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September 10, 2019

**Via Email and U.S. Mail**

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Ramona Hedges, [rhedges@co.slo.ca.us](mailto:rhedges@co.slo.ca.us)

Re: City Boy Farms Project (CUP: DRC2017-00123, ED #19-043)  
Document Access and Extension Requests

Dear Mr. Savage, Mr. Keith and Ms. Hedges:

We are writing on behalf of San Luis Obispo County Residents for Responsible Development (“the Coalition”) to request that San Luis Obispo County (“County”) extend the public review and comment period on the Initial Study<sup>1</sup> and Mitigated Negative Declaration (“MND”) for the City Boy Farms Project, Conditional Use Permit: DRC2017-00123 and Environmental Determination #19-043 (“Project”) due to the County’s failure to provide access to all documents referenced in the MND during the entire comment period, as required by the California Environmental Quality Act.<sup>2</sup>

<sup>1</sup> County of San Luis Obispo, Department of Planning and Building, Initial Study – Environmental Checklist: City Boy Farms, Conditional Use Permit DRC2017-00123 (ED19-0043) (Aug. 16, 2019).

<sup>2</sup> Pub. Resources Code §§ 21000 *et seq.*  
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On September 5, 2019, we submitted a request for immediate access to any and all documents referenced or relied upon in the MND,<sup>3</sup> as well as a request for immediate access to any and all public records referring or related to the Project.<sup>4</sup> The former request was made pursuant to the California Environmental Quality Act,<sup>5</sup> Public Resources Code § 21092(b)(1), which requires that all documents *referenced* in an environmental review document be made available to the public for the entire comment period.<sup>6</sup> The latter request was made pursuant to the California Public Records Act § 6253(a), which requires public records to be “open to inspection at all times during the office hours of the state or local agency” and provides that “every person has a right to inspect any public record.”<sup>7</sup>

CEQA affords the public a right of access to the reference documents and supporting evidence that the lead agency is relying on to support the conclusions and findings in an Initial Study and MND.<sup>8</sup> It is well settled that a CEQA document may not rely on hidden studies or documents that are not provided to the public.<sup>9</sup> The courts have held that the failure to provide even a few pages of a CEQA document for a portion of the CEQA review period invalidates the entire CEQA process, and that such a failure must be remedied by permitting additional public comment.<sup>10</sup>

Although the County included comment letters from several government agencies with the Initial Study and MND when the public comment period opened,<sup>11</sup> most reference documents cited in Exhibit A of the Initial Study remain

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<sup>3</sup> Letter from Janet Laurain, Adams Broadwell Joseph & Cardozo to Guy Savage, Assistant County Administrative Officer, San Luis Obispo County, et al. re: Request for *Immediate Access* to Documents Referenced in Mitigated Negative Declaration – City Boy Farms, CUP: DRC2017-00123; Environmental Determination #19-043 (Sept. 5, 2019).

<sup>4</sup> Letter from Janet Laurain, Adams Broadwell Joseph & Cardozo to Guy Savage, Assistant County Administrative Officer, San Luis Obispo County, et al. re: Request for *Immediate Access* to Public Records – City Boy Farms Project, CUP: DRC2017-00123; Environmental Determination #19-043 (Sept. 5, 2019) (*hereinafter* “Initial Study”).

<sup>5</sup> Pub. Resources Code §§ 21000 *et seq.*

<sup>6</sup> Pub. Resources Code § 21092(b)(1) (emphasis added).

<sup>7</sup> Gov. Code § 6253(a).

<sup>8</sup> Pub. Resources Code § 21092(b)(1); Cal. Code Regs. § 15087(c)(5).

<sup>9</sup> *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 (“Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.”).

<sup>10</sup> *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 699.

<sup>11</sup> County of San Luis Obispo, Citizen Self Service, Plan Number: DRC2017-00123, Attachments, [https://energov.sloplanning.org/EnerGov\\_Prod/SelfService#/plan/24DDB2AF-B7A6-4170-98F6-4705-003j](https://energov.sloplanning.org/EnerGov_Prod/SelfService#/plan/24DDB2AF-B7A6-4170-98F6-4705-003j)

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unavailable.<sup>12</sup> In response to our September 6, 2019 request, the County provided access to some, but not all, documents identified in Exhibit A.<sup>13</sup> Additional documents were provided on September 9, 2019.<sup>14</sup>

The County has yet to provide the September 2018 Biological Resources Assessment completed by Terra Verde Environmental Consulting, LLC.<sup>15</sup> In addition, our office is unable to access the documents which were included in the Staff Report electronic folder produced on September 9, 2019. Lastly, the County omitted the air quality data assumptions and spreadsheet model referenced by the San Luis Obispo Air Quality Pollution Control District.<sup>16</sup>

The reference documents are essential to the Coalition's and other public citizens' ability to meaningfully review the MND and provide informed comments on the CEQA document. By failing to make all documents referenced in the Initial Study and MND "readily available" during the entire comment period, the County is violating the procedural mandates of CEQA, to the detriment of the Coalition and other members of the public who wish to review and comment on the Initial Study and MND.

To remedy these deficiencies, the County must provide additional time for the public to review the Initial Study and MND. Accordingly, we request:

- 1) the County immediately provide access to all reference documents, including, but not limited to, those materials identified above; and

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0747EBD28F1F?tab=attachments (last accessed Sept. 9, 2019); *see also* Office of Planning and Research, CEQAnet, City Boy Farms Conditional Use Permit DRC2017-00123, <https://ceqanet.opr.ca.gov/2019089069/2> (last accessed Sept. 9, 2019).

<sup>12</sup> *See* Initial Study at pp. 93-94.

<sup>13</sup> Email from Ramona Hedges, County of San Luis Obispo, Department of Planning and Building to Janet Laurain re: FW: Ramona Hedges Shared the Folder "Adams Broadwell Joseph & Cardozo #1" With You (Sept. 6, 2019).

<sup>14</sup> Email from Ramona Hedges, County of San Luis Obispo, Department of Planning and Building to Janet Laurain re: FW: Ramona Hedges Shared the Folder "Adams Broadwell Joseph & Cardozo #2" With You (Sept. 9, 2019).

<sup>15</sup> Initial Study at p. 94.

<sup>16</sup> *Id.* at pp. 28-30; *see also* Letter from Jackie Mansoor, Air Quality Specialist, San Luis Obispo County Air Pollution Control District to Ian Landreth, Count of San Luis Obispo, Department of Planning and Building re: APCD Comments Regarding the Conditional Use Permit for CB Farms Cannabis Project (DRC2017-00123) (July 23, 2019).

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- 2) the County extend the public review and comment period for the Initial Study and MND for at least **30 days from the date on which the agency releases *all* the referenced documents** for public review.

Given the short time before the current comment deadline expires, please contact me as soon as possible with your response to this request, but no later than close of business on **September 13, 2019**.

Please feel free to call or email with any questions. Thank you for your prompt attention and response to this matter.

Sincerely,



Andrew J. Graf

AJG:lj1

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