

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SAN LUIS OBISPO, CA 95060
27-4863

C.F.L.
9/22/99



W12a

STAFF REPORT PERMIT REVOCATION REQUEST: REVISED FINDINGS

Request filed:	09/25/98
Staff:	SG
Original Staff Report:	02/17/99
Revised Staff Report:	09/18/99
Revocation Hearing:	03/11/99
Revised Findings Hearing:	10/xx/99
Previous Commission Action:	
Permit Revocation	03/11/99

REASON FOR REVOCATION REQUEST: The revocation of CDP A-3-SLO-96-113 is requested because, according to the Requestor, Norman Fleming, at the June 8, 1998, Coastal Commission hearing on this project, the applicant's representative "gave wrong information to commissioners" by stating "We have an intent to serve letter" for water service when in fact no such letter had been issued by the Cambria Community Services District. The requestor alleges that 14 C.C.R. section 13105(a) has been satisfied due to the applicant's intentional inclusion of inaccurate or erroneous information.

APPLICATION NUMBER:.....R-A-3-SLO-96-113

PROJECT DESCRIPTION:25 unit condominium subdivision

PROJECT LOCATION:.....Northeast corner of Main Street and
Pineknolls Drive, Cambria, San Luis
Obispo County.

PERSON REQUESTING REVOCATION:.....Norman Fleming

APPLICANT:Dean Vadnais

SUBSTANTIVE FILE DOCUMENTS:.....Staff Reports for Application A-3-SLO-96-113; San Luis Obispo County Local Coastal Program, Permit D940132D, D940283V, Tract 2176, San Luis Obispo County LCP Amendment 1-97 Staff Report

COMMISSIONERS ON PREVAILING SIDE:.....Desser, Kehoe, McClain-Hill, Nava, Potter, Reilly, and Chairperson Wan.



SUMMARY OF COMMISSION ACTION:

On March 11, 1999, the Commission revoked the permit for this development pursuant to the grounds set forth in 14 California Code of Regulations section 13105(a). The Commission found that there was an inaccurate statement intentionally made by the applicant's representative regarding whether the applicant had secured an intent to serve letter for water service from the Cambria Community Services District (CCSD). The Commission also found that accurate or complete information would have caused it to require additional or different conditions on the permit or deny the application. The Commission will be hearing the project de novo at the same meeting that these revised findings will be heard (see item W13a of the October 1999 agenda).

Procedural Note:

Section 13105 of the Commission's regulations states the grounds for the revocation of a coastal development permit as follows:

- Grounds for revocation of a permit shall be:
 - (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application;
 - (b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application.

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The Commission approved the revocation request, thus revoking the permit. Because staff originally recommended denial of the revocation request, revised findings to reflect the action taken by the Commission are necessary. Staff therefore recommends that the Commission adopt the following resolution to confirm the following revised findings in support of its revocation of the permit on March 11, 1999.

I. STAFF RECOMMENDATION

A. ADOPTION OF REVISED FINDINGS

Staff recommends that the Commission, after public hearing, pass the following motion which would result in adoption of the revised motion and resolution of revocation and the revised findings in support of the Commission's revocation of the permit, in place of the original staff recommendation. A majority of the Commissioners prevailing on the revocation vote is needed to pass the motion.

MOTION:

I move that the Commission adopt the following revised findings in support of its revocation of Coastal Development Permit A-3-SLO-96-113.

Staff recommends a **YES** vote.

II. FINDINGS

A. PROJECT LOCATION AND DESCRIPTION

The site of the proposed development is on a hillside abutting the north side of Main Street in Cambria, in northern San Luis Obispo County.

The proposed development includes ten two-story buildings containing a total of 25 condominium units. The undeveloped portion of the site would be placed in an open space easement about 3 times the size of a recorded offer to dedicate open space easement as originally required by the Coastal Commission in permit 4-83-680. Amendment 4-83-680-A1 allows the larger open space easement to be offered in place of the existing easement configuration.



A variety of issues arose relative to the approval of this project, including issues concerning views, grading, drainage, access, and water supply. The most significant issue raised by the project and the key factor in this revocation request, was the issue of water supply as discussed in the following paragraphs.

B. WATER SCARCITY IN CAMBRIA

Water Availability

As documented in the Commission staff report for the County's North Coast Area Plan Update (LCP Amendment 1-97), water is scarce in Cambria. The current, certified LCP contains a key requirement that is intended to avoid exacerbating the existing problem of insufficient water to meet demand. Specifically, Coastal Zone Land Use Ordinance section 23.04.021c(1)(i) states:

Within an urban services line, new land divisions shall not be approved unless the approval body first finds that sufficient water and sewage disposal capacities are available to accommodate both existing development and development that would be allowed on presently vacant parcels.

LUP Public Works policy 1 states:

Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. . . .Lack of proper arrangements for guaranteeing service is grounds for denial of the project. . . .

The purpose of the LCP policy and ordinance is to avoid the creation of additional land divisions until all existing lots can be adequately served with water and sewage facilities. That is, the purpose of the policy and companion ordinance is to avoid exacerbating demands on an already strained infrastructure. Although the proposal would not create any new lots, it is considered a subdivision and a division of land under the Subdivision Map Act, as well as under the Coastal Act, in that it is creating 25 condominium units. (See Government Code § 66242.)

Local Waiting lists for Water and Water Allocation

The County did not make any specific finding that water supply and sewer disposal capacities were adequate. The County's files do show that the Cambria Community Services District (CCSD), in a letter dated April 10, 1995, stated that the property "...could be issued an "Intent to Serve" letter for water and sewer service when provisions have been



made to incorporate the County's waiting list into the District's connection permit program." According to the applicant, since October of 1990,

"no new requests have been accepted on the list maintained by the CCSD. Requests are instead placed on the County's single family or multiple family lists. This project holds position #1 and #2 on the County's list and the applicant (Vadnais) has paid a \$21,000 deposit to hold those positions. At last check, the CCSD list contained about 65 requests. When the CCSD's list is exhausted, then the County's multiple family list will be used, provided that provisions are made to incorporate the County's waiting list into the CCSD's connection permit program....SLO County Planning staff, are now working on a method to fold these two lists together."

There are two principle barriers to the issuance of an "Intent to Serve" letter:

- (1) Development of a mechanism by which the CCSD could use the County list if its own is exhausted, and
- (2) Exhaustion of the CCSD list.

Since the Commission considered this project in June 1998, it has become clear that CCSD and the County are still not close to developing a mechanism to merge the lists or enabling CCSD to provide water to parties on the County list. As of mid-March of 1998, according to CCSD, the district's multi-family dwelling list contained about 70 requests; the single family dwelling list contained about 800 requests. The Commission understands that the County and CCSD are having discussions about how to best implement the two list process. Because there is no legal provision for the district to use the County's list, presumably the CCSD Board of Directors would have to adopt a resolution to allow the district to use the County's list. The information provided by CCSD indicates that although there has been speculation that CCSD may incorporate the County's building list into CCSD's water allocation list at some unspecified time in the future, there are many unresolved issues surrounding merging of the lists and water availability after the merger.

Even if CCSD develops a mechanism for using the County waiting list, there may not be water supplies actually available at that time in any event. Assuming CCSD could use the County list, first the district would have to exhaust its own list. CCSD has indicated that under applicable regulations, it may not add to its water allocation list until all the parties placed on the list prior to 1990 (when the list was closed) have received the water that they want. That is, the district would have to contact each listee to determine if they were going to build and needed water. Only after CCSD has gone entirely through its own lists (and there were still water available), would the district likely go to the County list, if there were a mechanism allowing that. In 1996, a year in which construction was not booming, CCSD almost exhausted its lists, offering water to approximately 1,000 residential listees in order to provide water to 80 listees, the maximum allowable for that year under the County's growth



management ordinance (the LCP limits the number of residential permits in Cambria to a maximum of 125 per year). However, in 1997, the maximum number of water connections allowed for the year, 82 (the increase based on the allowed growth rate of 2.3 percent per year), had been reached after going through only about the first 300 listees. Although the district stopped accepting requests for individuals to be placed on its lists in 1990, there is no way to know when the district will exhaust its lists and get to the County list, where the applicant has the first two positions.

After extensive analysis, the Commission found on January 15, 1998, in the North Coast Area Plan Update staff report that Cambria may have already reached or exceeded its sustainable level of water use (see San Luis Obispo County Major LCP amendment 1-97). Since the Commission has found that the CCSD may have already exceeded its sustainable level of water use, it is not possible without further information to find that CCSD has sufficient capacity to provide water to the additional parties who are on CCSD's waiting list. Furthermore, there is no evidence indicating that, even if CCSD can provide water to the parties on its waiting list who have priority over this applicant, CCSD will have sufficient capacity remaining to provide water to this project, which is on the County waiting list. There is simply no reasonable assurance from any available evidence that water for this project is forthcoming shortly or within a specified time frame.

The Commission, on Jan. 15, 1998, did approve suggested modifications to the North Coast Area Plan with respect to water supply in Cambria. Among other things, the suggested modifications would require an instream flow management study of Santa Rosa and San Simeon Creeks to determine what amount of additional withdrawals, if any, may be made without adversely affecting the creek habitats or agricultural activities, and the completion of a water management strategy which includes conservation, wastewater reuse, alternative water supply, and potential stream impoundments. The suggested modifications would require that these items be completed by the year 2001 or that no further development which relies on water from those two creeks will be allowed. This Commission action on the North Coast Area Plan underscores the fact that even if the issue of the waiting lists is resolved, it is unclear whether there will be water available to serve this project. These Commission findings and suggested modifications emphasize future water availability in Cambria for projects such as this one is uncertain at best. Therefore, it is clear from this recent activity concerning water supply that there is no guarantee of water availability for a specific project such as the one proposed.

C. REVOCATION ISSUE ANALYSIS

The Commission may revoke a permit if it finds that,

- (1) an applicant intentionally submitted inaccurate, erroneous or incomplete information in connection with a permit application, and*



- (2) that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application (14 CCR Section 13105(a)). The Commission may also revoke a permit pursuant to the grounds set forth in 14 C.C.R. section 13105(b). There is no assertion in the revocation request that there was a failure to comply with notice provisions pursuant to section 13105(b). Staff review has also disclosed no evidence of any such failure; therefore, the grounds stated in subsection (b) do not apply to this revocation request.

Staff evaluated the merits of the revocation request by analysis of the request itself, existing file materials, consultation with the applicant, San Luis Obispo County Planning Department officials, and Cambria Community Services District officials, as well as listening to the tape recording of the hearing on the proposal.

1. Did the Applicant Intentionally Make an Inaccurate Statement to the Commission?

a. Were Inaccurate Statements Made?

At the original permit proceeding of June 8, 1998, the applicant's representative, responding to a question from a Commissioner regarding water supply for the project, clearly stated that he had an intent to serve letter from the Cambria Community Services District (CCSD).

Commissioner Staffel: "You do have the intent to serve letter?"

Mr. Boud: "Yes, we do. We have an intent to serve with the proviso that when the lists, between the county and the CCSD, or a letter of memorandum of understanding has been created, then water will be provided to this site."

During ensuing discussion with Commissioner Staffel at the permit hearing, the applicant's representative stated an additional 3 times that he had an intent to serve letter or that one had been issued. Investigation by Commission staff has disclosed that no such letter was ever submitted by the applicant to the Commission to support this assertion, nor has staff review and investigation disclosed any such letter or any evidence that such a letter exists. In fact, according to staff's conversations with CCSD staff, no such intent to serve letter has been issued to the applicant by CCSD. To the contrary, CCSD has informed Commission staff that its intent to serve letters are not issued by CCSD until after CCSD contacts a listee on a CCSD water waiting list, that listee indicates an intent to build, and the listee pays the required fees to CCSD. (See below for a detailed explanation of how CCSD's water waiting list operates.) None of those things have occurred here. The applicant here is not on CCSD's list and so therefore has not been contacted by CCSD and, although he may intend to build his project some day, neither has he paid fees to CCSD. Therefore, according to CCSD's regulations, no intent to serve letter could have been issued at the time of the



Commission meeting nor can one be issued to the applicant until the occurrence of the steps just outlined. The Commission finds, therefore, that the applicant's representative's statement that the applicant had an intent to serve letter from CCSD was inaccurate.

More generally, there was an additional misstatement, as follows. The applicant's representative intentionally misled the Commission by creating an impression that water availability was imminent, when in fact water availability was a remote possibility. The representative made a number of specific statements that created this impression:

"certainly, it was the intent of all parties that the multiple family list would roll over once the project was ready.

"This project is nearing completion and the discussions between CCSD and the county staff. . . recently. . . Ken Topping met with Pat Beck and others at the county, certainly, this is going to happen in the very near future."

"Are we concerned about the deployment of water at this site? Absolutely not. There is no problem, that we are clear and confident that this memorandum of understanding is going to occur."

At various points in his testimony, the applicant's representative indicated that integration of the two lists would occur "within three to six months," and "very soon." He further emphasized that "There has never been any question that the two lists must be integrated" and "We are in a position now to have the memorandum of understanding between the two agencies come to fruition."

All of the above statements made by the representative, taken together, constitute incorrect representations to the Commission that the provision of water to this project was imminent. The Coastal Commission finds, therefore, that this was also a misrepresentation made to the Coastal Commission.

b. Were the Inaccurate Statements Intentionally Made?

There is no dispute that the applicant and his representative had knowledge of the actual facts at the time of the June 8, 1998 meeting. They directly participated in discussions with local officials about provision of water. The applicant's representative is knowledgeable of and experienced in land use matters in San Luis Obispo County. All of the available evidence indicates that the representative's inaccurate statement was purposefully or intentionally presented to the Commission. The Commission finds that, for these reasons, the inaccurate statement was intentional.

Therefore, the Commission finds that the applicant's representative intentionally asserted that he had an intent to serve letter and that this statement was inaccurate. The first part of section 13105(a) has been satisfied.



2. Would Accurate Statements Have Caused the Commission to Require Different Conditions or Deny the Permit?

Having found that inaccurate statements were made, the Commission must next address whether the statements led to the Commission's decision to approve the permit on June 8, 1998. With respect to the grounds in 13105(a), the Commission must address whether accurate information would have caused the Commission to place different conditions on the permit or to deny the permit. If the Commission finds that such accurate statements would have resulted in the Commission placing different conditions on the permit or denying it, then the Commission must revoke the permit. If the Commission finds that accurate statements would not have made any difference in the Commission's action, then the Commission must deny the request for revocation. As discussed on pages 4 to 6 of these findings, water is scarce in Cambria and supplies for new development are quite limited. The discussion below addresses whether the inaccurate statements mattered to the Commission's decision in light of the scarcity of water in Cambria.

Why the Applicant's Statement Mattered

As discussed above, in the finding on water scarcity, the availability of water for projects in Cambria is far from certain. The discussion below addresses whether, in the context of that factual background, accurate statements would have caused the Commission to require different conditions or deny the permit.

The written staff recommendation stated that the applicant was not on the Cambria Community Services District water allocation list, and that the applicant couldn't get an intent to serve letter until it was possible for CCSD to use the County's list. Despite the Commission staff report, the applicant persuaded Commissioners with his assertions to the contrary.

The issue of water allocation, how and when a project can actually obtain water is important to consider as well. In a letter dated April 10, 1995, the Cambria Community Services District (CCSD) stated that the property could be issued an Intent to Serve letter for water and sewer service when provisions have been made to incorporate the County's water service waiting list into the District's.

The findings also quote the applicant as stating that,

"This project holds position #1 and #2 on the County's list and the applicant (Vadnais) has paid a \$21,000 deposit to hold those positions. . . .When the CCSD's list is exhausted, then the County's multiple family list will be used, provided that provisions are made to incorporate the County's waiting list into the CCSD's connection permit program."

Although the applicant made no mention of an intent to serve letter in that statement, the findings regarding water indicate that no intent to serve letter had been issued.



Condition 2 of the permit approved on June 8, 1998 demonstrates that the issue of water availability was an important one to the Commission. This Condition required that before the permit was actually issued, the applicant would have to complete all actual retrofitting required by the Cambria Community Services District and submit evidence to the Executive Director from the District verifying that the retrofitting had been accomplished and that the District was prepared to supply water to the project. The text of the condition is reproduced below.

Water Supply

2. **PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit to the Executive Director for review and approval a letter from the Cambria Community Services District certifying that permittee has retrofitted the requisite number of existing structures to offset the estimated water use of this project and the District has authorized a water hook-up to serve the project. The retrofitting shall be done according to the ordinances, policies, and regulations of the Cambria Community Services District, except that no fees may be paid in-lieu of any of the required retrofitting.

The findings supporting Special Condition number 2 state, in part, that

"In order to ensure that real water savings will be generated and that actual water supplies will be available for this project, the permit is conditioned to require the retrofit of the requisite number of buildings according to the district's regulations, rather than pay an in-lieu fee. With this requirement the project can be found consistent with Coastal Zone Land Use Ordinance (CZLUO) section 23.04.021c(1)(i)."

The applicant's representative's statement concerning the intent to serve letter came at a critical juncture in the public hearing. The import of such a misstatement was significant because it gave the Commission the erroneous impression that the project already had water and caused the Commission to reject staff's proposed finding on the point of whether there was a will serve. The statement by the applicant's representative was in response to a specific, direct question by Commissioner Staffel, as quoted above. During ensuing discussion, the representative stated an additional 3 times that he had an intent to serve letter or that one had been issued. Such direct inquiry and discussion typically indicate that a particular fact is critical to the decision-making process. If the issue of the intent to serve letter had not been a major factor in the Commission's decision, the discussion would not have continued as it did. It is apparent from the transcript of the hearing that the Commission was very concerned about there being adequate water before approving the proposal.

If the applicant had had an intent to serve letter as asserted to the Commission, that would have meant that CCSO had determined that water was available and the District was willing and able to provide the project with water. It would have meant a reasonable assurance of



water being available in a timeframe not completely uncertain or very distant in the future. With the understanding that water was available, the Commissioners voted to approve the project on a 6 to 5 vote. Had the applicant's representative stated that no, he did not have an intent to serve letter, the Commission would have voted to include additional or different conditions, or even deny the permit on the issue of water, indicating to the applicant that before his proposal could be approved he must be able to show that he in fact did have assurance of water.

The discussion above on water scarcity in Cambria makes clear that the problem with the applicant's inaccurate information is that it completely misled the Commission about how imminent the supply of water to the project by CCSD would be. The Commission was led to believe that there was a reasonable assurance that water would be available within a specified time frame or, at least, not at some distant unknown time in the future. It was that assurance of imminent water availability that led to the Commission's approval of the project. When the applicant's representative said that he had the letter, the Commission understood that statement to mean that there was going to be water provided to the project. Now, it is clear that the project will not be receiving water shortly from CCSD. The inaccurate information clearly made a difference to the Commission's decision in this respect.

Commissioner comments at the revocation hearing also demonstrate that the misinformation did, indeed, matter to the Commission's decision.

Commissioner Nava: "I remember clearly the response to the question, 'do you have an intent to serve letter?' because that for me was the critical juncture with respect to how I was going to vote or my impression of this particular project. So, when the answer was, 'we have an intent to serve letter,' I don't think there is anybody here who can say that that wasn't of significance to us. . . . If the answer had been 'no, I don't have an intent to serve letter'. . . I will bet you \$65 bucks that the vote would have been different. . . ."

Commissioner Potter: "Would our decision have been different at that time? Yes, I believe it would have been different if the answers to some questions that we asked had been different."

Based on the preceding discussion, the Commission finds that the grounds for revocation in 14 C.C.R. section 13105(a) have been satisfied, as follows:

1. That no intent to serve letter had been issued at the time of the Commission's June 1998 meeting, and that the applicant's representative intentionally stated to the contrary at the hearing, thus submitting inaccurate information to the Commission in connection with a pending permit application;



2. Availability of water for the project was not imminent and, in fact it is unknown when or if water will be available. The applicant's representative intentionally stated that water was imminent thus submitting inaccurate information to the Commission in connection with a pending permit.
3. That the Commission's decision approving the project with conditions would have been altered in the absence of the above inaccurate statements; specifically, the Commission would have required different conditions or denied the application without the inaccurate information.

Therefore, the grounds for revocation in 14 C.C.R. section 13105(a) are satisfied, the request to revoke the coastal development permit is approved and the permit is revoked.



CL/LO/DL
SG/TC

September 14, 1998

To: California Coastal Commissioners
Attention: Peter Douglas, Exec. Dir., Rusty Areias,
Chairman, Ralph Faust, Chief Counsel
Staff: ✓ Charles Lester, Lee Otter, Chief of Permits

Subj: Request To Nullify Commission's June 8, 1998 Approval of
Vadnais Condominium Project Based on Wrong Information
Submitted on Water Service to the Project. Ref A-3-SLO-96-113

From: Citizens for Fair Land Use and 300 Local Petitioners
Vern Kalshan (Counsel) P.O. Box 516, Cambria, CA 93428

In public testimony before the Coastal Commission, the representative (Joe Boud) for the Vadnais-Keeler StoneEdge Condominium Project gave wrong information to commissioners when asked directly do you have a (Water District) Intent To Serve Letter? After alleging that there existed certain prior understandings on water lists between the County of San Luis Obispo and the Cambria Water District, this representative (who has been working closely with the County and the Commission Staff) made the statement: "We have an intent to serve letter."

It is locally well known that only the Cambria Water District can serve water to this site, and that only this District can issue an Intent To Serve Letter. Additionally, the applicant must have a position on the District's Water Wait List, as opposed to any County list. Most germane to this matter is the August 6, 1998 issue of Cambrian newspaper quoting the County's own position on water, "----the county does not issue intent-to-serve letters, nor does it have a water waiting list for Cambria, according to Senior Planner Larry Kelly." It is also well known that availability of Cambria District water service is a key significant issue in the granting of the required Coastal Permit.

The Cambria community has spent years of effort, and much money appealing approval of plans to build the 25-family condominium project on a bluff in the middle of Cambria, and to cut an access road through a single-family residential parcel. In fairness to the community (who had no chance to rebut the wrong information given in the final hour of the hearing), and in fairness to the commissioners (who were misinformed): (1) the June 8 approval of this project should be nullified, and (2) a three-year moratorium should be imposed on any further consideration of the application. Please advise as to Coastal Commission action on this issue.

RECEIVED

Cambria Forum
PO Box 762
Cambria, CA 93428

SEP 18 1998

Citizens For Fair land Use
PO Box 1442
Cambria, CA 93428

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

EXHIBIT 1

R-A-3-90-96-113

(Citizens-- to Coastal Commission, September 14, 1998)

Copies:

California State Assembly - Tom Bordonaro

California Representative - Lois Capps

Cambria Community Service District

Directors:

L. Blanck

P. Chaldecott

H. May

K. McConnell (CCC Liaison)

D. Villeneuve (President)

General Manager:

K. Topping

Cambria Forum

W. Ryburn (Chairman)

North Coast Alliance

W. Allen (Chairman)

Cambria Legal Defense Fund

S. Ficker (Founder)

EXHIBIT 1 p2

R-A-3- SLO -96-113

August 6 1998
Cambrian
Box 67
Cambria, CA

Condo project has to meet letter of the law

By Lee Sutter
The Cambrian

Some Cambrians are still up in arms that the Dean Vadnais project got permitted, even though no water or services are available.

Cambria Defense Fund Attorney Vern Kalshan, appealing the condominium project, told the Coastal Commission during an appeal hearing in June that the StoneEdge Townhouse project did not have an intent-to-serve letter from the Cambria Community Services District.

According to Kalshan's understanding, other applicants must

have been issued the letter before getting a building permit from the county, so he wonders why an exception was made in Vadnais' case.

County planner Pat Beck, contacted later, said an intent-to-serve or a will-serve letter is only necessary before the actual building permit is issued. The county just needs to know that the applicant is on a waiting list in order to process the development plans.

However, Vadnais' agent, Joe Boud, in response to a direct question, told the commissioners he had such a letter. "The intent-to-serve letter was provided by the county to us," he said.

According to tapes of the meet-

ing, a commissioner then double checked Boud by asking: "You do have an intent-to-serve then?" "Yes we do," Boud replied.

CCSD director Kat McConnell, however, later said that no such letter has been sent, because Vadnais isn't even on the district's waiting list.

It's true that Vadnais is at the top of the county's growth-ordinance list, but the county does not issue intent-to-serve letters, nor does it have a water waiting list for Cambria, according to Senior Planner Larry Kelly.

"Technically, it's a growth-control waiting list," he said.

See StoneEdge on Page A-3

Continued from Page A-2

"People call it a water list, but it's not," Kelly said. "It could easily be called a sewer list," which is even more accurate, he added.

The county has been keeping the list, and the CCSD list is not being added to since the Growth Management Ordinance went into place in 1990.

During the course of the hearing, commissioners seemed to agree that the position on the list wasn't at issue, that it was up to the local permitting agencies.

"We have an intent-to-serve, with the proviso that when the list between the county and the CCSD or a letter of memorandum has been created, then the water will be provided to this site," Boud elaborated.

"When do you expect the memorandum?" the commissioner asked Boud.

Boud said that according to CCSD General Manager Ken Topping's last correspondence with the Coastal Commission's Regional Director Charles Lester, "it's going to happen between three to six months. They've made this a high-priority item."

Topping said the letter he sent to Lester addressed numerous subjects, including plans to hold workshops on the separate water lists, lot retirement, and target population, not just the multi-family issue. But, in a separate letter to county Planning Director Alex Hinds, Topping indeed said multi-family lists should be given

planned workshops.

Boud said the water cannot be used for other than multi-family dwellings if it's on the county's multi-family list.

"We spent \$14,300 to get on the county's list at the direction of the CCSD," Boud said, noting he expects that cashed check will be "honored by the list keepers."

Later, as the CCSD's waiting list is exhausted, the county's list would become the district's list, according to county planner Kelly. "They can't combine the lists," even though there has been talk of merging the two.

While the district's list is a long way from being exhausted — there are about 800 lined up and only 65 single-family homes can be built a year, another group of hopeful builders are on the short list.

"Multi-family gets precedence over single family," Kelly said. The difficulty is, some people build single-family homes in multi-family zones, and get a multi-family permit, if they have two 25-foot lots, equaling 3,500 square feet, although they can only build one single-family home on that, since multi-family homes require at least 6,000 square feet, he said.

EXHIBIT 1, p 3

R-A-3-510-96-113

JOSEPH BOUD
& ASSOCIATES

October 13, 1998

Dr. Charles Lester
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Vadhais Project, Coastal Permit 3-96-113

Dear Dr. Lester,

Neither I, nor my client, will be available to attend the Coastal Commission meeting in November, where you indicate the Commission will consider a request for revocation of the coastal permit because of the contention that inaccurate information was provided to them at their June 8, 1998 hearing. This is a serious accusation and we feel our presence at the meeting is necessary. Consequently, we are requesting that the item be continued to a future hearing where we are able to attend.

As you know too, there is, and has been considerable confusion related to the procedures and method whereby water is provided to proposed development projects in Cambria. Hence, the latest attack on this project by its opponents.

The Coastal Policies document and County Land Use Ordinance require development applications to provide evidence that public services, including a water supply, are available to serve a project. This was the case with this application (CCSD letter, 4/10/96; SLO Co letter, 4/11/98; County's Growth Management list/receipt verification, 8/24/95). Our position, as I have stated, is that these letters combined with the \$14,300 charge to be placed on the County's Growth Management list, collectively form the legal equivalent of a will serve entitlement and water will be provided to this project when it reaches the top position on the waiting list. The Commission also adopted Special Condition #2 which assures that an actual water supply is available by requiring retrofitting of structures to offset the estimated water use of the project.

As discussed in detail in your 6/8/98 staff report and as reflected in numerous pieces of correspondence, this will require the CCSD and SLO County to merge their lists together. This fact was very clearly stated to the Commission. As the staff report also acknowledges, these agencies are presently in the middle of a series of workshops that address this matter (see attachments: Bryce Tingle, SLO Co Deputy Director, letter dated 10/13/98; Ken Topping, CCSD Director, letter dated 5/21/98).

We believe it would be in the best interest of all parties - the Coastal Commission, the appellants and the project applicant - if consideration of this matter takes place following the CCSD & SLO County's resolution of how the two lists will be integrated. We recognize that this will further delay the project, but believe by bringing it back to the Commission after the list merger question is resolved will remove the confusion and conjecture related to the water issue. To consider this matter before this key point is resolved would be premature.

Thank you for your consideration of this request. Please don't hesitate to contact me if you have any questions or comments or if I can provide you with any additional information.

Sincerely yours,


Joe Boud
Joseph Boud & Associates

EXHIBIT**2****R-A-3-SLO-96-113**

ROM :

PHONE NO. :

Feb. 02 1998 01:48PM P3

APR-10-1995 16:02

CAMBRIA CED

805 927 5584 P.01

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

REGINALD R. PERKINS, President
JOHN R. ANGEL, Vice President
PETER CHALDECOTT
PATRICK R. CHILD
HELEN MAY



P.O. BOX 65
BRIDGE & CENTER STREET
CAMBRIA, CALIFORNIA 93428
805/927-3823
Telecopier FAX 805/927-5584

OFFICERS:

DAVID I. ANDRES
General Manager

PAULETTE BECK
District Secretary

April 10, 1995

Joe Boud
Joseph Boud & Assoc.
1009 Morro St., Ste 206
San Luis Obispo, CA 93401

RE: APN: 013-101-049

Dear Mr. Boud,

This letter confirms that the above referenced property is within the area served by the Cambria Community Services District. Said property, which holds a position on the San Luis Obispo County waiting list for Allocations (No's 312-13518 and 312-13552), could be issued an "Intent to Serve" letter for water and sewer service when provisions have been made to incorporate the County's waiting list into the District's connection permit program.

If you have any other questions please call me at 927-3823.

Sincerely,

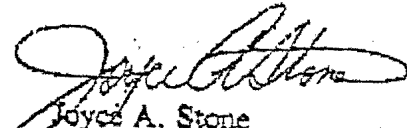

Joyce A. Stone
Clerical Assistant

EXHIBIT 2, p2

R-A-3-SIO-96-113

APR-11-1995 10:14

SLO CO ENVIR. HEALTH

P.21



SAN LUIS OBISPO COUNTY HEALTH DEPARTMENT
DIVISION OF ENVIRONMENTAL HEALTH

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

April 11, 1995

Joseph Boud & Associates
1009 Morro Street, Suite 206
San Luis Obispo, CA 93401

Re: Tentative Tract Map 2176/17-40 (StoneEdge Townhomes Project/Boud)

Water Supply and Wastewater Disposal

This office is in receipt of a letter from the Cambria Community Services District (CCSD) that verifies the above referenced project is located within the District boundaries. Said letter explains that the CCSD could issue an "Intent to Serve" letter for water and sewer service when provisions have been made to incorporate the County's waiting list into the District's connection permit program.

Environmental Health recommends the map be processed with the potential to utilize CCSD water and sewer services when they become available. However, the applicant should understand the map may be approved, only to expire because CCSD services are not yet available.

Tract 2176 is approved for Health Department subdivision map processing.

R. Lichtenfels

Richard J. Lichtenfels, R.E.H.S., M.P.H.
Environmental Health Specialist III

EXHIBIT 2, p 3

R-A-3-580-96-113

cc: Subdivision Review, Co. Planning

document\trac\trac2176.ltr
kt 4/95

Post-It brand fax transmittal memo 7671		# of pages	1
To	Joseph Boud	From	R. Lichtenfels
Co.	Boud & Assoc.	Co.	Co. E.H.
Dept.		Phone #	781-5553
Fax #	643-0565	Fax #	781-4211

PHONE NO. :

Feb. 02 1998 01:49PM P5

PA4703-R010
PAGE 12

SAN LUIS OBISPO COUNTY ALLOCATION SYSTEM
ALLOCATION REQUEST PRIORITY LIST

APPLICANT	STATUS	UNITS	PRIORITY	REQUEST NO	ASSMT
STEVEN	DEF	1	00000002	312-13161	064,122,014
JAMES	DEF	1	00000003	312-13159	064,233,027
GEORGE	DEF	1	00000004	312-13164	064,481,013
STEPHIN	DEF	1	00000005	312-13172	064,231,004
STEPHEN	DEF	2	00000006	312-13163	064,281,024
JAMES	DEF	1	00000007	312-13225	064,224,005
PATR	DEF	1	00000008	312-13309	064,233,014
PROPERTIES	DEF	1	00000009	312-13530	064,115,001
LEROY	DEF	1	00000010	312-14062	064,181,010
ROGER	DEF	1	00000011	312-14095	064,163,006
TOTAL CATEGORY 6:			11	-TOTAL UNITS: 12	
DEAN	DEF	20	00000001	312-13518	013,101,049
JOE	DEF	20	00000002	312-13552	013,101,049
TOTAL CATEGORY 7:			2	-TOTAL UNITS: 40	
TOTAL SELECTED ALL CATEGORIES:			253	-TOTAL UNITS: 291	

camyccs

camoria

CAMORIA

EXHIBIT 2, p 4

R-A-3-SLO-96-113

DATE: 03/24/95
TIME: 08:59:54
USER: LARRY KELLY
TERMINAL: PL73

PB10 SAN LUIS OBISPO COUNTY RESOURCE ALLOCATION TRACKING PAV80
03/24/95 ALLOCATION REQUEST MAINTENANCE PAM80

ACTION: BROWSE (A=ADD, B=BROWSE, C=CHANGE)
REQUEST NUMBER: 312-13518 DATE: 10/26/93 TIME: 09:42:00
ASSMT NUMBER : 013,101,049 ** DEFERRED ** ACCT: DATE:
-- OWNER INFORMATION -- -- APPLICANT INFORMATION --
FIRST NAME: DEAN FIRST NAME: JOE
INITIAL : INITIAL : L
LAST NAME : VADNAIS LAST NAME : BOUD
ADDR LINE1: 307 BRYANT ST ADDR LINE1: 1009 MORRO ST
ADDR LINE2: ADDR LINE2: SUITE 206
CITY : OJAI CITY : SAN LUIS OBISPO
STATE : CA ZIP: 92023 STATE : CA ZIP: 93401
TELEPHONE : 646-5153 TELEPHONE : 543-0565
COMMENT: \$7,000 TRANS TO 312-13552

PROJECT TYPE : SED PARCEL SIZE: 4.0 CREDIT RECEIPT:
DWELLING UNITS: 20 ACRES / SQUARE FEET: A FEE AMOUNT : 150.00
ISSUED : 0 REMAINING: 20 DEPOSIT AMOUNT: 14,000.00
RECEIPT : AB001483

PRESS (PF9) ->ACCEPT (PF10) ->REJECT (PF11) ->EXPIRE (PF12) ->WITHDRAW
PRESS (PF8) KEY FOR STANDARD FUNCTIONS PRESS (PF5) TO DISPLAY PREVIOUS RECORD

EXHIBIT 2, p 5

R-A-3-SLO-96-113

FROM :

PHONE NO. :

Feb. 02 1998 01:49PM P7

DATE: 03/24/95
TIME: 09:00:02
USER: LARRY KELLY
TERMINAL: PL73

PR10 SAN LUIS OBISPO COUNTY RESOURCE ALLOCATION TRACKING PAV800
03/24/95 ALLOCATION REQUEST MAINTENANCE PAM800

ACTION: BROWSE (A=ADD, B=BROWSE, C=CHANGE)

REQUEST NUMBER: 312-13552 DATE: 11/29/93 TIME: 15:15:00

ASSMT NUMBER : 013,101,049 ** DEFERRED ** ACCT: DATE:

-- OWNER INFORMATION --

-- APPLICANT INFORMATION --

FIRST NAME: DEAN

FIRST NAME: JOE

INITIAL :

INITIAL : L

LAST NAME : VADNAIS

LAST NAME : BOUD

ADDR LINE1: 307 BRYANT ST

ADDR LINE1: 1009 MORRO ST

ADDR LINE2:

ADDR LINE2: SUITE 206

CITY : OJAI

CITY : SAN LUIS OBISPO

STATE : CA ZIP: 93023

STATE : CA ZIP: 93401

TELEPHONE : 646-5153

TELEPHONE : 543-0565

COMMENT:

PROJECT TYPE : SBD

PARCEL SIZE: 4.0

CREDIT RECEIPT: AB001483

DWELLING UNITS: 20

ACRES / SQUARE FEET: A

FEE AMOUNT : 150.00

ISSUED : 0

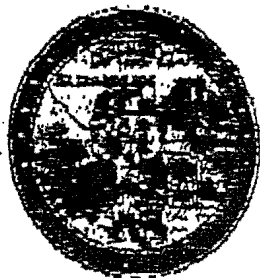
REMAINING: 20

DEPOSIT AMOUNT: 7,000.00

RECEIPT : AB001518

PRESS (PF9) ->ACCEPT (PF10) ->REJECT (PF11) ->EXPIRE (PF12) ->WITHDRAW
PRESS (PF8) KEY FOR STANDARD FUNCTIONS PRESS (PF5) TO DISPLAY PREVIOUS RECORD

EXHIBIT 2, p 6
R-A-3-520 -96-113



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

ALLX HINDS
DIRECTOR

BRYCE TINGLE
ASSISTANT DIRECTOR

TIFFIN CARROLL
ENVIRONMENTAL COORDINATOR

BARNLY MCCAY
CHIEF BUILDING OFFICIAL

October 13, 1998

Mr. Charles Lester
California Coastal Commission
Central Coast District Office
725 Front Street
Santa Cruz, CA 95060

Re: Vadnais Project, Coastal Permit 3-96-113

Dear Mr. Lester:

Joe Boud, representative for the Vadnais project, has informed me that your Commission is considering revoking the coastal permit on this project. I understand that Joe is submitting a letter asking that the hearing on the possible revocation be delayed to a future date so that issues between the county and the Cambria Community Services District (CCSD) can be resolved as they pertain to this project. He asked that I send this letter to let you know what is underway between the county and the CCSD to resolve a number of issues.

Beginning later this month, we will be meeting on a monthly basis with staff representatives from the CCSD to work through a number of technical issues regarding water allocations in Cambria. One of the issues to be addressed is how to handle the allocation lists maintained by the county and the CCSD. We don't have a specific date for addressing this particular topic but it is one of the more important issues we will begin working on. It is up to your Commission to decide whether to defer action on the Vadnais coastal permit until these issues are resolved.

Please note that this letter is only for providing you with information about the work we will be doing with the CCSD and is not taking any position on the possible revocation of the Vadnais project permit. Please contact me if you have any questions.

Sincerely

Bryce Tingle AICP
Assistant Director, Planning and Building

c: Joe Boud
Ken Topping, General Manager CCSD
g:\eduo\cccvadna.ltr

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

DONALD VILLENELIVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL



OFFICERS:

KENNETH C. TOPPING
General Manager
PAULETTE BECK
District Secretary
ROGER LYON
Legal Counsel

2284 CENTER STREET, PO BOX 65, CAMBRIA, CA 93428
Telephone: 805/927-6223 - FAX: 805-927-5584

May 21, 1998

Charles Lester
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

RE: Permit Number A-3-SLO-96-113 (Dean Vadnais)

Dear Charles,

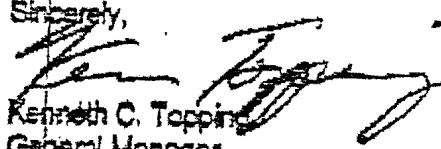
I have been requested to provide up-to-date information to the Coastal Commission regarding status of water availability for Permit Number A-3-SLO-96-113, an application by Mr. Dean Vadnais for a 25 unit residential condominium project which has been appealed by the Cambria Legal Defense Fund.

This project is on the County of SLO multi-family permit waiting list. Current practice of the CCSD is to utilize its own waiting list for multi-family. This list has been exhausted in most years. However, the County would like to see the County's multi-family waiting list attached to ours. This would enable a project to gain water availability through the County multi-family list if all of CCSD's multi-family allocations are not used up in a given year.

CCSD staff has met initially with the County Planning and Building Department at their request about this and other issues. The two staffs have jointly concluded that this is one of several subjects which should be addressed between the District and the County. It was further agreed that we would be meeting in a series of workshops on these subjects, including the multi-family waiting list as a priority over the next several months.

A copy of a letter to Alex Hinds to effect is enclosed. Should you have any questions please do not hesitate to contact us.

Sincerely,


Kenneth C. Topping
General Manager

KCT/pb

cc: Alex Hinds
Steve Guiney
CCSD District Counsel

EXHIBIT 2, p 8

R-A-3-SLO-96-113

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

DONALD VILLENEUVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL



OFFICERS:

KENNETH C. TOPPING
General Manager
PAULETTE BECK
District Secretary
ROGER LYON
Legal Counsel

2284 CENTER STREET, PO BOX 65, CAMBRIA, CA 93428
Telephone: 805/927-6223 - FAX: 805-927-5584

May 21, 1998

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

Dear Alex,

It was a pleasure meeting with your staff this morning and it's clear that we have a number of things to talk about relative to multi-family permit waiting list administration and related issues.

The conclusion of our meeting regarding the multi-family waiting list, North Coast Area Plan target population, lot retirements, etc. was to agree on the arrangement of multiple workshops to explore and assess the issues more fully with the goal of reducing inconsistencies in practice and resolving any apparent issues of equity for applicants. Paulette of my office will be in touch with your staff regarding the scheduling of these workshops, with the subject of multi-family lists to be given a high priority. My suggestion is that the first one should take place sometime mid to late June.

We look forward to working out some of these problems which have existed for some time over the next three to six months.

Sincerely,


Kenneth C. Topping
General Manager

cc: CCSD Directors
Roger Lyon

Ex 2, p 9

R-A-3-SLO-96-113

CAMBRIA COMMUNITY SERVICES DISTRICT



DIRECTORS: ---
DONALD VILLENEUVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL

OFFICERS:
DAVID J. ANDRES
General Manager

PAULETTE BECK
District Secretary

2284 CENTER STREET
P.O. BOX 65
CAMBRIA, CALIFORNIA 93428
805/927-6223
Telecopier FAX 805/927-5584

February 6, 1997

Mr. Norman Fleming
952 Iva Ct
Cambria, CA 93428

RE: Your letter of February 4, 1997, Concerning Vadnais/Boud Project Tract 2176, Cambria

Dear Mr. Fleming,

This is in response to your letter of February 4, 1997, concerning the Vadnais/Boud Project Tract 2176.

The Vadnais parcel is not on the CCSD Multi-Family Residential Waiting List and no "Intent to Serve" letter has been issued for the Vadnais project. There are currently 926 positions on the CCSD Residential Single Family Waiting List and 86 positions on the CCSD Multi-Family Waiting List. The CCSD stopped taking new applicants for these residential waiting lists in 1990.

For your information, a copy of CCSD Ordinance 1-97 is enclosed. Attachment 1, Section C Paragraph 1" states as follows:

The Board of Directors of the Cambria Community Services District shall authorize the General Manager to issue such number of "Intent to Serve" letters under this program as deemed appropriate and in accordance with Ordinances W-82, 1-93, 4-93, 2-94 and 2-95 as may be amended. In the event the residential multi-family list is exhausted, "Intent to Serve" letters shall be issued to applicants on the Residential Single Family List. The Small Project and Large Project Commercial Waiting List shall be used interchangeably in the event any allocations are left unused.

It has been District staff's interpretation of this section that if and when the CCSD's Multi-Family List of 86 positions is exhausted, Intent to Serve letters would then be issued to the next eligible people on the District's Residential Single Family Waiting List.

Your letter also asks: "Is there a guess how many years waiting time for Vadnais/Boud?" There are a total of 1,012 positions currently on the CCSD's waiting list (926 on the Residential Single Family List and 86 on the Multi-Family List). There are 78 residential Intent to Serve letters

Ex 3

D.A.-3-512-84-112

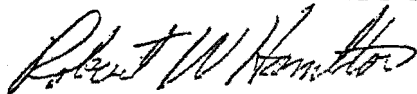
Mr. Norman Fleming
Vadnas/Boud
February 6, 1997
Page 2

that can be issued this year under the current Plumbing Retrofit Program (Ordinance 1-97), 62 single family and 16 multi-family, which leaves 934 positions after this year. If an average of 85 (because of the 2.3% increase each year) Intent to Serve letters are issued each year, it would be sometime in the year 2008 before the CCSD's residential lists would be exhausted, assuming current District policies continue. The CCSD does not now have in place any ordinance or other policy document indicating how or under what circumstances residential properties will be served that are on the County's list, but not on the current CCSD residential waiting list.

This letter reflects staff's interpretation of the current District ordinances and policies. The district Board, of course, would have the discretion in the future to modify or clarify District ordinances and policies.

If you have any questions, please call me at 927-6223.

Sincerely,
CAMBRIA COMMUNITY SERVICES DISTRICT



Robert W. Hamilton
Utilities Manager

Enclosure

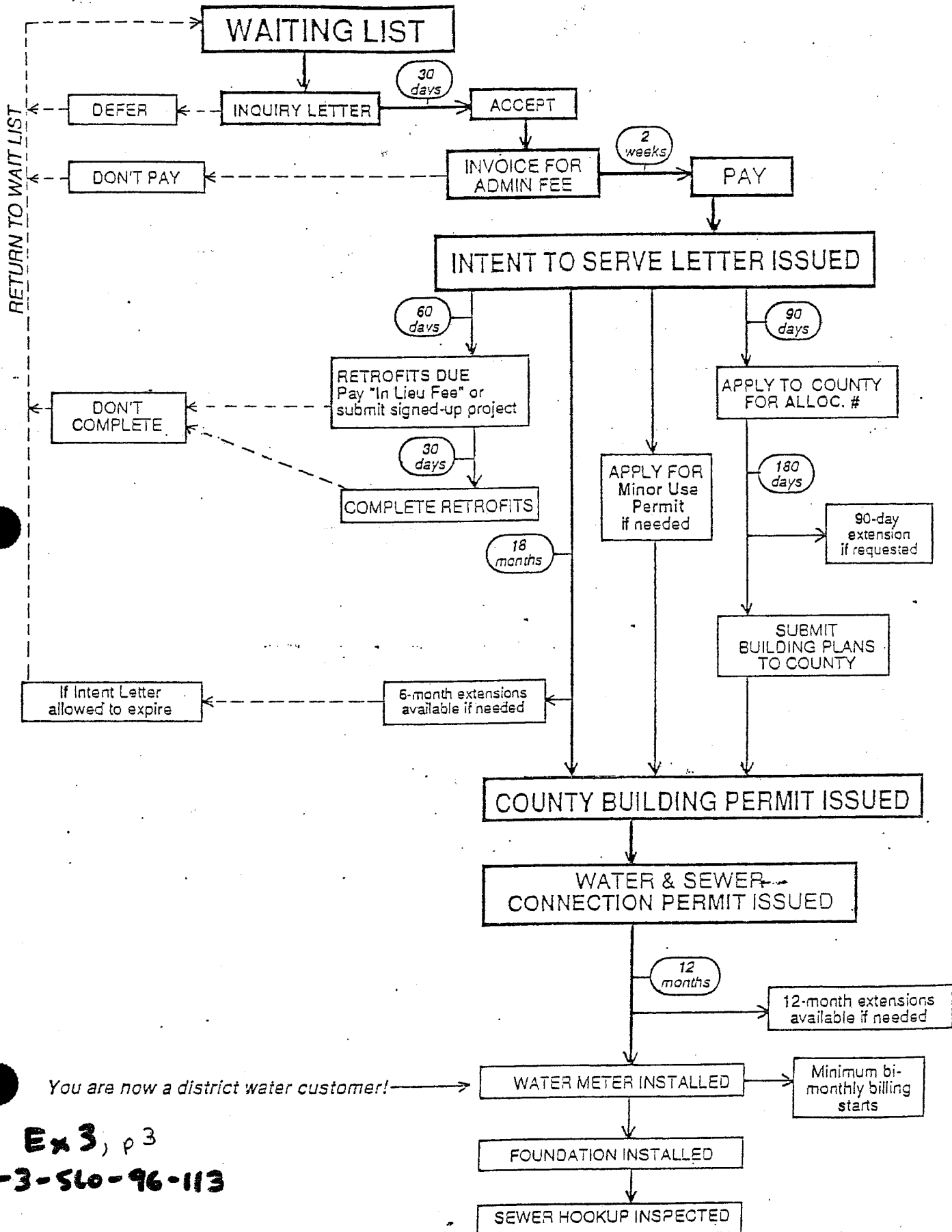
cc: Board of Directors

Ex 3, p 2

A-A-3-SLO-96-113

Attachment A2

Cambria Community Services District NEW CONSTRUCTION PROCESS FLOW CHART



Ex 3, p 3

A-3-SLO-96-113

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:
DONALD VILLENEUVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL



OFFICERS:
KENNETH C. TOPPING
General Manager
PAULETTE BECK
District Secretary
ROGER LYON
Legal Counsel

August 19, 1998

2284 CENTER STREET, PO BOX 65, CAMBRIA, CA 93428
Telephone: 805/927-6223 - FAX: 805-927-5584

Mr. Peter Douglas
Executive Director
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

RECEIVED

AUG 25 1998

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RECEIVED

AUG 24 1998

CALIFORNIA
COASTAL COMMISSION

Dear Peter:

An apparent misstatement was made by a Mr. Joe Boud at the Coastal Commission meeting of June 8, 1998, to the effect that he was in possession of an Intent to Serve letter from CCSD for a project under appeal at that time before the Commission (A-3-SLO-96-113). Mr. Boud is the agent for the applicant.

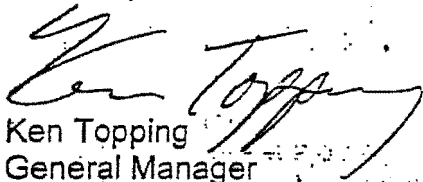
In the enclosed transcript of a portion of the proceedings taken from a tape which the District was only recently able to obtain, Mr. Boud states/implies four different times (statements underlined) that he is in possession of an Intent to Serve letter from the District. His statements were incorrect in two respects:

1. the project has not been issued an Intent to Serve letter by the District;
2. the project is not on the District's water and sewer multi-family wait list from which Intent to Serve Letters are issued.

In examining the Commission staff report and related District correspondence on this matter, it is clear that the project is on the County's multi-family waiting list for growth management allocations. However, the County has no jurisdiction over the District's water and sewer waiting list, intent letter, and permit administration.

This occurrence has created serious misunderstanding within our community. You are strongly encouraged to examine the standards of accuracy of testimony before the Commission, and to seriously consider what steps can be taken to correct any action by the Commission which appears to have been based upon inaccurate statements by the project's representative.

Sincerely,


Ken Topping
General Manager

Ex 3, p4

R-A-3-SLO-96-113

cc: Rusty Areias
Steve Guiney
Charles Lester

Excerpt from Coastal Commission meeting 6/8/98

Commissioner: "Do you have an Intent to Serve Letter?"

Joe Boud: "The Intent to Serve letter was provided to us(emphasis added); with the proviso that when the lists between the county and the CCSD are, a letter of memorandum of understanding has been created and water will be provided to this site. According to Ken Topping's latest correspondence to Charles Lester that's going to happen within three to six months. They've made this a high priority item, primarily because this project sits as number one on the county list, and again, the water cannot be used for other than multi-family use if it's on a multi-family list. We expect that to occur very soon, otherwise, obviously, we would be looking to legal avenues to insure that our \$14,300 check that was cashed is honored by the list keepers."

Commissioner: "So the district has made a determination that you will get this memorandum because you are multi-family..."

Boud: "that's a decision that's made by the directors, but as far as the staff and the prior directors understanding, there has never been any question, and certainly not from the county either, that the two lists must be integrated, otherwise you're not meeting the Coastal Act. You cannot give out a multi family water allocation to a single family one, unless you go first through the growth management list, which is where ..."

Commissioner: "In my county, you don't even get into the planning department unless you have an Intent to Serve letter."

Boud: "We have an Intent to Serve letter."

Commissioner: "The staff report says, "could issue an intent..." The reason I ask this question is because the permit expires two years from the date that it is issued and if you don't get the intent to serve or you don't get the water allocation, you're going to be back before us with an extension requirement, potentially."

Boud: "The letter was issued, it was with that proviso that there would be the integration of lists and there's never been a priority on that until this commission approves the project this evening, because then we are in a position now to have the memorandum of understanding between the two agencies come to fruition. But yes, we have that letter from the CCSD and we have a letter from County Health Dept that reflects that comment."

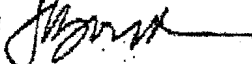
FACSIMILE TRANSMITTAL

To: Steve Gulney

Company: Coastal Commission

Date: November 10, 1998 **Time:** 9:30 am PST

FAX Number: 408 427 4877

From: Joseph Boud 

Company: JB&A

FAX Number: 805 - 543-2187

Phone Number: 805 - 543-0565

eMail: JCBoud@aol.com

Address: 1009 Morro Street, Suite 206
San Luis Obispo, California 93401
U.S.A.

Number of pages including transmittal page: 1

Note: If you have problems with this FAX, please call 805 - 543-0565

Comment: Re: Consideration of Revocation of Permit Hearing Dates
Steve. As I mentioned to you on the phone, the only dates that are in conflict with Dean Vadnais and my schedules are Dec 1998 and Jan 1999. You mentioned March, 1999 in Monterey, which is open on my calendar, however I have not heard back from Mr. Vadnais on his availability. If assigning a date is an urgent matter, March or anytime after we will certainly make ourselves available and I will leave it up to your office to schedule the item.

I also direct your attention to my October 13 letter to Charles Lester where I pointed out that it would be our preference to schedule such a hearing after the County and CCSD resolve the water list merging business. As you know, this is the subject of on-going discussions between these agencies and with the recent fact that there are 12 MF allocations available from 1998 and the CCSD has exhausted their multi-family permit list, this matter is receiving quite a lot of attention.

Please let me know what is decided by your office. Thank you, Joe Boud

E x 3, p6

R-A-3-560-96-113

THE CAMBRIA FORUM

P.O. BOX 762 Cambria, CA 93428

Ph: (805) 927-5413

Fax: (805) 927-2466

OFFICERS-

Chairman:
Wayne Ryburn

Co-Vice Chairmen:
Bob Bell
Richard Youngman

Treasurer:
George Nedleman

Secretary:
Pat Hascall

November 11, 1998

Mr. Charles Lester
District Manager
California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

DIRECTORS-

Bill Allen
Norman Fleming
Glenn Hascall
Jacque Kelly
Bob McDonnell
Rob Trask
Bill Warren

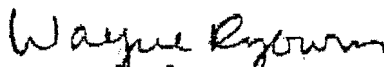
Dear Mr. Lester:

Because of the controversy surrounding Permit Application # 3-98-113 (Vedraia Project), we are requesting that the hearing scheduled for February 1999 be continued to your March 1999 meeting in Monterey.

A hearing in Monterey would allow local residents concerned with your certification of this project to attend and testify, thereby insuring adequate citizen participation.

Thank you for your continued support.

Sincerely,



Wayne Ryburn
Chairman

ADVISORS-

Shirley Bianchi
John Buckley
Doug Buckmaster
Ken Butterfield
Lucia Capicchione
Mary Cole
Walt Cole
Jeanne Dewes
Harry Farmer
Ann Glaser
Walt Glaser
Brian Glusovich
Judith Jeane
Peter Jeane
Mike Levy
Jim Lyon
John Olson
Bey Prayer
Jerry Prayer
Gene Valderi
Art Van Rhyn
Pat Van Rhyn

cc: Bill Allen, North Coast Alliance
Linda Krop, Environmental Defense Center
Ken Topping, Cambria Community Services District
Shirley Bianchi, Planning Commission

Ex 3, p 7

R-A-3-510-96-113

11/12/98

To: California Coastal Commission
725 Front Street
Santa Cruz, CA 95060

Att: Charles Lester, District Manager
cc: Peter Douglas, Executive Director

Subj: Vadnais/Boud Revocation Request Hearing Schedule

We request that the above hearing be held in March at the Monterey location rather than the Coronado location. Many from the Cambria community could attend the Monterey location traveling by bus on a one-day round trip. It would be an undue hardship to make it to the Coronado location, many could not afford to, or have the stamina to attend. The best time of day for bus travelers to attend would be before noon.

At the same hearing, North Coast Update matters could be reviewed since many Central Coast residents could also attend.

Thank you,

Norman Fleming

Citizens for Fair Land Use

Ex 3⁸
R-A-3-540-96-113

Dear Mr. Lester:

- 1) The Vadnais Condominium Project in Cambria is not on the Water District's waiting list and even though it's on the San Luis Obispo's list our CCSD has no intention of blending the two lists in the near future. The Developer lied to the commission when he stated that water was not a problem.
- 2) It has been over 10 years since the LCP for our county has been reviewed. In light of the Board of Supervisors intransigence in accepting the commissions recommendations of the North Coast Update, this review is most important.

George Nedleman DDS
538 Orlando
Cambria, CA 93428

Ex 3, p 9

R-A-3-510-46-113

BOARD OF SUPERVISORS

COUNTY GOVERNMENT CENTER, Room 370 • SAN LUIS OBISPO, CALIFORNIA 93408-2040 • 805.781.5450



RECEIVED
DEC 22 1998

LAURENCE L. LAURENT
SUPERVISOR DISTRICT TWO

December 17, 1998

CALIFORNIA
COASTAL COMMISSION

RECEIVED

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

JAN 05 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Vadnais Project: Cambria, California
D940132D/Tract 2176

Dear Commissioners,

The above referenced project was approved and a Negative Declaration was issued by the San Luis Obispo County Board of Supervisors by a vote of 4 -1 on September 17, 1996. Supervisor David Blakely made the motion for approval and I voted in favor of the project.

This project proposes to develop 25 dwelling units in duplex and triplex configurations on a 3+ acre site on Main Street in the community of Cambria. Along with typical site development features such as landscaping, lighting, textured pavement areas and pedestrian linkages, the project has also been conditioned with the requirement of providing two affordable housing units and the much needed improvement of approximately 450 feet of Main Street frontage consisting of curb, gutter and sidewalk, parking lane, bicycle lane, travel lane and a continuous center turn lane.

This 3 acre site was originally part of an 11 acre parcel that was rezoned and a Master Plan approved in 1982-83. Special planning area standards were incorporated into Cambria's General Plan which directs residential development on this portion of the site and retail commercial/professional office uses on the remainder of the property. The standards also address density, open space requirements, architectural theme, landscaping, heights, setbacks, parking and other features of site development. The Cambria Village Square shopping center complex has been completed and, as envisioned in the general plan, contains a variety of shops, restaurants and office uses as well as the Cookie Crock market. Development of this site will complete and implement the residential element of the plan for this area.

Ex 3, p10

R-A-3-560-96-113

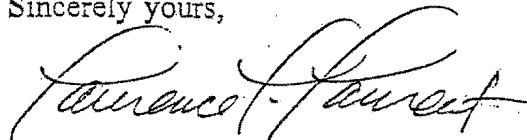
The project was brought before the North Coast Advisory Council several times for courtesy reviews and community input. They approved the project at their April 17, 1996 meeting. The project was also approved by the SLO County Planning Commission on May 13, 1996 and, on appeal, by the Board of Supervisors on September 17, 1996, as previously mentioned.

The Board remarked that it was an architecturally interesting and handsome project that was consistent with the community's General Plan and compatible with the character of the community. The project incorporated or has been conditioned to respond to issues such as visual impact, traffic impact, grading & draining, impacts to Santa Rosa creek, geotechnical suitability and other similar environmental concerns.

I am aware that the County's approval was appealed to the California Coastal Commission who, after detailed analysis of drainage system design and flooding impacts, approved the project in June of 1998. I am aware, too, that there continues to be some local opposition to this development; however, it is my belief that the latest point raised of the description of water service to this project is one of semantics and is not material to the project's approval. The applicant clearly followed the County's development application procedures by producing evidence that public services, including water, was available to serve the project. The timing and delivery of such services will be managed by the appropriate local agencies.

The developers have done everything expected of them; it is time to allow this project to go forward. Thank you for your consideration.

Sincerely yours,



Laurence L. Laurent
Supervisor District 2

cc: Peter Douglass, Executive Director, California Coastal Commission
Charles Lester, Coastal Commission District Manager
Ken Topping, Cambria CSD Manager

Ex 3, p 11

A-4-3-810-96-113

February 10, 1999

RECEIVED

FEB 16 1999

Dr. Charles Lester
California Coastal Commission
Central Coast District Office
725 Front Street
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: Vadnais Project, Cambria, CA
Coastal Permit 3-96-113

Dear Dr. Lester,

As you know, the above referenced project was approved by the Coastal Commission on June 8, 1998 and on September 21, 1998, a request for revocation of the permit was filed by opponents of the project. We were informed in your September 29, 1998 letter that the coastal permit for the project would be suspended pending a hearing by the Coastal Commission to consider the revocation issues. This hearing has been scheduled for the March 9 -12, 1999 Coastal Commission meeting in Carmel.

In support of the project and in response to the allegations in this latest attack on this project I am providing the following comments and information. First though, I want to say that it is my understanding of the Coastal Commission Regulations, Title 14, Section 13105, that revocation is appropriate only in the presence of intentional and material misrepresentations and the Commission's deliberation is limited only to the points raised in the opponent's appeal. The only point raised by the opponents relates to the method and procedures whereby water will be provided to the proposed project.

For those not familiar with this project and to refresh the minds of others, I direct you to the letter in the attached exhibits written by Mr. Bud Laurent, former San Luis Obispo County Supervisor for this district and present director of the Santa Barbara based Community Environmental Council, who describes the project, the County's expectations for development on the property, the history of community and County approvals for the project and also provides some comments related to the issue of water service to the project. In his letter Mr. Laurent states:

"The description of water service to this project is one of semantics and is not material to the project's approval. The applicant clearly followed the County's development application procedures by producing evidence that public services, including water, was available to service the project. The time and delivery of such services will be managed by the appropriate local agencies."

I also direct your attention to the staff report for the project which was presented to the Commission at the 6/8/98 meeting (attached). Three pages of discussion and Special Condition #2 centers around the specific issue of water, the evidence that was submitted verifying water service to the project, and how and when water would be delivered to this project. This matter was described and presented to the Commission in great detail by the staff.

Comments were also made by myself during the public comment period of the Commission meeting where I too described the documentation we had received, the application processing requirements and the procedures whereby water would be delivered to this project. Unfortunately, the opponents of this project conveniently chose to isolate my comments from the context of all of the discussion information and remarks provided during the course of the hearing and in the several pages of staff report discussion of this item.

As has been pointed out from the initiation of this project, the County's Coastal Policies document and SLO County Land Use Ordinance require development applications to provide evidence that public services, including a water supply, are available to serve a project. This was the case with this application (see attachments: CCSD letter, 4/10/95; SLO County letter, 4/11/95; County's Growth Management list/receipt verification, 3/24/95; Canceled check dated 10/23/923 for \$14,150.0). Call it a Water Allocation, a Will Serve Letter, an Intent to Serve Letter or anything you want, it is and always has been our position, that the letters received from the CCSD and the County, combined with the \$14,150 charge to be placed on the County's Growth Management list, collectively form the legal equivalent of the requisite water service verification and water will be provided to this project when it reaches the top position on the waiting list and the procedural matters of administering these lists are worked out by the respective local agencies. This project would not have been accepted for County processing if these procedures had not been followed. However, the procedures were followed and the application was deemed complete and was accepted for processing by the County on 5/25/95 (attached).

Indeed, this is the identical process described to us in an 11/29/93 pre-application meeting with the County Planning staff, it is described in the Planning Department's Growth Management handout and was also elaborated upon by Mr. Bryce Tingle, Deputy County Planning Director, in a 1/29/97 letter to the Coastal Commission staff (see attached exhibits). Mr. Tingle writes:

"... the county will make residential allocations from the county-maintained lists once the "...CCSD's waiting list is exhausted." We have had discussions with the CCSD manager, Dave Andres, about the need for the district to make sure that they make allocation for single family and multi-family units in accordance with the requirements of the county general plan and growth management ordinance."

In this same letter, Mr. Tingle goes on to say:

"We administratively follow the process outlined in our growth management ordinance and public info handout, namely, we will use the county lists when the CCSD lists are exhausted. For purposes of the Vadrnais project, we would intend to make allocations to that project when all potential users for the CCSD's multi-family list in a given year have either obtained water, or have indicated that they do not wish to use the water in the year in which their place on the list makes them eligible for a "will-serve" letter from the CCSD. We will then consider the CCSD multi-family list "exhausted" and multi-family projects on the county list should be eligible for allocations."

When the County adopted the Growth Management Ordinance in February, 1990, no new names were allowed to be added to the CCSD's waiting lists for water service. Those wishing to develop residential property in Cambria must file their request with the County and be placed on their growth management allocation list inventory. Clearly, placement on the County's list is the only available option for projects in the Cambria area and, even more clearly, it has always been anticipated that when the CCSD multi-family list or the single family list is exhausted the County's lists will be used. As evidence: according to SLO Co Planning staff, as of this date, there are 56 multi-family allocation requests and 247 single family requests on the County's Growth Management lists.

Ex 3, p 13

R-A-3-SLO-96-113

The CCSD's staff position may be that the County has no jurisdiction over their district, however there are a number of citations in the County Code which do not reflect this position. Section 26.01.070g(1)(a) of the County's Growth Management Ordinance states that:

"Allocation limit. The annual number of new dwelling units to be allocated shall not exceed 2.3% of the total number of dwelling units within the community services district boundary within the Urban Reserve Line as designated in the County General Plan. The dwelling units to be allocated shall be taken from those applicants next in line on the community waiting list. The number of allocated units may be reduced if the resources are not available to support the maximum number of potential allocations. Any unused allocations not utilized by Cambria shall become available for countywide allocation in accordance with the provisions of this title."

Section 26.01.070g(1)(b) of the Growth Management Ordinance states:

"Freezing of existing waiting lists. In order to eventually eliminate the need for an individual community waiting list for services, the CCSD list that exists as of December 31, 1990, shall be frozen for purposes of administering this title. The County shall obtain a certified copy of the waiting list and all future allocations within each community shall come from the certified list. Any applicant wishing to apply for a dwelling unit allocation that is not on the certified list shall apply to the county for placement on the county's waiting list for Requests for Allocation. At the point in the future when each existing community waiting list is exhausted, all future requests for new dwelling units shall be added to the county's waiting list on a first-come-first-served basis and all allocations for new dwelling units in the unincorporated county shall be made from the county waiting list."

The Cambria Community Services District Ordinance No. 2-97 Section 2.5-5 acknowledges the County's responsibilities in administering requests for residential water and sewer services in accordance with the Growth Management Ordinance, Title 26. Section 2.5-5:K of the CCSD Ordinance No. 2-97 also states that:

"This subsection shall outline the procedures for the Assignment of 'positions'. In this Subsection 'K' the term position means, for any parcel and applicant, a currently valid position on the water and sewer connection waiting list..."

And Section 2.5-5:K3B of the CCSD Ordinance states that:

"The following types of transfers shall not be allowed:

B. The transfer of a "position" to a new parcel which is of a different zoning or has been designated as a different class of customer by the District for water and/or sewer purposes."

The adopted SLO County Local Coastal Plan, North Coast Planning Area, Cambria Urban Area Standards, Communitywide Section 3a & 3b, related to water service states that:

"Seventy (70) percent of the 125 permits shall be reserved for single family residential uses."

"Thirty (30) percent shall be reserved for multiple family residential uses."

Ex 3, p 14

R-A-3-SLO-96-413

The proposed North Coast Area Plan has modified this to reflect the language in the Growth Management Ordinance. Under the Cambria Urban Area Standards, Communitywide, Section 3A, states that:

"Allocation of permits. Applicable permits shall be distributed as follows according to Title 26, Growth Management Ordinance:

1. 80% of the total for single family dwellings.
2. 20% of the total for multi-family dwellings or planned developments."

Clearly, multi-family water allocations in Cambria may only be used for multi-family projects or they would violate this adopted Coastal Policy and the CCSD's own ordinance. Since unused water allocations can only be offered to multi-family projects, if there are none on the CCSD's list, the County's list must be used in the manner described in the Growth Management Ordinance. This is so obvious it is absurd to think otherwise.

As reflected in numerous pieces of correspondence from the CCSD and the County, this will simply require the CCSD and SLO County to merge their lists together through a Memorandum of Understanding or similar instrument, however we believe that this procedure has already been addressed by the Growth Management Ordinance as identified above. These agencies are presently engaged in a series of workshops that address this matter (see attachments: Bryce Tingle, SLO Co Deputy Director, letter dated 10/13/98; Ken Topping, CCSD Director, letter dated 5/21/98; List of Topics - District/County Discussions dated 12/21/98) and we are confident that this will be accomplished in the near future.

The opponents have continually failed to acknowledge these facts and the fact that this is an infill project located in the middle of Cambria that conforms exactly to the adopted County's Land Use Element, Land Use Ordinance and Growth Management Ordinance. As Mr. Laurent explains in his letter,

"This 3 acre site was originally part of an 11 acre parcel that was rezoned and a Master Plan approved in 1982-83. Special planning area standards were incorporated into Cambria's General-Plan which directs residential development on this portion of the site and retail commercial/professional office uses on the remainder of the property. The standards also address density, open space requirements, architectural theme, landscaping, heights, setbacks, parking and other features of site development. The Cambria Village Square shopping center complex has been completed and, as envisioned in the general plan, contains a variety of shops, restaurants and office uses as well as the Cookie Crock market. Development of this site will complete and implement the residential element of the plan for this area."

The opponents have also chosen to overlook the fact that the project was brought before the North Coast Advisory Council four different times for courtesy reviews and community input and was approved at their April 17, 1996 meeting. The project was also approved by the SLO County Planning Commission on May 13, 1996 after a series of continued hearings and conditions of approval revisions which addressed the concerns of the Planning Commission and, on appeal, approved by the Board of Supervisors on September 17, 1996. During the course of these appeals, these same opponents also filed a lawsuit against the project's applicant and a judgment was awarded, with costs, in favor of Mr. Vadnais and against the opponents. Even the Court found no validity to their legal arguments against the project! And now, this same group of disgruntled people are hoping to reverse nearly 20 years of land use planning programmed for this site and nearly 6 years of project plan development and public hearings through a very transparent, shallow, last ditch maneuver which is a complete abuse of the regulatory process, not to mention a huge waste of time and energy. Frivolous appeals of this nature should not be condoned or encouraged.

Ex 3, p15

R-A-3-SLO-96-113

The issue of how and when water will be delivered to this site is a procedural matter that will be administered by the respective local agencies. We are fully aware of the apparent relationship that must be established between the County and the CCSD and we are also aware that the project must comply with the twenty four (24) Development Plan conditions and the twenty two (22) Vesting Tentative Tract Map conditions imposed by the County of San Luis Obispo, as well as the eleven (11) additional conditions that have been imposed by the Coastal Commission. We have gone on record in agreement with and in acceptance of all of these conditions of approval.

As to the matter of revocation of the coastal permit for the project, there can only be one conclusion. There was absolutely no factual misrepresentation of information provided to the Commission and the matter of water service is not at all material to the coastal permit. This project followed the exact application procedures established by the County, the description of water service for this project was made crystal clear to the Commission by the staff and myself and the project reflects the land use development scheme expected by the community and the County.

We are confident that this Coastal Commission will affirm their June 8, 1998 approval of this project and deny this request for revocation of the permit. Thank you for your consideration of this information and support of the project.

Sincerely yours,



Joe Boud
Joseph Boud & Associates

cc: Dean Vadnais, applicant
Peter Douglas, Director, Coastal Commission
Coastal Commissioners
Jack O'Connell, State Senator, 18th District
Lois Capps, U.S. Assembly, 33rd District

Attachments: Laurence "Bud" Laurent letter, 12/17/98
Coastal Commission staff report, 6/8/98 (partial)
Cambria Community Services District letter related to water service, 4/10/95
SLO County Health Department letter related to water service, 4/11/95
Copy of Vadnais check for \$14,150 for placement on list, 10/25/93
Receipts & Copy of County's Allocation list, 3/24/95
Cambria Community Services District certified multi-family wait list
SLO County Growth Management wait list
SLO County acceptance for processing letter
Pre-Application letter, 12/2/93
Bryce Tingle letter, 1/29/97
Ken Topping letter, 5/21/98
Bryce Tingle letter, 10/13/98
List of Topics - District/County Discussions, 12/21/98

E x 3, p 16

R - A - 3 - SLO - 96 - 113

LIST OF ATTACHMENTS

1. Laurence "Bud" Laurent letter, 12/17/98
2. Coastal Commission staff report, 6/8/98 (partial)
3. Cambria Community Services District letter related to water service, 4/10/95
4. SLO County Health Department letter related to water service, 4/11/95
5. Copy of Vadnais check for \$14,150 for placement on list, 10/25/93
6. Receipts & Copy of County's Allocation list, 3/24/95
7. Cambria Community Services District certified multi-family wait list
8. SLO County Growth Management wait list
9. SLO County acceptance for processing letter, 5/25/95
10. Pre-Application letter, 12/2/93
11. Bryce Tingle letter, 1/29/97
12. Ken Topping letter, 5/21/98
13. Bryce Tingle letter, 10/13/98
14. List of Topics - District/County Discussions, 12/21/98

Ex 3, p 16
R-A-3-SLO-96-113

5. VAONAI'S CHECK
\$114,150; 10/25/93

2276

CAMBRIA VILLAGE SQUARE
307 BRYANT 800-848-8183
OJAI, CA 92022

Date October 25, 1993

Pay to the order of COUNTY OF SAN LUIS OBISPO \$ 14,150.00

FOURTEEN THOUSAND ONE HUNDRED FIFTY DOLLARS 00 CTS Dollars

WELLS FARGO BANK
801 EAST WATSON STREET, OJAI, CA 92023

Dean A. Padua

⑈002278⑈ ⑈122000247⑈00778 031237⑈ ⑈0001415000⑈

UNION BANK NTRY PK 9/754
⑈1220004964⑈
NPS 10/21/93
0110740683

PAY TO THE ORDER OF SAN LUIS OBISPO COUNTY
TREASURER - PLANNING DEPT.

OT '93 29
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814507018

PAGE 02 VADNAIS INVESTMENT 8056467737 02/04/1999 17:31

Ex 3, p17
R-A-3-SLO-96-113

JOSEPH BOUD
& ASSOCIATES

10. PRE-APPLICATION
LETTER

December 2, 1993

Pat Beck
San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, Ca 93408

Re: Cambria Village Square
Residential Development

Dear Pat,

I thought it would be helpful for you to have a summary of my notes taken at our 11/29/93 meeting between Bryce Tingle, Larry Kelly, Kim Murray, Dean Vadnais (owner of CVS) and ourselves where we discussed the further development of the CVS property.

The main points and issues resolved at our meeting were as follows:

1. The Master Development Plan (D830629:1) for the entire CVS property, approved by SLO County on 10/27/93, is in full force and effect.
2. As an approved Master Development Plan, CVS's current request for water allocations for a single property may be made at a maximum of 5% of the total number of allowed permits in the County per calendar year. However, since only 22 multiple family units per year are presently allowed in the Cambria area, per the Growth Management System, two separate applications should be made for the CVS property. This was done after the meeting.
3. The Water Allocation list maintained at the County for residential development in Cambria will be segregated into SF and MF projects with the present CVS request placed number one on the MF list.
4. SLO County Planning staff will meet with the Cambria Community Services District to review their present administration of water permits from their MF list. This meeting will attempt to resolve the problem of the District issuing water permits to SF homes on MF designated properties, which is in apparent violation of the intent of the CLUE which reserves 30% of water permits for multiple family residential uses.

The group of planning staff at this meeting would advocate having the CCSD make changes to their present method of issuing water permits off of the MF list, including identifying actual MF projects on the list and giving those requests priority placement. This procedure would allow actual MF use projects to proceed ahead of SF homes and operate in conformance with the adopted County Ordinances and General Plan guidelines. However, it would leave the total number of requests on the list intact and not kick any water requests over to their SF list. Other ideas were also explored.

Ex 3, p 18

R-A-3-SLO-96-113

5. The SF residential parcel (APN 13-292-19) abutting Pineknolls Drive to the west may be combined with the adjacent MF use parcel (APN 13-101-49) and used to satisfy the Open Space requirement if we so choose. It was also suggested that this parcel be changed through the present General Plan Update process from SF to CR (limited to MF uses only, as is the adjacent parcel), so that the lot area could be used to calculate residential density as well. This would be supported by this staff if physical development (structures or roadways) on the lot was proposed to be restricted and/or eliminated.
6. The GP Update, as presently written, should be revised to reflect the current situation (ie. reference to requiring a Master Development Plan for the entire CVS property and reference to the now expired Tract 1036). I will work with Update staff to make the appropriate corrections.

If there are other points that I missed, or if you have any other thoughts on the project, please don't hesitate to contact me. And, thank you and the others for your time in discussing and making decisions on these matters.

Sincerely,



Joe Boud
Joseph Boud & Associates

cc: Dean Vadnais

E_x3, p19

R-A-3-540-96-113

11. BRUCE TINGLE
LETTER



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

ALEX HINDS
DIRECTOR

BRUCE TINGLE
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

BARNEY MCCAY
CHIEF BUILDING OFFICIAL

NORMA SALISBURY
ADMINISTRATIVE SERVICES OFFICER

January 29, 1997

Mr. Steve Guiney, Coastal Planner
California Coastal Commission
Central Coast Area Office
725 Front St., Ste 300
Santa Cruz, Ca 95060

Dear Steve:

Re: Appeal # A-3-SLO-96-113, Vadnais/Boud

The purpose of this letter is twofold. First, I want you to know that I strongly object to the manner in which a letter I wrote to Ms. Linda Hall was subsequently used as a basis for the appeal on the Vadnais/Boud project in Cambria. Second, I want to make some comments about the appeal. Let me explain.

I received a phone call from Ms. Hall on the morning of November 5, 1996. She indicated that she had previously sent an inquiry to me by FAX asking some questions about the implementation of the county growth management ordinance. The FAX had not reached me, so she described her question to me as wanting to know how the county implements residential allocations from the Cambria Community Services District (CCSD) water service list, and the relationship between the CCSD's list and any county lists separate from the CCSD. At no time during our phone conversation did the Vadnais project come up, either directly or indirectly. Ms. Hall indicated that she had a client that needed a letter from me by the end of the day clarifying the allocation process. Since I have given other people such an explanation, I saw no reason to not give a response to Ms. Hall.

My letter dated November 5, 1996, was my general response to her general inquiry. A day or two after my letter, a copy of Ms. Hall's FAX arrived at my desk (copy attached). As you can see, her request asked for clarification of a statement that is found on our public information handout about the county's growth management ordinance.

I strongly object to the deceitful manner in which my general response to a general question was used by Ms. Hall. While my letter is a matter of public record, I had absolutely no indication that it would be used against our department and against a project

Ex 3, p 20

R-A-3-SLO-96-113

Guiney
Vadnais/Boud
January 29, 1997

applicant in a subsequent appeal to your Coastal Commission. I also object to the characterization given to my letter by the appellants.

I became aware of the use of my letter when I was contacted by Mr. Boud when he saw the appeal, including my letter. I then met with Mr. Boud on January 24, 1997, to discuss the letter and the issues raised in the appeal. I told Mr. Boud that I would prepare a letter to you regarding the use of my letter (which I have done above), as well as providing some clarification about the county's growth management ordinance allocation process.

As our information handout states (and in accordance with the growth management ordinance), the county will put requests for residential allocations in Cambria on a county-maintained list for any party that was not on the CCSD list as of February 15, 1990. Mr. Vadnais filed requests for allocation to be placed on the county's residential multi-family allocation list and paid approximately \$14,000 in required allocation fees.

As stated in our info handout and in my November letter, the county will make residential allocations from the county-maintained lists once the "...CCSD's waiting list is exhausted." We have had discussions with the CCSD manager, Dave Andres, about the need for the district to make sure that they make allocations for single family and multi-family units in accordance with the requirements of the county general plan and growth management ordinance.

The existing North Coast Area Plan LCP requires that 70% of the units be reserved for single family and 30% be reserved for multi-family units (the actual allocation number has changed from the 125 units originally established by the Coastal Commission). The growth management ordinance further refines this by requiring that 80% go to single family and 20% to multi-family, with the actual total number of units to be based on the 2.3% annual growth rate established by the Board of Supervisors.

However, we have also recognized that the county must rely on the CCSD to implement its lists; the county cannot control the day-to-day allocation by the district. This has resulted in the CCSD using unused multi-family allocations for single family units, as acknowledged in their letter to Ms. Susy Ficker dated January 9, 1997 (provided to me by Mr. Boud, copy attached).

We administratively follow the process outlined in our growth management ordinance and public info handout, namely, we will use the county lists when the CCSD lists are exhausted. For purposes of the Vadnais project, we would intend to make allocations to that project when all potential users from the CCSD's multi-family list

Ex 3, p 21

R-A-3-540-96-113

Guiney
Vadnais/Boud
January 29, 1997

in a given year have either obtained water, or have indicated that they do not wish to use the water in the year in which their place on the list makes them eligible for a "will serve" letter from the CCSD. We will then consider the CCSD multi-family list "exhausted" and multi-family projects on the county list should be eligible for allocations. That applicant would then have to secure the required "will-serve" letter from the CCSD. We have treated the Vadnais project the same as any other project in Cambria that needs a county allocation and services from the CCSD. It is the determination by the CCSD to issue a will-serve letter that indicates there is adequate water resources to serve the proposed development. Our office will then rely on the will-serve letter when we issue the building permits.

I would also like to offer some comments on the appeal filed with your office. First, I found it interesting that the appeal to the Coastal Commission included a claim that there is not adequate water to serve the project. This issue was not raised in the appeal to the Board of Supervisors on the county Planning Commission's action to approve the project. I reviewed the staff report and the letter of appeal filed by Ms. Ficker, and water resources was not one of the appeal issues raised to the Board of Supervisors. Therefore, it does not seem appropriate that the issue should be part of the appeal filed with the Coastal Commission because it was not previously raised at the local level.

There also seems to be some confusion regarding the findings made by the county. The conditions of approval included the imposition of the county's "stock" conditions for water supply and sewage disposal. The project also must comply with the county growth management ordinance by obtaining allocations from the county, followed by will-serve letters from the CCSD. It will ultimately be the responsibility of the CCSD to make the call as to whether there are adequate water resources available for the project; if not, then will-serve letters won't be issued and we won't issue building permits.

The county adopted findings for the development plan, variance and the tentative map. Those findings were in conformance with the Coastal Zone Land Use Ordinance and the Real Property Division Ordinance, and were based on the record represented by the environmental determination and the analysis of the project contained in the staff report. The findings were based on the recommended conditions which the project will have to meet. Those conditions included the previously discussed requirements regarding water supply and sewage disposal. By the way, CZLUO Section 23.07.021c(1)(i) does not deal with findings. Perhaps you intended to reference Section 23.04.430. We feel the findings adopted by the county for this project meet the requirements of this section of

Ex 3, p 22

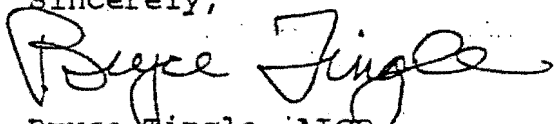
R-A-3-56-96-113

Guiney
Vadnais/Boud
January 29, 1997

the ordinance based on the explanation provided above.

I hope this rather lengthy explanation helps set the record straight on these issues. Please contact me if you have further questions.

Sincerely,



Bryce Tingle, AICP
Assistant Director, Planning and Building

attachments

c: Joe Boud
Dave Andres, Cambria Community Services District
Supervisor Bud Laurent, District 2

guiney.1tr

Ex 3, p 22

R-A-3-SLO-96-113

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

DONALD VILLENEUVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL



OFFICERS:

KENNETH C. TOPPING
General Manager
PAULETTE BECK
District Secretary
ROGER LYON
Legal Counsel

2284 CENTER STREET, PO BOX 65, CAMBRIA, CA 93428
Telephone: 805/927-6223 - FAX: 805-927-5584

February 11, 1999

RECEIVED

Charles Lester
District Manager
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

FEB 16 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Charles:

The Cambria Community Services District has been informed that the StoneEdge project will be the subject of discussion by the California Coastal Commission in March, 1999. CCSD wishes to provide the following information in order to avert further confusion on the status of this project as it relates to the subject of water availability. Let me clarify the following points.

1. The CCSD list water and sewer waiting list and County building permit allocation list are wholly separate lists kept by separate governmental agencies for separate purposes. The CCSD list is for allocation of water service. The County list is for allocation of building permits for growth management purposes.
2. The StoneEdge project is not on the CCSD list water and sewer waiting list.
3. CCSD and the County Planning and Building Department staffs have recently started a series of meetings designed to cover a wide variety of inter-agency issues of interest to the District and the County. These joint staff meetings will take place over a substantial period of time, perhaps a year or two (see enclosed CCSD Board memorandum, including letter to Alex Hinds, and joint discussion topic list).
4. There is no expectation nor schedule for any particular outcome on any single discussion topic including the multi-family list.
5. Once resolved at the staff level, any matter will be the subject of extensive community discussion before being scheduled for CCSD Board consideration.
6. Since modifications of practice and procedure involve changes of not only staff procedures but ordinance-set policy on the part of both entities, it will be up to each governing body to determine the outcome they prefer.
7. It is in not in anyone's best interest to speculate on an expected schedule or outcome relative to any item on the enclosed discussion list.

Ex 3, p 23

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8. For your information, all but one of the positions on the CCSD multi-family waiting list was issued for 1998. We anticipate full utilization of the CCSD multi-family list in 1999.

These points are being forwarded to staff and will be presented before the California Coastal Commission to avoid any further confusion on this matter.

Yours truly,



Donald Villeneuve
President

cc: Supervisor Shirley Bianchi
CCSD Directors
Alex Hinds
District Counsel

Enclosure: CCSD Board memorandum with attached letter and updated discussion list

Ex 3, p 24

R-A-3-SLO-96-113

RECEIVED

CAMBRIA COMMUNITY SERVICES DISTRICT

FEB 16 1999

CALIFORNIA
COASTAL AGENCY
CENTRAL COAST AREA

TO: Board of Directors
FROM: Ken Topping, General Manager

Meeting Date: 12/21/98 Subject: DISCUSSION WITH SUPERVISOR
SHIRLEY BIANCHI RE.
DISTRICT/COUNTY COORDINATION

RECOMMENDED ACTION:

None required. For discussion only.

FISCAL IMPACT: None.

BACKGROUND/ANALYSIS:

Supervisor-elect Shirley Bianchi has kindly offered to attend the December Board meeting to share ideas with CCSD Directors about joint issues and efforts of common interest between the County of San Luis Obispo and the District. The goal is to open a path of communication between elected officials of both bodies in order to strengthen coordination and avoid unnecessary conflict between the District and the County. Topics of discussion may include the following list of issues identified in a letter sent October 23, 1998, to County Planning and Building Director Alex Hinds (attached).

BOARD ACTION: Date _____ Approved: _____ Denied: _____
Other: _____

UNANIMOUS: ___ BLANCK ___ CHALDECOTT ___ MC CONNELL ___ MAY ___ VILLENEUVE

Ex 3, p 25

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CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

DONALD VILLENEUVE, President
HELEN MAY, Vice President
LOU BLANCK
PETER CHALDECOTT
KAT MC CONNELL



OFFICERS:

KENNETH C. TOPPING
General Manager
PAULETTE BECK
District Secretary
ROGER LYON
Legal Counsel

2284 CENTER STREET, PO BOX 65, CAMBRIA, CA 93428
Telephone: 805/927-6223 - FAX: 805-927-5584

October 23, 1998

Mr. Alex Hinds
Director of Planning and Building
San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408

Dear Alex:

Since our initial meeting on District/County coordination in May, CCSD has been preparing a list of potential topics for County joint discussion with your staff. These include a wide range of subjects dealing with development and infrastructure related policies and procedures. Based on our discussion of September 30, 1998, CCSD staff are looking forward to a regular meeting schedule with you and your staff to begin discussions on the many topics.

The essential purpose of these discussions will be to improve coordination regarding the District's and County's respective roles, ordinances, and procedures. In so doing, we hope also to eliminate misinformation, minimize confusion, and reduce time otherwise lost in correcting misunderstandings. The meetings are expected to extend well into 1999 if not beyond. The tentative list of topics is growing. It presently includes twelve items in Attachment A.

At the October 23 meeting we are seeking to establish a clear understanding with you and your staff regarding the priorities by which future discussions on these subjects will be scheduled. Additionally, because of recent confusion within the community created by statements made by a multi-family project representative at a Coastal Commission meeting (see enclosed letters), CCSD asks that we start with the following understandings.

1. Any ideas generated from these meetings for modification of District procedures, policies or ordinances are at this point only exploratory in nature.
2. It is inappropriate at this time for any parties to these discussions to make or imply outcomes that in any way commit either agency to a particular course of action.

Ex 3, p 26

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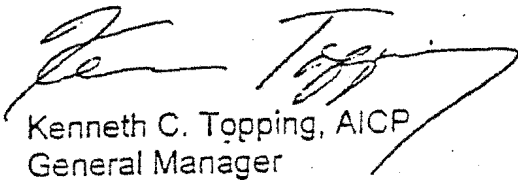
Any change in CCSD policies or procedures will necessarily be the subject of extensive community discussion before being presented to the CCSD Board for consideration.

4. A CCSD Board action would be required to institute most changes, especially any affecting waiting lists for water and sewer procedures.

We emphasize this protocol in order to discourage any speculation which may arise regarding these meetings.

We are looking forward to this long overdue joint exploration of specific opportunities for improved coordination and trust that they will bear fruitful results.

Sincerely,



Kenneth C. Topping, AICP
General Manager

Ex3, p 27

R-A-3-SLO-96-113

Attachment A
Tentative List of Topics
District/County Discussions
(revised December 21, 1998)

1. North Coast Area Plan Update;
2. County Safety Element;
3. Relationships between District single and multi-family water and sewer waiting lists and County growth management building permit lists;
4. Coordination of reviews involving Intent to Serve letters and permit issuance for water and sewer service, including such issues as criteria for granting extensions, creating a standard approach to how allocations are counted, and clarifying grandfather status vs. "tear downs."
5. Relationships of water position transfer procedures and Transfer of Development Credit processes;
6. GIS and other data sharing;
7. Protocols for inter-agency cooperation;
8. Affordable housing assistance;
9. Various enforcement matters;
10. Lodge Hill erosion control;
11. North Coast Advisory Council coordination;
12. Hazardous waste drop-off center;
13. *Agricultural Element implementation;*
14. *CCSD desalting plant coordination;*
15. *CCSD Water Master Plan and Habitat Conservation Plan coordination*
16. *Forest Management Committee;*
17. *Historic Preservation for East Village..*

Note: italicized items have been added.

Ex 3, p 28

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neighboring and downstream properties from drainage problems resulting from new development....

With respect to inundation of downstream areas, the LCP's Coastal Watersheds Policy 10 requires that the watercourse be "suitable" for receiving drainage from the site:

Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

Several things are clear from the information provided. First, the runoff from the project site can be accommodated in the existing drainage system. Second, the runoff from the site is insignificant in comparison to the flow in Santa Rosa Creek. Third, the runoff from the site will not raise the level of storm flows in Santa Rosa Creek. Thus it appears that even though the drainage outfall is currently proposed to be upstream of the Highway One bridge, a perennial bottleneck in large storms, runoff from the project site will neither exacerbate nor cause flooding downstream in the West Village.

Finally, the County has received funding for flood improvements in Cambria, including work at the Highway One bridge to allow for larger storm flows to pass under the bridge and not overflow into the West Village.

Therefore, the project's proposed storm water drainage system is consistent with LCP Coastal Watersheds policies and with Coastal Zone Land Use Ordinance sections 23.05.040 (drainage).

2. Water Supply

As documented in the Commission staff report for the County's North Coast Area Plan Update (LCP Amendment 1-97), water is scarce in Cambria. The current, certified LCP contains a key requirement that is intended to avoid exacerbating the existing problem of too many lots, not enough water. Specifically, Coastal Zone Land Use Ordinance section 23.04.021c(1)(i) states:

Within an urban services line, new land divisions shall not be approved unless the approval body first finds that sufficient water and sewage disposal capacities are available to accommodate both existing development and development that would be allowed on presently vacant parcels.

Although the wastewater treatment plant is of sufficient size, the County did not make any specific finding that water and sewage disposal capacities are available, beyond a stock water finding that shifts the burden of such a finding to the Cambria Community Services District through its water list management process.

After extensive analysis, the North Coast Area Plan Update staff report concludes that Cambria may have already reached or exceeded its sustainable level of water use (see San Luis Obispo County Major LCP amendment 1-97). The Commission, on Jan. 15, 1998, did approve suggested modifications to the plan with respect to water supply in

Ex 4

R-R -3- SLO-96-113

Cambria. Among other things, the suggested modifications would require an instream flow management study of Santa Rosa and San Simeon Creeks to determine what amount of additional withdrawals, if any, may be made without adversely affecting the creek habitats or agricultural activities, and the completion of a water management strategy which includes conservation, wastewater reuse, alternative water supply, and potential stream impoundments. The suggested modifications would require that these items be completed by the year 2001 or that no further development which relies on water from those two creeks will be allowed.

Nevertheless, the standard of review for this project is the existing certified LCP, including the existing North Coast Area Plan. For new land divisions, the LCP requires that a finding be made that there is sufficient water to serve both existing development and development that would be allowed on presently vacant but legal parcels. There are approximately 7500 vacant, existing parcels in Cambria – far more than can be served by the water supply currently available to the Cambria Community Services District.

The thrust of the LCP policy and ordinance is to avoid the creation of new parcels until all existing lots can be adequately served with water and sewage facilities. That is, the purpose of the policy and companion ordinance is to avoid creating new lots which would then each be available for development, thus exacerbating demands on an already strained infrastructure. Because this project proposes a twenty five unit condominium "subdivision," it is technically inconsistent with the ordinance cited in a previous paragraph. However, no land is actually being divided in this case to create new lots, as would be the case in a traditional land division or residential subdivision. Rather, the site is zoned for multi-family rather than single family use. Thus, a twenty five unit multi-family development could be built on the site without a land division. This situation is distinguished from a similar sized parcel designated for single family residential use. In the latter case, a land division would be required in order to allow the development of more than one home on the site. In the case of the proposed project, therefore, the subdivision prohibition is not relevant because it would not further the purpose of the policy which is to limit the amount of potential new development until adequate infrastructure can be put into place.

Nonetheless, under LCP policy 1, a finding must still be made that water capacity is available for the proposed development. The Cambria Community Services District (CCSD) provides water service in this area, and has a retrofitting program in place that requires that retrofitting of existing buildings save twice as much water as is needed by the new project. The program also allows an applicant to pay an in-lieu fee to the district rather than actually retrofit existing homes. Since institution of the retrofit program in 1994, 85% of the applicants have opted to pay the in-lieu fee. Most of this money was used to pay expenses associated with designing desalination facilities and obtaining permits. In order to ensure that real water savings will be generated and that actual water supplies will be available for this project, this permit is conditioned to require the actual retrofit of the requisite number of buildings according to the district's current regulations, rather than pay an in-lieu fee. According to the existing retrofit policy, this project would need to generate 250 "points" (see Exhibit 5). In terms of actual retrofitting, this would translate into, for example, 192 1-bath houses, 166 2-bath houses, or 111 4-bath houses that would have to be retrofitted. With this requirement

Ex 4, p 2

R-A-3-560-96-113

the project can be found consistent with Coastal Zone Land Use Ordinance (CZLUO) section 23.04.021c(1)(i).

Besides the issue of water availability is the issue of water allocation, that is, how and when a project can actually obtain water. In a letter dated April 10, 1995, the Cambria Community Services District (CCSD) stated that the property "...could be issued an "Intent to Serve" letter for water and sewer service when provisions have been made to incorporate the County's water service waiting list into the District's connection permit program."

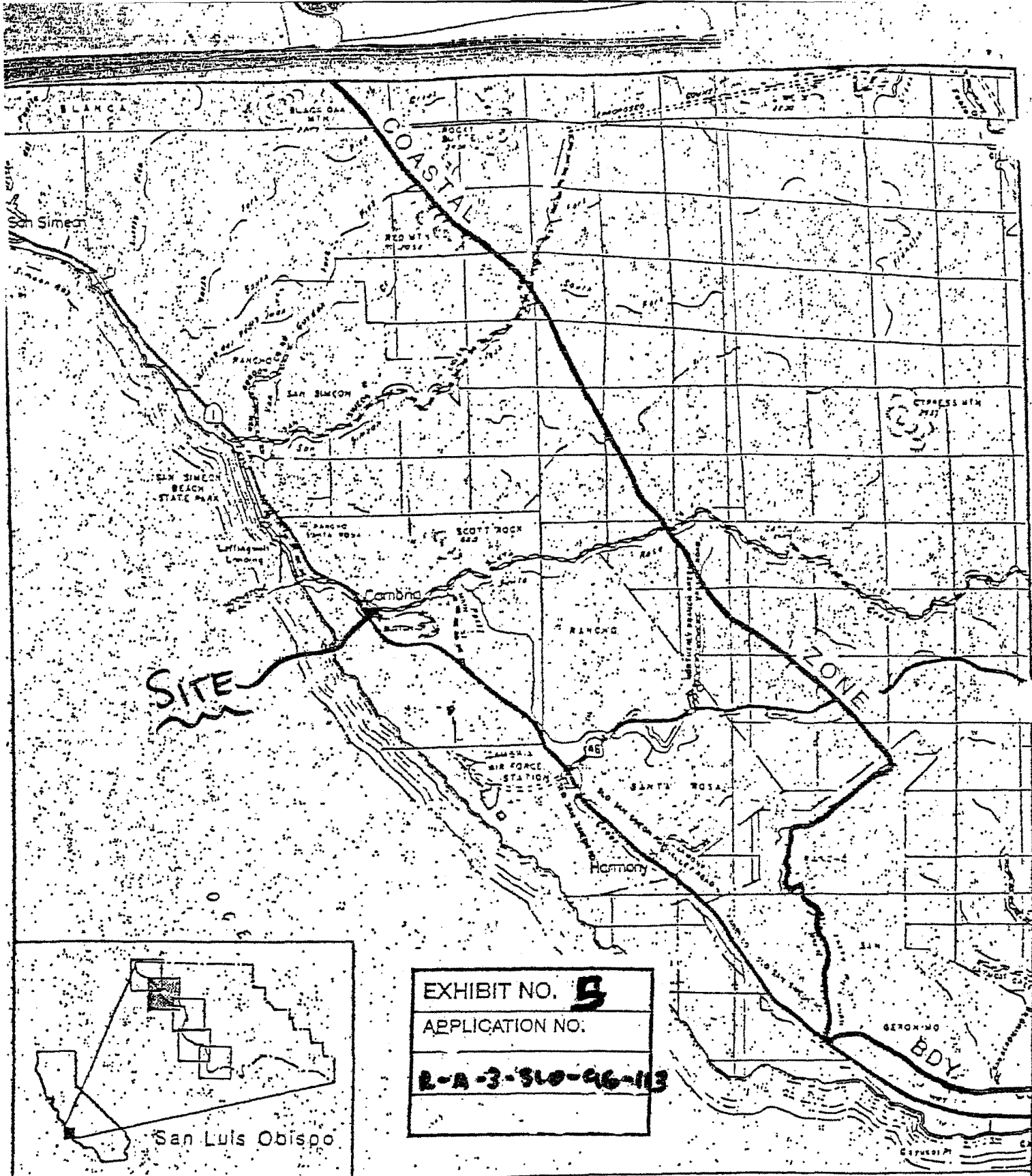
According to the applicant, since October of 1990:

...no new requests have been accepted on the list maintained by the CCSD. Requests are instead placed on the County's single family or multiple family lists. This project holds position #1 and #2 on the County's list and the applicant (Vadnais) has paid a \$21,000 deposit to hold those positions. . . .When the CCSD's list is exhausted, then the County's multiple family list will be used, provided that provisions are made to incorporate the County's waiting list into the CCSD's connection permit program....SLO County Planning staff are now working on a method to fold these two lists together.

Water could not be assigned to the project until the County and CCSD arrange for the district to use the County's list. As of mid-March of 1998, according to CCSD, the district's multi-family dwelling list contained about 70 requests; the single family dwelling list contained about 800 requests. As of this writing, the County and CCSD are having discussions about how to best implement the two list process. According to CCSD, there is no legal provision for the district to use the County's list; presumably the CCSD Board of Directors would have to adopt a resolution to allow the district to use the County's list. Assuming CCSD could use the County list, first the district would have to exhaust its own list; that is, the district would have to contact each listee to determine if they were going to build and needed water. Only after CCSD has gone entirely through their own lists (and there were still water available), would the district likely go to the County list. In 1996, CCSD almost exhausted its lists, going through approximately 1,000 listees, but in 1997, the maximum number of water connections allowed (approximately 80) had been reached after going through only about 300 listees. Although the district stopped accepting requests for individuals to be placed on its lists in 1990, there is no way to know when the district will exhaust its lists and get to the County list, where the applicant has the first two positions.

Therefore, based on the foregoing analysis, a finding can be made that sufficient water capacity is currently available by virtue of the retrofit program. According to a recent CCSD report, there are approximately 1100 existing homes remaining to be retrofitted. It is unknown, however, if there will be sufficient un-retrofitted residences available to meet the applicant's obligations at the time the CCSD list is exhausted, and this project's water position is reached. The project, as conditioned, cannot go forward unless it can meet the water conservation requirements and thus can be found consistent with the policy that adequate water exists to serve the development. Accordingly, this permit is conditioned to reflect these requirements, including the requirement to retrofit the proportionate number of existing off-site residences in Cambria. Therefore, with respect to water supply, the project will be consistent with the certified San Luis Obispo County LCP.

Ex 4, p 3

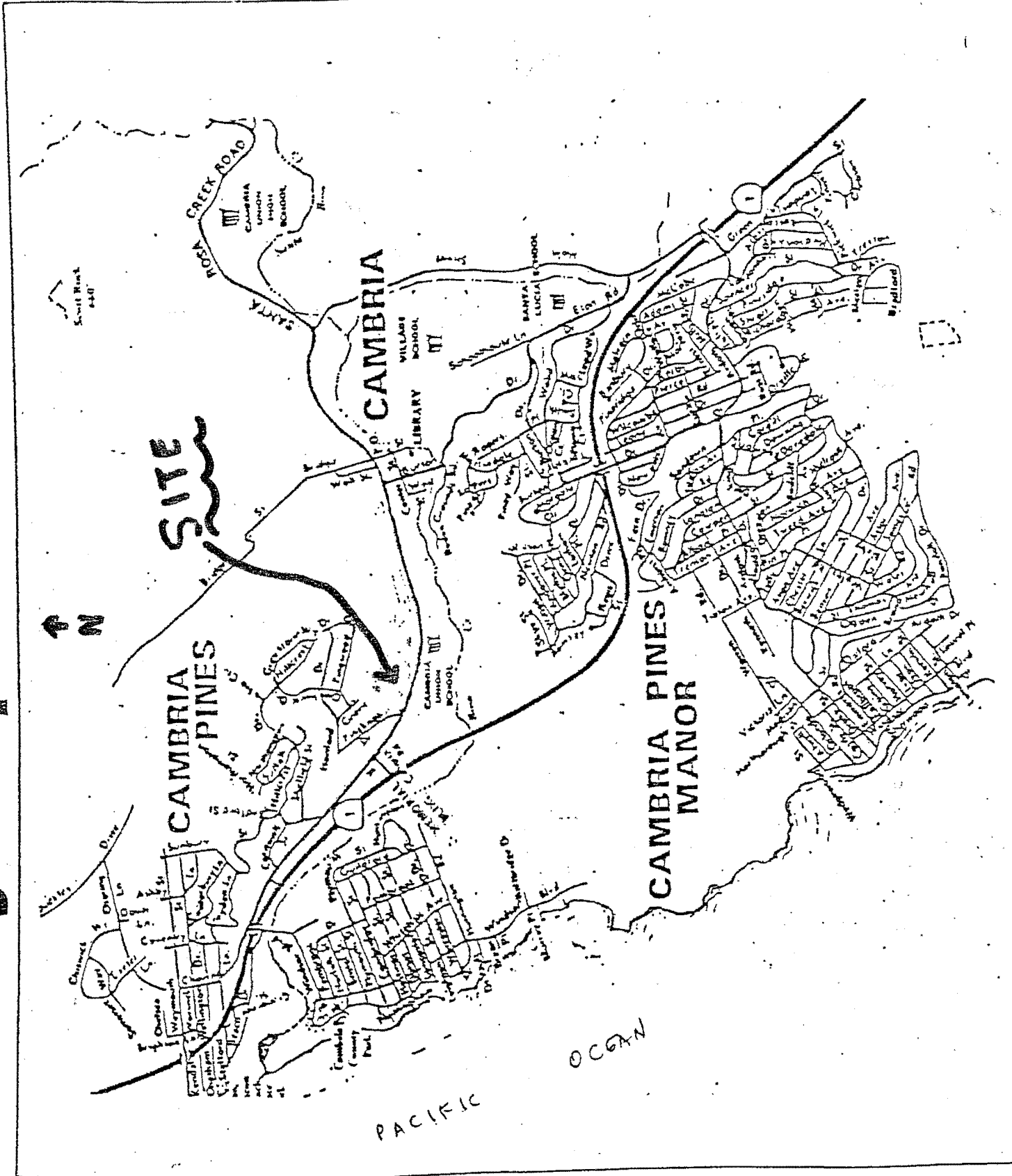


California Coastal Commission

LOCATION MAP

County of San Luis Obispo

vicinity Map



Site Plan

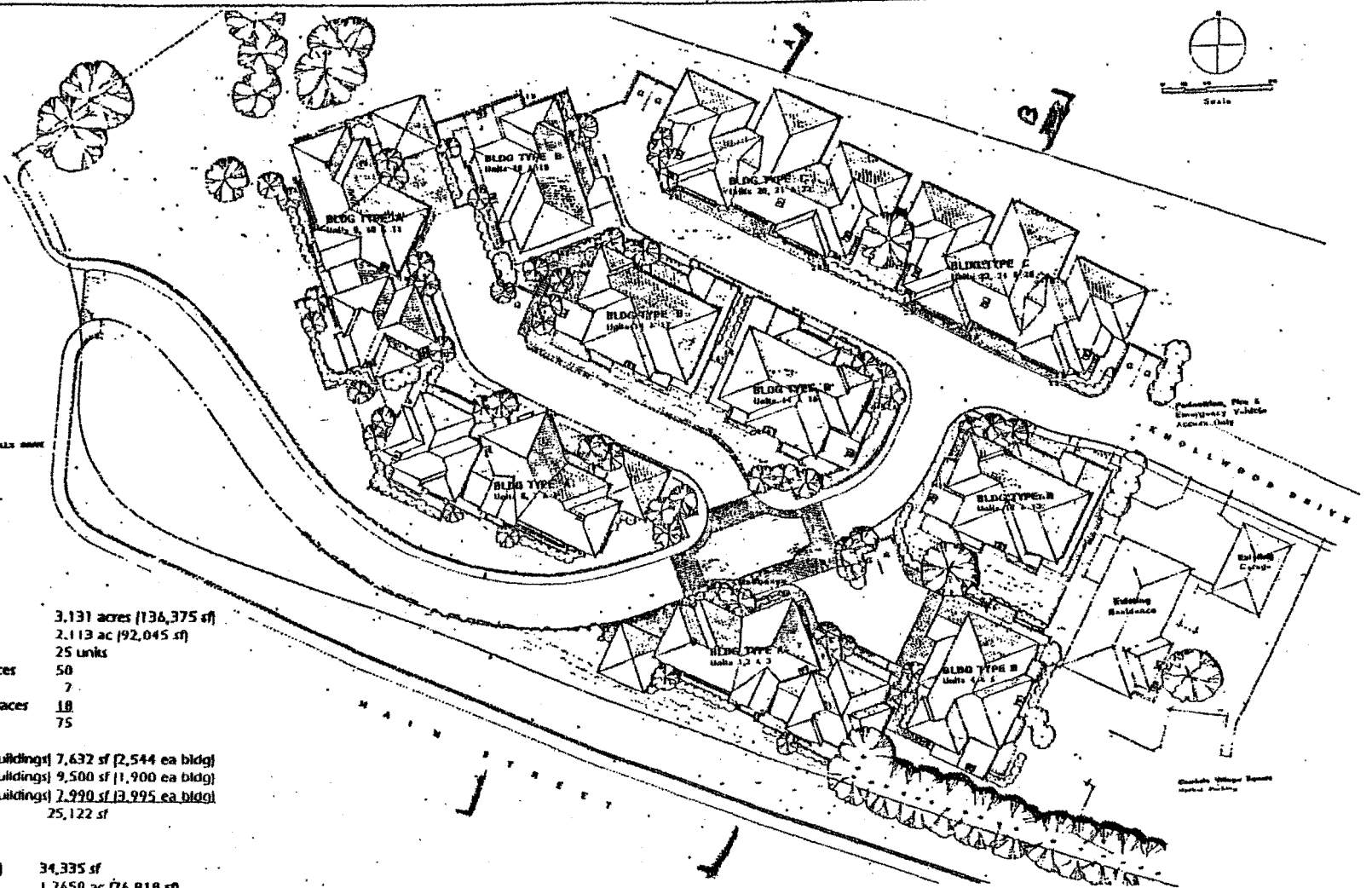
EX 5, P3
P-A-3-SIO-96-113

Site Statistics

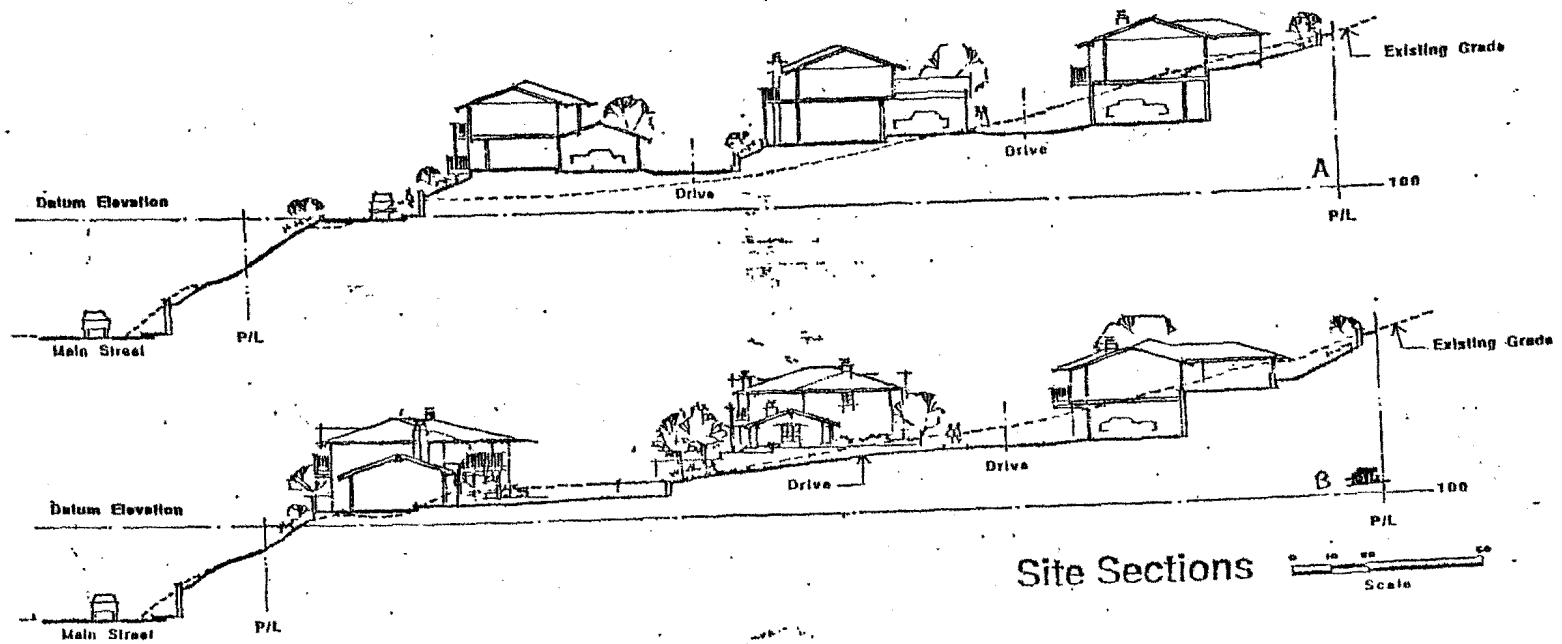
Gross site area 3.131 acres (136,375 sf)
 Site area less than 20% slope 2.113 ac (92,045 sf)
 Number of units proposed 25 units
 Number of garage parking spaces 50
 Number of guest spaces 7
 Number of short term pull in spaces 18
 Total number of parking spaces 75

Footprints Building Type A (3 buildings) 7,632 sf (2,544 ea bldg)
 Footprints Building Type B (5 buildings) 9,500 sf (1,900 ea bldg)
 Footprints Building Type C (2 buildings) 7,990 sf (3,995 ea bldg)
 Total Building Footprints 25,122 sf

Impervious surface area (roads, footprints, walks, patios, etc.) 34,335 sf
 Open space area 1.7650 ac (76,918 sf)
 Percentage of site in open space 56.4%



Site Sections A & B



Site Sections



P-A-3-S-0-96-113
EX 5, PH

RECEIVED

JUN 14 1999

STATE OF CALIFORNIA
COASTAL COMMISSION

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

COPY

DEAN VADNAIS,
COMMUNITY OF CAMBRIA
COUNTY OF SAN LUIS OBISPO

Permit No. A-3-96-113
Revocation

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Thursday
March 11, 1999
Agenda Item No. 7

RECEIVED

JUN 17 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Carmel Mission Inn
3665 Rio Road
Carmel, California

EXHIBIT 6

R-A-3-SLO-96-113

REV. FINDGS.

1 I believe that my client hopes to develop such an
2 attractive project. It is an environmentally sound one.
3 And, this last ditch attempt is certainly not in anyone's
4 best interest.

5 I would encourage the Commission to support your
6 staff recommendation, and affirm that there are no legal
7 grounds for revocation of the Coastal Permit. It has the
8 approval of the community, the county, and your Commission at
9 an earlier meeting, and certainly this issue of revocation is
10 not a valid one.

11 I would be pleased to respond to any comments that
12 you might have in this matter.

13 CHAIR WAN: Thank you.

14 I'll return to staff.

15 DISTRICT DIRECTOR LESTER: Just one brief
16 observation.

17 Staff was aware, and it was made clear in the
18 original staff report about the business with the various
19 lists. On page 6 of your staff report, at the bottom of the
20 page, is the condition that was imposed in that original
21 approval. The key point to pull out of that is that no
22 Coastal Development Permit will be issued for this project
23 without authorization from the CCSD, so regardless of how the
24 lists interact over the years, nothing can happen until CCSD
25 issues that actual authorization.

EXHIBIT 6.

R-A-3-510-96-113

REV. FNDGS.

PRISCILLA PIKE

Court Reporting Services

1 COMMISSIONER REILLY: Question for Mr. Boud.

2 Mr. Boud, I read your letter of February 10 that
3 you sent to us in response to this action, where you make the
4 statement there was absolutely no factual misrepresentation
5 in the information provided to the Commission. I have also
6 reviewed the April 10, 1995 letter from Cambria Community
7 Services District, that I don't think anybody in the
8 profession could reasonably interpret there would be a letter
9 of intent to serve.

10 And, also the transcript of the hearing that we
11 had, where you made statements, and in particular a statement
12 in response to a Commission question by saying we have an
13 intent to serve letter, period. Now, how has that been
14 twisted and misinterpreted, relative to the record?

15 MR. BOUD: Well, I will have to say this, that an
16 intent to serve letter, a will serve letter, an allocation
17 letter, all of these, in addition to the correspondence and
18 the procedural paperwork that supported this particular
19 application, collectively in our mind, in our legal counsel's
20 mind, is that. Call it what you want, Commissioner Reilly, I
21 believe what I am saying here is that collectively that we
22 will be served water through the procedures that were
23 described to you in the staff report.

24 COMMISSIONER REILLY: In your recollection, is
25 that an accurate statement of what you said on the record?

EXHIBIT 6

R-A-3-SLO-96-113

REV. FNDGS.

PRISCILLA PIKE
Court Reporting Services

39672 WHISPERING WAY
OAKHURST, CA 93644

TELEPHONE
(559) 683-8230

1 MR. BOUD: That I said, yes, we have an intent to
2 serve?

3 COMMISSIONER REILLY: Yes.

4 MR. BOUD: To my recollection, there was quite a
5 lot of questions asked of me, and if it is part of the
6 transcript, I probably did indeed say that.

7 COMMISSIONER REILLY: Thank you.

8 CHAIR WAN: Commissioner Nava.

9 COMMISSIONER NAVA: I think part of the difficulty
10 here is -- and I don't have any questions for you, sir.

11 MR. BOUD: Thank you.

12 COMMISSIONER NAVA: Part of the difficulty is in
13 dealing with the language of intentional inclusion of
14 inaccurate, erroneous, or incomplete information.

15 Now, I think one of the ways for us to look at
16 that is the term, intentional. All it really means is
17 something other than negligent, so that if, in fact, what
18 happened was information provided that was inaccurate, or
19 erroneous, or incomplete, it doesn't carry with it the notion
20 of malice. So, I think we need to keep that in mind, that we
21 are not talking about a malicious act by someone to mislead,
22 only that it was done intentionally.

23 And, that it was so that the information came to
24 us, not as a result of some accident, or a piece of paper
25 that was stapled to something that it didn't belong, but that

EXHIBIT 6

R-A-3-520-96-113

REV. FNDGS.

1 it was an act done purposely. But, we don't have to read
2 malice into that.

3 And, so, the intentional inclusion of this
4 information, all it is really saying is that it happened, not
5 that it was a bad person who did it. And, I think that is an
6 important point that we need to take into consideration here.

7 And, in fact, I will tell you that I remember
8 clearly the response to the question: "Do you have an intent
9 to serve letter?" Because that for me was the critical
10 juncture, with respect to how I was going to vote, or my
11 impression of this particular project.

12 So, when the answer was, "We have an intent to
13 serve letter," I don't think there is anybody here who can
14 say that that wasn't of significance to us.

15 And, if the answer had been, "No, I don't have an
16 intent to serve letter," I can -- and I have got about \$65
17 bucks in my wallet, but I will bet you \$65 bucks that the
18 vote would have been different.

19 CHAIR WAN: Shirley, Commissioner Dettloff.

20 COMMISSIONER DETTLOFF: Yes, I guess what I am
21 trying to get at is that we have the same project -- and I
22 think Commissioner Nava, though, has described it probably in
23 a different way, with that answer, that then determined how
24 you were going to vote on the project.

25 But, we have the same project. The project went

EXHIBIT **E**

R-A-3-S10-96-113
REV. FNDGS.

1 through all of the permitting by the county. We had a
2 project before us that we knew -- I am going to assume now,
3 I am trying to remember back -- we knew that there were water
4 constraints on the project, and that this project will not be
5 built -- and we knew that then -- until they had the rights
6 to water, for the project area.

7 So, we made a decision based on the knowledge that
8 they had gone through the correct permitting process with the
9 County of San Luis Obispo. They then came to us. We had the
10 knowledge that there was a water problem in this community,
11 and we knew that the project would never be built until they
12 had obtained their water rights, or their ability to hook up
13 to the water system. Those are all, I believe, correct
14 statements.

15 And, so, I want to know then, from the legal
16 staff, revocation, having all of that information available
17 to us, to find out that the words, an intent, how that would
18 have played a factor in determining a different direction?

19 For me, the question would have been, we knew this
20 information, and we knew that they weren't going to build
21 until they had the water, so I am not sure, for myself,
22 personally, how that would have impacted my decision? But,
23 could you just give us kind of a legal answer, as to where we
24 are at, as Commissioners, and did we not have all of the
25 information to make the decision we made because of that one

EXHIBIT 6

R-A-3-SLO-96-113

REV. FINDGS.

PRISCILLA PIKE

Court Reporting Services

39672 WHISPERING WAY

TELEPHONE

(805) 682-8210

1 statement?

2 CHAIR WAN: Mr. Faust, before you answer that
3 question, Commissioner Dessser says she wants to add to it, so
4 that you can answer it all together.

5 COMMISSIONER DESSER: Related questions, which I
6 think, perhaps have to do with my new tenure here.

7 Do we require that all local permits have been
8 obtained before somebody comes to us in a matter like this?
9 is the first question, because in that case, there is some
10 ambiguity there.

11 The second question goes to whether or not it
12 would have changed the way people voted? If the fact is that
13 we have no jurisdiction over local water issues, then I would
14 like to know that also. What is our jurisdiction, with
15 regard to local water issues?

16 CHIEF COUNSEL FAUST: Through the Chair.

17 I guess I'll start with Commissioner Dessser's
18 first question, it is easy. The Commission does not always
19 require that local approvals be obtained, prior to
20 considering a permit. The Commission's regulations require
21 that preliminary approvals be obtained -- even that
22 requirement is waivable in the discretion of the Executive
23 Director, if the Executive Director feels that a matter is
24 appropriately brought before the Commission. So it certainly
25 is not a requirement that local approvals be obtained prior

EXHIBIT 6

R-A-3-SLO-96-113

REV. FNDGS.

1 to a matter coming before the Commission.

2 The water issue is a trickier issue. Generally
3 speaking, where there are water rights kinds of issues
4 involved, the Coastal Act and other California law make that
5 a matter that is within the primary jurisdiction of the Water
6 Resources Board, or of local governments, in terms of the
7 provisions.

8 However, this Commission has on numerous occasions
9 looked at water issues because of a related kind of jurisdic-
10 tion that this Commission does have, which is priorities of
11 use, and the preferences for particular kinds of development
12 in the coastal zone.

13 And, in an area where water is very much the
14 limiting factor on development, you get to a situation of how
15 do you express the preferences of the Coastal Act? how do you
16 make decisions that reflect those preferences without taking
17 water into account?

18 And, so this Commission has, in some circum-
19 stances, looked to water availability as being a defining
20 issue, in terms of the kinds of preferences that occur.

21 Switching now to Commissioner Dettloff's question,
22 there are really two components to this prong of the revoca-
23 tion standard: one, is the intentional inclusion of
24 incorrect, inaccurate, et cetera, information. I basically
25 agree with the characterization of intentional that

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1 Commissioner Nava offered earlier. It does not require
2 malicious intent, something along that line. It does require
3 more than inadvertence, somewhere in between there, the
4 person intends the natural consequence of their actions, and
5 that is, as I see it, is what intentional means. It does not
6 mean that they are bad. It means they intended the natural
7 consequence of what they did.

8 The second prong here, I think at least from
9 staff's perspective, is the one that they felt was determina-
10 tive, and that is whether this would have made a difference
11 in the Commission's decision, and I think that that from what
12 I have heard of Commissioner discussion, different
13 Commissioners remember it differently, or would have made
14 different judgments at the time, which is entirely
15 appropriate. You are all exercising your discretion, and
16 deciding what you would have thought.

17 But, it is critical for purposes of a revocation
18 determination not just that you find that there was an
19 intentional provision of inaccurate, erroneous, et cetera,
20 information. But, also that even if you had had that
21 information properly, if the question in this case had been
22 properly been answered, what would you have done? would you
23 have done something different? would that have made a
24 difference in the Commission's decision? If you can answer
25 both of those questions, "Yes", then your vote should be to

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1 revoke the permit.

2 CHAIR WAN: Commissioner McClain-Hill.

3 COMMISSIONER MC CLAIN-HILL: I am very troubled by
4 the matter before us for a couple of reasons.

5 First and foremost, as we make decisions -- and I
6 think I addressed this yesterday -- there is sort of a point
7 of reliance, and it seems to me that in reviewing this
8 transcript, there was intentionally, frankly, no room for
9 ambiguity left, with respect to the question as to whether or
10 not the letter, with respect to water rights, had been
11 issued. It wasn't a casual inquiry. It appears to me to
12 have been a very direct inquiry, for a very direct purpose.

13 It is, in my experience, inquiry at that level is
14 critical, or suggests that that particular fact is critical
15 to the decision-making process. I appreciate that we are
16 asked both to determine whether or not there was an
17 intentional inaccurate statement put before us, and also to
18 determine whether or not it would have caused the Commission
19 to require additional, or different, conditions.

20 I also appreciate that staff has come to a
21 conclusion that the conditions that exist, accurate or
22 adequately address the lack of water, and that nothing can be
23 built absent the ultimate issuance of the letter.

24 It also, though, seems to me that it was within
25 the Commission's discretion to make an entirely different

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1 judgment, based on the information before them, with respect
2 to granting, or not granting, this permit, and that that
3 judgment could have been affected significantly by the
4 response to the question.

5 And, it seems that to do something other than
6 revoke and review this permit does tremendous violence to not
7 only the process that the Commission undertook in granting
8 the permit, but also sends a very wrong signal as it relates
9 to the many people who participate in this process, and the
10 applicants, and others that come before this Commission with
11 information.

12 And, again, what troubles me most is the very
13 direct inquiry, and the very clear and unambiguous response,
14 and it is unlikely to me that that response could have been
15 offered without full knowledge that it was likely to produce
16 the result that it did.

17 CHAIR WAN: Commissioner Potter.

18 [MOTION]

19 VICE CHAIR POTTER: Madam Chair, in the interest
20 of not prefacing my motion, I will go ahead and move that the
21 Commission revoke Permit No. A-3-SLO-96-113, and I would
22 recommend a "Yes" vote.

23 COMMISSIONER NAVA: I'll second that.

24 CHAIR WAN: Moved by Commissioner Potter, seconded
25 by Commissioner Nava. Commissioner Potter wants to speak to

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PRISCILLA PIKE

Court Reporting Services

1 it, but Mr. Douglas, do you want to speak first?

2 EXECUTIVE DIRECTOR DOUGLAS: No, I just want to
3 make sure, before you vote, that you understand what the
4 process then would be for the applicant, in terms of
5 whichever way you vote, and I would turn that over to legal
6 counsel.

7 CHAIR WAN: Go ahead.

8 CHIEF COUNSEL FAUST: Yes, Madam Chair, if the
9 Commission votes to revoke this permit, then it comes back
10 before this Commission for a de novo hearing.

11 VICE CHAIR POTTER: That was my understanding of
12 the process, pretty straight forward.

13 I am not going to be redundant here. I think the
14 Commission has done an excellent job of articulating the
15 underpinnings of their concerns.

16 Frankly, there were direct questions asked at the
17 previous hearings. There were responses to those questions.
18 Commissioner Staffel, who is no longer with us, was always
19 direct and forthright on his issues, he was concerned about
20 the intent to serve aspect of it.

21 I think McClain-Hill has made an excellent
22 statement regarding the underpinnings of information that we
23 were -- the underpinnings of the decision that was rendered
24 at that time.

25 Would our decision have been different at that

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1 time? yes, I believe it would have been, if the answers to
2 some questions that we asked had been different. So, for
3 that reason, I make the motion.

4 CHAIR WAN: Commissioner Nava.

5 COMMISSIONER NAVA: Yeah, I seconded the motion
6 because I think this permit should be revoked, because of
7 everything that all of the other Commissioners have said, but
8 in addition to that, we are at this juncture, in part,
9 because of the good work that staff did in insuring that
10 there was an additional condition that prohibited the
11 granting of this permit until a certain criteria had been
12 satisfied, that being the provision of water.

13 If, in fact, that had not been included, if staff
14 had not gone that extra mile, then this permit would have
15 been issued based on the representations that there was a
16 letter of intent to serve.

17 And, I think we need to make sure that the public,
18 and applicants, and everybody who comes to that podium
19 understands that this is serious business. This is not a
20 casual conversation, with people taking the opportunity to
21 shade information, and facts, to move us in a certain
22 direction, without understanding that there are consequences
23 to that.

24 CHAIR WAN: Any other discussion?

25 [No Response]

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1 Will you call the roll on this one, please, and
2 the maker of the motion is recommending a "Yes" vote?

3 VICE CHAIR POTTER: Correct.

4 SECRETARY GOEHLER: Commissioner Kehoe?

5 COMMISSIONER KEHOE: Yes.

6 SECRETARY GOEHLER: Commissioner McClain-Hill?

7 COMMISSIONER MC CLAIN-HILL: Yes.

8 SECRETARY GOEHLER: Commissioner Nava?

9 COMMISSIONER NAVA: Yes.

10 SECRETARY GOEHLER: Commissioner Potter?

11 VICE CHAIR POTTER: Aye.

12 SECRETARY GOEHLER: Commissioner Reilly?

13 COMMISSIONER REILLY: Yes.

14 SECRETARY GOEHLER: Commissioner Dessser?

15 COMMISSIONER DESSER: Yes.

16 SECRETARY GOEHLER: Commissioner Dettloff?

17 COMMISSIONER DETTLOFF: No.

18 SECRETARY GOEHLER: Chairman Wan?

19 CHAIR WAN: Yes.

20 SECRETARY GOEHLER: Seven, one.

21 EXECUTIVE DIRECTOR DOUGLAS: Okay, so that permit
22 has been revoked, and it would be coming back here as a de
23 novo matter at some point in the future.

24 *

25 [Whereupon the hearing was concluded.]

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June 24, 1999

TO: California, Coastal Commission
Peter M. Douglas
Executive Director
4 Fremont Street
San Francisco, CA 94105-2219

Fax: 415/904-5400

cc: Charles Lester, Director, Santa Cruz

Fax: 831/427-4877

Reference: Permit: 4-83-680-A and A-3-SLO-96-113, D. Vadnais and
StoneEdge Condo

Hearing: July 14, 1999 (Wednesday), Supervisors' Chambers,
Marin County Civic Center

From: Citizens for Fair Land Use (CFLU)

Dear Director Douglas and Commissioners,

This summarizes the issues about which we are concerned regarding
the proposed StoneEdge Condo development plan.

1. **Water and sewage.** As of this date, the project still has not
obtained the necessary "Intent to Serve" letter from the Cambria
Community Services District, which means there is no water for this
project and/or sewage disposal.

2. **Retrofitting for water** - as recommended as an alternative source
cannot be confirmed.

a. A recent study by the CCSD shows retrofitting has not
resulted in significant water savings in Cambria. This fact was
confirmed by CCSD director Kat McConnell at the March 11, 1999 meeting.

b. The number of homes needed to actually make up the savings
may not be available in Cambria because retrofitting is near completion.

3. **Open Space Encroachment.** The original open space dedication was recorded according to a condition in Coastal development permit 4-83-680 (the original subdivision) in order to protect against visual resource and erosion impacts on slopes greater than 20% by future development. The open space as originally designated should remain as a buffer zone between commercial and residential areas, especially in this case as steep slopes are involved. The developers of this project have stated that their project would increase the open space area overall. We contend that the new configuration does nothing to protect the reasons why the open space was originally set aside. Although the general amount of square footage is increased, there is no public benefit.

4. **Project Density.** Developers are proposing a 25-unit condominium project with conformance to low-density requirements. While this may be true, the fact of the matter is that the development in Pine Knolls, which is above this project, consists of lots 7500 square feet or more, making this project's density out of character with surrounding areas.

5. **Drainage.** The problems of drainage from this property have not been properly addressed as proposed. Drainage would go directly into Santa Rosa Creek without passing through settling ponds or filters to remove any environmentally-impacting pollutants that could affect the tide water goby, red-legged frog, and the steelhead trout - all endangered species - as well as other flora and fauna which inhabit the stream. The latest proposed plan is to drain upstream at the public elementary school site, causing even more area pollution than a West Village downstream drain site.

New developments since the March 11, 1999 meeting of the California Coastal Commission shed some light on this matter, namely, the American Land Conservancy has signed an option to purchase the East-West Ranch, of which the Santa Rosa creek is the northern boundary. It would seem unwise and unwarranted to allow this project to dump

untreated pollutants through drainage into this stream, when the object of the Conservancy's interest is to preserve the pristine nature of the 300+ acre habitat.

Also, a recent coalition group of fishermen and environmentalists are suing the National Marine Fisheries Service this week for not improving the conditions of streams, including the Santa Rosa Creek. In fact, allowing this project to drain into Santa Rosa Creek as proposed, is in direct opposition to this group's position of trying to improve the stream's condition. This coalition includes the Southwest Center for Biological Diversity, the Alameda Creek Alliance, the Pacific Coast Federation of Fishermen's Association, the Northern California Federation of Flyfishers, the California Sportfishing Alliance, the Turtle Island Restoration Network, the South Yuba River Citizens League, and the Coastside Habitat Coalition.

In the December 12, 1996 Commission meeting in San Francisco, the Commission's staff found that "Santa Rosa Creek" is an Environmentally Sensitive Habitat (ESH). Before approval of a permit for development in or near an ESH, the applicant must demonstrate that there will be no significant impact on the ESH. To date, the developers have not met any of the conditions set to alleviate the discharge of pollutants into the ESH. (Attachment A)

6. **Viewshed.** The Highway 1 viewshed will be changed dramatically in Cambria if this project is approved with proposed height and density of structures. This will become the only multi-residential property in view from Scenic Highway 1, which will change the public's perception of Cambria's "Unique and attractive features of the landscape, including, but not limited to unusual landforms, scenic vistas and sensitive habitats (which) are to be preserved, protected, and in visually degraded areas, restored where feasible."

7. **Cumulative Impacts.** California Environmental Quality Act section 15130 "requires that the cumulative impacts of past, present and

reasonably anticipate projects be addressed in the analysis or the project." At present, there are three potential major developments proposed that will affect the Santa Rosa Creek and traffic on Cambria's Main Street namely, the Vineyard Christian Assembly Church and Commercial Development, the Mid-State Bank Project, and the StoneEdge Condo.

All three projects should be considered together as to how they will affect the environmentally sensitive stream and meadow with respect to their drainage, runoff and traffic impact. It is our understanding that 3 traffic signals will be constructed adjacent to the project site, (proposed but not addressed cumulatively) with the potential to create significant additional traffic congestion. Changes in drainage flows due to curb modifications on Main Street need to be addressed. The use of high-absorption asphalt should be considered to reduce drainage impacts. Any EIR should address the project's relationship to and impact on the County's Regional drainage plan now in progress.

8. **Lapse of County Building Permit.** On November 12, 1998, the County Planning Commission approved an extension of the Applicant's development permit for one year unless the Coastal Commission revoked such permit sooner. Such permit was revoked March 11, 1999. (Attachment B)

Thank you,
Citizens For Fair Land Use

by Vern Kalshan
Vern Kalshan, Attorney for Citizens For Fair Land Use

cc: Joseph Boud for Applicants

Fax: 805/543-2187

Attachments

SUMMARY EVALUATION OF SUBSTANTIAL ISSUE

ISSUE	LUP POLICIES	ZONING ORDINANCE SECTION	SUBSTANTIAL ISSUE EVALUATION
Environmentally Sensitive Habitat (ESH)	ESH policies 2, 18, 19, and 23	Sections 23.07.170 -178	Substantial Issue Exists. Approval of drainage to Santa Rosa Creek was made without plans for discharge structure, hence no evaluation of alternatives or potential impacts to ESH.
Road capacity and lack of water	Public Works policy 1, Availability of Service Capacity	Section 23.04.021c	Substantial Issue Exists. LUP policy requires County to find that there are sufficient services to serve the proposed development and existing lots. County made finding for road capacity, but not for water and sewer. Zoning ordinance section 23.07.021c(1)(i) requires findings that sufficient water and sewage disposal capacities are available; no such findings were made by the County.
Grading on slopes > 30%	Coastal Watersheds policy 7, Siting New Development	Sections 23.04.021, Land Divisions and 23.05.034, Grading	Substantial Issue Exists. Grading over 20% is allowed for access roads. Zoning ordinance section 23.07.021c(7) requires that roads and building sites be on slopes < 20%; section 23.05.034 allows for a grading adjustment on slopes between 20% and 30%, does not address grading on slopes > 30%. County approval is for part of access road on > 30% slopes, pursuant to a variance. However, reason for grading on slopes > 30% is because of earth (M) that previous owner placed on site 11 years ago. If that (M) were removed, there would be no need for grading on slopes > 30%.
Erosion and sedimentation	Coastal Watersheds policies 10, Drainage Provisions, and 13, Vegetation Removal	Section 23.05.036, Sedimentation and Erosion Control, and 23.05.040, Drainage	Substantial Issue Exists insofar as drainage and erosion effects on Santa Rosa Creek are concerned, otherwise No Substantial Issue. Policies provide that site design shall not cause increased erosion and that vegetation removal on slopes > 30% in geologically unstable areas requires erosion and sedimentation plan. County required these after approval of grading permit. See also ESH above.

Attachment A

Ex7

R-A-3-SLO-96-113

May 4, 1999

TO: PLANNING COMMISSION - SAN LUIS OBISPO COUNTY
Attn: Pat Veesart, Chairman

FROM: CITIZENS FOR FAIR LAND USE
PO BOX 1442, CAMBRIA, CA 93428

SUBJ: ACTION ON MOTION OF NOVEMBER 12, 1998
RE: VADNAIS TRACT MAP STATUS

It has come to our attention that the minutes of the November 12 hearing were still in draft form as of last week. If this is still the case, this needs to be corrected.

* Commissioner (at that time) Shirley Bianchi made the following motion: " — we have a motion to approve the time extension for one year with the understanding that if this permit is revoked by the Coastal Commission, the permit (tract map approval) and the time extension die on that date."

Also, Commissioner (at that time) David Fitzpatrick added: If we grant the (project approval) extension for one year and the Coastal Commission revokes the permit its a done deal - this project goes away."

The motion was carried by vote of the majority. However, since the Coastal Commission's revocation of Vadnais permit in March, we have not seen in writing a public statement that follow up action has been taken by the County Planning Department.

1. It would be a great disservice to the public if the action required by the motion were not carried out - namely the removal of project approval status.
2. The California Coastal Commission must be informed of the County's follow up action right away. The public should be spared the expense of having a "de novo" hearing scheduled at the Coastal level, when the requisite County project approval ceases to exist.

The questions remain, can the applicant (Vadnais) reapply at the County level at a later date? Is his position on the County Permit Allocation list moved back (or removed) to allow a step up for those next in line?

Sincerely,



Norman Fleming
Citizens For Fair Land Use - Cambria

cc. Planning Commissioners (Please distribute copies)
Director Bryce Tingle
County Counsel Jim Ortin
Supervisor Shirley Bianchi
CCC Liaison Kat McConnell

Attachment B

Ex 7

R-A-3-510-96-113

