY THE SEA

SIGNATURE: 

DATE: 8/17/04

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
Welcomes Your Comments

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NAME: DANIEL MANION

AGENDA ITEM: C-4

ISSUE: please approve

SIGNATURE: Daniel J Manion

DATE: Aug 17-2004

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
Welcomes Your Comments

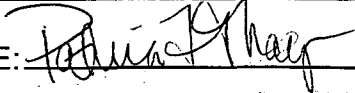
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NAME: PATRICIA THAYER

AGENDA ITEM: C-4

ISSUE: POPS BY THE SEA

SIGNATURE: 

DATE: 8/17/04

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The San Luis Obispo County Board of Supervisors
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NAME: KARLA BITTNER

AGENDA ITEM: C4

ISSUE: POPS CONCERT

SIGNATURE: Karla Bittner

DATE: 8/17/04

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
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NAME: BECKY BAER

AGENDA ITEM: C-4

ISSUE: POPS BY THE SEA

SIGNATURE: Becky Baer

DATE: 8/17/04

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
Welcomes Your Comments

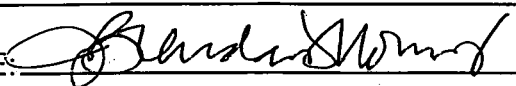
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NAME: BRENDAN MORRIS

AGENDA ITEM: C-4

ISSUE: POPS BY THE SEA

SIGNATURE: 

DATE: 8/17/04

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
Welcomes Your Comments

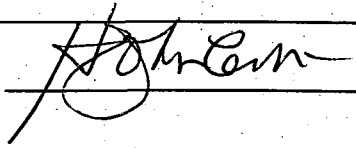
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NAME: JOHN CRIBB

AGENDA ITEM: C-4

ISSUE: PODS BY THE SEA

SIGNATURE: 

DATE: 8/17/09

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
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NAME: CARL DUDLEY

AGENDA ITEM: C-4

ISSUE: POPS BY THE SEA

SIGNATURE: 

DATE: 8/17/09

7

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
Welcomes Your Comments

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NAME: Linda Ashworth

AGENDA ITEM: C-4

ISSUE: Pops by the Sea

SIGNATURE: Linda Ashworth DATE: 8/17/04

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
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NAME: URSULA FITZGERALD

AGENDA ITEM: C 4

ISSUE: Tops

SIGNATURE: Ursula Fitzgerald DATE: 17 Aug, 04

a

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
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NAME: DONNA KEAN

AGENDA ITEM: C-4

ISSUE: SLO POPS

SIGNATURE: Donna Kean DATE: 8/17/04

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
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NAME: _____

Archie McLaren

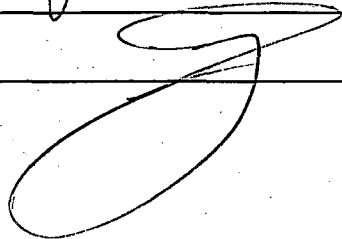
AGENDA ITEM: _____

C-4

ISSUE: _____

Pops Permit

SIGNATURE: _____



DATE: _____

8/17/04

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
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NAME: Eric Greening

AGENDA ITEM: C-4

ISSUE: Symphony goes the extra mile by providing bus service from all parts of Co. reducing traffic & parking impacts of event

SIGNATURE: Eric Greening

DATE: 8/17/04

4A

BOARD APPEARANCE REQUEST FORM
The San Luis Obispo County Board of Supervisors
Welcomes Your Comments

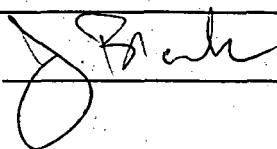
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NAME: JIM BLACK

AGENDA ITEM: C-4

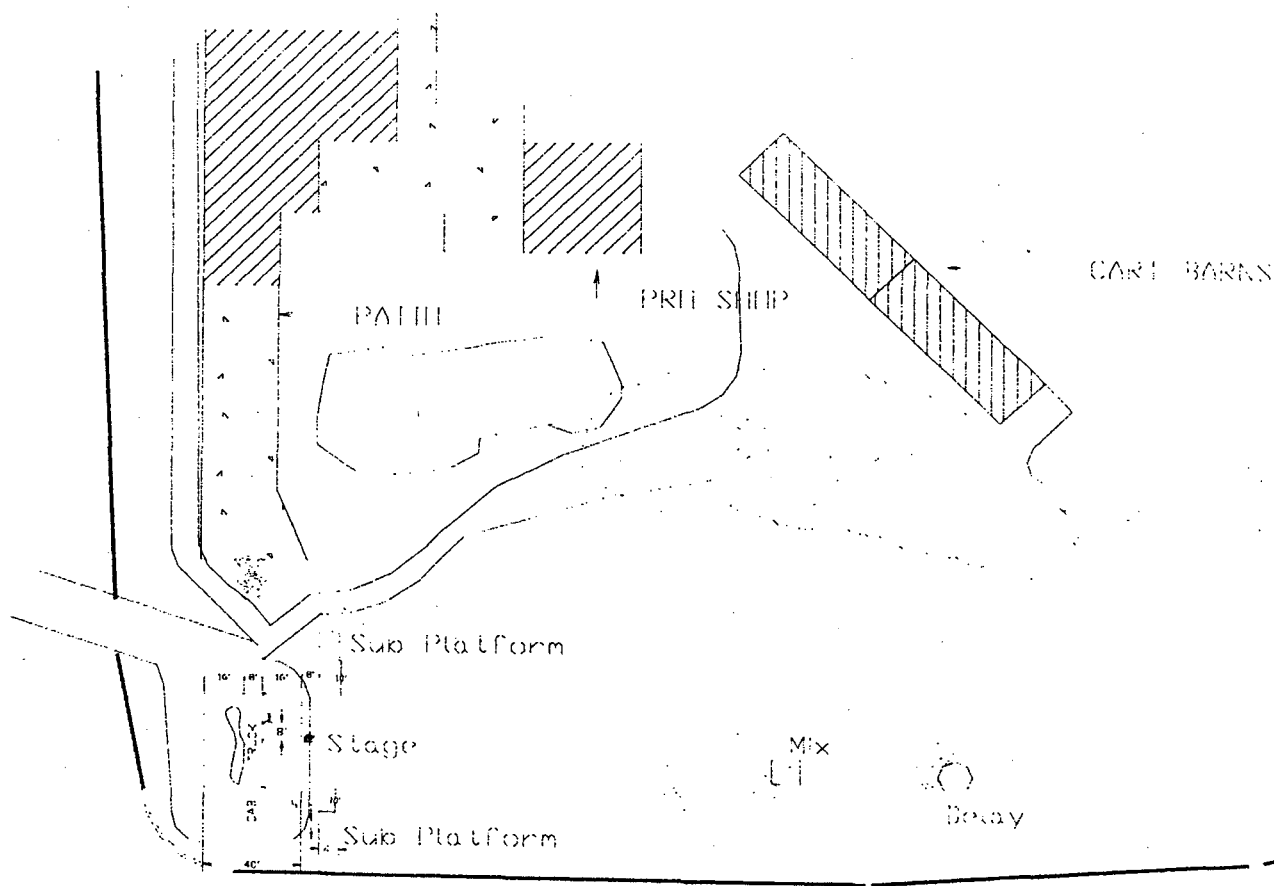
ISSUE: POPS BY THE SEA

SIGNATURE: 

DATE: 8/17/04

Sound 4074

SITE LAYOUT



C-4
17

Exhibit B

 city of san luis obispo (805) 781-7134		BUSINESS TAX CERTIFICATE RECEIPT FOR BUSINESS TAX PAID		PLEASE POST IN A CONSPICUOUS PLACE	
TAX CERTIFICATE ONLY. This certificate does not constitute proof of compliance with other City regulations, including but not limited to zoning, building code or other land use regulations (SLOMC 3.01.102). Possession of this business tax certificate does not authorize, permit or allow the bearer to do any act which bearer would not otherwise be lawfully entitled to do. This certificate is issued without verification that the business is subject to or exempt from licensing by the State of California.					
FOR PERIOD		07/01/2003 TO 06/30/2004		CERTIFICATE NO. 11822	
LOC: 1190 MARSH ST SUITE F SLO CA 93401					
MILLER EVENT STAFF & MANAGEMENT				TYPE OF BUSINESS	
1190 MARSH ST #F SLO CA 93401				GENERAL SERVICE - DOWNTOWN	

Miller Event Staff

Event Management, Parking, Traffic Control, Medical, and Security for all Events

BACKGROUND

Miller Event Management & Staff have been in business for over 15 years servicing a wide variety of customers, and their needs. Jim Miller has over 20 years of experience in event management with involvement in all types of festivals, concerts, and special events. Our extensive staff of qualified and experienced managers can assist you and your staff with wide variety of services.

PHILOSOPHY

We approach each concert, festival, and event with our standard philosophy, which is to insure safety to all, and to promote a positive, friendly, and helpful staff. Our staff is a reflection of your event, and our goal is to have your customers have a positive experience with Miller Event Staff. We will greet customers with a friendly attitude that makes them feel welcome. We will also handle any situations that may arise in an orderly and safe manner.

SECURITY

We can provide any number of qualified security staff for any of your needs. We are experienced in a variety of settings, which include general security patrol day or night, special event security, concert security. We are very experience with crowd control, and crowd management. We are experience in working with law enforcement agencies, and contracting their services. Our uniform appearance is to wear yellow shirts and jackets with an "Event Staff" logo in navy blue. Our staff is experienced in dealing with aggression, fights, and crowd control problems.

PARKING AND TRAFFIC CONTROL

We have the ability to handle the parking and traffic control needs for all types of festivals and special events. We offer directional parking staff, general parking (stadium parking), vehicle camp parking, traffic control, and shuttle services. We have the ability to design traffic and parking plans specific to each location. It is very important to keep the flow of traffic moving in a safe and orderly manner. We park your customers in a manner that makes for an easy exit, minimal traffic problems, and a positive experience.

MEDICAL

We can provide a full staff of certified Emergency Medical Technicians to insure full health safety at any of your events. We have advanced personnel with over 50 years experienced combined. Many of our EMT staff are members of the San Luis Obispo County Sheriff's Search and Rescue Team.

C-4
19

Ticket Gate Operations

We have the ability to staff ticket gates and provide the following: collect tickets, security bag searching, wrist banding the patrons if needed, and providing wristband checkpoints.

Event Site Set Up and Breakdown

We can assist your event by supplying labor staff to augment the current staff with site set up/tear down, waste and recycle collection, and general maintenance.

REFERENCES

***Wildflower Triathlon Festival-Lake San Antonio**

General security, parking, traffic control. Contact: Terry Davis (831)373-0678.
Attendance: 35,000-45,000

***Bonnaroo Music Festival-Manchester, Tennessee**

Parking and traffic control, 5-day music festival with over 100,000 in attendance.

***Monterey Jazz Festival-Monterey County Fairgrounds-Security**

Contact: Tim Jackson & Mary Piazza (831)373-3366
Attendance:20,000-30,000

***Blue Ridge Music Festival-LaFayette, Georgia. Contact: Roy Carter (510) 420-1529.**

Parking and traffic control, 4-day music festival.

***California Festival of Beers, Avila Beach-Beer Festival & Music Festival**

General security, parking, and traffic control. Contact: Linda Renfrow (805)595-4000 ext.503

***Paso Robles Vintner's and Grower's Association: (805)239-8463**

-Paso Robles Wine Festival-Attendance:15,000 Security and traffic control.
-Harvest Festival
-Zinfandel Festival

***KCBX Central Coast Wine Festival, Contact: Paul Severtson (805)781-3020. 5 Day Festival**
Over 10,000 Attending. We coordinate parking and traffic operations.

***Meridian Vineyards contact:Ali Dusi (805)237-6000**

-4th of July concert and fireworks show
-Open House

***Pop's Symphony By The Sea Concert-San Luis Obispo County Symphony (805)543-3533**
contact: Sandy Sergersun

***Santa Barbara Renaissance Fair (415)897-4555 Contact:Kevin Patterson**

***Cal Poly State University, San Luis Obispo ASI Concerts& Special Events**
Contact:Diana Cozzi-Events Coordinator (805)756-7007

***Jazz by the Sea**, Avila Beach, Contact: Linda Renfrow (805)595-4000 ext503

***Pozo Saloon Concert Series**, Contact: Rhonda Rodenburger (805)438-4225.
General security, parking, and traffic control.

***Sierra Nevada World Music Festival**, Angels Camp, Ca. Contact: Warren Smith
(530)305-6158. Attendance: 7,500 over a 3 day period.
-Parking and traffic operations.

***California Mid-State Fair**, Paso Robles-Director of Security 1983-1994. Responsible for a staff of 250 for entire fairground and activities over a 18 day period. Attendance: 400,000

***High Sierra Music Festival**-July, 10,000 + camping for a 4 day music festival. Contact: Roy Carter
(510)420-1589.
Miller Event Staff coordinates all security, parking, and traffic operations. Our staff consists of approx. 150 employees at this festival over a 6 day period.

***Edna Valley/Arroyo Grande Valley Vintners Association** contact: Gayle Sandham (805)541-5868
-Harvest Wine Celebration

***DBL Entertainment** contact: Danny Lipco (661) 809-9200
-Bud Light Bull Riding
-Jazz By The Sea
-Country Jam

***Otter Productions, Inc** contact: Bruce Howard (805)924-1142
-Avila Beach Blues Festival
-MTV Campus Invasion Concert Series
-Cal Poly State University, San Luis Obispo Rec Center Concerts
-Cuesta College Concerts

***Live Oak Music Festival** Contact: Frank Lanzzone (805)781-3020
-Parking operations, ticket gate operations.
-3 day music festival with on site camping. Approximately 5000 in attendance.

***Santa Barbara County Vintner's** contact: (805)686-8752.
-Santa Barbara Wine Festival
-Santa Barbara Harvest Wine Celebration

***San Luis Obispo Concerts in the Plaza**-summer concert series. Contact: Maryann O'Brien.
(805)541-0286 Attendance of 2,000-3,000 per concert. General security staffing.

***California Mid State Motorcycle Rally**: motorcycle rally that takes place Labor Day Weekend each year. Jim Miller founded the Rally in 2000. The festival includes 3 entertainment stages, on site camping, contests, shows, and tours throughout the county. Miller Event Management coordinates all the marketing, advertising, publicity, staffing, production, and coordination of the rally. The attendance averages 15,000 per year.

Graham Nash 60th Birthday Party-coordinated all functions of security for a 48 hour period. The party was held at the Madonna Inn, 90% of the guests stayed at the hotel for the weekend. Guests included David Crosby, Jackson Brown, Stephen Stills, Joni Mitchell, Peter Fonda and many more. References available upon request.

Valley Music Festival, Santa Barbara County, Ca-Annual benefit concert, past performers include Neil Young, David Crosby, Bonnie Raitt, Jackson Brown, Graham Nash. Contact: Tom Campbell (310)374-4837

Jim Miller

1980-1985 California Polytechnic State University, San Luis Obispo
-B.A. Recreation Administration, Management Concentration
-Received full football scholarship.
-4 year letterman and team captain.

Family: Married with 3 children

Contact Information: **Miller Event Management / Jim Miller**
Phone: (805)547-9526
Fax: (805)547-9409
Cell: (805)748-2503
Email: millerevent@aol.com

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EXHIBIT 1
State
of
California

OFFICE OF THE SECRETARY OF STATE

I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

SEP 12 1979



March Fong Eu

Secretary of State

ENDORSED
FILEDto the office of the Secretary of State
of the State of California

SEP 11 1979

MARCH FONG EU, Secretary of State

By BILL HOLDEN

Deputy

ARTICLES OF INCORPORATION

OF

INFINITE HORIZONS, INC.

I

The name of this corporation is INFINITE HORIZONS, INC.

II

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

III

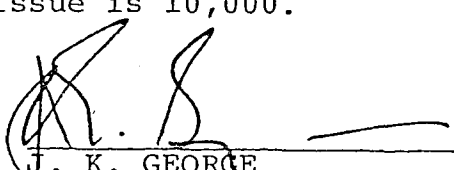
The name and address in the State of California of this corporation's initial agent for service of process is:

MR. ROB ROSSI
547 Marsh Street
San Luis Obispo, CA 93401

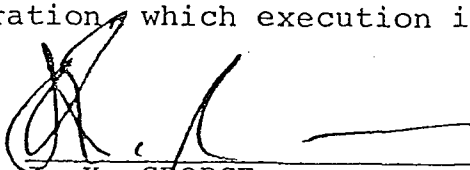
IV

This corporation is authorized to issue only one class of shares of stock; and the total number of shares which this corporation is authorized to issue is 10,000.

DATED: September 10, 1979.


J. K. GEORGE

I hereby declare that I am the person who executed the foregoing Articles of Incorporation which execution is my act and deed.


J. K. GEORGE

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE
ON-SALE GENERAL EATING PLACE

VALID FROM

OCT 01, 2003

EXPIRES

SEP 30, 2004

TYPE NUMBER DUP

47-232009 -

4000-13

AREA CODE

RENEWAL

BUSINESS ADDRESS
(IF DIFFERENT)

DBA: MULLIGANS BAR & GRILL
6460 ANA BAY DR
AVILA BEACH, CA 93424

OWNERS:

INFINITE HORIZONS INC



CONDITIONS

25

Business License

County of San Luis Obispo
State of California

No. 0615906

Having received the sum of \$15.00,
license is hereby granted to

INFINITE HORIZONS INC ETAL
PO BOX 2140
AVILA BEACH CA 93424

doing business as **MULLIGAN'S BAR AND GRILL**
to transact business of RESTAURANT
subject to restrictions of
to be carried on at

SE CORNER ANA BAY DRIVE AND BLUE HERON DRIVE

in the County of San Luis Obispo, State of California for the period of 12 MONTHS
June 1, 2004 to May 31, 2005 in conformity with the provisions of Title 6 of
County Codes as approved by the Board of Supervisors of San Luis Obispo County, California.

FRANK L. FREITAS,
License Collector

This license is not transferable and must be posted in a conspicuous place.



Dated June 4, 2004

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Notify Environmental Health of any change of ownership, type of business activity, business name, or billing address by calling 805-781-5544. Failure to notify Environmental Health may result in late penalties, Permit denial or revocation, and business closure. PERMIT TO OPERATE AND ANNUAL FEE PAYMENTS ARE NOT TRANSFERABLE. Permits become void on change of ownership. New owners must apply and pay for a new Permit(s) prior to beginning operation or penalties will be assessed at 10% per month or fraction thereof.

ATTN: OGDEN, ROBERT
INFINITE HORIZONS, INC
PO BOX 2140
AVILA BEACH, CA 93424

DETACH FORM HERE AND DISPLAY CONSPICUOUSLY ON THE PREMISES

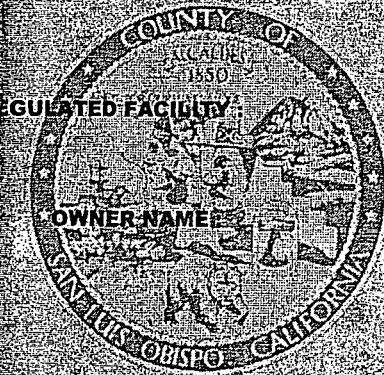
COUNTY OF SAN LUIS OBISPO
ENVIRONMENTAL HEALTH SERVICES DIVISION
2156 SIERRA WAY
PO BOX 1489
SAN LUIS OBISPO, CA 93406
805-781-5544

MULLIGANS
MARRE RANCH
AVILA BEACH, CA 93424

INFINITE HORIZONS, INC

PT0000415
RESTAURANT / SEATING 51 +
Valid From 1/1/2004 to 12/31/2004

Facility ID: FA0000415
Program ID: PR0000415
Account ID: AR0006817
Issued: 12/31/2003



Permits to operate and Annual Fee Payments are NOT TRANSFERABLE. Those referenced above are valid ONLY for this owner INFINITE HORIZONS, INC. Permits become VOID on change of ownership. New owners must apply and pay for a new Permit(s) PRIOR to beginning operation or penalties will be assessed.

THIS FORM MUST BE DISPLAYED CONSPICUOUSLY ON THE PREMISES

C-4
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SELLER'S PERMIT

ACCOUNT NUMBER

SR ARD 15-766665

INFINITE HORIZONS, INC.
COR ANA & BLUE HERON DR.
AVILA BEACH, CA

IS HEREBY AUTHORIZED PURSUANT TO SALES AND USE TAX LAW
TO ENGAGE IN THE BUSINESS OF SELLING TANGIBLE PERSONAL
PROPERTY AT THE ABOVE LOCATION

STATE BOARD OF EQUALIZATION

THIS PERMIT IS VALID UNTIL REVOKED OR
CANCELLED BUT IS NOT TRANSFERABLE
Not valid at any other address

BT 442 BREV 341 831

THIS PERMIT MUST BE PROMINENTLY DISPLAYED AT THE PLACE OF BUSINESS.

INVOICE #: 97160513
PERMIT #: 16-933/97
DATE PRINTED: 01-22-97
PERMIT AMOUNT: 437.00

16- 933

MULLIGANS
MARRE RANCH
AVILA BEACH CA 93424

RECEIPT FOR
FEES SHOWN ABOVE

INFINITE HORIZON, INC.
MULLIGANS
P.O. BOX 2140
AVILA BEACH CA 93424

Exhibit D

San Luis Obispo Symphony Board of Directors
Corporate Officers
2004-2005 Concert Season

Ms. Cindy Marie Absey
President 2002-2005
672 Serrano Drive #12
San Luis Obispo, CA 93405
HM: 547-9617 **WK:** 781-5822
e-mail: cmabsey@charter.net
alt e-mail: cabsey@co.slo.ca.us

Mr. Bob Lahr
Vice President 2003-2006
Bruce Stuart
383 Croyden Ln.
Cambria, CA 93428
HM: 927-5866 **WK:** 927-0535
e-mail: bs4fish@charter.net

Mr. Chungsam Doh
Secretary 2004-2007
Sunae Doh
9 Zanzibar Terrace
Morro Bay, CA 93442
HM: 772-8995
e-mail: csdoh@earthlink.net

Mrs. Patti Hempenius
Treasurer 2001-2007
Gerry Hempenius
2334 Willet Way
Arroyo Grande, CA 93420
HM: 481-3863 **WK:** 542-0131
e-mail: patti@csprop.com

Mrs. Liz Summer
Past President 1996-2005
John Summer
Central Coast Magazine
5636 Tamarisk Way
San Luis Obispo, CA 93401
HM: 543-2115 **WK:** 595-9594
FAX: 440-4016 cell **e-mail:** liz@centralcoastmag.com

6.56.050 License application--Accompanying documents

At the time of filing an application for a license for a commercial outdoor entertainment activity with the required fee and the items required by Section 6.56.040, the applicant, at the same time, also shall file:

- (1) **a copy of white background print of a map drawn to scale, showing:** Attached
- (A) The location of the property on which the commercial entertainment activity is planned to occur,
 - (B) The location of the parking area and of all other areas to be used for other uses incidental to the commercial outdoor entertainment activity,
 - (C) All interior access ways,
 - (D) Access to the property,
 - (E) The location and description of all buildings and structures on the premises or to be erected, including the bandstands, stage, or other facility for performers,
 - (F) The location of all loudspeakers,
 - (G) The location of all toilet, medical, washing, drinking and other facilities required by this chapter;

- (2) **A certified list as shown on the latest available assessment roll of the county of the names and addresses of all persons to whom all property is assessed within five hundred feet of the exterior boundaries of the proposed use.**

Event area and parking is approx. 4 acres of a 170 acre recreational zoned site. The 4 acre event area is more than 500 ft. from any property line and more than 1,000 ft. from any residential property line.

- (3) **An agreement in writing signed by all owners permitting such use of the premises to be used for both the commercial outdoor entertainment activity and for parking. (If the applicant owns said properties, a document showing that the applicant is the owner thereof will suffice.)**

San Luis Obispo Symphony has permission to use premises owned by the Robin L. Rossi Living Trust and leased by Infinite Horizons, Inc. for the Pop's by the Sea 2004 concert, September 5, 2004. Permission is documented by the signing of this application by Rob Rossi, owner and president.

- (4) **The agreements or contracts which show what doctors, first aid attendants and ambulances will be available at the commercial outdoor entertainment activity. *San Luis Ambulance Service, Inc. 2003 letter is attached. 2004 letter is in process and they will be the on-site ambulance company. Miller Event Management also provides employees with first aid training, and Dr. Ron Thielsher/Med Stop and/or Dr. Mazzone/Family Care Center and/or Dr. Ben McAdams (letter attached) on-site.***

- (5) **An agreement, approved as to form by the district attorney of the county, and signed by the applicant or applicants that, within seventy-two hours after the conclusion of the commercial outdoor entertainment activity, he or they will clean up the premises and remove all trash, debris, garbage and other waste from in and around the premises. Such agreement shall be secured by an undertaking in a total amount of five thousand dollars for each ten thousand persons expected to attend and in no event less than five thousand dollars. The undertaking shall be in the form of a surety bond written by a corporate bonding company authorized to do business in the state by the California Department of Insurance. The undertaking shall be filed with the tax collector within thirty days after the board of supervisors has authorized the issuance of a license for the commercial outdoor entertainment activity, or within thirty days after the board of supervisor's sets conditions which must be met or security which must be given or both before a license is granted pursuant to Section 6.56.080. The tax collector shall not issue the license for**

7/21/04

the commercial outdoor entertainment activity until the undertaking is filed with him in a form approved by the district attorney of the county. *Agreement Attached*

(6) A written agreement signed by an applicant or applicants promising to defend, indemnify, and save harmless the county, its officers, agents and employees, from any and all claims, demands, damages, costs, expenses, or liabilities arising out of the commercial outdoor entertainment activity including, but not limited to, any act or omission to act on the part of the applicant or applicants, or their agents or employees, or independent contractors directly responsible to them. *Agreement Attached*

(7) Within thirty days after the board of supervisors has authorized the issuance of the commercial outdoor entertainment activity license, the applicant shall file with the tax collector copies of insurance policies, together with certificates of insurance executed by an authorized representative of the insurance carrier, showing coverage in accordance with the following requirements: *Agreed*

(A) Comprehensive general liability insurance covering bodily and personal injury, including death resulting there from, and damage to real or personal property resulting from any act or occurrence arising out of applicant's commercial outdoor entertainment activity. This insurance shall be placed with a carrier authorized to issue such coverage within the state. The amounts of insurance shall not be less than five million dollars combined single limit coverage;

The following coverage's must be supplied by the policy, or endorsements supplying such coverage must be attached to the policy:

(i) If the insurance policy covers on an "accident" basis, it must be changed to "occurrence" basis; (ii) The comprehensive general liability policy must cover personal as well as bodily injury;

(iii) Contractual liability coverage either on a blanket basis or by identifying the agreement required by subsection

(6) of this section within a contractual liability endorsement;

(iv) "Cross liability" or "sever ability of interest" such that each insured is covered as if separate policies

had been issued to each insured;

(v) The county, its officers, employees and agents shall be named insured under the policy, and the policy shall stipulate that the insurance shall operate as primary insurance and that no other insurance held by the county will be called upon to contribute to a loss under this chapter;

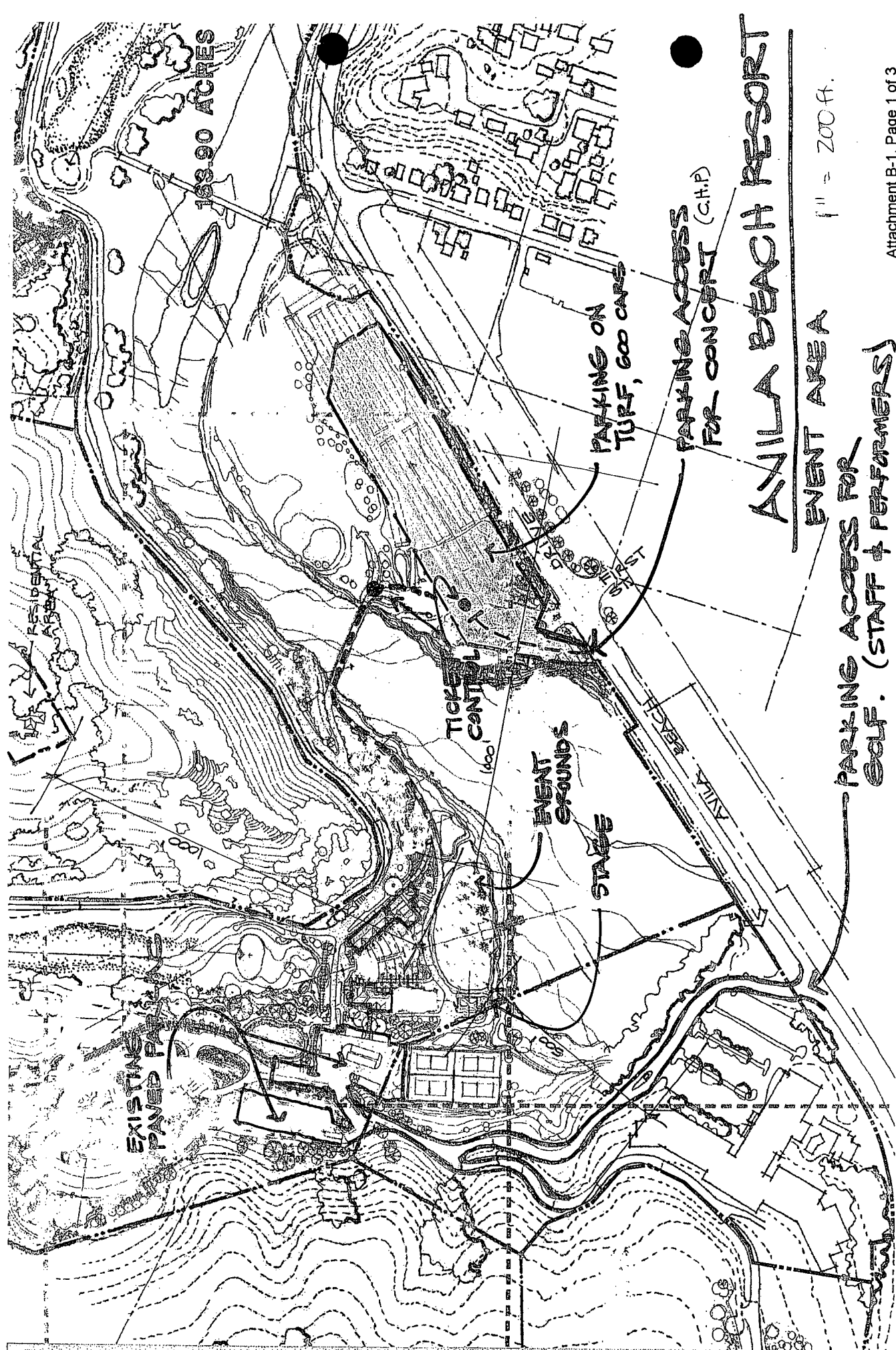
(B) A policy issued in accordance with the provisions of Section 3700 of the Labor Code, or a certificate of consent to self-insure issued by the Director of Industrial Relations showing that applicant is secured against liability for workers' compensation;

(C) All certificates and policies shall state that the policies shall not be cancelled or reduced in coverage without thirty days' written notice to the tax collector. The tax collector's approval of the insurance required under this section shall not relieve or decrease the extent to which the applicant or applicants may be held responsible for payment of damages resulting from the commercial outdoor entertainment activity. The tax collector shall not issue the license for the commercial outdoor entertainment activity until the documents described in this subsection have been filed with the tax collector in a form approved by the district attorney of the county;

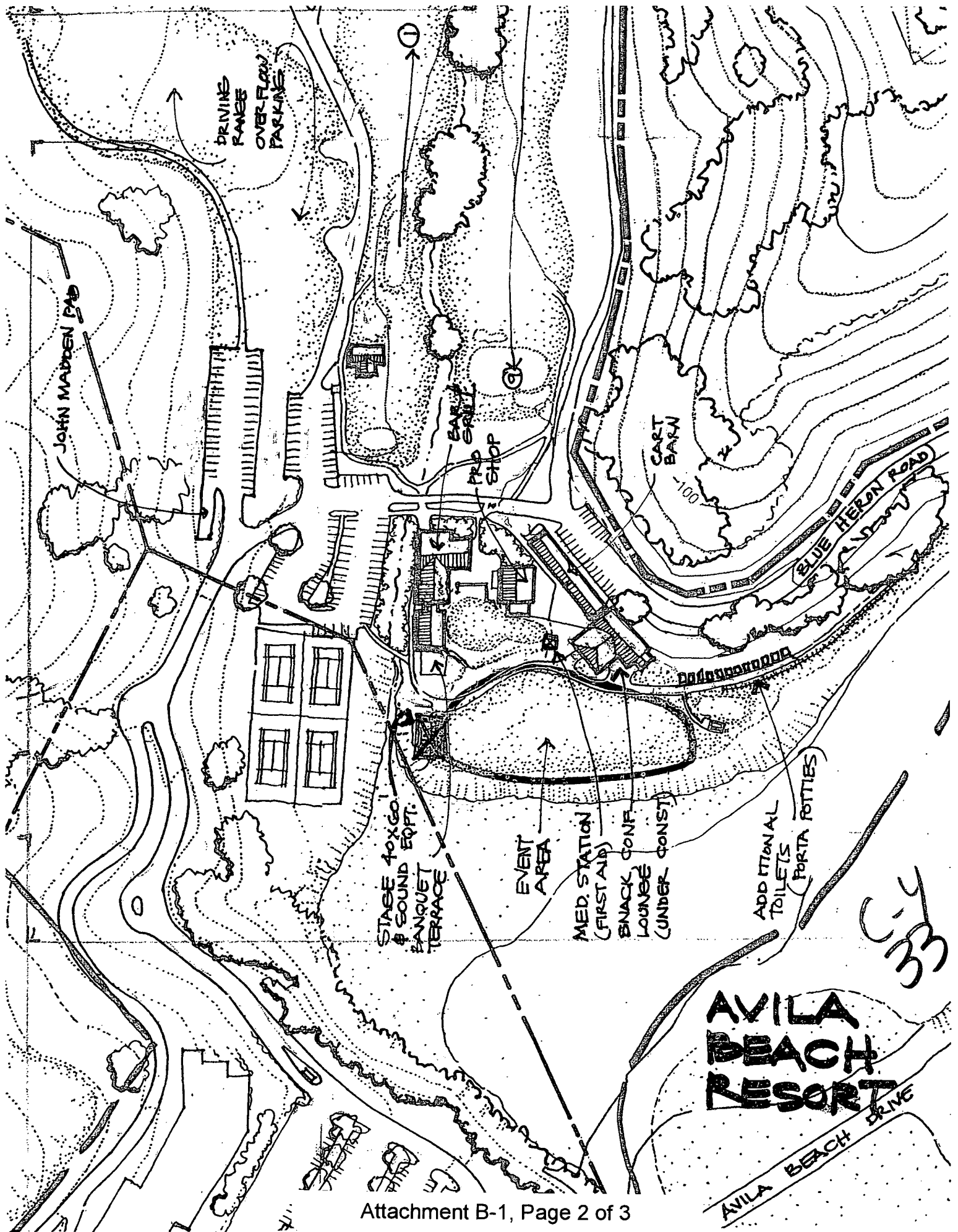
(D) If any portion of the commercial outdoor entertainment activity or any activity accessory thereof is located upon any property owned or controlled by the county, then the board of supervisors may require additional or different insurance coverage in order to protect the county's interests in the property

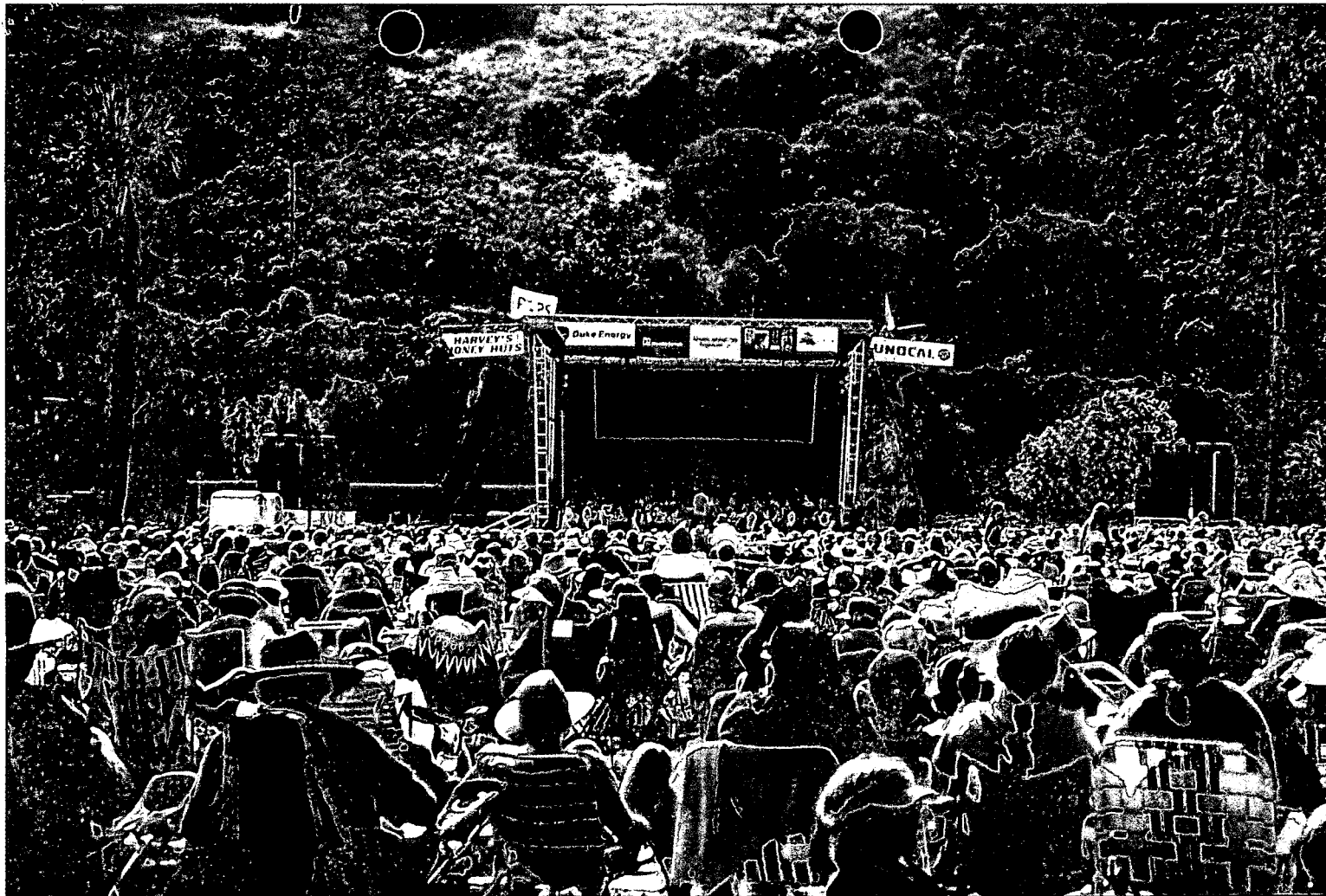
(Ord. 1743 § 1 (part), 1977; Ord. 1101 § 2 (part), 1970; prior code § 8-512)

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CH
32





C-4
B4



John Euphrat

07/22/2004 01:47 PM

To: Bernita D'Ambrosio/TreasTax/COSLO@Wings

cc:

Subject: Mailing Labels and List for Property Owners within 500 feet of APNs
Noted Below

The attached mailing labels should cover all property owners within 500 feet of the Avila Resort property that includes the following Assessor parcel numbers. The gray area of the map shows the 500 foot area surrounding the property that is the subject of the application for a Temporary Outdoor Entertainment License.

076-201-062

076-181-032

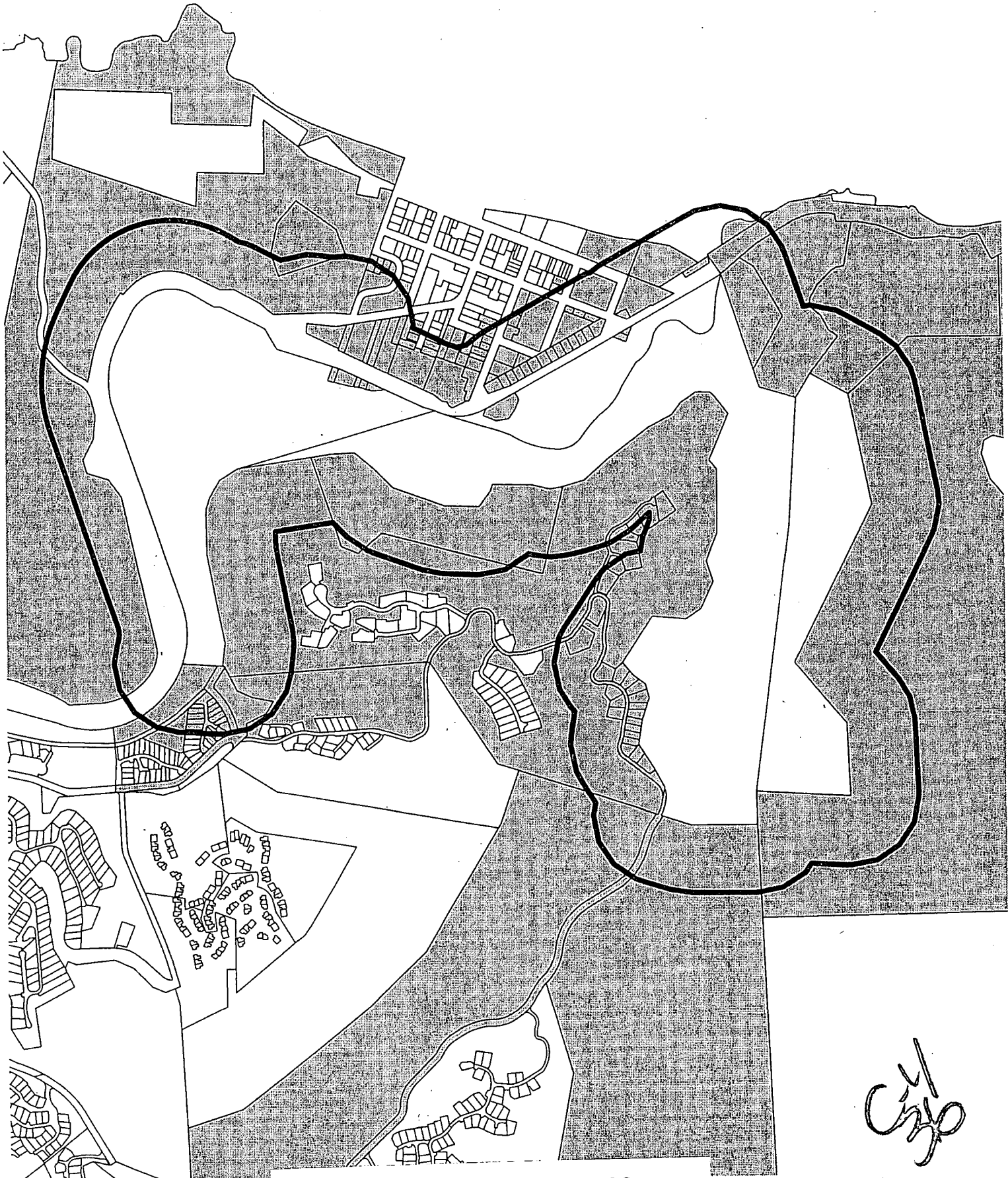
076-181-033

076-181-035

076-181-039

Thanks and let me know if you need more information.

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KINGFISHER CANYON DEV CO A CA
GEN PTP
APN 076-162-001
444 HIGUERA ST STE 200
SLO, CA 93401

SIGNATURE RESORTS INC A MD
CORP
APN 076-174-007
911 WILSHIRE BLVD SUITE 2250
LA, CA 90017

SAN LUIS BAY LTD PTP
APN 076-174-011
950 CYPRESS RIDGE PARK WAY
ARROYO GRANDE, CA 93420

ROSATO GENNARO TRE ETAL
APN 076-180-021
2146 RIMCREST
GLENDALE, CA 91207

VORIE RICHARD K & LAURA L
APN 076-180-024
PO BOX 2151
AVILA BEACH, CA 93424

LEWIS WAYNE E TRE ETAL
APN 076-180-027
920 DEL RIO
SLO, CA 93405

WAITKUS WILLIAM J TRE ETAL
APN 076-180-050
PO BOX 2214
AVILA BEACH, CA 93424

PUSANIK ROBERT J TRE ETAL
APN 076-180-053
PO BOX 2200
AVILA BEACH, CA 93424

BRUNICK RONALD
APN 076-180-056
6717 AVILA VALLEY DR
SAN LUIS OBISPO, CA 93405

GAJEWSKI MARK ETUX
APN 076-180-059
PO BOX 2480
AVILA BEACH, CA 93424

EUREKA ENERGY CO ETAL
APN 076-171-021
77 BEALE ST 32ND FL
SAN FRAN, CA 94177

SIGNATURE RESORTS INC A MD
CORP
APN 076-174-008
PO BOX 339
AVILA BEACH, CA 93424

SAN LUIS BAY LTD PTP
APN 076-174-011
950 CYPRESS RIDGE PARK WAY
ARROYO GRANDE, CA 93420

MCLELLAN NEIL E TRE ETAL
APN 076-180-022
PO BOX 2336
AVILA BEACH, CA 93424

DELEHANT JOHN W III TRE ETAL
APN 076-180-025
PO BOX 2389
AVILA BEACH, CA 93424

BAKER WARREN J & CAROL A
APN 076-180-028
7 CAMPUS WY
SLO, CA 93407

NORTHINGTON BRET T & RAYMA
APN 076-180-051
3672 AVE 408
KINGSBURG, CA 93631

MCADAMS BRENDAN V TRE ETAL
APN 076-180-054
PO BOX 2515
AVILA BEACH, CA 93424

WAKE GEORGE H
APN 076-180-057
PO BOX 2420
AVILA BEACH, CA 93424

TETMEIR STEPHEN W ETUX
APN 076-180-060
PO BOX 2525
AVILA BEACH, CA 93424

PORT SAN LUIS HARBOR DISTR
(928)
APN 076-172-012
PO BOX 249
AVILA BEACH, CA 93424

ROSSI ROB
APN 076-174-009
750 PISMO ST
SLO, CA 93401

HERON CREST DEVELOPMENT A CA
GEN PTP
APN 076-180-020
760 MATTIE ROAD A-3
PISMO BEACH, CA 93449

PETERSON MICHAEL J TRE ETAL
APN 076-180-023
PO BOX 2276
AVILA BEACH, CA 93424

COHEN LEONARD A & WENDY W
APN 076-180-026
PO BOX 2448
AVILA BEACH, CA 93424

WALLACE LARRY R TRE ETAL
APN 076-180-029
PO BOX 2435
AVILA BEACH, CA 93424

HATCHER NANCY J TRE
APN 076-180-052
PO BOX 2560
AVILA BEACH, CA 93424

VASSAR THOMAS A TRE ETAL
APN 076-180-055
894 NEW ORLEANS CT
CLAIRMONT, CA 91711

EBERHARDT TERRY J & CYNTHIA
APN 076-180-058
PO BOX 2329
AVILA BEACH, CA 93424

HERON CREST DEVELOPMENT A CA
GEN PTP
APN 076-180-061
760 MATTIE ROAD A-3
PISMO BEACH, CA 93449

CH 37

KELER SAMUEL & DEBORAH
APN 076-180-062
PO BOX 2369
AVILA BEACH, CA 93424

HERON CREST DEVELOPMENT A CA
GEN PTP
APN 076-180-065
760 MATTIE ROAD A-3
PISMO BEACH, CA 93449

HERON CREST HOMEOWNERS ASSN
CA NONPROFIT BENEF COR
APN 076-180-068
760 MATTIE RD A3
PISMO BEACH, CA 93449

HERON CREST DEVELOPMENT A CA
GEN PTP
APN 076-180-073
760 MATTIE RD SUITE A3
PISMO BEACH, CA 93449

PORT SAN LUIS HARBOR DISTR
(928)
APN 076-181-001
PO BOX 249
AVILA BEACH, CA 93424

ROSSI ROB
APN 076-181-035
6680 BAY LAUREL DR
AVILA BEACH, CA 93424

UNOCAL
APN 076-181-046
PO BOX 5076
SUGAR LAND, TX 77487

COUNTY OF SAN LUIS OBISPO
(937)
APN 076-196-001
1087 SANTA ROSA
SLO, CA 93408

JANOWICZ JOHN P & MARY Y
APN 076-196-004
PO BOX 670
AVILA BEACH, CA 93424

ROSSI TRADING CO LLC
APN 076-196-008
750 PISMO ST
SLO, CA 93401

KELLER KENNETH N & BONNIE
APN 076-180-063
635 SHELTER RIDGE PL
NIPOMO, CA 93444

LIDIA LARRY E & SANDRA K
APN 076-180-066
PO BOX 2531
AVILA BEACH, CA 93424

ROSSI ROBIN L TRE
APN 076-180-071
750 PISMO BEACH
SLO, CA 93401

ROSSI ROBIN L TRE
APN 076-180-077
750 PISMO ST
SLO, CA 93401

ROSSI ROB
APN 076-181-032
6680 BAY LAUREL DR
AVILA BEACH, CA 93424

MALLARD GREEN HOMEOWNERS
ASSOC
APN 076-181-036
3563 EMPLEO ST STE B
SLO, CA 93401

UNION OIL CO OF CALIF
APN 076-181-058
PO BOX 5076
SUGAR LAND, TX 77487

A HOLE IN THE CLOUDS LLC
APN 076-196-002
870 BAY ST
SAN FRAN, CA 94109

ROSSI TRADING CO LLC
APN 076-196-006
750 PISMO ST
SLO, CA 93401

ROSSI TRADING CO LLC
APN 076-196-009
750 PISMO ST
SLO, CA 93401

HERON CREST DEVELOPMENT A CA
GEN PTP
APN 076-180-064
760 MATTIE ROAD A-3
PISMO BEACH, CA 93449

HERON CREST DEVELOPMENT A CA
GEN PTP
APN 076-180-067
760 MATTIE RD SUITE A3
PISMO BEACH, CA 93449

HERON CREST DEVELOPMENT A CA
GEN PTP
APN 076-180-072
760 MATTIE RD SUITE A3
PISMO BEACH, CA 93449

ROSSI ROBIN L TRE
APN 076-180-077
750 PISMO ST
SLO, CA 93401

ROSSI ROB
APN 076-181-033
6680 BAY LAUREL DR
AVILA BEACH, CA 93424

SAN LUIS BAY LTD PTP
APN 076-181-039
PO BOX 179
ARROYO GRANDE, CA 93421

AVILA SANITARY DISTRICT (927)
APN 076-194-008

SWAN JOHN E
APN 076-196-003
101 1ST ST STE 630
LOS ALTOS, CA 94022

ROSSI TRADING CO LLC
APN 076-196-007
750 PISMO ST
SLO, CA 93401

TARDIFF NEIL S & TERESA J
APN 076-196-010
PO BOX 1446
SLO, CA 93406

CH
38

ROSSI TRADING CO LLC
APN 076-196-011
750 PISMO ST
SLO, CA 93401

ROSSI TRADING CO LLC
APN 076-196-012
750 PISMO ST
SLO, CA 93401

SCANLIN DONALD G TRE ETAL
APN 076-196-013
540 DEL ORO DR
OJAI, CA 93023

ROSSI TRADING CO LLC
APN 076-196-014
750 PISMO ST
SLO, CA 93401

ROSSI TRADING CO LLC
APN 076-196-015
750 PISMO ST
SLO, CA 93401

ROSSI TRADING CO LLC
APN 076-196-016
750 PISMO ST
SLO, CA 93401

SCANLIN DONALD G TRE ETAL
APN 076-196-017
540 DEL ORO DR
OJAI, CA 93023

SCANLIN DONALD G TRE ETAL
APN 076-196-018
540 DEL ORO DR
OJAI, CA 93023

ROSSI TRADING CO LLC
APN 076-196-019
750 PISMO ST
SLO, CA 93401

CHAVES JOSEPH H TRE ETAL
APN 076-201-006
715 EVANS RD
SLO, CA 93401

ALCON SYLVIA TRE ETAL
APN 076-201-007
PO BOX 442
AVILA BEACH, CA 93424

KELSEY DELORES P TRE ETAL
APN 076-201-014
PO BOX 458
CRESTON, CA 93432

LEONARD STEVE TRE ETAL
APN 076-201-016
10245 61ST AVE
LOS MOLINOS, CA 96055

GUHRING JOHN F FAMILY TRUST
ETAL
APN 076-201-017
6075 ELKHORN LN
SANTA MARIA, CA 93455

KELSEY DELORES P ETAL
APN 076-201-018
1945 SEE CANYON RD
SLO, CA 93405

MORTON ALLAN R TRE ETAL
APN 076-201-019
PO BOX 172
AVILA BEACH, CA 93424

DA FETYKO INC A CA CORP
APN 076-201-024
PO BOX 1999
ATASCADERO, CA 93423

AVILA PROPERTIES LLC A CA LLC
APN 076-201-031
710-21 FIERO LN
SLO, CA 93401

AVILA PROPERTIES LLC A CA LLC
APN 076-201-031
710-21 FIERO LN
SLO, CA 93401

AVILA PROPERTIES LLC A CA LLC
APN 076-201-032
710-21 FIERO LN
SLO, CA 93401

AVILA PROPERTIES LLC A CA LLC
APN 076-201-032
710-21 FIERO LN
SLO, CA 93401

COUNTY OF SAN LUIS OBISPO
(937)
APN 076-201-038
1087 SANTA ROSA
SLO, CA 93408

MATAKOVICH MARY A
APN 076-201-042
PO BOX 839
AVILA BEACH, CA 93424

BELLO GLORIA J
APN 076-201-043
200 W ROSE
SANTA MARIA, CA 93458

MATAKOVICH MARY A
APN 076-201-044
PO BOX 839
AVILA BEACH, CA 93424

GRABIL CHRYSTAL L TRE ETAL
APN 076-201-046
PO BOX 133
AVILA BEACH, CA 93424

APN 076-201-048

GORMAN JW & MARIE O
APN 076-201-051
PO BOX 32
AVILA BEACH, CA 93424

AVILA OAKS LLC
APN 076-201-052
PO BOX 1154
SLO, CA 93406

ROSSI ROB
APN 076-201-062
750 PISMO ST
SLO, CA 93401

STOKES CLYDE H TRE ETAL
APN 076-201-064
380 SHIRLEY LN
SANTA MARIA, CA 93455

KELSEY DELORES P TRE ETAL
APN 076-201-065
PO BOX 458
CRESTON, CA 93432

KENNEDY ROBERT E TRE ETAL
APN 076-201-066
1385 CAZADERO
SLO, CA 93401

KENNEDY ROBERT E TRE ETAL
APN 076-201-066
1385 CAZADERO
SLO, CA 93401

COLLINS RAYLENE
APN 076-201-067
25600 ELENA RD
LOS ALTOS HILLS, CA 94022

GLEN DEL POSADAS CORP A CA
CORP
APN 076-201-068
3825 VALLEY BLVD #9
WALNUT, CA 91789

DELINE JOYCE M
APN 076-201-069
352 EL PORTAL
SHELL BEACH, CA 93449

DELINE JOYCE M
APN 076-201-069
352 EL PORTAL
SHELL BEACH, CA 93449

DELINE JOYCE
APN 076-201-070
352 EL PORTAL DR
SHELL BEACH, CA 93449

DELINE JOYCE
APN 076-201-070
352 EL PORTAL DR
SHELL BEACH, CA 93449

KELSEY DELORES P ETAL
APN 076-201-071
1945 SEE CYN RD
SLO, CA 93405

KELSEY DELORES P TRE ETAL
APN 076-201-073
PO BOX 458
CRESTON, CA 93432

APN 076-201-074

COUNTY OF SAN LUIS OBISPO
(937)
APN 076-211-002
1087 SANTA ROSA
SLO, CA 93408

COUNTY OF SAN LUIS OBISPO
(937)
APN 076-211-003
1087 SANTA ROSA
SLO, CA 93408

COUNTY OF SAN LUIS OBISPO
(937)
APN 076-212-007
1087 SANTA ROSA
SLO, CA 93408

AVILA BEACH COMMUNITY SERVICES
DIST (905)
APN 076-212-008
191 SAN MIGUEL ST
AVILA BEACH, CA 93424

RATNER LAWRENCE TRE
APN 076-213-003
2705 EL CERRITO
SLO, CA 93401

MONTGOMERY VICTOR & RANDI L
APN 076-213-007
PO BOX 534
AVILA BEACH, CA 93420

PORT SAN LUIS HARBOR DISTR
(928)
APN 076-213-009
PO BOX 249
AVILA BEACH, CA 93424

KELSEY DELORES P TRE ETAL
APN 076-213-012
PO BOX 458
CRESTON, CA 93432

MARTIN RESORTS INC
APN 076-214-003
PO BOX 12060
SLO, CA 93406

DIEDRICHSEN DOROTHY E
APN 076-215-007
582 NEWMAN DR
ARROYO GRANDE, CA 93420

HOOD EDWARD & LINDA
APN 076-215-008
20924 AVE 152
PORTERVILLE, CA 93257

AVILA BEACH CIVIC ASSOC
APN 076-215-011
PO BOX 154
AVILA BEACH, CA 93424

PORT SAN LUIS HARBOR DISTR
(928)
APN 076-215-012
PO BOX 249
AVILA BEACH, CA 93424

UNION OIL COMPANY OF CA
APN 076-216-001
PO BOX 5076
SUGAR LAND, TX 77487

ROSSI TRADING COMPANY LLC A CA
LLC
APN 076-216-002
750 PISMO ST
SLO, CA 93401

KAMM CHARLES H TRE
APN 076-217-025
734 PACIFIC ST
SLO, CA 93401

MCLAREN ARCHIE C JR
APN 076-217-026
389 2ND ST
AVILA BEACH, CA 93424

C-4
40

PORT SAN LUIS HARBOR DISTR
(928)
APN 076-219-001
PO BOX 249
AVILA BEACH, CA 93424

ELLIS MARSHALL C TRE
APN 076-223-012
PO BOX 128
AVILA BEACH, CA 93424

ELLIS MARSHALL C TRE
APN 076-223-019
PO BOX 128
AVILA BEACH, CA 93424

SAN LUIS BAY ESTATES
HOMEOWNERS ASSOC
APN 076-540-002
3563 EMPLEO ST STE B
SLO, CA 93401

SAN LUIS BAY ESTATES
HOMEOWNERS ASSOC
APN 076-540-011
3563 EMPLEO ST STE B
SLO, CA 93401

ROBINSON GARY G & KAREN E
APN 076-542-005
10835 FURLONG DR
HANFORD, CA 93230

JOHNSTON GERALD A TRE ETAL
APN 076-542-008
3716 CREST DR
BAKERSFIELD, CA 93306

CAMPANELLI CONSTANCE M TRE
APN 076-542-011
PO BOX 2491
AVILA BEACH, CA 93424

KELLY JOHN I & ELAINE M
APN 076-542-014
9922 ARTISTRY ROSE
BAKERSFIELD, CA 93311

PRICE ELMER J TRE ETAL
APN 076-542-017
8201 NEW CASTLE ST
BAKERSFIELD, CA 93311

PORT SAN LUIS HARBOR DISTR
(928)
APN 076-219-002
PO BOX 249
AVILA BEACH, CA 93424

ROSSI MARY F ETAL
APN 076-223-017
750 PISMO ST
SLO, CA 93401

SANDPIPER INVESTMENTS INC A NV
CORP
APN 076-223-021
PO BOX 1877
SLO, CA 93406

SAN MIGUELITO MUTUAL WATER CO
A CA CORP
APN 076-540-003
PO BOX 2120
AVILA BEACH, CA 93424

WESTERN EXCHANGE SERVICES
CORP A NV CORP
APN 076-542-003
40 MIRANDA CT
SPARKS, NV 89436

VANDERMEULEN RICHARD A TRE
ETAL
APN 076-542-006
PO BOX 2493
AVILA BEACH, CA 93424

GARDNER KENDALL W TRE
APN 076-542-009
1820 W LACEY BLVD #131
HANFORD, CA 92320

SEGAR MARVIN K & HEATHER B
APN 076-542-012
PO BOX 2512
AVILA BEACH, CA 93424

BIDERMANN VA TRE ETAL
APN 076-542-015
PO BOX 2513
AVILA BEACH, CA 93424

PAGE JAMES B TRE ETAL
APN 076-542-018
PO BOX 2484
AVILA BEACH, CA 93424

CALDWELL CHARLES H TRE ETAL
APN 076-223-004
54 WAKEFOREST AVE
VENTURA, CA 93003

UNION OIL COMPANY OF CA
APN 076-223-018
PO BOX 5076
SUGAR LAND, TX 77487

MALLARD GREEN HOMEOWNERS
ASSOCIATION
APN 076-540-001
3563 EMPLEO STE B
SLO, CA 93401

SAN LUIS BAY ESTATES
HOMEOWNERS ASSOC
APN 076-540-010
3563 EMPLEO ST STE B
SLO, CA 93401

HOOK MICHAEL N TRE ETAL
APN 076-542-004
PO BOX 2508
AVILA BEACH, CA 93424

RAMSEY LAWRENCE F TRE ETAL
APN 076-542-007
PO BOX 2495
AVILA BEACH, CA 93424

NORMAN KAREN A TRE ETAL
APN 076-542-010
PO BOX 2478
AVILA BEACH, CA 93424

COLLINS-STEVENOT DEBRA C ETAL
APN 076-542-013
PO BOX 2330
AVILA BEACH, CA 93424

CATALINA VICTOR T TRE ETAL
APN 076-542-016
17695 ROAD 320
SPRINGVILLE, CA 93265

MALLARD GREEN HOMEOWNERS
ASSOC A CA NON-PROF CORP
APN 076-542-020
PO BOX 1228
SLO, CA 93406

C-4
41

SAN LUIS BAY ESTATES MASTER
ASSOC
APN 076-544-024
760 MATTIE RD STE A3
PISMO BEACH, CA 93449

APN UNK

C-4
42



BRENDAN V. McADAMS, Jr., M.D.

A MEDICAL CORPORATION

DIPLOMATE OF AMERICAN BOARD OF ORTHOPAEDIC SURGERY • FELLOW OF AMERICAN ACADEMY OF ORTHOPAEDIC SURGERY

21 July 04

To Whom It May Concern:-
I will be attending the
Symphony Pops Concert at Avila
Beach on 5 Sept 04.

Sincerely,

Brendan V. McAdams, Jr.

C-4
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July 21, 2004

Sandi Sigurdson
San Luis Obispo Symphony
P.O. Box 658
San Luis Obispo, CA 93406

Dear Sandi:

This letter is to confirm that we will provide stand-by services for your event on Sunday, September 5, 2004. The ambulance and crew will be at Avila Beach Resort from 2:30 - 6:30 p.m.

Should you have any questions before the event please feel free to contact Marge Ramsey or me.

Sincerely,

Frank I. Kelton
President/CEO

285 South Street • Suite 1

P.O. Box 954

San Luis Obispo

CA 93406

Phone 805.543.2626

Fax 805.546.0885

4
64

Debris Removal Agreement

Infinite Horizons, Inc. DBA Avila Beach Resort, and the San Luis Obispo Symphony, a Non-Profit Corporation (Applicants), agree, as a condition of issuance of this Temporary Commercial Outdoor Entertainment License, that within seventy-two hours after the conclusion of the San Luis Obispo Symphony Pops By the Sea Event, Applicants will clean up the premises and remove all trash, debris, garbage and other waste from in and around the premises. Applicants also agree to guarantee performance of this obligation by securing an undertaking in a total amount of five thousand dollars for each ten thousand persons expected to attend and in no event less than five thousand dollars. This undertaking shall be in the form of a surety bond written by a corporate bonding company authorized to do business in the state by the California Department of Insurance. Applicants agree to file the undertaking with the San Luis Obispo County Tax Collector within thirty days after the Board of Supervisors has authorized the issuance of a license for the commercial outdoor entertainment activity, or within thirty days after the Board of Supervisor's sets conditions which must be met or security which must be given or both before a license is granted pursuant to Section 6.56.080 of San Luis Obispo County Code. Applicants may post a five thousand dollar cash deposit in satisfaction of this obligation with the San Luis Obispo County Tax Collector according to the same conditions.

Infinite Horizon, Inc.
Avila Beach Resort


Rob Rossi, President

San Luis Obispo Symphony


Patricia Thayer

C-4
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INFINITE HORIZONS, INC. DBA AVILA BEACH RESORT AND
SAN LUIS OBISPO SYMPHONY, A NON PROFIT CORPORATION

INDEMNIFICATION AGREEMENT

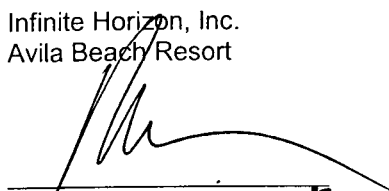
Infinite Horizons, Inc. DBA Avila Beach Resort and San Luis Obispo Symphony, A Non Profit Corporation ("Applicants") agree, as a condition of issuance of the Temporary Commercial Outdoor Entertainment License, to defend, indemnify and hold harmless the County, its officers and employees from all claims, demands, damages, costs, expenses, judgments, attorney fees or liabilities, or other losses that may be asserted by any person or entity, and that arise out of or are made in connection with any act or omission to act directly or indirectly related to the San Luis Obispo Symphony Pops by the Sea, commercial outdoor event. This obligation to indemnify includes and shall extend to any third party challenge to the County's decision to issue a Temporary Commercial Outdoor Entertainment License to the Applicants. The obligation to indemnify shall be effective and shall extend to all such claims and losses directly or indirectly, in their entirety, even when such claims or losses arise from the comparative negligence of the County, its officers and employees.

The preceding paragraph applies to any theory of recovery relating to said act or omission by the Applicants, or its agents, employees, or other independent contractors directly responsible to the Applicants, including, but not limited to the following:

1. Violation of statute, ordinance, or regulation.
2. Willful, intentional or other wrongful acts, or failures to act.
3. Negligence or recklessness.
4. Furnishing of defective or dangerous products.
5. Premises liability.
6. Strict Liability.
7. Inverse condemnation.
8. Violation of civil rights.
9. Violation of any federal or state statute, regulation, or ruling resulting in a determination by the Internal Revenue Service, California Franchise Tax Board, or any other California public entity responsible for collecting payroll taxes, when the Contractor is not an independent contractor.

It is the intent of the parties to provide the County the fullest indemnification, defense, and Ahold harmless@ rights allowed under the law. If any word(s) contained herein are deemed by a court to be in contravention of applicable law, said word(s) shall be severed from this contract and the remaining language shall be given full force and effect.

Infinite Horizon, Inc.
Avila Beach Resort


Rob Rossi, President.

San Luis Obispo Symphony


Patricia F. Thayer

0-4
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SAN LUIS OBISPO SYMPHONY

July 20, 2004

San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

To Whom It May Concern:

This letter will affirm that the event known as "Pops by the Sea" has been produced by the San Luis Obispo Symphony for the past thirteen years as part of its regular concert season. The venue known as the Avila Beach Resort has also graciously donated its facilities every year as host of this event.

All proceeds from "Pops by the Sea" benefit the San Luis Obispo Symphony's artistic and music education programs. Ticket prices ranging from \$8 - \$35 for Lawn Seating, Party Tables and Premium Party Tables are considered fair market value for the entertainment provided and no tax-deductible receipt is given to the purchaser.

Champagne Tables are sold at \$600 for a complete table of 8 and \$500 for a complete table of 6. Fair market value for these tickets is \$44 per person. Patrons purchasing these tables are provided a tax-deductible receipt accompanying their tickets to the event. In addition, any advertising specific to Champagne Table sales, note that a portion of the price is tax-deductible.

We hope that this information is helpful to you in considering ongoing events at the Avila Beach Resort.

Sincerely,

Patricia F. Thayer
Assistant Director

The San Luis Obispo
Symphony supports
an outstanding
community orchestra
fosters symphonic and
chamber music education
and contributes to the
cultural and economic
vitality of the Central
Coast community.

44
47

Internal Revenue Service
District Director

Department of the Treasury
LA:EO:79 1539

Date:

Employer Identification Number:

95-2493144

Accounting Period Ending:

May 31

Form 990 Required: ☒ Yes ☐ No

▷ San Luis Obispo County Symphony Association
Incorporated
Post Office Box 658
San Luis Obispo, California 93406

Person to Contact:

B. Brewer

Contact Telephone Number:

(213) 688-4889

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 170(b)(1)(A)(vi) and 509(a)(1).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. Also, you should inform us of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact us. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

The box checked in the heading of this letter shows whether you must file Form 990, Return of Organization Exempt from Income tax. If Yes is checked, you are required to file Form 990 only if your gross receipts each year are normally more than \$10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay.

P.O. Box 2350, Los Angeles, Calif. 90053

(over)

Letter 947(DO) (5-77)

NOTICE OF PUBLIC HEARING
San Luis Obispo County Board of Supervisors
Tuesday, August 17, 2004, 9:00 a.m.

Public Hearing to Consider Application for
Temporary Commercial Outdoor Entertainment License for the event,
"San Luis Obispo Symphony Pops by the Sea," to be held on September 5, 2004

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of San Luis Obispo ("the Board") will conduct a public hearing at their regular meeting on **Tuesday, August 17, 2004, at 9:00 a.m.**, or as soon thereafter as the matter can be heard, in the Board Chambers, Room 224, County Government Center, San Luis Obispo, California.

The Board will consider by testimony and other evidence to approve, approve with conditions, or deny the following application pursuant to County Ordinance Title 6, Chapter 6.56.

APPLICATION: Temporary Commercial Outdoor Entertainment License for the event, "San Luis Obispo Symphony Pops by the Sea," to be held on September 5, 2004.

LOCATION: Avila Beach Resort, Avila Beach, California

APPLICANT: Infinite Horizons, Inc. and San Luis Obispo Symphony

Interested persons are invited to attend the public hearing and submit oral or written comments, or may, prior to the time of such hearing, submit written comments to the follow address:

Clerk of the Board of Supervisors
San Luis Obispo County
1144 Monterey St., Suite A
San Luis Obispo, CA 93408

A copy of the application is available at the San Luis Obispo County Tax Collector's Office, Room 203, County Government Center, San Luis Obispo, California 93408, (805) 781-5832.

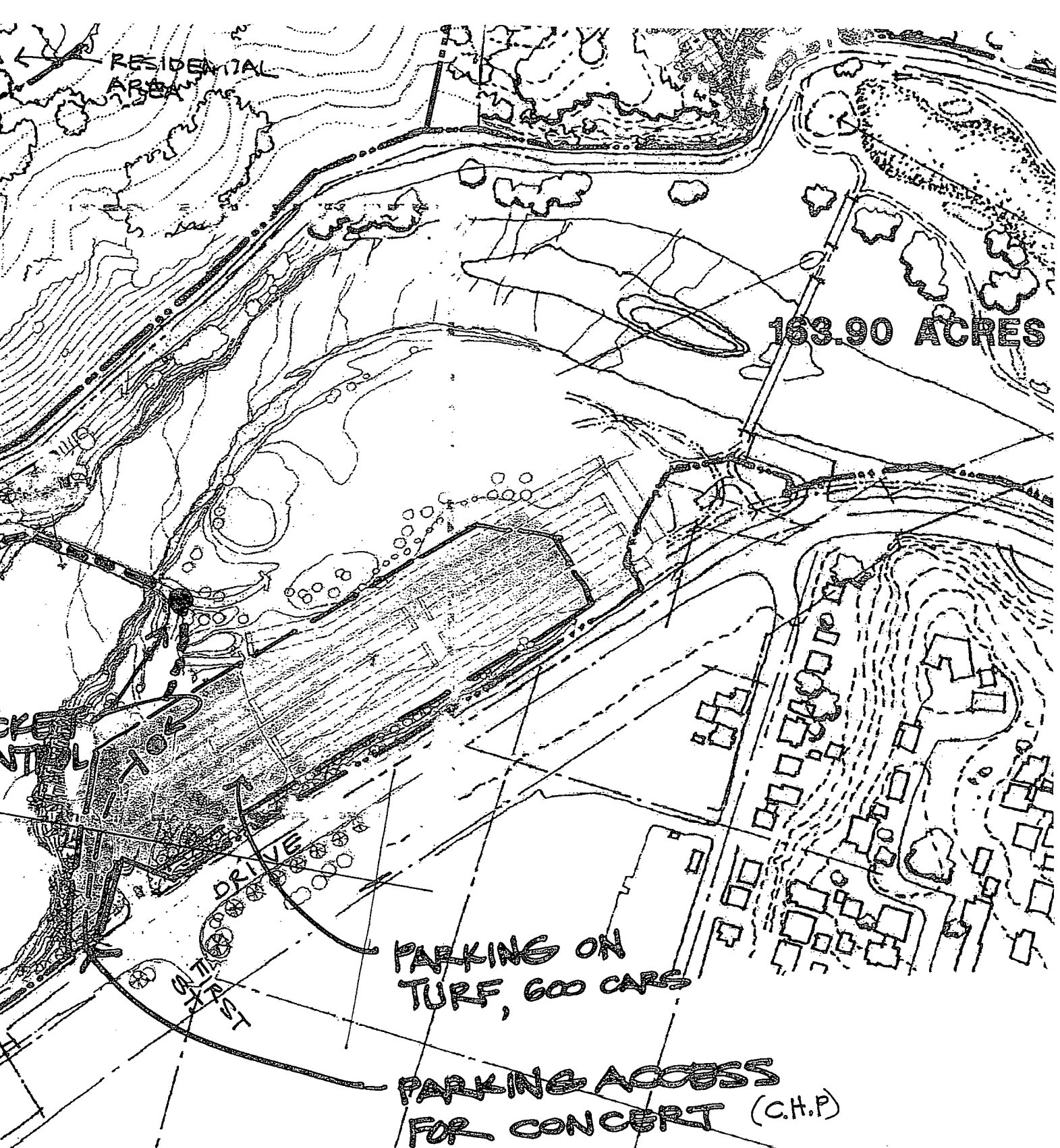
If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this public notice or in written correspondence delivered to the appropriate authority at or before the public hearing.

Julie L. Rodewald, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk-Recorder

Dated: August 3, 2004

C-21
49



163.90 ACRES

PARKING ON
TURF, 600 CARS

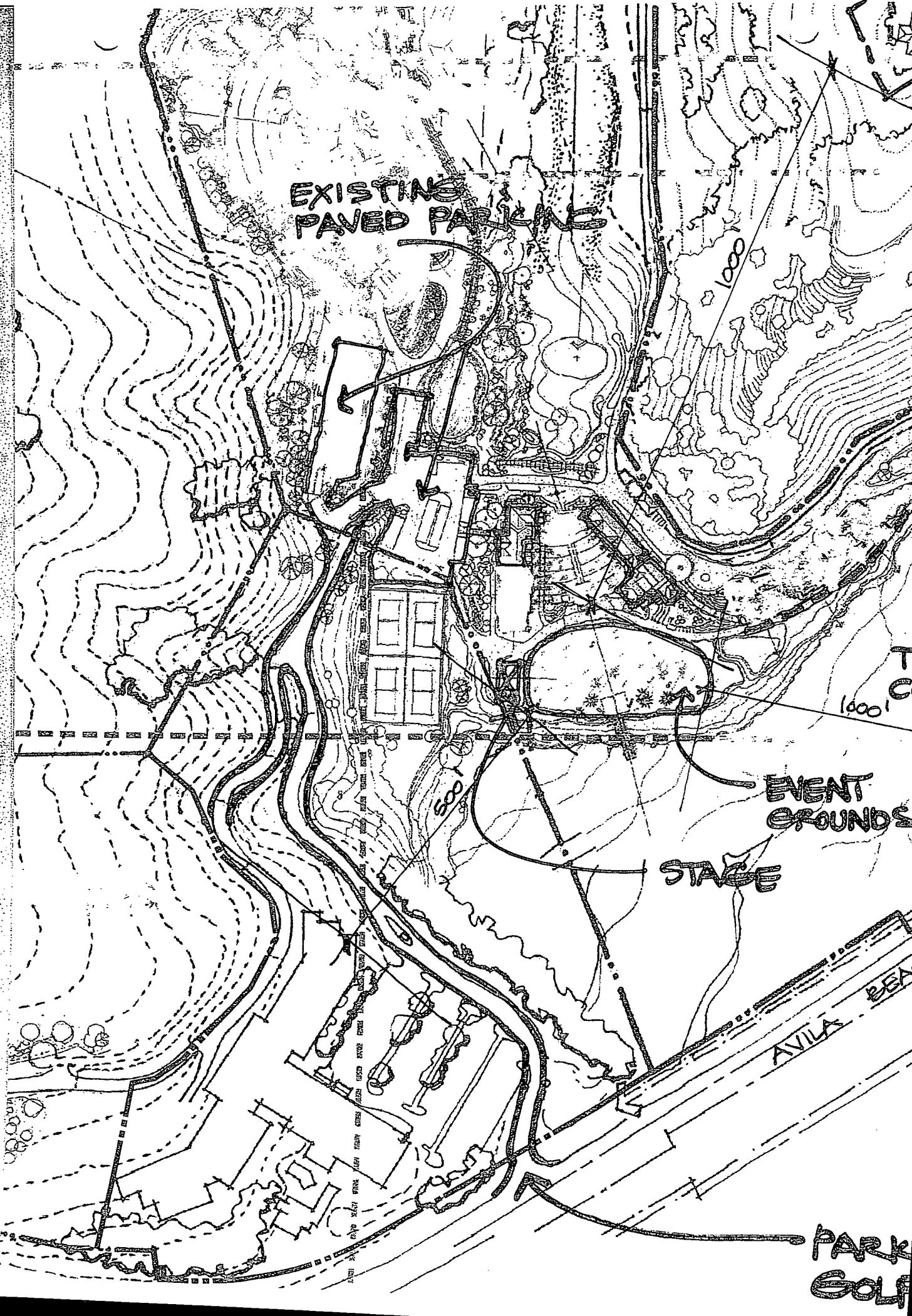
PARKING ACCESS
FOR CONCERT (C.H.P)

AVILA BEACH RESORT

EVENT AREA

1" = 200 ft.

ING ACCESS FOR
(STAFF & PERFORMERS)



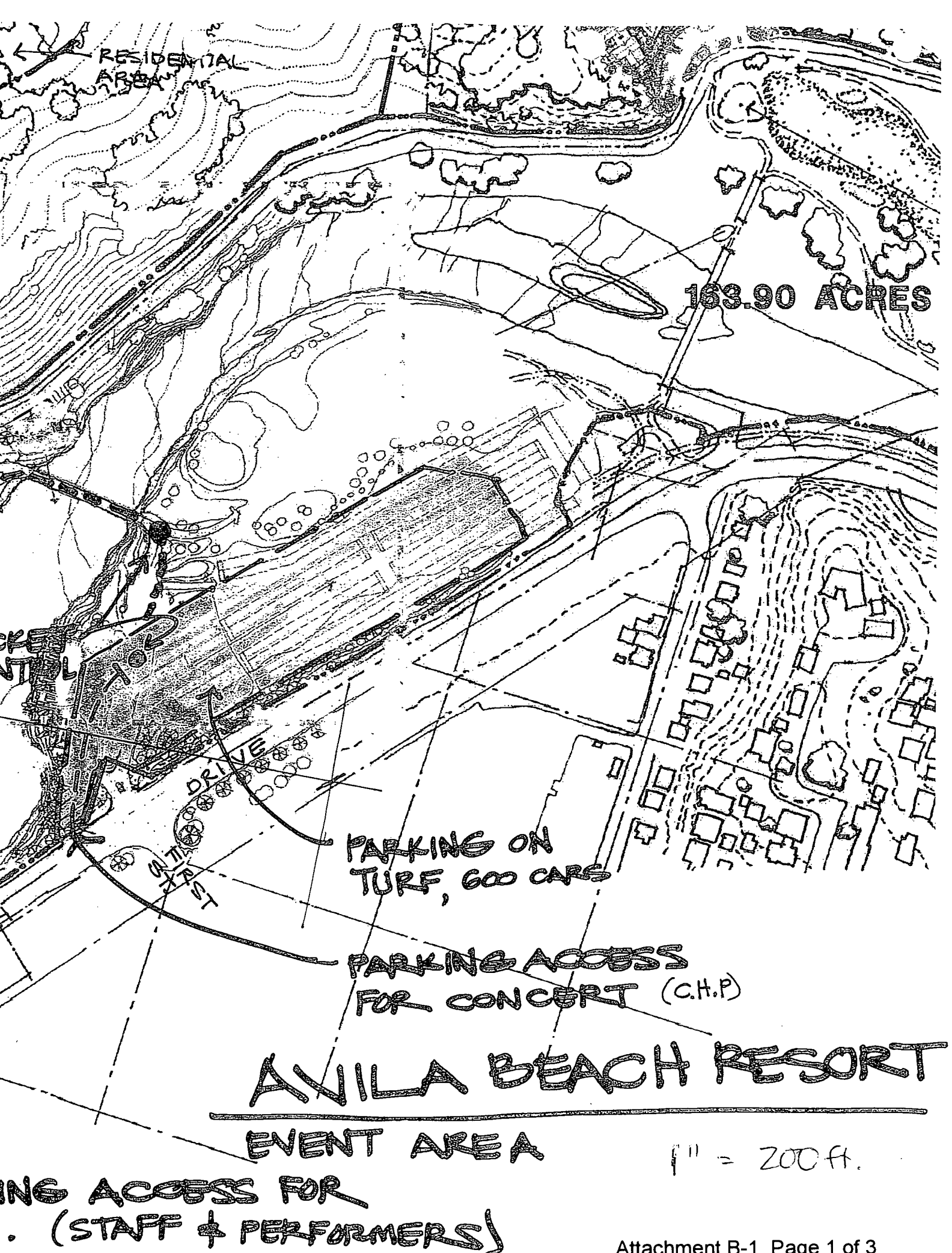
EXISTING
PAVED PARKING

EVENT
GROUNDS

STAGE

AVILA BEACH

PARK
GOLF

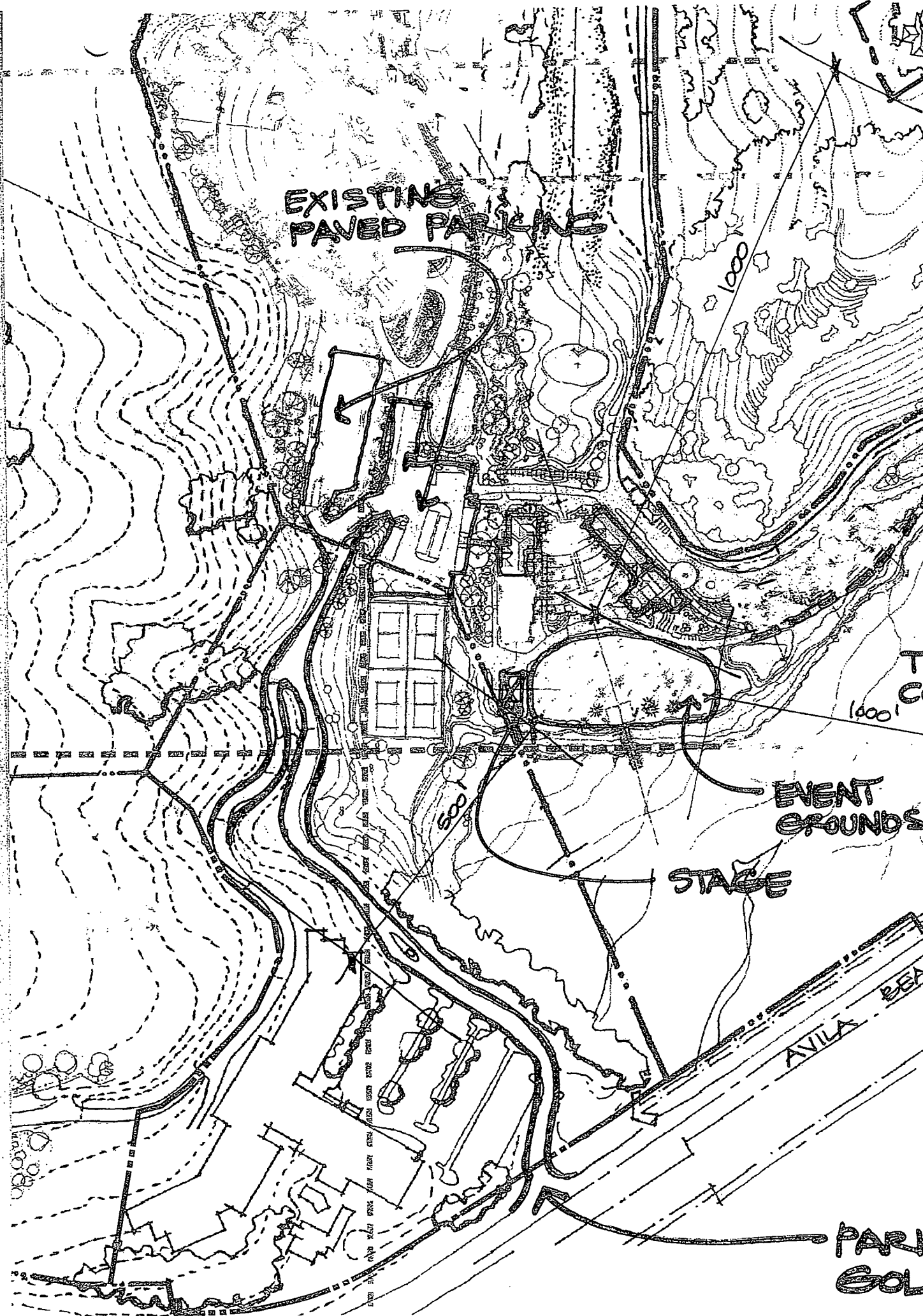


AVILA BEACH RESORT

EVENT AREA

1" = 200 ft.

ING ACCESS FOR
(STAFF & PERFORMERS)



EXISTING
PAVED PARKING

EVENT
GROUNDS

STAGE

AVILA BEA

PARKING



**Treasurer
Tax Collector
Public Administrator
SAN LUIS OBISPO COUNTY**

Frank L. Freitas, CPA
Department Head

Donna L. Morris
Assistant

P.O. Box 1149 • Room 200, County Government Center • San Luis Obispo, CA 93406-1149

• Phone 805.781.5842
• Fax 805.781.1079
• Email ttc@co.slo.ca.us

TO: HONORABLE BOARD OF SUPERVISORS

FROM: BERNITA D'AMBROSIO, TAX COLLECTION MANAGER *BD*

DATE: AUGUST 13, 2004

SUBJECT: TEMPORARY COMMERCIAL OUTDOOR ENTERTAINMENT LICENSE
APPLICATION – DEPARTMENTS INVESTGATIONS AND
RECOMMENDATIONS

This is regarding the August 17, 2004 public hearing for Agenda Item C4.

County Ordinance Title 6, Chapter 6.56 requires that the Sheriff's Department, the Department of Planning and Building, Public Works and Environmental Health Services each give a written report of their investigation not later than the time set for hearing.

The following reports are attached and submitted for review by your Honorable Board:

Replies received by the Tax Collector

- Planning and Building Department
- Public Works

Copies of replies sent directly to the Board

- Environmental Health Services
- Sheriff's Department

If you have any questions, please contact me at extension 5840.

Thank you.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

DATE: AUGUST 6, 2004

TO: BERNITA D'AMBROSIO, DEPUTY TAX COLLECTOR

FROM: JOHN EUPHRAT, AICP, LONG RANGE PLANNING DIVISION
MANAGER

SUBJECT: TEMPORARY COMMERCIAL OUTDOOR ENTERTAINMENT
LICENSE APPLICATION

Pursuant to Title 6 of the County Code, your office has asked for a report from the Department of Planning and Building regarding the subject license application. This department has reviewed the information provided by the Tax Collector's Office and is providing the following information:

1. This type of activity is normally be authorized through approval of a Minor Use Permit pursuant to Title 23 of the County Code . However, section 23.08.248(a)(2) provides an exemption from the Minor Use Permit requirement for large events. This exemption states that commercial outdoor entertainment activities are subject to the permit requirements and standards of Chapter 6.56 of the County Code. It appears the applicant is pursuing approval of the license in lieu of a Minor Use Permit in a manner consistent with this exemption.
2. Section 23.08.248(d) contains requirements for all temporary events regardless of whether a land use permit is required, except where alternate standards are established by Chapters 6.56 or 8.64 of the County Code:
 - a. Provide a minimum of 2 unobstructed access points, each 18 feet wide from the event site to a publically maintained road.
 - b. Off street parking to be provided consisting of an open area with a slope of 10% or less at a ratio of 400 sq. ft per car on a lot free of combustible material. One space for each 12 sq ft of seating area.
 - c. Fire facilities to be provided as required by the County Fire Department.
 - d. Water supply and sanitation facilities to be provided as required by the Health Department.
3. Chapter 23.06.044 of the County Code contains exterior noise level standards. These noise level standards are applicable when a land use affected by noise is a noise sensitive use. Residences, hotels, schools and other uses are defined as noise sensitive uses. In the case of the subject license application, exterior noise levels at any noise sensitive use

must be below the following criteria levels:

Hourly Equivalent Sound Level ($L_{eq}dB$) -	50 dB
maximum Level, dB	70 dB

These noise levels shall be reduced by 5 dB for simple tones such as speech or music.

4. The site of the temporary outdoor entertainment is located within the Coastal Zone. The activity is taking place on a peak summer weekend and , according to the applicant, will attract from 2,000 to 5,000 attendees . This number of people attending and associated traffic may affect the public's ability to access coastal dependent uses such as the Port and the beach areas from Avila Beach to Port San Luis. However, this event, as well as other similar fund-raising concerts benefitting non-profit organizations have been held on this property for a number of years. The applicant has previously encouraged the public to use shuttle buses and to car pool to other events held on the property. We would encourage the applicant to continue these efforts to the maximum extent feasible and to coordinate traffic issues with the California Highway Patrol. Scheduling the timing of future temporary commercial entertainment activities to avoid peak times for beach use is preferable. .

Thank you for the opportunity to comment on this application. Please feel free to contact me at extension 5194 if you have any questions regarding this matter.



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

July 29, 2004

MEMORANDUM

TO: Bernita D'Ambrosio, Deputy Tax Collector

FROM: Glen L. Priddy, Deputy Director of Public Works - Engineering Services 

SUBJECT: Temporary Commercial Outdoor Entertainment License Application
San Luis Obispo Symphony "Pops in Paradise"

This Department has reviewed the materials provided for the subject application. Our review focused on the proposed access to the event from Avila Beach Drive, which is a County-maintained road. The applicant proposes to contract with the California Highway Patrol to provide officers at the site entrance for traffic control. This is acceptable to the Public Works Department, and has been used successfully in the past for other similar events. We do not have any other measures to recommend for the activity.

Please include this memo in your report to the Board of Supervisors on August 17, 2004.
Thank you.

File: Road No. 2070

L:\DEVELOP\JUL04\symphony.bos.wpd.lnd.rem



County of San Luis Obispo • Public Health Department

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

August 10, 2004

Supervisor Harry Ovitt, Chairperson
County Board of Supervisors
County Government Center
Room 307
San Luis Obispo, CA 93401

Re: SLO Symphony Pops at the Sea Event

This Department has reviewed the "Temporary Commercial Outdoor Entertainment License" application for the above referenced event. Specifically, our staff has evaluated the following elements of the event assuming a mid-range of 4,000 attendees. Attendance is estimated to be between 3,000 and 5,000.

Water: This Department is unaware of any drinking water fountains being located on the premises of the Avila Beach Resort. However the applicant proposes to provide insulated water containers with spigots and disposable cups for public self-service. This means of supplying drinking water is acceptable providing the cups are contained within dispensers and there is a sufficient number of these stations set-up with a ready means of refilling as necessary to provide drinking water throughout the event. A minimum of 10 such stations is deemed necessary to allow attendees adequate drinking water availability.

Reasoning: County Ordinance Section 6.56.130 requires 35 gallons per employee and 10 gallons per spectator but appears to be based on overnight camping needs which is not part of this event. Ten maintained water stations with at least 5 gallons would permit 800 people per hour to access 8.0 ounces of water. (5 Gallons) X 128 oz./gal= 640 oz./8.0 oz. =80 servings. This would theoretically mean one in five attendees/employees could serve themselves a cup of water every hour throughout the event.

This drinking water augments the beverages offered for sale and brought by attendees to the event.

August 10, 2004

Supervisor Harry Ovitt, Chairperson

Page 2

Food Service: Mulligan's Bar & Grill, located on site, is a food preparation facility under permit with this Department and thereby approved to engage in food and beverage sales. However no health permits have been issued for mobile food or beverage units or temporary food preparation facilities. If such units are planned to be operated at this event, they must be inspected and approved for health permits at least a week prior to the event.

Toilet Facilities: An estimated 40 - 45 toilet fixtures is necessary to accommodate the potential toilet use demand of 4,000 attendees who will be lunching, snacking and consuming beverages.

Reasoning: Partaking of food and drink over the course of several hours could be expected to create the need for visits to toilet facilities every three hours or so. Theoretically for 4,000 people, this could amount to 8,000 toilet visits over six hours or on the order of 1,300 per hour. Forty to forty five toilet units would allow 30 persons per unit approximately two minutes each to use and exit the toilet facility every hour.

Solid Waste Disposal: Garbage shall be accumulated in containers suitable for disposal by the licensed franchisee or other solid waste hauler. Plastic bags may be used if they are securely closed. All recyclables and solid wastes shall be stored in such a way to prevent spillage, litter or a nuisance. The solid waste shall be removed within 72 hours after the event has concluded.



Curtis Batson, Director
Environmental Health Services



Patrick Hedges

Sheriff-Coroner

P.O. Box 32
San Luis Obispo, CA 93406

San Luis Obispo County Sheriff's Department

Area Code:
(805)

Administration
781-4540

Animal Services
781-4400

Civil
Enforcement
781-5484

Crime
Prevention
781-4547

Custody
781-4600

Detectives
781-4500

Patrol
781-4550

Coast Station
528-6083

Dispatch
781-4550

North Station
237-3000

South Station
473-7100

Watch
Commander
781-4553

Permits
781-4575

Property
781-4533

Records
781-4140

Warrants
781-4588

TO: HONORABLE BOARD OF SUPERVISORS

FROM: STEVE BOLTS, UNDERSHERIFF *[Signature]*

DATE: AUGUST 17, 2004

**SUBJECT: TEMPORARY COMMERCIAL OUTDOOR ENTERTAINMENT
LICENSE APPLICATION - SAN LUIS OBISPO SYMPHONY
POPS BY THE SEA - PUBLIC HEARING AUGUST 17, 2004**

RECOMMENDATION:

The Sheriff's Department recommends that your Board grant the application for a temporary commercial outdoor entertainment license for the "San Luis Obispo Symphony Pops by the Sea" event, proposed to be held September 5, 2004, at the Avila Beach Resort, a privately owned property in Avila Beach.

DISCUSSION:

Pursuant to county ordinance, the Tax Collector's Office has requested that the Sheriff's Department review the above application to determine compliance with the requirements of the ordinance and to make recommendations to the Board for consideration. The department has reviewed the application and event plans, conducted an inspection of the site, interviewed the applicant and contractors as well as evaluated security plans and emergency contingencies.

This event has been held at the same location for the past twelve years, without any significant law enforcement problems. The applicant and contractors have in the past planned and presented the event very well and no additional law enforcement resources have been required or indicated. The California Highway Patrol has indicated to us that traffic and public parking demands will be monitored and enforced through their staff. While a few details have not yet been finalized, the department is satisfied that this event meets the requirements of the county code and will not compromise public safety.

Page Two
Letter to Honorable Board of Supervisors

OTHER AGENCY INVOLVEMENT/IMPACT:

Other county agencies involved in this application process include County Counsel, Tax Collector, Health, Public Works and Planning and will report separately. The California Highway Patrol will monitor and enforce traffic and public parking issues.

FINANCIAL CONSIDERATIONS:

No additional staff demands or expenses to the Sheriff's Department are anticipated.

RESULTS:

This event will be permitted within the requirements of the county code and that public safety will be ensured.

cc: Bernita D'Ambrosio, Deputy Tax Collector
Stacy Millich, Deputy County Counsel

Avila Valley Advisory Council
SLO COUNTY BOARD OF SUPERVISOR'S TESTIMONY

August 17, 2004

Item C4-Temporary Commercial License for "SLO Symphony Pops by the Sea Concert"
6.56.040 License Application

The Avila Valley Advisory Council was established in 1974, and formally recognized by this Board of Supervisors in 1996. The resolution states that the Board values the input of community advisory councils.

In our By-laws, we are charged with the following:

To advocate the interest of the residents of Avila Valley in public hearings, legal proceedings and other civic decision-making processes related to land uses, zoning, public services, circulation, public improvements and public safety.

It would be inconsistent and negligent for AVAC not to have input for this public hearing, since this license application is for a special event on a three day holiday summer weekend; one of the three busiest weekends of the year in Avila Beach.

AVAC HAS STATED IN PRIOR COMMUNICATIONS TO THIS BOARD THAT WE SUPPORT THE POPS CONCERT EVENT AND WE SUPPORT APPROVAL OF THIS LICENSE.

As you all know, Avila Beach is rebounding from a devastating time in its history. We are rebuilding downtown. AVAC has been a large part of that process. We are looking to the near future when event impacts will be greater because of increased growth and use of town.

Through all this, we continue to have concerns regarding the ability of **all visitors** to Avila to have acceptable access to Port San Luis, Avila Beach and piers, and all businesses. Providing adequate on-site event parking is essential to minimize parking issues for beach visitors as well as residents in Avila Beach.

We have one road in and out of Avila Beach. We must carefully consider traffic impacts for emergency access. Careful monitoring of traffic off-site, particularly at Avila Beach Drive and San Luis Bay Drive, will help all traffic move more efficiently to the event.

All of Avila welcomes the POPS. We encourage everyone to enjoy our beautiful new town and support our new businesses. A walk from the Golf Resort across the street after the event is a great opportunity to enjoy and see all that is new in Avila Beach. A ride to Port San Luis is another opportunity to have dinner after the event while traffic is minimized on Avila Beach Drive. This can be a win-win opportunity for everyone.

On a personal note: I have served 20 years as a volunteer in the public arena and have never been personally attacked as I was by a few spin artists last week. It saddens me that some choose to attack an individual and not issues as is done in every other community I have served. Thank you.

C-4 8/17/04

Karla Bittner, AVAC Chairperson

LAW OFFICES
WILLIAM S. WALTER

A PROFESSIONAL CORPORATION

TELEPHONE (805) 541-6601

THE BELLO HOUSE

FACSIMILE (805) 541-6640

679 MONTEREY STREET

SAN LUIS OBISPO, CALIFORNIA 93401

EMAIL

WWALTER@TCSN.NET

August 17, 2004

VIA HAND DELIVERY

Board of Supervisors
County of San Luis Obispo
County Government Center
1050 Monterey Street, Rm. 370
San Luis Obispo, CA 93408

Re: Public Hearing – Temporary Commercial Outdoor Entertainment License
Application for the Event For More Than 3000 "San Luis Obispo Symphony Pops
by the Sea" To Be Held at the Avila Beach Resort

Applicants: Infinite Horizons, Inc. and San Luis Obispo Symphony
Date: August 17, 2004
Agenda Item: C-4

Dear Supervisors:

This office has been asked by the owners of the Avila Beach Resort to summarize the historic and legal bases for ongoing public events over the past 20 years at the property. To many people, it must seem counterintuitive to need to explain the legal bases for such long-established uses at a venue which has contributed so much to the community and become a public icon of recreational and visitor serving activities in coastal San Luis Obispo County. In summary, temporary uses have always been authorized on the property, were recognized in the 1981 Final EIR for the property, have the highest Coastal Act policy priority, were specifically required to be protected when the Coastal Commission certified the County's LCP, have been consistently acknowledged in subsequent EIR's as a baseline activity, and are specifically exempt from discretionary environmental review pursuant to the State CEQA Guidelines. With the Board's patience, this letter will briefly summarize the relevant issues.

**1. THE AVILA BEACH RESORT IS A LONG-ESTABLISHED VENUE FOR
TEMPORARY EVENTS SERVING COASTAL VISITORS**

Public events concerts have routinely taken place at the San Luis Bay Club, now Avila Beach Resort, for more than twenty years, including:

C-4 8/17/04

- KCBX Central Coast Wine Classic
- The John Madden Classic
- Hospice Beer And Blues By The Sea
- Jazz By The Sea, San Luis Symphony Pops BV The Sea
- Cal Poly Fund Raisers (E.G. Mike Krukow, Engineering, Agriculture)
- San Luis Obispo Viticulture
- Walter Capps fund raiser
- High school special events and graduation parties
- 40-50 weddings per year
- Holiday parties and events

2. TEMPORARY EVENTS HAVE ALWAYS BEEN APPROVED USES ON THE PROPERTY.

In light of this history, one must ask why is there any question about the established venue for public events and concerts. The history and permits allowing this facility/ venue are well established.

- In 1967 the County issued the use permit for the entire property as a resort and recreation/visitor serving facilities.
- In 1976 the legislature passed the California Coastal Act which established a statewide priority for visitor serving and recreational uses over residential uses in the coastal zone. (Public Resources Code Section 30222.)
- In 1981 the San Luis Bay Estates Master Plan was approved by the County and incorporated into the General Plan. The " Final Master Environmental Impact Report San Luis Bay Estates Development Plan Avila Beach, California, Project ED 80-90" as certified by this Board, expressly authorized temporary events:

"The LUE applies the recreation land use category to San Luis Obispo Creek and to areas containing existing recreational development, including the golf course, tennis courts, and hotel facilities. The permitted uses within the designated recreation area for the San Luis Bay Estates are limited by the LUE to amusement and recreational services, rural sports and group facilities, sports and active recreation, **temporary events**, caretaker residence, eating and drinking places, food and beverage retail sales, public safety facilities, accessory storage, hotels and motels, pipelines and power transmission..." [Emphasis added.]

The Final EIR discussed the consistency of these uses with Coastal Act visitor serving policies even before the County's CCP was certified by the Commission.

- The 1998 adopted finding of the California Coastal Commission on the Unocal Avila Cleanup Coastal Development Permit (App. No. E-98-13) addressed the need for mitigation to "adverse impacts to public access and recreation due to the contamination and remediation" included the Avila Beach Restoration Trust, "relating to lost use and enjoyment of public facilities" in the Avila area "impacted by the oil release." (p.3). These funds were used for a contribution to the cost of stage improvements, with the Resort owners agreeing to provide the facility cost as free to the San Luis Obispo Symphony Orchestra for an additional period of twenty (20) years.

3. THE COUNTY'S CERTIFIED LOCAL COASTAL PROGRAM DESIGNATES THE PROPERTY AS RECREATION, AND THE COASTAL COMMISSION SPECIFICALLY RATIFIED AND REQUIRED THE PROTECTION OF PRE-EXISTING VISITOR SERVING USES.

In 1983 the Coastal Commission certified with modifications of the County's Land Use Plan. In order to certify the plan, the Commission required revisions to the visitor serving standards requiring areas that "presently serve tourists and visitors to the coast shall be protected by preserving the visitor serving uses within them."

The Commission also required local land use agencies to recognize that "upland support areas and private lands and coastal areas suitable for recreation and visitor serving commercial activities shall be reserved for such developments."

The Commission found that priority shall be given to the use of private lands to enhance public opportunities for coastal recreation over private residential, general industrial, or general commercial developments.

The Commission required a visitor serving overlay ("V") designation on land use maps to protect recreational functions as the "principal permitted uses. It also protects them by requiring the preservation of existing uses and gives priority to such uses on oceanfront land consistent with the intent of section 30222. The Commission finds that, due to their location, existing facilities and desirability as tourist destination points...are high-use visitor serving areas and are designated as priority visitor serving/recreational areas with the letter 'V'." Only by protecting existing visitor serving uses could the Coastal Commission certify the County LCP as consistent with the Coastal Act. Consistent with these Coastal Act priorities, the County after 1984 issues a series of permits for the resort and visitor serving uses.

4. SUBSEQUENT BUILDING PERMITS WERE TO SUPPORT THE TEMPORARY EVENTS.

- In 1992, a building permit is issued to expand the cart barn, offices which housed the event and banquet staffs, and provided storage for the tents, tables, chairs, etc. for the public events and concerts.
- In 1996, the County issued a Minor Use Permit for expanded event restroom facilities, snack bar, support facilities, additional storage -- all for the public events. The facilities were not built until the resolution of the Unocal issues.

5. CZLUO ORDINANCE SECTION 23.08.248 DOES NOT APPLY TO TEMPORARY EVENTS AT THE RESORT.

The Resort is designated Recreational by County's Local Coastal Program. Pursuant to Table 0, Temporary Uses within the Recreational Land Use category are subject to the requirements of Coastal Zone Land Use Ordinance (CZLUO) pertaining to temporary uses, or Section 23.08.248, "Temporary Events". Pursuant to 23.08.248 (a), no permits required for (1) public events" in (A) "approved public assembly facilities." For commercial entertainment, the provisions of chapter 6.56 of the County Code to obtain a temporary commercial outdoor entertainment license may apply. In no event, however, is a further discretionary land use permit required.

6. ON-GOING PUBLIC EVENTS ARE CATEGORICALLY EXEMPT FROM CEQA DISCRETIONARY REVIEW.

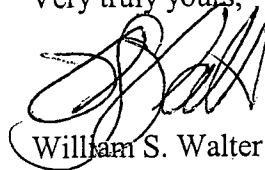
The public concerts and gatherings at existing facilities are categorically exempt under the California Environmental Quality Act (CEQA) which 'have been determined not to have a significant effect on the environment' and which are exempt from the provisions of CEQA: CEQA Guidelines, Section 15323, "Normal Operations of Facilities for Public Gatherings"

"Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, 'past history' shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. ..."

7. CONCLUSION.

Residential uses outside the coastal zone cannot be allowed to impair established, higher priority visitor and tourist serving uses within the coastal zone.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William S. Walter', is written over a circular stamp or seal.

cc: Rob Rossi
County Counsel

ATTACHMENT B

LEGAL AND POLICY BACKGROUND INFORMATION REGARDING VISITOR- SERVING USES AT AVILA BEACH RESORT

This augmented Application is consistent with the decades of prior County actions. The Board of Supervisors has acted consistently since 1980 to take quasi-judicial and quasi-legislative actions which find consistency between the visitor serving recreational uses of the Resort Property including public assembly, concerts and recreation. Starting from the most recent, these actions include:

- a. In 2014, the Board of Supervisors certified the Port San Luis Harbor Terrace Development Plan Environmental Impact Report, including presentation of its findings to the State Clearinghouse. In the “Environmental Setting Section,” or in CEQA terms the “environmental baseline,” at page 3-77, the Board certified FEIR identified, the “Project Name” as “Ongoing temporary events,” the Project Location as “Avila Beach,” and the “Project Description” as: “Ongoing temporary events held in the area include special events, concerts, and fundraisers at the Avila Beach Golf Resort, and the Avila Farmers Market held within the Avila Promenade.” (Attached as Exhibit 2)

The Board of Supervisors had the discretion in certifying the EIR to determine baseline content for environmental analysis of the project. In *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) [48 Cal.4th 310](#), the court interpreted CEQA and the Guidelines as giving the agency “the discretion to decide, in the first instance, exactly how the existing physical conditions without the project can most realistically be measured.” (*Communities for a Better Environment*, at p. 328.) The Board exercised that discretion by recognizing the **temporary events, special events, concerts and fundraisers** at the Avila Beach Golf Resort as part of the Environmental Setting required in a CEQA analysis by State CEQA Guidelines Section 15125(a). That discretion binds the subsidiary County administrative agencies under the purview of the Board of Supervisors.

- b. The Board of Supervisors adopted Resolution 2006-478 on December 19, 2006, incorporating the Parks and Recreation Element of the County General Plan. The Plan was “the result of a collaborative effort by a wide range of County staff, community members, and professional consultants.” (p. ii.) It replaced the Recreation Element “that was adopted in 1968.” (p. 3.) In addition to providing policy guidance, the “purpose of the Parks and Recreation Element is to ... **document the County’s existing park and recreation resources**, and “...facilitate the evaluation of park and recreation needs **including those of resources that are outside of the County’s management during the land use decision process.**” (pp.3-4; emphasis added.) A hearing draft was presented for public comment before the Board of Supervisors and the Planning Commission in 2006, and an Environmental Impact Report was circulated for public review in early 2006.” (p. 4.) The element is “an integral part of the General Plan. It has the same force and effect as the other Elements of the General Plan.” (p. 5.) It is internally consistent with the other general plan elements, is directly related to the Land Use Element, and is “consistent with County General Plan policies and standards.” (p. 5.)

The Board of Supervisors adopted Parks and Recreation Element in 2006, intended to “facilitate the evaluation” “during the land use decision process” identifies the Avila Beach Resort & Golf Course as:

“72 par golf course, pro shop, clubhouse, **provides concerts**, private club, and other recreation on greater than 100 acres.” (parks and Recreation Element, Table A-1, “Avila Beach (San Luis Bay PA) EXISTING, Parks, Recreation & Natural Areas,” p. 93; emphasis added.)

- c. During the County hearings on the Unocal Avila Beach Final EIR/S, the Resort owner presented comments to the County’s Environmental Coordinator’s Office in correspondence dated July 14, 1997 on the business impacts of the Unocal Cleanup efforts. Those comments clearly documented the existing recreational, resort and event uses. (Attached as Exhibit 3, 0-51). The Resort owner comments the events documented that, “As an ocean-oriented event facility and golf course, our business is dependent upon the beach, the Bay, and the peaceful natural surroundings. This niche, the beach, is what makes our business unique and has allowed us to grow significantly within the local market.” (FEIR OC-49.)

The owner also commented about the economic impacts on the existing “**Event Area:**” “**The exclusion [from mitigation] of Avila Beach Resort, Mulligan’s Restaurant, Avila Grill and our Event Area is a significant omission of the EIR.**” The Response to these comments prepared in consultation with the County Environmental Coordinator’s Office never denies the existing **Event Area** and instead defers mitigation to determination by the Coastal Commission (FEIR/S, pp, OC-100101). The Board of Supervisors approved the Final EIR/S which then went to the Coastal Commission.

The Commission addressed the need for mitigation of “adverse impacts to public access and recreation due to the contamination and remediation.” (Coastal Com. App. No. E-98-13, P. 3). The Commission issued permit, based upon the County’s comments to the FEIR/S, addressed the need for mitigation of “adverse impacts to public access and recreation due to the contamination and remediation” included the Avila Beach Restoration Trust, “relating to lost use and enjoyment of public facilities” in the Avila area “impacted by the oil release.” (Id., p. 3.) These funds were used as approved mitigation measures under CEQA for a contribution to the cost of stage improvements, with the Resort owners agreeing to provide the facility cost as free to the San Luis Obispo Symphony Orchestra for an additional period of twenty (20) years. (Attached as Exhibit 4.)

In summary, both the County through the EIR/S process and the Coastal Commission approved mitigation which included a Unocal requirement to pay for 50% of the new and enhanced stage facility to better accommodate the Resort’s existing concerts and public events on the ABR property. County Code Enforcement cannot assert a nuisance against facilities approved as consistent with the County’s Local Coastal Program for a recognized and legal use certified by the Board and the Coastal Commission.

- d. THE AUGMENTATION REQUEST IS SUPPORTED BY PRE-EXISTING USES.

The status of the legality of the event use can rely upon historical documents establishing that use, which is discussed below. However, both the County Board of Supervisors and the Coastal Commission documented the prior legal uses and history in the San Luis Bay Area Plan (Coastal):

“A conditional use permit was granted in 1967 for development of the property with a recreational/residential community with approximately 1,000 dwelling units grouped in clusters with neighborhood recreation areas. In addition, the plan called for a ‘hotel, retail sales and office, golf courses and playgrounds, trailer courts and **accessory uses.**” (**San Luis Bay Area Plan (Coastal), p. 6-6; p. 6-5 in the original text.**)

Reading the historical documents confirms this conclusion and those documents were adopted by the Board of Supervisors and bind its future findings and administrative actions.

The “accessory uses” from 1967 included visitor serving uses, recreational uses, and public events. We know this both from the history of the use of the property, but also from the Board of Supervisor’s findings certifying the San Luis Bay Estates Master Plan adopted in 1981 and the Final Master Environmental Impact Report San Luis Bay Estates Development Plan Avila Beach, California, Project ED 80-90.” The Board of Supervisors certified the FEIR on August 27, 1981, reflecting conditions which are presumed to exist as of the earlier time of the draft EIR. At page 34 of the FEIR certified by the Board of Supervisors:

“The permitted uses within the designated recreation area for San Luis Bay Estates are limited by the LUE to amusement and recreational services, rural sports and group facilities, sports and active recreation, **temporary events**, caretaker residence, eating and drinking places, food and beverage retail sales, public safety facilities, accessory storage, hotels and motels, pipelines and power transmission.” (FEIR, p. 34; emphasis added; Attached as Exhibit 5)

From 1967 onwards before the adoption of the Coastal Act, temporary events were allowed on the Resort property. There was never an enactment which made temporary events illegal or not allowed on the Resort property.

3. THE AUGMENTATION REQUEST IS CONSISTENT WITH THE LCP CERTIFICATION.

a. Pre- Coastal Act Background

Today's Avila Beach Resort was established and built in 1967 as a commercial recreation resort. It was then, and remains, part of an 1,100 acre resort/residential rental development which includes a variety of existing and allowed Recreation Uses including hotels, conference facilities, restaurants, tennis, golf, and other adjunct activities normally associated with a resort, including, banquets, weddings and entertainment.

The recreation activities, including concerts and multi-day festivals, are managed by Avila Beach Resort. Avila Beach Resort promotes golf and hospitality on its 165-acre state of the art golf course that attracts visitors from all over the world. ABR also hosts a variety of events throughout the year, ranging from music concerts, weddings, festivals, and golf tournaments. These attract locals and tourists bringing in a substantial amount in tax revenue to our County. Apart from the for-profit events, Avila Beach Resort prides itself on

helping our local charities by hosting a variety of nonprofit events and fundraisers, over the years donating upwards of \$3 Million dollars to local organizations.

In 1967, the property was designated "U" under the General Plan in place at the time which meant "undesignated" land uses. The property was previously used for more than a century for agriculture, railroad and energy uses. When the 1967 Use Permit for the commercial recreation resort was approved, it established the Commercial Resort / Recreational Uses under the "U" land use designation (prior to present day Recreation (R) zoning). The subject property operated under the 1967 Use Permit (master plan) and "U" land use designation for more than 12 years.

The 1967 Master Plan was revised in 1981 with the County's adopting the San Luis Bay Estates ("SLBE") Master Plan (the "Master Plan") into the General Plan. This plan retained the recreational focus and added residential ownership as allowed. The 1981 Master Plan and numerous subsequent amendments to it, retain and emphasize the Recreation uses and existing "visitor serving" (VS). The Area Plan Standards give priority to the recreation and visitor serving uses.

In 1981, the REC land use designation was applied to nearly 250 acres of the oceanfront portions of the 1,100 Property. The REC land use designation was intended to ensure the new land use category reflected the current and future Recreation uses of the property allowed and envisioned by the SLBE Master Plan, including hotels/cottages/resort use(s).

b. Coastal Act Priorities Support the Existing 2004 6:46 License Amendment

In 1983 the Coastal Commission certified, with modifications, the County's Land Use Plan. In order to certify the plan, the Commission required revisions to the visitor serving standards requiring areas that "presently serve tourists and visitors to the coast shall be protected by preserving the visitor serving uses within them."

The Commission also required local land use agencies to recognize that "upland support areas and private lands and coastal areas suitable for recreation and visitor serving commercial activities shall be reserved for such developments."

The Commission found that priority shall be given to the use of private lands to enhance public opportunities for coastal recreation over private residential, general industrial, or general commercial developments.

The Commission required a visitor serving overlay ("V") designation on land use maps to protect recreational functions as the "principal permitted uses. It also protects them by requiring the preservation of existing uses and gives priority to such uses on oceanfront land consistent with the intent of section 30222. The Commission finds that, due to their location, existing facilities and desirability as tourist destination points...are high-use visitor serving areas and are designated as priority visitor serving/recreational areas with the letter 'V'." Only by protecting existing visitor serving uses could the Coastal Commission certify the County LCP as consistent with the Coastal Act. Consistent with these Coastal Act priorities, the County after 1984 issued a series of permits for the resort and visitor serving uses. (Attached as Exhibit 5).

4. THE AREA PLAN, WHICH CONTROLS THE USE OF THE PROPERTY, ESTABLISHES A V DESIGNATION, WHICH IS DEFINED PRECISELY IN THE FRAMEWORK FOR PLANNING

The Area Plan Map is the most site specific aspect of the County's LCP. It designates the Resort Property as V. The Coastal Zone Framework for Planning. The visitor-serving priority areas are defined in the Recreation Section (p. 6-16, 1993 text). The purpose of the Recreation designation is: "e. To provide for visitor-serving priority areas." This is the change demanded by the Coastal Commission. The Framework defines the "Character of these areas: "a. Areas of existing and/or proposed private recreational uses that emphasize and retain a recreational resource on a significant portion of the site." (Id.) Defining the character of the Visitor-serving priority areas:

- "(1) Areas that presently serve tourists and visitors to the coast and coastal communities, which are protected by preserving the visitor-serving uses within them.
- "(2) Ocean-front land, upland support areas and private lands and coastal areas suitable for Recreational and Visitor-Serving commercial activities (as reflected on the land use maps) shall be preserved for such developments. Priority is given to the use of private lands to enhance public opportunities for coastal recreation over private residential, general industrial or general commercial development not over agricultural or coastal-dependent uses.
- (3) These areas are identified on the land use maps with the letter 'V.' The designation applies to the entire Recreation category."

The relationship between the Land Use Map of the Area Plan and the Framework for Planning policies clearly establishes the legality of the existing recreational and visitor serving uses.

5. THE AUGMENTATION REQUEST IS CONSISTENT WITH EXISTING CZLUO STANDARDS AND PERMITS

Section 23.01.030 of the Coastal Zone Land Use Ordinance (1993 version, p. 1-4) expressly provides:

b. **Effect on existing uses.** The provisions of this title are not retroactive in their effect on a use of land lawfully established as of the date of the adoption of this title, unless an alternation, expansion or modification to an existing use is proposed which requires a land use permit pursuant to this title."

No such land use permit requirement is imposed by the CZLUO.

Section 23.08.248 is only applicable to "Temporary Events." That section does not apply to the Resort property. This includes the provisions of a(2) which references commercial entertainment and the "standards of Chapter 6.57 of the County Code (Temporary Commercial Outdoor Entertainment Licenses." (p. 8-113.)

In 1992, the predecessor owner clearly documented that the existing events facilities are not "Temporary Events", but are conducted as Public Assembly and Entertainment in

existing facilities. These clear interpretations have never been disputed in the subsequent quarter century while the uses have continued.

There is nothing new about the Golf Course and Resort being considered an approved public assembly facility and not subject to MUP requirements for “temporary events.” County golf courses regularly include similar events. More than two decades ago, Mitch Walker on behalf of the owners of the property addressed the issue in concise terms which have the same merit today as they did then (Correspondence, July 6, 1992, addressed to County Planning Department, Attached as Exhibit 7). He was uniquely qualified to provide information since he had been involved with the property from the beginning. The following are quotes from that compelling analysis, which was never substantively refuted or legally challenged:

“We believe that the existing Land Use category of the property (i.e., zoning of Recreational) allows [the special events] use. Looking at allowable uses in Table O of the Local Coastal Plan, there are two possible classifications of the use we are making on this property; Temporary Events or Public Assembly and Entertainment. Temporary Events is a S-17 use requiring a permit while Public Assembly and Entertainment is an allowable use. Following are the definitions of each:

“Temporary events

Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include but are not limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts.”

“Public Assembly and Entertainment

Facilities for public assembly and group entertainment such as: public and semi-public auditoriums, exhibition and convention halls; civil theaters, meeting halls and facilities for ‘live’ theatrical presentations or concerts by bands and orchestras; motion picture theaters; amphitheaters; meeting halls for rent and similar public assembly uses.

“It seems clear that the type of activities we are doing should be classified as Public Assembly and Entertainment. **One key difference between these definitions is the fact that we have built extensive permanent support facilities for long term, daily use of this property for a variety of events. Numerous patios, electrical hookups, equipment storage areas, parking facilities, and banquet facilities are integral to our business and support these activities. It would be impossible to cater weddings or other group events without these facilities.**

“Events such as the KCBX Wine Classic also depend on these permanent support facilities. The definition of ‘temporary events’ refers to large gatherings for a one-time event much like a ‘Woodstock’ type concert. [Our] schedule of events is continuous and an integral part of our business with a full-time staff. There is nothing temporary about the operation.” (Emphasis added.)

Mr. Walker also refers to the San Luis Bay Planning Area definition of uses within the Recreation category for San Luis Bay Estates (then on page 90), which includes temporary events.

Consistent with permanent facilities and improvements, public events and concerts have routinely taken place at the San Luis Bay Club, now Avila Beach Resort, for more than thirty years, including:

Over 400 music and similar events

KCBX Central Coast Wine Classic

The John Madden Classic

Hospice Beer and Blues By The Sea

Jazz By The Sea, San Luis Symphony Pops BV The Sea

Cal Poly Fund Raisers (E.G. Mike Krukow, Engineering, Agriculture)

San Luis Obispo Viticulture

Walter Capps fund raiser

High school special events and graduation parties

40-50 weddings per year

Holiday parties and events

Since 1992, the “facilities” have been consistently expanded with approved permits. First, of course, the events stage for these events resulting from the Unocal Cleanup approved mitigation measures sanctioned by the Coastal Commission. But there have been more:

Illustrating Mitch Walker’s references to permanent support facilities, in 1992, a building permit is issued to expand the cart barn, offices which housed the event and banquet staffs, and provided storage for the tents, tables, chairs, etc. for the public events and concerts.

In 1996, the County issued a Minor Use Permit for expanded event restroom facilities, snack bar, support facilities, additional storage -- all for the public events. The facilities were not built until the resolution of the Unocal issues.

In summary, the events are a pre-existing legal use, they have the highest Coastal Act priority use, they were lawfully existing before the LCP was certified, they have 40 years of continuous activity, they are exempt from additional permit requirements, and have benefited the County and visitors to the Central Coast.

Legal Exhibits:

Exhibit 1: Correspondence from 1992-2017 Regarding Event Use

Exhibit 2: Port SLO Harbor Terrace EIR Page 3-77

Exhibit 3: February 1998 Unocal Cleanup EIR Comments

Exhibit 4: CCC E-98-13 Unocal

Exhibit 5: SLBE EIR – Page 34

Exhibit 6: October 1983 CCC Revised Findings

Exhibit 7: 7/16/1992 Letter from Mitch Walker

Exhibit 1

Correspondence from
1992-2014

Regarding Event Use



CAL FIRE
San Luis Obispo
County Fire Department



Robert Lewin, Fire Chief

RECEIVED AUG 11 2011

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org

August 9, 2011

TO: Rossi Enterprises
750 Pismo St
San Luis Obispo, CA 93401

Our agency was recently contacted by the Avila Valley Advisory Committee regarding emergency access concerns relating to Blue Heron Drive. Blue Heron Drive is a documented emergency access road serving the entire Avila Valley; which means this roadway must not be blocked or impeded, year round, for all risk evacuation needs. After completing an investigation of the roadway concern; we will now require that Blue Heron Drive be designated as an emergency access road with parking allowed in designated parking areas only.

We will require "parking only in designated areas" signage be posted along the roadway in accordance with the California Fire Code. This new requirement will ensure that Blue Heron emergency access road is not impeded or blocked at any time by vehicular parking or special event equipment. This road must be available for passage at any time for public emergency evacuation, and to ensure access for emergency services personnel for protection of life and property.

The specific area that will require parking signage will begin at the large turnout adjacent to the Bob Jones pedestrian bridge leading to Avila Beach Drive, and terminate in the existing parking lot adjacent to the Golf course/restaurant area. Designated parking areas will be allowed only where road width exceeds 20 feet. Parking areas will require an additional eight (8) feet of road width. Parking will be allowed on one side only. Flammable vegetation management will be required on 10 feet on either side of access road according to the California Fire Code.

We would like to schedule an onsite meeting to approve designated parking areas, required signage placement, and verbiage. We respectfully request a meeting date of August 30 0930 at the golf course restaurant.

Thank you for your concern for public safety. We look forward to meeting with you to ensure safe and successful enjoyment of the Avila Valley.

Sincerely,

Paul Lee
Fire Marshal

CC:
Rossi Enterprises
County Of San Luis Obispo
San Luis Bay Estates Master Association

TABLE A1 - AVILA BEACH (San Luis Bay PA)**EXISTING Parks, Recreation, & Natural Areas**

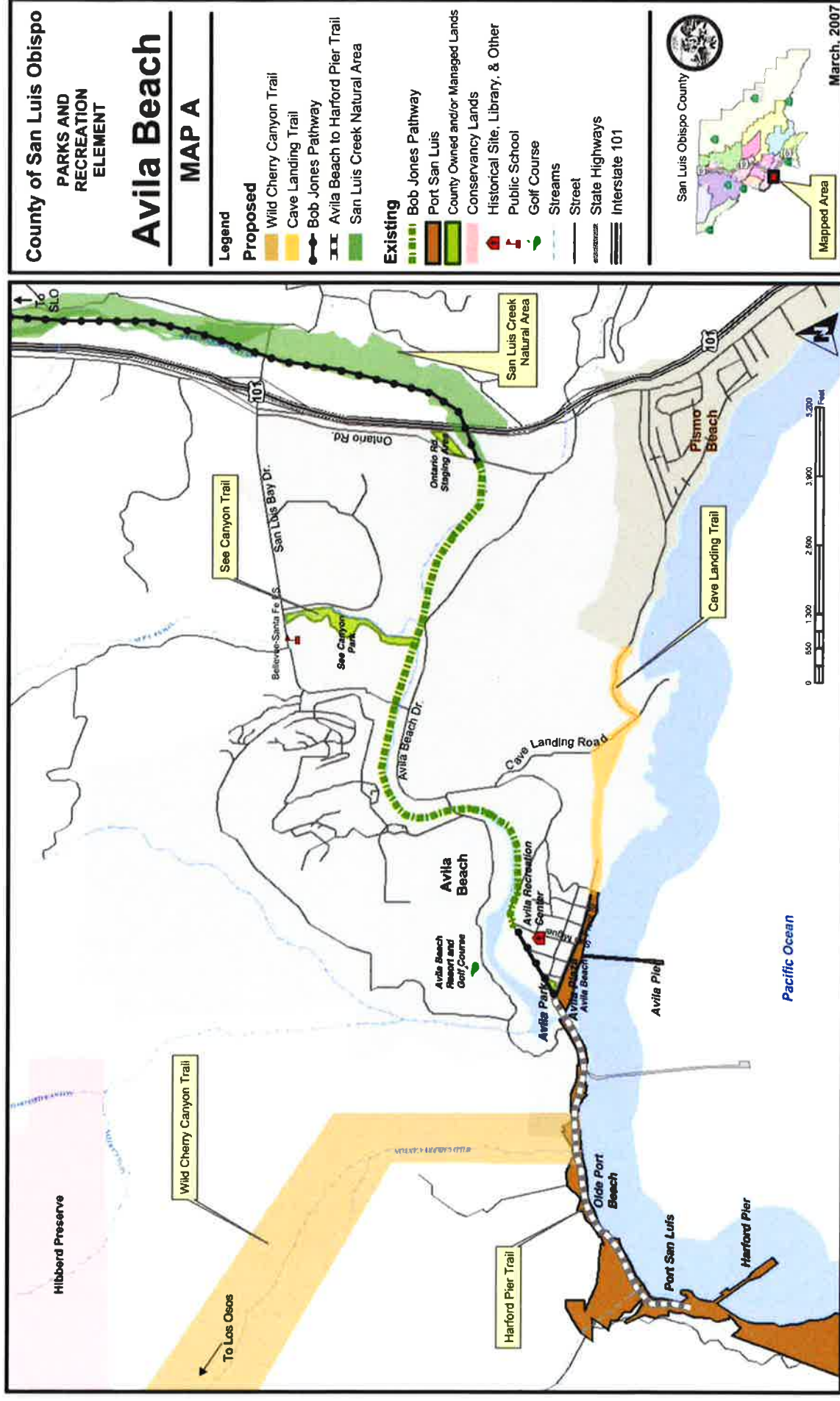
Name	Facility Type	Owner/Operator	Provides	See:
West Irish Hills Natural Park South of Montaña de Oro and east of Diablo Canyon	Natural Area	Bureau of Land Management, Nature Conservancy	Habitat protection and potential development of trails. (1,200 acres +).	Not Mapped
Hibbard Preserve		SLO Land Conservancy	The preserve is a natural area originally conserved by the Nature Conservancy and is in the middle of the Irish Hills.	
Avila Park Front Street, Avila Beach	Community Park	SLO County Parks	Children's play equipment, picnic areas, restrooms, access to the beach and Avila Plaza, and open play area.	A V I L A M A P
Avila Plaza Front Street, Avila Beach	Community Plaza	SLO County/SLO County Parks	Pedestrian plaza along a portion of Front Street.	
See Canyon Park San Luis Bay Drive, Avila	Park	SLO County Parks	Undeveloped parkland. Expand parkland in this area if possible.	
Avila Recreation Center 191 San Miguel Street, Avila	Civic Center Building	Avila Civic Association	An area for indoor recreation.	
Bob Jones Pathway (San Luis Bay Drive to Avila Beach Road), Avila	Bicycle Path & Pedestrian Corridor	Private	County is working on accepting this from the private developer. Currently the path is open to the public. (~2 mile)	
Bob Jones Pathway (Ontario Road to San Luis Bay Drive), Avila		SLO County Parks	Class I bicycle path and pedestrian path, staging area at Ontario Road, and parking.	
Pecho Trail to the Lighthouse (Avila Beach Road and the Lighthouse), Avila	Trail	Pacific Gas & Electric & Port San Luis	Public tours lead by docents. Hiking available if arranged in advance. No general public access without permission by PG&E.	Not Mapped
Avila Beach Coastline Community of Avila, Avila	Beach	Port San Luis	Public parking, restrooms, vendors, boating and swimming. This beach is located within the community of Avila and extends the town to the Port San Luis Pier.	A V I L A M A P
Avila Beach Resort & Golf Course Avila Beach Road, Avila	Golf Course	Private	72 par golf course, pro shop, clubhouse, provides concerts, private club, and other recreation on greater than 100 acres.	
Bellevue-Santa Fe ES 1401 San Luis Bay Drive, Avila	School	San Luis Coastal School District	Children's play equipment, basketball and handball courts, sports fields (grass area with back stops), and school facilities.	

TABLE A2 – AVILA BEACH (San Luis Bay PA) PROPOSED County Parks, Recreation & Natural Areas		
Name	Location	Description
Avila Community Park *	<i>Specific site unknown</i>	Provide a community park in the Avila Valley. <i>Not Mapped</i>
San Luis Obispo Creek Natural Area *	City of SLO to Pacific Ocean	Restoration and protection of riparian habitat, environmental education and passive recreation opportunities.
Cave Landing Trail *	Bluff & Local Roads	Connect the town of Avila to Cave Landing Road and Bluff Drive along the bluffs and near the old Cave Land right-of-way. <i>See Avila Map</i>
Avila Beach to Harford Pier Trail *	Vicinity Avila Beach Drive	Provide a trail connecting the community of Avila Beach to Harford Pier. <i>See Avila Map</i>
Ontario Ridge Trail Along Ontario Ridge	SLO County Parks	Work with the community of Avila Beach to provide a trail along Ontario Ridge.
Bob Jones Pathway * (Avila Beach Road/San Miguel to Avila Park)*	Vicinity of Avila Beach Road	Connect the existing section of the Bob Jones Pathway near the sewer plant to Avila Park. <i>See Avila Map</i>
California Coastal Trail (CCT)*	<i>Along the coast</i>	The CCT is a statewide trail extending along the California coast. In San Luis Obispo County, the CCT is generally located along the marine terrace. Periodic public access to the CCT should be provided from the first public road. The CCT will connect the various coastal communities. Preserve sensitive habitats, passive recreation and nature study. <i>Not Mapped</i>
<i>Also See San Luis Bay Planning Area Projects</i>		

Notes: * The project would be owned and/or managed by SLO County Parks or a similar entity.

** The project would be owned and/or managed by a homeowner's association, non-profit, or a similar entity.

AVILA BEACH MAP



The trails shown on this map do not authorize the public or any member thereof any right of public access to private property.



SAN LUIS BAY

ESTATES

July 6, 1992

Mr. Terry Wahler
Planning Department
County Government Center
San Luis Obispo, CA 93408

RE: Use of Golf Course for Special Events

Dear Terry:

During our meeting of June 22, 1992, you discussed/questioned the use of the golf course, such as the area around Mulligan's and the Pro Shop for special events. We believe that the existing Land Use category of the property (i.e., zoning of Recreational) allows this use. Looking at allowable uses in Table O of the Local Coastal Plan, there are two possible classifications of the use we are making on this property; Temporary Events or Public Assembly and Entertainment. Temporary Events is a S-17 use requiring a permit while Public Assembly and Entertainment is an allowable use. Following are the definitions of each.

Temporary Events

Any use of a structure of land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include but are not limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts.

Public Assembly and Entertainment

Facilities for public assembly and group entertainment such as: public and semi-public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands and orchestras; motion picture theaters; amphitheaters; meeting halls for rent and similar public assembly uses.

It seems clear that the type of activities we are doing should be classified as Public Assembly and Entertainment. One key difference between these definitions is the fact that we have built extensive permanent support facilities for long term, daily use of this property for a variety of events. Numerous patios, electrical hookups, equipment storage areas, parking

Mr. Terry Wahler
Page 2
July 6, 1992

facilities, and banquet facilities are integral to our business and support these activities. It would be impossible to cater weddings or other group events without these facilities.

Events such as the KCBX Wine Classic also depend on these permanent support facilities. The definition of "temporary events" refers to large gatherings for a one time event much like a "Woodstock" type concert. We schedule of events is continuous and an integral part of our business with a full-time staff. There is nothing temporary about the operation.

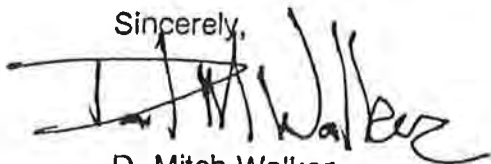
In addition to this, the San Luis Bay Planning Area has the following definition of uses within the Recreation category for San Luis Bay Estates, page 90.

Recreation: The following standards apply only to lands within the Recreation land use category.

1. Limitation on Use. Principal permitted uses are limited to: eating and drinking places (not including drive-in restaurants, fast food and refreshment stands); food and beverage retail sales (limited to tourist-oriented supplies); and hotels and motels. Non-principal permitted uses include: amusement and recreational services; rural sports and group facilities (excluding equestrian exhibition facilities); sports and active recreation; temporary events; caretaker residence; public safety facilities; accessory storage; and pipelines and power transmission. (This is a visitor-serving priority area.)

Clearly, even if you consider our events as "temporary", the Local Coastal Plan encourages their existence under the existing approved plan.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Mitch Walker". The signature is stylized with a large, sweeping "W" and "A".

D. Mitch Walker



Department of Planning and Building San Luis Obispo County

Alex Hinds, Director

Bryce Tingle, Assistant Director
Ellen Carroll, Environmental Coordinator

Barney McCay, Chief Building Official
Norma Salisbury, Administrative Services Officer

July 12, 1995

Avila Beach Resort
412 Higuera Street
Suite A
San Luis Obispo, Ca.
93401

Dear Mr. Rossi:

I'm writing in response to your recent request for land use consistency verification for the golf course at San Luis Bay Estates.

As you know the land use category (zoning) is "Recreation" for the subject parcel. The land use element of the general plan lists golf courses as a "Permitted / S-4" (permissible) land use subject to minor use permit approval.

Since the golf course use was established prior to the currently adopted general plan and land use ordinance establishing current design and permitting requirements, and was approved under previous requirements, it may therefore continue in its present form.

If you need additional information please do not hesitate to contact me at (805) 781-5600.

Sincerely,



Terry Wahler, Senior Planner

Development Review Section

AVILA BEACH RESORT

C/O ROSSI ENTERPRISES
750 PISMO STREET
SAN LUIS OBISPO, CA. 93401
PHONE: (805) 543-4333 * (805) 543-4220

October 20, 2003

John Ufrat
Community Development
County of San Luis Obispo
990 Palm Street
San Luis Obispo, CA 93403-8100

HAND DELIVERED

Re: Avila Beach Resort - 1967 Use Permit # U6700118:2, Building Permit, 1981 Master Plan/ General Plan 80-90, 1980 Lot-Line Adjustment, 1992 Permit, 1996 Use Permit Modification, 1998 Building Permit # B951342001

Dear John:

I am writing to further document the history of the San Luis Bay Club, now known as Avila Beach Resort (A.B.R.). While there have been a series of ownership changes from its original creation, the business and use has remained essentially the same. This letter is not intended to be comprehensive in its overview, but simply identify the more significant milestones that have occurred during A.B.R.'s existence since it was created as part of the San Luis Bay Club in 1967. This will neither be a legal review of the vested right to continue pre-existing uses, which are consistent with the highest priority uses under the California Coastal Act, nor an argument that (i) consistent administrative practice has recognized the legality of current uses, or (ii) that the reliance upon these uses estopps the County from denying their continuation.

By way of background, Mr. Marre, the then owner of the entire Rancho that stretched from Montana De Oro to Avila Bay Drive, established the San Luis Bay Club arising out of the approval on February 14, 1967 of the Master Plan covering 1,100 acres ("use permit U670118:2). Generally speaking, the use permit allowed 1,000 residential dwellings along with a variety of recreational/visitor-serving facilities including a resort hotel, 18-hole golf course, driving range, tennis and swimming facilities, and a commercial village. Three food and beverage facilities were built, including interior and exterior conference and assembly facilities. Construction occurred circa 1968 and it began operations later that year.

In 1972, the Coastal Zone Initiative was passed by the voters of California, which focused attention upon preserving, enhancing, and maintaining visitor serving uses in the Coastal Zone for the benefit and enjoyment of present and future generations.

October 24, 2003
John Ufrat

In 1976, the Legislature passed the California Coastal Act, which codified a policy of preserving and enhancing existing visitor serving and recreational uses. In an effort to comply with the policies of the Coastal Act, on July 13, 1983, the California Coastal Commission certified, with suggested modifications to the County's Land Use Plan Resubmittal, and the Commission approved revised findings on October 14, 1983. In order to certify the Plan, the Commission required revisions to the visitor serving standards requiring areas that presently serve tours into and visitors to the coast and coastal communities, shall be protected by preserving the visitor serving uses within them." (Page 47.) The Commission also required local land use agencies to recognize that "upland support areas and private lands and coastal areas suitable for recreation and visitor serving commercial activities shall be reserved for such developments." (*Ibid.*) The Commission found that priority shall be given to the use of private lands to enhance public opportunities for coastal recreation over private residential, general industrial, or general commercial developments (Page 47). This reflected the priority for protecting visitor serving and recreational uses under section 30222 of the Coastal Act. The Commission explained the need to preserve and protect existing visitor serving uses, such as the predecessors to the Avila Beach Resort:

"Section 30222 requires that visitor serving commercial recreational facilities have priority over residential and other commercial or industrial uses. Modification C-1 would establish that the purpose of the Recreation and Commercial Retail designations with the Visitor-Serving overlay ("V" designation on land use maps) is to provide such facilities by including uses consistent with visitor-serving and recreational functions as the principal permitted uses. It also protects them by requiring the preservation of existing uses and gives priority to such uses on oceanfront land consistent with the intent of Section 30222. The Commission finds that, due to their location, existing facilities and desirability as tourist destination points the areas described in the modifications (C-7, C-9 and C-11) are high-use visitor serving areas and are designated as priority visitor-serving/recreational areas with the letter "V". Their inclusion in the LUP would meet Coastal Act requirements regarding the protection, provision and priority of visitor and recreational opportunities."

Thus, the Commission found:

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“The County in resubmitting the visitor-serving land use designation definition and priority use policy did so by stating that the proposed modifications were redundant and unnecessary. Commission staff believes that these modifications are necessary to insure consistency with PRC Sections 30222 and 30213. Revisions have been made by staff to address some of the County's concerns and to simplify the modifications, while not altering their intent. As modified, the LUP can be found consistent with PRC Sections 30222 and 30213.”

Mr. Marre's business difficulties, and other financial obligations, resulted in the entire 1,100 acres ultimately being seized by creditors as part of an extended bankruptcy process in the 1970's. When the creditors received control of the property, they pursued clarification that the golf resort and hotel was able to operate as a conventional resort/conference center, consistent with expectations based upon Coastal Act policies. Since 1980, the property operated as a typical resort with conferences, weddings, meetings, and events held at both the hotel and on the golf course properties. Since that time, both the hotel and the golf resort have continued to serve as approved public assembly areas. In 1981, with the approval of the Master Plan, the name was changed from the San Luis Bay Club to San Luis Bay Estates, and the hotel and golf operated as the San Luis Bay Inn. As a single property, operationally and physically, it was open to the general public rather than restricted solely to owners and guests of the San Luis Bay Estates community. As a result, the operation of the San Luis Bay Inn with its restaurants, The Cove, The Gatehouse, and various assembly uses included conferences, banquets, tennis, golf, and swimming, all operated as a "Destination Resort". This established the foundation for the current business operations of what is now "Avila Beach Resort", including the start of events such as Cal Poly fundraisers like the John Madden Golf Tournament, auction, and banquet. Other events, such as the KCBX Wine Festival, began as well. The Resort offered a complete compliment of food and beverage services and various interior and exterior venues. Conferences and meetings were routinely held at the hotel, on the golf course, and at the tennis facilities using tents or open air depending on the nature of the activity.

Sometime around 1981, after approval of a lot line adjustment, the 16-acre hotel portion of the Resort was separated from 170-acre golf and event facilities and was sold to a separate company. The new hotel ownership initially continued to manage the operation of what is now the Avila Beach Resort property and facilities, although separately owned. This management arrangement continued until the mid 1980's.

When the hotel was sold, the former Gatehouse Restaurant located on the promontory (now a parking lot for the hotel) was moved to the Avila Beach Resort Golf Course and renamed "Mulligan's". At that time, it was expanded to include a banquet room, three dining patios, (one covered), and outdoor barbeque facilities for banquet and events.

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Total seating within this facility is approximately 250 – 300. Larger events were offered at a variety of locations including at the hotel, on the terrace, on the golf course, and on the tennis courts. Tents were, and continue to be, utilized. Banquets often included live music. This type of business is normal and ordinary for resorts and golf courses, and consistent with Coastal Act priorities. A resort's normal operations include weddings, conferences, and other similar ancillary activities.

In 1989, we purchased the rights to the remaining undeveloped portion of the San Luis Bay Estates, and I separately acquired what is now the Avila Beach Resort, the cottage parcel, and the commercial area know as "Avila Village", including the Avila Bay Club. The Resort operated in concert with the hotel, and never distinguished itself in name or operation and continued to serve a variety of recreational uses.

We established the name "Avila Beach Resort" in lieu of San Luis Bay Club around 1991. Likewise, the San Luis Bay Inn, then also part of the existing "Resort", was acquired by a timeshare operation, Glen Ivy. The Inn was already approved to expand to 144 rooms with increased conference facilities. The timeshare approvals subsequently eliminated some restaurant and banquet facilities in lieu of larger, one and two bedroom suites to be sold as timeshare units.

When the time-share functions were separated, the only basis for finding such approvals consistent with the Coastal Act, was the continuation of the pre-established visitor serving uses on the property. It would not otherwise have been possible for the County to have found the elimination of existing visitor serving uses consistent with the Coastal Act and LCP if it had not continued to recognize that the pre-existing visitor serving uses and recreational uses would be preserved, even after expansion of the time-share uses at what had been the San Luis Bay Inn.

Glen Ivy soon thereafter went into a prolonged bankruptcy proceeding. It's interests were acquired out of bankruptcy by a company then known as K.O.A.R, which ultimately became "Sunterra Resorts". Sunterra also subsequently filed for bankruptcy protection and is just now emerging with the intent to sell the remaining 50 or so units, many of which have gone unsold, to this date.

The use change from a hotel to a timeshare is significant because that use change could not have been justified as consistent with LCP unless preexisting visitor serving recreational uses were preserved and protected. It is not unusual for the "timeshare owner" to be a local resident and thus the use is not primarily visitor serving. To continue the viability of existing visitor serving/recreational uses, we have continued to operate as a "Resort" hosting a variety of visitors' serving/ recreational uses. The Resort has remained one of the County's premiere locations for events including a host of fundraisers.

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After acquiring, what has become Avila Beach Resort and its affiliated properties in 1989, we maintained operations, making incremental improvements that included upgrading the maintenance facilities, the Pro Shop, and the "events area" without changing the character of the preexisting uses. The "event area" is 4-acres of turf and beach, separate from the golf course located adjacent to Mulligan's. When we acquired the property many events were well established, including various Cal Poly fundraisers, the KCBX Wine Festival, car shows, and numerous others.

We have continued to work with the organizer's of each of those and other events to maintain the viability of existing visitor serving/recreational uses, and to compensate for an ever-changing business environment resulting from the loss of the San Luis Bay Inn to timeshare, and the opening of newly developed competition from Dairy Creek Golf Course, and other emerging hotel/ golf competition.

Our largest single competitor is the County's three golf courses. The County maintains approximately 40% of the golf business at rates lower than the "free market" would ordinarily bear. These courses also provide banquet and events competition providing similar services. To compete we continue to focus our business activities on our long established golf, banquet, wedding, and events activities, but we hope to again have hotel accommodations in the future. The loss of San Luis Bay Inn as a hotel required us to establish business links with a variety of hotels in both Pismo Beach and San Luis Obispo. However, since the local hotel businesses already enjoys high occupancy without golf packages, golf tourists wanting to come to the Central Coast find it difficult to find accommodations in close proximity. This has severely impacted our business and continues to diminish our ability to put together appropriate travel packages that maintain viable visitor serving uses.

After acquiring Avila Beach Resort, we investigated the possibility of adding a museum and some other uses that were not identified clearly within the then current San Luis Bay Area Plan. After discussion with County staff, it was determined that we would probably have to modify the General Plan language through a development plan application as provided by the County's General Plan that relates specifically to the San Luis Bay Estate properties. As a part of those discussions, the question was raised regarding the nature and scope of the events at Avila Beach Resort, then well established and ongoing. From those meetings a letter was written, a copy of which is attached, in 1992 to the County via the area's planner Terry Walher. It was sent to verify in writing our understanding as it has been discussed. We never heard another questions regarding this issue.

To offset some of these ongoing competitive business forces and recover from the consequences of the 1995 Flood and the Unocal/ Avila Beach clean up, we have managed our visitor serving business by maintaining our ongoing banquets, events, and conference operations. To improve their function, in 1995, a plan was submitted to the County for an expansion of the then partially completed cart barn started in 1992. Although this was an expansion of the existing building and for established uses, we were asked to process a

October 24, 2003
John Ufrat

minor use permit. No discussion occurred with County staff at the time of the minor use permit with regard to the nature of the business and/or pre-existing uses. It was understood by the plans that the additional facilities were to maintain and protect the viability of the existing ongoing operations. The plans submitted clearly included a new snack bar with kitchen, a semi-private lounge that included a small kitchen and bar, a significant addition of bathrooms next to the existing events area, and a guest suite for changing to be utilized by guests of the Resort including brides in preparation for their weddings. This use, is routine and ordinary at our golf resort, as it is at all of the golf courses within the County, as well as elsewhere.

Since 1992, our continuing operations, including events, reflected the acknowledgement of the right and permission to operate the businesses and uses that were then over a decade old. No subsequent questions from staff arose regarding use thereafter until now, and thus, whenever we submitted applications for improvements no questions arose regarding the preexisting uses and building permits were given.

Our operations are consistent with the LCP and Coastal Act priorities. In fact, at the time that we were acquiring financing in 1995 it was required that we receive from the County a letter that the property was operating in conformity with the current requirements. In response to this request a letter dated July 12, 1995 was prepared again by the area planner Terry Walher and delivered to the lender. We had no reason to doubt the complete legitimacy of our operations and uses.

The use permit granted in 1996 proved difficult to implement in light of uncertain economic impacts of the pending Unocal clean up. I know that you have been intimately involved with the Avila situation and can remember that in 1996 great uncertainty and anxiety centered around the Unocal project as was reported daily in the media. The negative impact on our business made it impossible to move forward with these improvements at that time. Thus we applied for and received various extensions for the construction, which would implement the use permit. This was a difficult time as our business and the community suffered as the very public debate discussed the clean up, which severely denigrated the viability of Avila's visitor serving uses before and during the clean up. Our business along with others suffered greatly during the clean-up period and has only recovered recently, allowing us to move forward with the completion of the facilities.

Avila Beach Resort was one of the largest existing businesses affected by the Unocal clean up, and as a result received mitigations, as required by the Unocal E.I.R. as part of that mitigation. Unocal provided funding on behalf of our events including a new stage to replace the original set up and specifically to also support the San Luis Symphony. In the process of Unocal's E.I.R. and the public debate, the Avila Beach Resort took an active role. Copies of letters sent to the County are included in Unocal's E.I.R. and subsequent clean up order were incorporated. Again, these letters to the County clearly indicated the then scope and nature of our business.

October 24, 2003
John Ufrat

During that time significant changes within the market place have occurred and one component of our approved building, which we believe currently premature, but may be added at some future date in either this facility or another location, is the proposed locker room adjacent to the club/ lounge. As a result, we submitted for County approval of this change through the building permit process and received approval with the building permit modification. The result was elimination of some restrooms, locker room, and addition of a conference room, accommodating 60 persons.

As you know, operationally we have attempted to operate as a good neighbor to residents both within the San Luis Bay Estates and the community of Avila. We are a visitor serving business and less than 5% of our business comes from residents within the San Luis Bay Estates. We employ many techniques to diminish potential traffic impacts including event carpool incentives, free parking, bus transit, and linkages with other businesses for offsite conveyance of our guests. We also accommodate, on various portions of the golf course, parking onsite adequate to accommodate all those who attend our events. While we cannot make the customers park on-site, we find that most do. However, others do tell us they park in town since they are also visiting other Avila businesses before and after our events.

We also try to time our larger events so that they do not coincide with peak hour trips in and out of Avila, the frequency and timing of which are well documented and known from previous traffic studies dating back to the early 1990s.

We also utilize, as guidelines for our operation, the procedures that have been established by the County's Health Department for events that exceed 3,000 participants, even though our don't. We believe imposition of these guidelines even when we stay under 3,000 participants is appropriate. For events that have sizeable crowds, we also notify appropriate authorities including the California Highway Patrol, the Sheriff's Department, and as necessary and appropriate, the Health Department.

While some events are added and others deleted, we operate 10 large events reoccurring annually. We commonly refer to events as our "Avila Beach Classics". These events include "Jazz by the Sea", "The Blues and Beer Festival", "The Hospice Fundraiser", the "KCBX Wine Festival" (now concluding its 20th year), "San Luis Obispo Symphony Pops by the Sea", "Car Show", "City to the Sea", "Cuesta College fundraiser", "Salmon Enhancement fundraiser", and various other events. We have had Native American drums, exotic automobile shows, sports events, and other festivals of similar or lesser size.

We try to operate in a way that will minimize impacts on our neighborhood, while protecting the viability of existing visitor serving uses. Some of the events occur on major holiday weekends. We carefully manage our uses to not add to the already active beach traffic. It would be difficult to distinguish our impacts from those of an ordinary

October 24, 2003
John Ufrat

active beach day, such as the 4th of July. The Resort did not have a significant activity on July 4th for the last couple of years, however, the traffic in Avila was still significant. The parking both within the community, and along Avila Beach Drive, was identical to that experienced on other active beach weekends, including those on which we hold special events.

We recognize that because there is music emanating from some of our events that it is easy to target to identify our operation, separate and apart from others. We believe that this entertainment is complementary to the beach activity and has become a part of the beach experience as much as golf event and other special occasions. These activities can, and should be, accommodated at places like the Avila Beach Resort and are consistent with Coastal Act priorities.

We always want to improve what we do. Toward that end, we have been implementing different layouts for music venues, to protect the integrity and maintain control over the areas where these events are held, and to diminish overflow of sound that might emanate into the community. We have our own sound meter and routinely test levels during events to verify consistency with the County standards. To further minimize potential impacts, we have been experimenting with our staging arrangements by holding some events on a portion of the driving range. It is a natural bowl that can accommodate the same kind of existing uses that are currently held by the beach. In the beginning of the year 2004, we intend to focus a number of existing music events on that venue for the specific purpose of diminishing noise to the neighboring properties, while maintaining the viability of existing visitor serving/recreational uses.

With the completion of the current addition to our building facilities, some events which have been held outside in the past, will be held inside. We have also replaced previous temporary facilities that have been deployed for decades for existing uses. These improvements reduce the need for portable restrooms, provide better electrical distribution, and avoid the use and need for the temporary lighting facilities that are often deployed when events run into the evenings.

Avila Beach Resort currently serves, and has served during our ownership, approximately 110,000 to 120,000 coastal visitors per year. We plan, as we have discussed, the submittal of a development plan for visitor serving accommodations on the property to replace those lost when the 144 room Inn became a timeshare. We have been able to maintain a steady level of use by San Luis Bay Estates residents, who currently constitute somewhere between 3% to 5% of our total business, which is equal to 7% of our "golf" business. This means that more than 95% of our business is effectively "visitor serving use". Those numbers have virtually remained unchanged for more than 15 years, even though the housing within the San Luis Bay Estates has more than doubled. The residents of the San Luis Bay Estates are typical in their use of the Resort when compared to other properties that are visitor serving. To maintain the viability of our visitor serving uses in what is one of the best resort locations on the coast, it is imperative that we ultimately

October 24, 2003
John Ufrat

add hotel and ancillary improvements. These were included in the approved 1981 Master Plan

We have made a significant financial commitment to maintaining viable visitor serving/recreational uses, including those reflected in the approval of the use permit in 1996, which implemented significant improvements, both fixed and moveable. We have invested well over a million dollars for construction of visitor serving facilities, as well as the procurement of a portable stage in association with Unocal, in order to maintain the Resort as the premier venue for music events such as the San Luis Obispo Symphony.

You also asked how an emergency would be handled, from the standpoint of both circulation and emergency planning. You will remember in 1991 with the approval of 3 tracts (Nos. 1614, 1497, and 1563) within the San Luis Bay Estates, and as recommended by the original DKS Traffic Study, the private road, which exits through Avila Beach Resort's property (Blue Heron Drive) is designated as an emergency route in addition to its original and ongoing use as a private street within the San Luis Bay Estates. A portion of that street is now a portion of the "Bob Jones Trail", which runs conjunctively with the ongoing rights and use of that road for the benefit of Avila Beach Resort, and certain portions, for the benefit of residents of the San Luis Bay Estates.

Our events which involve significant traffic and a large numbers of visitors, are coordinated with the California Highway Patrol, and a private security company, Jim Miller Event Security, which not only operates at our venue but also other large venues such as the Mid State Fair. They are trained professionals who are capable of handling emergency situations.

At larger events we typically have, on station, qualified paramedics in addition to security personnel. We always take the visitor serving operations seriously and continuously look for ways to improve. Any suggestions you have would be welcomed. We provide quality visitor serving activities and entertainment at the beach in a variety of ways that are consistent with the goals and objectives of the Coastal Act and the County LCP for this area. We have a record of safe public recreation that we are proud of, with very few incidents considering well over 2 million coastal visitors have been served at the Resort since the uses were created in 1968.

The use permit submitted and approved in 1996 involved many upgrades throughout the property. These approved upgrades preserve the viability of existing uses, including the completion of what was formerly the cart barn expansion, which included new restrooms.

The new building, replacing what was formerly approved for both the first and second stories, included significant restrooms for the events, a changing suite, a snack bar with a kitchen on the ground floor, in addition to additional cart barn space and storage for events. The second floor included meeting and/or office space, a lounge or deck, and a bar and small kitchen with locker room facilities. Other modifications in the approved use

October 24, 2003
John Ufrat

permit were modifications to Mulligan's Restaurant, including improvements to the kitchen and restrooms, along with rearrangement of interior space to accommodate ADA and current building code and Health Department requirements. Other changes within the property include replacing the current trailers and storage, which were provided for maintenance staff, and replacing them with permanent facilities with ADA improvements throughout various portions of improved parts of the property.

I hope that this background information will address any concerns or questions raised about our pre-existing, visitor serving and recreational uses.

Best regards,

Rob Rossi
RR/kg

Cc: Robert Ogden, General Manager of Avila Beach Resort
Steve Walser, Landmark National
Paul Metchik, Esq.
William S. Walter, Esq.

Enclosures: Avila Beach Resort Letter to County dated July 6, 1992
Avila Beach Resort Letter to County dated July 14, 1997, Unocal E.I.R.
Paul Metchik, Esq. Letter to County dated July 14, 1997, Unocal E.I.R.
Terry Walher letter to Avila Beach Resort dated July 12, 1995



Department of Planning and Building San Luis Obispo County

Alex Hinds, Director

Bryce Tingle, Assistant Director
Ellen Carroll, Environmental Coordinator

Barney McCay, Chief Building Official
Norma Salisbury, Administrative Services Officer

July 12, 1995

Avila Beach Resort
412 Higuera Street
Suite A
San Luis Obispo, Ca.
93401

Dear Mr. Rossi:

I'm writing in response to your recent request for land use consistency verification for the golf course at San Luis Bay Estates.

As you know the land use category (zoning) is "Recreation" for the subject parcel. The land use element of the general plan lists golf courses as a "Permitted / S-4" (permissible) land use subject to minor use permit approval.

Since the golf course use was established prior to the currently adopted general plan and land use ordinance establishing current design and permitting requirements, and was approved under previous requirements, it may therefore continue in its present form.

If you need additional information please do not hesitate to contact me at (805) 781-5600.

Sincerely,



Terry Wahler, Senior Planner

Development Review Section

ROBIN L. ROSSI LIVING TRUST

ROB ROSSI, TRUSTEE

750 PISMO STREET, SAN LUIS OBISPO, CA 93401

PHONE (805) 543-4333 - FAX (805) 543-4220

June 10, 2004

Mr. John Ufrat
County of San Luis Obispo
Department of Planning & Building
VIA FAX #805-781-5624

RE: Avila Beach Resort / Land Use

Dear John:

Thank you for meeting with me again yesterday regarding the Avila Beach Resort. We appreciate your attention to this issue. As I expressed to you, we feel we have met the appropriate requirements for all our operations at the Avila Beach Resort. It is important to all of us that the Resort operates in compliance with the rules.

Regarding our special events, as we discussed, many people are involved with this operation of the Resort. The loss of our right to host these events would directly affect many household livelihoods, as well as the severe loss to the operating budgets of the many charities that have historically used the Resort for their fundraising. As we discussed, this issue was addressed with us, and the County, over 10 years ago. As a result of all the research at that time, the Resort was again found to be operating appropriately.

John, as I said to you yesterday, we just want to be treated fairly. We have been a landowner, employer, and neighbor, in Avila Beach for many years. We always try to do our part to insure that Avila Beach remains the jewel it is. It is treasured and enjoyed by many who live in, and visit, our county. The Avila Beach Resort operations was there in the "infant" stage of Avila Beach, and we will continue to do our part as the town grows and matures.

We appreciate your looking at the documentation again, and we feel confident you will see that we have done our best to assure that the Avila Beach Resort has always operated appropriately.

Best regards,
Dictated but not read to expedite sending

Rob Rossi
RR/dm

Cc: Paul Metchik



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

December 8, 2005

Bob Pusanik
Avila Valley Advisory Committee
PO Box 65
Avila Beach, CA 93424

Subject: Letter dated November 14, 2005 regarding temporary events at the Avila Beach Resort, and letter dated November 18, 2005 regarding recommendations to modify county documents

Dear Mr. Pusanik:

We appreciate your continuing interest in working with the County on improving coordination for events that occur in the Avila Beach area. As you are aware, our office is currently in the early process of revising the temporary events section of the land use ordinance and would like to thank AVAC's representative, Sherri Gooding, for her help in giving comments and recommendations for the revised ordinance.

With regard to current events at the Avila Beach Resort, you wanted to know about the "grandfathered" nature of the events. The Board of Supervisors did not discuss "grandfathering", but rather at the August 17, 2004 meeting gave a general approval for the non-profit events until such time as the new ordinance is in place. The Board's motion did not direct staff to interpret the current temporary events ordinance, and it did not include "grandfathering" of temporary events; but rather the approved motion stated the following: "A motion by Supervisor Pinard, seconded by Supervisor Achadjian to direct that this be a *general approval to cover all other non-profits* that have been traditionally served". As this was an action taken by the Board of Supervisors, it is not an appealable action.

AVAC has also had questions regarding the handling of future permits for temporary events in the Avila Beach area. This type of application will normally require a discretionary permit that would always be referred to AVAC for comment prior to approval. However, for existing facilities such as the Avila Resort that have authorization for nonprofit events, there is no discretionary permit requirement. As previously discussed, the larger nonprofit events that have historically occurred on the property are allowed to continue until such time as the ordinance is changed. However, we have passed along your request to the property owner that providing advance notice of major events to AVAC would be useful for keeping the community aware of upcoming activities.

Regarding your other letter dated November 18, 2005, our office greatly appreciates comments and recommendations from community members with "hands on experience" implementing ordinances, conditions of approval for projects, and updates of new ordinances. It is helpful for us to know what is and is not working in the field so

Bob Pusanik
December 9, 2005
Page 2

we can make informed and tested recommendations to our decision makers for future projects. We will also save your recommendations for parking in urban areas with narrow streets and your comments regarding commercial standards in the "inland" ordinance. We can hopefully incorporate these comments into future projects and/or ordinance amendments as necessary.

We will continue to keep you informed if we receive new discretionary permit applications and will also let Sherri Gooding know when there is a revised draft available of the proposed changes to the temporary events standards. Please feel free to contact our office with any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Pat Beck". The signature is written in dark ink and is positioned below the word "Sincerely,".

Pat Beck
Assistant Director

TELEPHONE (805) 541-6601
FACSIMILE (805) 541-6640

LAW OFFICES
WILLIAM S. WALTER
A PROFESSIONAL CORPORATION
THE BELLO HOUSE
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SAN LUIS OBISPO, CALIFORNIA 93401

EMAIL
WWALTER@TCSN.NET

August 17, 2004

VIA HAND DELIVERY

Board of Supervisors
County of San Luis Obispo
County Government Center
1050 Monterey Street, Rm. 370
San Luis Obispo, CA 93408

Re: Public Hearing – Temporary Commercial Outdoor Entertainment License
Application for the Event For More Than 3000 "San Luis Obispo Symphony Pops
by the Sea" To Be Held at the Avila Beach Resort

Applicants: Infinite Horizons, Inc. and San Luis Obispo Symphony
Date: August 17, 2004
Agenda Item: C-4

Dear Supervisors:

This office has been asked by the owners of the Avila Beach Resort to summarize the historic and legal bases for ongoing public events over the past 20 years at the property. To many people, it must seem counterintuitive to need to explain the legal bases for such long-established uses at a venue which has contributed so much to the community and become a public icon of recreational and visitor serving activities in coastal San Luis Obispo County. In summary, temporary uses have always been authorized on the property, were recognized in the 1981 Final EIR for the property, have the highest Coastal Act policy priority, were specifically required to be protected when the Coastal Commission certified the County's LCP, have been consistently acknowledged in subsequent EIR's as a baseline activity, and are specifically exempt from discretionary environmental review pursuant to the State CEQA Guidelines. With the Board's patience, this letter will briefly summarize the relevant issues.

**1. THE AVILA BEACH RESORT IS A LONG-ESTABLISHED VENUE FOR
TEMPORARY EVENTS SERVING COASTAL VISITORS**

Public events concerts have routinely taken place at the San Luis Bay Club, now Avila Beach Resort, for more than twenty years, including:

- KCBX Central Coast Wine Classic
- The John Madden Classic
- Hospice Beer And Blues By The Sea
- Jazz By The Sea, San Luis Symphony Pops BV The Sea
- Cal Poly Fund Raisers (E.G. Mike Krukow, Engineering, Agriculture)
- San Luis Obispo Viticulture
- Walter Capps fund raiser
- High school special events and graduation parties
- 40-50 weddings per year
- Holiday parties and events

2. TEMPORARY EVENTS HAVE ALWAYS BEEN APPROVED USES ON THE PROPERTY.

In light of this history, one must ask why is there any question about the established venue for public events and concerts. The history and permits allowing this facility/ venue are well established.

- In 1967 the County issued the use permit for the entire property as a resort and recreation/visitor serving facilities.
- In 1976 the legislature passed the California Coastal Act which established a statewide priority for visitor serving and recreational uses over residential uses in the coastal zone. (Public Resources Code Section 30222.)
- In 1981 the San Luis Bay Estates Master Plan was approved by the County and incorporated into the General Plan. The " Final Master Environmental Impact Report San Luis Bay Estates Development Plan Avila Beach, California, Project ED 80-90" as certified by this Board, expressly authorized temporary events:

"The LUE applies the recreation land use category to San Luis Obispo Creek and to areas containing existing recreational development, including the golf course, tennis courts, and hotel facilities. The permitted uses within the designated recreation area for the San Luis Bay Estates are limited by the LUE to amusement and recreational services, rural sports and group facilities, sports and active recreation, **temporary events**, caretaker residence, eating and drinking places, food and beverage retail sales, public safety facilities, accessory storage, hotels and motels, pipelines and power transmission..." [Emphasis added.]

The Final EIR discussed the consistency of these uses with Coastal Act visitor serving policies even before the County's CCP was certified by the Commission.

- The 1998 adopted finding of the California Coastal Commission on the Unocal Avila Cleanup Coastal Development Permit (App. No. E-98-13) addressed the need for mitigation to "adverse impacts to public access and recreation due to the contamination and remediation" included the Avila Beach Restoration Trust, "relating to lost use and enjoyment of public facilities" in the Avila area "impacted by the oil release." (p.3). These funds were used for a contribution to the cost of stage improvements, with the Resort owners agreeing to provide the facility cost as free to the San Luis Obispo Symphony Orchestra for an additional period of twenty (20) years.

3. THE COUNTY'S CERTIFIED LOCAL COASTAL PROGRAM DESIGNATES THE PROPERTY AS RECREATION, AND THE COASTAL COMMISSION SPECIFICALLY RATIFIED AND REQUIRED THE PROTECTION OF PRE-EXISTING VISITOR SERVING USES.

In 1983 the Coastal Commission certified with modifications of the County's Land Use Plan. In order to certify the plan, the Commission required revisions to the visitor serving standards requiring areas that "presently serve tourists and visitors to the coast shall be protected by preserving the visitor serving uses within them."

The Commission also required local land use agencies to recognize that "upland support areas and private lands and coastal areas suitable for recreation and visitor serving commercial activities shall be reserved for such developments."

The Commission found that priority shall be given to the use of private lands to enhance public opportunities for coastal recreation over private residential, general industrial, or general commercial developments.

The Commission required a visitor serving overlay ("V") designation on land use maps to protect recreational functions as the "principal permitted uses. It also protects them by requiring the preservation of existing uses and gives priority to such uses on oceanfront land consistent with the intent of section 30222. The Commission finds that, due to their location, existing facilities and desirability as tourist destination points...are high-use visitor serving areas and are designated as priority visitor serving/recreational areas with the letter 'V'." Only by protecting existing visitor serving uses could the Coastal Commission certify the County LCP as consistent with the Coastal Act. Consistent with these Coastal Act priorities, the County after 1984 issues a series of permits for the resort and visitor serving uses.

4. SUBSEQUENT BUILDING PERMITS WERE TO SUPPORT THE TEMPORARY EVENTS.

- In 1992, a building permit is issued to expand the cart barn, offices which housed the event and banquet staffs, and provided storage for the tents, tables, chairs, etc. for the public events and concerts.
- In 1996, the County issued a Minor Use Permit for expanded event restroom facilities, snack bar, support facilities, additional storage -- all for the public events. The facilities were not built until the resolution of the Unocal issues.

5. CZLUO ORDINANCE SECTION 23.08.248 DOES NOT APPLY TO TEMPORARY EVENTS AT THE RESORT.

The Resort is designated Recreational by County's Local Coastal Program. Pursuant to Table 0, Temporary Uses within the Recreational Land Use category are subject to the requirements of Coastal Zone Land Use Ordinance (CZLUO) pertaining to temporary uses, or Section 23.08.248, "Temporary Events". Pursuant to 23.08.248 (a), no permits required for (1) public events" in (A) "approved public assembly facilities." For commercial entertainment, the provisions of chapter 6.56 of the County Code to obtain a temporary commercial outdoor entertainment license may apply. In no event, however, is a further discretionary land use permit required.

6. ON-GOING PUBLIC EVENTS ARE CATEGORICALLY EXEMPT FROM CEQA DISCRETIONARY REVIEW.

The public concerts and gatherings at existing facilities are categorically exempt under the California Environmental Quality Act (CEQA) which 'have been determined not to have a significant effect on the environment' and which are exempt from the provisions of CEQA: CEQA Guidelines, Section 15323, "Normal Operations of Facilities for Public Gatherings"

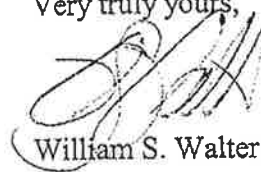
"Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, 'past history' shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. ..."

Board of Supervisors
August 17, 2004
Page 5

7. CONCLUSION.

Residential uses outside the coastal zone cannot be allowed to impair established, higher priority visitor and tourist serving uses within the coastal zone.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. S. Walter", is written over a circular embossed or stamped seal. The signature is fluid and cursive.

William S. Walter

cc: Rob Rossi
County Counsel

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FACSIMILE (805) 541-6640

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October 20, 2014

VIA HAND DELIVERY AND EMAIL

Timothy McNulty, Esq.
Office of the County Counsel
County of San Luis Obispo
County Government Center, Room D320
1050 Monterey Street
San Luis Obispo, CA 93408

Re: Correspondence Dtd: 9-26-2014 from Law Office of Babak Naficy
Regarding Historic Public Events at the Avila Beach Golf Course

Dear Mr. McNulty:

Thank you for providing to this office a copy of correspondence dated September 26, 2014 from the Law Offices of Babak Naficy written in behalf of a group identified as "Avila Beach Advocates" ("ABA"). This office has been asked by the owners of the Avila Beach Golf Course and Resort to summarize the historic and legal bases for ongoing businesses which include public events over more than thirty years at the property. This is not the first time that similar issues have been raised and addressed in detail by the owners. In 2004, many of these same issues were considered by the Board of Supervisors and the owners fully documented the legal bases to consider the Golf Course as an established facility for public assembly and group entertainment.

The ABA legal analysis is fundamentally flawed and ignores the established history of these uses and the context of decades of land use decisions dating back to 1967. In summary, public assembly and entertainment uses have always been authorized on the property, were recognized in the 1981 Final EIR for the property, have the highest Coastal Act policy priority, were specifically required to be protected when the Coastal Commission certified the County's LCP, have been consistently acknowledged in subsequent EIR's as a baseline activity, and are specifically exempt from discretionary environmental review pursuant to the State CEQA Guidelines.

1. THE AVILA BEACH RESORT IS A LONG-ESTABLISHED VENUE FOR PUBLIC ASSEMBLY AND ENTERTAINMENT EVENTS SERVING COASTAL VISITORS

The first page of the ABA correspondence demonstrates why the entire legal and factual analysis is incorrect. ABA quotes CZLUO Section 23.08.248 as requiring a minor use permit for “temporary events” “except in the following instances”, which include “(i) Events occurring in approved theaters, convention centers, meeting halls or other approved public assembly facilities”. Without any factual documentation or support, ABA asserts that this exception to the MUP requirement does not apply because the Resort “is not an ...approved public assembly facility”. This is both legally and factually incorrect.

In addition to the long history of public events and land use approvals which were documented during the Board’s 2004 consideration, the 2006 adopted County Parks and Recreation Element, Table A-1, “Avila Beach (San Luis Bay PA) EXISTING Parks, Recreation & Natural Areas”, p. 93, identifies the Avila Beach Resort & Golf Course, as:

“72 par golf course, pro shop, clubhouse, **provides concerts**, private club, and other recreation on greater than 100 acres.” (Emphasis added.)

The Element identifies its legal authority as “an integral part of the General Plan. It has the same force and effect as other Elements of the General Plan.” CZLUO Section 23.08.248 requirements for a MUP do not apply because the Golf Course and Resort is an “approved public assembly facility.”

There is nothing new about the Golf Course and Resort being considered an approved public assembly facility and not subject to MUP requirements for “temporary events.” County golf courses regularly include similar events. More than two decades ago, Mitch Walker on behalf of the owners of the property addressed the issue in concise terms which have the same merit today as they did then (Correspondence, July 6, 1992, addressed to County Planning Department, copy attached). He was uniquely qualified to provide information since he had been involved with the property from the beginning. The following are quotes from that compelling analysis, which was never substantively refuted or legally challenged:

“We believe that the existing Land Use category of the property (i.e., zoning of Recreational) allows [the special events] use. Looking at allowable uses in Table O of the Local Coastal Plan, there are two possible classifications of the use we are making on this property; Temporary Events or Public Assembly and Entertainment. Temporary Events is a S-17 use requiring a permit while Public Assembly and Entertainment is an allowable use. Following are the definitions of each:

“Temporary events

Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include but are not limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts.”

“Public Assembly and Entertainment

Facilities for public assembly and group entertainment such as: public and semi-public auditoriums, exhibition and convention halls; civil theaters, meeting halls and facilities for ‘live’ theatrical presentations or concerts by bands and orchestras; motion picture theaters; amphitheaters; meeting halls for rent and similar public assembly uses.

“It seems clear that the type of activities we are doing should be classified as Public Assembly and Entertainment. **One key difference between these definitions is the fact that we have built extensive permanent support facilities for long term, daily use of this property for a variety of events. Numerous patios, electrical hookups, equipment storage areas, parking facilities, and banquet facilities are integral to our business and support these activities. It would be impossible to cater weddings or other group events without these facilities.**

“Events such as the KCBX Wine Classic also depend on these permanent support facilities. The definition of ‘temporary events’ refers to large gatherings for a one time event much like a ‘Woodstock’ type concert. [Our] schedule of events is continuous and an integral part of our business with a full-time staff. There is nothing temporary about the operation.” (Emphasis added.)

Mr. Walker also refers to the San Luis Bay Planning Area definition of uses within the Recreation category for San Luis Bay Estates (then on page 90), which includes temporary events.

Consistent with permanent facilities and improvements, public events and concerts have routinely taken place at the San Luis Bay Club, now Avila Beach Resort, for more than thirty years, including:

- KCBX Central Coast Wine Classic
- The John Madden Classic
- Hospice Beer And Blues By The Sea
- Jazz By The Sea, San Luis Symphony Pops BV The Sea

- Cal Poly Fund Raisers (E.G. Mike Krukow, Engineering, Agriculture)
- San Luis Obispo Viticulture
- Walter Capps fund raiser
- High school special events and graduation parties
- 40-50 weddings per year
- Holiday parties and events

2. PUBLIC ASSEMBLY EVENTS HAVE ALWAYS BEEN APPROVED USES ON THE PROPERTY.

In light of this history, one must ask: Why is there any question about this established venue for public events and concerts? The history and permits allowing this facility/venue are well established.

- In 1967 the County issued the use permit for the entire property as a resort and recreation/visitor serving facilities.
- In 1976 the legislature passed the California Coastal Act which established a statewide priority for visitor serving and recreational uses over residential uses in the coastal zone. (Public Resources Code Section 30222.)
- In 1981 the San Luis Bay Estates Master Plan was approved by the County and incorporated into the General Plan. The "Final Master Environmental Impact Report San Luis Bay Estates Development Plan Avila Beach, California, Project ED 80-90" as certified by this Board, expressly authorized temporary events:

"The LUE applies the recreation land use category to San Luis Obispo Creek and to areas containing existing recreational development, including the golf course, tennis courts, and hotel facilities. The permitted uses within the designated recreation area for the San Luis Bay Estates are limited by the LUE to amusement and recreational services, rural sports and group facilities, sports and active recreation, **temporary events**, caretaker residence, eating and drinking places, food and beverage retail sales, public safety facilities, accessory storage, hotels and motels, pipelines and power transmission..." [Emphasis added.]

The Final EIR discussed the consistency of these uses with Coastal Act visitor serving policies even before the County's' CCP was certified by the Commission.

- The 1998 adopted finding of the California Coastal Commission on the Unocal Avila Cleanup Coastal Development Permit (App. No. E-98-13) addressed the need for mitigation of "adverse impacts to public access and recreation due to the contamination and remediation" included the Avila Beach Restoration Trust, "relating to lost use and enjoyment of public facilities" in the Avila area "impacted by the oil release." (p.3). These funds were used for a contribution to the cost of stage improvements, with the Resort owners agreeing to provide the facility cost as free to the San Luis Obispo Symphony Orchestra for an additional period of twenty (20) years.

3. THE COUNTY'S CERTIFIED LOCAL COASTAL PROGRAM DESIGNATES THE PROPERTY AS RECREATION, AND THE COASTAL COMMISSION SPECIFICALLY RATIFIED AND REQUIRED THE PROTECTION OF PRE-EXISTING VISITOR SERVING USES.

In 1983 the Coastal Commission certified, with modifications, the County's Land Use Plan. In order to certify the plan, the Commission required revisions to the visitor serving standards requiring areas that "presently serve tourists and visitors to the coast shall be protected by preserving the visitor serving uses within them."

The Commission also required local land use agencies to recognize that "upland support areas and private lands and coastal areas suitable for recreation and visitor serving commercial activities shall be reserved for such developments."

The Commission found that priority shall be given to the use of private lands to enhance public opportunities for coastal recreation over private residential, general industrial, or general commercial developments.

The Commission required a visitor serving overlay ("V") designation on land use maps to protect recreational functions as the "principal permitted uses. It also protects them by requiring the preservation of existing uses and gives priority to such uses on oceanfront land consistent with the intent of section 30222. The Commission finds that, due to their location, existing facilities and desirability as tourist destination points...are high-use visitor serving areas and are designated as priority visitor serving/recreational areas with the letter 'V'." Only by protecting existing visitor serving uses could the Coastal Commission certify the County LCP as consistent with the Coastal Act. Consistent with these Coastal Act priorities, the County after 1984 issued a series of permits for the resort and visitor serving uses.

4. SUBSEQUENT BUILDING PERMITS WERE TO SUPPORT THE PUBLIC ASSEMBLY EVENTS.

- Illustrating Mitch Walker's references to permanent support facilities, in 1992, a building permit is issued to expand the cart barn, offices which housed the event and banquet staffs, and provided storage for the tents, tables, chairs, etc. for the public events and concerts.
- In 1996, the County issued a Minor Use Permit for expanded event restroom facilities, snack bar, support facilities, additional storage -- all for the public events. The facilities were not built until the resolution of the Unocal issues.

5. THERE IS NO UNPERMITTED DEVELOPMENT; CZLUO ORDINANCE SECTION 23.08.248 DOES NOT APPLY TO PUBLIC ASSEMBLY EVENTS AT THE RESORT.

ABA's arguments concerning unpermitted development (pp. 2-3) are misplaced because the public assembly uses at the Golf Course and Resort are consistent with the certified LCP. All of the applicable standards discussed above are certified by the Coastal Commission. There is no "unpermitted development." The Resort is designated Recreational by County's Local Coastal Program. Pursuant to Table 0, Temporary Uses within the Recreational Land Use category are subject to the requirements of Coastal Zone Land Use Ordinance (CZLUO) pertaining to temporary uses, or Section 23.08.248, "Temporary Events". Pursuant to 23.08.248 (a), no permits required for (1) public events" in (A) "approved public assembly facilities." For commercial entertainment with over 3,000 in attendance, the provisions of chapter 6.56 of the County Code to obtain a ministerial temporary commercial outdoor entertainment license may apply. In no event, however, is a further discretionary land use permit required.

6. ON-GOING PUBLIC EVENTS ARE CATEGORICALLY EXEMPT FROM CEQA DISCRETIONARY REVIEW.

The public concerts and gatherings at existing facilities are categorically exempt under the California Environmental Quality Act (CEQA) which 'have been determined not to have a significant effect on the environment' and which are exempt from the provisions of CEQA. State CEQA Guidelines, Section 15323, "Normal Operations of Facilities for Public Gatherings" provides:

"Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, 'past history'

shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. ..."

7. THE LCP CONSISTENT PUBLIC ASSEMBLY EVENTS DO NOT IMPAIR PUBLIC ACCESS AND RECREATIONAL OPPORTUNITIES

ABA's correspondence would reverse decades of charitable and visitor serving events based upon speculation that event visitors (e.g., Symphony or KCBX benefit visitors) do not park in temporary on-site locations instead of in town of Avila. On the other hand, in ABA's next argument, they are now against temporary on-site parking on Resort property, which they know would force parking and traffic into Avila streets and lots. This is the argument of a "spoiler" who wants no public gathers of any type, ever. Using their logic, any public gathering, whether private, for profit, or non-profit would fall victim to their same speculation, that event visitors displace other visitors. And just as important, this argument seems to be speculation rather than reasoned analysis based on empirical evidence, and to make arbitrary distinctions between types of visitors.

ABA's alleged policy conflict ignores the specific findings of the Coastal Commission in seeking to protect the pre-existing visitor serving uses, expressly including "temporary events." While ABA may disagree with the 30 year history of an established public gathering venue, and the original LCP findings protecting visitor serving uses on the property as a priority over residential or general commercial uses, their argument is really with those long established visitor serving findings and site-specific standards recognizing "existing uses", "existing facilities," and "desirability as tourist destination points". The statute of limitations to challenge the standards of the certified LCP ran in 1983, and is as stale as it is empty of any policy content.¹

8. THERE ARE NO OPEN-SPACE AGREEMENT VIOLATIONS

ABA's argument that temporary parking for some events violates recorded Open Space Easements is most insightful in demonstrating the bad faith of their attacks on more than three decades of public events. ABA wants no parking for events in the town of Avila, and conjures that if there cannot be temporary on-site parking on open grass areas, such events would be prevented anywhere. This presumes that the Open Space Agreement prohibits temporary uses which are LCP consistent, that is, temporary parking for a limited time to protect pre-established public gathering uses and protect coastal access for beach visitors and event visitors. As quoted above, the Commission sought to reserve "upland support areas and private lands and coastal

¹ Indeed, all of the ABA arguments would be time barred by every conceivable statute of limitations.

Timothy McNulty, Esq.
October 20, 2014
Page 8

areas suitable for recreation and visitor serving commercial activities". The temporary use of grass areas for event parking occurs in such "upland support areas." It cannot be presumed that the Open Space Easement intended to be inconsistent with these reasonable uses, and nothing in the document supports such an interpretation. The temporary use of grass areas does not constitute the conversion of open space areas into "parking lots" which contemplate permanent design standards, surfacing, wheel stops, lining and marking, surfacing with a "minimum of asphalt, concrete, chip seal, or crushed rock surface", and construction complying with CZLUO Section 23.04.168 and various other detailed standards.

9. SINCE THE PUBLIC ASSEMBLY USES ARE LEGAL UNDER THE LCP, CEQA, AND HISTORICAL PRACTICE, THERE IS NO UNFAIR BUSINESS PRACTICE.

ABA's argument concerning unfair business practices under Bus. & Prof. Code Section 17200 is an empty effort at intimidation. Because there are no violations of any laws, there is no basis to threaten legal uses of the property which have provided a long history of benefits to both charitable and educational institutions on the Central Coast.

The owners of the Avila Beach Golf Course and Resort hope that the County will not be intimidated by baseless threats in an effort to undermine more than three decades of recreational and visitor serving land uses which are a treasured benefit to many businesses and non-profit organizations on the Central Coast.

Thank you for providing an opportunity to present the correct history, policy and legal principles for the County's consideration.

Very truly yours,



William S. Walter

cc: Rob Rossi

Enclosure

SAN LUIS BAY T E X

July 6, 1992

Mr. Terry Wahler
Planning Department
County Government Center
San Luis Obispo, CA 93408

RE: Use of Golf Course for Special Events

Dear Terry:

During our meeting of June 22, 1992, you discussed/questioned the use of the golf course, such as the area around Mulligan's and the Pro Shop for special events. We believe that the existing Land Use category of the property (i.e., zoning of Recreational) allows this use. Looking at allowable uses in Table O of the Local Coastal Plan, there are two possible classifications of the use we are making on this property; Temporary Events or Public Assembly and Entertainment. Temporary Events is a S-17 use requiring a permit while Public Assembly and Entertainment is an allowable use. Following are the definitions of each.

Temporary Events

Any use of a structure of land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include but are not limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts.

Public Assembly and Entertainment

Facilities for public assembly and group entertainment such as: public and semi-public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands and orchestras; motion picture theaters; amphitheaters; meeting halls for rent and similar public assembly uses.

It seems clear that the type of activities we are doing should be classified as Public Assembly and Entertainment. One key difference between these definitions is the fact that we have built extensive permanent support facilities for long term, daily use of this property for a variety of events. Numerous patios, electrical hookups, equipment storage areas, parking

Mr. Terry Wahler
Page 2
July 6, 1992

facilities, and banquet facilities are integral to our business and support these activities. It would be impossible to cater weddings or other group events without these facilities.

Events such as the KCBX Wine Classic also depend on these permanent support facilities. The definition of "temporary events" refers to large gatherings for a one time event much like a "Woodstock" type concert. We schedule of events is continuous and an integral part of our business with a full-time staff. There is nothing temporary about the operation.

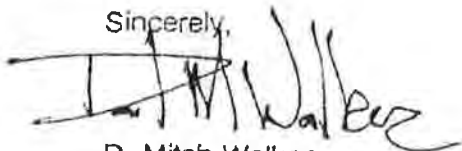
In addition to this, the San Luis Bay Planning Area has the following definition of uses within the Recreation category for San Luis Bay Estates, page 90.

Recreation: The following standards apply only to lands within the Recreation land use category.

1. Limitation on Use. Principal permitted uses are limited to: eating and drinking places (not including drive-in restaurants, fast food and refreshment stands); food and beverage retail sales (limited to tourist-oriented supplies); and hotels and motels. Non-principal permitted uses include: amusement and recreational services; rural sports and group facilities (excluding equestrian exhibition facilities); sports and active recreation; temporary events; caretaker residence; public safety facilities; accessory storage; and pipelines and power transmission. (This is a visitor-serving priority area.)

Clearly, even if you consider our events as "temporary", the Local Coastal Plan encourages their existence under the existing approved plan.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Mitch Walker". The signature is stylized with a large, sweeping "M" and "W".

D. Mitch Walker

Exhibit 2

Port SLO Harbor
Terrace EIR Page 3-77



Sound Science. Creative Solutions.®



FINAL | JANUARY 2015

**PORT SAN LUIS HARBOR TERRACE
DEVELOPMENT PLAN**

ENVIRONMENTAL IMPACT REPORT

SCH #2014031024

Table 3-2. Cumulative Projects List

Project Name	Project Location	Project Description
		development of Avila Beach. The Plan includes a Conceptual Plan, which identifies the following components: Town Center Conceptual Plan, key private development sites, Front Street development, mid-block pedestrian connection, improved parking lot, Front Street Park, open space preservation, possible affordable housing sites, San Miguel Street infill, hillside development, former mobile home park site plan, restrooms, and a streetscape plan. The plan includes measures addressing accessibility, historic preservation, circulation, parking, and infrastructure, and design guidelines and development standards. In addition to LCP growth estimates for housing units (population buildout of 1,094 persons), the Specific Plan designates additional parcels for multi-family development, which would result in a population of 1,077 persons.
<u>Ongoing temporary events</u>	<u>Avila Beach</u>	<u>Ongoing temporary events held in the area include special events, concerts, and fundraisers at the Avila Beach Golf Resort, and the Avila Farmers Market held within the Avila Promenade.</u>
<u>San Luis Bay Estates Master Plan</u>	<u>Avila Beach/San Luis Bay Estates</u>	<u>Continued build-out of the approved San Luis Bay Estates Master Plan. Anticipated current and future projects include build-out of residential units in Kingfisher Canyon and the potential development of 50 cottage units identified in the Master Plan (located west of the San Luis Bay Inn). Development of the cottage units would require further environmental review, subsequent to the approved Final EIR for the Master Plan.</u>
Avila Point Project General Plan and Local Coastal Plan Amendment, Remediation, and Development	Avila Tank Farm 1717 Cave Landing Road, Avila Beach	The proposed project includes: Development Plan (i.e., Conditional Use Permit) for remediation of a contaminated site, which was once used as a petroleum product storage, and transfer facility, and small refinery; a General Plan/Specific Plan/Local Coastal Plan amendment for zoning changes to change the land use category from Industrial (current) to Recreation (proposed) with specific standards and guidelines to accommodate the development of the site for a resort; and Development Plan (i.e., Conditional Use Permit) for the future development of the recreation and resort use. Project development may include construction of a resort including a restaurant, spa, shops, cottages, hotel rooms, and related facilities (some of which may be fractional ownership). Included in the project is a coastal bluff trail and other trails throughout the site, remote parking areas (idea is for the site to remain car free if possible), and golf cart

Exhibit 3

February 1998 Unocal Cleanup EIR Comments

A.B.R.
FEB 20 1998

Unocal Avila Beach Cleanup Project

Environmental Impact Report/Statement Response to Comments



Prepared By:
Arthur D Little

In Association With:
Crawford, Multari & Clark
Fugro West, Inc.
Marine Research Specialists
Science Applications International Corp.

Prepared For:

County of San Luis Obispo
Department of Planning and Building
California Regional Water Quality
Control Board - Central Coast Region
U.S. Army Corps of Engineers

February 1998

SCH #95071094

'97 JUL 14 PM 4 25

DEPT BUILDING



July 14, 1997

Mr. Steve McMasters
Environmental Coordinator's Office
Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

RE: Unocal EIR/May 1997 Reference

Dear Mr. McMasters:

I am writing this letter on behalf of the Avila Beach Resort located at 6450 Ana Bay Drive, Avila Beach. As you are aware, the Avila Beach Resort is part of the San Luis Bay Estates Master Plan, which encompasses approximately 1,100 acres. The Resort property is a separate parcel and business that, while privately held, is open to and dependent on the public (Note: The EIR states the property is "private" on page 5.11-3).

We provide a variety of recreational experiences, goods and services. Although the Resort enjoys two (2) separate entries (San Luis Bay Drive and Avila Road), our business operations and most of its activities are closely and appropriately aligned with the town of Avila and the beach. This is also true of the San Luis Bay Inn Time-Share and the future expansion of both businesses.

As an ocean-oriented event facility and golf course, our business is dependent upon the beach, the Bay, and the peaceful natural surroundings. This niche, the beach, is what makes our business unique and has allowed us to grow significantly within the local market.

The exclusion of Avila Beach Resort, Mulligan's Restaurant, Avila Grill and our Event Area is a significant omission of the EIR. Our business is seriously affected by the Unocal pollution and clean up. We are within direct view of the "plume." Therefore, from each and every aspect (i.e. noise, odor, contamination, water table and traffic, etc.), our property and business is affected similarly to those located along and near Front Street.

While it is not our desire to make our private business public information, I include at this juncture a general overview of our present activity so that it can be appropriately and accurately included within the scope of economic issues addressed as a result of this community's disruption. As reported in the EIR, Avila presently enjoys somewhere between \$50,000 to 1,000,000 visitors a year. These visitors include beachgoers, boaters, fishermen, golfers, and special event participants, all seeking a variety of recreation and coastal entertainment experiences. We believe the EIR inadequately considered the

E. Upgrade or replace the existing seawall.

With implementation of Unocal's proposed project or any of the various alternatives, the existing seawall is likely to be undermined and require stabilization. Due to the uncertain composition of the existing seawall, it is possible that portions of the wall may need to be entirely replaced.

Removal and reconstruction of portions of the seawall may ultimately undermine the remaining seawall; it may be wiser to replace the seawall during the remediation process and construct a new seawall. A new seawall would better safeguard the community from the impacts associated with severe wave action. The effort to rebuild the Front Street corridor should not be jeopardized by failure to address an integral element of beach protection.

Committee Recommendation: The Ad-Hoc Committee recommends that the existing seawall be reconstructed or replaced in conjunction with the remediation work if necessary to ensure the structural integrity of the wall and thereby the safety of the community.

Corresponding DEIR Issue Area/Impact No.:
5.11-3, 5.3-10.5.4-8, 5.10-20, 5.10-28

F. Purchase a beach cleaning machine.

There is presently no means for removing debris from the beach sands at Avila Beach. A clean and safe beach is very important to the visiting public and promotes its continued use. Aside from the direct benefits of a cleaner and more attractive beach, a periodically-groomed beach area will help to offset the negative stigma of the remediated beach area.

Committee Recommendation: The Ad-Hoc Committee recommends that the beach cleaning machine be purchased and operation and maintenance funding be provided for a ten-year period or until such time as the community assumes full operation and maintenance responsibility. Implementation of this mitigation project will increase the community's ability to attract beach visitors who would otherwise avoid the beach due to the contamination stigma.

Corresponding DEIR Issue Area/Impact No.:
5.9-3, 5.9-6, 5.9-9, 5.9-13

G. Provide new beach equipment and accessories.

Avila Beach is currently served by a minimal amount of beach equipment, picnic tables, etc. Improving the beach area with the installation of volleyball courts, swings or other appropriate recreational items will make the beach area more desirable to the public. Enhancing the quality of the beach experience for visitors through the use of recreational equipment and picnic facilities will encourage the public to return to Avila Beach.

economic and social consequences that the town and its surroundings will incur and hopelessly endure.

The Unocal proposal and/or alternatives for remediation will result in significant loss of business, not simply a percentage reduction in revenue. What is lost is this coastal recreational experience and the pleasure that ensues. The delight of going to the beach, the calmness caused by hearing the ocean, the enjoyment of a sunny day and the casual passing of time are all part of the "coastal recreational experience." The Unocal contamination, by its very nature, has already affected the perception of Avila. The anticipated disruption from clean up could be a death blow. Many will be totally affected, not just by a decreased revenue percentage, but also by the construction necessary for remediation. The degree of physical loss and perceived loss of value depends on which plan is pursued and which mitigations are implemented.

This is not a case where a short term 10 to 15% reduction in business is simply an adjustment that can be made by by a Unocal subsidy. Many businesses' existence may be threatened. The EIR authors conclude many customers will choose not to visit Avila at all both during the clean up and for a considerable time after the clean up project is completed. Some of the recommended mitigations may result in a protracted recovery.

We have already found that prospective tenants and buyers are afraid to invest. The effects vary depending on factors too numerous to completely foresee at this time; however, no one is likely to play golf if year after year, the sea breeze has the smell of sulfur and the pounding of pile drivers overshadows the sound of waves breaking. These are recognized outcomes that will be realized by the Unocal clean-up. In addition, the length of the time period needed to achieve a "clean" situation will add a stigma to the area for generations.

The Resort gained limited experience of property damage and the strategies necessary for economic recovery when a portion of the Resort property was inundated by flood waters in 1995. Our physical damage was effectively 90% repaired within 60 days of the occurrence yet the perception of damage "took nearly two (2) years to repair." Only after significant positive advertising, subsidizing rounds and encouraging customers who had left to again consider Avila for their golfing and entertainment experience did the Resort recover its original visitor numbers. Because of our own experiences, we seriously question the unsupported statement on page 5.16-42 that "Tourist business should recover by the next season."

As frustrating as golf is to play, it is "entertainment," not simply a business of the lowest cost alternative, but rather "perceived value." The customer is paying for a "period of enjoyment" and a "pleasurable experience." All of the attributes necessary for that experience must be in place.

After the storm disaster of 1995, we assisted our customers in finding other places to hold events and tournaments while the repairs took place. It has been difficult to regain that business. Fortunately, the unique quality of our venue helps, but it takes time and expense to get back to where we were in 1994.

Weddings, for example, are typically a once in a lifetime occurrence. And in the event that it is a second time occurrence, it is unlikely to happen at the same location as the first. Most of our wedding business develops by word of mouth. Thus, Avila Beach Resort experiences a substantial long-term adverse effect any time the business is removed from the marketplace. Our wedding receptions are held on the beach. Both bride and groom want the event to be special, not industrial.

Golf tournaments are sought by and desired by all courses in San Luis Obispo county. We have to compete with both the private sector and our largest competitor, the County with its three (3) courses. During the 1995 storm, these and other courses captured many of our tournaments. Within 60 days, our course was in playable condition, but most groups holding tournaments wanted to be "totally unaffected" visually and otherwise by remnants of what we had suffered. Some of these tournaments may never return to the Avila Beach Resort.

This loss of business necessitated additional marketing to other tournament candidates and the rebuilding of our customer base over the past two year period. Many of these tournaments were long-term customers now lost to others who have since offered "incentives" to maintain their new relationships.

These are just a couple of examples of the business loss that recreational operations sustain and which will be realized. Furthermore, the loss of these long-term arrangements can never fully be replaced because the business must once again start anew.

In spite of the 1995 setback, the Avila Beach Resort revenue has grown significantly over the last seven years with gross business more than doubling since 1990. The Resort's current activities result in annual revenues equal to those of 1994. Presumably the San Luis Bay Inn Time-Share sales and rentals starting in 1996 are a contributor to our business and will also be affected by the clean up.

Due to the nature of our business and its location, many unique events, golf tournaments and festivals are held here. These events on the Resort property produce significant additional revenues, which would be sizably diminished if these activities were moved elsewhere or lost.

For example, some of the better known annual events hosted by the Avila Beach Resort include the Hospice MicroBrewery & Blues Fest, the KCBX Wine Classic, Cal Poly and high school fundraisers and the San Luis Obispo County Symphony Pops Concert. These

and other similar events are held from time to time to generate revenues for community purposes not included in the Resort's annual business. These activities currently generate somewhere between \$1,500,000 to \$2,000,000 annually. All of these events are held "on the beach" with direct views of Front Street. Loss of these activities would not only cause significant hardship to Avila Beach Resort but to many community efforts as well.

Many of these events are simply not transferable elsewhere. For example, the San Luis Symphony in years past held its annual Labor Day Pops Concert at the Mid-State Fairgrounds in Paso Robles, where their reported largest attendance was approximately 800. At the Avila Beach Resort, their annual attendance has run between 2,500 to 3,000 from the start. Obviously, the effect of relocating back to the Fairgrounds could have a 50 to 65% effect on attendance and revenues. This is in addition to an almost immeasurable difference in the nature and quality both of the event's administration and of the participants' enjoyment.

Avila Beach Resort continues its efforts to improve "our product" and anticipates the construction of additional conference facilities, restrooms and banquet facilities during the next twelve months. These facilities will better accommodate our current business activities.

Our future plans included a new clubhouse with a lodge, additional dining facilities and further expansion of our conference and meeting facilities. We are in the final planning preparation for additional visitor accommodations in the form of cottages and/or lodges.

I would also make a couple of comments regarding "seasonality." Certainly there are businesses in Avila that are dependent on the summer season. The golf course is seasonal. Weather plays a big role and at Avila Beach, we are blessed with some of the best weather in the county; therefore, seasonality is not nearly as great. For this reason, the Resort business maintains general consistency throughout the year.

Finally, without taking the time here to further discuss each and every aspect of the environmental report and/or the consequences it may have, I would like to make special note of one particular item, which causes significant additional concern. We did not learn of contamination on a portion of the Resort property until May 1997. According to the EIR, the extent to this contamination is not yet known. A finding of such contamination occurred nearly two years ago when family members were playing on the beach on the Avila Beach Resort property. My nephews unearthed large globs of oily material at the edge of the creek. I mentioned this to Jim Bray of Unocal and he said they would follow up. I have not heard any more but perhaps this knowledge is what led them to exploratory drilling on portions of the golf course

We have not yet seen the results of that exploration and therefore were totally surprised when the Resort property showed contamination. This puts the Resort and our property in a different position than where we perceived to be only 60 days ago. We have tried to

avoid the legal process even though there have been significant reasons to consider it, not the least of which is the fact that legal rights and remedies could diminish due to possible statutes of limitations.

Is Unocal willing to enter into an appropriate agreement to waive various statutes of litigation so as not to foreclose out anyone's legal right to pursue that if and when it is necessary? The EIR suggests that a new local group be established. A.R.C. intends to work with adversely impacted parties sometime after the EIR is accepted and the final clean-up process is implemented. This could be years away and certain legal rights could erode or be significantly changed, certainly presenting an unfortunate circumstance to victims already suffering economic and/or emotional damage as a result of this Unocal contamination

We appreciate the opportunity to provide input into the EIR process. Please keep us informed as future meetings are scheduled

Best regards,

Rob Rossi

OC.6-14 This comment outlines the details associated with the proposed Infrastructure Improvements and Tank Farm Disposition mitigation measures. Anyone reviewing these responses to comments is encouraged to review these mitigation measures, which have been included in the response to comments volume of the FEIR/S, in their entirety, and will be considered when specific conditions of approval are drafted for the cleanup project.

OC.6-15 This comment provides a summary of the Avila Ad-Hoc Committee suggested mitigation measure report.

SET #OC.7 Avila Beach Resort

OC.7-1 The statement in the EIR/S is technically correct. While the Avila Beach Resort is open to and dependent on the public, it is still privately held property. In contrast, true public land would be defined as ownership by a local, state or federal governmental agency.

OC.7-2 The writer comments that the exclusion of the Avila Beach Resort, Mulligan's Restaurant, Avila Grill and the event area from the EIR/S is a significant omission. These areas were not excluded from the analysis: representatives of these businesses were contacted and contributed to the report. More importantly, mitigation SE-1 establishes a program for compensation to stakeholders to mitigate the economic impacts resulting from the requisite cleanup operations. Adjacent businesses are considered community stakeholders: "There are nine commercial establishments located in the known area of contamination, however business owners outside the defined area of contamination will also be affected by reduced tourist revenues." (pg. 5.16-39).

OC.7-3 The writer states that he believes the EIR/S inadequately considered economic and social consequences to the town and its surroundings. The details to support this statement are presented in the following comments and responses.

OC.7-4 The writer points out that the remediation project will not only result in a loss of revenue but will also change visitors' perceptions of Avila. This would be a true statement in the short-term. However, mitigation measures that have been included in the EIR/S would help mitigate long-term perceptions of Avila.

OC.7-5 The writer notes that businesses will take time to rebound after the completion of the cleanup project, and notes that the EIR/S predicts that "Tourist business should recover by the next season." This text will be deleted. The intent of the discussion on page 5.16-42 is to provide mechanisms to mitigate impacts related to tourism which occur after the construction period; predicting the duration of these impacts adds little to the discussion.

The intent of mitigation measure SE-1 is to allow community stakeholders impacted by remediation to file claims to recover lost revenues. Businesses adjacent to the defined project area are defined as community stakeholders, and thus can file claims. This point is included in the Draft EIR/S, and will be re-stated more clearly in the Final EIR/S.

SE-6 specifies that funding shall be provided to pay for advertising and promotional activities to attract tourists back to Avila Beach.

We agree that visitors are attracted to Avila Beach during all times of the year (5.16-38).

OC.7-6 Unocal has conducted testing in a wide variety of areas. However, to date, Unocal has not provided the County or RWQCB with any information related to testing done at the Avila Beach Resort property. There is also some difficulty determining the source of some of the contamination in Avila Beach. The Unocal Tank Farm Road spill in 1926 resulted in large amounts of oil flowing down San Luis Creek into the Pacific Ocean, and other sources may exist. However, if the contamination is determined to be related to Unocal operations, Unocal would be fully responsible for all cleanup costs.

OC.7-7 Typically, the details of the implementation of mitigation measures is negotiated at the time the measures are adopted, and with regard to the administrative structure, the role of the Avila Remediation Center [ARC] was not fully defined in the Draft EIR/S. We do however acknowledge that several of the comments have requested that the organization and administrative details of the ARC should be more fully specified in the Final EIR/S. However, it is the responsibility of the Lead Agencies to provide the organization and administrative details of the ARC as part of their issuance of permits.

We have noted your concern that the ARC should not be set up in such a way so as to erode the legal rights of claimants.

SET #OC.8 Avila Bay Club and Uniplan Consulting

OC.8-1 The comment does not raise any significant environmental concerns that were not addressed by the Draft EIR. Thank you for responding to the Draft EIR

OC.8-2 CEQA requires that the EIR address impacts associated with the remediation project, but cannot address impacts which occurred prior to the implementation of the remediation project.

Exhibit 4

CCC E-98-13 Unocal

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

**Tu12a**

Date Filed: August 27, 1998
49th Day: October 15, 1998
180th Day: February 23, 1999
Staff: MBM/AJD/LCE/SMH-SF
Staff Report: August 27, 1998
Hearing Date: September 8, 1998
Item No.: Tu12a
Commission Action/Vote:

STAFF REPORT: REGULAR CALENDAR

Application No.: E-98-13
Project Applicant: Unocal
Location: Sandy beach areas at Avila Beach, San Luis Obispo County
Project Description: Temporarily remove a portion of the Avila Municipal Pier; temporarily install sheet pile wall on the beach; remove by excavation approximately 37,000 cubic yards of petroleum hydrocarbon contaminated silt and sand; and replace the contaminated material with clean imported sand.
Related Approvals: San Luis Obispo County Planning Commission. Coastal Development Permit/Development Plan No. D940227D. (June 25, 1998).
Substantive File Documents: Appendix B

Note: Exhibits 1 – 12 of this report were provided as a separate packet to the Coastal Commissioners on July 24, 1998, with the staff report for Appeal No. A-3-SLO-98-072. Exhibit 13 is attached to this report.

SYNOPSIS**Project Description**

Unocal is in the process of obtaining all its agency approvals to excavate petroleum hydrocarbon contamination underlying the beach and town areas of Avila Beach in San Luis Obispo County. Unocal's proposed cleanup project is located in areas of both the County of San Luis Obispo's certified local coastal program ("LCP") permit jurisdiction and the Coastal Commission's retained coastal permit jurisdiction.

Significant Issue Area	Proposed Special Conditions and Mitigation Measures
	Special Condition 25 requires that Unocal shall publish in local newspapers notices describing the location/duration of beach closures and the relocation of any recreational equipment during remediation activities. The notices shall be placed prior to commencement of construction and at least on a monthly basis thereafter. Special Condition 26 requires that prior to commencement of construction, Unocal shall in coordination with Caltrans place signs near both freeway exits and on U.S. Highway 101 giving notice of beach closure. Special Condition 27 requires that prior to commencement of construction, Unocal shall (1) place signs at key visitor access points informing the public of the beach closure schedule and the relocation of any recreational equipment during remediation activities; (2) place signs in town to identify parking areas, pedestrian routes, cross walks, and access points to the beach; and (3) inform groups that have historically held annual/special events at Avila Beach of the beach closure schedule. The Settlement Agreement and Judgment establishes in part three provisions through which Unocal will mitigate adverse impacts to public access and recreation: • Section 5.3(a)(2) provides that of \$6,000,000 placed into the Avila Beach Restoration Trust, \$3,500,000 shall be used for restoration projects relating to lost use and enjoyment of natural resources, public beaches, and other public facilities in the Avila area impacted by the oil release. • Section 5.4 provides for Unocal to transfer ownership of three parcels for the purpose of creating community parks. Unocal shall also expend up to \$500,000 to design and construct the parks to specifications agreed upon by the County and Unocal. • Section 5.5 provides that Unocal shall expend up to \$3,500,000 to complete the design and implementation of the "Front Street Enhancement Project," the conceptual plan for which was approved by the Coastal Commission in 1997 via Minor Amendment No. 3-96 to the local coastal program.

The Commission thus finds that since the Cell 2 sheet pile wall will be temporary and constructed to minimize risks to life and property, to assure structural stability of Cell 2, and mitigate any adverse impacts to local sand supply, the project as conditioned is consistent with Coastal Act Sections 30235 and 30253.

4.3.5 Public Access and Recreation

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212.5 states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Coastal Act Section 30220 states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Excavating the petroleum hydrocarbon contamination underlying the beach will assist Avila in returning to its status as one of San Luis Obispo County's premier public beaches. The cleanup project will therefore enhance future public beach and recreational uses. During the excavation

project itself, however, there will be a significant loss of public beach access and recreational opportunities until the contamination is removed.

The entire beach will be closed to the public during Cell 2 remediation activities.¹⁵ Unocal plans to complete the Cell 2 remediation between April '99 and October '99. However, if Unocal cannot complete the Cell 2 excavation by October '99, **Special Condition 22** requires Unocal to submit for executive director approval a contingency plan for one of two options: (1) safely vacate the beach by October 30, 1999 and promptly remove all remaining hydrocarbons in Spring 2000; or (2) resize or redesign Cell 2 for safe excavation of the remaining hydrocarbons during the late fall and early winter and in no case later than December 1, 2000. Therefore, under a worst-case scenario, the beach could be closed for two summer seasons.

Beach excavation will also (a) necessitate closure of Avila Pier during the length of Cell 2 remediation; (b) temporarily eliminate existing parking spaces that provide convenient access to the beach and recreation areas; and (c) temporarily eliminate the public restrooms that serve beach users. Therefore, the proposed project will cause severe short-term public access and recreation impacts.

The Commission is thus requiring several special conditions to minimize the cleanup project's adverse impacts to public access and recreation. **Special Conditions 25-27** require Unocal to implement a public information program that includes the following measures:

- Provides notice in local newspapers of the locations and durations of beach closures, and the location of relocated recreational equipment during remediation activities;
- Informs groups that have historically held annual or special events of the beach closure schedule;
- In coordination with Caltrans, places signs near freeway exits and on U.S. Highway 101 giving notice of beach closure to avoid unnecessary trips to Avila Beach;
- Places signs in key visitor access points identifying location of relocated recreational equipment for the duration of proposed remediation activities; and
- Places signs in town that clearly identify any parking areas, pedestrian routes, cross walks, and access points to the beach for the duration of remediation activities.

The County is also requiring in its coastal development permit/ development plan for the overall cleanup project that Unocal provide access to the beach during Cell 1 and 3 excavations if the County determines that such access can be provided safely. **Special Condition 24** of this permit requires Unocal during Cell 1 and 3 activities to relocate recreational equipment to another portion of the beach if directed to do so by the Port San Luis Harbor District. Unocal shall repair and replace any recreational equipment damaged during this relocation effort.

¹⁵ Remediation of the northwest town cell (Cell 1) will at least partially restrict, and likely fully restrict, beach use from October '98 until April '99 due to access and safety reasons. Remediation of the northeast town cell (Cell 3) will at least partially restrict beach use from April '99 until summer 2000 due to rebuilding of the seawall and implementation of the Front Street Enhancement Plan.

In addition, the settlement agreement (see Section 4.1.10 of this report) establishes three provisions through which Unocal will mitigate adverse impacts to public access and recreation.

The first provision is that of the \$6,000,000 placed into the Avila Beach Restoration Trust, \$3,500,000 shall be used for restoration projects relating to lost use and enjoyment of natural resources, public beaches, and other public facilities in the Avila area impacted by the oil release. The agreement specifies that the CDFG will make the final determination as to which projects will receive funding, based on input and proposals from the County, the Community Services District, CBE, Avila Alliance, ELF, Port San Luis Harbor District, and other interested Parties.

The Coastal Commission and the CDFG's Office of Oil Spill Prevention and Response ("OSPR") drafted a Memorandum of Understanding ("MOU") in response to an appeal filed by Coastal Commissioners Wan and Reilly (See Section 4.1.10 of this report for a full discussion of the appeal) that includes the following elements (See Exhibit 13, "MOU"):

- Criteria for the OSPR to use in selecting projects under the terms of the settlement agreement that will be reasonably certain to mitigate the impacts of Unocal's remediation project on coastal public access and recreation; specifically, projects must (1) be of a benefit to the Avila Beach area and (2) provide substantial improvements for public beach use, coastal access, and/or public visitor-serving facilities;
- Agreement that the OSPR will consider proposals, input and comments generated from a series of public workshops that will be held jointly by the OSPR and the Coastal Commission;
- Agreement that the OSPR will consult closely with the Coastal Commission and its staff in selecting projects to be funded in accordance with the criteria specified in the MOU; and
- Agreement that by December 1, 2000, the OSPR shall have granted approval of all projects to be funded with the \$3.5 million, and that said projects shall include an expeditious implementation schedule and in no case shall be completed later than December 1, 2002, unless extended by written agreement between the parties.

The second provision established in the settlement agreement through which Unocal will mitigate adverse impacts to public access and recreation is for Unocal to transfer ownership of three parcels for the purpose of creating community parks, and to expend up to \$500,000 to design and construct the parks to specifications agreed upon by the County and Unocal.

The final provision is for Unocal to expend up to \$3,500,000 to complete the design and implementation of the "Front Street Enhancement Project" (which is described in Section 4.1.10 of this report) which will enhance long-term public beach access and recreation opportunities at Avila Beach.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CALIFORNIA DEPARTMENT OF FISH AND GAME
OFFICE OF SPILL PREVENTION AND RESPONSE
AND
CALIFORNIA COASTAL COMMISSION
REGARDING UNOCAL AVILA BEACH CLEANUP PROJECT**

This Memorandum of Understanding (MOU) is between the California Coastal Commission (hereinafter "the Commission") and the Department of Fish and Game – Office of Spill Prevention and Response (hereinafter "OSPR"). Each party is an agency of the State of California.

WHEREAS, the OSPR intervened in a lawsuit entitled Avila Alliance, et al. v. Unocal Corporation, et al Case Number #CV079728; and

WHEREAS, a settlement was reached in the above captioned matter and a settlement agreement and judgment was filed in San Luis Obispo County on June 25, 1998; and

WHEREAS, the OSPR pursuant to the settlement agreement and judgment will receive the sum of \$3.5 million and all accrued interest for compensation for lost use and enjoyment of natural resources, public beaches, and other public facilities in the Avila area impacted by the oil release (Government Code § 8670.56.5(g)(7)); and

WHEREAS, the OSPR as Trustee intends to utilize the above mentioned sum for the planning and implementation of restoration projects that will enhance and benefit the public beach and recreational activities in the Avila area; and

WHEREAS, the OSPR pursuant to the settlement agreement and judgment will receive the sum of \$2.5 million and all accrued interest for impacts to biological resources in the marine environment (Government Code 8670.56.5(g)(3)); and

WHEREAS, the OSPR as trustee intends to utilize the above mentioned sum for studies concerning impacts to biological resources in the marine environment and the planning and implementation of restoration projects relating to injuries to biological resources impacted by the oil release at Avila Beach; and

WHEREAS, the excavation and removal of contaminated soil which the settlement agreement obligates Unocal to carry out 1) is located within the "coastal zone" of the

State of California as that term is defined in Public Resources Code § 30103, and 2) constitutes "development" within the meaning of that term as it is defined in Public Resources Code § 30106; and

WHEREAS, Public Resources Code § 30600 requires that any person desiring to carry out development within the coastal zone of the State of California must first obtain a coastal development permit under the California Coastal Act (Public Resources Code § 30000 *et seq.*); and

WHEREAS, on June 25, 1998, the County of San Luis Obispo issued a coastal development permit for the above-described remediation project; and

WHEREAS, on July 16, 1998, pursuant to Public Resources Code § 30603, two Commissioners of the Commission appealed the County's coastal development permit to the Commission, thus removing to the Commission Coastal Act jurisdiction over Unocal's remediation project; and

WHEREAS, the Commission may not either 1) pursuant to Public Resources Code § 30625(b)(2), dismiss its appeal of, or 2) pursuant to Public Resources Code §§ 30604(b) and (c), issue a permit for Unocal's remediation project, unless it can find that the impacts of that project on coastal public access, recreation and coastal biological resources have been fully mitigated; and

WHEREAS, the Commission pursuant to Chapter 3 policies and the regulatory requirements of the California Coastal Act has jurisdictional authority to require sufficient and specific mitigation for adverse impacts to public access, recreational resources and biological resources in the Avila Beach area; and

WHEREAS, the Commission and the OSPR wish to provide criteria for the OSPR to use in selecting under the terms of the settlement agreement projects which will be reasonably certain to mitigate the impacts of Unocal's remediation project on coastal public access, recreation and biological resources, so as to enable the Commission to make the findings it must make in order to either dismiss its appeal or issue a permit for Unocal's project.

NOW THEREFORE, the parties hereto agree as follows:

(1) The OSPR and the Commission shall jointly hold a series of public workshops to solicit public access, beach enhancement, and visitor serving project proposals from the members of the Avila Beach Community, the local Avila Valley Advisory Committee (AVAC), Port San Luis Harbor District, and other interested parties. The input and comments from these workshops will be fully considered by OSPR prior to any final decisions on project selection and funding.

Consistent with the provisions of the California Coastal Act and the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, funded projects must 1) be of a benefit to the Avila Beach area and 2) provide substantial improvements for public beach use, coastal access, and/or public visitor serving facilities.

The types of projects that would satisfy the above-described criteria include:

- Beach access
- Improvements to publicly operated visitor-serving facilities
- Bikepaths that provide coastal access
- Alternative beach transportation programs (such as a beach shuttle program)

Projects that may be beneficial in their own right, but do not provide any significant enhancement for public coastal access or visitor serving needs, shall not be funded from this \$3.5 million.

The OSPR agrees that it shall consult closely with Coastal Commission and its staff in selecting projects to be funded in accordance with the criteria specified herein.

(2) Actual construction of the approved projects will follow normal regulatory processes and may require a separate coastal development permit from San Luis Obispo County and/or the Coastal Commission. The Coastal Commission commits to an expeditious processing of any necessary Commission permits for the selected mitigation projects.

(3) The OSPR will work closely with the Coastal Commission and its staff — especially the Commission's marine ecologist — to develop marine biological studies and technically feasible marine resource restoration projects in the Avila area that address impacts from the oil release and cleanup in a manner consistent with the Coastal Act.

(4) By December 1, 2000 (RWQCB's Cleanup or Abatement order no. 98-37 deadline for Unocal's project completion), the OSPR shall have granted approval of all projects to be funded with the \$3.5 million and the \$2.5 million. All approved projects shall include an expeditious implementation schedule and in no case shall be completed later than December 1, 2002 unless extended by written agreement between the parties.

(5) As soon as possible after the execution of this agreement the OSPR and the Commission shall designate staff members who shall function as contact persons for the consultation to be conducted under this MOU.

(6) It is understood between the parties that the OSPR is receiving the sum of \$3.5 million and all accrued interest as trustee for the loss of beach use and recreational resources and receiving \$2.5 million and all accrued interest for impacts to biological resources in the Avila area. It is further understood that under the terms of the settlement agreement, the OSPR has the ultimate authority for determining the appropriate projects to be funded by these monies, subject to terms of this MOU including full consultation with the Coastal Commission. Due to similarity between regulatory standards in California Coastal Act and in the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, respectively, the parties do not anticipate conflicts as to which projects are to be funded.

This Memorandum of Understanding is executed on _____ in
Sacramento, and on _____ in San Francisco, California.

PETER DOUGLAS
EXECUTIVE DIRECTOR
CALIFORNIA COASTAL COMMISSION

DATE

PETE BONTADELLI
ADMINISTRATOR
OFFICE OF SPILL PREVENTION AND RESPONSE

DATE

Exhibit 5

SLBE EIR – Page 34

Final

Master Environmental Impact Report
San Luis Bay Estates Development Plan
Avila Beach, California
Project ED 80-90

envicom CORPORATION

and entertainment, eating and drinking places, food and beverage retail sales, general merchandise stores, financial services, health care facilities, offices, and personal services. Although the proposed ~~project~~^{project}~~is~~, therefore; uses are consistent with the policies and standards for the retail commercial area, the planned 33 acres exceeds the size of the area intended in the Land Use Element; however, detailed development plan approval for the commercial area will be required at a later stage in the process.

The LUE applies the recreation land use category to San Luis Obispo Creek and to areas containing existing recreational development, including the golf course, tennis courts, and hotel facilities. The permitted uses within the designated recreation area for the San Luis Bay Estates are limited by the LUE to amusement and recreational services, rural sports and group facilities, sports and active recreation, temporary events, caretaker residence, eating and drinking places, food and beverage retail sales, public safety facilities, accessory storage, hotels and motels, pipelines and power transmission. The only active recreation uses are confined by the LUE to the area of the existing 18-hole golf course, tennis facilities, and hotel. The floodplain areas are to be preserved in their natural state. Therefore, the proposed project is consistent with the recreation land use category of the LUE.

The LUE applies the open space category to the parcel lying south of Avila Road and the area surrounding the residential clusters. The open space areas are required by the LUE to be covered by open space easements or deed restrictions to preserve them in an undeveloped state.

3) Combining Designations

Combining designations on the LUE identify areas with characteristics that are either of public value or hazardous to the public. The special location, terrain, man-made features, plants or animals of these areas create a need for more careful project review to protect those characteristics, or to protect public health, safety and welfare. Portions of the proposed project area are covered by one or several of the following combining designations (refer to Figure 8): Geologic Study Area, Flood Hazard, Sensitive Resource Area, or Local Coastal Program.

Exhibit 6

Pages from
October 1983
CCC Revised Findings

California Coastal Commission
SOUTH CENTRAL COAST DISTRICT
735 State Street, (805) 963-6871
Balboa Building, Suite 616
Santa Barbara, CA 93101

October 14, 1983

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: ROBERT BROWN, DIRECTOR OF LAND USE; JAMES M. RYERSON, DISTRICT DIRECTOR;
PHIL MEES, CHIEF PLANNER; MARGARET MACLEOD AND NYNA DOLBY, LCP STAFF
PLANNERS

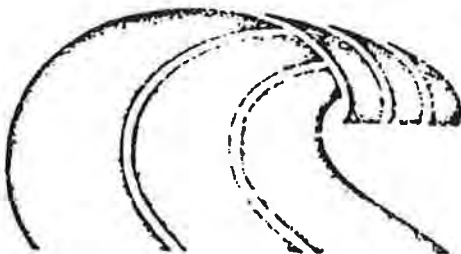
RE: COUNTY OF SAN LUIS OBISPO LAND USE PLAN RESUBMITTAL, REVISED FINDINGS.

The revised findings incorporate and reflect the Coastal Commission's consideration and action on the County's Land Use Plan Resubmittal as certified, with suggested modifications, at the July 13, 1983 public hearing. Commission approval of the revised findings is scheduled for October 25, 1983, 10:00 a.m., at the Board of Supervisor's Chambers, 105 E. Anapamu Street, Santa Barbara, CA (805) 966-1611.

On July 13, 1983 the California Coastal Commission certified, with suggested modifications, the County of San Luis Obispo Land Use Plan Resubmittal. In review of the County's resubmittal and the Commission staff reports (dated May 18th and July 5th, 1983) on the resubmittal, the Commission deleted or incorporated changes to a number of the suggested modifications contained within the staff reports. The attached proposed revised findings reflect the Commission's action of July 13, 1983 on the County's Resubmittal.

The format of these proposed revised findings is structured so that the May 18th and July 5th staff reports are integrated and consolidated into one document. Margin notes are included within the proposed revised findings to inform the reader of changes made within the report (for example: deletion of suggested modification and findings per the Coastal Commission action on July 13, 1983).

MM/rt



PROPOSED REVISED FINDINGS October 14, 1983
(Staff Report) May 18, 1983

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: ROBERT BROWN, DIRECTOR OF LAND USE; JAMES M. RYERSON, DISTRICT DIRECTOR;
 PHIL MEES, CHIEF PLANNER; MARGARET MACLEOD AND NYNA DOLBY, LCP STAFF
 PLANNERS

RE: COUNTY OF SAN LUIS OBISPO LAND USE PLAN RESUBMITTAL (FOR PUBLIC HEARING AND
 ACTION AT THE SCHEDULED COMMISSION MEETING OF MAY 26, 1983)

Synopsis

Background

The County of San Luis Obispo is located within the central coast area of California. The County's coastal zone covers a diverse ±100 mile stretch of coastline varying from the Nipomo Dune complex located within the southern portion of the County, to the coastal sage scrub vegetative communities, to marine terraces, to the Morro Bay Estuarine System, to the open grasslands and vistas across the Hearst Ranch, and ultimately to the dramatic Big Sur coastline within the northern reaches of the County.

On October 14, 1982, after segmenting Sweet Springs Marsh, the Commission first voted to deny the County of San Luis Obispo Land Use Plan (LUP) as submitted and subsequently, voted to certify with suggested modifications, the County's LUP. Included with the October 14th action was the Sweet Springs Segment action and the "white-holing" of Port San Luis and Cambria Pines-Lodge Hill. In an action following the Commission's certification, the County Board of Supervisors on February 28th, 1983, adopted Resolution #83-92 (Attachment A) listing those suggested modifications that the County accepts and through an attachment to the Resolution, outlining and discussing those suggested modifications that the County does not accept.

It should be noted, at this point, that the attachment to the Board's Resolution listing and discussing those unacceptable suggested modifications is the same attachment which was presented to the Commission prior to the Commission's October 14, 1982, meeting. As such, it does not reflect the additional resolution of issues which were achieved between the County and Commission staff prior to the October hearing and presented at that hearing in the form of a Commission staff addendum (dated October 6, 1982). The Commission did incorporate the recommendations in that addendum into its final action of October 14th. Therefore, the County's resubmittal erroneously lists as unresolved some issues which have already obtained Commission concurrence and approval. Accordingly, in addition to the suggested modifications accepted by the County, the issues listed below have also been resolved and will not be addressed further in this staff report:

churches; schools (pre through secondary); sports assembly; collection stations; power generating plants; organizational houses; mining; petroleum extraction; sales from vehicles (vending); temporary or seasonal retail sales; health care services; offices, temporary; personal services, storage yards and sales lots; temporary construction yards; air fields and landing trips, public utility centers and transit stations and terminals.

- A-3 Revise the Limitation of Use Standards included in the area plans to reflect the above revisions in the land use designation definitions and Table O of Principal Permitted and other Allowable and Special Uses.

FINDINGS - PRINCIPAL PERMITTED AND ALLOWABLE USE: Suggested Modifications A-2 A-3, E-2, E-4

THE LUP PROVIDES FOR TOO MANY ALLOWABLE AND PRINCIPAL PERMITTED USES IN THE LAND USE CATEGORIES.

- A-2 The very broad range of land uses proposed by the San Luis Obispo County LUP is inconsistent with Coastal Act requirements for clarity (Section 30108.5). An analysis of LUP build-out on coastal resources, as required by Section 30250, is impossible given the wide range of intensities and types of development patterns that could occur under different combinations of the Plan proposals. The inclusion of many, often unrelated Principal Permitted uses in each Land Use category substantially weakens the intent of the post - LUP appeal criteria for Coastal Counties (Section 30603(4)). Many of the uses proposed in the Agriculture designation are also inconsistent with the preservation and protection of agricultural soils. In addition to these problems, the LUP contains contradictory and confusing direction regarding allowable uses on land designated for Agriculture.
- A-3
- E-2 Suggested modifications reduce the number of uses within a given land use category, limit uses to those compatible with the intent of the designation and establish appropriate intensities of use. The agriculture modifications limit the number of uses in agriculturally designated lands to those appropriate to a rural agricultural setting, clarify the types and intensities of allowable development on prime and non-prime soils and provide specific criteria for development to assure that adverse impacts on agricultural use will be minimized. These modifications resolve the problems summarized in the Findings for Denial and in the preceding paragraph and provide LUP land use designations and intensities consistent with Coastal Act Requirements.
- E-4

The County in resubmitting this issue did so on the grounds that certain specific uses in the agriculture, recreation, and commercial retail designations were omitted from the lists of principal permitted and allowable uses in the agriculture, commercial retail and recreation categories. The County felt these uses were necessary and not in conflict with the Coastal Act. Commission staff agreed in the October 1, 1982 Addendum and the Commission concurred in its October 14, 1982 action. However, the Board did not recognize the concurrence in its resubmittal so suggested modifications A-2, E-2 & A-3 are included herein for clarification. The above modifications reflect the County's requested changes as well as the Commission's previous concurrence with those changes.

Revisions have been made to suggested modifications A-2 (Part I), E-2, and D-4. These revisions are clarifications of uses already included as principal permitted or allowable on agricultural lands and were not found to conflict with the requirements of the Coastal Act. Orchards and vineyards have been added to the principal permitted uses listed for prime and non-prime agricultural lands for they are considered to be equivalent to the "cultivation of crops" already included. One immediate family unit (mobile home) has been added to the principal permitted uses listed for prime and non-prime agricultural lands, as is currently allowed under the County's Land Use Ordinance. The references made in A-2 and E-2 to "agricultural soils" have been changed to "agricultural lands", and consistent with the language included in PRC Sections 30241, 30242, and 30113. Water projects located on non-prime agricultural lands to serve urban water uses have also been added as allowable uses subject to meeting the LUP standards for conversion of agricultural lands and provision of supplemental uses.

The minimum parcel size for non-prime agricultural grazing lands has also been revised. This revision will be discussed in more detail in the Agricultural section of this staff report. (Suggested Modification E-9)

PRC Section 30222 states that the use of private lands suitable for visitor-serving commercial recreational facilities shall have priority over other types of urban development but not over agriculture or coastal-dependent industry. Policy 8 of the County's Land Use Plan speaks to what non-agricultural uses would be allowed and under what circumstances they would be allowed if it were found that the non-prime agricultural land could not be maintained in agricultural production as called for in County Policy 1 page 7-6 (which is consistent with PRC Section 30241 and 30242.) The County in Policy 3 as submitted gives priority to "public recreation uses" when non-agricultural uses are necessary to support continued agricultural activity. Therefore, the suggested modification is consistent with the Coastal Act and reflects the County's adopted position with regard to priority uses.

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b) Visitor-Serving Definition and Land Use Designation: Suggested modifications C-1, C-7, C-9, C-11, C-2.

- C-1 Add a "Visitor-Serving overlay" designation to the "Commercial Retail" and "Recreation" designations. Revise the land use element to add the following after the "Recreation" designation description on page 59, and the "Commercial Retail" designation description on page 63. Add a "Visitor-serving" category to the Allowable Uses shown on Table O reflecting the following policy:

"Visitor Serving Commercial and Recreational Areas".

a) Areas, that presently serve tourists and visitors to the coast and coastal communities, shall be protected by preserving the visitor serving uses within them.

b) Ocean front land, upland support areas and private lands and coastal areas suitable for recreational and visitor serving commercial activities shall be reserved for such developments. Priority shall be given to use of private lands to enhance public opportunities for coastal recreation over private residential, general industrial or general commercial development but not over agriculture or coastal dependent energy.

c) Principal permitted uses include: eating and drinking places, (not including drive-in restaurants, fastfood and refreshment stands) food and beverage retail sales (limited to tourist oriented supplies), tourist oriented general merchandise stores, hotels, and motels, unless this list is further limited by area specific standards.

d) These parcels shall be identified on the Land Use Maps with the letter "V".

- C-7 Revise the Principal Permitted Use Designations and Allowable Uses for the following Area Specific Standards in the North Coast Area Plan to be consistent with Policies C-1 and C-2 except as noted below. Designate these areas with a "V" on the Land Use Map to indicate that they are priority visitor serving areas.

a) Commercial Retail, North Coast Area Plan, Page 57, Standard 1, San Simeon Acres, RV parks shall be a principal permitted use only when located east of Avonne and East of Highway 1.

b) Food & Beverage Retail Sales are not principal permitted uses under the following standards:

- Commercial Retail, North Coast Area Plan, page 50, Standard 5, Cambria

- Recreation, North Coast Area Plan, page 44, Standard 26, Piedras Blancas

c) Recreation, North Coast Area Plan, page 42, Standard 8, delete equestrian exhibition facilities from the uses within the rural sports and group facilities allowable use.

- d) Recreation, North Coast Area Plan, page 42, Standard 9, Van Gordon Creek. The only principal permitted uses shall be an R.V. park and support facilities.
- e) Commercial Retail, North Coast Area Plan, page 57, Standard 6. The only principal permitted use shall be a hotel/motel.
- f) Recreation, North Coast Area Plan, page 50, Standard 4, Cambria. Bed and Breakfast Inns shall also be a principal permitted use. Financial services are an allowable use.
- g) Recreation, North Coast Area Plan, page 44, Standard 30, Exotic Gardens. The principal permitted uses for this property are: the existing nursery, eating and drinking places, and general merchandise stores. Storage and residential uses are accessory uses only.
- h) Recreation, North Coast Area Plan, pages 50-51, Standard 5 & 6, Moonstone Beach. Consolidate the two standards as follows:
"Limitation on Use - Allowable and Special Uses. Principal permitted uses are limited to: eating and drinking places (restaurants and accessory cocktail lounges not including drinking places independent from restaurants which are prohibited); hotels and motels; tourist-oriented food and beverage retail sales (with locations not limited to road intersections); general merchandise stores (tourist-oriented specialty shops including gift and antique stores, barber and beauty shops, cleaning and laundry agencies not exceeding 2,500 sq.ft. in area including any attached living quarters, and art galleries). Other non-principal permitted uses may include: managers and caretakers apartments when accessory to a principal-permitted use, and occupying the rear portion or the second story of the structures; and libraries and museums (zoos are prohibited)."

C-9

Revise the Principal Permitted Use designations and Allowable Uses for the following area specific standards in the Estero Area Plan to be consistent with Policies C-1 and C-2 except as noted below. Designate these areas with a "V" on the Land Use Map to indicate that they are priority visitor serving areas:

- a) Recreation, Estero Area Plan, page 56, Standard 3. San Geronimo Area (Noble Johnson). The only principal permitted uses are hotels and motels, and eating and drinking places.
- b) Commercial Retail, Estero Area Plan, page 54, Standard 3, Cayucos, north of the Veterans Building. Food and Beverage Retail Sales shall not be a principal permitted use.
- c) Recreation, Estero Area Plan, page 63, Standard 1, Cuesta-by-the-Sea. The only principal permitted use shall be a single family residence passive recreation, other allowable uses may include boat launching and parking areas sited consistent with resource protection and public access requirements.
- d) Recreation, Estero Area Plan, page 53, Standard 1, Highway 41. Allowable uses are limited to the existing membership organizations,

and continuing phased development of the existing mobile home park with development of RV spaces, which would require Development Plan Review.

C-11 Revise the Principal Permitted Use designations and allowable uses for the following area specific standard in the San Luis Area Plan to be consistent with Policies C-1 and C-2 except as noted below. Designate these areas with a "V" on the Land Use Map to indicate that they are priority visitor serving areas:

- a) Recreation, San Luis Bay Area Plan, page 66, Standard 1, General Merchandise Stores shall not be a principal permitted use. Equestrian exhibition facilities shall be deleted from the uses within the rural sports and group facilities allowable use.

C-2 Revise Policy 1, page 3-8 of the Policy Document:

Policy 1. Recreation Opportunities. Coastal Recreational and Visitor Serving facilities, especially lower cost facilities shall be protected, encouraged, and where feasible provided by both public and private means. Removal or conversion of existing lower cost facilities and opportunities in areas designated with the "V" Visitor Serving Overlay shall be prohibited unless the use will be replaced by a facility offering comparable visitor serving or recreational opportunities. The new construction of non-visitor serving or non-principally permitted uses shall only be permitted if it can be found that they would not prejudice the provision of adequate visitor-serving facilities to meet the foreseeable demand over the next 20 years.

FINDINGS - VISITOR-SERVING DEFINITION AND LAND USE DESIGNATION: Suggested Modifications C-1, C-7, C-9, C-11, C-2

ESTABLISHING PRIORITY FOR AND PROTECTING VISITOR SERVING AND RECREATIONAL USES

- C-1 Section 30222 requires that visitor serving commercial recreational facilities have priority over residential and other commercial or industrial uses. Modification C-1 would establish that the purpose of the Recreation and Commercial Retail designations with the Visitor-Serving overlay ("V" designation on land use maps) is to provide such facilities by including uses consistent with visitor-serving and recreational functions as the principal permitted uses. It also protects them by requiring the preservation of existing uses and gives priority to such uses on oceanfront land consistent with the intent of Section 30222. The Commission finds that, due to their location, existing facilities and desirability as tourist destination points the areas described in the modifications (C-7, C-9 & C-11) are high-use visitor serving areas and are designated as priority visitor-serving/recreational areas with the letter "V". Their inclusion in the LUP would meet Coastal Act requirements regarding the protection, provision and priority of visitor and recreational opportunities.
- C-7
- C-9
- C-11

- C-7 Although the suggested modification C-7 may appear redundant it is necessary to clarify that the "visitor-serving overlay" designation defined in suggested modification C-1 does not over-ride the County's

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Addenda

more specific Area Plan limitation on use standards for the properties listed in suggested modification C-7. The more restrictive uses allowed on the visitor-serving properties identified in modification C-7 were found to be consistent with the Coastal Act and particular site constraints, rather than the broader list of uses that would be allowed on visitor-serving designated properties as defined in suggested modification C-1 part (C). The suggested modification (C-7) does not require textual revisions in the County LUP, except for part (h). The Any other potential revisions ~~spoken-to-by-Mr.-Benson~~ were not submitted by the County with this resubmittal. Another amendment package has recently been received which likely contains the County's revisions and will be acted upon by the Commission later in the year.

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- C-2 In addition, Policy 1 of the Policy Document must be revised to reflect the requirement of PRC Section 30213 that both low cost recreational and visitor serving facilities must be protected, encouraged and where feasible provided. Furthermore specific policy language is necessary to assure that a viable method is proposed to preserve and protect existing low cost visitor serving or recreational opportunities. Modification C-2 accomplishes this by allowing the new construction of non-visitor serving or non-principally permitted uses in areas designated as high visitor use areas ("V"), only if it would not prejudice the ability to provide such facilities to meet foreseeable demand over the next 20 years. Modification C-2 also prohibits conversions or removal of low cost facilities in high use areas ("V") unless they can be replaced by comparable facilities.

The County in resubmitting the visitor-serving land use designation definition and priority use policy did so by stating that the proposed modifications were redundant and unnecessary. Commission staff believes that these modifications are necessary to insure consistency with PRC Sections 30222 and 30213. Revisions have been made by staff to address some of the County's concerns and to simplify the modifications, while not altering their intent. As modified, the LUP can be found consistent with PRC Sections 30222 and 30213.

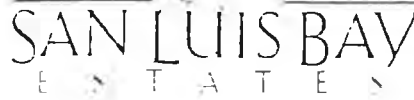
2) URBAN-RURAL BOUNDARIES: Suggested Modifications A-5, E-5, A-11, A-1

A-5 Revise Policy 1, page 9-5

AVAILABILITY OF SERVICE New development (including divisions of land), shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the USL for which services will be needed consistent with the Resource Management System where applicable. Except for public serving projects, new land divisions outside the USL shall be permitted only where 50% of the useable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels (those parcels lying wholly or partially within a quarter mile radius, as measured from the property parcel lines) or the LUP maximum designated parcel size whichever is greater. Permitted development outside the USL shall be allowed only if

Exhibit 7

7/6/1992 Letter from
D. Mitch Walker



SAN LUIS BAY ESTATES

July 6, 1992

Mr. Terry Wahler
Planning Department
County Government Center
San Luis Obispo, CA 93408

RE: Use of Golf Course for Special Events

Dear Terry:

During our meeting of June 22, 1992, you discussed/questioned the use of the golf course, such as the area around Mulligan's and the Pro Shop for special events. We believe that the existing Land Use category of the property (i.e., zoning of Recreational) allows this use. Looking at allowable uses in Table O of the Local Coastal Plan, there are two possible classifications of the use we are making on this property; Temporary Events or Public Assembly and Entertainment. Temporary Events is a S-17 use requiring a permit while Public Assembly and Entertainment is an allowable use. Following are the definitions of each.

Temporary Events

Any use of a structure of land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include but are not limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts.

Public Assembly and Entertainment

Facilities for public assembly and group entertainment such as: public and semi-public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands and orchestras; motion picture theaters; amphitheaters; meeting halls for rent and similar public assembly uses.

It seems clear that the type of activities we are doing should be classified as Public Assembly and Entertainment. One key difference between these definitions is the fact that we have built extensive permanent support facilities for long term, daily use of this property for a variety of events. Numerous patios, electrical hookups, equipment storage areas, parking

Mr. Terry Wahler
Page 2
July 6, 1992

facilities, and banquet facilities are integral to our business and support these activities. It would be impossible to cater weddings or other group events without these facilities.

Events such as the KCBX Wine Classic also depend on these permanent support facilities. The definition of "temporary events" refers to large gatherings for a one time event much like a "Woodstock" type concert. We schedule of events is continuous and an integral part of our business with a full-time staff. There is nothing temporary about the operation.

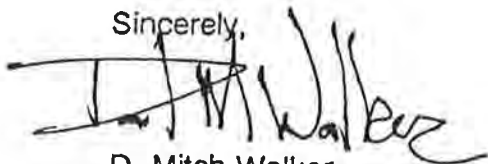
In addition to this, the San Luis Bay Planning Area has the following definition of uses within the Recreation category for San Luis Bay Estates, page 90.

Recreation: The following standards apply only to lands within the Recreation land use category.

1. Limitation on Use. Principal permitted uses are limited to: eating and drinking places (not including drive-in restaurants, fast food and refreshment stands); food and beverage retail sales (limited to tourist-oriented supplies); and hotels and motels. Non-principal permitted uses include: amusement and recreational services; rural sports and group facilities (excluding equestrian exhibition facilities); sports and active recreation; temporary events; caretaker residence; public safety facilities; accessory storage; and pipelines and power transmission. (This is a visitor-serving priority area.)

Clearly, even if you consider our events as "temporary", the Local Coastal Plan encourages their existence under the existing approved plan.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Mitch Walker", with a stylized, cursive script.

D. Mitch Walker

ATTACHMENT C

BASELINE EVENTS MEMO



Letter of Transmittal

Date: October 11, 2018

To: Ellen Carroll, San Luis Obispo Planning Department

CC: Justin Cooley, San Luis Obispo Tax Collector's Office

From: Jamie Kirk

RE: Baseline and Background Information for the Avila Beach Resort (ABR)
Temporary Commercial Outdoor Entertainment License (License)

Please find attached a partial listing of the on-going entertainment activities that have occurred at the ABR since 2007. This listing is only intended to address those activities that are included in the License application. Other on-going activities not included in this listing, but occur on the property, include wedding, banquets, corporate retreats, golf tournaments, and other similar activities generally associated with a commercial resort facility. The listing includes the name of the specific event along with the number of ticketed attendees for each activity. Pictures are also included to verify the location of the activity and parking areas.

The listing provides the baseline for CEQA purposes. The number of concert activities are generally between 15-20 a year with attendees between 1,000 – 5,000. The "baseline" demonstrates that the events are exempt from CEQA. The public concerts and gatherings at existing facilities are categorically exempt under CEQA. State CEQA Guidelines, Section 15323, "Normal Operations of Facilities for Public Gatherings" provides:

"Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, 'past history' shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. ..."

I have also attached an excerpt from the County's 2006 Park and Recreation Element which lists concerts as an on-going use at the Resort.

Jamie Kirk

President

KIRK CONSULTING | 8830 MORRO RD | Atascadero, CA 93422 | 805.461.5765

8830 Morro Road, Atascadero, CA 93422
Phone: 805-461-5765 Fax: 805-462-9466
jamie@kirk-consulting.net

Date	Events	Paid Attendees
May 27	Tequila Festival	3500
May 28	Blues Festival	2700
May 29	Unfinished Business Memorial Day Jam benefiting Veterans	1700
June 10	Duke Dumont Concert	1700
June 17	Rebelution Concert	5000
June 24	American General Media Mac 'n Cheese Festival	2000
July 7	UB40 Concert	2500
July 8	Oyster Festival	2000
July 9	Yoga Festival	1000
Aug 6	Slightly Stoopid Concert	4500
Aug 18	Dropkick Murphys/Rancid Concert	3000
Aug 25	Trombone Shorty & St. Paul and the Broken Bones Concert	2000
Sept 10	RISE: Wine Women & Shoes fundraiser	1500
Sept 16	Oktoberfest	1000
Oct 7	Big Brothers & Big Sisters: Bubblyfest	1000
Oct 28	Autumn Jam Concert	1500
Nov 4	SLO Vintner's: Harvest on the Coast-Hospice SLO benefit	2000
Nov 11	Avila Beach Party ft. Seven Lions & Tritonal	3000
Nov 17	Kid Cudi Concert	5000

Date	Events	Paid Attendees
May 27	Rodrigo Y Gabriela Concert	2500
May 28	Tequila Festival w/ Ozomatli	3500
May 29	Blues Festival-Buddy Guy Trombone Shorty, Carolyn Wonderland	3000
June 18	Mac & Cheese Festival	2000
July 3	Slightly Stoopid	4000
July 9	Oyster Festival	3000
Aug 14	Rebeultion Concert	5000
Aug 25	Michael Franti	2500
Sept 4	Tedeschi Trucks & Nicki Bloom	2000
Sept 17	Chris Young & Josh Abbot Band	2000
Sept 23	Thomas Jack & Ottograph	2000
Sept 29	ZZ Top	2000
Oct 8	Bubblyfest-Big Brothers, Big sisters benifit	1000
Oct 21	Willie Nelson	2000
Oct 29	Gran Fondo Bike Race- NON profit beneficiary Team SLO	1500
Nov 4	Harvest Festival SLO Vintners	1000
Nov 18	Galantic	3000

Date	Events	Paid Attendees
Apr. 24	Whiskey Festival	1500
May 23	Tequila Festival-Metalachi	3000
May 24	Blues Festival-Bonnie Raitt/JJ Grey	3000
June 6	Oyster Festival	2000
Aug 2	Stephen Marley-Collie Budd	3000
Aug 7	Above & Beyond	4000
Aug 14	Michael Franti & Spearhead	2500
Aug 15	Mac & Cheese Festival	2000
Sept 19	Chasmere Cats & Trippy Turtle	2000
Sept 25	G Eazy	4000
Sept 27	Rebelution/Tribal Seeds	5000
Oct 2	Cash Cash & Tritonal	3000
Oct 3	Firestone Walker 805 Beach Festival	1000
Oct 4	Gary Allen/ John Pardi/ Love & Left	3000
Nov 17	Harvest Festival	2000

Date	Events	Paid Attendees
Apr. 23	Avila Beach Party-Nervo & Cash Cash Concert	3000
May 24	Tequila Festival- Mariachi El Bronx	3000
May 25	Blues Festival-Gregg Allman- Trombone Shorty Concert	3000
June 7	Oyster Festival	3000
June 15	Tribal Seeds- Soja Concert	3000
June 22	Gavin DeGraw Concert	2500
July 13	Central Coast Wine Classic	1000
Aug 13	Portugal the Man- Grouplove Concert	3000
Aug 16	Firestone Walker 805 Beach Festival	1500
Aug 23	Mac & Cheese Festival	2000
Aug 31	POPS by the Sea SLO Symphony Concert	3000
Sept 12	Forever Never Land	200
Sept 21	Irish Festival- Young Dubliners Concert	2000
Oct 12	Experience Hendrix-Buddy Guy, Ozzy, Rich Robinson Concert	3500
Oct 30	Laidback Luke Concert	3500
Nov 8	Harvest Festival	2000

Date	Events	Paid Attendees
May 25	Tequila Festival- Kinky Boots	3000
May 26	Blues Festival - Steve Miller, Elvin Bishop, Carolyn Wonderland	3500
June 9	Blarney at the Beach-Young Dubliners	2000
June 23	Damien & Stephen Marley	3000
July 6	Above & Beyond	4000
July 12	Central Coast Wine Classic	1000
Aug 2	Dirty Heads, Expendables	3000
Sept 1	Pops By the Sea-San Luis Obispo Symphony	3000
Sept 14	Sea Fare- Central Coast Aquarium	2000
Sept 21	Firestone Walker 805 Beach Festival	2000
Oct 6	Empire of the Sun	3500
Nov 2	Harvest on the Coast-SLO Vintners	2000

Date	Events	Paid Attendees
May 25	Dev & the Cataracs	3000
May 26	Tequila Festival-Ozomatil	2500
May 27	Blues Festival- Doobie Brothers, Tower of Power, Taj Mahal	3500
June 24	Citizen Cope	3000
June 25	JJ Grey & MoFro	2500
July 13	Central Coast Wine Classic	1000
July 21	Car Show	1000
July 24	Sublime	4000
Sept 3	San Luis Symphony-Pops by the Sea	3000
Sept 28	Mac Miller	3000
Sept 29	Wilco	3000
Oct 3	Offspring- Neon Trees	3000
Oct 6	Oaktoberfest	2500
Oct 19	Bassnectar	3500
Nov 3	Harvest on the Coast-SLO Vintners	1000

Date	Events	Paid Attendees
May 21	Sheryl Crow-Options Family Services	3000
May 27	LMFAO	3500
May 28	California Festival of Beers-Hospice of San Luis Obispo	3500
May 29	Hendrick Experience-Steve Via, North Mississippi allstars	3500
June 9	Central Coast Wine Classic	1000
Aug 21	Stone Temple Pilots	3000
Sept 4	San Luis Obispo Symphony-POS by the Sea	3000
Sept 19	Bassnectar	4000
Oct 5	Tiesto	3500
Oct 13	Incubus	3000
Oct 16	Oaktoberfest	1500
Oct 21	Central Coast Aquarium-Sea Fare	2000
Nov 5	Harvest on the Coast- SLO Vintners	2000

Date	Events	Paid Attendees
May 9	Gypsy Kings	3000
May 14	Cheech and Chong	2500
May 25	MGMT-Tamin Paula	3500
May 30	California Festival of Beers- Hospice of San Luis Obispo	3000
May 31	Blues Festival-Jonny Lang & Tower of Power	3500
June 10	Avila Beach Invitational Car Show	1000
June 20	Dirty Heads & Fat Freddy's Drop	3000
July 10	Central Coast Wine Classic Experience Hendrix- Bill Cox, Joe Satrini, John Lang, Kenny Wayne	1000
Aug 3	Shepherd, Brad Whitford, Living Colour	3500
Sept 4	ZZ Top	3000
Sept 5	San Luis Obispo Symphony- POPS by the Sea	3000
Sept 17	Sublime	3000
Sept 19	Ivan Neville's Dumpstaphunk	3000
Oct 3	Savor the Central Coast- Chris Isaak	3000
Oct 16	Firestone Walker Brewery Oaktobefest	3000
Oct 18	Nas & Damien Marley	3000
Oct 22	Central Coast Aquarium- Sea fare	2000
Oct 24	Avila Beach Concours De Elegance-Hospice of San Luis Obispo	3500
Oct 29	Switchfoot	2500
Nov 6	Harvest on the Coast-SLO Vintners	2000

Date	Events	Paid Attendees
Apr. 11	Rock n' Beach	1500
May. 3	Cinco de Mayo Festival	1000
May. 23	California Festival of Beers- Hospice of San Luis Obispo	3000
	Blues Festival-Kenny Wayne Shepard, Susan Tedeschi, Crosby Stills and	
May. 24	Nash, Jackson Browne	3000
June 13	Spring Launch Party	3000
June 14	Los Lobos & Los Lonely Boys	3000
July	Summer Celebration	3000
23-Aug	End of Summer Beach Reunion	1000
Sept 6	Symphony by the Sea- Pops by the Sea	3000
Sep 20	Autumn Jams	1000
Oct 11	Octoberfest	1800
Nov 7	Harvest Festival- SLO Vintners	2000

Date	Events	Paid Attendees
April 19	Spring Concert Series	2500
May 4	Cinco de Mayo party	1000
May 18	Stephen Marley- Capleton-Iration	3000
May 24	California Festival of Beers- Hospice of SLO	3000
May 25	Blues Festival- Little Richard, Elvin Bishop	3000
Jul 12	Canned Heat	3000
Aug 17	AB Summer Celebration	1500
Sept 1	Symphony- POPS by the Sea	3000
Sep 13	Fall Party	1500
Oct 5	Bonnie Raitt	3000
12-Oct	Oktoberfest	1000
8-Nov	Harvest Celebration	1500

Date	Events	Paid Attendees
Apr. 28	Spring Fling Series	2500
May 18	Ziggy Marley & Robert Randolph	3000
May 26	California Festival of Beers- Hospice SLO	3000
May 27	Blues Festival- Los Lobos, Kenny Wayne Shepherd, Dave Alvin	3000
9-Jun	Concert	2000
7-Jul	Summer Beach Bash	2000
11-Aug	Beach Party	1500
Sept 2	SLO Symphony- San Luis Obispo	3000
Sept 9	Death Cab for Cutie, Matt Costa	3000
Sept 16	Oktoberfest	1000
13-Oct	Autumn Jam Concert	1500
20-Oct	Havest Festival	1800



Avila Beach Resort Site Images

Avila Beach Resort at night



Avila Beach Resort
Concert at Sunset



Avila Beach Resort
Car Show



Avila Beach Resort During the Day



Avila Beach Resort
During the Day



Avila Beach Resort
Daytime Concert



Avila Beach Resort Blues Festival (Concert)



Avila Beach Resort Concert



Avila Beach Resort
During the Day



Avila Beach Resort Evening Concert



Avila Beach Resort EDM Festival



Avila Beach Resort
Daytime Festival



Avila Beach Resort Parking



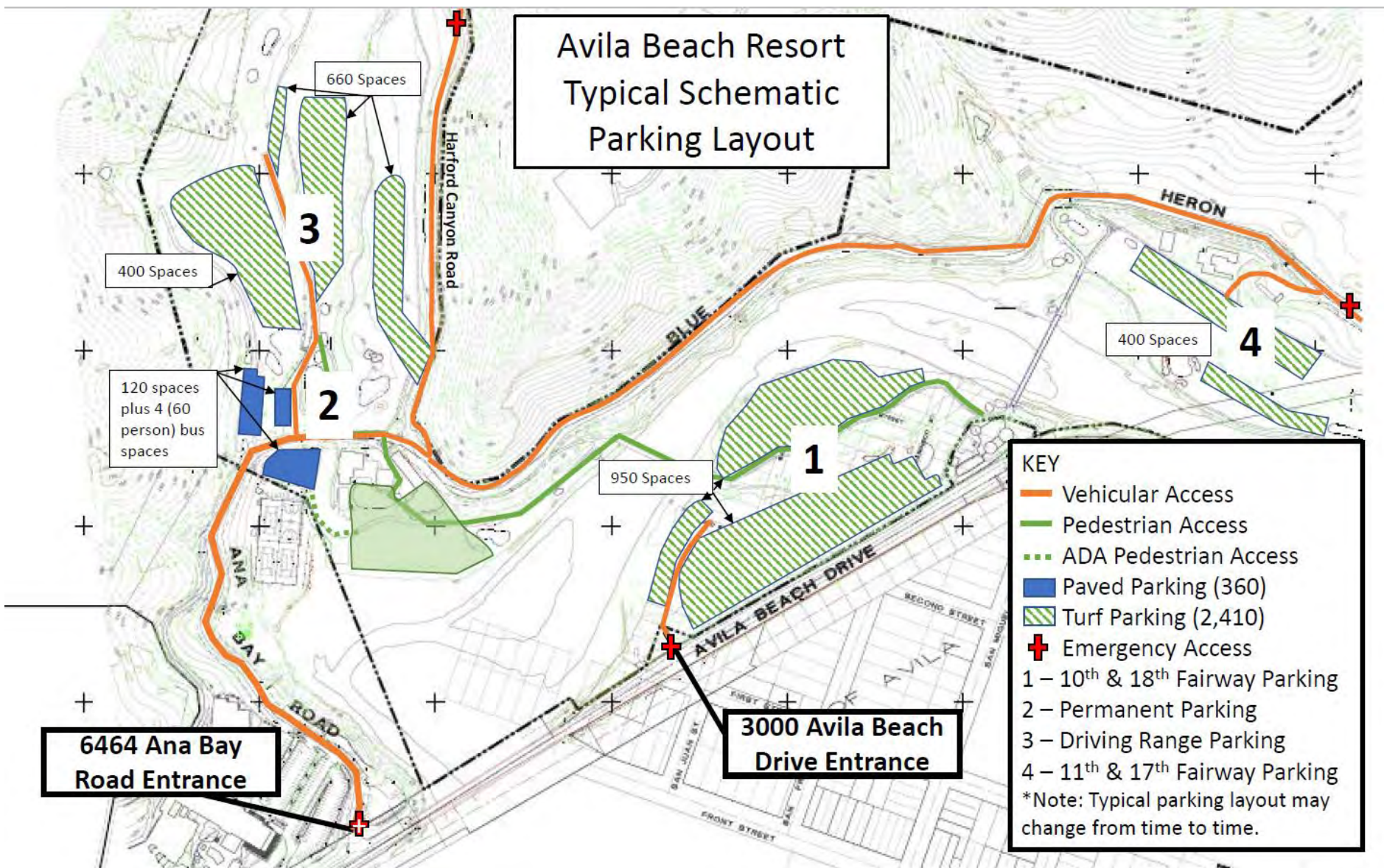
Avila Beach Resort Parking & Access

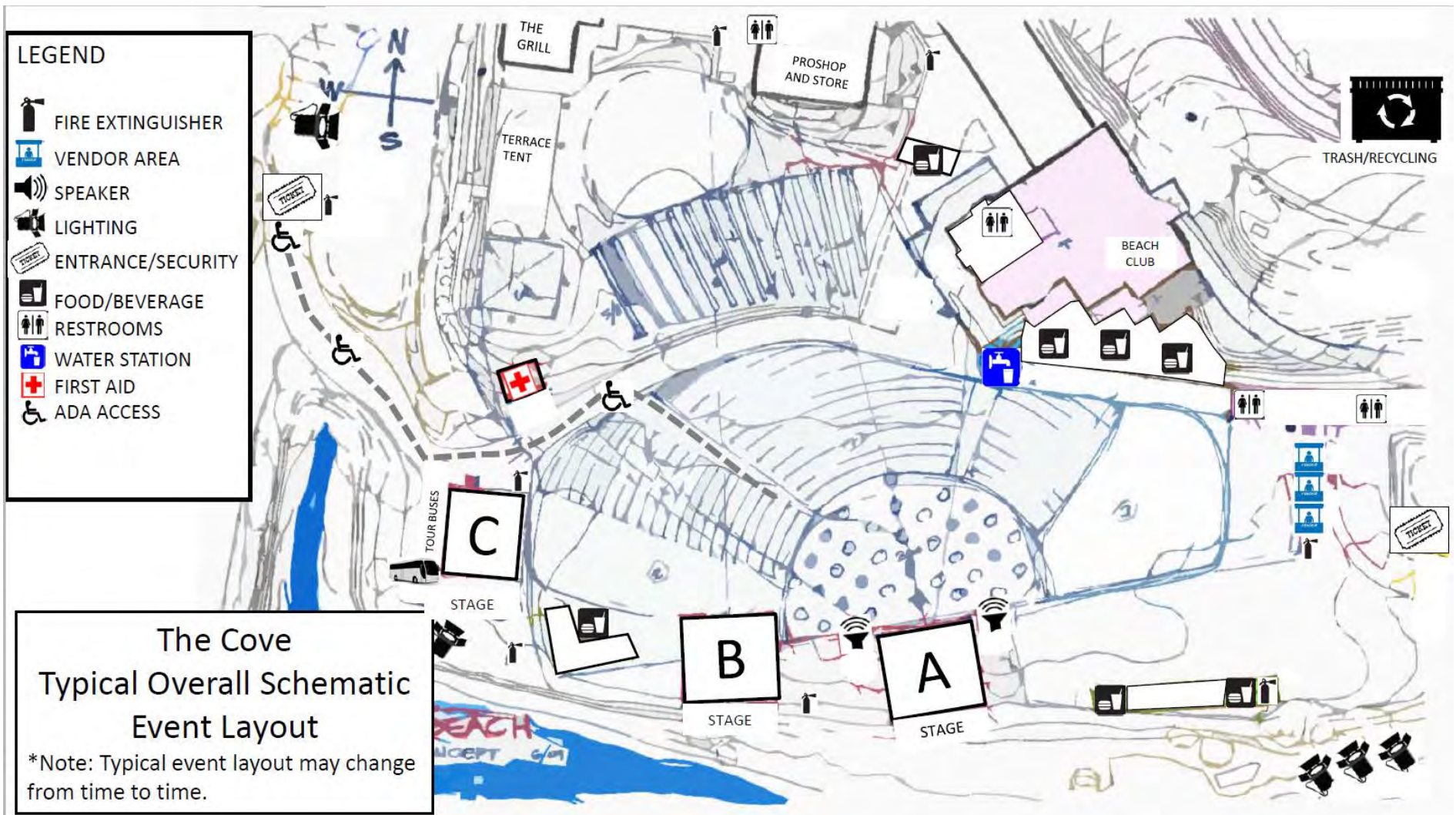


ACCOMPANYING OPERATIONAL DOCUMENTS

COUNTY CODE SECTION 6.56.050 – TEMPORARY COMMERCIAL OUTDOOR ENTERTAINMENT LICENSE

- A. Site Plan
- B. Parking Plan
- C. Cove Event Site Plan
- D. Driving Range Event Site Plan
- E. 500-foot mailing list
- F. Copy of Title Report
- G. Clean Up Agreement
- H. Indemnity Agreement
- I. Consent of Entry Agreement
- J. Business License – ABR Enterprises L.P.
- K. Insurance Policy
 - a. General Liability
 - b. Worker's Comp Policy
- L. 2017 Miller Event Management Statement of Services and Resume
- M. Sherriff Agreement
- N. San Miguelito Mutual Water Company Invoice
- O. Crystal Springs Water Company Invoice
- P. Harvey Honey Huts invoice
- Q. Guerrilla Gardening Club Invoice
- R. South County Sanitation Service Agreement/Invoice
- S. Coastal Roll Off Agreement
- T. San Luis Ambulance Invoice and Standby Form
- U. Rock Medicine Program Invoice
- V. Special Event Emergency Planning Guide
- W. Cal Fire Agreement and Checklist
- X. Mid-Coast Fire Protection Invoice
- Y. Got You Cover'd Inc. Invoice
- Z. California Highway Patrol Agreement





LEGEND

-  FIRE EXTINGUISHER
-  VENDOR AREA
-  FOOD/BEVERAGE
-  WATER STATION
-  TRASH/RECYCLE
-  SPEAKER
-  LIGHTING
-  FIRST AID
-  AMBULANCE
-  SECURITY/ENTRY
-  RESTROOMS

The Range Typical Overall Schematic Event Layout

*Note: Typical event layout may change from time to time.



LEGEND

-  FIRE EXTINGUISHER
-  VENDOR AREA
-  TRASH/RECYCLE
-  SPEAKER
-  LIGHTING
-  FIRST AID
-  AMBULANCE
-  SECURITY/ENTRY
-  RESTROOMS



The Peninsula
Typical Overall Schematic Event
Layout

*Note:Typical event layout may change from
time to time.



Example Event Layout of the Cove



Avila Events 500ft Radius Neighbor Map

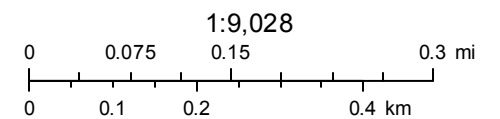
APN	Owner	Address1	City	State	Zip	Site Addr.	Comm.	Legal	Sup. Dist.
076-196-001	County of SLO	1087 SANTA ROSA	SLO	CA	93408-3101	00450 2ND ST	AVLB	000.17AC VACANT	Supdist 3
076-196-011	Benjamin Curti	18337 ROAD 24	TULARE	CA	93274	02925 AVILA BEACH DR	AVLB	PM 54-73 PAR 6	Supdist 3
076-198-001	Hole In The Clouds Homeowners Assoc.	1205 FREDOM BLVD STE 2	WATSONVILLE	CA	95076-2777	00000 SAN MIGUEL ST	AVLB	TR 2731 LT 9 (COMMON AREA)	Supdist 3
076-202-017	Mid Coast Properties LLC	7108 N FRESNO ST STE 450	FRESNO	CA	93720-2961	00243 LUCAS LN	AVLB	TR 2414 UNIT 16 & PTN COMMON AREA	Supdist 3
076-203-004	John & Tobe Frangie	520 FRONTIER WY	TEMPLETON	CA	93465-9537	00330 OCEAN OAKS LN	AVLB	TR 2355 UNIT 3 & PTN LT 1	Supdist 3
076-203-005	James M Hoxter Tre Etal	PO BOX 578	AVILA BEACH	CA	93424-0578	00340 OCEAN OAKS LN	AVLB	TR 2355 UNIT 4 & PTN LT 1	Supdist 3
076-205-003	Joyce Deline	352 EL PORTAL DR	SHELL BEACH	CA	93449-1506	00229 SAN LUIS ST	AVLB	TN AVILA PTN RHO SAN MIG	Supdist 3
076-205-030	Dick L Kelsey Tre Etal	PO BOX 458	CRESTON	CA	93432-0458	00346 RAVENS CLIFF LN	AVLB	TN AVILA PTN LD ADJ SECOND ST	Supdist 3
076-205-036	Sylvia Alcon Tre Etal	PO BOX 442	AVILA BEACH	CA	93424-0442	00220 SAN MIGUEL ST	AVLB	TN AVILA PTN LD ADJ SAN MIGUEL ST	Supdist 3
076-205-038	Mark E Gillen Etal	436 RAYMOND AVE APT 6	SANTA MONICA	CA	90405	00250 SAN MIGUEL ST	AVLB	TN AVILA PTN LD ADJ SAN MIGUEL ST	Supdist 3
076-212-008	Avila Beach Community Services Dist.	PO Box 309	AVILA BEACH	CA	93424-0309	00050 SAN JUAN ST	AVLB	TN AVILA BL 1 PTN LTS 1 2 & 3	Supdist 3
076-213-003	Zero Street LLC	PO BOX 277	AVILA BEACH	CA	93424-0277	00550 1ST ST	AVLB	TN AVILA PTN BL 5 LT 16	Supdist 3
076-213-012	Lucille B Gnos	870 WEST B ST	DIXON	CA	95620-3312	00546 1ST ST	AVLB	TN AVILA BL 5 PTN LT 8	Supdist 3
076-171-026	Eureka Energy Co Etal	TAX DEPT MC:B12G PO Box 7054	SAN FRANCISCO	CA	94120	03550 WILD CHERRY CANYON RD		RHO SAN MIG PTN LT Y	Supdist 3
076-174-007	Signature Resorts Inc A Md Corp	10600 W CHARLESTON BLVD	LAS VEGAS	NV	89135	00000 AVILA BEACH DR	AVLB	RHO SAN MIG PTN LT 47	Supdist 3
076-181-001	Port San Luis Harbor District	PO BOX 249	AVILA BEACH	CA	93424-0249	00655 FRONT ST	AVLB	005.73AC VACANT	Supdist 3
076-196-007	Paul & Robyn Metchik	1316 BROAD ST	SLO	CA	93401-3910	02975 AVILA BEACH DR	AVLB	PM 54-73 PAR 2	Supdist 3
076-196-008	John T Day Etux	4568 SPANISH OAKS DR	SLO	CA	93401-7845	02955 AVILA BEACH DR	AVLB	PM 54-73 PAR 3	Supdist 3
076-196-017	Jonathan Cagliero Tre Etal	8625 N RIVER RD	PASO ROBLES	CA	93446-7300	02855 AVILA BEACH DR	AVLB	PM 54-73 PAR 12	Supdist 3
076-196-018	Jonathan Cagliero Tre Etal	8625 N RIVER RD	PASO ROBLES	CA	93446-7300	02845 AVILA BEACH DR	AVLB	PM 54-73 PAR 13	Supdist 3
076-196-020	9 On Rockview LLC	PO BOX 12910	SLO	CA	93406-2910	02865 AVILA BEACH DR	AVLB	PM 78/52-53 PAR 1	Supdist 3
076-196-021	9 On Rockview LLC	PO BOX 12910	SLO	CA	93406-2910	02863 AVILA BEACH DR	AVLB	PM 78/52-53 PAR 2	Supdist 3
076-198-007	Toretta Ltd I Lp	12208 TRINITY RIVER DR	BAKERSFIELD	CA	93312-5727	00213 SAN MIGUEL ST	AVLB	TR 2731 LT 7	Supdist 3
076-198-008	Michael Markham Tre Etal	PO BOX 984	CAMBRIA	CA	93428-0984	00215 SAN MIGUEL ST	AVLB	TR 2731 LT 8	Supdist 3
076-201-077	Resident	PO BOX 1429	SLO	CA	93406-1429				Supdist 3
076-202-001	Common Area Owners	UNKNOWN	SLO	CA	99999	00000 LUCAS LN	AVLB	TR 2414 PTN LT 1 (COMMON AREA)	Supdist 3
076-202-013	Elizabeth F McDonald Etal	1101 NORWOOD AVE	OAKLAND	CA	94610	00240 LUCAS LN	AVLB	TR 2414 UNIT 12 & PTN COMMON AREA	Supdist 3
076-202-018	Gary L Ross Tre	280 SAN ANTONIO RD	MOUNTAIN VIEW	CA	94040	00245 LUCAS LN	AVLB	TR 2414 UNIT 17 & PTN COMMON AREA	Supdist 3
076-203-001	Common Area Owners	UNKNOWN	SLO	CA	99999	00000 OCEAN OAKS LN	AVLB	TR 2355 LT 1 (COMMON AREA)	Supdist 3
076-203-002	Paul & Jacqueline Prather	PO BOX 789	AVILA BEACH	CA	93424-0789	00310 OCEAN OAKS LN	AVLB	TR 2355 UNIT 1 & PTN LT 1	Supdist 3
076-203-006	Pilch Investments & Management LLC	PO BOX 730	AVILA BEACH	CA	93424-0730	00350 OCEAN OAKS LN	AVLB	TR 2355 UNIT 5 & PTN LT 1	Supdist 3
076-203-007	William T & Kathy M Cleary	20645 MONTALVO HEIGHTS DR	SARATOGA	CA	95070	00250 OCEAN OAKS LN	AVLB	TR 2355 UNIT 6 & PTN LT 1	Supdist 3
076-203-011	Terri F Cross	PO BOX 561	AVILA BEACH	CA	93424-0561	00290 OCEAN OAKS LN	AVLB	TR 2355 UNIT 10 & PTN LT 1	Supdist 3
076-205-004	Joyce Deline	352 EL PORTAL	SHELL BEACH	CA	93449-1506	22500 SAN LUIS ST	AVLB	TN AVILA PTN RHO SAN MIG	Supdist 3
076-205-010	Mary A Matakovich Tre Etal	PO BOX 839	AVILA BEACH	CA	93424-0839	00250 LAUREL ST	AVLB	TN AVILA JR ADD LTS 6 & 7 & PTN LT 1	Supdist 3
076-205-016	Jasuja S Tre Etal	7960 B SOQUEL DR #110	APTOS	CA	95003	00251 LAUREL ST	AVLB	TN AVILA JR ADD LT 9	Supdist 3
076-205-028	Daniel J Kleinsmith Tre Etal	2535 LAURIE WY	ARROYO GRANDE	CA	93420-5753	00344 RAVENS CLIFF LN	AVLB	TN AVILA PTN RHO SAN MIG	Supdist 3
076-205-029	Dick L Kelsey Tre Etal	PO BOX 458	CRESTON	CA	93432-0458	00000 RAVENS CLIFF LN	AVLB	TN AVILA PTN RHO SAN MIG	Supdist 3
076-205-034	Dick L Kelsey Tre Etal	PO BOX 458	CRESTON	CA	93432-0458	00350 2ND ST	AVLB	TN AVILA PTN LD ADJ & PTN ABD 2ND ST	Supdist 3
076-205-035	James M Clayton Tre Etal	915 FOXENWOOD DR	SANTA MARIA	CA	93455-4121	00214 SAN MIGUEL ST	AVLB	TN AVILA PTN LD ADJ SAN MIGUEL ST	Supdist 3
076-205-039	John Rourke Tre	370 HILL ST	SLO	CA	93405-2324	00268 SAN MIGUEL ST	AVLB	TN AVILA PTN RHO SAN MIG	Supdist 3
076-211-002	County of SLO	1087 SANTA ROSA	SLO	CA	93408-3101		0	000.17AC VACANT	Supdist 3
076-212-009	Coutny of SLO	1087 SANTA ROSA	SLO	CA	93408-3101	00050 SAN JUAN ST	AVLB	TN AVILA BL 1 LT 6 & PTN LTS 1 2 & 7 TO 10	Supdist 3
076-213-009	Port San Luis Harbor District	PO BOX 249	AVILA BEACH	CA	93424-0249		0	000.68AC VACANT	Supdist 3
076-214-003	Avila Lighthouse Suites Inc	PO BOX 12060	SLO	CA	93406-2060	00550 FRONT ST	AVLB	TN AVILA BL 4 LTS 1 TO 12	Supdist 3
076-217-025	Patricia K Koriner Tre Etal	734 PACIFIC ST	SLO	CA	93401-3920	00391 2ND ST	AVLB	PM 2/72 PAR A	Supdist 3
076-180-020	Michael N Nordstrom Tre Etal	PO BOX 2202	AVILA BEACH	CA	93424-2202	06480 HARBOR LIGHTS LN	AVLB	TR 2149-1 LT 25	Supdist 3
076-180-021	Rosato Gennaro Tre Etal	PO BOX 2592	AVILA BEACH	CA	93424-2592	06470 HARBOR LIGHTS LN	AVLB	TR 2149-1 LT 27	Supdist 3
076-181-061	ABR Property Lp	750 PISMO ST	SLO	CA	93401-3922	06450 ANA BAY RD	AVLB	RHO SAN MIG PTN LT 47	Supdist 3
076-194-008	Avila Sanitary District (927)						0	000.60AC TANK SITE	Supdist 3
076-196-010	Xmg Holdings LLC	24819 LOS ALTOS DR	VALENCIA	CA	91355	02935 AVILA BEACH DR	AVLB	PM 54-73 PAR 5	Supdist 3
076-196-012	Matthew A Lucas Tre Etal	25052 PASEO EQUESTRE	LAKE FOREST	CA	92630	02915 AVILA BEACH DR	AVLB	PM 54-73 PAR 7	Supdist 3
076-196-015	Avila Beach Dreams LLC	825 RIVERSIDE AVE STE 6	PASO ROBLES	CA	93446-2671	02875 AVILA BEACH DR	AVLB	PM 54-73 PAR 10	Supdist 3
076-198-002	Karen M Flagg	302 BELLADERA CT	MONTEREY	CA	93940-7602	00223 SAN MIGUEL ST	AVLB	TR 2731 LT 2	Supdist 3
076-198-005	Douglass G Paulk Tre	40621 AZALEA DR	CLINTON TOWNSHIP	MI	48036	00217 SAN MIGUEL ST	AVLB	TR 2731 LT 5	Supdist 3
076-201-038	Resident	3533 EMPLEO ST	SLO	CA	93401-7349				Supdist 3

076-202-008	Lenard R Marino Tre Etal	PO BOX 93	AVILA BEACH	CA	93424-0093	00222 LUCAS LN	AVLB	TR 2414 UNIT 7 & PTN COMMON AREA	Supdist 3
076-202-009	Peter A Rietkerk Tre Etal	2844 OTTAWA AVE	CORCORAN	CA	93212-9773	00223 LUCAS LN	AVLB	TR 2414 UNIT 8 & PTN COMMON AREA	Supdist 3
076-202-010	John K Gilbert Tre Etal	7708 KROLL WAY	BAKERSFIELD	CA	93309-2325	00225 LUCAS LN	AVLB	TR 2414 UNIT 9 & PTN COMMON AREA	Supdist 3
076-202-015	Manuel Espinola Tre Etal	515 E ESTATE DR	TULARE	CA	93274-2103	00250 LUCAS LN	AVLB	TR 2414 UNIT 14 & PTN COMMON AREA	Supdist 3
076-202-016	Timothy R Brown Tre Etal	589 E MARINERS CIR	FRESNO	CA	93730-3430	00252 LUCAS LN	AVLB	TR 2414 UNIT 15 & PTN COMMON AREA	Supdist 3
076-203-008	Gerald A Williams Tre Etal	5365 CANDELABRA	SLO	CA	93401-8397	00260 OCEAN OAKS LN	AVLB	TR 2355 UNIT 7 & PTN LT 1	Supdist 3
076-203-009	Susan A Segal Tre	11 SAINT FRANCIS CT	NAPA	CA	94558	00270 OCEAN OAKS LN	AVLB	TR 2355 UNIT 8 & PTN LT 1	Supdist 3
076-205-002	Susan K Street Tre Etal	1817 DELANCEY DR	SALINAS	CA	93906-5126	02665 AVILA BEACH DR	AVLB	TN AVILA PTN RHO SAN MIG	Supdist 3
076-205-027	Daniel J Kleinsmith Tre Etal	2535 LAURIE WY	ARROYO GRANDE	CA	93420-5753	00222 RAVENS CLIFF LN	AVLB	TN AVILA PTN RHO SAN MIG	Supdist 3
076-205-032	Clyde H Stokes Tre Etal	380 SHIRLEY LN	SANTA MARIA	CA	93455-3123	00206 SAN MIGUEL ST	AVLB	TN AVILA PTN LD ADJ PTN ABD 2ND ST	Supdist 3
076-205-033	Carla L Greene Tre	25301 VIA DIA	VALENCIA	CA	91355	00208 SAN MIGUEL ST	AVLB	TN AVILA PTN LD ADJ SAN MIGUEL ST	Supdist 3
076-205-037	Marcy W Rourke Tre	370 HILL ST	SLO	CA	93405-2324	00250 SAN MIGUEL ST	AVLB	TN AVILA PTN LD ADJ SAN MIGUEL ST	Supdist 3
076-211-003	County of SLO	1087 SANTA ROSA	SLO	CA	93408-3101	00445 FRONT ST	AVLB	000.13AC VACANT	Supdist 3
076-213-007	Victor Montgomery Tre Etal	PO BOX 534	AVILA BEACH	CA	93424-0534	00502 1ST ST	AVLB	TN AVILA BL 5 PTN LT 8	Supdist 3
076-215-008	Coker Ellsworth Development LLC Etal	129 BRIDGE ST	ARROYO GRANDE	CA	93420-3364	00101 SAN MIGUEL ST	AVLB	TN AVILA BL 9 PTN LTS 4 TO 8	Supdist 3
076-174-008	Signature Resorts Inc A Md Corp	10600 W CHARLESTON BLVD	LAS VEGAS	NV	89135	03254 AVILA BEACH DR	AVLB	RHO SAN MIG PTN LTS Y &47	Supdist 3
076-216-022	Mid Coast Properties LLC A Ca LLC	3608 HANOVER ST	DALLAS	TX	75225	00090 LANDING PASSAGE	AVLB	TN AVILA BL 8 LT 7	Supdist 3
076-216-023	Avila Beach Properties LLC	1180 ROSEMARY CT	SLO	CA	93401-7689	00074 SAN FRANCISCO ST	AVLB	TN AVILA BL 8 LT 8	Supdist 3
076-217-026	Archie C McLaren Jr Tre	PO BOX 790	AVILA BEACH	CA	93424-0790	00196 SAN MIGUEL ST	AVLB	TN AVILA BL 13 LT 7 & PTN ABD RD	Supdist 3
076-219-001	Port San Luis Harbor District	PO BOX 249	AVILA BEACH	CA	93424-0249	00000 FRONT ST	AVLB	000.57AC VACANT	Supdist 3
076-219-002	Port San Luis Harbor District	PO BOX 249	AVILA BEACH	CA	93424-0249	00000 FRONT ST	AVLB	000.45AC VACANT	Supdist 3
076-180-068	Heron Crest Homeowners Assn Ca	760 MATTIE RD A3	PISMO BEACH	CA	93449-2000	00000 HARBOR LIGHTS LN	AVLB	TR 2149-1 LT 201	Supdist 3
076-180-071	Robin L Rossi Tre	750 PISMO BEACH	SLO	CA	93401	00000 SAN LUIS BAY DR	AVLB	TR 2149-1 LT 279	Supdist 3
076-180-072	Heron Crest Homeowners Assn Ca	444 HIGUERA ST #100	SLO	CA	93401-3875	00000 SAN LUIS BAY DR	AVLB	TR 2149-1 LT 500	Supdist 3
076-181-032	ABR Property Lp	750 PISMO ST	SLO	CA	93401-3922	00000 AVILA BEACH DR	AVLB	RHO SAN MIG PTN LT Y	Supdist 3
076-181-039	ABR Property Lp	750 PISMO ST	SLO	CA	93401-3922	00000 AVILA BEACH DR	AVLB	TN AVILA PTN	Supdist 3
076-196-003	Ivdc LLC	1450 E COMPTON BLVD	COMPTON	CA	90221	00233 SAN MIGUEL ST	AVLB	TN AVILA BL 10 PTN LTS 5 & 6	Supdist 3
076-196-004	John P & Mary Y Janowicz	PO BOX 670	AVILA BEACH	CA	93424-0670	00255 SAN MIGUEL ST	AVLB	TN AVILA BL 10 PTN LTS3&4BL 10	Supdist 3
076-196-006	Creekside Lofts LLC	PO BOX 12910	SLO	CA	93406-2910	02995 AVILA BEACH DR	AVLB	PM 54-73 PAR 1	Supdist 3
076-196-009	Mike & Cecelia Radakovich	1853 PARTRIDGE DR	SLO	CA	93405-6321	02945 AVILA BEACH DR	AVLB	PM 54-73 PAR 4	Supdist 3
076-196-013	Avila Beach Dreams LLC	825 RIVERSIDE AVE STE 6	PASO ROBLES	CA	93446-2671	02895 AVILA BEACH DR	AVLB	PM 54-73 PAR 8	Supdist 3
076-196-014	Jonathan Cagliero Tre Etal	8625 N RIVER RD	PASO ROBLES	CA	93446-7300	02885 AVILA BEACH DR	AVLB	PM 54-73 PAR 9	Supdist 3
076-196-019	Avila Beach Colony Townhomes LLC	1316 BROAD ST	SLO	CA	93401-3910	02835 AVILA BEACH DR	AVLB	PM 54-73 PAR 14	Supdist 3
076-198-003	Harry & Janet Aspden	19505 NE WIND RIDGE RD	NEWBERG	OR	97132	00221 SAN MIGUEL ST	AVLB	TR 2731 LT 3	Supdist 3
076-198-004	Paul Kermoyan	10155 DOUGHERTY AVE	MORGAN HILL	CA	95037	00219 SAN MIGUEL ST	AVLB	TR 2731 LT 4	Supdist 3
076-198-006	Thomas M Pierno Tre Etal	PO BOX 631	AVILA BEACH	CA	93424-0631	00211 SAN MIGUEL ST	AVLB	TR 2731 LT 6	Supdist 3
076-198-009	Maegert & Sons LLC	1087 PAULINE WAY	SLO	CA	93401-4544	00225 SAN MIGUEL ST	AVLB	TR 2731 LT 1	Supdist 3
076-202-011	Jeffery S Newton Tre Etal	2830 KENMORE PL	SANTA BARBARA	CA	93105-2222	00230 LUCAS LN	AVLB	TR 2414 UNIT 10 & PTN COMMON AREA	Supdist 3
076-202-012	James Gofourth Tre Etal	8780 TASSAJARA CREEK RD	SANTA MARGARITA	CA	93453-9737	00232 LUCAS LN	AVLB	TR 2414 UNIT 11 & PTN COMMON AREA	Supdist 3
076-202-014	Linda M Roos Tre Etal	PO BOX 87	AVILA BEACH	CA	93424-0087	00242 LUCAS LN	AVLB	TR 2414 UNIT 13 & PTN COMMON AREA	Supdist 3
076-203-003	David P Singelyn Tre Etal	1848 FALLING STAR AVE	AVILA BEACH	CA	93424	00320 OCEAN OAKS LN	AVLB	TR 2355 UNIT 2 & PTN LT 1	Supdist 3
076-203-010	Patrick & Diane Schoenburg	10237 N PAGE AVE	FRESNO	CA	93730-4507	00280 OCEAN OAKS LN	AVLB	TR 2355 UNIT 9 & PTN LT 1	Supdist 3
076-205-040	Danny Sullivan Etal	1333 KENTWOOD DR	SLO	CA	93401-5914	00280 SAN MIGUEL ST	AVLB	TN AVILA PTN RHO SAN MIG & PTN ABD PCRW	Supdist 3
076-212-010	Avila Beach Community Services Dist.	PO BOX 309	AVILA BEACH	CA	93424-0309	00050 SAN JUAN ST	AVLB	TN AVILA BL 1 PTN LTS 2 3 4 & 7 TO 10	Supdist 3
076-215-007	Chris J Diedrichsen	582 NEWMAN DR	ARROYO GRANDE	CA	93420-3226	00000 SAN MIGUEL ST	AVLB	TN AVILA BL 9 PTN LTS 3 TO 4	Supdist 3
076-215-011	Avila Beach Civic Association	PO BOX 154	AVILA BEACH	CA	93424-0154	00191 SAN MIGUEL ST	AVLB	TN AVILA PTN BL 9	Supdist 3
076-215-012	Port San Luis Harbor District	PO BOX 249	AVILA BEACH	CA	93424-0249	00454 1ST ST	AVLB	002.04AC VACANT	Supdist 3

County of SLO Map

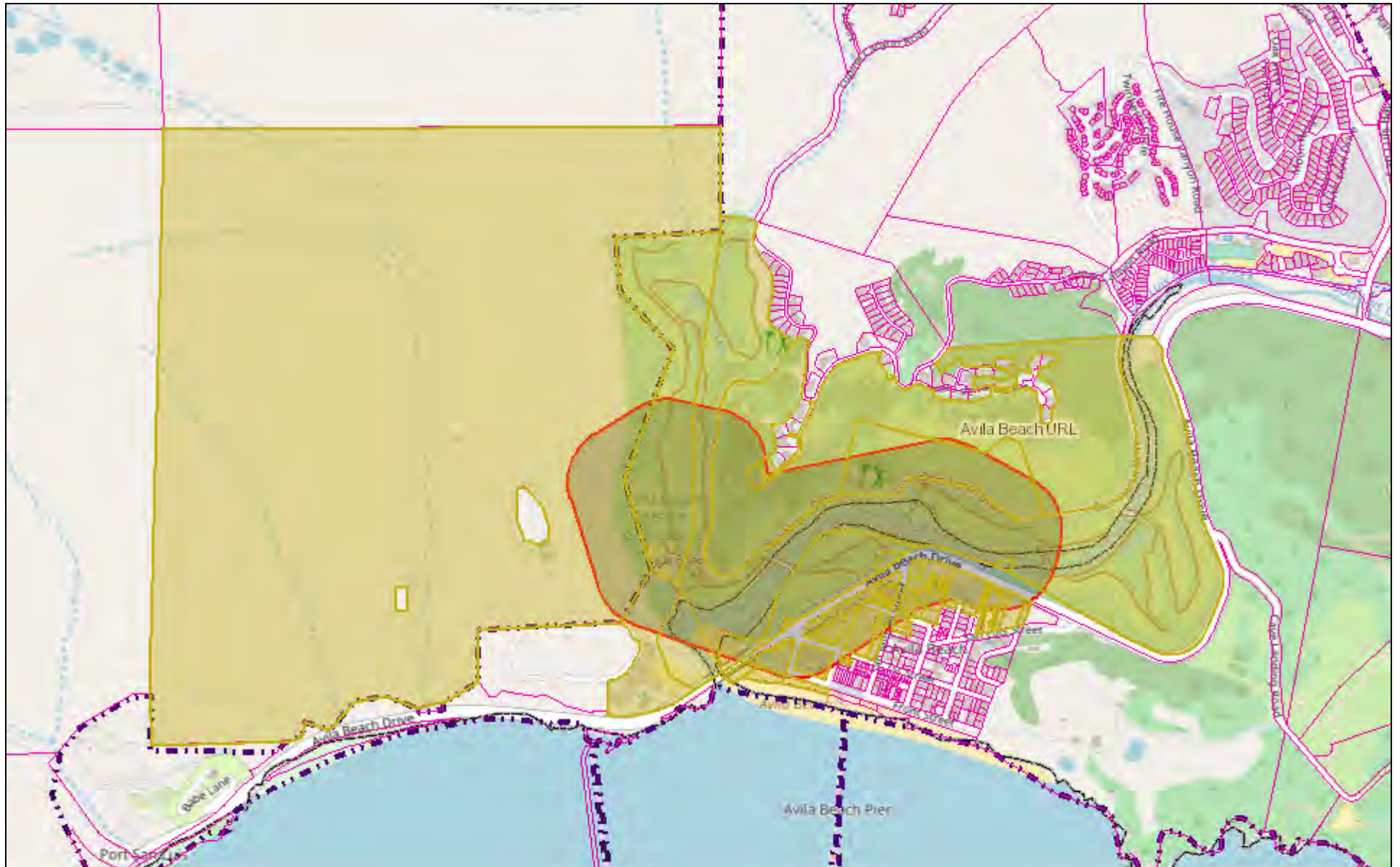


November 8, 2017

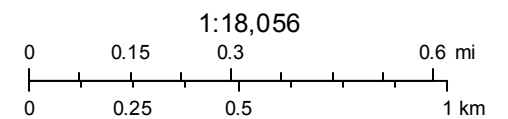


County of San Luis Obispo, ParcelQuest
San Luis Obispo County, Parcel Quest, FEMA, USGS, State of California

County of SLO Map



November 8, 2017



County of San Luis Obispo, ParcelQuest
San Luis Obispo County, Parcel Quest, FEMA, USGS, State of California



First American Title

First American Title Company

**899 Pacific Street
San Luis Obispo, CA 93401**

Leaha Magee
MBS Land Surveys
3563 Sueldo Street, Unit Q
San Luis Obispo, CA 93401

Order Number: 4001-4918297 (LI)

Title Officer: Lisa Irot
Phone: (805)786-2042
Fax No.: (866)397-7092
E-Mail: lirot@firstam.com

Owner: ABR Property, L.P.
Property: 6450 Ana Bay Road
CA

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. *The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.* Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of May 15, 2015 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

Preliminary Title Report

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

ABR PROPERTY L.P., A CALIFORNIA LIMITED PARTNERSHIP

The estate or interest in the land hereinafter described or referred to covered by this Report is:

A fee as to Parcel(s) A and C, an easement as to Parcel(s) B and D.

The Land referred to herein is described as follows:

(See attached Legal Description)

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of San Luis Obispo, State of California, described as follows:

PARCEL A: (APN.: 076-181-032, 076-181-061 AND 076-181-039)

A PARCEL OF LAND BEING A PORTION OF LOT 47 OF THE RANCHO SAN MIGUELITO IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN BOOK A, PAGE 38 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND A PORTION OF LOT Y OF "PLAT OF PART OF THE RANCHO SAN MIGUELITO OWNED BY J. HARFORD, SUBDIVIDED BY H.C. WARD, MAY 1880, ACCORDING TO MAP RECORDED IN BOOK B, PAGE 96 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE NORTHERLY RIGHT OF WAY LINE OF HARFORD DRIVE, SAID POINT BEING 70.00 FEET LEFT OF ENGINEERS CENTERLINE STATION 214 + 00.00 AND RUNNING ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH 57° 56' 10" EAST, 108.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTHERLY AND WESTERLY RIGHT OF WAY LINE OF SAID HARFORD DRIVE THROUGH THE FOLLOWING COURSES: NORTH 57° 56' 10" EAST, 391.71 FEET; THENCE ON A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 20070.00 FEET, THROUGH A CENTRAL ANGLE OF 00° 17' 13", FOR AN ARC LENGTH OF 100.51 FEET; THENCE SOUTH 31° 46' 37" EAST, 40.00 FEET; THENCE NORTH 57° 19' 06" EAST, 300.59 FEET; THENCE NORTH 59° 30' 54" EAST, 302.50 FEET; THENCE NORTH 61° 58' 16" EAST, 198.22 FEET; THENCE NORTH 59° 56' 51" EAST, 200.00 FEET; THENCE NORTH 58° 50' 53" EAST, 364.84 FEET; THENCE NORTH 50° 29' 03" EAST, 95.44 FEET; THENCE NORTH 71° 28' 13" EAST, 111.32'; THENCE NORTH 83° 41' 32", 168.68 FEET; THENCE SOUTH 77° 23' 58" EAST, 113.14 FEET; THENCE SOUTH 66° 58' 41" EAST, 111.56 FEET; THENCE SOUTH 62° 27' 26" EAST, 150.68 FEET; THENCE SOUTH 64° 21' 32" EAST, 550.00 FEET; THENCE SOUTH 71° 57' 13" EAST, 453.98 FEET; THENCE SOUTH 46° 54' 42" EAST, 183.44 FEET; THENCE SOUTH 64° 21' 32" EAST, 375.00 FEET; THENCE NORTH 76° 03' 43" EAST, 91.03 FEET; THENCE SOUTH 69° 00' 56" EAST, 144.27 FEET; THENCE SOUTH 81° 48' 42" EAST, 124.20 FEET; THENCE NORTH 81° 54' 42" EAST, 127.02 FEET; THENCE NORTH 66° 37' 00" EAST, 129.35 FEET; THENCE NORTH 54° 42' 48" EAST, 110.04 FEET; THENCE ON A CURVE TO THE LEFT, FROM A TANGENT WHICH BEARS NORTH 43° 33' 31" EAST, HAVING A RADIUS OF 532.00 FEET, THROUGH A CENTRAL ANGLE OF 61° 38' 33", FOR AN ARC LENGTH OF 572.36 FEET; THENCE NORTH 19° 06' 32" WEST, 279.52 FEET; THENCE NORTH 18° 05' 02" WEST, 1150.00 FEET; THENCE NORTH 23° 26' 20" WEST, 214.31 FEET TO A POINT WHICH IS 93.00 FEET LEFT OF ENGINEERS CENTERLINE STATION 287 + 13.37 BC; THENCE ON A CURVE TO THE RIGHT, FROM A TANGENT WHICH BEARS NORTH 18° 05' 02" WEST, HAVING A RADIUS OF 693.00 FEET TO ITS INTERSECTION WITH A LINE WHICH BEARS NORTH 89° 09' 07" EAST FROM A POINT, SAID POINT BEARS SOUTH 73° 02' 01" WEST, 2365.53 FEET FROM A POINT WHICH IS 40.00 FEET RIGHT OF ENGINEERS CENTERLINE STATION 54 + 21.02 B.C. ON A WESTERLY RIGHT OF WAY LINE OF SAN LUIS BAY DRIVE (V-S.L.O.-FAS 1238 (1)); THENCE LEAVING SAID WESTERLY LINE OF HARFORD DRIVE AND RUNNING SOUTH 89° 09' 07" WEST TO SAID POINT; THENCE THROUGH THE FOLLOWING COURSES: SOUTH 09° 14' 42" WEST, 210.49 FEET; SOUTH 17° 23' 32" EAST, 282.38 FEET; SOUTH 10° 54' 04" EAST, 395.91 FEET; SOUTH 01° 50' 27" EAST, 292.12 FEET; SOUTH 15° 50' 03" WEST, 134.81 FEET; SOUTH 35° 44' 18" WEST, 163.28 FEET; SOUTH 62° 15' 14" WEST, 153.33 FEET; SOUTH 80° 41' 57" WEST, 696.08 FEET; NORTH 87° 23' 02" WEST, 95.17 FEET; NORTH 57° 42' 57" WEST, 195.64 FEET; NORTH 49° 54' 39" WEST, 241.34 FEET; NORTH 75° 53' 20" WEST, 411.44 FEET; NORTH 85° 14' 36" WEST, 165.40 FEET; SOUTH 88° 33' 21" WEST,

84.73 FEET; SOUTH 23° 43' 32" WEST, 166.50 FEET; SOUTH 72° 06' 51" WEST, 47.27 FEET; SOUTH 89° 43' 35" WEST, 260.51 FEET; NORTH 76° 20' 47" WEST, 127.64 FEET; SOUTH 87° 56' 05" WEST, 80.81 FEET; SOUTH 69° 36' 13" WEST, 172.87 FEET; SOUTH 46° 15' 29" WEST, 231.32 FEET; SOUTH 49° 40' 08" WEST, 382.17 FEET; SOUTH 62° 33' 14" WEST, 188.84 FEET; SOUTH 36° 17' 23" WEST, 94.17 FEET; SOUTH 49° 24' 22" WEST, 134.73 FEET; SOUTH 76° 43' 25" WEST, 87.46 FEET; NORTH 69° 47' 37" WEST, 63.19 FEET; NORTH 31° 57' 35" WEST, 196.43 FEET; NORTH 15° 38' 22" EAST, 287.86 FEET; NORTH 06° 29' 18" WEST, 144.60 FEET; NORTH 0° 45' 40" EAST, 444.03 FEET; NORTH 21° 35' 49" EAST, 205.65 FEET; NORTH 07° 52' 51" WEST, 176.25 FEET; NORTH 24° 51' 56" EAST, 203.36 FEET; NORTH 48° 18' 56" EAST, 113.25 FEET; SOUTH 89° 38' 41" EAST, 247.98 FEET; NORTH 32° 07' 14" EAST, 423.70 FEET; NORTH 43° 32' 57" WEST, 116.88 FEET; NORTH 55° 26' 03" WEST, 117.43 FEET; NORTH 18° 06' 12" WEST, 104.37 FEET; NORTH 14° 42' 09" EAST, 175.44 FEET; NORTH 05° 29' 47" EAST, 175.62 FEET; NORTH 35° 50' 51" WEST, 224.30 FEET; NORTH 23° 54' 49" WEST, 123.84 FEET; NORTH 08° 48' 46" EAST, 173.87 FEET; NORTH 72° 45' 56" WEST, 208.26 FEET; THENCE WEST IN A DIRECT LINE TO A POINT ON THE AGREED LINE DESCRIBED IN THE DEED TO SAN MIGUELITO PARK COMPANY, RECORDED DECEMBER 14, 1966 IN BOOK 1419, PAGE 265 OF OFFICIAL RECORDS; THENCE SOUTH 01° 58' 57" LAST ALONG SAID AGREED LINE TO THE EASTERLY TERMINUS OF THE COURSE DESIGNATED AS SOUTH 84° 09' 21" EAST, 854.45 FEET IN SAID DEED; THENCE FOLLOWING SAID AGREED LINE THROUGH THE FOLLOWING COURSES: NORTH 84° 09' 21" WEST, 854.45 FEET; SOUTH 05° 38' 07" EAST, 529.55 FEET; SOUTH 43° 03' 11" EAST, 603.50 FEET; SOUTH 23° 00' 28" WEST, 1261.35 FEET; SOUTH 15° 26' 02" EAST, 815.40 FEET TO THE MOST NORTHERLY CORNER OF PARCEL 1 AS SHOWN ON BOOK 1 OF MISCELLANEOUS MAPS OF PAGE 36; THENCE LEAVING SAID AGREED LINE AND RUNNING SOUTH 65° 45' 48" EAST, 289.12 FEET TO A POINT; THENCE SOUTH 23° 26' 16" EAST, 889.43 FEET TO A POINT ON SAID NORTHERLY RIGHT OF WAY LINE OF HARFORD DRIVE AND THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF BLOCKS 10 AND 11 OF THE TOWN OF AVILA DESCRIBED IN DEED TO AVILA SANITARY DISTRICT, RECORDED SEPTEMBER 13, 1968 IN BOOK 1490, PAGE 30 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF BLOCK 2 OF THE TOWN OF AVILA DESCRIBED IN QUITCLAIM DEED TO THE COUNTY OF SAN LUIS OBISPO, RECORDED IN BOOK 1448, PAGE 79 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF BLOCK 2 OF THE TOWN OF AVILA DESCRIBED IN THE DEED TO THE COUNTY OF SAN LUIS OBISPO, RECORDED IN BOOK 1455, PAGE 460 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE RANCHO SAN MIGUELITO DESCRIBED IN DEED RECORDED IN BOOK 510, PAGE 69, BOOK 959, PAGE 450, BOOK 1797, PAGE 343 AND BOOK 2115, PAGE 818 OF OFFICIAL RECORDS.

PARCEL B:

A 50.00 FOOT WIDE EASEMENT FOR ROAD PURPOSES OVER A PORTION OF LOTS 45, 46 AND 47 OF THE SUBDIVISION OF RANCHO SAN MIGUELITO IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN BOOK A, PAGE 38 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THE CENTERLINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAN LUIS BAY DRIVE (V-S.L.O.-FAS 1238 (1)), SAID POINT BEING 43.00 FEET RIGHT OF ENGINEERS CENTERLINE STATION 55 + 76.60 AND RUNNING THROUGH THE FOLLOWING COURSES: NORTH 83° 59' 06" WEST, 152.24 FEET; SOUTH 84° 31' 06" WEST, 265.71 FEET; NORTH 89° 12' 24" WEST, 115.33

FEET; NORTH 80° 54' 44" WEST, 592.23 FEET; SOUTH 89° 30' 16" WEST, 220.93 FEET; SOUTH 73° 30' 10" WEST, 249.77 FEET; SOUTH 60° 30' 39" WEST, 284.94 FEET; SOUTH 47° 20' 01" WEST, 374.96 FEET; SOUTH 21° 46' 04" WEST, 176.79 FEET; SOUTH 09° 14' 42" WEST, 201.83 FEET; SOUTH 17° 23' 32" EAST, 277.87 FEET; SOUTH 10° 54' 04" EAST, 399.32 FEET; SOUTH 01° 50' 27" EAST, 297.99 FEET; SOUTH 15° 50' 03" WEST, 143.08 FEET; SOUTH 35° 44' 18" WEST, 173.56 FEET; SOUTH 62° 15' 14" WEST, 163.28 FEET; SOUTH 80° 41' 57" WEST, 702.75 FEET; NORTH 87° 23' 02" WEST, 104.40 FEET; NORTH 57° 42' 57" WEST, 203.97 FEET; NORTH 49° 54' 39" WEST, 237.27 FEET; NORTH 75° 53' 20" WEST, 403.63 FEET; NORTH 85° 14' 36" WEST, 162.00 FEET; SOUTH 88° 33' 21" WEST, 67.50 FEET; SOUTH 23° 43' 32" WEST, 161.86 FEET; SOUTH 72° 06' 51" WEST, 62.38 FEET; SOUTH 89° 43' 35" WEST, 267.43 FEET; NORTH 76° 20' 47" WEST, 127.25 FEET; SOUTH 87° 56' 05" WEST, 73.32 FEET; SOUTH 69° 36' 13" WEST, 163.67 FEET; SOUTH 46° 15' 29" WEST, 226.80 FEET; SOUTH 49° 40' 08" WEST, 385.75 FEET; SOUTH 62° 33' 14" WEST, 185.83 FEET; SOUTH 36° 17' 23" WEST, 91.21 FEET; SOUTH 49° 24' 22" WEST, 143.68 FEET; SOUTH 76° 43' 25" WEST, 101.06 FEET; NORTH 69° 47' 37" WEST, 76.86 FEET; NORTH 42° 07' 55" WEST, 83.84 FEET; NORTH 57° 17' 50" WEST, 77.17 FEET; NORTH 77° 30' 10" WEST, 82.34 FEET; SOUTH 88° 06' 14" WEST, 194.01 FEET; SOUTH 76° 32' 39" WEST, 146.58 FEET; SOUTH 25° 40' 01" WEST, 266.59 FEET; SOUTH 12° 09' 40" EAST, 139.45 FEET; SOUTH 16° 39' 54" WEST, 143.96 FEET; SOUTH 34° 01' 33" EAST, 64.73 FEET; SOUTH 53° 30' 11" EAST, 84.84 FEET; SOUTH 35° 56' 56" EAST, 167.48 FEET; SOUTH 59° 14' 19" EAST, 238.56 FEET; SOUTH 27° 30' 10" EAST, 93.66 FEET; SOUTH 07° 52' 45" WEST, 96.45 FEET; SOUTH 06° 40' 27" EAST, 14.38 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT OF WAY OF HARFORD DRIVE AND TO THE END OF SAID EASEMENT.

EXCEPT THEREFROM ANY PORTION THEREOF LYING WITHIN PARCEL A HEREIN.

PARCEL C: (APN: 076-201-062)

A PARCEL OF LAND BEING A PORTION OF THE RANCHO SAN MIGUELITO ADJACENT TO THE TOWN OF AVILA IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN BOOK A, PAGE 38 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING BOUNDED ON THE WESTERLY SIDE BY THE EASTERLY LINE OF THE PARCEL OF LAND SHOWN ON MAP RECORDED IN BOOK 25, PAGE 49 OF RECORD OF SURVEYS. BEING BOUNDED ON THE NORTHERLY SIDE AND EASTERLY SIDE BY THE SOUTHERLY RIGHT OF WAY LINE OF HARFORD DRIVE AS DESCRIBED IN DEED RECORDED IN BOOK 1481, PAGE 55 OF OFFICIAL RECORDS BEGINNING AT A POINT IN SAID RIGHT OF WAY 60.00 FEET RIGHT OF ENGINEERS CENTERLINE STATION 246 + 50.00 AND RUNNING SOUTH 59° 35' 43" EAST, 301.04 FEET; THENCE SOUTH 01° 06' 00" EAST, 62.51 FEET; THENCE SOUTH 09° 10' 21" WEST, 65.00 FEET. BEING BOUNDED ON THE SOUTHERLY SIDE BY THE NORTHERLY RIGHT OF WAY LINE OF THE SAN LUIS OBISPO HIGHWAY.

PARCEL D:

A NON-EXCLUSIVE EASEMENT FOR SIGNAGE, CREATED BY THE DOCUMENT ENTITLED GRANT OF SIGNAGE EASEMENT RECORDED FEBRUARY 25, 2009 AS INSTRUMENT NO. 2009009111 OF OFFICIAL RECORDS.



November 7, 2017

**ABR PROPERTY, L.P. AND ABR ENTERPRISES L.P.
dba AVILA BEACH RESORT**

Debris Removal Agreement

AVILA PROPERTY, LP and AVILA BEACH RESORT, agree, as a condition of issuance of this Temporary Commercial Outdoor Entertainment License, that within seventy-two hours after the conclusion of the 2018 Avila Beach Resort Events, Applicants will clean up the premises and remove all trash, debris, garbage and other waste from in and around the premises. Applicants also agree to guarantee performance of this obligation by securing an undertaking in a total amount of five thousand dollars for each ten thousand persons expected to attend and in no event less than five thousand dollars. This undertaking shall be in the form of a surety bond written by a corporate bonding company authorized to do business in the state by the California Department of Insurance. Applicants agree to file the undertaking with the San Luis Obispo County Tax Collector within thirty days after the Board of Supervisors has authorized the issuance of a license for the commercial outdoor entertainment activity, or within thirty days after the Board of Supervisor's sets conditions which must be met or security which must be given or both before a license is granted pursuant to Section 6.56.080 of San Luis Obispo County Code. Applicants may post a five thousand dollar cash deposit in satisfaction of this obligation with the San Luis Obispo County Tax Collector according to the same conditions.

ABR PROPERTY, L.P. and ABR ENTERPRISES L.P.
BY: AVILA BEACH PROPERTIES LLC
ITS GENERAL PARTNER

BY: _____
ROBIN L. ROSSI, ITS MANAGER

C/O ROSSI ENTERPRISES
750 PISMO STREET • SAN LUIS OBISPO, CA 93401
TELEPHONE: (805) 543-4333 • FACSIMILE: (805) 543-4220



November 7, 2017

**ABR PROPERTY L.P. AND ABR ENTERPRISES
AVILA BEACH RESORT**

INDEMNIFICATION AGREEMENT

ABR PROPERTY L.P. and ABR ENTERPRISES L.P. DBA AVILA BEACH RESORT ("Applicants") agree, as a condition of issuance of the Temporary Commercial Outdoor Entertainment License, to defend, indemnify and hold harmless the County, its officers and employees from all claims, demands, damages, costs, expenses, judgments, attorney fees or liabilities, or other losses that may be asserted by any person or entity, and that arise out of or are made in connection with any act or omission to act directly or indirectly related to the 2018 AVILA BEACH RESORT commercial outdoor event(s). This obligation to indemnify includes and shall extend to any third party challenge to the County's decision to issue a Temporary Commercial Outdoor Entertainment License to the Applicants. The obligation to indemnify shall be effective and shall extend to all such claims and losses directly or indirectly, in their entirety, even when such claims or losses arise from the comparative negligence of the County, its officers and employees.

The preceding paragraph applies to any theory of recovery relating to said act or omission by the Applicants, or its agents, employees, or other independent contractors directly responsible to the Applicants, including, but not limited to the following:

- I. Violation of statute, ordinance, or regulation.
2. Willful, intentional or other wrongful acts, or failures to act.
3. Negligence or recklessness.
4. Furnishing of defective or dangerous products.
5. Premises liability.
6. Strict Liability.
7. Inverse condemnation.
8. Violation of civil rights.
9. Violation of any federal or state statute, regulation, or ruling resulting in a determination by the Internal Revenue Service, California Franchise Tax Board, or any other California public entity responsible for collecting payroll taxes, when the Contractor is not an independent contractor.

This agreement similarly requires the Applicants to indemnify, defend, and hold harmless the County and any of its employees or contractors who provide services at the event, including but not limited to Sheriff, Fire, Public Works, or Health Agency personnel, except for their negligent or willful acts.

C/O ROSSI ENTERPRISES
750 PISMO STREET • SAN LUIS OBISPO, CA 93401
TELEPHONE: (805) 543-4333 • FACSIMILE: (805) 543-4220

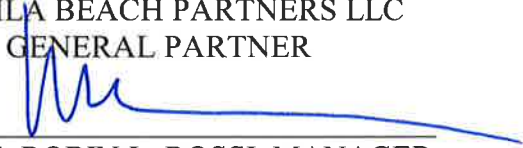


It is the intent of the parties to provide the County the fullest indemnification, defense, and hold harmless rights allowed under the law. If any word(s) contained herein are deemed by a court to be in contravention of applicable law, said word(s) shall be severed from this contract and the remaining language shall be given full force and effect.

Notwithstanding anything contained in this Indemnification to the contrary, it is not intended that the County be indemnified by the undersigned for (i) the costs, expenses, damages or loss arising from or out of those activities or services customarily and ordinarily supplied by the County which would be supplied to its citizens or similar business operations without cost or (ii) the negligence or reckless or willful acts of County's employees in rendering such services.

ABR PROPERTY L.P.

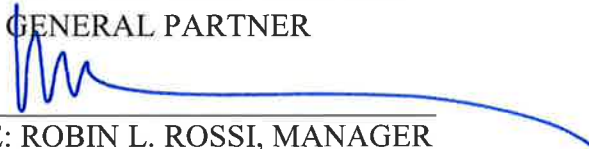
BY: AVILA BEACH PARTNERS LLC
ITS GENERAL PARTNER

BY: 

NAME: ROBIN L. ROSSI, MANAGER

ABR ENTERPRISES L.P. DBA AVILA BEACH RESORT

BY: AVILA BEACH PARTNERS LLC
ITS GENERAL PARTNER

BY: 

NAME: ROBIN L. ROSSI, MANAGER



November 7, 2017

**ABR PROPERTY L.P. AND ABR ENTERPRISES L.P.
dba AVILA BEACH RESORT**

Consent to Entry

As a condition for issuance of a Temporary Outdoor Event License, the undersigned, the Owner of the property at which the event is held and the Applicant, hereby consent to the entry, at any time from the beginning of the first day of an applicable event to the end of the last day of the applicable event, in the course of their duties of any peace officer, and any employee of the planning director, county engineer, sheriff, health officer and any other county officer in the performance of their duties, including but not limited to inspection.

ABR PROPERTY L.P. and ABR ENTERPRISES L.P.
BY: AVILA BEACH PARTNERS LLC
ITS GENERAL PARTNER

BY: 
ROBIN L. ROSSI, MANAGER

C/O ROSSI ENTERPRISES
750 PISMO STREET • SAN LUIS OBISPO, CA 93401
TELEPHONE: (805) 543-4333 • FACSIMILE: (805) 543-4220

Business License

County of San Luis Obispo
State of California



No. 0615856

Having received the sum \$ 515.00

License is hereby granted to: Avila Beach Resort

ABR ENTERPRISES L.P.
P O BOX 2140
AVILA BEACH, CA 93424

Dated: October 18, 2017

Includes Tobacco Retailer License

Doing Business As: **Avila Beach Resort**

To transact business of: **Golf Course & Pro Shop**

Subject to restrictions of : **None**

To be carried on at **6464 ANA BAY DR, AVILA BEACH, CA 93424**

in the County of San Luis Obispo, State of California for the period of **06/01/2017** to **05/31/2018**

in conformity with the provisions of Title 6 of County Codes as approved by the Board of Supervisors of San Luis Obispo County, California **James P. Erb, CPA, County Tax Collector**

This license is *not transferable* and must be posted in a conspicuous place.

IMPORTANT INFORMATION

- Detach and display license conspicuously at the place of business for which issued.
- This business license is not transferable, any change in ownership must be made in person.
- A change in location and/or nature of business will require additional approval by the Planning Department.
- This business license must be renewed on a yearly basis.

Contact the Business License Division for additional information at (805) 781-5832.



1800 19th Street
Bakersfield, CA 93301

Clifford & Bradford
INSURANCE AGENCY

Phone 661-283-8100
Fax 661-283-8111

November 8, 2017

ABR Enterprises, LP
ABR Property, LP
P. O. Box 2140
Avila Beach, CA 93424

RE: Summary of current coverages

Below is a summary of insurance coverages our Agency currently has in place for ABR Enterprises, LP.

Property

Comprehensive General Liability – this is an occurrence basis, CG0001 10/01(ISO)form, 30 day notice of cancellation except for non-payment of premium included. Additional insured included per information below:

COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

OTHER INSURANCE – ADDITIONAL INSURED

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

PROVISIONS

COMMERCIAL GENERAL LIABILITY CONDITIONS (Section IV), Paragraph 4. (Other Insurance), is amended as follows:

1. The following is added to Paragraph a. **Primary Insurance**:

However, if you specifically agree in a written contract or written agreement that the insurance provided to an additional insured under this Coverage Part must apply on a primary basis, or a primary and non-contributory basis, this insurance is primary to other insurance that is available to such additional insured which covers such additional insured as a named insured, and we will not share with that other insurance, provided that:

- a. The "bodily injury" or "property damage" for which coverage is sought occurs; and

- b. The "personal injury" or "advertising injury" for which coverage is sought arises out of an offense committed

subsequent to the signing and execution of that contract or agreement by you.

2. The first Subparagraph (2) of Paragraph b. **Excess Insurance** regarding any other primary insurance available to you is deleted.
3. The following is added to Paragraph b. **Excess Insurance**, as an additional subparagraph under Subparagraph (1):

That is available to the insured when the insured is added as an additional insured under any other policy, including any umbrella or excess policy.

Crime

Equipment (Golf carts, maintenance equip, etc.)

Equipment Breakdown (Boiler & Machinery)

Auto

Umbrella – following form of primary General Liability

Workers' Compensation

Employment Practices Liability

Cyber Liability

Flood

Should you have any questions or need additional assistance, please do not hesitate to contact me.

Sincerely,

Jo Griffith

Jo Griffith
Account Manager

Miller Event Management, Inc.

Security Management, Event Management, Parking & Traffic Control,
Security License P.P.O. #16909

Contract Agreement-Scope of Services

January 1, 2017

Company: Avila Beach Golf Resort (ABGR)

Events: All

Dates: As Provided in Schedule

Schedule: As Provided by Miller Event management, Inc

Miller Event Management, Inc. (MEM) will provide the following to the Avila Beach Golf Resort:

Security Staff: California Bureau of Security and Investigative Services state licensed security guards. Security guards will be responsible to provide a thorough bag search and pat down at each point of entry, security perimeter positions to prevent outside access without a ticket, provide roving patrol teams to monitor the crowd and the audience area, provide backstage security and credential check points.

Parking & Traffic Management: MEM will provide traffic management staffing for all parking & traffic needs associated with special events at the ABGR. MEM will properly staff the ingress traffic onto the 10th fairway, coordinate directing vehicles in a parking schematic with proper fire lanes. MEM will manage incoming traffic into the ABGR parking lot, qualify vehicles for ADA Parking, staff parking on the driving range, and artist parking in the lower lot

ABGR

Date

Jim Miller

Date

Miller Event Management, Inc.

3563 Sueldo Street~Suite L San Luis Obispo, CA 93401
Phone (805)547-9526 Fax (805)547-9409

Miller Event Management, Inc.

Security Staff, Event Management, Parking & Traffic Control

Security

Miller Event Management, Inc. (MEM) security guards are licensed through the State of California Bureau of Security & Investigative Services (BSIS) under the State of California Department of Consumer Affairs. Security guards working in the state of California are required by law to be licensed. (MEM) security guards have completed the following requirements:

- Power to Arrest Training Class-8 hour class required by the State of California
- 40 hours of Security Training-the following are 4 hour classes/trainings:
 - *handling difficult people & situations
 - *crowd control
 - *parking & traffic operations
 - *liability & legal aspects
 - *radio communications
 - *public relations
 - *security observations
 - *weapons of mass destruction
 - *responsible beverage service/I.D. Checking Training

All security companies operating in the State of California are required to follow all the laws presented by the BSIS

In addition to training our security guards, we have 40-50 retired law enforcement officers employed by MEM. These staff members bring a tremendous amount of training and experience to each and every event we are contracted to manage. These staff are positioned as general managers, supervisors, and rovers at events to ensure we are prepared for a variety of situations that we will be required to handle.

We have a number of staff that have completed the following courses thru the Joint Regional Intelligence Center:

- *Terrorism Liaison Officer (TLO)
- *Suicide Bomber-Recognizing and Mitigating Threats
- *Risk/Threat Assessment

Parking & Traffic

Miller Management provides event staff for parking and traffic operations for all types of festivals and special events. We provide directional parking staff, general parking (stadium parking) vehicle campground parking, traffic control, and shuttle services. We have the ability to design traffic and parking plans for a specific location with an overall map detailing the infrastructure of traffic flow, parking area's, signage, and emergency contingency plans. We understand the need to minimize delay, prevent traffic back up, and keep the traffic moving in a safe and orderly manner.

Ticket Gate Operations

Miller Management can provide the following ticketing services: collect tickets, wristband patrons, manage on site ticket sales, security bag search, I.D. Check, and wristband checkpoints.

References

- *Red Bull Moto GP**-Mazda Raceway Laguna Seca Monterey, California
- *High Sierra Music Festival**-Quincy, California
- *Amgen Tour of California, AEG**-California
- *Vina Robles Amphitheatre**-Paso Robles, Ca
- *Monterey Music Summit**-Monterey, California
- *Bonnaroo Music Festival**-Manchester, Tennessee
- *Wildflower Triathlon Festival**-Lake San Antonio, California
- *Sea Otter Classic**-Monterey, California
- *California Mid State Motorcycle Rally**-Paso Robles, California
- *Monterey Jazz Festival**-Monterey, California
- *Live Oak Music Festival**-Santa Barbara, California
- *Sierra Nevada World Music Festival**-Angeles Camp, California
- *American Lemans Racing**-Mazda Raceway Laguna Seca Monterey, California
- *Rolex Historic Auto Races**-Mazda Raceway Laguna Seca Monterey, California
- *Santa Barbara Wine Festival**-Santa Barbara, California
- *Harvest Music Festival**-LaFayette, Ga
- *Delfest Music Festival**-Cumberland, Md
- *Monterey Blues Festival**-Monterey, California
- *Santa Barbara Bowl**-Santa Barbara, Ca
- *Mammoth Beer & Blues Festival**-Mammoth, Ca
- *Arlington Theater Concerts**-Santa Barbara, Ca
- *Otter Productions**
 - MTV Campus Invasion Concert Tour
 - Avila Beach Blues Festival
 - Cal Poly State University Campus Concerts
- *Lightning in a Bottle Music & Arts Festival**
- *Apple Retail Stores-San Luis Obispo, Santa Barbara, Monterey**
 - In store security patrol
 - Product Release: coordinate crowd control
- *DBL Entertainment**
 - Bud Light Bull Riding
 - Jazz By The Sea
 - Country Jam Music Festival

***Jeep King of the Mountain-Mountain Bike Racing-San Luis Obispo, California**

***Hearst Ranch Special Events / Hearst Castle-San Simeon, Ca**

***Paso Robles Wine Festival-Paso Robles, California**

***California Festival of Beers-Avila Beach, California**

***Madonna Inn-Alex Madonna Expo Center-San Luis Obispo, California**

***West Coast Kustoms Car Show-Paso Robles, California**

***Lompoc Flower Festival-Lompoc, California**

***Santa Barbara Wine Festival-Santa Barbara, Ca**

***Avila Beach Blues Festival-Avila Beach, California**

***Monterey County Fair-Monterey, California**

***California Polytechnic State University, San Luis Obispo**

-Performing Arts Center Concerts

-Recreation Center Concerts

***University of California, Santa Barbara**

-Recreation Center Concerts

***Best Buddies Bike Ride Challenge-San Simeon, Ca**

***Sunset Magazine Savor the Central Coast-Santa Margarita Ranch, Ca**

Miller Event Management-Security License P.P.O. #16909

Jim Miller

3563 Sueldo Street, Suite L

San Luis Obispo, Ca 93401

PPO License #16909

Office: (805) 547-9526

Cell: (805) 748-2503

www.millereventmanagement.com

jim@millereventmanagement.com

California Polytechnic State University, San Luis Obispo

~B.A. Recreation Administration, Management Concentration 1986

~1980-1984 Football: Four-year letterman, team captain

3563 Sueldo Street~Suite L San Luis Obispo, CA 93401

Phone (805)547-9526 Fax (805)547-9409

www.millereventmanagement.com



AGREEMENT



This agreement is made and entered into this 26th day of July, 2017, by and between the County of San Luis Obispo, hereinafter referred to as the COUNTY, through the Sheriff's Office of the County of San Luis Obispo, and the event contractor, ABR enterprises, hereinafter referred to as "CONTRACTOR" and is made with reference to the following recitals:

WHEREAS, Government Code section 53069.8 authorizes the provision of supplemental law enforcement services to private individuals or entities to preserve the peace at special events or occurrences that happen on an occasional basis; and

WHEREAS, CONTRACTOR desires increased security to preserve the peace at a special event, Slightly Stoopid, which is scheduled to take place at 6464 Ana Bay Drive, Avila Beach, California, on August 6, 2017; and

WHEREAS, the COUNTY provides sheriff's deputies to assist in preserving peace and order at special events and functions which are conducted at various locations throughout the County; and

WHEREAS, both the COUNTY and CONTRACTOR agree that an increase in the presence of two peace officers is needed to help preserve and protect the community and to maintain peace and order during this event; and

WHEREAS, the increased presence of uniformed sworn peace officers will be of assistance; and

WHEREAS, the COUNTY and the Sheriff of the County of San Luis Obispo desire to cooperate and assist CONTRACTOR in maintaining the peace and protecting the community; and

WHEREAS, the Board of Supervisors adopted Resolution 90-156 delegating authority to the Sheriff to contract on behalf of the County for provision of law enforcement services to be provided for special events or occurrences that happen on an occasional basis subject to the review and approval of County Counsel;

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, the parties hereto agree as follows:

1. COUNTY'S OBLIGATIONS

Provide additional law enforcement service dedicated to CONTRACTOR for the enforcement of state and federal laws, and county ordinances. The Sheriff's Office will assign two (2) deputy sheriffs on August 6, 2017, between 3:00pm and 11:00pm or at other times mutually agreed upon. The Sheriff's Office reserves the right to disrupt the provision of service if necessary to meet other law enforcement needs; however, CONTRACTORCONCERT will not be charged for services not performed. Services shall be rendered by regularly appointed full-time peace officers, as defined in section 830.1 of the Penal Code.

2. CONTRACTOR'S OBLIGATION

a. Reimburse the COUNTY for services provided in Paragraph 2 of this Agreement at the assigned rate of no more than \$78.51 per hour per deputy sheriff. Payment for services shall be due within 30 days of billing.

b. Any clerical time, back-up unit time, or time spent testifying in criminal matters arising out of the performance of this Agreement, will be provided, as needed, at no expense to CONTRACTOR.

c. Estimated total length of contracted service is 8 hours.

3. SCOPE OF SERVICES

The parties acknowledge that the services provided by the Sheriff's Office under this Agreement are performed and made accessible in the public interest, are provided as a public service and are of no substantial benefit, materially or financially, to the Sheriff or the County of San Luis Obispo. Further, while CONTRACTOR acknowledges that the assignment of deputies in conjunction with services provided hereunder are of value to CONTRACTOR and the community, it is agreed by both CONTRACTOR and the Sheriff's Office that any value derived from such services by the Sheriff or its employees is not legal consideration sufficient to support the irrevocability of this Agreement.

4. INDEMNIFICATION

CONTRACTOR shall defend, indemnify and hold harmless the COUNTY, its officers and employees from all claims, demands, damages, costs, expenses, judgments, attorney fees, or other losses that may be asserted by any person or entity, including CONTRACTOR, and that arise out of or are made in connection with the acts or omissions, relating to the performance of any duty, obligation, or service hereunder. The obligation to indemnify shall be effective and shall extend to all such claims or losses in their entirety. However, this indemnification will not extend to any claims or losses arising out of the willful misconduct of the COUNTY, its officers and employees.

5. INSURANCE

CONTRACTOR shall obtain and maintain for the entire term of the contract, general liability insurance, or its equivalent in self-insurance, in companies, acceptable to the County of San Luis Obispo, and authorized to issue such insurance in the State of California.

CONTRACTOR shall maintain in full force and effect, for the period covered by this contract liability insurance coverage applying to bodily and personal injury, including death resulting therefrom, in the total amount of One Million Dollars (\$1,000,000.00). A certificate of insurance shall be furnished to the COUNTY prior to performance of the services hereunder. The certificate and policies shall state that the policies shall not be cancelled or reduced in coverage or changed in any other material aspect without the prior written consent of the COUNTY.

6. NOTICES

Any notice required to be given pursuant to the terms and provision hereof shall be in writing and shall be sent by certified or registered mail to the COUNTY at:

San Luis Obispo County Sheriff's Office
1585 Kansas Avenue
San Luis Obispo CA 93406

and to CONTRACTOR at:

ABR Enterprises
6464 Ana Bay Drive
Avila Beach, CA 93424

7. SEVERABILITY

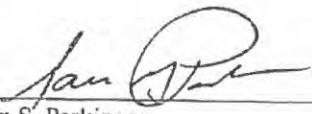
The invalidity or unenforceability of any terms or provisions of the Agreement shall not affect the validity or enforceability of any other terms or provision of this Agreement.

8. MODIFICATION

The agreement constitutes the entire understanding of the parties. No changes, amendments, or alterations shall be effective unless in writing and signed by both parties.

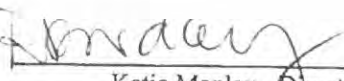
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives on the date and year first written above.

COUNTY:

By: 
Ian S. Parkinson

Date: 7-26-17

CONTRACTOR:

By: 
Katie Manley - Director or
Authorized Designee

Date: 8-3-17

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Ann Duggan, Deputy County Counsel

Date: 7/27/17

INVOICE

San Luis Obispo County Sheriff
1585 Kansas Avenue
San Luis Obispo, CA 93405

INVOICE DATE: 8/21/2017
INVOICE NO: 8212017

(805) 781-1965
(805) 781-4689 (FAX)

SERVICES PROVIDED TO:
ABR Enterprises

To: ABR Enterprises
Attn: Becca Bowdey
6464 Ana Bay Drive
Avila Beach, CA 93424

DECRPTIONS		AMOUNT
RE: ABR Security Coverage 8/6/17		
8/6/2017 Avila Beach - Coverage Slightly Stoopid	Deputy Corona Deputy Outram	
1360701000 136SAVILA 4350616		
THANK YOU!		TOTAL
		TOTAL

Questions concerning this invoice
Call: Melissa Shatswell
(805) 781-1965

Make all checks payable to:
San Luis Obispo County Sheriff
ATTN: Fiscal Services
1585 Kansas Avenue
San Luis Obispo, California 93405

SAN MIGUELITO MUTUAL WATER CO.

P.O. BOX 2120
 AVILA BEACH, CA 93424-2120
 Toilet leaks can be silent! Be
 sure to test your toilet for
 leaks at least once a year.

PROPERTY ADDRESS
 5000 ANABAY DRIVE RVPD
 CYCLE SECTION ACCOUNT NO.
 0 21800

FROM TO
 09/30/17 10/31/17

CODE	CURR READ	PREV READ	GALLONS	AMOUNT
	Previous Balance			
	Total Adjustments			
	Payment Received			
UC4				

WATER/SEWER BILL

RETURN THIS PORTION WITH PAYMENT

CUSTOMER NAME & ADDRESS

AVILA BEACH RESORT PROPERTY
 5000 ANABAY DRIVE RVPD

CYCLE SECTION SEQUENCE NO.
 0 01126

ACCOUNT NO.
 21800

BILLING DATE
 11/01/2017

AMOUNT DUE

BILLING DATE 11/01/2017
 AFTER 11/28/2017
 AMOUNT DUE
 PAY THIS LATE AMOUNT

AVILA BEACH RESORT PROPERTY L.P.
 RV PAD
 P.O. BOX 2140
 AVILA BEACH, CA 93424-2140

Crystal Springs Water
 3215 Rockview Place
 San Luis Obispo CA 93401
 805-543-5063

ACCT. NO.	CUSTOMER NAME	
084058	AVILA BEACH RESORT-PRO SHOP	
MONTHLY STATEMENT DATE	DUE DATE	PAY THIS AMOUNT
08/31/2017	09/15/2017	

AMOUNT
ENCLOSED \$

MAKE CHECKS PAYABLE TO Crystal Springs Water

AVILA BEACH RESORT-PRO SHOP
 P.O. BOX 2119
 AVILA BEACH CA 93424

Crystal Springs Water
 3215 Rockview Place
 San Luis Obispo CA 93401

Please Return This Portion With Payment

MONTHLY STATEMENT

DATE	INVOICE	DESCRIPTION	CHARGE	PAYMENT	BALANCE
Balance Forward					0.00
Route AG//					
Stop 1 AVILA BEACH RESORT-PRO SHOP AVILA BEACH RD					
08/04/2017	0950179	SPRING DRINKING WATER Qty 20@6.29			
08/04/2017	0950179	5 GAL. Bottles Qty 20@0.00	0.00		
		Invoice #0950179 Tax: 0.00 Total:			
		Stop Subtotal			
		Total Invoices			
Current	PAST DUE AMOUNTS				
	30 Days	60 Days	90 Days	120 Days	Over 120 Days
	0.00	0.00	0.00	0.00	0.00
				PREV. BALANCE	0.00
				CHARGES (+)	
				PAYMENTS (-)	0.00
					AMOUNT DUE

Thank you for being our customer!

Did you know Crystal Springs Water also has Reverse Osmosis Systems and Water Softeners Available?

MONTHLY	ACCT. NO.	CUSTOMER NAME
08/31/2017	084058	AVILA BEACH RESORT-PRO SHOP

Crystal Springs Water
 3215 Rockview Place
 San Luis Obispo CA 93401
 805-543-5063

Harvey's Honey Huts
PO Box 805
Cambria, CA 93428
(805) 927-8554
(Fax) 927-4455

To whom it may concern,

Harvey's Honey Huts is a supplier and servicer of portable toilets and trailers. When we are hired by a venue for an event, we follow the following processes:

- Assess anticipated numbers to accommodate the crowd appropriately
- Deliver appropriate units (regular, handicap, sink station)
- Stock portable toilets with toilet paper, seat covers
- Stock sinks with non-potable water, soap and paper towels
- Units are cleaned and made sanitary
- When event is over, units are serviced
- Units are removed from site

All sewage and greywater are removed from site and disposed of according to OSHA standards.

Amy Ridgway
Account Manager
Harvey's Honey Huts

Harvey's Honey Huts

PO Box 805
465 Norfolk Street
Cambria, CA 93428

Invoice

Date	Invoice #
2/28/2017	18209

Bill To
Avila Beach Resort [REDACTED] 6464 Ana Bay Drive Avila Beach, CA 93424

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	Regular Units, 1 Handicap, Lights @ Avila Beach Resort		
	One Time Delivery and Pick-Up charge		
	Toilet Rental		
	White Swan Service and Supplies		
	Toilet Rental		
	Handicap Unit Service and Supplies		
	Lights for Units		
	Services on this unit are at the option of the renter and are not mandatory.		
	Avila Beach Sales Tax	7.50%	
Thank you for using Harvey's Honeyhuts.		Total	

Please contact Amy at (805) 927-8554 with any account questions. Just an oversight? We would appreciate bringing your account current. Thank you for your business.

Phone # (805)927-8554

Fax # (805)927-4455

Payments/Credits

GUERRILLA GARDENING CLUB

PO Box# 1827
Morro Bay, CA. 93443
(805)462-7398

INVOICE

INVOICE #15
DATE: 05/22/2017

TO: AVILA BEACH GOLF RESORT

FOR: TEQUILA FESTIVAL

DESCRIPTION	AMOUNT
Tequila Festival 05/27/2017 Guerrilla Gardening Club Zero Waste Program	
	

Make all checks payable to Guerrilla Gardening Club
DUE UPON RECIEPT

Thank you for your business!



SOUTH COUNTY SANITARY SVC, INC
A WASTE CONNECTIONS COMPANY
4388 OLD SANTA FE RD
SAN LUIS OBISPO CA 93401-8160
DISTRICT NO. 4120

AVILA BEACH RESORT
C/O KATIE MANLEY
PO BOX 2140
AVILA BEACH CA 93424

ACCOUNT NO. 4120-10095820
INVOICE NO. 5776576
STATEMENT DATE 09/01/17
DUE DATE 09/20/17
BILLING PERIOD 09/01/17 - 09/30/17

FOR ASSISTANCE
Customer Service 805-489-4246
One Time Payments 855-569-2719

Page 1

INVOICE STATEMENT

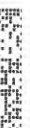
Date	Description	Amount
	Service Location	
	Acct #10095820	
08/07/17	Guerrilla Gardening Club	
	O Avila Beach Resort	
	1287013	\$
	Slo Co Waste Mgmt Authority	\$
	Current Charges And Fees	\$
	Total Due	\$

For your protection, any time we call to discuss payment on your account, we will first provide you with your Waste Connections account number.

If payment is not received by the due date, late fees may be assessed at 1.5% or a minimum of \$5.00 per month. Please note there will be a \$25.00 fee assessed to your account for any returned check.

Authorized payment location - Nipomo Rexall Drug - 330 W Tefft Unit E - Nipomo, CA 93444

To avoid Extra fees, lids must be closed flat on all containers when emptied.





COASTAL ROLLOFF
A WASTE CONNECTIONS COMPANY
4388 OLD SANTA FE RD
SAN LUIS OBISPO CA 93401-8160
DISTRICT NO. 4150

ACCOUNT NO. 4150-2072-002
INVOICE NO. 5681720
STATEMENT DATE 06/01/17
DUE DATE 06/20/17
BILLING PERIOD 05/01/17 - 05/31/17

AVILA BEACH RESORT
PO BOX 2140
AVILA BEACH CA 93424-2140

FOR ASSISTANCE
Customer Service 805-543-0473
One Time Payments 855-569-2719

INVOICE STATEMENT

Date	Description	Amount
	Service Location	
	Acct #2072-002	
	Avila Beach Resort - Events	
	0 Avila Beach Dr	
05/26/17	40 Yard Delivery	\$ 30.00
	1283615	
05/30/17	Disposal Fee	\$ 14.90
	1283616	
05/30/17	Take Away 40	\$ 240.00
	1283616	
	Slo Co Waste Mgmt Authority	\$ 5.70
	Current Charges And Fees	\$ 30.80
	Total Due	\$ 30.80

If payment is not received by the due date, late fees may be assessed at 1.5% or a minimum of \$5.00 per month. Please note there will be a \$25.00 fee assessed to your account for any returned check.

Cold Canyon Landfill report coming under separate cover if requested. Keep this information if you need jobs signed off from the city or county.





PROVIDER: San Luis Ambulance · 3546 South Higuera Street · San Luis Obispo, CA 93401-7352 · (805) 543-2626

PAY SOURCE
SERVICE DATE
BALANCE DUE

Insurance

\$1,063.40

BILL DATE
PATIENT
TICKET NUMBER

6/7/2017

See Description

PLEASE ENTER THE
AMOUNT OF PAYMENT

PLEASE SEE REVERSE SIDE FOR INSURANCE INFORMATION

B
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STANDBY AVILA BEACH GOLF RESORT
c/o KATIE MANLEY
PO BOX 2140
AVILA BEACH, CA 93424-2140

Checks Payable To: San Luis Ambulance

PLEASE DETACH AND RETURN WITH YOUR PAYMENT

Special Event Standby Invoice

Standby Rate is \$40.90 per quarter hour and times are rounded up to the quarter hour. Thank you for using San Luis Ambulance. If you have any questions, please contact our business office at 805-540-5725.

DATE	DESCRIPTION	QTY	CHARGE	PAYMENT	ADJUSTMENT	AMOUNT
05/27/17	S213747 AVILA BEACH TEQUILA FESTIVAL 26 AVILA BEACH TEQUILA FESTIVAL STANDBY 11:00 THRU 17:21	26	\$1,063.40	\$0.00	\$0.00	\$1,063.40

Please Pay This Amount --> \$1,063.40

PROVIDER #: ZA379
ACCOUNT #: 88417

IRS #: 952999699

BILLING: 805-540-5725

FAX: (805) 546-0885



San Luis Ambulance - Standbys

San Luis Ambulance is equipped and prepared to assist you with any ambulance standby needs that you may require for your event. Events that San Luis Ambulance frequently provide standby services for include, but are not limited to rodeos, endurance sporting events, concerts, as well as auto and motorcycle races.

All of the ambulances that San Luis Ambulance utilizes for standbys are Advanced Life Support (ALS). This means that there is at least a minimum of one paramedic and EMT and that all of the equipment required to perform ALS treatment is provided as well. All of the paramedics and EMT's are currently credentialed and working in San Luis Obispo County.

As soon as you are aware that you may need an ambulance standby, please fill out the form below so that we may assist you.

REQUEST FOR STANDBY AMBULANCE

San Luis Ambulance believes that serving the community is an honor. Our first priority is to provide the highest quality, cost efficient, prehospital patient care and transportation for the residents of San Luis Obispo County. Whenever possible, without jeopardizing this commitment of availability for emergency medical services, we will support local organizations with standby ambulance service for community events. Please provide us with the following information a minimum of two weeks prior to the date of your event so that we may determine our availability to respond to your needs.

Committed: Standby service is billed at \$163.62 per hour with a four (4) hour minimum.

☒ **Non-Committed:** no charge, but ambulance may be called away at any time.



Event Name : _____

Organization Requesting Standby Ambulance Service : _____

Contact Person : _____ Phone Number : _____

Email Address : _____

Billing Address : _____

Physical Address (or Location) of Event : _____

Area/City : _____

Contact Person at Event : _____

Phone Number the Day of Event : _____

Date of Event : _____ Ambulance Arrival Time : _____

Event End Time : _____

If you do not receive confirmation via email within two business days, please call our office at (805) 543-2626
Standby Request Form 5/98. Revised 1/03, 1/04, 1/05, 04/06, 04/08, 03/12.

Submit



November 14, 2017

To Whom It May Concern:

All of the ambulances that San Luis Ambulance (SLA) utilizes for standbys are Advanced Life Support (ALS). This means that there is at least a minimum of one paramedic and EMT and that all of the equipment required to perform ALS treatment is provided as well. All of the paramedics and EMT's are currently credentialed and working in San Luis Obispo County.

SLA works very closely with the San Luis Obispo County Emergency Medical Services Agency (EMSA), the agency that provides oversight for the emergency medical system, to ensure that we offer the most current prehospital care that is available. The Paramedics at San Luis Ambulance are allowed to practice under liberal protocols, designed with our input, to make sure that the patients receive the best and most efficient care possible. This care includes, but is not limited to, electrocardiogram (EKG) monitoring, including 12-lead EKG, and oxygen level monitoring, inclusive of SPO2, and ETCO2. The San Luis Obispo County EMSA allows for adult intubation. Vascular access for adult and pediatric patients is obtained through intravenous, external jugular and intraosseous cannulation.

All medications allowed for in the California Code of Regulations, Title 22, Section 100144 are carried on the ambulance for use with the protocols.

Best Regards,

Justin Kelton

VP Operations

3548 Santa Barbara Avenue

P.O. Box 994

San Luis Obispo

CA 93400

Phone 805.543.2626

Fax 805.546.0000



**1392 Lowrie Avenue
South San Francisco, CA 94080**

November 8, 2017

To whom it my concern:

This letter serves to confirm that Rock Medicine, a program of HealthRight 360, provides event medical services to Avila Beach Golf Course special events. If you need more information regarding our service or have any questions, please feel free to contact me directly by email at goldham@rockmed.org or by phone at (415) 646-5474.

Thank you,

A handwritten signature in black ink, appearing to read "GK Oldham II".

Gordon K. Oldham II
Executive Director
Rock Medicine

**Rock Medicine Program, HEALTHRIGHT
360 NON-PROFIT**

1735 Mission Street, San Francisco, CA
94103
ATTN: AR
San Francisco, CA 94103 US
415-912-1253
www.rockmed.org



INVOICE

BILL TO

Becca Bowdey
Avila Beach Golf Resort
6565 Ana Bay Dr
Avila Beach, CA 93424

INVOICE # 1454

DATE 07/31/2017

DUE DATE 08/30/2017

TERMS Net 30

EVENT NAME

July

EVENT DATE	ACTIVITY	QTY	\$	TOTAL
07/07/2017	Event Services:BLS Services UB40			
07/09/2017	Event Services:BLS Services Yoga Festival			

Here is the invoice for your Rock Medicine services.
Please contact AR at receivables@healthright360.org
for questions on this invoice.

BALANCE DUE

Thank you!

AVILA BEACH GOLF RESORT SPECIAL EVENT EMERGENCY PLANNING GUIDE

Introduction

Planning for the potential risks and hazards associated with a special event is essential to the event's success. A special event is a public concert/festival/wedding/golf tournament at the resort that brings together a large number of people. Emphasis is not placed on the total number of people attending but rather the impact on the resort's ability to respond to a large-scale emergency or disaster or the exceptional demands that the activity places on various support services.

This document highlights emergency issues that are addressed when planning a public event at the resort. This is meant to lower the risk of spectators, participants, employees, the community and personnel.

Evacuation and Shelter Locations

During an emergency, guests will be corralled to the 10th fairway, driving range or event lawn depending on where the emergency or natural disaster is taking place. The General Manager will make an announcement on stage and/or event security will assist in moving attendees.

Event Staff/Credentials

Staff working the event has a uniform on which identifies them as staff so guests can easily find them with questions. The Security Company wears bright yellow shirts to quickly identify them.

Event Cancellation or Postponement

If a natural disaster or emergency takes place that requires the event to be canceled, the resort will make an announcement. The Resort's General Manager has the authority to cancel or postpone an event under extreme circumstances without having to refund any ticket sales.

Medical Personnel/First Aid

The medical station for all festival and events that are held on the Event Lawn is located near the entrance by the tennis courts (see attached map). This is identified with a tent and a banner clearly marking the station. This station has water, Gatorade, chairs, basic first aid supplies and at least 1 EMT at all times.

Ambulance- one ambulance at the event during the entire duration of the festival

EMT- A minimum of one EMT per every 1,000 guests

AED- Located in the pro shop by the front entrance

Guards- one per every 50 guests

Maintain access (see attached map)

Three identified exit locations depending on where the emergency takes place

-10th fairway gate exit (first street)

-Main exit to the golf course (Ana Bay Drive)

-Blue Heron Drive Exit (

Map

Map attached clearly marks all entrance and exits

Emergency Notification to Crowd

During emergency the General Manager will make an announcement to the crowd on stage with the microphone. If the microphone is not accessible there is a blow horn in the pro shop that will be used.

Emergency Plan

Notify local agencies by calling 911

Resort owner: Rob Rossi 805-704-0787

Resort General Manager: Katie Sturtevant 805-704-0290

Resort Event Director: Becca Bowdey 805-441-5272

Miller Security Owner: Jim Miller 805-748-2503

Stage Tech: Tom Friedman 805-704-0506

Music Promoter: Bill Gaines 805-748-7266

Local Agencies:

Cal Fire Avila Station 62: 805-595-2115

CHP: 805-593-3333

Sheriffs: 805-781-5484

Port San Luis Harbor: 805-595-5400

Monitoring Weather Impacts

The resorts General Manager, Event Director as well as the stage tech will work together to monitor weather. The stage tech carries a wind meter to monitor the wind restrictions for the stage.

Pre Event Briefing

The General Manager, Event Director, security team and promoter meet prior to every event to review safety procedures.

Risk Management

All bags or purses brought into the event are searched at the entrance

No knives or weapons of any sort are permitted

No glass bottles permitted

General Emergency Contact for all Staff & Customers

Medical Emergency: Contact on site EMT/Ambulance as well as security personal. If more help is needed please call 911.

Missing Person-: Contact security team and find the medical tent

Fire-: Listen for instruction from General Manager or security. Exit away from the fire.

Suspicious Package: Do not touch, find security right away and call 911. Stay away from the package and get all guests away.

Suspicious Person or Violent Act: Do not physical confront the person and do not block their access to an exit. Find security and call 911 and give as much information as you can. Follow instructions from security or dispatch and if told to seek shelters get inside Beach Club, Pro Shop, Mulligans or the Cart Barn.

Severe Weather: Listen for updates and follow instructions. Stay 200 feet from the stage and soundboard.

Emergency Evacuations: Direct and assist customers to exit in a calm orderly fashion through one of the three exits. Listen for instruction as to what exit

Communicating During an Emergency

Effective communication during an emergency is vital to success and safety. Anyone with a radio must refrain from any unnecessary transmissions and must listen carefully for instructions.

Tips for communicating during an emergency are:

- 1.Stay calm. Speak slowly and clearly over the radio. Do not shout.
- 2.All communication must be brief and to the point.
- 3.Do not use words over the radio that would incite panic. Refer to the emergency as "a situation" not a bomb, fire, etc.
- 4.Report all emergencies on your assigned radio channel to all security personnel as well as call 911
- 5.Depending on the emergency, not all normal modes of communication will function. Be prepared to use landline phones and cell phones



CAL FIRE – SAN LUIS OBISPO COUNTY FIRE SPECIAL EVENT INSPECTION FORM

Business Name:		Date(s) and hours of event:	
Location(s) of event:			
Number of attendees including management and emergency staff:			
Primary event contact name and cell phone.		If applicable #	of event radios issued to Engine(s) #
☐	Provide a copy of the submitted/approved event contact list.		
☐	Provide a copy of the submitted/approved (1) overall and detailed floor plans, (2) Traffic Plans, (3) secondary egress		
☐	Provide a copy of the submitted/approved Event management team (Crowd Management, Fire Watch, EMS)		
PASS	FAIL		
ACCESS AND GENERAL FIRE PRECAUTIONS			
☐	☐	Waste material in and around tents, booths must maintain 30 feet perimeter and interior floor areas, kept in containers and removed daily.	
☐	☐	Combustible decorative materials are to be flame resistant except table covers.	
☐	☐	Vegetation Clearance Event location, tents, trailers, stages; egress routes shall maintain 30-50 feet minimum clearances from flammable vegetation, per fire official.	
☐	☐	Exits, aisles and passageways (12 feet min) shall not be blocked or width obstructed in any manner.	
☐	☐	Roads for egress, ingress and emergency evacuation routes must be unobstructed. (Including AG & Private access)	
☐	☐	Parking areas must maintain exiting pathway and provide fire watch (open field or roadside/event viewing areas)	
☐	☐	Seat Stability - building, room or space used for assembly purposes seating with greater than 200 seats shall be fastened together in groups of not less than three or the seats shall be securely fastened to the floor.	
☐	☐	SEATS Aisle widths – Min. 42 inches with seating on both sides. Min. of 36 inches if less than 50. Min. 30 inches if less than 14 seats.	
☐	☐	SEATS Row widths – Min. 12 inches max 22 inches (horizontal distance from back of row ahead & nearest projection of row behind. Over 14 seats the minimum row width shall be increased by 0.2 inch for each additional seat, maximum row width is not required to exceed 22 inches.	
☐	☐	SEATS/TABLES AISLE LENGTH - The length of travel along the aisle access way shall not exceed 30 feet from any seat to the point where a person has a choice of two or more paths to exits.	
BOOTHS (tent/canopies/trailer)			
☐	☐	Sidewalls, drops, and tops of all such structures shall be made of a flame-resistant material or treated with a flame retardant approved by the California State Fire Marshal.	
☐	☐	A 10-foot wide separation shall be provided for every 200 lineal feet of vendor booths.	
☐	☐	A fire access of 20 feet between rows of booths shall be maintained at all times.	
☐	☐	Sale or display items shall not be allowed within the fire access.	
☐	☐	Booths or rows of booths shall be located more than 20 feet from property lines, buildings, parking areas or internal combustible engines.	
☐	☐	Booths shall have at least one exit.	
☐	☐	All structures shall be adequately braced and anchored to prevent collapse.	
☐	☐	Exit doors must remain open or be covered with flame resistant material and swing outward.	
COOKING AREA LAYOUT & APPLIANCES			
☐	☐	Cooking operations must be 20 feet from other combustible booths, structures, tents AND 10 feet from exits.	
☐	☐	A minimum of 2-foot side clear space shall be provided between the cooking space area and the back of the tent.	
☐	☐	A minimum of 18-inch wide clear space shall be provided between the cooking space and the side and rear of the cooking area.	
☐	☐	Cooking and barbecues shall be a minimum of 10 feet from any booth and shall be protected from access by the public.	
☐	☐	Warming appliances/steaming trays, both electric and solid fuel types, shall be located inside tents. They will be monitored by the event organizers, the County Health Department and the CAL FIRE/SLO County Fire Department. The intent is that food preparation will occur within the tent.	
☐	☐	Deep-fat fryers and other appliances for the cooking and holding of food until served will be reviewed by CAL FIRE/SLO County Fire Department and are only approved on a case-by-case basis. If approved, a Class K portable fire extinguisher shall be located within 30 feet of the fryer.	
☐	☐	UL 300 hood systems and K extinguisher required for food service trucks. Health and Safety Code §114149.1 (a)	
☐	☐	If the appliances used would require food preparation to occur outside, the Fire Marshal may evaluate the heat potential of the appliance and approve its use within the tent.	
PORTABLE FIRE EXTINGUISHERS			
☐	☐	Portable fire extinguishers shall be installed throughout the premises, every 75 feet of travel minimum rating of 2A:10B:C.	
☐	☐	Cooking facility booths and booths adjacent to them shall have a fire extinguisher rating of a minimum 3A:40B: C, unless the cooking involves deep fat frying or WOKS then the additional extinguisher must be a K type extinguisher.	
☐	☐	Permanent businesses shall have a portable fire extinguisher with a minimum rating of 2A: 10B:C.	
IGNITION SOURCES			
☐	☐	Smoking, fireworks, open flame or hot objects capable of igniting combustible materials shall not be allowed inside the booths.	
☐	☐	‘No Smoking’ signs shall be posted.	
ELECTRICAL & GENERATORS			
☐	☐	Extension cords shall be of a grounded type and listed for exterior use.	
☐	☐	Extension cords shall be unplugged after each daily use.	
☐	☐	Extension cords shall not be used in lieu of hardwiring.	
☐	☐	Generators and other internal combustion engines will be 20 feet from tents, isolated from public contact with fencing or enclosures.	
COMPRESSED GAS TANKS			
☐	☐	LPG and other compressed gas tanks shall be secured in an upright position.	
☐	☐	All tanks shall be protected from public access.	
☐	☐	Empty tanks shall be removed on a daily basis.	
USE OF LIQUID PETROLEUM GAS			
☐	☐	Vendors may use Liquefied Petroleum Gas (LPG) in booths as defined above, when the booth is separated from other booths, tents and canopies by at least 20 feet and approved by the SLO County Health Department.	
☐	☐	LPG cylinders shall be located outside tents and canopies. Minimum of 10 feet (less than 500 gal) and 25 feet (over 500 gallons)	
☐	☐	Flammable and combustible liquids must be stored outside in approved containers and no less than 50 feet from tents/membranes/stages.	
BARBECUES			
☐	☐	Trailer, charcoal, and/or LPG BBQ's shall not be located inside or within 20 feet of combustible walls, roofs, or other combustible material.	
☐	☐	Small barbecues and hibachis may be placed on tables in the cooking space if a thermal barrier is provided between the barbecue and table.	
☐	☐	Barrier may be a concrete block underneath the barbecue, as long as the entire area of the barbecue is provided with protection underneath.	
☐	☐	Luau in ground cooking must maintain clearances of 30 feet and be isolated from public contact – Special Permit Required.	
☐	☐	Cooking and BBQs shall be a minimum of 10 feet from any booth and shall be protected from access by the public.	
Comments:			
☐ All required conditions have been met. Event is approved for Public Occupancy.			
☐ See Attached Special Conditions and/or Correction Notice			
The deficiencies noted above are to be corrected immediately. A re-inspection will occur on or about _____ to ensure full compliance. Public Occupancy must not occur until all required conditions are met. Failure to comply in these corrections may result in legal action being taken.			
Inspector's Signature		Inspectee's Signature	
Authority			
Permits, approvals and inspections shall be in accordance with the California Code of Regulations-Title 19 (Chapter 2), 2013 California Fire Code (Section 906 & Chapter 4, 10, 31), 2013 California Building Code (Chapter 31), California Health & Safety Code (Division 104, Part 7, and Chapter 4), CAL FIRE/San Luis Obispo County Fire Department, and the San Luis Obispo County Health Department.			
(White Copy –Event, Yellow Copy – Station, Pink Copy – Prevention Bureau)			



Scott M. Jalbert, Unit Chief

Special Events

Submittal Requirements

Purpose

These guidelines are to familiarize event promoters, sponsors and vendors with information about special event procedures, general fire safety regulations and permits that are issued and/or enforced by the San Luis Obispo County Fire Department. The department is committed to promoting public safety and assisting all parties involved to provide a level of service that will ensure a safe and successful event.

Procedure

A fire safety review is required to ensure public safety in a place of assembly or any other place where people congregate, including but not limited to; amusement buildings, carnivals, fairs, exhibits, trade shows, open burning, flames and torches, candles, places of assembly, temporary membrane structures and tents, pyrotechnics and special effects, live audiences and any event with public attendance over 250.

Before Fire Department review, the proposed event must have all necessary Land Use Permits approved and Construction and Conditional Use Permits issued by the County of San Luis Obispo Planning and Building Department.

A written plan must be submitted to the Fire Code official 30 days prior to the event. Written submittal requirements will be in accordance with California Fire Code (CFC), Section 404, "Fire Safety, Evacuation and Lockdown Plans". An inspection verifying compliance of fire and life safety conditions must be conducted prior to public occupancy of the event. If modifications or additions to the event areas are made, an updated permit and inspection must be completed.

The following written submittals are required:

1. Contact information for the event's management team. The management team consists of [crowd managers](#), [fire watch](#) and emergency medical staff. Emergency support staff shall include a reasonable and prudent number of trained and experienced emergency medical staff with the equipment and ability to manage simultaneous medical incidents.
2. Written [Fire Safety and Evacuation Plans](#).
3. [Overall site plan](#) showing public roadway access, fire access and general layout of event.

4. [Detailed site plan of event \(floor plans\).](#)

Management Team

Crowd Management

Trained crowd managers shall be provided for facilities or events where more than 250 persons congregate. The minimum number of crowd managers shall be established at a ratio of one crowd manager to every 250 persons. The training received must be approved by the Fire Code official. This requirement does **NOT** require a facility to hire additional personnel; rather, it requires management to assign crowd management duties to individuals and to ensure these individuals are adequately trained to perform those duties. California Code of Regulations, Title 19. Crowd Manager training can be found at:

- National Association of State Fire Marshals' (NASFM) www.firemarshals.org
- International Association of Venue Managers, Inc. www.iavm.org

Fire Watch

A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department. (CFC Section 202)

Written Fire Safety and Evacuation Plans

Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for assisted rescue for persons unable to use the general means of egress unassisted.
4. Procedures for accounting for employees and occupants after evacuation has been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

Fire safety plans shall include the following:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy and procedures for notifying, relocating or evacuating occupants/event attendees, including occupants who need assistance.
3. Site plans indicating the following:
 - The occupancy assembly point.
 - The locations of fire hydrants.
 - The normal routes of fire department vehicle access.

Overall Site Plan

Site plans shall include the following:

1. An accurate scale or dimensioned site diagram indicating distances from any tents or temporary structures, location of planned event in proximity to permanent buildings, access drives, emergency access roads, parking areas, other tents or canopies, cooking and heating appliances and equipment, propane tanks, flammable liquids, pyrotechnic activities, stage locations, food or beverage service, property lines, and roadways.
2. Locations of management team, crowd managers, and first aid stations and/or roaming EMT.
3. A statement which identifies the intended use of all structures and the dates for which the permit is required.
4. Flame retardant certificate(s) for tent/canopy material.

Detailed Plans

Floor plans in permanent structures shall identify the following:

1. Exits.
2. Primary evacuation routes.
3. Secondary evacuation routes.
4. Accessible egress routes.
5. Areas of refuge.
6. Exterior areas for assisted rescue.
7. Manual fire alarm boxes.
8. Portable fire extinguishers.
9. Occupant-use hose stations.
10. Fire alarm annunciators and controls.
11. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.
12. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
13. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

Floor plans in temporary structures/tents or outdoor venues shall identify the following:

1. Proposed seating arrangements.
2. Dimensions of tables.
3. Locations and types of all other interior obstacles.
4. Exit locations; dimensions required (see CFC, Chapter 10, "Means of Egress").
5. Locations of all emergency exit pathways to be maintained.
6. Locations of NO SMOKING signs.
7. Locations and types of emergency lighting, including proposed power source(s).
8. Locations and types of EXIT signs.
9. EXIT signs shall be internally illuminated, externally illuminated or of an approved self-luminous type when the occupant loads exceed 100 persons.
10. Location and type of portable fire extinguishers.
11. Type of floor surface proposed inside tent, canopy or event location.
12. Location and width of all-weather fire access roadways.
13. Locations of any additional emergency equipment such as hose lines or emergency power supplies.
14. Specific details of heating and/or cooking equipment or open flame devices in conjunction with the event.
15. A statement that discloses the proposed maximum occupant load. Maximum occupant load to be posted when 50 or more occupants.

Tents

Tents and membrane structures having an area more than 400 square feet require a permit with the exception of tents used exclusively for camping. Tents open on all sides and a maximum size of 700 square feet are also exempt. California Fire Code and regulations of the State and County Fire Marshal for large and small tents, awnings and other fabric enclosures shall also apply.

Document Submittal

You may mail, drop off or email your documents to the following address:

CAL FIRE / SLO County Fire
Attn: Prevention Bureau
635 N. Santa Rosa Street
San Luis Obispo, CA 93405
(805) 593-3490
Loree.McRoberts@fire.ca.gov



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805.543.4244 • Fax: 805.543.4248
www.calfireslo.org

Scott M. Jalbert, Unit Chief

Special Event Inspection Checklist

Must be completed prior to public occupancy

General

- _____ Date(s) and hours of event _____
- _____ Location(s) of event _____
- _____ Number of attendees including management and emergency staff _____
- _____ Primary event contact cell phone and/or radio frequency _____
- _____ Provide a copy of the submitted/approved event contact list.
- _____ Provide a copy of the submitted/approved overall and detailed floor plans of event.
- _____ Provide a copy of the submitted/approved Event management team (Crowd Management, Fire Watch, EMS)
- _____ Waste material in and around tents and booths must be kept in appropriate containers and removed daily. A 30 foot perimeter and interior floor areas will be maintained waste free.
- _____ Combustible decorative materials are to be flame resistant except table covers.
- _____ Event location, tents, trailers, stages, egress routes, etc. shall maintain 30'-50' minimum clearances from flammable vegetation, per fire official.
- _____ Exits, aisles and passageways (12' min) shall not be blocked or width obstructed in any manner.
- _____ Roads for egress, ingress and emergency evacuation routes must be unobstructed. (Including AG & Private access)
- _____ Parking areas must maintain exiting pathway and provide fire watch (open field or roadside/event viewing areas)

Booths (Tent/Canopy/Trailer)

- _____ Sidewalls, drops, and tops of all such structures shall be made of a flame-resistant material or treated with a flame retardant approved by the California State Fire Marshal.
- _____ A 10-foot wide separation shall be provided for every 200 lineal feet of vendor booths.
- _____ A fire access of 20 feet between rows of booths shall be maintained at all times.
- _____ Sale or display items shall not be allowed within the fire access.
- _____ Booths or rows of booths shall be located more than 20 feet from property lines, buildings, parking areas or internal combustible engines.
- _____ Booths shall have at least one exit.
- _____ All structures shall be adequately braced and anchored to prevent collapse.
- _____ Exit doors must remain open or be covered with flame resistant material and swing outward.

Cooking Area Layout

- _____ Cooking operations must be 20 feet from other combustible booths, structures, tents AND 10 feet from exits.
- _____ A minimum of 2-foot side clear space shall be provided between the cooking space area and the back of the tent.
- _____ A minimum of 18-inch wide clear space shall be provided between the cooking space and the side and rear of the cooking area.
- _____ Cooking and barbecues shall be a minimum of 10 feet from any booth and shall be protected from access by the public.

Portable Fire Extinguishers

- _____ Portable fire extinguishers shall be installed throughout the premises, every 75 feet of travel with a minimum rating of 2A:10B:C.
- _____ Cooking facility booths and booths adjacent to them shall have a fire extinguisher rating of a minimum 3A:40B:C, unless the cooking involves deep fat frying or WOKS then the additional extinguisher must be a K type extinguisher.
- _____ Permanent businesses shall have a portable fire extinguisher with a minimum rating of 2A:10B:C.

Ignition Sources

- _____ Smoking, fireworks, open flame or hot objects capable of igniting combustible materials shall not be allowed inside the booths.
- _____ 'No Smoking' signs shall be posted.
- _____ Cooking and BBQs shall be a minimum of 10 feet from any booth and shall be protected from public access.

Electrical Cords and Generators

- _____ Extension cords shall be of a grounded type and listed for exterior use.
- _____ Extension cords shall be unplugged after each daily use.
- _____ Extension cords shall not be used in lieu of hardwiring.
- _____ Generators and other internal combustion engines will be 20 feet from tents, isolated from public contact with fencing or enclosures.

Compressed Gas Tanks

- _____ LPG and other compressed gas tanks shall be secured in an upright position.
- _____ All tanks shall be protected from public access.
- _____ Empty tanks shall be removed daily.

Use of Liquid Petroleum Gas

- _____ Vendors may use Liquefied Petroleum Gas (LPG) in booths as defined above, when the booth is separated from other booths, tents and canopies by at least 20 feet and approved by the SLO County Health Department.
- _____ LPG cylinders shall be located outside tents and canopies. Minimum of 10 feet (less than 500 gal) and 25 feet (over 500 gallons)
- _____ Flammable and combustible liquids must be stored outside in approved containers and no less than 50 feet from tents/membranes/stages.

Barbecues

- _____ Trailer, charcoal, and/or LPG barbecues shall not be located inside or within 20 feet of combustible walls, roofs, or other combustible material.
- _____ Small barbecues and hibachis may be placed on tables in the cooking space if a thermal barrier is provided between the barbecue and table. This may be a concrete block underneath the barbecue, as long as the entire area of the barbecue is provided with protection underneath.
- _____ Luau in ground cooking must maintain clearances of 30 feet and be isolated from public contact.

Special Appliances

- _____ Warming appliances/steaming trays, both electric and solid fuel types, shall be located inside tents. They will be monitored by the event organizers, the County Health Department and the *CAL FIRE/SLO* County Fire Department. The intent is that food preparation will occur within the tent.
- _____ Deep-fat fryers and other unique appliances for the cooking and holding of food until served will be reviewed by *CAL FIRE/SLO* County Fire Department and are approved on a case-by-case basis. If approved, a Class K portable fire extinguisher shall be located within 30 feet of the fryer.
- _____ UL 300 hood systems and K extinguishers are required for food service trucks. Health and Safety Code §114149.1 (a)
- _____ If the appliances used require food preparation to occur outside, the Fire Marshal may evaluate the heat potential of the appliance and approve its' use within the tent.

Additional Corrections

Fire Official _____ **Date/Time** _____

Event coordinator _____ **Date/Time** _____

Authority

Permits, approvals and inspections shall be in accordance with the California Code of Regulations-Title 19 (Chapter 2), 2016 California Fire Code (Section 906 & Chapter 10, 31), 2016 California Building Code (Chapter 31), California Health & Safety Code (Division 104, Part 7, and Chapter 4), *CAL FIRE*/San Luis Obispo County Fire Department, and the San Luis Obispo County Health Department.



Scott M. Jalbert, Unit Chief

Standard 7

Tents, Membranes and Canopies

Scope

The scope of this standard is to establish consistent requirements for tents, temporary structures or membrane structures exceeding 200 square feet and/or canopies exceeding 400 square feet in size that are used as booths for carnivals, street fairs and flea markets.

Permits, approvals and inspections shall be in accordance with the California Code of Regulations (CCR), Title 19, 2016 California Fire Code (CFC), 2016 California Building Code (CBC), California Health and Safety Code, *CAL FIRE*/San Luis Obispo County Fire Department, and the San Luis Obispo County Health Department.

Booths

- Sidewalls, drops and tops of all such structures shall be made of a flame-resistant material or treated with a flame retardant approved by the California State Fire Marshal.
- The California State Fire Marshal's seal shall be permanently affixed to the structure or a label showing the name, type and applicant of flame retardant materials.
- A 10-foot wide separation shall be provided for every 200 lineal feet of vendor booths.
- A fire access of 20 feet between rows of booths shall be maintained at all times.
- Sale or display items shall not be allowed within the fire access.
- Booths shall not be used for more than 180 days in a 12-month period.
- Booths or rows of booths shall be located more than 20 feet from property lines, buildings, parking areas or internal combustible engines.
- Booths shall have at least one exit.
- All structures shall be adequately braced and anchored to prevent collapse.

Portable Fire Extinguishers

- Portable fire extinguishers shall be installed throughout the premises, display areas and not exceed 75 feet of travel.
- Portable fire extinguisher shall be a minimum rating of 2A:10B:C.
- Booths with cooking facilities inside or adjacent to them shall have a fire extinguisher rating of a minimum 3A:40B:C

- Permanent businesses shall have a portable fire extinguisher with a minimum rating of 2A:10B:C.

Ignition Source

- Smoking, fireworks, open flame or hot objects capable of igniting combustible materials shall not be allowed inside the booths.
- ‘**No Smoking**’ signs shall be posted.
- Cooking and BBQs shall be a minimum of 10 feet from any booth and shall be protected from public access.

Electrical Cords and Generators

- Extension cords shall be of a grounded type and listed for exterior use.
- Extension cords shall be unplugged after each daily use.
- Extension cords shall not be used in lieu of hardwiring.
- Generators and other internal combustion engines will be 20 feet from tents, isolated from public contact with fencing or enclosures.

Compressed Gas Tanks

- LPG and other compressed gas tanks shall be secured in an upright position.
- All tanks shall be protected from public access.
- Empty tanks shall be removed daily.

Cooking Area Layout

- A minimum of 2-foot side clear space shall be provided between the cooking space area and the back of the tent.
- A minimum of 18-inch wide clear space shall be provided between the cooking space and the side and rear of the cooking area.
- Cooking and barbecues shall be a minimum of 10 feet from any booth and shall be protected from access by the public.

Use of Liquid Petroleum Gas

- Vendors may use Liquefied Petroleum Gas (LPG) in booths as defined above, when the booth is separated from other booths, tents and canopies by at least 20 feet and approved by the SLO County Health Department.
- LPG cylinders shall be located outside tents and canopies. Minimum of 10 feet (less than 500 gal) and 25 feet (over 500 gallons)
- Vendors using LPG or liquid fueled appliances in a tent or canopy will not be allowed to participate in the event. Wood booths would be required

Barbecues

- Trailer barbecues shall not be located inside or within 20 feet of combustible walls, roofs, or other combustible material.
- Small barbecues and hibachis may be placed on tables in the cooking space if a thermal barrier is provided between the barbecue and table. This may be a concrete block underneath the barbecue, as long as the entire area of the barbecue is provided with protection underneath.

Special Appliances

- Warming appliances/steaming trays, both electric and solid fuel types, shall be located inside tents. They will be monitored by the event organizers, the County Health Department and the *CAL FIRE/SLO* County Fire Department. The intent is that food preparation will occur within the tent.
- Deep-fat fryers and other unique appliances for the cooking and holding of food until served will be reviewed by *CAL FIRE/SLO* County Fire Department and are approved on a case-by-case basis. If approved, a Class K portable fire extinguisher shall be located within 30 feet of the fryer.
- If the appliances used require food preparation to occur outside, the Fire Marshal may evaluate the heat potential of the appliance and approve its' use within the tent.

MID-COAST FIRE PROTECTION, INC

Payment Office

1342 Ramona Ave Unit A

Grover Beach, CA 93433

(805) 489-2889

CA Contractor License C-16 579499

INVOICE

Due Date

6/4/2017

Invoice Date

5/22/2017

INVOICE #

42987

Bill To

ABR Enterprises LP
~~dba Avila Beach Golf Resort~~
~~ATTN: Linda Rembow~~
PO Box 2140
Avila Beach, CA 93424

Job Site

Avila Beach Golf Resort
6464 Ana Bay Drive
Avila Beach, CA
Katie 595-4000 X508

P.O. No.		Terms	Sold by	Service Date	Service Type	
OK Katie		13 Days	SM	5/22/2017	Annual	
Quantity	Description				Rate	Amount
	LABOR					
	5-lb Fire Extinguisher Annual Maintenance					
	6-year dry chemical teardown (required by CA Fire Code)					
	K-Rated Fire Extinguisher Annual Service per NFPA 10 and California State Fire Code Title 19					
	Annual Fire Sprinkler Testing, Inspection & Maintenance per NFPA 25/2013 California Edition & California State Fire Code Title 19					
	Discount					
	Trip Charge					
	Sub-Total					
	PARTS/MATERIALS					
	Extinguisher NEW 5lb					
	Valve Stems & Pressure Seals					

Please pay your Invoice within 13 days of Service by sending us a check to: Mid-Coast Fire Protection
1342 Ramona Ave Unit A, Grover Beach, CA 93433
You receive a 2% discount if you pay within 7 days of Service. Or by using your Credit Card by calling us at (805) 489-2889.

Subtotal**Sales Tax (7.25%)****Total****Payments/Credits****Balance Due**

Buyer agrees to pay above total on receipt of invoice. 1 1/2% interest per month will be charged on all past due invoices. Should this account be placed in the hands of an attorney to collect all or any portion thereof, the undersigned promises and agrees to pay such additional sums as and for attorney's fees and court costs. A late fee of 7% will apply to past due invoices. It is thoroughly understood and agreed that the title of above goods shall remain in the name of MCFP until the full amount of the bill is paid.

THANK YOU FOR YOUR BUSINESS

Got You Cover'd Inc.
 211 Tank Farm Rd. San Luis Obispo, Ca. 93401
 (805)541-8368 Fax: (805)541-1914

Page : 1

RENTED TO

DELIVERY INFORMATION

INVOICE INFORMATION

(TF) Ord. 09/12/16
 AVILA BEACH RESORT
 P.O. BOX 2140
 ATTN: LACEE NORDSTROM
 AVILA BEACH CA 93424-
 805-595-4000 FAX : 805-595-4002
 PO. No.
 Cust 8055954000

KATIE/ BECCA
 SAME
 Delivery Date: TUE 09/27/16 00:00 AM
 Pick Up Date: FRI 09/30/16 00:00 PM
 Job Location: SAME/

Invoice # 46308
 Date WED 09/28/16 00:00 AM
 Date Due: FRI 09/30/16 00:00 PM
 Written By: TF

**ITEMS RENTED
 OPEN CONTRACT**

Sr #	Qty.	Code	Description	Rate	DELIVERED	P.U.	CRATES	Amount
1	R	-1	MIS	BBQ CREDIT				
2	R	2	CA10X10	CANOPY 10 X 10 WHITE (TICKET)				
ALL CANOPIES INCLUDE STAKING UNLESS NOTED. STAKING IS POSSIBLE ON MOST SUFACES EXCEPT CONCRETE. GYC IS NOT RESPONSIBLE FOR UNDERGROUND LINES (EI. WATER, SPRINKLER, POWER, OR GAS)								
3	R	3	CA10X10P	CANOPY 10 X 10 WHITE PEAK (BACK STAGE)				
ALL CANOPIES INCLUDE STAKING UNLESS NOTED. STAKING IS POSSIBLE ON MOST SUFACES EXCEPT CONCRETE. GYC IS NOT RESPONSIBLE FOR UNDERGROUND LINES (EI. WATER, SPRINKLER, POWER, OR GAS)								
4	R	1	CA10X20	CANOPY 10 X 20 WHITE (MERCH)				
ALL CANOPIES INCLUDE STAKING UNLESS NOTED. STAKING IS POSSIBLE ON MOST SUFACES EXCEPT CONCRETE. GYC IS NOT RESPONSIBLE FOR UNDERGROUND LINES (EI. WATER, SPRINKLER, POWER, OR GAS)								
5	R	2	CA15X15QP	CANOPY 15 X 15 WHITE PEAK (WINGS)				
ALL CANOPIES INCLUDE STAKING UNLESS NOTED. STAKING IS POSSIBLE ON MOST SUFACES EXCEPT CONCRETE. GYC IS NOT RESPONSIBLE FOR UNDERGROUND LINES (EI. WATER, SPRINKLER, POWER, OR GAS)								
6	R	1	CA20X30	CANOPY 20 X 30 WHITE (BACK STAGE)				
ALL CANOPIES INCLUDE STAKING UNLESS NOTED. STAKING IS POSSIBLE ON MOST SUFACES EXCEPT CONCRETE. GYC IS NOT RESPONSIBLE FOR UNDERGROUND LINES (EI. WATER, SPRINKLER, POWER, OR GAS)								

Lessee's Signature: **X**_____

Printed on 09/28/16 10:33:27 AM

Got You Cover'd Inc.
 211 Tank Farm Rd. San Luis Obispo, Ca. 93401
 (805)541-8368 Fax: (805)541-1914

Page : 2

RENTED TO

DELIVERY INFORMATION

INVOICE INFORMATION

(TF) Ord. 09/12/16 AVILA BEACH RESORT P.O. BOX 2140 ATTN: LACEE NORDSTROM AVILA BEACH CA 93424- 805-595-4000 FAX : 805-595-4002 PO. No. Cust. 8055954000	KATIE/ BECCA SAME Delivery Date: TUE 09/27/16 00:00 AM Pick Up Date: FRI 09/30/16 00:00 PM Job Location: SAME/	Invoice # 46308 Date WED 09/28/16 00:00 AM Date Due: FRI 09/30/16 00:00 PM Written By: TF
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**ITEMS RENTED
 OPEN CONTRACT**

Sr #	Qty.	Code	Description	Rate	DELIVERED	P.U.	CRATES	Amount
7	R	1092	CHIS					
CHAIR, IVORY FESTIVAL SAMSONITE								
DELIVERY ONLY								
REPLACEMENT COST \$15.00								
8	R	2	LTVIENNA					
LIGHTING VIENNA 50FT (BACKSTAGE)								
9	R	3	MIS					
MIRROR (BACKSTAGE)								
10	R	36	MISF					
PICKET FENCING/ VINYL/ 8'LONG								
11	R	1092	SETUPC					
SET UP CHAIRS								
12	R	170	SW8W					
SIDEWALL 8' WHITE (BACKSTAGE)								
13	R	40	SW8W					
SIDEWALL 8' WHITE (TICKET)								
14	R	1	STA4X8					
STAGE ALUMINUM 4X8 (FOH) 8X8X1'								
15	R	2	STA4X8					
STAGE ALUMINUM 4X8 (FOH) 8X8X4"								
16	R	10	STA4X8					
STAGE ALUMINUM 4X8 (WINGS)								
17	R	7	STRAIL					
STAGE RAILING 4' SECTION (WINGS)								
OUR RAILING IS 8FT LONG.								
18	R	1092	MIS					
TIE/ LABEL								

Pick-up Chairs Right after concert.

Set-up chairs/ Tie and label before concert.

24 HOUR EMERGENCY NUMBER 541-8368(LISTEN CAREFULLY TO MESSAGE FOR PAGING

Rental
 Pick-Up Charges
 Delivery Charges
 Sub Total
 Total Amount
 Advance Payment
 Balance Due
 Adv. Payment Due BILLING

Lessee's Signature: **X** _____

BALANCE DUE WEEK BEFORE ORDER
 WE CHARGE 1.5% F.C. PER MONTH

Printed on 09/28/16 10:33:27 AM

THIS AGREEMENT, Reimbursable Services Control Log # R15-745-0461 made and entered into this 28 day of April, 2016, by and between the State of California, acting by and through the Department of California Highway Patrol, hereinafter called CHP, and Avila Beach Resort, hereinafter called Avila Beach Resort.

WORK SHALL COMMENCE ON THE START DATE OR UPON APPROVAL BY BOTH THE CHP AND REQUESTER, WHICHEVER IS LATER. NO SERVICE SHALL BEGIN BEFORE THAT TIME.

1. Reimbursable services are to be provided when ☒ traffic control ☐ security services ☐ vehicle inspections ☐ other details for Tequila Festival
are required, the CHP agrees to provide uniformed personnel with motorcycles and/or patrol vehicles to assist with the traffic control.
2. The term of this Agreement will be 05/28/2016 to 05/28/2016.
3. The CHP coordinator shall be Officer Jennifer Opray telephone number (805) 393-3300.
4. In the event of a disaster or unforeseen emergency, this Agreement may be canceled without prior notice by the CHP.
5. Avila Beach Resort agrees, to the extent permitted by law to indemnify the CHP against and hold the CHP harmless from any and all claims, demands, suits, and actions for personal injury, death, loss, and/or property damage that may arise out of or in connection with the performance of this Agreement, even though such injury, death, loss and/or damage to property may be (or may be alleged to be) attributable in part to the active and/or passive negligence of the CHP and/or its appointees, officers, agents, employees, and servants.
Avila Beach Resort agrees to defend all such claims, demands, suits, and actions against CHP and/or its appointees, officers, agents, employees, and servants, although the CHP retains the right to conduct the defense at its own expense. Avila Beach Resort shall reimburse the CHP for all expenses including court costs and reasonable attorney fees incurred by reason of such claims, demands, suits, and actions, or incurred in seeking indemnity or other recovery from Avila Beach Resort thereunder.
6. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by all parties and approved as required. No oral understanding or Agreement not incorporated in this Agreement is binding on any of the parties.
7. When one of the contracting parties is a county, city, district, or other local public body, this Agreement shall be accompanied by a copy of the resolution, order, motion, or ordinance of the local governing body, which by law provides the authority to enter into and execution of this Agreement. When performance by the local government entity will be completed before any payment by the CHP, such as a room rental or a one-time event, a resolution is not required.
8. Avila Beach Resort agrees that additional charges which are directly related to the services provided, maybe assessed for the CHP supplies, additional equipment utilized, damage to uniforms, or property repaired or replaced at the CHP's expense.
9. If the CHP uniformed employee has reported to the assigned location and has worked less than four hours Avila Beach Resort agrees to pay every assigned uniform employee a minimum of four hours overtime. Exception: This does not apply to those cases when the hours worked is part of an extended shift.
Avila Beach Resort will not be charged for cancellations made more than 24 hours prior to the scheduled assignment.
10. Avila Beach Resort agrees that if cancellation is made within 24 hours prior to the scheduled assignment and the assigned CHP uniformed employee(s) cannot be notified of such cancellation, a minimum of four hours overtime will be charged for each assigned uniformed employee.

11. Avila Beach Resort agrees that if cancellation is made within 24 hours prior to the scheduled assignment and the CHP employee is notified of such cancellation, Avila Beach Resort will only be charged a short notice cancellation fee of \$50.00 per assigned CHP uniformed employee.
12. All cancellation notices to the CHP must be made during normal CHP business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. Cancellation notices shall only be accepted by the appropriate CHP Division or Area office.
13. The CHP agrees to make reasonable efforts to notify those CHP uniformed employees of the cancellation.
14. No additional gifts, donation, or gratuities may be accepted by the CHP employees on their behalf or on the behalf of the Department, informal squad fund(s), or other local fund(s).
15. The hours and miles indicated in this Agreement are for estimate purposes only. Actual time and vehicle mileage will be charged. This includes travel between the CHP Division/Area command and the service location.
16. The rates indicated in this Agreement are for estimate purposes only. Any increases in overhead, mileage, damaged uniforms, private-owned safety equipment, salaries, and benefits are governed by collective bargaining agreement and/or statute. In the event an officer is not available, a sergeant will be assigned to work in the place of the officer, and Avila Beach Resort will be charged at the current sergeant's pay. In the event of a rate increase, Avila Beach Resort agrees to pay the increase rate.
17. In consideration for the above services and upon receipt of an itemized invoice, Avila Beach Resort agrees to reimburse the CHP for the actual costs incurred at the time services are provided. Rate charged to Avila Beach Resort shall in no event exceed the actual costs to the CHP to perform the requested services. The following cost information is for estimate purposes only.

Sergeant	_____ hrs	@	\$ _____	\$ _____
Officer	13.00 hrs	@	\$ 86.34	\$ 1,122.42
Vehicle mileage:	40 miles	@	\$ 0.86	\$ 34.40
Motorcycle mileage:	_____ miles	@	\$ _____	\$ _____
Other expenses:	_____			\$ _____
Total estimated cost:				\$ 1,156.82

Note: If total estimated cost exceeds \$50,000, a CHP 465 **CAN NOT** be used. The reimbursable service request must be initiated on a CHP 78R, Reimbursable Services Contract Request, and forwarded to Business Services Section, Contract Services Unit, for processing. (HPM 11.1, Chapter 6)

18. Payment/Deposit. A form of advance payment/deposit shall be required before services can be performed. The CHP command will collect the full amount of the estimate indicated herein for an Agreement 29 days or less. For an Agreement over 30 days and up to 12 months, 50 percent of the estimate shall be collected.
- Amount of deposit collected: \$ _____
 - Check number/purchase order number: _____
 - Cash receipt number: _____
 - Federal Tax Identification Number: _____

WITNESSETH: By and in consideration of the covenants and conditions herein contained,

Avila Beach Resort

and the CHP do hereby agree to the above terms and conditions.

STATE OF CALIFORNIA
Department of California Highway Patrol

M. A. Bueno 04/28/2016
Commander Signature Date

M. A. BUENO, CAPTAIN
Printed Name

Commander
Title

745
Location Code

For use by City/County Clerk, if applicable	
Approved as to form by	Date

REQUESTOR'S NAME

Becca Bowdey 04/28/2016
Signature Date

Becca Bowdey
Printed Name

Director of Events
Title

6464 Ana Bay Drive
Address

Avila Beach CA 93424
City State Zip Code

(805) 595-4000
Telephone Number

Chapter 6.56 - TEMPORARY COMMERCIAL OUTDOOR ENTERTAINMENT LICENSES

6.56.020 - Definitions.

The following terms shall have the following meanings when used in this chapter:

(1) "Automobile parking space" when required by this chapter means any permanently maintained space with not less than one hundred forty-four square feet of usable area, and not less than eight feet wide at any place, on or contiguous to the land on which the commercial outdoor entertainment activity is conducted, so located and arranged as to permit the parking of, and be readily accessible under its own power to, a passenger automobile of average size;

(2) "Board of supervisors" means the board of supervisors of the county;

(3) "Building" means a roofed and walled structure built upon a permanent foundation for permanent use;

(4) "County clerk" means the county clerk of the county;

(5) "Commercial outdoor entertainment activity" means an activity which is:

(A) Any music concert, music festival, "rock" concert, "rock" festival, dance concerts, dance festival, or any combination thereof; or

(B) Any circus or carnival; or

(C) Any other theatrical and/or athletic display, exhibition, stunt, contest, performance, or presentation and which is an activity to which members of the public are invited or admitted for a charge, fee, or donation or other consideration and which is attended by more than three thousand such persons and which is to any extent performed outdoors and/or to any extent viewed from outdoors; provided, however, the term does not include any such activity located entirely upon any school or college grounds with the permission of the appropriate school or college authorities; provided further, that the term does not include motion picture and/or film presentations performed or displayed as part of an ongoing drive-in theater, nor does it include race contests performed as part of an ongoing business of a licensed race track, nor does such term include fairs and expositions held pursuant to Part 3, Division 3 of the California Agricultural Code, Section 3801, et seq.;

(6) "Health officer" means the health officer of the county;

(7) "Outdoor" means outside the enclosed portions of a building;

(8) "Planning director" means the planning director of the county;

(9) "County engineer" means the county engineer of the county;

(10) "Sheriff" means the sheriff of the county;

(11) "Tax collector" means the tax collector of the county.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code §§ 8-502, 8-503 and 8-504)

6.56.030(a) - License required—Fee.

It is unlawful for any individual, partnership or corporation to hold, operate, maintain, conduct, advertise, sell or furnish tickets or other types of written authority for admission to a commercial outdoor entertainment activity as defined in this chapter, in the unincorporated area of the county, unless he, they or it shall first obtain a license from the tax collector to operate or conduct such commercial outdoor entertainment activity; or to hold, operate, maintain, conduct, advertise, sell or furnish tickets or other types of written authority for admission to such commercial outdoor entertainment activity, without complying in full with all of the conditions and regulations set forth in this chapter.

Application for a license to conduct a commercial outdoor entertainment activity shall be made in writing to the tax collector, accompanied by a nonrefundable application fee of one hundred dollars plus two hundred fifty dollars for each day during which the proposed commercial outdoor entertainment activity is to be operated or conducted.

No such license shall be issued, however, until all of the conditions required by this chapter as a prerequisite to the issuance of such a license have been fully complied with.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-510)

6.56.030(b) - Other licenses and permits still required.

The fact that a license may or may not be required pursuant to this chapter does not relieve those conducting the commercial activity from obtaining all necessary permits and licenses required elsewhere in this code.

(Ord. 1743 § 1 (part), 1977)

6.56.031 - County-owned land exempt.

Nothing in this chapter shall require an event held on property owned by San Luis Obispo County to be subject to this commercial outdoor entertainment ordinance, because sufficient control over such uses exists under the county's use permit process.

(Ord. 2300 § 1, 1987)

6.56.032 - Charitable donation representations.

If the licensee advertises or otherwise informs the public that all or any portion of the proceeds of the event will be donated to a named charity or group of charities, then such advertising or other information to the public must state the minimum dollar amount to be donated, or the amount of each ticket sold to be donated to the charity.

The licensee must submit a copy of all such proposed advertising to the tax collector as part of his license application. If there is any change in the proposed copy after the license is issued, such proposed change must likewise be submitted to the tax collector for his approval before it is used.

This section is only applicable to licensees who sell tickets to the public upon some representation that a portion of the proceeds will be given to charity.

(Ord. 2611 § 1, 1993)

6.56.040 - License application—Contents.

An application for a license for commercial outdoor entertainment activity and the required accompanying documents shall show:

- (1) The owner, exact location, legal description, and area of the premises on which it is planned to conduct the commercial outdoor entertainment activity;
- (2) The owner, exact location, legal description, and area of all lands to be used for parking or other uses incidental to the commercial outdoor entertainment activity;
- (3) The date or dates and the hours during which the commercial outdoor entertainment activity is to be conducted;
- (4) An estimate of the minimum and maximum numbers of customers, spectators, participants and other persons expected to attend the commercial outdoor entertainment activity for each day it is conducted;
- (5) A detailed explanation of the applicant's program and plans to supply security protection, water supply and facilities, food supply and facilities, sanitation facilities (including but not limited to sewage, garbage and rubbish), medical and first aid facilities and services, vehicle parking space, vehicle access, on-site traffic control, evacuation plans for sick or injured persons, and to comply with all conditions and regulations set forth in this chapter;
- (6) All loudspeakers and sound equipment to be used and an estimate of the intensity of the sound, in decibels, at the boundaries of the premises;
- (7) The names and addresses of all persons who will act as security guards during the commercial outdoor entertainment activity, as well as the dates of birth, places of birth, and social security numbers of all such persons;

(8) If it is proposed or expected that customers, spectators or participants will remain overnight, the arrangements for illuminating the premises and for camping or similar facilities;

(9) Provisions for cleanup of the premises and removal of rubbish after the event has concluded;

(10) The name, age, residence, mailing address and telephone number of the applicant, the applicant's legal nature, such as individual, partnership, corporation, or other appropriate legal description. If the application is made by a partnership, the names and addresses of all partners both general and special shall be included. If the applicant is a corporation, the application shall be signed by the president and secretary thereof and shall contain the names and addresses of all corporate officers and a certified copy of the articles of incorporation shall be attached to the application. If the application is by a joint venture, the names and addresses of each member of the joint venture shall be included;

(11) A detailed explanation of the applicant's plans in the event more persons attempt to attend the commercial outdoor entertainment activity than is permitted by the particular license involved;

(12) A consent to the entry at any time in the course of his duties of any peace officer, and any employee of the planning director, county engineer, sheriff, health officer and any other county officer in the performance of his duties, including but not limited to inspection;

(13) The address of applicant within the state to which all notices and correspondence addressed to applicant shall be directed by the county. Any notice or correspondence addressed and mailed postage prepaid to said address shall be deemed received by applicant.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-511)

6.56.050 - License application—Accompanying documents.

At the time of filing an application for a license for a commercial outdoor entertainment activity with the required fee and the items required by Section 6.56.040, the applicant, at the same time, also shall file:

(1) A copy of white background print of a map drawn to scale, showing:

(A) The location of the property on which the commercial entertainment activity is planned to occur,

(B) The location of the parking area and of all other areas to be used for other uses incidental to the commercial outdoor entertainment activity,

(C) All interior access ways,

(D) Access to the property,

(E) The location and description of all buildings and structures on the premises or to be erected, including the bandstands, stage, or other facility for performers,

(F) The location of all loudspeakers,

- (G) The location of all toilet, medical, washing, drinking and other facilities required by this chapter;
- (2) A certified list as shown on the latest available assessment roll of the county of the names and addresses of all persons to whom all property is assessed within five hundred feet of the exterior boundaries of the proposed use;
- (3) An agreement in writing signed by all owners permitting such use of the premises to be used for both the commercial outdoor entertainment activity and for parking. (If the applicant owns said properties, a document showing that the applicant is the owner thereof will suffice.)
- (4) The agreements or contracts which show what doctors, first aid attendants and ambulances will be available at the commercial outdoor entertainment activity;
- (5) An agreement, approved as to form by the district attorney of the county, and signed by the applicant or applicants that, within seventy-two hours after the conclusion of the commercial outdoor entertainment activity, he or they will clean up the premises and remove all trash, debris, garbage and other waste from in and around the premises. Such agreement shall be secured by an undertaking in a total amount of five thousand dollars for each ten thousand persons expected to attend and in no event less than five thousand dollars. The undertaking shall be in the form of a surety bond written by a corporate bonding company authorized to do business in the state by the California Department of Insurance. The undertaking shall be filed with the tax collector within thirty days after the board of supervisors has authorized the issuance of a license for the commercial outdoor entertainment activity, or within thirty days after the board of supervisors sets conditions which must be met or security which must be given or both before a license is granted pursuant to Section 6.56.080. The tax collector shall not issue the license for the commercial outdoor entertainment activity until the undertaking is filed with him in a form approved by the district attorney of the county;
- (6) A written agreement signed by an applicant or applicants promising to defend, indemnify, and save harmless the county, its officers, agents and employees, from any and all claims, demands, damages, costs, expenses, or liabilities arising out of the commercial outdoor entertainment activity including, but not limited to, any act or omission to act on the part of the applicant or applicants, or their agents or employees, or independent contractors directly responsible to them;
- (7) Within thirty days after the board of supervisors has authorized the issuance of the commercial outdoor entertainment activity license, the applicant shall file with the tax collector copies of insurance policies, together with certificates of insurance executed by an authorized representative of the insurance carrier, showing coverage in accordance with the following requirements:
- (A) Comprehensive general liability insurance covering bodily and personal injury, including death resulting therefrom, and damage to real or personal property resulting from any act or occurrence arising out of applicant's commercial outdoor entertainment activity. This insurance shall be placed with a carrier authorized to issue such coverage within the state. The amounts of insurance shall not be less than five million dollars combined single limit coverage;

The following coverages must be supplied by the policy, or endorsements supplying such coverage must be attached to the policy:

- (i) If the insurance policy covers on an "accident" basis, it must be changed to "occurrence" basis;
- (ii) The comprehensive general liability policy must cover personal as well as bodily injury;
- (iii) Contractual liability coverage either on a blanket basis or by identifying the agreement required by subsection (6) of this section within a contractual liability endorsement;
- (iv) "Cross liability" or "severability of interest" such that each insured is covered as if separate policies had been issued to each insured;
- (v) The county, its officers, employees and agents shall be named insureds under the policy, and the policy shall stipulate that the insurance shall operate as primary insurance and that no other insurance held by the county will be called upon to contribute to a loss under this chapter;

(B) A policy issued in accordance with the provisions of Section 3700 of the Labor Code, or a certificate of consent to self-insure issued by the Director of Industrial Relations showing that applicant is secured against liability for workers' compensation;

(C) All certificates and policies shall state that the policies shall not be cancelled or reduced in coverage without thirty days' written notice to the tax collector. The tax collector's approval of the insurance required under this section shall not relieve or decrease the extent to which the applicant or applicants may be held responsible for payment of damages resulting from the commercial outdoor entertainment activity. The tax collector shall not issue the license for the commercial outdoor entertainment activity until the documents described in this subsection have been filed with the tax collector in a form approved by the district attorney of the county;

(D) If any portion of the commercial outdoor entertainment activity or any activity accessory thereof is located upon any property owned or controlled by the county, then the board of supervisors may require additional or different insurance coverage in order to protect the county's interests in the property.

(Ord. 1743 § 1 (part), 1977; Ord. 1101 § 2 (part), 1970; prior code § 8-512)

6.56.060 - License application—Time of filing.

An application for a license for a commercial outdoor entertainment activity accompanied by the required fee and the required accompanying documents shall be filed with the tax collector not less than sixty days prior to the beginning of such commercial outdoor entertainment activity or not less than five days after the effective date of the ordinance codified in this chapter whichever is later.

(Ord. 1743 § 1 (part) 1977, Ord. 1101 § 2 (part), 1970; prior code § 8-513)

6.56.070 - Fixing time for hearing, investigation and report.

Upon receipt of a complete application, required accompanying documents and the application fee, the tax collector shall with due diligence transmit the same to the board of supervisors, and the tax collector at the same time shall request the board of supervisors to set a time and date for a public hearing; and the board of supervisors shall set the application for a public hearing at a regular meeting of the board of supervisors, not more than thirty days thereafter. The county clerk shall thereupon give not less than ten days' written notice thereof to the applicant by mail, postage prepaid, to the address set forth in the application. The county clerk shall also give written notice of the hearing and copies of the application to the sheriff, the county health officer, the county engineer and the planning director, who shall investigate the matter and report in writing to the board of supervisors not later than the time set for the hearing, with appropriate recommendations concerning the activity. At the hearing the applicant shall have the right to testify and to present other evidence. The county clerk shall also serve notice of the time and place of such hearing by publishing once in a newspaper of general circulation published in the county, at least ten days before the hearing, and shall also not less than ten days before such hearing send written notice by mail of the time and place of hearing to all persons whose names and addresses appear upon the latest available assessment roll of the county as owning property within five hundred feet of the exterior boundaries of the proposed use.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-520)

6.56.080 - Granting license.

- (a) At the hearing the board shall consider by testimony and other evidence whether the establishment, maintenance and/or conducting of the temporary commercial outdoor entertainment activity under the circumstances, and in light of any conditions the board may impose, will be detrimental to the health, safety or welfare of persons attending the activity or residing or working in the neighborhood and/or vicinity of the activity; whether the activity will be injurious to the health, and safety of property and improvements in the vicinity of the activity. In making these considerations, the board may consider the general plan and zoning regulations as they relate to the subject properties.
- (b) At the conclusion of the hearing, the board may approve, approve with conditions, or deny the application. In making its determination, the board shall make the findings listed in this section and such other findings it deems appropriate. The board shall approve the application if it makes all of the following findings in favor of the proposed temporary commercial outdoor entertainment activity.
 - i. That all information required by this chapter is in the application and all documents and other material required by this chapter have been filed with the tax collector;
 - ii. That the applicant, his employee, agent or any person connected or associated with the applicant as a partner, director, officer, associate or manager, has not knowingly made any false, misleading or fraudulent statement or material fact in the application for a license or in any report, record, or documents required to be filed with the tax collector pursuant to this chapter;
 - iii. That the issuance of the temporary commercial outdoor entertainment activity license with the conditions prescribed by the board complies with and meets all of the health,

fire, and safety requirements and standards and laws of the state and ordinances of this county applicable thereto;

- iv. That the temporary commercial outdoor entertainment activity will not unduly endanger the property of other persons located in the vicinity of the use;
- v. That the activity authorized by the issuance of the temporary commercial entertainment activity license with the conditions prescribed by the board will not be unduly detrimental to the health and safety of persons attending the activity or residing or working in the neighborhood and/or vicinity of the activity;
- vi. That the applicant has submitted adequate evidence that he will comply with the provisions set forth in Sections 6.56.130 through 6.56.300 of this chapter.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-521)

6.56.090 - License issuance.

- (a) If conditions are imposed or security required by the board of supervisors, the applicant shall furnish or cause to be furnished to the tax collector proof that all conditions have been met, or security has been given that they will be met, before the license may be issued by the tax collector.

The tax collector shall require written notice from county departments that conditions imposed by the board of supervisors or regulations of this chapter required to be met by applicant before a license is issued under the administrative responsibility of such departments, have been met before issuing the license.

Upon determining that the requirements of Sections 6.56.130 through 6.56.190 have been complied with and that all conditions and regulations that are a prerequisite to the issuance of a license including, but not limited to, those set forth in Section 6.56.050, have been fully complied with, the tax collector shall thereupon issue to the applicant for the specific location authorized for the commercial outdoor activity and for the specific days for which the outdoor festival is authorized to be operated, including the conditions as fixed by the board of supervisors.

- (b) The applicant and/or licensee shall notify the tax collector in writing of any change in the facts set forth in the application and accompanying documents within five days after such change.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-522)

6.56.100 - Number of participants.

A license for commercial outdoor entertainment activity shall state the maximum number of spectators permitted. In deciding this maximum the board of supervisors may be guided by, but it is not bound by, the estimate stated in the application for a license.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-523)

6.56.110 - Dates and hours.

A license for a commercial outdoor entertainment activity shall state the dates and hours during which the outdoor festival may be conducted.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-524)

6.56.120 - License revocation or suspension.

The tax collector may request the board of supervisors conduct a hearing concerning the revocation of the license of any licensee.

Notice of intent to revoke any license shall be given and the licensee shall be entitled to a hearing. The county clerk shall give notice, setting forth the causes for revocation and shall state the time and place at which the matter of revocation will be heard before the board of supervisors. Said notice shall be mailed to licensee not later than ten days prior to the date set for hearing. The board of supervisors shall hear all interested parties.

After the hearing, the board of supervisors may suspend or revoke a license for a commercial outdoor entertainment activity if it makes any of the following findings against the licensee, based upon new evidence and testimony which were not presented to the board at the time the license was approved:

- (1) That the applicant has not submitted all information required by this chapter and all documents and other material required by this chapter to be filed with the tax collector;
- (2) That the applicant, his employee, agent or any person connected or associated with the applicant as partner, director, officer, associate or manager, has knowingly made any false, misleading or fraudulent statement of material fact in the application for a license or in any report, record, or documents required to be filed with the tax collector pursuant to this chapter;
- (3) That the issuance of the temporary commercial outdoor entertainment activity license with the conditions prescribed by the board does not comply with and meet all of the health, fire, and safety requirements and standards and laws of the state and ordinances of this county applicable thereto;
- (4) That the proposed temporary commercial outdoor entertainment activity unduly endangers the health and safety or is materially detrimental to the property of other persons located in the vicinity of the use;
- (5) The licensee violated any condition of the license or any rule or regulation adopted by the board of supervisors relating to the licensee's business, or any regulation or provision of this chapter;
- (6) The licensee failed or refused to notify the tax collector of any change in the facts set forth in the application and accompanying documents within five days after such change.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-526)

6.56.130 - Drinking water.

(a) The licensee shall provide a potable domestic water supply from a source approved by the health officer. If the source is an existing drilled well or one is to be drilled on the site, applicable state and county ordinances shall be complied with in respect to its construction and protection against contamination and pollution. Licensee shall notify the health officer as to the method of supplying water not less than thirty days prior to the event for the purpose of determining its chemical and bacteriological quality. Trucks used to haul water into site shall prior to use be cleaned and sterilized under supervision of county health department officials. Water trucks shall not be used for any other purpose during the course of the event. An attendant shall be on duty at each truck during normal waking hours.

(b) Water shall be provided for employees and spectators at the following rate per person per day:

Employees: thirty five gallons.

Spectators: ten gallons.

(c) Approved-type drinking fountains shall be provided as follows:

(1) One drinking fountain for the first one hundred persons;

(2) Two drinking fountains for more than one hundred, but less than five hundred persons;

(3) One additional drinking fountain for each additional five hundred persons or fraction thereof;

(d) Common drinking cups or containers shall be prohibited.

(e) The approval by the health officer of licensee's drinking water plans shall be a prerequisite to the issuance of the license for the outdoor activity.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-550)

6.56.140 - Sanitary facilities.

- (a) SEATS PER PERSON. The licensee shall provide toilet facilities on the basis of one toilet for each sex for every forty persons attending the event. Toilets shall be located within a radius of four hundred feet of each campsite. When the event is licensed to last no more than eight hours during any twenty-four-hour period, the health officer may approve a sanitary facility plan providing fewer toilets than specified in this section when in his opinion the alternative plan satisfies minimum health requirements.
- (b) ILLUMINATION. There shall be installed and kept burning from sunset to sunrise, sufficient artificial light to adequately (50 foot-candles) illuminate the area around each toilet facility.
- (c) SERVICING. Toilet facilities shall be maintained in a sanitary condition at all times and shall be cleaned at least once each day. Toilet paper shall be provided for each toilet. Interior access lanes for service vehicles shall be kept open at all times. If chemical toilets are used, there shall be a sufficient number of pumper trucks available on the site at all times to

properly service said chemical toilets. Trucks shall be inspected and permit issued by the health officer.

Holding tanks of chemical toilets shall have a chemical (usually a caustic compound) mixed with water after each cleaning.

- (d) FEES. If chemical toilets are contractor-supplied, a permit shall be first obtained from the health officer with payment of fees set forth in this code.
- (e) DISPOSAL OF CLEANINGS. The licensee shall be held responsible for the manner in which the toilet cleanings are disposed. Disposal may be by burial at an on-site location approved by the health officer.
- (f) HANDWASHING FACILITIES. Handwashing facilities, including appropriate holding tank and drainage facilities shall be provided at the ratio of one lavatory for each toilet seat. The handwashing facilities shall be located within or adjacent to the toilet facilities and shall be provided with soap, paper towels and a trash receptacle at each location,
- (g) MOBILE COMFORT STATIONS. Mobile comfort stations may be approved if provision for a separate water supply and method of disposing of sewage have been approved by the health officer.
- (h) HEALTH OFFICER'S APPROVAL. The approval of the health officer of licensee's sanitary facilities plans shall be a prerequisite for the issuance of a license for commercial outdoor activity.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-551)

6.56.150 - Parking.

Every premises on which a commercial outdoor activity is conducted shall have on such premises or contiguous thereto automobile storage spaces equal to one-fourth of the number of persons which the license permits to attend the outdoor activity unless the planning director finds that a smaller number is sufficient in which case the licensee shall provide such lesser number. Such automobile parking spaces shall be marked and separated by a physical barrier from the area where the patrons will watch the performance. At all times between one hour before the beginning of the outdoor activity and one hour after its termination the licensee shall provide parking attendants at all entrances, exits and within the parking lots. The approval by the planning director of the licensee's parking plans shall be a prerequisite to the issuance of a license for the outdoor activity.

(Ord. 1743 § 1 (part) 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-552)

6.56.160 - Security guards.

At every commercial outdoor activity one uniformed employee approved by the sheriff for each five hundred persons which the license permits to attend, whether actually present or not, shall be constantly in attendance during the entire time the outdoor activity is in progress, and shall devote his or their entire time and attention to keeping order, and observing and enforcing all applicable statutes and ordinances including this chapter.

Prior to the granting of a license as provided in Section 6.56.080, the sheriff shall review and make recommendations to the board of supervisors concerning the licensee's security plans. Such review shall include necessary investigation of the security personnel to be provided.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-553)

6.56.170 - Solid waste disposal.

The licensee shall demonstrate to the satisfaction of the health officer that the licensee has an adequate plan for the proper storage, collection and disposal of garbage, trash, and refuse. All solid waste material shall be disposed of by the sanitary landfill method, or shall be hauled to an approved dump site, and the area where the outdoor activity and parking occurred shall be returned to a litter-free condition within seventy-two hours after the outdoor activity is concluded, all to the satisfaction of the health officer. When the anticipated event is licensed to last more than eight hours in any given twenty-four-hour period, the licensee shall be required to furnish at least one trash can with thirty-two gallons capacity for every twenty-five persons expected to be in attendance. Proof that the requisite quantity of trash and refuse receptacles will be available must be made to the health officer; provided, however, that the health officer may approve a lesser number if he determines that it will not be detrimental to public health and welfare. The approval by the health officer of licensee's solid waste disposal plans is a prerequisite to the issuance of a license for a commercial outdoor activity.

(Ord. 1743 § 1 (part) 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-554)

6.56.180 - Control of domestic pets.

All animals accompanying owners shall be kept on leash or otherwise confined while in attendance.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-555)

6.56.190 - Fire protection.

The licensee shall provide one fire engine with the necessary firemen for each one hundred thousand persons or portion thereof for which the commercial outdoor activity is licensed. A clearly delineated and reserved space shall be provided for each such fire engine in the parking area.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-556)

6.56.200 - Communications system.

The licensee shall install and, at all times during which the outdoor activity is in progress, maintain an emergency communications system which the sheriff finds adequate for police protection. The approval of the sheriff of the licensee's communications system plans is a prerequisite to the issuance of a license for a commercial outdoor activity.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-557)

6.56.210 - Dates and hours.

The licensee shall operate the outdoor activity only on those days and during the hours specified on the license.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-558)

6.56.220 - Number of spectators or participants.

The licensee shall not admit, but shall prevent the admission to the premises on which the commercial outdoor activity is held of any person who does not possess a ticket, except a peace officer or other public officer or employee or agent thereof in the performance of his duties. Admission shall be by ticket only. The licensee shall not sell, give or distribute a greater number of tickets than the number which the license permits to attend. The licensee shall not admit any person to a commercial outdoor activity if such admission would result in a greater number of persons present than permitted by the license.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-559)

6.56.230 - Dust control.

The licensee shall use such methods of dust control as approved by the health officer. The health officer shall approve such methods if he finds that such methods will prevent the arising of dust to an extent which may endanger the public health or safety. Such approval by the health officer is a prerequisite to the issuance of a license for commercial outdoor activity.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-562)

6.56.240 - Access ways.

The licensee shall provide all exterior and interior access ways which the sheriff and county engineer find necessary for the use of spectators, customers and participants at the commercial outdoor activity. All exterior and interior access ways shall be clearly delineated by means of curbs or buffers on the ground. A person shall not occupy any such access way except for the purpose of access or to cross the same. A permit from the county engineer shall be required for any encroachment onto a county road. The approval of such access plans by the sheriff and the county engineer is a prerequisite to the issuance of any license for commercial outdoor activity.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-563)

6.56.250 - Food and beverages.

If food and beverages are to be provided at the activity, the licensee shall comply with applicable state and county food and beverage laws and regulations enacted pursuant thereto. The health officer shall approve the licensee's food and beverage plans prior to the issuance of the license.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-564)

6.56.260 - Medical coverage.

The licensee of the commercial outdoor activity shall be responsible for making adequate plans for medical coverage of performers employees, participants, customers and spectators.

There should be at least one general physician per fifteen hundred persons and one physician with training and experience in psychiatry per ten thousand persons available on site all the time during preparation and performance of the outdoor activity. These general and psychiatric physicians shall be required to have valid licenses to practice medicine and surgery in the state, and also shall hold valid federal narcotic stamps.

In addition to those physicians mentioned above, there may be aids to render help. However, they shall be under direct supervision of the licensed physicians.

Adequate medical supply, including material for first aid and minor emergency surgery, shall be available on site.

An adequately protected area shall be set aside for the purpose of medical care. Also, an area suitable for recovery from reaction to drug abuse shall be available.

The licensee shall make arrangements for emergency medical and surgical care with existing local hospital facilities.

The licensee shall furnish effective means of evacuation of the sick and wounded from the commercial outdoor activity site to hospital facilities for definitive treatment.

The licensee's plans for the above medical preparedness shall be subject to approval by the county health officer, and such approval is a prerequisite to the issuance of a license for commercial outdoor activity.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-565),

6.56.270 - Lighting.

Every licensee planning to conduct a commercial outdoor activity after dark, or planning to allow persons who attend the public amusement to remain on the premises after dark, shall provide electrical illumination to insure that those areas which are occupied are lighted at all times. The planning director must approve an applicant's lighting plan as a prerequisite to issuance of a license pursuant to this chapter.

A licensee shall be required to illuminate specific areas on the premises in accordance with the following scale of lighting intensity:

Open areas reserved for spectators	10 foot-candles;
Stage areas	100 foot-candles;

Parking and overnight areas	5 foot-candles;
Restroom and concession areas	50 foot-candles.

The lighting plan shall include provision for light standards and electrical switches; and in the event the licensee can not for any reason obtain electricity from a public utility, the lighting plan shall include provision for necessary generators. All lighting and appurtenant lines and equipment shall be so installed as to be completely safe at all times.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part) 1970: prior code § 8-566)

6.56.280 - Nontransferability of license.

No license granted under the provisions of this chapter shall be transferable to another location, another person or entity, or another set of dates.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-568)

6.56.290 - Construction.

Prior to doing any construction, excavation, grading or encroachment required for the commercial outdoor activity, the licensee or applicant shall obtain from the county all necessary permits therefor.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-569)

6.56.300 - Overnight camping facilities.

Every licensee of an outdoor activity which will last more than one day or at which persons will remain overnight on the premises, shall provide camping facilities, firewood, and overnight areas. Such areas and facilities must be approved by the health officer and county engineer prior to the issuance of any license under this chapter

(Ord. 1743 § 1 (part) 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-570)

6.56.310 - Closing by sheriff.

The sheriff may suspend operation and close any outdoor activity prior to the expiration of the license granted under the provisions of this chapter, in the event of the occurrence of a riot when in his opinion it becomes necessary to prevent injury to person or persons and/or damage to property.

(Ord. 1743 § 1 (part), 1977: Ord. 1101 § 2 (part), 1970: prior code § 8-571)