



**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING & BUILDING**  
**TREVOR KEITH, DIRECTOR**

November 4, 2021

Stuart Sackley  
4108 The Strand  
Manhattan Beach, CA 90266

**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: November 4, 2021  
SUBJECT: **County File Number: DRC2021-00096**  
SLO Driver

LOCATED WITHIN COASTAL ZONE: Yes  
COASTAL APPEALABLE: Yes

On the meeting of November 4, 2021, the above referenced application was approved by the Planning Commission based on the approved Findings, and subject to the approved Conditions both attached for your records.

If you disagree with this action, pursuant to the County Coastal Zone Land Use Ordinance (CZLUO) Section 23.01.042, and in the manner described therein, you have the right to appeal this decision, or a portion of this decision, to the Board of Supervisors within 14 calendar days after the date of the action.

The appeal must be submitted to the Director of the Department of Planning and Building on the proper Department appeal form, as provided on the County website. The appeal form must be submitted with an original signature; a facsimile will not be accepted.

If the appeal is consistent with the standards set forth in CZLUO Section 23.01.043d, there is no fee to file an appeal. If the appeal is not consistent with CZLUO Section 23.01.043.d, a fee, set by the current fee schedule, will be required and must be submitted with the appeal form at time of filing. If the County requires that an appellant submit a fee to file an appeal, the action may potentially be directly appealable to the California Coastal Commission pursuant to the CZLUO Section 23.01.043, and in the manner contained therein, precluding the need to exhaust local administrative appeals.

Additionally, CZLUO Section 23.01.043 and applicable sections of the Coastal Act provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the County's Final Action. This means the Applicant cannot commence development and the County cannot take any further administrative actions for the proposed development, including but not limited to, the request or issuance of a building permit, until the County appeal period and the Coastal Commission Appeal period have expired without an appeal being filed, and the County's notice of final action that it submitted to the Coastal Commission has been accepted by Commission staff as compliant with Title 14 CCR Section 13571.

Additionally, if the County approves this application, that action is appealable to the California Coastal Commission, pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The appeal must be made directly to the California Coastal Commission. For further information on their appeal procedures, contact the Commission's Santa Cruz Office at (831) 427 4863.

Please note that exhaustion of local appeals at the County level is almost always required prior to appealing the matter to the California Coastal Commission. Three exceptions apply to this requirement as provided in CZLUO Section 23.01.043b.(1) (3).

If you have any questions regarding your project, please contact the Project Manager, Elizabeth Moreno at [emoreno@co.slo.ca.us](mailto:emoreno@co.slo.ca.us)

Sincerely,

Ramona Hedges

*R. Hedges*, Secretary

County of San Luis Obispo

Department of Planning & Building

**FINDINGS – EXHIBIT A  
DEVELOPMENT PLAN DRC2021-00096/ SLO Driver, LLC**

**ENVIRONMENTAL DETERMINATION**

- A. The project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15061. The project qualifies for a Categorical Exemption for Class 1 as set forth in the CEQA Guidelines because it involves the operation and permitting of an existing private structure and facilities, involving negligible expansion of use beyond that which was existing. In accordance with *Berkeley Hillside Preservation v. the City of Berkeley* (2015) 60 Cal.4th 1086, the project does not present unusual circumstances, such as size or location. The project does not involve any site disturbance and is not located in a sensitive environment, will not have a cumulative impact, will not have a significant effect on the environment due to unusual circumstances, will not damage scenic resources, is not located on a hazardous waste site, and will not affect any historical resources.

**DEVELOPMENT PLAN**

- B. The proposed project or use is consistent with the County of San Luis Obispo Coastal Zone Land Use Ordinance, Local Coastal Program, and General Plan because a cannabis non-storefront dispensary, cannabis manufacturing, and cannabis distribution facility are allowed land uses and as conditioned, are consistent with all applicable General Plan policies.
- C. As conditioned, the proposed project and uses satisfy all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed cannabis non-storefront dispensary, cannabis manufacturing, and cannabis distribution facility do not generate activities that present a potential threat to the surrounding property or buildings, water use would be minimal and actual usage shall be monitored, energy usage shall be met, required security measures shall be installed, State water quality regulations shall be met, solid waste shall be properly disposed of, and nuisance odors shall be adequately controlled to not be detectable off-site. This project is subject to Coastal Zone Land Use Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed cannabis activities would occur within an existing building, the dispensary will not be open to the public, cannabis and cannabis-related products would not be visible from off-site, noise would not exceed baseline conditions, and nuisance odors would not be detectable from off-site.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved

with the project. The project is accessed from Willow Road (SR-1). Projected trip generation from the project would be generally consistent with surrounding land uses and would not have a significant effect on existing roadway operations.

### **CANNABIS DISPENSARY**

- G. The cannabis dispensary, as proposed, will comply with all of the requirements of State and County for the dispensing of cannabis, including dual licensure and participation in an authorized track and trace program.
- H. The cannabis dispensary will not be open to the public (non-storefront retailers only) and will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility.
- I. The cannabis dispensary includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.

### **CANNABIS DISTRIBUTION**

- J. The cannabis distribution facility, as proposed, will comply with all of the requirements of State and County for the distribution of cannabis, including dual licensure and participation in an authorized track and trace program.
- K. The cannabis distribution facility operating plan demonstrates proper protocols and procedures that address enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
- L. The cannabis distribution facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility.

### **CANNABIS MANUFACTURING**

- M. The cannabis manufacturing facility, as proposed, will comply with all of the requirements of State and County for the manufacturing of cannabis, including dual licensure and participation in an authorized track and trace program;
- N. The cannabis manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from release of harmful gases, liquids, or substances;
- O. The cannabis manufacturing facility includes adequate quality control measures to ensure cannabis manufactured at the site meets industry standards and includes a documented employee safety training program, a Materials Data Safety Sheet (MSDS),

and meets all requirements in the Health and Safety Code Section 11362.775, and as it may be amended;

- P. The cannabis manufacturing facility includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State; and
- Q. The cannabis manufacturing facility will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility.

**EXHIBIT B**  
**APPROVED DEVELOPMENT AND CONDITIONS OF APPROVAL**  
**DEVELOPMENT PLAN DRC2021-00096 SLO DRIVER LLC**

**Approved Development**

1. This approval authorizes the use of an approximately 2,225 square foot tenant space within an existing multi-tenant industrial building located at 2115 Willow Road, Suite A for the following:
  - a. Non-storefront dispensary;
  - b. Non-volatile manufacturing using techniques such as, ice hash washing system, rosin press, freeze dryer, and an air compressor. Manufacturing also includes packaging, repackaging, labeling, or relabeling of the cannabis products;
  - c. Distribution;
  - d. A maximum of ten full-time employees to serve all proposed operations;
  - e. A maximum of 4 vehicles for distribution and delivery;
  - f. Operational hours between 8:00 A.M. to 8:00 P.M. daily for the dispensary; and
  - g. Excepting the items listed above, no other on-site uses are permitted, including, but not limited to, additional full-time or part-time employees, cannabis cultivation, cannabis nursery, and retail sales, tours, or events for cannabis or cannabis-related products.
2. The cannabis dispensary shall not be open to the public. Retail sales from the dispensary shall be made by delivery only, and the products sold shall be in accordance with applicable State regulations and licenses.
3. The manufacturing of cannabis edible products that are in the shape of animals, people, insects, or fruit is prohibited.
4. This approval authorizes a cannabis distribution business which shall be operated in compliance with the following restrictions:
  - a. Cannabis goods for distribution shall only travel in an enclosed motor vehicle operated by a distribution employee of the permittee.
  - b. While carrying cannabis goods for distribution, a distribution employee shall ensure that the cannabis products are not visible to the public.

**Conditions required to be completed prior to commencing permitted activities**

5. **Prior to commencing permitted activities**, the applicant shall obtain a business license through the County of San Luis Obispo Tax Collector's Office. Business license renewals shall be obtained by the applicant annually as required by Title 6 of the County Code.
6. **Prior to commencing permitted activities**, the applicant shall complete all State licensing requirements for the cannabis dispensary, manufacturing, and distribution facility at the approved location. A copy of all pertinent State licenses shall be submitted to the County of San Luis Obispo Planning and Building Department prior to commencing permitted activities.
7. **Prior to commencing permitted activities**, the applicant shall demonstrate to the County Department of Planning and Building how cannabis activities will be physically and

adequately separated from vacant areas or other non-cannabis uses on-site. The applicant shall obtain any necessary building permits to create the separation between uses.

8. **Prior to commencing permitted activities**, the applicant shall complete and submit the Hazardous Materials Declaration Flowchart to the Environmental Health Services office.
9. **Prior to the commencing permitted activities**, the applicant shall demonstrate that an Air Pollution Control District (APCD) Cannabis Manufacturing/Processing Authority to Construct permit has been issued by the APCD.

#### **Conditions required to be completed prior to issuance of a County Business License**

10. **Prior to issuance of County Business License**, the applicant shall submit evidence of compliance with all requirements of the Central Coast Regional Water Quality Control Board (CCRWQCB).
11. **Prior to issuance of County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Section 23.08.416.n of the Coastal Zone Land Use Ordinance (CZLUO).
12. **Prior to issuance of County Business License**, the applicant shall submit evidence that the proposed Security Plan has been reviewed and approved by the County Sheriff's Office in accordance with the CZLUO.
13. **Prior to issuance of a County Business License**, the applicant shall enter the County of San Luis Obispo Cannabis Monitoring Program and any associated fees shall be paid to the County of San Luis Obispo Department of Planning and Building.

#### ***Fees***

14. **At the time of application** for building permits, the applicant shall pay all applicable public utility and housing impact fees.

#### ***Lighting***

15. **Prior to issuance of a County Business License**, the applicant shall provide a lighting plan which shows all proposed exterior security lighting with shielding that confines light sources to the project site and shields neighboring properties. Any proposed lighting shall be the minimum necessary and shall be shielded, positioned, and operated in a manner that ensures lighting is not visible from public roads.

#### ***Fire Safety***

16. **Prior to issuance of a County Business License**, the applicant shall obtain a Fire Safety Plan from CAL FIRE / County Fire. All construction plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code, including, but not limited to, requirements described in the referral response, dated June 2, 2021, from CAL FIRE.

#### **Conditions required to be completed at the time of application for construction permits**

##### ***Site Development***

17. **At the time of application for construction permits**, the applicant shall submit evidence of compliance with all applicable State requirements and standards associated with State Route One, as determined by Caltrans, if improvements are required or proposed to the existing driveway approach.

18. **At the time of application for construction permits**, plans submitted to the Department of Planning and Building shall show all development consistent with the approved architectural site plan, floor plan, and elevations.
19. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction plans and any required supporting documents shall be consistent with the currently adopted California Codes.
20. **At the time of application for construction permits**, all plans and engineering shall be prepared by a California Licensed Architect of Record or Engineer for all design portions of the project that do not meet "conventional construction" as defined by the current building code.
21. **At the time of application for construction permits**, plans submitted shall demonstrate consistency with California State Title 24 energy laws.
22. **At the time of application for construction permits**, plans submitted shall show a minimum of four (4) required parking spaces consistent with the standards set forth in CZLUO Section 23.04.160.
23. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.
24. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application **or Stormwater Post-Construction Requirements (PCRs) Waiver Request Form**.
  - a. The applicant must submit a Stormwater Control Plan (SWCP) for all regulated projects subject to the Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County Department of Public Works for review and approval. Applicants must utilize the County's latest SWCP template.
  - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;
    1. Structural Control Measure Description (Exhibit B)
    2. Stormwater System Contact Information
    3. Stormwater System Plans and Manuals
  - c. If applicable, following approval of the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an



agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection, and reporting.

25. **Prior to acceptance of the improvements (if applicable)**, the Stormwater Operations and Maintenance Plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

**Conditions to be completed prior to occupancy, final building inspection, or establishment of the use**

26. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE / County Fire for all required fire and life safety measures.
27. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with all conditions of this approval.

**Ongoing conditions of approval that are valid for life of the project**

28. **Throughout the life of the project**, all conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to relevant provisions of the Coastal Zone Land Use Ordinance. Revocation may require restoration to pre-existing conditions of any areas of disturbance for cannabis-related activities authorized by this permit.
29. **Throughout the life of the project**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; agricultural operations; etc. without a valid Encroachment Permit issued by Caltrans.
30. **Throughout the life of the project**, solid waste and recycling shall be conducted in accordance with Section 23.08.416.n.
31. **Throughout the life of the project**, and in accordance with the parking standards set forth in Section 23.04.160, the applicant shall maintain no less than four (4) required parking spaces for the life of the project.
32. **Throughout the life of the project**, the applicant shall post on-site all required land use permit approvals, and all required State and County permits and licenses required to operate. Such posting shall be in a central location, visible to the visitors, at the operating site, and in all vehicles that deliver or transport cannabis.
33. **Throughout the life of the project**, the applicant shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.

34. **Throughout the life of the project**, the applicant shall conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required County permits, State licenses, County ordinance, and State law and regulation. The applicant shall be responsible for the payment of all required fees and taxes.
35. **Throughout the life of the project**, the cannabis activities shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis activities shall be equipped and/or maintained with sufficient ventilation controls (e.g., carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.
36. **Throughout the life of the project**, the applicant shall maintain and manage odor controls so that odors will be contained within the property boundaries so as to not invoke a verified nuisance complaint by surrounding property owners and neighbors.
37. **Throughout the life of the project**, no minors or unauthorized personnel shall be permitted inside any restricted access areas, under any circumstance.
38. **Throughout the life of the project**, the applicant shall meter water used for cannabis activities and provide the Planning and Building Department with quarterly water usage monitoring reports based on meter readings.
39. **Throughout the life of the project**, the applicant shall meter electricity used for cannabis activities and provide the Planning and Building Department with quarterly energy usage monitoring reports based on meter readings.
40. **Throughout the life of the project**, the project would utilize an existing, on-site well. If at any point in time the well serves 25 or more of the same individuals at least 60 days per year, including residents and employees, a public water system permit is required to be obtained from the California State Water Resources Control Board (Water Board).
41. **Throughout the life of the project**, the applicant shall submit to the Department of Planning and Building any proposed changes to the approved Site Plans, Operations Plan, Security Plan, or other plan approved through this Use Permit prior to the proposed change. Changes shall be submitted in writing and must be approved by the Department of Planning and Building prior to the implementation of the proposed changes. Any changes to the approved project, including features identified in the Conditions of Approval stated herein, may require additional environmental analysis and/or revisions to the approved Use Permit that requires review and approval by the appropriate Review Authority.
42. **Throughout the life of the project**, the applicant shall submit to the Department of Planning and Building any changes to the applicant's name, business name, business owners, State license status, landowner, or changes in ownership requiring approval from the County Tax Collector's Office or County Sheriff's Department prior to the proposed change. Changes shall be submitted in writing and must be approved by the Department of Planning and Building prior to the implementation of the proposed changes.
43. **Throughout the life of the project**, the applicant and property owner(s) shall grant access to the County of San Luis Obispo, its officers, agents, employees, and any other governmental entities and their respective officers, agents, and employees to enter onto the subject property to conduct site inspections for the purposes of compliance with this Development Plan approval. Inspections may occur any day of the week, without prior notice, between the hours of 8 A.M. – 6 P.M.

### **Land Use Permit Expiration**

44. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed, or pursuant to Section 23.02.044, the Director verifies that the use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of the Coastal Zone Land Use Ordinance and these conditions of approval. Substantial site work is defined by 23.02.042 as site work progressed beyond grading and completion of structural foundations and construction is occurring above grade.

### **Defense and Indemnity of the County**

45. The applicant shall, as a condition of approval of this land use permit application, defend, hold harmless and indemnify, at his or her sole expense (including attorney's fees, with Counsel approved by the County), any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to approval or implementation of this land use permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition. Upon request of the County, the applicant shall also enter into a separate agreement with the County (the "Indemnity Agreement"), in a form approved by County Counsel, agreeing to defend, indemnify, save and hold harmless the County, its present or former officers, agents, or employees, against actions by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to or arising out of the approval or implementation of this land use permit. The agreement shall provide that the applicant will indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition or the agreement. The applicant shall also provide sufficient guarantees for the obligations hereunder as determined by County Counsel. Any violation of this condition, including the applicant's failure to execute the Indemnity Agreement or breach thereof, or failure to provide sufficient guarantees, is grounds for the County to rescind and/or revoke its approval of this land use permit. These defense and indemnity obligations shall survive any rescission, revocation and/or set aside of this land use permit.