

April 8, 2024, AVAC Agenda Item 6) d) County and Local Agency Reports- Planning- prepared by Nicole Ellis

Written County Current Planning Updates

Good evening Chair and Council and Committee members,

****Update****

The County of SLO's 21st Annual CAC Orientation has been scheduled for the morning of Friday, April 26, 2024 at the SLO Library located at 995 Palm St, San Luis Obispo, CA 93403. This orientation will be in-person and please be cognizant that only current CAC members may attend.

We are seeking a preliminary head count from each CAC Chair as to who is planning to attend. Please email me at nellis@co.slo.ca.us . This will help us with workshop logistics.

Also, for those CAC members unable to attend, the first part of the orientation with the various speakers, will be recorded. The latter half of the orientation is a hands-on group activity which will not be recorded.

We look forward to your participation!

2024 CAC ORIENTATION
Friday, April 26, 2024
8:30am – 12:00pm

**Please mark your calendar for the
21st Annual CAC Orientation
facilitated by the County of SLO
Department of Planning & Building**

The April 2024 **Archive of Approved/ Denied/ Withdrawn Project Spreadsheet** has been updated to reflect project status updates. Where updates were made, the various spreadsheet cells have been highlighted in yellow.

The following **projects have been updated**:

AVILA COMMITTEE PROJECT UPDATES

- AMEND2023-00006 (previously item 1 on the March Active/In Process list)- This project was removed from the “Active/In Process list” and has been relocated to the “Archive of approved denied withdrawn projects list” due to the application being deemed withdrawn.
 - C-SUB2022-00005 (previously item 2 on the Active/In Process list)- This project was removed from the “Active/In Process list” in April and has been relocated to the “Archive of approved denied withdrawn projects list, due to the application being deemed approved.
 - C-SUB2022-00006 (previously item 3 on the Active/In Process list)- This project was removed from the “Active/In Process list” in April and has been relocated to the “Archive of approved denied withdrawn projects list, due to the application being deemed approved.
-

The April 2024 **Active/In Process Project Spreadsheet** has been updated to reflect project status updates. Where updates were made, the various spreadsheet cells have been highlighted in yellow.

The following **projects have been updated**:

AVILA COMMITTEE PROJECT UPDATES

- C-DRC2021-00028 (item 1 on the April Active/In Process list)- This project has been reassigned to County Environmental Planner, Mason Denning, to prepare the Environmental Document and hearing materials. Planner/contact column updated to reflect Mason’s name and email address.

AVILA VALLEY COMMITTEE PROJECT UPDATES

- AMEND2023-00007 (item 3 on the April Active/In Process list)- Project status updates include the following: “Tentative Planning Commission date June 13, 2024.”

LAND USE COMMITTEE PROJECT UPDATES

- DRC2019-00235 McCarthy project (item 7 on the April Active/In Process list)- Project status updates include the following: “Materials have been reviewed by the Planning Division who on March 15, 2024 determined the application can be accepted as complete for processing. County will begin its Environmental Review of the project. Project has been reassigned to County Coastal Planner, Andy Knighton, to conduct the Environmental Review and to prepare the future hearing materials. There is not a hearing date scheduled at this time.” Planner/contact column updated to reflect Andy’s name and email address.
- DRC2021-00015 Avila Valley Barn (item 6 on the April Active/In Process list)

April: No status updates to provide. However, Planning correspondence from February 29, 2024 in response to information requests from neighbors, Kristen McKiernan and Kristina Simpson Spearman as well as Planning correspondence from March 20, 2024 in response to information requests from neighbor Kristen McKiernan on behalf of the Avila Valley Preservation Alliance in response to the Land Use Committee's scheduled meeting to discuss this project on March 21, 2024, have been attached below, for the benefit of the group and members of the public who may have similar inquiries.

That concludes County Current Planning updates. Thank you.

Respectfully,



Nicole Ellis, AVAC County Liaison

Attachments:

1. DRC2021-00015 Avila Valley Barn- Planning correspondence from February 29, 2024 in response to information requests from neighbors, Kristen McKiernan and Kristina Simpson Spearman
2. DRC2021-00015 Avila Valley Barn- Planning correspondence from March 20, 2024 in response to information requests from neighbor Kristen McKiernan on behalf of the Avila Valley Preservation Alliance in response to the Land Use Committee's scheduled meeting to discuss this project on March 21, 2024

Nicole Ellis

From: Nicole Ellis
Sent: Wednesday, March 20, 2024 9:28 AM
To: Mary Matakovich; Julia Hartzell; runhartig_gmail.com; Denise Allen; margaret greenough
Cc: Kristen McKiernan; Mandi Pickens
Subject: RE: [EXT]Fwd: Land Use Committee Meeting- DRC2021-00015 Avila Valley Barn and Planning Response to Comments
Attachments: AVAC Land Use Committee_AvilaValleyBarn_Concerns_20240319.pdf

Good morning all,

I've copied the project agent, Mandi Pickens to this email so that she is aware of the upcoming (virtual Zoom) Land Use Committee meeting on Thursday at 2:30 pm (link to join in email below). Attached for Mandi's review is Kristen's letter dated 3-19-24 on behalf of the Avila Valley Preservation Alliance with listed concerns. I also responded to an email from Mary this morning stating that the agent, Mandi, should be included in this meeting to present their project and to respond to questions. If Mandi is unable to attend on short notice, I would recommend rescheduling this item in order to facilitate a prepared and meaningful discussion on this project.

I would also like to address a few of the statements made in the letter related to noise, traffic, wildfire, water use, ESHA and SRA, coastal access, and the statement that the project must be reviewed pursuant to CEQA. I also ask the Land Use Committee to remain cognizant of the CAC handbook charter and the land use policy questions outlined in the referral package which will help the Planning Division and decision making bodies understand the land use policy and land use compatibility comments the Committee members have.

First, concerns related to traffic, fire, and other public health safety type items are delegated to our County Department of Public Works and Cal Fire. Public Works will address whether there will be traffic impacts and safety concerns. The County's Public Works Transportation Division will also review the applicant's traffic study to determine if the analysis and conclusions are complete and accurate. County Cal Fire will also review the project for fire life safety items to ensure that a project does not result in an unsafe condition for patrons and surrounding properties. Therefore, I would ask the Land Use Committee to reserve these comments for the Departments and agencies who are the subject matter experts and who are also reviewing this project re-referral package.

The letter references unsafe conditions along Avila Valley Drive. Items like this are reviewed and determined by Public Works but it is also worth noting that since the scope of the project description has been reduced, and since Public Works did not find there to be safety or traffic impacts with the original 2021 project description, it is anticipated that the same determination would be made by Public Works for the 2024 reduced project description. Also, the applicant's Project Description states that guests of the larger private outdoor entertainment activities (i.e. weddings up to 200 persons) would be limited to using the access road off Ontario Road and access from Avila Beach Drive would be closed off and limited to providing secondary emergency access. "All access will enter and exit from the existing Ontario Rd. driveway. Emergency secondary access is available out to Avila Beach Drive, but private entertainment patrons will be directed in and out Ontario Rd. A traffic management plan and event staff will be available." Also stated in the applicant's Project Description is that on-site uses/operations would be staggered to avoid accumulation of operations on-site. Larger private outdoor entertainment activities would begin after peak traffic hours as stated in the Project Description and Traffic Study.

There was also a statement that the Avila Valley Barn site operates outside of what they were permitted for and are not properly permitted. I want to address this item by making clear that the Avila Valley Barn site has obtained prior valid land use permits to operate current activities at this site. The site also has obtained proper building permits to operate as they do today. For example, the site has two permitted commercial kitchens to prepare foods

beyond an ice cream shop which is consistent with their land use permit. They also have a valid business license as well as Environmental Health permits.

Next, the statement that the project is not undergoing environmental review and that without environmental review items such as fire and water will not be analyzed, is not a true understanding of the County's land use permit and environmental review process. It is important to understand that ALL projects which are discretionary (meaning they require land use permits or amendments thereto) are subject to Environmental Review pursuant to the California Environmental Quality Act (CEQA). The State CEQA outlines levels of environmental review which are suitable for certain types of projects. Unfortunately, there have been many opposition letters received stating that the project is not undergoing environmental review, that the project needs to undergo environmental review and that support cannot be provided since the project is not undergoing environmental review. Please be advised that the original project was undergoing environmental review pursuant to CEQA and the now revised project is also undergoing environmental review pursuant to CEQA. Also, if a project is categorically or statutorily exempt from CEQA, that does not mean the project is not undergoing environmental review. Lastly, if a project qualifies for an exemption pursuant to CEQA, the project is still reviewed for items such as fire safety, sustainable water use, life safety compliance.

The letter also references project impacts to (ESHA) environmentally sensitive habitat areas and (SRA) sensitive resource areas. The Avila Valley Barn site does not contain mapped ESHA or SRA. The letter also states that the project will result in Coastal Access conflicts. The proposed project would be in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act because the project is not adjacent to the coast and will not inhibit access to the coastal waters and recreation areas. No public trails, beach access or road closures would result from this project.

The letter also references impacts to the use of a shared well (shared by the neighbors Cool and Spearman across Avila Beach Drive). The applicant's Project Description states "The project site's commercial venue is currently served by the County CSA 12 Water District." Therefore, the shared well would not be used for the commercial use on-site including the requested outdoor gatherings. "The larger gatherings (200 guests) will not generate onsite waste as off-site food catering will be required and portable restrooms- refer to Water Demand Report prepared by Wallace Group. The only instance where onsite facilities will be utilized are during small gatherings with under 50 people attending. The onsite facilities that would be used during those times are the restaurant's commercial kitchen and associated restrooms. There are presently three detached restrooms that serve the eating establishment and farm stand. These restrooms are permitted and have ADA capabilities. The wastewater endured during smaller activities (under 50 people) will be capable of handling that population."

Lastly, related to noise concerns, an Acoustics Analysis has been prepared for the project and is currently being reviewed by the County for completeness. The concern letter references that computer modeling is not accurate. It is important to point out that the Acoustic Analysis used a combination of computer modeling which takes into account topography, buildings, existing ambient noise levels along roadways, etc. and the Analysis also used on-site monitors/receivers to record proposed noise levels (see page 22 Section 5.1 and referenced figures of the Acoustic Analysis). "5.1 Event Sound Levels at Selected Receiver Locations: The existing ambient sound levels and resulting sound levels for each event configuration at selected receiver locations – along the nearest residential property lines or closer to the residences or ADU's – are provided in Table 2. Receiver locations are indicated in each of the sound level contours (Figure 6 and Figure 8 through Figure 17). Receivers were placed 5-ft above ground level. Traffic noise dominates at all locations – hourly sound levels during events at each stage configuration are not expected to increase by more than 1 dB, which is imperceptible to the human ear..."

I'm hopeful that the above responses to some of the concerns listed in the attached letter from the Avila Valley Preservation Alliance provide added clarity to the Land Use Committee and AVAC when reviewing and providing recommendations on this project and also to the Avila Valley Preservation Alliance group. I also ask that my comments in this email be provided to AVAC when providing recommendation on this project, for added context.

Thank you all for your continued efforts and time in reviewing this application, please reach out to me with any questions the group may have, and our Planning Division looks forward to receiving your land use policy and land use consistency related comments as well as AVAC recommendation on the project.

Regards,

Nicole Ellis

Senior Planner

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Mary Matakovich <mmatakovavila@gmail.com>

Sent: Tuesday, March 19, 2024 3:10 PM

To: Nicole Ellis <nellis@co.slo.ca.us>; Julia Hartzell <Julhartz@aol.com>; runhartig_gmail.com <runhartig@gmail.com>; Denise Allen <dchristyallen@gmail.com>; Mary Matakovich <mmatakovavila@gmail.com>; margaret greenough <mgreenough2010@gmail.com>

Cc: Kristen McKiernan <kkmckiernan@msn.com>

Subject: [EXT]Fwd: Land Use Committee Meeting

ATTENTION: This email **DID NOT** originate from County Staff. Please proceed with caution when interacting with any embedded links or attachments.

Here's a reminder for our Land Use Committee meeting on Thursday at 2:30pm. I'm copying Kristen because she wants to send us a document to read before we get together.

See you on Zoom. (See email below.) Mary

P.S. If you are having another person from your area present instead of yourself, please email us all; so, we are informed as to your area's representative.

----- Forwarded message -----

From: Avila ValleyAC <avilavalleyac@gmail.com>

Date: Thu, Mar 7, 2024 at 11:49 AM

Subject: Land Use Committee Meeting

To:

We need to convene the Land Use Committee to Review the Revised Project Description for the Avila Valley Barn. Project Description and AVAC's previous response letter attached. I hope you can attend.

Jim Hartig

Topic: AVAC Land Use Committee Review of Avila Valley Barn revision

Time: Mar 21, 2024 02:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86717246265?pwd=Y0x6VWtySFF5Wm9lUTVUT2wzR2hrUT09>

Meeting ID: 867 1724 6265

Passcode: 754742

AVAC Land Use Committee,

As long time Avila Valley residents and business owners, we respectfully request that AVAC not support the Avila Valley Barn Application for an Amendment (DRC2021-00015) to expand the existing approximately 2,183 square foot eating and drinking establishment (restaurant and sweet shoppe with on-site consumption authorized pursuant to D000200D and PMT2002-13531) to be expanded to include secondary and subordinate outdoor facilities for dancing and other entertainment. The amendment proposes up to 70 events per year including corporate events and weddings with amplified music from 10am to 10pm on weekends. While this may at first glance appear to be a “reduced” ask, the initial ask of 144 events per year was completely absurd. It is the typical, ask for what you can, settle for what you want. This is not hard to identify. On a related note, even at 70 events per year, this far exceeds the amount of events occurring in the Avila Valley and Avila Beach Community as a whole from established venues such as Sycamore Mineral Springs and the Avila Golf Resort for cumulative years combined, neither of which have even close to 70 events per year. Furthermore, we have discovered through requests for public records what we believe to be inherent errors and zoning violations for the current Avila Valley Barn Development Plan/Coastal Development Permit (D000200D) that must be thoroughly reviewed before this proposed expansion amendment is approved. The current plan appears to be over occupancy limits as it currently resides and has a lack of fire safety measures (one fire hydrant for the entire property) as well as square footage that exceeds what was permitted. It is no surprise then that the existing venue causes too much traffic and impacts as is. In addition, the structures on the property appear to be permitted as private residences (with the exception of the sweet shop which was only supposed to sell ice cream and has now turned into a restaurant serving hot meals, bbq style meals and deli sandwiches). The Avila Valley Barn business appears to be growing without adequate safety measures and reviews put into place. This project must be reviewed pursuant to the California Environmental Quality Act (“CEQA”).

The proposed change to a large outdoor music event venue is not in keeping with our historic community in Avila Valley. We pride ourselves on being good neighbors, but the emphasis on public safety is paramount. We foresee severe detrimental environmental impacts, including but not limited to, noise, traffic, wildfire, and water use impacts as a result of the proposed 70 events a year.

Noise Impacts

The new noise studies that were provided use “software modeling” and not real-life scenarios such as mock events metered at property lines. These noise studies do not

tell the whole story. The topography of Avila valley amplifies the noise originating from the Avila Valley Barn due to an extreme amphitheater or valley effect. Consequently, these proposed events, accommodating up to 200 guests until 10:00 pm, would be an intolerable nuisance and disruption to the community. As evidenced by the attached sound bite of a drum, (one person, one non-amplified drum) at the Buddhist temple from a sensitive residential receptor, that can be heard loud and clear, the noise studies using modeling do not accurately reflect the experience of the valley neighbors. This is lived experience.

It has been confirmed by past lived experience, when unpermitted outdoor events have been held at the Avila Valley Barn, that the noise level is equivalent to being in the middle of a concert venue. These events have resulted in significant disturbances. The proposed increase in events, and by extension the noise pollution, would exacerbate the situation, leading to an adverse impact on the community.

Traffic Impacts

Apart from noise, we are also concerned about potential safety issues and increased traffic congestion that these events would inevitably bring. See below photo examples of the dangerous road conditions that currently exist due to the traffic entering and existing the Avila Valley Barn. There is no turn out lane or proper encroachment. There is not even a paved driveway at the Avila Beach Drive entrance. There is also no turn out lane at the Ontario exit/entrance and that street already lends itself to dangers of pedestrians vs. vehicles with the cross walk to the Bob Jones trail and bikers turning from Avila Beach Drive. It is a disaster waiting to happen and this proposal is only going to make it worse. There is no turn out lane. See attached photos of backed up traffic and accidents created by the existing crowds at the Avila Valley Barn. A fatality on Avila Beach Drive and Ontario Road by increasing traffic, during evening hours after an event where alcohol is consumed is almost a given.

Fire Impacts

There is only one fire hydrant and we all know the limits of the fire staff and evacuation procedures for the Avila Valley. A fire at the Avila Barn could be a deadly and disastrous event. A fire in that field and those buildings for a crowd of 200 people at night could be deadly.

Water Impacts

It should be noted that the Avila Valley barn shares a well with 2 other properties and the impacts of added events and subsequent water usage needs to be considered.

The direct and cumulative effect of a new music concert venue that hosts outdoor amplified music concerts until 10 pm is a significant environmental impact that changes the historical agricultural history and use of Avila Barn and negatively impacts and causes substantial adverse changes to the environment. These impacts also include, but are not limited to, the effect on adjacent and surrounding properties that protect wildlife habitat as designated by Sensitive Resource Areas and ESHA; as well as, family homes and coastal vacation stays like the KOA and Sycamore Springs, and two religious places of worship. The public and decision makers cannot determine if this proposed project impacts the protection of natural resources, families, places of worship, and businesses that provide a place of rest and relaxation to visitors to Avila Beach without CEQA review. Methods to minimize those impacts be suggested, or project alternatives, must be analyzed in the environmental review process. The project applicant states that they have voluntarily put limitations and restrictions on these proposed events but this statement rings hollow since no environmental review has been prepared.

The proposed project will have clear negative, unmitigated and in fact dangerous ramifications to the public and impacts. Adding large or small scale events on to a business that is already questionably permitted to run the types of business and occupancy is untenable. Further studies are needed through CEQA review EIR to truly understand the impact of expanding this business into an event venue.

The Avila Valley Barn is often now referred to as “Disneyland” with its traffic control especially during the holiday and summer seasons which are likely to increase with new proposed events. We are a seasonal community. As a community advisory council, you all have witnessed this, it is lived experience, not hypothetical modeling.

At 70 events a year, 20 being large, this could mean large events every single weekend May, June, July, August and September of up to 200 people with amplified music lasting until 10pm at night in the Avila Valley neighborhood. This large number of events and extended length of amplified music would set a dangerous precedent in our unincorporated community that others could follow and change the environmental standard of our community by increasing risk to health and safety.

There are also changes to the Community to be considered:

Coastal Zone Impact: It should be noted that the proposed venue is in the Coastal zone and therefore coastal access will be impacted due to the increase of traffic.

There are also unstudied effects on habitat. This permit will have undeniable negative impacts on the environment and community that need to be considered under CEQA.

Number and Duration of Events: The proposal to host music events until 10 pm throughout the year seems unprecedented and represents a significant change to current permitted operations of a farmhouse and sweet shop. We kindly request that our concerns be considered and included in the assessment and review of this proposed permit. We believe it is crucial that our lived experience and knowledge of the site and its surroundings be taken into account to ensure a comprehensive understanding of the potential impacts. The proposed permit would significantly alter the character and safety of the community. We request that AVAC take into consideration and discuss these concerns in depth before any decisions are made.

Determine if the project is in conflict with surrounding rural and agricultural uses; and its compliance to 23.07.120. Local Coastal Program Area (LCP) and surrounding SRA/ESHA. Adjacent properties are rural lands. By land mass, Avila Valley is historically an agricultural area surrounded by protected habitat in rural land use and open space designations. The rural lands use designation purpose is to permit rural development to very low densities which will maintain the character of rural open areas, and maximize preservation of watershed and wildlife habitat areas. Recreation lands' purpose is to identify areas having recreational potential where private or public development of recreational uses can be encouraged when not in conflict with surrounding rural and agricultural uses. Historically, and as stated in the project applicant's description, Avila Barn has always supported an agri-business in this community, bringing together rural life, agriculture and recreation in harmony, until this proposed business change. An outdoor music concert venue that plays amplified events until 10 pm does not fit into the community, and will impact an established rural community and historic uses.

The Local Coastal Program (LCP) combining designation identifies areas of San Luis Obispo County that are within the California Coastal Zone as determined by the California Coastal Act of 1976 and requires special review. The provisions of this title apply to all unincorporated portions of the county located within the Coastal Zone, and this project. This project is adjacent to rural properties within the Coastal Zone, including lands

designated as Sensitive Resource Area/ESHA (a combining designation is applied by the Official Maps (Part III) of the Land Use Element to identify areas with special environmental qualities, or areas containing unique or endangered vegetation or habitat resources). Environmental review would analyze impacts on protected native habitat, and conflicts with the LCP. Moreover, environmental review must analyze the impact of light pollution on the rural valley that an event of 200 people until 10 pm would produce.

The failure to prepare environmental review glosses over the impacts of increase water use and analysis of use of the well on the project site, which is a shared well with adjacent properties. Furthermore, because of the lack of environmental review, there is no analysis of water for fire safety and the impacts on the fire supply if a fire is on the applicant's property and the adjoining properties. Environmental review is also required to analyze fire safety and risks in general, fire and public safety during events, and emergency response time for first responders.

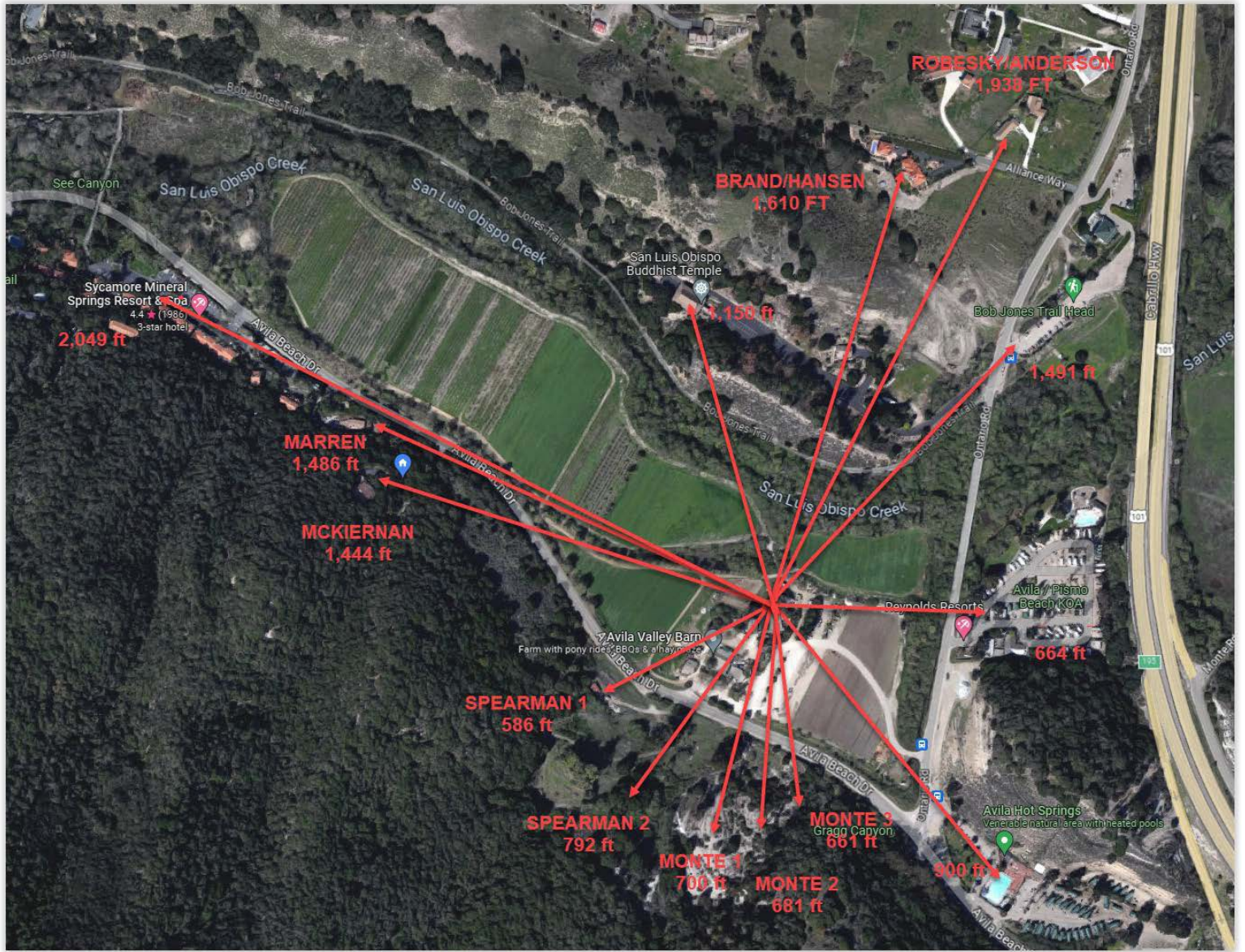
We thank AVAC for considering the comments of our community and it is our hope that it does not lend support for this application without further studies and an EIR.

Thank you for your time and attention.

Avila Valley Preservation Alliance

Surrounding neighbors and businesses as reflected by the letters that were signed and uploaded at https://energov.sloplanning.org/EnerGov_Prod/SelfService#/plan/3af2ca28-a693-48e6-8782-826f41faf5bb

EXHIBITS



Receptors impacted by noise from Avila Valley Barn

Traffic into the Avila Valley Barn – 2017



Traffic into the Avila Valley Barn – 2020

October 11, 2020 at 9:03 AM
2 of 4



Motorcycle vs. Vehicle Accident directly across from Avila Valley Barn adjacent to Spearman driveway – 2021



Buddhist Temple Drums as heard at sensitive receptor residence 815 Avila Beach Drive

Download link: <https://accuzip.sharefile.com/d-sdbab32aa582444bcabfe6fcabc67e336>

Unpaved and inadequate entrance into Avila Valley Barn causes backed up traffic on Avila Beach Drive regularly. Speed limit is 40MPH and the backup starts before the turn.





Nicole Ellis

From: Nicole Ellis
Sent: Thursday, February 29, 2024 4:07 PM
To: Kristen McKiernan; Kristina Simpson-Spearman
Cc: Julia Hartzell; Mary Matakovich; Dawn Ortiz-Legg; Trevor Keith; Mark LaRue; Sheri A. Robesky; Airlin Singewald; avilavalleyac@gmail.com; runhartig_gmail.com; Kelley Abbas; JR Beard; Brian Stack
Subject: RE: [EXT]Fwd: Avila Valley Barn Project Update - Request for Information DRC2021-00015

Good afternoon all,

The County Planning Division has received a few follow-up questions on behalf of Ms. McKiernan and Ms. Simpson-Spearman this week in which our Department has provided the following responses; for the benefit of the group on this email thread.

Please find responses to items below and in response to prior email inquiries this week:

Could you please send us the link for the original development plan that is proposed for amendment, as well as all studies that were used on the original development plan.

County Response: Documents may either be obtained through the County's PermitSLO portal (if documents are scanned and available online). [Public Information \(sloplanning.org\)](https://www.sloplanning.org). You may search by case number, address, APN, business name, etc. This option is free, can be fairly fast and is available to all members interested in viewing public documents. If documents are not virtual and available online (i.e. hard copy files only, microfilm), then you may request these documents through a Public Records Act Request through our Department (see link) below. Since you have indicated an interest in appealing this application, this will help the County, as the agency processing this application on behalf of the Avila Valley Barn owner, remain impartial and provide the applicant a fair due process. [Public Records Requests - County of San Luis Obispo \(ca.gov\)](https://www.ca.gov)

Will there be a new traffic study required as part of the revised application? The last one I see is dated May 12, 2022. If so, when can we expect to see that?

County Response: On February 27, 2024, the revised application materials were referred to County Departments and referral bodies (such as AVAC) for review, comments, corrections and conditions. One of the Department's reviewing the revised materials is the County's Public Works Department who will help determine whether the scope of the project necessitates any updates to the prior traffic study and whether public right-of-way improvements are triggered by the project. Referral review responses are typically gathered within 30-days of the referral.

In the interim the neighbors would like to do an independent noise study. How can that be incorporated into the county review process? Can you please advise?

County Response: Since the applicant is the Avila Valley Barn owner, and the County is reviewing and processing the application on their behalf, the County will be reviewing the applicant's noise study and the addendum to that noise study to determine whether the study is sufficient and whether the proposal meets code and the reasonable 5 Db increase in noise levels per CEQA (case law). Therefore, if an independent party had interest in preparing their own noise study, they may do so, but ultimately, the County would be relying on the applicant's noise study (once deemed complete) as a part of the applicant's application materials.

Please continue to reach out with any clarifying items the group may have and as we continue to prepare the revised application for a future Planning Commission hearing date.

Nicole Ellis

Senior Planner

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nellis@co.slo.ca.us

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Nicole Ellis

Sent: Monday, February 26, 2024 2:09 PM

To: Kristen McKiernan <kkmckiernan@msn.com>

Cc: Julia Hartzell <julhartz@aol.com>; Mary Matakovich <mmatakovavila@gmail.com>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>; Mark LaRue <mLarue@co.slo.ca.us>; Sheri A. Robesky <sherdyn@gmail.com>; Airlin Singewald <asingewald@co.slo.ca.us>; Kristina Simpson-Spearman <kfreya2000@gmail.com>; avilavalleyac@gmail.com; runhartig_gmail.com <runhartig@gmail.com>; Kelley Abbas <kabbas@co.slo.ca.us>

Subject: RE: [EXT]Fwd: Avila Valley Barn Project Update - Request for Information DRC2021-00015

Good afternoon all,

Please be advised that on February 16, 2024, the applicant resubmitted a revised and refined project description and application materials. The project DRC2021-00015 is also now ready for re-referral and will go back to AVAC for re-review. The County is re-reviewing these materials and there is not a hearing date scheduled at this time, nor a CEQA determination.

Provided below is the written update which will be provided to AVAC on March 11, 2024.

On February 16, 2024, the applicant resubmitted a revised and refined project description, an updated acoustic/noise analysis to address neighborhood comments and to ensure noise levels do not exceed the 5 Db increase in noise level threshold per CEQA as requested on behalf of the Planning Division, along with an updated site plan. The Planning Division is seeking updated comments, recommendations and conditions of approval, as applicable.

The applicant has reduced their proposed entertainment program from 132 annual activities with up to 200 persons, down to 70 gatherings annually. The applicant has designated a new area (1A) for the larger gatherings and has limited area 1, closest to the neighbors, to smaller gatherings.

While processing the application for a future hearing date it was determined by the Department of Planning and Building that the most suitable application type and use classification would be: an amendment (DRC2021-

00015) to a previously approved Development Plan/ Coastal Development Permit to expand the existing eating and drinking establishment to include secondary and subordinate outdoor facilities for dancing and other entertainment (and to no longer request a new Minor Use Permit / Coastal Development Permit for a “temporary event permit.”

Therefore, the REVISED Project Description Includes:

A request by Avila Valley Barn for an Amendment (DRC2021-00015) to a previously approved Development Plan/ Coastal Development Permit (D000200D) to expand the existing approximately 2,183 square foot eating and drinking establishment (restaurant and sweet shoppe with on-site consumption authorized pursuant to D000200D and PMT2002-13531) to be expanded to include secondary and subordinate outdoor facilities for dancing and other entertainment pursuant to CZLUO Section 23.08.208 - Stores and Restaurants in Non-Commercial Categories.

The project includes designated outdoor entertainment areas and on-site parking on an approximately 45-acre property. The entertainment program would include up to 70 outdoor gatherings annually between the hours of 10 a.m. and 10 p.m. Most of the gatherings (50 annually) will be intimate with 50 – 75 persons occurring during weekdays. A smaller portion of the program (20 annually) would cater to larger groups with up to 200 persons occurring during weekends. The project also includes a request for outdoor amplified music between the hours of 10 a.m. and 10 p.m. Temporary appurtenances would be erected and would be dismantled and removed at the conclusion of the outdoor entertainment. All vehicular access would be restricted to the existing Ontario Road driveway. Emergency secondary access would be available to Avila Beach Drive. The proposed project is within the Recreation land use category and is located at 560 Avila Beach Drive, in the community of Avila Beach. The site is located in the San Luis Bay Coastal Planning Area.

Application materials include the following and are viewable at the below link along with pre-hearing comment letters:
[DRC2021-00015 \(sloplanning.org\)](https://sloplanning.org/DRC2021-00015)

- A1.0 - Site Plan AVB 1-27-24 (1).pdf
- Existing Structure Exh AVB Feb 2023.pdf
- Project Description Avila Valley Barn Amendment Feb 2024.pdf
- 45dBNoiseReportR4_AvilaValleyBarn.pdf
- Traffic Study OEGMay22 with TMP.pdf
- Water Demand Report AVB Mar 2023 with attachments.pdf

The applicant has decided to reach out privately to the neighbors (who were at the original meeting at AVB) and provide an update on their proposal.

Thank you all!

Nicole Ellis

Senior Planner

(p) 805-781-5157

nellis@co.slo.ca.us

[Website](#) | [Facebook](#) | [Map](#)



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Nicole Ellis

Sent: Monday, January 8, 2024 12:07 PM

To: Kristen McKiernan <kkmckiernan@msn.com>

Cc: Julia Hartzell <julhartz@aol.com>; Mary Matakovich <mmatakovavila@gmail.com>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>; Mark LaRue <mLarue@co.slo.ca.us>; Sheri A. Robesky <sherdyn@gmail.com>; Airlin Singewald <asingewald@co.slo.ca.us>; Kristina Simpson-Spearman <kfrey2000@gmail.com>

Subject: RE: [EXT]Fwd: Avila Valley Barn Project Update - Request for Information DRC2021-00015

Good afternoon Kristen and Kristina and thank you for your emails below.

In response to Kristina's questions and comments from 1/7/24:

County Responses:

1. Amplified music event number?

This is still being decided upon by the owner and agent. They plan to resubmit revised materials this month with their formal numbers (amount of amplified and non-amplified, amount of smaller gatherings vs. larger gatherings i.e. weddings (not to exceed 200 guests)).

2. Can you please provide the updated sound study mentioned below.

The final revised acoustic analysis has not been formally submitted to the County as part of the applicant's revised application package. They plan to resubmit revised materials this month which would include this report and which would be available to the public and any other Departments and Agencies on PermitSLO.

2. How do we calculate the new housing build on Ontario (Grossman) and the King proposed project on Ontario when looking at the neighborhood impact on the Avila Barn studies?

Projects which are Categorically Exempt or which undergo a Negative Declaration or Mitigated Negative Declaration pursuant to CEQA, are not subject to assessment of "cumulative impacts". Projects which must undergo preparation of an Environmental Impact Report (EIR) must consider "cumulative impacts/effects". Based on our review of the initial application and being that the application is being further reduced in scale, this project will not be subject to preparation of an EIR. It is anticipated the request may be processed as a Categorical Exemption, Negative Declaration or Mitigated Negative Declaration (at the most extreme end). Again, this is determined after the county re-reviews revised application materials and conclusions of technical studies and whether those studies anticipate impacts requiring mitigation measures.

Cumulative effects. Section 15355 of the CEQA Guidelines states: "Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or a number of separate projects. (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. Important direction to the practical use of this definition is found in Section 15130 of the CEQA Guidelines: (a)(1) As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts [emphasis added].

4. Think it is important for public works to give an update on the round about project so the neighborhood and business community know the latest for thier planning.

The revised application materials will be re-referred to County Public Works Department for comments, conditions and corrections. I can inform Public Works that the neighborhood group has expressed interest in this item being considered by Public Works who would ultimately determine the appropriate level of response.

In response to Kristen's comment from 1/7/24:

County Response: Customarily, an applicant would submit directly to the County for the County to begin a re-review of revised application materials (to determine if materials are complete or incomplete). These revised materials would also be available to the public and any other Departments and Agencies on PermitSLO.

I can consult with the applicant and agent to see if they are amendable to a courtesy pre-submittal meeting with the neighborhood group to review and provide input on the revisions before they are resubmitted to the county. To reiterate, this would not be standard practice nor something we could require. However, if the applicant and agent are amendable to this request I will let the group know. I may not have response prior to the AVAC meeting this evening but I will email the agent this afternoon.

Please let me know if there are any additional questions and I look forward seeing some of the group members during this evening's AVAC meeting on Zoom.

Nicole Ellis

Senior Planner

(p) 805-781-5157

nellis@co.slo.ca.us

[Website](#) | [Facebook](#) | [Map](#)



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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From: Kristen McKiernan <kkmckiernan@msn.com>

Sent: Sunday, January 7, 2024 12:52 PM

To: Nicole Ellis <nellis@co.slo.ca.us>

Cc: Julia Hartzell <julhartz@aol.com>; Mary Matakovich <mmatakovavila@gmail.com>; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>; Mark LaRue <mlarue@co.slo.ca.us>; Sheri A. Robesky <sherdyn@gmail.com>; Airlin Singewald <asingewald@co.slo.ca.us>; Kristina Simpson-Spearman

[<kfreya2000@gmail.com>](mailto:kfreya2000@gmail.com)

Subject: Re: [EXT]Fwd: Avila Valley Barn Project Update - Request for Information DRC2021-00015

Nicole,

Happy New Year!

Thank you for the information. I will be making a formal public comment during the Jan 8th meeting about this agenda item, but wanted to give you a heads up. It would be great to meet with the applicant and owner and the county *before* their resubmission.

We are particularly interested in the specific changes, updated graphics, and any new studies conducted. Our aim is to contribute constructively to the neighborhood's well-being, and therefore, we would appreciate the opportunity to review and provide input on these revisions before they are resubmitted to the county.

Sincerely,

Kristen McKiernan

On Jan 5, 2024, at 2:37 PM, Kristina Spearman [<kfreya2000@gmail.com>](mailto:kfreya2000@gmail.com) wrote:

Nicole,

Thank you. Several questions..

1. Amplified music event number?
2. Can you please provide the updated sound study mentioned below.
3. How do we calculate the new housing build on Ontario (Grossman) and the King proposed project on Ontario when looking at the neighborhood impact on the Avila Barn studies?
4. Think it is important for public works to give an update on the round about project so the neighborhood and business community know the latest for thier planning.

Thank you Nicole!

On Fri, Jan 5, 2024, 11:39 AM Nicole Ellis [<nellis@co.slo.ca.us>](mailto:nellis@co.slo.ca.us) wrote:

Good morning all,

I wanted to reach out to the group, ahead of this upcoming Monday, January 8th AVAC meeting, to provide the following updates which will be shared, related to the Avila Valley Barn project.

I will be in virtual attendance on January 8th via Zoom to provide an update on this project, as outlined below.

LAND USE COMMITTEE PROJECT UPDATES

- DRC2021-00015 Avila Valley Barn (item 9 on the Active/In Process list) January 2024 update:

Please be advised that the applicant has not formally resubmitted application materials at this time. However, County Planning staff has asked the agent for an informal project update which can be provided to AVAC at this time. The applicant and owner are preparing a revised and reduced application responding to pre-hearing public comments received in response to the proposed project, **including an amended noise study**. The applicant and owner have also been coordinating with the County on necessary materials to sufficiently respond to public comment letters which include the following items:

- **The agent anticipates resubmitting materials to the County within the month of January 2024 which will include an updated project description along with the updated noise study report and supplemental materials for re-review by the County and which will be accessible to interested parties on PermitSLO (attachments tab). The revised project and materials will also be re-referred to the Land Use Committee and AVAC for re-review and new updated comments. Once the revised materials are accepted as complete for processing by the County, then the County will re-initiate its Environmental Review. A hearing date has not been selected at this time.**
 - The owner is interested in changing the amount of outdoor gatherings from the initial request for 144 outdoor gatherings annually (12 per month) and up to 200 guests per outdoor gathering; to instead a reduced number of outdoor activities onsite # annually with # being larger gatherings **(numbers to be provided with formal resubmittal of revised project description)** with no more than 200 persons.
 - The owner has updated the noise study (completed over the holidays) which identifies a new optional area for entertainment in a lower field, below the existing lawn/animal pens (further back from neighbors). The new noise study recommends operating limitations for each outdoor gathering area. The noise study now also includes the single-family residential neighbors (sensitive receptors) and updated exhibits/noise readings. The ambient noise levels did not increase over 5db (which is the

commonly accepted threshold of significance for increases in ambient noise)

The project agent has indicated that if AVAC would like for the agent and owner to attend a future AVAC meeting to answer questions after the County Planning Division has accepted the project for processing, that they would be amendable to attend at that time.

Again, revised application materials have not been received by the county for re-review and above is a summary provided on behalf of the agent. Once revised materials are submitted, they will be available on PermitSLO [DRC2021-00015 \(sloplanning.org\)](http://sloplanning.org)

Thank you all and please do not hesitate to contact me with any questions you may have.

Nicole Ellis

Senior Planner

(p) 805-781-5157

nellis@co.slo.ca.us

[Website](#) | [Facebook](#) | [Map](#)



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From: Nicole Ellis

Sent: Tuesday, November 7, 2023 9:03 AM

To: julhartz@aol.com

Cc: avilavalleyac@gmail.com; mmatakovavila@gmail.com; meh1@charter.net; sherijuney@gmail.com;

Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>; Schani Siong

<ssiong@co.slo.ca.us>; Mark LaRue <mLarue@co.slo.ca.us>; Kristen McKiernan

<kkmckiernan@msn.com>; sherdyn@gmail.com; Kristina Simpson-Spearman

<kfreya2000@gmail.com>; Kristina Simpson-Spearman <kfreya2000@gmail.com>; Brian Stack

<bstack@co.slo.ca.us>

Subject: RE: [EXT]Fwd: Avila Valley Barn Project Update - Request for Information DRC2021-00015

Good morning all,

Please be advised that there will be no substantive updates to provide the Avila Valley Advisory Council for November for the Avila Valley Barn project (Land Use Committee review authority) DRC2021-00015. However, it is anticipated that for the **January 2024** AVAC meeting; County Planning staff will be in virtual attendance, as well as project agent, to provide updates on these two projects and to assist with questions as they are of high community interest.

In Kristen McKiernan's email to the group on November 6th, the below questions were asked. Please find County Planning Division responses below.

1. **Why has the project been put on hold?**

County response: A voluntary neighborhood meeting was hosted by the applicant on June 28, 2023, to discuss the proposed project. The County has since received high community interest related to this project as well as written comments of opposition and support from neighbors. The County has been working with the applicant and agent to review all comments received and to act and respond to those comments. Comments have primarily focused on noise and traffic. The primary item the applicant has been working on is an addendum to their acoustic analysis. They have been working with their noise consultant and are expecting a draft by thanksgiving and a final report by mid-December. Therefore, the project has been put on hold until these items are completed.

2. **Is there a change in the Applicant's Permit request and/or Project Description?**

County response: The applicant and County are continuing to work on the project description scope to meet the County standards. Once the applicant and agent provide the updated Acoustic Analysis, the project will be re-referred with the finalized project description and all current application materials and technical studies, as applicable.

3. **What is the CEQA determination project of the status (is it determined exempt or will it be going through CEQA) - Note: In our previous opposition letters, we requested it go through CEQA as part of the proper due diligence process for a project of this scope**

County response: This land use permit/entitlement is discretionary, and all discretionary permits are subject to CEQA and will go through the CEQA review process. The distinction is that there are various levels of CEQA analysis/determinations such as categorical exemptions, initial studies/negative declarations or mitigated negative declarations and environmental impact reports. Since the project is on hold based on responses to items 1 and 2 above, once the above information is obtained then the County will re-initiate our CEQA review to determine which level of analysis is appropriate.

4. **Is there a Planning Commission Hearing date set for this project?**

County response: No. Any future hearing scheduling for this project will be provided to AVAC during their monthly meetings as well as through the County's PermitSLO portal.

Nicole Ellis

Senior Planner

(p) 805-781-5157

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[Website](#) | [Facebook](#) | [Map](#)



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From: Nicole Ellis

Sent: Wednesday, October 11, 2023 10:38 AM

To: 'julhartz@aol.com' <julhartz@aol.com>

Cc: avilavalleyac@gmail.com; mmatakovavila@gmail.com; meh1@charter.net; sherijuney@gmail.com; Dawn Ortiz-Legg <dortizlegg@co.slo.ca.us>; Trevor Keith <tkeith@co.slo.ca.us>; Schani Siong <ssiong@co.slo.ca.us>; Mark LaRue <mLarue@co.slo.ca.us>; Kristen McKiernan <kkmckiernan@msn.com>; 'sherdyn@gmail.com' <sherdyn@gmail.com>; Kristina Simpson-Spearman <kfrey2000@gmail.com>; Kristina Simpson-Spearman <kfrey2000@gmail.com>; Brian Stack

<bstack@co.slo.ca.us>

Subject: RE: [EXT]Fwd: Avila Valley Barn Project Update - Request for Information DRC2021-00015

Good morning Julia and all,

The County Planning Division has been asked to clarify potential upcoming updates regarding the Avila Valley Barn application DRC2021-00015 as well as public comment and notification procedures.

During the October 2, 2023, AVAC meeting Current Planning Updates included the following: Please be advised that there are no substantive updates to provide the Avila Valley Advisory Council for October for the Avila Valley Barn project DRC2021-00015. However, it is anticipated that for the November AVAC meeting; County Planning staff will be in virtual attendance to provide updates and to assist with questions as this project is of high community interest.

At this time, the project description is under potential revision by the applicant and agent team. If the project description changes are substantially different from what AVAC initially considered and provided recommendations on, then the County will notify AVAC of the need to re-agendize this item. Again, the extent and timing of these potential revisions are unknown at this time. The project is on an extended hold until the applicant and agent direct County staff as to how they request to proceed. We continue to be actively in contact with the applicant and agent team and updates will be shared as they become available.

If there are updates to share during the November AVAC meeting then during Current Planning Updates I would provide an overview of the project description and direction to AVAC to re-agendize this item, if deemed necessary by the County. There will not be a “special” meeting held by the County for this project. Updates will be provided similarly to other projects in AVAC’s purview during regular Current Planning Updates.

Neighbors and community groups may decide to take an active role in outreach and courtesy notification to neighbors. However, **as AVAC is not a hearing body, the County’s hearing notification requirements (newspaper, mailers, ...) will occur when this item is ready for hearing. In this case, the project will be considered at the Planning Commission level.**

Please be advised that the County does maintain an “Interested Parties” list in which those seeking to be notified via mail, and once the project is ready for hearing, will be provide a mailed hearing notice. If those included on this email would like to share names (first and last) and full mailing addresses of those wishing to be added to the Interested Parties list, then we most definitely can add these neighbors and businesses so they can participate in the Planning Commission hearing process.

If this project is re-agendized with AVAC and the subcommittee group then it would be within AVAC's discretion as to the extent and methods of outreach to the community.

Please do continue to reach out to me with any questions the group may have related to the Avila Valley Barn application DRC2021-00015.

Thank you!

Nicole Ellis

Senior Planner

(p) 805-781-5157

nellis@co.slo.ca.us

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From: kkmckiernan@msn.com
To: mmatakovavila@gmail.com
Cc: sherdyn@gmail.com, julhartz@aol.com, kfreya2000@gmail.com

Sent: 10/2/2023 8:20:20 PM Pacific Daylight Time
Subject: Avila Valley Barn Project Update - Request for Information

Also, will we be notified in advance by Nicole Ellis or the barn as to what is being presented at the November AVAC meeting? **I would like to request that our Avila Valley Representatives Sheri Robesky and Julia Hartzell notify all surrounding neighbors that attended the barn's previous meeting on this project as well as all other Avila Valley Residences and Businesses in the vicinity of the barn that will be affected by this project (including but not limited to Sycamore Mineral Springs, the KOA, the Buddhist Temple, Preschool on Ontario) of the November AVAC meeting so that they are able to attend and have a voice. What is the best way of doing that?** I am happy to help disseminate communications as well as to not put the sole burden on the two reps.

Thank you in advance,

Kristen McKiernan

[COPY OF ENTIRE EMAIL...](#)

From: kkmckiernan@msn.com
To: mmatakovavila@gmail.com
Cc: sherdyn@gmail.com, julhartz@aol.com, kfreya2000@gmail.com
Sent: 10/2/2023 8:20:20 PM Pacific Daylight Time
Subject: Avila Valley Barn Project Update - Request for Information

Mary,

Good evening! Thank you for mentioning the Children's Fair on tonight's AVAC meeting as part of the Avila Beach Committee report. Much appreciated. I hope the community comes and supports this great event!

There was mention on the meeting that the Avila Valley Barn resubmitted their project/proposal to AVAC's Land-Use Committee. Can you please expand on that?

I don't see anything on the County website posted later than 09/06/2023, none of which is an updated proposal or project description: