

INLAND appeal form

San Luis Obispo County Department of Planning and Building

7/01/09

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION Name: MUP for a MND File Number: DRC 2009-00044

Type of permit being appealed:

- Plot Plan
- Site Plan
- Minor Use Permit
- Development Plan/Conditional Use Permit
- Variance
- Land Division
- Lot Line Adjustment
- Other: _____

The decision was made by:

- Planning Director (Staff)
- Building Official
- Planning Department Hearing
- Subdivision Review Board
- Planning Commission
- Other _____

Date the application was acted on: 5/27/10

The decision is appealed to:

- Board of Construction Appeals
- Board of Handicapped Access
- Planning Commission
- Board of Supervisors

BASIS FOR APPEAL

State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary)

See Attached

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number B, C, D Reason for appeal (attach additional sheets if necessary)

See Attached

APPELLANT INFORMATION

Print name: ROBERT D. Brody
 Address: 662 QUAIL DR LA CA 90065
 Phone Number (daytime): 213-500-5624

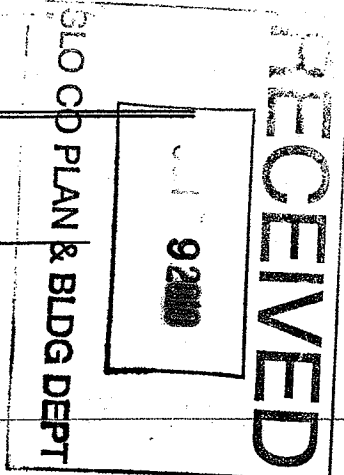
We have completed this form accurately and declare all statements made here are true.

Robert D. Brody Signature 6/7/10 Date

OFFICE USE ONLY

Date Received: _____
 Amount Paid: _____

By: _____
 Receipt No. (if applicable): _____



Basis for Appeal: DRC2009-00044 Brody Minor Use Permit

The inclusion of the for profit Paradise Gymnastics Studio as the mitigating reason for denial of the minor use permit is not in keeping with the intent and purpose of the Standards for Specific Land Use 22.30.225- General Retail c. 1. Location, this separates the "COMMONS, community funded and owned organizations from the MMD by a minimum of 1000'

B. The basis for this appeal is that the proposed MMD is consistent with the San Luis Obispo County LUO. And when 22.30.225- General Retail regulations were published March 2007 "Paradise Gymnastics Studio" was already operating in this commercial/retail zoned area. It was taken for, what it is; a for profit; private indoor gymnastics business with supervised activities for young children and adults, without any outside of premises activities or congregating, 94' across Lindon Lane from the proposed MMD site. We assert that "Paradise Gymnastics" Studio does not meet the intent or spirit of the location requirement to disqualify the application just because children use the business. This was also the finding of the SLO county attorney consulted by the senior planner who requested a review of the issue prior to the May 27, 2010 hearing. The as stated LUO 1000' minimum requirements for pre-school, elementary school, high school, library, playground, park recreation or youth center are the COMMONS for the community, a place for people to gather. These public entities are supported by county, state, federal funds and public donations with extremely long term leases, land grants or purchased land not a private business with a short term lease.

C. There was NO substantiated proof that the operation or conduct of the use will, because of circumstances and conditions applied in this particular case be detrimental to the health safety or welfare of the general public or person (children) in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity.

Article 4, 22.30.225 applies specifically that the location of a MMD be outside of the CBD in a Commercial Retail or Commercial Service land use. This zone is occupied by a Commercial Trucking company, Truck and car tire repair shop, a fleet of cable company service trucks, a sign manufacturer Paradise Gymnastics and other commercial businesses. I am sure the county planners did their due diligence when assigning this location as acceptable for a MMD, taking into account the surrounding businesses and environment.

Of the 25 previous applications this was the only application that satisfied all the county regulations governing a MMD.

D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development. It is placed, meeting all LUO guidelines for location. The MMD across the street in a different industrial park will have no impact on the gymnastics studio.

The intent of establishing location standards was to provide separation for where children congregate known as the COMMONS i.e. public schools, libraries, parks playground recreation or youth center. Not a business that caters to children. This broad brush approach was not the intent.



San Luis Obispo County Department of Planning and Building

County Government Center San Luis Obispo, California 93408 Telephone: (805) 781-5600

Receipt #: 29200900000000003713
Date: 06/09/2010

Line Items:

Case No	Last Name	Tran Code	Description	Revenue Account No	Amount Paid
		APPEAL	Appeal to Board of Supervisors Fee -	0000-0000	616.00
Line Item Total:					\$616.00

Payments:

Method	Payer	Bank No	Account No	Confirm No	How Received	Amount Paid
Check	CITIBANK	3113	327679		In Person	616.00
Payment Total:						\$616.00
Balance						